

REPORT TO THE SHELBY COUNTY PLANNING COMMISSION
Department of Development Services

October 19, 2020

Case No. Z20-008
Carey Moore's Workshop Rezoning from H-Z to E-1

This is a request from Carey Moore, property owner, for the approval of a change in the zone district boundaries from H-Z, Holding Zone District to E-1, Single Family Estate District for approximately 1.4 acres to build a 24' x 32' metal woodworking shop for personal use behind the current residence. The property is located at 1621 Highway 440, Chelsea; Parcel No. 58-09-6-24-0-001-009.000.

DISCUSSION

The subject property is located on Highway 440, approximately one-quarter mile north of the Highway 440 and Old Highway 280 intersection in the Chelsea North-Dunnavant Valley South-Westover North zoning beat. The parcels adjacent to the subject property and the surrounding area are single-family residential properties. Chelsea City Limits border the property to the west and south, across Highway 440. Unincorporated areas surrounding the property are all zoned H-Z, Holding Zone District. The areas surrounding the subject property within Chelsea City Limits are zoned E-1, Single Family Estate District and A-R, Agricultural Residential District. Both of these zoning classifications are intended for single-family residential uses according to the City of Chelsea Zoning Ordinance.

The 1.4-acre subject property is currently zoned H-Z, Holding Zone District and contains a single-family home constructed in 1960. The H-Z district allows for single-family homes on properties three acres or larger. The Chelsea North-Dunnavant Valley South-Westover North beat was established in 2005; however, the subject parcel has remained the same size and shape since at least 1988. When the H-Z district was established in the area the 1.4 acre subject property became a legal non-conforming lot because of the lot area requirements of the H-Z district.



Proposed Rezoning

The applicant is requesting the subject property be rezoned from H-Z, Holding Zone District to E-1, Single Family Estate District in order to build a 24' x 32' personal woodworking shop in the rear yard of the existing single-family home. The home on the property will continue to be used as a residence, according to the applicant. Accessory structures, such as a woodworking shop, are permitted in the H-Z district on properties three acres or larger. The subject property contains 1.4 acres and cannot meet the minimum three-acre lot area requirement of the H-Z district. The applicant is requesting an E-1 district that will both allow for the construction of accessory structures and comply with one-acre minimum area requirement of the E-1 district.

While the H-Z, Holding Zone District does allow for single-family homes and accessory structures, the permitted uses also include land uses such as forestry and the keeping and raising of animals. The E-1, Single Family Estate District, however, is a district intended only for single-family homes and their associated structures:



H-Z, Holding Zone District (Permitted Uses)

- (1) Any use in existence at the time of zoning the subject property "Holding Zone District".
- (2) Raising and grazing of animals, but no commercial feed lots.
- (3) Nurseries, green houses or the growing of crops, with no wholesale or retail sales to be conducted on premises.
- (4) Forestry.
- (5) Single-family dwelling on 3 acres or more.
- (6) Accessory structures on 3 acres or more.

E-1, Single Family Estate District (Permitted Uses)

- (1) Single-family dwelling, except that mobile homes are not permitted.
- (2) Home occupations.
- (3) Accessory structures and uses including but not limited to nurseries, home gardens and green houses. (March 18, 2003, page 18M or Resolution # 02-04-08-03)

Impact on Community Facilities and Infrastructure

The subject property is located in the Chelsea Fire District. The Fire Chief has reviewed the plans and has no comments for this rezoning request. Children residing on the subject property attend Shelby County Schools within the Chelsea attendance zone. Water service is available from Shelby County for the subject property.

Additional Approvals Required

Pursuant to a rezoning approval, the applicant will be required to submit a building permit application for all additions and improvements, including the proposed woodworking shop.

Planning Analysis

The primary purpose of zoning land is to provide for the public health, safety and welfare in the development of land by ensuring that property is developed in an appropriate manner within the context of its immediate surroundings and the larger community of which it is a part. There are times when changes in the zoning of certain property are justified. For example, when a community is experiencing frequent requests for rezoning in a relatively small area, this is an indication that local trends and conditions may have changed, altering the assumptions underlying the existing zoning.

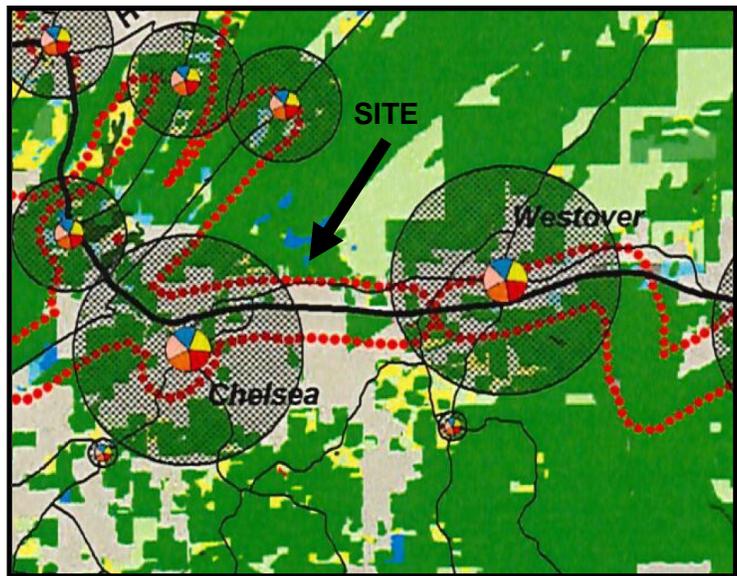
The subject property was zoned H-Z, Holding Zone District as part of the Chelsea North-Dunnavant Valley South-Westover North zoning beat in 2005. The stated purpose of the H-Z district is as follows:

“This district is intended to provide for the proper timing and phasing of growth within areas of undeveloped property for which the Planning Commission's zoning authority encompasses. The Holding Zone District may be applied to any lands for which the Planning Commission finds should be held in a primarily undeveloped state for an interim period of time pending development and/or completion of the comprehensive land use plan for the respective zoning jurisdiction.”

The subject property has been used as a single-family residence since the construction of the home in 1960. The adoption of zoning in this area and designation of the 1.4-acre subject property as H-Z, Holding Zone District made the property a legal-nonconforming due to the three-acre requirement for single-family homes in the H-Z district. While the H-Z district does allow for uses existing prior to the establishment of zoning to continue indefinitely, new construction would require the property to come into compliance with the area requirements of the H-Z district.

The Shelby County Comprehensive Plan describes the area around the subject property, located between the Westover and Chelsea Focus areas, as Green Infrastructure. The proposed rezoning is consistent with the intent of the goals outlined under Green Infrastructure in the Comprehensive Plan. The stated goal of the Green Infrastructure is:

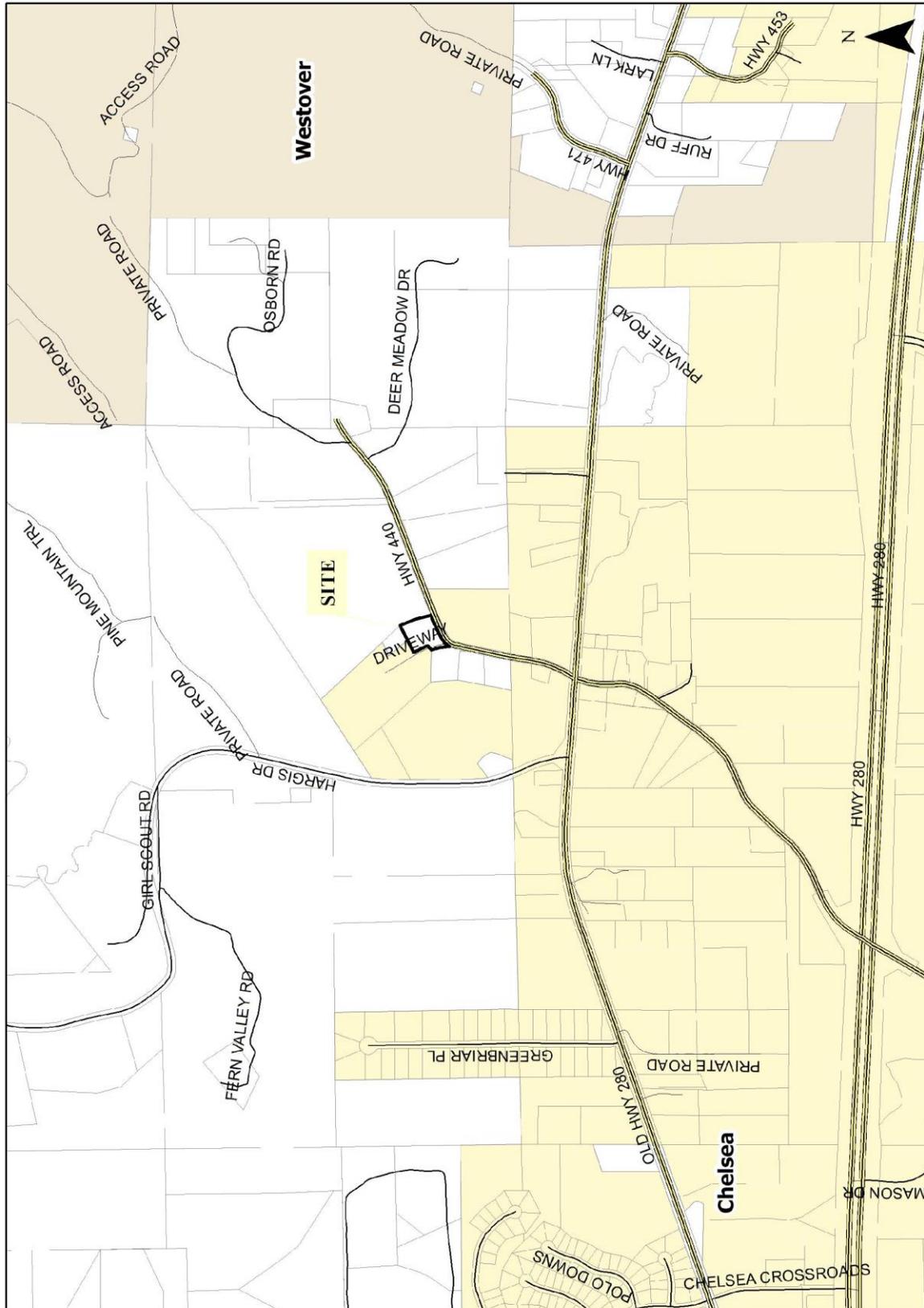
“To establish a land use pattern that balances the needs of growth with the need to maintain integrity and sustainability of the regional ecosystem, by protecting and expanding the County's natural resources while accommodating growth within the natural constraints of that ecosystem”



CONCLUSION

The proposed rezoning from H-Z, Holding Zone District to E-1, Single-Family Estate District will in effect limit the permitted uses on the property to a single-family residence and any associated accessory structures. The property has been used as a single-family residence well before the establishment of zoning in this area and the applicant has stated the property will continue to be used as a residence. The distinction of the E-1 district for this proposed rezoning lies in the one-acre minimum requirement for properties in the E-1 district and the designation of accessory structures as a permitted use. The subject property can conform to the one-acre requirement of the proposed E-1 district and the E-1 district will allow the construction of the woodworking shop in the rear yard proposed by the applicant.

LOCATION MAP



Z20-008
Carey Moore's Workshop Rezoning From H-Z to E-1
Location Map

AERIAL OVERVIEW



Z20-008
Carey Moore's Workshop Rezoning From H-Z to E-1
Aerial Map

ZONING OVERVIEW



Z20-008
Carey Moore's Workshop Rezoning From H-Z to E-1
Zoning Map

JUSTIFICATION STATEMENT FROM APPLICANT

Z20-008

Dear Josh,

08/31/2020

I'm wanting to build a 24' x 32' metal building woodworking shop on the back of my current residence at 1621 Hwy 440, Chelsea, AL. 35043. My property is currently zoned **HZ**, which is not a correct zoning for my size property. **HZ** is for properties of 10 acres or larger and my property is only 1.4 acres. I would like to have my property rezoned to **E-1 SINGLE-FAMILY ESTATE DISTRICT**, which allows me to build that workshop.

Thanks,

Carey L. Moore

205-790-3603

PROPOSED WORKSHOP

