



VALDOSTA-LOWNDES COUNTY ZONING BOARD OF APPEALS
Staff Report - MEETING DATE: June 6, 2017

VAR-2017-06
Odessa Denton Estate
Clyattville Nankin Road, Valdosta, Georgia

(Note: This request was tabled from the ZBA's May meeting in order to readvertise for an additional Variance). This is a request for a Variance to the ULDC provisions for Family Ties Land Divisions and a Variance to the minimum Lot Width requirement. The subject property consists of ~19 acres and is located on Clyattville Nankin Road, Valdosta, Georgia, in an E-A (Estate Agriculture, 5 acres) zoning district.

Section 4.04.04 (C,4) contained in the ULDC provides standards for Family Ties Land Divisions. In this case, the Last Will and Testament of Odessa G. Denton divides her estate in a manner that does not meet the ULDC's standards as it pertains to the remnant property. The proposed division does not meet the standard that provides *"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)."* Table 4.01.01 (G) provides that the minimum lot area for the E-A district shall be 5 acres. **All** of the proposed lots are ~3.82 acres. In addition to the family ties Variance, the applicant is also requesting a Variance to the minimum two hundred ten (210') feet lot width requirement for 2 of the proposed lots – as hatched on the schematic, one of the lots measures two hundred (200') feet and the other lot measures one hundred sixty-three (163.48') feet. **Therefore, a Variance is being requested to the Family Ties Land Division process for minimum lot area required for the remnant/parent tract, and Variances to the minimum Lot Width requirement.**

Section 4.04.04 (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 paved 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.
 - i. The access driveway 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 an all-weather road with a minimum clearance of twenty (20) feet in width and twelve (12) feet in height.
4. **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).**

In an effort to satisfy and honor the written Last Will and Testament of Odessa G. Denton, a survey was prepared to subdivide the property – thus, creating 5 lots that are equivalent in size, ~3.82 acres. In lieu of a Variance, the applicant was offered another zoning option for which staff suggested to be a more risky – an option to rezone

the subject property to R-A (Residential Agriculture, 2.5 acres). Regarding the minimum lot width requirement, staff is of the opinion that the lots as depicted on the survey is of sufficient size to accommodate for an individual private septic system and well. The proposed lots are mostly already developed with single family dwelling units. One of staff's concern with the Variance option is the precedent that will be set and the property's ability to meet the provisions for the family ties land divisions. Other considerations included the proposed subdivision will not be out of scale or character with the existing development pattern. Ultimately, the differences in the debate resulted in a TRC recommendation of approval. (Vote 6-1), citing criteria "d" of the standards.

Division with Recommendation	Planning	Zoning	Engineering	Utilities
	Denial	Approval	Approval	Approval
	Board of Health	Fire/Rescue	Inspections	Moody AFB
	Approval	Approval	Approval	n/a
Recommended Conditions with (Source)	N/A			
Other Comments with (Source)	N/A			

The ULDC provides that variances may be granted upon a finding by the ZBA that one the following conditions have 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;*
- J. *The variance is not a request to permit a use of land or structures which 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.*

For Reference:

- **Table 4.01.01(G). Standards for Lot Area, Width, and Impervious surface.¹**

Zoning District	Minimum Lot Area (sq. ft.)		Minimum Lot width (feet)		Maximum Impervious surface Ratio (Percent)
	With Individual Well Water	With Central Water System	With Individual Well Water	With Central Water System	
E-A	217,800	217,800	210	200	15
R-A	108,900	108,900	150	100	20



GPS NOTES:
1" = 100'

1: GPS WAS USED FOR THE CONTROL NETWORK FOR THIS SURVEY. GPS EQUIPMENT USED:
2: THE TYPE OF GPS RECEIVER DUAL FREQUENCY CHAMPION TKO RECEIVER FROM THE EGPS VRS RECEIVING CORRECTIONS FROM THE EGPS VRS NETWORK.
3: THE TYPE OF GPS SURVEY PERFORMED WAS A RTK SURVEY USING THE EGPS VRS NETWORK FOR THE GPS CONTROL.
4: THE RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FEET HORIZONTAL AND 0.08 FEET VERTICAL AT A 95% CONFIDENCE LEVEL.

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAN, OR PLAN HAS BEEN APPROVED, UPON OBTENTION OF THE REQUIRED SIGNATURES BELOW FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL, COUNTY, OR MUNICIPAL COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

THE FOLLOWING GOVERNMENTAL BODIES HAVE APPROVED THIS MAP, PLAN, OR PLAN FOR FILING: (OR THE FOLLOWING GOVERNMENTAL BODIES HAVE AFFIRMED THAT APPROVAL IS NOT REQUIRED)

LOWNDES COUNTY PLANNING DEPARTMENT _____ DATE _____

SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER AS TO INTENDED USE OF ANY PARCEL. THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAN, OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION AND PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE AUTHORITY. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED, AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING.

ROONEY GENE TENERY, JR., RLS/RF _____ DATE _____

**** PRELIMINARY ****

- SURVEY EQUIPMENT USED**
- ☒ LEICA 1203 TOTAL STATION 3 SEC.
 - ☒ 300SW TOPCON TOTAL STATION 5 SEC.
 - ☒ 200' STEEL MESH TAPE
 - ☒ CST, AUTO LEVEL
 - ☒ TDS RANGER DATA COLLECTOR W/ SURVEY PRO SOFTWARE
 - ☒ ALLEGRO CX DATA COLLECTOR W/ CARLISON CE 2 SOFTWARE
 - ☒ CHAMPION TKO GNSS RECEIVER
 - ☒ SCEPTER DATA COLLECTOR W/ CARLISON CE 2 SOFTWARE

BEARINGS SHOWN HEREON HAVE BEEN CALCULATED FROM ANGLES TURNED AND ARE REFERENCED TO GEORGIA STATE PLANE GRID NORTH - WEST ZONE

ROONEY GENE TENERY, JR.
GA. L.S. NO. 3015
EROSION & SEDIMENT CONTROL LEVEL II CERTIFIED DESIGN PROFESSIONAL
ROONEY GENE TENERY, JR. CERTIFICATION # 2288

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY DIRECT SUPERVISION, HAS A RELATIVE POSITIONAL ACCURACY AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3, NATIONAL STANDARD FOR SPATIAL DATA ACCURACY IS 0.04 FEET HORIZONTAL AND 0.08 FEET VERTICAL AT A 95% CONFIDENCE LEVEL. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO HAVE A CLOSURE OF ONE FOOT IN 224,901.50 FEET, OR ON THE FLAT FACE.

GA CERTIFICATE OF AUTHORIZATION NO. L5F 986
GA BUSINESS LICENSE NO. 2334

SURVEY FOR:
ODESSA G. DENTON ESTATE
LOCATED IN LAND LOT 70
OF THE 15TH LAND DISTRICT
OF LOWNDES COUNTY, GEORGIA.

**** PRELIMINARY ****

THIS IS A SURVEY OF
LAND PARCELS 04, 5 & 6A
ON TAX MAP 94

DATE OF FIELD SURVEY:
12 / 20 / 16
DATE OF PLAN:
?? / ?? / 17

JOB ID #: J-13248

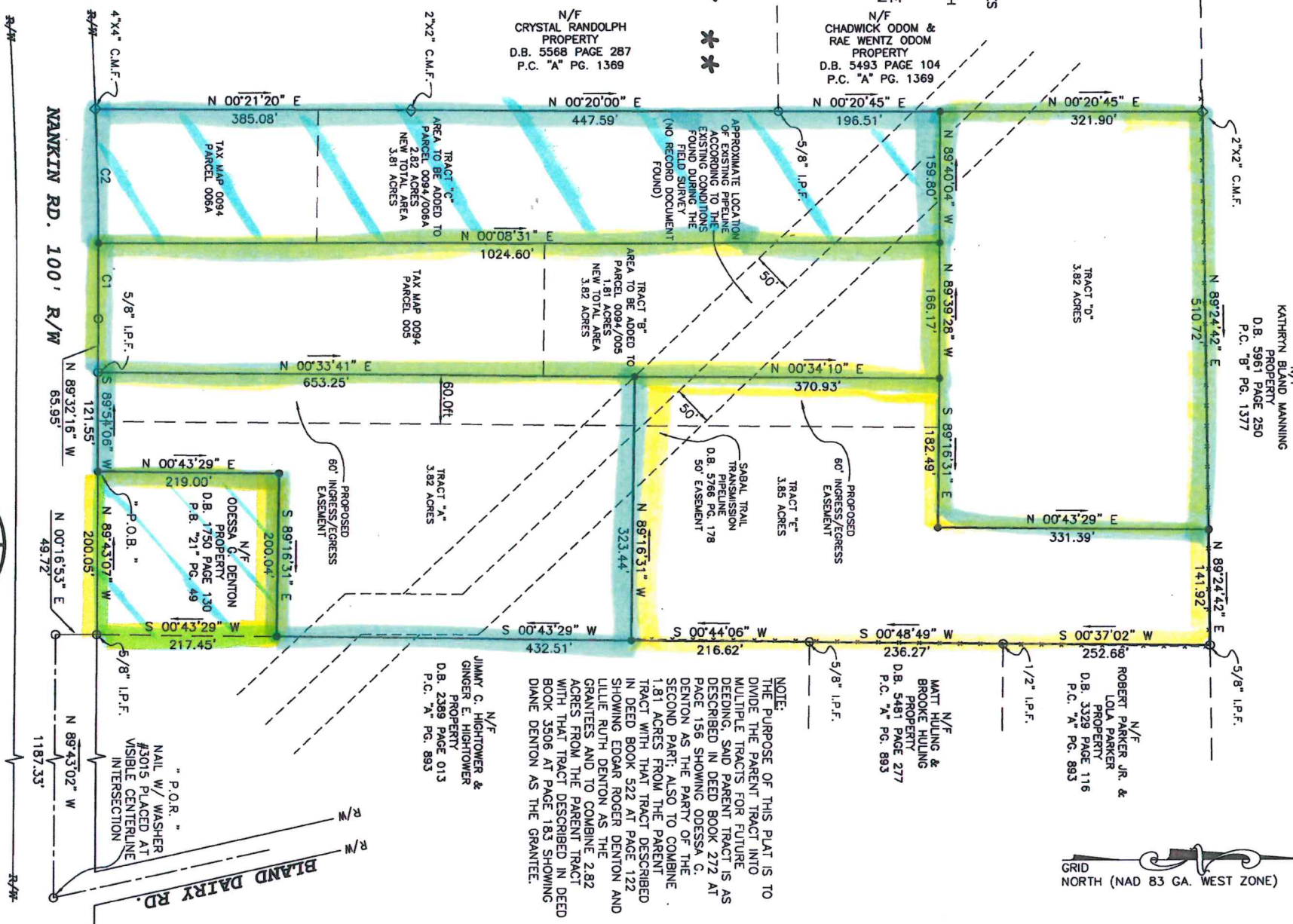
CURVE	RAIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	UTLINA ANGLE
C1	5730.64	92.68'	92.68'	N 89°59'54" W	00°55'36"
C2	5730.64	163.48'	163.48'	S 89°43'16" W	01°38'04"

LEGEND

- I.P.F. = IRON PIN FOUND
- (5/8" REBAR) W/ CAP #3015
- ◇ C.M.F. = CONCRETE MONUMENT FOUND
- C.M.P. = GALVANIZED PIPE FOUND
- R.M.F. = RIGHT OF WAY MARKER FOUND
- P.O.B. = POINT OF BEGINNING
- P.L. = PROPERTY LINE
- C/L = CENTER LINE
- R/W = RIGHT OF WAY
- B.M. = BENCH MARK
- R.R. = RAIL ROAD
- N/F = NOW OR FORMERLY
- = ROUND OR SLOPE

FLOOD NOTE:
ACCORDING TO FLOOD INSURANCE RATE MAP NO. 13185C0325E, DATED: SEPTEMBER 26, 2008 THIS PROPERTY IS LOCATED IN FLOOD ZONE " X ".

UTILITIES NOTE:
NO UNDERGROUND UTILITIES WERE VERIFIED OR FIELD LOCATED ON THE PROPERTY DEPICTED ON THIS SURVEY PLAN. PRIME CONSULTING SOLUTIONS DOES NOT GUARANTEE THAT ALL EASEMENTS THAT MAY AFFECT THIS PROPERTY ARE SHOWN ON THIS PLAN.

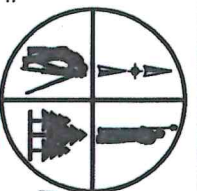


NOTE:
THE PURPOSE OF THIS PLAN IS TO DIVIDE THE PARENT TRACT INTO MULTIPLE TRACTS FOR FUTURE EASING. SAID PARENT TRACT IS AS DESCRIBED IN DEED BOOK 272 AT PAGE 156 SHOWING ODESSA G. DENTON AS THE PARTY OF THE SECOND PART; ALSO TO COMBINE 1.81 ACRES FROM THE PARENT TRACT WITH THAT TRACT DESCRIBED IN DEED BOOK 522 AT PAGE 122 SHOWING EDGAR ROGER DENTON AND LILLIE RUTH DENTON AS THE GRANTEE AND TO COMBINE 2.82 ACRES FROM THE PARENT TRACT WITH THAT TRACT DESCRIBED IN DEED BOOK 3506 AT PAGE 183 SHOWING DANE DENTON AS THE GRANTEE.

N/F
JIMMY G. HIGHTOWER & GINGER E. HIGHTOWER
PROPERTY
D.B. 2389 PAGE 013
P.C. "X" PG. 893

N/F
MATT HULLING & BROOKE HULLING
PROPERTY
D.B. 5481 PAGE 277
P.C. "X" PG. 893

N/F
ROBERT PARKER JR. & LOLA PARKER
PROPERTY
D.B. 3329 PAGE 116
P.C. "A" PG. 893



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