



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

VARIANCE CASE SUMMARY

March 8, 2022

CASE NUMBER:	#BOA 22-02
REQUEST:	Variance to reduce the front, side and rear building setbacks for an existing 15,961 sq. ft. building for use as a Place of Worship.
LOCATION:	3005 Lenora Church Road, Building A, Snellville, Georgia
TAX PARCEL:	R5029 294
CURRENT ZONING:	CI (Civic Institutional) District
DEVELOPMENT/PROJECT:	Place of Worship
PROPERTY OWNER:	House and Land Dealer, Inc. Duluth, Georgia 30097
APPLICANT/CONTACT:	A. Kathleen Woodruff, P.E. Woodruff Design Associates Monroe, Georgia 30655 404-285-1124 or Kathleen@woodruffda.com
RECOMMENDATION:	Approval with Conditions



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
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VARIANCE CASE ANALYSIS

March 8, 2022

TO: Snellville Board of Appeals

REGULAR MEETING DATE: March 8, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 22-02**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from A. Kathleen Woodruff, P.E., Woodruff Design Associates (applicant) representing Dr. Heping Ma, House and Land Dealer, Inc. (property owner), requesting variances from the use standards for a place of worship and the required minimum building setbacks to allow the existing building and site to remain 'as-is'.

The 1.265± acre property is part of the 3.5± acre Parkview Professional Center, zoned CI (Civic Institutional) District and located north of and adjacent to the Church of Christ at Snellville campus, near the intersection of Lenora Church Road and Springdale Road/Pate Road, Snellville and contains a 15,961 sq. ft. one-story building and associated parking.

On 7-10-2017, the Mayor and Council approved the rezoning of the property from OP (Office Professional) District to CI with approved variances and conditions for an arts-oriented international exchange center.

Per UDO Sec. 206-4.H.2 (Use Standards) for a Place of Worship, the use is allowed as a *limited use* in the CI District, subject to the following use standards:

- a. Facilities must have at least 100 feet of frontage on a street with a minimum classification of major collector.
- b. The minimum lot size is 1 acre.
- c. The maximum lot size is 3 acres.
- d. All buildings must be set back at least 50 feet from the front lot line, 40 feet from the rear lot line, 20 feet from the side (interior) lot line, and 35 feet from the side (street) lot line.
- e. A minimum 10 feet wide buffer, at least 6 feet high, is required alongside (interior) and rear lot lines that are adjacent to residential districts or residential uses.

REQUEST:

In order to allow the existing building to remain 'as-is' for use as a Place of Worship, the applicant is requesting the following variances from the Snellville Unified Development Ordinance ("UDO"), as follows:

- 1. Variance from Sec. 206-4.H.2.d (Building Setbacks) of Article 6 Chapter 200 of the UDO to:**
 - a. Reduce the 50 feet front building setback to 25.8 feet.**
 - b. Reduce the 40 feet rear building setback to 11 feet.**
 - c. Reduce the 20 feet side (interior) building setback to 7.5 feet.**

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: *This is an existing building that is zoned CI. It has been used for many tenants over the years. The variance requested is due to its non-conforming nature relative to the setbacks now required by the ordinance.*

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: *Literal interpretation of the UDO would not allow the building to be occupied if the requested variance is not approved. The building would remain vacant with no active tenant.*

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

Applicant Response: *The conditions required currently by the UDO were put in place many years after this building was constructed. It has been used within the limits of its current zoning prior to the new owners/tenants purchase as a school, art center, etc.*

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: *Granting this variance would allow the lot and existing structure to be properly occupied within the limits of its current zoning and would not confer special privilege since the UDO conditions were put in place after the original construction and occupation of the building.*

VARIANCE ANALYSIS:

Lifegate Church International, pastored by Dwight and Candy Haymon, are under contract to purchase the subject property for use by the church congregation for worship and study purposes. According to the Letter of Intent, the congregation contains approximately 125-150 members from the local Snellville community. There are two worship services on Sunday, with Tuesday and Wednesday evenings for worship and study. The site contains approximately 51 parking spaces and previously served as a private school by Integrity Christian Academy and the GRN Recovery Center.

The request to reduce the minimum required front, side and rear building setbacks to the current conditions existing on the site today is reasonable for a building and site that was originally developed forty-one (41) years ago. Use of the site and building as a place of worship will not adversely affect the adjacent properties and will allow use of an under-utilized property for a non-profit civic use.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variances from Sec. 206-4.H.2.d (Building Setbacks) of Article 6 Chapter 200 of the UDO to:

- a. Reduce the 50 feet front building setback to 25.8 feet.
- b. Reduce the 40 feet rear building setback to 11 feet.
- c. Reduce the 20 feet side (interior) building setback to 7.5 feet.

Approval of the variances are subject to the attachment of the following recommended **Conditions:**

1. Applicant or Property Owner shall obtain a Certificate of Occupancy for use of the building and property as a Place of Worship from the Gwinnett County Fire Marshal's Office and provide a copy to the City upon application for an Occupational Tax Certificate (Business License).
2. All conditions approved by the Mayor and Council at the 7-10-2017 rezoning (Ordinance No. 2017-16) shall remain in full-force and effect.
3. A building permit is required for any addition or structural modification or remodel to the interior or exterior of the existing building; new or modifications to any electrical, plumbing or HVAC system; or door or window modifications that alter the opening sizes.