



**CITY OF SNELLVILLE  
BOARD OF ZONING APPEALS**

REGULAR MEETING MINUTES  
January 11, 2022

Council Chambers, City Hall, 2342 Oak Road

Members Present: Emmett Clower, Deborah Jones, Betty Ann Kumin, and Chairman Tim Van Valkenburg.

Member Absent: Billy Franklin.

Staff Present: Jason Thompson, Planning Director; and John Dennis, Zoning Administrator.

**CALL TO ORDER**

Chairman Tim Van Valkenburg called the January 11, 2022 regular meeting to order at 7:30 p.m. Four members are present tonight.

**APPROVAL OF AGENDA**

Emmett Clower made a motion to approve the Regular Meeting agenda.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted 4 in favor, 0 opposed, motion approved.

**APPROVAL OF MINUTES**

Chairman Van Valkenburg asked if there were any corrections to the December 14, 2022

minutes.

There was none.

Emmett Clower made a motion to approve the December 14, 2021 Regular Meeting minutes.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted 4 in favor, 0 opposed, motion approved.

### **OLD BUSINESS**

**BOA 21-04 – Application for Variance by Marc Orio, JBL Asset Management from UDO Sec. 205-1.6.B.3 to reduce the two-story or 24 foot high minimum building height to 19 feet high for a 600 sq. ft. Scooter’s Coffee building with drive-thru, on the 0.36 acre outparcel of the Wisteria Village Shopping Center, zoned BG (General Business) District and located within the Towne Center Overlay District, 2337 E. Main Street, Snellville, Georgia (Tax Parcel 5038 327).**

Planning Director Jason Thompson stated this is a continuation of the case that was tabled last month. The applicant is requesting a variance to reduce the two-story or 24-foot minimum building height requirement to 19 feet for a 600 sq. ft. Scooter’s Coffee drive-thru building. The code requires that all new buildings within one-half mile radius from the Towne Center core present more of a vertical appearance by requiring a two-story or 24-foot minimum building height. It is believed the Scooter’s Coffee building prototype is prefabricated and comes in at 19 feet overall height. The applicant contends the increased building height would create a financial burden; however, unlike the Mayor and Council, the Board is not empowered to consider financial hardships. The Planning Department supports upholding the code and recommends denial of the reduction in the minimum building height.

A second variance was identified from the pedestrian access requirement for the ‘shopfront’ building type requiring a building entrance that faces the street. Because the proposed project offers primarily drive-thru service with optional walk-up window service, customer walk-in/dine-in service is not available; therefore, this variance is supported by the Planning Department. These recommendations are subject to the three conditions as recommended in the staff report.

Mr. Thompson asked if there were any questions from the Board.

There was none.

Representing the applicant Marc Orio, JBL Asset Management, Madison Rieke, Foresite Group, 3740 Davinci Court, Suite 100, Peachtree Corners, Georgia thanked everyone for coming back out tonight and read into the record a statement prepared by Rodney Johnson (Scooter’s

Coffee franchisee). Mr. Rieke said there are four main reasons why the height variance should be approved. The first applies to the extremely small lot size for the development and relationship of the small lot size to the building size. The second is the overall aesthetics of the small 600 sq. ft. building and keeping the height proportional to the small building size. The third reason is the location of the development that fronts Highway 78 and is adjacent to Wells Fargo. The final reason is the economic hardship to the developer. We did have the architect prepare a modified building elevation to add additional height to the front of the building.

Chairman Van Valkenburg asked what the new building height is.

Mr. Rieke said the new design brings the front of the building to 20-feet with the remaining portion of the building tapering down from 19 to 18 feet in height.

Betty Ann Kumin asked what is required structurally to increase the height of the building an additional five feet.

Mr. Rieke said the parapet is already 5 feet and to increase it another 5 feet, additional bracing and structural elements are required to increase the height of the parapet in order to meet the additional wind load requirements for the increased height.

Emmett Clower asked what the estimated cost increase is to meet the 24 feet height requirement.

Mr. Rieke said there would be a thirty-percent (30%) cost increase.

Betty Ann Kumin asked what the Planning Department's opinion is about the modified elevation presented tonight.

Mr. Thompson said although he likes the look of the modified elevation, from a code perspective still holds firm on the 24-foot minimum height requirement.

Deborah Jones asked if the entire building has to meet the 24-foot height requirement.

Mr. Thompson said yes, that is the minimum height requirement by the code. The building facades shown in the renderings are not compliant either with regard to exterior material type, but the applicant has agreed to meet the code requirements.

Chairman Van Valkenburg opened the meeting to public comments.

Lori Spears, 1878 Englewood Way, Snellville asked if all previously developed properties in The Grove are grandfathered and any future changes to the area would be required to meet the current code.

Mr. Thompson stated that the properties that developed prior to the current code are considered legal nonconforming and any point in time they want to add an addition or make improvements or repairs beyond a certain threshold amount, they would be required to meet the code.

Chairman Van Valkenburg closed the meeting to public comments and asked for a motion.

Betty Ann Kumin made a motion to deny the variance from UDO sec. 205-1.6.B.3. (24 feet minimum building height requirement) and approve the variance from UDO Sec. 201-2.10.B (building entrance facing street requirement) with the three conditions recommended by the Planning Department.

Emmett Clower made a second to the motion.

A vote was taken; voted 4 in favor, 0 opposed, motion approved.

#### **NEW BUSINESS**

None.

#### **ANNOUNCEMENTS**

Jason Thompson announced that a new variance application was received that will be considered at the February 8, 2022 Regular Meeting.

Mr. Thompson thanked everyone for attending tonight's meeting.

#### **ADJOURNMENT**

Motion to adjourn made by Betty Ann Kumin.

Emmett Clower made a second to the motion.

A vote was taken; 4 voted in favor, 0 opposed, motion approved.

The meeting was adjourned at 7:51 p.m.

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Tim Van Valkenburg, Board Chair

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John Dennis, Secretary

THESE ARE NOT OFFICIAL MINUTES. THIS IS A PRELIMINARY DRAFT, WHICH IS SUBJECT TO CORRECTION AND APPROVAL BY THE BOARD OF APPEALS DURING THEIR NEXT REGULAR MEETING.

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