



LUMPKIN COUNTY
Board of Commissioners
Appeal Hearing Agenda
Commissioners Boardroom
99 Courthouse Hill
Dahlonega, GA 30533

October 5, 2023
4:15 PM

- **Call to Order**
- **Appeal Hearing**
Appeal for Planning Commission Denial of Building Setback Variance Request for Proposed House at 247 Perkins Road
- **Adjournment**



Lumpkin County, Georgia

Planning

Date:

October 5, 2023

Agenda Item:

Appeal for Planning Commission Denial of Building Setback Variance Request for Proposed House at 247 Perkins Road

Item Description:

**Facts & Historical
Information:**

**Potential Courses Of
Action:**

Budget Impact:

Staff Recommendation:

This is an Appeal to the Board of Commissioners concerning a request for a Variance on the front setback portion of the Land use and Development Code. The grounds for this appeal is a misunderstanding or lack of knowledge about building, from the Planning board.

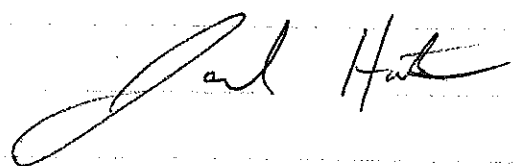
I am asking for a 30th reduction on the front setback on this property. In doing so I would be able to build a home in the same footprint of the mobile home that was there for many years. The placement of the pre-existing home was... and is now key to the usability of this lot. The farther back from the road, the steeper down hill it is. It drops approx. 20^{ft.} down in a 40^{ft.} span. To try to build on this would be near impossible. By approving this variance it would allow me to build a single level home that would be easily accessible (containing no stairs), more Affordable, and more suitable for the area.

This home will be accessed from the right side, end, and will have a turn around. No vehicles will back into the roadway.

In summary the Unusual Practical difficulties of this variance is the exceptional topography of this property. The "hardship" in this case would come if anyone attempted to build on this lot and follow the 50^{ft} front setback portion of the Land use and Development Code. This would create a Financial Hardship. The cost for the concrete sub-walls and/or the double basement would drive up the cost so much it would be detrimental to the build.

Simply put, it makes practical and Financial Sense to build on the most suitable portion of this lot.

Jarrold Hatcher 706-913-9392

 8-28-2023



LUMPKIN COUNTY
Planning Commission
Planning Commission Agenda
Kelley Building Conference Room
342 Courthouse Hill
Dahlonega, GA 30533

August 14, 2023
5:30 PM

- **CALL TO ORDER**
- **CONSIDERATION OF AGENDA**
- **APPROVAL OF MINUTES**
 - July 10, 2023 Planning Commission
 - July 18, 2023 Planning Commission
- **VARIANCE REQUESTS**
 - Jarrod Hatcher requesting a variance per Chapter 26-253 (a) & (b) (2) – Building setback lines. The setback requirement from the road right of way in a Class I subdivision is 50 ft. The request is for a reduction to 20 ft. The property is located at 247 Perkins Road.
 - Kristina Long request for two (2) variances per Chapter 26-252 – Panhandle or flag lots. Lots 5, 6, 7 and 8 will have flag pole lengths that exceed 250 feet. The second (2nd) variance request is per Chapter 26-61 – Class II Subdivision. The proposed Class II subdivision will have four (4) flag lots instead of the maximum limit of two (2).
 - Lee Gaddis requesting a variance to Chapter 26-59 (2) of the Lumpkin County Land Development Regulations to subdivide property within a two-year period located at 40 Grainger Road.
- **REQUEST FOR APPROVAL**
 - William Cunningham requesting approval; per Chapter 26-71 (b), – Requirements for splitting parcels in a platted subdivision - in order to split a parcel one (1) time in Etowah Crossing, lot #'s 6-11, located at 68 Hemlock Trail.
- **OLD BUSINESS**
 - Steve Sylvester July 18, 2023 Planning Commission Meeting; building setback variance to ingress/egress easement for a detached garage, per Chapter 26-253 (a) & (b) (2), (5) - Building setback lines.
- **NEW BUSINESS**
- **ADJOURN**



Lumpkin County

Request to the
Planning Commission
for a Variance
to specific regulations

This application must be completed and returned to the Planning Department
no later than the 10th of the month prior to the monthly meeting.

THE APPLICATION IS CONSIDERED PROPERLY SUBMITTED ONLY WHEN COMPLETE
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

VARIANCES

The purpose of a variance is to provide relief when a strict application of the Land Use and Development Codes would impose unusual practical difficulties or unnecessary physical hardships on the applicant.

Unusual practical difficulties and physical hardships may result from:

1. Size, shape, and dimension of a site.
2. The location of an existing structure.
3. Geographic, topographic, or other conditions that exist at the site.

No variance may be granted from a self-imposed hardship.

The Planning Commission is responsible for considering and making decisions on requests for variances. Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of the Land Use and Development Codes.



Lumpkin County, Georgia

Planning Department

342 COURTHOUSE HILL SUITE A, DAHLONEGA, GEORGIA 30533 (706) 864-6894

REQUIRED INFORMATION FOR ALL APPLICATIONS

Property Owners Name: Jarrold Hatcher

If applicant is "not" property owner, then Property Owner Authorization Form is required

Applicant's Name: Jarrold Hatcher

Address: 385 Homer Edwards Rd.

City: Dahlonega State: GA Zip Code: 30533

Phone: 706-973-9392

Description of Request:

Reduction of Setbacks of road Right of Way,
From 50' to 20'.

Existing Activity: Vacant Land

Proposed Activity: Residential House

Character Area/Development Category: Residential Growth

Parcel No.: 081-028

Property Size: 2.0 ac (s)

Office Use Only

Land Use of Surrounding Properties:

North: Residential South: Residential

West: Residential East: Vacant Land

FOR MAP AMENDMENTS ONLY:

Requested amendment to Character Area Map Designation of property: _____

REQUIRED ATTACHMENTS

☒ Proof of Ownership (Deed)

☒ Legal Description of the Property

☐ Notarized authorization of owner, if not the applicant

☒ Processing and review fee (receipt)

☒ Survey or Map of the property

I, Jarrod Hatcher, BY SUBMITTAL OF THIS APPLICATION
(print name)

hereby request an amendment to the land use plan and / or the future land use map or a variance to specific provisions of the land use code and / or a variance from certain requirements of the subdivision regulations or from specific provisions of other Lumpkin County regulations as described within this application. By signature below I attest that all information provided within and submitted with this application is true and correct to the best of my knowledge.

Signature: Jarrod Hatcher

Date: 7-6-2023

STATE OF GEORGIA
COUNTY OF LUMPKIN

The foregoing instrument was acknowledged before me this 7-6-2023 by
(date)

Jarrod Hatcher, who is personally known to me or who has produced
(Name of Person Acknowledging)

Drivers License as identification and did (did not) take an oath.
(Type of Identification)

Donna Taylor Notary Public, Commission No. 2-24-21
(Signature)

Donna Taylor
(Name of Notary typed, printed or stamped)



NOTE:

The Planning Commission and/or Board of Commissioners, as appropriate, shall consider the following standards in considering any proposal that would result in a special land use approval, variance to character area standards or changes to the Character Area Map, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal. Additional and specific standards are also listed under each individual procedure.

- ☐ Is the proposed request consistent with the purpose and intent of the character area, village or corridor in which it is located or proposed to be located?
- ☐ Is the proposed request consistent with the purpose and intent of this Land Use Code?
- ☐ Will the proposed request cause a burden on County infrastructure?
- ☐ Is the proposed request compatible with surrounding land uses within the Character Area and adjacent properties?
- ☐ Is the proposed request consistent with goals, strategies and policies of the Comprehensive Plan?
- ☐ Is the proposed request required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- ☐ Does the proposed request reasonably promote the public health, safety, morality or general welfare?



Lumpkin County, Georgia

Planning Department

342 COURTHOUSE HILL SUITE A, DAHLONEGA, GEORGIA 30533 (706) 864-6894

VARIANCE REQUEST FORM

Requested Action

- ☐ Front Setback Variance of 30 feet.
 ☐ Rear Setback Variance of _____ feet.
- ☐ Side Setback Variance of _____ feet.
 ☐ Lot Size Variance of _____ acres.
- ☐ Mobile Home Variance
 ☐ Appeal of an Administrative Decision

Description: 50' to 20'

Land Use/Development Regulation: Chapt. 26 Sec. 26-253 Building Setback Lines

Please attach any maps, drawings, letters or any other information concerning this matter. A, B, (2)

The Planning Board will make their decision based on the information you provide.

Failure to provide adequate information will result in the application being rejected.

1) What exceptional conditions apply to this particular piece of property requiring the need for a variance from the established standards?

- ☐ Size: _____
- ☐ Shape: _____
- ☒ Topography (if slope a factor, a topographic map must be included) _____
- ☐ Other: _____

- 2) Describe why granting this request would not be a detriment to the public good: Very Rural Area, Light Traffic, Safer for home Owner, Affords the Ability to build a Ranch Style home without Stairs.
- 3) Describe why the variance would not oppose the intent of the Ordinance: This Request is only 10' less than setbacks Required in Class III - Class VI Subdivisions

Please submit any other information you believe should be considered with this application and attach as many sheets as necessary

LUMPKIN COUNTY PROPERTY OWNER AUTHORIZATION

This page must be completed when the Applicant for the Variance is
Someone other than the Owner of Record of the Property.

I hereby swear that I am the owner of the property located at (address and /or map and parcel #)

247 Perkins Rd. Parcel 081-028

as shown in the deed records of Lumpkin County, Georgia, which will be affected by this
variance request.

By signature below, I hereby authorize the person named below to act as the applicant or agent in
pursuit of the variance requested on this property. I realize that any variance granted, and/or
conditions placed on the property will be binding upon the property regardless of ownership.

Name of Applicant or Agent: Jarrod Hatcher
(print name)

Address: 385 Homer Edwards Rd.

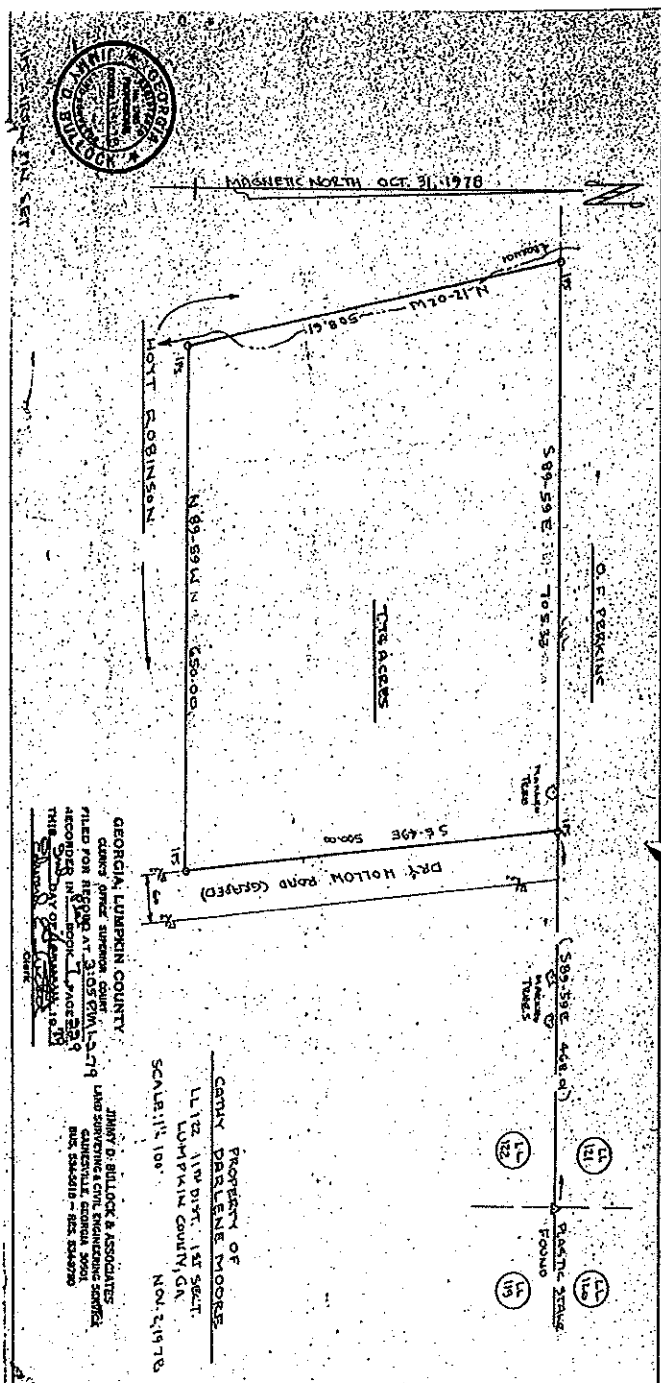
City, State, Zip Code: Dahlonega, GA 30533

Daytime Telephone Number: 706-973-9392 no pager numbers

Name of Owner: _____ Date: _____
(print name)

Signature of Owner: _____

Notary Public: _____ My Commission Expires: _____



ARTICLE XIII. VARIANCES

Sec. 26-353. Purpose.

The purpose of a variance is to provide relief when a strict application of this chapter would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardship may result from the size, shape or dimensions of a site or the location of existing structure thereon; from geographic, topographic, or other conditions on the site or in the immediate vicinity. No variance shall be granted to allow the use of property for a purpose not authorized or in a manner not authorized by this chapter. No variance may be granted for a self-imposed hardship.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 1200, 7-16-2009)

Sec. 26-354. Conditions.

Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of this article and this chapter. Guarantees and evidence may be required that such conditions will be and are being complied with.

- (1) The planning commission is responsible for considering and making decisions on requests for variances.
- (2) The variance must specify which requirements are to be varied from. It must specify alternative standards and requirements to be met.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 1201, 7-16-2009)

Sec. 26-355. Criteria for granting.

- (a) Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four of the following expressly written findings are made:
 - (1) A strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship.
 - (2) These are exceptional or extraordinary circumstances or conditions applicable to the property involved or to be the intended use of the property which do not apply generally.
 - (3) The granting of the variance will not be detrimental to the public health, safety, or welfare.
 - (4) The granting of the variance would support general objectives contained within this chapter.
- (b) Variances in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 1202, 7-16-2009)

Sec. 26-357. Procedures.

The following procedures apply to variances:

- (1) The planning commission will review the completed application and any investigation reports at a public hearing.
- (2) The planning commission shall determine whether the evidence supports a finding that the criteria have been met and will either approve, approve with conditions, or deny the application accordingly.
- (3) Application for variance shall be filed with the planning commission on the form prescribed by the county, with all required information by any person with a legal interest in the property.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 1204, 7-16-2009)

Sec. 26-253. Building setback lines.

- (a) All building setbacks are measured from any portion of the structure to the property line and/or the nearest edge of the right-of-way. Fences and retaining walls are not required to meet setbacks.
- (b) The minimum building setbacks shall be as follows:
 - (1) Within a new or existing subdivision that received approval through the planning commission the front setback shall be 30 feet from any right-of-way and/or the front property line, all other setbacks shall be 20 feet unless different setbacks are specified elsewhere in these regulations or this chapter.
 - (2) Any lot within a class I or class II subdivision or on an individual lot, not a part of a subdivision, the front setback shall be a minimum of 50 feet, all other setbacks shall be 20 feet.
 - (3) All lots adjacent to a state route must have a minimum of a 50-foot setback from the right-of-way.
 - (4) Corner lots and lots with road frontage on more than one street shall meet the front yard setback for that lot from the structure to every right-of-way.
 - (5) There is a minimum ten-foot setback from all recorded easements except ingress/egress easements. Ingress/egress easements shall be treated as right-of-way for the purpose of setback requirements. Setbacks from ingress/egress easements may be reduced to less than 50 feet by the planning director with just reason.
 - (6) Electric transmission lines where easements are not definitely established shall have a minimum building setback of no less than 60 feet for lines of 69 kV or less and 80 feet for lines of 70 kV or more measured from the nearest wire or pole or ten feet from the easement line where an easement is established.

(Res. No. 2002-44, 12-1-2002; Res. No. 2005-60, 10-21-2005; Res. No. 2005-61, 10-21-2005; Res. No. 2007-44, 9-20-2007; Res. No. 2007-55, 11-15-2007; Res. No. 2009-50, § 805, 7-16-2009)

Lumpkin County, GA

Summary

Parcel Number 081 028
Location Address 247 PERKINS ROAD
Legal Description 7.04 ACS LL 122 LD 11-ORG HALL
(Note: Not to be used on legal documents)
Class A4-Agricultural
(Note: This is for tax purposes only. Not to be used for zoning.)
Character Area Residential Growth
Tax District County (District 01)
Millage Rate 24.757
Acres 7.04
Neighborhood Rural ACC #3 (00003)
Homestead Exemption No (S0)
Landlot/District 122 / 11

[View Map](#)



Map



Owner

[HATCHER JARROD](#)
 808 HOMER EDWARDS RD
 DAHLONEGA, GA 30533

Rural Land

Type	Description	Calculation Method	Soil Productivity	Acres
RUR	Small Parcels	Rural	1	7.04

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Site Improvement Mobile Home	2002	0x0 / 1	0	\$4,000
Utility Bldg Finished	2001	20x40 / 0	0	\$3,605

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
9/5/2017	1373 523		\$12,989	Tax Deed	WORTHINGTON WILLIAM BRYAN	HATCHER JARROD
2/2/2009	1203 457		\$0	Gift	MOORE MARY JANE	WORTHINGTON WILLIAM BRYAN
4/1/1986	U5 85	7 229	\$0	Legal		MOORE MARY JANE

Area Sales Report

Sale date range:

From:

08/04/2020

To:

08/04/2023

Sales by Neighborhood

Sales by Area

1500

Feet



Sales by Distance

Valuation

	2023	2022	2021	2020	2019	2018
Previous Value	\$90,847	\$92,339	\$88,864	\$88,864	\$88,864	\$90,232
Land Value	\$99,889	\$83,242	\$83,242	\$79,767	\$79,767	\$79,767
+ Improvement Value	\$0	\$0	\$0	\$0	\$0	\$0
+ Accessory Value	\$7,605	\$7,605	\$9,097	\$9,097	\$9,097	\$9,097
= Current Value	\$107,494	\$90,847	\$92,339	\$88,864	\$88,864	\$88,864

Tax Collector

Tax Collector Website

Photos



Mailing Labels

Distance:

100

Fee ▼

Use Address From:

☒ Owner ☐ Property

Select export file format:

Address labels (5160) ▼

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xlsx, csv or tab download formats.

Download

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels

0

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

The Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All data is subject to change before the next certified tax roll.
| [User Privacy Policy](#) | [GDPR Privacy Notice](#)
[Last Data Upload: 8/3/2023, 5:23:59 PM](#)

Contact Us



File & Return To:
JARROD HATCHER
808 HOMER EDWARDS RD
DAHLONEGA GA 30533

DOCH 004900
FILED IN OFFICE
10/24/2017 09:00 AM
BK:1373 PG:523-523
RITA HARKINS
CLERK OF COURTS
LUMPKIN COUNTY

Rita Harkins
REAL ESTATE TRANSFER TAX
PAID: \$0.00

093-2017-001958
TAX PARCEL ID: 081 028
SEPTEMBER 2017 FILE: 132

State of Georgia
LUMPKIN County

SHERIFF'S TAX DEED

THIS INDENTURE, made this SEPTEMBER 5TH, 2017, between the TAX COMMISSIONER AND EX OFFICIO SHERIFF OF LUMPKIN COUNTY, as GRANTOR, and JARROD HATCHER as GRANTEE.

WITNESSETH THAT, WHEREAS, in obedience to writ(s) of Fieri Facias issued against Moore, Mary Jane, the Taxpayer and Defendant in Fieri Facias, for unpaid State, County and School taxes for the year(s) 2010-2016, said Tax Commissioner and Ex Officio Sheriff did levy the within property as property of Worthington, William Bryan Moore, Mary Jane, serve notice, and, after the same being duly advertised agreeable to law, expose the said property within the legal hours of sale, at public outcry before the Courthouse door in LUMPKIN County on SEPTEMBER 5TH, 2017, offering the whole said lot for sale, at which time the GRANTEE herein was the best and highest bidder of said property.

NOW, THEREFORE, in consideration of the sum of \$12,988.72, receipt of which is hereby acknowledged, the said GRANTOR, does grant, bargain, sell and convey, so far as the Office of Ex Officio Sheriff authorizes him, unto the said GRANTEE, heirs and assigns, said property to wit:

All and only that parcel of land designated as Tax Parcel 081 028, lying and being in Land Lot 122 of the 11th Land District, 1st Section, Lumpkin County, Georgia, containing 7.04 acres, more or less, described in Deed Book 1203, Page 457, the description contained therein being incorporated herein by this reference, known as 247 Perkins Road.

TO HAVE AND TO HOLD the said described premises, together with all the rights, members and appurtenances thereof; and, also, all the estate, right, title, interest, claim or demand of the said Taxpayer and Defendant in Fieri Facias, heirs and assigns, legal, equitable or otherwise whatsoever, in and to the same, unto the said GRANTEE, heirs and assigns, subject to the right of redemption as provided by law. Said property is sold subject to all recorded easements, covenants, and right of ways in the said county land records.

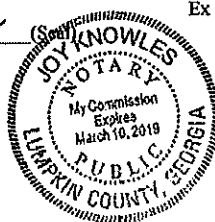
IN WITNESS WHEREOF, the said GRANTOR has signed and sealed this deed, the date first above written.

Signed, Sealed and delivered
in the presence of:

Michael Carlyle (Seal)
Unofficial Witness

Jay Knowles (Seal)
Notary Public

Rachel Pruitt (Seal)
Rachel Pruitt, as Tax Commissioner and
Ex Officio Sheriff of LUMPKIN County, Georgia



File & Return To:
JARROD HATCHER
808 HOMER EDWARDS RD
DAHLONEGA GA 30533

DOCH 004901
FILED IN OFFICE
10/24/2017 09:00 AM
BK:1373 PG:524-524
RITA HARKINS
CLERK OF COURTS
LUMPKIN COUNTY

Rita Harkins
REAL ESTATE TRANSFER TAX
PAID: \$0.00

093-2017-001945

State of Georgia
LUMPKIN County

TAX PARCEL ID: 067 025
SEPTEMBER 2017 FILE: 48

SHERIFF'S TAX DEED

THIS INDENTURE, made this SEPTEMBER 5TH, 2017, between the TAX COMMISSIONER AND EX OFFICIO SHERIFF OF LUMPKIN COUNTY, as GRANTOR, and JARROD HATCHER as GRANTEE.

WITNESSETH THAT, WHEREAS, in obedience to writ(s) of Fieri Facias issued against Harbin, Barry K, the Taxpayer and Defendant in Fieri Facias, for unpaid State, County and School taxes for the year(s) 2014-2016, said Tax Commissioner and Ex Officio Sheriff did levy the within property as property of Harbin, Barry K, serve notice, and, after the same being duly advertised agreeable to law, expose the said property within the legal hours of sale, at public outcry before the Courthouse door in LUMPKIN County on SEPTEMBER 5TH, 2017, offering the whole said lot for sale, at which time the GRANTEE herein was the best and highest bidder of said property.

NOW, THEREFORE, in consideration of the sum of \$3,000.00, receipt of which is hereby acknowledged, the said GRANTOR, does grant, bargain, sell and convey, so far as the Office of Ex Officio Sheriff authorizes him, unto the said GRANTEE, heirs and assigns, said property to wit:

All and only that parcel of land designated as Tax Parcel 067 025, lying and being in Land Lot 340 of the 13th Land District, 1st Land District, Lumpkin County, Georgia, being Lot 4, Chestatee Shores Subdivision, shown in Deed Book H-2, Page 599, described in Deed Book T-20, Page 91, and Deed Book T-20, Page 93, the description contained therein being incorporated herein by this reference, located on Lumpkin County Park.

TO HAVE AND TO HOLD the said described premises, together with all the rights, members and appurtenances thereof; and, also, all the estate, right, title, interest, claim or demand of the said Taxpayer and Defendant in Fieri Facias, heirs and assigns, legal, equitable or otherwise whatsoever, in and to the same, unto the said GRANTEE, heirs and assigns, subject to the right of redemption as provided by law. Said property is sold subject to all recorded easements, covenants, and right of ways in the said county land records.

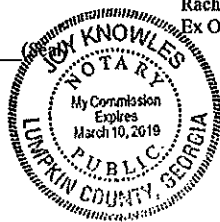
IN WITNESS WHEREOF, the said GRANTOR has signed and sealed this deed, the date first above written.

Signed, Sealed and delivered
in the presence of:

Michael Coughlin (Seal)
Unofficial Witness

Rachel Pruitt (Seal)
Rachel Pruitt, as Tax Commissioner and
Ex Officio Sheriff of LUMPKIN County, Georgia

Jay Knowles
Notary Public



Owner Information

HATCHER JARROD
808 HOMER EDWARDS RD
DAHLONEGA, GA 30533

Payment Information

Status	Paid
Last Payment Date	11/17/2022
Amount Paid	\$899.66

Property Information

Parcel Number	081 028
District	1 LUMPKIN CO UNINCORP.
Acres	7.04
Description	7.04 ACS LL 122 LD 11-ORG HALL
Property Address	247 PERKINS ROAD
Assessed Value	\$36,339
Appraised Value	\$90,847

Bill Information

Record Type	Property
Tax Year	2022
Bill Number	7272
Account Number	44444
Due Date	12/01/2022

Taxes

Base Taxes	\$899.66
Penalty	\$0.00
Interest	\$0.00
Total Due	\$0.00

RECEIPT		DATE <u>7/6/23</u>	No. <u>989297</u>
RECEIVED FROM <u>Jarrod Hatcher</u>		<u>\$255.00</u>	
<u>CK # 536</u>		DOLLARS	
☐ FOR RENT		<u>Variance - front setback</u>	
☐ FOR			
ACCOUNT		☐ CASH	
PAYMENT	<u>255.00</u>	☒ CHECK	FROM <u>1</u> TO
BAL. DUE		☐ MONEY ORDER	
		☐ CREDIT CARD	BY <u>Ays</u>
			3-11



Agenda

Lumpkin County Planning Commission

August 14, 2023 – 5:30pm

Kelley Building
342 Courthouse Hill, Planning Commission Board Room
DAHLONEGA, GEORGIA 30533

CALL TO ORDER

David Woodward called the meeting to order at 5:30pm.

CONSIDERATION OF AGENDA

David Woodward asked if there was a motion to approve the agenda. Robin Hall made a motion to approve. Chris Adams second the motion. The motion was passed unanimously.

APPROVAL OF MINUTES

- July 10, 2023 Planning Commission
- July 18, 2023 Planning Commission

David Woodward asked if there was a motion to approve the minutes from the July 10, 2023 meeting, as well as the July 18, 2023 meeting. Chris Adams made a motion to approve. Robin Hall second the motion. The motion was passed unanimously.

VARIANCE REQUESTS

- Jarrod Hatcher requesting a variance per Chapter 26-253 (a) & (b) (2) – Building setback lines. The setback requirement from the road right of way in a Class I subdivision is 50 ft. The request is for a reduction to 20 ft. The property is located at 247 Perkins Road.

Staff explained that Jarrod Hatcher's request was not for a class I subdivision, that the class I is already approved. The request was to consider a variance to the setback to one of the new lots within the class I. Jarrod Hatcher took the podium and explained that the property in question is 247 Perkins Road and he had purchased the property in 2017 at a delinquent tax sale, and he obtained clean title in 2020. The applicant took official possession of the property in 2021. The applicant explained that he evicted several people that had been living on the property in campers and tents, and utilizing the property for a trash dump. The applicant said he removed 8 30 yard dumpsters full of trash from the property. He stated that everyone in the community would agree that he had already improved the property. The applicant stated he was asking for a 30 ft reduction in setback on the property. The applicant explained that he would be building a home in the same footprint of a mobile home that used to be located on the property. The applicant explained that building any further back from where the mobile home was, that was the steeper the property became, dropping 20 ft. over a 40 ft. span. The applicant explained that building further back would result in a less appealing home. The applicant explained that by approving the variance, it would allow him to build a home without stairs that would be easily accessible. Staff stated that displayed on the screen was his conceptual site plan, and asked the applicant to walk the planning commission through his site plan. The applicant explained that there is an existing septic tank and drain fields to support a two bedroom home, however, he plans to replace the system with a larger one to support a three bedroom. The applicant demonstrated the septic tank permit on the screen that was permitted in 1988. Danny Clark asked if the proposed 20 ft. setback was based on where the mobile home simply was. The applicant stated that it was, and it is the best most suitable place on that lot for a home. Robin Hall asked if there was any comment from any of the neighbors. The applicant stated that he has had neighbors call and thank him for getting the people that were living in tents and RVs off the property. Staff read an email that was sent to Rebecca Mincey in opposition of the variance. The applicant corrected what the email said and stated that

his request was 20 ft from the road right of way, which is 30 ft, not 20 ft from the road, and stated that that person must be confused. David Woodward asked if it would be 35 ft. total off the center, and the applicant responded that was correct. David Woodward stated that the road was a prescriptive easement. Danny Clark asked if he was going to replace the septic tank. The applicant said yes. David Woodward stated he is very familiar with the area and does not, in recent years, remember a trailer being there. The applicant stated he did not know exactly when the trailer was there, but it was not there since the time he purchased it at a tax delinquent sale in 2017. The applicant stated that had the trailer been there within the last two years, the planning office could have allowed him to get a building permit if it was within the same footprint of where the trailer was. David Woodward said he thought it had been at least 20 years. The applicant again stated he did not know. David Woodward said he lived off Dry Hollow right in the back [of the property in question], and he did not recall it being there in the last 20 years. The applicant said the septic permit was from 1988, so sometime since then. A citizen took the podium stating he lives in the second to last house on Dry Hollow Road, since 2007. The citizen stated he was curious about the process and did not know what was going to be there, so he decided to come to the meeting tonight. The citizen said he still didn't have clarity on what was going there; all he understood was that we were talking about one house of many. Staff explained that in totality, a class I subdivision was going there [the property in question], which is three houses. The citizen asked if the houses were going 35 feet off the road. An unidentifiable planning commission member or members said 35 feet from the centerline. Danny Clark clarified that just one house is proposed to be 35 feet off the centerline. The citizen said they were concerned that it is a one lane road, and as things progress, that road will take a beating. David Woodward said that he didn't think there was precedence on that road that has a variance for a setback. Another citizen took the podium and said he lives at the end of the road and he was an undercover drug agent and he busted the trailer when it was there. The citizen said the trailer can't be seen from the road, and if the applicant builds there, it would be fine. The applicant said that the problem is, the traffic will be bad. The citizen went on to say if someone wants to put a venue in, then you [the planning commission] will have to let him do it [build a house 20ft from the road ROW]. Another citizen took podium stating she lives off of Dry Hollow Road and came to the meeting to educate herself on the process. The citizen said her concern was that the road was narrow, 15mph, and where the driveway would be placed. The citizen said this [variance] was more of a safety and health issue. The citizen said it was a good piece of property to be requesting a variance for. The applicant said Perkins Road is a secondary road and that there are only two houses on it. The applicant said Dry Hollow is just as narrow and has more houses than Perkins, but that is out of his control. David Woodward asked if he knew that was a prescriptive easement, that the road would have to be deeded to the county, in order for the county to widen it, but that's not a Planning Commission discussion. A citizen asked from the audience if the applicant was moving into this house [the one with the variance to the setback]. The applicant said no. The citizen said that's what he had figured. The applicant stated he already has a home that he lives in, that he does not need to move into the [proposed] house. The citizen made a statement/question to the applicant saying that he was going to mess their road up, just to put somebody else's house there. The applicant responded to the citizen stating he wasn't messing up any roads, that he's building three houses on a road that currently has two houses. Danny Clark asked if we could take a step back for a moment and discuss the hardship variance and understand why the variance is being requested. The applicant clarified that he isn't claiming to have a hardship. The applicant explained that he's requesting to build a house where there was a trailer at one time [which happens to be in the current regulations' setback]. Barbara Bosanko asked if the house was torn down. The applicant stated the trailer was moved prior to him purchasing the property. Barbara Bosanko asked if the home would be built in the same footprint. The applicant said the trailer was a single wide and he is building a house, so he would imagine the house would be bigger. A citizen asked if there were any plans to widen Dry Hollow Road. Any response from the planning commission to that question is inaudible. A citizen took the podium and said they lived in the second to last house on Dry Hollow Road. He asked if the planning commission approves the setback to be 20ft for this property, what is the purpose of the 50ft requirement. The citizen asked if it was common to not have a hardship and simply be granted the request to reduce to 20ft. The applicant went on to sum up his questions by restating his question of what is the purpose of having a 50ft requirement. Chris Adams said it was on the applicant to explain their request and on the Planning Commission to determine if there is just cause to grant the variance. Danny Clark said this is why he was asking what the hardship was, because 50ft is the requirement, and typically a hardship is why an applicant asks for a variance. The applicant said the reason he was asking for the variance is because the site is existing, it is graded for a home already. Danny Clark said that doesn't meant it was right. When

that trailer was put in, there probably weren't regulations and a Planning Commission in place to manage these things. The applicant reiterated that the property is already graded for a home in the location that the trailer was in and after that, the property becomes very steep – 20ft drop over 40ft long. The applicant said it's possible to build on the steep lot, but why would you do that when the site is graded where it is. Danny Clark said he understood the topo issue, but he also understands that you can build on the property [and adhere to the setback requirement]. Danny Clark continued to explain that there are issues with how close this would be to the road, and where the trailer was is sort of a moot point because it was there before we had standards in place. The applicant said you cannot go back in time and change the fact that the site is graded. Danny Clark said he was aware of that, but also aware that he can build a house 50ft back from the ROW. The applicant said he can, but there will be three basement walls sticking up. Danny Clark reiterated that the applicant can do that. The applicant said he can do that, but that's not the most appealing thing. Danny Clark said he was aware of all of the limitations, but the county standards are 50ft. The applicant said that's why he is here today. Danny Clark said we have to think about what is realistic. The applicant said a 30ft reduction is what he needed, that he's not asking for anything that is not realistic or that he does not need. Danny Clark said that we are going from 50ft to 30ft and there are people [in the audience] questioning that. Danny Clark once again asked what is the hardship. Barbara Bosanko said you're [the applicant] not giving us a hardship. The applicant said topography [is the hardship]. Barbara Bosanko asked when the mobile home was there. The applicant said the septic permit was pulled in 1988 and he didn't know when the mobile home was removed. David Woodward said he believes it was pulled before 2007. David Woodward asked if there was a motion. Danny Clark made a motion to deny. Chris Adams second the motion. The motion was passed unanimously. Barbara Bosanko said okay [?]. The applicant asked if Barbara Bosanko was asking him, or telling him. Barbara Bosanko said denied. Barbara Bosanko asked if the applicant knew where to go from here. The applicant said he would figure it out. Barbara Bosanko said we [planning commission] don't want you to leave. Staff said the applicant can leave [if he wishes] and that they had already been working with the applicant on the class I subdivision.

- Kristina Long request for two (2) variances per Chapter 26-252 – Panhandle or flag lots. Lots 5, 6, 7 and 8 will have flag pole lengths that exceed 250 feet. The second (2nd) variance request is per Chapter 26-61 – Class II Subdivision. The proposed Class II subdivision will have four (4) flag lots instead of the maximum limit of two (2).

Staff explained that Kristina Long is requesting 2 variances for the panhandle lengths and number of flag lots for a potential class II subdivision. The applicant will not be asking for a final subdivision approval tonight, just the variances. She will come back at a later date for a final subdivision plat approval. Barbara Bosanko said she came to the Planning office and it was her understanding that the applicants wanted to understand the feel for the number of flag lots. The applicant said that they want to try to maximize what they can do with the land. The applicant explained that they bought the 11+ acres off of Camp Wahsega Road to build their dreamhouse. The applicant said inflation and rate increases have caused them to become priced out of the market. The applicant said they want to subdivide the property in order to get money to fund their own house. The applicant explained that they met with Davis Engineering and they are the ones that recommended the layout [displayed on the screen]. Davis Engineering told them to get approval on the conceptual plan and go from there. The applicant explained that they are asking for the flag pole lengths for lots 5-8 to have their poles extend beyond the 250ft limit. The applicant said Davis Engineering told them that there is a precedent set already, as an adjoining property has a similar layout. The applicant said they are also asking for a variance on the number of flag lots, that the maximum number of flag lots is 2 and they are asking for 4. The applicant said that this was the nature of the land, that they do not have a lot of road frontage, but the property goes back deep. Barbara Bosanko asked if they were going to sell the flag lots. The applicant said they didn't know. The applicant said they wanted to build a house for themselves, but they just did not know until they meet with the builder. The applicant said they did not know how much they would need to subdivide the property in order to make it affordable. The applicant reiterated that Peyton Anderson told them to ask for more because it's better to ask for more, and then if you do not use it, you can size it back down. Barbara Bosanko asked them to clarify if they were asking for the potential of the subdivision. The applicant said yes. Barbara Bosanko said she didn't think we have had one of these, and asked the rest of the board. Danny Clark said not exactly, and went on to make a statement that the applicant was asking them to approve something that was not complete. The

applicant clarified that they are asking to go to eight lots on this property. Barbara Bosanko asked if they were asking for approval of the flag lots. The applicant said yes. Barbara Bosanko said we've never had this in the history of [trailed off]. Danny Clark said no, but he understood what the applicant was doing. Danny Clark said the applicant is trying to understand the yield they can get on the property. Danny Clark said there are five flag lots with a shared driveway. Danny Clark said looking at it from a 50,000ft view [trailed off]. David Woodward asked what the road frontage was. The applicant said he wanted to say it was about 900ft. Staff said it was about 500ft on a public. The applicant explained that even though they are asking for four flag lots, it wasn't like they were asking for four separate driveways, that it was one driveway that breaks off with each house. The applicant informed the planning commission that Jason Davis with Davis Engineering was with them [at the podium]. Barbara Bosanko announced to Jason Davis that we [the planning commission] have never had one of these before. Staff explained that by "these," Barbara Bosanko meant that we've never had a request for variances on a conceptual plan before. Jason Davis said we may have done this next door, and he thought that that project also had some of the work done ahead of time, but nonetheless, it's a mirror image of what the applicant is trying to accomplish. Barbara Bosanko said that it [the neighboring project] was not a pre-approval, that we did not do it like this. A citizen and another applicant for an agenda item, Lee Gaddis, spoke up and stated the project Jason Davis is speaking of was his. Jason Davis reiterated that they need to hear from the county if the requested variances are going to be approved, prior to continuing to go down the path that they have presented conceptually. Staff explained to the planning commission that the approach the applicant is taking is very reasonable, that it would not make any sense for them to spend money paying Davis Engineering to create a final plat if it won't get approved. Barbara Bosanko asked if they were having a financial burden. The applicant stated that they were having a financial burden, that if they weren't, they would just build their house on the entire eleven acres. Danny Clark asked to go back to the site plan and look at the shared driveway. Danny Clark said that it was a nice design because it was curvy and not a straight shot. Danny Clark said he understood what the applicants were trying to do. Jason Davis said that there were other designs that they had come up with, but this one [the shared driveway displayed on the conceptual plan] looked the best. Danny Clark said the driveway has him the most intrigued, that it was not a straight shot, that it was a nice, well thought out, design. Danny Clark said he was not a fan of flag lots, but let's be honest, we live in the mountains, there's only so much you can do – it's not like we live in Florida, even though we still have flag lots in Florida, but Florida is flat, we can do a lot. Barbara Bosanko asked what was going to happen to the property that abuts the road. Staff asked Barbara Bosanko if she was referring to the flag pole lengths that are adjacent to the driveway. The applicant stated they did not know, that they had not even met with a builder yet, so once they understand the cost of the project, they could potentially end up with less flag lots. Danny Clark said that it was a difficult position that they [the applicant] are putting them [the planning commission] in because they are presenting a plan, and if the planning commission approves it, they must execute exactly what was approved, that it cannot be changed. Danny Clark asked to be corrected if he was wrong, but if the applicants get out there and find that they can't do the flag lots, then they're back to square one. The applicant said that's why they were there, to get the flag lots approved and cut back if necessary, later. The applicant said he thought it would be better to present it this way. Danny Clark said yes, absolutely. Barbara Bosanko and Danny Clark said this is what we are going to approve. The applicant said yes, that in his mind, this was worst case scenario. Ideally, the applicant's house would be in the very back and this is what it would look like, but he's never designed a neighborhood before and is just trying to see how he can maximize his property. Staff explained that the applicant is trying to understand if the planning commission will approve up to four flag lots and up to four flag poles that exceed 250 feet – that the conceptual design currently being presented is not complete, and once complete, the applicant will be required to reapply for a final plat review. Staff explained that the applicant does not want to proceed with final engineering if the decision is made that the planning commission will not consider up to four flag lots and four flag poles that exceed 250ft on this tract of land. Staff explained that their final plat will show no more than what is approved. The applicant said when they come back, they will be asking for less variances and less flag lots. The applicant explained that once again, this is worst case scenario – they want to know how they can maximize their property. They want to know what is approved, and they can scale back from there. Chris Adams asked if they were asking if they can have more than 2 flag lots and flag poles that exceed 250ft. The applicant said yes. Danny Clark said he liked the layout, that he is not a fan of flag lots, but he liked what had been done. Jason Davis said this layout would provide nice seasonal views [for the homesites]. Jason Davis explained that no matter how many driveways they end up with, the driveway will follow the same path. Jason Davis explained that if

there is something on the back lots that prevent them from being buildable, they would combine the tracts, but the layout would be exactly the same. Chris Adams said if it weren't for the road frontage requirement, we wouldn't have this design anyway. Robin Hall added that none of the splits can be landlocked, that they have to have physical access to the road. A citizen and a separate applicant, Lee Gaddis, stated he was the developer that had constructed the neighboring subdivision and explained that he had considered purchasing this lot at one point. Lee Gaddis explained that had he purchased it, he would have designed it the same way. Lee Gaddis explained that they have to follow the ridgeline in order to be able to use the property that they have. Lee Gaddis explained that when he designed the neighboring subdivision, he did in fact, as Jason Davis stated, come before the planning commission to ask for the variances ahead of time. Lee Gaddis explained that there is a pond in the back of the property, so therefore what the applicants are presenting is really the only way to develop this piece of property. Lee Gaddis explained that he ended up with three flag lots on his neighboring development. The applicant said he is a pilot, so one of the appealing things about this property was the airport. Nobody in the audience took the podium to speak. Barbara Bosanko asked if there was a motion. Robin Hall made a motion to approve. Danny Clark second the motion. The motion was passed unanimously.

- Lee Gaddis requesting a variance to Chapter 26-59 (2) of the Lumpkin County Land Development Regulations to subdivide property within a two-year period located at 40 Grainger Road.

Staff presented that Lee Gaddis is requesting to divide two of the lots in a class I subdivision within a two year period. Lee Gaddis took the podium to explain that he's been working on this property for a little over a year. Lee Gaddis handed out a packet to each staff member and planning commission member. In the packet was a conceptual plan for the two divides he was requesting, as well as, several emails from neighbors. The purpose of the emails was to show that there was no opposition. Lee Gaddis explained that initially they subdivided 2 of the lots in the class I to two acres each. Lee Gaddis further explained that plans had changed, that he wanted to build a house for his daughter and his business partner wanted to build a house for his daughter. Lee Gaddis explained that they were building four houses to begin with, and are still building four houses. Lee Gaddis explained that he is not changing setbacks, not changing density, that what he's asking is to re subdivide two of the lots within the two year window. Lee Gaddis explained that there are no changes, the only change is each house will be deeded over to separate people. Barbara Bosanko asked if these homes were for family. Lee Gaddis said yes, three bedrooms and two bathrooms. A citizen took the podium to state he was at the meeting to find out what was going on. Barbara Bosanko asked if there were any setback issues. Lee Gaddis said there were some previous questions about setbacks from easements, however he worked with staff to plan out his building sites in accordance with setback requirements. The citizen asked where the driveways were going, and Lee Gaddis answered the question utilizing the plan that was displayed on the screen. The citizen said he wanted to make sure it was not going to end up as ten houses going up instead of five. There were no further comments or questions. Barbara Bosanko asked if there was a motion. Chris Adams made a motion to approve. David Woodward second the motion. The motion was passed unanimously.

REQUEST FOR APPROVAL

- William Cunningham requesting approval; per Chapter 26-71 (b), – Requirements for splitting parcels in a platted subdivision - in order to split a parcel one (1) time in Etowah Crossing, lot #'s 6-11, located at 68 Hemlock Trail.

Staff presented William Cunningham's request to divide a subdivision lot. The lot is a splitable tract. The original and new parcels will not fall below the average acreage of the subdivision, which is 1.3 acres. This is not a variance; all subdivides in a subdivision must go before the planning commission. Staff suggested if the division is approved, that it be contingent on environmental health's approval because there are still some soils that need to be done. The applicant took the podium and restated that they are looking to split their parcel and that it's pretty simple. The applicant explained that per Lumpkin County code of ordinances, you can have two houses on one parcel anyway, so when they build their second residential structure, it's better to be a separate parcel. The applicant said neither parcel will fall below two acres, which is way above the average lot size in the subdivision. The applicant said they had been working

closely with Michelle, and that she had contacted several soil testing companies who have not returned any of her calls. Michelle Charriez said their initial plans did not work because it was cutting off the back up septic area for their current house, so they needed to alter their plans and get soil testing done on a different area. The applicant said they could not move forward [with the subdivide] until they got their soils done and approval from Michelle. A citizen took the podium stating he lives at 85 Hemlock Trail. The citizen asked where, specifically, on the property will the new house be built. The applicant utilized the plat that was displayed on the screen to show approximately where the house and driveway would go. The applicant said the house would be small, around 500-600 square feet. Barbara Bosanko asked what the house will be for. The applicant responded that it would be for a short term rental. The applicant further explained that they plan to keep the property in their family. Barbara Bosanko asked if doing a short term rental was feasible in that area. The applicant said their house that is currently on the property is already a short term rental that is in compliant with all Lumpkin County requirements. A citizen asked what the side setback is. Staff stated it was twenty feet. Barbara Bosanko asked the citizen if they lived to the side of the applicant. The citizen said that based on the way their property lines were laid out, they live in the front and to the side. Barbara Bosanko asked the citizen if that is their permanent residents, and the citizen said that it was their second home. Staff said that the citizen owns two tracts of land, and the tract in between their residence and the applicant's residence is vacant. The applicant said that their new house will not be able to be seen from the citizen's house. Barbara Bosanko asked the citizen if they rent their home out, and the citizen said no. The citizen asked where the driveway will be. Barbara Bosanko said the applicant already showed us that, the driveway will be from the cul-de-sac. The applicant said the driveway will be shared between their two homes, and that you have to have 30ft of road frontage on the subdivision road. The citizen asked where the trash cans will be and noted that they currently look at the trash cans off their front porch. The applicant said if they put their trash cans any further back, the trash company will not pick their trash up. Barbara Bosanko said that's not our problem. The applicant said although this topic has nothing to do with what were here to ask for, we can move our trash cans to the other side if that will make you feel better, but the trash cans have always been there. Barbara Bosanko asked if there was a motion. Robin Hall made a motion to approve. David Woodward second the motion. The motion was passed unanimously.

OLD BUSINESS

- Steve Sylvester July 18, 2023 Planning Commission Meeting; building setback variance to ingress/egress easement for a detached garage, per Chapter 26-253 (a) & (b) (2), (5) - Building setback lines.

Barbara Bosanko asked what we have that's new for tonight. The applicant said nothing, that the request was thoroughly discussed at the last meeting. The applicant said the planning commission asked for some more time to review what was presented. Barbara Bosanko asked once again if he had anything new to add. The applicant said no. Barbara Bosanko asked if everyone was familiar with the request, and confirmed that Chris Adams sustained. Chris Adams restated that he is an adjacent property owner and has a unique interest in the request, so he will once again, abstain. Robin Hall said there was another structure on the same road that was around the same distance as what the applicant was requesting the variance. Staff explained that we did examine the deeds and plats from that particular property, and there was a lot of conflicting information. Staff explained that at the time that structure was built, we could not determine what information would have been available to that inspector at that time. Barbara Bosanko asked ...so what do we know? Nothing? Staff said nothing more than ... [trailed off] and Barbara Bosanko finished off with ...what it is. David Woodward said there is no precedence on Stancil Dyer for a setback variance. David Woodward said that at the last meeting, there was a perception that there might have been a variance granted for that other structure. Staff said that there was no variance on file for a setback off Stancil Dyer. Barbara Bosanko asked if there was a permit. Staff said there was a permit, however, it is closed at this point. Barbara Bosanko asked if this was a moot point with the county. Staff said that that project is done. Barbara Bosanko reiterated the project is closed. Staff said yes. Barbara Bosanko asked where we go from here. Danny Clark said that he goes back to the original discussion – that there are issues outside of the planning commission's control. Danny Clark said that if he remembered correctly, he had a site plan and the contractor put the building structure in the wrong spot. The applicant interjected and stated no, that is not correct. The applicant said he had a site plan, and the site plan consisted of

marking an “x” with a circle around it, indicating where the garage would be constructed. The applicant stated that it was hard to tell exactly where the “x” is in relation to the road. Robin Hall stated that he must disagree with the applicant’s comments. Robin Hall went on to explain that the “x” is very clearly marked on the plat, and it’s a lot further back than where the garage has actually began to be constructed. Danny Clark stated a hypothetical situation in which somebody walks into the planning department and states that they want to apply for a permit to build a building. Danny Clark explained that at the end of the day, it is up to the contractor who is hired by the homeowner to build within our land development codes – that it’s his responsibility to know where your property lines are. Danny Clark said he has issues with this because his contractor did not do the right thing because your foundation has already been poured ... the applicant interjected stating no, the concrete has not been poured – that all he has is the footers dug and a cleared place to pour concrete. Danny Clark said that his understanding was that the footers had already been dug. Staff said no, they have been dug. Danny Clark said that he wanted to say that he asked that question and could have sworn ... the applicant said no, I specifically said at the last meeting that I have not poured concrete yet, and I remember Barbara saying “thank goodness.” Danny Clark said he remembers discussing at the last meeting that footers had been dug, and asked if the rebar had been placed. The applicant said that the rebar had been placed. Danny Clark clarified that no concrete had been poured. The applicant said no concrete. Barbara Bosanko said that Robin said that the applicant brought in a diagram that showed the “x.” Robin Hall said that’s what was brought in, and Barbara Bosanko said that was right, that that was brought to the building department. Barbara Bosanko said that there was a comment made that was regarding building the garage where the circle was placed on the plat, and that the applicant had indicated that they prefer not to. The applicant said that that was correct. Barbara Bosanko repeated her understanding of the last meeting that the applicant claimed there was nowhere else to put it. The applicant said well, like the other gentleman [Jarrod Hatcher/1st agenda item] said, you can put a building anywhere, but they would not prefer it to be anywhere else besides where they have located it. Barbara Bosanko asked if it could be located anywhere else on his property other than where it is now. The applicant said yes, there are 13 acres, so you can put the building somewhere else, however it’s going to require walls, that the further back from the road, the taller the slope. Doing so would require more concrete and taller walls, and more inaccessible to the house. The applicant said that when they planned out where the garage was going, they planned it in a convenient area, for example, thinking about how far they will have to walk when carrying groceries. Danny Clark said just like he mentioned to the last gentleman [Jarrod Hatcher/1st agenda item], that’s not a hardship. Danny Clark said that in order to apply for a variance, you have to have a hardship case and you have 13 acres. Danny Clark explained that the reason we have development codes is to provide for setback regulations. Barbara Bosanko said yes. David Woodward asked if the applicant planned to put in a bathroom. The applicant said he was putting in plumbing because it made sense to do so during the building process, but had no plans to put in a bathroom. The applicant then said they may put in a toilet in the future, but has no current plans to do so. There were no comments from the public. Barbara Bosanko asked if there was a motion. Robin Hall made a motion to deny. Danny Clark second the motion. The motion was passed unanimously.

NEW BUSINESS

Staff said that the chair is up for election in September. Staff advised the planning commission that they will serve up a slate of potential candidates, and the planning commission will vote.

ADJOURN

Barbara Bosanko asked if there was a motion to adjourn the meeting. Robin Hall made a motion. Chris second the motion. The motion was passed unanimously.

Members present:

Barbara Bosanko (Chairman)

Danny Clark

OPEN

David Woodward (Vice Chairman)

OPEN

Robin Hall

Chris Adams

*Staff present: Rebecca Mincey
Jenna Ritter*

Other: Michelle Charriez, Environmental Health