



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

**VARIANCE CASE SUMMARY**

**September 12, 2023**

**CASE NUMBER:** #BOA 23-02

**VARIANCE REQUEST:** From Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) to encroach into the 75-foot impervious surface setback by adding 182 sq. ft. (3.1%) of additional impervious coverage for a proposed 16-foot by 20-foot (320 sq. ft.) two-story addition to the rear of the split-level single-family residential dwelling

**LOCATION:** **1.014± Acre Lot in Unit 1 Raven Wood Subdivision, 2478 Ellis Court, Snellville, Georgia**

**TAX PARCEL:** R5028 068

**CURRENT ZONING:** RS-30 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** **Two-Story Addition to Rear of Single-family Detached Dwelling**

**APPLICANT:** Jennifer Wolfe, It's Permittable  
770-568-8867  
[itspermittablegeorgia@gmail.com](mailto:itspermittablegeorgia@gmail.com)

**PROPERTY OWNER:** Stephen Roca  
Snellville, Georgia

**RECOMMENDATION:** **Approval with Conditions**



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**VARIANCE CASE ANALYSIS**

**September 12, 2023**

**TO:** Snellville Board of Appeals

**REGULAR MEETING DATE:** September 12, 2023

**FROM:** Jason Thompson, Director  
Department of Planning and Development2

**CASE NUMBER:** **#BOA 23-02**

**FINDINGS OF FACT:**

The Department of Planning and Development has received a variance application from Jennifer Wolfe, It's Permittable Permit Expeditors (applicant) representing Stephen Roca (property owner) requesting variance from Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) of Article 3 of Chapter 400 of the Snellville Unified Development Ordinance to encroach into the 75-foot impervious surface setback by adding 182 sq. ft. (3.1%) of additional impervious coverage for a proposed 16-foot by 20-foot (320 sq. ft.) two-story addition to the rear of the split-level single-family residential dwelling.

The subject property is a single-family residential lot (Lot 10) in Unit 1 Raven Wood Subdivision, platted in August 1973 with a 1,752± sq. ft. split-level single-family dwelling constructed in 1984 and surrounded by similar single-family residential uses.

The rectangular shaped and unusually deep lot measures 120-feet wide at the street and runs easterly approximately 430-feet to the west with the rear 65-feet wide lot line abutting T.W. Briscoe Park. The lot is impacted by a perennial stream the runs easterly along the northern lot

line then gradually transitions to the southwest corner of the rear of the lot eventually making its way to Pate Lake in Briscoe Park.

At the time of the 1973 subdivision Final Plat, the stream was protected by a 20-foot drainage easement, measuring 10-feet on each side of the stream bank. Then in 1975, the State of Georgia adopted the Georgia Erosion and Sedimentation Control Act requiring a minimum 25-foot buffer along all State waters. In 2001, this buffer was increased to 50-feet and added a 75-foot impervious setback requirement as required by the Metropolitan North Georgia Water Planning District.

The Roca's purchased the property in June, 2017.

The scope of work for the two-story addition includes adding a playroom and office (320 sq. ft.) to the ground level; and adding a bedroom, master bathroom and walk-in closet (320 sq. ft.) to the second-level.

**REQUEST:**

The applicant is requesting relief from the Article 3 of Chapter 400 of the Snellville Unified Development Ordinance, as follows:

1. Variance from Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) to encroach into the 75-foot impervious surface setback by adding 182 sq. ft. (3.1%) of additional impervious coverage for a proposed 16-foot by 20-foot (320 sq. ft.) two-story addition to the rear of the split-level single-family residential dwelling.

**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: *NOT ALL PROPERTIES ZONED RS-30 WITH PROPOSED IMPROVEMENTS SHAPE AND TOPOGRAPHY OF LOT ABOUT A STREAM BUFFER.*

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: *ADJOINING PROPERTIES IN THE SAME ZONING DISTRICT HAVE BEEN ABLE TO IMPROVE THEIR PROPERTY WITH ADDITIONS TO RESIDENCE*

*OR PERMITTED ACCESSORY STRUCTURES.*

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

Applicant Response: *HOME WAS BUILT IN 1984 PLATTED BEFORE MAY 23, 2005. ITS SHAPE AND TOPOGRAPHY PREVENTS THE PROPOSED LAND DEVELOPMENT WITHOUT IMPACTS TO STREAM BUFFER.*

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: *ADJOINING PROPERTIES.*

#### **VARIANCE ANALYSIS:**

Variances from the requirements of Sec. 403-1.4 (Stream Buffer and Setback Requirements) may only be granted in accordance with the following:

1. Where a lot was platted before May 23, 2005, and its shape, topography or other existing physical condition prevents land development consistent with Sec. 403-1.4, and the Director finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner, the Board of Appeals may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the lot.
2. Variances will be considered only in the following cases:
  - a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this section prevents land development unless a stream buffer variance is granted.
  - b. Unusual circumstances when strict adherence to the minimal stream buffer requirements in the ordinance would create an extreme hardship.

Because of the existing conditions on the lot including narrow lot shape and locations of the sanitary sewer easement and front and side building setbacks, the only viable location for the proposed room addition is at southwest corner of the existing dwelling. The proposed 320 sq. ft. addition and 182 sq. ft. encroachment into the 75 foot impervious surface setback is minimal.

The NDS Flo-Well is a manufactured dry-well system proposed as the mitigation measure that will collect stormwater from the gutter and downspout by six-inch HDPE pipe and is sufficient

to collect and temporarily retain stormwater from the roof and discharging it into the subsoil, allowing for the management of stormwater without any adverse impact to the nearby stream.

**STAFF RECOMMENDATION:**

The Department of Planning and Development recommends **APPROVAL** of variance from Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) to encroach into the 75-foot impervious surface setback to add 182 sq. ft. (3.1%) of additional impervious coverage for a proposed 16-foot by 20-foot (640 sq. ft.) two-story addition to the rear of the split-level single-family residential dwelling with the following recommended **CONDITIONS**:

1. An approved building permit by the City of Snellville Planning Department must be obtained before commencement of any demolition or new construction activity on the dwelling structure.
2. Installation of the NDS Flo-Well system shall be in accordance with the submitted details on the HLP (revised 6-30-2023) and completed and inspected by the City Building Official before release of the Certificate of Occupancy.