

# Appeal A15120011

## Staff Analysis

Board of Appeals Hearing Date: 2-16-15

**Parcel ID: Map N65A Parcel 10**

**Acreage: 2.96 acres**

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**Applicant**

**Walton County**

**Owner:**

**Edward & Judy Doss**

49 Barrett Woods Road  
Covington GA 30014

**Property Location:** 49 Barrett Woods Road

**Current Zoning:** A1

**Request: Withdrawal of Board of Appeals decision in case A15090009 –  
See attached letter from County Attorney dated 12-23-15.**

Walton County Board of Appeals Application

\*\*\*Please Type or Print Legibly\*\*\*

Variance/Special Exception/Appeal # A15120011

Board of Appeals Meeting Date 2-16-16 at 6:00PM held at WC Board of Comm. Meeting Room

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Recorded Deed  Survey Plat  Site Plan \_\_\_\_\_ Proof of Paid Property Taxes

Map/Parcel N65A-10 Zoning District: A1 Commission District: 3

Applicant Name/Address/Phone #

WC Planning + Dev  
303 S Hammond Dr  
Monroe GA 30655

Property Owner Name/Address/Phone

Edward + Judy Doss  
49 Barrett Woods Rd  
Covington GA 30014

Phone # \_\_\_\_\_

Phone # \_\_\_\_\_  
(Withdraw)

Type Request: \_\_\_\_\_ VARIANCE \_\_\_\_\_ SPECIAL EXCEPTION  APPEAL

Property Location 49 Barrett Woods Rd Acreage 2.96

Describe Variance/Special Exception/Appeal: Withdrawal of <sup>Board of Appeals</sup> decision in  
case A15090009 - See attached letter from County  
Attorney dated 12-23-16

State Reason for request and how these reasons satisfy Article 14 Standards of Review:

Public Water: \_\_\_\_\_ Well: \_\_\_\_\_ Public Sewer: \_\_\_\_\_ Septic Tank: \_\_\_\_\_

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for Planning and Development personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature P + D Dept Date 12-28-15 Fee Paid: \$ \_\_\_\_\_  
(Parker)

PUBLIC NOTICE SIGN WILL BE PLACED AND REMOVED BY P & D OFFICE

Administrative Variance granted per Article 14 Section 180

P & D Official: \_\_\_\_\_ Date: \_\_\_\_\_

I HEREBY WITHDRAW THE ABOVE APPLICATION \_\_\_\_\_ Date \_\_\_\_\_

# ATKINSON | FERGUSON<sub>LLC</sub>

Charles M. Ferguson, Jr.  
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December 23, 2015

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## VIA ELECTRONIC MAIL

Mike Martin, Director  
Walton County Planning & Development Department  
303 S. Hammond Drive, Suite 98  
Monroe, Georgia 30655  
[mmartin@co.walton.ga.us](mailto:mmartin@co.walton.ga.us)

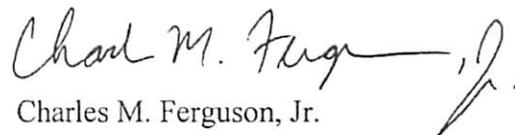
**Re: Board of Appeals Application No. A15090009**

Dear Mike:

Per our review of the applicable county ordinances and the underlying facts of the above-referenced appeal and our discussions regarding the same, it is our opinion that the parking of one commercial vehicle at 49 Barrett Woods Road is a legal nonconforming use which may be continued pursuant to Article 13 of the Walton County Comprehensive Land Development Ordinance. We understand that your office plans to accept our opinion, thereby eliminating the need for the applicant in this matter to further pursue an appeal. To that end, we understand that the above-referenced application will be withdrawn as moot and that you will request that the Board of Appeals withdraw its previously announced decision in this matter.

Best Regards,

ATKINSON | FERGUSON, LLC

  
Charles M. Ferguson, Jr.

WALTON COUNTY BOARD OF APPEALS  
November 17, 2015

Members Present: Henry Kines, Mariellen Barnes, Harold Moon, Tom Sever  
and Howard Green

Members Absent: Leon Queen and Lewis Eberhardt

Planning and Development official: Mike Martin and Charna Parker

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Vice Chairman Henry Kines called the meeting to order.

Invocation

“The Pledge of Allegiance” to the flag.

The minutes to the September 15, 2015 meeting were approved unanimously.

**Old Business: None**

**New Business:**

1. Variance V15090002 –Variance to reduce minimum required lot width from required 200’ to proposed 20’ for a 10 +/-acre buildable lot and required 200’ to proposed 180’ for a 2+/- acre lot which has an existing home - Property Owner/Applicant: Henry C Rebecca E Lord – Located at 840 Jones Woods Road - Map C191 - Parcel 16 – District 4  
Presentation: Charna Parker explained the variance request. Mr. Lord has 12 +/- acres of which he would like to split out 2 acres with his house and sell the remaining 10 acres. The 2 acre tract will have 180’ of frontage which will be in compliance at such time as water is available however currently the land is serviced by a well and requires a 200’ minimum lot width.  
Speaking: None  
Decision: Harold Moon Jr made a motion to approve the variance as requested with a second by Tom Sever. The motion carried unanimously.
2. Appeal A15090009 – Appeal decision regarding parking of one commercial vehicle at 49 Barrett Woods Road - for Edward Doss–Property Owner: Edward & Judy Doss Map N65A - Parcel 10 – District 3  
Presentation: Charna Parker explained the appeal. Mr. Doss has a transfer truck that he has been parking in his yard since he purchased the property since 1998. He advised that he came to the department in 1998 and was told that it was ok to park the truck in an A1 zoning district. After the meeting with Mr. Doss, the department researched the regulations in 1998 and found that parking a commercial vehicle in an A1 zoning district has never been allowed. Copies of these regulations as well as the current regulations were attached to the case.

Vice Chairman Henry Kines stated that in reviewing the ordinances, it did not appear that this board could grant this appeal because they would be allowing a use that is prohibited by the ordinance; but they allow the applicant and any speakers to address the issue.

Mr. Doss addressed the Board of Appeals stating that he did come to the P&D Office prior to purchasing and was told there was no problem with parking his truck on his property. He stated that he has been cited previously for parking the truck but it was when he had a refrigeration unit that was loud and the judge told him to make it quiet; with no mention of it being illegal. Mr. Doss stated that he only has one neighbor that is opposed and that is because of personal issues involving the neighbor's dog. He submitted a petition with his application with signatures of other neighbors in the subdivision. Mrs. Doss addressed the board stating that she read in the ordinance that they could grant this appeal if it creates a hardship. She stated they only need about 5 more years and then her husband will retire. If they have to park the truck somewhere else she will have to get up at all times during the night to go pick him up. She stated this is not your normal subdivision, they have larger lots. Mr. Kines explained that the ordinances that were in place in 1998 show that this use wasn't allowed and this board cannot grant permission for a use that isn't legal. Mr. Doss stated that he wasn't told that it wasn't legal. Charna Parker explained that when Mr. Doss came in to talk about the code enforcement issue that the department had not reviewed the 1998 ordinance and once that was done, Mr. Doss was given a copy of the guidelines so that he would be informed prior to this meeting. Member Howard Green stated that he had read the criteria for granting this appeal and this request doesn't meet the guidelines. Mr. Martin further explained that this use isn't grandfathered in and that the board doesn't have the authority to allow this use in the current zoning. Mr. Doss wanted to know what his next step was; could he take this any further. Mr. Green stated he would need to find a place to park the truck; he stated the Board of Commissioners put these guidelines in place. Mr. Martin explained the next step is to appeal the decision to the Superior Court.

Speaking: Robbie Moon stated the area they live in is not the normal subdivision, they have cows, horses and that everyone in the neighborhood supports Mr. Doss, that he and his truck have never been a problem.

Decision: Harold Moon Jr made a motion to deny the appeal with a second by Tom Sever. The motion carried unanimously.

3. Variance V15100005 – Variance to reduce minimum required lot width from required 100' to proposed 97.2' for a buildable lot (Lot 45 Richmond Place)- Property Owner/Applicant: Paran Homes – Located at 1629 Richmond Meadow Ct - Map N34B - Parcel 182 – District 1

Presentation: Charna Parker explained the variance request. Paran Homes built a house and poured the driveway and then realized the driveway is over the property line. They are going to reconfigure 3 lots to accommodate this error and only one lot will not meet the frontage requirements, it will be less than 3 foot short of the 100' requirement.

David Duncan of Paran Homes explained what happened as well.

Speaking: None

Decision: Tom Sever made a motion to approve the variance as requested with a second by Howard Green. The motion carried unanimously.

4. Variance V15100007 –Remove condition placed on Variance V13100002 that there be one 30' driveway to service 6 lots- Applicant: WC P&D Dept. – Located at Cheek Road - Map C189 - Parcel 10, 10A, 10B, 10C, 10D – District

Presentation: Mike Martin stated that this application was actually submitted by the department. This was property that was proposed to be an Airpark Overlay subdivision and the board may remember granting variances for flag lots to allow the developer to sell lots prior to the completion of the development. The design is not gone; some residents have actually been to the Board of Commissioners and had the airpark overlay removed. When this board granted the flag lot variances, a condition was placed on the property that there be only one 30' drive to service the lots until such time as the development was completed. Now that this isn't happening, these people shouldn't be restricted to one 30' driveway; therefore the department is asking that this condition be removed. Henry Kines verified that this would allow 5 driveways, to which Mr. Martin stated that is correct and that there are no issues as far as sight distance.

Speaking: None

Decision: Howard Green made a motion to approve the variance as requested with a second by Mariellen Barnes. The motion carried unanimously.

PUBLIC COMMENT

ADJOURNMENT

With no further business the meeting was adjourned.

Respectfully Submitted,

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Henry Kines, Vice Chairman  
Walton County Board of Appeals

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Charna Parker, Executive Secretary  
Walton County Board of Appeals