### City of Sugar Hill Planning Staff Report RZ 25-006

DATE: June 12, 2025

TO: Planning Commission FROM: Planning Department

SUBJECT: Rezone from RM to RS-72 (3 units), side setback variance requested

4822 Lanier Ave., R7292 045

ISSUE The City of Sugar Hill has received an application, dated May 2, 2025, from William

Bryan Matthews to rezone the subject property from RM to RS72 for the

construction of three, detached, 2-story single-family residences on three individual, fee-simple lots. Applicant requests a reduction of the required 10-ft side setbacks to

7 feet.

#### RECOMMENDED ACTION

### Recommend approval of request to rezone with the following conditions:

- 1. The development shall substantially conform to the site plan (Exhibit 1) submitted with the application, particularly regarding its general features, placement, and alignments. However, alterations necessary to accommodate other conditions specified herein are permitted without additional Mayor and City Council approval, provided they align with the spirit and context of the approval as determined by the Planning Department.
- 2. Design review and approval is required prior to land development. Elevation drawings, color and material samples shall be submitted, as well as site and landscaping plan.
- 3. At least three natural gas appliances shall be installed within each unit prior to a certificate of occupancy.
- 4. Units shall be constructed in such a way to create unique character for each dwelling unit, with cohesive design elements to unify the dwellings into the overall development.

### Recommend approval of the following variance request:

5. Side setbacks shall be reduced from 10' to 7'.

### DISCUSSION

- The subject parcel is located along Lanier St., near its intersection with First Ave. The subject property is across the street from AmeriGas Propane. The neighborhood is characterized by a variety of cottage-style homes built over several decades. The subject property itself is occupied by a single-family home, currently vacant, which would be demolished.
- The subject parcel totals 1.07 acres. The proposed development consists of 3 single-family detached homes, each 4,000 SF in size.
- The proposed project would serve as an appropriate infill development within an existing established neighborhood. While the proposed residences will likely be larger than adjacent residences, the aesthetic of the development should be complementary to existing homes.
- No elevations were provided by the applicant. However, the development will need to comply with the architectural standards within the Town Center Overlay and Zoning Ordinance.
- The property is within the Town Center Overlay District. Therefore, traditional architecture shall be consistent with late 19th century to early 20th century American styles. Each building

must contribute to a consistent architectural identity by using traditional forms, authentic materials and quality craftsmanship. A Design Review approval will be required by City Council upon rezoning of the property.

- A stream that feeds Level Creek is identified along the rear, western boundary of the property (flood plain ID 1708). No request is made to reduce the associated stream buffers.
- The applicant has requested a variance to the side yard setback for the development, reducing it from 10' to 7' between the homes. Given the infill nature of the project, and the layout of existing homes surrounding the project, staff supports this request.
- It should be noted that the request exceeds RS-72 dimensional standards, and nearly meets RS-100 standards. However, the lot width is just shy of meeting the required 70' width for RS-100 lots. In keeping with Section 502 of the Zoning Ordinance, "no lot shall be reduced in size so that lot width... is not maintained." As such, the applicant has requested RS-72 in order to provide more flexibility in development and update the zoning of the site to a designation that is more current than the retired RM district.

#### **BACKGROUND**

Applicant/Owner: Abernathy Engineering Group c/o William Bryan Matthews / Rong Rong Karski

c/o Dan Karski

Existing Zoning: RM (Residential Multi-family- retired zoning)

Request(s): Rezone to R-72 (3 units)

Purpose: Detached single-family residences

Property Size:  $\pm 1.07$  acres

Location: 4822 Lanier Ave.

Tax parcel: R7292 045

Public Notice: Letters to adjoining owners via USPS regular mail on May 16, 2025

Sign posted at 4822 Lanier Ave on May 16, 2025.

Ad in legal section of Gwinnett Daily Post on May 18, 2025 and June 8, 2025

Public Comments: None as of 6/12/25

#### FINDINGS OF FACT

Surrounding Land Use and Zoning

Direction	Existing Land Use	Existing Zoning
North	Single-family residences	RM Res Multi Family
South	Single-family residences	RS 100 Res Med
East	Propane business	HM 1 Heavy Manufact
West	Single-family residences	HSB Hwy Service Bus

#### **ZONING ANALYSIS**

1. Will the requested rezoning permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. The proposed development is located within an existing residential area and is surrounded by an established neighborhood with commercial activity across the street.

# 2. Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?

No, as a residential development, it would be the same use as properties north and south of the subject property.

3. Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?

Yes.

4. Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?

The subject site is located in the Lanier cluster (Sugar Hill Elementary school). A minimal impact on schools is anticipated. Project access coordination with the City will be required for driveways.

5. Does the rezoning requested conform to the Sugar Hill Land Use Plan?

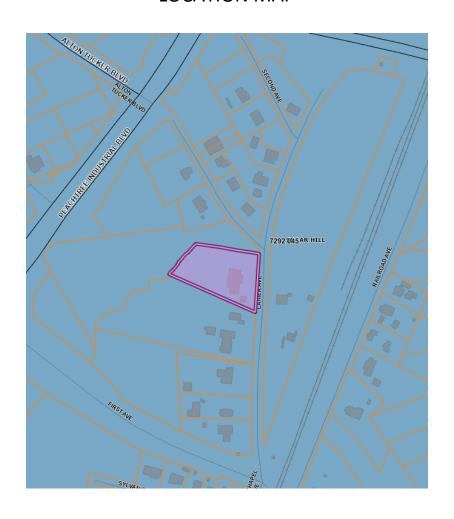
Yes, the property is currently located within an existing residential area. The proposed infill project will add new housing stock to a lot which is currently uninhabited and in disrepair, improving the surrounding community.

6. Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?

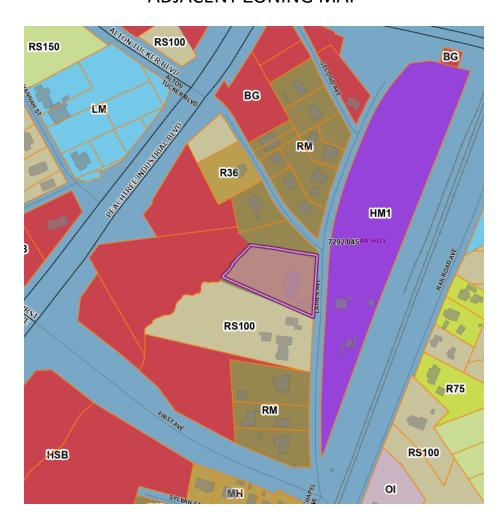
Excerpts from the Comprehensive Plan (2024):

Encourage area-appropriate infill on undeveloped parcels to best utilize available land within the city.

RZ-25-006 LOCATION MAP



RZ-25-006 ADJACENT ZONING MAP



RZ-25-006 AERIAL MAP





## CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT PUBLIC HEARING PACKET

			DATE RECEIVED	:
Reviewed by:	Date A	•		
		APPLICA <sup>*</sup>	TION	
CHECK ONE:ANNEXAT	TION/REZONING X	REZONING _	_CHANGE IN CONDITIONS	SPECIAL USE PERMIT
		APPLICANT INFOR	RMATION	
<sub>ame:</sub> William Bryan Math		Address:		<u> </u>
hone: 404-308-5669 Fax: n/a		_	PO Box 1886, Bufor	rd, Georgia 30515
			bryan.mathews@wbschv	vartsdesign.com
ignature: <u>UBMathews</u>		_ Date : _	May 2, 2025	
		OWNER INFORM	ATION	
IF MULTIPLI	E PROPERTY OWNERS FILL O		TION AND ONE APPLICATION FOR EACH	HAPPLICANT.
ame: Rong Rong Kars	ki (c/o Dan Karski)	Address: _	656 Whitehead Roa	d
none: 678-249-7881		_	Sugar Hill, Georgia	30518
Fax:		Email: _	dan.greatland@gma	ail.com
ignature: RRKarski		Date:	May 2, 2025	
Drawn Mathausa		CONTACT INFORI		
ame: Bryan Mathews		_	404-308-5669	
<sub>Fax:</sub> n/a		Email:	bryan.mathews@wbsch	
lap Reference Number(s) (Tax Parcel Ider	ntification Number or PIN#) 72 PUnit Number of Propos	292 045 sed Housing Units:	TION AND ONE APPLICATION FOR EACH Acreage: hree Units Current Population:	1.073-Acres
·			ESTED ZONING DISTRICT : RS-1	72 (3_1 Inite)
RESENT ZONING DISTRICT:	wn Existing House	 / Subdivide Lo	t / Construct 3 New Units	72 (3-01113)
djacent Zonings: NORTH: HS		1100	DO 400	est: HM-1
Residential Developme	nt		Non-Residential Development	
# of Lots/Dwelling Units:		_	f of Lots/Buildings:	
			Fotal Gross Square Feet:	
Net Density:			Density:	
. rot 2 onotig.				
PLEASE CHECK THE FOLLOWING	FIF APPLICABLE:D	RI (Development of	Regional Impact)Within 2,	000 feet of the Chattahoochee Ri
Request for Special Conditions or Varia	ance(s) (Set back, Parking, B	uffers, etc):F	Reduce side yard to 7'	

Updated 12/22/2023 11

NOTE: Special Conditions, and Variance Request must also be explained in the Letter of Intent.



### CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT PUBLIC HEARING PACKET

### **REZONING APPLICANT'S RESPONSE**

### STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

Please respond to the following standards in the space provided or use and attachment as necessary:

A. Whether the proposed Rezoning or Special Use Permit will permit a use that is suitable in view of the use and development of adjacent and nearby property:

Yes, the proposed Rezoning Use is suitable and compatible with the adjacent and abutting properties.

- B. Whether the proposed Rezoning or Special Use Permit will adversely affect the existing use or usability of adjacent or nearby property:
- No, the proposed Rezoning Use will not be an adverse impact to the adjacent and abutting properties.
- C. Whether the property to be affected by a proposed Rezoning or Special Use Permit has reasonable economic use as currently zoned:

No, the current RM Zoning District (a discontinued district) does not have reasonable economic use as currently zoned.

- D. Whether the proposed Rezoning or Special Use Permit will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:
- No, the proposed Rezoning will not result in a use that would cause excessive or burdonesome use of existing streets, transportation facilities, utilities or schools.
- E. Whether the proposed Rezoning or Special Use Permit is in conformity with the policy and interest of the Land Use Plan:
- Yes, the proposed Rezoning is in general conformity to the policy and interest of the Land Use Plan.
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed Rezoning or Special Use Permit:

Other conditions supporting grounds for approval effecting the proposed use and re-development of the subject property will be to demolish the old home and build new homes to current IBC Building codes and architectural standards.

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### CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT PUBLIC HEARING PACKET

### **VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION**

The undersigned below is authorized to make this application. The undersigned certifies that all City Taxes/Property taxes, billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia. In no case shall an application or reapplication for rezoning, special use permit, and/or change in conditions be processed without such property verification. A copy of the paid tax bill can also be provided.

\*NOTE: A separate verification for must be completed for each tax parcel included in the Variance request.

Tax Parcel Number:	7292 045			
WBMath	rews	05 /02/ 2025	William Bryan Mathews	
SIGNATURE OF APPLICA	NT	DATE	TYPE OR PRINT NAME	

Updated 12/22/2023 15



## CITY OF SUGAR HILL PLANNING & DEVELOPMENT DEPARTMENT PUBLIC HEARING PACKET

Sugar Hill	
APPLICA	NT'S CERTIFICATION
The undersigned below is authorized to make this application. The	undersigned is aware that no application or reapplication which affects the same
	shall be acted upon for 12 months from the date of the denial by the City Council
	r reapplication be acted upon in less than six (6) months from the date of the denial
by the City Council Matheway 4/9/1	William Bryan Mathews
Signature of Applicant Date	Typed or Print Name and Title ROSMHERNANDEZ GARCIA
0 .0-0.0	Notary Public - State of Georgia
Sworn to and subscribed before me this day of	, 20 25. Gwinnett County
*	Signature of Notary Public My Commission Expires Nov 4, 2025
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	DWNER'S CERTIFICATION
	undersigned is aware that no application or reapplication which affects the same
	shall be acted upon for 12 months from the date of the denial by the City Council
	r reapplication be acted upon in less than six (6) months from the date of last action
	Hill, Department of Planning and Development to inspect the premises which are
subject of this zoning application.	
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10 8 12 Kee 4 14 25	
Owner Signature Date	Typed or Print Name and Title RD&& HERNANDEZ GARCIA Notary Public - State of Georgia
$\mathcal{A}_{\mathcal{A}}$	Gwinnett County
Sworn to and subscribed before me this day of	20 Commission Fynices Nov 4 2025
	Signature of Notary Public
CONFLICT OF INTERES	T CERTIFICATION FOR REZONINGS
	ied with the Official Code of Georgia Section 36-67A-1, et seq., Conflict of Interest
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Updated 1/13/2022 1.4

### **AEG Abernathy Engineering Group LLC**

Civil Engineers / Land Planning

Sunday, May 04, 2025

Logan Witter, AICP Associate Planner City of Sugar Hill Planning Department 5039 West Broad Street Sugar Hill, GA 30518 (770) 945-6734 x 1218 Iwitter@cityofsugarhill.com

Subject Rezoning Letter of Intent

4822 Lanier Avenue, Sugar Hill / Parcel 7292 045

Dear Logan,

We hereby present our Letter of Intent to Rezone the Subject Property.

Our intent is to raise (tear-down, demolish and remove) the existing home on this property, to subdivide the lot and prepare the land for new residential dwellings.

We propose changing the current RM Zoning District to Rezone to RS-72 District, to allow for three (3) new single-family residences, to be placed on three (3) individual fee simple lots.

We have provided a Site Plan with our application package as described above.

The subject property is served by existing GC-DWR owned public gravity sanitary sewer lines, which is located at the front of the lot within the RW Lanier Avenue.

The subject property is served by existing GC-DWR owned public water line, which is located at the front of the lot within the RW of Lanier Avenue.

Our application package includes the following documents and plans...

- 1. Letter of Intent
- 2. Copies of Completed / Executed Rezoning Application Forms.
- 3. Copies of Completed / Executed TCO Town Center Overlay District Application Forms.
- 4. Application Fee \$500.00
- 5. Copies of City & County Taxes Paid Statements.
- 6. Boundary / Existing As-Built Conditions Survey of the subject property.
- 7. Legal Description of Property.
- 8. Rezoning Site Plan for RS-72; full size and reduced size copies as per the checklist.

### AEG Abernathy Engineering Group LLC

Civil Engineers / Land Planning

Please provide your assessment and comments and let us know if you need anything else from AEG or the owner to process our application for scheduling our public hearings.

We are grateful for your help and guidance.

Best regards, Bryan

Bryan Mathews
Project Manager
Abernathy Engineering Group, LLC
P.O. Box 1886
Buford, Georgia
Cell 404-308-5669
bryan.mathews@wbschwartsdesign.com

### **Legal Description**

Property Address: 4822 Lanier Avenue, Sugar Hill, Georgia 30518 Zoning RM / Tax Parcel 7292 045 1.07-Acre Property

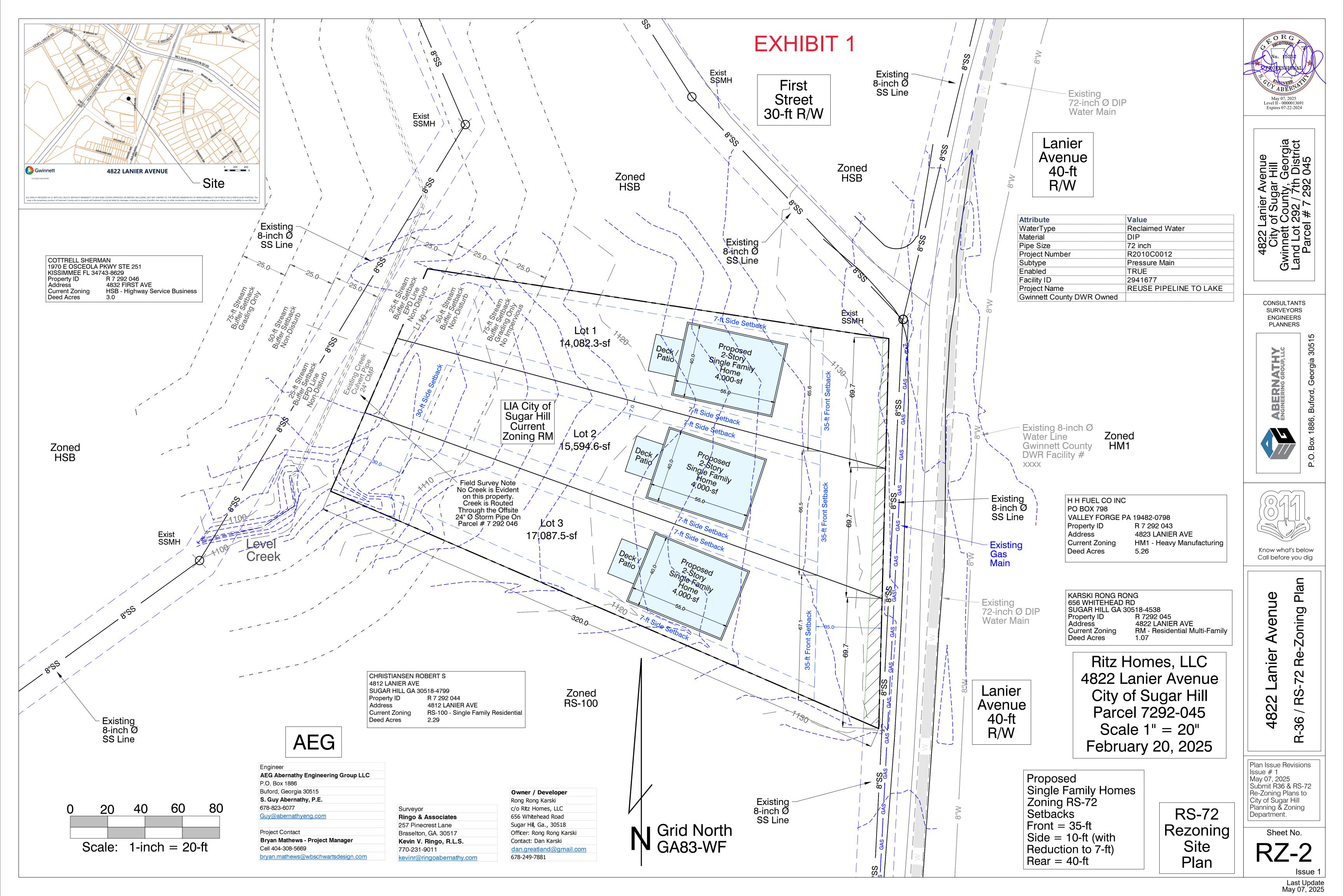
All that property or parcel of land located in Land Lot 292 of the 7<sup>th</sup> District, Gwinnett County, Georgia. Being more particularly described below.

Commence at the "True Point of Beginning" which point, is the NE Corner Pin (1/2" Rebar) of the subject parcel; this point is also the Southwest Corner of the R/W Intersection of Lanier Avenue with First Avenue.

From the Established Point of Beginning, Commence then in a Clockwise Direction along the following Metes & Bounds which describe the perimeter property lines of the subject parcel.

Run Thence 208.99-ft, Angle in XY Plane = N 1d29'32.6925" E, to a Point which is the SE Corner Pin. Run Thence 320.00-ft, Angle in XY Plane = S 66d34'47.2556" E to a Point which is the SW Corner Pin. Run Thence 130.00-ft, Angle in XY Plane = S 23d32'53.4478" W to a Point which is the NW Corner Pin. Run Thence 249.96-ft, Angle in XY Plane = N 81d23'2.1006" W to the Point of Beginning.

Said parcel description inscribing 1.07-Acres.



#### **LEGEND**: POINT OF BEGINNING LAND LOT LINE RIGHT OF WAY NOW OR FORMERLY CRIMP TOP FOUND REBAR FOUND OTF OPEN TOP FOUND RBS REBAR SET CORRUGATED METAL PIPE CMP REINFORCED CONCRETE PIPE DIP DUCTILE IRON PIPE PVC SWCB

POLYVINYLCHLORIDE PIPE SINGLE WING CATCH BASIN DWCB DOUBLE WING CATCH BASIN CURB INLET

DROP INLET OUTLET CONTROL SYSTEM ocs

JUNCTION BOX JB FES FLARED END SECTION HEAD WALL HW

WIER INLET SSMH SANITARY SEWER MANHOLE CO CLEAN OUT

INV INVERT OVERHEAD POWER LINE

ΕÖ ELECTRIC OUTLET UTILITY POLE ф UNDERGROUND POWER LINE -P-(—— **GUY WIRE** 

PP POWER POLE LIGHT POLE L/P FIRE HYDRANT FΗ WATER LINE WM WATER METER

WATER VALVE WV VAVLE MARKER VM SIGN POST BUILDING LINE BL

CENTERLINE EDGE OF PAVEMENT EΡ SAMPLING POINT Sp Мр MONITORING POINT

WETLANDS

SURVEY NOTATION: 90% OF THE DATA SHOWN ON THIS PLAT WAS OBTAINED UTILIZING GPS. IT INCLUDES ALL HORIZONTAL AND VERTICAL CONTROL POINT INFORMATION. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A CARLSON SURVEYOR+ GLOBAL NAVIGATION SATELLITE SYSTEM WITH A CARLSON SURVEYOR+ DATA COLLECTOR. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE eGPS SOLUTIONS VRS NETWORK. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.019 FEET HORIZONTALLY AND 0.03 FEET VERTICALLY AT THE 95% CONFIDENCE LEVEL.

BASIS OF BEARINGS FOR THIS SURVEY IS GRID NORTH REFERENCED TO THE GEORGIA STATE PLANE COORDINATE SYSTEM WEST ZONE. ALL HORIZONTAL LOCATIONS ARE REFERENCED TO THE NORTH AMERICAN DATUM 1983 ( NAD83).

EQUIPMENT USED: CARLSON SURVEYOR+ GLOBAL NAVIGATION SATELLITE SYSTEM AND A CARLSON SURVEYOR+ DATA COLLECTOR.

THIS PLAT HAS BEEN CALCULATED FOR PRECISION AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 252,824 FEET

SOURCE OF TOPOGRAPHY IS FIELD RUN AND REFERENCE DATUM IS NAVD 88.

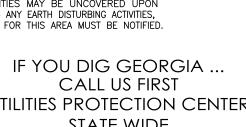
THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, VARIOUS GOVERNMENTAL AGENCIES, AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR ENGINEER MAKE NO CLAIM TO THE COMPLETENESS OF THIS INFORMATION. THE SIZE, LOCATION, OR ADDITIONAL UTILITIES MAY BE UNCOVERED UPON EXCAVATION. PRIOR TO BEGINNING ANY EARTH DISTURBING ACTIVITIES, THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTIFIED.

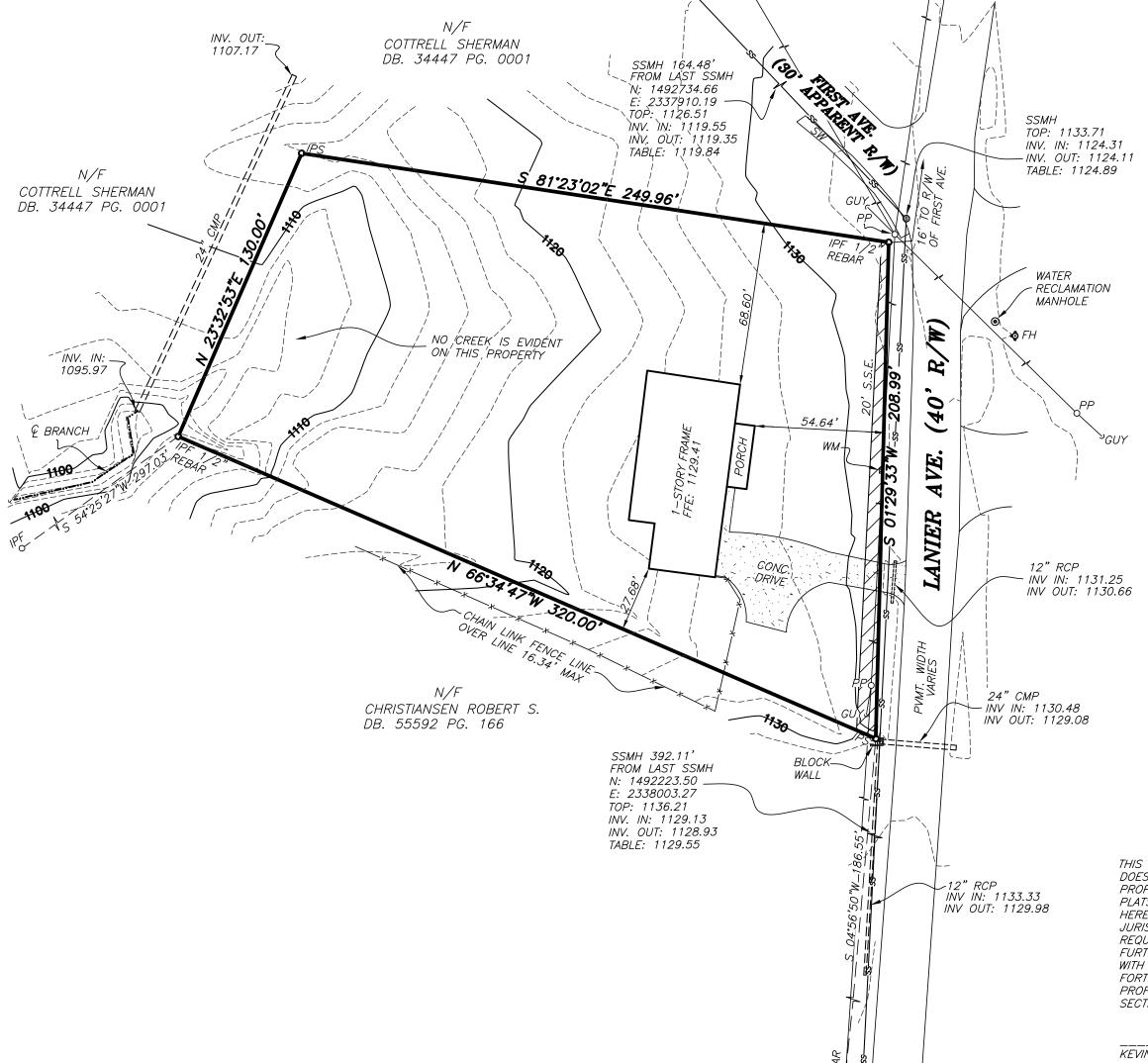


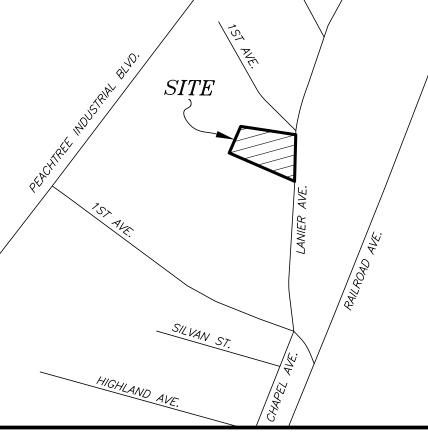
CALL US FIRST **UTILITIES PROTECTION CENTER** 

STATE WIDE 1 800 282-7411 IT'S THE LAW



# TOTAL AREA: 1.07 ACRES





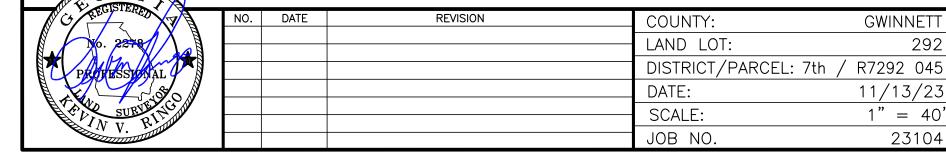
**VICINITY MAP** 

### REFERENCE MATERIAL:

SURVEY FOR SHERMAN L. COTTRELL PREPARED BY SCI DEVELOPMENT SERVICES DATED JUNE 7TH, 2023 AND RECORDED IN PB. 159 PG. 276. PLAT OF SURVEY FOR ALAN P. & DEREITA M. MAYFIELD PREPARED BY RICHARD MAY & ASSOC., P.C. DATED SEPT. 27TH, 1985 AND RECORDED IN PB. 32 PG. 260.

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE FULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEER'S AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A.

1" = 40' GRAPHIC SCALE 40 20 CONSULTANTS



BOUNDARY & TOPOGRAPHIC SURVEY FOR:

**GWINNETT** 

11/13/23 1" = 40'

23104

292

# DAN KARSKI



### **RINGO SURVEYORS PLANNERS ABERNATHY ASSOCIATES**

Phone (770) 962-8456