



Carroll County
Department of Community Development

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

Janet Hyde
County Planner

V-22-03-04

COMMISSION DISTRICT: 3

PUBLIC HEARING DATE

BOARD OF APPEALS: March 3, 2022

COUNTY COMMISSIONER: Tommy Lee

BOARD OF APPEALS MEMBER: Karen Curtis

REQUEST: Intrafamily Transfer Variance

OWNER/APPLICANT: Gracie McCord

ACRES: 7.72

PARCEL NUMBER(S): 143-0017

LOCATION: 3434 Rainey Road, Villa Rica

Current Land Use: Residential

Future Land Use: Residential

PROJECT DESCRIPTION: The applicant is requesting a variance to split a one acre tract from a 7.72 acre tract in Agricultural zoning.

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. The applicant lost her husband in a motor vehicle accident and has an infant to care for. She needs to live in close proximity to her father in order for him to assist her.

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. Rezoning at this time would result in "spot" zoning. The property in the immediate vicinity is all agricultural and residential. The future land use designation on the 2018 Carroll County Comprehensive Plan is Residential.

STAFF COMMENTS: The applicant is requesting a variance to split an approximately one acre tract from a 7.72 acre tract in order for the applicant's daughter to build a home. The applicant has lost her husband in a motor vehicle accident and has a small infant to care for. She needs to be in close proximity to family in order to help with care for the infant.

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 one additional residence 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: 02/02/2022
Received by: [Signature]

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: Grace McLeod
Address: 242 Hogan Rd City: Dallas State: GA Zip: 30157
Phone: () - - Fax: () - - Email: _____

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

Owner Name (If different from applicant): Madew Pradegast
Address: 3434 Raven Rd ville rick 30180
Phone: (404) 680-3703 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: Grace home
Variance Location (attach location map): _____

Proposed Use: (If residential, residence must be at least 1,230 square feet) _____

Total acreage: 7.2 Acre

Describe Proposed Variance: 506 divide 1 Acre to my daughter and grand daughter

Staff Use Only

Land Lot 291 of the 6th District, Carroll County Tax Map 143 Parcel 0017



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Describe how the proposed Variance will affect:

Traffic:

Parking:

Availability of Public Facilities/Utilities:

Other Relevant Impacts of the Proposal:

Describe how the proposed Variance will be a benefit to the public. *create Revenue for county which will improve city around town also will improve surrounding Area with a new home*

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-22-03-04
Filing Fee: \$150
Pre-application Conf.: 2-2-22
Date advertised: 2-15-22
Date Notices Sent: 2-1-22
BOA Public Hearing Date: 3-3-22
Disposition: _____
Decision Letter Sent: _____



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SKETCH OF PROPERTY

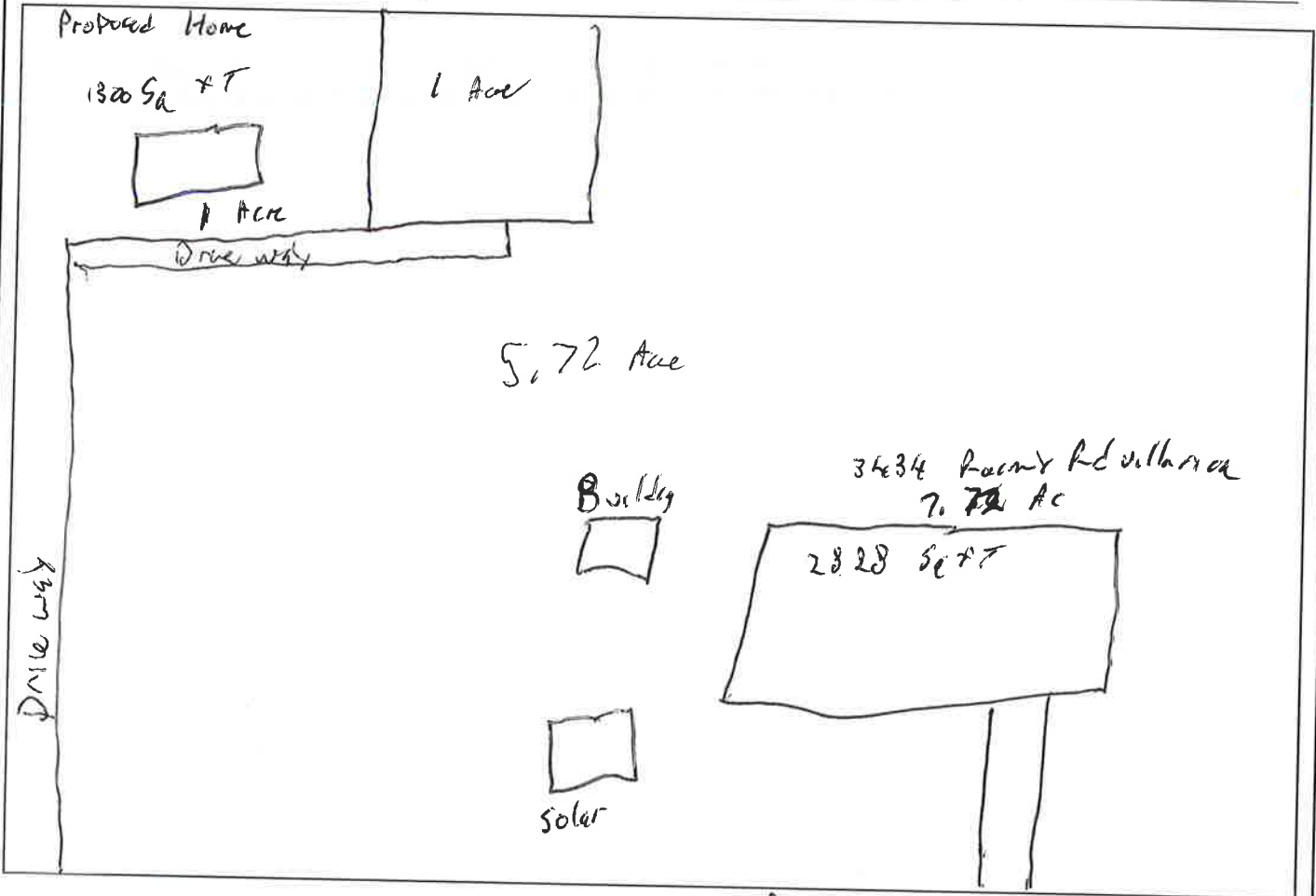
Please check: COMMERCIAL OTHER: _____

- 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: _____

Describe the type of structure that you plan to build: (If a residence, must be at least 1,230 sf) 1300 sq ft

Is this a multiple road frontage lot? yes



HY 121

Raccoon Rd

Prepared By and Return To:
MCMAHAN, PERRY & PHILLIPS, LLC
Attorneys at Law
318 Westview Drive
Villa Rica, Georgia 30180
Attn: Ashley DeGrave
File No. R3701-18

STATE OF GEORGIA,
COUNTY OF Carroll

WARRANTY DEED

THIS INDENTURE, Made this 15th day of November, in the year Two Thousand Eighteen (2018) between,

Dennis L. Perren and Mickey D. Perren,

of the County of Carroll, State of Georgia, as party or parties of the first part, hereinafter called "Grantor", and

Blue Matthew Prendergast,

as party or parties of the second part, hereinafter called "Grantee" (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns and to include the masculine, feminine or neuter gender where the context requires or permits).

WITNESSETH, that: Grantor, for and in consideration of the sum of Ten Dollars and Other Valuable Considerations (\$10.00 & OVC) in hand paid at and before the sealing and delivery of these presents, the receipt 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 Grantee, the following:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND 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 Grantee forever in **FEE SIMPLE**.

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 signed, sealed and delivered this General Warranty Deed, the day and year above written.

Signed this 15th day of November,
2018, in the presence of:

Ashley DeGrave
Unofficial Witness

Anna S. Perry
Notary Public
My commission expires: 4/17/21
(Notary Public Seal Affixed)

Dennis L. Perren (seal)
Dennis L. Perren

Dennis L. Perren (seal)
Dennis L. Perren As Attorney
In Fact For Mickey D. Perren
Mickey D. Perren (seal)



EXHIBIT "A"

All that tract and parcel of land lying and being in Land Lot No. 407 of the First District and Third Section of Paulding County, Georgia, and Land Lots No. 290 and 291 of the Sixth District of Carroll County, Georgia, described as follows:

Tract 1:

Beginning at the pit where the west side of the right-of-way of Georgia State Highway #101 intersects with the North side of the right-of-way of the hard surfaced public road known as Rainey Road and thence running South 70 degrees 16 minutes West along the North side of the right-of-way of Rainey Road a distance of 130.84 feet; thence running South 73 degrees 19 minutes West a chord distance of 189.90 feet (an arc distance of 190.01 feet) along the North side of the right-of-way of Rainey Road; thence running South 78 degrees 16 minutes 20 seconds West along the North side of the right-of-way of Rainey Road a distance of 309.86 feet to an iron pin; thence running North 00 degrees 258 minutes 50 seconds East a distance of 703.44 feet to an iron pin; thence running South 77 degrees 56 minutes 10 seconds East a distance of 180.98 feet to an iron pin on the county line between Paulding and Carroll Counties; thence running North 87 degrees 04 minutes East a distance of 369.44 feet to an iron pin at the West side of the right-of-way of Georgia State Highway #101; thence running South along the West side of the right-of-way of Georgia State Highway #101 a distance of 93.07 feet to the county line between Paulding and Carroll Counties; thence running South 06 degrees 14 minutes 50 seconds East along the western side of the right-of-way of Georgia State Highway #101 a distance of 432.88 feet to the point of beginning.

Tract 2:

Beginning at an iron pin located on the East side of the right-of-way of Georgia State Highway #101, which is 913.42 feet Northward from the point where the East side of said highway right-of-way intersects the South original line of Land Lot No. 290, such distance being an arc distance being measured along the curvature of the East side of said highway right-of-way; thence running North 86 degrees 15 minutes 50 seconds East a distance of 781.79 feet to an iron pin; thence running South 01 degree 30 minutes East a distance of 582.40 feet to an iron pin; thence running South 86 degrees 15 minutes 50 seconds West a distance of 668.53 feet to an iron pin at the east side of the right-of-way of Georgia State Highway #101 and along the curvature thereof an arc distance of 517.77 feet (chord distance being 515.92 feet on a line running North 13 degrees 28 minutes 50 seconds West) and thence continuing North 06 degrees 14 minutes 50 seconds West along the East side of the right-of-way of Georgia State Highway #101 a distance of 73.54 feet to the point of beginning.

Tract 1 consisting of .39 acre in Land Lot No. 407 of the First District and Third Section of Paulding County and 7.72 acres in Land Lot No. 291 of the Sixth District of Carroll County and being parcels "I" and "J" according to Plat of Survey for Grady B. Perren Estate, prepared by Cecil R. Kelly, Registered Land Surveyor No. 2066, on February 18, 1980 and Tract 2 consisting of 9.89 acres of Land Lot #290 of the Sixth District of Carroll County, Georgia, and being Parcel "F" according to the aforesaid Plat of Survey. The plat of Survey referred to herein being filed of record in Plat Book 20, Page 226, Carroll County Public Records and is made a part of this conveyance by reference.

In the year 2017, said property is addressed as Rainey Road, Villa Rica, GA 30180, according to the present system of naming and numbering streets and houses and bears the tax identification number 259.2.3.008.0000 / 143 0017.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises, if any, however, this reference shall not operate to reimpose same.



RE: Rainey Road, Villa Rica, GA 30180

ACKNOWLEDGEMENT OF LEGAL REPRESENTATION

The law firm of MCMAHAN, PERRY & PHILLIPS, LLC, Attorneys at Law, is this date closing the sale of and/or loan secured by the above referenced property. The Settlement statement relative to said sale and/or loan reflects attorney's fees paid by Seller(s) or Purchaser(s)/Borrower(s), which attorney's fees are based upon the complexity and difficulty of the work performed, the responsibility and liability of the firm, and the expenses of the firm in performing such legal services. Such legal services are performed on behalf of, as Lender, and such attorney's fees are based solely upon such lender representation and are paid solely therefore. IT IS HEREBY ACKNOWLEDGED that it has been fully disclosed, and the undersigned do hereby affirm: (a) that the services performed by MCMAHAN, PERRY & PHILLIPS, LLC, Attorneys at Law, are on behalf of the Lender in connection with the loan transaction; (b) that attorney's fees paid in conjunction with said loan closing are for such representation of the Lender; (c) that said Attorneys do not represent the undersigned and have no contractual or fiduciary relationship with the undersigned; and (d) that the undersigned are entitled to retain separate counsel of choice to represent the undersigned, if desired.

PRORATION OF TAXES

PAYMENT OF TAX BILLS: Taxes for the current year are not yet due and payable. If this is a sale transaction, the parties hereto understand that the taxes have been prorated based on the prior year's tax bill. When the bill for the current year's taxes is issued, it is acknowledged and understood that Purchaser/Borrower shall be the party RESPONSIBLE for payment.

MODIFICATION OF TAX PRORATION: For and in consideration of the mutual benefits flowing between the parties hereto arising out of the purchase and sale of real estate, the parties hereto acknowledge that the tax proration as set out on the closing statement executed today is based on an estimate of the total tax bill of the captioned property as issued in the previous year or, in the event of new construction, an estimated amount has been established. The parties hereto understand that the tax proration is based on an estimate of this year's total tax bill. If this is new construction, the bill may be based on the lot value or a percentage of completion of the structure as of January 1 of this year. With that understanding, the parties hereto agree to make an additional proration upon the presentation of the actual tax bill in the year in question, if the actual bill is significantly more or less than the estimate. For purposes of this agreement, the phrase "significantly more or less" shall be defined as an amount in excess of fifty dollars (\$50.00).

THIS YEAR'S TAX BILL WAS ESTIMATED TO BE:

COUNTY TAXES: \$186.54

CITY TAXES (If Applicable): \$0

ESCROW ACCOUNT: If an escrow account has been established through, or its successors and/or assigns, Purchaser/Borrower understands and acknowledges that it is the duty of the Purchaser/Borrower to make sure that a copy of the tax bill on the subject property is forwarded to the Tax Escrow Department of, its successors and/or assigns.

ACKNOWLEDGEMENT REGARDING PAYOFFS

I/We, Blue Matthew Prendergast and/or Dennis L. Perren and Mickey D. Perren, hereby acknowledge that as a part of my closing on today's date on property located at Rainey Road, Villa Rica, GA 30180, that certain payoffs are or may be being made on my behalf by the closing attorney, including, but not limited to payoffs on present loans, encumbrances, liens, mortgages, taxes, assessments and/or other credit accounts, such as credit cards. I further acknowledge that reliance was made by the closing attorney on information received from payees and my own representations regarding any amounts due to be paid to any such payees. In the event any payoff given this closing attorney is incorrect, I/we will be responsible for any balance due. Additionally, undersigned agree to indemnify and hold harmless closing attorneys from any and all liability relative to payoffs; that payoff figures presented at closing as shown on the settlement statement are true and correct to the best of the undersigned's knowledge. IN THE EVENT OF A PAYOFF SHORTAGE ON A MORTGAGE LOAN, AND MY/OUR MORTGAGE LOAN HAS A CORRESPONDING ESCROW ACCOUNT, LENDER/PAYEE IS HEREBY AUTHORIZED AND DIRECTED TO WITHDRAW NECESSARY FUNDS FROM SAID ESCROW ACCOUNT. In the event the grantee, or its successors or assigns, as named in the original deed to secure debt collateralizing any such mortgage loan or other loan which is being paid at this closing, fails or refuses to cancel said deed to secure debt from the public land records as required by O.C.G.A. Sec. 44-14-3, I/we hereby authorize the law firm of MCMAHAN, PERRY & PHILLIPS, LLC to proceed to file suit in my name against said grantee to obtain the proper satisfaction and cancellation.

CORRECTION AGREEMENT AND LIMITED POWER OF ATTORNEY

On November 15th, 2018, the undersigned borrower(s), for and in consideration of the approval, closing and funding of their mortgage loan no. , hereby grant MCMAHAN, PERRY & PHILLIPS, LLC, as settlement agent and/or, as lender, limited power of attorney to correct and/or execute or initial all typographical or clerical errors discovered in any or all of the closing documentation required to be executed by the undersigned at settlement. In the event this limited power of attorney is exercised, the undersigned will be notified and receive a copy of the documents executed or initialed on behalf of the undersigned. THIS LIMITED POWER OF ATTORNEY MAY NOT BE USED TO CHANGE THE INTEREST RATE THE UNDERSIGNED IS PAYING, CHANGE THE TERMS OF THE UNDERSIGNED'S LOAN, CHANGE THE UNDERSIGNED'S OUTSTANDING PRINCIPAL BALANCE OR CHANGE THE UNDERSIGNED'S MONTHLY PRINCIPAL AND INTEREST PAYMENTS. This limited power of attorney shall automatically terminate 120 days from the closing date of the undersigned's mortgage loan.

VERIFICATION OF CONTACT INFORMATION

	BUYER	SELLER
STREET ADDRESS:	313 Camden Hill	81 Jones Dairy Rd.
CITY/STATE/ZIP:	Dallas, GA. 30157	Winston, GA 30187
PHONE:	(4) 620 3703	678 664 2703

IN WITNESS WHEREOF, the undersigned have affixed their hand(s) and seal(s) this 15th day of November, 2018.

PURCHASER/BORROWER:

Blue Matthew Prendergast (seal)

(seal)

(seal)

(seal)

SELLER:

Dennis L. Perren (seal)

Dennis L. Perren As Attorney (seal)

In Fact For Mickey D. Perren Attorney in fact Mickey D. Perren (seal)

(seal)

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8.11 Ac.
Raney Rd.

Villa Rica

PARCEL "J" 101
0.39 Acre

ROBERT & CAROL KAMNA

PARCEL "I"
7.72 Acres

House
→

COUNTY
PUBLIC
ROAD
80' R/W

DANNY MCKENZIE

PARCEL "H"
14.53 Acre

S17°-48'-10"E
821.72' ch.
928.53' arc

IC

0°-25'-50"E 811.64'

N0°-25'-50"E 703.44'

S77°-56'-10"E
180.98'

N87°-04'E
369.44'

S79°-00'-40"E
386.16'

S6°-14'-50"E
432.98'

N73°-19'E
189.90' ch.
190.01' arc

N70°-16'E
130.84'

N78°-16'-20"E
328.01'

N73°-20'-20"E
200.65' ch.
200.77' arc
167.39'

N70°-16'E
111.16'

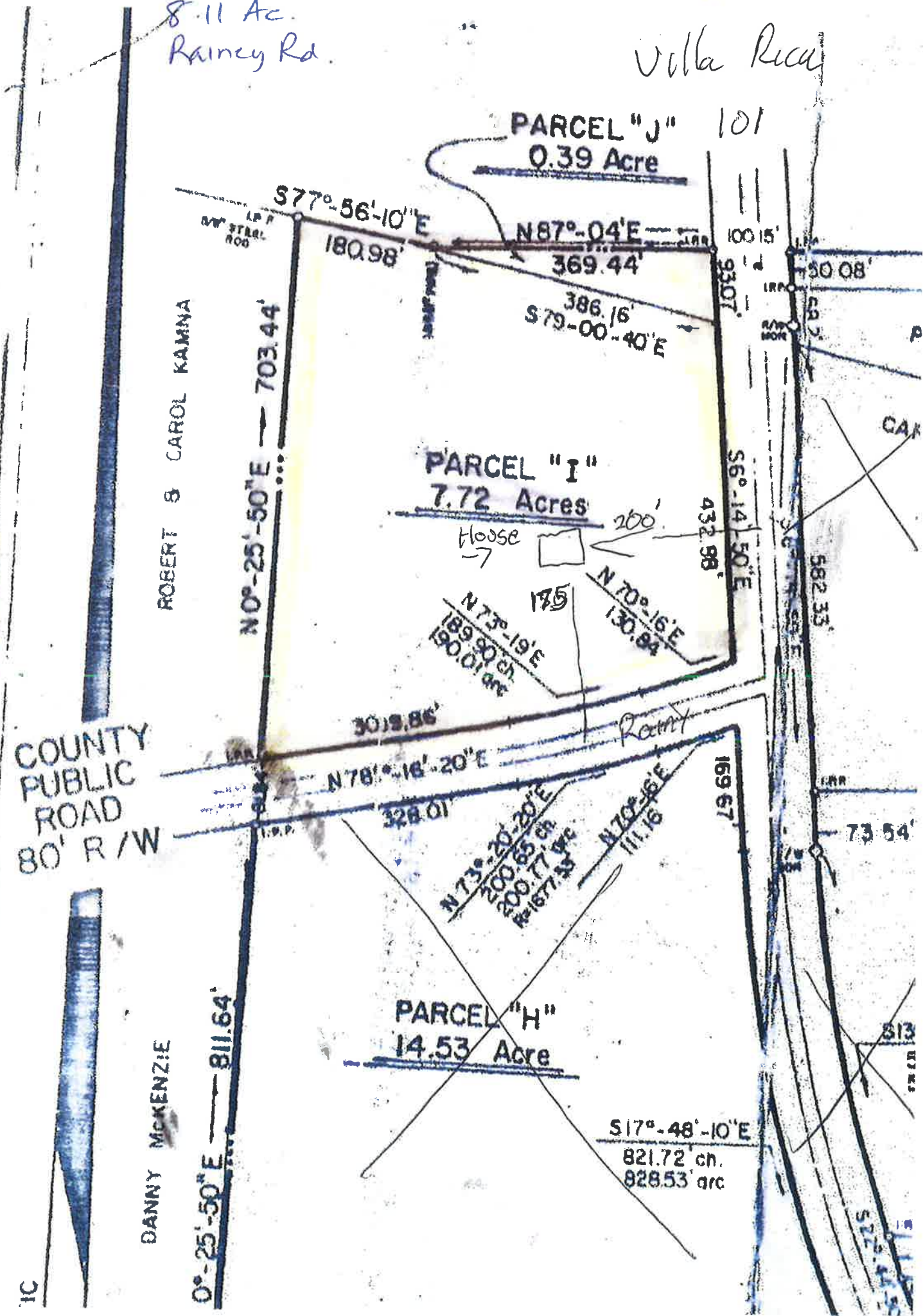
169.67'

73.54'

582.33'

S13°-21'-10"E
513.00'

S12°-11'-10"E
511.12'





V-22-03-03

Carroll County GIS

Intrafamily Transfer Variance

Parcel #143-0017

Owner: Matthew Prendergrast.

Applicant: Gracie McCord

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

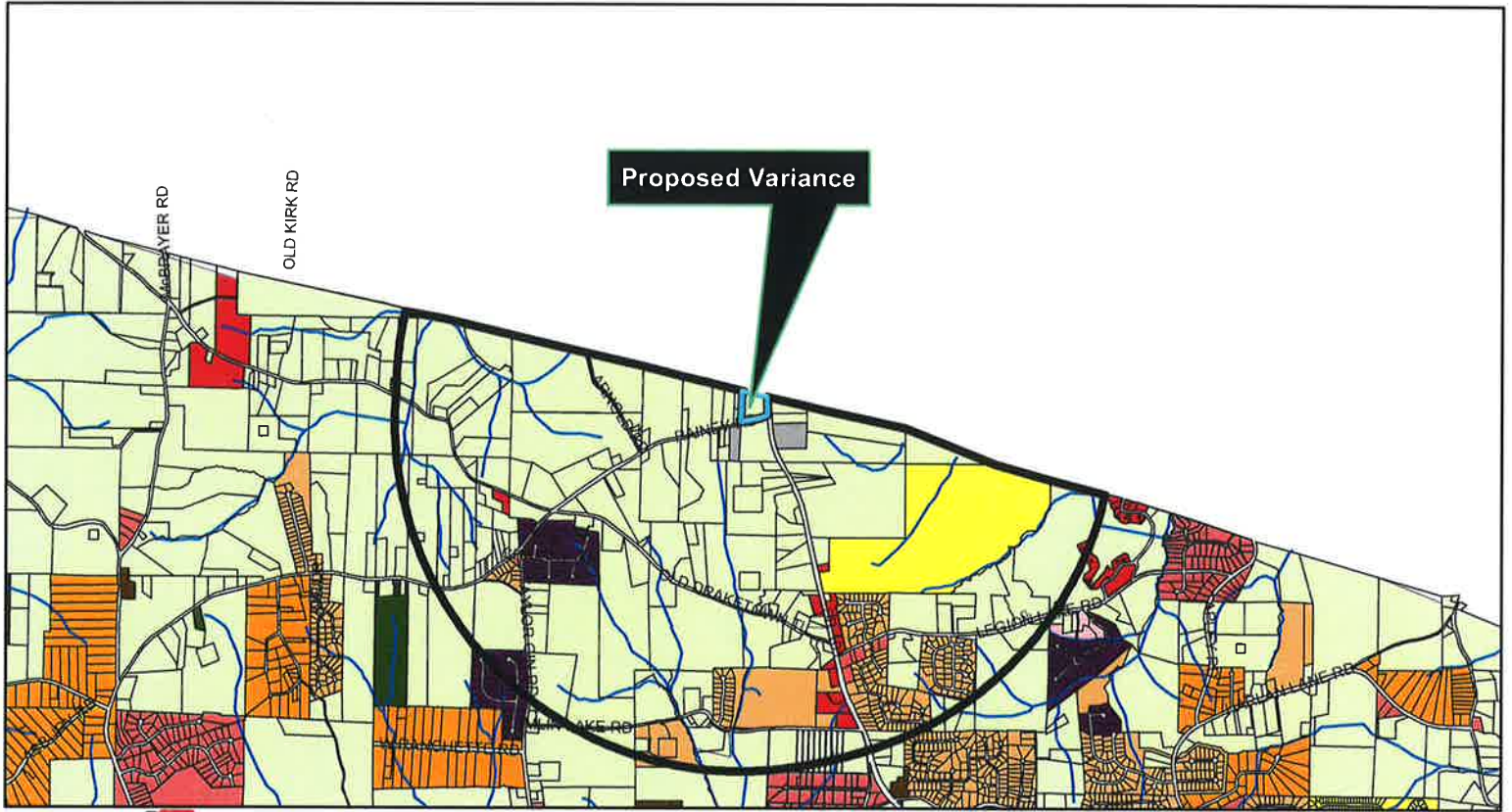
PUD - Planned Unit Development*

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

