



Where Georgia comes together.

STAFF REPORT

From the Department of Community Development

May 9, 2024

CASE NUMBER: RZNE-0054-2024

APPLICANT: Equity Trust Company, FBO

REQUEST: Rezone from R-3, Single-Family Residential to RM-1, Multi-Family Residential

LOCATION: 1024 & 1026 King Blvd; Tax Map No: 0P0360 109000 & 0P0360 115000

BACKGROUND INFORMATION: Prior to modifications to the Land Management Ordinance in 2022, the R-3 district allowed single- and multi-family residential development. The property at 1024 King Blvd. was developed with six dwelling units in three buildings in 1973. The property at 1026 King Blvd. is a 1.37-acre undeveloped tract.

The RM-1 zoning district allows multi-family development of up to six dwelling units per parcel. This requested zoning will make the existing development at 1024 King Blvd. conforming use, and will allow six additional dwelling units to be constructed on property 1026 King Blvd.

STANDARDS GOVERNING ZONE CHANGES:

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district? Applicant is not aware of any covenants or restrictions which prevent the property from being used as a C-3, Central Business development.

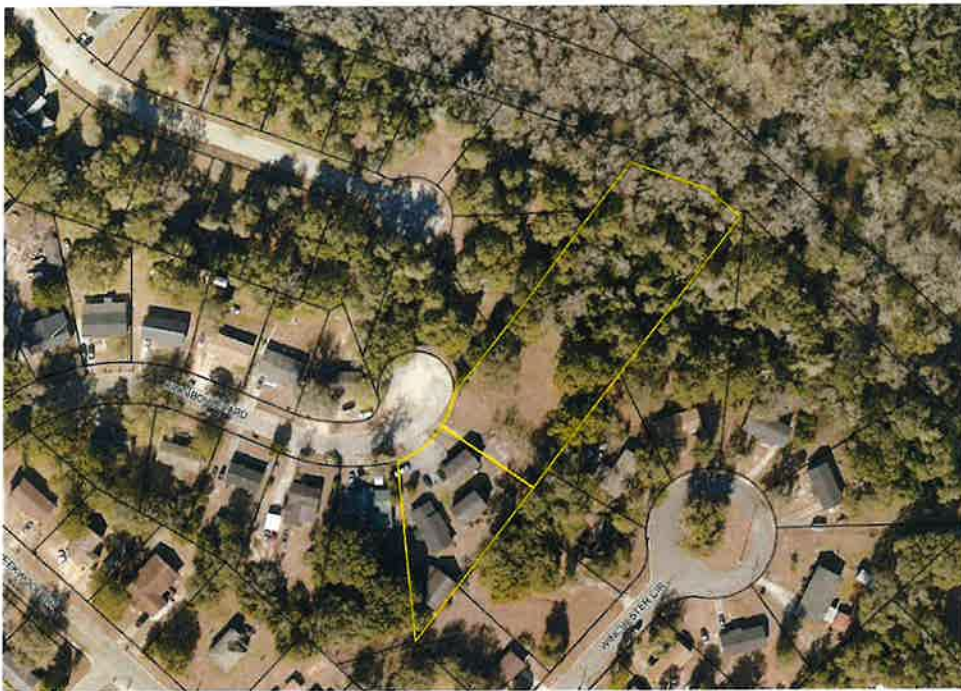
1. The existing land uses and zoning classification of nearby property.

	Zoning	Land Use
North	GU, Government Use	Big Indian Creek Waterway/ Whitetail Trail
South	R-3, Single Family Residential	Single-family residential
East	R-3, Single Family Residential	Single-family residential
West	R-3, Single Family Residential	Single-family residential

- The suitability of the subject property for the zoned purposes.** One of the subject properties was made nonconforming due to a change in the R-3 district requirements. The undeveloped parcel is suitable for use as a single-family residence, but it is much larger than typical surrounding residential lots.
- The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Because one of the subject properties is developed with six dwelling units, the property value is diminished by the current zoning. The undeveloped parcel is substantially larger than surrounding residential lots and has limited street frontage which limits its ability to be subdivided.
- The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.** One of the parcels has been developed with multi-family units since 1973. The requested zoning should not have a negative impact on the public health, safety, general welfare, or morals.
- The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Not maintaining naturally occurring affordable housing nor allowing for a similar development appears to be a hardship imposed on the property owner and to the public.

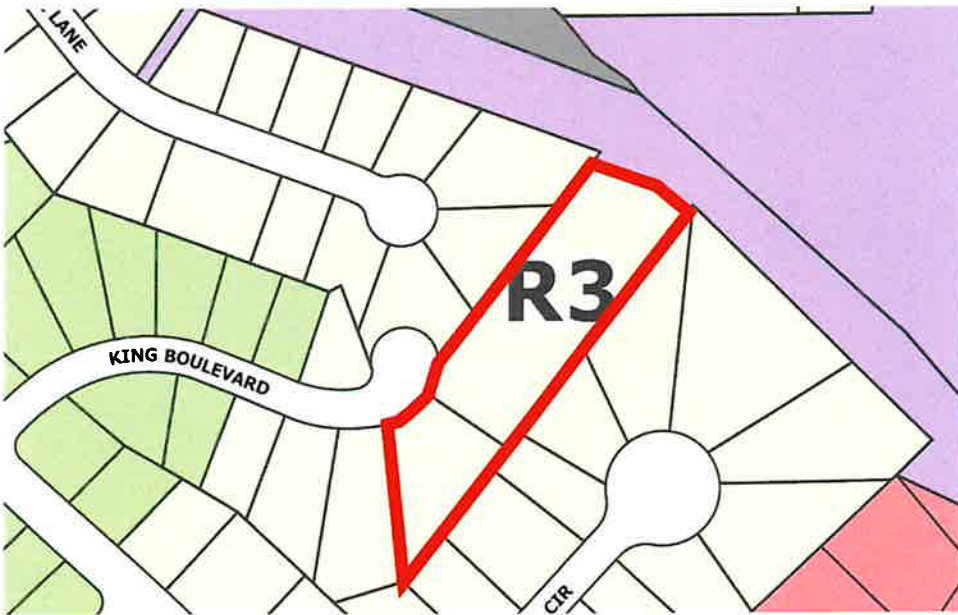
6. **Whether the subject property has a reasonable economic use as currently zoned.** One of the properties is already developed as multi-family. The undeveloped property is larger than surrounding single-family lots. These properties do not appear to have a reasonable economic use under the R-3 zoning classification.
7. **The length of time the property has been vacant as zoned considered in the context of land development in the vicinity of the property.** 1024 King Blvd. was developed in 1973. 1026 King Blvd. is undeveloped. Most of the surrounding residential properties were developed in the early 1970s, with the exception of lots fronting Hill Lane to the west, which have seen recent residential construction.
8. **Whether the proposed rezoning will be a use that is suitable in view of the uses and development of adjacent and nearby property.** The proposed RM-1 zoning will allow the existing apartments to continue. Because of its limited street frontage, it is unlikely that more than six dwelling units can be developed on the property at 1026 King Blvd.
9. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The limited development options for the properties should not adversely affect surrounding properties.
10. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The properties are in the “Traditional Neighborhood” character area, which calls for well-designed residential development that blends into existing neighborhoods.
11. **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.** The proposed zoning should not have substantial impact on existing public facilities.
12. **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.** The current owner recently purchased the properties from the estate of a long-time owner.

STAFF RECOMMENDATION: Staff recommends approval of this application as submitted.

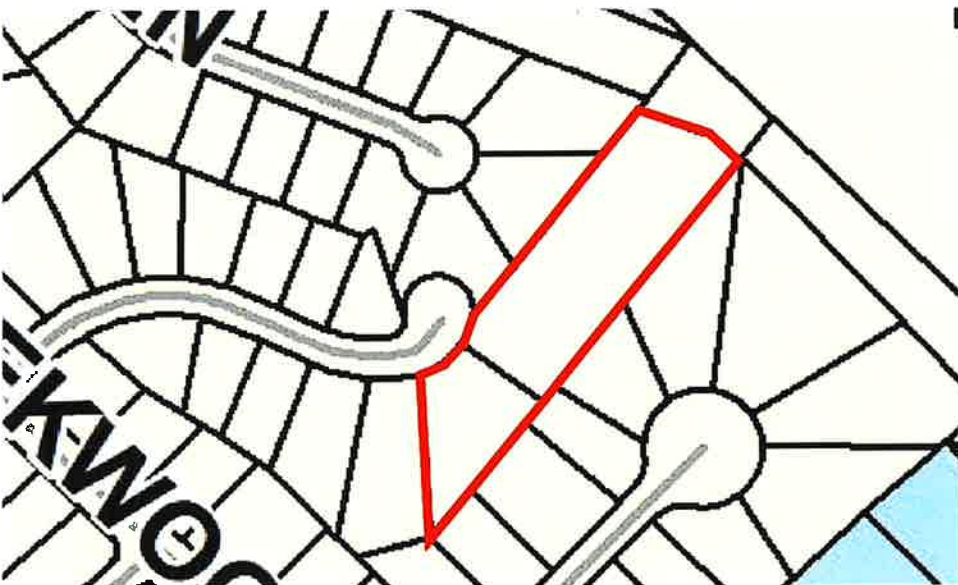


RZNE-0054-2024
1024 & 1026 King Blvd.
R-3 to RM-1

Aerial



Zoning



Character Area



Where Georgia comes together.

Application # R2NE-0054-
2024

Application for Rezoning

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Equity Trust Company, FBO	Tiberio DeJulio, IRA
*Title		
*Address	678 Royer Ct, Sandy Springs, GA 30342-1459	
*Phone	[REDACTED]	
*Email	[REDACTED]	

Property Information

*Street Address or Location	1024 King Blvd = 1026 King Blvd
*Tax Map Number(s)	P36-115 3 P36-109
*Legal Description	
<input checked="" type="checkbox"/> Provide a copy of the deed as recorded in the County Courthouse, or a mete and bounds description of the land if a deed is not available; <input type="checkbox"/> Provide a survey plat of the property; <u>Deed attached</u>	

Request


*Current Zoning District	R3	*Proposed Zoning District	RM1
*Please describe the existing and proposed use of the property <u>Note: A Site Plan or other information which fully describes your proposal may benefit your application.</u> <u>Please see attached</u>			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than the date reflected on the attached schedule.
- *Fees:
 - Residential Zoning (R-Ag, R-1, R-2, R-3) - \$306.00 plus \$26.00/acre
 - Non-residential Zoning (other than R-Ag, R-1, R-2, R-3) - \$510.00 plus \$41.00/acre
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.1 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Rezoning applications require an informational hearing before the planning commission and a public hearing before City Council. Public hearing sign(s) will be posted on the property at least 15 days prior to the scheduled hearing dates.
- *The applicant must be present at the hearings to present the application and answer questions that may arise.
- *Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years has the applicant made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? "Applicant" is defined as any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action. Yes ___ No X
 If yes, please complete and submit a Disclosure Form available from the Community Development office.

8. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

9. Signatures:

*Applicant 	*Date 4-5-24
*Property Owner/Authorized Agent Tiberio P. DeJulio, IRA	*Date

Standards for Granting a Rezoning

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?

- (1) The existing land uses and zoning classification of nearby property;
- (2) The suitability of the subject property for the zoned purposes;
- (3) The extent to which the property values of the subject property are diminished by the particular zoning restrictions;
- (4) The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- (5) The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- (6) Whether the subject property has a reasonable economic use as currently zoned;
- (7) The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property;
- (8) Whether the proposed zoning will allow uses that are suitable in view of the uses and development of adjacent and nearby property;
- (9) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
- (10) Whether the zoning proposal is in conformity with the policies and intent of the Comprehensive Plan;
- (11) Whether the zoning proposal will result in a use which will cause an excessive burden upon existing streets, transportation facilities, utilities, or schools; and
- (12) 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.

Equity Trust Co FBO, Tiberio DeJulio IRA

Request

I own the two properties, 1024 King Blvd and 1026 King Blvd.

1024 King Blvd is currently zoned R-3 non-conforming, it should be zoned RM1, to put it into conformity with its use.

1026 is currently zoned R3.

I'm requesting that both properties be re-zoned to RM1.

To bring 1024 into conformity with its current use, and to allow me to build 3 duplexes on 1026.

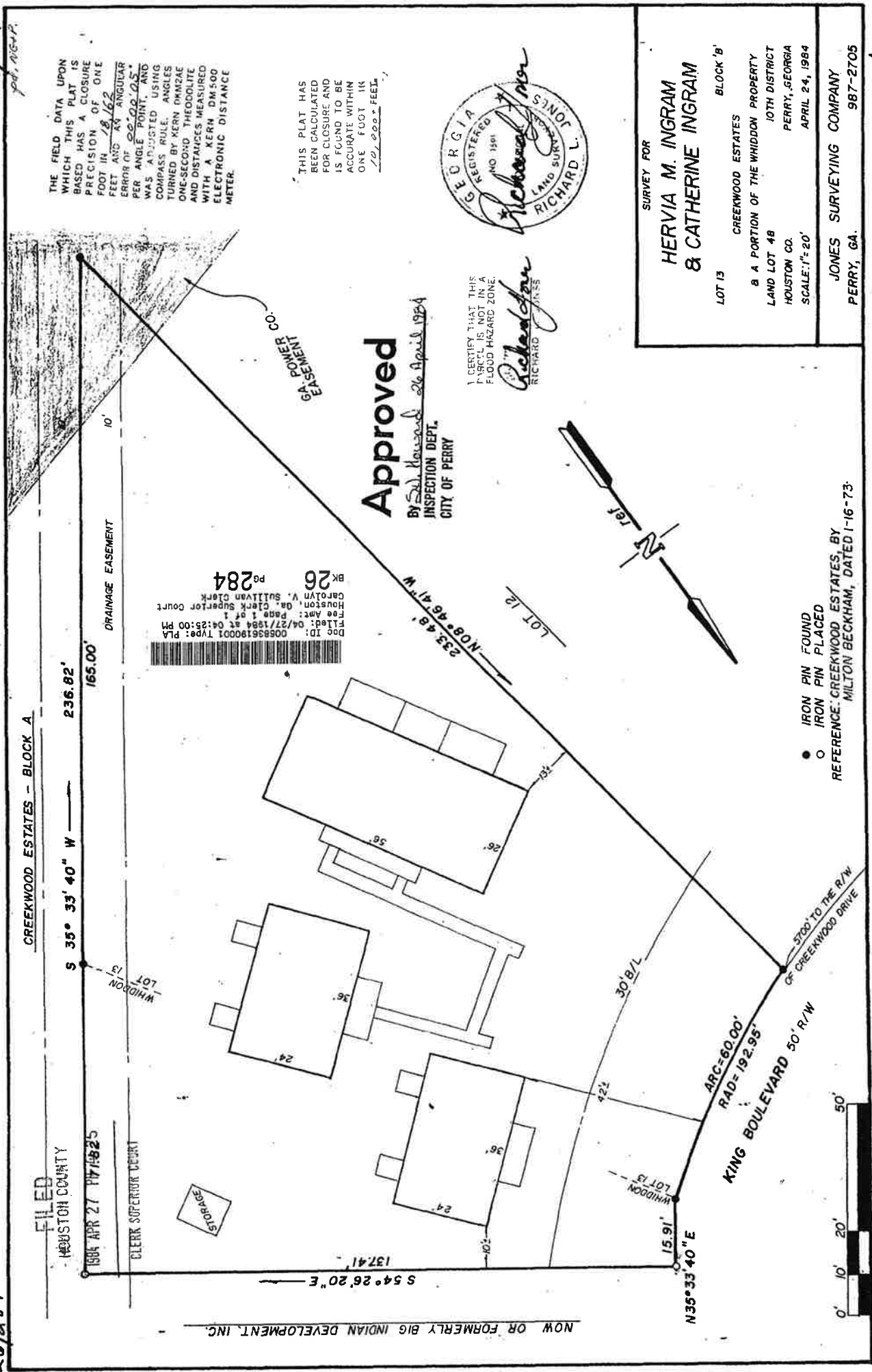
Since the adjacent property, 1024, which I own already has 3 duplexes on it, it seems like this is the highest and best use of 1026 King Blvd.

Standards for Granting a Rezoning

1. The adjacent property contains 3 duplexes.
2. The subject property is a 1.4 ac. vacant lot.
3. It is not economically feasible to build as R3.
4. n/a
5. By changing the zoning, it will allow for additional affordable housing
6. No economic value as currently zoned
7. As far as I know it's never been used
8. By rezoning it will conform to adjacent property
9. Rezoning will have no effect on adjacent property
10. Rezoning will provide for responsible long range growth and housing
11. There should be no adverse effects on the existing infrastructure or schools
12. The adjacent property is already comprised of three duplexes and to add three more duplexes to the area will only add to the availability of affordable housing,

26/284

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THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,162 FEET AND AN ANGULAR ERROR OF 00.0025 PER ANGLE POINT. AND WAS ADJUSTED USING COMPASS RULE. ANGLES TURNED BY KERN DM2AE ONE-SECOND THEODOLITE AND DISTANCES MEASURED WITH A KERN DM400 ELECTRONIC DISTANCE METER.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 20,000 FEET.



Approved
By *S. Howard* 26 April 1984
INSPECTION DEPT.
CITY OF PERRY

I CERTIFY THAT THIS PLAT IS NOT IN A FLOOD HAZARD ZONE.
Richard L. Jones
RICHARD L. JONES

SURVEY FOR	
HERVIA M. INGRAM & CATHERINE INGRAM	
LOT 13	BLOCK 'B'
CREEKWOOD ESTATES	
8 & A PORTION OF THE WHIDDON PROPERTY	
LAND LOT 48	10TH DISTRICT
HOUSTON CO.	PERRY, GEORGIA
SCALE: 1"=20'	APRIL 24, 1984
JONES SURVEYING COMPANY	
PERRY, GA.	987-2705

Dog ID: 00856190001 TYPE: PL
Filed: 04/27/1984 at 04:23:00 PM
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
Pg 26
BK 284

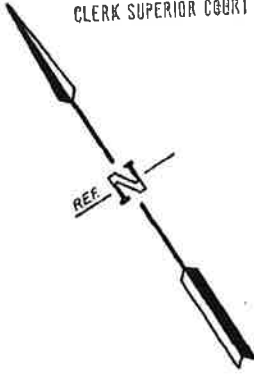
● IRON PIN FOUND
○ IRON PIN PLACED
REFERENCE: CREEKWOOD ESTATES, BY MILTON BECKHAM, DATED 1-16-73

MICROFILMED

26/284

FILED
HOUSTON COUNTY
1984 APR 27 PM 4: 25

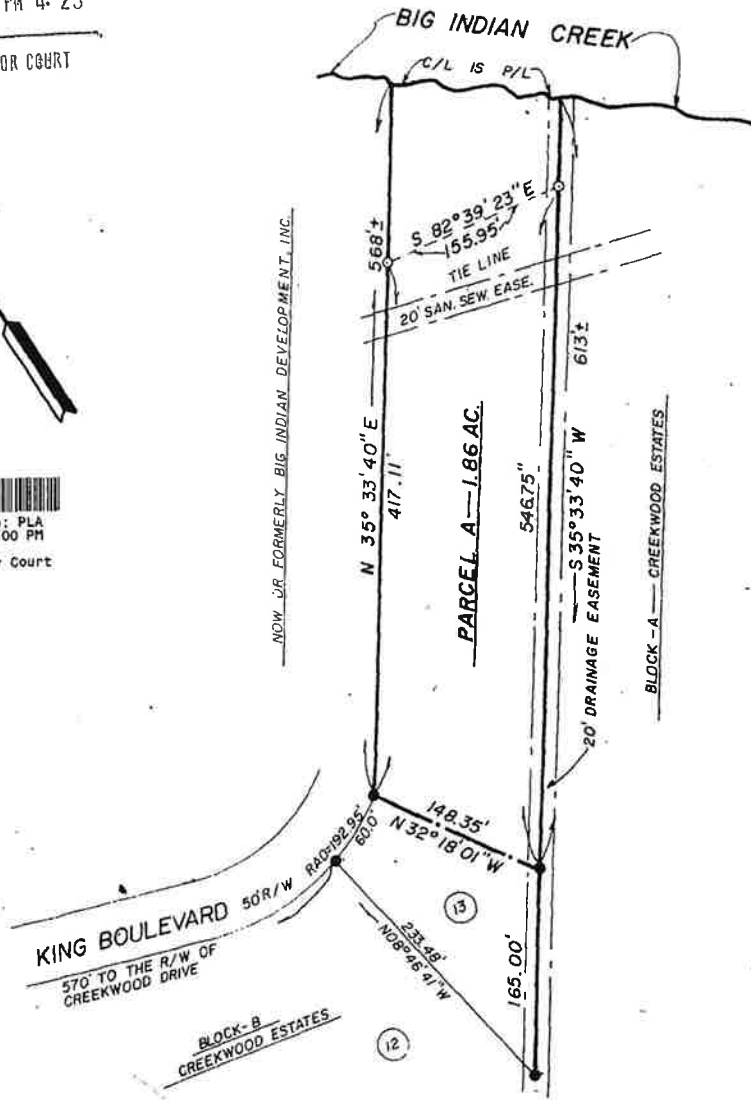
CLERK SUPERIOR COURT



Doc ID: 006836280001 Type: PLA
Filed: 04/27/1984 at 04:25:00 PM
Fee Amt: Page 1 of 1
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk

BK 26 PG 286

NOW OR FORMERLY BIG INDIAN DEVELOPMENT, INC.



NOTE:

PARCEL 'A' IS AN ADDITION TO LOT 13, BLOCK 'B', CREEKWOOD ESTATES, AND IS NOT INTENDED AS AN INDIVIDUAL BUILDING LOT.

Approved

By *S. J. Howard* 26 April 1984
INSPECTION DEPT.
CITY OF PERRY

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,162 FEET AND AN ANGULAR ERROR OF 00° 00' 03" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE. ANGLES TURNED BY KERN DKM2AE ONE-SECOND THEODOLITE AND DISTANCES MEASURED WITH A KERN DM 500 ELECTRONIC DISTANCE METER.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 297,670 FEET.



REFERENCE: PLAT OF CREEKWOOD SUBDIVISION, BY MILTON BECKHAM, DATED 1-16-73

● IRON PIN FOUND
○ IRON PIN PLACED



SURVEY FOR

DEWEY N. WHIDDON

LAND LOT 48
HOUSTON CO.
SCALE: 1"=100'

10TH DISTRICT
PERRY, GEORGIA
APRIL 24, 1984

JONES SURVEYING COMPANY
PERRY, GA. 987-2705

26/286

MICROFILMED

26/286

Doc ID: 006354830002 Type: GLA
Filed: 08/10/2004 at 11:02:54 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Houston, Ga. Clerk Superior Court
Carolyn V. Sullivan Clerk
BK **3110** PG **304-305**

(Above space for recording officer use.)

Due & Return: DAVID G. WALKER
WALKER, HULBERT, GRAY, BYRD & CHRISTY, LLP
909 BALL ST. * P.O. BOX 1770
PERRY, GEORGIA 31069

FILE NO: P'04-#357

STATE OF GEORGIA
COUNTY OF HOUSTON

CORRECTIVE
WARRANTY DEED

THIS INDENTURE, Made the 9th day of August in the year two thousand four,
between

HERVIA M. INGRAM and CATHERINE H. INGRAM

of the County of Houston and State of Georgia, as party or parties of the first part, hereinafter
called Grantor,

and CITY OF PERRY, GEORGIA

of the County of Houston and State of Georgia, as party or parties of the second part,
hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective
heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Other Good and
Valuable Considerations and TEN (\$10.00) and NO/100-----DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is
hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and
by these presents does grant, bargain, sell, alien, convey or confirm unto the said Grantee, all
of the following property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 48 of the
10th Land District of Houston County, Georgia and in the City of Perry and
being known and designated as Parcel "D" containing 0.30 acres as shown on
a plat of survey prepared by Robert L. Story, Registered Land Surveyor No.
1853, dated April 28, 2004, revised June 21, 2004 and recorded in Map Book 63,
Page 36, Clerk's Office, Houston Superior Court. Said plat and the recorded
copy thereof are hereby made a part of this description by reference thereto.

This property is acquired in a whole or a portion thereof as part of the Georgia
Greenspace Program Grant Award Program. The State of Georgia is hereby
included as a third party beneficiary and if at some time in the future the
property is used for anything other than as greenspace property, the State of
Georgia has a right to require specific performance of the Greenspace
Agreement and require that the property be returned to the use provided
herein. This property must be used in perpetuity as greenspace property as
provided in Official Code of Georgia Annotated § 36-22-1, et seq. And the
restriction will be enforced by the State of Georgia.

The purpose of this deed is to correct the Warranty Deed recorded in Deed
Book 3098, Pages 20-21, Clerk's Office, Houston Superior Court by adding the
above Georgia Greenspace Program Grant Award Program language.

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 warrants and will forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

David H. Walker

Witness

Lynn McKinley

Notary Public
J:\PROPERTY\INGRAM3.WD



Hervia M. Ingram

HERVIA M. INGRAM

(SEAL)

Catherine H. Ingram

CATHERINE H. INGRAM

(SEAL)

Return to:

Varner & Peacock, LLC
1719 Russell Parkway, Building 200
Warner Robins, Georgia 31088
478-922-3010
478-328-9911
File No. 23-16523 / DeJulio

-----Above this line for Official Use Only-----

STATE OF GEORGIA
COUNTY OF HOUSTON

EXECUTOR'S DEED UNDER POWER

THIS DEED, made this the 29th day of September, 2023, between **Hervia M. Ingram, Jr.**, as Executor under the Last Will and Testament of **Catherine H. Ingram**, deceased, of the State of Georgia, Houston County, as party or parties of the First Part, (hereinafter called "Grantor") and **Equity Trust Company Custodian FBO Tiberio DeJulio IRA**, of the State of Georgia, Fulton County, as party or parties of the Second Part, (hereinafter called "Grantees"); the words "grantor" and "grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That

A. **Hervia M. Ingram, Jr.** is the duly appointed Executor of the Estate of **Catherine H. Ingram**, deceased, who died a resident of Houston County, Georgia, on December 28, 2022. The appointment of the Executor was made by order of the Probate Court of Houston County, Georgia, on February 21, 2023. The Petition to Probate said Decedent's will in solemn form, together with the proceedings, order and letters testamentary issued therein, and a copy of said Decedent's Last Will and Testament, are of record in The Court of Probate of Houston County, Georgia.

B. The Executor executes this instrument to convey all right, title and interest of said Decedent in and to the property hereinafter described pursuant to the power and authority granted under Item V of said Decedent's will, and the Executor has not heretofore assented to the devise of said property under the terms and provisions of said Decedent's will.

C. All debts and obligations of said decedent and her estate including, but without limitation thereto, all federal and state income, estate and other taxes that could or might if unpaid constitute a lien against said Decedent's estate and the property hereinafter described, have been fully paid and discharged.

NOW THEREFORE, that the said Grantor, for and in consideration of the sum of **Three Hundred Ten Thousand Dollars & no cents (\$310,000.00)**, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, and pursuant to the power and authority granted to Grantor under said Decedent's will and applicable law, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said grantee, the following described property:

All that tract or parcel of land situate, lying and being in Land Lot 48 of the Tenth (10th) Land District of Houston County, Georgia, being known and designated as Lot 13, Block "B", Creekwood Estates Subdivision & a portion of the Whiddon Property, according to a "Survey for Hervia M. Ingram & Catherine Ingram", dated April 24, 1984, prepared by Richard L. Jones, G.R.L.S. No. 1591, a copy of which is of record in Plat Book 26, Page 284, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

ALSO CONVEYED HEREWITH:

All that tract or parcel of land situate, lying and being in Land Lot 48 of the Tenth (10th) Land District of Houston County, Georgia, being known and designated as Parcel "A", comprising 1.86 acres, more or less, according to a "Survey for Dewey N. Whiddon", dated April 24, 1984, prepared by Richard L. Jones, G.R.L.S. No. 1591, a copy of which is of record in Plat Book 26, Page 286, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

LESS AND EXCEPT:

All that tract or parcel of land situate, lying and being in Land Lot 48 of the Tenth (10th) Land District of Houston County, Georgia, being known and designated as Parcel "D", comprising 0.30 acre, more or less, according to a plat of survey being of record in Plat Book 63, Page 36, Clerk's Office, Houston Superior Court. Said plat and the record thereof are incorporated herein by reference for all purposes.

Said Less and Except property being the same property conveyed by Hervia M. Ingram and Catherine H. Ingram to City of Perry, Georgia by Warranty Deed dated July 28, 2004 and recorded in Deed Book 3098, Pages 20-21, aforesaid records, and that certain Corrective Warranty Deed between the parties, dated August 9, 2004 and recorded in Deed Book 3110, Pages 304-305, aforesaid records.

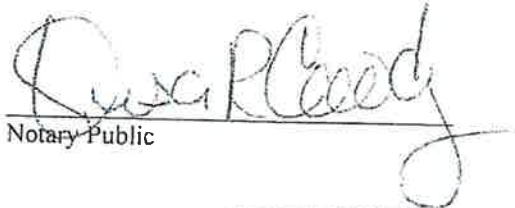
This conveyance and the warranties hereinafter contained are made subject to any and all restrictions, easements, covenants and rights-of-way affecting said described property.


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, his heirs and assigns, forever, in Fee Simple: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IN WITNESS WHEREOF, the said Grantor in his representative capacity has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in the presence of:


Witness


Notary Public

 (SEAL)
Hervia M. Ingram, Jr., as Executor under the Last
Will and Testament of Catherine H. Ingram

LISA R GOODY
NOTARY PUBLIC
Houston County
State of Georgia
My Comm. Expires December 16, 2023

