

**VARIANCE(S):**

**V-2021-003**

**V-2021-004**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER(S):** V-2021-003 AND V-2021-004  
**REQUEST(S):** ACCESSORY STRUCTURE LOCATED  
OUTSIDE OF THE REAR YARD AND  
EXCEEDING 800 SQUARE FEET

**APPLICABLE SECTION(S):** SECTION 604 (V-2021-003)  
SECTION 501 (V-2021-004)

**LOCATION:** 606 VIRGINIA AVENUE

**DISTRICT/LAND LOT:** 7-210-074

**ZONING:** R-100

**DEVELOPMENT:** ACCESSORY BUILDING

**APPLICANT/OWER:** JERRY N. LITTLE JR.  
606 VIRGINIA AVENUE  
SUWANEE, GA 30024

**CONTACT:** JERRY N. LITTLE JR.  
**CONTACT PHONE:** 770-932-7788

**RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**ANALYSIS:**

The applicant seeks a variance from Section 501 and Section 604 of the City of Suwanee Zoning Ordinance to allow for the construction of an accessory building exceeding 800 square feet with a portion of the building extending into the side yard. The subject property is located at 606 Virginia Avenue in Old Town.

The applicant proposes to build an accessory dwelling unit (ADU) to the side of the primary home on the subject property. The proposed ADU would be approximately 1,600 square feet including a front and rear porch. 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, two variances are required to build the accessory building as proposed.

The subject property contains an approximately 2,362 square foot two story home with vinyl siding and a small shed that will be torn down and replaced by the proposed accessory building. The lot is approximately 400 feet deep and 1.39 acres. The property is zoned R-100 (Residential Single Family District). The adjacent lots to the left and right of the subject property are also deep lots zoned R-100. These are both occupied by single family homes and accessory structures. The other parcels along Virginia Avenue are zoned R-100 and contain single family homes. The rear yard of the subject property slopes steeply down approximately 65 feet to Suwanee Creek, which occupies the back of the parcel. Across, Suwanee Creek, is city-owned property that contains the Suwanee Creek Greenway.

The proposed accessory building would be primarily located in the rear yard as required by the zoning ordinance. However, the steep topography in the rear yard limits how far the building can be pushed back. The applicant is requesting a variance to allow for the proposed structure to extend beyond the rear wall of the primary house into the side yard. This portion of the proposed building would include a front porch that would face Virginia Avenue and be compatible with the character of Old Town.

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 1.39-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.

Although slightly in front of the rear façade of the primary home, the proposed structure would be located behind the rear façades of the homes on adjacent properties. The primary home on the subject property is significantly setback from Virginia Avenue and somewhat screened from the street and adjacent properties by mature trees. The proposed ADU would be approximately 49 feet behind the front façade of the primary home, which is setback approximately 101 feet from Virginia Avenue. As a result, the proposed structure would be approximately 150 feet from Virginia Avenue and not highly visible from the street or the homes on the adjacent property.

In addition to locating the building outside the rear yard, the applicant requests to exceed the 800 square feet limit for the proposed accessory dwelling unit. The footprint of the building would be approximately 1,072 square feet including a front and rear porch. Due to the steep slope of the property, the foundation of the building would need to step down creating a basement condition. The applicant would like to use this space beneath the accessory unit as storage. This additional storage space would increase the total floor area of the building to approximately 1,600 square feet.

A larger accessory structure would be consistent with the area. There are 18 accessory structures along Virginia Avenue including one accessory dwelling unit, which is an approximately 1,040 square foot carriage house with a unit over a garage. Like the carriage house, the proposed building would combine two accessory structures into one by using the basement required to build the building on the slope as storage, which would replace the existing shed. There is one

other accessory structure larger than 800 square feet on Virginia Avenue, which is approximately 1,500 square feet. This building is located on the property adjacent to the subject property.

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 creek in the rear yard make it difficult to contain the accessory structure to the rear yard. Approval of this request to locate an accessory dwelling unit that exceeds 800 square feet in the proposed location is not likely to negatively impact nearby properties due to the vegetation and size of the property and the distance of the proposed building from the road and other nearby homes. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2021-003 and V-2021-004.

## Recommended Conditions

### **V-2021-003**

Staff recommends approval of a variance to allow for an accessory structure larger than 800 square feet subject to the following conditions:

1. The accessory structure shall be a maximum of 1,600 square feet in size.
2. The exterior material of the accessory structure shall match the exterior material of the primary dwelling.

### **V-2021-004**

Staff recommends approval of a variance to allow for an accessory structure located outside of the rear yard subject to the following conditions:

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

## 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**

Name: Jenny N Little Jr.  
Address: 606 Virginia Ave  
City: Suwanee  
State: GA  
Phone: 404-277-7317  
E-mail address: jenny@jennylittlecpa.com

**OWNER INFORMATION**

Name: Jenny N Little Jr  
Address: 606 Virginia Ave  
City: Suwanee  
State: GA  
Phone: 404-277-7317

CONTACT PERSON: Jenny N Little Jr PHONE: 770-932-7788

ADDRESS OF PROPERTY 606 Virginia Ave

LAND DISTRICT 7 LAND LOT 210 PARCEL 074 LOT \_\_\_\_\_

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) \_\_\_\_\_

ZONING R-100 ACREAGE 1.39

VARIANCE REQUESTED see attachment

NEED FOR VARIANCE see attachment

**\*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.**

V. 2021. 003

**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.

[Signature] 5-13-21  
Signature of Applicant Date

Jerry N. Little Jr.  
Typed or Printed Name and Title

[Signature] 5-13-21  
Signature of Notary Public Date

commission expires 01-28-2024

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.

[Signature] 5-13-21  
Signature of Applicant Date

Jerry N. Little Jr.  
Typed or Printed Name and Title

[Signature] 5-13-21  
Signature of Notary Public Date

commission expires 01-28-2021

Notary Seal

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number V-2021-003  
Date Rec'd 5/14/21  
Amount Rec'd \_\_\_\_\_

Variance \_\_\_\_\_  
Rec'd By AD  
Receipt \_\_\_\_\_

Administrative \_\_\_\_\_  
Hearing Date 6/15/21

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_



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Address: 606 Virginia Ave  
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Name: Jerry N Little Jr  
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City: Suwanee  
State: GA  
Phone: 404-277-7317

CONTACT PERSON: Jerry Little

PHONE: 770-932-7788 (office)

ADDRESS OF PROPERTY 606 Virginia Ave

LAND DISTRICT 7 LAND LOT 210 PARCEL 074 LOT \_\_\_\_\_

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) \_\_\_\_\_

ZONING R-100 ACREAGE 1.39

VARIANCE REQUESTED see attachment

NEED FOR VARIANCE see attachment

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V. 2021.004

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Jerry N. Little Jr.  
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[Signature] 5-13-21  
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**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number V-2021-004  
Date Rec'd 5/14/21  
Amount Rec'd \_\_\_\_\_

Variance \_\_\_\_\_  
Rec'd By AD  
Receipt \_\_\_\_\_

Administrative \_\_\_\_\_  
Hearing Date 6/15/21

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

## **Attachment to Application for Variance from the City of Suwanee Zoning Board of Appeals**

### **VARIANCE REQUESTED**

I am requesting a variance from the 800 s.f. limit to build a small house for my 88 year-old mother-in-law, on my property.

The slope of the lot requires that we put in a basement which could bring the square footage up to 1600 s.f.

I also would like to apply for a variance to the requirement that the separate structure be built behind the existing house. The rear of the lot is very steep. If the front of the new house is behind the rear of the existing house, then the new house will be on a very steep slope. For that reason, I would like to build the new, separate structure up to ten feet in front of the rear of the existing house.

Our lot is 1.39 acres and we have ample room for a separate house.

### **NEED FOR VARIANCE**

My wife is the primary caretaker for her 88 year-old mother. She makes a 15-mile round trip at least a couple of times a week to go see her, shop for her and care for her. Her mother is needing more and more help. She stopped driving last year. Three years ago she fell and had to be hospitalized. She has gotten to the point where she wants to be very close to her daughter because she is needing more and more help to get around. My mother is nine years younger than my mother-in-law. She could very well be the next relative needing to live in this house.

70-645080

# Site plan - Exhibit A

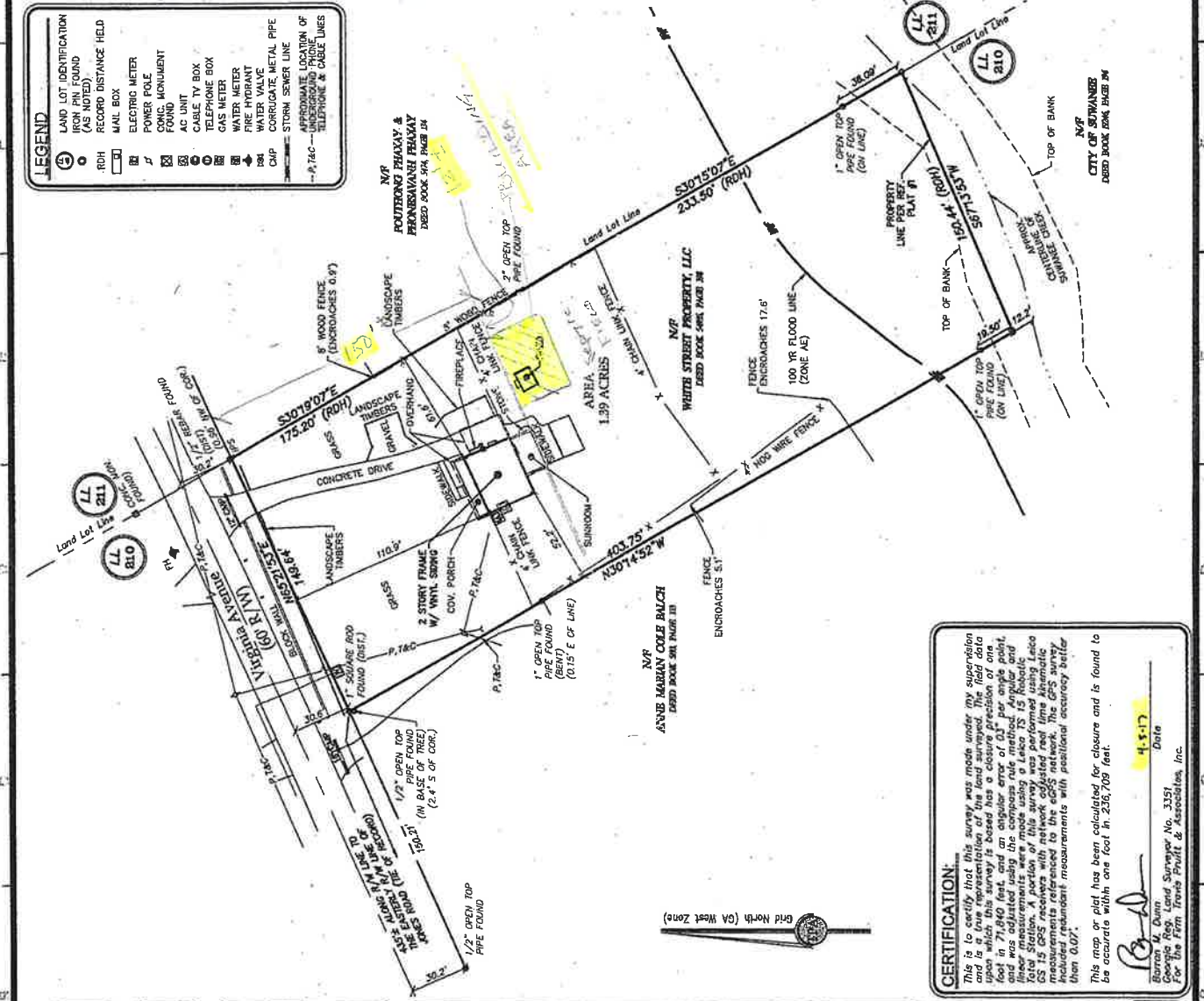
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4317 Park Drive, Suite 400  
Norcross, Georgia 30093  
Phone: (770)416-6759  
www.travisfruit.com

BOUNDARY SURVEY FOR  
**WHITE STREET PROPERTY, LLC**  
AUTHORIZED BY MS. LIA KELLEY  
CITY OF SUWANEE  
LAND LOT 210 - 7TH DISTRICT - GWINNETT COUNTY, GEORGIA

For The Firm  
**Travis Fruit & Associates, Inc.**  
This survey was prepared in conformity with the Technical Standards for Property Survey in Georgia as set forth in Chapter 1807 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and with the Georgia Plat Act O.C.G.A. 45-6-47.

PLAT DATE: APRIL 3, 2017  
FIELD DATE: MARCH 30, 2017  
SCALE: 1" = 40'  
IN: 37044  
PS 165-2960  
Sheet No. 1 of 1



**SITE ADDRESS:**  
605 VIRGINIA AVENUE  
SUWANEE, GA 30024

**SITE AREA:**  
Total = 1.39 acres

**REFERENCE PLATS:**

- Plat of Property for O.K. Johnson, prepared by Travis Fruit & Associates, Inc. recorded in Plat Book 16, Page 33-B, Gwinnett County Records.
- Survey for E. Yickko Kinney, prepared by Ringo Abornally & Associates, dated 4-27-89, as recorded in Plat Book 46, Page 105-A, Gwinnett County Records.

**NOTES:**

- This plat was prepared for the exclusive use of the person, persons, or entity named in the title hereof and is not to be relied upon by any unnamed person without express permission by the surveyor naming said person.
- The survey shown herein was prepared without reference to any previous survey.
- The survey shown herein was prepared without reference to any previous survey.
- Unless otherwise specified, all distances as shown are horizontal ground distances in U.S. survey feet (39.37 inches = 1 meter).
- The project north datum is the North American Datum of 1983 (NAD83). The vertical datum is relative to the North American Vertical Datum of 1988 (NAVD88) using the National Geodetic Survey (NGS) Geoid 2012N.
- Flood Hazard Note:  
By graphic plotting only, a portion of this property does lie within a 100 year flood hazard zone and is depicted as zone AE as shown on the Flood Hazard Insurance Rate Map of Gwinnett County, Georgia and incorporated area map number 13135C00320, effective date March 4, 2011.

**UTILITY STATEMENT:**

Information regarding the required presence, size, character and location of existing underground utility lines is based on the utility records and the certainty of the copy of this information and it shall be considered a not right by these using this drawing. The location and arrangement of utility lines shown on this drawing are based on information provided to the surveyor and the surveyor is not responsible for the correctness or sufficiency of this information.

**CERTIFICATION:**

This is to certify that this survey was made under the supervision and is a true representation of the land surveyed. The field data upon which this survey is based has a closure precision of one foot in 71,940 feet, and an angular error of 0.3" per angle point. The survey was conducted using the computerized Leica TS 15 Total Station. A portion of this survey was performed using Leica CS 15 GPS receivers with network adjusted real time kinematic (NRTK) corrections. The survey was conducted with a precision of 0.07".

This map or plat has been calculated for closures and is found to be accurate within one foot in 235,709 feet.

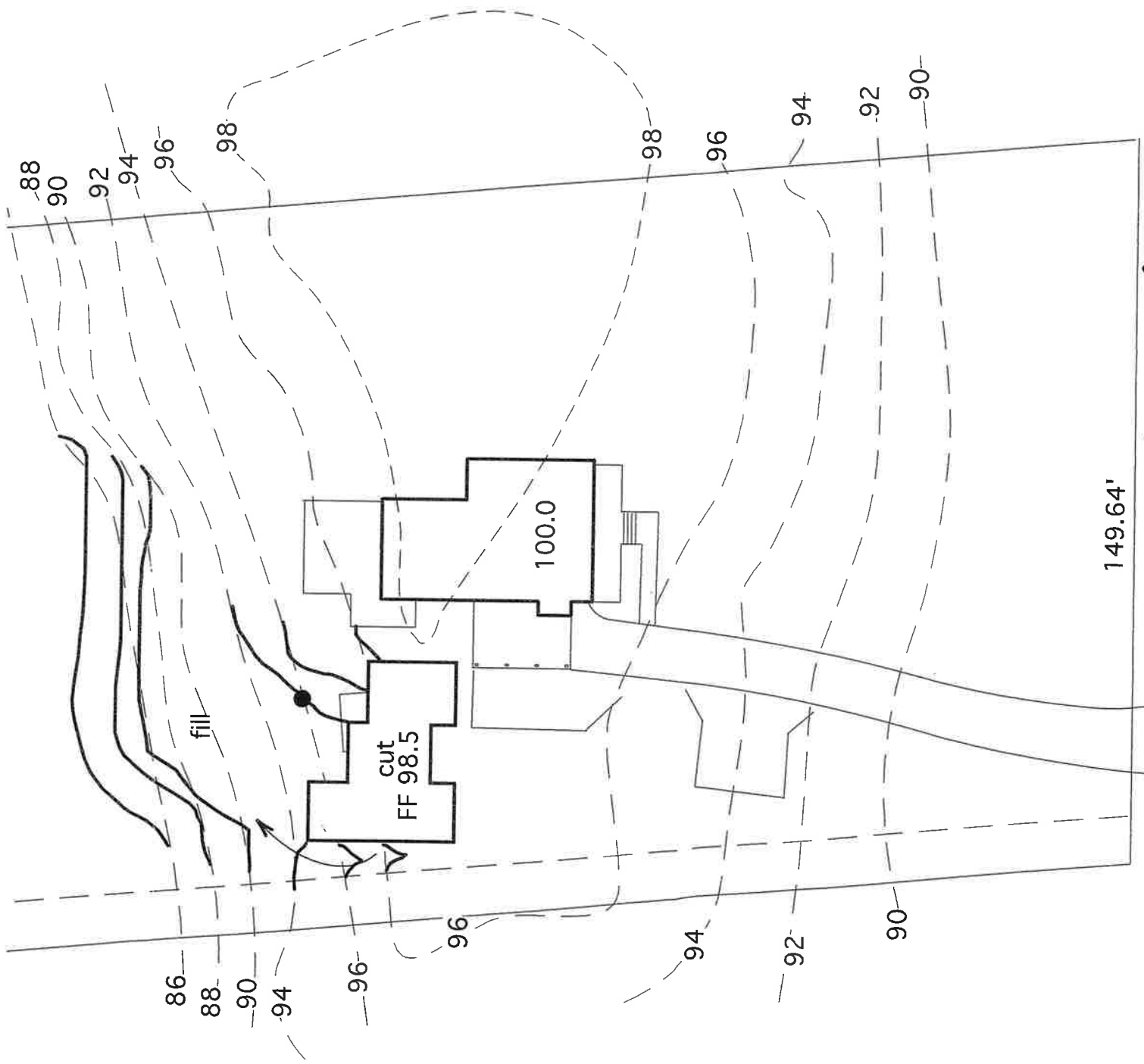
*[Signature]*  
Barren M. Dunn  
Georgia Reg. Land Surveyor No. 3351  
For The Firm Travis Fruit & Associates, Inc.

Date: 4-3-17

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Travis Fruit & Associates, Inc.  
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View of subject property  
from Virginia Avenue



149.64'

Proposed site plan

Earl C. Mitchell

ARCHITECT

4120 LANSAFAIRE TER.  
SUWANEE, GA 30024

770 401 5297

LIC. RA005053

Addition

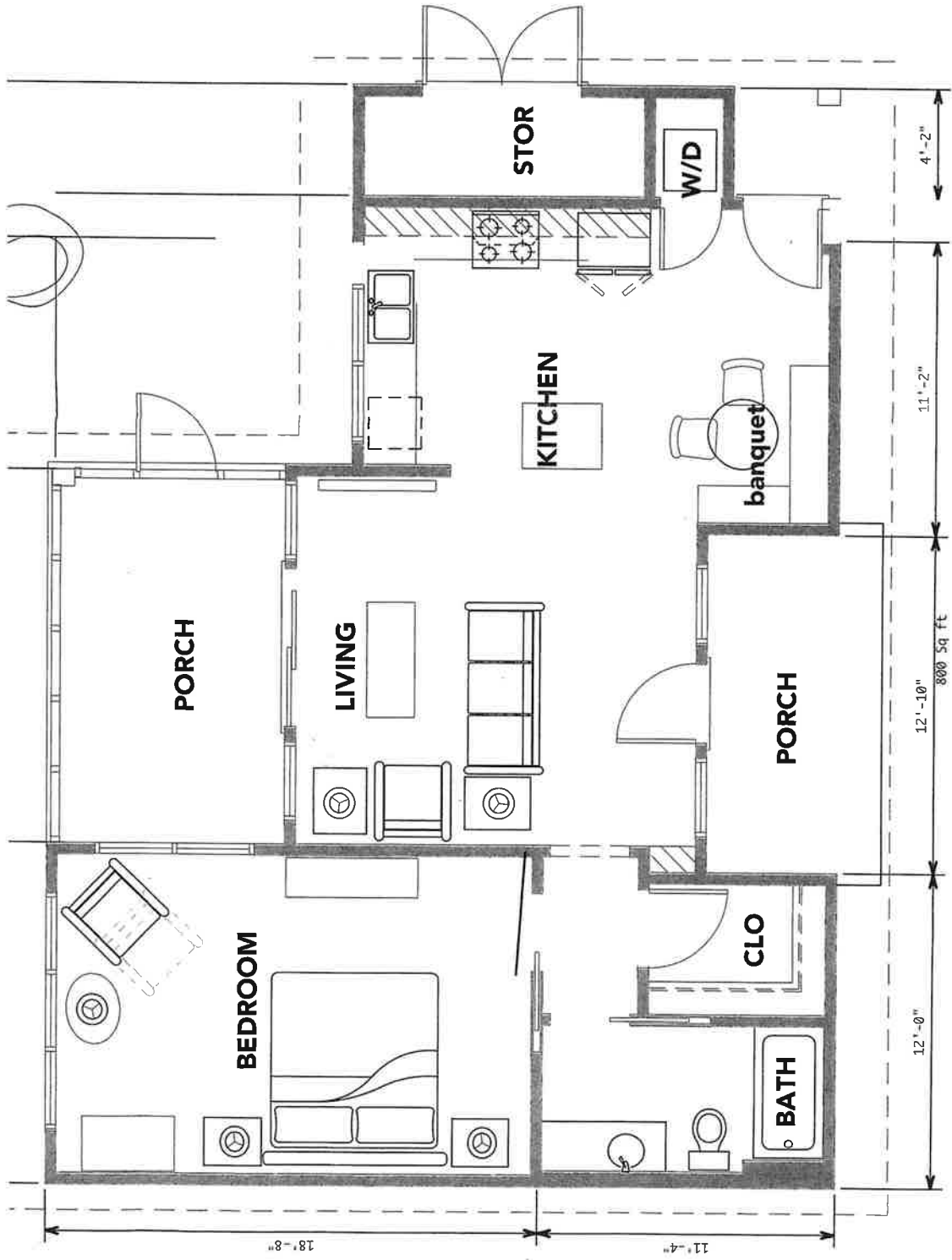
to

Jerry Little  
Property

SUWANEE GA.

GWINNETT COUNTY,

Print Record



proposed building plan

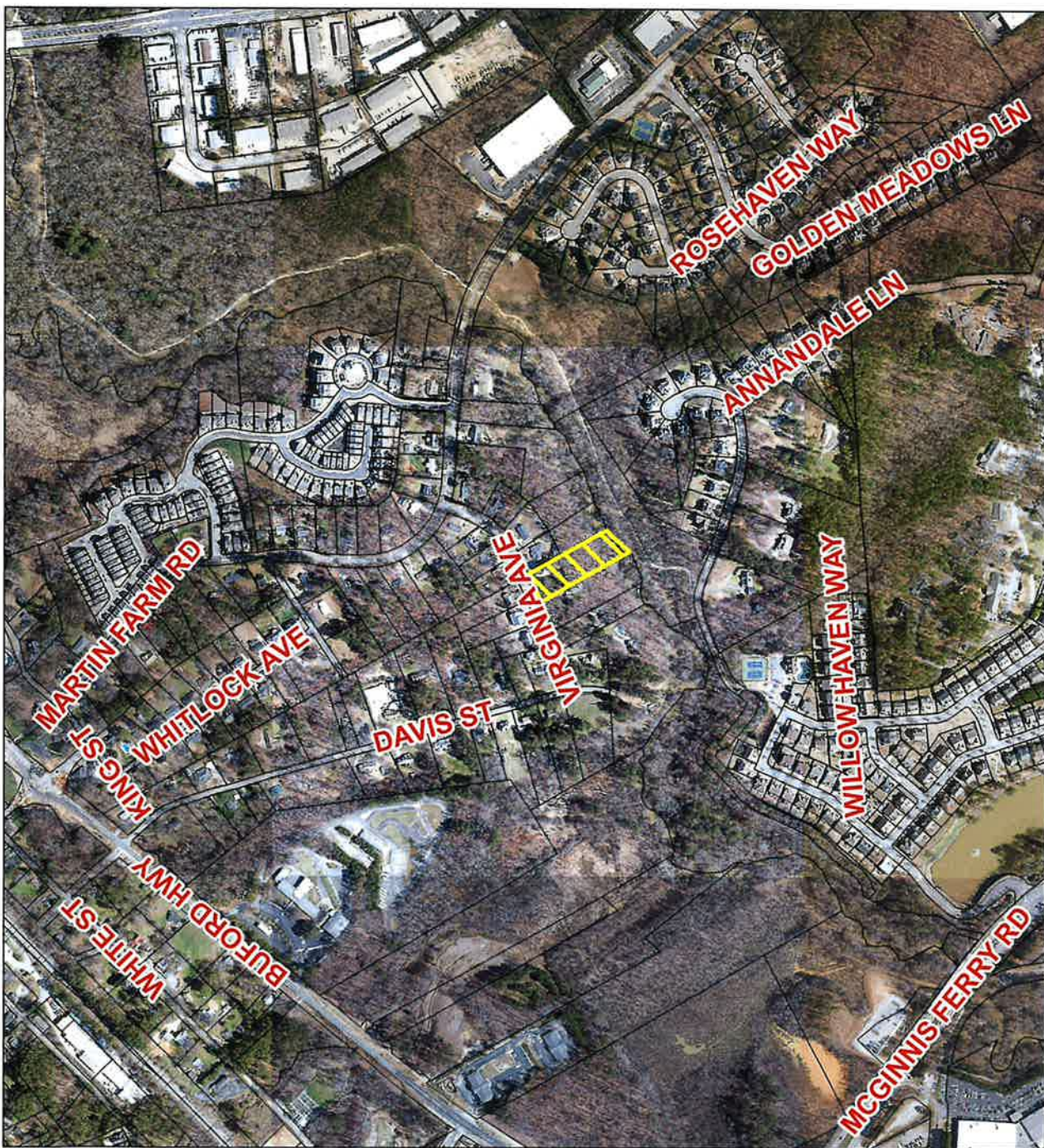


# Location Map

V-2021-003  
V-2021-004

**Legend**

 Property







# Zoning Map V-2021-003 V-2021-004

## Legend

	Subject Property
<b>ZONING</b>	
	C-1
	C-2
	C-2A
	C-3
	GCA
	IRD
	M-1
	OI
	OTCD
	PMUD
	R-100
	R-140
	R-75
	R-85
	RM6
	RM8

