

VARIANCE(S):

V-2023-006

**CX CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2023-006

REQUEST: ACCESSORY STRUCTURE EXCEEDING
MAXIMUM SQUARE FOOTAGE

APPLICABLE SECTION: SECTION 500

LOCATION: 651 BIT O’LUCK DRIVE

DISTRICT/LAND LOT: 7-285-089

ZONING: R-140 (RESIDENTIAL SINGLE FAMILY)

APPLICANT/OWNER: STEVE HEYWARD
651 BIT O’LUCK DRIVE
SUWANEE, GA 30024

CONTACT: STEVE HEYWARD
PHONE: 404-787-5169

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 876 square foot addition onto an existing approximately 700 square foot accessory structure located at the rear of the property. The 1.01 acre parcel is located on the corner of Bit O’Luck Drive and Settles Bridge Road at 651 Bit O’Luck Drive and is zoned R-140.

The subject property contains a two-story residence of approximately 4,500 square feet with a basement. Access to the home is provided via a driveway off Bit O’Luck Drive. This driveway runs in front of the house and continues up the east side of the house to a garage attached to the primary residence. The applicant is seeking to add a 17 foot by 51 foot garage bay to the existing detached garage in the rear of the property. This addition will also include a 12 foot by 54 foot driveway with access onto Settles Bridge Road.

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 1,575 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 Bit O’Luck Drive 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 north, west and south across Bit O’Luck Drive are zoned R-140. The properties to the 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 876 square foot addition would cause the structure to exceed the maximum allowed size; 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 4,500 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 existing accessory structure with the proposed garage bay addition would be about 35 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 surrounding homes closest to the subject property (to the north, south, east, and west) are all over 3,500 square feet in size. The neighboring property to the north on Night Lark Court recently obtained a variance for a 252 square foot addition to their accessory garage. The proposed expansion to the existing accessory structure will be clearly subordinate to all of the primary structures in the immediate area.

The subject lot is approximately 200 feet wide. The main dwelling on the subject property is 45 feet from the nearest property line to the west. The garage currently sits 32 feet from the northern property line, and 43 feet from the eastern property line along Settles Bridge Road. The garage bay addition would be approximately 22 feet tall. While the addition is fairly large, the proposed accessory structure would still be clearly subordinate to the primary structure. 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.

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 over 43 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 44 feet.

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.

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-2023-006.

V-2023-006

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 1,600 square feet in size.
4. The setback from Settles Bridge Road for the accessory structure shall be a minimum of 44 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

Name: STEVE HEYWARD
Address: 651 BIT O LUCK DR.
City: SUWANEE 30024
State: GA
Phone: 404-287-5169
E-mail address: sheyward@revelandyoung.com

OWNER INFORMATION

Name: STEVE HEYWARD
Address: 651 BIT O LUCK DR.
City: SUWANEE 30024
State: GA
Phone: 404-287-5169

CONTACT PERSON: STEVE HEYWARD PHONE: 404-287-5169

ADDRESS OF PROPERTY 651 BIT O LUCK DRIVE, SUWANEE, GA. 30024

LAND DISTRICT 7TH LAND LOT 285 PARCEL 7-285-289 LOT 5

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) LARKABIT FARM

ZONING _____ ACREAGE 1.013

VARIANCE REQUESTED REQUESTING APPROVAL TO ADD 1 SINGLE DOOR & GARAGE BAY TO MY EXIST. GARAGE, WHICH WILL BE LOCATED IN REAR AREA. ARCH. DESIGN MATCHES NEIGHBORHOOD & HOME. MY NEIGHBORS, INCLUDING REAR NEIGHBORS, HAVE APPROVED.
NEED FOR VARIANCE _____

ADDITIONAL COVERED STORAGE / PARKING WILL SUCCEED EDD SE.

* DAVID FROST OF FROST BUILDERS IS MY BUILDER.

***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.

Signature of Applicant _____
 Date 8.28.2023

Typed or Printed Name and Title
 STEVE HEYWARD

Signature of Notary Public _____
 Date 8/28/2023



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.

Signature of Applicant _____
 Date 8.28.2023

Typed or Printed Name and Title
 STEVE HEYWARD

Signature of Notary Public _____
 Date 8/28/2023



DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number Y-2023-006
 Date Rec'd 8/30/23
 Amount Rec'd \$300
 Rec'd By AD
 Variance
 Administrative Hearing Date 04.17, 2023

ACTION TAKEN _____

SIGNATURE _____
 DATE: _____

Y-2023-006

August 28, 2023

To: Suwanee Department of Planning and Zoning

Thank you for considering my application for a variance. I am hopeful this letter will better explain my need for a variance. My builder is David Frost of Frost Builders, who constructed my home and detached garage. As he is very familiar with the regulations, etc., he did inform me to complete this addition to my garage I would need to obtain a variance due to what I believe is an 800 SF rule. Although I am currently under that amount, this addition will create an overage.

If helpful, I, along with my builder, David Frost, have spoken with my neighbor that lives directly behind me, and we anticipate absolutely no issues with this addition from them. This addition will actually give them additional privacy and more sound protection from my property. If needed, I am confident they are prepared to sign any documentation needed on my behalf.

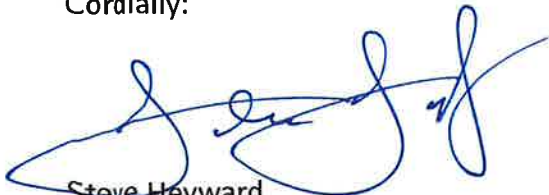
This same neighbor has also already applied for a variance to add a pool and a pool type pavilion, etc., in their rear yard which again is adjacent to mine, and I currently plan to sign their documents as well, when needed.

In closing, you will see I have hired the same professional architect to design this addition to the same high standards as the neighborhood and the structures on my property. This addition, due to the fact it is in the rear of my existing garage, will only be materially visible to my rear neighbor, so we believe this is non-effectual to the neighborhood and will be accepted with no issues.

The addition will be completely within the approved building area and well clear of the setback standards, and in fact leaving over twice the setback required area at the rear between my property and my adjacent neighbor, who again, has no issue with this proposed addition.

Thank you for your time in reading my explanation and please feel free to call me for any needs.

Cordially:



Steve Heyward

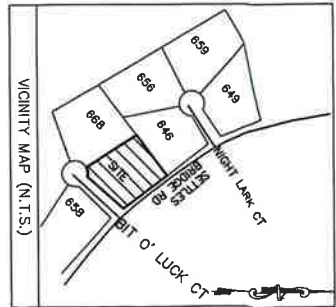
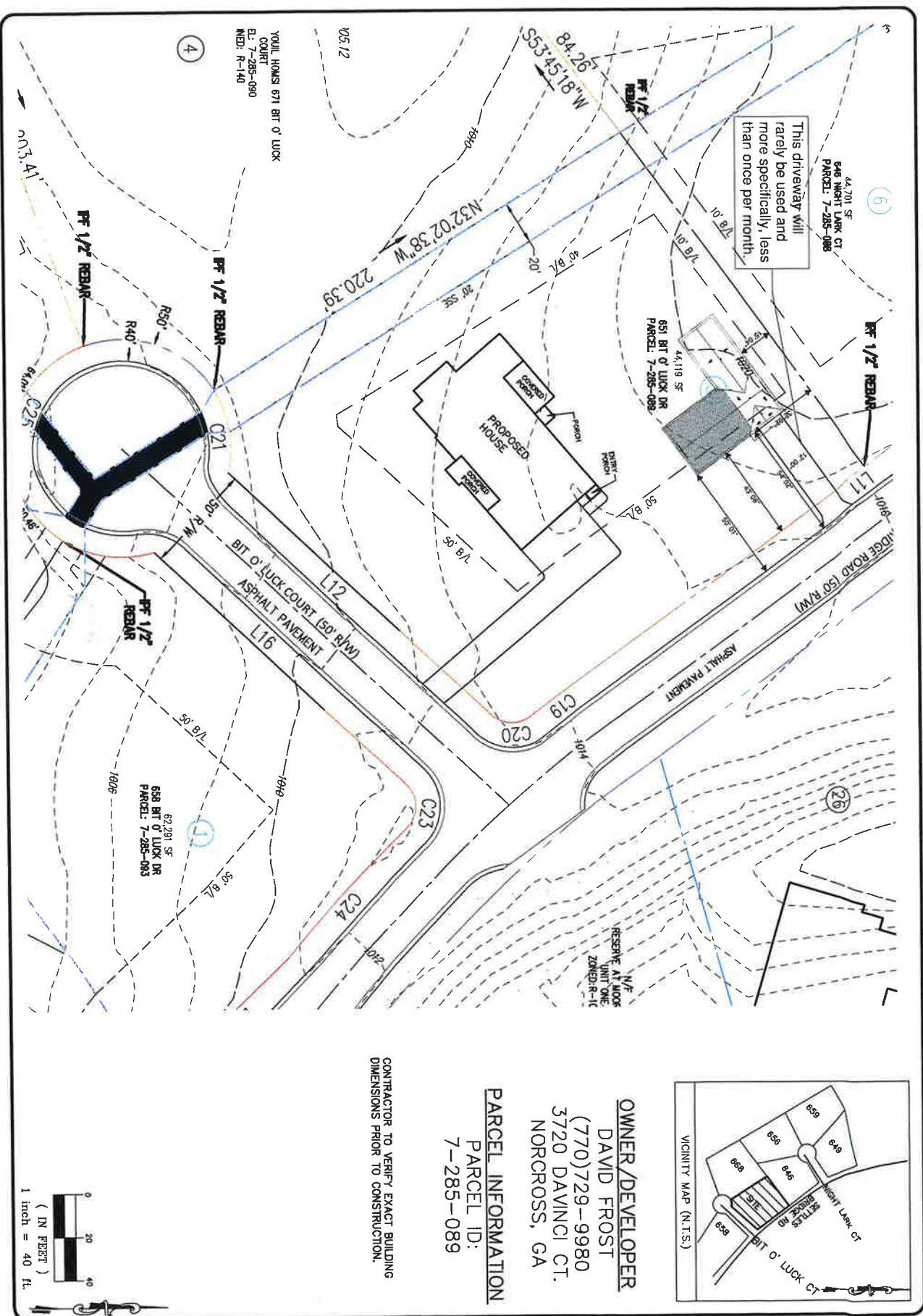
Steve Heyward

651 Bit O Luck Drive, Suwanee, GA 30024

404-787-5169

V-2023-006

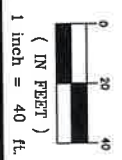
Y:\BCEPROJECTS\2018-075\2018-075_P01.dwg, 10/29/2018 2:10:39 PM, Beth Powell, ANSII full bleed B (17.00 x 11.00 inches), 1:1



OWNER/DEVELOPER
DAVID FROST
 (770) 729-9980
 3720 DAVINCI CT.
 NORCROSS, GA

PARCEL INFORMATION
 PARCEL ID:
 7-285-089

CONTRACTOR TO VERIFY EXACT BUILDING DIMENSIONS PRIOR TO CONSTRUCTION.



DRAWN BY:	EP	REVISION	DATE	DESCRIPTION
CHECKED BY:	BC	0	-	INITIAL PLAN
DATE:	10/29/18	1	10/29/18	REVISED HOUSE & LOCATION
SCALE:	AS NOTED			
LAND LOT:	-			
DISTRICT:	-			
SECTION:	-			

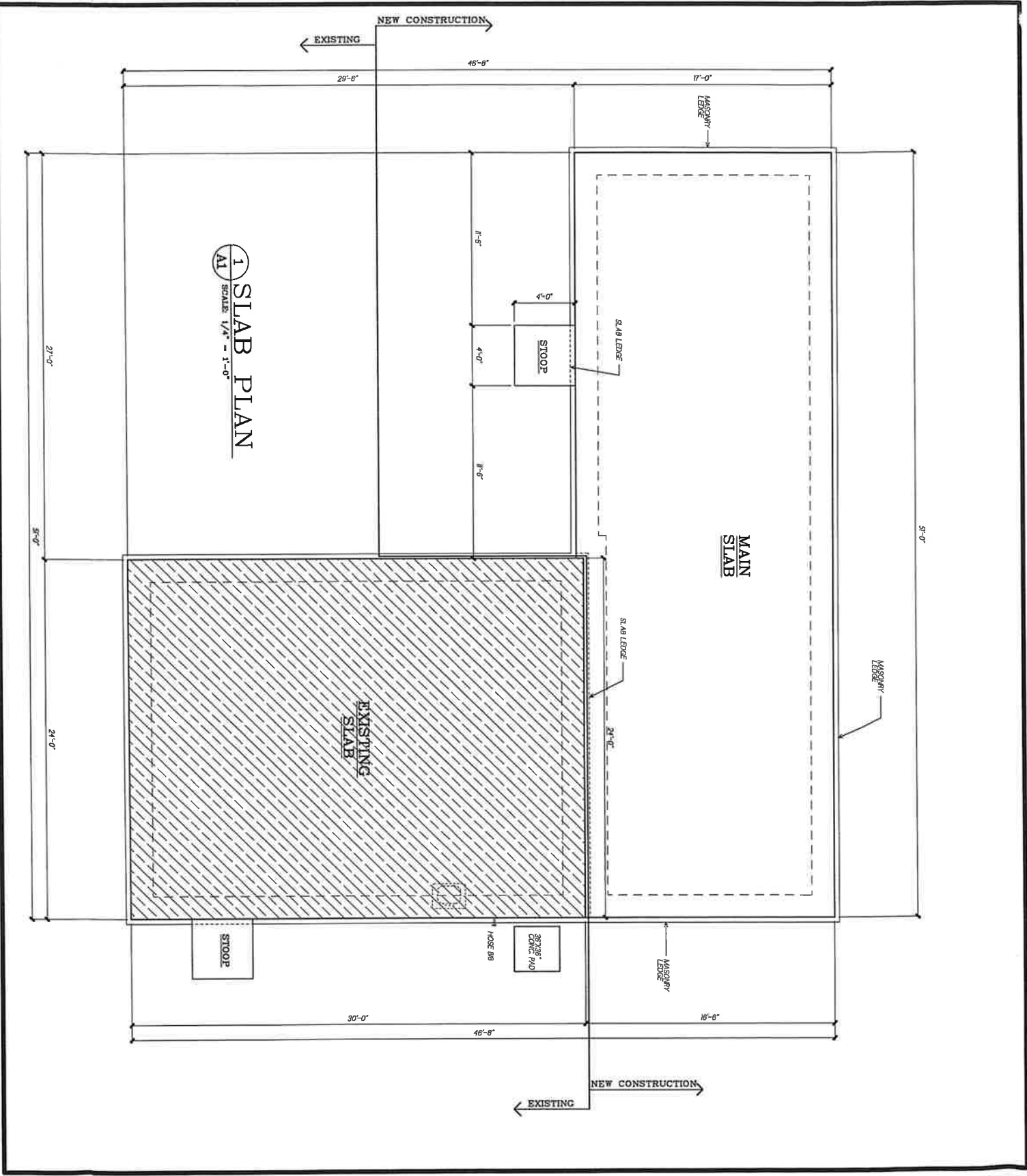
LOT SITE PLAN
 LOT 5 BIT O' LUCK COURT
 GWINNETT COUNTY, GEORGIA
 PREPARED FOR
 DAVID FROST

B.C. ENGINEERING, INC.
 116 NORTH MAIN STREET
 CUMMING, GA 30040
 PHONE: (770) 205-6181
 FAX: (770) 205-6162
 office@bcengineering-ga.com

SHEET NO.
 1
 OF
 1

JOB NO.
 2018-075

V-2023-006



1 SLAB PLAN
SCALE 1/4" = 1'-0"

CALDWELL • CLINE

ARCHITECTS • DESIGNERS

222 Greenleaf Circle - Marietta, GA 30066
Phone 770-424-3882 - Fax 770-424-2377
www.caldwellcline.com

A PROPOSED ADDITION FOR
651 BT O' LUCK DRIVE
DETACHED GARAGE

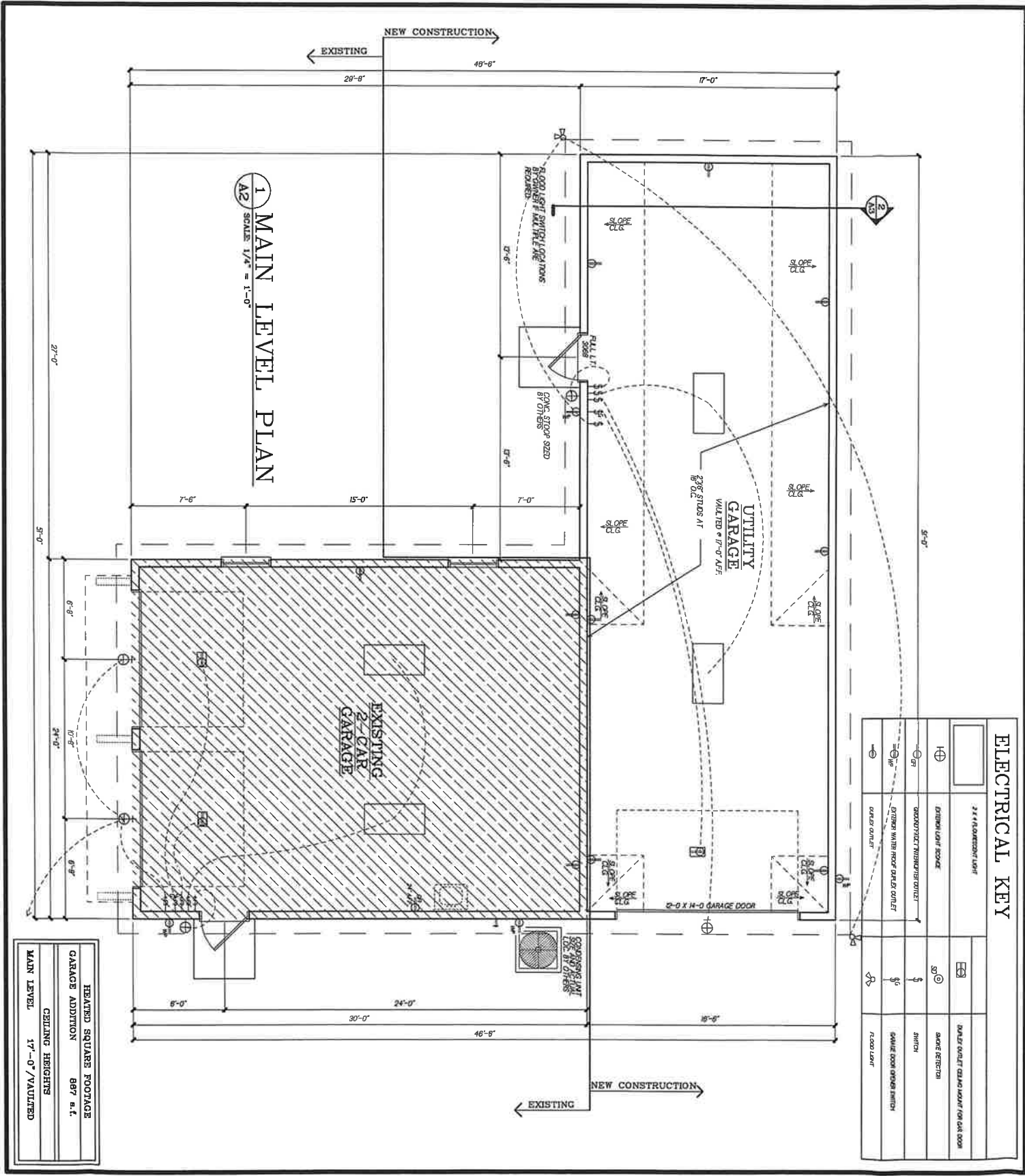
EST. 2023

PROJECT

DATE	DESCRIPTION
08-29-23	PROJECT 00118
JLC	218079.08
ENTITLED BY	REVISIONS
DATE	

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1) Contractor must verify ALL DIMENSIONS prior to proceeding with construction.
2) Contractor must verify compliance with ALL LOCAL BUILDING CODES by the end of the project. If in violation, the contractor must pay for all necessary permits and fees.
3) This drawing is intended for informational purposes only. It is not intended to be used for construction without the approval of Caldwell Architects, Inc. per the contract documents.
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V-2023-0000



ELECTRICAL KEY	
	2 x 4 RECESSED LIGHT
	EXTERNAL LIGHT FIXTURE
	20' x 20' RECESSED LIGHT
	EXTERNAL WHITE ROOF DECK OUTLET
	DECK OUTLET
	SINGLE OUTLET CEILING MOUNT FOR GAS ROOM
	SMOKE DETECTOR
	SWITCH
	SINGLE ROOM SINGLE SWITCH
	FLOOD LIGHT

HEATED SQUARE FOOTAGE GARAGE ADDITION	887 s.f.
Ceiling Heights	17'-0" / VAULTED

DATE	PROJECT NUMBER
08-29-23	216079.08
DRAWN BY	DATE PLOTTED
JLC	8/15/2023
CHECKED BY	
SHEET	
A2	

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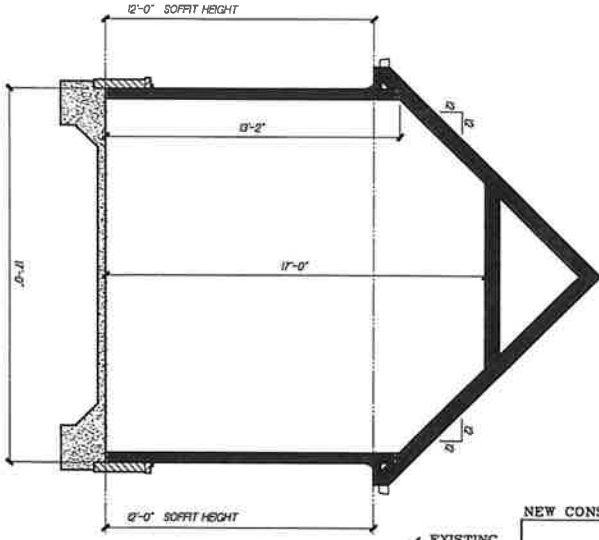
PROJECT

**A PROPOSED ADDITION FOR
651 BIT O' LUCK DRIVE
DETACHED GARAGE**

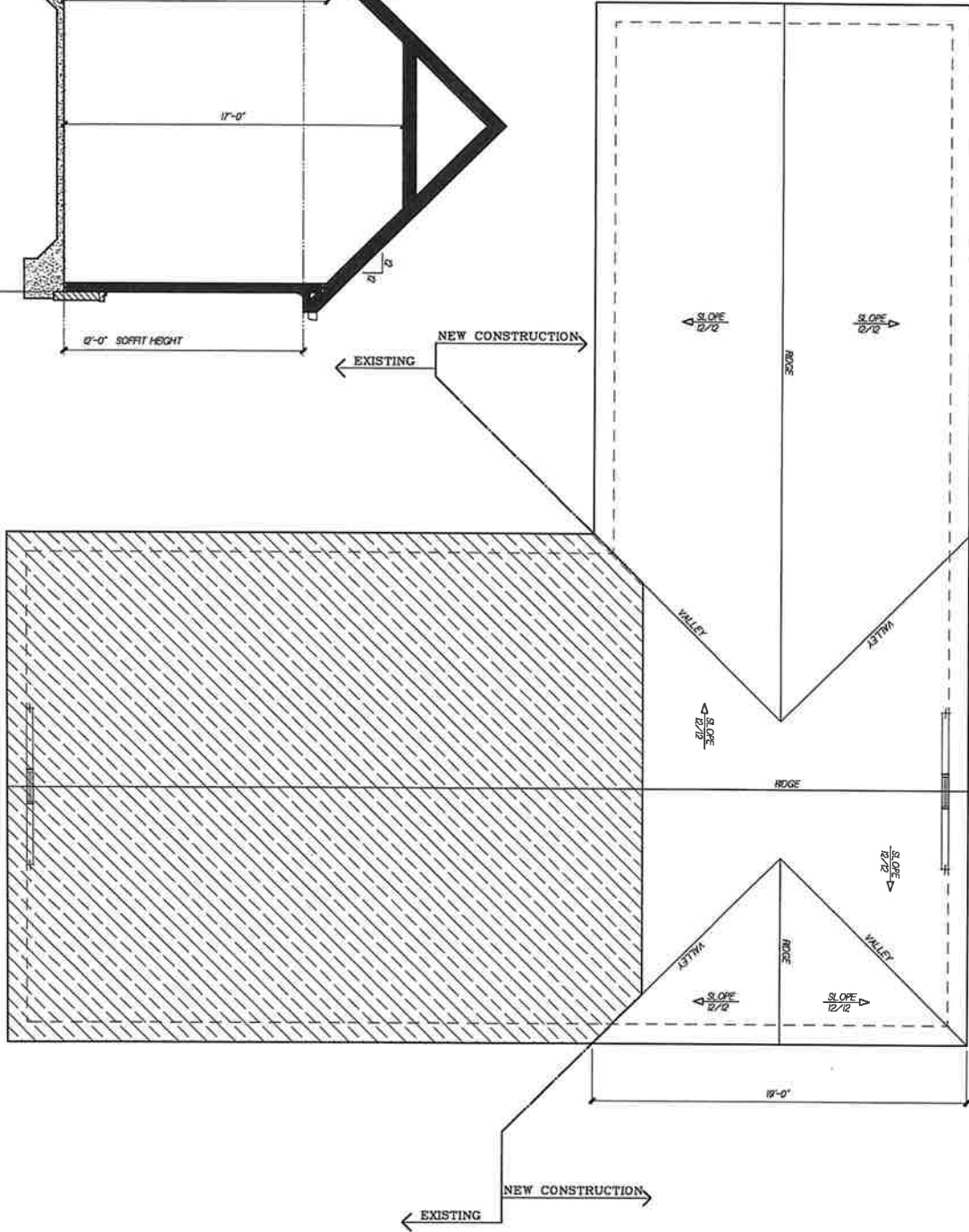
Est. 2023

V-7023-000

2
A3
SCALE: 1/4" = 1'-0"
TRANSVERSE SECTION



1
A3
SCALE: 1/4" = 1'-0"
ROOF PLAN



A3 SHEET	DATE	PROJECT NUMBER
	08-29-23	216079.08
DESIGN BY	JJC	REVISIONS
ERECTED BY		

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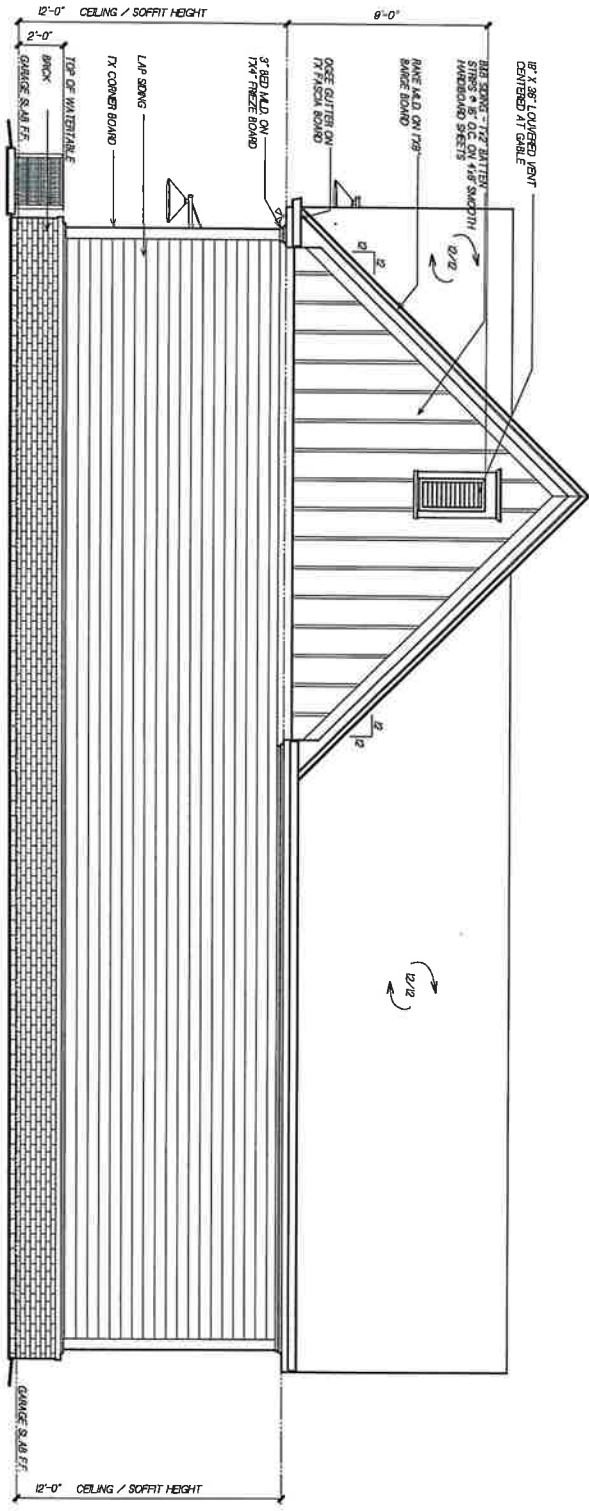
222 Greenan I Circle - Marietta, GA 30064
Phone 770-424-5882 - Fax 770-424-2377
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**A PROPOSED ADDITION FOR
651 BIT O' LUCK DRIVE
DETACHED GARAGE**

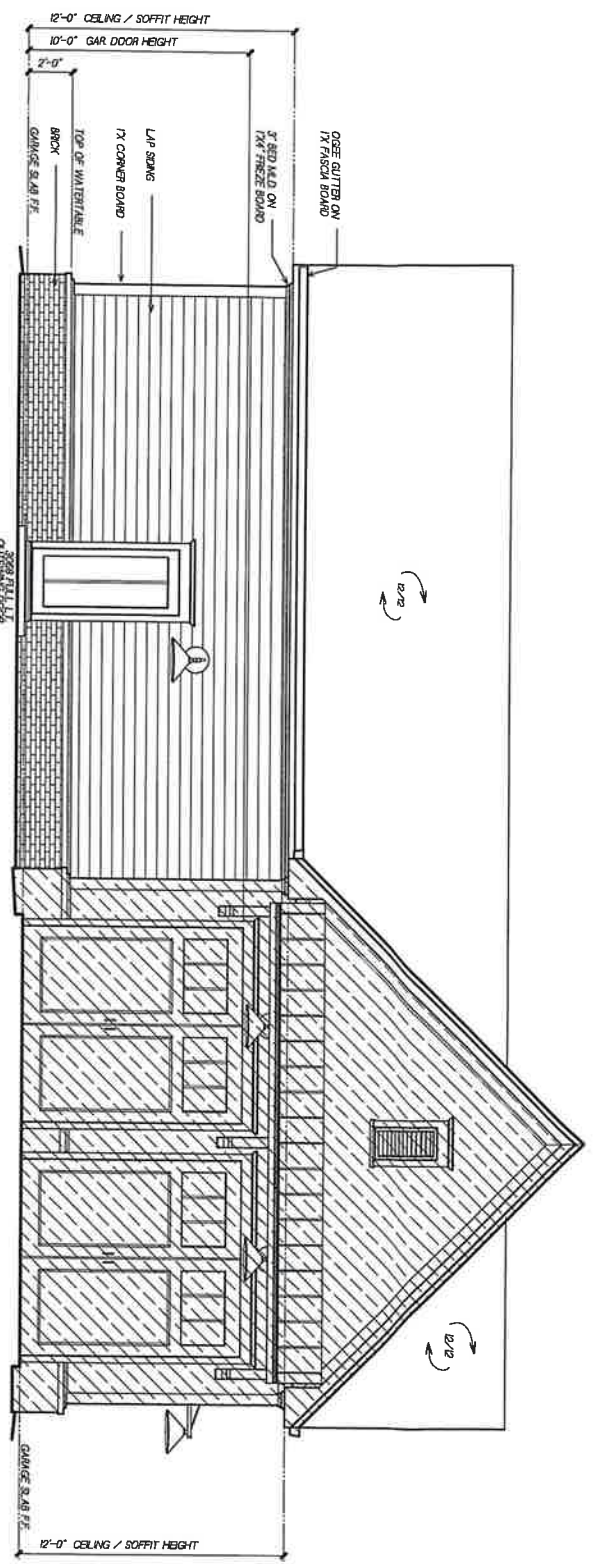
EST. 2023

PROJECT

11-7073-206



2 REAR ELEVATION
A4 SCALE: 1/4" = 1'-0"



1 FRONT ELEVATION
A4 SCALE: 1/4" = 1'-0"

DATE: 08-29-23		PROJECT NUMBER: 218079.08	
DESIGN BY: JLC		REVISIONS:	
CHECKED BY:			
SHEET: A4			

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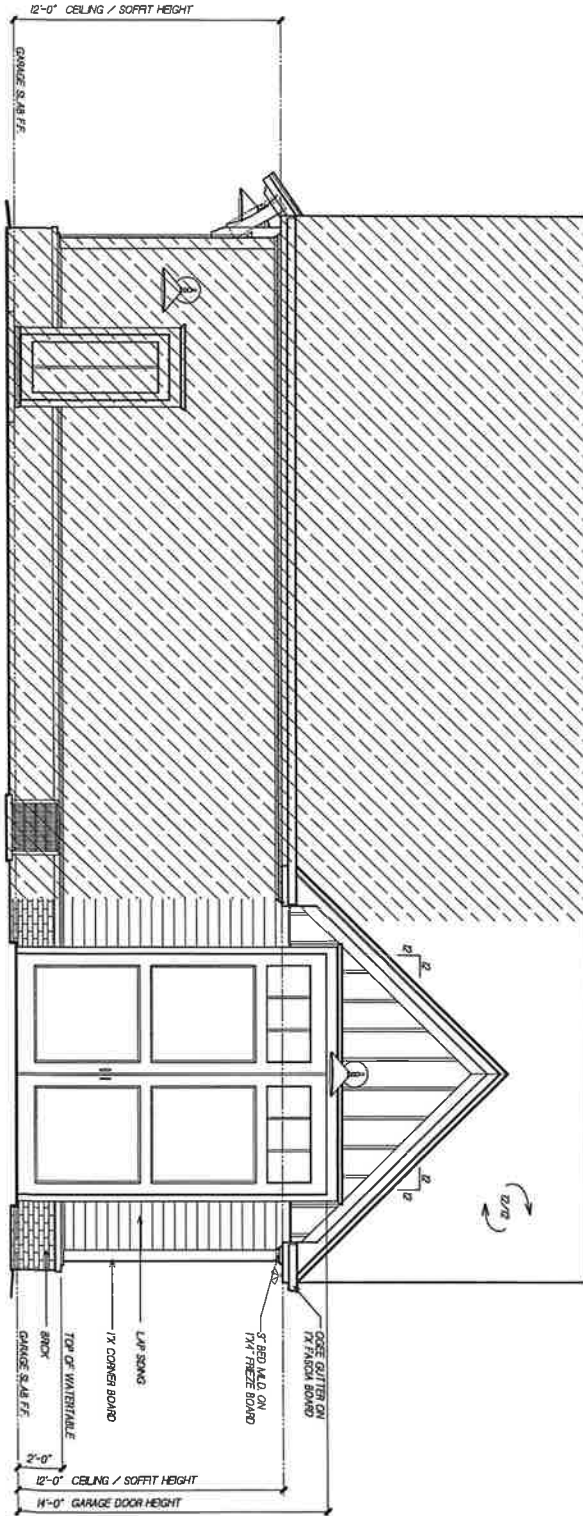
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PROJECT

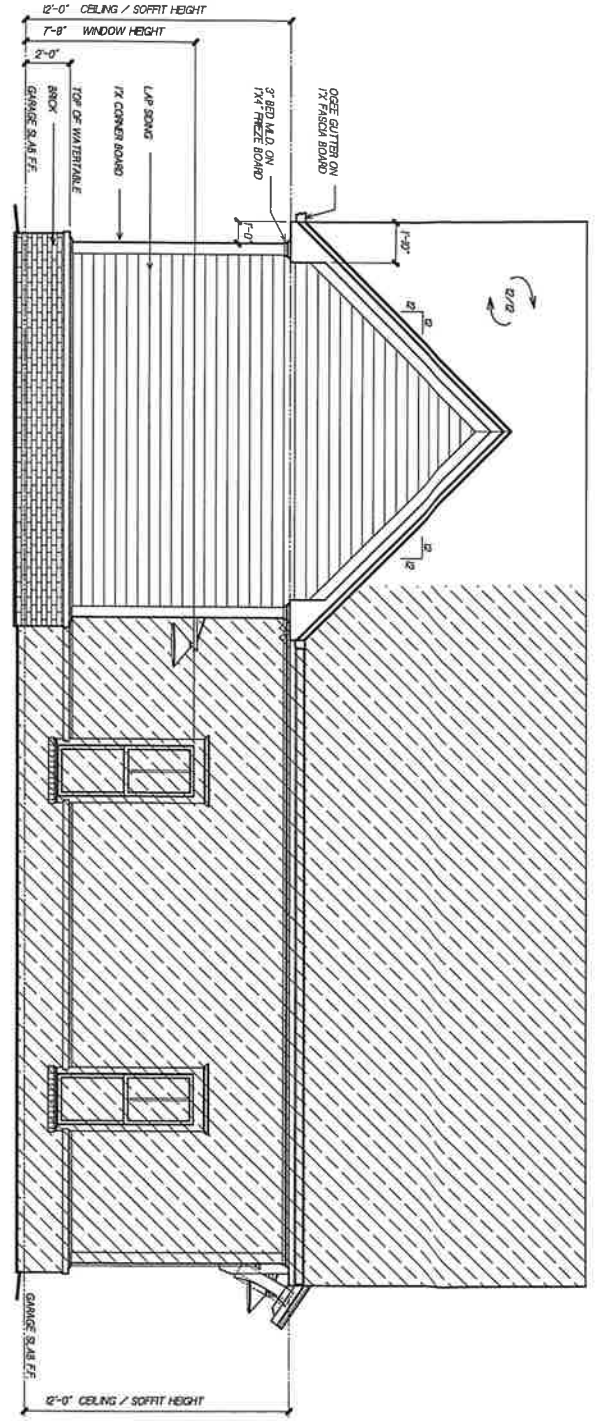
A PROPOSED ADDITION FOR
651 BIT O' LUCK DRIVE
DETACHED GARAGE

EST. 2023

V-2023-006



2 RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



1 LEFT ELEVATION
SCALE: 1/4" = 1'-0"

DATE	PROJECT NUMBER
08-29-23	218079.08
DRAWN BY	ENGINEER
JLW	
ENGINEER	
DATE	PROJECT NUMBER
08-29-23	218079.08
DRAWN BY	ENGINEER
JLW	
ENGINEER	
SHEET	
A5	

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A PROPOSED ADDITION FOR
651 BIT O' LUCK DRIVE
DETACHED GARAGE

PROJECT

Est. 2023

V-2023-006

Location Map V-2023-006

- V-2023-006
- City Parcels
- City Limits






















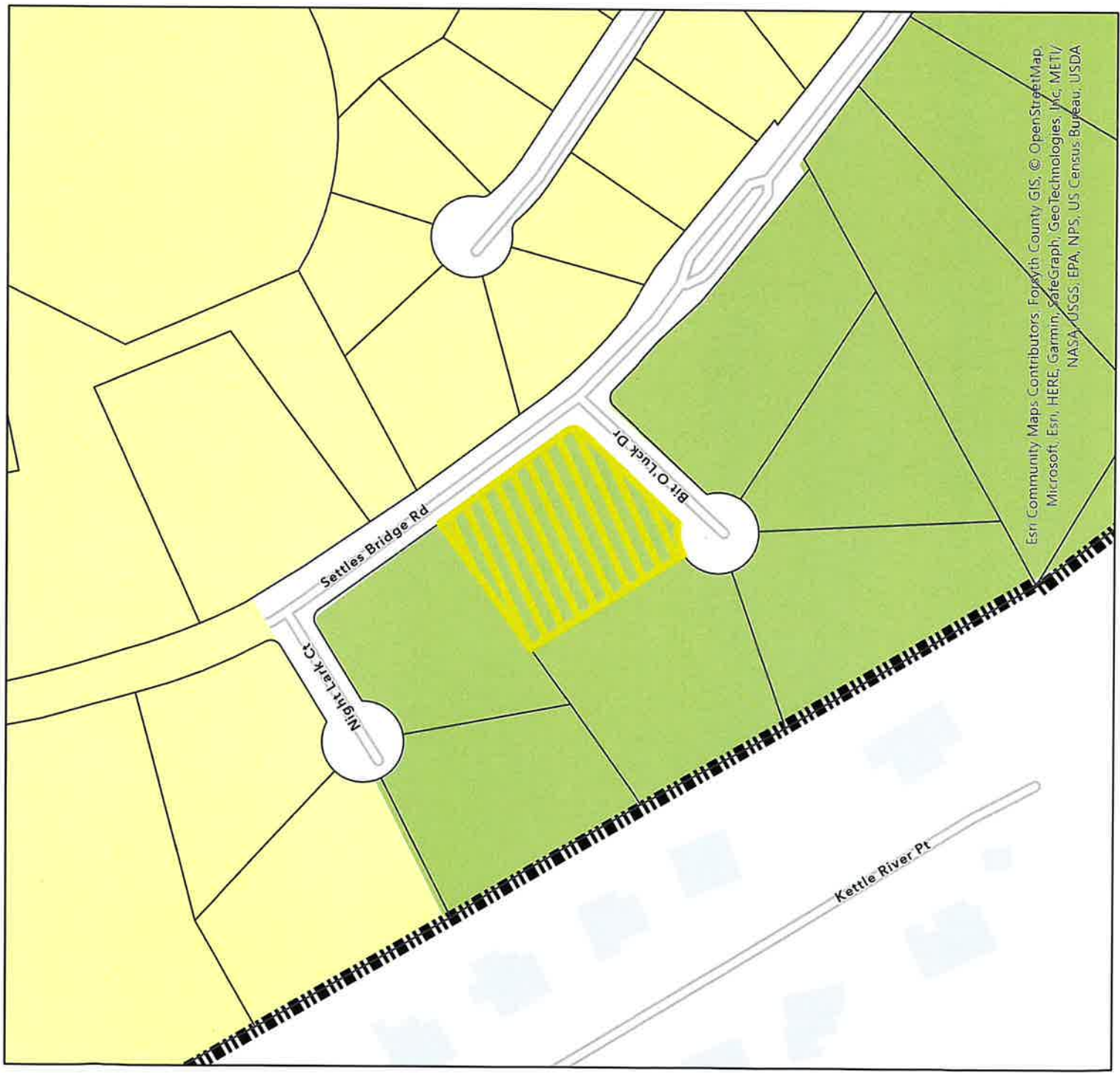
0 250 500 1,000 Feet



Zoning Map V-2023-006

Legend

-  Subject Property
 -  City Parcels
 -  City Limits
- 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



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