

Agenda

Board of Zoning Appeals of Spalding County

Thursday, June 8, 2017

7:00 PM

Spalding County Annex Building, 119 East
Solomon Street, Room 108

A. Call to Order

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of Zoning Appeals. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

B. New Business:

1. **Application #17-04S:** Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a Special Exception to allow indoor gun range in the C-1 District.
2. **Application #17-05S:** Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.
3. **Application #17-06V:** Ricky Reid, Owner - 1676 Piedmont Road (0.53 acre located in Land Lot 83 of the 2nd Land District) - requesting Variance from minimum front yard setback in the R-1 District.
4. **Application #17-07V:** Nancy W. Wood, as Trustee of the William A. Wood, Jr. Trust, Owner - RaceTrac Petroleum, Inc., Agent - East corner at intersection of Zebulon Road (US Hwy 19) and Martin Luther King Jr. Parkway (US Hwy 41) (9.16 acres located in Land Lot(s) 119 & 120 of the 2nd Land District) - requesting a Variance from Tri County Crossing Overlay development standards and Sign Ordinance total sign area allowed and freestanding sign requirements.

C. Approval of Minutes:

5. Consider approval of May 11, 2017 minutes.

D. Other Business:

E. Adjournment



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #17-04S

Requesting Agency

Office of Community Development

Requested Action

Application #17-04S: Terry Dunn, Owner - Alex Scott, Agent - 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3rd Land District) - requesting a Special Exception to allow indoor gun range in the C-1 District.

Requirement for Board Action

Section 413.

Is this Item Goal Related?

No

Summary and Background

The applicant is requesting a special exception approval from Spalding County to allow the development of the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided. "Our company reserves the right to change or alter any range facilities (sic) in the interest of safety as its sees fit as long as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county codes."

The applicant has made application to both amend the Future Land Use Map to commercial and rezone the property to C-1, Highway Commercial.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

ATTACHMENTS:

Description

Upload Date

Type

Last

SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION

NO. 17-045

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Alex Scott

Address: 109 Cedar Point

City: Peachtree city

State: CA Zip: 30269

Phone: 678-274-8030

Contact Person: Alex Scott

PROPERTY OWNER INFORMATION

Name: Terry Dunn

Address: 208 Sylvan Lane
~~3616 Fayetteville Rd~~

City: GRIFFIN

State: CA Zip: ~~30223~~ 30224

Phone: (770) 584-0371

Phone: _____

APPLICANT IS THE:

_____ Owner's Agent _____ Property Owner / Developer

Present Zoning District(s): AR-1, R-2, C-1

Land District(s): 3rd Land Lot(s): 6 Acreage: ~~19.99~~ 19.5

Address of Property: 3616 Fayetteville Rd Griffin, CA

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted:

I wish to build an Indoor gun Range
and Training center. This special exception is
available Text Amendment # A-17-01, an amendment
to the Zoning Ordinance of Spalding County.

OTHER REQUIRED INFORMATION

Attach a statement describing the Special Exception and the reason you are requesting this Special Exception.

Attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

Some developments (i.e. subdivisions, Church's, etc.) may require a 24 x 36 copy of the plat.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):


Agent/Developer


Property Owner

4/24/17
Date

4/24/17
Date

OFFICE USE ONLY

Date Received: 4-25-17

Amount of Fee: \$300⁰⁰

Received By: C. [Signature]

Receipt Number: 15019A

SPECIAL EXCEPTION APPLICANT'S RESPONSE

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: The Special Exception

For An Indoor Gun Range will not be detrimental to the neighborhood

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: The Special Exception will not have

a negative health or safety effect

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: _____

NO it will not.

(D) Whether granting a Special Exception would adversely affect existing uses: There

are currently no existing uses of the property

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: The subject property is sufficient. An

additional building will need to be built.

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: Granting the Special Exception will meet

the new Spalding CO ordinance for an Indoor gun range

OFFICE USE ONLY

Date Received: 4-25-17

Received By: C. Gould

SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION

Section 416: Special Exception.

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals;
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

Index

Section 1 - Project Overview

Section 2 - Site Plan

- Site Plan legend
- Site plan map

Section 3 - Attachments

- Spalding County Plat
- Vicinity / Zoning map
- Topography map
- Flood plain map

Section 4 - Property Deed

Project Overview

Our company will operate a firearms training facility that will focus on firearm safety and personal protection skills. Our primary focus will be private citizens that have an interest on improving these skills. As a component to the business, we will also be offering the facility to be utilized by local law enforcement as an additional training facility to meet their growing training needs.

The business will operate under the guidelines set forth by the National Rifle Association (NRA) and the Georgia Police Officers Standards and Training Council (POST). The NRA is a national organization that establishes the "best practices" and what is considered the gold standard on civilian firearms safety, range safety and range design. We will utilize the NRA's Range Source Book, a technical source book for shooting range builders and operators, when designing this facility (Figure 1). Georgia POST is the agency that trains and certifies peace officers in Georgia. POST's Certified Firearms Instructor Program requires certified peace officers to demonstrate advanced firearm skills as well as attend a multi-week training class focusing on weapons safety, range safety, range operations and instruction skills. In the class each instructor must successfully demonstrate their ability to safely run a range.

Our business will be owned by current and retired POST certified police officers. The instructors are POST certified general instructors as well as firearms instructors. Collectively, the owners of our business have over 80 years firearms experience and have trained thousands of students. Some of the owners have operated as the Firearms Program Coordinators for their respective state and county agencies. One of the respective owners has also designed and implemented firearms training programs in multiple countries to include Afghanistan and Guatemala. The owners have the ability and knowledge to exceeded POST and NRA's stringent safety standards.

Unlike many ranges in the surrounding area, our business is not a range open to the public or a gun club and you cannot rent a lane or range time. The training facility will only be open when a class is scheduled. Class scheduling will be done via our website and limited to approximately 15 students. Our business will not operate as a storefront business nor will we maintain regular business hours. All of our training will be conducted during daylight hours as defined by the NRA from 7am to 7pm. These classes may be scheduled Monday thru Sunday and the frequency of these classes will be dictated by the need and market demand. No one will be allowed at the facility unless they are a registered student or government agency with staff present.

In the classes offered, live fire or firearms usage is a very small part of the class. The majority of the class will consist of classroom instruction. The classroom instruction will focus on firearms safety, legal responsibility and mechanics of the skills to be learned (Figure 2). Students will also utilize Simunitions or Airsoft weapons to further enhance skills. The Simunitions is a reduced-energy, non-lethal cartridge that leaves a detergent based marking compound (Figure 3). Airsoft is a CO2 powered system that fires a small plastic ball (Figure 4). Both systems allow students to safely participate in skill enhancement exercises without endangering other students, staff or themselves. All training, to include live fire exercises, will be conducted indoors at the facilities' indoor main building or indoor live fire range building (Figures 5 & 6)

The training facility will be located on the "Math Fields" property located at 3616 Fayetteville Rd. in Spalding County, Georgia. The property is approximately 20 acers of primarily cleared land. It is accessed by a deeded driveway easement from Fayetteville Rd. The property currently consist of three buildings: a main building, a shop building and a mobile home.

The actual training facility will consist of the main building and a proposed range building. The shop building will continue to be a shop. The mobile home is currently rented and will not be part of the training facility.

The main building, approximately 6000 sq ft, will consist of two parts: the support area and a training area. The support area will consist of classrooms, two restrooms, break area, storage rooms, office area and additional support or utility rooms. This portion of the facility will be located in the present building currently acting as an event center. This area will be climate controlled and be equipped for student and staff safety and comfort.

The training area of the main building will be located in the center of the structure. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate

controlled. This area will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3.

The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property.

All facilities in which training will be conducted will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.

Ballistic containment also known as a bullet trap is a significant issue in an indoor range. One must consider the environmental impact, operational, and safety requirements of the firing range. Lead management, noise abatement and shooter safety are the primary concerns. Lead dust is created when a projectile strikes a solid surface and fragments. This lead dust then can build up inside of the range area creating a hazard. There are two ways to eliminate this hazard.

First, our business will utilize a rubber bullet trap (Figure 7). This trap safely stops and captures projectiles intact with virtually no lead dust or bullet fragmentation. The rubber bullet trap is an environmentally-friendly bullet containment system that utilizes a thick layer of granulated recycled rubber. When a bullet strikes the trap, the rubber material absorbs the energy and decelerates and captures it in the rubber media. This process creates no lead dust and eliminates the noise that is generated from bullets impacting a steel bullet trap. This is beneficial in lowering the noise level in the range and reducing airborne lead contaminants. When the trap is full, the lead is removed and recycled. This combined with the range being constructed in accordance with the NRA Range Source Book section 3.03 will create ballistic safe environment (Figure 8).

Secondly, this range will utilize a Total Air Exhaust ventilation system in accordance with the NRA Range Source Book section 3.11.3. This system will pull in fresh air into the range building at one end, move across the building and exhaust it out the other end. This air current will move any residual lead out of the building. Prior to the air being exhausted from the building it will be filtered to comply with NRA Range Source Book section 4.01 and OSHA 29 CFR1910.1025.

Our company reserves the right to change or alter any range facilities if the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code.

Figure 1

NRA Range Book

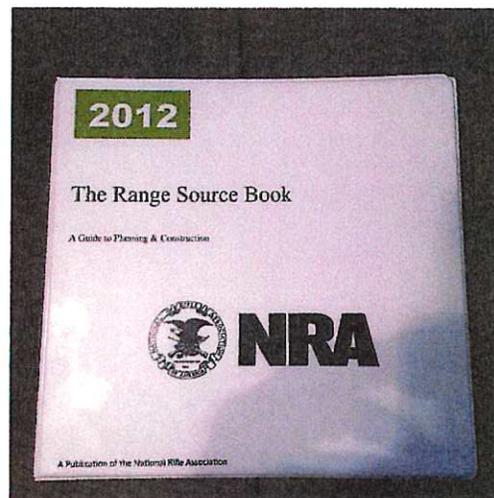


Figure 2
Classroom instruction



Figure 3
Simunition and marking rounds

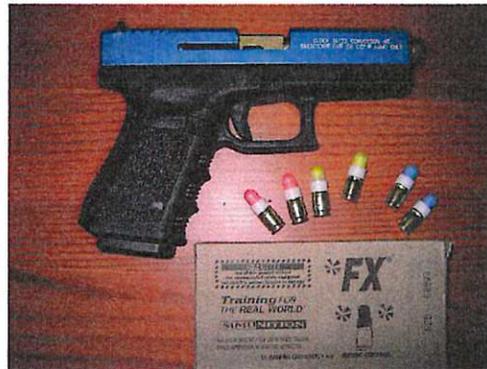


Figure 4
Airsoft pistol and projectiles



Figure 5

Live fire on an indoor range

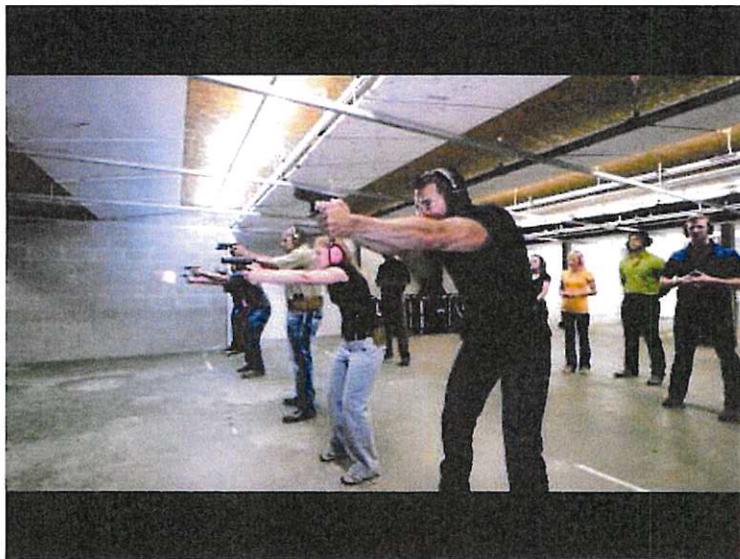


Figure 6

Instruction on an indoor range

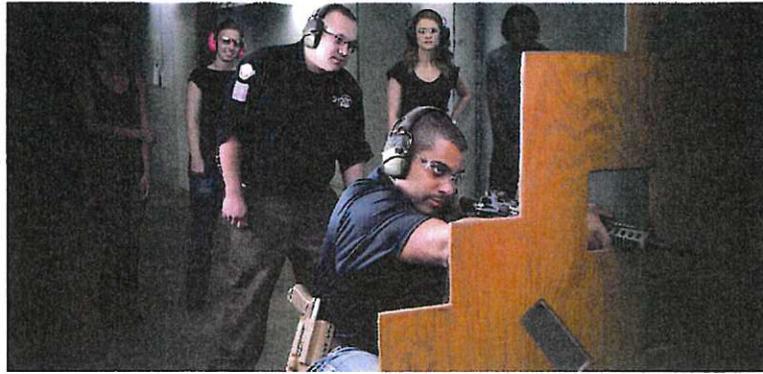
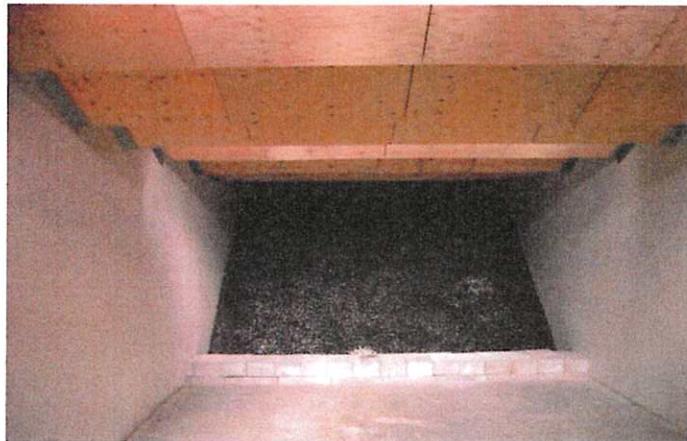


Figure 7
Rubber bullet trap



Figure 8
Indoor range



SITE PLAN

LEGEND

B - The proposed Range building will be 120 feet in length and 50 feet wide. The roof will be peaked at 12 feet high. It will be constructed of a steel frame and be metal sided, approximately 6000 sq ft in size. It will be constructed in accordance with the NRA Range Source Book section 3.03. This area will not be climate controlled but will be ventilated by a Total Air Exhaust System in accordance with the NRA Range Source Book section 3.11.3. This building will match the existing buildings in construction and appearance. This proposed building will be landscaped to match the current appearance of the property. The proposed building will contain NRA sound abatement measures. The purpose of these measures is to restrict and reduce decibel levels both inside and outside of the facility.

P - Asphalt paved and marked parking lot that will accommodate approximately 50 vehicles for off street parking. The lot is ADA compliant.



Indicates the direction of traffic flow.

ATTACHMENTS

A1 - Spalding County Plat. Defines lot line and dimensions and utility easements.

A2 - Vicinity map that shows present zoning classifications for all adjacent properties.

A3 - Topography map with 20 foot intervals (USGS Quad Sheet).

A4 - 100 year flood plain map.

TIER 1

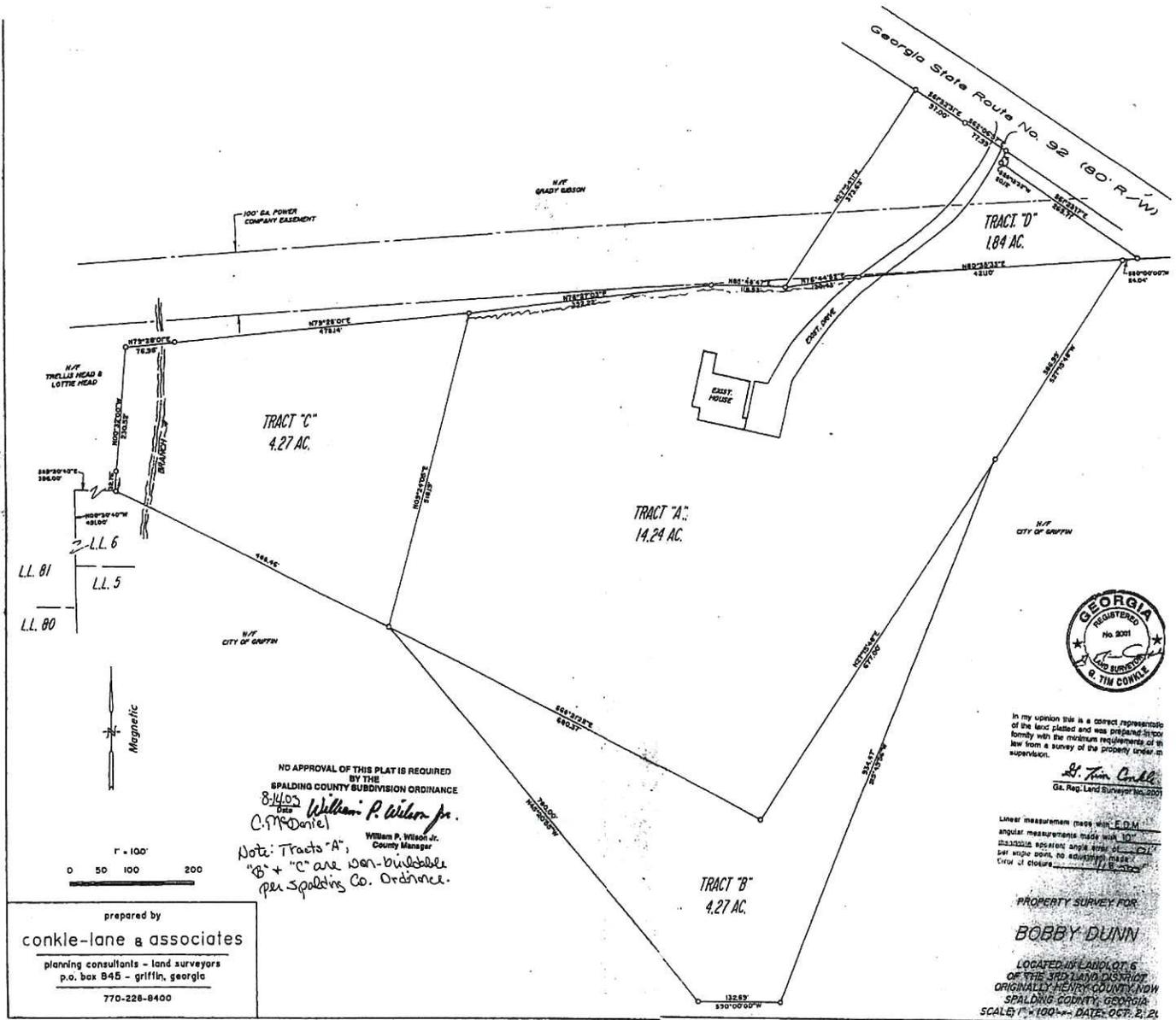
Legend
Attached



Google Earth

2016 Google

300 ft



In my opinion this is a correct representation of the land plotted and was prepared in accordance with the minimum requirements of the law from a survey of the property under my supervision.

G. Tim Conkle
 G.L. Reg. Land Surveyor No. 2001

Linear measurements made with E.D.M.
 angular measurements made with 10"
 magnetic azimuth angle and 1/4"
 per scope point, no adjustment made
 trial of closure 0.0000

PROPERTY SURVEY FOR
BOBBY DUNN

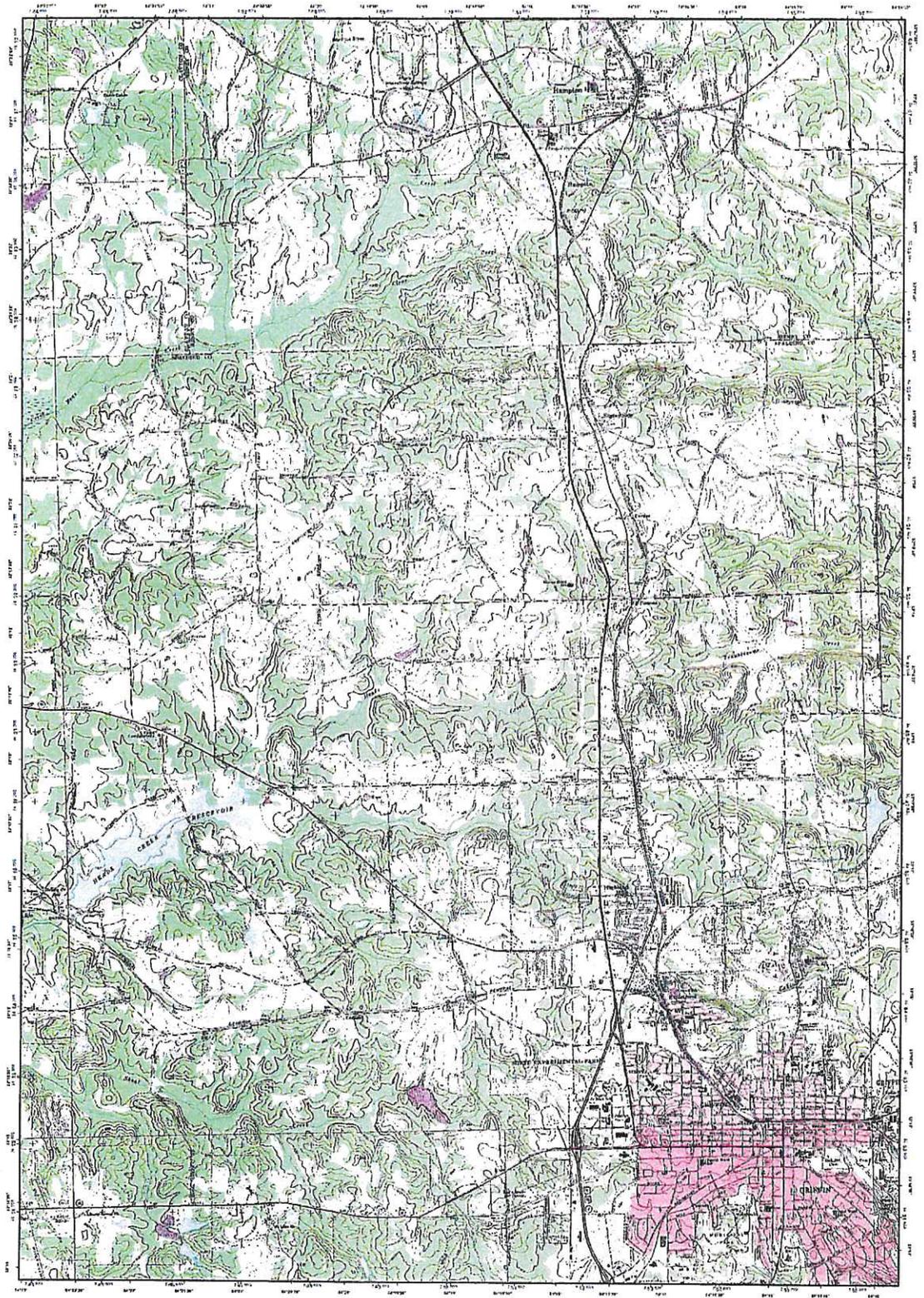
LOCATED IN LAND LOT 6
 OF THE 3RD LEGAL DISTRICT
 ORIGINALLY HENRY COUNTY NOW
 SPALDING COUNTY, GEORGIA
 SCALE 1" = 100' DATE OCT. 2, 21

NO APPROVAL OF THIS PLAT IS REQUIRED
 BY THE
 SPALDING COUNTY SUBDIVISION ORDINANCE
 8/1/03
William P. Wilson Jr.
 County Manager
C. M. Daniel
 Note: Tracts "A",
 "B" + "C" are non-buildable
 per Spalding Co. Ordinance.

prepared by
conkle-lane & associates
 planning consultants - land surveyors
 p.o. box 845 - griffin, georgia
 770-228-8400



A2



Griffin North
e33084c3

mytopo
A TRIMBLE COMPANY



Index Map

10	11	12	13	14
15	16	17	18	19
20	21	22	23	24
25	26	27	28	29
30	31	32	33	34

Scale: 1:25,000

Vertical Contour Interval: 20 Feet

Horizontal Contour Interval: 100 Feet

Map Date: 1982

Map Revision: 1982

Map Projection: UTM

Map Datum: NAD 83

Map Scale: 1:25,000

Map Sheet: 180100

Map Sheet: 180100

Map Sheet: 180100

A3

See Case BK4105 pg 112

BOOK 4070 PAGE 158

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 JUL -5 P 12:40

BY [Signature]
MARCIA L. MORRIS, CLERK

After Recording Return To:
Beck, Owen & Murray
100 South Hill St.
Suite 600
Griffin, GA 30223

Real Estate Transfer Tax
Paid \$ 0
Date 7-5-16
PT - 61 126- 2016-1673
Marcia L. Morris
Clerk of Superior Court, Spalding Co., Ga.

STATE OF GEORGIA
COUNTY OF SPALDING

NTC

QUITCLAIM DEED

THIS INDENTURE, made this 29 day of June, in the Year Two Thousand and Sixteen between ROBERT L. DUNN AND BETTY JEAN DUNN as sole shareholders of Math Fields, Inc. a voluntarily dissolved Georgia Corporation ("Grantor"); and TERRY DUNN ("Grantee"). The terms Grantor and Grantee shall include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits.

WITNESSETH:

Grantor in consideration of the sum of One Dollar and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and by these presents does hereby remise, convey and forever Quitclaim unto Grantee, his heirs and assigns, the following described property, to-wit:

TRACT 1:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the mates, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description.

TRACT 2:

All that tract or parcel of land, as Improved, specifically described in Book 697, Page 156, and more particularly described as:

All that tract or parcel of land containing 19.5 Acres, more or less, situate, lying and being in Land Lot 6 of the Third District of originally Henry, now Spalding County, Georgia, and bounded as follows: Northerly by property now or formerly of Gibson, known as Block E of Doreen Estates, and by a Georgia Power Company easement; Southeasterly and Southwesterly by property of City of Griffin, and West by property now or formerly of James L. and Gerry Smallwood.

The above described property is the remaining portion of that 85 acre tract owned by M. M. Dunn, less the 65.9 acres more or less conveyed to the City of Griffin for the City of Griffin Reservoir.

TO HAVE AND TO HOLD the said above granted and described property, so that neither the grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

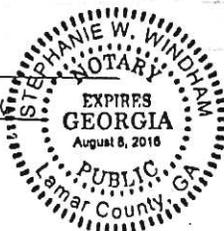
IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year above written.

Signed, sealed and delivered
In the presence of:

[Signature]
Unofficial Witness

Betty Scarborough Dunn, AIF
ROBERT L. DUNN, BY BETTY
SCARBOROUGH DUNN AKA BETTY
JEAN DUNN, HIS ATTORNEY IN FACT

Stephanie W. Windham
Notary Public
My Commission Expires: 8-8-16



Betty Jean Dunn
BETTY JEAN DUNN

Real Estate Transfer Tax

Paid \$ 5
Date 8-14-03

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

Myrtle F. Peoples

Clerk of Superior Court, Spalding Co., Ga.
(Warranty Deed)

MULLINS, WHALEN & WESTBURY 03 AUG 14 AM 9 01
P. O. Box 133
GRIFFIN, GEORGIA 30224

BY *Rat*
MYRTLE F. PEOPLES, CLERK

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the _____ day of _____, in the year of our Lord, Two Thousand Three, between

CITY OF GRIFFIN

of the County of Spalding, and State of Georgia, of the FIRST PART, and

MATH FIELDS, INC.

of the County of Spalding, and State of Georgia, of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY----- 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 party of the SECOND PART, heirs and assigns, all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "B", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST PART the said bargained property above described unto the said party of the SECOND PART, its successors and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed his seal, and delivered these presents, the day and year first above written.

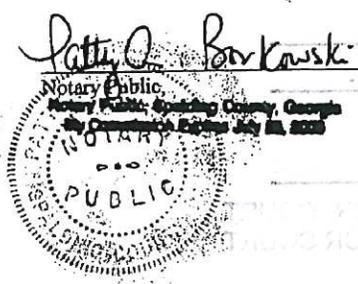
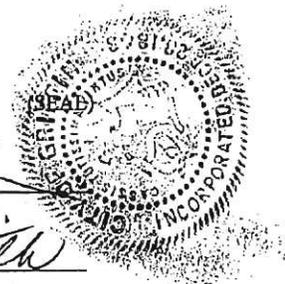
Signed, sealed and delivered:
in the presence of:

[Signature]
(Witness)

CITY OF GRIFFIN

By: *[Signature]*
CITY MGR

Attest: *[Signature]*



Paid \$ 514.03
Date _____

Myrtle F. Peoples
Clerk of Superior Court, Spalding Co., Ga

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

MULLINS, WHALEN & WESTBURN
P. O. Box 133
GRIFFIN, GEORGIA 30224

AUG 14 AM 9 01
BY *Booby Dunn*
MYRTLE F. PEOPLES, CLERK

(Warranty Deed)

STATE OF GEORGIA SPALDING COUNTY

THIS INDENTURE, made the 13th day of August, in the year of our Lord, Two Thousand Three, between

MATH FIELDS, INC.
of the County of Spalding, and State of Georgia, of the FIRST PART, and
CITY OF GRIFFIN
of the County of Spalding, and State of Georgia, of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the sum of ONE (\$1.00) DOLLAR AND EXCHANGE OF PROPERTY 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 party of the SECOND PART, heirs and assigns, all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot 6 of the Third Land District of originally Henry, now Spalding County, Georgia, and shown and designated as Tract "C", containing 4.27 Acres, on plat of survey entitled "Property Survey for Bobby Dunn", dated October 2, 2001, prepared by G. Tim Conkle, Registered Land Surveyor, a copy of which said plat is recorded in Plat Book 24, page 460, in the Office of Clerk of Superior Court of Spalding County, Georgia, which said plat, together with the metes, bounds, courses and distances as shown thereon, is incorporated herein and made a part of this description

TOGETHER with an egress-ingress, perpetual, non-exclusive easement across the existing drive, as shown on said plat of survey, to the north property line of Tract "A" as shown on said survey; then said easement runs 30 feet in width in a westerly direction contiguous with the north boundary of said Tract "A" a distance of 631.18 feet, more or less, to the east boundary of said Tract "C".

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members, appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART, its successors and assigns, in fee simple; and the said party of the FIRST PART the said bargained property above described unto the said party of the SECOND PART, its successors and assigns, against the said party of the FIRST PART, successors and assigns, and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents.

IN WITNESS WHEREOF, the said party of the FIRST PART, has hereunto set his hand, affixed his seal, and delivered these presents, the day and year first above written.

Signed, sealed and delivered:
in the presence of:

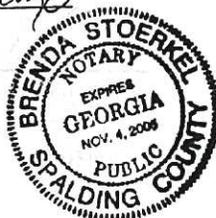
MATH FIELDS, INC. (SEAL)

Richard Mullins
(Witness)

By *Booby Dunn*

Brenda Stoerkel
Notary Public,

Attest: _____



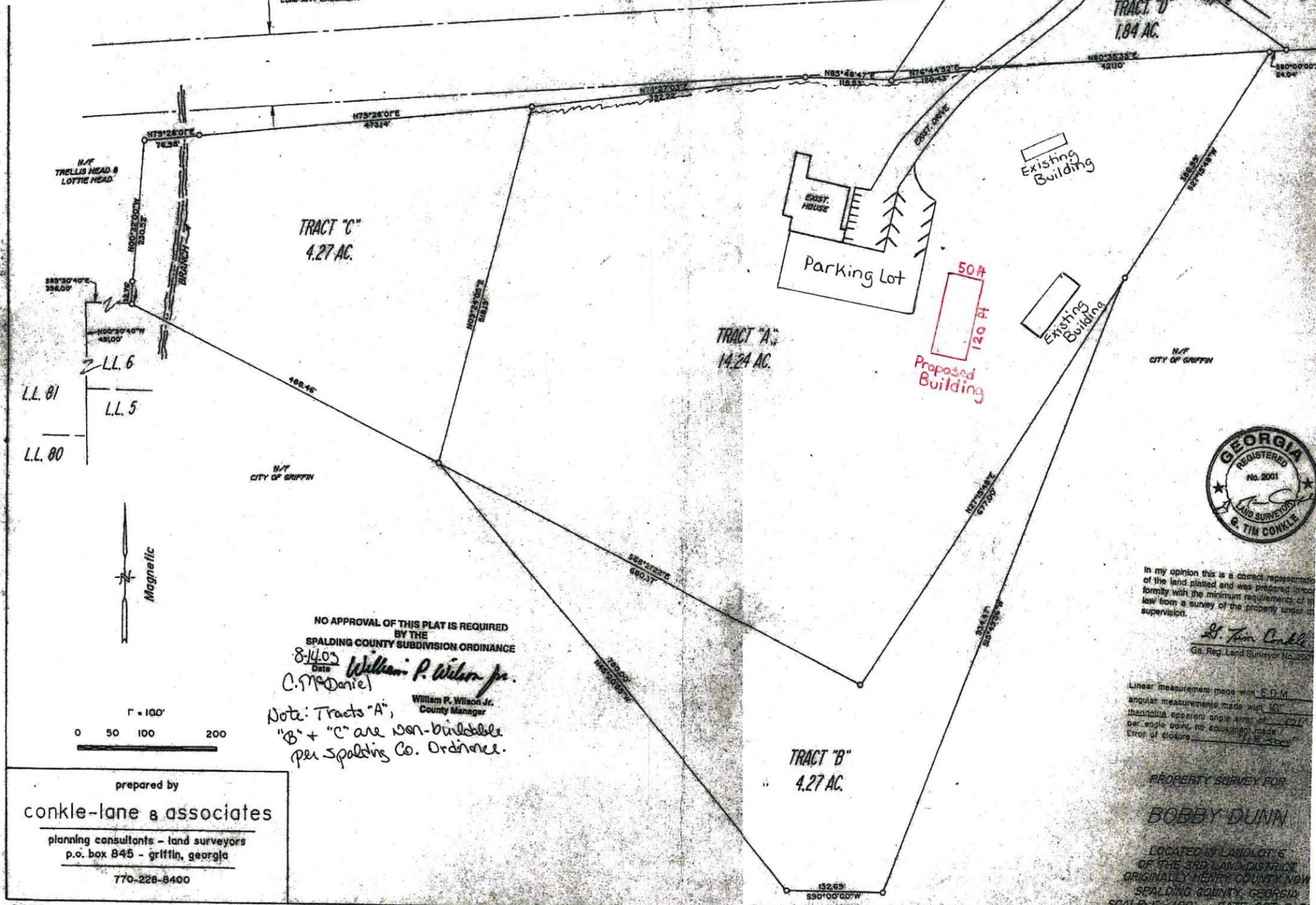
Metes and Bounds Description of the Subject Parcel

BEGINNING at a point on the southerly 100' GA Power Company Easement at a 2" metal survey marker (metal pipe) located on the west side of the gate entering the property from GA State Route no.92 and proceeding thence from said survey marker North 80° 35'33" East a distance of 421.10 feet to a point; thence Westerly from the right of way of State Route 92, South 27° 15'48" West a distance of 386.99' to a point; thence South 15° 49'56" West a distance of 934.47' to a point; thence South 90° 00'00" West a distance of 132.69' to a point; thence North 45° 20'55" West a distance of 780.00 feet to a point; thence North 09° 24'05" East a distance of 518.19 feet to a point; thence Southerly of the powerline easement North 78° 27'03" East a distance of 392.22 feet to a point; thence North 85° 48'47" East a distance of 118.53'; thence North 76° 44'52" East a distance of 120.43' to a point and the POINT OF BEGINNING.

TIER 1

Drawn to Scale

April 24, 2017



L.L. 81
L.L. 80

2-LL. 6
L.L. 5

0 50 100 200

prepared by
conkle-lane & associates
planning consultants - land surveyors
p.o. box 845 - griffin, georgia
770-228-8400

9835

NO APPROVAL OF THIS PLAT IS REQUIRED BY THE SPALDING COUNTY SUBDIVISION ORDINANCE
Date 8/14/03
C. McDaniel
William P. Wilson Jr.
County Manager

Note: Tracts "A", "B" + "C" are non-buildable per Spalding Co. Ordinance.



In my opinion this is a correct representation of the land platted and was prepared in conformity with the minimum requirements of the law from a survey of the property under my supervision.
R. Tim Conkle
Ga. Reg. Land Surveyor No. 2001

Linear measurements made with EDM
angular measurements made with 10"
transit theodolite
per angle point, no staking made
Error of closure 1/8" = 300'

PROPERTY SURVEY FOR
BOBBY DUNN

LOCATED IN LANDLOT 5 OF THE 3RD LAND DISTRICT OF THE 3RD LAND DISTRICT ORIGINALLY HENRY COUNTY NOW SPALDING COUNTY, GEORGIA
SCALE 1" = 100' - DATE: OCT. 2, 2017

5-14-03 8:55 am

S P A L D I N G C O U N T Y
B O A R D O F A P P E A L S

DATE: June 8, 2017
TO: Spalding County Board of Appeals
Spalding County Board of Commissioners
FROM: Department of Community Development
RE: Special Exception Application 17-04S

The following report constitutes the assessment and evaluation of the Community Development Department staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located on 3616 Fayetteville Road in Land Lot 6 of the 3rd Land District of Spalding County. The property consists of 19.5 +/- acres.

Current owner:

Terry Dunn
208 Sylvan Lanes
Griffin, Georgia 30224

Agent:

Alex Scott
109 Cedar Point
Peachtree City, Georgia 30269

Proposed use:

The applicant is requesting special exception approval from Spalding County to allow the development of the property as an indoor shooting range utilizing an existing 6,000 square foot building which will serve as a support area and training area. A second 6,000 square foot building is proposed to be constructed on the property which will house the indoor range. Per the application, the indoor range will be constructed pursuant to the NRA range source book guidelines. The applicant indicates the range

will not be a public facility and for training purposes only.

It must be noted the applicant did provide the following statement within the documentation provided, "Our company reserves the right to change or alter any range facilities [sic] in the interest of safety as it sees fit as long as the changes comply with county code. This is a basic business plan and is subject to change or modification. Based on needs of the business additional facilities may be constructed in the future and will be done in compliance with county code."

The applicant has made application to both amend the Future Land Use Map to commercial and rezone the property to C-1, Highway Commercial.

SPECIAL EXCEPTION:

Compliance with Zoning Ordinance Development Standards:

The Spalding County Unified Development Ordinance, Article 12. , Section 1203 (B)(7) allows indoor shooting ranges as a Special Exception while Section 202.HHH'1 defines them as:

Shooting range, indoor: an indoor facility for the safe shooting of firearms that complies with the technical and operational standards of The 2012 National Rifle Association ("NRA") Range Source Book, regardless of whether the facility is open to the general public or open only to private membership.

Transportation:

The Trip Generation, 7th Edition from the Institute of Transportation Engineers does not have data for the proposed use.

Spalding County Unified Development Ordinance, Section 413, Subsection G states as follows:

The Board of Appeals will consider the following points in arriving at a decision on the Special Exception:

1. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely affect the health or safety of residents or workers.

Staff anticipates that this project could have an adverse effect on the neighborhood but the proposed use will not be detrimental to the development of the adjacent properties. Consideration should be given to the proximity of the proposed development to the adjacent reservoir.

2. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception.

There should be no depreciating effects on neighboring property.

3. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirement of the use.

The proposed use could adversely affect existing uses surrounding the property.

The property does have sufficient size to accommodate the use.

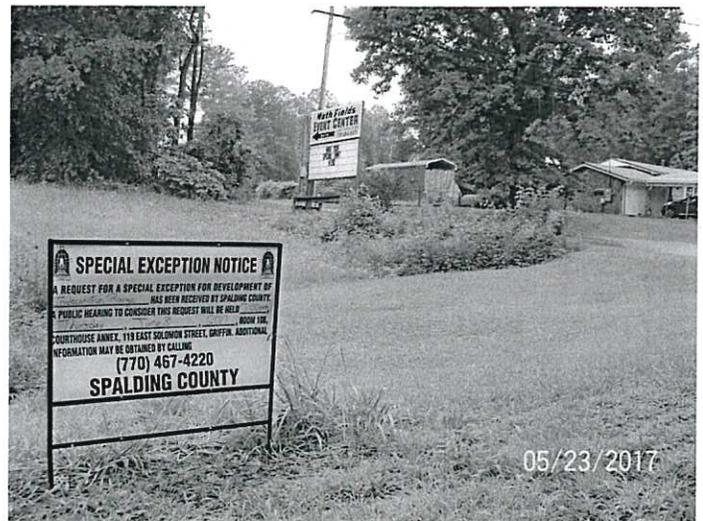
4. It must meet all other requirements of this Ordinance.

The proposal is inconsistent with the current zoning and future land use plan.

Photo:



View of the subject property on site at the gate.



View of subject property from 92 Highway at driveway.

Staff Recommendations:

Staff recommends **DENIAL** of the request for the following reasons:

1. The request does not satisfy all of Section 413.G.



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #17-05S

Requesting Agency

Office of Community Development

Requested Action

Application #17-05S: Patty Yocum, Owner - Kirby Yocum, Agent - 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4th Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Requirement for Board Action

Section 413.

Is this Item Goal Related?

No

Summary and Background

The Yocum's are requesting a special exception in order to place a new manufactured home on the subject property within the AR-1 district. The proposed home has approximately 1,680 sq. ft. of heated space with a 4/12 roof pitch. Per the applicant, the total cost of the home will be approximately \$80,000.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL

ATTACHMENTS:

Description	Upload Date	Type
□ Application #17-05S	6/1/2017	Backup Material

**SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION FOR MANUFACTURED HOMES
IN THE AR-1 & R-5 DISTRICT**

NO. 17-055

AGENT/DEVELOPER INFORMATION
(If not owner)

Name: Kirby Yocum
Address: 82 Shoal Creek Rd
City: Griffin
State: GA Zip: 30223
Phone: 678-588-3561
Contact Person: Kirby

PROPERTY OWNER INFORMATION

Name: Patty Yocum
Address: 847 Shoal Creek Rd.
City: Griffin
State: GA Zip: 30223
Phone: 760-505-1786
Phone: _____

APPLICANT IS THE:

Owner's Agent _____ Property Owner _____ Developer

Present Zoning District(s): AR-1

Land District(s): d/h Land Lot(s): 16 Acreage: 3 acres

Address of Property: 847 Shoal Creek Rd, Griffin, GA 30223

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted: a residential structure...

HUD. AR-1 zoning
Section 503:B(18) - Class A mfg. home w/a
heated ~~square~~ floor area of at least 1580 square
feet.

OTHER REQUIRED INFORMATION

- 1) Attach a statement describing the Special Exception and the reason you are requesting this Special Exception. Please include in the statement the following:
 - a) Size of dwelling *1680 sq. ft. (28x60)*
 - b) Model of manufactured home *Camden*
 - c) Photographs and/or renderings of the front exterior.
 - d) Type of roof material. *asphalt Shingle*
 - e) Type of exterior construction material. *vinyl siding*
 - f) Type of foundation material. *concrete block*
 - g) Cost of unit and cost of lot. *\$80,000.-*
- 2) Attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.
- 3) Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):

Kurt W. Young

Agent/Developer

Patty Young

Property Owner

4/19/17

Date

4/19/17

Date

OFFICE USE ONLY

Date Received: *4/29/17*

Amount of Fee: *\$300⁰⁰*

Received By: *C. McDaniel*

Receipt Number: *814670*

SPECIAL EXCEPTION APPLICANT'S RESPONSE

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: No

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: No

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: No

(D) Whether granting a Special Exception would adversely affect existing uses: No

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: Yes

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: Yes

OFFICE USE ONLY

Date Received: 4-27-17 Received By: C. McDaniel

PROPERTY OWNER'S CERTIFICATION OF OWNERSHIP AND ZONING COMPLIANCE

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certify that the agent, if different from the owner, is authorized to file this application.

Patty Yocum
Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

Patty Yocum 4-19-17
Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

Signature of Agent

Title of Authorized Officer or Agent (if applicable)

Cynthia L. McDaniel
Signature of Notary Public Exp. 8/17/20

4-19-17
Date

--Notary Seal--

OFFICE USE ONLY

Date Received: 4-27-17

Received By: C. McDaniel

SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION

Section 416: Special Exception.

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- ✓A. Vicinity map;
- ✓B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property; **AR-1**
- E. The building outline and maximum proposed height of all buildings; **Yes.**
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement; **Yes,**
- G. The location of all required off street parking and loading areas; **Yes**
- H. Required yard setbacks appropriately dimensioned; **Yes**
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required; **To be determined**
- J. Topography at twenty (20) foot contour intervals;
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications:
(#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

We believe that a special exception for a single family home should be granted for the following reasons:

The size of the lot is 3 acres with a 200' frontage.

The size of the home is 28 x 60 (1680 sq. ft.) The exterior walls are of 2" x 6" material on 16" centers insulated with R-30 insulation OSB wrapped and a vinyl siding on exterior.

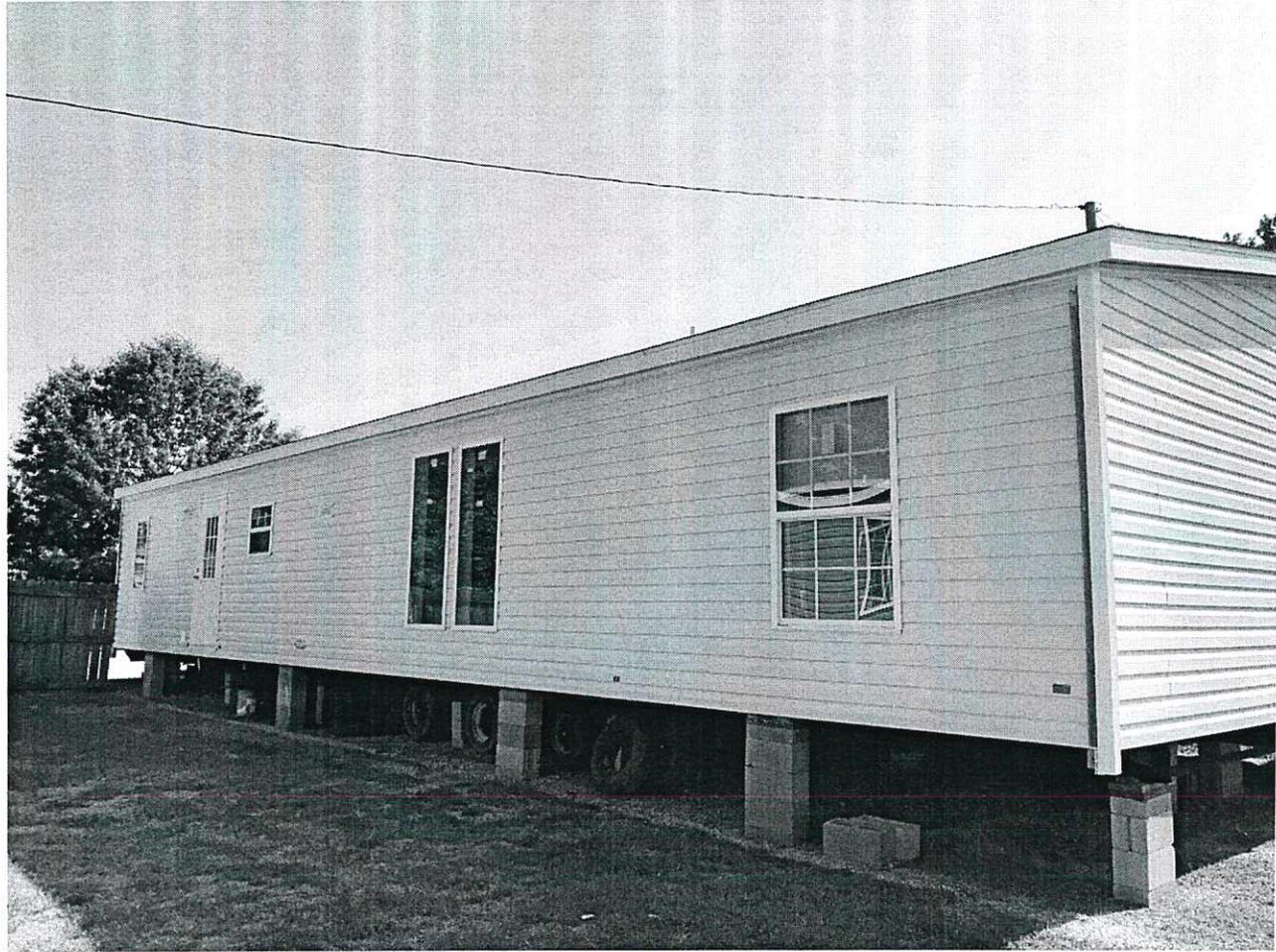
The inside walls are 2" x 4" on 16" centers and then a 1/2" sheet rock is installed on all walls.

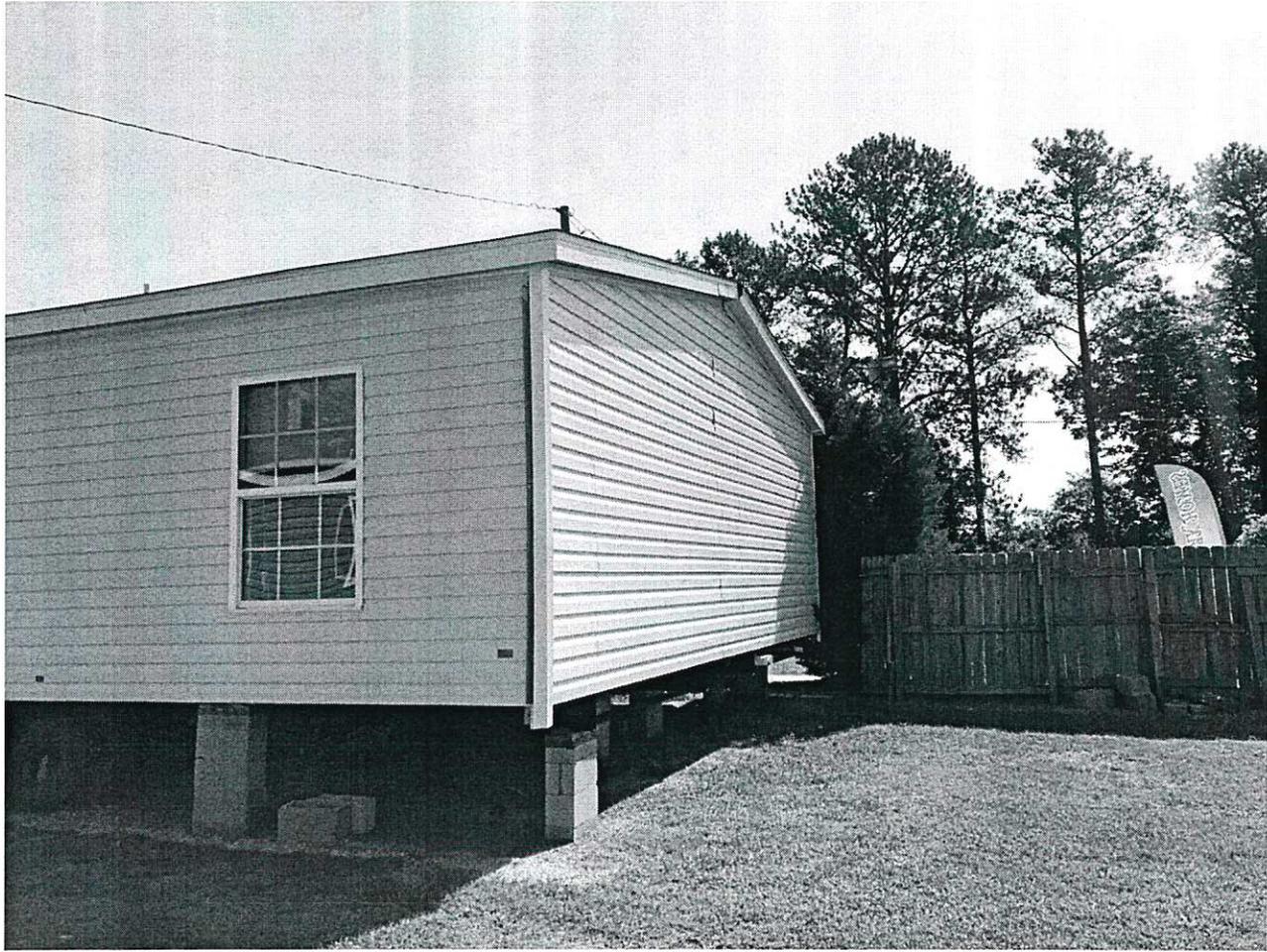
The floor is 2" x 8" lumber on 16" centers covered by 3/4" tongue and groove sub floor and then covered by carpet or floor covering of choice.

The roof is constructed of 2" x 6" material on a 4/12 pitch covered by OSB and asphalt shingles.

The house will set on footing and then on a 8" cement block foundation all around.

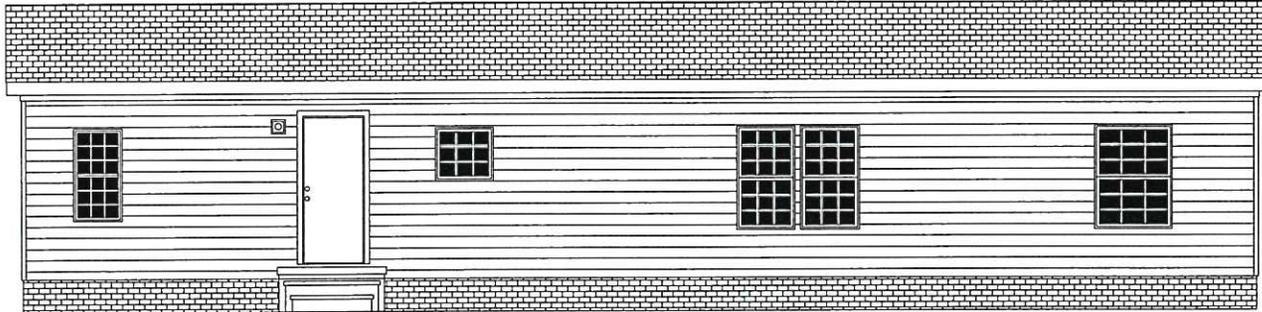




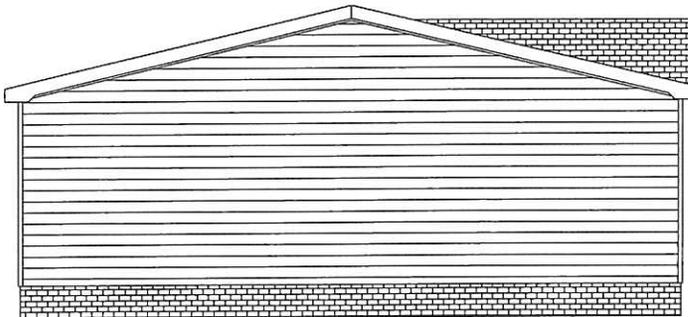


P-2563F

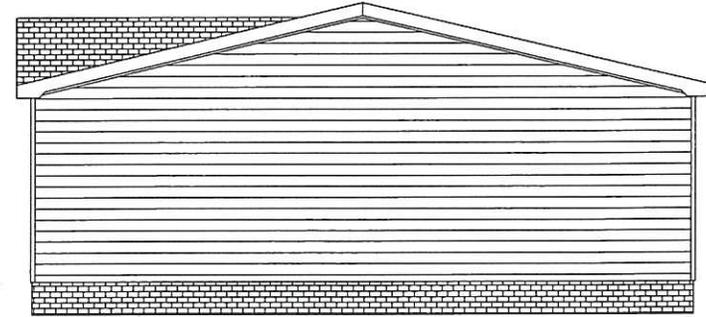
Camden



REAR ELEVATION



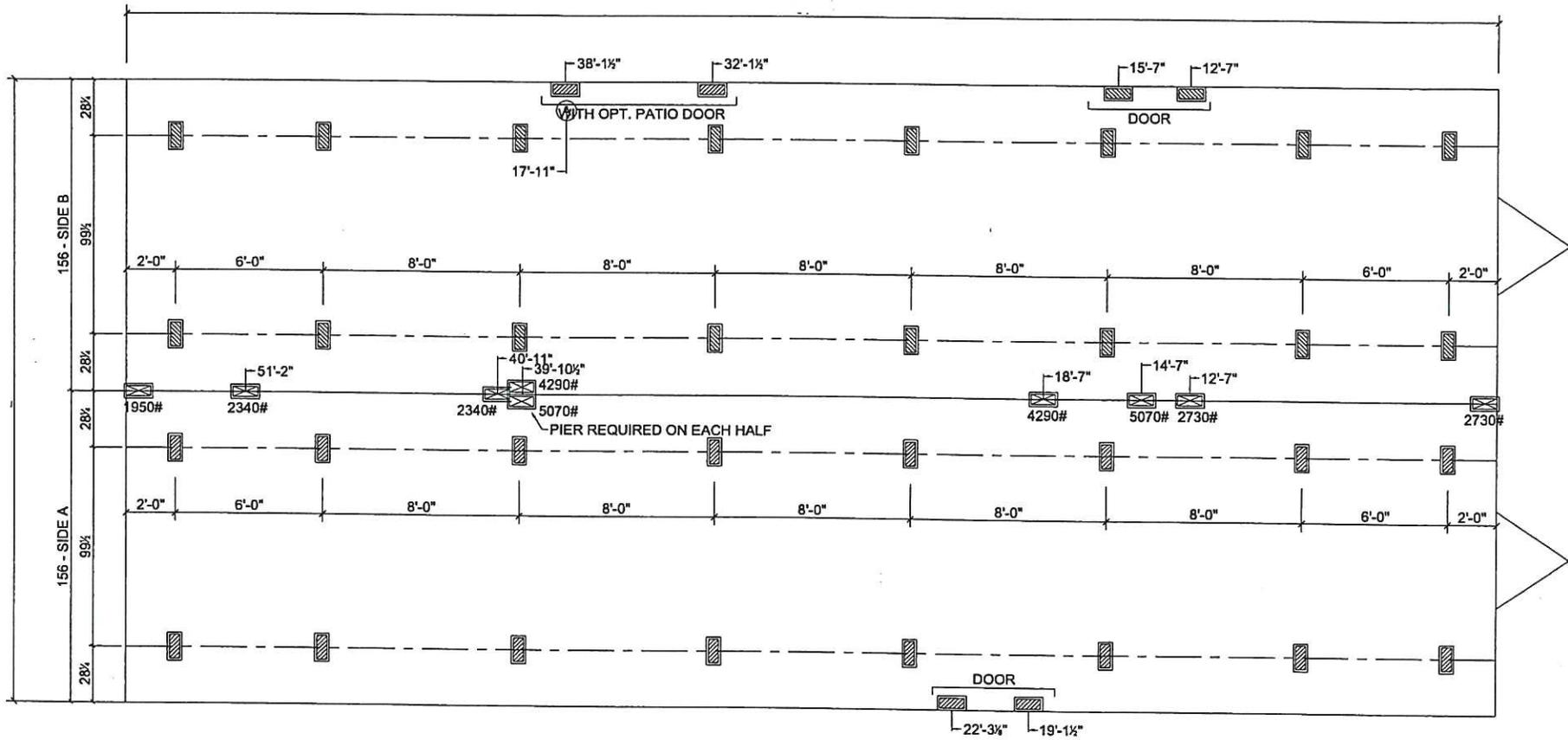
LEFT ELEVATION



RIGHT ELEVATION



DORMERS SHOWN ARE OPTIONAL.



-  MARRIAGE LINE OPENING SUPPORT PIER/TYP.
-  SUPPORT PIER/TYP

2-11-2013

FOUNDATION NOTES:

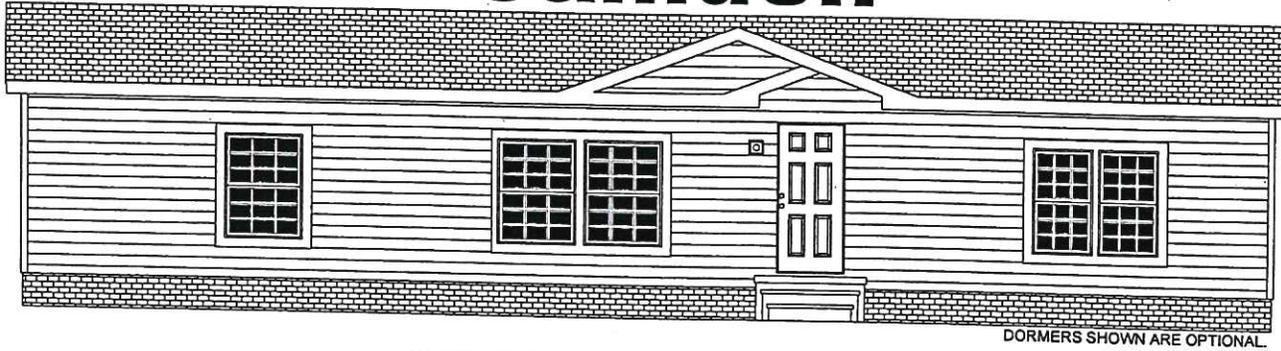
- THIS DRAWING IS DESIGNED FOR THE STANDARD WIND ZONE AND IS TO BE USED IN CONJUNCTION WITH THE INSTALLATION MANUAL AND IT'S SUPPLEMENTS.
- FOOTINGS ARE SHOWN FOR EXAMPLE ONLY QUANTITY AND SPACING MAY VARY BASED ON PAD TYPE, SOIL CONDITION, ETC.
- FOOTINGS ARE REQUIRED AT SUPPORT POSTS, SEE INSTALLATION MANUAL FOR REQUIREMENTS.

**Live Oak Homes
MODEL: P-2563F
3-BEDROOM / 2-BATH**

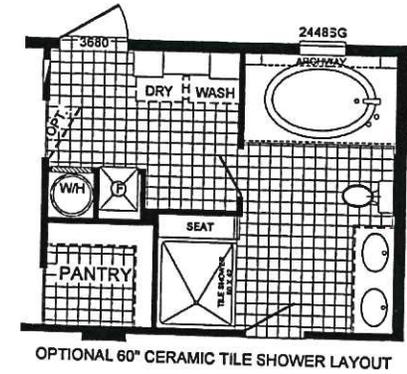
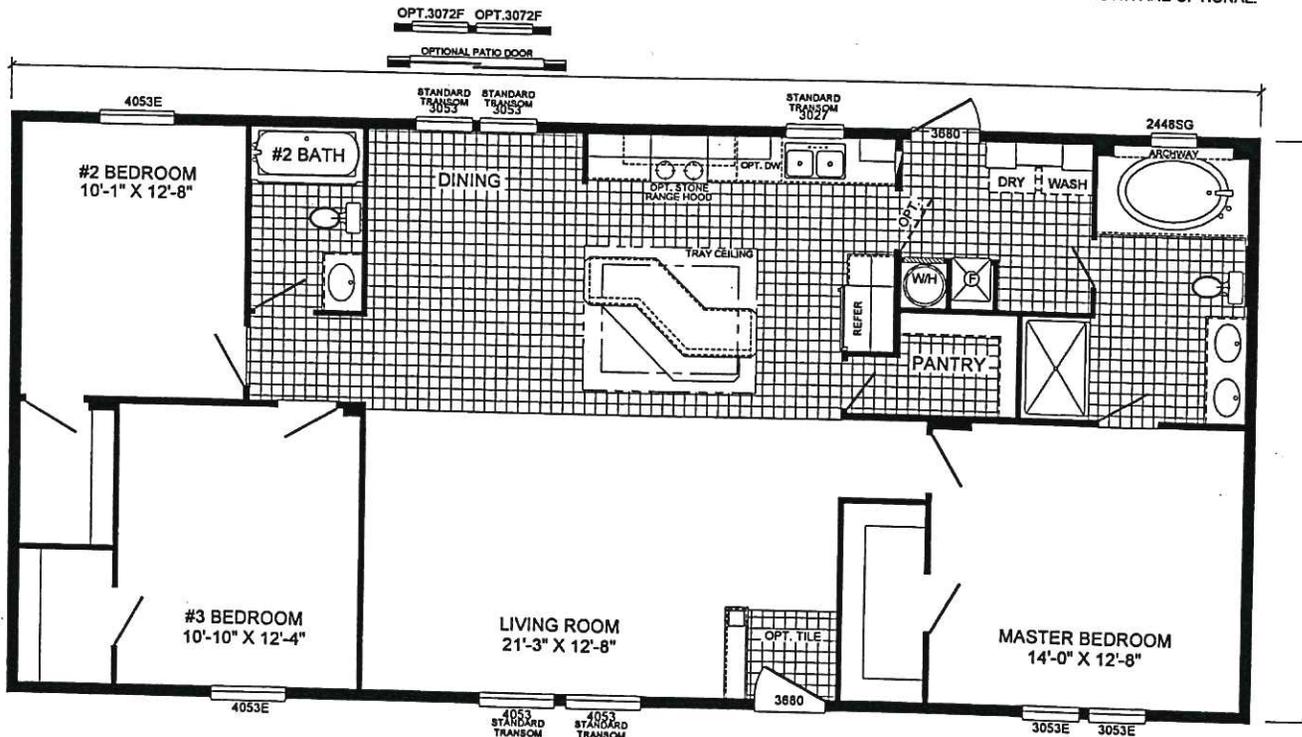
- | | |
|------------------------------|---|
| (A) MAIN ELECTRICAL | (G) DUCT CROSSOVER |
| (B) ELECTRICAL CROSSOVER | (H) SEWER DROPS |
| (C) WATER INLET | (I) RETURN AIR (W/OPT. HEAT PUMP OH DUCT) |
| (D) WATER CROSSOVER (IF ANY) | (J) SUPPLY AIR (W/OPT. HEAT PUMP OH DUCT) |
| (E) GAS INLET (IF ANY) | |
| (F) GAS CROSSOVER (IF ANY) | |

P-2563F

Camden



DORMERS SHOWN ARE OPTIONAL

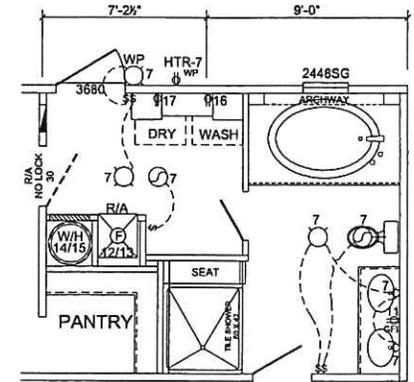
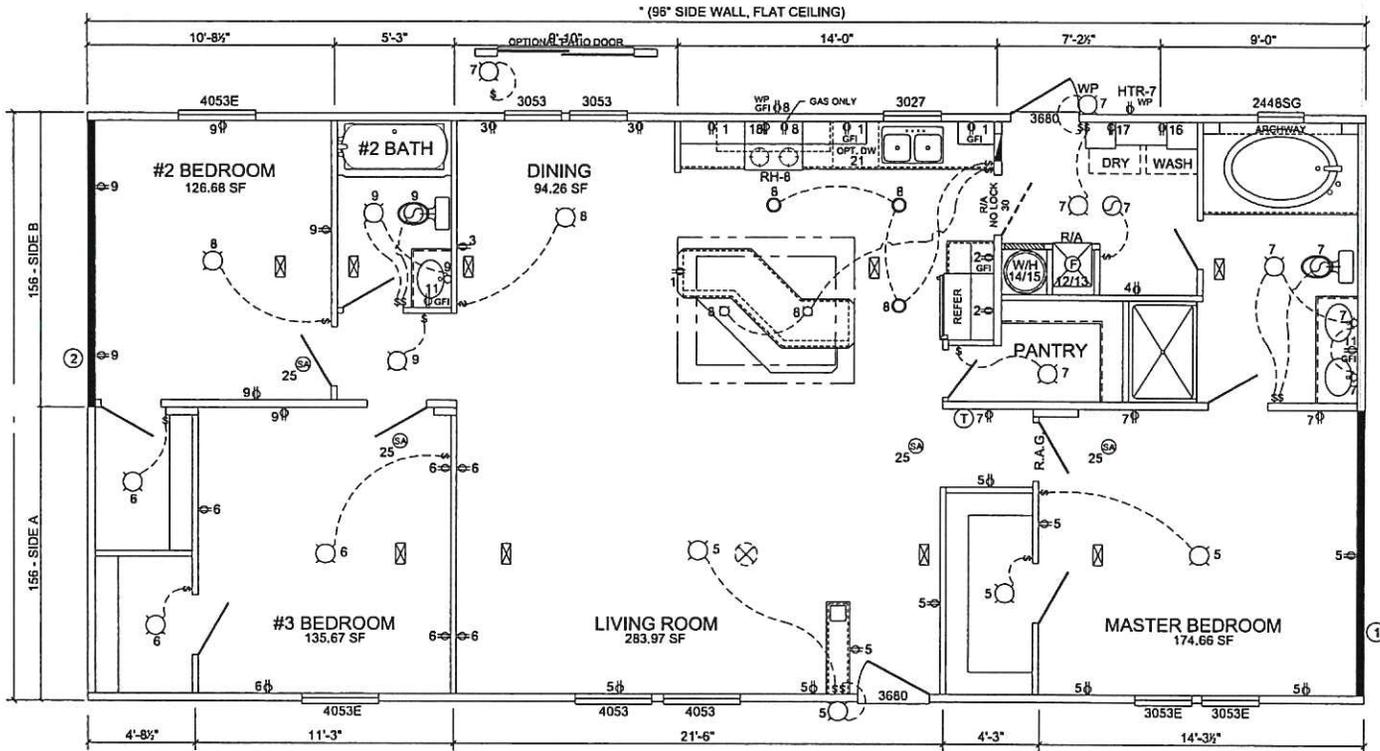


OPTIONAL 60" CERAMIC TILE SHOWER LAYOUT

P-2563F
3-BEDROOM / 2-BATH
28 x 60

Date: 8-27-2012

- * All room dimensions include closets and square footage figures are approximate.
- * Transom windows are available on optional 9'-0" sidewall houses only.



SHEAR WALL DESCRIPTION						
NO.	WIND ZONE 1		WIND ZONE 2		WIND ZONE 3	
	LENGTH	PLF	LENGTH	PLF	LENGTH	PLF
1	152"	150	140"	425	140"	515
2	152"	150	140"	425	140"	515

■ SHEAR WALLS FOR ALL WIND ZONES

TOTAL WINDOW AREA (S.F.) = 111.72
 TOTAL DOOR AREA (S.F.) = 40.0
 SLDG. GLASS DR. AREA (S.F.) = 0

P-2563F

REV.#	DESCRIPTION OF REVISION



Live Oak Homes

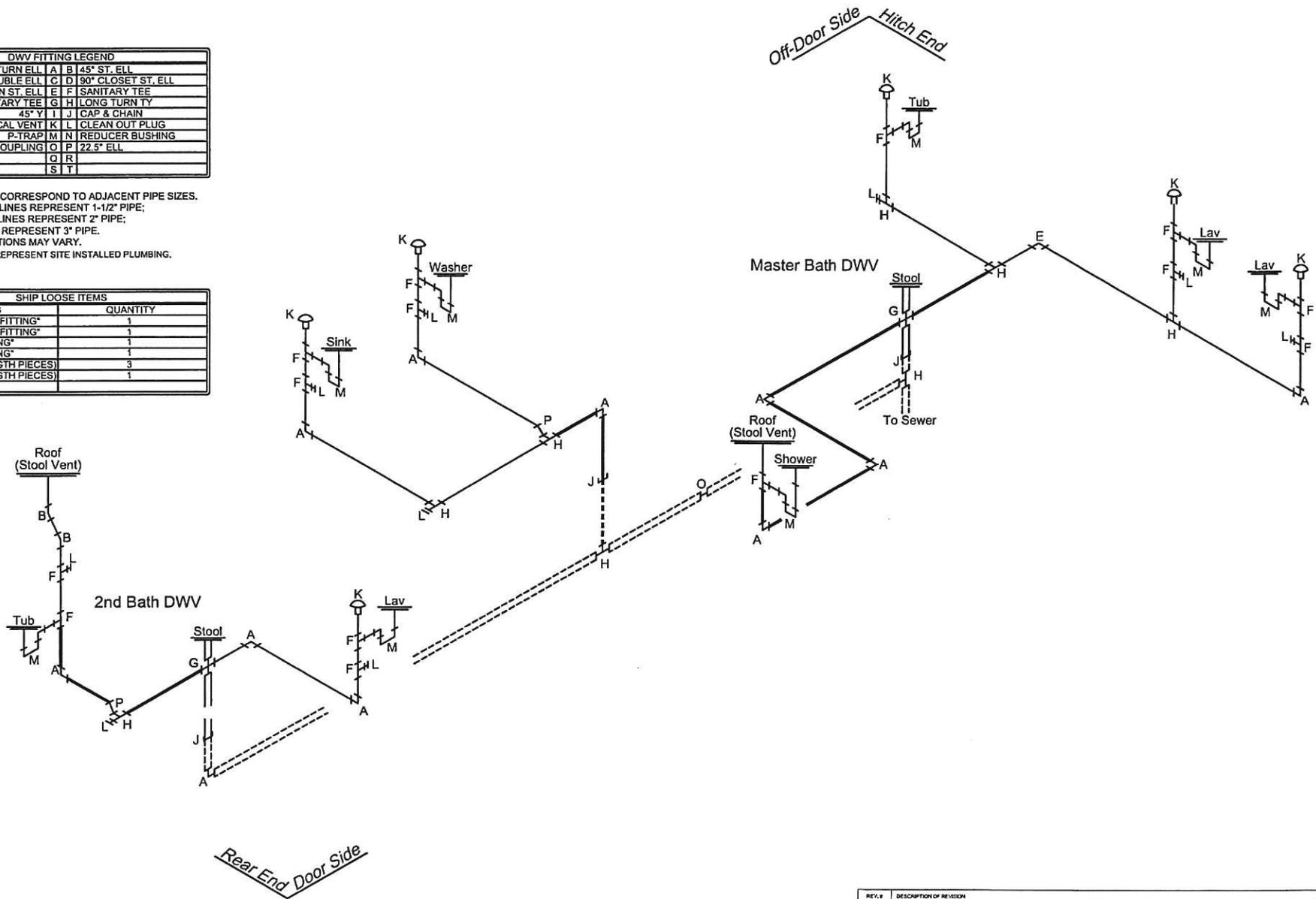
PRINT DATE: 9-3-2012	TRUSS MEEL HEIGHT: 6" MAX
SCALE: 1/8" = 1'-0"	WIND ZONE(S): WZ 1, 2, & 3

TITLE:
P-2563F --- 28 X 60 - 3BR 2BATH
FLOOR PLAN APPROVAL

DWV FITTING LEGEND			
90° LONG TURN ELL	A	B	45° ST. ELL
DOUBLE ELL	C	D	90° CLOSET ST. ELL
90° LONG TURN ST. ELL	E	F	SANITARY TEE
DOUBLE SANITARY TEE	G	H	LONG TURN TY
45° Y	I	J	CAP & CHAIN
MECHANICAL VENT	K	L	CLEAN OUT PLUG
P-TRAP	M	N	REDUCER BUSHING
COUPLING	O	P	22.5° ELL
	Q	R	
	S	T	

- NOTES:
- 1) FITTING SIZES CORRESPOND TO ADJACENT PIPE SIZES.
 - 2) SINGLE (THIN) LINES REPRESENT 1-1/2" PIPE;
DARK (THICK) LINES REPRESENT 2" PIPE;
DOUBLE LINES REPRESENT 3" PIPE.
 - 3) P-TRAP DIRECTIONS MAY VARY.
 - 4) DOTTED LINES REPRESENT SITE INSTALLED PLUMBING.

SHIP LOOSE ITEMS	
FITTING	QUANTITY
3" X 3 X 2" "H-FITTING"	1
3" X 3" X 3" "H-FITTING"	1
3" "O-FITTING"	1
3" "A-FITTING"	1
3" PIPE (FULL LENGTH PIECES)	3
2" PIPE (FULL LENGTH PIECES)	1



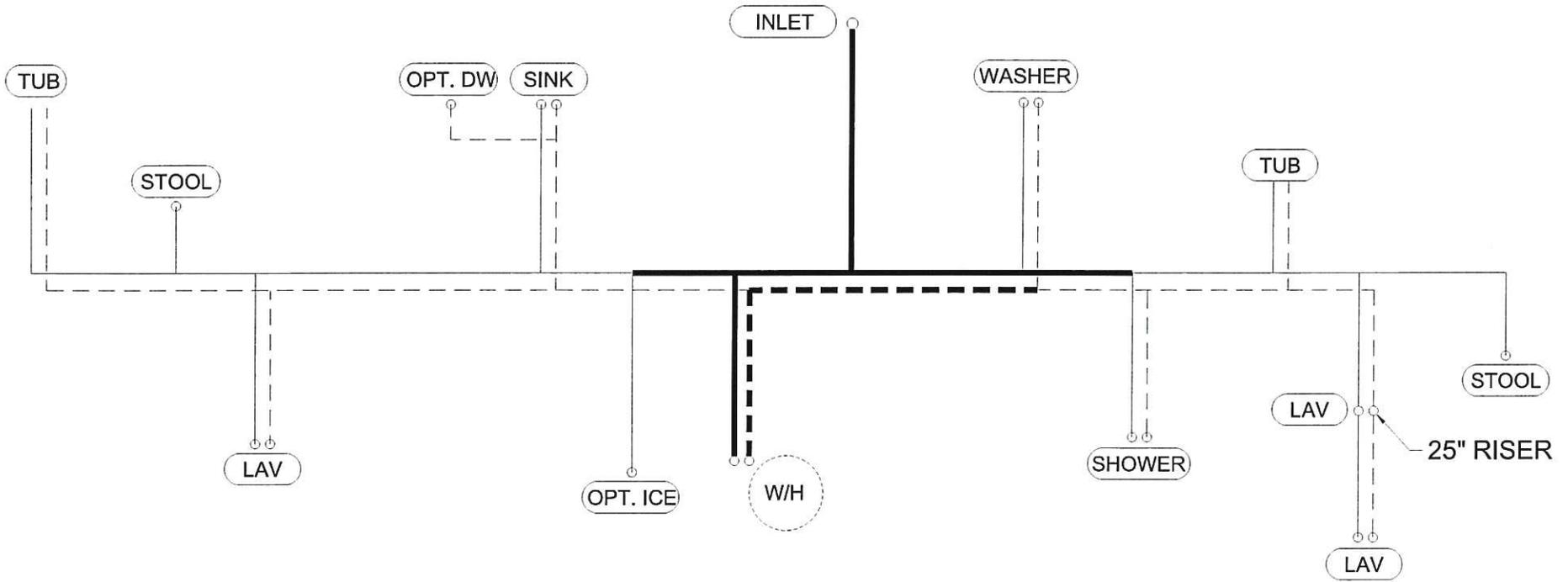
P-2563F



Live Oak Homes

PRINT DATE	12-27-2012	DWG. BY:		TITLE:	P-2563F
SCALE:	NTS	WIND EC#(133)	WZ 1, 2, AND 3		DRAIN WASTE VENT APPROVAL

REV. #	DESCRIPTION OF REVISION
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LEGEND

- 1/2" LINE (COLD)
- - - - - 1/2" LINE (HOT)
- 3/4" LINE (COLD)
- - - - - 3/4" LINE (HOT)
- CUT OFF VALVE LOCATION

NOTES:

- 1) FITTING SIZES TO CORRESPOND TO ADJACENT PIPE SIZES.
- 2) ALL SIZING OF PIPE + OR -, MUST MEET OR EXCEED ANY APPLICABLE CODES.

P-2563F

REV. #	DESCRIPTION OF REVISION
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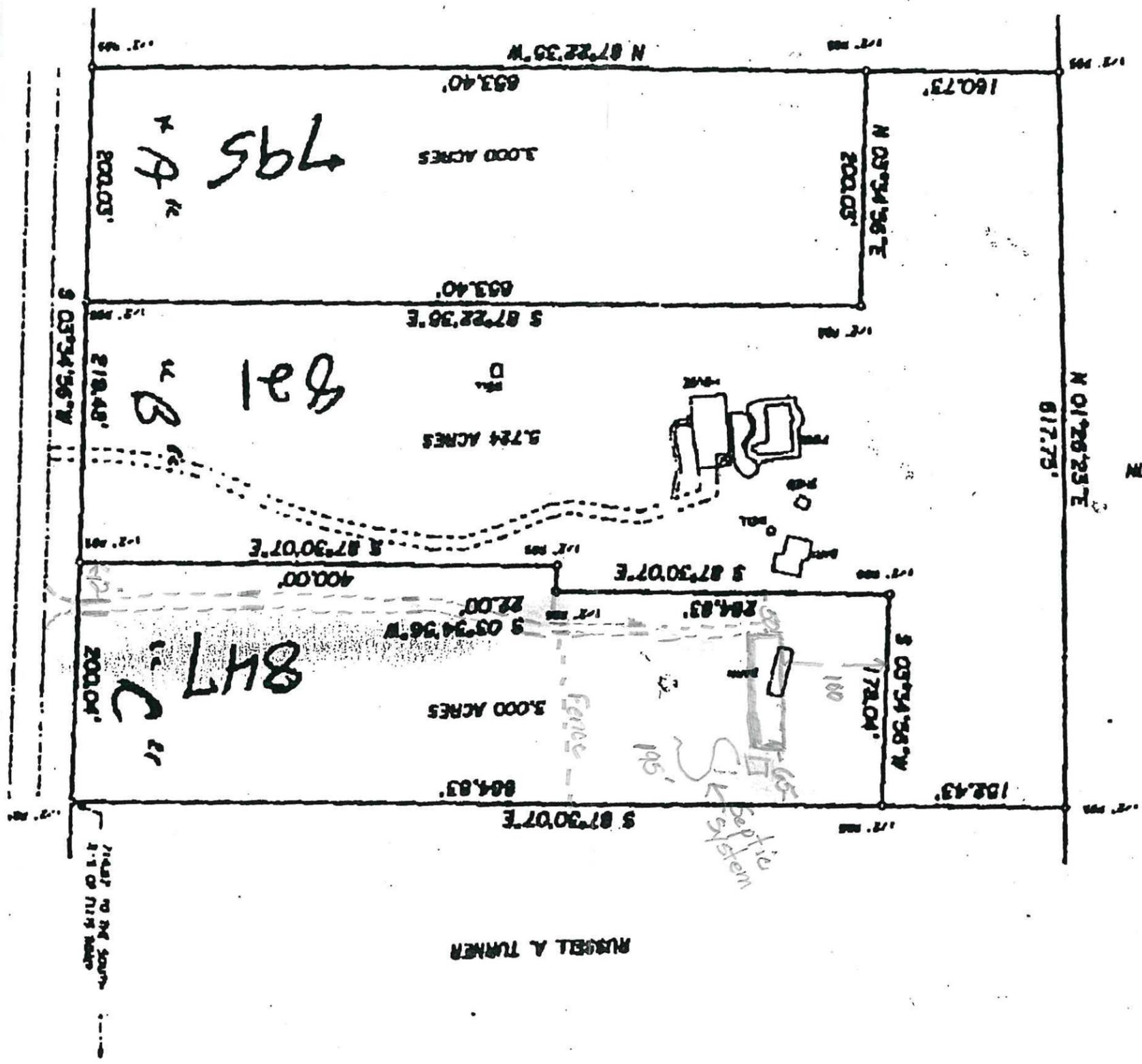
Live Oak Homes

PRINT DATE	8-31-2012	DRAWN BY	
SCALE	NTS	WIND ZONES	WZ 1, 2, AND 3

TITLE: P-2563F – 28 X 56 3 BR 2 Bath
WATER SUPPLY LINE APPROVAL

CITY OF GRAFTON

N 01°26'23"E
817.75'



RUSSEL A TURNER

MIKE & KATHY CROWDER

SHOAL CREEK ROAD (80' R/W)

744.2' TO NE CORNER
210' R/W MARK



Summary

Parcel Number 266 01015E
Location Address 847 SHOAL CREEK RD
Legal Description TR C SURVEY IN DEED 3495/335
 (Note: Not to be used on legal documents)
Class A3-Agricultural
 (Note: This is for tax purposes only. Not to be used for zoning.)
Tax District SPALDING COUNTY (District 03)
Millage Rate 39.8
Acres 3
Homestead Exemption No (50)
Landlot/District 16 / 4

[View Map](#)

Owner

YOCUM PATTY
 821 SHOAL CREEK ROAD
 GRIFFIN, GA 30223

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
RES	W Ellis Rd & Shoal Creek Rd	Acres	0	0	0	3	0

Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
10/2/2015	3992 154		\$10,000	Adjacent Land Owner	GARCIA JUAN M DIAZ	YOCUM PATTY
6/16/2011	3556 45		\$0	GIFT	BOYZOCAMBRON JAVIER A	GARCIA JUAN M DIAZ
1/25/2011	3514 276	9 15	\$0	GIFT	GARCIA JUAN M DIAZ	BOYZOCAMBRON JAVIER A
9/30/2010	3495 333		\$6,000	FAIR MARKET - VACANT	HERRERA FRANCISCO	GARCIA JUAN M DIAZ

Valuation

	2016	2015
Previous Value	\$24,000	\$24,000
Land Value	\$10,000	\$24,000
+ Improvement Value	\$0	\$0
+ Accessory Value	\$0	\$0
= Current Value	\$10,000	\$24,000

No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes, Permits, Photos, Sketches.

The Spalding County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information shown is PRELIMINARY and has NOT BEEN APPROVED by the Board of Assessors. ALL data is subject to change. Zoning or Flood Map information should always be verified with the proper authorities before being relied upon.

Last Data Upload: 4/18/2017 8:23:17 PM





Overview



Legend

-  Parcels
-  Roads

Parcel ID	266 01015E	Owner	YOCUM PATTY	Last 2 Sales			
Class Code	Agricultural		821 SHOAL CREEK ROAD	Date	Price	Reason	Qual
Taxing District	SPALDING COUNTY		GRIFFINGA 30223	10/2/2015	\$10000	AJ	U
	SPALDING COUNTY	Physical Address	847 SHOAL CREEK RD	6/16/2011	\$0	GF	U
Acres	3	Assessed Value	Value \$10000				
		Land Value	Value \$24000				

(Note: Not to be used on legal documents)

Date created: 4/19/2017
 Last Data Uploaded: 4/18/2017 8:23:17 PM

 Developed by
 The Schneider Corporation

BOOK 3992 PAGE 154

PLEASE RETURN TO:
JOHN P. JOINER
Attorney-at-law
217 North Hill Street
Griffin, GA 30223

FILED & RECORDED
CLERK, SUPERIOR COURT,
SPALDING COUNTY, GA

2015 OCT 8 PM 2 20

BY [Signature]
MARCIA L. NORRIS, CLERK

Real Estate Transfer Tax
Paid \$ 10.00
Date 10-8-15
PT-61 126-2015-2226
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

WARRANTY DEED

STATE OF GEORGIA, COUNTY OF SPALDING

THIS INDENTURE, Made the 2nd day of October, in the year Two Thousand and Fifteen,
between

JUAN M. DIAZ GARCIA

of the County of Spalding and State of Georgia, as party or parties of the first part, hereinafter called Grantor,
and

PATTY YOCUM

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 Other valuable
consideration and One and no/100 (\$1.00) DOLLARS 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,

BOOK 3992 PAGE 155

All that lot, tract or parcel of land situate, lying and being in Land Lot 16 of the 4th District of originally Henry, now Spalding County, Georgia, and being part of the property designated as Tract "A" and Tract "B" on a plat of survey entitled "Property Survey for Marvin Burgess", prepared by Kenneth E. Presley Associates, Inc., GRLS, dated April 21, 1971, revised October 16, 1971. Said survey being recorded in Plat Book 9, page 15, Spalding County, Georgia records; said property being more specifically described as follows:

BEGINNING at a 1/2 inch rebar found on the western right of way of Shoal Creek Road (80 foot right of way), 714.87 feet south of the intersection of the western right of way of Shoal Creek Road and the southern right of way of Ellis Road; thence North 87 degrees 30 minutes 07 seconds West a distance of 684.83 feet to a 1/2 inch rebar set; thence South 03 degrees 34 minutes 56 seconds West a distance of 178.04 feet to a 1/2 inch rebar set; thence South 07 degrees 30 minutes 07 seconds East a distance of 284.83 feet to a 1/2 inch rebar set; thence South 03 degrees 34 minutes 56 seconds West a distance of 22.00 feet to a rebar set; thence South 87 degrees 30 minutes 07 seconds East a distance of 200.04 feet to a 1/2 inch rebar found and the True Point of Beginning. Said property containing approximately 3.0 acres according to a survey for Odo Lessacher, dated March 25, 2003, by Kenneth Edward Presley, Reg. Land Surveyor No. 1327, and being the property known as 847 Shoal Creek Road, Griffin, GA 30223.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to 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 claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

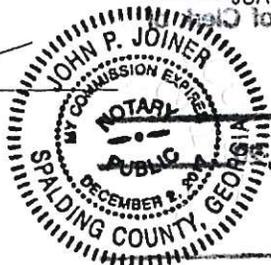
Signed, sealed and delivered in presence of



Unofficial Witness



Notary Public



GEORGIA SPALDING COUNTY (SEAL)
JUAN M. DIAZ GARCIA
DEPUTY CLERK OF SUPERIOR COURT

SPALDING COUNTY, GEORGIA
MARCIAL L. NORRIS, CLERK OF SUPERIOR COURT
DEPUTY CLERK, SPALDING SUPERIOR COURT

2010 NOV 23 AM 10 23

BY MB
MARCIA L. NORRIS, CLERK

Return Recorded Document to:
Hollingsworth & Associates, LLC
5151 Brook Hollow Parkway
Suite 145
Norcross, Georgia 30071

Real Estate Transfer Fee
Amount \$ 6.00
Date 11-23-10
PT-61 126-2010-3834
Marcia L. Norris
Clerk of Superior Court, Spalding Co., GA.

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF GWINNETT

File #: 10-1174S

This Indenture made this 30 day of September, 2010 between

Francisco Herrera

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

Juan M. Diaz Garcia

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 (\$10.00 Dollars)** and other good and valuable considerations 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,

See Attached Exhibit "A" for Lot C

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to 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 claims of all persons whomsoever.

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:

Cookson Juan
Witness

Lucy Alvarez
Notary Public



Francisco Herrera (Seal)
Francisco Herrera

_____ (Seal)

_____ (Seal)

_____ (Seal)

EXHIBIT "A"
LEGAL DESCRIPTION - LOT "C"

FILE NO.: 10-1174S

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 16 OF THE 4TH DISTRICT OF ORIGINALLY HENRY, NOW SPALDING COUNTY, AND AS PART OF THE PROPERTY DESIGNATED AS TRACT "A" AND TRACT "B" ON A PLAT OF SURVEY ENTITLED "PROPERTY SURVEY FOR MARVIN BURGESS", PREPARED BY KENNETH E. PRESLEY ASSOCIATES, INC., GRLS, DATED APRIL 21, 1971, REVISED OCTOBER 16, 1971, SAID SURVEY BEING RECORDED AT PLAT BOOK 9, PAGE 15, SPALDING COUNTY, GEORGIA RECORDS; SAID PROPERTY BEING SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½ INCH REBAR FOUND ON THE WESTERN RIGHT OF WAY OF SHOAL CREEK ROAD (80 FOOT RIGHT OF WAY), 714.87 FEET SOUTH OF THE INTERSECTION OF THE WESTERN RIGHT OF WAY OF SHOAL CREEK ROAD AND THE SOUTHERN RIGHT OF WAY OF ELLIS ROAD; THENCE NORTH 87 DEGREES 30 MINUTES 07 SECONDS WEST A DISTANCE OF 684.83 FEET TO A ½ INCH REBAR SET; THENCE PROCEED SOUTH 03 DEGREES 34 MINUTES 56 SECONDS WEST A DISTANCE OF 178.04 FEET TO A ½ INCH REBAR SET; THENCE PROCEED SOUTH 87 DEGREES 30 MINUTES 07 SECONDS EAST A DISTANCE OF 284.83 FEET TO A ½ INCH REBAR SET; THENCE PROCEED SOUTH 03 DEGREES 34 MINUTES 56 SECONDS WEST A DISTANCE OF 22.00 FEET TO A REBAR SET; THENCE PROCEED SOUTH 87 DEGREES 30 MINUTES 07 SECONDS EAST 400.00 FEET TO A ½ INCH REBAR SET; THENCE NORTH 03 DEGREES 34 MINUTES 56 SECONDS EAST A DISTANCE OF 200.04 FEET TO A ½ INCH REBAR FOUND AND THE TRUE POINT OF BEGINNING. SAID PROPERTY CONTAINING APPROXIMATELY 3.0 ACRES ACCORDING TO SURVEY FOR ODO LESSACHER, DATED MARCH 25, 2003, BY KENNETH EDWARD PRESLEY, REG. LAND SURVEYOR NO. 1327, AND BEING THE PROPERTY KNOWN AS 847 SHOAL CREEK ROAD, GRIFFIN GA, 30223.

LEGEND

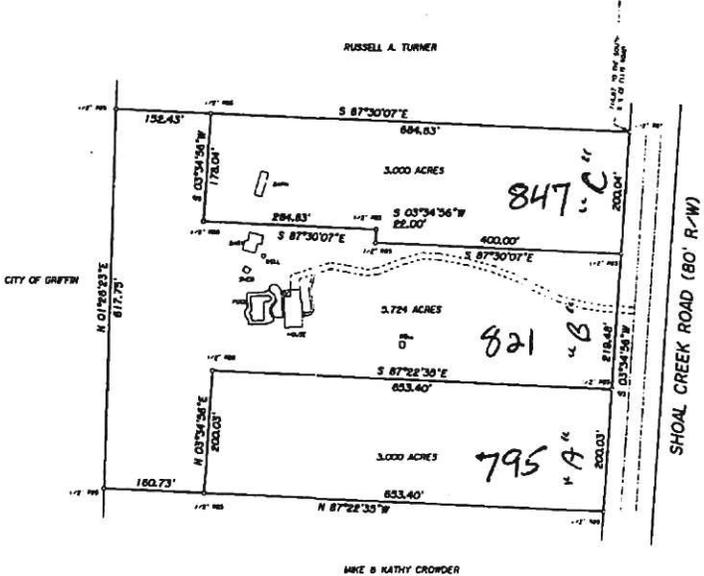
- | | | |
|--------------------------|---------------------------|-----|
| 1/2" DIA SET | POWER LINE | --- |
| 3/4" DIA FOUND | WATER LINE | --- |
| PIPE SET | FENCE LINE | --- |
| PIPE SET | SEWER LINE | --- |
| SPRINKLER | 66" LINE | --- |
| REINFORCED CONCRETE PIPE | EASEMENT LINE | --- |
| COMPUTERIZED 60" PIPE | CREEK LINE | --- |
| WATER METER | LAND LOT LINE | --- |
| WATER METER | POST TO BE SET | --- |
| SEWER VALVE | UNDERGROUND ELEC. | --- |
| SEWER VALVE | TYPIST LINE | --- |
| CONCRETE FOUNDATION | CONCRETE FOUNDATION FOUND | --- |

THE FIELD DATA FROM WHICH THIS PLAN IS
 DERIVED HAS A CLOSURE PRECISION OF THE FOUR
 FIGURE 1:50,000 FEET AND IS CONSIDERED TO BE
 ACCURATE TO WITHIN ONE HUNDRED THOUSANDTH
 OF AN INCH.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE
 AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT
 IN 100,000 FEET.

EQUIPMENT USED FOR MEASUREMENTS:
 TOPCON 30

REFERENCE PLAT: PROPERTY MAPS FOR BARNOR DISTRICT
 BY FREDERICK PEARLEY DATED 10/24/11



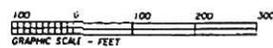
SPALDING COUNTY, GEORGIA
 MARCO L. MORRIS, CLERK OF SUPERIOR COURT
 DEPUTY CLERK, SPALDING SUPERIOR COURT

Book _____ Page _____ 30

Spalding County
 is hereby of record in the office of Clerk of
 Superior Court and correct copy of the instrument as
 I hereby certify that the within and foregoing
 GEORGIA SPALDING COUNTY



BERNHARD, HARPER & ASSOCIATES, INC.
 100 EAST ZANE STREET - P.O. BOX 602 - GRIFFIN, GEORGIA 30202
 OFFICE 770.227.0818 FAX 770.227.0827



PROPERTY SURVEY FOR	
ODO LESSACHER	
LAND LOT: 16	LAND DISTRICT: 4TH OH
COUNTY: SPALDING	SUBDIVISION
SCALE: 1" = 100'	DATE: MARCH 25, 2003
PROJECT: 1733C	DRAWN BY: CHD

S P A L D I N G C O U N T Y
B O A R D O F A P P E A L S

DATE: June 8, 2017
TO: Spalding County Board Of Appeals
Spalding County Board Of Commissioners
FROM: Department of Community Development
RE: Special Exception Application 17-05S

The following report constitutes the assessment and evaluation by the Community Development staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located at 847 Shoal Creek Road of Land Lot 16 and the 4th District of Spalding County. Property consists of a total of 3 +/- acres.

Current Owner:

Patty Yocum
847 Shoal Creek Road
Griffin, Georgia 30223

Agent/Developer

Kirby Yocum
821 Shoal Creek Road
Griffin, Georgia 30223

Proposed use:

The Yocum's are requesting a special exception in order to place a new manufactured home on the subject property within the AR-1 district. The proposed home has approximately 1,680 sq. ft., of heated space with a 4/12 roof pitch. Per the applicant the total cost of the home will be approximately \$80,000.

Compliance with Zoning Ordinance Development Standards:

The property is currently zoned AR-1.

Section 503:B(18) of the UDO states that a Class A manufactured home with a heated floor area of 1,500 square feet is allowed by special exception.

Section 413:G' of the UDO states:

In addition to the criteria set forth in the preceding subsection, the Board of Appeals shall (for any application for the placement and location of a Class A manufactured home in the Agricultural-Residential AR-1 zoning district, as allowed in Section 503(B)(18) of this Ordinance) determine that the location and placement thereof is compatible with the surrounding development in the general area, based on such information as necessarily determines that the manufactured home conforms with the general area in which it is to be placed based on the size of the dwelling, the site plan for the location of the dwelling, photographs and/or rendering of the front exterior thereof, roof material, exterior construction material, foundation material, general aesthetic appearance to conventionally constructed (site-built) housing and construction costs of conventionally constructed (site-built) housing pursuant to consideration of the following criteria:

a. The number and quality of conventionally constructed (site-built) dwellings and other forms of housing in the same zoning district throughout Spalding County;

Computer analysis of this data is not available currently. Preliminary review appears that approximately 60% of AR-1 zoning contains conventionally constructed housing with 40% containing manufactured homes.

b. The number and quality of conventionally constructed (site-built) dwelling and other forms of housing in the general area;

Within a half-mile radius of this property are 48 parcels. Within this radius are 2 manufactured homes, 31 single-family conventionally constructed homes while 15 parcels are undeveloped. See attached map. Heated square footage for the conventional homes ranges from 832 to 2,697.

c. existing development in the general area;

Surrounding development in the area consists of a mixture of residential and undeveloped uses. The general area does have a primary development trend with respect to residential development. The percentages for development are as follows with conventional homes at approximately 65%, 4% for manufactured homes and vacant parcels consisting of 31%.

- d. proposed development for which subdivision approval or building permits have been issued in the general area;

There are no proposed developments being considered in this general area. The area appears to trend towards conventionally constructed homes.

- e. existing deed or covenant restrictions on tracts within the general area;

None.

- f. any existing architectural style used in dwellings in the general area;

There is no true architectural style in this general area as there is a mixture of conventionally constructed homes that are brick, wood, and/or vinyl along with manufactured homes of various construction.

- g. the proposed location and placement of the manufactured home on the property in relationship to the location, setback and road visibility of other dwellings in the general area; and

The proposed location of the home would comply with all setback requirements for the AR-1 district.

- h. the age and condition of other dwellings in the general area.

Conventional home construction in the general area began in 1940 and range to 2008. There is no age data for the manufactured homes in this general area.

For purposes of this Ordinance, the term "general area" shall mean the specific subdivision, development or street on or in which the manufactured home is proposed to be located along with the geographic area extending for a distance of a one-half mile radius of the proposed location of the manufactured home.

Photos



View of property from Shoal Creek Road.

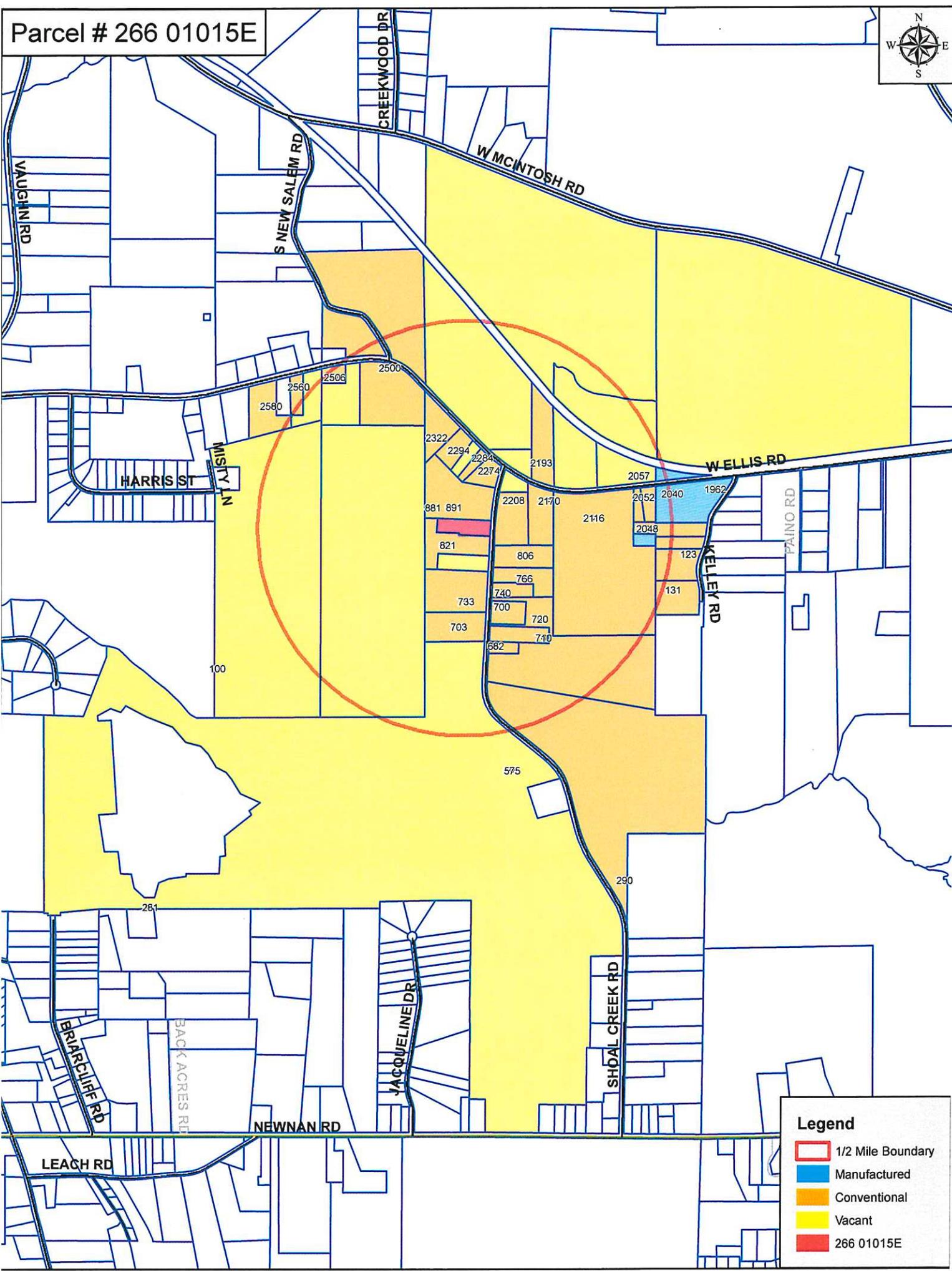
Staff Recommendations:

Staff recommends **Denial** of this application for the following reason:

This recommendation was made for the following reasons:

- a. Based on the requirements from Section 413 G' of the UDO, there is an established trend in the general area towards conventional home construction.

Parcel # 266 01015E



Legend

- 1/2 Mile Boundary
- Manufactured
- Conventional
- Vacant
- 266 01015E

#	PARCEL ID	JURISDICTION	NUMBER	STREET	TYPE	ACRES	OCCUPANCY	YEAR BUILT	HEATED AREA
1	265A03003	COUNTY	2560	ELLIS	RD	2.00	CONVENTIONAL	1968	2090
2	265A03005A	COUNTY	2580	ELLIS	RD	5.91	CONVENTIONAL	1996	2076
3	266 01006	COUNTY	881	SHOAL CREEK	RD	11.06	CONVENTIONAL	2000	1620
4	266 01006A	COUNTY	2322	ELLIS	RD	4.90	CONVENTIONAL	1971	1718
5	266 01006C	COUNTY	891	SHOAL CREEK	RD	2.53	CONVENTIONAL	1971	2186
6	266 01006E	COUNTY	2294	ELLIS	RD	2.86	CONVENTIONAL	1968	1831
7	266 01006G	COUNTY	2284	ELLIS	RD	1.05	CONVENTIONAL	1993	1311
8	266 01007	COUNTY	2193	ELLIS	RD	7.01	CONVENTIONAL	1993	1890
9	266 01009C	COUNTY	123	KELLEY	RD	5.00	CONVENTIONAL	1983	1537
10	266 01009D	COUNTY	131	KELLEY	RD	5.00	CONVENTIONAL	1985	1580
11	266 01009H	COUNTY	113	KELLEY	RD	2.50	CONVENTIONAL	1981	1291
12	266 01009L	COUNTY	117	KELLEY	RD	2.50	CONVENTIONAL	1987	984
13	266 01010	COUNTY	2052	ELLIS	RD	1.90	CONVENTIONAL	1940	1667
14	266 01010A	COUNTY	2048	ELLIS	RD	1.00	CONVENTIONAL	1976	1125
15	266 01010C	COUNTY	2062	ELLIS	RD	1.00	CONVENTIONAL	1979	1053
16	266 01012	COUNTY	2208	ELLIS	RD	5.84	CONVENTIONAL	1950	1666
17	266 01012A	COUNTY	720	SHOAL CREEK	RD	38.80	CONVENTIONAL	1977	2565
18	266 01012B	COUNTY	766	SHOAL CREEK	RD	4.72	CONVENTIONAL	1977	2067
19	266 01012C	COUNTY	806	SHOAL CREEK	RD	5.00	CONVENTIONAL	1977	1303
20	266 01012D	COUNTY	740	SHOAL CREEK	RD	2.28	CONVENTIONAL	1999	2269
21	266 01012F	COUNTY	700	SHOAL CREEK	RD	3.00	CONVENTIONAL	2007	2401
22	266 01012G	COUNTY	710	SHOAL CREEK	RD	3.49	CONVENTIONAL	2003	2287
23	266 01013	COUNTY	2170	ELLIS	RD	5.70	CONVENTIONAL	1964	1557
24	266 01015B	COUNTY	821	SHOAL CREEK	RD	5.72	CONVENTIONAL	1971	2260
25	266 01015C	COUNTY	733	SHOAL CREEK	RD	10.00	CONVENTIONAL	1982	1860
26	266 01015D	COUNTY	703	SHOAL CREEK	RD	6.62	CONVENTIONAL	1978	1350
27	266 01016	COUNTY	2500	ELLIS	RD	56.13	CONVENTIONAL	1950	1621
28	266 01017C	COUNTY	2506	ELLIS	RD	1.50	CONVENTIONAL	2008	2697
29	266 01021	COUNTY	2116	ELLIS	RD	50.00	CONVENTIONAL	1986	2506
30	266 01022A	COUNTY	682	SHOAL CREEK	RD	1.00	CONVENTIONAL	1950	1260
31	268 01017	COUNTY	290	SHOAL CREEK	RD	85.00	CONVENTIONAL	1983	832

#	PARCEL ID	JURISDICTION	NUMBER	STREET	TYPE	ACRES	OCCUPANCY	YEAR BUILT	HEATED AREA
1	266 01009	COUNTY	2040	ELLIS	RD	10.50	MANUFACTURED	1954	0
2	266 01010B	COUNTY	2052	ELLIS	RD	1.00	MANUFACTURED	1962	0

#	PARCEL ID	JURISDICTION	NUMBER	STREET	TYPE	ACRES	OCCUPANCY	YEAR BUILT	HEATED AREA
1	265A03002	COUNTY	0			110.00	VACANT	0	0
2	265A03006	COUNTY	0			4.44	VACANT	0	0
3	266 01006D	COUNTY	0			1.42	VACANT	0	0
4	266 01006H	COUNTY	0			1.05	VACANT	0	0
5	266 01011	COUNTY	0			24.94	VACANT	0	0
6	266 01011A	COUNTY	0			5.85	VACANT	0	0
7	266 01015E	COUNTY	0			3.00	VACANT	0	0
8	266 01015F	COUNTY	0			3.00	VACANT	0	0
9	266 01016A	COUNTY	0			5.89	VACANT	0	0
10	266 01023	COUNTY	0			116.54	VACANT	0	0
11	266 02005	COUNTY	0			143.62	VACANT	0	0
12	266 02007	COUNTY	0			48.71	VACANT	0	0
13	266 02008	COUNTY	0			0.00	VACANT	0	0
14	266 02009	COUNTY	0			199.69	VACANT	0	0
15	268 01010	COUNTY	0			430.20	VACANT	0	0

31 Conv. 65%
 2 MFH 4%
 15 Vacant 31%

 48 total



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #17-06V

Requesting Agency

Office of Community Development

Requested Action

Application #17-06V: Ricky Reid, Owner - 1676 Piedmont Road (0.53 acre located in Land Lot 83 of the 2nd Land District) - requesting Variance from minimum front yard setback in the R-1 District.

Requirement for Board Action

Section 411.

Is this Item Goal Related?

No

Summary and Background

The applicant is seeking the variance to reduce the required front yard set-back from 100-feet to 54-feet to construct a 12'x22' front porch onto the existing dwelling. The property is zoned R-1.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-06V	6/1/2017	Backup Material

SPALDING COUNTY
REQUEST FOR VARIANCE
APPLICATION

NO. 17-06V

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Ricky Reid

Address: 1676 Piedmont Rd

City: GRIFFIN

State: GA Zip: 30224

Phone: 770-229-4030

Phone: _____

APPLICANT IS THE:

Owner's Agent

Property Owner

Developer

Land District(s): 223 cum 03

Land Lot(s): 15 83 cum

Acreage: 0.53

Address of Property: 1676 Piedmont Rd GRIFFIN GA.

Identify the existing district requirement(s) for which you seek a Variance: Section 704: D-Front

I think I should be able to build yard setback a roof on my house this house is 100' 37 years old and it farther back than the district requirement.

State what you propose the district requirement(s) be varied to: vary from

100 feet to approximately 54 feet

Describe what use is proposed and the reason that a Variance is required: I want
to build me a porch something like a
deck with a top on it

OTHER REQUIRED INFORMATION

Please attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):

Agent/Developer

Bucky Reid

Property Owner

Date

5-3-17

Date

Date

5-3-17

Date

OFFICE USE ONLY

Date Received: 5-4-17 Amount of Fee: \$200⁰⁰

Received By: C. McDaniel Receipt Number: 716705

**MEMORANDUM OF UNDERSTANDING
CONCERNING VARIANCES**

Section 411: Variances.

- A. A Variance is a permit, issued by the Board of Appeals, which allows use of a parcel of land in a way that varies from requirements from the district in which the property is located. A Variance may be granted *only* in an individual case where a hardship would result if all of the requirements of this Ordinance were applied stringently to a particular piece of property. A hardship means that reasonable use of the land is not possible if all of the requirements of this Ordinance are to be met. The hardship cannot be self-created such as:
1. A lot purchased with knowledge of an existing restriction.
 2. A claim of hardship in terms of prospective sales.
 3. An expressed economic need requiring a Variance, when such a need can be met in other ways, which would not require a Variance.
- B. Relief from the hardship—the Variance—must not cause substantial detriment to the public good or impair the purposes of this Ordinance.
- C. When a Variance is issued, the spirit of this Ordinance must be observed and the public safety and welfare secured. A Variance may be granted *only* for permitted uses in the zoning district in which the property in questions is located. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a Variance).

I hereby certify that I have read the above statements and understand fully the basis for the Board of Appeals to grant a variance.

Applicant Signature Bucky Reid Date 5-3-17⁴

Witness Cindy M^e Daniel Date 5-4-17

Application No. 17-06V

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications: (#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

03 OCT 1 PM 3 09

BY C. Cohen
MYRTLE F. PEEPLES, CLERK

Real Estate Transfer Tax
Paid \$ 93.30
Date 10-1-03
Myrtle F. Peoples
Clerk of Superior Court, Spalding Co., Ga.

Return Recorded Document to:
BECK, OWEN & MURRAY
100 South Hill Street, Suite 600
GRIFFIN, GEORGIA 30223

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF SPALDING

File #: 03-0912

This Indenture made this 24th day of September, 2003 between G. Niles Murray, III, of the County of Spalding, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Ricky Reid, 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 (\$10.00) Dollars and other good and valuable considerations 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,

All that lot, tract or parcel of land lying and being in Land Lot 83 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, and being more particularly shown and designated as Lot 15 in Tom Barrett & Associates Subdivision, containing 0.527 acres, on a plat of survey entitled Property Survey for George N. Murray Company, Inc., prepared by Presley, Farr & Associates, dated December 19, 1991, and recorded in Plat Book 19, page 613, Spalding County, Georgia records. Said plat together with the metes, bounds, courses and distances as shown thereon is incorporated herein by reference and made a part hereof as fully as if set out herein. .ENDIF

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to 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 claims of all persons whomsoever.

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:

Catherine Tippins
Witness

Stephanie W. Windham
Notary Public

G. Niles Murray, III (Seal)
G. Niles Murray, III

_____ (Seal)

STEPHANIE W. WINDHAM
Notary Public, Spalding County, Georgia
My Commission Expires Aug. 16, 2004

Recorded Dec. 21st, 1991

Mystelle J. Douglas

LEGEND

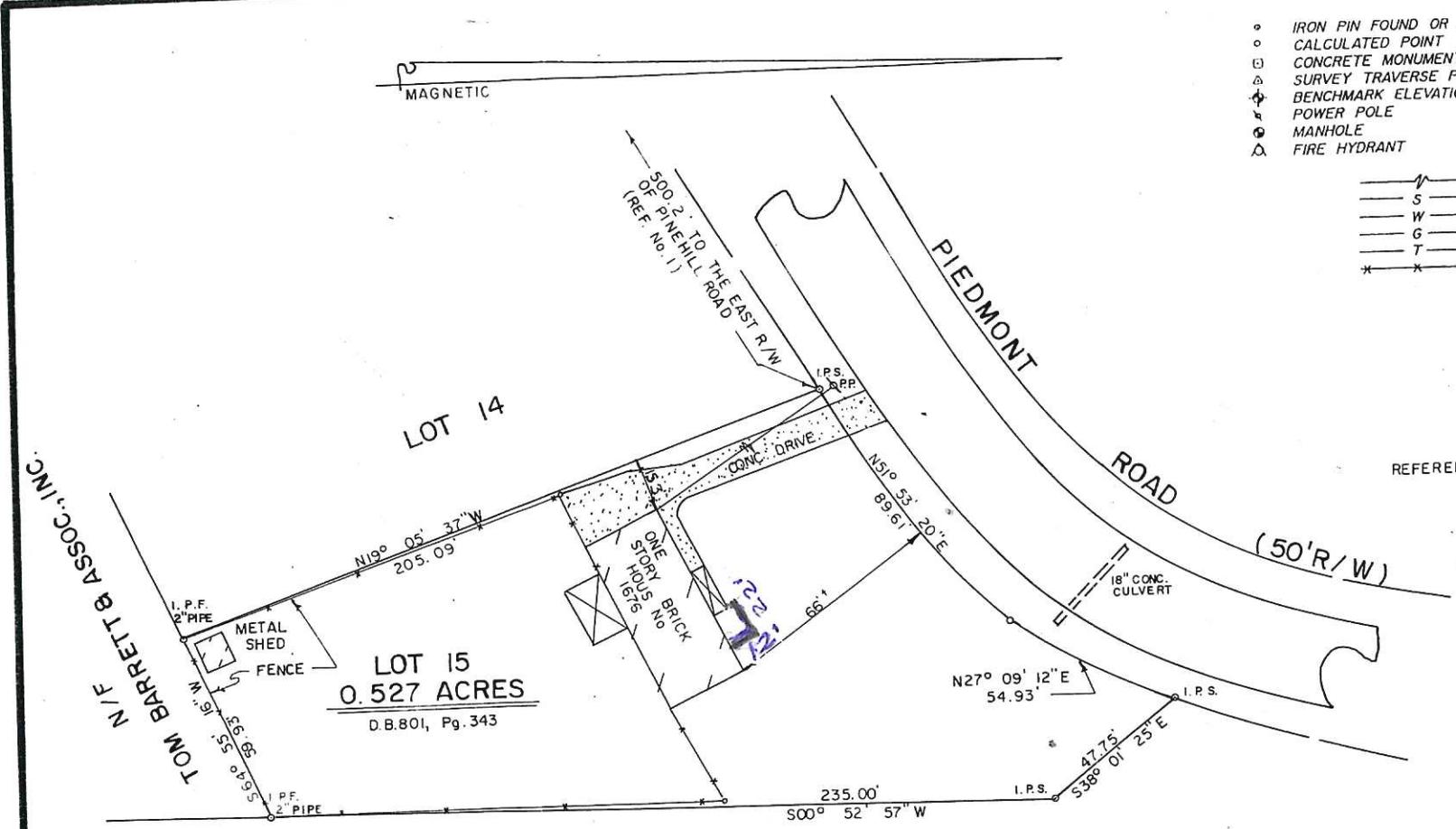
○	IRON PIN FOUND OR SET	⊕	WATER OR GAS VALVE	⊕	CENTERLINE
○	CALCULATED POINT	⊗	WATER OR GAS METER	⊕	BUILDING LINE
□	CONCRETE MONUMENT	⊖	L'ROP INLET	R/W	RIGHT-OF-WAY
△	SURVEY TRAVERSE POINT	□	JUNCTION BOX	RCP	REINFORCED CONCRETE PIPE
⊕	BENCHMARK ELEVATION	⊖	CATCH BASIN	CMP	CORRUGATED METAL PIPE
⊕	POWER POLE	⊖	HEADWALL	D.E.	DRAINAGE EASEMENT
⊕	MANHOLE	⊖	GUY WIRE	S.S.E.	SANITARY SEWER EASEMENT
⊕	FIRE HYDRANT	⊖	PROPERTY LINE	E.O.P.	EDGE OF PAVEMENT
—	POWER LINE	—	CREEK OR BRANCH	—	LANDLOT LINE
S	SEWER LINE	—	LANDLOT LINE	—	EASEMENT LINE
W	WATER LINE	—	EASEMENT LINE	—	HEDGEROW
G	GAS LINE	—	HEDGEROW	—	LINE NOT TO SCALE
T	TELEPHONE LINE				
—*—*—*	FENCE LINE				

NOTES

- (1.) BEARINGS & DISTANCES ALONG CURVED R/W OF PIEDMONT ROAD ARE CHORDS ALONG AN IRREGULAR CURVE.
- (2.) THE IMPROVEMENTS SHOWN HEREON ARE OUTSIDE OF AN IDENTIFIED FLOOD HAZARD AREA.

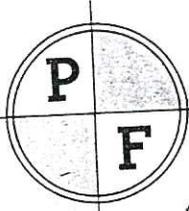
REFERENCE PLATS (1.) "PROPERTY SURVEY FOR REV. C. E. NIXON" DATED SEPT. 4, 1974, LAST REVISED SEPT. 6, 1974 PREPARED BY THE UNDERSIGNED.

(2.) "PROPERTY SURVEY FOR TOM BARRETT & ASSOC., INC." DATED APRIL 30, 1976, PREPARED BY ROBERT S. MITCHELL & RECORDED IN P.B. 11, Pg. 69 OF SPALDING COUNTY SUPERIOR COURT RECORDS.



N/F DONALD EUGENE JONES, SR.
 N/F EARL GODDARD

PROPERTY SURVEY FOR
GEORGE N. MURRAY COMPANY, INC.
 LOT 15 IN
 TOM BARRETT & ASSOCIATES SUBDIVISION
 LOCATED IN LANDLOT 83
 OF THE 2ND LAND DISTRICT
 ORIGINALLY MONROE, NOW
 SPALDING COUNTY, GEORGIA
 SCALE: 1" = 40' — DEC. 19, 1991



PRESLEY, FARR & ASSOCIATES
 121 South Sixth Street - P.O. Box 283 - Griffin, Georgia 30224
 Griffin: (404) 227-0818 - (404) 227-0820 - Fax: (404) 227-6247
 Barnesville: (404) 358-0591 - Fayetteville: (404) 461-7728
 Jackson: (404) 775-4855



S P A L D I N G C O U N T Y
B O A R D O F A P P E A L S

DATE: June 8, 2017
TO: Spalding County Board of Appeals
FROM: Department of Community Development
RE: **Variance Application 17-06V**

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located at 1676 Piedmont Road. The property is .53 acres, more or less, located in Land Lot 83 of the 2nd Land District.

Current Owner:

Ricky Reid
1676 Piedmont Road
Griffin, GA 30224

Agent/Developer

Same as above

Development:

The applicant is seeking the variance to reduce the required front yard set-back from 100-feet to 54-feet, to construct a 12' x 22' front porch onto the existing dwelling. The property is zoned R-1.

Compliance with Zoning Ordinance Development Standards:

The applicant is requesting to vary from the following section(s):
Section 704(D). Minimum Front-Yard Depth: 100 feet.

Considerations of a Variance Request:

Section 411 of the UDO lists the following considerations for the granting of a rezoning application:

1. The hardship cannot be self-created such as:
 - A. A lot purchased with knowledge of an existing restriction.
There is no indication that this property was purchased with knowledge of an existing restriction.
 - B. A claim of hardship in terms of prospective sales.
There is no evidence for a claim in hardship of prospective sales.
 - C. An expressed economic need requiring a Variance, when such a need can be met in other ways, which would not require a Variance.
No expressed economic need was identified by the applicant.
2. The Board of Appeals shall, in granting a variance, determine that:
 - A. There are extraordinary and exceptional conditions pertaining to the particular parcel because of its size, shape, location and topography.
 - B. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.
 - C. Such conditions are peculiar and unique to the particular parcel.
 - D. The variance, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.
 - E. A literal interpretation of this Ordinance would deprive the Applicant of any rights that others owning property within the same zoning classification are allowed.
 - F. The variance, if granted, shall not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other

properties within the same zoning classification.

- G. The variance may be granted with such conditions imposed as may be necessary to protect the health, safety, welfare and general value of the property in the general neighborhood.
- H. Granting the variance shall not be based on consideration of any existing nonconforming uses on nearby parcels and no permitted use of any parcel in any other zoning classification.

Photos:



View of the property from Piedmont Road.

Staff Recommendations:

Staff recommends **Approval** of this application for the following reasons:

1. Granting this variance would not cause substantial detriment to the public good nor would impair the purpose and intent of this Ordinance.
2. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #17-07V

Requesting Agency

Office of Community Development

Requested Action

Application #17-07V: Nancy W. Wood, as Trustee of the William A. Wood, Jr. Trust, Owner - RaceTrac Petroleum, Inc., Agent - East corner at intersection of Zebulon Road (US Hwy 19) and Martin Luther King Jr. Parkway (US Hwy 41) (9.16 acres located in Land Lot(s) 119 & 120 of the 2nd Land District) - requesting a Variance from Tri County Crossing Overlay development standards and Sign Ordinance total sign area allowed and freestanding sign requirements.

Requirement for Board Action

Section 411.

Is this Item Goal Related?

No

Summary and Background

The applicant is seeking 6 variances with respect to a proposed RaceTrac development that is within the Tri-County Crossroads overlay. These variances include adjustment to the street design requirements with respect to the greenway trail, allowing access for a new driveway, reduction in open space, increase number of parking spaces from 27 to 40, allow parking between the primary structure and roadway, and increase in total signage area and one additional freestanding sign.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-07V	6/1/2017	Backup Material

**SPALDING COUNTY
REQUEST FOR VARIANCE
APPLICATION**

NO. 17-07V

AGENT/DEVELOPER INFORMATION
(If not owner)

Name: RaceTrac Petroleum, Inc.
c/o Andy Welch @ Smith, Welch, Webb & White
Address: PO Box 10, 2200 Keys Ferry Court
City: McDonough
State: GA Zip: 30253
Phone: 678-583-4867
Contact Person: Becky Bius

PROPERTY OWNER INFORMATION

WILLIAM WOOD TRUST
Name: NANCY WOOD ESTATE
Address: 416 E. TAYLOR ST.
City: GRIFFIN
State: GA Zip: 30223
Phone: _____
Phone: _____

APPLICANT IS THE:

_____ Owner's Agent _____ Property Owner Developer

Land District(s): 2nd Land Lot(s): 119/120 Acreage: 9.16

*Per plat
5-15-17
cm*

Address of Property: East corner @ intersection of Zebulon Road (US Hwy. 91) and
Martin Luther King, Jr. Parkway (US Highway 41)

Identify the existing district requirement(s) for which you seek a Variance: _____

Please see attached

State what you propose the district requirement(s) be varied to: Please see attached

Describe what use is proposed and the reason that a Variance is required: Please see attached

OTHER REQUIRED INFORMATION

Please attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):


Agent/Developer FOR THE FIRM

SEE ATTACHED
Property Owner

05/04/2017

Date

Date

OFFICE USE ONLY

Date Received: 5-4-17

Amount of Fee: \$200⁰⁰

Received By: C. McDonald

Receipt Number: 716707

OCT 17, 2016

William A. Wood, Jr. Trust, Terri Ann Howle, Trustee
Nancy W. Wood Estate, Terri Ann Howle, Executrix
416 E. Taylor St
Griffin, GA 30223

**Re: Development of Property Located at the southeast corner of US 41 & US 19, Griffin, GA
(the "Property")**

Dear Sir/Madam:

The undersigned ("Owner") is the owner of the Property and has entered into a Real Estate Purchase Contract to sell the Property to Del Lago Ventures, Inc. ("Del Lago") By executing this letter, Owner hereby authorizes Del Lago (and its affiliates, including, without limitation, Andalusia Properties, Inc. and Racetrac Petroleum, Inc. (collectively, "Purchaser")) to execute, on behalf of Owner, such applications, documents and requests desired by Purchaser to pursue all necessary permits, variances, and approvals necessary to develop the Property for Purchaser's intended purpose.

Please do not hesitate to contact the undersigned if you have any questions. Thank you for your assistance in this matter.

Sincerely,



By: Terriann Howle

Its: Trustee

**MEMORANDUM OF UNDERSTANDING
CONCERNING VARIANCES**

Section 411: Variances.

- A. A Variance is a permit, issued by the Board of Appeals, which allows use of a parcel of land in a way that varies from requirements from the district in which the property is located. A Variance may be granted *only* in an individual case where a hardship would result if all of the requirements of this Ordinance were applied stringently to a particular piece of property. A hardship means that reasonable use of the land is not possible if all of the requirements of this Ordinance are to be met. The hardship cannot be self-created such as:
1. A lot purchased with knowledge of an existing restriction.
 2. A claim of hardship in terms of prospective sales.
 3. An expressed economic need requiring a Variance, when such a need can be met in other ways, which would not require a Variance.
- B. Relief from the hardship—the Variance—must not cause substantial detriment to the public good or impair the purposes of this Ordinance.
- C. When a Variance is issued, the spirit of this Ordinance must be observed and the public safety and welfare secured. A Variance may be granted *only* for permitted uses in the zoning district in which the property in questions is located. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a Variance).

I hereby certify that I have read the above statements and understand fully the basis for the Board of Appeals to grant a variance.

Applicant Signature 

Date 05/04/2017

Witness 

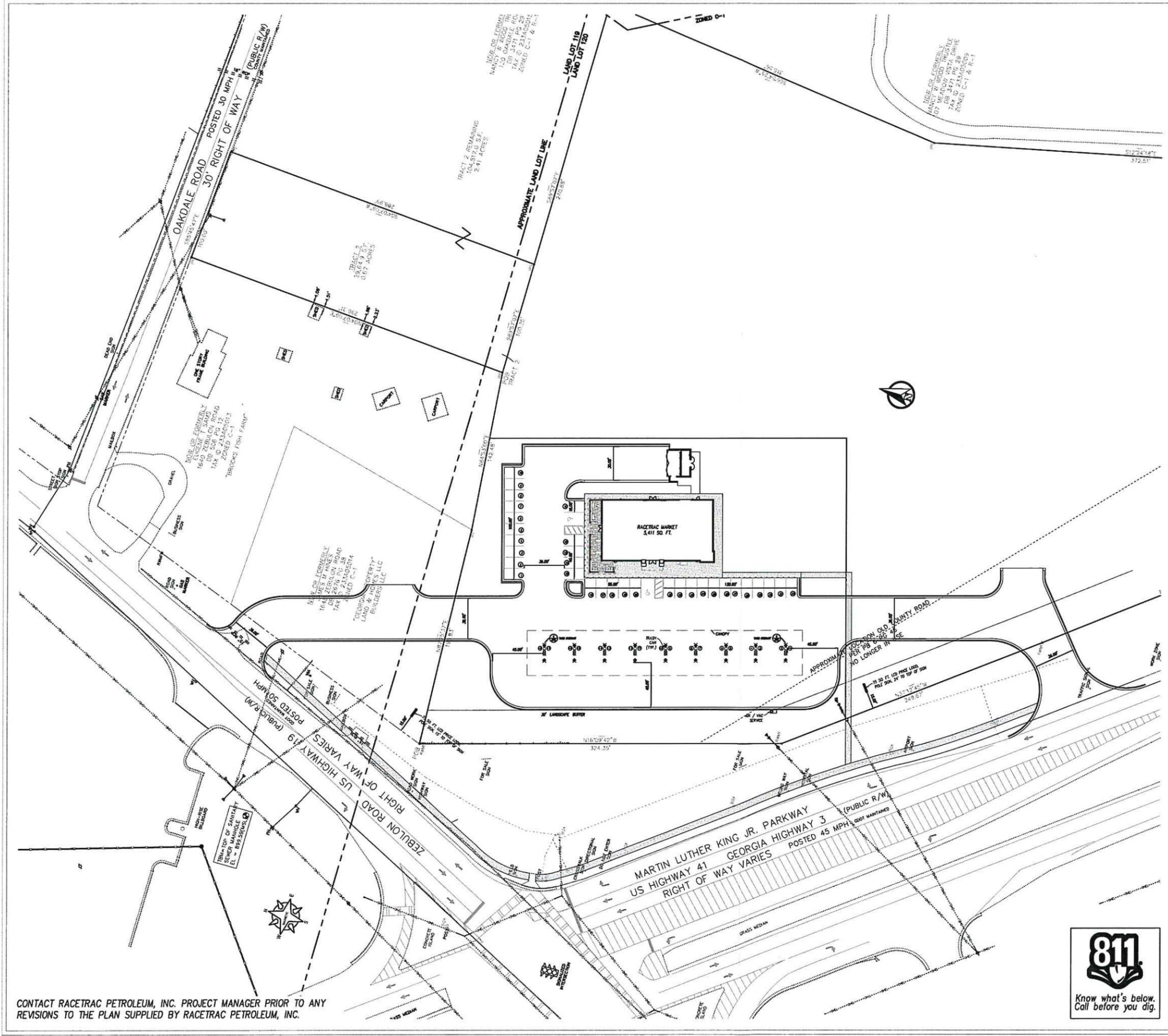
Date 5-4-17

Application No. 17-07V

RaceTrac Petroleum, Inc.
 c/o Andy Welch @ Smith, Welch, Webb & White
 PO Box 10
 2200 Keys Ferry Court
 McDonough, GA 30252

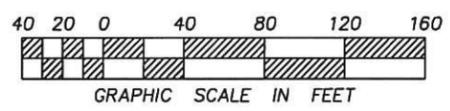
ATTACHMENT TO VARIANCE APPLICATION

<i>Identify the existing requirement for which a variance is sought.</i>	<i>State what the requirement be varied to.</i>	<i>Describe the use and reason the variance is requested.</i>
2207B(A)- Street design and greenway trail requirement	Modification of FUTURE street design (connection provided); Elimination of greenway trail requirement.	Gasoline service station with convenience store; Per site plan approved by BOC 04/17/2017; Use is not pedestrian driven and therefore many of the TCC Overlay enhancements will not be utilized in this location.
2207B(A.6)- Access to US-19	Full access to US-19 (no limited to right in-right out only).	
2207B(C)- Open Space	Reduce amount of open space required	
2207B(D.1)- Number of parking spots	Increase number of parking spots allowed to 40.	
2207B(D.3)- Orientation of parking	Allow parking between the primary structure and roadway	
Sign Ordinance	Increase aggregate sign area; Allow for 2 freestanding signs;	Gasoline service station with convenience store; Record will be supplemented with a proposed signage plan.



ESTIMATED COST ANALYSIS	
PROPERTY:	
DEVELOPMENT (ENG/SURVEY):	
STANDARD BUILDING COST:	
STANDARD SITE COST:	
ROW IMPROVEMENT COST:	
TOTAL COST:	

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.



	THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF THESE PLANS WITHOUT THE PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.
	RACETRAC PETROLEUM, INC. 3225 CUMBERLAND BOULEVARD SUITE 100 ATLANTA, GA 30339 (770) 401-1000
SITE PLAN RACETRAC MARKET US 41 @ US 19 Griffin, Georgia Spalding County	DRAWN-BY: KBE DATE: 03/07/2017 SCALE: 1" = 40' DRAWING NAME: 1242-RTS.S.dwg
SHEET NO. 2	VERSION

DATE

NO.

Tract 3
All that tract or parcel of land lying and being in Land Lot 119 and 120 of the 2nd District, Spaulding County, Georgia and being more particularly described as follows:

Beginning at the intersection of a concrete Right of Way monument found at the northern end of a mitered Right of Way corner located at the intersection of the easterly Right of Way line of Zebulon Road - US Highway 19 (Right of Way Varies) and the northerly Right of Way line of Martin Luther King Jr Parkway - US Highway 41 (Right of Way Varies) thence along the easterly Right of Way line of Zebulon Road - US Highway 19 North 26 Degrees 12 Minutes 21 Seconds East, 209.42 feet to an iron pin set; thence leaving the easterly Right of Way line of Zebulon Road - US Highway 19 North 07 Degrees 14 Minutes 52 Seconds East, 195.92 feet to an iron pin set; thence South 26 Degrees 08 Minutes 45 Seconds West, 210.00 feet to an iron pin found; thence South 07 Degrees 25 Minutes 37 Seconds West, 195.83 feet to the Point of Beginning containing 0.83 acres.

Also being the same tract of land as shown and designated as Area - 0.826 on that plat of survey entitled "Plat of Survey of the Eugene T. Sams Property and the Gaynelle Drown Thomson Property", prepared by Clark Design Group, P.C., dated April 12, 2005, recorded in Plat Book 25, Page 22, Spaulding County, Georgia records.

We have reviewed Chicago Title Insurance Company Commitment for Title Insurance Commitment No. G-10211D/CP with an effective date of March 21, 2017 and have the following opinion concerning items (b) through (9) Schedule B Section 2.

b. Right of Way Deed to State Highway Department dated March 19, 1966, and recorded in Deed Book 251, Page 787, Spaulding County, Georgia records. The current Right of Way of US Highway 19 has been shown on the survey. Conditions and Reservations remain in effect.

9. Survey recorded in Plat Book 25, Page 22, Spaulding County, Georgia records. Recorded Plat has been referenced and all pertinent information has been shown on the survey.

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES/STRUCTURES. NO CERTIFICATION IS MADE BY THIS SURVEYOR TO THE ACCURACY OR SUFFICIENCY OF THE INFORMATION. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

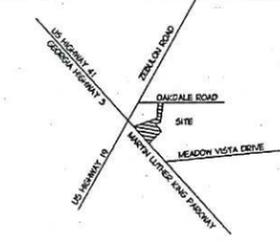
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 101,079 AND AN ANGULAR ERROR OF 15 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING CRANDALL'S RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE PART IN 100,000 +/-.

EQUIPMENT USED FOR SURVEY:

1. SOKKIA SET 3 TOTAL STATION
2. TOPCON DATA COLLECTOR
3. TOPCON AUTOMATIC LEVEL

ALL DISTANCES ARE "ROUND & HORIZONTAL" UNLESS OTHERWISE NOTED.

VICINITY MAP



LEGEND

- CO CLEANOUT
- CV CONTROL VALVE
- IF IRON PIN FOUND
- IP IRON PIN SET (1/2" DIA)
- OT OPEN TOP PIPE
- CT CONCRETE TIE/ANCHOR FOUND
- MC MAND CAP
- DB DEBRIS
- PP POWER POLE
- TP TELEPHONE POLE
- LL LAND LOT LINE
- LLP LAND LOT LINE
- PL POINT OF BEGINNING
- RL RAILROAD LINE
- CL CENTER LINE
- FL FIRE HYDRANT
- CP CATCH BASIN
- RP ROOF RISE
- HW HEAD WALL
- JB JUNCTION BOX
- DE DRAINAGE EASEMENT
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- MW MANHOLE
- T TELEPHONE LINE
- UT UNDERGROUND TELEPHONE CABLE
- GL GAS LINE (APPROXIMATE LOCATION)
- WL WATER LINE (APPROXIMATE LOCATION)
- SL SANITARY SEWER LINE
- OP OVERHEAD POWER & ELECTRIC
- EM EIGHT OF WAY MONUMENT FOUND
- AN ANCHOR
- PL POWER LINE (OVERHEAD)
- FK FENCE
- FI FIRE HYDRANT
- MW MONITORING WELL
- T TREE

The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67, Authority O.C.G.A. Sec. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

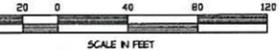
To Del Lago Ventures, LLC, Chicago Title Insurance Company & Metropolitan Title Agency, Inc.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, as published and adopted by ALTA and NSPS, and include items 1 thru 4, 6 thru 11, 13 and 14 of Table A thereat. The field work was completed on 11/22/16.

Donald W. Harkleroad, Jr., G.S. R.L.S. #2453

Pursuant to Rule 180-6-09 of the Georgia State Board of Registration for Professional Engineers and Land Surveyors, the term "certify" or "certification" relating to land surveying services shall mean a signed statement based on facts and knowledge known to the land surveyor and is not a guarantee or warranty, either expressed or implied.

TRACT 1 SITE AREA
369,887.7 S.F.
8.49 ACRES
TRACT 2 SITE AREA
29,264.9 S.F.
0.67 ACRES
TRACT 3 SITE AREA
35,982.5 S.F.
0.83 ACRES
CURRENTLY ZONED "C-1 & R-1"



ALTA/NSPS LAND TITLE SURVEY FOR DEL LAGO VENTURES, INC. CHICAGO TITLE INSURANCE COMPANY METROPOLITAN TITLE AGENCY, INC.

MARTIN LUTHER KING JR PARKWAY - ZEBULON ROAD LL 119 & 120 2ND DISTRICT PLAT PREPARED ON SPAULDING COUNTY, GEORGIA DATE 11/30/16

SCALE 1" = 40' JOB NO: 6126SRVY FIELD DATE 11/16/16

Harkleroad and Associates ENGINEERS - LAND SURVEYORS 1406 TREE LANE, BUILDING A, SUITE 101, SHREVEVILLE, GEORGIA 30076 PHONE (770) 962-1996 / FAX (770) 962-1990

STORE 1242 SHEET 1 OF 2

NO.	DATE	BY	REVISIONS
1	5/4/17	DWH	REVISED - ADDED GRAVEL NOTE - TRACT 3
2	4/7/17	DWH	ADD TRACT 3 AND MATTER OF TITLE
3	1/9/17	DWH	REVISED TRACTS 1 & 2 - SIZES & DESCRIPTIONS



THIS IS TO CERTIFY THAT THE SURVEYOR HAS REVIEWED THE SURVEY AND THE INFORMATION CONTAINED THEREIN AND IS NOT PROVIDING ANY GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

Racetrac PETROLEUM, INC. 30225 CUMBERLAND BOULEVARD SUITE 100 ATLANTA, GA 30339 (770) 431-7800

ALTA/NSPS SURVEY RACETRAC SERVICE STATION #1242 MARTIN LUTHER KING PARKWAY GRIFFIN, GEORGIA DATE 11/30/16 JOB NO. 6130

51

NO INVESTIGATION WAS MADE DURING THE PERFORMANCE OF THE SURVEY TO DISCOVER EVIDENCE OF THE EXISTENCE OF ANY STRUCTURES WHICH MAY INDICATE THE LOCATION OF BURIED UTILITIES OR BURIED PIPES. BURIED UTILITIES MAY OR MAY NOT EXIST. INTERESTED PARTIES SHOULD INVESTIGATE THE EXISTENCE OF UTILITIES, IF ANY, AND VERIFY. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS THAT MAY BE ASSOCIATED WITH THE EXISTENCE OF ANY BURIED UTILITIES OR BURIED PIPES ON THE PREMISES.

Site Description

Racetrac Site Area - Tract 1

All that tract or parcel of land lying and being in Land Lot 120 of the 2nd District, Spaulding County, Georgia and being more particularly described as follows:

Beginning at a concrete Right of Way monument found at the northern end of a mitered Right of Way corner located at the intersection of the easterly Right of Way line of Zebulon Road - US Highway 19 (Right of Way Varies) and the northerly Right of Way line of Martin Luther King Jr Parkway - US Highway 41 (Right of Way Varies); thence leaving the easterly Right of Way line of Zebulon Road - US Highway 19 North 07 Degrees 25 Minutes 37 Seconds East, 195.83 feet to an iron pin found; thence North 04 Degrees 07 Minutes 09 Seconds East, 296.31 feet to an iron pin found on the southerly right of Way line of Oakdale Road (30' Right of Way); thence along the southerly right of Way line of Oakdale Road South 05 Degrees 45 Minutes 47 Seconds East, 100.00 feet to an iron pin set; thence leaving the southerly right of Way line of Oakdale Road South 04 Degrees 07 Minutes 09 Seconds West, 288.99 feet to an iron pin set; thence North 09 Degrees 57 Minutes 07 Seconds West, 100.25 feet to the Point of Beginning containing 0.67 acres.

NO EVIDENCE OF POTENTIAL WETLANDS WAS OBSERVED ON THE SUBJECT PROPERTY AT THE TIME OF THE SURVEY WAS CONDUCTED. NO INVESTIGATION WAS MADE TO DETERMINE IF ANY WETLANDS OR ANY OTHER FEATURES ARE LOCATED ON THE SUBJECT PROPERTY.

NO EVIDENCE OF A CEMETERY OR ARCHAEOLOGICAL ARTIFACTS FOUND ON THE SUBJECT PROPERTY. NO ARCHAEOLOGICAL SURVEY WAS PERFORMED.

RECORDED PLATS
PB 3 PG 189
PB 6 PG 46
PB 10 PG 266
PB 26 PG 487

NOW OR FORMERLY NANCY W WOOD TRUSTEE 107 MEADON VISTA DRIVE DB 3471 PG 29 TAX ID 233A05009 ZONED C-1 & R-1

TRACT 1 369,887.7 S.F. 8.49 ACRES
NANCY W WOOD TRUSTEE MARTIN LUTHER KING JR PARKWAY DB 3471 PG 29 TAX ID 233A05009A ZONED C-1 & R-1

TRACT 2 29,264.9 S.F. 0.67 ACRES
NANCY W WOOD TRUSTEE 120 OAKDALE ROAD DB 3471 PG 29 TAX ID 233A05015 ZONED C-1 & R-1

TRACT 3 35,982.5 S.F. 0.83 ACRES
"GEORGIA PROPERTY" LAND 1 HOMES LLC BUILDERS LLC

NOW OR FORMERLY EUGENE T SAMS 1640 ZEBULON ROAD DB 500 PG 12 PB 25 PG 22 TAX ID 233A05013 ZONED C-1 "BROOKS FISH FARM"

NOW OR FORMERLY JAMES M HINES 1640 ZEBULON ROAD DB 2676 PG 30 PB 25 PG 22 TAX ID 233A05014 ZONED C-1 "GEORGIA PROPERTY" LAND 1 HOMES LLC BUILDERS LLC

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.

Real Estate Transfer Tax
Paid \$ 0
Date 8-6-10
PT - 61 126-2010-1874
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

2010 AUG 6 AM 11 35
BY [Signature]
MARCIA L. NORRIS, CLERK

----- SPACE ABOVE THIS LINE FOR RECORDING INFORMATION -----

After recording return to:
Mark Schaefer, Esq.
P.O. Box 1566
Richmond Hill, GA 31324

STATE OF GEORGIA)
)
) DEED OF ASSENT
COUNTY OF BRYAN)

THIS INDENTURE, made and entered into this 2ND day of August, 2010, by and between **Nancy W. Wood** of Bryan County, Georgia, as Executor under the Last Will and Testament of **William A. Wood, Jr.**, deceased, Grantor, and **Nancy W. Wood**, as **Trustee of the William A. Wood Jr. Trust**, as Grantee.

WITNESSETH

WHEREAS, William A. Wood, Jr. died a resident of Bryan County, Georgia, on the 14TH day of May, 2009, leaving a will which has been probated in solemn form in the Probate Court of said County by order dated March 8, 2010; and

WHEREAS, under the terms of said will decedent's interest in the property described in Exhibit A attached hereto was devised to Nancy W. Wood as Trustee of the William A. Wood Jr. Trust, a testamentary credit shelter trust; and

WHEREAS, the undersigned has duly qualified as Executor of the estate of the said William A. Wood, Jr. and is now administering the estate under the terms of said will; and it has been determined that all debts and claims against the estate have been fully paid or the Estate has sufficient assets to satisfy in full all debts and claims.

NOW, THEREFORE, the undersigned, as Executor of the will of the said William A. Wood, Jr. hereby assents to the devise of said property under the terms of said will, so that full fee-simple title thereto is vested in the said Nancy W. Wood, as Trustee of the William A. Wood, Jr. Trust, as provided in said will.

nww

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day and year first above written.

Nancy W. Wood (Seal)
Nancy W. Wood
As Executor under the Last Will and
Testament of William A. Wood, Jr.

Signed, sealed and delivered
in the presence of:

Kathleen Schaefer
Unofficial Witness

Mark Schaefer
Notary Public, State of Georgia



EXHIBIT "A"

Tract 1:

All that tract or parcel of land containing 21.517 acres located in Land Lot 120 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, and being more particularly shown on that plat of survey entitled "Property of William A. Wood, Jr.", dated November 14, 1960, made by Griffin Engineering & Manufacturing Company, a copy of which said plat is recorded in Plat Book 6, page 46, of the Spalding County Superior Court records, and which said plat is hereby expressly incorporated herein and made a part of this description by reference.

Said tract is bounded now or formerly as follows: On the North by lands now or formerly owned by J. O. Pitts; on the East by other lands of C. E. Williams; on the South by a county road; and on the West by lands of James Perkins.

Tract 2:

All that tract or parcel of land situate, lying and being in Land Lot 120 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, containing 0.91 acres and being bounded as follows: Northeasterly by property of William A. Wood, Jr.; Southerly by Meadovista Lane; and Westerly by the four-lane Barnesville By-Pass, U.S. Hwy 341.

The above described property is that portion of the C. E. Williams property lying North of Meadovista Lane and between the abandoned right of way of County Line Road and the Barnesville By-Pass.

Tract 3:

All that tract or parcel of land situate, lying and being in Land Lot 119 of the 2nd Land District of originally Monroe, now Spalding County, Georgia, and more particularly described as 3.07 acres as shown on that plat of survey entitled "Property Survey for John R. Cox" dated December 9, 1974, by Kenneth E. Presley Associates, Inc. and recorded in Plat Book 10, page 266, Spalding County, Georgia records, and which said plat is incorporated herein and made a part of this description by reference.

The above-described property is bounded now or formerly as follows: On the North by Oakdale Drive; on the East by A. B. Riggins; on the South by property of William A. Wood, Jr.; and on the West by property of Mrs. W. W. Lawler.

Located on the above-described property is a dwelling known and designated as 120 Oakdale Drive, according to the present system of numbering houses in Spalding County, Georgia.

now

**S P A L D I N G C O U N T Y
B O A R D O F A P P E A L S**

DATE: June 8, 2017
TO: Spalding County Board of Appeals
FROM: Department of Community Development
RE: **Variance Application 17-07V**

The following report constitutes the assessment and evaluation by the Community Development Department staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located at the east corner of Zebulon Road and U.S. Highway 41. The property is 9.16 acres, more or less, located in Land Lots 119/120 of the 2nd Land District.

Current Owner:

William Wood Trust Nancy Wood Estate
416 E. Taylor Street
Griffin, GA 30223

Agent/Developer

RaceTrac Petroleum, Inc.
c/o Andy Welch@Smith, Wlech, Webb & White
P.O. Box 10, 2200 Keys Ferry Court
McDonough, Georgia 30253

Development:

The applicant is seeking 6 variances with respect to a proposed RaceTrac development that is within the Tri-County Crossroads overlay. These variances include adjustment to the street design requirements with respect to the greenway trail, allowing access for a new driveway, reduction in open space, increase in the number of parking spaces from 27 to 40, allow parking between the primary structure and roadway, and increase in total signage area and one additional freestanding sign.

Compliance with Zoning Ordinance Development Standards:

The applicant is requesting to vary from the following section(s):

Section 2207(B)A.3. Street Design Standards – Planned Streets shall be dedicated and designed as defined in the Regulating Plan in order to ensure District-wide connectivity and walkable street design.

3. Greenway Trail – Greenway Trails shall be dedicated and designed as defined in the TCC Regulating Plan.

a. Off Street – Trails adjacent to the protected open space network, parks or streams.

b. With Street – Trails within the right-of-way of the street and adjacent to development.

Section 2207(B)A

6. Access Management

a. For access to existing streets and highways, new driveways and streets (not identified on the Regulating Plan) shall be spaced a minimum of four hundred (400) linear feet apart and shall be right in/right out only.

Section 2207(B)C Open Space – All developments shall be required to dedicate open space. The minimum requirement for open space is twenty (20) percent of the parcel area.

Section 2207(B)D.1 & 2 Parking spaces provided over the minimum number required must utilize pervious pavement materials such as grass paver systems or pervious pavement. 22B-16 TCC

Section 2207(B)D.3a All off-street parking shall be located to the side and/or rear of all buildings. No parking shall be permitted between a building a street.

Appendix E – Sign Ordinance Article Nine: Sign Table Total sign area shall not exceed 200 square feet of signage per establishment and only one (1) freestanding sign shall be allowed per lot.

Considerations of a Variance Request:

Section 411 of the UDO lists the following considerations for the granting of a rezoning application:

1. The hardship cannot be self-created such as:
 - A. A lot purchased with knowledge of an existing restriction.
There is no indication that this property was purchased with knowledge of an existing restriction.
 - B. A claim of hardship in terms of prospective sales.
There is no evidence for a claim in hardship of prospective sales.
 - C. An expressed economic need requiring a Variance, when such a need can be met in other ways, which would not require a Variance.
No expressed economic need was identified by the applicant.
2. The Board of Appeals shall, in granting a variance, determine that:
 - A. There are extraordinary and exceptional conditions pertaining to the particular parcel because of its size, shape, location and topography.
 - B. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.
 - C. Such conditions are peculiar and unique to the particular parcel.
 - D. The variance, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.
 - E. A literal interpretation of this Ordinance would deprive the Applicant of any rights that others owning property within the same zoning classification are allowed.
 - F. The variance, if granted, shall not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties within the same zoning classification.
 - G. The variance may be granted with such conditions imposed as may be necessary to protect the health, safety, welfare and general value of the property in the general neighborhood.

- H. Granting the variance shall not be based on consideration of any existing nonconforming uses on nearby parcels and no permitted use of any parcel in any other zoning classification.

Photos:



View of the property from corner of Zebulon Road and Highway 41.

Staff Recommendations:

Staff recommends **Approval** of all the requested Sections except for Appendix E (Signage) this application for the following reasons:

1. Granting this variance would not cause substantial detriment to the public good nor would impair the purpose and intent of this Ordinance.
2. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.



SPALDING COUNTY BOARD OF ZONING APPEALS
Approval of May 11, 2017 Minutes

Requesting Agency

Office of Community Development

Requested Action

Consider approval of May 11, 2017 minutes.

Requirement for Board Action

Is this Item Goal Related?

No

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> BOA 05-11-17 Minutes	6/1/2017	Backup Material

SPALDING COUNTY APPEALS BOARD
Regular Meeting
May 11, 2017

The Spalding County Appeals Board held its regular monthly meeting on May 11, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Vice-Chair presiding; Curtis Keys; Patricia McCord; Bill Slaughter; and Tangela Williams.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. Brown called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

LIFT FROM THE TABLE – ELECTION OF CHAIR

MOTION

Ms. Williams made a motion, seconded by Mr. Keys, to lift from the table election of a chair. The motion passed with Mr. Brown, Mr. Keys, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

ELECTION OF CHAIR

Mr. Brown called for nominations for a chair.

Mr. Slaughter nominated Mr. Brown. Mr. Keys seconded the nomination. There were no other nominations.

MOTION

Mr. Keys made a motion to close the nominations and declare Mr. Brown elected by acclamation. The motion passed on a second by Ms. Williams with Mr. Keys, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion and Mr. Brown abstaining.

LIFT FROM THE TABLE – ELECTION OF VICE-CHAIR

MOTION

Ms. Williams made a motion, seconded by Mr. Keys, to lift from the table election of a vice-chair. The motion passed with Mr. Brown, Mr. Keys, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

ELECTION OF VICE-CHAIR

Mr. Brown opened the nominations for a vice-chair.

Mr. Slaughter nominated Mr. Keys. Ms. Williams seconded the nomination. There were no other nominations.

MOTION

Ms. Williams made a motion to close the nominations and declare Mr. Keys elected by acclamation. The motion passed on a second by Ms. McCord with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion and Mr. Keys abstaining.

Application #17-03S: Flynn Von Roretz & Teesa Von Roretz, Owners – 105 Laketrail Drive (1 acre located in Land Lot 11 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the R-4 District.

Flynn Von Roretz – 105 Laketrail Drive

Mr. Von Roretz said he was in the service and deployed from his family and returned home to a two year old son that did not know him. He wants to be a better father and spend time with his son. He started a business in January 2017 and manufactures bracelets in his home. He showed a sample of the bracelet that he makes. He takes pride in what he makes and everything he makes is made in America. His operation is very silent. He ships everything by mail or UPS. He is available to answer any questions.

Billy Ray McFarlin – 103 Laketrail Drive

Mr. McFarlin lives next door to Mr. Von Roretz. He said he holds veterans in high regard and this has nothing to do with veterans. He loves this country; loves his family and loves veterans. This is about the continuity of the subdivision. When it was established, it was established for homeowners. To change that even in a small way is like a control burn. All of sudden he got this and I want this and I want that. Three months ago he bought a house right beside this. There was no sign up. If he had known this was going to be like this, he would not have gotten this house. He bought this house so he could set it up for his wife. He has a terminal illness. He still works with UPS and cannot retire because he has to have the insurance for the drugs that keep him alive. He wants to get this house finished for his wife. He pleads with the commissioners. This is his home forty feet from their garage. He does not want this. This is going to be a problem. It is not the fact he is a veteran. If there is anything that is going to be manufactured out of that home as a business, the continuity of the subdivision will be changed. He requested the Board accept the wishes of the majority of the subdivision over the wishes of one particular person. He will help him in anyway but he does not want any type business in the subdivision. He was asked whether or not there has been any traffic problems. He has had some problems but it is not necessarily traffic. There has been no increase in traffic; they fear what will happen. There have been some issues, disagreements. If you stop this now, you don't have to stop it later. They are afraid their property values will drop. His big fear is what is going to happen in months ahead with property values. The product is a great thing but you have to look ahead. Do not allow any business in their subdivision and they will be happy. He was asked about any noise. He said he thinks they are made by hand. Right now there is no noise but he fears what will happen.

Ed Harper – 108 Laketrail Drive

Mr. Harper said he is against this. He is a minister and he moved out on Laketrail to get away from the traffic on Dobbins Mill Road hoping he could retire and spend the rest of his life in peace. He feels this will certainly hinder that. He is not against him being a veteran. He loves veterans for what they do and he was at one time one himself. He would like to see the neighborhood remain as it is. He has seen more traffic. He saw him ride down on a motorcycle and came back in a little orange car. He has seen vehicles in his yard, jacked up with him working on them more than one day. He is against this. He wants to see the neighborhood stay family dwellings and that is it. He would be satisfied if he rented a place. If it is a lucrative business, he can rent a small area to perform his manufacturing.

Tim Haynes – 106 Laketrail Drive

Mr. Haynes said he got some misinformation and did not get both sides of the story before he signed the petition. The sales are online and it is not going to cause any problems in the neighborhood. It is going to be quiet and there is no reason to give these people a hard time. They do not make any noise. They don't bother anybody. They keep to themselves. He works a night shift. It is not going to hurt anything.

Mr. Von Roretz responded to the Board regarding some questions. He only sells via mail and online. The vehicles referred to by Mr. McFarlin belong to his father and he was working on it to help him.

Randy Williams – 113 Laketrail Drive

Mr. Williams said he would like to see the neighborhood stay as it is. He does not have a problem if he wants to run his business there and make a little money. If it is approved, can it be for six months temporarily to see how it works?

Jamey Latham – 107 Laketrail Drive

Ms. Latham said she lives next door to the applicant. She was not acquainted with them prior to this application. When Ms. McFarlin came to her house and asked her to sign the petition, she made it seem like this business was a front for drugs. She said there was already traffic and there is going to be more traffic. She asked me to sign this paper. Her aunt almost signed the petition but she asked her to wait and discuss this with the neighbor. She talked with some of the neighbors that had signed the petition and some of the neighbors want their names removed because it was misrepresented to them that there was something illegal about the business. She and her aunt went and talked with the Von Roretzs and then with some of the neighbors. The neighbors said Ms. McFarlin had told them it might be a drug business. The neighbors have all lived together for years with no issues and the McFarlins have been living there four week and have polarized the whole neighborhood. It is the craziest thing ever. She was able to get all the signatures because she made it seem like something illegal.

Allison Smith 1853 Steele Road

Ms. Smith noted that Steele Road is part of this subdivision. When she was asked to sign the petition, she was told these were horrible people; they were selling drugs out of their garage; people were coming there all hours of the night. She wants her name and her son's name taken off of the petition. She went and visited the Von Roretzs, saw what they did; there is no machinery; everything is clean. Ms. Smith works from home as a health care consultant. She knows what happens in the neighborhood. She moved to this location last July. According to what she was told, the neighborhood covenants expired in 2015. These are good people and she does not feel they are trying to do anything wrong. The information they were given at the time the petition was signed was not factual.

Mr. McFarlin returned for further comments. He said he has not personally asked one person to sign a petition. He said he went outside and his grass had been cut a few feet over the property line. He told Mr. Von Roretz that he did not like his grass cut that short and to please not cut it in the future. It ignited a "war" for no reason at all. This needs to focus on one thing and one thing only. Are we going to allow one household to change the continuity of the whole subdivision? All of the other stuff is "he said, they said". He has begged everyone to get along. If he wins, he is going to be his neighbor. It is an unfortunate situate and he wishes it had never occurred. If he has offended anyone in the subdivision, he apologizes. He does not want to cause any trouble.

Mr. Jacobs said the petition being discussed was received after all the information was forwarded to the Board members. One person has already removed his name from the petition. There were 32 names on the petition. He read the petition to the members of the Board. Issues of covenants were brought up and the County does not enforce covenants of any sort. They only enforce zoning codes. He explained the different types of home occupations and the requirements. The staff has reviewed all the requirements this applicant has to follow and finds he meets all the requirements and the recommendation is for approval.

MOTION

Ms. Williams made a motion to approve Application #17-03S. The motion passed on a second by Mr. Slaughter with Mr. Brown, Mr. Keys, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

MINUTES

Mr. Keys made a motion, seconded by Mr. Brown, to approve the minutes of the December 8, 2016 meeting. The motion passed with Mr. Brown and Mr. Keys voting for the motion and Ms. McCord, Mr. Slaughter, and Ms. Williams abstaining because they were not present.

Ms. Williams made a motion, seconded by Mr. Brown, to approve the minutes of the April 13, 2017 meeting. The motion passed with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion and Mr. Slaughter abstaining because he was not present.

ADJOURN

The meeting was adjourned on a motion by Ms. Williams and a second by Mr. Keys with Mr. Brown, Mr. Keys, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

Ed Brown – Chair

Yvonne M. Langford - Recorder