

V-2011-005

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2011-005

REQUEST: ALLOWING A FENCE THAT DOES NOT MEET THE DEFINITION OF A DECORATIVE FENCE & EXCEEDS THE MAXIMUM HEIGHT FOR A FENCE IN THE YARD ABUTTING A PUBLIC STREET

APPLICABLE SECTION: SECTION 610

LOCATION: 3585 LAWRENCEVILLE SUWANEE ROAD
ACREAGE: 1.92 ACRES
DISTRICT/LAND LOT/PARCEL: 7-211-164
ZONING: C-2 (GENERAL COMMERCIAL DISTRICT)

APPLICANT: ANGELA PATTON/SAGE SCHOOL

OWNER: CALVIN JONES/FRONT PORCH PROPERTIES
3585 LAWRENCEVILLE SUWANEE RD STE. 102
SUWANEE, GA 30024

CONTACT: ANGELA PATTON

PHONE: 678-907-4194

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANAYLSIS:

The applicant seeks a variance from Section 610 of the City of Suwanee Zoning Ordinance to allow a fence that exceeds the maximum height allowable within a required front yard and that does not meet the definition of a “decorative fence” as defined by the Zoning Ordinance. The City of Suwanee Zoning Ordinance allows fences within the required front yard only if they are decorative fences that do not exceed 4 feet in height.

The subject property is located on the north side of Lawrenceville Suwanee Road near the intersection of Smithtown Road and Lawrenceville Suwanee Road. To the east of the subject parcel, is a commercial building (zoned C-2). To the west of the subject property, is a day care facility zoned C-2A. Across Lawrenceville Suwanee Road, to the south, are commercial shopping centers zoned C-2. To the north of the subject property, is Pierce Pointe subdivision zoned R-85.

The Zoning Ordinance states that decorative fencing may be constructed of brick columns, wood, simulated wood, wrought iron, anodized aluminum or polyvinyl chloride. In addition, in a yard abutting a public street no fence or wall shall exceed 4 feet in height. If a fence or wall in excess of 4 feet in height is permissible, then it shall not be located within 15 feet of the back of curb or edge of pavement or within 20 feet of the intersection of two or more public roads.

The applicant's proposed fence is 6 feet tall and made of cast aluminum. The applicant, Sage School, is a school for children with special needs specifically in the areas of reading and language. The proposed fence would be constructed to enclose an outdoor recreational area on the site that would be used for recess and physical education classes. The proposed outdoor recreational area will be located approximately 35 feet from Lawrenceville Suwanee Road travel lanes. The applicant feels that a six foot tall fence would provide better safety for the students.

The subject parcel is 1.92 acres and is currently developed with four 5,200 +/- square foot office buildings. The only outdoor area large enough to accommodate a recreational area adjacent to the applicant's suite is located along Lawrenceville Suwanee Road. Therefore, the applicant must locate the outdoor recreational area in a yard abutting a public street which limits fences to four feet in height and requires a decorative fence. If the property had a rear yard, a fence could be built up to eight feet tall in that area.

It should be noted that a similar variance was requested and approved in 2001 for Legacy Academy located on the adjoining property. Legacy Academy requested a six foot, cast aluminum fence to enclose their playground. The Georgia Department of Human Resources, which licenses day care centers, requires six foot fences around playground areas. Sage School is proposing to match the height, style and material of the fence that is currently used on Legacy Academy's property for aesthetic uniformity.

The City'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. The zoning ordinance also states that variances may be granted when conditions are peculiar to the piece of property, or when relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

In conclusion, a six foot fence would provide better safety for the students than a four foot fence. Also, matching the existing fence on the neighboring property would enhance the aesthetics of the area more than a four foot fence of a different material. The existing building is located approximately 115 feet from the front property line and exceeds the typical front yard depth of other buildings in the area. Even if the variance is approved, the fence will still be located approximately 35 feet from the closest travel lane of Lawrenceville Suwanee Road. Finally, approval of the request would not subvert the intent of the zoning ordinance. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2011-005.

Planning Department
Recommended Conditions

The Planning Department recommends approval of **V-2011-005** subject to the following conditions:

1. The fence shall be located approximately as shown on Exhibit "C".
2. Fencing shall not exceed 6 feet in height within the yard abutting a public street.
3. Fencing within the front yard shall be substantially consistent in style with the fencing indicated in exhibit "D" and located on the adjoining property (Legacy Academy) as approved by the Planning Director.
4. Existing trees and shrubs located in the outdoor recreational area shall remain.
5. The fence shall be constructed of cast or anodized aluminum.
6. Fence shall be black.

Standards for Consideration

Pursuant to Section 2009A 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 these variances 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 this variance 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 variance V-2011-005 would not impair the public health, safety, comfort, morals, or welfare.

**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: Angela Patton / Sage School
Address: 3585 L-nlle Suwanee Rd.
City: Suite 402 Suwanee
State: GA
Phone: 678-907-4194
E-mail address: apatton@sageschool.net

OWNER INFORMATION

Calvin Jones /
Name: Front Porch Properties, Inc
Address: 3585 L-nlle Suwanee Rd. Suite 11
City: Suwanee
State: GA
Phone: 770-945-8081

CONTACT PERSON: Angela Patton

PHONE: 678-907-4194

ADDRESS OF PROPERTY 3585 Lawrence-nlle - Suwanee Rd

LAND DISTRICT _____ LAND LOT _____ PARCEL _____ LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING _____

VARIANCE REQUESTED Sec. 610 Fences and walls

NEED FOR VARIANCE Sage School students will be using the lawn located beside the school for recess and physical education class. For the safety of the students, we believe a 6 foot fence is more appropriate and are requesting this variance in order to obtain the 6 foot fence as opposed to 4 foot.

***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.



Angela Patton July 25, 2011
Signature of Applicant Date

Angela Patton
Typed or Printed Name and Title

M. Dolphyn 7/25/11
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.



Calvin A. Jones 7-25-11
Signature of Applicant Date

Calvin A. Jones owner
Typed or Printed Name and Title

M. Dolphyn 7/25/11
Signature of Notary Public Date

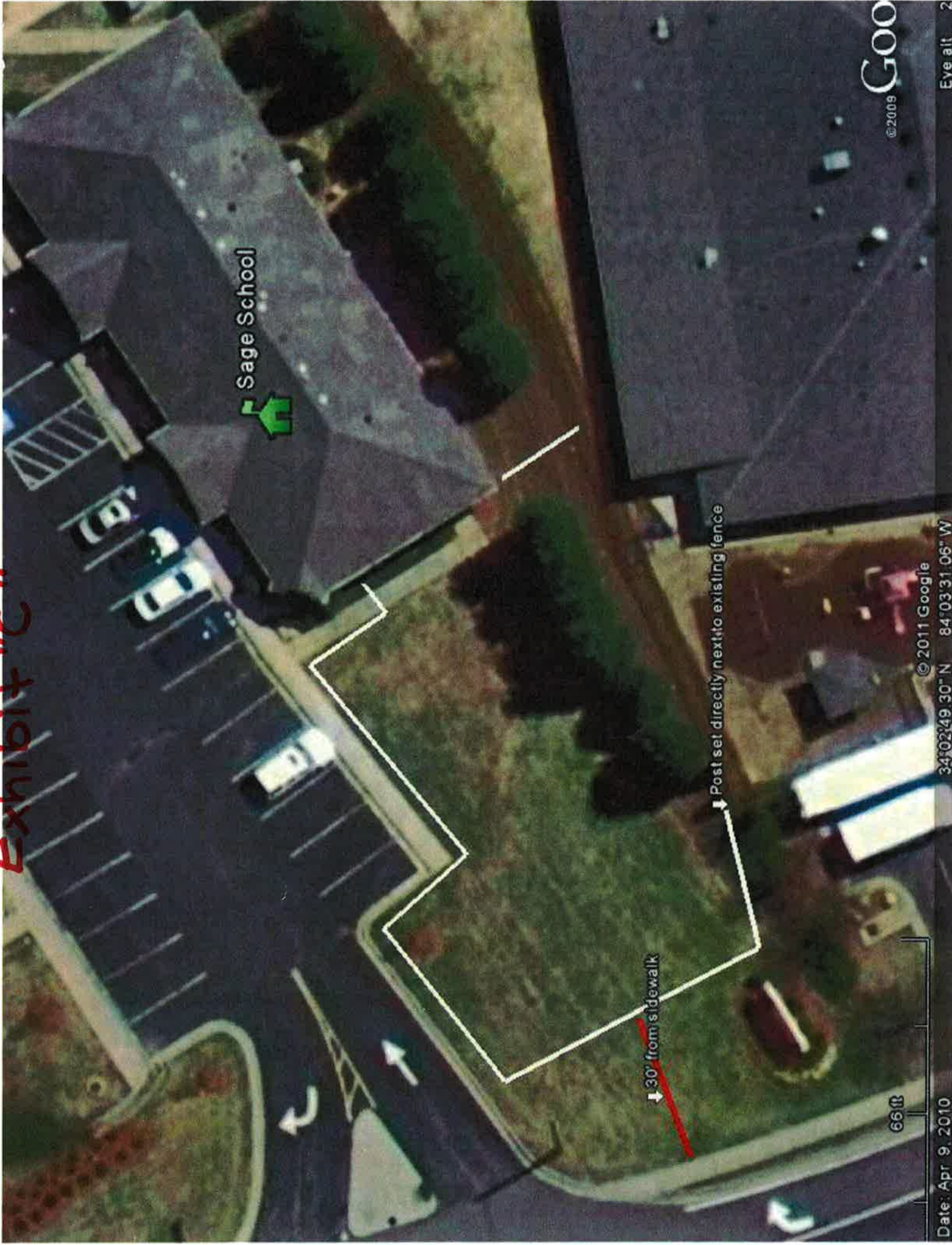
Notary Seal

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V 2011-005 Variance _____ Administrative _____
Date Rec'd _____ Rec'd By _____ Hearing Date _____
Amount Rec'd _____ Receipt _____

ACTION TAKEN _____
SIGNATURE _____ DATE: _____

Exhibit "C"



66 ft

Date: Apr. 9, 2010

© 2011 Google
34°02'49.30" N 84°03'31.06" W

©2008 Goo

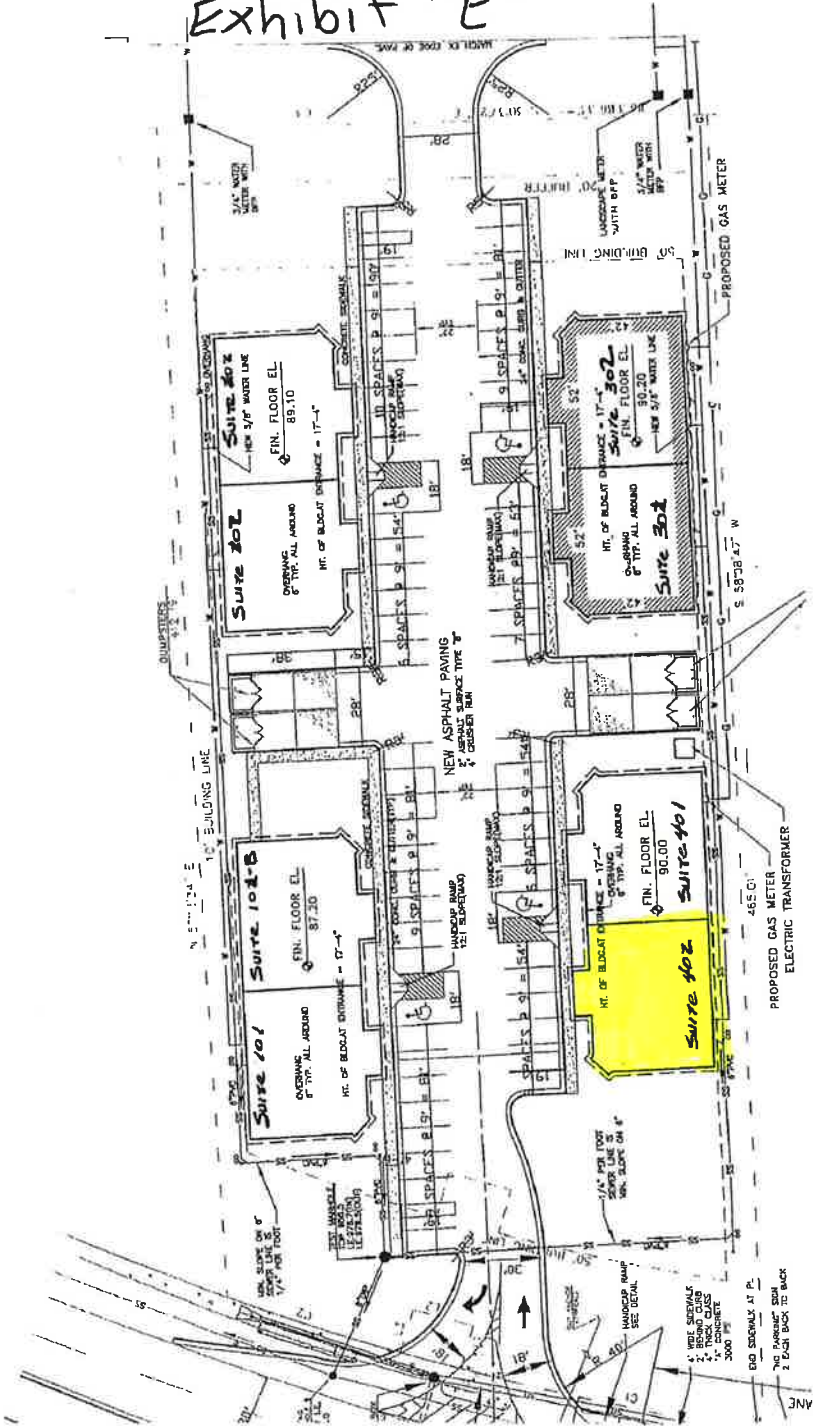
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Exhibit D



MAP 1-8: SITE PLAN

Exhibit "E"



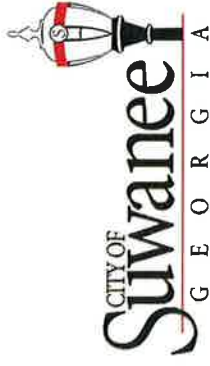


EXHIBIT A V-2011-005

Location Map

Legend




-  V-2011-005
-  Property Lines
-  Streets








EXHIBIT B V-2011-005

Aerial Map

Legend

-  V-2011-005
-  Property Lines
-  Streets

