

VARIANCE:

V-2020-002

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2020-002
REQUEST: ACCESSORY STRUCTURE EXCEEDING 800
SQUARE FEET AND LOCATED NOT IN A
REAR YARD

APPLICABLE SECTION: SECTION 501 AND SECTION 604
(CITY OF SUWANEE ZONING ORDINANCE)

LOCATION: 4580 TENCH ROAD

DISTRICT/LAND LOT: 7-276-047

ZONING: R-100

DEVELOPMENT: GARAGE

APPLICANT/OWER: DAVID W. HILL
4580 TENCH ROAD
SUWANEE, GA 30024

CONTACT: DAVID HILL
CONTACT PHONE: 770-294-7869

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant is seeking a variance from Section 501 and Section 604 of the City of Suwanee Zoning Ordinance to allow for the construction of a detached garage exceeding 800 square feet in the front yard of a residential property located at 4580 Tench Road.

The subject property is approximately 1.35 acres and zoned R-100 (Residential Single Family District). It is surrounded by large lots with single family detached homes that are zoned R-100 or R-140. The property is rural in character similar to other lots in the area. A +/-26 acre property wraps the subject property on two and a half sides. This adjacent property is occupied by a single family house, a barn for horses that are kept on the property, and other large accessory structures.

The subject property contains an approximately 2,300 square foot single story home located toward the rear of the 330 feet deep property. The house has an attached garage that faces the front of the property and a pool in the rear yard. A driveway winds from the northwest corner of

the property down to the house. The property slopes down from Tench Road and the adjacent property to the east. The topography levels off where the house and pool are located and then slopes down from the house toward the rear property line.

The applicant proposes to add a detached garage that would be 30 feet by 35 feet (1,050 square feet) in the front yard at the end of the existing driveway near the existing attached garage. The proposed garage would have an exterior finish consistent with the primary residence. Section 501 of the City of Suwanee Zoning Ordinance limits accessory structures to 800 square feet in the R-100 zoning district, and Section 604 requires all accessory structures to be located in the rear yard of a property. As such, a variance is required to build the garage as proposed.

Accessory buildings are permitted uses in all of the City's residential zoning districts. All of the residential zoning districts have the same standard for accessory buildings in terms of maximum size and location allowed. However, a 1.35-acre lot is more capable of accommodating a larger accessory building without negative impacts on adjoining properties than a half-acre lot in a subdivision. The City regulates the size and location of accessory structures to protect homeowners from the possible negative impacts of an accessory structure on adjacent properties. In this case, the closest home is located more than 175 feet from the proposed accessory structure.

The vegetation, topography, and large size of the subject property allow for a structure in the front yard that would not be very visible from Tench Road or surrounding properties. The proposed location for the garage is approximately 120 feet back from Tench Road, approximately 20 feet below the grade of Tench Road, and approximately 10 feet below the grade of the adjacent property to the east. Furthermore, the front yard between the proposed garage location and Tench Road and adjacent properties to the east and west are wooded and would screen the garage from view.

The applicant requests to exceed the 800 square feet limit for the proposed garage because they have a need to store vehicles used to maintain the subject property as well as the larger adjacent +/- 26 acre property that is owned by family members of the applicant. There are many examples of other larger accessory structures in the immediate area. The adjacent property contains a barn, pavilion, garage, and storage shed that range from approximately 1,200 square feet to 3,200 square feet, and other larger accessory structures are located on nearby lots off of Abbey Hill Road. A larger accessory structure would be consistent with the area.

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 conclusion, approval of this variance would not be a substantial detriment to the public good and would not undermine the intent of the zoning ordinance, which is to limit the size and

location of accessory buildings on smaller lots in more densely populated neighborhoods. The topography and pool in the rear yard of the subject property make it difficult to use the rear yard for an accessory structure. Approval of this request to locate a garage that exceeds 800 square feet in the front yard of the property is not likely to negatively impact nearby properties due to the vegetation, topography, and size of the property, and the distance of the proposed garage from the road and other nearby structures. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2020-002.

Recommended Conditions

V-2020-002

Approval of a variance to allow for an accessory structure larger than 800 square feet and located not in a rear yard subject to the following conditions:

1. The accessory structure shall be located approximately as shown on the site plan labeled "Exhibit A."
2. The accessory structure shall be a maximum of 1,100 square feet in size.
3. The accessory structure shall match the exterior material of the primary dwelling.

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 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: David W Hill
Address: 4580 Tench Rd
City: Suwanee
State: Ga
Phone: 770 2947869
E-mail address: david.dwhenter@rise.com
CONTACT PERSON: David Hill

OWNER INFORMATION

Name: David W Hill
Address: 4580 Tench Rd
City: Suwanee
State: Ga
Phone: 770 9454929
PHONE: 770 2947869

ADDRESS OF PROPERTY 4580 Tench Rd Suwanee, Ga 30024

LAND DISTRICT 7th LAND LOT 276 PARCEL 047 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R100 ACREAGE 1.35 ±

VARIANCE REQUESTED accessory structure not in the rear yard

NEED FOR VARIANCE drainage issue, limited space in back yard

***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.**

**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: David W Hill
Address: 4580 Tench Rd
City: Suwanee
State: Ga
Phone: 770 2947869
E-mail address: david.dwhenterprise@gmail.com

CONTACT PERSON: David Hill

ADDRESS OF PROPERTY 4580 Tench Rd, Suwanee

LAND DISTRICT 7th LAND LOT 276 PARCEL 047 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R100 ACREAGE 1.35±

VARIANCE REQUESTED accessory structure larger than 800 sq ft. Requesting 30 x 35

NEED FOR VARIANCE to store maintenance equipment to maint. total family property. Also to store large vehicle & ranger

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
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V-2020-002

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.



David W Hill 10-30-2020
Signature of Applicant Date

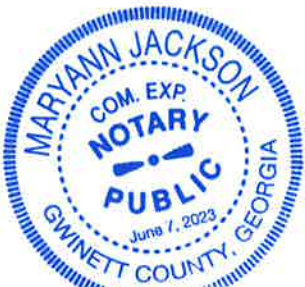
DAVID W HILL
Typed or Printed Name and Title

Maryann Jackson 10/30/20
Signature of Notary Public Date

Notary Seal

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.



David W Hill 10-30-2020
Signature of Applicant Date

DAVID W HILL
Typed or Printed Name and Title

Maryann Jackson 10/30/20
Signature of Notary Public Date

Notary Seal

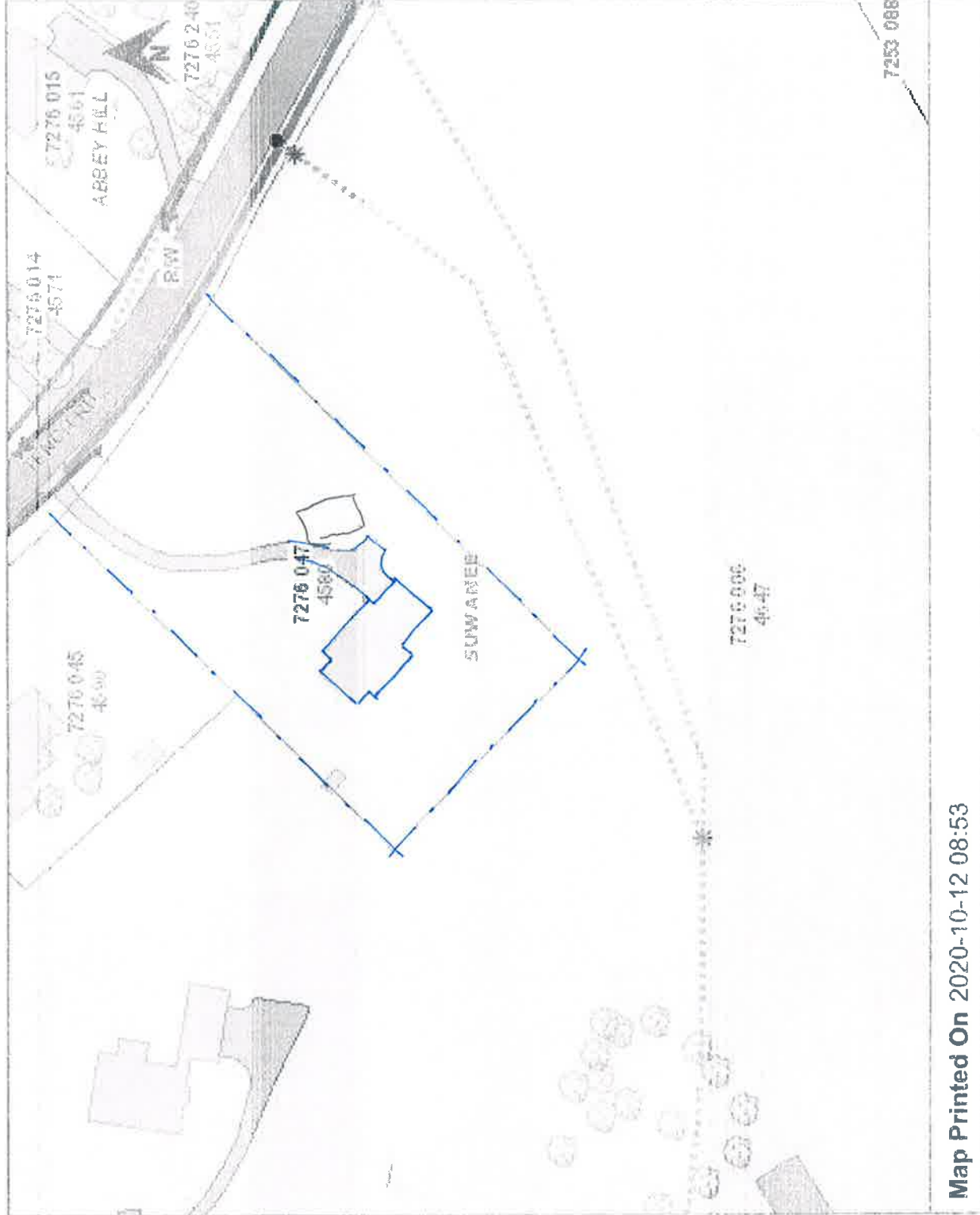
DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2020-002 Variance Administrative
Date Rec'd 10-30-20 Rec'd By AD Hearing Date Dec, 8, 2020
Amount Rec'd \$300 Receipt

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

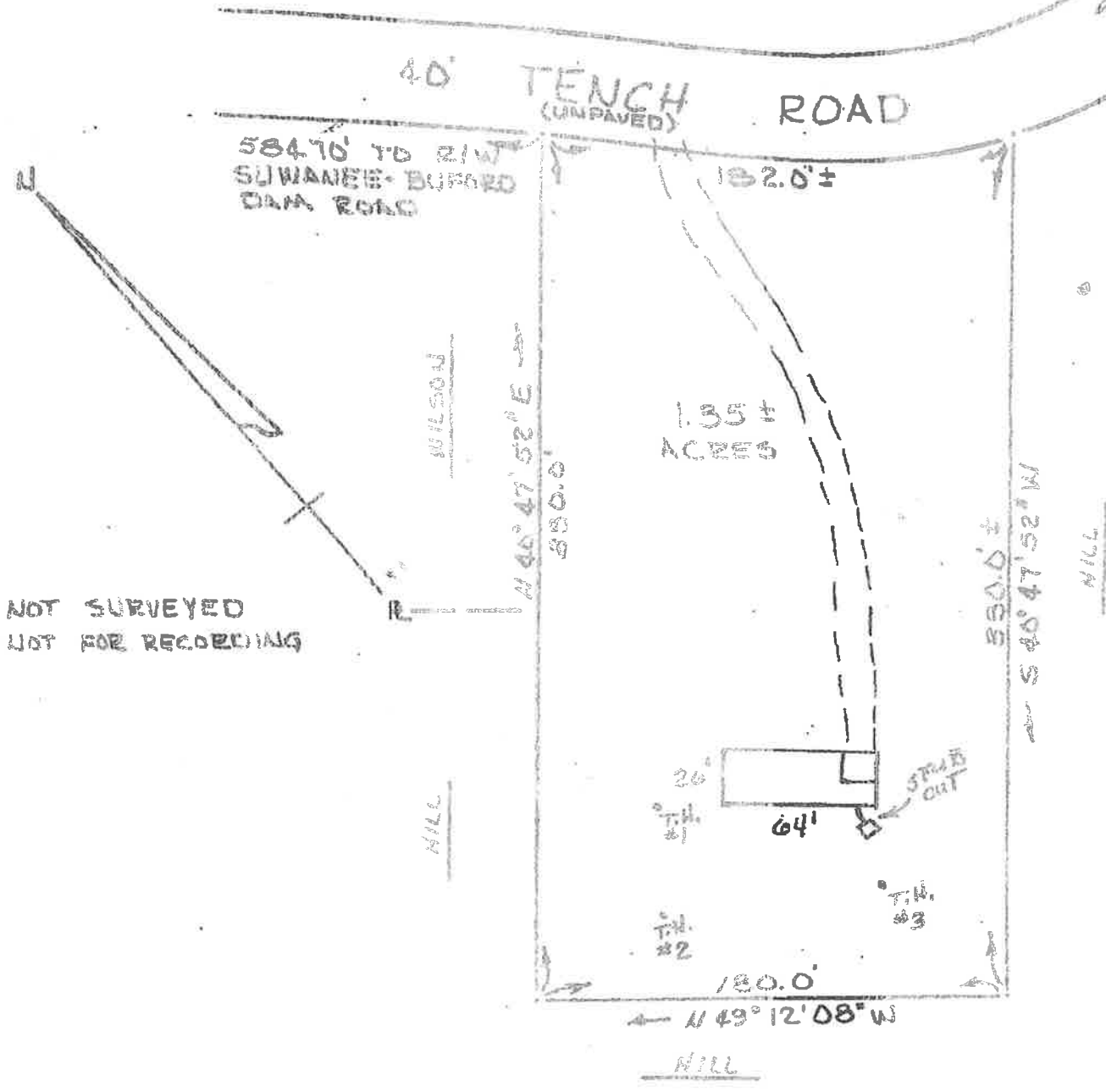
LEGEND



Map Printed On 2020-10-12 08:53

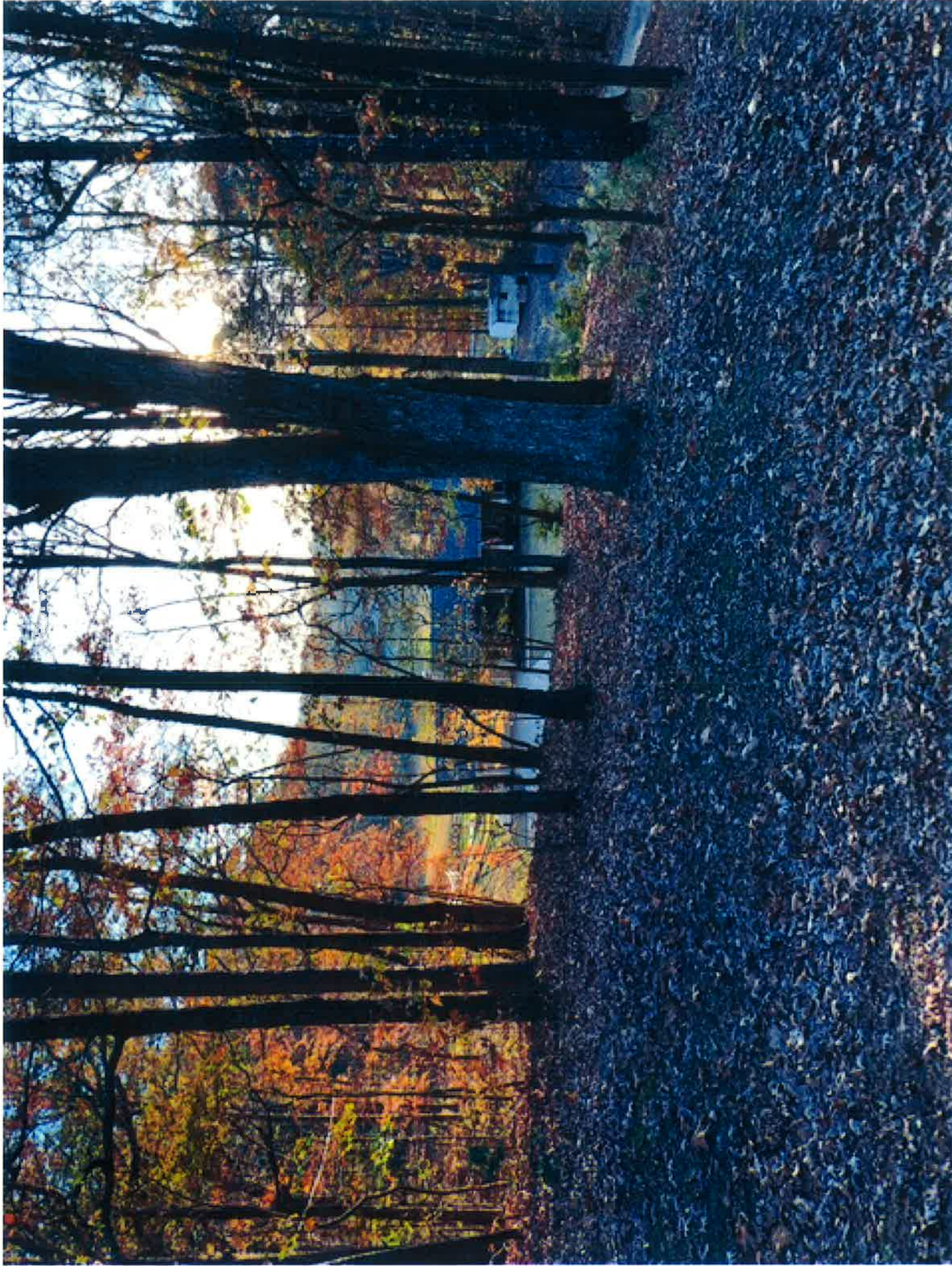
Exhibit A

Y-2020-002

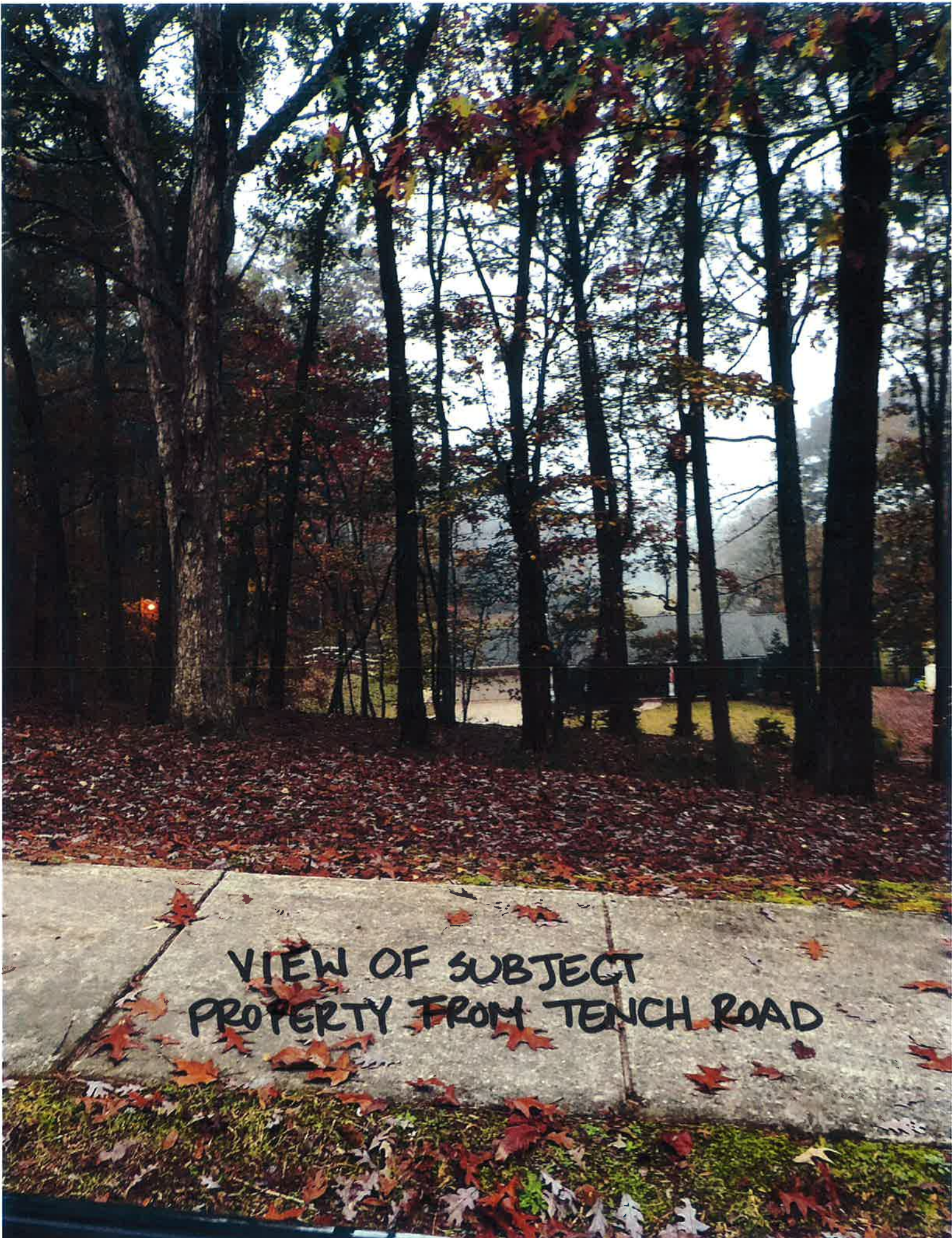


PROPERTY OF
WAYNE HILL
1.35± ACRES LOCATED IN
LAND LOT 274, TEN DIST
GWINNETT COUNTY, GA.
JUNE 5, 1986 P. 60'
E. WAYNE DAVIS
GA. REG. SURVEYOR
1677





VIEW OF SUBJECT PROPERTY FROM TENCH ROAD



200-0202-N





**PROPOSED LOCATION OF
GARAGE**



V-2020-002

PROPOSED DESIGN OF
GARAGE (2020)



Location Map

Legend



V-2020-002



0 380 760 1,520 Feet

