

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
May 21, 2019**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: James Thigpen, Ray Brown, Pete Charpentier, David Sullivan and Paul Altnauer. Staff members present: Alyssa Durden, Kylie Adams, and MaryAnn Jackson.

CALL TO ORDER

James Thigpen called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA

Ray Brown moved to approve the agenda as presented, second by David Sullivan. Motion carried 5-0.

APPROVAL OF MINUTES

Ray Brown moved to approve the April 9, 2019 minutes, second by David Sullivan. Motion carried 5-0.

David Sullivan moved to approve the April 16, 2019 minutes, second by Ray Brown. Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

V-2019-009 – Owner: Steven Chapman. Applicant: Richard Stevens. The applicant requests a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for reduced setbacks for a substandard lot of record. The site contains approximately 0.26 acres in Land Lot 236 of the 7th District and is located at 551 Jackson Street.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for a reduction of the front and rear setbacks on a substandard lot of record in order to allow for the construction of a 2,700 square foot home and an accessory structure. The subject property is approximately 0.266 acres and located at 551 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 rear yard for a R-100 lot is 40 feet.

The applicant is seeking to locate the proposed 2,700 square foot home approximately 35 feet from the Jackson Street right-of-way and 22 feet from the rear property line, as such a variance is

required. The lot is 11,600 square feet, less than two-thirds the minimum size for a sewer lot in the R-100 Zoning 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 rear yard makes more sense. At the shallowest portion of the lot there is only 12 feet of buildable space on the lot.

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.

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 2,700 square foot home is not exceptionally large. 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 and the rear setback to 15 feet would allow the subject property to have 62 to 95 feet of depth for a single-family home. 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 request to reduce the front setback from 50 feet to 25 feet will be consistent with surrounding and nearby properties and is unlikely to negatively impact nearby properties. Approval would allow construction of a single-family home that is consistent with and compatible with current and anticipated development 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-2019-009.

James Thigpen called upon the applicant.

Rick Stevens, 680 Trinity Place, Suwanee, GA. Mr. Stevens did not speak.

James Thigpen called for opposition. There was none.

Ray Brown moved to approve V2019-009 with staff recommended conditions, second by Pete Charpentier. Motion carried 5-0.

1. Minimum yard abutting a public street shall be 25 feet.
2. Minimum rear yard setback shall be 15 feet.

V-2019-010 – Owner: Mildred Jean Landers Sanders. Applicant: Allyson VanBeber. The applicant requests a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for reduced setbacks for a substandard lot of record. The site contains approximately 0.34 acres in Land Lot 236 of the 7th District and is located at 573 Jackson Street.

Alyssa Durden presented the staff report as follows: 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 sewered 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.

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.

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.

James Thigpen called upon the applicant.

Clint Walters, 390 Brogdon Road, Suwanee, GA. Mr. Walters did not speak.

James Thigpen called for opposition. There was none.

David Sullivan moved to approve V-2019-010 with staff recommended conditions, second by Ray Brown. Motion carried 5-0.

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.

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

David Sullivan adjourned the meeting at 6:42 pm.