**VARIANCE(S):** 

V-2021-005

V-2021-006

V-2021-008

# CITY OF SUWANEE VARIANCE ANALYSIS

CASE NUMBER(S): V-2021-005, V-2021-006 AND V-2021-008

REQUEST(S): A SWIMMING POOL IN A YARD ABUTTING A

PUBLIC STREET (V-2021-005)

A REDUCTION TO THE REQUIRED SETBACK FOR A SWIMMING POOL FROM A PUBLIC

STREET (V-2021-006)

A FENCE IN A YARD ABUTTING A PUBLIC STREET TO EXCEED 4 FEET (V-2021-008)

APPLICABLE SECTION(S): SECTION 604 (V-2021-005)

SECTION 604 (V-2021-006) SECTION 610 (V-2021-010)

LOCATION: 557 MAIN STREET

DISTRICT/LAND LOT: 7-236-033

ZONING: R-100

DEVELOPMENT: ACCESSORY BUILDING

APPLICANT/OWER: ZOE KIM

557 MAIN STREET SUWANEE, GA 30024

CONTACT: ZOE KIM CONTACT PHONE: 808-631-8590

RECOMMENDATION: APPROVAL WITH CONDITIONS

# **ANALYSIS:**

The applicant seeks a variance from <u>Section 604</u> and <u>Section 610</u> of the <u>City of Suwanee Zoning Ordinance</u> to allow for the construction of a swimming pool and the required fence for the pool in a yard abutting a public street. The subject property is located at 557 Main Street in Old Town.

The property is a 0.22 acre "thru lot" that has 2 road frontages, one on Main Street and the other on Jackson. The result is that the lot does not have a rear. The R-100 zoned property contains a home and an accessory structure. The home located on the property faces Main Street. The accessory structure is located adjacent to Jackson Street. The applicant seeks to construct a swimming pool adjacent to the accessory structure on the portion of the property that faces Jackson Street. The proposed pool would be 14 feet by 25 feet with an adjacent 7 feet by 7 feet hot tub.

The property to the southwest is occupied by a single-family home that faces Main Street. The adjacent property to the north at the corner of Main Street and Stonecypher Road is vacant (there was a home located on the lot, but it was recently demolished) and also owned by the applicant. The railroad is located across Main Street. Single family homes on legal non-conforming R-100 zoned lots are located across Jackson Street.

<u>Section 604</u> of the <u>City of Suwanee Zoning Ordinance</u> limits swimming pools to rear yards and requires swimming pools to be located a minimum of 50 feet from a public street. The purpose of these regulations is to prevent swimming pools from being located in front yards throughout the City. However, the subject property is one of the unique properties in Old Town that fronts two public streets.

The subject property is located in the historic Old Town on Main Street between Stonecypher Road and Scales Road. There are 5 homes and 2 commercial building located on this block. All of the homes and one of the commercial buildings face Main Street. The Pierce's Corner building is the only building on this black that does not "front" onto Main Street, and it instead faces Scales Road. None of the homes or commercial buildings face Jackson Street. By ordinance, none of these homes has a backyard, but Jackson Street de facto functions as the backyard for all of these homes.

Since the backyard faces a public street, Jackson Street, <u>Section 604</u> of the <u>City of Suwanee Zoning Ordinance</u> also requires the swimming pool to be located a minimum of 50 feet from Jackson Street. The applicant requests a reduction of this setback to 10 feet from the property line adjacent to Jackson Street. If the rear yard did not abut a public street, the pool could be constructed up to 5 feet from the property line, so this is a reasonable request since the yard functions as a rear yard despite being adjacent to public street. Furthermore, the applicant intends to screen the pool from the street with a decorative 4 foot fence, so the pool would not negatively impact surrounding properties.

The applicant intends to enclose the pool with a fence that will run along the property adjacent to Jackson street and the southern side property line. A fence is required by code to enclose the pool. Section 610 requires all fences within a yard abutting a street do not exceed 4 feet. The proposed fence would be 4 feet high along the property line abutting Jackson Street and for most of the fence along the south side yard. However, due to a change in topography along the side yard, a small portion of the fence that is technically in the yard abutting a public street but functionally in the backyard would need to be higher than 4 feet in the portion of the yard closest to the rear façade of the home in order for the fence to have a consistent top elevation along the

side for safety as well of screening of the pool. A variance would be needed to construct the fence as proposed.

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.

Approval of these variances would not be a substantial detriment to the public good and would not undermine the intent of the zoning ordinance, which is to prevent pools and tall fences from being located in front yards along public streets. In this unique circumstance, the subject property fronts two public streets, Main Street and Jackson Street, and the yard fronting Jackson Street functions as a rear yard. As such, variances to allow for a pool within this required front yard would not undermine the Zoning Ordinance.

In conclusion, approval of these requests to locate a swimming pool with a fence around it in a yard abutting a public street, Jackson Street, is not likely to negatively impact nearby properties, which also use the yard fronting Jackson Street as a rear yard. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2021-005, V-2021-006, and V-2021-008.

### **Recommended Conditions**

### V-2021-005

Staff recommends approval of a variance to allow for a swimming pool in a yard abutting a public street subject to the following conditions:

- 1. The swimming pool shall be located approximately as shown on the site plan labeled "Exhibit A."
- 2. The size of the pool shall be approximately 14 feet by 25 feet and may also include a hot tub not to exceed 7 feet by 7 feet.

### V-2021-006

Staff recommends approval of a variance to allow for the reduction of the required setback for a swimming pool from a public street subject to the following conditions:

1. The setback from the property line adjacent to Jackson Street shall be reduced to 10 feet for a swimming pool only. No other structure shall be built closer than 20 feet from the property line adjacent to Jackson Street.

### V-2021-008

Staff recommends approval of a variance to allow for a fence in a yard abutting a public street to exceed 4 feet subject to the following conditions:

- 1. The fence shall not exceed 4 feet within 40 feet of the property line adjacent to Jackson Street.
- 2. The fence shall be located and constructed approximately as shown on the site plan labeled "Exhibit A."
- 3. The fence material and design shall subject to the approval of the Planning and Inspection 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 these variances would not increase the congestion in public streets.

B. Will approval increase the danger of fire or endanger public safety?

Approval of these variances 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 these variances, 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 these variances 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: Zoe Kim	Name Zoe Kim
Address: 557 Main 84.	Address
City: Suwanee	City:
State: GA	State
Phone: 808 - U31 - 8590	Phone:
E-mail address: Zoem Kim 200mon	1. com
CONTACT PERSON: ZOL Kim	PHONE: 303-631-8590
ADDRESS OF PROPERTY 557 Main	
LAND DISTRICT 7 LAND LOT 230	PARCEL 033 LOT
SUBDIVISION OR PROJECT NAME (IF APPLICABLE	LE)
ZONING R-100	
variance requested to place of my backyard that is	a pool (in-ground) in technically a Frontypur
NEED FOR VARIANCE This portion Functions as a bac	kyard.

Last revised 1-25-2012 dpr

V-2021-005

<sup>\*</sup>A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED. SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.

<sup>\*\*\*</sup>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.

# Variance Application Page 2

## **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.

COM CONTRACT	Signature of Applicant Date  Date  Date  Typed or Printed Name and Title
Mar. 12, 2025	Typed or Printed Name and Title  Signature of Notary Public Date
Notary Seal	
PR	OPERTY OWNER CERTIFICATION
any portion thereof shall not be as Board of Appeals unless waived by	r reapplication for the same type of Variance affecting the same land or cted upon within twelve (12) months from the date of last action by the by the Board of Appeals. An application or reapplication shall not be onths from the date of the last action by the Board of Appeals.  3. 5-17-21
NOTARI NOTARI OUBLIC &	Signature of Applicant Date  Typed or Printed Name and Title
Mar. 12, 2025	Signature of Notary Public Date
Notary Seal	
DEPARTMENT	OF PLANNING AND DEVELOPMENT USE ONLY
Case Number V-2021-005  Date Rec'd 5-17-21  Amount Rec'd	Variance Administrative Rec'd By AD Hearing Date 6-15-21 Receipt
ACTION TAKEN	
SIGNATURE	DATE:

# 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)

WNER INFORMATION
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ity:
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hone:
com
HONE: 708-631-8590
PARCEL 033 LOT
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portion of my
i

Last revised 1-25-2012 dpr

V.2021.006

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# Variance Application Page 2

SIGNATURE

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NOTALLEY TANKING ON ENGLISH ON THE PROPERTY OF	Signature of Applicant Date  The Kim Property own  Fyped or Printed Name and Title  Signature of Notary Public Date
Notary Seal	
PR	OPERTY OWNER CERTIFICATION
and is aware that an application of any portion thereof shall not be ac Board of Appeals unless waived be acted upon in less than six (6) mo	ched, is the record owner of the property considered in this application or reapplication for the same type of Variance affecting the same land or exted upon within twelve (12) months from the date of last action by the by the Board of Appeals. An application or reapplication shall not be not from the date of the last action by the Board of Appeals.  Signature of Applicant  Date
COUNTY COUNTY	Typed or Printed Name and Title  Signature of Notary Public Date
Notary Seal	OF BLANKING AND DEVIEL ODMENIE FOR ONLY
Case Number V-2021-000 Date Rec'd 5-17-24 Amount Rec'd	OF PLANNING AND DEVELOPMENT USE ONLY  Variance Administrative Hearing Date 6-15-21  Receipt
ACTION TAKEN	

DATE:

# 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: Zoe Kim	Name Zoë Kim
Address: 557 Main 87.	Address SAME
City: Sywanec	City:
State: GA	State
Phone: 808 - 631 - 8590	Phone:
E-mail address: ZoemKim 2 @ amail.	com
CONTACT PERSON: 70 Kim	PHONE: 808-631 - 8590
ADDRESS OF PROPERTY 557 Main S	84.
LAND DISTRICT 7 LAND LOT 236	PARCEL MANAGE OF LOT
SUBDIVISION OR PROJECT NAME (IF APPLICABLE	E)
ZONING R-100	
variance requested Requesting of Funce in a yard (backyard Street to be higher than	portion of the side ) abutting a public 4 feet.
NEED FOR VARIANCE This portion backyard and the arade	

Last revised 1-25-2012 dpr

V. 2021.008

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# Variance Application Page 2

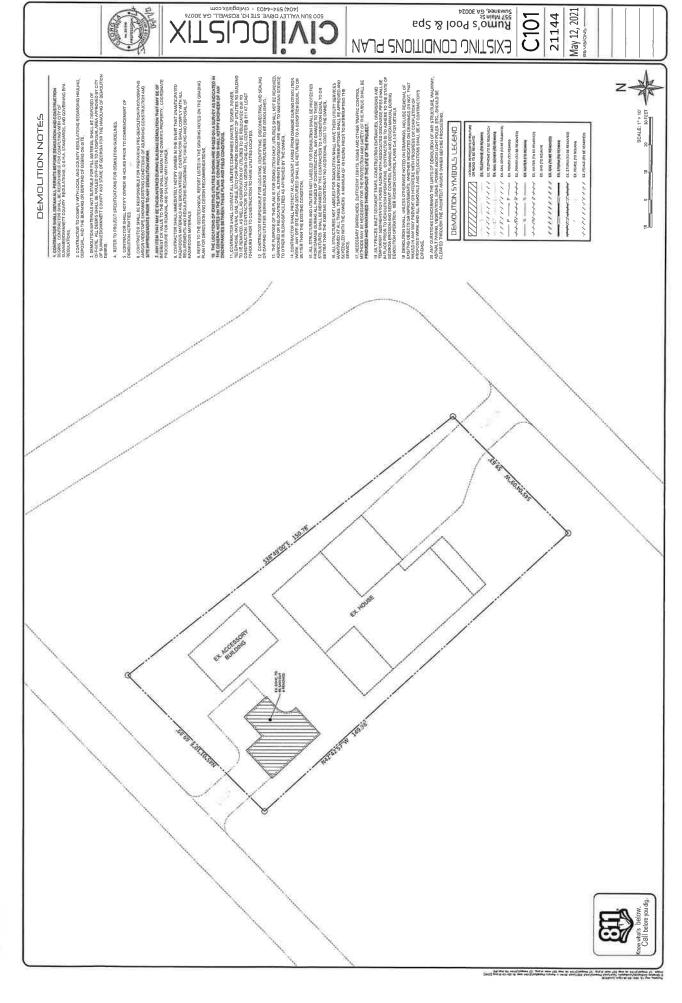
SIGNATURE

# **APPLICANT CERTIFICATION**

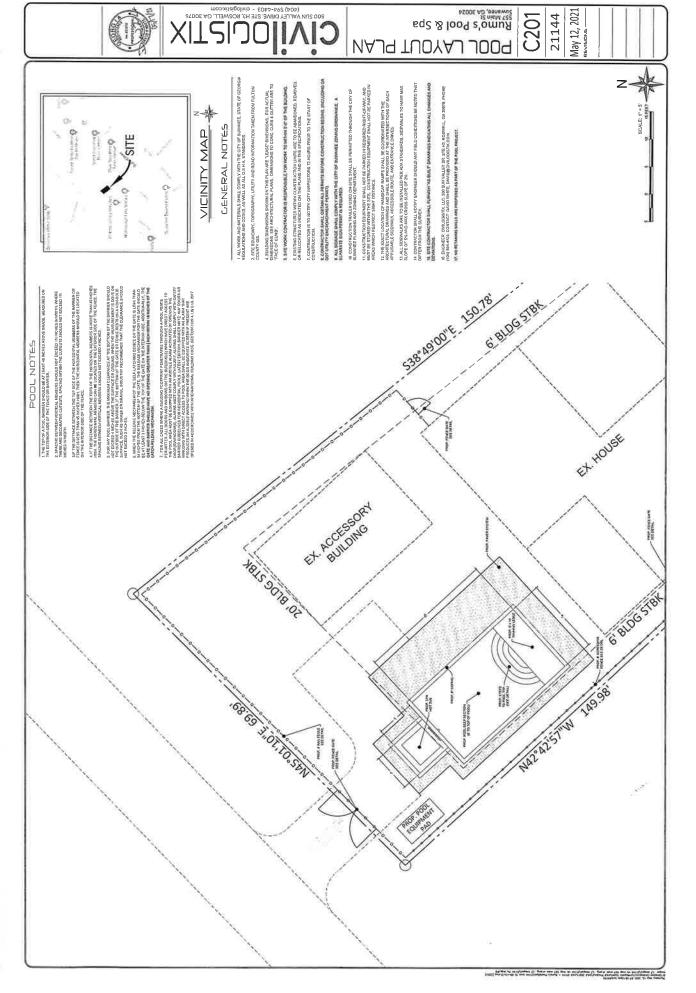
The undersigned below is authorized to make this application and is aware that an application or reapplication for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived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

COUNTY GO	Signature of Application  Signature of Notary	Im Plame and Title	5-17-21 Date Operty owner Date
Notary Seal			
PROPER	RTY OWNER CERT	IFICATION	
The undersigned below, or as attached, is and is aware that an application or reapprany portion thereof shall not be acted up Board of Appeals unless waived by the lacted upon in less than six (6) months from the state of the	blication for the same to bon within twelve (12) Board of Appeals. An om the date of the last Signature of Applic	expe of Variance at months from the control application or real action by the Board and Title	ffecting the same land or date of last action by the pplication shall not be rd of Appeals.  5-17-21  Date
Notary Seal	1000		
DEPARTMENT OF PI	ANNING AND DEV	ELOPMENT US	SE ONLY
Case Number V - 2021 - 008  Date Rec'd 5-17 - 21  Amount Rec'd	Variance Rec'd By Receipt	Administrativ Hearing Date	
ACTION TAKEN			

DATE:



# Existing site plan



# Proposed Site Plan - Exhibit A

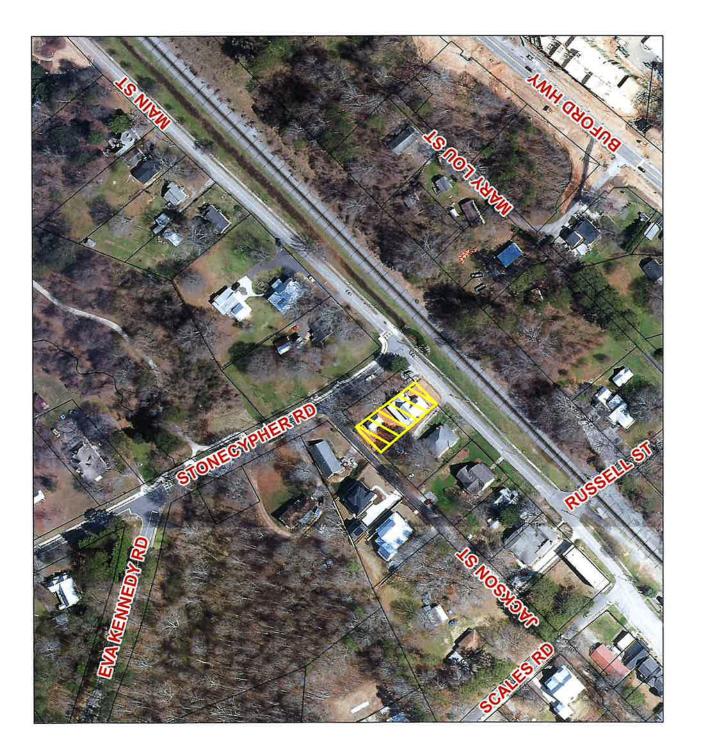


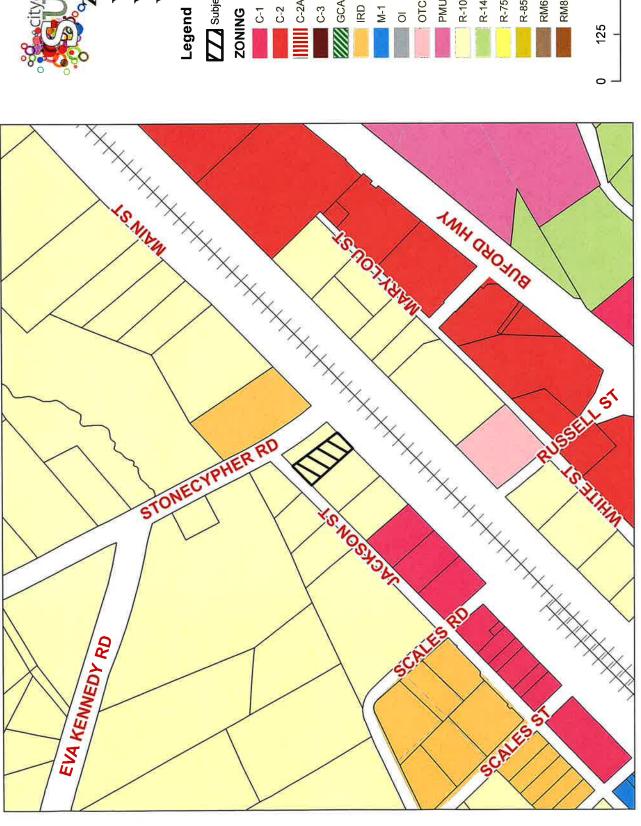


V-2021-005 V-2021-006 V-2021-008











V-2021-005 V-2021-006 V-2021-008

Subject Property

PMUD R-140 R-75 R-85 RM6 R-100

250

**Z** \$000 Feet