

VARIANCE(S):

V-2013-007

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2013-007
REQUEST: FENCE EXCEEDING MAXIMUM HEIGHT
APPLICABLE SECTION: SECTION 610
LOCATION: 3741 MARTIN FARM ROAD
DISTRICT/LAND LOT: 7-211-106
ZONING: R-140 SINGLE FAMILY RESIDENTIAL
DISTRICT
DEVELOPMENT: FENCE

APPLICANT/OWNER: RICHARD J. MALLALDI III
3741 MARTIN FARM ROAD
SUWANEE, GA 30024

CONTACT: BRIAN FITZGERALD
PHONE: 770-361-0110

RECOMMENDATION: DENIAL

ANALYSIS:

The applicant seeks a variance from Section 610 of the City of Suwanee Zoning Ordinance to allow for the construction of a fence that exceeds the maximum permitted height in the required front yard. The property is located at 3741 Martin Farm Road south of the intersection of Plum Street and Martin Farm Road. This variance request is the result of a zoning violation issued by the City's Chief Building Official. A portion of the fence was constructed that exceeds the maximum permitted height for a fence located in the required front yard. The property owner was notified that the fence exceeds the maximum permitted height and thus construction stopped. Since the initial violation a new property owner has occupied the home that wishes to complete the fence. The subject fence is 6 feet tall and is proposed to run along the side property line and connect to the rear corner of the existing single-family home. The applicant also proposes to install additional fencing between the opposite rear corner of the home to the other side property line to fully screen the backyard from the street.

The subject property is zoned R-140 (Single Family Residential) and is surrounded by other single family zoned residential properties. To the rear is an undeveloped parcel zoned R-100. Both properties abutting the subject property along Martin Farm Road are zoned R-140 and include single family homes. Across Martin Farm Road is a single family residence zoned R-100.

According to Section 610 of the City's Zoning Ordinance, fences and walls located in a front yard abutting a public street shall not exceed four feet in height on lots less than two acres. The front yard of the subject property is the area located between the edge of the public right-of-way and the front of the existing single-family home. In the area where the fence is located, the front

yard extends approximately 40 feet from the front corner of the house to the edge of the Martin Farm Road right-of-way. Once the fence reaches the front corner of the house, it may be up to eight feet in height as it extends toward the rear yard. The existing fence and proposed extension is a standard six foot wooden privacy fence and is located approximately 19.5 feet from the road. There is approximately 15 feet of right-of-way between the edge of the road and the applicant's property line. Therefore the variance, if approved, would allow a 6 foot tall wooden privacy fence in the required front yard for a length of approximately 35.5 feet. While the fence is approximately 19.5 feet back from the edge of the road, it is only roughly 4.5 feet off the property line. If approved, the variance would allow a fence exceeding the maximum permitted height by 2 feet to extend into nearly 90 percent of the required front yard

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. 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, then a variance may be granted.

Limiting fence height and requiring fences in the front yard to be decorative protects neighborhoods from obtrusive structures that might otherwise dominate front yards. Certain zoning districts require front yard setbacks to create a continuous streetscape and allow for a more visually pleasing environment. In certain situation, there are also safety concerns due to impacts on vehicle site distance when these types of structures are placed in the front yard. Most single-family residential lots are designed with larger back yards to allow for individual privacy on individual lots. In addition, there are other options to provide visual screening such as shorter, decorate fences and walls, hedge rows and other vegetation that are more visually pleasing and less obtrusive.

In conclusion, the subject property does not appear to have a situation which rises to the level of hardship. The subject site has other more suitable areas that may accommodate fencing to achieve privacy. In addition, there are less obtrusive ways to visually screen the front yard such as landscaping and decorative fencing. The proposed fencing could negatively impact the surrounding area and property values by impacting the established streetscape of the area and leading to similar requests on other lots in the area. As such, staff recommends **DENIAL** of V-2013-007.

Planning Department
Recommended Conditions
V-2013-007

If the Zoning Board of Appeals wishes to recommend approval of the variance request to allow for the fence exceeding the height maximum the following conditions are recommended:

1. The fence shall be at least 4 feet from the front property line.
2. The fence shall not exceed 6 feet in height within the required front yard.
3. No additional fencing exceeding height limitations shall be allowed.

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 the variance 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?

The proposed fencing could negatively impact the surrounding area by impacting the established streetscape of the 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 this variance, with the attached stipulations, 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: Richard J. MAHALDI III Richard J Magaldi Jr
Address: ~~305~~ 3741 Martin Farm Rd
City: Suwanee,
State: GA
Phone: 678-478-5879
E-mail address: RJSMAG3@GMAIL.COM

OWNER INFORMATION

Name Richard J. MAHALDI III Richard J Magaldi Jr
Address 3741 Martin Farm Rd
City: Suwanee
State GA
Phone: 678-478-5879

CONTACT PERSON: _____

PHONE: _____

ADDRESS OF PROPERTY 3741 Martin Farm Road

LAND DISTRICT ~~27~~ 7 LAND LOT 211 PARCEL 2211-7106 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) _____

ZONING R140

VARIANCE REQUESTED Existing Fence is 19'6" from road, inspector informs that code is 50'. The fence is a positive addition, it does not block line of site. Neighbors are glad to see it in place
NEED FOR VARIANCE _____

***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 of Applicant Richard J. Magaldi, Jr.
Date 7-24-13

Richard J. MAGALDI JR Richard J Magaldi, Jr
Typed or Printed Name and Title


Signature of Notary Public 7/24/13
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.


Signature of Applicant Richard J. Magaldi, Jr
Date 7/24/13

RJ MAGALDI JR Richard J Magaldi, Jr
Typed or Printed Name and Title


Signature of Notary Public 7/24/13
Date



Notary Seal

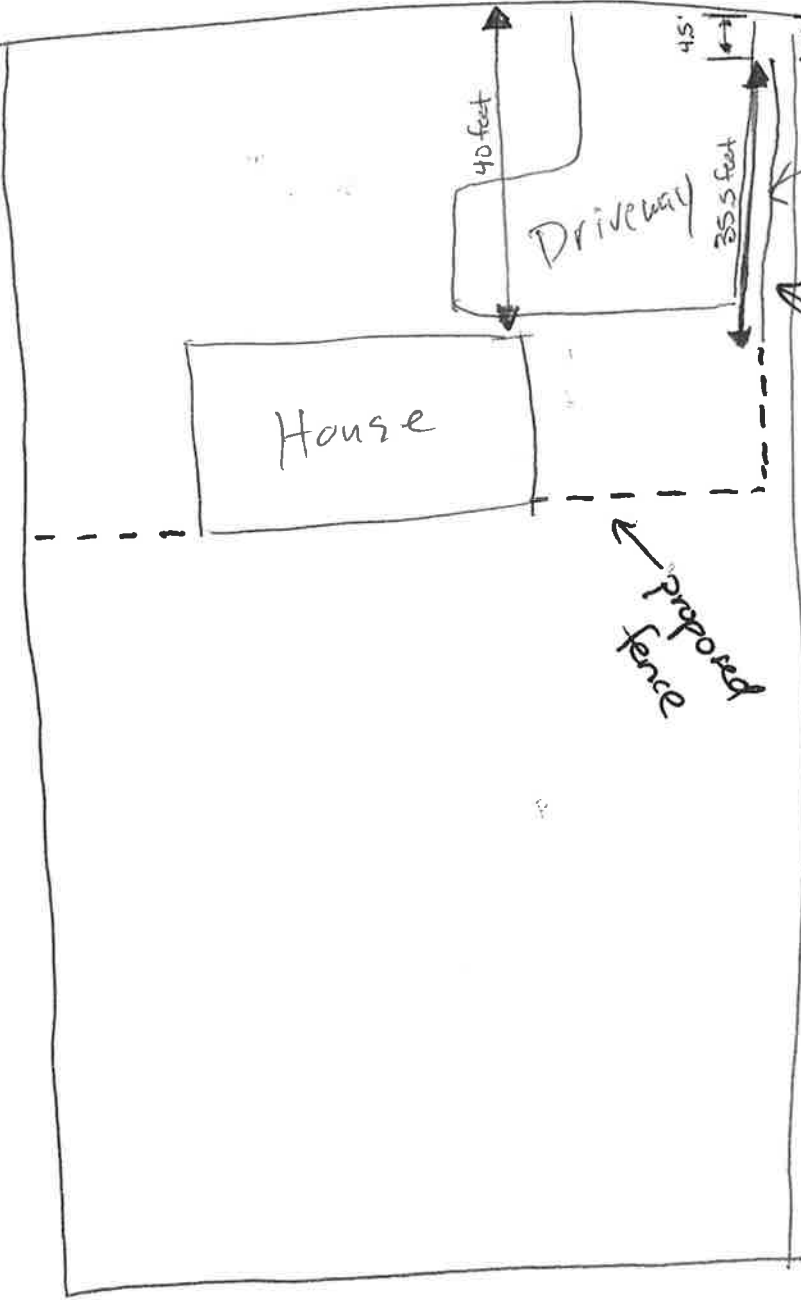
DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number _____ Variance V-2013-007 Administrative _____
Date Rec'd _____ Rec'd By _____ Hearing Date _____
Amount Rec'd _____ Receipt _____

ACTION TAKEN _____

SIGNATURE _____ DATE: _____

3741 Martin Farm Road



Fence Starts 19 1/2' from road & continues to Front cor. of house



proposed fence



EXHIBIT A V-2013-007

Location Map

Legend

-  V-2013-007
-  Major Road

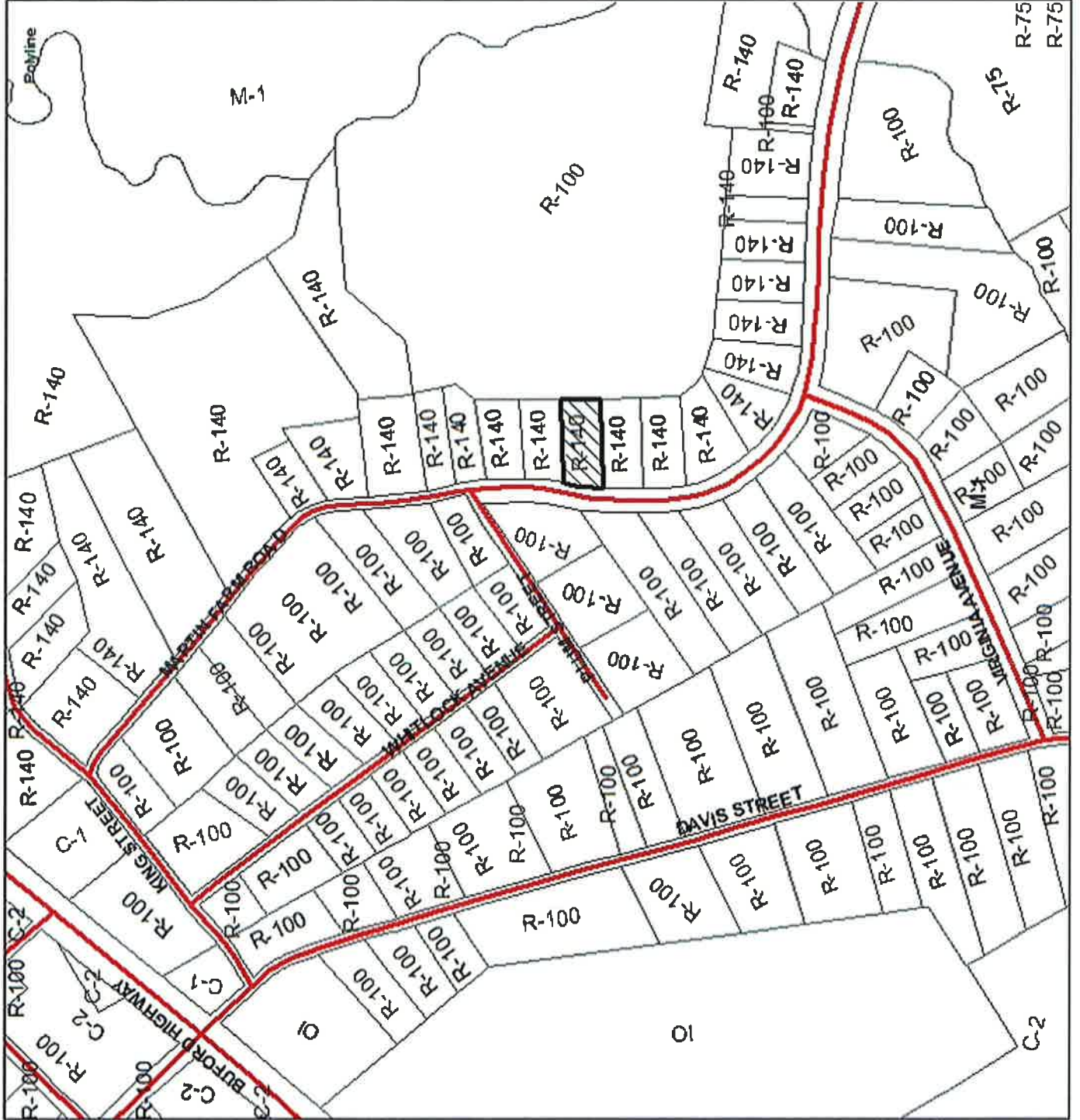
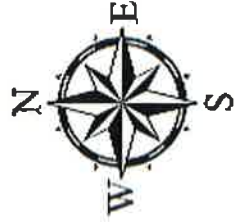






EXHIBIT B V-2013-007

Aerial Map

Legend

	V-2013-007
	Major Road

