



BOARD OF ZONING APPEALS STAFF REPORT

Board of Zoning Appeals Public Hearing: January 21st, 2020

CASE NUMBER:	V-19-005
PROPERTY LOCATION:	5152 Snapfinger Woods Drive
CURRENT ZONING:	O-I (Office Institutional) District
PARCEL SIZE:	5.0 acres
PROPERTY OWNER(S):	Metro Green Recycling
STAFF RECOMMENDATION:	Approval with conditions
VARIANCE REQUEST:	Encroachment into the 50' undisturbed buffer and 75' no impervious setback for construction of a commercial driveway.

Current Use and Zoning

Currently, the subject property is not being used for any specific use. The subject property is currently zoned Office Institutional (O-I) District.

Existing Conditions

The property is currently undeveloped with a mixture of mature hardwoods and evergreens located on-site. There are two existing streams located on the property. Stream A (green line) located in the center of the property flowing from the northeast to southwest and Stream B (light blue) which runs from east to west.



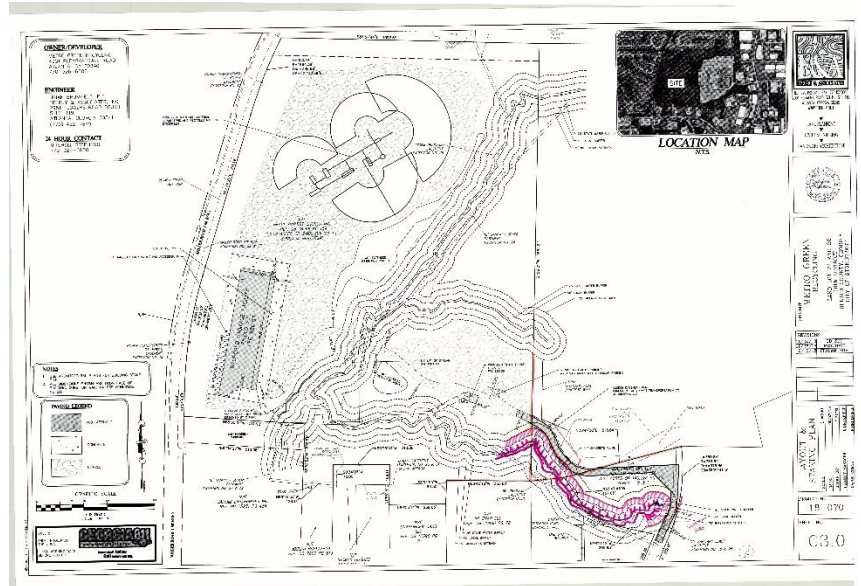


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Proposed Development

The applicant is proposing to develop a commercial driveway for recycling center.

The applicant is currently in the Land Disturbance Process (LDP) and seeking approval from the Georgia Environmental Protection Division.



APPLICABLE CODE REQUIREMENTS

City of Stonecrest Zoning Ordinance; Chapter 14 Article VII-Stream Buffer; Section 14-543. Minimum stream buffer requirements

- (a) *Stream buffers are established along all perennial and intermittent streams in the City. These required stream buffers begin at the stream bank and extend 75 feet away from the stream. The buffers must remain undisturbed excepts as otherwise provided in section 14-544.*

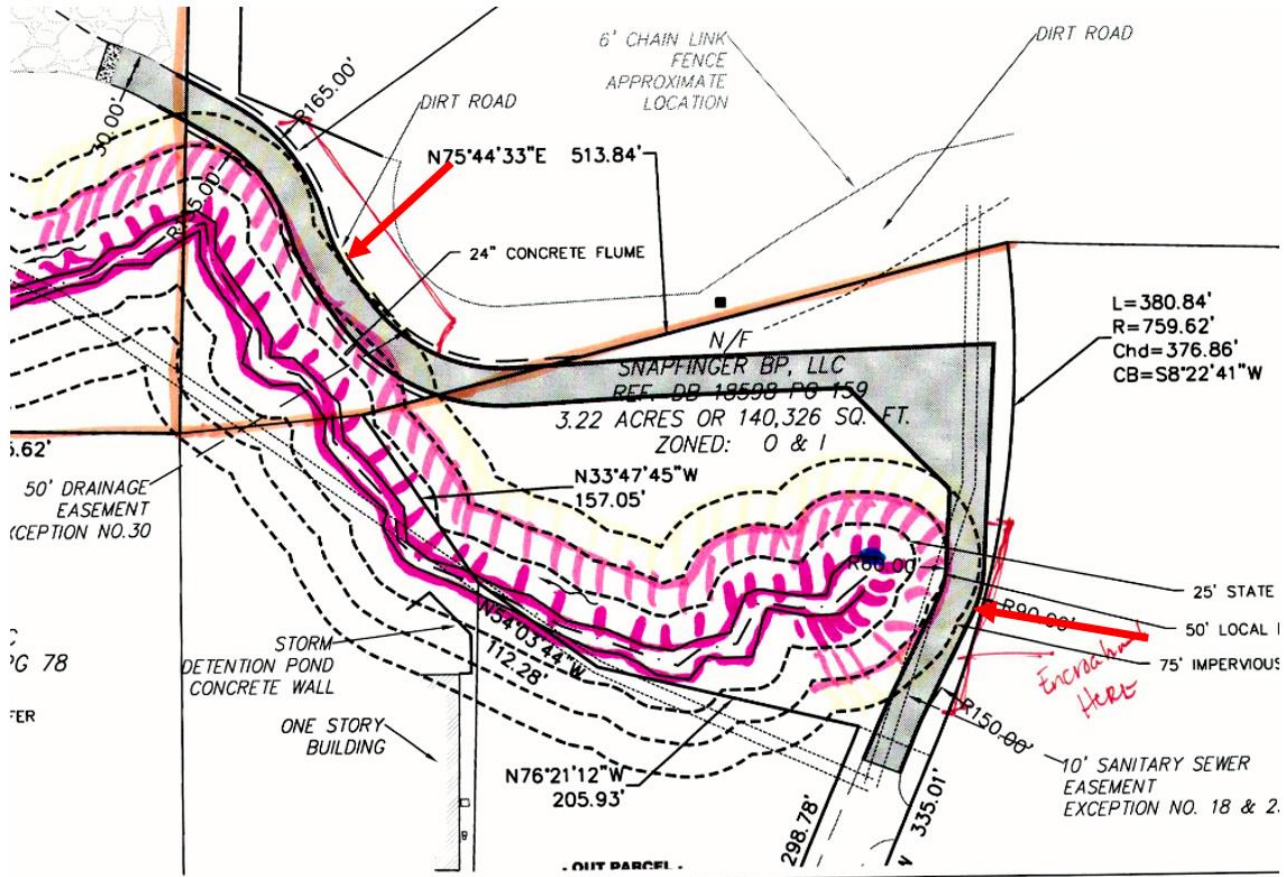


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Variance Request

The applicant is requesting to encroach into the 75' no impervious buffer for a total of 11,273 square feet and 50' undisturbed buffer for a total of 7,062 square feet. The applicant will encroach into the stream buffers at two different locations. The applicant has an access easement agreement with the property owners (Swift Transportation) to gain access to their property and construct the proposed driveway.

The red arrows indicate the encroachment points.





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VARIANCE CONSIDERATIONS

The staff is including the specific considerations that must be considered by the Board of Zoning Appeals in order to grant a variance. These considerations include:

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**
- B. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**
- C. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**
- D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**
- E. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.**



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STAFF ANALYSIS

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

There are exceptional narrowness, shallowness, and shape of the specific lot and other site conditions. Due to the location of the stream, and the placement of the building, the only viable location of the driveway is off Snapfinger Woods Drive.

- B. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.**

Granting the variance would not go beyond the minimum necessary to afford relief and does not constitute granting special privilege which is inconsistent with the limitations upon other properties in the zoning district in which the subject property is located. Due to the shape of the subject property and the intended use, the applicant request is reasonable so the impact to the surrounding area will be minimal.

- C. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.**

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property. Staff believes granting the variance request would allow vehicle traffic to operate more effectively instead of forcing the construction of the driveway off Miller Road.

- D. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.**

The literal interpretation and strict application of the applicable provision or requirements of this chapter would cause undue and unnecessary hardship on the applicant. The applicant does not have enough space on the property to construct an adequate driveway for the intended use.

- E. The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan text.**

The requested variance would be consistent with the spirit and purpose of this chapter and the Stonecrest Comprehensive Plan. By requesting the variance applicant is seeking an alternative method of developing the subject property while trying to minimize any negative effect for the surrounding area.



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RECOMMENDED CONDITIONS

Based on the findings and conclusions, it appears the applicant meets all the criteria for approval. Therefore, staff recommends *approval of V-19-005* and be subject to the following conditions:

1. Encroachment into the 75' no impervious buffer shall be limited to 7,062 square feet and 50' undisturbed buffer shall be limited to 11,273 square feet.
2. Shall provide a planting mitigation plan to Stonecrest City Staff to review.
3. Obtain all required permits from the City of Stonecrest Community Development Department.