



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

VARIANCE CASE SUMMARY

August 8, 2023

CASE NUMBER: #BOA 23-01

VARIANCE REQUEST: From Sec. 206-8.26.B.1.b (Maximum Cumulative Total Square Footage for All Roofed Accessory Structures) and Sec. 201-1.6.B.4 (Accessory Use and Structure Setback Requirements)

LOCATION: 0.86± Acre Lot in Nob Hill Estates Subdivision
2007 Tanglewood Drive, Snellville, Georgia

TAX PARCEL: R5025 091

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

DEVELOPMENT/PROJECT: Second-Story Addition to Existing Detached
Garage/Workshop

APPLICANT/PROPERTY OWNER: Ed Brannen
Lilburn, Georgia 30047
770-361-5522
ed.brannen@hotmail.com

RECOMMENDATION: Denial



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

August 8, 2023

TO: Snellville Board of Appeals

REGULAR MEETING DATE: August 8, 2023

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 23-01**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Ed Brannen (applicant and property owner) requesting variances from the Snellville Unified Development Ordinance to: a) increase the maximum allowable square footage for all accessory structures on a residential lot less than one (1) acre; and b) to reduce the minimum required building setback from the adjacent lot line to allow for a second-story addition on an existing roofed accessory structure (detached garage/workshop).

The subject property is a single-family residential lot in the Nob Hill Estates Subdivision, platted in 1971 with a 1,727± sq. ft. one-story ranch dwelling constructed in 1977 and surrounded by similar single-family residential uses.

The property is one of several rental properties owned by the applicant and also contains several roofed accessory structures including an existing 132± sq. ft. concrete block and wood frame storage building built around 2000 and larger 420± sq. ft. one-story addition constructed in 2017 for a detached garage. There is also a small 45± sq. ft. covered grill area located off the rear garden and patio area. Combined, these represent approximately 597 sq. ft. of roofed

accessory structures that are pre-existing and constructed by the previous homeowners before Mr. Brannen's purchase of the property in November 2017.

The applicant intends to add a 20-foot by 20-foot (400± sq. ft.) second-story addition onto the existing 420± sq. ft. detached garage for storage space and conversion of the detached garage into a workshop. This addition exceeds the 750 sq. ft. maximum allowance for all roofed accessory structures on lots less than one (1) acre by approximately 247 sq. ft. for a combined total of approximately 997 sq. ft. (597 sq. ft. existing plus 400 sq. ft. for the second-story addition).

On May 10, 2016, the Board of Appeals approved variances requested by former property owner Gary Parker to reduce the 5-foot minimum setback from the side lot line to 1-foot 3-inches for a then pre-existing 144± sq. ft. concrete block storage building; and to allow the pre-existing storage building to encroach into the side yard approximately 9-foot 7-inches. The variances were necessary to allow for the new construction of a 420 sq. ft. addition to the pre-existing concrete storage building for a single-story detached garage. The following four (4) conditions are attached to the 2016 variance approval and remain applicable to date:

1. *The applicant shall obtain an approved building permit from the Director of Planning and Development for the construction of the 400 sq. ft. roofed accessory structure addition.*
2. *No further encroachment into the side yard shall be allowed.*
3. *The storage building addition shall not encroach into the five (5) feet side yard building setback.*
4. *Consistent with the zoning regulations for roofed accessory structures, the existing structure and proposed addition shall be: a) no higher than two stories; c) constructed of exterior grade materials; d) paints/stains applied shall match or be similar to the primary residence; and (e) contain asphalt shingles or manufactured pre-painted metal roof sheeting. No more than two (2) roofed accessory structures may be constructed. The combined sum of all roofed accessory structures shall not exceed 750 sq. ft. in area.*

Following the May 2016 variance approval, Mr. Parker filed for a building permit for the construction of the 400 sq. ft. single-story detached garage addition. A Certificate of Completion was issued on July 27, 2017.

Since the 2016 variance approval, the City adopted the Unified Development Ordinance ("UDO") in October 2020, which now allows roofed accessory structures to also be located in the side yard (previously only allowed in the rear yard). The minimum setback requirement from adjacent lot lines also changed from the 5-foot minimum setback regardless of the size of the roofed accessory structure, to now requiring a greater setback from adjacent lot lines the larger the structure as follows:

B. Accessory Use and Structure Setback Requirements

When shown in Table 201-1.6, accessory uses and structures must observe the following setback requirements adjacent to all lot lines, except when the required building setback is less than the following distances:

1. Up to 100 square feet in area: min. 5-foot setback
2. 101 to 300 square feet: min. 10-foot setback.
3. 301 to 500 square feet: min. 15-foot setback.
4. Over 500 square feet: min. 20-foot setback

EVENT TIMELINE:

- March 7th: Application for an Electrical Permit was submitted to add a new electrical service meter to the detached garage, The permit was approved.
- April 19th: Planning Department opened a code enforcement case for construction without a building permit. A Notice of Violation and stop-work order was issued to Mr. Brannen.
- April 21st: Mr. Brannen submitted the application for building permit. Review comments were prepared on April 28th and emailed to Mr. Brannen on May 1st.
- May 8th: Planning Department received revised drawings in response to the April 28th review comments.
- May 15th: Planning Department prepared and emailed second review comments.
- May 24th: Mr. Brannen met with John Dennis, Zoning Administrator to discuss the review comments; variance process and variance application submittal requirements.
- June 12th: Mayor and Council approve UDO amendment required by state law to allow for 30-day minimum public notification for Administrative Variances and appeals, waivers and variances considered by the Board of Appeals.
- June 15th: #BOA 23-01 Variance Application received by the Planning Department.
- July 5th: Legal ad published in the Gwinnett Daily Post and letters mailed to the adjoining property owners giving notice of variance application and Aug 8th Board of Appeals public hearing date, time and location.
- July 6th: Public Notice Sign posted on the property.
- August 8th: Board of Appeals 7:30 p.m. regular meeting.

REQUEST:

The applicant is requesting relief from the Snellville UDO, as follows:

- 1. Variance from Sec. 201-1.6.B.4. (Accessory Use and Structure Setback Requirements) to reduce the minimum 20-foot setback from adjacent lot lines for structures over 500 sq. ft.**

Request is to allow the existing 552± sq. ft. legal non-conforming structure to remain in its current location and setback one-foot three-inches (1'-3") from the adjacent lot line; while also adding a 160±¹ sq. ft. second-story addition representing a combined total of 712± sq. ft.

- 2. Variance from Sec. 206-8.26.B.1.b. (Maximum Cumulative Total Square Footage for All Roofed Accessory Structures) to increase the maximum allowed cumulative square footage for all roofed accessory structures on the lot from 750 sq. ft. to 757 sq. ft.**

Request is to add a 160±¹ sq. ft. second-story addition to the existing 420± sq. ft. detached garage and attached 132± sq. ft. concrete block/framed shed, while also keeping the 45± sq. ft. covered grill area, for a total combined square footage for all roofed accessory structures of 757± sq. ft., exceeding the 750 sq. ft. maximum allowed for lots less than one acre.

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: First, I would like to look at attachment "2A, 28 & 3" that shows the layout of the house and the freestanding garage on the property. It shows that this garage sits approx. 170 feet off Tanglewood Drive, only partially visible due to the long

¹ 160 sq. ft. second-story area calculation provided by the Applicant is based on a stand-up attic space measuring 8' x 20' and not consistent with the UDO definition for *Floor Area Other Uses* defined as the sum of floor area on all floors within surrounding exterior walls of a building. Areas of a building not provided with surrounding walls are included in the floor area if such areas are included within the horizontal projection of the roof or floor above. Floor area does not include unenclosed balconies, unenclosed porches, unenclosed stoops, or parking structures. As defined, the proposed second-story 20' x 20' addition is 400 sq. ft. (See Exhibit "A").

winding driveway and the wooded lot adjacent. Due to the location, the revision to the 14' roof height to 20' does not make a significant change this visual situation to the street. The location of this garage is atypical to over 90% of the houses in Nob Hill. Second, due to the lot sloping up instead of down, the creation of the garage layout dictated that a stone barrier wall be created to allow for the construction of the garage in 2016 by the previous owner. Thus this garage "sits down" to the property owners to the left, right and rear. (please see attachment "4-9"). Lastly, the combination of this upward sloping lot and the stream that runs through front of the property mitigates any other storage opportunity but to go up.

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: On the first variance request, this alteration/enlargement to an existing setback variance. I have tried to show that due to the location of this garage on the property and the roof alteration not changing the footprint of the garage that this would be seen as a consideration for approval. It is my hope that Kurt and Gretchen Schulz to be in agreement and share in person at the August 8th meeting.

On the second variance request, the current UDO section 8-26.B.1.b allows for 750 SF maximum for cumulative total square footage for all accessory buildings for lots under .99 acre (2007 Tanglewood Drive is .82 acre).

Actual measurements were again made to each of the three existing structures on the property to access remaining square footage available to create more space in the main garage attic for proposed storage capability.

1. Main free standing Garage:	
20' x 20' (primary space) + 2.5' x 8' (closet between shed and garage) =	420 sq. ft.
2. Cinder block/framed shed:	
12' x 11' (total space)	= 132 sq. ft.
3. Covered grill area:	
9' x 5' (total space)	= 45 sq. ft.
	597 sq. ft.
<u>New proposed stand up attic space via 10/12 pitch roof alteration:</u>	
8' x 20' (total space) _____	= 160 sq. ft.
Total=	757 sq. ft.

Due to the exterior 3 ft. knee wall that is designed to just clear the existing stoop roof and rerouting of gutter drainage to rear yard (attachment "10"), it requires a variance due to the conditions in the zoning code above. By the literal code wording above this 3ft. knee wall would drive square footage calculations to be 400 sq. ft. added.

Another aspect of this knee wall design is that it is what enables the creation of the Floored/walkable height of 160 SF floor space. The area to the left and right of this room is nonfloored and is comprised of knee wall diagonal braces and open floor joists to the workshop below (attachment "11-13")

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

Applicant Response: When I purchased this house in 2017 I fully accepted the conditions of the stream in the front of the property and the rising slope in the back. They are features that I like and give the residence great appeal.

My wrongful action of starting the framing of this roof change before permit approval has caused me chastisement and fines from the city that I deserve and am embarrassed to say the least. I am truly sorry for my actions and have had several meetings with John Dennis to state such. I am submitting these two variance requests that I would hope would stand on their own pursuit and not due to me having already started work on this project. Again, I ask for your forgiveness.

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: My first request is that the variance for consideration that deals with the previous setback variance granted in 2016 be revisited. This setback of 5 feet was granted for the garage versus the 20 feet setback requirement (UDO Section 201-1.6.8.4). It is my belief that this was granted primarily due to the adjacent homeowners, Kurt and Gretchen Shultz concurrence, of which I am most appreciative, even though I was not the current owner at that time.

The placement of this garage is such, being behind and to the side of the primary house, that it is not viewable to the property to the rear and only partially seen to the property to the right. There is no change or variance request to the footprint of the garage in any aspect. Thus it is my belief that no special privilege is being requested.

On the variance request for the roof design proposed to create unconditioned 160 SF of attic space, I do not believe that it grants any special privilege to this property. I have tried to make sure that it does not violate any standard building code and complies with all current roof design requirements.

VARIANCE ANALYSIS:

Although the applicant states that due to the lot topography and stream location in the front yard, the only other additional storage opportunity is to “go up” by adding the second-story addition to the existing accessory structure, the applicant can still achieve an increase in the additional storage space being requested through an addition to the rear of the house. Although a house addition project may be more costly than the second-story addition to the detached garage/storage building/workshop, it would not require any variances from the UDO and would not make the existing detached garage/storage building/workshop more non-conforming.

STAFF RECOMMENDATION:

The Department of Planning and Development recommends:

- **Denial** of variance from UDO Sec. 201-1.6.B.4. (Accessory Use and Structure Setback Requirements) to reduce the minimum 20-foot setback from adjacent lot lines for structures over 500 sq. ft. to one-foot three-inches (1'-3").
- **Denial** of variance from UDO Sec. 206-8.26.B.1.b. (Maximum Cumulative Total Square Footage for All Roofed Accessory Structures) to increase the maximum allowed cumulative square footage for all roofed accessory structures on the lot from 750 sq. ft. to 997 sq. ft.

Should the Board of Appeals vote to approve either or both variances, the following conditions are recommended for approval consideration:

1. An approved building permit by the City of Snellville Planning Department must be obtained before commencement of any construction or demolition activity on any portion of the roofed accessory structure.
2. Under no circumstances can any portion of the roofed accessory structure be converted to, or used as an Accessory Dwelling Unit defined as a small, self-contained dwelling unit located on the same lot as a principal dwelling with dwelling unit defined as a single unit providing complete independent living facilities for one or more families, including permanent provisions for living, sleeping, eating, cooking, and sanitation.