VARIANCE(S): V-2023-005

CITY OF SUWANEE VARIANCE ANALYSIS

CASE NUMBER:

V-2023-005

REQUEST:

ACCESSORY STRUCTURE EXCEEDING

MAXIMUM SQUARE FOOTAGE

APPLICABLE SECTION:

SECTION 500

LOCATION:

646 NIGHT LARK COURT

DISTRICT/LAND LOT:

7-285-088

ZONING:

R-140 (RESIDENTIAL SINGLE FAMILY)

APPLICANT/OWNER:

JOHN & CHRISTINA SCHNEIDER

646 NIGHT LARK COURT SUWANEE, GA 30024

CONTACT:

CHRISTINA SCHNEIDER

PHONE:

404-226-6645

RECOMMENDATION:

APPROVAL WITH CONDITIONS

ANALYSIS:

The applicant seeks a variance from Section 500A.1.c of the City of Suwanee Zoning Ordinance to allow for an accessory structure exceeding the maximum permitted square footage of 800 square feet. The applicant seeks to construct a 252 square foot addition onto an existing approximately 750 square foot accessory structure located at the rear of the property. The 1.03 acre parcel is located on the corner of Night Lark Court and Settles Bridge Road at 646 Night Lark Court and is zoned R-140.

The subject property contains a two-story residence of approximately 4,000 square feet with a basement. Access to the home is provided via a driveway off Night Lark Court. This driveway runs in front of the house and continues up the east side of the house to a detached garage located in the rear yard. The applicant is seeking to add a 12 foot by 21 foot porch addition containing an open outdoor kitchen and an enclosed half bath to the detached garage. This addition will be next to a pool in the backyard.

Section 500.A.1.c of the City of Suwanee Zoning Ordinance (R-140 Zoning District Permitted Uses) states that an accessory structure "shall not exceed 800 square feet of gross floor area". Constructing this addition would put the accessory structure at approximately 1,000 square feet. As such, a variance would be required in order to build the addition as proposed.

The subject property is located in the Suwanee North Character Area on the corner of Settles Bridge Road and Night Lark Court and is surrounded by single-family lots of varying sizes all zoned either R-140 or R-100. The surrounding area is typical of the Suwanee North Character Area, which is characterized by low density, large lot, single family detached homes. The neighboring properties to the west and south are zoned R-140. The properties to the north, across Night Lark Court, and east, across Settles Bridge Road, are zoned R-100. Many of the homes in the area, including the subject property, are recently constructed, so they have little mature vegetative screening. The subject property and the surrounding lots and homes are larger than the typical homes in Suwanee.

In the R-140 zoning district, accessory structures may not exceed 800 square feet of gross floor area. As currently constructed the accessory structure meets this requirement. The 250 square foot addition would cause the structure to exceed the maximum, therefore, the applicant requests a variance from sections 500A.1.C of the Zoning Ordinance. The City regulates the size and location of accessory structures to protect adjacent and nearby homeowners from possible negative impacts of accessory buildings. The requirement of an accessory structure to not exceed 800 square feet is intended to ensure that the accessory structures are clearly subordinate to the primary structure.

Accessory structures should be clearly subordinate to the primary structure on the property. The primary structure on the subject property is an approximately 4,000 square foot two-story house. The minimum floor area for a home in the R-140 district is 1,250 square feet. An 800 square foot accessory structure is about 64 percent of the size of the minimum floor area allowed in the district. The proposed accessory structure with the proposed porch addition would be about 25 percent of the size of the primary structure. As such, the proposed accessory structure would be clearly subordinate to the primary structure. It should also be noted that the 3 homes closest to the subject property (to the west, south, and east) are all over 4,000 square feet in size. Across Night Lark Court is a barn that is almost 9,000 square feet in size. The proposed expansion to the existing accessory structure will be clearly subordinate to all of the primary structures in the immediate area and will be far smaller than the accessory structure directly across the street from the subject property.

The subject lot is approximately 200 feet wide. The main dwelling on the subject property is 55 feet from the nearest property line to the east. The garage currently sits 39.5 feet from the eastern property line, along Settles Bridge Road, and 24.5 feet from the southern property line. The proposed addition would be screened from the eastern property line by the existing garage and evergreen trees along the eastern and southern property lines. The porch addition would be 12 feet tall. Because it is a fairly small addition to an already existing accessory structure, the visual impact on adjacent properties should be minimal. The proposed addition would be consistent with the character of the surrounding area and should not undermine the intent of the Zoning Ordinance.

Last year, the Planning Department conducted a review of variance requests related to accessory structures in Suwanee. The review found that the City had received and considered 35 variance requests related to accessory structures since 2000. Of those 35 requests, 34 were approved by the Zoning Board of Appeals. The review found that most of those requests were either located

in the historic Old Town area or were accessory structures proposed on lots larger than 1.5 acres. As a result, the Zoning Ordinance was amended to allow for administrative variances for accessory structures on lots larger than 1.5 acres or located in the historic Old Town area. The subject property is smaller than 1.5 acres and is not located in the historic Old Town area. As such the variance request requires consideration by the full Zoning Board of Appeals.

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.

It appears that the original permit for the accessory structure was issued in error, through no fault of the applicant. The Zoning Ordinance requires accessory structures to be located at least 50 feet from a yard abutting a public street. The accessory structure is located just under 40 feet from the right of way for Settles Bridge Road. The Zoning Ordinance does not allow for an addition/expansion onto a structure or use that does not conform to the requirements of the Zoning Ordinance. As such, if the board chooses to approve the request, a condition should be included that reduces the setback along Settles Bridge Road for the accessory structure down to 38 feet.

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 area, and the acreage of the subject property allows for substantial distance between the proposed structure and neighboring homes. Additionally, the primary dwellings on the subject property and in the surrounding area are substantially larger than the accessory structure with the proposed addition. 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-2023-005.

V-2023-005

Planning Department Recommendation:

The Planning Department recommends approval of a variance to allow for an accessory structure in excess of 800 square feet subject to the following condition(s):

- 1. Any addition to the accessory structure must be consistent with the size and location shown on Exhibit 'A'.
- 2. The architecture, material, and design of the accessory structure shall be consistent with variance Exhibit 'B'.
- 3. The accessory structure shall not exceed 1,050 square feet in size.
- 4. The setback from Settles Bridge Road for the accessory structure shall be a minimum of 38 feet.

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 should 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 should 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	OWNER INFORMATION
Name: John & Christina Schneider	Name John & Christina Schneider
Address: 646 Night Lark C+	Address 646 Night Lark Ct
city: Sumanee	City: Suwanee
State: Georgia	State Creorgia
Phone: (404)226-6645	Phone: (404)226-6645
E-mail address: Chielson10@gmail.com	n
CONTACT PERSON: Christing Schneider	PHONE: (404)226-6645
ADDRESS OF PROPERTY 646 Night Lark	c Ct, Suwanee, GA 30024
LAND DISTRICT TH LAND LOT 285	PARCEL_7285 LOT_6_
SUBDIVISION OR PROJECT NAME (IF APPLICABLE	E) Larkabit Farm
ZONING R-140	
variance requested To have an a is greater than 800 sq.ft.	ccessory structure that
need for variance <u>Planning</u> to add an outdoor kitchen and half ha garage. Will he next to pool in	th to an existing detached

V-2023-005 Last revised 1-25-2012 dpr

^{*}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.

Variance Application Page 2

APPLICANT CERTIFICATION

The undersigned below is authorized to make 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 (6) months from the date of the last action by the Board of Appeals.

THE COUNTY STEMBER 3. COUNTY S	Signature of Applicant Date Christian Schneider Typed or Printed Name and Title Signature of Notary Public Date
Notary Seal	Olgoniare of Monary Lyone
PROPE	RTY OWNER CERTIFICATION
and is aware that an application or rear any portion thereof shall not be acted u Board of Appeals unless waived by the	is the record owner of the property considered in this application oplication for the same type of Variance affecting the same land or upon within twelve (12) months from the date of last action by the Board of Appeals. An application or reapplication shall not be from the date of the last action by the Board of Appeals.
OTAR LACTOR	Signature of Applicant Date Christina Schneider
TEMPER 3. O	Typed or Printed Name and Title
Notary Seal	Signature of Notary Public Date
DEPARTMENT OF	PLANNING AND DEVELOPMENT USE ONLY
Case Number <u>V-2023-005</u> Date Rec'd <u>7-18-23</u> Amount Rec'd #8300	Variance Administrative Rec'd By AD Hearing Date
ACTION TAKEN	

SIGNATURE

DATE:

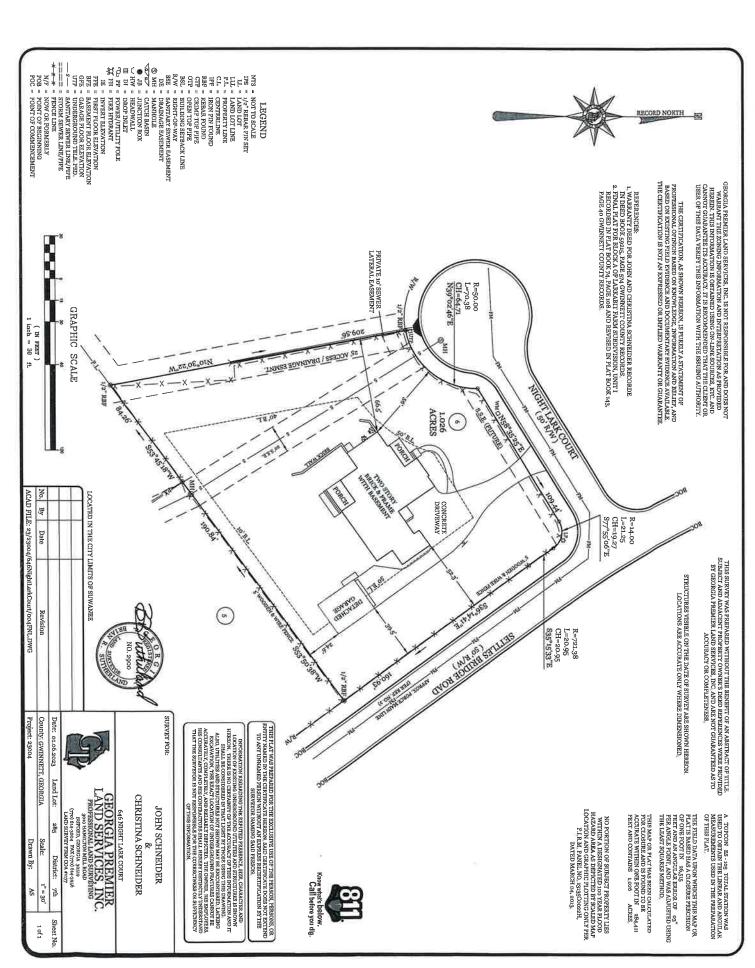


Exhibit A'

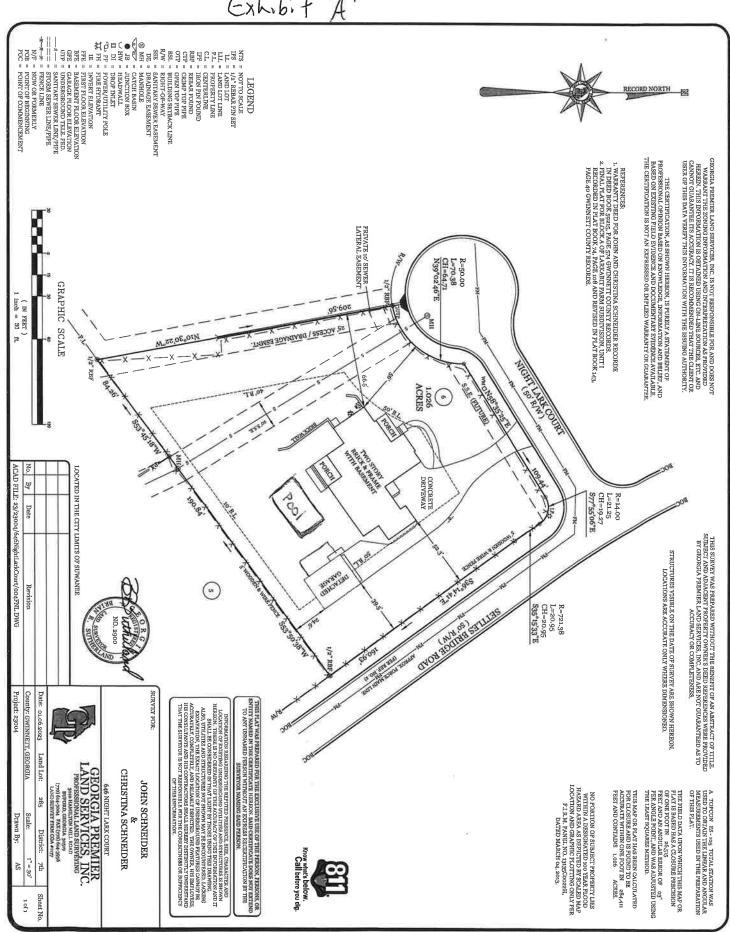
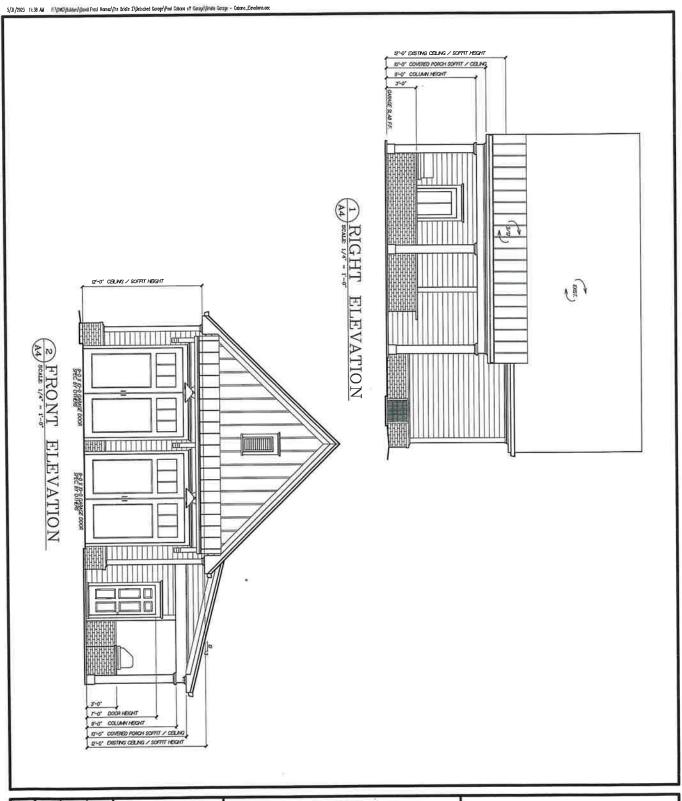
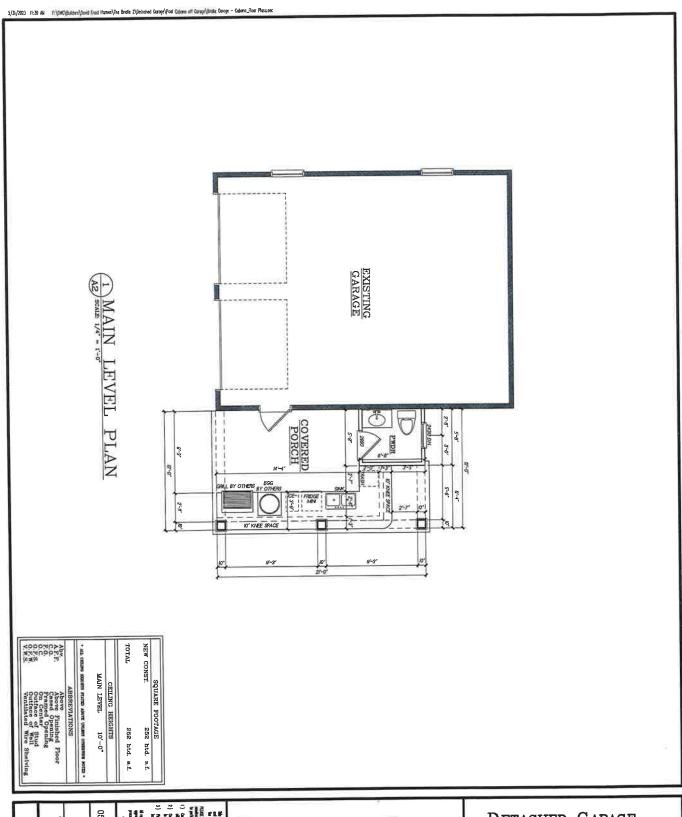


Exhibit 'B'



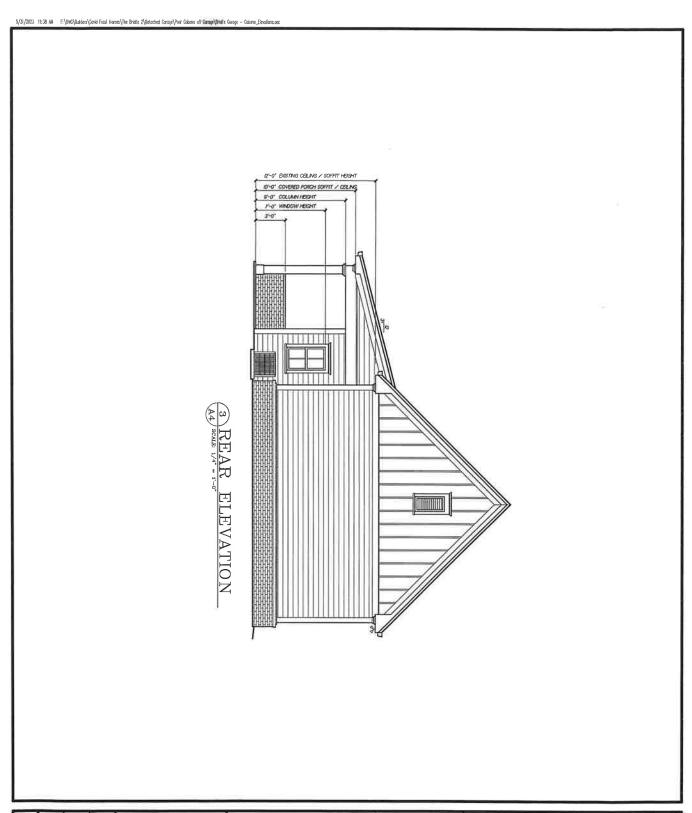
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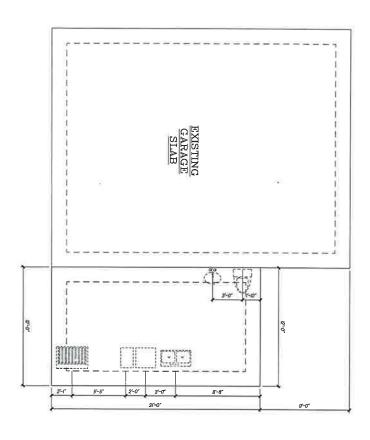
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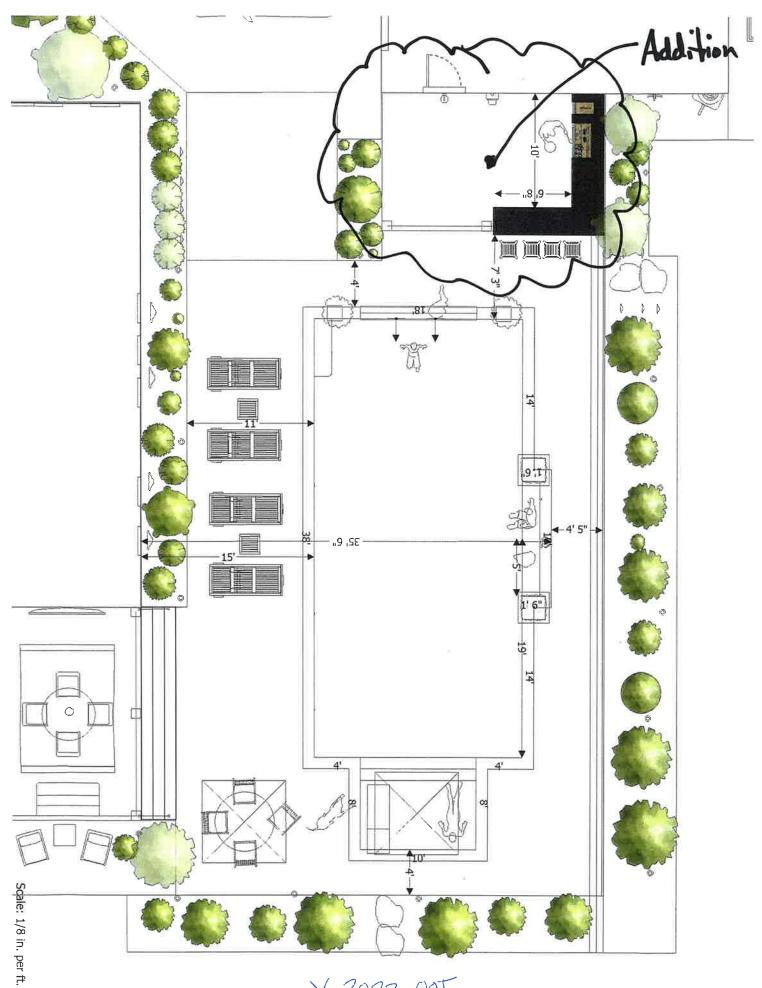
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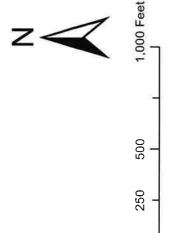
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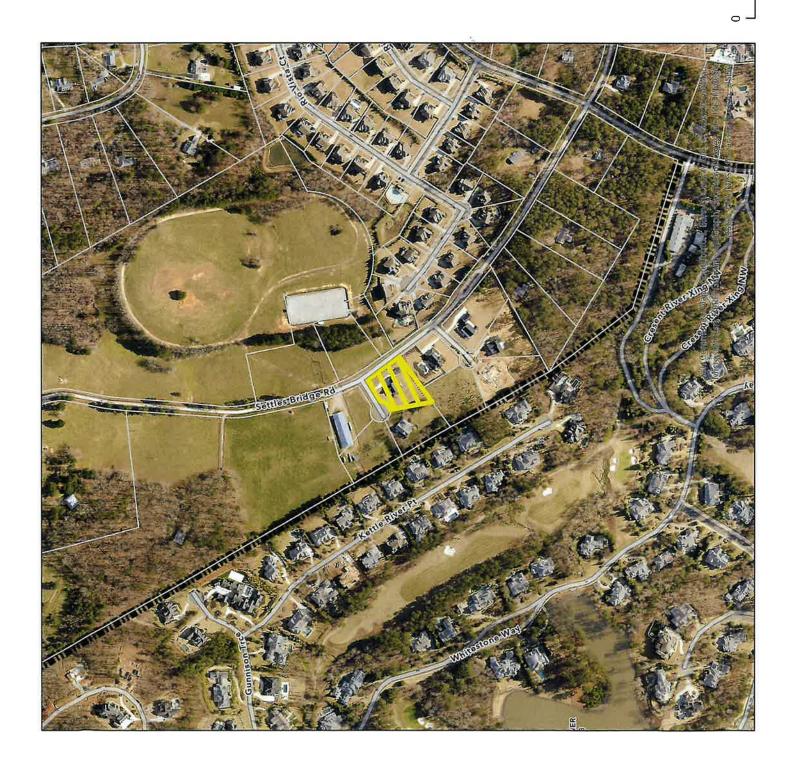
Location Map V-2023-005

Legend Subject Property

City Parcels

City Limits





Zoning Map V-2023-005

