

**STAFF REPORT**  
**Planning Commission Meeting: May 16, 2024**  
**City Council Meeting: June 3, 2024**

**Case:** RZ-2025-01

**Current Zoning:** RS- Single Family Residential

**Proposed Request:** Rezone property from RS (Single-Family Residential) to RT (Two-Family Residential District) to allow a two-family home/duplex in Ward 3.

**Staff Report Compiled By:** SaVaughn Irons-Kumassah, Principal Planner

**Staff Recommendation:** Defer to Mayor & Council to Rezone to RS (Single-family residential district) to RT (Two-Family Residential District).

**APPLICANT INFORMATION**

**Owner of Record:** Terrell Rental Properties, LLC  
**Address:** 449 Trousseau LN.  
**City/State:** McDonough, GA 30252

**Applicant:** Tony Terrell  
**Address:** 5116 Sargent St.  
**City/State:** Forest Park, GA 30297

**PROPERTY INFORMATION**

**Parcel Number:** 13080A E005  
**Address:** 5116 Sargent St.

**Acreage:** 0.208 +/-  
**FLU:** Low Density Residential

**SUMMARY & BACKGROUND**

The subject property is a residential dwelling located at 5116 Sargent Street, situated on approximately 0.208+/- acres at the southeast corner of South Avenue and Sargent Street in Ward 3. It is currently zoned RS (Single-Family Residential District) and, according to Clayton County property records, consists of a two-bedroom, one-bath, ranch-style single-family home measuring approximately 1,632 square feet. On March 6, 2024, the applicant submitted a plan check application with the stated scope of work described as "Complete renovation / Rebuild Deck." On March 11, 2024, Planning & Zoning reviewed and approved the application based solely on the deck rebuild, as no information was provided indicating a change of use or exterior structural remodel. The following day, March 12, 2024, the Building Official conducted its initial review of the building renovation plans and issued a denial letter. The denial cited insufficient detail to confirm compliance with the 2018 International Residential Code (IRC) R507 requirements for decks and requested full construction details, including footings, framing, stair attachments, railings, and electrical plans.

On March 22, 2024, the applicant submitted revised plans with an updated description of work: "Full renovation of property inside and out. Not extending or altering structure – rebuilding old deck." Because the zoning review had already been completed based on the original scope, the Building Division solely reviewed the resubmitted plans. The Building Official approved the plans and included a standard disclaimer on the approved plan set stating: *"Every effort has been made to identify code violations. Any oversight by the reviewer shall not be considered as authority to violate, set aside, cancel, or alter applicable codes and ordinances. The plan review and permit issuance shall not be considered a warranty or guarantee."*

Following the approval, construction was completed and inspections passed; however, it was during the final stages that the City identified the property had been converted into a two-family dwelling—a use not permitted in the RS zoning district. The applicant now seeks to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential District) to bring the use into compliance.

It is also noted that the Clayton County tax records continue to classify the property as a single-family ranch home. City records do not show any permits issued for structural additions, such as a second level or expanded square footage, which would typically be associated with a conversion to a two-family dwelling. Additionally, had the applicant disclosed a full interior and exterior remodel upfront with their initial submission on March 06, 2024, the project would have required review and approval by the City’s Mayor and council for the duplex/rezoning to RT and Urban Design Review Board (UDRB) for exterior alterations, which was not conducted.

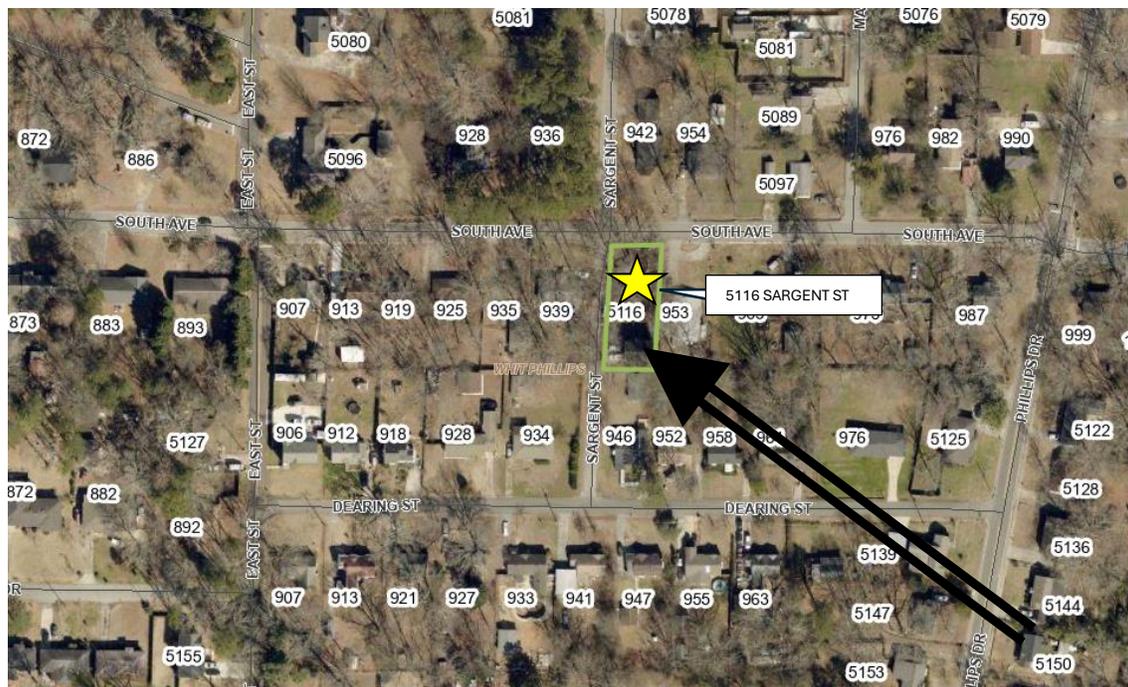
Per Section 8-8-28 of the zoning ordinance, the RS (Single-Family Residential District) district is intended to promote an average residential density of five (5) dwelling units per acre. The subject property, at 0.208+/- acres, is below the minimum size generally needed to accommodate two dwelling units while maintaining the intended density and character of the surrounding single-family neighborhood.

As such, the current request for rezoning aims to reconcile the built condition of the property with the City’s zoning regulations.

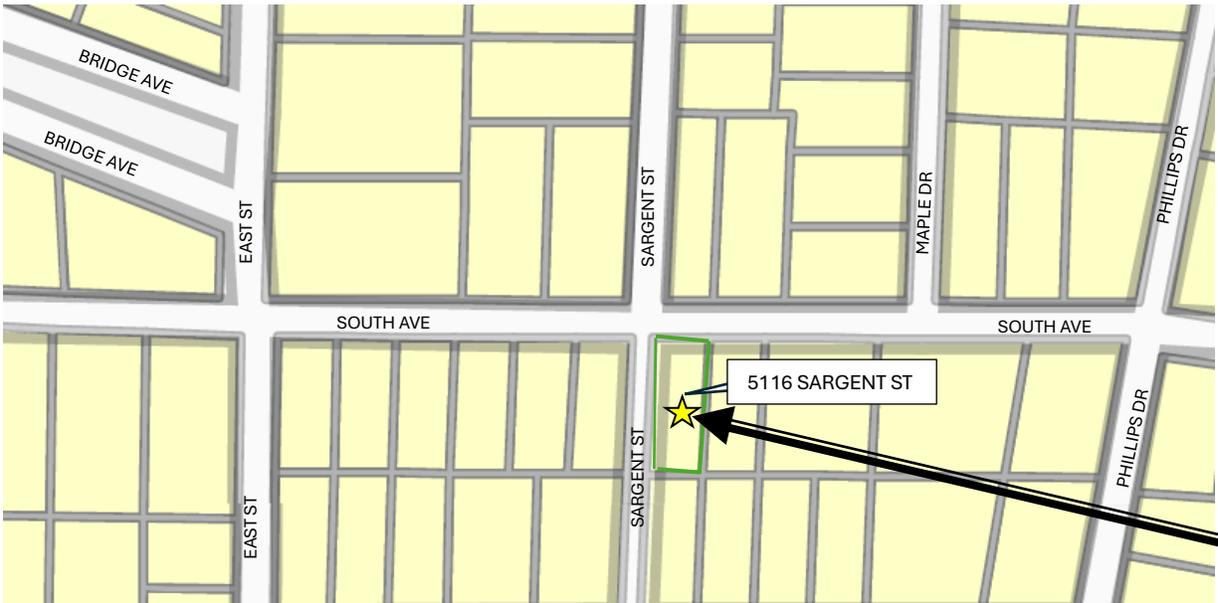
**ZONING CLASSIFICATION OF CONTIGUOUS PROPERTIES**

<b>North</b>	RS (Single-Family Residential)	<b>East</b>	RS (Single-Family Residential)
<b>South</b>	RS (Single-Family Residential)	<b>West</b>	RS (Single-Family Residential)

**AERIAL MAP**

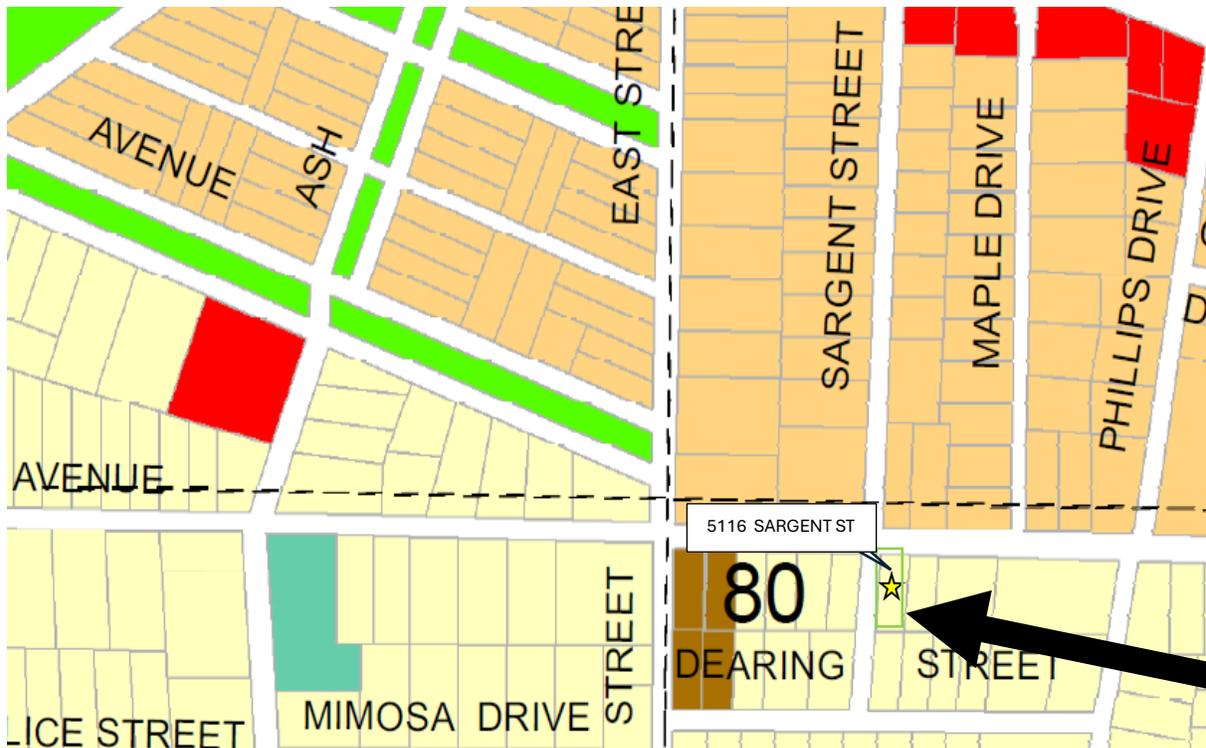


## ZONING MAP



**Current Zoning: RS (Single-Family Residential)**

## FUTURE LAND USE MAP



**Future Land Use: Low Density Residential**

**SITE PHOTOS**





**SURROUNDING PROPERTIES**



**Residential: Zoned RS (Single-Family Residential)  
(West of Parcel)**



**Residential: Zoned RS (Single-Family Residential)  
(East of Parcel)**



**Residential: Zoned RS (Single-Family Residential)  
(South of Parcel)**



**Residential: Zoned RS (Single-Family Residential)  
(North of Parcel)**





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## Impact Summary

Would the proposed amendment be consistent and compatible with the city's land use and development, plans, goals, and objectives?  **Yes**  **No** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) is not consistent or compatible with the City's adopted land use plans, zoning ordinance, or development goals. The property is designated for Low-Density Residential use, which supports single-family development and limits residential density. The introduction of a two-family dwelling on this lot would exceed the intended density, disrupt the surrounding single-family character, and conflict with the City's policy against spot zoning.*

Would the proposed amendment tend to increase, to decrease, or to have no impact on traffic safety and congestion in the streets?  **Increase**  **Decrease**  **No Impact** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could increase traffic in the area due to the addition of a second dwelling unit. While the property is located on a residential street, the introduction of a duplex may lead to higher vehicle volumes, potentially impacting on traffic safety and congestion, particularly on South Avenue and Sargent Street, which may not be designed to accommodate the increased traffic load.*

Would the proposed amendment tend to increase, to decrease, or to have no relationship to safety from fire and other dangers?  **Increase**  **Decrease**  **No Relationship** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) is unlikely to have a significant impact on safety from fire or other dangers, provided that the structure complies with all building and fire codes. However, the introduction of a second dwelling unit may increase the overall density and occupancy, which could slightly elevate risks in the event of an emergency, depending on the building's design, accessibility, and safety features.*

Would the proposed amendment tend to promote, to diminish, or to have no influence on the public health and general welfare of the city?  **Promote**  **Diminish**  **No Influence** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) may diminish the public health and general welfare of the city by introducing a duplex in an area designated for low-density, single-family housing. This change could alter the character of the neighborhood, potentially affecting the quality of life for existing residents. Additionally, the increased density may strain local infrastructure and public services, potentially impacting overall neighborhood stability and community well-being.*

Would the proposed amendment tend to increase, to decrease or to have no influence on the adequacy of light and air?  **Promote**  **Diminish**  **No Influence**

Would the proposed amendment tend to cause, to prevent, or to have no influence on the overcrowding of land?  **Cause**  **Prevent**  **No Influence** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could tend to cause overcrowding of land by allowing a higher-density residential use on a lot that is currently designated for single-family homes. The addition of a second dwelling unit on a 0.208± acre lot may not be consistent with the intended low-density development of the area, potentially leading to increased density and strain on available space.*

Would the proposed amendment tend to cause, to prevent, or to have no relationship on the population distribution within the city, thus creating any area as dense in population as to adversely affect the health, safety, and general welfare of the city?  **Cause**  **Prevent**  **No Influence** *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could tend to cause an increase in population density in the area. While the impact may be limited to this particular property, the introduction of a duplex in a low-density residential neighborhood could set a precedent for higher density in the surrounding area, potentially affecting the health, safety, and general welfare of the city if it leads to overcrowding or strain on infrastructure and services.*

Would the proposed amendment tend to impede, to facilitate, or to have no impact on the adequate provision of transportation, water, sewerage, other public services, utilities, or facilities?

**Impede**  **Facilitate**  **No Impact.** *The proposed amendment to rezone the property from RS (Single-Family*

*Residential) to RT (Two-Family Residential) could tend to impede the adequate provision of public services and utilities. The increase in residential density may place additional demand on local transportation, water, sewer, and other public services, which could strain the existing infrastructure, potentially affecting the quality and availability of services in the area.*

Would the proposed amendment tend to be compatible with environmental conditions in light of surrounding developments? If compatible, what factors, if any, would diminish the value, use and enjoyment of surrounding properties?  Yes  No *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) may not be fully compatible with the surrounding environmental conditions and development patterns. The surrounding area consists primarily of single-family homes, and the introduction of a duplex could alter the neighborhood's character. Factors such as increased density, potential strain on local infrastructure, and changes in the aesthetic appeal of the area could diminish the value, use, and enjoyment of neighboring properties.*

Would the proposed amendment tend to promote, to diminish, or to have no influence upon the aesthetic effect of existing and future uses of the property and the surrounding area?

Promote  Diminish  No Influence *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could diminish the aesthetic effect of the existing and future uses of the property and surrounding area. The introduction of a duplex may disrupt the prevailing single-family character of the neighborhood, potentially altering the visual cohesion and appeal of the area, particularly if the structure is not in harmony with existing architectural styles.*

Would the proposed amendment have measurable adverse economic effect on the value of surrounding or adjacent property?  Yes  No *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could have a measurable adverse economic effect on the value of surrounding or adjacent properties. The remodel of the property into a duplex, within a neighborhood of older homes built in the 1950s, may create a visual and aesthetic contrast. This change in use and potential exterior alterations could disrupt the architectural harmony of the area, potentially reducing the appeal of surrounding properties and affecting their market value.*

Would the proposed amendment create an isolated district, unrelated to adjacent and nearby districts?

Yes  No *The proposed amendment to rezone the property from RS (Single-Family Residential) to RT (Two-Family Residential) could create an isolated district that is not well-integrated with the adjacent and nearby single-family residential areas. The introduction of a duplex in a predominantly single-family neighborhood may result in a zoning change that disrupts the continuity of the surrounding district, potentially creating a distinct, isolated use that is inconsistent with the existing residential fabric of the area.*

### **Staff Review**

Public Works, Police and Fire did not conduct a review due to the structure being built and modified without full staff review. The Building Inspector is the only additional department staff to review.

### **Planning & Community Development Department**

Planning staff recognizes that the property is approximately 0.208 acres (9,065 square feet) and may limit its ability to accommodate the proposed two-family use under the current zoning. The request to rezone from RS (Single-Family Residential) to RT (Two-Family Residential) could result in a use that is inconsistent with the surrounding single-family residential district, especially given the property's size. The proposed rezoning may create an isolated district that does not align with the established pattern of low-density, single-family development in the area, disrupting the zoning continuity and potentially affecting the character of the neighborhood. If rezoning is approved, the current Two Family Residential (RT) zoning district requires the following minimum front, side, and rear setbacks:

Front: 25 ft.  
Side: 10 ft.  
Rear: 30 ft.

### **Staff Recommendation**

Staff has reviewed the applicant's request to rezone the property at 5116 Sargent Street from RS (Single-Family Residential) to RT (Two-Family Residential) to permit the continued use of the structure as a two-family dwelling. While the applicant has stated that the work was completed in good faith and in coordination with the City's permitting process, the current zoning designation, zoning ordinance (Section 8-8-28), future land use map, and surrounding neighborhood all support low-density, single-family residential development at an average of five (5) dwelling units per acre. The subject property, at approximately 0.208± acres, does not meet the intended density when proposed for two units and is located within a consistently RS-zoned area.

Additionally, the City's planning policies generally discourage spot zoning, which is the rezoning of individual parcels in a way that is inconsistent with the surrounding zoning pattern and long-term land use vision. Such practices can undermine the integrity of the zoning map and create compatibility challenges within stable residential neighborhoods.

Given these factors, staff finds that the proposed rezoning does not align with current zoning guidelines or the character of the surrounding area. However, in recognition of the unique permitting circumstances, staff defers the final decision to the Mayor and City Council for consideration and recommends that the body weigh this request carefully in light of applicable zoning regulations and future land use guidance.

### **Should the Mayor and Council choose to approve the request, staff recommends the following conditions be applied:**

1. Use Limitation: The property shall be limited to a maximum of two dwelling units and shall not be further subdivided or converted into any form of multi-family or short-term rental use.
2. Occupancy and Licensing: The applicant shall obtain all necessary occupancy permits, inspections, and business licensing (if applicable) prior to any residential use of the second unit.
3. Architectural Review Compliance: The applicant will be required to apply to the Urban Design Review Board for review and approval of the landscaping, exterior architectural design, and the building façade. Any future exterior modifications or additions shall require review and approval by the Urban Design Review Board (UDRB) to ensure compatibility with surrounding properties.
4. Tax Record Update: Should the rezoning be approved, the applicant would be required to coordinate with Clayton County to update the property classification and structure details in the official tax records to reflect its current two-family use and appropriate square footage.
5. Parking Compliance: The applicant shall ensure that adequate off-street parking is provided on site in accordance with the City's zoning ordinance.
6. Conformance with RT Zoning Standards: Approval of the rezoning from RS to RT shall require the applicant to comply with the requirements of Section 8-8-31: Two-Family Residential District (RT) Standards, including:
  - a. Based on the submitted site plan, the applicant must apply for a variance request to allow the reduction of the side yard setback from the required 10ft to 8.5ft for the left side of the home.

- b. Based on the submitted site plan, the applicant must apply for a variance request to allow the reduction of the rear yard setback from the required 30 ft to 5.2ft.
  - c. Each Unit proposed should have a parking capacity of two vehicles per unit.
- 7. Zoning Map Amendment: This approval shall apply solely to the property at 5116 Sargent Street and shall not be construed as precedent for similar requests in surrounding RS-zoned neighborhoods.