

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.17± ACRE TRACT OF LAND LOCATED IN LAND LOT 24 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1736 OAK ROAD, SNELLVILLE, GEORGIA; TO DENY VARIANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-03

**SIZE:** 1.17± Acres

**LOCATION:** 1736 Oak Road, Snellville, Georgia

**TAX PARCEL:** R5024 175

**CURRENT ZONING MAP:** OP (Office-Professional) District

**REQUESTED ZONING MAP AMENDMENT:** RS-5 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** 5-Lot Single-family Detached Residential Subdivision

**PROPERTY OWNER:** Oak Road, LLC  
Lawrenceville, Georgia

**APPLICANT/CONTACT:** Roger Fisher  
Fisher Allen Group, LLC  
404-391-6538 or [Roger@fisherallengroup.com](mailto:Roger@fisherallengroup.com)

**WHEREAS**, the governing authority of the City of Snellville, Georgia is the Mayor and Council thereof; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny RZ 21-03, which requested to amend the official zoning map as it applies to the

1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny variances requested by the Applicant as it applies to the 1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; and,

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA**, and by the authority thereof:

**Section 1.** For reasons stated in the public hearing and upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia from OP (Office Professional) District to RS-5 (Single-family Residential) District for the 1.17± acre tract of land as shown on the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**Section 2.** (a) The requested variance from Sec. 201-4.3.G.7 to allow two eight (8) feet wide carriage style garage doors on a typical forty (40) feet wide house plan is denied.

(b) The requested variance from Sec. 201-4.3.G.6 requiring garage doors facing a street must be located at least ten (10) feet behind the front wall plane, not including front porches is denied.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** Penalties in effect for violations of the Chapter 1 of the Code of Ordinances, City of Snellville, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

**Section 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 7.** This Ordinance was adopted on \_\_\_\_\_, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_\_ day of April, 2021.

\_\_\_\_\_  
Barbara Bender, Mayor

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Cristy Lenski, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Tod Warner, Council Member