

# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## **Agenda**

**Friday, July 2, 2021 ♦ 9:00 AM**

*Putnam County Administration Building – Room 203*

### **Opening**

1. Welcome - Call to Order
2. Approval of Agenda
3. Invocation - Dr. Ford G'Segner
4. Pledge of Allegiance (BS)

### **Zoning Public Hearing**

5. Appeal by Josh & Lauren Sprayberry against a decision made by the Planning & Zoning Commission denying a rear setback variance for 149 Mags Path (staff-P&D)

### **Code of Ordinances Public Hearing**

6. Proposed adoption of changes to the Putnam County Code of Ordinances - Chapter 6 (Alcoholic Beverages) and Chapter 18 (Buildings and Building Regulations) (staff-CA-CC-P&D)

### **Regular Business Meeting**

7. Public Comments
8. Consent Agenda
  - a. Approval of Minutes - June 15, 2021 Regular Meeting (staff-CC)
9. Approval of Right-of-Way Permit for Tim Camp (staff-CM)
10. Request from Tax Commissioner to write off bad debts (TC)
11. Authorization for Chairman to sign Resolution Electing not to require Mobile Home Decals (TC & TA)

### **Reports/Announcements**

12. County Manager Report
13. County Attorney Report
14. Commissioner Announcements

### **Closing**

15. Adjournment

The Board of Commissioners reserves the right to continue the meeting to another time and place in the event the number of people in attendance at the meeting, including the Board of Commissioners, staff, and members of the public exceeds the legal limits. The meeting cannot be closed to the public except by a majority vote of a quorum present for the meeting. The board can vote to go into an executive session on a legally exempt matter during a public meeting even if not advertised or listed on the agenda. Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

**File Attachments for Item:**

5. Appeal by Josh & Lauren Sprayberry against a decision made by the Planning & Zoning Commission denying a rear setback variance for 149 Mags Path (staff-P&D)

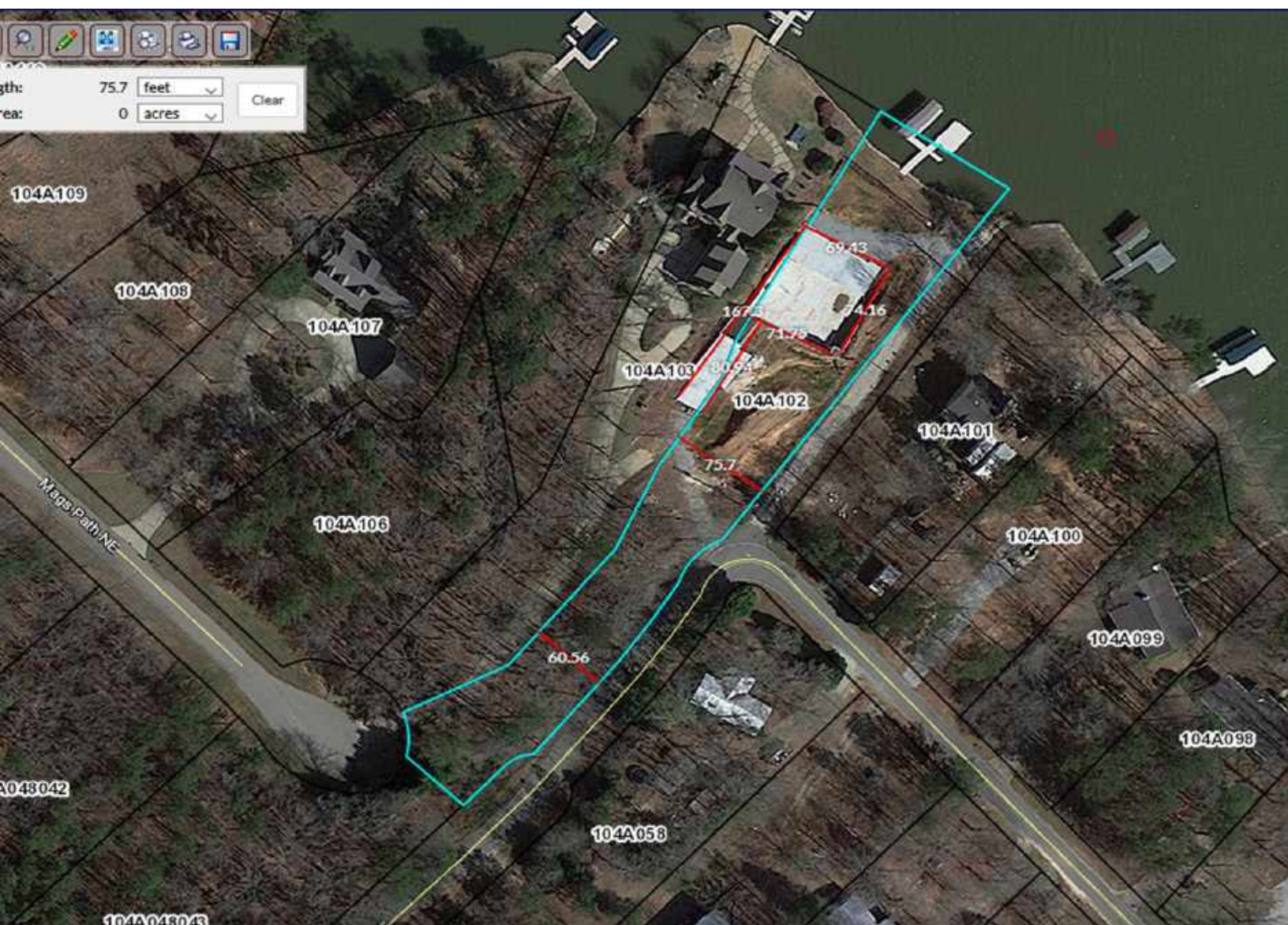
**Appeal by Josh & Lauren Sprayberry against a decision made by the Planning & Zoning Commission denying a rear setback variance for 149 Mags Path. Presently zoned R-1 [Map 104A, Parcel 102, District 3].**

**PLANNING & DEVELOPMENT-LISA JACKSON STAFF RECOMMENDATION:**

The applicants are requesting a 30-foot rear setback variance, being 35 feet from the nearest point to the lake, to construct a 16ft.x32ft pool. As it stands, this property has already received three variances for the construction of the primary dwelling unit. The primary dwelling unit is currently under construction and was granted both a lake and sides setback variance on April 7, 2016, due to the narrowness of the lot. The lot width is 91 ft wide in the buildable area. In addition, the applicants were given some relief from the lake setback, which was a minimum of 100 feet from the nearest point to the lake. The applicants were granted an 8-foot side yard setback variance being 12 feet from the left and right-side property lines and a 25-foot rear yard setback variance being 75 feet from the nearest point to the lake. The home consists of 9,620 heated square feet, 1,156 unheated square feet., and 1,165 square feet of porches and decks with a total square footage of 11,941. Staff measured the unfinished home with an attached garage and found that it is currently 157 feet in length and 71 feet wide. In addition, there will be three sets of stairs sloping from the upper balcony that will extend near or beyond the 65-foot minimum setback from the lake. However, once completed, the footprint of the house will exceed the lakeside variance that was approved in 2016 but shall not be closer than 65 ft from the nearest point to the lake.

As aforementioned, in 2016, the applicants were granted several variances, including a lakeside variance, to develop this property. There was a 25% deviation approved from the 100 feet minimum setback from the lake to 75 feet, and the BOC has since given a 35% decrease in the minimum required lakeside setback to 65 feet. This lot is approximately 230+ feet in length from the buildable area to the lake. The applicant has chosen to maximize the buildable area of this parcel with the construction of their considerably large new home with no consideration for an accessory structure that must meet all applicable setbacks as well. Staff, therefore, finds no undue hardship related to the property that is not a direct act of the applicants. As a result, this request fails to meet any of the conditions for granting a variance listed in the Putnam County Code of Ordinances, Chapter 66-157(c).

**The staff recommendation is 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].**



### **PLANNING & ZONING COMMISSION RECOMMENDATION:**

*The Planning & Zoning Commission's recommendation is 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].*

### **PLANNING & ZONING COMMISSION 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.

**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

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**

RECEIVED

By Lynn Butterworth at 2:10 pm, Jun 07, 2021



PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

Putnam County 
APPEAL APPLICATION

PLAN2021-01188

THE UNDERSIGNED HEREBY REQUESTS AN APPEAL BEFORE THE:
 PUTNAM COUNTY BOARD OF COMMISSIONERS

APPLICANT: Josh + Lauren Sprayberry
c/o Doug Dillard, Esq.
ADDRESS: 1716 Peachtree St.
Atlanta, Ga. 30309
PHONE: 404 - 665 - 1241

APPEAL IS AGAINST: (check one of the following)

Decision made by the Planning and Zoning Commission

REASON FOR APPEAL:

See attached letter.

FILING FEE (\$110.00 - CHECK NO. \_\_\_\_\_ CASH \_\_\_\_\_ C.C. )

SIGNATURE OF APPLICANT: [Signature] DATE: 6/7/21

- \* ALL APPEALS MUST BE FILED WITHIN TEN DAYS OF SAID DECISIONS PER THE PUTNAM COUNTY CODE OF ORDINANCES.
• CHAPTER 66 - ZONING, SEC. 66-157(d)(1) AND SEC. 66-158 (c)(1).
• Chapter 28 - Development Regulation - Sec. 28-101.

OFFICE USE: DATE FILED: 6-7-2021 RECEIVED BY: [Signature]
DATE OF DECISION MADE BY DIRECTOR OF PLANNING & DEVELOPMENT: \_\_\_\_\_
DATE BUILDING PERMIT ISSUED: \_\_\_\_\_
DATE HEARD BEFORE PLANNING & ZONING COMMISSION: \_\_\_\_\_

RECEIVED JUN 07 2021 [Signature]



**RECEIVED**

By Lynn Butterworth at 2:10 pm, Jun 07, 2021



Jeffrey S. Haymore  
404.665.1243

Email:  
jhaymore@dillardseillers.com

June 4, 2021

VIA E-MAIL: ljackson@putnamcountyga.us

Lisa Jackson  
Director, Putnam County Director of Planning & Development  
117 Putnam Drive  
Fatonton, Georgia 31024

**Re: Notice of Appeal: Denial of Rear Setback Variance for 149 Mags Path**

Dear Lisa:

Our clients, Josh and Lauren Sprayberry ("Applicants"), hereby appeal to the Putnam County Board of Commissioners ("BOC") the June 3, 2021 decision of the Planning and Zoning Commission ("P&Z") to deny, by a 3-1 vote, Applicants' variance application to reduce the rear yard setback from 65' to 35' in order to construct an accessory pool ("Application").

As you know, County Code Sec. 66-158(c)(1) provides that "any person...directly affected by the decision of the planning and zoning commission may bring an appeal before the board of commissioners" which "shall be made within ten days following notification of the decision from which an appeal is taken by filing with the director a notice of appeal and specifying the grounds thereof."

The basis of the appeal is that the P&Z erred as a matter of law in not granting the variance based on the evidence before it establishing that the Application satisfied the criteria of County Code Sec. 66-157(c)(1) & (2), **either** of which entitles an applicant to approval of the Application and which must be reviewed anew by the BOC in rendering its decision on the Application. See County Code Sec. 66-158(b)(1) & (2). In its motion and vote, the P&Z made no findings of fact or conclusions of law, let alone any contrary to the evidence presented that the Application satisfied the applicable criteria.<sup>1</sup>

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<sup>1</sup> Although the Staff Report recommended denial of the Application, the P&Z's motion to deny did not adopt the findings and recommendation of the Staff Report. A copy of the transcript of the P&Z hearing will be provided by the undersigned as soon as it is available.

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By Lynn Butterworth at 2:10 pm, Jun 07, 2021

10

First, the evidence shows that Application satisfied Code Sec. 66-157(c)(1) which provides for approval of the variance “[w]here by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this chapter, was a lot or plat of record.” The Applicants’ lot is exceptionally narrow and was platted February 1, 2005, prior to the adoption of the Putnam Zoning Ordinance in 2007.

Second, the evidence shows that the Application satisfied Code Sec. 66-157 (c)(2), an alternative method for the approval of a variance “[w]here by reason of...extraordinary or exceptional conditions of a piece of property [such as exceptional narrowness of the lot], strict application...would result in practical difficulties to, and undue hardship upon the owner of this property, which difficulty or hardship is not the result of acts of the applicant; and further provided that this relief may be granted without substantially impairing the intent and purpose of this chapter and is not contrary to the public welfare.” The Applicants’ lot is exceptionally narrow and along with poor soils, dictated placement of their residence in the constructed location, leaving insufficient space to locate a pool, a permitted and common accessory structure, other than in the rear yard setback. The exceptionally narrow lot and poor soils hardly constitute a self-imposed hardship. Approval of the variance is not contrary to the intent of the Zoning Ordinance and the public welfare evidenced by: 1) nearly 60 examples of similar lack setback variance approvals since 2015; 2) no written or in-person opposition to the Application; and 3) letters from Applicants’ immediate neighbors on both sides supporting the Application.

We ask that the entire record before the P&Z, including the contents of the binder presented to the P&Z at the hearing, be forwarded to each member of the BOC. We further request that you notify us of the date of the BOC hearing and provide required public notice in accordance with City Code.

As always, please do not hesitate to contact me if you have any questions.

Sincerely,



Jeffrey S. Haymore, Esq.

Cc (via e-mail):

Adam Nelson, Esq.  
Josh Sprayberry  
Lauren Sprayberry  
Doug Dillard, Esq.

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# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024  
Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

PLAN 2021-00874

## APPLICATION FOR ZONING ACTION: VARIANCE

Permit # B2018-01402

### Application Information

(same as owner Yes  No )

Name: SPRAYBERRY

Address: 149 MAGS PATH  
EATONTON, GA. 31024

Phone: 770-813-7898

Email: LAUREN.KINGS.SPRAYBERRY@GMAIL

Fax: \_\_\_\_\_

Arterial/State Road. Yes:  No: \_\_\_\_\_

### Property Information

Address: 147 MAGS PATH

Map: \_\_\_\_\_ Parcel: \_\_\_\_\_

Presently Zoned: \_\_\_\_\_ Com. District: \_\_\_\_\_

Total Acreage: 0.958

In Conservation Use: Yes  No

State Waters on Property: Yes  No

SETBACKS: Front: 30 Rear: 30 Lakeside: 35' Left: 20 Right: 20

TOTAL SQ. FT. (existing structure) 4000 TOTAL FOOTPRINT (proposed structure) 16x32 POOL

LOT LENGTH (the total length of the lot) 239.91'

LOT WIDTH AT BUILDING SETBACK (how wide the lot is where you are proposing to build) 153.61'

REASON FOR REQUEST: SWIMMING POOL IN REAR. NEEDING 35-40 SETBACK TO CONTINUE PLANNING

### \*SUPPORTING INFORMATION ATTACHED TO APPLICATION\*:

RECORDED PLAT:  LETTER OF AGENCY \_\_\_\_\_ LETTER OF INTENT \_\_\_\_\_

SITE APPROVAL/LAYOUT OF SEPTIC SYSTEM FROM HEALTH DEPARTMENT

### \*PROPOSED LOCATION MUST BE STAKED OFF\*

\*SIGNATURE OF APPLICANT: M. L. 7th DATE: 3/31/21

\*APPLICANT HEREBY AFFIRMS THAT APPLICANT IS THE PROPERTY OWNER OR HAS THE LEGAL AUTHORITY TO SIGN THIS FORM ON OWNER'S BEHALF, AND APPLICANT AGREES TO INDEMNIFY AND HOLD PUTNAM COUNTY/CITY OF EATONTON HARMLESS IN THE EVENT IT IS DETERMINED APPLICANT DOES NOT HAVE SUCH LEGAL AUTHORITY.

DATE FILED <u>4/29/21</u>	FEE: \$ <u>220.00</u>	CK. NO. <u>1665</u>	CASH _____	C. CARD _____	INITIALS <u>AE</u>
RECEIPT # _____					
DATE OF NEWSPAPER AD: <u>5-13-2021</u>	DATE SIGN POSTED: <u>5-11-2021</u>				
PLANNING & ZONING HEARING: <u>6-3-2021</u>	RESULT: _____				
COMMISSIONERS/CITY COUNCIL HEARING: _____	RESULT: _____				

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# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ www.putnamcountyga.us

## OWNER AUTHORIZATION

Submission of inaccurate information may be cause for denial of the requestor, if discrepancies are realized after the approval for the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the Board of Commissioners. The following documents must be submitted with this application before the application deadline.

*Incomplete applications will not be accepted or processed.*

1. Payment of appropriate fee (please make checks payable to Putnam County Planning & Development)
2. Plat or site plan, drawn to scale, showing the locations of structures or uses for which the variance is sought, as well as the relationship to existing structures. Dimensions must be included.
3. A written description of your request in a letter format addressed to Putnam County Planning & Development. All required criteria (attached) must be addressed in the written description. Specific sections of the ordinance that would cause hardship must be identified, along with a description of the particular hardship.

The documents listed above are the minimum requirements. Staff may require additional documentation depending on the nature of the Variance Request. All submitted documents are public records and subject to Opens Records Law.

*I have reviewed the application procedures and all applicable criteria and regulations in the Putnam County Zoning Ordinance for the above-requested Variance Request. I hereby claim that this application fulfills said procedures and meets the criteria for approval.*

Applicant Signature: *M. L. Foy* Date: *3/31/2021*

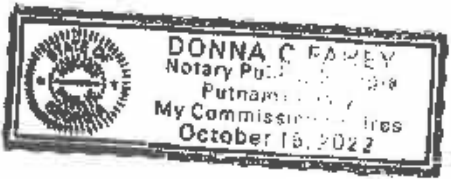
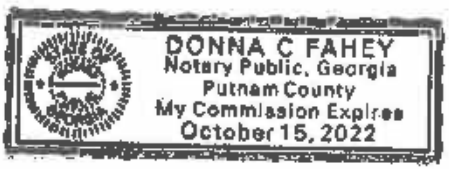
I swear that I am the owner of the property listed above. I authorize *Michelle Foy* (applicant's name) to apply for a zoning action (zoning map amendment, conditional use, variance) at the above listed address, as identified on the attached application.

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*DF*

*Lanark Grayberry*  
Owner signature

*Donna C Fahey*  
Notary Public  
Sworn and subscribed before me this  
*31* day of *MARCH* 20 *21*





OWNER: Josh Sprayberry  
BUILDER: Owner  
LOCATION: 149 MAGS PATH

POST AT DRIVEWAY ENTRANCE OF THE SITE

BUILDING PERMIT # B2018-01402      DATE

**STEP 1**

- EROSION CONTROL MEASURES IN PLACE - SILT FENCES
- DRIVE WAY GRAVELED (50' FROM EDGE OF ROAD IF NECESSARY) WITH CULVERT AND FLARED ENDS
- TOILET FACILITY
- PERMIT POSTED IN WATER PROOF COVER
- PROPERTY LINES MARKED
- TEMPORARY POWER
- FOOTER
- REBAR GROUND

**STEP 2**

- POURED WALL OVER 48" HIGH
- UNDER SLAB ROUGH PLUMBING
- SLAB HOUSE
- SLAB GARAGE

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*AE*



# SOIL INVESTIGATION REPORT

JORDAN ENGINEERING, INC., 144 N. WARREN ST., MONTICELLO, GA 31064  
PHONE (706) 468-8999 FAX (706) 504-9628  
robert@jordan-eng.com

THE TWO-FOOT CONTOUR INTERVAL TOPO LINES DEPICTED HERE WERE CREATED FROM 2012 NOAA LIDAR DATA. JORDAN ENGINEERING CANNOT CONFIRM THE DATA ACCURACY.  
UNLESS OTHERWISE STATED, PROPERTY BOUNDARY LINES SHOWN HEREON ARE BASED ON TAX PARCEL INFO AND SHOULD BE CONSIDERED APPROXIMATE.  
BUILDING CONTRACTOR SHOULD DIRECT ROOF AND SURFACE DRAINAGE AWAY FROM DRAINFIELD AND AVOID SWALES TO PREVENT SYSTEM FAILURE.

COUNTY: **PUTNAM** SUBDIVISION: \_\_\_\_\_ LOT NO. \_\_\_\_\_  
CLIENT/OWNER: **LAUREN SPRAYBERRY** LAND LOT: \_\_\_\_\_ DISTRICT: \_\_\_\_\_  
STREET NAME: **MAGS PATH** CLIENT PHONE/EMAIL: **770-312-7888**  
lauren@orangeintg.com

## ESTIMATED SOIL PROPERTIES

SOIL SERIES	DEPTH TO OBSERVED HIGH WATER TABLE (inches)	DEPTH TO AUGER REFUSAL (inches)	DEPTH TO INDICATORS OF SEASONAL WATER TABLE (inches)	ABSORPTION RATE FOR INSTALLATION RANGE (minutes/inch)	APPROX. SLOPE (percent)	RECOMMENDED INSTALLATION DEPTH RANGE (inches)	SUITABILITY CODE	CONVENTIONAL SYSTEM NOTES
PACOLET	>72	>72	>72	45	2-10	24 - 48	A	SUITABLE
MADISON	>72	>72	>72	45	2-10	24 - 48	A	SUITABLE

- 1.) THIS REPORT IS VOID IN AREAS WHERE OIL OR FUEL OR MORE THAN 18" OCCURS AFTER THE TIME OF THE FIELD STUDY.
- 2.) THESE RESULTS DO NOT GUARANTEE THE PROPER PERFORMANCE OF AN ONGITE SEWAGE MANAGEMENT SYSTEM AT THIS SITE.

BORINGS SHOWN HEREON WERE INSTALLED WITH A 72" HAND AUGER AND MAPPED USING MAPPING GRADE GPS METHODS.

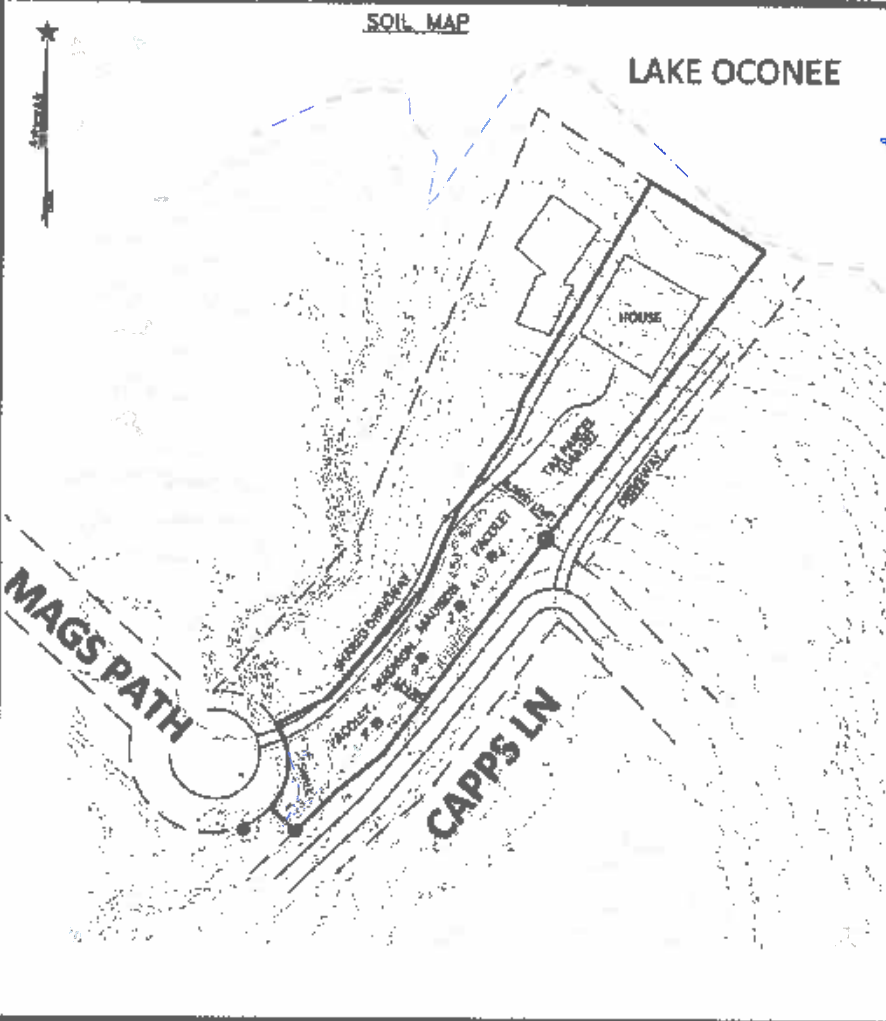
I CERTIFY THAT THIS IS A LEVEL 3 SOIL REPORT.

DATE 10/19/20



CERTIFIED SOIL CLASSIFIER

**KEY TO GEORGIA DHR SUITABILITY CODES:**  
 A. SOIL SERIES SHOULD HAVE THE ABILITY TO FUNCTION AS SUITABLE ABSORPTION FIELD WITH PROPER DESIGN, INSTALLATION, AND MAINTENANCE.  
 B. SOME ROCK OR STONY CONDITIONS WERE FOUND. THIS SOIL SHOULD FUNCTION AS A SUITABLE ABSORPTION FIELD PROVIDING THAT THE SYSTEM IS PUT IN FIRST TO MAKE SURE THERE WILL BE NO ROCK LIMITATIONS. HOLE HAS BEEN AUGERED TO 72" DEEP WITHOUT REFUSAL IN THIS UNIT.  
 C. DUE TO WATER TABLE, FLOODING, AND DRAINAGE PROBLEMS, THERE IS A HIGH PROBABILITY OF FAILURE FOR CONVENTIONAL SYSTEMS INSTALLED IN THIS SOIL SERIES. YOUR HEALTH DEPARTMENT CAN DISCUSS WITH YOU IF AN ALTERNATIVE SYSTEM MIGHT BE AN OPTION FOR YOUR SITUATION.  
 D. DUE TO SURFACE DRAINAGE OR FLOODING PROBLEMS, THESE SOIL TYPES SHOULD BE AVOIDED. SITE ALTERATIONS THROUGH CONTROL, SURFACE AND/OR SUBSURFACE WATER MAY MAKE THESE AREAS SUITABLE. A FURTHER SOIL STUDY IS RECOMMENDED IF ALTERATIONS ARE MADE.  
 E. NORMALLY CONSIDERED UNSATISFACTORY FOR INSTALLATION OF CONVENTIONAL ABSORPTION FIELDS.  
 F. DEPTH TO BEDROCK IS GENERALLY NOT SUFFICIENT TO ACCOMMODATE A SEPTIC SYSTEM. HOWEVER, AREAS OF THIS SOIL WITH BEDROCK DEPTHS OF 36" OR DEEPER OR INCLUSIONS OF OTHER SUITABLE SOILS WITH SUFFICIENT DEPTHS TO ROCK MAY BE SUITABLE. ADDITIONAL HAND AUGER BORINGS OR BACKHOE PIT INSPECTIONS MAY REVEAL SUITABLE AREAS WITHIN THIS SERIES.  
 M1. THIS SOIL IS VARIABLE IN HARDNESS AND/OR DEPTH OF THE PARENT MATERIAL OR SAPROLITE. AUGER REFUSAL OCCURRED AT A DEPTH LESS THAN 48". BACKHOE PIT INSPECTIONS IN THESE SOILS MAY REVEAL CONDITIONS OR AREAS THAT ARE SUITABLE FOR CONVENTIONAL SEPTIC SYSTEM INSTALLATION.  
 M2. THIS SOIL IS VARIABLE IN HARDNESS AND/OR DEPTH OF THE PARENT MATERIAL OR SAPROLITE. AUGER REFUSAL OCCURRED AT A DEPTH GREATER THAN 48". SHALLOW CONVENTIONAL SEPTIC SYSTEM INSTALLATION SHOULD BE SUCCESSFUL IN THESE SOILS PROVIDED THAT THE SYSTEM IS INSPECTED DURING INSTALLATION TO DETERMINE THAT THERE ARE NO ROCK LIMITATIONS.  
 P. THIS SOIL SERIES HAS WATER TABLE OR DRAINAGE PROBLEMS IN THE LOWER PORTION OF THE SOIL WHICH COULD CAUSE PROBLEMS FOR CONVENTIONAL SEPTIC SYSTEMS. HOWEVER, THE DEPTH TO THE SEASONAL HIGH WATER TABLE IS SUCH THAT A SHALLOW INSTALLATION (WHICH MAINTAINS THE REQUIRED 24" SEPARATION BETWEEN THE TRENCH BOTTOM AND THE SEASONAL HIGH WATER TABLE) IS POSSIBLE AND MAY RESULT IN PROPER SYSTEM FUNCTION.  
 S. THIS SOIL EXHIBITS SLOW PENETRATION WHICH MAY RESULT IN SYSTEM FAILURE.



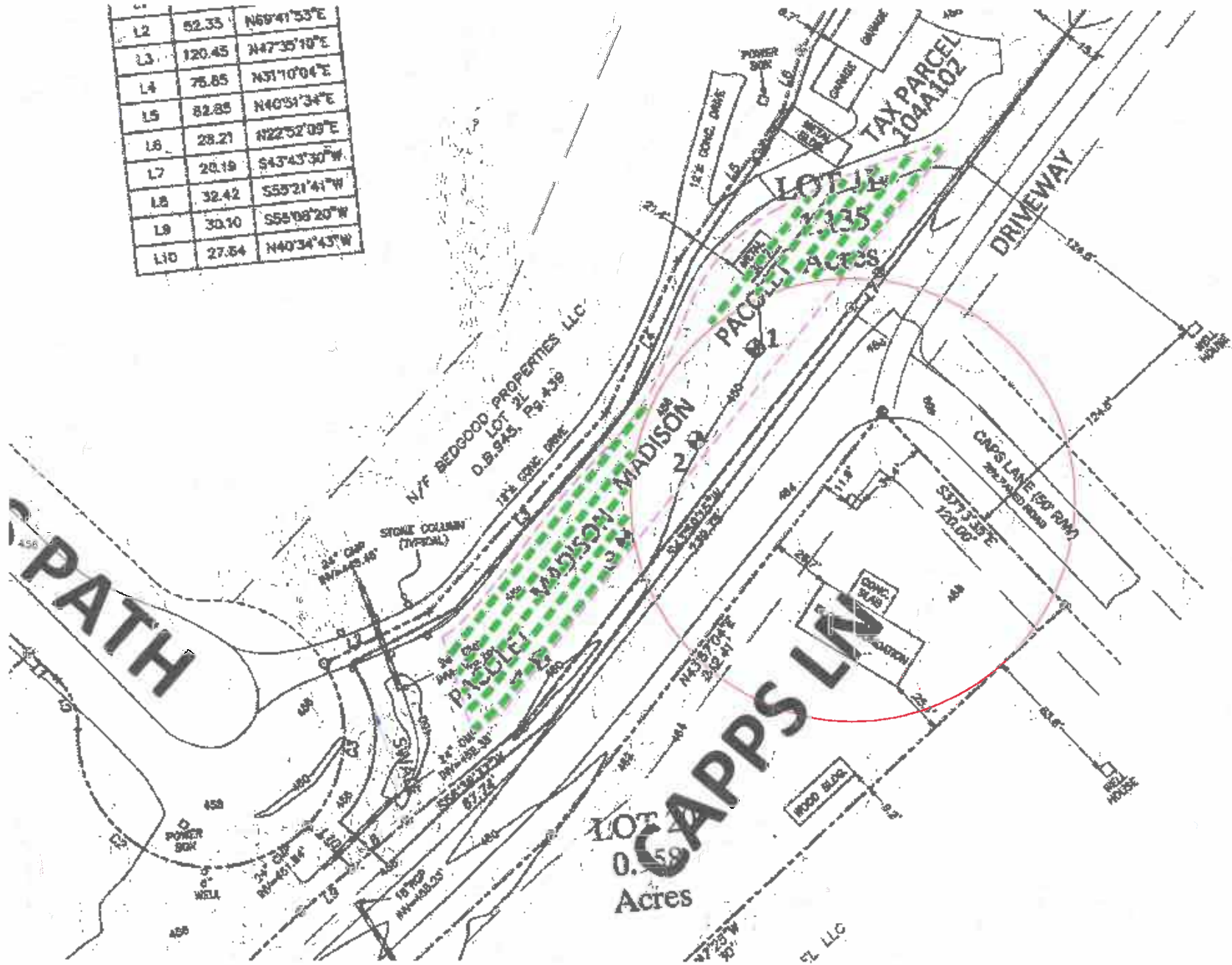
SOIL TYPE 3  
SOIL BORING/SERIES  
AR - AUGER REFUSAL DEPTH  
SHWT - SEASONAL HIGH WATER TABLE DEPTH  
WT - SATURATED SOILS ENCOUNTERED

BY: LAUREN SPRAYBERRY, LAUREN - 144 MAGS PATH PUTNAM, SPRAYBERRY, LAUREN - MAGS PATH SOIL BORING October 19, 2020

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L2	52.35	N69°47'53"E
L3	120.45	N47°35'10"E
L4	76.85	N31°10'04"E
L5	82.85	N40°31'34"E
L6	28.21	N22°52'09"E
L7	20.19	S43°43'30"W
L8	32.42	S53°21'41"W
L9	30.10	S55°08'20"W
L10	27.64	N40°34'43"W



RECEIVED APR 29 2021

*DE*

**OUTDOOR SPECIALTY COMPANY, LLC**  
**POOL ACCOUNT**  
PO BOX 3073  
EATONTON, GA 31024

1665

64-1888611

DATE 4-7-21

CHECK  MONEY ORDER

PAY TO THE ORDER OF

Putnam County Planning

\$ 220.<sup>00</sup>

Two hundred twenty dollars + <sup>no</sup>/<sub>100</sub>

DOLLARS

FARMERS & MERCHANTS BANK  
SINCE 1851  
EATONTON, GEORGIA & LAKE OCONEE

FOR Sprayberry Vanessa

*[Handwritten Signature]*

⑆001665⑆ ⑆051110557⑆ 0?? 31? 2⑆

RECEIVED APR 29 2021 *[Handwritten Initials]*





SITE PLAN

SPRAYBERRY RESIDENCE

1" = 20'-0"

HOMEOWNER APPLYING FOR VARIANCE TO ALLOW A SETBACK OF 35' FROM THE SEAWALL TO THE POOL STRUCTURE. THE POOL DECKING WILL BE ON THE HOUSE SIDE AND BOTH ENDS. NOT (THE BACKSIDE "LAKESIDE") THEY WOULD LIKE TO MOVE THE POOL FROM THIS DRAWING 15' TOWARD THE LAKE SIDE TO MEET THE 35' MARK.

\* REPAIR FIELD WILL BE MOVED TO THE FRONT OF THE PROPERTY.

THE SPRAYBERRY RESIDENCE

147 MAGS PATH, EATONTON, GA. 31024

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*Handwritten signature*

NORMAN DAVENPORT ASKINS ARCHITECT, P.A. 2995 LOOKOUT PL NE ATLANTA, GA. 30305 404-233-6561

**Letter of Intent and Constitutional Notice**

**Putnam County, GA**

**Variance Application**

**Applicants:**

**Josh & Lauren Sprayberry**

**Property:**

**149 Mags Path**

**Parcel ID Nos.**

**104<sup>a</sup> 102**

**Submitted for Applicants by:**

**G. Douglas Dillard**

**Jeffrey S. Haymore**

**DILLARD SELLERS, LLC**

**1776 Peachtree Street, Suite 415-S**

**Atlanta, Georgia 30309**

**(404) 665-1243**

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**I. Variance Request**

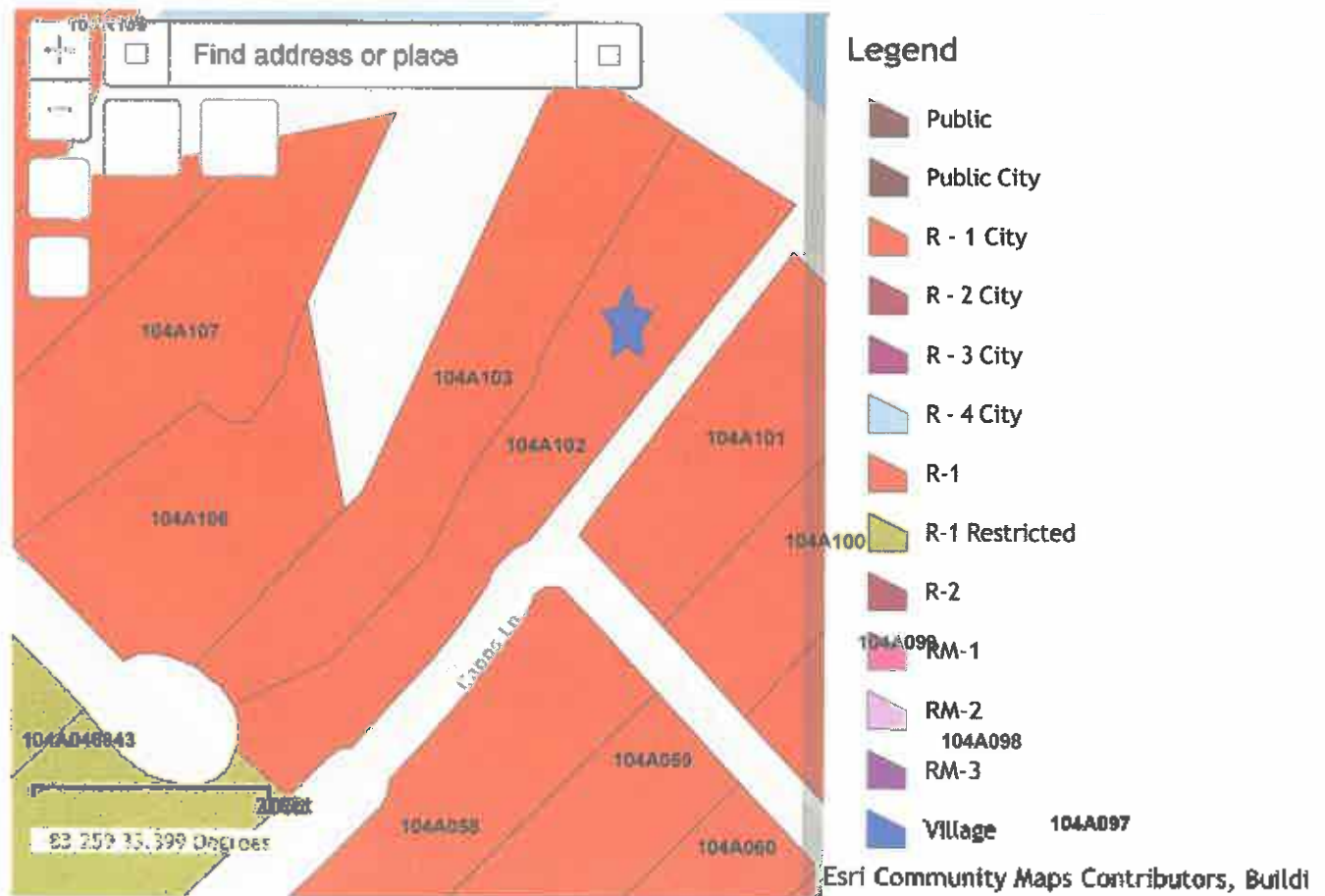
Applicants seek a variance from the 100' rear yard setback to build a swimming pool no closer than 35' from the rear property line at their personal residence in the R-1 zoning district.

**II. Subject Property**

As shown on the zoning map below, 149 Mags Path is a long, narrow irregularly shaped lot. Its legal frontage is off Mags Path, a cul-de-sac street. The Subject Property sits at the end of this cul-de-sac. Unlike all other lots fronting on the north side of Mags Path, the Subject Property also fronts on a second public street, Capps Lane. In fact, the entire western side property line abuts Capps Lane. And, the northern rear property line is Oconee Lake. Thus, the Subject Property's lot characteristics severely limit the ability to locate the pool.

**III. Official Zoning Map**

As shown below, the Subject Property, like other lakefront properties on Mags Path and Capps Lane, are zoned R-1, which is a single-family residential district.



2  
RECEIVED APR 29 2021 *[Signature]*



**IV. Zoning**

Swimming pools are permitted accessory uses in the R-1 zoning district. Zoning Code Sec. 66-81(d). The required rear yard setback in the R-1 zoning district is normally 20'. However, it is 100' when abutting a lake or river. Zoning Code Sec. 66-82(e)(3).

Accessory structures, with the exception of garages and carports, are permitted in the side or rear yard of any R district. Zoning Code Sec. 66-132(a)(1)(c). However, "private accessory structures such as swimming pools in a residential district shall comply with the minimum side and rear setback requirements of that district. Setback minimums shall be measured from the decking or closest part of the pool structure to the applicable property line." Zoning Code Sec. 66-132(a)(1)(i).

**V. Variance Criteria**

The Planning and Zoning Commission has delegated zoning power to grant variances from the development and performance standards of Chapter 66 (Zoning Ordinance). Zoning Code Sec. 66-157(c). This power is to be exercised as follows:

(c) *Variances.* The planning and zoning commission shall hear applications for all variances from the development standards and performance standards of this chapter. Such variances may be granted only:

- (1) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this chapter, was a lot or plat of record; or
- (2) Where by reason of exceptional topographic conditions to include floodplains or other extraordinary or exceptional conditions of a piece of property, strict application of the development requirements of this chapter would result in practical difficulties to, and undue hardship upon the owner of this property, which difficulty or hardship is not the result of acts of the applicant; and further provided that this relief may be granted without substantially impairing the intent and purpose of this chapter and is not contrary to the public welfare.

Thus, variances may be granted under one or both of the two criteria listed above.

**VI. Applicant's Variance Request Meets Both Variance Criteria**

Approval of the variance is warranted here under either of the applicable variance criteria.

**Criteria # 1: Exceptionally Narrow Lot of Record**

The variance requested meets criteria # 1. The Subject Property possesses exceptional narrowness, which lot was platted of record when the zoning ordinance was adopted in 2007. The

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*[Signature]*

Subject Property was platted on February 3, 2005 and recorded at Plat Book 29, Page 94 as Lot 1L. See Exhibit "A" attached hereto.

Criteria # 2: Hardship

The variance requested meets criteria # 2. The Subject Property possesses exception conditions in the form of lot narrowness, multiple street frontages and poor soils in some spots such that strict application of the 100' rear setback imposes undue hardship upon Applicants by preventing them from incorporating a swimming pool, a permitted accessory use in the R-1 single-family residential district, anywhere on the Subject Property. These exceptional conditions are not result of the acts of the Applicants but conditions inherent in the Subject. Granting relief from the 100' rear setback via the requested variance will not substantially impair the intent and purpose of the zoning ordinance, but rather would further the intent and purpose of the ordinance which, among other things, is provide stable and appreciating property values by encouraging single-family residential homes and accessory uses, such as swimming pools, that re-enforce such desirable living conditions. In fact, at least three existing lakefront homes on Mags Path enjoy swimming pools which are each located between the homes and Lake Oconee's waterline. See Exhibit "B" attached hereto.

The needed swimming pool location will be no closer Lake Oconee than the adjacent residence at 147 Mags Path. See Exhibit "C" attached hereto. Locating the swimming pool elsewhere on the Subject Property is not physically or legally possibly. Physically, the Applicants' soil experts have tested the soil and determined the soils on other portions of the property are not conducive to constructing a below-ground swimming pool. Legally, the Zoning Ordinance permits accessory structures in the side or rear yard of any R district. Zoning Code Sec. 66-132(a)(1)(c).

VII. Constitutional Notice

Georgia law and the procedures of Putnam County require us to raise Federal and State constitutional objections during the rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, or to any zoning classification other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of

the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Putnam County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the rezoning request would lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

A refusal by Putnam County Planning and Zoning Commission to grant this variance application in accordance with the criteria requirements as requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any grant of variance of the Property subject to conditions without the Applicants' consent, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the variance application meets the requirements of the Putnam County Zoning Ordinance

Standing Objection

The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Commission or any court of competent jurisdiction, any zoning decision by the Commission in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the Commission and requests the Commission to determine the standing of any individual who challenges or objects to the Commission's decision to rezone the Property. Applicant further raises this objection before the Commission to preserve said objection on appeal, if any, to any court of competent jurisdiction.

**VIII. Conclusion**

For the foregoing reasons, the Applicants respectfully request that this variance application be granted as requested by the Applicants. If there are any questions about this rezoning request, you may contact me at 404-665-1243 or jhaymore@dillardsellers.com



Sincerely,

Dillard Sellers

G. Douglas Dillard  
Jeffrey S. Haymore

RECEIVED APR 29 2021



**Letter of Intent and Constitutional Notice**

**Putnam County, GA**

**Variance Application**

**Applicants:**

**Josh & Lauren Sprayberry**

**Property:**

**149 Mags Path**

**Parcel ID Nos.**

**104A 102**

**April 27, 2021**

**Submitted for Applicants by:**

**G. Douglas Dillard**

**Jeffrey S. Haymore**

**DILLARD SELLERS, LLC**

**1776 Peachtree Street, Suite 415-S**

**Atlanta, Georgia 30309**

**(404) 665-1243**

**I. Variance Request**

Applicants seek a variance from the 100' rear yard setback to build a swimming pool no closer than 35' from the rear property line at their personal residence in the R-1 zoning district.

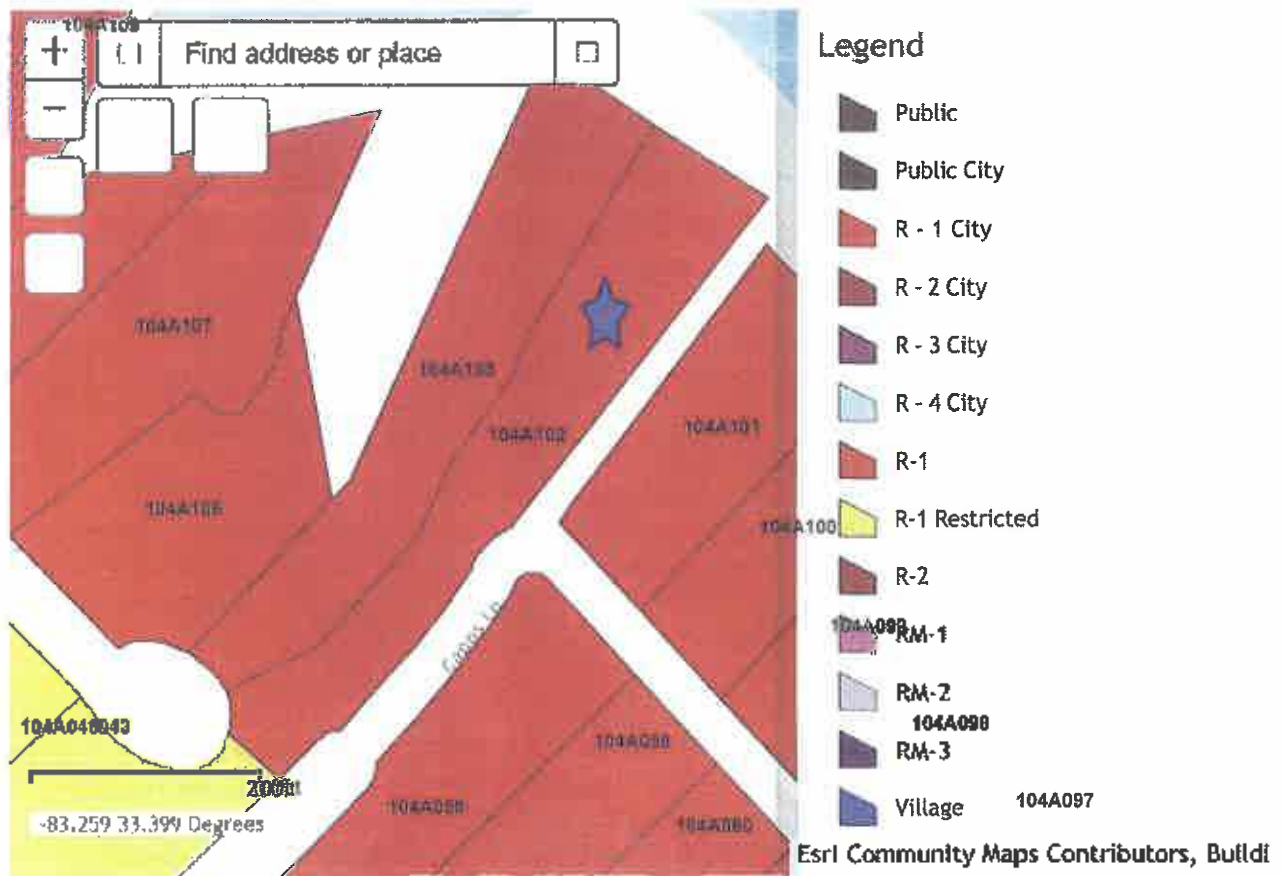
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**IV. Zoning**

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Accessory structures, with the exception of garages and carports, are permitted in the side or rear yard of any R district. Zoning Code Sec. 66-132(a)(1)(c). However, "private accessory structures such as swimming pools in a residential district shall comply with the minimum side and rear setback requirements of that district. Setback minimums shall be measured from the decking or closest part of the pool structure to the applicable property line." Zoning Code Sec. 66-132(a)(1)(i).

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- (2) Where by reason of exceptional topographic conditions to include floodplains or other extraordinary or exceptional conditions of a piece of property, strict application of the development requirements of this chapter would result in practical difficulties to, and undue hardship upon the owner of this property, which difficulty or hardship is not the result of acts of the applicant; and further provided that this relief may be granted without substantially impairing the intent and purpose of this chapter and is not contrary to the public welfare.

Thus, variances may be granted under one or both of the two criteria listed above.

**VI. Applicant's Variance Request Meets Both Variance Criteria**

Approval of the variance is warranted here under either of the applicable variance criteria.

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The variance requested meets criteria # 1. The Subject Property possesses exceptional narrowness, which lot was platted of record when the zoning ordinance was adopted in 2007. The Subject Property was platted on February 3, 2005 and recorded at Plat Book 29, Page 94 as Lot 1L. See **Exhibit "A"** attached hereto.

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The variance requested meets criteria # 2. The Subject Property possesses exception conditions in the form of lot narrowness, multiple street frontages and poor soils in some spots such that strict application of the 100' rear setback imposes undue hardship upon Applicants by preventing them from incorporating a swimming pool, a permitted accessory use in the R-1 single-family residential district, anywhere on the Subject Property. These exceptional conditions are not result of the acts of the Applicants but conditions inherent in the Subject. Granting relief from the 100' rear setback via the requested variance will not substantially impair the intent and purpose of the zoning ordinance, but rather would further the intent and purpose of the ordinance which, among other things, is provide stable and appreciating property values by encouraging single-family residential homes and accessory uses, such as swimming pools, that re-enforce such desirable living conditions. In fact, at least three existing lakefront homes on Mags Path enjoy swimming pools which are each located between the homes and Lake Oconee's waterline. See **Exhibit "B"** attached hereto.

The needed swimming pool location will be no closer Lake Oconee than the adjacent residence at 147 Mags Path. See **Exhibit "C"** attached hereto. Locating the swimming pool

elsewhere on the Subject Property is not physically or legally possible. Physically, there is no room to put a pool between Mags Path and the residential structure because the septic system is located in that area and the residential structure would otherwise block sunlight to the pool in that area. And as mentioned previously, at least three existing lakefront homes on Mags Path enjoy swimming pools which are each located between the homes and Lake Oconee's waterline. Legally, the Zoning Ordinance permits accessory structures in the side or rear yard of any R district. Zoning Code Sec. 66-132(a)(1)(c).

Because of these exceptional conditions, imposition of the 100' rear yard setback imposes an undue hardship upon Applicants, which difficulty or hardship is not the result of acts of the Applicants and the approval of the variance to a 35' rear yard setback will not substantially impair the intent and purpose of the Zoning Ordinance and is not contrary to the public welfare.

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Georgia law and the procedures of Putnam County require us to raise Federal and State constitutional objections during the rezoning application process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any uses, or to any zoning district other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Putnam County Zoning Ordinance, facially and as applied to the Property, which restricts the Property to any uses, or to any zoning classification other than in accordance with the application as proposed by the Applicant is unconstitutional, illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A denial of this Application would constitute an arbitrary and capricious act by the Putnam County Board of Commissioners without any rational basis therefore constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A refusal to grant the rezoning request would

lack objective justification and would result only from neighborhood opposition, which would constitute an unlawful delegation of the zoning power to non-legislative bodies in violation of the Georgia Constitution, Article IX, Section II, Paragraph 4.

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For all the foregoing reasons, it is submitted on behalf of the Applicant that the variance application meets the requirements of the Putnam County Zoning Ordinance

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The Applicant further objects to the standing of each and every surrounding resident to challenge, whether before the Commission or any court of competent jurisdiction, any zoning decision by the Commission in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. The Applicant raises this objection before the Commission and requests the Commission to determine the standing of any individual who challenges or objects to the Commission's decision to rezone the Property. Applicant further raises this objection before the Commission to preserve said objection on appeal, if any, to any court of competent jurisdiction.

**VIII. Conclusion**

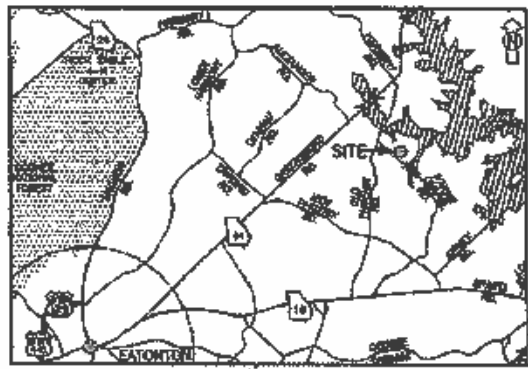
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Sincerely,

Dillard Sellers

G. Douglas Dillard  
Jeffrey S. Haymore

# CHAPEL SPRINGS



LOCATION MAP  
NOT TO SCALE

- GENERAL NOTES**
1. EACH LOT IS TO BE SURVEYED BY AN INDIVIDUAL SURVEY CONTROL.
  2. VERIFY APPROPRIATE INSPECTORS FORTY-EIGHT HOURS PRIOR TO CONSTRUCTION COMMENCEMENT.
  3. ALL MEASUREMENTS, SETBACKS AND BOUNDARY LOCATIONS ARE SUBJECT TO APPROVAL BY THE PUTNAM COUNTY HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
  4. EACH INDIVIDUAL LOT OWNER IS OBLIGATED TO OBTAIN ONE AND CONSTRUCTION APPROVAL BY THE PUTNAM COUNTY HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
  5. EACH LOT IS TO BE SURVEYED BY AN INDIVIDUAL WELL.
  6. ALL CONSTRUCTION MUST COMPLY TO PUTNAM COUNTY ZONING.
  7. A 20' DRIVEWAY/UTILITY EASEMENT IS REQUIRED ON ALL BOUNDARY PROPERTY LINES.
  8. A 30' DRIVEWAY/UTILITY EASEMENT IS REQUIRED ALONG ALL EXISTING PROPERTY LINES.
  9. ALL SETBACKS ARE NOT SHOWN ON THIS PLAN.
  10. THIS PLAN IS SUBMITTED TO ALL JURISDICTIONS, PERMITS-AS-APPLIED, AND PROTECTIVE COMMISSIONERS OF PUTNAM COUNTY.
  11. THIS SURVEY IS BASED ON INFORMATION PROVIDED BY THE CLIENT. THE SURVEY IS NOT BASED ON A WIRE RECORD.
  12. MEASUREMENTS / SETBACKS ARE NOT CONSIDERED BY THE SURVEYOR TO BE AN ENCUMBRANCE.
  13. CURRENT ZONING CODE IS R-1-10.
  14. ZONING MAP IS GEORGIA 680-5007 ZONE.
  15. E.C.M.A. 1990S ARE APPLICABLE FOR PUTNAM COUNTY.
  16. THIS PLAN CONFORMS TO THE GEORGIA P.L.C. ACT.
  17. PROPOSED PROPERTY LINES ARE INDICATED.
  18. CORNERS ARE NOT LOCATED ON THIS PLAN.
  19. SETBACKS ARE LOCATED ON THE MAP BUT ARE NOT TO BE CONSIDERED AS A PROPERTY LINE.
  20. OTHER FUTURE SETBACKS SHOULD BE INDICATED ON THIS PLAN. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE PUTNAM COUNTY HEALTH DEPARTMENT AND THE PUTNAM COUNTY ZONING COMMISSION PRIOR TO CONSTRUCTION. THE SURVEYOR HAS NO LIABILITY FOR ANY VIOLATIONS OF ANY APPLICABLE LAWS OR REGULATIONS.

**SETBACK INFORMATION**

TYPE OF SETBACK	FRONT	REAR	SIDE	SETBACK	TYPE OF SETBACK
FRONT	10'				FRONT
REAR		10'			REAR
SIDE			5'		SIDE
DRIVEWAY				20'	DRIVEWAY

**LOT INFORMATION**

AREA	AREA	AREA
TOTAL NUMBER OF LOTS	80	
MINIMUM LOT SIZE	0.05 ACRES	
LARGEST LOT	0.41 ACRES	(77,807 SQ. FT.)
AVERAGE LOT	0.08 ACRES	(17,600 SQ. FT.)
AREA BY CITY	66.15 ACRES	
AREA BY WELL LOTS	6.83 ACRES	
AREA BY ROAD-TO-ROAD	0.02 ACRES	
TOTAL AREA	73.00 ACRES	

- PROPOSED UTILITIES**
- WATER
  - SEWER
  - POWER
  - TELEPHONE
  - CABLE

**REFERENCES**

1. PLAT BOOK 22 PAGE 148
2. PLAT BOOK 24 PAGE 100
3. PLAT BOOK 24 PAGE 100
4. PLAT BOOK 24 PAGE 100
5. PLAT BOOK 24 PAGE 100
6. PLAT BOOK 24 PAGE 100
7. PLAT BOOK 24 PAGE 100
8. PLAT BOOK 24 PAGE 100
9. PLAT BOOK 24 PAGE 100
10. PLAT BOOK 24 PAGE 100
11. PLAT BOOK 24 PAGE 100
12. PLAT BOOK 24 PAGE 100
13. PLAT BOOK 24 PAGE 100
14. PLAT BOOK 24 PAGE 100
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26. PLAT BOOK 24 PAGE 100
27. PLAT BOOK 24 PAGE 100
28. PLAT BOOK 24 PAGE 100
29. PLAT BOOK 24 PAGE 100
30. PLAT BOOK 24 PAGE 100

*Surveyor Signature*  
 I hereby certify that the above is a true and correct copy of the original survey as shown to me by the client. This plan is not to be construed as a warranty of any kind.  
 Date: FEBRUARY 28, 2003

**REVISIONS**

NO.	DATE	COMMENT

**PROJECT TITLE:** CHAPEL SPRINGS  
**OWNER/DEVELOPER:** BRANKS & MICHAEL, L.L.C.  
**CONTACT:** MORGAN BRANKS, JR.  
**ADDRESS:** P.O. BOX 3248  
 GEORGETOWN, GEORGIA 30724  
**PHONE:** 706-495-1776

Future development is subject to future conditions and development as determined by the developer.

**OWNER'S CERTIFICATION**  
 The owner of this land, or agent of the land, or its agent, certifies that this and the other plans are correct copies and accurate copies of the original plans and the original copies of the proposed development and improvements thereon.  
 Date: \_\_\_\_\_  
 Name (or Agent): \_\_\_\_\_

**CERTIFICATION OF APPROVAL OF ZONING DEPARTMENT AND HEALTH DEPARTMENT**

I hereby certify that the proposed subdivision and other plans conform to the requirements of the Putnam County Health Department. These plans are approved for health and safety and are in accordance with the provisions of the Health Department Code.  
 Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

**CERTIFICATION OF APPROVAL OF STREETS AND UTILITIES**

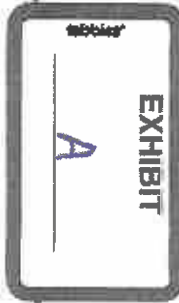
I hereby certify that the proposed streets and utilities in this subdivision conform to the requirements of the County and the jurisdictional departments of Putnam County.  
 Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_

**FINAL PLAN APPROVAL**

I hereby certify that this plan and other related documents have been approved by the Putnam County Planning and Zoning Commission and the Health Department and the jurisdictional departments of Putnam County.  
 Date: FEBRUARY 28, 2003  
 Planning and Zoning Commission: \_\_\_\_\_  
 Health Department: \_\_\_\_\_  
 Chairman, Planning Board: \_\_\_\_\_

**CERTIFICATION OF RECORDING OF OWNERSHIP**

I (we) hereby certify that I (we) own the plot of subdivision, including the adjacent adjoining tract, and all interests in streets and other designated areas to which this plan applies.  
 Date: \_\_\_\_\_  
 Owner (or Agent): \_\_\_\_\_



**JERRY A. MCNEIL, P.C.**  
 Land Surveying - Land Planning  
 1000 W. Main Street  
 P.O. Box 2100  
 Putnam County, Georgia 30724  
 Phone: 706-495-1776  
 Fax: 706-495-1777  
 www.jerryamcneil.com

THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS A CLOSE PRECISION OF THE TYPE OF SURVEYING THAT IS AN ACCURATE TYPE OF SURVEYING. THE SURVEYOR HAS CONDUCTED A CAREFUL AND THOROUGH SURVEY OF THE LAND AND RECORDS AND HAS FOUND THAT THE DATA IS CORRECT AND ACCURATE.

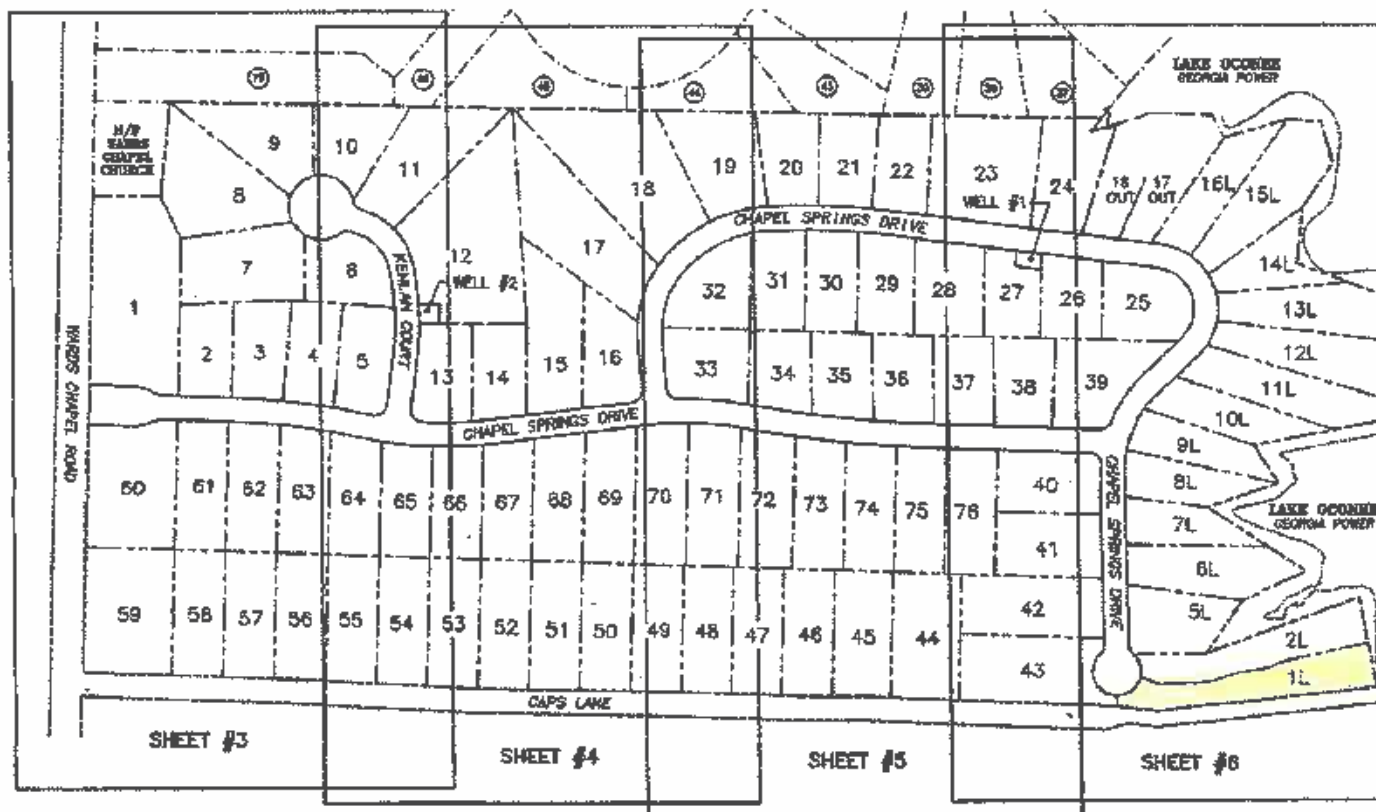
**FINAL SUBDIVISION PLAT OF:**

**CHAPEL SPRINGS**  
 LAND LOTS 312 & 328  
 3rd LAND DISTRICT, 808th C.M.D.  
 PUTNAM COUNTY, GEORGIA

SURVEY DATE	FEBRUARY 28, 2003
DRAWING DATE	JANUARY 31, 2003
DATE CLOSED	1/28/03
DRAWN BY	F.C.C. / J.T.A.
JOB NO.	05030-21
SHEET NO.	1 OF 7



SHEET INDEX



PUTNAM COUNTY GEORGIA  
 CLAY & COMPANY, INC.  
 1105 S. W. 11th St.  
 W. Palm Beach, FL 33411  
 Phone: 561-832-1111  
 Fax: 561-832-1112  
 Website: www.clayandcompany.com  
*Clay & Company, Inc.*



**JOHN A. McGILL, P.C.**  
 Land Surveying - Land Planning  
 2000 N. Highway 84, NW  
 Marietta, GA 30067  
 Phone: 770-427-1100  
 Fax: 770-427-1101  
 www.jamcgill.com  
 Surveyor of the State of Georgia  
 License No. 1177  
 Exp. 12/31/2008

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED FROM THE RECORDS OF THE PUTNAM COUNTY GEORGIA SURVEYING DEPARTMENT AND THE RECORDS OF THE PUTNAM COUNTY GEORGIA SURVEYING DEPARTMENT. THE SURVEYOR HAS REVIEWED THE RECORDS AND HAS DETERMINED THAT THE DATA IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE PUTNAM COUNTY GEORGIA SURVEYING DEPARTMENT AND HAS DETERMINED THAT THE DATA IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE PUTNAM COUNTY GEORGIA SURVEYING DEPARTMENT AND HAS DETERMINED THAT THE DATA IS CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE PUTNAM COUNTY GEORGIA SURVEYING DEPARTMENT AND HAS DETERMINED THAT THE DATA IS CORRECT AND ACCURATE.

**FINAL SUBDIVISION PLAT OF:**  
**CHAPEL SPRINGS**  
 LAND LOTS 312 & 329  
 3rd LAND DISTRICT, 300th G.N.D.  
 PUTNAM COUNTY, GEORGIA

SURVEY DATE	FEBRUARY 28, 2003
DRAFTING DATE	JANUARY 31, 2004
MAP COLOR	1/25, 2005
DRAWN BY	E.C.C. / J.T.A.
JOB NO.	03030-21
SHEET NO.	2 OF 7



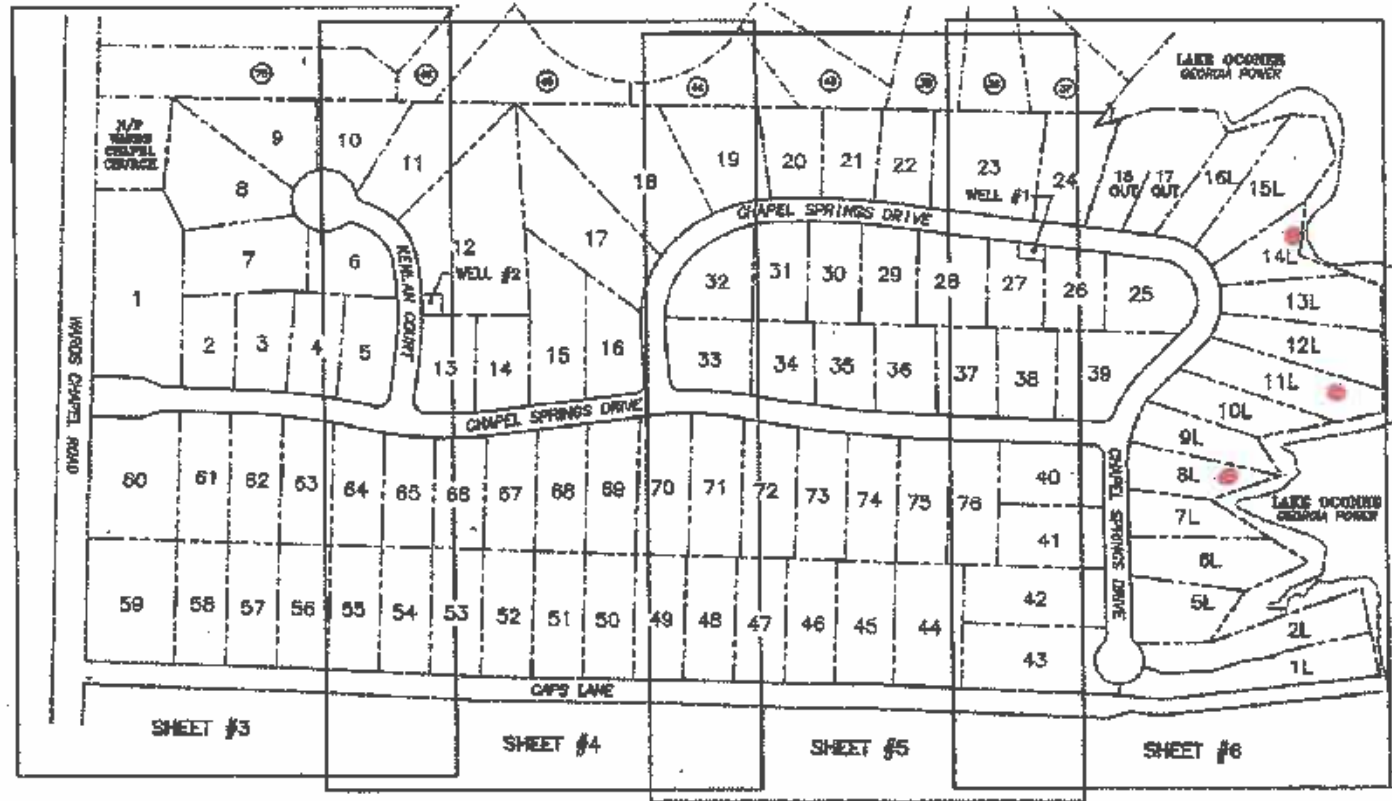


EXHIBIT

B



SHEET INDEX



THIS IS A PRELIMINARY MAP OF RECORD. IT IS SUBJECT TO THE RECORDING ACT AND THE RECORDING ACT. IT IS NOT TO BE USED AS A BASIS FOR ANY CLAIM OR ACTION. IT IS NOT TO BE USED AS A BASIS FOR ANY CLAIM OR ACTION.



**JOHN A. McHILL, P.C.**  
 Land Surveying - Land Staking  
 1000 W. STATE STREET, SUITE 100  
 WASHINGTON, D.C. 20004  
 PHONE: 202-462-1111  
 FAX: 202-462-1112  
 WWW: www.jamhill.com

THIS FIELD WAS OPEN TO THE PUBLIC FOR THE PURPOSE OF RECORDING THIS MAP. THE FIELD WAS OPEN TO THE PUBLIC FOR THE PURPOSE OF RECORDING THIS MAP. THE FIELD WAS OPEN TO THE PUBLIC FOR THE PURPOSE OF RECORDING THIS MAP.

**FINAL SUBDIVISION PLAT OF:**  
**CHAPEL SPRINGS**  
 LAND LOTS 312 & 328  
 3rd LAND DISTRICT, 308th G.M.D.  
 PUTNAM COUNTY, GEORGIA

ISSUANCE DATE	FEBRUARY 28, 2003
ISSUANCE TIME	11:00 AM
MAP NUMBER	1/2003
DRAWN BY	P.O.S. / J.E.A.
JOB NO.	02000-01
SHEET NO.	2 OF 3



2-1-05

Google Maps



Imagery ©2021 Google, Imagery ©2021 Maxar Technologies, U.S. Geological Survey, Map data ©2021



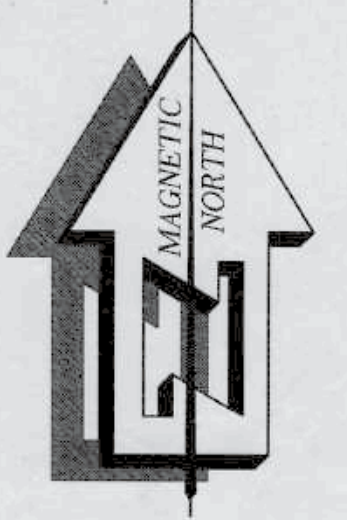


**NOTES:**

- 1) The surveyor whose seal is hereto attached has not made an independent search for unrecorded easements, encroachments, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose. Matters of title are excepted.
- 2) The surveyor whose seal is hereto attached does not certify that all easements and encroachments have been shown, nor does the surveyor assume any liability for any such easements or encroachments, either dedicated or implied, which may affect this property.
- 3) The fieldwork was performed immediately prior to and/or concurrent with the date on this plat.
- 4) The adjoining information is shown as taken from tax records at the time of survey.
- 5) Elevations based on lake levels at time of survey.

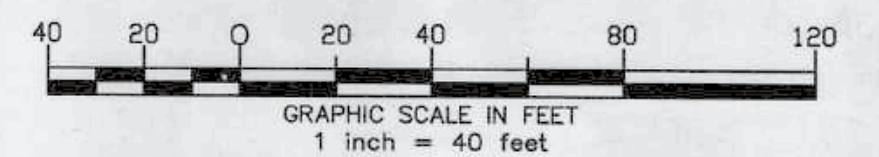
Curve Table					
Curve #	Length	Radius	Delta	Chord Direction	Chord Length
C1	25.23'	30.00'	48.18	N16°19'33"W	24.49'
C2	144.71'	60.00'	138.19	S61°19'33"E	112.10'
C3	78.95'	60.00'	75.39	N11°52'17"E	73.38'

Parcel Line Table		
Line #	Length	Direction
L1	17.27	N40°43'30"W
L2	52.35	N69°41'53"E
L3	120.45	N47°35'10"E
L4	75.65	N31°10'04"E
L5	82.85	N40°51'34"E
L6	28.21	N22°52'09"E
L7	20.19	S43°43'30"W
L8	32.42	S55°21'41"W
L9	30.10	S55°08'20"W
L10	27.64	N40°34'43"W



- LEGEND:**
- ⊙ -3/8" IRON PIN FOUND (IPF)
  - ⊙ -1/2" IRON PIN FOUND (IPF)
  - ⊙ -1" IRON PIPE FOUND (IPPF)
  - ⊙ -MASONRY NAIL SET
  - ⊙ -MARK IN CONCRETE FOUND
  - ⊙ -COMPUTED POINT
  - ⊙ -UTILITY POLE
  - ⋯ OVERHEAD POWER LINE
  - - - RIGHT OF WAY LINE
  - PROPERTY LINE

- REFERENCES:**
- D.B.936, PG.329
  - D.B.861, PG.148
  - D.B.853, PG.799
  - P.B.20, PG.21
  - P.B.34, PG.236
  - CLERK OF SUPERIOR COURT  
PUTNAM COUNTY, GEORGIA

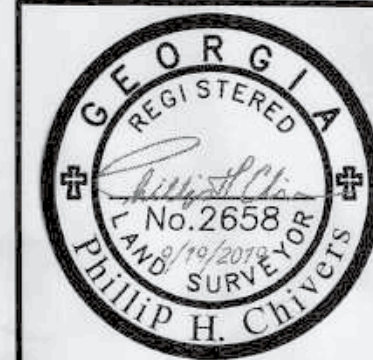


**SURVEYOR CERTIFICATION:**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 11-6-67.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 73,741+ FEET AND AN ANGULAR ERROR OF 3.0 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPOUND RULE. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 122,114+ FEET.

Equipment Used  
Linear: GeoMax Zoom90  
Angular: GeoMax Zoom90



**Topographic & As-Built Survey**

FOR: **Josh Sprayberry**

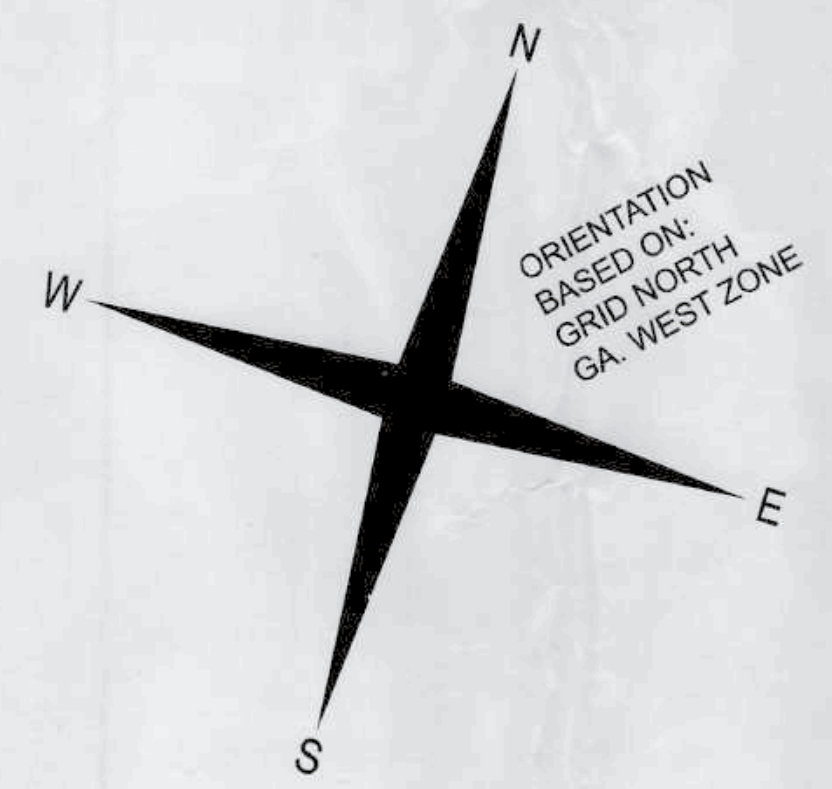
Lots 1L, 41, 42 & 43 of "Chapel Springs" Subdivision & Lot 20 of L.A. Copelan Subdivision, located in the 308th G. M. District, Putnam County, Georgia

SCALE: 1" = 40' | September 13, 2019

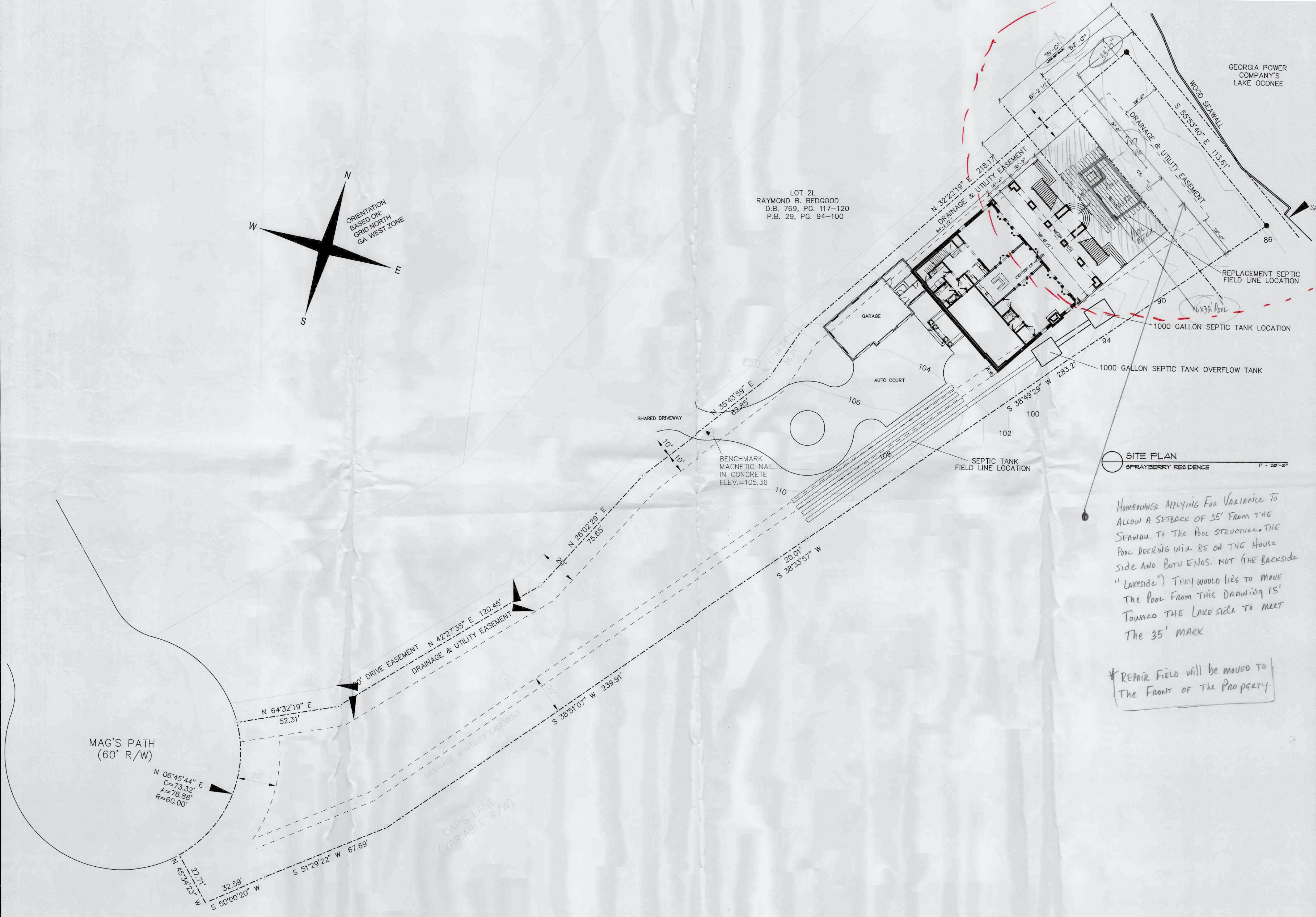
**Ogletree & Chivers** Land Surveyors  
693 Dunlap Rd, Suite B  
Milledgeville, GA 31061 478-453-3454



GEORGIA POWER COMPANY'S LAKE OCOONEE



LOT 2L  
 RAYMOND B. BEDGOOD  
 D.B. 769, PG. 117-120  
 P.B. 29, PG. 94-100



**SITE PLAN**  
 SPRAYBERRY RESIDENCE  
 1" = 20'-0"

Homeowner applying for Variance to allow a setback of 35' from the seawall to the pool structure. The pool decking will be on the house side and both ends. NOT (the backside "lakeside") They would like to move the pool from this drawing 15' toward the lake side to meet the 35' mark

\* REPAIR FIELD will be moved to the front of the property.

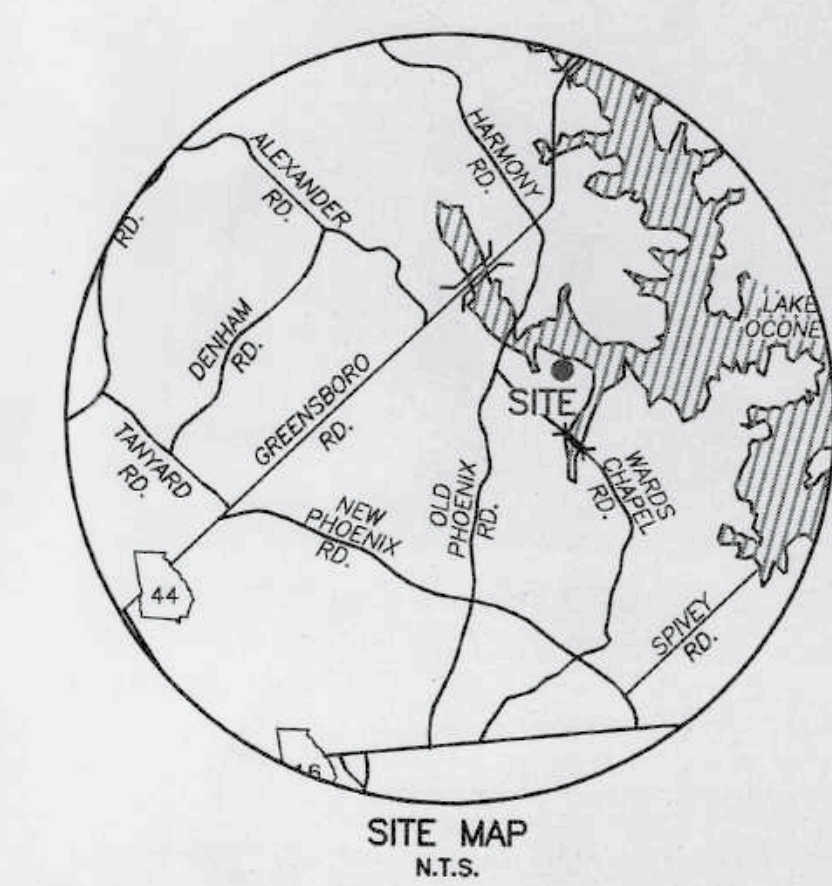
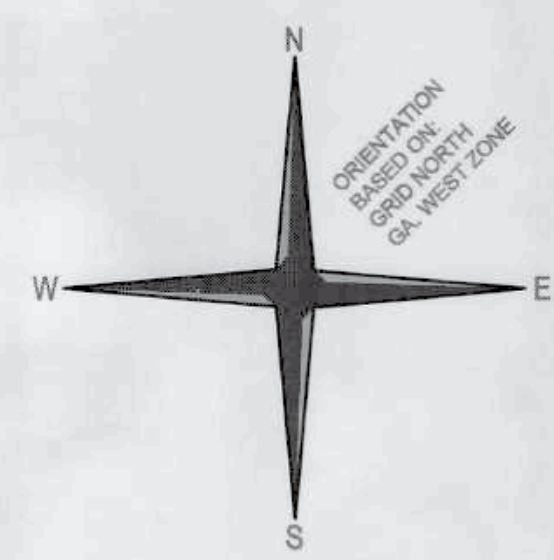
NEW HOME

THE SPRAYBERRY RESIDENCE  
 147 MAGS PATH, EATONTON, GA. 31024

NORMAN DAVENPORT ASKINS ARCHITECT,  
 2935 LOCKO PL NE ATLANTA, GA 30305  
 404-233-61

Date 4-21-01  
 Scale VAR  
 Drawn by E  
 Job SPRAYBERRY  
 Sheet C-





**OCONEE LAND SURVEYING LLC**

P.O. BOX 1330  
GREENSBORO, GA 30642  
PHONE: 706-817-0679  
EMAIL: oisjmcg@gmail.com

MADE IN AMERICA

LOT 2L  
RAYMOND B. REDGOOD  
D.B. 769, PG. 117-120  
P.B. 29, PG. 11-100

BENCHMARK  
MAGNETIC WAL  
IN CONCRETE  
ELEV. = 105.3

GEORGIA POWER  
COMPANY'S  
LAKE OCONEE

SHORELINE

MAG'S PATH  
(60' R/W)

CAPS LAKE  
(VARIABLE R/W)

LOT 43  
SAMMON-MCMICHAEL, LLC  
P.B. 29, PG. 94-100

**LEGEND**

- TRANSFORMER
- PHONE PEDESTAL
- BENCHMARK
- CALCULATED POINT
- #4 REBAR FOUND
- 3/4" PIPE FOUND



CONTOUR INTERVAL - 2 FT.  
VERTICAL DATUM - ASSUMED

**REFERENCES:**

- D.B. 810, PG. 192-196
- P.B. 29, PG. 94-100

**GENERAL NOTES:**

1. ALL UTILITIES ARE NOT SHOWN ON THIS MAP.
2. ALL FENCES ARE NOT SHOWN ON THIS MAP.
3. THIS MAP IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY, AND PROTECTIVE COVENANTS OF RECORD.
4. THIS MAP IS NOT BASED ON A TITLE ABSTRACT.
5. VEGETATION / SHORELINES ARE NOT CONSIDERED BY THE SURVEYOR TO BE AN ENCROACHMENT.
6. FLOOD ZONE INFORMATION IS NOT SHOWN ON THIS MAP.
7. ALL IMPROVEMENTS MAY NOT BE SHOWN ON THIS MAP.

**SPRAYBERRY RESIDENCE**

LOT 1L - 1.13 ACRES  
CHAPEL SPRINGS SUBDIVISION  
LAND LOT 329, 3RD LAND DISTRICT  
308TH G.M.D., PUTNAM COUNTY, GEORGIA

**Revisions**

No.	DATE	ISSUE/REVISION	BY

DATE OF FIELDWORK:	6-15-2015
MAP CLOSURE:	1/14, 3/47
DRAWN BY:	J.A.M.
CHECKED BY:	J.A.M.
PROJECT No.:	15-0215
SHEET TITLE:	

**TOPOGRAPHIC MAP**

SHEET NUMBER:  
**1**  
OF 1





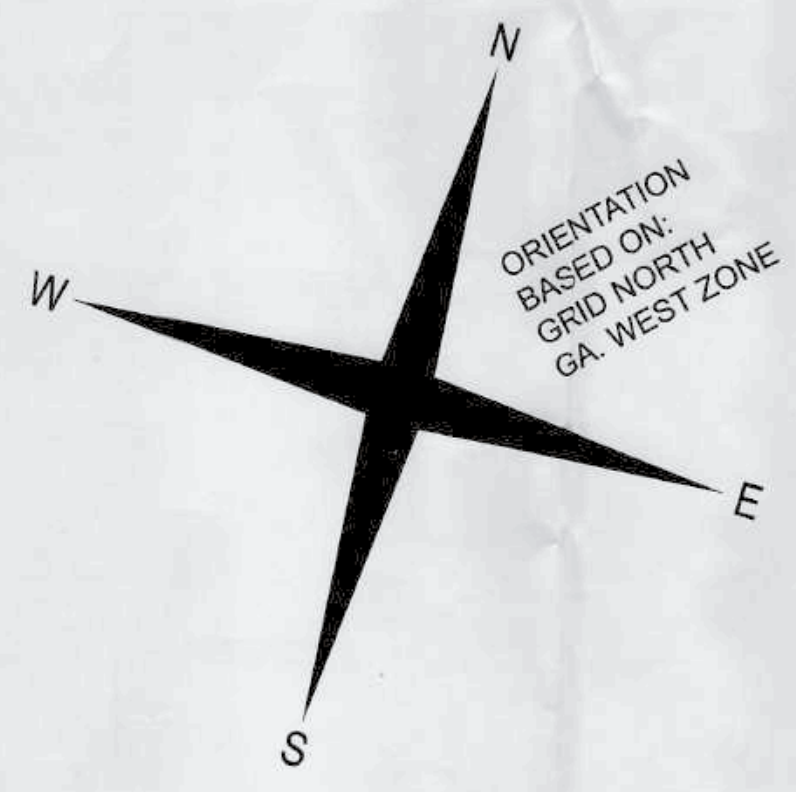
NEW HOME

THE SPRAYBERRY RESIDENCE  
149 MAGS PATH, EATONTON, GA. 31024

NORMAN  
DAVENPORT  
ASKINS  
ARCHITECT, P.C.  
2335 LOOKOUT  
PL NE  
ATLANTA, GA.  
30305  
404-233-6565

Date 11-10-2011  
Scale VARIES  
Job SPRAYBERRY  
Sheet

C-2

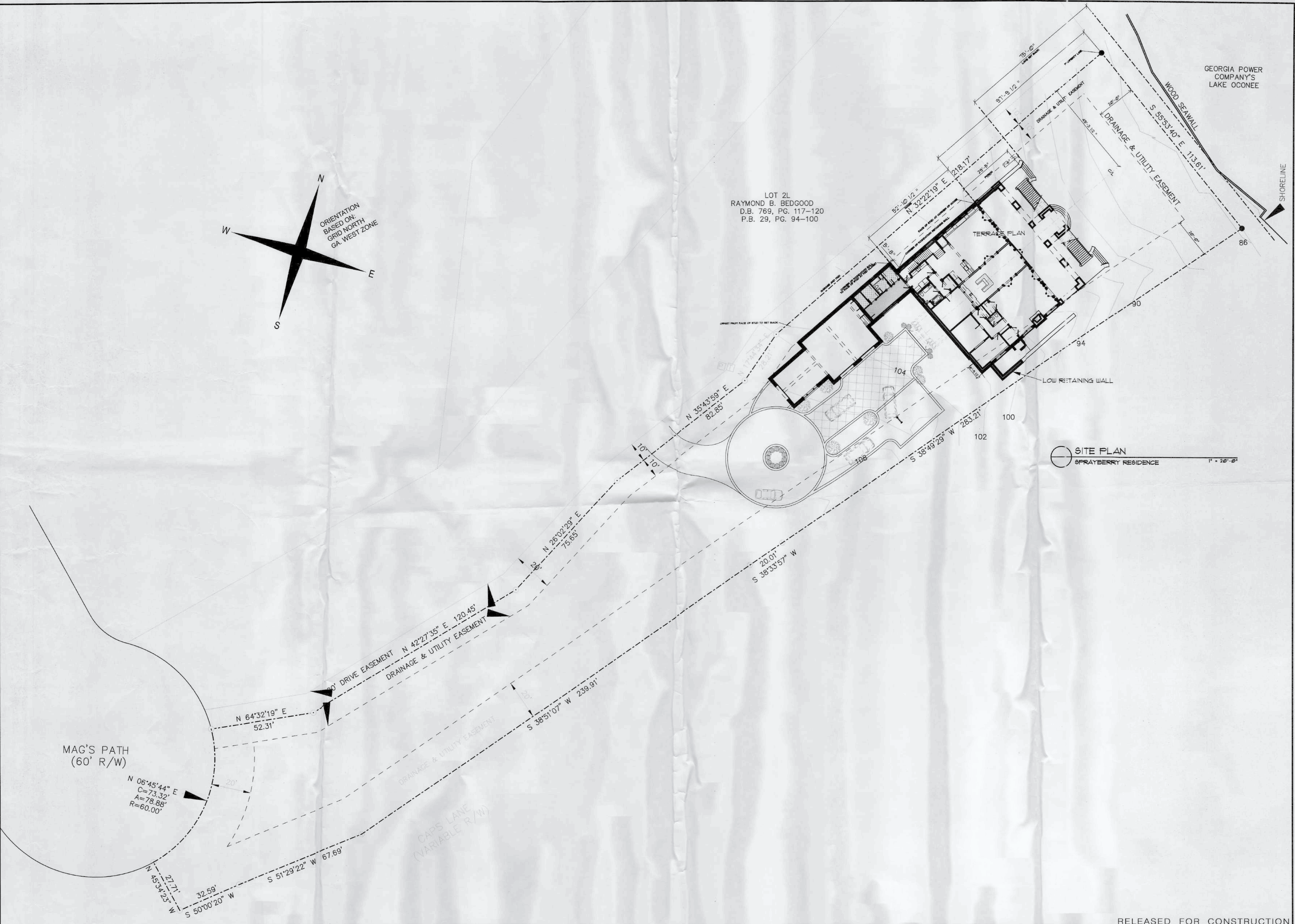


LOT 2L  
RAYMOND B. BEDGOOD  
D.B. 769, PG. 117-120  
P.B. 29, PG. 94-100

GEORGIA POWER COMPANY'S  
LAKE OCONEE

SHORELINE

SITE PLAN  
SPRAYBERRY RESIDENCE  
1" = 20'-0"



RELEASED FOR CONSTRUCTION



Robert Dan & Anita E. Headstream  
155 Capps Lane  
Eatonton, Georgia 31024  
Ph. 706-473-2078

June 2, 2021

To: Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Re: Josh & Lauren Sprayberry -149 Mags Path rear yard setback variance request for the purposes of constructing a pool behind their home

To Whom It May Concern:

We have lived at 155 Capps Lane, Eatonton, Georgia 31024 since June of 1999, and currently still reside at this home. Our home is adjacent to 149 Mags Path, Eatonton, Georgia 31024. We do not oppose a rear yard setback variance of 35 feet from Lake Oconee for the Sprayberry's to construct a pool at their home located at 149 Mags Path, Eatonton, Georgia 31024.

Thank you for consideration of our letter.

Kind regards,



Robert Dan & Anita E. Headstream



Dr. Raymond B. Bedgood  
147 Mags Path  
Eatonton, Georgia 31024  
Ph. 803-640-4503

June 3, 2021

To: Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Re: Josh & Lauren Sprayberry -149 Mags Path rear yard setback variance request for the purposes of constructing a pool behind their home

To Whom It May Concern:

I have owned the residence located at 147 Mags Path, Eatonton, Georgia 31024 since December of 2012, and currently still occupy this residence as a second home. My home at 147 Mags Path is adjacent to 149 Mags Path, Eatonton, Georgia 31024. My home at 147 Mags Path shares the same driveway entrance with 149 Mags Path. I do not oppose a rear yard setback variance of 35 feet from Lake Oconee for the Sprayberry's to construct a pool at their home located at 149 Mags Path, Eatonton, Georgia 31024.

Thank you for consideration of this letter.

Kind regards,



Dr. Raymond B. Bedgood

BEFORE THE PUTNAM COUNTY PLANNING & DEVELOPMENT

TRANSCRIPT OF PROCEEDINGS

Putnam County Administration  
117 Putnam Drive  
Room 203  
Eatonton, Georgia 31024

**COPY**

Thursday, June 3, 2021

PRESENT WERE:

TIM PIERSON, Chairman  
MAURICE HILL, JR., Member  
MARTHA FARLEY, Member  
John Mitchell, Member

Also Present:

Adam Nelson, General Counsel  
Lisa Jackson, Director of Planning &  
Development  
Ben Schmitt, Zoning Coordinator  
Courtney Andrews, Assistant Director

ATHENS REPORTING, LLC  
490 N. Thomas Street  
Athens, Georgia 30601  
(770) 225-7663  
www.athensreporting.com

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**EXHIBITS**

<b>DESCRIPTION</b>	<b>PAGE</b>
<b>Applicant's:</b>	
1 Exhibit notebook containing Exhibits A-F	5

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\* \* \* \* \*

(Agenda item was heard at 6:32 p.m.)

CHAIRMAN PIERSON: This evening we're going to start with Item No. 5, the request by Josh and Lauren Sprayberry for a rear yard setback variance at 149 Mags Path, presently zoned R-1 at 104A, Parcel 102, District 3.

I think we have three speakers signed up. Whoever is going to go first, please turn the mic on for us.

MR. DILLARD: Thank you, Mr. Chairman, Members of the Planning Commission. I'm Doug Dillard with Dillard and Sellers. And Jeff Haymore and I represent the applicant.

MEMBER HILL: Turn your mic on.

MR. DILLARD: You're not hearing me?

MEMBER HILL: The button.

MEMBER FARLEY: Hit the button.

MS. JACKSON: Push the button.

MR. DILLARD: Oh, there we go.

I'm sorry. I'll start over.

I'm Doug Dillard with Dillard Sellers. Jeff Haymore and I represent the applicant.

And we're here today to seek a variance from the 65-foot rear yard setback to build a swimming

1 pool at their residence no closer than 35 feet from  
2 the lake. In other words, we're asking for a  
3 30-foot variance.

4 We expect the evidence to show that this is not  
5 uncommon in Putnam County and along -- and along  
6 Lake Oconee. In fact, this property is long,  
7 narrow, irregularly shaped. Their property sits at  
8 the end of a cul-de-sac known as Mags Path. It's a  
9 corner lot with additional footage on Capps Lane.

10 This is the subject property. A lot of  
11 characteristics severely limit the ability to locate  
12 a pool. It's long. It's narrow. And I'm going to  
13 go through why -- why this variance is justified.

14 As you well know, there are two basic reasons  
15 -- legal bases for the granting of a variance in  
16 Putnam County. And it's an either/or situation.  
17 The first one is whereby the exceptional narrowness,  
18 shallowness, or shape of a specific piece of  
19 property. The second is where there are  
20 extraordinary or exceptional conditions which create  
21 an undue hardship on the property owner.

22 Now, the staff report focused on the undue  
23 hardship. We think we satisfy both of them. But  
24 even if you felt we didn't satisfy two, we feel like  
25 because of the shape, topography, condition of this

1 lot -- and I've got an environmentalist here that  
2 will talk a little bit about that -- we would be  
3 entitled to a variance under that. We're entitled  
4 to the variance under this first scenario which does  
5 not require a hardship report.

6 (Applicant's Exhibit No. 1 was given to the  
7 members.)

8 MR. DILLARD: If you turn to Exhibit A of our  
9 filing, you will see that the subject property was  
10 platted February of '05 prior to the current  
11 ordinance. Because we've got an exceptionally  
12 narrow lot, something the staff report recognizes,  
13 but because our lot was platted before the zoning  
14 ordinance was adopted, we're entitled to a variance  
15 for that reason.

16 Under scenario two, staff focused on --

17 CHAIRMAN PIERSON: Your mic turned off.

18 Sorry to interrupt. Your mic turned off. You  
19 can hit that again, please.

20 MR. DILLARD: You want to turn it off?

21 CHAIRMAN PIERSON: No. It is off.

22 MR. DILLARD: Oh, I turned it off with my  
23 notebook, I guess.

24 Okay. The decision to locate the house where  
25 we did was not due to poor judgment, but due to poor



1 soils. The poor soils mean that we could not locate  
2 the home closer to Mags Path. These poor soils  
3 confirm our -- our finding of our constitutional,  
4 extraordinary and exceptional conditions.

5 Additional extraordinary and exceptional conditions  
6 are the narrowness of the lot, multiple street  
7 frontages that severely constrain the use of the  
8 property. These are not self-imposed hardships.

9 To locate the swimming pool elsewhere on the  
10 property is not physically possible. Physically  
11 there's no room for the pool between Mags Path and  
12 the residential structure because the septic tank is  
13 located in that area. And the residential structure  
14 would otherwise block the sunlight on the pool in  
15 that area.

16 Legally the zoning ordinance permits accessory  
17 structures in the side or rear yard of any  
18 residential district. Placing the pool between the  
19 house and the lake is commonplace, as at least three  
20 existing lakefront homes on Mags Path enjoy swimming  
21 pools which are located between the homes and Lake  
22 Oconee. And that's in our neighborhood. And you  
23 can see that on Exhibit B that we have given you.

24 Under Exhibit C, we've now -- with regard to  
25 the pool, it's 35 feet. It's no closer to Lake

1 Oconee than the adjacent residence at 145 Mags Path.  
2 And you can see that on Exhibit C, which is  
3 attached.

4 Their residence is 68 feet from the lake.  
5 We're 75. Their hot tub and fireplace is at 32.6  
6 feet and 30.6 feet respectively.

7 We have provided you almost 60 cases where this  
8 Commission has approved lake setback variances since  
9 2015, including swimming pools. A summary of these  
10 variances is attached as Exhibit E in your notebook.  
11 And you can see that we've got a little bit of --  
12 there's been a lot of variances granted for pools,  
13 for fireplaces, and others.

14 For example, this Commission granted a 60-foot  
15 lake setback variance for Cuscowilla clubhouse pool  
16 and we're requesting only 30. To assuage any  
17 concern about the effect of the pool at 35 feet from  
18 Lake Oconee, before you is Exhibit E, an  
19 environmental assessment of Cody Hale. And I'm  
20 going to call on Cody here in just a minute to go  
21 through his evaluation.

22 Finally, we have a written support from  
23 next-door neighbors at 155 Capps Lane, Robert and  
24 Anita Headstream. Their letter is shown as  
25 Exhibit F.

1           We also have the other property that is  
2 adjacent on the other side from them that has also  
3 given us a letter. And you have that in your  
4 material.

5           We ask that you grant the respective variance  
6 finding that it satisfies scenario one and two for  
7 granting a variance. I reserve the balance of my  
8 time for rebuttal.

9           And I'd like to call Mr. Cody Hale at this time  
10 for his remarks. And I understand he has three  
11 minutes and I can reserve my portion of whatever is  
12 left of my ten for rebuttal, if any.

13           Is that correct?

14           CHAIRMAN PIERSON: That's correct. Four  
15 minutes.

16           MR. DILLARD: Thank you, Mr. Chairman.  
17 And Cody.

18           MR. HALE: Good evening.

19           MS. JACKSON: Hold on for one second.

20           MR. HALE: Sure. No problem.

21           CHAIRMAN PIERSON: Go ahead.

22           MR. HALE: Good evening. My name is Cody Hale.  
23 I'm a principal at Nutter and Associates. We're an  
24 environmental consulting firm. We've been in  
25 business for 37 years.

1 My area of expertise, I'm a hydrologist and  
2 water quality specialist. I've got about 18 years  
3 experience in this area and two advanced degrees,  
4 including a Ph.D. in water resources science.

5 I was asked to evaluate the proposed project  
6 with respect to the health and quality at Lake  
7 Oconee. My overall finding with respect to this  
8 project is the proposal to locate the pool at  
9 149 Mags Path about 35 feet from Lake Oconee poses  
10 no threat to the lake or the ecosystem that it  
11 supports.

12 To arrive at that conclusion, I considered not  
13 only the water quality, the aquatic life, the flora  
14 and the fauna of the lake, and the hydrology of the  
15 lake. I looked at this with respect to not only the  
16 long-term insulation of the pool and its operations,  
17 but also while under construction.

18 So several points I would like to make. The  
19 proposed site is located wholly in FEMA's Zone X, an  
20 area of minimal flood hazard. That means it's above  
21 the 500-year elevation. There will be no  
22 floodwaters interacting with this pool and the lake.  
23 So no chance for -- through the pool to be  
24 interacting with lake water as a result of floods.

25 With respect to water quality, we really just

1 need to look at the volumes of water involved here.  
2 The pool is a 20,000-gallon approximately pool. The  
3 lake, 130 billion gallons. So pollution is -- is a  
4 major factor with respect to water quality.

5 We have 35 feet proposed between the pool and  
6 the lake surface. What would normally be happening  
7 with the operation of this pool at most will be  
8 incidental splash out; whereby, that water will  
9 infiltrate into the soil and never interact with the  
10 lake.

11 At worst, if the whole pool were to release and  
12 enter into Lake Oconee, we've got 20,000 gallons  
13 mixing with a massive volume of water. Even at the  
14 local scale right in front of their home and the  
15 lake there's not going to be any water quality  
16 effects.

17 When we look at the typical water quality  
18 parameters, pH, temperature, dissolved oxygen,  
19 suspended sediment concentration, turbidity,  
20 nutrients and bacteria, a pool of this size will  
21 have no effect even in the immediate area within  
22 Lake Oconee next to this lot.

23 From a hydrology perspective, I think it's  
24 obvious, but I'll state it for the record. When we  
25 have a pool of this size, a 16-by-32 pool, this --

1 this pool has no -- this structure has no ability to  
2 affect the overall hydrology of Lake Oconee or the  
3 Georgia Power Company's operation of Wallace Dam.  
4 The watershed of Lake Oconee is just simply too  
5 large for such a small footprint of this pond -- of  
6 this lake to have an effect -- of this pool to have  
7 an effect on the lake.

8 CHAIRMAN PIERSON: Thank you very much.

9 Mr. Sprayberry.

10 MR. SPRAYBERRY: If you would, open up your  
11 packet. You have a series of maps. I just want to  
12 walk through those. They're in the very back of  
13 your folder.

14 When you look at the first one, it's right here  
15 on this page here. It's the one on the left. This  
16 is actually our residence and it shows where we have  
17 35 feet from the seawall to the edge of the pool.

18 It also shows the neighbor's improvements for a  
19 hot tub and a chimney well within the 30-foot from  
20 the lake setback.

21 As we go to page two, Wildwood, this is in the  
22 area of 140 Wildwood. Their pool deck is 15 feet  
23 from their property line. So nowhere near the  
24 setback variances that we're talking about here for  
25 our property.



1           This pool was built in 2019. And the comment  
2 has been made: Well, that was in a PUD. PUD zoning  
3 has changed to RM-3. At the time this pool was  
4 constructed, it was under RM-3 zoning, which means  
5 the rules for setbacks that were applicable to RM-3  
6 should rule. And the setback in '19 was 100-foot.  
7 We're dealing with a pool that's 15-foot from the  
8 lake.

9           As we flip to the next page, here is another  
10 pool in Cuscowilla. This is a pool that's 33 feet  
11 from the lake. This pool was constructed at a  
12 previous time, but it just goes to show another  
13 example of a pool in Putnam County less than 35 foot  
14 from the lake.

15           As we flip on to the next example, I know one  
16 of the comments made during the site visit that we  
17 built our house too big and that we used too much of  
18 our lot. Here is another example in Waters Edge,  
19 another RM-3 zoned community, a house that was built  
20 in '19, a pool that was built in '19, that is 35  
21 feet from the lake, similar design and construction  
22 as to what we seek before you tonight.

23           This house's footprint is 7,100 square foot,  
24 way substantially more than my 5,300 square foot  
25 footprint for my residence. Similar lot

1 characteristics; very narrow, very open at the end.  
2 They had no choice but to put the house where they  
3 did so it will fit, just like we did.

4 That's only half my lot. I share a driveway  
5 with my neighbor because our lot at the other end is  
6 too narrow to have two driveways. So we put the  
7 house at the widest point we could within a  
8 reasonable setback, 75-foot from the lake, so that  
9 we didn't block our neighbor's view to the right  
10 from the water.

11 As we look at the last page and the last  
12 example, this is 137 Clearwater Circle. It is not  
13 an RM-3 property. It is zoned the exact same we  
14 are. And their pool is 29 foot from the lake.

15 I appreciate your time this evening.

16 CHAIRMAN PIERSON: Thank you much.

17 Do we have any questions?

18 MEMBER MITCHELL: Yes, I do.

19 It was mentioned that one of the three  
20 properties in the community that have pools -- I  
21 believe it's Lot 8, was constructed in 2019; is that  
22 correct?

23 MR. SPRAYBERRY: In the map package in front of  
24 you, sir?

25 MEMBER MITCHELL: Yes.

1 MR. SPRAYBERRY: Wildwood, which would be --  
2 let's see. If you flip -- are you talking about in  
3 our subdivision or in another subdivision?

4 MEMBER MITCHELL: I --

5 MR. SPRAYBERRY: I just want to make sure I've  
6 got you. So you're looking at Chapel Springs?

7 MEMBER MITCHELL: Chapel Springs. I believe  
8 this was --

9 MR. SPRAYBERRY: That was '19 or '20, yes, sir.  
10 That's the Capps' lot. Meredith Capps.

11 And that's their pool in that area, yes, sir.  
12 That may even be 2020. That's a recent one.

13 MEMBER MITCHELL: And what is the distance from  
14 the lake?

15 MR. SPRAYBERRY: Let me see. Give me a second.  
16 I'll pull it on Google.

17 MEMBER MITCHELL: Okay.

18 MR. SPRAYBERRY: Her entire property is  
19 100-foot setback from the pool, but look at my lot  
20 here and this narrowness. And this is all my  
21 drainage septic field because that's where the  
22 suitables were soiled for our drainage septic field.

23 MEMBER MITCHELL: Now, did you say that this  
24 lot constructed -- and the pool constructed in 2019?

25 MR. SPRAYBERRY: '19 or '20, yes, sir. But my

1 examples here were not this pool here --

2 MEMBER MITCHELL: Okay.

3 MR. SPRAYBERRY: -- in the maps that I  
4 presented with the pools that had been built since  
5 2019 in Putnam County with that distance from the  
6 water.

7 MEMBER MITCHELL: And this one, constructed in  
8 2019 or 2020?

9 MR. SPRAYBERRY: Yes, sir.

10 MEMBER MITCHELL: How far back from the lake is  
11 it?

12 MR. SPRAYBERRY: It's 100-foot. But their lot  
13 is substantially wider and their house is built way  
14 up here close to the road. We didn't have that  
15 option.

16 MEMBER MITCHELL: As far as the second lot --

17 MR. SPRAYBERRY: My driveway when we bought it,  
18 I bought it with a driveway there, so...

19 MEMBER MITCHELL: Lot 11, the second one, what  
20 year was that approved?

21 MR. SPRAYBERRY: You're talking about the  
22 Carters' house. Let me pull that up.

23 MEMBER MITCHELL: Okay.

24 MR. SPRAYBERRY: Yes, sir.

25 MR. HAYMORE: For the record, this is Exhibit B

1 to the notebook that you're looking at; is that  
2 right?

3 MEMBER MITCHELL: That is correct.

4 MR. SPRAYBERRY: So that is Wilson Carter.  
5 Wilson Carter's pool was constructed in 2015. May  
6 of '15. 75 feet from the shoreline.

7 MEMBER MITCHELL: 75.

8 And Lot 14?

9 MR. SPRAYBERRY: Lot 14. Appears to be 55 feet  
10 from zoning construction. 2007.

11 MEMBER MITCHELL: Now, the other examples that  
12 you cited which -- were not within your community;  
13 is that correct?

14 MR. SPRAYBERRY: That's correct. But they were  
15 within Putnam County. I didn't know the rules  
16 varied per neighborhood.

17 MEMBER MITCHELL: Well, quite often the  
18 ordinances have expired at various communities.

19 MR. SPRAYBERRY: But all these pools were built  
20 within the same time period where the same  
21 ordinances have the same rules. RM-3 in '19 has the  
22 same setback requirements as our zoning.

23 CHAIRMAN PIERSON: Mr. Sprayberry, can we get  
24 you on the mic?

25 You're speaking loud. I appreciate that, but



1 just to make sure we've got it. Thank you.

2 MR. SPRAYBERRY: Understood.

3 MR. HAYMORE: Let me speak to Exhibit B, which  
4 was your question. What this shows simply is that  
5 since 2015 there have been over 60 cases of which  
6 the Commission has granted a variance reducing the  
7 rear yard from the lake. The majority of those  
8 zoning districts are R-1, which is what is this  
9 zoning.

10 But regardless of which district, they all had  
11 the 100-foot setback from the lake. So regardless  
12 of district.

13 And then the last column of that spreadsheet  
14 shows you how many feet were reduced. In some cases  
15 -- and you can see that it might be 20 feet. In  
16 other cases it might be 53 or 52. The largest  
17 reduction, in terms of just feet granted, was a  
18 60-foot reduction from 100 to 40 in the Lake  
19 Cuscowilla clubhouse pool.

20 With regard to the change in zoning, I think  
21 the point Mr. Sprayberry was -- I know he was making  
22 is that PUDs don't have the new 100-foot setback,  
23 but many of those properties have since been rezoned  
24 to a district, specifically RM-3, that does have or  
25 had the 100-foot setback.

1           And so, in other words, even though it might  
2 have been a PUD at one point, when the pool was  
3 built it had been rezoned to a district that had a  
4 100-foot setback and, yet, was built in a location  
5 within that setback apparently without getting a  
6 variance.

7           MR. SPRAYBERRY: And to clarify your statement,  
8 Cuscowilla's pool is 14 foot from the water. And  
9 I'd be happy to show you on Google Earth.

10           It's not 60. It's not 40-foot from the pool --  
11 from the water. It's 14 feet. And that pool is  
12 four or five times the size of what we're  
13 requesting.

14           MEMBER MITCHELL: Mr. Sprayberry, when we  
15 visited your site Ms. Jackson asked if you could  
16 consider an alternative location. And I'm wondering  
17 if you have looked into that.

18           I know you have three sets of steps leading  
19 down; is that correct?

20           MR. SPRAYBERRY: I guess. At least two or  
21 three, yes, sir.

22           MS. JACKSON: Three.

23           MEMBER MITCHELL: Well, I think that's what  
24 your spouse said --

25           MR. SPRAYBERRY: Yes, sir.

1 MEMBER MITCHELL: -- was three.

2 MR. SPRAYBERRY: Yes.

3 MEMBER MITCHELL: And you indicated that they  
4 were already under construction?

5 MR. SPRAYBERRY: Yes, sir. The steel  
6 manufacturer in Athens has already fabricated those  
7 steps. The brick masons are wrapping up the porch  
8 so that we can tie those steps in hopefully the next  
9 couple of weeks.

10 MEMBER MITCHELL: Okay. That's all the  
11 questions I have. Thank you.

12 MEMBER HILL: I have a question. And that is:  
13 Are you familiar with when the ordinance changed for  
14 Putnam County setbacks?

15 MR. SPRAYBERRY: In terms of from the 100 to  
16 the 65 recently in the last few months or --

17 MEMBER HILL: Yes.

18 MR. SPRAYBERRY: Yes, sir. First of the year.

19 MEMBER HILL: Okay. So those are the rules  
20 that you would be applying to this property?

21 MR. SPRAYBERRY: Yes, sir. And it'd be helpful  
22 if those rules were updated online.

23 MEMBER HILL: Okay.

24 MR. SPRAYBERRY: Because they're not available  
25 online at this time. If you pull Putnam County

1 code, it's still the old code.

2 MEMBER HILL: Got you.

3 CHAIRMAN PIERSON: Any other questions?

4 (No response.)

5 CHAIRMAN PIERSON: Okay. I've got a couple of  
6 questions. And I don't know who would like to get  
7 this.

8 But of the list that you provided -- and thank  
9 you for providing it. I think 60 projects. Did any  
10 of those have a previous variance?

11 MR. HAYMORE: I'm not quite sure I understand  
12 your question.

13 CHAIRMAN PIERSON: Were they granted a variance  
14 at some other point within the process?

15 MR. HAYMORE: You mean a second set --

16 CHAIRMAN PIERSON: Is this a second bite at the  
17 apple?

18 MR. HAYMORE: Yeah. Let me explain what that  
19 spreadsheet shows because I did the work. I've  
20 looked at all the minutes that are available on the  
21 County's website from this Commission from 2015 to  
22 the present.

23 And for all variance cases involving a rear or  
24 side yard reduction, I simply list the case, the  
25 address, the zoning, the requested relief, the

1 recommendation of staff, the decision of the  
2 Commission, and the total net of relief granted, and  
3 generally the reason for which the variance was  
4 sought.

5 In terms of your question, did any property  
6 come back a second or third time to seek additional  
7 relief?

8 CHAIRMAN PIERSON: The other direction. Was  
9 this variance that you're pointing out a second or  
10 third bite of the apple?

11 MR. SPRAYBERRY: We don't know.

12 MR. HAYMORE: I don't know.

13 MR. SPRAYBERRY: It could go either way.

14 CHAIRMAN PIERSON: Would that come into play;  
15 should that come into play?

16 And if not, why not?

17 MR. HAYMORE: Each -- each case stands on its  
18 own feet. So before you tonight is a variance  
19 application to which this Commission applies the  
20 criteria.

21 As Mr. Dillard was saying, the variance may be  
22 granted by this Commission under one or two  
23 scenarios. And the first scenario is simply if you  
24 have an exceptionally narrow lot.

25 And I don't think there's any factual dispute

1 this is an exceptionally narrow lot. And if that  
2 lot was platted prior to the adoption of the zoning  
3 ordinance, then the variance may be granted  
4 irrespective of hardship or how many times a  
5 property has come before this Commission.

6 What Exhibits A and B show is that this lot was  
7 platted in 2005 and the zoning ordinance was adopted  
8 in '07. And so because it's a pre-ordinance plat --  
9 platted lot under criteria "A" -- or, excuse me, (1)  
10 of the zoning ordinance, it is entitled to a  
11 variance.

12 We think we -- we know we meet that. The  
13 question is scenario two. And that's the one that  
14 the staff report focused on as to whether or not  
15 there's undue hardship.

16 So what we're asking is for the Commission to  
17 make a decision tonight whether -- in its decision  
18 whether it finds that we meet criteria one or two or  
19 both.

20 If you find that we meet one, we're entitled to  
21 the variance. If you find that we meet two, we're  
22 entitled to the variance.

23 CHAIRMAN PIERSON: Thank you.

24 And you mentioned the size of the house. Where  
25 does -- where does the burden of purchasing that lot

1 and building that size house come in, in your  
2 opinion, into this process versus some other smaller  
3 house that leaves you room for a pool in the  
4 original plan?

5 MR. SPRAYBERRY: I'm not sure I understand the  
6 question, if you could clarify.

7 CHAIRMAN PIERSON: Okay. Could you have built  
8 a smaller house or built on a different lot, I  
9 guess, would be the short answer?

10 MR. DILLARD: He's trying to say it was  
11 self-imposed.

12 MR. HAYMORE: Right. I think -- that's exactly  
13 right. The idea that it's self-imposed in the sense  
14 of if we had built a smaller house we would have  
15 more area to build a pool.

16 Number one, there is no maximum home size in  
17 Putnam County that we are aware of. What Josh was  
18 saying is that the footprint of his home was not  
19 dictated by a misjudgment or poor judgment, but by  
20 poor soils that dictate where on the lot. It's an  
21 exceptionally narrow lot.

22 And so obviously you're not going to put it up  
23 towards Mags Path. There's just not enough room.  
24 That necessitated shifting it towards the lake.

25 In terms of the size of the home, it's a two-



1 to three-story. And so the footprint, while large  
2 to maybe the average person, compared to other homes  
3 immediately adjacent, it's not bigger.

4 And as Josh was saying, you've got other  
5 structures immediately adjacent that are closer to  
6 the lake than we're proposing. And both of those  
7 owners -- the ones that would be arguably impacted  
8 the most by relief have written letters, which are  
9 before you, in support of this variance.

10 And so the question then becomes: What is the  
11 public health, safety and welfare being served by  
12 denying a variance, and, thereby, precluding the  
13 Sprayberrys from building a pool at the location  
14 that won't be any harm to the adjacent neighbors?

15 CHAIRMAN PIERSON: Okay.

16 MR. SPRAYBERRY: And to add to that, when you  
17 talk about size of the house, I've got 5,400 total.  
18 That includes a porch on the back. The actual  
19 structure of the house is a 50-by-60 square --  
20 square footprint.

21 So, I mean, when you talk about a 3,000 square  
22 foot house, I don't think that I exceptionally built  
23 out my lot. We just have a nice big porch to view  
24 the water like anybody else would want on this lake.

25 CHAIRMAN PIERSON: I would like to go on record

1 saying it's an amazing house.

2 Any other questions?

3 MEMBER HILL: I guess the question I have is --  
4 this house is beautiful. And, in my mind, the house  
5 has absolutely nothing to do with what we're talking  
6 about right now.

7 MR. SPRAYBERRY: I agree more than you want to  
8 know.

9 MEMBER HILL: So the -- because the ordinance  
10 changed in December -- see, because, either way, it  
11 doesn't matter to me whether you build a big pool or  
12 a little pool or a bigger house or smaller house.

13 MR. SPRAYBERRY: Uh-huh.

14 MEMBER HILL: My concern is by granting or the  
15 possibility of granting this after the rule had  
16 changed in December 2020 goes against setting the  
17 rule in the first place.

18 We set -- the ordinance was changed in December  
19 2020 for the 65-foot setback. So then at what point  
20 do we change that for this property and additional  
21 properties after the 2020 setting of that variance?

22 MR. DILLARD: Well, your -- your standards are  
23 pretty well set out in the ordinance; okay? The  
24 topo, shape, narrowness of the lot, et cetera, are  
25 grounds for approval. Likewise, except for

1 hardship, et cetera. We think there is arguments  
2 for both of them.

3 But the real first argument is this is an  
4 unusually shaped lot. It's narrow and it's long.  
5 And we've also got hydraulical -- or topographical  
6 issues relative to the implication of the septic  
7 system, which has got to be in the front of the  
8 house which causes us to locate the house closer to  
9 the lake.

10 So, for those reasons, I don't think you have  
11 to -- you have to worry about uniformity in applying  
12 the new ordinance. Each case is going to be  
13 different factually. But this is an unusual  
14 situation because size, shape and topographic --  
15 topography of this lot.

16 MR. SPRAYBERRY: And to add to that, most  
17 people's primary and backup septic drain field are  
18 kind of like in front of the house and behind the  
19 house. If you pull my permit from Putnam County, my  
20 primary and backup septic permit are in front of the  
21 house.

22 So if it fails at the one spot closer to the  
23 house, we go closer to the road due to the  
24 narrowness of the driveway that was already poured.  
25 So, like, my lot and the lot on the street, we have

1 a shared access road that rides the edge of both  
2 property lines all the way to a split. And we  
3 didn't start our garage until the far lane after  
4 that split.

5 So, like, we kind of started the house where  
6 that was originally forked off from the adjacent  
7 property and we tucked it back 10 feet from where  
8 their house sat as not to disturb their lake view  
9 down the main channel. So that's kind of where --  
10 and both of our septics are up front, primary and  
11 backup.

12 MR. DILLARD: Plus, we've got -- we've got  
13 letters of support from both of them on each side of  
14 the -- of this house. So we've got support of the  
15 adjacent neighbors. We don't have any opposition  
16 from them.

17 CHAIRMAN PIERSON: Any other questions?

18 MEMBER MITCHELL: Yes. You indicated that  
19 because of the -- rule No. 1, non-conforming lot  
20 allows for variance. That indeed is true. However,  
21 there are limits to the amount of how much can be  
22 approved. And it seems to far exceed --

23 MR. DILLARD: Well, here it's not -- we're not  
24 talking about the coverage of the lot. We're  
25 talking about distance from the lake. And that's

1 the only issue that you've got.

2 And to justify that, you've got to look at the  
3 shape and topography of this particular lot. It's  
4 an unusual lot. It's narrow. It's long.

5 MEMBER MITCHELL: We understand it's a  
6 non-conforming lot.

7 MR. DILLARD: Yes, sir. But in saying all  
8 that, we're not -- we're not asking for anything  
9 other than to build -- build a pool closer to the  
10 lake than 65 feet. That's not unusual.

11 We've got 60 examples over the last several  
12 years of similar variances being granted. The most  
13 recent and the most common is the one at the  
14 Cuscowilla clubhouse and pool, which is 40 feet off  
15 the lake.

16 CHAIRMAN PIERSON: Any other questions?

17 (No response.)

18 CHAIRMAN PIERSON: Okay. You did have extra  
19 time. Did you have anything to --

20 MR. DILLARD: Well, I mean, was there any  
21 opposition?

22 I didn't hear any opposition. Is there any  
23 opposition?

24 MR. SPRAYBERRY: I don't think so.

25 MR. DILLARD: I think we've -- I think we've

1 told you the case, Mr. Chairman. And I appreciate  
2 your courtesy.

3 MR. SPRAYBERRY: I would like to add to  
4 Mr. Hill's comment. 65 feet for a primary structure  
5 completely makes sense to me, you know, in terms of  
6 houses.

7 But when we look across this lake and we see  
8 fire pits, we see pools, hot tubs, whatever, I think  
9 that's a little different scenario from the 65-foot  
10 rule. But I agree with you on 65 for primary  
11 structure, as well.

12 And I know if we pull the Rocker's house up on  
13 the lake, their whole house is within 30-foot of the  
14 lake. So, I mean, I get the primary structure to be  
15 further away from the water.

16 MR. DILLARD: And the footprint of this house  
17 -- while it's a large house, the footprint of this  
18 house is smaller than the next-door neighbor.

19 CHAIRMAN PIERSON: Thank you for your  
20 arguments, your time.

21 We do have a staff recommendation. I'm going  
22 to read the entire note into the record.

23 We've got a request by Josh and Lauren  
24 Sprayberry for a rear yard setback variance at 149  
25 Mags Path, presently zoned R-1, Map 104A, Parcel

1 102, District 3. The applicants are requesting a  
2 30-foot rear setback variance being 35 feet from the  
3 nearest point to the lake to construct a 16-foot by  
4 32-foot pool.

5 As it stands, this property has already  
6 received three variances for the construction of the  
7 primary dwelling unit. The primary dwelling unit is  
8 currently under construction and was granted both a  
9 lake and side setback variance on April 7th, 2016  
10 due to the narrowness of the lot. The lot width is  
11 91 feet wide in the buildable area.

12 In addition, the applicants were given some  
13 relief from the lake setback, which is a minimum of  
14 100 feet from the nearest point to the lake. The  
15 applicants were granted an 8-foot side yard setback  
16 variance being 12 feet from the left and right side  
17 property lines and a 25-foot rear yard setback  
18 variance being 75 feet from the nearest point to the  
19 lake.

20 The home consists of 9,620 heated square feet,  
21 1,156 unheated square feet, and 1,165 square feet of  
22 porches and decks, with a total square footage of  
23 11,941. Staff measured the unfinished home with an  
24 attached garage and found that it is currently 157  
25 feet in length and 71 feet wide.



1           In addition, there will be three sets of stairs  
2 sloping from the upper balcony that will extend near  
3 or beyond the 65-foot minimum setback from the lake.  
4 However, once completed the footprint of the house  
5 will exceed the lake side variance that was approved  
6 in 2016, which shall not be closer than 65 feet from  
7 the nearest point to the lake.

8           As forementioned, in 2016 the applicants were  
9 granted several variances, including lake side  
10 variance to develop this property. There was a  
11 25 percent deviation approved from the 100 feet  
12 minimum setback from the lake to 75 feet. And the  
13 Board of Commissioners has since given a 35 percent  
14 decrease in the minimum required lake side setback  
15 to 65 feet.

16           This lot is approximately 230 plus feet in  
17 length from the buildable area to the lake. The  
18 applicant has chosen to maximize the buildable area  
19 of this parcel with the construction of their  
20 considerably large new home with no consideration  
21 for an accessory structure that must meet all  
22 applicable setbacks as well.

23           Staff, therefore, finds no undue hardship  
24 related to the property that is not a direct act of  
25 the applicants. As a result, this request fails to

1 meet any of the conditions for granting a variance  
2 listed in the Putnam County Code of Ordinances,  
3 Chapter 66-157(c).

4 So the staff recommendation is for denial of a  
5 30-foot rear yard setback variance being 35 feet  
6 from the nearest point to the lake at 149 Mags Path,  
7 Map 104A, Parcel 102.

8 With that, any comments?

9 MEMBER FARLEY: No.

10 CHAIRMAN PIERSON: Nothing?

11 MEMBER FARLEY: No.

12 CHAIRMAN PIERSON: Do we have a motion?

13 MEMBER MITCHELL: I make a motion that we deny  
14 the request for the setback variance.

15 MEMBER FARLEY: I second.

16 CHAIRMAN PIERSON: Do we need to clarify or  
17 should we --

18 MS. JACKSON: We've got it.

19 CHAIRMAN PIERSON: Okay. So we have a motion  
20 and a second.

21 Take a vote?

22 MR. NELSON: Ask for discussion.

23 CHAIRMAN PIERSON: Oh, okay. I'm sorry.

24 Is there any additional discussion on that?

25 MEMBER MITCHELL: No.

1 CHAIRMAN PIERSON: Okay. And, for the record,  
2 a vote of "yes" will mean "no".

3 MR. SCHMITT: Mr. Hill?

4 MEMBER HILL: Yes.

5 MR. SCHMITT: Ms. Farley?

6 MEMBER FARLEY: Yes.

7 MR. SCHMITT: Mr. Pierson?

8 CHAIRMAN PIERSON: No.

9 MR. SCHMITT: Mr. Mitchell?

10 MEMBER MITCHELL: Yes.

11 CHAIRMAN PIERSON: We have a three to one no  
12 vote. There will be a Commissioners meeting  
13 June 15th at 6:30 p.m. for any appeals.

14 So if you wish to, it will be right here.

15 MR. SPRAYBERRY: We'll see you on the 15th.

16 MR. HAYMORE: I wanted to clarify that.

17 MR. NELSON: We'll make sure -- you just follow  
18 the ordinances on the appeal. You've got a time  
19 period. The 15th is established if you meet the  
20 time period for the appeal.

21 MR. HAYMORE: So if we appeal within ten days I  
22 think, which is the standard for appealing a --

23 MR. NELSON: I believe it's five, Jeff.

24 MS. JACKSON: Five or ten. I'm not sure.

25 MR. NELSON: We'll check the ordinances.

1 MR. SPRAYBERRY: You'll have it tomorrow.

2 MR. HAYMORE: I checked it. It was ten, but to  
3 the point that it hasn't updated --

4 MR. NELSON: That didn't change.

5 MR. HAYMORE: That did not? So as long as we  
6 appeal within the requisite time, we'll be heard on  
7 the -- what date; the 15th of June?

8 MS. JACKSON: Yes.

9 MR. NELSON: Well, I don't want to commit to  
10 that. This body doesn't set the agenda before the  
11 Commissioners and --

12 MR. HAYMORE: But if the appeal is timely, then  
13 we'll be heard at a later date is what you're --

14 MS. JACKSON: At a later date. The Board of  
15 Commissioners will set that time. We don't  
16 establish their timing.

17 We just have to submit it and they will  
18 establish the time as to when they can hear it.

19 MR. DILLARD: Okay. So as long as we file  
20 within --

21 MS. JACKSON: The ten days.

22 MR. DILLARD: You'll set the hearing. We'll  
23 file it in ten days.

24 MS. JACKSON: Yes. And the Board of  
25 Commissioners will let you know what agenda you will

1 be on.

2 MR. DILLARD: Thank you.

3 MR. SPRAYBERRY: Thank you for your time.

4 MR. HAYMORE: Thank you.

5 CHAIRMAN PIERSON: Okay.

6 MR. HAYMORE: That's it.

7 \* \* \* \* \*

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9 (Proceedings adjourned at 7:12 p.m.)

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C E R T I F I C A T E

PUTNAM COUNTY:

G E O R G I A:

The foregoing proceedings were taken down by me as a Certified Court Reporter in the State of Georgia, and the proceedings thereto were reduced to typewriting by me, personally. I hereby certify that pages 1 through 36, inclusive, comprise a complete and correct transcript of said proceedings. I further certify that I am neither kin nor counsel for any party; and am in no way interested in the outcome of said case.

This, the 9th day of June, 2021.



KELLEY MARIE NADOTTI, RPR, CCR  
Certified Court Reporter  
CCR 6256-8388-8026-4192

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# CHAPEL SPRINGS

### GENERAL NOTES

1. EACH LOT IS TO BE SERVED BY AN INDIVIDUAL SEWER SYSTEM. VERIFY APPROPRIATE INFLECTIONS FORTY-EIGHT HOURS PRIOR TO COMMENCING CONSTRUCTION.
2. ALL UTILITIES SHALL BE LOCATED AND DEPTH TO BE APPROVED BY THE PUTNAM COUNTY HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
3. EACH INDIVIDUAL LOT OWNER IS REQUIRED TO OBTAIN SET AND SEPARATION PRIOR TO CONSTRUCTION.
4. EACH LOT IS TO BE SERVED BY AN INDIVIDUAL WELL.
5. ALL UTILITIES SHALL BE LOCATED AND DEPTH TO BE APPROVED BY THE PUTNAM COUNTY HEALTH DEPARTMENT PRIOR TO CONSTRUCTION.
6. A 30' TRAVEL/UTILITY EASEMENT IS LOCATED ALONG ALL SIDINGS.
7. ALL UTILITIES ARE NOT SHOWN ON THIS PLAN.
8. THIS PLAN IS SUBJECT TO ALL ZONING, MAPS, ORDINANCES, AND REGULATIONS OF THE PUTNAM COUNTY HEALTH DEPARTMENT. THIS PLAN IS NOT BASED ON A TELL SURVEY.
9. ALL UTILITIES ARE NOT SHOWN ON THIS PLAN.
10. SEWER SYSTEM IS GENERAL DRY-PILE ZONE.
11. THE PLAN CONFORMS TO THE SUBDIVISION PLAT ACT.
12. THE PLAN IS NOT BASED ON A TELL SURVEY.
13. THE PLAN IS NOT BASED ON A TELL SURVEY.
14. THE PLAN IS NOT BASED ON A TELL SURVEY.
15. THE PLAN IS NOT BASED ON A TELL SURVEY.
16. THE PLAN IS NOT BASED ON A TELL SURVEY.
17. THE PLAN IS NOT BASED ON A TELL SURVEY.
18. THE PLAN IS NOT BASED ON A TELL SURVEY.
19. THE PLAN IS NOT BASED ON A TELL SURVEY.
20. THE PLAN IS NOT BASED ON A TELL SURVEY.



SETBACK INFORMATION	
FRONT SETBACK (MINIMUM STREET FRONTAGE)	REAR SETBACK (MINIMUM STREET FRONTAGE)
30'	30'
10'	10'
5'	5'

**LOT INFORMATION**

- TOTAL NUMBER OF LOTS: 10
- LOT 1: 0.15 ACRES (65,000 SQ FT)
- LOT 2: 0.15 ACRES (65,000 SQ FT)
- LOT 3: 0.15 ACRES (65,000 SQ FT)
- LOT 4: 0.15 ACRES (65,000 SQ FT)
- LOT 5: 0.15 ACRES (65,000 SQ FT)
- LOT 6: 0.15 ACRES (65,000 SQ FT)
- LOT 7: 0.15 ACRES (65,000 SQ FT)
- LOT 8: 0.15 ACRES (65,000 SQ FT)
- LOT 9: 0.15 ACRES (65,000 SQ FT)
- LOT 10: 0.15 ACRES (65,000 SQ FT)

NO.	DATE	COMMENTS
1		
2		
3		
4		
5		

**JOSEPH A. MCGEE, P.C.**  
 Land Surveying & Licensure  
 1000 Peachtree Street, N.E.  
 Atlanta, Georgia 30309  
 Phone: (404) 525-1100  
 Fax: (404) 525-1101

THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS BEEN OBTAINED BY SURVEYING AND MEASUREMENTS MADE BY THE SURVEYOR IN THE FIELD AND THE SURVEYOR HAS BEEN ADVISED BY A REGISTERED PROFESSIONAL ENGINEER THAT THE DATA IS ACCURATE AND RELIABLE.

**EXHIBIT**  
 A KN  
 13/21

Plans developed by subject to other regulations and requirements as administered by the Commission.

**OWNER'S CERTIFICATION:**  
 I hereby certify that the proposed water system and sewer system shown on this plan conform with the requirements of the Putnam County Health Department. These plans are not approved for public health regulations are (2) etc.

Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_

**COMMISSIONER OF METROPOLITAN PLANNING AND ZONING:**  
 I hereby certify that the proposed plan and utility is in accordance with the requirements of the Putnam County Health Department. These plans are not approved for public health regulations are (2) etc.

Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_

**FINAL PLAT APPROVAL:**  
 I hereby certify that the final plat and subdivision map shown on this plan conform with the requirements of the Putnam County Health Department. These plans are not approved for public health regulations are (2) etc.

Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_

**CERTIFICATION OF RECORDATION OF INSTRUMENTS:**  
 I hereby certify that the proposed plan and utility is in accordance with the requirements of the Putnam County Health Department. These plans are not approved for public health regulations are (2) etc.

Date: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Title: \_\_\_\_\_

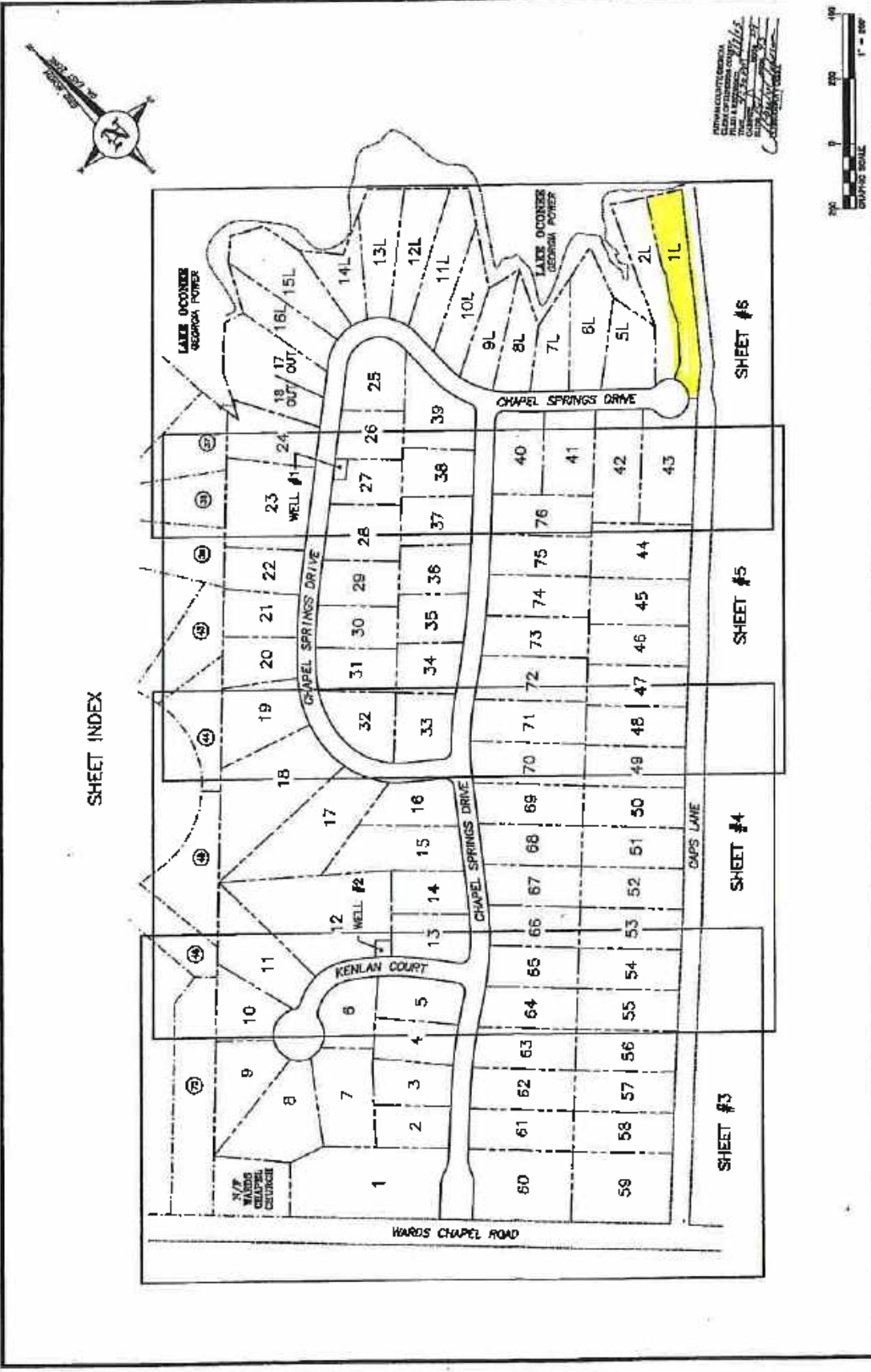
PUTNAM COUNTY CLERK  
 CLERK OF PUTNAM COUNTY  
 1000 PEACHTREE STREET, N.E.  
 ATLANTA, GEORGIA 30309  
 PHONE: (404) 525-1100

**PROJECT TITLE:** CHAPEL SPRINGS  
**OWNER/DEVELOPER:** SAUNDERS & MAURICE, L.L.C.  
**CONTACT:** HOWARD MAURICE, JR.  
**ADDRESS:** P.O. BOX 30249  
**ATLANTA, GEORGIA 31024**  
**PHONE:** 404-468-1776



SURVEY DATE	FEBRUARY 28, 2003
DRAFTING DATE	JANUARY 31, 2003
MAP CLOSURE	1/28/03
DRAWN BY	F.C.C. / J.A.A.
JOB NO.	62000-01
SHEET NO.	1 OF 7

**FINAL SUBDIVISION PLAT OF:**  
**CHAPEL SPRINGS**  
**LAND LOTS 812 & 829**  
**3rd LAND DISTRICT, 308th C.M.D.**  
**PUTNAM COUNTY, GEORGIA**



APPROVED FOR RECORDATION  
 CLERK OF SUPERIOR COURT  
 COUNTY OF PUTNAM, GEORGIA  
 DATE: 2/1/05  
 BY: [Signature]



SURVEY DATE	FEBRUARY 26, 2003
DRAFTING DATE	JANUARY 31, 2005
MAP CLOSURE	1/30/05
DRAWN BY	F.C.D. / J.T.A.
JOB NO.	G3030-21
SHEET NO.	3 OF 7

**FINAL SUBDIVISION PLAT OF:**

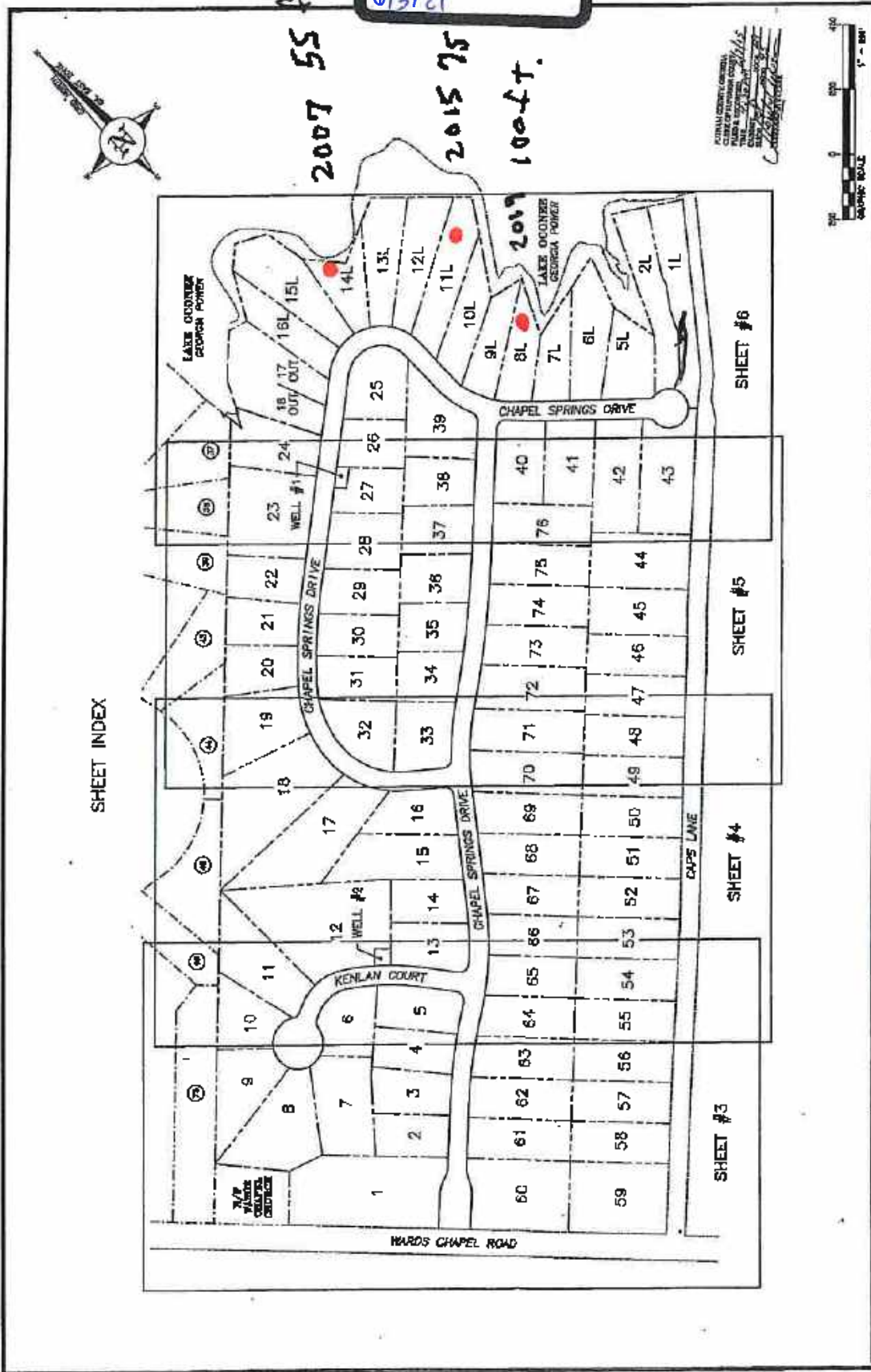
**CHAPEL SPRINGS**  
 LAND LOTS 312 & 329  
 3rd LAND DISTRICT, 308th C.M.D.  
 PUTNAM COUNTY, GEORGIA

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY ME OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMES IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA SUBDIVISION ACT AND REGULATIONS THEREUNDER.

**JOSEY A. MADRILL, P.E.**  
 Land Surveyor - Land Planning  
 1000 N. Main Street, Suite 100  
 Putnam County, Georgia 30084  
 Phone: (706) 882-2887  
 Fax: (706) 882-2887  
 www.jamadrill.com



**EXHIBIT**  
 6/3/21  
 B W  
 tabbies



**JOSEY A. McRILL, P.C.**  
 Land Surveyors & Land Planners  
 300 Peachtree Street, N.E.  
 Atlanta, Georgia 30308  
 Phone: (404) 525-1111  
 Fax: (404) 525-1112  
 www.jamcrist.com

**FINAL SUBDIVISION PLAT OF:**  
**CHAPEL SPRINGS**  
 LAND LOTS 812 & 829  
 3rd LAND DISTRICT, 808th C.M.D.  
 PUTNAM COUNTY, GEORGIA

**WATER RIGHTS**  
 LAKELAND COUNTY, GEORGIA  
 CLARENCE E. BROWN  
 PLAINFIELD, N.J. 07054  
 100% INTEREST  
 CHAPEL SPRINGS DRIVE  
 2019

**WELL #1**  
 23 24

**WELL #2**  
 12 13

**CHAPEL SPRINGS DRIVE**  
**CAPS LANE**  
**KENLAN COURT**  
**CHAPEL ROAD**

**SHEET #3**   **SHEET #4**   **SHEET #5**   **SHEET #6**

**SCALE**  
 0 50 100 150  
 FEET

**NORTH ARROW**

**LEGEND**  
 SURVEYED  
 CONVEYED  
 EASEMENTS  
 ENCUMBRANCES

**SEAL**  
 JOSEY A. McRILL, P.C.  
 LAND SURVEYORS & LAND PLANNERS  
 No. 2008  
 2-1-05

**SURVEY DATE:** FEBRUARY 26, 2003  
**DISKING DATE:** JANUARY 31, 2005  
**MAP CLOSURE:** 1/26/05  
**DRAWN BY:** P.C.C. / J.T.A.  
**JOB NO.:** 03030-21  
**SHEET NO.:** 2 OF 7





100 ft



House is 5,356 sqft.

50x30 Porch Deck

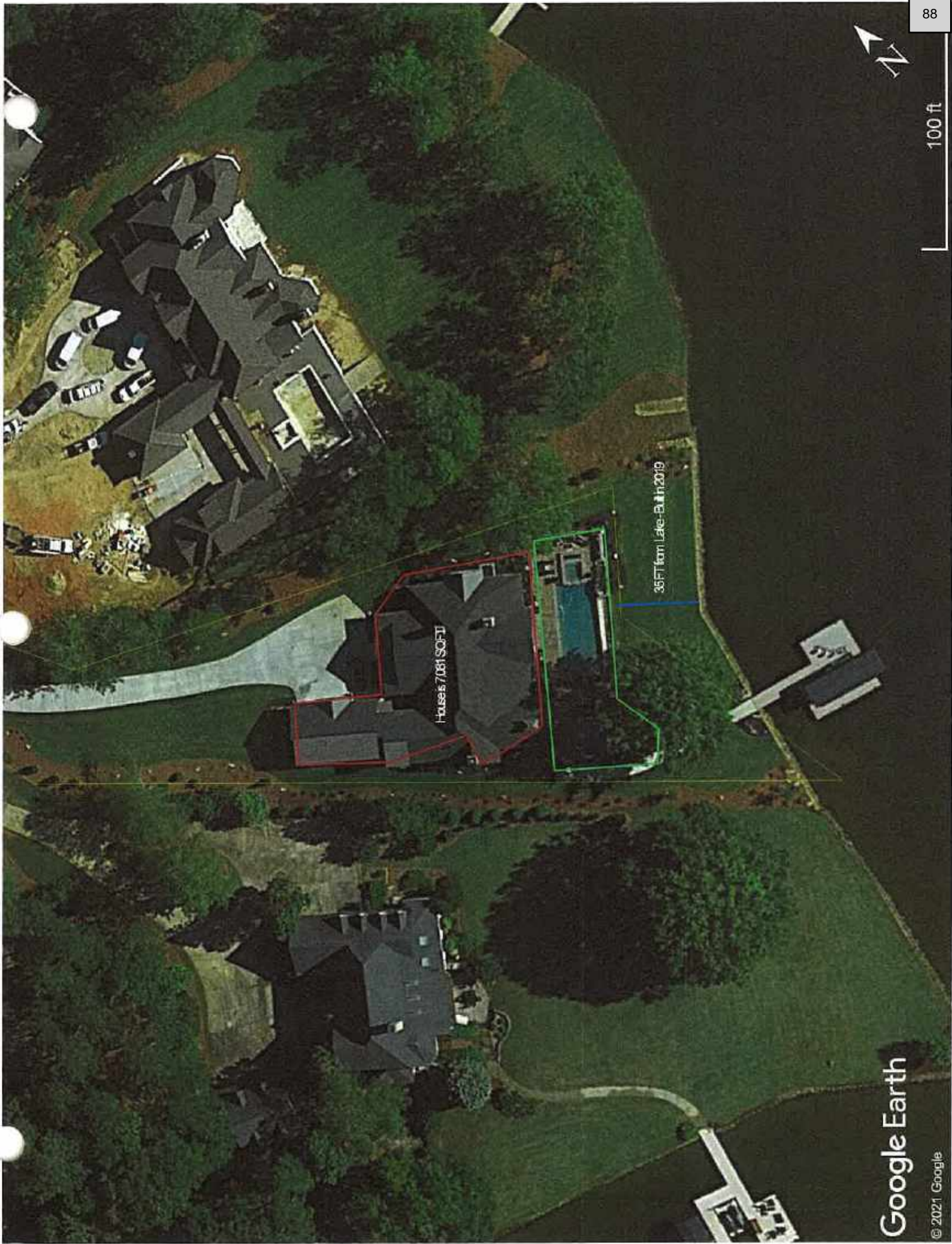
30.6 FT

32.6 FT

35 Foot Variance

Δ π EXHIBIT C  
 Deponent \_\_\_\_\_  
 Date 6/3 Rpt. NW  
 WWW.DICKBOOK.COM









100 ft

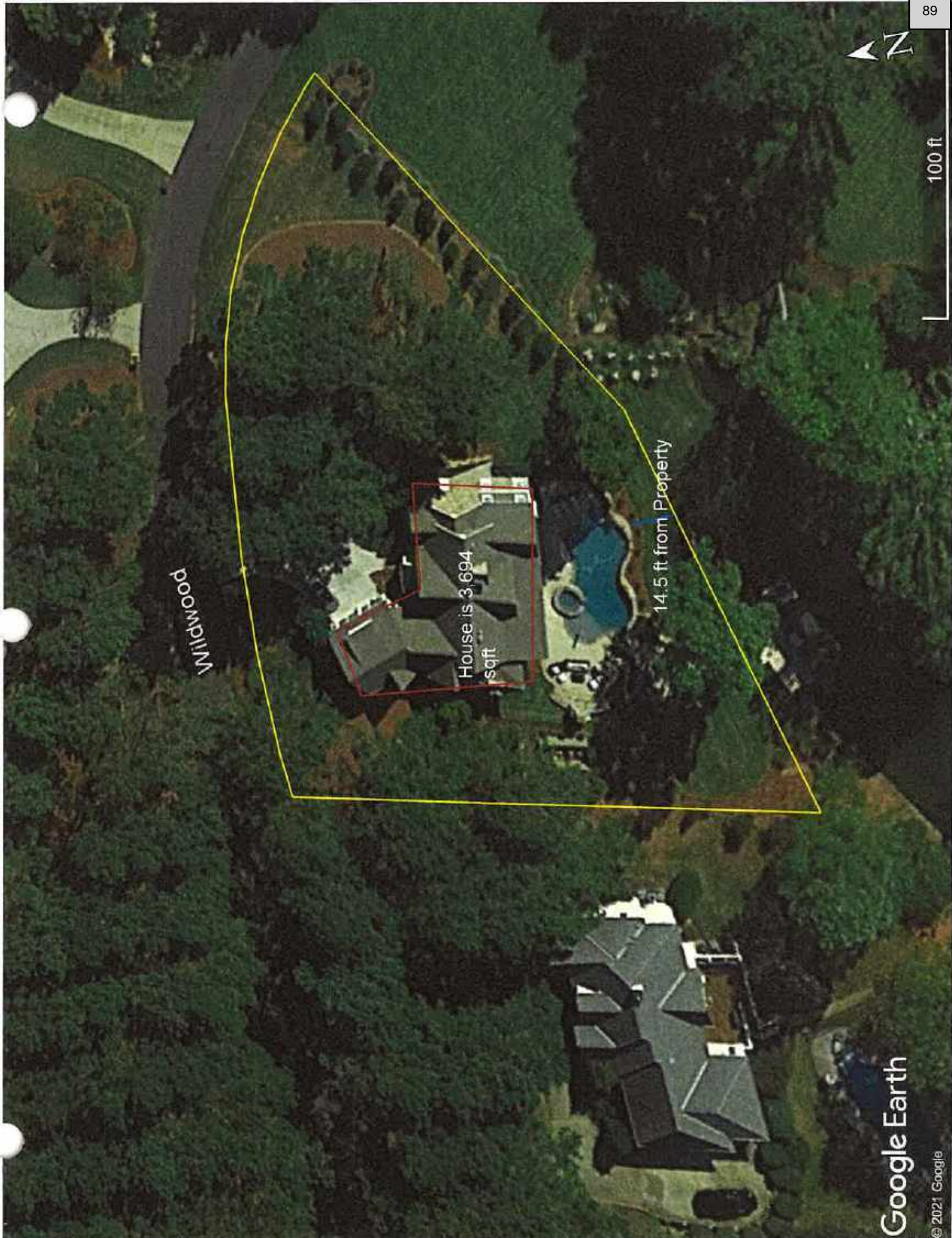
Wildwood

House is 3,694 sqft

14.5 ft from Property

Google Earth

© 2021 Google







100 ft



House is 4,697 SQFT

332 ft from Lake





200 ft

29 FT From Lake

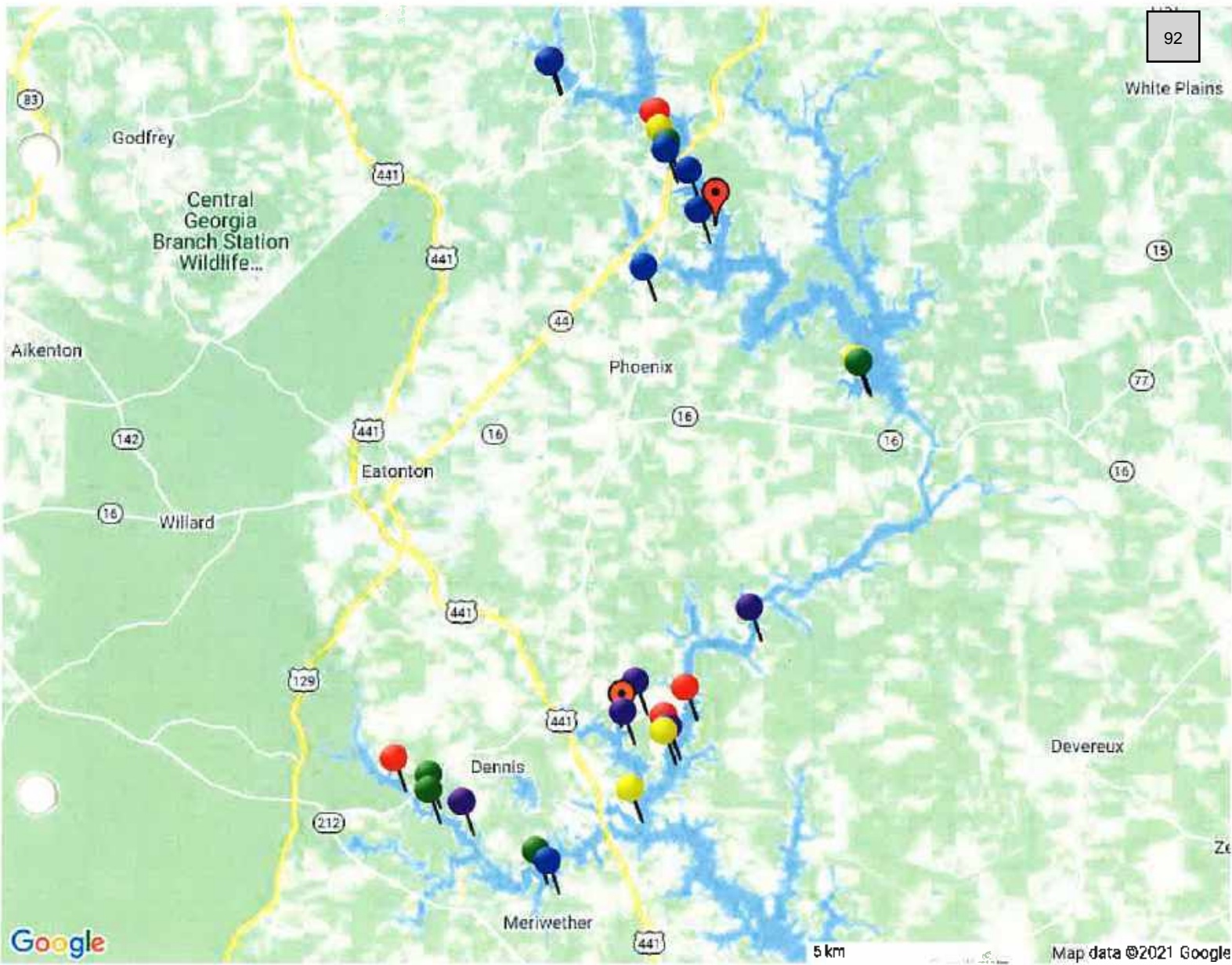
55 FT From Lake

Google Earth

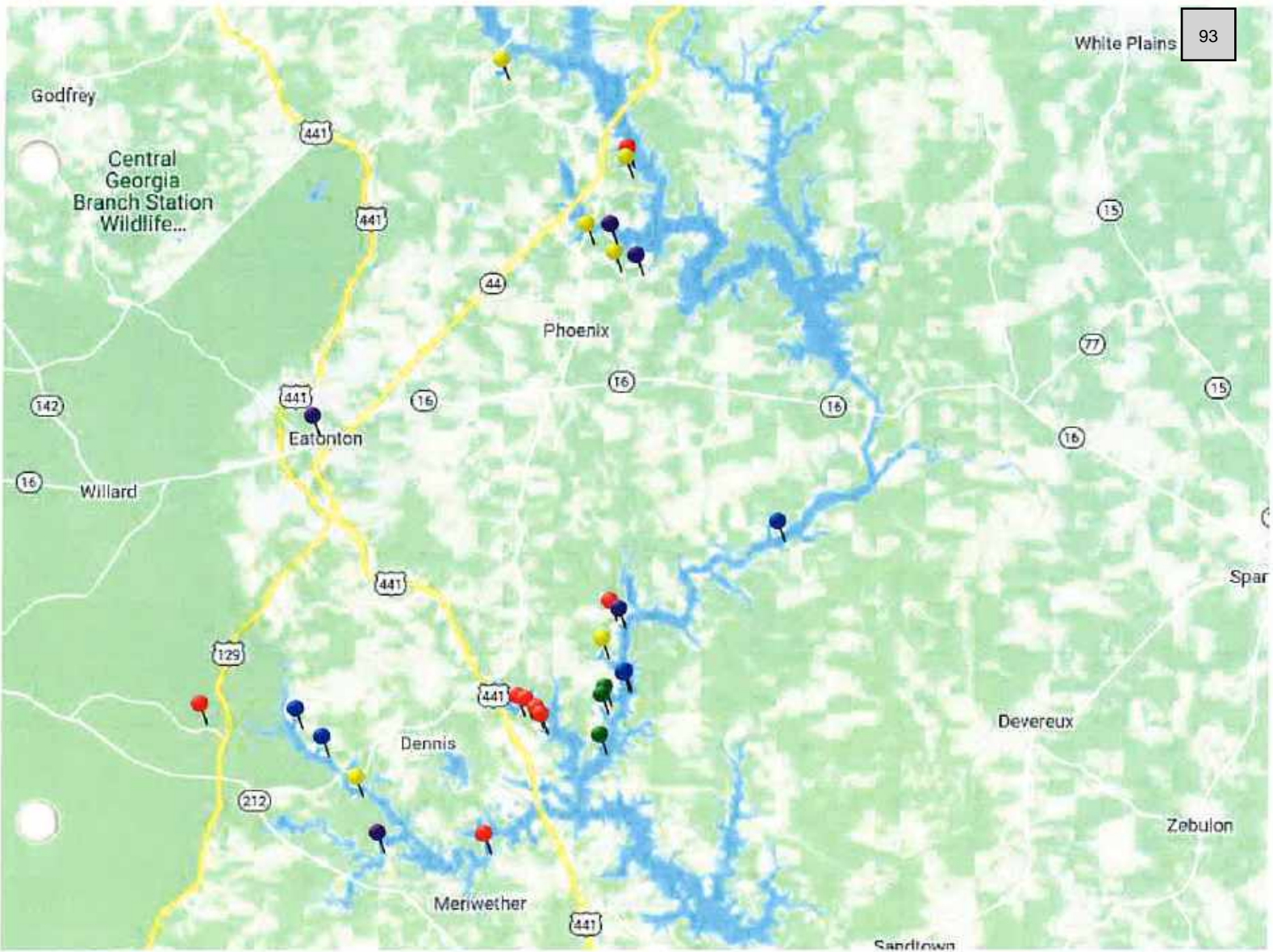
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Δ π EXHIBIT D  
 Deponent \_\_\_\_\_  
 Date 6/3/21 Rptr MS  
 WWW.DEPOROOT.COM



Google

5 km

Map data ©2021 Google



A	B	C	D	E	F	G	
1							
2	Date	Address	Zoning	Requested Variance from Lake	Staff Recommendation	Action	# of feet in relief
3	2/15/2015	138 Cold Branch Lane	R-2	Side yard reduction from 100' to 45' and rear yard reduction from 100' to 50' for roofline and porch extension	Approve rear yard reduction from 100' to 60' from lake; Approve side yard reduction from 100' to 45' from lake	Approve a side yard reduction from 100' to 37' and rear yard reduction from 100' to 60'. Approved 4-1.	65' for side yard; 40' for rear yard
4	3/5/2015	1036 Dennis Station Road	R-1	Rear yard reduction from 100' to 47' for bedroom addition	Approve rear yard reduction from 100' to 47' from lake	Unanimous approval	53' rear yard reduction
5	3/5/2015	153 Tanglewood Road	R-1	Rear yard reduction from 100' to 50' for home renovation	Approve rear yard reduction from 100' to 50' from lake	Unanimous approval	50' rear yard reduction
6	4/2/2015	308 S. Steelbridge Road	R-2	Rear yard reduction from 100' to 75' for swimming pool	Approve rear yard reduction from 100' to 75' from lake	Unanimous approval	25' rear yard reduction
7	4/2/2015	206 Twisting Hills Road	R-2	Front and rear yard reduction from 100' to 60' for new home	Approve front and rear yard reduction from 100' to 60' from lake	Unanimous approval	40' front and rear yard reduction
8	7/2/2015	222 Fawnfield Court	R-1	Rear yard reduction from 100' to 62' for new home	Approve rear yard reduction from 100' to 62' from lake	Unanimous approval	38' rear yard reduction
9	7/2/2015	136 Rock Springs Road	R-1R	Rear yard reduction from 100' to 63.5' for new home	Approve rear yard reduction from 100' to 63.5' from lake	Unanimous approval	37.5' rear yard reduction
10	7/2/2015	112 Rock Springs Road	R-1R	Rear yard reduction from 100' to 68' for open porch	Approve rear yard reduction from 100' to 68' from lake	Unanimous approval	32' rear yard reduction
11	8/6/2015	114 Lower Little River Drive	R-2	Rear yard reduction from 100' to 53' for doublewide	Approve rear yard reduction from 100' to 53' from lake	Unanimous approval	47' rear yard reduction
12	10/1/2015	Martin Oaks Boulevard (Cuscowilla)	R-1	rear yard reduction from 100' to 65' for all dwelling units and approve rear yard reduction from 100' to 40' from lake for amenity area	Approve rear yard reduction from 100' to 65' from lake for all dwelling units and approve rear yard reduction from 100' to 40' from lake for amenity area	Unanimous approval	35' rear yard reduction for units; 60' rear yard reduction for amenities
13	1/7/2016	225 Fawnfield Court	R-1	Rear and side yard reduction from 100' to 60' from lake for new home	Approve rear and side yard reduction from 100' to 60' from lake	Unanimous approval	40' rear and side yard reduction
14	1/1/2016	108 Sebastian Drive	R-1R	Rear yard reduction from 100' to 70.4' from lake for swimming pool	Approve rear yard reduction from 100' to 70.4' from lake	Unanimous approval	29.6 rear yard reduction



A	B	C	D	E	F	G
15	10/6/2016 117 Tyler Court	R-1R	Rear yard reduction from 100' to 60' from lake for rear deck	Approve rear yard reduction from 100' to 60' from lake	Unanimous approval	40' rear yard reduction
16	11/3/2016 168 Thunder Road	R-1	Rear yard reduction from 100' to 80' from lake for stairway from back deck	Approve rear yard reduction from 100 to 80' from lake	Unanimous approval	20' rear yard reduction
17	11/3/2016 984 Dennis Station Road	R-2	Rear yard reduction from 100' to 65' from lake to build a house	Approve a rear yard reduction from 100' to 65' from lake	Unanimous approval	35' rear yard reduction
18	12/1/2016 119 Cold Branch Road	R-2	Rear yard reduction from 100' to 63' from lake for manufactured home	Approve a rear yard reduction from 100' to 63' from lake	Unanimous approval	37' rear yard reduction
19	12/1/2016 130 Spurgeon Drive	R-1	Rear yard reduction from 100' to 50' for new home	Approve a rear yard reduction from 100' to 50' from lake	Unanimous approval	50' reduction
20	1/5/2017 362 Sinclair Road	R-2	Rear yard reduction from 100' to 50' for new home and swimming pool	Approve a rear yard reduction from 100' to 50' from lake	Unanimous approval	50' reduction
21	3/23/2017 100 Ocomee Estates	R-1R	Rear yard reduction from 100' to 71.5' for swimming pool	Approve rear yard reduction from 100' to 71.5' from lake	Unanimous approval	28.5' reduction
22	5/4/2017 107 W. Bear Creek	R-2	Rear yard reduction from 100' to 65' for new home	Approve a rear yard reduction from 100' to 85' from lake	Unanimous approval	15' reduction
23	5/4/2017 103 Sunfish Trail	R-2	Rear yard reduction from 100' to 65' from lake for swimming pool	none stated	Unanimous approval	35' reduction
24	5/4/2017 300 Sinclair Road	R-2	Rear yard reduction from 100' to 52' from lake for home addition	none stated	Unanimous approval	48' reduction
25	7/6/2017 131 Tyler Court	R-1R	Rear yard reduction from 100' to 78' for garage and porch addition	Approve rear yard reduction from 100' to 78' from lake	Unanimous approval	22' reduction
26	7/6/2017 154 Sequoia Court	R-1	Rear yard reduction from 100' to 50' for new home	Approve rear yard reduction from 100' to 50' from lake	Unanimous approval	50' reduction
27	8/3/2017 149 Norris Lane	R1-R	Rear yard reduction from 100' to 76' for swimming pool	Approve rear yard reduction from 100' to 76' from lake	Unanimous approval	24' reduction
28	9/7/2017 322 Sinclair Road	R-2	Rear yard reduction from 100' to 50' for new home	Approve rear yard reduction from 100' to 50' from lake	Unanimous approval	50' reduction
29	9/11/2017 105 Sagelo Pointe	RM-3	Rear yard reduction from 100' to 75' for patio and swimming pool	Approve rear yard reduction from 100' to 75' from lake	Unanimous approval	25' reduction

A	B	C	D	E	F	G
30	9/7/2017 134 Whipperwill Court	R-2	Rear yard reduction from 100' to 75' for new home	Approve rear yard reduction from 100' to 75' from lake	Unanimous approval	25' reduction
31	10/5/2017 114 Crooked Creek Bay Road	R-2	Side and rear yard reduction from 100' to 54' for cottage	Approve rear yard reduction from 100' to 54' from lake	Unanimous approval	46' reduction
32	10/5/2017 110 Glad Cove	R-2	Rear yard reduction from 100' to 57' for home addition	Approve rear yard reduction from 100' to 57' from lake	Unanimous approval	43' reduction
33	10/5/2017 107 Twisting Hill Dr.	R-2	Rear yard reduction from 100' to 70' for home addition	Approve rear yard reduction from 100' to 70' from lake	Unanimous approval	30' reduction
34	11/2/2017 1103 Crooked Creek Rd.	R-1	Rear yard reduction from 100' to 60' for swimming pool	Approve rear yard reduction from 100' to 60' from lake	Unanimous approval	40' reduction
35	3/1/2018 112 Lakemont Drive	R-1	Rear yard reduction from 100' to 85' for garage	Approve rear yard reduction from 100' to 85' from lake	Unanimous approval	15' reduction
36	3/1/2018 163 Lakview Drive	R-1	Rear yard reduction from 100' to 47.5' for home extension	Denial as proposed, alternatively recommended approval for 22' rear set back	Unanimous approval	22' reduction
37	6/1/2018 111 Glad Cove	R-2	Rear yard reduction from 100' to 80'	Approve rear yard reduction from 100' to 80' from lake	Unanimous approval	20' reduction
38	7/5/2018 125 Mags Path	R-1	Rear yard reduction from 100' to 51' for pavilion	Approve staff recommendation for rear yard reduction from 100' to 70' from lake	Unanimous approval	49' reduction
39	9/6/2018 126 Winfield Drive	R-2	Rear yard reduction from 100' to 80' for new house	Approve rear yard reduction from 100' to 80' from lake	Unanimous approval	20' reduction
40	9/6/2018 104 Bass Lane	R-2	Rear yard reduction from 100' to 75' for new home	Approve rear yard reduction from 100' to 75' from lake	Unanimous approval	25' reduction
41	9/6/2018 149 Mockingbird Drive	R-2	Rear yard reduction from 100' to 25' for new home	Approve staff recommendation for rear yard reduction from 100' to 50' from lake	Unanimous approval	50' reduction
42	11/1/2018 124 W. Little River Court	R-2	Rear yard reduction from 100' to 88' for deck/porch	Approve staff recommendation for rear yard reduction from 100' to 93' from lake	Unanimous approval	7' reduction
43	11/1/2018 234 Sinclair Road	R-2	Rear yard reduction from 100' to 52.6' (right rear) and 54.6' (left rear) for porch	Approve staff recommendation for rear yard reduction from 100' to 52' (right rear) and 57' (left rear) from lake	Unanimous approval	48' reduction (right rear), 43' reduction (left rear)
44	11/6/2018 211 Thomas Drive	R-2	Rear yard reduction from 100' to 63' for cabin	Approve staff recommendation for rear yard reduction from 100' to 47' from lake	Unanimous approval	53' reduction

A	B	C	D	E	F	G
45	3/7/2019 116 Copelan Landing Drive	R-1	Rear yard reduction from 100' to 58' for swimming pool	Approve rear yard reduction from 100' to 58' from lake	Unanimous approval	32' reduction
46	4/4/2019 115 Cedar Cove Court	R-1R	Rear yard reduction for expansion	Approve rear yard reduction	Unanimous approval	not specified
47	4/4/2019 144 Tanglewood Court	R-1	Rear yard reduction from 300' to 63' for deck	Approve rear yard reduction from 100' to 53' from lake	Unanimous approval	4' reduction
48	4/4/2019 157 Lakeview Estates Dr	R-1	Rear yard reduction from 100' to 83.3' for new home	Approve rear yard reduction from 100' to 83.3' from lake	Unanimous approval	15.7' reduction
49	4/4/2019 515 Old Phoenix Rd	AG-1	Rear yard reduction from 100' to 40' for cottage	Approve rear yard reduction from 100' to 40' from lake	Unanimous approval	60' reduction
50	5/2/2019 103 Ashwood Cove	R-1	Rear yard reduction from 100' to 62' for deck	Approve rear yard reduction from 100' to 62' from lake	Unanimous approval	38' reduction
51	7/2/2019 109 Willow Cove	R-1	Rear yard reduction from 100' to 65' for new home	Approve rear yard reduction from 100' to 65' from lake	Unanimous approval	35' reduction
52	9/5/2019 103 Pecan Cove	R-1	Rear yard reduction from 100' to 61' for deck	Approve rear yard reduction from 100' to 61' from lake	Unanimous approval	39' reduction
53	11/7/2019 32 Rockville Springs Ct	R-1	Rear yard reduction from 100' to 52' for new home	Denial as proposed, staff recommended rear yard reduction from 100' to 60' from lake	Unanimous approval	40' reduction
54	11/7/2019 Lot 2 Riverbend Ct	R-1	Rear yard reduction from 100' to 75' for new home	Approve rear yard reduction from 100' to 75' from lake	Unanimous approval	25' reduction
55	11/7/2019 115 Little River Ct	R-2	Rear yard reduction from 100' to 62' for deck	Denial as proposed, no alternative recommendation	denial	n/a
56	6/4/2020 112 Sinclair Circle	R-2	Rear yard reduction from 100' to 48.2' from lake	Approve rear yard reduction from 100' to 48.2' from lake	Unanimous approval	51.8' reduction
57	6/10/2020 145 Collis Marina Road	RM-2	Rear yard reduction from 100' to 65' for new construction	Approve rear yard reduction from 100' to 65' from lake	Unanimous approval	35' reduction
58	8/6/2020 147 Collis Marina Road	RM-2	Rear yard reduction from 100' to 65' for new construction	Approve rear yard reduction from 100' to 65' from lake	Unanimous approval	35' reduction
59	10/1/2020 148 Dogwood Drive	R-1	Rear yard reduction from 100' to 60' for new home	Approve rear yard reduction from 100' to 60' from lake	Unanimous approval	40' reduction
60	11/5/2020 145 Northshore Drive	R-2	Rear yard reduction from 100' to 52' for home addition	Approve rear yard reduction from 100' to 52' from lake	Unanimous approval	48' reduction



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Asheville, NC 28806  
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May 25, 2021

Putnam County Planning & Zoning Commission  
c/o Chairman James Marshall, Jr.  
117 Putnam Drive  
Eatonton, Georgia 31024

Subject: Evaluation of Proposed Pool at 149 Mags Path relative to Lake Oconee

Chairman Marshall,

Nutter & Associates was contracted to evaluate the location of the proposed swimming pool at 149 Mags Path, Eatonton, Georgia with respect to the aquatic health and function of Lake Oconee. The property owners are seeking a variance to locate the swimming pool 35 feet from the rear property line that abuts Lake Oconee. Putnam County zoning code specifies that the rear setback is 65 feet when the rear property line abuts a river or lake. As detailed below, locating the pool 35 feet from Lake Oconee will not cause any adverse impact to the water quality, ecological health, or hydrological functioning of the waterbody.

The proposed 16 by 32 feet swimming pool will be wholly located above the normal operating range of Lake Oconee in Zone X, "Area of Minimal Flood Hazard", on the Federal Emergency Management Administration's National Flood Hazard Layer (Figure 1). Therefore, the pool will not be susceptible to flooding by the lake.

With respect to water quality and ecosystem health in Lake Oconee, the proposed pool will not have an adverse impact. The volume of water held by the pool will be less than 20,000 gallons. For perspective, the total volume of Lake Oconee at normal pool is 130 billion gallons and one acre-foot of water is approximately 326,000 gallons (i.e., one surface acre at a depth of one foot of water). Under normal operations, the land area between the pool and the lake's waterfront will be subject to small volumes of splash out from the pool, but this water will be infiltrated into the soil rather than directly discharging to the lake. Even in the extremely unlikely event that all of the pool water were to discharge directly to the lake, the pool water would be instantaneously diluted by the massive volume of lake water such that concentrations of pool chemicals would be well below aquatic toxicity thresholds for organisms inhabiting the lake. Given the very large dilution ratio, such an event would not appreciably change the pH,



dissolved oxygen, temperature, suspended sediment concentration, turbidity, nutrient concentration, or the bacterial load in the lake, even if evaluated just in the immediate vicinity of the subject property. Therefore, installation of the pool at the proposed location does not pose a risk to the aquatic life or the overall water quality of Lake Oconee.

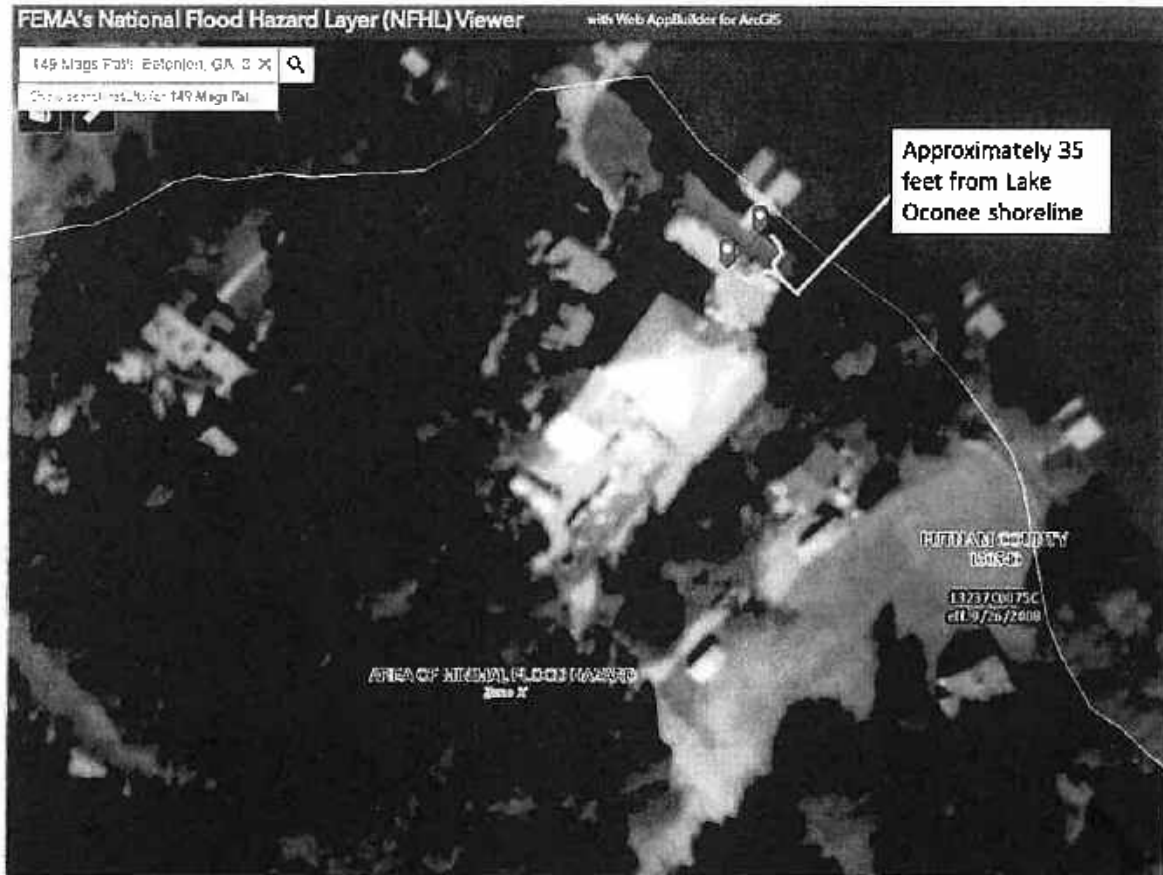


Figure 1. Screenshot from FEMA's National Flood Hazard Layer Viewer showing that the proposed pool is wholly located in the Area of Minimal Flood Hazard (Zone X).

During construction, Best Management Practices (BMPs) to protect against erosion and sedimentation will be employed as required by Putnam County and the state of Georgia. When designed, installed, and maintained properly, BMPs are effective at minimizing erosion on development sites and keeping sediment out of nearby waterbodies. The property owners understand the importance of BMPs and communicate this to their contractors. This is demonstrated by their recent home construction project on the same property being in compliance for all weekly and post-rain event erosion and sedimentation inspections (personal communication with Doug Phillips of BDLS & Associates who performed the inspections). No impacts to Lake Oconee are expected during construction of the pool as BMPs will be utilized and maintained as required.

From a hydrological functioning perspective, it is obvious from the volume differential between the proposed 16 x 32 feet pool and the lake that there is essentially zero potential for the structure to affect the hydrology of the lake. Further, the proposed pool will not alter water flow paths in an appreciable way. While the small footprint of the pool may capture direct precipitation that would have otherwise infiltrated in the absence of the pool, this change in infiltration is considered *de minimis* at the scale of Lake Oconee's watershed (and even at very small watershed scales).

Our review included a desktop assessment of the current condition of Lake Oconee and surrounding land uses. The most important finding of that review with respect to this evaluation is the numerous pools located within 65 feet of the Lake Oconee waterfront. We did not attempt to conduct an exhaustive inventory, but within Putnam County and the nearby vicinity of Mags Path, we documented many pools within 50 feet of the waterline and several within 30 feet of the waterline. One notable pool is the approximately 4,500 square feet Cuscowilla Clubhouse pool which is located about 35 feet from the lake's shore with the pool deck extending to within about 15 feet. The proposed pool at 149 Mags Path is about one-tenth the size of the Cuscowilla Pool. If locating pools within 65 feet of the lake had the potential to adversely impact the water quality, ecology, or hydrology of the waterbody, such impacts would be well-documented given the numerous and, in certain instances, substantial pools already existing within Putnam County's 65 foot setback off lakes and rivers.

In conclusion, locating the proposed pool 35 feet from Lake Oconee poses no threat to the lake or the ecosystem that it supports. Specifically, we find that the proposed pool:

- *Does not have the potential to adversely affect the water quality of Lake Oconee;*
- *Will not impact the aquatic flora or fauna or the aquatic ecosystem supported by the lake;*
- *Will utilize erosion and sedimentation control BMPs during construction to prevent sedimentation impacts to the lake; and,*
- *Will not affect the hydrological functioning of Lake Oconee or its downstream waters.*

Nutter & Associates appreciates the opportunity to provide this evaluation to Putnam County in support of the rear setback variance requested by the subject property owner. With respect to my credentials to conduct this review, I am a Professional Hydrologist with over 18 years of experience and two advanced degrees in the field of Water Resources (including a Ph.D. in Water Resources Science). My primary expertise is evaluating potential changes in water quality and hydrology as related to land use change. Nutter & Associates is an environmental

consulting firm specializing in hydrology, water quality, aquatic ecology, and soils amongst other environmental and natural resources disciplines. Our firm has provided services for private landowners, commercial businesses and industry, government agencies, and legal clients for over 37 years and is well-respected among state and federal regulatory agencies.

If you have any questions about this evaluation, please do not hesitate to contact Dr. Cody Hale ([chale@nutterinc.com](mailto:chale@nutterinc.com) or 706-714-2839).

Sincerely,

NUTTER & ASSOCIATES, INC.



Cody Hale, Ph.D., PH  
Principal, Senior Scientist

Robert Dan & Anita E. Headstream  
155 Capps Lane  
Eatonton, Georgia 31024  
Ph. 706-473-2078

June 2, 2021

To: Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

Re: Josh & Lauren Sprayberry - 149 Mags Path rear yard setback variance request for the purposes of constructing a pool behind their home

To Whom It May Concern:

We have lived at 155 Capps Lane, Eatonton, Georgia 31024 since June of 1999, and currently still reside at this home. Our home is adjacent to 149 Mags Path, Eatonton, Georgia 31024. We do not oppose a rear yard setback variance of 35 feet from Lake Oconee for the Sprayberry's to construct a pool at their home located at 149 Mags Path, Eatonton, Georgia 31024.

Thank you for consideration of our letter.

Kind regards,

*Robert D. Headstream*  
*Anita E. Headstream*  
Robert Dan & Anita E. Headstream





Dr. Raymond B. Bedgood  
147 Mags Path  
Eatonton, Georgia 31024  
Ph. 803-640-4503

June 3, 2021

To: Putnam County Planning and Development  
117 Putnam Drive, Suite B  
Eatonton, Georgia 31024

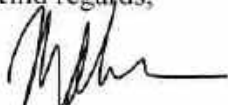
Re: Josh & Lauren Sprayberry -149 Mags Path rear yard setback variance request for the purposes of constructing a pool behind their home

To Whom It May Concern:

I have owned the residence located at 147 Mags Path, Eatonton, Georgia 31024 since December of 2012, and currently still occupy this residence as a second home. My home at 147 Mags Path is adjacent to 149 Mags Path, Eatonton, Georgia 31024. My home at 147 Mags Path shares the same driveway entrance with 149 Mags Path. I do not oppose a rear yard setback variance of 35 feet from Lake Oconee for the Sprayberry's to construct a pool at their home located at 149 Mags Path, Eatonton, Georgia 31024.

Thank you for consideration of this letter.

Kind regards,



Dr. Raymond B. Bedgood

**File Attachments for Item:**

6. Proposed adoption of changes to the Putnam County Code of Ordinances - Chapter 6 (Alcoholic Beverages) and Chapter 18 (Buildings and Building Regulations) (staff-CA-CC-P&D)

**EXPLANATION OF DOCUMENTS:****Red language equals added text.****Struck through language equals deleted text.**Chapter 6 - ALCOHOLIC BEVERAGES<sup>[1]</sup>

Footnotes:

--- (1) ---

**Editor's note**— Amend. of 2-18-2003 amended ch. 6 in its entirety and enacted similar provisions as set out herein. The former ch. 6 derived from Policy of 8-15-1989, § 3; Ord. of 3-20-1990, §§ 2, 3, 5, 6, 8; Ord. of 3-5-1992; and Ord. of 9-5-1995.**Cross reference**— Businesses, ch. 22.**State Law reference**— Georgia Alcoholic Beverage Code, O.C.G.A. § 3-1-1 et seq.

## ARTICLE I. - IN GENERAL

## Sec. 6-2. - Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alcoholic beverage license* means and shall include:

- (1) License for the retail package sale of malt beverages;
- (2) License for the retail package sale of wine;
- (3) License for the retail package sale of distilled spirits;
- (4) License for the retail consumption on premises of malt beverages and/or wine;
- (5) License for the retail consumption on premises of distilled spirits.

*Brewery* means a facility where malt beverages are brewed, bottled, packaged, and distributed for wholesale and/or retail distribution.*Brew pub* means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36 for retail consumption on the premises and solely in draft form. As used in this chapter, the term "eating establishment" means an establishment which is licensed to sell distilled spirits, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food.*Distilled spirits* means any alcoholic beverage obtained by distillation or containing more than 21 percent alcohol by volume, including, but not limited to, all fortified wines.*Farm Winery* means any establishment meeting the definition provided by O.C.G.A. § 3-6-21.1.

*Governing authority or county* means the Board of Commissioners of Putnam County, Georgia.

*Malt beverage* means any alcoholic beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing not more than 14 percent alcohol by volume and including ale, porter, brown, stout, lager beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

*Minor* means any person under 21 years of age.

*Wine means* any alcoholic beverage containing not more than 21 percent alcohol by volume made from fruits, berries, or grapes either by natural fermentation or by natural fermentation with brandy added. The term includes, but is not limited to, all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, and like products. The term does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

(b) All other words and phrases in this chapter shall be as defined in O.C.G.A. title 3, pertaining to alcoholic beverages.

(Amend. of 2-18-2003; Ord. of 7-19-2016(1))

**Cross reference**— Definitions generally, § 1-2.

## ARTICLE II. - LICENSING

### DIVISION 5. - BREWERIES

#### Section 6-130. - Additional requirements applicable to licenses for Brewery or Brewpub.

(a) *Hours of Operation.* For the serving of alcohol, Monday through Saturday, beginning at 8:00 a.m. to 1:30 a.m.; Sunday from 12:30 p.m. until 11:30 p.m.

(b) Brewery production and sales. A license for on-premises production and on-premises sale of malt beverages may be authorized by the chairman and county commission to persons otherwise entitled to a brewery production and sales of malt beverages license, provided the following conditions are met:

(1) The annual fee for a Brewery license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.

(2) All brewing operations by a brewery shall be conducted within an enclosed building. Production space shall not exceed \_\_\_\_\_ square feet.

(3) Consumption on the premises. Brewery shall be permitted to serve malt beverages produced at the brewer's licensed premises for consumption on the premises, subject to the following restrictions:

a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

(4) Consumption off the premises.

a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For purposes of this section, barrel shall be defined in accordance with state law.

b. Any sales of malt beverages shall not exceed a maximum of 288 ounces per consumer per day.

c. Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may be filled from either kegs procured by the licensee from a duly licensed wholesaler for malt beverages not produced on-site or by malt beverages produced on-site, subject to and counting towards the 3,000 barrel limitation cited previously. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on the premises is strictly prohibited. However, samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(5) Samples of tap beers may be made available, but shall not exceed more than one ounce nor shall any one individual be offered more than three samples within a 24-hour period.

(6) All state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.

(c) Brewpub license. A holder of a brewery license and restaurant retail license may apply for a brewpub license. A brewery licensee operating a brewpub shall be authorized to operate an eating establishment that shall be the sole retail outlet for such malt beverages and that may offer for sale for consumption on the premises any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this chapter, provided that such

alcoholic beverages are purchased from a licensed wholesaler and, provided further, in addition to malt beverages manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages purchased from a licensed wholesale dealer.

- (1) The annual fee for a brewpub license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
  - (2) Notwithstanding any other provision of this section, a brewery licensee operating a brewpub may sell up to a maximum of 155,000 gallons annually of such malt beverages manufactured on its premises to licensed wholesale dealers and a maximum of 310,000 gallons total annually to retail. Under no circumstances shall such malt beverages be sold by said licensee to any person holding a retailer's license for the purpose of resale.
  - (3) The holder of a brewery license who is operating a brewpub shall not be entitled by virtue of said brewery license to sell alcoholic beverages by the package for consumption off the premises.
  - (4) A brewery licensee operating a brewpub shall pay all state and local license fees and excise taxes applicable to individuals licensed under this chapter as manufacturers, retailers and, where applicable, wholesale dealers.
  - (5) Brewpubs are subject to the hours of operation regulations for restaurant retail sales.
  - (6) A separate license shall be required for each brewery, and a separate application shall be made for each such place.
- (d) It shall be unlawful for a brewery or brewpub licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.
- (e) Subject to the provisions in this article, a brewery or brewpub licensee or employee thereof shall be permitted to taste malt beverages at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.
- (f) No person or corporation who holds a brewery or brewpub license shall operate a brewery or brewpub in such a manner so as to create, promote, suffer or otherwise permit the disruption or disturbance of the quiet enjoyment of the owners of properties located in the same vicinity and general neighborhood of the business premises of the licensee.

**DIVISION 6.- WINERIES****Section 6-135. – Farm Winery Licenses.**

The alcoholic beverage licenses which may be issued to farm wineries under this chapter are:

- (a) *Wholesaler of farm winery production.* A farm winery shall be granted a wholesale license for sale and distribution as provided by O.C.G.A. § 3-6-21.1. Such license shall be issued upon application and payment of established fees and upon presentation of a receipt for payment of the state annual license tax as provided by the referenced code provisions in this section.
- (b) *Retail package sales of wine.* Each retail package sales license shall require that all sales shall be by and through the farm winery tasting room at the site for which said license is issued.
- (c) *Retail sales of wine.* Each license for retail sales of wine and malt beverages for consumption on the premises shall require that all consumption shall be at the farm winery site for which said license is issued. This site shall include any wedding or dining facilities associated with the farm winery.
- (d) *Multiple farms winery licenses.* A farm winery may apply for and, if approved, may be issued multiple farm winery licenses as provided in subsections (a) through (c) of this section for any single site. At the primary farm winery facility where the wine is produced, such site may be licensed for wholesale, package retail sales and on-premises consumption. For any site other than the primary farm winery facility where the wine is produced, up to the maximum number of such sites as may be permitted by state statute, such site may be licensed for package retail sales and on-premises consumption. The license created in accordance with this article shall be limited to farm winery tasting rooms licensed by the state in accordance with O.C.G.A. § 3-6-21.1 et seq., and the licensee shall be permitted to perform only acts allowed in accordance with such statutes. No license is hereby created authorizing any other use.
- (e) *Alternative provision.* The first license at any site shall have a cost equal to the cost of the county alcoholic beverage license at the time of the application. Any license for two or more categories of sale shall require payment of the additional license fees as provided in the county fee schedule.
- (f) *Ratio of sales.* There shall be no specified or required ratio of alcohol sales to any other income for farm winery operations. Farm wineries shall operate on such days and hours as are provided by the Georgia Farm Winery Act, O.C.G.A. § 3-6-21.1 et seq., as amended from time to time.
- (g) *Renewals.* All applications for renewal of a farm winery license or licenses shall be accompanied by a copy of the current state license. Failure to present a valid copy of a current and valid state license will result in a refusal to renew license. Timely application for renewal is determined by the date on which a complete and proper application has been submitted.

(h) *Premises consumption.* A farm winery may apply for a license for on-premises consumption of distilled spirits under the terms as provided under article III of this chapter, retail sales of distilled spirits for consumption on the premises.

(i) *State statutes.* A farm winery may apply for a license for on-premises consumption of wine and malt beverages (not produced under the Georgia Farm Winery Act O.C.G.A. § 3-6-21.1 et seq.) under the terms as provided under article IV, retail sales of malt beverages and wine for consumption on the premises.

(j) *Compliance with article.* All alcoholic beverage sales other than farm winery sales shall be in accordance with article I, in general, of this chapter.

**Section 6-136. - Additional requirements applicable to licenses for Farm Winery.**

(a) *Hours of Operation.* For the serving of alcohol, Monday through Saturday, beginning at 8:00 a.m. to 1:30 a.m.; Sunday from 12:30 p.m. until 11:30 p.m.

(b) *Farm Winery production and sales.* A license for on-premises production and on-premises sale of wine may be authorized by the chairman and county commission to persons otherwise entitled to a winery production and sales of wine license, provided the following conditions are met:

- (1) The annual fee for a Farm Winery license shall be based on a schedule developed by the Putnam County Clerk's Office. Such fee shall be payable to Putnam County.
- (2) A licensed Georgia farm winery may offer wine samples and make retail sales of its wine and the wine of any other Georgia farm winery in tasting rooms at the winery and at five additional locations in Georgia for consumption on the premises and in closed packages for consumption off the premises; provided, however, that notwithstanding any other provisions of this title to the contrary, if the licensee is also issued a license pursuant to O.C.G.A. § 3-4-24, no more than one tasting room for such Georgia farm winery shall be authorized and such tasting room shall be located on the licensed premises of the Georgia farm winery; and provided, further, that the Georgia farm winery shall not sell its wine or the wine of any other farm winery in more than one tasting room, and such tasting room shall be located on the licensed premises of the Georgia farm winery. For purposes of this subsection, the term "licensed premises" shall mean the premises for which the farm winery license is issued or property located contiguous to the farm winery and owned by the farm winery.
- (3) A licensed Georgia farm winery may sell up to 24,000 gallons per calendar year of its wine at wholesale within the state; provided, however, that such licensee shall not be authorized to sell its wine at wholesale unless such licensed farm winery shall have first offered its products for sale at a fair market wholesale



price to a licensed Georgia wholesaler and such wholesaler does not accept the farm winery's product within 30 days of such offer.

- (4) A licensed Georgia farm winery may also sell, deliver, or ship its wine in bulk or in bottles, whether labeled or unlabeled, in accordance with regulations of the Georgia Revenue Commissioner, to Georgia farm winery licensees and to acquire and receive deliveries and shipments of such wine made by Georgia farm winery licensees.
- (5) A Georgia farm winery licensee shall be authorized, in accordance with regulations of the Georgia Revenue Commissioner, to acquire and receive deliveries and shipments of wine in bulk from out-of-state producers and shippers in an amount not to exceed 40 percent of its annual production, provided that the Georgia farm winery licensee receiving any such shipment or shipments files timely reports with the Georgia Revenue Commissioner and keeps such records of the receipt of such shipment or shipments as may be required by the Georgia Revenue Commissioner.
- (6) A Georgia farm winery licensee may sell its wine and the wine of any other farm winery licensee for consumption on the premises at facilities located on the premises of the winery or on property located contiguous to the winery and owned by the winery or by an affiliate of the winery.
- (7) A Georgia farm winery licensee may sell distilled spirits, malt beverages, and wines not produced by a farm winery for consumption in its tasting rooms and at facilities located on the premises of the winery or on property located contiguous to the winery and owned by the winery or by an affiliate of the winery, provided that any alcoholic beverages sold pursuant to this paragraph shall be purchased by the winery from a licensed wholesaler at wholesale prices.
- (8) For the purposes of this section, affiliate means any person controlling, controlled by, or under common control with a farm winery.

**EXPLANATION OF DOCUMENTS:**

**Red language equals added text.**

**~~Struck through language equals deleted text.~~**

Chapter 18 - BUILDINGS AND BUILDING REGULATIONS<sup>[1]</sup>

Footnotes:

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**Editor's note**— A resolution of July 17, 2007, repealed ch. 18, which consisted of §§ 18-1—18-75, and enacted new provisions to be designated ch. 18, §§ 18-1—18-84, to read as herein set out. Former ch. 18 pertained to similar subject matter and derived from a resolution of Aug. 20, 1996; and an amendment of Nov. 1, 2002.

**Cross reference**— Environment, ch. 30; floods, ch. 34; planning, ch. 42; roads and bridges, ch. 46; solid waste, ch. 50; zoning, ch. 66.

**State Law reference**— Water Well Standards Act of 1985, O.C.G.A. § 12-5-120; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; ordinances relating to repair, closing and demolition of dwellings unfit for human habitation or buildings or structures that imperil health, safety or morals, O.C.G.A. § 36-61-11; authority to demolish structures where drug crimes are committed, O.C.G.A. § 41-2-7; authority to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7; county or municipal ordinances relating to unfit buildings or structures, O.C.G.A. § 41-2-9 et seq.; fire escapes in buildings, O.C.G.A. § 8-2-50.

**ARTICLE I. - IN GENERAL**

Sec. 18-1. - Self-inspection exemption.

The Board of Commissioners, pursuant to 1996 Ga. Laws, page 1632, exempts the county from the alternative inspection procedure as set forth in O.C.G.A. § 8-2-26(d).

(Res. of 7-17-2007(1))

Secs. 18-2—18-35. - Reserved.

**ARTICLE II. - CONSTRUCTION CODES<sup>[2]</sup>**

Footnotes:

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**State Law reference**— Construction standards generally, O.C.G.A. § 8-2-1 et seq.; minimum state construction codes, O.C.G.A. § 8-2-25; enforcement of minimum state construction codes, O.C.G.A. § 8-2-26; authority to adopt technical codes, Ga. Const. art. IX, § II, ¶ III(a)(12).

Sec. 18-36. - Adoption of technical codes.

The following technical building and construction codes, including appendices where noted, as set forth in O.C.G.A. § 8-2-20 are adopted by reference as the official codes of the county and may be amended for later editions or amendments as required by the Georgia Uniform Codes Act, O.C.G.A. § 8-2-25:

- (a) International Building Code (International Code Congress);
- (b) National Electrical Code;
- (c) International Fuel Gas Code;
- (d) International Mechanical Code;
- (e) International Plumbing Code;
- (f) International Residential Code;
- (g) International Energy Conservation Code;
- (h) International Fire Code;
- (i) International Property Maintenance Code;
- (j) International Existing Buildings Code.

(Res. of 7-17-2007(1))

Sec. 18-37. - Enforcement of article.

- (a) This article shall be enforced by the planning and development department. Citations for violations may be issued by this department.
- (b) Any person violating this article shall be tried before the magistrate **or state** court of the county. Upon conviction, a violation of this article may be punished as provided in chapter 1, section 1-13.

(Res. of 7-17-2007(1))

**Sec. 18-38. - Quality and workmanship not regulated.**

**Quality control of materials and workmanship is not within the purview of this chapter except as it relates to the purposes stated herein.**

**Sec. 18-39. - No warranty or guaranty.**

**The inspection or permitting of any building, system or plan, under the requirements of this chapter shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy, nor any guaranty of compliance with the codes. Neither Putnam County, nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.**

**Sec. 18-40. - Other applicable ordinances.**

The applicant is advised that other applicable provisions, including special agricultural setback provisions, exist in the Putnam County Zoning Ordinance, and that other requirements contained in the Putnam County development regulations, the Putnam County Flood Damage Prevention Ordinance, and the Putnam County Soil Erosion and Sedimentation Ordinance may apply, and the applicant is advised to check with the planning and development department. Issuance of a building permit is not a guaranty that the erection of the structure is lawful and in compliance with all other applicable ordinances.

Sec. 18-41. - Restriction on employees

No employee connected with the building inspections department shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof unless he is the owner of such, nor shall any employee engage in any other work which is inconsistent with his duties or conflict with the interests of the department.

Sec. 18-42. - Supremacy and preemption.

The provisions of this chapter shall not be held to deprive any federal or state agency, or Putnam County, of any power or authority which it had on the effective date of the adoption of this chapter or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

Secs. 18-43—18-70. - Reserved.

ARTICLE III. - BUILDING PERMITS AND REQUIREMENTS

Sec. 18-71. - Building permit required.

~~(a) It shall be unlawful for any building to be located, erected, moved, expanded or structurally altered for a cost in excess of \$1,000.00 unless a permit is specifically required herein (ex- temporary electrical pole, moving building on or across public thoroughfares, etc.) without obtaining a building permit issued by the planning and development department in conformity with this chapter. All permits issued shall be posted at the construction entrance and displayed on the premises described in the permit during construction or reconstruction. Any building permit shall automatically expire six months from the date of issuance if construction has not begun or has been abandoned. Construction or reconstruction not in compliance with the building permit issued, or without a building permit as required in this section, shall constitute a misdemeanor for which the violator, if found guilty, may be punished as provided by law. Each day upon which a violation occurs shall be considered a separate offense under this section.~~

(a) Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, or change the occupancy of a building or a structure, or to erect, install, enlarge, alter, repair, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the standard building codes, or to cause any such work to be done, shall first make application to the director and obtain the required permit for the work. Any time a new non-residential business is beginning operation in an existing structure, or any time a new tenant is to occupy an existing non-residential structure, such person or entity shall be required to notify the director and obtain an inspection prior to obtaining a business license and/or beginning

tenancy (such requirements shall not apply to residential tenants such as apartment renters). It shall be unlawful to commence construction of a building or structure ~~requiring a permit~~ without first obtaining a permit, as required herein. It shall be unlawful to commence any land disturbance activity for the construction of any building; to commence construction of any building; to commence the moving or alteration of any building; or to commence the development of land for a use not requiring a building, until all necessary permits for such work have been issued. Building permits shall be required as listed in this chapter, and land disturbance permits as required by the Putnam County Soil Erosion and Sedimentation Control Ordinance. All land development or construction shall comply with the codes and ordinances in effect in Putnam County at the time the permit is issued. Any building permit shall automatically expire six months from the date of issuance if construction has not begun or has been abandoned. Construction or reconstruction not in compliance with the building permit issued, or without a building permit as required in this section, shall constitute a misdemeanor for which the violator, if found guilty, may be punished as provided by law. Each day upon which a violation continues shall be considered a separate offense under this section.

- ~~(1) Lot dimensions with boundary line prepared by a licensed surveyor in addition to the site plans and drawings described above, to ascertain precise dimensions;~~
- ~~(2) Shape, size, height and location of the structures proposed to be erected, demolished, altered or moved, and of any buildings already on the lot; yard dimensions and the use of structures, including the number of dwelling units within each structure;~~
- ~~(3) Easements (public and private);~~
- (4) Watercourses;
- (5) Fences;
- ~~(6) Street names and street right of way lines;~~
- (7) Other information regarding abutting property as directly affects the application;  
and
- (8) Identity of owner and location by tax map and parcel number, verified by the tax assessor's office on the permit form.

(Res. of 7-17-2007(1))

Sec. 18-72. - Permit applications.

(a) *Application required.* Prior to the issuance of any permit required or authorized by the building code, an application therefore shall be submitted ~~in writing~~ to the planning and development department on forms furnished for such purpose by the department. Such application shall be signed in the spaces provided by the qualified applicant, the owner of the property or his authorized agent, and, where required, the architect or engineer. The applicant shall become the permit holder upon issuance of a permit and shall be held responsible for the supervision and conduct of all work covered thereby. The application shall serve as the basis for determination of issuance of a permit and shall be factual evidence upon which any interested party may rely as to the information provided thereon.

(b) *Application contents.* Building permit applications shall be accompanied by the following:

(1) a copy of a dimensional sketch or preliminary site plan, signed by the owner or his authorized agent, and include, at a minimum,

- a. Lot dimensions with boundary line prepared by a licensed surveyor in addition to the site plans and drawings described above, to ascertain precise dimensions;
- b. Shape, size, height and location of the structures proposed to be erected, demolished, altered or moved, and of any buildings already on the lot; yard dimensions and the use of structures, including the number of dwelling units within each structure;
- c. Easements (public and private)
- d. Watercourses

(2) Copy of Recorded Plat

(3) Identity of owner and location by tax map and parcel number

(4) ~~Fences;~~ A septic permit from the health department (if on septic);

(5) ~~Street names and street right-of-way lines;~~ A sewer tap approval from the applicable water provider if on sewer and not in an approved subdivision (i.e. is on an existing lot);

(6) ~~Other information regarding abutting property as directly affects the application;~~ A water tap ~~permit~~ approval from the applicable water provider if not in an approved subdivision (i.e. is on an existing lot);

(7) ~~Identity of owner and location by tax map and parcel number, verified by the tax assessor's office on the permit form.~~ A driveway permit may be required from the department of transportation if the property fronts on a state highway or road or any access is desired to a state highway, or from Putnam County if the property fronts on a county road or any access is desired from a county road, and those departments should be consulted;

(8) Such other information as may be requested for determining whether the provisions of this chapter are being observed and complied with; and

~~(10) — Such other information as may be requested by the building official or elsewhere in this chapter.~~

(c) *Changes to application.* In the event of a change in any material fact given in the application, which served as a basis for issuing the permit, the permit holder shall immediately file an amended application detailing such changed conditions. If the change in the application is a change in the person responsible for the work, the owner shall immediately stop the work and notify the planning and development department in writing, detailing such changed conditions and any other information as required or, in lieu thereof, a new permit application shall be filed immediately by a new qualified applicant. If such changed conditions are determined to be in compliance with the building code and other applicable regulations, an amended building permit will be issued at a minimum fee if the changed conditions shall not be greater than those permitted in the original permit.

(d) *Qualifications and responsibilities of applicant.*

(1) Except as provided in subsection (c)(2), (c)(3) or (c)(4) of this section, application for permits shall be accepted from and permits issued only to contractors who are qualified as provided in this article to perform the kind of work included in the particular permit for which application is made. It shall be the duty and responsibility of every contractor, builder, electrician, plumber or mechanical contractor who shall make contracts for the erection or construction or repair of buildings, or any portion thereof for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, shall be required to:

a. Purchase and maintain an occupational license. The fee is as listed in the schedule of fees. Such license shall be registered with the planning and development department.

b. Any contractor not **required by law to be** licensed by the state must purchase and maintain a license bond (or an equivalent) in the amount of \$25,000.00. Such bond shall be conditioned that all work performed by the contractor or under his supervision shall be performed in accordance with the provisions of this building code and other pertinent laws and regulations. ~~He~~ **They** will pay all fees and penalties properly imposed upon ~~him~~ **them** for violations of the building code. The planning and development department shall be so named on the license bond.

(2) The owner of commercial property, except that designated for farming and agricultural purposes, may make application for a permit, supervise and do the work in connection with construction, repair, alteration or maintenance where the total value of such work, including labor and materials, does not exceed \$1,000.00, and where none of the work to be done is required by law to be performed by a licensed contractor. All work performed in the case of buildings or structures classified as group E-educational, or group I-institutional or group A-assembly occupancy shall be performed only by a licensed contractor.

(3) The owner of residential or agricultural property may make application for a permit, supervise and do the work in connection with the construction, maintenance, repair, alteration or addition to a dwelling, including farm and agricultural buildings and structures, regardless of the size or cost of such work under the following conditions:

a. Such dwelling, farm or agricultural building is intended for the use and or occupancy of the owner making such application and not intended for sale **or public use**. In this connection, no more than one permit shall be issued to an owner for the construction of a new dwelling (not including permits issued for alterations, additions and repairs to an existing dwelling) during any 12-month period.

b. The planning and development department may require proof that the applicant is the owner of the dwelling upon or in which construction is to take place, and nothing in this section is to be construed to invalidate the requirement for applying for and obtaining permits, paying fees, calling for required inspections, and complying with all plans, specifications, codes, laws and regulations applicable.

(4) A maintenance craftsman may obtain a permit for work to be done by him on the building or premises owned by his employer where such work is in the same category as



the craftsman is qualified and where such work is limited to the maintenance, repair and minor alterations.

(5) The director shall act upon an application for a permit without unreasonable or unnecessary delay, within 30 days from the submission of an application deemed complete. If the director is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the standard building codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

(Res. of 7-17-2007(1))

Sec. 18-73. - Permit fees.

(a) *Permits not valid.* No building, construction, electrical, mechanical, miscellaneous or other permit issued by the planning and development department shall be valid until fees prescribed by this section shall have been paid.

(b) *Permit fees for work commenced prior to obtaining permits.* In all cases where building, construction, electrical, plumbing, mechanical or other work for which a permit is required is commenced before such permit is obtained, any permit fee due to the county for a permit for such work shall be twice the amount of the regular permit fee specified in this article which would have been due had such permit been obtained prior to commencing work. In no event shall such fee be less than an amount listed in the schedule of fees in addition to the regular permit fee. Payment of such increased fee shall not be a defense in any prosecution for any such work, for which a permit is required. Any work performed prior to the issuance of a building permit that has not been inspected by the county, and that is not easily inspected, or has been covered up, shall be inspected by an independent engineer that can certify that such work complies with the building code.

(c) *Reinspection fees.* When extra inspection trips are made for a permit holder due to any of the following reasons, an addition fee in an amount listed in the schedule of fees shall be charged for each such additional inspection:

- (1) Wrong address given on call for inspection;
- (2) Work not ready for inspection at time specified;
- (3) Required corrections not made within time specified;
- (4) Failure to request required inspections; and
- (5) Additional work done after inspection has been made.

(d) *Refund of fees.* Where no work has been done under a valid permit for which fees have been paid and a written request for refund of fees is made by holder thereof within six months of the date of original issuance, the of the planning and development department may authorize the refund of 85 percent of such fee upon surrender of the permit and cancellation of the permit, providing no refund shall be made of a plan review fee.

(Res. of 7-17-2007(1))



Sec. 18-74. - Schedule of building or construction permit fees.

For the purpose of determining fees, floor area shall be the gross overall outside floor area of a building at each story, including all portions under a roof. Where a building permit fee is paid for a new building or addition, separate permits and fees shall not be required for fences, walls; awnings, masonry fence walls, site work or other components normal to building construction. Separate fees shall be paid for electrical, plumbing, mechanical, miscellaneous or other permits shown elsewhere in this schedule. Fees can be found in the schedule of fees located at the planning and development department. Permit fees shall be as follows:

- (a) New buildings and additions.
  - (1) For each square foot of enclosed area or fractional part of residential space, for each story below and above grade.
  - (2) For each square foot of garage, storage building or barn space.
  - (3) For each square foot of open shed space.
  - (4) For commercial space.
- (b) New construction other than buildings, including towers, pylons, storage tank foundations, structural elements of industrial complexes not within a building, and similar construction.
- (c) Alterations (including major repair to buildings or other structures).
- (d) Moving buildings/modular and manufactured homes on or across public thoroughfares, when the move is not in conjunction with a building permit.
- (e) The manufactured home fee, including 200-amp electrical.
- (f) Masonry fences and walls: For each 50 linear feet or fractional part thereof.
- (g) Swimming pools: For all permanent swimming pool installations aboveground or in-ground, including fencing.
- (h) Demolition of buildings and for demolition of structures other than buildings.
- (i) Temporary permits.
- (j) Minimum fee for any building permit, based upon the fee formulas contained in subsections (b) through (l) of this section.
- (k) Golf course or recreational development area: A base fee plus a per acre fee.
- (l) Development/subdivision permit: A flat fee. See chapter 28, development regulations.
- (m) Electrical permit fees. Electrical permit fees for service installations (conductors and equipment for delivering energy from the electrical utility supply system, residential and commercial). Each service or subservice requiring a utility-owned meter shall be considered a service for fee purposes.

- (n) Plumbing permit fees. Plumbing permit fees for new residential or commercial service shall include a base fee and a per fixture fee. Renovations or additions to a room shall be charged a fee.
- (o) Mechanical permit fees. Mechanical permit fees for new residential or commercial service HVAC system and charges per ton of air conditioning equipment and 20,000 BTU of heat equipment. Additions or changes of equipment shall require a fee.
- (p) Renewal of permits.
- (q) Reinspection fees. Fees for reinspection shall be an amount listed in the schedule of fees and charges.

(Res. of 7-17-2007(1))

Sec. 18-75. - Plans and specifications.

- (a) Each **commercial and multifamily** application for a permit shall be accompanied by two sets of plans and specifications, except as outlined in section 18-74 75.
- (b) All plans for buildings, structures, additions or alterations to group E-educational, group I-institutional, and group A-assembly occupancy, regardless of size, and all buildings or structures three or more stories in height or greater than 5,000 square feet in area (except those classified as one-family and two-family dwellings, expressly exempted by the chief building inspector, and those buildings or structures for farm or agricultural purposes), such designer shall be an architect or engineer legally registered under the laws of the state regulating the practice of architecture or engineering, and shall affix his official seal to such plans, specifications and accompanying data.
- (c) Plans shall be original drawings or prints of the structure, mechanically reproduced at the original scale on substantial paper, showing completely all foundations, wall sections, floor plans, roof plans and elevations at a convenient scale; a plot plan showing the actual shape and dimensions of the lot to be built upon; the exact sizes and location on the lot of the buildings or structures to be erected or altered, the location and number of required off-street parking and loading spaces; such other information as may be required to determine compliance with the building code and this chapter; complete structural, mechanical, plumbing and electrical plans; and such other reasonable information as may be required to clearly show the nature, character and location of the proposed work. Computations, stress diagrams, shop drawings, floor plans of existing buildings to which additions are proposed and other data necessary to show compliance with the building code shall be included when required by the planning and development department. Any specifications in which general expressions are used to the effect that "work shall be done in accordance with the building code" or "to the satisfaction of the of the planning and development department," shall be deemed imperfect and incomplete, and every reference to the building code shall be by section or subsection number applicable to the materials to be used, or to the methods of construction proposed.
- (d) **With respect to commercial and multifamily**, the **director** may authorize the issuance of a permit without plans and specifications for minor alterations, repairs and small or unimportant work, but in no instance where the work is of a structural nature. The issuance of a permit

without plans and specifications will still require the necessary inspections and compliance with the building code and all other pertinent regulations.

(e) It shall be unlawful to use roof or wall covering material that has not been approved by the applicable building code as exterior covering material except in the event a building is damaged by natural or manmade disaster, or suffers a roof leak, other leak, or other damage. In such cases, temporary materials may be applied to a building to provide a temporary repair for no more than 60 days from the date of the damage. One 60-day extension can be requested from the director, for cause, if the structure is not able to be properly repaired with approved exterior covering material within 60 days. Examples of materials that are not approved as exterior covering materials include, but are not limited to, tarpaulins, plastic sheeting, and OSB. This restriction shall not apply to [a] building, such as outbuildings and storage buildings.

(Res. of 7-17-2007(1))

Sec. 18-76. - Examination of plans.

All plans and applications shall be examined in the order received, except those plans that have been previously examined. If the application or the plans do not conform to the requirements of all pertinent laws, such applications shall be rejected in writing, stating the reasons therefore. Such plans may be returned for correction of the tracings. Penciled notations on such plans may be accepted for only minor corrections. If the application, plans and specifications meet the approval of the building code, the plans shall be stamped "approved," and the permit shall be issued.

(Res. of 7-17-2007(1))

Sec. 18-77. - Approval of other authorities.

In addition to verifying compliance with the building code, the planning and development department shall require that the laws, rules and regulations of any other regulatory authority having jurisdiction, where such laws, rules and regulations are applicable and are known, shall be satisfied before a permit shall be issued. The department shall require such evidence, as is reasonable, to show such other approvals. The department shall not thereby be held responsible for enforcement of such other regulations it is not specifically authorized to enforce. The following are some, but not necessarily all, other agencies having jurisdiction on some or all projects:

- (1) The county road department, the sheriff's office, the state highway department, and the City of Eatonton's police department for the moving of buildings, structures and heavy equipment over, temporary construction over, storage of material on, construction operations over or temporary blocking of streets or other public spaces;
- (2) The county road department for the installation of a driveway culvert installed on county property;
- (3) The county health department for the permitting of wells, septic tanks and water and sewer systems;

- (4) The land department of Georgia Power for the permitting of docks, ramps and bulkheads that are within their jurisdiction; and
- (5) The state highway department for permitting driveway approaches on any state road.

(Res. of 7-17-2007(1))

Sec. 18-78. - Permit types.

- (a) Building permits, as issued by the planning and development department shall be required for:
  - (1) The erection or construction of any building or structure and the adding to, enlarging, repair, improving, altering, covering or extending of any building or structure;
  - (2) The moving of any building or structure within, into, through, or out of the county;
  - (3) The demolition of any building or structure;
  - (4) The erection, remodeling, relocating, repair, altering or removal of any sign; or
  - (5) The installation or alteration of a swimming pool.
- (b) Electrical permits shall be required for the installation, repair, alteration, addition to or changing of any electrical wires, fixtures, apparatus, raceways, conduit or any part thereof, which generates, transmits, transforms or utilizes electrical energy in any form for lights, heat or power.
- (c) Plumbing permits shall be required for the installation, repair, alteration, addition to or changing of any plumbing system or appurtenances thereto, domestic water supply or distribution systems, plumbing fixtures and traps, sanitary and storm sewers, liquid waste piping, or water and sewer-using equipment. No plumbing permit shall be required for the repair of leaks, unstopping of sewers or waste pipes, repair or replacement of faucets or water closets, repair of valves, repair or cleaning of septic tanks.
- (d) Mechanical permits shall be required for the installation, alteration or major repair of:
  - (1) Boilers or steam-activated machinery, including the appurtenances and piping thereto;
  - (2) Heat-producing appliances, furnaces or other heating apparatus, including piping or flues, or accessories thereto, except electrical and other appliances that are fully portable and require no physical connection to piping or flues;
  - (3) Air conditioning or refrigeration systems;
  - (4) Mechanical ventilating systems, including air distribution ductwork;
  - (5) Gas systems or piping;
  - (6) Elevators, lifts, escalators, hoists or other transporting devices;
  - (7) Paint-spraying equipment or other process equipment that produces explosive or flammable vapors;

- (8) Fire sprinklers, standpipes, fire hose cabinets or other fire protection apparatus; and
- (9) Mechanical equipment of any kind that is regulated by the building code.
- (e) Renewal of permits.
- (f) Reinspection fees.
- (g) Miscellaneous permits include, but are not limited to, tents for assembly, home occupation licenses, occupation registration, temporary camper, carnivals, rodeos, sporting events, public events (specific duration of less than one year), and tent revivals.

(Res. of 7-17-2007(1))

**Sec. 18-79. - Requirements for safe work.**

All work performed relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures, including work on the building or structure itself, or the building or structure's electrical, gas, mechanical or plumbing system, shall be done in a safe manner, in compliance with the requirements of the standard building codes and this article. Work not done in compliance with these requirements, whether it requires a permit, may be subject to citation, stop work order, or other civil remedy by the director.

**Sec. 18-80. - Existing buildings.**

(a) General. Alterations, repairs or rehabilitation work may be made to an existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes, provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The director shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

(b) Change of occupancy. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes, as required by the director.

**Sec. 18-81. - Special historical buildings.**

The provisions of the standard building codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or county as historic buildings when such buildings or structures are judged by the director to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts.

**Sec. 18-82. - Property maintenance.**

All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the standard building codes when constructed, altered, or

repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Sec. 18-83. - Illegal lots.

Building permits may only be issued on lots of record. No building permit shall be issued on any illegal non-conforming lot, as such is defined in the Putnam County Zoning Ordinance. There are lots within Putnam County, that, while their existence may be recorded in the office of the Clerk of Putnam Superior Court, were not lawfully created in accordance with the laws of Putnam County as described herein, or at the time of their creation, and are not lots of record. Putnam County will not issue a building permit for such lots.

Sec. 18-84. - Partially-built structures.

The county finds that partially built and subsequently abandoned homes and other buildings and structures are occurring more frequently and are an aesthetic harm to the community; they also reduce property values of adjacent and nearby property; they create a public safety hazard in that they can be dangerous; and they invite illicit activity. The county finds such structures to be a nuisance. Therefore, it shall be unlawful for a property owner to leave a residential, commercial or industrial structure in a partially-built status for more than six months with no substantial progress occurring on the construction. Partially-built means foundations that are poured or erected; basements that have been dug and partially completed; and structures that have been framed or dried-in (siding, roofing, windows and doors in place) but not completed. It shall be permissible to finish the exterior of a commercial shopping center or other commercial or industrial building without building-out the inside. It shall also be a violation for a partially completed building or structure to remain unfinished without a certificate of occupancy more than 30 days after the expiration of its building permit (building permits expire one year from issuance unless extended). The director shall be authorized to issue citations to the property owner or builder, and shall be authorized to seek abatement of the nuisance in magistrate court or superior court.”

Sec. 18-85. - Minor repairs exempted.

Ordinary minor repairs may be made without a permit, provided that such repairs shall not violate any of the provisions of the standard building codes.

Sec. 18-86. - Swimming pools.

Any swimming pool shall be enclosed with a fence that is in compliance with the standard building code (International Residential Code). Public swimming pools must also comply with applicable regulations of the Putnam County Board of Health

Sec. 18-87. - Accessory buildings.

Accessory buildings in residential and agricultural zoning districts shall not require site plans. However, such applications must be provided with certification that such buildings will meet all applicable setbacks and comply with any relevant special agricultural zoning setbacks contained in the Putnam County Zoning Ordinance. Placement of and requirements for accessory buildings is governed by the zoning ordinance.

**Sec. 18-88. - Pending violations and stop-work orders.**

No building permit shall be issued to any applicant currently in violation of this chapter, or any other ordinance of Putnam County. No building permit shall be issued to any applicant currently subject to a stop-work order under this chapter, or any other ordinance of Putnam County.

**Sec. 18-89. - Compliance with licensing requirements.**

It shall be the duty of every contractor who contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with all state or local rules and regulations concerning licensing which the county has adopted. In cases where the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

**Sec. 18-90. - Inspections.**

Field inspections will be made to determine that the building, construction or structural alteration or use is being pursued in accordance with the site plan for which a development or building permit has been issued and in compliance with this chapter. These inspections and reports of findings shall be made as soon as practicable after inspection is requested by the developer. When a violation is found to exist, a notice of violation will be posted on the site. See section 18-84 for enforcement and penalties of this chapter.

(Res. of 7-17-2007(1))

**Sec. 18-91. - Certificate of occupancy.**

Upon completion of construction but prior to occupancy or use for the purpose constructed, and prior to utility hookup, the property owner or his agent shall notify the planning and development department and request final inspection of the premises. The inspection will be conducted as quickly as is reasonably practicable after such request. A certificate of occupancy will be issued only if such construction comports with all applicable local, state or national rules, regulations, statutes, laws, ordinances, and the terms of this chapter. No electricity, gas or water may be supplied to the premises until such certificate of occupancy is issued.

(Res. of 7-17-2007(1))

**Sec. 18-92. - Unsafe buildings.**

An unsafe building is defined as any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a fire hazard and/or other hazards incident to the construction, alteration, repair, demolition, use and occupancy of such building, structures or premises. The International Property Maintenance Code, with the



exceptions of Section 111, Means of appeal, will regulate this Code; all appeals will be made according to chapter 66, subsection 66-156(d) and subsection 66-157(c).

(Res. of 7-17-2007(1); Amend. of 1-12-2010)

Sec. 18-93. - Manufactured housing site requirements.

- (a) No structure not now located within the county shall be used as a residence and individually sited unless it has been constructed in conformity with the requirements of the U.S. Department of Housing and Urban Development under 42 USC 5401, currently meet all fire and safety requirements of such standards, and has more than 450 square feet of living area. No pre-HUD (mobile) home may be transported on or across county roads.
- (b) Any manufactured home shall be completely enclosed (skirted) with materials of brick, block, concrete or siding of like or similar character to the unit, or other nonrigid materials that must be affixed to a solid backing not less than one-half inch thick.
- (c) All manufactured homes individually sited must have at each door a landing that is a minimum of 36 inches by 36 inches; be attached to a permanent foundation; and have all towing devices, wheels, axles and removable hitches removed.
- (d) All manufactured homes to be individually sited shall comply with the following:
  - (1) In existing subdivisions that have specific covenants providing for individual siting of such homes, the setbacks provided in the covenants shall control, but shall not be less than the standard residential setback required by chapter 66, zoning.
  - (2) In existing subdivisions that allow the siting of such homes, the standard residential setbacks provided in chapter 66, zoning.
- (e) All manufactured homes individually sited must be placed upon permanent foundations constructed in accordance with applicable building codes and state law and shall be installed in accordance with manufacturers' instructions and O.C.G.A. § 8-2-131 and state fire marshal rules and regulations.
- (f) The following items must be completed before final power inspection for manufactured homes and site-built homes:
  - (1) Completion of skirting/underpinning as sited in subsection (b) above;
  - (2) Construction of porches/decks at each exit as sited in subsection (c) above;
  - (3) Installation of driveway pipe and gravel at driveway entrances onto county/state/federal roads;
  - (4) Construction of well house, if applicable;
  - (5) Permanent posting of street number; and
  - (6) Connection to water and sewer facilities, if applicable.

(Res. of 7-17-2007(1))

Sec. 18-94. - Minimum standards for pre-owned manufactured homes.



These standards are applicable only to those pre-owned manufactured homes built under the Federal Manufactured Housing Construction and Safety Standards (HUD Code) and defined as a manufactured home under O.C.G.A. 8-2-131(3). Construction and safety standards for a pre-owned HUD Code manufactured home should not exceed the HUD Code standard in effect at the time the home was produced.

(a) *Definitions.*

- (1) *Pre-owned manufactured home.* Any manufactured home as defined in O.C.G.A. 8-2-131(3) that has been previously utilized as a residential dwelling.
- (2) *Retailer.* A retailer shall be synonymous with dealer as defined in O.C.G.A. 8-2-131(2).
- (3) *Assignee.* Any bank, financial institution or any person purchasing a retail installment contract, that has as security a manufactured home.

(b) *Facilities required.*

- (1) *Sanitary facilities.* Every pre-owned manufactured home shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in working condition when properly connected to an approved water and septic/sewer system. Every plumbing fixture and water and waste pipe shall be in a sanitary working condition free from leaks, and obstructions.
- (2) *Hot and cold water supply.* Every kitchen sink, lavatory and tub or shower in a pre-owned manufactured home must be connected to a supply of both cold and hot water.
- (3) *Water-heating facilities.* Every pre-owned manufactured home shall have water-heating facilities in a safe, working condition.
- (4) *Heating facilities.* Every pre-owned manufactured home shall have heating facilities in safe, working condition. Where a central heating system is not provided, each manufactured home shall be provided with facilities whereby heating appliances may be connected. Unvented fuel-burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than 30 BTU per cubic foot of room content. Unvented fuel-burning heaters shall be prohibited in bedrooms. In lieu of inspecting the heating facilities of a pre-owned manufactured home, the retailer, assignee, or county may request a heating inspection by a qualified third party. Approval by such a person will be accepted as compliance with those portions of the safety standards established herein which pertain to heating systems. The county will not be responsible for any cost incurred by or due to a third party.
- (5) *Smoke detector.* Every pre-owned manufactured home shall be provided with a State of Georgia-approved smoke detector, installed in accordance with the manufacturer's recommendations and listing.
- (6) *Windows.* Every habitable room excluding bathrooms, kitchens, and hallways shall have at least one window that can be opened, facing directly to the outdoors.
- (7) *Ventilation.* Every habitable room shall have at least one window or skylight which can be opened, or such other device that will ventilate the room.
- (8) *Electrical.*

- a. Distribution panels. Distribution panels shall be in compliance with the approved listing, complete with required breakers or fuses, with all unused openings covered with blank covers approved and listed for that purpose. Connections shall be checked for tightness. Panels shall be accessible.
- b. Electrical system. The electrical system (switches, receptacles, fixtures, etc.) shall be properly installed, wired and shall be in working condition. The pre-owned manufactured home shall be subjected to an electrical continuity test(s) to assure that all metallic parts are properly bonded.
- c. Third-party inspection. The retailer, assignee, or county may, in lieu of inspecting the electrical system of a pre-owned manufactured home, request an electrical inspection by a qualified third party. Approval by such a person will be accepted as compliance with those portions of the safety standards established herein which pertain to electrical systems. The county will not be responsible for any cost incurred by or due to a qualified third party.

(9) *Exterior walls.* The exterior of the home shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls to the occupied spaces of the pre-owned manufactured home.

(10) *Exterior siding.* The exterior siding of the pre-owned manufactured home shall be free of rot and rust and must be uniform in appearance.

(11) *Roofs.* Roofs shall be structurally sound and have no obvious defects, which might admit rain or cause moisture to collect on the interior portion of the home.

(12) *Interior floors, walls and ceiling.* Every floor, interior wall and ceiling shall be kept in sound condition to prevent the admittance of rain or moisture.

(c) ~~Homes purchased for repair. No home may be occupied until standards herein are met.~~ HUD Code. Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. § 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

(Res. of 7-17-2007(1))

Sec. 18-95. - Enforcement; penalties for violation of article.

(a) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, covered or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the of the planning and development department, or any other appropriate authority of the county, may, in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the magistrate's court; or institute injunction or other appropriate action or proceeding to prevent this unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate this violation or to prevent the occupancy of this building, structure or land. Where a violation of the regulations of this chapter exists with respect to a structure or land, the may, in addition

to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises are no longer in violation of this chapter.

(b) Any firm, person or corporation that shall do anything prohibited by this chapter as they exist, or as they may hereafter be amended, or who shall fail to do anything required by this chapter as they now exist or as they may hereafter be amended, upon conviction of a violation, shall be subject to punishment as provided by law. Any violation of this chapter shall be regarded as a misdemeanor, punishable by up to one year's imprisonment and/or a fine of \$500.00. Each day that this violation exists shall be deemed a separate offense.

(Res. of 7-17-2007(1))

**File Attachments for Item:**

- 8. Consent Agenda
  - a. Approval of Minutes - June 15, 2021 Regular Meeting (staff-CC)



# PUTNAM COUNTY BOARD OF COMMISSIONERS



117 Putnam Drive, Suite A ♦ Eatonton, GA 31024

## Minutes

Tuesday, June 15, 2021 ♦ 6:30 PM

Putnam County Administration Building – Room 203

The Putnam County Board of Commissioners met on Tuesday, June 15, 2021 at approximately 6:30 PM in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

### *PRESENT*

- Chairman Billy Webster
- Commissioner Gary McElhenney
- Commissioner Bill Sharp
- Commissioner Jeff Wooten

### *ABSENT*

- Commissioner Daniel Brown

### *STAFF PRESENT*

- County Attorney Barry Fleming
- County Manager Paul Van Haute
- County Clerk Lynn Butterworth

### **Opening**

1. Welcome - Call to Order

Chairman Webster called the meeting to order at approximately 6:30 p.m.  
(Copy of agenda made a part of the minutes on minute book page \_\_\_\_\_.)

2. Approval of Agenda

#### **Motion to approve the Agenda.**

**Motion made by Commissioner Sharp, Seconded by Commissioner McElhenney.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**

3. Invocation - Pastor David Wofford, Eatonton First United Methodist Church  
Pastor David Wofford gave the invocation.

4. Pledge of Allegiance (staff)

County Manager Van Haute led the Pledge of Allegiance.

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**Regular Business Meeting**

5. Public Comments

Mr. Michael Benton, new Uncle Remus Golf Course Superintendent, introduced himself and gave an update on that status of the golf course.

6. Consent Agenda

- a. Approval of Minutes - June 4, 2021 Regular Meeting (staff-CC)
- b. Approval of Minutes - June 4, 2021 Executive Session (staff-CC)
- c. Authorization for Chairman to sign 2021 ACCG-Group Health Benefits Program Health Promotion & Wellbeing Grant Application (staff-HR)
- d. Authorization for Chairman to sign GDOT Section 5311 Transit Operating and Capital Assistance Agreement (staff-Transit)
- e. Authorization for Chairman to sign Final Subdivision Plat for Overlook at Pea Ridge (staff-P&D)

**Motion to approve the Consent Agenda.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Sharp.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**  
(Copy of documents made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

7. Request by Howard McMichael, Jr. to remove the trees in the right of way along Scott Road (staff-CM)

County Manager Van Haute explained that the 170 acre project on Scott Road is getting under way.

**Motion to approve the request by Howard McMichael, Jr. to remove the trees in the right of way along Scott Road in front of his property.**

**Motion made by Commissioner Sharp, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**

8. Appointment of Chairperson of the Putnam County Board of Elections and Registration (staff-CC)

**Motion to appoint Charles Patten as Chairperson of the Putnam County Board of Elections and Registration.**

**Motion made by Commissioner Sharp, Seconded by Commissioner McElhenney.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**

9. Authorization for Chairman to sign FY2022 Georgia Indigent Defense Services Agreement (staff-Finance)

Circuit Public Defender John Bradley reviewed the agreement and answered questions.

**Motion to authorize the Chairman to sign the FY2022 Georgia Indigent Defense Services Agreement.**

**Motion made by Commissioner Wooten, Seconded by Commissioner McElhenney.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**  
(Copy of agreement made a part of the minutes on minute book pages \_\_\_\_\_ to \_\_\_\_\_.)

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10. Authorization for Chairman to sign Resolution to Call for a Referendum Imposing a Special District Mass Transportation Sales and Use Tax (staff-CM)

**Motion to authorize the Chairman to sign the Resolution to Call for a Referendum Imposing a Special District Mass Transportation Sales and Use Tax.**

**Motion made by Commissioner McElhenney, Seconded by Commissioner Sharp.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**  
(Copy of resolution made a part of the minutes on minute book page \_\_\_\_\_.)

**Reports/Announcements**

11. County Manager Report

County Manager Van Haute reported that plans for the right turn deceleration lane on Dennis station for Interfor had been drawn and will be going out to bid soon.

12. County Attorney Report

No report.

13. Commissioner Announcements

Commissioner McElhenney: advised that on June 11, 2021 he finished the last of the core classes for the ACCG Certified Commissioner program.

Commissioner Brown: absent

Commissioner Sharp: none

Commissioner Wooten: none

Chairman Webster: commented that the May/June 2021 issue of James Magazine has an article on the most influential attorneys in the state of Georgia and our own County Attorney, Barry Fleming, is listed there.

**Closing**

14. Adjournment

**Motion to adjourn the meeting.**

**Motion made by Commissioner Sharp, Seconded by Commissioner Wooten.**

**Voting Yea: Commissioner McElhenney, Commissioner Sharp, Commissioner Wooten**

Meeting adjourned at approximately 6:49 p.m.

ATTEST:

Lynn Butterworth  
County Clerk

Billy Webster  
Chairman

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June 15, 2021		

**File Attachments for Item:**

9. Approval of Right-of-Way Permit for Tim Camp (staff-CM)





Official Use Only  
Permit No. \_\_\_\_\_

# PUTNAM COUNTY RIGHT-OF-WAY PERMIT APPLICATION

Date: 6/25/21

CONTRACTOR NAME: Reynolds Construction TELEPHONE NO. 7709694040 ext.5001

WORK TO BE DONE ON R.O.W. OF Lower Harmony Rd AND -200LF South of 384 Lower Harmony

DESCRIPTION OF WORK: \_\_\_\_\_  
Jack and Bore under Lower Harmony Rd and place casing pipe. INstall 2ea - 6in HDPE Pipes and 2-6in PVC pipes. Bore will include a bore pit receiving pit within ROW. Pits are temporary for installation of casing.

DATE WORK TO BEGIN: approx. August 21 depending on material lead time

COMPLETION DATE: duration will be approx 2 weeks including prep, bore, restoration

ANY CRANE/BOOM LIFTING DEVICE OR SCAFFORLDDING TO BE USED ON SITE  YES  NO

**IF YES – PLEASE PROVIDE A SKETCH OF LOCATION OF EQUIPMENT & SAFETY MEASURES MUST BE SUBMITTED WITH THIS APPLICATION.**

WORK AREA UNDER THIS PERMIT IS APPROXIMATELY		70	LENGTH	10	WIDTH
DOES YOUR BOND COVER PATCH WORK	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	N/A Bore
WILL THIS PERMIT REQUIRE BORING	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	
WILL YOU NEED TO CLOSE A ROAD	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	
WILL YOU NEED TO CUT A SIDEWALK	<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO	

Note: Permittee shall comply in whole with this permit, which is issued in accordance with PUTNAM COUNTY CODES & ORDINANCES.

The closing of any road requires a sketch to be submitted and alternate route to be approved by the Putnam County Public Works Department.

Applicant: Tim Camp Contact, If not Applicant John Chase - phone above

Telephone: \_\_\_\_\_

Company Name: T&W Farms Fax: \_\_\_\_\_

Mobile Phone: 706-318-9439 Address: 384 Lower Harmony Rd

City: Eatonton State: GA Zip Code: 31024

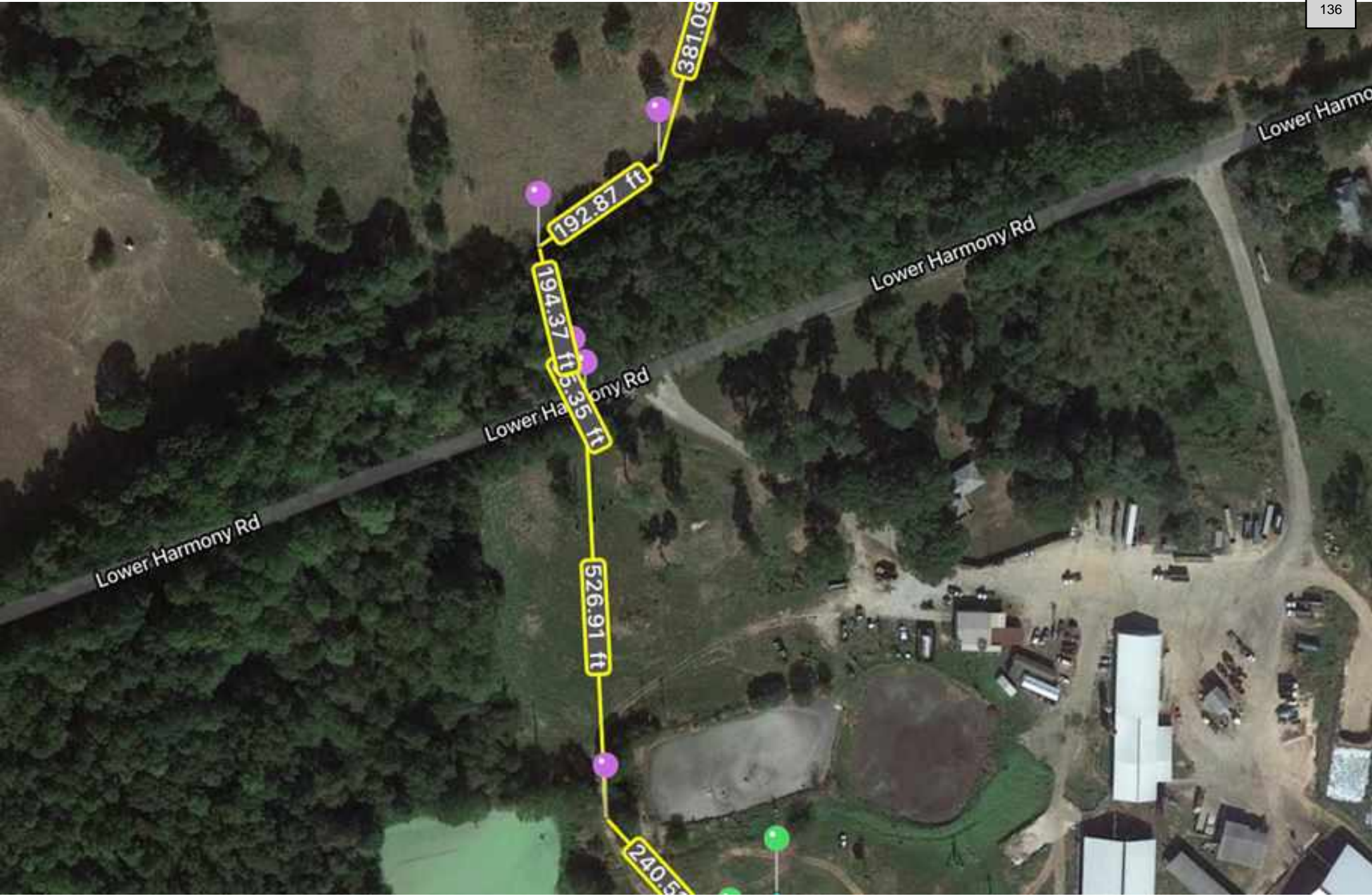


OFFICE USE ONLY:

Payment Received: \$55.00

Date 6-28-21

Receipt # 370751



**File Attachments for Item:**

10. Request from Tax Commissioner to write off bad debts (TC)

<b>OFFICE OF THE PUTNAM COUNTY TAX COMMISSIONER</b>						
<b>REQUEST TO WRITE-OFF BAD DEBTS AS OF June 30, 2021</b>						
<u>Taxpayer Name</u>	<u>Map / Parcel Number</u>	<u>Year of Tax Bill</u>	<u>Type of Tax</u>	<u>Original Tax Bill</u>	<u>Unpaid Balance</u>	<u>Reason for Write-Off</u>
	<u>Bill Number</u>					
Allison, Bruce J	P1 70446	2018	Boat	78.93	126.99	boat cannot be located / No 2020 Bill
Allison, Bruce J	P1 70446	2019	Boat	73.97	113.82	boat cannot be located / No 2020 Bill
Brown, Dennis W	P1 64544	2017	Boat	188.39	561.74	Sold Boat
Brown Dog Restaurants LLC	P1 66084	2019	Equipment	426.71	580.47	Closed - no inventory to levy
Brown's Rentals LLC	P1 68518	2017	Inventory/Equip	117.40	307.09	Closed - no inventory to levy
Champion, Stacey	P1 67804	2019	Boat	267.56	371.06	Bankruptcy Court Sold Boat
Cheatham, Anthony P	P1 70895	2017	Boat	87.31	408.63	Sold Boat
Daniel's Auto Repair	P1 70364	2018	Inventory/Equip	83.33	133.15	Closed - no inventory to levy
Day, Marcy & Minchey, Shannon	P1 71864	2019	Inventory/Equip	114.97	168.18	Closed - no inventory to levy
Hairston, Thomas P	P1 67170	2016	Boat	82.11	406.99	boat cannot be located / No 2020 Bill
Hairston, Thomas P	P1 67170	2017	Boat	73.50	124.86	boat cannot be located / No 2020 Bill
Hairston, Thomas P	P1 67170	2018	Boat	78.09	125.81	boat cannot be located / No 2020 Bill
Hairston, Thomas P	P1 67170	2019	Boat	75.36	115.65	boat cannot be located / No 2020 Bill
Hawkins, Heath D	P1 70747	2019	Boat	191.60	271.11	boat cannot be located / No 2020 Bill
Howard, Lisa	P1 71054	2019	Boat	80.35	122.22	boat cannot be located / No 2020 Bill
Johnson, Huey	P1 70560	2018	Boat	110.61	173.85	Boat cannot be located / 2018 is Last Bill
Maddock, Corey E	P1 70468	2017	Boat	200.66	364.84	Boat cannot be located / 2017 is Last Bill
Mallet, Steven	P1 67224	2018	Boat	132.29	204.19	Sold Boat
McQuain, Timothy	P1 69089	2016	Boat	169.20	544.84	Taxpayer moved to TN
Melear, Andrew J	P1 70263	2019	Boat	106.30	158.87	boat cannot be located / No 2020 Bill
Phillips, Kenneth E	P1 70146	2018	Boat	113.06	177.28	Sold Boat
Putkowski, Paul J	P1 6190	2017	Boat	95.45	422.22	Gave Boat Away
Ray, Jeremy S	P1 67692	2017	Boat	147.90	287.05	Sold Boat
Rogers, Joseph M	P1 68959	2018	Boat	81.53	130.63	Boat cannot be located / 2018 is Last Bill
Sergot, Stanley U	P1 68268	2017	Boat	111.74	448.73	Boat cannot be located / 2017 is Last Bill
Simply Beautiful	P1 69550	2018	Inventory/Equip	193.74	290.22	Closed - no inventory to levy
Smith, Everett R	P1 66626	2017	Boat	501.51	1,023.40	Boat cannot be located / 2017 is Last Bill
Smith, James	P1 67939	2019	Boat	175.00	249.27	boat cannot be located / No 2020 Bill
The Frisk Pub	P1 71830	2019	Inventory/Equip	282.26	650.27	Closed - no inventory to levy
The Frisk Pub	P1 71830	2020	Inventory/Equip	273.29	316.25	Closed - no inventory to levy
Watson, Timothy J	P1 72713	2019	Boat	98.91	144.84	boat cannot be located / No 2020 Bill
Wires, Bradly A & Gina M	P1 72730	2019	Boat	406.16	546.04	Boat in Florida
Woodward, Donald Sr. H	P1 70535	2019	Boat	117.48	173.57	boat cannot be located / No 2020 Bill
<b>TOTALS</b>				<u>5,336.67</u>	<u>10,244.13</u>	



**File Attachments for Item:**

11. Authorization for Chairman to sign Resolution Electing not to require Mobile Home Decals (TC & TA)

**A RESOLUTION OF PUTNAM COUNTY, GEORGIA  
ELECTING NOT TO REQUIRE MOBILE HOME DECALS**

**WHEREAS**, Senate Bill 193 was passed in the 2021-2022 Regular Session of the Georgia General Assembly, and was signed by the Governor and became effective on the 6<sup>th</sup> day of May, 2021;

**WHEREAS**, Senate Bill 193 amended O.C.G.A. §48-5-492(a) to allow the governing authority of the county in which the mobile home is located to opt out of the requirement to issue mobile home decals as evidence of a mobile home location permit; and

**WHEREAS**, pursuant to O.C.G.A. §48-5-263(11), the appraiser of the County shall, in counties that elect to require decals pursuant to Code Section 48-5-492 inspect mobile homes located in the county to determine if the proper decal is attached to and displayed on the mobile home by the owner as provided by law; notify the residents of those mobile homes to which a decal is not attached of the provisions of Code Sections 48-5-492 and 48-5-493; and furnish to the tax collector or tax commissioner a periodic list of those mobile homes to which a decal is not attached; and

**WHEREAS**, the governing authority of Putnam County elects not to require mobile home location decals pursuant to O.C.G.A. §48-5-492(a),

**NOW THEREFORE, BE IT RESOLVED**, pursuant to and as authorized by O.C.G.A. §48-5-492(a), the Board of Commissioners of Putnam County, resolves and elects not to require mobile home location decals in Putnam County, Georgia, and hereby relieves the Tax Commissioner of Putnam County and the appraiser of Putnam County of any requirements under the law, whether pursuant to O.C.G.A. 48-5-263 and O.C.G.A. §48-5-492 et seq. or otherwise related to the issuance, inspection, and enforcement of mobile home location decals, and any and all other responsibilities that may have been otherwise required due to the issuance of mobile home location decals.

**REPEALER**

All previous Resolutions of the Board of Commissioners of Putnam County in conflict herewith are hereby superseded and repealed.

**EFFECTIVE DATE**

This Resolution shall be effective upon adoption. It shall remain in full force and effect until superseded or repealed.

BE IT IS SO RESOLVED, this 2<sup>nd</sup> day of July 2021.

By: \_\_\_\_\_  
Billy Webster, Chairman  
Putnam County Board of Commissioners

Attest: \_\_\_\_\_  
Lynn Butterworth, County Clerk