

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
May 18, 2021**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Ray Brown, Paul Altnauer, Donald Lee, and David Sullivan. Staff members present: Josh Campbell, and MaryAnn Jackson. Absent: Jamie Thigpen

CALL TO ORDER

Josh Campbell called the meeting to order at 6:31 p.m.

ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON

Ray Brown nominated David Sullivan for Chairperson, second by Donald Lee. Motion carried 4-0.

Josh Campbell turned the meeting over to David Sullivan.

Ray Brown nominated Paul Altnauer for Vice Chairperson, second by Donald Lee. Motion carried 4-0.

ADOPTION OF THE AGENDA

Ray Brown moved to approve the agenda as presented, second by Paul Altnauer. Motion carried 4-0.

APPROVAL OF MINUTES

Paul Altnauer moved to approve the December 8, 2020 minutes, second by Ray Brown. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

V-2021-001- Owner: Lennar Homes Georgia. Applicant: DPE dba Thomas and Hutton. The applicant requests a variance from Section 503 of the City of Suwanee Zoning Ordinance to reduce the minimum yard abutting a public street to allow for construction of a porch on a detached single family home. The site contains approximately 0.19 acre in Land Lot 237 of the 7th District and is located at 4114 Valtek Court along Eva Kennedy Road.

V-2021-002- Owner: Lennar Homes Georgia. Applicant: DPE dba Thomas and Hutton. The applicant requests a variance from Section 503 of the City of Suwanee Zoning Ordinance to reduce the minimum yard abutting a public street to allow for construction of a porch on a detached single family home. The site contains approximately 0.23 acre in Land Lot 237 of the 7th District and is located at 4124 Valtek Court along Eva Kennedy Road.

Josh Campbell presented the staff report as follows: The applicant is seeking variances from Section 503 of the City of Suwanee Zoning Ordinance 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 closest 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.

David Sullivan asked if the driveway comes off the alley. Josh Campbell stated that the driveway is accessible from the alley.

David Sullivan called upon the applicant.

Tonya Wood, Thomas and Hutton, 5074 Bristol Industrial Way, Buford, GA. Ms. Wood stated that there were a lot of zoning conditions on this project. All of the homes are rear entry.

Dustin Baker, 5241 Hampton Mill Road, Flowery Branch, GA. Mr. Baker stated that he has had several conversations with the Planning Department regarding the architecture for these two lots. He is in agreement with the staff conditions.

David Sullivan asked Mr. Baker if the porch could wrap around the side of the home to give it more depth. Mr. Baker explained that a wrap around porch may not work. He suggested some additional landscaping.

David Sullivan called for opposition. There was none.

Ray moved to approve V-2021-001 with staff conditions, second by Paul Altzner. Motion carried 4-0.

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.

Ray moved to approve V-2021-002 with amended staff conditions, second by Donald Lee.

Motion carried 4-0 (additions = bold):

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 B.
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.
3. **Prior to issuance of certificate of occupancy, provide landscaping on the east side of the home, subject to the approval of the Planning Department.**

OTHER BUSINESS

ANNOUNCEMENT

Josh Campbell introduced Donald Lee as the newest member of the Zoning Board of Appeals.

ADJOURNMENT

Ray Brown moved to adjourn the meeting at 6:53 pm.