

# Variance V16080008

## Staff Analysis

Board of Appeals Hearing Date: 9-20-16

Commission District: 4

**Parcel ID: Map/Parcel C109010spl**

**Acreage: 5.89 acres**

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**Applicant:**

**Reeves & Jennifer Brinkley**

909 Maple Creek Court  
Loganville GA 30052

**Owner:**

**Gregory & Pamela Strain**

2969 Clegg Farm Road  
Social Circle GA 30025

**Property Location:** Clegg Farm Road

**Current Zoning:** A1

**Request:** Variance to build on a 5.89 parcel with an easement dated prior to December 6, 1983.

**Site Analysis:** This parcel contains 5.89 acres which is located off an existing easement off Clegg Farm Road.

**Staff Analysis:**

In ruling on any application for a **Variance**, the Board of Appeals shall act in the best interest of the health, safety, morals, and general welfare of the county. In doing so, the Board of Appeals may grant variances in individual cases of practical difficulty or unnecessary hardship upon a finding that all the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and
3. Relief, if granted, would not cause substantial detriment to the public good or impair

the purposes and intent of this Ordinance.

4. No variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by this ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Board of Commissioners.

**Article 3 Part 2 Section 100 C.4 Walton County Land Development Ordinance**

4. The Board of Appeals is expressly authorized to review and grant variances where it deems it appropriate to allow the issuance of building permits for the renovation or construction of a structure on a tract or parcel of land that lacks the requisite road frontage under Article 4 Part 3 Section 160 of the ordinance provided the following conditions exist:

The tract or parcel of land existed in such condition prior to initial adoption of the Ordinance (March 6, 1973) or has been created of record by a survey, deed or other written instrument recorded in the real estate records of the Clerk's Office, Walton Superior Court, prior to December 6, 1983, and such tract or parcel (although not abutting a public road) has a legally established and clearly defined access to an existing public road;

Walton County Board of Appeals Application

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

Variance/Special Exception/Appeal # V 16080008

Board of Appeals Meeting Date 9/20/16 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 C109-10 Zoning District: A-1 Commission District: 4

Applicant Name/Address/Phone #

Reeves Jennifer Brinkley  
909 Maple Creek Ct  
Loganville GA 30052  
Phone # 404 333 5342

Property Owner Name/Address/Phone

Gregory Strain Pamela Strain  
2969 Clegg Farm Rd  
Social Circle GA 30025  
Phone # 770-464-0972

Type Request:  VARIANCE  SPECIAL EXCEPTION  APPEAL

Property Location Clegg Farm Rd. Acreage 5.89

Describe Variance/Special Exception/Appeal: We would like to appeal the non-exclusive 30 foot wide easement for ingress & egress to Clegg Farm Rd as said on plat

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

Variance to build one house on existing easement

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 Jennifer Reeves Date 8/9/16 Fee Paid: \$ 150.00

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 \_\_\_\_\_

AUTHORIZATION  
BY PROPERTY OWNER

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Variance/Appeal Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Variance/Appeal Application.

Name of Applicant: Reeves Brinkley  
Address: 909 Maple Creek Court Loganville GA 30052  
Telephone: 404-333-5342  
Location of Property: Clegg Farm Rd  
Social Circle GA 30025  
Map/Parcel Number: \_\_\_\_\_

*Gregory A. Strain*  
Property Owner Signature

*Pamela J. Strain*  
Property Owner Signature

Print Name: GREGORY A. STRAIN  
2969 CLEGG FARM RD  
Address: SOCIAL CIRCLE, GA 30025

Print Name: Pamela J. Strain  
2969 Clegg Farm Rd.  
Address: Social Circle, GA. 30025

Phone #: 770-464-0972

Phone #: 770-464-0972

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.

*[Signature]*  
Notary Public

8/8/16  
Date

August 9<sup>th</sup>, 2016

Enclosed is paperwork showing that there is a recorded, deeded easement for the said property located on Clegg Farm Road. The Property has a warranty deed that dates May 26<sup>th</sup>, 1977 between The Peoples Bank and John C Martin JR that references the easement. I was informed that an easement could be granted as long as proof of an easement prior to 1983 existed. Please let me know if you need any additional information. Thank you!!

Taylor Morris

Conner Smith Realty

770-369-5560

A handwritten signature in blue ink, appearing to read 'Taylor Morris', is written over the phone number.



THIS SURVEY HAS BEEN CALCULATED FOR  
 CLOSURE BY LATITUDES AND DEPARTURES  
 AND IS FOUND TO BE ACCURATE WITHIN  
 ONE FOOT IN 5000 FEET

30' R/W EASTMENT TO PUBLIC RD.  
 870' ALONG R/W TO C/L OF  
 UNPAVED COUNTY ROAD THAT  
 BURNS INTO THE HWY FROM  
 SOCIAL CIRCLE TO JERSEY AT THE  
 SOCIAL CIRCLE WATER

PEOPLE'S BANK OF LITHONIA  
 N 59° 40' 36" W  
 1592.21'

1387.51'  
 S 29° 33' 10" E

28.7% ACRES SHOWN IN TRAVERSE  
 .23 ACRES CORRECTION TO SHOW  
 ACRAGE TO C/L OF RIVER  
 28.51 NET ACRES

30' R/W EASTMENT  
 30' R/W EASTMENT

N 59° 40' 36" W  
 208.00'

*Subject Prop*

J. D. BENTLEY

ROBERT TERRY REED AND L. H. REED

MAGNETIC NORTH

WILLIAM A. REEDER

N 21° 38' 50" W  
 1272.00'

1633.63'  
 S 31° 03' 10" E

N 31° 08' 15" W  
 92.97'

APPROX. 750' ALONG  
 C/L RIVER  
 ALCOY RIVER  
 C/L IS INDICATED

S 31° 03' 10" E  
 589.16'  
 S 58° 16' 12" E  
 1071.79'

LEGEND  
 ○ - IRON PIN SET  
 ● - IRON PIN FOUND  
 ▲ - POINT NOT COMMENTED

*John Elwin Knight*  
 JOHN ELWIN KNIGHT

Deed Book 136-183

12-1-78

SURVEY FOR:		JOHN C. HARTIN, JR.	
SCALE: 1" = 200'	APPROVED BY:		
DATE: 5-24-77	REVIEWED:		
SOCIAL CIRCLE DISTRICT		C. H. D. LUB	
VALDON COUNTY, GEORGIA			
BY JOHN ELWIN KNIGHT			
COUNTY SURVEYOR NEWTON COUNTY			
DRAWING NUMBER:			

RECORDED  
 This 29 day of July 1978  
 Thomas S. Baskin  
 Clerk, Walton Superior Court

*Plat showing easement  
 existed prior to 1983*

23-177



