

# Agenda

## Board of Zoning Appeals of Spalding County

Thursday, March 12, 2020

7:00 PM

Room 108, Spalding County Courthouse Annex

### 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 #20-02V:** Robert Lee Moore and Ruthann G. Moore, Owners - 113 Creekside Court (0.187 acre located in Land Lot 184 of the 3rd Land District) - requesting a Variance from rear yard setback in the AAR District.

### C. Approval of Minutes:

2. Consider approval of February 13, 2020 minutes.

### D. Other Business:

### E. Adjournment



## SPALDING COUNTY BOARD OF ZONING APPEALS

### Application #20-02V

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#### Requesting Agency

Office of Community Development

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#### Requested Action

**Application #20-02V:** Robert Lee Moore and Ruthann G. Moore, Owners - 113 Creekside Court (0.187 acre located in Land Lot 184 of the 3rd Land District) - requesting a Variance from rear yard setback in the AAR District.

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#### Requirement for Board Action

Article 4. General Procedures - Section 411.

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#### Is this Item Goal Related?

No

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#### Summary and Background

The applicant has requested to reduce the minimum rear yard setback in the AAR zoning district from 20' to 10'. The applicant would like to construct a covered patio addition extending the roof line in the rear patio area approximately 10+/-' into the setback. The addition will be 18' x 12'.

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#### Fiscal Impact / Funding Source

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#### STAFF RECOMMENDATION

#### APPROVAL.

**It must be noted that Spalding County is not giving any approvals to encroach on or into any drainage easements. The property owner shall assume any and all liabilities with respect to drainage easements.**

#### ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-02V	2/25/2020	Backup Material



REQUEST FOR VARIANCE  
APPLICATION NO. 20-02V

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: LOAM Construction

Address: 3078 Fossett Road

City: Concord

State: GA Zip: 30206

Phone: 678-967-0080

Contact Person: Jerry Whitley

PROPERTY OWNER INFORMATION

Robert Lee G.

Name: Bob and Ruth Ann Moore

Address: 113 Creekside Court

City: Griffin

State: GA Zip: 30223

Phone: 770-845-1364

Phone: \_\_\_\_\_

APPLICANT IS THE:

\_\_\_\_\_ Owner's Agent

☒ Property Owner

\_\_\_\_\_ Developer

Land District(s): 3rd

Land Lot(s): 184

Acreage: 0.187

Address of Property: 113 Creekside Court

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

20 foot rear Building Line

State what you propose the district requirement(s) be varied to: \_\_\_\_\_

10 foot rear Building Line

Describe what use is proposed and the reason that a Variance is required: \_\_\_\_\_

To allow a covered patio to be installed in the back yard that  
extends from the rear of the sunroom 12 feet towards the rear  
of the property. This will still leave approximately 10 feet  
from the rear of the new patio to the installed fence and  
approximately 25 feet from the rear of the new patio to the  
base of the drainage swell in the back yard.

**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

1/21/2020

Date





Property Owner

1/21/2020

Date

**OFFICE USE ONLY**

Date Received: 1-31-20

Amount of Fee: \$300.00

Received By: C. McDaniel

Receipt Number: 785981

**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 for 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).

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**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** Robert Moore

**Date** 1-21-2020

**Witness** [Signature]

**Date** 1-21-2020

**Application No.** 20-02V



S.A. GASKINS  
& ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3:16

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

*[Signature]*

BY: SWINSON A. GASKINS, Sr. GEORGIA  
REGISTERED LAND SURVEYOR NO.1620

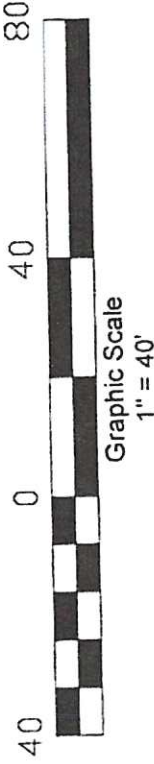
DATE 01 / 07 / 2020

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,200 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

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

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LIECA TS02 TOTAL STATION & GEOMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.



Prepared For:

Robert Moore & Ruthann G. Moore

F.W.P.D.: 01/06/20

Date: 01/07/20

Scale: 1" = 40'

Job No: SA19-169A

County: Spalding, GA

Land Lot: 184

District: 3rd

LEGEND

- B/L=BUILDING LINE
- C/P=CONCRETE PATIO
- D.B.=DEED BOOK
- D.E.=DRAINAGE EASEMENT
- F.W.P.D.=FIELD WORK PERFORMED DATE
- L.L.=LAND LOT
- L.L.L.=LAND LOT LINE
- N/F=NOW OR FORMERLY
- O/HUL=OVERHEAD UTILITY LINES
- P.B.=PLAT BOOK
- PG.=PAGE
- P.O.B.=POINT OF BEGINNING
- RBF=REBAR FOUND
- RBS=REBAR SET
- RW=RIGHT OF WAY
- S.F.=SQUARE FEET
- U/P=UTILITY POLE

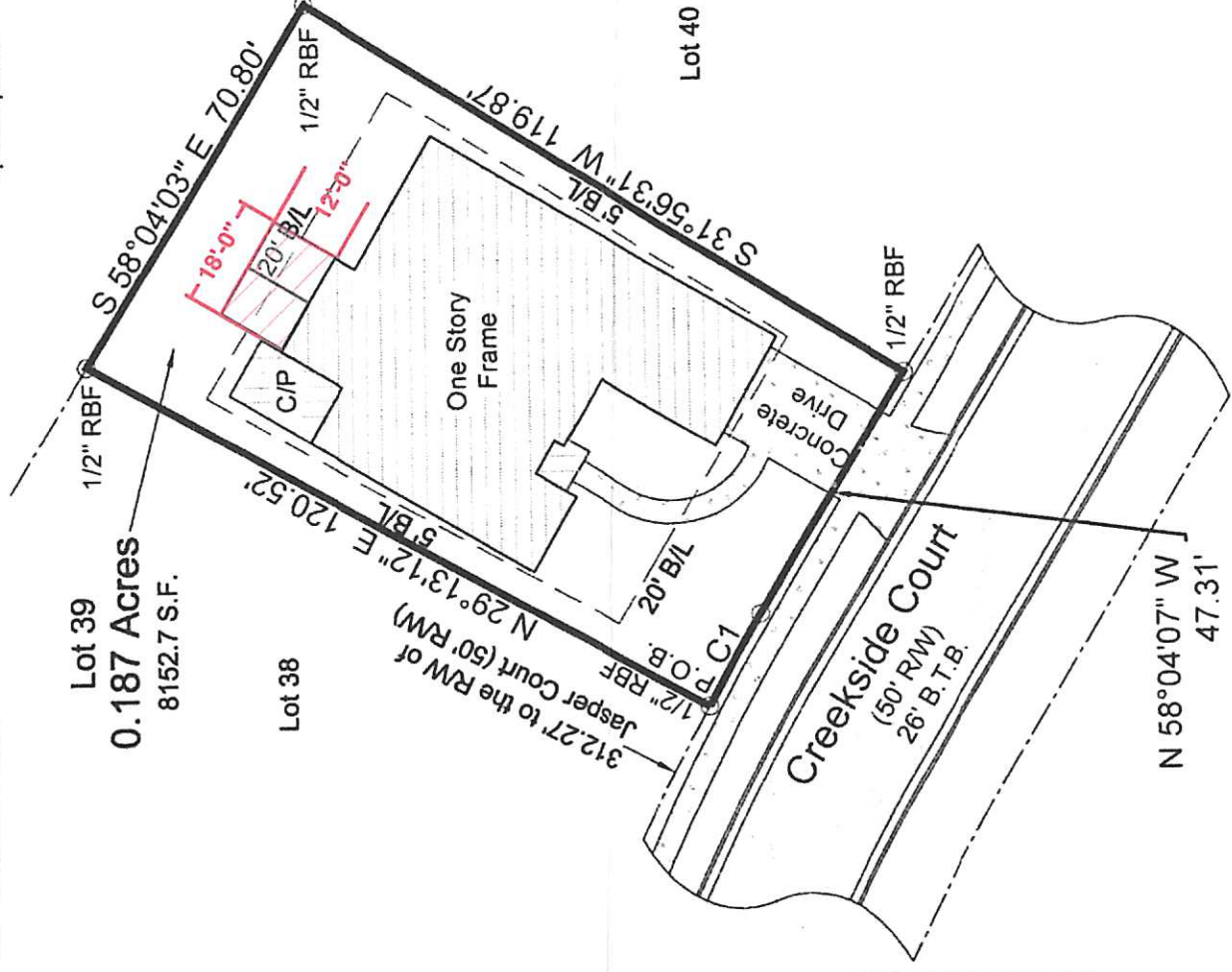


Open Space

Lot 39  
0.187 Acres  
8152.7 S.F.

Lot 38

Lot 40



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	17.78'	375.00'	17.78'	N 59°42'19" W

FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13255C0080E, DATED JUNE 7, 2017,  
THIS PROPERTY DOES NOT LIE WITHIN  
A SPECIAL FLOOD HAZARD AREA.





Real Estate Transfer Tax  
Paid \$ 599.90  
Date 10-23-19  
PT - 61 126 - 2019-0894

Debbie L. Brooks  
Clerk of Superior Court

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

2019 OCT 23 A 11:00

BY BB  
DEBBIE L. BROOKS, CLERK

Record and Return to:  
Sparks|King|Watts|Reddick, LLC  
1215 Eagles Landing Parkway, Suite 207  
Stockbridge, GA 30281  
Order No.: GA-STK191262PUR  
Tax Parcel ID: 301 01039

### LIMITED WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF HENRY

THIS INDENTURE, made this 16th day of October, 2019, between

**Alison McCranie and Carol J. Hobby**

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

**Robert Lee Moore and Ruthann G. Moore as Joint Tenants with Rights of Survivorship and not as Tenants in Common**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

All that tract or parcel of land lying and being in Land Lot 184, of the 3rd District, of Spalding County, Georgia, and being Lot 39, of Sun City Peachtree Subdivision, Pod 6, as per plat recorded at Plat Book 25, Pages 516-525, Spalding County, Georgia Records, which plat is incorporated herein and made a part hereof by reference.

Parcel 301 01039

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

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

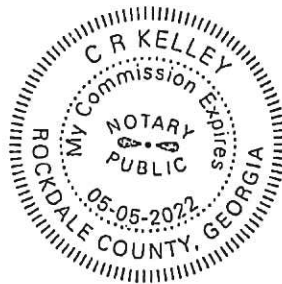
Signed, sealed and delivered  
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 5/5/22

[Notary Seal]



GRANTOR:

*Alison McCranie* (Seal)

Alison McCranie  
Carol J. Hobby by her ATF

*Alison McCranie* (Seal)

Carol J. Hobby by her Attorney-In-Fact  
Alison McCranie, as per Power of Attorney  
recorded in Deed Book 4164, Page 217,  
Spalding County, Georgia records



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# SPALDING COUNTY BOARD OF APPEALS

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**DATE:** March 12, 2020

**TO:** Spalding County Board Of Appeals

**FROM:** Department of Community Development

**RE:** Variance Application 20-02V

*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 113 Creekside Court and is 0.187 acres, more or less, located in Land Lot 184 of the 3<sup>rd</sup> Land District.

**Current Owner:**

Robert Lee and Ruth Ann Moore  
113 Creekside Court  
Griffin, Georgia 30223

**Agent/Developer**

LOAM Construction  
3078 Fossett Road  
Concord, GA 30206

**Development:**

The applicant has requested to reduce the minimum rear yard setback in the AAR zoning district from 20' to 10'. The applicant would like to construct a covered patio addition extending the roof line in the rear patio area approximately 10±' into the setback. The addition will be 18' x 12'.

**Compliance with Zoning Ordinance Development Standards:**

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

Section 1705B:(A)3 Minimum Rear: 20 feet

**Considerations of a Variance Request:**

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

1. The hardship cannot be self-created such as:

A. A lot purchased with knowledge of an existing restriction.

*There is no evidence that the applicant was aware of the ordinance requirement when they purchased the tract.*

B. A claim of hardship in terms of prospective sales.

*There is no evidence for a claim with respect to 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.

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 Creekside Court.*

**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 it impair the Spirit of this Ordinance.
2. Such conditions are peculiar and unique to the particular parcel.

It must be noted that Spalding County is not giving any approvals to encroach on or into any drainage easements. The property owner shall assume any and all liabilities with respect to drainage easements.



## SPALDING COUNTY BOARD OF ZONING APPEALS Approval of February 13, 2020 Minutes

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**Requesting Agency**

Office of Community Development

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**Requested Action**

Consider approval of February 13, 2020 minutes.

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**Requirement for Board Action**

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**Is this Item Goal Related?**

No

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**Summary and Background**

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Minutes 02-13-20 BOA	2/25/2020	Backup Material



## SPALDING COUNTY APPEALS BOARD

Regular Meeting  
February 13, 2020

The Spalding County Appeals Board held its regular monthly meeting on February 13, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Patricia McCord; and Robert Paul Peurifoy. Absent were members Tangela Williams and Billy Slaughter. Also present were: Chad Jacobs, Community Development Director and Teresa Watson to record the minutes. Zoning Attorney Newton Galloway was not present.

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

### 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 board members 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 #20-01V:** Stephen J. and Kayla S. Echols, Owners - 424 Merrybrook Road (3.452 acres located in Land Lot 55 of the 2nd Land District) - requesting a Variance to allow an accessory structure in front yard in the AR-1 district.

The applicant requests to allow a 30' x 30' accessory structure in the front yard. The rear and side yards are impacted by significant topography issues. The structure would be placed near the 100' front setback line. After a comprehensive review, Staff recommends approval of this application based on the following: a) Granting this variance would not cause substantial detriment to the public good, nor would it impair the spirit of this Ordinance, and b) Such conditions are peculiar and unique to this particular parcel.

*Motion/second by Ms. McCord/Mr. Peurifoy to approve as presented carried 3-0.*

### C. Approval of Minutes:

2. Consider approval of January 9, 2020 minutes.

*Motion/second by Mr. Peurifoy/Ms. McCord to approve the Minutes of the January 9, 2020 meeting of the Spalding County Board of Zoning Appeals carried by a vote of 3-0.*

### D. Other Business:

Mr. Jacobs advised this would be his last meeting for the Board of Zoning Appeals. He is resigning, effective March 10. Newton Galloway will likely cover the March 13 meeting.

### E. Adjournment

*Motion/second to adjourn at 7:10 p.m. by Mr. Peurifoy/Ms. McCord carried 3-0.*

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Ed Brown – Chair

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Teresa A. Watson - Recorder