Columbia County Planning Commission
Proposed Agenda for November 17, 2016 at 6:00 P.M.
Evans Government Center Auditorium
Evans, Georgia

Planning Commissioners:

Countywide - Jim Cox	District 1 – Chris Noah	District 3 – Richard Henderson, Sr.
	Vice-Chairman – Donald Skinner	District 4 – Dewey Galeas

A. CALL TO ORDER ..... Chairman Cox

B. INVOCATION ..... Chairman Cox

C. PLEDGE OF ALLEGIANCE ..... Chairman Cox

D. ROLL CALL / QUORUM ..... Chairman Cox

E. APPROVAL OF THE MINUTES OF PREVIOUS MEETING ..... Chairman Cox
1. November 3, 2016

F. APPROVAL OF THE AGENDA ..... Chairman Cox

G. PRESENTATION ..... Chairman Cox

H. DEBATE AGENDA ..... Chairman Cox

1. Unfinished Business ..... Chairman Cox
   a. Rezoning
      1. None

   b. Variance
      1. **VA16-11-02**, **(Public Hearing)**, Variance to Sections 90-98 *List of Lot and Structure Requirements* and 90-140 *Landscaping*, Tax Map 072 Parcel 056, 0.965+/- acres, located at 4429 Washington Road. *Commission District 1*. ***Staff Assignment Will Butler. (Tabled from the November 3, 2016 Meeting).***

2. New Business ..... Chairman Cox
   a. Temporary Use Permit
      1. **Temporary Use Permit**, Tax Map 015 Parcel 080, 10+/- acres, located at 6776 Cobbham Road. *Commission District 4*. ***Staff Assignment Will Butler.***
      2. **Temporary Use Permit**, Tax Map 020 Parcel 022A, 3.11 +/- acres, located at 1218 Miles Road. *Commission District 4*. ***Staff Assignment Danielle Bolte.***

   b. Preliminary Plat
      1. **Crawford Creek South Phase III**, located off of William Smith Boulevard, zoned PUD (Planned Unit Development), 32 lots, 142.46 +/- acres, Tax Map 067 Parcels 1690 and 122, *Commission District 3*. ***Staff Assignment Nayna Mistry.***

   c. Final Plat
      1. **Gateway Square**, located off of Horizon South Parkway, zoned C-2 (General Commercial), 7 lots, 10.71 +/- acres, Tax Map 062 Parcel 086F, *Commission District 4*. ***Staff Assignment Nayna Mistry.***

2. **Hatcher Glen Phase II**, located off of Wrightsboro Road, zoned R-1 (Single Family Residential), 13 lots, 22.01 +/- acres, Tax Map 030 Parcel 204, *Commission District 4*. ***Staff Assignment Nayna Mistry.***
3. **Hidden Creek Section H**, located off of Nikki Way, zoned PUD (Planned Unit Development), 68 lots, 13.93 +/- acres, Tax Map 051 Parcel 737, *Commission District 3*. ***Staff Assignment Nayna Mistry.***
4. **Whispering Pines II,** located off of William Few Parkway, zoned PUD (Planned Unit Development), 108 lots, 52.14 +/- acres, Tax Map 059 Parcels 332, 138, and 138G, *Commission District 3*. ***Staff Assignment Nayna Mistry.***

d. Plan Revision
1. **RZ16-11-05**, **(Public Hearing)**, Major PUD (Planned Unit Development) Revision, Tax Map 073 Parcel 101B, 034A-034F, Tax Map 073M Parcels 001-016, 018-033, 034A, 035-072, 0.09+/- acres, located at 354 Village Square Drive. *Commission District 2.* ***Staff Assignment Will Butler.***

e. Public Hearing
1. **VA16-11-03**, **(Public Hearing),** Variance to Section 90-53 *List of Lot and Structure Requirements* and 90-139 *Buffers*, Tax Map 060 Parcel 1265, 0.25+/- acres, located at 929 Innisbrook Drive. *Commission District 3.* ***Staff Assignment Danielle Bolte.***
2. **VA16-11-04**, **(Public Hearing),** Variance to Section 90-53 *List of Lot and Structure Requirements,* Tax Map 077H Parcel 422, 0.68+/- acres, located at 763 Michaels Creek. *Commission District 1*. ***Staff Assignment Danielle Bolte.***

f. Items Added (which need immediate action or have not gone before Committee)
1. None

I. LEGAL MATTERS ..... County Attorney Driver
1. None

J. STAFF AND COMMISSIONER COMMENTS ..... Chairman Cox
1. **MW16-11-02**, Minor Waiver, Tax Map 082J Parcel 317, 0.30+/- acres, located at 533 Oak Brook Drive. *Commission District 1*. ***Staff Assignment Will Butler.***

K. PUBLIC COMMENTS AND PARTICIPATION ..... Chairman Cox

The next scheduled Planning Commission meeting is December 1, 2016 at 6:00 P.M. in the Auditorium of Building A at the Evans Government Center.

County Offices will be closed in observance of Thanksgiving Holidays, November 24 and 25, 2016

VARIANCE

November 3rd, 2016
Tabled to November 17th, 2016

FILE : VA16-11-02

Variance

Property Information	
Tax Map/Parcel ID	**Tax Map 072 Parcel 056**
Address/Location	**4429 Washington Road**
Acreage (+/-)	**0.965 +/- AC**
Current Zoning	**C-2 (General Commercial)**
Existing Use	**Restaurant**
Request	**Variances to Section 90-98 *List of Lot & Structure Requirements* & 90-140 *Landscaping***
Commission District	**District 1 (Duncan)**
Recommendation	**Approval**

Summary and Recommendation

Owner Mary Jane Robertson and applicant Bill Baker request variances to Section 90-98 *List of Lot & Structure Requirements* and Section 90-140 *Landscaping* for Tax Map 072 Parcel 056, 0.965 +/- acres, located at 4429 Washington Road, currently zoned C-2 (General Commercial) to remove the maximum building line from both frontages and permit 13 parking spaces without installing a shade tree island.

The subject property is located on the north side of Washington Road and is currently zoned C-2 (General Commercial). All adjacent property is zoned C-2 (General Commercial). Subject property is within the Evans Town Center Overlay District.

The applicant has requested removing the maximum building line from both frontages (Washington Road and Faircloth Drive) and permitting 13 parking spaces without installing a shade tree island on the Washington Road lot frontage. The rationale provided by the applicant to remove the maximum building line is that the current placement of the existing building on the site works in conjunction with the adjacent property to the west and modification to that would impact accessibility for both properties. The rationale provided for permitting 13 parking spaces without installing a shade tree island is that this is currently in existence on the site and retention of this existing parking will enable the site to meet minimum parking requirements, as well as existing mature landscaping.

Staff is comfortable with both requests. Removing the maximum front setback allows the proposed building to be built on the site in line with the adjacent building and maintains continuity along the street. Permitting the front parking bay to have 13 spaces is acceptable if existing, mature landscaping is retained. However, during review of the concept there were serious concerns with the proposed design from a traffic safety standpoint. These concerns stemmed from the placement of the drive thru and one way lanes on the west side of the site. Placing the two lanes immediately opposite an entrance to the site from a major arterial road creates a conflict point between vehicles entering

the site from Washington Road and vehicles in the two lanes. Additionally, the placement of both the outdoor seating and landscaping to the south of the lanes also creates a vision issue with vehicles leaving the lanes. While it is not part of this request, one of the solutions to this issue would be to close the entrance on Washington Road to this parcel which should alleviate issues with the two lanes. It is not likely that the site plan would be approved in its current configuration if it was submitted to Columbia County Plan Review. Additionally, an approval of the variances does not imply that the submitted concept plan has been approved by Columbia County.

Staff recommends **approval** of the variances to Section 90-98 *List of Lot & Structure Requirements* and Section 90-140 *Landscaping* for Tax Map 072 Parcel 056, 0.965 +/- acres, located at 4429 Washington Road, currently zoned C-2 (General Commercial) to remove the maximum building line from both frontages and permit 13 parking spaces without installing a shade tree island.

*Applicant requested to table prior to November 3rd, 2016 meeting to revise site plan after comments from staff.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Comments:

Building Standards:
Ensure all applicable codes provided by the International Building Code, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and Columbia County ordinances are met.

Environmental:
No environmental concerns.

Fire Marshal:
Applicable fire code requirements apply.

Planning:
Conditions supplement but do not eliminate other code requirements which pertain to site development. No additional variances from code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item. An approval of the variance does not imply that the submitted concept plan has been approved by Columbia County.

Stormwater:
No conditions or comments.

Traffic:
*No comment provided, but comments may be issued after publication.

Water Utility:
No conditions or comments. If the optional right of way abandonment is pursued utilities may be affected.

Criteria for Evaluation of Variance Proposal

1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**
   Staff is in agreement that this parcel and the adjacent parcel do work in tandem, so it is difficult to pose a site plan that is significantly out of character with the adjacent development and not negatively impact them. However, there are many developments in the immediate vicinity that share a similar arrangement and would also have similar problems if redeveloped.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**
   The applicant could still use the land for the existing use. However, it is likely that the adjacent property would be negatively impacted.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**
   To staff's knowledge there are not any topographical issues with the site. The only other condition is an existing site.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**
   In staff's opinion the variance request is in keeping with the intent and general purpose of the Code. However, staff must stress that the submitted concept has design issues related to the traffic flow and it is likely that the concept, if submitted to Plan Review, would not be approved in its current configuration.

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**
   In staff's opinion the applicant has provided sufficient justification for the variance.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**
   So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may**

be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.
So noted.

Temporary Use Permit

November 17th, 2016

Property Information	
Tax Map/Parcel ID	015 080
Address/Location	6776 Cobbham Rd.
Parcel Size	10.0 +/- acres
Current Zoning	R-A (Residential Agricultural)
Existing Land Use	Vacant
Request	Construction Office
Commission District	District 4 (Morris)
Recommendation	Approval

Summary and Recommendation

Owner/applicant Chris C. Murphey requests a construction office during construction of a residence. The property is located at 6776 Cobbham Road (Tax Map 015 Parcel 080) and is currently zoned R-A (Residential Agricultural).

The applicant is requesting a 12'x45' construction office trailer to be placed on the site during construction of a residence. A proposed site plan showing the location of the construction office has been provided and meets setbacks. The applicant has indicated that the trailer will be connected to water and electric. Sewer is not available due to the location and it is anticipated that a job site toilet will be on site.

The applicant's request does not require an advertised public hearing or review by the Board of Commissioners. If approved, the permit will expire in one (1) year and this is the applicant's first application for the temporary construction office trailer.

Staff recommends **approval** of the request in accordance with the Temporary Use Permit Ordinance.

Temporary Use Permit

November 17, 2016

Property Information	
Tax Map/Parcel ID	020 022A
Address/Location	1218 Miles Road
Parcel Size	3.11 +/- acres
Current Zoning	S-1 (Special)
Existing Land Use	Vacant Residential
Request	Temporary Storage Container
Commission District	District 4 (William Morris)
Recommendation	Approval

Summary and Recommendation

Owner/applicant Keith Wallace requests the a temporary use permit for a storage container to be located on the property at 1218 Miles Road (Tax Map 020 Parcel 022A). The property is currently zoned S-1 (Special).

The applicant is preparing to construct a home on the property, and is aware that it will need to be rezoned for residential use prior to obtaining building permits. In the meantime, the applicant is requesting approval for a shipping container to be placed on the property to store materials and equipment in a secure location on the property. The shipping container measures 40 feet by 8 feet and is 8 feet tall and will be required to meet all building setbacks for the properties.

Given the temporary nature of the use and the location outside of an established neighborhood, staff is comfortable granting the request under the section of the Temporary Use code covering construction offices. The applicant's request does not require an advertised public hearing or review by the Board of Commissioners. If approved, the permit will expire in one (1) year.

Staff recommends **Approval** in accordance with the Temporary Use Permit Ordinance.

November 17, 2016

PRELIMINARY PLAT

Crawford Creek South III

Property Information

Subdivision Name	Crawford Creek South Phase III
Location/address	Off Hereford Farm Road
Tax Map / Parcel	Tax Map 067 Parcels 122 and 1690
Total Acreage	142.46 total acres
Number of lots/units	32
Zoning	PUD (Planned Unit Development)
Surveyor	Civil Design Solutions, LLC
Commission District	District 3 (Richardson)
Recommendation	Approval

Summary and Recommendation

BESA Development, LLC, seeks final plat approval for 32 residential lots on a portion of 142.46 acres located off Hereford Farm Road. The property is zoned PUD (Planned Unit Development) (RZ14-05-02). The conceptual plan was approved as part of the rezoning.

This phase of Crawford Creek includes Section II of Tanner Oaks and Section III of Davenport. In both neighborhoods, the minimum front setback is 15 feet from the right of way and the minimum side and rear setbacks are 5 and 10 feet respectively.

In Section II of Tanner Oaks, the minimum lot size is 11,448.9 square feet and the average lot size is 13,480 square feet. In Section III of Davenport, the average lot size is 9326 square feet.

Sidewalks are to be installed on one side of the streets in these neighborhoods.

The submitted preliminary plat appears to substantially comply with the approved PUD concept plan. There are additional environmental issues to be addressed with this plat.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.

FINAL PLAT

Gateway Square

Property Information

Subdivision Name	Gateway Square
Location/address	Off Horizon South Parkway
Tax Map / Parcel	Tax Map 062 Parcel 086F
Total Acreage	10.71 acres
Number of lots/units	7
Zoning	C-2 (General Commercial)
Surveyor	Swift & Associates
Commission District	District 4 (Morris)
Recommendation	Approval

Summary and Recommendation

S.A., LLC, seeks final plat approval for 7 commercial lots on 10.71 acres located off Horizon South Parkway and Gateway Boulevard. The property is zoned C-2 (General Commercial). The preliminary plat was approved on September 3, 2015.

The average lot size is 1.38 acres with a minimum lot size of 0.72 acres (31,424 square feet). The lots will have a minimum 20-foot setback from the front property line along the internal private roads, and minimum 90-foot front setbacks from the centerline of Gateway Boulevard and 125 feet from the centerline of Horizon South Parkway.

Each lot will have minimum 3-foot side setbacks since all side lot lines adjoin additional C-2 properties, and minimum 20-foot rear setbacks where the lots adjoin R-A (Residential Agriculture) property. These lots will be required to meet the revised buffer code when they are developed; a 30-foot structural buffer will be required wherever the C-2 properties adjoin R-A parcels.

Sidewalks are required on both sides of the streets

The submitted final plat appears to substantially comply with the approved preliminary plat.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.

FINAL PLAT

Property Information

Subdivision Name	Hatcher Glen II
Location/address	Off Wrightsboro Road
Tax Map / Parcel	Tax Map 030 Parcel 204
Total Acreage	22.01 acres
Number of lots/units	13
Zoning	R-1 (Single Family Residential)
Surveyor	Swift & Associates
Commission District	District 4 (Morris)
Recommendation	Approval

Summary and Recommendation

H. Roberts, Inc., seeks final plat approval for 13 residential lots on 22.01 acres located off Wrightsboro Road. The property is zoned R-1 (Single Family Residential) (RZ13-01-01). The preliminary plat was approved on August 1, 2013.

The average lot size is 50,119 square feet with a minimum lot size of 95,894 square feet. The lots will have a minimum 65-foot setback from the centerline of the internal street, with minimum 125-foot setbacks from the centerline of Appling Harlem Road and 110 feet from the centerline of Old Appling Harlem Road. The lots have 35-foot undisturbed and no access buffers along both of these major roadway. The lots additionally have minimum 10-foot side and 25-foot rear setbacks.

Sidewalks are not required in this subdivision.

The submitted final plat appears to substantially comply with the approved preliminary plat.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.

FINAL PLAT

Hidden Creek Section H

Property Information

Subdivision Name	Hidden Creek Section H
Location/address	Off Baker Place Road
Tax Map / Parcel	Tax Map 051 Parcel 737
Total Acreage	13.93 acres
Number of lots/units	68
Zoning	PUD (Planned Unit Development)
Surveyor	Swift & Associates
Commission District	District 3 (Richardson)
Recommendation	Approval

Summary and Recommendation

Jerry Greenway seeks final plat approval for 68 residential lots on 13.93 acres located off Baker Place Road. The property is zoned PUD (Planned Unit Development) (RZ06-12-10 with subsequent revision in 2009, RZ09-07-03). The preliminary plat was approved on February 18, 2016.

Section H is the final phase of the townhome development within Hidden Creek. The average lot size is 3166 square feet with a minimum lot size of 2633 square feet. The lots will have a minimum 15-foot setback from the front property line and minimum 15-foot rear setbacks. The building groups are each separated by a minimum of 20 feet.

Sidewalks are required on both sides of the streets and along Warriors Way to connect to the adjacent school property; all sidewalks must be installed prior to the end of the warranty period.

The submitted final plat appears to substantially comply with the approved preliminary plat.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.

Final Plat

Property Information

Subdivision Name	Whispering Pines II
Location/address	Off William Few Parkway
Tax Map / Parcel	Tax Map 059 Parcels 138, 138G, 332
Total Acreage	52.14 acres
Number of lots/units	108
Zoning	PUD (Planned Unit Development)
Surveyor	H & C Surveying
Commission District	District 3 (Richardson)
Recommendation	Approval

Summary and Recommendation

Whispering Pines of Evans seeks final plat approval for 108 residential lots on 52.14 acres located off William Few Parkway. The property is zoned PUD (Planned Unit Development) (RZ05-10-10, with subsequent major revision in 2016, RZ16-03-06). The preliminary plat was approved on July 7, 2016.

The average lot size is 8457 square feet with a minimum lot size of 6500 square feet. The lots will have a minimum 25 foot setback from the right of way. This section of the development includes four different lot widths; the 50 and 60 foot wide lots will have 5 foot minimum side setbacks, while the 65 and 70 foot wide lots will have 7.5 foot minimum side setbacks. All of the lots will have minimum 10 foot rear setbacks.

Sidewalks are to be installed on both sides of all streets. A 75-foot buffer is provided from William Few Parkway, and a buffer is provided along Clanton Road as part of the 22.86 acres of open space retained in this section.

The submitted final plat appears to substantially comply with the approved preliminary plat.

Staff recommends **approval**. The plat will not be released until all departmental comments have been addressed.

REZONING

November 17th, 2016

FILE : RZ16-11-05

Major PUD Revision

Property Information	
Tax Map/Parcel ID	**Tax Map 073 & 073M Parcels Multiple**
Address/Location	**354 Village Square Drive**
Acreage (+/-)	**0.09 +/- acres**
Current Zoning	**PUD (Planned Unit Development)**
Existing Use	**Funeral Home & Residential**
Request	**Major PUD Revision**
Commission District	**District 2 (Allen)**
Recommendation	**Approval**

Summary and Recommendation

Owners Lewis E. Stewart & Mary P. Stewart and applicant Lewis E. Stewart request a major PUD revision for Tax Map 073 & 073M, Parcel multiple, to revise the existing Planned Unit Development. The applicant is requesting to add a 0.09 +/- acre parcel to the residential section of the PUD from the existing commercial section of the PUD. This parcel is located in the Evans Town Center Overlay District as well.

The subject property is located on the south side of Village Square Drive. Property to the north, east, and west are zoned Planned Unit Development as part of the original PUD development. Property to the south is zoned R-2 (Single Family Residential) and the former Belair Elementary School on this site is currently undergoing demolition.

The applicant is requesting to revise the existing Planned Unit Development and add a 0.09 +/- acre parcel to the residential section of the PUD from the existing commercial section of the PUD. The current Planned Unit Development includes 18.45 acres of commercial property along North Belair Road and transitions from smaller patio homes (5.35 acres total) adjacent to the commercial lots into larger single-family homes to the south and east (14.16 acres total). The subject parcel at 354 Village Square Drive is in the single family residential section of the development, but is immediately adjacent to Platt's Funeral Home. The applicant purchased the subject 0.09 acre parcel to create more of a buffer between their property and the existing funeral home, as well as any future development on the property. The requested revision creates the following breakdown in uses: 18.36 acres commercial, 5.35 acres of single family patio homes, and 14.25 acres single family residential.

Overall, staff is comfortable with the proposed revision. The minor expansion of the residential use should not have a negative impact on either the existing commercial or residential uses. In addition, creating an additional buffer between commercial and residential uses is recommended and encouraged. Due to these reasons, staff recommends approval of the request.

This property is located in the Evans Town Center Activity Center, a mixed use activity center under the adopted Vision 2035 Growth Management Plan. The intent of an activity center is to create and enhance commercial uses, employment centers, and mixed use development. Primary future land uses include shops, restaurants, office, higher density residential, civic uses, and open space. The expansion of the residential use is in keeping with the adopted Growth Management Plan.

Staff recommends **approval** of the request for a major PUD revision for Tax Map 073 & 073M, Parcel multiple, to revise the existing Planned Unit Development and add a 0.09 +/- acre parcel to the residential section of the PUD from the existing commercial section.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Comments:

Building Standards:
Ensure all applicable codes provided by the International Residential Code for one and two family dwellings, National Electric Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, and Columbia County ordinances are met.

Environmental:
No environmental concerns.

Fire Marshal:
Applicable fire code requirements apply.

Health Department:
No comments.

Planning:
Conditions supplement but do not eliminate other code requirements which pertain to site development. No variances from Code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

Stormwater Management:
No comments or conditions.

Water and Sewer:
No comments.

Criteria for Evaluation of Rezoning Proposal

1. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**
   Parcels to the north, west, and east are zoned PUD as part of the existing Planned Unit Development, while the parcel to the south is zoned R-2 Single Family Residential. Due to the surrounding residential property and the minor expansion of the residential use, the proposal is suitable.

2. **Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**
   The proposal should not adversely impact adjacent or nearby properties.

3. **Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**
   The property does have a reasonable economic use as currently zoned. The requested revision adds more property to the residential section of the PUD.

4. **Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**
   The proposal will not cause an excessive burden on existing streets, transportation facilities, utilities, or schools.

5. **If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan.**
   This property is located in the Evans Town Center Activity Center, a mixed use activity center under the adopted Vision 2035 Growth Management Plan. The intent of an activity center is to create and enhance commercial uses, employment centers, and mixed use development. Primary future land uses include shops, restaurants, office, higher density residential, civic uses, and open space. The expansion of the residential use is in keeping with the adopted Growth Management Plan.

6. **Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**
   Staff is not aware of any at this time.

7. **Whether the proposal reflects a reasonable balance between the promotion of health, safety, and welfare against the right to unrestricted use of property.**
   The proposal meets this test.

VARIANCE

November 17, 2016

FILE : VA16-11-03

Variance

Property Information	
Tax Map/Parcel ID	**Tax Map 060 Parcel 1265**
Address/Location	**929 Innisbrook Drive**
Acreage (+/-)	**0.25 +/- AC**
Current Zoning	**R-2 (Single Family Residential)**
Existing Use	**Residential**
Request	**Variance to Section 90-53 *List of Lot & Structure Requirements* and Section 90-139 *Buffers***
Commission District	**District 3 (Richardson)**
Recommendation	**Approval with Conditions**

Summary and Recommendation

Owner and applicant Christopher J Rudy requests variances to Section 90-53 *List of Lot & Structure Requirements* and Section 90-139 *Buffers* for Tax Map 060 Parcel 1265, 0.25 +/- acres, located at 929 Innisbrook Drive, currently zoned R-2 (Single Family Residential) to reduce the rear setback and permit a minor intrusion into the required buffer.

The subject property is located on the northeast side of Innisbrook Drive in the Southwind Village subdivision off Hereford Farm Road and is currently zoned R-2 (Single Family Residential). Adjacent properties are zoned R-2 to the east, west, and south, and R-1 to the north.

The applicant is requesting a variance in order to install a pool in the rear yard. With the proposed design, the wall of the pool, which is the portion considered the structure which must meet setback requirements, would encroach about 6 feet into the required ten foot setback as it is platted. Additionally, a corner of the retaining wall required for the construction of the pool would encroach into the 15-foot dissimilar zoning buffer platted at the rear of the lot.

The plat for this property is unusual in that the rear setback is measured from the edge of the natural buffer instead of from the property line. If the setback had been measured from the property line as it typically is, the pool would not be intruding into the setback. The only concern therefore would be the small intrusion of the retaining wall into the buffer.

The natural buffer shown on the plat does not currently exist, as it was cleared during site development and has not been replanted. The property does have a privacy fence installed at the top of the hill, which provides some buffering to adjacent properties; however, the natural buffer is required under Section 90-139 since the adjacent property is R-1, and staff does recommend requiring the buffer to be replanted to meet the requirements of the County code.

Staff recommends **approval with conditions** of the variances to Section 90-53 *List of Lot & Structure Requirements* and Section 90-139 *Buffers* for Tax Map 060 Parcel 1265, 0.25 +/- acres, located at 929 Innisbrook Drive, currently zoned R-2 (Single Family Residential) to reduce the rear setback to 4 feet from the buffer and permit a minor intrusion into the required buffer.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Conditions:

Planning:
The 15-foot natural buffer must be replanted in accordance with Section 90-139 *Buffers* of the Columbia County code. A planting plan shall be submitted with the building permit application for the pool. Plant materials within the buffer shall create a screen to a height of at least six (6) feet within two (2) growing seasons in accordance with Section 90-139. The building permit will not be released until and unless the landscaping plan is approved.

Comments:

Building Standards:
Ensure all applicable codes provided by the International Residential code for one and two family dwellings, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code and Columbia County ordinance are met.

Environmental:
No environmental concerns.

Fire Marshal:
Applicable fire code requirements apply.

Health Department:
No specific comments or conditions.

Planning:
Conditions supplement but do not eliminate other code requirements which pertain to site development. No additional variances from code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

Stormwater:
No conditions or comments.

Water Utility:
No conditions or comments.

Criteria for Evaluation of Variance Proposal

1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**
   The lot is not rectangular, and does have an unusual shape. Additionally, the plat for the property is unusual, with the setback measured from the buffer rather than the property line. This is not typical for this zoning district.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**
   Strict application of the requirements of this chapter would necessitate redesigning the pool but would not deprive the application of reasonable use of the land.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**
   There is a significant slope at the rear of the property, however, due to its location, the slope should not impact the request.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**
   In staff's opinion the variance request is in keeping with the intent and general purpose of the Code. The construction of this pool should not harm the neighborhood, and with the existing slope and fence, there should be no harm to the neighboring property to the rear from the minor intrusion into the buffer area.

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**
   In staff's opinion the applicant has provided sufficient justification for the variance.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**
   So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**
   So noted.

VARIANCE

November 17, 2016

FILE : VA16-11-04

Variance

Property Information	
Tax Map/Parcel ID	**Tax Map 077H Parcel 422**
Address/Location	**763 Michaels Creek**
Acreage (+/-)	**0.68 +/- AC**
Current Zoning	**PUD (Planned Unit Development)**
Existing Use	**Residential**
Request	**Variance to Section 90-53 *List of Lot & Structure Requirements***
Commission District	**District 1 (Duncan)**
Recommendation	**Approval with Conditions**

Summary and Recommendation

Owners and applicants Shade and Kelly Preston request variance to Section 90-53 *List of Lot & Structure Requirements* for Tax Map 077H Parcel 422, 0.68 +/- acres, located at 763 Michaels Creek, currently zoned PUD (Planned Unit Development) to reduce the front setback from Furys Ferry Road to accommodate the existing pool on the property.

The subject property is located at the end of the cul-de-sac on Michaels Creek, adjacent to Furys Ferry Road. The property and those immediately adjacent to it are zoned PUD as part of the Jones Creek subdivision. Properties across Furys Ferry are zoned R-1 (Single Family Residential) and S-1 (Special).

The parcel has an existing pool between the house and Furys Ferry Road. This pool encroaches into the required 110-foot front setback from the centerline of Furys Ferry Road by 20 feet. The pool is existing and has not caused any traffic or safety issues.

Staff recommends **approval with conditions** of the variance to Section 90-53 *List of Lot & Structure Requirements* for Tax Map 077H Parcel 422, 0.68 +/- acres, located at 763 Michaels Creek, currently zoned PUD (Planned Unit Development) to reduce the front setback from Furys Ferry Road to 90 feet from the centerline to accommodate the existing pool on the property.

Interdepartmental Review

A copy of this staff report, including a list of all recommended zoning conditions, is sent to the applicant and owner of the property in question prior to the public hearing.

Conditions:

Planning:
The reduction in the setback from Furys Ferry Road shall apply only to the existing pool. Any new structures built on the property must meet the required 110-foot setback from the centerline of Furys Ferry Road.

Comments:

Building Standards:
Ensure all applicable codes provided by the International Residential code for one and two family dwellings, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code and Columbia County ordinance are met.

Environmental:
No environmental concerns.

Fire Marshal:
Applicable fire code requirements apply.

Health Department:
No specific comments or conditions.

Planning:
Conditions supplement but do not eliminate other code requirements which pertain to site development. No additional variances from code have been expressed or implied. In case of conflicts, the more restrictive item shall prevail over the less restrictive item.

Stormwater:
No conditions or comments.

Water Utility:
No conditions or comments.

Criteria for Evaluation of Variance Proposal

1. **There are special circumstances or conditions unique to the property that do not generally apply to the district.**
   This property does have two frontages and does back up to a major arterial road; while there are many properties in the County with the same circumstances, this does lead to a larger 'rear' setback for the property.

2. **The special circumstances or conditions are such that the strict application of the provisions of this chapter would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.**
   Strict application would not deprive the applicant of use of their land; however, denying the variance would necessitate them tearing out the existing pool.

3. **Topographical or other conditions peculiar and particular to the site are such that strict adherence to the requirements of this chapter would cause the owner unnecessary hardship, and would not carry out the intent of this chapter, and that there is no feasible alternative to remedy the situation.**
   There are no topographical conditions peculiar to this site.

4. **If granted, the variance shall be in harmony with the general purposes and intent of this chapter, and shall not be injurious to the neighborhood or detrimental to the public welfare.**
   In staff's opinion the variance request is in keeping with the intent and general purpose of the Code. The pool does not impact any easements or neighboring property owners, and does not have any safety impacts to traffic on Furys Ferry Road.

5. **In reviewing an application for a variance, the burden of showing that the variance should be recommended and/or granted shall be upon the person applying for the variance.**
   In staff's opinion the applicant has provided sufficient justification for the variance.

6. **When recommending a variance, the planning commission, or board of commissioners, when granting a variance, may establish reasonable conditions concerning the use of the property, and may establish an expiration date for such variances.**
   So noted.

7. **Any variance recommended and/or authorized is to be set forth in writing in the minutes of the planning commission and the board of commissioners, as the case may be, with the reasons for which the departure was justified, and the conditions under which the variance was granted.**
   So noted.