



PLANNING DATE 03/24/2022
COUNCIL DATE 04/07/2022

# P&Z STAFF REPORT

## PREPARED BY:

Phillip Trocquet, Town Planner  
ptrocquet@tyrone.org | (770) 881-8322

DOCKET/APPLICATION #	APPLICANT	ADDRESS/PARCEL #
VAR-2022-001	Douglas Pollard	Parcel 0738 053   163 Palmetto Rd.

### SUMMARY & HISTORY

Applicant Douglas Pollard has submitted a petition for a variance at 163 Palmetto Road. The purpose for this variance request is to fulfill a condition to have the property re-platted and reconfigured for 163 Palmetto Road to be reduced to a 1-acre tract with the remaining land added to the adjoining parcel at 129 Palmetto Road. The current accessory structures located in the rear of the property were granted a variance in September of 2021. The nature of said variance follows this approximate description:

- A 27.6' variance starting at the northeast corner of building 1 run south, parallel with the property line to the southeast corner of building 1.
- A 20' variance starting at the northeast corner of building 2 run south, parallel with the property line to the southeast corner of building 2.

Mr. Pollard is requesting a variance consistent with this description for this petition matching the proposed property line adjustment from the conditionally approved plat.

### STAFF DETERMINATION

If Planning Commission or Council wish to approve this variance request, staff recommends that variance only be given around the non-conforming structures as requested by Mr. Pollard so as to prevent the granting of any additional rights than what is otherwise necessary to accomplish the goal of creating a legal configuration of the accessory structures.

### PLANNING COMMISSION RECOMMENDATION

The commissioners discussed amongst themselves that a rezoning had been granted under a similar request for this property that they were in opposition to. Planning Commission unanimously recommended denial.



MAP SOURCE: FAYETTE COUNTY TAX ASSESSOR

EXISTING ZONING	PROPOSED ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	PROPERTY ACREAGE
R-12	N/A	Estate Residential	North: AR South: R-12 East: AR West: C-1	Single Family Dwelling Accessory Structures	6.4 Acres

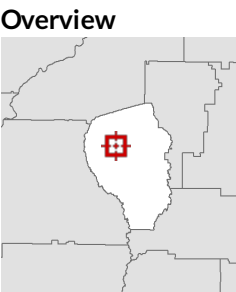
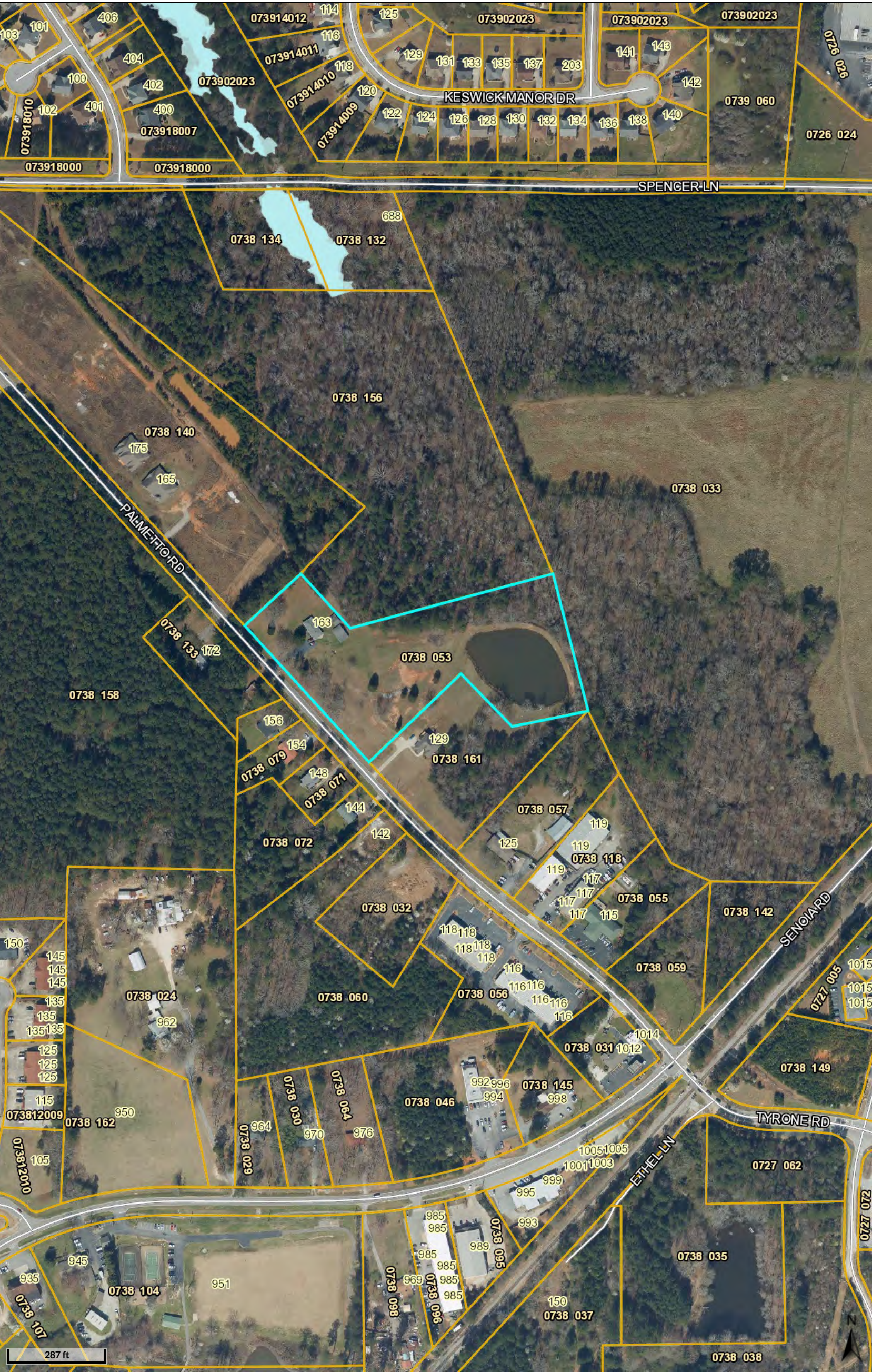
### COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

The future development character area is listed as Town Center which encourages walkable, mixed-use or residential development.

### ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

1. **Are there extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of land, structure or building in question which are not applicable to other lands, structures or buildings in the same district?** This piece of property is similar to other properties within the same zoning district with regular shape, size, and topographic conditions.
2. **Would the application of these regulations create a practical difficulty or unnecessary hardship?** The removal of the structures could be considered a practical difficulty, however, they were grandfathered in under their previous situation before a new application to alter the property or change its zoning was made. The structures are permitted per a variance currently.
3. **Relief granted would not be injurious to the neighborhood or otherwise detrimental to the public welfare or impair the purposes and intent of these regulations.** The intent and purposes of these regulations is to maintain a setback that establishes a separation between structures and neighboring property lines. Currently neighboring properties are undeveloped which does not affect neighboring owners greatly; this is subject to change if neighboring properties develop.
4. **A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are afforded.** Other owners would be encouraged to bring structures in a similar situation into conformity with our ordinance. If not granted, the owner would not lose the right to construct an accessory structure or pool on the property similar to other owners in the same district.
5. **The special conditions and circumstances are not a result of any actions of the applicant.** The applicant is responsible for the original request to change this property thereby triggering the current course of events. The Town of Tyrone Council, by their actions, placed a condition on the rezoning of this property to obtain a variance with an understanding he would approach the Town again for re-plat and a potential variance request associated with future applications. A previous variance request was granted by Council.
6. **That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.** This variance would confer a special privilege for the property owner to keep structures that would otherwise need to be brought into a conforming status another way.












- Legend
- Parcels
  - Addresses
  - Roads
  - 2013 Fayette Coun Flood Study Future 100-year
  - 2013 Fayette Coun Flood Study Existing 100-year

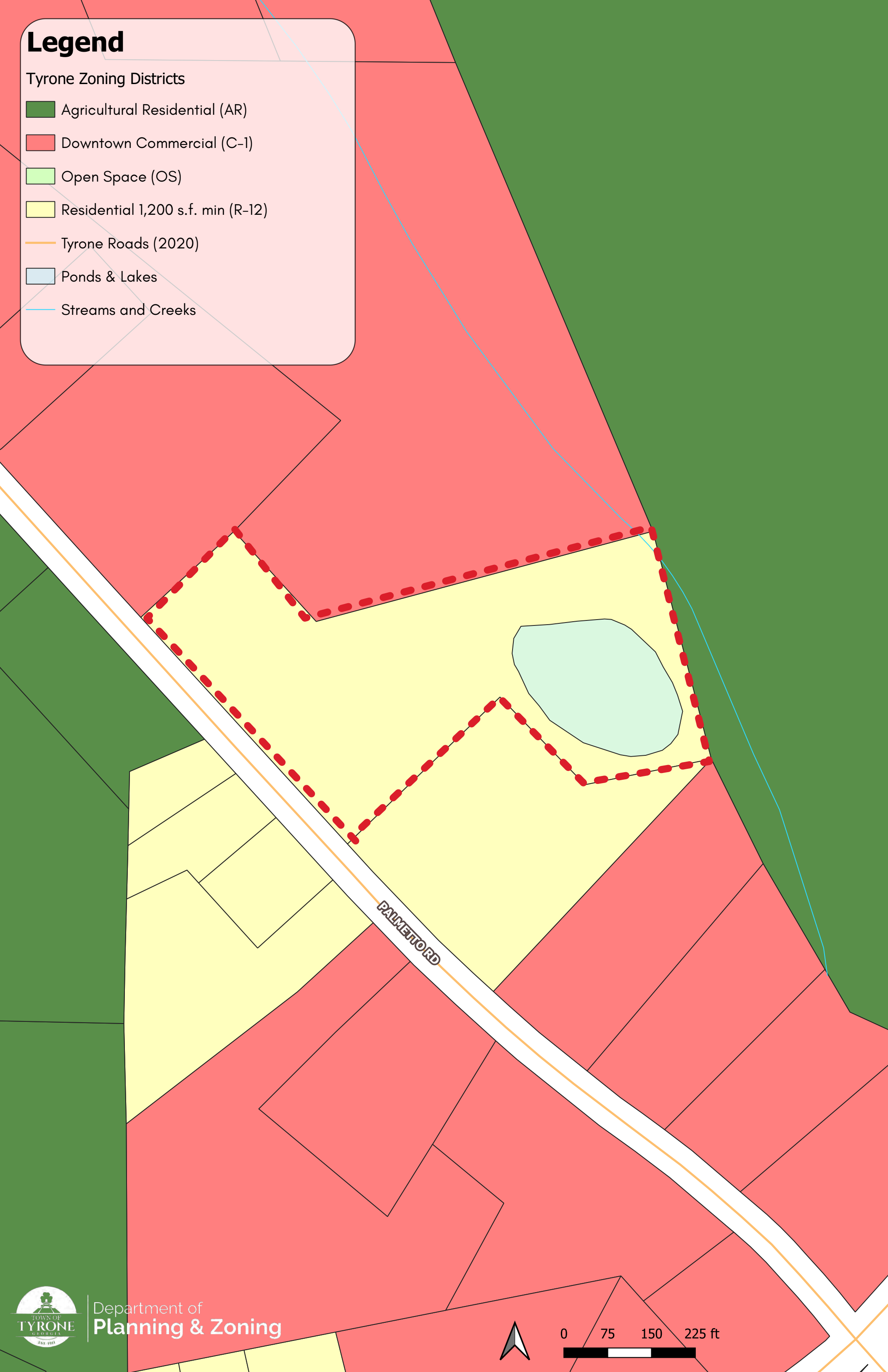
Parcel ID	0738 053	Alternate ID	n/a	Owner Address	POLLARD DOUGLAS EDWARD
Sec/Twp/Rng	47-83-	Class	R4		163 PALMETTO ROAD
Property Address	163 PALMETTO RD	Acreage	6.41		TYRONE, GA 30290
District	03				
Brief Tax Description	LOT 1 MCELWANEY POLLARD ESTATES				
	(Note: Not to be used on legal documents)				

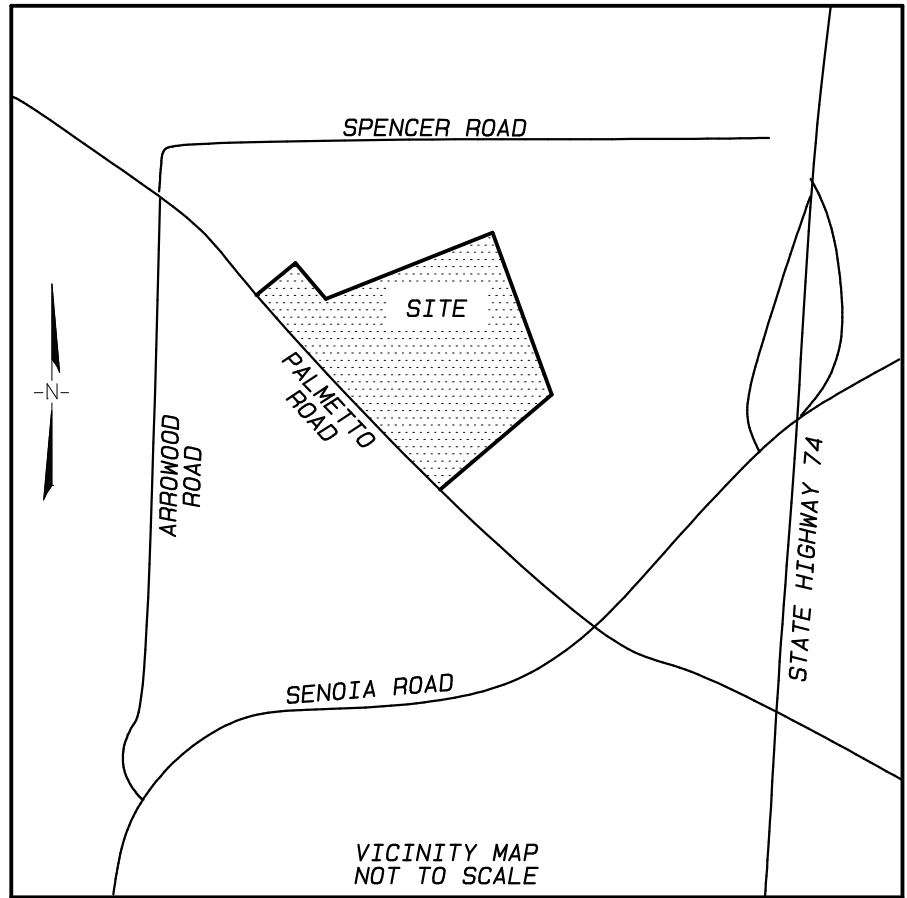


# Legend

## Tyrone Zoning Districts

-  Agricultural Residential (AR)
-  Downtown Commercial (C-1)
-  Open Space (OS)
-  Residential 1,200 s.f. min (R-12)
-  Tyrone Roads (2020)
-  Ponds & Lakes
-  Streams and Creeks





ITEM	SQUARE FEET	ACRES
LOT 1	50,529.6 +/- SQ. FT.	1.16 +/- ACRES
LOT 2	365,904.0 +/- SQ. FT.	8.40 +/- ACRES
STREETS	N/A	N/A
GREEN BELT	N/A	N/A
TOTAL	416433.6 +/- SQ. FT.	9.56 +/- ACRES

CLOSURE DATA  
FIELD CLOSURE = 1' : 28,565  
ANGLE POINT ERROR = < 5"  
EQUIPMENT USED: TOPCON 3005W  
ADJUSTMENT METHOD: NONE  
PLAT CLOSURE LOT 1 - 1' : 150,572  
PLAT CLOSURE LOT 2 - 1' : 593,593

NOTES:  
1) PER PLAT BOOK 47, PAGES 83-84, ALL PERMANENT STRUCTURES BUILT IN THE FUTURE SHOULD BE BUILT WITH A MINIMUM FINISHED FLOOR ELEVATION AT LEAST 3' ABOVE THE HIGH POINT OF THE EXISTING LAKE DAM.  
2) 50' UNDISTURBED NATURAL BUFFER AND 25' IMPEROUS SETBACK PER TYRONE PLAT BOOK 47, PAGES 83-84 AND SHOULD BE VERIFIED PRIOR TO ANY NEW CONSTRUCTION.  
3) THIS PROPERTY IS SUBJECT TO ALL LOCAL, STATE, AND FEDERAL ENVIRONMENTAL BUFFER, SETBACKS, AND RESTRICTIONS (IF ANY).

CURRENT OWNER:  
DOUGLAS E. POLLARD PER DEED BOOK 4093, PAGE 198 AND PER DEED BOOK 4383, PAGE 40.  
REFERENCE PLAT BOOK 47, PAGES 83-84.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM "CERTIFICATION RELATING TO LAND SURVEYING SERVICES" AS DEFINED IN O.C.G.A. 43-15-2(G) AND (11) SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES. BEFORE ANY LAND DISTURBANCE ACTIVITY BEGINS, UNDERGROUND UTILITIES SHOULD BE IDENTIFIED AND LOCATED. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

PREPARED FOR AND AUTHORIZED BY:

DOUG POLLARD

LAND LOT 140, 7TH DISTRICT  
FAYETTE COUNTY, GA.

TOWN OF TYRONE

SCALE: 1" = 40'

ORIGINAL DATE OF SURVEY: 02/21/2013

LAST DATE OF FIELD WORK: 01/11/2022

DATE OF DRAWING: 01/12/2022

**W.D. Gray and Associates, Inc.**

LSF000701

Land Surveyors - Planners

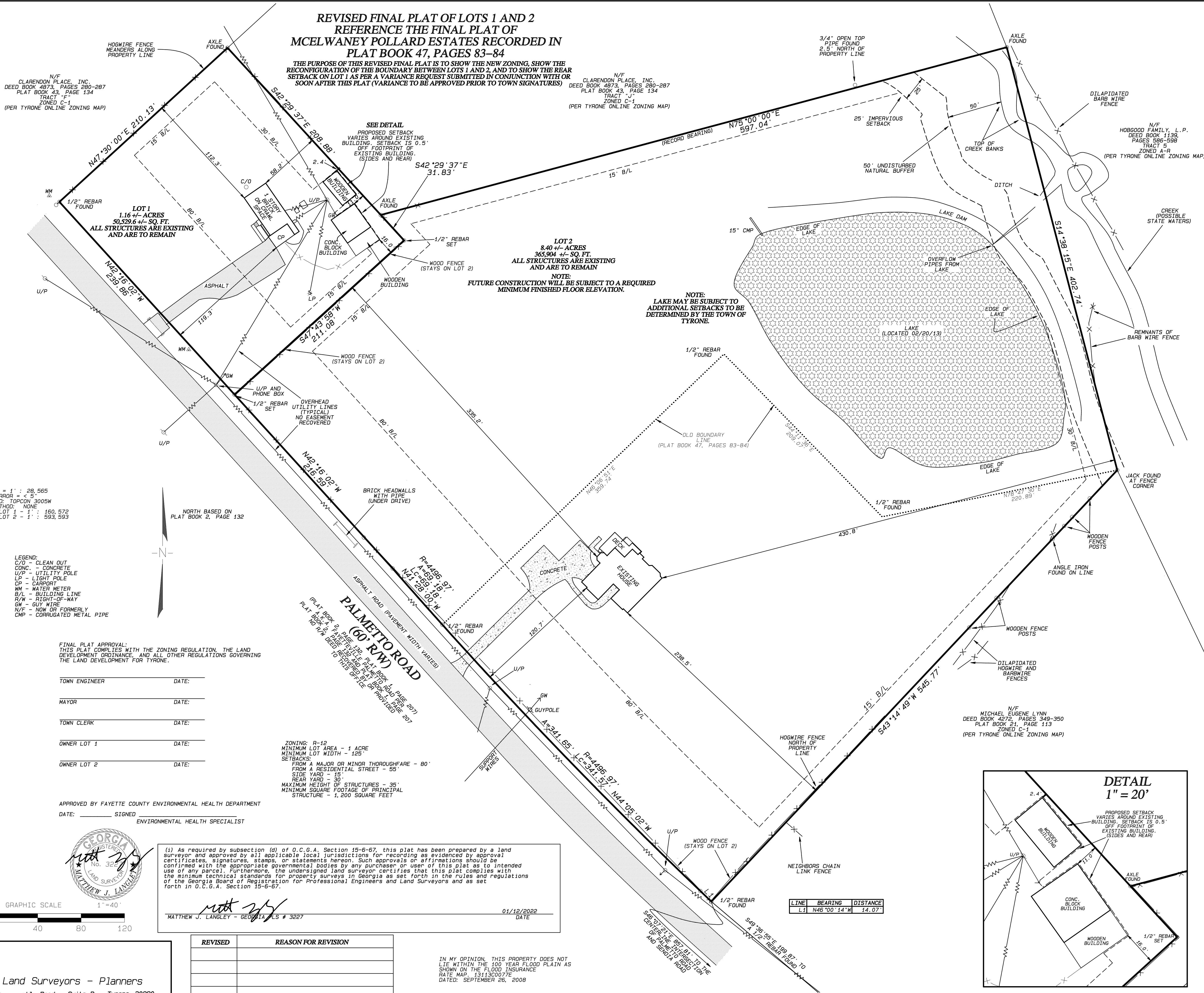
160 Greencastle Road Suite B Tyrone, 30290

PH. 770-486-7552

Fax: 770-486-0496

## REVISED FINAL PLAT OF LOTS 1 AND 2 REFERENCE THE FINAL PLAT OF MCELWANAY POLLARD ESTATES RECORDED IN PLAT BOOK 47, PAGES 83-84

THE PURPOSE OF THIS REVISED FINAL PLAT IS TO SHOW THE NEW ZONING, SHOW THE RECONFIGURATION OF THE BOUNDARY BETWEEN LOTS 1 AND 2, AND TO SHOW THE REAR SETBACK ON LOT 1 AS PER A VARIANCE REQUEST SUBMITTED IN CONJUNCTION WITH OR SOON AFTER THIS PLAT (VARIANCE TO BE APPROVED PRIOR TO TOWN SIGNATURES)



(1) As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

01/12/2022  
DATE

REVISED	REASON FOR REVISION

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP, 13113C0077E  
DATED: SEPTEMBER 26, 2008

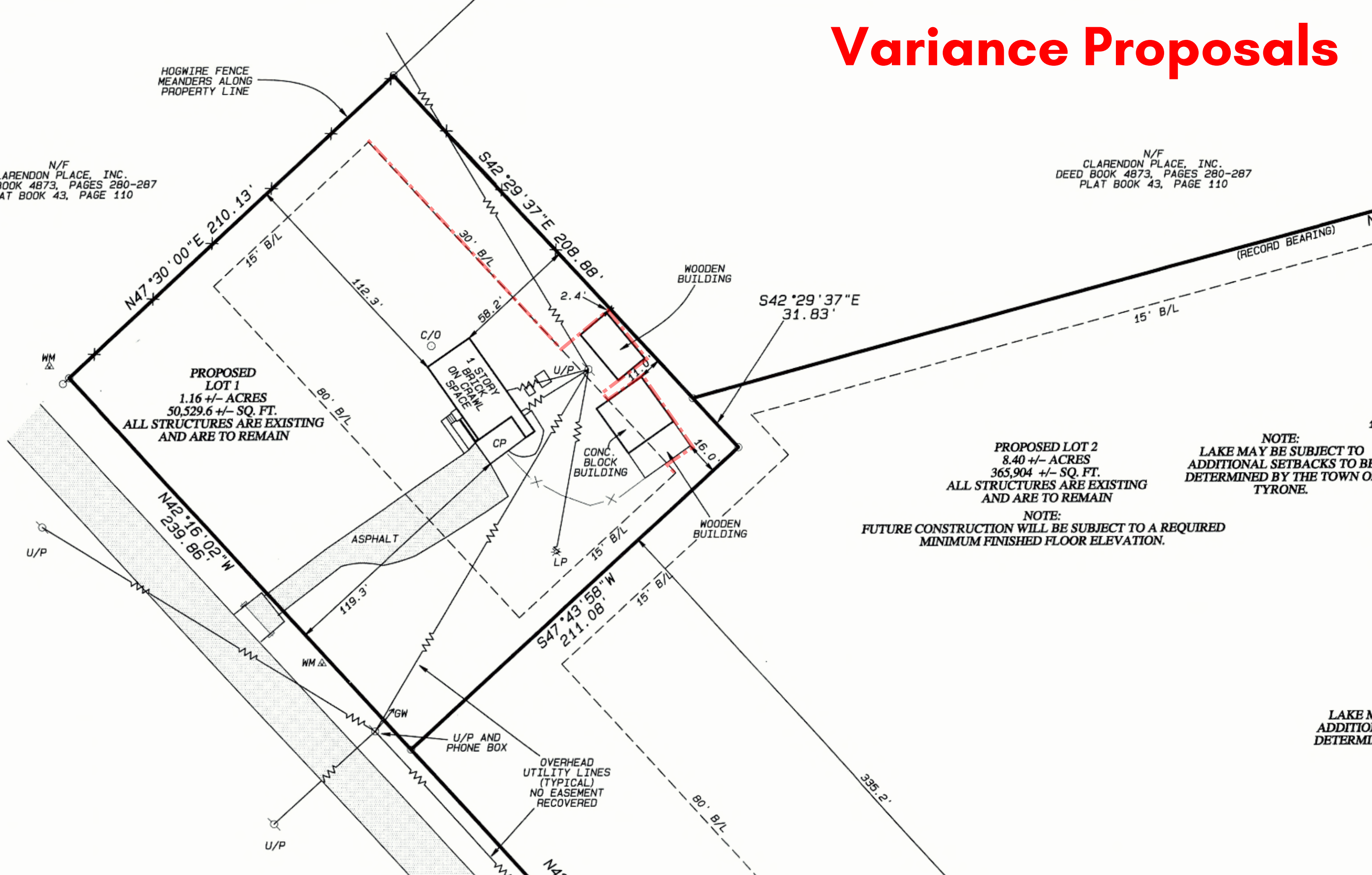
JOB NO: 1302003



# Variance Proposals

N/F  
CLARENDON PLACE, INC.  
DEED BOOK 4873, PAGES 280-287  
PLAT BOOK 43, PAGE 110

N/F  
CLARENDON PLACE, INC.  
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PLAT BOOK 43, PAGE 110



**PROPOSED LOT 1**  
1.16 +/- ACRES  
50,529.6 +/- SQ. FT.  
ALL STRUCTURES ARE EXISTING  
AND ARE TO REMAIN

**PROPOSED LOT 2**  
8.40 +/- ACRES  
365,904 +/- SQ. FT.  
ALL STRUCTURES ARE EXISTING  
AND ARE TO REMAIN

**NOTE:**  
FUTURE CONSTRUCTION WILL BE SUBJECT TO A REQUIRED  
MINIMUM FINISHED FLOOR ELEVATION.

**NOTE:**  
LAKE MAY BE SUBJECT TO  
ADDITIONAL SETBACKS TO BE  
DETERMINED BY THE TOWN OF  
TYRONE.

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