

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
May 17, 2022**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Ray Brown, Donald Lee, David Sullivan, Beth Lembo, and Paul Altnauer. Staff members present: Alyssa Durden and MaryAnn Jackson.

CALL TO ORDER

David Sullivan called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA

Ray Brown moved to approve the agenda as presented, second by Paul Altnauer. Motion carried 5-0.

APPROVAL OF MINUTES

Donald Lee moved to approve the amended April 19, 2022 minutes, second by Ray Brown. Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

V-2022-004- Owner/Applicant: Charlotte K. McLaughlin. The applicant requests a variance from Section 501.A of the City of Suwanee Zoning Ordinance to allow for an accessory structure that exceeds 800 square feet in the R-100 zoning district. The site contains approximately 0.42 acre in Land Lot 236 of the 7th District and is located at 517 Main Street.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 501 of the City of Suwanee Zoning Ordinance to allow for an accessory building exceeding 800 square feet within the R-100 (Residential Single Family) zoning district. The subject property is approximately 0.42 acre and located at 517 Main Street in historic Old Town.

The applicant plans to build a one-story single family home on the property along with a detached two car garage/accessory dwelling unit (both of which are permitted by the current zoning). The applicant plans to finish the space over the garage, which would result in a structure that is greater than 800 square feet. The garage will be accessed from a driveway off of Main Street.

The proposed accessory structure would have a footprint of 672 square feet. The building would be two stories measuring approximately 22 feet at the highest point of the roof. The proposed structure would include a 672 square foot two-car garage on the ground level and an approximately 543 square foot of finished space over the garage. The proposed structure would have an exterior finish consistent with the primary house, be subordinate in size to the primary residence, and be located in the rear yard as required by the Zoning Ordinance. The primary home is proposed to be approximately 2,513 square feet, and the proposed carriage house would

total approximately 1,215 square feet. The R-100 zoning district limits accessory buildings to a total of 800 square feet (including both conditioned and unconditioned space), so the applicant would need a variance to build the accessory structure as proposed.

The subject property fronts Main Street and backs up to the Brushy Creek Greenway. The railroad tracks are located across Main Street. The properties on both sides of the subject property are zoned R-100 and contain single family detached homes and detached accessory structures including a large barn on the adjacent property to the west that is larger than 800 square feet.

The houses along Main Street are some of the oldest homes in the City. As such, many of the parcels, homes and structures predate zoning and often do not conform to the regulations of the Zoning Ordinance. The Historic Old Town area contains structures and development patterns more commonly found in small towns and rural areas. In these situations, larger barns and multiple accessory structures fit with the character of the area.

Detached accessory structures are common in historic Old Town. Of the 18 residential lots along Main Street, 13 have at least one detached accessory structure. Three of these are greater than 800 square feet including one on the adjacent property to the west and one at 451 Main Street that was granted a variance similar to this request in 2014. The request was to exceed 800 square feet to build a 1,890 square foot accessory structure with an accessory dwelling unit over a two car garage that was not attached to the home. Another variance was approved in 2019 nearby at 571 Jackson Street to allow a similar detached 1,260 square foot carriage house with an accessory dwelling unit over a two car garage.

The proposed development would be consistent with the surrounding area and the vision for the Old Town Character Area as expressed in the 2040 Comprehensive Plan.

“The growth strategy for Old Town should be carefully-crafted, creative infill responding to and enhancing the historic scale and unique small town character of Old Town... Multiple residential structures on one lot should be permitted and encouraged. Adding accessory dwelling units can create housing opportunities in Old Town without compromising, and if done well, even enhancing the character” (2040 Comprehensive Plan, p. 17).

Historic homes in Old Town do not have attached garages, so constructing the accessory structure separately from the main house allows for a new main house that is more consistent with historic houses in the area. Most homes in Old Town have either detached garages at the rear of the lot or no garage at all. The subject property was occupied, prior to their demolition, by a small single family home and a detached garage that was located in approximately the same location as the proposed accessory structure.

Historic Old Town is interspersed with accessory structures some of which are smaller than 800 square feet and some of which are larger than 800 square feet. Some of these accessory structures have been in place since before the City adopted zoning. Others were more recently constructed and done so with the approval of a variance. The applicant is attempting to replicate a development style that existed before the City adopted zoning.

A variance could be avoided by either separating the two proposed accessory uses (dwelling and garage) into separate structures or by physically connecting the garage to the primary structure similar to those on adjacent lots. Both of these options could be done in a way that complies with the regulations, but would lead to site development that is less consistent with the style of development found in the area (and other historic downtown areas throughout the country).

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 "relief, if granted, would not cause substantial detriment to the public good nor impair the purpose or intent of the Zoning Ordinance."

The request to build an accessory structure exceeding 800 square feet in order to combine two accessory uses is appropriate in the Old Town Character Area. Approval of the requested variance would help to make the property more compatible with current and anticipated development in the surrounding area and is unlikely to negatively impact nearby property. Approval would not undermine the Zoning Ordinance. Therefore, staff recommends approval with conditions of V-2022-004.

David Sullivan called upon the applicant.

Charlotte K. McLaughlin, 4255 Suwanee Dam Road, Suwanee, GA. The applicant stated she is excited to build the accessory structure.

David Sullivan called for opposition. There was none.

Ray Brown moved to approve V-2022-004 with staff conditions, second by Paul Altnauer. Motion carried 5-0.

1. This variance approval only applies to a single accessory structure. One accessory structure may have a footprint of up to 800 square feet and a 2-story appearance, consistent with the architecture identified in "Exhibit B" and located approximately as shown in "Exhibit A."
2. Said accessory building shall be a maximum of 1,250 square feet including both conditioned and unconditioned floor area.
3. The front elevation shall have a maximum height of 24 feet as measured from the highest point of the roof.
4. Said accessory building shall include a two-car garage.

V-2022-005- Owner/Applicant: Decatur ZS, LLC. The applicant requests a variance from Section 1611.4 and 1612.C.5.a of the City of Suwanee Zoning Ordinance to allow for a monument sign that exceeds 8 feet in height and includes an electronic display. The site contains approximately 0.99 acre in Land Lot 152 of the 7th District and is located at 2893 Lawrenceville-Suwanee Road.

Alyssa Durden presented the staff report as follows: The applicant requests a variance from Section 1600 of the City of Suwanee Zoning Ordinance to allow for a monument sign that exceeds the maximum height, maximum sign area, maximum copy area, and includes an electronic display. The site contains approximately 0.99 acre and is located at 2893 Lawrenceville-Suwanee Road at the intersection of Horizon Drive.

The subject property is zoned C-2 (General Commercial District) and is developed with a gas station and convenience store that were built in 1980. The proposed monument sign would replace a 17 foot high, 493 square foot billboard-style sign that is mounted on top of the fuel canopy. The existing roof-mounted roof sign does not comply with the City's zoning regulations, but the sign is allowed to remain because it was erected prior to the adoption of the City's Zoning Ordinance and is considered a legal, nonconforming sign.

The gas station is surrounded by commercial uses. There is another gas station on the corner across Lawrenceville-Suwanee Road also zoned C-2. Other parcels (zoned C-2) across Lawrenceville-Suwanee are occupied by fast food drive-thru restaurants. The corner across Horizon Drive contains a bank (zoned C-2), and the corner located diagonally from the subject property (zoned unincorporated Gwinnett County C-2) is occupied by a freestanding restaurant.

Shopping centers zoned C-2A are located to the south, southeast, and northeast, and free standing restaurant buildings occupy the other parcels along Lawrenceville-Suwanee Road northwest of the subject property (zoned C-2). Most of these properties have legal, nonconforming ground signs that exceed 8 feet in height.

The gas station on the subject property is being renovated. As part of this renovation, the applicant is seeking to remove the existing non-conforming sign and replace it with a new monument sign at the corner of the subject property. The proposed monument sign is 28 feet tall and 188 square feet including a brick base. The proposed sign area is 104 square feet, and the copy area is 88.4 square feet. All of these dimensions exceed what is allowed per the Sign Ordinance, so a variance is required to build the sign as proposed.

Section 1612.C.5 of the City of Suwanee Sign Ordinance limits free standing signs for convenience stores with fuel sales to the following dimensions: maximum height of 8 feet high, maximum copy area of 48 square feet, and maximum sign area of 64 square feet. The ordinance would allow for 3 ground signs on the subject property since it has 3 road frontages. The applicant is proposing only one sign.

Although the proposed sign exceeds the City's maximum allowed dimensions, the proposed sign would be more compatible with signs on other commercial properties in the City than the existing roof-mounted sign. Additionally, removing the roof-mounted sign would eliminate a nonconforming sign that some consider to be an eyesore in the Suwanee Gateway area. The existing roof-mounted sign is 493 square feet. The applicant is proposing to replace the roof-mounted sign with a free standing monument sign that is 188 square feet. The proposed change would result in less overall signage.

The applicant is also asking for a variance from Section 1611.4 of the City of Suwanee Sign Ordinance, which prohibits "electronic signs used for purposes other than traffic management and official government signs" (Section 1611). Due to the height of the proposed sign, it would

be difficult to frequently change fuel prices on the sign manually. The applicant has requested that the portion of the sign advertising fuel prices be allowed to be digital.

Electronic signs are prohibited in the City as continuously changing displays are a distraction to drivers. In this case, the only portion of the sign that would be digital would be the portion of the sign advertising fuel prices for the station. According to the applicant, these would change no more than once every 24 hours, so the sign is not likely to be a distraction to drivers.

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 if conditions are unique to a property and/or are unlikely to cause substantial detriment to the public good or undermine the intent of the Zoning Ordinance.

In this case, the existing large, nonconforming, billboard-style sign is unique to the property. One of the goals of the City is to improve the appearance of the Suwanee Gateway area. Replacing the billboard-style sign with a sign that is more compatible with other commercial signage in the City is a desirable step towards achieving this goal and would not cause substantial detriment to the public good. Therefore, the Planning Department recommends approval with conditions of V-2022-005.

Ray Brown asked about the sign for Quality Inn. Alyssa Durden stated that the sign for Quality Inn is considered a monument sign.

Discussion ensued amongst the Zoning Board of Appeals members and Alyssa Durden about the size and location of the proposed sign.

David Sullivan called upon the applicant.

Chuck Ross, 10 Lumpkin Street, Lawrenceville, GA. Mr. Ross stated that his clients are rebranding. Texaco requires the new sign. The owner will be adding diesel pumps and allowing trucks to enter off of Old Peachtree Road. Mr. Ross indicated that the existing sign is 17 feet tall. The new sign will have less height. The canopy columns will be wrapped with brick. The proposed sign is less than half the overall area of existing sign. He is asking for digital signage.

Donald Lee asked which direction the sign will be facing. Mr. Ross stated that the sign will be facing Lawrenceville Suwanee Road.

Beth Lembo asked what is on the back of the sign. Mr. Ross indicated that the back of the sign will be the same as the front so that it can catch drivers in both directions on Lawrenceville Suwanee Road.

Donald Lee moved to approve V-2022-005 with staff conditions, second by Beth Lembo. Motion carried 5-0.

1. This variance shall apply to one free standing monument sign. No other free standing signs or roof-mounted signs shall be permitted on the subject property. (This condition does not apply to exempt ground signs.)

2. Monument sign shall be substantially similar to “Exhibit A” and not taller than 18 feet or larger than 119 square feet including a brick base.
3. The sign area is limited to 104 square feet.
4. The copy area is limited to 88.4 square feet.
5. Said sign shall be located in approximately the same location as shown on “Exhibit B.”
6. The digital portion of said sign shall be limited to the display of fuel prices and shall not change more than once per day.

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

Ray Brown moved to adjourn 6:58 pm.