

VARIANCE(S):

V-2013-006

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2013-006
REQUEST: REDUCTION OF FRONT AND SIDE
SETBACKS
APPLICABLE SECTION: SECTION 509
LOCATION: 85 BUFORD HIGHWAY
DISTRICT/LAND LOT: 7-235-083
ZONING: M-1 LIGHT INDUSTRY DISTRICT
DEVELOPMENT: NEW BUILDING FOR ANIMAL HOSPITAL

APPLICANT/OWNER: BRIAN FITZGERALD
3175 SUWANEE CREEK DRIVE
SUWANEE, GA 30024

CONTACT: BRIAN FITZGERALD PHONE: 770-361-0110

RECOMMENDATION: APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant seeks a variance from Section 509 of the City of Suwanee Zoning Ordinance to allow for the construction of a new animal hospital within the required yard front setback and required side setback for an M-1 zoned property. The subject property is located at the corner of Buford Highway and George Pierce Park Drive adjacent to Suwanee Animal Hospital's current location at 85 Buford Highway. It is currently an undeveloped wooded lot that is 2.05 acres in size. The applicant proposes access off George Pierce Park Drive. Veterinary clinics are a special use in M-1. The applicant is currently seeking a special use permit.

The subject property is zoned M-1 (Light Industry District) and is surrounded by varying uses. To the northeast is the current Suwanee Animal Hospital which is zoned C-2. To the south is George Pierce Park zoned R-100. To the southwest and northwest are undeveloped M-1 zoned properties. The applicant is proposing to share the existing driveway onto Buford Highway with the current Animal Hospital.

The subject property is located just outside of the Old Town Overlay District (OTOD). The overlay district was adopted to allow for a comfortable and uniform pedestrian space between roadways and buildings to provide for a traditional building relationship. The OTOD encapsulates the Old Town area of the City, including Town Center and extending up Buford Highway to George Pierce Park. There are several design guidelines for development in the OTOD. For example, buildings must be oriented towards the street, parking areas must be behind or to the side of the building with proper screening, enhanced pedestrian access, etc. One of the most important aspects of the OTOD is that building setbacks are minimized in order to accommodate buildings immediately adjacent to the sidewalks. An example of a building that was developed under these guidelines is the Shoppes at Old Town located across Buford

Highway from Town Center. The applicant is proposing a building and site design consistent with these standards that will compliment Town Center and the surrounding area.

The proposed building is a two-story brick building. However, from Buford Highway it will appear only as a single story because the building is using the natural slope of the land to have a lower level. While still in the conceptual stages, the building will be roughly 20,000 square feet with 10,000 square feet on each level. From grade along Buford Highway the peak of the roof will be slightly less than 28 feet tall. There is a note on the conceptual plan that states that the building materials and colors will complement those found in Town Center. The current animal hospital will remain at its current location and share the driveway and parking area with the proposed building. The applicant is requesting a building setback from both Buford Highway and George Pierce Park Drive of 10 feet. While this is a substantial reduction from normal M-1 setbacks, the overall design of the building along with the landscaping and supplemental area will add to the pedestrian feel of Town Center and will be consistent with the requirements of the adjacent OTOD.

The applicant states that due to site and topographical constraints on the property, moving the building closer to the Buford Highway and George Pierce Park Drive intersection is necessary. There is a stream just to the south of the subject property which includes steep slopes. According to topography maps, the property drops 48 feet from Buford Highway to the rear property line. In general it is desirable to move development farther away from streams.

The City of Suwanee will soon begin constructing a sidewalk along Buford Highway from Ruby Forest to George Pierce Park. The sidewalk will give pedestrian access from Ruby Forest which is the City's largest subdivision, to Town Center. This sidewalk will be adjacent to the subject property. If the variance is approved, the Animal Hospital should provide a supplemental zone adjacent to the sidewalk containing benches, landscaping and other pedestrian amenities. This type of pedestrian area is an added amenity to the future sidewalk.

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 or if the variance will not undermine the intent of the zoning ordinance, then a variance may be granted.

In conclusion, due to the severe slope of the property, the subject property does appear to have a situation which rises to the level of hardship. Requiring the building to be placed at least 50 feet back from the property line would locate it well below Buford Highway. In addition, a veterinarian clinic is not a typical M-1 use and could be designed in a non-industrial way that would better fit the area. Lastly, the City requires and encourages buildings in the nearby overlay district to be designed in a pedestrian friendly way and this building, if designed correctly, could greatly add to the design of the area. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2013-006.

Planning Department
Recommended Conditions
V-2013-006

Approval of a variance to allow for a reduction of the minimum front and side yard setbacks subject to the following conditions:

1. The subject site shall be developed in accordance with the Old Town Overlay District design and development guidelines.
2. The building shall be substantially consistent with the rendering shown in exhibit "C"
3. The front and side yard setbacks shall be at least 10 feet back from all rights-of-way.
4. Setback shall only be reduced to less than 50 feet on the front and 20 feet on the side for a veterinary clinic/animal hospital or other similar office uses.

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?

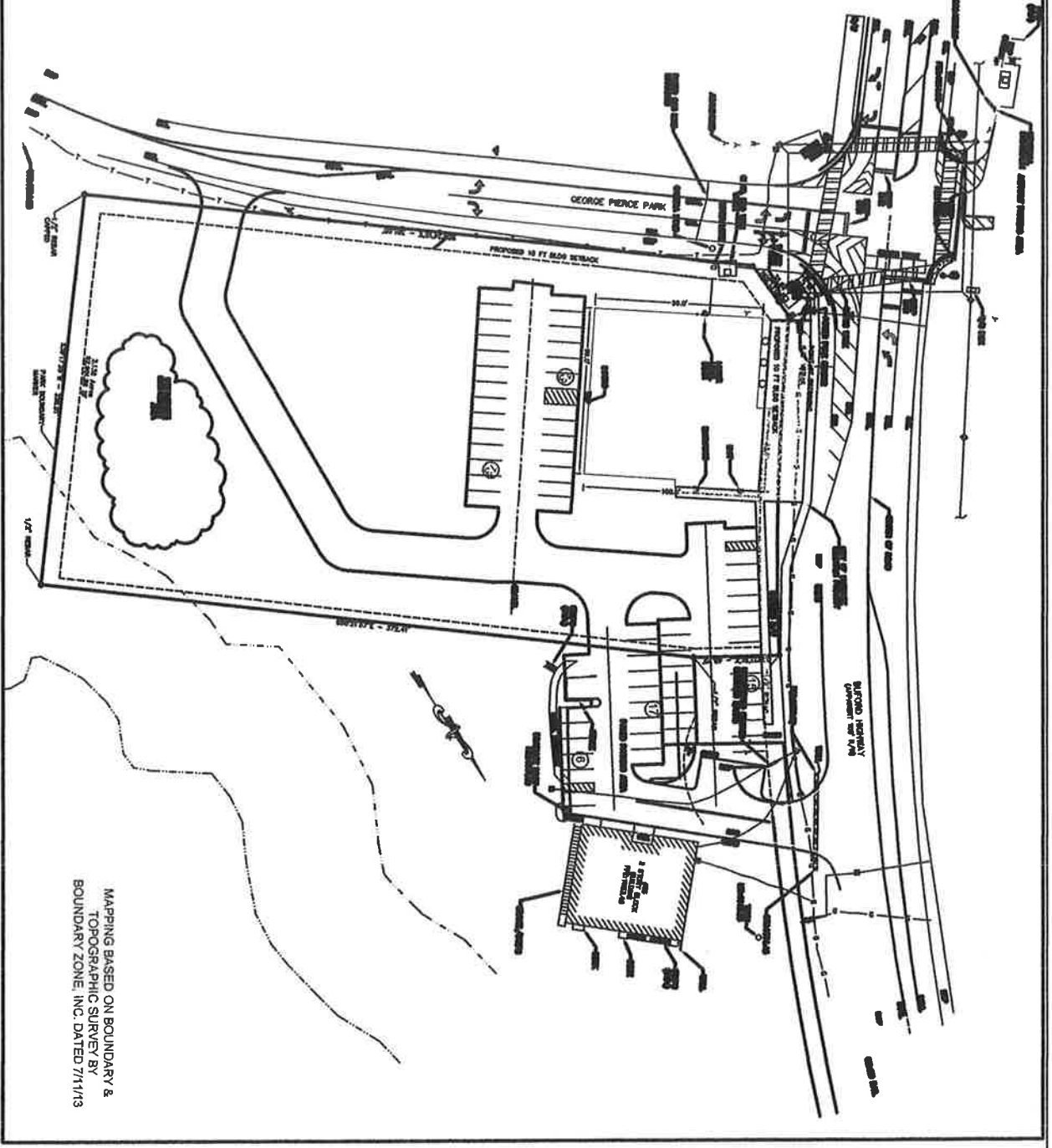
Approval of this variance would not increase the danger of fire or endanger public safety.

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



GRAPHIC SCALE
1"=50'
0 10 20 30 40 50

MAPPING BASED ON BOUNDARY &
TOPOGRAPHIC SURVEY BY
BOUNDARY ZONE, INC. DATED 7/11/13

V-2013-006



LBCM ASSOCIATES P.C.
Civil Engineering
Services
11000 Peachtree Industrial Blvd. #204,
Suwanee, GA 30024
PH: 770-312-2473
FAX: 770-312-2473
E-mail: bfg@lbcmapc.com

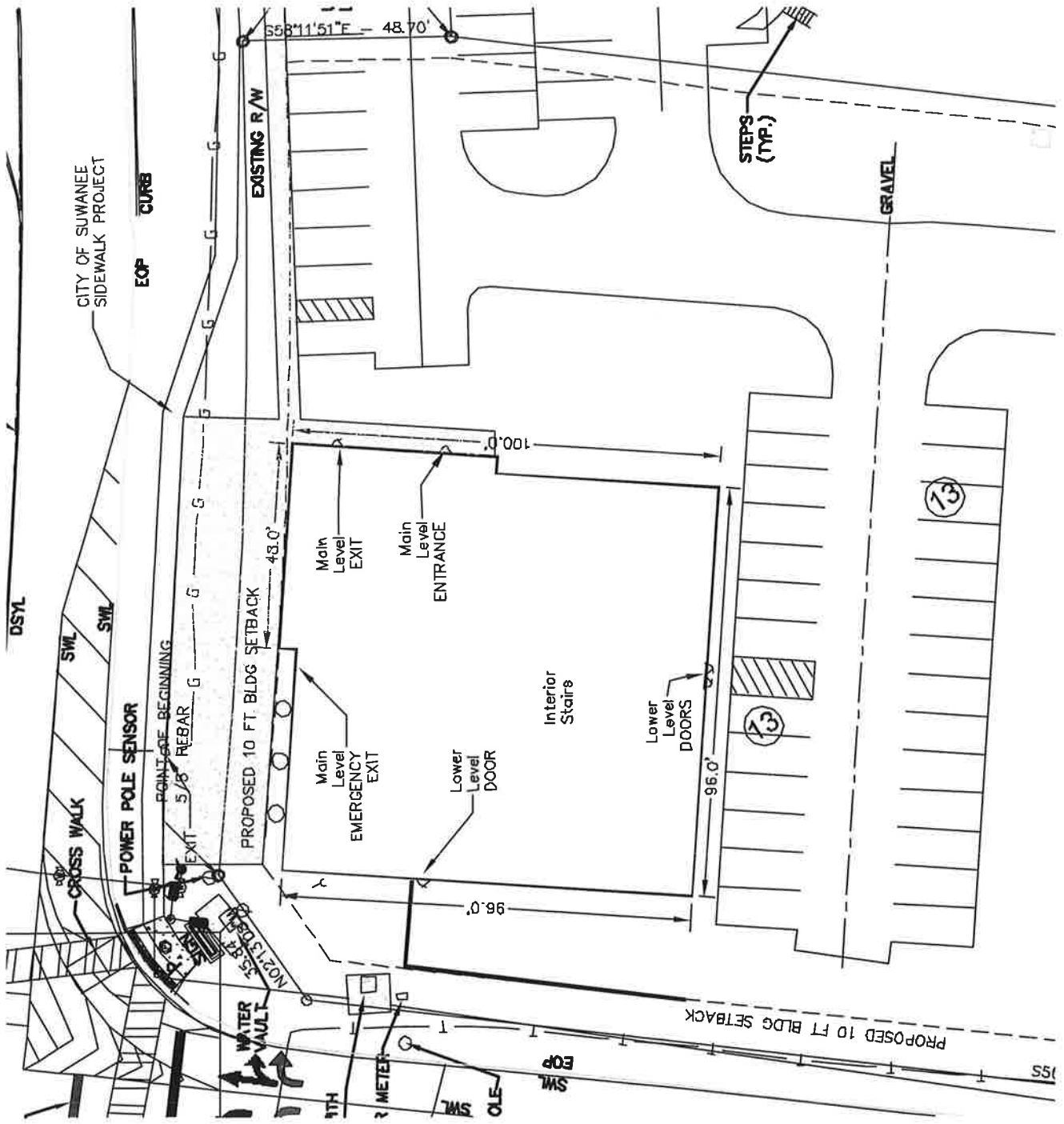
Revisions:

CONTRACT AGREEMENT:
This drawing is the property of LBCM Associates, Inc. and may not be copied, reused or revised without agreement with permission. © 2013

Proposed Animal Hospital Project
BUFORD HIGHWAY, SUWANEE
7-235-083
CONTACT: BRIAN FITZGERALD (770) 271-8718

OWNER / DEVELOPER
BRIAN E. FITZGERALD
3175 Suwanee Creek Rd.
Suwanee, GA 30024

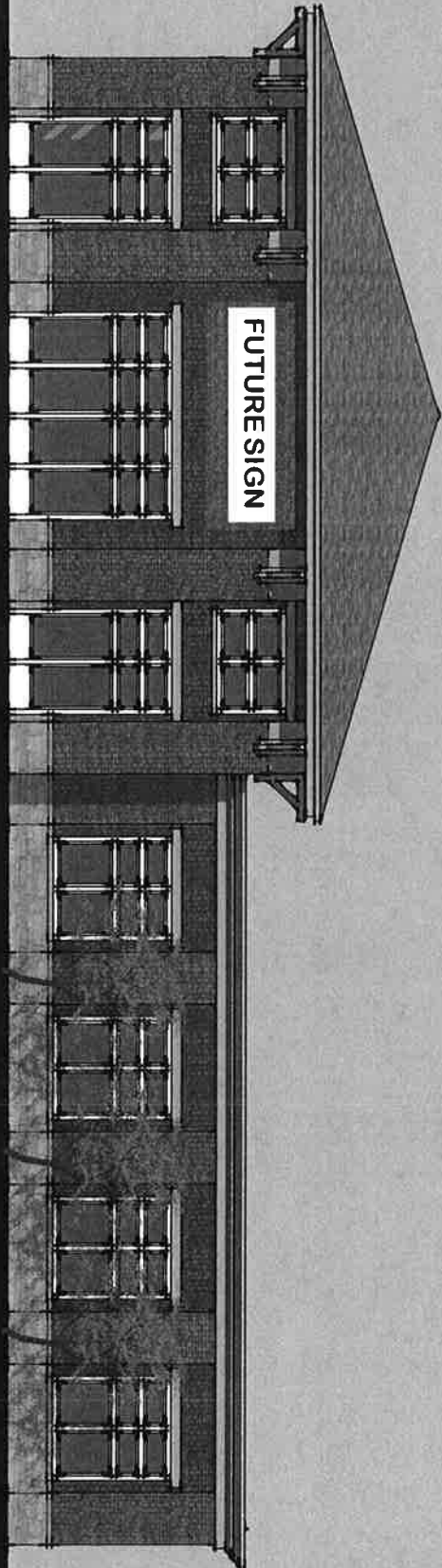
CONTRACT PLAN
DATE: MAY 17, 2013



V-2013-006 - 8/1/13



MWHS DESIGNS



Suwanee Animal Hospital

Exhibit "C"

NOTE: ALL MATERIALS AND COLORS TO
COMPLEMENT MATERIALS AND COLORS
FOUND IN SUWANEE TOWN CENTER

Exhibit C

8/1/13

V-2013-006

**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: Brian Fitzgerald
Address: 3175 Suwanee Creek Dr.
City: Suwanee
State: Georgia
Phone: 770-391-0110
E-mail address: hwy211@hotmail.com

OWNER INFORMATION

Name: Brian Fitzgerald
Address: 3175 Suwanee Creek Dr.
City: Suwanee
State: Georgia
Phone: 770-391-0110

CONTACT PERSON: Brian Fitzgerald

PHONE: 770-361-0110

ADDRESS OF PROPERTY NE Highway 23

LAND DISTRICT 7 LAND LOT 235 PARCEL 083 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) N/A

ZONING _____

VARIANCE REQUESTED Reduction of building setbacks on Buford Hwy &
George Pierce Park Drive to 10 Linear Feet along both frontages

NEED FOR VARIANCE Site and topographic constraints and Owners desire to
emulate Town Center appearance.

***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.



Brian Fitzgerald 7-19-2013
Signature of Applicant Date

Brian Fitzgerald, Owner
Typed or Printed Name and Title

[Signature] 7/19/13
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.



Brian Fitzgerald 7-19-2013
Signature of Applicant Date

Brian Fitzgerald, Owner
Typed or Printed Name and Title

[Signature] 7/19/13
Signature of Notary Public Date

Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2013-006 Variance _____ Administrative _____
Date Rec'd 7/19/13 Rec'd By _____ Hearing Date _____
Amount Rec'd 800.00 Receipt _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

V-2013-006





EXHIBIT A

V-2013-006

Location Map

Legend

	V-2013-006
	Major Road

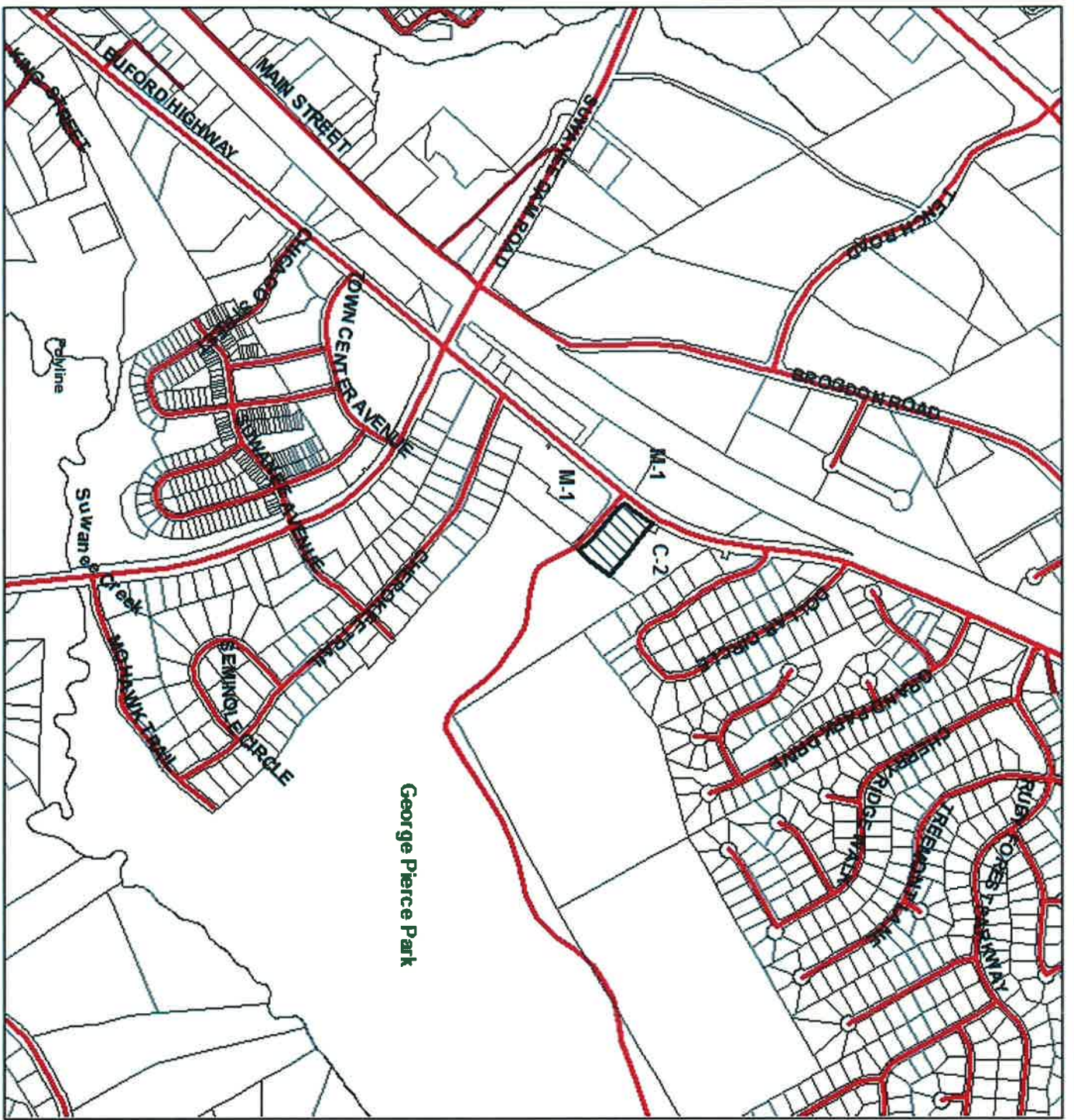






EXHIBIT B

V-2013-006

Aerial Map



Legend

	V-2013-006
	Major Road



