



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

**VAR-2017-09**

**Leslie L. and Mary H. Roe**  
**7040 Old Valdosta Road, Hahira, Georgia**

This request is for a Variance to the minimum Side Yard setback requirement. The subject property consists of 1.11 acres and is located at 7040 Old Valdosta Road, Hahira, Georgia, in an E-A (Estate Agriculture) zoning district.

Table 4.01.02 (E) contained in the Lowndes County Unified Land Development Code (ULDC) provides standards for Building Location and Heights. In this case, the applicant is seeking relief to the side yard setback, along the east lot line. While the existing stoop/steps appear to be on the property line, the existing wall of the home is seven (7') feet from the side property line; therefore, a Variance is being requested to the minimum side yard building setback to allow the structure to remain as it is currently located.

This Variance request is an attempt to record the subject property's first land survey. The recently completed land survey for the subject property, as well as for an adjacent property to the west, revealed some existing building encroachments that were unbeknown to the applicant. As per the applicant's letter of intent, their home was originally constructed in the 1940s, followed by some additions in the late 1970s. The side yard setback requirement in the late 1970s were believed to have been ten (10') feet. This Variance is an attempt to address the encroachment, adjust property lines (via land swaps), and to place on public record a land survey for both tax parcels.

The subject property is located in an Agricultural/Forestry Character Area on the Future Development Map of the Comprehensive Plan. This character depiction is for lands in open and/or cultivated states or sparsely settled. As per the Comprehensive Plan, moderately and high-density residential subdivisions are not encouraged and should be severely limited. While the ULDC does allow for some encroachments i.e. steps, fire escapes, and other architectural features, the existing structure exceed the standards. The applicant wishes to keep the structure as it is currently depicted on the survey.

The TRC reviewed this request and ultimately recommended for its approval as indicated in the table below (Vote 5-2). Considerations for approval is the length of time the structure has been in place, and that the structure's porch does not pose a threat due to its open-air design.

	<b>Planning</b>	<b>Zoning</b>	<b>Engineering</b>	<b>Utilities</b>
Division with Recommendation	Approval of 3' Variance*	Approval of 3' Variance*	Approval as presented	Approval as presented
	<b>Board of Health</b>	<b>Fire/Rescue</b>	<b>Inspections</b>	<b>Moody AFB</b>
	Approval as presented	Approval as presented	Approval as presented	n/a
Recommended Conditions with (Source)	<i>*Removal of the porch and steps</i>			
Other Comments with (Source)				

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.



April 25, 2017

City of Valdosta/Lowndes County ZBA Members

RE: 7040 Old Valdosta Road – Side yard setback Variance request for existing dwelling

Dear ZBA Members:

We are humbly requesting your approval of a three foot Variance. The Variance is requested for the East lot line (side yard)...We are in the process of attempting to record a survey plat of the land. The proposed layout does not meet the minimum side yard building setbacks for lots located within a previously zoned A-U (Agricultural Use)...currently zoned E-A (Estate Agricultural) zoned parcel of land.

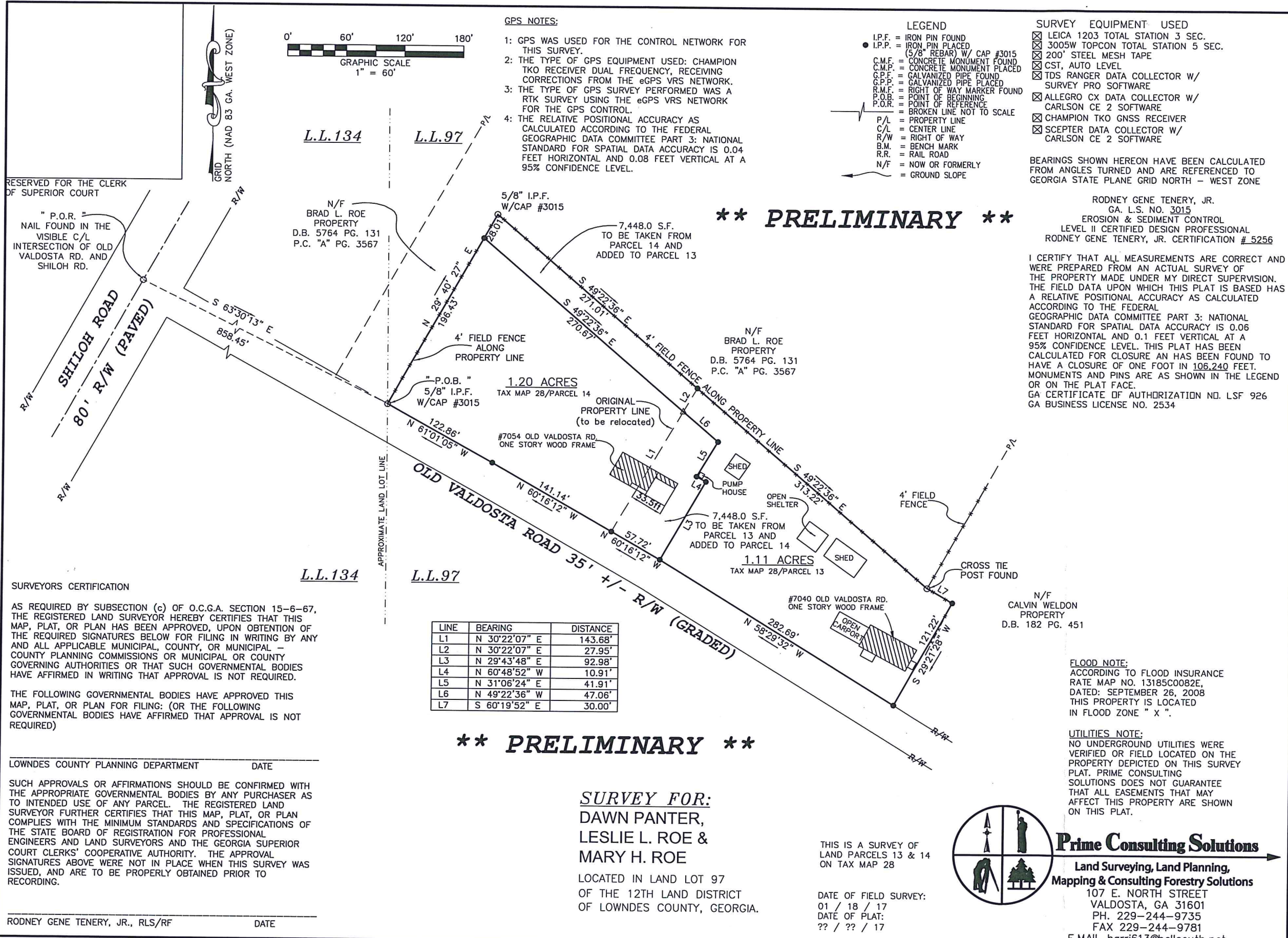
Our house was originally constructed in 1949. When it was originally constructed it sat on 48.91 acres. In 1971 Alice McDonald (the applicant's, Mary H. Roe's grandmother) sold 46.6 acres on the east side of her house to Calvin Weldon, who is the current property owner. At that time no survey was done to establish a clear and accurate property line, only a verbal agreement between Alice McDonald and Calvin Weldon on where the property line would be. We acquired the 1.11 acres from Alice McDonald in 1978. At that time it was believed the house was 22 feet from the property line. We hired a contractor in 1978 to do a 14 foot addition on the west side and a 6 foot addition on the east side which was completed in 1979. We thought we were still 16 feet from the property line after the addition. It was not until recently when we hired Prime Consulting Solutions to record a survey plat of our land that it was discovered our house is only 7 feet from the property line instead of the 16 feet that we had always thought. Thus a relief of 3 feet is requested which will bring the current situation into compliance with the Lowndes County Unified Land Development Code and allow for the drafted survey plat to be officially finalized and recorded. We hope that you can see we never intended to violate any building or zoning codes. If clear and accurate property lines had been established in 1971 when the property was divided we would not have this problem today.

Please give consideration to the following criteria(s) as they pertain to this side yard setback Variance request: B, C, D, F, G, I and J. We are present and available to answer any detailed questions or concerns that you all may have.

Your time and consideration to this request is deeply appreciated. We will await your decision.

Sincerely,

Leslie L. & Mary H. Roe



RESERVED FOR THE CLERK OF SUPERIOR COURT

" P.O.R. " NAIL FOUND IN THE VISIBLE C/L INTERSECTION OF OLD VALDOSTA RD. AND SHILOH RD.

**SURVEYORS CERTIFICATION**

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, 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, PLAT, 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, PLAT, OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR 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.

RODNEY GENE TENERY, JR., RLS/RF \_\_\_\_\_ DATE \_\_\_\_\_

**SURVEY FOR:**  
 DAWN PANTER,  
 LESLIE L. ROE &  
 MARY H. ROE

LOCATED IN LAND LOT 97  
 OF THE 12TH LAND DISTRICT  
 OF LOWNDES COUNTY, GEORGIA.

THIS IS A SURVEY OF  
 LAND PARCELS 13 & 14  
 ON TAX MAP 28

DATE OF FIELD SURVEY:  
 01 / 18 / 17  
 DATE OF PLAT:  
 ?? / ?? / 17



**Prime Consulting Solutions**  
 Land Surveying, Land Planning,  
 Mapping & Consulting Forestry Solutions  
 107 E. NORTH STREET  
 VALDOSTA, GA 31601  
 PH. 229-244-9735  
 FAX 229-244-9781  
 E.MAIL harri613@bellsouth.net

**ULDC APPLICATION**

Required Approvals	Contact Number	Contact Made & Date
Lowndes County Zoning Office	(229) 671-2430	
Lowndes County Board of Health	(229) 245-2314	
Lowndes County Utilities Department	(229) 671-2500	
Lowndes County Engineering Department	(229) 671-2424	
Valdosta/Lowndes County Inspections Department	(229) 259-3561	
Lowndes County Technical Review Committee	(229) 671-2424	
Lowndes County Fire/Rescue	(229) 671-2730	
Valdosta-Lowndes Zoning Board of Appeals	(229) 671-2430	
Moody Air Force Base and/or Valdosta Airport Authority	(229) 671-2419	
Greater Lowndes Planning Commission	(229) 671-2424	
Lowndes County Board of Commissioners	(229) 671-2400	
Type of Application*	Fees*	Case Number
*For Application Types and Associated Fees Please See the ULDC Processing Sheet on Page 4		
Variance		VAR-2017-09

REASON FOR REQUEST: Variance to chapter 4.01.02 (A) of the ULDC as it pertains to side yard setback  Additional Narrative Attached

**PROJECT INFORMATION**

Project Name: Roe property Property Address: 7040 Old Valdosta Rd. N.  
 Map and Parcel Number: 0028-013 Property Size: 1.11 acres

Current Deed and/or Legal Description Attached  Current Survey Attached

Current Building Square Footage: 1296 Proposed Building Square Footage: n/a

Current Impervious Surface %: \_\_\_\_\_ Proposed Impervious Surface %: \_\_\_\_\_

Current Number of Lots: 1 Proposed Number of Lots: 1

Current Zoning District: E-A Proposed Zoning District: n/a

Is this property within a special or overlay district?  No  Yes

If this application is within a special or overlay district please specify which one: NO

Flood Zone: X Base Flood Elevation: \_\_\_\_\_  
(This information shall be based on the Flood Insurance Rate Maps)

Is this property within a water resource protection district?  No  Yes

If this application is within a water resource protection district please specify which one: N/a

Please circle one of the following: County Water Community Well Individual Well

Please circle one of the following: County Sewer Septic system Other

Property Depiction on Lowndes County Future Development Map: agricultural -

forestry

Additional Narrative Attached

Is this application a re-submittal?  No  Yes

If this application is a re-submittal, please provide file number, date of application, and action taken on all previous applications: N/a

**PROFESSIONAL TO CONTACT e.g. ENGINEER, SURVEYOR, ARCHITECT, OR LAWYER**

Name: Prime Consulting Solutions Address: 107 E. North St

City: Valdosta ST: GA Zip: 31601

Phone #: 229-244-9735 Cell Phone #: N/a Fax #: 229-244-9781

Email Address: harris613@bellsouth.net

**OWNERSHIP INFORMATION**

Property Owner: Leslie L. & Mary H. Roe Address: 7040 Old Valdosta Rd. N.

City: Hahira ST: GA Zip: 31632

Phone #: 229-585-9184 Cell Phone #: 229-563-1506 Fax #: N/a

Email Address: traced006@gmail.com

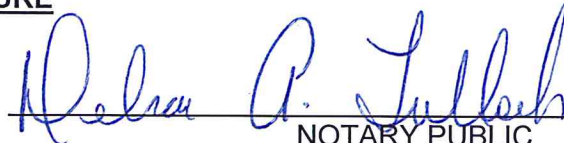
**OWNER'S SIGNATURE (Testifying ownership of aforementioned property):**

  
\_\_\_\_\_  
Signature of the property owner

  
\_\_\_\_\_  
Signature of the property owner

**NOTARIZATION FOR OWNER'S SIGNATURE**



  
\_\_\_\_\_  
NOTARY PUBLIC

*If the applicant or agent is a representative of the property owner, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedure, shall be completed with this application.*

Agent's Name: \_\_\_\_\_ Agent's Street Address: \_\_\_\_\_

City: \_\_\_\_\_ ST: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_ Cell Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_

Email Address: \_\_\_\_\_

**AGENT AUTHORIZATION**

\_\_\_\_\_, agent, is hereby authorized as my legal representative and designated agent to speak in my behalf for the subject matter.

\_\_\_\_\_  
Signature of the property owner

\_\_\_\_\_  
Signature of the property owner

**NOTARIZATION FOR AGENT'S AUTHORIZATION**

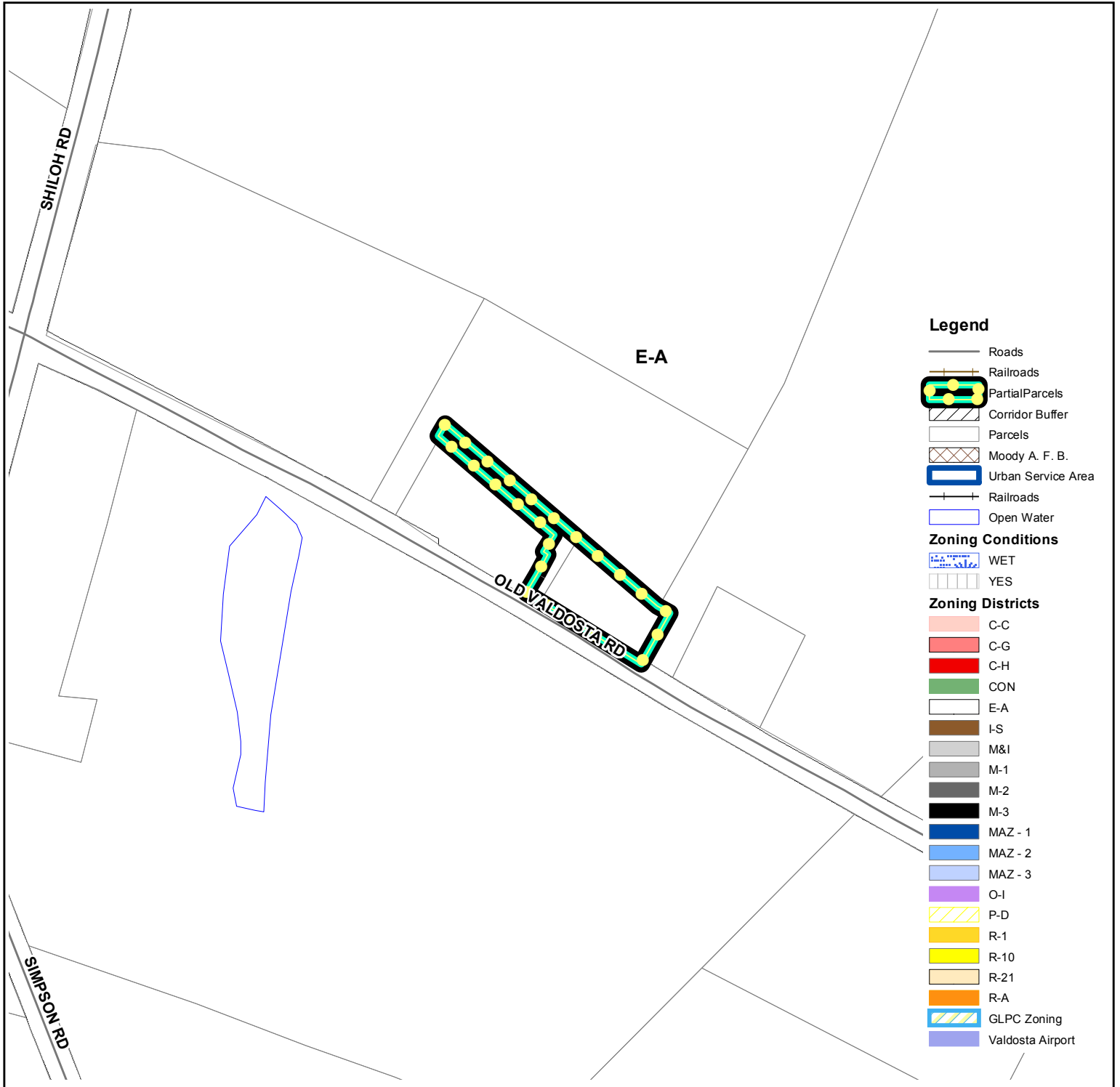
\_\_\_\_\_  
NOTARY PUBLIC

***Thank you for the time and effort involved in the completion of this application. Your diligence will help to ensure that your application is reviewed as efficiently and effectively as possible.***

# VAR-2017-09

# Zoning Location Map

## ROE PROPERTY Variance Request



0

Feet  
1,000





# VAR-2017-09

# WRPDO Site Map

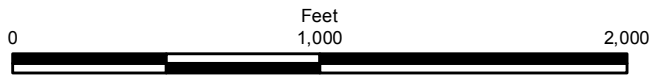
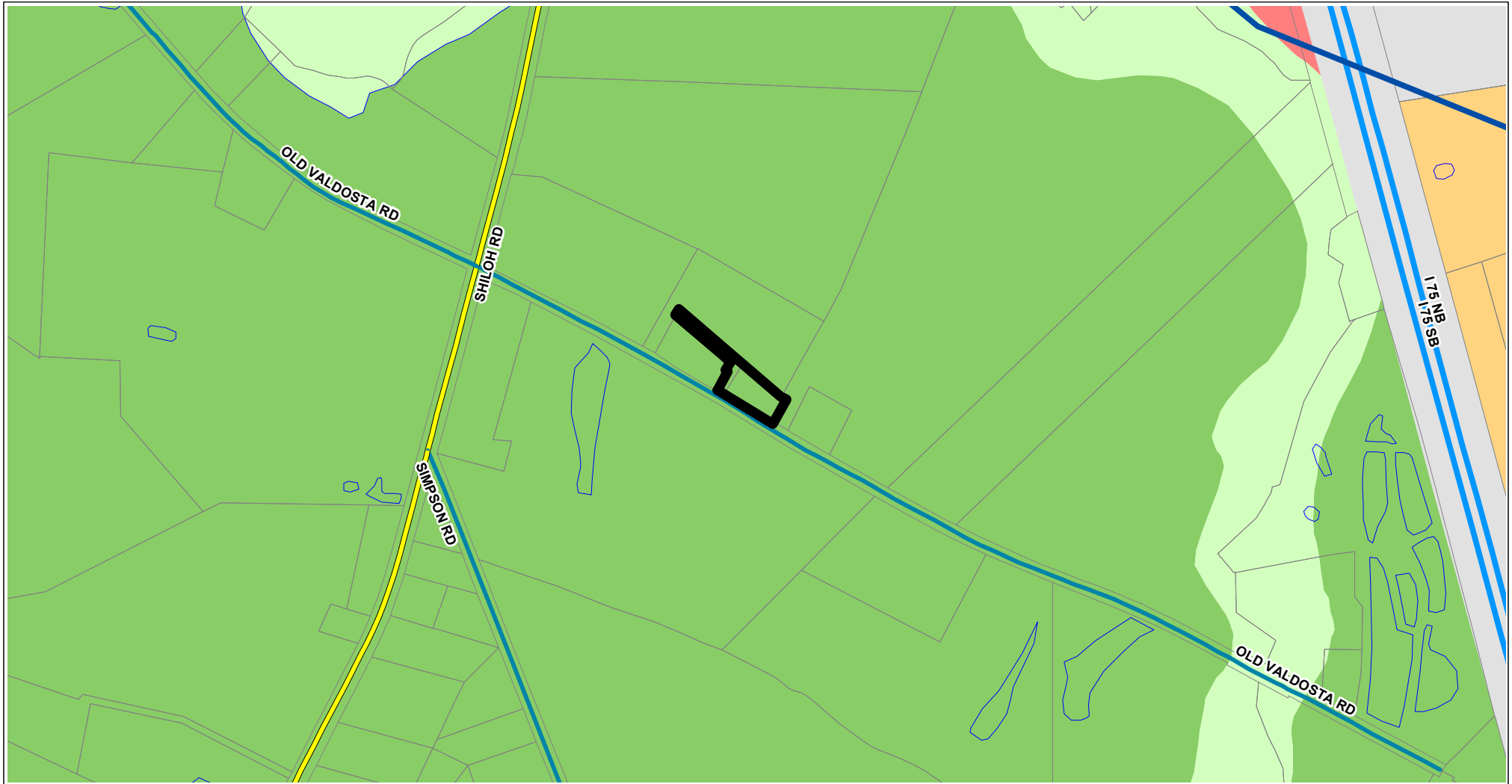
## Legend

- |                    |                  |
|--------------------|------------------|
| — Roads            | Open Water       |
| — Railroads        | Valdosta Airport |
| Park               | Wetlands         |
| City Limits        | 100 Yr Flood     |
| Crashzone          | Hydrology        |
| Crashzone West     | Drastic          |
| Urban Service Area | Recharge Areas   |
|                    | Parcels          |

## ROE PROPERTY Variance Request



## ROE PROPERTY Variance Request



- Urban Service Area
- City Limits
- Parcels
- Railroads
- Open Water

### Roads

- #### Functional Classification
- 1. INTERSTATE
  - 3. OTHER PRINCIPAL ARTERIAL
  - 4. MINOR ARTERIAL
  - 5. MAJOR COLLECTOR
  - 6. MINOR COLLECTOR
  - 7. LOCAL

### Character Areas

- Agriculture / Forestry
- Community Activity Center
- Downtown
- Established Residential
- Industrial Activity Center
- Industrial Area
- Institutional Activity Center
- Linear Greenspace/Trails
- Mill Town
- Neighborhood Activity Center
- Neighborhood Village
- Park/Recreation/Conservation
- Public / Institutional
- Regional Activity Center
- Rural Activity Center
- Rural Residential
- Suburban Area
- Transitional Neighborhood
- Transportation/Communication/Utilities

