

VARIANCE(S):

V-2022-010

V-2022-011

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER(S): V-2022-010 AND V-2022-011

REQUEST(S): A SWIMMING POOL LOCATED OUTSIDE OF
A REAR YARD (V-2022-010)

ACCESSORY STRUCTURE EXCEEDING 800
SQUARE FEET & ACCESSORY STRUCTURES
LOCATED OUTSIDE OF A REAR YARD
(V-2022-011)

APPLICABLE SECTION(S): SECTION 501 & 604

LOCATION: 742 WHITE STREET

DISTRICT/LAND LOT: 7-210-012

ZONING: R-100

DEVELOPMENT: SINGLE FAMILY HOME, ACCESSORY
BUILDINGS, AND 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 Section 501 and Section 604 of the City of Suwanee Zoning Ordinance to allow for the construction of a swimming pool and two accessory structures located outside of a rear yard, including an accessory structure that exceeds 800 square feet. The 2.23-acre property is located at 742 White Street in Old Town.

The property contains approximately 2.23 acres and is a “thru lot” that has 2 road frontages, one on White Street and the other on Buford Highway. There are existing driveways providing access to the property from both roads. The result is that the lot does not have a rear yard. The property contains a one-story house that faces White Street. 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.

Section 501 and 604 of the Zoning Ordinance regulate the size and location of accessory structures in the R-100 (Residential Single Family District) zoning district. The regulations require that accessory structures be located in a rear yard and be no more than 800 square feet. The purpose of these regulations is to prevent swimming pools and accessory structures from being located in front yards throughout the City. Since the property has two road frontages and does not have a rear yard, a variance from this regulation is needed to build accessory structures. An additional variance is needed to allow the guest house to exceed 800 square feet.

White Street is lined with single family homes and would be the appropriate choice for a front for the subject property. The portion of the property directly adjacent to Buford Highway and White Street Park contain two stream buffers that are wooded, so the proposed accessory buildings would be somewhat screened and setback over 120 feet from Buford Highway and 150 feet from White Street Park.

Approval of the request to locate an accessory dwelling unit that exceeds 800 square feet in the proposed location is not likely to negatively impact nearby properties due to the vegetation and size of the property and the distance of the proposed building from the road and other nearby homes. Accessory buildings are permitted uses in all of the City’s residential zoning districts. All of the residential zoning districts have the same standard for accessory buildings in terms of

maximum size and location allowed. However, a 2.23-acre lot is more capable of accommodating a larger accessory building without negative impacts on adjoining properties than a half-acre lot in a subdivision. Although the yard facing Buford Highway is technically a front yard, the proposed accessory structures would be significantly setback from Buford Highway and White Street Park and somewhat screened by mature trees. A larger accessory structure would be consistent with the area. There are 15 accessory structures on properties along White Street, and 3 of these are over 800 square feet. The proposed development would be compatible with the character of Old Town and the historic rural nature of White Street.

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 these variances 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 size and location of accessory buildings on smaller lots in more densely populated neighborhoods. In this unique circumstance, the subject property fronts two public streets, White Street and Buford Highway. Buford Highway functions as a rear yard. As such, approval of these requests to locate a swimming pool, a guest house, and a greenhouse in a yard abutting a public street, Buford Highway, is not likely to negatively impact nearby properties. Furthermore, the stream buffers and large size of the property provide significant distance and screening of the larger guest house from surrounding properties. Additionally, there are several other examples of larger accessory structures, so the large guest house is consistent with the surrounding area. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2022-010 and V-2022-011.

Recommended Conditions

V-2022-010

Staff recommends approval of a variance to allow for accessory structures outside of a rear yard subject to the following condition:

1. The property line along Buford Highway shall be treated as the rear property line.
2. Accessory structures shall be located approximately as shown on the site plan labeled "Exhibit A."

V-2022-011

Staff recommends approval of a variance to allow for an accessory structure exceeding 800 square feet subject to the following conditions:

1. Only one accessory structure may exceed 800 square feet. This structure shall not exceed 1,200 square feet.
2. The exterior material of any accessory structures exceeding 200 square feet shall match the exterior material of the primary dwelling and the architecture of the accessory dwelling unit shall compliment the architecture of the primary dwelling. The architecture of the accessory dwelling unit is subject to the review and approval of the Planning Department.
3. Accessory structures shall be located approximately as shown on the site plan labeled "Exhibit A."

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 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: 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 pool outside of rear yard

NEED FOR VARIANCE We dont have a rear yard

***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-2022-010

**APPLICATION FOR VARIANCE FROM THE
CITY OF SUWANEЕ 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 Accessory structure located outside of rear yard that exceeds 800 sq ft.

NEED FOR VARIANCE We dont have a rear yard. Building to match proposed home to be built. Structure is to house parents.

***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.



[Signature] _____ Date 7/8/22

Signature of Applicant

Merly Mejia _____
Typed or Printed Name and Title

[Signature] _____ Date July 8 2022

Signature of Notary Public

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] _____ Date 7/8/22

Signature of Applicant

Merly 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 <u>V-2022-010 & 011</u>	Variance <input checked="" type="checkbox"/>	Administrative _____
Date Rec'd <u>7/8/22</u>	Rec'd By <u>AD</u>	Hearing Date _____
Amount Rec'd _____	Receipt _____	

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

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[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

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[Signature] _____
Signature of Applicant Date 7/8/22

Victor J. Mejia _____
Typed or Printed Name and Title

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

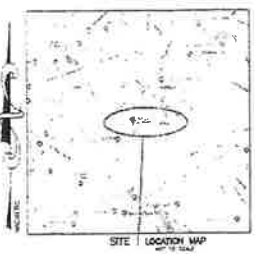
Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2022-010 & 011 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. THIS SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1907 AND THE SURVEYING REGULATIONS OF THE STATE OF GEORGIA. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, JAYSON MEDIA, AND THE SURVEYING PARTY, JAYSON MEDIA SURVEYING, INC. THE SURVEY WAS CONDUCTED ON THE 15TH DAY OF APRIL, 2022, AT THE PROJECT LOCATION, 100 WEST 100 NORTH, SUWANEE, GEORGIA. THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE SURVEYING ACT OF 1907 AND THE SURVEYING REGULATIONS OF THE STATE OF GEORGIA. THE SURVEY WAS CONDUCTED BY THE SURVEYOR, JAYSON MEDIA, AND THE SURVEYING PARTY, JAYSON MEDIA SURVEYING, INC. THE SURVEY WAS CONDUCTED ON THE 15TH DAY OF APRIL, 2022, AT THE PROJECT LOCATION, 100 WEST 100 NORTH, SUWANEE, GEORGIA.

VERTICAL DATUM: NAVD83



THIS SURVEY PLAT OF EXISTING CONDITIONS ON THE PROPERTY MUST BE USED AS A SINGLE STAND ALONE DOCUMENT. IT CAN NOT BE REPRODUCED OR ALTERED. ANY REPRODUCTION OR ALTERATION OF THIS SURVEY PLAT WITHOUT THE WRITTEN CONSENT OF SURVEYOR JAYSON MEDIA IS STRICTLY PROHIBITED. THIS SURVEY PLAT CAN BE ONLY USED IN CONNECTION WITH THE SURVEYING PROJECTS AND DEVELOPMENT PROJECTS AND SHIPMENTS AND CAN NOT BE USED IN CONNECTION WITH ANY OTHER SURVEYING PROJECTS. THIS SURVEY PLAT IS THE PROPERTY OF SURVEYOR JAYSON MEDIA AND SURVEYING PARTY, JAYSON MEDIA SURVEYING, INC. ANY REPRODUCTION OR ALTERATION OF THIS SURVEY PLAT WITHOUT THE WRITTEN CONSENT OF SURVEYOR JAYSON MEDIA IS STRICTLY PROHIBITED.

FLOOD NOTE:

1. THE FLOOD ZONING MAP FOR THE PROJECT AREA IS AVAILABLE AT THE SUWANEE PLANNING DEPARTMENT. THE FLOOD ZONING MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD ZONING MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD ZONING MAP IS SUBJECT TO CHANGE WITHOUT NOTICE. THE FLOOD ZONING MAP IS SUBJECT TO CHANGE WITHOUT NOTICE.

CONVAYING NOTE:

BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND APPLICANT TO CONWAYING DISTRICT, SEE CONWAYING DISTRICT.

PROPERTY IS ZONED UR-100

CONWAYING DISTRICT

MINIMUM LOT AREA: 10,000 SQ. FT.

MINIMUM LOT WIDTH: 100 FT.

MINIMUM LOT DEPTH: 30 FT.



EXISTING LOT COVERAGE DETAIL

TOTAL LAND AREA: 11.28 AC

EXISTING LOT COVERAGE: 1.11 AC

- LEGEND**
- 1. EXISTING LOT COVERAGE
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Existing
Y-2022-010

SCALE: 1" = 50'		DATE: 04/15/2022	
SURVEYOR: JAYSON MEDIA		PROJECT: 100 WEST 100 NORTH	
LAND LOT 212 TH 100 NORTH		SECTION: 36 (36.112.010)	
CONVEYANCE: SURVEY		PLAT NO: 100 WEST 100 NORTH	
FILE NO: 212 TH 100 NORTH		PLAT NO: 100 WEST 100 NORTH	
ALL RIGHTS RESERVED IN THIS SURVEY		PLAT NO: 100 WEST 100 NORTH	
SURVEYOR: JAYSON MEDIA		PROJECT: 100 WEST 100 NORTH	
DATE: 04/15/2022		PLAT NO: 100 WEST 100 NORTH	
SURVEYOR: JAYSON MEDIA		PROJECT: 100 WEST 100 NORTH	
DATE: 04/15/2022		PLAT NO: 100 WEST 100 NORTH	

SURVEY LAND EXPRESS, INC
LAND SURVEYING DEPT 7078

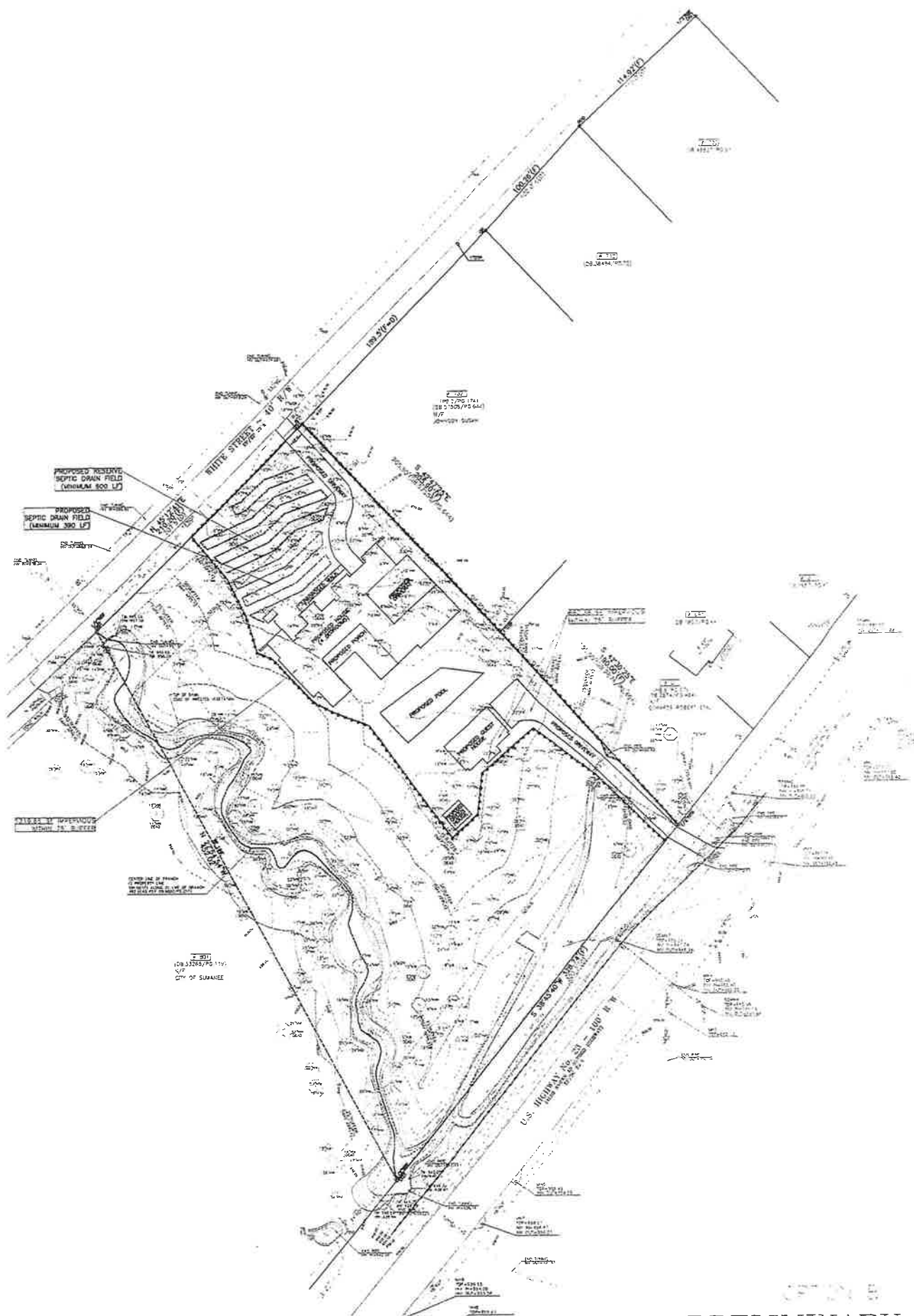


Exhibit A - Proposed Site Plan

V-2022-010

PRELIMINARY

SUBDIVISION		SITE PLAN PREPARED FOR	
LAND LOT 212		JAYSON MEJJA	
PROJECT NAME	DATE	PROJECT ADDRESS	PROJECT NO.
FIELD NO. 018/2022/010	10/10/2022	LOT 212 - SURINAME	018/2022/010
ALL NOTES REFERRED TO THIS SET OF PLANS			
SCALE 1" = 20'		SURVEY LAND EXPRESS, INC.	
LAND SURVEYING		LAND SURVEYING SERVICES	





3690 Total Living Area



119'3" Wide x 77'9" Deep

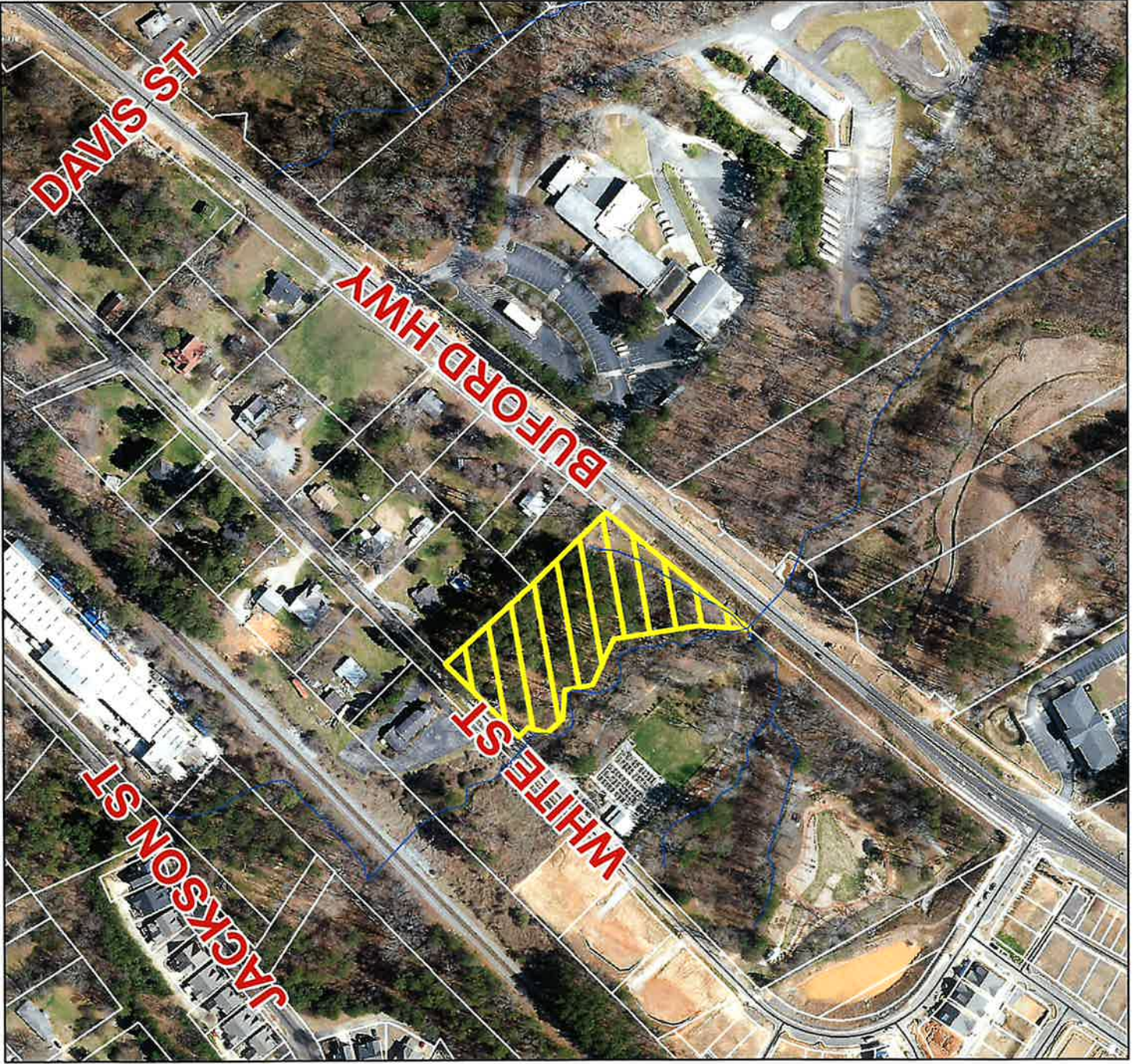
Proposed main house



Location Map
V-2022-010 & V-2022-011

Legend

-  Subject Property
-  Stream





Zoning Map V-2022-010 & V-2022-011

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

