



**Columbia County Planning Commission
October 21, 2021 at 6:00 PM
Evans Government Center Auditorium
Evans, Georgia**

Present at the meeting included:

Chairman Jim Cox
Vice-Chairman Al Dempsey
Commissioner Russell Wilder
Commissioner Gene Futch
Commissioner Michael W. Carraway

Scott Sterling, Division Director
Will Butler, Planning Manager
Nayna Mistry, Community Planner
Danielle Montgomery, Planner II
Jennifer Neal, Planning Technician
Cara Harden, Administrative Specialist
Members of the Public

A. CALL TO ORDER

Chairman Cox called the meeting to order at 6:00p.m.

B. INVOCATION

Commissioner Wilder gave the invocation.

C. PLEDGE OF ALLEGIANCE

Commissioner Futch led the pledge to the American Flag.

D. ROLL CALL / QUORUM

Chairman Cox declared a quorum with 5 Commissioners present (100% Quorum).

E. APPROVAL OF THE MINUTES OF PREVIOUS MEETING

(E1) October 7, 2021

Commissioner Futch made a motion to approve the October 7, 2021 meeting minutes. Commissioner Wilder seconded the motion. The motion carried unanimously.

F. APPROVAL OF THE AGENDA

Commissioner Futch made a motion to approve the October 21, 2021 Agenda. Commissioner Wilder seconded the motion. The motion carried unanimously.

G. PRESENTATION

H. DEBATE AGENDA

(H1) Unfinished Business

(H1a) Rezoning

(H1a1) RZ21-10-04 Part I, Rezone from R-1 (Single Family Residential) to PUD (Planned Unit Development), Tax Map 069 Parcel 097A (portion of), 4.56 +/- portion of 16.45 +/- total acres, located at 4848 Wrightsboro Road, and currently zoned R-1 (Single Family Residential). **Postponed from October 7, 2021 meeting.**

RZ21-10-04 Part II, Major PUD (Planned Unit Development) Revision, Tax Map 075 Parcel 098, 71.1 +/- acres, located at 729 Reynolds Road, and currently zoned PUD (Planned Unit Development).
Postponed from October 7, 2021 meeting.

Staff member Danielle Montgomery stated the following:

- The applicants are exploring options to acquire additional property, which will require revision of the submitted conceptual plan and a revised zoning application submittal.
- At this time the applicants are requesting to withdraw the current application, and will resubmit a revised application with the updated acreage.
- This request is for a rezoning from R-1 (Single Family Residential) to PUD (Planned Unit Development) for a 4.56 +/- acre portion of the property located at 4848 Wrightsboro Road in order to add the property to the Wright's Farm PUD.
- The subject property is located within the Neighborhoods Character Area on the Vision 2035 Future Development Map.
- Staff recommends to withdraw the request.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to withdraw without prejudice RZ21-10-04 Part I, Rezone from R-1 (Single Family Residential) to PUD (Planned Unit Development), Tax Map 069 Parcel 097A (portion of), 4.56 +/- portion of 16.45 +/- total acres, located at 4848 Wrightsboro Road, and currently zoned R-1 (Single Family Residential); and RZ21-10-04 Part II, Major PUD (Planned Unit Development) Revision, Tax Map 075 Parcel 098, 71.1 +/- acres, located at 729 Reynolds Road, and currently zoned PUD (Planned Unit Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H1b) Variance

(H1b1) VA21-10-01, Variance to Section 90-53 *List of Lot & Structure Requirements*, Tax Map 081B Parcel 411, 0.66 +/- acres, located at 605 Spyglass Road, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This item was postponed due to the site plan and renderings being submitted the day prior to the Planning Commission meeting and lack of time to review the plans and potential impacts to the County sewer line behind the property.
- This is a request for a variance from Section 90-53 *List of Lot & Structure Requirements* for property located at 605 Spyglass Road on 0.66 +/- acres and currently zoned R-2 (Single Family Residential).
- The applicants are requesting the variance to construct a deck on the property that would extend to the rear property line.
- The subject property is located on the east side of Spyglass Road in West Lake, and is currently zoned R-2 (Single Family Residential), as are all surrounding properties.
- There is an existing house on the property, and the applicants have indicated that their intention is to construct a deck on the property that would extend to the rear property line.
- This request has been interpreted as a 0-foot setback from the rear property line.
- The site plan is diagrammatic, and shows only the rear property line and an outline of the proposed deck construction.
- The deck construction must remain on the owner's property, and a condition is proposed clarifying this.
- There is a sewer line to the rear of this property, and since the previous meeting Water Utility has been able to survey this line on the ground.
- Based on the field location of the water line and the submitted site plan, Water Utility has indicated that the construction should be just outside of the sewer easement and therefore should not impact the County utilities.

- The POA for West Lake has given their permission contingent on the golf course property owner being in agreement with the request. That request has been submitted to the property owner.
- Staff recommends to approve with conditions:

Conditions

Planning:

1. The rear setback is reduced to 0 feet for the proposed deck only. All other structures must meet the R-2 setbacks.
2. No portion of the deck, nor any land disturbance related to the construction, may cross onto the adjacent property.

Planning Commission questions/comments/concerns:

Commissioner Wilder questioned staff whether the applicant would need to submit a new plan.

Staff member Danielle Montgomery answered yes before permits are issued.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant not present.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Variance. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to approve with conditions VA21-10-01, Variance to Section 90-53 *List of Lot & Structure Requirements*, Tax Map 081B Parcel 411, 0.66 +/- acres, located at 605 Spyglass Road, and currently zoned R-2 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2) New Business

(H2a) Minor Waiver

(H2a1) MW21-10-01, Minor Waiver, Tax Map 075 Parcel 048, 0.38 +/- acres, located at 3212 Pickens Way, and currently zoned PUD (Planned Unit Development). **Presented as Information Only.**

Staff member Will Butler stated the following:

- This was a request for a minor waiver at 3212 Pickens Way on 0.38 +/- acres and currently zoned PUD (Planned Unit Development).
- The request is for a decrease to the side setback on the eastern side of the property from 10 feet to 9 feet from the property line.
- Approved by staff on October 6th, 2021.

(H2b) Temporary Use Authorization

(H2b1) Temporary Use Authorization, Tax Map 039 Parcel 191, 3.58 +/- acres, located at 231 Langston Drive, and currently zoned R-A (Residential Agricultural).

Staff member Danielle Montgomery stated the following:

- This is a request for a temporary use authorization for the property at 231 Langston Drive on 3.58 +/- acres and currently zoned R-A (Residential Agricultural).
- The applicants are in the process of replacing the existing single wide manufactured home on the property with a double wide manufactured home.
- The single wide has been sold and is to be relocated to another property, however, it will remain on the property for a few weeks until the new owners can retrieve it.
- While the homes are swapped and the new manufactured home is set up, the applicants will

be living in a 24-foot travel trailer on the site.

- The Temporary Use Authorization request is therefore to temporarily allow two mobile homes to be present on the site, until the single wide can be retrieved by its new owners, and to allow the applicants to reside in their travel trailer until the new double wide is set up.
- Staff recommends approval in accordance with the Temporary Use Authorization Ordinance.

Planning Commission questions/comments/concerns:

Chairman Cox questioned the time frame for the pickup of the single wide.

Staff member Danielle Montgomery answered they have estimated before November 30th, 2021.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Wilder made a motion to approve the Temporary Use Authorization, Tax Map 039 Parcel 191, 3.58 +/- acres, located at 231 Langston Drive, and currently zoned R-A (Residential Agricultural). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2b2) Temporary Use Authorization, Tax Map 027 Parcel 046, 1.0 +/- acres, located at 2573 Scotts Ferry Road, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a temporary use authorization for the property at 2573 Scotts Ferry Road on 1.0 +/- acres and currently zoned R-1 (Single Family Residential).
- The applicant is selling his existing home at 2583 Scotts Ferry Road and is preparing to construct a new home on this property.
- Building permits have not been submitted at this time.
- The applicant is requesting permission to place a 29-foot travel trailer on the property until the home site is complete.
- Staff recommends approval in accordance with the Temporary Use Authorization Ordinance.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Wilder made a motion to approve the Temporary Use Authorization, Tax Map 027 Parcel 046, 1.0 +/- acres, located at 2573 Scotts Ferry Road, and currently zoned R-1 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2c) Conceptual Plan

(H2c1) Conceptual Plan for Highland Lakes Sections II & III, Tax Map 060 Parcel 1836 (Portion of), 158 lots, 91.67 +/- acres, located off William Few Parkway, and currently zoned R-2 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for approval for 158 residential lots on 91.67 acres located off William Few Parkway.
- The subject property is located on the south side of William Few Parkway.
- Sections 1A and 1B of Highland Lakes have been developed or are under construction, and the amenity area for the development is underway as well.
- Conditions included requirements for sidewalks and street trees and replanting of the buffers, as well as internal connectivity to Bella Rose Drive, installation of left turn lanes at both intersections with William Few Parkway, and completion of the amenity area prior to the platting of 150 residential lots.
- Section II of the project includes 57 lots and the connection to Honey Lane in the existing Magnolia Valley subdivision.
- Section III of the project includes 101 total lots, 8 of which are alley-loaded.

- At the end of Rosewood Drive is a second community amenity area for the development, consisting of public parking area and a community lake access point.
- Staff recommends approval of the conceptual plan.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Futch made a motion to approve the Conceptual Plan for Highland Lakes Sections II & III, Tax Map 060 Parcel 1836 (Portion of), 158 lots, 91.67 +/- acres, located off William Few Parkway, and currently zoned R-2 (Single Family Residential). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2d) Preliminary Plat

(H2d1) Preliminary Plat for Greenpoint Phase II, Tax Map 030 Parcels 083P & 083M, 89 lots, 41.0 +/- acres, located off Appling Harlem Road, and currently zoned PRD (Planned Residential Development).

Staff member Danielle Montgomery stated the following:

- This is a request for approval of a preliminary plat for 89 residential lots on 41.0 acres located off Appling Harlem Road.
- There were some minor revisions to the road and lot layout from the approved conceptual plan due to discovery of a cemetery on the property.
- The lots have a minimum lot size of 6,530 square feet.
- The front setbacks are 25 feet from the right of way for the PR-1 and PR-2 lots, and 20 feet from the right of way for the PR-3 lots.
- All of the lots have minimum side setbacks of 7.5 feet and rear setbacks of 10 feet.
- A minimum driveway length of 25 feet applies to all of the lots.
- Sidewalks and street trees are required on both sides of the roads, and 2.31 acres of open space is provided in this section.
- This development is limited to the platting of no more than 300 lots prior to provision of a second access point.
- This section would bring the total to 227 once final platted.
- Staff is recommending approval of the preliminary plat.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Futch made a motion to approve the Preliminary Plat for Greenpoint Phase II, Tax Map 030 Parcels 083P & 083M , 89 lots, 41.0 +/- acres, located off Appling Harlem Road, and currently zoned PRD (Planned Residential Development). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2e) Massage Operators License

(H2e1) Massage Operator's License for Awakened Renewed LLC, located at 427 Blue Ridge Drive, for mobile massage services.

Staff member Will Butler stated the following:

- This is a request for a Massage Operator's License for Awakened Renewed, LLC at 427 Blue Ridge Drive for mobile massage services.
- Therapist La'Favia Cummings meets all the MOL requirements.
- Staff recommends approval.

Chairman Cox stated this was not a public hearing and called for a motion.

Commissioner Wilder made a motion to approve the Massage Operator's License for Awakened Renewed

LLC, located at 427 Blue Ridge Drive, for mobile massage services. Commissioner Futch seconded the motion. The motion carried unanimously.

(H2f) Plan Revision

(H2g) Public Hearing

(H2g1) RZ21-10-08, Conditional Use, Tax Map 062 Parcel 086R, 1.80 +/- acres, located at 713 Gateway Center Boulevard, and currently zoned C-2 (General Commercial).

Staff member Jennifer Neal stated the following:

- This is a request for a Conditional Use for Tattoo on 1.8 +/- acres currently zoned C-2 (General Commercial) and located at 721 Gateway Center Boulevard.
- This property is located on the north side of Gateway Boulevard and is bounded by Gateway Center Boulevard to the west and Husk Box Way to the east.
- The property is currently zoned C-2 as are properties to the north, east, and south.
- Properties to the west are zoned R-A (Residential Agricultural) and PUD (Planned Unit Development) for the Mill Branch mixed use development.
- The applicant is planning to utilize one 1200 square foot suite in the existing commercial shopping center.
- The business will be open five days a week, from 12pm to 8pm Wednesday and Thursday, from 12pm to 10pm Friday and Saturday, and from 12pm to 6pm on Sunday.
- The business will be closed on Mondays and Tuesdays.
- There will be up to 6 tattoo artists in the shop, and per the submitted addendum, the applicant's intention is to cater to the military and local communities with an upscale and well-operated tattoo studio.
- The property owner has requested that this Conditional Use apply only to the suite addressed as 721 Gateway Center Boulevard, and not to the other suites in the building, and a condition is included to address this request.
- This parcel is located within the Gateway Mixed Use Activity Center on the Future Development Map which is intended for moderate density detached single-family residential and civic uses and is characterized by compact, walkable, higher density development served by networks of paths and streets suitable for pedestrians as well as cars.
- The existing zoning and commercial center is appropriate in this Activity Center, and the proposed Conditional Use is in keeping with this intent.
- Staff recommends to approve with condition:

Condition

Planning:

The Conditional Use only applies to the suite addressed as 721 Gateway Center Boulevard.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Conditional Use. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to approve with condition RZ21-10-08, Conditional Use, Tax Map 062 Parcel 086R, 1.80 +/- acres, located at 713 Gateway Center Boulevard, and currently zoned C-2 (General Commercial). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g2) RZ21-10-09, Rezone from R-A (Residential Agricultural) to C-C (Community Commercial), Tax Map 029 Parcel 042, 3.1 +/- acres, located at 6322 Wrightsboro Road, and currently zoned R-A (Residential Agricultural).

Staff member Nayna Mistry stated the following:

- This is a request for a rezoning from R-A (Residential Agricultural) to C-C (Community Commercial) for property located at 6322 Wrightsboro Road on 3.1 +/- acres.
- The subject property is located on the south side of Wrightsboro Road, close to the intersection of Appling Harlem Road and Wrightsboro Road, locally known as Pumpkin Center.
- Property to the south and north is zoned PUD (Planned Unit Development) for Greenpoint and property to the west is zoned R-A (Residential Agricultural).
- Greenpoint is a master planned community that was approved in 2020 as per File RZ20-04-02 and includes a variety of uses on 834 +/- acres.
- Properties to the east of the intersection are zoned C-2 (General Commercial) and include an established gas station, the new Sprint gas station and an undeveloped parcel.
- Across Appling Harlem Road, there is a subdivision to the south east, known as Hatcher Glen which is zoned R-1 (Single-Family Residential).
- Most of the other surrounding property is zoned R-A (Residential Agricultural).
- The applicant is requesting the rezoning to build two buildings for a game room with a restaurant and a second commercial building with leasable units.
- The concept plan shows a 13,000 SF building which would accommodate a game room with pool tables, dart boards, a restaurant and a space for social gatherings.
- The second building is shown as a 4,500 SF commercial building with three 1,500 SF leasable units.
- During the interdepartmental review process, staff received a condition from the Health Department stating that the applicant has provided no information of the soil conditions on this property and with the plan to construct a restaurant/ game room and other office/ commercial space resulting in high patron /water usage, this parcel must be connected to county sewer.
- The request is for C-C zoning which may include uses such as Daycare, Gyms, Medical, Motel/Hotel, Indoor Animal Care, Hair/Nail Salon, Restaurants, Convenience store with gas pumps.
- Some of these uses may require high water and sewer services which may not be feasible in this location if sewer is likely not available.
- The applicant has had several conversations with water utility and have not been able to come up with a sewer access proposal that would be approvable.
- GDOT has also commented that they would not be able to provide approval for the submittal proposed at this time.
- In regards to the Vision 2035 Future Development Map, this property is located within the Appling-Harlem Mixed Use Activity Center and the proposed commercial use is consistent with the intent and future land use of that Activity Center.
- With the requested rezoning to C-C, the proposal meets the intent of the Future Development Map however, due to the concerns with sewer access, this development is not feasible as proposed.
- Staff recommends disapproval.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff about the location of the nearest sewer connection.

Staff member Nayna Mistry answered there is sewer along Appling Harlem but is quite a distance from this location.

Director Scott Sterling answered the sewer for Greenpoint will go in with the development and they would have to connect near the entrance to the development along Appling Harlem Road within the right of way or through an easement of private property.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

John Hebbard, 225 Sweetwater Landing, North Augusta, SC:

- Our previous developments required us to stub the sewer connections for the next property.

Sherry Miller, 943 Brown Circle

- The idea of connecting to the nearest neighbor or through an easement is not supported by the neighbor because they are not in favor of the request.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Rezoning.

Michael Newsome, 1204 Amberley Drive:

- Owner of the Rack and Grill; expressed concerns about why this would not be allowed without sewer.

Chairman Cox responded the State Health Department has requirements to be met based on the type of business.

Vice-Chairman Dempsey responded this is a good idea, but is not the right location for it.

Chairman Cox stated this was a public hearing and asked if there was anyone else to speak for or against the Rezoning. Hearing none, he closed the public hearing and called for a motion.

Vice-Chairman Dempsey made a motion to disapprove RZ21-10-09, Rezone from R-A (Residential Agricultural) to C-C (Community Commercial), Tax Map 029 Parcel 042, 3.1 +/- acres, located at 6322 Wrightsboro Road, and currently zoned R-A (Residential Agricultural). Commissioner Wilder seconded the motion. The motion carried unanimously.

(H2g3) VA21-10-06, Variances to Sections 90-53 *List of Lot and Structure Requirements* and 90-132 *Nonconforming Uses of Land and Structures*, Tax Map 072D Parcel 045, 0.19 +/- acres, located at 413 La Vista Drive, and currently zoned R-1 (Single Family Residential).

Staff member Danielle Montgomery stated the following:

- This is a request for a variance to Sections 90-53 *List of Lot and Structure Requirements* and 90-132 *Nonconforming Uses of Land and Structures* for property located at 413 La Vista Drive on 0.19 +/- acres and currently zoned R-1 (Single Family Residential) to reduce the building setbacks and to allow a proposed porch addition on a nonconforming lot.
- The subject property is a corner lot located on La Vista Drive at the intersection of Knights Way within Calais subdivision.
- The subject property is a nonconforming lot, being 0.19 acres (8,276 square feet), and therefore less than the 40,000 square feet required for R-1 properties on septic systems.
- This building was constructed on a slab and is a permanent residence.
- This structure currently sits 2.5 feet from the right of way line of Knights Way, well within the required 35-foot setback from the right of way of this public road.
- The applicant is proposing to remodel the cottage and add a covered deck, which would be attached to the existing cottage and extend towards the interior of the lot.
- Since the property and the existing structure are nonconforming, variances are required to allow this construction.
- The applicant is requesting two variances, the first to Section 90-53 to reduce the building setbacks for the existing cottage on the property, and the second to Section 90-132 to allow the remodeling and a proposed porch addition to the cottage.
- Per this section, the nonconforming structure cannot be expanded or enlarged in any way, which would include the proposed covered deck construction.
- In regards to the first variance to building setbacks, per the applicant the existing cottage was built in 1974.
- Knights Way did not exist at that time, and the County zoning code did not exist in its current form.
- The structure would have been over 60 feet from this side property line at that time.
- The county acquired 0.29 +/- acres of the subject property from the previous property owner for the construction of Knights Way in 2014, leaving the property with a total of 0.19 +/- acres, and a width of approximately 40 feet.
- The construction of Knights Way also made this property a corner lot, with a 65 foot setback from the centerline of Knights Way, rather than the previously applicable 10 foot side setback.
- With the required front setback, and the side setback required on the opposite property line, there is

no buildable area on the lot as it exists today.

- While there are provisions in Section 90-132 for reduction of the setbacks on nonconforming lots, in this case they are not sufficient to provide buildable area, and therefore the variance to Section 90-53 is being requested.
- Per the submitted site plan, the cottage currently sits just over 7 feet from the east side property line and the existing storage building is just over 2.5 feet from the north side property line.
- The property to the east of the subject parcel is an undevelopable part of a larger parcel fronting on Cox Road, and therefore there are no impacts to this adjacent parcel.
- These are existing, older buildings which are fairly small in size – the cottage is 375 square feet, and the metal storage building is 96 square feet – and are unlikely to cause any negative impacts to the adjacent properties.
- The applicant is also requesting a variance from Section 90-132.
- Per current county code, R-1 zoning requires a minimum lot size of 40,000 square feet when sewer is not available to the property.
- This lot does not meet this requirement, and therefore would fall under the requirements for use of nonconforming lots, which allows these lots to be used as building sites, provided that there is direct access from a public street or a private easement, the minimum building setbacks are not reduced more than 20 percent nor to less than 15 feet from the right of way.
- Calais subdivision was developed in the early 1970s, prior to the adoption of the county code in 1979, and was developed with primarily 20,000 square foot lots.
- The adoption of the code and the application of R-1 zoning to this neighborhood caused the majority of the subdivision, including this property, to become nonconforming lots of legal record.
- The County acquisition of property for Knights Way therefore did not create the nonconforming status, but did exacerbate it by further reducing the lot area below the required minimum.
- In regards to the first aspect of this variance section, the ability to use this lot would be extremely limited under the Section 90-132 setback reduction allowances.
- The lot is only 40 feet deep, and while this section would allow a reduction of the side setback to 8 feet and a reduction of the front setback to 52 feet from the centerline of Knights Way (22 feet from the right of way), this reduction would only provide 8 feet of buildable width on the lot.
- In this instance therefore, the nonconformity of the lot is so great that this section of the code does not provide adequate use of the lot on its own.
- The variance to this portion has a similar argument to that presented for Section 90-53 above, and staff is in support of reducing the setbacks on this lot for the existing structure.
- The structure has been in place for many years, and improving the interior space and bringing the structure up to building codes, can only benefit the property and the public safety and welfare.
- The proposed deck construction is not towards the roads, but instead on the north side of the cottage between the existing structure and the adjacent lot.
- The deck does meet the setback requirements from the adjacent property, and therefore does not have any impact on the adjacent property beyond what would be typical for adjacent conforming residential lots.
- Staff recommends to approve with conditions:

Conditions

Building Standards:

1. All new construction or renovation work must meet all applicable codes and amendments adopted by Columbia County, GA. These include but not limited to the International Residential code for one and two family dwellings, National Electrical Code, International Mechanical Code, International Fuel Gas Code, International Plumbing Code, International Property Maintenance Code, Swimming Pool and Spa Code and Columbia County ordinance.
2. Permit must be pulled to construct the new deck. If siding is replaced, permits must be pulled before any work begins.

Planning:

1. The front setback from Knights Way is reduced to 2.5 feet from the right of way for the existing structure only. Any new structures must be at least 10 feet from the right of way of Knights Way, and must meet all other setbacks as defined in Sections 90-53 and 90-132.
2. The side setbacks are reduced to 2.5 feet for the existing structures only. Any new construction must meet the side setbacks as defined in Sections 90-53, 90-132, and 90-144.

Chairman Cox stated this was a public hearing and asked if the applicant was present. Applicant present, but did not provide any additional information.

Chairman Cox stated this was a public hearing and asked if there was anyone to speak for or against the Variance. Hearing none, he closed the public hearing and called for a motion.

Commissioner Wilder made a motion to approve with conditions VA21-10-06, Variances to Sections 90-53 *List of Lot and Structure Requirements* and 90-132 *Nonconforming Uses of Land and Structures*, Tax Map 072D Parcel 045, 0.19 +/- acres, located at 413 La Vista Drive, and currently zoned R-1 (Single Family Residential). Commissioner Futch seconded the motion. The motion carried unanimously.

(H2g4) VA21-10-07, Variance to Section 90-144(c)(1) *Placement of Buildings and Structures*, Tax Map 078 Parcel 252, 0.49 +/- acres, located at 3493 Greenway Drive, and currently zoned R-3 (Single Family Residential).

Staff member Will Butler stated the following:

- This is a request for a variance to Section 90-144 (c)(1) *Placement of Buildings & Structures* for property located at 3493 Greenway Drive on 0.49 +/- acres and currently zoned R-3 (Single Family Residential) to permit a fence over 8' in height to be located within the building setbacks.
- The subject property is located on Greenway Drive within The Summit residential development.
- The property also has frontage on Furys Ferry Road.
- Property within The Summit is zoned R-3 and property across Furys Ferry is zoned R-1 (Single Family Residential).
- A similar variance for 3497 Greenway within the same development was heard at the September 19th Planning Commission meeting.
- The applicant is requesting to keep an existing fence that is 12 feet high along the frontage of Furys Ferry Road and is noted as approximately 108 feet in length according to the receipt from the fence installation.
- Per documentation provided by the applicant, the fence is approximately 25 feet from the property line (approximately 78 feet from the centerline of Furys Ferry).
- The elevation change noted by the applicant is due to the existing topography on the Furys Ferry frontage which slopes downward from the existing roadway to the applicant's property.
- The widening project will have a multiuse path and a concrete barrier along the entirety of the project, however, in this area, the right of way will have to be built up to accommodate the path with a retaining wall and the barrier at the edge of the right of way.
- Where this request differs from the previous request at 3497 Greenway is that the difference in topography between the applicant's lot and the future height of the multiuse path does allow for a lower height to be perceived than what is actually there.
- As noted on the sections provided with the request, the multiuse path will be approximately 4 to 6 feet higher than the applicant's property with an additional barrier above that of approximately 30".
- Due to this height difference, a person or vehicle traveling down Furys Ferry would see less than 8 feet of the fence depending on where they were along the applicant's property.
- Staff recommends to approve with condition:

Condition

Planning:

Additional plantings utilizing trees and/or shrubs shall be provided outside of the temporary construction

easement. Design shall be coordinated with the Columbia County Landscape Architect and the Pre-Construction Manager prior to installation.

Planning Commission questions/comments/concerns:

Chairman Cox questioned staff about the Board of Commissioners decision on a similar previous request along Greenway Drive.

Director Scott Sterling answered the item was tabled to the December 21, 2021 Board of Commissioners meeting to allow staff time to create a possible overlay with height and design standards for this area. Staff has not had the opportunity to discuss the overlay in more detail and any text amendment decisions will be required to go through the public hearing process as well which may take until approximately February of 2022. It is unknown at this time whether the Board of Commissioners will continue to table the item until decisions have been made on any text amendments. There is still a chance the text amendments may not allow the height requested by either applicant and that they will still need a variance to the code.

Chairman Cox stated this was a public hearing and asked if the applicant was present.

William Stone, 3493 Greenway Drive:

- Request to move the item along to the Board of Commissioners to go along with the previous request.
- The fence appears to be 8 feet from Furys Ferry because of the topography.
- Expressed concerns about safety of his family and others that may pass by his property.

Chairman Cox stated this was a public hearing and asked if there was anyone else to speak for or against the Variance. Hearing none, he closed the public hearing and called for a motion.

Commissioner Futch made a motion to disapprove VA21-10-07, Variance to Section 90-144(c)(1) *Placement of Buildings and Structures*, Tax Map 078 Parcel 252, 0.49 +/- acres, located at 3493 Greenway Drive, and currently zoned R-3 (Single Family Residential). Commissioner Carraway seconded the motion. The motion carried unanimously.

(H2h) Text Amendments

(H2i) Items Added (which need immediate action)

I. LEGAL MATTERS

J. STAFF AND COMMISSIONER COMMENTS

K. PUBLIC COMMENTS AND PARTICIPATION

William Stone expressed concerns about the Planning Commission recommending disapproval of his request after recommending approval for the previous request on Greenway Drive on October 7, 2021.

There was no further business to discuss; therefore Commissioner Futch made the motion to adjourn the meeting at 7:09p.m. Commissioner Carraway seconded the motion. Motion carried unanimously.

Signature on File

Jim Cox, Chairman

Signature on File

Scott Sterling, Planning Services Director