

**CITY OF HAMPTON
STATE OF GEORGIA**

ORDINANCE NO. 2023-02

**AN ORDINANCE FOR THE PURPOSE OF GRANTING A CONDITIONAL USE TO PROPERTY
LOCATED IN THE CITY OF HAMPTON, GEORGIA; AND FOR OTHER PURPOSES.**

WHEREAS, Brenda Ledbetter (hereinafter referred to as "Applicant") requests a conditional use of an accessory apartment located at 10 North Avenue in the City of Hampton, Georgia, consisting of +/- 28,500 sf (0.65-acre), Parcel Identification No. H09-03016000, which shall be hereinafter referred to as the "Property" and is described in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, said property is currently zoned R-2 (Single-Family Residential District); and

WHEREAS, the Applicant has submitted an application (Case No. CU-23-01-23) requesting that the Mayor and City Council of the City of Hampton (hereinafter referred to as "City") grant a conditional use for the purpose of permitting an accessory apartment; and

WHEREAS, a public hearing on the application was conducted by the Mayor and Council on February 14, 2023 pursuant to O.C.G.A. § 33-66-1, et seq. and local ordinances at the Hampton City Hall; and

WHEREAS, the Mayor and Council considered the request, any and all alternate proposals or amendments, the report of Staff, and all data and evidence taken at the public hearing; and

WHEREAS, the Mayor and Council have considered the applicant's request for a conditional use thereto and the circumstances in light of those criteria for conditional use under Article XII. Section 12-5, et seq. of the Hampton Code of Ordinances, and find that the applicant's circumstances satisfy those criteria and, therefore, a conditional use is warranted.

NOW THEREFORE, IT IS HEREBY ORDAINED after a vote by the Mayor and Council of the City of Hampton that:

The Property shall hereby be **APPROVED** for a conditional use for the purpose of permitting an accessory apartment with the following **four (4)** conditions:

1. The property owner agrees that the property will remain residential in use. No commercial use is permitted.
2. The property owner agrees that no additional accessory uses are permitted including but not limited to accessory structure, guest quarters, home

occupation, small non-commercial kennel, parking of one unoccupied travel trailer, motor coach, or pleasure boat, and recreation, amenity area, or fitness facility for residents.

3. The property owner agrees that the primary residence and detached accessory apartment shall not be used for congregate housing.
4. The property owner agrees to live on site for a minimum of eight (8) months annually and all other provision as required by City of Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-21. Accessory Uses and Structures.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Hampton.

Section 4. This Ordinance shall take effect immediately upon its adoption. All Ordinances in conflict herewith are expressly repealed. It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Hampton, Georgia, and the sections of this Ordinance may be renumbered, if necessary, to accomplish such intention.

Section 5.

- a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable, and constitutional.
- b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause and phrase of this Ordinance is severable from every other, section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or Section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or Sections of the Ordinance and that, to the greatest extent

allowed by law, all remaining phrases, clauses, sentences, paragraphs and Sections of the Article shall remain valid, constitutional, enforceable, and of full force and effect.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7.

The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

SO ORDAINED, this 14th day of March, 2023.

CITY OF HAMPTON, GEORGIA



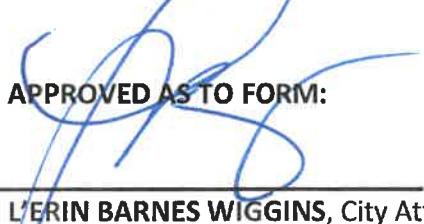
ANN N. TARPLEY, Mayor

ATTEST:



RASHIDA FAIRLEY, City Clerk

APPROVED AS TO FORM:



L'ERIN BARNES WIGGINS, City Attorney

First Reading: 02/14/2023

Second Reading/ 03/14/2023

Exhibit 'A'

BK: 16137 PG: 90

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 144 of the 3rd Land District of Henry County, Georgia, being Lot 3 of the Ben H. Maddox Subdivision according to plat of survey dated December 1957 by Griffin Eng. & Mfg. Co., recorded in Plat Book 2, Page 174 in Clerk's Office of Henry County Records, and more particularly described as follows:

Beginning at a point on East side of North Avenue 558.87 feet North of McDonough Road, said point being the Southwest corner of Lot 3 of said Subdivision, running thence along East side of North Avenue Northerly 100 feet to iron pin; thence Easterly 285.7 feet to an iron pin; thence Southerly 100 feet to an iron pin; thence Westerly 287.9 feet to the point of beginning.

Said land is bounded on North by land of F.E. Prow; East by land of Mrs. C.M. Turner; South by land of Elbert Moore; and West by North Avenue.



Application to Amend the Official Zoning Map of the City of Hampton Evaluation Report City of Hampton, Georgia

REZONING CASE NO.

Ledbetter (CU-23-01-23)

City Council: Ann N. Tarpley, Mayor
Marty Meeks, Mayor Pro Tem
Sheila Barlow
Henry Byrd
Devlin Cleveland
Mary Ann Mitcham
Willie Turner

Report prepared by: Lucas Carter / Planner I; Wanda D. Moore / Director of Community Development

Applicant: Brenda S. Ledbetter
10 North Avenue
Hampton, GA 30228
(678) 480-2663

Location: 10 North Avenue
Hampton, GA 30228

Request: Convert detached garage into accessory apartment

Parcel ID: H09-03016000

Proposed Use: Accessory Apartment <750 sq ft.

Current Land Use: R-2 (Single-Family Residential District)

Future Land Use: R-2 (Single-Family Residential District)

Property Posted: January 9th, 2023

Legal Ad: January 7th, 2023 (*Henry Herald*)

Public Hearing: February 14th, 2023

Property Area: +/- 31,645 sq. ft. (0.73 acres) (*Henry County Tax Assessor*)

Road Access: North Avenue

Zoning History: According to the Official Zoning Map, the property is zoned R-2 (Single-Family Residential). Staff is not aware of any prior approved zoning actions for the subject property.

Table 1.0 Illustrates the current zoning and land use(s) of adjacent properties:

Position	Current Zoning	Current Land Use
North	R-2	Single-Family Residential
South	R-2	Single-Family Residential
East	R-2	Single-Family Residential
West	R-2	Single-Family Residential

*Denotes City of Hampton zoning classifications, property is in the City of Hampton



Summation: The subject property address is 10 North Avenue. The property is currently zoned R-2 and consists of approximately 28,500 sq ft. (0.65-acre) The property consists of one main residence, a detached garage and utility shed. Adjacent uses include single family residential to the east, west, north & south.

The applicant is requesting a conditional use permit to allow an existing detached garage to be used as an accessory apartment. The property has approximately 100' of road frontage along North Avenue. The site consists of a single-family residential home with paved driveway and a detached garage. The paved driveway to the detached garage is +/- 115 in length providing adequate parking area for the proposed apartment. The house and the detached garage is in compliance with current R-2 zoning regulations.

The City of Hampton Code of Ordinances defines accessory apartment as,

"A dwelling unit within, or on the same lot as, a single-family dwelling. It is an independent dwelling unit, but it may share an entrance, yard, and parking with the principal unit".

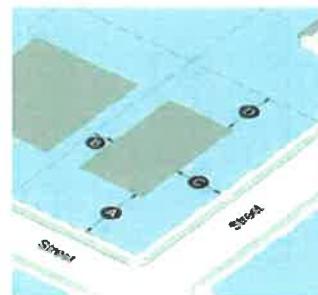
Accessory apartments, guest quarters, and garages must comply with the setback requirements of the district in which they are located. [Appendix A. Article 3. Sec. 3-10 (F)] The proposed conditional use is in adherence with R-2 setback requirements.

- A. Purpose. It is the intent of this district to provide for single-family dwellings of a moderate density character on individual lots.
- B. Lot standards:

Lots		
A	Minimum lot area	21,780 sq. ft.*
B	Minimum lot width	125 feet



Minimum Setbacks		
A	Front	40 feet
B	Side	15 feet
C	Side street	30 feet
D	Rear	40 feet



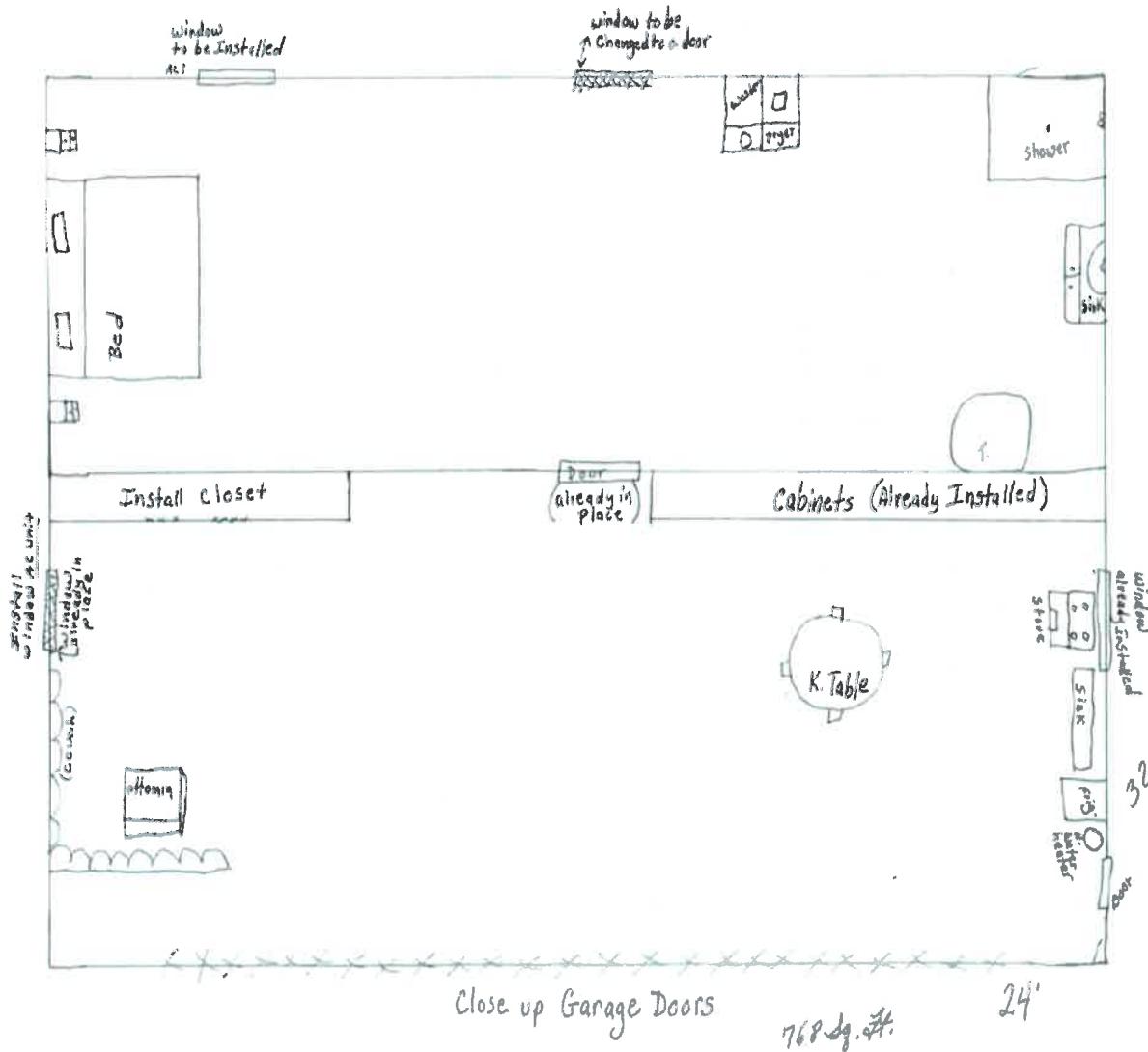
The owner is required to develop the site in accordance with Appendix A. Article 3. Sec. 3-21 (E) which states:

Accessory apartments shall not exceed 750 square feet in floor area except where limited by subsection (J) or where increased as a conditional use, subject to the requirements of Section 12-5. The property owner must occupy either the principal dwelling unit or the accessory apartment as their permanent residence for at least 8 months out of each year, and at no time shall receive rent for the owner-occupied unit.

Development Regulations Relevant to Request:

- Article XII. Sec. 12-5. – Conditional Uses.
- Article V. Sec. 5-3. – R-2 (Single-Family Residential District)
- Article III. Sec. 3-21. - Accessory Uses & Structures

Should the applicant's request be approved, the owner is required to develop the site in accordance with all provisions in the Hampton Code of Ordinances including building regulations and requirements. The applicant supplied a floor plan of the proposed interior build out of the existing garage. The applicant is not proposing to extend to exterior of the garage. See attached floor plan (Not to scale).

**Exhibit: Site Plans**

(Not to scale)

Analysis of Request (Section 12-5. – Conditional Uses. Item C.1-7):

Criteria Point 1: A report and recommendation has been submitted by the City of Hampton's Community Development Department.

The City of Hampton Community Development Department has prepared the staff report and submitted recommendations to Mayor and Council for consideration for Conditional Use Application CU-23-01-23.

Criteria Point 2: All specific requirements of Appendix A. Article 12. Conditional Uses relative to consideration of a conditional use have been met.

Specific requirements relative to Appendix A. Article 12. Conditional Uses are met for City of Hampton Conditional Use Application CU-23-01-23.

Criteria Point 3: The proposed shall not cause traffic congestion or conditions that will adversely affect other nearby properties.

The subject property is located at 10 North Avenue (Local Road) and currently exists as a single-family residential use. The proposed use is for an accessory apartment with one bedroom and bath. There is adequate off-road and onsite parking for the apartment as the length of the drive is +/- 115'; which would accommodate 6 cars parked end to end. The proposed accessory use shall be limited for the use described, other accessory or commercial uses are prohibited. The garage improvements are interior and will not adversely affect adjacent properties.

Criteria Point 4: The physical conditions of the site, including topography, drainage and size and shape suitable for the proposed use.

The property is currently developed as a single-family residential property with a detached garage structure. The site setbacks are met and the structures, both house and garage, are compliant with R-2 standards. There are no apparent drainage issues. The current impervious area will not be increased so the current topography and drainage patterns will remain as is. The physical conditions of the site are suitable for the proposed use.

Criteria Point 5: The adequacy and availability of public infrastructure (water, sewer, roads, etc.) to serve the site.

The subject property has frontage along North Avenue (Local Road). Site is served by city water, sewer, and electricity. Building improvements will require submittal of building plans including HVAC, Electrical, and Plumbing permits. All are required to be prepared in accordance with City of Hampton code requirements and current IBC (International Building Code). Plan submittals and building inspections are reviewed by the city's consultant.

Criteria Point 6: Any agreed upon specific conditions by the applicant that will enhance his/her request.

The applicant has not requested additional conditions for the proposed use.

Criteria Point 7: The request further or support the goals and objectives of the Future Land Use Plan (FLUP), protect the public interest, and assure the continued beneficial use of nearby properties.

The city's comprehensive plan notes the need to have a variety of housing options for all stages of life and incomes. The proposed accessory apartment supports this goal as this type of housing is appropriate for an individual that lives alone and is supported by a single income.

As proposed, the accessory apartment should not be unduly detrimental to nearby residential uses.

Planning staff recommends **Approval** of the requested conditional use with the following four (4) conditions:

1. The property owner agrees that the property will remain residential in use. No commercial use is permitted.
2. The property owner agrees that no additional accessory uses are permitted including but not limited to accessory structure, guest quarters, home occupation, small non-commercial kennel, parking of one unoccupied travel trailer, motor coach, or pleasure boat, and recreation, amenity area, or fitness facility for residents.
3. The property owner agrees that the primary residence and detached accessory apartment shall not be used for congregate housing.
4. The property owner agrees to live on site for a minimum of eight (8) months annually and all other provision as required by City of Hampton Code of Ordinances. Appendix A. Article 3. Sec. 3-21. Accessory Uses and Structures.

Attachments:

- Application
- Legal Ad
- Sign Posting
- Site Photos



THE CITY OF HAMPTON
17 E. Main Street South
P.O. Box 400
Hampton, GA 30228
(770) 946-4306



CONDITIONAL USE
PERMIT APPLICATION
THE CITY OF HAMPTON
(Pursuant to Appendix A: Zoning,
Article 12, Section 12-5)

Name of Applicant: Brenda S. Ledbetter Tel: [REDACTED]
Mailing Address: 10 North Ave. Email: [REDACTED] .com (Brenda)
Name of Property Owner: Brenda S. Ledbetter Tel: [REDACTED] .com
(Attach additional page for more than one owner)
Address of Property: 10 North Avenue Tax Parcel No: H09-03016000

Zoning Classification: Current: R-2 Requested: _____

Use of Property: Current: _____ Requested: _____

Surrounding Zoning North R-2 South R-2 East R-2 West R-2

Describe the proposed use and the impact the use may have within the immediate/surrounding neighborhood(s) and Hampton city-wide.

make an apartment out of garage for daughter's husband. Plenty of parking. 1/2 acre lot. Needed for future assistance from daughter.

✓ ATTACH THE FOLLOWING DOCUMENTS:

- ✓ 1. Written legal description of the property (copy of deed) – full metes and bounds description rather than plat reference.
- ✓ 2. Plat showing property lines and lengths and bearings, adjoining streets, locations of existing buildings, north arrow and scale. Submit seven copies of the plat. Submit on PDF of the plat.
- ✓ 3. List of adjacent property owners
- 4. Disclosure of Campaign Contributions and Gifts Form.
- 5. If Property Owner and Applicant are not the same, Authorization by Property Owner Form or Authorization of Attorney Form.
- ✓ 6. Filing fee payable to the City of Hampton.
- ✓ 7. Letter of Intent, conceptual plan

I hereby authorize the staff of City of Hampton to inspect the premises of the above described property. I hereby depose and say that all statements herein and attached statements submitted are true and correct to the best of my knowledge and belief.

Sworn to subscribe before me
This 3rd day of January 2023.

Notary Public

Brenda S. Ledbetter
3/16/23

Brenda S. Ledbetter

Signature of Applicant

RECEIVED
3/3/2003

Planning Department Review:

Date of Review: _____

Staff's Recommendation: _____

Conditions: _____

Mayor and Council of the City of Hampton:

Date of Hearing: _____

Council's Decision _____

Conditions required: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 3, 2023, to rezone real property described as follows:



Within two years preceding the above filing date, the Applicant has made campaign contributions aggregating \$250.00 or more to each member of the City Council of the City of Hampton who will consider the Application and is listed below. List (1) the name and official position of the local government official and (2) the dollar amount, description, and date of each such campaign contribution.

NA

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

Leonda S. Ledbetter

Signature of Applicant

Sworn to and subscribed before me

This 30 day of January 2023.

Leonda S. Ledbetter
Notary Public
3/4/23

DISCLOSURE OF FINANCIAL INTERESTS

(Required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Reference: Application filed on January 3, 2023, to rezone real property described as follows:

N/A

The undersigned official of the City of Hampton has a property interest (Note 1) in said property as follows:

N/A

The undersigned official of the City of Hampton has a financial interest (Note 2) in a business entity (Note 3) which has a property interest in said property, which financial interest is as follows:

N/A

The undersigned official of the City of Hampton has a member of the family (Note 4) having a property interest in said property of a financial interest in a business entity in said property, which family member and property interest or financial interest are as follows:

Note 1: Property interests – Direct ownership of real property, including and percentage of ownership less than total ownership.

Note 2: Financial interest – All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is 10 percent (10%) or more.

Note 3: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

Note 4: Member of family – Spouse, mother, father, brother, sister, son or daughter.

I hereby depose and say that all statements herein are true, correct and complete to the best of my knowledge and belief.

X

Brenda S. Ledbetter

Signature of Applicant

Sworn to and subscribed before me

This 30 day of January 2023.

Brenda S. Ledbetter
Notary Public

31623

AUTHORIZATION OF PROPERTY OWNER

Application for Rezoning or Variance

RECEIVED
HENRY COUNTY, GA
MAY 13 2023

I swear that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Henry County, Georgia.

I authorize the person named below to act as Applicant in the pursuit of rezoning or a variance of this property.

Name of Applicant

Brenda S. Ledbetter

Address

10 North Ave., Hampton, Ga 30228

Telephone No.

(Cell)

Home

✗

Brenda S. Ledbetter

Signature of Owner

Personally, appeared before me

Brenda S. Ledbetter

Who swears the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

Notary Public

1/3/2023

AUTHORIZATION OF ATTORNEY
Application of Rezoning or Variance

RECEIVED
16-3-2003

I swear that as an attorney at law, I have been authorized by the owner to file the attached application.

n/a

Signature of Attorney

Name

Address

City

State

Zip Code

Telephone Number

JONESBORO GROUP
TJI D/B/A GRAY PUBLISHING
PO BOX 1286
LAWRENCEVILLE GA 30046
(770) 963-9205

ORDER CONFIRMATION

Salesperson: DAWN WARD

Printed at 01/04/23 12:04 by dward-lv

Acct #: 132095

Ad #: 91623

Status: New

CITY OF HAMPTON
PO BOX 400
HAMPTON GA 30228

Start: 01/07/2023 Stop: 01/07/2023
Times Ord: 1 Times Run: ***
LGL 1.00 X 30.00 Words: 200
Total LGL 30.00
Class: 0928 PUBLIC HEARING/NOTICE
Rate: L928 Cost: 20.00
Ad Descrpt: PUBLIC HEARING 2/14/2023
Descr Cont: PUBLIC HEARING CITY OF HA
Given by: LUCAS CARTER
P.O. #:
Created: dward 01/04/23 12:01
Last Changed: dward 01/04/23 12:03

Contact: KKADAKIA@HAMPTONGA.GOV
Phone: (770) 946-4306
Fax#:
Email: rfairley@hamptonga.gov
Agency:

PUB ZONE EDT TP RUN DATES
HDH A 95 S 01/07
HINT A 102 S 01/07

AUTHORIZATION

Under this agreement rates are subject to change with 30 days notice. In the event of a cancellation before schedule completion, I understand that the rate charged will be based upon the rate for the number of insertions used.

Name (print or type)

Name (signature)

Public Hearing
City of Hampton Mayor
and City Council
February 14, 2023
6:00 p.m.

Notice is hereby given that the City of Hampton Mayor and City Council will hold a Public Hearing on February 14th at 6:00 p.m. at Hampton City Hall located at 17 East Main Street, Hampton, Georgia for the following purpose:

To hear from the public on the property owner's request (Brenda Ledbetter) for a conditional use permit for property located at 10 North Avenue and zoned R-2 (Single-family Residential) to allow for standalone garage to be converted into accessory apartment in accordance to Article 3, Sec. 3-21. E. (Parcel ID No. H09-03016000) Hampton, GA 30228.
91623-1/7/2023



Property Sign Posting: 10 North Avenue



View of front yard and house elevation. Note separate drive for garage behind home, left side of the property. Flat site w/ large trees in rear yard.



View of existing garage. Proposed accessory apartment. Driveway to garage is separate, +/- 115' in length, and is not a shared drive with the house.

Site Photos: 10 North Avenue

