

**MINUTES**  
**CITY OF SUWANEE, GEORGIA**  
**ZONING APPEALS BOARD MEETING**  
**August 20, 2019**

**PLANNING AND ZONING APPEALS BOARD MEMBERS:** Present: James Thigpen, Ray Brown, Pete Charpentier, Paul Alznauer, and David Sullivan. Staff members present: Alyssa Durden, Michael Eyre, and MaryAnn Jackson.

**CALL TO ORDER**

James Thigpen called the meeting to order at 6:35 p.m.

**ADOPTION OF THE AGENDA**

*David Sullivan moved to approve the agenda as presented, second by Pete Charpentier. Motion carried 5-0.*

**APPROVAL OF MINUTES**

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

**OLD BUSINESS**

**NEW BUSINESS**

V-2019-012- Owner: Russell and Leslie Sanders. Applicant: Dennis Hodges. The applicant requests a variance from Section 604 of the City of Suwanee Zoning Ordinance to allow an accessory structure outside of the rear yard. The site contains approximately 2.3 acres in Land Lot 276 of the 7<sup>th</sup> District and is located at 250 Price Hills Trail.

V-2019-013- Owner: Russell and Leslie Sanders. Applicant: Dennis Hodges. The applicant requests a variance from the City of Suwanee Stream Buffer Protection Ordinance to allow encroachment into the impervious setback of an unnamed tributary for the construction of an accessory structure. The site contains approximately 2.3 acres in Land Lot 276 of the 7<sup>th</sup> District and is located at 250 Price Hills

Alyssa Durden presented the staff report as follows: 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 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 supplemented by an additional 25-foot wide buffer that may be graded but is not allowed to include any impervious cover.

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 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 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.

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. Staff recommends approval with conditions of V-2019-012 and V-2019-013.

Pete Charpentier asked if there would be any flooding issues. Alyssa Durden stated that the site is fairly elevated so flooding should not be an issue.

James Thigpen called upon the applicant.

John Jeffcote, 250 Price Hill Trail, Sugar Hill, Georgia 30518. Mr. Jeffcote is representing the applicant. Mr. Jeffcote stated that the applicant has two antiques cars and a boat that he would like to store in the garage. The garage will have a similar look as the house.

David Sullivan asked about grading. Mr. Jeffcote explained that there will be silt fencing around the area.

James Thigpen called for opposition. There was none.

***Paul Altnauer moved to approve V-2019-012 with conditions, second by Ray Brown.***

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

***David Sullivan moved to approve V-2019-013 with conditions, second by Pete Charpentier. Motion carried 5-0.***

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

V-2019-014- Owner: PR II/PSREG Suwanee Village, LLC. Applicant: Pollack Shores Real Estate Group. The applicant requests a variance from the City of Suwanee Stream Buffer Protection Ordinance to allow for encroachment into the impervious setback and undisturbed buffer of an unnamed tributary of Brushy Creek for a planned mixed-use project. The site contains approximately 11.07 acres in Land Lots 236 and 252 of the 7<sup>th</sup> District and is located along Suwanee Dam Road near the northeast corner of the intersection of Peachtree Industrial Boulevard and Suwanee Dam Road.

V-2019-015- Owner: PR II/PSREG Suwanee Village, LLC. Applicant: Pollack Shores Real Estate Group. The applicant requests a variance from the City of Suwanee Soil Erosion, Sedimentation, and Pollution Control Ordinance in order to allow for encroachment into the undisturbed stream buffer of an unnamed tributary of Brushy Creek for a planned mixed-use project. The site contains approximately 11.07 acres in Land Lots 236 and 252 of the 7<sup>th</sup> District and is located along Suwanee Dam Road near the northeast corner of the intersection of Peachtree Industrial Boulevard and Suwanee Dam Road.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance and Section 34-209 of the Soil Erosion, Sedimentation and Pollution Control Ordinance to allow for development within a required undisturbed stream buffer in association with a mixed-use project that includes up to 276 multi-family units and 17,900 square feet of commercial space.

The City of Suwanee Stream Buffer Protection Ordinance requires a 50-foot wide undisturbed buffer supplemented by an additional 25-foot wide buffer that may be graded but cannot include any impervious cover. The Soil Erosion, Sedimentation and Pollution Control Ordinance requires a 25-foot wide stream buffer adjacent to all streams (Sec. 34-209), or state waters.

The subject property is zoned PMUD (Planned Mixed-Use Development District) and is located along Suwanee Dam Road adjacent to the Kroger to the northeast, at the intersection of Suwanee Dam Road and Peachtree Industrial Boulevard. An undeveloped parcel zoned C-2 (General Commercial District) is located to the north of the property. Suwanee Dam Road is located to the south. Across Suwanee Dam Road, is vacant land zoned M-1 (Light Industry District). The property to the east is zoned R-100 (Residential Single Family District) and is owned by the City. The City property contains Brushy Creek, which makes the property mostly

undevelopable.

The approximately 11 acre subject property is zoned for a planned mixed-use development including multi-family and commercial. A tributary of Brushy Creek runs across the entire frontage of the subject property parallel to Suwanee Dam Road. The concept plan that was approved during the rezoning process includes two stream crossings for new roads/driveways to access the site, which are allowed by both the Stream Buffer Protection Ordinance and the Soil Erosion, Sedimentation and Pollution Control Ordinance. Most of the stream and required buffers would be preserved by creating an open space at the center of the site along Suwanee Dam Road. It should be noted that on the Suwanee Dam Road side of the stream buffer, the applicant is preserving more land than is required by the regulations. The buffer around the eastern end of the stream would need to be eliminated in order to build the parking for the commercial shown in the concept plan.

The applicant requests these variances in order to build the project according to the approved concept plan, which provides commercial uses along Suwanee Dam Road, the most visible portion of the site. A variance from both the Stream Buffer Protection Ordinance and the Soil Erosion, Sedimentation and Pollution Control Ordinance is necessary for the portion of the stream shown in "Exhibit A" to eliminate required buffers at the eastern end of the stream. If granted, this request would allow for the piping of approximately 200 linear feet of the subject stream to allow for grading and development of a small portion of one of the buildings and some of the parking, roads and sidewalks within the required buffer around the eastern end of the subject stream. The total buffer disturbance includes .274 acre of the 25-foot buffer, .293 acre of the 50-foot buffer, and .164 acre of the 75-foot impervious setback.

As required, the applicant has applied for a variance from the State EPD (Environmental Protection Division of the Department of Natural Resources) in order to encroach on the 25-foot undisturbed buffers. The State will also be reviewing the request and determining if any additional mitigation is required. The state's decision to approve or deny a buffer variance is independent of the City's decision to approve or deny a stream buffer variance. The applicant has also applied for a permit with the Army Corp of Engineers for permission to fill in this portion of the stream. The applicant will need approvals from both of these entities and the City in order to have permission to impact the stream as proposed, beyond the site access which is exempt.

In addition to meeting the requirements of these other regulatory agencies, the subject property meets the City's storm water requirements. The subject property demonstrated through a hydrology study that the quantity and quality of storm water coming off the site will meet City requirements. This study was prepared by a professional engineer and reviewed by the City's consulting engineer, also a professional engineer, prior to issuance of development permit for the property. The development permit currently does not allow for intrusion into the buffer unless the subject requests are approved.

The City's Stream Buffer Ordinance and Soil Erosion, Sedimentation and Pollution Control Ordinance grant the Zoning Board of Appeals the authority to grant variances. In this case, the subject stream buffer encumbers the entire frontage of the subject property. This hardship is a result of the construction of Suwanee Dam Road in close proximity to the stream.

It is the desire of the City to locate mixed-use centers in close proximity to Town Center and the expansion of Town Center. Preserving this buffer in its entirety would significantly reduce the visibility of the development from Suwanee Dam Road making commercial less viable and mixed-use development less feasible at this location.

The subject property is impacted severely by the stream along its road frontage. The location of the subject stream impedes the style and intensity of development called for by the City's plans on the subject property. Finally the subject tributaries natural function of carrying runoff from the site to Brushy Creek will no longer be necessary in this area with the proposed development. The site would be regraded and stormwater would be handled on-site by an underground detention facility; therefore, the proposed buffer reductions should not have a negative impact down stream. Staff recommends approval with conditions of V-2019-014 and V-2019-015.

James Thigpen asked about piping the stream. Alyssa Durden explained that the variance is for eliminating the buffer, not the stream.

James Thigpen called upon the applicant.

David Hewter, United Consulting, 625 Holcomb Bridge Road, Norcross, GA. Mr. Hewter is the Director of Ecological Services.

James Thigpen called for opposition. There was none.

***Paul Altnauer moved to approve V-2019-014 with staff conditions, second by David Sullivan. Motion carried 5-0.***

- 1. The limits of disturbance within the stream and required stream buffers shall be generally consistent with the areas indicated in "Exhibit A."*

***Ray Brown moved to approve V-2019-015 with staff conditions, second by Paul Altnauer. Motion carried 5-0.***

- 1. Comply with any conditions of approval associated with approvals from the state Environmental Protection Division and the United States Army Corp of Engineers, as applicable.*
- 2. The limits of disturbance within the stream and required stream buffers shall be generally consistent with the areas indicated in "Exhibit A."*

## **OTHER BUSINESS**

### **PEDESTRIAN AND BICYCLE PLAN UPDATE**

See attached presentation.

## **ANNOUNCEMENT**

**ADJOURNMENT**

*David Sullivan moved to adjourn the meeting at 7:20 pm.*