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**Perry Planning Commission
Monday, July 08, 2019**

1. Call to Order
2. Roll Call
3. Invocation
4. Approval of Minutes : Approval of minutes from June 10, 2019 meeting
5. Announcements
 - a. Campaign Notice per O.C.G.A. 36-67A-3
 - b. Please silence cell phones
6. Old Business
7. Public Hearing (Planning Commission decision)
 - a. VAR-0045-2019 – 226 McEwen Court – Variance for relief of rear setback in R-3 for new construction
8. Informational Hearing (Planning Commission recommendation)
None
9. Other Business
10. Adjourn

All meetings of the Planning Commission are open to the public and are held at Perry City Hall located at 1211 Washington Street, Perry in Council Chambers at 6:00 pm unless otherwise posted

**Perry Planning Commission
Minutes- June 10, 2019**

1. Call to Order : Chairman Edwards called the meeting to order at 6:02pm.
2. Roll Call: Chairman Edwards; Commissioners Coody, Clarington, Griffis, and Mehserle were present. Commissioners Burkart and Jefferson were absent.

Staff: Bryan Wood – Community Development Director and Christine Sewell – Recording Clerk.

Guests: Clay Smith, Chad Bryant, and Alice Ritchie

3. Invocation : was given by Commissioner Clarington
4. Approval of Minutes : Approval of minutes from April 08, 2019 meeting
Commissioner Clarington motioned to approve as submitted; Commissioner Coody seconded; all in favor and was unanimously approved.
5. Announcements
 - a. Campaign Notice per O.C.G.A. 36-67A-3 and please silence cell phones – Chairman Edwards referred to the notices.
6. Old Business - None
7. Public Hearing (Planning Commission decision)
 - a. APPL-36-2019. Greystone Subdivision – Appeal of Administrator’s decision regarding expiration of preliminary plat approval

Mr. Wood advised the applicant had received preliminary plat approval in 2006, but never received approval of a final within one year of the preliminary plat approval. The applicant is requesting the approval remain in place to allow the project to move forward. It was noted there are no specific criteria for the appeal. Mr. Wood further advised that the current one year time period for a final plat is perhaps not realistic because of the time needed to prepare plans, have the City review and issue a land disturbance permit, then complete construction. Mr. Wood noted the applicant had completed a substantial amount of work in the area to move forward with the project, which included infrastructure improvements, land clearing, lift station, and regional detention pond.

Chairman Edwards opened the public hearing at 6:07pm and called for anyone in favor of the request.

The applicant Mr. Clay Smith advised approval had been given for a lift station and regional pond as a requirement from the City. Unfortunately the area in question during the time of development had been involved in a civil suit which had since been resolved, which was a delay for the project. Mr. Smith reiterated that at his expense sewer was brought to the property that

will serve the area, including the school. Mr. Smith advised compliance had been met with regards to City requirements.

Chairman Edwards called for anyone opposed. Mrs. Alice Ritchie of 230 Langston Road advised traffic is a concern for the area if the development was to proceed, the schools will be burdened, stormwater runoff concern, and the area needs more greenspace and recreation.

There being no further comments Chairman Edwards closed the public hearing at 6:26pm.

Commissioner Griffith asked for an explanation on the difference between construction plans and a plat. Mr. Wood advised the construction plans include the topography, grading, hydrology report, utility layout, where as a plat is just a drawing of the lot layout and dimensions.

Discussion ensued with the board and Mr. Smith who noted the property has been cleared for streets and stormwater and the initial roadways laid out. Mr. Chad Bryant, Bryant Engineering advised updated soil & erosion requirements will be done to ensure compliance with state regulations.

Mr. Wood noted there needs to be a time frame as it may be unrealistic for the work to be completed as required and one platted lot in a year. Commissioner Mehserle requested clarification on the City requirements from the developer. Mr. Wood noted in the staff report there were conditions if approved that should be adhered to, to which Mr. Smith concurred with.

Commissioner Mehserle motioned to grant the applicant to move forward based on the approval of the staff analysis and the conditions proposed: 1). The design engineer shall verify the original design complies with current stormwater regulations; 2). Fire hydrant spacing shall comply with current City requirements; 3). The applicant shall obtain a new Land Disturbance Permit; and 4). A final plat for at least one lot shall be submitted for approval by December 31, 2020; Commissioner Griffiths seconded; all in favor and was unanimously approved.

- b. VAR-35-2019. Greystone Subdivision – Variance from Sec. 2-3.11.2 of the LMO to extend expiration of previously-approved preliminary plat

Mr. Clay Smith, applicant, withdrew application, due the favorable determination in the appeal.

8. New Business

- a. PLAT -20-2019. Breland Chase, preliminary plat for 37-lot Conservation subdivision

Mr. Wood read the request which was for approval of the preliminary plat for a Conservation Subdivision, under the provisions of Sec. 5-6 of the Land Management Ordinance (LMO). The Commission determined the property to be suitable for a conservation subdivision in December 2018. The site consists of 12.87 acres. The applicant is proposing to provide 50 percent open space (6.47 acres). Using Table 5-6-1 of the LMO, the maximum density for this site is 37 lots. 39 lots are proposed. Therefore, two lots must be removed. The proposal complies with all other dimensional standards established in Sec. 5-6. Secs. 5-6.8 and 5-6.9 of the LMO provide for the permanent protection and maintenance of the proposed open space. The required

management plan and legal instrument for permanent protection must be submitted in acceptable form to the City prior to approval of any final plat. Access to the subdivision will be via existing rights-of-way located on Frank Satterfield Road and Quinelle Drive. Two street names, Owen Court and MacKenzie Drive, have been approved by Houston County 911 office for the subdivision.

Commissioner Clarrington motioned to approve of the request as submitted with the following conditions: 1). The maximum number of residential lots shall not exceed 37; and 2). The requirements of Secs. 5-6.8 and 5-6.9 of the LMO shall be submitted in acceptable form to the City prior to approval of any final plat; Commissioner Coody seconded; all in favor and was unanimously approved.

b. PLAT -32-2019. Wind River, Phase 2, preliminary plat for 81-lot Conservation subdivision

Mr. Wood read the request, which was for the approval of the preliminary plat for a Conservation Subdivision, under the provisions of Sec. 5-6 of the Land Management Ordinance (LMO). The Commission determined the property to be suitable for a conservation subdivision in December 2018. The application applies to Phase 2 of Wind River subdivision. The site consists of 37.74 acres. The applicant is proposing to provide 50 percent open space (18.92 acres). Using Table 5-6-1 of the LMO, the maximum density for this site is 90 lots. 81 lots are proposed. The proposal complies with all other dimensional standards established in Sec. 5-6. Secs. 5-6.8 and 5-6.9 of the LMO provide for the permanent protection and maintenance of the proposed open space. The required management plan and legal instrument for permanent protection must be submitted in acceptable form to the City prior to approval of any final plat. Access to the subdivision will be via the existing Shoshone Circle, established in Phase 1 of the development. A secondary access, identified as "Road B" on the plat, is required to be connected to Rolling Acres Drive in the Woodlands subdivision using a lot the City acquired for such purpose (tax map number 0P64A0 103000). The street name "Shoshone Circle" is proposed to be extended, although the street will no longer create a circle. Street names for "Road A" and "Road B" have not been proposed.

Commissioner Griffis motioned to approve as submitted with the following conditions: 1). Prior to approval of any final plat, street names for "Road A" and "Road B" must be approved by the Planning Commission; 2). Prior to approval of any final plat, an extension of Shoshone Circle and "Road B" shall be completed to provide connection of the existing Shoshone Circle in Wind River, Phase 1, to Rolling Acres Drive in the Woodlands subdivision, at the developer's expense; and 3). The requirements of Secs. 5-6.8 and 5-6.9 of the LMO shall be submitted in acceptable form to the City prior to approval of any final plat; Commissioner Mehserle seconded; all in favor and was unanimously approved.

9. Informational Hearing (Planning Commission recommendation) - None

10. Other Business – None

11. Adjourn :there being no further business to come before the Commission the meeting was adjourned at 7:18pm.



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STAFF REPORT

From the Department of Community Development

July 1, 2019

CASE NUMBER: VAR-45-2019
APPLICANT: Patrick Barber
REQUEST: Variance to reduce rear setback
LOCATION: 226 McEwen Court; Parcel No. 0P0630 021000

SECTION OF ORDINANCE BEING VARIED: Sec. 5-2.1. Minimum building setbacks. Minimum rear setback in the R-3 district shall be 25'.

BACKGROUND: The applicant is requesting a variance to reduce the rear setback from 25 feet to 17 feet for construction of new single-family residence. See attached drawing.

STANDARDS NECESSARY FOR A VARIANCE:

1. *Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

The subject property is a pie-shaped lot located on a cul-de-sac. The depth of the lot is about 105 feet. Other lots in the neighborhood are about 130 feet in depth.

2. *Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

The house proposed on the subject property is about 60 feet in depth, which is similar to most other houses in the area.

3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

Because the lot is wider at the rear than other lots, and given the proposed layout of the house, the amount of rear yard on the subject property will be larger than that of other properties in the area.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

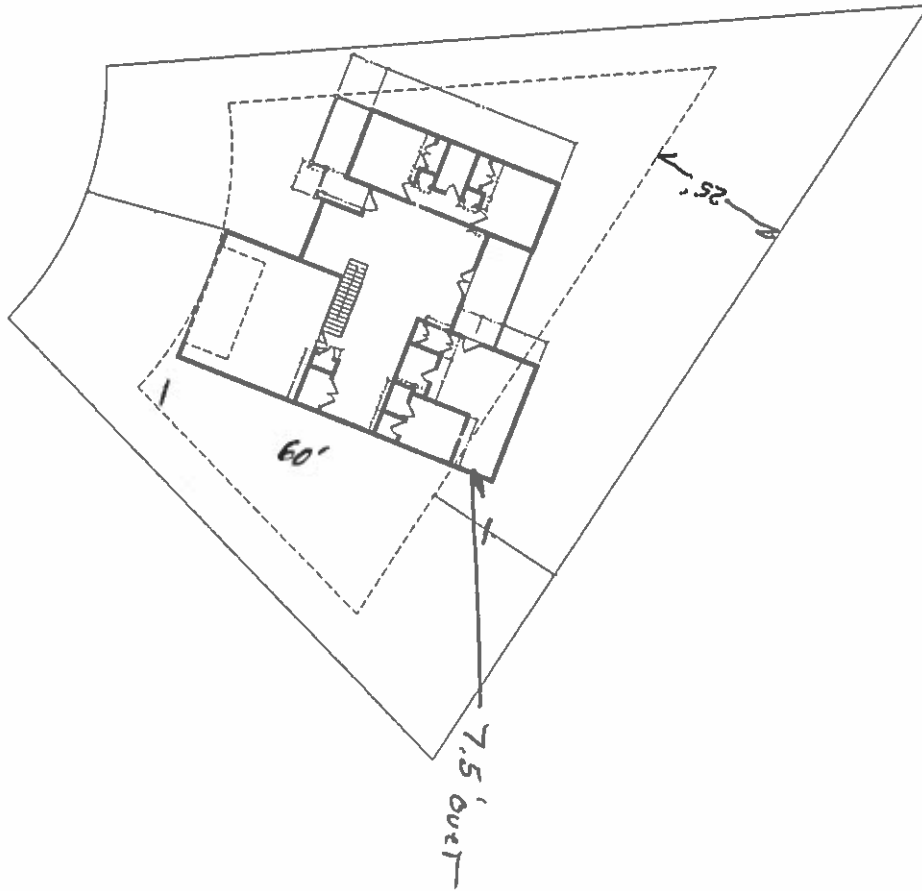
Granting the variance in this particular case will not have any impact on surrounding property owners.

STAFF CONCLUSIONS: Based on the analysis above, Staff recommends approval of the variance, provided the layout of the house substantially complies with the site plan listed as Sheet No. 4 of "A New Residence built for Daniel" dated 6/5/2019.

Pebble Creek

226 McEwen

Perry Ct



Sheet No.
4
of 4 Sheets(a)



Cornerstone
Design &
Consulting, Inc.
100 N. Patterson St.
Valdosta, GA 31601
229-269-4690

A New Residence built for
DANIEL

GENERAL NOTES

1. CONTRACTOR TO VERIFY DIMENSIONS PRIOR TO STARTING ANY CONSTRUCTION
2. ALL WORK TO COMPLY WITH ALL STATE, LOCAL AND INTERNATIONAL BUILDING CODES
3. CONTRACTOR IS RESPONSIBLE FOR ALL STRUCTURAL CALCULATIONS
4. VERIFY ELECTRICAL & PLUMBING REQUIREMENTS WITH O.C. PRIOR TO STARTING ANY CONSTRUCTION

PROJECT: DANIEL

CADD FILE: Daniel -08 -Typed D Layout

DWG SCALE: VARIES

DRAWN BY: James Decker

CHECKED BY:

DWG DATE: 6/20/14

REVISIONS:



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VAR#
Application # 0045-2019

Application for Variance

Contact Community Development (478) 988-2720

Applicant/Owner Information

*Indicates Required Field

	Applicant	Property Owner
*Name	Patrick Barber	Same
*Title	Owner	
*Address	291 Hathersage Dr Kathleen, GA 31047	
*Phone	478-342-0319	
*Email	Barberconstruction@live.com	

Property Information

*Street Address	226 McEwen Ct	
*Tax Map #(s)	0P0630 021000	*Zoning Designation R3

Request

*Please describe the proposed variance:

Attached

Instructions

1. The application and \$85.00 fee (made payable to the City of Perry) must be received by the Community Development Office no later than 4:30 pm on the date reflected on the attached schedule.
2. The applicant/owner must respond to the 'standards' on page 2 of this application (you must answer 'why' you believe the application meets the tests for granting the variance). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
3. Submit drawings, photographs or other documentation which helps describe your request.
4. The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
5. Variance applications require a public hearing before the planning commission. The property must be posted at least 15 days prior to the scheduled hearing dates.
6. Please verify all required information is reflected on the plan(s). Submit one (1) paper copy and one (1) electronic version of the plan(s).
7. An application for variance affecting the same parcel shall not be submitted more often than once every six months.
8. The applicant must be present at the hearings to present the application and answer questions that may arise.

9. Campaign Notice required by O.C.G.A. Section 36-67A-3: Within the past two years, have you, the applicant, made either campaign contributions and/or gifts totaling \$250.00 or more to a local government official? Yes ___ No ___
 If yes, please complete and submit the attached Disclosure Form.
10. The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

11. Signatures:

*Applicant 	*Date 6/8/19
*Property Owner/Authorized Agent 	*Date 6/8/19

A variance shall not be granted:

- To reduce a setback of a commercial/industrial property abutting a residentially-zoned property;
- To allow a use not permitted or prohibited in a zoning district; or
- To allow a density of development beyond the maximum allowed in a zoning district.

Standards for Granting a Variance

1. Describe the extraordinary or peculiar conditions (i.e. exceptional narrowness, shallowness, shape, or topographic conditions) that are specific to the subject property.
2. Describe how the conditions described above are not the result of the applicant's intentional disregard or willful failure to comply with the provisions of the ordinance.
3. With respect to the extraordinary or peculiar conditions describe above, describe how the strict application of the ordinance will result in undue hardship to the property owner.
4. Describe how the proposed variance is the minimum modification of the ordinance necessary to provide reasonable use of the subject property.
5. Describe how granting the variance is consistent with the purpose and intent of the Perry Land Development Ordinance and the Comprehensive Plan.
6. Describe how granting the variance will not be detrimental to the use and enjoyment of neighboring properties.

With regard to a variance requested to remedy a violation, the following standards must be met:

1. Describe why the violation cannot be reasonably remedied by any other means.
2. Describe how the act causing the violation was not deliberate, intentional, or the result of gross negligence.
3. Describe how granting the variance is consistent with the purpose and intent of the Ordinance and the Comprehensive Plan.
4. Describe how granting the variance will not be detrimental to the use and enjoyment of neighboring properties.
5. Indicate if a variance has been previously granted on the subject property, and if so, describe the variance that was granted.

Revised 1/10/2018

For Office Use (receipt code 204.0)

Date received 6/10/19	Fee paid \$85.00 ①	Date deemed complete 6/10/19	Public Notice Sign 6/7/21/19	
Date routed to PC 6/7/3/19	Report to applicant	Date of Public Hearing 7/8/19	Date of PC action	Notice of action



Application for Variance

226 McEwen Ct
Perry, GA 31069

Dear Planning Commission,

Situation:

Trying to build house on property located at 226 McEwen Ct. Currently we have earnest money to build a custom house on the property. Customer has picked a plan that is comparable to existing properties in the neighborhood. Upon drafting the lot layout it became apparent that the extraordinary shallowness along with the pie shape of the property would put us over the rear setback on the property. Customer did attempt to find a shallow house plan that would fit without a variance but has not been successful.

Particulars:

The plan picked is 60' deep. This is a very common house plan depth for houses in this size range. Anyone who has ever gone through the process of studying house plans knows the stress and struggle of finding the perfect plan. We are requesting a variance of 8' on the rear setback requirement of 25' to fit this home on the property. To the rear of the property is a retention pond and natural area that can't be built on. Therefore there will be no detrimental effect on the use or enjoyment of the neighboring properties. We have attached a map showing the adjacent homes. Practically all the homes are at least this same depth.

Remedy:

We are applying for a variance of 8' on the rear setback of 25'.

Thank You,

Patrick Barber

A handwritten signature in black ink, appearing to read "Patrick Barber", with a stylized flourish extending to the right.