



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

VARIANCE CASE SUMMARY

May 12, 2026

CASE NUMBER: #BOA 26-01

VARIANCE REQUEST: UDO Sec. 201-1.6.B.2. (Accessory Use and Structure Setback Requirements) to reduce the minimum required setback from the adjacent rear and side lot lines for two (2) accessory structures and Sec. 201-1.5.B.7. (Building Setback Encroachments) to reduce the minimum required setback from the rear lot line for a deck.

LOCATION: 1086 Masters Ln, Snellville, Georgia

TAX PARCEL: R5100 081

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

DEVELOPMENT/PROJECT: Roofed Accessory Structure (Storage Building), Above-Ground Swimming Pool w/ Deck Surround

PROPERTY OWNER: Jesus Polidura
Snellville, Georgia 30078

APPLICANT/CONTACT: Jesus Polidura
Snellville, Georgia 30078

RECOMMENDATION: Approval With Condition



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VARIANCE CASE ANALYSIS

May 12, 2026

TO: Snellville Board of Appeals

REGULAR MEETING DATE: May 12, 2026

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 26-01

REQUEST:

The Department of Planning and Development has received a variance application from property owner Jesus Polidura requesting variance from the Snellville Unified Development Ordinance (“UDO”) Sec. 201-1.6.B.2. (Accessory Use and Structure Setback Requirements) and 201-1.5.B.7 (Building Setback Encroachments) to reduce the minimum required setback from the adjacent rear lot line and rear deck’s setback for three (3) structures.

VARIANCE ANALYSIS:

The subject property is a 0.32± acre lot in the Lakes of Summit Subdivision, located off of Masters Lane and developed in 1997 for a single-family residence containing a 2,526 sq. ft. two-story home which the Polidura’s purchased in July 2006 as their primary residence.

The applicant is asking for variance from the minimum required setback requirement for three (3) structures erected without an approved building permit and which are nonconforming to the minimum required setbacks for accessory structures according to their sizes. “Structure 1” is a 140

sq. ft. storage building constructed in 2020-21 that is setback 4-feet from the rear lot line and 3.9-feet from the side lot line, the required minimum setback for this would be 10-feet. "Structure 2" is a 24-foot diameter round above-ground swimming pool erected in 2024-25 that is setback 5-feet from the rear lot line and 13-feet from the side lot line, the required minimum setback for this would be 15-feet. "Structure 3" is an uncovered pool surround deck 13.5-feet from the rear lot line, the rear building setback for this structure would be 40-feet with an encroachment of up to 4-feet allowed for the side(interior) lot line and up to 8-feet for the rear lot line.

All structures reside in the rear yard of the property partially obscured from the road via a 6-foot tall wooden privacy fence ("Structure 1" can be seen from the street).

Compared to adjacent lots, the Polidura property has a much shallower rear yard. Using GIS the length of their property from the back of the house to the rear lot line ranges from approximately 36 to 46-feet. By comparison the adjacent properties have rear yard lengths of 50 to 62-feet and 44.5 to 85-feet.

Abutting the Polidura property are the Cooper Springs Townhomes and largely undeveloped lot that sits outside of the City Limits resulting in minimal impact to lots closest to the nonconforming structures.

Included in the application submittal is a letter of support from adjacent neighbor Mark Henry.

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 configuration of our property presents a unique physical hardship. Because our lot is located within a cul-de-sac and the property lines run diagonally, our yard area is significantly reduced and irregularly shaped. This atypical lot layout limits the amount of usable space available for any meaningful or safe outdoor use. Unlike standard rectangular lots, the diagonal property line severely restricts functionality of the yard and contributes to the lack of reasonable outdoor space accessible to our family.*

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 hardship arises from the unusual configuration of our lot which makes it challenging to plan usable yard space in an effective way. Additionally, the intent to more actively use our private back yard space is also due to increased safety concerns with active*

trespassing that takes place on our side and front yard since the development of the Cooper Springs subdivision. The literal interpretation of the provisions of the UDO would either require removal or relocation of the existing structures, which would diminish the only outdoor area of the property where the family feels safe. This would effectively deprive us of reasonable use and enjoyment of our property, given the ongoing safety issues associated with other areas of our lot.

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

Applicant Response: *The structures were built in good faith in our private yard without the intent to bypass zoning regulations. In retrospect, we regret not having researched more carefully the city's regulation requirements before deciding to move forward with construction. The 4. hardship arises from the unusual configuration of our property lot which limits the usable outdoor area and increased safety concerns with using other areas of our lot due to trespassing that takes place in other areas of our property.*

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: *Approval of the variance will not create a special privilege, as similar accessory structures, decks, and above ground pools are permitted and exist in neighboring homes in our district. No neighboring residences are directly impacted, and the variance requests will not alter neighborhood character or property values.*

STAFF RECOMMENDATION:

The Department of Planning and Development recommends: **APPROVAL** of the following variances from the UDO:

- Sec. 201-1.6.B.2. (Accessory Use and Structure Setback Requirements) to reduce the minimum 10-foot setback to 4-feet from the rear lot line and 3.9-feet from the side lot line for a 140 sq. ft. storage building (“Structure 1”).
- Sec. 201-1.6.B.3. (Accessory Use and Structure Setback Requirements) to reduce the minimum 15-foot setback to 5-feet from the rear lot line and 13 feet from the side lot for an above-ground swimming pool (“Structure 2”).
- Sec. 201-1.5.B.7. (Building Setback Encroachments) to allow encroachment into the 40-foot rear building setback of 18.5-feet (13.5-feet from the rear lot line) for an uncovered pool surround deck (“Structure 3”).

and subject to the following recommended **Condition:**

1. Within 60-days of variance approval, Property Owner shall obtain Building Permit(s) for “Structure 1”, “Structure 2” and “Structure 3”, and obtain a Certificate of Completion for each structure upon passage of a final building inspection by the Building Official.