

**MINUTES**  
**CITY OF SUWANEE, GEORGIA**  
**ZONING APPEALS BOARD MEETING**  
**October 17, 2023**

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

**CALL TO ORDER**

Ray Brown called the meeting to order at 6:31 p.m.

**ADOPTION OF THE AGENDA**

*David Sullivan moved to approve the agenda as presented, second by Donald Lee. Motion carried 4-0.*

**APPROVAL OF MINUTES**

*David Sullivan moved to approve the September 19, 2023 minutes, second by Beth Lembo. Motion carried 3-0-1. Donald Lee chose to abstain from voting since he was not present at the September Zoning Board of Appeals meeting.*

**OLD BUSINESS**

**NEW BUSINESS**

Alyssa Durden presented the staff report as follows: 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.

Ray Brown called upon the applicant.

Steve Heyward, 651 Bit O'Luck Drive, Suwanee, GA. Mr. Heyward stated that accessory structure will not be seen from the road. He has planted mature evergreen trees to be respectful of the neighbors. It will house a camper. He indicated that he is going to a lot of effort to make the accessory structure beautiful.

Ray Brown called upon anyone in support of the variance.

John Schneider, 646 Night Lark Court, Suwanee, GA. Mr. Schneider is the neighbor of the applicant. He stated he has no objections to the accessory structure.

Ray Brown called for opposition. There was none.

**David Sullivan moved to approve V-2023-006 with corrected conditions, second by Beth Lembo. Motion carried 4 – 0 (addition = bold, deletion = ~~strikethrough~~).**

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~~ **42** feet.

**V-2023-008-** Owner/Applicant: Magnolia Farms Educational Properties, LLC. The applicant requests a variance from Section 1612 of the City of Suwanee Zoning Ordinance to allow for a ground sign. The site contains approximately 4.38 acres in Land Lot 277 of the 7<sup>th</sup> District and is located at 4545 Suwanee Dam Road.

Alyssa Durden presented the staff report as follows: The applicant seeks a variance from Section 1612 of the City of Suwanee Zoning Ordinance to reduce the requirement for a large building sign from 5,000 gross square feet to 3,000 gross square feet. The applicant’s business is a private school which is planning to open with 50-70 students, and then expand up to 150 students. The proposed private school is proposed to occupy an existing 3,300 square foot structure (4,300 square feet including the unfinished portion of the basement). The school will also make use of an existing approximately 900 square foot accessory structure.

At some point in the future the applicant intends to expand the school to accommodate more students. This expansion would include an approximately 4,200 square foot addition to the 900 square foot accessory structure. At that point, the school would have a single structure that exceeds 5,000 square feet, plus the 4,300 square feet (finished and unfinished) in the primary structure.

The subject property was recently (September 26, 2023) rezoned from PMUD to R-100 in order to allow for the proposed small private school. Small schools (under 20,000 square feet) are allowed within the R-100 zoning district as a use by right. The R-100 Zoning district allows for certain non-residential uses on a smaller scale as a use by right, including religious institutions, schools, and neighborhood amenity areas. Some of these uses commonly have ground signs. Ground signs are allowed in commercial, institutional, and industrial zoning districts regardless of building size. However, in residential districts the provision of ground signs is much more limited.

Section 1612A(5) of the Zoning Ordinance regulates ground signs in residential districts by limiting ground signs to those parcels with a large building, or more than 5,000 gross square feet. This particular sign requirements applies only to residentially zoned property. It is intended to allow for signage for those non-residential uses that occasionally occur in residential areas. The subject property does not currently have a single building totaling 5,000 square feet. In a residential zoning the property owner would be limited to a ground sign totaling 5 square feet to advertise the

school. As such, a variance would be required in order for a ground sign to be installed on the property.

The subject property is located within the PIB/Suwanee Junction character area. Across Suwanee Dam Road, to the northwest, is Sims Lake Park, which is zoned R-140 and does have a ground sign advertising the name of the park. To the south is the Three Bridges neighborhood, zoned PMUD. To the west is a single family home and to the east is a farm and single family home, both zoned R-100 (Residential Single Family District). Further to the north, along Suwanee Dam Road, are several institutional uses that do have signs which were installed prior to the current signage regulations. Two religious institutions have ground signage along this section of Suwanee Dam Road and both are zoned to residential zoning districts. Additionally, North Gwinnett High School, zoned GCA, has an electronic sign (the school is exempt from City zoning requirements). The addition of a ground sign for an institutional use would not be out of character with the existing development in the area.

The applicant is seeking to install a 6 foot 2 inch tall ground sign with 19 square feet of copy area and 27 square feet of sign area setback at least 5 feet from the right of way of Suwanee Dam Road. Because the property was recently rezoned to R-100 (Single Family Residential District) from PMUD (Planned Mixed-Use Development District), the property is limited to a ground sign of 5 square feet. If the facility were to qualify as a large building (5,000 square feet), it would be allowed a sign with a total of 64 square feet of sign area, 32 square feet of copy area and a maximum height of 6 feet. The large building requirements are calculated based on the largest single building on the property. The largest building is currently 3,300 square feet. However, if the unfinished area of the basement is included, the combined square footage for school facilities is currently over 5,000 square feet and will only increase with the addition of the 4,186 square foot building.

The City has never considered a variance request to lower the requirement for a large building sign. In this case, the combined square footage of the school facilities is over 5,000 square feet. The intention of the ordinance is to allow for ground signage for certain non-residential uses located within residential districts. The subject project is just such a use. Additionally, there are at least two similar institutional uses with ground signs on Suwanee Dam Road. The requested variance would not undermine the intent of the Zoning Ordinance. In this case, if conditions are included to limit the size of the sign, approval of a request to reduce the large building sign requirement could be appropriate.

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 conclusion, the subject property does not appear to have a situation which rises to the level of hardship. However, the fact that the area is heavily wooded and the aggregate size of the facilities will exceed 5,000 square feet could warrant the approval of a variance. The proposed sign is slightly taller than allowed, but the applicant has agreed to comply with the 6 foot maximum height. The sign would be consistent with other institutional signs in the area. As such, it is likely that approval of this variance would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance. Therefore, staff recommends approval with conditions of V-2023-008.

Beth Lembo asked if there is lighting on the sign. Alyssa Durden stated that she is not aware of lights but that she should confirm with the applicant.

Donald Lee asked if there is a sidewalk along Suwanee Dam Road. Alyssa Durden stated that if there is a sidewalk on that side of the street it would be in the right of way. The sign could not be in the right of way.

Discussion ensued amongst Zoning Board of Appeals members regarding the distance of the sign from the property line and the right of way.

Ray Brown called upon the applicant.

Bryson Mercer, 202 Tribble Gap Road, Cumming, GA. Mr. Mercer is representing the applicant. Mr. Mercer explained that the sign is for a private school on a heavily wooded lot. The height of the sign is 70 inches from grade. He agrees to the proposed conditions.

Ray Brown asked if the sign is always illuminated. Mr. Mercer stated that they would like to have the sign solar illuminated.

Alyssa Durden indicated that the sign will have to meet the sign regulations.

Ray Brown called for opposition. There was none.

Donald Lee disclosed that he serves on the Home Owners Association of Three Bridges. This will not impact his ability to vote objectively.

Beth Lembo moved to approve V-2023-008 with conditions. Donald Lee asked a questions about the sign being 5 feet from the side walk.

***Beth Lembo amended her motion to approve V-2023-008 with amended condition, second by Donald Lee. Motion carried 4-0 (addition = bold).***

1. The sign area, copy area, height, materials, and design of the sign shall be consistent with the sign presented in variance exhibit 'A', except the height of the sign shall not exceed 6 feet.
2. The sign shall be setback a minimum of 5 feet from the property line **and at least 5 feet from the back of sidewalk.**

## **OTHER BUSINESS**

**ANNOUNCEMENT**

**ADJOURNMENT**

*David Sullivan moved to adjourn at 6:59 pm.*