

**SPECIAL USE PERMIT:
SUP-2020-001**

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2020-001
REQUEST: LIVESTOCK
ZONING: R-140 (RESIDENTIAL SINGLE FAMILY)
LOCATION: 181 ABBEY HILL ROAD
TAX ID NUMBER: 7-276-017
ACREAGE: 2.88 ACRES

APPLICANT/OWNER: BABAK MOSTAGHIMI
181 ABBEY HILL ROAD
SUWANEE, GA 30024

CONTACT: BABAK MOSTAGHIMI **PHONE:** 662-703-0212

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit to allow for livestock on a property zoned R-140 (Residential Single Family District) that is approximately 2.88 acres. Livestock is allowed as a conditional use in the R-140 zoning district but requires the property to be a minimum of 4 acres. The subject property is located at 181 Abbey Hill Road.

The homeowner/applicant requests the Special Use Permit for up to 8 hens they consider to be family pets. Chickens are considered livestock by the zoning ordinance. The applicant proposes to build a 34.5 square foot chicken coop and integrated 102 square foot (11.5 X 9 feet) outdoor pen adjacent to the chicken coop behind the owner's two story home.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for up to 8 hens to be kept in a chicken coop and attached outdoor pen. The R-140 zoning district specifically lists livestock as a special use for lots above 2 acres. Lots under 2 acres in the R-140 district would not be allowed to apply for a Special Use Permit.

ANALYSIS:

The subject property is a large lot on Abbey Hill Road zoned R-140 (Residential Single Family District) that contains a two story home. The house is located towards the front of the heavily wooded property. The coop and run would be located behind the house

toward the center of the lot. The property can easily accommodate the chickens, the coop and the run.

The R-140 zoning category is characterized by large semi-rural lots. The property is surrounded by other R-140 properties, which also have homes on large lots. The exception to this is the property that backs up to the subject property, which is zoned R-100 (Residential Single Family District), and is currently occupied by a faith based institution.

The R-140 zoning category allows for livestock as a conditional use with one of the conditions being a minimum of 4 acres of property. Livestock as a special use may be granted for R-140 properties that are a minimum of 2 acres. The subject property is approximately 2.88 acres, thus the applicant/homeowner is requesting a Special Use Permit to allow a chicken coop and 11.5 by 9 foot pen for up to 8 hens to live. The hens would be family pets and the eggs they produce would be for the family's use.

The subject property is approximately 2.88 acres; therefore, it meets the minimum lot size of 2 acres to be considered for a Special Use Permit for livestock. The lot is approximately 200 feet wide and over 650 feet deep, so the lot can easily accommodate locating the chicken coop and pen a generous distance from other properties. The zoning requires that all structures or pens housing animals be located at least 100 feet from any adjoining property's principal dwelling, and be located at least 50 feet from any property line. The proposed chicken coop and pen would be located behind the home on the property, which is approximately 200 feet from the house to the west, 150 from the house to the east, and 400 feet from the faith based property behind it. The coop and pen would be approximately 68 feet from the eastern property line, 118 feet from the western property line, 200 feet to the front property line, and 400 feet to the rear property line. The final condition for a Special Use Permit for livestock in the R-140 zoning district is to provide a minimum 10 foot wide fenced buffer. The proposed pen will meet this requirement to contain the chickens within a fenced area and provide a buffer between 60-400 feet to the sides and rear.

Due to the size of the subject property and the dense vegetation on the property, it is unlikely that the allowance of hens would adversely affect existing uses or usability of adjacent or nearby property. The subject property is heavily wooded, and the rear yard where the proposed chicken coop and pen would be located is not readily visible from any surrounding properties. Additionally, there is no expectation of substantial noise to be generated from the hens. The request is for up to 8 hens, no roosters.

The Abbey Hill Road area is part of the Established Neighborhoods Character Area in the 2040 Comprehensive Plan. The Established Neighborhoods Character Area consists of established residential areas throughout the City. These neighborhoods are characterized by low-density, single family detached homes, such as those on Abbey Hill Road. The Comprehensive Plan states that these areas should be preserved. The Abbey Hill Road area has a semi-rural character with a horse farm and Sims Lake Park nearby. The proposed additional use of hens would be consistent with the character of this area.

In conclusion, the requested Special Use Permit for a chicken coup and adjacent outdoor pen is appropriate at this location because the size and screening of the property allow for distance and mitigation of externalities between the hens and adjacent properties. As such, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2020-001.

Planning Department Recommended Conditions

SUP-2020-001

Approval of a Special Use Permit for livestock subject to the following conditions:

- 1) Livestock shall be limited to up to 8 hens that are restricted to a chicken coop and adjacent 11.5 X 9 foot fenced pen.
- 2) Roosters shall not be allowed on the property.
- 3) The chicken coop and pen shall be located behind the main house in the approximate location shown in Exhibit A.
- 4) The chicken coop shall be in a style similar to the one indicated in Exhibit B.
- 5) The structure and pen housing the hens shall be located at least 50 feet from any property line.
- 6) The structure and pen housing the hens shall be located at least 100 feet from an adjoining property's principal dwelling.

Standards Governing Exercise of Zoning Power

Pursuant to the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed chicken coop and pen would not be visible from surrounding properties. Nearby properties include a property with horses; therefore, the use would be compatible with the rural character of the area.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

Provided no roosters are kept on the property, the zoning proposal will not likely adversely affect existing uses or usability of adjacent or nearby property.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned without a Special Use Permit.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the request would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The requested Special Use Permit for livestock on a residential lot is consistent with the single family residential designation indicated on the Future Land Use Plan.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The subject property is approximately 200 feet wide, over 650 feet deep, and heavily wooded; therefore, the chicken coop and pen would not be visible from surrounding properties, and generous distances could be maintained from adjacent properties.

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME: <u>Babak Mostaghimi</u>		NAME: <u>Babak Mostaghimi</u>	
ADDRESS: <u>181 Abbey Hill Rd.</u> <u>Suwanee, GA 30024</u>		ADDRESS: <u>181 Abbey Hill Rd.</u> <u>Suwanee, GA 30024</u>	
PHONE: <u>662-641-6164</u>		PHONE: <u>662-641-6164</u>	
CONTACT PERSON: <u>Babak Mostaghimi</u>		PHONE: <u>662-703-0212</u>	
E-Mail Address: <u>bmostagh@gmail.com</u>			
PROPERTY INFORMATION			
PRESENT ZONING DISTRICT(S): <u>R-140</u>		REQUESTED ZONING DISTRICT <u>R-140</u>	
PROPOSED DEVELOPMENT: <u>SUP for chicken coop and 11.5' x 9' run</u>			
TAX PARCEL NUMBER(S): <u>7276017</u>			
ADDRESS OF PROPERTY: <u>181 Abbey Hill Rd.; Suwanee, GA 30024</u>			
TOTAL ACREAGE: <u>2.882</u> PUBLIC ROADWAY ACCESS: <u>Abbey Hill Road</u>			
FOR RESIDENTIAL DEVELOPMENT:		FOR NON-RESIDENTIAL DEVELOPMENT:	
NO. OF LOTS/DWELLING UNITS: _____		NO. OF BUILDINGS/UNITS: _____	
DWELLING UNIT SIZE (SQ. FT.): _____		TOTAL GROSS SQUARE FEET: _____	
CERTIFICATIONS			
I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.			
<u>Babak Mostaghimi</u> Signature of Applicant _____ Date _____ <u>Babak Mostaghimi</u> Print Name* _____ Date _____		<u>Babak Mostaghimi</u> Signature of Owner _____ Date _____ <u>Babak Mostaghimi</u> Print Name* _____ Date _____	
Signature of Notary _____ Date _____		Signature of Notary _____ Date _____	
* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)			

CITY OF SUWANEE USE ONLY

Date Received: 4-30-20 Case No.: SUP-2020-001 Accepted By: AD

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:
Yes. The property is near a large land tract with horses on it and the small pets will complement existing residential use of the land and nearby properties.
- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
No. The proposal in no way impacts adjacent or nearby properties.
- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
Yes. No change in economic use of the property.
- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:
No. No impact on transportation or facilities.
- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
The zoning proposal is in conformity with the policy and intent of the land use plan in which the area is considered an established neighborhood.
- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:
The property is nestled in a low-traffic, private, quiet residential area with a rural, large lot feel. Nearby is a large farm with horses. The chicken coop is a significant distance from any neighboring dwellings and would fit in with the private feel of the area.

Date Received: 4-30-20 CITY OF SUWANEE USE ONLY Case No.: SUP-2020-001 Accepted By: AD

April 27, 2020

To Whom It May Concern:

Thank you for considering my family's application for a special use permit for our property at 181 Abbey Hill Road, Suwanee GA 30024. We are upstanding residents of Suwanee and moved here because of Suwanee's forward-thinking leadership, welcoming atmosphere, and focus on supporting vibrant neighborhoods and families.

The 2.882 acre, single family property has a very large, private, back yard (~2 acres in the back alone) where we would like to place a small chicken coop and associated run (11.5'x9') in excess of the appropriate setbacks from the property line for 6-8 quiet, friendly hens. This special use will in no way impact the current use of our property as a residential property and will add to the family oriented feel of our large lot neighborhood.

The hens will be in their coop and run and will be breeds that are docile, hardy, and quiet. As you will see in the attached plans, the fence surrounding the coop will be minimal. Due to the size of our property and placement of the coop, the chickens will not be visible from the front yard or any neighboring properties. The coop will be built, as seen in the attached plans, with high quality materials and in an aesthetically pleasing design that will match the high quality construction of our home. The plans are professionally developed and will be constructed to a high standard.

Prior to living in Suwanee, we lived in a small town in Mississippi where we were able to have a similarly sized coop with a similar number of chickens and they were a wonderful addition to our community. As in Mississippi, our pet chickens will provide friendship and companionship to our two wonderful children (4 year old girl and 7 year old boy) who have been desperately and regularly asking when "we will have our chickens back." We have over 10 years of experience with pet chickens and have not once had any problems or complaints of any type.

It goes without saying that we have no wish to own roosters or other loud birds, but simply want a handful of quiet, egg-laying, pet chickens for our children. Hens are quiet animals and, even at their loudest in rare occasions, they are 30 decibels quieter than a barking dog, and cack in at about 60 decibels, which is equivalent to the level of noise of human conversation.

We appreciate your consideration and look forward to making Suwanee our home for many years ahead.

Please let us know if you have any other questions or concerns.

Sincerely,



Babak and Ashley Mostaghimi
Property Owners of 181 Abbey Hill Road

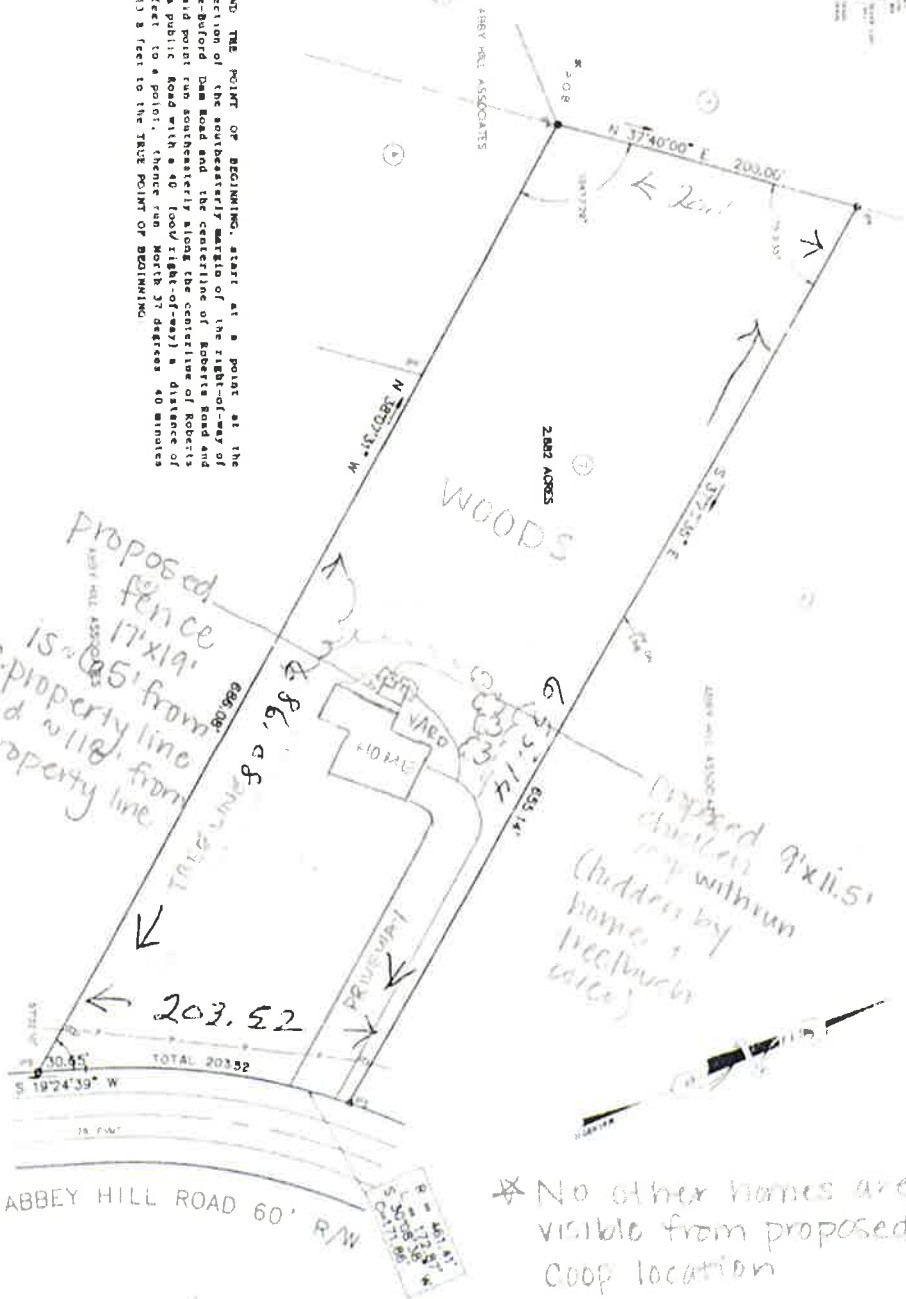
SUP-2020-001

* TO FIND THE POINT OF BEGINNING, start at a point at the intersection of the southeasterly margin of the right-of-way of Shacker-Duford Dam Road and the centerline of Roberts Road and from said point run southeasterly along the centerline of Roberts Road (a public road with a 40 foot right-of-way) a distance of 239.0 feet to a point, thence run North 37 degrees 40 minutes East 513.8 feet to the TRUE POINT OF BEGINNING.

Proposed fence is 17' x 19' 17' x 19' from S. property line and will be from N. property line

Proposed 9' x 11.5' chicken coop within home + tree/bush cover

* No other homes are visible from proposed coop location



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SURVEY	GENL. CIV. ENGINEER
FID.	ANDERSON, J. W.
DATE	7-14-2020
BY	ANDERSON, J. W.
FOR	ANDERSON, J. W.
PROJECT	ANDERSON, J. W.

Bevanda L. L. L. L.
Not from a previous
survey or map
of record

Exhibit A

SUP-2020-001

Exhibit: Picture of proposed coop



Exhibit B

SUP-2020-001

[← BACK TO HOME](#)

COOP PLANS:

The Garden Coop
walk-in chicken coop

The Garden Loft
large walk-in coop

The Garden Ark
mobile chicken tractor

The Basic Coop
stand-alone coop

The Garden Run
modular enclosure series

**BUY & DOWNLOAD
YOUR PLANS NOW**

SUPPLIES:

Quick Kits
pre-packed chicken coop
hardware kits

**Nipple Waterers &
Poultry Nipples**

**Peck-It-Clean™
Veggie Feeder**

Buyer's Guide

FREE RESOURCES:

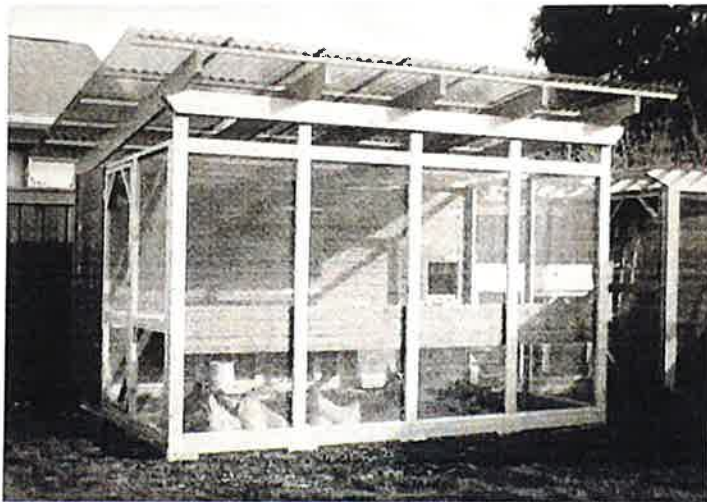
Coop Thoughts Blog

Make It Your Own
customer coop pictures

The Garden Loft

large walk-in coop and run

The Garden Loft chicken coop plans show you how to build a beautiful, spacious, secure walk-in coop to house and protect even the largest of backyard flocks.



Our largest chicken coop design (twice the size of The Garden Coop), The Garden Loft expresses your passion for backyard chicken keeping, while rewarding it handsomely...

Key features of The Garden Loft:

- » Keep up to 16 hens, or add day run space for even more
- » Measures about 11.5'w x 9'd x 8.5'h (3.6 x 2.75 x 2.6 m), outer dimensions. Henhouse: 34.5 sq ft (3.2 sq meter). Run: 102 sq ft (9.5 sq meter).
- » Walk in through the full-sized door
- » Collect eggs directly from the egg door on the side
- » Full-width, waist-high henhouse (for easy access and cleaning)
- » Spacious, integrated run
- » Ample ventilation and light

Free Plan Previews

Links & Resources

About Us

Contact



- » Know your flock is safe all around from predators and pests
- » Includes four nest boxes, generous roosting space, and plenty of room to add storage or other features
- » Built with pride... by you!

About The Garden Loft chicken coop plans:

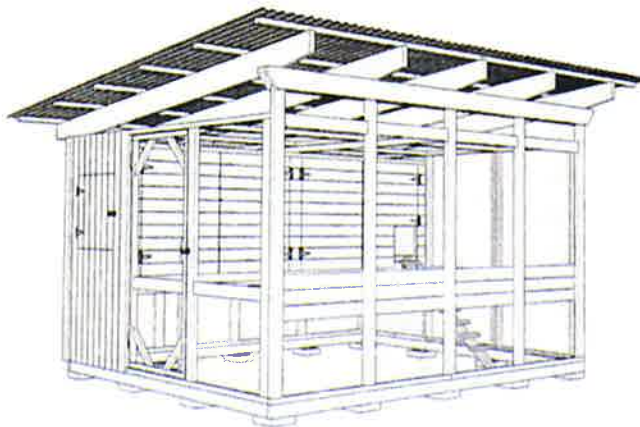
- » 89 pages of illustrations, photos, and step-by-step instructions
- » Written for beginners with simple cuts and techniques (of course, having some DIY building experience is a plus given the scope of the project)
- » Includes full tool and material lists
- » Features details and construction tips based on years of customer feedback
- » Includes both imperial units (feet/inches) and metric units (millimeters)
- » Compatible with iPad and other PDF-friendly mobile devices
- » Download instantly for \$54.95 — satisfaction guaranteed

Scroll down for more details, photos, video tour, and FAQs. . .

LOOK INSIDE THE PLANS! Download a free preview of The Garden Loft chicken coop plans to see exactly what to expect.

Spacious, integrated design.

Think of The Garden Loft as a box within a box — a large, raised henhouse loft that spans the full width of the coop and opens into a secure, covered, enclosed run. Building your chicken coop like this has many advantages.



One is that it puts the henhouse at a comfortable height for access and cleaning, where everything is within reach. You can then hang your feeder and waterer beneath the

Exhibit B

SUP-2020-001

Exhibit: Pictures of the Location of the Coop with Views towards adjacent property lines

Picture 1: View of Proposed Coop Location from the House



Picture 2: View of Home from the Proposed Coop Location



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Picture 3: View of North Adjacent Property Line from the Proposed Coop Location (~118 ft. setback from property line)



Picture 4: View of South Adjacent Property Line from Proposed Coop Location (65 ft. setback from property line)



Legal Description of 181 Abbey Hill Road

All that tract or parcel of land lying and being in Land Lot 276 of the 7th District, Gwinnett County, Georgia, being 2.882 acres, more or less, as shown on survey for Gerald M. Betterton Wanda S. Betterton by Hambrick Surveying, Inc., prepared by Wallace Long Hambrick, dated June 29, 1994, recorded in Plat Book 63, Page 21, Gwinnett County, Georgia Records, being more particularly described as follows:

To find the true point of beginning, begin at a point which forms the intersection of the southeasterly margin of the right of way of Suwanee-Buford Dam Road and the center line of Roberts Road and from said point run southeasterly along the center line of Roberts Road (having a 40 ft. right of way) a distance of 259.0 feet to a point; thence running North 37 degrees 40 minutes East 613.8 feet to an iron pin and the true point of beginning; from the true point of beginning running thence North 37 degrees 40 minutes 00 seconds East 200 feet to an iron pin; thence running South 37 degrees 23 minutes 35 seconds East 655.14 feet to an iron pin located on the northwesterly right of way of Abbey Hill Road (having a 60 foot right of way); thence running southwesterly along the arc of a curve to the left, said curve having a radius of 461.41 feet; said arc being subtended by a cord line having a magnetic bearing of South 30 degrees 08 minutes 38 seconds West and having a cord distance of 171.86 feet and an arc distance of 172.87 feet, to a point on said right of way; continuing thence South 19 degrees 24 minutes 39 seconds West along said right of way 30.65 feet to an iron pin on the northwesterly right of way of Abbey Hill Road; thence running North 38 degrees 07 minutes 31 seconds West 686.08 feet to an iron pin and the true point of beginning.

SUP-2020-001



Location Map SUP 2020-001





Zoning Map

SUP 2020-001

Legend

- City Limits
- Zoning**
- ZONING**
- OTCD
- C-1
- C-2
- C-2A
- C-3
- M-1
- O-1
- PMUD
- GCA
- R-140
- R-100
- R-85
- R-75
- IRD
- RM-6
- RM-8
- Site

