

VARIANCE(S):

V-2019-024

V-2019-026

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2019-024
REQUEST: REDUCE FRONT SETBACK FOR A SUBSTANDARD LOT OF RECORD

APPLICABLE SECTION: SECTION 501

CASE NUMBER: V-2019-026
REQUEST: AN ACCESSORY STRUCTURE LESS THAN 50 FEET FROM PUBLIC ROADS FOR A SUBSTANDARD LOT OF RECORD

APPLICABLE SECTION: SECTION 604

LOCATION: 553 MAIN STREET

PARCEL: 7-236-032

ZONING: R-100 (RESIDENTIAL SINGLE FAMILY)

OWNER: STEVEN GLOSSON
553 MAIN STREET
SUWANEE, GA 30024

APPLICANT: MAINSTREET BUILDING GROUP
207 DAVES FARM ROAD
JEFFERSON, GA 30549

CONTACT: CHUCK RIGDON
CONTACT PHONE: 770-231-5856

STAFF RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks 2 variances from the requirements of the Zoning Ordinance in order to allow for the construction of a single family residence and an accessory structure. V-2019-024 is a request for a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for a reduction of setbacks on a substandard lot of record. V-2019-026 is a request for a variance from Section 604 of the Zoning Ordinance in order to allow for an accessory structure less than 50 feet from a public road.

The subject property is approximately 0.17 acre and located at 553 Main Street on the corner of Main Street and Stonecypher Road. The property is zoned R-100 (Residential Single Family),

but is a substandard lot of record, meaning that the lot was legally created prior to the adoption of the Zoning Ordinance. This means that construction of a home on the lot would be legal even though the lot is smaller than current standards would allow. It is important to note that the zoning ordinance specifically allows for construction 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.

The subject property is currently occupied by a one-story, 900 square foot single family residence that sits approximately 5 feet from the property line adjacent to Stonecypher Road and approximately 10 feet from the property line adjacent to Main Street. The property also contains a small metal shed and a chain link fence behind the house.

The subject property is surrounded by residentially zoned properties. To the north, across Jackson Street, is residentially zoned property (R-100) with a single family dwelling. To the east, across Stonecypher Road, is a residentially zoned parcel (R-100) occupied by a single family dwelling. To the south, across Main Street and the railroad right of way, are residentially zoned parcels (R-100) with single family homes and accessory structures. To the west, is a substandard residentially zoned parcel (R-100) with a single family home and accessory structure currently under construction.

The applicant proposes to remove the existing structures and construct a new single family home and an accessory structure on the property. The house would face Main Street with a detached garage located to rear of the main dwelling accessed from Jackson Street. The applicant anticipates finishing the space over the garage as an accessory dwelling unit. The applicant does not have proposed architecture for either structure. The selection of Main Street as a front and Jackson Street as a back is consistent with all other homes that are bound by Main Street and Jackson Street.

The subject property is a very small substandard lot in addition to having three property lines required to meet a 50 foot setback. The R-100 development regulations require a 50 foot front building setback from any public street. The subject parcel is bound by three public streets, Main Street, Jackson Street, and Stonecypher Road. The impact of the setbacks on a substandard lot, such as this one, leaves no buildable space on the lot. The property is approximately 150 feet long by 45 feet wide. The property measures 45 feet from the adjacent lot to Stonecypher Road; therefore, the required 50 foot setback from Stonecypher Road alone would preclude any development on the 45 foot wide lot, thus the regulation clearly imposes a hardship on the property.

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 (sewer is available). The minimum yard abutting a public street is 35 feet when abutting a subdivision street and 50 feet when abutting all other streets. Main Street, Jackson Street and Stonecypher Road are not subdivision streets, so a 50-foot setback is required along all three streets. The minimum side yard for a R-100 lot is 10 feet, and the minimum rear yard is 40 feet.

The City of Suwanee Zoning Ordinance allows for a reduction of a front yard setback to meet the average front setback of homes on adjacent property; therefore, a variance is not necessary for the proposed setback from Main Street. The purpose of this is to allow for context sensitive infill within historic areas that were built prior to the creation of the Zoning Ordinance. The house is proposed to match the setback of the home under construction on the adjacent lot to the west and setback 15.39 feet from Main Street, which is consistent with other homes on Main Street. The Zoning Ordinance also allows for requests for side setback reductions less than 5 feet to be handled administratively. The applicant has applied for a reduction of the side setback from the western property line from 10 feet to 5 feet.

The applicant requests a reduction in the front setback from Stonecypher from 50 feet to 3 feet (V-2019-024) to allow the construction on this narrow lot. The applicant proposes to treat Main Street as the front of the property, as the other homes along Main Street do, so the property line adjacent to Stonecypher Road would act as a side by default. Placing the building close to the road is consistent with existing homes in the area that were built prior to the Zoning Ordinance. This type of context sensitive infill in Old Town is encouraged in the 2040 Comprehensive Plan. The plan states that “historic Old Town will be characterized by a mixture of old and new quaint smaller scale development integrated into the existing traditional fabric.” (2040 Comprehensive Plan, p. 16.) It is important that the design of the structures on the property also take this context into consideration to preserve and enhance the quaint character of Old Town. This includes considering the heights of surrounding historic structures, appropriately addressing the highly visible corner of Main Street and Stonecypher Road, and creating a side elevation that presents a “front” to Stonecypher Road that is as appropriate as the front facing Main Street.

Section 604.D of the Zoning Ordinance sets forth development standards for accessory structures. Accessory structures may be located up to 5 feet from any property line, except where abutting a public street. Where abutting a public street, an accessory structure shall be setback 50 feet. The proposed accessory structure would be located 5-6 feet from the western property line, 20 feet from the Jackson Street property line, and approximately 13 feet from the Stonecypher Road property line.

The applicant requests a variance from Section 604.D to allow for the construction of an accessory structure in the acting rear yard of the property (V-2019-026). Treating the Jackson Street front as a rear yard is consistent with other properties that are bound by both Main Street and Jackson Street. Most of these properties have parking areas in the “acting rear yard.” The property directly adjacent to the west was granted a variance from this regulation for an accessory structure that is currently under construction. That structure will be setback 20 feet from the Jackson Street property per that variance.

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.

The subject property is uniquely affected by the requirements of the Zoning Ordinance because it is a legal rectangular lot (although substandard) with 3 sides required to meet a 50 foot setback. The Stonecypher Road setback alone would make the property unbuildable. The variance process was created to ensure that property owners would not be prevented from using their property by the requirements of the Zoning Ordinance. The proposed setbacks are compatible with other homes in the area, and if the requested variances are approved, the home would still be limited to less than 38 feet of buildable width along Main Street, which is less than or equal to the width of other homes on Main Street. As such, approval of the requested variance would be appropriate.

Although the property does have a hardship as defined by the Zoning Ordinance, conditions of approval should be considered in order to minimize potential adverse impacts from these approvals. Approval of the requested variances would place 2 structures very near adjacent roadways. As such, conditions of approval should take into consideration the visual impacts of the architecture and height of the buildings and ensure that users of the adjacent roads can safely proceed through intersections.

In conclusion, the subject property 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. However, conditions should be consider to minimize the impacts of these approvals. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2019-024 and V-2019-026.

Recommended Conditions

V-2019-024

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

1. Minimum yard abutting Stonecypher Road shall be 3 feet.
2. The site plan shall be similar to Exhibit A with the house fronting Main Street and the rear of the house facing Jackson Street.
3. Vehicular access to the property shall be limited to Jackson Street.
4. The house shall have a front porch that is a minimum of 8 feet deep at the corner facing Stonecypher Road and Main Street. Said porch shall be a minimum of 120 square feet.
5. The height, measured at the eave of the roof, shall not exceed the distance between the centerline of Stonecypher Road and the foundation of the house.
6. The roof of the house shall slope away from Stonecypher Road at a maximum ratio of 1:1.
7. The Planning and Inspections Department shall have approval of the architecture of all structures on the property.
8. Any fence facing any public street shall be decorative and subject to the approval of the Planning and Inspections Department.
9. Clear site distance at the corners of Stonecypher Road and Main Street and Stonecypher and Jackson Street shall be confirmed by a professional engineer prior to the approval of a building permit.
10. The height and material of any retaining wall facing any public road shall be subject to the approval of the Planning and Inspections Department.
11. Provide a house location plan (HLP) prior to issuance of a building permit for the property. Said plan shall detail the location of any structures, walls, or fences: the distance of any structures, walls, or fences from the property lines; and the height of any fences, walls, or fences. HLP shall also include any landscaping, driveways or parking pads. Said HLP shall be subject to the review and approval of the Planning and Inspections Department. The intent of the HLP is to ensure the height of any wall, fence, or structure, location of parking do not create any negative external impacts.

Recommended Conditions

V-2019-026

The Planning Department recommends approval of a variance to allow for an accessory structure less than 50 from public roads subject to the following condition(s):

1. No accessory structure shall be located closer than 20 feet to Jackson Street and no closer than 5 feet from Stonecypher Road.
2. Any accessory structure shall be located behind the rear façade of a main house that faces Main Street.
3. Vehicular access to the property shall be limited to Jackson Street.
4. The Planning and Inspections Department shall have approval of the architecture of any accessory structure on the property.
5. Any fence facing any public street shall be decorative and subject to the approval of the Planning and Inspections Department.
6. Clear site distance at the corner of Stonecypher Road and Jackson Street shall be confirmed by a professional engineer prior to the approval of a building permit for any accessory structure.
7. The height and material of any retaining wall facing any public road shall be subject to the approval of the Planning and Inspections Department.
8. Provide a house location plan (HLP) prior to issuance of a building permit for the property. Said plan shall detail the location of any structures, walls, or fences: the distance of any structures, walls, or fences from the property lines; and the height of any fences, walls, or fences. HLP shall also include any landscaping, driveways or parking pads. Said HLP shall be subject to the review and approval of the Planning and Inspections Department. The intent of the HLP is to ensure the height of any wall, fence, or structure, location of parking do not create any negative external impacts.

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: Mainstreet Building Group
Address: 207 Daves Farm Rd
City: Jefferson,
State: GA 30549
Phone: 770-231-5856
E-mail address: chuckrigdon@me.com

OWNER INFORMATION

Name: Steven Glosson
Address: 553 Main St.
City: Suwanee
State: GA 30024
Phone: 470-465-0679

CONTACT PERSON: Chuck Rigdon PHONE: 770-231-5856

ADDRESS OF PROPERTY 553 Main Street

LAND DISTRICT 7 LAND LOT 236 PARCEL 7236032 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING _____

ACREAGE _____

VARIANCE REQUESTED 3' ^{FRONT} ~~Right~~ Yard Set Back
off Stonecypher Road.

NEED FOR VARIANCE _____

***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-2019-024

**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

OWNER INFORMATION

Name: Manstreet Building Group Name: Steven Glosson
Address: 207 Daves Farm Rd. 2nd Address: 553 Main St.
City: Jefferson, GA 30549 City: Suwanee
State: GA State: GA
Phone: 770-231-5856 Phone: 470-465-0679
E-mail address: chuckrigdon@me.com

CONTACT PERSON: Chuck Rigdon PHONE: 770-231-5856

ADDRESS OF PROPERTY 553 Main Street

LAND DISTRICT 7 LAND LOT 236 PARCEL 7236032 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING _____ ACREAGE _____

VARIANCE REQUESTED 20' FRONT YARD SetBack
off Jackson Street

NEED FOR VARIANCE _____

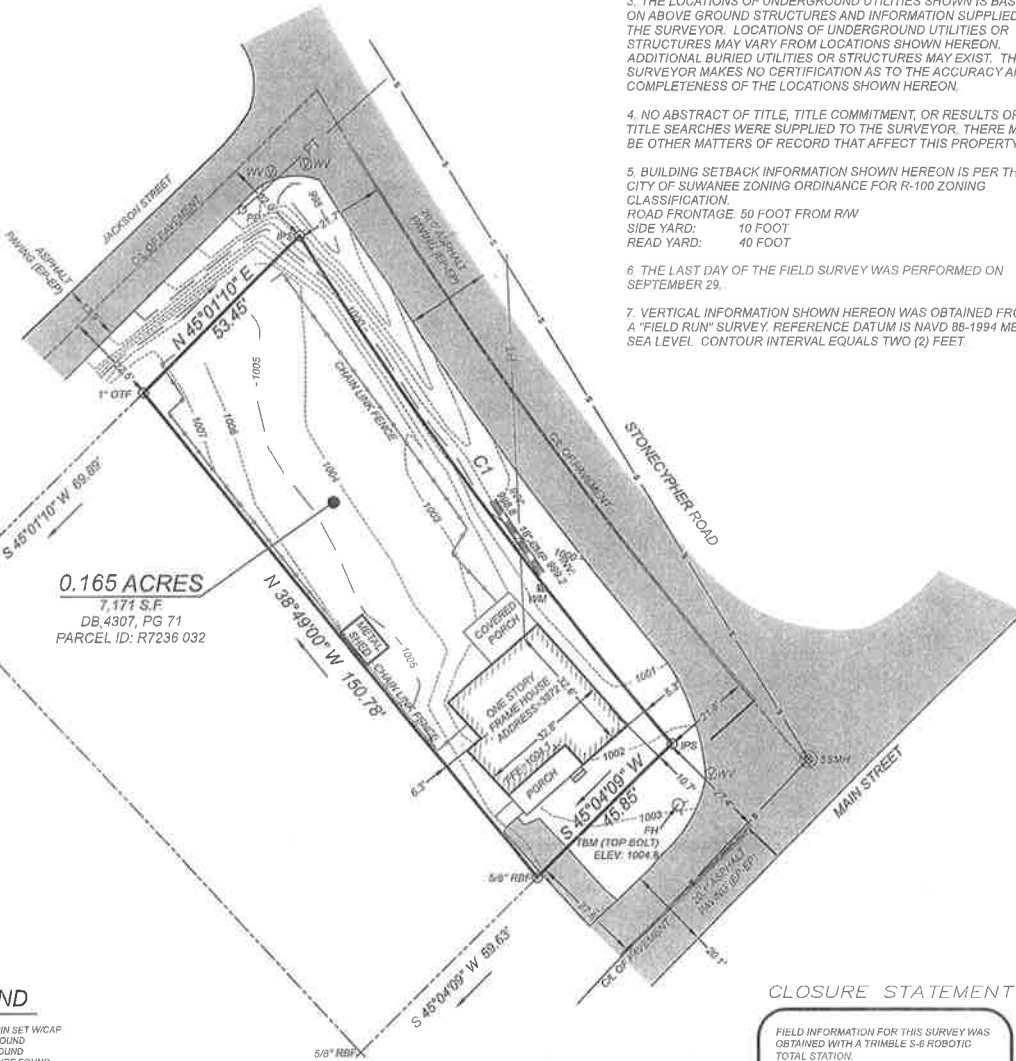
***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.
***The property owner, applicant and /or a representative thereof shall be present at all meetings
of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official
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-2019-026

| CURVE | RADIUS | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|----------|------------|--------------|---------------|-------------|
| C1 | 1071.20' | 151.95' | 151.83' | S 35°57'56" E | 8°07'40" |

NOTES:

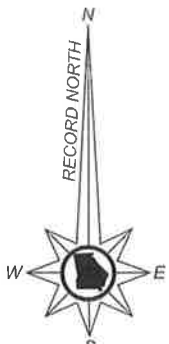
1. REFERENCE FOR THE BOUNDARY INFORMATION SHOWN HEREON WAS MADE TO DEED BOOK 4307, PAGE 71 OF GWINNETT COUNTY RECORDS.
2. NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS IDENTIFIED ON FIRM COMMUNITY PANEL No. 13135C0032 G, DATED MARCH 4, 2013.
3. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN IS BASED ON ABOVE GROUND STRUCTURES AND INFORMATION SUPPLIED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY EXIST. THE SURVEYOR MAKES NO CERTIFICATION AS TO THE ACCURACY AND COMPLETENESS OF THE LOCATIONS SHOWN HEREON.
4. NO ABSTRACT OF TITLE, TITLE COMMITMENT, OR RESULTS OF TITLE SEARCHES WERE SUPPLIED TO THE SURVEYOR. THERE MAY BE OTHER MATTERS OF RECORD THAT AFFECT THIS PROPERTY.
5. BUILDING SETBACK INFORMATION SHOWN HEREON IS PER THE CITY OF SUWANEE ZONING ORDINANCE FOR R-100 ZONING CLASSIFICATION:
ROAD FRONTAGE: 50 FOOT FROM RAW
SIDE YARD: 10 FOOT
REAR YARD: 40 FOOT
6. THE LAST DAY OF THE FIELD SURVEY WAS PERFORMED ON SEPTEMBER 29.
7. VERTICAL INFORMATION SHOWN HEREON WAS OBTAINED FROM A "FIELD RUN" SURVEY. REFERENCE DATUM IS NAVD 86-1994 MEAN SEA LEVEL. CONTOUR INTERVAL EQUALS TWO (2) FEET.



0.165 ACRES
7,171 S.F.
DB 4307, PG 71
PARCEL ID: R7236 032

LEGEND

- 1/2" RFBAR PIN SET W/ CAP
- RFB = REBAR PIN FOUND
- OTF = OPEN TOP FOUND
- CTF = CRIMP TOP PIPE FOUND
- TFB = TAX PARCEL NO
- LLL = LAND LOT LINE
- PL = PROPERTY LINE
- CL = CENTERLINE
- R/W = RIGHT OF WAY
- BL = BUILDING LINE
- SSE = SANITARY SEWER EASEMENT
- DE = DRAINAGE EASEMENT
- C&G = CURB & GUTTER
- LL = LAND LOT
- GMD = GA. MILITIA DISTRICT
- DB/P = DEED BOOK/PAGE
- PB/P = PLAT BOOK/PAGE
- POB = POINT OF BEGINNING
- TPOB = TRUE POINT OF BEGINNING
- P = POWER LINE (UP=UNDERGROUND)
- T = TELEPHONE LINE (UT=UNDERGROUND)
- C = CABLE TV LINE (UC=UNDERGROUND)
- S = SANITARY SEWER LINE
- FM = SEWER FORCE MAIN
- SD = STORM SEWER LINE
- W = WATER LINE
- WF = WIRE FENCE
- CLF = CHAIN LINK FENCE (CLF)
- WF = WOOD FENCE
- MS = BRANCH/REEK/STREAM CENTERLINE
- UP = UTILITY POLE
- MH = MANHOLE
- SS = SANITARY SEWER
- CB = CATCH BASIN
- JB = JUNCTION BOX
- FH = FIRE HYDRANT
- CMP = CORRUGATED METAL PIPE
- RCP = REINFORCED CONCRETE PIPE
- DIP = DUCTILE IRON PIPE
- PVC = POLYVINYLCHLORIDE PIPE
- WM = WATER METER
- TRFD = TELEPHONE PEDESTAL
- TVPD = CABLE TV PEDESTAL
- F.I.R.M. = FEDERAL INSURANCE RATE MAP
- EP = EDGE OF PAVING
- STA = STATION
- BC = BACK OF CURB
- S.F. = SQUARE FEET
- SSCO = SANITARY SEWER CLEANOUT



CLOSURE STATEMENT

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A TRIMBLE S-6 ROBOTIC TOTAL STATION.
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 113,000 FEET.
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE OF ONE FOOT IN 20,000+ FEET AND AN ANGULAR ERROR OF 2 SECOND PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-9-67.

NOTE: SURVEY NOT VALID UNLESS SEAL SIGNED AND DATED.



GA
LAND SURVEYOR
404-384-9577
GA LAND SURVEYOR, LLC
3355 ANNANDALE LANE, STE 1
SUWANEE, GA 30024

| DATE: OCTOBER 3, 2019 | | ISSUE | |
|-----------------------|----------------|-------------|------|
| SCALE: 1" = 30' | NO. | DESCRIPTION | DATE |
| ACREAGE: 0.165 ACRES | | | |
| LAND LOT(S): 236 | | | |
| DISTRICT: 7th | SECTION: | | |
| CITY: SUWANEE | | | |
| COUNTY: GWINNETT | STATE: GEORGIA | | |
| SURVEYED: AH | DRAWN: MJS | | |
| CHECKED: | APPROVED: CAM | | |
| PROJECT #: 19-238 | | | |

BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY FOR:

553 MAIN STREET

LAND LOT 236, 7th DISTRICT, GWINNETT COUNTY, GEORGIA
PARCEL ID: 7236 032
BEING IN THE CITY OF SUWANEE

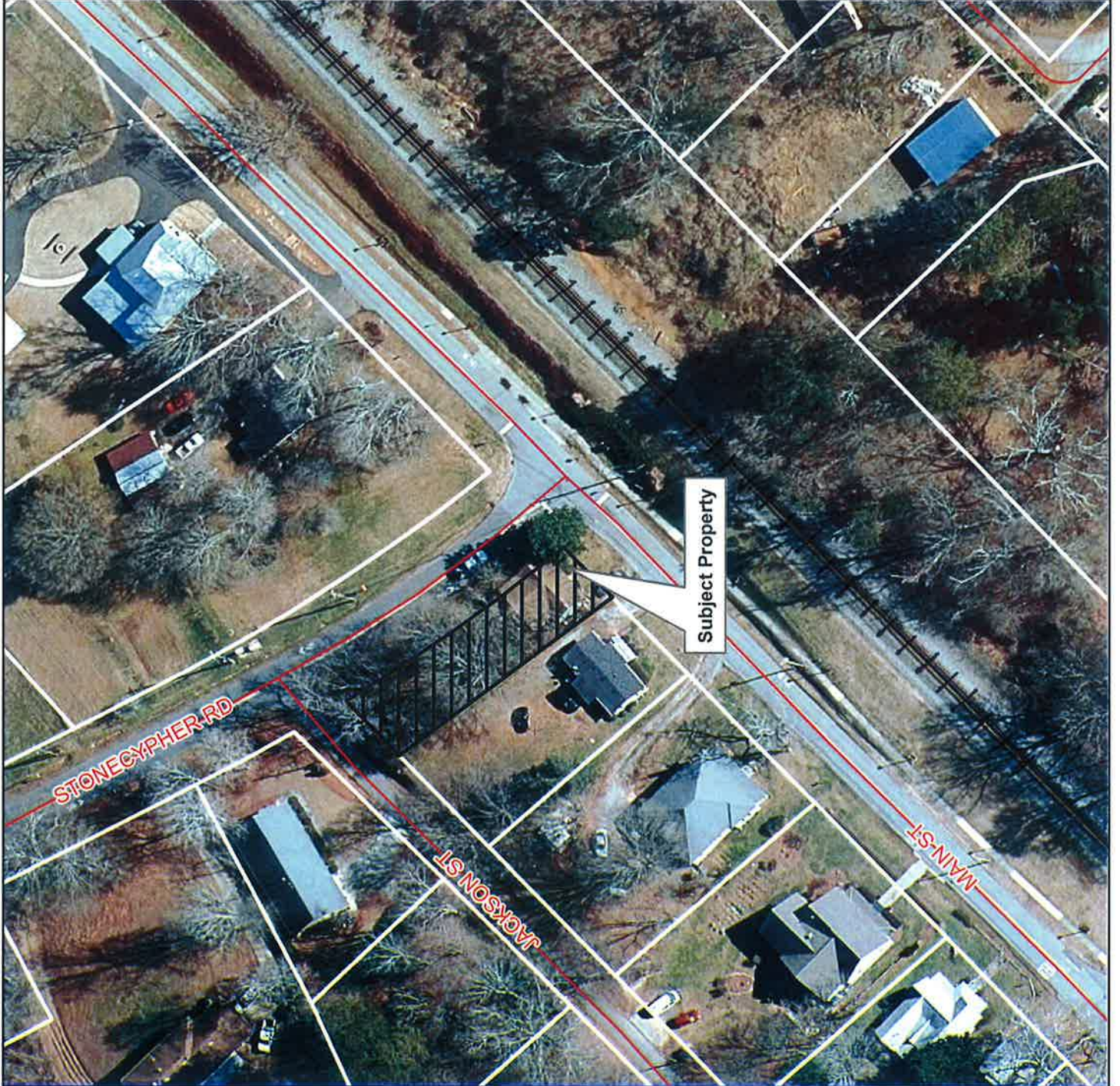
V-2019-024 + 026



Location Map

V-2019-024

V-2019-026



0 75 150 Feet



V-2019-024
V-2019-026

| Legend | |
|------------------------|-----------------------------------|
| ZONING | |
| OTCD | [Light Pink Box] |
| C-1 | [Red Box] |
| C-2 | [Dark Red Box] |
| C-2A | [Red with Vertical Stripes Box] |
| C-3 | [Dark Red Box] |
| M-1 | [Blue Box] |
| O-1 | [Grey Box] |
| PMUD | [Pink Box] |
| GCA | [Green with Diagonal Stripes Box] |
| R-140 | [Light Green Box] |
| R-100 | [Yellow Box] |
| R-85 | [Gold Box] |
| R-75 | [Yellow Box] |
| IRD | [Orange Box] |
| RM-6 | [Brown Box] |
| RM-8 | [Dark Brown Box] |
| Roads | [Red Line] |
| V-2019-24 V-2019-26 | [Hatched Box] |

