

VARIANCE(S):

V-2019-012

V-2019-013

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2019-012
REQUEST: ACCESSORY STRUCTURE OUTSIDE OF THE REAR YARD

APPLICABLE SECTION: SECTION 604 (ZONING ORDINANCE)

CASE NUMBER: V-2019-013
REQUEST: ACCESSORY STRUCTURE WITHIN IMPERVIOUS SETBACK OF AN UNAMED TRIBUTARY

APPLICABLE SECTION: SECTION 4.1 OF THE STREAM BUFFER PROTECTION ORDINANCE

LOCATION: 250 PRICE HILLS TRAIL
DISTRICT/LAND LOT: 7-276-148
ZONING: R-100
DEVELOPMENT: GARAGE

APPLICANT: DENNIS HODGES
P.O. BOX 2029
DACULA, GA 30019

OWNER: RUSSELL AND LESLIE SANDERS
250 PRICE HILLS TRAIL
SUWANEE, GA 30024

CONTACT: DENNIS HODGES
CONTACT PHONE: 678-614-7000

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicants are seeking two variances from two different ordinances, Section 604 of the City of Suwanee Zoning Ordinance and Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance to allow for the construction of a detached garage in the side yard of a residential property in the West Price neighborhood.

The subject property is located on a cul-de-sac off of Price Hills Trail. The property is zoned R-100 (Residential Single Family District) and is surrounded by lots with single family homes that

are also zoned R-100. The lot is approximately 2.3 acres and contains a single story home with two driveways, each accessing one side of the house. The applicants propose to build a detached garage in the side yard of the lot next to the house. The garage would be accessed via the southern driveway.

The City of Suwanee Stream Buffer Protection Ordinance requires a 50-foot wide undisturbed buffer from the edge of streams (Section 4.1.1) supplemented by an additional 25-foot wide buffer (Section 4.1.2) that may be graded but is not allowed to include any impervious cover (examples of impervious cover include buildings, parking lots, driveways, etc.).

Section 604 of the City of Suwanee Zoning Ordinance requires all accessory structures, including detached garages, to be located in the rear yard of a property.

Two unnamed tributaries intersect at a lake that occupies a significant portion of the rear of the lot. The lake combined with required stream buffers for the tributaries consume over 50 per cent of the lot and almost the entirety of the rear yard making it unfeasible to locate a structure in the rear yard.

The applicants request a variance from Section 604 of the City of Suwanee Zoning Ordinance to locate the garage in the side yard instead (V-2019-012). The proposed 763 square foot garage would be parallel to the front of the house and have an exterior finish consistent with the primary residence, so it is not likely to have a negative impact on nearby properties. Additionally, the closest structure on any adjacent lot is over 250 feet away.

Locating the garage in the side yard minimizes the impact on the stream in the rear yard. No construction or grading would occur in the 50-foot wide undisturbed buffer. However, the proposed garage would encroach into the 75-foot no impervious surface setback of the stream. This cannot be avoided without moving the location of the garage into the front yard of the lot, which is undesirable. The garage is proposed to encroach into approximately 450 square feet of the impervious setback (V-2019-013).

The Zoning Ordinance authorizes the Zoning Board of Appeals to grant variances in cases when application of the regulations creates an unnecessary hardship. The presence of the lake and the two streams makes the rear yard unusable for an accessory structure.

The Stream Buffer Protection Ordinance authorizes the Zoning Board of Appeals to issue variances from the requirements of the ordinance. In this case the regulations could force the accessory structure into the front yard, which would not be a good location for a garage.

In conclusion, the subject property is uniquely impacted by the existence of the stream on a large portion of the rear of the property that make the use of the side setback for an accessory structure a reasonable request. If approved, the proposed location of the garage in the side yard within the impervious setback would not eliminate the stream, impact drainage patterns, or negatively impact nearby properties. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2019-012 and V-2019-013.

Recommended Conditions

V-2019-012

Approval of a variance to allow for an accessory structure outside of the rear yard subject to the following conditions:

1. The accessory structure shall be located approximately as shown on the site plan labeled "Exhibit A."

Recommended Conditions

V-2019-013

Approval of a variance to allow for an accessory structure outside of the rear yard subject to the following conditions:

1. The accessory structure shall be located approximately as shown on the site plan labeled "Exhibit A."

Standards for Consideration

Pursuant to Section 1909A 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, with the attached stipulations, 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 attached stipulations, 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: Dennis Hoobes
Address: PO Box 2029
City: Dacula
State: GA
Phone: 678 614 7000
E-mail address: DHoobes@gmail.com

OWNER INFORMATION

Name: RUSSELL + LESLIE SIMONS
Address: 250 PRICE HILL TRAIL
City: SUGAR HILL
State: GA
Phone: 678 697-8104

CONTACT PERSON: Dennis Hoobes PHONE: 678 614-7000

ADDRESS OF PROPERTY 250 PRICE HILL TRAIL

LAND DISTRICT 721 LAND LOT 276 PARCEL BLOCK B LOT 4

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) BAYSWATER Common

ZONING R-100

VARIANCE REQUESTED ACCESSORY STRUCTURE IN SIDE YARD

NEED FOR VARIANCE PROPERTY IMPACTED BY STREAM

***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.**

JVA.2019.012

**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: Dennis Hoodles
Address: PO Box 2029
City: Dacula, GA
State: GA
Phone: 678 614-7000
E-mail address: DHOODLES@AOL.COM

OWNER INFORMATION

Name: Russell + Leslie Samuels
Address: 250 PRICE HILL TRAIL
City: SUGAR HILL
State: GA
Phone: 678 697-8104

CONTACT PERSON: Dennis Hoodles PHONE: 678 614-7000

ADDRESS OF PROPERTY 250 PRICE HILL TRAIL

LAND DISTRICT 7TH LAND LOT 276 PARCEL Block B LOT 4

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) BAYSWATER COMMUN

ZONING R-100

VARIANCE REQUESTED ENCROACHMENT INTO 75' INTERVIOUS STREAM BUFFER

NEED FOR VARIANCE PROPERTY IMPACTED BY STREAM

***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.**



Zoning Map V-2019-012 and V-2019-013

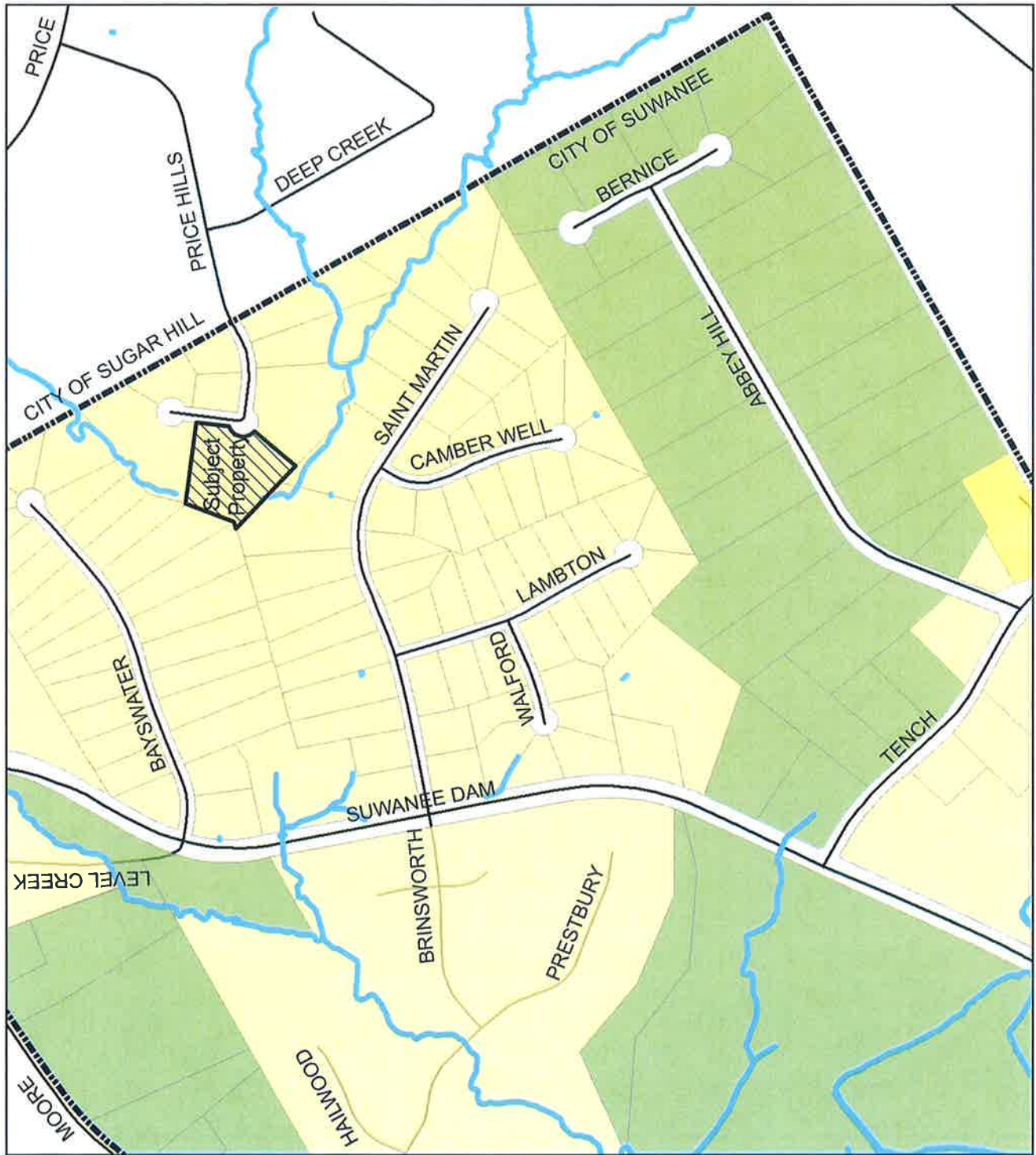


Legend

-  streams
-  City Limits

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





Location Map V-2019-012 and V-2019-013



Legend
— streams





Location Map V-2019-012 and V-2019-013



Legend
— streams

