

**VARIANCE(S):**

**V-2016-001**

**CITY OF SUWANEE  
VARIANCE ANALYSIS**

**CASE NUMBER:** V-2016-001

**REQUEST:** REDUCED LOT SIZE

**ZONING:** C-3 (SPECIAL COMMERCIAL DISTRICT)

**LOCATION:** 4065 McGINNIS FERRY ROAD

**TAX ID NUMBER:** 7-238-103

**ACREAGE:** 0.93 ACRES

**OWNER/APPLICANT:** GWINNETT PRADO, LP  
P.O. BOX 988  
SUWANEE, GA 30024

**CONTACT:** BRUCE WILLIAMS PHONE: 770-754-9400

**RECOMMENDATION:** **APPROVAL WITH CONDITIONS**

**ANALYSIS:**

The applicant seeks a variance from Section 507 of the City of Suwanee Zoning Ordinance to allow for a reduction of the minimum lot size in the C-3 (Special Commercial District). The minimum lot size for the C-3 zoning district is 1 acre. The applicant is requesting a variance to allow for a reduction of the lot size to 0.93 acres. The property is located at 4065 McGinnis Ferry Road in the Shops at Suwanee Shopping Center near the Peachtree Industrial Boulevard and McGinnis Ferry Road intersection. The subject property is completely surrounded by other C-3 zoned properties. The variance is requested to enable the sale of the tract so that it can be developed as a bank.

The property was rezoned from M-1 to C-3 in 2001. The exhibits from that rezoning include a site plan that identifies this outparcel as a building pad and associated parking, which is part of a larger 19 acre development (see exhibit C). In 2008, a final plat showing what was intended to be lease lines, not property lines, was approved by the City (see exhibit D). When the Shops at Suwanee was developed in 2008, the parking for this tract was constructed. Therefore, this outparcel with this type of use has always been part of the plan for this shopping center and has been approved twice by the City.

The previously mentioned plat that was recorded in 2008 shows the entire shopping center with the 9 tracts. There is a note at the bottom of the plat that states, "*Note: Interior lines are ground lease lines and not property lines (excepting tracts 4 & 9).*" After the plat was recorded the Gwinnett County Tax Commissioner assigned tax identification numbers to all of the lots, making them separate lots, which was not the intention of the owner. The only lot that was created by the Gwinnett County action that does not meet the City's minimum lot size is the subject tract, tract 1.

The owner is requesting this variance in order to remove the “legal non-conforming” status from this lot. Meaning, the lot was created legally but does not meet the current standards as defined in the zoning ordinance. The legal non-conforming status can cause issues with closing attorneys and lenders. Obtaining a variance would remove this status and guarantee that there would be no issues with developing the property as intended.

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. A variance may be granted 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. In addition, a variance may be granted when such conditions are not the result of any actions of the property owner.

In this case, tract 1 was always part of the overall master plan for the Shops at Suwanee shopping center. As previously mentioned, the tract was shown and approved when the property was rezoned, developed and platted. All of the internal drives and parking areas are already in place. Approval of this variance will allow for the sale and ultimately the development of a tract that has been planned for over 10 years. As such, staff recommends **APPROVAL WITH CONDITIONS** of V-2016-001.

Planning Department  
Recommended Conditions  
V-2016-001

The Planning Department recommends approval of the request to reduce the minimum lot size subject to the following conditions:

1. The site shall be developed substantially similar to the site plan shown in exhibit "B".
2. Only uses allowed in C-1, C-2, or C-2A shall be allowed on tract 1.

## 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?**

With the appropriate conditions, 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: GWINNETT PRADO, LP  
Address: P.O. BOX 988  
City: SUWANEE  
State: GEORGIA  
Phone: 770-754-9400  
E-mail address: brucewilliamsproperties@earthlink.net

**OWNER INFORMATION**

Name: GWINNETT PRADO, LP  
Address: P.O. BOX 988  
City: SUWANEE  
State: GEORGIA  
Phone: 770-754-9400

CONTACT PERSON: Bruce Williams PHONE: 770-754-9400

ADDRESS OF PROPERTY 4065 McGinnis Ferry Road

LAND DISTRICT 7th LAND LOT 238 PARCEL 7-238-103 LOT Tract 1

SUBDIVISION OR PROJECT NAME (IF APPLICABLE) McGinnis Crossing Phase III

ZONING C-3

VARIANCE REQUESTED Reduction of minimum lot area in the C-3 zoning district from 1.0 acre to 0.93 acre.

NEED FOR VARIANCE When originally subdivided (2008), parcel was anticipated to be leased (ground lease) and not conveyed to a new property owner. Current economic conditions dictate that parcel will be sold to a new property owner through a fee simple sale (see Letter of Intent)


**\*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 \_\_\_\_\_ Date 12/15/15  
J. Bruce Williams, Jr. EXEC. V.P.  
 Typed or Printed Name and Title PIZADO MANAGER, FMC  
Candace Rosser SOLE GENERAL PARTNER of GWINNOST PIZADO L  
 Signature of Notary Public \_\_\_\_\_ Date 12/15/15



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 \_\_\_\_\_ Date 12/15/15  
J. Bruce Williams, Jr. EXEC. V.P.  
 Typed or Printed Name and Title Pizado Manager Inc.  
Candace Rosser General Partner of Gwinnost PIZADO LP  
 Signature of Notary Public \_\_\_\_\_ Date 12-15-15



Notary Seal

**DEPARTMENT OF PLANNING AND DEVELOPMENT USE ONLY**

Case Number V-2016-001 Variance \_\_\_\_\_ Administrative \_\_\_\_\_  
 Date Rec'd \_\_\_\_\_ Rec'd By \_\_\_\_\_ Hearing Date \_\_\_\_\_  
 Amount Rec'd \_\_\_\_\_ Receipt \_\_\_\_\_

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

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

**LETTER OF INTENT**  
**McGinnis Crossing Phase III**

The owner, Gwinnett Prado, LP, is requesting a variance from the *City of Suwanee Zoning Ordinance Section 507.C – C-3 Special Commercial District [District Development Regulations]* for Tract 1 of McGinnis Crossing Phase III. The subject parcel is located at 4065 McGinnis Ferry Road (adjacent to Walgreens), and is part of the Shoppes at Suwanee development (Land Lot 238 of the 7<sup>th</sup> Land District).

Tract 1 contains 0.93 acre. The section of the *Ordinance* from which the variance is requested is *Section 507.C.1.a.* which stipulates that the minimum lot size in the C-3 district is 1 acre.

Tract 1 is shown on the *Final Plat for McGinnis Crossing Phase III.* This plat was originally approved by the City in 2008. Tracts 1, 2, 3, 5, 6, 7 and 8 as shown on this plat were created as ground-lease parcels. As such, these parcels were to remain under the ownership of a single entity and were not subject to the minimum lot area requirements of the zoning district. Tract 1 is the only one of these parcels which does not meet the minimum lot area requirement of 1 acre.

Gwinnett Prado, LP now desires to sell Tract 1 to a new property owner in a fee-simple transaction. The proposed purchaser is a nationally-known financial institution which proposes to operate a branch bank at this location.

Tract 1 meets all other dimensional requirements of the C-3 district.

A financial services institution is a permitted use in the C-3, C-2A, C-2, C-1 and O-I zoning districts. There is no minimum lot area requirement in the C-2A, C-2, C-1 and O-I zoning districts.

V. 2016.001

















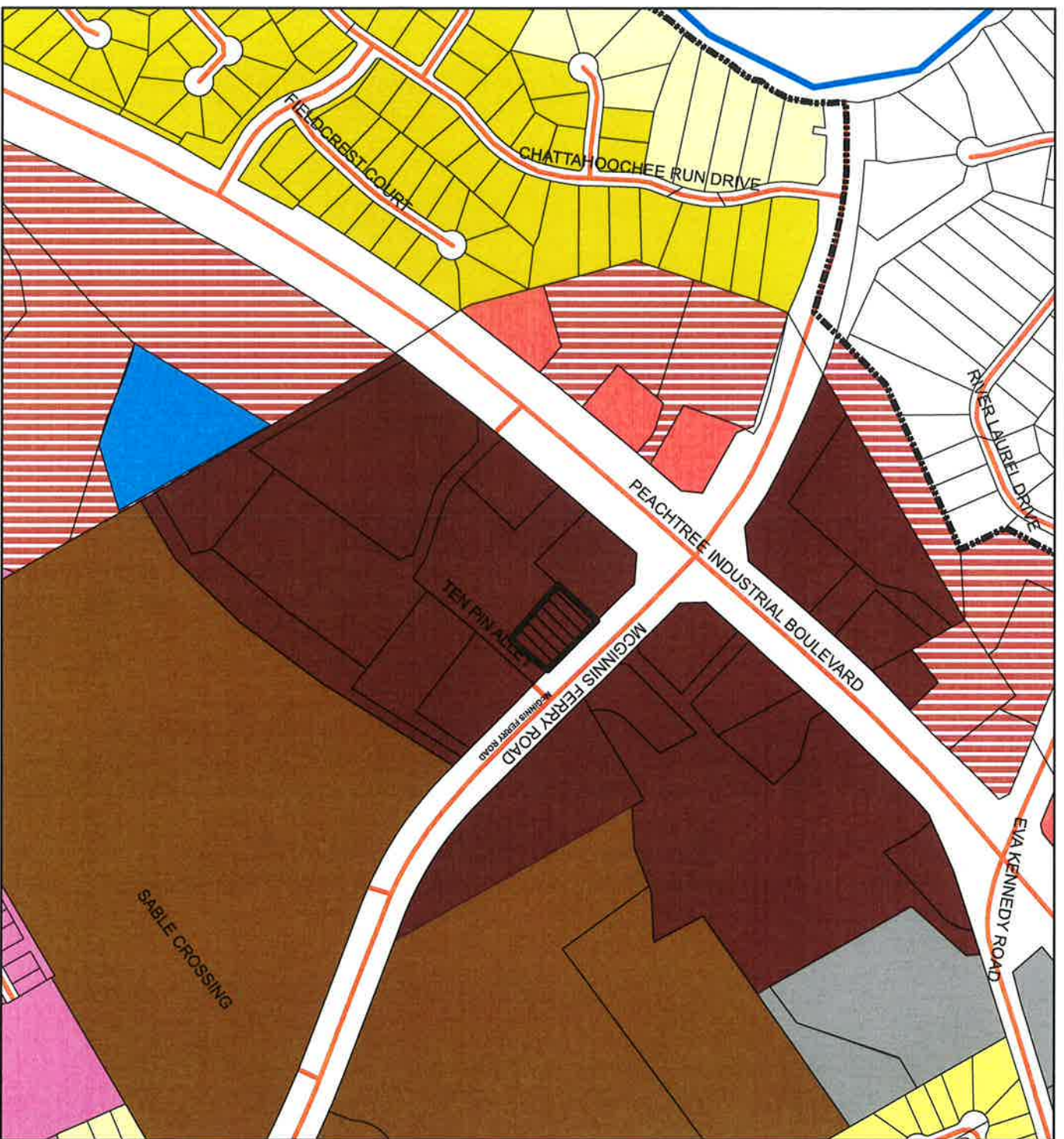
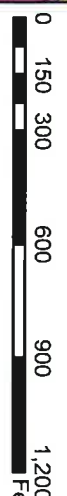
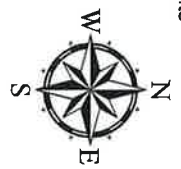


# Exhibit A

## V-2016-001

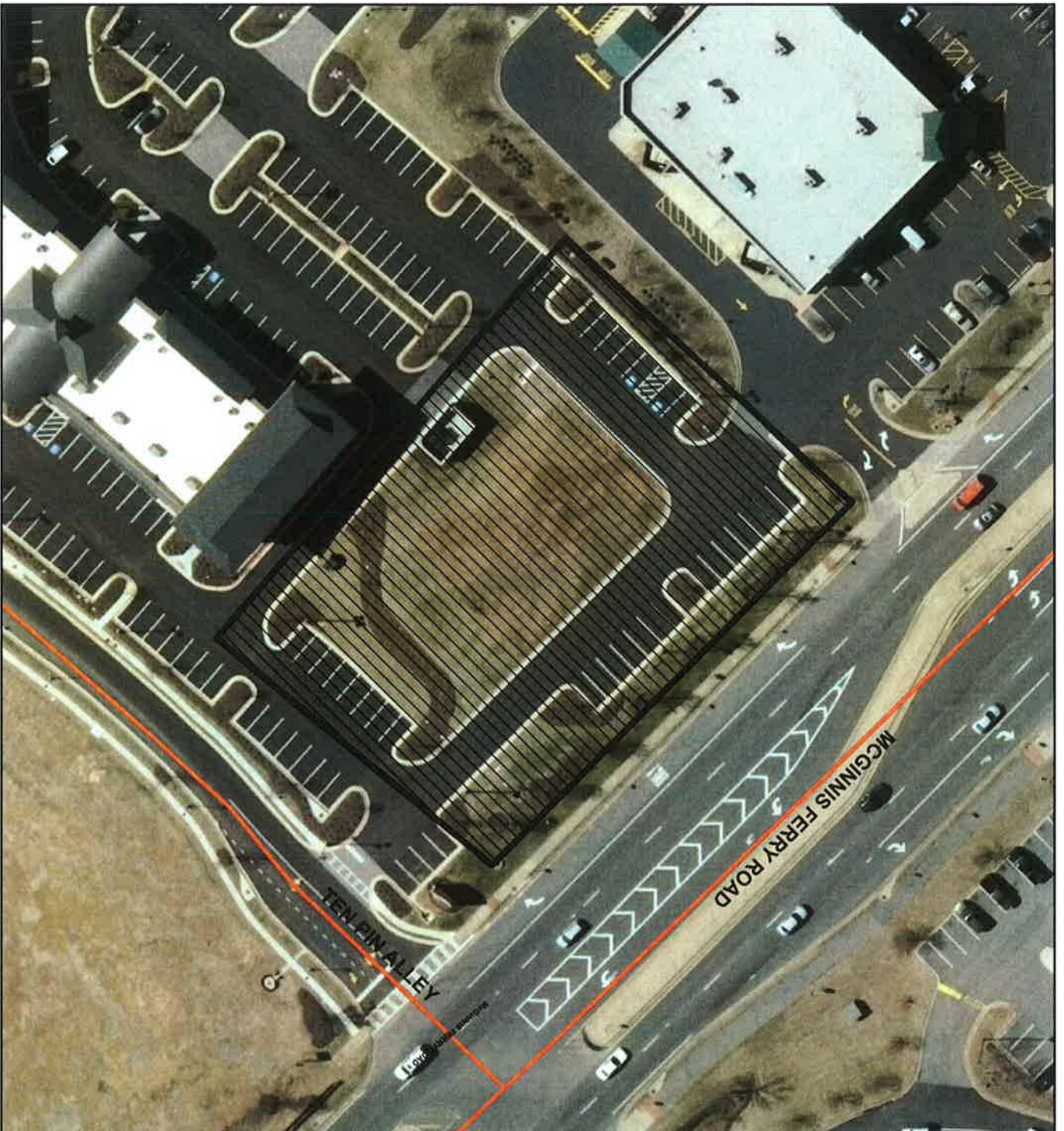
### Legend

-  V-2016-001
-  Property Lines
-  Streets
- Zoning Districts**
-  C-2
-  C-2A
-  C-3
-  M-1
-  O-1
-  PMUD
-  R-100
-  R-85
-  R-75
-  RM-8
-  City Limits



# Exhibit B

## V-2016-001



### Legend

 V-2016-001

 Streets

