

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2008-014
REQUESTS: TEMPORARY BUILDING
APPLICABLE SECTION: SECTION 612
LOCATION: 3671 SMITHTOWN ROAD
DISTRICT/LAND LOT: 7-213-001
ZONING: R-140 (RESIDENTIAL SINGLE FAMILY DISTRICT)

APPLICANT/OWNER: KOREAN FIRST PRESBYTERIAN CHURCH
3671 SMITHTOWN ROAD
SUWANEE, GA 30024

CONTACT: STEPHEN LEE PHONE: 678-656-6285

RECOMMENDATION: APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant seeks a variance from Section 612 of the City of Suwanee Zoning Ordinance to allow for the use of a temporary building on a tract without a building or land disturbance permit. The site is located at 3671 Smithtown Road. The applicant proposes to place a 16' x 40' (640 SF) temporary building on the site to be used as a modular classroom for youth Sunday school. Access to the site is currently provided via two existing drives off of Smithtown Road. The proposed temporary facility will be approximately 200 feet from the Smithtown Road right-of-way and will be placed between the existing sanctuary and accessory building. According to the site plan, the existing accessory building includes a gymnasium, storage, restrooms, kitchen facility and meeting room.

The City's Zoning Ordinance permits temporary buildings associated with a construction project or land subdivision development. According to Section 612 of the City of Suwanee Zoning Ordinance, "A temporary building or buildings for use in connection with a construction project or land subdivision development shall be permitted on the land of the project during the construction period, not to exceed two years, upon granting of a Building, Development or Grading Permit by the City." The church is seeking to place a temporary building on the site without the issuance or immediate plans to seek a building, development or grading permit. The church intends to use the structure as a temporary classroom until a permanent classroom is built. The applicant's letter of intent does not specify an anticipated date of construction or completion for the permanent classroom.

The subject property is surrounded by a mixture of uses within single-family residential zoning districts. To the north and west of the subject property is the Suwanee Creek Acres subdivision (R-140) and a single family residential parcel (R-140). To the south of the subject property, across Smithtown Road, is the Suwanee Tree Farm (GCA) and Avonlea subdivision (GCA). To

the east of the subject property is a parcel that was annexed into the City and rezoned in 2007 to allow for the future construction of a church. Currently, the property is being used as single family residential (R-100).

The subject property is a 3.98 acre site located at 3671 Smithtown Road containing two existing structures. These structures include an approximately 5,200 square foot sanctuary and an approximately 11,000 square foot accessory building with multiple uses. According to the applicant's letter of intent, the proposed temporary structure will be setback at least 75 feet from the nearest residential parcel. The temporary structure will be placed adjacent to a paved sidewalk. The structure will have to meet specific requirements for permitting. These requirements will be handled during the permitting process including, but not limited to, ensuring that the structure is ADA accessible. Due to the placement of the temporary structure, behind the existing sanctuary, it is unlikely that it will be visible from Smithtown Road. Generally, temporary structures associated with an active construction project or land subdivision development are limited to a maximum of two years. The applicant has not indicated a time limit for the temporary classroom structure. In 2005, the Zoning Board of Appeals approved the placement of a similar structure at 4844 Suwanee Dam Road for Level Creek United Methodist Church. The temporary building was allowed for a period not to exceed 24 months from the time of variance approval.

The City of Suwanee'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, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance."

Recommendation

In conclusion, the need for the temporary building is not necessarily a result of a hardship. However, it should be noted that in other instances with local schools and churches, similar facilities have been used to alleviate overcrowding on a temporary basis. Additionally, the applicant is proposing to set the building back over 200' from the nearest right-of-way and locate it behind an existing building. These measures should shield the building from public view. Given these factors, the use of a temporary structure, with the addition of a maximum time limitation, at this location is not likely to cause substantial detriment to the public good. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2008-014.

Planning Department
Recommended Conditions
V-2008-014

Approval of a variance to allow a temporary building subject to the following conditions:

1. The temporary building shall be allowed for a period not to exceed 24 months from the time of variance approval.
2. The temporary building shall have decorative underpinning.
3. The temporary building shall be situated approximately as shown on the submitted exhibit. The temporary structure shall not be located within 75 feet of any other residentially zoned parcels.
4. Only one temporary building shall be allowed.
5. The temporary building shall meet or exceed all permitting requirements.
6. The size of the temporary building shall not exceed 640 square feet.

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 variance should not impair the public health, safety, comfort, morals, or welfare of the inhabitants.

**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: KOREAN FIRST PRESBYTERIAN CHURCH
Address: 3671 SMITHTOWN RD.
City: SUWANEE
State: GA 30024
Phone: 770-614-1911

OWNER INFORMATION

Name: KOREAN FIRST PRESBYTERIAN CHURCH
Address: 6175 HIGHWAY 29, N.W.
City: TUCKER
State: GA 30084
Phone: 770-934-8282

CONTACT PERSON: STEPHEN LEE

PHONE: 678-656-6285

ADDRESS OF PROPERTY 3671 SMITHTOWN RD., SUWANEE, GA 30024

LAND DISTRICT 7th LAND LOT 213 PARCEL 001 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R140

VARIANCE REQUESTED _____

SECTION 6-12 TEMPORARY BUILDING

NEED FOR VARIANCE _____

THE DEMAND FOR MORE SPACE FOR YOUTHS
DUE TO THE INCREASE OF CHURCH MEMBERS.

***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.**

To the respectful members of the City of Suwanee Zoning Board of Appeals

The applicant is proposing to set up a unit of modular classroom in the property zoned R 140 on 3.98 acres site located on the north side of Smithtown Road, Suwanee, GA 30024.

The modular unit is 16' X 40' per new GA code manufactured by Ace Modular Structure (4496 Ridgegate Dr., Duluth, Ga 30097) model number 1640c classroom (see attached quote and floor plan from Ace Modular Structures) We are proposing to set this modular classroom on the grass between two current buildings.

There is an out-of-square-quadrilateral space on the grass with a width of at least 65ft from north to south between two current buildings, which gives enough room for the unit to sit more than 10 ft away from the edge of each of the current buildings. There will be at least 75 ft clearance between the proposed modular classroom and the boundary of the neighboring residents including the undisturbed buffer of forest on the east.

There is a paved sidewalk between two current buildings from north to south and also along the north building from east to west. The unit will be set up adjacent to these paved sidewalks, which will make the handicap access to the entrance of the unit possible from the pavement right away with no extra work.

The color of proposed modular unit is beige which matches the current adjacent building. Footing and anchoring of the unit is illustrated on the attached drawing.

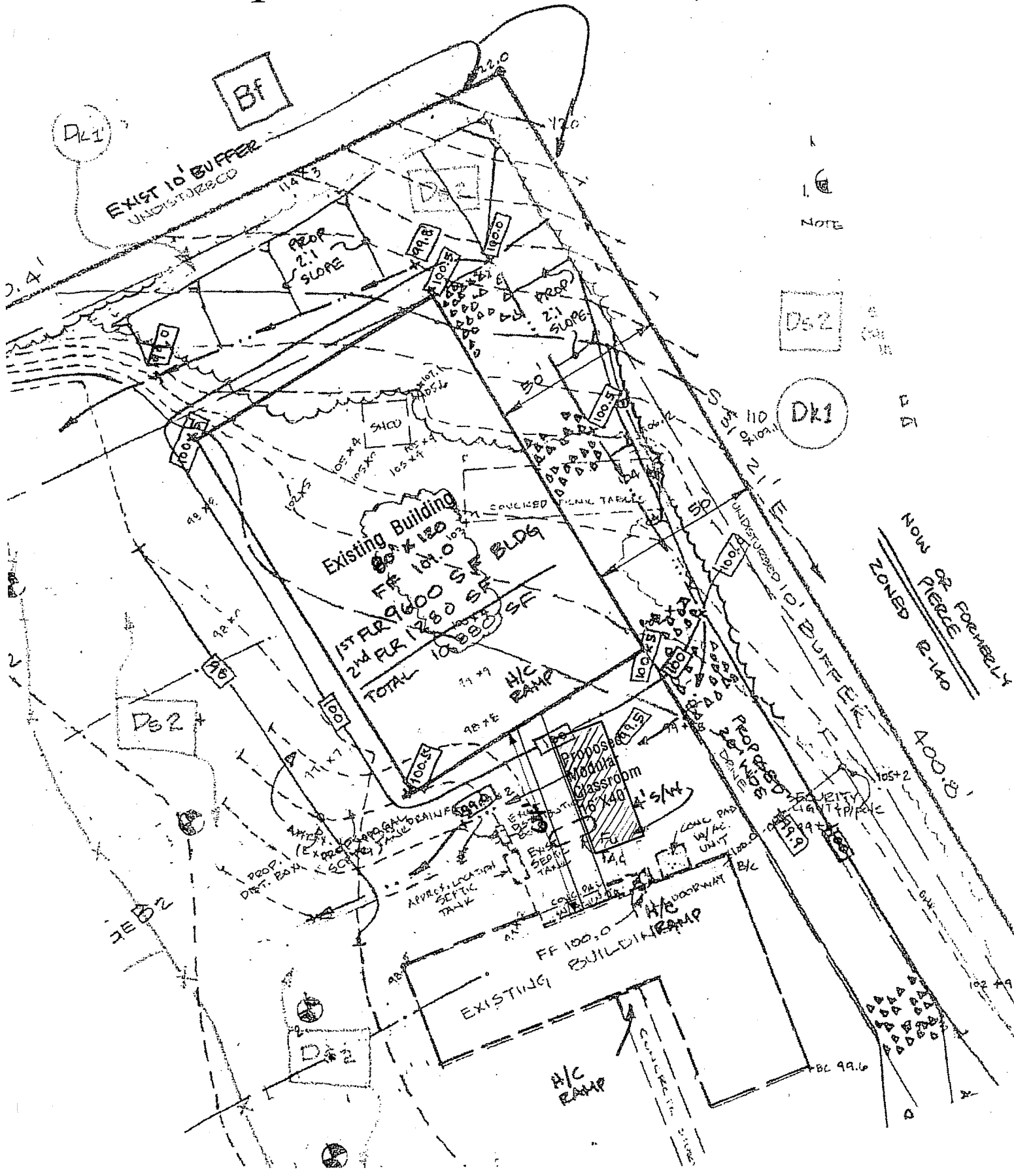
The proposed modular unit is to be used and serve solely as temporary Sunday school classroom for youths from 6 graders to 12 graders. This is due to the increase of the church members recently. This modular unit is to be used temporarily until the applicant finds a permanent classroom by constructing a new building or renting a space in the neighborhood.

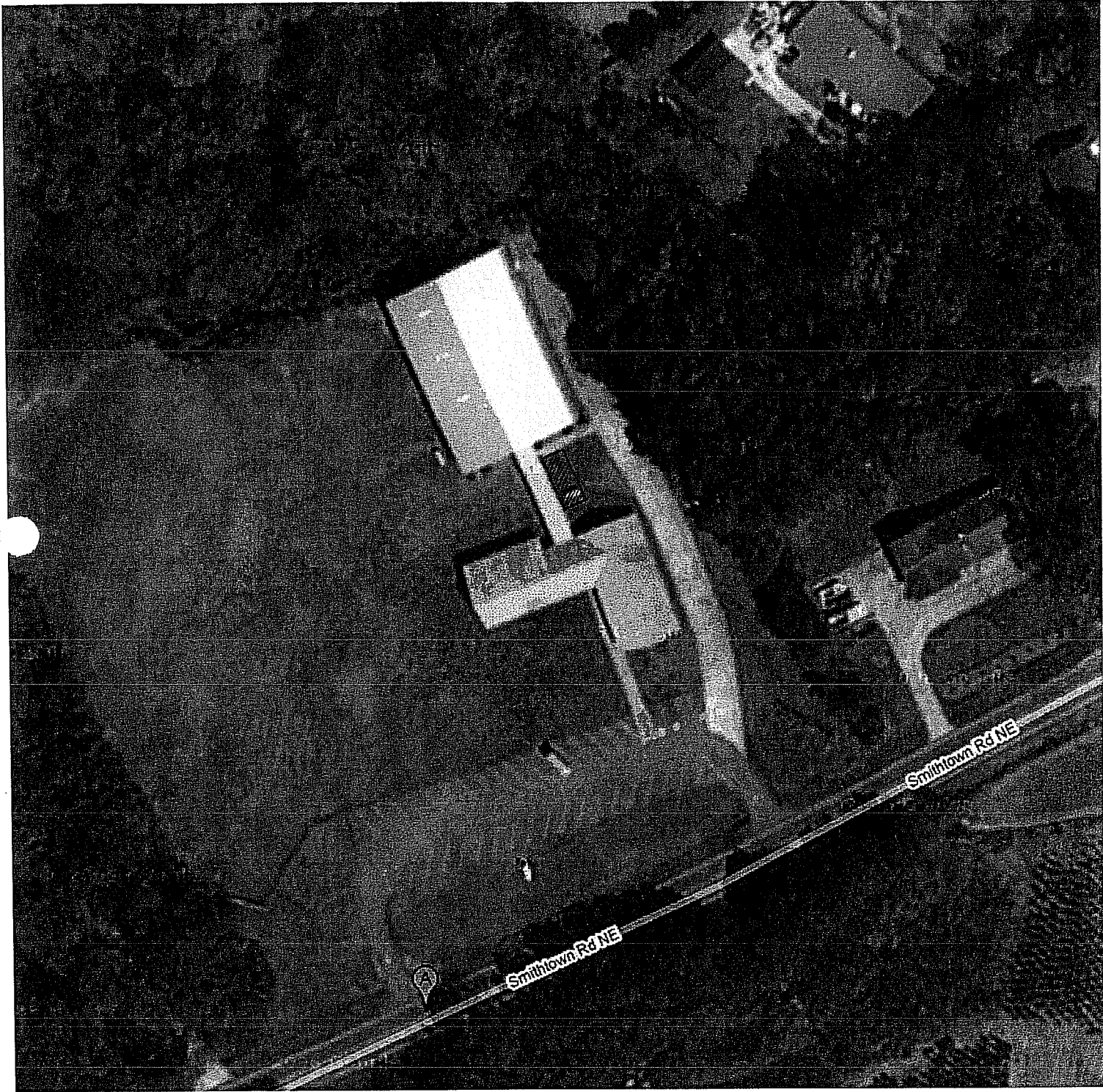
The applicant respectfully request this variance application be approved as the demand for the classroom is compelling.

God bless you.

June 25, 2008

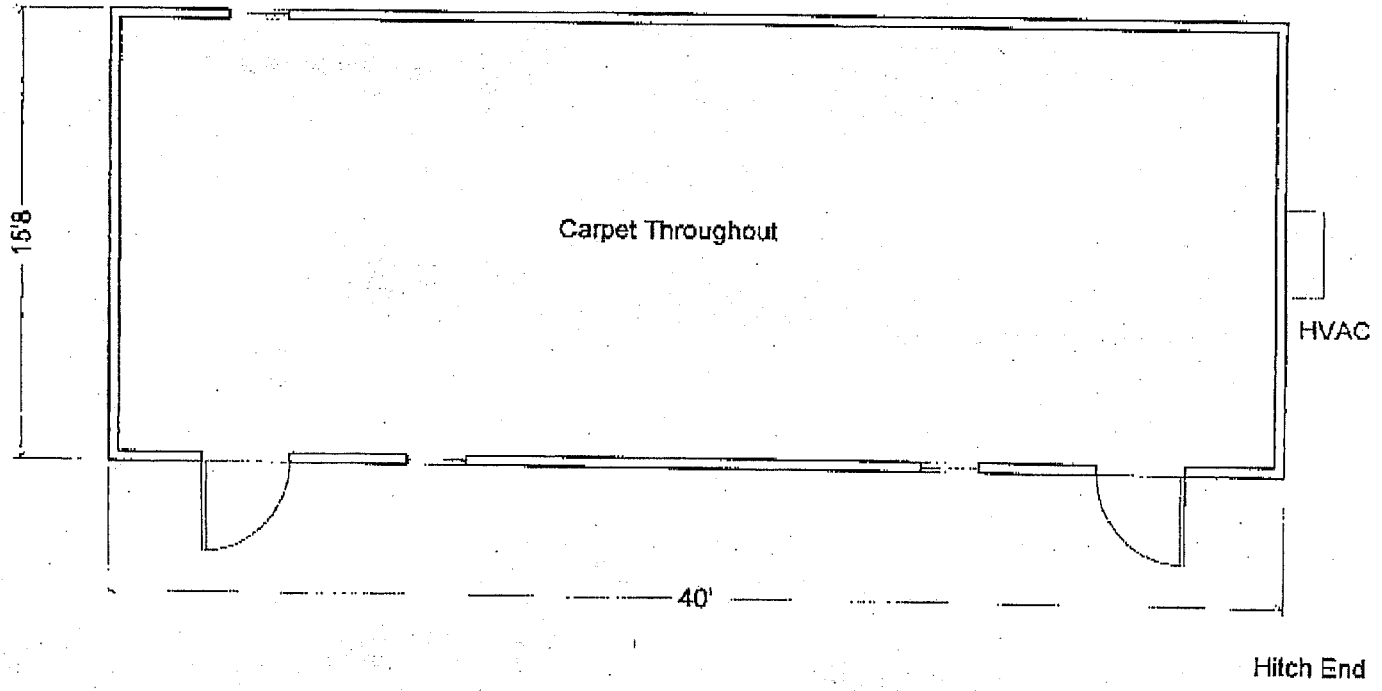
Proposed Classroom (1640c)





GA DCA Modular Classroom

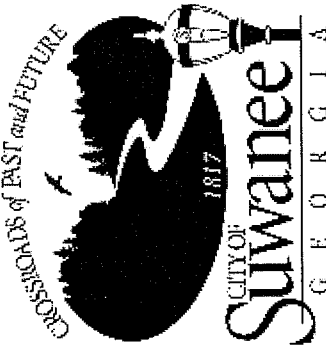
16'X 40' Modular Classroom (1640c)



Ace Modular Structures
(770) 453-9595

Customer Approval _____

City of Suwanee



V-2008-014

Location Map

Legend

- Streets
- City Limits
- SUP-2008-014

