

VARIANCE(S):

V-2022-009

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2022-009

REQUEST: ENCROACHMENT INTO THE IMPERVIOUS
SETBACK OF AN UNAMED TRIBUTARY OF
SUWANEE CREEK

APPLICABLE SECTION: STREAM BUFFER PROTECTION
ORDINANCE-SECTION 4.1.2

LOCATION: 742 WHITE STREET

DISTRICT/LAND LOT: 7-210-012

ZONING: R-100

DEVELOPMENT: SINGLE FAMILY HOME WITH ACCESSORY
BUILDINGS AND A POOL

APPLICANT: MERLY MEJIA
1375 WATER SHINE WAY
SNELLVILLE, GA 30078

OWNER: VICTOR & MERLY MEJIA
1375 WATER SHINE WAY
SNELLVILLE, GA 30078

CONTACT: MERLY MEJIA
CONTACT PHONE: 678-598-3043

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from the City of Suwanee's Stream Buffer Protection Ordinance to allow for construction within a required impervious stream buffer. The construction would include a new single family home and accessory structures. The 2.23 acre property is located at 742 White Street in Old Town just north of White Street Park.

The applicant plans to demolish an existing home on the subject property and then construct a new approximately 3,700 square foot single family home facing White Street and three accessory structures that would be located between the new home and Buford Highway. The proposed

accessory structures include a swimming pool, an approximately 1,200 square foot guest house, and an approximately 200 square foot greenhouse.

The subject property is unique in that it has road frontages on 2 public roads, Buford Highway and White Street. Additionally, the property has a stream that runs along the southern property line which it shares with White Street Park, and it has another stream that runs adjacent and parallel to Buford Highway.

The subject property is zoned R-100 (Single Family Residential District). A vacant church (zoned R-100) is located to the west across White Street and the Gwinnett County Schools Training Building (zoned O-I) is located to the east across Buford Highway. Harvest Farm, the City's community garden within White Street Park is adjacent to the property to the south. There are two parcels adjacent to the subject property to the north, one that fronts White Street and one that fronts Buford Highway. The property that fronts White Street is occupied by a single-family home that faces White Street and an accessory building located behind the home (Zoned R-100). The property that fronts Buford Highway is vacant (Zoned R-100). The remaining parcels to the north from the subject property to Davis Street along White Street are zoned R-100 and occupied by single family detached homes, and accessory structures.

The subject property is encumbered by two unnamed tributaries of Suwanee Creek. One of these tributaries runs across the entire frontage of the subject property parallel to Buford Highway. A gravel/dirt driveway with access to Buford Highway currently crosses this stream. This crossing is allowed by the Stream Buffer Protection Ordinance. The second tributary runs along the southwestern property line that separates the subject property from White Street Park. The required stream buffer along these two tributaries combined with the R-100 building setback requirements reduce the buildable portion of the 2.23-acre property to roughly 0.6 acre. The property will also require a new septic system that will occupy approximately 1/3 of this buildable area. Soils test have been performed indicating that this needs to be located at the front of the property adjacent to White Street. This further reduces the buildable area.

The City of Suwanee Stream Buffer Protection Ordinance requires a 50-foot wide undisturbed buffer (Section 4.1.1) supplemented by an additional 25-foot wide buffer (Section 4.1.2) that may be graded but cannot include any impervious cover (examples of impervious cover include buildings, parking lots, driveways, etc.) along all streams.

The applicant proposes to concentrate their development on the buildable portion of the property in the northeast corner of the subject property. Due to the property constraints, the applicant requests a variance for two small encroachments into the 25-foot impervious setback portion of the stream buffer in two locations in order to accommodate their home design. The first encroachment (1,219.65 square feet) is to accommodate a portion of the main house. The second encroachment (662.38 square feet) is for a portion of the guest house and a portion of the adjacent parking pad for the guest house. The total buffer disturbance area is approximately 1,882 square feet (.04 acre). All of the 50-foot undisturbed buffer directly adjacent to the stream would be preserved.

The City's Stream Buffer Protection Ordinance grants the Zoning Board of Appeals the authority to grant variances. In this case, the subject stream buffers and building setbacks consume roughly 75% of the property, significantly reducing the amount of buildable land available. In this case the combination of regulations requiring the 75-stream buffer and the 50-foot setback off both Buford Highway and Lawrenceville-Suwanee Road, along with the required location of the septic field at the front of the property creates a hardship for the property owner. Preserving this buffer in its entirety reduces the ability of the applicant to implement their reasonable property improvement plans for the 2.23-acre property.

In conclusion, the subject property is impacted severely by two streams, 2 public road setbacks, and the area needed for the septic system. This reduces the buildable area of the property to a limited portion of the site. The proposed development will not encroach into the 50 feet directly adjacent to the streams, which will remain undisturbed as required and protect the streams. Approval of this variance will allow encroachment into the 25-foot impervious setback in only two small areas. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2022-009.

Recommended Conditions

V-2022-009

Staff recommends approval of a variance to allow for encroachment into the impervious setback of an unnamed tributary of Suwanee Creek subject to the following condition:

1. The limits of disturbance within the stream and required stream buffers shall be generally consistent with the areas indicated in "Exhibit A."
2. Erosion control measures shall include a double row of silt fence within any portion of buffer area impacted by construction. Within 14 days of land disturbance activities disturbed area must be mulched or vegetated.

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 SUWANEZ 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: Merly Mejia
 Address: 1375 Water Shine Way
 City: Snellville
 State: GA
 Phone: 678-598-3043
 E-mail address: Merly425@gmail.com

OWNER INFORMATION

Name: Victor & Merly Mejia
 Address: 1375 Water Shine Way
 City: Snellville
 State: GA
 Phone: 678-598-3043

CONTACT PERSON: Merly Mejia PHONE: 678-598-3043

ADDRESS OF PROPERTY 721 Hwy 23, Suwanee, GA 30024

LAND DISTRICT 7th LAND LOT 210 PARCEL 012 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) N/A

ZONING R100

VARIANCE REQUESTED Encroachment into impervious surface
Set back

NEED FOR VARIANCE We have 2 stream buffers which reduce the amount of buildable land. Due to soil findings it also reduces the buildable area. The house and the accessory structure need to slightly encroach into the impervious surface set back.

***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-2022-009

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] _____
Signature of Applicant Date 7/8/22

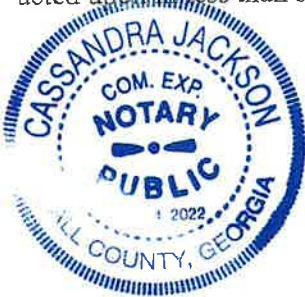
Merly Mejia _____
Typed or Printed Name and Title

[Signature] _____
Signature of Notary Public Date July 8 2022

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] _____
Signature of Applicant Date 7/8/22

Merly Mejia _____
Typed or Printed Name and Title

[Signature] _____
Signature of Notary Public Date July 8 2022

Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2022-009
Date Rec'd 7/8/22
Amount Rec'd _____

Variance
Rec'd By AD
Receipt _____

Administrative _____
Hearing Date _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

APPLICANT CERTIFICATION

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[Signature] _____ Date 7/8/22
Signature of Applicant
Merkley Mejia _____
Typed or Printed Name and Title
[Signature] _____ Date July 8 2022
Signature of Notary Public

Notary Seal

PROPERTY OWNER CERTIFICATION

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[Signature] _____ Date 7/8/22
Signature of Applicant
Victor J. Mejia _____
Typed or Printed Name and Title
[Signature] _____ Date July 8 2022
Signature of Notary Public

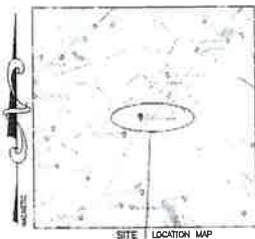
Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2022-009 Variance Administrative _____
Date Rec'd 7/8/22 Rec'd By AD Hearing Date _____
Amount Rec'd _____ Receipt _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____



SURVEY NOTES:

1. STAKE MARKS, SURVEY CORNER AND OTHER BURNED MARKS MAY BE FOUND IN THE FIELD AND SHOULD BE LOCATED AND MARKED AS SHOWN ON THIS PLAN. THE SURVEYOR'S RESPONSIBILITY IS TO LOCATE AND MARK THESE POINTS. THE SURVEYOR'S RESPONSIBILITY IS TO LOCATE AND MARK THESE POINTS. THE SURVEYOR'S RESPONSIBILITY IS TO LOCATE AND MARK THESE POINTS.
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VERTICAL DATUM: NAVD83



THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE SHARD ALONE DOCUMENT. CAN NOT BE SCANNED AND ALTERED, CROPPED OR COPY/PASTE OR MODIFIED WITH SURVEY LAND EXPRESS TITLE BLOCK. SURVEYOR'S STAMP AND SIGNATURE. THIS SURVEY PLAT CAN BE ONLY ATTACHED AS A SEPARATE DOCUMENT BY THIS FILE DEVELOPMENT PROJECTS AND OTHERS AND CAN NOT BE INSERTED WITH SURVEY LAND EXPRESS TITLE BLOCK. SURVEYOR'S STAMP AND SIGNATURE TO SOME OTHER DEVELOPMENT PROJECTS PREPARED BY ANY OTHER PARTY WITHOUT WRITTEN APPROVAL AND ORIGINAL BLUE INK SIGNATURE OF THE SURVEYOR OF RECORD.

FLOOD NOTE:

THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE AREA. THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE AREA. THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE AREA.

FUTURE FLOOD DISCLAIMER:

THE FLOOD DATA SHOWN HEREIN IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A GUARANTEE OF FLOOD PROTECTION. THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE AREA. THE FLOOD INFORMATION ON THIS PLAN WAS OBTAINED FROM THE FLOOD INSURANCE RATE MAP (FIRM) FOR THE AREA.

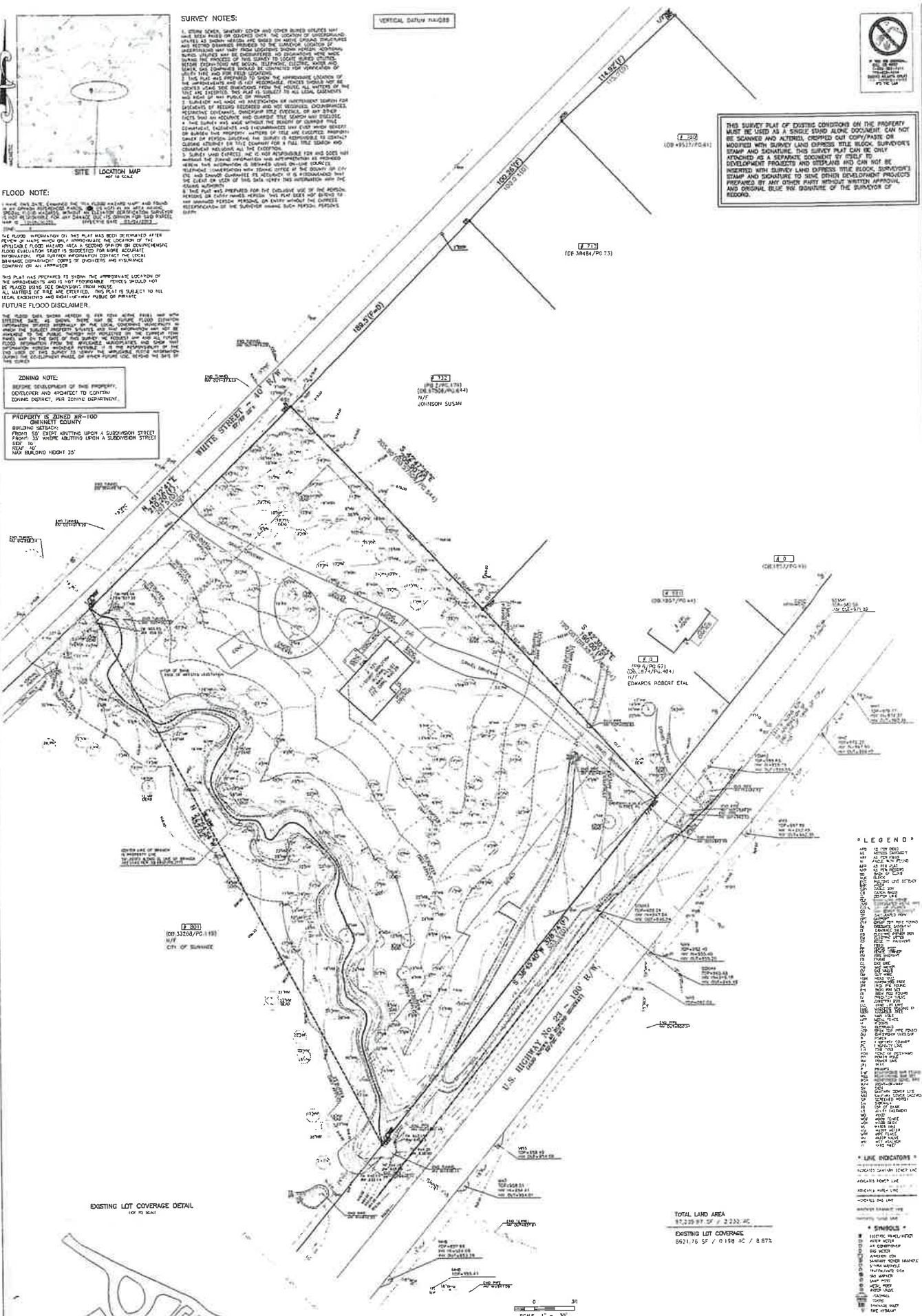
ZONING NOTE:

THE ZONING DISTRICT OF THIS PROPERTY IS R-100. THE ZONING DISTRICT OF THIS PROPERTY IS R-100. THE ZONING DISTRICT OF THIS PROPERTY IS R-100.

PROPERTY IS ZONED R-100

CHANNETT COUNTY
 FRONT 50' EXPOSED MEETING UPON A SUBDIVISION STREET
 FRONT 35' MEETING UPON A SUBDIVISION STREET
 SIDE 15'
 REAR 100'

EXISTING LOT COVERAGE DETAIL
 100% SCALE



- LEGEND**
- 1. SURVEY CORNER
 - 2. BURNED MARK
 - 3. STAKE MARK
 - 4. EASEMENT
 - 5. FLOOD ZONE
 - 6. LOT BOUNDARY
 - 7. EASEMENT
 - 8. EASEMENT
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 - 100. EASEMENT

TOTAL LAND AREA
 85,239.85 SF / 2.232 AC

EXISTING LOT COVERAGE
 5621.76 SF / 0.128 AC / 8.87%

SCALE 1" = 30'

Existing
 V-2022-009

LOT	BLOCK	SECTION	PROPERTY ADDRESS
100	100	100	31 U.S. HIGHWAY 100, 33
SUBDIVISION UNIT SECTION			PROPERTY ADDRESS
SANDY CREEK TRACT			31 U.S. HIGHWAY 100, 33
COUNTY COUNTY, GEORGIA			SURNAME, GA 30024
PREPARED DATE AND BY: PREPARED/ISSUED DATE AND BY:			
ALL MATTERS PERTAINING TO THIS SURVEY ARE REFERRED TO THE SURVEYOR'S OFFICE.			
SURVEYOR'S OFFICE: SURVEY LAND EXPRESS, INC.			
LAND SURVEYING SERVICES			



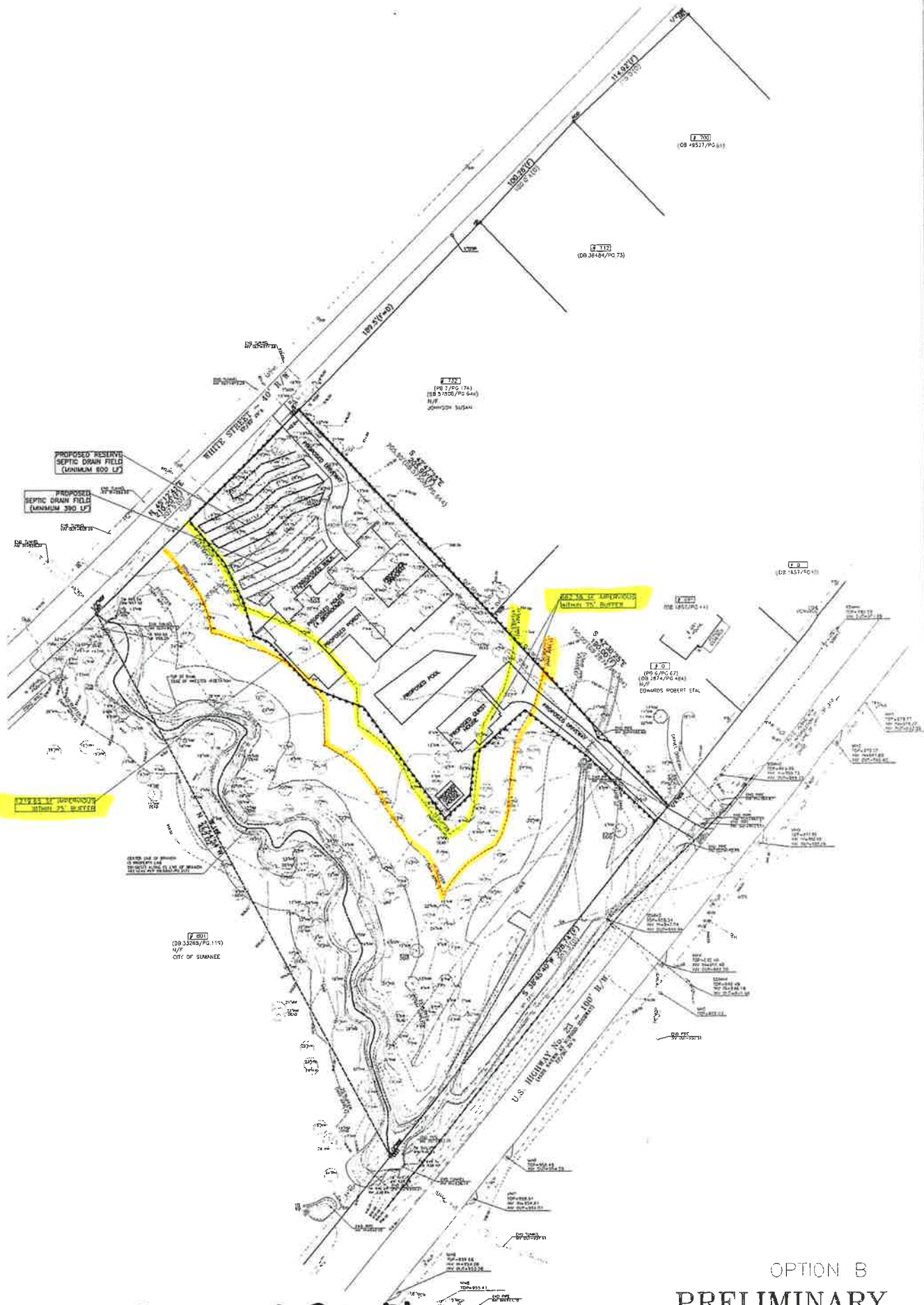


Exhibit A - Proposed Site Plan

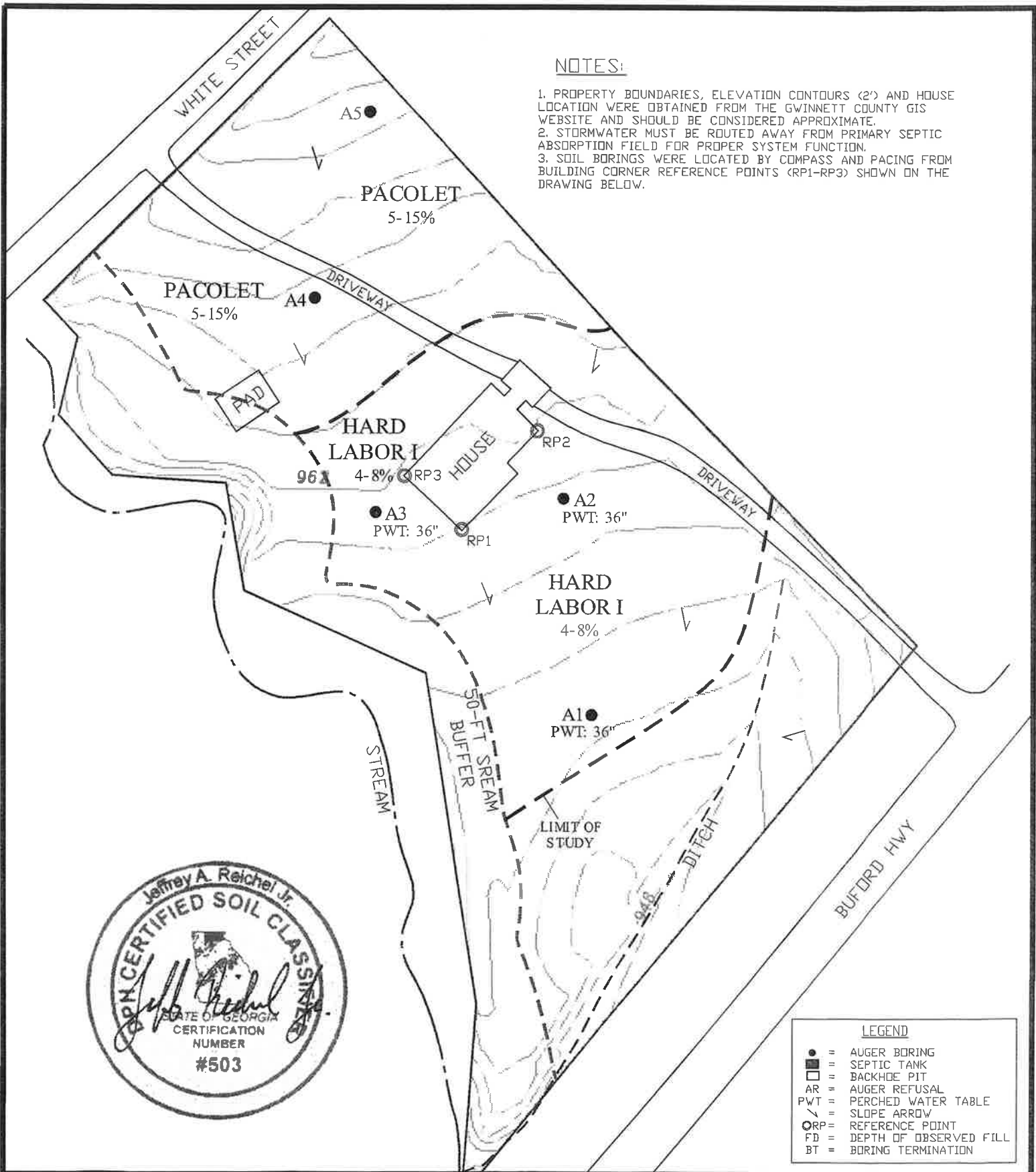
V-2022-009

OPTION B
PRELIMINARY

LOT SUBDIVISION		BLK 1149217		SITE PLAN PREPARED FOR		SHEET 1 OF 1	
LAND SURV. FILE NO. 2022-009		PLAT NO. 2022-009		JAYSON MEJIA			
COUNTY, GEORGIA		PLAT NO. 2022-009		PROPERTY ADDRESS:			
FILED FOR SALE APR 11, 2022		PREPARED APR 11, 2022		721 U.S. HIGHWAY No. 29		SURNAME, GA 30024	
ALL MATTERS PERTAINING TO THIS ARE DEEMED		PAPER SIZE 24" x 36"					
DATE OF SURVEY: APR 11, 2022		DATE OF PLOTTING: APR 11, 2022					
DRAWN BY: JME		CHECKED BY: JME					
SCALE: 1" = 30'		SURVEY LAND EXPRESS, INC.		LAND SURVEYING SERVICES			

NOTES:

1. PROPERTY BOUNDARIES, ELEVATION CONTOURS (2') AND HOUSE LOCATION WERE OBTAINED FROM THE GWINNETT COUNTY GIS WEBSITE AND SHOULD BE CONSIDERED APPROXIMATE.
2. STORMWATER MUST BE ROUTED AWAY FROM PRIMARY SEPTIC ABSORPTION FIELD FOR PROPER SYSTEM FUNCTION.
3. SOIL BORINGS WERE LOCATED BY COMPASS AND PACING FROM BUILDING CORNER REFERENCE POINTS (RP1-RP3) SHOWN ON THE DRAWING BELOW.



LEGEND	
●	= AUGER BORING
■	= SEPTIC TANK
□	= BACKHOE PIT
AR	= AUGER REFUSAL
PWT	= PERCHED WATER TABLE
↘	= SLOPE ARROW
○RP	= REFERENCE POINT
FD	= DEPTH OF OBSERVED FILL
BT	= BORING TERMINATION

EarthWorks
Environmental Services, LLC

(770) 503 - 6488

jeff@myearthworks.net

V-2022-009

LEVEL 3 SOIL MAP
721 BUFORD HWY
L.L. 210, 7TH DISTRICT
GWINNETT COUNTY, GEORGIA



0 60 120



GRAPHIC SCALE: 1" = 60'

PROJECT NO: 22496

LAST DATE OF FIELD WORK: 6/15/22

DATE OF SOIL MAP: 7/5/22

EarthWorks

Environmental Services, LLC
(770) 503-6488

1440 Gran Forest Drive
Cumming, GA 30041



LEVEL 3 SOIL INVESTIGATION REPORT

Report Date: 7/5/2022	Inspection Date: 6/15/2022	Level of Study: 3
Site Location: 721 Buford Hwy	Job No. 22496	
Client: Merly Mejia	Phone: 678-598-3043	
County: Gwinnett	Land Lot: 721	District: 7 th
Field Inspection By: Jeffrey A. Reichel Jr.		
Boring Location Method: Compass & Pacing from GIS-located reference points		
Certified By: Jeffrey A. Reichel Jr, DPH CSC		

SOIL SERIES & INTERPRETIVE PROPERTIES

Soil Series & Slope Class (%)	Depth to Bedrock (in)	Depth to PWT* (in)	Estimated Perc. (min/in)	Depth of Estimated Perc/(in)	Recommended Installation Depth (in)	Soil Suitability Code
Hard Labor I, 4-8%	>72	36	70	6-36	18-24	C1B
Pacolet, 5-15%	>72	>72	45	12-48	24-36	A

* Perched Water Table

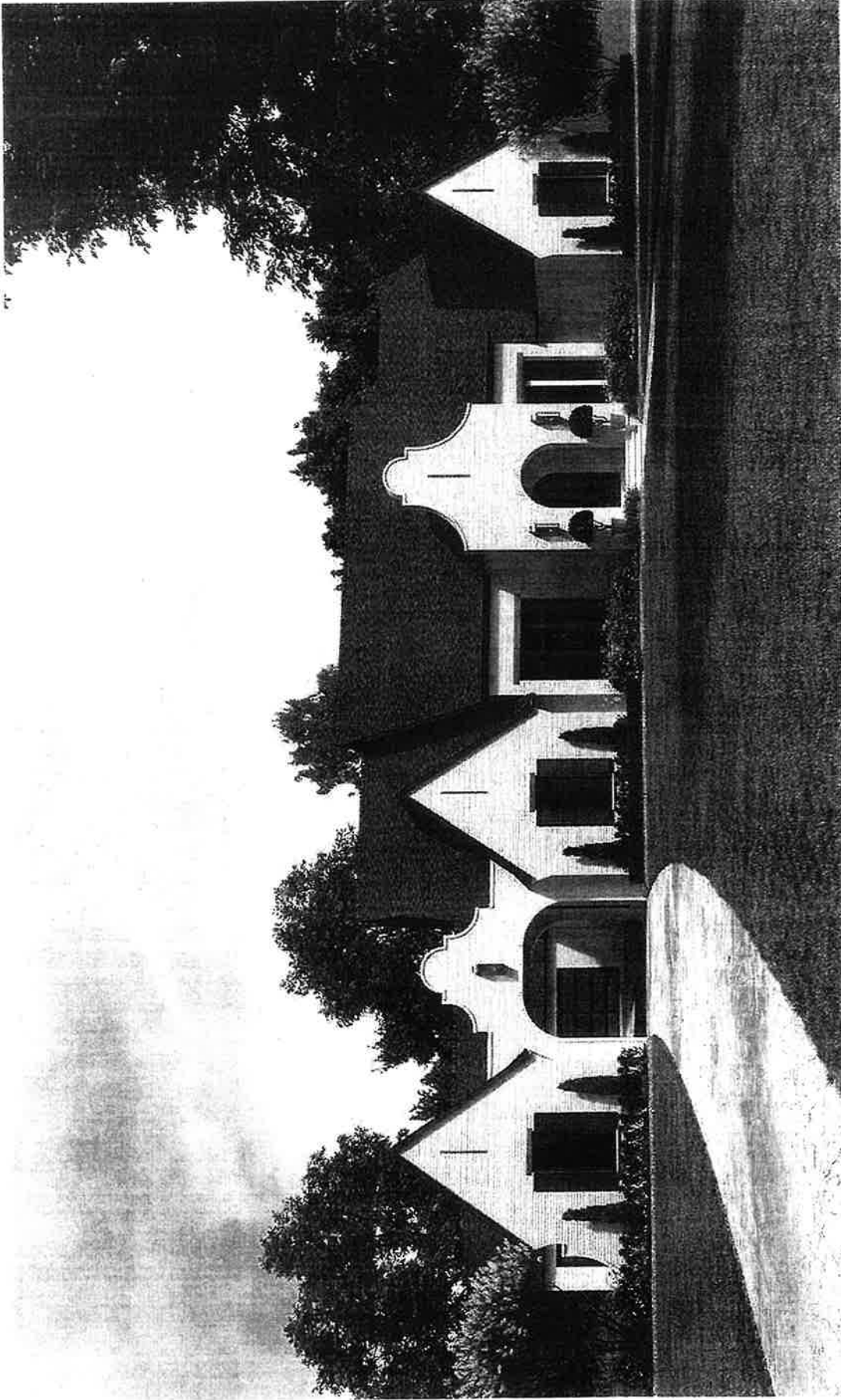
SOIL SUITABILITY CODE DEFINITIONS

- A Soils are typically suitable for conventional absorption field with proper design, installation and maintenance. Existing field lines are located within study area.
- C1B Soils are unsuitable for conventional absorption fields due to seasonal perched water table conditions. Soils are generally suitable for shallow trench absorption fields with treatment system producing Class I effluent.

GENERAL NOTES & COMMENTS

1. The base map was obtained from the Gwinnett County GIS Website.
2. Borings were located by compass and pacing from house corner reference points.
3. When installing drain line in clay soils, every effort should be made to prevent smearing trench walls and bottom. These conditions reduce drainage rate and may cause premature failure. Installation should be conducted under dry soil conditions. If smearing is evident, surface should be picked or raked prior to placement of distribution media.
4. Modification of the site including cut and fill of the drain field area may void the conditions cited.

V-2022-009



3690 Total Living Area




119'3" Wide x 77'9" Deep

Proposed main house



Location Map
V-2022-009

Legend

-  Subject Property
-  Stream
-  Creek Buffer





Zoning Map V-2022-009

Legend



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
- Creek Buffer

