

MINUTES
Planning and Development Commission
July 7, 2009

Members Present: Whit Kennedy, Chairman
Doug Brackett, Secretary
David Burnett
Donna Turner Williams
Les Green
John Campbell
E. Kent Miller
Jerry Gaines

Members Absent: Phillip Lawson

Staff Present: Allison Ezell
Laurie Horton
Savannah Sabo
Edwin Haskell
Transcriptionist

1. Call to Order

Whit Kennedy called the meeting to order.

2. Approval of Minutes of June 2, 2009

Doug Brackett made a motion to approve the June 2, 2009 minutes as submitted. E. Kent Miller seconded the motion. The vote carried unanimously.

3. Old Business

None

4. Public Hearings

A. Variance- Stonewood Crossing (Preliminary)

Allison Ezell presented the background information to the Planning Commission.

David Burnett entered the Planning Commission Meeting at 4:37 p.m.

Allison Ezell informed the Planning Commission that Larry Flynn, the Attorney, representing Stonewood Crossing and the developers were present to answer any questions. She stated that the Developers were introducing a new type of home design called Magnolias, which five lots were approved at the March 3rd, 2009 Planning Commission Meeting and were currently under construction. They would like to use the same new concept of homes of nine approved lots into 18 lots and reduce the front lines.

Allison Ezell stated that she included on the power point, the section that was approved in March by the Planning Commission.

Whit Kennedy stated that this variance was similar to the “The Reserve at Carriage Gate” which asked for a blanket variance on multiple lots.

David Burnett found the minutes from the meeting on “The Reserve at Carriage Gate” and discussed with the County Attorney and Planning Commission Members.

Larry Flynn, Attorney representing Stonewood Crossing, stated that the Developers found that there was a market for these new Magnolias style homes which were 1500 square feet with smaller yards. He stated that the Developers were asking for the variance to keep the new homes even throughout the subdivision for the aesthetics of the subdivision. He stated that if the lot frontage for these homes was altered then it will affect the overall appearance of the subdivision. Mr. Flynn stated that the Developers purchased the lots as designed platted lots and were not aware of setback issues. He also stated that they were not aware of any opposition against the frontage requirements from the adjoining property owners.

Whit Kennedy read the Minutes from the Public Hearing on “The Reserve at Carriage Gate” to the Planning Commission Members.

Edwin Haskell stated that the Public Hearing for “The Reserve at Carriage Gate” found no legal basis for a variance request but basically the same principle as Stonewood Crossing. He stated that the Developers created the need for the variance when it could have been avoided if the lots had been redesigned. He stated that one of the requirements of granting a variance is that the condition

cannot be created by the one seeking the variance.

Whit Kennedy stated that the Variance approved for Stonewood Crossing in March 2009 was approved when three of the lots did not meet the road frontage for the subdivision and created five non conforming lots. The Planning Commission agreed that you cannot grant a variance based on aesthetics and economics.

The Developer stated that they bought the lots within the subdivision as designed and that they did not take into consideration the aesthetics of the property.

Whit Kennedy stated that he was not sure if State Law would allow for a blanket variance and that every parcel stands alone. He stated that the Planning Commission did not have the authority to allow the approval of all the variances.

David Burnett stated that the subdivision did not meet the first variance requirements on extraordinary and exceptional conditions to the particular piece of property. The difficulty or hardship would result from these conditions and from no other cause, including the actions of the owner or previous owners.

The Planning Commission asked how many lots the developer would lose if they met the Ordinance. The developer stated that they would lose two to three lots. He stated that the houses could not be redesigned and if they met the Ordinance it would affect the appearance of the subdivision.

Whit Kennedy opened the public hearing.

Bill Dixon, with Mungo Homes and Vice President of Land Development was sworn in. He stated that the distance between the homes was important and a few feet would make a difference on the appearance of the subdivision.

Chris Barrett, with Mungo Homes, was sworn in. He stated that these new homes were introduced in Columbia in two communities. They have been very well received and have received no complaints. He stated that the new home owners would have narrower lots with the same square footage as other homes in the subdivision. The new home owners would have the opportunity to have less yard maintenance and up keep and enjoy a spacious home. Mr. Barrett stated that they had subdivided these lots in Richmond County instead of asking for a variance due to the fact that they met the minimum lot line. The dimensions of the homes are 26 X 55, 22 X 52 and 26 X 36.

Whit Kennedy closed the Public Hearing.

Mr. Kennedy stated that it was difficult to grant a variance for 37 feet when it

could legally be built for 40 feet. This was an existing legal lot and there was no legal basis for the variance request.

Allison Ezell stated that the subdivision was originally submitted as patio homes in 2003.

Larry Flynn asked that if the five lots that were granted in March 2009 were vested if the 18 lots were denied.

Whit Kennedy stated yes the five lots were vested.

Jerry Gaines made a motion to deny the variance. Doug Brackett seconded the motion. The vote carried unanimously.

5. Discussion Items

None

6. Unified Land Management Ordinance #0-99-015

A. Subdivisions

1. Major (Preliminary Plats)

None

2. Major (Final Plats)*

None

3. Minor (Summary Plats)*

a. Southco Builders

b. Bare Acres

Allison Ezell recommended for the Planning Commission to read Southco Builders and Bare Acres into the record as approved.

E. Kent Miller made a motion to read Southco Builders and Bare Acres into the record as approved. Les Green seconded the motion. The vote carried unanimously.

4. Minor (Private Road Developments)*

None

5. Minor (Family Property)

None

B. Land Development

1. Major (Preliminary Plats)

None

2. Major (Final Plats) *

None

3. Major (Site Plans)

None

4. Minor (Summary Plats) *

None

5. Major (Summary Plats)*

None

6. Preliminary Extension Request

None

7. Other Business

None

8. Adjournment

Les Green made a motion to adjourn. Donna Turner Williams seconded the motion. The vote carried unanimously. The meeting adjourned at 5:22 p.m.

By: _____
Doug Brackett, Planning Commission Secretary

Prepared by:
Planning Department Staff