

**STAFF REPORT**  
**RZ-078 9 Callaway Road**  
**January 23, 2023**

**REQUEST**

APPLICANT:	Amy Delfin-Torres
OWNER:	Amy Delfin-Torres
REQUEST:	B1
COUNTY COMMISSION DISTRICT	5
SIZE OF THE PROPERTY:	2.56 acres
PRESENT USE/ZONING:	OIP
PROPOSED USE OF PROPERTY	Business—Specialty Food Store
TAX MAP NUMBER:	075 015 02 and 075 015 03
ADJACENT ZONING:	A2, OIP

**PURPOSE**

The purpose of this request is to rezone the property from OIP (Office/Inst./Professional) to B1 (Local Business) in order to open a Coffee Shop.

**COMPATIBILITY WITH FUTURE LAND USE PLAN**

The currently adopted Future Land Use Map designation is “Gateway Corridor”.

***Gateway Corridor***

This character area includes a full spectrum of live, work and play land uses. This area is highly visible and represents a central section of the county including US Highway 78 extending from the Arnoldsville Road to Crawfordville Road. This area should present an image which reflects the county narrative. The corridor is deemed suitable for commercial development with a focus on retaining and enhancing the aesthetic qualities of the corridor through landscaping, lighting and signage requirements. Development in this area should be compatible with surrounding natural and cultural features. Access management to U.S. Highway 78 should be regulated, minimizing single parcel entryways and promoting inter-parcel access. Any existing blight should be addressed.

***Compatible Zoning Designations: B1, B2, B3, R1, R2, R3, PD, LI, OS***

The proposed zoning of R1 (Single Family Residential) **is compatible** with the character area “Gateway Corridor”.

**REVIEW OF THE PLAN**

The applicant provided a site plan of the proposed Restaurant/Specialty Food Shop. The proposed site plan shows Tract 1 being 1.04 acres and Tract 2 being 1.52 acres, totaling 2.56 acres. The existing building is connected to city water and sewer.

Adjacent Properties are zoned OIP (Office/Inst./Professional) and A2 (General Agriculture). The applicant is wanting to open a coffee shop to sell coffee/tea, baked goods, sandwiches, etc. Applicant’s proposal is to have the cafe open 6 days a week, from 7am to 3pm, with two employees working each day. Per our Unified Development Code, 1 parking space shall be provided for each 4 seats provided for patron use, plus 1 space for each 75 sq ft of floor area provided for patron use, plus 1 space per employee. We have not been provided with information regarding seating within the cafe. She has submitted a comprehensive site plan to review.

## CURRENT STATUS

This request will be heard by the Oglethorpe County Zoning Board at their January 23, 2023 meeting.

Should the Zoning Board take action on the request at their January meeting, the request will go before the Oglethorpe County Board of Commissioners on February 6, 2023.

## PUBLIC NOTICE

In accordance with Section 1405 of the Oglethorpe County Zoning Ordinance, public notice of this zoning request was posted on or near the subject property(s) by January 13, 2023.

## EXHIBITS



Figure 1 Adjacent Property's Zoning

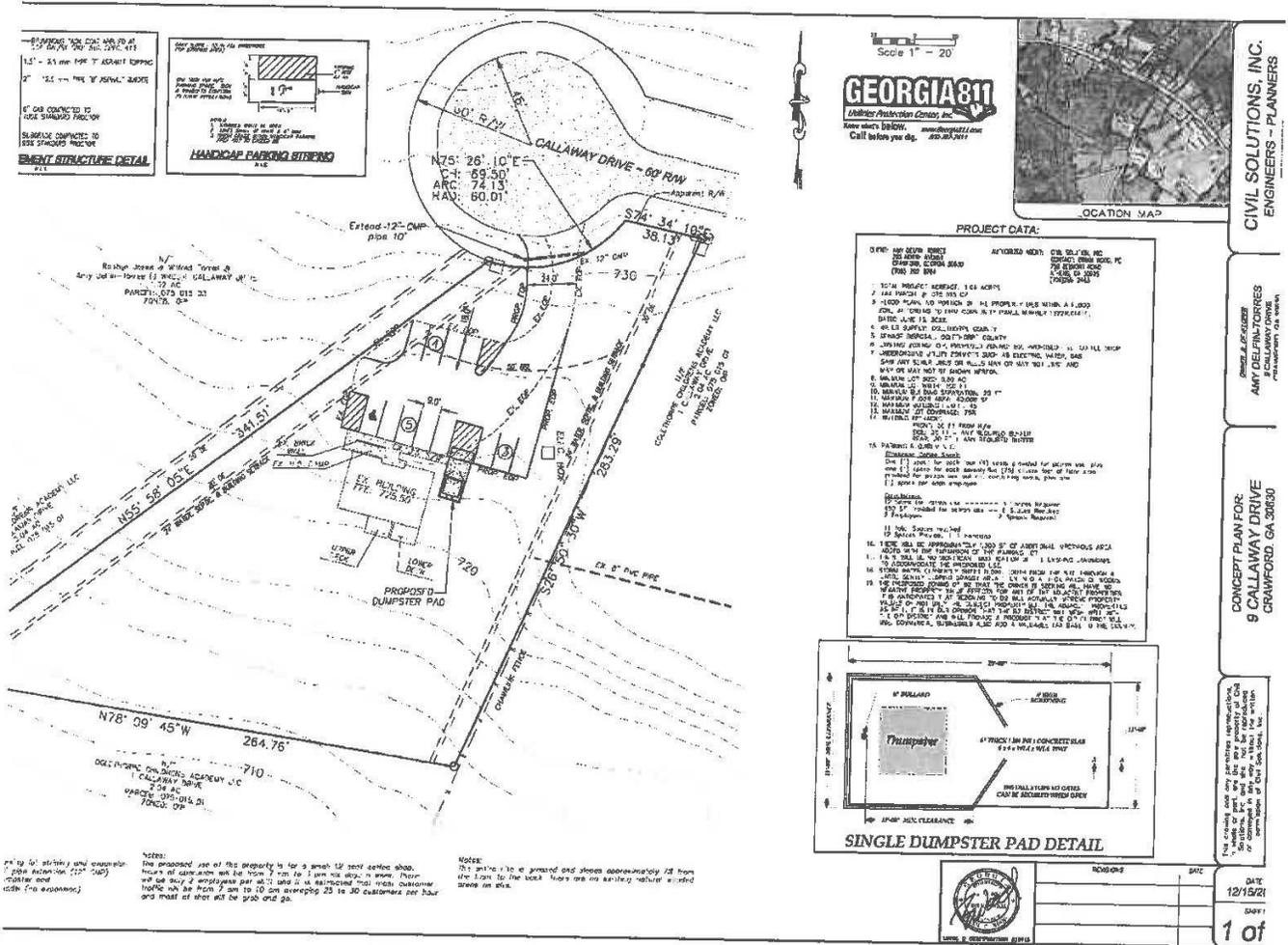


Figure 2 Site Plan

**Section 1403 Evaluation Standards**

*The Zoning Board and the Board of Commissioners shall consider factors relevant in balancing the interest in promoting the public health, safety, morals, or general welfare against the right of the individual to the unrestricted use of property, and shall specifically consider the following criteria:*

- Whether the zoning proposal is in conformity with the policy and intent of the Oglethorpe County Comprehensive Plan, the Transportation Plan, or any other duly adopted plans for the development of the County.
- Whether there is reasonable evidence, based upon existing and anticipated land use, which would indicate a mistake was made in the original zoning of the property.
- Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
- Whether the change will create an isolated district unrelated to the surrounding districts, such as “spot zoning?”
- Whether the need for rezoning could be handled instead by a variance request to the Zoning Board of Adjustments.
- Whether the subject property is suitable for the existing zoned purpose.

- Whether the subject property is suitable for the proposed zoning or use (location, size, lot configuration, topography, drainage, availability of public water supply and sewage system, or space and soil type to accommodate a safe water supply and an appropriately sized septic system, etc.).
- Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
- The impact and suitability of the most intense possible future use that would be permitted on the subject property under the proposed change in zoning classification.
- Whether the change requested is out of scale with the immediate neighborhood or the needs of the county as a whole.
- Whether the zoning proposal will result in a use that could cause an excessive or burdensome use of or other adverse impact on existing streets, traffic patterns and congestion, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical services.
- Whether the zoning proposal will result in a use that will have an adverse impact on population density in the area.
- Whether there could be a significant threat for ecological, environmental, or pollution impact, including but not limited to air quality; ground and surface water supply and quality; significant destruction of habitat for wildlife, deterioration or destruction of significant or sensitive natural and environmental resources, habitat for endangered or threatened plants or animals, waste generation and disposal; waste water quality, sanitary sewage disposal capacity; toxic or hazardous materials; odors, noise, vibration, and other nuisances; diseases of public health importance, and any related concerns, resulting from the proposed use or from major modifications to the land if the request is granted.
- Whether the requested change would have an adverse impact on significant natural, historic, or scenic resources.
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- To what extent the zoning proposal will adversely affect the property values of adjacent or nearby property.
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- 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.
- Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

## **SECTION 1201.02 CONDITIONS AND FINDINGS**

Variations may be granted in such individual cases for practical difficulty or unnecessary hardship only upon a finding by the Board of Commissioners that all of the following conditions exist:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, character, topography, and
- b) The application of this Regulation to this particular piece of property would create an unnecessary hardship; and
- c) Such conditions are peculiar to the particular piece of property involved; and
- d) The special conditions and circumstances do not result from the actions of the applicant; and
- e) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance; and
- f) The variance requested is the minimum necessary to make possible the legal use of the land, building or structure.