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Planning Commission Agenda  
Monday, March 13, 2023 – 6:00pm  
Perry Events Center 1121 Macon Road, Perry

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes from February 13, 2023, and work session February 27, 2023
5. Announcements
  - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
  - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - Please place cell phones on silent mode.
6. Citizens with Input
7. Old Business
8. New Business
  - A. Public Hearing (Planning Commission decision)
    - **PLAT-0013-2023.** Preliminary plat for The Orchard subdivision on Kings Chapel Road. The applicant is Brian Braun, representing WCH Homes.
    - **VAR-0025-2023.** Variance request for property located at 218 Hill Lane. The applicant is Widner & Associates.
  - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on April 4, 2023)
    - **SUSE-0017-2023.** Special exception for short term rental for property at 1107 Third Street. The applicant is JMJ Investment Group.
    - **SUSE-0027-2023.** Special exception for short term rental for property at 1304 Georgia Avenue. The applicant is Turnkey Dreams Consulting, LLC.
    - **RZNE-0022-2023.** Rezone various multi-family properties on Sherwood Road, Morningside Drive, Oak Ridge Drive, and Keith Drive from R-2, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.
    - **RZNE-0023-2023.** Rezone various multi-family properties on Alice Drive, Morningside Drive, Sunset Avenue, Third Street, Fourth Street, and Whipple Street from R-3, Single-family Residential, to RM-1, Multi-family Residential. The applicant is the City of Perry.
9. Other Business
10. Commission questions or comments
11. Adjournment

All meetings of the Planning Commission are open to the public.

(478) 988-2720

<https://perry-ga.gov/business-services/community-development/planning-and-zoning>

Planning Commission  
Minutes - February 13, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 6:00pm.
2. Roll Call: Chairman Edwards; Commissioners Butler, Guidry, Jefferson, Mehserle, Moody and Ross were present.

Staff: Bryan Wood – Community Development Director and Christine Sewell – Recording Clerk

Guests: David Muse, Pat Muse, Theresa Yance, and Andrew Dennis

3. Invocation- was given by Commissioner Moody
4. Approval of Minutes from January 09, 2023

Commissioner Butler motioned to approve as submitted; Commissioner Ross seconded; all in favor and was unanimously approved.

Commissioner Jefferson arrived at 6:04pm

5. Announcements – Chairman Edwards referred to the notices as listed.
  - Per O.C.G.A. 36-67A-3 if any opponent of a rezoning or annexation application has made campaign contributions and/or provided gifts totaling \$250 or more within the past two years to a local government official who will consider the application, the opponent must file a disclosure statement.
  - Policies and Procedures for Conducting Zoning Hearings are available at the entrance.
  - Please place cell phones on silent mode.
6. Citizens with Input – None
7. Old Business – None
8. New Business
  - A. Public Hearing (Planning Commission decision) - None
  - B. Informational Hearing (Planning Commission recommendation – Scheduled for public hearing before City Council on March 7, 2023)
    - **ANNX-0179-2022.** De-annex 13.23-acre parcel located at 325 Airport Road. The applicant is David Muse.

Mr. Wood advised the applicant representing the property owner requests the property be de-annexed from the City of Perry. He indicates in the application that the original purpose for annexing a strip of his land adjacent to Airport Road was to create contiguity for annexation of the former Northrop Grumman properties (now Guardian Center). Since the Guardian Center properties are now contiguous to Perry city limits via other properties, the applicant requests his property be de-annexed. This explanation does appear to be correct. While there is no reason stated in any records, both the Muse property and the Northrop Grumman properties were

annexed at the same time. City Council's policy is not to de-annex property unless the City cannot provide services. Water and sanitary sewer services are not available to the property. Since the request is for de-annexation and no zoning classification is being requested, there are no standards established by ordinance to consider. Staff recommends de-annexation of the property due to the unavailability of city services.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request. The applicant, Mr. David Muse, reiterated the request and also asked for the reimbursement of the filing fee. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:08pm.

Chairman Edwards asked Mr. Wood if the criteria met with city policy; Mr. Wood advised it did. Commissioner Mehserle inquired when the annexation was done; Mr. Muse thought approximately 1994.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the de-annexation request as presented with the reimbursement of the filing fees; Commissioner Ross seconded; all in favor and was unanimously recommended for approval.

- **SUSE-0180-2022.** Special exception for short term rental for property at 317 Lee Street. The applicant is BY Properties, LLC.

Mr. Wood read the applicants' request which was for a special exception to allow short term residential rental, along with staff responses. Mr. Wood advised staff was recommending approval with the following conditions: 1). The special exception is limited to the current owners of the subject property, By Properties LLC, and is not transferable; 2). The special exception is limited to short-term rental of the existing house for up to seven (7) guests at any given time; 3). The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; 4). The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5). Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

Chairman Edwards opened the public hearing at 6:14pm and called for anyone in favor of the request. The applicant, Theresa Yance, reiterated the request and advised there would be only six guests. Chairman Edwards called for anyone opposed; there being none the public hearing was closed at 6:16pm.

Commissioner Ross motioned to recommend approval to Mayor & Council of the request as submitted with the following conditions: 1). The special exception is limited to the current owners of the subject property, By Properties LLC, and is not transferable; 2). The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time; 3). The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental; 4). The property owner shall remit all required taxes and fees associated with the short-term rental as required by law; 5). Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception; Commissioner Moody seconded; all in favor and was recommended for approval.

- **RZNE-0185-2023.** Rezone property at 89 Smith Drive from M-1, Wholesale and Light Industrial to R-3, Single-family Residential. The applicant is Andrew K. Dennis, Jr.

Mr. Wood advised the property is a 5.63-acre parcel located west of Whipple Street in the New Hope neighborhood. It does not have access to Smith Drive. Several of the parcels fronting Whipple Street were subdivided from the parcel in 1984 which limited its only access to Rosenwald Street. The parcel appears to be the remaining open drainage conduit of a larger natural stream/drainage swale that has been altered over the years. Stormwater drainage from the Perry Market Place shopping center (north of the subject) and surrounding areas runs through the subject property to Big Indian Creek. The northern portion of the parcel and parcels to the east were filled over the years (some fill was construction debris) resulting in steeply sloped ravine running through the parcel. The applicant purchased the property in a tax sale in 2021 and contacted the Community Development office in late 2022 inquiring about development options. Due to the topography of the property, Community Development suggested that the use of the property is limited. Mr. Wood advised staff is recommending approval of the application as submitted.

Chairman Edwards opened the public hearing at 6:20pm and called for anyone in favor of the request. The applicant, Mr. Andrew Dennis reiterated the request. Chairman Edwards called for anyone opposed; there being none, the public hearing was closed at 6:21pm.

Commissioner Moody commended Mr. Dennis on rezoning the property as the current M-2 designation was no longer appropriate for the area.

Commissioner Butler motioned to recommend approval to Mayor & Council of the application as submitted; Commissioner Mehserle seconded; all in favor and was unanimously recommended for approval.

- **RZNE-0004-2023.** Rezone The Village at Camelot from R-2, Single-family Residential to RTH, Residential Townhouse. The applicant is the City of Perry

Mr. Wood advised the subject properties are developed as townhouses and encompass the Village at Camelot development. With the recent amendment making the R-2 district a single-family only zone, these properties were rendered nonconforming. The proposed RTH zoning recognizes the existing development and will allow the use of the properties to continue as existing, along with staff responses.

Chairman Edwards opened the public hearing at 6:27pm and called for anyone in favor or opposed to the request; there being none the public hearing was closed at 6:28pm.

Commissioner Mehserle motioned to recommend approval to Mayor & Council of the rezoning as submitted; Commissioner Butler seconded; all in favor and was unanimously recommended for approval.

9. Other Business

Mr. Wood advised the sign ordinance is being revised by an outside attorney and is anticipating to have review at the next work session. There had been a town hall meeting in the Old Field area to address the zoning issues and it appears the property owners would like to keep as single family, but perhaps an overlay district for the vacant parcels to be developed. There was also a town hall meeting with the Sand Hill community and no real direction was provided, but they are leaning toward allowing duplexes and townhomes, but staff will continue to work with them.

10. Commission questions or comments- The Commission welcomed Morrison Guidry to the board.

11. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 6:35pm.

DRAFT

Planning Commission Work Session  
Summary - February 27, 2023

1. Call to Order: Chairman Edwards called the meeting to order at 12:00pm.
2. Roll Call: Chairman Edwards; Commissioners Jefferson, Moody, and Guidry were present. Commissioners Butler, Mehserle, and Ross were absent.

Staff: Bryan Wood – Community Development Director, Emily Carson – Community Planner, and Christine Sewell – Recording Clerk

3. Invocation: was given by Commissioner Moody
4. Citizens with Input- None
5. New Business
  - Update of Capital Improvement Projects- Mr. Wood provided a brief update on sewer and infrastructure projects in Mr. McMurrin's absence.
  - Sign Regulations Update - Mr. Wood advised the City Attorney had hired a consultant to assist in revisions to the sign ordinance. Mr. Wood and Ms. Newby have reviewed the first draft and some additional questions and clarifications are needed. Some changes being considered are for commercial parcels and the allowable signage, looking at overlay districts, monument signs and pole signs, electronic message boards, which it is still recommended to not allow in the downtown but the requirements for all other districts, and abandoned signs. The revision is anticipated to be before the Commission in April.
6. Other Business: Mr. Wood provided an article from the City Manager that had been shared with Council regarding Airbnb's and potential long term problems with clustering; the Commission may review at a later date with regard to density and what is appropriate.
7. Adjournment: there being no further business to come before the Commission the meeting was adjourned at 12:50pm.



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**STAFF REPORT**

March 9, 2023

**CASE NUMBER:** PLAT-0013-2023  
**APPLICANT:** Brian Braun, AES, LLC  
**REQUEST:** Preliminary Plat – The Orchard  
**LOCATION:** Kings Chapel Road; Tax Map No.: 0P0480 047000  
**ADJACENT ZONING/LANDUSES:**

	Zoning Classification	Land Uses
North	RAG, Residential Agricultural (County)	Farm/Undeveloped
South	R-2A, Single-family residential	Planned Single-family residential (Avion Park)
East	R1, Single-family residential (County)	Single-family residential (Evening Shad)
West	RAG (County)	Farm/Undeveloped

**SPECIFICATIONS (per submitted plat):**

1. Zoning of property: PUD, Planned Unit Development
2. Use: Single-family residential
3. Number of Lots: 109 Residential lots
4. Minimum lot area: 10,890 square feet
5. Minimum lot width: 75 feet
6. Setbacks: Front – 25 feet  
Rear – 25 feet  
Interior Side – 8 feet
7. Subdivision entrances: One on Kings Chapel Road; One connecting to Evening Shade via Mahan Drive
8. Street width: 27 feet BOC to BOC; 60’ right-of-way width
9. Other lots: Lot 110 – Open space/drainage; Lots 111 and 112 – Open space/park

**STAFF COMMENTS:** The subject property was granted approval as a conservation subdivision in an R-1 zone in the mid-2000’s and certain infrastructure was installed before the project was abandoned. In 2022 City Council granted rezoning of the property to PUD so the applicant’s client could utilize the installed infrastructure. The approved PUD plan increased the minimum lot width and reduced the amount of open space to increase the lot sizes.

The proposed preliminary plat is consistent with the approved PUD plan and the approved PUD standards, except as identified in the recommendation.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed preliminary plat with the following conditions:

1. Construction drawing shall include ADA-compliant sidewalks on at least one side of all internal streets.
2. One 3-inch caliper shade tree shall be installed in the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center.
3. The developer shall construct and furnish a pocket park consistent with plans approved by the Planning Commission.
4. Minimum house size shall be 1,300 square feet of heated area.
5. The stormwater management facility shall be deeded to the City of Perry for permanent maintenance. Developer shall submit evidence of Houston County E911 approval of street names.







PROJECT ADDRESS: 4111 KINGS CHAPEL ROAD, PERRY, GEORGIA  
 PROJECT NUMBER: 19-000-0000  
 PROJECT AREA: 49.80 ACRES  
 JURISDICTION: CITY OF PERRY

**ZONING INFORMATION**  
 ZONING DISTRICT: R-1 (RESIDENTIAL)  
 PERMITTED USES: SINGLE-FAMILY DWELLING  
 MINIMUM LOT AREA: 10,000 SQ. FT.  
 MINIMUM LOT WIDTH: 30 FT.  
 MINIMUM FRONT YARD SETBACK: 10 FT.  
 MINIMUM SIDE YARD SETBACK: 5 FT.  
 MINIMUM REAR YARD SETBACK: 10 FT.  
 MAXIMUM BUILDING HEIGHT: 35 FT.

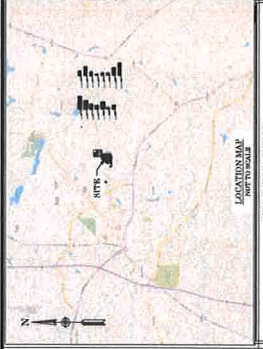
**REVISIONS**  
 NO. DATE DESCRIPTION  
 1 09/25/2022 PRELIMINARY PLAN

**DATE OF PLANS**  
 09/25/2022

**ASB PROJECT NUMBER**  
 60084

**EVENING SHADE SUBD, SECT. 2**  
 WCH HOMES  
 PRELIMINARY SUBDIVISION PLAN

PERRY, HOUSTON COUNTY, GEORGIA  
 SHEET 1 OF 1

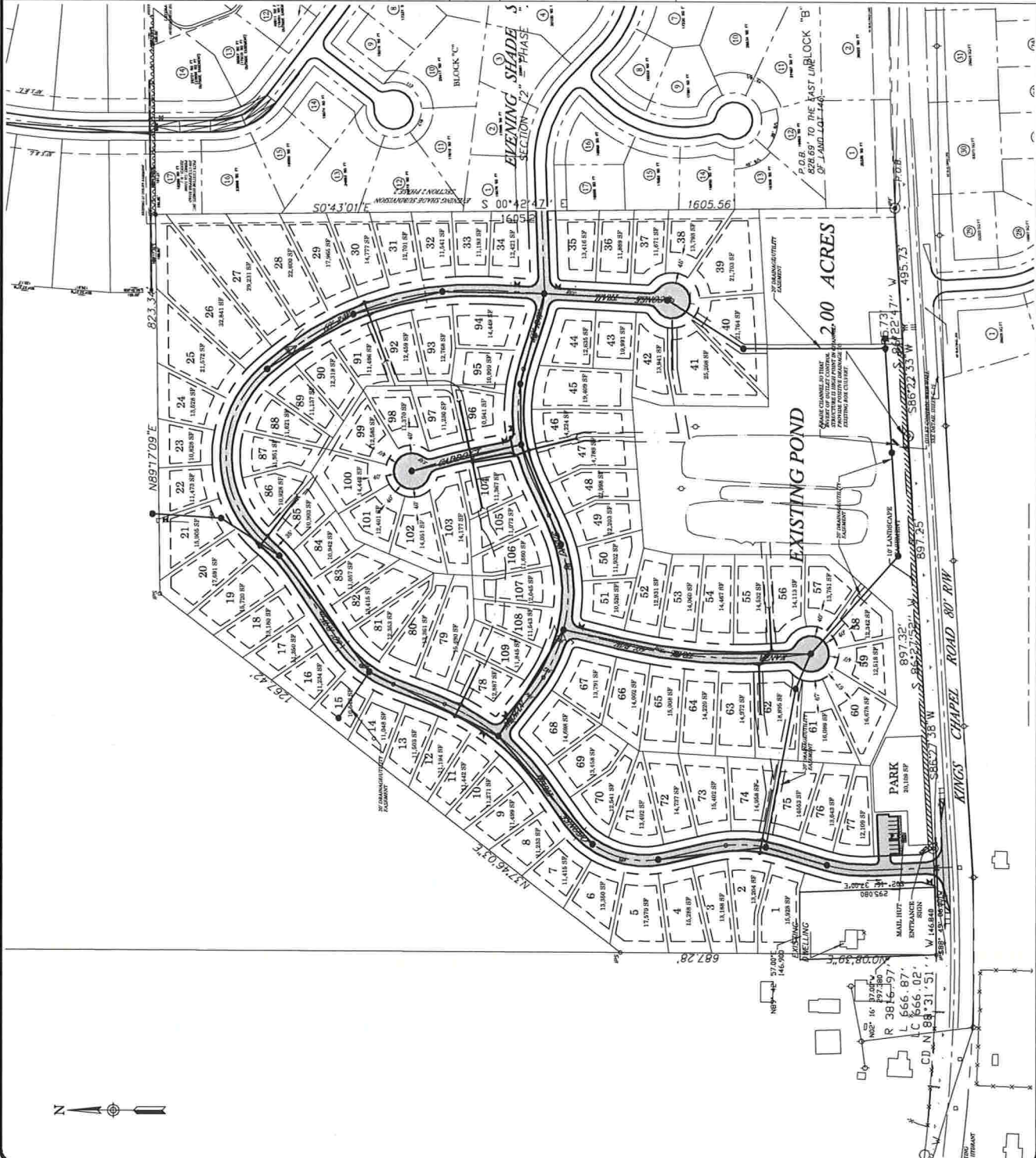
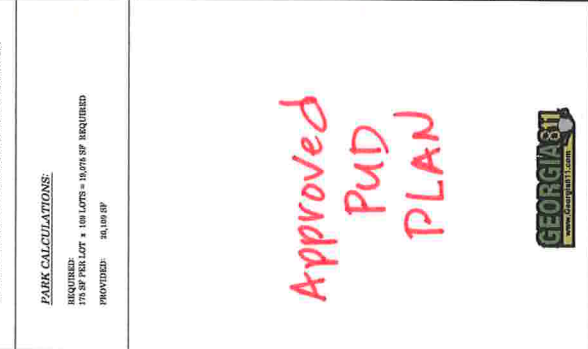


**CONCEPTUAL DISCLAIMER:**  
 INFORMATION SHOWN ON THIS PLAN IS FOR CONCEPTUAL PURPOSES ONLY AND IS NOT FOR CONSTRUCTION. THIS PLAN IS NOT TO BE USED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS PREPARED. MEASUREMENTS SHOWN ARE BASED ON THE INFORMATION PROVIDED.

**PARK CALCULATIONS:**  
 REQUIRED: 775 SF PER LOT & 100 LOTS = 77,500 SF REQUIRED  
 PROVIDED: 84,500 SF

**HATCH LEGEND:**  
 ASPHALT PAVEMENT

**APPROVED**  
**PUD**  
**PLAN**



1 OF 1  
 SHEET 1 OF 1  
 PERRY, HOUSTON COUNTY, GEORGIA  
 PRELIMINARY SUBDIVISION PLAN  
 WCH HOMES  
 EVENING SHADE SUBD, SECT. 2

## Evening Shade – Section 2, Phase 4

### Planned Unit Development Standards

Revised September 23, 2022

1. **Permitted Uses:** Single-family detached residential, and accessory uses clearly incidental to, and customarily associated with single-family detached residential uses.
2. **Minimum Lot Area:** 10,890 square feet
3. **Minimum Lot Width:** 75 feet
4. **Maximum Allowed Density:** 109 residential lots
5. **Minimum Principal Building Setbacks:**
  - Front: 25 feet
  - Rear: 25 feet
  - Interior Side: 8 feet
6. **Minimum House Size:** 1,300 square feet of heated space.
7. **Greenspace/Pocket Park:** Within the community greenspace or on a lot of at least 19,075 square feet, the developer shall construct and furnish a pocket park(s) consistent with plans approved by the Planning Commission.
8. **Access:** There shall be two access points to the PUD, one access directly off of Kings Chapel Road and one via Mahan Drive. The two access points shall be consistent with the proposed preliminary site plan.
9. **Streets and Rights-of-way:** To comply with City of Perry minimum standards.
10. **Connectivity:** ADA-compliant sidewalks shall be installed on at least one side of all internal streets in the PUD.
11. **Landscape:**
  - a. The developer shall install a street buffer consistent with the Kings Chapel Road landscape template as identified through the City of Perry's Green Corridor Initiative.
  - b. A 10' wide easement along the PUD's Kings Chapel Road frontage shall be granted to the City of Perry for landscape maintenance.
  - c. One 3-inch caliper shade tree shall be installed within the right-of-way along both sides of all internal streets, spaced approximately 75 feet on-center (generally one tree per single-frontage lot, two trees per double-frontage lots). Such trees shall count toward the required number of trees per lot required by subsection 6-4.2(A)(2) of the Land Management Ordinance.
12. **Stormwater Management Facilities:** Land comprising the stormwater management facilities shall be donated to the City of Perry for maintenance upon satisfactory completion of such facilities.
13. **Unspecified Standards:** Any development or other standards not specified above shall be governed by the applicable standards of the Land Management Ordinance for single-family detached residential lots and subdivisions located in an R-1 zoning district.



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## **STAFF REPORT**

From the Department of Community Development  
March 1, 2023

**CASE NUMBER:** VAR-0025-2023  
**APPLICANT:** Matt Widner  
**REQUEST:** Variance to reduce the front and rear yard setbacks  
**LOCATION:** 218 Hill Lane; Parcel No. 0P36A0 013000

**SECTION OF ORDINANCE BEING VARIED:** Sec. 5-2.1. Minimum building setbacks. Minimum front and rear yard setbacks in this residential district shall be 30 feet and 35 feet, respectively.

**BACKGROUND:** The applicant requests a variance to reduce the front yard setback from 30 feet to 15 feet and to straighten the rear yard setback to 35 feet from the line generally perpendicular to the west of the property line on the subject property. The request is due to the inability to fit the proposed home on the parcel while abiding by the required setback limits. In addition, the subject requires a variance because of the drainage/utility easement along the southern portion of the property.

### **STANDARDS NECESSARY FOR A VARIANCE:**

1. *Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

While the subject parcel is not exceptionally narrow, it does have an irregular shape and includes a 30-foot-wide setback requirement at the front and a 35-foot-wide setback requirement at the back of the lot. Due to the shape of the lot, the builder cannot construct a reasonably sized home under the current standards. The applicant states that reducing the front setback to 15 feet and creating a straightened rear setback line perpendicular to the existing 35-foot line will allow the builder to construct a home of a desirable size.

2. *Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

The applicant states that the variance is the minimum relief necessary to accommodate a home on the property.

3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

The intent and purpose of the Land Management Ordinance is to “Provide for adequate light, air, and open space” and to “Prevent the overcrowding of land...” Because the subject property requires a front and rear yard setback variance, the integrity of the Land Management Ordinance would be compromised. However, the size of the lot still allows for plenty of on-site parking for residents since the front setback reduction is only present on the far east

corner of the structure. The rear variance creates a more livable square footage by evening the sides of the house, and by doing so moves the city towards its Comprehensive Plan goal to “Provide for a variety of housing types and densities throughout” the city of Perry.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

Granting the variance for the subject property would not be detrimental to the use and enjoyment of nearby properties. The rear variance creates a straightened setback boundary at the back of the house, and the front setback change is minimal.

**STAFF CONCLUSIONS:** Based on the analysis above and the site plan presented by the applicant, Staff recommends approval of the variance request due to the constraints created by the size and shape of the setback boundary line.

Approval with the following condition:

1. Development of parcel 0P36A0 013000 shall occur substantially in compliance with the “Site Plan for St. Croix Manor Subdivision Lot(s) 13 – 218 Hill Road” prepared by Widner & Associates, Inc. and dated 02/09/2023

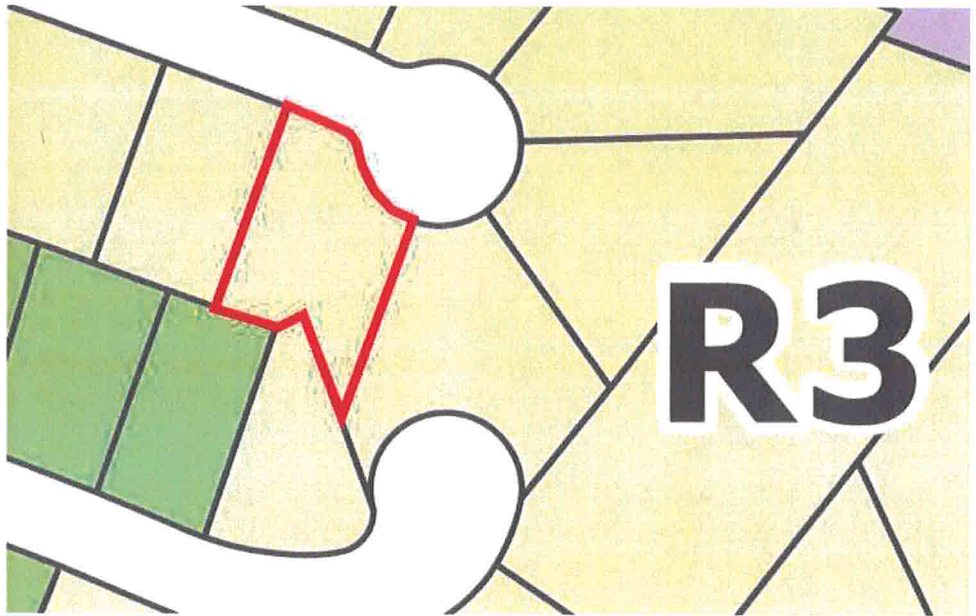


VAR-0025-2023

Hill Lane

Reduce Front & Rear Setback

Aerial



Zoning



Character Area





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Application # 0025-  
2023

## Application for Variance

Contact Community Development (478) 988-2720

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Widner & Associates, Inc. / Matt Widner, PLA	P2 Construction LLC/Paul Cribbs
*Title	Owner's Rep.	Paul Cribbs
*Address	793 Poplar Street Macon, GA 31201	P.O. Box 6128, Warner Robins, GA 31095
*Phone	478-746-2010	912-856-2101
*Email	Matt@Widner-Assoc.com	p2constructionllc@gmail.com

### Property Information

*Street Address	218 Hill Lane	
*Tax Map #(s)	0P36A0 013000	*Zoning Designation R3

### Request

\*Please describe the proposed variance: (i.e. Reduce the rear setback from 25 feet to 22 feet)

Reduce front and rear setbacks to mitigate the impacts of the culdesac and the jog in the property line.

### Instructions

- The application and must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
  - Owner-occupied single family residential – \$150.00
  - All others - \$300.00
  - All others (post construction) - \$600.00
- \*The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- \*Submit plans, drawings, photographs or other documentation which helps fully describe your request.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- \*The applicant must be present at the hearing to present the application and answer questions that may arise.
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

*Applicant Widner & Associates, Inc.	*Date
*Property Owner/Authorized Agent <i>Matt Widner</i> Rep	*Date 02-09-2023

### **Standards for Granting a Variance**

***The applicant bears the burden of proof to demonstrate that an application complies with these standards.***

Are there covenants and restrictions pertaining to the property which would preclude the proposed variance?

- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;
- (2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;
- (3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;
- (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

#### **Notes:**

A variance cannot be granted:

- To reduce a setback of a commercial/industrial property abutting a residentially-zoned property, unless the abutting residentially-zoned property is proposed for commercial or industrial use in the Comprehensive Plan;
- To allow a use not permitted or prohibited in a zoning district;
- To allow a density of development beyond the maximum allowed in a zoning district.

If the hardship invoking the standards for granting a variance was the result of the applicant's intentional disregard or willful failure to comply with the terms of the Land Management Ordinance, the Planning Commission may refuse to grant a variance.

Revised 12/21/22



## **Standards for Granting the Variance**

(1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;

The shape of the property creates setbacks that when offset from these property lines creates an extremely narrow and limited building envelope and a hardship to build around.

(2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;

A variance is necessary to be able to build on this lot.

(3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;

The variance can be granted without detriment or impairment to the intent of these referenced plans or ordinances.

(4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

The variance is not detrimental to the use and enjoyment of the neighboring properties.

There are no know covenants or restrictions that would preclude the proposed variance.

City of Perry  
Community Development  
741 Main Street  
Perry, GA 31069

Subject: Single-Family Home  
218 Hill Lane

Dear Planning Commission,

Widner & Associates respectfully requests a variance in the front and rear building setback to allow the construction of a single-family home at 218 Hill Lane. Along the north property line of the parcel the cul-de-sac protrudes toward the lot and on the rear of the property there is a jog in the property line that creates a severe offset into the property. These two factors create a virtually unbuildable lot which generated the necessity for this variance. Based on these constraints, the proposed site layout has been provided to create a layout congruent with the development of the surrounding parcels while easing the hardship on this property. The requested variance at the front of the lot is 15' and the proposed rear setback is 35' from the line that is generally perpendicular to the west property line. (Please see the following pages for the referenced site plan and standards for the variance.)

Respectfully submitted,

*Matthew T. Widner, PLA*



793 Poplar Street  
P.O. Box 102  
Macon, GA 31202  
(478) 746-2010  
Fax (478) 746-0149  
widner@widner-assoc.com  
www.widner-assoc.com



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## **STAFF REPORT**

From the Department of Community Development  
March 1, 2023

**CASE NUMBER:** SUSE-0017-2023  
**APPLICANT:** JMJ Investment Group  
**REQUEST:** A Special Exception to allow short-term residential rental  
**LOCATION:** 1107 Third Street; Tax Map No. 0P0020 071000

**REQUEST ANALYSIS:** The subject property owners offer the entire 2-bedroom/1-bath house for short-term rental for up to 7 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

“*Short-term residential rental* means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the “visitor accommodations” use category in article 4, use regulations.”

### **STANDARDS FOR SPECIAL EXCEPTIONS:**

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	<b>Zoning Classification</b>	<b>Land Uses</b>
Subject	R-3, Single-family residential	Single-family residential
North	R-M-1 (Pending)	Two-family residential
South	R-3	Single-family residential
East	R-3	Single-family residential
West	R-3	Single-family residential

The entirety of Third Street is zoned as R-3, *Single-family residential district*. Therefore, the subject property follows the existing land use pattern.

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.

5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than a normal occupancy of a single-family residence.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

**STAFF RECOMMENDATION:** Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, JMJ Investment Group, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to seven (7) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.

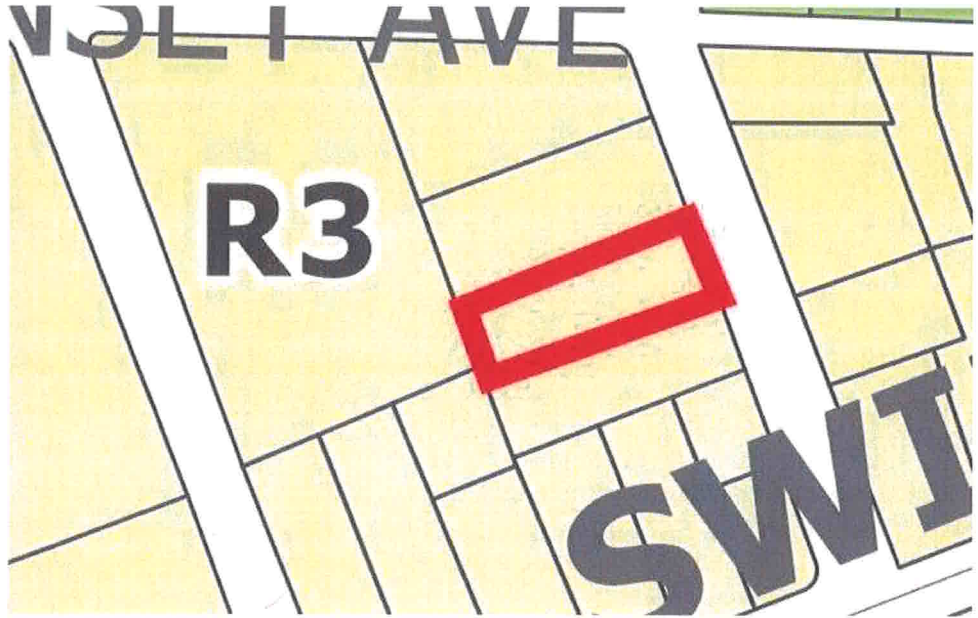


SUSE-0017-2023

Third Street

Short-term rental

Aerial



Zoning



Character Area



Where Georgia comes together.

**Application for Special Exception**

Contact Community Development (478) 988-2720

Application # SUSE  
0017-2023

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Jeff Fiebig	JMJ Investment Group
*Title	Manager	
*Address	1107 3rd St Perry	100 Hampton Point WR 31088
*Phone	478-952-2971	
*Email	jfiebig@jwinvestment.net	jeff@afrealitygroup.com

**Property Information**

*Street Address	1107 3rd St Perry
*Tax Map Number(s)	0P0020 071000
*Zoning Designation	R3



**Request**

\*Please describe the proposed use:

AIRBNB - Short term rental

**Instructions**

- The application and **\*\$300.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
- \*The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards).** See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.
- \*For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- \*The applicant must be present at the hearings to present the application and answer questions that may arise.**
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
- \*Signatures:**

*Applicant		*Date	1/19/23
*Property Owner/Authorized Agent	 Jeff Fiebig for JMJ Investment Group	*Date	1/19/23

**Standards for Granting a Special Exception**

***The applicant bears the burden of proof to demonstrate that an application complies with these standards.***

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land use pattern. *No restriction*
- (2) Whether the proposed use is consistent with the Comprehensive Plan. *Yes*
- (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection. *Yes*
- (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan. *Yes no changes*
- (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
  - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and *Will not be hazardous, inconvenient nor conflict*
  - (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern. *will not*
- (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities. *will not*
- (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water. *will not*
- (8) Whether the proposed change will adversely affect property values in adjacent areas. *will not*
- (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located. *No reasons*



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## **STAFF REPORT**

From the Department of Community Development

March 1, 2023

**CASE NUMBER:** SUSE-0027-2023

**APPLICANT:** Turnkey Dreams Consulting LLC/ Jennifer Freeland

**REQUEST:** A Special Exception to allow short-term residential rental

**LOCATION:** 1304 Georgia Ave; Tax Map No. 0P0080 082000

**REQUEST ANALYSIS:** The subject property owners offer the entire 4-bedroom/2-bath house for short-term rental for up to 6 guests. Offering the entire house for rent meets the definition of “short-term residential rental.”

“*Short-term residential rental* means a furnished dwelling unit used to provide overnight accommodations for periods of less than 30 days to transients for compensation. This use type is regulated under the “visitor accommodations” use category in article 4, use regulations.”

### **STANDARDS FOR SPECIAL EXCEPTIONS:**

1. *Are there covenants and restrictions pertaining to the property which would preclude the proposed use of the property?* Staff is not aware of covenants or restrictions on the subject property which would preclude the proposed use.
2. *Does the Special Exception follow the existing land use pattern?*

	<b>Zoning Classification</b>	<b>Land Uses</b>
Subject	R-2, Single-family residential	Single-family residential
North	R-2	Single-family residential
South	R-2	Single-family residential
East	R-2	Single-family residential
West	R-2	Single-family residential

The entirety of Georgia Avenue is zoned as R-2, *Single-family residential district*. Therefore, the subject property follows the existing land use pattern.

3. *Will the Special Exception have an adverse effect on the Comprehensive Plan?* The subject property is included in a “Traditional Neighborhood” character area in the 2022 Joint Comprehensive Plan. This character area is typically developed with residential uses.
4. *Will adequate fire and police protection be available?* Fire and police protection are already provided to the property. The proposed use should not impact these services.



5. *Will the proposed use be of such location, size, and character that it is not detrimental to surrounding properties?* Renting the existing house on a short-term basis should not be detrimental to surrounding properties. Other than the tenants changing on a more frequent basis, short-term rental should not be any different than a normal occupancy of a single-family residence.
6. *Will the use interfere with normal traffic, pedestrian or vehicular, in the neighborhood?* Short-term rental of the residence should not cause inappropriate interference with the normal pedestrian and vehicular traffic in the neighborhood.
7. *Will the use result in an increase in population density overtaxing public facilities?* Short-term rental of the residence should not increase the population density above that expected for the size of the house.
8. *Will the use create a health hazard or public nuisance?* Short-term rental of the residence should not create a health hazard, and normally should not create a public nuisance. Renters who may use the property as a “party house” or otherwise disturb the normal peace and quiet of the neighborhood may result in the special exception being suspended or revoked.
9. *Will property values in adjacent areas be adversely affected?* Short-term rental of the residence should not adversely affect the value of properties in the area.
10. *Are there substantial reasons a permitted use cannot be used at this property?* The property is developed as a permitted use, a single-family residence. The special exception is to allow rental of the property on a less than 30-day basis.

**STAFF RECOMMENDATION:** Staff recommends approval of the special exception, with the following conditions:

1. The special exception is limited to the current owners of the subject property, Turnkey Dreams Consulting LLC, and is not transferable.
2. The special exception is limited to short-term rental of the existing house for up to six (6) guests at any given time.
3. The property owner must obtain and maintain an annual City of Perry Occupational Tax Certificate for the duration of time in which the subject property is offered for short-term rental.
4. The property owner shall remit all required taxes and fees associated with the short-term rental as required by law.
5. Failure of the property owner and its guests to comply with all applicable local, state, and federal laws may result in the suspension or revocation of this special exception.



SUSE-0027-2023

Georgia Avenue

Short-term rental

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # \_\_\_\_\_

## Application for Special Exception

Contact Community Development (478) 988-2720

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Jennifer Freeland	Turnkey Dreams Consulting LLC/ Jennifer Freeland
*Title	Managing Member, Turnkey Dreams Consulting LLC	same
*Address	5829 Campbellton Rd SW Ste 104-143 Atlanta, Ga 30331	same
*Phone	404-798-8784	same
*Email	tkdreamsllc@gmail.com	same

### Property Information


*Street Address	1304 Georgia Ave Perry, Ga 31069	
*Tax Map Number(s)	0P008 0 082 000	*Zoning Designation R2

### Request

\*Please describe the proposed use: I propose to use this property as a short term rental, hosting guests or families who may be visiting Perry, Georgia for a short stay (< 30 days).

### Instructions

1. The application and **\*\$300.00 fee** (made payable to the City of Perry) must be received by the Community Development Office or filed on the online portal no later than the date reflected on the attached schedule.
2. **\*The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.5 of the Land Management Ordinance for more information. You may include additional pages when describing the use and addressing the standards.**
3. **\*For applications in which a new building, building addition and/or site modifications are proposed, you must submit a site plan identifying such modifications.**
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Special Exception applications require an informational hearing before the planning commission and a public hearing before City Council. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
6. **\*The applicant must be present at the hearings to present the application and answer questions that may arise.**
7. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
8. **\*Signatures:**

*Applicant		*Date 2/13/23
*Property Owner/Authorized Agent (signature same as above - Jennifer Freeland on behalf of Turnkey Dreams Consulting LLC)		*Date 2/13/23

**Standards for Granting a Special Exception**

***The applicant bears the burden of proof to demonstrate that an application complies with these standards.***

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- NO (1) The existing land use pattern.
- N/A (2) Whether the proposed use is consistent with the Comprehensive Plan.
- YES (3) Whether all proposed structures, equipment or material will be readily accessible for fire and police protection.
- YES (4) Whether the proposed use will be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the area in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties or a deterrent to the improvement of adjacent properties in accordance with the zoning classification of such properties, the existing land use pattern or the Comprehensive Plan.
- YES (5) Whether, in the case of any use located in, or directly adjacent to, a residential district or area:
  - (a) The nature and intensity of operations will be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, said residential district or area, or conflict with the normal traffic of the neighborhood; and
  - YES (b) The location and height of buildings, and other structures, and the nature and extent of screening, buffering or landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings in conformance with existing zoning districts and development pattern.
- NO (6) Whether the proposed use will increase the population density resulting in the increase or overtaxing of the load on public facilities such as schools, utilities, streets, etc.; or approval of the use would encourage adjacent areas to develop at higher densities than provided in the comprehensive plan resulting in the overtaxing of such public facilities.
- NO (7) Whether the proposed use will cause a health hazard, a public safety problem, or create a nuisance or cause excessively increasing traffic and associated congestion; create a drainage problem; generate unnecessary disturbance due to noise, the emission of smoke or other contaminants, odor, electrical interference, or cause pollution to land, air and/or water.
- NO (8) Whether the proposed change will adversely affect property values in adjacent areas.
- NO (9) Whether there are substantial reasons why the property cannot be used for a permitted use in the district where the property is located.



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## **STAFF REPORT**

From the Department of Community Development

March 6, 2023

**CASE NUMBER:** RZNE-0022-2023  
**APPLICANT:** The City of Perry  
**REQUEST:** Rezone properties from R-2, Single-family Residential, to RM-1, Multi-family Residential  
**LOCATION:** See attached maps and list of tax map numbers

**BACKGROUND INFORMATION:** The subject properties are developed as two-family residential uses. With the recent amendment making the R-2 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

### **STANDARDS GOVERNING ZONE CHANGES:**

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

#### **1. The existing land uses and zoning classification of nearby property.**

- Properties on Sherwood Road are bounded on the north by multi-family developments zoned RM-2; on the south by single-family residential uses zoned R-1; on the east by a single-family residence zoned R-2 and Morningside Elementary School zoned GU; and on the west by a townhouse development zoned RTH (pending).
- Properties on Oak Ridge Drive are bounded on the north by undeveloped property zoned R-2; on the south by undeveloped property zoned GU; on the east by undeveloped property zoned R-2 and C-2; and on the west by single-family residential uses zoned R-2.
- The property Keith Drive is bounded on the north by a townhouse development zoned RTH (pending); on the south by undeveloped property zoned C-2; on the east by a nursing home and undeveloped property zoned C-2; and on the west by undeveloped property zoned C-2.

**2. The suitability of the subject property for the zoned purposes.** The subject properties are suitable for two-family residential uses.

**3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-2 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as two-family residential uses, the value of the subject properties is diminished by the current zoning.

**4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed with two-family residential uses for many years there is no impact on the public health, safety, general welfare, or morals.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RM-1 zoning would allow the properties to continue operating as currently developed.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The properties are developed with two-family residential uses. There will be no change in their impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
  - The properties located on Sherwood Road and Oak Ridge Drive are in the “Traditional Neighborhood” character area.
  - The property located on Keith Drive is in an “In-Town Corridor” character area.
11. **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.** The zoning change has no impact on existing public facilities.
12. **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 City’s recent modification of the R-2 district to allow only single-family residential uses made these two-family properties non-conforming. This change in zoning to RM-1 will allow the developments to continue as conforming uses.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change to RM-1, Multi-family Residential District.

Properties included in RZNE-0022-2023

To	From	Property Address	Parcel Number	Property Owner
R2	RM1	1305 MORNINGSIDE DR	0P0430 126000	DRATVA ALEXANDER STARIKOVA IVETTA C/O JERRY M FEENEY
R2	RM1	100 SHERWOOD RD	0P0430 128000	DRATVA ALEXANDER STARIKOVA IVETTA C/O JERRY M FEENEY
R2	RM1	103 SHERWOOD RD	0P0430 130000	DRATVA ALEXANDER STARIKOVA IVETTA C/O JERRY M FEENEY
R2	RM1	107 SHERWOOD RD	0P0430 132000	DRATVA ALEXANDER STARIKOVA IVETTA C/O JERRY M FEENEY
R2	RM1	1303 MORNINGSIDE DR	0P0430 125000	ELOHIM INVESTMENTS OF GEORGIA LLC
R2	RM1	101 SHERWOOD RD	0P0430 127000	ELOHIM INVESTMENTS OF GEORGIA LLC
R2	RM1	102 SHERWOOD RD	0P0430 129000	ELOHIM INVESTMENTS OF GEORGIA LLC
R2	RM1	105 SHERWOOD RD	0P0430 131000	ELOHIM INVESTMENTS OF GEORGIA LLC
R2	RM1	108 SHERWOOD RD	0P0430 133000	MULLINS LYNN K
R2	RM1	106 SHERWOOD RD	0P0430 134000	MULLINS LYNN K
R2	RM1	104 SHERWOOD RD	0P0430 135000	MULLINS LYNN K
R2	RM1	756 OAK RIDGE DR	0P0270 104000	BAILEY BRIAN
R2	RM1	754 OAK RIDGE DR	0P0270 105000	BAILEY BRIAN
R2	RM1	752 OAK RIDGE DR	0P0270 106000	BAILEY BRIAN
R2	RM1	750 OAK RIDGE DR	0P0270 107000	BAILEY BRIAN
R2	RM1	1045 KEITH DR	0P0440 051000	W & W INVESTMENT FIRM LLC

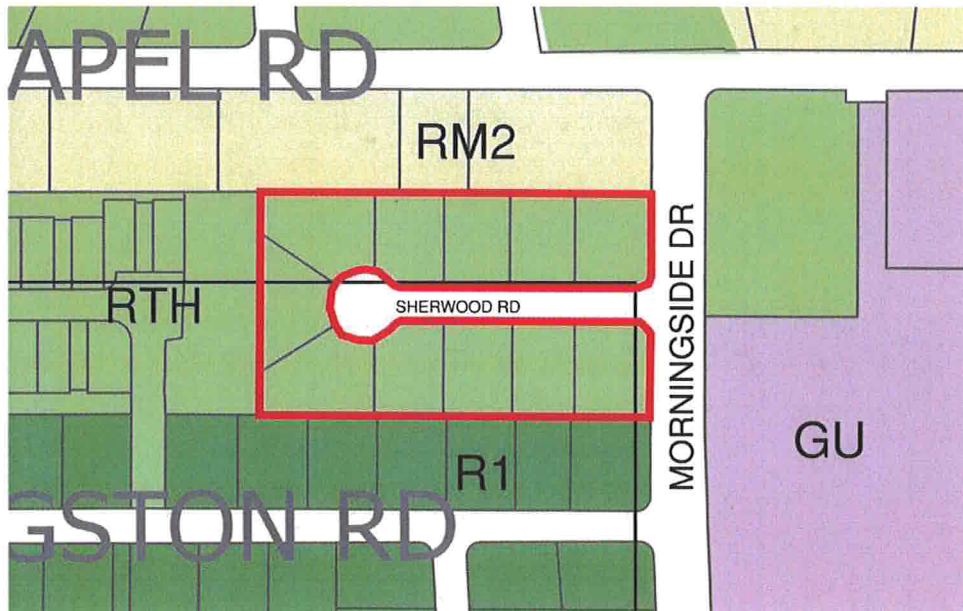
RZNE-0022-2023

Sherwood Road

R-2 to RM-1



Aerial



Zoning



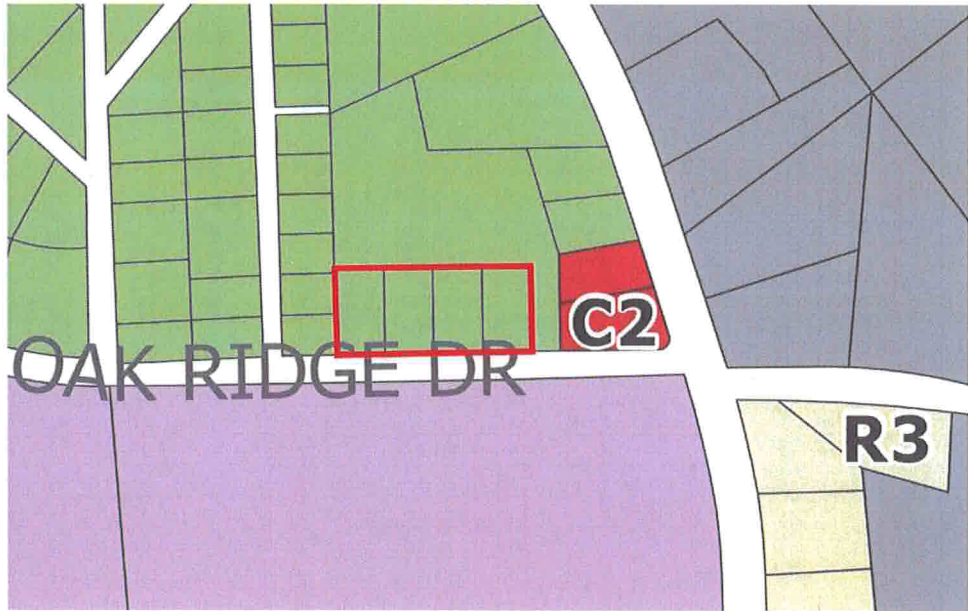
Character Area



RZNE-0022-2023  
Oak Ridge Drive  
R-2 to RM-1



Aerial



Zoning



Character Area

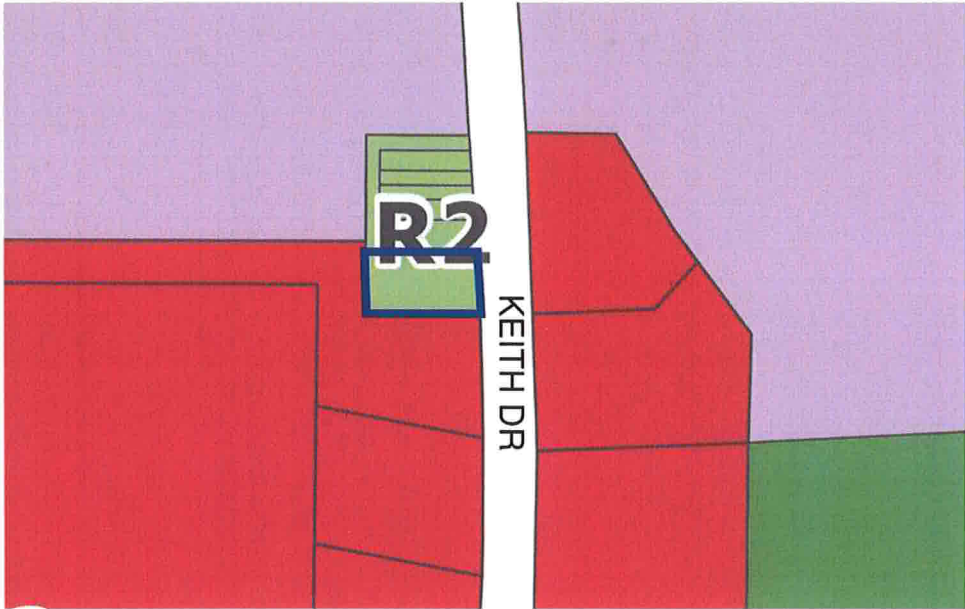
RZNE-0022-2023

1045 Keith Drive

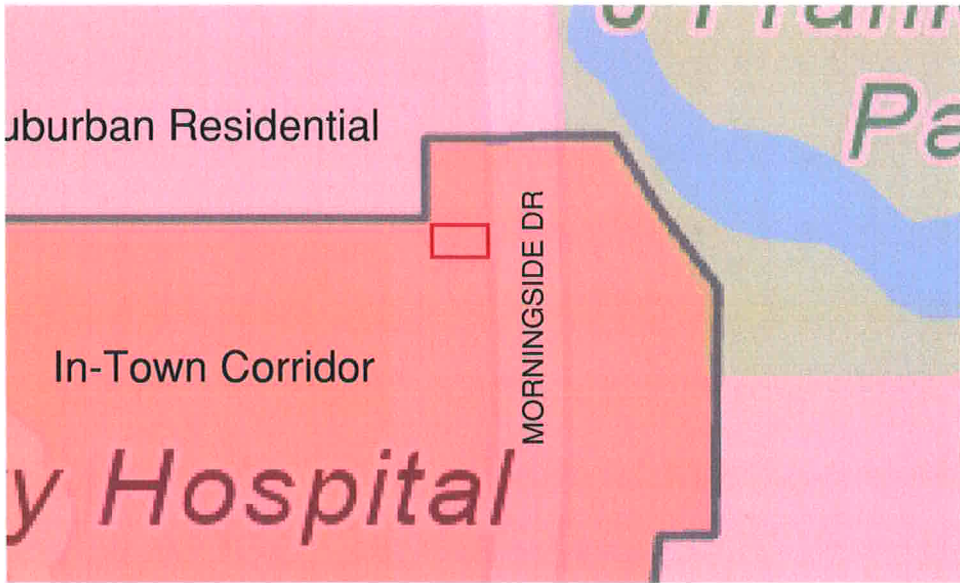
R-2 to RM-1



Aerial



Zoning



Character Area



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Application # RZNE-0022-2023

## Application for Rezoning

Contact Community Development (478) 988-2720

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Bryan Wood for the City of Perry	Multiple property owners see attached list
*Title	Community Development Director	
*Address	741 Main Street, Perry, GA 31069	
*Phone	(478) 988-2714	
*Email	Bryan.wood@perry-ga.gov	

### Property Information

*Street Address or Location	Various locations, see attached list
*Tax Map Number(s)	Various, see attached list
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;



### Request

*Current Zoning District	R-2	*Proposed Zoning District	RM-1
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u> No change of use is planned – rezone to appropriate zoning classification base on existing use of the properties.			

### Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- \*Fees:
  - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
  - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- \*The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- \*The applicant must be present at the hearings to present the application and answer questions that may arise.
- \*Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes \_\_\_ No X  
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

 *Applicant  Bryan Wood, Community Development Director for the City of Perry	*Date 2/13/2023
*Property Owner/Authorized Agent Filed by the City of Perry	*Date 2/13/2023

**Standards for Granting a Rezoning**

***The applicant bears the burden of proof to demonstrate that an application complies with these standards.***

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

1. **The existing land uses and zoning classification of nearby property.**
  - Properties on Sherwood Road are bounded on the north by multi-family developments zoned RM-2; on the south by single-family residential uses zoned R-1; on the east by a single-family residence zoned R-2 and Morningside Elementary School zoned GU; and on the west by a townhouse development zoned RTH (pending).
  - Properties on Oak Ridge Drive are bounded on the north by undeveloped property zoned R-2; on the south by undeveloped property zoned GU; on the east by undeveloped property zoned R-2 and C-2; and on the west by single-family residential uses zoned R-2.
  - The property Keith Drive is bounded on the north by a townhouse development zoned RTH (pending); on the south by undeveloped property zoned C-2; on the east by a nursing home and undeveloped property zoned C-2; and on the west by undeveloped property zoned C-2.
2. **The suitability of the subject property for the zoned purposes.** The subject properties are suitable for two-family residential uses.
3. **The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-2 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as two-family residential uses, the value of the subject properties is diminished by the current zoning.
4. **The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed with two-family residential uses for many years there is no impact on the public health, safety, general welfare, or morals.
5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RM-1 zoning would allow the properties to continue operating as currently developed.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.

8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The properties are developed with two-family residential uses. There will be no change in their impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
  - The properties located on Sherwood Road and Oak Ridge Drive are in the “Traditional Neighborhood” character area.
  - The property located on Keith Drive is in an “In-Town Corridor” character area.
11. **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.** The zoning change has no impact on existing public facilities.
12. **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 City’s recent modification of the R-2 district to allow only single-family residential uses made these two-family properties non-conforming. This change in zoning to RM-1 will allow the developments to continue as conforming uses.

Revised 12/21/22.



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## **STAFF REPORT**

From the Department of Community Development

March 6, 2023

**CASE NUMBER:** RZNE-0023-2023  
**APPLICANT:** The City of Perry  
**REQUEST:** Rezone properties from R-3, Single-family Residential, to RM-1, Multi-family Residential  
**LOCATION:** See attached maps and list of tax map numbers

**BACKGROUND INFORMATION:** The subject properties are developed as two-family residential uses. With the recent amendment making the R-3 district a single-family only zone, these properties were rendered nonconforming. The proposed RM-1 zoning recognizes the existing development and will allow the use of the properties to continue as existing.

### **STANDARDS GOVERNING ZONE CHANGES:**

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

#### **1. The existing land uses and zoning classification of nearby property.**

- Properties on Alice Drive are bounded on the north by single-family residences zoned R-2; on the south by a multi-family development zoned RM-2; on the east by single-family residences zoned R-2; and on the west by undeveloped property zoned R-2.
- The property on Keith Drive is bounded on the north by single-family residences zoned R-2; on the south by single-family residences zoned R-2; on the east by a multi-family development zoned RM-2; and on the west by single-family residences zoned R-2.
- Properties on Morningside Drive are bounded on the north by a townhouse development zoned RTH (pending); on the south by single-family residential uses zoned R-1; on the east by undeveloped properties zoned R-3; and on the west by single-family residential uses zoned R-1.
- The properties on Sunset Avenue (Alley), Third Street and Fourth Street are bounded on the north by single-family residential uses zoned R-2; and on the south, the east, and the west by single-family residential uses zoned R-3.

**2. The suitability of the subject property for the zoned purposes.** The subject properties are suitable for two-family and small multi-family residential uses.

**3. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** The current R-3 zoning of the properties was recently revised to allow only single-family residential uses. Because the subject properties are currently developed as two-family and small multi-family residential uses, the value of the subject properties is diminished by the current zoning.

**4. The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** Because the properties have been developed with two-family

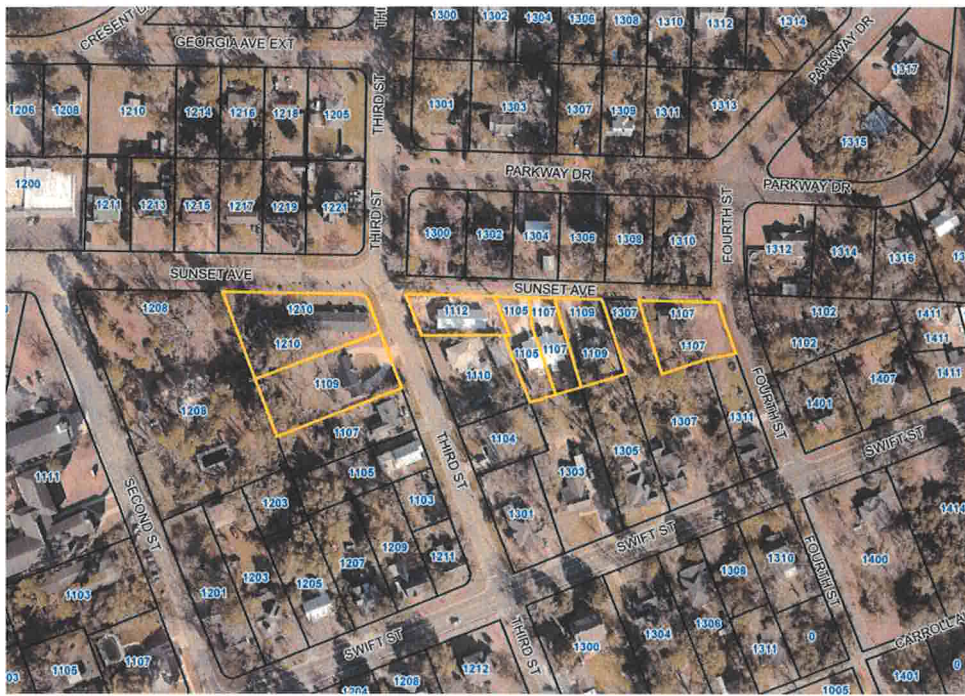
and small multi-family residential uses for many years there is no impact on the public health, safety, general welfare, or morals.

5. **The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Because the properties are currently developed and no change is planned, there is no impact on the public.
6. **Whether the subject property has a reasonable economic use as currently zoned.** The subject properties do not appear to have a reasonable economic use as currently zoned. The proposed RM-1 zoning would allow the properties to continue operating as currently developed.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** The subject properties are not vacant.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The properties are developed with two-family and small multi-family residential uses. There will be no change in their impact on surrounding properties.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** See #8 above.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.**
  - The properties on Alice Drive and on Keith Drive are in the “Suburban Residential” character area.
  - The properties located on Morningside Drive and Sunset Avenue (Alley)/Third Street/Fourth Street are in the “Traditional Neighborhood” character area.
11. **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.** The zoning change has no impact on existing public facilities.
12. **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 City’s recent modification of the R-3 district to allow only single-family residential uses made these two-family properties non-conforming. This change in zoning to RM-1 will allow the developments to continue as conforming uses.

**STAFF RECOMMENDATION:** Staff recommends approval of the zoning change to RM-1, Multi-family Residential District.

<b>Properties included in RZNE-0023-2023</b>				
<b>To</b>	<b>From</b>	<b>Property Address</b>	<b>Parcel Number</b>	<b>Property Owner</b>
R3	RM1	105 ALICE DR	0P44C0 059000	ANDREW VIRGINIA
R3	RM1	107 ALICE DR	0P44C0 058000	ANDREW VIRGINIA S
R3	RM1	118 ALICE DR	0P44C0 051000	ANDREW W C
R3	RM1	113 ALICE DR	0P44C0 055000	ANDREW W C
R3	RM1	111 ALICE DR	0P44C0 056000	ANDREW W C
R3	RM1	109 ALICE DR	0P44C0 057000	ANDREW W C
R3	RM1	106 ALICE DR	0P44C0 045000	CHEEK LLC
R3	RM1	112 ALICE DR	0P44C0 048000	CHEEK LLC
R3	RM1	114 ALICE DR	0P44C0 049000	CHEEK LLC
R3	RM1	116 ALICE DR	0P44C0 050000	CHEEK LLC
R3	RM1	115 ALICE DR	0P44C0 054000	CHEEK LLC
R3	RM1	103 ALICE DR	0P44C0 060000	CHEEK LLC
R3	RM1	108 ALICE DR	0P44C0 046000	SCOTT BRENDA
R3	RM1	119 ALICE DR	0P44C0 052000	SCOTT BRENDA
R3	RM1	117 ALICE DR	0P44C0 053000	SCOTT BRENDA
R3	RM1	110 ALICE DR	0P44C0 047000	SIACA-COLON NEILL M
R3	RM1	1310 KEITH DR	0P0440 022000	LTW ASSETS LLC
R3	RM1	1001 MORNINGSIDE DR	0P0440 020000	K AND D PROPERTIES OF PERRY LLC
R3	RM1	1003 MORNINGSIDE DR	0P0440 023000	MAGNOLIA PROPERTIES SOUTH LLC
R3	RM1	1005 MORNINGSIDE DR	0P0440 024000	PENSYL JAMES M
R3	RM1	1007 MORNINGSIDE DR	0P0440 025000	PENSYL JAMES M
R3	RM1	1009 MORNINGSIDE DR	0P0440 026000	SAMMONS ROBERT L SAMMONS BONNIE C
R3	RM1	1011 MORNINGSIDE DR	0P0440 027000	TARABEN INVESTMENTS LLC
R3	RM1	1109 SUNSET AVE	0P0090 057000	ANDREW NEAL ANDREW W C
R3	RM1	1112 THIRD ST	0P0090 001000	DOUBLE EAGLE LLC
R3	RM1	1210 SUNSET AVE	0P0020 073000	NORAHS PROPERTIES LLC
R3	RM1	1109 THIRD ST	0P0020 072000	PARKS JAMES S II PARKS CRISTI A
R3	RM1	1107 SUNSET AVE	0P0090 060000	TOMLIN MICHAEL TOMLIN LANNETTE
R3	RM1	1105 SUNSET AVE	0P0090 061000	TOMLIN MICHAEL P TOMLIN LANNETTE M
R3	RM1	1107 FOURTH ST	0P0090 009000	ALL CITY INVESTMENT GROUP LLC
R3	RM1	1306 WHIPPLE ST	0P0140 013000	HERMAN C RAGIN
R3	RM1	1315 WHIPPLE ST	0P0140 076000	BETTY LOIS DAVIS
R3	RM1	1317 WHIPPLE ST	0P0140 077000	BETTY LOIS DAVIS
R3	RM1	1319 WHIPPLE ST	0P0140 078000	BETTY LOIS DAVIS



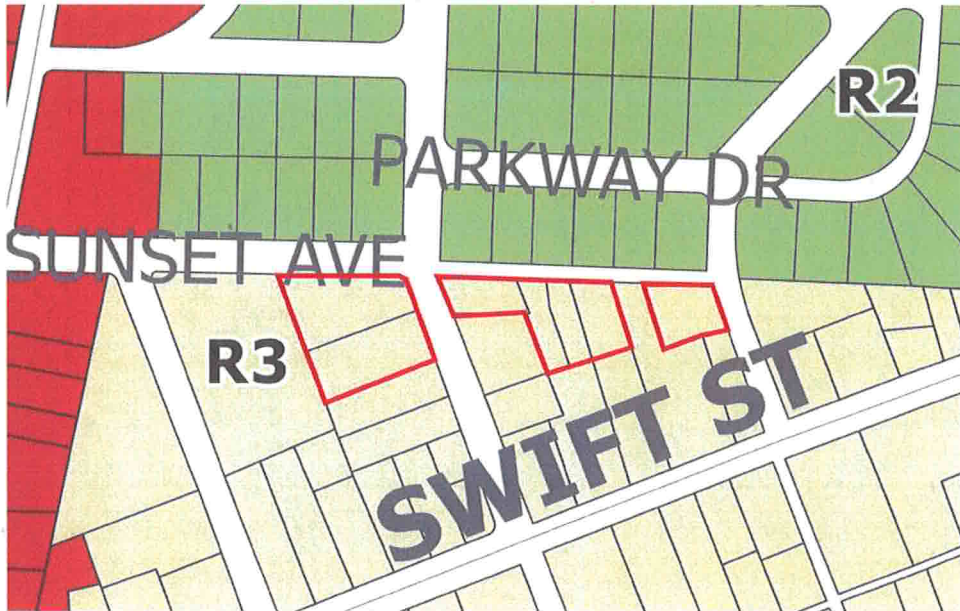


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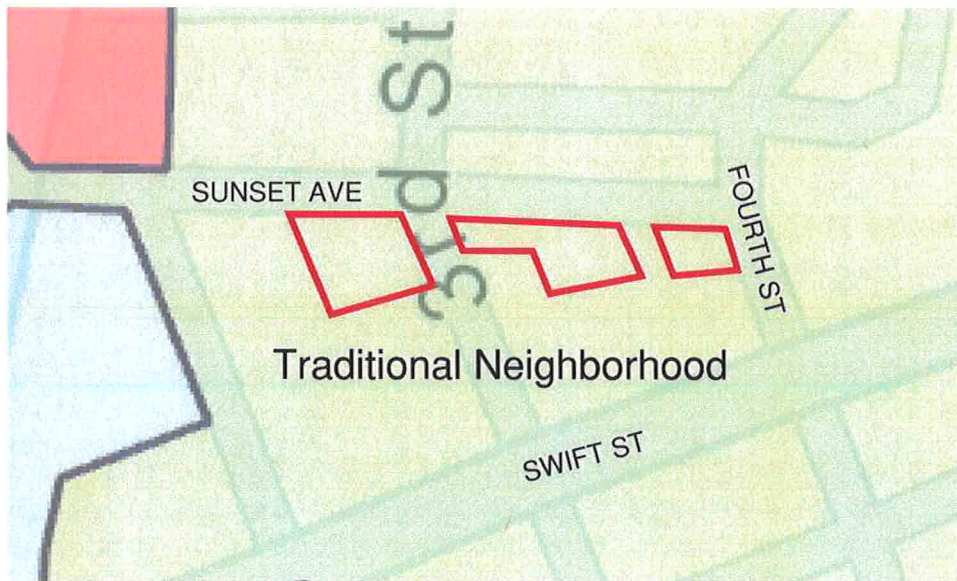
Third Street Area

R-3 to RM-1

Aerial



Zoning

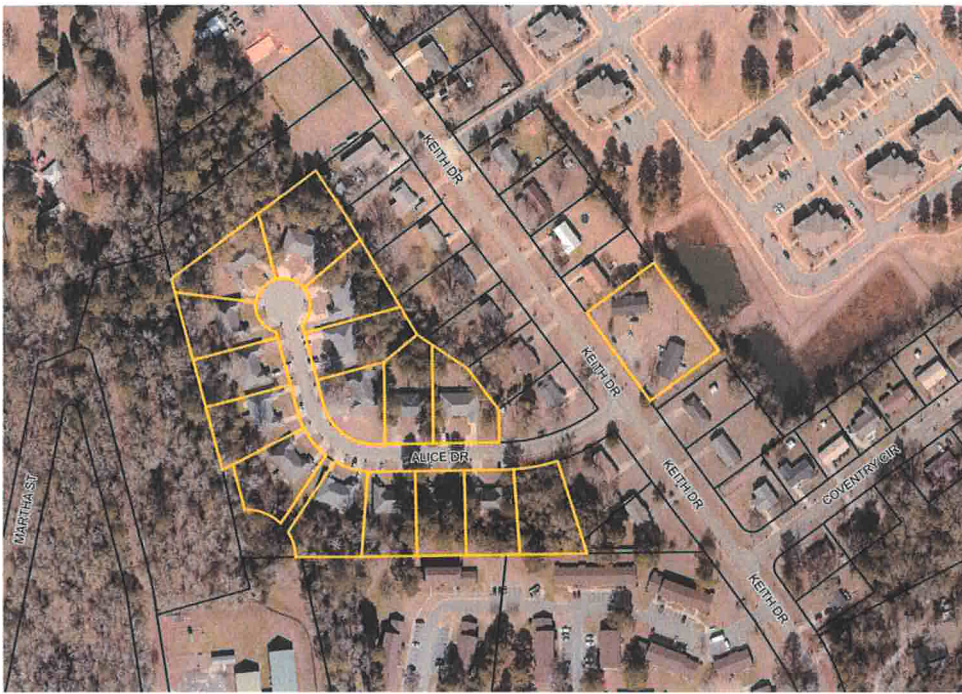


Character Area

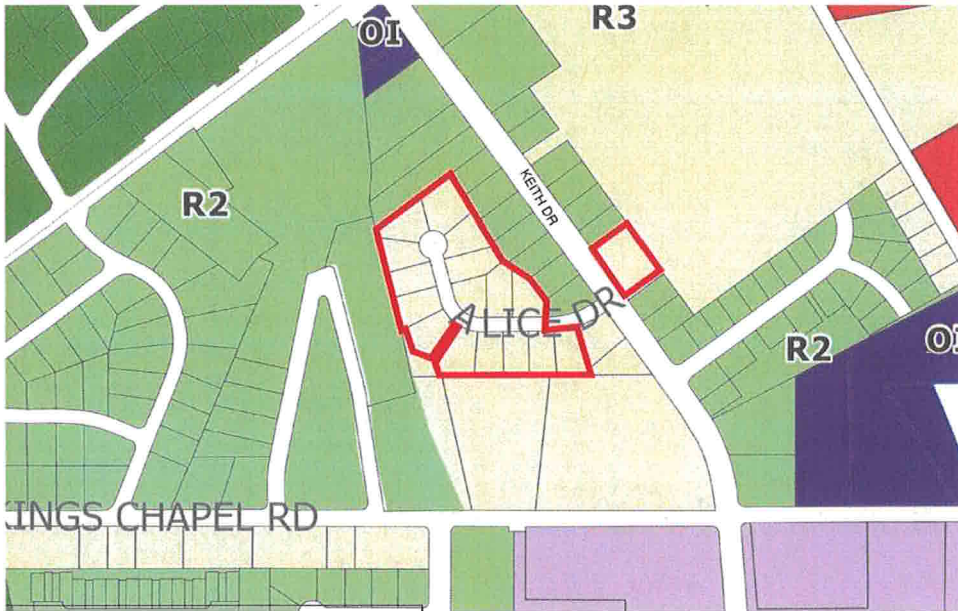
RZNE-0023-2023

Alice Drive & 1310 Keith Dr

R-3 to RM-1



Aerial



Zoning

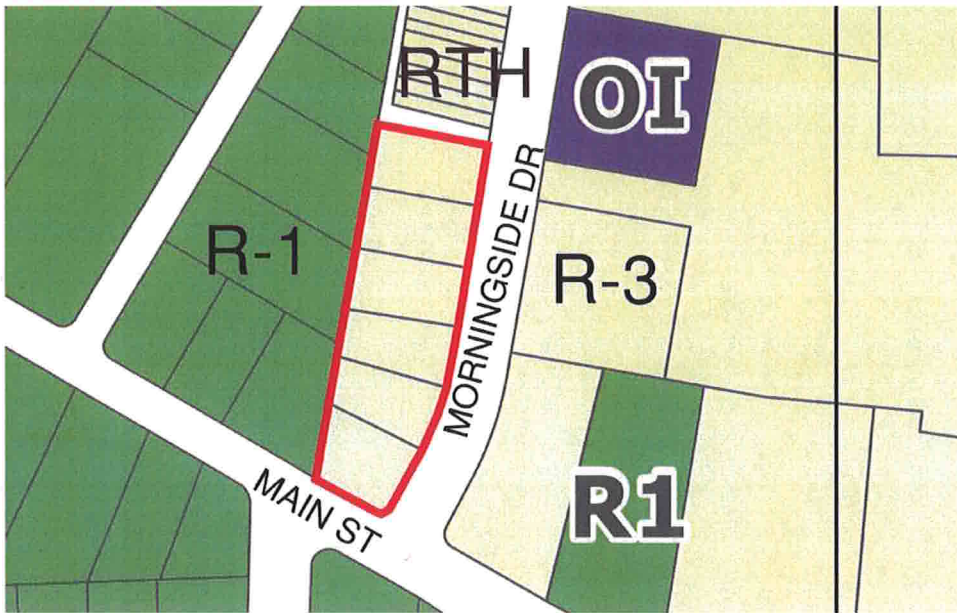


Character Area



RZNE-0023-2023  
Morningside Drive  
R-3 to RM-1

Aerial



Zoning



Character Area

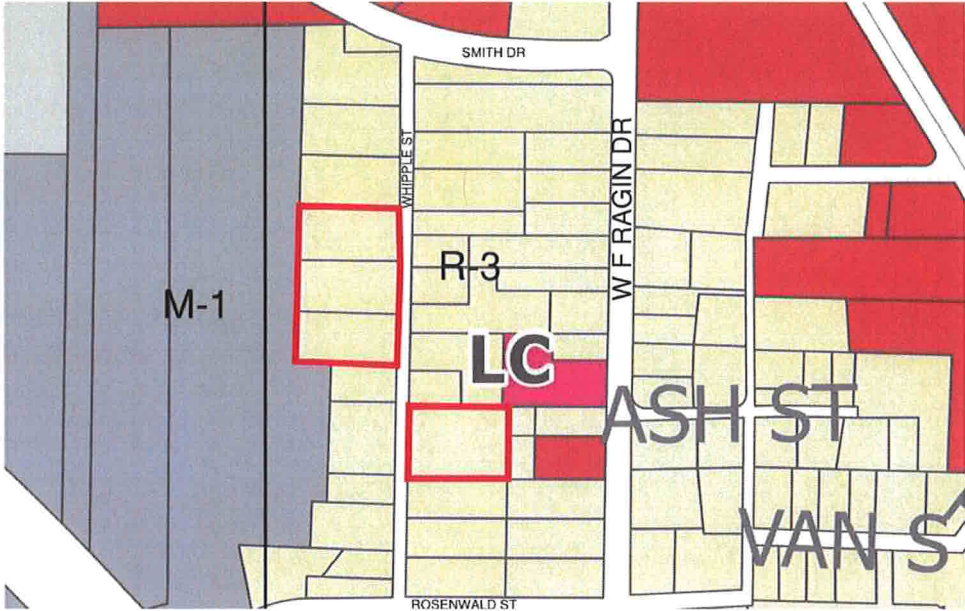
RZNE-0023-2023

Whipple Street

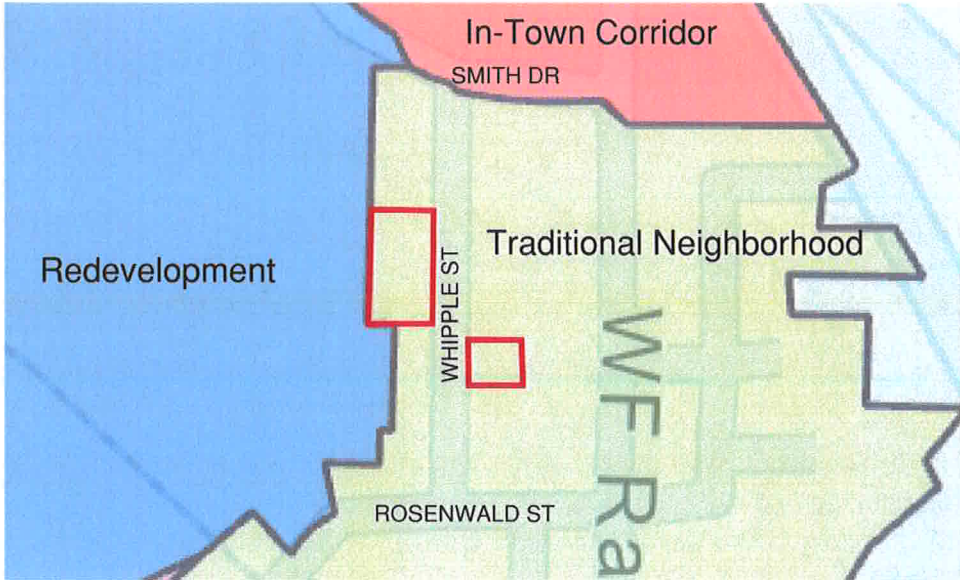
R-3 to RM-1



Aerial



Zoning



Character Area



Where Georgia comes together.

Application # RZNE-0023-2023

## Application for Rezoning

Contact Community Development (478) 988-2720

\*Indicates Required Field

	*Applicant	*Property Owner
*Name	Bryan Wood for the City of Perry	Multiple property owners see attached list
*Title	Community Development Director	
*Address	741 Main Street, Perry, GA 31069	
*Phone	(478) 988-2714	
*Email	Bryan.wood@perry-ga.gov	

### Property Information

*Street Address or Location	Various locations, see attached list
*Tax Map Number(s)	Various, see attached list
*Legal Description	A. Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; B. Provide a survey plat of the property;

### Request

*Current Zoning District	R-3	*Proposed Zoning District	RM-1
*Please describe the existing and proposed use of the property Note: A Site Plan or other information which fully describes your proposal may benefit your application. No change of use is planned – rezone to appropriate zoning classification base on existing use of the properties.			

### Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- \*Fees:
  - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$300.00 plus \$25.00/acre
  - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$500.00 plus \$40.00/acre
- \*The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- \*The applicant must be present at the hearings to present the application and answer questions that may arise.
- \*Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes  No   
If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.
9. Signatures:

<b>*Applicant</b>	 Bryan Wood, Community Development Director for the City of Perry	<b>*Date</b> 2/13/2023
<b>*Property Owner/Authorized Agent</b>	Filed by the City of Perry	<b>*Date</b> 2/13/2023

**Standards for Granting a Rezoning**

***The applicant bears the burden of proof to demonstrate that an application complies with these standards.***

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants and restrictions pertaining to these properties.

1. **The existing land uses and zoning classification of nearby property.**
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Revised 12/21/22.