

VARIANCE(S):

V-2019-003

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2019-003

REQUEST: ELIMINATE A 50 FOOT BUFFER ABUTTING A RESIDENTIAL ZONING DISTRICT.

APPLICABLE SECTION: SECTION 506

LOCATION: 550 SATELLITE BOULEVARD

PARCEL: 7-171-007

ZONING: C-2 GENERAL COMMERCIAL DISTRICT

APPLICANT: DEVELOPMENT PLANNING & ENGINEERING
5074 BRISTOL INDUSTRIAL WAY
SUITE A
BUFORD, GA 30518

OWNER: INLAND SIMS DEVELOPMENT LLC
3405 MARTIN FARM ROAD
SUITE 100
SUWANEE, GA 30024

CONTACT: BENNY SIMS
CONTACT PHONE: 404-213-5695

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 506.C.8 of the City of Suwanee Zoning Ordinance to eliminate a required 50 foot wide buffer. The subject property is commercially zoned with residentially zoned property to the north. Section 506 of the Zoning Ordinance requires a 50 foot wide buffer where commercially zoned property abuts single family residential property.

The property owner plans to build an approximately 20,000 square foot office/warehouse and requests a variance from the requirement for a 50-foot wide undisturbed buffer abutting a residential Zoning District. They propose to replace it with a 50-foot wide graded and replanted buffer. This buffer is intended to shield less intensive uses, generally residential, from more intensive uses, such as industrial or commercial uses. Access is proposed via a single right in/right out driveway off Satellite Boulevard.

A concept plan and grading plan were approved for the subject property in 2003. The site was subsequently graded in conjunction with the construction of Satellite Boulevard. The grading plans showed the required 50-foot wide buffer and it appears that the buffer was honored throughout the grading process. The property was not subsequently developed. Over the last 15 years vegetation has been permitted to grow back. However, the buffer area is still largely devoid of significant screening vegetation as a result of a driveway (off Smithtown Road) and power lines that run through the property.

In 2005, a development plan for the property was proceeding through the development review process. In the course of going through this process the property owner requested a variance per V-2005-007. The requested variance was approved, which allowed the buffer to be reduced to a width that varied from 15 to 32 feet subject to the following conditions:

1. Prior to approval of a development permit, an access easement shall be recorded as shown on the grading plan approved for the site in 2003.
2. Any development plans for the site shall include provision of access located comparably to the existing driveway.
3. The buffer shall be maintained as shown on Exhibit "A" for V-2005-007.

The reason for the first 2 conditions is that it appears that a driveway running through the subject buffer appears to serve the adjacent residential parcel. A review of the historical google earth aerial photos appears to show this driveway in continued use over the last 20+ years. An attached plat shows a "dirt private road" in this same location in 1972. As such, at the time, staff recommended that any variance approval assure that the neighboring residential property continue to be assured of this access. The same is true today. If the requested variance is approved then the residential neighbor should be assured of this continued access.

The subject property is surrounded by a mixture of uses. To the east of the subject property, on both sides of Satellite Boulevard, is a light industrial complex (Zoned M-1) primarily occupied by lumber related businesses. To the south of the subject property, across Satellite Boulevard, are commercially and industrially zoned parcels (Zoned C-2) occupied by smaller office buildings and a cell tower. To the west of the subject property, across Smithtown Road, is an office warehouse complex (Zoned M-1). The parcel to the northwest of the subject property is zoned GC-A (Gwinnett County-Annexed), with an underlying zoning of R-100 (Residential Single-Family District). It is along this property line which the subject site is required to provide a 50-foot undisturbed buffer.

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. The zoning ordinance also states that variances may be granted when, "relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance."

There is conflicting information regarding the location of an access easement in and around the buffer in question. However, it is clear that there is currently a driveway and powerlines located within the buffer area. As a result of these 2 features, the buffer area is mostly devoid of vegetation. The applicant indicates that they are planning to relocate the powerlines located in the buffer area. If this is done, then disturbing the buffer area and allowing the area to be heavily landscaped may result in a more desirable vegetative screen. A review of historic aerial photos gives the appearance that the driveway has been in continuous use. This information combined with a copy of recorded plat showing a "dirt private road" in the same location in 1972 make staff reluctant to recommend allowing disturbance of this driveway.

In conclusion, there does not appear to be an actual hardship that would require the elimination of the buffer, but the lack of any significant vegetation with the buffer area combined with the applicants offer to replant the area lends support for the approval of a variance on the basis that it should not undermine the intent of the ordinance. However, the long term, continual existence of the driveway that serves the neighboring property should not be impaired as a result of a variance approval. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2019-003.

Planning Department
Recommended Conditions
V-2019-003

Approval of a variance to eliminate a required 50-foot wide buffer subject to compliance with the following conditions:

1. Prior to approval of a development permit which shall accomplish and satisfy one of the following:
 - a. Provide verification, to the satisfaction of the City Attorney, that the neighboring property owner authorizes the driveway to be abandoned, or
 - b. Leave the existing driveway as shown in the attached aerial photo undisturbed and provide an access easement for the driveway, or
 - c. Reconstruct the driveway to the satisfaction of the neighboring property owner and provide an access easement for the new driveway.
2. Any development plans for the site shall reflect one of the three options outlined in condition 1.
3. Land disturbance activities within the required buffer area, except as noted in condition 1, are authorized.
4. Prior to issuance of development permit, provide a landscape plan that shows the 50-foot buffer area replanted with a mix of evergreen and hardwood trees and shrubs with a variety of anticipated sizes and heights. Said plan is subject to the approval of the Planning Director.
5. Prior to issuance of a development permit, a surety shall be provided to the City in an amount sufficient to ensure that the buffer is replanted. In the event that land disturbance activities are started within the buffer area, but the site work for the property is not completed, the City shall be authorized to use the surety provide, enter the property, and replant the disturbed buffer area per the approved landscape plan.
6. Prior to issuance of a certificate of occupancy for any building, the approved landscape plan shall be executed to the satisfaction of the Planning 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 variances unreasonably increase the congestion in public streets?

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

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

Approval of the 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 the variance 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: Development Planning & Engineering
Address: 5074 Bristol Industrial Way, Suite A
City: Buford
State: Georgia
Phone: 770.271.2868
E-mail address: Twoods@dpengr.com & Rparker@dpengr.com

OWNER INFORMATION

Name Inland Sims Development LLC
Address 3405 Martin Farm Road, Suite 100
City: Suwanee
State Georgia
Phone: _____

CONTACT PERSON: Benny Sims

PHONE: 404.213.5695

ADDRESS OF PROPERTY 550 Satellite Boulevard

LAND DISTRICT 7 LAND LOT 171 PARCEL 007 LOT 1

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING M-1

VARIANCE REQUESTED We request in lieu of a 50 foot undisturbed buffer a 50 foot graded and replanted buffer.

NEED FOR VARIANCE Due to severe topographical constraints along Satellite Boulevard and Smithtown Road along with drastic grade changes, a graded and replanted buffer will be beneficial to the adjacent property owner and the site development.

***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-2019-003



Development Planning & Engineering, Inc.

February 15, 2019

City of Suwanee Planning Department
330 Town Center Avenue
Suwanee, Georgia 30024

To whom it may concern:

Please let this letter serve as our variance request to modify the required buffer from a fifty-foot undisturbed buffer to a fifty-foot graded and replanted buffer for the property located at 550 Satellite Boulevard (parcel number 7-171-007). There are extenuating circumstances that lead to the justification to request the modification in buffer type from undisturbed to graded and replanted. There is a significant change in topography from the street elevations on Smithtown Road and Satellite Boulevard to the rear of the subject property, therefore a significant amount of grading is proposed on the site. This grading is necessary to accommodate the building, parking, and for the stormwater facility to function properly.

There was a previous variance request approved on this site in July of 2005 to reduce the Buffer from varying widths of fifteen to thirty-two feet. A condition of this variance request was also to provide an access easement along the subject property of thirty feet. After doing deed research we have discovered that there is a thirty-foot access easement on the adjacent parcel (7-171-003) as referenced in deeds that are included with this variance request; therefore, the access easement is not necessary.

We understand that if this variance request is approved by the City of Suwanee Zoning Board of Appeals, the July 2005 variance becomes void. We feel that by providing a graded and replanted buffer adjacent to parcel 7-171-003, it will provide a more aesthetically pleasing buffer. If we are unable to grade the buffer, the adjacent property will be looking at a significantly tall retaining wall.

We appreciate your consideration of this variance request. Please do not hesitate to give me a call if you have any questions.

Sincerely,

Tonya Woods
Development Planning & Engineering

V-2019-003

PARKING SUMMARY

BUILDING USE	FLOOR AREA	PARKING RATIO	REQUIRED PARKING	MINIMUM ALTERNATE PARKING
OFFICE	15,170 SF	1 SPACE PER 200 SF	76 SPACES	43 SPACES
OFFICE	15,170 SF	1 SPACE PER 200 SF	76 SPACES	43 SPACES
TOTAL			152 SPACES	86 SPACES

INDOOR SPACES REQUIRED = 2 SPACES PER 1000 SF OF SPACES PER 200
 MINIMUM SPACES PROVIDED = 2 SPACES PER 1000 SF OF SPACES PER 200

DESIGN NOTES:

- CONCRETE IN THE WALLS IN NEW CONSTRUCTION SHALL BE PROVIDED WITH THE REINFORCEMENT OF 300# AND SPACED 20" ON CENTER. ACCESSIBLE REINFORCING BARS SHALL BE PROVIDED AT LEAST EQUIVALENT TO THE NUMBER OF BARS REQUIRED FOR THE STRUCTURAL REQUIREMENTS. REINFORCING BARS SHALL BE PROVIDED AT LEAST THE USE REINFORCING BARS PROVIDED IN THIS SPECIFICATION. THE CODE, THE DESIGN, THE DESIGNER'S LIABILITY AND THE PROTECTION AND USE SAFETY. SECTION 4-1.2
- REINFORCING BARS IN UNDERGROUND STRUCTURES SHALL BE PROVIDED WITH THE REINFORCEMENT OF 300# AND SPACED 20" ON CENTER. ACCESSIBLE REINFORCING BARS SHALL BE PROVIDED AT LEAST EQUIVALENT TO THE NUMBER OF BARS REQUIRED FOR THE STRUCTURAL REQUIREMENTS. REINFORCING BARS SHALL BE PROVIDED AT LEAST THE USE REINFORCING BARS PROVIDED IN THIS SPECIFICATION. THE CODE, THE DESIGN, THE DESIGNER'S LIABILITY AND THE PROTECTION AND USE SAFETY. SECTION 4-1.2
- THE CONCRETE CONCRETE IN WALLS UNDERGROUND SHALL HAVE A LISTED REBAR. USE AN ALSO-AND-WALL. A WALL ON A WALL OF THE BUILDING. REBAR-REINFORCING BARS SHALL BE PROVIDED AT LEAST EQUIVALENT TO THE NUMBER OF BARS PROVIDED IN THIS SPECIFICATION. THE CODE, THE DESIGN, THE DESIGNER'S LIABILITY AND THE PROTECTION AND USE SAFETY. SECTION 4-1.2
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Curve Table

Curve #	Length	Radius	Chord Direction	Chord Length
C1	102.87	894.93	N43° 17' 08" E	160.37

Proposed Line Table

Line #	Length	Bearing
L1	30.22	N57° 01' 56.95" E
L2	30.29	N19° 04' 31.85" E
L3	77.11	N27° 29' 43.89" E

CONTROL POINT #1

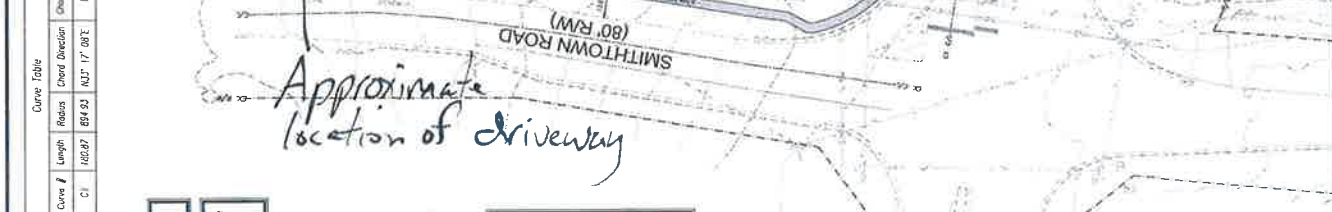
DESCRIPTION:	1470446.86
NORTHING:	2245482.64
EASTING:	1091.40
ELEVATION:	1091.40

CONTROL POINT #2

DESCRIPTION:	1470446.86
NORTHING:	2245482.64
EASTING:	1091.40
ELEVATION:	1091.40

PAVEMENT LEGEND

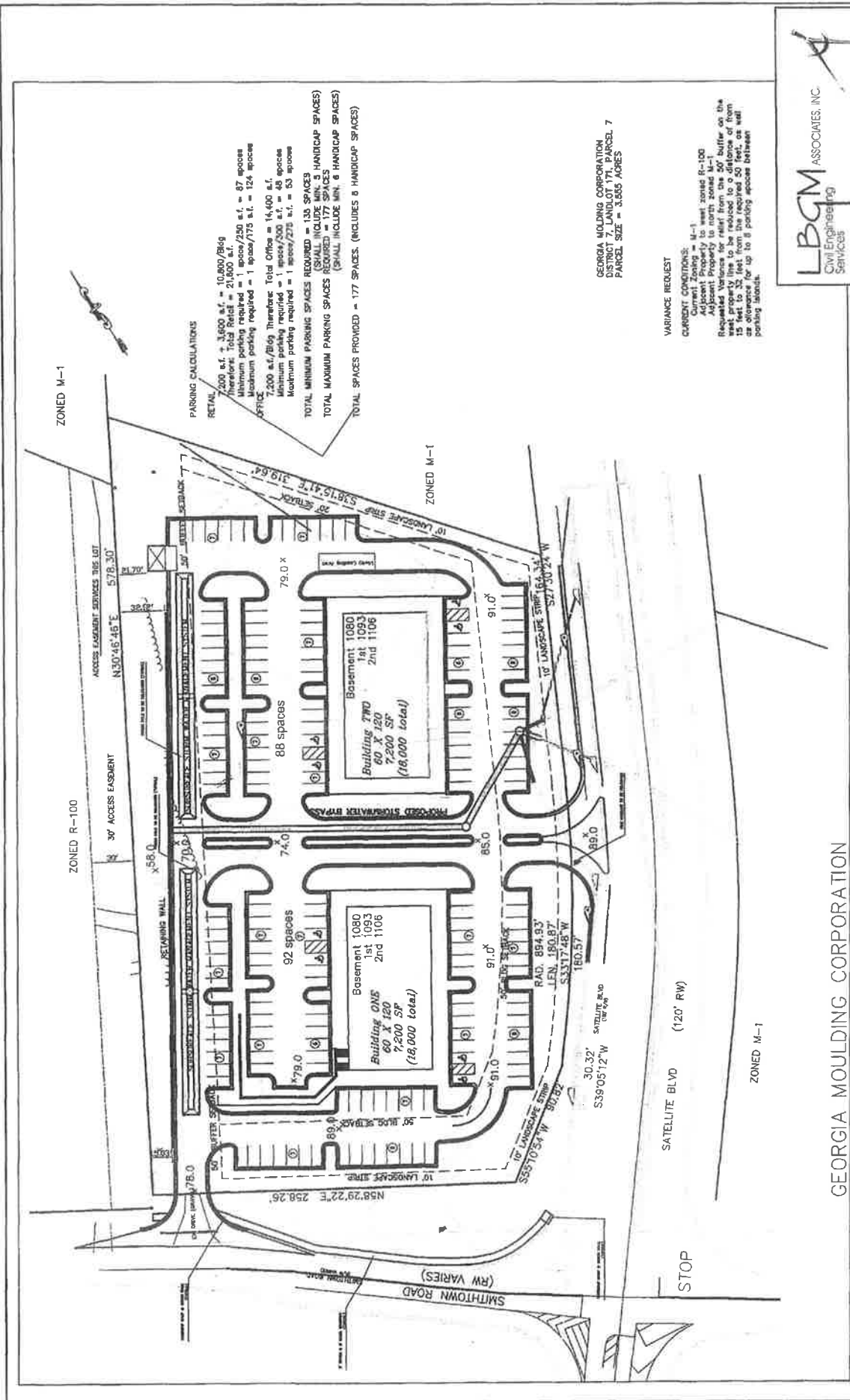
- 100% BENT CONCRETE
- 50% BENT PAVEMENT
- CONCRETE SIDEWALK



NOTICE: THE CITY OF SUWANEE INTERLOCKS DIMENSION 24 HOURS BEFORE THE BEGINNING OF EVERY PHASE OF CONSTRUCTION AT (770) 861-2788.

GEORGIA 801
 GEORGIA PROFESSIONAL ENGINEER, INC.
 1000 W. BUCKINGHAM BLVD. SUITE 100
 BUCKINGHAM, GA 30618
 (770) 271-2889

V-2019-009



PARKING CALCULATIONS

RETAIL
 7,200 s.f. + 3,600 s.f. = 10,800/846
 Therefore: Total Retail = 21,600 s.f.
 Minimum parking required = 1 space/250 s.f. = 87 spaces
 Maximum parking required = 1 space/175 s.f. = 124 spaces

OFFICE
 7,200 s.f./869 Therefore: Total Office = 14,400 s.f.
 Minimum parking required = 1 space/200 s.f. = 48 spaces
 Maximum parking required = 1 space/275 s.f. = 53 spaces

TOTAL MINIMUM PARKING SPACES REQUIRED = 135 SPACES
 (SHALL INCLUDE MIN. 3 HANDICAP SPACES)

TOTAL MAXIMUM PARKING SPACES REQUIRED = 177 SPACES
 (SHALL INCLUDE MIN. 8 HANDICAP SPACES)

TOTAL SPACES PROVIDED = 177 SPACES (INCLUDES 8 HANDICAP SPACES)

GEORGIA MOLDING CORPORATION
 1498 BUFORD HWY. SUITE C-353
 HILLOID, GA. 30518-4862
 PARCEL SIZE = 3.655 ACRES

VARIANCE REQUEST

CURRENT CONDITIONS:
 Subject property is ZONED M-1
 Adjacent property to west zoned R-100
 Adjacent property to north zoned M-1

Requested Variance for relief from the 50' buffer on the east side of the subject property for a distance of 100 feet to 37' feet from the existing 50' feet, as well as an allowance for up to 8 parking spaces between parking islands.

LBGM ASSOCIATES, INC.
 Civil Engineering Services

1498 Buford Hwy, Suite C-353
 Hilliard, GA. 30518-4862
 PH: 770-312-2674
 FAX: 770-982-6020
 E-mail: jerrygenn@hotnail.com

GEORGIA MOLDING
 2008 BL. 0000
VARIANCE REQUEST 1



GEORGIA MOLDING CORPORATION

Site Plan from U-2005-007
 U-2019-003

Location Map V-2019-003



Legend



V-2019-003



streams



roads



1:3,000

Zoning Map V-2019-003

Legend



V-2019-003

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



streams



1:3,000

