



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

VARIANCE CASE SUMMARY

December 14, 2021

CASE NUMBER: #BOA 21-04

REQUEST: Variance to reduce the two-story or 24 feet minimum building height requirement of the Towne Center Overlay District to 19 feet high.

LOCATION: 2337 E. Main Street, Snellville, Georgia

TAX PARCEL: R5038 327

CURRENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Towne Center Overlay District

DEVELOPMENT/PROJECT: 0.36± Acre Outparcel of the Wisteria Village Shopping Center for a 600 sq. ft. Scooter's Coffee Drive-Thru

PROPERTY OWNER: JBL Wisteria Shopping Center 2, LLC
Hollywood, Florida 33020

APPLICANT/CONTACT: Marc Orio
JBL Asset Management
954-346-9494 or marc@jblmgmt.com

RECOMMENDATION: Approval with Conditions



**CITY OF SNELLVILLE
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VARIANCE CASE ANALYSIS

December 14, 2021

TO: Snellville Board of Appeals

REGULAR MEETING DATE: December 14, 2021

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 21-04**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Marc Orio, JBL Asset Management representing JBL Wisteria Shopping Center 2, LLC, property owner of the Wisteria Village Shopping Center, requesting a variance from the Towne Center Overlay District regulations to reduce the two-story or 24 foot minimum building height requirement to 19 feet for a 600 sq. ft. Scooter's Coffee with drive-thru.

The proposed developed is located on a small 0.36± acre outparcel of the Wisteria Village Shopping Center and adjacent to the Wells Fargo bank branch located near the intersection of U.S. Highway 78 (Main Street) and Wisteria Drive, Snellville.

REQUEST:

The applicant is requesting the following variance from the Towne Center Overlay District requirements, as follows:

1. Variance from Sec. 205-1.6.B.3 of Chapter 200 of the Snellville Unified Development Ordinance to reduce the two-story or 24 foot high minimum building height requirement to 19-foot high for a 600 sq. ft. Scooter's Coffee building with drive-thru.

STANDARDS FOR CONSIDERATION:

Pursuant to Sec. 103-7.2.B of Chapter 100 of the UDO, 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 for which the variance is being requested is 0.36 acres and is part of an existing shopping center. As such, the site is constrained by the existing roadway, shopping center, and setbacks and is therefore not suitable for a multi-story building. Additionally, said site would be the only development within the shopping center to be multiple stories or a minimum of 24 ft. in height and would therefore not conform to the surrounding buildings.*

Planning Department Response: The site location and lot size is not relevant to the required minimum building height of 24 feet, 5 feet higher than the proposed 19 feet high kiosk building. The shopping center and adjacent properties were developed years before the adoption of the former and current Towne Center Overlay District requirements with one purpose being "That the Towne Center should have a distinct physical design and sense of place."

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: *The site is located at the edge of 1/2 mile radius of the Towne Center Overlay district. Within said district, the vast majority of sites can reasonably be developed as a multi-story development where as the site in question is limited in developable area by access and city requirements.*

Planning Department Response: The site location and lot size is not relevant to the required minimum building height of 24 feet, 5 feet higher than the proposed 19 feet high kiosk building.

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

Applicant Response: *The 0.36 acres site is constrained by the existing surrounding developments and setbacks. As such, the site area allowed for development is limited in terms of access and by city requirements. A two-story building would therefore create a hardship for the developer to establish a multi-story development, provide access at the rear of the parcel, and meet the parking count requirement of 1 space per 150 sf of floor area.*

Planning Department Response: The site location and lot size is not relevant to the required minimum building height of 24 feet, 5 feet higher than the proposed 19 feet high kiosk building. The parking space requirement of one space per 150 sq. ft. of floor area is the minimum required for freestanding restaurants, including dine-in restaurants. The proposed development is for a drive-thru restaurant with available walk-up service.

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: *Unlike other sites within the zoning district, the site in question is (1) highly restricted in its developable area, (2) an outparcel of a 1-story development, and (3) adjacent to the edge of the Towne Center Overlay. As a result, the variance would not convey special privileges to the site but demonstrate an accommodation do to hardship of a peculiar location and features for said property.*

Planning Department Response: Granting of the variance would confer on the applicant special privilege as the applicant has not demonstrated that special conditions and circumstances exist which are peculiar to the land or proposed building.

However, per Sec. 103-7.2.B.7 of Chapter 100 of the UDO, the Board of Appeals must make a finding that the granting of the variance *“will be in harmony with the general purpose and intent of the UDO, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.”*

VARIANCE ANALYSIS:

On October 25, 2021 the Mayor and Council approved the first text amendment to the October 26, 2020 adopted Snellville Unified Development Ordinance (“UDO”). The UDO consolidated and replaced the city’s Zoning Ordinances, Development Regulations and other city codes into one land-use regulatory code containing design guidelines and land-use management into a single document.

The October text amendment amended the minimum building height space limit standards for properties located within one-half mile radius from the intersection of Oak Road and Clower Street, or the ‘core’ of the Towne Center Overlay (“TCO”) District, changing the minimum building height requirement from *two-floors* to *two-stories or 24 feet, whichever is greater*. Properties outside of the half-mile radius are not subject to a building height minimum.

Although the amendment keeps in place the intent of a two-floor building height minimum, it reduces the burden and construction costs of having to design and construct buildings having two separate load-bearing floors, and instead allows the minimum building height to be achieved through a single-story building with a raised parapet or through a pitched roof (see Building Height definition below.)

Building Height: The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or the parapet.

The applicant proposes to develop the property using the Scooter's Coffee drive-thru coffee kiosk, which is the company's smaller model for drive-thru service only for smaller sites such as this one. The 630 sq. ft. kiosk prototypical building is shown with contemporary design elements including contrasting color fiber cement Hardi plank and Hardi panels and 19 feet high flat parapet roofline. The applicant is aware that the proposed materials may not be in conformance with the enhanced exterior building material requirements of the TCO and has agreed to comply with the material and color requirements at time of building plan submittal.

Scooter's Coffee also offers the drive-thru coffeehouse, which is their larger 1,600-2,000 sq. ft. model providing indoor and optional outdoor dining areas along with drive-thru convenience.

Although the preliminary site plan shows the 10-foot wide sidewalk located on the subject property, during site development plan review, applicant will be required to show the sidewalk and required 5-foot wide planter on the portion of the property to be dedicated to Georgia D.O.T. with the 5-foot wide planter strip located adjacent to the Hwy. 78 curblin with the 10-foot wide sidewalk adjacent to the planter strip. The kiosk building has a minimum zero (0) foot setback and maximum 10-foot setback from the new right-of-way.

Although not requested, an additional variance is necessary from the pedestrian access requirement for the 'Shopfront' building type (UDO Sec. 201-2.10.B.) requiring a building entrance that faces the street (Hwy. 78). Because this 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 warranted.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Denial** of variance from UDO Sec. 205-1.6.B.3 to reduce the two-story or 24 foot high minimum building height requirement to 19-feet high. However, the Department recommends **Approval** of variance from UDO Sec. 201-2.10.B. requiring that a building entrance be provided that faces the street (Hwy. 78) and subject to the following 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.