VARIANCE(S):

V-2021-001

V-2021-002

CITY OF SUWANEE VARIANCE ANALYSIS

CASE NUMBER: V-2021-001 and V-2021-002

REQUEST: REDUCTION OF THE MINIMUM YARD

ABUTTING A PUBLIC STREET

APPLICABLE SECTION: SECTION 503

(CITY OF SUWANEE ZONING ORDINANCE)

LOCATION: 4114 VALTEK COURT (V-2021-001)

4124 VALTEK COURT (V-2021-002)

DISTRICT/LAND LOT: 7-237-475 (V-2021-001)

7-237-476 (V-2021-002)

ZONING: RM-6

DEVELOPMENT: SINGLE FAMILY DETATCHED HOMES

OWNER: LENNAR HOMES GEORGIA

1000 HOLCOMB BRIDGE PARKWAY

ROSWELL, GA 30076

APPLICANT: DPE DBA THOMAS HUTTON

5074 BRISTOL INDUSTRIAL WAY S-A

BUFORD, GA 30518

CONTACT: TONYA WOODS

CONTACT PHONE: 770-826-1376

RECOMMENDATION: APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant is seeking variances from <u>Section 503</u> of the <u>City of Suwanee Zoning Ordinance</u> for two separate lots that front Eva Kennedy Road. The requests are for the reduction of the required 50 foot minimum yard abutting a public street to allow for construction of porches on detached single family homes proposed for the property.

The subject lots contain 0.19 acre (V-2021-001) and 0.23 acre (V-2021-002). The lots are located within the Kennedy Township neighborhood (zoned RM-6), which is currently under construction. The proposed homes will face Eva Kennedy Road as required by the zoning conditions for the neighborhood, but the lots and proposed rear entry garages of the homes are

only accessible by vehicles from the alley behind the lots, Valtek Court, so the addresses of the subject properties are 4114 and 4124 Valtek Court.

The Kennedy Township neighborhood is located along Eva Kennedy Road. The subject lots are adjacent to one another and abut Eva Kennedy Road. There is a required minimum 50 foot yard for parcels abutting a public street per Section 503 of the City of Suwanee Zoning Ordinance. The applicant requests to encroach approximately 10 feet into this required setback to build porches that would face Eva Kennedy Road.

To the west of the subject lots is a pocket park that is part of the new neighborhood. The properties located to the east of the subject lots are zoned R-100 and contain single family homes setback 80 to 300 feet from the road. Across Eva Kennedy Road are several single family homes located between 26 and 47 feet from the right-of-way. The property to the north is part of the Kennedy Township neighborhood and contains detached single family homes that are under construction.

The Kennedy Township neighborhood consists of 25 single family attached homes in the portion of the neighborhood closet to Peachtree Industrial Boulevard and 49 single family detached homes closest to Eva Kennedy Road. The site slopes uphill away from Eva Kennedy Road and then levels off, so all of the single family detached homes are able to accommodate a two story home without a basement. The subject lots are the two exceptions. The homes on these lots will be two story from the alley, but three stories from the side that faces Eva Kennedy Road in order to compensate for the rise in grade on the lots from Eva Kennedy Road.

The homes designed for the remainder of the Kennedy Township neighborhood do not have a three story elevation, so the applicant designed special homes for the subject lots that are 2.5 stories with a basement level on the three story side facing Eva Kennedy Road. To satisfy the zoning requirement that lots with frontage on Eva Kennedy Road face Eva Kennedy Road, the proposed homes are designed to have two front facades, one that faces the alley behind and one that faces Eva Kennedy Road. The porches that would encroach into the 50 foot yard abutting Eva Kennedy Road were added to make the rear of the proposed homes look more like fronts. Reducing the depth of these porches would alter the roofs that cover the stacked porches, which would make the façade less aesthetically pleasing, and the deeper front porches will add to the architectural character of the portion of the neighborhood that is visible from Eva Kennedy Road.

Approval of this request to encroach into the required 50 foot yard abutting Eva Kennedy Road is not likely to negatively impact nearby properties due to the depth of the right-of-way along Eva Kennedy Road. Eva Kennedy Road is contained within an 80 foot wide right-of-way. For a typical local road, the right-of-way would only be 50 feet wide. The closest portion of the proposed homes, the porches, would still sit approximately 67 feet back from the curb along Eva Kennedy Road despite the encroachment in the 50 foot yard abutting the street due to the approximately 27 foot depth of the right of way.

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. The addition of deep porches to the proposed homes is desirable as they will add to the architectural character of the homes that will be visible from Eva Kennedy Road. A number of homes in the immediate area are situated as close or closer to the right-of-way. Approval of this request to encroach into the required 50 foot yard abutting Eva Kennedy Road is not likely to negatively impact nearby properties due to the distance of the porches from Eva Kennedy Road. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2021-001 and V-2021-002.

Recommended Conditions V-2021-001

Approval of a variance to allow for the reduction of the minimum yard abutting a public street to allow for construction of a porch on a detached single family home subject to the following conditions:

- 1. Encroachment of up to 11 feet into the required 50 foot yard abutting Eva Kennedy Road is permitted on the subject property only for porches consistent with the design shown in Exhibit A.
- 2. The architecture for any proposed structure on the subject property shall be designed to have a façade facing Eva Kennedy Road that is similar to a front façade including quality of materials, windows, and detailing. Final architecture shall be subject to the review and approval of the Planning Department.

Recommended Conditions V-2021-002

Approval of a variance to allow for the reduction of the minimum yard abutting a public street to allow for construction of a porch on a detached single family home subject to the following conditions:

- 3. Encroachment of up to 11 feet into the required 50 foot yard abutting Eva Kennedy Road is permitted on the subject property only for porches consistent with the design shown in Exhibit B.
- 4. The architecture for any proposed structure on the subject property shall be designed to have a façade facing Eva Kennedy Road that is similar to a front façade including quality of materials, windows, and detailing. Final architecture shall be subject to the review and approval of the Planning Department.

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	OWNER INFORMATION			
Name: DPE dba Thomas and Hutton	_{Name} Lennar Homes Georgia			
Address: 5074 Bristol Industrial Way S-A	Address 1000 Holcomb Bridge Parkway City: Roswell State Georgia			
City: Buford				
State: Georgia				
Phone: 770.271.2868 extension 1874	Phone: Dustin Baker/404.824.9439			
E-mail address: woods.t@tandh.com				
CONTACT PERSON: Tonya Woods	PHONE: 770.826.1376			
ADDRESS OF PROPERTY 4114 Valtek Court,	Lot 24			
LAND DISTRICT LAND LOT 237	PARCEL 475 LOT 24			
SUBDIVISION OR PROJECT NAME (IF APPLICA	ABLE) Kennedy Township Unit 1			
ZONING_RM6				
VARIANCE REQUESTED Front setback encro	achment of approximately 10 feet			
NEED FOR VARIANCE The homes along Eva	Kennedy were subject to specific			
	ndition of the zoning of the property (RZ2018-007.			
In order to provide a covered deck, the enc	roachment is requested.			

V.2021.001

^{*}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.

APPLICANT CERTIFICATION

The undersigned below is authorized to make 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 (6) months from the date of the last action by the Board of Appeals.

EXPIRES GEORGIA SEP. 18, 2021	Signature of Applicant Date Thy Woods Overnment Uasto Typed or Printed Name and Title Signature of Notary Public Date
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and is aware that an application or r any portion thereof shall not be acte Board of Appeals unless waived by	red, is the record owner of the property considered in this application reapplication for the same type of Variance affecting the same land or ed upon within twelve (12) months from the date of last action by the the Board of Appeals. An application or reapplication shall not be the from the date of the last action by the Board of Appeals. Signature of Applicant Typed or, Printed Name and Title Signature of Notary Public Date
DEPARTMENT O	F PLANNING AND DEVELOPMENT USE ONLY
Case Number V. 2021 OD Date Rec'd Amount Rec'd	Rec'd By Hearing Date
ACTION TAKEN	
SIGNATURE	DATE:

APPLICATION FOR VARIANCE FROM THE CITY OF SUWANEE ZONING BOARD OF APPEALS

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APPLICANT INFORMATION	OWNER INFORMATION			
Name: DPE dba Thomas and Hutton	Name Lennar Homes Georgia Address 1000 Holcomb Bridge Parkway City: Roswell			
Address: 5074 Bristol Industrial Way S-A				
City: Buford				
State: Georgia	_{State} Georgia			
Phone: 770.271.2868 extension 1874	Phone: Dustin Baker/404.824.9439			
E-mail address: woods.t@tandh.com				
CONTACT PERSON: Tonya Woods	PHONE: 770.826.1376			
ADDRESS OF PROPERTY 4124 Valtek Court	, Lot 25			
LAND DISTRICT 7 LAND LOT 237	7PARCEL_476LOT_25			
SUBDIVISION OR PROJECT NAME (IF APPLIC	CABLE) Kennedy Township Unit 1			
ZONING RM6				
VARIANCE REQUESTED Front setback encre	oachment of approximately 10 feet			
NEED FOR VARIANCE The homes along Even	a Kennedy were subject to specific			
architectural and elevation requirements as a co	ondition of the zoning of the property (RZ2018-007.			
In order to provide a covered deck, the end	croachment is requested.			

V-2021-002

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SIGNATURE

APPLICANT CERTIFICATION

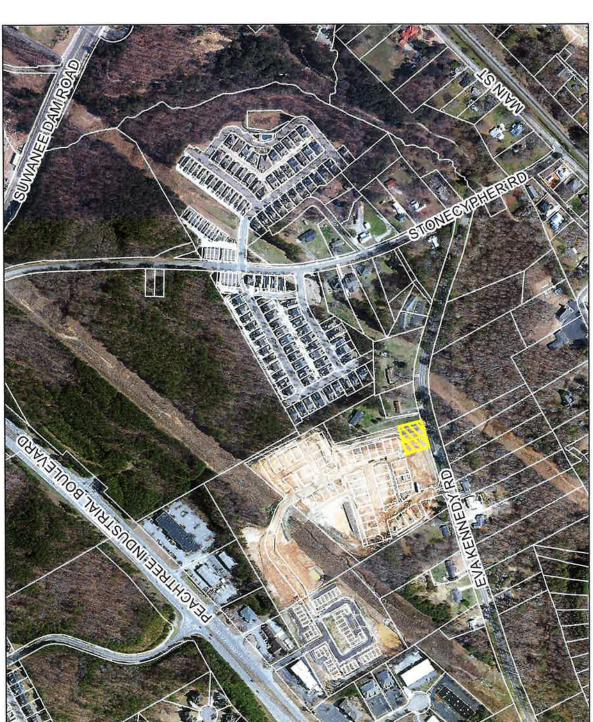
The undersigned below is authorized to make this application and is aware that an application or reapplication for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived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

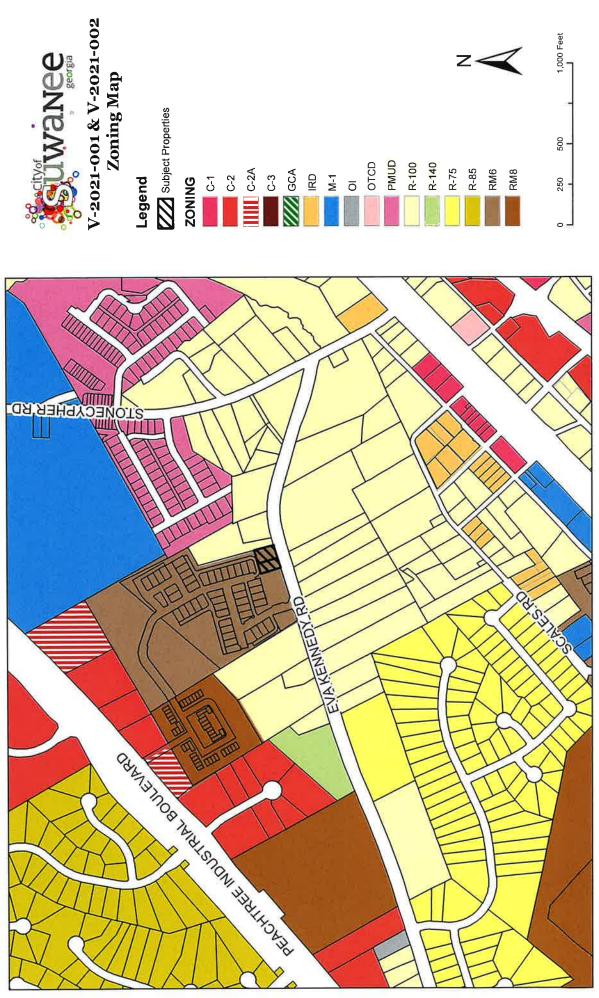
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The undersigned below, or as attached and is aware that an application or real any portion thereof shall not be acted to the control of the c	I, is the record owner of the property considered in this application pplication for the same type of Variance affecting the same land or upon within twelve (12) months from the date of last action by the e Board of Appeals. Anapplication or reapplication shall not be from the date of the last action by the Board of Appeals.
÷	Signature of Applicant Date
EXPIRES GEORGIA	Typed or Printed Name and Title 3123121
EXPIRES GEORGIA SEP. 18, 2021 PUBLIC Notary Seal	Signature of Notar Rublic Date
DED ADDITION OF	PLANNING AND DEVELOPMENT USE ONLY
Case Number V-2021-002 Date Rec'd Amount Rec'd	Variance / Administrative Hearing Date 5-16-21
ACTION TAKEN	

DATE:

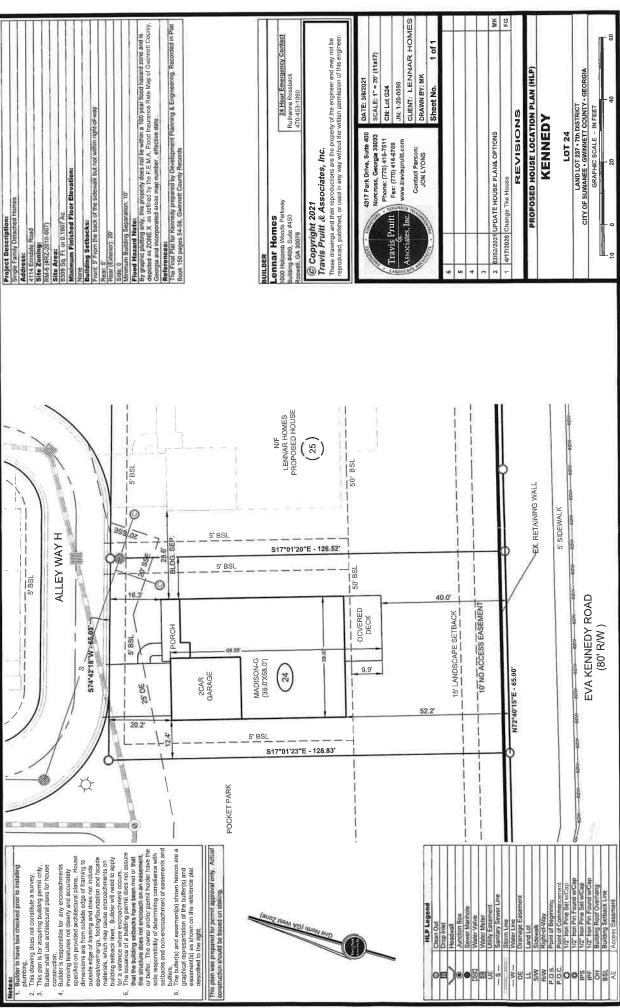






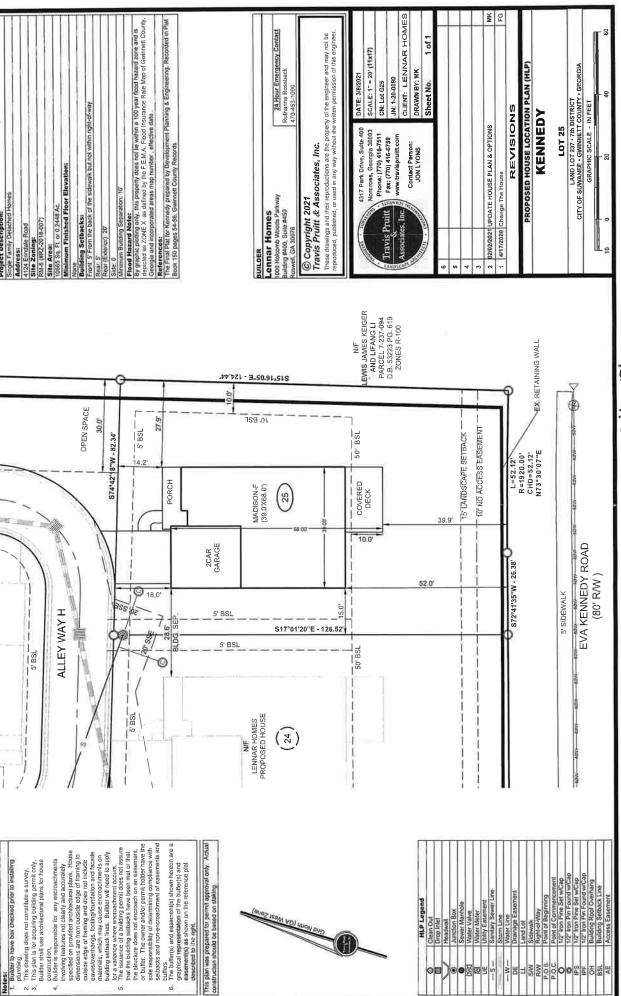






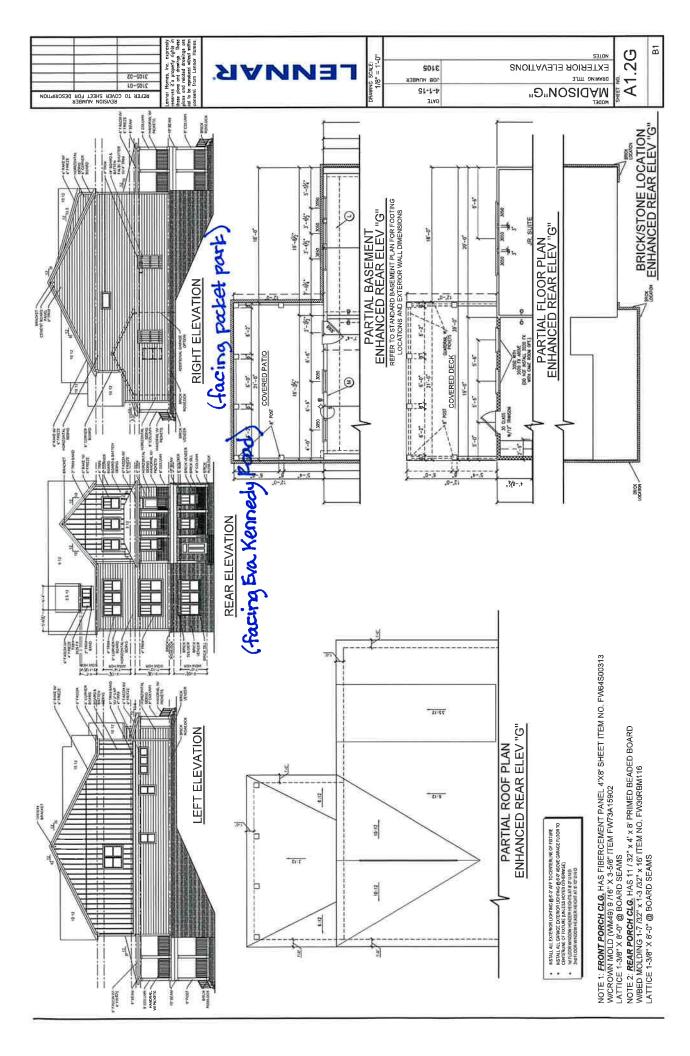
1-2021-001 SitePlan

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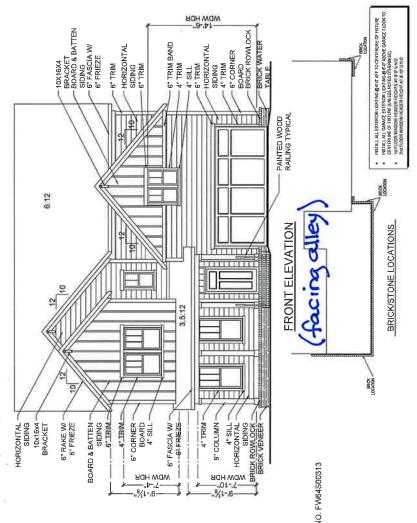
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V-2021-001 Architecture

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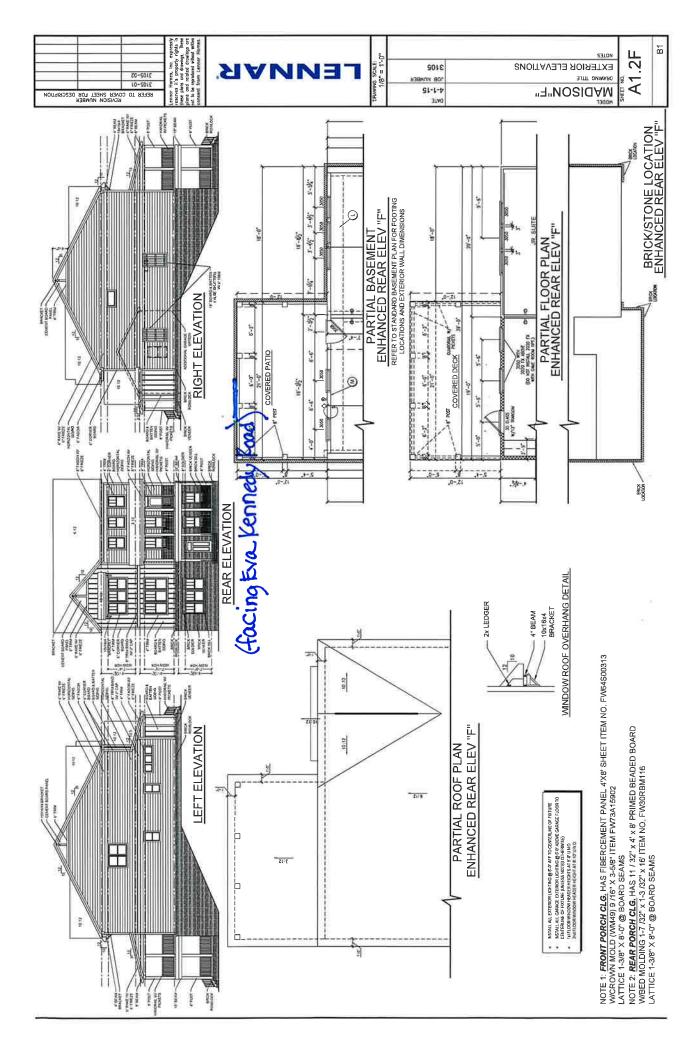
NOTE 1: FRONT PORCH CL.G., HAS FIBERCEMENT PANEL 4'X8' SHEET ITEM NO. FW64S00313 W/CROWN MOLD (WM49) 9 /16" X 3-5/6" ITEM FW/3415902

LATTICE 1-3:8" X 8-5" @ BOARD SEAMS

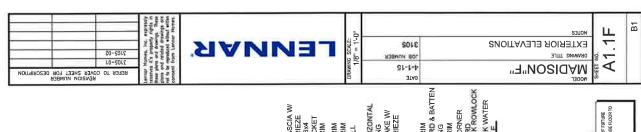
NOTE 2: REAR PORCH CLG. HAS 11, 32" x 4 x 8' PRIMED BEADED BOARD WBED MOLDING 1-7 /13" x 16' ITEM NO, FW30RBM116

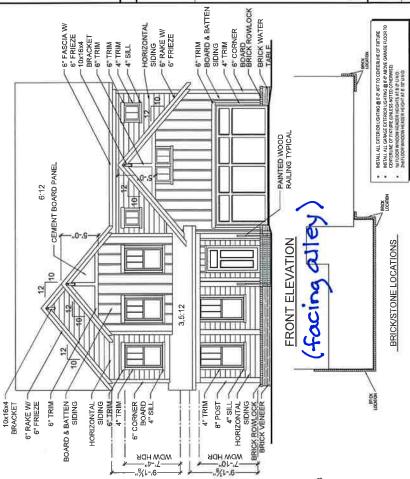
LATTICE 1-3:6" X 8-5" @ BOARD SEAMS

V-2021-001 Architecture



V-2021-002 Architecture





NOTE 1: FRONT PORCH CLQ, HAS FIBERCEMENT PANEL 4'XB' SHEET ITEM NO. FW64S00313 WICROWN MOLD (WM49) 9.116" X 3-518" ITEM FW73A15902 LATTICE 1-38" X 8-0" @ BOARD SEAMS NOTE 2: <u>FAAR POWEM CLG.</u> HAS 11 732" x 4" x 8" PRIMED BEADED BOARD WIRED MOLDING 1-7 732" x 1-3 22" x 16" ITEM NO. FW30RBM116 LATTICE 1-3/8" X 8-0" @ BOARD SEAMS

V. 2021-002 Architecture

