

**MINUTES  
CITY OF SUWANEE, GEORGIA  
ZONING APPEALS BOARD MEETING  
January 19, 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**

Daniel Robinson called the meeting to order at 6:30 p.m.

**ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON**

*Ryan Neilan moved to nominate Scott Auer as Chairperson, second by Robert Michener.*

*Motion carried 5-0. Daniel Robinson turned the meeting over to Scott Auer.*

*Larry Johnson moved to nominate Ryan Neilan as Vice Chairperson, second by Robert Michener. Motion carried 5-0*

**ADOPTION OF THE AGENDA**

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

**APPROVAL OF MINUTES**

*Ryan Neilan moved to approve the December 15, 2015 minutes, second by Larry Johnson. Motion carried 5-0.*

**OLD BUSINESS**

**NEW BUSINESS**

**V-2016-001** – Owner/Applicant: Gwinnett Prado, LP. Requests a variance from Section 507 of the City of Suwanee Zoning Ordinance to allow for a lot smaller than the minimum size. The property is located in Land Lot 238/ of the 7<sup>th</sup> District at 4065 McGinnis Ferry Road and contains approximately 0.93 acres.

Daniel Robinson presented the staff report as follows: The applicant seeks a variance from Section 507 of the City of Suwanee Zoning Ordinance to allow for a reduction of the minimum lot size in the C-3 (Special Commercial District). The minimum lot size for the C-3 zoning district is 1 acre. The applicant is requesting a variance to allow for a reduction of the lot size to 0.93 acres. The property is located at 4065 McGinnis Ferry Road in the Shops at Suwanee Shopping Center near the Peachtree Industrial Boulevard and McGinnis Ferry Road intersection. The subject property is completely surrounded by other C-3 zoned properties. The variance is requested to enable the sale of the tract so that it can be developed as a bank.

The property was rezoned from M-1 to C-3 in 2001. The exhibits from that rezoning include a site plan that identifies this outparcel as a building pad and associated parking, which is part of a larger 19 acre development (see exhibit C). In 2008, a final plat showing what was intended to be lease lines, not property lines, was approved by the City (see exhibit D). When the Shops at

Suwanee was developed in 2008, the parking for this tract was constructed. Therefore, this outparcel with this type of use has always been part of the plan for this shopping center and has been approved twice by the City.

The previously mentioned plat that was recorded in 2008 shows the entire shopping center with the 9 tracts. There is a note at the bottom of the plat that states, “*Note: Interior lines are ground lease lines and not property lines (excepting tracts 4 & 9).*” After the plat was recorded the Gwinnett County Tax Commissioner assigned tax identification numbers to all of the lots, making them separate lots, which was not the intention of the owner. The only lot that was created by the Gwinnett County action that does not meet the City’s minimum lot size is the subject tract, tract 1.

The owner is requesting this variance in order to remove the “legal non-conforming” status from this lot. Meaning, the lot was created legally but does not meet the current standards as defined in the zoning ordinance. The legal non-conforming status can cause issues with closing attorneys and lenders. Obtaining a variance would remove this status and guarantee that there would be no issues with developing the property as intended.

In this case, tract 1 was always part of the overall master plan for the Shops at Suwanee shopping center. As previously mentioned, the tract was shown and approved when the property was rezoned, developed and platted. All of the internal drives and parking areas are already in place. Approval of this variance will allow for the sale and ultimately the development of a tract that has been planned for over 10 years. As such, staff recommends approval with conditions of V-2016-001.

Scott Auer called upon the applicant.

Bruce Williams, 2700 Paces Ferry, Atlanta, GA. Mr. Williams owns the shopping center. Mr. Williams stated that he is in agreement with the staff recommended conditions.

Scott Auer called for opposition. There was none.

***Ryan Neilan moved to approve V-2016-001 with conditions, second by Larry Johnson. Motion carried 5-0.***

1. The site shall be developed substantially similar to the site plan shown in exhibit “B”.
2. Only uses allowed in C-1, C-2, or C-2A shall be allowed on tract 1.

**V-2016-002** – Owner/Applicant: Glenn G. Wolfe. 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 101 Leaf Lake Drive and contains approximately 1.70 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 101 Leaf Lake Drive and is zoned R-140. The subject property is roughly 1.68 acres in size.

The applicant is requesting an accessory building that is roughly 1,280 square feet in size. The maximum permitted size for accessory buildings in the R-140 zoning district is 800 square feet. As such a variance would be required in order to build the accessory structure as proposed. The architecture of the building will look like a typical garage building with two overhead garage doors and one door. The building will have a brick veneer water table with lap siding making up the remaining exterior.

The neighboring properties along Leaf Lake Drive are also single family homes that are zoned R-140. To the rear of the property are two large lots zoned GCA (Gwinnett County Annex) and M-1 (Light Manufacturing District). Leaf Lake Drive is a unique area of Suwanee. Most residential areas in the City have smaller lots.

Like many of the other neighborhoods that are zoned R-140, Suwanee's largest lot residential zoning district, the lots on Leaf Lake Drive are much larger than normal residential lots. The average lot size in the single street neighborhood is 2.8 acres. These large residential lots can require and accommodate equipment and supplies that are more common in rural or agricultural areas than typically found in a suburban neighborhood. The storage of such equipment can require more square footage than is permitted for residential lots in Suwanee.

Accessory buildings are permitted uses in all of the City's residential zoning districts. All of the residential zoning districts have the same standard for accessory buildings in terms of maximum square footage allowed. However, a 1.68 acre lot is more capable of accommodating a larger accessory building without negative impacts on adjoining properties than a half-acre lot in a subdivision. 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 more than 80 feet from the proposed accessory building.

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 3,000 square feet. The house on the subject property is and will clearly be the primary structure on the property even with an accessory building of approximately 1,300 square feet. Additionally the proposed accessory building would be located behind the primary structure. The brick and siding of the proposed accessory building will be consistent with the brick and siding of the main house.

While there does not appear to be a hardship, the lot is larger than a typical residential lot in Suwanee; therefore, exceeding the maximum permitted accessory square footage is unlikely to negatively impact neighboring properties. Besides being larger than 800 square feet, the building meets all other requirements of accessory buildings. Therefore, approval of this variance would not be a substantial detriment to the public good and will not undermine the intent of the zoning ordinance, which is to limit the number and size of accessory buildings on smaller lots in more densely populated neighborhoods. As such, staff recommends approval with conditions of V-2016-002.

Ryan Neilan asked if there would be any setback issues. Daniel Robinson stated that there would

not be setback issues.

Scott Auer called upon the applicant.

Glenn G. Wolfe, 101 Leaf Lake Drive, Suwanee, GA. Mr. Wolfe stated that he would like to build the accessory structure so that he may have a place to do some welding.

***Robert Michener moved to approve V-2016-002 with staff conditions, second by Ryan Neilan. Motion carried 5-0.***

1. The accessory building shall be a maximum of 1,280 square feet in size.
2. The accessory building shall located approximately as shown on Exhibit "C".
3. The accessory building shall be substantially consistent with the architectural design and materials shown in exhibit "D".

### **OTHER BUSINESS**

### **ANNOUNCEMENT**

Board Training will be held on January 30, 2016.

### **ADJOURNMENT**

Scott Auer moved to adjourn at 6:46 pm.