

**RESOLUTION OF  
THE BOARD OF COMMISSIONERS  
OF NEWTON COUNTY, GEORGIA**

**WHEREAS**, Liberty Marts, LLC is redeveloping property located at 387 Highway 11, Social Circle, Georgia; and

**WHEREAS**, in connection with its redevelopment, Liberty Marts, LLC applied for a variance (Variance Request No. VAR 13-000149) to the 50% impervious surface limitation imposed upon its property by the Zoning Ordinance of Newton County, Georgia; and

**WHEREAS**, On January 23, 2014, said variance was granted by the Newton County Board of Zoning Appeals with the condition that a planted buffer and landscape plan be approved by the County Arborist; and

**WHEREAS**, Section 605-020 of the Zoning Ordinance of Newton County, Georgia, provides, in part, that any person aggrieved by the decision of the Board of Zoning Appeals, any Planning Commission member, and any Board of Commissioners member have the right to appeal a decision of the Board of Zoning Appeals within 10 days of the decision; and

**WHEREAS**, Troy Bledsoe, District One Planning Commissioner, filed a timely appeal to the variance decision of the Board of Zoning Appeals; and

**WHEREAS**, the Board of Commissioners held a public hearing on the appeal at its February 18, 2014 meeting; and

**WHEREAS**, the Board of Commissioners tabled its decision until the May 20, 2014 meeting of the Board of Commissioner; and

**WHEREAS**, Liberty Marts, LLC and Mr. Bledsoe have reached a settlement regarding the appeal, which Settlement Agreement is attached as Exhibit "A", and have requested that the Board of Commissioners' decision on the variance appeal reflect the terms of the Settlement Agreement; and

**WHEREAS**, the Board of Commissioners have determined that the settlement reached by the parties is in furtherance of the public interest;

**NOW THEREFORE**, be it resolved by the Board of Commissioners of Newton County, Georgia as follows:

1. Variance VAR13-000149 is hereby approved subject to the following conditions:

- a. Liberty Marts, LLC shall implement a planted buffer and landscape plan as approved by the County Arborist; and
  - b. Liberty Marts, LLC shall acquire, within 18 months of the date of this resolution, by property exchange or other acquisition, sufficient contiguous land so that its redevelopment complies with the impervious surface limitation of the Zoning Ordinance of Newton County, Georgia.
2. Any future modification of the variance, if any, shall rest within the sole purview of the Board of Commissioners of Newton County, Georgia.

SO RESOLVED this 20<sup>th</sup> day of May, 2014.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: \_\_\_\_\_  
William K. Ellis, Chairman

Attest: \_\_\_\_\_  
Jackie Smith, Clerk

# Exhibit "A"

## SETTLEMENT AGREEMENT

THIS AGREEMENT, made and entered into this 19<sup>th</sup> day of May, 2014, by and between Troy Bledsoe (hereinafter referred to as the "Appellant"), and Liberty Marts, LLC, a Georgia Limited Liability Company, by and through its duly authorized representative (hereinafter referred to as the "Applicant").

WHEREAS, Applicant is redeveloping property located at 387 Highway 11, Social Circle, Georgia; and

WHEREAS, in connection with its redevelopment, Applicant applied for a variance (Variance Request No. VAR 13-000149) to the 50% impervious surface limitation imposed upon its property by the Zoning Ordinance of Newton County, Georgia; and

WHEREAS, On January 23, 2014, said variance was granted by the Newton County Board of Zoning Appeals with the condition that a planted buffer and landscape plan be approved by the County Arborist; and

WHEREAS, Section 605-020 of the Zoning Ordinance of Newton County, Georgia, provides, in part, that any person aggrieved by the decision of the Board of Zoning Appeals, any Planning Commission member, and any Board of Commissioners member have the right to appeal a decision of the Board of Zoning Appeals within 10 days of the decision; and

WHEREAS, Appellant, District One Planning Commissioner, filed a timely appeal to the variance decision of the Board of Zoning Appeals; and

WHEREAS, the Board of Commissioners held a public hearing on the appeal at its February 18, 2014 meeting; and

WHEREAS, the Board of Commissioners tabled its decision until the May 20, 2014 meeting of the Board of Commissioner; and

WHEREAS, Appellant and Applicant have reached a settlement regarding the appeal;

NOW THEREFORE, in consideration of the mutual promises and covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Appellant shall withdraw its appeal to the Board of Commissioners provided Applicant agrees to acquire, within 18 months of the date of this agreement, by property exchange or other acquisition, sufficient contiguous land so that its redevelopment complies with the impervious surface limitation of the Zoning Ordinance of Newton County, Georgia.


2. The parties shall request that the above stipulation be added by the Board of Commissioners as a condition to VAR 13-000149.
3. The parties agree that any future modification of the variance, if any, shall rest within the sole purview of the Board of Commissioners of Newton County, Georgia.


IN WITNESS WHEREOF, the parties have hereunto set their hands and seals,

this 19<sup>th</sup> day of May, 2014.

Signed in the presence of:

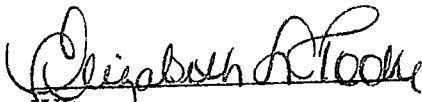
**Appellant:**

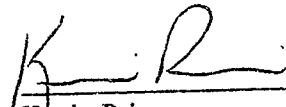
  
Witness

  
Troy Bledsoe

**Applicant:**

Liberty Marts, LLC

  
Witness

By:   
Kevin Price  
For the LLC