

City of Sugar Hill
Planning Staff Report
VAR 16-006



DATE: November 29, 2016
TO: Mayor and City Council
FROM: Planning Director
SUBJECT: Lee and Kelly Wood Variance, VAR 16-006

RECOMMENDED ACTION

Approval.

ISSUE The City of Sugar Hill received an application dated October 28, 2016 from Lee and Kelly Wood requesting a variance to reduce the required lot width at the front setback from 70' to 40', resulting in a 30' reduction for the property located at 4795 West Price Road.

DISCUSSION

- *Applicant has a Developer that would like to develop this 15.221 acre tract into a 14 lot subdivision, but would like to exclude the existing house containing 1.892 acres from the development acquisition. The existing house and plat will be incorporated as a part of the overall development once completed.*
- *The exemption plat to create a separate lot for the existing house will mean that the current frontage along West Price Road will only be 40' rather than the required 70'.*
- *The proposed exemption plat frontage includes a drive shown as West Oak Court in in the initial subdivision plat. The drive will be included in the final subdivision plat as West Oak Court. When the subject plat is incorporated back into the subdivision at Final Plat, it will include the standard lot width (70') along West Oak Court and will be consistent with other lots in the subdivision.*

BACKGROUND

Applicant / Owner: Lee and Kelly Wood
Existing Zoning: Medium Density Single-Family Residential (RS-100) Subdivision
Request: Reduce the required lot width at the front setback from 70' to 40', resulting in a 30' reduction for the 1.892 acre tract to be excluded from the overall 15.221 acre tract.
Purpose: Exclude existing house from proposed development.
Property Size: ± 15.221 Acres

Location: 4795 West Price Road, Tax Parcel #7-275-006
Public Notice: Sign Posted on 11/24/16. Ad in Gwinnett Daily Post on 11/24/16.

FINDINGS OF FACT

The property in question is the site of a single-family home located at 4795 West Price Road, zoned Medium Density Single-Family Residential (RS-100), containing 15.221 Acres.

The lot in question includes the existing house and 1.892 acres, to be excluded by the proposed developer from the 15.221 acres to be developed as a 14 lot subdivision. The applicant proposes to create a separate lot for the existing house in order to sell the remaining property to be developed as a 14 lot single family subdivision. The existing house and proposed roadway and lot layout will conform to the future proposed development and will incorporate as a part of the overall subdivision once developed.

VARIANCE CRITERIA

a. Are there extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography?

Yes. The shape is unusual due to its future configuration within the subdivision.

b. Does application of the Ordinance to this particular piece of property create an unnecessary hardship?

As currently designed, the property would have to be purchased as part of the subdivision to meet the requirements of the ordinance for lot width.

c. Are there conditions peculiar to the particular piece of property involved?

The site as currently platted includes the existing house and approximately 15 acres of undeveloped land. The site is being developed into a 14-lot subdivision, but the Developer would like to exclude the current house from the subdivision land acquisition and sale; therefore, an exemption plat is being created for the existing house and land and must show frontage on the existing West Price Road as West Oak Court (private road) is not yet complete.

d. Are these conditions the result of any actions of the property owner?

These conditions resulted from the development and subdivision of the property.

e. Would relief, if granted, cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance?

No. Once the subdivision is platted, the lot will have the appropriate lot width and will be consistent with other lots in the subdivision.

October 27, 2016

City of Sugar Hill
5039 West Broad Street
Sugar Hill, Georgia 30518

RE: Variance Application for Lee and Kelly Wood
4795 West Price Road Sugar Hill, Georgia 30519
Letter of Intent

To Whom it may Concern:

Please accept this letter of intent to request a variance for lot width reduction for Tract 2, located at 4795 West Price Road, parcel number 7275-006. The property is currently zoned RS-100. We are requesting a variance for a reduction in the required 70' lot width at the front building set back line to 40'.

As shown on the proposed site plan, it is the owner's intent to develop this 15.221-acre tract of land into a 14 lot residential subdivision. By creating a separate lot for the existing house, the frontage is reduced and does not allow for a 70' lot width at the front building line. The proposed roadway and lot layout incorporate the existing home, however, it will not be part of the initial acquisition of the land for development, and therefore must be split onto its own tract.

The proposed lot will eventually be incorporated into a new development called the Gates at WestOak. The subdivision will improve the area by improving the infrastructure, including water and sanitary sewer, where it was not previously constructed.

- A. Are there any special conditions and circumstances existing on the property which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or building in the same district.

By keeping the existing home as part of the proposed subdivision, the lot will not have 70' at the front building line.

- C. How the literal interpretation of the provision of the Zoning Ordinance would deprive the applicant the rights commonly enjoyed by other properties within the same district under the terms of the Zoning Ordinance.

This lot will be incorporated into the new proposed subdivision, the Gates at WestOak. By enforcing the 70' lot width, this lot would encroach into the proposed roadway for the future development.

- D. How the special conditions and circumstances do not result from the actions of the applicant.

Currently, the existing home is on 15.221 acres which will be subdivided to create a single family subdivision. The developer of the proposed subdivision does not wish to purchase the existing house. This separate lot is being created in order to separate it from the remaining tract, therefore allowing the owner to develop and/or sale the proposed subdivision.

- E. How granting of the variance requested will not confer on the applicant any special privileges that are denied by the Zoning Ordinance to other lands, structures or buildings in the same district.

The land directly behind this lot is located in the City of Sugar Hill and is also developed into a single family residential subdivision. Allowing this reduction will not provide any special exceptions that would be different from adjoining tracts.

- F. How no non-conforming use of neighboring lands, structures or buildings in the same district and not permitted or non-use of lands, structures or building in other districts shall be considered grounds for issuance of a variance.

There are no known non conforming land structures or buildings in the same district that would be considered grounds for issuance of a variance.

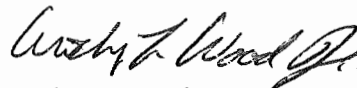
- G. Explain how this requested variance is the minimum necessary that will allow the reasonable use of the land, buildings or structures.

The variance requested is for minimum necessary to create the lot and to separate it from the remaining property so it can be developed.

- H. Explain how if granted, this requested variance will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, surrounding properties or otherwise detrimental to the public welfare.

Granting this variance will not negatively affect the surrounding areas as it will not affect any other lots, besides that being created. The remaining lots within the proposed development exceed the minimum zoning standards.

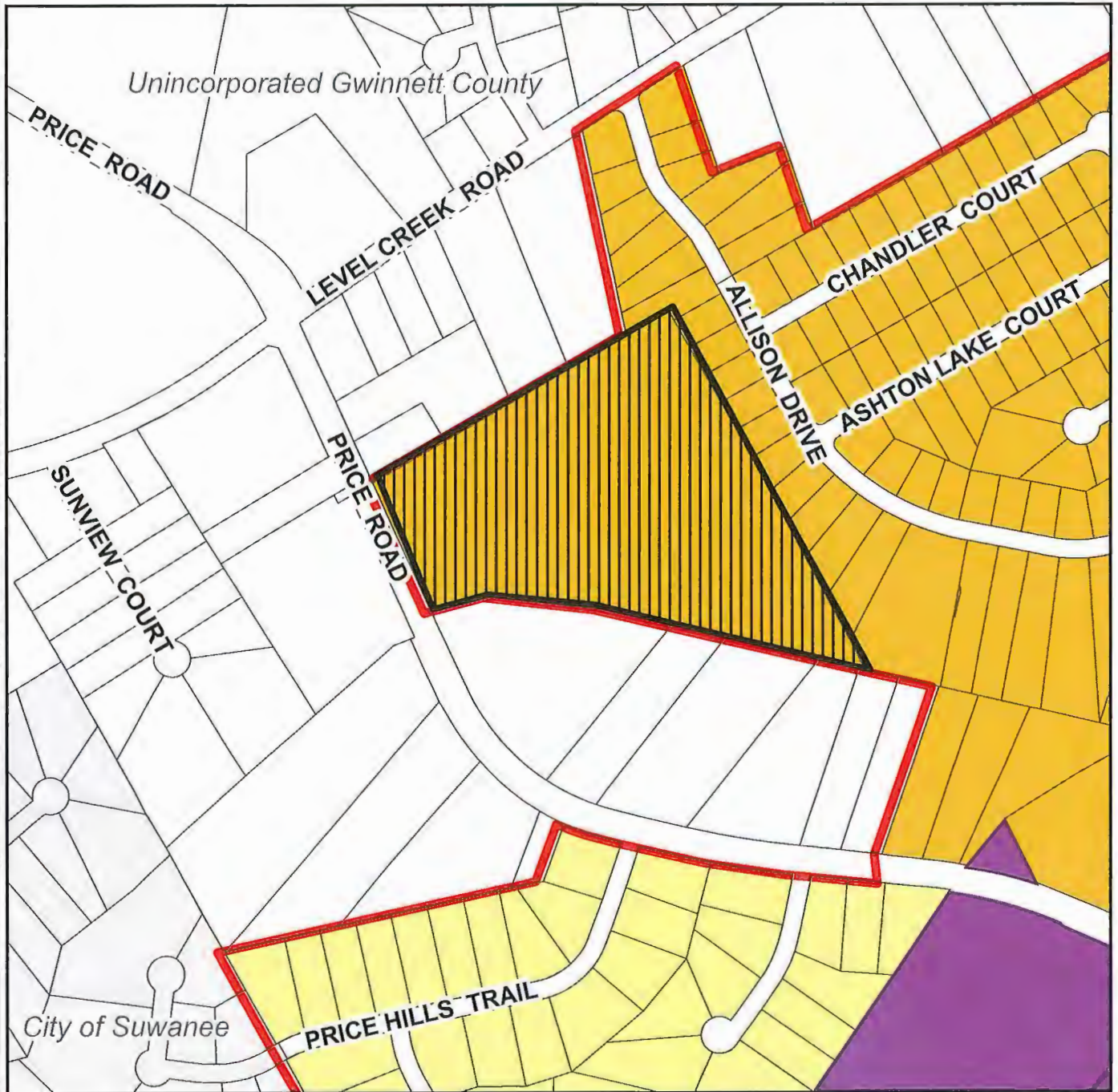
Regards,



Anthony Wood, Jr.

**Variance Case
VA 16-006**

Applicant: Lee and Kelly Wood
Zoning: RS-100 **Location:** 4975 West Price Road
Request: Reduce lot width from 70' to 40'



Legend

Zoning District

- AF- Agricultural - Forest
- RS200-Low Density Single Family Residential
- RS175-Low Density Single Family Residential
- RS150-Low Density Single Family Residential
- RS100-Medium Density Single Family Residential
- RM-Residential Multi-Family Residential
- CSD-Conservation Subdivision Residential
- MH-Mobile Home Park
- OI-Office - Institutional

- HSB-Highway Service Business
- BG-General Business
- LM-Light Manufacturing
- HM-1-Light Industry
- HM-2-Heavy Industry

1 inch = 400 feet

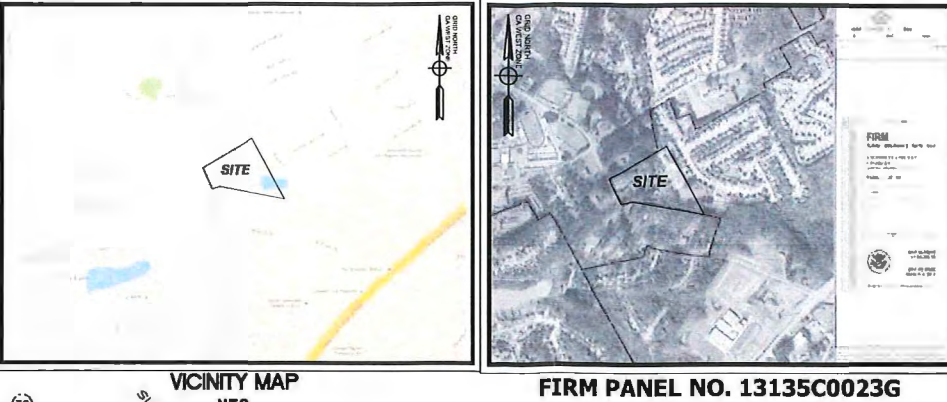
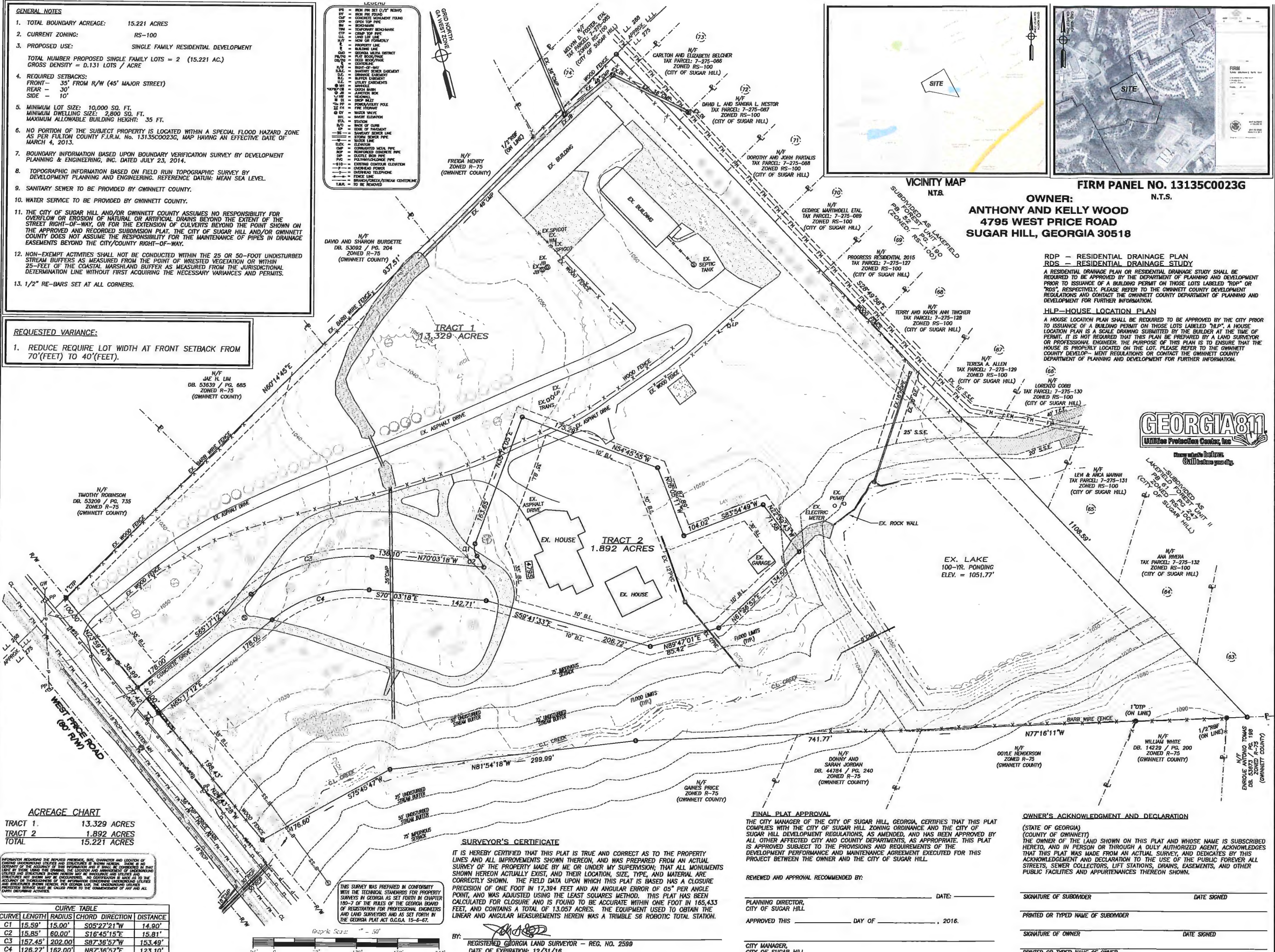


- GENERAL NOTES**
- TOTAL BOUNDARY ACREAGE: 15.221 ACRES
 - CURRENT ZONING: RS-100
 - PROPOSED USE: SINGLE FAMILY RESIDENTIAL DEVELOPMENT
 - TOTAL NUMBER PROPOSED SINGLE FAMILY LOTS = 2 (15.221 AC.)
GROSS DENSITY = 0.131 LOTS / ACRE
 - REQUIRED SETBACKS:
FRONT - 35' FROM R/W (45' MAJOR STREET)
REAR - 30'
SIDE - 10'
 - MINIMUM LOT SIZE: 10,000 SQ. FT.
MINIMUM DWELLING SIZE: 2,800 SQ. FT.
MAXIMUM ALLOWABLE BUILDING HEIGHT: 35 FT.
 - NO PORTION OF THE SUBJECT PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE AS PER FULTON COUNTY F.I.R.M. NO. 1313SC0023G, MAP HAVING AN EFFECTIVE DATE OF MARCH 4, 2013.
 - BOUNDARY INFORMATION BASED UPON BOUNDARY VERIFICATION SURVEY BY DEVELOPMENT PLANNING & ENGINEERING, INC. DATED JULY 23, 2014.
 - TOPOGRAPHIC INFORMATION BASED ON FIELD RUN TOPOGRAPHIC SURVEY BY DEVELOPMENT PLANNING & ENGINEERING. REFERENCE DATUM: MEAN SEA LEVEL.
 - SANITARY SEWER TO BE PROVIDED BY GWINNETT COUNTY.
 - WATER SERVICE TO BE PROVIDED BY GWINNETT COUNTY.
 - THE CITY OF SUGAR HILL AND/OR GWINNETT COUNTY ASSUMES NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL DRAINS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE EXTENSION OF CULVERTS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED SUBDIVISION PLAT. THE CITY OF SUGAR HILL AND/OR GWINNETT COUNTY DOES NOT ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF PIPES IN DRAINAGE EASEMENTS BEYOND THE CITY/COUNTY RIGHT-OF-WAY.
 - NON-EXEMPT ACTIVITIES SHALL NOT BE CONDUCTED WITHIN THE 25 OR 50-FOOT UNDISTURBED STREAM BUFFERS AS MEASURED FROM THE POINT OF WRESTED VEGETATION OR WITHIN 25-FOET OF THE COASTAL MARSHLAND BUFFER AS MEASURED FROM THE JURISDICTIONAL DETERMINATION LINE WITHOUT FIRST ACQUIRING THE NECESSARY VARIANCES AND PERMITS.
 - 1/2" RE-BARS SET AT ALL CORNERS.

- REQUESTED VARIANCE:**
- REDUCE REQUIRE LOT WIDTH AT FRONT SETBACK FROM 70'(FEET) TO 40'(FEET).

LEGEND

1/2" REBAR	1/2" REBAR
CONCRETE FOUNDATION	CONCRETE FOUNDATION
CONCRETE WALL	CONCRETE WALL
CONCRETE SLAB	CONCRETE SLAB
CONCRETE CURB	CONCRETE CURB
CONCRETE DRIVE	CONCRETE DRIVE
CONCRETE SIDEWALK	CONCRETE SIDEWALK
CONCRETE WALKWAY	CONCRETE WALKWAY
CONCRETE PATIO	CONCRETE PATIO
CONCRETE PORCH	CONCRETE PORCH
CONCRETE TERRACE	CONCRETE TERRACE
CONCRETE STAIRS	CONCRETE STAIRS
CONCRETE DRIVE	CONCRETE DRIVE
CONCRETE SIDEWALK	CONCRETE SIDEWALK
CONCRETE WALKWAY	CONCRETE WALKWAY
CONCRETE PATIO	CONCRETE PATIO
CONCRETE PORCH	CONCRETE PORCH
CONCRETE TERRACE	CONCRETE TERRACE
CONCRETE STAIRS	CONCRETE STAIRS
CONCRETE DRIVE	CONCRETE DRIVE
CONCRETE SIDEWALK	CONCRETE SIDEWALK
CONCRETE WALKWAY	CONCRETE WALKWAY
CONCRETE PATIO	CONCRETE PATIO
CONCRETE PORCH	CONCRETE PORCH
CONCRETE TERRACE	CONCRETE TERRACE
CONCRETE STAIRS	CONCRETE STAIRS



OWNER:
ANTHONY AND KELLY WOOD
4795 WEST PRICE ROAD
SUGAR HILL, GEORGIA 30518

RDP - RESIDENTIAL DRAINAGE PLAN
RDS - RESIDENTIAL DRAINAGE STUDY

A RESIDENTIAL DRAINAGE PLAN OR RESIDENTIAL DRAINAGE STUDY SHALL BE REQUIRED TO BE APPROVED BY THE DEPARTMENT OF PLANNING AND DEVELOPMENT PRIOR TO ISSUANCE OF A BUILDING PERMIT ON THOSE LOTS LABELED "RDP" OR "RDS" RESPECTIVELY. PLEASE REFER TO THE GWINNETT COUNTY DEVELOPMENT REGULATIONS AND CONTACT THE GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT FOR FURTHER INFORMATION.

HLP-HOUSE LOCATION PLAN

A HOUSE LOCATION PLAN SHALL BE REQUIRED TO BE APPROVED BY THE CITY PRIOR TO ISSUANCE OF A BUILDING PERMIT ON THOSE LOTS LABELED "HLP". A HOUSE LOCATION PLAN IS A SCALE DRAWING SUBMITTED BY THE BUILDER AT THE TIME OF PERMIT. IT IS NOT REQUIRED THAT THIS PLAN BE PREPARED BY A LAND SURVEYOR OR PROFESSIONAL ENGINEER. THE PURPOSE OF THIS PLAN IS TO ENSURE THAT THE HOUSE IS PROPERLY LOCATED ON THE LOT. PLEASE REFER TO THE GWINNETT COUNTY DEVELOPMENT REGULATIONS OR CONTACT THE GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT FOR FURTHER INFORMATION.

SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AS TO THE PROPERTY LINES AND ALL IMPROVEMENTS SHOWN THEREON, AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST, AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 17,394 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 165,433 FEET, AND CONTAINS A TOTAL OF 13.057 ACRES. THE EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS HEREIN WAS A TRIMBLE S6 ROBOTIC TOTAL STATION.

BY: [Signature]
REGISTERED GEORGIA LAND SURVEYOR - REG. NO. 2599
DATE OF EXPIRATION: 12/31/16

FINAL PLAT APPROVAL

THE CITY MANAGER OF THE CITY OF SUGAR HILL, GEORGIA, CERTIFIES THAT THIS PLAT COMPLIES WITH THE CITY OF SUGAR HILL ZONING ORDINANCE AND THE CITY OF SUGAR HILL DEVELOPMENT REGULATIONS, AS AMENDED, AND HAS BEEN APPROVED BY ALL OTHER AFFECTED CITY AND COUNTY DEPARTMENTS, AS APPROPRIATE. THIS PLAT IS APPROVED SUBJECT TO THE PROVISIONS AND REQUIREMENTS OF THE DEVELOPMENT PERFORMANCE AND MAINTENANCE AGREEMENT EXECUTED FOR THIS PROJECT BETWEEN THE OWNER AND THE CITY OF SUGAR HILL.

REVIEWED AND APPROVAL RECOMMENDED BY:

PLANNING DIRECTOR,
CITY OF SUGAR HILL

APPROVED THIS _____ DAY OF _____, 2016.

CITY MANAGER,
CITY OF SUGAR HILL

OWNER'S ACKNOWLEDGMENT AND DECLARATION

(STATE OF GEORGIA)
(COUNTY OF GWINNETT)
THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, AND IN PERSON OR THROUGH A SOLELY AUTHORIZED AGENT, ACKNOWLEDGES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND DECIDES BY THIS ACKNOWLEDGMENT AND DECLARATION TO THE USE OF THE PUBLIC FOREVER ALL STREETS, SEWER COLLECTORS, LIFT STATIONS, DRAINS, EASEMENTS, AND OTHER PUBLIC FACILITIES AND APPURTENANCES THEREON SHOWN.

SIGNATURE OF SUBDIVIDER _____ DATE SIGNED _____

PRINTED OR TYPED NAME OF SUBDIVIDER _____

SIGNATURE OF OWNER _____ DATE SIGNED _____

PRINTED OR TYPED NAME OF OWNER _____

dp
DEVELOPMENT
planning & engineering, inc.
civil - sanitary - transportation
survey

5074 BRISTOL INDUSTRIAL WAY
SUITE A
BUFORD, GEORGIA 30518
(770) 271-2868
www.dpengr.com

PREPARED FOR:
ANTHONY & KELLY WOOD
4795 WEST PRICE ROAD
SUGAR HILL, GA 30518

24-HOUR CONTACT:
MR. LEE WOOD
(770) 318-8834

PROJECT NAME:
**THE GATES
AT WESTOAK**

TASK:
**EXEMPTION
PLAT**

REGISTRATION NO. 2599
DATE 10/28/14

PROJECT INFORMATION:

THE GATES AT WESTOAK
Project Name
15-024
Project Number
4795 WEST PRICE ROAD
Project Address
275
Land Lot No.(s)
7th
District
CITY OF SUGAR HILL
GWINNETT COUNTY, GEORGIA
County, State

ACREAGE CHART

TRACT 1	13.329 ACRES
TRACT 2	1.892 ACRES
TOTAL	15.221 ACRES

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD DIRECTION	DISTANCE
C1	15.59'	15.00'	S05°27'21"W	14.90'
C2	15.85'	60.00'	S16°45'15"E	15.81'
C3	157.45'	202.00'	S87°36'57"W	153.49'
C4	126.27'	162.00'	N87°36'57"E	123.10'

REC. 10/28/14

VAR-16-006