



Lee County - Leesburg - Smithville Planning Commission

CHAIRMAN JASON SHEFFIELD, VICE-CHAIRMAN JIM QUINN
JOHNNY GOLDEN, KYLE LUCKIE, MIKE MCVEY, SHIRLEY STILES, CHARLIE BARNER

MEETING MINUTES
July 11, 2024 at 6:00 P.M.
Opal Cannon Auditorium
T. Page Tharp Governmental Building
102 Starksville Avenue North
Leesburg, GA 31763

Members Present: Chairman Jason Sheffield, Vice-Chairman Jim Quinn, Commissioners Johnny Golden, Kyle Luckie, Mike McVey, and Charlie Barner

Members Absent: Commissioner Shirley Stiles

Staff Present: Interim Director Joey Davenport, Assistant Director Amanda Nava, and Office Manager/ Planning Assistant Kara Hanson

The Lee County Planning Commission met on Thursday, July 11, 2024. The meeting was held in the Opal Cannon Auditorium of the Lee County T. Page Tharpe Governmental Building in Leesburg, Georgia.

I. CALL TO ORDER

Chairman Jason Sheffield called the meeting to order at 6:02 p.m.

II. ACKNOWLEDGEMENT OF GEORGIA LAW REGARDING CAMPAIGN CONTRIBUTIONS

Vice-Chairman Jim Quinn read the Georgia Law regarding campaign contributions.

III. NEW BUSINESS

(A) None

IV. APPROVAL OF MINUTES

(A) **Approval of the minutes from the May 2, 2024 Planning Commission meeting.**

Commissioner Kyle Luckie made the **MOTION** to **APPROVE** the minutes as presented, seconded by Vice-Chairman Jim Quinn. The **MOTION** was unanimous with remaining Commissioners voting yea.

V. PUBLIC HEARINGS

VARIANCE APPLICATION

(A) **Palmyra Subdivision XII (Z24-009)** Lanier Engineering has submitted an application to the Lee County Planning Commission requesting a variance from the requirement for new residential subdivisions in accordance with section 70-94 of the Lee County Code of Ordinances. The property owner is Billy Boggus Construction, LLC. The subject property is zoned R-1 and is located off Fussell Road, parcel number 029C003, in Land Lot 248 & 233 of the Second Land District of Lee County, Georgia.

Public Hearing Discussion

Staff Presentation

Interim Planning Director Joey Davenport briefed the commissioners on the staff report. He stated the



applicant proposes to develop the subject property with 35 single-family residential lots. The applicant requests a variance from the greenspace requirements of the Lee County Zoning Ordinance. The applicant indicates a proposed amount of greenspace that totals 2.843 acres equivalent to approximately 7.85 percent of the total property area of proposed Palmyra Subdivision Section 12. Lee County Zoning Ordinance Sec 70-94 (Land Conservation) establishes requirements for greenspace preservation in the process of major subdivision development. Sec 70-94(a)(3) states when a major subdivision development will be served by the County water system or sewer system, a minimum 25 percent of remaining developable land (after identifying unbuildable land such as steep slopes, storm water retention areas, etc.), shall be preserved as greenspace. He concluded the request does not abide by the ordinance therefore the staff did not feel that it was appropriate to make the decision to allow or deny this variance application.

Chairman Jason Sheffield opened the public hearing at 6:05 p.m.

Applicant Presentation

Bobby Donley with Lanier Engineering presented to the Board what is the last phase of Palmyra Subdivision. Phase 12 was an original layout, approved in the year 2000, with a revision submitted in 2004. The engineering firm and developer believed this particular property would qualify for a variance based on the variance criteria in the Lee County Ordinance Sec. 58-16-Variance Procedure. Number one, extraordinary and exceptional conditions pertaining to the particular piece of property in question is applicable because of its size, shape or topography. This property has zero flexibility due to the original lay out of the roads and the lots as it was set up to be the last phase of the subdivision. The 2024 plat has the same number of lots and road layout as the previous preliminary plats. Secondly, the ordinance states that the application of this chapter to this particular piece of property would create a hardship. He went on to explain that in this case this would cause the developer to lose approximately eight lots to meet greenspace requirements. This would cause the developer to create smaller lots, which would affect the manner in which he builds the houses. The current size of the lots would allow the developer to build the same size homes as previous phases with a side entry garage. However, if the lots were smaller, the homes would be smaller with a front entry garage. Thirdly, such conditions are peculiar to this particular piece of property. Mr. Donley explained the overall plan was introduced prior to the greenspace requirements being placed in the ordinance. Lastly, release, if granted, would not cause substantial detriment to the public interest or impair the purpose and intent of this chapter. Bobby Donley and the developer believe that relief from greenspace requirements is the only way that they can match and keep the character of the existing neighborhood. He ended his presentation by quoting directly from the variance procedure directly from the ordinance Sec 58-16 (b).

Vice-Chairman Jim Quinn questioned the size of the lots. Mr. Donley replied that they were all at least three quarter acre lots due to having water from the Lee County Utilities Authority and septic tanks.

Commissioner Johnny Golden inquired about the property across the Albany rails to trails and wanted to see if the developer Billy Boggus had any plans for developing that particular parcel. Developer Billy Boggus answered no.

Public Opposition

Citizen Billy Gaskins had concerns about new construction in the area. He wanted it to stay the same and have the new homes mimic the others in the neighborhood.

Citizen Connie Gaskins expressed that the homes under construction on Fussell did not look like the homes in the other phases and wanted to know if the developer would build the homes in the new phase to match the existing neighborhoods. The developer Billy Boggus expressed his desire to build homes in the same manner as the existing neighborhood.



Citizen Randy Reese spoke and was concerned that the other homes in the new subdivision would not go along with the same look of the current subdivisions, and that it would lower the worth of his home.

Citizen Billy Gaskins returned to the podium to show the commissioners photos of two homes. One photo is his home and the other is a home in the neighborhood built by a local contractor.

Mr. Donley responded to the citizen's and commissioners assuring them they are requesting the variance to keep the lots the same size in order for the homes to look the rest of the neighborhood.

The Public Hearing closed at 6:36 p.m.

Commission Discussion

Chairman Jason Sheffield stated there is a disparity in the existing homes and the new homes being built now, as they do not follow the covenants that were put in place years ago. He then explained to the other members of the board that they have no authority over covenants, and what the Planning Commissions responsibility is to discuss the approval or denial for the variance requested on greenspace allowance per the ordinance that is in place now. After a brief discussion, the Chairman Jason Sheffield asked the Board for a motion.

Vice-Chairman Jim Quinn made a **MOTION** to **DENY** the variance request from the requirement for new residential subdivisions in accordance with section 70-94 of the Lee County Code of Ordinances, seconded by Commissioner Johnny Golden. The **MOTION** carried with a 5 to 1 vote with remaining Commissioners Jason Sheffield, Mike McVey, Charlie Barner voting yea, and Commissioner Kyle Luckie voting nay.

VI. UNFINISHED BUSINESS

None

VII. ANNOUNCEMENTS

Commissioner Mike McVey announced The Lee County Board of Commissioners will conduct a public hearing and a final vote on **Tuesday, July 23, 2024 at 6:00 p.m.**, in the Opal Cannon Auditorium of the T. Page Tharp Governmental Building, located at 102 Starksville Avenue North, Leesburg, Georgia 31763.

VIII. ADJOURNMENT

Vice-Chairman Jim Quinn made a **MOTION** to **ADJOURN**, seconded by Commissioner Mike McVey. The **MOTION** was unanimous with remaining Commissioners voting yea. The meeting adjourned at 6:53 p.m.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Georgia law requires that all parties who have made campaign contributions to any member of the Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desire to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution report with the Lee County Planning Commission.

Persons with special needs relating to handicapped accessibility or foreign language interpretation should contact the ADA Coordinator at (229) 759-6000 or through the Georgia Relay Service (800) 255-0056 (TDD) or (800) 355-0135 (voice). This person can be contacted at the T. Page Tharp Building in Leesburg, Georgia between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except holidays, and will assist citizens with special needs given proper notice of seven (7) working days. The meeting rooms and buildings are handicap accessible.