



# PUTNAM COUNTY PLANNING & DEVELOPMENT

117 Putnam Drive, Suite B ♦ Eatonton, GA 31024

Tel: 706-485-2776 ♦ 706-485-0552 fax ♦ [www.putnamcountyga.us](http://www.putnamcountyga.us)

## Appeal Public Hearing

Thursday, May 06, 2021 ♦ 6:30 PM

Putnam County Administration Building – Room 203

### Opening

1. Call to Order
2. Attendance
3. Rules and Procedures

### Minutes

4. Approval of Minutes- April 1, 2021

### 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].**

### New Business

### Adjournment

The Planning & Zoning Commission meeting will be conducted pursuant and in accordance with O.C.G.A. Chapter 36-66.

**Notice:** All opponents to any rezoning request on the Planning & Zoning Commission and the Board of Commissioners agendas must file a disclosure of campaign contributions with the Planning & Development Department within five calendar days prior to public hearings if you have contributed \$250.00 or more to an elected official in Putnam County within the last five years.

The full meeting package can be reviewed in the Planning & Development office upon request.

Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Compliance Officer, at least three business days in advance of the meeting at 706-485-2776 to allow the County to make reasonable accommodations for those persons.

**File Attachments for Item:**

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].**



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City of Eatonton   
Putnam County

PLAN2021-00875

## APPEAL APPLICATION

THE UNDERSIGNED HEREBY REQUESTS AN APPEAL BEFORE THE:

X PLANNING & ZONING COMMISSION

APPLICANT: Charles B. and Cathy M. Walsh

ADDRESS: 172 Riverview Road  
Eatonton, GA 31024

PHONE: 770-595-4623

### APPEAL IS AGAINST: (check one of the following)

X Decision made by the Director or Building official of  
Planning & Development  
\_\_\_\_\_ Technical Review Committee

### REASON FOR APPEAL:

P&D lacks authority to deny request under Putnam County ordinance 66-55(c).

FILING FEE (\$110.00 - CHECK NO. \_\_\_\_\_ CASH \_\_\_\_\_ C.C.

SIGNATURE OF APPLICANT: Charles B. & Cathy M. Walsh DATE: 4/26/2021

\* ALL APPEALS MUST BE FILED WITHIN TEN DAYS OF SAID DECISIONS PER THE PUTNAM COUNTY CODE OF ORDINANCES,

- CHAPTER 66 - ZONING, SEC. 66-157(d)(1) AND SEC. 66-158 (c)(1),
- Chapter 28 - Development Regulation - Sec. 28-101.

OFFICE USE: DATE FILED: 4-29-2021 RECEIVED BY: CJA  
 DATE OF DECISION MADE BY DIRECTOR OF PLANNING & DEVELOPMENT: 4-16-2021  
 DATE BUILDING PERMIT ISSUED: \_\_\_\_\_  
 DATE HEARD BEFORE PLANNING & ZONING COMMISSION: 5-6-2021

**From:** [ian@fosheemcmullen.com](mailto:ian@fosheemcmullen.com) <[ian@fosheemcmullen.com](mailto:ian@fosheemcmullen.com)>

**Sent:** Monday, April 26, 2021 10:06 AM

**To:** Lisa Jackson <[ljackson@putnamcountygga.us](mailto:ljackson@putnamcountygga.us)>

**Cc:** 'Adam Nelson' <[anelson@flemingnelson.com](mailto:anelson@flemingnelson.com)>; 'Billy Webster' <[billy\\_webster@windstream.net](mailto:billy_webster@windstream.net)>; Paul Van Haute <[pvanhaute@putnamcountygga.us](mailto:pvanhaute@putnamcountygga.us)>; 'Chuck Walsh' <[chuck.walsh.lake@gmail.com](mailto:chuck.walsh.lake@gmail.com)>

**Subject:** RE: Parcel 057C-202

Lisa,

Good morning. Attached is our letter appealing your decision to the Planning and Zoning Commission. I asked last week if Putnam County had any particular form for the appeal and have not heard back, so I assume there is no form and this letter will suffice. If you require a particular form, please let me know today so that I can get it submitted.

I have also attached a non-recordable version of the plat showing the original configuration of the property that we are seeking to go back to, along with the improvements located thereon. The surveyor died recently, so there has been no field work completed, but this should at least give the commission a visual representation so that they can see what is on the property currently.

Will you please email me back, letting me know that this is received and that you don't need anything else?

Thanks,

Ian

Ian M. McMullen

Foshee McMullen Law Group  
54 Marhsall Road  
Milledgeville, GA 31061  
Phone (478) 804-9971  
Fax (478) 804-0189

[www.fosheemcmullen.com](http://www.fosheemcmullen.com)

**PLEASE NOTE:**

PURSUANT TO O.C.G.A. §44-14-13, ALL FUNDS FOR CLOSING THAT EXCEED \$5,000.00 MUST BE PROVIDED IN THE FORM OF A BANK WIRE. NO EXCEPTIONS, INCLUDING FUNDS DRAWN ON LOCAL BANKS.

ANY AND ALL FUNDS FOR CLOSING DRAWN ON AN OUT-OF-STATE BANK MUST BE PROVIDED IN THE FORM OF A BANK WIRE.

PLEASE ASK FOR OUR FIRM'S WIRE INSTRUCTIONS, AS A DRAFT OR DIRECT DEPOSIT WILL NOT IMMEDIATELY POST TO OUR ACCOUNT AND WILL NOT BE AVAILABLE FOR IMMEDIATE CREDIT. FOSHEE MCMULLEN LAW GROUP, LLC, ACCEPTS PERSONAL CHECKS FROM LOCAL BANKS IN AMOUNTS UNDER \$500.00 AND ACCEPTS CERTIFIED OR OFFICAL CHECKS FROM GEORGIA BANKS IN AMOUNTS UNDER \$5,000.00.

WHEN SENDING CLOSING PROCEEDS BY WIRE, PLEASE CONFIRM WITH YOUR BANK THAT THE PROCEEDS ARE BEING SENT BY A WIRE AND NOT BY AN "ACH TRANSFER". WE CANNOT ACCEPT ANY PROCEEDS BY AN "ACH TRANSFER".

The information contained in this message is intended only for the personal and confidential use of the designated recipients named above. This message is protected by the Attorney-Client communication privilege and/or the attorney-work product doctrine and, as such, is privileged and confidential to the extent afforded by applicable law. If



FOSHEE  
MCMULLEN  
LAW GROUP

Foshee McMullen Law Group, LLC  
54 Marshall Road  
Milledgeville, GA 31061  
Phone (478) 804-9971  
Fax (478) 804-0189  
ian@fosheemcmullen.com

April 26, 2021

Putnam County Planning & Development  
c/o Lisa Jackson  
117 Putnam Drive, Suite B  
Eatonton, GA 31024

**RE: Lots 11 & 12, Little Riverview Subdivision (“Premises”)**

Dear Ms. Jackson:

As you know, this firm represents Charles B. and Cathy M. Walsh (“Walsh”), who own the above-referenced property.

This letter is to notify you, pursuant to Putnam County Code of Ordinances 28-101, that my clients appeal the decision rendered by you on Friday, April 16, 2021 denying their request to subdivide the Premises to the Planning and Zoning Commission.

Attached you will find a plat of the Premises showing the property as divided in the original subdivision plat. The attached plat shows the improvements which are currently located on Lots 11 and 12. As you may be aware, the original surveyor, Byron L. Farmer, died within the last month; however, this depiction should suffice to demonstrate to the Planning and Zoning Commission what the current layout of the two lots is, along with the improvements situate thereon.

To prevent any unnecessary delay, we would like to be heard, if possible, by the Planning and zoning Commission on their May 6, 2021 meeting. Please let me know if that is not possible.

Please let me know if you need any additional documentation to complete this appeal.

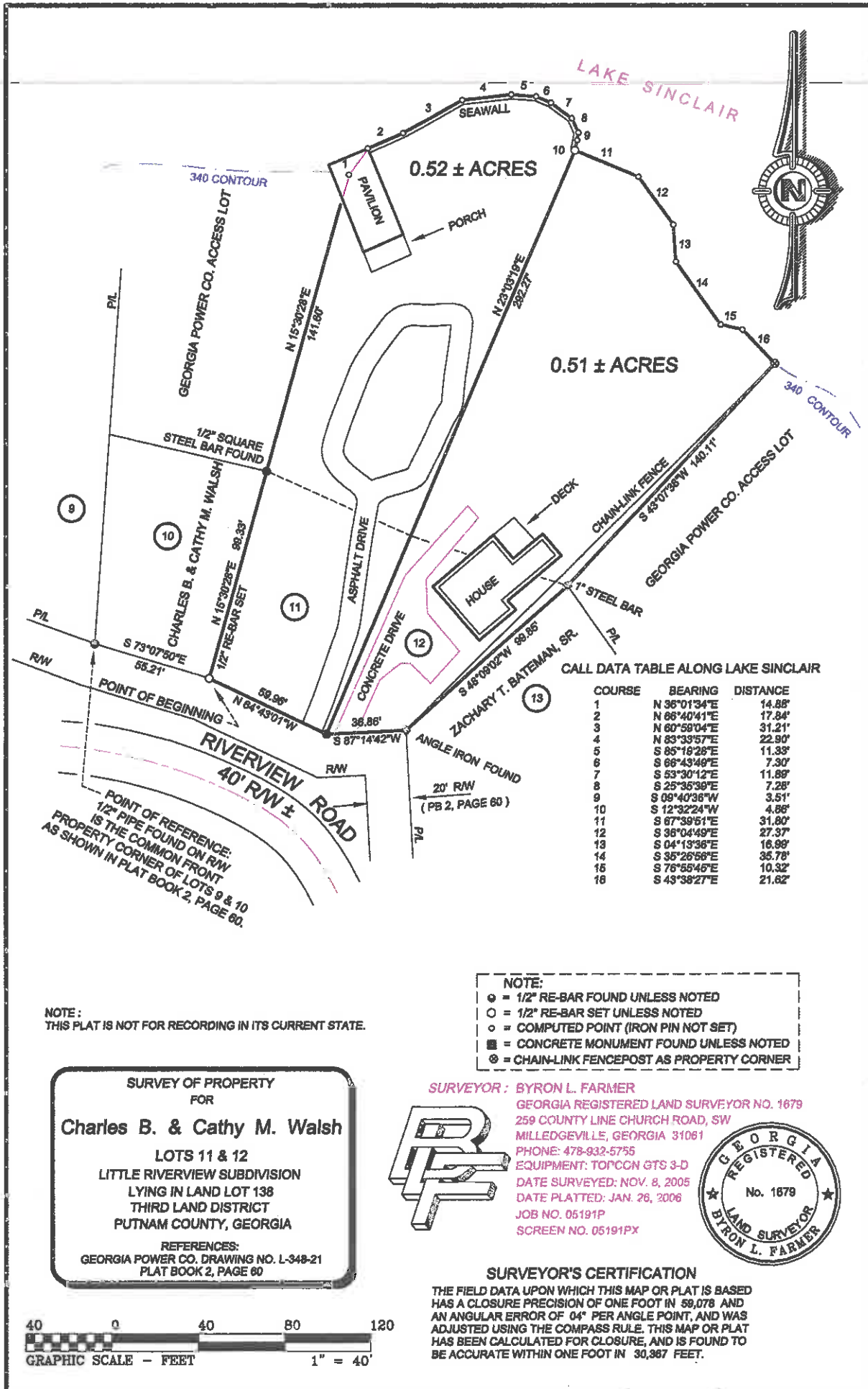
Sincerely,

/s/ Ian M. McMullen, attorney for  
Charles B. and Cathy M. Walsh

Ian M. McMullen

cc: Charles B. Walsh  
Adam Nelson

IMM








**Overview**



**Legend**

-  City Limit
-  Parcels
-  Parcel Numbers
-  Roads

<b>Parcel ID</b>	057C202	<b>Owner</b>	WALSH CHARLES B & CATHY M	<b>Last 2 Sales</b>			
<b>Real Key / Acct</b>	6705		170 RIVERVIEW RD	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Class Code</b>	Residential		EATONTON, GA 31024	11/8/2005	\$150200	FM	Q
<b>Taxing District</b>	PUTNAM	<b>Physical Address</b>	168 RIVERVIEW RD	8/12/2003	\$97500	FM	Q
<b>Acres</b>	0.84	<b>Land Value</b>	\$188750				
		<b>Improvement Value</b>	\$21153				
		<b>Accessory Value</b>	\$16984				
		<b>Current Value</b>	\$226887				

(Note: Not to be used on legal documents)

Date created: 4/29/2021  
 Last Data Uploaded: 4/28/2021 9:17:07 AM

Developed by 

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**From:** Lisa Jackson <[ljackson@putnamcountyga.us](mailto:ljackson@putnamcountyga.us)>  
**Sent:** Friday, April 16, 2021 8:43 AM  
**To:** [ian@fosheemcmullen.com](mailto:ian@fosheemcmullen.com)  
**Cc:** Adam Nelson <[anelson@flemingnelson.com](mailto:anelson@flemingnelson.com)>; Billy Webster <[billy\\_webster@windstream.net](mailto:billy_webster@windstream.net)>; Paul Van Haute <[pvanhaute@putnamcountyga.us](mailto:pvanhaute@putnamcountyga.us)>  
**Subject:** RE: Parcel 057C-202

Mr. McMullen,

In response to your April 2, 2021 correspondence concerning the request of your client, Charles B., and Cathy M. Walsh, to subdivide property in the Little Riverview Subdivision, the same is denied for the following reasons:

1. The requested division would result in the creation of non-conforming lots; and
2. The request for the subdivision of property did not include the submission of a valid plat.

In accordance with Section 28-101 of the Putnam County Code of Ordinances, this decision may be appealed to the planning and zoning commission if such appeal is filed with the Director of the Planning and Development Department within 10 days of the rendering of this correspondence.

Thank you,

Lisa Jackson

Lisa Jackson, MPA  
Planning Director  
117 Putnam Drive, Suite B | Eatonton Georgia 31024  
Office: 706-485-2776 | Fax: 706-485-0552  
Email: [ljackson@putnamcountyga.us](mailto:ljackson@putnamcountyga.us)

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**From:** [ian@fosheemcmullen.com](mailto:ian@fosheemcmullen.com) <[ian@fosheemcmullen.com](mailto:ian@fosheemcmullen.com)>  
**Sent:** Friday, April 2, 2021 8:07 AM  
**To:** Lisa Jackson <[ljackson@putnamcountyga.us](mailto:ljackson@putnamcountyga.us)>  
**Subject:** RE: Parcel 057C-202

Thanks, Lisa. I have attached a copy of the application. Do you mind taking a look and letting me know if you need anything else before I submit it? What's going on here doesn't exactly fit the application, so I just want to make sure you have what you need. Is the fee \$110.00?

Are you all open today, or are you closed for Good Friday?

Thanks,

Ian



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**Sec. 66-34. - General requirements.**

(f) *Lot sizes.* The following minimum lots sizes are established as follows for all residential zoned districts, unless greater amounts are required by the Putnam County Board of Health.

(1) Individual well and septic system:

a. Off-lake lot: 1.1 acre.

b. On-lake lot: 1.5 acre.

(2) Public well and septic system:

a. Off-lake lot: 30,000 square feet (.69 acre).

b. On-lake lot: 36,250 square feet (.83 acre).

(3) Individual well and sewer:

a. Off-lake lot: 30,000 square feet (.69 acre).

b. On-lake lot: 36,250 square feet (.83 acre).

(4) Public well and sewer: 20,000 square feet (.46 acre).

**Lisa Jackson**

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**From:** Adam Nelson <anelson@flemingnelson.com>  
**Sent:** Sunday, April 11, 2021 9:35 PM  
**To:** Lisa Jackson  
**Subject:** Reversion to Prior Subdivision Plat

Lisa,

You have asked me to review a request from a landowner to revert to a prior subdivision of property. Specifically, I understand the owners of lots within Little Riverview Subdivision have requested to return to the division of certain property that was combined by plat filed by the same property owners in 2006.

To begin, under O.C.G.A. § 44-2-27, “[w]hen any plat is filed by the clerk of the superior court, such filing shall be deemed a recording of the plat.” In the instant case, as I understand the facts, the landowners filed the current plat in 2006 with the express purpose of combining Lots 11 and 12 into one parcel. The landowners would now like to undo that action. However, this request would require the filing of a “new” plat, even if such plat is (for all intents and purposes) the same as a previous version.

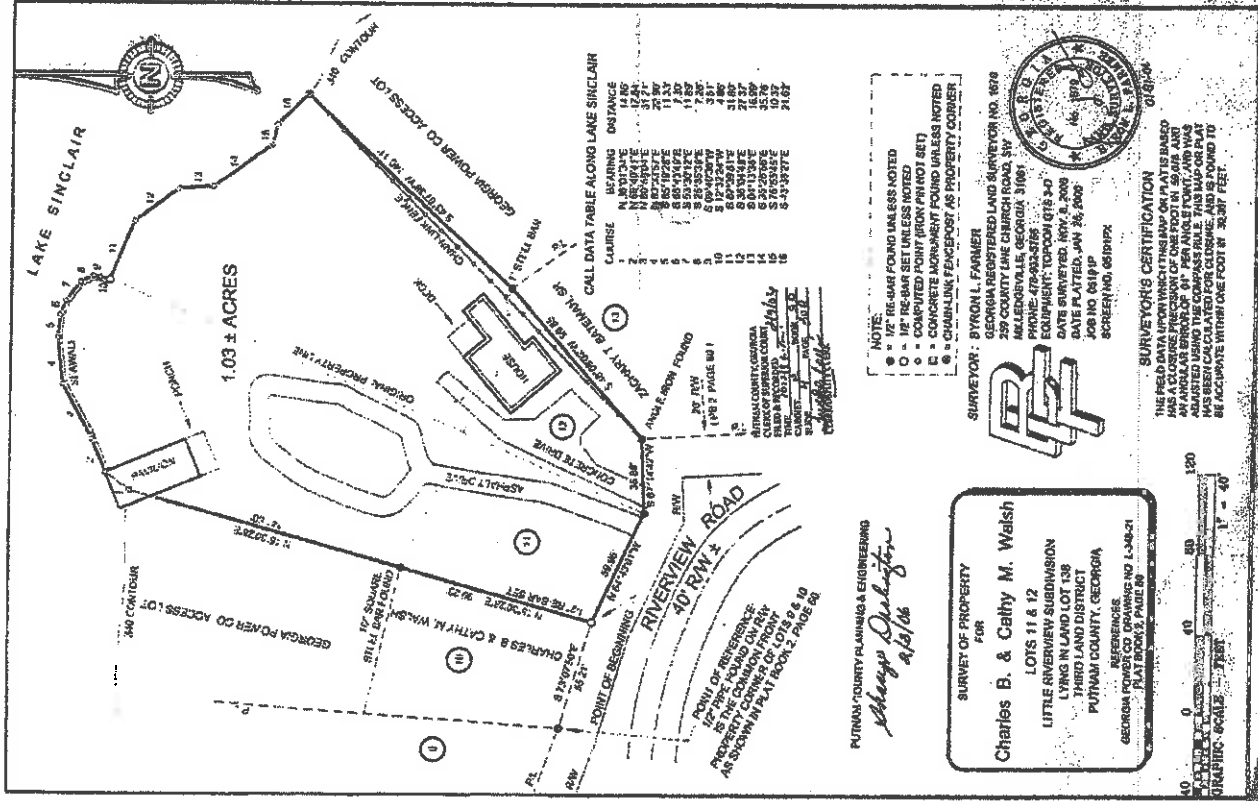
I also understand that the 2006 plat does not comply with the minimum lot size established by our Code of Ordinances. Georgia law makes clear that any filed plats must comply with local government development regulations. “Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations or land use regulations, or both, then no plat of a subdivision of land within the municipality or the county shall be presented for filing with the office of the clerk of superior court of a county without the approval of the municipal planning commission, county planning commission, municipal-county planning commission, or appropriate municipal or county governing authority.” O.C.G.A. § 15-6-67 (d).

I am not aware of any authority in Georgia law that allows a property owner to revert to a previous orientation unless the property owner refiles the requested plat with the applicable superior court. In the instant matter, if the proposed lot size does not comply with our Code, it is my opinion that the landowner may not change the dimensions of the parcels at issue.

Please let me know if I have any of the facts wrong or if you have any questions concerning the same.

Adam

F. Adam Nelson  
Fleming & Nelson, LLP  
P.O. Box 2208  
Evans, GA 30809  
(706) 434-8770



- NOTE:**
- 1/2" RE-446 FOUND UNLESS NOTED
  - 1/2" RE-368 SET UNLESS NOTED
  - 1/2" RE-368 SET (NON PATRIOT SET)
  - 1/2" RE-368 SET UNLESS NOTED
  - CONCRETE MONUMENT UNLESS NOTED
  - CHAIN LINK FENCE POST AS PROPERTY CORNER



**SURVEYOR'S CERTIFICATION**

THE FIELD DATA WHICH THIS MAP OR PLAT IS BASED UPON HAS BEEN CHECKED AND FOUND TO BE CORRECT AND ACCURATE WITHIN ONE FOOT OF 32.8 FT. PER 100 FEET.

**SURVEYOR'S CERTIFICATION**

THE FIELD DATA WHICH THIS MAP OR PLAT IS BASED UPON HAS BEEN CHECKED AND FOUND TO BE CORRECT AND ACCURATE WITHIN ONE FOOT OF 32.8 FT. PER 100 FEET.

**SURVEY OF PROPERTY**

FOR

**Charles B. & Cathy M. Walsh**

LOTS 11 & 12

LITTLE RIVERVIEW SUBDIVISION

THIRD IN LAND LOT 138

PUTNAM COUNTY, GEORGIA

REVISIONS

PLAT BOOK 3, PAGE 58

PUTNAM COUNTY PLANNING & ENGINEERING

*Cheryl Dubler*

2/15/06

