

**VARIANCE(S):**

**V-2013-004**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2013-004  
**REQUEST:** REDUCED SETBACKS  
**APPLICABLE SECTION:** SECTIONS 506.1 & 508  
**LOCATION:** 2855 ROLLING PIN LANE  
**DISTRICT/LAND LOT:** 7-151-064  
**ZONING:** M-1, O-I, C-2A  
**DEVELOPMENT:** EXEMPTION PLAT FOR OFFICE AND  
COMMERCIAL BUILDING

**APPLICANT:** JOHN MANSOUR  
675 SEMINOLE AVENUE STE. 301  
ATLANTA, GA 30303

**OWNER:** BHAGA VISHNU INVESTMENTS, LLC  
3495 PIEDMONT ROAD NE  
ATLANTA, GA 30303

**CONTACT:** JOHN MANSOUR PHONE: 404-831-8882

**RECOMMENDATION:** APPROVAL WITH CONDITIONS

**ANALYSIS:**

The applicant seeks a variance from Section 506.1 & 508 of the City of Suwanee Zoning Ordinance to allow for the subdivision of the property located at 2855 Rolling Pin Lane. The property contains a 50,000 +/- square foot office building as well as a 5,000 +/- square foot restaurant building. The property totals 8.28 acres. The applicant seeks to split the property into one 5.194 acre parcel and one 3.093 acre parcel with a building on each parcel. The subject property is located along Horizon Drive less than a half mile east of its intersection with Lawrenceville-Suwanee Road. The two buildings are adjoined by a covered walkway. If divided, the walkway will cross the new property line. Setbacks are not allowed to include any structures. As such, a variance is necessary in order to retain the covered walkway.

The subject property contains three zoning districts; M-1 (Light Industry District), O-I (Office and Institution) and C-2A (Special Commercial District – Alcohol). The subject property is surrounded by a mixture of office and warehouse uses. To the north of the subject parcel, is a large industrial/warehouse facility (zoned M-1). To the east of the subject property, along Horizon Drive, is a warehouse facility located in unincorporated Gwinnett County. Across Horizon Drive, to the south, is a warehouse facility located in unincorporated Gwinnett County. To the west of the subject property, along Horizon Drive, is an office/warehouse building zoned M-1.

The two buildings were originally designed to house the office and cafeteria for the industrial bakery also located on Rolling Pin Lane. The two buildings are connected by a covered brick walkway. The property was rezoned in 2008 when the bakery no longer needed the office building and cafeteria. The 5,000 square foot building was rezoned to C-2A to allow for a restaurant that could serve alcohol.

The covered walkway will cross the proposed property line that would separate the two properties. The covered walkway will cross from the C-2A zoned restaurant property to the O-I zoned office portion of the property. Therefore, a setback variance is needed to allow the covered walkway to remain. The O-I zoning district and the C-2A zoning district prohibit buildings being closer than 10 feet from the side property line. If approved, the side setback for the office and restaurant respectively, would be zero for the existing walkway.

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. If the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good, then a variance may be granted.

The property currently has three zoning districts which is extremely unusual. The proposed property line that would subdivide the property follows the edge of the zoning districts. Subdividing along the current zoning designations would "clean up" the property. The minimum parking requirements for both the office and the restaurant are still being met. Because this was developed as one property, easements for ingress and egress as well as for drainage must be provided and shown on an exemption plat approved by the City. The City will also require a maintenance agreement for the covered walkway.

Provided the issues discussed above are addressed, subdividing the property will clean up the unusual zoning designations while not subverting the intent of the zoning ordinance. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2013-004.

Planning Department  
Recommended Conditions  
V-2013-004

Approval of a variance to allow reduced setbacks subject to the following conditions:

1. An access easement and maintenance agreement concerning the covered walkway shall be created and recorded.
2. An exemption plat shall be submitted to the City for review and approval.
3. Only the existing covered walkway shall be permitted within the setback area.

## 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, with the attached stipulations, 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, with the attached stipulations, would not impair the public health, safety, comfort, morals, or welfare.

Ayoub & Mansour, L.L.C.  
*Attorneys at Law*

The Highland Building  
675 Seminole Avenue, Suite 301  
Atlanta, Georgia 30307

May 10, 2013

John George Mansour  
Direct dial: 404.806.7384  
Fax: 404.806.7414  
Email: mansour@ayoubmansour.com

VIA HAND DELIVERY

Josh Campbell  
City of Suwanee  
Planning Department  
330 Town Center Avenue  
Suwanee, GA 30024

RE: Letter of intent to seek variance of setbacks at 2825 and 2855 Rolling Pin Lane.

Dear Mr. Campbell,

I am an attorney in Atlanta, Georgia. I represent Bhaga Vishnu Investments LLC the owner of 2825 Rolling Pin Lane and 2855 Rolling Pin Lane. Please find the attached the variance application with \$300 fee.

The owner intends to subdivide the current existing tract that holds the buildings known as 2825 and 2855 Rolling Pin Lane into two lots, lot 1 and 8. Currently, there is a covered walkway that connects between the two buildings. As shown on the included site plan, the covered walkway will cross the new proposed boundary between lot 1 and lot 8. Rather than remove the covered walkway, we are applying for a setback variance to allow the owner to keep the covered walkway.

If you have any questions, please feel free to contact me.

Sincerely,

  
John George Mansour, Esq.

V-2013-004

**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 MANSOUR  
Address: 675 Seminole Ave Suite 301  
City: ATLANTA  
State: GA  
Phone: 404-806-7384  
E-mail address: mansour@ayoubmansour.com

**OWNER INFORMATION**

Name Bhaga Vishnu Investments LLC  
Address 3495 Piedmont Rd NE  
City: Atlanta  
State GA  
Phone: 770-831-8882

CONTACT PERSON: John Mansour PHONE: 404-806-7384

ADDRESS OF PROPERTY 2825 & 2855 ROLLING PIN LANE

LAND DISTRICT 7th LAND LOT 151 PARCEL \_\_\_\_\_ LOT 1 & 8

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) HORIZON TECHNOLOGY AND DISTRIBUTION PARK

ZONING C2A+ OI

VARIANCE REQUESTED SET BACK VARIANCE

NEED FOR VARIANCE The owner intends to subdivide the parcel into two parcels. There is currently a covered walkway between bldgs 2855 Rolling Pin and 2825 Rolling Pin. When the parcel is split into Lot 1 & 8 the covered walkway will cross the proposed boundary. The owner needs a variance of the set back to permit the covered walkway.

**\*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.

[Signature] 5/10/13  
Signature of Applicant Date

John Mansour,  
Typed or Printed Name and Title

Maave Theresa O'Reilly 5/10/13  
Signature of Notary Public Date

MAEVE THERESA OREILLY  
NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
7/13/2014

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.

[Signature] 5/10/13  
Signature of Applicant Date

LINDA Park, President  
Typed or Printed Name and Title

Maave Theresa O'Reilly 5/10/13  
Signature of Notary Public Date

MAEVE THERESA OREILLY  
NOTARY PUBLIC  
FULTON COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
7/13/2014

Notary Seal

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number \_\_\_\_\_ Variance \_\_\_\_\_ Administrative \_\_\_\_\_  
Date Rec'd \_\_\_\_\_ Rec'd By \_\_\_\_\_ Hearing Date \_\_\_\_\_  
Amount Rec'd \_\_\_\_\_ Receipt \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

V.2013.004





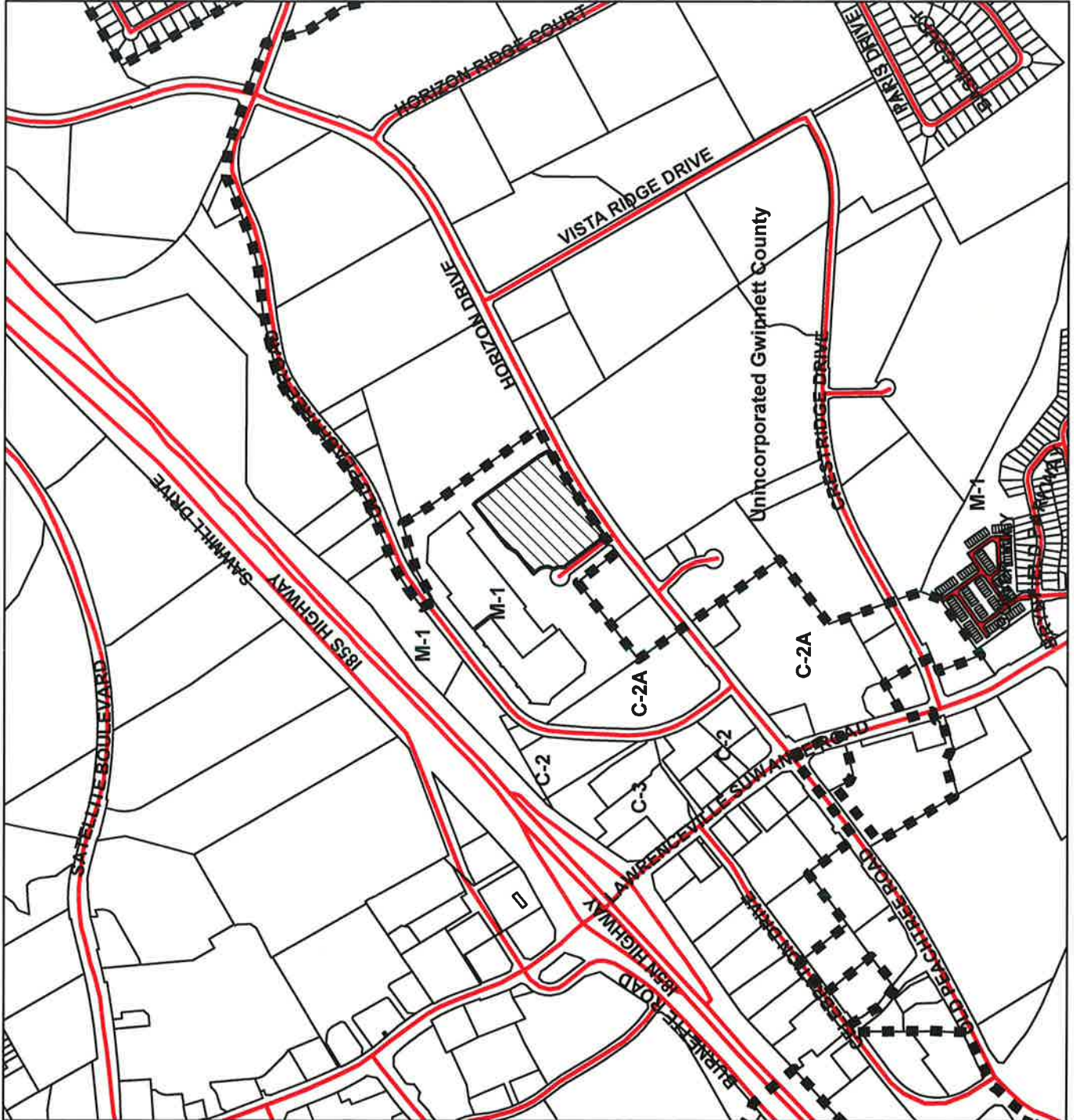
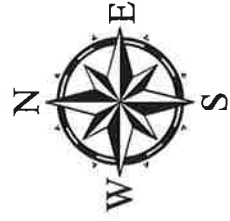


# EXHIBIT A V-2013-004

Location Map

## Legend

-  V-2013-004
-  City Limits
-  Major Road







# EXHIBIT B V-2013-004

Aerial Map

**Legend**

-  V-2013-004
-  Major Road

