

DOUGLAS COUNTY ZONING VARIANCE HEARING AGENDA

March 16, 2026

Call to Order - Planning & Zoning Board

APPROVAL of MINUTES

Approve the minutes from the January 20, 2026 Variance Meeting.

AGENDA

V2026-03

Barbara Burke – a request for a Hardship Variance to appeal the decision that a mobile home should be removed located at 1215 Huey Road, Douglasville, 30135. Land lot(s) 650, District 18, Section 2 & Parcel(s) 5. Lot size: .90 acre(s). Application signed by Barbara Ann Burke. Commission District #1.

ADJOURN

January 20, 2026

The Douglas County Variance Board met on the above date.

The following members were present.

Variance Board

Brig Simmons, Chairman was absent

Rob Thomas

Brandon Pennamon

Melissa Polk

Orrick Curry

Chris Small

Frank Payne

Staff

Allison Duncan

Austin Cronan

Melody Glynn

Johannah Womack

Bruce Mercer – Traffic Operations

Minutes

Mr. Pennamon called for a motion for the minutes of the November 17, 2025 Variance Meeting.

Mr. Payne made a motion to approve the minutes from the November 17, 2025 Variance Meeting. Mr. Curry seconded the motion.

Motion carries 6-0.

The minutes from the November 17, 2025 meeting are approved.

Application V2025-09

Shree Real Estate Development – a request for a Special Exception Variance to reduce the perimeter buffer from 50’ to 20’ for a residential development located on Highway 92, Douglasville, 30135. Land lot(s) 967 & 973, District 18, Section 2 & Parcel(s) 1. Lot size: 10.8 acre(s). Application signed by Yashesh Shah. Commission District #2.

Ms. Duncan presented this application. You have seen this site plan previously. This is to include a mixed-use development. The variance was filed concurrently with the rezoning action. The rezoning of the project was approved by the Board of Commissioners on January 6, 2026. It includes a diversity of single-family house units included attached and detached and live/work units.

We have reviewed the project standards. We have found it largely compatible with the criteria in the code. The buffer is being reduced at the front driveway to accommodate the request of our DOT to have the driveway line up with the driveway project of The Carlton on the opposite side of Hwy. 92.

The buffer is being reduced on the side and the rear, particularly adjacent to the rear property line. That backs up to Deer Lick Park so it is not adjacent to any residential development.

Staff is recommending approval based on the following findings:

1. The variance will not modify the intent, purpose or spirit of the Unified Development Code.
2. The variance will not adversely affect the public safety and welfare.
3. The variance meets the required standards for approval.

We are not recommending any conditions with this variance request.

Mr. Bowen Kendrick of 3215 Bakewell Street, Douglasville represented this application. There is a recommendation of approval. Part of what they are trying to accommodate is the driveway in the back of the homes. There’s some stuff there that emergency vehicles need to get around. There’s landscaping around the properties as well as a fence.

Ms. Browning, the engineer for the project stated in the particular areas we tried to align the driveway with the driveway across the street with a request from DOT. We are also trying to accommodate a comment from the Fire Marshal’s office. You’ll also see a portion that is adjacent to private property. We’re asking for a reduction of 20’ there because the Fire Marshal requires us to have 50’ of a straight path in the front of the gated entry and 50’ beyond the gated entry. There’s no other way for us to accomplish that without that

January 20, 2026

reduction and to the private property. Also, around the back, there's a 20' alleyway that's for fire access to get to all the properties. The reason we have that access going around the back is so that we can provide a really nice amenity, a park for that area. Everyone's home is facing the park. There is a sidewalk that goes around it. In order for us to keep that park, we do need the reduction.

No one spoke in favor or in opposition to this application.

Mr. Thomas asked Ms. Browning the alignment of the entrance will now be in alignment with the Carlton across the street.

Ms. Browning replied yes, as close as we could get.

Mr. Thomas asked what is the purpose of that.

Ms. Browning stated that it was a request from DOT and also because of the median break.

Mr. Thomas asked if there would be fencing in the back.

Ms. Browning replied yes. Also, there is a park behind there and there was talk that the park wanted us to provide entrance to the park for the residents to use.

Mr. Thomas asked what size gate.

Ms. Browning stated probably a 6'.

There were no more questions.

Ms. Polk made a motion to approve Application V2025-09. Mr. Thomas seconded the motion.

Motion carries 6-0.

Application V2025-09 is approved.

Application V2026-01

Carlos Guzman – a request for a Special Exception Variance to reduce side setback from 10' to 0' for a single-family home located at 3656 Simon Road, Douglasville, 30135. Land lot(s) 87, District 1, Section 5 & Parcel(s) 1. Lot size: .48 acre(s). Application signed by Carlos Guzman. Commission District #3.

Mr. Cronan presented this application.

There is a 3,000 square foot home on this site. A certificate of occupancy has not been issued at this time. The home is about two feet over the property line. They want to reduce

the 15' setback to 0' to accommodate the home. They will have to demolish two feet or more depending on the will of the Board.

The property is zoned PUD (planned unit development) because of a rezoning in 1973. It is under the base zoning of R-MD (residential mid-density).

Any demolition would have to go through the building department.

The site does not have any limiting factors that would further constrain the building envelope for the required setbacks except for the sanitary sewage easement at the rear of the property.

It appears the house was constructed outside the building envelope. The subject property is 20' from an existing dwelling at 3664 Simon Road. The R-MD zoning district requires a 20' building separation between residential dwellings. The current conditions are in line with the building separation under the R-MD zoning district.

Staff is recommending the following conditions:

1. The side setback reduction shall only be to reduce the side setback from 15' to 5'. Any demolition of the structure must be permitted through the Douglas County Building Department.
2. The side setback reduction shall apply only to the principal structure. The side setback shall remain 15' for any structures permitted thereafter regardless of whether they are attached or detached.
3. Prior to the issuance of a Certificate of Occupancy, the applicant shall install stormwater runoff mitigation infrastructure appropriate to the existing conditions on the site to the discretion of the Douglas County Engineer.

The owner of the property represented this application. I know this is encroaching on the neighbors. We want to address and fix that and finish the construction.

No one else spoke in favor of this application.

Ms. Kimberly Loughlin of 3711 Guinevere Trace spoke in opposition to this application.

Mr. Allen Edwards of 3664 Simon Road spoke in opposition to this application.

No one else spoke in opposition to this application.

January 20, 2026

Mr. Thomas to the applicant: who is Carlos?

The homeowner replied he is the engineer. He was supposed to be here.

Mr. Thomas stated that there are condition read in by staff to change from 15' to 5' and we need to know if Carlos in agreement with that condition.

The property owner asked do you think there is anyway we can move to the next case while we wait for him to come.

Mr. Thomas asked how are representing this.

The property owner replied I'm the owner.

Mr. Pennamon stated that as the owner you have the right to agree with the conditions.

The property owner stated yes, I agree. I want to move forward.

Mr. Thomas asked do you understand what the condition are.

The property owner replied yes.

Mr. Thomas asked how long have you owned the property.

The property owner replied five months.

Mr. Thomas asked were you aware of this encroachment.

The property owner replied no, I didn't but now we're going to fix the problem.

Mr. Thomas asked what do you see as a remedy.

The property owner stated that we are going to remove part of the building that is encroaching on the neighbor's property.

There were no more questions.

Mr. Thomas made a motion to approve Application V2026-01. Ms. Polk seconded the motion.

Motion carries 6-0.

Application V2026-01 is approved with conditions.

January 20, 2026

Application V2026-02

Jimmie Greene – a request for a Special Exception Variance to reduce the rear setback from 30' to 18' for a pool located at 2045 Woodmont Drive, Douglasville, 30135. Land lot(s) 156, District 1, Section 5 & Parcel(s) 80. Lot size: .23 acre(s). Application signed by Jimmie Greene. Commission District #2.

Mr. Cronan presented this application.

Staff is recommending approval.

Mr. Rob Nicholson represented this application. They did not get a community pool put in like they were supposed to. They want to set this back a little further than its supposed to be.

Mr. Corey Martin of 2035 Woodmont Drive spoke in favor of this application.

No one else spoke in favor of this application.

No one spoke in opposition to this application.

Mr. Curry asked Mr. Greene is this your pool.

Mr. Greene replied yes.

Mr. Curry asked so you're just suggesting for a variance so that you can meet the requirements.

Mr. Greene replied yes.

Mr. Thomas asked will there be other improvements, a fence around it.

Mr. Greene replied yes, there will be a fence.

There were no more questions.

Mr. Payne made a motion to approve Application V2026-02. Mr. Curry seconded the motion.

Motion carries 6-0.

Application V2026-02 is approved.

Meeting adjourned.

**DOUGLAS COUNTY PLANNING AND ZONING
HARDSHIP VARIANCE STAFF RECOMMENDATION**

Application Number	V2026-03
Applicant Name	Barbara Burke
Property Owner Name	Keith Burke
Property Address	1215 Huey Road
Land Lot, District, Section, Parcel	Land Lot 650, District 18, Section 2, Parcel 5
Current Zoning	Residential Low Density (R-LD)
Future Land Use Classification	Urban Residential
Character Area Classification	Traditional Neighborhood
Request	To allow for the continuation of use of a manufactured home on the property
Size (in acres)	0.84 acres
Commissioner District	1
Subject to an HOA, POA, or similar?	n/a
Proposed Use	Continuation of a manufactured home as a principle residence
Recommendation	Staff recommends approval with conditions
Meeting Date	March 16, 2026

Relevant Code Sections:

Article	Section	Description
	80.010.9	The Unified Development Code in effect at the time of approval had a section in regard to approvals for medical hardship manufactured homes
3	314	The Unified Development Code in effect in 2004 had a section in regard to medical hardship manufactured homes
		The provision for medical hardship manufactured homes was removed in the Unified Development Code update in 2020

Prior Zoning Actions:

Year	Case #	Summary of Action
1985	1985-24	A temporary land use permit for a medical hardship manufactured home was approved for the property
1998	TP1998-123	A temporary land use permit for a medical hardship manufactured home was re-approved for the property

Hardship Variance Analysis:

Number	Hardship Variance Criteria	Supports Requested Use
1.	There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.	Yes

2.	The application of the zoning or subdivision ordinance to this particular piece of property would create an unnecessary hardship.	Yes
3.	Such conditions are peculiar to the particular piece of property involved.	Yes
4.	Relief, if granted would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.	Yes

Hardship Variance Criteria Discussion:

The property is narrow and located at the curve of Huey Road. This creates a triangular lot, with two front yard setbacks and one side yard setback. The property currently has an older site-built structure that is not habitable. A manufactured home was located on the property in 1985 due to medical hardship, and it is still used for residential occupancy on the property. The circumstances of this request are unique to the property under consideration. Relief, if granted, would not create precedent or impair the purpose and intent of the Unified Development Code.

Summary of Proposal:

The applicant has filed a Hardship Variance/ Appeal of the decision of the Director. The applicant wishes to allow the manufactured home on the property to continue to be used as the principle residence on the lot. Planning and Zoning staff reviewed the case and determined that the manufactured home should be removed, based on the standards of the Unified Development Code. The Director has upheld this determination. However, there are extenuating circumstances with this case that warrant review by the Planning and Zoning Board. The case is being presented to the Planning and Zoning Board for a final determination.

Existing Conditions:

The property includes a single-family detached home that has fallen into disrepair and is condemned by the Building Department. Additionally, the property includes a manufactured home that was originally placed on the property in 1985 as a temporary land use to accommodate medical hardship.

Medical hardship manufactured homes were allowed by temporary use permit since at least the 1980s. Code requirements stipulated that the manufactured home should be removed once the medical hardship ceases to be a consideration. Applicants were required to periodically reapply for the temporary land use permit and submit corroborating information attesting to the continued medical hardship.

The temporary land use permit for a medical hardship mobile home was first approved for this property in 1985. The applicant was Arnold Burke, who was the father of the current applicant. Mr. Burke applied for medical hardship initially to care for his mother, Maudie Burke, who lived in the house on the property. Records show that Mr. Burke's health was also a consideration in the subsequent extension of the medical hardship.

The property owners continuously reapplied for the permit through 1998. The temporary land use permit expired in 1998. Notices were issued to Mr. Burke in 1999, 2000 and 2002. It does

not appear that steps were taken to apply for the medical hardship subsequent to 1998. Nor does it appear that Douglas County took any action to have the manufactured home removed from the property once the approvals lapsed.

The Unified Development Code was amended in 2020 to remove the option for a medical hardship mobile home. Medical hardship considerations apply to an individual, rather than to a property. Zoning practice has evolved away from these types of permits, focusing instead on property and land use. The UDC allows for an accessory dwelling unit to be built in conjunction with a principle dwelling on properties meeting the minimum criteria of the Code, regardless of the reason that the accessory unit is needed.

Planning Concerns:

This case was referred to P&Z from Code Enforcement based on complaints regarding the existing condition of the property. The Chief Building Official has determined that the house on the property is condemned and must be demolished. The manufactured home can still be occupied if certain required repairs are made.

P&Z staff reviewed the case file and relevant Code materials. In 2002 when the last notice was sent by P&Z about the lapse of the permit, Section 80.010(9)(a)(1) stipulated that medical hardship mobile homes must be removed when the medical hardship ceased. The Code was substantially revised in 2004, but still contained similar provisions requiring the mobile home to be removed when the hardship ceased in Article 3, Section 314.

The medical hardship provision was removed from the Unified Development Code in 2020. Article 1, Section 107 of the UDC governs non-conforming uses. Section 107(a) stipulates that lawful nonconformities are allowed to continue subsequent to a Code change. The manufactured home was approved and legally established. However, a literal read of the Code would suggest that the structure has fallen into noncompliance upon failure to renew the approval for the medical hardship.

The County has taken no enforcement action on this property since the notice was last issued in 2002. The fact that 20+ years have elapsed is a consideration in determining the final recommendation by the staff. Compliance with minimum Code requirements is the responsibility of the property owner, and ignorance of a requirement is not legitimate grounds for noncompliance. However, upon review of the criteria for hardship variance, staff has determined that the circumstances of this request are unique to the property under consideration. Staff has further determined that relief, if granted, would not create precedent or impair the purpose and intent of the Unified Development Code.

Recommendation:

The Planning and Zoning Department recommends approval of the request to allow the manufactured home continue to be used as the principle residence on the property be allowed.

Findings:

1. The change in the Unified Development Code in 2020 create a situation where the use is both noncompliant, and nonconforming. Relief, if granted, should be the minimum requirement needed to allow for the continued use of the non-conformity.
2. The circumstances of this request are unique to the property under consideration.
3. Relief from the requirements of the Code would not create a precedent, nor impair the purpose and intent of the Unified Development Code.

Conditions:

1. Burning of trash, debris, or solid waste of any kind shall be prohibited. All solid waste, including remnant ash from previous burns, shall be taken to the Douglas County Transfer Station for disposal and shall not be accumulated upon the property, nor burned on the property, in the future.
2. The property shall be in full compliance with all requirements of the Code Enforcement Department and Building Department within six (6) months of the date of this approval. The Director may extend the approval for another six (6) months upon a finding that good faith progress has been made to come into compliance.
3. Should the non-conforming structure cease to be occupied for a period of six (6) months, or should the structure be determined unfit for occupancy by the Chief Building Official, the manufactured home shall be removed from the property. Once removed, it may not be replaced with another manufactured home.
4. If the property fails to come into compliance with the requirements of the Code Enforcement Department and Building Department, the property will be returned to the Planning and Zoning Board of a show cause hearing to revoke the variance.

Directive to Staff:

The Planning and Zoning Department is directed to conduct an administrative review of the property during the 1-year anniversary month of this approval and to investigate if the use is not established; the property is not in full compliance with the Douglas County Unified Development Code; and/ or all of the conditions of approval. If the use is not in compliance, staff will refer this case to Douglas County Code Enforcement for additional action.

Technical Impact Statements (Attachments)

- DC DOT
- Environmental Health
- Water and Sewer Authority
- Fire Department
- Sheriff's Department
- Tax Assessor's Office
- Engineering/ Arborist/ Development Control
- Code Enforcement
- Board of Education
- Cemetery Commission

Attachments

- Zoning Map
- Aerial Image

- Photo Log
- Site Plan
- Future Land Use Category and Description
- Character Area and Description
- Draft Ordinance

Points of fact

In picture # 1 it shows a newly built home on Huey Rd with R1 Zoning

Picture # 2 is a trailer sitting on my property line decaying and does not belong on R1 Zoning, which house would you want to look at every time you step in and out of your house?

Pictures # 3 & 4 believe it or not used to be the house that qualified for the hardship granted for the trailer to be placed on 1215 Huey Rd. Barbra Ann Burke was the last person to live in the house when the roof started leaking, she abandoned it instead of fixing it.

Picture # 5 this picture shows the rotting of the brown wood wrapped around the trailer because the trailer had no gutters and the water leaked in behind the wood causing it to rot. The front porch top is rotting and falling off, plywood has been wrapped around the front porch to hide the rotting wood and door entrance to the house. Trees are growing within a foot of the house which is dangerous.

Picture # 6 you plainly see the tarp and cement blocks holding the tarp on the roof. This has been there for 5-6 years.

Picture # 7 you can plainly see how plywood has been wrapped around the front and back sides covering the windows to hide the rot and decay. Covering up windows is a code violation.

Picture # 8 you can plainly see the rot and decay on all the outside plywood framing, again with no gutters to protect the house from rot. You can also see the cement block holding the tarp to cover the leaking roof.

Picture # 9 this picture was not as clear as we hoped, but you can plainly see the porch roof is caving in has mold and rot along with the mold and rot around the window and a portion of the roof on the porch has rotted completely away over the window.

Picture # 10 it is plain to see the rot on all the wood panels that were originally put there when the trailer was built. You can also see the tarp on the shed with the cement blocks holding it in place to prevent leakage.

These are all points I will address at the meeting along with there is no grass growing on the property at all along with no concrete driveway, this property is beyond an eyesore. How many houses in your neighborhood have no grassy front yards or concrete driveways? The house in picture # 1 is 5 houses up Huey Rd from 1215, would they have built it and been able to sell it if the trailer were 50 ft from the property line? Since Code Enforcement came out, Barbara Burke has been trying to hide the condition of this trailer by using some putty in cracks and paint on rotted wood, it is like putting a band aide on a major wound. This problem needs to be amputated not covered up with a band aide, remove the trailer from R1 Zoned property and uphold the Rules and Ordinances of Douglas County. The only hardship involved in this case is the fact that we suffer from the stress from having to look at this dump of a trailer when we go in and out of our driveway, cut our grass around the house, work in our garden and entertain on our deck. We are tired of friends and family asking when will Douglas County do something about the house and the trailer it gets embarrassing and very exhausting and causes my blood pressure to rise when I have to look at this everyday. The hardship is on me.

Type: PLAT
Recorded: 10/18/2019 11:11:00 AM
Fee Amt: \$8.00 Page 1 of 1
Douglas County Georgia
TAMMY M HOWARD Clerk Superior Court

Participant ID: 7090173091

BK 40 PG 337

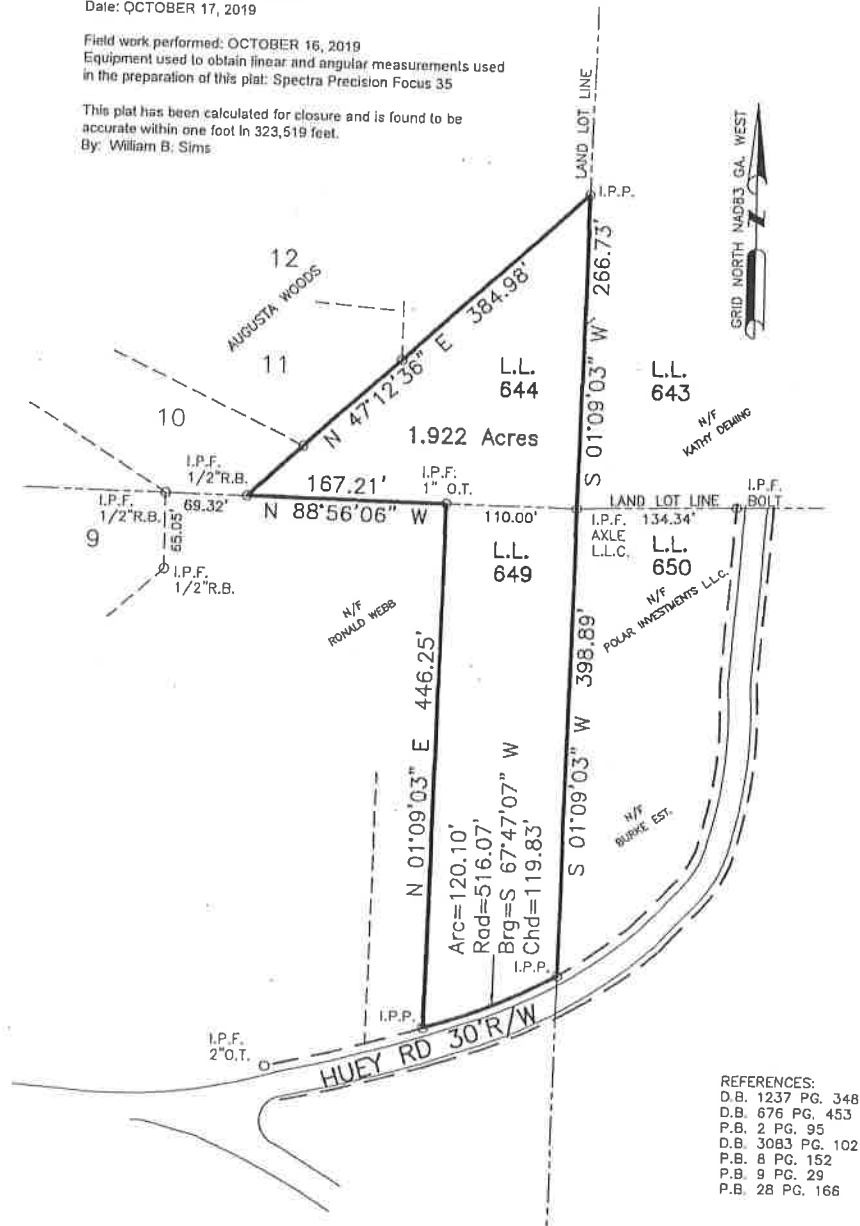
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

William B. Sims
Registered Georgia Land Surveyor No. 2996
Address: 971 Center Point Rd, Carrollton, Ga 30117
Telephone Number: 678-873-3119
Date: OCTOBER 17, 2019



Field work performed: OCTOBER 16, 2019
Equipment used to obtain linear and angular measurements used in the preparation of this plat: Spectra Precision Focus 35

This plat has been calculated for closure and is found to be accurate within one foot in 323,519 feet.
By: William B. Sims



REFERENCES:
D.B. 1237 PG. 348
D.B. 676 PG. 453
P.B. 2 PG. 95
D.B. 3083 PG. 102
P.B. 8 PG. 152
P.B. 9 PG. 29
P.B. 28 PG. 166

SURVEY FOR
ELAINE BROWN

LAND LOTS 644 & 649, 18th DISTRICT, 2nd SECTION
DOUGLAS COUNTY, GEORGIA

DATE: 16 OCTOBER 2019 SCALE: 1"=100'

LEGEND:

I.P.F. ---IRON PIN FOUND
I.P.P. ---IRON PIN PLACED
O.T. ---OPEN TOP PIPE
C.T. ---CRIMPED TOP PIPE
R.B. ---IRON RE-BAR
ESM'T ---EASEMENT
---X--- FENCE



Prepared By

William B. Sims

LAND SURVEYING

971 Center Point Rd., Carrollton, Ga. 30117 (678) 873-3119

AW

ES





2

2

M.P.H.

VARIANCE NOTICE

AN APPLICATION HAS BEEN FILED DOUGLASS COUNTY IN REGARD TO
THE ZONING REGULATIONS AS THEY APPLY TO THIS PROPERTY

THE APPLICANT IS Barbara Burke

THE REQUEST IS to appear in person
to remove a mobile home

THE MEETING WILL BE HELD ON March 14, 2011 10:00 AM

DATE March 14, 2011 TIME 10:00 AM

FOR MORE INFORMATION CALL 770-920-3111



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Q1