

VARIANCE(S):

V-2018-012

V-2018-013

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2018-012
V-2018-013

REQUEST(S): V-2018-012: AN ACCESSORY STRUCTURE TO EXCEED 800-SQUARE FEET

V-2018-013: AN ACCESSORY STRUCTURE INTENDED TO HOUSE ANIMALS LOCATED WITHIN 50-FEET OF A PROPERTY LINE

APPLICABLE SECTION: SECTION 500 OF THE CITY OF SUWANEE ZONING ORDINANCE

LOCATION: 5233 MOORE ROAD

PARCEL: 7-287-375

ZONING: R-140 (SINGLE FAMILY RESIDENTIAL)

APPLICANT/OWNER: RYAN AND NICOLE VOGELSONG
5233 MOORE ROAD
SUWANEE, GA 30024

CONTACT: NICOLE VOGELSONG
CONTACT PHONE: 615-500-6174

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks variances from Section 500 of the City of Suwanee Zoning Ordinance to allow for an accessory structure exceeding 800 square feet and for an accessory structure, intended to house animals, to be located within 50-feet of a property line. The 2 requests apply to a single proposed accessory structure. The subject property is located at 5233 Moore Road and is zoned R-140 (Residential Single-Family District). The first variance (V-2018-012) is from Section 500.A.1.c. to allow for an accessory structure to exceed 800-square feet. The second variance (V-2018-013) is from Section 500.B.6. to allow for an accessory structure intended to house animals to be located within 50-feet of a property line.

The subject property is approximately 5.4-acres and is currently developed with a single-family home towards the middle of the property, a small building located to the west of the dwelling, and two barns and a shelter situated near the western property line. In 2001, the subject property was granted a variance for one of the existing barns to exceed the maximum square footage

allowed for an accessory structure. The current request is to replace the other barn, which is located approximately 12 feet from the western property line.

The applicant is requesting to tear down an existing barn and to rebuild it in a smaller footprint. The existing barn is 2,142 square feet and sits 12.5 feet from the side property line. The proposed barn would be 1,848 square feet and sitting 20 feet from the property line. The new barn would be smaller by 294 square feet and farther from the property line by 7.5 feet. Although the applicant is reducing the size of the existing structure and moving it farther from the property line, the existing barn is non-conforming and the new barn would not meet current requirements. Section 1401 of the City of Suwanee Zoning Ordinance states “a building occupied by a non-conforming use at the time of the enactment or amendment of this Ordinance may be retained except that it shall not be rebuilt, altered or repaired after damage exceeding 50 percent of it’s replacement cost at the time of destruction.” The applicant is intending to tear down the barn and rebuilt one that is too big and too close to the property line according the the requirements of the Zoning Ordinance. As such, a variance would be required in order to build the new barn.

The subject property is a large R-140 zoned tract. The property is surrounded by residential property within Suwanee’s city limits and in unincorporated Gwinnett County. To the north of the subject parcel, across Moore Road, is residential property in unincorporated Gwinnett County. This property is a 20-acre fenced estate. To the east and west of the subject property are developed R-140 lots within the city limits. To the south of the subject property is approximately 5 acres of land zoned R-100 and R-140.

V-2018-012

Section 500.A.1.c. of the City of Suwanee Zoning Ordinance regulates the size of an accessory structure to 800 square feet.

The applicant is requesting a variance to allow for an accessory dwelling to exceed 800-square feet by approximately 1,000 square feet. The proposed accessory dwelling will be used as a structure to house 1 or 2 horses and will replace the existing barn in a smaller footprint.

V-2018-013

Section 500.B.6.b. of the city of Suwanee Zoning Ordinance regulates the location of a structure used to house animals in relation to a property line, specifically is states that, “all structures, pens, or corrals housing the animals are located at least 50 feet from any property line.”

The applicant is requesting a variance to allow for the minimum distance between a structure used to house animals and a property line to be reduced from 50 feet to 20 feet. There is an existing barn located on the property that sits 12.5 feet from the property line. The applicant seeks to tear down the barn and locate a new barn 20 feet from the property line.

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 addition, a variance may be granted when such conditions are not the result of any actions of the property owner.

There are many large lots in the vicinity and it is not uncommon for the larger lots in this area to contain multiple accessory buildings, some of which are larger than 800 square feet. The proposed barn would not be out of context with the surrounding development. The proposed barn would be smaller and farther from the property line than older barn it is replacing, so the impact of the proposed barn would actually be less. Finally, the adjacent lot nearest to the proposed barn is a large residential lot developed with a softball field and parking. The proposed barn is unlikely to negatively impact this property. The barn would be located more than 50 feet from all other adjacent properties. The closest existing structure on an adjacent property would be over 200 feet away from the proposed barn.

Although the subject property does not appear to have a situation which rises to the level of hardship, it would not compromise the general purpose and intent of the Zoning Ordinance. The applicant's proposed barn will aesthetically match the home on the property and is not likely to impact the only property located within 50 feet of the barn. In the past the City has approved similar requests for larger accessory structures on large lots. This includes a previous request on the subject property as well as other similarly situated parcels located throughout the City (There have been 9 similar requests in the last few years). As such, it is unlikely that approval of these variances would cause substantial detriment to the public good or impair the purposes or intent of the Zoning Ordinance. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2018-012 and V-2018-013.

Recommended Conditions

V-2018-012

The Planning Department recommends approval of a variance for an accessory structure to exceed 800 square feet subject to the following conditions:

1. Said accessory structure shall be no larger than 1,900 square feet in size.
2. Said accessory structure shall be consistent with the materials used on the home located at 5233 Moore Road.

V-2018-013

The Planning Department recommends approval of a variance for an accessory structure intended to house animals to be located within 50 feet of a property line subject to the following conditions:

1. Said accessory structure shall be located no closer than 20 feet to the western property line. All other setbacks shall remain per zoning.

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 variances unreasonably increase the congestion in public streets?

Approval of the variances would not increase the congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of the variances 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 variances 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 the variances would not impair the public health, safety, comfort, morals or welfare of the inhabitants of the City.

**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: Ryan & Nicole Vogelsong
Address: 5233 Moore Rd
City: Suwanee
State: GA
Phone: 615-500-6174
E-mail address: sng82@mac.com

OWNER INFORMATION

Name: Ryan & Nicole Vogelsong
Address: 5233 Moore Rd
City: Suwanee
State: GA
Phone: 30024

CONTACT PERSON: Nicole

PHONE: 615-500-6174

ADDRESS OF PROPERTY 5213/5233 Moore Rd, Suwanee, GA 30024

LAND DISTRICT 7 LAND LOT 287 PARCEL 7-287-375 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R-140

VARIANCE REQUESTED We are requesting a variance in regards to sq footage distance from property line, sq. footage of existing to new barn and a new curb cut.

NEED FOR VARIANCE The existing barn on our property is currently 12.5 feet from the property line and well over 100 feet from either residence. We would like to virtually use the same footprint, but increase the distance from the line by 7.5 ft to 20 total ft. We will shrink the actual space taken by the barn from 42'x51' to 42'x44'. The new barn will aesthetically match the home located at 5233 Moore Rd. and house one to two horses.

***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.**

Ryan and Nicole Vogelsong
5233 Moore Rd
Suwanee, GA 30024

8.13.2018

To whom it may concern,

We purchased the homes located at 5213 and 5233 Moore Rd in hopes of one day having horses there. We would like to make the following necessary changes to do so.

The existing barn located on our property is very old and dilapidated. We would like to demo the existing barn and build a new one in virtually the same footprint. The new barn would move away from the property line from its current location of 12.5', an additional 7.5' to the property line, totaling 20' away. The barn is well over 100' from any dwellings on all sides.

The existing barn is 42'W x 51' L. We will decrease the footprint of the barn to 42'W x 44'L. The barn will be brand new and made to house 1-3 horses. It will aesthetically match the home at 5233 Moore Rd. complete with a soft tan color palette, metal roof, stained glass window and stone wainscoting.

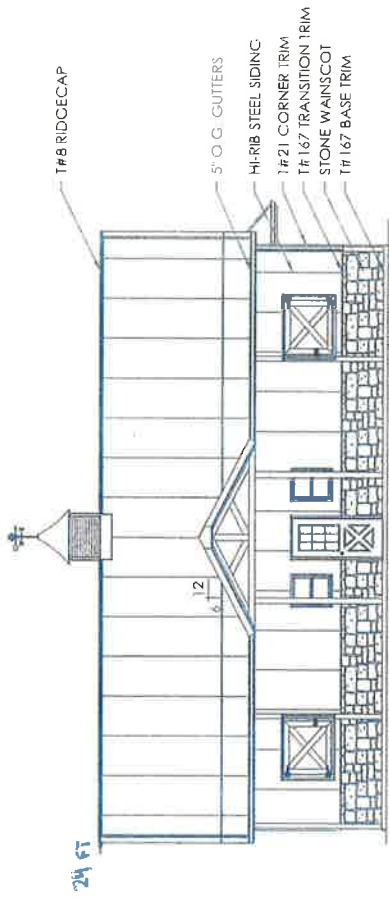
The existing home located at 5213 will be demolished and the land cleared, graded and seeded for pasture.

We would like to move the driveway curb cut at 5213 over approx. 46' middle to middle from the current drive to the new. This is so we can run a new drive along the property line, up behind the barn, maximizing the green space for pasture. We will install new fencing and a gate at 5213. The new barn site and pastures will be landscaped and made to look visually pleasing.

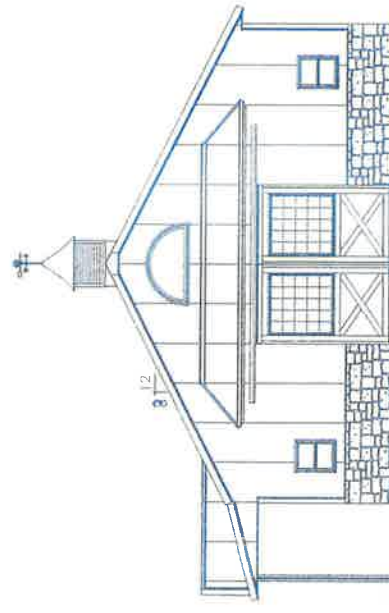
The changes and additions we propose will enhance the beauty and value of our property all while fulfilling a life long dream.

Thank you,
Nicole Vogelsong

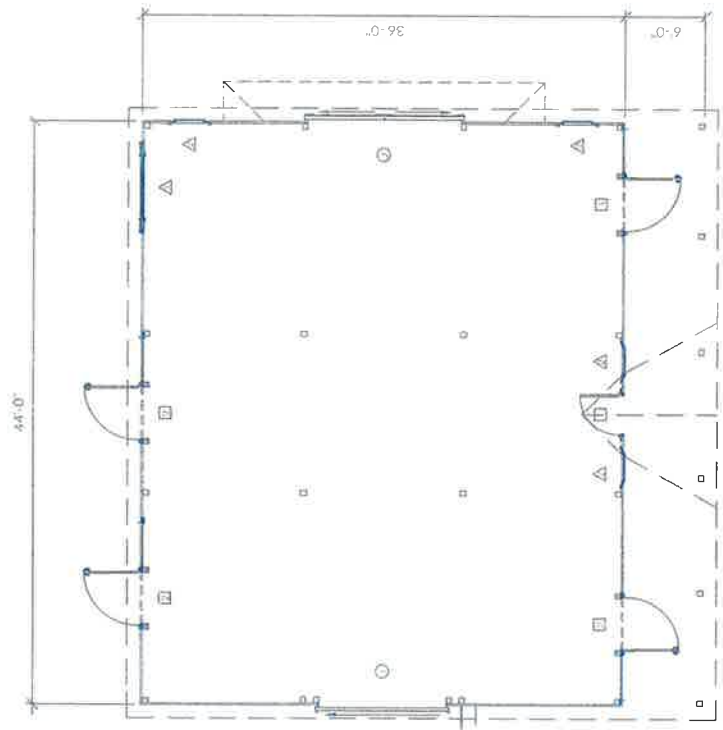
V. 2018.012
V. 2018.013



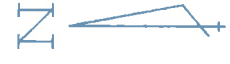
SOUTH ELEVATION



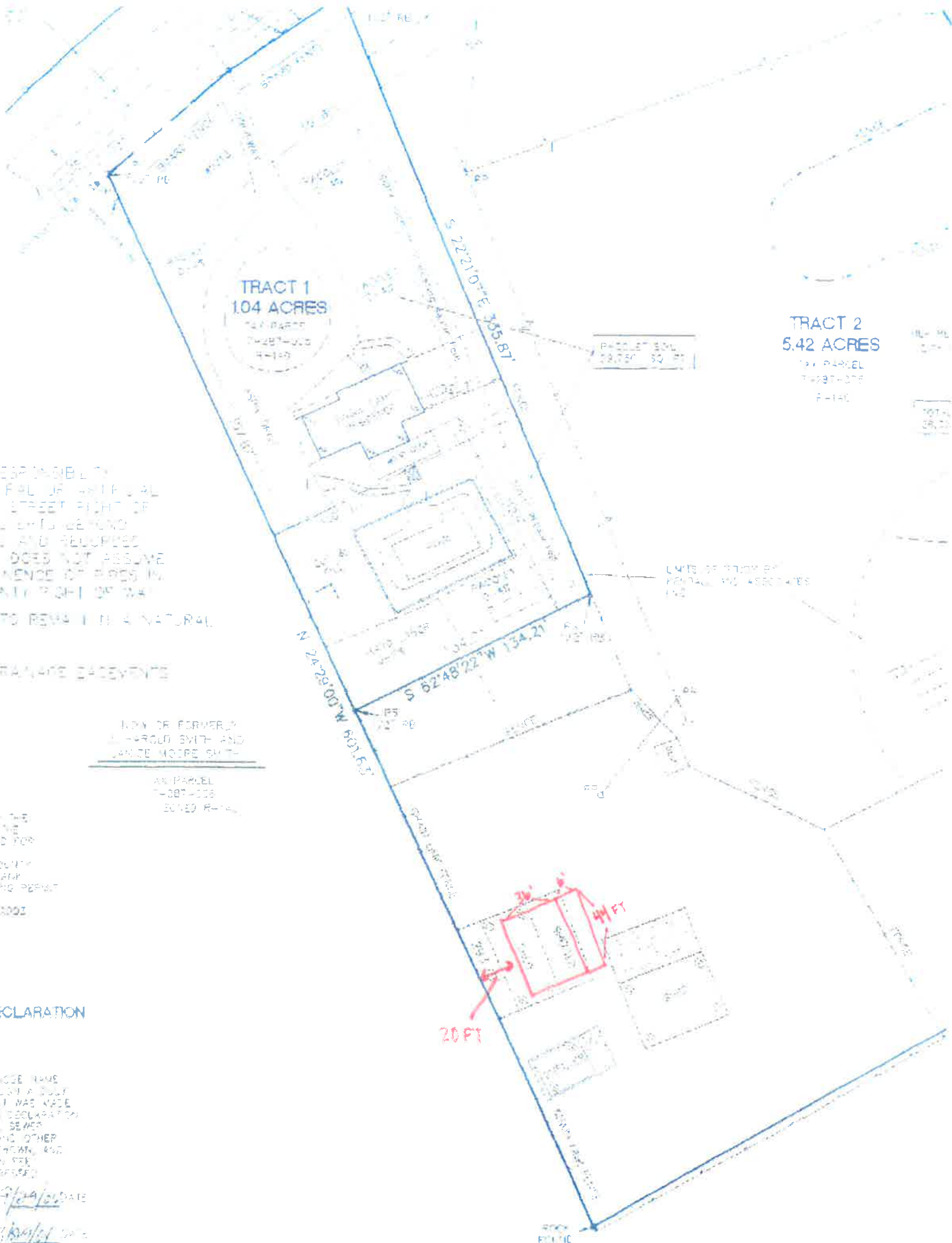
EAST ELEVATION



COLUMN PLAN



V.2018.012
V.2018.013



TRACT 1
1.04 ACRES

TRACT 2
5.42 ACRES

RESPONSIBILITY FOR
 FAILURE OF ANY LOCAL
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RAVINE EASEMENTS

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 JANICE MOIRE SMITH
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DECLARATION

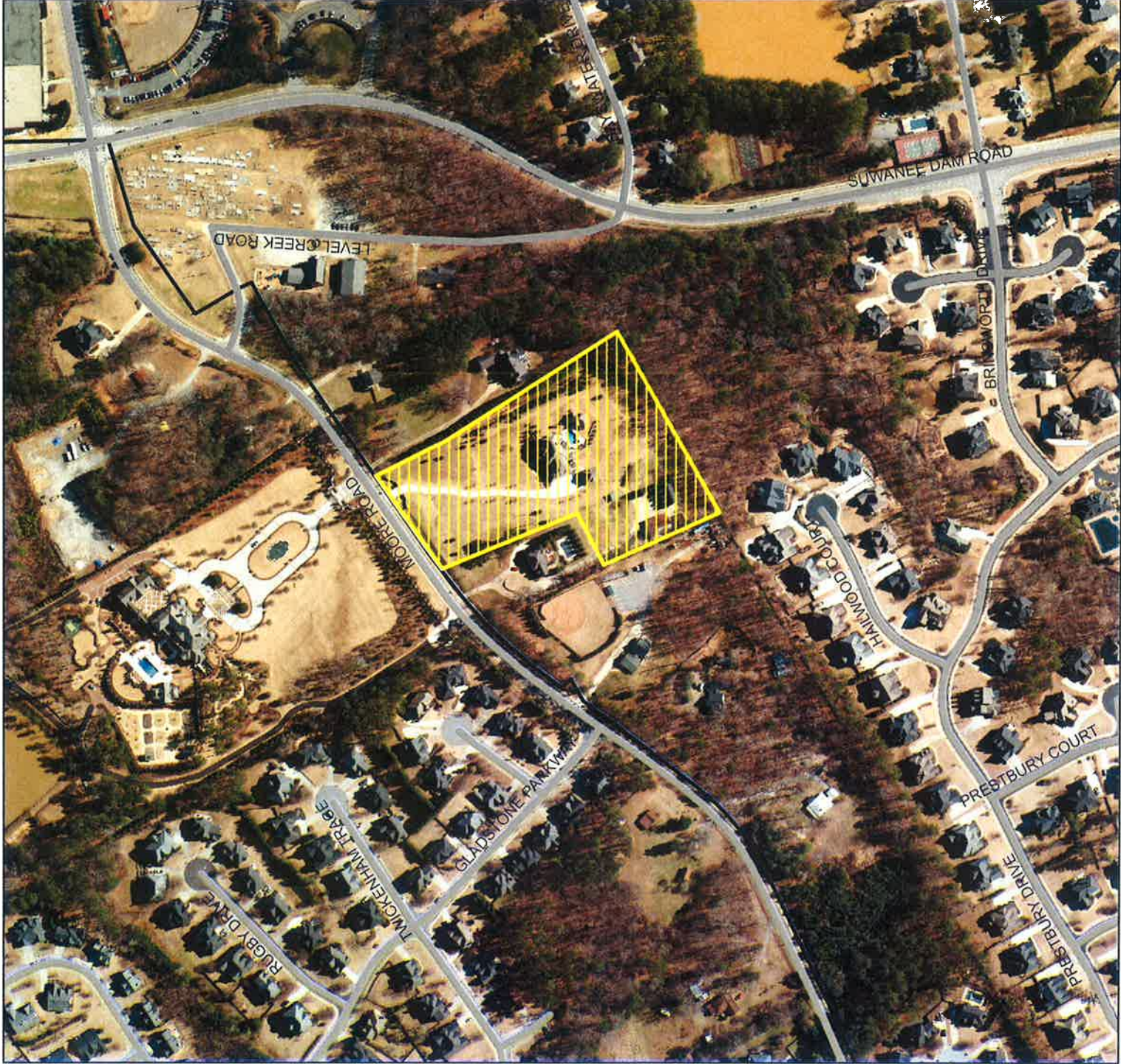
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V.2018.012 / V.2018.013



Location Map V-2018-012&013



Legend



V-2018-012&013



Roads



1:4,000

Zoning Map

V-2018-012&013

Legend



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



0 162.5 325 650 Feet

1:4,000

