

REZONING:

RZ-2019-002

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2019-002

REQUEST: C-2 (GENERAL COMMERCIAL DISTRICT) TO
R-140 (RESIDENTIAL SINGLE-FAMILY
DISTRICT)

LOCATION: 713 EVA KENNEDY ROAD

TAX ID NUMBER: 7-237-004

ACREAGE: 2.79 ACRES

PROPOSED DEVELOPMENT: SINGLE FAMILY RESIDENTIAL DETACHED
DWELLING

APPLICANT/OWNER: TIMOTHY ROMAN
3491 KIRKWELL PLACE
SUWANEE, GA 30024

CONTACT: TIMOTHY ROMAN
330-286-9299

RECOMMENDATION: **APPROVAL**

PROJECT DATA:

The applicant is requesting a rezoning from C-2 (General Commercial District) to R-140 (Residential Single-Family District) to allow for the construction of a detached single-family house. The subject property is approximately 2.79 acres located on Eva Kennedy Road.

The applicant intends to build one approximately 2,400 square foot single family home on the subject property. He would also like to start gardening and potentially sell some of his produce. Farming is an allowed use within the R-140 zoning district. The applicant proposes to make use of an existing gravel utility service driveway off Eva Kennedy Road to access the site. He indicates that several trees will be planted along the front of the house and between the house and a stream located on the eastern corner of the property.

DEVELOPMENT COMMENTS:

The following comments are provided to make the applicant aware of certain pertinent issues. This list is not exhaustive of all potential issues.

The applicant is seeking rezoning to the (Residential Single-Family District) R-140 zoning district. A stream is located on the eastern corner of the property. This stream requires a 50-foot undisturbed buffer, supplemented by an additional 25-foot no impervious surface setback. The proposed construction may require a variance from the Zoning Board of Appeals in order to encroach into the stream buffer to allow for the home to be situated in a manner that matches other homes located along Eva Kennedy Road.

The project would be served by the City of Suwanee Water System. The system can handle the addition of a single family residence.

ANALYSIS:

The applicant requests a rezoning of the subject property from C-2 (General Commercial District) to R-140 (Residential Single-Family District). The subject property is located along Eva Kennedy Road and is approximately 2.79 acres. The property is encumbered by a number of challenges including a creek, powerline easement, sanitary sewer easement, and drainage easement all of which crisscross the property minimizing the amount of developable land. The parcel, however, can support the construction of one single-family home.

An approximately 150-foot powerline easement runs along the northern portion of the property, a stream is located at the eastern corner of the property, and a 20-foot drainage easement running east to west bisects the center of the property. The property is currently undeveloped and partially wooded.

The parcel is located along Eva Kennedy Road and is surrounded by a mixture of uses and zoning districts. To the north is a commercial development with several parcels located on Silver Peak Parkway zoned C-2 (General Commercial District). These adjacent, commercially zoned properties are occupied by a general contractor, land surveyor, music academy, and a pre-school. To the east are several single-family homes zoned R-100 (Residential Single-Family District). To the west is a large approximately twelve-acre tract with a single-family dwelling and a pond, zoned M-1 (Light Industry District). To the south is an undeveloped parcel with two streams bisecting it, zoned R-75 (Single-Family Residence District). The proposed use of the property as a single-family home is consistent with surrounding uses.

The proposed use as a single-family residence is in character with nearby uses and zoning districts and would not compromise the aesthetic of nearby properties. The subject property is located in the Historic Old Town Character Area, and the 2040 Comprehensive Plan states, "Historic Old Town will be characterized by a mixture of old and new quaint smaller scale development integrated into the existing traditional fabric" (2040 Comprehensive Plan, p.16). The plan further states "the growth strategy for Old Town should be carefully-crafted, creative infill responding to and enhancing the historic scale and unique small-town character of Old Town." (2040 Comprehensive Plan, P.17). The Future Land Use Plan calls for single family residential uses on the property. The proposed single-family dwelling is consistent with the Comprehensive Plan and exemplifies this contextual infill strategy by adding a similarly scaled home in line with the scale and character of the Old Town area.

In conclusion, the request to rezone the property from C-2 to R-140 to allow for the construction of a single-family dwelling is appropriate. The proposal is consistent with both the surrounding single-family residential uses and the 2040 Comprehensive plan. As such, the Planning Department recommends **APPROVAL** of **RZ-2019-002**.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The proposed single-family dwelling is compatible with surrounding single-family homes.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

It is unlikely that the zoning proposal will adversely affect the existing uses of adjacent or nearby property.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the request would not result in excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The proposal is consistent with the recommendation of the Future Land Use Plan for single-family residential.

- 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 zoning proposal;

There are no other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

<p align="center">APPLICANT INFORMATION*</p> NAME: <u>Timothy L Roman</u> ADDRESS: <u>3491 KIRKWELL PL</u> <u>SUWANEE, GA 30024</u> PHONE: <u>330-286-9299</u>	<p align="center">OWNER INFORMATION*</p> NAME: <u>Same</u> ADDRESS: _____ PHONE: _____
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CONTACT PERSON: Same CONTACT PHONE: Same
EMAIL ADDRESS: timothy.l.roman@gmail.com FAX NUMBER: n/a

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C2 REQUESTED ZONING DISTRICT R-140
PROPOSED DEVELOPMENT: Home
TAX PARCELNUMBER(S): 7237004
ADDRESS OF PROPERTY: 713 EVA KENNEDY RD
TOTAL ACREAGE: 2.78 PUBLIC ROADWAY ACCESS: _____

<p>FOR RESIDENTIAL DEVELOPMENT:</p> NO. OF LOTS/DWELLING UNITS: <u>1</u> DWELLING UNIT SIZE (SQ. FT.): <u>2400</u>	<p>FOR NON-RESIDENTIAL DEVELOPMENT:</p> NO. OF BUILDINGS/UNITS: _____ TOTAL GROSS SQUARE FEET: _____
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CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 no reapplication on the same land which has been denied by the City Council shall be acted upon in less than 6 months from the date of last action unless said time period is waived by the Council. I am also aware that pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

CHRISTY CARTWRIGHT
NOTARY PUBLIC
Gwinnett County
State of Georgia
My Comm. Expires July 18, 2022

<u>Timothy L Roman</u> Signature of Applicant*	<u>1/3/19</u> Date
<u>Timothy L Roman</u> Print Name*	<u>1/3/19</u> Date
<u>Christy Cartwright</u> Signature of Notary	<u>1/3/19</u> Date

<u>Timothy L Roman</u> Signature of Owner*	<u>1/3/19</u> Date
<u>Timothy L Roman</u> Print Name*	<u>1/3/19</u> Date
<u>Christy Cartwright</u> Signature of Notary	<u>1/3/19</u> Date

* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: _____ Accepted By: _____

RZ-2019-002

REZONING APPLICANT'S RESPONSE

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to section 2006 of the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

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

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:
The purpose of the development is to build a personal home in a format similar to adjacent properties.

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
The proposed development perfectly matches the use of nearby properties.

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
The current zoning is left over from the development on Peachtree Industrial Road and is not consistent with the development currently found on Eva Kennedy.

- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:
The proposed development is for a single home and will nominally impact these facilities.

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
It is. The 2030 plan calls for "single-family detached" that is "sensitive to existing lot character" that should be "not lost but rather enhanced" in the Historic Old Faith district.

- (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 zoning proposal:
I don't believe there are. The adjacent properties are mostly completely developed with single-family homes.

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: _____ Accepted By: _____

RZ-2019-002

Letter of Intent

Dear Suwanee City Council,

My name is Tim Roman and I've resided just outside the City of Suwanee in the MorningView area for 6 years. My family has participated in many of the wonderful events the city has hosted, my daughter attends school at Shadowbrook Church, and I do my banking and get my hair cut in Town Center. Suwanee is my home.

When I found the Eva Kennedy property for sale it seems I saw what most people didn't. With all the encumberments it was easy to write it off as unbuildable or only suited for odd commercial uses. What I saw instead was a homesite with sidewalks linking it to Town Center, a grocery store, beautiful parks and our friends' homes. A place where my daughter could grow up playing outside and learning to garden with her father.

The tract totals 2.78 acres and is currently zoned C2. It appears to be left over from the development of parcels on Silver Peak Parkway off Peachtree Industrial Rd. The site is immediately adjacent to other single-family homes.

This proposed development is for my personal residence. One single-family home totaling approximately 2500 sqft. This is consistent with the 2030 Comprehensive Plan for the Historic Old Town area which envisions "carefully-crafted infill", detached single-family homes, and development "sensitive to the existing lot character and tree cover."

I appreciate your consideration of this rezoning request and I look forward to contributing more to the city in the future.

Sincerely,

Timothy L Roman

RZ-2019-002

Symbols & Abbreviations

○	Water
○	Electric Meter
○	Storm Drain
○	Gas Meter
○	Water Meter
○	High Voltage
○	Low Voltage
○	Water Valve
○	Water Main
○	Gas Main
○	Electric Conduit
○	Telephone
○	Fire Hydrant
○	Sign
○	Spot Elevation
○	Spot Elevation
○	Spot Elevation
○	Spot Elevation
○	Spot Elevation

Map or Plat Closure Statement & Notes

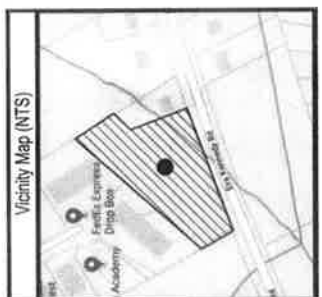
1. THIS MAP AND THE SURVEY ON WHICH IT IS BASED IS A COMPLETE AND ACCURATE REPRESENTATION OF THE SURVEY DATA AND THE FIELD OBSERVATIONS MADE BY THE SURVEYOR ON THE DATE OF THE SURVEY. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY RECORDS AND HAS BEEN ADVISED THAT THE SURVEY DATA IS CORRECT AND ACCURATE.

Map or Plat and Survey References

1. PROPERTY INTERESTS AND LAND DIVISIONS ARE AS SHOWN ON THE SURVEY MAP AND THE SURVEY DATA. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY RECORDS AND HAS BEEN ADVISED THAT THE SURVEY DATA IS CORRECT AND ACCURATE.

Utility Notes

1. UTILITIES SHOWN ON THIS MAP WERE LOCATED BY VISUAL INSPECTION AND BY THE USE OF SURVEYING INSTRUMENTS. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE COUNTY RECORDS AND HAS BEEN ADVISED THAT THE SURVEY DATA IS CORRECT AND ACCURATE.



FEMA Notes and Map (NTS)

1. THE PROJECT IS LOCATED IN A SPECIAL FLOOD HAZARD AREA. THE FLOOD HAZARD MAP FOR THIS AREA IS THE MAP NUMBER FOR THIS AREA'S FLOOD HAZARD MAP. THE FLOOD HAZARD MAP NUMBER IS 18-09-460. THE FLOOD HAZARD MAP IS AVAILABLE FROM THE FEDERAL INSURANCE RATE MAP UNLESS OTHERWISE NOTED.

**N/F NOONE PETER R
PARCEL ID: R7237 005**

30' REAR YARD
R-100 ZONING
C-2 ZONING
40' REAR YARD
R-100 ZONING
C-2 ZONING
40' REAR YARD
R-100 ZONING
C-2 ZONING

APPROX. LIMITS 100' IN
FLOOD ELEVATION AND
DRAINAGE ESST. DOWN TO - 968.2.
STUDY IN SHELTONVILLE HYDRAULIC
CONSULTANTS GROUP, INC. DATED 8/4/93

35' UNDISTURBED NATURAL
(FROM TOP OF THE BANK)



**N/F CPT SILVER PEAK LLC
PARCEL ID: R7237 159**

100' GEORGIA POWER EASEMENT
100' GEORGIA TRANSMISSION CORP. (EMC)
30' FRONT YARD
R-100 ZONING
C-2 ZONING

**N/F BARRETT JOHN T
PARCEL ID: R7237 103**

50' FRONT YARD
R-100 ZONING
C-2 ZONING
30' FRONT YARD
R-100 ZONING
C-2 ZONING

**N/F DROLET MICHAEL
PARCEL ID: R7237 381**

40' TEMP. CONST. EASEMENT
30' FRONT YARD
R-100 ZONING
C-2 ZONING

**N/F SOTERIA CONTEMPO DGT
MINISTRIES INC
PARCEL ID: R7237 255**

100' GEORGIA POWER EASEMENT
100' GEORGIA TRANSMISSION CORP. (EMC)
30' FRONT YARD
R-100 ZONING
C-2 ZONING

N/F BLOCK "B"

30' FRONT YARD
R-100 ZONING
C-2 ZONING

N/F BLOCK "B"

30' FRONT YARD
R-100 ZONING
C-2 ZONING

N/F BLOCK "B"

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N/F BLOCK "B"

30' FRONT YARD
R-100 ZONING
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R-100 ZONING
C-2 ZONING

N/F BLOCK "B"

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N/F BLOCK "B"

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R-100 ZONING
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Field Observation Notes

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Map or Plat Certification

I, **John T. Barrett**, being duly sworn, certify that I am a duly licensed professional engineer in the State of Georgia and that I have prepared the above described map and survey in accordance with the laws and regulations of the State of Georgia.

John T. Barrett
Professional Engineer, No. 1474670-5057
E. 2322385.0031

Map or Plat Certification

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DATE OF REVISION	DATE BY	DESCRIPTION

Boundary Survey For: TIM ROMAN

Site Address: 713 Eva Kennedy Road Suwanee, GA

Parcel ID: R7237-004

Land Lot 237 of the 17th Land District

City of Suwanee, Gwinnett County, Georgia

Sheet 01 of 01

Drawing No. 18-09-460

Project No. 18-09-460

Drawing By / Field Crew

Scale: 1" = 100' (NTS)

DATE: 11/11/2011

Map or Plat Certification

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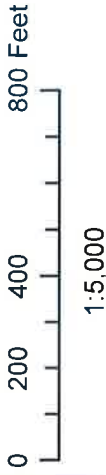
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E. 2322385.0031

Location Map RZ-2019-002



Legend












Zoning Map RZ-2019-002

Legend

 RZ-2019-002

ZONING

-  C-1
-  C-2
-  C-2A
-  C-3
-  GCA
-  IRD
-  M-1
-  OI
-  OTCD
-  PMUD
-  R-100
-  R-140
-  R-75
-  R-85
-  RM6
-  RM8
-  roads
-  streams

