

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
December 21, 2021**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Ray Brown, Donald Lee, David Sullivan, and Paul Alznauer. Staff members present: Alyssa Durden and MaryAnn Jackson.

CALL TO ORDER

David Sullivan called the meeting to order at 7:05 p.m.

ADOPTION OF THE AGENDA

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

APPROVAL OF MINUTES

Donald Lee moved to approve the August 17, 2021 with corrections, second by Ray Brown. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

V-2021-010- Owner/Applicant: David G. Waits. The applicant requests a variance from Section 604 of the City of Suwanee Zoning Ordinance to allow for an accessory building outside of a rear yard. The site contains approximately 22 acres in Land Lot 196 of the 7th District and is located at 921 Mill Creek Run.

Alyssa Durden presented the staff report as follows: 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.

Donald Lee stated that the structure is probably less visible in the summer when the trees have leaves.

David Sullivan called upon the applicant.

Greg Waits, 921 Mill Creek Run, Suwanee, GA. Mr. Waits explained that he is looking for east/west light for the greenhouse. He plans to repurpose the horse ring by constructing the greenhouse. There is a berm that rises 5 or 6 feet so the horse ring is not visible from the street. There are pine trees and hardwoods on the property. During the warm month, the greenhouse will be greatly obscured, but still visible.

David Sullivan asked Mr. Waits what he plans to grow in his greenhouse.

Mr. Waits stated that he plans to grow Bonsai trees. Mr. Waits informed the Zoning Board of Appeals that he would like to replace the brick on the foundation of the greenhouse with 6x6 timbers.

Donald Lee asked if changing the materials will change the staff recommendation.

Alyssa Durden indicated that the change of materials could be addressed with a change to condition number 3.

Paul Altnauer asked how high the foundation would be. Mr. Waits stated that the foundation would be 24 inches. Mr. Altnauer then asked how big the berms are surrounding the horse ring. Mr. Waits stated approximately 6 feet.

David Sullivan stated that from the photos it looks like the greenhouse will be visible from the street.

David Sullivan called for opposition.

Phillip Deutschler, 977 Mill Creek Run, Suwanee, GA. Mr. Deutschler explained that the greenhouse will be a metal monstrosity. There is no other similar structure on the street.

According to Mr. Deutschler, the structure will be visible and prominent. The trees will not block the view. Mr. Deutschler feels the greenhouse will diminish his property value. The images provided by the applicant do not show exactly what will be built. Mr. Deutschler stated that there is a discrepancy of the property measurements. Everyone should be treated equally. Almost all of the properties in the neighborhood have accessory structures. Adding the accessory structure in the front yard changes the rural character. Mr. Waits has 4 acres that could be an alternative location at the back of his property. If this variance is granted, others on the street cannot be denied structures in the front. The gravel road on the property has created erosion issues. Mr. Deutschler feels that Mr. Waits is getting favoritism because he is friends with Joe Alexander, City of Suwanee Building Official.

Ray Brown asked about the feasibility of relocating the structure behind the house instead.

Mr. Waits explained that there is only 90 feet between the tree line and where the flood waters rise. This would only allow for west exposure. The trees will block the sun from the east. Mr. Waits stated that trees would have to be removed to get eastern sun within the small area beyond the flood plain.

Discussion ensued amongst Zoning Board of Appeals members and Mr. Waits regarding the location of the floodplain, "Exhibit C."

Ray Brown asked why the greenhouse could not be located in the small area behind the house outside of the floodplain. Mr. Waits stated that in addition to the shade from the trees, this is the only pasture area available for donkeys and horses that live on the property.

Discussion ensued amongst Zoning Board of Appeals members, Mr. Waits, and Mr. Deutschler regarding the location of the greenhouse.

Paul Altnauer stated that they were voting on whether a structure can be located in a place not allowed without a variance when a neighbor is opposed, and they need to honor the way the neighbors feel.

Mr. Waits explained to the Zoning Board of Appeals that he is involved in litigation with Mr. Deutschler. Mr. Waits showed a photo of a 16x40 banner that Mr. Deutschler hung on the tree line. Code enforcement had it removed.

David Sullivan stated that the litigation was not relevant to the case and should not be considered.

Vicky Waits, 921 Mill Creek Run, Suwanee, GA. Mrs. Waits stated that the greenhouse would not be a monstrosity, and is consistent with another greenhouse down the street on Paul Kinney's property. This greenhouse would be located next to their existing garden.

Mr. Waits indicated that he has lived on the property for 29 years and has never had a problem with neighbors. The greenhouse will be 300 feet from the street. It will be connected to the existing garden.

Paul Alznauer moved to postpone V-2021-010 until the next regularly scheduled Zoning Board of Appeals meeting on January 18, 2022, second by Ray Brown. Motion carried 4-0.

PROPOSED 2022 ZONING BOARD OF APPEALS MEETING SCHEDULE

SUBMISSION DEADLINE (5:00 P.M.)	ADVERTISEMENT DATES	ZBA MEETING DATE
12/10/21	12/22/21 01/05/22	01/18/22
01/07/22	01/19/22 02/02/22	02/15/22
02/04/22	02/16/22 03/02/22	03/15/22
03/11/22	03/23/22 04/06/22	04/19/22
04/08/22	04/20/22 05/04/22	05/17/22
05/13/22	05/25/22 06/08/22	06/21/22
06/10/22	06/22/22 07/06/22	07/19/22
07/08/22	07/20/22 08/03/22	08/16/22
08/12/22	08/24/22 09/07/22	09/20/22
09/09/22	09/21/22 10/05/22	10/18/22
09/30/22	10/12/22 10/26/22	11/08/22
11/04/22	11/16/22 11/30/22	12/13/22
12/09/22	12/21/22 01/04/23	01/17/23

Ray Brown moved to approve the proposed 2022 Zoning Board of Appeals meeting schedule, second by Paul Alznauer. Motion carried 4-0.

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

Paul Alznauer moved to adjourn the meeting at 7:45 pm.