

BRYAN COUNTY PLANNING & ZONING COMMISSION and BOARD OF ADJUSTMENT MEETING AGENDA

> Meeting Date: March 16, 2021 Meeting Time: 6:30 p.m. Commissioner's Meeting Room 42 N. Courthouse St. Pembroke, GA 31321 And GO TO MEETING <u>https://global.gotomeeting.com/join/709368437</u> Or Call in United States: <u>+1 (646) 749-3122</u> Access Code: 709-368-437

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES
- III. BOARD OF ADJUSTMENT PUBLIC HEARING ITEMS
  - 1. V#362-21, Wayne Carney for a Variance to Section 114-509(a) of the Unified Development Ordinance to reduce the front setback for property located on Davis Landing Road, Ellabell, GA, PIN#033008.
- IV. PLANNING AND ZONING COMMISSION PUBLIC HEARING ITEMS
- V. OTHER BUSINESS NON-PUBLIC HEARING ITEMS
- VI. ADJOURNMENT

Please note that agenda items may not be considered in the exact order listed, and all times shown are tentative and approximate. Documents for the record may be submitted prior to the meeting by email, fax, mail, or in person. For questions about the agenda, contact Planning at ayoung@bryan-county.org or (912) 653-5252. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact Planning at (912) 653-5252. This information can be made in alternative format as needed for persons with disabilities. **Posted: March 9, 2021** 

Board of Commissioner's Meeting Room, Richmond Hill



## BRYAN COUNTY PLANNING & ZONING COMMISSION and BOARD OF ADJUSTMENT MINUTES Meeting Date: February 16, 2021 Meeting Time: 6:30 p.m.

- Attendees: Joseph Pecenka, II, Chairman Ronald Carswell Michelle Guran Stacy Watson Stephanie Falls Alex Floyd (arrived at 6:33 p.m.)
- Absent: Boyce Young, Vice Chairman
- Staff: Audra Miller, Community Development Director Amanda Clement, Planning Manager Ashley Young, Planning Technician
  - I. CALL TO ORDER

Chairman Pecenka called the meeting to order at 6:30 p.m.

II. APPROVAL OF MINUTES

Commissioner Carswell made a motion to approve the January 6, 2021 Minutes, and a second was made by Commissioner Guran. Vote 4:0, motion carried.

- III. OTHER BUSINESS
  - 1. Discuss Digital Meetings. The location and use of digital meeting platforms for future meetings was discussed. No official action was taken.

### VI. PLANNING AND ZONING COMMISSION

- 1. CUP#171-21, Inman Solar, Conditional Use request in the I-2 district for the use of a solar farm for property located on Bacontown Rd., Pembroke. PIN# 008-016 & 008-017.
  - a. Commissioner Guran made a motion to open the public hearing. A second was made by Commissioner Falls. Vote 5:0, voting member numbers increased due to the arrival of Commissioner Floyd, motion carried.
  - b. Ms. Clement presented the request. She stated the concept plan showed the 25-acre portion of the property that was the subject of the conditional use, with approximately 14 acres to be occupied by the solar equipment. She said that the concept plan showed the utilization of natural vegetation along with a combination of new plantings in order to buffer the equipment from the adjacent roadways and properties. She further informed the commission that the application included a request for relief from Section 114-742(c)(1), to reduce the required buffer along the northern property line from 100 feet to 50 feet. With the railroad along the northern property line and no anticipated adverse impacts from the solar panels, she stated staff recommended approval of the conditional use and the reduction of the buffer, with the following conditions:
    - i. A final Site Development and Landscape/Buffer Plan conforming to the specific supplemental use regulations governing Solar Energy Systems as set forth in Section 114-742 of the UDO shall be submitted for review and approval prior to the commencement of any land disturbing/construction activities on site. The location of all improvements shown on the site development plans shall conform with the general footprint and layout shown on Exhibit A-1.
    - ii. A final Decommissioning Plan shall be submitted in accordance with Section 114-742(f), prior to the issuance of a site development permit.
  - c. Mr. Steve Chiariello, representative for Inman Solar, spoke in favor of the request and presented a revised concept plan and photographs to the commission for their consideration. Said documents were submitted into the official record, to be kept on file in the County's Community Development Department office.
  - d. Commissioner Falls made a motion to close the public hearing. A second was made by Commissioner Carswell. Vote 5:0, motion carried.
  - e. Commissioner Falls made a motion to recommend approval of CUP#171-21 as recommended by staff, but with a revision to condition # 1 in order to require conformance with the revised concept plan presented during the public hearing. Commissioner Guran seconded the motion. Vote 4:0, Commissioner Floyd abstained from the vote, motion carried.

Board of Commissioner's Meeting Room, Richmond Hill

### VI. ADJOURNMENT

Commissioner Watson made a motion to adjourn at 7:12 p.m., and a second was made by Commissioner Carswell. Vote 5:0, motion carried.

Approved on this \_\_\_\_\_\_ day of \_\_\_\_\_\_ , \_\_\_\_\_ by action of the Commission.

Joseph Pecenka, Chairman

ATTEST:

Secretary to the Commission

### **BRYAN COUNTY BOARD OF ADJUSTMENT**

## CASE V#362-21

## Public Hearing Date: March 16, 2021

REGARDING THE APPLICATION OF: Wayne Carney,	Staff Report		
requesting a variance for property located off Davis			
Landing Road, PIN# 033 008. The applicant is	By: Sara Farr-Newman		
requesting a variance in order to decrease the front			
setback.	Dated: March 9, 2020		

## I. Application Summary

**Requested Action:** Public hearing and consideration of a variance requested by Wayne Carney, for property located off of Davis Landing Road, PIN# 033 008. The variance is requested to decrease the front yard setback from 50 feet to 30 feet.

Applicant/Owner:	Wayne Carney		
	2189 Eldora Road		
	Ellabell, GA 31308		

## **Applicable Regulations:**

- The State of Georgia, Title 36. Local Government Provisions Applicable to Counties and Municipal Corporations, Chapter 66. Zoning Procedures, Georgia Code O.C.G.A. 36-66
- Bryan County Unified Development Ordinance, Article III, Division 5. Variances.
- Bryan County Unified Development Ordinance, Article V, Division 4. Agricultural and Rural Residential Districts, Section 114-509. Agricultural and Rural-Residential District Development Standards.

## II. General Information

**1. Application:** A variance application was submitted by Wayne Carney on January 21, 2020. After reviewing the application, the Director certified the application as being generally complete on February 11, 2021.

**2. Notice:** Public notice for this application was as follows:

A. Legal notice was published in the Bryan County News on February 25, 2021.

B. Notice was mailed on **March 1, 2021** to surrounding landowners within 300' of the exterior boundaries of the property.

D. An on-site notice was posted on March 1, 2021.

#### 3. Background:

The subject property, located off of Davis Landing Road, PIN# 033 008, is zoned A-5, "Agricultural District" and is 5.36 acres. The entire property is located within a special flood hazard area, identified by FEMA Flood Insurance Rate Map (F.I.R.M.) panel 13029C0085D effective 5/5/2014. A large portion of the property also has the potential for wetlands as shown on the National Wetlands Inventory Map. There are two existing accessory buildings on the property, including a pole barn.

The access to the lot is proposed to be off an access easement. The original plat of the property shows this easement located off of Davis Landing Road as a 60-foot-wide easement to access the properties in the subdivision. The easement currently serves as an undeveloped dirt access to several properties; however, it is blocked off by branches and fallen trees partially through, so it mainly serves as a driveway/access to a limited number of properties as opposed to a main access point for all properties. The properties past this block can access their property from other roads.

The applicant is requesting a variance in order to reduce the front yard setback from 50 feet to 30 feet to accommodate site conditions including standing water, existing buildings, and elevation changes. The 30 foot setback is being measured from the center of the easement, as the property lines run through the center as shown on the subdivision plat.

4. **Requested Variance**: Per the Bryan County Unified Development Ordinance, Article V, Division 4. Agricultural and Rural Residential Districts, Section 114-509, Agricultural and Rural-Residential District Development Standards, buildings in A-5 districts are required to have a 50 foot front setback on local roads. The applicant is requesting to reduce the front setback by 20 feet to 30 feet, a reduction of 40%.

**5. Exhibits**: The following Exhibits are attached hereto as referenced. All application documents were received at the Bryan County Community Development office on January 21, 2021, unless otherwise noted.

### "A" Exhibits- Application:

- A-1 Hardship Narrative (02-11-2021)A-2 Conceptual PlanA-3 Proof of OwnershipA-4 Disclosure Statement (02-11-2021)
- Carney Variance Request | Board of Adjustment

### "B" Exhibits- Agency Comments:

B-1 DRC Review Letter (02-11-2021)

### "C" Exhibits- Bryan County Supplements

C-1 Overview Map
C-2 Location Map
C-3 Notification Map
C-4 Zoning Map
C-6 Plat
C-7 National Wetlands Inventory Map
C-8 Site Pictures

## "D" Exhibits- Public Comment:

None received

## III. Analysis Under Article III, Division 5. Variances, Section 114-342.:

A variance may be granted by the Board of Adjustment if it finds that:

1. Unnecessary hardship would result from the strict application of this UDO. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

**Staff Findings:** The applicant indicated that the existing conditions of the property make meeting the 50 foot front setback requirement a hardship, and building the house elsewhere on the lot would be difficult. The existing building and property conditions were identified by the applicant as hardships resulting in the request for a reduced front setback. These include an existing pole barn, standing water, and elevation changes.

Staff recognizes that there are unique conditions on this property creating hardships. The property is accessed via an easement that functions more like a driveway and is mostly blocked by tree branches past the property. Requiring the applicant to meet the 50 foot front setback would create a hardship as the property conditions limit the locations available to construct a home. Although there is a possibility for

the access easement to be developed into a road at a later date, the proposed location would still be outside this right of way.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

Staff Findings: The applicant indicated there is an existing oak tree, existing structures, and changing topography that create the hardship for the site. There is an existing pole barn built by a previous owner that constrains the placement of the proposed home from being further back on the lot. The location of the home is also limited by a large oak tree that the applicant estimates to be several hundred years old and would like to maintain on the property. Additionally, the entire lot is located within the special flood hazard area, zone AE with a base flood elevation of 44 feet, as identified by F.I.R.M panel 13029C0085D effective 5/5/2014. Building within this flood zone requires the lowest floor of the home to be elevated to 45 feet mean sea level. According to the County's topographic map layer, the highest ground elevation of the property sits at approximately 40 feet and falls in elevation to approximately 36 feet. Utilizing the highest ground elevation for the building site allows the applicant to more easily meet this requirement as it is one of the highest areas on the property. On a site visit to the property on February 4, 2021, staff observed this change in elevation as well as large areas of standing water towards the rear of the site. A large portion of the property is also potentially located in wetlands, as shown on the National Wetland Inventory Map, with the proposed home location being one of the limited spaces available outside of them. These conditions do create a hardship when placing a home on the property while meeting setback requirements due to the site's specific conditions.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

**Staff Findings:** The identified hardships did not result from actions taken by the property owner. The wetlands, elevation changes, and special flood hazard area are natural conditions of the property. According to County records, the existing pole barn was constructed by a previous owner in 2000, prior to the current owner purchasing the property in 2006.

4. The requested variance is consistent with the spirit, purpose and intent of this UDO, such that public safety is secured, and substantial justice is achieved.

Carney Variance Request | Board of Adjustment

**Staff Findings:** The proposed variance for a front setback reduction is consistent with the spirit, purpose and intent of this Ordinance to ensure public safety and substantial justice. The unique conditions of the property necessitate a variance in order to meet the intent of regulating development in the public interest while also preserving the character and natural features, such as wetlands and floodplains, of Bryan County.

## **IV. Staff Recommendation**

Staff recommends approval of the variance resolution, because all variance criteria are met.

## V. Board of Adjustment Decision

**Decision:** The Board of Adjustment may approve the variance as requested, or it may approve the variance requested subject to conditions, or it may deny the requested variance. The decision will be rendered via a Board of Adjustment Resolution.

The Board of Adjustment may continue the hearing for additional information from the applicant, additional public input or for deliberation.

► Motion Regarding Decision: Having considered the evidence in the record, upon motion by Commissioner \_\_\_\_\_\_, second by Commissioner \_\_\_\_\_\_, and by vote of \_\_ to \_\_, the Board of Adjustment hereby adopts Board of Adjustment Resolution 2021-01 indicating the Board's findings and approval/denial of the request variance.



## BOARD OF ADJUSTMENT RESOLUTION 2021\_\_\_\_\_

WHEREAS, the Board of Adjustment ("BOA") has held a duly advertised public hearing on March 16, 2021, on case number  $\underline{V#362-21}$  for a Variance requesting the following:

The reduction of the front setback from 50 feet to 30 feet under the Bryan County Unified Development Ordinance, Article V, Division 4. Agricultural and rural residential districts, Section 114-509. Agricultural and rural residential district development standards.

WHEREAS, the BOA finds that the proposed variance is consistent/inconsistent with the spirit, purpose, and intent of the Unified Development Ordinance ("UDO"), such that public safety would/would not be secured and substantial justice would/would not be achieved;

WHEREAS, the BOA does/does not find an unnecessary hardship would result from the strict application of the UDO;

WHEREAS, the BOA does/does not find a hardship resulting from conditions that are peculiar to the property, such as location, size, or topography and not common to the neighborhood or general public; and

WHEREAS, the BOA finds the hardship is/is not a result of actions taken by the applicant and/or property owner.

NOW, THEREFORE, BE IT RESOLVED that the BOA hereby denies/approves the requested Variance, case number V#362-21.

Adopted this <u>16<sup>th</sup></u> day of <u>March</u>.2021.

## **BRYAN COUNTY BOARD OF ADJUSTMENT**

By: \_\_\_\_

Joseph Pecenka, II, Chairman

Attest:\_\_\_\_\_

Ashley Young, Secretary

# "A" Exhibits – Application

## Exhibit A-1

Davis landing road drops steeply at #1, see google picture.it is 16 ft wide and has a 10ft plus high vertical wall on each side and can't be widened. At #2 at bottom of hill to r/h turn on n-e corner of my property, road is 12ft wide and falls off 5 to 8ft on both sides into swamp/wetlands, can't widen, can't fill wetlands. At #3, proposed home site. Road is 16ft wide with property line in the center, adjoining property falls off 6-7ft at edge of road in to large swamp that encompasses the entire property. Can't widen road. Can't fill wetlands. Road at s curve, #4, is only 8ft wide and very low and falls an even further 3-4ft. In to swamp/wetlands, can't widen, can't fill wetlands. #6 is proposed home site that is ¾ to 1 acre in size and is 5-6ft.higher than all surrounding terrain. Septic tank and well have been approved by bryan co. health dept. And installed. Flood benchmark has been set at 45ft. 6in. By andersen surveying-statesboro ga. Home is to be 30ft from property line at #3. I have contacted the adjoining property owner, mrs.betsy arata. At 912-858-4275, and she has told me that she had no objections about changing the setback from 50ft. To 25ft. All these roads are private property and not county maintained. You're immediate attention to this request is greatly appreciated.

Wanpellan

## Project # 20210040

## Bryan County Board of Commissioners

**Community Development Department** 

## Variance Criteria

Variances may only be granted if it is found that the application meets the criteria below. A separate sheet(s) of paper may be used if additional space is needed.

1. Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

area for home site has a pole barn on it, built by previous owner. site is not wide enough to accomodate 26x50 foot home without crowding pole barn. turning home would jepordise a 2to300 year old live oak. i have contacted my neighbor/property owner and she has absolutly no problem with this request.home will be min. 30 feet from property line.

2. The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public may not be the basis for granting a variance.

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3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify granting a variance shall not be regarded as a self-created hardship.

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4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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Agenda Packet – Page # 14 Exhibit A GUAMFY GUAMFY V VERTLOW SWAMP-FLOC l ì PER. HOMESTE Berto 200-550 0 0 ¢ 50 AZEA PROPERTY 0 17 X 29 R 7 H 3817 Prod. 9 RIDGE, THIS WHERE HIGHER THAD ALL SUZZIONS Leon HERE LO SWAND CLAR WORK PORT CC713201 (202) 3016 14 MI 1 voor 126 CZ LOUDDANSING

Agenda Packet - Page # 15

## **2020 Property Tax Statement**

Carrol Ann Coleman Bryan County Tax Commissioner P.O. Box 447 Pembroke, GA 31321-0447 912-653-3880

CARNEY WAYNE N & PATRICIA M 2189 ELDORA ROAD ELLABELL, GA 31308

#### **RETURN THIS PORTION WITH PAYMENT**

(Interest will be added per month if not paid by due date)

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2020-003267	11/15/2020	\$0.00	\$294.69	\$0.00	Paid 11/10/2020

Exhibit A-3

Map: 033 008 Location: ELDORA RD Account No: 3317R

#### IMPORTANT NOTICES

Certain persons are eligible for certain homestead exemptions from ad valorem taxation. In addition to the regular homestead exemption authorized for all homeowners, certain elderly persons are or the referred to additional exemptions. The full law relating to each exemption must be referred to in order to determine eligibility for the exemption. If you are eligible for one of these exemptions and are not now receiving the benefit of the exemption, you must apply for the exemption not later than April 1st in order to receive the exemption in future years. For more information on eligibility for exemptions or on the proper method of applying for an exemption, you may contact:

Bryan County Tax Commissioner 11 N Courthouse St, P.O. Box 447, Pembroke, GA 31321 (912) 653-3880

If you feel that your property has been assigned too high a value for tax purposes by the Board of Tax Assessors, you should file a tax return reducing the value not later than April 1st in order to have an opportunity to have this value lowered for next years' taxes. Information on filing a return can be obtained from the Tax Assessor at the above location and phone number.

Carrol Ann Coleman Bryan County Tax Commissioner P.O. Box 447 Pembroke, GA 31321-0447 912-653-3880



Tax Payer: CARNEY WAYNE N & PATRICIA M Map Code: 033 008 Property Description: 6-X-692 PS357 7 LOT # Location: ELDORA RD Bill No: 2020-003267 District: 03

Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	\$0	\$0	\$0	\$11,840	8.314000	\$98.44	\$0.00	\$98.44
SCHOOL BND	\$29,600	\$11,840	\$0	\$11,840	1.500000	\$17.76	\$0.00	\$17.76
SCHOOL M&O	\$29,600	\$11,840	\$0	\$11,840	15.075000	\$178.49	\$0.00	\$178.49
TOTALS					24.889000	\$294.69	\$0.00	\$294.69

#### **IMPORTANT MESSAGES - PLEASE READ**

• If you receive a property tax bill on property you no longer own and you are not responsible for the bill, please forward the bill on to the new owner or contact our office with the information.

• You can now pay your tax bills online at bryancountypay.com where a convenience fee of 2.5% (\$2.00 min) will be charged by the vendor for this service.

• This gradual reduction and elimination of the state property tax and the reduction in your tax bill this year is the result of property tax relief passed by the Governor, the House of

Representatives and the Georgia State Senate.

#### PAYMENT INSTRUCTIONS

• Please Make Check or Money Order Payable to: Bryan County Tax Commissioner

· Please write the bill number(s) on your check.

• If a receipt is desired, please include a stamped, self-addressed envelope.

If taxes are to be paid by a mortgage company, send them this portion only.
If you are paying after the due date, please call our office for the full amount due.
Interest on unpaid tax bills is applied in compliance with GA Code 48-2-40.

• Penalty on unpaid tax bills is applied in compliance with GA Code 48-2-44.

<b>Current Due</b>	\$294.69
Discount	\$0.00
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
<b>Previous Payments</b>	\$294.69
Back Taxes	\$0.00
Total Due	\$0.00
Paid Date	11/10/2020

Project # 20210040

Exhibit A-4

## Bryan County Board of Commissioners

**Community Development Department** 

## **DISCLOSURE STATEMENT**

Title 36, chapter 67A-3 of O.C.G.A. requires that when any applicant for rezoning action has made, within two years immediately preceding the filing of the applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, to file a disclosure report.

No, I have not made any campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

\_\_\_\_\_Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: \_\_\_\_\_

Value of Contribution: \_\_\_\_\_

Date of Contribution: \_\_\_\_\_

I have read and understand the above and hereby agree to all that is required by me as the applicant.

Signature of Applican



# "B" Exhibits – Agency Comments

## **Plan Review Comments**

## Engineering - Kirk Croasmun - kcroasmun@bryan-county.org

**Review Comments:** 

Fire - Robbie Jordan - rjordan@bryan-county.org

**Review Comments:** 

## Public Health - Michael May - michael.may@dph.ga.gov

#### **Review Comments:**

If the customer is in need of a septic system and/or water well, please contact the Bryan County Health Department for assistance.

## Public Works - George Allen - gallen@bryan-county.org

### **Review Comments:**

Advisory Comments:

Project appears to be out of right-of-way. No comments by Public Works at this time.

Zoning - Sara Farr-Newman - snewman@bryan-county.org

**Review Comments:** 

2/17/2021

## Exhibit B-1

**DRC Review Complete** 

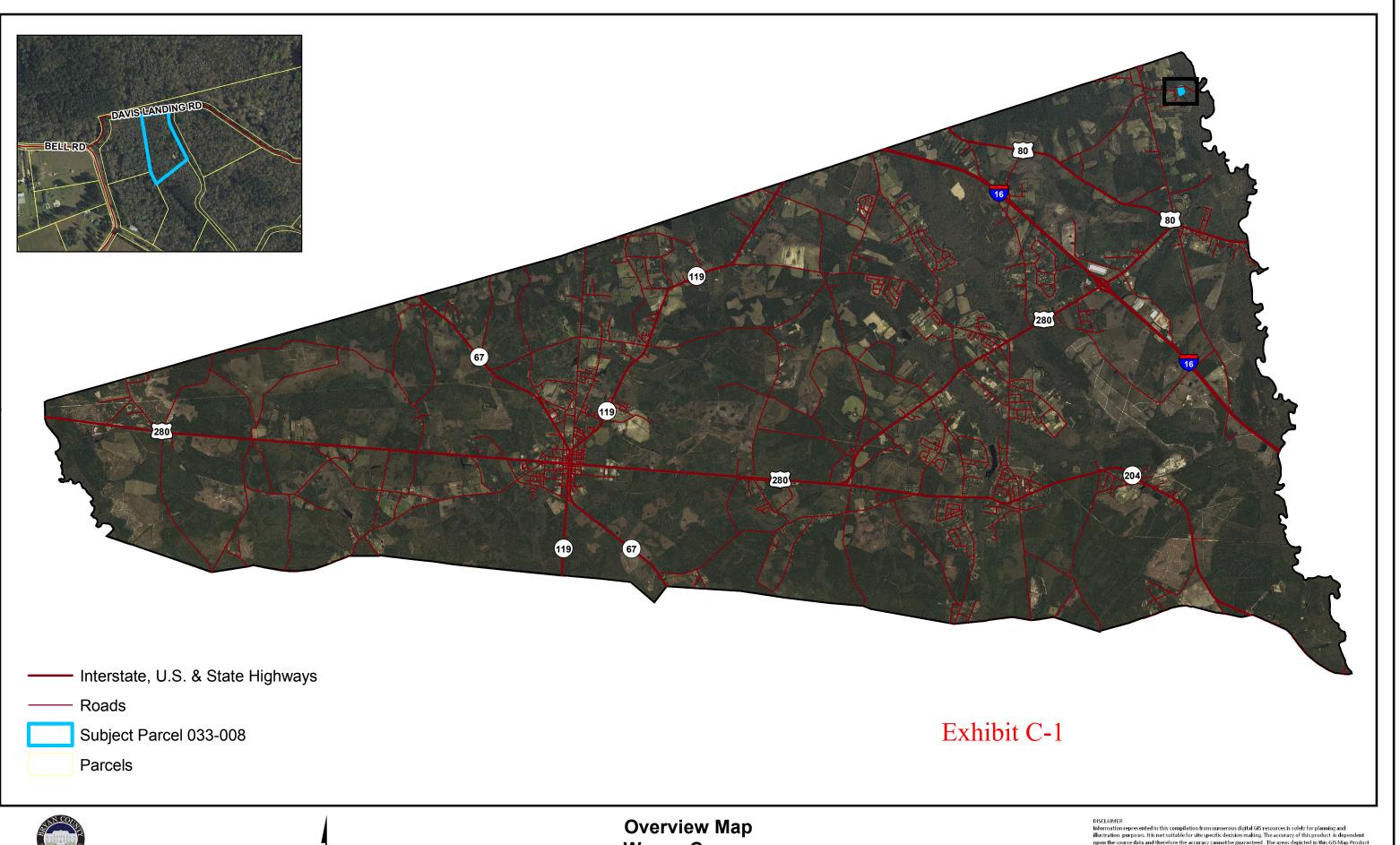
DRC Review Complete

**DRC Review Complete** 

**DRC Review Complete** 

**DRC Review Complete** 

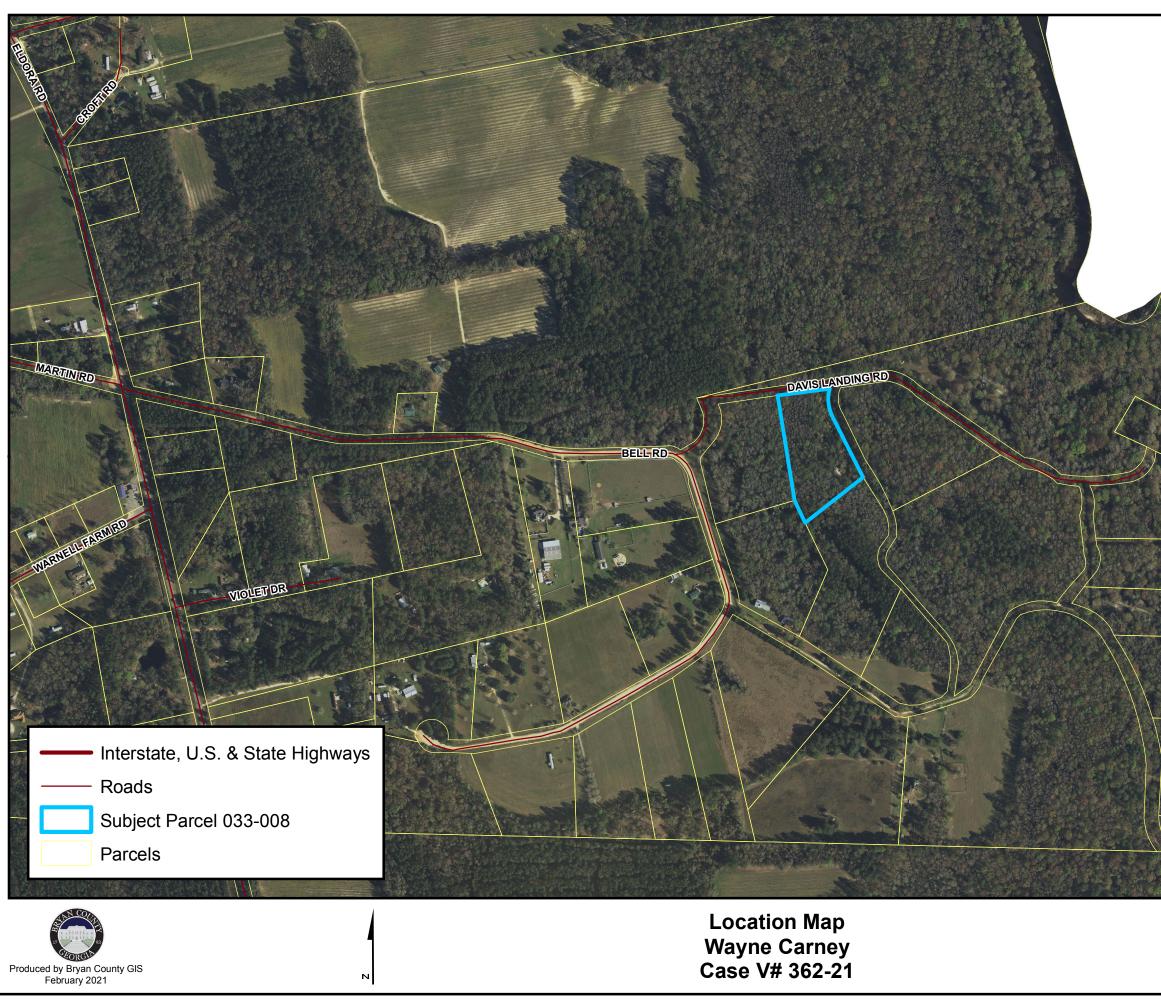
# "C" Exhibits – Bryan County Supplements



Produced by Bryan County GIS February 2021

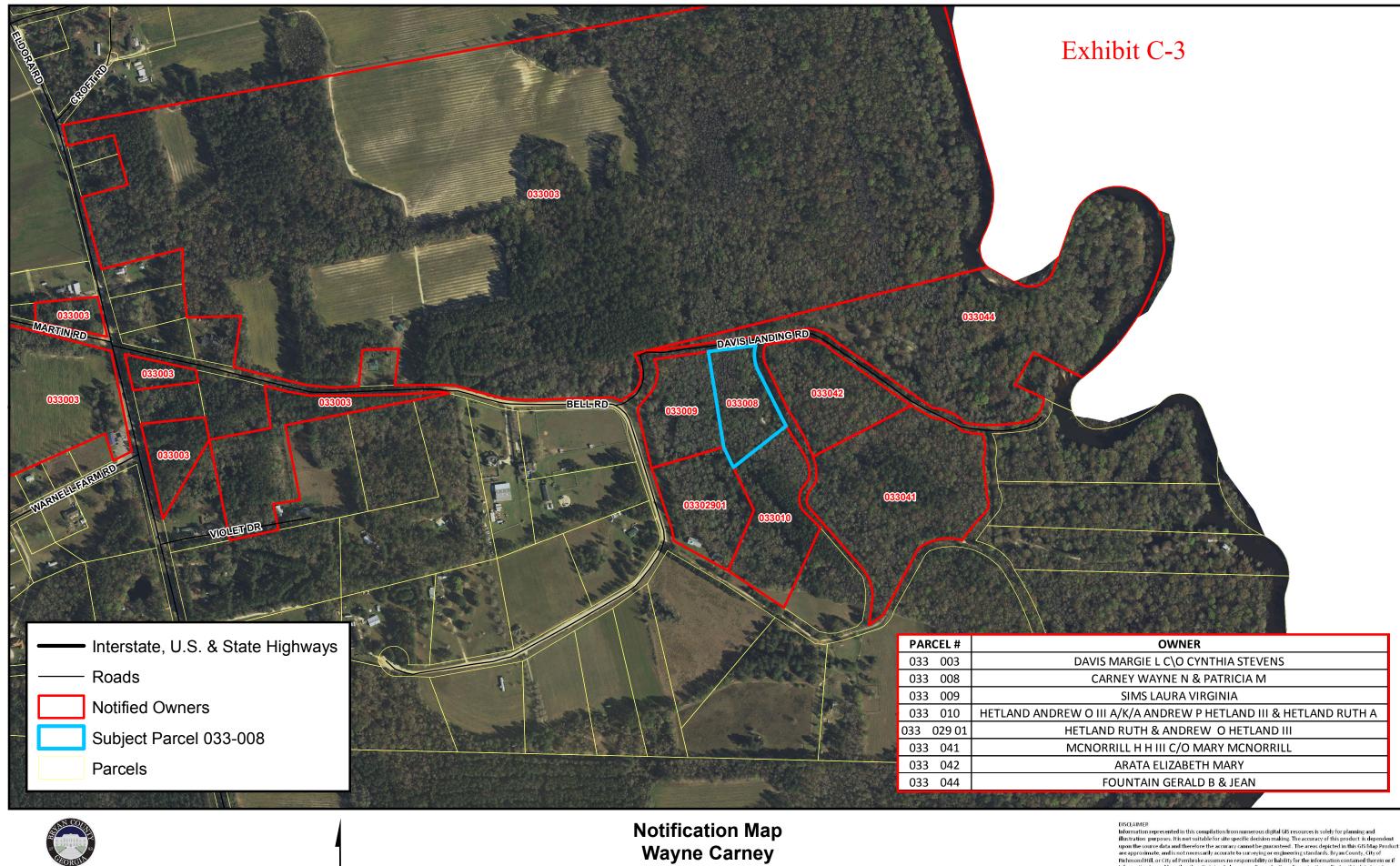
Wayne Carney Case V# 362-21

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## Exhibit C-2

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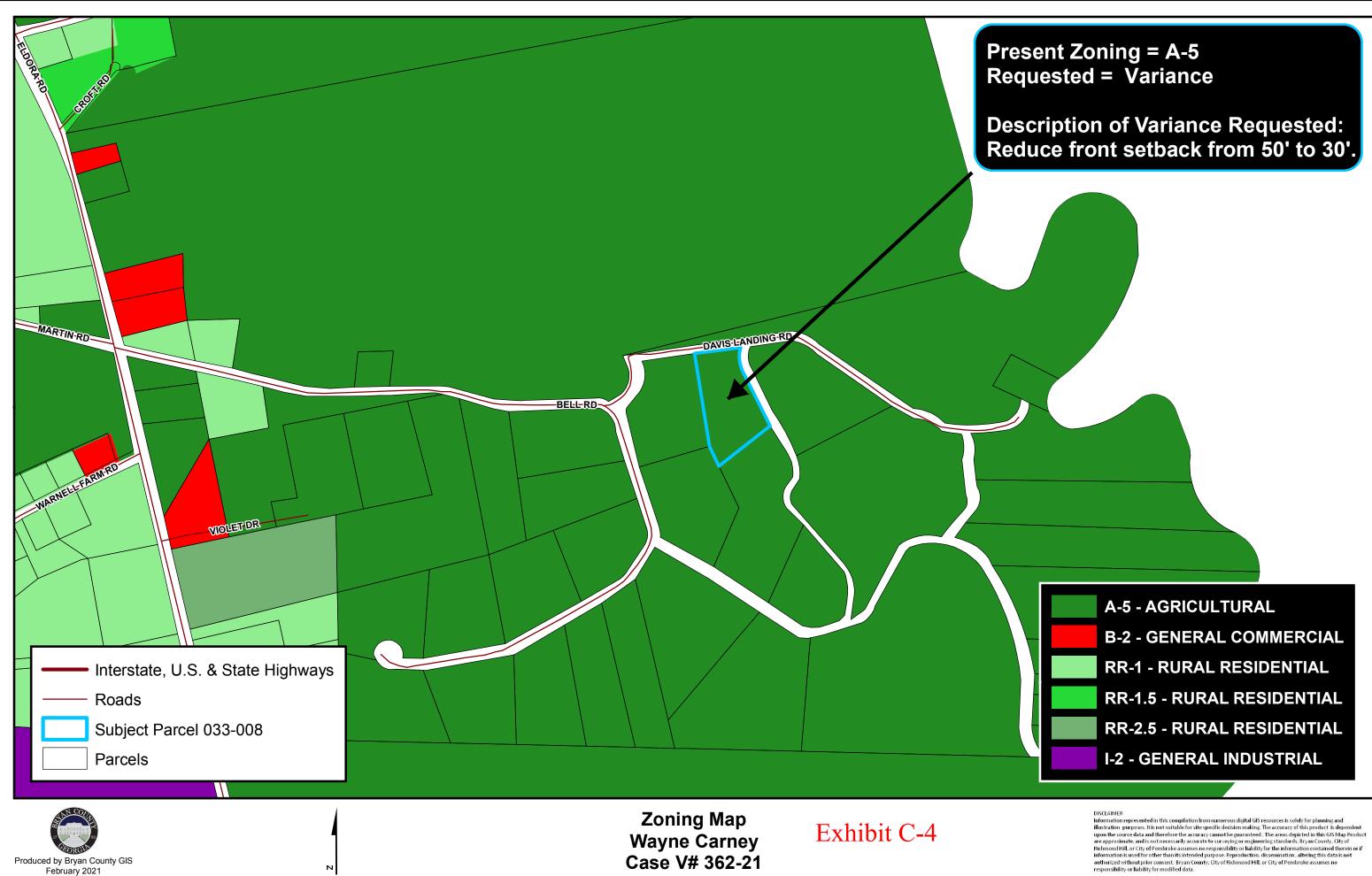


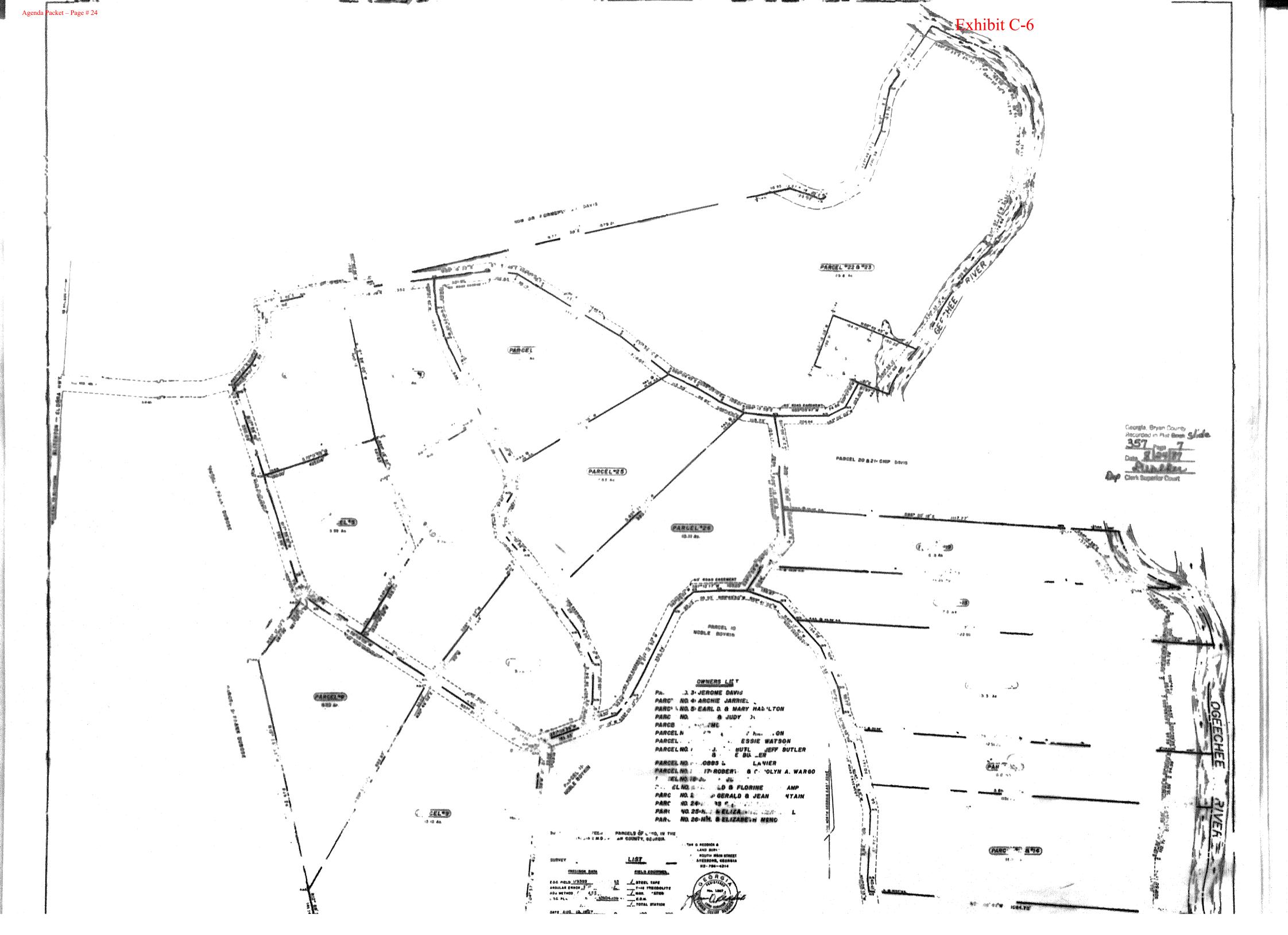
Produced by Bryan County GIS February 2021

Wayne Carney Case V# 362-21

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## U.S. Fish and Wildlife Service National Wetlands Inventory

## Wetlands Variance Exhibit C-7



## February 23, 2021

#### Wetlands

- Estuarine and Marine Wetland

Estuarine and Marine Deepwater

- laring Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

Lake Other Riverine This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

## Exhibit C-8

## Site Visit Pictures



Davis Landing Road across the front of the property

Site showing tree applicant would like to maintain. Easement can be seen with tree branches blocking it.





Proposed home location and pole barn

# "D" Exhibits – Public Comment

None Provided