

**VARIANCE(S):**

**V-2015-005**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2015-005

**REQUEST:** REDUCED SETBACK

**ZONING:** C-2 (GENERAL COMMERCIAL DISTRICT)

**LOCATION:** 3034 LAWRENCEVILLE-SUWANEE ROAD

**TAX ID NUMBER:** 7-169-001

**ACREAGE:** 0.66 ACRES

**APPLICANT:** NICK ALI  
3974 BENNIGAN LANE  
DULUTH, GA 30097

**OWNER:** ERROL KANTOR  
3034 LAWRENCEVILLE-SUWANEE ROAD  
SUWANEE, GA 30024

**CONTACT:** NICK ALI                      PHONE: 770-601-3700

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

**ANALYSIS:**

The applicant seeks a variance from Section 506 of the City of Suwanee Zoning Ordinance to allow for an encroachment into the a setback for a yard abutting a public street. The property is located at 3034 Lawrenceville-Suwanee Road at the ramp onto south-bound I-85. The variance is requested in order to allow for the renovation and expansion of an existing Shell gas station including an emission testing facility and an auto repair shop. The subject property is surrounded by public right-of-way for I-85, Lawrenceville-Suwanee Road, and what was formerly Burnette Road.

The applicant is proposing to expand an existing one story building that totals approximately 2,100 square feet and contains 2 service bays to a two story approximately 3,800 square foot building with 8 service bays. The addition of 6 service bays causes the site to require additional parking. The applicant is proposing to provide a total of 30 parking spaces including 8 underneath the gas canopy, 8 in the service bays and 14 distributed around the site. The additional parking and the addition of the building extend into the required setback for the property. An existing shed would be removed. The existing gas canopy and 4 pumps would remain. The pillars supporting the canopy would be bricked. Access to the site will remain the same via two driveways onto Lawrenceville-Suwanee Road.

The existing building currently extends into the setback, but with the addition the building will extend even further into the setback. Because the site is surrounded by public right-of-way, almost any addition to the building would require a variance. If developed as proposed the

building would be directly adjacent to the Burnette Road right-of-way. As such, a variance is required in order to accommodate the proposed expansion.

Aerial photos of the subject property and the surrounding area show a “road” in the right-of-way. However, this portion of Burnette Road is entirely cut-off from traffic.

The subject property is located in the highly commercial Suwanee Gateway area. To the north of the subject property is a small undeveloped commercial property (Zoned C-3) and a McDonald’s fast food restaurant (Zoned C-3). To the east, across Lawrenceville-Suwanee Road, is a Chevron gas station and emission testing facility (Zoned C-3). I-85 is located directly to the south of the property. To the west, across from the Burnette Road right-of-way, is a 5-story office building located within the Terraces at Suwanee Gateway (Zoned PMUD).

The site is located in the Suwanee Gateway Character Area. The Gateway is the area around the I-85 interchange, which has been identified by the City as an area needing investment and redevelopment. This area is the first impression of the City for people coming into Suwanee off of I-85. As such, the Plan calls for quality development intended to convey a positive image for the City. The applicant has submitted renderings of the proposed development, which includes a building that is almost completely brick. This proposed redevelopment of the site is an improvement over the building that is currently on the site and will improve the overall look of the area.

The existing emission testing and auto repair facilities are legal non-conforming uses, which are allowed to continue to operate because they were established prior to the adoption of an amendment to the Zoning Ordinance that does not allow them. However, expansion of these uses is not allowed without obtaining a Special Use Permit. An SUP would be granted by the City Council. The City is currently considering a request for a SUP at this location. The decision to grant SUP would be handled at the City Council meeting a week after the ZBA meeting.

The subject property is 0.66 acres and is surrounded by roads on all sides; therefore, much of the parcel is located within required setbacks. Section 506 of the City of Suwanee Zoning Ordinance regulates the C-2 (General Commercial District) within the City. The Ordinance requires a 50 foot setback for any yard abutting a public street. Strict application of this setback would render the subject property virtually undevelopable.

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. A variance may be granted 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. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner.

In this case, the ability to develop or redevelop the subject property is substantially impacted by the right-of-way that surrounds it. The applicant does have a hardship as defined by the Zoning

Ordinance and would be uniquely affected by the requirements of the ordinance. Further, it is unlikely that approval of the request would undermine the intent of the Zoning Ordinance, since very few parcels are surrounded on all sides by right-of-way. It is also noteworthy that the applicant is seeking to extend into the right-of-way for a road that is closed, as opposed to one of the active right-of-ways. This minimizes potential adverse impacts.

In conclusion, the property being surrounded by right-of-way significantly affects the feasibility of redevelopment of the property. Additionally, the redevelopment of the site with updated architecture and building materials and indoor storage of materials (tires) is consistent with the long range planning goals for the City. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2015-005.

Planning Department  
Recommended Conditions  
V-2015-005

The Planning Department recommends approval of the request to reduce the setback along the Burnette Road right-of-way from 50 feet to 0 feet subject to the following conditions:

1. The site shall be developed substantially similar to the site plan shown in exhibit "B".

## 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?**

With the appropriate conditions, 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 appropriate conditions would not impair the public health, safety, comfort, morals, or welfare.

**APPLICATION FOR VARIANCE FROM THE  
CITY OF SUWANEЕ 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: Nadeem Ali  
Address: 3974 Bennigan Lane  
City: Duluth  
State: GA  
Phone: 770-601-3700  
E-mail address: atlantadesigndistrict@gmail.com

**OWNER INFORMATION**

Name: Earl Kantor  
Address: 3034 Lawrenceville Suwanee Rd  
City: Suwanee  
State: GA  
Phone: 404-944-9506

CONTACT PERSON: Jose De La Rosa

PHONE: 404-422-7472

ADDRESS OF PROPERTY 3034 Lawrenceville Suwanee Rd Suwanee, GA 30024

LAND DISTRICT 7 LAND LOT 169 PARCEL 001 LOT \_\_\_\_\_

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Shell Expansion

ZONING C1

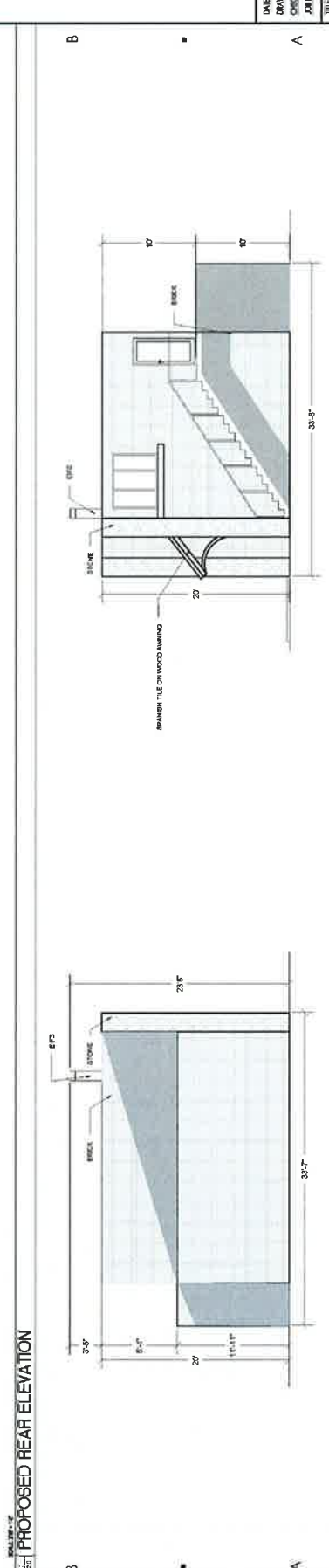
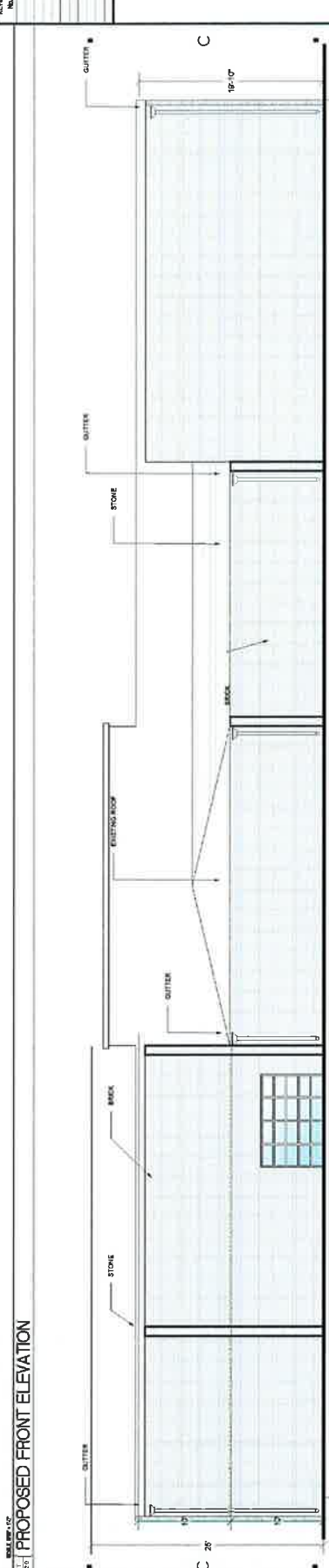
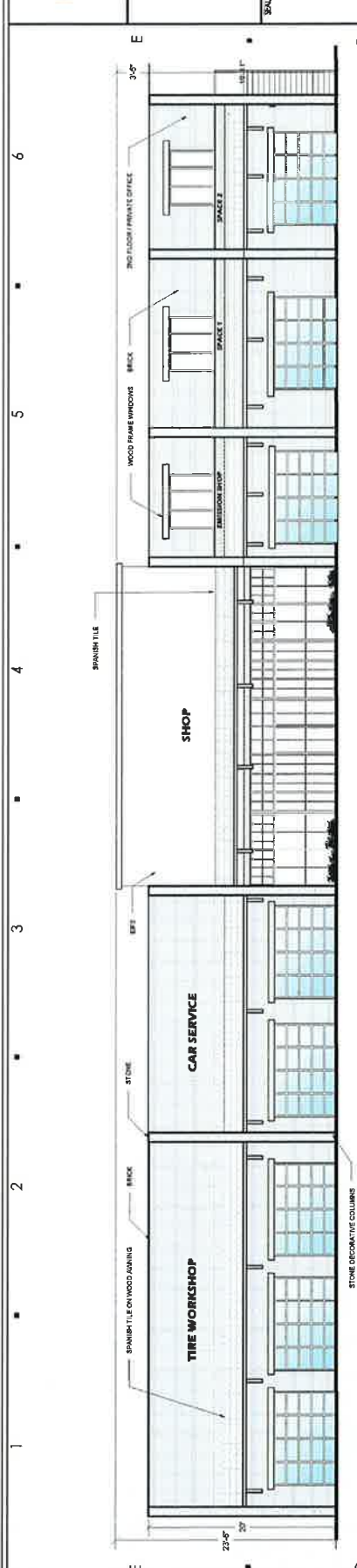
VARIANCE REQUESTED Build new 3 car mechanical garage sitting on set back limits inside the property line (Back side building-property)

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.**



ATLANTA DESIGN DISTRICT

REVISIONS	No.	Date	Description

**SHELL**  
**LAWRENCEVILLE-SUWANEE RD**  
 3034 LAWRENCEVILLE SUWANEE RD.  
 SUWANEE GEORGIA 30024-2412  
 GWINNETT COUNTY GA

DATE: 09/21/2015  
 DRAWN: P. JEFF. CC.  
 CHECKED: J. J. J.  
 JOB NO.: 01503

TITLE: ELEVATIONS

SHEET NUMBER: A2.0

REVISION FOR CONSTRUCTION





ATLANTA DESIGN DISTRICT

304

REVISED	DATE	DESCRIPTION

**SHELL**  
**LAWRENCEVILLE-SUWANEE RD**  
 3034 LAWRENCEVILLE SUWANEE RD.  
 SUWANEE GEORGIA 30024-2412  
 GWINNETT COUNTY GA.

DATE: 09/27/2013  
 DRAWN:  
 CHECKED:  
 JOINT NO.:

DATE: 09/27/2013

SHEET NUMBER: A2.3



FRONT ELEVATION RENDER



ATLANTA DESIGN DISTRICT

SCALE

REVISION	No.	Date	Description

**SHELL**  
 3034 LAWRENCEVILLE-SUWANEE RD.  
 SUWANEE GEORGIA 30024-2412  
 GWINNETT COUNTY GA.

DATE: 06/27/2015  
 DRAWN:  
 CHECKED:  
 APPR. NO.:

RENDERS

SHEET NUMBER A2.2



1ST AERIAL VIEW RENDER



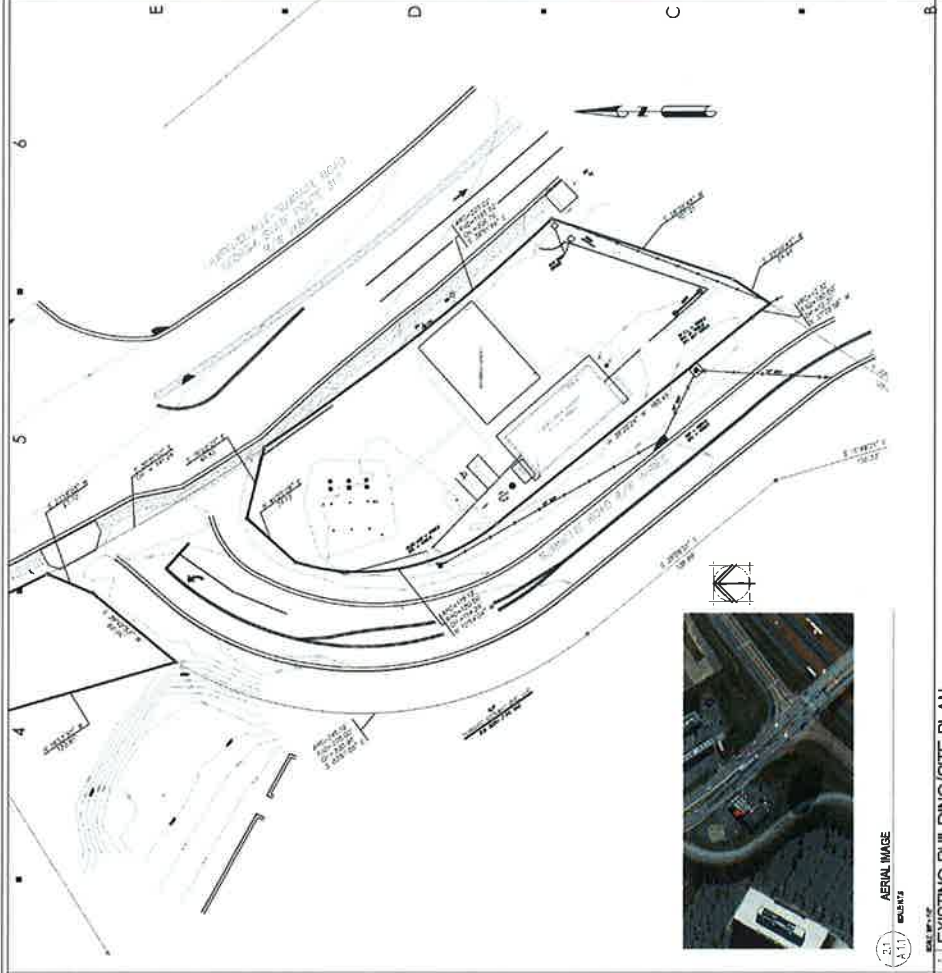
2ND FRONT ELEVATION RENDER



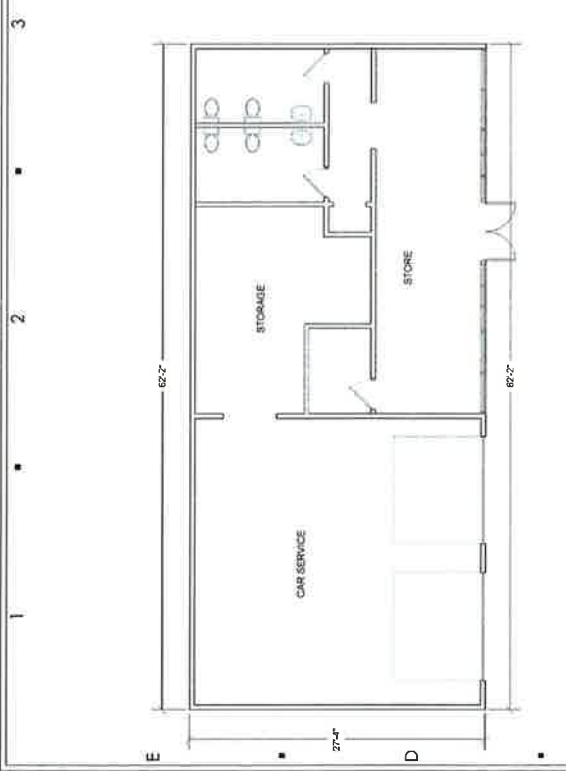
ATLANTA DESIGN DISTRICT

DATE	04/17/2013
DRAWN BY	JL, JKS, LC
CHECKED BY	
APP'D BY	PTSCJ

**SHELL**  
**LAWRENCEVILLE-SUWANEE RD.**  
 3034 LAWRENCEVILLE SUWANEE RD.  
 SUWANEE GEORGIA 30024-2412  
 GWINNETT COUNTY GA



SCALE: 1/8" = 10'-0"  
**EXISTING BUILDING/SITE PLAN**



DEMOLITION LEGEND	
	HATCH
	WALL TO BE REMOVED
	WALL TO REMAIN

SCALE: 1/8" = 10'-0"  
**EXISTING BUILDING/FLOOR PLAN**



SCALE: 1/8" = 10'-0"  
**EXISTING BUILDING CONDITIONS - PHOTOS**

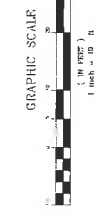
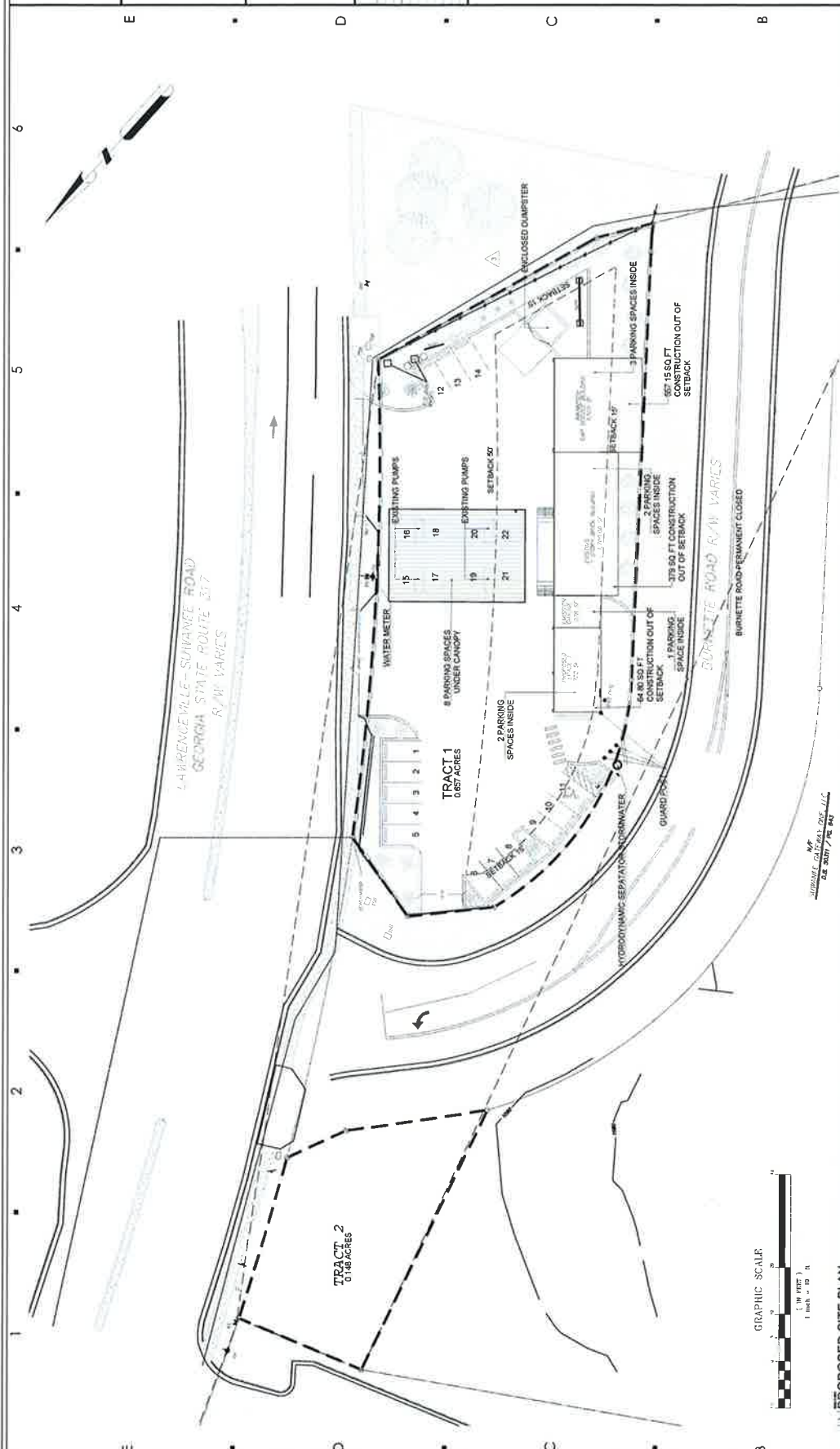
DATE	04/17/2013
DRAWN BY	JL, JKS, LC
CHECKED BY	
APP'D BY	PTSCJ

**EXISTING BUILDING/  
 SITE PLAN**

**A1.0**

*Existing Conditions*


# Exhibit 'A'



PROPOSED SITE PLAN

BUILDING SETBACKS ACCORDING WITH THE CITY OF SUWANEE		GREEN AREA		TOTAL NEW AREAS	
FRONT YARD - 15 FEET	REAR - 15 FEET	TOTAL 4370 SQ FT	PROPOSED NEW ADDITION ON FIRST FLOOR	2510 SF	
TRACT 1 - 4.657 ACRES (2008 SQ FT)	TRACT 2 - 0.148 ACRES (6457 SQ FT)	TOTAL 4370 SQ FT	PROPOSED NEW ADDITION ON SECOND FLOOR	1016 SF	
TOTAL = 0.605 ACRES (2653 SQ FT)		TOTAL 4370 SQ FT	TOTAL	3526 SF	
			PERCENT OF PROPERTY COVERED BY GREEN AREAS = 12.45% (4,370 sq ft)		
			PERCENT OF PROPERTY COVERED BY STRUCTURES = 22.84% (6,482 sq ft)		

TOTAL NEW AREAS		TOTAL OF PARKING SPACES PROVIDED	
PARKING SPACES ON EXISTING BUILDING	8	PARKING SPACES ON EXISTING BUILDING	2
PARKING SPACES ON NEW ADDITION	6	PARKING SPACES ON NEW ADDITION	14
TOTAL	14	TOTAL OF PARKING SPACES PROVIDED	16



ATLANTA REGIONAL COUNCIL

**SHELL**  
**LAWRENCEVILLE-SUWANEE RD**  
 3034 LAWRENCEVILLE-SUWANEE RD.  
 SUWANEE GEORGIA 30024-2412  
 GWINNETT COUNTY GA

DATE: 08/27/2014  
 DRAWN BY: JSEP, IV  
 CHECKED BY: JSEP, IV  
 JOB NO.: 07503

**TITLE**  
**PROPOSED SITE PLAN**


**SHEET NUMBER**  
**S1.0**

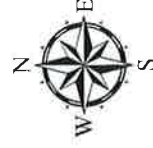
Proposed Site Plan



Exhibit B  
V-2015-005

Legend

-  V-2015-005
-  Property Lines
-  City Limits
-  Streets





# Exhibit C V-2015-005

## Legend



V-2015-005



Property Lines



City Limits



Streets



C-2



C-2A



C-3



M-1



PMUD



R-100



R-85

