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STAFF REPORT

October 5, 2020

CASE NUMBER: RZNE-154-2020
APPLICANT: David Story
REQUEST: Rezone from R-3, Multi-Family Residential District, to R-Ag, Residential-Agricultural District
LOCATION: 96 Hay Road; Tax Map No. 0P0340 057000

ADJACENT ZONING/LANDUSES:

Subject Parcel: R-3, Multi-family Residential District; Single-family residence, horse stable
North: R-3 and GU, Government Use District; Single-family residence, Georgia National Fair and Agricenter
South: RAG, Residential Agricultural District (County); undeveloped
East: RAG (County); Single-family residences
West: RAG (County); Single-family residence and farmland

BACKGROUND INFORMATION: Recently the City received a complaint that the owner of the subject property was operating a horse boarding business. After investigation, the City determined that the owner is operating an equestrian center. This business type cannot be permitted in an R-3 zoning district. It may, however, be allowed in an R-Ag district.

The property owner has requested changing the zoning of the 43.99 acre parcel to R-Ag, Residential-Agricultural District. This district permits "Riding Stable/Academy" and "Other Agricultural Operations". The boarding of horses appears to be similar in scope and intensity of a riding stable.

STANDARDS GOVERNING ZONE CHANGES:

- 1. The suitability of the subject property for the zoned purposes.** Public water is available at the subject property. However, public sanitary sewer is not available. As such, the property cannot be developed at the density allowed in the R-3 district.
- 2. The extent to which the property values of the subject property are diminished by the particular zoning restrictions.** Property values are not diminished by the current zoning.
- 3. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public.** There is no destruction of property value.
- 4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.** Properties in the area surrounding the subject property consist of agricultural operations, large lot single-family home-sites, and undeveloped lands. It does not appear that limiting the individual property owner to high density residential uses is in the public interest.

5. **Whether the subject property has a reasonable economic use as currently zoned.** Because of the lack of sanitary sewer availability, the property cannot be developed with the residential density as currently zoned. In addition to his personal residence, the owner has established an equestrian center which seems to be a reasonable economic use of the property, given its location and size.
6. **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.** The single-family residence was constructed in 2015. Other buildings on the property were constructed in 2012. Other properties in the vicinity continue to be used for agricultural purposes or large-lot home sites.
7. **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 R-Ag zoning classification is consistent with the zoning of most all surrounding lands. The one parcel zoned R-3 to the north is approximately five acres in size, similar to other surrounding properties used for single-family residential. The operation of an equestrian center appears to be a suitable use of the property.
8. **Whether the proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property.** The proposed R-Ag should have no adverse effect on existing or future use of adjacent or nearby properties.
9. **Whether the zoning proposal is in conformity with the policies and intent of the land use plan.** The subject property is identified as an "Agricultural" character area in the 2017 Joint Comprehensive Plan Update. Suggested land uses include "agricultural/forestry". The proposed R-Ag district is consistent with the plan.
10. **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 residential density allowed in the R-Ag district is substantially less than that allowed in the R-3 district. Therefore, the proposed zoning classification will result in less potential impact on community facilities.
11. **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 does not appear to be any change of conditions effecting the use and development of surrounding properties. The application of the R-3 zoning district when the property was annexed in 2001 appears to have been an overly-optimistic designation.

STAFF RECOMMENDATION: Staff believes the R-Ag zoning classification is an appropriate designation for the subject property, and therefore, recommends approval of the request.

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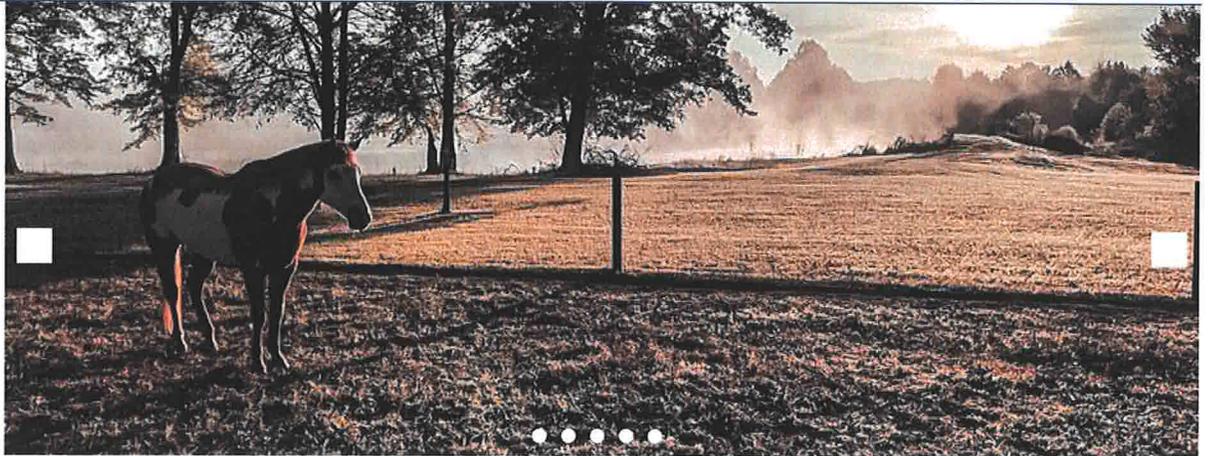
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96 Hay Road (2.68 mi)
Perry, GA 31069

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(478) 447-0794

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Application # RZNE-154-202

Application for Rezoning

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	DAVID STORY	DAVID STORY
*Title	OWNER	
*Address	96 HAY ROAD	
*Phone	478-447-0794	
*Email	David.Story.7361@gmail.com	

Property Information

*Street Address or Location	96 HAY ROAD
*Tax Map #(s)	LAND LOT 270 13TH LAND DISTRICT PARCEL D2-5A / JOZEIKO ROAD
*Legal Description	PLAT BOOK 76 PAGE 84 D2-5A-1

A. Provide a copy of the deed as recorded in the County Courthouse, or a metes and bounds description of the land if a deed is not available;
 B. Provide a survey plat of the property and/or a proposed site plan;
 C. For Annexation, a survey must be tied to the Georgia Planes Coordinate System.

Request

*Current Zoning District	R-3	*Proposed Zoning District	R-Ag
*Please describe the existing and proposed use of the property			
R-AG			

Instructions

- The application and fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
- Fees:
 - Residential - \$137.00 plus \$16.00/acre (maximum \$1,650.00)
 - Planned Development - \$158.00 plus \$16.00/acre (maximum \$2,900.00)
 - Commercial/Industrial - \$240.00 plus \$22.00/acre (maximum \$3,100.00)
- The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the rezoning). 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. The property must be posted at least 15 days prior to the scheduled hearing dates.
- An application for rezoning affecting the same parcel shall not be submitted more often than once every six months.
- 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, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No ___
 If yes, please complete and submit the attached Disclosure Form.

9. 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.

10. Signatures:

*Applicant DAVID STORY	*Date SEPT. 7 2020
*Property Owner/Authorized Agent <i>[Signature]</i>	*Date

Standards for Granting a Rezoning

1. Are there covenants and restrictions pertaining to the property which would preclude the uses permitted in the proposed zoning district?
2. Describe the existing land uses and zoning classifications of surrounding properties.
3. Describe the suitability of the subject property for use as currently zoned.
4. Describe the extent to which the value of the subject property is diminished by the current zoning designation.
5. Describe the extent to which the diminished property value promotes health, safety, morals, and general welfare of the public.
6. Describe the relative gain to the public compared to any hardship imposed on the property owner.
7. Describe how the subject property has no reasonable economic use as currently zoned.
8. How long has the subject property been vacant as currently zoned, considering development in the vicinity?
9. Describe how uses permitted in the proposed zoning district are compatible with the uses and development of surrounding properties.
10. Describe why the proposed zoning district will not adversely impact the use of surrounding properties.
11. Describe how the proposed zoning district is consistent with the Comprehensive Plan.
12. Describe how the proposed zoning district will not cause an excessive burden upon existing public facilities and services.
13. Describe any other existing or changing conditions affecting the use and development of the subject property which support approval of the requested zoning district.

Revised 7/17/20

For Office Use (receipt code 204.1)

Date received	Fee paid	Date deemed complete	Public Notice Sign	Legal Ad	County Notification
Notice to Applicant	Routed to PC	Date of PC	Date of Public Hearing	Date of Council action	Notice of action

David Story
96 Hay Road
Perry, Ga. 31069
478-447-0794

The following are list of answers to the Standards for Granting a Rezoning of said property.

1. There are no existing Covenants or Restrictions for the property other than Zoning that is being pursued at this time.
2. A. Emory Tiner at 2001 Elko Road Houston County RES/AG
B. Dennis Thomas at 2011 Elko Road Houston County RES/AG
C. Jonathon Breaux at 2023 Elko Road Houston County RES/AG
D. Lewis Ayer at 2031 Elko Road Houston County RES/AG
E. Seven Brannen Farms/Robin Loudermilk 116 Hay Road Houston County RES/AG
F. Evie Maglothin 100 Hay Road Houston County RES/AG
G. Kelynn Peavy 102 Hay Road Houston County RES/AG
H. Johnny Watkins 104 Hay Road Houston County RES/AG
I. Marie Mizell 106 Hay Road Houston County RES/AG
3. The property at 96 Hay Road is currently Residential, that consist of 43.99 Acres. Also includes a 4 1/2 Acre pond with a shop.
4. There's no loss of value of the property with its current use nor will there be. But the possibilities of the property reaching its full potential would be affected if not rezoned. This can be a source of income and a benefit to any Horse owner within the City of Perry or County just being minutes within their Horse.
5. The current value would not be diminished but could increase due to the need for a Horse Farm Facility which can promote Family Fun.

6. The gain for any Horse owner in Perry or the surrounding area would be helpful. If Zoning is permitted the Farm could be a positive for any citizen within Perry/County. The Farm could also benefit anyone visiting the AG Center as well.
7. The property could have large Economic growth, with Zoning changed to RES/AG.
8. The previous plan for the property was due to be developed for residential use. I purchased the property in 2012 and decided not to continue the Development, but instead make it my Homeplace.
9. All of the surrounding properties are located in the county with the exception of 96 Hay Road and 2029 Elko Road with I own. The only other property within the City of Perry is 98 Hay Road.
10. Several other properties adjacent to 96 Hay Road have livestock on them.
11. The Master Plan will be to have approximately 10 to 15 Horse Borders which will allow for Horse Riding and Family Fun.
12. There will be no Burden on any Public or Services.
13. The existing or change in conditions of the Zoning of the property are no different than its current use. This will allow the farm to offer services to Horse owners in the area.