

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2008-017
REQUEST: REDUCED REAR YARD SETBACK
(Approximate 3 to 4 Foot Reduction)
APPLICABLE SECTION: SECTION 513.B
LOCATION: 3322 SMITHTOWN ROAD
DISTRICT/LAND LOT: 7-192-2
ACREAGE: 1.599 ACRES
CURRENT DEVELOPMENT: 192 SF ACCESSORY BUILDING

APPLICANT: CRAIG CHANDLER
85 MORNING GLEN DRIVE
SUWANEE, GA 30024

OWNER: MARGARET HOLDEN
3322 SMITHTOWN ROAD
SUWANEE, GA 30024

CONTACT: CRAIG CHANDLER PHONE: 678-463-0454

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 513.B of the City of Suwanee Zoning Ordinance, to allow for an accessory structure to be located closer than five feet to the rear property line. The site is located at 3322 Smithtown Road at the intersection of Smithtown Road and Morning Glen Drive adjacent to the entrance to Morningside Subdivision. The site is a single family lot with an existing single family residential structure and an existing 192 square foot accessory building. The subject property is a GC-A, Gwinnett County-Annexed, zoned tract.

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, "There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography." This section further states that, "a variance may be approved when relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance."

The subject property is located in a residential area along Smithtown Road. To the east of the subject property, across Smithtown Road are single family residential properties within Leaf Lake Estates Subdivision, zoned R-140. To the south of the subject property are single family residential properties within Morningside Subdivision, zoned GC-A. To the west of the subject

property is the applicant's property which is not a part of the Morningside Subdivision and is zoned GC-A. To the north of the subject property is a single family residence, zoned GC-A.

The subject property is an approximate 1.6 acre single family residential parcel located along Smithtown Road in Morningside Subdivision. The site is fully developed with a single family residential structure, swimming pool and the accessory structure requiring the variance. The applicant lives on an adjoining single family residential lot and is a relative of the property owner. The accessory building is located at the rear of the owner's property and adjacent to the applicant's property, who is the current user of the accessory building.

The subject property is zoned GC-A (Gwinnett County-Annexed). This permits the property to be used as allowed by Gwinnett County zoning districts, specifically in this case, R-75. The City of Suwanee Zoning Ordinance states that "any property zoned Gwinnett County-Annexed, unless otherwise specifically approved by Suwanee, shall be subject to the zoning standards and property-specific conditions of zoning or special use approval, or both, adopted by the Gwinnett County Board of Commissioners...immediately prior to annexation." The GC-A district is intended to ensure that areas within the district are treated in the same manner they were treated in unincorporated Gwinnett County. Gwinnett County requires that accessory structures be located at least 5' from any property line.

This application was made in response to a notice of violation issued by a City of Suwanee Code Enforcement Officer as a result of a citizen complaint. The original complaint was that the accessory structure was not located within the rear yard. Upon inspection the Code Enforcement Officer determined that the accessory structure was located on the adjoining property in the rear yard as allowed by the regulations. However, it was determined that the structure was located too close to the property line and would require a variance to remain as constructed. The need for the variance could be eliminated by relocating the accessory structure at least 5 feet from the property line or to another location on the site. The applicant contends that the steep topography of the site makes moving the accessory structure impractical.

In conclusion, the applicant does not appear to have a hardship due to the size, shape or topography of the property. However, the proposed intrusion into the setback is minimal and the encroachment does not appear to have a negative impact on adjoining properties, as the applicant is the nearest affected property owner. It does not appear that relief would cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS**.

Planning Department
Recommended Conditions
V-2008-017

Approval of a variance for reduced rear yard setback subject to the following condition:

1. The existing accessory structure shall be limited to its current size and location. Future accessory structures shall be located as required by the zoning district, unless authorized by the Zoning Board of Appeals.

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 would not impair the public health, safety, comfort, morals, or welfare.

City of Suwanee



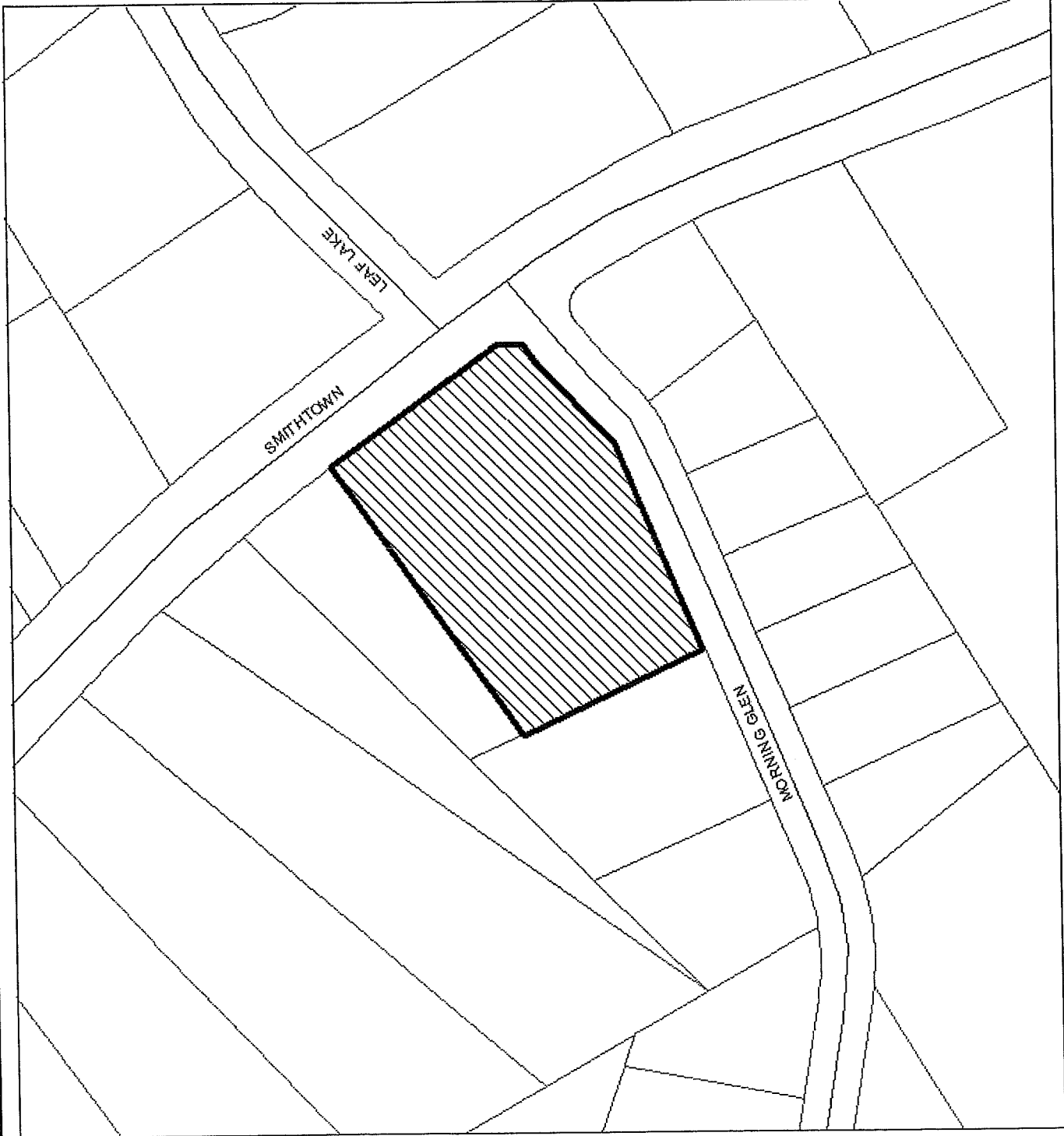
EXHIBIT A V-2008-017

Location Map

Legend

— Streets

 V-2008-017



City of Suwanee



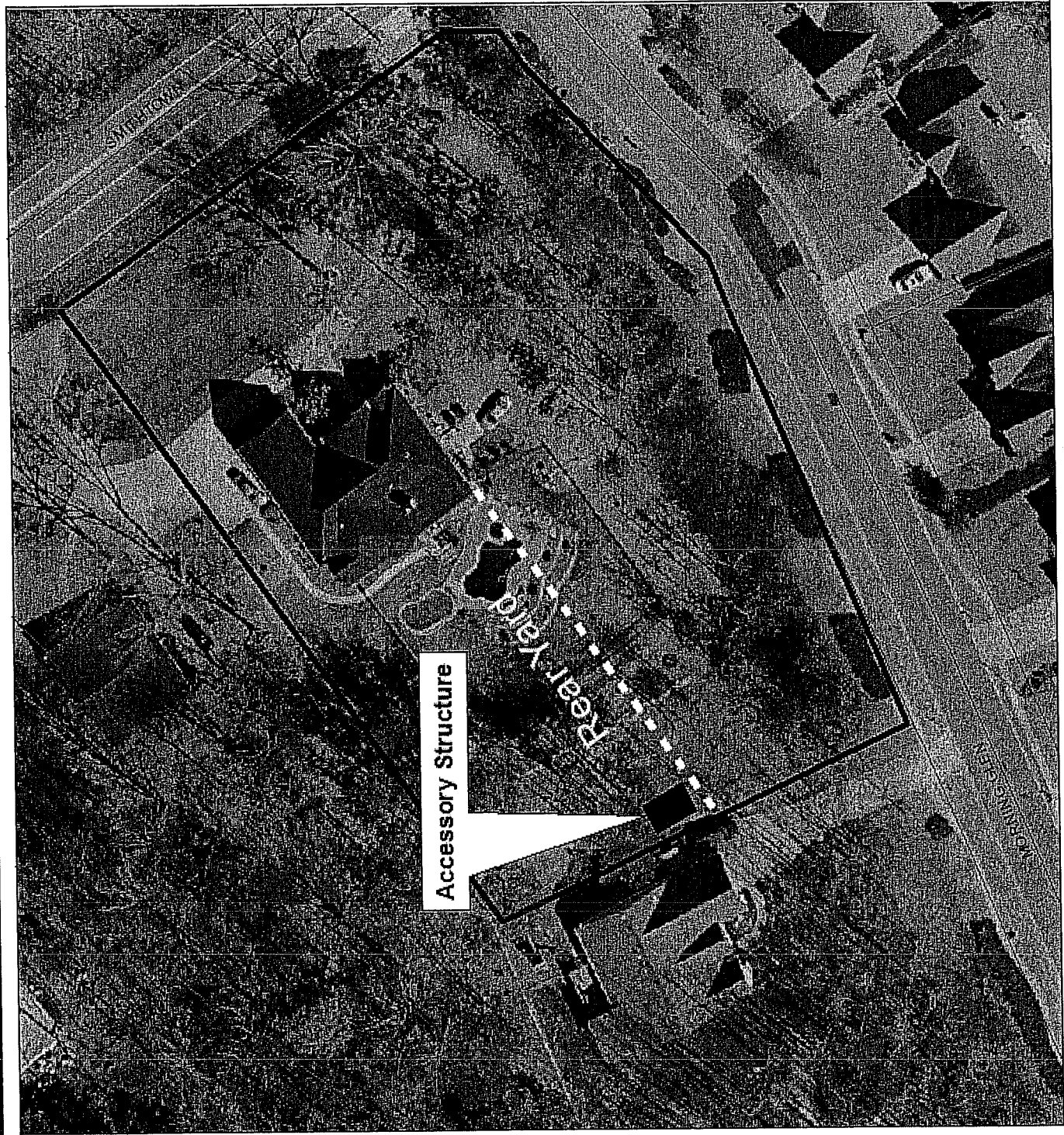
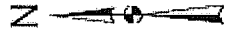
EXHIBIT B V-2008-017

Aerial Photo

Legend

— Streets

□ V-2008-017



07:13



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: CRAIG CHANDLER
Address: 85 MORNING GLEN DR.
City: SUWANEE
State: GA
Phone: 678-463-0454

OWNER INFORMATION

Name: MARGARET HOLDEN
Address: 3322 SMITHTOWN RD
City: SUWANEE
State: GA
Phone: 770-271-0035

CONTACT PERSON: CRAIG CHANDLER PHONE: 678-463-0454

ADDRESS OF PROPERTY 3322 SMITHTOWN RD. SUWANEE, GA

LAND DISTRICT 7 LAND LOT 192 PARCEL LOT 2

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) JOHN HOLDEN ESTATES

ZONING

VARIANCE REQUESTED SECTION 513.B GCA DISTRICT
ACCESSORY STRUCTURE BEING CLOSER THAN 5 FT TO PROPERTY LINE

NEED FOR VARIANCE TO LEAVE AS BUILT WITHIN 5 FT OF PROPERTY LINE

Wooden structure

*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.

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.



[Handwritten Signature] 11-14-8

Signature of Applicant Date

CRAIG CHANDLER

Typed or Printed Name and Title

[Handwritten Signature] 11/14/08

Signature of Notary Public Date

Notary Seal

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.



[Handwritten Signature] 11-14-08

Signature of Applicant Date

MARGARET W HOLDEN

Typed or Printed Name and Title

[Handwritten Signature] 11/14/08

Signature of Notary Public Date

Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number <u>V-2008-017</u>	Variance _____	Administrative _____
Date Rec'd <u>11/14/08</u>	Rec'd By _____	Hearing Date _____
Amount Rec'd <u>\$200-</u>	Receipt _____	

ACTION TAKEN _____

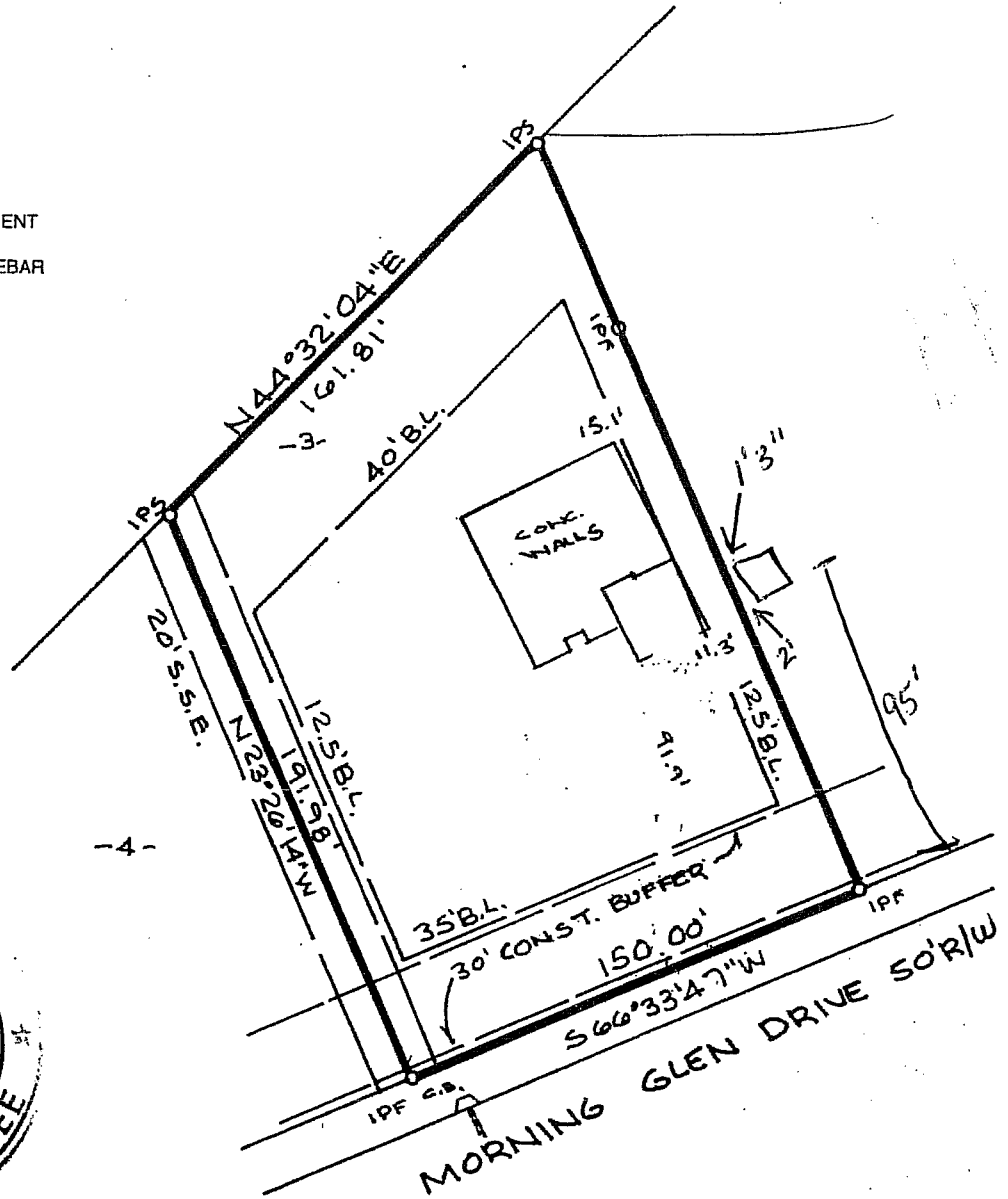
SIGNATURE _____

DATE: _____

LEGEND

- IPF - IRON PIN FOUND
- IPS - IRON PIN SET
- R/W - RIGHT OF WAY
- B.L. - BUILDING LINE
- C - CENTERLINE
- LL - LAND LOT
- LLL - LAND LOT LINE
- D.E. - DRAINAGE EASEMENT
- S.E. - SANITARY SEWER EASEMENT

ALL CORNERS ARE 1/2" REBAR UNLESS NOTED.



I HAVE THIS DATE, EXAMINED THE "FIA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED HOUSE () IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

AREA = 0.766 ACRE

GRAPHIC SCALE

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN ~~1000~~ FEET AND AN ANGULAR ERROR OF SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING CRANDALL RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN ~~5000~~ FEET.

EQUIPMENT USED:
TOPCON GTS-2001 & TRANSIT 1/2001 STEEL TAPE

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

Ricky C. Busbee

BUSBEE SURVEYING CO., INC.
 LAND SURVEYING
 3348 HIGHWAY 120 DULUTH, GEORGIA 30096
 PH: (770) 497-9866
 FAX: (770) 497-9881

SURVEY FOR:

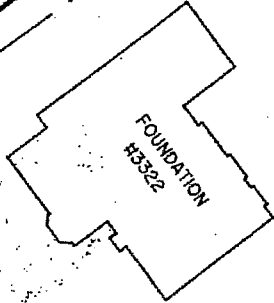
BARRY FITTS

TRACT 3	REVISIONS
	10-22-02
PLAT BOOK PAGE	
LAND LOT 192	CC J.B.
7 th DISTRICT	DRAWN S.B.
GWINNETT COUNTY, GEORGIA	CHKD.
DATE: 10-21-02 SCALE: 1" = 60'	JOB NO.
	26633

11 2008-017

TRACT 1

N 54°34'24"E 305.09'
10' BL



SMITHTOWN ROAD EX. 80'R/W
S 35°25'36"E 188.43'
BOC

TRACT 2

20' PRIVATE SSE
40' BL

EXISTING BOUNDARY LINE
(PER MORNING SIDE S/D FINAL PLAT)
30' CONSTRUCTION BUFFER
(PER MORNING SIDE S/D PHASE 1 FINAL PLAT)

EX. SAN. LAT.
S 66°33'46"W 187.98'

50.28'
S 46°23'58"W
A=50.58'
R=143.73'

MORNING GLEN DRIVE EX. 50'R/W

1.599 ACRES

35.21' A=7.31'
27°W 26.43'

