

**Action Requested/Required:**

- ☐ Vote/Action Requested
☒ Discussion or Presentation Only
☐ Public Hearing
Report Date: 10/9/24
Hearing Date: 11/7/24
Voting Date: 11/21/24

Department: Community Development **Presenter(s) & Title:** Steve Green, Zoning Administrator

Agenda Item Title:

CUP2407-011 - 570 East Main Street - Request to convert existing structure into a three unit living facility

Summary:

The applicant seeks to convert an existing building into a three living unit structure. Currently the first floor is used as office space and the lower level contains two separate living units. The CUP is required due to the proposed use having three separate units

Budget Implications:

Budgeted? ☐ Yes ☐ No ☒ N/A

Total Cost of Project: Check if Estimated ☐

Fund Source: General Fund ☐ Water & Sewer ☐ Sales Tax ☐ Other:

Staff Recommendations:

Staff recommendation(s) will be presented after the public hearing.

Reviews:

Has this been reviewed by Management and Legal Counsel, if required? ☐ Yes ☐ No

Attachments:

Staff Report
Application



Land Use Petition: CUP2407-011

Date of Staff Report Preparation: 10/9/24

Mayor and City Council Public Hearing Date: 11/7/24

Project Name/Applicant: Jamie Foreman

Property Location: 570 East Main Stret

Parcel ID: 91N22 037

District/Land Lot: LL 195, 14th District

Acreage: .41 acres

Existing Zoning District: CBD

Existing Land Use: Office on top floor, 2 apartments on the bottom floor

Future Development Map Designation: Historic/Traditional Neighborhood - Stable

Proposed Development: A three unit residential structure

District Standards:

___ Zoning District Standards (Primary Street)			
Impervious Surface (max.)	N/A	Front Yard Setback (min.)	N/A
Open Space (min.)	N/A	Side Yard Setback (min.)	N/A
Building Height (max.)	N/A	Rear Yard Setback (min.)	N/A
Building Height (min.)	N/A	Buffer Planting (min.)	N/A
Zoning Buffer	N/A	Overlay Zone	N/A

Surrounding Land Uses and Zoning:

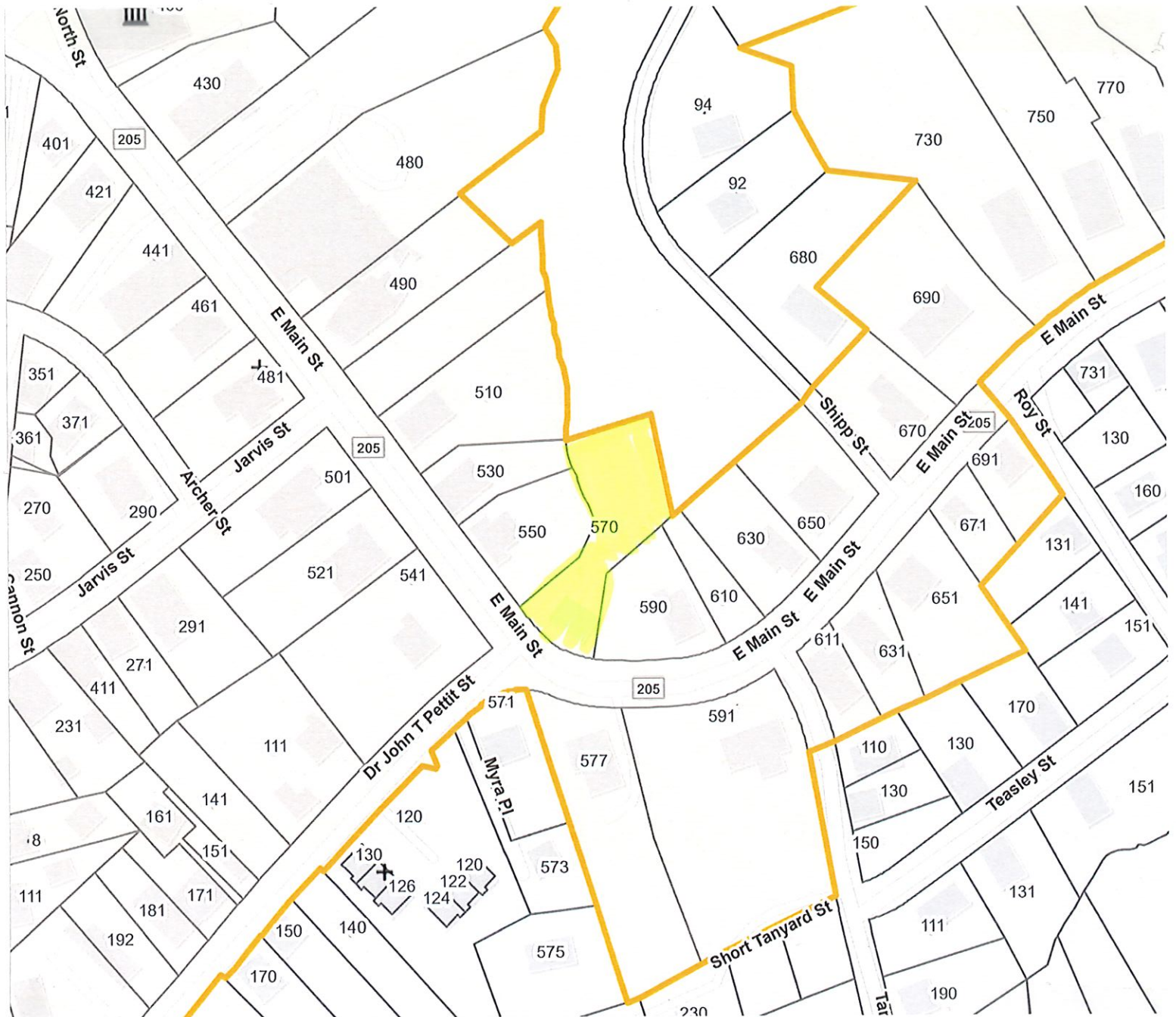
North – Vacant/wooded, SU

South – Commercial/Office, CBD

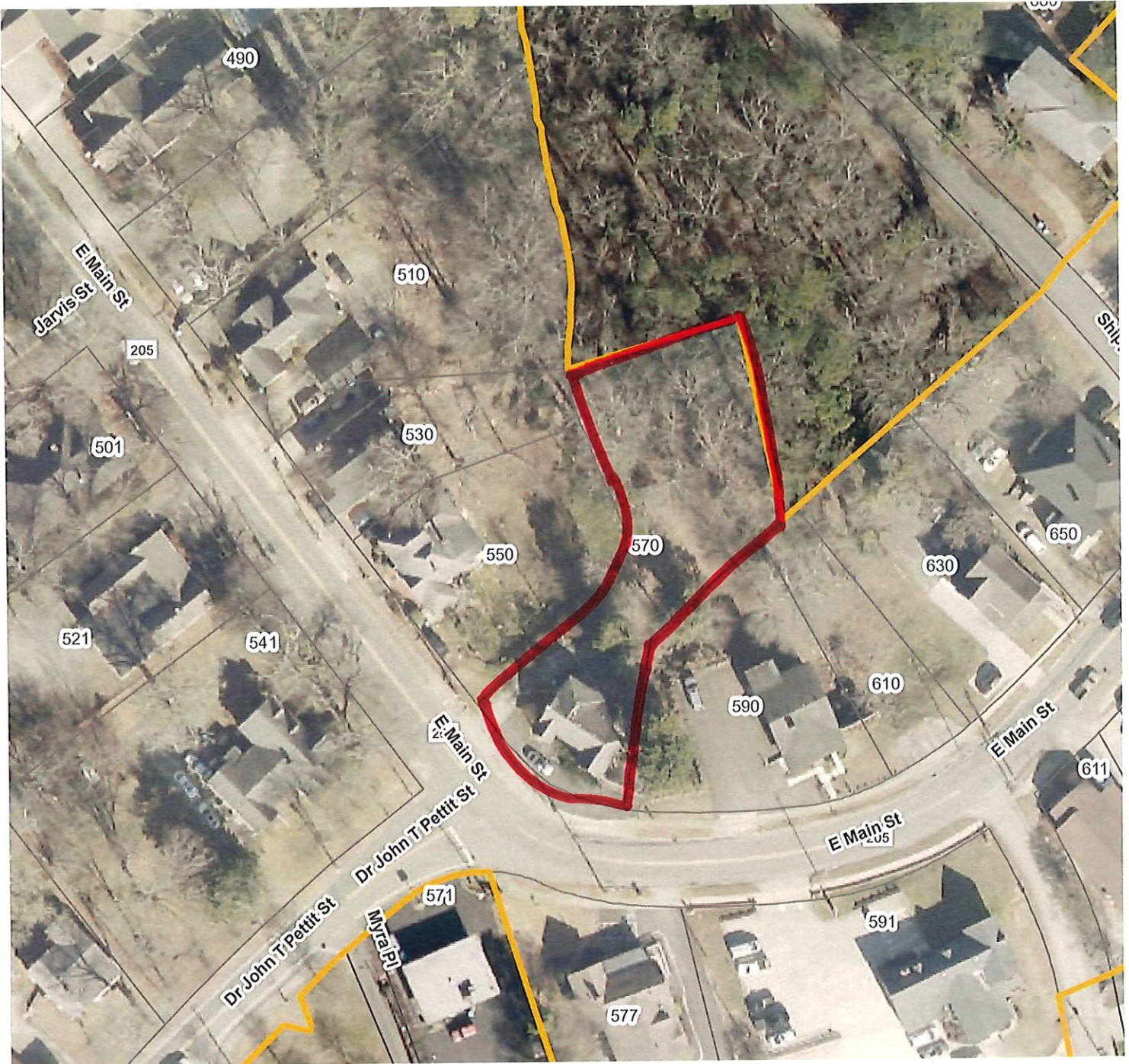
East – Office, CBD

West – Single family home, CBD

Location Map



Existing Land Use Map





Future Development Map





Site History: The property was originally a single family home. Over the years the first floor has been used as an office and the basement level has been converted into two living units

CRITERIA TO BE APPLIED – LAND USE PETITION (REZONING)

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; **N/A**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **N/A**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **N/A**
4. 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; **N/A**
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map;
6. 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. **N/A**
7. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources. **N/A**
8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Areas, and any Overlay Districts. **N/A**

CRITERIA TO BE APPLIED – CONDITIONAL USE PERMIT



- a. **Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the City;** The proposed use is consistent with the comprehensive plan.
- b. **Whether the proposed use complies with the requirements of this zoning ordinance;** The proposed use is allowed in the CBD zoning district with a Conditional Use Permit.
- c. **Whether public services, public facilities and utilities are adequate to serve the proposed use;** Public services, facilities and utilities are adequate to the structure.
- d. **Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:**
 - 1. **Noise, smoke, order, dust or vibration generated by the proposed use;** No
 - 2. **Hours or manner of operation of the proposed use;** No and
 - 3. **Traffic volumes generated by the proposed use;** No
- e. **Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;** There are currently numerous residential structures in the immediate area.
- f. **Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character areas, and all applicable zoning ordinance regulations;** Yes and
- g. **Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.** Yes



DEPARTMENT COMMENTS

BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:

- SAFETY SERVICES:

Conditions for Consideration

COMMUNITY DEVELOPMENT

Conditions for Consideration

DEVELOPMENT SERVICES

Conditions for Consideration

POLICE DEPARTMENT

Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration



UTILITY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

Conditions for Consideration

CHEROKEE COUNTY (AS NEEDED)

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

Conditions for Consideration

CHEROKEE COUNTY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY FIRE MARSHAL

Conditions for Consideration

STAFF CONDITIONS FOR CONSIDERATION



Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

CUP2407-011

Public Hearing Application

Project # _____

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State N/A, where Not Applicable
2. Please make your check payable to "City of Canton."
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. I, Jamie Foreman, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, Jamie Foreman, have received and thoroughly read the Public Hearing Procedures.

This 25 day of September, 2024.
Applicant: Jamie Foreman Print Name: Jamie Foreman

Applicant Information:

Name: Jamie Foreman
Address: 641 Longview Dr
City: Canton
State: GA Zip Code: 30114
Telephone: 404-798-4279
Fax Number: _____
Email Address: menagericorname@gmail.com

Owner Information:

Name: Sue Foster
Address: 113 Whitney Lake Rd
City: Hawley
State: PA Zip Code: 18428
Telephone: 724-433-1438
Fax Number: _____
Email Address: sstephanfoster@gmail.com

This Application For (Check Only One):

- ☐ A Annexation
- ☐ B Rezoning
- ☐ C Master Plans
- ☐ D Master Plan Revisions
- ☒ E Conditional Use Permit
- ☐ F Land Use Modification
- ☐ G Zoning Condition Amendment
- ☐ H Density Transfer within Master Plan

- ☐ I Temporary Use Permit
- ☐ J Zoning Ordinance Text Amendment
- ☐ K Variance : Pre-Construction
- ☐ K Variance : Post-Construction
- ☐ Appeal
- ☐ Adjustment
- ☐ Special Exception

Fee Schedule:

Application Type _____
Base Fee _____ + (#Acres _____ x \$25.00 = _____) = _____
+ (#Acres _____ x \$50.00 = _____) = _____
Advertising Fee _____

Staff Use Only

Amount Due: _____
Amount Due: _____
Total Fee: _____

Received By: _____

Date: _____

Amount Paid: _____

CANTON
Community Development Department
110 Academy Street, Canton, Georgia 30114
770-794-1500

Authorization Of Property Owner

This form is to be executed under oath. I, Susan Foster, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 22nd day of July, 20 24.

Owner Signature: Susan Foster Print Name: SUSAN FOSTER

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

- | | |
|--|--|
| ☐ A Annexation | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☒ E Conditional Use Permit | ☐ K Variance |
| ☐ F Land Use Modification | |

Sworn To and Subscribed Before Me This 22nd Day Of July, 20 24.

Notary Signature: Zoe Olway

Commonwealth of Pennsylvania - Notary Seal
Zoe A. Olway, Notary Public
Pike County
My commission expires April 4, 2027
Commission number 1434179
Member, Pennsylvania Association of Notaries



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Authorization Of Applicant

This form is to be executed under oath. I, Susan Foster, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 22nd day of July, 20 24.

Owner Signature: Susan Foster Print Name: SUSAN FOSTER

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

- | | |
|--|--|
| ☐ A Annexation | ☐ G Zoning Condition Amendment |
| ☐ B Rezoning | ☐ H Density Transfer within Master Plan |
| ☐ C Master Plans | ☐ I Temporary Use Permit |
| ☐ D Master Plan Revisions | ☐ J Zoning Ordinance Text Amendment |
| ☒ E Conditional Use Permit | ☐ K Variance |
| ☐ F Land Use Modification | |

Name of Authorized Applicant: JAMIE FOREMAN

Signature: Jamie Foreman

Mailing Address: 641 Longview Drive

City: Canton

State: GA Zip Code: 30114

Telephone: 404-798-4279

Fax Number: _____

E-mail: menagerie.mman@gmail.com

Applicant Status:

- ☐ Owner
☐ Option to Purchase
☐ Leasee
☒ Area Resident

☒ Other (Explain): property manager
owner's daughter

This Authorization of Applicant Form has been completed and the property owner's signature is Sworn To and Subscribed Before Me This 22nd Day Of July, 20 24

Notary Signature: Zoe Stacey

Commonwealth of Pennsylvania - Notary Seal
Zoe A. Otway, Notary Public
Pike County
My commission expires April 4, 2027
Commission number 1434179
Member, Pennsylvania Association of Notaries



Community Development Department
110 Academy Street, Canton, Georgia 30114
770-704-1500

Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Community Development.

1. Name of Applicant/Opponent: Jamie Foreman

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Planning Commission or the City of Canton Mayor and Council?
☐ YES ☒ NO
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?
☐ YES ☒ NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
☐ YES ☒ NO
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
☐ YES ☒ NO

Section 2

1. Name and the official position of the Canton Official to whom the campaign contribution was made *(Please use a separate form for each official to whom a contribution has been made in the past (2) years):*

2. List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

Description

\$	
\$	
\$	

Note: Complete a separate form for each authorized applicant.



Community Development Department
110 Academy Street, Canton, Georgia 30114
770-704-1500

Property Information:

Address: 570 East Main Street Canton GA 30114
Land Lot(s): 0195 District: 14 Section: _____ Map #: _____ Parcel #: 91N22037
Existing Zoning Of Property: GC ☒ City ☐ County Total Acreage Of Property: .42 acres
Proposed Zoning Of Property: R Existing Use(s) Of Property: Vacant
Directions to property from Main Street in downtown Canton:
This property is on East Main Street

Adjacent Property/Owner Information: Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	<u>OWNER NAME/ADDRESS</u>	<u>CURRENT ZONING</u>	<u>CURRENT LAND USE</u>
NORTH	<u>City of Canton N/A</u>	<u>R-20</u>	<u>vacant</u>
SOUTH	<u>Douglas Williams 571 E Main St</u>	<u>CBD</u>	<u>business</u>
EAST	<u>Johnson Hoxkins Law LLC 590 E. Main St</u>	<u>CBD</u>	<u>business</u>
WEST	<u>Elmer Martinez 555 E. Main St</u>	<u>CBD</u>	<u>residence</u>
OTHER	_____	_____	_____

UTILITY INFORMATION

How is sewage from this development to be managed? City of Canton
Proposed managing jurisdiction: _____
How will water be provided to the site? City of Canton
Proposed managing jurisdiction: _____ Size Limit: _____



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

Review Criteria

(Applications Type A – J : ONLY)

How will this proposal be compatible with surrounding properties? We are proposing to turn a house back to residential. It is located in the CBD + there are many residences nearby.

How will this proposal affect the use and value of surrounding properties? There will be limited affect on the use + value of the surrounding area.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

We are not developing any property. We simply want to live in what already exists.

What would be the increase to population and traffic if the proposal were approved? No increase.

What would be the impact to schools and utilities if the proposal were approved? No impact.

How is the proposal consistent with the Comprehensive Land Use Plan, particularly the Future Land Use Map?

More residential w/in walkable distance to DT Canton

Are there existing or changing conditions which affect the development of the property and support the proposed request? No

Provide a Letter of Intent, which provides the necessary information to support your application.



Community Development Department

110 Academy Street, Canton, Georgia 30114
770-704-1500

PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-B-37) (Amended: 12/07/00)

County Schools serving this development:

HIGH _____
MIDDLE _____
ELEMENTARY _____

TRAFFIC INFORMATION

Road/Street providing access: East Main Street

Width at property: (Road) 94 ft (Right-of-way) _____

Distance to nearest major thoroughfare: _____ Thoroughfare Name: Main Street

Description of Road accessing property (Classification): East Main Street

In support of this request, I submit the following items, which are attached and made a part of this application:

☐ Boundary Survey

☐ Legal Description

☒ Letter of Intent

☐ Traffic Analysis Report

☐ Master Plan / Site Plan

☐ Location Map

☐ Hydrology Study

(Guidelines available from Planning & Zoning Dept.)

☐ Board of Appeals Review Criteria Response

☐ Elevation Plans

☐ Petition Requesting Annexation

☐ Other (please explain) _____

City of Canton Map



Recorded Electronically
Deed Book 14957
Page 2151
County Cherokee
Date 07/02/24
Time 5:25pm

Record and Return to:
Thomas & Brown, LLC
241 Heritage Walk
Woodstock, GA 30188
Order No.: W240270S
Tax Parcel ID: 91N22 037

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

THIS INDENTURE, made this 28th day of June, 2024, between

Blume Properties, LLC

as party or parties of the first part, hereinafter called Grantor, and

Susan Lee Foster

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 TEN AND 00/100's DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 195 of the 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at a point on the Northern right of way of Main Street (formerly known as Gainesville Street) at the intersection of the sidewalk on the North side of Main Street and a stone and concrete wall; thence leaving the Northern right of way of Main Street North 56 degrees 34 minutes East 87.4 feet to a point, thence North 2 degrees 54 minutes East 42.0 feet to a point; thence North 14 degrees 43 minutes West 88.4 feet to a point; thence North 77 degrees 57 degrees East 96 feet to a point; thence in a Southeasterly direction a distance of 98 feet to a point, thence South 51 degrees 59 minutes West a distance of 92 feet to a point; thence South 03 degrees 30 minutes West a distance of 117.0 feet to a point located on the Northern side of the sidewalk on the Northern right of way of Main Street; thence along the Northern edge of the sidewalk along the Northern right of way of Main Street and following the meanderings thereof a distance of 125.0 feet to its intersection with a stone and concrete wall and the Point of Beginning.

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:

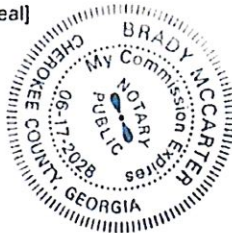


Unofficial Witness

Notary Public

My Commission Expires: 6/17/25

[Notary Seal]



GRANTOR:

Blume Properties, LLC

BY: 

Glen Bliss

Its: Member and/or Manager

(Seal)

[Corporate Seal]





Online Payments - Property Tax

Cherokee County, GA - Property Tax

[Back](#)[View Cart \(0\)](#)[Overview & Pay](#)[View Receipt](#)[E-ALERTS](#)[Print Receipt](#)[Print Bill](#)[Email Bill](#)

2023 Property Tax Statement

Denise Mastroserio
Cherokee County Tax Commissioner
2780 Marietta Hwy
Canton, GA 30114

Make Check or Money Order Payable to:
Cherokee County Tax Commissioner

BLUME PROPERTIES LLC

1011 E MAIN ST
CANTON, GA 30114

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-25568	11/15/2023	\$0.00	\$2,562.90	\$0.00	Paid 11/15/2023

Printed: 08/06/2024

Map: 91N22 037

Location: 570 MAIN ST

Message:

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid. The penalty will accrue at the rate prescribed by law. " Pay online at www.cherokeega.com" Please note: There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)



Recorded Electronically
Deed Book 14957
Page 2151
County Cherokee
Date 07/02/24
Time 5:25pm

Record and Return to:
Thomas & Brown, LLC
241 Heritage Walk
Woodstock, GA 30188
Order No.: W240270S
Tax Parcel ID: 91N22 037

LIMITED WARRANTY DEED

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COUNTY OF CHEROKEE

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Susan Lee Foster

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WITNESSETH: That Grantor, for and in consideration of the sum of TEN AND 00/100's DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

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Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

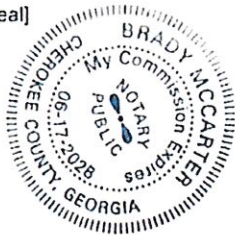
IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered
in the presence of:


Unofficial Witness

Notary Public
My Commission Expires: 6/17/28

[Notary Seal]



GRANTOR:

Blume Properties, LLC

BY:  (Seal)
Glen Bliss
Its: Member and/or Manager

[Corporate Seal]



To Whom It May Concern,

I am the applicant filing for a conditional use permit for 570 East Main Street, Canton, Ga, 30114.

570 was originally a home built in 1950, but was moved back from the road in the 1980s. At that time, two additional single apartments were added beneath the home. At some point, the main house was zoned commercial.

It is our desire to return the top original home to residential status while leaving the two apartments below. This adjustment has very little effect on traffic, congestion or utilities. It simply means there will be one more option for residence in the DT Canton area while maintaining very affordable living options in the apartments.

Sincerely,



Jamie Foreman