

SPECIAL USE PERMIT(S):

SUP-2021-002

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2021-002
REQUEST: HOME OCCUPATION
PERSONAL SERVICES
LOCATION: 60 RUBY FOREST PARKWAY
TAX ID NUMBER: 7-234-470
ACREAGE: 0.35 ACRES
ZONING: R-85 (Residential Single-Family District)

APPLICANT/OWNER: PHUONG DO
60 RUBY FOREST PARKWAY
SUWANEE, GA 30024

CONTACT: PHUONG DO PHONE: 404-200-9969

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on an approximately 0.35-acre site to allow for personal services, including a massage therapy practice and beauty salon, as a home occupation in an R-85 (single-family residential) zoning district. The property is located at 60 Ruby Forest Parkway near the entrance to the Ruby Forest neighborhood. The single-family dwelling is approximately 3,500 square feet. The garage consists of approximately 500 square feet of space. The applicant is proposing to conduct personal services within a small room that would be constructed within her garage. Off-street parking is available on the driveway on her property.

The applicant's letter of intent states that she would like to relocate her practice from the current commercial location to her home. She indicates that with the advent of COVID the number of customers she serves has been reduced to approximately 4 clients per week and this is not sufficient to support leasing a space for the business. She is a licensed massage therapist and cosmetologist. The applicant expects to serve 4 customers per week. She indicates that there will not be any outward signs of her business other than clients parking in her driveway. Her intention is to keep it very low profile.

The City's Zoning Ordinance permits certain home-based businesses by right while others require the additional review of a Special Use Permit. Home occupations are defined as an "occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit, using equipment customarily used for household purposes and involving no display of articles or products. A customary home occupation includes the accommodation of not more than two boarders or roomers." Home offices and other similar uses that clearly do not increase traffic, use items and

provide services customarily found in the home, and do not have employees, are allowed by right. Other home-based businesses, particularly certain classes of personal service businesses such as barbershops and beauty salons could be considered compatible with the residential environment in certain circumstances. Those businesses, in the R-85 Zoning District, require the additional review required by a Special Use Permit which allows the City to review the activity on a case-by-case basis.

HISTORY:

In 2003, the City approved a Special Use Permit application for a massage therapist as a home occupation in the Old Town area. The City included several conditions which would also be appropriate in this case should the Council choose to approve this request.

ANALYSIS:

The subject property contains an approximately 3,500 square foot single-family dwelling. The applicant plans to use only the garage for business activities. The site has suitable access onto Ruby Forest Parkway via a concrete driveway. The same driveway should be able to accommodate at least one customer at a time.

The surrounding area consists primarily of single residential uses, but also includes the neighborhood recreation area. Single family homes (zoned R-85) within the Ruby Forest neighborhood are located to the east and west. To the north of the subject property, in Sugar Hill, are more single-family homes. To the south, across Ruby Forest Parkway, is the neighborhood recreation center for the Ruby Forest neighborhood. Nothing in the surrounding area would conflict with the proposed Special Use.

The City's Future Land Use Plan recommends single family residential uses for the property. The existing zoning on the site is consistent with this designation. With the appropriate conditions the use of the property is consistent with the designation.

In conclusion, the requested Special Use Permit could be appropriate at this location, provided appropriate conditions are in place to maintain the residential character of the area. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of the Special Use Permit request.

**Planning Department Recommended Conditions
SUP-2021-002**

Approval of a Special Use Permit to allow for a massage therapy practice as a home occupation subject to the following conditions:

1. The Special Use Permit is non-transferable to other organizations or applicants. This Special Use Permit shall immediately become invalid should the current applicant cease operations at this location.
2. No signs on the subject site shall advertise the business.
3. The practice shall be limited to one client at a time and no more than 8 clients per day.
4. There shall be no outdoor storage associated with the personal service establishment.
5. The hours of operation for the massage therapy practice shall be limited to 8:00 a.m. to 7:00 p.m.
6. Customers shall be instructed to park in the driveway and not in the street.
7. The business shall not have any employees that do not live within the residence full-time.
8. The garage shall remain closed except when vehicles are entering or leaving the garage.
9. If any new construction is necessary in order to facilitate the special use, a building permit shall be obtained. Prior to approval of the improvement, the City shall inspect the space and the furniture and equipment to be used in the space.
10. For any personal services rendered, the provider shall possess the appropriate licensing and/or certifications. A copy of said licensing and/or certifications shall be kept on the property at all times.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

With conditions, approval of the Special Use Permit could be suitable at this location.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

With appropriate conditions, approval of the request should not create a situation that negatively affects the existing uses or usability of nearby properties.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use without the special use permit;

The subject property has a reasonable economic use as currently zoned without a special use permit.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the requested Special Use Permit likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The underlying zoning is consistent with the residential designation on the City's Future Land Use Plan. The proposed use is not inconsistent with this designation.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

There are no existing or changing conditions which give additional supporting grounds for either approval or denial of the proposal.

7804

JSU-2021-002
PZ21-0019

Revised 5/21/14

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Phuong Do</u>	NAME: <u>Phuong Do</u>
ADDRESS: <u>60 Ruby Forest Parkway</u> <u>Suwanee, GA 30024</u>	ADDRESS: <u>60 Ruby Forest Parkway</u> <u>Suwanee, GA 30024</u>
PHONE: <u>(404) 200-9969</u>	PHONE: <u>(404) 200-9969</u>
CONTACT PERSON: <u>Phuong Do</u>	PHONE: <u>(404) 200-9969</u>
E-Mail Address: <u>do.missy1@yahoo.com</u>	

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-85 REQUESTED ZONING DISTRICT R-85
 PROPOSED DEVELOPMENT: Use of garage as a place of business
 TAX PARCEL NUMBER(S): R7234 470
 ADDRESS OF PROPERTY: 60 Ruby Forest Parkway, Suwanee GA 30024
 TOTAL ACREAGE: 0.35 acres PUBLIC ROADWAY ACCESS: Ruby Forest Parkway

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u>1</u>	NO. OF BUILDINGS/UNITS: _____
DWELLING UNIT SIZE (SQ. FT.): <u>3500 sq ft</u>	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<u>Phuong Do</u> Signature of Applicant* Phuong Do	Date	<u>Phuong Do</u> Signature of Owner* Phuong Do	Date
<u>PHUONG DO</u> Print Name*	Date	<u>Phuong Do</u> Print Name*	Date
<u>Kelley Tanner</u> Signature of Notary	Date	<u>Kelley Tanner</u> Signature of Notary	Date



* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: _____ Accepted By: _____

SPECIAL USE PERMIT APPLICANT'S RESPONSE

SUP-2021-002

LETTER OF INTENT

City of Suwanee
330 Town Center Avenue
Suwanee, Georgia 30024

RE: Special Use Permit Application
Missy's Retreat Salon, LLC
Phuong Do
60 Ruby Forest Parkway
Suwanee, Georgia 30024

Dear Mayor and Council, Planning Commissioners, and Planning and Zoning Department Staff:

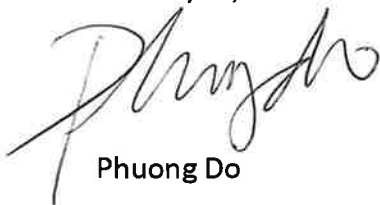
Phuong Do (the "Applicant") submits this Letter of Intent and attached Special Use Permit application for the purpose of allowing her to use her garage as a place of business (Missy's Retreat Salon, LLC).

Ms. Do wishes to move her established business from its current address in Duluth. She does relatively little business – it is a one-person operation – and would prefer to use her garage (after suitable modifications) rather than to rent commercial space. Her business is cosmetology and therapeutic massage, which fall within the Customary Home Occupations. She therefore does not need any sort of zoning variance beyond the Special Use Permit.

Her operations will not change the appearance of the property and will not interfere with anyone else's enjoyment of their property. The increase in traffic on Ruby Forest Parkway will be negligible. Since she only serves one customer at a time, there should be no issues related to parking.

The Applicant welcomes the opportunity to meet with staff of the Planning and Zoning Commission to answer any questions or address any concerns relating to the matters set forth in this letter. The Applicant respectfully requests your approval of the Application.

Thank you,



Phuong Do

SUP-2021-002

City of Suwanee
330 Town Center Avenue
Suwanee, Georgia 30024

RE: Special Use Permit Application
Missy's Retreat Salon, LLC
Phuong Do
60 Ruby Forest Parkway
Suwanee, Georgia 30024

Dear Mayor and Council, Planning Commissioners, and Planning and Zoning Department Staff:

This letter is to explain Phuong Do's (the "Applicant") desire to move her business (Missy's Retreat Salon, LLC) from commercial space in Duluth to the garage of her home in Suwanee.

The Salon – which provides cosmetology and therapeutic massage – was hit hard by the business slowdown caused by COVID-19. It is only natural that personal services of this sort were avoided by most people during the pandemic. Even as the business restrictions have been lifted, her business has not resumed at anything like the previous level.

At present, her business simply will not support the rental of commercial space, in Duluth or elsewhere. A recent back injury has only made it more difficult for her to maintain her business, which is her sole source of income.

Considering these factors, Ms. Do respectfully requests your approval of the Application. She welcomes the opportunity to meet with staff of the Planning and Zoning Commission to answer any questions or address any concerns they might have.

Thank you,


Phuong Do

SUP-2021-002

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:
Ms. Do wishes to use her garage as for her cosmetology and therapeutic-massage business. These occupations are Customary Home Occupations, and are allowed in the R-85 residential zone. Her operations will not change the appearance of the property and will not interfere with anyone else's enjoyment of their property. The Ruby Forest HOA is vigilant and active and will ensure that the other residents are not annoyed or inconvenienced.

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
Ms. Do's use of her garage will not require any zoning changes, since it falls within the Customary Home Occupations. There will be no change to the appearance of her property, and her business will generate no noise. Her business will take place between 8:00 am and 8:00 pm. It will not interfere with anyone else's enjoyment of their property.

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
The property is zoned Residential (SFR). Her business will not require a zoning change; she will be using her garage for her cosmetology and therapeutic-massage business, which are Customary Home Occupations already allowed in residential zones.

- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:
Ms. Do's business is a one-woman operation; she sees only one customer at a time and almost always by appointment. The increase in traffic on Ruby Forest Parkway will be negligible and there will be no parking issues. Her use of utilities will be no more than a typical residence in the neighborhood.

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
Ms. Do's home is in an area zoned Residential (SFR). The use she proposes for her garage are Customary Home Occupations and are allowed within Residential zones. This use will not impact the Residential nature and flavor of the neighborhood as there will be no external signs of the business and no impact on traffic.

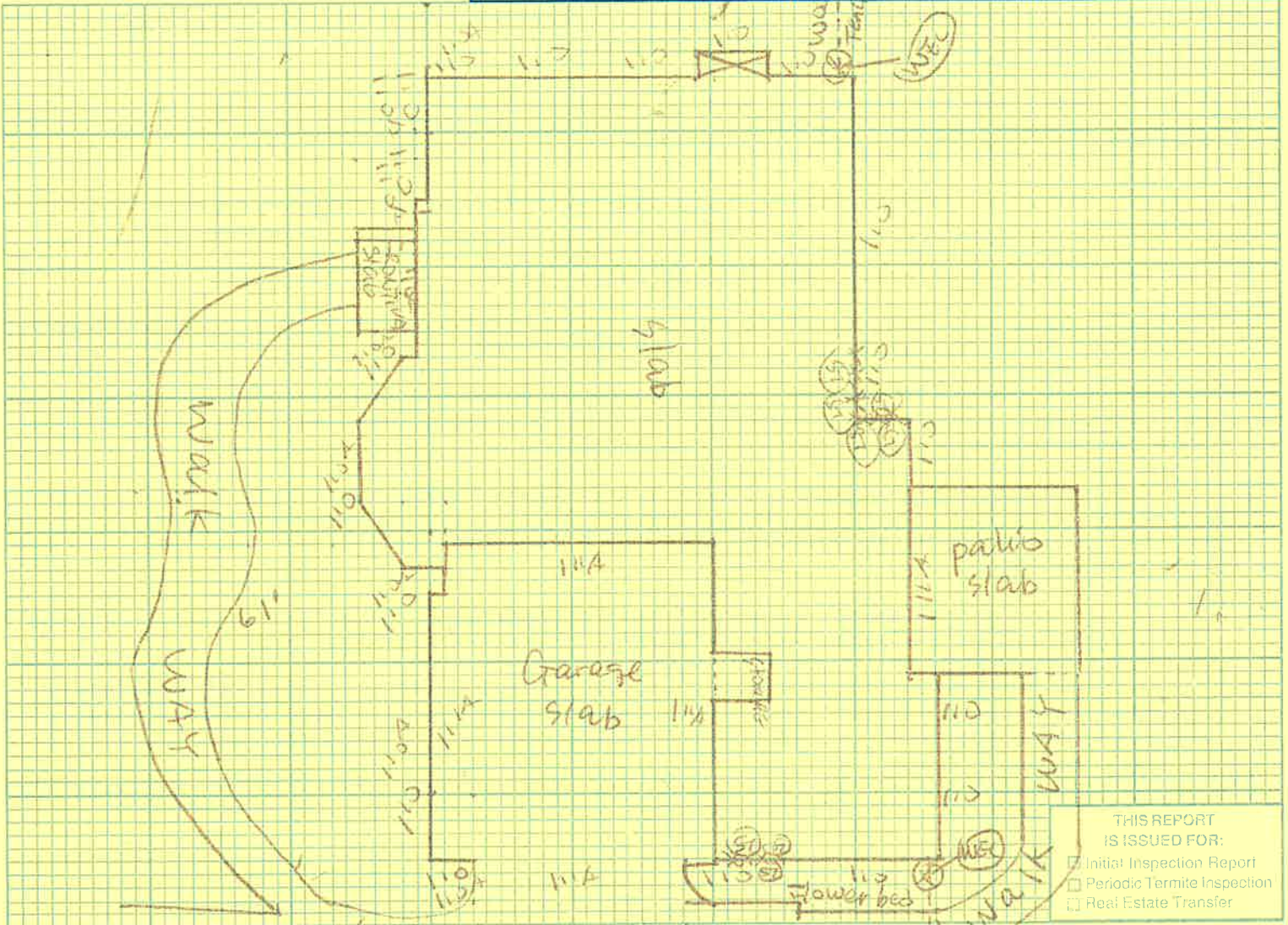
- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:
The Covenant of the Ruby Forest HOA protects Ms. Do's neighbors, and is vigorously enforced by the Ruby Forest HOA. This should provide assurance that Ms. Do's business will not annoy or offend her neighbors and will affect the traffic and parking arrangements only minimally, if at all.

CITY OF SUWANEE USE ONLY

Date Received: 10/11/2021 Case No.: Sup-2021-002 Accepted By: [Signature]

LuLu Service Termite & Pest Control
 2580 Doral Drive
 Duluth, GA 30096
 678-687-5422 • Fax 678-580-5891
 LuLu Service Insured by Fireman Funds

PURCHASER / OWNER <i>PHUONG TRAN</i>		GRID #	
ADDRESS <i>60 Ruby Forest Parkway Suwanee</i>	CITY	STATE <i>GA</i>	ZIP <i>30024</i>
W. PH: <i>404.200.9969</i>	H. PH:	SCALE USED	



THIS REPORT IS ISSUED FOR:
 Initial Inspection Report
 Periodic Termite Inspection
 Real Estate Transfer

THIS REPORT IS NOT INTENDED TO BE A COMPLETE DISCLOSURE OF ALL ACTIVE OR PREVIOUSLY ACTIVE WOOD DESTROYING ORGANISMS.

CONDITIONS CONDUCTIVE TO INFESTATION: Conditions Conducive To Infestation • means conditions that exist in a structure that favor the development of wood-destroying organisms. The following conditions conducive to infestation from wood-destroying organisms were found at the time of inspection. The location of these conditions conducive to infestation are indicated on this diagram.

- Wood to earth contact
- Wood debris in crawl area
- Insufficient ventilation

COMMENTS:

Drill garage slab, drill garage adjacent joint slab, drill front slab, drill patio slab, drill front brick veneer voids, trench exterior perimeter, Rod treat and patch holes

KEYS	LOCATION	TYPE CONSTRUCTION	BAITING / MONITORING	LIQUID BARRIER
<input checked="" type="checkbox"/> AI- Active Infestation	<input checked="" type="checkbox"/> Sills	<input type="checkbox"/> Floating Slab	Form II <input type="checkbox"/> Yes <input type="checkbox"/> No	Form II <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> PI- Previous Infestation	<input checked="" type="checkbox"/> Joists / Plates	<input type="checkbox"/> Supported Slab	Foam Application <input type="checkbox"/> Yes <input type="checkbox"/> No	Foam Application <input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> SA- Suspected Activity	<input type="checkbox"/> Subfloor	<input checked="" type="checkbox"/> Monolithic Slab	Linear Footage	Linear Footage <i>2061+</i>
<input checked="" type="checkbox"/> ST- Subterranean Termites	<input checked="" type="checkbox"/> Walls / Studs	<input checked="" type="checkbox"/> Brick	Number of Active St.	Square Footage
<input type="checkbox"/> DT- Drywood Termites	<input checked="" type="checkbox"/> Finished Trim	<input type="checkbox"/> Stone	Number of Monitoring St.	Bath Trap
<input type="checkbox"/> PPB- Powder Post Beetles	<input checked="" type="checkbox"/> Interior Trim	<input type="checkbox"/> Solid Poured	Number of Above Ground	# Vents to be Installed
<input type="checkbox"/> OHB- Old House Borers	<input checked="" type="checkbox"/> Paneled Walls	<input type="checkbox"/> Hollow Block	Number of Corings	Type: Foundation <input type="checkbox"/> Well <input type="checkbox"/>
<input type="checkbox"/> MC- Moisture Condition	<input checked="" type="checkbox"/> Doors	<input type="checkbox"/> Crawl	Total Stations	Type Termiticide used <i>Termidor SC</i>
<input type="checkbox"/> V Vents Needed	<input checked="" type="checkbox"/> Windows	<input type="checkbox"/> Basement	A A/C M Mulch	Percentage used <i>0.06</i>
<input checked="" type="checkbox"/> WEC- Wood Earth Contact	<input checked="" type="checkbox"/> Framing	<input checked="" type="checkbox"/> Exterior Insulating Finishing System	W Water D Downspout	Total to be used
<input checked="" type="checkbox"/> X- Possible Damage	<input type="checkbox"/> Steps			

Well - YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	AUTHORIZED COMPANY SIGNATURE <i>Kimberly</i>	DATE <i>05.24.13</i>	PURCHASER / OWNER SIGNATURE <i>Phuong Tran</i>	DATE <i>5-24-2013</i>
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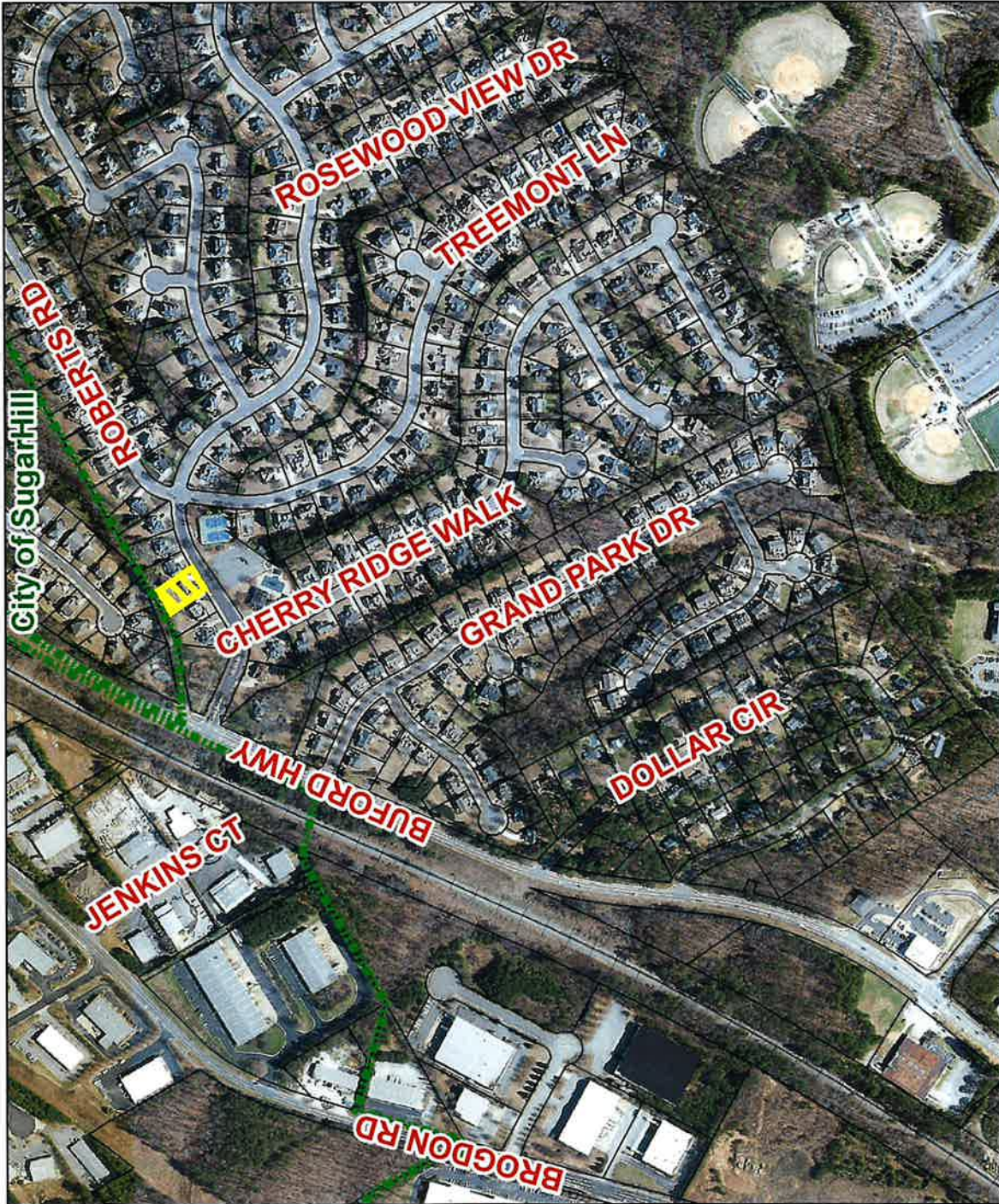


Location Map

SUP-2021-002



Subject Property





Zoning Map

SUP-2021-002

Subject Property

ZONING

- 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
- City_Limits

