



**Walton County Planning and Development Department
Board of Appeals Case Summary**

Case Number: V26-0166

Board of Appeals Meeting Date: July 21, 2026

Applicant/Owner:

J Scott Baize
3240 Stewart Lake Road
Monroe, Georgia 30655

Property Information:

- **Address:** 3240 Stewart Lake Road
- **Map Number:** N063D038
- **Site Area:** 5.30 acres
- **Current Zoning:** R1
- **Character Area/Future Land Use Map Designation:** Suburban
- **Watershed Protection Area:** Not in a Watershed

District Representation:

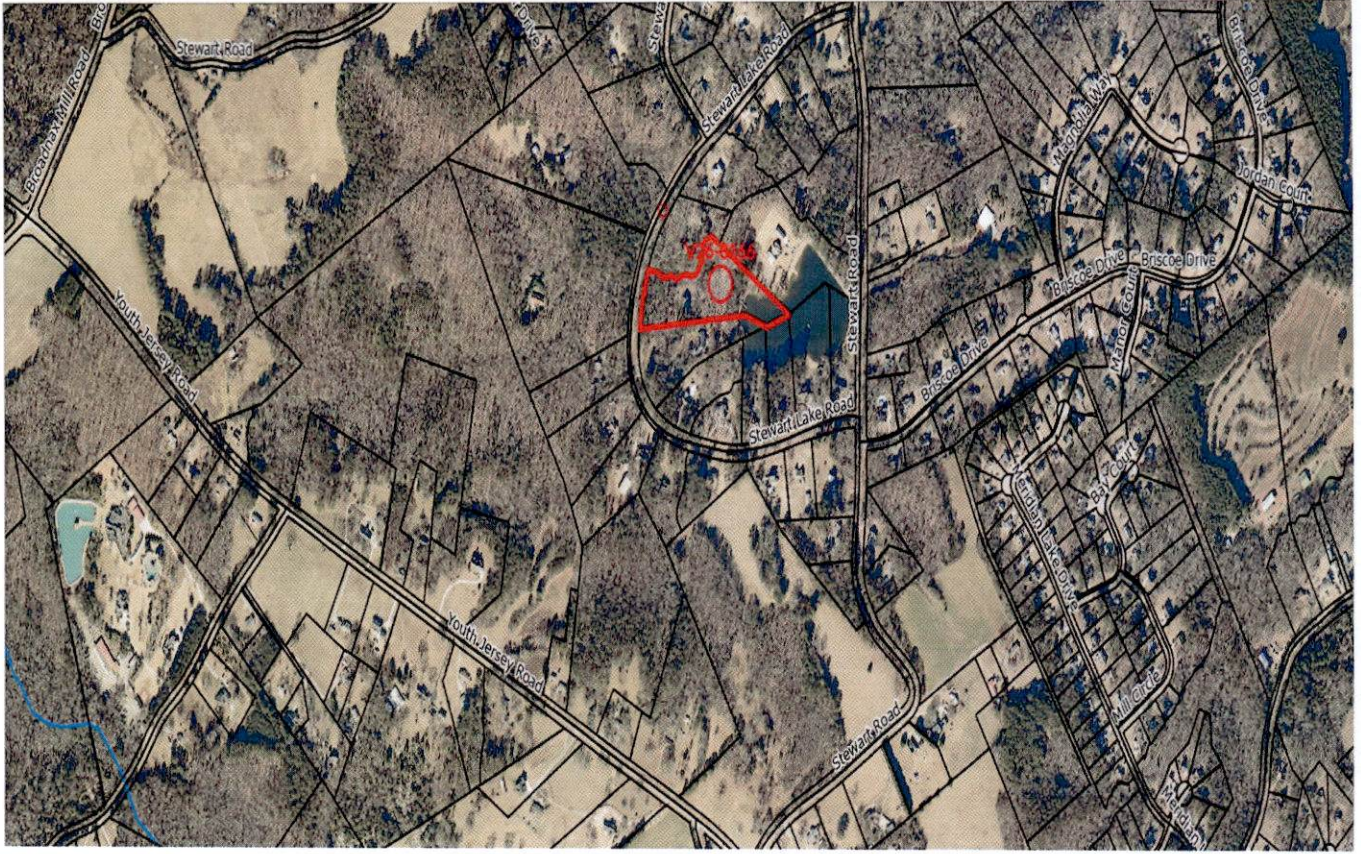
- **Commissioner (District 3):** Timmy Shelnett
- **Board of Appeals Member:** Henry Kines

Request: Variance requesting to allow construction of a pool within the county's 50-foot stream buffer area and within the 25-foot impervious surface setback.

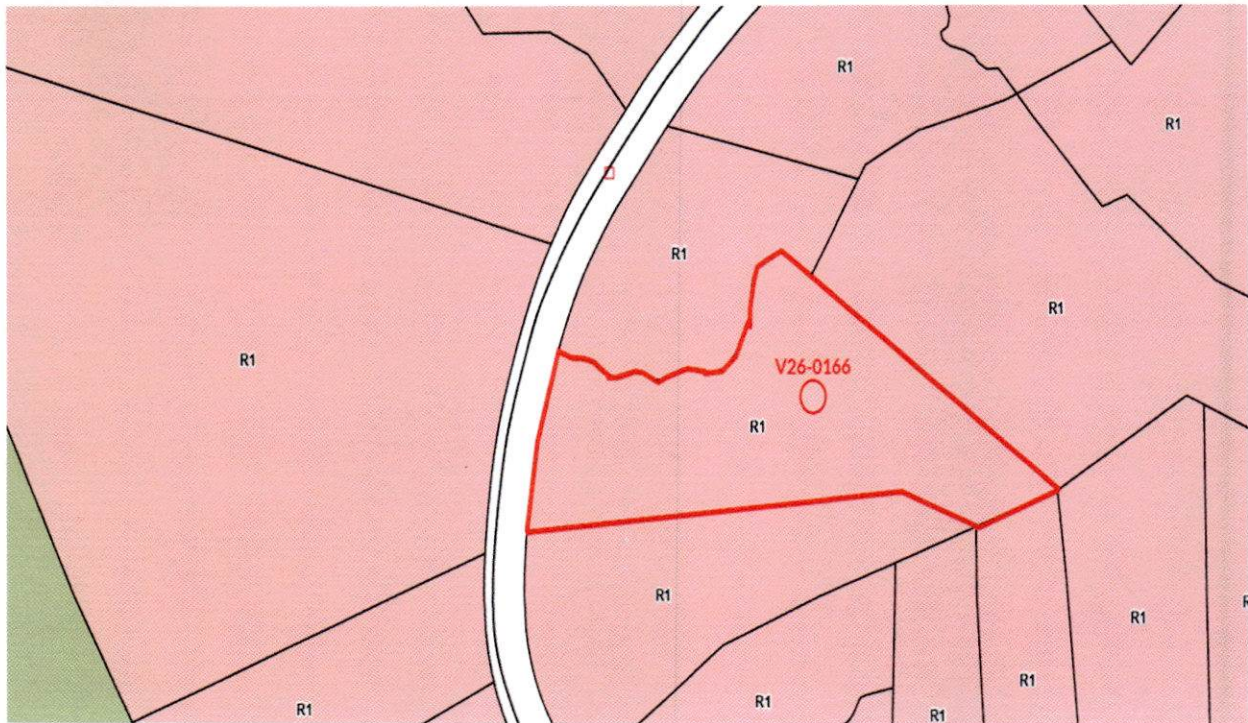
Existing Site Conditions: A house is located on the property. The surrounding properties are zoned R1.

Property History:

7-11-85	Cline Land Co	A1 to R1 Stewart Lake	W30-112spl	Approved 7-24-85
---------	---------------	-----------------------	------------	---------------------

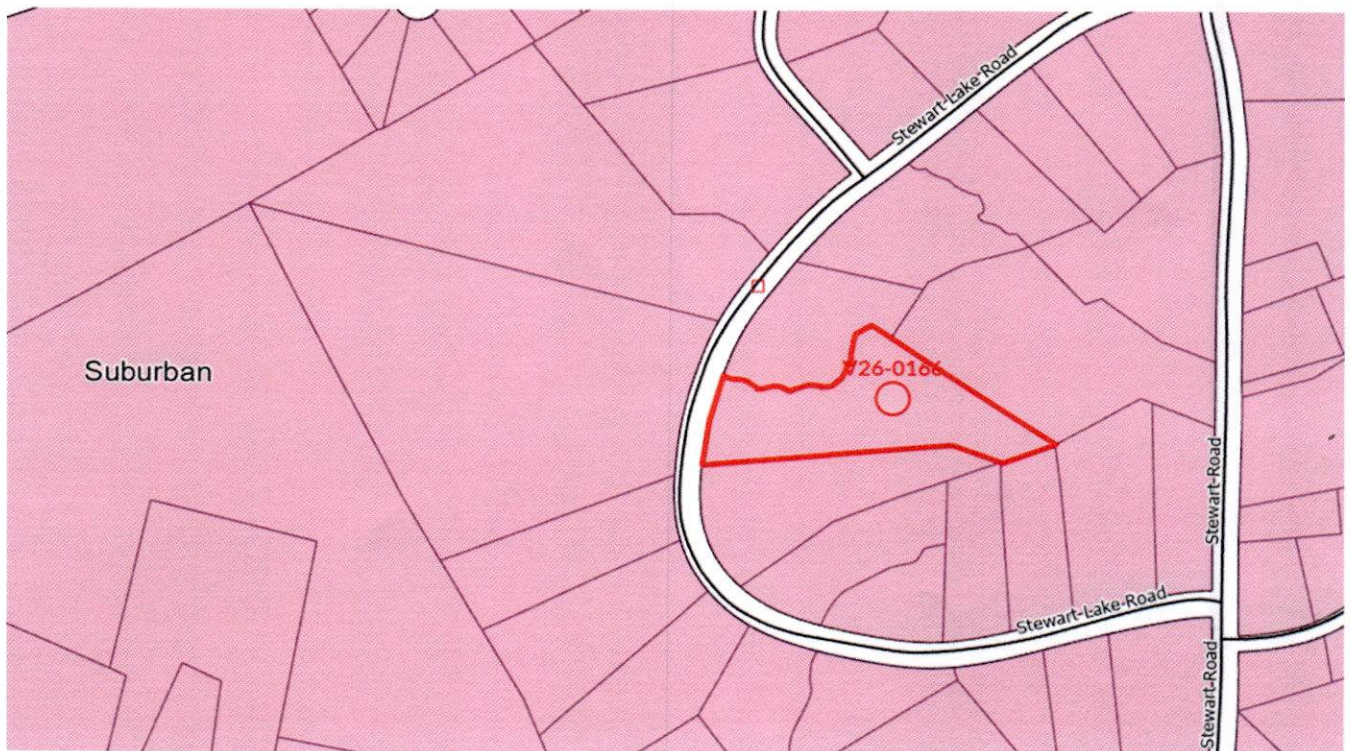


The surrounding properties are zoned R1.



The property is not in a Watershed.

The Future Land Use Map for this property is Suburban.



Staff Comments: Applicant purchased a pool permit on April 15, 2026. When the County Inspector went out to do an inspection it was determined that the pool and related construction had disturbed buffers and was within setbacks for the stream. Applicant was notified to apply for a Variance.

Sec. 14-104. Appeals and variances.

(a) *Procedure upon denial.* Upon denial of the application for a sign permit, the applicant shall be given written notice stating the reason(s) for the denial within 15 days of the decision to deny the permit. The aggrieved party may appeal any decision as provided in board of zoning appeals procedure.

(b) *Variances.*

- (1) Variances may be granted from the provisions of this ordinance in compliance with powers of board of zoning appeals.
- (2) Variance procedures shall apply both to signs which are nonconforming as of the effective date of this ordinance and to new signs erected thereafter.

(Ord. of 8-6-2002, § 24)

Walton County Board of Appeals Application
Please Type or Print Legibly

Variance/Special Exception/Appeal # V26-0166

Board of Appeals Meeting Date 7-21-2026 at 6:00PM held at the Walton County
Historic Courthouse, 111 S Broad Street, Monroe, Georgia (2nd Floor)

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Recorded Deed Survey Plat Site Plan Proof of
Paid Property Taxes _____
**Drawn by Design Professional

Map/Parcel N063D038 Zoning District: R1 Commission District: 3 - Timmy Shelnett

Applicant Name/Address/Phone #	Property Owner Name/Address/Phone
J. Scott Baize 3240 Stewart Lake <u>Road</u> Monroe, Georgia 30655	same as Applicant
Type Request: <input checked="" type="checkbox"/> VARIANCE _____ SPECIAL EXCEPTION _____ APPEAL _____	
Property Location <u>3240 Stewart Lake Road, Monroe</u> Acreage <u>5.3 acres</u>	
Describe Variance/Special Exception/Appeal: <u>Variance to allow the construction of a pool within the county's 50-foot stream buffer area. and within the 25-foot impervious surface setback.</u>	
State Reason for request and how these reasons satisfy Article 14 Standards of Review: <u>The pool location is consistent with the placement of the existing home, built in 1994 prior to the existence of the buffer. The county issued a permit for the pool (#26-00506) and Applicant began construction. Construction was stopped pending receipt of a variance. A detailed analysis under the Article 14 Standards of Review are attached hereto.</u>	
Public Water: _____ Well: _____ Public Sewer: _____ Septic Tank: <input checked="" type="checkbox"/>	
The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for Planning and Development personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.	
Signature <u>J. Scott Baize</u>	Date <u>6/11/26</u> Fee Paid: \$ <u>500.00</u>
PUBLIC NOTICE SIGN WILL BE PLACED AND REMOVED BY P & D OFFICE	
I HEREBY WITHDRAW THE ABOVE APPLICATION _____ Date _____	



Andrea P. Gray LLC

Attorney at Law

June 15, 2026

Walton County Zoning Board of Appeals
c/o Ms. Kristi Parr
Director
Walton County Planning and Development
Court Street
Monroe, GA 30655

Re: Applicant/Owner: J. Scott Baize
Request for Variance to allow pool in county stream buffer
Tax Parcels: N063D038
Addresses: 3240 Stewart Lake Road, Monroe GA 30655

Dear Ms. Parr:

My client, J. Scott Baize (the “Applicant”), files this application for a variance to allow for construction of a swimming pool and retaining wall within the county stream buffer and impervious setback. Applicant purchased the property at 3240 Stewart Lake Road, Monroe GA (the “Property”) on January 20, 2026. The Property is 5.30 acres and includes certain flood areas, a creek, and has lake frontage on Stewart Lake. There is a 2,551 square foot brick home built in 1994 on the Property with a concrete driveway which are all outside the flood areas and the State of Georgia required 25-foot stream buffer. However, part of the driveway is within the county’s 50-foot undistributed buffer area and approximately 1/3 of the home itself is within the county’s 25-foot impervious setback. The county adopted these buffer and setback regulations in the 2007 Stream Buffer Protection Ordinance which is after the home and driveway were built.

Applicant seeks a variance to allow for a swimming pool and retaining wall to be constructed behind the house with access to the existing driveway. Applicant contracted with a pool company to construct a 16’x 30’ gunite pool with a 4-foot concrete apron and a retaining wall behind his home in the most logical place – on a flat area that connected to his existing driveway and is visible from the house. The pool company applied for a permit through the Department of Public Health who, after an onsite inspection, issued a permit on April 14, 2026. Upon receipt of the DPH permit, Walton County issued its permit to authorize construction on April 15, 2026 and the pool company started its grading work. Shortly after grading started, Applicant was given



300 E Church Street, Monroe, GA 30655
(678) 364-2384

notice by Walton County that he needed to install silt fence, which he promptly installed. Shortly after fully grading the pool and having concrete forms with rebar installed and ready for pouring concrete, a neighbor expressed a concern regarding stream buffers and work stopped while Applicant obtained a formal survey of the Property. The survey was completed on May 12, 2026, and it revealed that the new, partially constructed swimming pool and retaining wall is located outside the State's 25-foot stream buffer but within the 50-foot undisturbed county buffer and the 25-foot impervious setback. Given the significant resources invested by Applicant to grade and install concrete forms and rebar under an issued permit and the fact that the existing home and grounds are within the county buffer and setback as well, it would be a significant hardship on the Applicant to relocate the pool. Applicant respectfully requests that this board grant a variance to allow him to continue with construction of the pool and retaining wall in the current location. A formal analysis of the factors supporting this request under the Walton County Ordinances follows.

Factors to consider in the variance analysis

Applicant's proposal is in the best interest of the health, safety, morals and general welfare of the county in that it preserves property values on homes which pre-date added stream buffer and setback requirements while protecting waterways with mitigating measures. In evaluating whether to grant a variance, the board must consider several factors as follows:

- a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape and topography.

The home on the Property was built prior to the institution of the county's 50-foot buffer and 25-foot impervious surface setback. Due to the topography of the property and the added county buffer and setback, the home could not be built where it is today and the narrowness of the Property once these restrictions are applied would make it difficult to develop at all. The Applicant was issued a permit to construct a swimming pool in the most logical place- in a flat area next to his home where there is an existing driveway. Photographs of the existing conditions are included in the application. These photos show the grading and concrete forms with rebar. They also show the location of the pool in relation to the home and the driveway. As also shown on the survey included with this application, the pool is sited to be perpendicular to the stream and no closer to the stream than the existing driveway.

- b) The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship.

Requiring Applicant to move the swimming pool would not only be a significant expense to Applicant, but it would also require placing it in an odd configuration compared to the existing home, resulting in more expense and a practical challenge for access. The current location is on relatively flat ground and allows easy access from the existing driveway. It also allows Applicant to see the pool from the home which is important for safety reasons.



- c) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

If the variance is granted, it will benefit the public good and meet the intent of the ordinance by protecting property values and usability of homes constructed and properties developed prior to ordinance changes increasing the overall setback by three times the state requirement. Additionally, Applicant will install a specialized pool filter, called a SwimClear Multi-Element Filter which eliminates the requirement to backwash the pool which will prevent contaminants from being backwashed within the stream buffer. It is a self-contained filtering system. Information about this filter is included in the application materials. Applicant is also willing, if the county so approves, to place riprap in areas where runoff could occur and/or make other reasonable accommodations to alleviate any concerns.

- d) This is an allowable variance.

This variance is allowable under the Walton County Code of Ordinances as a pool is an allowable use and there are variances allowed for stream buffer encroachments.

Factors to consider under the Stream Buffer Protection Ordinance variance requirements

In addition to the factors considered for general variance requests, the below information is responsive to the specific buffer variance requirements stated in Walton County Development Ordinance, Section 11-10-150 - Land Development Requirements.

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this Ordinance prevents land development unless a buffer variance is granted.

Applicant's lot was platted and home was constructed prior to the adoption of the Walton County Stream Buffer Protection Ordinance in 2007. The home and driveway are within the 50-foot county stream buffer and the 25-foot impervious setback. The buffer and setback significantly narrow the property and limit areas for development. They also frustrate the ability to build appurtenant structures adjacent to the house such as the pool. The pool was constructed in the most logical place on the property – flat ground next to an existing driveway and is no closer to the stream than the existing driveway.

- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

The existing home being fully within the buffer and setback areas is unusual. Strict adherence to the ordinance would require Applicant to move the pool which has already been graded and formed for a concrete pour. Applicant proceeded with construction based on a permit issued by the Department of Public Health and Walton County. Due to the placement of the home on the lot, moving the pool would require it be in an awkward location not directly accessible by the existing



driveway. It would also be at a great expense to the Applicant. Applicant made a \$5,000 downpayment to begin construction and the work to date totals approximately \$13,000. Moving the pool at this time would require more grading and relocation of the forms and rebar to the extent that the materials could be reused. It would also require more disturbance to the area where the pool is currently locating to fill the hole and regrade. If the goal is to limit disturbances in the area, moving the pool would not be consistent with this goal. However, leaving the pool where situated and adding the mitigating factors to include the self-contained filter system and riprap would be consistent with the goal.

- c. Variances will not be considered when, following adoption of this Ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

Applicant did not construct the home and was not aware of the buffer issue when he applied and received a permit for the pool construction through the DPH and Walton County. He commenced construction of the pool based on the permits. Immediately upon learning of the concern, he stopped construction, obtained a survey, and then applied for this variance.

- d. Applicant provided the necessary information in the application

A survey of the property/site plan showing the stream, buffers and setback in relation to the structures is included in the application. Documentation regarding the unusual hardship and why any alternative plans would not work are included in this letter. Applicant also provides in this application a mitigating measure which includes installing an upgraded pool pump to eliminate backwashing. He is also willing to install rip rap in any areas of concern for the county.

In sum, Applicant respectfully requests a variance to allow for the continued construction of his swimming pool and retaining wall. If you have any questions or would like to discuss this further, please do not hesitate to contact me.

Sincerely



Andrea P. Gray
Attorney



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Date: 6/11/20 Tax Map and Parcel Number(s): N063D038

PROPERTY ADDRESS: 3240 Stewart Lake Road, Monroe GA 30655

PROPERTY OWNER: J. Scott Baize

APPLICANT: J. Scott Baize

Check one of the following:

[Signature] (A) The applicant here certifies, under oath, that he or she has not made any campaign contributions or gifts having an aggregate total value of \$250.00 or more to any local government official of Walton County Georgia, as defined by O.C.G.A. 36-67A-1(5).

_____ (B) The Applicant here certifies, under oath, that he or she has made the following campaign contributions or gifts having an aggregate total value of \$250.00 or more to a local government official of Walton County, Georgia as defined by O.C.G.A.36-67A-1 (5).

Please list total value of contribution(s) dates and names of the local Government Official:

Describe in detail any gifts listed above (example: quantity and nature, etc.):

[Signature]
BY: J. Scott Baize

Sworn to and subscribed before me this 11th Day of June 2020

[Signature]
NOTARY PUBLIC



AGENT AUTHORIZATION

Date: 6/11/2026 Tax Map and Parcel Number(s): N063D038

PROPERTY ADDRESS: 3240 Stewart Lake Road, Monroe GA 30655

PROPERTY OWNER: J. Scott Baize

APPLICANT: J. Scott Baize

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

ACTION: Variance for construction of a pool

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 variance for the property referenced herein.

ATTORNEY/AGENT

[Signature]
BY: Andrea P. Gray

Sworn to and subscribed before me this 11th Day of June 2026

[Signature]
NOTARY PUBLIC

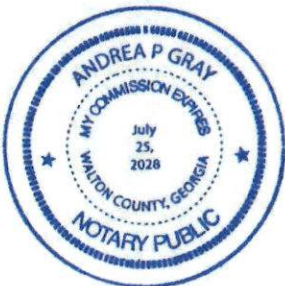


APPLICANT: J. Scott Baize

[Signature]
BY:

Sworn to and subscribed before me this 11th Day of June 2026

[Signature]
NOTARY PUBLIC



**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 Variance/Appeal 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 Variance/Appeal Application.

Name of Applicant: J. Scott Baize

Address: 3240 Stewart Lake Road, Monroe GA 30655

Location of Property:
3240 Stewart Lake Road, Monroe GA 30655


Map/Parcel Number: N063D038

 _____ Property Owner Signature	 _____ Property Owner Signature
--	---------------------------------------

Print Name <u>J. Scott Baize</u>	Print Name: _____
----------------------------------	-------------------

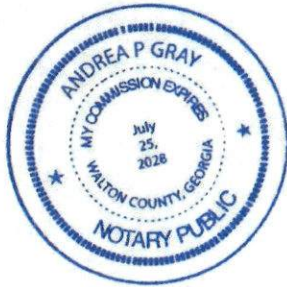
Address: <u>3240 Stewart Lake Road, Monroe GA</u>	Address: _____
---	----------------

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.



Notary Public

6-11-26
Date



Photographs of Existing Conditions

View from upper deck showing grading, framing and rebar installation.



View from the back side of the pool area showing framed pool and location relative to the home.



Wider view of backyard from existing upper deck with pool and retaining wall shown on the left.



View of retaining wall and back side of the pool.



View showing existing driveway and how it ties into the pool location.





**Georgia Department of Public Health On-Site Sewage Management System
Performance Evaluation Report Form**

APPLICANT NAME: Debra Wozniak		PROPERTY/SYSTEM ADDRESS: 3240 STEWART LAKE RD MONROE, GA 30655	EVALUATION ID: 034717
APPLICANT PHONE: (770) 262-5510			COUNTY: Walton
APPLICANT EMAIL ADDRESS:		SUBDIVISION/LOT/BLOCK: Stewart Lake-II/38-(5.3 acres)/A	REASON FOR EVALUATION: Pool
Inspection Records			
Yes	1. Inspection records exist for this septic system.		
Yes	2. Inspection records indicate that all components of the septic system were properly constructed and approved at the time of original inspection. A copy of the original inspection report is attached.		
Maintenance Records (applicable copies are attached)			
Yes	3. Maintenance or installation records indicate that the tank has been pumped out or installed within the past 5 years. Note: it is recommended that septic tanks be pumped at least once every 5 years.		
N/A	4. Systems with aerobic treatment unit(s) (ATU): Records indicate the ATU has been serviced in accordance with the manufacturer's recommended maintenance schedule OR an authorized representative of the manufacturer has provided documentation that the ATU is operating sufficiently.		
N/A	5. Systems with grease trap(s): Maintenance records indicate the grease trap(s) has been pumped out within the last 6 months OR documentation has been provided by a qualified individual confirming that the grease trap contains less than 75% of the designed grease holding capacity and is operating sufficiently.		
System Assessment and Existing Site Conditions (applicable copies are attached)			
Yes	6. The septic tank was uncovered at the time of this County Board of Health Evaluation OR maintenance records exist and the tank appears to meet the required design, construction, and installation criteria. The appropriateness of the sizing and installation criteria of the absorption field cannot be verified since no initial inspection records exist.		
Yes	7. A Georgia certified septic tank installer has provided written documentation of the system design, location, and components.		
Yes	8. This site evaluation by the County Board of Health revealed no evidence of system failure.		
Yes	9. This site evaluation by the County Board of Health revealed no evidence of adverse conditions which would affect the functioning of the system.		
Addition to Property			
N/A	10. This site evaluation as well as the provided information indicate that the proposed construction to the home or property should not adversely affect the functioning of the existing system.		
Relocation of Home or Change of Use			
N/A	11. This site evaluation as well as the provided information indicate that the system appears to meet the required design, construction, and installation criteria to accommodate the proposed relocation of the home or change of use for the facility should not adversely affect the functioning of the existing system.		

See 2nd page for evaluation notes, disclaimer, and signature.

Performance Evaluation Report Form (continued)

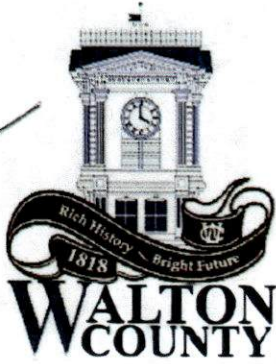
PROPERTY/SYSTEM ADDRESS: 3240 STEWART LAKE RD MONROE, GA 30655	EVALUATION ID: 034717
	SUBDIVISION/LOT/BLOCK: Stewart Lake-II/38-(5.3 acres)/A

Adverse Conditions (i.e. malfunctioning or damaged system or clear evidence of a condition, or conditions, that would likely contribute to system malfunction or unacceptable risk to public health):
No adverse conditions were found at the time of inspection.

Additional Notes/Comments:
The 16' x 30' Pool is approved to be installed at the location indicated at the time of inspection.

Inspector: Levi Rabun	Signature: 	Date: 04/14/2026
---------------------------------	---	----------------------------

I verify the above information to be correct at the date and time of this evaluation only. Disclaimer: This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by system malfunction.



Walton County

126 Court Street, Annex 1, Monroe, Walton County, Georgia 30655
 Phone: 7702671485

Building Permit

Permit #: 26-0506

Permit Type : Residential - Pool

Parcel: N063D038

Description of Work: LOT #38/STEWART LAKE-II/ INSTALL
 16X30 INGROUND SHOTCRETE POOL / 400SQFT

Date Applied: April 15, 2026

Permit Address: 3240 STEWART LAKE RD MONROE GA 30655

Owner Info: J SCOTT BAIZE 4090 SALEM RD COVINGTON GA 30016	Owner Phone: 404-210-4845 Owner Email:
Applicant Info: TIGER SHARK POOLS AND SPAS LLC 83 OLD ALCOVY RD, COVINGTON, GA 30014	Applicant Phone: 678-334-5377 Applicant Email:
Contractor: TIGER SHARK POOLS AND SPAS LLC 83 OLD ALCOVY RD, COVINGTON, GA 30014	Contractor Phone: 678-334-5377 Contractor Email:

Associated Fees:

Date	Description	Paid Date	Amount	Paid	Balance
April 15, 2026	Residential - Pool		\$200.00		
	TOTAL: Permit Fees		\$200.00		\$200.00
	Check 2206 POOL PERMIT	April 15, 2026		\$200.00	\$0.00

Ren Smith

Connie Chastain

CONNIE CHASTAIN
 Permit Tech

Josh Proff
Creek

SwimClear® Multi-Element Filter — Self-Contained Filtration System



Summary: The **SwimClear® Multi-Element Filter** is a **self-contained pool filtration system** designed to provide high-capacity water filtration without the need for backwashing.

The SwimClear Multi-Element Filter is a self-contained filtration system that eliminates the need to backwash the pool filter during normal operation.

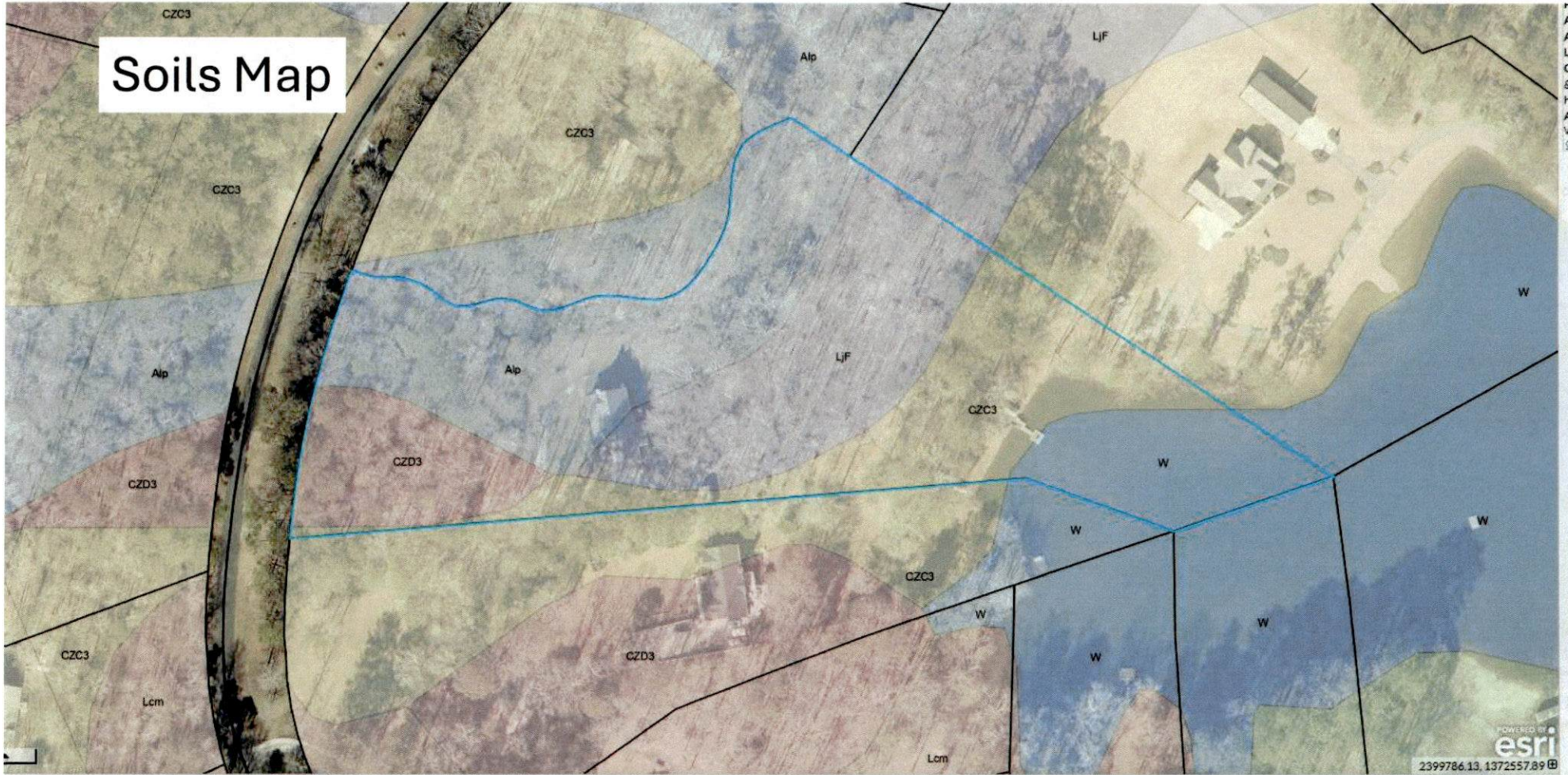
How the System Works

- Water is circulated through multiple filter elements contained within a single enclosed tank.
- Suspended particles and debris are captured within the filter elements as water passes through the system.
- The filtration process occurs entirely within the self-contained unit, eliminating the need for a backwash cycle.

Benefits

- Eliminates the need for backwashing.
- Avoids discharge of backwash water.
- Conserves water by eliminating water loss associated with backwash operations.
- Self-contained design with all filtration occurring within a single unit.
- Suitable for applications where minimizing water use and wastewater generation is important.

Soils Map

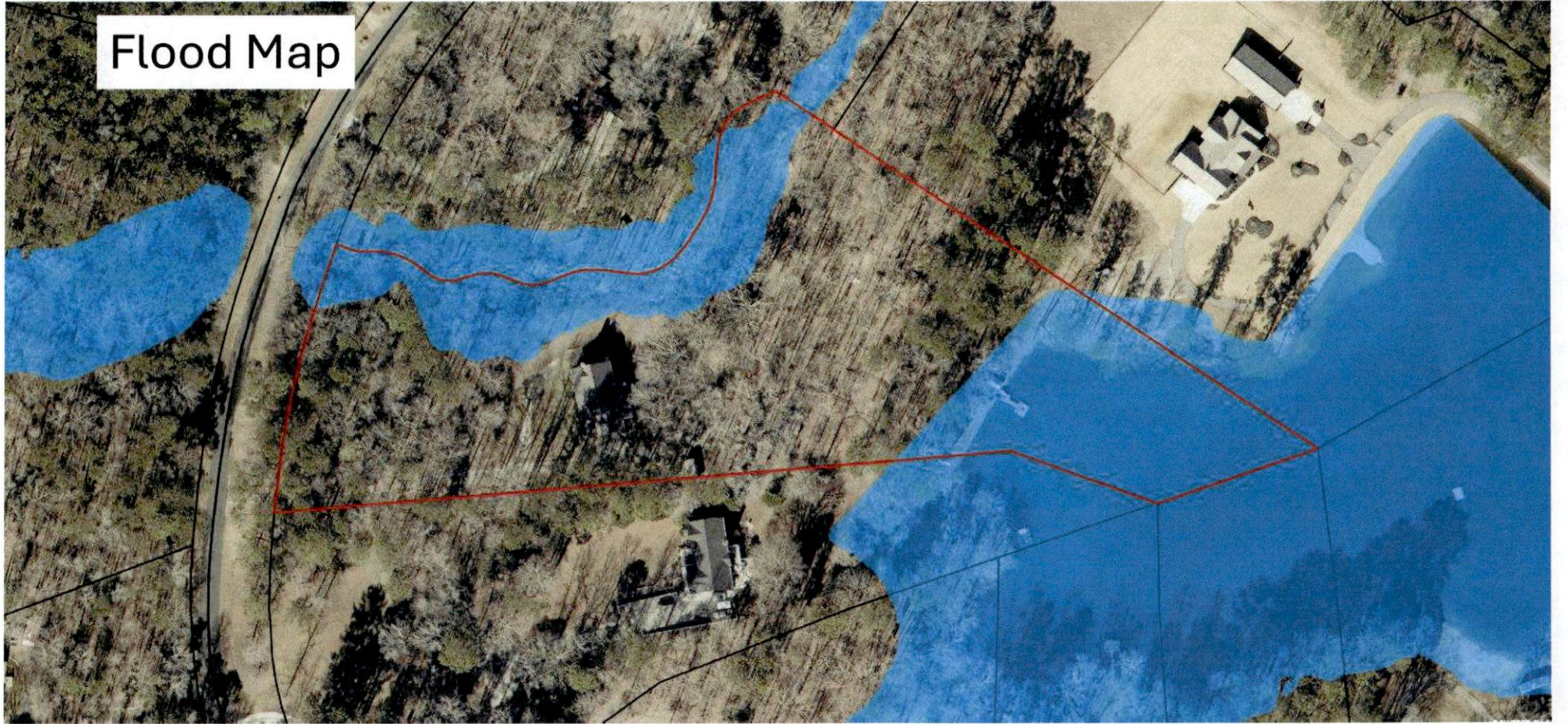


Peru
Alt It
Addr
LAKI
Own
& HAT
Acre
View:
Gooz

POWERED BY
esri

2399786.13, 1372557.89

Flood Map



Aerial Map showing tree cover





Andrea P. Gray LLC

Attorney at Law

June 15, 2026

Notice of Preservation of Constitutional Objections

Re: Applicant: J. Scott Baize
Owner: J. Scott Baize
Property: 3240 Stewart Lake Road, Monroe GA 30566
Tax Parcel: N063D038
Request for a variance to construct a pool and retaining wall within the 50-foot stream buffer and 25-foot setback

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

The use limitations through buffers and setbacks imposed after the date of platting and construction of the home on the Property restricts said property in an unreasonable manner, is unconstitutional, null and void in that the restriction to the current zoning classifications without a variance 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 variance 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 use limitations to the 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 Walton County, Georgia Land Use 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 it under the United States Constitution, the Georgia Constitution, all applicable federal state and local laws and ordinances, and in equity.



300 E Church Street, Monroe, GA 30655
(678) 364-2384