

**MAYOR**

DEANA HOLIDAY INGRAHAM

**WARD A COUNCIL**

SHARON SHROPSHIRE (At- Large)

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KAREN RENE (At-Large)

THOMAS CALLOWAY

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MYRON B. COOK

**WARD D COUNCIL**

JOSHUA B. BUTLER, IV (At-Large)

STEPHANIE GORDON

PLANNING & COMMUNITY  
DEVELOPMENT DEPARTMENT

2757 East Point Street  
East Point, GA 30344



Planning Commission Meeting  
December 17, 2020

**KIMBERLY SMITH**  
DIRECTOR

City Council Meeting  
January 18, 2021

**ZONING CASE: 2020U-006-11**

**1345 WALKER AVE**

**Subject Property Address**  
1345 Walker Ave

**Applicant**  
Garrett Davidson

**Applicant Address**  
1345 Walker Ave

**Property Owner**  
(Same as Applicant)

**Property Owner Address**  
(Same as Applicant)

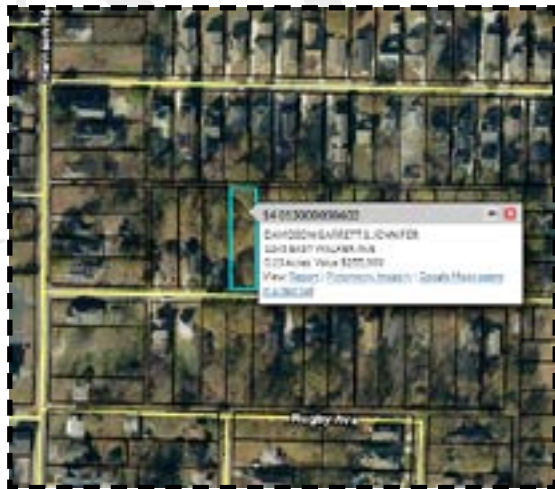
**Existing Zoning**  
R-1A (Urban Residential)

**Existing Zoning Section**  
Sec. 10-2062

**Proposed Zoning**  
N/A

**Proposed Zoning Section**  
N/A

**Request**  
The applicant seeks a special use permit to build out upper area of existing garage for a habitable accessory structure.



PROPERTY ACREAGE: 0.23  
PROPERTY SQ FT: 10,000 sq ft  
PROPOSED STREETS: Existing Street  
LAND LOT(S): 130  
LOT DIMENSIONS: 50' x 199' x 50' x 200'

Aerial View of Property  
1345 Walker Ave

**WARD B**  
KAREN RENE (At-Large)  
THOMAS CALLOWAY

**Staff Recommendation**  
Staff recommends **APPROVAL**

**Planning Commission**  
TBD

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**STAFF**  
Tony Alston, Senior Planner  
Aalston@eastpointcity.org

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**ZONING CASE OVERVIEW: 2020U-002-08**

**Applicant Request:**

The applicant seeks a special use permit to build out upper area of existing garage for a habitable accessory structure.

**Comprehensive Plan/ Future Land Use Map:  
TRADITIONAL URBAN NEIGHBORHOOD**

Located close to downtown, this predominantly residential neighborhood will continue to thrive and serve as a source of pride for the city. These neighborhoods possess a distinct community identity through architectural style and lot and street design. Homes are located on somewhat smaller but regular lots in a traditional urban neighborhood fashion, with streets generally laid out on a grid system. There is a diversity of housing types and styles represented in this neighborhood, from early twentieth-century bungalows and cottages to multi-family, triplex, and duplex units. Homes will maintain their original historic features, and historic properties will be identified and protected in a historic district. A well-established tree canopy, pocket parks, and a walkable or bikeable environment also define Traditional Urban Neighborhoods.



**1345 Walker Ave**  
Zoning: R-1A (Urban Residential)  
Future Land Use: Traditional Urban Neighborhood

**Goals:**

- Implement Historic District with historic preservation requirements and/ or design guidelines.
- Prevent encroachment of incompatible non-residential uses.
- Reinforce the stability of these neighborhoods by encouraging more homeownership.
- Maintain strong neighborhood identity and neighborhood associations.
- Support the preservation and development of senior housing units, particularly affordable housing units.
- Ensure that new development or redevelopment demonstrates attention to existing adjacent neighborhoods and seeks compatibility with surrounding lot sizes.
- Revise the zoning code to permit the current non-conforming multifamily uses to remain when redevelopment occurs.
- Improve existing pedestrian facilities and develop sidewalks and crosswalks where connectivity is lacking to create connected network of sidewalks, pedestrian routes, and bike lanes, and promote the use of these transportation alternatives.
- Review parking regulations and restrictions so that on-street parking does not impede traffic flow.
- Develop plans to improve streetscape along major roads.
- Explore feasibility of trolley/shuttle loop along major roads to connect to downtown and other adjacent commercial/ retail areas.
- Preserve greenspace, increase and improve parks.

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**EVALUATION CRITERIA & ANALYSIS**

**1. Whether the proposed use is consistent with the Comprehensive Land Use Plan and/or Economic Development Revitalization plans adopted by the City Council;**

The 2017 Comprehensive Land Use Plan Update encourages accessory dwelling units in Traditional Urban Neighborhood Character Areas. Habitable accessory structures are considered accessory dwelling units and are permitted to be established with a special use permit. Traditional Urban Neighborhood Character Areas also encourage a diversity of housing types and choices.

**2. Whether the proposed use is compatible with land uses and zoning districts in the vicinity of the property;**

The properties in the vicinity of the subject property have a zoning classification of R-1A and are consistent with use as single-family residences. Habitable accessory structures are permitted in residential zoning districts with a special use permit. The proposed use is compatible with land uses and zoning districts in the vicinity.

**3. Whether the proposed use is consistent with local, state and/or federal statutes, ordinances or regulations governing land development;**

Habitable accessory structures are required to comply with development standards and criteria in Section 10-2130. Habitable accessory structures will also be required to comply with other relevant regulations during permitting and construction. The proposed use is consistent with local, state, and/or federal statutes, ordinances, or regulations governing land development.

**4. Whether the proposed use can operate without a negative effect of the proposed use on traffic flow, vehicular and pedestrian, along adjoining streets and whether any negative traffic effects can be ameliorated;**

The proposed use can operate without any negative effect on traffic flow, vehicular and pedestrian.

**5. Whether the proposed location and number of off-street parking spaces complies with the requirements of the zoning ordinance;**

The proposed location and number of off-street parking spaces complies with the requirements of the zoning ordinance.

**EVALUATION CRITERIA & ANALYSIS****6. Whether the amount and location of open space for the proposed use is adequate for the location, intensity and type of use proposed;**

No open space is required for the proposed use.

**7. Whether any protective screening is needed to ameliorate negative effects on adjacent or nearby properties and whether such screening proposed is adequate;**

No protective screening is needed to ameliorate negative effects on adjacent or nearby properties.

**8. Whether the hours and manner of operation of the special use can be structured so as not to have any negative effects on adjacent or nearby properties;**

N/A

**9. Whether there is any outdoor lighting proposed and whether any impacts of that lighting on adjacent and nearby properties can be ameliorated;**

No outdoor lighting is proposed.

**10. Whether adequate ingress and egress is provided to the property on which the use is located;**

Adequate ingress and egress is provided to the site by entry via Walker Ave

**11. Whether the use will produce noise, odor, dust, or vibrations which can be minimized so as not to have significant negative effects on adjacent or nearby properties;**

No odor or dust will be produced outside of normal daily activities and should present no negative effects. Implementation of Best Management Practices (BMPs) are required during construction to reduce or mitigate the aforementioned impact.

**12. Whether the size and location of the site for the proposed use and the projected number of attendees is adequate;**

N/A

**13. Whether adequate provisions are being proposed for refuse, security, sanitation, emergency services access (i.e. fire, police and medical) and security areas; and**

Additional provisions to single-family residences are not required for habitable accessory structures. Provisions for refuse, security, sanitation and emergency services are provided by the City of East Point.

**14. Whether remedial measures to reduce the impact of any other special events for which permits have been issued can be taken to prevent interference with or negative impacts on the proposed event.**

N/A

**COMMUNITY INPUT/ CZIM**

Due to COVID-19 pandemic, CZIM was scheduled and held virtually via ZOOM web-based platform on November 17, 2020. There was 1 attendee present. The applicant has fulfilled this requirement.



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**RECOMMENDATIONS**

**STAFF**

Staff recommends **APPROVAL** for a SPECIAL USE PERMIT to construct a habitable accessory structure pursuant to City Ordinance Chapter 2 Article D Sec. 10-2130 per the applicant's request.

**Planning Commission**

TBD

1345 Walker Ave Zoning Map





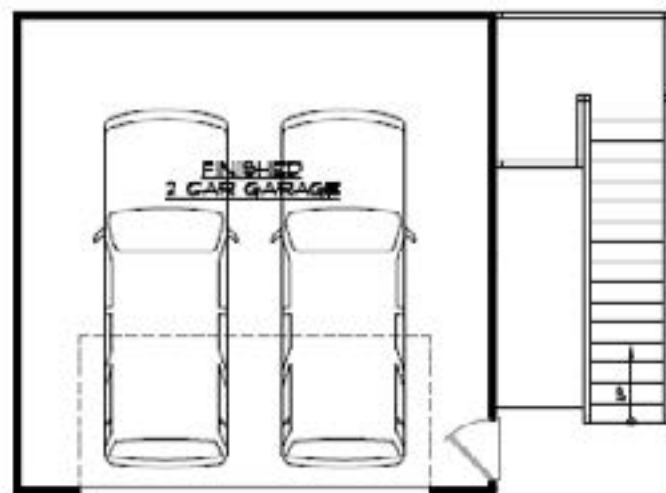




FRONT ELEVATION

**HR Premier Builders, LLC**

1345 E Walker Ave  
East Point, GA 30344  
Unfinished In-Law Suite 462 s.f.



GARAGE FLOOR PLAN



UNFINISHED IN-LAW SUITE

DRAFT

NO SERVICE COMMENTS AVAILABLE



Date: November 4, 2020

To: The City of East Point  
Attn: Planning & Community Development  
2757 East Point Street  
East Point, GA 30344

From: Garrett Davidson  
1345 Walker Ave.  
East Point, GA 30344

Re: "Use Permit" – Letter of Intent

Hello,

I am including this Letter of Intent, as required, as part of a Use Permit application involving my personal residence located at 1345 Walker Ave., East Point, GA 30344. Parcel #: 14 0130 0005-060-3. Case #: 2020U 006-11.

The requested use permit is for a **habitable accessory structure**. Specifically, we intend to build out the upper level of an existing detached garage behind our house into a habitable accessory structure, as is also common in the Egan Park neighborhood where we live. We will be using the space for visiting family members from out of town, i.e., as an "in-law suite" as well as an in-home office as my employer is mandating work from home for the foreseeable future. We purchased the home on June 29, 2020 with the intention to finish this space, as my wife Jennifer and I just had twins (in addition to our 14-month-old son), and both of our families live out of state and who intend to visit us.

Factual details about the proposed use:

- *number and square footages of buildings:*

The main structure is approximately 1,943 square feet. The proposed habitable accessory structure is 462 square feet.

- *mmmm heated floor area of residential units,*

The entire 462 square feet of the habitable accessory structure will be heated.

- *number of fixed seats in places of worship,*

Not applicable.

- *number of employees and beds in assisted living facilities,*

Not applicable.

STATE OF GEORGIA  
COUNTY OF FULTON  
PARCEL ID NUMBER: 14 -0130-005-060-3

LIMITED WARRANTY DEED

THIS INDENTURE, made on 29th day of June, 2020, between

Jean M. Pearson

(hereinafter referred to as "Grantor") and

Garrett Davidson and Jenalifer Davidson  
AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

All that tract or parcel of land lying and being in Land Lot 130 of the 14th District, of Fulton County, Georgia, and being more particularly described follows:

Beginning at a point on the North side of East Walker Avenue 352 feet Easterly along said street from the Northeast corner of East Walker Avenue and Harrison Road; and running thence East along the North side of East Walker Avenue 50 feet; thence North 200 feet to the South side of a 16 foot alley; thence West along the South side of said alley 50 feet; thence South 200 feet to the Point of Beginning; being property known as 1345 East Walker Avenue according to the present numbering in the City of East Point, Fulton County, Georgia.

Being the same property as conveyed in that certain Limited Deed recorded at Deed Book 55542, Page 486, Fulton County, Georgia records.

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee. Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").

TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and Forever defend the right and title to the Premises unto Grantee against the claims of all persons claiming by, through or under Grantor, but not otherwise.

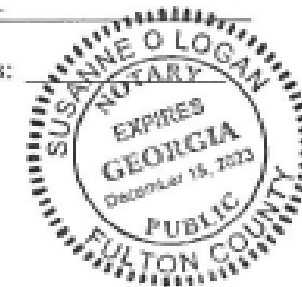
IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered in the presence of:

  
\_\_\_\_\_  
Unofficial Witness

  
\_\_\_\_\_  
Jean M. Pearson

Notary Public  
My Commission Expires:  
(Attach Notary Seal)



Sec. 10-2130. - Habitable accessory structure.

Habitable accessory structures may be rented to another party so long as one of the dwelling units on the property is owner-occupied. The units must be aesthetically compatible with the principal structure, include one additional on-site parking space, and be limited to half the size of the primary structure. The habitable accessory structure may not take up more than half the rear yard of the lot. The use must remain single-family and the lot may not be subdivided nor may the unit be sold separately. A use permit is required for all habitable accessory structures. In the event a use permit application is approved, a building permit will also be required.

*Criteria:*

- (1) Full kitchen permitted.
- (2) An accessory structure must be aesthetically compatible with principal structure.
- (3) The accessory structure cannot be built or moved onto any lot before construction of the main house unless a building permit has been issued for the construction of the main house.
- (4) The owner of the property must reside either in the principal structure or the accessory structure on premises.
- (5) The lot must be a minimum of 5,000 square feet.
- (6) The property must have a minimum of three unobstructed parking spaces.
- (7) The accessory unit can only have one kitchen and may have a 220 volt power supply, a ventilation hood or gas line.
- (8) The height must not exceed the height of the main house or 35 feet, whichever is less.
- (9) The total floor area cannot exceed 50 percent of the floor area of the principal structure or exceed 50 percent of the rear lot coverage. All utilities for the structure must be fed from the primary structure.
- (10) The structure must be at least 6 feet away from the principal structure.
- (11) The structure must be at least three feet from all property lines and at least 15 feet from any structure on adjoining property.
- (12) If the property is adjacent to an alley, it can be located on the property line.

( [Ord. No. 061-016, § 4\(Exh. D\), 9-19-16](#) )