



**CITY OF SNELLVILLE
BOARD OF ZONING APPEALS**

REGULAR MEETING MINUTES
January 14, 2025

Council Chambers, City Hall, 2342 Oak Road

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

Member Absent: None. Post 1 is vacant.

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

CALL TO ORDER

Chairman Valkenburg called the January 14, 2025 regular meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Betty Ann Kumin made a motion to approve the January 14th regular meeting agenda.

Deborah Jones made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

APPROVAL OF MINUTES

Emmett Clower made a motion to approve the November 12, 2024 regular meeting minutes.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

OLD BUSINESS

None.

NEW BUSINESS

#BOA 25-01 - Application by Odilia Correa-Villalobos (property owner) requesting variance from Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) of Article 3 of Chapter 400 of the Unified Development Ordinance to allow encroachment of 350 sq. ft. into the 50-foot undisturbed stream buffer and 959 sq. ft. into the 75-foot impervious surface setback for the addition of a new covered porch, new deck, and new steps to the rear of the two-story with basement single-family residential dwelling on the 0.41± acre lot, zoned RS-15 (Single-family Residential) District, Lot 3 Block A Unit One Country Farms subdivision, 3020 Country Farms Drive, Snellville, Georgia (Tax Parcel 5004 070).

Jason Thompson presented a summary of the requested variance from the City's Stream Buffer Ordinance to allow encroachment into the 50 feet stream buffer and 75 feet impervious surface setback for a covered deck addition that was completed without an approved building permit. Code Enforcement issued a Notice of Violation resulting in the applicant submitting for variance consideration after receiving building permit denial due to encroachment into both the stream buffer and impervious surface setback. The rear of the property is also adversely impacted by No Business Creek floodplain.

Mr. Thompson displayed the property survey showing the existing dwelling structure and covered deck addition and limits of the stream buffer, impervious surface setback, and floodplain. Mr. Thompson also displayed a photo from the applicant's submittal showing the deck and rear of the dwelling before the improvements were made, as well as photos showing the conditions after the improvements were made. Had the applicant submitted for a building permit before commencement of construction, the review comments would have still required Board of Appeals consideration and approval for encroachment into the stream buffer and impervious surface setback.

Although the Planning Department and Board favorably considered and approved similar variances, they each were much more limited in the amount of encroachment. In conclusion, the Planning Department recommends denial of the variance request with an order to remove the covered deck addition.

Mr. Thompson answered questions from the Board and displayed a photo showing the proximity of the flooding conditions of No Business Creek to the rear of the house.

The applicant Odilia Correa-Villalobos, 3020 Country Farms Drive, Snellville was present and here to answer questions. Mrs. Villalobos stated the covered deck addition was done to replace an old deck that was no longer safe to use and stated she was not aware that a permit was required to replace what was already there. Mrs. Villalobos displayed several photos showing

the existing conditions in the rear yard.

Mrs. Villalobos answered questions from the Board.

The Board asked Mr. Thompson questions relating to variances that have been allowed in the floodplain, locations of the 50 feet stream buffer and 75 feet impervious surface setback, impact of allowing limited encroachment into the impervious surface setback, and salvage of construction materials.

Emmett Clower made a motion to allow them to remain in the 25 feet State buffer.

Chairman Valkenburg said we are not there yet.

Mrs. Villalobos said they can reduce the size of the structure if that will help gain approval.

Emmett Clower stated we need to find some resolution as they have spent a lot of money on this porch.

Chairman Valkenburg opened the meeting to public comments.

A citizen spoke and stated they are here to understand the process as they are wanting to do an addition to their house that is impacted by a stream.

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

Betty Ann Kumin made a motion to deny #BOA 25-01.

Lori-Ann Spears made a second to the motion.

Chairman Valkenburg asked for discussion.

Emmett Clower asked what the motion means.

Mr. Thompson said the motion is to deny the variance that will then require removal of the non-permitted deck construction.

Emmett Clower said we need to come to some type of compromise.

Lori-Ann Spears expressed her concern that allowing the porch to remain is contrary to the code and would set a precedence that is contrary to the wellbeing of our community because the code was established to protect the environment. Should Planning and Development choose to make other allowances that would be at their discretion.

Mr. Thompson said the Planning Department does not have the authority to make other

allowances as this is the reason we are here tonight for the Board to consider. Tonight's options for the Board is to approve, deny, or table to come back later.

Emmett Clower asked Betty Ann Kumin if she will withdrawal the motion and instead table the case for a month.

Betty Ann Kumin said she will not withdraw the motion.

Mr. Thompson provided an explanation for stream buffers and the purpose which they serve.

Emmett Clower asked if they removed 50% of the structure would that get them out of the 50 feet buffer.

Mr. Thompson again offered the options available to the Board for action on the case.

A vote was taken on the motion to deny; voted four (4) in favor, one (1) opposed (Emmett Clower), motion approved.

ANNOUNCEMENTS

Mr. Thompson announced that the February 11th regular meeting is canceled.

ADJOURNMENT

Motion to adjourn made by Emmett Clower.

Lori-Ann Spears made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

The meeting was adjourned at 8:05 p.m.

Emmett Clower, Vice-Chairman

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.