



# PUTNAM COUNTY PLANNING & DEVELOPMENT

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## Minutes

The Putnam County Planning & Zoning Commission conducted a public hearing on Thursday, May 6, 2021, at 6:30 P.M. in the Putnam County Administration Building, 117 Putnam Drive, Room 203, Eatonton, Georgia.

### Opening

1. Call to Order  
Chairman James Marshall, Jr. called the meeting to order
2. Attendance  
Mr. Ben Schmitt called the Attendance.

### PRESENT:

Chairman James Marshall, Jr.  
Vice-Chairman Tim Pierson  
Member Maurice Hill, Jr.  
Member Martha Farley  
Member John Mitchell

### STAFF:

Ms. Lisa Jackson  
Ms. Courtney Andrews  
Mr. Ben Schmitt  
Putnam County Attorney, Mr. Adam Nelson

3. Rules of Procedures  
Ms. Courtney Andrews read the Rules of Procedures.

### Minutes

4. Approval of Minutes- April 1, 2021  
Motion to approve the April 1, 2021 minutes made by **Member Hill**, Seconded by **Member Farley**  
Voting Yea: **Chairman Marshall, Vice-Chairman Pierson, Member Hill, Member Farley, Member Mitchell**

### Requests

5. Request by **Charles B. and Cathy M. Walsh** for an appeal of the decision made by the Director of Planning & Development at 168 Riverview Road. Presently zoned R-2. [Map 057C, Parcel 202, District 4]. **Attorney Ian McMullen** represented the request. He stated that there are two lots, 11 and 12, of Riverview Road. The lots in this neighborhood date back to 1954 and are small non-conforming lots based on the current Putnam County Code of Ordinances. **Attorney McMullen** added that after acquiring the lots in 2003 and 2005, the Walsh's original plan was to combine both lots and build a larger home. He stated that his clients submitted the recorded plat to the Planning & Development Department for

approval. The Walsh's plans have changed, and they wish to divide the lot and sell them as they were originally platted. He also quoted section 66-55(c)(1) of the Putnam County Code of Ordinances. **Attorney McMullen** indicated that had his clients not recorded the plat, they could have sold the lots as two non-conforming lots. He added that the Planning and Zoning Board's consideration of the Walsh's request could set an important public policy precedent. A denial could make it unfavorable to citizens recording new plats because they will be penalized if they do so. **Attorney McMullen** stated that his clients only wish to sell their property as it was when they purchased it. **No one spoke in opposition to this request.**

**Vice-Chairman Pierson** asked if this matter originally went before Planning and Zoning Board or was the plat only submitted to the Planning & Development Department for approval or to be rezoned? **Attorney McMullen** responded no, the plat did not go before the Planning and Zoning Board, nor was the property rezoned. The Planning & Development Department approved the plat for recording in 2006 and it was later recorded at the courthouse. **Vice-Chairman Pierson** asked if they were submitting paperwork or intended to combine the lots? **Attorney McMullen** replied that his client would address this matter. **Mr. Walsh** noted that he intended to combine the lots to build a new home. As a real estate appraiser, he has never seen a building placed on two separate parcels. He changed his plans based on the state of the neighborhood and the pricing of new home construction. **Member Mitchell** asked if the lot, as it currently sits as a larger lot, would not sell for a reasonable price given one of the neighboring properties sold for half a million dollars? **Mr. Walsh** countered that the value yielded per lot would be more valuable than selling the land as a whole. He added that the tax office often lowers the tax value when you combine two lots. **Member Mitchell** asked about the condition of the house on lot 12. **Mr. Walsh** answered that it is in good condition and that his family has used it as a bunkhouse in the past.

**Ms. Jackson** noted that the request before the Planning and Zoning Board is an appeal of her decision for denial as Director of Planning and Development. She specified that the applicant submitted a plat to subdivide a parcel that would create non-conforming lots. The Putnam County Code of Ordinances does not allow the creation of non-conforming parcels; therefore, she denied the request. An appeal has to be heard before the Planning & Zoning Board. **Member Hill** asked if this division occurred, it would make two non-conforming lots? **Ms. Jackson** confirmed. **Vice-Chairman Pierson** asked if the Walsh's plat had not been submitted for recording, then they would not have to come before the board? **Ms. Jackson** responded that was correct because they would be existing non-conforming lots, but once they are combined, that status is lost. Therefore, subdividing would recreate non-conforming lots. **Vice-Chairman Pierson** asked if this would still be the case even with the same owner wanting to undo what they previously did? **Ms. Jackson** answered that she does not have the authority to allow them to create non-conforming parcels. As the previous parcels were developed in 1956 and were legal non-conforming lots. The lots were legal at the time of development; however, once the lots were combined, they became one parcel and lost their grandfathered status. Therefore, any other action will be restoring the non-conformity back. **Vice-Chairman Pierson** questioned the county attorney if the board had the legal authority to grant this request for an appeal? **Attorney Nelson** replied that his office reviewed the request and came to the same conclusion that Ms. Jackson did. When the plat was filed, it became the plat of record under O.C.G.A. 44-2-27. He did not see any legal authority to create a non-conforming lot just because the lots were non-conforming in the past.

Motion to uphold the Director of Planning & Development's denial of the request by **Charles B. and Cathy M. Walsh** made by **Member Mitchell**, seconded by **Member Farley**.

Voting Yea: **Chairman Marshall, Vice-Chairman Pierson, Member Hill, Member Farley, Member Mitchell**

New Business

The summer conference at Lake Lanier is moving forward. Further information will be made available closer to the date, which will take place between August 18-20. There will be two sessions on Wednesday during our time at the conference.

Adjournment

The meeting adjourned at approximately 7:10 P.M.

Attest:

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Lisa Jackson  
Director

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Tim Pierson  
Vice-Chairman