



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

VARIANCE CASE SUMMARY

December 12, 2023

CASE NUMBER: #BOA 23-04

VARIANCE REQUEST: Sec. 207-3.2.A.2. (Landscape Strips) to allow parking lot encroachment into the front and side landscape strip; and Sec. 207-3.2.A.5. (Inter-parcel Access Drives) to allow use of existing 29-foot width inter-parcel access drive

LOCATION: **0.80± Acre Site at 2035 E. Main Street, Snellville, Georgia**

TAX PARCEL: R5059 233

CURRENT ZONING: HSB (Highway Service Business) District

DEVELOPMENT/PROJECT: **Dunkin' Donuts Restaurant w/Drive-Thru**

APPLICANT: Brent H. Moyer, P.E.
Land Engineering And Development
678-432-5720
bmoyer@landengdev.com

PROPERTY OWNER: Dorothy Thorpe
Lawrenceville, Georgia 30045

RECOMMENDATION: **Approval with Conditions**



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

VARIANCE CASE ANALYSIS

December 12, 2023

TO: Snellville Board of Appeals

REGULAR MEETING DATE: December 12, 2023

FROM: Jason Thompson, Director
Department of Planning and Development2

CASE NUMBER: **#BOA 23-04**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Brent H. Moye, P.E., Land Engineering And Development (applicant) and Dorothy Thorpe (property owner) representing Platinum Donuts, LLC (developer and owner operator) requesting variances from Sec. 207-3. (Landscaping) of Article 7 Chapter 200 of the Snellville Unified Development Ordinance for redevelopment of the property for a 2,000 sq. ft. standalone Dunkin' Donuts quick service restaurant w/drive-thru.

Platinum Donuts, LLC currently operates the Dunkin' Donuts location adjacent to NCG Cinemas at 2115 E. Main Street. We understand they intend to relocate to the proposed standalone location once the new location becomes fully operational, projected in early 2025.

The combined 0.80± acre site (0.71± acre Tract A and 0.11± acre Tract B), zoned HSB (Highway Service Business) District, located at 2035 E. Main Street, Snellville contains a 2,750 sq. ft. single-story metal panel clad building originally constructed in 1990 for a Rockin' Robin's diner, later re-branding as RT's sandwich shop and bakery until closure in 2001 and later becoming an estate sales and thrift store until closure in 2014. The property has remained vacant since and is currently being used for overflow vehicle parking by the adjacent EF Automotive vehicle service and repair facility.

Located to the rear of the subject property on a separate tax parcel (Parcel 5059 241) is a telecommunications tower facility owned by North Georgia Towers, LLC. The requested variances and proposed redevelopment will not impact the tower site.

The property is adjacent to EF Automotive, zoned HSB to the east; 0.71± acre undeveloped lot zoned BG to the west; and single-family residential in the Olde Hickory Village Subdivision, zoned RS-15 to the north. Across Highway 78 (E. Main Street), zoned BG, are several restaurants and other commercial uses.

REQUEST:

The applicant is requesting relief from Sec. 207-3. (Landscaping) of Article 7 Chapter 200 of the Snellville Unified Development Ordinance, as follows:

1. UDO Section 207-3.2.A.5.: Inter-parcel access driveways and alleys are allowed in all landscape strips but may not exceed 24 feet in width and must be placed generally perpendicular to the yard. The request is to allow the use of the existing drive at its approximately 29-foot width.
2. UDO Section 207-3.2.A.2.: Landscape strips must be provided as follows: 10 feet (front) depth minimum. The request is to allow the use of the existing parking to be utilized where it is located with the current encroachment in the front landscape strip.
3. UDO Section 207-3.2.A.2.: Landscape strips must be provided as follows: 5 feet (side interior) depth minimum. The request is to allow the use of the parking along the eastern property line where it is located with the current encroachment and allow the replacement of the existing parking on the western property line with the existing encroachment.

STANDARDS FOR CONSIDERATION:

Pursuant to UDO Sec. 103-7.2.B., 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 zoning district;

Applicant Response: *The site was originally developed in 1990 and has an existing shared access drive with the adjacent automotive repair shop to the east and contains a cell tower with multiple carries along the north property line. The new owner must maintain the access to the cell tower and adjacent commercial property while re-developing the site to provide vehicular access, utilities, storm water management, other*

minor site improvements to serve the new building, while complying with as many of the requirements of the City's UDO as possible.

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

Applicant Response: *If the literal interpretation of this code section is applied to this property, it will deprive the current and future owner of the highest and best use of the property as enjoyed by other landowners with similar commercial zoning.*

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

Applicant Response: *The special conditions and circumstances that prompted these requests for variances exist on the property as it was previously developed and were not the result of any action of the applicant.*

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

Applicant Response: *If granted the variances will not confer on the applicant any special privilege that is denied by the UDO to other land, structures, or buildings in the same zoning district. As shown on the landscape plan submitted with the application, the applicant will comply with all other landscape requirements of the UDO.*

VARIANCE ANALYSIS:

Analysis and staff recommendation of each of the requested variances is provided below:

1. UDO Sec. 207-3.2.A.5.: Inter-parcel access driveways and alleys are allowed in all landscape strips but may not exceed 24 feet in width and must be placed generally perpendicular to the yard. The request is to allow the use of the existing drive at its approximately 29-foot width.

The requested variance identified on the site plan as VARIANCE 1 DRIVE WIDER THAN 24' ENCROACHMENT THROUGH LANDSCAPE STRIP is incorrectly pointing to the main access drive adjacent to Highway 78. Instead, it should point to the interparcel access drive along the eastern property line serving as the sole access point to the adjacent EF Automotive property (Tax Parcel 5059 02) where the existing drive measures 25 feet in width at the 5-foot landscape strip, 1 foot wider than the 24 feet maximum width requirement.

Given the existing conditions and location of the curb and gutter for the interparcel access drive, the Planning Department recommends **APPROVAL** of this variance.

2. UDO Sec. 207-3.2.A.2.: Landscape strips must be provided as follows: 10 feet (front) depth minimum. The request is to allow the use of the existing parking to be utilized where it is located with the current encroachment in the front landscape strip.

The minimal amount of encroachment by the six (6) parking spaces into the 10 feet front landscape strip still allows for a robust planting of a mixture of trees, shrubs and grasses per the proposed landscape plan. The Planning Department recommends **APPROVAL** of this variance.

3. UDO Sec. 207-3.2.A.2.: Landscape strips must be provided as follows: 5 feet (side interior) depth minimum. The request is to allow the use of the parking along the eastern property line where it is located with the current encroachment and allow the replacement of the existing parking on the western property line with the existing encroachment.

Although a 5 feet wide landscape strip could be provided along the eastern property line where adjacent to EF Automotive, the tree canopy from the mature pines on the adjacent EF Automotive site would limit the type of plantings in the landscape strip and overall growth habit. The landscape strip would also require converting the six (6) angled parking spaces to three or four 20 feet long parallel parking spaces, which is not ideal given the safety concerns with proximity to the drive-thru lane. The Planning Department recommends **APPROVAL** of this variance.

The variance for the existing parking lot encroachment into the 5 feet landscape strip on the western property line where adjacent to the undeveloped lot (Parcel R5059 487) is not necessary as the existing parking lot encroachment can be reconfigured to create the inter-parcel access driveway stub for future cross-access, as required in UDO Sec. 401-3.4.H.

Additional Variances for Consideration:

In reviewing the submitted site and landscape plans, the following items have been identified as requiring variance consideration as well.

- A. UDO Sec. 207-2. (Buffers and Screening). Applicable with any Development Permit or Substantial Building Permit, a sixty (60) feet undisturbed buffer strip is required where HSB zoned property is adjacent to residential (RS-15) zoned property. No structures except walls and fences are allowed in the buffer which may require additional screening and landscaping as determined by the Planning Director.

- B. UDO Sec. 207-4.6.A. (Tree Density Requirements). Existing trees located within the required buffer of UDO Sec. 207-2. do not count towards the sites tree density requirements. As shown on the 10-23-2023 landscape plan, the existing tree density calculation of 140 caliper inches includes several trees located within the buffer.
- C. UDO Sec. 207-3.3.A. (Parking Planter Islands). Although a note on the Landscape Plan states that *“all parking islands exceed 300 SF”* there are several planter islands that are below the 200/300 sq. ft. planter island minimum size requirement as shown in the table below:

Planter Island Location	Proposed Area (SF)	Required Area (SF)	Variance SF
Western side of 6-space parking area (front)	164.3	200.0	-35.7
Western side of 3-space parking area (front)	180.6	300.0	-119.4
Eastern side at inter-parcel drive	173.9	300.0	-126.1
Eastern side in front of stormwater flum	0.0	300.0	-300.0
TOTAL	518.8	1,100.0	-581.2

CONCLUSION and STAFF RECOMMENDATION:

The Department of Planning and Development recommends the following:

- A. **APPROVAL** of variance from UDO Sec. 207-3.2.A.5. (Inter-parcel Access Driveway Width) to allow the existing 25-foot wide inter-parcel access driveway with the adjacent EF Automotive site to remain as-is.
- B. **APPROVAL** of variance from UDO Sec. 207-3.2.A.2. (Front Landscape Strip) to allow minimal parking lot encroachment into the 10-foot front landscape strip as shown on the 10-13-2023 landscape plan.
- C. **APPROVAL** of variance from UDO Sec. 207-3.2.A.2. (Side Landscape Strip) to reduce the 5-foot wide landscape strip to zero (0) along the eastern property line where adjacent to EF Automotive as shown on the 10-13-2023 landscape plan.
- D. **APPROVAL** of variance from UDO Sec. 207-2. (Buffers and Screening) to allow all existing structures (stormwater management facility, gravel, asphalt, curbing, telecommunications infrastructure, etc.) to remain ‘as-is’ within the 60-foot undisturbed buffer located at the rear of the property and adjacent to Lots 10-11-12 Block A Olde Hickory Village subdivision (Tax Parcels 5059 259; 5059 260; and 5059 261), subject to Condition 1 (below).
- E. **APPROVAL** of variance from UDO Sec. 207-4.6.A. (Tree Density Requirements) to allow trees located within the 60-foot buffer to be included in the sites tree density calculation, subject to Condition 1 (below).

- F. **APPROVAL** of variance from UDO Sec. 207-3.3.A. (Parking Planter Islands) to allow the proposed parking planter islands to be less than the 300/200 sq. ft. minimum size requirement as shown on the 10-16-2023 landscape plan, subject to Condition 2 (below).

The variance recommendations are subject to the attachment of the following recommended **CONDITIONS**:

1. As a condition of approval of variances (D) and (E), applicant/developer shall construct an 8-foot high opaque non-chain-link fence within the full 170-foot length of the 5-foot rear landscape strip adjacent to Lots 10-11-12 Block A Olde Hickory Village subdivision (Tax Parcels 5059 259; 5059 260; and 5059 261).
2. As a condition of approval of variance (F), applicant/developer shall replace the proposed Bermuda Sod planting area behind the building at the drive-thru order area with a mixture of shrubs, ornamental grasses, perennials, and annuals.
3. Per UDO Sec. 207-3.2.A.5. a minimum 24-foot wide inter-parcel access stub shall be provided between the building and front parking area where adjacent to Parcel 5059 487.
4. The existing nonconforming pylon sign located in the planter island next to the driveway on Highway 78 (E. Main Street) shall be removed before issuance of the Certificate of Occupancy. New signage shall comply with the requirements of UDO Sec. 207-6. (Signs).