



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

BOARD OF APPEALS

VARIANCE CASE SUMMARY

October 13, 2020

CASE NUMBER:	#BOA 20-03
REQUEST:	Reduction of the 30,000 SF Minimum Required Lot Area to 28,249 SF
APPLICABLE SECTION:	Section 9.3(4)(1), Minimum Lot Area of the City of Snellville Zoning Ordinance
LOCATION:	2613 Plum Street, Snellville, Georgia
TAX PARCEL:	5025 258
SIZE:	1.337± Acres
ZONING:	RS-180 (Single-Family Residence) District
DEVELOPMENT/PROJECT:	To subdivide the lot and create a new buildable lot of record
APPLICANT/PROPERTY OWNER:	Norman Rutherford (404) 438-5588 or norman20112011@live.com
RECOMMENDATION:	Approval with Conditions



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VARIANCE CASE ANALYSIS

October 13, 2020

TO: Snellville Board of Appeals

DATE: October 13, 2020

FROM: Jason Thompson
Director, Planning and Development

CASE NUMBER: #BOA 20-03

FINDING OF FACT:

The Department of Planning and Development has received an application from Norman Rutherford, property owner and resident of 2613 Plum Street, Snellville, Georgia in which Mr. Rutherford is requesting a variance from the Zoning Ordinance to reduce the 30,000 sq. ft. minimum required lot area to 28,249 sq. ft. so he can subdivide the lot into two lots and create a new buildable lot of record.

Tract 1 would contain 30,005 sq. ft. (0.689 acres) and contain an existing 1,496 sq. ft. dwelling and driveway, while the proposed new lot, Tract 2 would contain 28,249 sq. ft. (0.649 acres).

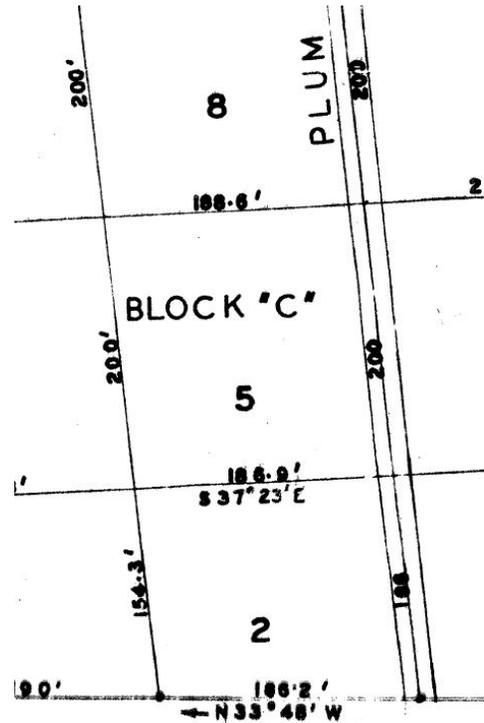
The subject ±1.337 acre property is located in the E.R. Snell subdivision, zoned RS-180 (Single-Family Residence) District, and contains a ±1,496 sq. ft. single-family ranch dwelling with basement that was originally constructed in 1972 and which is adjacent to other single-family homes in the subdivision.

BACKGROUND:

The subject ±1.337 acre property was originally platted as Lot 2 and Lot 5, Block C, E.R. Snell Subdivision as shown on the final plat), dated 12-31-1959, representing approximately 1.57 acres. An excerpt from this plat is shown to the right.

There is a notation on the Final Plat that the lot dimensions are to the centerline of the street (Plum Street) and it shows Lenora Church Road as having a 60 foot right-of-way.

In 1972, a building permit was issued for Lot 2 for the construction of a ±1,496 sq. ft. single-family ranch dwelling with basement brick ranch dwelling. Lot 5 remained undeveloped until both lots were combined into the one ±1.44 deeded acre lot (now 1.337 acre lot that exists today).



VARIANCE ANALYSIS:

Since the recording of the 1959 subdivision plat, Lenora Church Road has since been widened and now has an 80 foot right-of-way at the Plum Street intersection. Plum Street has a 45 foot right-of-way. With lots now being measured from the point where the right-of-way terminates.

The lot depth reduction along the front property line, together with the additional 20 feet of right-of-way acquisition for the widening of Lenora Church Road, has reduced the lots sizes from their original 1959 plat size of ±1.57 acres (combined) to ±1.337 acres (combined) as shown on the submitted boundary survey dated 6-29-2020.

The RS-180 (Single-family Residence) District requires a 30,000 sq. ft. minimum lot size/area. The proposed lot subdivision would maintain the one 30,005 sq. ft. lot (Tract 1) and create a second 28,249 sq. ft. undeveloped lot (Tract 2) to be developed at a later time. The lot area for the Tract 2 lot is 1,751 sq. ft. less than the minimum required lot size for lots in the RS-180 District.

Development of the Tract 2 lot would still be required to meet all other RS-180 District regulations including the district space limits (minimum heated square footage, building setbacks, maximum ground coverage, maximum building height, etc.) and obtain septic system permit approval from the Gwinnett County Department of Environmental Health and provide a copy of the water tap receipt from Gwinnett County Water Resources as part of any application for a building permit.

Since the property is zoned RS-180, use of the property for any other use except for a single-family residence will require a separate rezoning application(s) and approval by the Mayor and Council.

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;

The original lot did meet the minimum requirements; however, due to the County using a portion of the property for the widening of Lenora Church Road, this impeded on the size of both lots and reduced their minimum sizes.

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;

Literal interpretation of the Zoning Ordinance will deprive the property owner from being able to split the lots and proceed with rights as other owners would have if this lot was not reduced to allow the widening of Lenora Church Road.

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

This circumstance or special condition was created when the property lot size was reduced to accommodate the City of Snellville for the purpose of widening Lenora Church Road and as a result, cannot be reverted back to the prior measurements for the two buildable lots as was.

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.

The variance requested by the property owner will not result in any special privileges, but will allow the owner to proceed as allowed by the City of Snellville to all property owners having the same minimum square footage as the lots were originally as two separate lots. The property owner does not intend to operate outside of any Zoning Ordinance of Development Regulations, but intend to operate within the same, current zoning ordinance and development regulations.

Section 14.5(2)(f) 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.”*

STAFF RECOMMEDATION:

The Department of Planning and Development recommends **Approval** of the request to reduce the minimum required lot area for Tract 2 from 30,000 sq. ft. to 28,249 sq. ft. with the following **Conditions:**

1. Within 30-days of variance approval, property owner shall obtain a numeric street address from the Gwinnett County Department of Planning and Development and obtain a tax parcel number from the Gwinnett County Tax Assessor’s Office for the new lot (Tract 2) and submit an Exemption Plat to the Department of Planning and Development for review and approval; and
2. Development of the Tract 2 lot shall meet all other RS-180 District regulations and other applicable regulations of the City of Snellville and Gwinnett County for the development and construction of a single-family residence.