



**CITY OF SNELLVILLE
BOARD OF ZONING APPEALS**

**REGULAR MEETING MINUTES
December 14, 2021**

Council Chambers, City Hall, 2342 Oak Road

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

Members Absent: Billy Franklin and Deborah Jones.

Staff Present: Jason Thompson, Planning Director; Josh Ferguson, City Planner; and John Dennis, Zoning Administrator.

CALL TO ORDER

Tim Van Valkenburg called the December 14, 2021 regular meeting to order at 7:30 p.m. and announced that three members are present tonight.

APPROVAL OF AGENDA

No action taken.

APPROVAL OF MINUTES

Emmett Clower made a motion to approve the June 8, 2021 Regular Meeting minutes.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted 3 in favor, 0 opposed, motion approved.

ELECTION OF OFFICERS AND APPOINTMENT OF SECRETARY

Betty Ann Kumin made a motion to nominate Tim Van Valkenburg to serve as Chairman of the Board of Appeals.

Emmett Clower made a second to the motion.

A vote was taken; voted 3 in favor, 0 opposed, motion approved.

Betty Anny Kumin made a motion to nominate Emmett Clower to serve as Vice-Chairman of the Board of Appeals.

Tim Van Valkenburg made a second to the motion.

A vote was taken; voted 2 in favor, 0 opposed, 1 abstention by Emmett Clower, motion approved.

Tim Van Valkenburg made a motion to appoint Planning Department Staff to serve as Secretary of the Board of Appeals.

Emmett Clower made a second to the motion.

A vote was taken; voted 3 in favor, 0 opposed, motion approved.

OLD BUSINESS

None.

NEW 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 presented a summary of the variance application for a proposed new Scooter’s Coffee development on a small 0.36 acre outparcel of the Wisteria Village Shopping Center, located adjacent to the Wells Fargo bank. 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 Mayor and Council recently approved a text amendment to the Unified Development Ordinance and regulations governing the minimum building height requirement for properties that are located in the Towne Center Overlay District. Previously the code set the minimum building height to *two-floors*, but the amendment relaxed the requirement to *two-stories* or 24-feet, whichever is greater. The amendment also applied the minimum building requirement only to properties that are located within a one-half mile radius from the intersection of Oak Road and Clower Street. The subject property is located just inside this boundary.

While review the variance application, the Planning Department identified a second variance 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.

In conclusion, the Planning Department recommends *denial* of variance from the minimum building height requirement and recommends *approval* of the building entrance facing street requirement, subject to the three conditions as recommended in the staff report.

Mr. Thompson answered questions from the Board.

The applicant, Marc Orio, JBL Asset Management, Middleton, New Jersey and Madison Rieke, Foresite Group, Peachtree Corners, Georgia stated that because of the extremely small 0.36 acre lot size, increasing the building height another five feet would not be aesthetically pleasing or in scale given the extremely small lot size and surrounding building heights.

Mr. Orio stated that the increased cost to meet the minimum height requirement triples the building project cost making the development cost prohibitive.

Chairman Van Valkenburg opened the meeting to public comments.

There were none as there were no members of the public present.

Mr. Orio and Mr. Rieke answered questions from the Board.

Mr. Thompson answered questions from the Board.

Chairman Van Valkenburg asked for a motion.

Betty Ann Kumin made a motion to deny the variance from the minimum building height requirement and approve the variance from the building entrance facing street requirement with the three conditions recommended by the Planning Department.

Emmett Clower asked what the staff recommended conditions are.

Betty Ann Kumin read the three (3) following staff recommended conditions:

1. The 10-foot wide sidewalk shall continue along the northern property line where adjacent to the shopping center enter and exit drive and terminate at the one-way drive-thru lane.
2. A second 6-foot wide sidewalk connection between the 10-foot wide public sidewalk and sidewalk at the building rear shall be provided.
3. Additional right-of-way required for the sidewalk and planter streetscapes shall be dedicated to the Georgia D.O.T.

Emmett Clower stated that he is okay with the variance from the minimum building height requirement.

The motion died for lack of a second.

Josh Ferguson suggested that the Board may vote to table action on the application until the next meeting.

Emmett Clower made a motion to table action until the next regular meeting in January.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted 3 in favor, 0 opposed, motion approved.

The case will be considered at the January 11, 2022 regular meeting.

ANNOUNCEMENTS

Jason Thompson announced the hiring of Josh Ferguson as the new City Planner for the Planning Department.

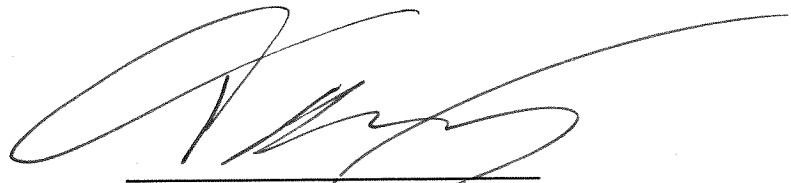
ADJOURNMENT

Motion to adjourn made by Emmett Clower.

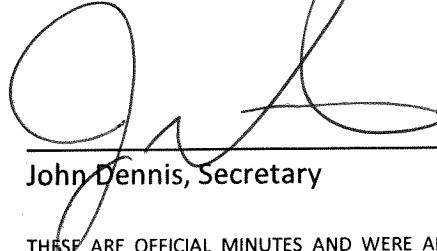
Betty Ann Kumin made a second to the motion.

A vote was taken; 3 voted in favor, 0 opposed, motion approved.

The meeting was adjourned at 7:55 p.m.



Tim Van Valkenburg, Board Chair



John Dennis, Secretary

THESE ARE OFFICIAL MINUTES AND WERE APPROVED BY THE BOARD OF APPEALS AT THE JANUARY 11, 2022 REGULAR MEETING.

¹ Note: Post 6 is currently vacant. The City Attorney has advised that because there is one post vacancy, a minimum of three of the five remaining members is needed to establish a quorum.