



ZA3955 - STAFF REPORT

PROJECT SUMMARY:

Applicant is requesting to rezone from Open Space Residential District (OSR) to Agricultural District (A1) on 2.316 acres for 2 residential lots with a density of 0.87 units per acre.

CONCURRENT REQUESTS (E.G. VARIANCES/CUPS):

Applicant is requesting a variance to 1. Reduce the front setback along the eastern property boundary adjacent to the existing structure only from 50 ft. to 17 ft. (UDC Table 15.2).

IMPORTANT DATES:

APPLICATION FOR ZONING REVIEW

Date Submitted: 10/02/2019
Zoning Review Meeting Date: 11/06/2019

PROPOSAL FOR BOARD CONSIDERATION

Date Submitted: 12/09/2019
Planning Commission Public Hearing: 01/28/2020
BOC Final Decision (estimated): 02/20/2020

CONTACT INFORMATION:

APPLICANT

Spencer and Hannah Duncan
8280 Jot Em Down Road
Gainesville GA 30506

ATTORNEY REPRESENTATION

OWNER(S)

Spencer and Hannah Duncan

PROPERTY INFORMATION:

LOCATION:

The property is located at 8280 Jot Em Down Road, Gainesville, GA 30506.

SITE CHARACTERISTICS:

Existing structures

BOC District: 4

Current Zoning: OSR

Tax Map & Parcel #'s (PINs):

DRI: No

Watershed: Chattahoochee
River-Lake Lanier

292-010

REQUESTED ACTION:

Proposed Zoning: A1

Min. Heated Floor Area: 700

Method of Sewage Disposal:

Proposed # of Lots: 2

Total Acreage: 2.3160

Septic

Min Lot Size:

Proposed # of Parking:

**Location & Distance to
Sewer/Septic Access:**

Units or Lots /Acre: 0.87

Commercial Square

On subject property

Apt./Condo Units:

Footage:

ADJACENT ZONING/LAND USE:

DIRECTION: ZONING:

NORTH: OSR

SOUTH: A1

EAST: A1

WEST: OSR

LAND USE:

Subdivision amenity area

Detached Single Family Residential

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STAFF COMMENTS:

PLANNING COMMENTS:

This property is designated within the Chestatee/Jot Em Down Character area.

City of Cumming: None.

Building Inspections: Building plans are required per the procedure outlined on our website.

Business License: None.

Health Department: Applicant will need to contact the Environmental Health office at 770-781-6909 for a new septic system permit.

Board of Education: Due to the small development of 2 homes, this application does not have any substantial impact that can be calculated.

LONG RANGE PLANNING COMMENTS:

NATURAL RESOURCES

The subject property is within the Chattahoochee River-Lake Lanier watershed.

CULTURAL RESOURCES

The Cultural Resources inventory indicates an early 20th century Pyramid Cottage, Folk Victorian known as the Bagwell Store (FO-OO-453) is located on the subject property. This is a potential National Historic Register listing.

BIKE AND PEDESTRIAN FACILITIES

The 2025 Bicycle and Pedestrian Walkway Plan indicates a proposed bicycle friendly shoulder along Jot Em Down Road and does not indicate any future improvements to Forest Path Drive. The developer will be obligated to install pedestrian facilities as required by the Department of Engineering.

The North Subarea Trails Master Plan does not indicate any future improvements.

ARBORIST COMMENTS:

None.

ENGINEERING COMMENTS:

Review Date: 11/06/19

Road Name: Jot-Em-Down Road Classification: Collector
Existing R/W: 80' Proposed R/W: 100'

Road Name: Forest Path Drive Classification: Local
Existing R/W: 50' Proposed R/W: 50'

Traffic Considerations:
Anticipated Traffic Generation Rates from S/D: N/A

No traffic study will be required unless recommended improvements are not incorporated into construction plans .

Required Improvements: Per Forsyth County Ordinance # 101.

Stormwater Considerations: All developments must comply with Ordinance 75, Stormwater Management and Ordinance 55, Flood Damage Prevention.

STATE WATERS COMMENTS:

There are no state waters present.

WATER & SEWER COMMENTS:

Review Date: 16 October 2019
Road Name: 8280 Jot em Down Road
Water Service and Location: 8" water on Jot em Down Road.
Receiving Sewer WRF: NA. No public sewer currently available.
Comments: None.

NRCS COMMENTS:

Property contains Cecil, eroded gently sloping phase soils. Make sure perimeter erosion control measures are properly installed and maintenance is carried out on BMP's throughout the project.

STAFF ANALYSIS:

CRITERION 1: Does this rezoning proposal conform with the policy and intent of the adopted Forsyth County Comprehensive Plan?

The proposed use is in conformity with the Forsyth County Comprehensive Plan.

CRITERION 2: Does the rezoning proposal permit a use that is suitable in the view of the use and development of adjacent and nearby property?

This property was previously rezoned from Agricultural District (A1) to Open Space Residential District (OSR) on 6/14/99 per ZA2318.

The subject property is adjacent to the north and west by Open Space Residential District (OSR), developed with a density of 0.95 units per acre and a minimum lot size of 20,000 sq. ft. and a subdivision amenity area. To the east and south, the property is adjacent to Agricultural District (A1). The proposed use would be suitable in view of the zonings of the surrounding properties.

CRITERION 3: Does the rezoning proposal adversely affect the existing use or usability of adjacent or nearby property?

The proposed rezoning would not affect the usability of the adjacent properties.

CRITERION 4: Will the rezoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

The following comments pertain to infrastructure information and necessary improvements as related to the current proposal:

A traffic study is not required for the proposed use unless recommended improvements are not incorporated into the construction plans. All road and intersection improvement comments are provided by the Engineering Department in this analysis.

Applicant proposes septic, which is appropriate, as there is no gravity sewer available in the area.

Due to the small development of 2 homes, there is not any substantial impact to the schools.

CRITERION 5: Are there 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 proposed use is in conformity with the Forsyth County Comprehensive Plan.

STAFF RECOMMENDATION:

Based upon the above analysis, the Department of Planning & Community Development is:

Supportive.

RECOMMENDED STAFF ZONING CONDITIONS:

After reviewing all relevant information, including, but not limited to the information contained in this technical review and the information presented in the public hearing process, should the Board of Commissioners approve this rezoning request, County Staff recommend the following conditions:

PLANNING CONDITIONS:

1. Development shall be substantially in accordance with the site plan on file in the Department.

WATER & SEWER CONDITIONS:

None.

ENGINEERING CONDITIONS:

1. Owner/Developer shall dedicate right of way 50 feet from centerline of Jot-Em-Down Road as part of site development or Certificate of Occupancy or when required for road improvement project as determined by Department of Engineering.