

**LUMPKIN COUNTY
BOARD OF COMMISSIONERS
Appeal Hearing Agenda
Lumpkin County Park & Recreation Community Center
Heritage Room
365 Riley Road
Dahlonega, Georgia**

**April 15, 2010
5:30 P.M.**

I. CALL TO ORDER

Chairman Raber

II. APPEAL HEARING

- Appeal By: Karen Patel

Appeal of the Lumpkin County Planning Commission's denial of a variance requesting a reduction in the building setback requirements of the Land Development Regulations to construct a shed at 179 Morgan Lane in Castleberry Ridge Subdivision.

IV. ADJOURN

Chairman Raber

**LUMPKIN COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING NOTES**

April 15, 2010

CALL TO ORDER

Chairman Raber called the appeal hearing to order at 5:29 p.m. in the Park and Recreation Community Center Heritage Room. Present were John Raber, Bill Scott, Tim Bowden and Clarence Stowers. Clarence Grindle was not present.

Motion: Commissioner Bowden made a motion to approve the agenda which was seconded by Bill Scott. All district commissioners present approved the motion and the motion carried.

Appeal Hearing - Appeal By: Karen Patel

Appeal of the Lumpkin County Planning Commission's denial of a variance requesting a reduction in the building setback requirements of the Land Development Regulations to construct a shed at 179 Morgan Lane in Castleberry Ridge Subdivision.

The Chairman read the purpose of appeal hearing. He then read the rules and regulations of appeal hearings so that all participants understood how the hearing would be conducted.

Karen Patel's builder, Paul Shivers, spoke first on Ms. Patel's behalf, explaining why they had wanted this variance approved by the Planning Commission. He said they wanted to get away from the 36% slope which is on part of the property. Ms. Patel explained the difficulty of the steep drop and why she does not want to position the shed farther back on her lot.

Ms. Patel then said the subdivision homeowners association has approved her request as has the architectural committee. She said that each had provided her with a letter stating this. She said that she was not told that there were covenant rules in her neighborhood and only learned of this later. Ms. Patel said that when she learned that she was expected to pay homeowners association fees that she refused to do so until an actual association was formed by the homeowners rather than pay the developer.

Buzz Comstock, Chairman of the Lumpkin County Planning Commission, then spoke concerning the variance request. He said that several months previous the Planning Commission granted permission to Ms. Patel to finish her porch. For this most recent variance the Planning Commission received letters from other homeowners who did not want this second variance to be granted. Denial of the variance was a unanimous vote by the Planning Commission. Mr. Comstock said that it is his opinion that a building could be constructed within the approved setback without issuing a variance.

Planning Director Larry Reiter said he is concerned because the septic system goes almost all the way over to the property line where Ms. Patel wants to build this garage. He has heard from several neighbors who feel that allowing this garage to be built in the manner Ms. Patel wants it built would adversely affect their property value.

Neighbor Tara Bohanon, whose property is directly to the left of Ms. Patel, wants to know the height of the structure. This information was not forthcoming so the Planning Director made a guess as to the height.

Mr. Comstock said that Ms. Patel mentioned that she might purchase a motor home and boat to house in this garage. She said that her neighborhood covenants require that any such items be housed under a roof.

Neighbor Vicki Lynn Nimer owes the vacant lot to one side of Ms. Patel and plans to build within the next month. She does not want the proposed building on her property line. Ms. Nimer spoke about the reason for

the neighborhood covenants. She said that initially Ms. Patel said she wanted a small structure for a lawnmower tractor and a rake.

Duane Baker, another neighbor, is to the left of Ms. Bohanon. He said he and his wife were the first to move into the neighborhood. He is concerned about the property value of his home should this structure be built.

Mr. Comstock said, to sum up, that when the commission voted to turn down Ms. Patel it was turning down her request to build within five feet of the property line. Commissioner Bowden asked a question about the setback to which Mr. Comstock replied that Ms. Patel wants to build 15 feet within the setback.

Commissioner Stowers pointed out that in the past when these Planning Commission denials had been approved by the Board of Commissioners it was only done on the basis of a hardship condition. He said that Ms. Patel had not convinced him that the Planning Commission denial of variance was a hardship because she had other options.

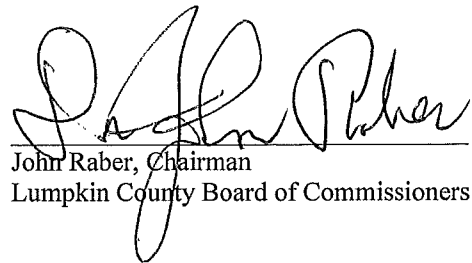
***Motion:** Commissioner Stowers moved to deny Ms. Patel's appeal. That motion was seconded by Bill Scott and approved by Commissioners Scott, Bowden and Stowers. The motion carried and the appeal was denied.*

Commissioner Stowers pointed out to Ms. Patel that decisions are made on the basis of "what" it is and not "who" it is.

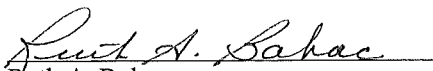
ADJOURN

Chairman Raber ended the hearing at 5:56 p.m.

5/20/2010
Date


John Raber, Chairman
Lumpkin County Board of Commissioners

Attest:


Ruth A. Bohac
Clerk, Lumpkin County