



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

VARIANCE CASE SUMMARY

August 13, 2024

CASE NUMBER: #BOA 24-01

VARIANCE REQUEST: From Sec. 403-1.4.A. (Stream Buffer and Setback Requirements) to encroach into the 75-foot impervious surface setback by 340± sq. ft. for a proposed 168 sq. ft. bathroom addition and 305 sq. ft. deck addition to the rear of the single-family residential dwelling

LOCATION: **0.754± Acre Lot in Unit 1 Nob Hill Estates Subdivision, 2037 Tanglewood Drive, Snellville, Georgia**

TAX PARCEL: R5025 064

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

DEVELOPMENT/PROJECT: **Bathroom and Deck Addition to Rear of Single-family Detached Dwelling**

APPLICANT/PROPERTY OWNERS: Felipe Garcia Campos & Mariana Aguilera Vivas
2037 Tanglewood Drive, Snellville, Georgia
813-481-5380 MVmarianaaguilera@gmail.com

RECOMMENDATION: **Approval with Conditions**



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

August 13, 2024

TO: Snellville Board of Appeals

REGULAR MEETING DATE: August 13, 2024

FROM: Jason Thompson, Director
Department of Planning and Development2

CASE NUMBER: **#BOA 24-01**

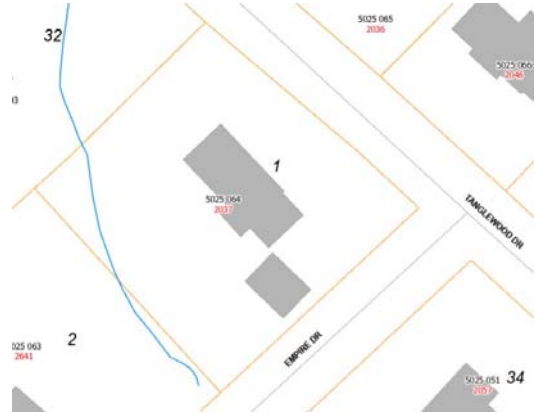
FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from property owners Felipe Garcia Campos & Mariana Aguilera Vivas 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 approximately 340 sq. ft. for a 168 sq. ft. second-story bathroom addition and 305 sq. ft. deck addition to the rear of the single-family residential dwelling.

The subject property is a corner lot (Lot 1) Block E Unit 1 Nob Hill Estates Subdivision located at the intersection of Tanglewood Drive and Empire Drive containing a 2,995± sq. ft. single-family one-story with basement brick ranch dwelling constructed in 1968 and 768 sq. ft. detached garage permitted in 2005.

The lot is impacted by Watson Creek the flows northwesterly along the southern property lot line then turning northward toward the side property line and adjacent to 2027 Tanglewood Drive, eventually making its way to the Yellow River near Killian Hill Road, Lilburn.

At the time of construction in 1968 there was no stream buffer requirement. 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 current owners purchased the property in August, 2023.

The proposed scope of work includes adding a 11'-6" x 14'-7" (168 sq. ft.) bathroom addition to the rear of the dwelling and 11'-6" x 27'-11" (305 sq. ft.) deck addition to the rear of the dwelling, with approximately 172 sq. ft. of the total deck addition encroaching into the 75-foot impervious surface setback.

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 a total of 340 sq. ft. additional impervious coverage for a proposed 168 sq. ft. bathroom addition and 172 sq. ft. deck addition to the rear of the 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 ABUT 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 _ PLATTED BEFORE MAY 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.

It is believed that strict adherence to the 75-foot impervious surface setback requirements would create an extreme hardship on the applicant and not allow the proposed bathroom and deck addition to the rear of the dwelling. The 340 sq. ft. of total encroachment is minimal and as a mitigation measure designed to assist in stormwater runoff reduction, protection of water quality and aquatic habitat, the Planning Department recommends installation of two (2) 50 gallon NDS Flo-Well (dry well) systems which is a dry-well system that will collect stormwater

from the gutter and downspouts by six-inch HDPE pipe and temporarily retain stormwater collected from the roof and discharging it into the subsoil, allowing for the management of stormwater without any adverse impact to the nearby Watson Creek.

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 by adding a total of 340 sq. ft. additional impervious coverage for a proposed 168 sq. ft. bathroom addition and 172 sq. ft. deck addition to the rear of the single-family residential dwelling with the following recommended **CONDITIONS**:

1. An approved building permit issued by the City of Snellville Planning Department must be obtained before commencement of any demolition or new construction activity on the dwelling structure.
2. All gutters and downspouts shall be installed on the rear roofline and connected by a six-inch HDPE pipe to a minimum of two (2) 50-gallon NDS Flo-Well (dry well) systems located outside of the 50-foot stream buffer with said mitigation measure being installed, inspected and approved by the City Building Official before release of the Certificate of Occupancy.