

**TOWN OF TALLULAH FALLS
STATE OF GEORGIA
PLANNING & ZONING COMMISSION
PUBLIC HEARING & REGULAR MONTHLY MEETING
TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA
FEBRUARY 12, 2020, 6:00 P.M.**

Agenda

- I. CALL TO ORDER
- II. ADOPTION OF THE AGENDA
- III. APPROVAL OF THE MINUTES
- IV. PUBLIC HEARING PROCEDURE AND GUIDELINES – WARD ZONING VARIANCE REQUEST, 945 HICKORY NUT MOUNTAIN ROAD, TALLULAH FALLS, GA 30573, TO ENCROACH 20 FEET INTO THE 30 FEET FRONT SETBACK
 - A. PRESENTATION BY APPLICANT OR ZONING ADMINISTRATOR
 - B. ZONING ADMINISTRATOR’S COMMENTS/RECOMMENDATION
 - C. THE CHAIRMAN WILL OPEN THE PUBLIC HEARING FOR COMMENTS FROM THE PUBLIC

EACH PERSON WISHING TO SPEAK WILL BE FIRST RECOGNIZED BY THE CHAIRMAN, SHALL GIVE HIS/HER NAME, ADDRESS AND INTEREST IN THE APPLICATION ALONG WITH ANY COMMENTS.
 - (a) Those who wish to speak in support of the zoning variance will be asked to comment first
 - (b) Those who wish to speak in opposition to zoning variance will be asked to comment next
 - D. THE PETITIONER WILL HAVE AN OPPORTUNITY FOR SUMMARY REMARKS AND REBUTTAL
 - E. THE CHAIRMAN WILL CLOSE THE PUBLIC HEARING AFTER ALL COMMENTS FROM INTEREST PARTIES AND THE PETITIONER HAVE BEEN HEARD
- V. COMMISSION’S DISCUSSION OF THE PETITIONER’S APPLICATION (including questions to the Petitioner)
- VI. WARD ZONING VARIANCE REQUEST – ACTION TO APPROVE/DENY/DEFER ACTION TO A LATER MEETING
- VII. NOMINATION AND APPOINTMENT OF PLANNING AND ZONING COMMISSION VICE-CHAIRMAN
- VIII. DISCUSSION OF AN ORDINANCE TO REGULATE SHORT-TERM RENTALS
- IX. ADJOURNMENT

NOTICE REGARDING APPLICATION FOR A VARIANCE TO THE OFFICIAL ZONING ORDINANCE OF THE TOWN OF TALLULAH FALLS

PURSUANT TO O.C.G.A. § 36-66-4 AND SECTION 1909 OF THE TALLULAH FALLS CODE OF ORDINANCES, THE TOWN OF TALLULAH FALLS HEREBY PROVIDES NOTICE THAT IT HAS RECEIVED AN APPLICATION FROM CHRISTOPHER WARD FOR A ZONING VARIANCE FOR THE PROPERTY LOCATED AT 945 HICKORY NUT MOUNTAIN ROAD IN THE TOWN OF TALLULAH FALLS, MORE PARTICULARLY IDENTIFIED AS PARCEL NUMBER 139 031, ACCORDING TO THE RECORDS OF THE HABERSHAM COUNTY TAX ASSESSOR.

THE REQUEST IS FOR A VARIANCE TO SECTION 1501 OF ARTICLE XV OF THE TOWN OF TALLULAH FALLS ZONING ORDINANCE FOR THE R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO ENCROACH INTO THE 35 FEET FRONT SETBACK REQUIREMENT BY 20 FEET. THE APPLICATION FOR ZONING VARIANCE AND SUPPORTING DOCUMENTATION IS ON FILE WITH THE TOWN CLERK FOR THE PURPOSE OF EXAMINATION AND INSPECTION BY THE PUBLIC.

A PUBLIC HEARING BEFORE THE TOWN OF TALLULAH FALLS PLANNING COMMISSION WILL BE HELD ON WEDNESDAY, FEBRUARY 12, 2020, AT 6 P.M., AT THE TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GEORGIA 30573 FOR THE PURPOSE OF CONSIDERING THE APPLICATION AND MAKING A RECOMMENDATION TO THE TOWN COUNCIL REGARDING PROPOSED ACTION TO BE TAKEN ON IT.

THE TOWN COUNCIL WILL THEN HOLD A PUBLIC HEARING ON THURSDAY, FEBRUARY 13, 2020, AT 6 P.M. AT THE TOWN HALL, 255 MAIN STREET, TALLULAH FALLS, GA 30573 FOR THE PURPOSE OF CONSIDERING THE APPLICATION AND MAKING A DECISION REGARDING THE ACTION TO BE TAKEN ON IT.

APPLICATION FOR VARIANCE

Town of Tallulah Falls, Georgia
Planning & Zoning Commission
PO Box 56
Tallulah Falls, GA 30573

A notice shall be placed in a newspaper with general circulation within the territorial boundaries of the local government at least 15 but not more than 45 days prior to the date of the Planning & Zoning Hearing. The notice shall state the time, place, and purpose of the hearing.

A sign containing information required by local ordinance shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the Planning & Zoning public hearing.

Letters by regular mail shall be sent to all adjoining property owners stating all pertinent facts of the variance request using the same time frame as the public notice in the local newspaper.

This variance request application shall be submitted with all required information to the City Clerk by 12:00 PM on Thursday to be published in the following week's edition of the Clayton Tribune. The Planning & Zoning Commission can hold a public hearing on the request no earlier than 15 days following the notice in the newspaper. The Planning & Zoning Commission will then make a recommendation to the City Council to approve or deny the request at the next regularly scheduled council meeting.

Date: 12/30/19

Property address: 945 Hickory Nut Mtn Rd.

Subdivision Name & Part: Hickory Nut Mtn Estates Lot Number: 10
(Required if no property address.)

Owner of Property: Christopher + Janet Ward

Address: 3685 Cameron Cirde Gainesville GA 30506

Telephone: 404-935-8386

Name of Applicant: Christopher Ward

Address: 3685 Cameron Cirde Gainesville GA 30506

Telephone: 404-935-8386

If the Owner and Applicant are not the same, signatures of both Owner and Applicant must appear on the application and be dated.

I hereby request that the property described in this application be given a variance as follows:

We are requesting to build a home using the existing foundation wall as the front setback. The lay of the land makes it very costly to build a home at the 35' setback as it would require building in the drop off. 20 foot variance requested.

SUMMARY OF VARIANCE REQUEST

Give a summary description of your proposed project in the space provided below. This summary should include purpose, type of construction (per Building Code Regulations), square footage, height, and any other pertinent information deemed necessary.

Single Family Home, 2473 square feet, w=51' d=35'10" ht=36'4"
The home will have a drive under side entry garage which works with existing driveway.

SITE PLAN

A current Registered Surveyor's site plan that shows the location of all corner pins (flagged), all easement and set-back lines, road right of way width, location of road (paved or gravel) with the right of way, all existing and or proposed buildings of the plan on which the variance is requested.

FEES

The fee for advertising and administrative costs is \$300.00 due at time of application.

AUTHORIZATION TO INSPECT PREMESIS

I hereby authorize the Town of Tallulah Falls and the Planning & Zoning Commission to inspect the premises which are the subject of this variance request.

Christopher Ward Janet Ward
Signature of Property Owner

12/30/19
Date

Signature of Applicant (if other than Property Owner)

Date

eFiled & eRecorded
DATE: 11/5/2019
TIME: 4:19 PM
DEED BOOK: 01205
PAGE: 00359
TRANSFER TAX: \$70.00
RECORDING FEES: \$10.00
PARTICIPANT ID: 3419680506
CLERK: David C Wall
HABERSHAM County, GA
PT61: 0682019002129

Return Recorded Document to:
Hotard & Hise, LLC
855 Washington Street
P.O. Box 2018
Clarksville, GA 30523

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA,
COUNTY OF HABERSHAM

File #: 19-457T

This Indenture made this 24th day of October, 2019 between Ann M. Brusich, of the County of Habersham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Christopher E. Ward and Janet Renee Ward, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND together with improvements thereon lying and being in Land Lot 163 of the 13th Land District of Habersham County, Georgia, designated as Lot 10 of Hickory Nut Mountain Estates, containing 5.016 acres, more or less, as shown on a plat of survey prepared for Dan A. Hayes by Edwin G. Davidson, RS, dated November 18, 1996 recorded in Plat Book 40, Page 275 in the Office of the Clerk of the Superior Court of Habersham County, Georgia, said plat being incorporated herein for a more full and complete description.

TOGETHER WITH a nonexclusive easement for ingress and egress to and from the above described property via the course of existing subdivision roads as shown on the plat referred to above.

SUBJECT TO Restrictive Covenants imposed by an instrument recorded in Deed Book 209, Page 697, Habersham County records. In addition the above described property is subject to Restrictions for the water system described and conveyed by Warranty Deed from Tallulah Falls Development Co., Inc. to Michael Pendley dated October 12, 1987 recorded in Deed Book 230, Page 140, Habersham County, Georgia records.

This being that same property conveyed to Ann M. Brusich, by virtue of a Limited Warranty Deed from John Hill and Polly Hill, dated August 6, 2000, recorded in Deed Book 1091, page 809, Public Records of Habersham County, Georgia.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.


THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:


Witness


Notary Public



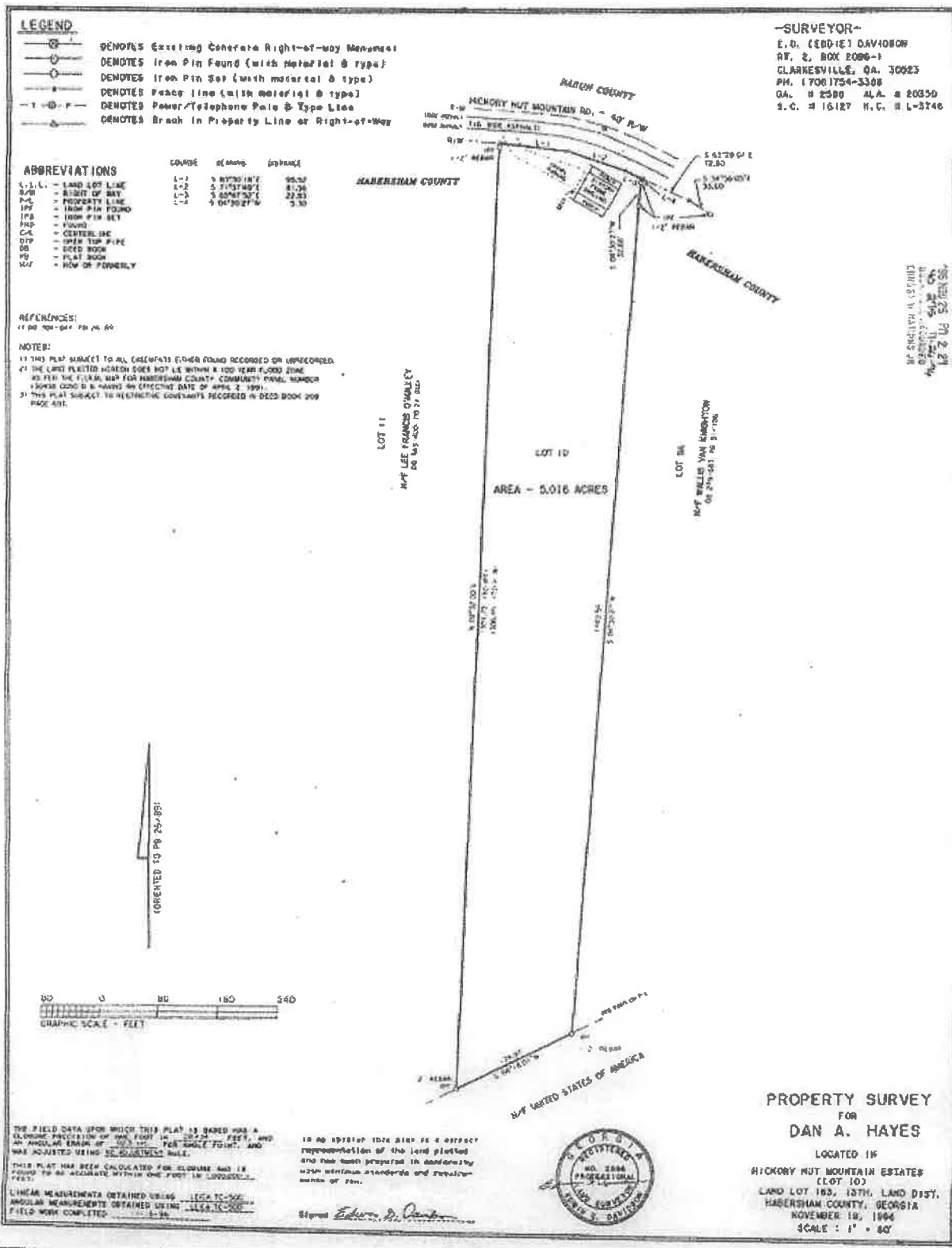
 (Seal)
Ann M. Brusich

CEW
09/24/19
10:28 PM EDT
dotloop verified

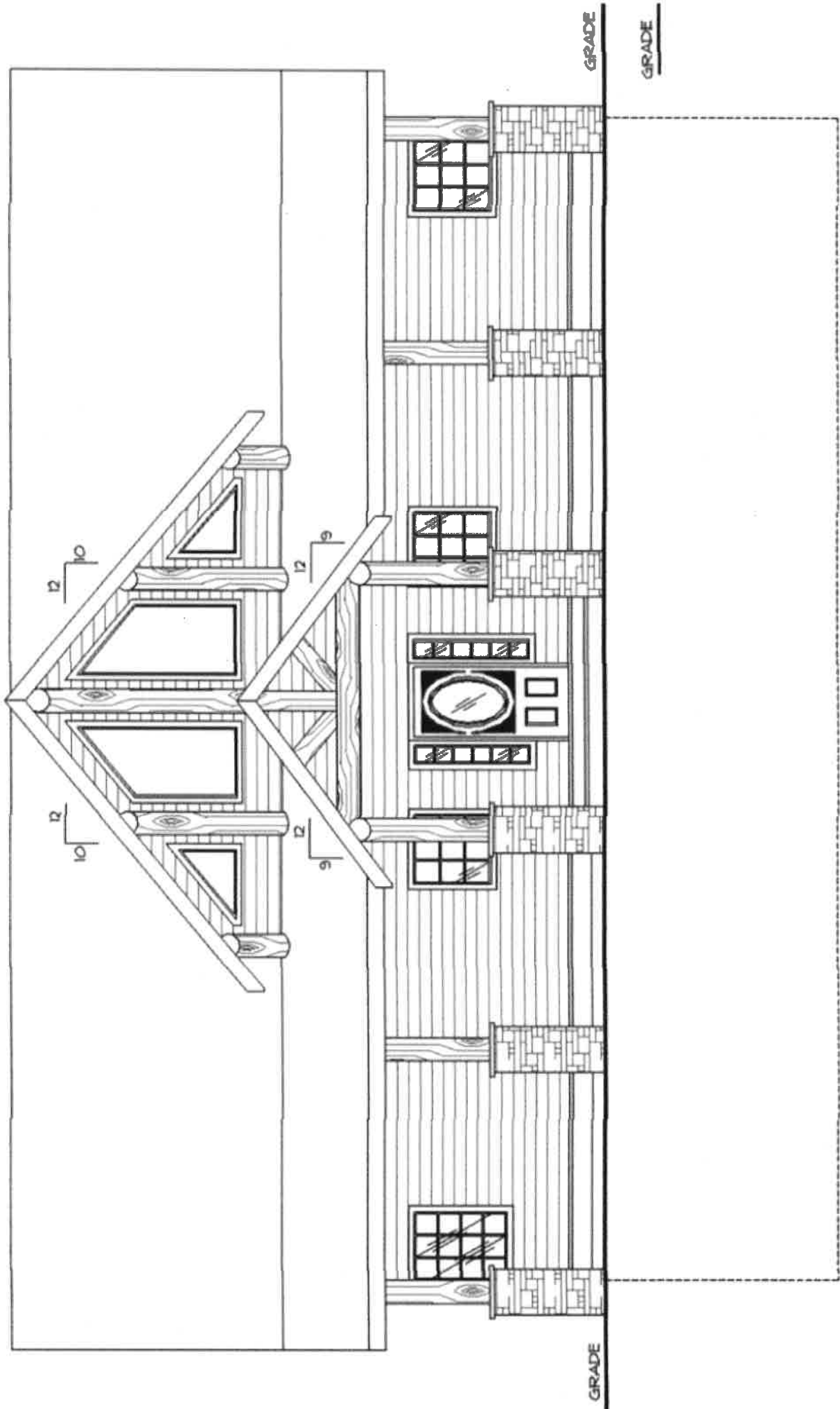
GRW
09/24/19
10:26 PM EDT
dotloop verified

AMB
09/27/19
8:17 AM EDT
dotloop verified

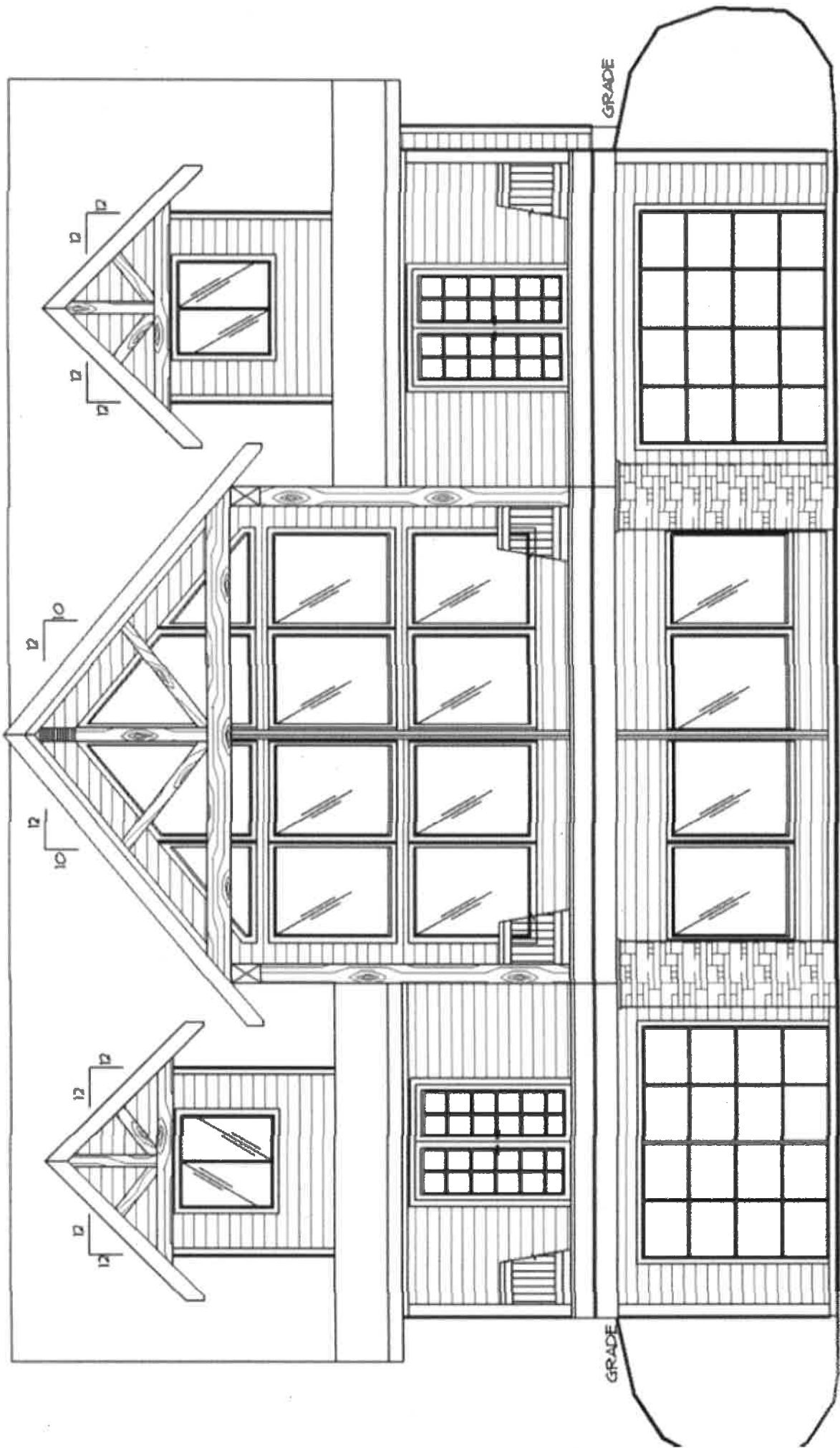
Exhibit "A"



275



FRONT ELEVATION



REAR ELEVATION



ZONING VARIANCE

Board of Planning and Zoning
RFD #2, THE ARDEN SERVICE

City of Property: [illegible]
Parcel #: [illegible]
County: [illegible]
Address: [illegible]
Map: [illegible]
Section: [illegible]
Block: [illegible]
Subdivision: [illegible]
Owner: [illegible]
Applicant: [illegible]
Request: [illegible]
Reason: [illegible]
Comments: [illegible]
Notes: [illegible]



Sec. 1501. - Building height and placement requirements.

Except as otherwise specifically provided in this ordinance, no structure shall be erected between any lot line and the pertinent setback distance listed in Table 1, and no structure shall be erected which exceeds the height limit specified in Table 1.

TABLE 1. HEIGHT LIMITS AND MINIMUM SETBACKS FROM PROPERTY LINES (IN FEET)

<i>District</i>	<i>Height Limitation</i>	<i>Front setbacks</i>		<i>Rear Setback*</i>	<i>Side Setback*</i>
		<i>Public Highways</i>	<i>Other Streets</i>		
Residential: single-family (R-I)	35	60	35	15	15
Multiple-family (R-II)	35	60	35	15	15
Planned unit development (PUD)	35	60	35	(Determined from plans.)	(Determined from plans.)
Business district (BD)	35	15**	15**	<u>5</u> **	0**
Highway business (HB)	35	30	30	15	15
Agricultural (A)	35	60	35	15	15

Flood hazard (FH)	35	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)	(Determined from plans in conditional use process)
Sensitive Land (SL)	35	60	35	15	15*Requirements for townhouses are set out in article XVI.**Dwellings in the BD, except those on second floor of shops, shall meet the setback requirements for R-I districts.

- 1501.1. Where a lot abuts two streets, the front setback for that district shall apply to both frontages, including corner lots, reverse and double frontage lots.
- 1501.2. The side setback requirements apply to a side lot line and also to any lot line which is neither a front, rear, nor side lot line.
- 1501.3. The setback requirements of these regulations for dwellings shall not apply to any lot where the average setback on developed lots located wholly or in part within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback may be less than the required setback for the district but not less than the average of the existing setbacks on the developed lots. This section shall not be construed to allow less setback on lots which extend a developed area, but only to allow the filling in of vacant lots in developed areas.
- 1501.4. In such cases as the street right-of-way has not been established or cannot be determined, said front yard/front building setback requirement shall be measured from

a point ten (10) feet beyond the construction limits of the road (edge of pavement or curb or edge of drainage ditch, whichever is greater).

- 1501.5. Height limitations shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission facilities and towers, and other similar utility structures.



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Mr. Jeffrey Hughes
270 Woodhaven Parkway
Athens, GA 30606

RE: Adjoining Property Owner Notification -Zoning Variance Application & Notice of Public Hearings

Dear Mr. Hughes:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received an application from Christopher Ward for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

The request is for a variance to Section 1501 of Article XV of the Town of Tallulah Falls Zoning Ordinance for the R-1 Single Family Residential District to encroach into the 35 feet front setback requirements by 20 feet. The Application for zoning variance and supporting documentation is enclosed herein for your review.

A public hearing before the Town of Tallulah Falls Planning Commission will be held on Wednesday, February 12, 2020 at 6 PM, at the Town Hall, 255 Main Street, Tallulah Falls, GA 30573 for the purpose of considering the application and making a recommendation to the Town Council regarding proposed action to be taken on it. The Town Council will then hold a second public hearing on Thursday, February 13, 2020, at 6 P.M. at the Town Hall, 255 Main Street, Tallulah Falls, GA 30573 for the purposes of considering the application and making a decision regarding the action to be taken on it.

If you would like to comment on the variance request, please plan to attend these meetings. The public is allowed to speak during both public hearings. If you plan to speak in opposition to this request, please be advised that in accordance with Chapter 36-67A-3(c) of the Code of Georgia, if you have made, within the two years immediately preceding the filing of this variance request, campaign contributions aggregating \$250.00 or more to a local government official who will consider this application, you must contact City Hall to obtain the appropriate Campaign Contributions Disclosure Form. This disclosure requirement must be filed at least five calendar days prior to the Town Council Public Hearing.

Sincerely,

Linda Lapeyrouse
Town Clerk



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Laurenthia G. Mesh
3522 Ashford-Dunwoody Rd. #283
Atlanta, GA 30319

RE: Adjoining Property Owner Notification -Zoning Variance Application & Notice of Public Hearings

Dear Ms. Mesh:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received an application from Christopher Ward for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

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Sincerely,

Linda Lapeyrouse
Town Clerk



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Frank and Edna McElroy
1625 Dunn Road
Quitman, GA 30643

RE: Adjoining Property Owner Notification -Zoning Variance Application & Notice of Public Hearings

Dear Mr. and Mrs. McElroy:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received an application from Christopher Ward for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

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Sincerely,

Linda Lapeyrouse
Town Clerk



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Joey and Pam Fountain
PO Box 97
920 Hickory Nut Mountain Road
Tallulah Falls, GA 30537

RE: Adjoining Property Owner Notification -Zoning Variance Application & Notice of Public Hearings

Dear Mr. and Mrs. Fountain:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received an application from Christopher Ward for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

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Sincerely,

Linda Lapeyrouse
Town Clerk



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Mr. Christopher Ward
3685 Cameron Circle
Gainesville, GA 30506

RE: Notice of Public Hearings

Dear Mr. Ward:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received your application for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

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You, as the petitioner, may present and explain your application at the public hearings. You or your designated agent are required to attend the public hearings unless written notice of hardship is received prior to such meetings. Failure to attend the public hearings, except in cases of hardship, may be due cause for dismissal or denial of your application.

A sign will be placed on the property not less than 15 days to the public hearing. This sign must be maintained in the location posted until after the public hearings have taken place.

Sincerely,

Linda Lapeyrouse
Town Clerk



Town of Tallulah Falls

Incorporated 1885

January 15, 2020

Kathryn Hartzog
PO Box 96
Tallulah Falls, GA 30573

RE: Adjoining Property Owner Notification -Zoning Variance Application & Notice of Public Hearings

Dear Ms. Hartzog:

Pursuant to O.C.G.A. § 36-66-4 and Section 1909 of the Tallulah Falls Code of Ordinances, the Town of Tallulah Falls hereby provides notice that it has received an application from Christopher Ward for a zoning variance at 945 Hickory Nut Mountain Road in the Town of Tallulah Falls, more particularly identified as parcel number 139 031, according to the records of the Habersham County Tax Assessor.

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Sincerely,

Linda Lapeyrouse
Town Clerk

APPLICATION CHECKLIST:

1. Application form has been completed
2. Legal description and boundary survey provided
3. Letter of Intent not provided
4. Site plan not provided (other than boundary survey)
5. Fee has been paid
6. Conflict of Interest Disclosure will be provided

ADVERTISING CHECKLIST:

1. Notice of Public Hearing advertised in Clayton Tribune on January 23, 2020 within the required 15-45 days prior to the hearing
2. Notice of Public Hearing advertised in the NE Georgian on January 22, 2020 within the required 15-45 days prior to the hearing
3. A sign was posted in a conspicuous place on the property on January 23, 2020 with information about the variance request and public hearings.
4. Site plan not provided (other than boundary

VARIANCE CRITERIA:

A variance may be granted in an individual case of unnecessary hardship, after appropriate application, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; **The terrain of the property is very steep once you get past the existing homesite. The property is on the downhill side of the mountain.**
2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; **Many property owners in Hickory Nut Mountain built prior to being annexed into the city limits and do not meet the front setbacks as established by the Town of Tallulah Falls. Allowing the applicant to build closer to the ROW than 35 feet would be consistent with several other houses on the same street.**
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; **The homesite sits at an angle and would only encroach into the setback by 20 feet at the closest front porch corner. The proximity to the road is consistent with several other houses in the neighborhood and requiring the homesite to be pushed back will interfere with the existing septic system and would require extensive foundation work.**
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value; **We do not believe a variance would be injurious to the neighborhood or discourage the appropriate development or use of adjacent land or buildings. The immediate neighbors have been personally notified in writing of this variance request. No**

objections have been received by the zoning office. Unless there is objection from neighbors with a reasonable interest in this zoning variance, we do not see this petition as unreasonable and do not believe it will negatively affect surrounding values.

5. The special circumstances are not the result of the actions of the applicant; **No actions of the applicant have resulted in the need of a variance.**
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; **The variance is reasonable in that it requires the least amount of land disturbance to build where a structure has already existed.**
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved. **The variance will be for the building of a single-family home which is consistent with the zoning district.**

ZONING ADMINISTRATOR RECOMMENDATION:

Although a letter of intent and site plan is required as a part of the application process, a boundary survey showing the prior structure has been provided and the applicant's intent has been included on the application. The applicant requests to build a home using the existing foundation wall as the front setback. The home will have a drive under side entry garage which works with the existing driveway. The home will be a single-family home 2473 square feet. A front and rear elevation drawing have been provided. The applicant intends to build in the same spot as the original structure that previously burnt down. The front elevation of the proposed structure and proximity to the road is consistent with other homes in the neighborhood. We have no reason to believe that it would have a negative effect on neighboring properties. We believe that moving the homesite 35 feet from the ROW would create an unnecessary hardship including extensive land disturbance, additional tree removal and exorbitant grading and foundation costs. It would be helpful to see the exact distance of the proposed home from the ROW on the site plan, however, it would create additional expense that the governing body may not find necessary since the homesite is already in existence and can easily be viewed in person. If the variance is ultimately approved by the governing authority, we would recommend a site plan be required as a part of the permitting process which includes the proposed structure to ensure that it is consistent with the variance as granted and does not encroach on the right-of-way.

Based on the application as presented, we would recommend approval unless there are reasonable objections from the neighboring property owners that have not yet been heard.

Pursuant to Section 1706 of the Zoning Ordinance, any approval of a variance shall be valid for a period of six (6) months unless such use is established within such period; provided, however that such approval shall continue in force and effect if a building permit for said construction is obtained within that six (6) month period, and such construction is started and proceeds to completion in accordance with such permit.

Respectfully submitted,



Deb Goatcher



Linda Lapeyrouse

Zoning Administrators for the Town of Tallulah Falls

Appendix A – ZONNG

Article XXII - Short Term Vacation Rental –regulations

Section 2201 – Purpose.

The purpose of this Article is to establish regulations for the use of a residential or business structure or any part thereof as a Short Term Vacation Rental (STVR) in the Town of Tallulah Falls while minimizing the negative, secondary effects on surrounding properties, to ensure proper precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and City ordinances.

Section 2202 – License required

- 1) It is unlawful for any person or corporation to operate or advertise a STVR within the Town limits without a valid business license and authorization to collect motel/hotel tax;
- 2) STVR properties that have a current occupational license and are remitting hotel/motel taxes in TF prior to this ordinance enactment will be grandfathered in from having to apply for conditional use permits;

Section 2203 - Permitted uses

- 1) STVR are allowed in all Districts with the exception of R-1, Flood Hazard or Sensitive Land;
- 2) Conditional Use permits for STVRs will be issued to property owners in subdivisions zoned R-1 provided subdivision or homeowners association covenants allow or in the absence of a HOA a signed majority of homeowners in the subdivision agree to the permit.

Section 2204 – Applications

- 1) STVR conditional use permits must comply with Chapter 18, sections 18-83 through 18-93;
- 2) Acknowledge that the applicant will keep the total number of guest to that number which can safely stay in the premises and that the applicant may be subject to the State of Georgia fire and safety code regulations;
- 3) Certify that there are no deed restrictions and/or covenants on a property that prohibit the use of the property as a STVR;
- 4) Certify that the owner has commercial or specific STVR insurance on the property;
- 5) Attest by the owner that or third party that the STVR meets all applicable International Building Code, International Fire Code regulations and NFPA Safety Codes;
- 6) Operator/owner information to be provided to the Town Clerk;

- a) Full contact information for a local (lives within 25 miles) contact person or responsible person 18 years of age or older who is available 24 hours a day to respond within two hours regarding any complaint about the property or guest behavior;
- b) The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company;
- c) Certify that there are no unpaid financial obligations to Tallulah Falls;
- d) Notify the Town within seven days when there is a change in property ownership, management, agent or emergency contact;
- e) No STVR license issued under this Article shall be transferred, assigned or used by any other individual other the owner or local contact person for which it was assigned or upon any other location than the one for which it was issued.

Section 2205 – STVR requirements

- 1) This section applies to all STVR properties in the Town of Tallulah Falls, Georgia and is in addition to any rules and regulations to which the property is subject via any land covenants, homeowner association covenants, subdivision rules etc;
 - a) *Parking* – Vehicles, trailers and watercraft shall not be parked on the right – of – way so as to hinder access to such and shall not be parked along any roadway which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules etc.;
 - b) *Solid waste/trash* – Trash and refuse shall not be left or stored in such a way that would cause safety or sanitary issues or violate subdivision rules etc.;
 - c) *Certificate display* - Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property;
 - d) *Length of stay* – 30 days or less;
 - e) *Occupancy* – the number of overnight guest shall not exceed the occupancy allowed under the “bedroom occupancy standard” plus two additional persons.
 - f) *Alarms and egress* – Each bedroom/sleeping quarters shall have a working smoke alarm and an emergency escape or exit complying with the requirements of the life and safety Code;
 - g) *Animals* – Pets may run at large within the curtilage of the STVR property but are required to be on leash otherwise;

Section 2206 -Suspension or revocation of short-STVR license

Immediate suspension, revocation or forfeiture of a STVR license issued by the town of Tallulah Falls shall occur only after notice and opportunity for a hearing before the City Council except in events that may be construed as life-threatening or a danger to human life.

(a) Any STVR license issued under this Ordinance for the operation of a STVR shall be immediately revoked in the case of bankruptcy, receivership or levy of legal process upon the owner or subject short-term rental property.

(b) A STVR rental license shall be immediately suspended or revoked by the City Council upon learning that an applicant furnished fraudulent or untruthful information in the application for permit, or omits information required in the application for permit, or fails to pay all fees, taxes, utilities (water-sewer) or other charges imposed under the provisions of this Article or City Codes.

(c) A STVR rental license may be suspended by the Zoning Administrator for a violation of the fire or the life safety requirements of this Article. Such violation shall be such that an unsafe condition exists where a fundamental safety precaution or device defined in this Article or adopted Codes is rendered inoperable or does not exist.

Section 2207– Violation of this Article

Except when defined in this Article requiring an appearance before City Council, Penalty(s) for violation of this Article shall be at the discretion of the Municipal Judge who possess the authority to fix punishment in accordance with the City Charter, the City Charter, Ordinances and State Law or by a Court of Competent Jurisdiction.

1) **Civil Penalty** - The City Council shall possess the authority to impose a civil penalty against any entity that is licensed for short-term rentals and may include up to suspension or revocation of licensure or additionally fine and forfeiture as determined for violations of this Article. Civil penalties shall not relieve the owner, individual, business organization or partnership from mitigating specified violations and may include fines and penalties as may be prescribed by the Municipal Court or a Court of Competent Jurisdiction;

2) Enforcement -

(a) Penalties, including notice of code violation or citation may be imposed and the STVR licensure may be suspended or revoked in the manner provided in this subsection:

(b) Any complaints or response by a City agency or other agencies as defined herein regarding short-term rental shall result in a notice of the complaint and shall be directed to the local contact person or owner if the local contact person cannot be determined or located and such notice may be made electronically or in writing. The local contact person or owner is required to visit the short-rental location and shall ensure that compliance is obtained within one (1) of verbal or written notice. Additionally, notice may be delivered by emergency dispatch verbally to the owner or local contact person requiring the appropriate individual to respond to the STVR location or both as may be required by any law enforcement agency, fire department or Zoning Administrator;

(c) The Zoning Administrator or designee shall conduct an investigation whenever there is a reason to believe that the owner or local contact person is unsuccessful either by failure or refusal to comply with the provisions of this Article. The investigation may include an inspection of the premises, review of response and incident report(s), online searches, citations or notice(s) or interview and documentation of community members affected by the even to include photographs, sound recordings and video all of which may constitute evidence of a violation of this Article, Code or State Law. Should the investigation support a finding that a violation occurred, the Zoning Administrator shall issue written notice of the violation and the advance of the accusation to the City Council or Municipal Court as may be deemed appropriate? The notice shall be served by certified mail or personally, and shall specify which, in the opinion of the Zoning Administrator constitute grounds for the imposition of penalties or that the short-term rental licensure should be suspended or revoked.

Section 2208 - Hearing on denial, suspension or revocation

Upon receipt of such notice, that shall contain a specific date, time and place of hearing the owner or local contact person may appear in person to present evidence either to deny, confirm or mitigate the accusation. A decision of the City Council or Municipal Court may be appealed to the Superior Court of Rabun County;

Section 2209 - Severability Clause

Should any word, phrase, sentence, paragraph or Section of this Article, or the application thereof to any person, individual, business organization or partnership or circumstance shall be held invalid by a Court of Competent Jurisdiction, such invalidity shall not affect the other provisions of this Article. This Article is hereby declared severable.

Any modification of Federal or State Law or regulation which would effect a change in the provisions of this Article are hereby incorporated herein by reference made a part hereof. This Article shall take effect and shall be enforced from and after the date of adoption.