

VARIANCE(S):

V-2014-009

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2014-009
REQUEST: REDUCTION OF FRONT AND SIDE
SETBACKS
APPLICABLE SECTION: SECTION 500.C.6
LOCATION: INTERSECTION OF MOORE ROAD & SHORT
STREET
DISTRICT/LAND LOT: 7-277-018
ZONING: R-140 SINGLE FAMILY RESIDENTIAL
DISTRICT
DEVELOPMENT: SINGLE FAMILY HOME
APPLICANT/OWNER: STEFAN NICOLA
4254 BROGDAN FARM COURT
BUFORD, GA 30518

CONTACT: STEFAN NICOLA PHONE: 404-663-9997

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

ANALYSIS:

The applicant seeks a variance from Section 500 of the City of Suwanee Zoning Ordinance to allow for the construction of a single family home and swimming pool within the rear yard setback. The property is located at the intersection of Moore Road and Short Street. It is currently undeveloped and contains roughly 1.79 acres. The parcel has frontage on both Moore Road and Short Street with proposed access via a driveway off of Short Street.

The subject property is zoned R-140 (Residential Single Family District) and is surrounded by single family homes zoned R-140 and R-100 (Residential Single Family District). The site is located in the northern part of the City which includes larger single family homes and lots. Adjacent lots average approximately 1.8 acres and also include accessory uses such as swimming pools.

The applicant intends to build an 11,850 square foot single family home, swimming pool and porch/deck area. Due to the lot having frontage on both Moore Road and Short Street, the property has two front yards setbacks. On a corner lot there are two 50 foot front yard setbacks, a 10 foot side yard setback, and a 40 foot rear yard setback. The City of Suwanee considers pools and decks to be accessory structures which are required to be located in the rear yard. Therefore, the yard on the western side of the property must be considered the rear yard to allow for the pool area and as such requires a 40 foot setback. As proposed, the house and accessory structures encroach into the rear yard setback by 18 feet.

The applicant states that due to site and topographical constraints on the property, the proposed layout minimizes the amount of necessary grading and earth work. The southern end of the property is about 20 feet higher than the northern end. The proposed layout and design of the home uses the topography by utilizing a walkout basement to the pool area. This layout also minimizes the amount of grading required to accommodate the proposed improvements and therefore allows for preservation of more of the existing vegetation on the site. This arrangement allows better screening of the rear yard from Moore Road.

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.

In conclusion, the subject property does not appear to have a situation which rises to the level of hardship. However, the request is unlikely to cause a substantial detriment to the public good or undermine the intent of the zoning ordinance. The lot has two road frontages which decreases the amount of buildable area on the lot. The slope of the property, while not overly steep or severe does limit the potential layout as well. The applicant's proposed layout will result in less grading than would be required if made to conform to the setback requirements. In addition, the closest neighboring residence is over 130 feet from the proposed home. Therefore, it is unlikely that the proposal would adversely impact neighboring properties. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2014-009.

V-2014-009

Planning Department Recommendation:

Staff recommends approval of the request to reduce the rear yard setback subject to the following conditions:

1. The site shall be developed substantially consistent with Exhibit "C".
2. The encroachment into the rear setback shall be limited to 20 feet.
3. Additional landscaping shall be provided, as needed, within the rear yard to reduce the visual impact of the pool. Landscaping shall be approved by the Planning and Inspections Director.

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?

Approval of the 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 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: STEFAN NICOLA
Address: 4254 BROGDAN FARM CT.
City: BUFORD
State: GA
Phone: (404) 663-9997
E-mail address: STENICOLA@YAHOO.COM

OWNER INFORMATION

Name STEFAN NICOLA
Address 4254 BROGDAN FARM CT.
City: BUFORD
State GA
Phone: (404) 663-9997

CONTACT PERSON: STEFAN NICOLA

PHONE: (404) 663-9997

ADDRESS OF PROPERTY INTERSECTION OF SHORT STREET & MOORE ROAD

LAND DISTRICT 7 LAND LOT 277 PARCEL 018 LOT 3

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) SUWANEE FARMS SUBDIVISION

ZONING R-140

VARIANCE REQUESTED SECTION 500-C (REAR YARD SETBACK)

NEED FOR VARIANCE THE CONFIGURATION & TOPOGRAPHY OF
THE LOT DICTATE THE HOUSE (W/REAR POOL) FRONT
ON SHORT STREET.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.
SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

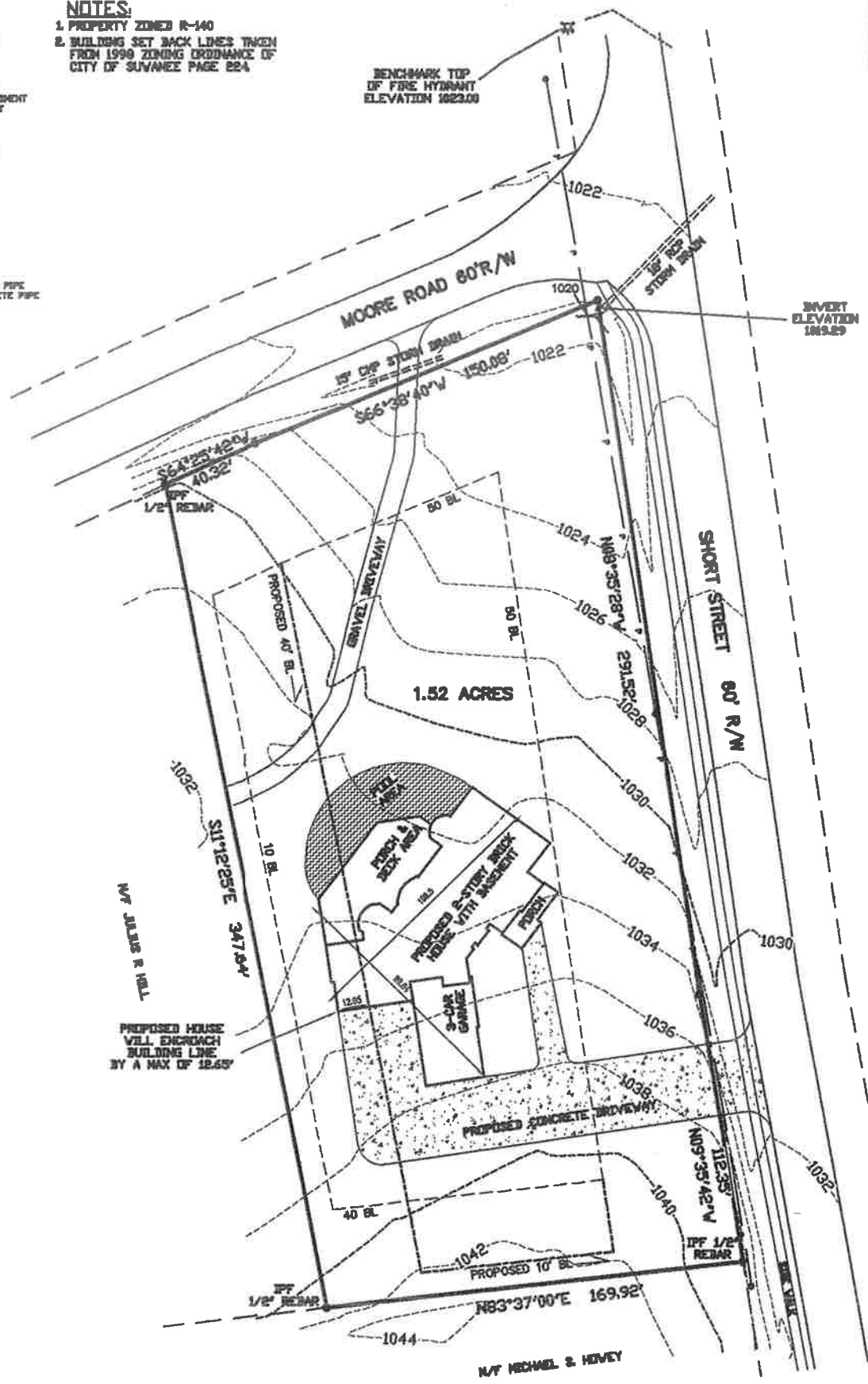
*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

Exhibit 'C'

NOTES:
 1. PROPERTY ZONED R-140
 2. BUILDING SET BACK LINES TAKEN FROM 1990 ZONING ORDINANCE OF CITY OF SUWANEE PAGE 224

THE FIELD DATA UPON WHICH THIS
 PLAN IS BASED WAS OBTAINED WITH
 TOTAL STATION HAS AN ANGULAR
 ERROR OF .10 SECONDS PER ANGLE
 POINT, A CLOSURE OF 1 IN 22,631
 FEET AND WAS ADJUSTED BY
 COMPASS RULE. THIS PLAN HAS A
 CLOSURE OF 1 IN 130,000 FEET.

- IPF = IRON PSH FOUND
- IPR = IRON PSH SET
- IPR = IRON PSH REPLACED
- UTD = OPEN TOP PIPE
- R/W = RIGHT OF WAY
- BL = BUILDING LINE
- PL = PROPERTY LINE
- SE = SEWER EASEMENT
- SE = SEWERY SEWER EASEMENT
- CH = CONCRETE HIGHWAY
- LL = LAND LOT
- LL = LAND LOT LINE
- SGS = GEORGIA MILITIA DISTRICT
- W/F = NOW OR FORMERLY OWNED BY
- M/K/V = ALSO KNOWN AS
- = POWER POLE
- = POWER LINE
- T- = TELEPHONE LINE
- W- = WATER LINE
- S- = SEWER LINE
- R = RADIUS
- A = ARC LENGTH
- CH = CHORD
- M/H = MAN HOLE
- CL = CENTER LINE
- = CREEK
- CMF = CORRUGATED METAL PIPE
- SCP = REINFORCED CONCRETE PIPE



PROPOSED HOUSE WILL ENCROACH BUILDING LINE BY A MAX OF 12.65'

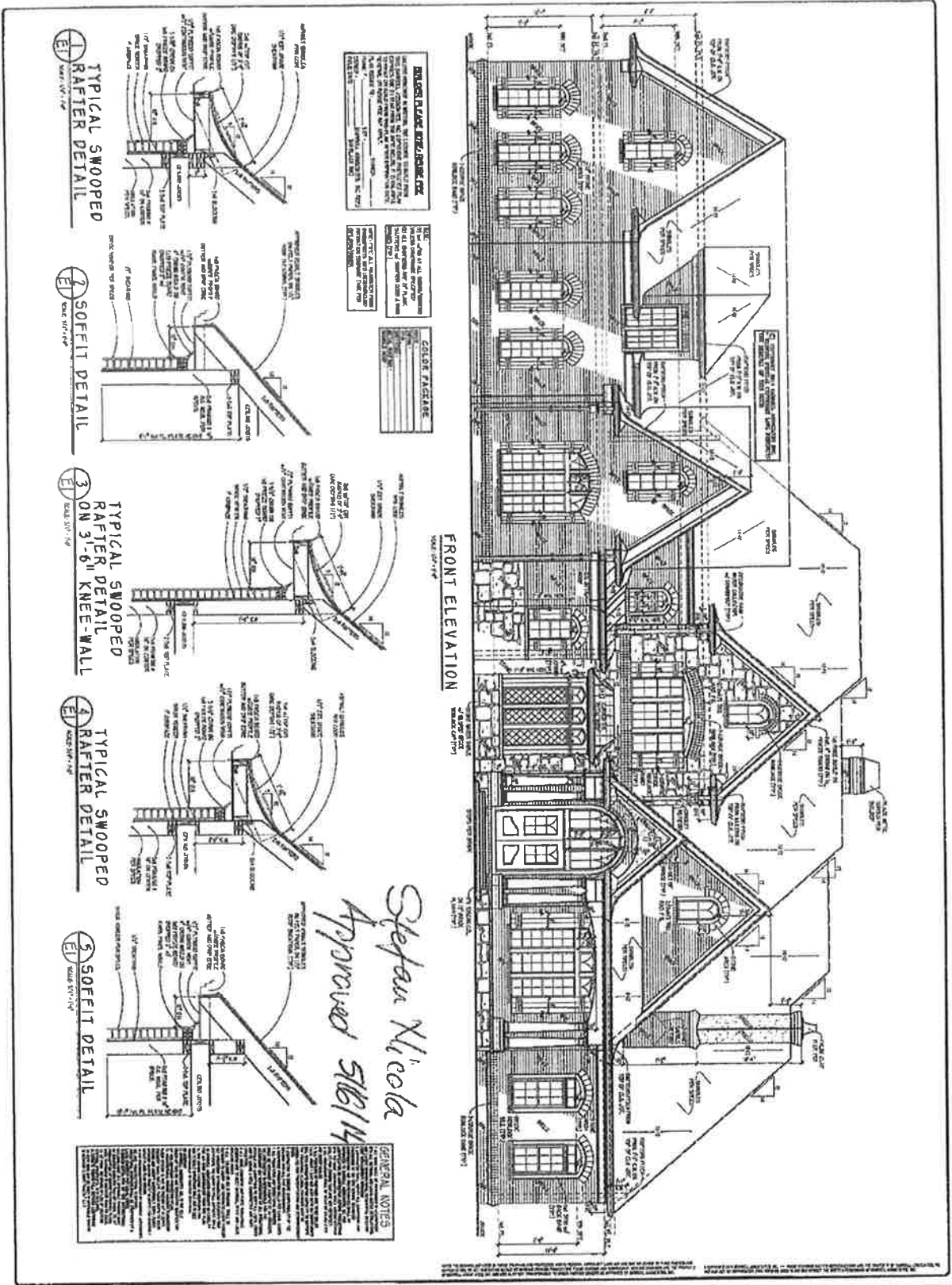
W/F MICHAEL & HEVEY

Please do not remove the neighbor's benchmarks, which those of old times have set....
Stalderromney 19-14

V-2014-009

NOTE PLAN FOR STEFAN NICOLA
 LOT 3, BLOCK 9, SUWANEE FARMS SUBDIVISION, RECORDED IN P.B. 5, PAGE 204B
 CITY OF SUWANEE, 111, 277, 7TH DISTRICT, GWINNETT COUNTY
 DATED JULY 17, 2014
 ASSOCIATED DEVELOPMENT ENGINEERING, INC. PHONE (770)846-3804
 90 HUNTER BURGESS DR. SUWANEE

Exhibit "D"



04/28/14 NICOLA RESIDENCE FRONT ELEVATION		Lic. To: STEPHAN & ANDREA NICOLA

V.2014.009



EXHIBIT A V-2014-009

Location Map

Legend

-  V-2014-009
-  Major Road

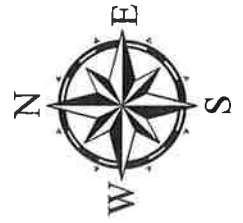




EXHIBIT B V-2014-009

Aerial Map

Legend

-  V-2014-009
-  Major Road

