

VARIANCE(S):

V-2017-004

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2017-004

REQUEST: ACCESSORY STRUCTURE EXCEEDING
MAXIMUM SQUARE FOOTAGE, LOCATED
OUTSIDE OF THE REAR YARD

APPLICABLE SECTION: SECTION 500A.1.C AND SECTION 604A.

LOCATION: 1005 MILL CREEK RUN

PARCEL: 7-196-027 & 7-196-057

ZONING: R-140 SINGLE FAMILY RESIDENTIAL
DISTRICT

APPLICANT/OWNER: KEN AND AMORETTE HALLEY
1005 MILL CREEK RUN
SUWANEE, GA 30024

CONTACT: KEN HALLEY
PHONE: 770-335-9685

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS

The applicant seeks a variance from Section 500A.1.C and Section 604A of the City of Suwanee Zoning Ordinance to allow for an accessory building exceeding the maximum permitted square footage outside of the rear yard. The applicant seeks to construct an approximately 2,400 square foot accessory structure located to the side and slightly in front of the primary structure on the property. The subject property is located at 1005 Mill Creek Run and is zoned R-140.

The subject property consists of two adjacent parcels totaling approximately 11.8 acres, which are both owned by the applicant. The first parcel contains a two story primary residence of approximately 6,731 square feet and a pool. The second parcel is occupied by a garage approximately 1,920 square feet in size and a general purpose accessory building that totals 1,632 square feet.

Section 500.A.1.c states that an accessory building, “shall not exceed 800 square feet of gross floor area.” Section 604.A states that accessory structures, “shall be permitted only within the required rear yard unless specifically exempted in this Ordinance.” The applicant is proposing a 2,400 square foot guest house located approximately 40 feet southeast of (and in front of) the

main dwelling on the side property line that divides the two parcels. The proposed structure would match the primary dwelling and would be constructed of brick, stone, and board and batten siding. As such a variance from these two requirements is needed in order for the structure to be permitted.

The site has steep topography towards the southern portion of the property; however the proposed location of the accessory structure has no steep topography. The site is fairly wooded, but closer to the house, there are fewer trees. A stream runs along the rear property line, and much of the rear of the lot is located in the flood plain.

The subject property is completely surrounded by large, heavily wooded, single family lots. This area of Suwanee is characterized by these large rural lots, many of which have accessory structures. The neighboring properties along Mill Creek Run are also single family homes on lots zoned R-140. The average lot size on this street is 3.5 acres, which is much larger than the minimum lot size of $\frac{3}{4}$ acre for the zoning district.

The location of the proposed accessory structure would be in the front yard setback to the side of the existing dwelling. A circular driveway would provide access to both the existing single family house as well as the proposed guest house/garage. Many surrounding properties have similar structures in the same approximate location as the requested accessory dwelling. The only difference between these and the proposed is many of the surrounding properties have connected their accessory structure to the main dwelling via a breezeway. This breeze allows the structures to be considered an addition to the primary structure. Without this breezeway, the proposed structure is considered an accessory structure and subject to the requirements of an accessory structure.

In the R-140 zoning district, accessory structures are permitted only within a rear yard and may not exceed 800 square feet of gross floor area; therefore, the applicant requests a variance from section 500A.1.C of the Zoning Ordinance, which regulates accessory structures. The City regulates the size and location of accessory structures to protect homeowners from possible negative impacts of accessory buildings on adjacent properties. The requirements of an accessory structure to not exceed 800 square feet and only be permitted in the rear yard are intended to provide adequate separation between accessory structures and adjacent properties and to ensure that the accessory structures are clearly subordinate to the primary structure.

The lots on Mill Creek Run are much larger than most residential lots in Suwanee. These larger lots can accommodate more development than a typical residential lot without negative visual impacts on nearby property because larger lots create greater distance between structures on adjacent lots. In this case, the closest home on a neighboring property would be located roughly 170 feet from the proposed accessory building with much of that area being heavily wooded; therefore, there impacts on adjacent properties should be minimal. The proposed accessory structure would be consistent with the character of the surrounding area and should not undermine the intent of the Zoning Ordinance.

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. A variance may be granted 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. In this case, because of the size of the lot and the character of the area, it is unlikely that approval of a variance to allow for the accessory structure would undermine the intent of the zoning ordinance.

While there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship, exceeding the maximum permitted accessory square footage is unlikely to negatively impact neighboring properties. Larger accessory structures are compatible with the character of the area, and the acreage of the subject property allows for substantial distance between the proposed structure and neighboring homes. Therefore, it is unlikely approval of this variance would cause a substantial detriment to the public good or undermine the intent of the Zoning Ordinance.

As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2017-004.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of this request, subject to the following conditions of approval:

1. The accessory building shall be a maximum of 2,500 square feet in size.
2. The architecture of the accessory building shall be substantially consistent with the architectural design shown in Exhibit "A". Materials and colors of the accessory structure shall be consistent with the existing residence.
3. The accessory building shall be located approximately as shown in Exhibit "B".
4. Prior to obtaining a Certificate of Occupancy for the accessory structure, the property owner shall revise the property lines so that the lots and building meets all requirements. The revision of the property lines shall be accomplished through an exemption plat to be approved by the City.

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

**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: Ken & Amorette Halley
Address: 1005 Mill Creek Run
City: Suwanee, GA 30024
State: _____
Phone: 770-335-9685
E-mail address: halleytrails@gmail.com

OWNER INFORMATION

Name — Same —
Address _____
City: _____
State _____
Phone: _____

CONTACT PERSON: Ken Halley PHONE: 770-335-9685

ADDRESS OF PROPERTY 1005 Mill Creek Run, Suwanee, GA 30024

LAND DISTRICT _____ LAND LOT _____ PARCEL R7196057 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) New Detached Garage

ZONING R140

VARIANCE REQUESTED Section 500 & 604:
in excess of 800sf and located outside
of rear yard.

NEED FOR VARIANCE Would like to construct a 2400sf
garage and its location is too far for a
breezway.

***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.**

U-2017-004



A. LEE RYFUN, JR.
 PO BOX 6125
 MARIETTA, GA 30065
 TEL: 678.725.0500
 FAX: 770.971.3832

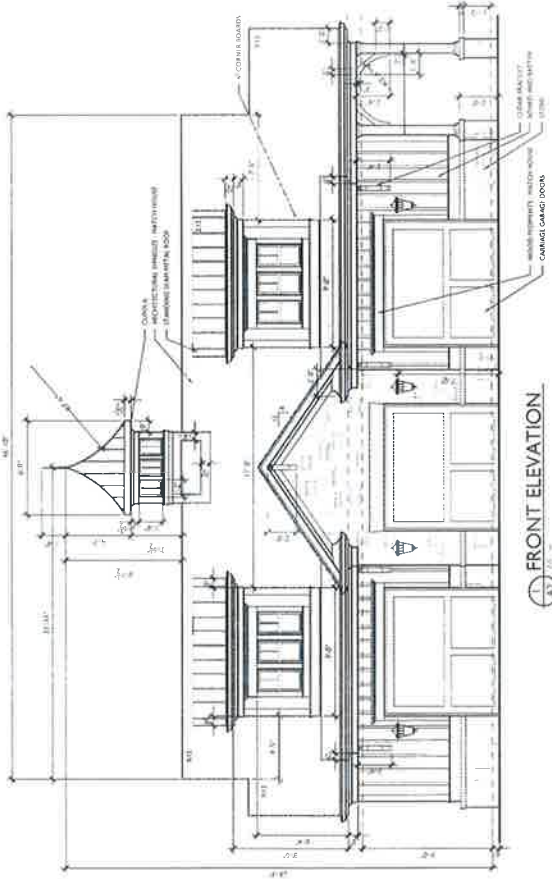
TITLE
 A New Garage For
 The Hailey's

REVISIONS
 description date

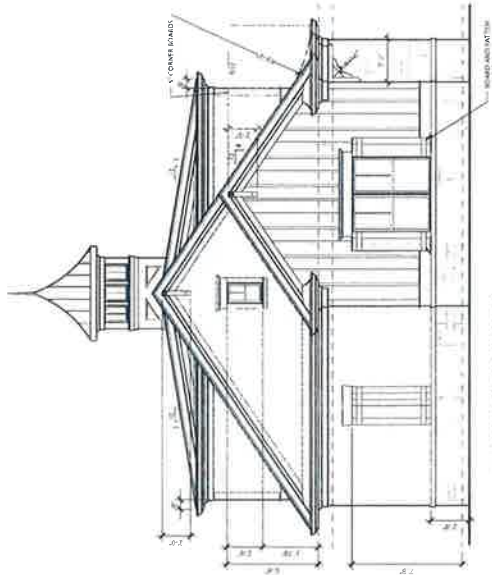
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 checked ALR
 date 08-25-16
 project no. 14-210

SHEET NUMBER:

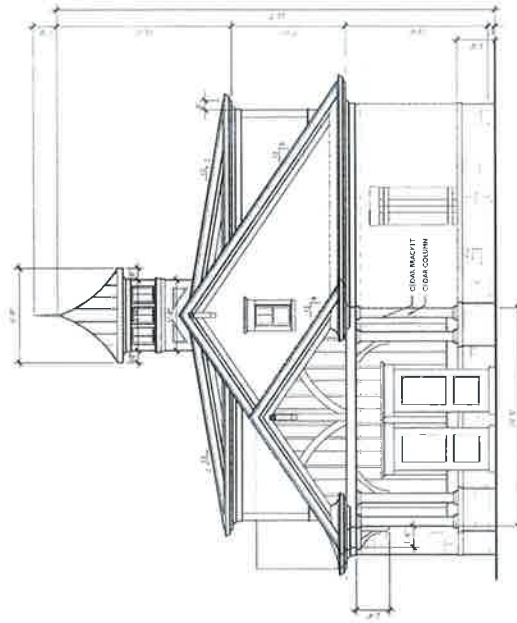
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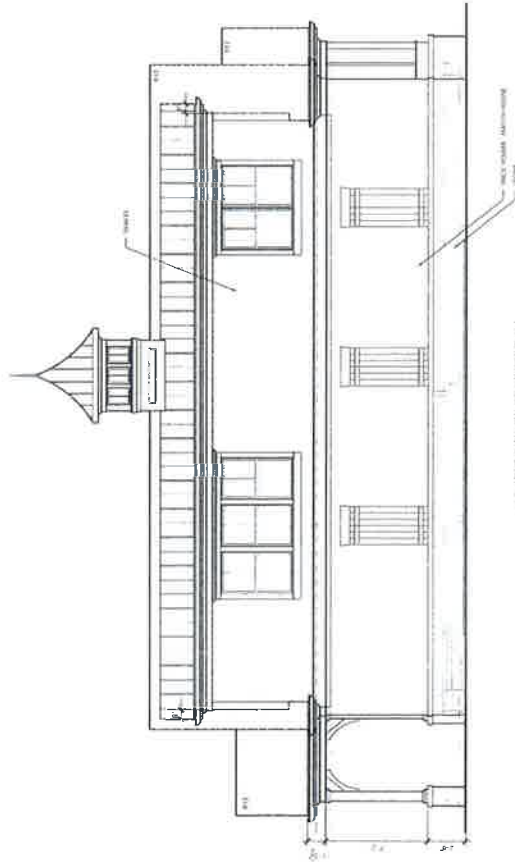
FRONT ELEVATION
 A2



LEFT ELEVATION
 (facing the road)
 A2



RIGHT ELEVATION
 (facing the house)
 A2



REAR ELEVATION
 A2

EXHIBIT A

V-2017-024



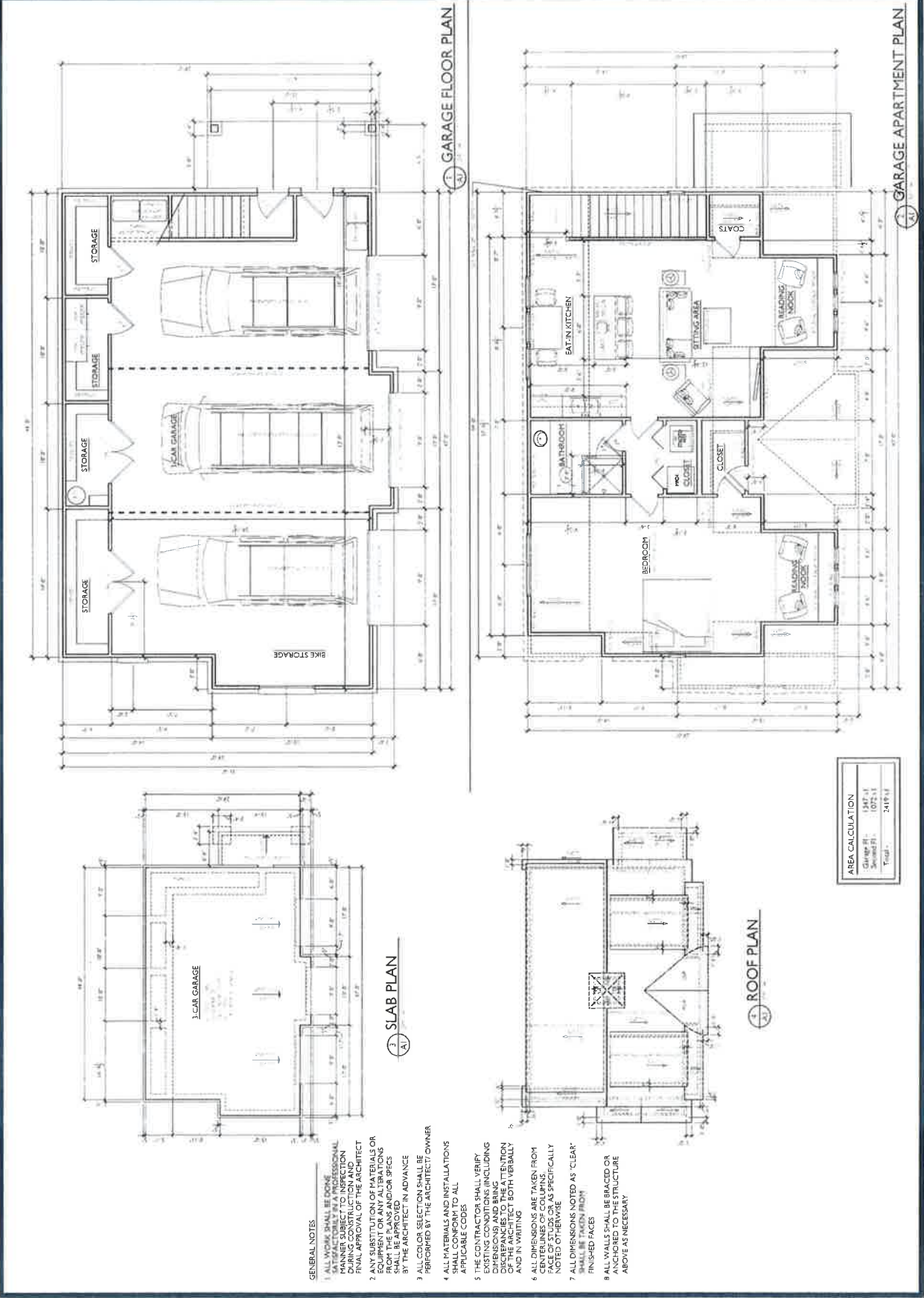
ALR ARCHITECTS
 A. LEE RYFUN, JR.
 PO BOX 6125
 MARIETTA, GA 30065
 TEL: 678.725.0500
 FAX: 770.971.3832

TITLE
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| description | date |
|--------------------|------|
| scale 1/4" = 1'-0" | |
| drawn ALR | |
| checked ALR | |
| date 09-25-16 | |
| PROJECT NO. 14-210 | |

SHEET NUMBER:
 AI



AREA CALCULATION

| | |
|---------------|----------------|
| Garage Ft. | 1342.11 |
| Apartment Ft. | 1025.11 |
| Total | 2467.22 |

V-2017-004

- GENERAL NOTES:**
- 1 ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE PROFESSIONAL MANNER SUBJECT TO INSPECTION AND APPROVAL OF THE ARCHITECT FOR THE PROJECT.
 - 2 ANY SUBSTITUTION OF MATERIALS OR EQUIPMENT OR ANY ALTERATIONS FROM THE PLANS AND/OR SPECS SHALL BE APPROVED IN WRITING BY THE ARCHITECT IN ADVANCE.
 - 3 ALL COLOR SELECTION SHALL BE PERFORMED BY THE ARCHITECT/OWNER.
 - 4 ALL MATERIALS AND INSTALLATIONS SHALL BE IN ACCORDANCE WITH ALL APPLICABLE CODES.
 - 5 THE CONTRACTOR SHALL VERIFY EXISTING CONDITIONS (INCLUDING DIMENSIONS AND BRING TO THE ARCHITECT BOTH VERBALLY AND IN WRITING).
 - 6 ALL DIMENSIONS ARE TAKEN FROM CENTERLINE OF COLUMNS, UNLESS SPECIFICALLY NOTED OTHERWISE.
 - 7 ALL DIMENSIONS NOTED AS 'CLEAR' SHALL BE TAKEN FROM FINISHED FACES.
 - 8 ALL WALLS SHALL BE BRACED OR ANCHORED TO THE STRUCTURE ABOVE AS NECESSARY.



ADDITIONAL NOTES

1. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS AS SHOWN ON THIS SURVEY.

2. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS AS SHOWN ON THIS SURVEY.

3. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND THAT THE PROPERTY IS AS SHOWN ON THIS SURVEY.

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 1 | 2 | 3 | 4 |
| 5 | 6 | 7 | 8 |
| 9 | 10 | 11 | 12 |
| 13 | 14 | 15 | 16 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 |
| 25 | 26 | 27 | 28 |
| 29 | 30 | 31 | 32 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 33 | 34 | 35 | 36 |
| 37 | 38 | 39 | 40 |
| 41 | 42 | 43 | 44 |
| 45 | 46 | 47 | 48 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 49 | 50 | 51 | 52 |
| 53 | 54 | 55 | 56 |
| 57 | 58 | 59 | 60 |
| 61 | 62 | 63 | 64 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 65 | 66 | 67 | 68 |
| 69 | 70 | 71 | 72 |
| 73 | 74 | 75 | 76 |
| 77 | 78 | 79 | 80 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 81 | 82 | 83 | 84 |
| 85 | 86 | 87 | 88 |
| 89 | 90 | 91 | 92 |
| 93 | 94 | 95 | 96 |



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PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 97 | 98 | 99 | 100 |
| 101 | 102 | 103 | 104 |
| 105 | 106 | 107 | 108 |
| 109 | 110 | 111 | 112 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 113 | 114 | 115 | 116 |
| 117 | 118 | 119 | 120 |
| 121 | 122 | 123 | 124 |
| 125 | 126 | 127 | 128 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 129 | 130 | 131 | 132 |
| 133 | 134 | 135 | 136 |
| 137 | 138 | 139 | 140 |
| 141 | 142 | 143 | 144 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 145 | 146 | 147 | 148 |
| 149 | 150 | 151 | 152 |
| 153 | 154 | 155 | 156 |
| 157 | 158 | 159 | 160 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 161 | 162 | 163 | 164 |
| 165 | 166 | 167 | 168 |
| 169 | 170 | 171 | 172 |
| 173 | 174 | 175 | 176 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 177 | 178 | 179 | 180 |
| 181 | 182 | 183 | 184 |
| 185 | 186 | 187 | 188 |
| 189 | 190 | 191 | 192 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 193 | 194 | 195 | 196 |
| 197 | 198 | 199 | 200 |
| 201 | 202 | 203 | 204 |
| 205 | 206 | 207 | 208 |



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PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 209 | 210 | 211 | 212 |
| 213 | 214 | 215 | 216 |
| 217 | 218 | 219 | 220 |
| 221 | 222 | 223 | 224 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 225 | 226 | 227 | 228 |
| 229 | 230 | 231 | 232 |
| 233 | 234 | 235 | 236 |
| 237 | 238 | 239 | 240 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 241 | 242 | 243 | 244 |
| 245 | 246 | 247 | 248 |
| 249 | 250 | 251 | 252 |
| 253 | 254 | 255 | 256 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 257 | 258 | 259 | 260 |
| 261 | 262 | 263 | 264 |
| 265 | 266 | 267 | 268 |
| 269 | 270 | 271 | 272 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 273 | 274 | 275 | 276 |
| 277 | 278 | 279 | 280 |
| 281 | 282 | 283 | 284 |
| 285 | 286 | 287 | 288 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 289 | 290 | 291 | 292 |
| 293 | 294 | 295 | 296 |
| 297 | 298 | 299 | 300 |
| 301 | 302 | 303 | 304 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 305 | 306 | 307 | 308 |
| 309 | 310 | 311 | 312 |
| 313 | 314 | 315 | 316 |
| 317 | 318 | 319 | 320 |



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PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 321 | 322 | 323 | 324 |
| 325 | 326 | 327 | 328 |
| 329 | 330 | 331 | 332 |
| 333 | 334 | 335 | 336 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 337 | 338 | 339 | 340 |
| 341 | 342 | 343 | 344 |
| 345 | 346 | 347 | 348 |
| 349 | 350 | 351 | 352 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 353 | 354 | 355 | 356 |
| 357 | 358 | 359 | 360 |
| 361 | 362 | 363 | 364 |
| 365 | 366 | 367 | 368 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 369 | 370 | 371 | 372 |
| 373 | 374 | 375 | 376 |
| 377 | 378 | 379 | 380 |
| 381 | 382 | 383 | 384 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 385 | 386 | 387 | 388 |
| 389 | 390 | 391 | 392 |
| 393 | 394 | 395 | 396 |
| 397 | 398 | 399 | 400 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 401 | 402 | 403 | 404 |
| 405 | 406 | 407 | 408 |
| 409 | 410 | 411 | 412 |
| 413 | 414 | 415 | 416 |

PROPERTY DATA

| AREA | AREA | AREA | AREA |
|------|------|------|------|
| 417 | 418 | 419 | 420 |
| 421 | 422 | 423 | 424 |
| 425 | 426 | 427 | 428 |
| 429 | 430 | 431 | 432 |



U-2017-004



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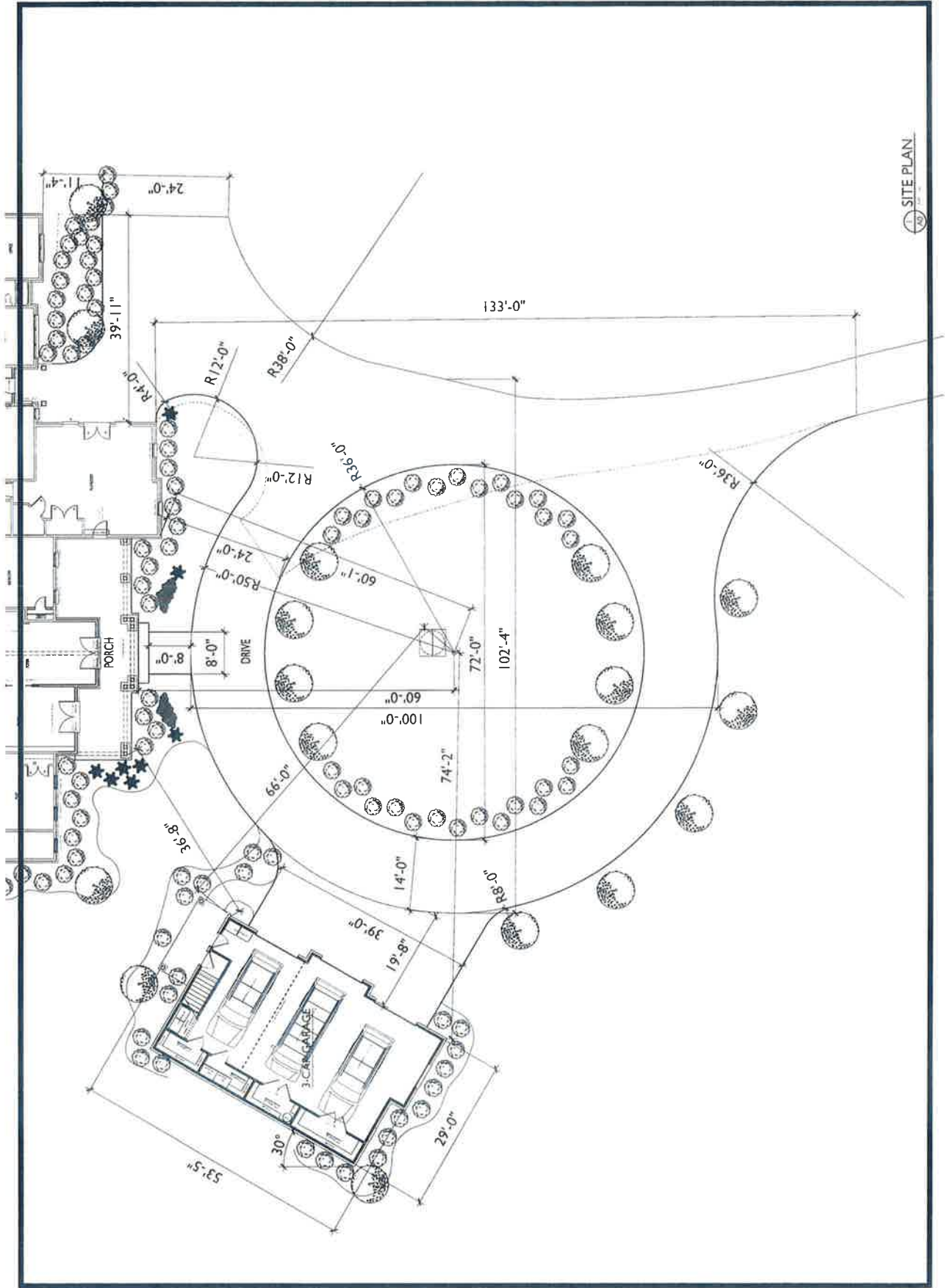
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 A New Garage For:
 The Haley's

REVISIONS
 description date

| | |
|-------------|--------------|
| Scale | 1/4" = 1'-0" |
| Drawn | ALR |
| Checked | ALR |
| Date | 08-25-16 |
| Project No. | 14-210 |

SHEET NUMBER

A0



1 SITE PLAN 30

V-2017-004 EXHIBIT B ENLARGED

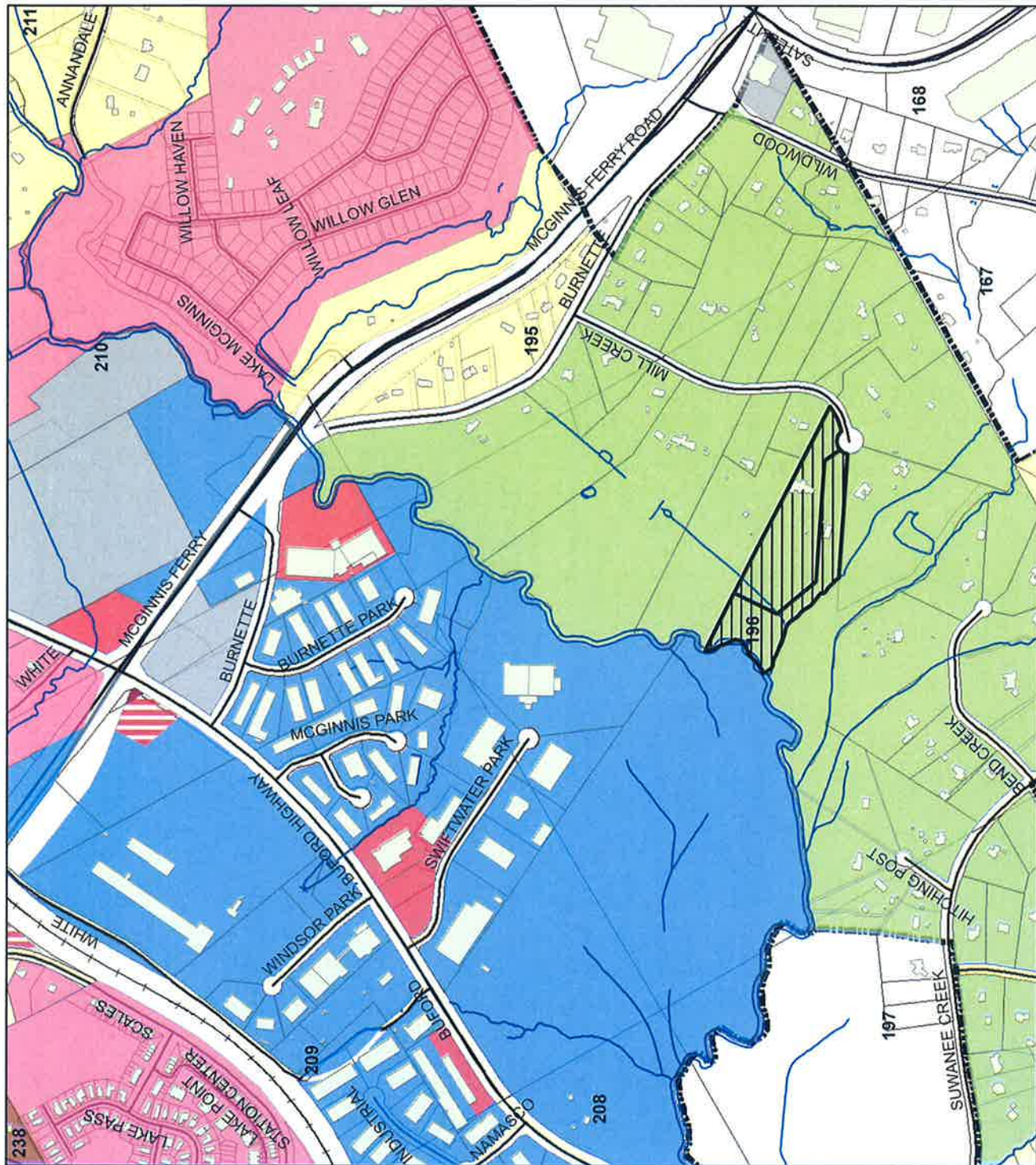


Zoning Map V-2017-004

- Legend**
- Buildings
 - V-2017-004
 - streams

ZONING

- C-1
- C-2
- C-2A
- C-3
- GCA
- IRD
- M-1
- OI
- OTCD
- PMUD
- R-100
- R-140
- R-75
- R-85
- RM6
- RM8
- roads





Location Map V-2017-004



Legend

- V-2017-004
- Buildings
- streams
- roads



1:10,000