

**VARIANCE(S):**

**V-2014-012**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER(S):** V-2014-012

**REQUEST(S):** REDUCED BUFFER AREA

**APPLICABLE SECTION:** SECTION 509 (C) DISTRICT DEVELOPMENT STANDARDS

**LOCATION:** 45 BUFORD HIGHWAY  
**DISTRICT/LAND LOT:** 7-235-083  
**ZONING:** M-1 (LIGHT INDUSTRY DISTRICT)

**OWNER/APPLICANT:** BRIAN FITZGERALD  
85 BUFORD HIGHWAY  
SUWANEE, GA 30024

**CONTACT:** BRIAN FITZGERALD  
**CONTACT PHONE:** 770-361-0110

**STAFF RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**ANALYSIS:**

The applicant seeks a variance from Section 509 C.8 to allow for a reduction of the minimum buffer required where M-1 adjoins residentially zoned parcels. The variance is requested in order to allow for the development of a 20,000 square foot animal hospital and associated site improvements. The subject property is located at the northeast corner of Buford Highway and George Pierce Park Drive. The applicant proposes access off George Pierce Park Drive with access also provided to Buford Highway through the adjacent animal hospital property. A total of 67 parking spaces will be constructed along with the new building. A proposed detention pond and grading associated with the site's access to the George Pierce Park driveway intrudes into the required buffer.

The City recently approved a special use permit on the property in order to allow for the animal hospital (SUP-2013-003). The applicant proposes to pull the building up to the road in a manner consistent with the Old Town Overlay District. They are proposing the building as an expansion of the existing animal hospital.

Section 509 (C) of the Zoning Ordinance regulates M-1 district development standards. Section 509 C.8 states:

C. DISTRICT DEVELOPMENT STANDARDS.

8. Minimum Buffer Area.

- a. 50 feet if abutting a residential zoning district in accordance with standards set forth in the ordinance.

The applicant is requesting a variance to allow for a reduced buffer area between the M-1 zoned property and George Pierce Park, zoned R-100, in order to allow for construction of a stormwater management facility in the 50 foot buffer area and grading associated with the access driveway for the site. The applicant is proposing a 20 foot buffer area in place of the typical 50 foot buffer area, requiring a variance of 30 feet. The location of the proposed stormwater management structure takes advantage of the natural slope of the property. The property slopes down from Buford Highway down towards George Pierce Park. Placing the stormwater management structure in this location requires the least amount of grading. The driveway is proposed in a location that has been agreed to by the County. As such, the grading associated with the driveway intruding into the buffer is the result of an agreement between the property owner and the property owner of the adjacent park.

The subject property is zoned M-1 (Light Industry District) and is surrounded by varying uses. To the north is the current Suwanee Animal Hospital which is zoned C-2. To the north of that are residences located in the Dollar Acres subdivision (zoned R-100). To the east is George Pierce Park zoned R-100. To the west, are undeveloped M-1 zoned properties. To the south, across the driveway for George Pierce Park are two office/warehouse uses also zoned M-1.

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 relief would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance.

The proposed stormwater management facility would be a detention pond that provides stormwater quantity and quality protection. The intent of the buffer ordinance is to prevent buildings, parking areas, accessory uses and sounds associated with light industrial uses from negatively impacting adjacent residential properties. However, in this case the residential zoned property is a large park and does not contain any residential structures. Therefore, no residents would be impacted by the buffer reduction. In addition, the stormwater management structure is a low impact intrusion that will not create any sound or vibration. The visual impact will be very minor due to the existing vegetation in the area.

In conclusion, the subject property is impacted by severe slopes. The adjacent residential zoned parcel is not used for residential purposes and some of the impacts to the buffer are the result of an agreement between the subject property owner and the owners of the residentially zoned park. So, a variance, if granted, would not undermine the purposes or intent of the zoning ordinance. There is a large amount natural vegetative screening between the proposed stormwater management structure and the closest trail in George Pierce Park so there should be no visual

impacts to park users. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of V-2014-012.

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**Planning Department Recommendation:**

Approval of a variance to reduce the minimum buffer area to the following conditions:

1. A minimum 20 foot wide buffer shall be maintained. Said buffer reduction shall only apply where the adjacent property is not being used for residential purposes.
2. Additional vegetative screening shall be provided where the buffer is sparsely vegetated. The determination of where additional screening will be provided within the buffer shall be made by the Director of Planning and Inspections Department after construction of the structure and installation of any required screening shall be provided prior to issuance of a Certificate of Occupancy for the site.
3. The stormwater facility shall be constructed in the location shown on Exhibit "C".

## 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 variances unreasonably increase the congestion in public streets?**

Approval of the variances would not increase the congestion in public streets.

- B. Will approval increase the danger of fire or endanger public safety?**

Approval of the 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 the variances 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 the 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: Brian Fitzgerald  
Address: 85 Buford Hwy  
City: Suwanee  
State: Georgia  
Phone: 770-361-0110  
E-mail address: hwy211@hotmail.com

**OWNER INFORMATION**

Name: Brian Fitzgerald  
Address: 85 Buford Hwy  
City: Suwanee  
State: Georgia  
Phone: 770-361-0110

CONTACT PERSON: Brian Fitzgerald

PHONE: 770-361-0110

ADDRESS OF PROPERTY 45 Buford Highway

LAND DISTRICT 7 LAND LOT 235 PARCEL 083 LOT \_\_\_\_\_

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) \_\_\_\_\_

ZONING \_\_\_\_\_

VARIANCE REQUESTED Reduction in 50' buffer setback adjacent to George Pierce Park to 20' to support construction of storm water management system and driveway.

NEED FOR VARIANCE to support development of property for animal hospital.

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

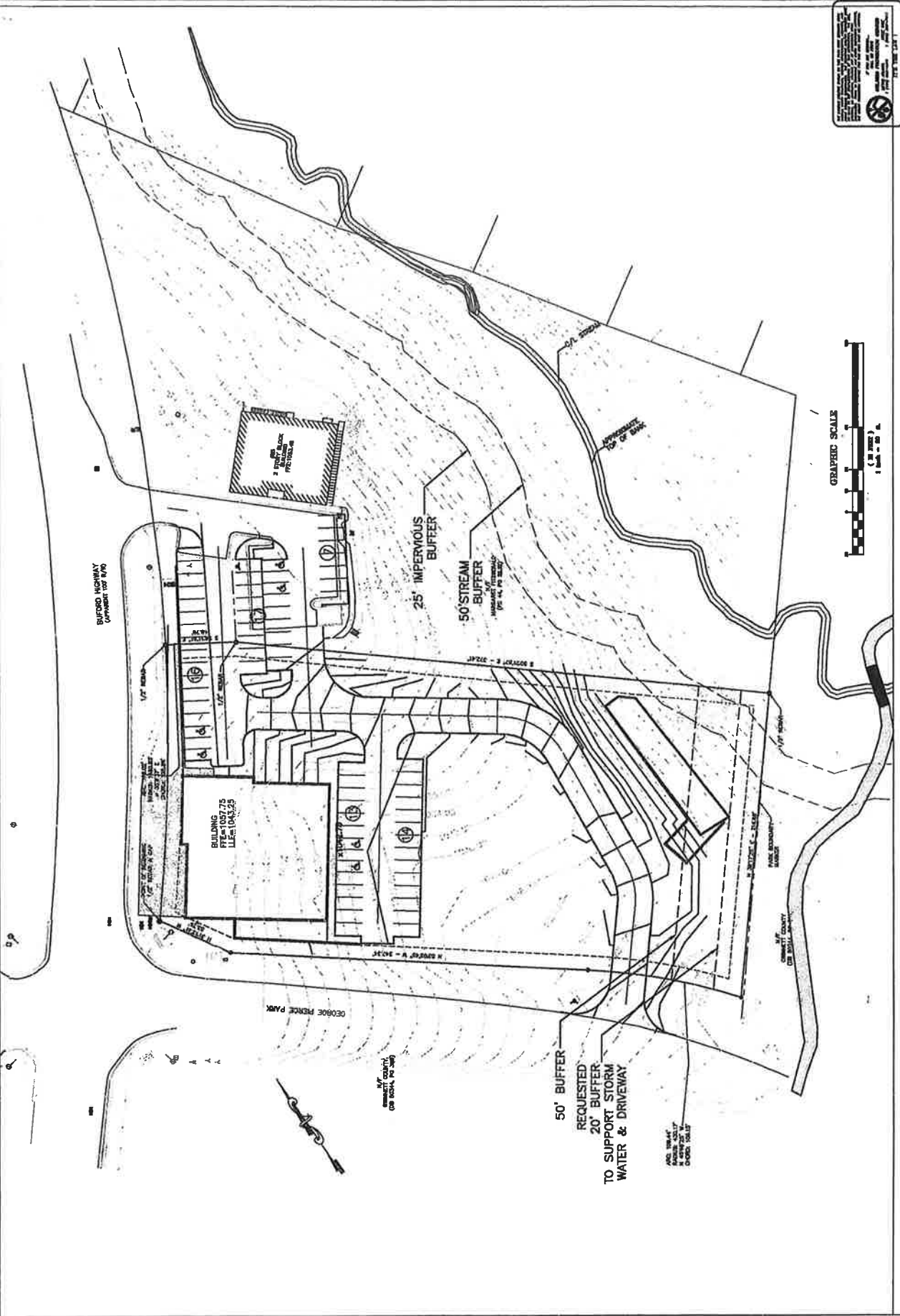
**\*\*\*The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant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

**OWNER / DEVELOPER**  
 BRAY FITZGERALD  
 875 SUWANEE CREEK DRIVE  
 SUWANEE, GA 30024

**NEW SUWANEE ANIMAL HOSPITAL**  
 45 BLUFORD HIGHWAY, SUWANEE,  
 GWINNETT COUNTY, GEORGIA  
 ZONED M-1, SUP 2013-003, V 2013-008

LBCM ARCHITECTS, P.C.  
 2000 Peachtree Dunwoody Road, Suite 100  
 Atlanta, Georgia 30328  
 404.481.1111  
 www.lbcm.com

AUGUST 22, 2014  
 VARIANCE  
 EXTRACT



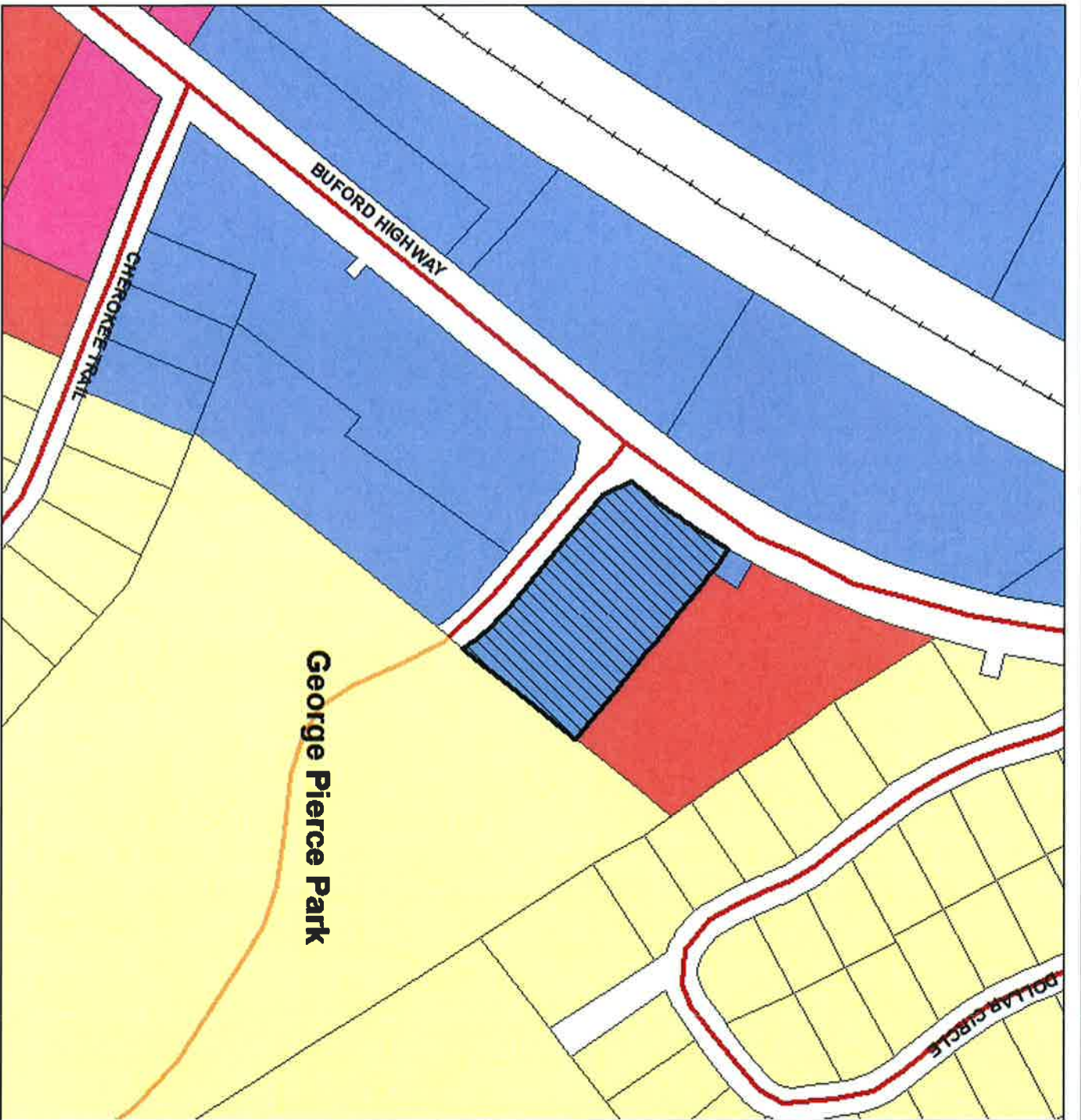
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# EXHIBIT A V-2014-012

Location Map



Legend	
	V-2014-012
	Major Road
	Railroad
	Property Lines
	C-1
	C-2
	M-1
	R-100







# EXHIBIT B

## V-2014-012

Aerial Map

	V-2014-012
	Major Road



