

MAYOR

DEANA HOLIDAY INGRAHAM

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SHARON SHROPSHIRE (At- Large)

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STEPHANIE GORDON

PLANNING & COMMUNITY
DEVELOPMENT DEPARTMENT

2757 East Point Street
East Point, GA 30344

Planning Commission Meeting
November 18, 2021

City Council Meeting
December 20, 2021



KIMBERLY SMITH
DIRECTOR

ZONING CASE: 2021U-001-09 **888 Pegg Road**

Subject Property Address
888 Pegg Road

Applicant
Stuart Kamson

Applicant Address
888 Pegg Road

Property Owner
same as applicant

Property Owner Address
same as applicant

Existing Zoning
R-1 (Single Family Dwelling)

Existing Zoning Section
Sec. 10-2062

Proposed Zoning
N/A

Proposed Zoning Section
N/A

Request
The applicant is requesting a special use permit to convert an existing detached garage into a habitable accessory structure



Aerial View of Property
888 Pegg Road

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

Staff Recommendation
Staff recommends **APPROVAL** with conditions for special use permit.

Planning Commission
TBD

Mayor & City Council

PARCEL ID: 14 010100050012
PROPERTY ACREAGE: 0.3182
PROPERTY SQ FT: 13,860
PRIMARY STRUCTURE SQ FT: 1,140
HABITABLE ACCESSORY STRUCTURE SQ FT: 420

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STAFF
Tony Alston, Senior Planner
Aalston@eastpointcity.org

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888 PEGG ROAD



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Character Area | Traditional Urban Neighborhood

Traditional Urban Neighborhood

Vision/Intent

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.

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 multi-family 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.

Future Development Goals



888 PEGG ROAD

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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-1 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 property does not comply with parking requirements and therefore applicant is requesting a variance for relief from third unobstructed parking space as required by Sec. 10-2130.

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 Pegg Road

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 May 11, 2021. There were 7 attendees present. The applicant has fulfilled this requirement.



October 5,
2021

PUBLIC NOTICE
Community Zoning Information Meeting
Tuesday October 12, 2021
6:30 p.m.

The City of East Point Community Zoning Information Meeting will meet on Tuesday, October 12, 2021 at 6:30 PM. The meeting will be held virtually.

The public may access and listen to the meeting by dialing +1 312 626 6799 and entering webinar ID # 848 5769 3349.

City of East Point
Planning & Community Development Dept.

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RECOMMENDATIONS

STAFF

Staff recommends **APPROVAL** for a SPECIAL USE PERMIT to construct a habitable accessory structure as set forth in Sec. 10-2130 per applicant's request

1. Site plan must be submitted showing location of third unobstructed parking space
2. Follow all criteria as set forth in Sec. 10-2130 of Zoning Ordinance
3. In the event location is being used as short term rental business, applicant must follow all short-term rental guidelines as adopted by City Council including registering home as such and applying for business license(s).

Planning Commission

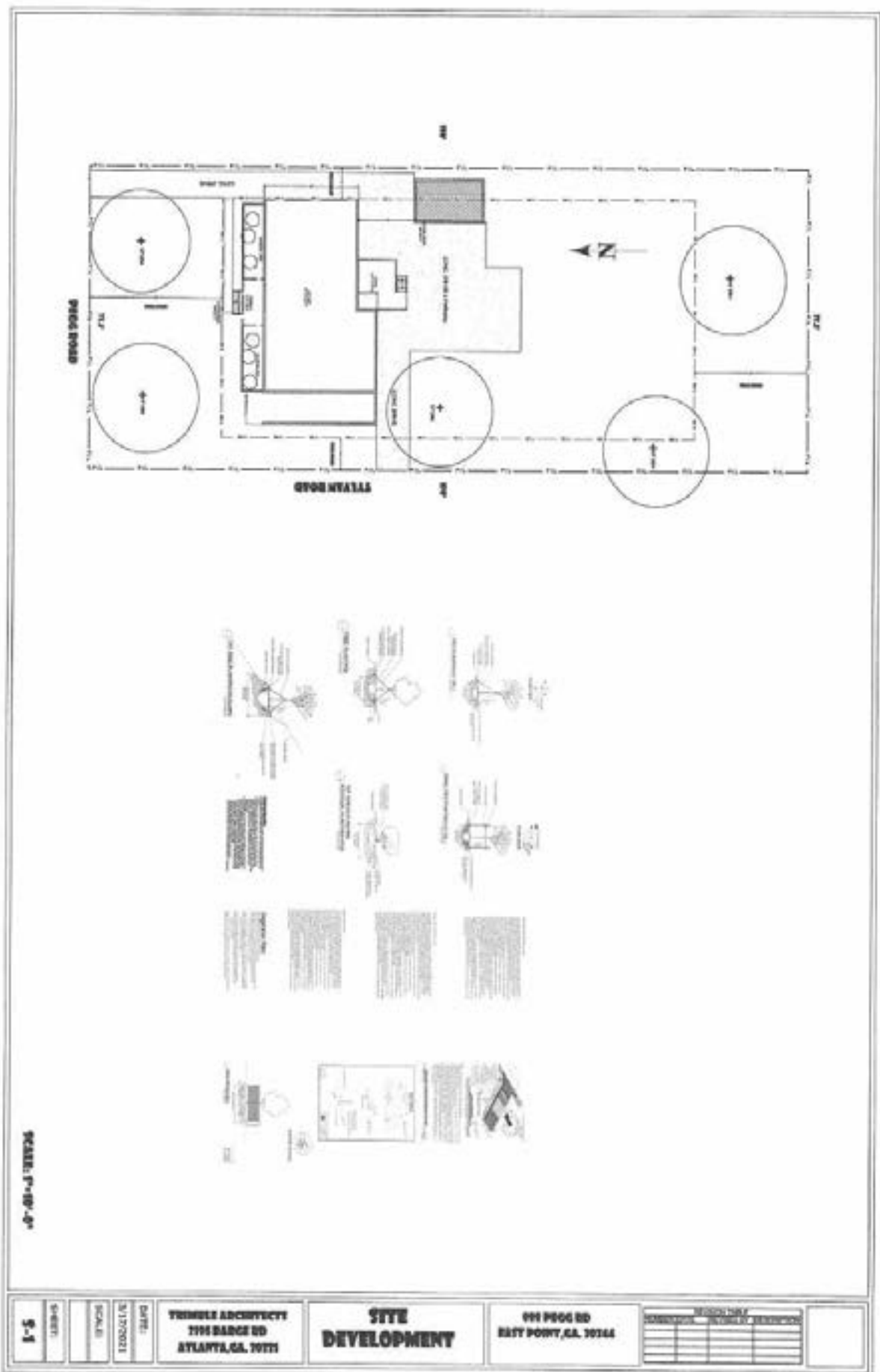
TBD

MAYOR & CITY COUNCIL

TBD

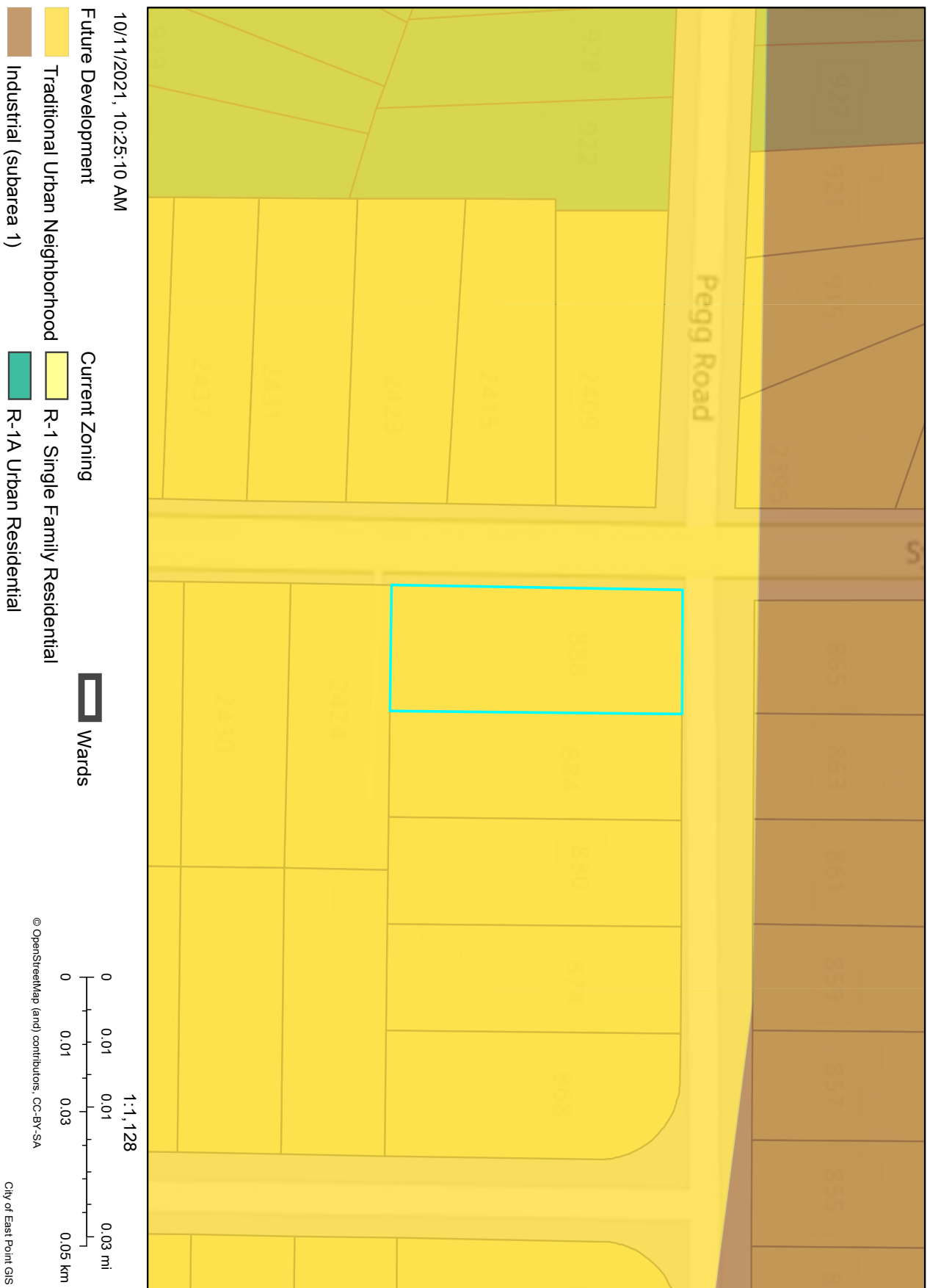


ZONING MAP



SITE PLAN

888 Pegg Road Future Land Use Map



FUTURE LAND USE MAP

ELECTRICAL:

(APPROVED, NO COMMENTS)

FIRE:

(APPROVED, NO COMMENTS)

POLICE:

(APPROVED, NO COMMENTS)

STORMWATER:

(APPROVED, NO COMMENTS)

TRANSPORTATION

(APPROVED, NO COMMENTS)

BUILDING

1. Work has been installed, altered, covered, and concealed with no permits and inspections prior to permitting and all roughs and finals shall be performed by a registered 3rd party engineer before final inspection approvals.
2. Floor plans, and all MEP's must be submitted for plan review to include code editions and 4 side elevations in drawings.

SERVICE AREA COMMENTS

ADE STUART KAMSON

888 Pegg Road
 East Point, GA 30344
 (518) 772 - 0227
 Email: stuartkamson@yahoo.com

LETTER OF INTENT

September 27, 2021

City of East Point
 Planning & Community Development
 2757 East Point Street
 East Point GA 30344
 (404) 270-7029

Case Number: 2021U - 001 - 09

Street Address: 888 Pegg Road
 East Point GA 30344

To Whom It May Concern:

This letter of intent is to seek approval to obtain a Special Use Permit to use my existing garage space as a habitable accessory structure at my place of residency at 888 Pegg Road, East Point GA 30344. I have worked with the City of East Point in renovating my existing home through the proper methods of obtaining an approved building permit. I have worked with Engineers who have provided me with Architectural drawings, survey and site plan of my property to ensure that any work being completed is within the applicable codes governed by the City of East Point and the State of Georgia building codes. This Special Use Permit will provide the approval needed to complete my project. Thank you in advance for your consideration and prompt approval of this Special Use Permit.

Best regards,

Ade Kamson
 Ade Stuart Kamson
 Applicant/Property Owner



LETTER OF INTENT

00068042



GEORGIA, Fulton County, Clerk's Office, Superior Court
Filed & Recorded, Jun 29 1987, 1:25 *John J. Fine*

SECURITY DEED

166122

THIS SECURITY DEED ("Security Instrument") is given on JUNE 10, 1987
by The grantor ADE S. FANSON ("Borrower"). This Security Instrument is given to
GEORGIA FEDERAL BANK, PSC ("Lender"), which is organized and existing
under the laws of the United States, and whose address is
20 MARITTA ST., NW ATLANTA, GA 30303 ("Lender")
Borrower owes Lender the principal sum of FORTY THOUSAND
AND NO/100 Dollars (U.S. \$ 40,000.00). This debt is evidenced by Borrower's note
dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not
paid earlier, due and payable on JUNE 10, 2017. This Security Instrument
secures to Lender: (a) the repayments of the debt evidenced by the Note, with interest, and all renewals, extensions and
modifications; (b) the payment of all other sums, with interest, advanced under paragraph 7 to protect the security of this
Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and
the Note. For this purpose, Borrower does hereby grant and convey to Lender and Lender's successors and assigns, with
power of sale, the following described property located in FULTON County, Georgia:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 101 OF
THE FOURTEENTH DISTRICT OF FULTON COUNTY, GEORGIA, BEING LOT 1 IN
BLOCK "A" OF THE SUBDIVISION OF JEFFERSON ESTATES, AS PER PLAN BY
C.R. ROBERTS, C.E., DATED APRIL 18, 1946, RECORDED IN PLAN BOOK 29,
PAGE 38, FULTON COUNTY RECORDS, AND BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PEGG DRIVE AND SYLVAN ROAD (IF
SAID STREET LINES WERE EXTENDED TO FORM AN ANGLE INSTEAD OF A
CURVE); RUNNING THENCE EAST ALONG THE SOUTH SIDE OF PEGG DRIVE 77.5
FEET TO THE NORTHWEST CORNER OF LOT 2 IN SAID BLOCK AND SUBDIVISION
THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 20, 188.6 FEET TO
A POINT ON THE NORTH LINE OF LOT 21 IN SAID BLOCK AND SUBDIVISION;
THENCE WEST ALONG THE NORTH LINE OF SAID LOT 21, 77.5 FEET TO THE
EAST SIDE OF SYLVAN ROAD; THENCE NORTH ALONG THE EAST SIDE OF
SYLVAN ROAD 188 FEET TO THE POINT OF BEGINNING, AND BEING IMPROVED
PROPERTY KNOWN AS NUMBER 888 PEGG DRIVE, EAST POINT, GEORGIA;
EXCEPTING FROM THE PROPERTY ABOVE DESCRIBED THAT PORTION THEREOF
USED FOR STREET PURPOSES IN ROUNDING THE CURVE AT THE SOUTHEAST
CORNER OF PEGG DRIVE AND SYLVAN ROAD, AND BEING THE SAME PROPERTY
CONVEYED TO GRANTOR AS TRUSTEE FOR WALTER LILLY BY THAT CERTAIN
EXECUTOR'S DEED RECORDED AND APPEARING OF RECORD IN DEED BOOK 7185,
PAGE 491, FULTON COUNTY RECORDS.

I certify that the intangible tax required by law on the above sale on the recording of Security Deed
(\$0.150 per \$100 or fraction thereof by date of Security Deed) in the amount of \$ 120.00
has been paid, this 23rd day of June 1987. OK PAID BY 170.00
WILLIAM LEE ROBERTS, JR. COMMISSIONER -- BY *M. Carter* deputy. 100740 1501 06/30/87

No. 222062

which has the address of 888 PEGG ROAD, EAST POINT, GEORGIA
Georgia 30344 ("Property Address")

To HAVE AND TO HOLD this property unto Lender and Lender's successors and assigns, forever, together with all
the improvements now or hereafter created on the property, and all easements, rights, appurtenances, rents, royalties,
mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All
replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this
Security Instrument as the "Property."

BORROWER COVENANTS that Borrower is lawfully seized of the estate hereby conveyed and has the right to grant
and convey the Property and that the Property is not encumbered, except for encumbrances of record. Borrower warrants
and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT contains uniform covenants for national use and non-uniform covenants with
limited variations by jurisdiction to constitute a uniform security instrument covering real property.

GEORGIA—Single Family—FINRA/FLMC UNIFORM INSTRUMENT

NOV 10912 PG 223

OAA LON 2-87

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](#))