



## Planning and Development Department Case Information

Case Number: LU23030021 and Z23030022

Meeting Dates: Planning Commission 05-04-2023  
Board of Commissioners 06-06-2023

Current Zoning: A1/B2

Request: Change Character Area from Suburban to Neighborhood Residential & Rezone 8.05 acres to B2 for Equine Surgical Center & Variance to reduce rear buffer from 100' to 50'.

Address: 3395 & 3435 Maughon Road & Youth Jersey Road

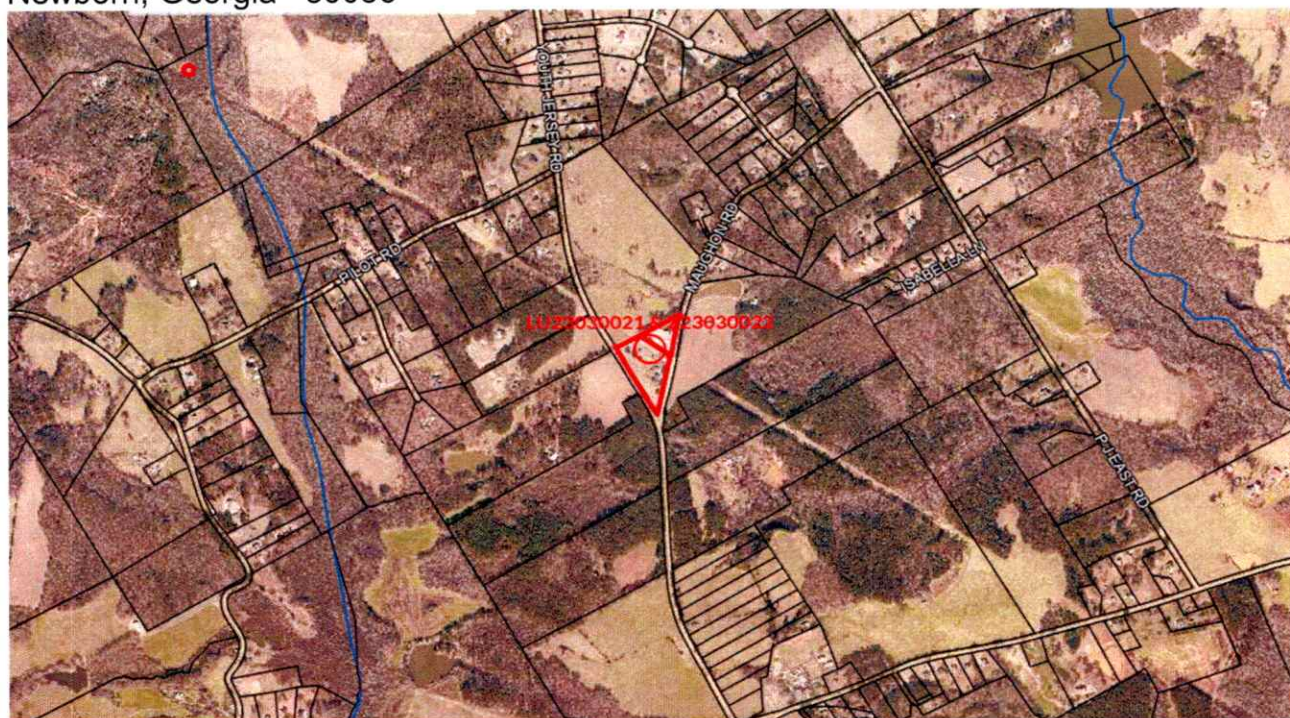
Map Number: C0650059A00 & C0650059

Site Area: 8.05 acres

Character Area: Suburban

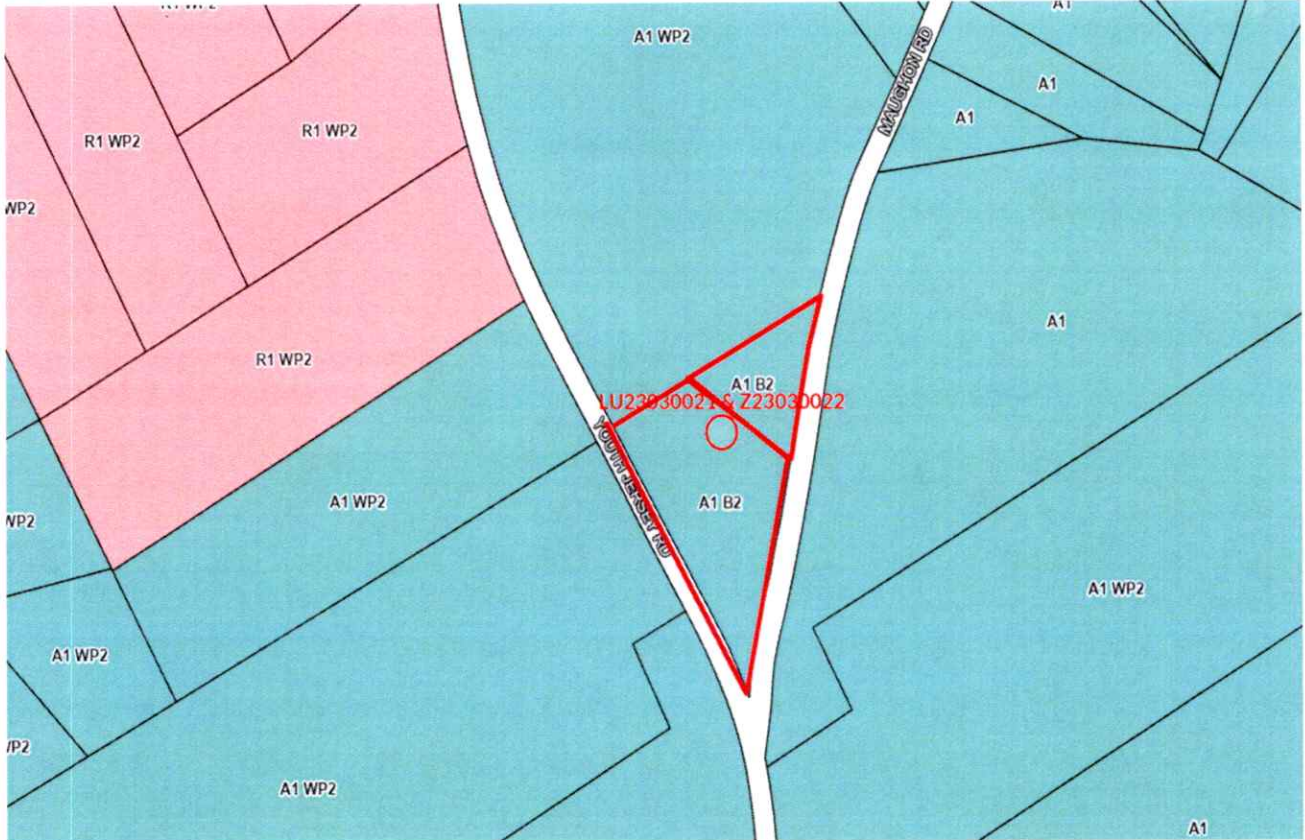
District 3: Commissioner–Timmy Shelnett Planning Commission – John Pringle

Applicant/Owner:  
ATen Properties LLC  
12088 Highway 142  
Newborn, Georgia 30056



Existing Site Conditions: Parcel # C0650059A00 consists of 2.10 acres and Parcel #C0650059 consists of 5.85 acres.

The surrounding properties are zoned A1/B2 & A1.



**Staff Comments/Concerns:**

History:

CU06020002	Michael L. Leach	A-1 to B-2 Cond. Comm.Buffer/Storage	C065-59spl 3435 Maughon Road	Approved Cond.
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Comments and Recommendations from various Agencies:

**Public Works:** Public Works has No Issue with Approval of this Request.

**Sheriffs' Department:** This case will not impact the Sheriff's Office.

**Water Authority:** This area is served by an existing 10" water main along Youth Jersey Road (static pressure: 120 psi, Estimated fire flow available: 2,500 gpm @ 20 psi). No system impacts anticipated.

**Fire Department:** Emergency Response Potential

**Fire Marshal:** Shall comply with all current codes and ordinances set forth by State Fire Safety Minimums, NFPA, International Fire Code, and Walton County Ordinances. Fire Hydrant shall be located within 500 ft. of all buildings erected.

**Board of Education:** Will have no effect on the Walton County School District.

**Development Inspector:** No comment received.

**DOT Comments:** Will not affect GDOT.

**PC ACTION 5/4/2023:**

1. Land Use Change LU23030021 and Rezone Z23030022 – Land Use Change from Suburban to Neighborhood Residential and Rezone 8.05 acres from A1/B2 to B2 for equine surgical center and Variance to reduce rear buffer from 100' to 50' – Applicant/Owner: Aten Properties LLC -Property located on 3395 & 3435 Maughon Rd & Youth Jersey Rd - Map/Parcel C0650059A00 & 59 - District 3.

**Presentation:** Andrea Gray, Attorney for Aten Properties LLC, represented the case. Andy Nichols, the General Contractor, was also present. Applicant would like to request a rezone from A1B2 to B2 to continue use for a veterinary services facility and also an equine surgery center with a barn. The subject properties of 3435 and 3395 Maughon Road are adjoining. The 2.1-acre parcel would be the proposed new surgery center with a barn. The 5.95-acre parcel is the existing veterinary clinic. Applicant would like to continue existing veterinary services on the 5.95-acre parcel. Countryside has operated on this property for 30+ years. They are asking for rezoning to be consistent with current zoning ordinance. They would like to renovate the building on the 2.1-acre parcel into an equine surgery center with a 3,000 sq. ft. barn to house patients. Countryside recently purchased this property which was formerly used by a landscape company. They are requesting a 50 ft. buffer instead of a 100 ft. buffer since the property is small and irregular shaped lot which prohibits construction of the surgery center/barn. They are more than 500 ft. from any home. The buffer near the

**new surgery center has mature hardwoods. They would also like to change the character area from Suburban to Neighborhood Residential which will have a low impact on the neighborhood. This commercial service supports the surrounding neighborhoods.**

**Speaking: No one**

**Recommendation: John Pringle made a motion to recommend approval of the Land Use Change from Suburban to Neighborhood Residential as submitted with a second by Wesley Sisk and recommended approval of the Rezone as submitted with a second by Wesley Sisk. The motion carried unanimously.**



**Rezone Application # 223030022**  
**Application to Amend the Official Zoning Map of Walton County, Georgia**

Planning Comm. Meeting Date 5-4-2023 at 6:00PM held at **WC Historical Court House, 111 S. Broad St, Monroe, Ga (2<sup>nd</sup> Floor)**

Board of Comm Meeting Date 6-6-2023 at 6:00PM held at **WC Historical Court House**

**You or your agent must be present at both meetings**

**Map/Parcel** C0650059A00 and C0650059

**Applicant Name/Address/Phone #**

**Property Owner Name/Address/Phone**

ATEN Properties, LLC dba Countryside Veterinary Services same as Applicant

12088 Hwy 142

Newborn, Georgia 30056

E-mail address: dcarter@countrysidevets.com

(If more than one owner, attach Exhibit "A")

Phone # 706-726-7463

Phone # \_\_\_\_\_

Location: 3395 & 3435 Maughon Rd Requested Zoning B2 Acreage 2.1 and 5.95

Existing Use of Property: Veterinary Services

Existing Structures: Veterinary Services building and accessory structures, commercial building

The purpose of this rezone is to rennovate an existing structure for an equine surgical center and construct an accessory pole barn on 2.1 acres & rezone the existing facility to fit the grandfathered use on 5.95 acres. Variance requested to reduce buffer from 100ft to 50ft. Request to change character area to NR

Property is serviced by the following:

Public Water:  Provider: Walton County Well: \_\_\_\_\_

Public Sewer: \_\_\_\_\_ Provider: \_\_\_\_\_ Septic Tank: \_\_\_\_\_

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Alan Carter  
Signature

3/27/23  
Date

\$ 550.00  
Fee Paid

**Public Notice sign will be placed and removed by P&D Office**

Signs will not be removed until after Board of Commissioners meeting

**Office Use Only:**

Existing Zoning A1/B1/J  
A1/B2

Surrounding Zoning: North A1 South A1  
East A1 West A1

Comprehensive Land Use: Suburban **DRI Required?** Y \_\_\_\_\_ N

Commission District: 3 - Shelnett Watershed: \_\_\_\_\_ TMP

I hereby withdraw the above application \_\_\_\_\_ Date \_\_\_\_\_

**AUTHORIZATION  
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: ATEN Properties, LLC (Applicant is Owner)

Address: 12088 Hwy 142, Newborn, GA 30056

Telephone: 706-726-7463

Location of Property: 3435 and 3395 Maughon Road

Map/Parcel Number: C0650059A00 and C0650059

Current Zoning: A1 B2 Requested Zoning: B2

*Dan Carter*  
Property Owner Signature

\_\_\_\_\_  
Property Owner Signature

Print Name: Dan Carter for ATEN Properties Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Phone #: 706-726-7463

Phone #: \_\_\_\_\_

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.

*ADP*  
Notary Public

3/27/23  
Date



Article 4, Part 4, Section 160 Standard Review Questions:

**Provide written documentation addressing each of the standards listed below:**

1. Existing uses and zoning of nearby property;

See attached

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2. The extent to which property values are diminished by the particular zoning restrictions;

See attached

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3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

See attached

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4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

See attached

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5. The suitability of the subject property for the zoned purposes; and

See attached

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6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

See attached

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**Supplemental Responses to Application**  
**and**  
**Request for Buffer Variance and Character Area Change**

**A. Article 4, Part 4, Section 160 Standard Review Questions:**

1. Existing uses and zoning of nearby property;

The Subject Property consists of two parcels which are both zoned A1 B2. The properties adjoining the Subject Property and in the general vicinity are zoned A1 and used for farming and large-lot residential. The Subject Property is used for veterinary services (5.95 acres) which extension thereof is the purpose of this rezoning action.

2. The extent to which property values are diminished by the particular zoning restrictions;

The current A1 B2 zoning is not a true reflection of the grandfathered use of the property as a veterinary facility which has operated at 3435 Maughon Road as Countryside Veterinary Services for over 30 years. Applicant seeks to rezone the property to be consistent with the actual use and to utilize the adjacent property at 3395 Maughon Road to expand the practice to include an equine surgical center within the footprint of an existing building and a new horse barn to house horses undergoing surgery. The value of the property at its actual use is diminished by not conforming with the current zoning structure in the Walton County Development Ordinance.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

Countryside Veterinary Services is a cornerstone business that has served the citizens of Walton County and surrounding areas for over 30 years. Applicant's proposal does not change this use, but seeks to expand the services provided to include a dedicated equine surgery center with barn at 3395 Maughon Road. These expanded services will benefit the equine community and enhance the overall welfare of the public by expanding access to animal care.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

The demand for Applicant's services has increased and Applicant needs to expand its veterinary services facility. Additional veterinary services are a benefit to the community. It would be a hardship for the Applicant to have to expand the business and facility at another location given that the two parcels comprising the Subject Property are a natural extension of one another and convenient for customers and employees. Forcing the business to move, potentially

outside of Walton County, would be a hardship on the community and the Applicant.

5. The suitability of the subject property for the zoned purposes; and

This Subject Property is suitable for a B2 zoning because it is consistent with its existing use as a veterinary clinic. The current zoning of A1 B2 is confusing at best and does not reflect the actual use of the property in its entirety as a veterinary clinic. The adjoining 2.1 acres is a natural extension of this use.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

The property at 3435 Maughon Road has been a veterinary office with associated pasture for over 30 years. The property at 3395 Maughon Road has been a commercial business for over a decade. Applicant seeks to eliminate the dual zoning of each property and rezone both to B2 which fits with the current uses. This business provides a tremendous benefit to the community and has not spurred other development in the vicinity.

### **B. Buffer Variance Request-**

Applicant requests that it be permitted to use 50-foot buffers in areas adjoining neighboring properties. The Ordinance requires 100-foot buffers between properties used for veterinary services and properties zoned for residential uses. Applicant requests that the buffer be reduced to 50-feet, which is consistent with transitional buffers for other B2 uses, to alleviate the hardship of eliminating the surgical center on the 2.1-acre property. Due to the small size of the lot and the fact that the surgery center will be within the footprint of an existing building, Applicant is unable to construct the surgery center without the buffer reduction. The buffer reduction would cause minimal impacts to adjoining properties as there are no homes within 500 feet of the Subject Property and the transitional buffer along 3395 Maughon Road is wooded with mature trees.

### **C. Request for change in character area**

Applicant requests a change in the designated character area of Suburban to Neighborhood Residential to be consistent with the existing use of a veterinary office serving the surrounding areas. The Neighborhood Residential Area allows for B2 zonings for commercial uses which support surrounding residential areas. The existing veterinary facility has been doing just that for over 30 years and the addition of the new equine surgery center and barn will broaden the services available to the local community. The facilities are a low intensity use which draws little traffic, noise and provides a needed service to the local area.



# Andrea P. Gray LLC

Attorney at Law

March 27, 2023

Ms. Charna Parker  
Director  
Walton County Planning and Development  
Court Street  
Monroe, GA 30655

Re: Applicant/Owner: ATEN Properties, LLC  
Business Operated on Properties: Countryside Veterinary Services  
3435 and 3395 Maughon Road  
Request to zone 5.95 and 2.1 acres from A1 B2 to B2  
Buffer Variance  
Change in Character Area

Dear Ms. Parker:

Countryside Veterinary Services, a mainstay of veterinary care in Walton County for over 30-years, seeks to expand its operations to include an equine surgery center by renovating an existing building and adding a new barn. Countryside currently operates on 5.95 acres at 3435 Maughon Road. Its facility includes offices and a surgery center. Due to a high demand for expanded equine services, it needs to add a dedicated equine surgery center with a 3,000 sf barn for patients. The best opportunity to achieve this expansion is to utilize the adjoining 2.1-acre property at 3395 Maughon Road which has an existing building that can be renovated into a surgery center and the space necessary to build an accompanying barn. To accommodate this expansion, the 2.1-acre property must be rezoned from A1 B2 to B2. The 5.95-acre parcel, although grandfathered under its existing zoning, is being rezoned to create uniformity and to reflect its actual use.

The properties which comprise the existing and expanded operations are owned by ATEN Properties, LLC ("ATEN" or "Applicant") and include 5.95 acres (the existing facility) and an adjoining 2.1 acres (the new surgery center and 3,000sf barn) at 3435 and 3395 Maughon Road respectively (the "Subject Property"). ATEN is the owner and Applicant for this rezoning application. Applicant is not seeking to combine the properties at this time and requests that they be rezoned as individual parcels.



300 E Church Street, Monroe, GA 30655  
(678) 364-2384 [www.andreapgray.com](http://www.andreapgray.com)

As a part of the rezoning, Applicant also requests a reduction in the transitional buffer from 100-feet to 50-feet to allow it to use the existing building on the 2.1-acre tract which will be remodeled into a new surgery center. The triangular shape of the 2.1-acre property combined with a 100-foot buffer make it unsuitable for the uses proposed. A 50-foot buffer is consistent with a typical transitional buffer for other B2 uses. The homes on the adjacent properties are more than 700 feet away from the Subject Property and a large portion of the 50-foot buffer is wooded with mature trees. The reduced buffer would have minimal impact to adjoining properties yet make the 2.1-acre parcel developable. Applicant also requests the buffer reduction on the 5.95 acre parcel to maintain consistency with the adjoining property and in contemplation of any future structures.

Applicant also requires a change to the Character Area designation from Suburban to Neighborhood Residential. Countryside has been and will continue to be an asset to the community by providing a much-needed service. It is consistent with the Neighborhood Residential character area which promotes low-impact developments which provide needed services to nearby residents.

In summary, Applicant respectfully requests: (1) that the 5.95 and 2.1 acres at 3435 and 3395 Maughon Road respectfully, be rezoned from A1 B2 to B2 to reflect the current and expanding veterinary services facility to include a new equine surgery center with barn, (2) that the character area of the property be changed from Suburban to Neighborhood Residential, and (3) a variance to allow for a 50-foot transitional buffer on both parcels.

Please let me know if you have any questions.

Sincerely,



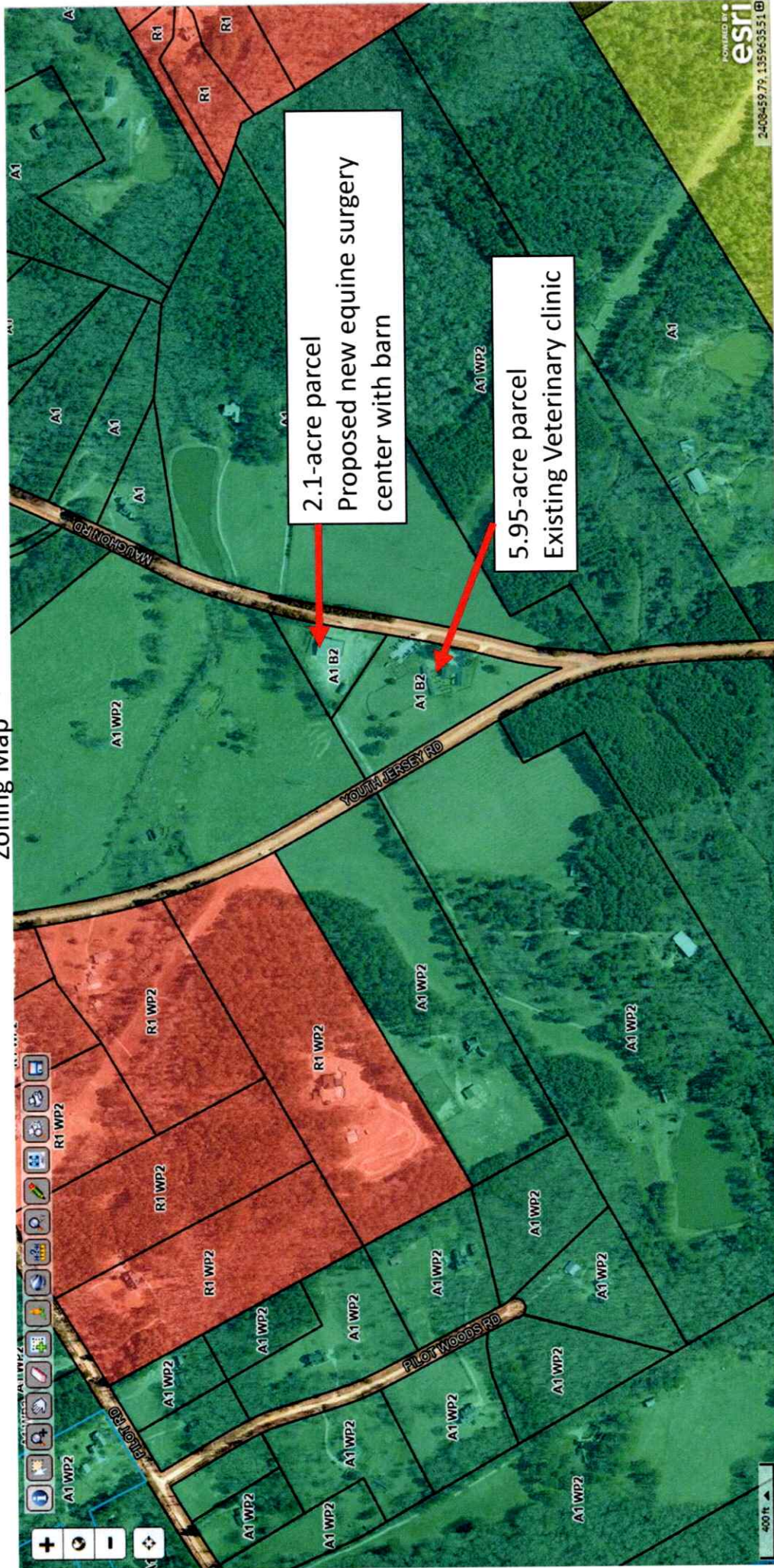
Andrea Gray  
Applicant's Representative





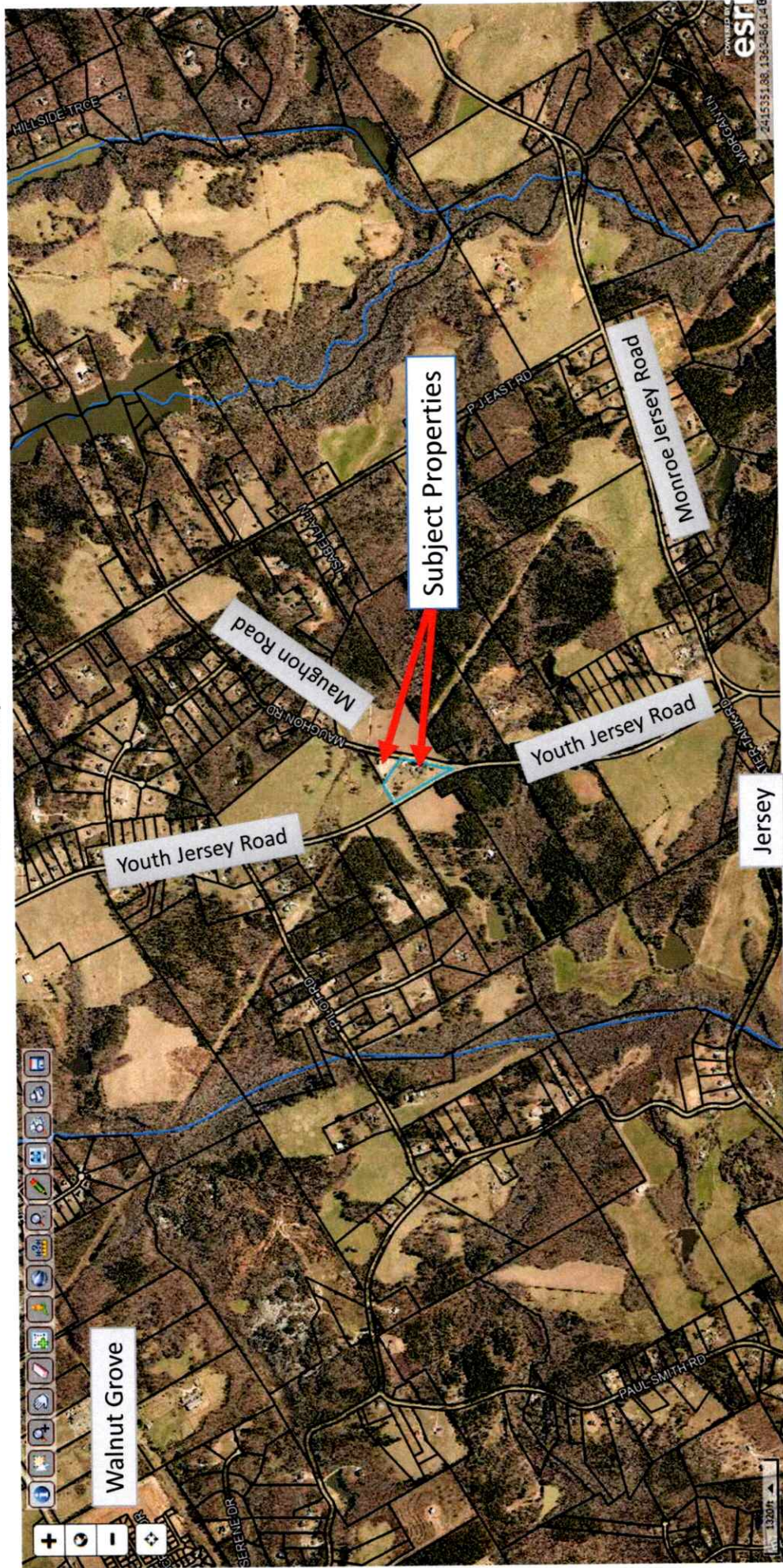


# Zoning Map





Location Map



**AGENT AUTHORIZATION**

Date: \_\_\_\_\_ Tax Map and Parcel Number(s): C0650059A00 and C0650059

PROPERTY ADDRESS: 3395 AND 3435 Maughon Road  
Covington, Georgia 30014

PROPERTY OWNER: ATEN Properties, LLC (dba Countryside Vets)  
12088 Hwy 142  
Newborn, Georgia 30056

APPLICANT: ATEN Properties, LLC  
12088 Hwy 142  
Newborn, Georgia 30056

ATTORNEY/AGENT: Andrea P. Gray, LLC  
300 E Church Street  
Monroe, GA 30655  
(678) 364-2384

ACTION: Rezone 2.1 and 5.95 acres from A1/B2 to B2 for a veterinary office  
and equine surgical center with barn

The undersigned states under oath that it is the owner of the property and hereby  
authorizes Applicant through its Attorney/Agent to submit, execute and prepare any and all  
documents relating to or speak on its behalf regarding the request for a zoning of the property  
referenced herein.

**ATTORNEY/AGENT**

*Andrea P. Gray*  
BY:

Sworn to and subscribed before me this 27 Day of March 2023

*Kaye Pickens*  
NOTARY PUBLIC



**APPLICANT: ATEN PROPERTIES, LLC**

*Dan Clark*  
BY:

Sworn to and subscribed before me this 27<sup>th</sup> Day of March 2023

*Andrea P. Gray*  
NOTARY PUBLIC





**Andrea P. Gray** LLC

Attorney at Law

March 27, 2023

## **Notice of Preservation of Constitutional Objections**

Re: Applicant/Owner: ATEN Properties, LLC  
Business Operated on Properties: Countryside Veterinary Services  
3435 and 3395 Maughon Road  
Request to zone 5.95 and 2.1 acres from A1 B2 to B2  
Buffer Variance  
Change in Character Area

Georgia law requires that Applicant include in its rezoning record a statement of constitutional objections to put the deciding board on notice of the Applicant's assertion of its constitutional and legal rights to the requested rezoning. In accordance with this requirement, Applicant asserts the following:

The current zoning of the Subject Property restricts said property in an unreasonable manner, is unconstitutional, null and void in that the restriction to the current zoning classifications affords the Applicant no reasonable use of the Property and is the equivalent of a taking of the Applicant's property rights without payment of just and adequate compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendments to the Constitution of the United States, and Article I, Section I, Paragraph I, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia.

A refusal by the board to approve the rezoning requested by the Applicant to permit a reasonable economic return on the Applicant's investment and a reasonable use of the Property would therefore be unconstitutional, null and void and would be arbitrary, capricious and without a rational basis, thus constituting an abuse of discretion. Further, a refusal by the board would discriminate in an arbitrary, capricious, and unreasonable manner between the Applicant and owners of similarly situated properties in violation of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States, and Article I, Section I, Paragraph II of the Georgia Constitution.

The continued application of the current zoning to the Subject Property results in little or no gain to the public in general and fails to promote the health, safety, morals or general welfare of the public and does not bear a substantial relation to the objectives of the Walton County,



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Georgia Zoning Ordinance, and would constitute a substantial reduction of the property value of the Applicant and is therefore confiscatory and void.

By filing this Statement of Constitutional Rights, the Applicant reserves all rights and remedies available to them under the United States Constitution, the Georgia Constitution, all applicable federal state and local laws and ordinances, and in equity.



**ON SITE**  
CIVIL GROUP

960 BRIMMINGHAM RD, SUITE 200, MILTON, GA 30084  
WWW.ONSITECIVIL.COM  
PHONE: 404-441-2060  
FAX: 404-441-2061

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REVISIONS

NO.	DATE	DISTRIBUTION



MOELLER PURCELL  
CONSTRUCTION COMPANY  
1025 OLD ALABAMA ROAD  
CONNECTOR-SUITE 100  
ALPHARETTA, GEORGIA, 30022  
PHONE: 770-441-2060

BARN ADDITION REZONING PLAN  
3395 MAUGHON ROAD  
LAND LOTS 130 & 139,  
4TH DISTRICT, 416 GMD SOUTH  
WALTON COUNTY, GEORGIA

SHEET:  
PROJECT: 240414  
DATE: 3/18/23



**OWNER:** ATEEN PROPERTIES, LLC  
NEWINGTON, GA 30096

**APPLICANT:** ATEEN PROPERTIES, LLC  
DAN CARTER  
1208 HIGHWAY 142  
NEWINGTON, GA 30096

**SITE ADDRESS:** 3395 MAUGHON ROAD  
CROSSING & CROSSING ROAD

**PARCEL #:** 5.96 & 2.1 ACRES

**ACHIEVE CLASS:** C-4 & C-1 - COMMERCIAL

**SETBACKS:** ZONING CLASS B2 FRONT BUILDING - 25' YOUTH - JERREY RD 40' MAUGHON RD SIDE BUILDING - 15'

**BUFFERES:** PER ARTICLE 6 OF THE ZONING CODE - VETERINARY SERVICES (S) ARE USED AS AN ANIMAL HOSPITAL OR VETERINARY CLINIC SHALL BE LOCATED AND ITS PROPERTY ZONED OR USED FOR RESIDENTIAL PURPOSES. THE BARN SHALL BE LOCATED WITHIN A BUFFER OF 10 FEET FROM THE ADJACENT PROPERTY TO REDUCE THE BUFFER DOWN TO 5'

**PARKING REQUIREMENTS:** CURRENTLY THERE IS NO ACCESS TO A SIDEWALK AT THIS LOCATION. THE COUNTY HAS SUGGESTED ONE SPACE SURGICAL ROOM

**BOUNDARY SURVEY:** THE EXISTING FACILITY HAS THREE SURGICAL ROOMS ON PARCEL 130 AND TWO SURGICAL ROOMS ON PARCEL 139. APPROXIMATELY 20 SPACES ADJACENT TO THE GEORGIA POWER SUBSTATION ON PARCEL 130.

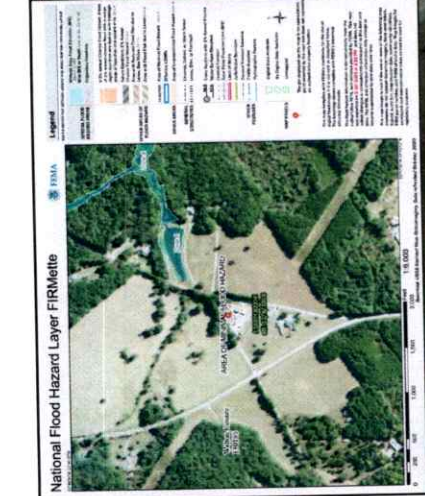
**CURRENT ZONING:** THE EXISTING FACILITY IS ZONED B2 (COMMERCIAL) AND THE PROPOSED BARN IS ZONED B2 (COMMERCIAL).

**PROPOSED IMPROVEMENTS:** THE OWNER IS PROPOSING TO CONSTRUCT AN 87' X 28' BARN BY PAUL BARN ON PARCEL 130 AND 139. THE BARN WILL NOT REQUIRE DOMESTIC WATER OR SANITARY SERVICES.

**REQUESTS:** REDUCE BOTH PARCELS FROM A B2 TO B2-10 (COMMERCIAL) ZONING TO A VETERINARY SERVICES USE TO B2.

**REQUIREMENTS:** REQUEST A CHARACTER AREA CHANGE FROM SUBURBAN TO LIGHT BUSINESS/RESIDENTIAL.

**24 HOUR CONTACT:**  
ANDY NICHOLS  
770-441-2060



BASED ON FEMA MAP PANE, 130210022E, WITH AN EFFECTIVE DATE OF 08/20/17. IF OUR PROFESSIONAL OPINION THAT NO PORTION IS WITHIN A DESIGNATED FLOOD PLANE.



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