

**VARIANCE:**  
**V-2019-010**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2019-010

**REQUEST:** REDUCE SETBACKS FOR A SUBSTANDARD LOT OF RECORD

**APPLICABLE SECTION:** SECTION 501

**LOCATION:** 573 JACKSON STREET

**PARCEL:** 7-236-041

**ZONING:** R-100 (RESIDENTIAL SINGLE FAMILY)

**OWNER:** MILDRED JEAN LANDERS SANDERS  
776 BETHEL BOWER ROAD  
BETHLEHEM, GA 30620

**APPLICANT:** ALLYSON VANBEBER  
390 BROGDON ROAD  
SUWANEE, GA 30024

**CONTACT:** CLINT WALTERS  
**CONTACT PHONE:** 404-274-4492

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**ANALYSIS:**

The applicant seeks a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for a reduction of the front and one side yard setback on a substandard lot of record in order to allow for the construction of a 3,300 square foot single family home and an attached 600 square foot garage. The subject property is approximately 0.34 acres and located at 573 Jackson Street. The property is zoned R-100 (Residential Single Family), but is a substandard lot of record. This means that construction of a home on the lot would be legal even though the lot is smaller than current standards would allow. The lot was created prior to the adoption of zoning.

Section 501.C of the Zoning Ordinance sets forth the district development standards for property zoned R-100. The minimum size of a sewer R-100 lot is 18,500 square feet and 22,000 square feet for a septic tank lot. The minimum yard abutting a public street is 35 feet when abutting a subdivision street and 50 feet when abutting all other streets. Jackson Street is not a subdivision street, as such, a 50-foot setback is required. The minimum side yard for a R-100 lot is 10 feet.

The applicant is seeking to build an approximately 3,300 square foot single-family home with a 600-square foot garage located to the side and behind the main dwelling and attached via a covered breezeway approximately 25 feet from the Jackson Street right-of-way and 5 feet from the western side property line. The lot is 14,985 square feet, which is smaller than the minimum size lot allowed in the R-100 district.

It is important to note that the ordinance specifically allows for building on substandard lots of record and allows for variances to be granted in order to allow for construction of homes on substandard lots of record. Section 611.B specifically allows for variances to be granted on side yards. However, in this case, a variance for the front and side yard makes more sense. At the shallowest portion of the lot there is only 45 feet of buildable space on the lot.

The subject parcel fronts Jackson Street and is has an irregular shape, with the rear lot line angling down from west to east. The western property line is approximately 167-feet long and the eastern property line is approximately 135-feet long. The R-100 standards require a 50-foot front setback, a 40-foot rear setback, and 10-foot side setbacks. The setbacks for a substandard lot, such as this one, create a buildable space that is significantly less that what would be allowed on a normal R-100 sewered lot.

The minimum size of a R-100 lot, per the City's current standards, is 18,500 square feet for a sewered lot and 22,000 square feet for a septic tank lot. The subject property is approximately 14,985 square feet, which does not meet the minimum square footage requirement. As a result of the lot being substandard, the setbacks greatly impact the buildable area of the lot.

The subject property is surrounded mostly by residentially zoned properties. To the north, east, and west are properties zoned R-100 (Residential Single Family). To the north and west, the lots have single family dwellings on them. To the east, the property is undeveloped. South and southwest of the subject property are three C-1 (neighborhood commercial) parcels. The undeveloped property located to the east of the subject property is requesting a variance for setback reductions as well.

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.

It does appear that the property is impacted by the R-100 setbacks. The setbacks significantly reduce the usability of the property. A normal rectangular R-100 lot would have 185 feet of depth. With a 50-foot front setback and a 40-foot rear setback, a standard R-100 lot would leave 95 feet of depth to build on. The proposed 3,300 square foot home with a 600 square foot attached garage is a fairly large home, but it would fit on a normal R-100 lot. The home appears to be approximately 60 deep which is not particularly deep. Other homes in the Historic Old Town area have front setbacks that range from approximately 7 feet to 43 feet. Reducing the

front setback to 25 feet would allow the subject property to have 70 to 102 feet of depth for the single-family home. Regarding the side setback, the lot is smaller than a typical R-100 lot. While the reduction in the front setback does relieve some of the pressure, the ability to reduce the side setback to 5 feet is specifically called out in the ordinance. This would allow for a buildable area comparable (but still less than) a standard R-100 lot and it would allow for setbacks that are consistent with the setbacks of existing homes in the area.

The applicant's requests to reduce the front setback of the lot from 50 feet to 25 feet and the side setback from 10 feet to 5 feet will match surrounding properties and is not likely to impact nearby parcels. Approval would allow construction of a home that is consistent with current and anticipated residential construction in the surrounding area.

The property owner does appear to have a hardship as a result of setbacks placed on the property with the adoption of the Zoning Ordinance. Application of the regulations in this case could deprive the property owner of a reasonable economic use of the property. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2019-010.

## Recommended Conditions

### **V-2019-010**

The Planning Department recommends approval of a variance to allow for a reduction in the front and side setback subject to the following condition(s):

1. Minimum yard abutting a public street shall be 25 feet.
2. Minimum side yard setback on the western property line shall be 5 feet.

## 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: Allison VanBeber  
Address: 390 Brogden Rd  
City: Suwanee  
State: GA  
Phone: 770-757-6150  
E-mail address: avanbeber@bfhcompany.com

OWNER INFORMATION

Name: Mildred Jean Landers Sanders  
Address: 776 Bethel Bower Rd.  
City: Bethlehem  
State: GA  
Phone: 770-596-0457

CONTACT PERSON: Clint Walters PHONE: 404-274-4492

ADDRESS OF PROPERTY 573 Jackson Street

LAND DISTRICT 7 LAND LOT 236 PARCEL 41 LOT —

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) N/A

ZONING R-100

VARIANCE REQUESTED See Attached

NEED FOR VARIANCE See Attached

**\*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-2019-010

**FLOOD HAZARD NOTE**  
 BY COMPLETION OF THIS CERTIFICATION OF FLOOD HAZARD, THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED AREA WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 131350003C, MARCH 4, 2013.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A FLOOD HAZARD BOUNDARY HAS BEEN IDENTIFIED THIS FIRM'S SEALS AND RESPONSIBILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.

**EQUIPMENT USED:**  
 A TRIMBLE S6 ROBOTIC TOTAL STATION & A CHAMPION T30 GNSS RECEIVER WERE USED TO OBTAIN THE LINEAR & ANGULAR MEASUREMENTS USED IN THE PREPARATION OF THIS PLAT.

**FIELD CLOSURE STATEMENT:**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37,945 & AN ANGULAR ERROR OF 08" SECOND PER ANGLE POINT & WAS ADJUSTED USING LEAST SQUARES.

THE FIELD SURVEY WAS COMPLETED ON 4/2/19.

**PLAT CLOSURE STATEMENT:**  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE & IS CONTAINS A TOTAL OF 0.610 ACRES.

**LEGEND**

- FF IRON PIN FOUND
- LL LAND LOT
- LL LAND LOT
- LL CENTERLINE
- BL BUILDING LINE
- SE SANITARY SEWER EASEMENT
- DE DRAINAGE EASEMENT
- CB CATCH BASIN
- JP JUNCTION BOX
- DI DROP WELT
- PP POWER/UTILITY POLE
- IE INVERT ELEVATION
- FE FINISHED FLOOR ELEVATION
- ED EDGE OF CURB
- BP BOUNDARY
- SS SANITARY SEWER LINE/PPIPE
- SS STORM SEWER LINE/PPIPE
- FL FLOOD HAZARD ZONE LINE
- N/O NOW OR FORMERLY

**TRACT 1 NOTES**

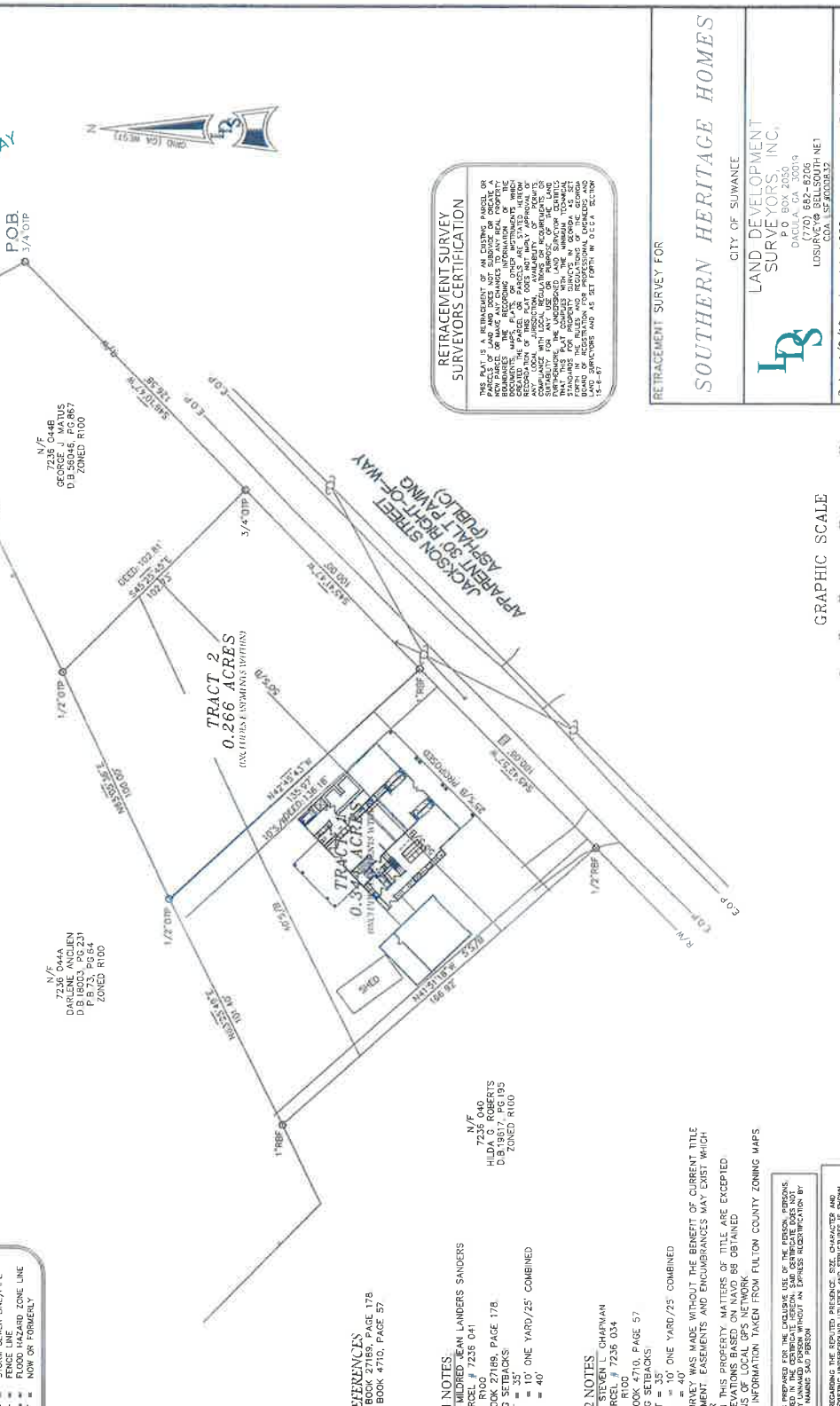
- OWNER: JIMMIE JEAN SANDERS SANDERS
- TAX PARCEL # 7235 041
- ZONING: R100
- DEED BOOK 27189, PAGE 178
- BOUNDARY SETBACKS:
  - FRONT = 35'
  - SIDE = 10' ONE YARD/25' COMBINED
  - REAR = 40'

**TRACT 2 NOTES**

- OWNER: STEVEN CHAVIRAN
- TAX PARCEL # 7235 034
- ZONING: R100
- DEED BOOK 4710, PAGE 57
- BOUNDARY SETBACKS:
  - FRONT = 10'
  - SIDE = 10' ONE YARD/25' COMBINED
  - REAR = 40'
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE SURVEY. EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED BY THE ELEVATIONS BASED ON NAVD 85 OBTAINED BY THE SURVEYOR.
- ZONING INFORMATION TAKEN FROM FULTON COUNTY ZONING MAPS.

**REFERENCES**

- DEED BOOK 27189, PAGE 178
- DEED BOOK 4710, PAGE 57



**RETRACEMENT SURVEY FOR**

**SOUTHERN HERITAGE HOMES**

CITY OF SUWANEE

**LAND DEVELOPMENT SURVEYORS, INC.**  
 DALLAS, GA 30019  
 (770) 662-8206  
 LICENSE # 00000837

Date: 4/2/19 Land Lot: 236 District: 7TH

County: GWINNETT COUNTY, GA Scale: 1" = 30'

Field By: SF, CJ Drawn By: MJSF Created By: LUJ

Job Number: 19131 File Number: 19131 DWG

Sheet No: 1 OF 1

**RETRACEMENT SURVEY CERTIFICATION**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND CHANGES TO ANY REAL PROPERTY DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS, PUBLIC RECORDS, MADE BY THE SURVEYOR OR ANY OTHER PERSON. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED AREA WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 131350003C, MARCH 4, 2013.

THIS OPINION IS NOT A CERTIFICATION OF FLOOD HAZARD STATUS, BUT IS AN INTERPRETATION OF THE EXACT LOCATION OF ELEVATION(S) OF FLOOD HAZARD BOUNDARIES ARE NECESSARY, A FLOOD HAZARD BOUNDARY HAS BEEN IDENTIFIED THIS FIRM'S SEALS AND RESPONSIBILITY FOR THE ACCURACY OF THE ABOVE REFERENCED MAP OR PUBLIC DATA.



THE TERM "CERTIFICATION" OR TO CERTIFY RELATING TO LAND SURVEYING SERVICES SHALL MEAN THAT THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SURVEYED AREA WITHIN A 100 YEAR FLOOD HAZARD AREA PER FIRM PANEL 131350003C, MARCH 4, 2013.

V-2019-010



## **Addendum to Application for Variance from the City of Suwanee Zoning Board of Appeals**

### **573 Jackson Street**

The Applicant wishes to construct a +/- 3,224 square foot single family residence at 573 Jackson Street. In order to build the home on this +/- 14,984.64 square foot R-100 zoned lot, the Applicant requests 2 Variances:

1. Minimum Yard Abutting a Public Street: 50 feet to 25 feet

Jackson Street is classified as a local street resulting in a minimum front yard setback of 50 feet. A subdivision street classification allows a 35 foot front yard setback. The Applicant requests the front yard setback be reduced to 25 feet to allow the home to be properly situated on the lot. The covered front porch of the home is anticipated to sit approximately 34 feet from the edge of pavement.

2. Minimum Side Yard: 10 feet to 5 feet

This existing 14,984.64 square foot R-100 zoned lot is considered non-conforming because it fails to meet the 18,500 square foot minimum lot area required by Section 501.C.1 of the 1998 Zoning Ordinance of the City of Suwanee. Pursuant to Section 611.B of the 1998 Zoning Ordinance of the City of Suwanee, the Zoning Board of Appeals is authorized to grant a Variance allowing a reduction in side yard requirement to no less than 5 feet in width. The Applicant requests this variance to allow the home's garage to be located 5 feet from the property line.

Please find a rendering of the home on the following page and the enclosed preliminary site plan for your review. Thank you for your consideration, and we look forward to working with the City of Suwanee on this home.

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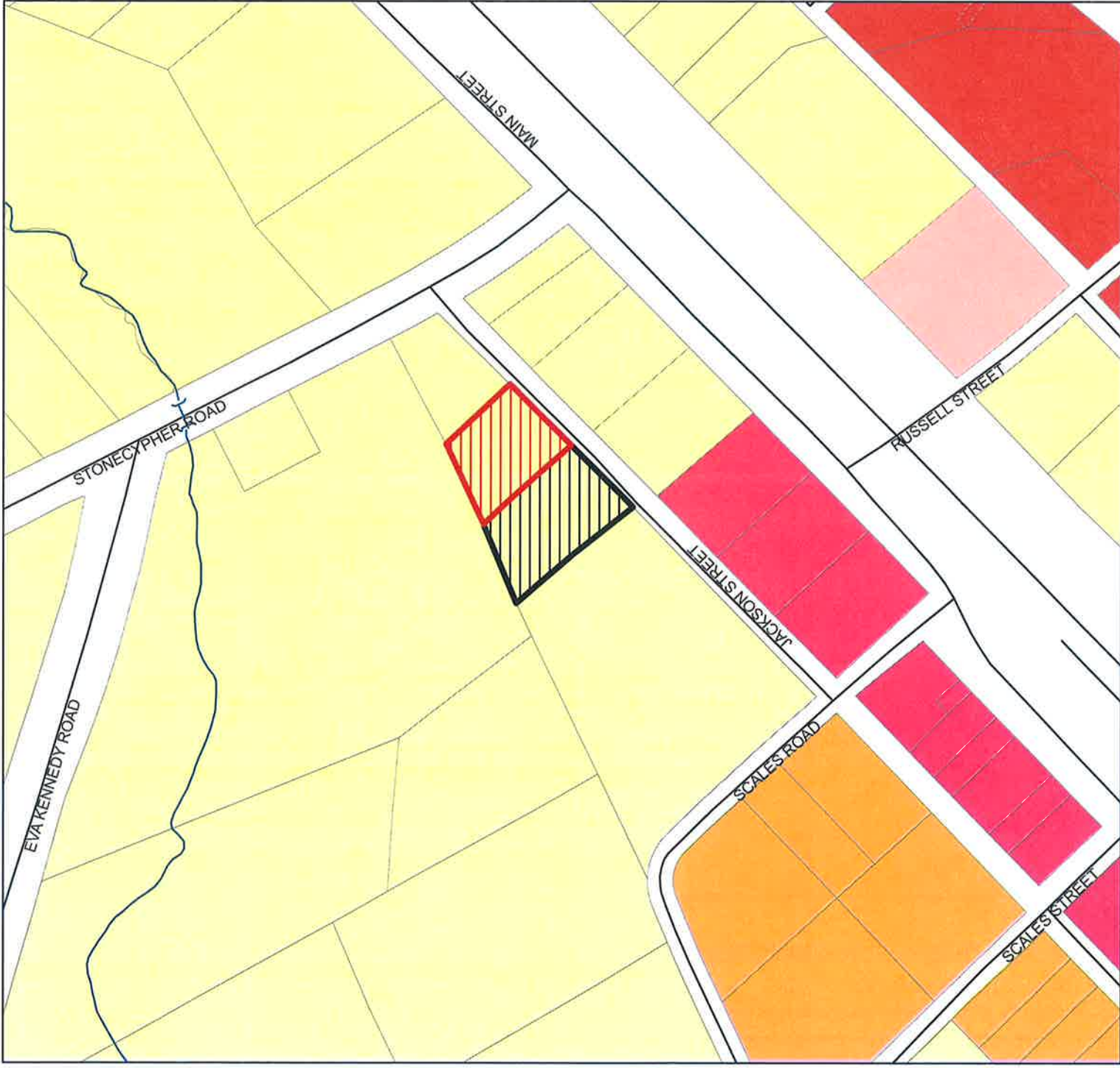
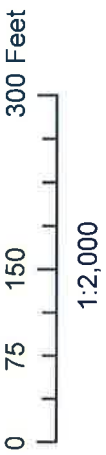


# Zoning Map V-2019-009 & V-2019-010

- Legend**
- V-2019-009
  - V-2019-010
  - streams
  - roads

**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
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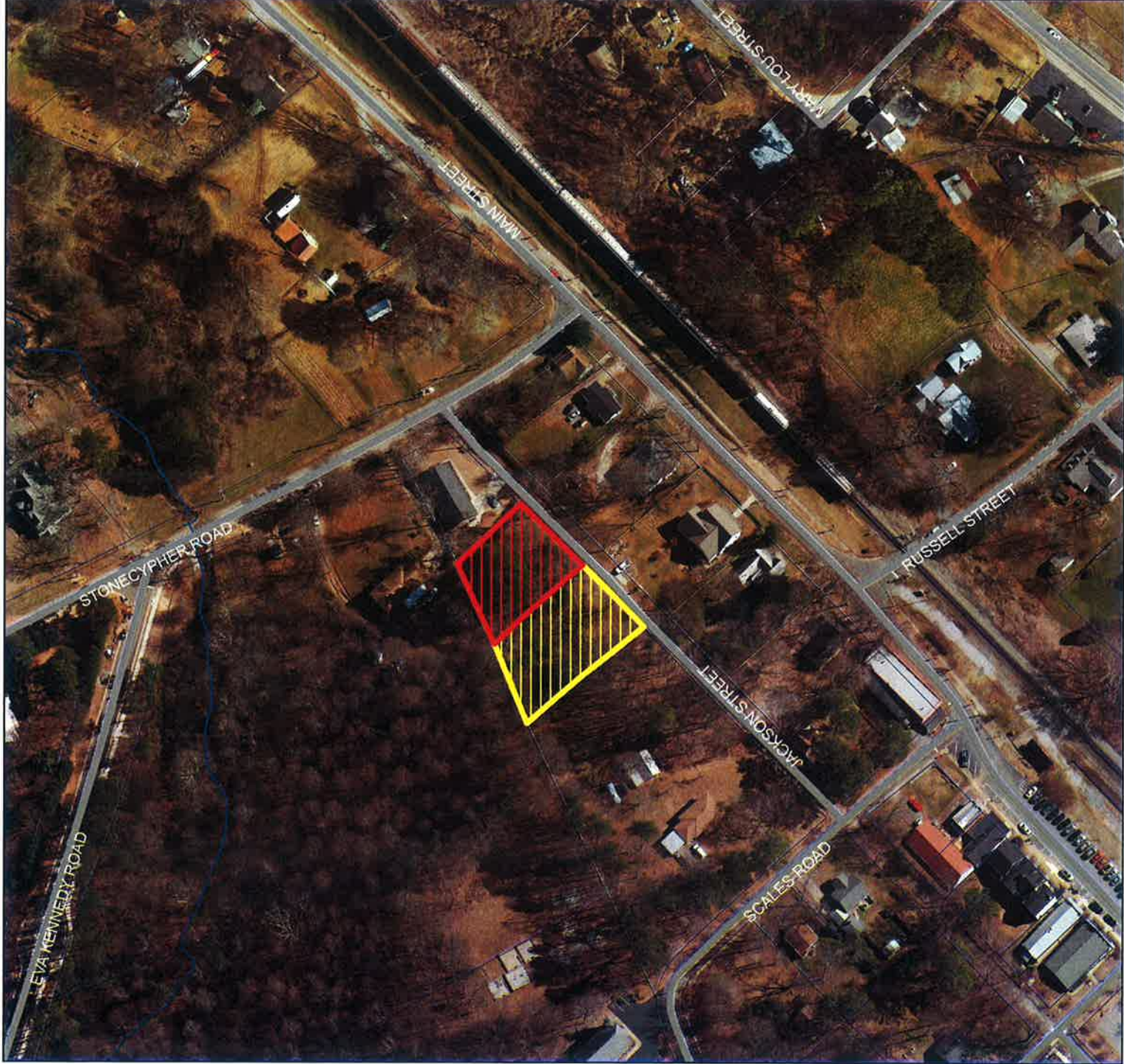






# Location Map

## V-2019-009 & V-2019-010



### Legend



V-2019-009



V-2019-010



streams



roads



1:2,000

