



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

VARIANCE CASE SUMMARY

February 8, 2022

CASE NUMBER:	#BOA 22-01
REQUEST:	Variance to allow seven (7) new parking spaces to be located between the existing building and street.
LOCATION:	2329 Scenic Hwy. S., Snellville, Georgia
TAX PARCEL:	R5026 080
CURRENT ZONING:	OP (Office Professional) District
OVERLAY DISTRICT:	Towne Center Overlay District
DEVELOPMENT/PROJECT:	OB/GYN Medical Practice
PROPERTY OWNER:	Arinze 16, LLC Snellville, Georgia 30039
APPLICANT/CONTACT:	Emmanuel Abua, CEO Concept Engineering Services, LLC 404-643-6044 or mnkv@conceptengrs.net
RECOMMENDATION:	Approval with Conditions



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

February 8, 2022

TO: Snellville Board of Appeals

REGULAR MEETING DATE: February 8, 2022

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 22-01**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Emmanuel Abua, Concept Engineering Services, LLC (applicant) representing Arinze 16, LLC (property owner), requesting a variance from the Towne Center Overlay District regulations to allow seven (7) new parking spaces to be located between the existing building and Scenic Highway for St. Thomas OB/GYN medical practice.

The 44,780 sq. ft. (1.03± acre) property is zoned OP (Office Professional) District and located within the TCO (Towne Center Overlay) District. The property, located just north of the intersection of Henry Clower Boulevard and Scenic Highway South, was previously owned and operated since 1997 by Andrew and Karen Watson for a photography studio. Arzine 16, LLC purchased the property in December 2020.

On 4-5-2021 Building Permit #21-00167 was approved and issued for the interior remodel of the 3,646 sq. ft. one-story brick building; however, this permit did not include the following additional building and site improvements that were completed that require plan submittal to Gwinnett County and the City for review and approval:

- a) Land disturbance and partial paving and retaining walls of approximately 35,720 sq. ft. (0.82 acres) of area;
- b) The cutting and removal of several hardwood and evergreen trees;
- c) Installation of non-conforming wall-pack and LED flood lighting on the building exterior; and,
- d) Installation of two handicap ramps at the front of the building and one handicap ramp on the side of the building.

In addition, the \$35k in interior remodel improvements made under the April 2021 permit exceed the substantial building permit threshold of 107.8% of the Gwinnett County Tax Assessor’s 100% assessed value (\$32,440) of the existing improvements; requiring compliance with the City’s Landscape and Tree Ordinance regulations.

REQUEST:

The applicant is requesting the following variance from the Snellville Unified Development Ordinance (“UDO”), as follows:

- 1. Variance from Sec. 201-2.10.Bⁱ (Parking Location) of Article 1 Chapter 200 of the UDO to allow a parking lot to be located between the building and street for the ‘Shopfront’ building type for a OB/GYN medical practice.**

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 PROPOSED USE OF THE BUILDING IS OBGYN, WHICH NEED PARKING TO BE PRESENT AS NEAR AS POSSIBLE. AS THE BUILDING IS EXISTING AND THE ENTRANCES CANNOT BE CHANGED, IT WILL BE A HARDSHIP FOR THE PATIENTS TO PARK IN REAR OF THE BUILDING AND WALK ALL OVER TO THE FRONT OF THE BUILDING.

Planning Department Response: It is understandable that parking for patients be provided that is in close proximity to the building entrance especially given the type of medical services that are provided.

- 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 SUBJECT PROPERTY AND THE USE OF THE BUILDING IS SUCH THAT IT REQUIRES PARKING TO BE EASILY ACCESSIBLE. THE NEIGHBORHOOD PROPERTIES SURROUNDING THE SUBJECT PROPERTY ALSO HAS THE PARKING IN THE FRONT THE BUILDINGS.*

Planning Department Response: The neighboring properties that have parking located in front of the buildings were developed many years ago when the zoning and development regulations allowed for parking in the front. Without a block wide redevelopment project it is likely that parking in the front yard remains prominent in the area for the foreseeable future.

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

Applicant Response: *THE PARKING IN THE REAR OF THE BUILDING WILL CREATE A HARDSHIP FOR THE DEVELOPER TO CREATE A PATIENT ACCESS TO THE BUILDING, GIVE THE NATURE OF BUSINESS IS AN OBGYN.*

Planning Department Response: The subject property is adjacent to similar residential home conversions that all have parking in front of the building. The applicant is also constrained by keeping the amount of new and disturbed impervious surfaces to not exceed 5,000 sq. ft. in area, otherwise, onsite stormwater management (i.e. stormwater detention and water quality) is required that could add significant development costs to the owner.

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 THE OTHER SITES WITHIN THE ZONING DISTRICT, THE SITE IN QUESTION HAS THE BUILDING WHICH NEEDS THE PARKING NEAR TO THE ENTRANCE FR [sic] EASY ACCESS. MOST OF THE SURROUNDING BUILDING HAS PARKING IN THE FRONT OF THE BUILDINGS AND SO APPROVING THIS VARIANCE WILL NOT CONFER WITH OTHERS.*

Planning Department Response: Granting of the variance does not confer the applicant special privilege as the adjacent properties that have been previously redeveloped all have parking in the front.

VARIANCE ANALYSIS:

The TCO (Towne Center Overlay) District provides regulations for twelve (12) different 'Building Types' that are allowed in the TCO District. The use of the existing building, classified by the Gwinnett County Tax Assessor as *Residential Improved on Commercial Land* for medical office use falls within the 'Shopfront' building type, defined as "A single-story building type that

typically accommodates single-use retail or commercial activity. Not for residential uses.” Per UDO Sec 201-2.10.B (Parking Location), “No parking lot is allowed between the building and the street, including within driveways.”

Although the UDO does not differentiate between sites with existing buildings and sites with new buildings, the intent of this regulation is to push the parking in the rear or to the side of the building and require new buildings to be located no more than ten (10) feet from the right-of-way.

Given the lot configuration and location of the existing building, approximately 76% of the site is located in the side and rear yards, and is available for development but is likely better used for the replanting of trees and landscaping that was removed during the demo process.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of variance from UDO Sec. 201-2.10.B (Parking Location) to allow parking between the existing building and street with the following recommended **Conditions** attached:

1. Submit plans to Gwinnett County and the City of Snellville for review and approval for the redesign and relocation of the hard-surface parking to the front and side of the building.
2. All existing disturbed areas which contain asphalt or crush and run gravel base that are not within the limits of disturbance shown on the approved site development plans shall be removed and areas restored with trees, landscaping, ground cover, or sod as approved by the Planning Director.
3. The applicant shall submit construction plans for the relocation/addition of the parking that include a landscape/tree plan that satisfies the requirements of the Snellville UDO.
4. Trees previously removed without an approved Land Disturbance Permit or Tree Removal Permit to be replaced in accordance with the Tree Replacement and Tree Recompense regulations of the UDO.
5. All non-permitted and non-conforming exterior building and site lighting to be removed. Exterior site and building lighting shall be in accordance with UDO Sec. 207-5 (Lighting) and require an approved Exterior Lighting Permit before installation of any lighting.
6. The applicant shall submit site development plans that satisfies the requirements of the Snellville UDO.

ⁱ The applicant incorrectly referenced code section 9.7(3) in the Letter of Intent and is not a valid code section in the Snellville Unified Development Ordinance.