

**REZONING(S):**

**RZ-2023-010**

**CITY OF SUWANEE  
REZONING ANALYSIS**

**CASE NUMBER:** RZ-2023-010

**REQUEST:** R-140 (SINGLE FAMILY RESIDENCE DISTRICT) TO R-75(SINGLE FAMILY RESIDENCE DISTRICT) & R-100 (SINGLE FAMILY RESIDENCE DISTRICT)

**LOCATION:** 3385 & 3675 MARTIN FARM ROAD

**TAX ID NUMBER:** 7-211-088 & 7-211-089

**ACREAGE:** APPROXIMATELY 1 ACRE

**PROPOSED DEVELOPMENT:** 2 SINGLE FAMILY RESIDENTIAL LOTS

**APPLICANT:** MICHAEL BROWN  
3675 MARTIN FARM ROAD  
SUWANEE, GA 30024

**OWNER(S):** MICHAEL BROWN  
EDWARD AND PAULETTE BROWN  
3675 MARTIN FARM ROAD  
SUWANEE, GA 30024

**CONTACT:** MICHAEL BROWN  
**PHONE:** 770-932-5242

**RECOMMENDATION:** APPROVAL WITH CONDITIONS

**PROJECT DATA:**

The applicant requests rezoning on 2 nonconforming lots totaling approximately 1 acre from R-140 to R-75 and R-100 to allow for the creation of 2 legal conforming lots, one of which would accommodate an existing 2,400 square foot home and one of which would accommodate a new single family detached home. The subject property is located on Martin Farm Road at the intersection of Suwanee Green Parkway. The 1 acre tract is currently occupied by an approximately 2,400 square foot home.

Available documentation does not provide a clear record of the history of this lot. In the past, apparently in 1983 prior to the adoption of zoning in Suwanee, the subject property was subdivided into 2 lots, roughly the same size. It would appear that the house, at the time of the subdivision, was located entirely on its own lot. Both the lot with the home and the undeveloped lot remained under the same ownership. An owner, prior to the current owner made some

additions onto the home that crossed the property line. The current owner of the home acquired the home and adjacent lot in 1997, with the understanding that the home was entirely contained on one of the lots. The owner recently met with the planning department to determine what he needed to do in order to allow the applicant to build on the adjacent lot. It was during these discussions that it was determined that the home is located over the property line.

The property owner seeks to create two legal lots, as he thought he had when he purchased the land in 1997. In order to create 2 legal conforming lots, the property line for the lot accommodating most of the home would need to be moved 10 feet away from the home or approximately 18 from the current location. If the lots are modified as proposed the two lots would not meet the requirements for R-140, but tract 1 would exceed the requirements for R-100 and tract 2 would exceed the requirements for an R-75 lot.

The R-140 zoning district requires a minimum lot size of 30,000 square feet and 140 feet of lot width. The proposed R-75 district requires a minimum lot size of 12,000 square feet for a sewer lot and a minimum lot width of 70 feet. The proposed R-100 district requires a minimum lot size of 22,000 square feet for a septic tank lot and a minimum lot width of 100 feet.

#### **DEVELOPMENT COMMENTS:**

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

If the requested rezoning is approved, an exemption plat would need to be completed. This plat would need to be approved by the health department and the Gwinnett County Department of Water Resources (DWR). The health department approval is required in order to demonstrate compliance with the requirements for a septic tank lot and DWR approval is required in order to demonstrate that access to sewer is provided for the other lot.

It appears that a portion of the home is located on the property line between the two nonconforming lots. A plat for the project cannot be approved if a house is located on the property line and a building permit cannot be issued for the second lot with a portion of a home already located on the second lot.

#### **ANALYSIS:**

The subject property is an approximately 1 acre tract located along Martin Farm Road. The wooded tract can accommodate the proposed development consisting of the existing home and a second new home. There are no apparent environmental or other regulatory encumbrances that would prevent two homes from being built on the subject property.

The subject property is located in a single-family residential area. To the north of the subject property are single family detached homes in the Suwanee Green subdivision (zoned PMUD) on lots as small as 4,000 square feet. To the south, across Martin Farm Road, are single family detached homes on R-100 zoned lots. To the east and west of the subject property, on the north/east side of Martin Farm Road, are single family detached lots zoned R-140. It should be

noted that many of the lots in the surrounding area were created before zoning was adopted in Suwanee. Most of the lots on the north/east side of Martin Farm Road are zoned R-140, but are smaller than the minimum lot size and narrower than the minimum lot width for the district. The proposed rezoning request is consistent with the character of the surrounding single-family lots.

The subject property is located in the Historic Old Town Character Area. The 2040 Comprehensive Plan states, "Land use in Old Town should remain predominantly single family... Subdivisions of larger parcels or assemblage of lots for redevelopment are acceptable at certain locations but should be accomplished in a way that is sensitive to the area and enhances the existing character rather than replacing it." Because the house lies on the property line between the two nonconforming lots, they essentially function as a single 1-acre lot. Subdividing the lot into 2 smaller lots will fix this issue and would still be consistent with the vision of the Comprehensive Plan.

In conclusion, rezoning from R-140 to R-75 and R-100 for a single-family residential lot would be appropriate for this area. The surrounding properties are all zoned for single family residential. Subdividing the tract into a R-75 and R-100 lot is consistent with the future land use plan for the area and will bring both lots into conformity with the City's Zoning Ordinance. Additionally, the 2040 Comprehensive Plan states that "subdivisions of larger parcels or assemblage of lots for redevelopment are acceptable at certain locations but should be accomplished in a way that is sensitive to the area." The proposed request is consistent with this vision. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of the RZ-2023-010.

Planning Department Recommendation  
**RZ-2023-010**

The Planning Department recommends approval as R-100 and as R-75 subject to the following condition(s):

- 1) Prior to issuance of a building permit on either tract, an exemption plat shall be completed that creates no more than two lots.
  - a. Said exemption plat shall be subject to the review and approval of the City, as well as the Gwinnett County Health Department and Gwinnett County Department of Water Resources, as applicable.
  - b. One of the lots created shall meet or exceed all of the requirements for a R-100 septic lot and
  - c. One of the lots created shall meet or exceed all the requirements for a R-75 lot and shall be connected to sewer.
  - d. Zoning boundaries for the two lots shall be established by the approval of the exemption plat.

## 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 zoning proposal will permit a use suitable in view of the surrounding development. The surrounding area is characterized by heavily wooded lots with single family residences located on lots of varying sizes.

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

The zoning proposal will not adversely affect the existing uses or usability of the adjacent or nearby property. The proposal is consistent with the character of the area.

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

The 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 public facilities.

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

The City's Future Land Use Plans recommends single family residential uses for the site. The request is consistent with this designation.

- 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.

The 2040 Comprehensive Plan notes, "Land use in Old Town should remain predominantly single family... Subdivisions of larger parcels or assemblage of lots for redevelopment are acceptable at certain locations but should be accomplished in a way that is sensitive to the area and enhances the existing character rather than replacing it." The proposed request is consistent with this use.

When the owner originally purchased the property, they thought they were purchasing two legal lots with a home on one lot and the second lot being vacant. When they came into City Hall to ask about how to get a building permit on the second lot, they realized the existing home was on the property line making both lots nonconforming. The owner of the property is now attempting make the two lots legal. The proposal would take an existing home and place it on a legal lot while creating a second legal lot.

### REZONING APPLICATION

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

<b>APPLICANT INFORMATION*</b>	<b>OWNER INFORMATION*</b>
NAME: <u>Michael Brown</u>	NAME: <u>Michael Brown</u>
ADDRESS: <u>3675 Martin Farm RD</u> <u>Suwanee, GA</u> <u>30024</u>	ADDRESS: <u>3675 Martin Farm RD</u> <u>Suwanee, GA</u> <u>30024</u>
PHONE: <u>404-819-1117</u>	PHONE: <u>404-819-1117</u>

CONTACT PERSON: Michael Brown CONTACT PHONE: 404-819-1117  
 EMAIL ADDRESS: MichaelBrown984@gmail.com FAX NUMBER: N/A

**PROPERTY INFORMATION**

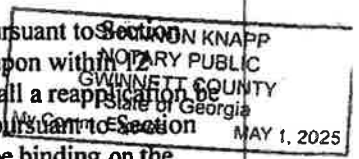
PRESENT ZONING DISTRICT(S): R140 REQUESTED ZONING DISTRICT R75  
 PROPOSED DEVELOPMENT: Single family home  
 TAX PARCELNUMBER(S): 7211 088  
 ADDRESS OF PROPERTY: 3385 Martin Farm RD, Suwanee, GA 30024  
 TOTAL ACREAGE: 0.48 PUBLIC ROADWAY ACCESS: Martin Farm RD

**FOR RESIDENTIAL DEVELOPMENT:** NO. OF LOTS/DWELLING UNITS: 1  
 DWELLING UNIT SIZE (SQ. FT.): TBD  
 min: 1400 sq.ft.

**FOR NON-RESIDENTIAL DEVELOPMENT:** NO. OF BUILDINGS/UNITS: 1  
 TOTAL GROSS SQUARE FEET: N/A

#### 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 within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action 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.



<u>Michael Brown</u> Signature of Applicant* <u>Michael Brown</u> Print Name*	<u>8/14/23</u> Date <u>8/14/23</u> Date	<u>Michael Brown</u> Signature of Owner* <u>Michael Brown</u> Print Name*	<u>8/14/23</u> Date <u>8/14/23</u> Date
<u>Shannon Knapp</u> Signature of Notary	<u>8/14/23</u> Date	<u>Shannon Knapp</u> Signature of Notary	<u>8/14/23</u> Date

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

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#### CITY OF SUWANEE USE ONLY

Date Received: RZ-2023-010 Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_



### REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>Michael Brown</u>	NAME: <u>Edward Brown &amp; Paulette Brown</u>
ADDRESS: <u>3675 Martin Farm RD</u>	ADDRESS: <u>3675 Martin Farm RD</u>
<u>Suwanee, GA</u>	<u>Suwanee, GA</u>
<u>30024</u>	<u>30024</u>
PHONE: <u>404-819-1117</u>	PHONE: <u>404-449-2357</u>

CONTACT PERSON: Michael Brown CONTACT PHONE: 404-819-1117  
 EMAIL ADDRESS: MichaelBrown989@gmail.com FAX NUMBER: N/A

**PROPERTY INFORMATION**

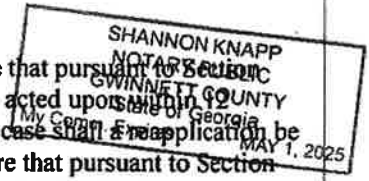
PRESENT ZONING DISTRICT(S): R140 REQUESTED ZONING DISTRICT R100  
 PROPOSED DEVELOPMENT: Single Family home  
 TAX PARCELNUMBER(S): 7211 089  
 ADDRESS OF PROPERTY: 3675 Martin Farm RD, Suwanee, GA 30024  
 TOTAL ACREAGE: ~~0.57~~ 0.57 PUBLIC ROADWAY ACCESS: Martin Farm RD

**FOR RESIDENTIAL DEVELOPMENT:** NO. OF LOTS/DWELLING UNITS: 1  
 DWELLING UNIT SIZE (SQ. FT.): 2100 sqft

**FOR NON-RESIDENTIAL DEVELOPMENT:** NO. OF BUILDINGS/UNITS: 1  
 TOTAL GROSS SQUARE FEET: N/A

#### 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. In no case shall a reapplication be acted upon in less than 6 months from the date of last action 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.



<u>Michael Brown</u> Signature of Applicant*	<u>8/14/23</u> Date	<u>Paula Brown</u> Signature of Owner*	<u>08/14/23</u> Date
<u>Michael Brown</u> Print Name*	<u>8/14/23</u> Date	<u>Paulette Brown</u> Print Name*	<u>08/14/23</u> Date
<u>Shannon Knapp</u> Signature of Notary	<u>8/14/23</u> Date	<u>Shannon Knapp</u> Signature of Notary	<u>8/14/23</u> Date

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

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#### CITY OF SUWANEE USE ONLY

Date Received: RZ-2023-010 Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_

**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:

yes

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

NO

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

No

(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:

NO

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

yes

(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:

NO

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CITY OF SUWANEE USE ONLY

Date Received: R2-2023-010 Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_

My name is Michael Brown and I am requesting a rezoning of lot 7211 088 address 3385 Martin Farm Rd, Suwanee Ga. As many of you know, the housing market is extremely expensive, especially here in the state of Ga and even more so in the city of Suwanee since it's one of the best cities to live in the whole country.

A little about myself, I am a Suwanee native; I went to Suwanee elementary, Lanier middle school (when it was a middle school) and North Gwinnett high school. After high school, I attended Georgia Tech and graduated with a mechanical engineering degree in 2014, and am currently attending Georgia Southern university for my MBA (masters in business administration). I currently work for a military defense company as a lead engineer designing and fabricating fuel lines and systems for F-18's, F-22's, F-35's and pave low helicopters for the air force and navy.

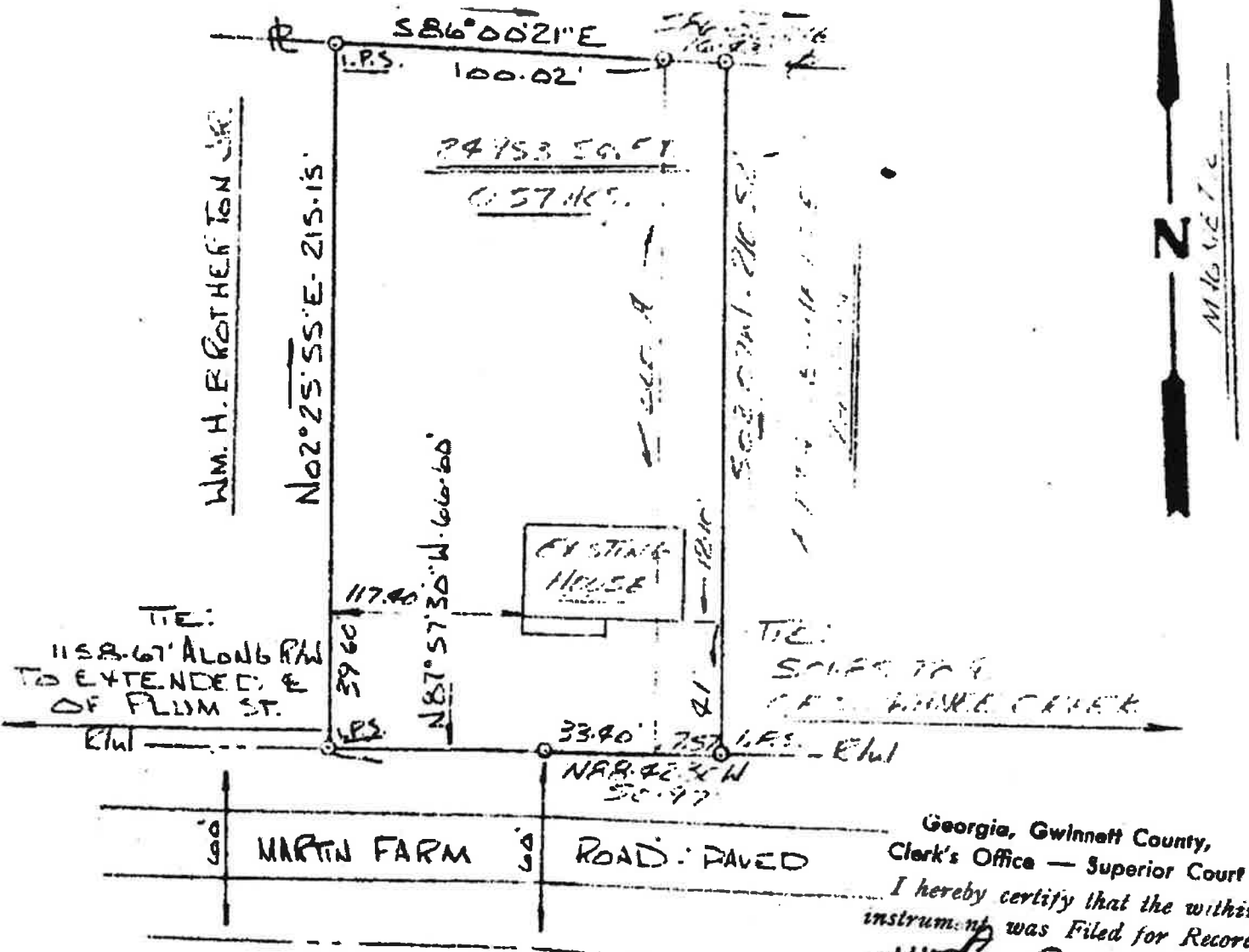
Due to the housing market being extremely expensive my parents who live on 3675 Martin Farm Rd, Suwanee Ga transferred ownership of lot 7211 088 into my name so I could build a house of my own. Unfortunately, a rezoning of my parents lot and my lot has to take place since there isn't a legal document showing a subdivision of the 2 lots. Both lots are currently R-140 and I plan to rezone my parents lot to R-100 and my lot to R-75. I am extremely close with my parents and having the opportunity to build a house next to theirs is a true blessing. I would not want to live in any other city than the city of Suwanee. Thank you.

RZ-2023-010



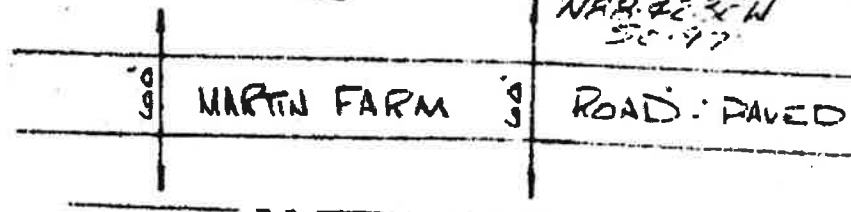
NOTE  
 TO WHOM IT MAY CONCERN  
 THIS IS TO ADVISE THAT THIS  
 PROPERTY IS NOT LOCATED  
 IN A FEDERAL ACQUISITION AREA.

WM. H. BROTHERTON JR.



TIE:  
 1158.67' ALONG RW  
 TO EXTENDED E  
 OF FLUM ST.

TIE:  
 SLOPE TO  
 CENTER LINE CREEK






Georgia, Gwinnett County,  
 Clerk's Office — Superior Court  
 I hereby certify that the within  
 instrument was Filed for Record  
 at 11:55 A.M. 9-27-83  
 and recorded in Book 23  
 Page 118-A 9-27-83  
*O. Millard* Clerk



ETNA JENNIFER VAUGHN  
 CITY OF SUWANEE  
 IN LAND DISTRICT  
 7TH LAND DISTRICT

SCALE: 1/4" = 100'  
 DATE: 8-2-83 GWINNETT COUNTY, GEORGIA

# Location Map RZ-2023-010

-  RZ-2023-010
-  City Parcels
-  City Limits



0 175 350 700 Feet



# Zoning Map RZ-2023-010

## Legend

Subject Property



City Parcels



City Limits



ZONING

C-1

C-2

C-2A

C-3

GCA

IRD

M-1

OI

OTCD

PMUD

R-100

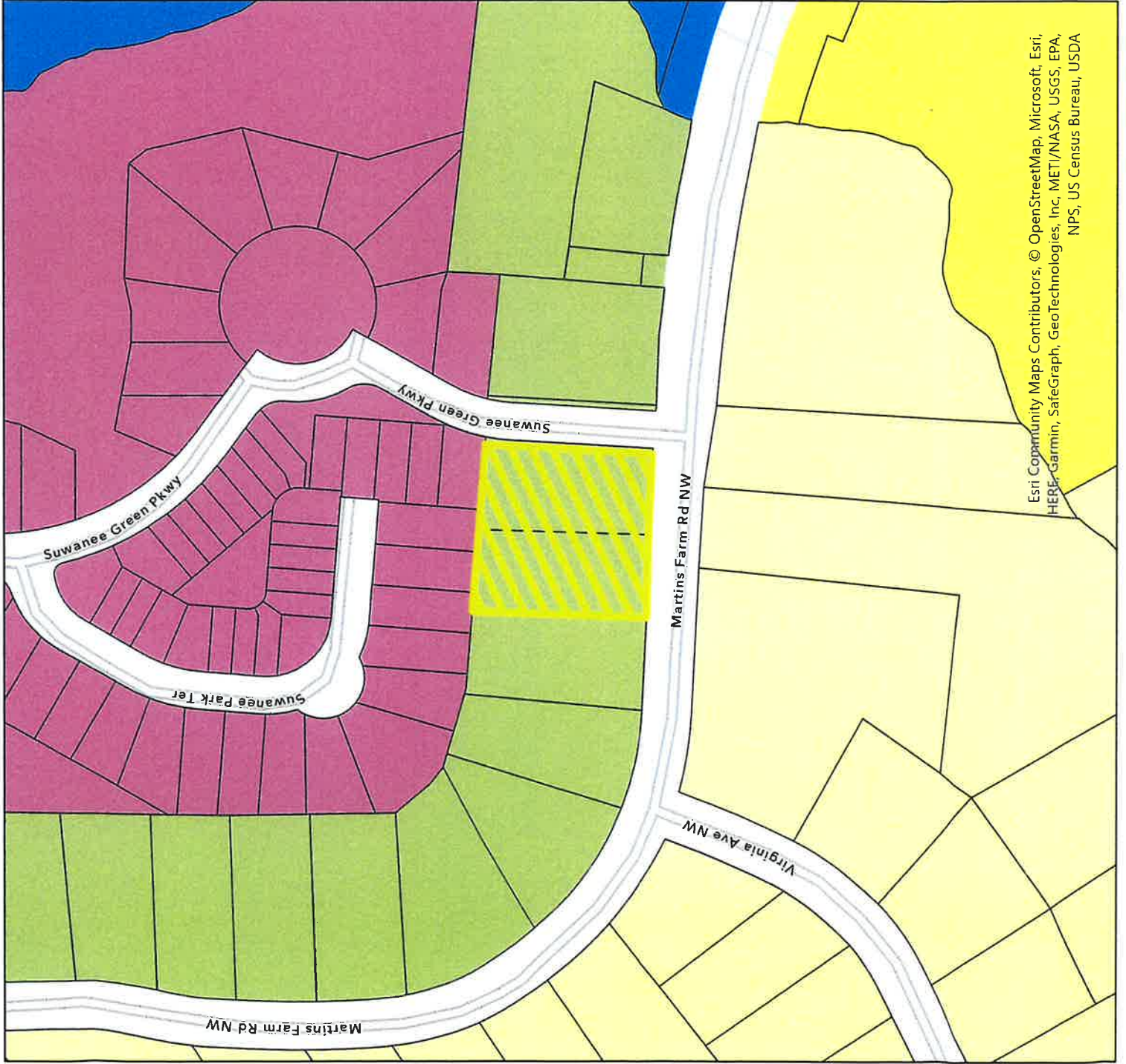
R-140

R-75

R-85

RM6

RM8



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