



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE SUMMARY

April 14, 2020

CASE NUMBER: #BOA 20-01

REQUEST: Variances from the PRC (Planned Residential Conservation) District Design Standards

APPLICABLE SECTIONS: Sec. 9.5(A)(5)(a)(6), Porches, and
Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture

LOCATION: Cooper Springs Townhomes
1001 Ramon Drive, Snellville, Georgia

TAX PARCEL(S): See Exhibit "A"

CURRENT ZONING: PRC (Planned Residential Conservation) District

OVERLAY DISTRICT: Corridor Overlay District

DEVELOPMENT/PROJECT: 161-Lot, 20.15± Acre Cooper Springs
Townhome Development

PROPERTY OWNER: GG Cooper Springs Ltd. Partnership
Toronto, Ontario, Canada M1W 3Z4

APPLICANT/CONTACT: Ashton Atlanta Residential, LLC
Shane Lanham, Esq.
c/o Mahaffey Pickens Tucker, LLP
770-232-0000 or slanham@mptlawfirm.com

RECOMMENDATION: Approval



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
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VARIANCE CASE ANALYSIS

April 14, 2020

TO: Snellville Board of Appeals

REGULAR MEETING DATE: April 14, 2020

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 20-01

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Shane Lanham, Esq., Mahaffey, Pickens, Tucker, LLP representing Ashton Atlanta Residential, LLC requesting modification from the architectural design standards of the PRC (Planned Residential Conservation) District for the front porch requirement and decorative yard light fixture requirement for the 161-lot Cooper Springs Townhome development, located to the south of the Cooper Village Shopping Center, 1001 Ramon Drive, Snellville, Georgia.

The 20.15± acre property was rezoned on 6-28-2004 to the PRC District which was adopted as a new zoning district in April 2000 but later made inactive in May 2005. The PRC District is intended to provide quality medium-density single-family residential uses with the conservation of open space areas that is accessible to all residents of the subdivision.

On 9-12-2005 the project received site development approval and on 10-20-2006 the Final Plat was approved for the 161-lot Cooper Springs town home development. In early 2007, building permits were approved and Certificates of Occupancy issued for seven (7) townhome units (1505-1517 Ben Park Way and another six (6) townhome units (1504-1514 Ben Park Way). All

units are fee-simple and many are currently occupied. These thirteen (13) units are the only townhome units that have been constructed as the Great Recession contributed to the developer/builder losing the property to the bank in 2008. During the past twelve years the property was sold on three occasions with the last purchase of the property occurring in November 2019 to the current property owner. In December 2018, the property was replatted.

During review of the 'Plan Book' containing typical drawings and details of the proposed structures including: building elevations; design criteria for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, and retaining walls; exterior colors and materials, and other pertinent information, and after meeting with the applicant, it was determined that two variances would be needed to provide for modification of the covered front porch requirement and decorative yard light fixture requirement.

REQUEST:

The applicant is requesting two (2) variances from the PRC (Planned Residential Conservation) District design requirements as follows:

- 1. Variance from Sec. 9.5(A)(5)(a)(6), Porches: Shall be six-feet (6') in depth, and have a minimum of seventy-two (72) square feet in area. No two adjoining dwellings shall have the same porch design.**
- 2. Variance from Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture: One (1) decorative yard light fixture shall be placed one foot outside of the right-of-way. Fixture type shall be approved by the Planning and Development Director.**

VARIANCE ANALYSIS:

- 1. Variance from Sec. 9.5(A)(5)(a)(6), Porches: Shall be six-feet (6') in depth, and have a minimum of seventy-two (72) square feet in area. No two adjoining dwellings shall have the same porch design.**

The applicant contends that this requirement is essentially impossible to comply with for a single-family detached product as the townhome units are twenty-four (24) feet wide and include garages and driveways. Requiring a seventy-two (72) square foot covered porch would require the porch to be built all the way out to the curb on top of the sidewalk. While this may make sense in some single-family detached application, it makes no sense in the context of a 24-foot wide townhome community.

Instead, the applicant intends to build covered porches that will be roughly 5'-8" wide by 6' deep, or roughly thirty-four (34) square feet in size.

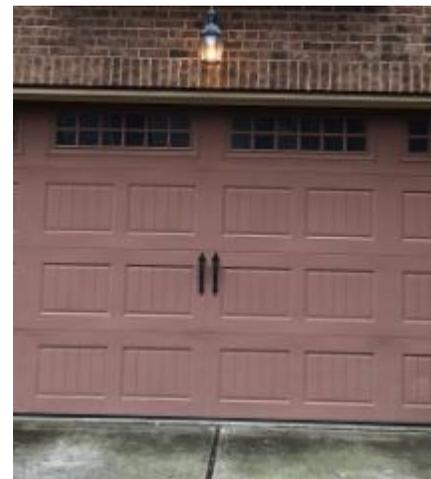
The deeper and larger porch requirement is much easier to accomplish in a single-family detached subdivision where the lots are deeper rather than a townhome community. Although no formal variance approval records can be found that granted relief to the original developer/builder for the thirteen (13) existing townhome units constructed in early 2007 that do not have the required front porch parameters, it can be assumed the requirement was never mandated by the city.

This request is recommended for approval.

2. Variance from Sec. 9.5(A)(5)(b)(4), Front Yard Light Fixture: One (1) decorative yard light fixture shall be placed one foot outside of the right-of-way. Fixture type shall be approved by the Planning and Development Director.

The applicant contends that strict interpretation of the district requirement would require a yard light in the front yard of every townhome lot which makes no sense in the context of a 24-foot wide townhome community. Yard lights would dominate the streetscape rather than accentuating it and would cause a financial burden to the homeowner’s association who would be required to maintain them.

Instead, the applicant intends to place a decorative exterior coach-style light fixture, similar in style to what is there now above each garage door of each new townhome which would be solely operated and maintained by the residents of the individual townhome. Each light fixture will be spaced twenty-four (24) feet apart within each building location.



The original developer was required to install street/sidewalk lighting that remains today. These light poles and fixtures are spaced approximately 60-120 feet on-center. The city’s residential lighting standards require that walkways and streets contain the following illumination levels in footcandles:

Location / Type of Lighting	Minimum Level (fc)	Maximum Level (fc)	Average Level (fc)
Walkways and Streets	0.2	10.0	2.00

The decorative yard light fixture requirement is much more appropriate in a single-family detached subdivision rather than a townhome community. Although no formal variance approval records can be found that granted relief to the original developer/builder for the thirteen (13) existing townhome units constructed in early 2007 that do not have the required front yard fixtures, it can be assumed the requirement was never mandated by the city.

This request is recommended for approval.

STANDARDS FOR CONSIDERATION:

Pursuant to Section 14.5, Powers and Duties, of the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

Applicant Response: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same zoning district. The Property was rezoned in 2004 with development beginning shortly thereafter. Strict adherence to all provisions of the current Ordinance is impossible due to the existence of physical improvements and structures on the Property. Strict compliance with the Ordinances would require the replatting of the entire community and the demolition of existing structures and improvements to make room for landscaping improvements which would be an extreme hardship on the Property owner.

2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

Applicant Response: Literal interpretation of the provisions of the Ordinances would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance. The Cooper Springs already includes 13 townhomes which were constructed without 72-square foot porches and without street lamps in each yard. These requirements were designed for single-family detached homes although a strict interpretation of the Ordinance could require them for single-family attached homes.

3. That the special conditions and circumstances do not result from the actions of the applicant; and

Applicant Response: The special conditions and circumstances do not result from the actions of the applicant. The Property was rezoned by the City in 2004 and was previously developed according to codes, regulations, and ordinances then in effect.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

Applicant Response: Granting the relief requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or

buildings in the same district. The Applicant is proposing to complete the development of the Property and provide an attractive residential community revitalizing an important segment of Highway 78.

Section 14.5(2)(f) of the Snellville Zoning Ordinance allows the Board of Appeals to make a finding that granting of the variance “will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”

CONCLUSION AND STAFF RECOMMENDATION:

Given the conditions that exist for the thirteen pre-existing townhomes units, difficulty in trying to implement the PRC District design standards that are better suited to a single-family *detached* community and in an effort to maintain consistency throughout the townhome community, the Department of Planning and Development recommends:

- **Approval** of the variance to allow the front porch depth to be less than six (6) feet deep and allow the front porch size to be less than seventy-two (72) sq. ft. in area;
- **Approval** of the variance to allow use of a coach-style light fixture above each garage in lieu of requiring the use a front yard light fixture placed one-foot outside of the right-of-way.

EXHIBIT "A"

Parcel List

	R5101-491	R5101-564	
	R5101-490	R5101-558	
	R5101-489	R5101-559	
	R5101-488	R5101-560	
	R5101-487	R5101-561	
	R5101-486	R5101-562	
	R5101-485	R5101-563	
	R5101-484	R5101-516	
R5101 409	R5101-483	R5101-515	
R5101 410	R5101-482	R5101-514	
R5101 411	R5101-481	R5101-513	
R5101 412	R5101-480	R5101-512	
R5101 413	R5101-479	R5101-511	
R5101 414	R5101-478	R5101-450	
R5101 415	R5101-477	R5101-449	
R5101 416	R5101-476	R5101-448	
R5101 417	R5101-475	R5101-447	
R5101 418	R5101-474	R5101-446	
R5101-419	R5101-473	R5101-445	
R5101-420	R5101-472	R5101-444	
R5101-421	R5101-471	R5101-508	
R5101-422	R5101-470	R5101-509	
R5101-423	R5101-469	R5101-510	R5101-540
R5101-424	R5101-468	R5101-533	R5101-541
R5101-425	R5101-467	R5101-532	R5101-542
R5101-426	R5101-466	R5101-531	R5101-543
R5101-427	R5101-465	R5101-530	R5101-544
R5101-428	R5101-464	R5101-529	R5101-545
R5101-429	R5101-463	R5101-528	R5101-546
R5101-430	R5101-462	R5101-517	R5101-557
R5101-507	R5101-461	R5101-518	R5101-556
R5101-506	R5101-460	R5101-519	R5101-555
R5101-505	R5101-459	R5101-520	R5101-554
R5101-504	R5101-458	R5101-521	R5101-553
R5101-503	R5101-457	R5101-522	R5101-552
R5101-502	R5101-456	R5101-523	R5101-551
R5101-501	R5101-455	R5101-524	R5101-550
R5101-500	R5101-454	R5101-525	R5101-549
R5101-499	R5101-453	R5101-526	R5101-548
R5101-498	R5101-452	R5101-527	R5101-547
R5101-497	R5101-451	R5101-534	
R5101-496	R5101-569	R5101-535	R5101-570
R5101-495	R5101-568	R5101-536	R5101-571
R5101-494	R5101-567	R5101-537	R5101-575
R5101-493	R5101-566	R5101-538	R5101-573
R5101-492	R5101-565	R5101-539	R5101-574