



CITY OF
FORESTPARK

City Council Agenda Item

Subject: Council Discussion and Decision on Case # RZ-2025-01- Rezoning Request for 5116 Sargent Street

Submitted By: SaVaughn Irons-Kumassah, Principal Planner, Planning & Community Development Department

Date Submitted: May 27, 2025

Work Session Date: June 02, 2025

Council Meeting Date: June 02, 2025

Background/History:

The subject property is a residential dwelling located at 5116 Sargent Street, at the southeast corner of South Avenue and Sargent Street in Ward 3. The property spans on approximately 0.208+/- acres and is currently zoned RS (Single-Family Residential District). According to Clayton County property records, the site contains a two-bedroom, one-bath, ranch-style single-family home. However, a visual inspection reveals that the structure now appears to be a two-story home, despite no recorded permits or documentation indicating that a second level was added. Surrounding properties to the north, south, east, and west are also zoned for single-family residential use and the applicant is requesting to rezone the property to RT (Two-Family Residential District) to permit the use of the home as a two-family dwelling (duplex).

In March 2024, the applicant submitted plans for a deck renovation, which were approved based on the stated scope. Revised plans later described a full property renovation, but no change of use was disclosed. After construction was completed and inspections passed, the Planning & Community Development Department discovered the property had been converted into a two-family dwelling—a use not allowed under the current RS zoning. The applicant is now requesting rezoning to RT to bring the property into compliance.

Planning staff has reviewed the request and notes that the property's limited size and its location within a well-established single-family residential area may not be suitable for two-family use. Rezoning to RT could create an inconsistency with the surrounding land use pattern, potentially disrupting the character and zoning continuity of the neighborhood. As such, staff finds that the proposed rezoning does not align with the intent of current zoning regulations or the broader vision for the area as outlined in the City's future land use plan. However, given the unique circumstances surrounding the permitting and construction process, staff defers to the Mayor and City Council for final determination and

recommends that this request be carefully evaluated in the context of applicable zoning standards, community impact, and long-term planning goals.

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.

Cost: N/A

Budgeted for: N/A Yes No

Financial Impact: N/A

Action Requested from Council: Deliberate and decide on Case #RZ-2025-01 — a request to rezone the property at 5116 Sargent Street from RS (Single-Family Residential) to RT (Two-Family Residential) to allow for the construction of a new two-family (duplex) dwelling.