

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2008-005
REQUESTS: RELIEF FROM LANDSCAPE MAINTENANCE REQUIREMENTS.
APPLICABLE SECTION: SECTION 1705.4.3.
LOCATION: 960 PEACHTREE INDUSTRIAL BOULEVARD
DISTRICT/LAND LOT: 7-237-098
ZONING: O-I (OFFICE-INSTITUTIONAL)
DEVELOPMENT: EXISTING 4,600 SQUARE FOOT DOCTOR'S OFFICE

OWNER / APPLICANT: JOHN AND NINA SHIH
960 PEACHTREE INDUSTRIAL BLVD
SUWANEE, GA

CONTACT: JOHN SHIH PHONE: 770-831-8191

RECOMMENDATION: DENIAL

ANALYSIS:

The applicant seeks a variance from Section 1705.4.3 of the City of Suwanee Zoning Ordinance to allow for the removal of 10 trees required to be maintained by the city's Buffer, Landscape and Tree Protection regulations. The approximately 0.73 acre site contains a 4,600 square foot doctor's office and 3,100 square foot drapery shop. The subject property is located near the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road with access along on both roads. The site was originally developed in 1999 with one existing 3,100 square foot building located along Eva Kennedy Road and the 4,600 square foot doctor's office.

In 1999, the applicant was required to provide 12.6 tree density units in order to meet tree density, landscape strip and parking lot requirements. The applicant designated approximately 0.02 acres along Peachtree Industrial Boulevard and 0.01 acres along Eva Kennedy Road as Tree Save Area. The tree save area along Peachtree Industrial Boulevard and Eva Kennedy Road contained 11 trees and 7 trees respectively. Section 1705.4.3 of the Landscape Ordinance titled "Continuing Maintenance" states, "The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by the Article."

As required by the city's regulations and shown on the landscape plan approved in 1999, 11 pine trees were designated as tree save along Peachtree Industrial Boulevard. The tree save areas provided 4.9 tree density units towards the required 12.6 tree density units. The applicant now wishes to remove the pine trees in the Tree Save Area along Peachtree Industrial Boulevard. The applicant contends that the trees pose a danger to vehicles due to their proximity to the parking lot. Also, the applicant states that the trees are visually unappealing and make the site look unprofessional, as well as reduce visibility from Peachtree Industrial Boulevard.

The applicant also wishes to remove 3 Leyland Cypress located in the northwest end of the property, near the entrance off of Peachtree Industrial Boulevard. The applicant states that they planted the trees in addition to the required landscape plan and now they are getting overgrown, reducing visibility. However, the Leyland Cypress trees are located on the adjacent office building site, not the subject property.

The subject property is located near the intersection of Peachtree Industrial Boulevard and Eva Kennedy Road and is surrounded by a mixture of office, commercial, and residential uses and zoning districts. To the north of the subject property, across Peachtree Industrial Boulevard, is a commercial site currently under construction with a retail center (zoned C-2 and C-2A). To the east of the subject property along Peachtree Industrial Boulevard are several commercial uses including an insurance company, hair salon, and a day care. To the west of the subject property is the highly commercialized intersection of Peachtree Industrial Boulevard and Moore Road / Eva Kennedy Road. To the south of the subject property, across Eva Kennedy Road, is Brushy Creek subdivision (zoned TRD).

The City's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The Zoning Ordinance also states that variances may be granted when relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

The continuing maintenance provision of the landscape ordinance is necessary for successful implementation of the Buffer, Landscape and Tree Protection Ordinance. If sites are not required to maintain preserved and required tree plantings, then landowners would be able to simply preserve and plant additional trees required in order to obtain a Certificate of Occupancy and then remove the trees when they become too expensive to maintain, reduce visibility, or are otherwise perceived to be a liability. Allowing the applicant to remove preserved trees would undermine the intent of the Zoning Ordinance.

Also, the preserved trees were used as part of the Site Density Calculation and resulted in a reduction in the number of replacement trees required for development of the site. Currently, the preserved trees have a value of 8.6 tree density units. On a parcel that is less than one acre, this is a substantial reduction in tree density. Additionally, the subject tree preservation area was used to fulfill the 10 foot landscape strip requirements for the site.

In conclusion, the subject property does not appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. There are no site constraints that would inhibit implementation of the regulations. The applicant chose to preserve existing trees on site during development. Removal of the entire tree save area would significantly reduce the tree density for the small site. Approving a variance to allow for the removal of the preserved trees could serve to undermine the purposes and intent of the Zoning Ordinance. Therefore, staff recommends **DENIAL** of V-2008-005.

V-2008-005

The Planning Department recommends denial of the request. Should the Board choose to approve the request, the following language and conditions should be considered:

Approval of a variance to allow for the removal of trees preserved in order to fulfill requirements of the ordinance subject to the following conditions:

1. 4 - 3" caliper overstory trees will be planted in the 10' front landscape strip as required by the Buffer, Landscape, and Tree Protection Ordinance.
2. A minimum of 4.9 tree density units shall be planted on the subject property. The size, location and species of trees shall be subject to the approval of the Planning Division.
3. Removal and installation of said trees shall be coordinated with the Inspections Division and the Planning Division.
4. Tree removal shall be limited to the tree save area along Peachtree Industrial Boulevard as indicated on the approved landscape plan for the site.
5. Tree replacement shall be executed within 12 months of the removal of the trees.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

A. Will approval of the variance unreasonably increase the congestion in public streets?

Approval of this variance would not increase the congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of this variance would not increase the danger of fire or endanger public safety.

C. Will approval unreasonably diminish or impair established property values within the surrounding area?

Approval of the variance would not unreasonably diminish or impair property values within the surrounding area.

D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?

Approval of this request could undermine the intent of the zoning ordinance with respect to ongoing maintenance for preserved trees. Many commercial tenants, developers, property owners, etc. express concern about visibility due to landscaping requirements. If the request is granted then that would make it difficult to deny requests for the same relief on other sites.

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

APPLICANT INFORMATION

Name: John and Nina Shih
Address: 960 Peachtree Ind. Blvd.
City: Suwanee, GA. 30024
State: GA
Phone: 770-831-8191
E-mail address: Jy Shih@aol.net

OWNER INFORMATION

Name John and Nina Shih
Address 960 Peachtree Ind. Blvd.
City: Suwanee, GA. 30024
State GA.
Phone: 770 831-8191

CONTACT PERSON: John Y. Shih

PHONE: 770-831-8191

ADDRESS OF PROPERTY 960 Peachtree Ind. Blvd.

LAND DISTRICT 7 LAND LOT 837 PARCEL _____ LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Suwanee Family Physicians

ZONING O+T

VARIANCE REQUESTED To remove 10 pine trees and replace with crepe myrtle trees on landscape strip.

NEED FOR VARIANCE Pose a danger to patients' / customers / staff vehicles and body. due to proximity to parking lots +
Also, visually unappealing when compared to new growth and development on Peachtree Industrial Blvd.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.**

SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE:

*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

We respectfully request this landscape plan and replacement of 13 trees in our parking lot.

Tree Save Area:

We request removal of 10 pine trees in landscape strip to be replaced with 4-3" caliper trees as defined in section 1703.2.1 zoning ordinance.

These pine trees are too close to our customers' and staff's cars. They are overgrown and make our property look unprofessional. They reduce our office's visibility especially when compared to other new developments on Peachtree Industrial Boulevard.

Parking Lot adjacent to lot 7238 005.

We also request removal of 3 Leland Cypress trees to the right of our parking lot. We planted these trees, but did not need to as they were not on our tree protection plan. They also are getting overgrown for the area, reduce visibility, and were planted too close to our building.

TREE PROTECTION & REPLACEMENT PLAN
 FOR
REPLACEMENT PLAN



DATE	NOVEMBER 3, 1999
SCALE	1" = 20'
PROJECT	REPLACEMENT PLAN
CLIENT	UNIVERSITY MICROFILMS
PROJECT NO.	121-99-001
DATE	NOVEMBER 3, 1999
SCALE	1" = 20'
PROJECT	REPLACEMENT PLAN
CLIENT	UNIVERSITY MICROFILMS
PROJECT NO.	121-99-001

TREE DENSITY CALCULATIONS:
 SITE IS 0.73 ACRES - 0.1 ACRE OF 25' BUFFER = 0.63 ACRE.
 0.63 ACRE x 20 UNITS PER ACRE = 12.6 REQUIRED UNITS.

EXISTING TREES OUTSIDE OF BUFFER TO REMAIN:

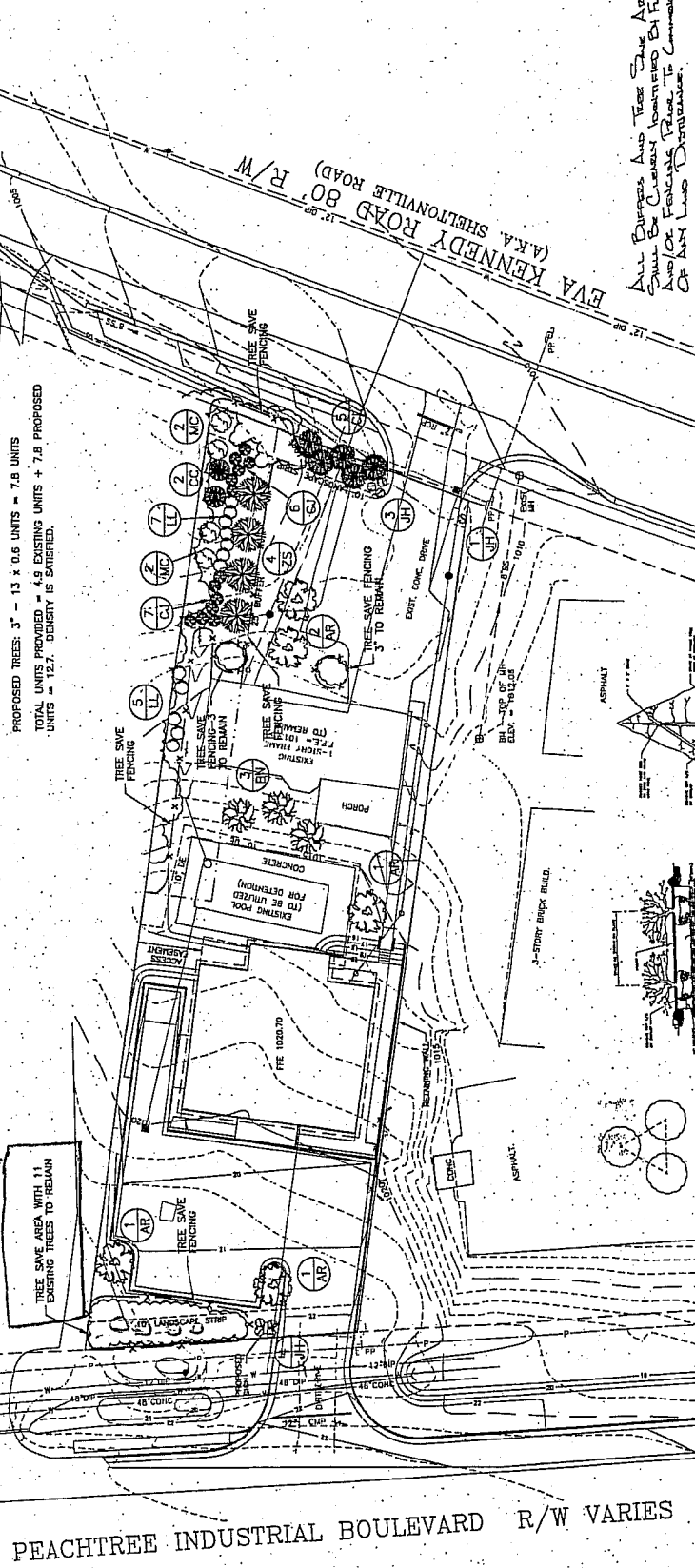
1"	4 x 0.1 = 0.4 UNITS
2"	3 x 0.1 = 0.3 UNITS
3"	1 x 0.3 = 0.3 UNITS
4"	1 x 0.3 = 0.3 UNITS
5"	2 x 0.3 = 0.6 UNITS
6"	1 x 0.6 = 0.6 UNITS
7"	1 x 0.6 = 0.6 UNITS
8"	1 x 0.6 = 0.6 UNITS
9"	1 x 0.6 = 0.6 UNITS
10"	1 x 0.6 = 0.6 UNITS
11"	1 x 1.2 = 1.2 UNITS
12"	1 x 1.2 = 1.2 UNITS
13"	1 x 1.2 = 1.2 UNITS
TOTAL	4.9 UNITS

PROPOSED TREES: 3" - 13 x 0.6 UNITS = 7.8 UNITS
TOTAL UNITS PROVIDED: 4.9 EXISTING UNITS + 7.8 PROPOSED UNITS = 12.7. DENSITY IS SAISFIED.

10' LANDSCAPE STRIP ALONG PEACHTREE INDUSTRIAL BOULEVARD:
 100 LF / 25' = 4 TREES AND 4 SHRUBS REQUIRED. A MINIMUM OF 4 EXISTING TREES ARE PROVIDED, AND 4 SHRUBS ARE PROPOSED.

10' LANDSCAPE STRIP ALONG EVA KENNEDY ROAD:
 TREES ARE PROVIDED, AND 5 TREES PROPOSED.

PARKING LOT TREES:
 5 TREES. TOTAL TREES REQUIRED AND PROVIDED = 5.



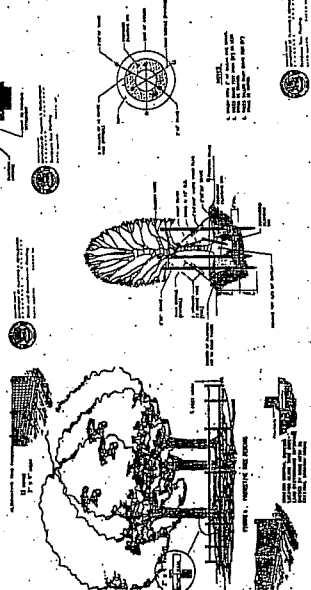
Remove And Tree Save Areas And Do Carefully Inspected At Final And Check For Each Plant To Be Installed Of All Land Disturbance.

ALL TREE PROTECTION DEVICES MUST BE INSTALLED AND INSPECTED PRIOR TO ANY CLEARING, GRUBBING OR GRADING. CALL THE CITY INSPECTOR FOR AN INSPECTION.
 THE DENSITY REQUIREMENTS SHOWN ON THE TREE PROTECTION/REPLACEMENT PLAN MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY OR ACCEPTANCE OF THE PROJECT.
 A MAINTENANCE INSPECTION OF TREES WILL BE PERFORMED AFTER ONE FULL GROWING SEASON FROM THE DATE OF THE FINAL CONSTRUCTION INSPECTION. PROJECT OWNERS AT THE TIME OF THE MAINTENANCE INSPECTION ARE RESPONSIBLE FOR ORDNANCE COMPLIANCE.

PLANT LIST

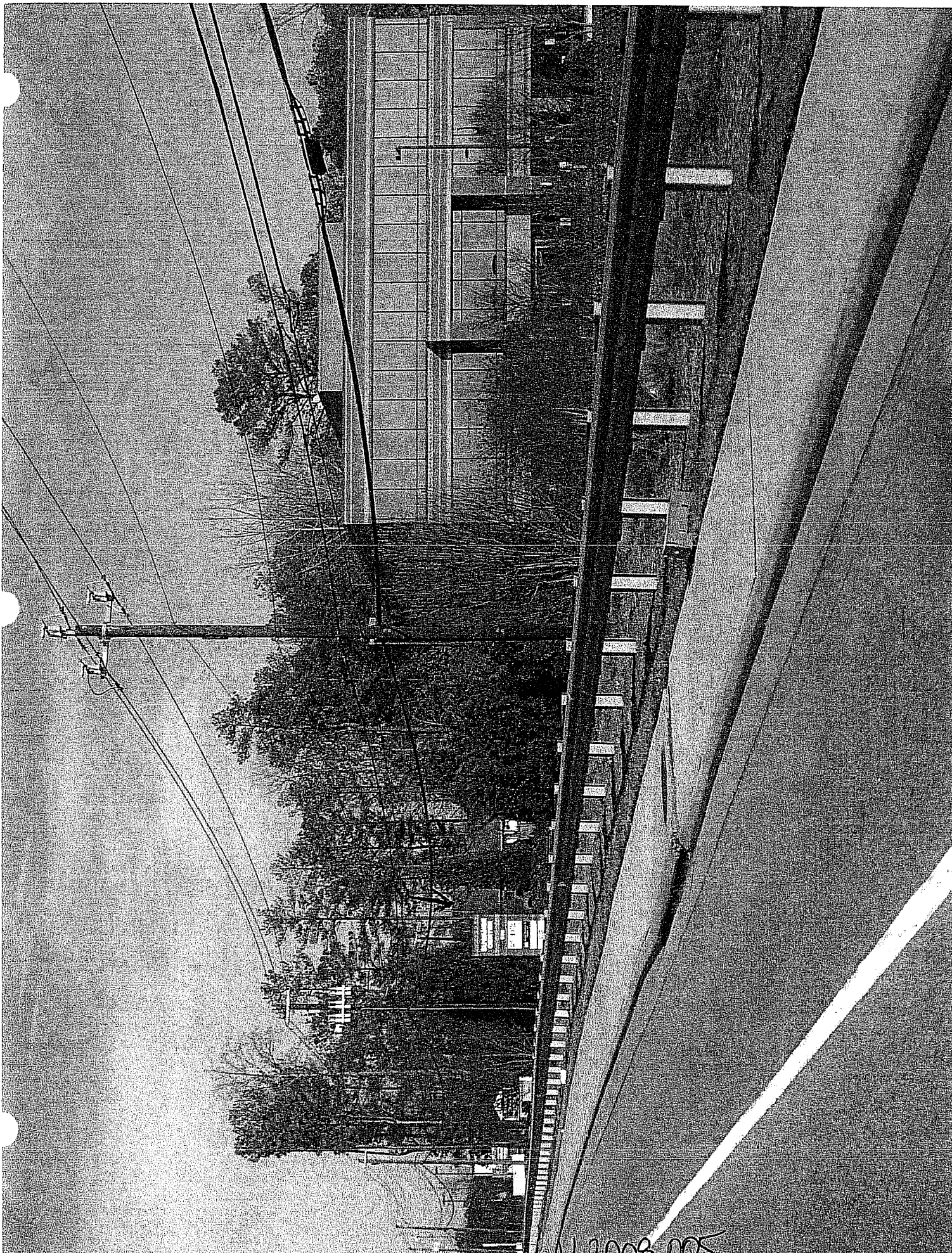
KEY	NO.	BOTANICAL NAME	COMMON NAME	MINIMUM SIZE	SPACING
AS	1	ACER	RED BIRCH	3" CALIPER	AS SHOWN
BN	2	BETULA NIGRA	SWAMP WHITE BIRCH	3" CALIPER	AS SHOWN
CC	3	CERCIS CANADENSIS	RED BUD	2" CALIPER	10' O.C.
CJ	13	TERNOSTROPHIA JAPONICA	JAPANESE CLEMATIS	3" HEIGHT	4' O.C.
CL	5	CUPRESSOCYPRUS LEITLANDI	LEITLAND CYPRESS	3" CALIPER	8' O.C.
JH	8	JUNIPERUS HORIZONTALIS	COMPACT ANDOORA	3" CALIPER	3' O.C.
LA	11	LAGYRIUM LACINIAE	LAUREL	3" CALIPER	4' O.C.
LL	12	LIGUSTRUM LUCIDUM	GLOSSY LIGUSTRUM	3" HEIGHT	4' O.C.
MC	4	MIRICA CERIFERA	WAMWARTLE	2" CALIPER	10' O.C.
ZS	4	ZELKOVA SERATA	JAPANESE ZELKOVA	2" CALIPER	10' O.C.

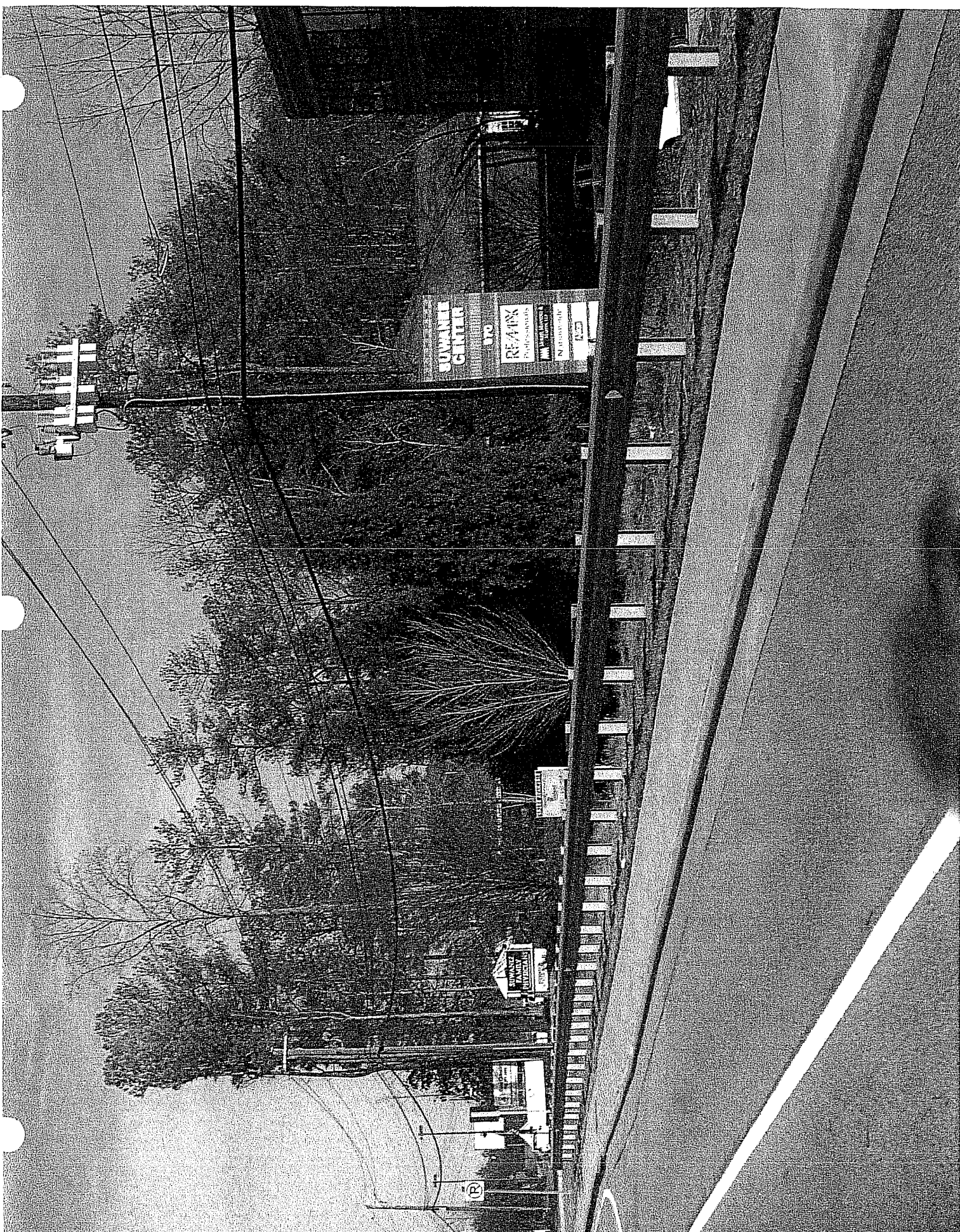
ALL TREES TO BE A MINIMUM OF 6" HIGH AT TIME OF PLANTING



PEACHTREE INDUSTRIAL BOULEVARD R/W VARIES

V. 2008.005





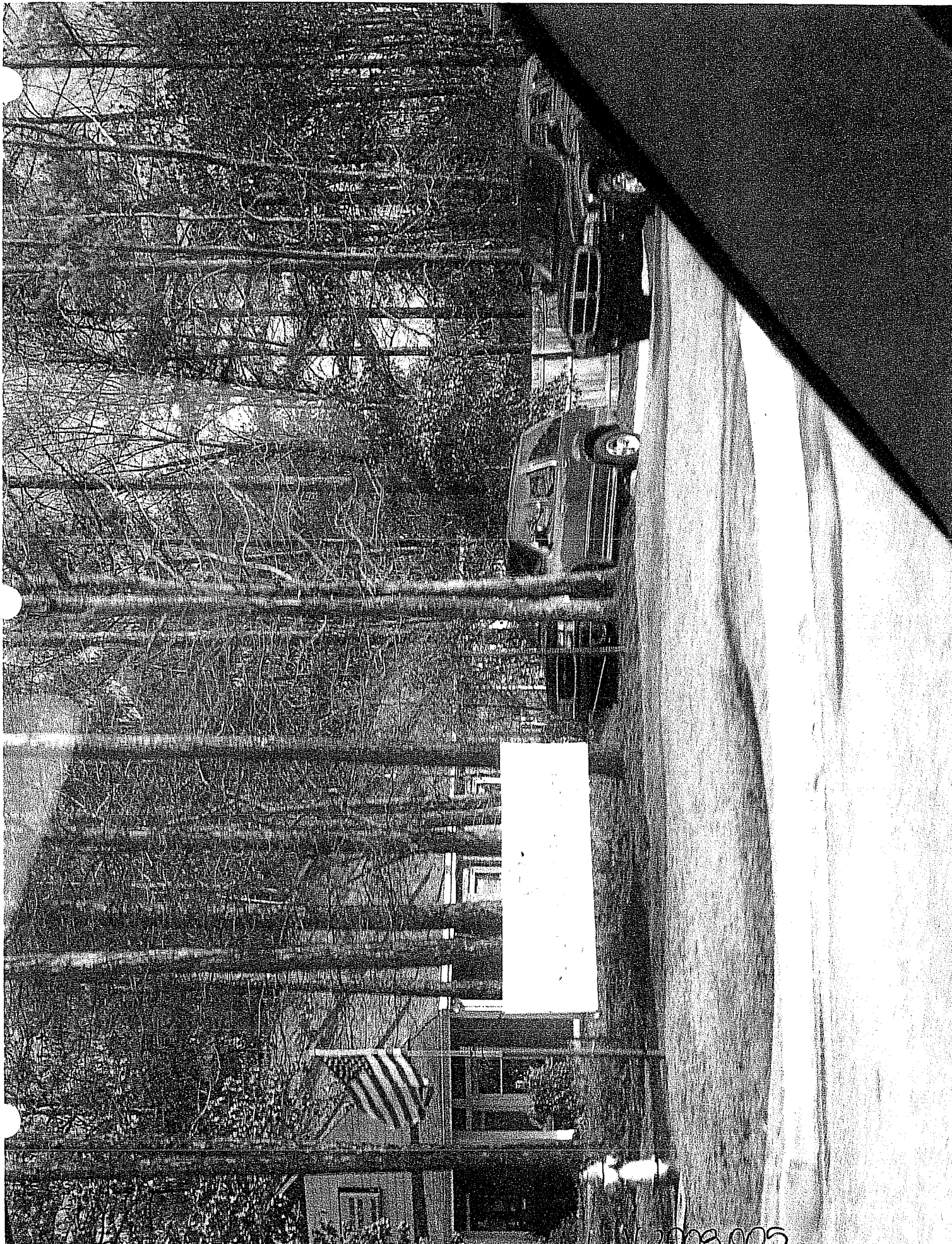
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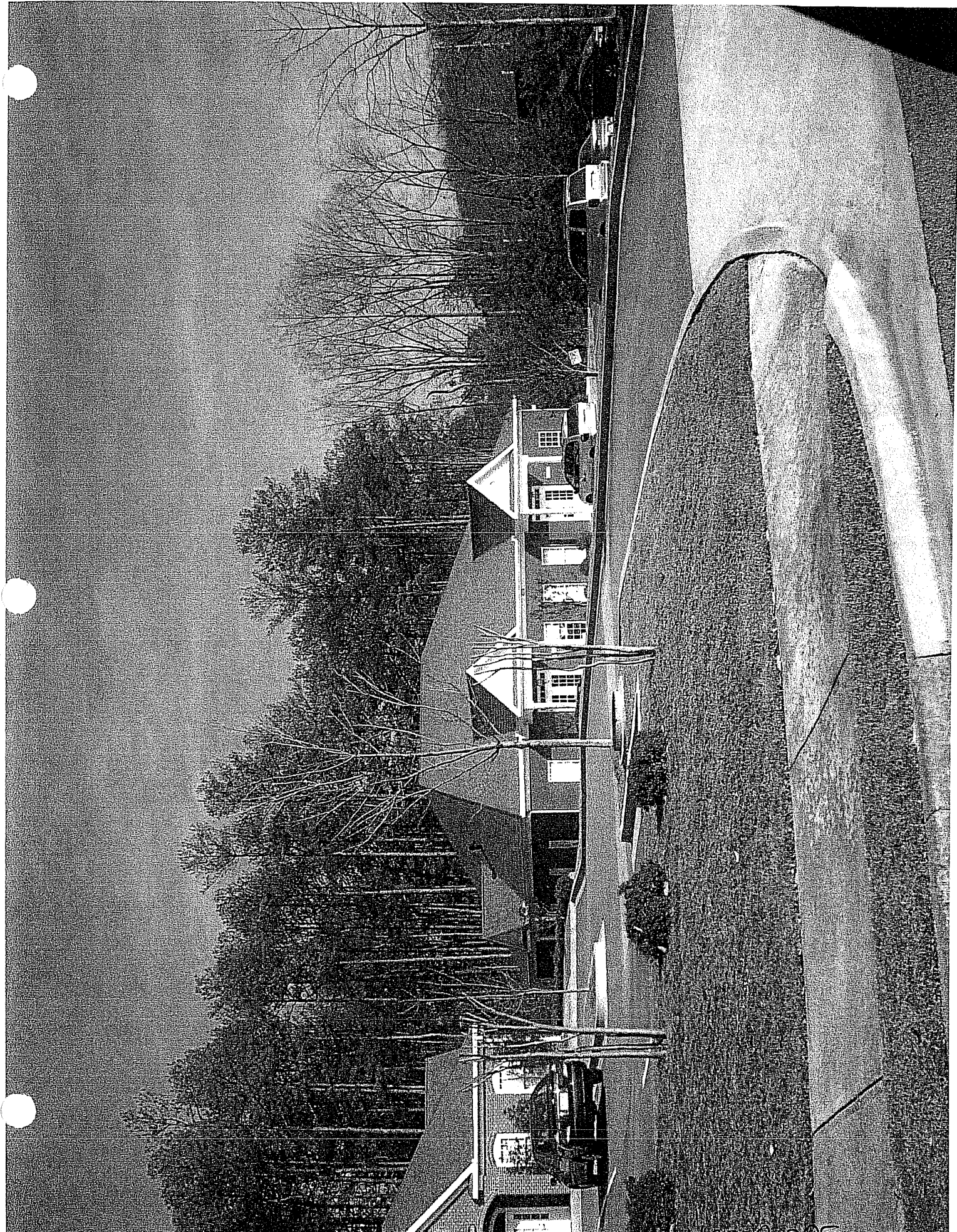
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V.1008.005





11/20/09 005





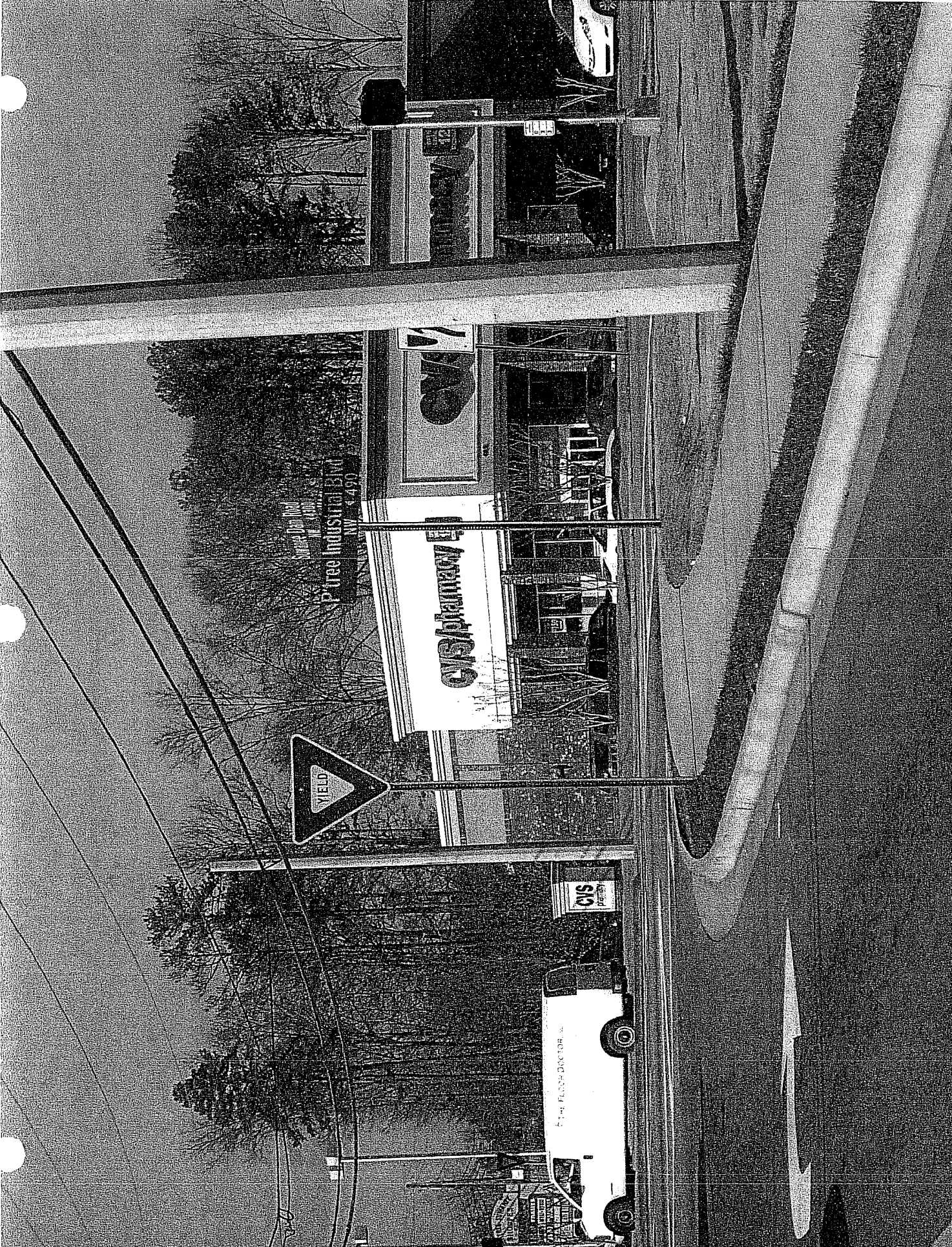
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PERKINS & WATSON

MAYNARD CREEK
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V 2008 005



Pine Industrial Blvd
W 490

CIS Pharmacy

YIELD

FISH & DOCTOR

CIS

008005

City of Suwanee

CROSSROADS of PAST and FUTURE



V-2008-005

Location Map

Legend

- Streets
- V-2008-005

