

**VARIANCE(S):**

**V-2016-004**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2016-004  
**REQUEST:** ACCESSORY STRUCTURE IN FRONT YARD  
**APPLICABLE SECTION:** SECTION 501  
**LOCATION:** 4695 SETTLES POINT ROAD  
**DISTRICT/LAND LOT:** 7-277-100  
**ZONING:** R-100 SINGLE FAMILY RESIDENTIAL DISTRICT  
**DEVELOPMENT:** SWIMMING POOL AND FENCE  
**APPLICANT:** PURE POOLS  
1497 AZALEA DRIVE  
LAWRENCEVILLE, GA 30042  
**OWNER:** MICHELLE ANDERSON  
4695 SETTLES BRIDGE ROAD  
SUWANEE, GA 30024  
**CONTACT:** LYNSEY WEISNIGHT  
PHONE: 678-357-9529

**RECOMMENDATION:** APPROVAL WITH CONDITIONS

**ANALYSIS:**

The applicant seeks a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for the construction of a swimming pool and privacy fence within the front yard setback. The property is located on a corner lot at 4695 Settles Point Road. The property contains roughly 0.7 acres and is developed with a single family home. The parcel is considered to have two "front" yards (yard abutting a public street) because of its location on a corner.

The applicant is requesting to build an in-ground swimming pool that is 16 feet by 40 feet in size and is surrounded by a privacy fence. Due to the lot having road frontage on two sides, the property has two front yards setbacks. On a corner lot there are two 50 foot front yard setbacks, a 10 foot side yard setback, and a 40 foot rear yard setback. The City of Suwanee considers pools to be accessory structures which are required to be located in the rear yard. As proposed, the pool is located in what is considered the front yard. The proposed location of the pool is 26 feet from the right-of-way and the fence is roughly 15 feet away.

The subject property is zoned R-100 (Residential Single Family District) and is surrounded by other single family homes zoned R-100 in the Settles Point neighborhood. The site is located in the northern part of the City which includes larger single family homes and lots. The Settles Point neighborhood has lots that average roughly 0.8 acres which is larger than most of the

neighborhoods in Suwanee. The neighborhood does not have a community pool and many of the parcels have private swimming pools.

Settles Point neighborhood does not have sewer. The parcel is served by a septic tank. The septic drainage lines are located all across the rear yard. Gwinnett County Environmental Health oversees septic tanks in the County and does not allow swimming pools to be located over septic drainage lines. Gwinnett County Environmental Health also handles the location of swimming pools and reviewed and approved the location of the proposed pool. There are also site and topographical constraints on the rear of the property. The area of the rear yard that the drainage lines are not located slopes upwards 8 feet. The proposed layout minimizes the amount of grading and earth work. This sloped area of the property also contains many tall mature hardwood trees. Removal of these trees near the property lines could have more of a negative visual impact to the neighboring properties than the proposed location of the pool.

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, the subject property does appear to have a combination of factors that make situating a pool in the rear yard less than ideal. In addition, the request is unlikely to cause a substantial detriment to the public good or undermine the intent of the zoning ordinance. The lot has two road frontages which decreases the amount of buildable area for a swimming pool on the lot. The septic drainage field and the slope of the property, while not overly steep or severe does limit the potential layout as well. The applicant's proposed layout will result in less grading than would be required if made to conform to the setback requirements. Furthermore, a number of mature trees will be saved if the proposed location is approved. Therefore, it is unlikely that the proposal would adversely impact neighboring properties. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2016-004.

**V-2016-004**

**Planning Department Recommendation:**

Staff recommends approval of the request to reduce the rear yard setback subject to the following conditions:

1. The site shall be developed substantially consistent with Exhibit "C".
2. Privacy fence shall be a decorative not exceeding 6 feet in height.
3. A row of evergreen trees shall be planted in a row on 10 foot centers between the pool and the right-of-way. Said trees shall be a minimum of 6 feet tall at time of planting. Landscaping shall be approved by the Planning and Inspections Director.

### **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 recommended conditions, would not impair the public health, safety, comfort, morals, or welfare.



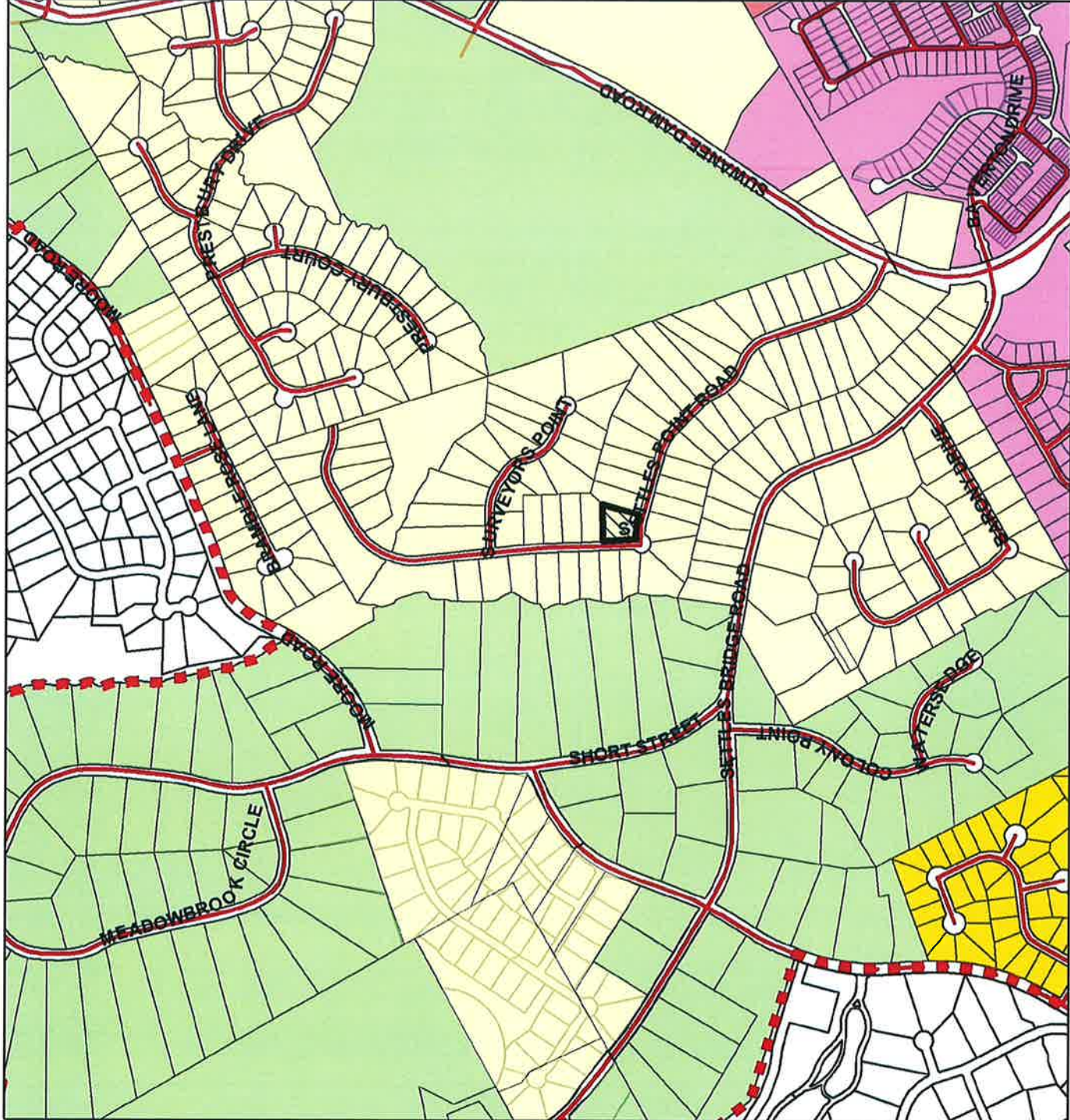
# EXHIBIT A V-2016-004

**Legend**

- V-2016-004
- Road

**ZONING**

- OTCD
- C-1
- C-2
- C-2A
- C-3
- M-1
- O-1
- PMUD
- GCA
- R-140
- R-100
- R-85
- R-75
- IRD
- RM-6
- RM-8
- City Limits





# EXHIBIT B V-2016-004

Aerial Map

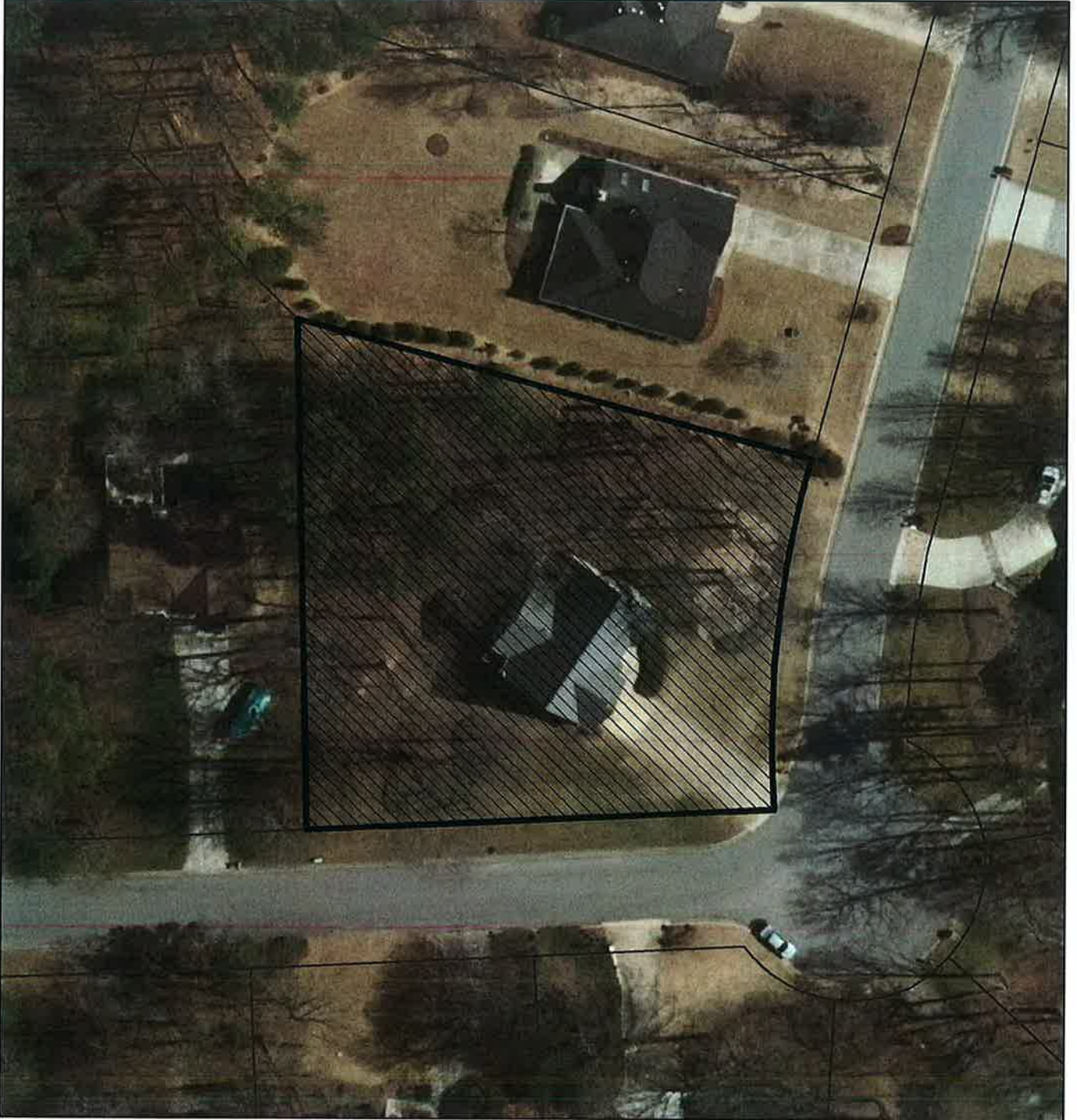
## Legend



V-2016-004



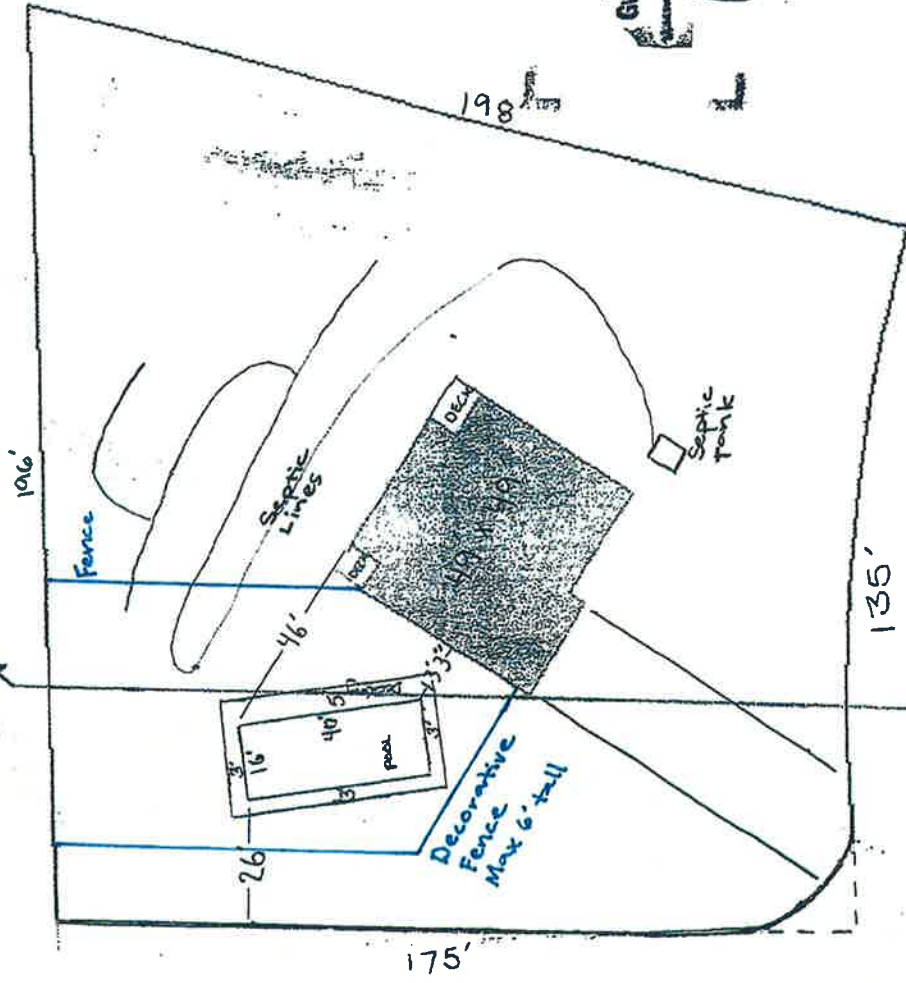
Major Road



Michelle and Nate Anderson  
4695 Settles Point Road  
Suwanee, GA 30024

1" = 40'

50' front yard setback



**APPROVED**  
Gwinnett County Environmental Health  
Date 10-18-16

Exhibit C



**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: Pure Pools, LLC  
Address: 1497 Azalea Drive  
City: Lawrenceville  
State: Georgia  
Phone: 678-395-6881  
E-mail address: Lynsey@purepools.com

**OWNER INFORMATION**

Name: Michelle Anderson  
Address: 4695 Settles Point Road  
City: Suwanee  
State: Georgia  
Phone: 770-714-8971

CONTACT PERSON: Lynsey Weisnicht PHONE: 678-357-9529

ADDRESS OF PROPERTY 4695 Settles Point Road Suwanee, GA 30024

LAND DISTRICT 7TH LAND LOT 277 PARCEL 7277100 LOT 19

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Settles Bridge

ZONING R100

VARIANCE REQUESTED Variance from required front yard setback (50')  
for a swimming pool and fence.

NEED FOR VARIANCE See attached for variance need & legal description.

**\*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.



Liz Weill 11/18/16  
Signature of Applicant Date

A. Phelps  
Typed or Printed Name and Title  
A. Phelps 11-18-16  
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.

Nathan Anderson 11/18/16  
Signature of Applicant Date

Kathleen D. Schmidt - Notary  
Typed or Printed Name and Title

Kathleen D. Schmidt 11/18/16  
Signature of Notary Public Date  
my commission expires 9-21-2019

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: \_\_\_\_\_

**REQUEST FOR VARIANCE:**

Regarding installation of a 16 ft. by 40 ft. in-ground swimming pool at:  
4695 Settles Point Road  
Suwanee, GA 30024

**NEED FOR VARIANCE:**

The variance would allow the swimming pool to be installed without having to move septic lines that currently run through most of the open area in the rear yard. The proposed site would be ideal because currently the rear yard is not level and would require the removal of numerous mature trees as well as significant grading and the installation of several retaining walls.