

**MINUTES
CITY OF SUWANEE, GEORGIA
ZONING APPEALS BOARD MEETING
MAY 20, 2008**

PLANNING AND ZONING APPEALS BOARD MEMBERS: Present: Paula Hill, Tucker Balch, Herb Godfrey, Winship Rees and Bill Thee. Staff members present: Josh Campbell, Wes Rogers and MaryAnn Jackson.

CALL TO ORDER

Chairperson Paula Hill called the meeting to order at 6:30 pm.

ADOPTION OF THE AGENDA

Winship Rees moved to approve the agenda as presented, second by Tucker Balch. Motion carried 5-0.

APPROVAL OF MINUTES: March 18, 2008

Herb Godfrey moved to approve the April 15, 2008 minutes as presented, second by Bill Thee. Motion carried 5-0.

PROCEDURES FOR PUBLIC MEETING

Paula Hill read the procedures for public meetings.

OLD BUSINESS

NEW BUSINESS

V-2008-008 – Applicant/Owner: March and Christine Alicea. Requests a variance from the Suwanee Zoning Ordinance to allow for an accessory structure exceeding the maximum square footage. Site is located in Land Lot 197 of the 7th District at 3514 Suwanee Creek Road and total approximately 2.35 acres.

Wes Rogers presented the staff analysis as follows: The applicant seeks a variance from Section 501.A.1.c of the City of Suwanee Zoning Ordinance to allow for the construction of a detached three car garage larger than 800 square feet. The proposed garage has a 2,400 square foot first floor with an additional 1,400 square feet of storage space above. The subject property is 2.35 acres in size and is located on the corner of Suwanee Creek Road and Rising Fawn Trail.

Section 500.A.1.c states, “An accessory building, to include a guest house, a relative residence, a garage, a storage building, etc. shall not exceed 800 square feet of gross floor area.” Including the garage and storage space the structure exceeds the maximum allowed size by approximately 3,000 square feet. Due to the size of the garage, a variance would be necessary to construct the building as proposed.

The subject property is located at the corner of Rising Fawn Trail and Suwanee Creek Road in Rising Fawn Estates subdivision. It is surrounded by large residential lots.

The subject property is a large lot with approximately 450' of frontage along Suwanee Creek Road and approximately 280' of frontage along Rising Fawn Trail. The proposed structure would be located in the rear yard at the end of the gravel driveway, approximately 150' off of Suwanee Creek Road and approximately 235' from Rising Fawn Trail. The primary residence is located approximately 100' from Suwanee Creek Road. The proposed garage is located approximately 90 feet from the house. It appears the proposed structure would be located outside all of the required setbacks for primary structures.

The applicant requests a variance in order to construct a three car garage that is approximately 3,830 square feet to replace an existing deteriorating two car garage. The applicant has removed the garage that was approximately 1,800 square feet. The proposed structure will include a half-bathroom on the ground floor and an unfinished heated attic (approximately 1,400 square feet) that will be used for storage only. The existing single-family home totals approximately 3,300 square feet including approximately 900 square feet of basement. The proposed accessory structure has more total square footage garage, but the primary residence will be located closer to both roads and is taller than the proposed garage. It should be noted that the applicant has enough property and road frontage to subdivide the land into two lots and build the same size structure on the second lot.

The City of Suwanee's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. The zoning ordinance also states that variances may be granted when, "relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of the Zoning Ordinance."

In conclusion, although the applicant's request may not rise to the strict level of hardship due to size, shape or topography, it is unlikely the structure would cause either substantial detriment to the public good or impair the purposes or intent of the zoning ordinance. The structure is set back further from both roads and is behind the primary residence. The structure will be used as a garage and for additional storage, which are accessory uses. The proposed structure would replace a deteriorating 2-car garage / storage building. The lot, at 2.35 acres, is large enough to be subdivided into two lots in the R-140 zoning district and it appears the accessory structure meets all the setback requirements for the primary structure. The size of the proposed garage would not appear to overwhelm the site. The subject property is similar in size to most of the lots in the surrounding area, so there is adequate room for a larger accessory structure. Therefore, staff recommends approval with conditions of the variance request.

Herb Godfrey asked if any additional information had been submitted since staff made a recommendation for approval with conditions. Josh Campbell explained input has been received from residents stating concern that the garage might be used as a commercial operation or the basis for storing commercial vehicles. They noted that the size of the garage doors is about 12 feet in width which would be appropriate for larger vehicles. It is possible that the Zoning Board of Appeals may want to consider limiting the size of the doors in a way that might preclude parking of larger vehicles.

Herb Godfrey asked about the size of the structure. Josh Campbell explained it would be easy for the applicant to subdivide the property into 2 lots and to build a very similar structure to what is being proposed as a primary structure. This makes it difficult to recommend denial of the

variance.

Herb Godfrey asked Josh Campbell about the use of the structure. Josh Campbell indicated the use, whether it is an accessory structure or a primary structure, needs to be limited to uses allowed in a single family residential district. This does not include commercial operations but does include home occupations.

Bill Thee asked if the property was subdivided would the structure need to be residential. Josh Campbell stated the structure would have to be at least 1250 square feet of heated space be stubbed for a kitchen and bathroom.

Tucker Balch stated the Zoning Board of Appeals does not rule on use of a building. Josh Campbell indicated the City of Suwanee does not have a use variance.

Paula Hill called upon the applicant.

Mark Alicea, 3514 Suwanee Creek Road, Suwanee, GA. Mr. Alicea stated his house is 28 years old and has very limited storage space for a family of 5. Mr. Alicea has multiple vehicles. He would like to keep them in his new garage. Mr. Alicea presented exhibits from a professional landscape company he hired to design the lot. There is a natural deer trail on the property. Mr. Alicea would like to beautify the property and keep it as natural as possible.

Tucker Balch asked Mr. Alicea about the potential for subdividing the property. Mr. Alicea indicated he never considered subdividing the property. If the variance is not approved he will have to subdivide.

Tucker Balch asked Mr. Alicea if he had seen any of the letters submitted from the neighbors. Mr. Alicea was not aware of the letters. Josh Campbell presented copies of the letters to Mr. Alicea.

Paula Hill called a recess until 7:35 pm due to Tornado Warning.

The meeting was reconvened at 7:36 pm. Tucker Balch had not returned when the meeting was reconvened.

Bill Thee asked the applicant about his occupation. Mr. Alicea indicated he is a contractor. He pressure washes exteriors of buildings. His office is in Lawrenceville, GA. His equipment is being stored in trailers at his home.

Winship Rees asked Mr. Alicea about the commercial vehicles mentioned in the letters from the neighbors. Mr. Alicea stated he owns all of the vehicles. They are all full size pick up trucks. Winship Rees asked Mr. Alicea if he intends to run his business from his home. Mr. Alicea stated he does have 2 14 foot trailers on his property. The vehicles will be parked in the new garage.

Tucker Balch arrived at 7:43 pm.

Winship Rees asked Mr. Alicea if he will have employees coming to the home. Mr. Alicea indicated he has 1 full time employee and 1 part time employee. They both come to the home to pick up vehicles.

Herb Godfrey asked Mr. Alicea about the extra wide doors. Mr. Alicea stated he has a 500 gallon water tank on the trailer. This is the reason for the extra wide doors. The doors are 12x12. Herb Godfrey asked Josh Campbell if this is a conforming use of the property. Josh Campbell stated employees are not allowed to come to residences to pick up vehicles. Tucker Balch asked if storing of vehicles is allowed. Josh Campbell explained if the vehicle is a primary vehicle it is allowed.

Josh Campbell explained if the Zoning Board of Appeals is concerned about the structure being used as a commercial location they can deny the request or try to condition the approval to alleviate concerns of the neighbors.

Marc Alicea stated he was unaware of the opposition from his neighbors. He does not intend to operate his business out of his new garage.

Winship Rees asked Mr. Alicea if he would like an opportunity to talk to his neighbors about their opposition. Mr. Alicea stated he would love the opportunity to have a discussion with his neighbors.

Paula Hill called for opposition.

Chris Schneider, 3418 Rising Fawn Trail, Suwanee, GA. Mr. Schneider stated 3 greyhound buses could fit inside the proposed garage. The garage is clearly visible from Suwanee Creek Road. The intent is to run a business out of the garage. Rising Fawn Trail is a quiet residential street. Winship Rees asked Mr. Schneider if he is aware Mr. Alicea can subdivide the property and build a 3800 square foot edifice on the property. Mr. Schneider stated he understands.

Holly Hubbard, 3544 Suwanee Creek Road, Suwanee, GA. Ms. Hubbard stated she lives directly adjacent to the Alicea property. Ms. Hubbard did meet with the The Alicea's to discuss her concerns about the garage. A commercial building of this size in the residential area will reduce property values. Ms. Hubbard asked the Zoning Board of Appeals to deny the request.

Sandra Phillips, 3328 Rising Fawn Trial, Suwanee, GA. Ms. Phillips stated it is obvious Mr. Alicea wants to construct a commercial building. Ms. Phillips is concerned about the safety of the children in the area. There is a lot of traffic in the area because of the park. The area is residential and should remain that way. Ms. Phillips asked if there would be another meeting where the final decision on the variance would be made.

Josh Campbell explained the Zoning Board of Appeals makes decisions about situations that deviate from our zoning requirements. In this situation we are looking specifically at the size of the structure. If you are not happy with the board's decision the alternative is to appeal to Gwinnett County Superior Court. The commercial use of the building will be a codes enforcement issue.

Name inaudible, parents live at 3515 Suwanee Creek Road. Her parents were not initially opposed to the construction of the garage. They are concerned with the size of the garage and the 12 foot doors. Her father is a contractor but he does not have employees come to his home. He does have 2 trucks on his property. He is planning to build a small garage for his trailer.

Winship Rees moved to deny V-2008-008, second by Herb Godfrey. Discussion ensued amongst Zoning Board of Appeals members regarding code enforcement issues, subdividing the property and the commercial use of the garage. *Motion carried 5-0.*

OTHER BUSINESS

ANNOUNCEMENT

Air Force Band will perform in Town Center Park Friday, May 23, 2008.

Matthew Dickison has been hired as Planning Division Director.

ADJOURNMENT

Paula Hill moved to adjourn at 8:36 pm.