

**VARIANCE(S):**

**V-2022-008**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2022-008

**REQUEST:** ACCESSORY STRUCTURE EXCEEDING  
MAXIMUM SQUARE FOOTAGE, LOCATED  
OUTSIDE OF THE REAR YARD

**APPLICABLE SECTION:** SECTION 500A.1.C AND SECTION 604A.

**LOCATION:** 3686 SUWANEE CREEK COURT

**PARCEL:** 7-213-011

**ZONING:** R-140 SINGLE FAMILY RESIDENTIAL  
DISTRICT

**APPLICANT:** CRILL CONSTRUCTION & CONTRACTING  
1474 CARTER DRIVE  
BUFORD, GA 30518

**OWNER:** CYNTHIA LANOIS  
3686 SUWANEE CREEK COURT  
SUWANEE, GA 30024

**CONTACT:** JD CRILL  
**PHONE:** 770-883-3721

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

**ANALYSIS**

The applicant seeks a variance from Section 500A.1.C and Section 604A of the City of Suwanee Zoning Ordinance to allow for an accessory building exceeding the maximum permitted square footage outside of the rear yard. The applicant seeks to construct an approximately 1,200 square foot accessory structure located to the side of the primary structure on the property. The subject property is located at 3686 Suwanee Creek Court and is zoned R-140.

The subject property is approximately 4.59 acres. The parcel contains an approximately 6,842 square foot primary residence that is one story with a basement and a pool. Access to the home is provided via a driveway off Suwanee Creek Court. This driveway runs in front of the house, but also continues to run to the side of the house on the south. The applicant is proposing to situate the garage where the driveway currently ends on the south side of the home.

Section 500.A.1.c states that an accessory building, “shall not exceed 800 square feet of gross floor area.” Section 604.A states that accessory structures, “shall be permitted only within the required rear yard unless specifically exempted in this Ordinance.” The applicant is proposing a 1,200 square foot detached garage located in the side yard to the south of the main dwelling. As such a variance from these two requirements is needed in order for the structure to be permitted, as proposed.

The main dwelling is 66 feet from the nearest property line, to the south. The 30 foot by 40 foot garage would also contain a small office area and be located within the approximately 66 foot gap between the home and the southern property line. The applicant proposes to use siding on the accessory structure that would match the siding on the primary structure. The primary structure is a mix of brick and siding.

The property has steep topography that slopes down approximately 62 feet from Suwanee Creek Court at the front of the property to the location of the house, where the topography is less steep. Behind the house, the lot continues to slope another 51 feet to Suwanee Creek. Suwanee Creek runs along the rear property line, and much of the rear of the lot is located in the flood plain. There is also a septic field behind the home. The proposed location for the garage would be less impactful on the tree cover and topography of the property than locating the garage behind the home.

The property is heavily wooded and the house is not visible from the street or adjacent properties. The subject property is surrounded by large, heavily wooded, single family lots. The property is located within the Smithtown Road character area. This area of Suwanee is characterized by these large rural lots, many of which have accessory structures. The neighboring properties along Suwanee Creek Court are also single family homes on lots zoned R-140. The average lot size on this street is 2.4 acres, which is much larger than the minimum lot size of  $\frac{3}{4}$  acre for the zoning district.

In the R-140 zoning district, accessory structures are permitted only within a rear yard and may not exceed 800 square feet of gross floor area; therefore, the applicant requests a variance from sections 500A.1.C and 604 of the Zoning Ordinance, which regulate accessory structures. The City regulates the size and location of accessory structures to protect homeowners from possible negative impacts of accessory buildings on adjacent properties. The requirements of an accessory structure to not exceed 800 square feet and only be permitted in the rear yard are intended to provide adequate separation between accessory structures and adjacent properties and to ensure that the accessory structures are clearly subordinate to the primary structure.

The lots on Suwanee Creek Court are much larger than most residential lots in Suwanee and are heavily vegetated. These larger lots accommodate more development than a typical residential lot without negative visual impacts on nearby properties because of the greater distance between structures on adjacent lots. In this case, the closest home on a neighboring property would be located roughly 60 feet from the proposed accessory building with much of that area being wooded; therefore, the impacts on adjacent properties should be minimal. The proposed

accessory structure would be consistent with the character of the surrounding area and should not undermine the intent of the Zoning Ordinance.

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 this case, because of the size of the lot and the character of the area, it is unlikely that approval of a variance to allow for the accessory structure would undermine the intent of the zoning ordinance.

While there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship, exceeding the maximum permitted accessory square footage is unlikely to negatively impact neighboring properties. Larger accessory structures are compatible with the character of the area, and the acreage of the subject property allows for substantial distance between the proposed structure and neighboring homes. Therefore, with appropriate conditions, it is unlikely approval of this variance would cause a substantial detriment to the public good or undermine the intent of the Zoning Ordinance. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2022-008.

**RECOMMENDED CONDITIONS**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of this request, subject to the following conditions of approval:

1. The accessory building shall be a maximum of 1,200 square feet in size.
2. The accessory building shall use cementitious siding that matches that used on the main house.
3. The accessory building shall be located approximately as shown in Exhibit "A" and be located a minimum of 10 feet from the south property line.
4. Prior to completion of the final inspection for the accessory garage, the City will review the visibility of the accessory structure from 3676 Suwanee Creek Court and determine if additional vegetative screening is necessary. Additional shall be provided as directed by the City prior to completion of the final inspection. The screening may include a mixture of trees and shrubs.

## **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 condition, 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 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**

**OWNER INFORMATION**

Name: CRILL CONSTRUCTION & CONTRACTING

Name: CYNTHIA LANOIS

Address: 1474 CARTER DR

Address: 3686 SUWANEE CREEK CT

City: BUFORD

City: SUWANEE

State: GA

State: GA

Phone: 770 710 5870

Phone: 770 883 3721

E-mail address: JD@CRILLCONSTRUCTION.COM

CONTACT PERSON: JD CRILL

PHONE: 770 710 5870

ADDRESS OF PROPERTY 3686 SUWANEE CREEK CT

LAND DISTRICT 7 LAND LOT 213 PARCEL 011 LOT 9

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) SUWANEE ACRES GARAGE.

ZONING R-140

VARIANCE REQUESTED \*GARAGE LARGER THAN 800 SQ FT  
\*LOCATED IN SIDE YARD \*

NEED FOR VARIANCE GARAGE WILL NOT FULLY BE LOCATED  
BEHIND THE HOUSE DUE TO TERRAIN AND SEPTIC. ADDITIONAL  
SQ FT IS TO ACCOMMODATE AN OFFICE IN THE GARAGE.

**\*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.



Notary Seal

[Signature] 12 MAY 22  
Signature of Applicant Date

JAMES D CRILL CONTRACTOR  
Typed or Printed Name and Title

Melissa Stegall 5/12/2022  
Signature of Notary Public Date

**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.



Notary Seal

[Signature] 5/10/22  
Signature of Applicant Date

Cynthia m Lanais Owner  
Typed or Printed Name and Title

[Signature] 5/05/22  
Signature of Notary Public Date

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number \_\_\_\_\_ Variance V-2022-008 Administrative \_\_\_\_\_  
Date Rec'd 5/13/22 Rec'd By AD Hearing Date 6/21/22  
Amount Rec'd \$300 Receipt ✓

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_





1474 Carter Dr, Buford, GA 30518

May 12th, 2022

To Suwanee Department of Planning & Inspections,

Customer located at 3686, Suwanee Creek Ct, wishes to add a garage on to the property for additional storage of recreational toys and hobbies. The location of the garage will be (as viewed from the street) to the left of the house and set back 10' from the front of the house. The size of the requested building is a 30' x 40' with an asphalt shingle roof and cement fiberboard siding.

Request for variance in R-104 Zoning District, Accessory buildings not exceed 800 SqFt. Request for a 1200 SqFt building.

Request for variance in Article VI, General Development Regulations, Section 604. Request that we can locate the building to the left of the of the building and not behind the house. The lot has very uneven terrain, very steep drop off behind the house and the current septic system drain field is located in the rear of the house. The building will be set back 10' from the front of the house. Request the building be finished in cement board matching the front of the house. Please understand this property is not visible from the street.

Building plan, letter from neighbor and site plan were attached to the request.

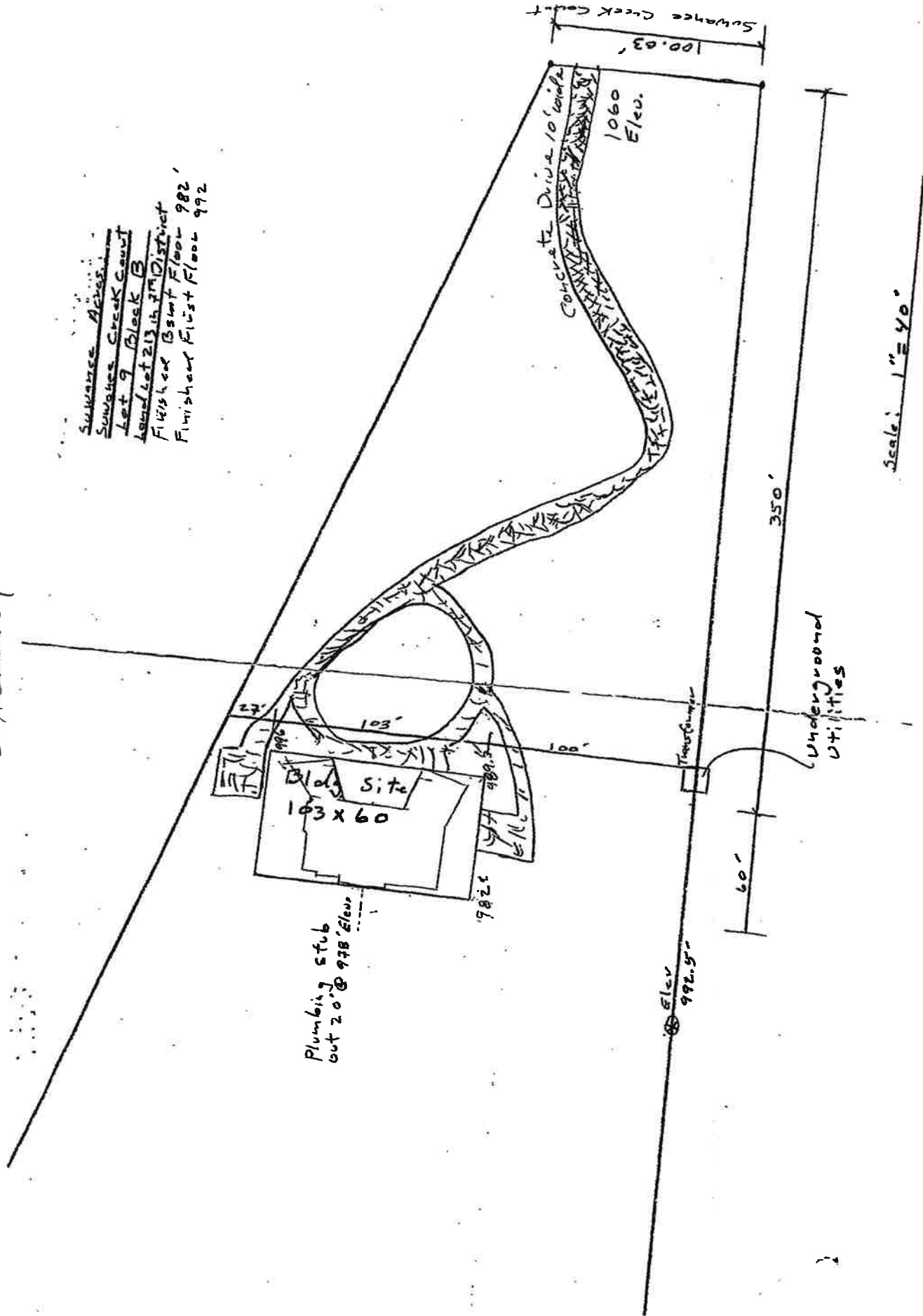
A handwritten signature in black ink, appearing to read "JD Crill", is positioned above the printed name.

JD Crill  
Crill Construction & Contracting  
770.710.5870  
[jd@crillconstruction.com](mailto:jd@crillconstruction.com)  
Georgia Licensed Residential Contractor

V-2022-008

EXISTING

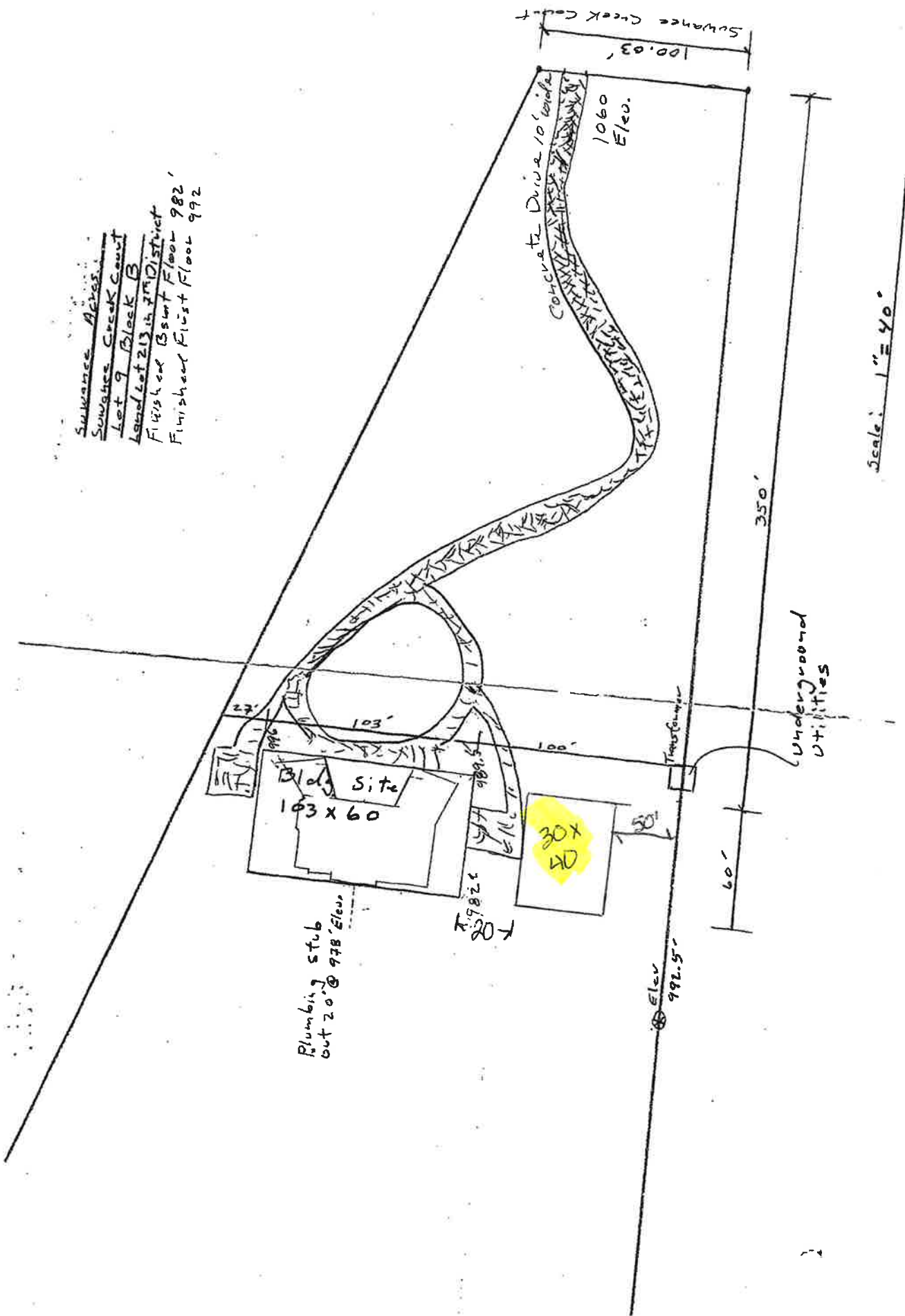
Sewerage Pipes  
Sewerage Creek Gully  
Lot 9 Block B  
Land Lot 213 in 7th District  
Finished Basement Floor 982'  
Finished First Floor 992'



V-2022-008

PROPOSED

Suwanee Acres  
Suwanee Creek Court  
Lot 9 Block B  
Land Lot 213 in 7th District  
Finish out Basement Floor 982'  
Finish out First Floor 992'

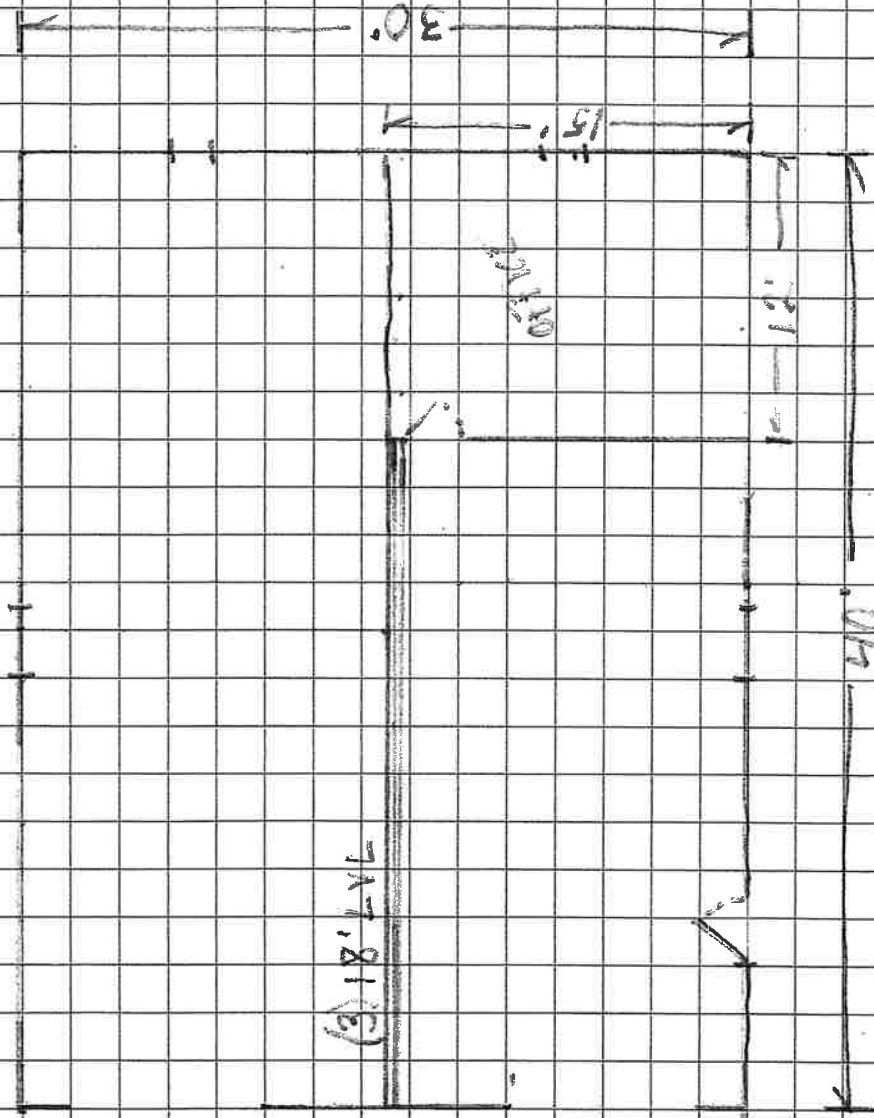


Scale: 1" = 40'

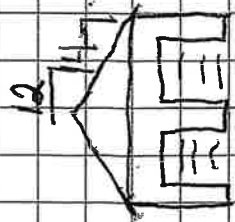
V-2022-008

3686 SWANEE CREEK CT

GARAGE WITH OFFICE 12' COLLING



FRONT OF PROPERTY



FRONT VIEW

800-2202-008



# Zoning Map V-2022-008

- Legend**
- City Limits
  - Subject Property
  - ZONING**
  - C-1
  - C-2
  - C-2A
  - C-3
  - GCA
  - IRD
  - M-1
  - OI
  - OTCD
  - PMUD
  - R-100
  - R-140
  - R-75
  - R-85
  - RM6
  - RM8

