

MINUTES
CRISP COUNTY ZONING BOARD OF APPEALS
MEETING
February 17, 2015

The Crisp County Zoning Board of Appeals met at a regular meeting on the 17th day of February, 2015 at 9:00 a.m. in the Crisp County Government Center. The following members were present: J.C. Clark, Dale Mitchell, Lucky Taylor and Wendy Peavy. Absent was board member Jerry Carney. Also present, Connie Sangster, Crisp County Planning Director and Jimmy Mumphery, County Building Inspector. Also present were the following visitors: Jack Hamilton, Alicia Parker, Robert Powell, Mr. & Mrs. Robert Pless.

1st Order of Business

Chairman J.C. Clark stated that this was the first meeting of this board for the year 2015 and a chairman and vice chairman would have to be elected. Mr. Clark stepped down as Chairman and turned the meeting over to Ms. Sangster to call for the required motions.

Elect Chairman

Ms. Sangster asked for floor to be open for the nomination of Chairman.

Motion was made by Dale Mitchell, seconded by Lucky Taylor to elect Jerry Carney as Chairman. Vote carried unanimously 3-0.

Elect Vice Chairman

Ms. Sangster asked for floor to be open for the nomination of Vice Chairman.

Motion was made by J.C. Clark, seconded by Lucky Taylor to elect Dale Mitchell as Vice Chairman. Vote carried unanimously 3-0.

MINUTES

Vice Chairman, Dale Mitchell asked for a motion to approve the minutes of the October 21, 2014 meeting.

VOTE: Motion was made by J. C. Clark with a second by Lucky Taylor to **approve** the minutes of the October 21, 2014. Carried unanimously 3-0.

PUBLIC HEARING

Request from Jack Hamilton, Jr., for a variance to reduce the required 35' front yard setback on the south side (Landing Road) to 20' for the purpose of constructing a new single family residence. Subject property being located at 1021 Scenic Route (intersection of Scenic Route and Landing Road) and being zoned RS2 (Single Family Residential).

Vice Chairman Dale Mitchell called the hearing to order. Vice Chairman Mitchell read aloud the criteria in which the board handles requests. Mr. Hamilton was present and spoke on his own behalf. Mr. Hamilton told the board that the access will be off of Landing Road and the house plan he has chosen is wider than he can get in the allowable setbacks. Mr. Mitchell stated that he understood that the house is 62' wide and you only have 100' to work in, and you need 50' of setback Mr. Hamilton replied that is right. Mr. Mitchell asked the Board if they had any questions for Mr. Hamilton. Ms. Peavy asked Mr. Hamilton if this was going to be your personal residence or build to sell. Mr. Hamilton replied build to sell. Mr. Clark asked if the house would be facing Scenic Route or Landing Road. Mr. Hamilton replied Scenic Route.

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Mr. Mitchell asked if the set back from Scenic Route would be equivalent to the houses that are further north. Mr. Hamilton replied probably a little further. Mr. Mitchell asked, so greater than the 35' off. Mr. Hamilton replied yes. Mr. Clark asked if the entrance to the carport would be off of Landing Road. Mr. Hamilton replied yes. At this point Mr. Mitchell asked if anyone else in attendance would like to comment on this variance. Robert Powell stated that he was not opposed to any new construction or anything like that, but wanted to share a little bit of history about the subdivision. He stated that this subdivision created a need for a Homeowner's Association that they now have at the lake. He stated he was representing himself as an individual and not representing anybody or any board. He stated that the subdivision was created by Hal Carter and Roy Hall and they started out with about only 1250 square foot houses and the residents wanted them to go to 1750 sq. ft., and that is all they were asking for. He stated they did not agree to that, they presented it as they would have 150' frontage lots, so the residents said that 150' lots were fine and they would agree to 1500 sq. ft., and they did. Mr. Powell stated that unbeknown to all of the ones that reside out there and everything, that the County allows for construction to be on 100' lots, so somebody, not Jack, bought a group of lots and subsequently subdivided those lots from 150' down to 100', and now they are asking for a variance. He stated that it has already been changed one time and it does fall within the guidelines of the County and he understands that because the developers didn't put in their covenants to do that, so here we are again asking for a variance on a lot that was originally set to be 150' and because it was more economical and meant more money to the developers, they bought the lot and split them into 100' lots and got 3 lots out of the 2 they originally bought, and this happened on another set of lots and the other thing he just heard that the proposed zoning variance is on Scenic Route, and he goes by that particular lot everyday and he has never seen the sign. The sign is not facing Scenic Route it is on Landing Road. He stated that a continuance of this would allow them to gather more information and maybe talk to Jack and work things out so they can do this, but otherwise he is opposed to it – first of all, because the original subdivision plats were 150' lots and they took it down to the County's zoning which is 100' lots. Mr. Powell stated that he was sure that Mr. Hamilton was going to build a nice house and is not opposed to the construction, but is opposed to continually allowing developers to ask for exceptions on lots that started out much larger, and we have a lot here that was much larger originally, and would have been fine at a 150' and 2 lots there so there is adequate space, he understands Mr. Hamilton not wanting to do that, but just don't think moving it closer to the road is advantageous. He stated he loved the tax base to be rising, but still we don't need to continue to make exceptions for lots that were originally platted in a certain way. Mr. Robert Pless stated that Mr. Powell had covered a lot of the things that are very similar to what he is concerned about, and until Alicia called him he did not know there was a sign on the property and he lives right across the road. He stated that he was sure there are other people that is not aware of this request. He stated Mr. Powell had given the Board a lot of history and they went through a lot of stuff when this was developed and needless to say they were told you could put a hog parlor there if they wanted to. He stated that he was in objection to the road that was put in because it was going to come right out in front of his house. He stated that as Mr. Powell said there were suppose to be 150' lots in front of him and now they are looking at 3 houses – one is already there and now they are talking about 2 more and moving it back over, he's glad to hear that Jack is talking about the entrance coming out of the back side and he still does not understand why a house can't be put on that lot and still go by the requirements. He stated that another concern he has, if this is approved, is it going to be predicated on whats going to be done, or is it going to be left open to get this one, then we get another one, and if we don't do it right, or it don't work out, they can go on the

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backside and get another one off of Landing. Mr. Mitchell said that the variances stand on their own. Mr. Pless asked if the variance is given – will what they say is going to be put there, or would the lot just be available for somebody that wants it, then a year from now they come back and want another one. Mr. Mumphery stated that the lot could not be reduced below the minimum, so it could not be cut again. Mr. Pless then asked but what if you owned both of them. Ms. Sangster stated that the minimum lot size now required by the Health Department is $\frac{3}{4}$ of an acre, so that could not happen. Mr. Pless stated that was a concern for him. Mr. Pless stated that he was a little bit leary on what someone could do in the future. Mr. Mitchell stated that the variance could be predicated on what Jack says he is going to build there. Mr. Taylor stated that the Board is only dealing with this one lot. Mr. Pless replied, but what if in a year or so, Mr. Hamilton still owns those 2 lots and he comes back and wants to cut off one on the back side. Ms. Sangster stated that he would not be allowed to reduce the lots anymore than they already were, and he could not meet the requirements of another build able lot, and a variance would not be allowed in that case. He stated that they were not against building, but the County feels that the property across the road has a good tax base, so the people have a pretty good investment there, and they are paying some big prices out there. He stated that he did not think Jack was going to put anything there that was not nice, but he wanted to make sure that whatever is proposed goes there – or no variances are given and that is his opinion. Mr. Taylor wanted clarification from Mr. Pless and stated that Mr. Powell asked for a continuance on the variance, and if that was what he was wanting also. Mr. Pless also stated that he thought it should be continued, but if not, he was going to get his 2 cent in. Mr. Taylor asked Mr. Pless if he was asking for a continuance, or is he asking them to either approve or disapprove if it came down to a choice between approve or disapprove – what is your input? Mr. Pless stated that if his input only has 2 choices, he would rather have that house heading this way and the entrance off of that street (Landing). Mr. Taylor asked – so you are saying approve as he is requesting. Mr. Pless replied if that is the only option, rather than him somehow, or another, changing and coming sideways, that is all he needs, is a back yard in front of him. Mr. Mitchell replied that he would be better served if the front of it faces your house. Mr. Pless replied yes, if it has to be done. Mr. Clark asked Mr. Pless if he was on Landing Road. Mr. Pless replied Scenic. Mr. Powell stated that is reason for a continuance, is that he has not seen the plat designed for anything and that the house may be acceptable as it is, and that Jack may be willing to compromise, and he stated that with the sign not being posted on the street where the zoning is being asked for. He stated there is a million dollar (\$835) house right across the street and he would suspect those folks would be sitting here if they knew about it, and it might not make any difference in the boards' decision, but he thinks the property owners have a right to voice their opinion, be it by petition or whatever, and he said they are not opposed to the build, they were just not aware of the request. He stated Alicia called him the night before and told him about this. Mr. Taylor asked Mr. Powell if Mr. Hamilton showed him the plat and the plans today, is that your biggest concern or is continuance for additional input your concern. Mr. Powell replied the owners in that area have the right to be made aware of it, and that most property owners in that area do not live at the lake, and he goes by that street everyday and he did not know anything about it and he is pretty much aware of what goes on, and that he once sat on this board, he stated that it may be published in the Cordele Dispatch. Ms. Sangster stated that it is published in the paper, they post a sign on the property and send letters only by consideration, to the adjoining property owners, it is not a requirement, it is done out of consideration. Mr. Clark asked how long had the sign been on the property. Ms. Sangster replied about 3 weeks. Mr. Hamilton stated that he did not know letters were sent out. Ms. Sangster stated at least 2 weeks

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prior to the hearing. Mr. Mitchell and Mr. Clark stated they did not have any trouble finding the sign. Alicia Parker stated that her main concern is how Landing Road comes out in a decline into Scenic, and that right now people fly down that road onto Scenic, she stated the stop sign is there, but the 35' is close anyway, and if you move it to 20', she has safety issues of the sliding around and not being able to see what's going on as far as the stop sign, the end of the road, and if somebody doesn't stop, they are going to be in Robert and Judy's bedroom, the road goes just like that into their house. For information purposes, Mr. Mitchell told Alicia that the setback does not begin until the ROW ends, actually you have to cross the ditch and get into the lot before the setback begins and not from the edge of the road. She stated her major concern was safety. Mr. Taylor asked Alicia if she had a choice for this board, would it be to continue, approve or disapprove, and that is the only 3 choices of this board that he can see. Alicia stated that if they do a continuance, then she could think some more. Mr. Pless asked in relation to the question he keeps asking them, and did he hear right, that if they decide not to have a continuance - are they going to go on and do their thing today. Mr. Mitchell replied that is their only choice. Mr. Pless stated that if they are not going to continue and make a decision, he feels like they should see more about what is going to be proposed. Mr. Hamilton asked if he could have the floor. Mr. Mitchell replied yes. Mr. Hamilton stated that he was glad that they were there, because it is their neighborhood and he does intend to build a spec house there. He told Mr. Powell that as far as the history, he did not know anything about all of that. But he is complying with what the restrictive covenants say, and he will comply with what the County says. He stated that there is 2 lots there and he is going to build 2 houses, and in his opinion the subdivision will look better with the houses facing Scenic, especially the one on the corner. Mr. Hamilton stated that he could go and select a blueprint that will comply with the 35' but the problem on a corner lot is they put the same front yard setback as the side yard, he further stated that one of them was going to be a side and he doesn't care which one it is and that there is going to be 43' roughly from the pavement of Landing Road to the house and as Mr. Mitchell said the setback ends at the property line, the property line is in on the north side of the ditch on Landing Road, so there is roughly 20 some odd feet from the pavement of Landing Road to the property line, and that his house will begin 23' from that property line, and if he has to select a blueprint that is shotgun style then he can do so, but the house that they are building which he does not think this board gets into, it is going to be a nice looking house. Mr. Mitchell asked how many square feet is he planning on. Mr. Hamilton replied around 1600 and some odd feet, roughly 1700 heated. Mr. Hamilton stated to Mr. Pless that the Landing is there, and he knows he has done lost that battle, but as far as the safety issue, he doesn't know that a house not being there is going to eliminate a safety issue with people coming through there, but the lots are going to get built on either by him, or somebody at some point - the lots are there - they are zoned - and at the end of the day they are going to get built on unless you want to buy them. Mr. Hamilton stated that he was not trying to be smart. Ms. Parker stated that she knew that, and she called her husband this morning and asked him just in case Jack made that offer. Mr. Powell stated that one of the concerns is you setting a precedent and the 2 lots south of this, could they be faced with the same thing again. Mr. Mumphery replied that those lots could not be reduced any further. Mr. Mitchell said that to answer the question, that the only people that can change the size of these lots is the county commission, is his understanding, and the acreage cannot be changed. Mr. Powell stated that his reason for a continuance is for more research. Mr. Mumphery stated for the county's sake on the sign issue, is that someone from Public Works posts the sign and they did call as to where to post the sign as far as the facing, accept that apology from him. Mr. Powell stated that he understands and with Jack showing everybody all of this, there

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would not be any opposition at all. Mr. Hamilton stated that all he is asking for is an additional 13' because the house is longer. He stated that the house has been built around here, and is a nice looking house. He stated he is giving up 13' of pavement on the Landing Road and that is what he is asking the variance for. He stated he could select a blueprint that is narrower and deeper but it would look better for this house and the whole area to be facing Scenic Route. Mr. Pless stated that he agreed with that. Mr. Mitchell stated that you have to recognize what Mr. Hamilton said and that some day, somehow, somebody is going to build a house there. Mr. Powell asked Mr. Hamilton if he had any pictures of the house he could show them. He stated that he didn't bring that with him but he could call his son to bring them up there. Ms. Sangster asked Mr. Hamilton the address of one and she would print the picture of it from Q public. Mr. Mitchell asked Mr. Hamilton what his plans were for the lot north of this one. Mr. Hamilton replied that he was going to build on it also and here again, side yard setbacks there are 15', so you see the corner issue, but respectfully it seems to him that it should not have the same setback once you know how the house is facing. Mr. Pless stated that he was glad to hear Mr. Hamilton say which way he is going to face the house. Ms. Sangster showed everyone present a picture of the proposed house that Mr. Hamilton is going to build. At this time, Mr. Mitchell asked if there were any further questions. There were none. Mr. Mitchell stated that this concludes the public portion of the hearing and now they would go into discussion and vote.

MEETING

After discussion, the chairman asked for a motion.

VOTE: A motion was made by Lucky Taylor, seconded by J.C. Clark to **approve** the variance request to reduce the required 35' front yard setback to 20' at 1021 Scenic Route with the following condition:

-The architectural plans presented by Mr. Hamilton at the hearing on Feb 17, 2015 with no changes, and if changes are made they would have to come back before this board for approval. Carried unanimously 4-0.

NEW BUSINESS

Ms. Sangster told the board there will be 2 hearings for the next meeting.

OLD BUSINESS

None.

Jerry Carney
Chairman

Connie Sangster
Secretary

