

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
November 21, 2017**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Ray Brown, Scott Auer, James Thigpen and Paul Altnauer. Staff members present: Alyssa Durden, Kylie Adams, and MaryAnn Jackson.

CALL TO ORDER

Scott Auer called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA

James Thigpen moved to adopt the agenda as presented, second by Ray Brown. Motion carried 4-0.

APPROVAL OF MINUTES

James Thigpen moved to approve the March 21, 2017 minutes, second by Paul Altnauer. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

V-2017-003 – Applicant: Planners & Engineers Collaborative. Owners: William Schmidt, CalAtlantic Homes. Requests a variance from the Stream Buffer Protection Ordinance in order to reduce buffers along an unnamed tributary and Suwanee Creek. Site contains approximately 14.9 acres in Land Lots 211 and 236 of the 7th District located near the southern corner of Buford Highway and Chicago Street.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 4.1 of the City of Suwanee Stream Buffer Protection Ordinance (SBPO) to allow for grading and construction within the required 50 foot undisturbed buffer and 75 foot no impervious surface setback on the subject property. The development is proposed to include 70 townhomes.

The subject property was zoned PMUD (Planned Mixed-Use Development) per a concept plan as part of a larger mixed-use development including the Solis mixed-use project at the corner of Buford Highway and Chicago Street. This portion of the mixed-use project is for townhomes.

The site is encumbered by streams that make it difficult to develop the site per the approved concept plan without encroachment into the buffers. These streams run along the southern portion of the property, east to west, as well as through the middle of the property, north to south. The development proposes several instances of encroachment into the 50-foot undisturbed buffer, which total 14,498 square feet and several instances of encroachment into the 75-foot no impervious setback totaling 1,068 square feet.

While the Zoning Ordinance requires the applicant to demonstrate a hardship, the Stream Buffer Protection Ordinance does not. Instead the SBPO calls for efforts to minimize impacts to the

streams and requires that some mitigation is offered. The applicant proposes to mitigate the encroachment by providing 17,212 square feet of undisturbed buffer compensation. Staff recommends approval with conditions.

Scott Auer called upon the applicant.

Kenneth Wood, 350 Research Court, Peachtree Corners, GA. Mr. Wood stated that pedestrian access on this site is very important. With the new layout they are able to work with the topography and save more land.

Scott Auer asked Mr. Wood if he had reviewed the recommended staff conditions. Mr. Wood indicated that he had reviewed the conditions.

Scott Auer called for opposition. There was none.

James Thigpen moved to approve V-2017-003 with conditions, Paul Altnauer second. Motion carried 4-0.

1. Limit the amount of square footage of disturbance to a maximum of 16,000 square feet.
2. No intrusions into the 25 foot stream buffer are authorized by the approval of this variance.
3. The approved final plat for this property shall indicate a total of 17,000 square feet of land preserved near the streams as demonstrated in Exhibit "A".

V-2017-004 – Applicant/Owner: Ken and Amorette Halley. Requests a variance from Sections 500 & 604 of the City of Suwanee Zoning Ordinance in order to allow for an accessory structure in excess of 800 square feet located outside of the rear yard. Site contains approximately 11.9 acres in Land Lot 196 of the 7th District located at 1005 Mill Creek Run.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 500A.1.C and Section 604A of the City of Suwanee Zoning Ordinance to allow for an accessory building exceeding the maximum permitted square footage outside of the rear yard. The applicant seeks to construct an approximately 2,400 square foot accessory structure located to the side and slightly in front of the primary structure on the property. The subject property is located at 1005 Mill Creek Run and is zoned R-140.

The location of the proposed accessory structure would be in the front yard setback to the side of the existing dwelling. A circular driveway would provide access to both the existing single family house as well as the proposed guest house/garage. Many surrounding properties have similar structures in the same approximate location as the requested accessory dwelling. The only difference between these and the proposed is many of the surrounding properties have connected their accessory structure to the main dwelling via a breezeway. This breezeway allows the structures to be considered an addition to the primary structure. Without this breezeway, the proposed structure is considered an accessory structure and subject to the requirements of an accessory structure.

The lots on Mill Creek Run are much larger than most residential lots in Suwanee. These larger lots can accommodate more development than a typical residential lot without negative visual impacts on nearby property because larger lots create greater distance between structures on adjacent lots.

While there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship, exceeding the maximum permitted accessory square footage is unlikely to negatively impact neighboring properties. Larger accessory structures are compatible with the character of the area, and the acreage of the subject property allows for substantial distance between the proposed structure and neighboring homes. Therefore, it is unlikely approval of this variance would cause a substantial detriment to the public good or undermine the intent of the Zoning Ordinance. Staff recommends approval with conditions.

Alyssa Durden also informed the Zoning Board of Appeals that Mr. Halley had already applied for an exemption plat. Therefore, if the Zoning Board of Appeals voted to approve the request, recommended staff condition number four could be removed.

Scott Auer called upon the applicant.

Ken Halley, 1005 Mill Creek Run, Suwanee, GA. Mr. Halley indicated that he is in agreement with staff recommended conditions.

Scott Auer called for opposition. There was none.

James Thigpen moved to approve V-2017-004 with amended conditions, second by Paul Altnauer. Motion carried 4-0 (deletions = ~~strikethrough~~).

1. The accessory building shall be a maximum of 2,500 square feet in size.
2. The architecture of the accessory building shall be substantially consistent with the architectural design shown in Exhibit "A". Materials and colors of the accessory structure shall be consistent with the existing residence.
3. The accessory building shall be located approximately as shown in Exhibit "B".
- ~~4. Prior to obtaining a Certificate of Occupancy for the accessory structure, the property owner shall revise the property lines so that the lots and building meets all requirements. The revision of the property lines shall be accomplished through an exemption plat to be approved by the City.~~

CONSIDER PROPOSED 2018 ZONING BOARD OF APPEALS MEETING CALENDAR

Scott moved to approve the proposed 2018 Zoning Board of Appeals meeting calendar, second by James Thigpen. Motion carried 4-0.

SUBMISSION DEADLINE (5:00 P.M.)	ADVERTISEMENT DATES	ZBA MEETING DATE
12/15/17	12/27/17 01/10/18	01/16/18
01/19/18	01/31/18 02/14/18	02/20/18
02/16/18	02/28/18 03/14/18	03/20/18
03/16/18	03/28/18 04/11/18	04/17/18
04/13/18	04/25/18 05/09/18	05/15/18
05/18/18	05/30/18 06/13/18	06/19/18
06/22/18	06/27/18 07/11/18	07/17/18
07/20/18	08/01/18 08/15/18	08/21/18
08/17/18	08/29/18 09/12/18	09/18/18
09/14/18	09/26/18 10/10/18	10/16/18
10/19/18	10/31/18 11/14/18	11/20/18
11/16/18	11/28/18 12/12/18	12/18/18*
12/14/18	12/26/18 01/09/19	01/15/19

*Meeting held at Crossroads Center due to City Council Mtg conflict
Please note that the November ZBA Meeting is the same week as Thanksgiving

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

Scott Auer moved to adjourn at 6:53 pm.