



PUTNAM COUNTY PLANNING & DEVELOPMENT

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Minutes

Thursday, November 7, 2024, ♦ 6:30 pm

Opening

1. Call to Order

Chairman John Mitchell called the meeting to order at 6:30 pm.

2. Attendance

Mrs. Angela Waldroup called the Attendance.

Present: Chairman Mitchell, Member Charles Hurt, Member Harold Jones, Member Shad Atkinson

Staff: Attorney Adam Nelson, Director Lisa Jackson, Assistant Director Courtney Andrews

3. Rules of Procedures

Chairman John Mitchell read the Rules of Procedures.

Minutes

4. Approval of Minutes- 10-3-24

Motion: **Chairman Mitchell** made the motion to table the 10-3-24 P&Z minutes until the 12-5-24 P&Z Public Hearing Meeting.

Second: **Member Atkinson**

Voting Yea: **Vice Chairman Hill, Member Hurt, Member Jones, Member Atkinson, Chairman Mitchell**

The minutes were tabled by a vote of 4.

Requests

5. Request by **Jennifer Bass and James Walker Jr.** for a rear and side yard setback variance at 407 East River Bend Drive. Presently zoned R-1R. [**Map 120B, Parcel 004, District 3**].* **Ms. Jennifer Bass** represented this request.

Ms. Jennifer Bass stated that she and Mr. Walker Jr. purchased the property about a year ago and shortly after, they began the construction of a pool. The property is narrow towards the lake and widens as it gets closer to the road. It's also marked by some steep property, which they had to take account for when doing the construction. Ms. Jackson did their permit for their pool and their necessary retaining wall for the pool. During the construction they decided to connect the pool deck to the retaining wall, not realizing that it was a violation of code, and they apologized. She stated that they are going to fix it, pull up the tile and create a green space. To do that, and follow all guidelines, they were asking the commission to grant a 3.75 ft variance on the back edge so that they can make the lines on the deck fall where they need to. They have done several things to mitigate any sort of negative aesthetics for this. They installed 18 evergreen trees along the property line and installed a stone façade. When they were measuring for the retaining wall and pool deck, it was discovered that it was 61 ft from the nearest point of the lake instead of 65 ft. and they

are asking for a 4 ft. variance. **Ms. Bass** added that she had photos to show the plan of the green space.

The following person spoke in Opposition of the request and was given 10 minutes:

Ann Foster

Mr. Dan Butler is the contractor for the owners. He stated that he had met with Ms. Jackson on site and marked the property line and measured to the 15 ft. setback which was later lined in blue tape. Inside the blue tape was the location for the green space and artificial turf.

Chairman Mitchell asked if the blue tape is toward the Foster's property.

Mr. Dan Butler confirmed yes.

Member Jones shared that his neighbor built a garage but came to him first. The first thing they should have done, with a construction that was that large was go to their neighbors and show them the plans and get their ideas.

Ms. Jennifer Bass stated that **Member Jones** had a good point and that was something that they should have done. They had not been there a lot of the time and had just bought the property and didn't know the neighbors that well and apologized for not going to them in advance.

Member Atkinson stated that he is curious about the attempt to turn it to green space and asked if it would be astro turf because when he heard green space earlier he thought they were referring to returning it to natural ground by planting trees.

Ms. Bass stated that they hadn't decided on exactly what they were going to do but they are removing the tiles.

Member Atkinson asked if when they were done, would the retaining wall be a separate structure from the pool area.

Ms. Jennifer Bass confirmed yes.

Member Atkinson asked Ms. Jackson for clarification. He stated that the retaining wall was not in violation and once they were separated then the only problem is the 4 ft. that was exceeded on the lakeside.

Ms. Jackson confirmed that the 4 ft. is needed at the bottom corner where the lot goes and narrows towards the lake. In order to stay in a straight line, the bottom end of the pool is encroaching the 15 ft. even if they tear out all of the other part.

Chairman Mitchell asked if that means that in the green space area will the fence be moved and be more like a retaining area?

Ms. Jennifer Bass confirmed yes.

Mr. Dan Butler stated that a retaining wall requires a fall protection fence. So, the steel fence that is connected to the retaining wall must remain per code.

Chairman Mitchell then asked if there was a need or would they consider an additional fence.

Ms. Jennifer Bass stated that if it is code that they would but that if it wasn't then they probably wouldn't.

Chairman Mitchell stated that he had a few other questions and asked Ms. Jackson for clarification. The packet that was presented to them reflects a pardon for a 11.25 ft. side property line reflecting the area that will not include the green space. What is reflected there is a total separation between the area, that was the retaining wall and the actual pool. If they were to decide to agree, this request would go forward to the county commissioners.

Ms. Jackson clarified that the request stopped with the P&Z board.

Chairman Mitchell stated that he feels that what was presented, was separate from what was requested in the photograph with the overlay.

Member Atkinson states that it seemed to him that some additional agreements need to be obtained in terms of what was going to be done to comply with the county ordinance. Also, the pictures that show the concrete pavement surrounding the pool seemed to be significantly over the request for the variance and until those issues are resolved, he didn't know what they could do.

Chairman Mitchell stated that it might be appropriate to table this until they could get more information. There was a hardship for both parties. Part of it was because of the encroachment. They were asking for forgiveness for things that occurred prior to and was not saying that it was intentional, but it had incurred a hardship in terms of perhaps the value of the property adjacent to them and that could be significant. A hardship is one of the reasons variances are granted. However, there was a hardship on part of the neighbor and that needed to be considered as well.

Ms. Jennifer Bass stated they were trying to mitigate that by installing the evergreen trees and the stone façade.

Attorney Adam Nelson stated that he was speaking with Ms. Jackson and wanted to clarify that Mrs. Foster's pictures did explain how they got to where they were. The retaining wall was separate and was allowed in those setbacks but later the applicant made the wall a part of the structure. That's when it became a violation. The request is to return that area back into a retaining wall. There will still be an encroachment and that's why the variance was requested.

Ms. Jackson stated that the green area is the area that will be removed and torn out. The applicants were asking for that corner down at the bottom of both the lake and the right side.

Mr. Dan Butler showed the area that would be removed.

Attorney Adam Nelson stated that if Chairman Mitchell's intentions were to ask the applicant to amend their request, this body had the right to add conditions. It was fine to

table the request, but he wanted to clarify that they understood what the applicant was requesting.

Member Jones asked Mrs. Foster to come back to the podium and share her ideas on fixing the problem.

Mrs. Foster restated that she didn't understand the green area and what they were going to do in that area.

Member Jones stated that the space was going to be removed and would look the same. It would be a usable area. He asked if this was something they could work out.

Mrs. Foster stated that she didn't know and had never met them. She felt a little awkward complaining about this. She added that the contactors knew they were violating the setbacks when they added the dirt and connected the patio to the wall.

Member Jones clarified that once the changes were made, they would still have the retaining wall.

Mrs. Foster responded that she understood the retaining wall but did not understand the green space. She asked if they were going to plant grass there or are they just going to pull up the travertine, however thick it is and just lay astro turf there and let it be a part of the pool deck. She added that she asked for an open records request on the 18th and was told that there were no documents.

Member Jones stated that he saw both points.

Chairman Mitchell stated that they weren't going to be able to resolve it. He added that they needed to see if they could come up with some reasonable ideas with staff. He made a motion to table the request.

Motion: **Chairman Mitchell** made the motion to table the request until the December 5, 2024 P&Z Public Hearing Meeting.

Second: **Member Jones**

Voting Yea: **Member Hurt, Member Jones, Member Atkinson, Chairman Mitchell**

The motion was approved by a vote of 4.

New Business

None

Adjournment

Meeting adjourned at approximately 7:09 pm

Attest:

Lisa Jackson

John Mitchell

Director

Chairman