



**MINUTES  
OCTOBER 23, 2018  
5:30 P.M.**

**STEPHENS COUNTY BOARD OF COMMISSIONERS  
HISTORIC COURTHOUSE COURTROOM**

**PRESENT FOR MEETING:** Chairman Michelle Ivester, Commissioners Dean Scarborough, Debbie Whitlock, Stanley London and Dennis Bell; County Clerk Beth Rider; County Attorney Brian Ranck

**LAND USE PUBLIC HEARING**

1. REZONING REQUEST FROM MATTHEW D. WOOD, 2483 E. SILVER SHOALS ROAD, TOCCOA, GA. PARCEL 064C 005. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE ONE ACRE TO AGRICULTURE RESIDENTIAL FOR SINGLE FAMILY RESIDENCE

Ms. Rider stated the property is one acre to be subdivided from 14 Acres; the current land use of the property is Single Family Residence, the current zoning is Agriculture Intensive. The proposed use of the property is to subdivide one acre to allow single family residence and agricultural uses allowed by Article 4-AG- Agriculture General /Residential District. The property is one acre and therefore meets the minimum acreage requirements for an Agriculture General District. The Request is to rezone as AG to allow for a single family residence. This appears to be consistent with the use of the property and consistent with the use of the 14 acres in which the one acre will be subdivided from. The property is in a mixed used area of residential and agriculture, primary agriculture. The land use proposal is in conformity with the policy and intent of other adopted plans. The recommendation is to approve. Ms. Rider opened the floor for anyone wishing to speak in favor of the request. No one spoke in favor of the request. Ms. Rider opened the floor for anyone wishing to speak in opposition of the request. No one spoke in opposition.

2. VARIANCE REQUEST FROM JERRY KELLY, 3070 HWY 17 ALT, TOCCOA, GA. PARCEL 042C 030. SUBJECT PROPERTY IS CURRENTLY ZONED AS COMMERCIAL GENERAL. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE FOR TENANT TO LIVE IN HOUSE ON COMMERCIAL GENERAL LOT

Ms. Rider stated the property is .64 acres; the current land use of the property is an Automotive Tire Sales and a Vacant Residence, the current zoning is Commercial General (CG). The proposed variance is to have a single family residence for rental. The surrounding land use is commercial and residential and the surrounding zoning is CG, RS, and CI. The property is currently .64 acres and was recently approved by the Planning Commission and Board of Commissioners for a conditional use to allow for automotive tire sales. There is an existing vacant residence which the second structure on the subject property along with the tire sale business. This residential structure is not in use. The adoption of the land use ordinance created a hardship for this property in that the owner is prohibited from the historic use of the residence located on the property. The literal interpretation of the land use regulations would create an undue hardship in that the residential structure located on the subject property was in existence prior to the

passage of the land use regulation ordinance. Although the subject property is currently being used for commercial purposes and has a structure dedicated for those purposes, the literal interpretation of land use regulations will cause the vacant residential structure to be unusable for residential purposes but could be used for any purpose allowed in a commercial general district. The variance should not be injurious to the neighborhood or general welfare of the adjacent land owners. The area consists of a mix of commercial and residential uses so the variance would be in harmony with surrounding uses. The effect of the adoption of the Land Use Ordinance on this residential structure deprives the owner of the historic use of the property and it is unclear but the residential structure may qualify as a non-conforming use but for the discontinuation of the residential use for more than one year. The variance proposal is in conformity with the policy and intent of the adopted plan and the recommendation is to approve. Ms. Rider opened the floor for anyone wishing to speak in favor of the request. No one spoke in favor of the request. Ms. Rider opened the floor for anyone wishing to speak in opposition of the request. No one spoke in opposition.

3. VARIANCE REQUEST FROM DAVID SHIRLEY, PROPERTY OWNER STEVE SHIRLEY, 699 CEDAR FORK RD., TOCCOA, GA. PARCEL 017 032. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO BUILD A SECOND RESIDENCE ON THE PROPERTY

Ms. Rider stated this property is 22.7 Acres; the proposed variance is to allow for second residential structure to be located on property. The surrounding land use is agriculture, residential, National Forest, agriculture residential. The surrounding zoning is AI, AR, RS, and National Forest. The Subject property is currently in an agriculture intensive district with one residence located thereon, the request is to allow a second residence on the 22.7 acres to allow for the owner's family members to build a home. The size and topography of the land are suitable for a second residence. The variance should not be injurious to the neighborhood or general welfare to the adjacent landowners. The variance proposal is in conformity with the policy and intent of the adopted plan. The literal interpretation of the regulations would create an unnecessary hardship and deprive the landowner the ability to use his property. Further, if the property were to be subdivided it would still be able to meet the minimal acreage for an AI district and a residential home/ structure would be allowed on each parcel and the recommendation is to approve. Ms. Rider opened the floor for anyone wishing to speak in favor of the request. Mr. David Shirley stated he lives at 699 Cedar Fork Road, and just moved back with his family and would like to build a second residence for his family on his father's property. Ms. Rider opened the floor for anyone wishing to speak in opposition of the request. No one spoke in opposition.

4. VARIANCE REQUEST FROM JOHN W. COBBLER, 327 CEDAR FORK RD., TOCCOA, GA. PARCEL 017 022A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO ADD A MOBILE HOME AS A SECOND RESIDENCE ON THE PROPERTY

Ms. Rider stated this property is 6.25 Acres, the current land use of the property is Residential; the current zoning of the property is Residential Single Family. The proposed variance is to allow a second residential structure. The surrounding land use is Agriculture Residential and Residential. The property is currently 6.25 Acres and has one residence and one detached garage/ shop. The variance should not be injurious to the neighborhood or general welfare to the adjacent landowners. The variance proposal is in conformity with the policy and intent of the adopted plan, based upon the size of the property there appears to be adequate space for a second residential structure and if said property were to be zoned RS it could be

subdivided that all residential structures would meet the one acre minimum requirement. The recommendation is to approve. Ms. Rider opened the floor for anyone wishing to speak in favor of the request. Ms. Paige Cobbler stated her daughter was getting married and they wanted to put a mobile home on the property for them. Ms. Rider opened the floor for anyone wishing to speak in opposition of the request. No one spoke in opposition.

5. **CONDITIONAL USE REQUEST FROM STEVE BALLENGER, 345 VIRGINIA DRIVE, EASTANOLLEE, GA 30538. PARCEL 053C 031. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO HAVE A HOME BASE FOR A MOBILE WELDING BUSINESS**

Ms. Rider stated this property is 3.96 acres; the current land use is Residential Single Family. The proposed use is for Home Occupation pursuant to Sec 1411 to allow for a base location for a mobile welding business. The surrounding land use is Residential and Commercial. The property is a residential property with applicant's property currently located thereon. The property is in a mixed use area of residential and commercial area. A home occupation will not be injurious to the adjoining land owners as long as it creates no noise, odors or traffic in connection with the base location for applicant's mobile welding business. The use requested should not be dangerous, offensive, unhealthy, or detrimental to the community. The property is physically suitable for this request under the proposed land use district. The request is in conformity with the policy and intent of the adopted plan. The recommendation is to approve conditioned upon applicant meeting all requirements of Sec. 1411 and conditioned upon the mobile welding business not producing any noise, odors, or traffic. Ms. Rider stated they will meet all requirements. Ms. Rider opened the floor for anyone wishing to speak in favor of the request. No one spoke in favor of the request. Ms. Rider opened the floor for anyone wishing to speak in opposition of the request. No one spoke in opposition. Ms. Rider closed the public hearing.

## **REGULAR MEETING**

Chairman Ivester called the regular meeting to order at 6:00 p.m. and welcomed those present. Mr. Teasley gave the invocation and led the Pledge of Allegiance.

### **II. APPROVE AGENDA**

A motion was made by Commissioner London, seconded by Commissioner Scarborough to approve the agenda with one change to remove item #2. **Motion carried unanimously.**

### **III. APPROVE MINUTES –**

#### **1. OCTOBER 9, 2018 – PUBLIC HEARING AND REGULAR MEETING**

A motion was made by Commissioner Bell, seconded by Commissioner London to approve minutes as presented. **Motion carried unanimously.**

### **IV. OLD BUSINESS**

## V. NEW BUSINESS

1. REZONING REQUEST FROM MATTHEW D. WOOD, 2483 E. SILVER SHOALS ROAD, TOCCOA, GA. PARCEL 064C 005. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE ONE ACRE TO AGRICULTURE RESIDENTIAL FOR SINGLE FAMILY RESIDENCE

A motion was made by Commissioner Scarborough, seconded by Commissioner London to approve rezoning request. **Motion carried unanimously.**

2. VARIANCE REQUEST FROM JERRY KELLY, 3070 HWY 17 ALT, TOCCOA, GA. PARCEL 042C 030. SUBJECT PROPERTY IS CURRENTLY ZONED AS COMMERCIAL GENERAL. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE FOR TENANT TO LIVE IN HOUSE ON COMMERCIAL GENERAL LOT

A motion was made by Commissioner Whitlock, seconded by Commissioner to Bell to approve variance request. **Motion carried unanimously.**

3. VARIANCE REQUEST FROM DAVID SHIRLEY, PROPERTY OWNER STEVE SHIRLEY, 699 CEDAR FORK RD., TOCCOA, GA. PARCEL 017 032. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE INTENSIVE. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO BUILD A SECOND RESIDENCE ON THE PROPERTY

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to approve variance request. **Motion carried unanimously.**

4. VARIANCE REQUEST FROM JOHN W. COBBLER, 327 CEDAR FORK RD., TOCCOA, GA. PARCEL 017 022A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO ADD A MOBILE HOME AS A SECOND RESIDENCE ON THE PROPERTY

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to approve variance request. **Motion carried unanimously.**

5. CONDITIONAL USE REQUEST FROM STEVE BALLENGER, 345 VIRGINIA DRIVE, EASTANOLLEE, GA 30538. PARCEL 053C 031. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL SINGLE FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO HAVE A HOME BASE FOR A MOBILE WELDING BUSINESS

A motion was made by Commissioner Scarborough, seconded by Commissioner to London to approve the conditional use request. **Motion carried unanimously.**

6. BOARD TO CONSIDER MOTION TO APPROVE OR DENY VARIANCE REQUEST FOR LISA CANUP TO LIVE IN A CAMPER FOR SIX MONTHS WHILE HOME IS BEING RENOVATED

Ms. Lisa Canup stated her husband is remodeling the house next door to the camper for them to live in and he is currently working out of town in Tennessee and only home on weekends. They are in the process of taking floors up and putting linoleum down and did not plan for him to be out of town. Commissioner Whitlock asked when they moved into camper. Ms. Canup stated August of last year. Commissioner Whitlock asked if they would have the house ready in six months. Ms. Canup stated she was not here for sympathy but in 2015 she lost her son and eight months later she lost her daughter to sepsis. She stated she

could not come to grips with it and she got sick and went to the hospital and stayed in ICU for a week at Stephens County Hospital, they sent her to Gainesville and she was there for two months. Ms. Canup stated when she came home that is when she started staying in the camper, she was feeling good, walking and had people praying for her. Commissioner Whitlock stated that is why you didn't move in the house. Ms. Canup stated yes and then her mom passed away in October. Mr. Ranck asked if the camper was hooked up to septic and power. Ms. Canup stated yes, Jerry Heaton came in and hooked it up. Commissioner Bell asked if Ms. Canup had her permit from the Health Department, she stated yes. Commissioner London asked if she owned the property. Ms. Canup stated her sister in law owns the house but they are trying to buy it. Chairman Ivester asked Ms. Canup if she knew they County has had several complaints about her property. Ms. Canup stated no, there is no smell and the Marshal told me it looked clean and neat and not trashy. Commissioner Scarborough asked it is your sister in laws house and you are fixing it up, were you living in it before? Ms. Canup stated yes, we are trying to buy it. Commissioner Whitlock stated she knew Lisa and she has had significant health problems; her kids passed away and we know there is significant work to be done on the house. Chairman Ivester asked if her husband is in town to work on it now. Ms. Canup stated no, he is out of town and only home on weekends. Commissioner Whitlock asked if she was aware her family is complaining about the dogs. Ms. Canup stated she didn't doubt it; their four wheelers are making her dogs bark. Commissioner Ivester asked how many dogs she had. Ms. Canup stated about 20. They stay outside during the day and inside at night, some are in the house and some in the camper. Commissioner Whitlock stated you think you have too many dogs. Mr. Ranck asked if she had a construction timeline of when she thought they would finish. Commissioner Scarborough stated the last few meetings we have had this issue, even though it has been over a year our County ordinance states 60 days; we have been doing 60 days with the clock starting today but your house will not be livable in 60 days. What are you doing to get it ready? Ms. Canup stated basically replacing the floors is all that needs to be done.

A motion was made by Commissioner London, seconded by Commissioner Whitlock to approve variance request for six months for Lisa Canup to live in camper. **Motion carried 3-2; Commissioners Ivester and Scarborough opposed.**

7. BOARD TO CONSIDER MOTION TO MAKE NOMINATIONS TO THE STEPHENS COUNTY PLANNING COMMISSION BOARD TO FILL THE UN-EXPIRED TERM OF JAMES ADDISON ENDING MARCH 31, 2019

A motion was made by Commissioner Scarborough, seconded by Commissioner London to appoint Bo Dotson to the Planning Commission to fill the unexpired term of James Addison ending March 31, 2019. **Motion carried unanimously.**

8. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN THE HAZARDOUS WASTE TRUST FUND AGREEMENT AND RESOLUTION TO THE GEORGIA DEPARTMENT OF NATURAL RESOURCES ENVIRONMENTAL PROTECTION DIVISION

A motion was made by Commissioner Bell, seconded by Commissioner Scarborough to authorize Chairman to sign the Hazardous Waste Trust Fund Agreement and Resolution. **Motion carried unanimously.**

9. BOARD TO CONSIDER MOTION TO AWARD TWO FORD POLICE INTERCEPTOR SEDANS TO MIKE JONES FORD IN THE AMOUNT OF \$21,823.68 PER UNIT TO BE PAID OUT OF SPLOST VI

A motion was made by Commissioner Scarborough, seconded by Commissioner London to award two Ford Police Interceptor Sedans to Mike Jones Ford in the amount of \$21, 823.68 per unit to be paid out of SPLOST VI. **Motion carried unanimously.**

## 10. BOARD TO CONSIDER MOTION TO AUTHORIZE CHAIRMAN TO SIGN CONTRACT WITH CARDIODOCTOR FOR SENIOR CENTER EXERCISE EQUIPMENT REPAIRS

A motion was made by Commissioner Scarborough, seconded by Commissioner Bell to authorize Chairman to sign contract with CardioDoctor for Senior Center exercise equipment repairs. **Motion carried unanimously.**

## VI. INVOICES OVER \$5,000

## VII. MATTERS FROM DEPARTMENTS

1. ADMINISTRATOR/FINANCE REPORT
2. DEPARTMENT REPORT
3. COMMISSIONERS REPORT

Commissioner Bell reminded everyone of Amnesty Day November 3, 2018. Chairman Ivester stated she would like for all citizens to be good neighbors and help each other out if there was someone that had things to be hauled away and didn't have a way to do it.

Chairman Ivester asked everyone to continue to pray for Phyllis.

Chairman Ivester gave a report on the Atlanta Stations. Chairman Ivester stated she had spoke with Phyllis and she has been in contact with the Regional Commission and we want people to understand if we do get the Atlanta Stations it will not be a choice; they will be Atlanta stations, you can't decide you want Atlanta or Greenville. Franklin and Hart Counties have been approved; Hart County did not understand that. We should have a proposed draft letter to go out by the end to look at and within the next three to four weeks we will file. Once we get our answer does not mean we will have Atlanta channels by the next day, this is a lengthy process and not going to happen overnight. Greenville stations are already fighting this and the Greenville Market has already filed a lawsuit for Franklin and Hart Counties. This is not an easy overnight fix and we are dedicated and will keep pushing forward.

## VIII. MATTERS FROM CITIZENS – TIME LIMIT OF THREE (3) MINUTES

## IX. EXECUTIVE SESSION – POTENTIAL LITIGATION AND REAL ESTATE ACQUISITION

A motion was made by Commissioner Whitlock, seconded by Commissioner Scarborough to enter into executive session at 6:10 p.m. **Motion carried unanimously.**

## X. ADJOURNMENT

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to reconvene regular meeting at 6:30 p.m.

A motion was made by Commissioner Scarborough, seconded by Commissioner Whitlock to adjourn regular meeting at 6:30 p.m.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018

\_\_\_\_\_  
Michelle Ivester, Chairman

Attest:

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Beth Rider, County Clerk