

**MINUTES  
CITY OF SUWANEE, GEORGIA  
ZONING APPEALS BOARD MEETING  
October 18, 2016**

**PLANNING AND ZONING APPEALS BOARD MEMBERS:** Present: Ryan Neilan, Scott Auer, Larry Johnson, James Thigpen and Robert Michener. Staff members present: Daniel Robinson and MaryAnn Jackson.

**CALL TO ORDER**

Scott Auer called the meeting to order at 6:30 p.m.

**ADOPTION OF THE AGENDA**

*Ryan Neilan moved to adopt the agenda as presented, second by Robert Michener. Motion carried 5-0.*

**APPROVAL OF MINUTES**

*Robert Michener moved to approve the January 19, 2016 minutes, second by Ryan Neilan. Motion carried 5-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**V-2016-003** – Applicant: Mary Caroline Truax. Owner: Pamela D. Jones. Requests a variance from Section 500 of the City of Suwanee Zoning Ordinance to allow for an accessory structure in excess of 800 square feet. The property is located in Land Lot 192 of the 7<sup>th</sup> District at 97 Timberlost Trail and contains approximately 2.69 acres.

Daniel Robinson 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 building exceeding the maximum permitted square footage. The subject property is located at 97 Timberlost Trail and is zoned R-140. The subject property is roughly 2.69 acres in size. The site is currently occupied by a primary residence totaling approximately 4,500 square feet and an accessory structure of about 1,624 square feet.

The applicant is proposing a 530 square foot addition to the accessory building. The addition would bring the total square footage of the accessory structure to 2,287 square feet. The maximum permitted size for an accessory building in the R-140 zoning district is 800 square feet. A variance was obtained in 2002 that allowed the existing garage to be constructed larger than the 800 square foot maximum. The proposed addition would require another variance.

The subject property is located in an area of Suwanee characterized by single family residences located on large lots. The neighboring properties along Timberlost Trail are also single family homes zoned R-140. To the rear of the property is a large lot (12.9 acres) zoned R-140 with a home facing Smithtown Road. Timberlost Trail and the nearby Leaf Lake Lane are streets with some of the largest single family lots in the city. Most single residential lots in the City are much smaller.

Like many of the other neighborhoods that are zoned R-140, Suwanee's largest lot residential zoning district, the lots on Timberlost Trail are much larger than normal residential lots. The average lot size on this street is 3.64 acres, much larger than the minimum lot size of ¾ acre for the zoning district. These large residential lots can accommodate larger accessory structures than a typical suburban lot without negative visual impacts on other nearby residential lots. The City regulates the size of accessory structures to protect homeowners from the possible negative impacts of a large accessory building on adjacent properties. In this case, the closest home on a neighboring property is located roughly 110 feet from the proposed accessory building, so there should not be a negative impact.

The larger accessory structure would be consistent with the character of the surrounding area and would not undermine the intent of the Zoning Ordinance. Timberlost Trail has 19 adjacent single family lots. Of those 19 lots 5 include an accessory structure larger than the 800 square foot maximum. The lot directly to the east of the subject property contains an accessory structure larger than 800 square feet and the large lot to the rear (south) of the subject property includes an accessory structure that is larger than the accessory structure proposed for the subject property.

Accessory structures should be clearly subordinate to the primary structure on the property and constructed of materials consistent with the primary structure. The primary structure on the property is a two story house around 4,500 square feet. The house on the subject property would clearly be the primary structure on the property even with a larger accessory building.

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, while there does not appear to be a hardship, the lot is much larger than a typical residential lot in Suwanee. Exceeding the maximum permitted accessory square footage is unlikely to negatively impact neighboring properties. Larger accessory structures are compatible with the character of the area. Therefore, 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-2016-003.

Daniel Robinson informed the board that condition number three references the Exhibit C which is incorrect. It should reference Exhibit D.

Robert Michener asked if any of the accessory structures in the area exceed 2,300 square feet. Daniel Robinson stated that he is unsure of the square footage of the other accessory structures in the area.

Scott Auer called upon the applicant.

Scott Truax, 560 Pine Rock Trail, Sugar Hill, GA. Mr. Truax is the purchaser of the property at

97 Timberlost Trail. Mr. Truax stated that he needs a larger accessory structure for his RV.

Ryan Neilan asked Mr. Truax if he is in agreement with the conditions. Mr. Truax indicated that he is in agreement.

Scott O’Kon, 77 Timberlost Trail, Suwanee, GA. Mr. O’Kon asked how many trees will be removed in order to accommodate the accessory structure.

Scott Truax stated that no trees will be removed.

Scott Auer called for opposition. There was none.

Robert Michener asked if the applicant could come back before the ZBA if large trees need to be removed.

Pamela Jones, 97 Timberlost Trail, Suwanee, GA. Ms. Jones is the owner of the property. Ms. Jones stated that all of the large trees are on the neighbor’s property.

***Ryan Neilan moved to approve V-2016-003 with amended staff conditions, second by James Thigpen. Motion carries 5-0(deletions = strikethrough, additions = bold).***

1. The accessory building shall be a maximum of 2,300 square feet in size.
2. The architecture of the accessory building shall be substantially consistent with the architectural design with exhibit “C”. Materials of the accessory structure shall be consistent with the existing residence.
3. The accessory building shall be located approximately as shown on Exhibit ~~“C”~~ **“D”**

### **OTHER BUSINESS**

### **ANNOUNCEMENT**

### **ADJOURNMENT**

Scott Auer moved to adjourn at 6:44 pm.