

VARIANCE(S):

V-2021-010

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2021-010
REQUEST: ACCESSORY STRUCTURE LOCATED
OUTSIDE OF A REAR YARD

APPLICABLE SECTION: SECTION 604
(CITY OF SUWANEE ZONING ORDINANCE)

LOCATION: 921 MILL CREEK RUN

DISTRICT/LAND LOT: 7-196-009

ZONING: R-140

DEVELOPMENT: GREENHOUSE

APPLICANT/OWER: DAVID G. WAITS
921 MILL CREEK RUN
SUWANEE, GA 30024

CONTACT: GREG WAITS
CONTACT PHONE: 770-846-4255

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant is seeking a variance from Section 604 of the City of Suwanee Zoning Ordinance to allow for the construction of a greenhouse in the front yard of a residential property located at 921 Mill Creek Run.

The subject property is approximately 22 acres and zoned R-140 (Residential Single-Family District). It is surrounded by large lots with single family detached homes that are zoned R-140. The property is rural in character similar to other lots in the area. The subject property backs up to Suwanee Creek. Across the creek is the Suwanee Creek Greenway and beyond the Suwanee Creek Greenway are light industrial uses on property zoned M-1.

The subject property contains an approximately 5,000 square foot two story home with an attached garage. Like most lots along Mill Creek Run, the subject property has existing accessory structures including, 2 barns, a pool, a pool house, and a shed located to the rear or side of the main house.

The property slopes down slightly (approximately 6 feet) from Mill Creek Run and the adjacent property to the northeast to the area in the front yard where the greenhouse is proposed. The topography levels off where the house, pool, and barn are located and then slopes down from the house toward the flood plain and pond that occupy most of the rear yard.

The front yard of the subject property is heavily wooded with the exception of the northeast corner of the property that is cleared and currently occupied by a horse arena that is no longer being used. This portion of the property is somewhat screened from view of Mill Creek Run by an approximately 50 foot deep stretch of tall trees between Mill Creek Run and the horse arena, but the area is still visible from the road.

The applicant proposes to add a freestanding greenhouse that would be 12'-8.5" by 16'-9.5" (213 square feet) in the front yard in the existing clearing in the trees that the applicant formerly used as a horse arena. The proposed greenhouse would be constructed of dark bronze aluminum and glass and look similar to the photos in "Exhibit B." The greenhouse would be one story and be approximately 14 feet high. Section 604 of the City of Suwanee Zoning Ordinance requires all accessory structures to be located in the rear yard of a property. As such, a variance is required to build the greenhouse in the proposed location.

Although the subject property is the largest tract of land along Mill Creek Run at 22 acres, the property has a relatively small area of usable rear yard. Like most homes along Mill Creek Run, the house sits significantly back from Mill Creek Run (approximately 293 feet), and most of the rear yard is occupied by flood plain along Suwanee Creek. This flood plain consumes more than half of the entire property. The rear yard located between the home and the flood plain is heavily wooded and the steepest part of the property dropping approximately 14 feet at an approximately 8% slope down to the flood plain level. The topography and lack of sun from the tree coverage make this area less compatible for a greenhouse than the flat open area in the front yard that is proposed.

Accessory buildings are permitted uses in all of the City's residential zoning districts. All of the residential zoning districts have the same standard that accessory buildings be located in the rear yard. The rural nature and large size of the 22-acre lot and the surrounding properties would allow the subject property to accommodate the small accessory structure without negative impacts on adjoining properties better than a half-acre lot in a subdivision. The City regulates the location of accessory structures to protect homeowners from the possible negative impacts of an accessory structure on adjacent properties. In this case, the closest home is located approximately 140 feet from the proposed location of the accessory structure.

The vegetation, topography, and large size of the subject property allow for a structure in the front yard that would not be very visible from surrounding properties. The proposed location for the greenhouse is approximately 230 feet back from Mill Creek Run, approximately 107 feet from the adjacent property to the northeast, and approximately 301 feet from the adjacent property to the southwest. The greenhouse would be located approximately 6 feet below the grade of Mill Creek Run and approximately 6 feet below the grade of the adjacent property to the northeast. Furthermore, the front yard between the proposed greenhouse location and Mill Creek

Run and adjacent properties in all directions are wooded and would partially screen the greenhouse from view.

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 location of accessory buildings on smaller lots in more densely populated neighborhoods. The wetlands, topography and vegetation on the subject property make it difficult to use the rear yard for the proposed accessory structure. Approval of this request to locate a greenhouse in the front yard of the property is not likely to negatively impact nearby properties due to the vegetation, size of the property, and the distance of the proposed greenhouse from the road and other nearby structures. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2021-010.

Recommended Conditions
V-2021-010

Approval of a variance to allow for an accessory structure located not in a rear yard subject to the following conditions:

1. The accessory structure shall be located approximately as shown on the site plan labeled "Exhibit A."
2. The accessory structure shall be a maximum of 230 square feet in size.
3. The accessory structure shall be similar to the photos in "Exhibit B" and shall be constructed primarily of glass and dark bronze aluminum with a brick foundation to match the main house.

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

Name: David G. Waits
Address: 921 Mill Creek Run
City: Suwanee
State: GA
Phone: 770 846-4255
E-mail address: dgwaits@gmail.com

CONTACT PERSON: Greg Waits

ADDRESS OF PROPERTY 921 Mill Creek Run Suwanee GA 30024

LAND DISTRICT 7 LAND LOT 196 PARCEL B7196 009 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R140

VARIANCE REQUESTED To construct (1) 12'-8 1/2" x 16'-9 1/2" x 14'-2 3/8" h greenhouse in location indicated. Dark bronze aluminum with clear tempered glass on pressure treated timber foundation

NEED FOR VARIANCE The bronze aluminum is different from our brick house. It will be located in space previously used as horse arena. 230' from road, 107' from NE neighbor, 301' from SW neighbor. Pasture area floods regularly. Remaining area is too small for our horse and donkeys, and would not be compatible with animals. Front of brick house is 320' from roadway and greenhouse.

***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 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.



Greg Waits 11/17/2021
Signature of Applicant Date

Greg Waits
Typed or Printed Name and Title

[Signature] 11/17/2021
Signature of Notary Public Date

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.



Greg Waits 11/17/2021
Signature of Applicant Date

Greg Waits
Typed or Printed Name and Title

[Signature] 11/17/2021
Signature of Notary Public Date

Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2021-010
Date Rec'd 11/17/21
Amount Rec'd \$300

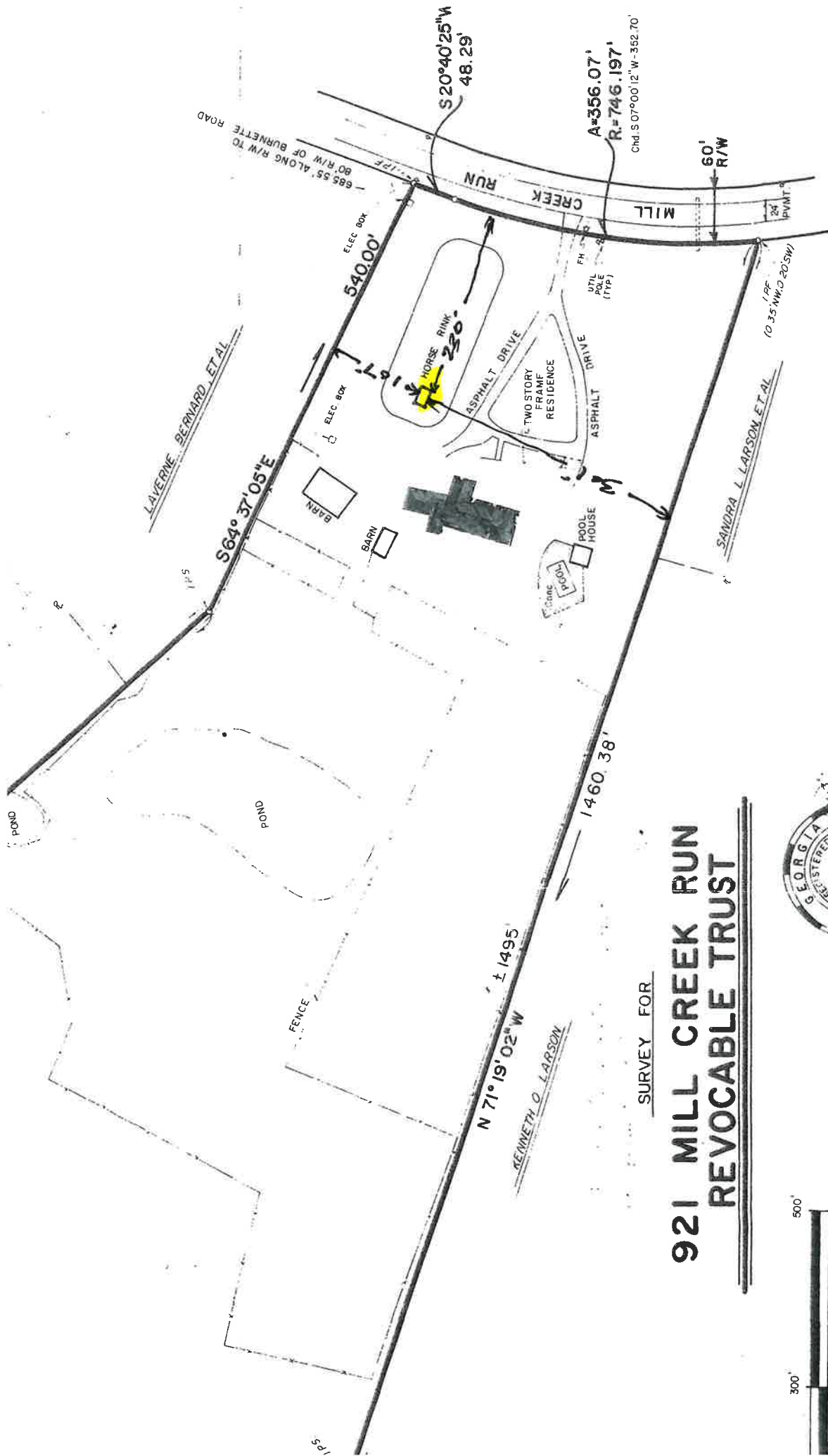
Variance
Rec'd By AD
Receipt

Administrative
Hearing Date 12/21/21

ACTION TAKEN _____

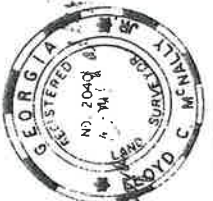
SIGNATURE _____ DATE: _____

Proposed Site Plan - Exhibit A



SURVEY FOR

921 MILL CREEK RUN REVOCABLE TRUST



CITY OF SUWANEE

LAND LOT(S) 196 of the 7th DISTRICT
 GWINNETT COUNTY, GEORGIA
 DATE: 10-15-93 SCALE: 1" = 100'

V-2021-010

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GA. LA



Exhibit B (1 of 3)

Y-2021-010



Exhibit B (2 of 3)

V-2021-010

IMPORTANT NOTES: All dimensions are to the outside of greenhouse frame
 For layout purposes only, drawing does not show all infrastructure included
 Some accessories may need to shift position depending on infrastructure design
 Roof Slope: 12/12
 Door Drop: 24"

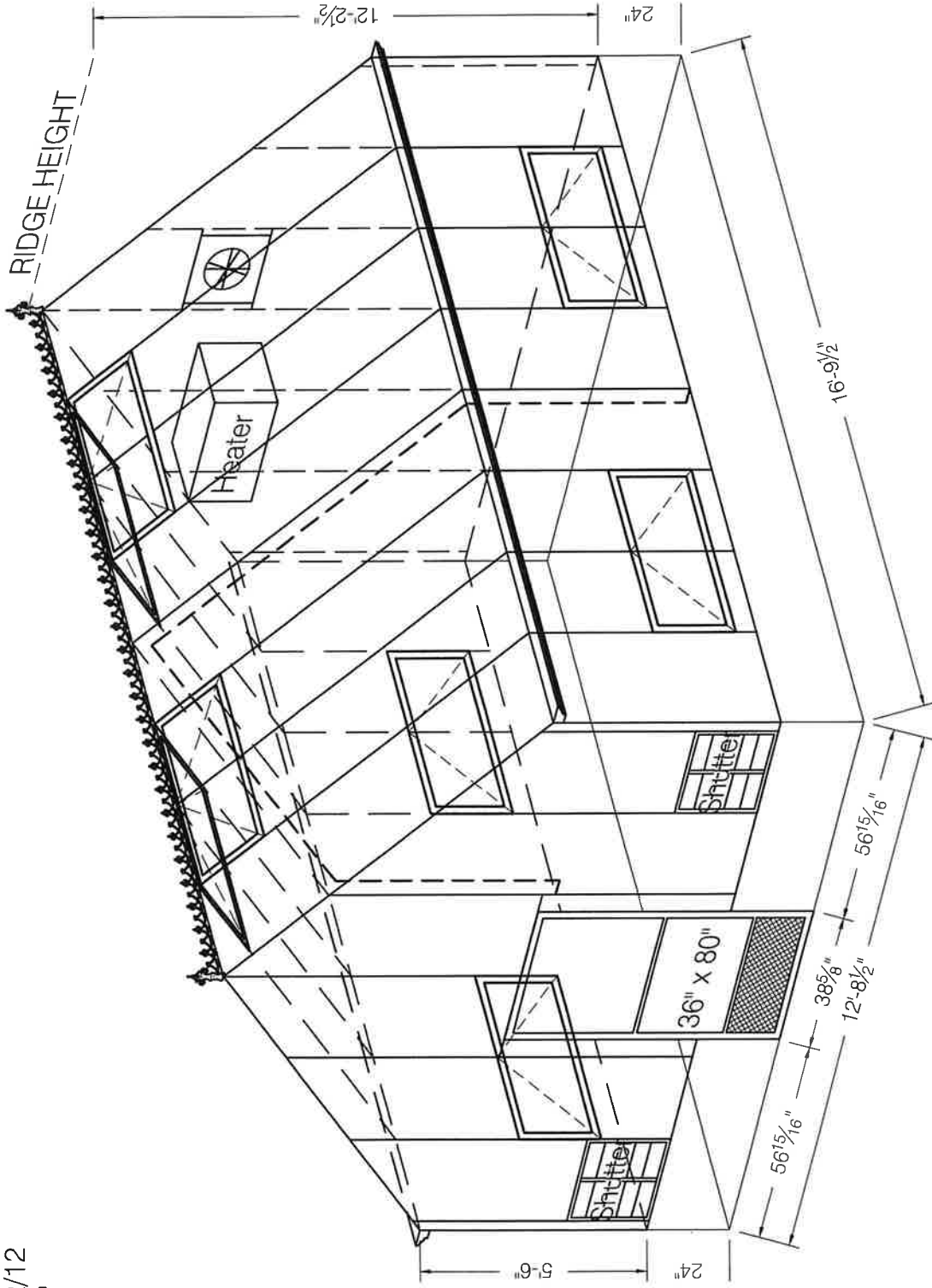
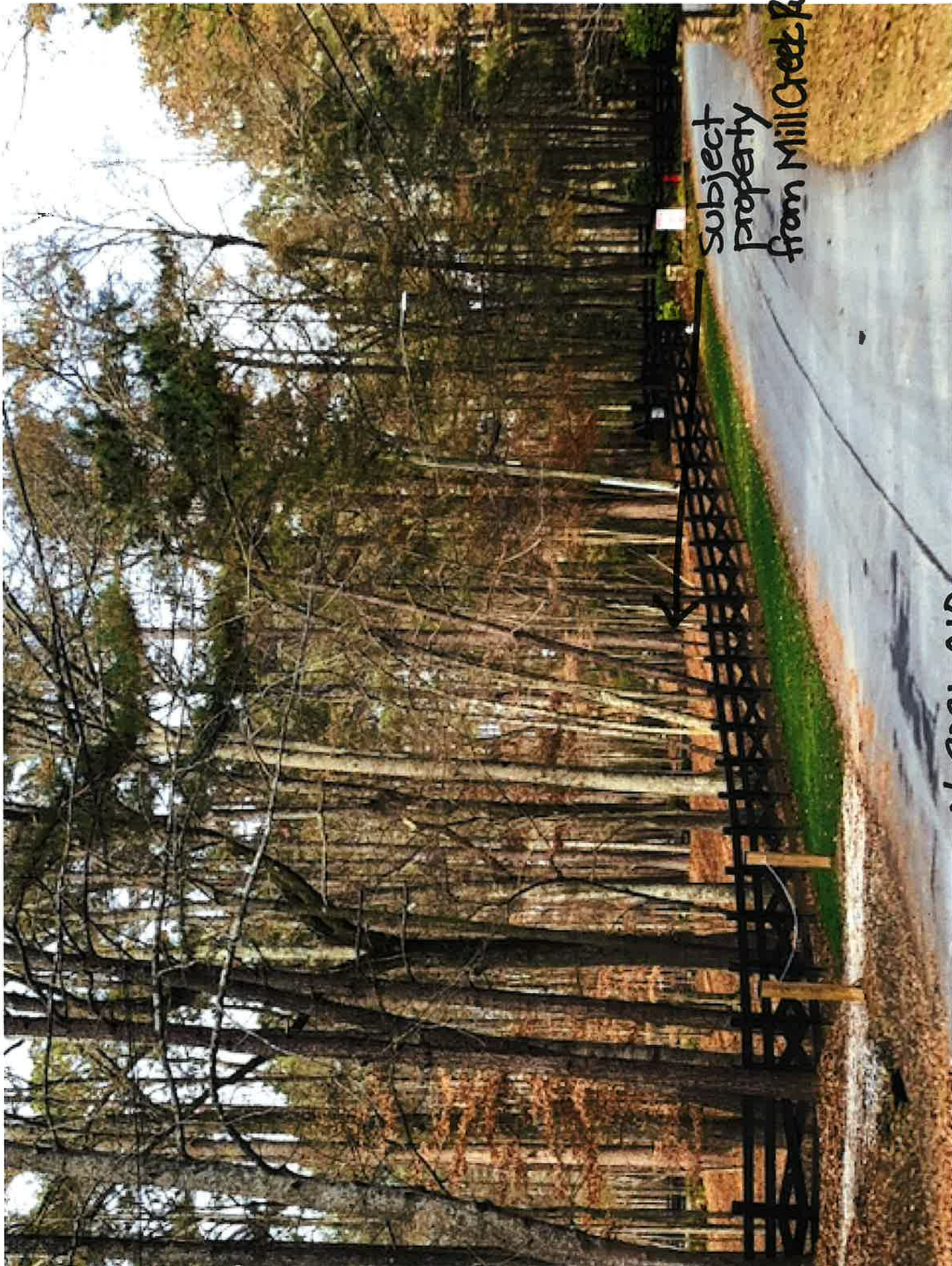


Exhibit B (3 of 3)



Subject
Property
from Mill Creek Run

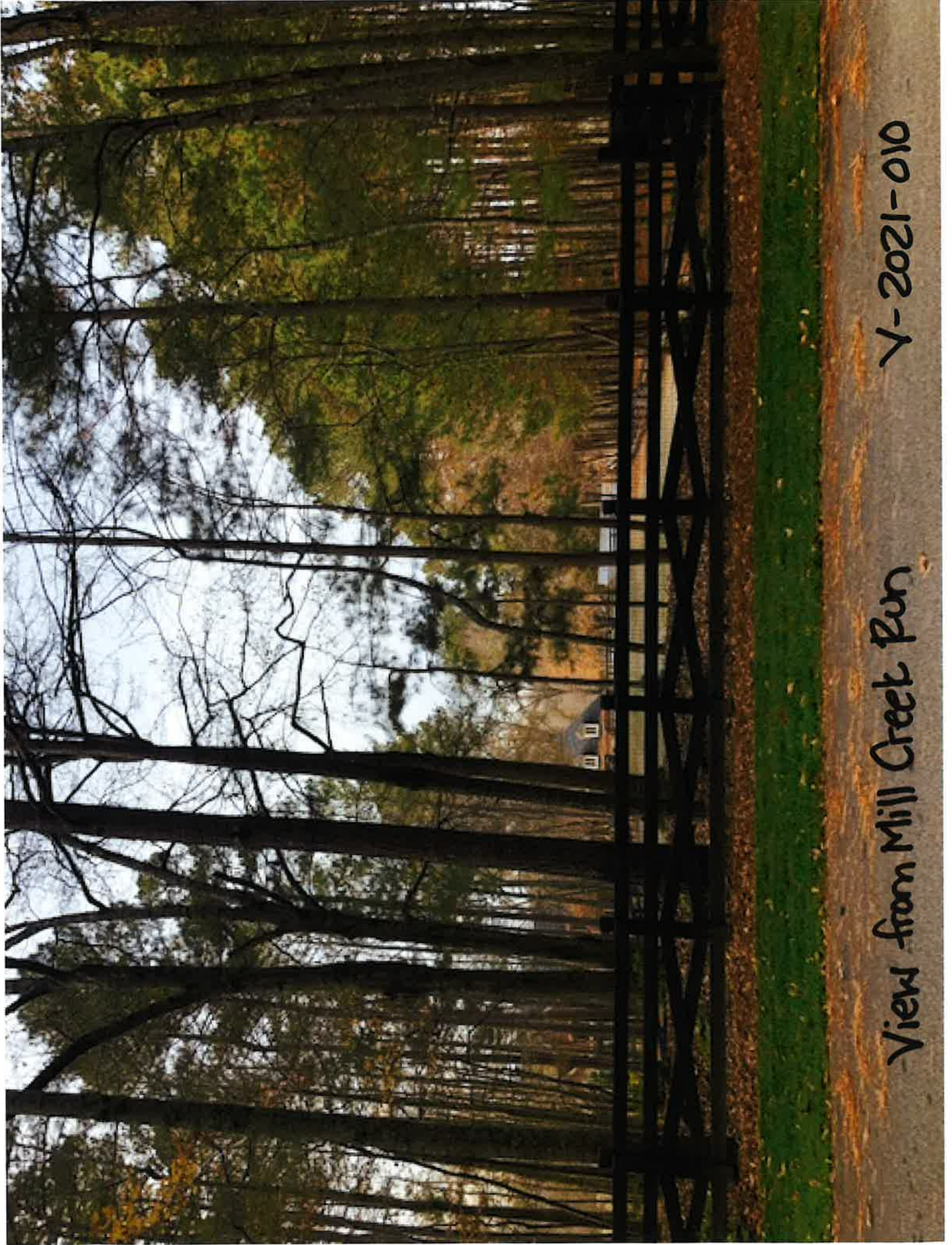
Y-2021-010

View from Mill Creek Run

Proposed
grocerhouse
location



V-2021-010

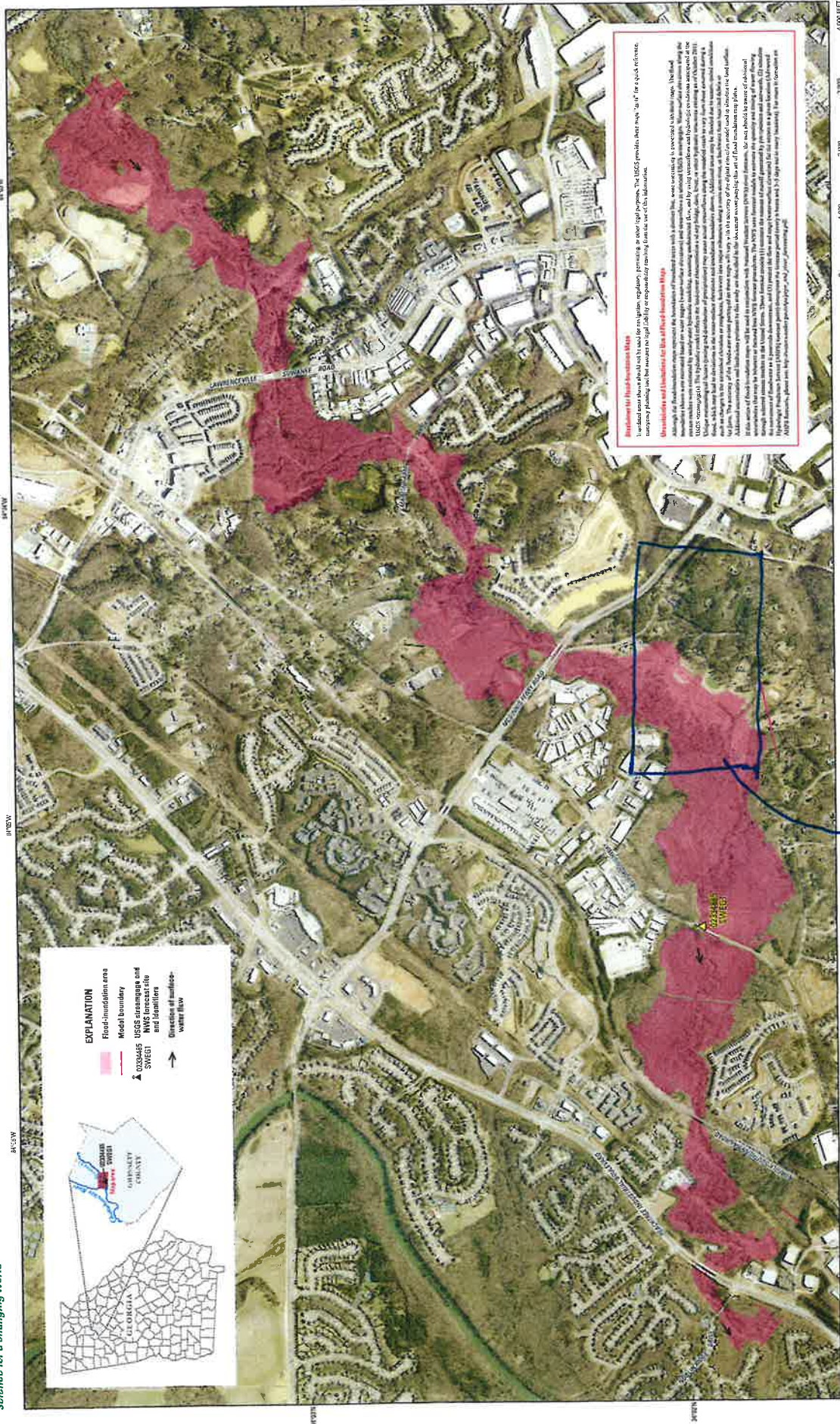


Y-2021-010

View from Mill Creek Run



Prepared in cooperation with
 Gwinnett County,
 Georgia



EXPLANATION

- Flood-inundation area
- Model boundary
- USGS, SAGS, and MGS research sites and facilities
- Direction of surface-water flow

Disclaimer for Flood Inundation Maps
 Flood inundation maps should not be used for regulatory, regulatory planning, or other purposes. The USGS provides these maps "as is" for the user's reference. USGS provides no warranty for the accuracy or reliability of the information presented in this map.

Unsuitability and Limitations for Use of Flood Inundation Maps
 Although the flood inundation maps represent the boundaries of flood inundation areas, they do not constitute a forecast of future flooding. The maps are based on the best available data and are subject to change. The maps are not intended to be used for regulatory purposes. The maps are not intended to be used for regulatory purposes. The maps are not intended to be used for regulatory purposes. The maps are not intended to be used for regulatory purposes.

see larger map

Flood-Inundation Map of Suwannee Creek in Gwinnett County, GA, Corresponding to a Gage Height of 10.5 Feet and an Elevation of 920.4 Feet (NAVD 88) at U.S. Geological Survey Streamgage Suwannee Creek at Suwanee, GA (02334885)

U.S. Geological Survey
 National Center for Earthquake Information Service
 1400 L Street, NW
 Reston, VA 20192

U.S. Department of the Interior
 U.S. Geological Survey

Map scale: 1:25,000
 Date: 2021-01-10
 The map is available only as a PDF file (see the URL in the metadata).



U.S. Geological Survey
 National Center for Earthquake Information Service
 1400 L Street, NW
 Reston, VA 20192

V-2021-010 Exhibit C (1 of 2)



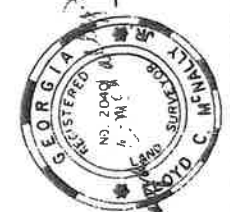
V-2021-010 Exhibit C (2 of 2)



500'

**921 MILL CREEK RUN
REVOCABLE TRUST**

Flood Inundation Line
See Gwinnett Map
SURVEY FOR



CITY OF SUWANEE
LAND LOT(S) 196
GWINNETT
DATE: 10-15-93

DISTRICT
of the 7th
COUNTY,
GEORGIA
SCALE: 1" = 100'

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GA. LAW.

Y-2021-010



Location Map

V-2021-010

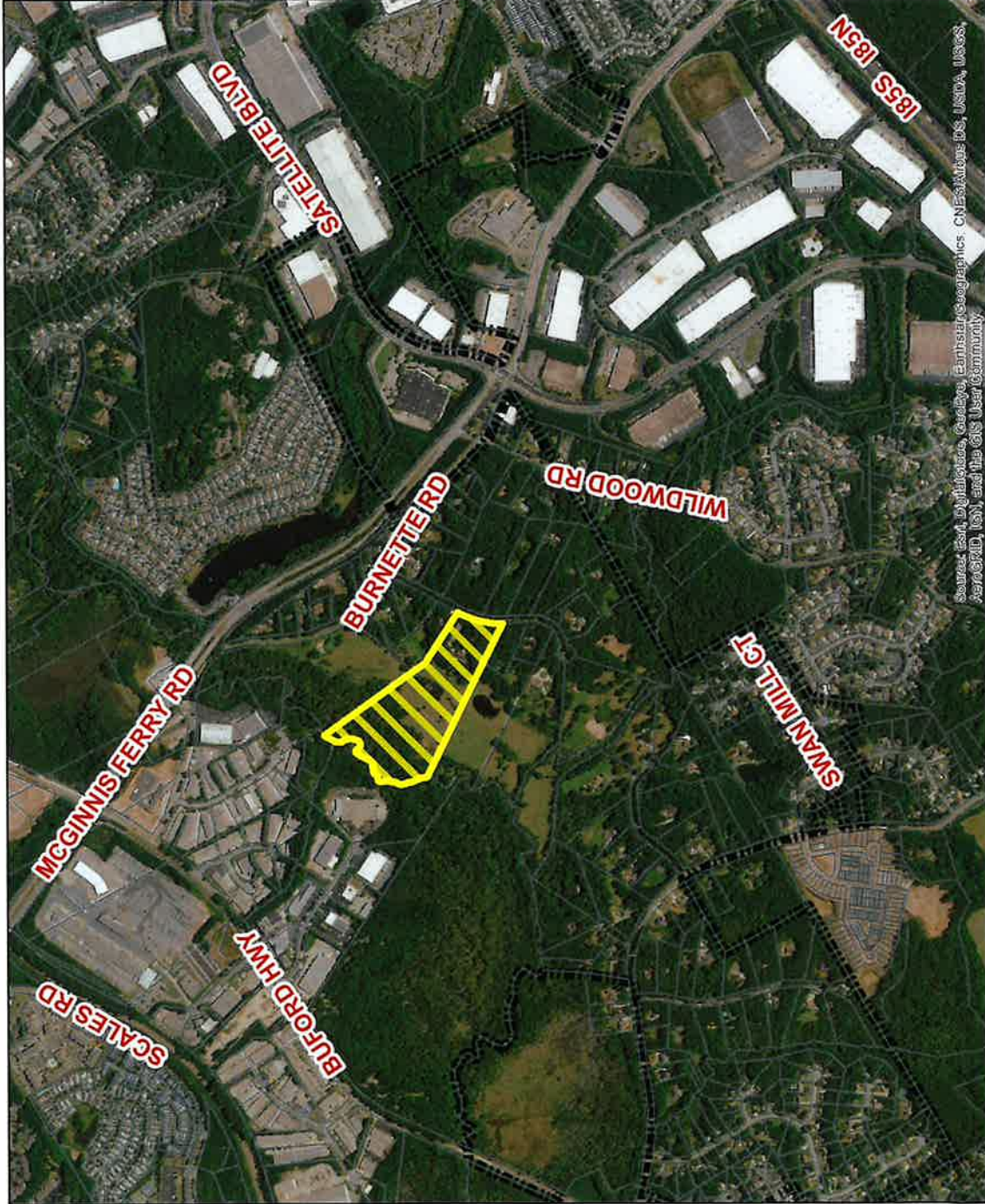
Legend



V-2021-010



City Limits



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Zoning Map V-2021-010

ZONING	Color/Pattern
C-1	Red
C-2	Red with diagonal lines
C-2A	Red with horizontal lines
C-3	Dark red
GCA	Green with diagonal lines
IRD	Orange
M-1	Blue
OI	Grey
OTCD	Pink
PMUD	Purple
R-100	Yellow
R-140	Light green
R-75	Yellow-green
R-85	Yellow-green with diagonal lines
RM6	Brown
RM8	Dark brown

