

Lincoln County Planning Commission Meeting

July 9th, 2007 - 5:30 p.m.

The Lincoln County Planning Commission met in regular session on Monday, July 9th, 2007 at 5:30 pm in the Conference Room of the new Planning and Zoning Department building. Those present were Herbert Moxley, Chairman, District Four; Coleman Kennedy, Vice-Chairman, District Three; Commissioner Barney Aycock, III, District Two; Commissioner Bill Parker, District One; Commissioner Jim Mattison, At Large by the Chairman; Britt Hammond, County Attorney; Meg Burg, Planning and Zoning Director and Denise Cunningham, Planner.

1.

Call Meeting to Order

Chairman Moxley called the meeting to order.

2.

Invocation

Chaplain Barney Aycock , III opened the meeting with prayer.

3.

Pledge of Allegiance to the Flag

Chairman Moxley led in the Pledge of Allegiance to the Flag.

4.

Declaration of a Quorum

Quorum was confirmed by Chairman Moxley.

5.

Approval of Minutes

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the minutes from the previous meeting.

6.

Rezoning Request from A-3 to R-1

Applicant: AquaSolaris, LLC (Owner Carol Szasz)

135.42 Acres off of Bethany Church Road

Chairman Moxley opened the meeting with the request for rezoning change from A-3 to R-1 approximately 135.42 acres known as (Tax Map 44/Parcel 024) for a major subdivision owned by Carol Szasz of AquaSolaris, LLC located on Bethany Church Road. There was no one present from AquaSolais, LLC for representation. The committee reviewed the proposed subdivision and did not have any questions at this

time. Chairman Moxley asked the floor if there was anyone opposed to the subdivision. There were no comments from anyone present. On motion by Vice-Chairman Kennedy, seconded by Commissioner Mattison, the board voted unanimously to approve the rezoning request.

7.

Variance Request

**Applicant: Michael and Michele Mongrue
Amity-Woodlawn Road**

Chairman Moxley moved to the next request for plat approval variance for Michael and Michele Mongrue (known as Tax Map 41/Parcel 19) .69 acres located off of Amity-Woodlawn Road. Michael Mongrue was present for any questions from the committee. By adding this .69 acres it would give the Mongrues more road frontage, but would not serve as any other purpose. Currently his existing property is under conservation and the Mongrues would like to purchase the .69 acre tract to add to their existing parcel once the conservation requirements have been met. Chairman Moxley made the following recommendation for approval with the following condition:

- a) Notation on plat must state as follows: The plat does not meet the minimum requirements of the Land Development Code of Lincoln County. This Lot may not be further subdivided and no building permit will be issued for the development on this lot as shown on this plat.
- b) This property will be added to other property of Michael and Michele Mongrue.

On motion by Commissioner Aycock and seconded by Commissioner Mattison; the board voted unanimously to approve with the above conditions.

8.

Variance Request

**Applicant: Sandra B. Cole (Beggs Estate)
Double Branches Road**

Chairman Moxley moved to the next request for Lot/Depth Ratio for plat approval variance for Sandra B. Cole of the Beggs Estate (known as Tax Map 54/Parcel 132) total of 110.08 acres located off Double Branches Road. County Attorney, Britt Hammond informed the committee that this property is a division of heirs with each holding a percentage. The survey of tract B containing 22.63 acres has a mobile home belonging to Charles M. Beggs, Sr. which his daughter lives in located on the property. Mr. Charles M. Beggs, Sr. desires that his portion of the value of the 22.63 acres be

transferred to him in fee simple title. The remainder of the land will be sold and divided among heirs according to their allotted percentage. The survey allows for the mobile home, but does not meet the lot/depth ratio under the Land Development Ordinance. The committee members reviewed the court ordered request for subdivision between heirs. County Attorney, Britt Hammond, stated to the committee that the Planning & Zoning Committee had the authority to deny the plat approval based on the lot/depth ratio even with the court order. County Attorney, Britt Hammond stated that if approved, tract B of 22.63 acres could not be further subdivided unless the division meets requirements of the Land Development Code of Lincoln County . There were no questions from the committee. Chairman Moxley asked the family members in attendance if there were any objections, and no one came forth. Chairman Moxley requested a motion from the committee with the following condition:

- a) Notation on plat must state as follows: This lot may not be further subdivided unless the division meets all minimum requirements of the Land Development Code of Lincoln County.

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve with the condition notated on the plat.

9.

Variance Request

Applicant: William E. and Carol Smith
Pistol Creek Road (Parcels 48, 49 and 50)

Chairman Moxley moved to the next item on the agenda for a plat approval variance request for William E. and Carol Smith known as (Tax Map 05A/Parcels 48, 49 and 50) approximately 2.8 acres total of the 3 lots which were surveyed and combined as (1) one lot. Mr. and Mrs. Smith have appealed to have this surveyed recorded lot subdivided back to its original state known as Lot# 48, Lot# 49 and Lot# 50. Mr. William E. Smith and Mr. Bob Smith were present to answer questions from the committee members. Chairman Moxley asked Mr. Smith to represent his appeal. Mr. Smith stated that due to a misunderstanding, he would like to reverse the property back to its original state. He explained that he thought it was still (3) lots on one plat which it legally changed when they were surveyed as (1). Chairman Moxley asked if there were any questions from the committee and no members had any questions at this time. On motion by Vice-Chairman Kennedy and seconded by Commissioner Mattison, the board voted unanimously to approve the variance request to reverse the plat back to its original state.

10.

Variance Request

Applicant: Mike and Tammy Bowers

Georgia-Carolina Boat & Ski Club (Lot# 10)

Chairman Moxley moved to the next item on the agenda for a rear variance request and variance request to build under the minimum square footage requirement for building a home for Tammy and Mike Bowers who own Lot# 10 with the Georgia-Carolina Boat and Ski Club located at 1432 Cherokee Country Club Road. Mr. and Mrs. Bowers, Wayne Christi, Club President, and several club members were present to answer questions from the committee. Due to the topography of the lot and size of the lot, the Bowers would like to build 2 ft. from the Corp. Line (county requires 5 ft. from Corp. Line) and would like to build a 990 sq. ft. home (county requires 1,150 sq. ft.). The board members reviewed the material submitted and Mr. Christie advised the committee that the Corp. Line cut off part of their lot at such an angle due to the elevation of the lot next to theirs. The Bowers said that the porch would be the only part of the building that will exceed the 5 ft. set-back. After much discussion, the committee members agreed to allow the variance request for the 990 sq. footage home and to build up to 2 ft. from the Corp. Line. On motion by Vice-Chairman Kennedy and seconded by Commissioner Aycock, the board voted unanimously to approve the variance requests.

11.

Final Plat Determination

Applicant: Charleston Bay Subdivision (Larry Courtney, Owner)

Tabernacle Church Road

Chairman Moxley moved to the next item on the agenda for Final Plat Approval for a major subdivision known as Charleston Bay, LLC consisting of 79.45 acres (Tax map 11/Parcel 017) with 75 lots owned by Mr. Larry Courtney. Mr. Courtney was present for any questions from the committee. The board members reviewed the final plat and had no questions. Chairman Moxley made a recommendation as follows:

Approval contingent upon the following items being approved by the Lincoln County Board of Commissioners:

- 1) Lincoln County Health Department Approval**
- 2) Approved Subdivision Improvement Agreement**
- 3) Approved irrevocable security**
- 4) Copy of current covenants and restrictions**
- 5) Title and insurance bond**
- 6) Subdivision road name approval**
 - (a) Meeting Street**
 - (b) Tradd Court**
 - (c) Magnolia Circle**
 - (d) Bull Court**
 - (e) Wentworth Court**

On motion by Commissioner Aycock and seconded by Commissioner Parker, the board voted to unanimously approve the Final Plat Determination for the Charleston Bay Subdivision contingent upon approval by the Lincoln County Board of Commissioners.

12.

**Test Amendment Change
Lincoln County Land Development Code
Applicant: Director Burg, Lincoln County Planning and Zoning**

Director Burg proposed a Text Amendment Change for required improvements (Article 34-202) for the Lincoln County Land Development Code as follows:

Sec. 34-202. Required Improvements.

(2) Water Supply. When a water system is installed in a subdivision with more than 30 lots, water mains shall provide a min. flow of water of 500 gallons per minute for two hours at the furthestmost point from the tank. Fire hydrants, whether part of a wet or a dry fire hydrant system, shall be provided at distances not greater than 500 ft. apart. When the water main is located in the street to serve the abutting lots a water service line three-fourths inch in size shall be stubbed-out to the property line to serve each lot before the street is surfaced. When connection to a county water system is not available, the county may make an exception to this rule. **At the preliminary plat stage, unless granted a waiver by the Lincoln County Board of Commissioners, the water system of a development must connect to the county water system. All systems commercial or residential, public or private, must be approved by the Board of Commissioners. The water system shall be permitted community water system as required by Georgia Safe Drinking Water Act of 1977 (O.C.G.A. § 12-5-170 et seq.)**

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the text amendment change.

Planning and Zoning Departmental Update and Discussion

**Georgia-Carolina Boat Club Request
Applicant: Wayne Lively (Lot# 28)**

Addition request.

On motion by Commissioner Aycock and seconded by Vice-Chairman Kennedy, the board voted unanimously to approve the addition request.

13.

Adjourn

On motion by Vice-Chairman Kennedy and seconded by Commissioner Aycock the board voted to unanimously adjourn.

Herbert Moxley, Chairman

Denise Cunningham, Administrative Asst.