

Memo

TO: Mayor and Council
FROM: Curtis Hindman, Community Development Director
DATE: October 2, 2023
RE: 105 Johnson Street
Rezone from R40 to RH
Located within Historic District

Background

The applicant requests to amend the zoning of the above referenced address from Residential (R-40) to Residential (RH).

R40 – Front – 40 feet, Side – 20 feet, and Rear - 40 feet

RH – Front – 15 feet, Side – 20 feet, and Rear – 10 feet (recommended)

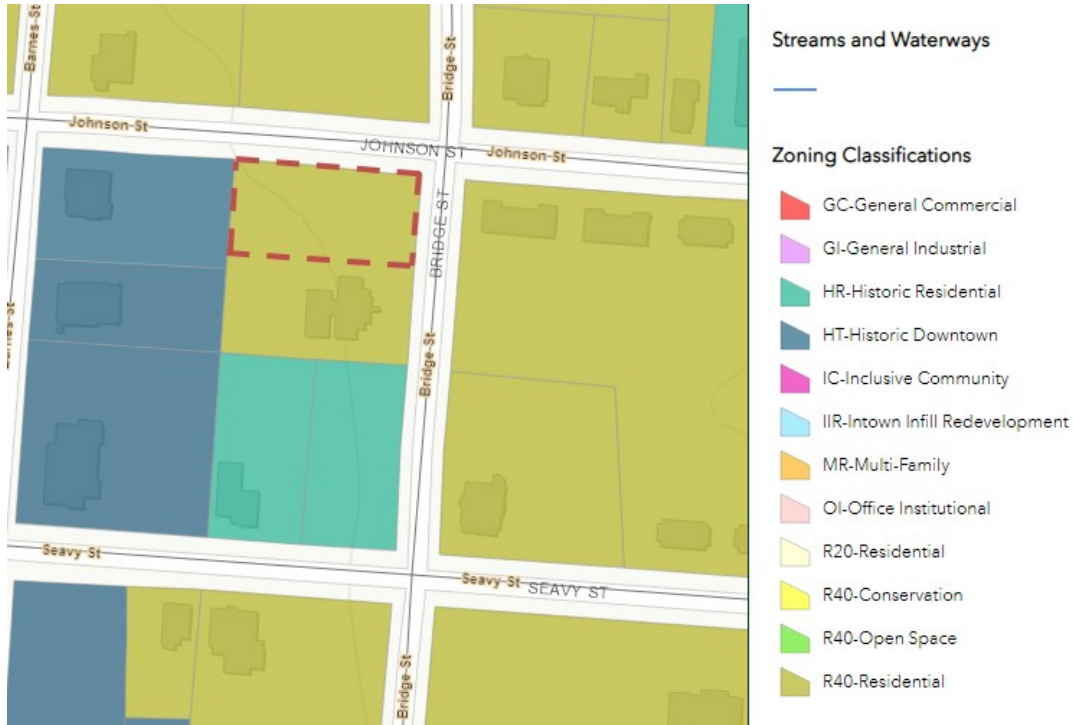
The applicant asserts that rezoning to RH will allow the new house to meet the setbacks without a variance. The lot size 0.5 acres which meets the minimum lot size for RH.

Planning Commission Recommendation

Commission Garrett made a motion to approve the rezoning from R40 to RH with staff recommendations of reduced setbacks to be determined by Mayor and Council in consideration of the pool variance. Commissioner Williams 2nd the motion and with all in favor motion carried 4-0.



Zoned R40:



According to the Comprehensive Plan amended and adopted in 2021 this property has been shown in the “Future Land Use Plan” as Single Family Residential and within the Suburban Residential Character Area.





SUBURBAN RESIDENTIAL

This area is the largest character area within the City of Senoia. Suburban residential style development is located adjacent to the traditional residential area and moves outward into the edges of the city limits. The area includes established residential neighborhoods developed in curvilinear street patterns. Limited connectivity exists between developments but cart paths are becoming more common. These paths create increased connectivity for multiple users.

Land uses appropriate in this area are limited to single family residential, parks, and other institutions.

Implementation strategies:

- ❖ Promote the use of conservation subdivisions to preserve greenspace and rural setting
- ❖ Continue multi-use paths between neighborhoods
- ❖ Encourage sidewalk connections to existing network where appropriate.
- ❖ Tree canopy preservation
- ❖ Encourage road network connectivity, if possible connections to existing grid
- ❖ Utilize buffers and to protect rural setting where appropriate.
- ❖ Promote a mix of housing types and price points

Administrator's Report

In consideration of the requested zoning change, the Planning Commission should consider the zoning ordinance, section 74-46, which lists the following twelve standards governing the exercise of the zoning power of the City of Senoia.

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

The subject property is currently zoned R40 and located within the city limits and lies within the historic downtown overlay district. The subject property is surrounded by RH, HT and R40 zoning.

2. The suitability of the subject property for the zoned purpose.

The land is suitable for residential use as proposed. The current lot size meets the minimum lot size for RH.

3. The extent to which the property values of the subject property are diminished by the zoning restrictions.

There is no reduction in value of the land due to the existing or proposed residential zoning.

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

The application represents no gain to the public. There is no recognized hardship for the property owner.

5. Whether the subject property has a reasonable economic use as currently zoned.

The subject property does have a reasonable economic use for residential as currently zoned.

6. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed zoning and use as residential are both suitable and similar to the existing uses adjacent to the subject property.

7. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The zoning of RH will not negatively impact the adjacent properties existing use or usability. The setbacks in RH are smaller than in R40 but remain adequate for the intended use and lot size.

*The ordinance allows a rear setback of zero and **staff recommend that a minimum rear setback of 10 feet** be imposed as a condition of the rezoning request. However, because property owner is petitioning for a setback variance, staff respectfully agrees with Mayor and Council's decision based on the variance outcome.*

8. Whether the zoning proposal is in conformity with the policies and intent of the land use element of the Comprehensive Plan.

The future character map shows this property as Residential.

9. Whether the zoning proposal will result in a use, which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

No excessive use or burden to streets, transportation facilities, utilities or schools by approving this application.

10. 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.

There is none.

11. Whether the subject property contains jurisdictional wetlands of the United States. If so, the applicant will be required to document permit approval for the proposed development from the U.S. Army Corps of Engineers before any formal action can be taken on the zoning proposal.

There is none.

12. Whether the subject property may be large enough to qualify as a Development of Regional Impact. If so, then an application for Review must be filed with the Regional Development Center.

The development is not big enough to qualify.

APPLICATION TO AMEND THE
OFFICIAL ZONING MAP OF
THE CITY OF SENOIA



City of Senoia
P.O. Box 310
Senoia, GA 30276
770.599.3679

FEES: (due upon submission)

- \$500 (0-5 acres)
- \$550 (6-20 acres)
- \$600 (21-99 acres)
- \$600 (100+ acres)
- plus \$10 per acre over 100 acres)

Revised 8/14/23

Name of Applicant Sean Warren Contact # 770-757-5969
 Mailing Address 365 Loring Lane, Peachtree City, GA 30269 Email Sean.Warren@cfa corp.com
 Name of Property Owner Sean & Lisa Warren Contact # Same as above
 (Attach additional page if there is more than one owner)
 Address of Property 105 Johnson Street, Senoia, GA 30276
 Zoning Classification: Present R40 Requested RH - residential historic
 Use of Property: Present No use Requested Primary Residence

_____ If the requested change is to extend an existing adjacent zoning district to include this property, explain below why the proposed change should be made.
 _____ If the requested change is not to extend an adjacent zoning district, explain below why this property should be placed in a different zoning district than all adjoining property. (How does it differ from adjoining property, and why should it be subject to different restrictions than those applying to adjoining property?)

Attach the following documents:

1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit 3 copies if the plat and a PDF of the plat.
3. List of adjacent property owners
4. Disclosure of Campaign Contributions and Gifts Form.
5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
6. Filing fee payable to the City of Senoia.
7. Letter of Intent, conceptual plan

I hereby authorize the staff of City of Senoia to inspect the premises of the above – described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribed before me
This 14 day of Aug, 2023

[Signature]
Notary Public



[Signature]
Signature of Applicant

*paid 8/14/23
at 5104
500.00*

Planning Commission Action:

Date of Hearing: _____

Commission's Recommendation: _____

Conditions: _____

Mayor and Council of the City of Senoia:

Date of Hearing: _____

Council's Decision: _____

Conditions required: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

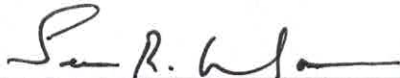
(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on August 14, 2023, to rezone real property described as follows:

(See Attached Limited Warranty Deed)

Within two years preceding the above filing date, the Applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Senoia who will consider the Application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

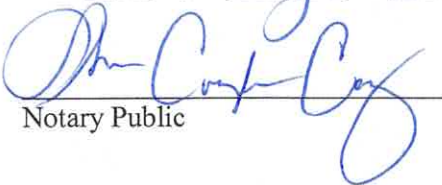
I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.



Signature of Applicant

Sworn to and subscribed before me

This 14 day of Aug, 2023.



Notary Public



DISCLOSURE OF FINANCIAL INTERESTS
(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on August 14, 2023, to rezone real property described as follows:

- _____ The undersigned official of the City of Senoia has a property interest (Note 1) in said property as follows:
- _____ The undersigned official of the City of Senoia has a financial interest (Note 2) in a business entity (Note 3) which has a property interest in said property, which financial interest is as follows:
- _____ The undersigned official of the City of Senoia has a member of the family (Note 4) having a property interest in said property of a financial interest in a business entity in said property, which family member and property interest or financial interest are as follows:

- _____
Note 1: Property interests – Direct ownership of real property, including and percentage of ownership less than total ownership.
- Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent (10%) or more.
- Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.
- Note 4: Member of family – Spouse, mother, father, brother, sister, son or daughter.

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

Sean R. Warren
Signature of Applicant

Sean Ray Warren
Print Name

Sworn to and subscribed before me

This 14 day of Aug, 2023.

Sharon Coogler Casey
Notary Public



AUTHORIZATION OF PROPERTY OWNER
Application for Rezoning or Variance

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 Coweta County, Georgia.

I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant _____

Address _____

Telephone No. _____


Signature of Owner

W/A

Personally appeared before me

Who swears that the information
Contained in this authorization is
True and correct to the best of
His or her knowledge and belief.

Notary Public

Date

**AUTHORIZATION OF ATTORNEY
Application of Rezoning or Variance**

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.

Signature of Attorney

Name

Address

City State Zip Code

Telephone Number

August 14, 2023

City of Senoia
P.O. Box 310
Senoia, GA 30276

RE: 105 Johnston Street, Senoia, GA 30276

To Whom It May Concern,

I am seeking a rezoning of said property, 105 Johnson Street, from R40 to RH. The parcel has been zoned R40 because the parcel was originally a 1-acre parcel. Years ago, it was split into two lots (both 0.501 acres). One lot was recently purchased by Jacob & Jenna Grady (284 Bridge Street – E02 0016 003). The other lot, 105 Johnson Street, was just purchased by Sean & Lisa Warren from Brian Grady on 8/4/23.

Regards,

A handwritten signature in black ink, appearing to read "Sean Warren", with a long horizontal flourish extending to the right.

Sean Warren

TAX PARCEL ID: E03 0016 005

Order.No.: 23-0860-JOY

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 4th day of August, 2023, between **BRIAN GRADY**, as party or parties of the first part, hereinafter called Grantor, and **SEAN R. WARREN and LISA M. WARREN**, as party or parties of the second part, **as joint tenants with right of survivorship and not as tenants in common**, 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 LAND LYING AND BEING IN THE CITY OF SENOIA, COWETA COUNTY, GEORGIA CONTAINING .500 ACRES AND BEING LOT ONE OF THAT CERTAIN PLAT FOR WILLIE C. MILLER & MILDRED C. MILLER BY JOHN R. CHRISTOPHER, RLS, DATED 2/24/84, REVISED 9/10/84 AND RECORDED IN PLAT BOOK 60, PAGE 167, OF THE RECORDS OF THE CLERK OF SUPERIOR COURT OF COWETA COUNTY, GEORGIA, REFERENCE TO SAID PLAT IS HEREBY MADE FOR A MORE COMPLETE AND ACCURATE DESCRIPTION OF THE PROPERTY HEREIN CONVEYED.

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.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 4th day of August, 2023.

Signed, sealed and delivered in the presence of:

(SEAL)

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 4th day of August, 2023.

Signed, sealed and delivered in the presence of:

Unofficial Witness

BRIAN GRADY (SEAL)

Notary Public
My Commission Expires: _____

CLERK OF THE SUPERIOR COURT
RECORDING INFORMATION

SURVEY DATA:

NF LOT 1 PARCEL NUMBER: E02 0016 005
0.501 ACRES / 21 801 SQ. FEET
PLAT CLOSURE = 1" IN 26.678 FEET
NF LOT 2 PARCEL NUMBER: E02 0016 003
0.501 ACRES / 21 853 SQ. FEET
PLAT CLOSURE = 1" IN 24.384 FEET

EQUIPMENT USED:

CEMEX ZOOM 90 ROADTO TOTAL STATION
FIELD CLOSURE: 1" IN 14,821 FEET
ANGULAR ERROR: 0.7 PER ANGLE POINT
ADJUSTED BY COMPASS RULE

PLAT AND DEED REFERENCES:

1. PLAT BOOK: 80 PAGE: 167
2. DEED BOOK: 4811 PAGE: 48
3. DEED BOOK: 5832 PAGE: 1869
4. DEED BOOK: 5832 PAGE: 2039

SURVEY LEGEND:

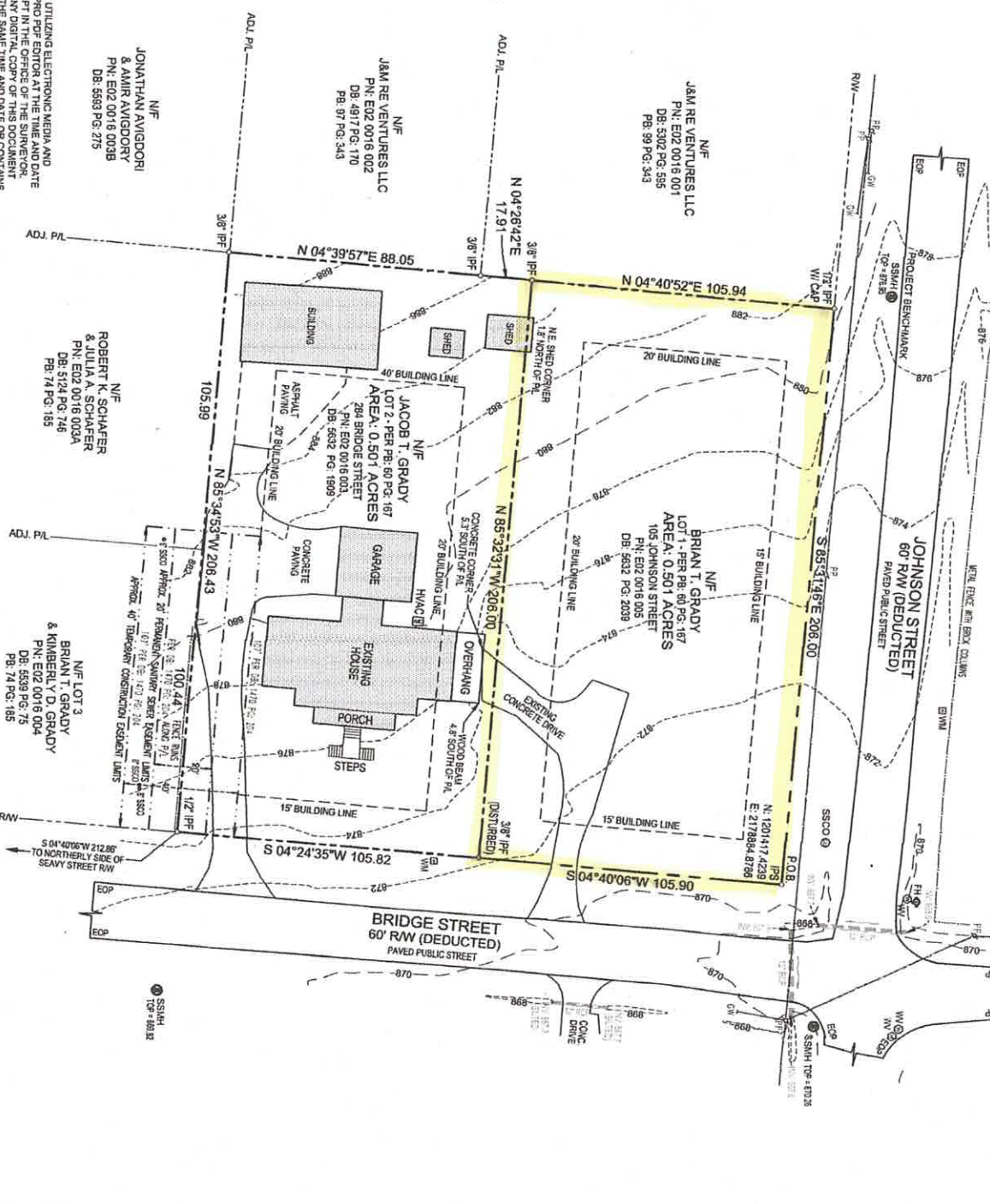
AC = ACRES
SF = SQUARE FEET
PB = PLAT BOOK
DB = DEED BOOK
PG = PAGE
PN = PARCEL NUMBER
ADJ. PL. = ADJOINING PROPERTY LINE
NF = NOW OR FORMERLY
RW = RIGHT-OF-WAY
PL = PROPERTY LINE
PP = POWER POLE
G.V. = GUY WIRE
SSCO = SANITARY SEWER CLEAN-OUT
SSMH = SANITARY SEWER MANHOLE
EOP = EDGE OF PAVEMENT
FH = FIRE HYDRANT
W.V. = WATER VALVE
W.M. = WATER METER
OTPF = OPEN TOP PIPE FOUND
IPF = IRON PIN FOUND
IPB = IRON PIN SET (1/2" RE-BAR)
P.O.B. = POINT OF BEGINNING

"THIS DOCUMENT WAS PRODUCED ON A 17 X 22 SHEET UTILIZING ELECTRONIC MEDIA AND DIGITAL DATA. THE SURVEYOR UTILIZES NITRO PRO PDF EDITOR AT THE TIME AND DATE OF PRINTING. THE SURVEYOR'S ORIGINAL DOCUMENT IS KEPT IN THE OFFICE OF THE SURVEYOR. ANY MODIFICATIONS MADE TO THIS DOCUMENT AT THE TIME OF PRINTING OR ANY OTHER TIME THAT DOES NOT CONTAIN A SIGNATURE VALIDATION AT THE SAME TIME AS THE ORIGINAL DOCUMENT. THE ORIGINAL SURVEYOR'S DOCUMENT."

SURVEYOR'S CERTIFICATION

"THIS PLAT IS A RETRIEVAL OF AN EXISTING PARCEL OR NEW PARCEL OR LANE. DOES NOT SUBDIVIDE OR CREATE A PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECONSTRUCTION OF THIS PLAT DOES NOT IMPLY A REVISION OR MODIFICATION, AVAILABILITY OF INSTRUMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE GEORGIA STATE STANDARDS FOR PROPERTY SURVEYS IN THE OPINION OF THE SURVEYOR. THE REQUIREMENTS OF THE GEORGIA BOARD OF REGISTERED LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 14-2-47.

CHERYL ROBERTSON
08-16-2023
GEORGIA REGISTERED LAND SURVEYOR NO. 3195 DATE:



GENERAL SURVEY NOTES:

1. THE CERTIFICATION AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.
2. THIS SURVEY COMPLES WITH THE RULES OF THE GEORGIA BOARD OF REGISTERED PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (OCGA) 16-4-67 AS AMENDED BY HB 78 (2017), IN THAT THERE IS NO CONFLICT EXISTING BETWEEN THOSE TWO SETS OF SPECIFICATIONS. THE REQUIREMENTS OF LAW PREVAIL.
3. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE PARTIES NAMED IN THE TITLE BLOCK AND OR THE CERTIFICATION, ANY USE BY OTHER PARTIES NOT NAMED IS AT THEIR OWN RISK.
4. THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL IN CONTRASTING INK.
5. IN MY OPINION THIS PROPERTY IS NOT WITHIN (ZONE AAE) OR (ZONE X - SHADED) SPECIAL FLOOD HAZARD AREAS AS DENIED BY FEMA FLOOD INSURANCE RATE MAP (FIRM) #190770291D.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF ANY ABSTRACT TITLE. THEREFORE, THE UNDERSIGNED AND GASKINS + LECRAW MAKE NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT-OF-WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS, AND OTHER SIMILAR MATTERS.
7. LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO CLAIMS, PRESCRIPTION, AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED. THIS DETERMINATION IS BASED ON THE INFORMATION PROVIDED AND NOT SHOWN.
8. THIS SURVEY IS RELATED TO GEORGIA WEST ZONE, STATE PLANE COORDINATE SYSTEM HORIZONTAL DATUM. CONTOUR ELEVATIONS SHOWN HEREON ARE BASED ON NAVD 1989 VERTICAL DATUM, HORIZONTAL, AND VERTICAL CONTROL SET BY AEROKING 180 NETWORK. ROVER OBSERVATIONS CONNECTED TO THE EGPS GNSS REFERENCE NETWORK.

CLIENT
**BRIAN T. GRADY
AND JACOB T. GRADY**
PROJECT
RETRACED BOUNDARY SURVEY

EXISTING PARCEL NUMBERS: E02 0016 005 AND E02 0016 003
CITY OF SENOIA, GEORGIA
LAND LOT: 279, LAND DISTRICT: 1
COWETA COUNTY, GEORGIA

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24 JACKSON STREET
NEWMAN, GA 30263
PHONE - 770.253.5195
WWW.GASKINSLECRRAW.COM
LSF 001371



Know what's below.
Call before you dig.



SCALE & NORTH ARROW:
GRAPHIC SCALE: 1" = 30'
SCALE: 1" = 30'

1 OF 1
DRAWN BY: CAF
REVIEWED BY: CMR
FIELD DATE: 06-01-23 OFFICE DATE: 06-16-23
CNO FILE: 284 BRIDGE ST - BND
AER: #283942 KCOMETAW001 0279
SHEET TITLE:

Sean Warren

From: Sean Warren
Sent: Sunday, August 13, 2023 7:47 PM
To: Sean Warren
Subject: List of Abutting Properties 105 Johnson Street

List of Abutting Property Owners (105 Johnson Street)

JM RE Ventures	83 Barnes Street	E02 0016 002
JM RE Ventures	95 Johnson Street	E02 0016 001
Jacob & Jenna Grady	284 Bridge Street	E02 0016 003
City of Senoia Housing Authority	143 Johnson Street	E02 0019 002
Irving Heath Derick	318 Bridge Street	E02 0015 004
Hartpence Cindy Anee	144 Johnson Street PO Box 1720	E02 0020 004
Campbell Brenda & Demetirus Maynard	109 Barnes Street	E02 0015 003



CITY OF SENOIA
CASH RECEIPT

Receipt No: 311486

Date: 08/14/2023

Time: 10:32:22 AM

Received From:

JEAN WARREN

Amount: 500.00

Paid: 500.00

Change: 0.00

For:

CONTRIBUTION 500.00

REZONE PROPERTY TO RH

CHECKS
5104: 500.00

Received By: SCC