

**VARIANCE(S):**

**V-2013-008**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2013-008  
**REQUEST:** REDUCTION OF MINIMUM LOT WIDTH AND  
MINIMUM ROAD FRONTAGE FOR TWO  
PROPOSED LOTS  
**APPLICABLE SECTION:** SECTION 500  
**LOCATION:** 4550 COLONY POINT  
**DISTRICT/LAND LOT:** 7-278-042  
**ZONING:** R-140 (SINGLE FAMILY RESIDENTIAL)  
**DEVELOPMENT:** SUBDIVISION OF AN EXISTING PARCEL  
INTO TWO LOTS

**APPLICANT/OWNER:** LISA WELCH  
4550 COLONY POINT  
SUWANEE, GA 30024

**CONTACT:** YUL BROWN  
**PHONE:** 770-822-5900

**RECOMMENDATION:** DENIAL

**ANALYSIS:**

The applicant seeks a variance from Section 500.C.2 and 500.C.3 of the City of Suwanee Zoning Ordinance to allow for the reduction of minimum lot width and road frontage for two proposed lots zoned R-140. The subject property is roughly 5.8 acres and is located at 4550 Colony Point in the Settlers Cove subdivision. Currently, the property contains a single-family residence and is heavily wooded. Even though the property has a Colony Point address it is accessed via a private drive off of Watersedge. The applicant is attempting to divide the property into two lots to accommodate an additional single-family residence.

The subject property is zoned R-140 (Single Family Residential District) and is surrounded by single family residences. To the north and east are properties zoned R-140 in the Settlers Cove subdivision. To the south is natural open space in Village Grove. To the west, are single family homes zoned R-85 in the Landsdowne subdivision.

The subject parcel was created as an individual lot intended to accommodate a single-family residence as part of the Settlers Cove Subdivision. The applicant is proposing to divide the existing approximately 5.8 acre parcel into two lots. One lot, Lot 13, would be approximately 2.5 acres and would include the current single-family home. A second lot, Lot 13A, would be approximately 3.3 acres and is proposed to accommodate a future single-family residence. Under the applicant's proposal, the future and existing residence would be accessed via the existing shared private drive from Watersedge. The applicant is not proposing access from Colony Point.

Any newly created lots within the neighborhood must comply with all minimum lot requirements included in the zoning district's development regulations. Included in these requirements are minimum lot width and minimum road frontage. The minimum required road frontage is 40 feet for properties in the R-140 zoning district. The lot as currently configured has 40 feet of road frontage along Colony Point. Even though the property is not accessed via Colony Point, this is the only location where it abuts public right-of-way. Therefore, the frontage along Colony Point is used to meet the minimum road frontage requirement. The applicant is requesting a reduction in road frontage to 20 feet for two proposed lots.

In addition to road frontage, each lot in the R-140 zoning district is required to have 100 feet of lot width when abutting a cul-de-sac. The applicant is requesting a variance to reduce the minimum lot width from 100 feet to 51.57 feet for two proposed lots. Minimum lot width is measured at the required minimum building setback, which in this case is 50 feet from the right-of-way. At this location, the lot is currently approximately 103 feet wide. The applicant is requesting splitting the lot width equally which would create two lot widths totaling 51.57 feet each.

If the variances are approved and the subdivision into two lots is accomplished, the smaller of the two lots would be approximately 2.5 acres as currently proposed. This would still exceed the average lot size of the subdivision which is closer to 1 acre. The property is located adjacent to a lake and is surrounded by existing residential development on all four sides. Due to these constraints, a flag lot was created to provide an additional, larger lot behind the neighborhood's lake. A flag lot includes a long linear, unbuildable connection of land between the road and buildable area used to meet minimum road frontage and lot width requirements. Although the subject property is constrained with a limited amount of frontage and lot width, this situation was intentional and is a result of the original subdivision of the tract.

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. If the conditions are unique to the property and/or are unlikely to cause substantial detriment to the public good or if the variance will not undermine the intent of the zoning ordinance, then a variance may be granted. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner. In this case, the original property owner created the existing condition when developing the neighborhood. In order to legally divide the lots as proposed, a public roadway built to City standards would need to be extended into the property to meet the R-140 district development regulations.

In conclusion, the applicant's request does not rise to the level of hardship. The current configuration of the property is a result of actions taken by the original property owner and was intended to include an individual residence. In addition, reducing the minimum lot width and road frontage by the proposed amounts is a substantial deviation from the minimum requirements and subverts the intent of these regulations. As such, staff recommends **DENIAL** of V-2013-008.

Planning Department  
Recommended Conditions  
V-2013-008

If the Zoning Board of Appeals wishes to recommend approval of the variance request to allow for the reduction of the minimum lot width and road frontage for a property in the R-140 district the following conditions are recommended:

1. Subdivision of the lots shall be accomplished in accordance with the site plan submitted and shown in exhibit "C".
2. A private reciprocal access easement and agreement serving both lots shall be provided and shall be reflected on the exemption plat.

## 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 would not increase the danger of fire or endanger public safety.

**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, with the appropriate conditions would not impair the public health, safety, comfort, morals, or welfare.

**APPLICATION FOR VARIANCE FROM THE  
CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Variance Information Form (please type or print)

**APPLICANT INFORMATION**

Name: Dr. Lisa Welch  
Address: 4550 Colony Point  
City: Suwanee  
State: Georgia  
Phone: 770.882.5900  
E-mail address: welc2280@bellsouth.net

**OWNER INFORMATION**

Name Dr. Lisa Welch  
Address 4550 Colony Point  
City: Suwanee  
State Georgia  
Phone: 770.822.5900

CONTACT PERSON: Yul Brown PHONE: 770.262.5725

ADDRESS OF PROPERTY 4550 Colony Point, Suwanee, GA 30024

LAND DISTRICT 72 LAND LOT 278 PARCEL 042 LOT 13

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) Welch Property Variance

ZONING R-140

VARIANCE REQUESTED 1.) Sec <sup>501</sup>500 C.2. Minimum Lot Width: b. reduce minimum lot with from <sup>100</sup>100 ft to 50ft. 2.) Sec 500 C.3 Minimum Road Frontage: a. reduce minimum road frontage from 40 ft to 20ft.

NEED FOR VARIANCE We are respectfully requesting two variances on our property, thus allowing us to subdivide our lot into two lots. If approved, the lot for the existing home (lot 13) would be 2.56 acres, and the proposed lot for the new home (lot 13A) would be 3.32 acres. We would like to build our custom dream home on proposed lot 13A, with minimum environmental impact.

**\*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.**

V-2013.008

**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.



Notary Seal

Lisa Welch 8/16/13  
Signature of Applicant Date  
Lisa Welch, mo  
Typed or Printed Name and Title  
[Signature] 8-16-13  
Signature of Notary Public Date

**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.



Notary Seal

Lisa Welch 8/16/13  
Signature of Applicant Date  
Lisa Welch, mo  
Typed or Printed Name and Title  
[Signature] 8-16-13  
Signature of Notary Public Date

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number V.2013.008 Variance \_\_\_\_\_ Administrative \_\_\_\_\_  
Date Rec'd 8/16/13 Rec'd By \_\_\_\_\_ Hearing Date 9/  
Amount Rec'd \$300 Receipt \_\_\_\_\_

ACTION TAKEN \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

V.2013.008







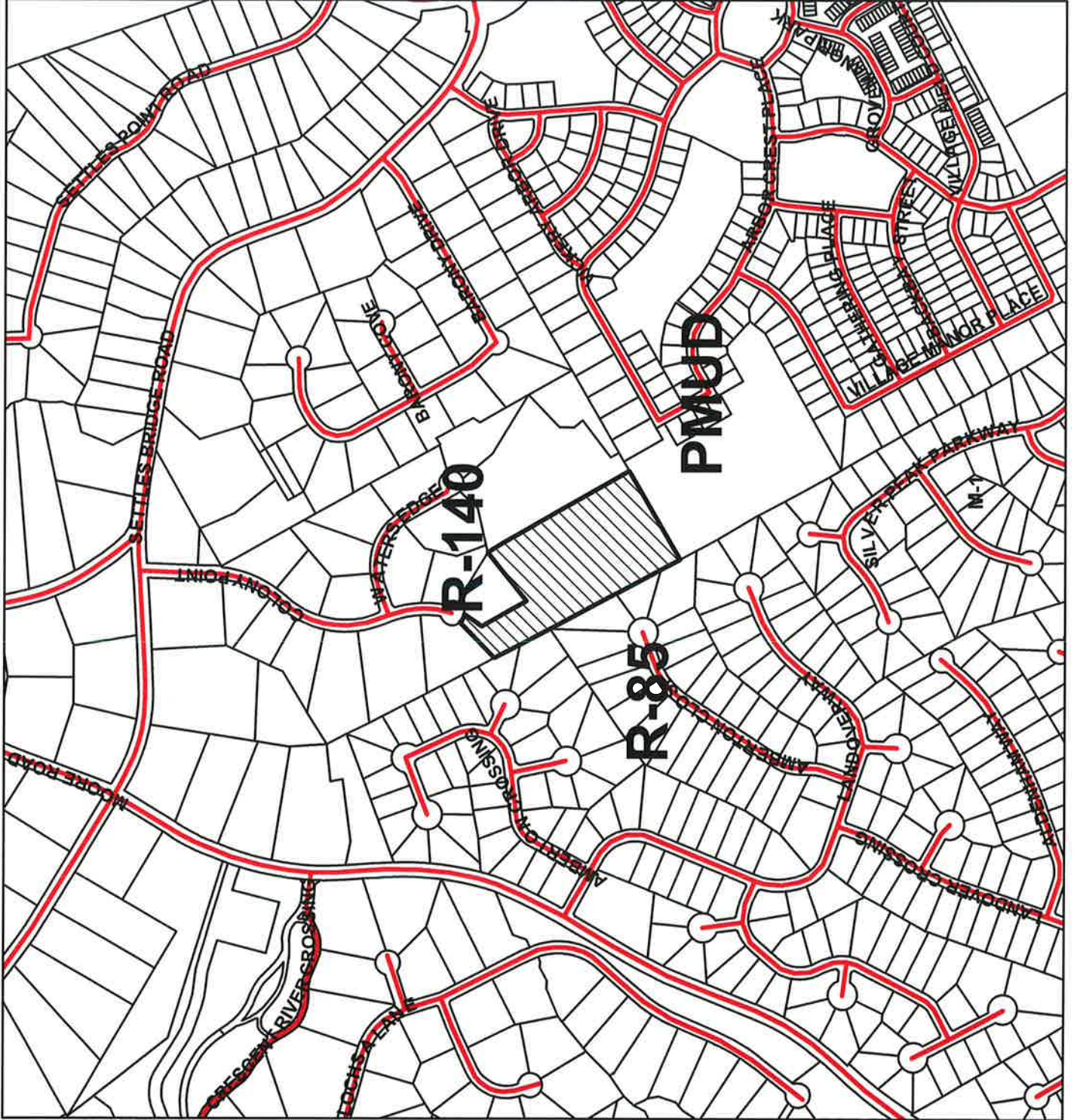
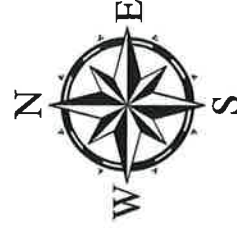


# EXHIBIT A V-2013-008

Location Map

**Legend**

- V-2013-008 (Hatched box)
- Major Road (Red line)







# EXHIBIT B V-2013-008

Aerial Map

**Legend**

-  V-2013-008
-  Major Road

