



VETO



To: Members of Council
From: Mayor
CC: City Clerk
Subject: Veto of Resolution of the Council
Date: July 3, 2018

Under the authority granted to the Mayor in Section 2.14 of the City Charter (Powers and Duties of the Mayor), I am issuing a veto of the July 2, 2018 Resolution in which the Council granted a rezoning request for Parcel No. 0214000034, commonly known as 1633 East Main Street, Hogansville, GA 30230, from Commercial (C) to Single Family Residential (R1). It is my judgement and opinion that this resolution is not in the best interest of the City for the following reasons:

1. The zoning change would violate the City's land use plan established with the help of zoning professionals and incorporated into the Comprehensive Plan adopted by Council;
2. It would create "spot" zoning creating a residential tract between commercial properties;
3. It would have a deleterious effect on adjacent property owners requiring a 100-foot setback containing a 20-foot buffer. In at least one instance it would render the property un-buildable for commercial purposes; and
4. It violates Section 102-152 (c) (6) (a), (b), (c) and (e) of our Code of Ordinances; "Map Amendments" as attached.

I have attached the Staff Analysis and Report to be incorporated into the official record.

By: 
William C. Stankiewicz, Mayor

Sec. 102-152. - Application.

- (a) *Generally.* Each application to amend this chapter or the official zoning map shall be filed with the zoning administrator. Applications shall be submitted in compliance with this section.
- (b) *Text amendments.* Text amendment applications shall include the following:
 - (1) Name and address of the applicant.
 - (2) Current provisions of the text to be affected by the amendment.
 - (3) Proposed wording of the text change.
 - (4) Reason for the amendment request.
- (c) *Map amendments.* Map amendment applications shall include the following:
 - (1) The application shall include a legal description of the tract to be rezoned, including the street address and subdivision, if any, or the area in which the tract is located.
 - (2) The application shall include seven copies of a plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of that tract; floodplain and flood hazard areas; unusual topographical features; current zoning of the subject tract and all adjacent properties; and existing structures. This plat shall be prepared by an architect, engineer, landscape architect, planner with an AICP certification or land surveyor, whose seal shall be affixed to the plat.
 - (3) When any applicant or his attorney for a 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 city council showing:
 - a. The name and official position of the local government official

- to whom the campaign contribution was made; and
- b. 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 contribution.

The disclosure required by this subsection shall be filed within ten days after an application for the rezoning action is first filed.

- (4) The application shall include the names and addresses of the owners of the land and their agents, if any, together with a written notarized authorization for the owner's agents, if any, to seek rezoning.
- (5) The application shall include a letter of intent indicating specifically how the property is to be used.
- (6) Each zoning map amendment application, whether submitted by local government or by a party other than local government, shall include with it a complete, written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - d. 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.
 - e. Whether the zoning proposal is in conformity with the policy

and intent of the comprehensive land use plan.

- f. 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.
- (d) *Filing date; fee.* Applications shall be submitted in accordance with a schedule adopted annually by the city council which shall provide that each application shall be submitted at least 50 days prior to the date on which it is to be considered by the city council and in any event in sufficient time so as to permit advance advertising and notice of any public hearings pursuant to the terms of this section and state law. Each application for an amendment to the text of this chapter or the official zoning map shall be assessed a fee as posted in the building and zoning office of the city to defray administrative costs. A fee shall not be charged for applications initiated by the city council or zoning administrator.
 - (e) *Withdrawal.* An application shall not be withdrawn by the applicant after the legal advertising as required by this section has first appeared.
 - (f) *Filing of proposed conditions or alterations.* An applicant may file site plans, renderings, construction specifications, written development restrictions, and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application; provided, however, that any such conditions or alterations or changes thereto shall be filed with the zoning administrator at least seven days prior to the public hearing before the city council. If any such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this subsection, the city council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. The date designated for action on the application shall be set at a time which will allow the applicant to comply with the filing requirements of this subsection.

(g) *Expiration of rezoning approval.* If, after one year from rezoning, the approval has not been developed as stated in the rezoning application or a building permit has not been issued, the rezoning shall become invalid. At this time, the lot or parcel shall revert to previously zoned status and a new application for rezoning shall be submitted to the zoning administrator.

(Ord. of 7-7-2003, § 16.4)



cityofhogansville.org

City of Hogansville
400 East Main Street
Hogansville, Georgia 30230
Phone 706-637-8629
Fax 706-637-4813

Memorandum

To: City of Hogansville Mayor and City Council

From: Lynne Miller, Community Development Director

Subject: Pamela Walker Rezoning Request – 1633 East Main Street – City Planning & Zoning Commission Recommendation

Date: June 26, 2018

Please be advised that at its regular meeting held June 21, 2018, the Hogansville Planning and Zoning Commission considered the Rezoning Request by Pamela Walker on behalf of property owner Annie Ruth McGhee, to rezone 1633 East Main Street from C (Commercial) to R1 (Single Family Residential) .

Upon motion by Planning & Zoning Commission member Carolena Lynch, seconded by Planning & Zoning Commission member Gayle Devereaux, the Commission voted to recommend City Council approval of the rezoning request. The vote was Commission members Lynch, Devereaux and Acting Chair Carol Smith in favor, Commission member Mary Margaret Ware against, and Chairman Ricky Thrash absent from this meeting.

Attached are Ms. Walker's rezoning application, our staff report and other information pertaining to this request. City staff recommends denial of the rezoning request.

**CITY OF HOGANSVILLE
PLANNING DEPARTMENT
STAFF ANALYSIS AND REPORT**

DATE: 6/14/2018
TO: Planning & Zoning Commission
FROM: Lynne Miller, Community Development Director
RE: Rezoning Request
1633 East Main Street
Pamela Walker for Annie Ruth McGhee

LSM

REQUEST:

The applicant, Pamela Walker on behalf of property owner Annie Ruth McGhee, is requesting rezoning of approximately 0.46 acres, more or less, located at 1663 E. Main Street, City of Hogansville, Troup County. The requested zoning is from C (Commercial) to R1 (Single Family Residential). The applicant has stated that the intended use for the property would be to locate a manufactured home there.

LOCATION:

The subject property is located at 1633 E. Main Street, in Troup County's 18th District, City of Hogansville (See Location Map).

SITE:

The 0.46-acre site is overgrown and contains remains of a burnt house, with no City utilities to it since 2007. The site is level, with a large tree out front. City sewerage system does not extend to this site.

ZONING:

The property is currently zoned C – Commercial.

COMPREHENSIVE PLAN:

The City of Hogansville's adopted 2010-2030 Comprehensive Plan, 2015-2035 Comprehensive Plan Update, and Character Area (Future Land Use) mapping for the Plan and Update – each of which have been adopted by the City Council – place this site well within the Plan's Interstate Corridor. Acceptable uses planned and listed for this Interstate Corridor are commercial, multi-family residential, light industrial and greenspace. (Comprehensive Plan map attached.)

ZONING STANDARDS:

STANDARD 1. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

No. Zoning and new developments in this vicinity are commercial. Vacant properties this close to the Interstate are expected to develop commercially.

STANDARD 2. Will the proposed use adversely affect the existing use or usability of adjacent or nearby property.

No. If the proposed manufactured home meets City of Hogansville design standards for single-family detached dwellings, as required by the City's Zoning Ordinance, it should not detract from existing uses.

STANDARD 3. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

No. The City-approved Comprehensive Plan intends for an attractive commercial entrance corridor here, with a mix of commercial, light industrial, multi-family development and greenspace.

STANDARD 4. Are there substantial reasons why the property cannot or should not be used as currently zoned?

No. It can be used commercially, sold, or swapped with the City.

STANDARD 5. Will the proposed use cause an excessive or burdensome use of public utilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?

No. The proposed manufactured home will have minimal impact on streets and utilities. A residence here may create a demand for increased police protection, however, as the resident seeks protection from adjacent commercial uses.

STANDARD 6. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

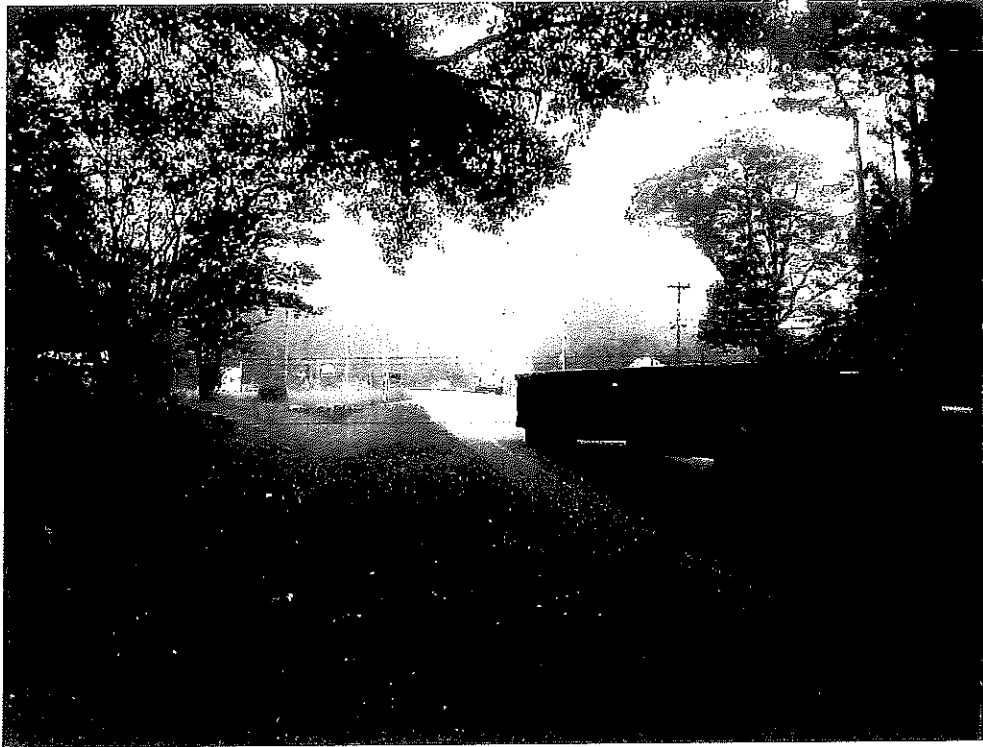
No. The City's Interstate area is developing commercially as anticipated.

SITE PHOTOGRAPHS, 1633 EAST MAIN STREET



Project site, looking south toward house, June 13, 2018

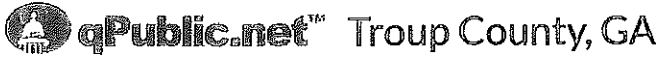




Looking west from site toward downtown, June 13, 2018.



Looking east toward I-85 from project site, June 13, 2018.
City of LaGrange natural gas transfer station to the left, on north site of SR 54



Summary

Parcel Number 0214 000034
 Location Address 1633 E MAIN ST
 Legal Description 1633 E MAIN ST
 (Note: Not to be used on legal documents)
 Class R3-Residential
 (Note: This is for tax purposes only. Not to be used for zoning.)
 Zoning
 Tax District 18-HOGANSVILLE (District 18)
 Millage Rate 38.11
 Acres 0.46
 Homestead Exemption No (S0)
 Landlot/District N/A
 Subdivision
 View Map



Owner

MCGHEE ANNIE RUTH
 C/O WILLIE H MCGHEE & CARL MCGHEE
 335 MARLEY DR
 ATLANTA, GA 30349

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	5-SMALL PARCEL	Rural	1	0.46

Residential Improvement Information

Style One Family
 Heated Square Feet 854
 Interior Walls Paneling
 Exterior Walls Alum / Vinyl Siding
 Attic Square Feet 0
 Basement Square Feet 0
 Year Built 1961
 Roof Type Asphalt Shingles
 Flooring Type Carpet
 Heating Type Floor/Wall Furn
 Number Of Rooms 4
 Number Of Bedrooms 2
 Number Of Full Bathrooms 1
 Number Of Half Bathrooms 0
 Number Of Plumbing Extras 0
 Value \$7,900
 Condition Poor
 House Address 1633 MAIN

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
12/5/1983	420 228		\$0	Q		MCGHEE ANNIE RUTH

Area Sales Report

Recent Sales in Area Recent Sales in Neighborhood

Valuation

	2018	2017	2016	2015
Previous Value	\$33,200	\$35,408	\$35,408	\$34,876
Land Value	\$25,000	\$25,300	\$25,300	\$25,300
+ Improvement Value	\$7,900	\$7,900	\$10,108	\$10,108
+ Accessory Value	\$0	\$0	\$0	\$0
= Current Value	\$32,900	\$33,200	\$35,408	\$35,408

Photos

REQUEST FOR REZONING APPROVAL APPLICATION CITY OF HOGANSVILLE, GEORGIA

ATTACHED PLEASE FIND THE FOLLOWING INFORMATION:

- Materials Necessary for a Rezoning Request
- Application for Rezoning Request
- Authorization by Property Owner
- Property Owner's Disclosure of Campaign Contributions
- Agent's Disclosure of Campaign Contributions
- Property and Financial Disclosure
- Site plan requirements
- Application Deadline Dates

THE FOLLOWING IS A GENERAL DESCRIPTION OF THE PROCEDURES USED FOR THE PROCESSING OF AN APPLICATION FOR A REZONING REQUEST.

BOARD OF ZONING APPEALS

After receipt and acceptance of the zoning petition, Staff reviews the requests and develops a recommendation which is forwarded to the Board of Zoning Appeals for review and recommendation. The Board of Zoning meets on the 2nd Wednesday of each month at 4:00 p.m. at City Hall. It is important for the petitioner to attend these meetings to answer questions that may arise from board members. After hearing interested citizens and after reviewing the request, the Board of Zoning Appeals votes to recommend APPROVAL, APPROVAL WITH CONDITIONS, DENIAL, OR TABLING of the request. This recommendation is forwarded to Mayor and Council.

MAYOR AND COUNCIL MEETING

The Mayor and Council will hear a report on the request and determine if the request is reasonable. If the request is deemed to be reasonable, Mayor and Council will place the request on the agenda. Public support in favor or opposition to the request will be received by the Mayor and Council. Mayor and Council will vote on the request.

If you have any questions regarding the application or procedures, please call City Hall.

REQUEST FOR REZONING

City of Hogansville

This is a written request from Mattie Clemons
the legal owner of Property: 1633 E. Main St., Hogansville,
Troup County, Georgia. At this time we are requesting that the said
property be rezoned from Commercial to
Residential.

The request is made on the behalf of placing a Double Wide Trailer
on said property. ^{OR}
Modular Home

Mattie Clemons

Signature

5-8-18

DATE

APPLICATION FOR REZONING

HOGANSVILLE, GEORGIA

Application Number _____ Application Date 5-8-18

Property Owner Mattie Clemens
Address 1633 E. Main St.
City, State, Zip: Hogansville, Ga. 30230
Telephone: 706) 594-5892

Authorized Agent Pamela Walker
Address 147 Indian Trl.
City, State, Zip: Hogansville, Ga. 30230
Telephone: 706) 594-5892

Property Address 1633 E. Main St.
City, State, Zip: Hogansville, Ga. 30230
Tax Parcel Number 0214000034

AUTHORIZED BY PROPERTY OWNER

CITY OF HOGANSVILLE, GEORGIA

I swear that I am the owner of the property located at (property address) 1633 E.

Main St. Hogansville, Ga. 30230

which is subject matter of the attached application, as shown in the records of the Troup County, GEORGIA.

I authorize the person named below to act as applicant in the pursuit of the rezoning of this property.

Name of Applicant or Agent Pamela Walker

Address 147 Indian Trl.

City, State, Zip Code: Hogansville, Ga. 30230

Telephone #: (706) 594-5892

Subject Property: _____ Case# _____

Name: _____ Phone: _____

Address: _____

**PROPOSERS/OPPONENTS
DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
CITY OF HOGANSVILLE, GEORGIA**

Pursuit to Section 36-67A-1 et seq. of the Georgia Code Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, the following disclosure is mandatory. When any applicant for rezoning action has been, 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, it shall be the duty of the applicant and the agent representing the applicant to file a disclosure report with the governing authority of the respective local government.

Any applicant for rezoning action knowingly failing to make a disclosure as required by Code Section 36-67A-1 et seq. shall be guilty of a misdemeanor.

A. Name of local government official to whom the campaign contribution or gift was made:

~~B. The dollar amount 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:~~

Amount: \$ _____

Date of Contribution: _____

C. Enumeration and description of each gift having a value of \$250.00 or more made by the application to the local government official during the two years immediately preceding the filing of this application for rezoning.

Signature of Owner _____

Date: _____

BOARD OF ZONING APPEALS

Sec. Established.

The board of zoning appeals shall consist of five (5) members, who shall be appointed by the mayor and council for a term of four (4) years, and who may be removed from office at any time by the mayor and council with or without cause. Appointment of the members shall be such that the terms of no more than two (2) members expire concurrently. The establishment of terms required by the modification of the number of members on the board shall be filled for the unexpired term, in the same manner of the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board.

Sec. Jurisdiction; decisions.

- (a) Each of the five (5) members appointed to the board of zoning appeals shall be residents and citizens of the city and shall so remain as residents during the tenure of their service on the board of zoning appeals.
- (b) On all appeals, applications and other matters brought before the board of zoning appeals, said board shall inform in writing all parties involved of its decision.

Sec. Proceedings generally.

The board of zoning appeals shall elect a chairman and a vice chairman from its members who shall each serve for one (1) year or until reelected or until their successors are elected. The board shall appoint a secretary. The board shall adopt rules and bylaws in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairman, and at such other times as he board may determine. ~~The chairman~~ or in his absence, the vice chairman may administer oaths and compel the attendance of witnesses by subpoena. All meetings of the board shall be open to the public.

Sec. Authority of board.

The board of zoning appeals shall have the authority to perform the functions of the city in the area of planning contemplated by the Constitution and laws of the State of Georgia and shall have the authority conferred by this section, the zoning laws and ordinances of the city and the general laws and Constitution of the State of Georgia. Any action of the board of zoning appeals relating to planning and to zoning other than as relates to zoning appeals as contemplated by this article, shall be in the nature of the city and shall not be binding upon such governing authority.

- (a) Appeals to the board of zoning appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decisions of the building official or other city official based on this chapter. Such appeal shall

1. Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the building official in the enforcement of this chapter.
 2. Special exceptions. To hear and decide special exceptions or conditional uses to the terms of this chapter upon which the board of zoning appeals is required to pass under this chapter and
 3. Variances. To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same district or of permitted or nonconforming uses in other districts shall not constitute a basis for the granting of a variance. A variance may be granted in an individual case of unnecessary hardship upon finding by the board of zoning appeals that the following conditions exist:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
 - b. The application of this chapter to this particular piece of property would create an unnecessary hardship.
 - c. Such conditions are peculiar to the particular piece of property involved and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by this chapter.
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