

Agenda

Board of Zoning Appeals of Spalding County

Thursday, September 10, 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 #20-12S:** Pilkenton-Murray, LLC, Owner - 1027 Waverly Drive (0.752 acre located in Land Lot 170 of the 2nd Land District) - requesting a Special Exception to revise condition of special exception to reduce the minimum lot size in the R-1 District.
2. **Application #20-13S:** Pilkenton-Murray, LLC, Owner - 1029 Waverly Drive (0.775 acre located in Land Lot 170 of the 2nd Land District) - requesting a Special Exception to revise condition of special exception to reduce the minimum lot size in the R-1 District.
3. **Application #20-14V:** Nicole Dolly Maryann Arnold, Owner - 390 Hosannah Road (2.932 acres located in Land Lot 215 of the 3rd Land District) - requesting a Variance to extend or alter a non-conforming use in the AR-1 District.
4. **Application #20-15S:** James F. Dallas, Owner - Phassion Dallas, Agent - 620 Northside Drive (.3 acre located in Land Lot 159 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the C-2 District.

C. Approval of Minutes:

5. Consider approval of August 13, 2020 minutes.

D. Other Business:

E. Adjournment



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #20-12S

Requesting Agency

Office of Community Development

Requested Action

Application #20-12S: Pilkenton-Murray, LLC, Owner - 1027 Waverly Drive (0.752 acre located in Land Lot 170 of the 2nd Land District) - requesting a Special Exception to revise condition of special exception to reduce the minimum lot size in the R-1 District.

Requirement for Board Action

Article 4. General Procedures - Section 413.

Is this Item Goal Related?

No

Summary and Background

The applicant has requested to reduce the minimum lot area requirement in the R-1 zoning district with a Special Exception for Country Club Subdivision from 0.75 acres to 0.649 acre in order to remove part of a detention pond from the lot. The detention pond will be deeded to the Flint Mill Homeowners' Association for maintenance.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL.

Because it is preferable that detention ponds, or portions of detention ponds, are not on individual residential lots, staff recommended that the developer separate the pond from the lots and deed the pond to the subdivision's homeowners' association. This request does not change the functionality of the lot, either in terms of where the house will be located or in the area available for the septic system. It simply removes the pond from the lot so an individual is not responsible for maintenance and upkeep of the detention pond. It will not alter the original approved density or layout of the development.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-12S	8/27/2020	Backup Material



REQUEST FOR SPECIAL EXCEPTION
APPLICATION NO. 20-12S_

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Pilkenton-Murray LLC

Address: 203E. Taylor Street

City: Griffin

State: GA Zip: 30223

Phone: 770-227-8661

Phone: 770-468-2953

APPLICANT IS THE:

Owner's Agent X Property Owner Developer

R-1 w/Special Exception

Present Zoning District(s): 0.752

Land District(s): 2nd Land Lot(s): 170 Acreage:

Address of Property: 1027 Waverly 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:

Reduce lot size by 1/10 of an acre so that the detention pond can be removed from the lot.

Special Exception #05-18S - approved by the Board of Commissioners on July 28, 2005

Condition (f): No lots shall be below 3/4 acre in size.

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

[Handwritten Signature], member
Property Owner
P. Hunter Murray, LLC
8-4-20

Date

Date

OFFICE USE ONLY

Date Received: 8-4-20

Amount of Fee: \$300⁰⁰

Received By: _____

Receipt Number: 043853

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: _____

This revision of the Special Exception will not be detrimental to the neighborhood.

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

Granting the revision to the Special Exception will not adversely affect the health and safety of anyone. _____

(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: _____

This revision of the Special Exception will improve the value of the lot because the detention pond will not be the responsibility of an individual homeowner. _____

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

The revision to the Special Exception will not adversely affect the lot.

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

The reduction in lot size does not change the functionality of the lot in any way. It doesn't alter the buildable area of lot nor does it change how much of lot is available for the septic system

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

Granting the revision to the Special Exception will still meet the requirements of the Ordinance.

OFFICE USE ONLY

Date Received: 8-4-20

Received By: _____

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.

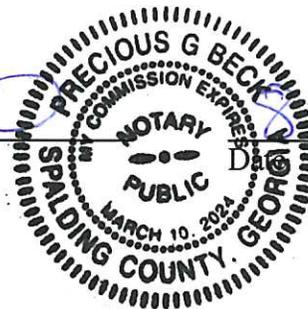
The undersigned certify that the agent, if different from the owner, is authorized to file this application.

Pilkerton - Murray LLC _____
Print Name of Owner(s) Print Name of Agent, If Not Same as Owner

[Signature], March 3-4-20 _____
Signature of Owner(s) Date Signature of Agent
or Signature of Authorized Officer or Agent
(if applicable)

Title of Authorized Officer or Agent (if applicable)

Precious G. Beck _____ 4-20
Signature of Notary Public



- - -Notary Seal- - -

OFFICE USE ONLY

Date Received: 8-4-20 Received By: _____

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

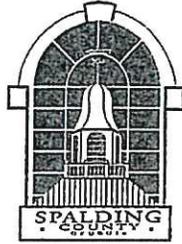
B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and

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

SPALDING COUNTY

COUNTY MANAGER
William P. Wilson, Jr.

COMMUNITY
DEVELOPMENT DIRECTOR
Charles O. Taylor, AICP



BUILDING OFFICIAL
Mac Gregory

SENIOR PLANNER
Chad Jacobs

August 2, 2005

Julia Abigail Maddox
1632 Hideaway Court
Baton Rouge, Louisiana 70802

RE: Application #05-18S
South 6th Street Extension

Dear Property Owner:

Please consider this as official confirmation that the Spalding County Board of Commissioners, on Thursday, July 28, 2005, voted to approve your request for an amendment to the Future Land Use Map from Agricultural and Open Space Network to Low Density Residential and special exception to allow development standards of construction of condominium dwelling, patio dwelling or zero lot line dwelling (Country Club) to be located on South 6th Street Extension (96.594 acres located in Land Lot 170 of the 2nd and District). Special Exception approval was conditioned as follows:

- a. Homes shall be a minimum of 2200 square feet heated with walking trails, pool, cabana and large playground according to County Standards.
- b. Size and types of trees shall be indicated with respect to the streetscape.
- c. Homes shall have all front facades of brick, stone and stucco; the other three sides shall be brick, stone, stucco or hardy plank.
- d. No vinyl siding shall be used on any part of the homes.
- e. All yards shall be sodded up to the rear yards.
- f. No lots shall be below $\frac{3}{4}$ acre in size.
- g. All front porches shall be underpinned and finished in character with homes.
- h. Variance must be obtained for the cul-de-sac street that exceeds the 300' length set by County standards.
- i. Conditions of agreement as stated in letter from developer, Scarbrough & Rolader Development, dated June 22, 2005 shall be incorporated.
- j. Buffer disturbed this week must be restored with a plan worked out with Staff for approval.
- k. There shall be no exposed concrete block in homes' foundations.
- l. All garage side or rear entry.
- m. Roof pitches shall be at least 10/12.

DEPARTMENT OF COMMUNITY DEVELOPMENT

POST OFFICE BOX 1087 • GRIFFIN, GEORGIA 30224 • TEL. 770-467-4220 • FAX 770-467-4227

www.spaldingcounty.com

- n. Subdivision and greenspace layout shall generally follow the design as set forth in special exception plan for Flint Mill Estates Subdivision, Paragon Consulting Group dated May 10, 2005.
- o. Any major modifications to the Flint Mill Estates Subdivision or changes thereto must be approved by the Board of Commissioners.
- p. All homes shall have landscaping installed prior to Certificate of Occupancy being issued, including sod, plant materials.
- q. Each home will have two trees to be planted between curb and sidewalk. Trees shall be a minimum 8' height.
- r. No privacy fencing shall be allowed on back corners toward street.
- s. Outbuildings shall be allowed only if building materials match construction material of the homes.

If you have any further questions, or desire additional information, please do not hesitate to contact our office.

Sincerely,



Charles O. Taylor
Community Development Director

COT/clm

cc: David Dillon, Scarbrough & Rolader Development, LLC
Newton Galloway
File #05-18S

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

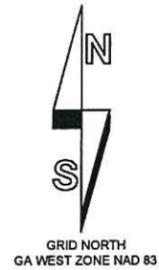
N/F
NORA COLEMAN TATUM INDIVIDUAL LIVING TRUST
DB 4341 PG 66
PB 10 PG 148

N/F
FRANK B. HARRIS, JR
DB 3298 PG 311
PB 10 PG 148

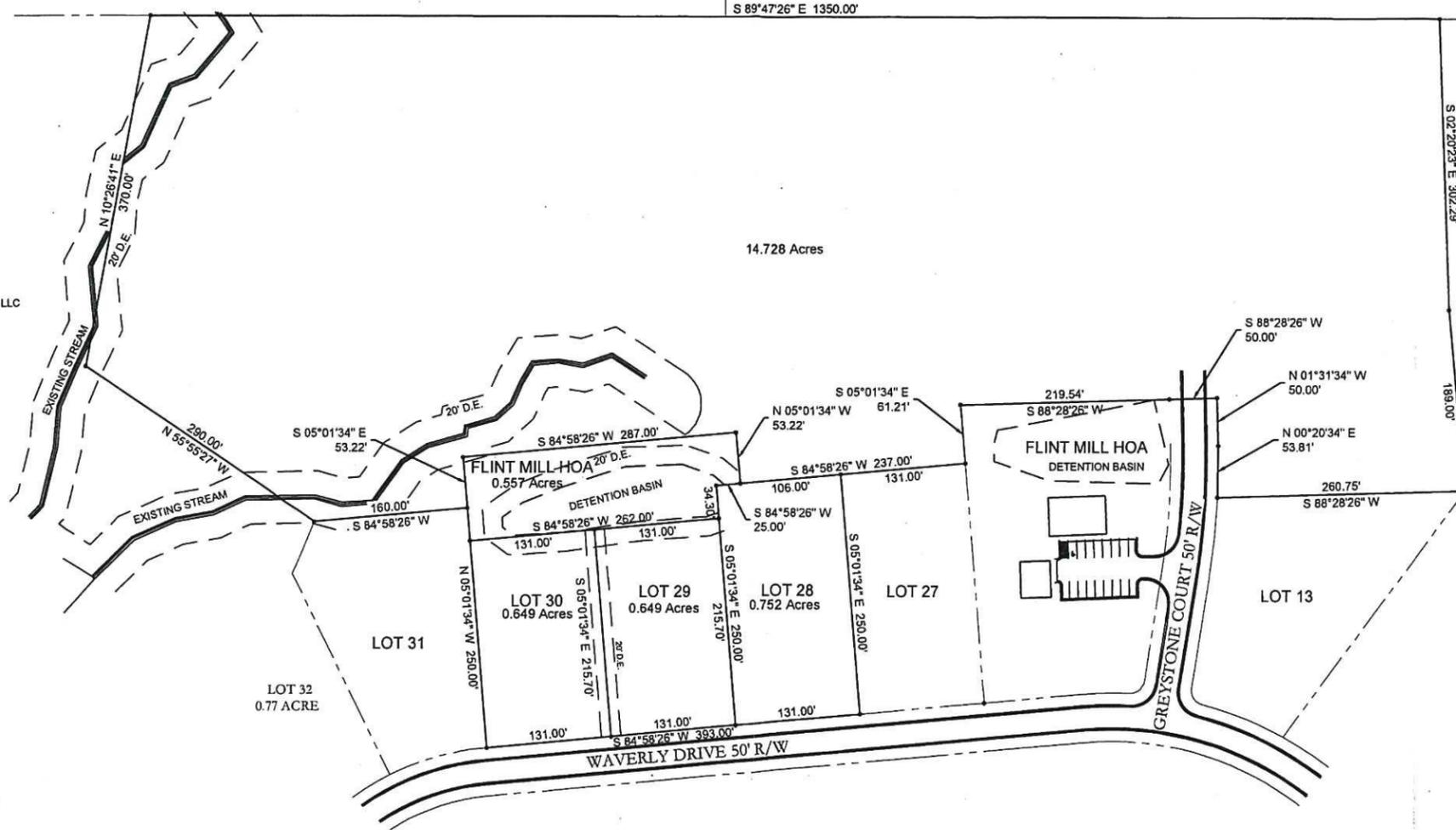
LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
P.L.=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER

N/F
PILKENTON-MURRAY, LLC
DB 4401 PG 1
PB 25 PG 332

N/F
JOHN P. III & LISA O. RAFFERTY
DB 3022 PG 190
PB 23 PG 650



0' 100' 200'
GRAPHIC SCALE
1" = 100'



CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" 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 403 TCR TOTAL STATION

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 132550185D, DATED MAY 3, 2010, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

Job No. 20-050	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 07/06/20	
Revisions	Date



Prepared For:
PILKENTON-MURRAY, LLC

FLINTMILL ESTATES
PB. 25 PG. 332-337
Land Lot 170 Of The 2nd Land District
Spalding County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

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

Order No.: CAS-19-0111

eFiled & eRecorded
DATE: 4/15/2019
TIME: 8:00 AM
DEED BOOK: 04401
PAGE: 00001 - 00003
TRANSFER TAX: \$160.00
RECORDING FEES: \$14.00
PARTICIPANT ID: 9065124586,7067927936
CLERK: Debbie L. Brooks
Spalding County, GA
PT61: 126-2019-001021

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF SPALDING

THIS INDENTURE, made this 11th day of April, 2019, between Scarbrough & Rolader Development, LLC, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Pilkenton Murray, LLC, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 4th day of April, 2019.

Scarbrough & Rolader Development, LLC

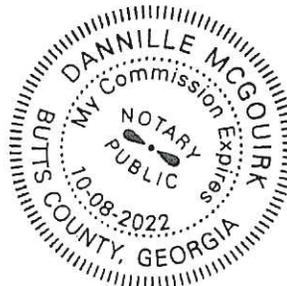
BY: [Signature]
Robert F. Rolader
Manager

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 10-8-2022



Acres on that plat of survey entitled "Final Plat of Flint Mill Estates, Phase One", prepared by R. M. Boyd and Associates Surveying & Engineering, Inc., in Plat Book 25, Pages 332-337, Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description. Subject to all easements and restrictions of record.

Map Ref # 231 2001 Waverly Drive

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 170 OF THE 2ND LAND DISTRICT OF SPALDING COUNTY, GEORGIA AND SAID TRACT CONTAINING 96.594 ACRES MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH SIXTH STRAIGHT EXTENSION (60' R/W) INTERSECTS THE SOUTH LINE OF LAND LOT 170, THENCE ALONG SAID LAND LOT LINE NORTH 89 DEGREES 45 MINUTES 15 SECONDS WEST FOR 604.56 FEET, THENCE NORTH 89 DEGREES 35 MINUTES 24 SECONDS WEST FOR 404.71 FEET, THENCE NORTH 88 DEGREES 51 MINUTES 59 SECONDS WEST FOR 473.86 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 20 SECONDS WEST FOR 202.31 FEET, THENCE SOUTH 89 DEGREES 16 MINUTES 27 SECONDS WEST FOR 250.17 FEET, THENCE NORTH 89 DEGREES 44 MINUTES 37 SECONDS WEST FOR 198.85 FEET, THENCE NORTH 89 DEGREES 17 MINUTES 22 SECONDS WEST FOR 284.68 FEET, THENCE NORTH 89 DEGREES 03 MINUTES 20 SECONDS WEST FOR 442.67 FEET, TO THE SOUTHWEST CORNER OF LAND LOT 170, THENCE ALONG THE WEST LINE OF LAND LOT 170, NORTH 00 DEGREES 28 MINUTES 56 SECONDS EAST FOR 1696.81 FEET, THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST FOR 1879.52 FEET, THENCE SOUTH 2 DEGREES 18 MINUTES 49 SECONDS EAST FOR 302.29 FEET, THENCE SOUTH 5 DEGREES 24 MINUTES 49 SECONDS EAST FOR 278.52 FEET, THENCE SOUTH 89 DEGREES 28 MINUTES 42 SECONDS EAST FOR 133.31 FEET, THENCE SOUTH 01 DEGREES 43 MINUTES 35 SECONDS WEST FOR 124.96 FEET, THENCE SOUTH 88 DEGREES 52 MINUTES 35 SECONDS EAST FOR 794.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF SOUTH SIXTH STREET EXTENSION, THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00 DEGREES 08 MINUTES 49 SECONDS EAST FOR 529.68 FEET, THENCE SOUTH 00 DEGREES 33 MINUTES 53 SECONDS EAST FOR 464.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 33, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 shown on that plat of survey entitled "Final Plat of Flint Mill Estates, Phase One" recorded in Plat Book 25, page 332-337, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property shown as "Open Space," "Detention Basin A," "Detention Basin D," "Detention Basin C," and "Amenity Area" as shown on the aforesaid plat of survey, being the same property described in that Quitclaim Deed from Scarbrough & Rolader Development, LLC to Flint Mill Estates HOA, Inc. recorded in Deed Book 3315, page 38, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property described in that Warranty Deed from Scarbrough & Rolader Development, LLC to John P. Rafferty, III and Lisa O. Rafferty recorded in Deed Book 3022, page 190, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property described in that Road Dedication from Scarbrough & Rolader Development, LLC to Spalding County recorded in Deed Book 2985, page 152, Spalding County, Georgia records.

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

DATE: September 10, 2020 (BoA)
DATE: September 24, 2020 (BOC)
TO: Spalding County Board of Appeals
Spalding County Board of Commissioners
FROM: Department of Community Development

RE: Special Exception Application #20-12S
REFERENCE: #05-18S, Approved July 28, 2005

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 1027 Waverly Drive, in Land Lot 170 of the 2nd District of Spalding County. Property consists of a total of 0.75 acres.

Parcel #:

231C-01029

Current owner:

Pilkenton Murray LLC
203 E. Taylor Street
Griffin, Georgia 30223

Owner's Agent

None

Development:

The applicant has requested to reduce the minimum lot area requirement in the R-1 zoning district with a Special Exception for Country Club Subdivision from 0.75 acres to 0.649 acre in order to remove part of a detention pond from the lot. The detention pond will be deeded to the Flint Mill Homeowners' Association for maintenance.

Land Use Plan:

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as revised in December 2004, the request is inconsistent with the plan and associated

Future Land Use Map classification of Agricultural and Open Space Network.

Transportation:

No additional lots are proposed so no Transportation Analysis is required.

Schools:

No additional lots are proposed so no School System Analysis is required.

Wetlands/Watershed Area:

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 1303880 130B

No portion of this site is located within an S-2 watershed area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Compliance with Zoning Ordinance Development Standards:

The Spalding County Unified Development Ordinance, Article 7 – R-1 Single-Family Residential Low-Medium Density District, Section 704 (B) states the following:

"Minimum Lot Area: **Outside of a Conservation Subdivision:** As specified by the Spalding County Health Department, but in *no* case less than 2 acres, unless a special exception allowing a reduction in lot size to 1 acres is approved pursuant to Section 413."

The Spalding County Unified Development Ordinance, Article 4 – General Procedures, Section 413 – Special Exceptions (G") has the following requirements:

1. Common Space
 - a. Minimum of 25% of the total acreage within the subdivision shall be included in common space.
 - b. Common space may include any amenity area located within the subdivision for purposes of this section, an amenity shall be any improvement provided for the recreation of residents.

- c. Designated wetland areas may be included within common space in an amount not more than 10% of the total acreage of the tract.
- d. Detention facilities may be included in common space.
- e. Retention ponds, lakes, and watercourses may be included within the common space to the extent of not more than 10% of the total area of the tract.
- f. Common space shall not include any area platted out or included within any lot of the subdivision

Requirements specific to the "Country Club" classification:

1. Architectural Design Criteria
 - a. Brick, stone, or stucco front façade for each dwelling is required.
 - b. The Architectural Design must include at least (2) of the following: minimum three side brick, stone, stucco or hardy plank façade; porticos; transom windows; detailed balusters and pediments; masonry chimneys; or quoins.
2. Common Space Design Criteria
 - a. Commons space shall meet the requirements of Section 413(G)(1) shall be required. Common space shall not be located more than 500 feet from the boundary of any residential lot, provided such distance may be increased to 750 feet when required for the layout and design of the subdivision while maintaining an average distance from the boundary of each lot, which does not exceed 500 feet.
 - b. Extensively developed recreation areas to be completed prior to street acceptance.
 - c. Common space must include at least three (3) of the following: tennis courts; improved walking trails; playground, commercial grade; swimming pool; or clubhouse.
 - d. Common space include within the street design may not be large enough to accommodate amenities, in such case, such common space shall be landscaped.
3. Streets and Sidewalks Design Criteria
 - a. The following are required: minimum four (4) feet width sidewalks, streetscape design, which includes street trees, and curb and gutter.
 - b. At least one of the following design criteria must also be included: traffic calming devices, such as center green islands and speed tables; sidewalks with a paved width exceeding four (4) feet; or enhanced and/or larger tree plantings in the streetscape.
4. Other Design Criteria

- a. At least one (1) of the following design criteria shall be included in the subdivision design: minimum 100 feet setbacks; 50 feet if yard is sodded; extensive landscaping on individual lots; or significant subdivision entrance feature to be approved by the Board of Commissioners.

Architecture

The existing homes have been constructed in conformance with the Architectural Guidelines. No change from these requirements is requested.

Common Space & Amenities

The required amenity area was constructed with the development of Phase I of the subdivision.

Streets & Sidewalks Design Criteria

The subdivision appears to have been constructed to the approved design criteria and sidewalks are installed as each home is built.

Special Exception Guidelines

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.
This request will not 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. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirement of the use.
There should be no depreciating effects created by allowing subdivision development in this area.
3. It must meet all other requirements of this Ordinance.
The request meets all other requirements of this ordinance and does not fundamentally change the usable area of the lot in terms of the buildable area or the area available for a septic system.

Photos:



View of the property from Waverly Drive.

Staff Recommendations:

Because it is preferable that detention ponds, or portions of detention ponds, are not on individual residential lots, staff recommended that the developer separate the pond from the lots and deed the pond to the subdivision's homeowners' association. This request does not change the functionality of the lot, either in terms of where the house will be located or in the area available for the septic system. It simply removes the pond from the lot so an individual is not responsible for maintenance and upkeep of the detention pond. It will not alter the original approved density or layout of the development.

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.



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #20-13S

Requesting Agency

Office of Community Development

Requested Action

Application #20-13S: Pilkenton-Murray, LLC, Owner - 1029 Waverly Drive (0.775 acre located in Land Lot 170 of the 2nd Land District) - requesting a Special Exception to revise condition of special exception to reduce the minimum lot size in the R-1 District.

Requirement for Board Action

Article 4. General Procedures - Section 413.

Is this Item Goal Related?

No

Summary and Background

The applicant has requested to reduce the minimum lot area requirement in the R-1 zoning district with a Special Exception for Country Club Subdivision from 0.75 acres to 0.649 acre in order to remove part of a detention pond from the lot. The detention pond will be deeded to the Flint Mill Homeowners' Association for maintenance.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL.

Because it is preferable that detention ponds, or portions of detention ponds, are not on individual residential lots, staff recommended that the developer separate the pond from the lots and deed the pond to the subdivision's homeowner's association. This request does not change the functionality of the lot, either in terms of where the house will be located or in the area available for the septic system. It simply removes the pond from the lot so an individual is not responsible for maintenance and upkeep of the detention pond. It will not alter the original approved density or layout of the development.

ATTACHMENTS:

Description	Upload Date	Type
□ Application #20-13S	8/27/2020	Backup Material



REQUEST FOR SPECIAL EXCEPTION
APPLICATION NO. 20-13S_

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Pilkenton-Murray LLC

Address: 203E. Taylor Street

City: Griffin

State: GA Zip: 30223

Phone: 770-227-8661

Phone: 770-468-2953

APPLICANT IS THE:

_____ Owner's Agent X _____ Property Owner _____ Developer

Present Zoning District(s): R-1 w/Special Exception

Land District(s): 2nd Land Lot(s): 170

Acreage: 0.752 0.995

Address of Property: 1029 Waverly 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:

Reduce lot size by 1/10 of an acre so that the detention pond can be removed from the lot.

Special Exception #05-18S - approved by the Board of Commissioners on July 28, 2005

Condition (f): No lots shall be below 3/4 acre in size.

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

[Handwritten Signature] member
Pilkington-Murray LLC
8-4-20

Date

Date

OFFICE USE ONLY

Date Received: 8-4-20

Amount of Fee: \$1300.00

Received By: _____

Receipt Number: 043853

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: _____

This revision of the Special Exception will not be detrimental to the neighborhood.

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

Granting the revision to the Special Exception will not adversely affect the health and safety of anyone.

(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: _____

This revision of the Special Exception will improve the value of the lot because the detention pond will not be the responsibility of an individual homeowner.

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

The revision to the Special Exception will not adversely affect the lot.

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

The reduction in lot size does not change the functionality of the lot in any way. It doesn't alter the buildable area of lot nor does it change how much of lot is available for the septic system

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

Granting the revision to the Special Exception will still meet the requirements of the Ordinance.

OFFICE USE ONLY

Date Received: 8-4-20

Received By: _____

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.

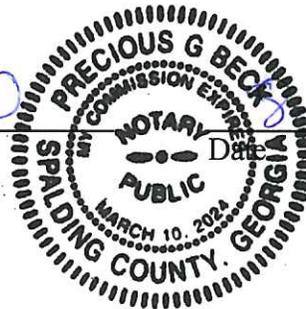
The undersigned certify that the agent, if different from the owner, is authorized to file this application.

Pilkinton-Murray, LLC _____
Print Name of Owner(s) Print Name of Agent, If Not Same as Owner

[Signature] 8-4-20 _____
Signature of Owner(s) Date Signature of Agent
or Signature of Authorized Officer or Agent
(if applicable)

Title of Authorized Officer or Agent (if applicable)

Precious G. Beck _____
Signature of Notary Public Date 8-4-20



--Notary Seal--

OFFICE USE ONLY

Date Received: 8-4-20 Received By: _____

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

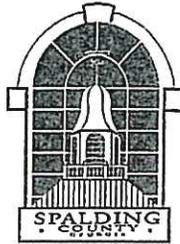
B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and

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

SPALDING COUNTY

COUNTY MANAGER
William P. Wilson, Jr.

COMMUNITY
DEVELOPMENT DIRECTOR
Charles O. Taylor, AICP



BUILDING OFFICIAL
Mac Gregory

SENIOR PLANNER
Chad Jacobs

August 2, 2005

Julia Abigail Maddox
1632 Hideaway Court
Baton Rouge, Louisiana 70802

RE: Application #05-18S
South 6th Street Extension

Dear Property Owner:

Please consider this as official confirmation that the Spalding County Board of Commissioners, on Thursday, July 28, 2005, voted to approve your request for an amendment to the Future Land Use Map from Agricultural and Open Space Network to Low Density Residential and special exception to allow development standards of construction of condominium dwelling, patio dwelling or zero lot line dwelling (Country Club) to be located on South 6th Street Extension (96.594 acres located in Land Lot 170 of the 2nd and District). Special Exception approval was conditioned as follows:

- a. Homes shall be a minimum of 2200 square feet heated with walking trails, pool, cabana and large playground according to County Standards.
- b. Size and types of trees shall be indicated with respect to the streetscape.
- c. Homes shall have all front facades of brick, stone and stucco; the other three sides shall be brick, stone, stucco or hardy plank.
- d. No vinyl siding shall be used on any part of the homes.
- e. All yards shall be sodded up to the rear yards.
- f. No lots shall be below $\frac{3}{4}$ acre in size.
- g. All front porches shall be underpinned and finished in character with homes.
- h. Variance must be obtained for the cul-de-sac street that exceeds the 300' length set by County standards.
- i. Conditions of agreement as stated in letter from developer, Scarbrough & Rolader Development, dated June 22, 2005 shall be incorporated.
- j. Buffer disturbed this week must be restored with a plan worked out with Staff for approval.
- k. There shall be no exposed concrete block in homes' foundations.
- l. All garage side or rear entry.
- m. Roof pitches shall be at least 10/12.

DEPARTMENT OF COMMUNITY DEVELOPMENT

POST OFFICE BOX 1087 • GRIFFIN, GEORGIA 30224 • TEL. 770-467-4220 • FAX 770-467-4227

www.spaldingcounty.com

- n. Subdivision and greenspace layout shall generally follow the design as set forth in special exception plan for Flint Mill Estates Subdivision, Paragon Consulting Group dated May 10, 2005.
- o. Any major modifications to the Flint Mill Estates Subdivision or changes thereto must be approved by the Board of Commissioners.
- p. All homes shall have landscaping installed prior to Certificate of Occupancy being issued, including sod, plant materials.
- q. Each home will have two trees to be planted between curb and sidewalk. Trees shall be a minimum 8' height.
- r. No privacy fencing shall be allowed on back corners toward street.
- s. Outbuildings shall be allowed only if building materials match construction material of the homes.

If you have any further questions, or desire additional information, please do not hesitate to contact our office.

Sincerely,



Charles O. Taylor
Community Development Director

COT/clm

cc: David Dillon, Scarbrough & Rolader Development, LLC
Newton Galloway
File #05-18S

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

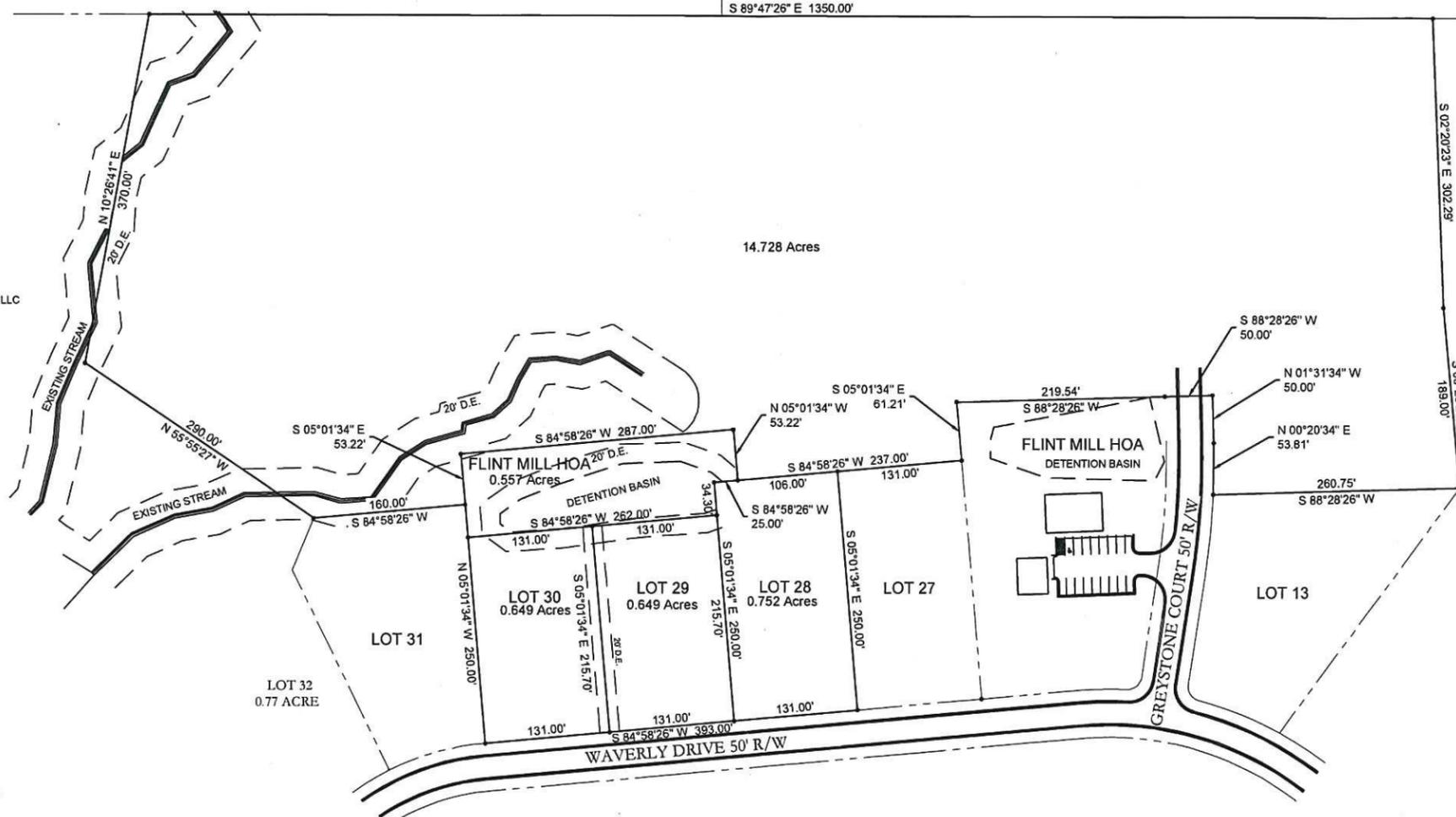
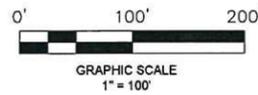
N/F
NORA COLEMAN TATUM INDIVIDUAL LIVING TRUST
DB 4341 PG 66
PB 10 PG 148

N/F
FRANK B. HARRIS, JR
DB 3298 PG 311
PB 10 PG 148

LEGEND
RBF=REBAR FOUND
RBS=REBAR SET
CTP=CRIMP TOP PIPE
LL=LAND LOT
LL.L=LAND LOT LINE
P=PROPERTY LINE
CO=CONSTRUCTION ENTRANCE
EP=EDGE OF PAVEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING SETBACK LINE
D.E.=DRAINAGE EASEMENT
N/F=NOW OR FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
O/F=OUT OF FLOOD PLAIN
DB=DEED BOOK
PG=PAGE
PB=PLAT BOOK
###=HOUSE NUMBER

N/F
PILKENTON-MURRAY, LLC
DB 4401 PG 1
PB 25 PG 332

N/F
JOHN P. III & LISA O. RAFFERTY
DB 3022 PG 190
PB 23 PG 650



CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 00° 00' 02" 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 403 TCR TOTAL STATION

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13255C0185D, DATED MAY 3, 2010, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

Job No. 20-050	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 07/06/20	
Revisions	Date



Prepared For:
PILKENTON-MURRAY, LLC

FLINTMILL ESTATES
PB. 25 PG. 332-337
Land Lot 170 Of The 2nd Land District
Spalding County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
surveyors planners development consultants
P.O. BOX 303 BROOKS, GA 30205
678-571-3054
rdgaskins79@gmail.com

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

Order No.: CAS-19-0111

eFiled & eRecorded
DATE: 4/15/2019
TIME: 8:00 AM
DEED BOOK: 04401
PAGE: 00001 - 00003
TRANSFER TAX: \$160.00
RECORDING FEES: \$14.00
PARTICIPANT ID: 9065124586,7067927936
CLERK: Debbie L. Brooks
Spalding County, GA
PT61: 126-2019-001021

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF SPALDING

THIS INDENTURE, made this 11th day of April, 2019, between Scarbrough & Rolader Development, LLC, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Pilkenton Murray, LLC, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Exhibit A attached hereto and by this reference incorporated herein and made a part hereof.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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 owning, holding or claiming by, through or under the said Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 4th day of April, 2019.

Scarbrough & Rolader Development, LLC
BY: [Signature]
Robert F. Rolader
Manager

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: 10-8-2022



Acres on that plat of survey entitled "Final Plat of Flint Mill Estates, Phase One", prepared by R. M. Boyd and Associates Surveying & Engineering, Inc., in Plat Book 25, Pages 332-337, Spalding County Superior Court records, which said plat is incorporated herein and made a part of this legal description. Subject to all easements and restrictions of record.

Map Ref # 231 2001 Waverly Drive

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 170 OF THE 2ND LAND DISTRICT OF SPALDING COUNTY, GEORGIA AND SAID TRACT CONTAINING 96.594 ACRES MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHERE THE WESTERLY RIGHT-OF-WAY LINE OF SOUTH SIXTH STRAIGHT EXTENSION (60' R/W) INTERSECTS THE SOUTH LINE OF LAND LOT 170, THENCE ALONG SAID LAND LOT LINE NORTH 89 DEGREES 45 MINUTES 15 SECONDS WEST FOR 604.56 FEET, THENCE NORTH 89 DEGREES 35 MINUTES 24 SECONDS WEST FOR 404.71 FEET, THENCE NORTH 88 DEGREES 51 MINUTES 59 SECONDS WEST FOR 473.86 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 20 SECONDS WEST FOR 202.31 FEET, THENCE SOUTH 89 DEGREES 16 MINUTES 27 SECONDS WEST FOR 250.17 FEET, THENCE NORTH 89 DEGREES 44 MINUTES 37 SECONDS WEST FOR 198.85 FEET, THENCE NORTH 89 DEGREES 17 MINUTES 22 SECONDS WEST FOR 284.68 FEET, THENCE NORTH 89 DEGREES 03 MINUTES 20 SECONDS WEST FOR 442.67 FEET, TO THE SOUTHWEST CORNER OF LAND LOT 170, THENCE ALONG THE WEST LINE OF LAND LOT 170, NORTH 00 DEGREES 28 MINUTES 56 SECONDS EAST FOR 1696.81 FEET, THENCE SOUTH 89 DEGREES 45 MINUTES 52 SECONDS EAST FOR 1879.52 FEET, THENCE SOUTH 2 DEGREES 18 MINUTES 49 SECONDS EAST FOR 302.29 FEET, THENCE SOUTH 5 DEGREES 24 MINUTES 49 SECONDS EAST FOR 278.52 FEET, THENCE SOUTH 89 DEGREES 28 MINUTES 42 SECONDS EAST FOR 133.31 FEET, THENCE SOUTH 01 DEGREES 43 MINUTES 35 SECONDS WEST FOR 124.96 FEET, THENCE SOUTH 88 DEGREES 52 MINUTES 35 SECONDS EAST FOR 794.00 FEET TO THE WESTERLY RIGHT-OF-WAY OF SOUTH SIXTH STREET EXTENSION, THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00 DEGREES 08 MINUTES 49 SECONDS EAST FOR 529.68 FEET, THENCE SOUTH 00 DEGREES 33 MINUTES 53 SECONDS EAST FOR 464.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT. Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 27, 28, 29, 30, 31, 32, 33, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63 and 64 shown on that plat of survey entitled "Final Plat of Flint Mill Estates, Phase One" recorded in Plat Book 25, page 332-337, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property shown as "Open Space," "Detention Basin A," "Detention Basin D," "Detention Basin C." and "Amenity Area" as shown on the aforesaid plat of survey, being the same property described in that Quitclaim Deed from Scarbrough & Rolader Development, LLC to Flint Mill Estates HOA, Inc. recorded in Deed Book 3315, page 38, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property described in that Warranty Deed from Scarbrough & Rolader Development, LLC to John P. Rafferty, III and Lisa O. Rafferty recorded in Deed Book 3022, page 190, Spalding County, Georgia records.

ALSO LESS AND EXCEPT: The property described in that Road Dedication from Scarbrough & Rolader Development, LLC to Spalding County recorded in Deed Book 2985, page 152, Spalding County, Georgia records.

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

DATE: September 10, 2020 (BoA)
DATE: September 24, 2020 (BOC)
TO: Spalding County Board of Appeals
Spalding County Board of Commissioners
FROM: Department of Community Development

RE: Special Exception Application #20-13S
REFERENCE: #05-18S, Approved July 28, 2005

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 1029 Waverly Drive, in Land Lot 170 of the 2nd District of Spalding County. Property consists of a total of 0.75 acres.

Parcel #:

231C-01030

Current owner:

Pilkenton Murray LLC
203 E. Taylor Street
Griffin, Georgia 30223

Owner's Agent

None

Development:

The applicant has requested to reduce the minimum lot area requirement in the R-1 zoning district with a Special Exception for Country Club Subdivision from 0.75 acres to 0.649 acre in order to remove part of a detention pond from the lot. The detention pond will be deeded to the Flint Mill Homeowners' Association for maintenance.

Land Use Plan:

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as revised in December 2004, the request is inconsistent with the plan and associated

Future Land Use Map classification of Agricultural and Open Space Network.

Transportation:

No additional lots are proposed so no Transportation Analysis is required.

Schools:

No additional lots are proposed so no School System Analysis is required.

Wetlands/Watershed Area:

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 1303880 130B

No portion of this site is located within an S-2 watershed area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

Compliance with Zoning Ordinance Development Standards:

The Spalding County Unified Development Ordinance, Article 7 – R-1 Single-Family Residential Low-Medium Density District, Section 704 (B) states the following:

"Minimum Lot Area: **Outside of a Conservation Subdivision:** As specified by the Spalding County Health Department, but in *no* case less than 2 acres, unless a special exception allowing a reduction in lot size to 1 acres is approved pursuant to Section 413."

The Spalding County Unified Development Ordinance, Article 4 – General Procedures, Section 413 – Special Exceptions (G") has the following requirements:

1. Common Space
 - a. Minimum of 25% of the total acreage within the subdivision shall be included in common space.
 - b. Common space may include any amenity area located within the subdivision for purposes of this section, an amenity shall be any improvement provided for the recreation of residents.

- c. Designated wetland areas may be included within common space in an amount not more than 10% of the total acreage of the tract.
- d. Detention facilities may be included in common space.
- e. Retention ponds, lakes, and watercourses may be included within the common space to the extent of not more than 10% of the total area of the tract.
- f. Common space shall not include any area platted out or included within any lot of the subdivision

Requirements specific to the "Country Club" classification:

1. Architectural Design Criteria
 - a. Brick, stone, or stucco front façade for each dwelling is required.
 - b. The Architectural Design must include at least (2) of the following: minimum three side brick, stone, stucco or hardy plank façade; porticos; transom windows; detailed balusters and pediments; masonry chimneys; or quoins.
2. Common Space Design Criteria
 - a. Commons space shall meet the requirements of Section 413(G)(1) shall be required. Common space shall not be located more than 500 feet from the boundary of any residential lot, provided such distance may be increased to 750 feet when required for the layout and design of the subdivision while maintaining an average distance from the boundary of each lot, which does not exceed 500 feet.
 - b. Extensively developed recreation areas to be completed prior to street acceptance.
 - c. Common space must include at least three (3) of the following: tennis courts; improved walking trails; playground, commercial grade; swimming pool; or clubhouse.
 - d. Common space include within the street design may not be large enough to accommodate amenities, in such case, such common space shall be landscaped.
3. Streets and Sidewalks Design Criteria
 - a. The following are required: minimum four (4) feet width sidewalks, streetscape design, which includes street trees, and curb and gutter.
 - b. At least one of the following design criteria must also be included: traffic calming devices, such as center green islands and speed tables; sidewalks with a paved width exceeding four (4) feet; or enhanced and/or larger tree plantings in the streetscape.
4. Other Design Criteria

- a. At least one (1) of the following design criteria shall be included in the subdivision design: minimum 100 feet setbacks; 50 feet if yard is sodded; extensive landscaping on individual lots; or significant subdivision entrance feature to be approved by the Board of Commissioners.

Architecture

The existing homes have been constructed in conformance with the Architectural Guidelines. No change from these requirements is requested.

Common Space & Amenities

The required amenity area was constructed with the development of Phase I of the subdivision.

Streets & Sidewalks Design Criteria

The subdivision appears to have been constructed to the approved design criteria and sidewalks are installed as each home is built.

Special Exception Guidelines

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.
This request will not 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. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirement of the use.
There should be no depreciating effects created by allowing subdivision development in this area.
3. It must meet all other requirements of this Ordinance.
The request meets all other requirements of this ordinance and does not fundamentally change the usable area of the lot in terms of the buildable area or the area available for a septic system.

Photos:



View of the property from Waverly Drive.

Staff Recommendations:

Because it is preferable that detention ponds, or portions of detention ponds, are not on individual residential lots, staff recommended that the developer separate the pond from the lots and deed the pond to the subdivision's homeowners' association. This request does not change the functionality of the lot, either in terms of where the house will be located or in the area available for the septic system. It simply removes the pond from the lot so an individual is not responsible for maintenance and upkeep of the detention pond. It will not alter the original approved density or layout of the development.

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.



SPALDING COUNTY BOARD OF ZONING APPEALS Application #20-14V

Requesting Agency

Office of Community Development

Requested Action

Application #20-14V: Nicole Dolly Maryann Arnold, Owner - 390 Hosannah Road (2.932 acres located in Land Lot 215 of the 3rd Land District) - requesting a Variance to extend or alter a non-conforming use 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 is requesting to vary from Section 403:B of the Unified Development Ordinance (UDO) which states:

A non-conforming use shall not be extended or altered unless the extension or alteration is in conformance with the requirements of this Ordinance. The property is zoned AR-1. The applicant is requesting a permit to make an addition to the home to add 1000 heated SF, which will result in a total house size of 2233 heated SF.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

CONDITIONAL APPROVAL as follows:

1. If the existing structure is ever replaced, outside of catastrophic loss or damage, any new structure must conform to the minimum house size and setback requirements in place at the time of the new construction.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #20-14V	8/27/2020	Backup Material

Spalding COUNTY

REQUEST FOR VARIANCE APPLICATION NO. 20-14V

AGENT/DEVELOPER INFORMATION (If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Dolly Mary Ann
Nicole Arnold

Address: 2320 Fairview RD S.E

City: Conyers

State: GA Zip: 30013

Phone: 404 314-1875

Phone: _____

APPLICANT IS THE:

_____ Owner's Agent Property Owner _____ Developer

Land District(s): 3rd Land Lot(s): 215 Acreage: 2.932

Address of Property: 390 Hosannah RD Griffin 30203

Identify the existing district requirement(s) for which you seek a Variance: AR-1

Section 403:B - A non-conforming use shall not be extended or altered unless the extension or alteration is in conformance with requirements of the Ordinance

State what you propose the district requirement(s) be varied to: Heated square feet 1233 to add additional 1000 heated square feet

Describe what use is proposed and the reason that a Variance is required: increase (1000 sq ft)
living space, bathrooms and garage (600sqft)
To accommodate family needs and
space. Mother passed away. My family
and will be relocating to Griffin
to dwell at the property

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

8-3-2020

Date

OFFICE USE ONLY

Date Received: 8-3-20

Amount of Fee: \$300.00

Received By: C. McDaniel

Receipt Number: UISA 577976

**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 8-3-20

Witness Cynthia L. McDaniel

Date 8-3-20

Application No. 20-14V

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.

Revised Oct 10, 1994

Property of Victor G. Taylor & Hannelore Taylor
1232-M-94

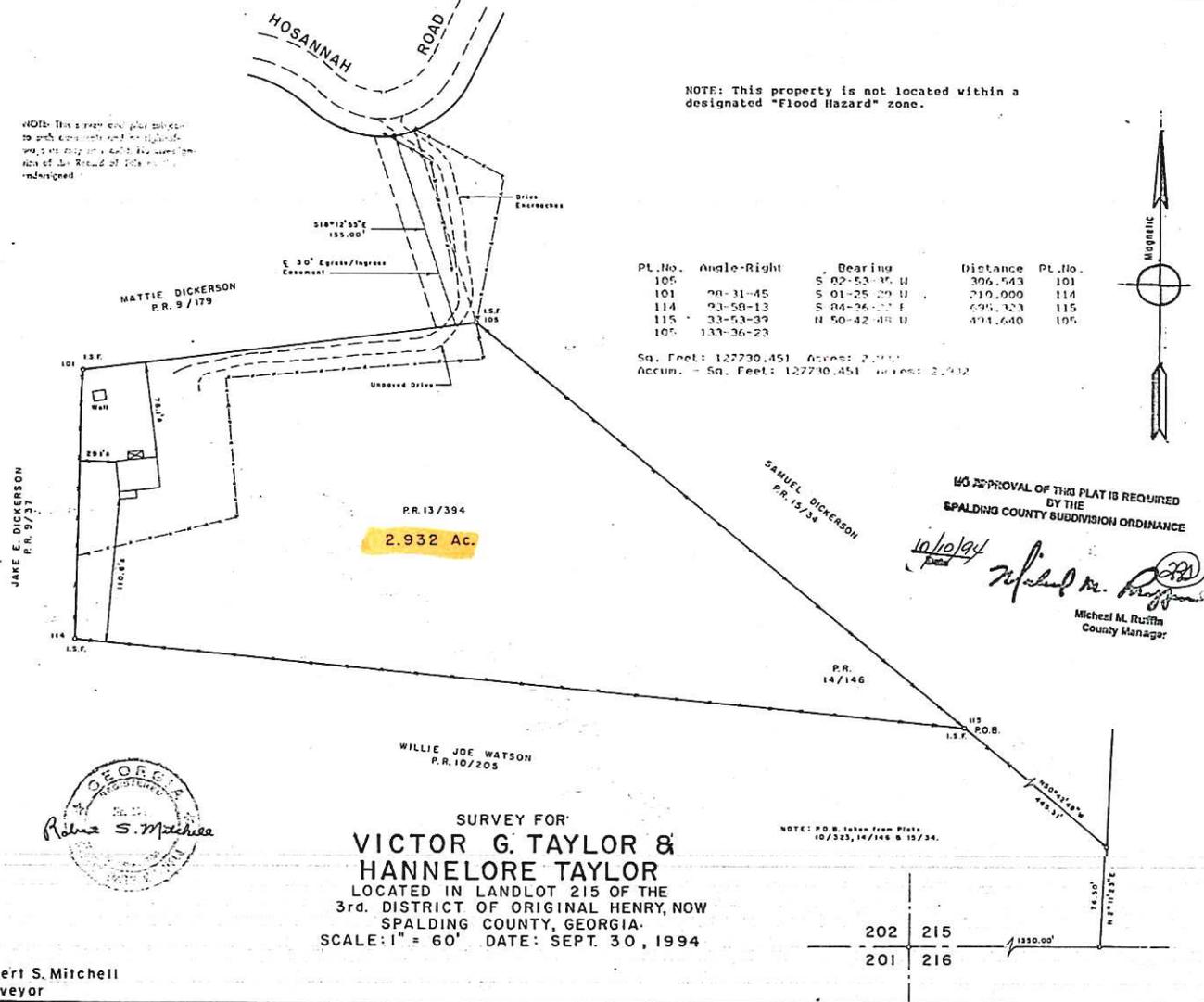
NOTE: This survey plat relates to such easements and encroachments as may exist on the land surveyed and the Record of Title is not intended to be assigned.

NOTE: This property is not located within a designated "Flood Hazard" zone.



PL.No.	Angle-Right	Bearing	Distance	PL.No.
105		S 02-53-35 W	306.543	101
101	90-31-45	S 01-25-29 W	210.000	114
114	93-58-13	S 84-26-17 E	699.323	115
115	33-53-39	N 50-42-48 W	491.640	105
105	133-36-23			

Sq. Feet: 127730.451 Acres: 2.932
Accum. - Sq. Feet: 127730.451 Acres: 2.932



NO APPROVAL OF THIS PLAT IS REQUIRED BY THE SPALDING COUNTY SUBDIVISION ORDINANCE

10/10/94
Michael M. Ruffin
Michael M. Ruffin
County Manager

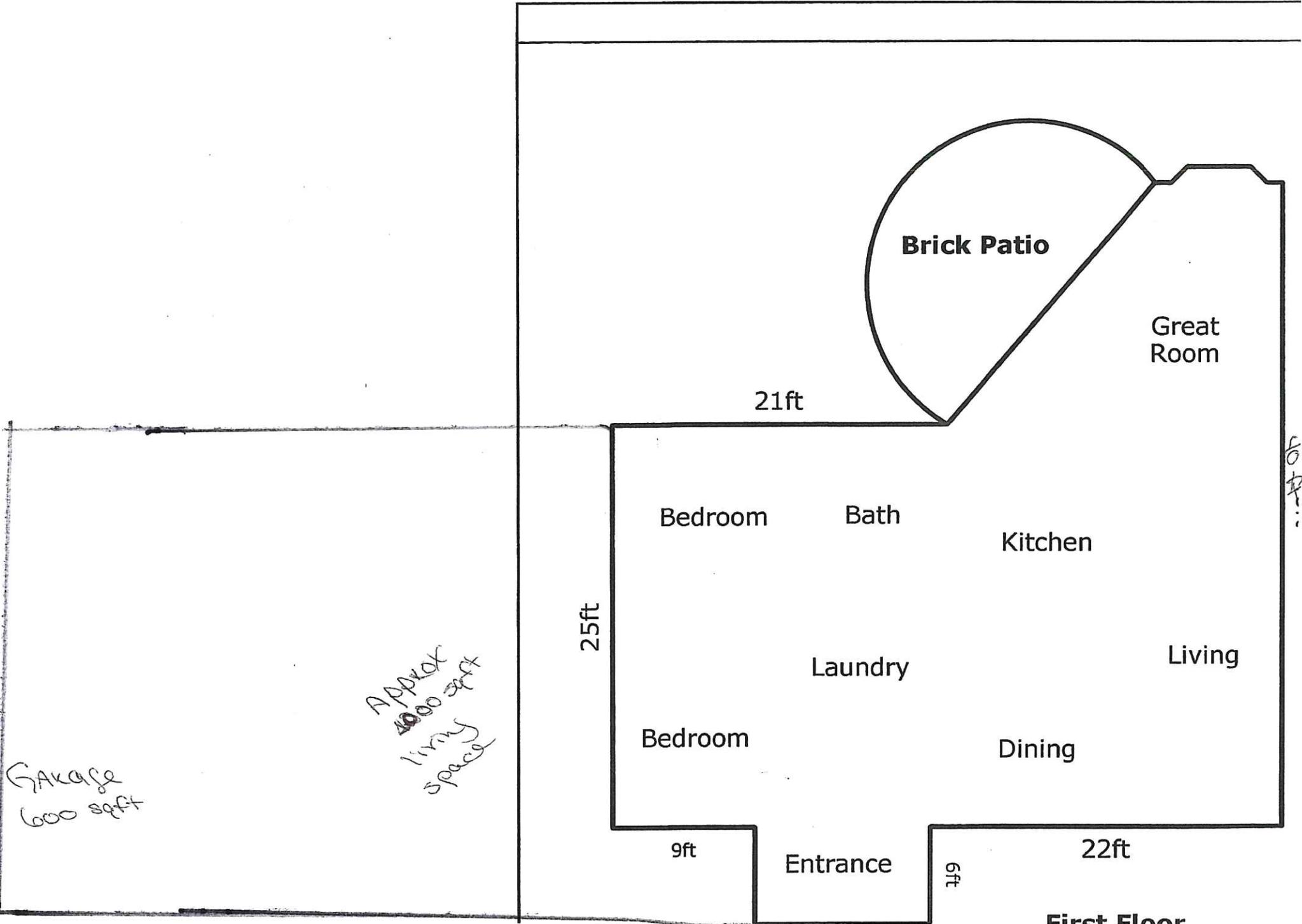


SURVEY FOR
VICTOR G. TAYLOR & HANNELORE TAYLOR
LOCATED IN LANDLOT 215 OF THE
3rd. DISTRICT OF ORIGINAL HENRY, NOW
SPALDING COUNTY, GEORGIA.
SCALE: 1" = 60' DATE: SEPT. 30, 1994

Robert S. Mitchell
Surveyor

21-404 1232-M-94

Victor G. Taylor, Clerk



Garage
600 sqft

Approx
4000 sqft
living
space

Brick Patio

Great Room

21ft

25ft

Bedroom

Bath

Kitchen

Laundry

Living

Bedroom

Dining

9ft

Entrance

6ft

22ft

First Floor

60 ft

IN THE PROBATE COURT OF SPALDING COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF)

HANNELORE TAYLOR)
DECEASED)

ESTATE NO. 20-10-5465

ORDER ADMITTING WILL (AND CODICIL(S)) TO PROBATE IN SOLEMN FORM

An alleged Last Will and Testament dated April 17, 2019
(and Codicil(s) dated _____) was/were propounded.

Nicole Dolly Maryann Arnold was/were nominated Personal Representative(s) by the Testator. The Court finds that the Decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above County. The Court further finds that all of the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will (is self-proving) (has been proved by one or more witnesses).

ACCORDINGLY, IT IS ORDERED that the Will dated April 17, 2019
(and the Codicil(s) dated _____) is/are established as the Last Will and Testament of the Decedent ("the Decedent's Will"); that the Will be admitted to record as proven in Solemn Form; and, that the nominated Executor(s) named above has/have leave to qualify as Personal Representative(s) by taking the required oath, after which Letters Testamentary shall issue. The Clerk shall serve the Personal Representative(s) with copies of this Order and the Letters upon qualification.

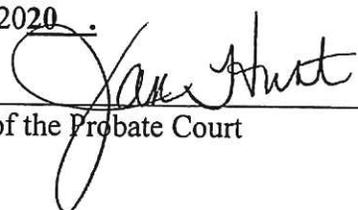
IT IS FURTHER ORDERED that the Personal Representative(s) shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by Order of this Court.

IT IS FURTHER ORDERED that: *[initial all that apply]*

- N/A (a) An inventory shall be filed.
N/A (b) Annual returns shall be filed.
N/A (c) Letters of Testamentary Conservatorship shall issue to _____.

N/A (d) Letters of Testamentary Guardianship shall issue to _____.

SO ORDERED this 23rd day of July, 2020.



Judge of the Probate Court

IN THE PROBATE COURT OF SPALDING COUNTY
STATE OF GEORGIA

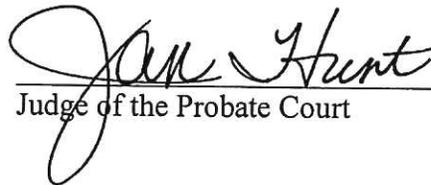
IN RE: ESTATE OF)
)
HANNELORE TAYLOR) ESTATE NO. 20-10-5465
DECEASED)

LETTERS TESTAMENTARY
[Relieved of Filing Returns]

At a regular term of Probate Court, the Last Will and Testament dated April 17, 2019 (and Codicil(s) dated _____) of the above-named Decedent, who was domiciled in this County at the time of his or her death or was domiciled in another state but owned property in this County at the time of his or her death, was legally proven in Solemn Form to be the Decedent's Will and was admitted to record by order, and it was further ordered that Nicole Dolly Maryann Arnold named as Executor(s) in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor(s).

THEREFORE, the Executor(s), having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of Executor(s) under the Will of said Decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 3rd day of August, 2020 .



Judge of the Probate Court

NOTE: *The following must be signed if the Judge does not sign the original of this document:*

Issued by: [Seal]

Clerk of the Probate Court

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

2008 APR 17 AM 9 47

Marcia L. Norris
MARCIA L. NORRIS, CLERK

Return to:
Morris|Hardwick|Schneider, LLC
4295 Jodeco Road
McDonough, GA 30253
File No.: SBB-080300087R

QUIT CLAIM DEED

Real Estate Transfer Tax
Paid \$ 0.00
Date 4-17-08
PT - 61 126-2008-996
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

State of Georgia
County of Henry

THIS INDENTURE, made the 27th day of March, in the year 2008, between
Victor G. Taylor

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

Hannelore Taylor

of the County of Spalding, and the State of Georgia, 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 Dollars (\$10.00) and other
valuable consideration, cash in hand paid at and before the sealing and delivery of these presents, the
receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUIT
CLAIM unto said Grantee,

All that lot, tract or parcel of land situate, lying and being in Land Lot 215 of the 3rd Land District of
originally Henry, now Spalding County, Georgia, containing 2.932 acres, as shown on a plat of survey
entitled, "Survey for Victor G. Taylor & Hannelore Taylor", prepared by Robert S. Mitchell,
Registered Land Surveyor, dated September 30, 1994, recorded in Plat Book 21, Page 404, Spalding
County Superior Court records, which said plat is incorporated herein and made a part of this legal
description.

TOGETHER with that 30' egress/ingress easement as shown on the above-referenced plat, providing
ingress and egress to and from the above-described property and Hosannah Road.

TO HAVE AND TO HOLD the said described premises to 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 premises or 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:

[Signature]
Unofficial Witness

[Signature]
Victor G. Taylor (Seal)

(Seal)

Notary Public

My Commission Expires



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

DATE: September 10, 2020
TO: Spalding County Board of Appeals
FROM: Department of Community Development
RE: **Variance Application 20-14V**

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 390 Hosannah Road and is 2.932 acres, more or less, located in Land Lot 215 of the 3rd Land District.

Parcel #:

202-01005W

Current Owner:

Nicole Dolly Maryann Arnold
2320 Fairview Road SE
Conyers, GA 30013

Agent/Developer

None

Development:

The applicant is requesting to vary from Section 403:B of the Unified Development Ordinance (UDO) which states:

A non-conforming use shall not be extended or altered unless the extension or alteration is in conformance with the requirements of this Ordinance. The property is zoned AR-1. The applicant is requesting a permit to make an addition to the home to add 1000 heated SF, which will result in a total house size of 2233 heated SF.

- The front setback of the existing house is 75.1', which does not conform with current setbacks for AR-1.
- The existing parcel does not have road frontage on a public or private road so is a nonconforming parcel. There is a recorded access easement to Hosannah Road.

Compliance with Zoning Ordinance Development Standards:

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

1. Article 5, Section 503(D). Minimum Front-Yard Depth: 100 feet.
2. Appendix A, Section 503(C) Lot Frontage Arrangements: Lots must be subdivided in a manner that provides that each lot shall abut an existing public street or an approved street contained within the proposed subdivision with minimum frontage width as required by the development standards for the zoning district in which the subdivision is located. (#A-97-26, 10-07-97)

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.
The lot size and house size were legal, conforming at the time they were created.
 - 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.
There is no expressed economic need.

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 Hosannah Road.

Staff Recommendations:

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

- 1. There are extraordinary and exceptional conditions pertaining to the particular parcel because of its size, shape, location and topography.
- 2. Such conditions are peculiar and unique to the particular parcel.
- 3. Granting this variance would not cause substantial detriment to the public good nor would it impair the Spirit of this Ordinance.
- 4. Application of this Ordinance to the particular parcel would create a practical difficulty or unnecessary hardship on the property owner.

Recommended Conditions:

- 1. If the existing structure is ever replaced, outside of catastrophic loss or damage, any new structure must conform to the minimum house size and setback requirements in place at the time of the new construction.



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #20-15S

Requesting Agency

Office of Community Development

Requested Action

Application #20-15S: James F. Dallas, Owner - Phassion Dallas, Agent - 620 Northside Drive (.3 acre located in Land Lot 159 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the C-2 District.

Requirement for Board Action

Article 4. General Procedures - Section 413.

Is this Item Goal Related?

No

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPLICANT WITHDREW APPLICATION.



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

Requesting Agency

Office of Community Development

Requested Action

Consider approval of August 13, 2020 minutes.

Requirement for Board Action

Is this Item Goal Related?

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Minutes 08-13-20 BOA	9/2/2020	Backup Material

SPALDING COUNTY APPEALS BOARD
Regular Meeting
August 13, 2020

The Spalding County Appeals Board held its regular monthly meeting on August 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; Tangela Williams; and Billy Slaughter (arriving late). Absent was member Robert Paul Peurifoy.

Also present were: Newton Galloway, Zoning Attorney; Deborah Bell, Spalding County Community Development Director; and Teresa Watson to record the minutes. Absent was Zoning Attorney Newton Galloway.

Mr. Brown called the meeting to order and invited those who might wish to speak on any of the applications, but were not the applicants, 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 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 #20-07V:** Pamela D. Whitehead, Owner - Whatley Road (2 acres located in Land Lot 41 of the 3rd Land District) - requesting a Variance from minimum heated square feet in the AR-1 District.

Pamela Whitehead, 162 Calhoun Road, Griffin

Ms. Whitehead said she has requested to reduce the minimum overall heated SF requirement from 1500 SF to 1200 SF, thereby, also reducing the minimum first floor heated SF requirement from 1250 SF to 1200 SF in the AR-1 zoning district. She is requesting this in an effort to make the home affordable for her.

Ms. Bell stated that Staff recommends denial as this parcel does not exhibit unusual topographic or locational features that would require a variance. Further the variance, if granted, would cause substantial detriment to the public good and/or impair the intent of this Ordinance. 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. 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. The 1500 sf requirement has been in place since 2002.

Ms. Whitehead noted she could not afford a home with the 1500 sf required. She has owned this property since December 2001. Ms. Whitehead said there were a fair

number of surrounding homes at 1200 sf (older homes), but the newer homes are larger square footage. Ms. Bell said newer homes range from 2500 to 3000 sf. Ms. Bell noted that all homes since the 2002 implementation of the 1500 sf requirement have conformed to that stipulation without variance.

Motion/second by Mr. Brown/Ms. Williams to deny Application #20-07V carried unanimously at 3-0.

2. **Application #20-08V:** Alton Riley Bowlden & Betty May Bowlden, Owner – Gregory A. Bowlden, Agent - 4740 Fayetteville Road (3.95 acres, more or less, located in Land Lot 109 of the 4th Land District) - requesting a Variance from minimum heated square feet and front yard setback in the R-2 District.

Mr. Gregory Bolton, 2555 Vaughan Road, Griffin

Mr. Bolton said he was seeking the rezoning so his sister could obtain a tract of land for herself. Tract 1 and Tract 2 are one parcel currently, and Mr. Bolton seeks to subdivide the property between heirs.

Ms. Bell noted that the applicant is in the process of requesting a rezoning for this property so it may be divided among heirs and still meet minimum lot area requirements. The rezoning request is to change the property from the AR-1 Zoning District to the R-2 Zoning District. The existing house is a legal, nonconforming structure in AR-1, both in terms of minimum square footage and setbacks from both Fayetteville Road and Vaughn Road. This older, existing house is about 1024 sf; hence, the need for a variance from the minimum heated square feet and setback.

The variances requested will be for standards of the R-2 Zoning District: Reduction in minimum heated square feet from 1,750 SF to 1,024 SF, and Reduction in the minimum front setback from Fayetteville Road from 100' to 76'. If the existing structure is ever replaced, any new structure must conform to the minimum house size and the setback requirements in place at the time of new construction. Staff recommends approval.

Motion/second to approve Application #20-08V as presented by Ms. McCord/Ms. Williams carried unanimously at 3-0.

Mr. Billy Slaughter arrived to the meeting after the above vote.

3. **Application #20-09S:** Donald S. Brack and Sandra L. Brack, Owner - Victoria Brack, Agent - 2711 South Walkers Mill Road (6.522 acres located in Land Lot 249 of the 2nd Land District) - requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Victoria Brack, 865 East College Street, Griffin

Ms. Brack noted she was requesting a special exception in order to place a new manufactured home on the subject property within the AR-1 district. Per the applicant, the proposed home has approximately 2,132 sq. ft. of heated space. Per the applicant, the total cost of the home will be approximately \$129,900; the cost of the lot was \$32,500. The manufactured home will be 32 feet wide by 76 feet long, and the exterior constructed of vinyl while the roof will be metal. It will be placed on a concrete

foundation. The applicant states the Special Exception is being requested so that she may live next to her parents who are in need of care; this will provide closer proximity in order to care for them while providing a home for her own family. Pictures, charts and maps are provided for Board perusal. She provided documentation that addressed the notation of the absence of a 4/12 roof pitch. Ms. Brack said while they can't change the trend of the area, the home will not be very visible from the road and with the 6/12 roof pitch, as stated on the documentation she presented tonight, it will resemble others in the area. Surrounding homeowners have not shown any opposition, according to Ms. Brack.

Ms. Bell advised that Staff recommends denial of this application primarily because: a) Based on requirements from Section 413G' of the UDO, there is an established trend in the general area toward conventional home construction, and b) The information provided in the application did not indicate a true 4/12 roof pitch. The map of the area with regard to analysis of the housing type indicates a trend away from manufactured homes. No phone calls or opposition have been received in the Community Development office.

Motion/second by Mr. Brown/Ms. Williams for approval of Application #20-09S with the stipulated 6/12 roof pitch carried 4-0.

- 4. Application #20-10V:** Pilkenton-Murray, LLC, Owner - 1027 Waverly Drive (0.752 acre located in Land Lot 170 of the 2nd Land District) - requesting a Variance from minimum acreage requirement in the R-1 District.

Variance application has been withdrawn.

- 5. Application #20-11V:** Pilkenton-Murray, LLC, Owner - 1029 Waverly Drive (0.775 acre located in Land Lot 170 of the 2nd Land District) - requesting a Variance from minimum acreage requirement in the R-1 District.

Variance application has been withdrawn.

C. Approval of the Minutes of the July 9, 2020 meeting.

Motion/second by Ms. McCord/Mr. Slaughter to approve Minutes of the July 9, 2020 meeting of the Spalding County Appeals Board carried by a vote of 3-0-1 with Ms. Williams abstaining since she was not present for the meeting.

D. Adjournment.

Motion/second by Ms. Williams/Ms. McCord to adjourn at 7:28 p.m. carried unanimously at 4-0.

Ed Brown – Chair

Teresa A. Watson - Recorder