

1. Call To Order
2. Roll Call
3. Approval Of Minutes
4. Business Session
5. Hearing Procedures
6. Requests
  - 6.I. V-21-04-01 Sherman Lowery Stateline Road Intrafamily Transfer

Documents:

[V-21-04-01 SHERMAN LOWERY STATELINE ROAD INTRAFAMILY  
TRANSFER.PDF](#)

7. Adjournment



Carroll County  
Department of Community Development

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

Janet Hyde  
County Planner

**V-21-04-01**

**COMMISSION DISTRICT:** 6  
**BOARD OF APPEALS MEMBER:** Steve  
Hightower  
**COUNTY COMMISSIONER:** George Chambers

**PUBLIC HEARING DATE**  
**BOARD OF APPEALS:** April 1, 2021

**REQUEST:** Intrafamily Transfer Variance

**OWNER/APPLICANT:** Sherman Lowery  
**ACRES:** 4.01  
**PARCEL NUMBER(S):** 007-0010  
**LOCATION:** 2931 and 2941 Stateline Road, Bowdon

**Current Land Use:** Residential/Agricultural  
**Future Land Use:** Agricultural

**PROJECT DESCRIPTION:** The applicant is requesting a variance to subdivide property for family.

**SURROUNDING PROPERTIES:**

	Current Zoning	Land Use
<b>North</b>	Agricultural	Agricultural
<b>East</b>	Agricultural	Agricultural
<b>South</b>	Agricultural	Agricultural
<b>West</b>	Agricultural	Agricultural

**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 agricultural and residential.

**B. Whether or not the proposed single family dwelling is otherwise compatible with the neighborhood.**

The existing mobile home and house are compatible with the neighborhood. There are other small parcels across the road and in close vicinity.

**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 to obtain a loan on the property.

**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.

**STAFF COMMENTS:**


The applicant is requesting a variance to split an approximately four acre tract into two 2-acre tracts. There is currently a mobile home and a one-story frame house on the property. The applicant's family member needs to obtain a loan and cannot do so with both dwellings on the property.

There is no flood plain 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.

**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 March 17, 2021; 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



**Overview**



**Legend**

- Parcels
- Address Numbers
- Information Point
- Roads
- Streams and River (Large)
- Lakes
- Flood Map**
- A - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Base Flood Elevations (BFE) have not been determined.
- AE - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Determined by detailed methods with Base Flood Elevations (BFE).
- VE: Coastal SFHA with BFE & velocity wave action - Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
- X: 500 Year Flood - Areas of 0.2% annual chance flood

Parcel ID 0070010  
 Class Code Residential  
 Taxing District COUNTY  
 Acres 4.01

Owner LOWERY SHERMAN A & DEBORAH (JTRS)  
 2931 STATELINE RD  
 BOWDON, GA 30108  
 Physical Address 2931 STATELINE RD  
 Assessed Value Value \$164667

Last 2 Sales			
Date	Price	Reason	Qual
11/16/2004	0	PB	U
11/8/1988	0	PI	U



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## APPLICATION FOR A VARIANCE

Date Received: 2-23-21  
Received by: [Signature]

Application must be filed by noon on the 1<sup>st</sup> 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: Sherman Lowery  
Address: 2931 State Line Rd City: Bowdon State: GA Zip: 30108  
Phone: (678) 314-1134 Fax: ( ) N/A Email: sherman@lowery.com

Agent Name: N/A  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ - \_\_\_\_\_ Fax: ( ) \_\_\_\_\_ - \_\_\_\_\_ Email: \_\_\_\_\_

Owner Name (If different from applicant): N/A  
Address: \_\_\_\_\_  
Phone: ( ) \_\_\_\_\_ - \_\_\_\_\_ 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: Split Land  
Variance Location (attach location map): 2931 & 2941 State Line Road, Bowdon, GA  
30108 into two 2 acre lots  
Proposed Use: (If residential, residence must be at least 1,230 square feet) Separate two parcels for family  
Purpose  
Total acreage: \_\_\_\_\_

Describe Proposed Variance:  
Need to separate so family member. Can't get loan per bank request  
cannot loan money with trailer on same lot as house.  
Put 2941 in wife name because trailer is in her name  
Put 2931 in my name

Staff Use Only

Land Lot 146 of the AM District, Carroll County

Tax Map 007 Parcel 0010



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## Describe how the proposed Variance will affect:

Traffic:

N/A

Parking:

N/A

Availability of Public Facilities/Utilities:

N/A

Other Relevant Impacts of the Proposal:

N/A

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

N/A

## 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. All 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.: 156-21-04-01  
Filing Fee: \$                       
Pre-application Conf.:                       
Date advertised:                       
Date Notices Sent:                       
BOA Public Hearing Date:                       
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 residence, must be at least 1,230 sf) None

Is this a multiple road frontage lot? yes

house  
wall house  
water building

Trailer  
Garage



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STATE OF GEORGIA  
COUNTY OF CARROLL

## AFFIDAVIT FOR A VARIANCE APPLICATION

Sherman Leweny, 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 17<sup>th</sup> day of March, 2021.

*Sherman Leweny*  
AFFIANT (signature)

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

Sworn to and subscribed  
before me this 17<sup>th</sup> day  
of March, 2021.



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: \_\_\_\_\_



SURVEY FOR:

**SHERMAN LOWERY**  
LAND LOTS 129 & 146, 9th DISTRICT  
CARROLL COUNTY, GEORGIA  
FEBRUARY 23, 2001

AREA = 4.00 ACRES

GRAPHIC SCALE



LINE	DIRECTION	DISTANCE
L1	N 11°51'44" W	46.65'
L2	N 14°22'56" W	52.47'
L3	N 14°58'58" W	51.92'
L4	N 15°50'48" W	51.55'
L5	N 15°32'28" W	56.59'
L6	N 15°31'12" W	60.95'
L7	N 15°23'48" W	54.70'
L8	N 15°18'01" W	42.57'
L9	S 82°56'43" W	19.49'
L10	S 82°56'16" W	52.07'
L11	S 82°59'45" W	51.83'
L12	S 82°53'59" W	52.45'
L13	S 82°50'14" W	64.06'
L14	S 82°52'13" W	51.10'
L15	S 81°54'51" W	49.59'

NOTE: ACCORDING TO THE CARROLL COUNTY FLOOD INSURANCE RATE MAP # 130264-0150-B, THERE IS NO FLOOD PLAIN WITHIN THE LIMITS OF THIS PROPERTY.



NOTE: ALL IRON PINS SET ARE 1/2" REBAR  
NOTE: ALL I.P.F.'S ARE 1/2" REBAR

NOTE: THIS PROPERTY IS SUBJECT TO ALL EASEMENTS AND/OR RIGHTS OF WAY WHICH MAY AFFECT TITLE.

THIS SURVEY WAS MADE USING A TOPCON GTS-303 EDM THEODOLITE, WHICH READS DISTANCES TO THE NEAREST 0.005 FEET AND WITH DIRECT READING TO 5 SECONDS FOR ANGULAR MEASUREMENTS.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 150,000 FEET. AN ANGLE ERROR OF 3 SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING THE LEAST SQUARE RULE.

THE INFORMATION ON THIS PLAT HAS A CLOSURE PRECISION OF ONE FOOT IN 200,000 FEET.

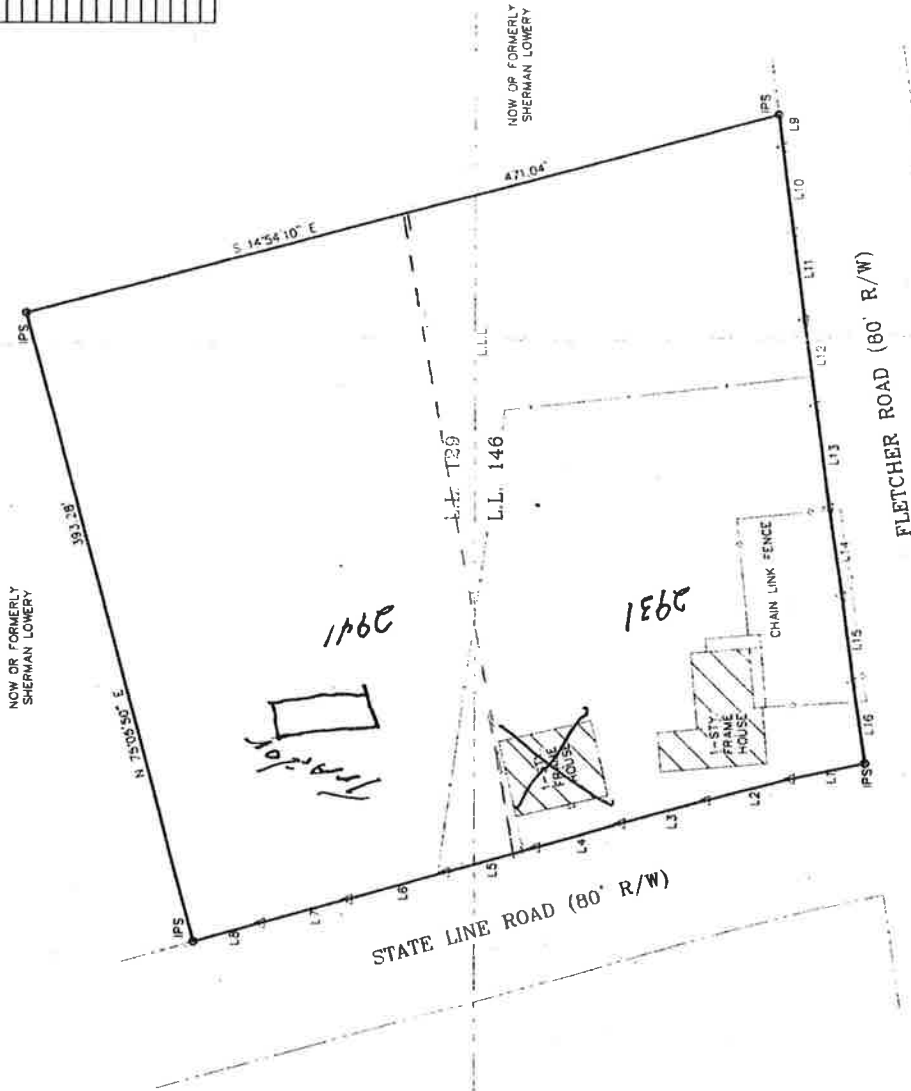
CERTIFICATION: I HEREBY CERTIFY THIS PLAT TO BE A TRUE AND ACCURATE REPRESENTATION OF THE CONDITIONS ON THIS PROPERTY.



GA 600 LAND SURVEYOR NO. 1134

PREPARED BY:  
**PIONEER LAND SURVEYING CO.**  
901-D SOUTH PARK STREET  
CARROLLTON, GEORGIA  
(770) 886-1919

JOB# 201037



*This is the survey of the houses & fences*

WARRANT DEED  
(For Life With Remainder to Survivor)

STATE OF GEORGIA: COUNTY OF CARROLL

THIS INDENTURE, Made this 8th day of November One  
Thousand Nine Hundred and Eighty Eight between SHERMAN A. LOWERY  
and County of Carroll of the First Part, and of the State of Georgia  
DEBORAH LOWERY SHERMAN A. LOWERY AND  
and County of Carroll of the Second Part; of the State of Georgia

WITNESSETH: That the said Party of the First Part, for and in consideration of the  
sum of Love and Affection-----  
(\$ -- ) Dollars, in hand paid, at and before the sealing and delivery of these presents, the  
receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by  
these presents do es grant, bargain, sell and convey unto the said parties of the second part 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:

All those tracts or parcels of land lying and being in Land Lots 129  
and 146 of the 9th District of Carroll County, Georgia, more  
particularly described on Exhibit "A" attached hereto and by reference  
incorporated herein.

Carroll County, Georgia  
Real Estate Transfer Tax  
Paid \$ 0  
Date 11-8-88  
*[Signature]*  
Clerk of Superior Court

SUPERIOR

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 parties of the second part, 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.

AND THE SAID party of the first part, for his heirs, executors and administrators,  
will warrant and forever defend the right and title to the above described property, unto the said parties  
of the second part, as hereinabove provided, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has  
hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered  
in the presence of:

*[Signature]* *[Signature]* (SEAL)  
*[Signature]* SHERMAN A. LOWERY (SEAL)  
*[Signature]* (SEAL)

Notary Public

TISINGER, TISINGER & VANCE  
Attorneys at Law  
Carrollton, Georgia 30117

TRACT 1:

All that tract or parcel of land lying and being in the County of Carroll and State of Georgia, BEGINNING at State Line Road running east along original line of Land Lot No. 129 to Olin Williams corner; thence running north 244 feet to corner; thence east 236 feet to a corner; thence running south 574 feet to a ditch; thence running up ditch to original line; thence west along original line to State Line Road; thence north along State Line Road to starting point. Said tract of land containing 20 acres, more or less, in the 9th Land District of said county and state with the following exceptions: EXCEPT one (1) acre described as follows: BEGINNING on State Line Road at Olin Williams' southwest corner; thence running 110 feet south along State Line Road and a made corner; thence running 396 feet east along Myron Wright's land to a made corner; thence running 110 feet north along a new-made line on Myron Wright's property to a made corner; thence running 395 feet west along Olin Williams' line to the starting point on State Line Road; the above containing 19 acres, more or less. Being in Land Lot 129 of the 9th Land District of Carroll County, Georgia, described as follows: BEGINNING at a point on the original line of Land Lot 129, which is 396 feet east of State Line Road at the northeast corner of a lot now owned by Olin Williams; thence running east along the original land lot line 261 feet to the northeast corner of Land Lot 129; thence south along said land lot line 10 feet to a point; thence west parallel to the north line of said lot 261 feet to the southeast corner of Olin Williams' lot; thence north 110 feet along Olin Williams' line to the point of beginning. EXCEPTED from the above described tract of land is the following: Being in Land Lot 129, 9th District of Carroll County, Georgia, and described as follows: BEGINNING at a point on the northwest corner of the above described tract where Grantor's property and Olin Williams' property intersect on the east side of the State Line Road; thence in an easterly direction 270 feet to a point; thence in a southerly direction 362 feet to a point; thence in an easterly direction 270 feet to a point; thence in a northerly direction 362 feet along State Line Road to point of beginning. This excepted property has a dwelling located thereon. ALSO EXCEPTED from the above described property is BEGINNING at a large oak tree on State Line Road at the property of Mrs. Carl Bentley and running thence south on State Line Road 436 feet to an iron stob; thence east 570 feet to an iron stob; thence north 680 feet; thence west 240 feet to an iron stob; thence south 244 feet to an iron stob; thence west to an iron stob at State Line Road at point of beginning. Said tract of Land Lot 129, 9th Land District of Carroll County, Georgia, containing 7 acres, more or less.

TRACT 2:

All that tract of land in Land Lot 129 of the 9th District of Carroll County, Georgia, described as follows: BEGINNING at the southwest corner of A. A. Hurst property (previously referred to as the southeast corner of W. S. Fletcher land), and from said point of beginning, running north along property of A. A. Hurst, formerly Richardson, 100 rods to corner at property of Olin Williams; thence west along Williams' property to a maple tree (this corner being a corner common to property of Olin Williams, Myron Wright and within described property); thence south along property of Myron Wright 574 feet to a ditch; thence continuing south along said ditch to the original south line of Lot 129; thence east along said line to the point of beginning. Said property bounded on the east by property of A. A. Hurst; on the north by property of Olin Williams; on the west by Myron Wright and on the south by property formerly owned by W. S. Fletcher; the within described tract containing 7 acres, more or less, and being a part of the last tract of land described in a deed from W. S. Fletcher to G. W. Hammock recorded in Book 66, page 317, and a part of other property described in the deed in Book 66, page 317. The within described property contains 10 acres, more or less.

**TRACT 3:**

All that tract or parcel of land containing 6 acres, more or less, in the 9th District of Carroll County, Georgia, in Land Lot 146 and more particularly described, as follows: BEGIN at the northeast intersection of State Line Road with a road that runs east and west through Land Lot 146 and into Alabama. This intersection known as Fletcher's Crossroad and from said point of beginning, running north at the east side of State Line Road a distance of 400 feet, more or less, to the north line of Lot 146 of the 9th District; thence east along the north line of Lot 146 to a point where it crosses the east-west road heretofore mentioned; thence from said point, running southwest along the north side of the east-west road to Fletcher's Crossroads and the point of beginning.

LESS AND EXCEPT: All that tract or parcel of land described in that certain warranty deed dated January 4, 1984, recorded February 6, 1984, in Book #64, page 381, Carroll County Public Records.

Located thereon two (2) rental dwellings.

RECORDED NOV 8 1988 KENNETH SKINNER, CLERK