

Agenda

Board of Zoning Appeals of Spalding County

Thursday, July 9, 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 #20-04S:** Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.
2. **Application #20-05V:** Clark Van Norris, Owner - 350 Hollonville Road (10 acres located in Land Lot 18 of the 1st Land District) - requesting a Variance from minimum square footage requirement for first story in the AR-1 District.
3. **Application #20-06V:** So So Investments, LLC, Owner - 709 Sleepy Hollow (0.62 acre located in Land Lot 213 of the 2nd Land District) - requesting a Variance from front yard setback in the R-4 District.

C. Approval of Minutes:

4. Consider approval of April 9, 2020 minutes.

D. Other Business:

E. Adjournment



SPALDING COUNTY BOARD OF ZONING APPEALS Application #20-04S

Requesting Agency

Office of Community Development

Requested Action

Application #20-04S: Christopher M. Bassett, Owner - 129 Orchard Drive (14.33 acres located in Land Lot 47 of the 2nd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

Requirement for Board Action

Article 4. General Procedures - Section 413.

Is this Item Goal Related?

No

Summary and Background

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a single-chair hair studio. The sole stylist will be the applicant's wife. The applicant has stated that there will be customer access to the residence.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

CONDITIONAL APPROVAL:

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to approval of business license issuance.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-04S	6/25/2020	Backup Material



REQUEST FOR SPECIAL EXCEPTION
APPLICATION NO. 20-045

AGENT/DEVELOPER INFORMATION
(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Christopher M. Bassett

Address: 129 Orchard Drive

City: Griffin

State: GA Zip: 30223

Phone: 678-470-5735

Phone: _____

APPLICANT IS THE:

_____ Owner's Agent ☒ Property Owner _____ Developer

Present Zoning District(s): Zone AR-1

Land District(s): 2nd Land Lot(s): 47 Acreage: 14.33

Address of Property: 129 Orchard Drive 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:

I seek permission to construct a building to use for
business purposes. The business will be a single chair
hair studio. Section 503; D(5) General Home Occupation

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

Date

5/24/2020

Date

OFFICE USE ONLY

Date Received: 5-26-20

Amount of Fee: \$500⁰⁰

Received By: C. McDaniel

Receipt Number: 043832

See attached responses

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: _____

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: _____

(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: _____

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

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

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

OFFICE USE ONLY

Date Received: 5-26-20

Received By: C. McDaniel

Special Exception Applicant's Response

- A. No, the construction would not be visible from the roadway and would match the current residence on site.
- B. No, the business would be held under strict guidelines of the State Board of Cosmetology. Furthermore, no exhaust, runoff or other pollutants are created from such business.
- C. No, in contrast, the structure and business would bring appreciating effects to the area.
- D. No, the construction would be new so this does not apply.
- E. Yes, the property is 14.33 acres.
- F. Yes, all ordinances and codes set forth by the county will be followed and adhered to.

**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.

CHRISTOPHER BASSETT
Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

[Signature] 5/26/2020
Signature of Owner(s) Date
or Signature of Authorized Officer or Agent
(if applicable)

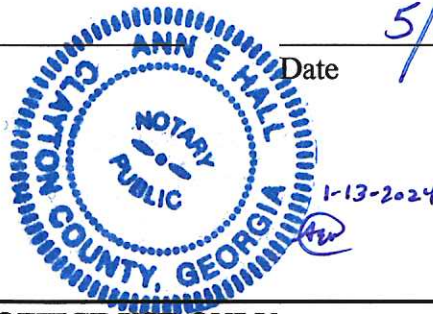
Signature of Agent

Title of Authorized Officer or Agent (if applicable)

[Signature]
Signature of Notary Public

5/26/2020
Date

-- Notary Seal --



OFFICE USE ONLY

Date Received: 5-26-20

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;
- 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: \$ 300.00

Variance: \$ 300.00

Special Exception: \$ 500.00

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 - \$750.00

B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.

May 24, 2020

To Whom it may concern:

I am seeking permission to construct a single story 256 sq/ft building on my property at 129 Orchard Drive. The purpose of the building would be for my wife to move her established hair salon business from the City of Griffin to our homesite. The building would be one of wood construction with a metal roof matching that of our current home. The dimensions of the proposed structure would be 16' by 16' and would be positioned on the south side of the property withing the guidelines established by the county. (12' away from our residence and 5' away from the property line) The structure would not be visible from the street and would meet all building codes. Attached you can find a sketch of the said structure in relation to our current home and property lines.

Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read "Chris Bassett", with a long horizontal stroke extending to the right.

Chris Bassett

678-476-5735

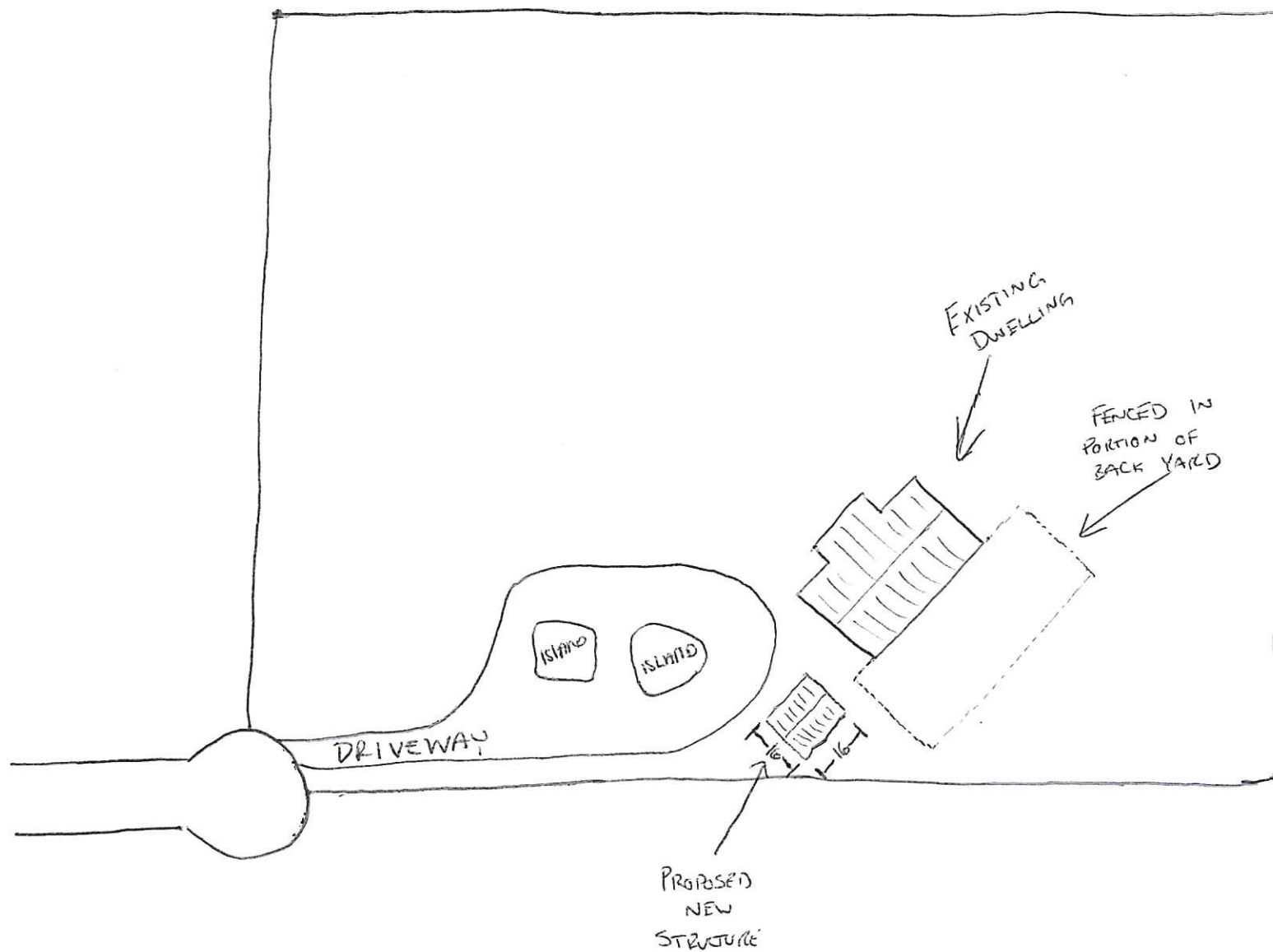
129 Orchard Drive

Griffin, GA 30223

15/295



John L. Lindsay, Jr.
CSC



Return Recorded Document to:
Wessels & Dixon, P.C.
175 Corporate Center Drive, Suite A
Stockbridge, GA 30281
678-759-2211

Real Estate Transfer Tax
Paid \$ 126.00
Date 12-11-13
PT - 61 126-2013-2679
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2013 DEC 11 AM 9 58

WARRANTY DEED

BY *[Signature]*
MARCIA L. NORRIS, CLERK

STATE OF GEORGIA

COUNTY OF HENRY

File #: 13-0723

This Indenture made this 14th day of November, 2013 between Kevin Douglas Easthope, of the County of Henry, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Christopher M. Bassett, 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 tract or parcel of land lying and being in Land Lot 47 of the Second Land District of original Henry, now Spalding County, Georgia and described as beginning at an iron stake on the North margin of a cul de sac in Orchard Drive, said Point of Beginning, being South 0 Degrees 30 minutes West, 672.85 feet along the West Margin of the McDonough Road from the intersection of East Margin of the McDonough Road with the North Boundary of Land Lot 47, thence South 88 Degrees 38 Minutes East 2,000.0 Feet along the North Margin of Orchard Drive; thence Eastwardly 201 Feet, more or less, along the curving North Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of North 85 Degrees 39 Minutes East 201.0 Feet) to the Point of Beginning of this description; thence from said Point of Beginning, Southeastwardly 39 Feet, more or less, along the curving of North Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of South 65 Degrees 16 Minutes East, 38.5 Feet), to an iron stake; thence Southeastwardly 39 Feet, more or less, along the curving East Margin of a cul de sac in Orchard Drive (arc of curve being subtended by a chord of South 22 Degrees 00 Minutes East 38.5 Feet) to an iron stake; thence South 88 Degrees 38 Minutes East 848.05 Feet to an iron stake; thence North 0 Degrees 37 Minutes East 702.85 Feet to an iron stake; on the North Boundary of Land Lot 47, thence; North 88 Degrees 38 Minutes West, 889.46 Feet along the North Boundary of Land Lot 47 to an iron stake; thence South 1 Degree 22 Minutes West, 652.8 Feet to the Point of Beginning. Property is bounded on the North by Land of FGS Enterprises; on the East by Lands now formerly owned by Mrs. Amelia Walker McKnight Anderson; on the South by a cul de sac in Orchard Drive, and other lands of Central Land Corporation, in the Southwest by cul de sac in Orchard Drive, and on the West by other lands of Central Land Corporation.

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:

[Signature]
Witness
[Signature]
Notary Public
VIRGINIA M. DIXON
NOTARY
JUNE 30, 2015
PUBLIC
HENRY COUNTY, GEORGIA

[Signature] (Seal)
Kevin Douglas Easthope

SPALDING COUNTY BOARD OF APPEALS

DATE: July 9, 2020

TO: Spalding County Board of Appeals
Spalding County Board Of Commissioners

FROM: Department of Community Development

RE: Special Exception Application 20-04S

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 129 Orchard Drive; Land Lot 47 of the 2nd Land District of Spalding County. Property consists of 14.33 +/- acres.

Current owner:

Christopher M. Bassett
129 Orchard Drive
Griffin, Georgia 30223

Agent/Developer:

None

Proposed use:

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of a single-chair hair studio. The sole stylist will be the applicant's wife. The applicant has stated that there will be customer access at the residence.

Compliance with Zoning Ordinance Development Standards:

The property is currently zoned AR-1.

Section 503:D(5) allows for Home Occupation, general, excluding garage, repair garage, kennel, and shooting range. Section 202:LL defines Home Occupation, General as: An occupation for gain or support conducted by residents on the premises,

ancillary and accessory to the main agricultural or residential use on the property, meeting the following criteria:

1. No home occupation shall employ more than two (2) persons who work on the premises but who do not reside in the dwelling located on the premises.
2. The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
3. No display of products shall be visible from the street.
4. Use of the principal and/or accessory building(s) for the home occupation shall not exceed twenty-five (25) percent of the combined gross floor area of the principle and accessory buildings.
5. No internal or external alterations shall be permitted which would change the fire rating for the structure.
6. No continuous unenclosed outside storage of materials or supplies used in connection with the home occupation shall be permitted, provided that this restriction shall not preclude the conduct of minor outside home gardening activities in conjunction with a home occupation.
7. All parking for the home occupation shall be located on the property and only in the side or rear yards.
8. Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in R-1, R-2, R-4 and R-5 zoning districts.

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.

The Home Occupation proposed in this request will not adversely affect the health or safety of residents or the general neighborhood nor will it be detrimental to the use or development of adjacent properties.

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.

Staff does not anticipate any depreciating effects on neighboring property with the request use.

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 requirements of the use.

The subject property is of sufficient size for the request.

The subject dwelling is 1,456 square feet. 25% of the total square footage of the dwelling unit is 364 square feet. The proposed structure for the home occupation will be 256 square feet.

1. Satisfies the requirements for Home Occupation in Section 202:LL and the Special Exception Criteria in Section 413G of the Spalding County UDO.

Staff recommends the following condition(s):

- a. All areas related to the home occupation shall comply with all applicable building codes and be inspected and approved prior to approval of business license issuance.
- b. A building permit is required for the accessory structure.
- c. Property owner must locate the exact property line on the south side of the lot in order to accurately site the accessory structure.

Photos



View of subject property from Orchard Drive.

Staff Recommendations:

Staff recommends **CONDITIONAL APPROVAL** of this application.

This recommendation was made for the following reasons:



SPALDING COUNTY BOARD OF ZONING APPEALS Application #20-05V

Requesting Agency

Office of Community Development

Requested Action

Application #20-05V: Clark Van Norris, Owner - 350 Hollonville Road (10 acres located in Land Lot 18 of the 1st Land District) - requesting a Variance from minimum square footage requirement for first story in the AR-1 District.

Requirement for Board Action

Article 4. General Procedures - Section 411.

Is this Item Goal Related?

No

Summary and Background

The applicant has requested to reduce the minimum 1st floor square footage requirement for a dwelling in the AR-1 zoning district from 1250 SF to 1064 SF. The applicant purchased the parcel on January 15, 2020, as recorded in Spalding County Deed Book 4515 Page 78-80. The overall size of the proposed structure is 1,783 heated square feet, which exceeds the district minimum requirement. The requirement for the minimum 1,250 SF on the ground floor was not updated in Municode at the time the applicant commissioned the architectural design.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-05V	6/25/2020	Backup Material



REQUEST FOR VARIANCE
APPLICATION NO. 20-05V

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Clark VAN NORRIS

Address: 350 HOLLONVILLE RD

City: BROOKS GA

State: GA Zip: 30205

Phone: 770 468 3593

Contact Person: Clark VAN NORRIS

PROPERTY OWNER INFORMATION

Name: SAME

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Phone: _____

APPLICANT IS THE:

____ Owner's Agent

X Property Owner

____ Developer

Land District(s): 15+

Land Lot(s): 18

Acreage: 10

Address of Property: 350 HOLLONVILLE RD BROOKS GA 30205

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

MuniCode stated you needed 1500+ sq Ft.

No mention of 1st Floor needing 1250 sq Ft.

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

request to see 1st Floor to have 1064 sq Ft.

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

Sect - 503 A. #1

Municode Stated that home needed 1500 sq Ft.

No mention that the 1st Floor needed 1250 sq Ft.

Home has over 1500 sq Ft. but 1st Floor has 1064 sq Ft.

I've done everything to ~~meet~~^{exceed} the 1500 sq Ft. ~~but~~ It

wasn't until I filed for the Building permit that I found out I needed
1250 on 1st Floor.


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


Property Owner

Date

6/3/20
Date

OFFICE USE ONLY

Date Received: 6-3-20

Amount of Fee: \$300⁰⁰

Received By: C. McDaniel

Receipt Number: VISA 05349C

**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).

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 6/3/20

Witness Cynthia L. McDonnell

Date 6/3/20

Application No. 20-05V

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 300.00

Variance: \$ 300.00

Special Exception: \$ 500.00

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 - \$750.00

B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

AS REQUIRED BY SUBSECTION 15 OF O.C.G.A. SECTION 55-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAN, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYORS CERTIFICATE:

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).

BY SWINSON A. GASKINS, Sr. GEORGIA
REGISTERED LAND SURVEYOR NO. 1620
DATE 08 / 08 / 2019

RENDLEY C. & BRENTA C. MORGES
d. 11 + 225.00 2002

CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED, HAS A CLOSURE PRECISION OF ONE FOOT IN 38 667 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 LEICA T500 TOTAL STATION & DECMAX CHAMPION PRO GPS ON THE TRIMBLE NETWORK.

Job No. SA19-102A

Drawn By: R.D.G.	Reviewed By: S.A.J.
Issue Date: 05/06/19	

F.W.P.O.: 0723-08/05/2019

Revisión	Fecha
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Prepared For:

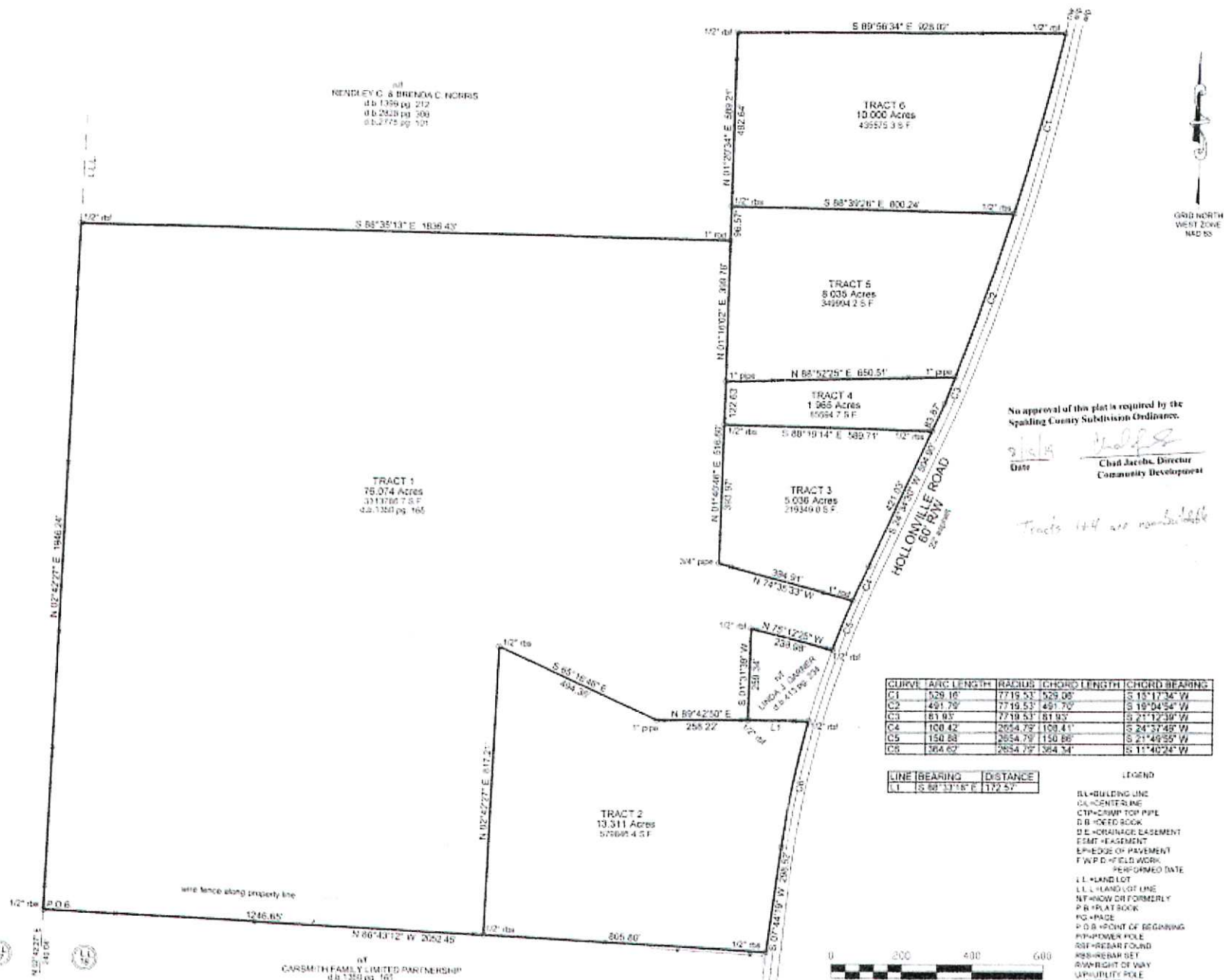
RENDLEY C. & BRENDA C.
NORRIS

Property Location

Land Lot 18 Of The 1 st Land District
Spalding County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC

surveys, planners, development consultants
P.O. BOX 321 BROOKS, GA 39206
770-460-8342
saparkins@bellsouth.net



THE PURPOSE OF THIS PLAT IS
TO COMBINE TRACTS 4 & 5
RECORDED IN PLAT BOOK 27 PG. 143
67

N/F
C. RENDLEY &
BRENDA C. NORRIS
TRACT 5
P.B. 27 PG. 67

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

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS
BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 38,657 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.

No approval of this plat is required by the
Spalding County Subdivision Ordinance.

1-31-2020
Date
Chad Jacobs, Director
Community Development

THIS SURVEY DOES NOT
CONSTITUTE A TITLE SEARCH BY
SURVEYOR. ALL INFORMATION
REGARDING RECORD
EASEMENTS, ADJOINERS AND
OTHER DOCUMENTS THAT
MIGHT AFFECT THE QUALITY OF
TITLE TO TRACT SHOWN WERE
NOT SUPPLIED TO THIS OFFICE.

GRID NORTH
WEST ZONE
NAD 83

LEGEND

- B/L=BUILDING LINE
- C/L=CENTERLINE
- CTP=CRIMP TOP PIPE
- D.B.=DEED BOOK
- E.P.=EDGE OF PAVEMENT
- N.T.S.=NOT TO SCALE
- EP=EDGE OF PAVEMENT
- F.W.P.D.=FIELD WORK
PERFORMED DATE
- L.L.=LAND LOT
- L.L.L.=LAND LOT LINE
- N/F=NOW OR FORMERLY
- P.B.=PLAT BOOK
- PG.=PAGE
- P.O.B.=POINT OF BEGINNING
- P/P=POWER POLE
- RBF=REBAR FOUND
- RBS=REBAR SET
- R/W=RIGHT OF WAY
- U/P=UTILITY POLE



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	573.71'	7719.53'	573.58'	S 19°23'08" W

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A.
SECTION 15-6-67, THE REGISTERED LAND
SURVEYOR HEREBY CERTIFIES THAT THIS MAP,
PLAT, OR PLAN HAS BEEN APPROVED FOR FILING
IN WRITING BY ANY AND ALL APPLICABLE
MUNICIPAL COUNTY OR MUNICIPAL-COUNTY
PLANNING COMMISSIONS OR MUNICIPAL OR
COUNTY GOVERNING AUTHORITIES OR THAT SUCH
GOVERNMENTAL BODIES HAVE AFFIRMED IN
WRITING THAT APPROVAL IS NOT REQUIRED.

FINAL SURVEYOR'S CERTIFICATE

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).

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

DATE 01 / 24 / 2020

Prepared For:
CLARK VAN NORRIS

F.W.P.D.: 07/12/19-07-17-19 Date: 01/24/2020

Scale: 1" = 100' Job No: SA19-088A

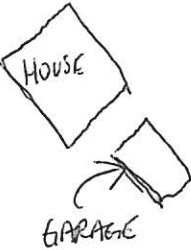
County: SPALDING, GA. Land Lot: 18 District: 1 ST

N/F
C. RENDLEY &
BRENDA C. NORRIS
TRACT 1
P.B. 27 PG. 67

(n.t.s.)
S 50°00'27" W 25'14.88'
to the common corners of
land lots 17, 18, 47 & 48

WIRE FENCE
1/2" rbf
N 01°20'34" E 96.57'
1" rod
N 01°16'02" E 399.78'
1" pipe
N 01°40'46" E 122.63'
1/2" rbf
P.O.B.

10.000 Acres
435607.5 S.F.



ORIGINAL PROPERTY LINE OF TRACT 4 & 5

N/F
C. RENDLEY &
BRENDA C. NORRIS
TRACT 3
P.B. 27 PG. 67

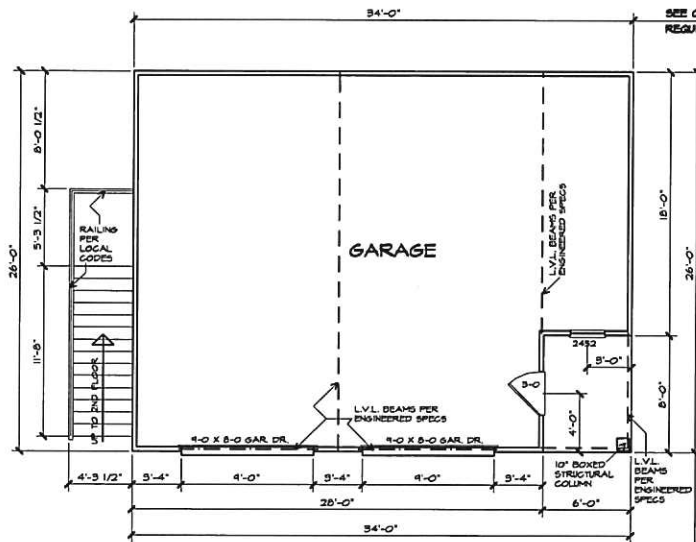
S 88°39'26" E 800.24'

1/2" rbf

HOLLONVILLE ROAD
60' R/W
C1
22' asphalt

83.87'
S 24°34'30" W
1/2" rbf

N 88°19'14" W 589.71'



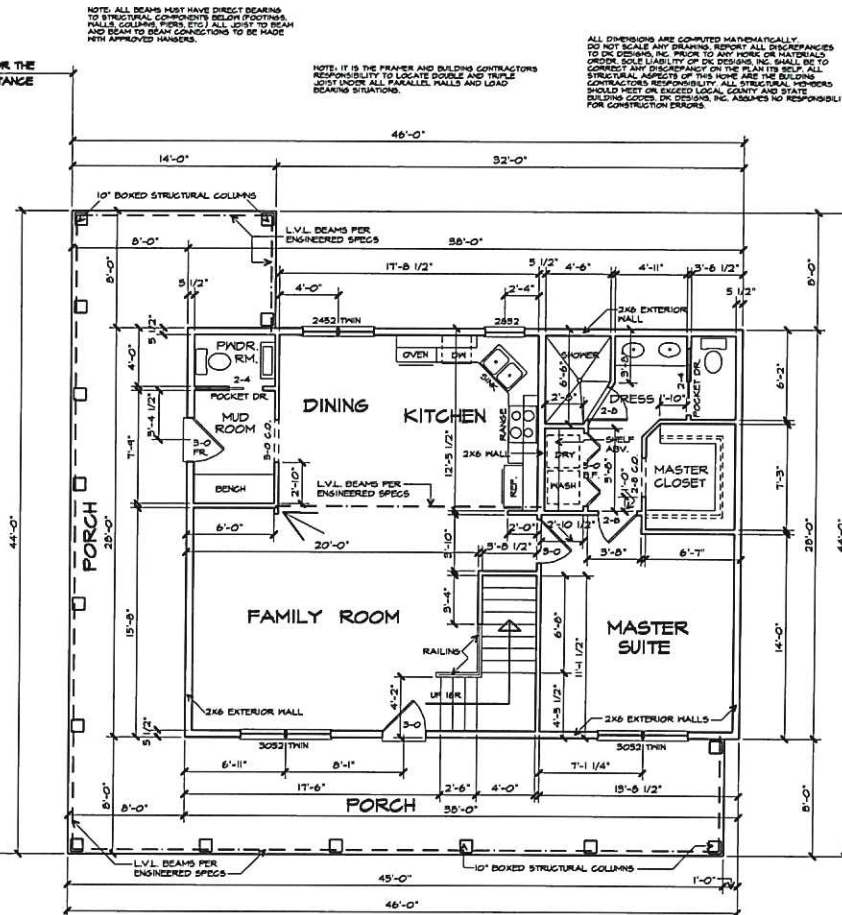
GARAGE LEVEL PLAN

1/4"-----1'-0"

GARAGE
 UNDER ROOF SQUARE FOOTAGE:
 LOWER LEVEL = 804 SQ. FT.
 UPPER LEVEL = 603 SQ. FT.
 TOTAL UNDER ROOF = 1407 SQ. FT.

HOUSE
 CONDITIONED SQUARE FEET
 MAIN LEVEL = 1064 SQ. FT.
 UPPER LEVEL = 719 SQ. FT.
 TOTAL = 1783 SQ. FT.

UNDER ROOF SQUARE FOOTAGE:
 MAIN LEVEL = 1760 SQ. FT.
 UPPER LEVEL = 719 SQ. FT.
 TOTAL UNDER ROOF = 2479 SQ. FT.



MAIN LEVEL FLOOR PLAN

1/4"-----1'-0"

NOTE: ALL BEAMS MUST HAVE DIRECT BEARING TO STRUCTURAL COMPONENTS BELOW FOOTINGS, WALLS, COLUMNS, PIERS, ETC.) ALL JOIST TO BEAM AND BEAM TO BEAM CONNECTIONS TO BE MADE WITH APPROVED HANGERS.

NOTE: IT IS THE FRAMER AND BUILDING CONTRACTORS RESPONSIBILITY TO LOCATE DOUBT AND TRIPLE JOIST UNDER ALL PARALLEL WALLS AND LOAD BEARING SITUATIONS.

ALL DIMENSIONS ARE COMPUTED MATHEMATICALLY. DO NOT SCALE ANY DRAWING. REPORT ALL DISCREPANCIES TO DK DESIGNS, INC. PRIOR TO ANY HOME OR MATERIALS ORDER. SOLE LIABILITY OF DK DESIGNS, INC. SHALL BE TO CORRECT ANY DISCREPANCY ON THE PLANS. ALL STRUCTURAL ASPECTS OF THIS HOME ARE THE BUILDING CONTRACTORS RESPONSIBILITY. ALL STRUCTURAL MEMBERS SHOULD MEET OR EXCEED LOCAL, COUNTY AND STATE BUILDING CODES. DK DESIGNS, INC. ASSUMES NO RESPONSIBILITY FOR CONSTRUCTION ERRORS.

COPYRIGHT DK DESIGNS, INC. ALL RIGHTS RESERVED. ANY DUPLICATION, DISTRIBUTION, RESALE OR REPRODUCTION OF ANY KIND WITHOUT THE WRITTEN PERMISSION OF DK DESIGNS, INC. IS STRICTLY PROHIBITED. UNLESS AUTHORIZED IN WRITING BY DK DESIGNS, INC.

DK DESIGNS, INC.
 ATLANTA, GA.
 770-460-9445

DK DESIGNS, INC.

REVISION

SHEET 01



DK DESIGNS, INC.

CLARK VAN NORRIS

Real Estate Transfer Tax

Paid \$ 6030

Date 1-15-2020

PT - 61 126 - 2020-113

RETURN TO:
John T. Newton, Jr.
JOHN T. NEWTON, JR., LLC
PO Box 1092
Griffin, Georgia 30224

Debbie L. Brooks
Clerk of Superior Court

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

2020 JAN 15 P 4: 06

LAW OFFICE
JOHN T. NEWTON, JR., LLC
PO Box 1092
Griffin, Georgia 30224

DEBBIE L. BROOKS, CLERK

GEORGIA

COWETA COUNTY

WARRANTY DEED

THIS INDENTURE, made this 15th day of January, in the year Two Thousand Twenty, between **CARSMITH, LLLP f/k/a CARSMITH FAMILY LIMITED PARTNERSHIP**, of the County of Coweta, State of Georgia, as party of the First Part, hereinafter called Grantor, and **CLARK VAN NORRIS**, of the County of Spalding, State of Georgia, as party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include his respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that Grantor for and in consideration of TEN AND 00/100 (\$10.00) DOLLARS AND OTHER 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:

All that lot, tract or parcel of land situate, lying and being in Land Lot 18 of the 1st Land District of originally Monroe, now Spalding County, Georgia, being more particularly shown and designated as TRACT 5, containing 8.035 acres, as shown on a plat of survey prepared for Rendley C. & Brenda C. Norris, by S.A. Gaskins & Associates, LLC, dated August 6, 2019, recorded in Plat Book 27, Page 71, Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description.

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 have signed and sealed this deed, the day and year above written.

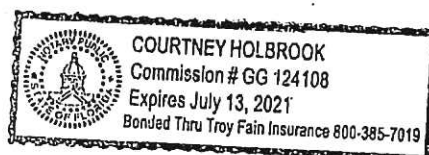
Signed, sealed, and delivered
in the presence of:

Lynne Gilbert
Witness

Courtney Holbrook
Notary Public

**CARSMITH, LLLP f/k/a CARSMITH FAMILY
LIMITED PARTNERSHIP**

By: *Chromer Albert Smith* (SEAL)
Chromer Albert Smith, General Partner, Managing
General Partner, and Limited Partner



By: Paula Maria Shell (SEAL)
Paula Maria Shell, General Partner, Managing
General Partner, and Limited Partner

By: Kathryn Smith Hicks (SEAL)
Kathryn Smith Hicks, General Partner,
Managing General Partner, and Limited Partner

Signed, sealed, and delivered
In the presence of:

[Signature]
Witness

[Signature]
Notary Public



Real Estate Transfer Tax
 Paid \$ 14.80
 Date 1-15-2020
 PT - 61 126 - 2020-119

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

2020 JAN 15 P 4: 06

RETURN TO:
 John T. Newton, Jr.
 JOHN T. NEWTON, JR., LLC
 PO Box 1092
 Griffin, Georgia 30224

Debbie L. Brooks
 Clerk of Superior Court

DEBBIE L. BROOKS, CLERK

LAW OFFICE
 JOHN T. NEWTON, JR., LLC
 PO Box 1092
 Griffin, Georgia 30224

GEORGIA

SPALDING COUNTY

WARRANTY DEED

THIS INDENTURE, made this 15th day of January, in the year Two Thousand Twenty, between **C. RENDLEY NORRIS a/k/a RENDLEY NORRIS** and **BRENDA C. NORRIS**, of the County of Fayette, State of Georgia, as party of the First Part, hereinafter called Grantor, and **CLARK VAN NORRIS**, of the County of Spalding, State of Georgia, as party of the Second Part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include his respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of TEN AND 00/100 (\$10.00) DOLLARS AND OTHER 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:

All that lot, tract or parcel of land situate, lying and being in Land Lot 18 of the 1st Land District of originally Monroe, now Spalding County, Georgia, being more particularly shown and designated as Tract 4, containing 1.965 acres, as shown on a plat of survey prepared for Rendley C. & Brenda C. Norris, by S.A. Gaskins & Associates, LLC, dated August 6, 2019, recorded in Plat Book 27, Page 71, Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description.

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 have signed and sealed this deed, the day and year above written.

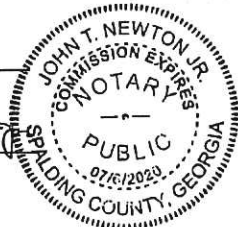
C. Rendley Norris (SEAL)
C. RENDLEY NORRIS a/k/a RENDLEY NORRIS

Brenda C. Norris (SEAL)
BRENDA C. NORRIS

Signed, sealed, and delivered
 In the presence of:

R. Dyal
 Witness

John T. Newton, Jr.
 Notary Public



SPALDING COUNTY BOARD OF APPEALS

DATE: July 9, 2020
TO: Spalding County Board of Appeals
FROM: Department of Community Development
RE: **Variance Application 20-05V**

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 350 Hollonville Road and is 10.00 acres, more or less, located in Land Lot 18 of the 1st Land District.

Current Owner:

Clark Van Norris
350 Hollonville Road
Brooks, Georgia 30205

Agent/Developer

None

Development:

The applicant has requested to reduce the minimum 1st floor square footage requirement for a dwelling in the AR-1 zoning district from 1250 SF to 1064 SF. The applicant purchased the parcel on January 15, 2020, as recorded in Spalding County Deed Book 4514 Page 78-80. The overall size of the proposed structure is 1,783 heated square feet, which exceeds the district minimum requirement. The requirement for the minimum 1,250 SF on the ground floor was not updated in Municode at the time the applicant commissioned the architectural design.

Compliance with Zoning Ordinance Development Standards:

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

Section 503(A)(1): Principal Uses Permitted in AR-1 District: Site-built single family detached dwelling with a heated floor area of 1,500 square feet; provided that when such dwelling shall be located on a lot with a size exceeding 20,000 square feet, the first story of any dwelling shall have a minimum square footage of 1,250 square 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.
The applicant desires to build an energy-efficient home and feels that the current floor plan is most efficient.
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.

It must be noted that in review of this application, staff confirmed that Municode had not been updated to reflect the minimum 1st floor square footage requirement. Updates have been submitted to Municode through the proper channels.

Photos:



View of the property from Hollonville 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 it impair the Spirit of this Ordinance.
2. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.

Sec. 501. - Purpose.

AR-1 zoning districts are intended to establish and preserve low-to-medium density areas where agriculture is the primary land use. Residences, which may or may not be incidental to these activities, are also permitted. These districts are free from other uses which are incompatible with low-to-medium density agricultural and residential uses.

Sec. 502. - Boundaries of AR-1 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all AR-1 districts within Spalding County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

— Sec. 503. - Permitted uses.

→ A. The following principal uses are permitted in AR-1 districts:

- 1. Site-built, single-family detached dwelling with a heated floor area of at least one thousand five hundred (1,500) square feet.
2. Industrialized home, single-family detached dwelling with a heated floor area of at least one thousand five hundred (1,500) square feet.
3. Conservation Subdivision.
4. Local, state, or federal government building.
5. Garden, crop growing.
6. Publicly owned and operated park or recreation area.
7. Agriculture.
8. Class A manufactured home with a heated floor area of at least one thousand five hundred (1,500) square feet which replaces a manufactured home located on the same tract that was used as a dwelling until within one hundred eighty (180) days prior to the date on which a permit for the new manufactured home is requested. Evidence that a manufactured home was located on the same tract shall be satisfied by the presence of a manufactured home thereon on the date on which a permit for a new manufactured home is requested or evidence of payment for the removal or demolition of the old manufactured home within one hundred eighty (180) days prior to the date on which a permit for a new manufactured home is requested. Evidence that the old manufactured home was used as a residence shall be satisfied by presentation of utility bills and corresponding payments for active utility service provided to the old manufactured home within one hundred eighty (180) days prior to the date on which the new manufactured home permit is requested.
9. Shrubbery sales, greenhouses and plant nurseries (commercial), provided no heavy equipment shall be permitted.
10. Reserved.
11. Reserved.

B. The following principal uses are permitted as special exceptions in AR-1 districts:

1. Church, synagogue, chapel, or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
 - a. It must be located on either an arterial or collector road;
 - b. The lot must have a minimum road frontage of two hundred (200) feet;
 - c. The lot must have an area of at least two (2) acres.
 - d. All buildings must be located at least fifty (50) feet from any property line;



SPALDING COUNTY BOARD OF ZONING APPEALS Application #20-06V

Requesting Agency

Office of Community Development

Requested Action

Application #20-06V: So So Investments, LLC, Owner - 709 Sleepy Hollow (0.62 acre located in Land Lot 213 of the 2nd Land District) - requesting a Variance from front yard setback in the R-4 District.

Requirement for Board Action

Article 4. General Procedures - Section 411.

Is this Item Goal Related?

No

Summary and Background

The applicant has requested to reduce the minimum front yard setback in the R-4 zoning district from 50' to 40'.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

DENIAL.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-06V	6/29/2020	Backup Material



REQUEST FOR VARIANCE

APPLICATION NO. 20-06V

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Donna Tinsley

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: *Donna Tinsley →

PROPERTY OWNER INFORMATION

Name: So So Investments, LLC

Address: 922 Hwy 81 E #203

City: McDonough

State: GA Zip: 30252

Phone: 626.533.6490

Phone: 404.290.2782

APPLICANT IS THE:

_____ Owner's Agent

_____X____ Property Owner

_____ Developer

Land District(s): 02

Land Lot(s): 135 **213**

Acreage: 0.62

Address of Property: 709 Sleepy Hollow Griffin, GA 30224

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

50' setback to the front of the house

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

Requesting a variance from 50' setback to 40' setback

Zoning: R-4

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

1. Request a reduction of 10' from home setback of 50' to 40'

2. Rationale:

a. State wetlands behind the property reducing amount of buildable space available.

b. Intent is to provide a structure w/similar features in the neighborhood (covered back patio w/fireplace – 13 – 14' due to fire code requirements of fireplace).

c. Provide an adequate backyard for future occupants: most in neighborhood are young couples with children.

d. Current house location has a steep slope in the back due to State wetlands in rear of house causing an inability to properly slope the 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



Property Owner

Date

5.26.20

Date

OFFICE USE ONLY

Date Received: 6-4-20

Amount of Fee: \$300⁰⁰

Received By: C. McDaniel

Receipt Number: VISA # 05224G

**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).

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 5/26/2020

Witness Donna Tinsley

Date 5.26.20

Application No. 20-06V

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 300.00

Variance: \$ 300.00

Special Exception: \$ 500.00

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 - \$750.00

B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and

C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.

OWNER/BUILDER:

FORTIS HOMES, LLC
922 HWY 81E #213
McDONOUGH, GA 30252

24 HOUR EMERGENCY CONTACT:

ERIC ORDORICA
626-533-6490

ENGINEER/SURVEYOR:

FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DRIVE, STE 200
STOCKBRIDGE, GA 30281
PH. 770-389-8666
FAX 770-389-8656

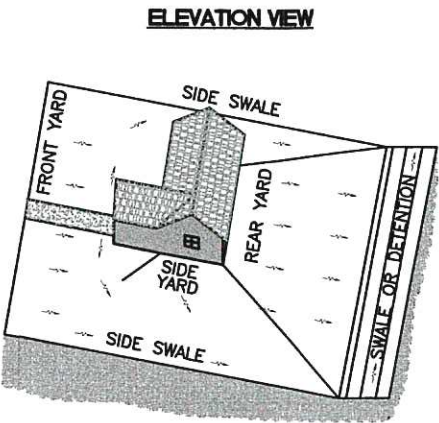
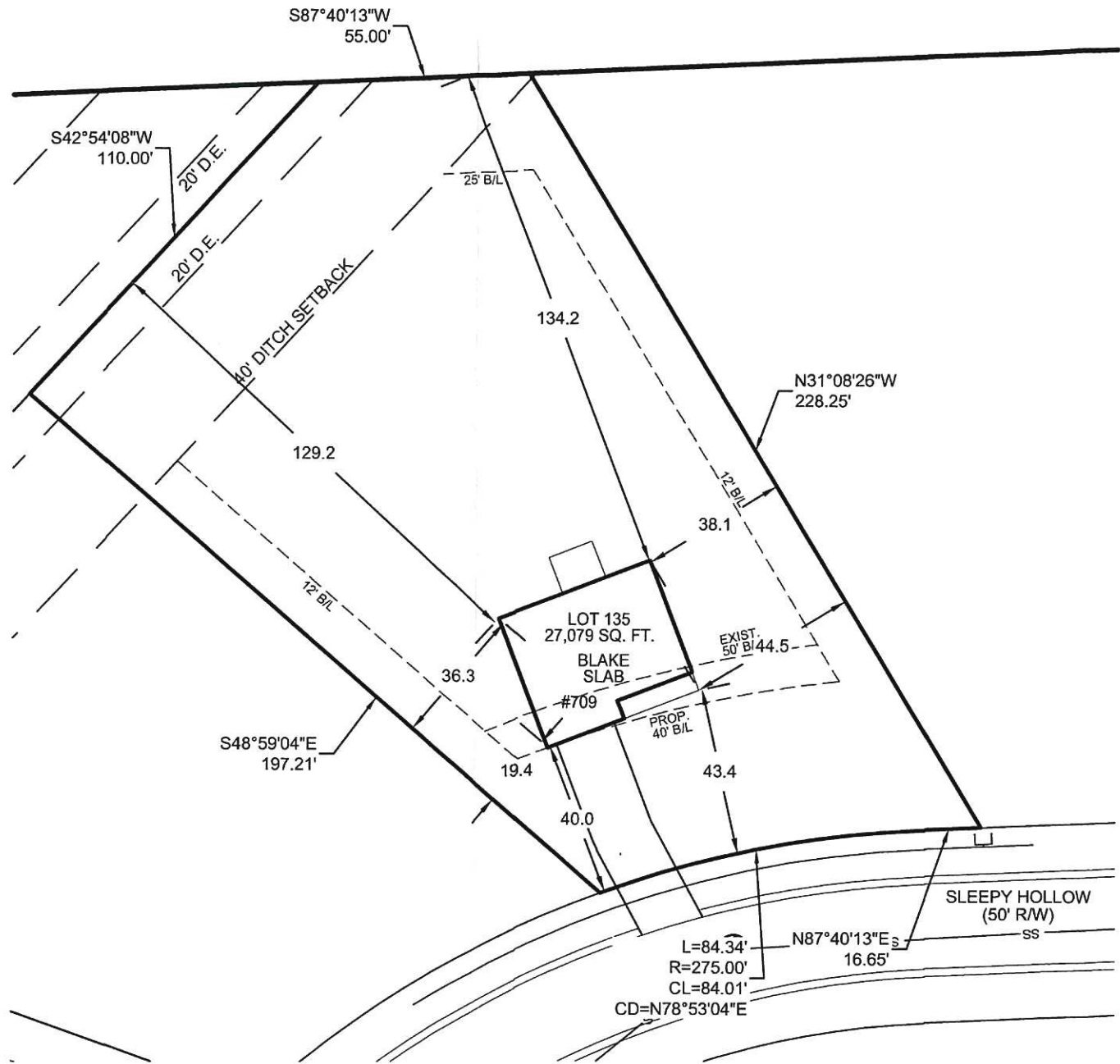
NOTE:
THIS PLAN IS FOR PERMITTING PURPOSES ONLY.

1. BUILDER TO PROVIDE 5% SLOPE AWAY FROM HOUSE FOR DRAINAGE PURPOSES.
2. CONTRACTOR TO MAINTAIN EROSION CONTROL DAILY.
3. ANY REVISIONS THAT WERE NOT DONE UNDER THE SUPERVISION OF THE ENGINEER OF RECORD WILL VOID THE CERTIFICATION OF THIS DOCUMENT.

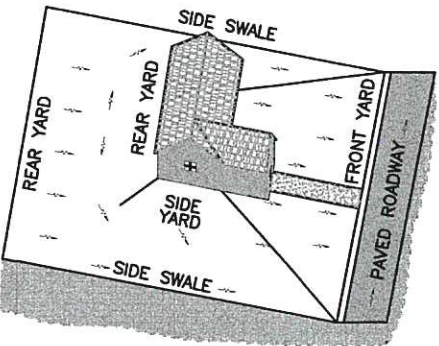
REFERENCES
1. FINAL PLAT INFORMATION FOR AUTUMN RIDGE PHASE 5, RECORDED IN SPALDING COUNTY RECORDS.

ACCORDING TO THE F.I.R.M. OF SPALDING COUNTY, PANEL NUMBER 13255C0205E, DATED 06/07/2017, THIS LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.

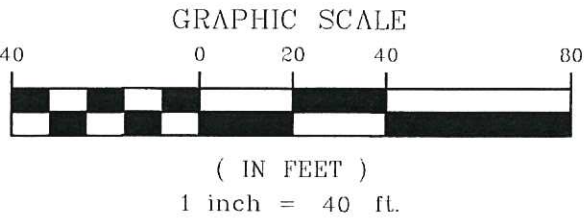
FRONT SETBACK: 50 FOOT
PROP. FRONT SETBACK: 40 FOOT
REAR SETBACK: 25 FOOT
SIDE SETBACK: 12 FOOT



LOT GRADING - TO SWALE OR DETENTION



LOT GRADING - TO ROADWAY



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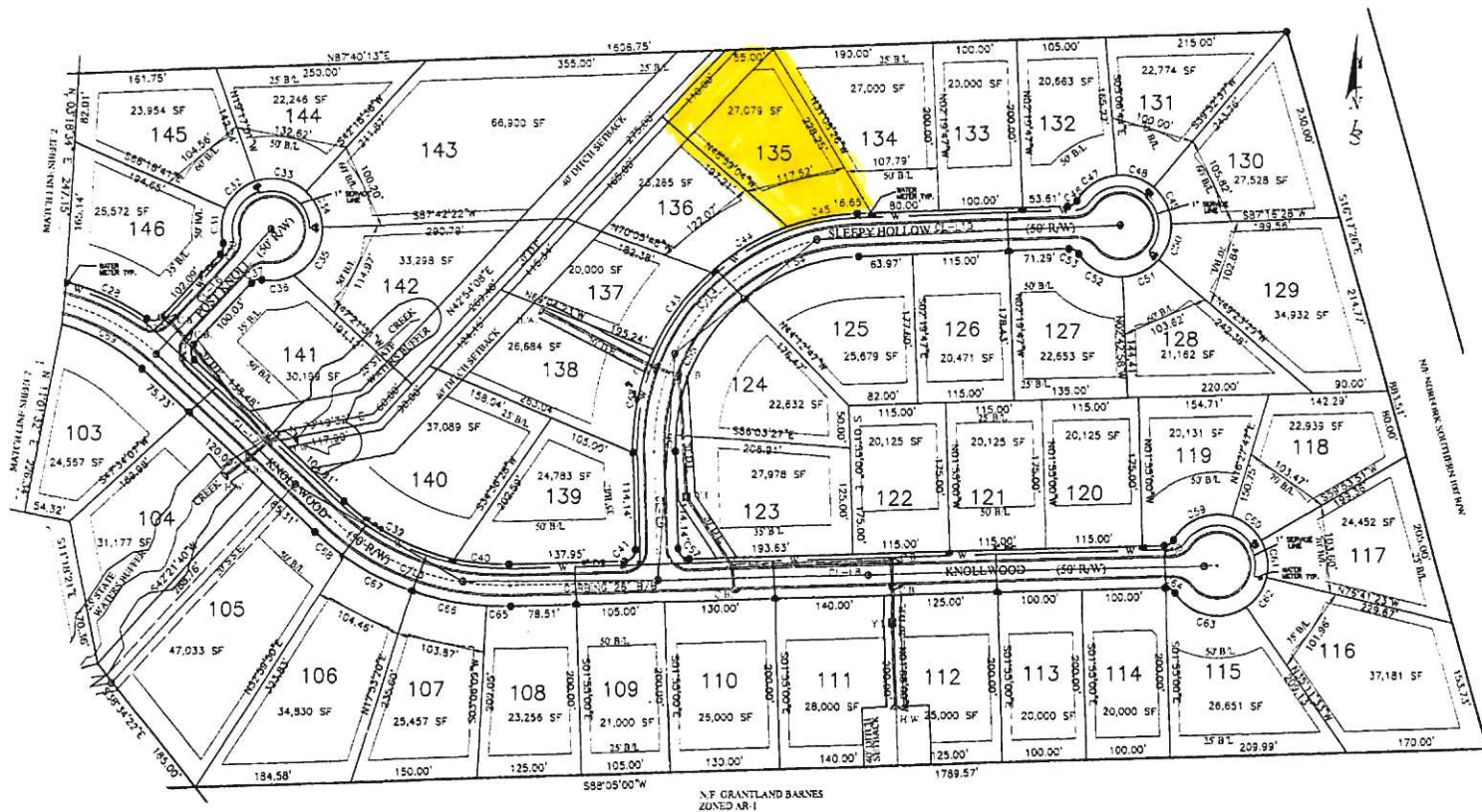
SHEET NUMBER:	DATE:	4-8-2020
	SCALE:	1" = 40'
	DRAWN BY:	WR
	REVIEWED BY:	WR
1 of 1		
THIS DOCUMENT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL.		

REVISIONS	
1.	
2.	
3.	
4.	
5.	



SETBACK VARIANCE PLAN FOR:
LOT 135
AUTUMN RIDGE
PHASE 5
LOCATED IN:
SPALDING COUNTY, GEORGIA
LAND LOT 203, 204, 213, 214 2ND DISTRICT





CURVE DATA CHART

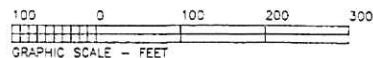
C28	275.00'	105.82'	105.17'	S 65°38'22" E	C49	60.00'	49.63'	48.23'	S 28°23'28" E
C29	13.00'	18.77'	17.16'	S 84°00'47" W	C50	60.00'	45.38'	44.31'	S 18°58'29" W
C30	13.00'	13.30'	12.73'	S 19°19'33" W	C51	60.00'	48.88'	47.54'	S 63°58'48" W
C31	60.00'	41.59'	40.76'	N 03°51'58" E	C52	60.00'	61.60'	59.11'	N 63°12'28" W
C32	60.00'	49.21'	47.84'	N 47°13'09" E	C53	13.00'	13.30'	12.73'	S 63°00'51" E
C33	60.00'	64.50'	61.44'	S 78°29'13" E	C34	225.00'	145.83'	143.29'	N 69°08'08" E
C34	60.00'	47.54'	46.31'	S 24°59'31" E	C55	225.00'	188.97'	181.64'	N 28°43'43" E
C35	60.00'	69.28'	65.49'	S 30°47'00" W	C56	225.00'	19.01'	19.00'	N 00°30'12" E
C36	60.00'	39.18'	38.49'	S 82°33'59" W	C57	13.00'	20.42'	18.36'	N 46°30'00" W
C37	13.00'	13.30'	12.73'	N 71°57'25" E	C58	13.00'	13.30'	12.73'	S 58°48'04" W
C38	13.00'	20.34'	18.33'	N 02°10'22" W	C59	60.00'	60.65'	74.71'	N 67°57'27" E
C39	275.00'	149.83'	147.99'	N 82°35'45" W	C60	60.00'	43.48'	44.40'	S 51°49'11" E
C40	275.00'	65.81'	65.68'	N 85°03'38" W	C61	60.00'	43.48'	44.38'	S 08°23'48" E
C41	13.00'	20.42'	18.36'	S 42°05'00" W	C62	60.00'	43.48'	42.51'	S 34°03'32" W
C42	275.00'	125.45'	124.37'	N 11°09'08" E	C63	60.00'	98.24'	88.25'	N 79°14'21" W
C43	275.00'	115.15'	114.31'	N 36°13'01" E	C64	13.00'	13.30'	12.73'	S 62°38'04" E
C44	275.00'	105.04'	104.41'	N 59°09'21" E	C65	325.00'	28.85'	28.84'	N 89°22'24" W
C45	275.00'	84.34'	84.01'	N 78°53'04" E	C66	325.00'	60.48'	60.18'	N 82°52'58" W
C46	13.00'	13.30'	12.73'	S 58°21'17" W	C67	325.00'	90.72'	90.42'	N 82°52'58" W
C47	60.00'	58.48'	58.20'	N 58°57'49" E	C68	325.00'	44.81'	44.77'	N 50°58'13" W
C48	60.00'	47.11'	45.91'	S 72°37'04" E	C69	225.00'	109.61'	108.53'	S 60°58'35" E

CURVE DATA CHART

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C/L1	800.00'	280.65'	279.21'	N 20°58'27" W
C/L2	250.00'	323.05'	301.04'	S 84°00'20" E
C/L3	300.00'	235.25'	229.27'	N 69°27'07" W
C/L4	250.00'	390.90'	352.28'	N 42°52'37" E

LINE	BEARING	DISTANCE
CL-L1	S 10°55'28" E	8.49'
CL-L2	S 69°38'35" W	234.38'
CL-L3	N 31°01'27" W	501.71'
CL-L4	N 58°58'33" E	35.00'
CL-L5	N 58°58'33" E	155.35'
CL-L6	S 42°38'28" W	200.12'
CL-L7	N 45°59'14" W	281.04'
CL-L8	S 68°05'00" W	840.84'
CL-L9	S 01°55'00" E	152.14'
CL-L10	S 87°40'13" W	312.59'

LARRY SIBLEY SURVEYING, INC.
 310 RACETRACK ROAD
 MCDONOUGH, GA. 30252
 PH (770) 320-7555
 FAX (770) 320-7333
 LAND SURVEYING
 LAND PLANNING
 CONSTRUCTION LAYOUT
 LAND DEVELOPMENT DESIGN



**FINAL PLAT
 OF
 AUTUMN RIDGE PHASE 5**
 LOCATED IN
 LAND LOTS 203,204 & 213,214, 2nd. DISTRICT
 SPALDING COUNTY, GEORGIA
 DATE: 06/06/07 SCALE: 1"=100'
 DWG: D06035FP

SHEET 3 OF 3

06/07/07 10:00 AM

25/543

7-22-07

eFiled & eRecorded
DATE: 7/25/2019
TIME: 12:53 PM
DEED BOOK: 04441
PAGE: 00223 - 00224
RECORDING FEES: \$12.00
PARTICIPANT ID: 0503522372,7067927936
CLERK: Debbie L. Brooks
Spalding County, GA
PT61: 126-2019-002012

Record and Return to:
Sparks|King|Watts|Reddick, LLC
3480 Preston Ridge Road, Suite 175
Alpharetta, GA 30005
Order No.: GA-COM190024OTH

QUITCLAIM DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the 16th day of July, in the year 2019, between

Premier Homes & Communities, LLC

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

So So Investments, LLC.

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).

W I T N E S S E T H: That Grantor, for and in consideration of the sum of TEN AND 00/100 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 bargained, sold and does by these presents, bargain, sell, remise, release and forever QUITCLAIM unto said Grantee all the right, title, interest, claim or demand which the Grantor has or may have in and to the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 204, of the 2nd District, Spalding County, Georgia, being Lots 108, 109, 135, 141 and 142 of Autumn Ridge Subdivision, Phase 5, as per plat of record in Plat Book 25, Page 541-543, Spalding County, Georgia records, which plat is specifically incorporated herein and made a part hereof by this reference for a more complete and accurate legal description.

Subject to all easements and restrictions of record.

DATE: 7/25/2019
TIME: 12:53 PM
DEED BOOK: 04441
PAGE: 00224

TO HAVE AND TO HOLD the said described property unto the said Grantee, so that neither 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 property or its appurtenances, or any rights thereof.

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

Signed, sealed and delivered
in the presence of:

Monnie C. May
Unofficial Witness

W. King Jr.
Notary Public
My Commission Expires: 9-23-22

[Notary Seal]



GRANTOR:

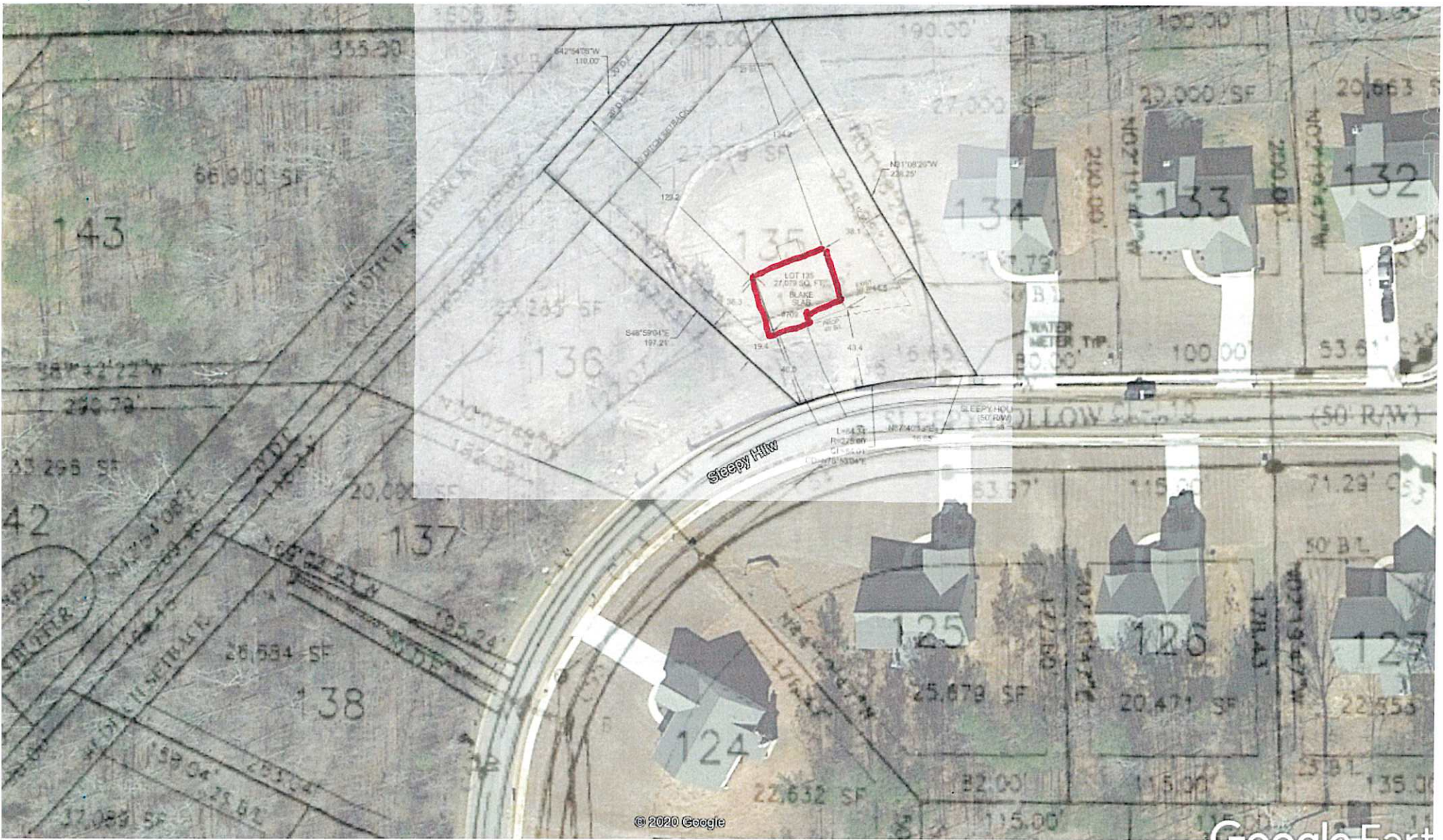
Premier Homes & Communities, LLC

BY: [Signature] (Seal)

Name: Brian W. Cogle

Title: CEO





SPALDING COUNTY BOARD OF APPEALS

DATE: July 9, 2020

TO: Spalding County Board of Appeals

FROM: Department of Community Development

RE: Variance Application 20-06V

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 709 Sleepy Hollow and is 0.62 acres, more or less, located in Land Lot 213 of the 2nd Land District.

Current Owner:

So So Investments, Inc.
922 Hwy. 81 E., #203
McDonough, Georgia 30252

Agent/Developer

Donna Tinsley
922 Hwy. 81 E., #203
McDonough, Georgia 30252

Development:

The applicant has requested to reduce the minimum front yard setback in the R-4 zoning district from 50' to 40'.

Compliance with Zoning Ordinance Development Standards:

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

Section 1004B:(D)2 Minimum Front Setback: 50 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 evidence that the applicant was aware of the ordinance requirement when they purchased the tract. The setbacks and the drainage easement are shown on the recorded subdivision plat.
 - B. A claim of hardship in terms of prospective sales.
The applicant is basing this request on prospective sales to an unknown purchaser.
 - C. An expressed economic need requiring a Variance, when such a need can be met in other ways, which would not require a Variance.
The applicant can select a different house plan with a different footprint to fit the lot.
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 Sleepy Hollow.



Picture of Lot 135 showing alignment of existing homes on street.

Staff Recommendations:

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

1. There are not extraordinary and exceptional conditions pertaining to the particular parcel because of its size, shape, location and topography.
This parcel is very similar in topography, shape and size to the parcels on either side of it. A different house plan that fits the buildable area could be selected.
2. Application of this ordinance to the particular parcel would not create a practical difficulty or unnecessary hardship on the property owner.
A different house plan that fits the buildable area could be selected.
3. Such conditions are not peculiar and unique to the particular parcel.
This parcel is very similar in topography, shape and size to the parcels on either side of it.
4. Granting this variance would cause substantial detriment to the public good or would it impair the Spirit of this Ordinance.
All the other houses on the street are placed at the required setback distance. Reducing the setback will place this house markedly out of line with all the other houses in the neighborhood.
5. A literal interpretation of this ordinance would not deprive the applicant of any rights that others owning property within the same zoning classification are allowed.
6. *A different house plan that fits the buildable area could be selected.*

If approved, 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 April 9, 2020 Minutes

Requesting Agency

Office of Community Development

Requested Action

Consider approval of April 9, 2020 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
 Minutes 04-09-20 BOA	6/24/2020	Backup Material

SPALDING COUNTY APPEALS BOARD
Regular Meeting
April 9, 2020

The Spalding County Appeals Board held its regular monthly meeting on April 9, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Patricia McCord; Robert Paul Peurifoy; and Bill Slaughter. Absent was member Tangela Williams.

Also present were: Newton Galloway, Zoning Attorney; William P. Wilson, Jr. for Spalding County; and Teresa Watson to record the minutes.

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

Application #20-03V: Daniel Andrew Roberts, Owner – Perspective Engineering, Inc. – Agent – 126 Meadovista Drive (6.71 acres, more or less, located in Land Lot 120 of the 2nd Land District) – requesting a Variance from Tri-County Crossing Overlay (TCC) requirements.

The applicant, Dr. Daniel Roberts, is requesting multiple variances, all related to Article 22B – TCC Tri County Overlay District. Many of the requested variances are consistent with what appear to have been previously approved on the nearby Racetrack and Dollar Tree developments. He is requesting variances for the following district requirements: 2207B.A.4 – Highway 41 Frontage; 2207B.A.5 – Existing Street Frontage; 2207B.A.6.a – Access Management; 2207B.B.1 – Building Types; 2207B.B.2 – Build-to Line; 2207B.B.2.a – Street Façade Frontage; 2207B.C – Open Space; 2207B.D.2 – Pervious Paver Parking; 2207B.D.3.a – Parking Lot Design; 2207B.F.1.b – Building Mass and Scale; 2207B.F.3 – Storefront Façade Treatment; 2207B.F.4 – Mechanical and Service Area Screening. Dr. Roberts asked for his agent, Jerry Johnson, to speak for him.

Mr. Jerry Johnson of Perspective Engineering, 4255 Wade Green Road, Suite #625, Kennesaw, Georgia was present to address the application, which would cover three buildings located in the Tri County Overlay District. He stated they desired parking in front so as to facilitate patrons bringing in their animals for services. They also desired to remove the sidewalk requirement and alter some landscaping because of the orientation of parking primarily.

Mr. Galloway detailed the requests and recommendations from Staff. The subject site is unique in that it is surrounded on three sides by public roadways, making some of the requirements of the TCC virtually unattainable. At the same time, this locale separates this property from adjoining properties that would break up the continuity of the intent of the TCC. The double frontage aspect also does not allow for there to be parking in back of the building as required. The natural flow of traffic into the building with animals also makes parking behind the building, then having to walk around to the front, not ideal. It is more practical for them to be able to unload pets as close to the front entrance as possible. The topography of this parcel with the creek bed, which will be left as a natural buffer, also lends itself to alternative landscaping. TCC also requires right-in and right-out for entrances which is not practicable for this project, resulting in a request to vary from the ingress/egress TCC requirement; the property will not have direct access from/to Highway 19/41. With the assistance of Mr. Wilson, Mr. Galloway referenced the site plan, elevations, and Staff Report. He suggested the Board consider moving to approve the recommendations shown on page 5 of the Staff Report which advocate the following on all twelve variances in the application.

Variance #1 - Approval
Variance #2 - Approval
Variance #3 – Approval
Variance #4 – Not Required
Variance #5 - Approval
Variance #6 - Approval
Variance #7 - Approval
Variance #8 - Approval
Variance #9 - Approval
Variance #10 -Approval
Variance #11 -Approval
Variance #12 -Approval with conditions that vegetative screen be required for all mechanical/service equipment.

Motion/second by Ms. McCord/Mr. Slaughter to approve Application #20-03V utilizing the recommendations of Staff on page 5 of the Staff Report in its entirety carried by a unanimous vote of 4-0.

The staff report is incorporated for reference as there were multiple variances and multiple recommendations.

Variance No. 1: Variance from the requirements of UDO, Section 2207B(A)(4): Frontage along U.S. Highway 19/41.

Ordinance requirements:

2207B(A)(4)(a): building/parking lot setback 30 feet
2207B(A)(4)(b): 10 feet wide sidewalk, in setback, 10 feet from ROW
2207B(A)(4)(c): double row of canopy trees on both sides of sidewalk
2207B(A)(4)(d): Buildings occupy 25% of Highway 41 frontage

Requested variance:

2207B(A)(4)(a): building line move to 10 feet from ROW of Highway 41
2207B(A)(4)(b): sidewalks to be located between buildings and parking lot
2207B(A)(4)(c): landscape to comply with requirements of 2207B(D)(4) for parking lots
2207B(A)(4)(d): building location on frontage of Highway 41 as shown on site plan

Recommendation:

Approval. Cumulatively, the dimensions of the property and its double street frontage prevent compliance with these regulations. Development of property located in the TCC Overlay south of Zebulon Road is problematic because of the limited development area, the presence and location of Meadovista Drive and limited opportunity for pedestrian connectivity to other properties within the TCC Overlay. Because the development will face Highway 41 with parking proposed to front thereon, there is no connective path for any sidewalks along the frontage. The variance makes the property useable, and the traffic circulation plan within the development is practical. Landscaping for parking lots is an acceptable requirement for the development, and the frontage along Highway 41 as shown in the site plan is acceptable given developmental limitations within the TCC Overlay.

Variance No. 2: Variance from the requirements of UDO, Section 2207B(A)(5): Sidewalks located along a public street; street tree planters.

Ordinance requirements:

2207B(A)(5): 5 feet sidewalks along street frontages; landscaped tree planter at least 6 feet between street and sidewalk planted with canopy trees every 50 feet.

Requested variance:

Sidewalks, as shown on the site plan and compliance with landscape requirements for parking lots set forth in Section 2207B(D)(4).

Recommendation:

Approval. The ordinance requires sidewalks along Highway 41 and Meadovista Drive. However, pedestrian traffic on the required sidewalks is unlikely given the traffic on Highway 41 and the lack of other services within walking distance in that portion of the TCC Overlay located south of Zebulon Road. As stated above, there is little opportunity for practical connectivity between this property and other properties within the TCC Overlay. The requested variance provides parking lot landscaping along Highway 41 and practical sidewalks for access into the development.

Variance No. 3: Variance from the requirements of UDO, Section 2207B(A)(6)(a): Access Management

Ordinance requirements:

2207B(A)(6)(a): new driveways will be right in/right out only.

Requested variance:

2207B(A)(6)(a): full access drive onto Meadovista Drive

Recommendation:

Approval. Because of the existing route of Meadovista Drive and the angle of its intersection with Highway 41, the development will only be accessed from Meadovista Drive. Meadovista Drive does not have sufficient traffic volume to require restriction of right in/right out only access. A right in/right out only restriction will actually increase traffic along the residential portion of Meadovista to the south of the development.

Variance No. 4: Variance from the requirements of UDO, Section 2207B(B)(1): Building development standards

Recommendation:

Variance is not required. Based on discussion with the Applicant, it was determined that a variance from this requirement is not needed.

Variance No. 5: Variance from requirements of UDO, Section 2207B(B)(2): Build to line.

Ordinance requirements:

2207B(B)(2): front of building close to street, with parking lots behind.

Requested variance:

2207B(B)(2): locate parking lots along street frontage as shown in the site plan.

Recommendation:

Approve: Because of the lot dimensions, the economic value of the development being seen from Highway 41 and the requirement for access from Meadovista Drive, the site plan presented is a rational development layout for the property.

Variance No. 6: Variance from requirements of UDO, Section 2207B(B)(2)(a): Street façade frontage

Ordinance requirements:

2207B(B)(2)(a): build-to line requirement to be occupied by building façade

Requested variance:

Locate structures as shown on the site plan with the buildings facing Highway 41 with parking located in front.

Recommendation:

Approval. Because of the lot dimensions, the angle of intersection of Meadovista Drive and Highway 41 and application of the TCC Overlay restrictions on a lot with double road frontage, the development as shown in the site plan provides for a logical and reasonable location of the structures and parking thereon.

Variance No. 7: Variance from requirements of UDO, Section 2207B(C): Open space

Ordinance requirements:

2207B(C): Open space designated and landscaped

Requested variance:

Open space located to the south of the tract preserved in its natural state and used as secondary septic drain field.

Recommendation:

Approve. The landscaped open space requirement is best suited for property located within the TCC Overlay located to the north of Zebulon Road. The site plan proposes no development on the property south of the buildings proposed thereon. All such property will be undeveloped and consistent with the intent to retain open space. But, it will not be landscaped. Leaving natural open space will provide a better buffer to properties located south of the development along Meadovista Drive. There are also drainage and topography issues with that portion of the tract that are not conducive to development or formal landscaping. If the variance is conditioned upon development as shown in the site plan, the open space on the property will remain undeveloped unless a formal request to change the conditions is filed.

Variance No. 8: Variance from requirements of UDO, Section 2207B(D)(2): Pervious paver requirement

Ordinance requirements:

2207B(D)(2): pervious payment materials must be used for parking spaces that exceed the minimum

Requested variance:

Pave the entire parking lot with standard pervious surface.

Recommendation:

Approval. Parking spaces are allowed for each 1000 feet of building square footage, with minimum and maximum specified. The proposed development may have between 41-69 parking spaces. The site plan shows parking spaces exceeding the maximum allowed amount.

Because of the lot dimensions, double street frontage and access from Meadovista Drive, the development cannot comply with the requirement that the building be located along the frontage of Highway 41. Because the primary entrance to the development is on Meadovista, parking for the development cannot meet the parking regulations set forth in TCC.

Variance No. 9: Variance from UDO, Section 2207B(D)(3)(a): Parking between buildings and street

Ordinance requirements:

2207B(D)(3)(a): requires all parking be located to the side and rear of all building, with none permitted between building and street.

Requested variance: to locate parking in the front of the buildings and between the buildings and Highway 41.

Recommendation:

Approval. (See recommendation on Variance No. 9)

Variance No. 10: Variance from requirements of UDO, Section 2207B(F)(1)(b): Building Mass and scale

Ordinance requirements:

2207B(F)(1)(b): building facades shall include vertical bays articulated at least every 60 feet of horizontal distance with architectural relief a minimum of 30 feet wide/1 foot deep.

Requested variance: Relief from building façade requirements on side/rear,

Recommendation:

Approval. The facades of the buildings that will face Highway 41 will comply with the requirements of 2207B(F)(1)(b) and meet the intent of the ordinance requirement. This requirement should not apply to side and rear facades.

Variance No. 11: Variance from requirements of UDO, Section 2207B(F)(3): Storefront façade

Ordinance requirements:

2207B(F)(3): entrance design; glass window displays.

Requested variance:

Allow traditional office façade as show on site plan.

Recommendation:

Approval. The requirements of Section 2207B(F)(3) are intended for traditional commercial and mixed-use buildings and include requirements for glass display windows. These requirements are not consistent with the development/construction of a professional office.

Variance No. 12: Variance from requirements of UDO, Section 2207B(F)(4): Mechanical/service area screening

Ordinance requirements:

2207B(F)(4): prohibits visibility of service areas from street, sidewalk adjacent residential areas

Requested variance:

Request placement of mechanical service facilities at rear of building, screened with vegetation.

Recommendation:

Approval with condition of vegetative screen. As with other requirements, this property is impacted by road frontage on 3 sides. It is virtually impossible to provide the necessary mechanical/service facilities without them being seen from road frontage. The Applicant has agreed to comply with the landscaping requirements otherwise set forth in the ordinance with the view blocked by vegetative screening.

MINUTES

Regular meeting of The Board of Appeals of March 12, 2020 was approved as follows:

Motion/second by Mr. Peurifoy/Ms. McCord to approve carried by a unanimous 4-0 vote.

ADJOURN

The meeting was adjourned on motion/second by Mr. Slaughter/Mr. Peurifoy at 7:19 p.m. by a unanimous vote of 4-0.

Ed Brown – Chair

Teresa A. Watson - Recorder