



PUTNAM COUNTY PLANNING & DEVELOPMENT

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Minutes

The Putnam County Planning & Zoning Commission conducted a public hearing on Thursday, June 3, 2021, at 6:30 P.M. in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

Opening

1. Call to Order
2. Vice-Chairman Tim Pierson called the meeting to order
3. Attendance
Ms. Lisa Jackson called the Attendance.

PRESENT:

Vice-Chairman Tim Pierson
Member Maurice Hill, Jr.
Member Martha Farley
Member John Mitchell

ABSENT:

Chairman James Marshall, Jr.

STAFF:

Ms. Lisa Jackson
Ms. Courtney Andrews
Mr. Ben Schmitt
Putnam County Attorney, Mr. Adam Nelson

4. Rules of Procedures
Ms. Courtney Andrews read the Rules of Procedures.

Minutes

4. Approval of Minutes- May 6, 2021
Motion to approve the May 6, 2021 minutes made by **Member Hill**, Seconded by **Member Mitchell**
Voting Yea: **Vice-Chairman Pierson, Member Hill, Member Farley, Member Mitchell**

Requests

5. Request by **Josh & Lauren Sprayberry** for a rear yard setback variance at 149 Mags Path. Presently zoned R-1 [**Map 104A, Parcel 102, District 3**]. **Doug Dillard** represented this request. He stated that they are requesting a 30-foot rear yard variance to build a swimming pool 35 feet from the lake. He added that the evidence they provided would show that it is not uncommon in Putnam County or Lake Oconee to request a variance. **Attorney Dillard** described the property being a long and narrow-shaped lot at the end of a cul-de-sac on Mags Path, and it is also a corner lot on Capps Lane. He added that the lot characteristics

severely limit the ability to locate a pool. He asserted that there are two requirements for the granting of a variance in Putnam County. The first requirement was “Where by exceptional narrowness, shallowness or shape of a specific piece of property.” The second requirement was, “Where there are extraordinary or exceptional conditions which create an undue hardship on the property owner.” **Attorney Dillard** stated that the staff report focused on undue hardship, and he believed that they satisfied both requirements. He added that if staff did not believe both requirements were met, the shape and topography of the lot would make them entitled to a variance. He asked the board to turn to “Exhibit A” of the filings presented. It showed that the lot was platted before the current ordinance in February of 2005. Therefore, they are entitled to a variance. **Attorney Dillard** indicated that the decision to locate the house where they did was not due to poor judgement but poor soil. The poor soil prevented them from building the house closer to Mags Path. The poor soils, narrowness of the lot, and multiple street frontages that restrain the use of the property confirms to their extraordinary and exceptional conditions. Locating the pool elsewhere on the property is not physically possible. There is no room for the pool between the residence and Mags Path because of the location of the septic system. The residence would also block the sunlight on the pool in that area. He added that the zoning ordinance permits accessory structures in the side or rear yard of any residential district. Placing the pool between the house and the lake is commonplace. He specified on “Exhibit B” that there are at least three homes on Mags Path that enjoy swimming pools and are located between the home and Lake Oconee. Under “Exhibit C” the adjacent property located at 145 Mags Path has their residence 68 feet from the lake and the subject residence is 75 feet from the lake. The hot tub and fireplace at 145 Mags Path were 32.6 and 30.6, feet respectively, from the lake. **Attorney Dillard** stated that they provided the board with a list of almost 60 cases where the commission has approved lakeside variances since 2015, including swimming pools on “Exhibit D”. He added that the commission granted a 60-foot lake setback variance for Cuscowilla Clubhouse and the owners only need a 30-foot lake setback. He added that “Exhibit E” was an Environmental Assessment done by Cody Hayle, who later spoke on his assessment. “Exhibit F” shows letters of support from adjacent neighbors. **Attorney Dillard** asked the board to grant the respected variance because it satisfies both variance requirements.

At this time, those who signed in to speak in favor of the variance request at 149 Mags Path, were given 3 minutes each to speak.

Cody Hayle

Josh Sprayberry

No one spoke in opposition of this request.

Member Mitchell asked Mr. Sprayberry for clarification of one of the three properties mentioned with a pool that was constructed in 2019. **Mr. Sprayberry** confirmed that the property belonged to the Capps and was constructed in 2019 or 2020. **Member Mitchell** asked Mr. Sprayberry what the distance was from the Capps’ pool to the lake. **Mr. Sprayberry** stated that the Capps Pool was 100 feet from the lake but, his lot has narrowness, and he showed Member Mitchell where his drainage/septic field was located. He added that the maps he presented were of pools built in Putnam County since 2019 with that distance from the water. **Member Mitchell** referenced the Capps pool being 100 feet from the lake. **Mr. Sprayberry** indicated that the Capps lot is substantially wider, and the house is located closer to the road. This was an option they did not have on their lot. **Member Mitchell** asked Mr. Sprayberry to confirm what year the pool was approved on Lot

11 of “Exhibit B”. **Mr. Sprayberry** confirmed that the pool was constructed in May 2015 and is 75 feet from the shoreline. **Member Mitchell** also asked for clarification on Lot 14. **Mr. Sprayberry** replied that it appeared to be 55 feet from the lake and was constructed in 2007. **Member Mitchell** stated that the other examples that Mr. Sprayberry cited were not in his community. **Mr. Sprayberry** confirmed that they were not, but they are in Putnam County and were built within the same ordinance. **Attorney Jeff Haymore** explained that “Exhibit D” shows over 60 cases where the commission has granted a variance reducing the rear yard from the lake. Many of the properties were zoned R-1, just as the Sprayberry property. They all had the 100-foot setback requirement from the lake. “Exhibit D” also specifies the granted reduction from the lake. He added that the largest reduction was a 60-foot variance being 40 feet from the lake at the Cuscowilla Clubhouse. **Attorney Haymore** clarified that Mr. Sprayberry was making a point that PUDs do not have a 100-foot setback, but many of the properties have since been rezoned to a district that does have the 100-foot setback. When the pools were built, they did not meet the new 100-foot setback. **Mr. Sprayberry** stated that the Clubhouse pool in Cuscowilla is 14 feet from the lake instead of 40 feet. **Member Mitchell** stated that when staff visited the site, Ms. Jackson asked if they would consider an alternative location. He asked for clarification of the number of sets of stairs they are going to build. **Mr. Sprayberry** confirmed that there are three sets of stairs, and the material has already been purchased for them. **Member Hill** asked if Mr. Sprayberry if he was familiar with when Putnam County changed the lake setback. **Mr. Sprayberry** confirmed that he was aware that the setbacks were changed at the first of the year. **Member Hill** stated that the new setbacks are what they would apply to the property. **Mr. Sprayberry** stated that it would help if the new rules were updated online. **Vice-Chairman Pierson** asked if any variances had been granted more than once on the list that was provided. **Attorney Haymore** stated that the list was of all variance cases that involve a rear or side yard reduction. He added that he was not sure that any came back for a second variance. **Vice-Chairman Pierson** asked if that would or should come into play. **Attorney Haymore** stated that each variance case stands on its own. He added that as Attorney Dillard stated previously, the variance that will be granted by this commission is under one or two scenarios. The first scenario is having an exceptionally narrow lot. He explained that this lot is exceptionally narrow and was platted in 2005 prior to the adoption of the zoning ordinance in 2007. He asked for the commission to decide whether it meets criteria one or two for a variance. **Vice-Chairman Pierson** asked where did the burden of purchasing that lot and building the size home that is being built come in to the variance process versus a smaller house that leaves room for a pool in the original plan. **Mr. Sprayberry** stated that he did not understand the question. **Vice-Chairman Pierson** asked if he could have built a smaller house or built on a different lot. **Attorney Haymore** stated that the idea is that if they would have built a smaller house, they would have more area to build a pool. He added that there is no maximum home size in Putnam County. He clarified that the footprint of the home was not dictated by poor judgement but by poor soils. He added that there are structures immediately adjacent to the subject property that is closer to the lake than what they are requesting. **Attorney Haymore** asked what the public health, safety, and welfare would be served by denying the Sprayberry’s from building their pool. **Mr. Sprayberry** added that his house is 5,400 square feet total, including porches, and he did not feel he built an exceptionally large house. **Attorney Dillard** added that the topo map proves that the property meets both criteria for a variance. **Member Mitchell** stated that it was indicated that because the lot is nonconforming, criteria one allows for a variance. However, there are limits to how much can be approved, and he believes this request exceeds that amount. **Attorney Dillard** stated that the shape and topography justifies why the variance should be granted.

Motion to approve the recommendation by staff for **denial of a 30-foot rear yard setback variance being 35 feet from the nearest point to the lake at 149 Mags Path [Map 104A, Parcel 102]** made by **Member Mitchell**, seconded by **Member Farley**.

Voting Yea: **Member Hill, Member Farley, Member Mitchell**

Voting No: **Vice-Chairman Pierson**

6. Request by **Robert & Susan Dods** for a rear yard setback variance at 101 Twisting Hill Ln. Presently zoned R-2. **[Map 111C, Parcel 043, District 4]. Request to withdraw without prejudice.**

Motion to approve the request by **Robert & Susan Dods** to withdraw without prejudice made by **Member Hill** and seconded by **Member Farley**.

Voting Yea: **Vice-Chairman Pierson, Member Hill, Member Farley, Member Mitchell**

7. Request by **Keith Davis (LWJM Properties)** for a right-side setback variance at 364 Possum Pt. Rd. Presently zoned R-2. **[Map 088B, Parcel 190, District 4]. Mr. Keith Davis** represented this request. He stated that they recently moved to the area, and the home is in the center of the property. It lines up with the adjacent home. They would like to add an addition on the right side of the home, and it will be approximately 12.5 feet from the property line. He added that the property slopes down on the right side. **No one spoke in opposition of this request.**

Motion to approve the request by **Keith Davis (LWJM Properties)** for a 7.5-foot right-side setback variance, being 12.5 feet from the right-side property line at 364 Possum Point Drive made by **Member Mitchell** and seconded by **Member Hill**.

Voting Yea: **Vice-Chairman Pierson, Member Hill, Member Farley, Member Mitchell**

New Business

GAZA will be publishing the registration for the upcoming summer conference.

Adjournment

The meeting adjourned at approximately 7:17 P.M.

Attest:

Lisa Jackson
Director

Tim Person
Vice-Chairman