

TOCCOA PLANNING COMMISSION
REGULAR MEETING AGENDA
March 21, 2024, 5:00 P.M.
City Hall Commission Conference Room

1. Meeting Called to Order
2. Roll Call
3. Approval of Regular Meeting February 15th, 2024 Minutes
4. Approval of Agenda
5. Reports

I. Old Business

II. New Business

- A. Zoning Variance Request: Applicant, Mr. Brandon Bell, is requesting a zoning variance for one parcel located on Persimmon Street (Tax Map T13 Parcel 009) to allow a waiver of lot width requirements.

III. Other Business

- A.



MEMORANDUM

DATE: March 14th, 2024
TO: Toccoa Planning Commission
FROM: Jeremy Ward, Planning Director
RE: Zoning Variance Request

A handwritten signature in black ink, appearing to read "Jeremy Ward", is placed to the right of the "FROM:" line.

Applicant, Mr. Brandon Bell, is requesting a zoning variance for one parcel located on Persimmon Street (Tax Map T13 Parcel 009). The parcel is zoned R-II (Two-Family Residential). The parcel is 0.22 acres.

Mr. Bell has requested this parcel zoning variance in order to develop a small single-family house on it. The parcel has never been developed previously. The house would comply with front, side, and rear setback requirements, and the site is above the minimum lot area of 9,000 square feet. The only issue is the lot width. Currently at approximately 60 feet, this is 20 feet lower than the minimum required for the zoning of 80 feet. The majority of houses adjacent to this lot are also slimmer than 60 feet. Most of them measure between 50 and 70 feet in width.

Please find included in this packet:

1. Planning standards
2. A copy of the specifications of the requested zoning district.
3. The zoning report
4. Copy of the application
5. Deed and plat
6. Several site maps and images of the subject property and surrounding area.

Below, please find a copy of our standards addressed by the planning staff.

Planning Standards

1. Existing uses and zoning of nearby properties.

The property is currently undeveloped, and records do not ever indicate any development on it. It sits near the future Viesain Pharmaceutical Company off of Peachtree Street. A majority of the houses on the street are small (under 1,000 square feet), old (primarily built in the 1950s), and rentals on small lots, built largely to house workers for nearby plants.

2. The extent to which property values are diminished by the particular zoning restrictions.

The surrounding properties are a mix of commercial and residential properties. The current size of the parcel prohibits construction of a new house under current city zoning ordinances, as the lot width is less than the required 80 feet. This fact renders the site unbuildable unless a zoning variance is granted.

3. The extent to which the destruction of property value of the landowners promotes the health, safety, morals, or general welfare of the public.

This rezoning would constitute a reasonably suitable use of the property. This restriction does not substantially promote the health, safety, morals, or general welfare of the public. If anything, given Toccoa's critical need for entry-level/workforce housing, the current zoning hinders the health of Toccoa.

Because most of the lots on this street are a similar size to this one, but were built upon before implementation of the Zoning Ordinance, a new house will merely mirror the existing state of the neighborhood and will not inflict any hardship on the immediate neighbors that other adjacent houses do not currently experience.

4. The relative gain for the public as compared to the hardship imposed upon the individual property owner.

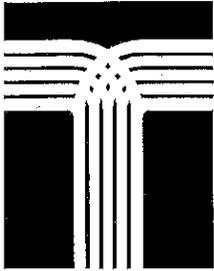
Mr. Bell hopes to build an appropriately-sized house for the lot, and in the process, help to replenish our aging and inadequate housing stock one step at a time. In my opinion, there is a net gain for the public.

5. The suitability of the subject property for the zoned purposes.

The property is narrow and not flat, but certainly flat enough for a small house to be built on it. He should have no challenges with the construction.

6. The length of time the property has been vacant as zoned considering the context of the land development in the area and vicinity of the property.

The property has been vacant for its entire history, as far as records indicate, and is located in an area of the City in need of redevelopment. A major new industrial development is occurring just up the road on Peachtree Street, expected to employ up to 100 workers within a few years.



CITY OF TOCCOA
Community Planning & Development Department
92 N. Alexander Street, P.O. Box 579
Toccoa, GA 30577
(706) 282-3232

APPLICATION FOR ZONING AMENDMENT

Date _____

- Ordinance Amendment
- Map Amendment (Rezoning)
- Variance Request

I Hereby Request a Zoning Amendment As Follows:

Variance: Lot width and side setbacks

Current Zoning: R-11 Proposed Zoning No change

Address of Property: 84 Persimmon St

Tax Map Number: Parcel-T13 009 Area: 0.22 +/- Acres

Owner of Property: Bell Free Home Solutions LLC

Address: 7110 Freeman Rd, Cumming Ga 30028

Telephone Number: 678-477-4786 / 770-652-4202

- A. If the Owner and Applicant are not the same, please complete Attachment 1.
- B. Standards - Each application will be reviewed and any decisions will be based on the following Standards. The applicant may address each of the standards in writing using additional sheets if necessary.
 - 1. Existing uses and zoning of nearby properties.
Neighboring lots are all between 0.12 acres and 0.16 acres with much shorter setbacks
 - 2. The extent to which property values are diminished by the particular zoning restrictions.
under current zoning you cannot build a home on it.

3. The extent to which the destruction of property value of the landowners promotes the health, safety, morals, or general welfare of the public.

4. The relative gain for the public as compared to the hardship imposed upon the individual property owner.

This land is currently a patch of woods with trash all over the back.

We plan to build a new construction home.

5. The suitability of the subject property for the zoned purposes.

Residential lot in Residential street; neighboring home lots are slightly above and below Subject lot size.

6. The length of time the property has been vacant as zoned considering the context of land development in the area and vicinity of the property.

no known history of development.

C. Site Plan - All site plans shall show the location of existing and proposed buildings. Paved areas showing parking spaces and natural areas shall also be shown.

D. Property Description - A written legal description and recent plat of the property must be submitted with the application.

E. Disclosure - Submit a disclosure statement as described in Attachment 2, which is required by O.C.G.A. 36-67A-30.

F. Zoning Amendment-Schedule - See Attachment 3.

G. Fees - Rezoning Request: \$100.00
-Residential Zoning Variance Request: \$50.00
Commercial or Other Use-Zoning Variance Request: \$100.00

H. Authorization to Inspect Premises - I hereby authorize the Toccoa City and Planning Commissions and their staff to inspect the premises which are the subject of this zoning amendment application.



Signature(s) of Applicant

Excerpt from the Georgia Code
CHAPTER 67A. Conflicts of Interest in Zoning Actions

36-67A-3 Campaign contributions

- (a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- (c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
 - (1) The name and official position of the local government official to whom the campaign contribution was made; and
 - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- (d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.
(Code 1981, § 36-67A-3, enacted by Ga. L. 1986, p. 1269, § 1; Ga. L. 1991, p. 1365, § 1; Ga. L. 1993, p. 91, § 36)

36-67A-4 Penalties

Any person knowingly failing to comply with the requirements of this chapter or violating the provisions of this chapter shall be guilty of a misdemeanor.
(Code 1981, § 36-67-A-4, enacted by Ga. L. 1986 p. 1269, § 1; Ga. L. 1987, p. 3, § 36; Ga. L. 1991, p. 1365, § 1)

Complete only if Applicant is different from Property Owner

AUTHORIZATION BY PROPERTY OWNER

Application for Zoning Amendment

I Swear That I Am The Owner of the Property Which Is The Subject Matter Of The Attached Application, As Is Shown In The Records of Stephens County, Georgia.

I Authorize The Person Named Below To Act As Applicant In The Pursuit Of A Zoning Amendment For This Property.

Applicant Name N/A

Address _____

City _____ State _____ Zip Code _____

Telephone Number _____

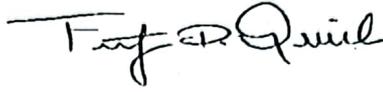
Signature (s) of Owner

PT-61 127-2024-000038

D2024000053

REAL ESTATE
TRANSFER TAX
PAID: \$4.50

After Recording Return To:
Bross, McAllister, & Williams, LLC
5400 Laurel Springs Parkway
STE 102
Suwanee, GA 30024



FILED IN OFFICE
CLERK OF COURT
01/10/2024 02:19 PM
TIMOTHY QUICK, CLERK
SUPERIOR COURT
STEPHENS COUNTY, GA

5539182537
PARTICIPANT ID

Order No.: 2024-01-3

Parcel ID: T13 009

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF STEPHENS

THIS INDENTURE, made this 10th day of January, 2024, between Jenny Rose Properties LLC, of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and BellFreeHomeSolutions, LLC, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in the City of Toccoa known as Lot 112 and located on the Northeast edge of the 30 ft. right of way of Persimmon Street; thence North 27 degrees 00 minutes East with the lands of Grafton a distance of 100 ft. to a point corner; thence South 63 degrees 00 minutes West with lands of Weaver a distance of 60 ft., more or less, to a point corner; thence South 27 degrees 00 minutes East with lands of Weaver a distance of 100 ft. to a point corner on the Northeast edge of the 30 ft. right of way of Persimmon Street; thence North 63 degrees 00 minutes East along the Northeast edge of the 30 ft. right of way of Persimmon Street a distance of 60 ft., more or less, to a point corner common to lands of Grafton, the point of beginning.

Parcel ID No.: T13 009

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in Fee Simple.

Figure 1
Approximate schematic of house location on the parcel



Figure 1
Nearby zoning



Picture 1



Picture 2



Picture 3



Figure 7
Location of above pictures



**PLANNING
STAFF REPORT**

ADDRESS: Box 84 Persimmon St.

APPLICANT: Brandon Bell (Bellfree Home Solutions, LLC)

PRESENT ZONING: R-11

PROPOSED ZONING: R-11

REQUEST: Annexation Variance X Re-Zoning

1. Is the project a DRI (development of regional impact, eg. housing greater than 125 new lots or units, commercial – greater than 175,000 gross s. f., office – greater than 125,000 gross s. f.)? No
2. Required Setbacks: Front Yard: 25' Side: 10' Rear: 20'
3. Property has minimum of 30' street frontage: X
4. Maximum number of units per acre allowed: 9 Units proposed: 1
5. Minimum lot size required: 6,000 s.f. Lot Size: 9,583 s.f.
6. Maximum building height allowed: 35' Proposed: < 35'
7. The existing single-family dwelling meets or exceeds current City of Toccoa standards.
Yes: No: N/A: X
8. Available parking meets or exceeds current City of Toccoa standards.
Yes: No: N/A: X
9. Are the roads, bridges, and other infrastructure expected to be utilized by the development adequate? Yes: X No: N/A:
10. Is the property in the 100 year floodplain or probable wetland? Yes: No: X
11. Are there any indications of any existing storm drainage problems on the property?
Yes: No: X
12. Additional remarks:
13. What street or other improvements (if any) will be required if request is granted? None
14. Are City of Toccoa utilities available? Water: X Sewer:
Natural gas: X

3/14/2024
Date

Jeremy J. Ward
Jeremy Ward
Planning Director

Sec. 24-78. - Two-family residential district (R-II).



- (a) *Purpose.* The two-family residential district (R-II) allows up to nine dwelling units per acre for single-family or two-family dwelling units with provisions for customary accessory uses.
- (b) *Permitted uses.* The following uses are permitted in the R-II district:
 - (1) Any use permitted in the R-I single-family residential district.
 - (2) Two-family dwellings.
 - (3) Rooming or boarding houses accommodating more than two persons.
 - (4) Bed and breakfast inns.
 - a. *Definition.* A bed and breakfast inn is a place for overnight accommodations and accompanied by morning meal in a dwelling unit provided to transients. The overnight accommodations and breakfast are provided for compensation.
 - b. *Bed and breakfast inns must meet the following requirements:*
 - 1. Owner(s) must reside on the premises.
 - 2. *Parking requirements:* One space for each guest bedroom, one space for owner, and one space for every two employees.
 - 3. Limit use to overnight lodging and allow for guest related activities involving 20 people or less.
 - 4. Shall have no more than six bedrooms.
 - 5. Limit breakfast to guests and guest related activities only and all breakfasts should be limited to indoor dining or dining in a structure attached to the bed and breakfast structure that is attached.
 - 6. Business license subject to being revoked after three violations. Violations must be brought to the planning director's attention.

(Code 1985, § 7-2-53; Ord. No. 12-2004, § 1, 8-23-04)