



Carroll County
Department of Community Development

423 College Street – P.O. Box 338
Carrollton, Georgia 30117
(770) 830-5861

Janet Hyde
County Planner

V-22-03-01

COMMISSION DISTRICT: 4

COUNTY COMMISSIONER: Steve Fuller
BOARD OF APPEALS MEMBER: Ryan Sammon

PUBLIC HEARING DATE
BOARD OF APPEALS: March 3, 2022

REQUEST: Intrafamily Transfer Variance

OWNER: Andrew and Monica Hartsfield
APPLICANT: Andrew Marvin Hartsfield
ACRES: 10
PARCEL NUMBER(S): 136-0053
LOCATION: 423 Merrell Road, Carrollton

Current Land Use: Residential
Future Land Use: Residential

PROJECT DESCRIPTION: The applicant is requesting a variance to split a ten acre tract into three tracts for family.

SURROUNDING PROPERTIES:

	Current Zoning	Land Use
North	Agricultural	Agricultural/Residential
East	Agricultural	Agricultural/Residential
South	Agricultural	Agricultural/Residential
West	Agricultural	Agricultural/Residential

REVIEW CRITERIA AND STANDARDS FOR CONSIDERING INTRAFAMILY TRANSFER VARIANCES:

The Community Development Appeals Board shall grant a variance provided that **ALL** of the following standards are met:

A. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed single family dwelling will be located.

There will not be a significant adverse effect on the neighborhood. The surrounding area is predominantly residential and agricultural.

B. Whether or not the proposed single family dwelling is otherwise compatible with the neighborhood.
Single family dwellings are compatible with the neighborhood.

C. Whether or not the public health, safety, or welfare concerns of the surrounding neighborhood will be adversely affected.

The public health, safety, and welfare concerns of the surrounding neighborhood will not be adversely affected.

D. Whether a denial would impose an unnecessary hardship upon the applicant and the immediate family.

Denial could pose an unnecessary hardship upon the applicant and immediate family, as the family will not be able live in close proximity to one another.

E. The applicant's justification for not choosing to apply for a conditional use or zoning change.

This property is being split among family and the family does not wish to pursue rezoning. The property in the immediate vicinity is all agricultural and residential. The future land use designation on the 2018 Carroll County Comprehensive Plan is agricultural.

STAFF COMMENTS: The applicant is requesting a variance to split a ten acre tract into three tracts for family.

There are no "state waters" on the property. There are a few other parcels in the vicinity that are less than the required four acres in agricultural zoning. Traffic generation for single family residences is 10 trips per day average. Granting of this variance would have minimal impact to the school system as it would only add two additional residences to the property.

STAFF RECOMMENDATION: APPROVAL.

PUBLIC NOTIFICATIONS: As required by Sections 14.3 and 14.4 of the Carroll County Zoning Ordinance, the public has been notified in the *Times-Georgian* on February 15, 2022; a sign was posted on the subject property, and all abutting property owners were notified the rezoning request via U.S. mail.

Respectfully submitted,

Janet Hyde, County Planner



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APPLICATION FOR A VARIANCE

Type of Variance:

- Intrafamily Transfer
- Setbacks
- Other

Date Received: 1-20-22
Received by: jlh

Application must be filed by noon on the 1st Thursday of the month to go on the next month's agenda. No exceptions.

Please complete the blanks with the requested information. If any of the information or required materials is missing or incomplete, the application will not be processed.

APPLICANT

Applicant Name: Andrew Marvin Hartsfield Jr.
Address: 8092 Longleaf Ct. **City:** Villa Rica **State:** Ga **Zip:** 30180
Phone: (770) 833-6362 **Fax:** () - - **Email:** hartsfield.andrew@yahoo.com

Agent Name: _____
Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Phone: () - - **Fax:** () - - **Email:** _____

Owner Name (If different from applicant): Andrew and Monica Hartsfield
Address: 423 Merrell Rd. Carrollton, Ga 30116
Phone: (770) 880-4009 **Fax:** () - -

(Note: A notarized statement signed by the property owner(s) authorizing the applicant to make this request shall be attached to the application.)

VARIANCE

Project Name: _____
Variance Location (attach location map): 423 Merrell Rd.

Proposed Use: *(If residential, residence must be at least 1,230 square feet)* Intrafamily transfer for new residence.

Total acreage: 10 acres

Describe Proposed Variance:

Split property for family, and add a new residence.

10 acres into three tracts

Staff Use Only

Land Lot 192 of the 5th District, Carroll County

Tax Map 136 Parcel 0583



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Describe how the proposed Variance will affect:

Traffic: NA

Parking: NA

Availability of Public Facilities/Utilities: NA

Other Relevant Impacts of the Proposal: NA

Describe how the proposed Variance will be a benefit to the public.

Required materials to accompany the application:

1. Completed application and the fee.
2. Copy of deed, lease, option agreement, or other evidence of ownership or applicant's interest in the property. If the applicant is not the owner, attach a notarized statement signed by the owner authorizing the applicant to request the amendment.
3. Any other required items listed in the **Submitted Requirements** checklist.

Return form to:

Janet Hyde, County Planner
423 College Street, Room 503
Carrollton, GA 30117

For Department Use Only

Application No.: V-22-03-01
Filing Fee: \$150
Pre-application Conf.: 1-20-22
Date advertised: 2-15-22
Date Notices Sent: 2-2-22
BOA Public Hearing Date: 3-3-22
Disposition: _____
Decision Letter Sent: _____



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SKETCH OF PROPERTY

Please check:

COMMERCIAL

OTHER: Residential

- Provide a sketch of the proposed building location, driveway, septic tank location, and all other structures.
- Show the **dimensions** of the lot and all setbacks from the house and other structures to all property lines.
- The front setback shall always be measured from the centerline of the frontage road(s).
- Show location of any wells, trash pits, and all easements (drainage or utility) located on the property.
- Show distance to nearest stream or lake on property. If not within 200 feet of a stream or lake, please note.

Provide a complete listing of all existing structures that are now on the property: house, barn, shed, mobile home

Describe the type of structure that you plan to build: (If a residence, must be at least 1,230 sf) _____

Is this a multiple road frontage lot? NO

See attached



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STATE OF GEORGIA
COUNTY OF CARROLL

AFFIDAVIT FOR A VARIANCE APPLICATION

Andrew Hartsfield, personally appeared before me, the undersigned officer, duly authorized to administer oaths in the State of Georgia and, having been duly sworn, sets forth the following statements for the purpose of being granted approval for a **VARIANCE APPLICATION** under the Ordinances of Carroll County:

The information contained within the application attached hereto and filed in the Department of Community Development consists of facts within my personal knowledge that I know are true and correct, and will be relied upon by officials of Carroll County in making a decision whether to issue this Application, License, Permit, or other Department approval.

On behalf of the Applicant, I declare that the Applicant, regardless if a partnership, corporation, or other organization or entity that is receiving a benefit under this Application, License, Permit, or other Department approval (whichever is applicable) is not delinquent in the payment of any taxes or fees due Carroll County.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of false swearing that the above is true and correct.

This 20th day of Jan, 2022.

Andrew Hartsfield
AFFIANT (signature)

Address: _____

Sworn to and subscribed
before me this 20th day
of Jan 2022

Janet L. Hyde
Notary Public
May 7, 2024
CARROLL COUNTY

If Affiant is authorized to sign on behalf of a partnership, corporation, or other organization or entity, please set forth the entity and address

Entity: _____
Address: _____

My Commission Expires _____



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VARIANCE APPLICATION

Authorization of Property Owner

THIS FORM TO BE COMPLETED ONLY IF APPLICANT AND OWNER ARE NOT THE SAME PERSON(S).

Applicant is person submitting the variance application. Owner is the property owner.

(Please type or legibly print)

Property Address: 423 Merrell Rd. Carrollton, Ga 30116

Applicant Name: Andrew Marvin Hartsfield Jr.

Address: 8092 Longleaf Ct.

City: Villa Rica State: Ga Zip: 30180

Phone: (770) 833 - 6342

Monica Hartsfield (Owner's Name), personally appeared before me, the undersigned officer, duly authorized to administer oaths in the State of Georgia and, having been duly sworn, sets forth the following statements for the purpose of being granted a Variance under the Ordinances of Carroll County:

I affirm that I am the owner of the property that is the subject of the attached application, as shown in the records of Carroll County, Georgia. I authorize the person named above to act as applicant in the pursuit of the variance application.

FURTHER AFFIANT SAYETH NOT.

I declare under penalty of false swearing that the above is true and correct.

This 20th day of Jan, 2022.

Monica Hartsfield
AFFIANT (Owner's signature)

Sworn to and subscribed
before me this 20th day of Jan
of 2022
Notary Public
My Commission Expires Mar 1, 2025

This Indenture made this 27th day of July, 1997 between Bernard E. Kurtz and Donna I. Kurtz, of the County of Carroll, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Andrew M. Hartsfield and Monica Hartsfield, 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:

See Exhibit "A" attached hereto and by reference incorporated herein.

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 behoof 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 44-6-19, 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.

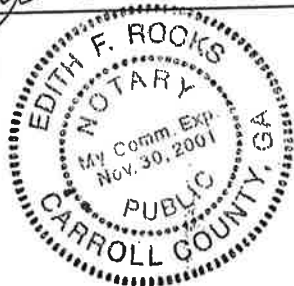
IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]

Witness
Edith J. Pappas

Notary Public
My commission expires:



Bernard E. Kurtz (Seal)
Bernard E. Kurtz

Bernard E. Kurtz (Seal)
Donna I. Kurtz

BY ATTORNEY IN FACT

Public Records, which plat and the record thereof are by reference incorporated herein. Said property is more particularly described as BEGINNING at the southeast corner of said land lot and running thence north 88 degrees 14 minutes 44 seconds west 788.35 feet; thence north 0 degrees 18 minutes 24 seconds west 1846.42 feet; thence north 83 degrees 23 minutes east 320.92 feet; thence north 6 degrees 12 minutes 25 seconds east 199.19 feet to an unpaved public road; thence in a southeasterly direction along said unpaved road, sometimes known as the Merrell Road, 475 feet, more or less, to the east boundary of said Land Lot 192; thence south 0 degrees 18 minutes 24 seconds east along the east boundary of said lot 2031.7 feet to the point of beginning. This description includes a one acre tract presently owned by Ridley G. and Beatrice M. Foster situated in the northeast corner of the described parcel of land, said acre being further described in Deed Book 222, page 5, and is included herein for clarity. Said property is bound on the north by property now or formerly owned by J. J. Merrell and an unpaved county road; on the south by property now or formerly owned by Bill Reynolds; on the east by the east original land lot line of Land Lot 192 and on the west by property now or formerly owned by Ben Merrell.

LESS AND EXCEPT: All that tract or parcel of land lying and being in Land Lot 192 of the 5th District of Carroll County, Georgia and being more particularly described and delineated on a plat entitled "Survey for Robert L. Adams and Marilyn R. Adams", prepared by Pioneer Land Surveying Co., certified by Jacob Roland Harrison, Georgia Registered Land Surveyor No. 1134, dated December 15, 1998, and appearing of record in Plat Book 66, page 105, in the Office of the Clerk of Superior Court of Carroll County, Georgia Public Deed Records, which plat and the record thereof are by reference incorporated herein.

TOTAL PAID BY/FOR BORROWER	127,255.54	520. TOTAL REDUCTION AMOUNT DUE SELLER	13,990.44
Cash At Settlement From or To Borrower		600. Cash At Settlement To or From Seller	
Gross amount due from borrower (line 120)	131,188.79	601. Gross amount due to seller (line 420)	129,900.00
Less amounts paid by/for borrower (line 220)	127,255.54	602. Less reduction amount due seller (line 520)	13,990.44
CASH FROM BORROWER	3,933.25	603. CASH TO SELLER	115,909.56

TITUTE FORM 1099 SELLER STATEMENT: The information contained herein is important tax information and is being furnished to the Internal Revenue Service. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported. The Contract Sales Price described on Line 401 above constitutes the Gross Proceeds of this transaction.

INSTRUCTIONS: If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your income tax return; for other transactions, complete the applicable parts of Form 4797, Form 9252 and/or Schedule D (Form 1040).

are required by law to provide Tisler, Tisler, Vance & Greer, P.C. (581301099) with your correct taxpayer identification number. If you do not provide your correct taxpayer identification number, you may be subject to civil or criminal penalties imposed by law. Under penalties of perjury, I certify that the number shown on this statement is my correct taxpayer identification number.

SELLER SIGNATURE: _____





V-22-03-01

Carroll County GIS

Intrafamily Transfer Variance

Parcel #136-0053

Owner: Andrew and Monica Hartsfield.

Applicant: Andrew Marvin Hartsfield

1.5 Mile Radius

Municipal

A - Agriculture (4 ac min.)

C - Commercial

I - Industrial

TP - Technology Park

OI - Office and Institutional

HDDR - High Density Detached Residential*

MFR - Multi-Family Residential

MHS - Manufactured Home Subdivision

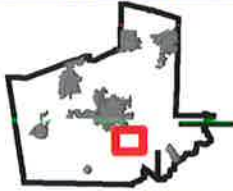
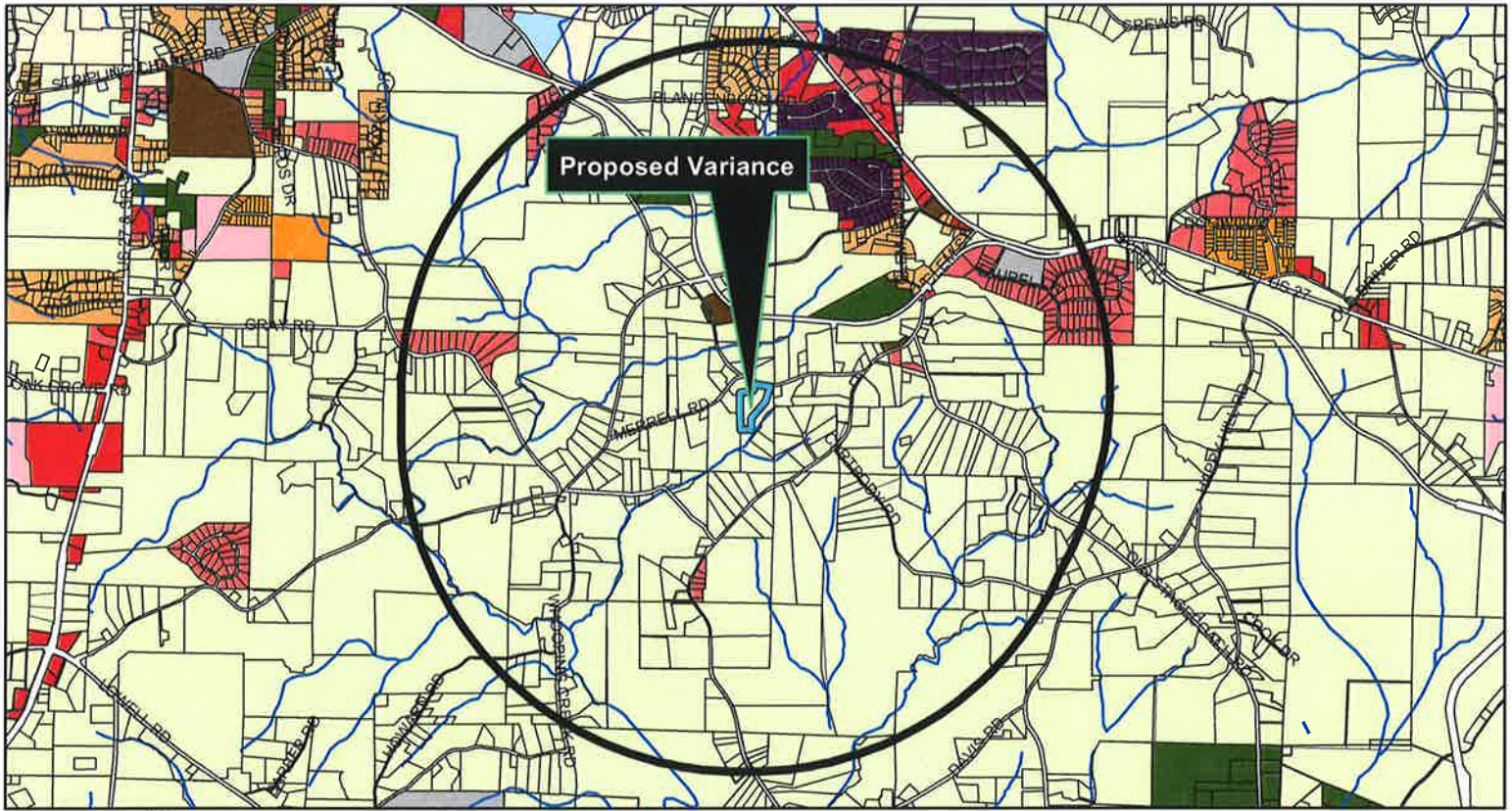
PUD - Planned Unit Development*

R1 - Single Family Home (3 ac min.)*

R2 - Single Family Home (1 ac min.)

R3 - Single Family Home (0.5 ac min.)*

R30 - Single Family Home (0.75 ac min.)*



1.5 Mile Radius

Agriculture

Commercial

Fairfield

Industrial

Park/Rec/Con

Public/instituti

Residential

Trans/Comm/Util

Primary

Secondary

