

VARIANCE(S):
V-2009-006

**CITY OF SUWANEE
VARIANCE ANALYSIS**

CASE NUMBER: V-2009-006
REQUEST: REDUCED MINIMUM ROAD FRONTAGE
APPLICABLE SECTION: SECTION 501.C.3
LOCATION: 4037 STONECYPHER ROAD
DISTRICT/LAND LOT: 7-236-053
ZONING: R-100
DEVELOPMENT: SUBDIVISION OF EXISTING LOTS

APPLICANT: RANDALL WINFIELD
195 WEST PIKE ST., SUITE 105
LAWRENCEVILLE, GA 30046-4966

OWNER: JOHN GORMAN
6355 FIELDVIEW WAY
PEYTON, CO 80831

CONTACT: RANDALL WINFIELD PHONE: 678-430-6300

RECOMMENDATION: **DENIAL**

ANALYSIS:

The applicant seeks a variance from Section 501.C.3 of the City of Suwanee Zoning Ordinance to allow for the subdivision of an existing lot into four lots, including one lot with no road frontage. Two of the lots would have frontage and access off Stonecypher Road. One of the lots has frontage and direct access off of Greenpark Drive within the Stonecypher Subdivision.

The subject property is approximately 3.31 acres and is zoned R-100 (Residential Single Family District). The R-100 district development regulations require a minimum of 40 feet of road frontage. As such, the proposed lot without frontage will need a variance.

The two lots fronting onto Stonecypher Road are already developed with older single family dwellings. The proposed lot with no frontage and the proposed lot with frontage on Greenpark Drive do not contain any residences. The applicant is proposing to provide access to the no frontage lot via a drive to be constructed off of Greenpark Drive.

The subject property is located in the heart of historic Old Town Suwanee. To the north, south, and west of the subject property are R-100 zoned residential parcels. To the east of the subject parcel is Stonecypher subdivision (zoned PMUD). Greenpark Drive is a stub road within Stonecypher Subdivision that was constructed with the intent to provide future connectivity to Stonecypher Road.

The property currently has adequate road frontage to be subdivided into three lots without a variance. The applicant states that the property needs to be subdivided into 4 lots in order to sell the property at the most reasonable market price. The applicant contends that the approach they are taking would enable them to more effectively preserve the Wheeler House which is located on the subject property. The Development Regulations provide a mechanism that would allow the property to be subdivided into 4 lots provided Greenpark Drive is extended into the subject property. Granting a variance for the zero road frontage lot circumvents the Development Regulations which would require a road be built to City standards.

The City of Suwanee's Zoning Ordinance grants the Zoning Board of Appeals the authority to grant variances. According to Section 2006 of the Ordinance, the Board is authorized to grant variances when literal enforcement of the Ordinance will result in unnecessary hardship to a property owner. The zoning ordinance also states that variances may be granted when "there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography."

In conclusion, the subject property does not appear to have a situation that rises to the level of hardship as defined by the Zoning Ordinance. Currently, the property can be subdivided into three lots without a variance. The applicant states that by approving the variance, the property can be subdivided into more lots. The applicant has also stated that he does not want to extend a road through the property to connect with Stonecypher because it would reduce the size of the lots. There is a mechanism in place that would allow for the subdivision of the property into 4 lots, provided a road is built. As such, no variance is needed. The applicant simply needs to extend an existing road through the property, through a process allowed by the Development Regulations. Therefore, staff recommends **DENIAL** of V-2009-006.

Planning Department
Recommended Conditions
V-2009-006

The Planning Department recommends denial of the request; however, should the board choose to approve the request, the following conditions:

Approval of a variance from Zoning Regulations to reduce the minimum road frontage subject to the following conditions:

1. Any road improvements made within the City's existing right-of-way shall meet City standards and match the existing cross section of Greenpark Drive.
2. A maximum of one lot may be created with no road frontage.
3. Any lot without frontage shall be connected to a public right-of-way via a 40 foot wide access easement, subject to the approval of the Planning and Inspections Department.

Standards for Consideration

Pursuant to Section 2009A of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

- A. Will approval of the variance unreasonably increase the congestion in public streets?**

Approval of this variance would not increase the congestion in public streets.

- B. Will approval increase the danger of fire or endanger public safety?**

Approval of this variance could result in inferior access to the subject property.

- C. Will approval unreasonably diminish or impair established property values within the surrounding area?**

Approval of the variance would not unreasonably diminish or impair property values within the surrounding area.

- D. Will approval in any other aspect impair the public health, safety, comfort, morals or welfare of the inhabitants of the City?**

Approval of this variance would not impair the public health, safety, comfort, morals, or welfare.

City of Suwanee

CROSSROADS of PAST and FUTURE

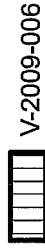


CITY OF
Suwanee
G E O R G I A

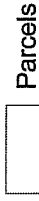
V-2009-006

Location Map

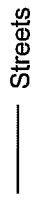
Legend



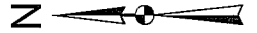
V-2009-006



Parcels



Streets



Information Form (please type or print)

APPLICANT INFORMATION

Name: RANDAL WINFIELD
Address: 195 WEST PIKE ST, SUITE 105
City: LAWRENCEVILLE
State: GA
Phone: 678-430-3600

E-mail address: RANDY@WINFIELDREALTYGROUP.COM

CONTACT PERSON: RANDY

OWNER INFORMATION

Name: John Gorman
Address: 6355 Fieldview Way
City: Peyton
State: CO 80831
Phone: 404-229-9381

PHONE: 678-430-3600

ADDRESS OF PROPERTY 4037 STONECYPHER ROAD

LAND DISTRICT 7 LAND LOT 236 PARCEL 053 LOT _____

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) N/A

ZONING R100

VARIANCE REQUESTED ROAD FRONTAGE DRIVEWAY PRIVATE DRIVE

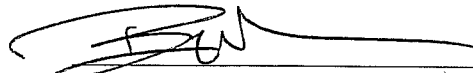
NEED FOR VARIANCE TO SPLIT INTO 4 LOTS IN ORDER TO SELL HOMES AT FRONT ON STONECYPHER ROAD.

***A VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED. SECTION 2007, APPLICANT AND/OR A REPRESENTATIVE.**

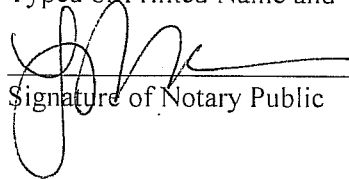
*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

APPLICANT CERTIFICATION

The undersigned below is authorized to make this application and is aware that an application or re-application for the same type of variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals, unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than (6) months from the date of the last action by the Board of Appeals.


Signature of Applicant 9-17-09
Date

RANDAL WINFIELD, PRESIDENT WINFIELD REALTY GROUP, INC.
Typed or Printed Name and Title



Signature of Notary Public 9/17/09
Date

LAURA M. RABAGO
Notary Public-Gwinnett County, Georgia
My Commission Expires February 22, 2010

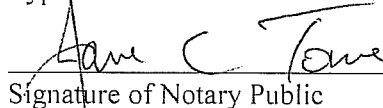
Notary Seal

PROPERTY OWNER CERTIFICATION

The undersigned below, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of Variance affecting the same land or any portion thereof shall not be acted upon within twelve (12) months from the date of last action by the Board of Appeals unless waived by the Board of Appeals. An application or reapplication shall not be acted upon in less than six (6) months from the date of the last action by the Board of Appeals.


Signature of Applicant 9/11/2009
Date

John W. Gorman, owner
Typed or Printed Name and Title


Signature of Notary Public 9/11/2009
Date

Notary Seal

My Commission Expires
02/12/2011

DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY

Case Number V-2009-006 Variance X Administrative _____
Date Rec'd 9-16-09 Rec'd By _____ Hearing Date 10/20/09
Amount Rec'd \$300.00 Receipt _____

ACTION TAKEN _____



Winfield Realty Group, Inc.

195 West Pike Street, Suite 105 Lawrenceville, GA 30045

678-430-3600 678-373-0948 Fax

To: Suwanee Zoning Board of Appeals
From: Randal Winfield, Winfield Realty Group, Inc.
Re: 4037 Stonecypher Road

Dear Suwanee Zoning Board of Appeals Members,

The property owner, Mr. Gorman has moved out of state and has hired me to sell his properties. The subject parcel, tax ID 7-236-053, owned by Mr. Gorman, has 2 homes and a garage already built upon a single approximately 3 acre parcel/lot.

One of the homes on the subject parcel is the Historic Wheeler house (see attached exhibit A). The other home is a 1940's Bungalo cottage style home. We desire to see the Wheeler house, a significant piece of Suwanee history, be preserved and restored to its full potential.

In order to successfully sell both of these homes, we will need to split these homes into separate lots/parcels. We are looking to divide the current parcel into 4 lots in order to sell the property at the most reasonable market price. The proposed 4 lots each exceed all the current zoning requirements, with the one exception of the road frontage for 2 of the lots.

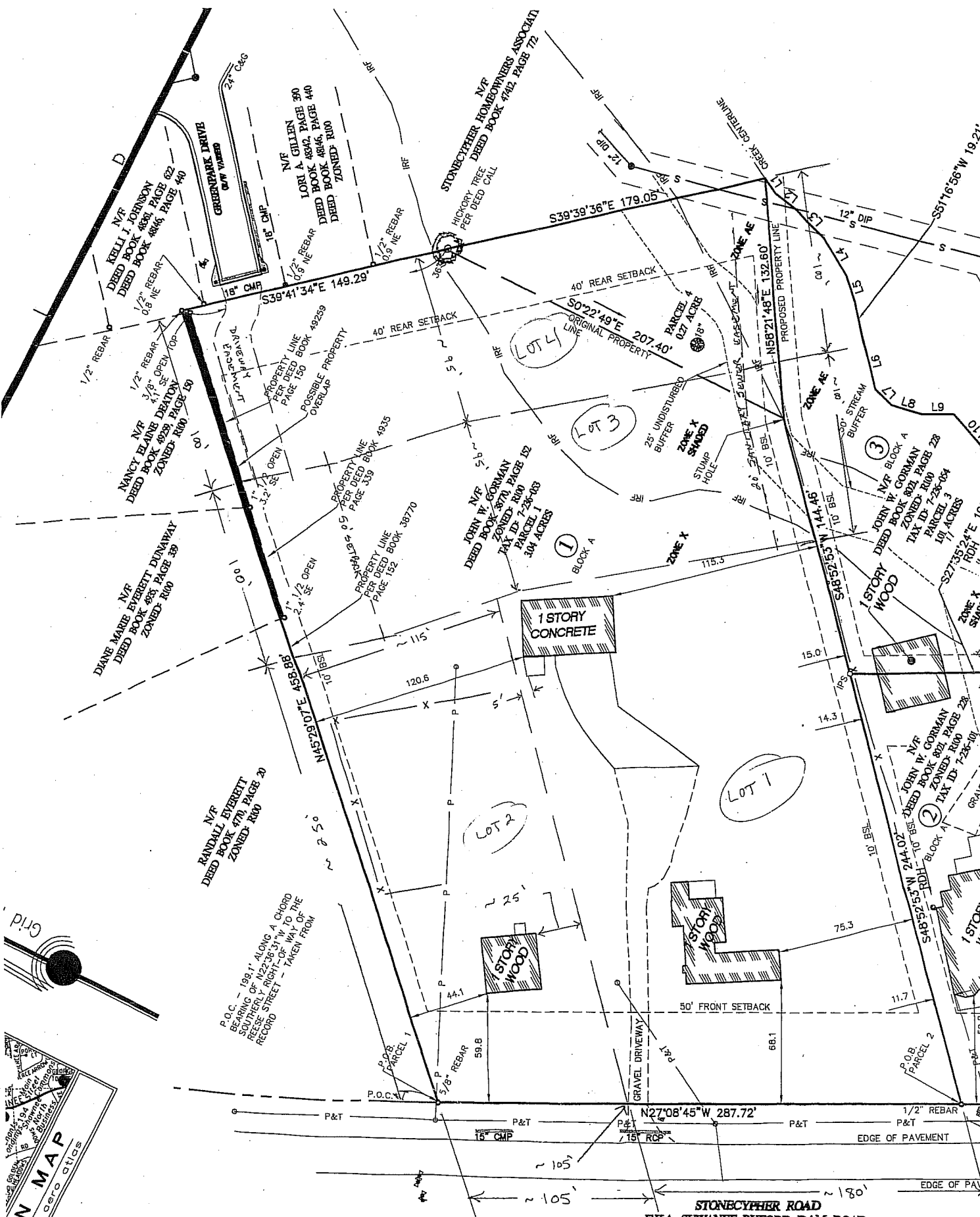
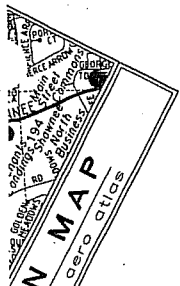
We ask you to consider approval of this Variance request. We request a variance to allow for a private drive into proposed lots 3 & 4. The driveway would be via an easement across proposed lot number 4 and to lot 3. By granting a variance for the driveway/road frontage requirement, it would allow for the creation of 2 additional large lots and additional tax revenues for the city in perpetuity. Again, the lots meet and exceed all other requirements.

We envision the homes that would eventually be built upon these additional lots would be a compliment to the current homes. We feel that maintaining privacy between the homes on these and surrounding lots is essential to the eventual restoration of the Wheeler house which would make this house another very attractive historic landmark for Suwanee, one that is in keeping with the continuity of the other historic homes in the area.

Thank you for your consideration of this request.

Respectfully,

Randal Winfield



DIANE MARIE EVERETT DRIVEWAY
DEED BOOK 493 PAGE 39
ZONED: R00

NANCY ELAINE DEATON
DEED BOOK 4929 PAGE 19
ZONED: R00

KELLI J. JOHNSON
DEED BOOK 4842 PAGE 62
DEED BOOK 4846 PAGE 40

RANDALL EVERETT
DEED BOOK 470 PAGE 20
ZONED: R00

P.O.C. - 1991' ALONG A CHORD
BEARING OF N22°36'31"W TO THE
SOUTHERLY RIGHT-OF-WAY OF THE
REAR STREET - TAKEN FROM

STONECYPHER HOMEOWNERS ASSOCIATION
DEED BOOK 4742 PAGE 72

HICKORY TREE
PER DEED CALL

JOHN W. GORMAN
DEED BOOK 3770 PAGE 12
PARCEL 1
TAX ID: 7-23-003
3.04 ACRES

JOHN W. GORMAN
DEED BOOK 802 PAGE 28
TAX ID: 7-23-004
1.07 ACRES

JOHN W. GORMAN
DEED BOOK 802 PAGE 28
TAX ID: 7-23-001

1 STORY
CONCRETE

1 STORY
WOOD

1 STORY
WOOD

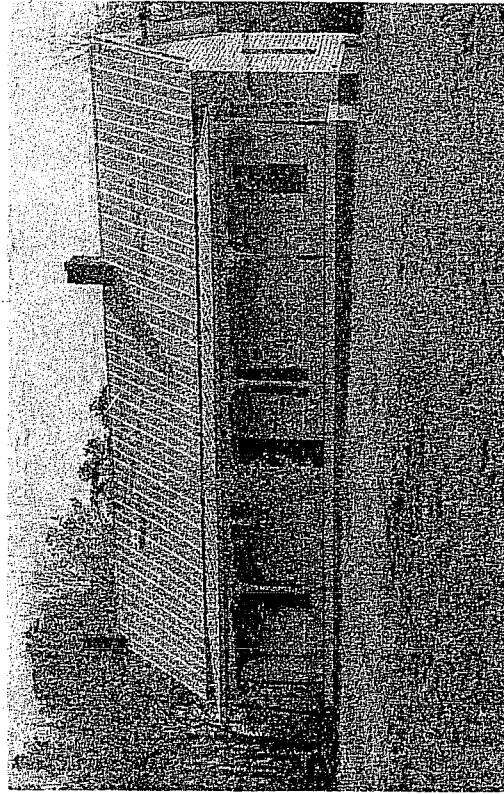
1 STORY
WOOD

STONECYPHER ROAD
E.K.A. SUWANEE-BUFORD DAM ROAD

EDGE OF PAVEMENT

EDGE OF PAVEMENT

land purchased from Thompson Moore. Richard, who was known as Mack, lived in the house with his wife, the former Abi Strickland, who grew up in Duluth. Wheeler was the brother of Sarah Wheeler, who had married James T. Brown. According to the 1900 and 1910 Censuses, Wheeler was listed as a farmer. A newspaper article on his death in 1917 stated that he was a Confederate veteran, and that he and Abi had no children.

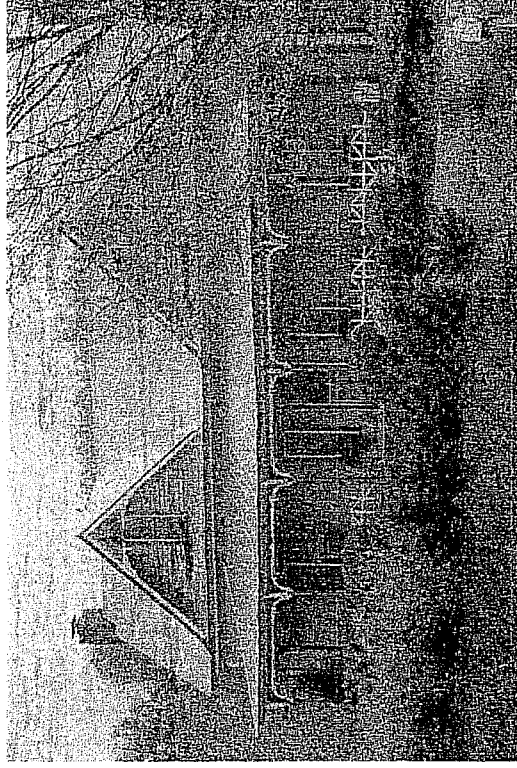


Abi Wheeler House, built 1897 - 4037 STONE CYPHER

In 1899, George W. Little built the house across the street from the Wheeler home at 4040 Stonecypher Road. His wife, the former Alice V. Strickland, was a first cousin of Abi Strickland Wheeler, and they grew up almost next door to each other in Duluth. Apparently, they decided to continue to live near each other after their marriages. Little, who was known as Wash, was listed in the 1900 and 1910 Censuses as a farmer. In the 1920 Census, Little was listed as a fertilizer salesman. He died in 1921.

George and Alice Little's son Guy was listed as living in the house in the 1900 Census. In the 1910 Census, Guy Little was

shown living in another rented house in Superior with wife Bertha, sons Glenn, Winfred and Gideon, and daughter Elizabeth and Vivian. Guy Little was listed as a farmer. In the 1920 Census, Bertha was shown as a widow, and living with a son named Willard. Her son Glenn was listed as renting a home, and living with his wife Lieu. Glen Little was listed as a farm laborer.



George W. Little House, built 1899

EXHIBIT "A"