

VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS Staff Report MEETING DATE: August 6, 2024

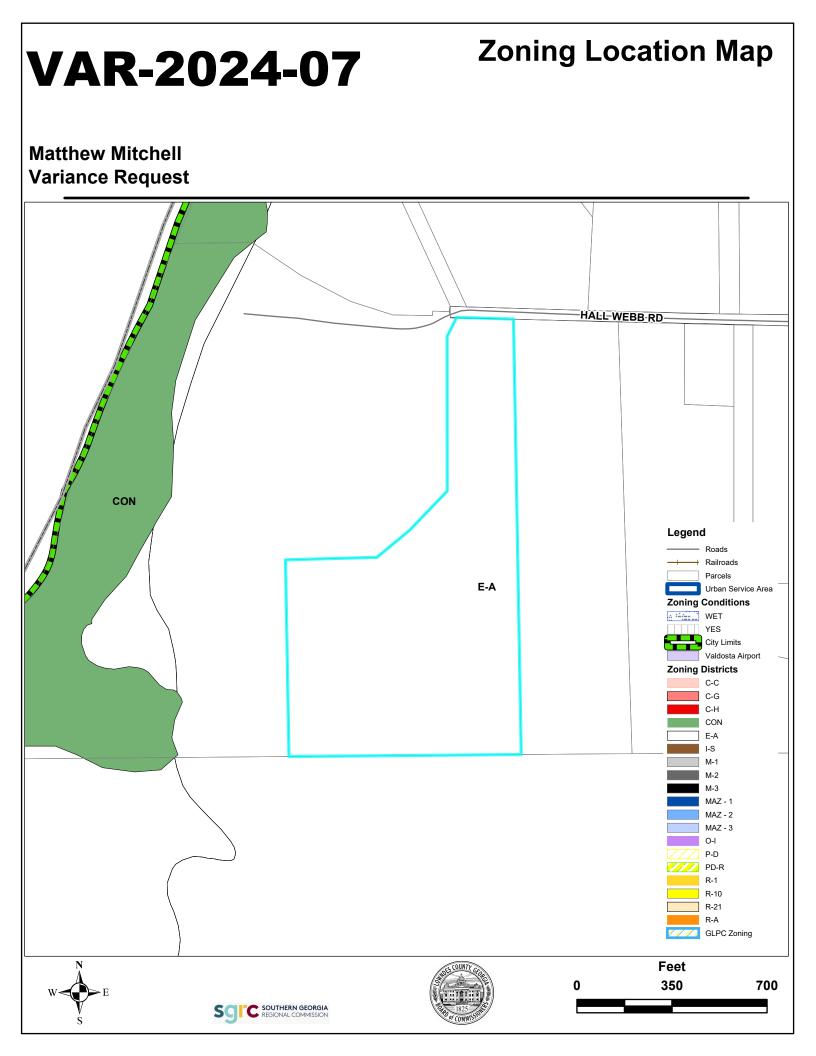
VAR-2024-07 Matthew Mitchell – Hall Webb Rd

The applicant is the father in law of property owner and is requesting a Variance to Sections 4.04.04 C E 1. The subject property is located at 7365 Hall Webb Rd, Map & Parcel 0011 020D, and consists of 20 acres currently zoned E-A (Estate Agriculture). The parent tract was originally divided by survey in 2020, using the family ties allowance, creating one lot at 1.25 acres. In 2022, the parent tract was subdivided again, creating four tracts, using the minor subdivision classification. The applicant is asking for a variance to one time usage of the Family Ties exemption.

The TRC staff heard and considered this request (during their regularly scheduled meeting) and had no objectionable comments. Staff recommends approval based on Criteria D, F, and G.

A variance may be granted upon a finding by the ZBA that one (1) of the following conditions has been met:

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- B. Such conditions are peculiar to the particular piece of property involved;
- C. The application of this ULDC to this particular piece of property would create an unnecessary hardship;
- D. Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of this ULDC;
- E. A literal interpretation of the provisions of this ULDC would deprive the applicant of rights commonly enjoyed by other properties of the zoning district in which the property is located;
- F. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the applicant's property is located;
- G. The requested variance will be in harmony with the purpose and intent of this ULDC and will not be incompatible with the neighborhood or to the general public welfare;
- H. The special circumstances are not the result of the actions of the applicant;
- I. The variance requested is the minimum variance that will make possible the legal use of the land or structure; and
- J. The variance is not a request to permit a use of land or structures that are not permitted by right in the zoning district involved;
- K. The extension of said nonconforming use will not further injure a permitted use on the subject property or on adjacent property;
- L. The design, construction, and character of the nonconformance is not suitable for uses permitted in a district in which the nonconformance is situated; and
- M. The nonconforming use is similar to the prior nonconforming use.



- **D.** All subdivision lots shall have frontage on and access to an existing or proposed paved public street.
- E. Double frontage or through lots shall be required to have:
 - **1.** A planted, non-encroachable **buffer** strip, pursuant to the standards set forth in Section 4.07.06.
 - **2.** The location of the non-encroachable **buffer** strip shall be approved by the County Engineer.
- **F.** Rights-of-way for pedestrian **crosswalks** in all **subdivisions** may be required in order to provide direct pedestrian access to schools, **shopping centers**, and parks. Such rights-of-way shall comply with the standards set forth in Section 6.01.02 and the *Technical Standards Manual*.

G. Easements

- 1. All lots within a subdivision shall provide easements for stormwater drainage, water systems, sanitary sewer systems, gas lines, electric lines, cables, telephone lines, and utility poles. Standards for such utility easements are set forth in Section 6.03.02.
- 2. Where a subdivision is traversed by a river, stream, watercourse, or drainage way, there shall be provided a drainage easement along each side of the watercourse for the purpose of widening, deepening, improving, relocating, or protecting watercourse. The easement, an undisturbed buffer, shall be at a width specified in Chapter 3.

4.04.04 Specific Provisions for Family Ties Land Division

A. Applicability

The provisions of this section apply to land divisions in the E-A or R-A zoning districts.

B. Exemptions from Requirements

- 1. Lots created as a result of the Family Ties Land Division are exempt from the subdivision standards set forth in Section 4.04.00, the water/sewer connection requirements in Chapter 4 and 6, and the platting requirements set forth in Chapter 10, provided that the lots are conveyed to a grandparent, parent, spouse, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner(s) of the parcel to be divided (parent parcel). These exemptions do not exclude any state requirements for development.
- **2.** Applications to create **lots** under the **Family** Ties Land Division process shall be processed by the TRC as set forth in Chapter 10.

C. Design Standards for Lots to be Conveyed

- 1. All **lots** created under the **Family** Ties Land Division process shall comply with all design standards for the **zoning district** in which the **lots** are located, except as specifically provided in this section.
- **2.** The minimum **lot** area is one (1) acre.
- **3.** All **lots** created under the **Family** Ties Land Division process shall meet one (1) of the following requirements for access:

- a. Have sixty (60) feet of frontage on a public right-of-way and meet the lot width requirements set forth in Table 4.01.01(G); or
- **b.** Share one (1) access driveway that provides access to all **lots** that do not front a public right-of-way.
 - i. The access driveway easement shall be sixty (60) feet wide, shall begin at a public road, and shall be recorded as an **easement** with access rights to all **lots**.
 - **ii.** The access driveway shall be constructed as an allweather road with a minimum clearance of twenty (20) feet in width and twelve (12) feet in **height**.
- **D.** The remainder of the **parent parcel** after creation of **lots** under the **Family** Ties Land Division process shall meet the minimum **lot** area requirements set forth in Table 4.01.01(G).
- **E.** Limitations on number of conveyances
 - The parent parcel may be divided one (1) time to create up to five (5) lots for conveyance to Family members as described in Section 4.04.04(B).
 - 2. All lots created under the **Family** Ties Land Division process shall have a recorded and approved survey prior to the issuance of any **Building Permit**.

4.05.00 ALTERNATIVE SUBDIVISION DESIGN STANDARDS

4.05.01 Conservation Subdivision (CS)

A. Generally

- 1. The intent of the conservation **subdivision** (CS) is to provide for flexibility of design in order to promote environmentally sensitive and efficient **uses** of the land.
- 2. The number of **residential dwelling units** shall not exceed the number of such units permissible by the **zoning district** in which the CS is located.
- **3.** All requirements set forth in Section 4.04.00 regarding conventional **subdivisions** for provision of public improvements and infrastructure shall apply to conservation **subdivisions** except where specifically modified in this section.
- 4. Where there is conflict between the standards and requirements set forth in this section for the CS and the standards and requirements in Section 4.04.00 regarding a conventional **subdivision**, the standards of this section shall apply. The standards set forth in this section are intended to replace the standards in Section 4.04.00 regarding the design of **subdivisions**.
- 5. No building permits and no public improvements or services shall be authorized or installed for any CS until approval has been granted for the subdivision plat. Procedures for application, review,

05/16/2024

Lowndes County Planning & Zoning

327 N. Ashley St.

Valdosta, Ga. 31602

All concerned,

We hereby request a Family Variance for the Property belonging to Matthew and Holly Mitchell parcel number 0011020D otherwise known as 7365 Hall Webb Rd Hahira, Ga. 31632.

G Norman Bennett conveyed through a Quit Claim deed to my son Matthew B Mitchell and his daughter (my daughter in law) Holly Bennett Mitchell 20 acres in the form of a Quit Claim Deed in October of 2022. They built a single-family home on the property and currently live there.

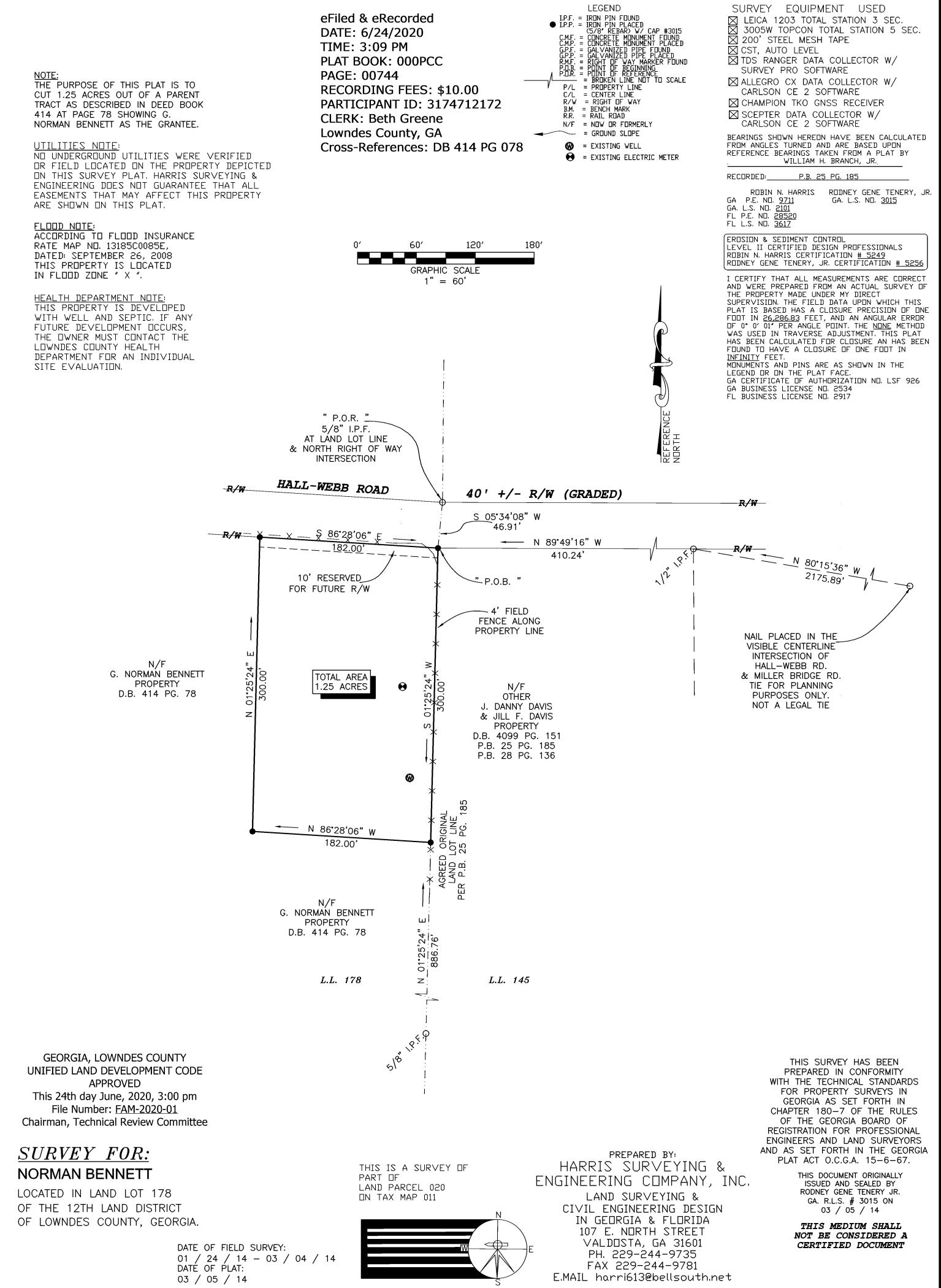
Both Holly and Matthew asked if I would like to move out there from my current residence in Stone Creek to be closer to them and my grandchildren. I agreed with them that I would, and we hired Cody Califf to perform the survey. After submitting the survey, we were told it must be 5 acres unless the Family Variance can be applied. We gratefully ask that this variance be allowed. The purpose is to build a single-family home on the one acre proposed in which I would live.

Respectfully,

Brian W Mitchell 4830 Summit Ridge Rd. Valdosta, Ga. 31602 229-630-6371

CUT 1.25 ACRES OUT OF A PARENT TRACT AS DESCRIBED IN DEED BOOK 414 AT PAGE 78 SHOWING G.

RATE MAP ND. 13185C0085E, DATED: SEPTEMBER 26, 2008 THIS PROPERTY IS LOCATED IN FLOOD ZONE " X ".



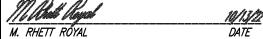
JOB ID # J-12995

eFiled & eRecorded DATE: 10/14/2022 TIME: 1:51 PM PLAT BOOK: 000PCC PAGE: 01369 **RECORDING FEES: \$10.00 PARTICIPANT ID: 3174712172 CLERK: Beth Greene** Lowndes County, GA

ACCORDING TO THE FLOOD INSURANCE RATE

RESERVED FOR CLERK OF COURT

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FUTHERMORE 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 15-6-67



THE FOLLOWING GOVERNMENTAL BODIES

romac

LOWNDES COUNTY BOARD OF HEALTH ENGINEERING & SANITATION DIVISION

he MELO

9 Norman Bennett

LOWNDES COUNTY

WINER / AGEN

DIRECTOR OF ENGINEERING

LOWNDES COUNTY ENGINEER

THE SURVEYOR SHALL NOT BE HELD LIABLE FOR ANY DAMAGES FROM THE USE OF THIS PLAT IF THE APPROVAL SIGNATURES FROM THE APPLICABLE LOCAL GOVERNING AUTHORITIES ARE NOT PRESENT.

DATE

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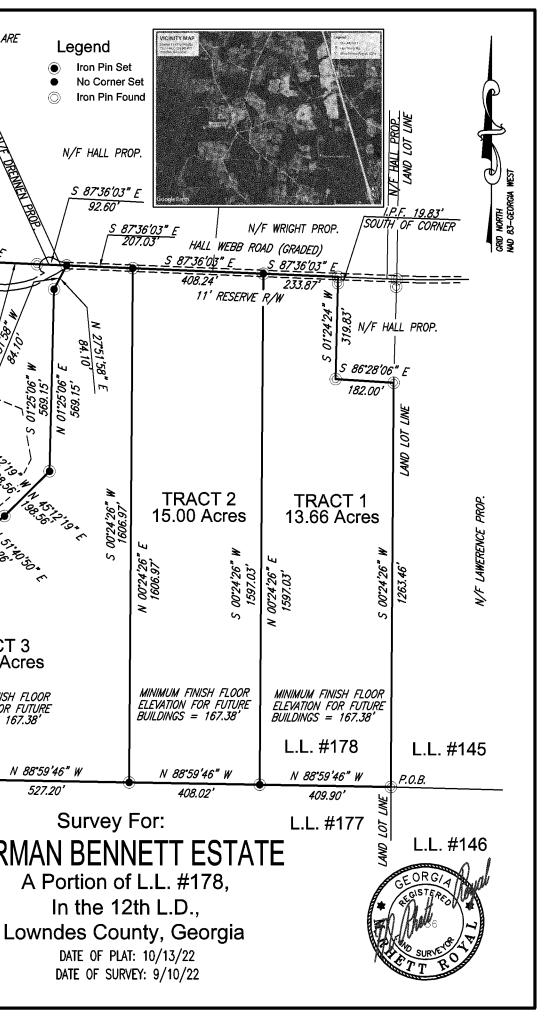
GRAPHIC SCALE - 1"= 300'

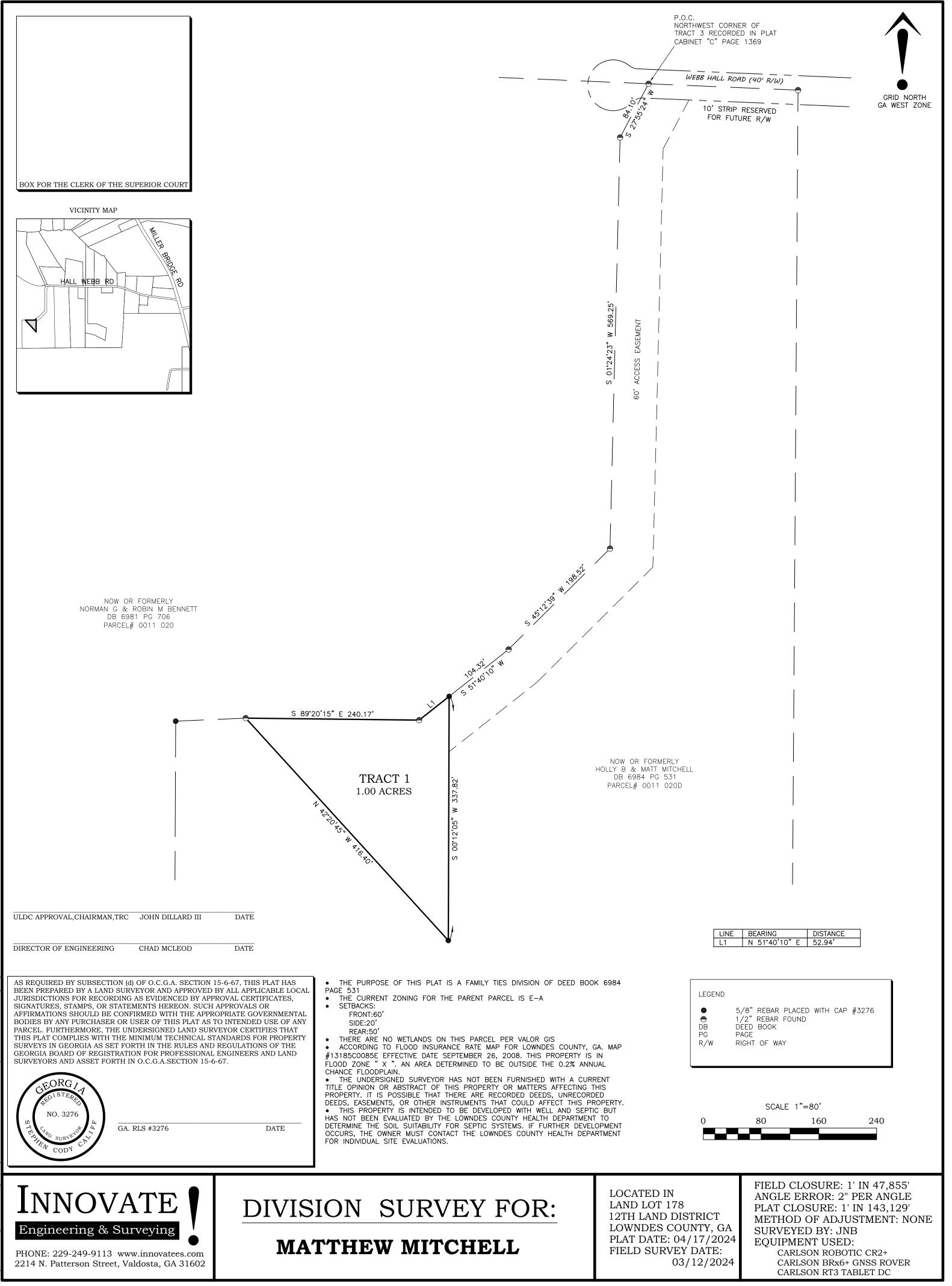
HAVE APPROVED THIS MAP, PLAT, OR PLAN FOR FILING:

COUNTY UNIFIED DEVELOPMENT CODE

APPROVAL, CHAIRMAN, TECHNICAL REVIW COMMITTEE

THE FLOOD ZONE SHOWN HEREON ARE PER THE FEDERAL EMERGENCY MANAGEMENT NOTE: ALL IRON PINS SET ARE MAP #13185C0082 PANEL 85 EFFECTIVE DATE 9/26/2008 Legend A PORTION OF THE PROPERTY PLATTED HEREON CAPPED # 2156 AGENCY DIGITAL FLOOD MAPS IS IN FLOOD ZONE "A" AN AREA OF 100 YEAR FLOOD WHERE THE BASE FLOOD ELEVATION HAS Iron Pin Set No Corner Set NOT BEEN DETERMINED AND A PORTION OF THE PROPERTY PLATTED HEREON IS IN FLOOD ZONE "X" AN AREA DETERMINED TO BE Iron Pin Found \bigcirc N/F HALL PROP. OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN 5 N/F HALL PROP. TOTAL ACREAGE OF PROPERTY: 98.53 ACRES S 89°00'20 6, THIS PROPERTY IS ZONED E-A (ESTATE AGRICULTURAL) 08:51 307.56 -MINIMUM FRONT BUILDING SETBACK=60' -MINIMUM SIDE BUILDING SETBACK=20' S 87'36'03" E 14th day of File Numb GEORGIA, L 92.60 -MINIMUM REAR BUILDING SETBACK=50 **MINIMUM FRONT BUILDING SETBACKS ARE MEASURED FROM THE CENTERLINE OF THE R/W 61.00.46. HOUSE S 70'50'11" E FOR REFERENCE, ANY SETBACK VIOLATIONS (DWELLINGS, ACCESSORY BUILDINGS, SEPTIC V OC LITE MARTY S LINE SYSTEMS, WELLS, SIGNS, OR SWIMMING POOLS) WILL BE SUBJECT TO ADDITIONAL REGULATIONS, AND POSSIBLY CODE ENFORCEMENT VIOLATIONS, S 87'30'24" E SETBACKS FOR ALMSOT ALL ZONING DISTRICTS 145.02 27:51'58' 84.10' CAN BE FOUND IN TABLE 4.01.02(E) OR BM AVER 140.42 TABLE 4.06.02(B), OR SECTION 4.06.03(D). 5/8 REBAR **TRACT 4** 68 49.86 Acres/ THIS PROPERTY IS INTENDED TO BE DEVELOPED WITH WELL AND 82 26 100 ACU. NAVD 1988 SEPTIC BUT HAS NOT BEEN EVALUATED BY THE LOWNDES E Q 01'25' 569.1 EL: 171.56' COUNTY HEAL TH DEPARTMENT TO DETERMINE THE SOIL HIGH WATER AT TIME OF SURVEY- 165.38 SUITABILITY FOR SEPTIC SYSTEMS. IF FURTHER DEVELOPMENT ≥ OCCURS, THE OWNER MUST CONTACT THE LOWNDES COUNTY HEALTH DEPARTMENT FOR INDIVIDUAL SITE EVALUATIONS. X A PORTION OF THE PROPERTY PLATTED HEREON 51.40.50 ഗ 87 32 08 89.19'35" 240.1 LIES WITHIN A MEDIUM RECHARGE AREA. METAL BUILDGING ¥ 26, THIS PROPERTY IS A PART OF TAX 4 00°24 1606 MAP 0011 PARCELS 019 AND 020 51.40.50 NO DWELLING, ACC. BUILDINGS, SEPTIC SYSTEMS, WELLS, SIGNS, OR ς 11.59'59' WETLAND BOUNDARIES WERE DERIVED SWIMMING POOLS ARE LOCATED FROM GIS DATA WITHIN 30 FEET OF THE ANY GIS-WETLANDS ZONING SETBACK LINES. ~ **TRACT 3** MINIMUM FINISH FLOOR 00°24'26" 718.18' 18,20 ELEVATION FOR FUTURE BUILDINGS = 167.38' 20.00 Acres IGH WATER MARK RK OF TO BE 00°24' VEASURED MINIMUM FINISH FLOOR ς ≥ 10/14/2022 ELEVATION FOR FUTURE ZONE A BUILDINGS = 167.38' ZONE X N 88'55'59" W 10/14/2022 _N 88°55'59* N 88*59'46" W 1727.62 328.31 NOTE: ALL IRON PINS SET ARE 527.20 CAPPED # 2156 <u>I.P.F. 78.09'</u> EAST OF CORNER Survey For: 10/14/2022 N/F REDDING PROP. NORMAN BENNETT ESTATE **ROYAL SURVEYORS, INC.** 10/14/22 P.O. BOX 224 OCILLA, GEORGIA 31774 Phone: (229) 468-7108 Fax: (229) 468-7829 300 600 900 10/14/2022





ROJECTS\AAAA JOBS\2024\SURV 1131 MATT MITCHELL\V1131 REV 1.DWG 4/23/20