

MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
September 19, 2023

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

CALL TO ORDER

Ray Brown called the meeting to order at 6:30 p.m.

ADOPTION OF THE AGENDA

Beth Lembo moved to approve the agenda as presented, second by David Sullivan. Motion carried 4-0.

APPROVAL OF MINUTES

David Sullivan moved to approve the July 18, 2023 minutes, second by Beth Lembo. Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

V-2023-005- Owner/Applicant: John and Christina Schneider. The applicant requests a variance from Section 500 of the City of Suwanee Zoning Ordinance to allow for an accessory structure exceeding 800 square feet. The site contains approximately 1.02 acres in Land Lot 285 of the 7th District and is located at 646 Night Lark Court.

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.

Ray Brown called upon the applicant.

John Schneider, 646 Night Lark Court, Suwanee, GA. Mr. Schneider stated he plans to add a small kitchen to the garage.

Ray Brown called upon those in support.

Steve Heyward, 651 Bit O’Luck Drive, Suwanee, GA. Mr. Heyward is the neighbor of Mr. Schneider. He stated that he has no objections to the accessory structure.

Ray called for opposition. There was none.

Paul Alznauer moved to approve V-2023-005 with staff conditions, second by David Sullivan . Motion carried 4-0.

OTHER BUSINESS

ANNOUNCEMENT

ADJOURNMENT

David Sullivan moved to adjourn at 6:40 pm.