

VARIANCE(S):

V-2018-015

V-2018-016

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2018-015
V-2018-016

REQUEST(S): V-2018-015 AND V-2018-016: REDUCE THE
YARD ABUTTING A PUBLIC STREET TO
LESS THAN 50 FEET.

APPLICABLE SECTION: SECTION 604 OF THE CITY OF SUWANEE
ZONING ORDINANCE

LOCATION: 557 MAIN STREET

PARCEL: 7-236-033

ZONING: R-100 (SINGLE FAMILY RESIDENTIAL)

APPLICANT: CECELIA ANN SMITH
2027 BROOK HOLLOW
ABILENE, TX 79605

OWNER: ZOE KIM
3601 LAKE MCGINNIS DRIVE
SUWANEE, GA 30024

CONTACT: ZOE KIM
CONTACT PHONE: 808-631-8590

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks variances from Section 604 of the City of Suwanee Zoning Ordinance to allow for two accessory structures to be located within 50 feet of a property line abutting a public street. The subject property is located at 557 Main Street and is zoned R-100 (Residential Single-Family District). Both variances are from Section 604.D to allow for an accessory structure and a detached garage to be setback less than 50 feet from a property line when abutting a public street.

The subject property is approximately 0.22 acres with road frontage along Main Street and Jackson Street and is currently developed with a single-family home that faces Main Street. The applicant is proposing to tear down the existing house and to build a new one. The aesthetic of the new home is intended to match the existing homes along Main Street. Along with the

construction of the single-family dwelling, the applicant is requesting to build a 490 square foot accessory structure and a 465 square foot detached garage.

The subject property is surrounded by residentially and commercially zoned properties. To the north, east, and south, are developed R-100 lots. Also to the south, across the railroad tracks, is Huthmaker's Violins, zoned OTCD (Old Town Commercial District). To the southwest are commercial properties, zoned C-1 (Neighborhood Commercial).

V-2018-015

Section 604.D. of the City of Suwanee Zoning Ordinance regulates the setback of an accessory structure from a public street. It states that accessory structures where abutting a public street shall be setback 50 feet.

The applicant is requesting a variance to allow for an accessory structure to be located within 50 feet of a property line abutting a public street. The proposed 465 square foot detached garage is proposed to be located approximately 20 feet from the property line.

V-2018-016

Section 604.D. of the City of Suwanee Zoning Ordinance regulates the setback of an accessory structure from a public street.

The applicant is requesting a variance to allow for an accessory structure to be located within 50 feet of a property line abutting a public street. The proposed approximately 490 square foot accessory structure is proposed to be located approximately 20 feet from the property line.

In the accessory structure section of the Zoning Ordinance, accessory structures can be as close as 5 feet to a property line. However, where abutting a public street, an accessory building, structure or use shall be setback 50 feet. In this instance, the property in question is located on Main Street and Jackson Street, both public roads. Most of the housing and development in historic Old Town occurred prior to the adoption of zoning or development regulations in Suwanee. Because of this the setbacks, yards, road widths, etc. in the area often do not conform to these requirements. Old Town is fundamentally different than much of the development that has occurred since the adoption of these regulations in the 1980's. The homes along Main Street, that are also adjacent to Jackson Street, all face Main Street and have setbacks that are less than 50 feet. In essence, the yards are designed to treat the portion of the property along Jackson Street as a rear yard even though Jackson Street is considered a public road.

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 similarly sized lots in the vicinity and it is not uncommon for these lots to contain accessory buildings. The proposed accessory structure and garage would not be out of context with the surrounding development nor are they likely to negatively impact or cause detriment to surrounding properties. The lot is unique in that it was created prior to the adoption of zoning in Suwanee, it is smaller than most R-100 lots, and it has double frontage. Approval of the requested variances would not authorize construction that is out of character for the area.

The subject property's small lot size, double frontage, and location, cause it to have a situation which rises to the level of hardship. The accessory structure and garage will aesthetically match the proposed home that will be constructed on the property and the structures are not likely to impact the surrounding properties. As such, it is unlikely that approval of these variances would cause substantial detriment to the public good or compromise the general purposes or intent of the Zoning Ordinance. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2018-015 and V-2018-016.

Recommended Conditions

V-2018-015

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

1. Said accessory structure shall be no larger than 500 square feet
2. Said accessory structure must be developed substantially consistent with the site plan labeled as "Exhibit A".
3. Said accessory structure shall be located no closer than 20 feet from edge of asphalt for Jackson Street as measured at the time of construction.

V-2018-016

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

1. Said accessory structure shall be no larger than 500 square feet
2. Said accessory structure must be developed substantially consistent with the site plan labeled as "Exhibit A".
3. Said accessory structure shall be located no closer than 20 feet from the edge of asphalt for Jackson Street as measured at the time of construction.

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: Zoe M Kim
Address: 3601 Lake McGinnis Dr.
City: Suwanee
State: GA
Phone: 808-431-8590
E-mail address: zoemkim2@gmail.com

OWNER INFORMATION

Name Cecelia Ann Smith
Address 2027 Brook Hollow Dr
City: Abilene
State TX
Phone: 325-804-3081

CONTACT PERSON: Zoe Kim PHONE: _____

ADDRESS OF PROPERTY 557 Main Street

LAND DISTRICT 1 LAND LOT 236 PARCEL 033 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R-100

VARIANCE REQUESTED Two accessory structures to be built 20 feet from rear property line (Jackson St)

NEED FOR VARIANCE In-law suit to accommodate small property.

***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.**

V-2018-015 + V-2018-016

Proposal letter to building/zoning department, requesting a variance for allowing two accessory structures to be built and additional square for a sunroom.

September 14, 2018

Dear Department of Planning & Inspections,

This proposal letter is to request and substantiate the grant of a Variances for a residence at 557 Main Street in Suwanee.

Accessory Structures

The petitioner requests a Variance allowing two additional free-standing accessory structures over boundary setback as shown on the site plan.

The variance is requested due to the hardship of a small property and tight setbacks.

The proposed accessory structures are a detached garage with a bonus room on the second floor and the second accessory structure is a small carriage/tiny home. The petitioner requests both accessory structures to be built 20 ft from Jackson Street as shown on site plan. The detached garage will be 20 ft. by 22 ft. (440 square feet total). The carriage home will be 14 ft by 35 ft. (490 square feet total).

The petitioner's important need for the carriage/tiny home is so her mother can live in it and be cared for.

The petitioners need for the detached garage is to ensure cars, bicycles and lawn equipment can be kept well and out of sight.

It is the absolute intent of the petitioner (for her personal architectural preferences as well as the needs of the Zoning Administrator/Planning Commission) to create the said accessory structures to compliment each other, the main dwelling, and the architectural design of a restored Old Town Suwanee District.

The proposed accessory structures shall blend in (with the main dwelling, a minimalist modern farmhouse to be built). They will specifically compliment other homes on Main Street such as 571 and 451.

Sunroom Extension

The petitioner additionally requests a Variance allowing a section of the main dwelling "sunroom" to encroach 3 feet into the 10' setback on the right side of the main dwelling.

The requested attached sunroom would encroach 3 feet into the 10-foot right property setback as shown on the site plan.

V-2018-015 & V-2018-016

Granting the proposed Variance (allowing part of the main dwelling to encroach) allows the architectural design of the home to compliment, "fade into" the neighborhood and the landscape in a far more attractive and harmonious manner.

Support of Favorable Findings

There is an accessory structure located on the rear property of 583 Main Street (four doors down). The accessory structure at 583 main street is 5 feet from Jackson Street.

B) The extended sunroom area would blend in and compliment the sunrooms at neighboring homes on 571 Main Street and 451 Main Street.

B) I the petitioner, shared these proposed variances with neighboring residents at 571 Main St., 561 Main Street, and 553 Main Street. All said residents are supportive of the two accessory structures and additional sunroom as described above. I also visited the residence of 567 Jackson Street to get their input for these variances times, but no one answered the door.

C) Additionally, the proposed accessory structures and sunroom Variance requested does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would be negatively affected. The Variance would allow the petitioner and petitioners family to live in the Old Town Suwanee District, contribute to the community and surrounding neighbors, and help revitalize the Old Town Suwanee District with it's old meets new historical charm.

Respectfully submitted,

Zoë Kim, Petitioner

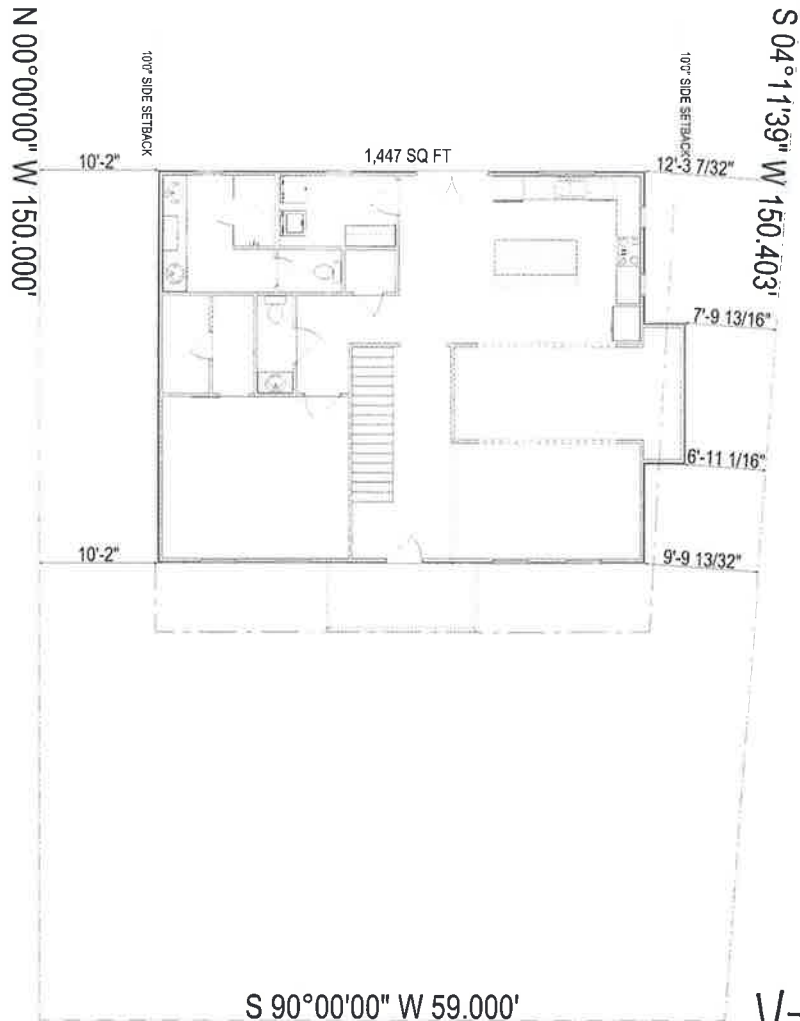
3601 Lake McGinnis Dr.
(808) 631-8590
zoemkim2@gmail.com

V-2018-015 & V-2018-016

ALTHOUGH EVERY EFFORT HAS BEEN MADE IN PREPARING THESE PLANS AND CHECKING THEM FOR ACCURACY, THE CONTRACTOR MUST CHECK ALL UTILITIES AND DIMENSIONS AND BE RESPONSIBLE FOR THE SAME FOR ALL GOVERNING CODES AND BUILDING PRACTICES. THESE DRAWINGS CONFORM TO GENERALLY ACCEPTED BUILDING PRACTICES. HOWEVER STATE AND LOCAL CODES VARY WIDELY. THE DRAFTSMAN/ARCHITECT SHALL NOT BE HELD LIABLE FOR ANY ERRORS. ALL CONSTRUCTION SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL CODES. DO NOT SCALE DRAWINGS. USE ONLY THE PRINTED DIMENSIONS. VERIFY WITH THE WINDOW MANUFACTURER ALL WINDOW SIZES AND APPLICABLE EGRESS REQUIREMENTS. ALL DIMENSIONS ARE TAKEN FROM TOE OF STUDS TO A DIMENSION OF EITHER 5/16" (2x4 STUDS), 3/4" (2x4 STUDS) OR TO THE OUTSIDE OF MASONRY. CONTRACTOR SHALL VERIFY ALL MECHANICAL AND ELECTRICAL REQUIREMENTS AND CLEARANCES. CONTRACTOR SHALL VERIFY ALL FLOOR AND ROOF BEARING LOCATIONS. CONTRACTOR SHALL VERIFY ALL BEAM AND HEADER SIZES FOR CODE COMPLIANCE. DESIGNER'S FINANCIAL LIABILITY SHALL BE LIMITED TO HALF OF THE ACTUAL CONTRACT PRICE OF SAID HOME DESIGN.

S 90°00'00" E 70.000'

Main Floor
SCALE: 1" = 8'-0"



V-2018-015 & V-2018-016



DRAWING DATE: 11/14/2018
SHEET NO: S1

*****COPYRIGHT NOTE*****
ALL RIGHTS RESERVED
These drawings and specifications shall remain the property of the Designer and shall not be used for any other project without the written consent of the Designer. These drawings are not to be reproduced, changed or copied in any form or manner whatsoever. No one may be assigned to any project without first obtaining the written permission and consent of the Designer.

GDOS JOB NUMBER: 18-0227 DRAWN BY: JOHN K. TORRES

Kim Residence

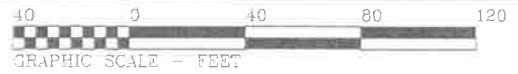
Site Plan



eFiled & eRecorded
 DATE: 8/31/2018
 TIME: 10:26 AM
 PLAT BOOK: 00143
 PAGE: 00045
 RECORDING FEE: 9.00
 PARTICIPANT ID: 7402370769
 CLERK: Richard T Alexander Jr
 Gwinnett County, GA



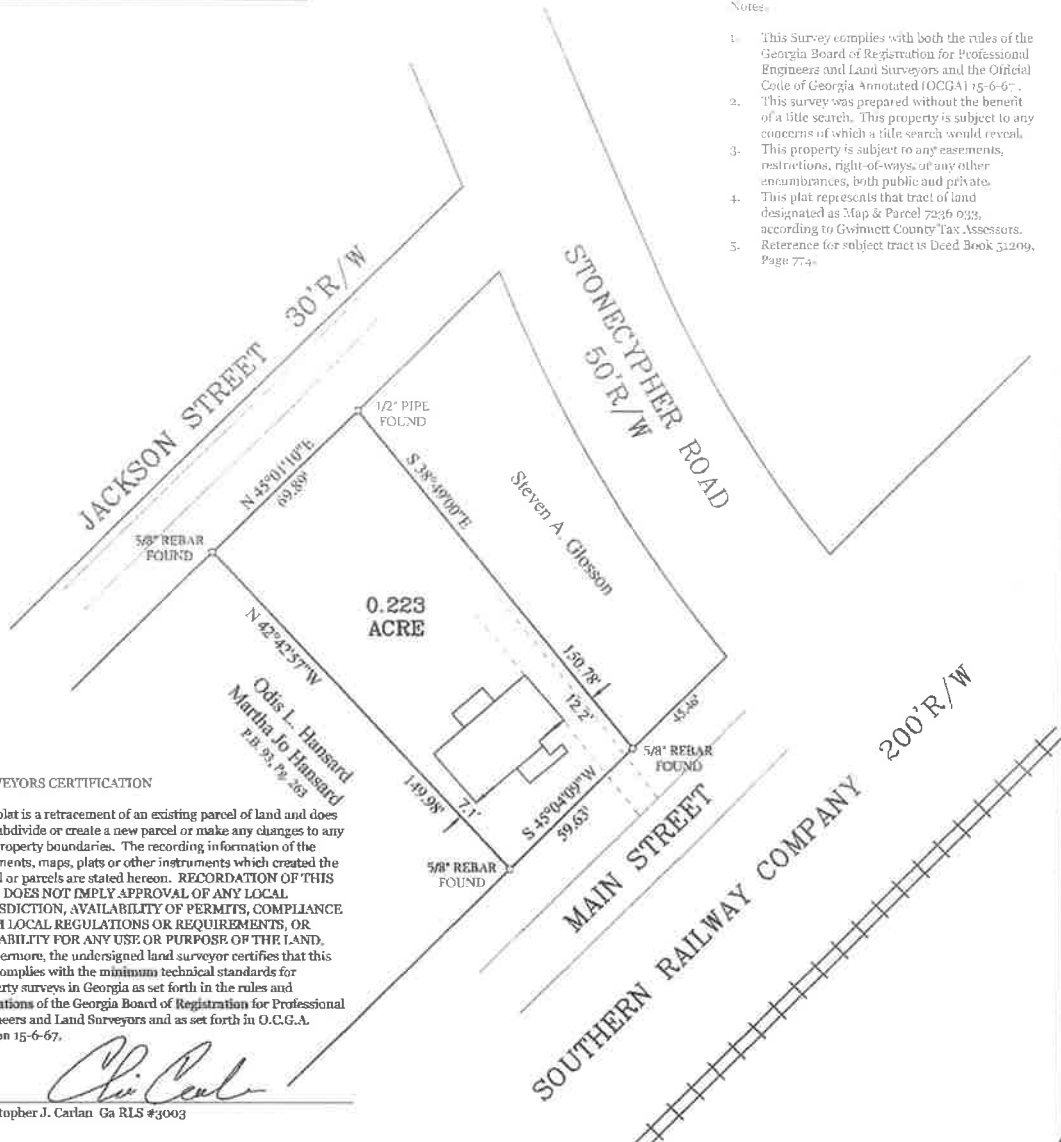
- The field data upon which this plat is based has a closure precision of one foot in 32,617 feet and an angular error of 91' per angle point and was adjusted using the Compass Rule.
- This plat has been calculated for closure and is found to be accurate within one foot in 61,922 feet.
- The field equipment used in this survey was a Leica TS12-P Robotic Total Station.
- The Field Work was completed 7/27/18



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

Notes:

- This Survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67.
- This survey was prepared without the benefit of a title search. This property is subject to any concerns of which a title search would reveal.
- This property is subject to any easements, restrictions, right-of-ways, or any other encumbrances, both public and private.
- This plat represents that tract of land designated as Map & Parcel 2296 033, according to Gwinnett County Tax Assessors.
- Reference for subject tract is Deed Book 51209, Page 774.



SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Christopher J. Carlan

Christopher J. Carlan Ga RLS #3003

BOUNDARY SURVEY FOR

ZOE KIM

LOCATED WITHIN
 City of Suwanee
 Land Lot 238, 7th District
 Gwinnett County, Georgia

Scale: 1" = 40' August 29, 2018



JOB NO. 18-152 P.H. A-267



CARLAN

LAND SURVEYORS
 970 SOUTH BROAD STREET
 COMMERCE, GA 30529
 (706)336-5959



V-2018-015 & V-2018-016

Location Map

V-2018-015&016



Legend

-  V-2018-015 and V-2018-016
-  Roads
-  parcels



1:1,250



















Zoning Map V-2018-015&016

Legend

 V-2018-015 and V-2018-016

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



1:1,250

