



## MINUTES

### PLANNING COMMISSION REGULAR MEETING

APRIL 3, 2018  
7:00 P.M.

**PRESENT FOR MEETING:** Board Members: Barbara Payne, James Addison, Scott Stroud and Mark Wilkinson; Planning Director Phyllis Ayers; Planning Secretary Beth Rider;

Mark Wilkinson called the regular meeting to order and welcomed those present.

#### I. ROLL CALL AND PLANNING CHAIR ANNOUNCEMENT AND PROCEDURES

A copy of the announcements and procedures for the hearing were made available for those present. Beth Rider called roll with the following present: Barbara Payne, James Addison, Scott Stroud and Mark Wilkinson

#### II. APPROVE AGENDA

A motion was made by Scott Stroud, seconded by James Addison to approve agenda as presented. **Motion carried unanimously.**

#### III. APPROVE MINUTES

##### 1. MARCH 6, 2018 - MEETING

#### IV. HEARING ON TEXT AMENDMENTS, REZONING, MAP AMENDMENTS, CONDITIONAL USES AND VARIANCES

1. VARIANCE REQUEST FROM SHIRLEY WILBANKS, 326 HAYES-WILBANKS ROAD, TOCCOA, GA. PARCEL 060 106. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE RESIDENTIAL. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO PLACE A MOBILE HOME ON PROPERTY WITH EXISTING HOMES

Ms. Ayers stated this property is 23.2 acres and is in a mixed use environment of Residential, Agriculture and Commercial. This is to place a second residence for a family member. They will have to meet all the district requirements and setbacks. The recommendation is to approve. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request.

Mr. Brent Wilbank's stated he bought the mobile home to put on his mom's property.

Mr. Stroud asked if the home would have its own septic. Mr. Wilbank's stated yes. Ms. Payne asked how far from the mobile home. Mr. Wilbank's stated probably about 1,000 feet. Mr. Wilbank's stated when his father died he left the property to him and he wanted to split it up for his children. No one else spoke in favor. Ms. Ayers opened the floor for anyone wishing to speak in opposition.

No one spoke in opposition. Ms. Ayers stated the application was not clear in stating this would be a third residence and there will be setback requirements. Mr. Addison stated it looks like there is plenty of room, are you putting it on the left. Mr. Wilbank's stated yes.

2. REZONING REQUEST FROM BRITTANY HANNIGAN, 107 BOBBY STREET, TOCCOA, GA. PARCEL T22 064A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL MULTI-FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE THE PROPERTY TO COMMERCIAL GENERAL

Ms. Ayers stated this is on 2.19 acres and contains three residential mobile homes. It is a multi-family dwelling. The property is in a mix used area of Agriculture, Residential and Commercial; it has a heavy stream of residential single family immediately past this lot. The Applicant would like to rezone for a breeding kennel for dogs. The lot is set up for this operation and several neighbors have complained about the barking dogs. The property does not face the main road as the other Commercial General properties in this area. This could create a nuisance violation to the residents in this area and it is not recommended when you look at this location and the recommendation is to deny. Ms. Ayers opened the floor for anyone wishing to speak in favor of the request.

Brittany Hannigan stated she is the property owner and owns the dog kennel. Ms. Hannigan stated the reason she was here is because she and her neighbor went to court over the dogs and they could not find anything. He also called when she had two dogs and stated she is here because she wants to keep her dogs. She stated she has anti bark dog items for the dogs. There are three neighbors and one is here today and they have talked about it and he said he did not care. She stated she was licensed. Mr. Addison asked Ms. Hannigan how many dogs she had. She stated right now she has about ten. Ms. Hannigan stated at night she puts them in a barn and they have a runner on them. Ms. Hannigan stated they have a lot of traffic on their road because of drugs and the dog's bark, when kids walk on the road the dogs bark and she cannot help that. Mr. Addison asked what kind of dogs she had are they a variety. Ms. Hannigan stated she has an old beagle she has had for 12 years. She has Weimaraner and four small dogs. Mr. Addison asked if they were all in the lot together. Ms. Hannigan stated yes. Ms. Payne asked what type of dogs do you want to breed a particular type of dog. Ms. Hannigan stated she would like to do Weimaraner's and small dogs; she has a couple Shitzu's and Chihuahuas. Ms. Payne stated if you want to rezone this to commercial it did not fit a commercial type property. Ms. Payne stated she was a little concerned she saw a chain link fence at the road with a tarp. Ms. Hannigan stated she put a tarp so they could not see as much and quiet them down. Ms. Payne stated they barked at her a good bit when she drove by. Ms. Hannigan stated she has shock collars on them. Ms. Payne asked about grass and stated all she saw was dirt. Ms. Hannigan stated that is because they run a lot and she takes them to the ball park to run. Ms. Payne stated asked if she was licensed. Ms. Hannigan stated she was licensed and has to be inspected by the State because one of the neighbors accused her of starving the dogs. She stated she has papers stating the dogs are healthy. Mr. Addison stated when he went by they were all really barking and that is a big noise and you are wanting to get more and that can be a problem. Ms. Payne asked if she lived in the mobile home and she stated yes. Ms. Hannigan stated she was not planning to get many more dogs. No one else spoke in favor of the request. Ms. Ayers opened the floor for anyone wishing to speak in opposition of the request.

Jeff Vogle, 253 Bobby Street – owns the property at end of road. Spoke to neighbor and she heavily opposes she hears the dogs at night. She is not able to be here because of her health. Mr. Vogle stated he opposes as well.

James Short, 137 Bobby Street – Mr. Short stated he has lived there for 12 years and it used to be a beautiful neighborhood. The dog barking is to the point the judge will not hold up his own decision. They bark all the time. Mr. Short stated he had owned kennels before and the dogs are not being taken care of. Mr. Short stated he has recordings of the dogs barking. Mr. Addison asked if he lived in the brick house. Mr. Short stated yes, he cannot open his windows for the dogs barking. We have

quit going outside. There is also a creek where the animals are at and if they are doing any kind of washing it is running into that creek. It is just not an appropriate place and they don't respect their neighbors.

Robert Garmon, 175 Bobby Street- Mr. Garmon stated at one time did not hear the dogs but now they have gotten so loud that he hears them; when he walks by the dogs bark a lot. He stated there are enough dogs out already and he has called the city and the Marshal and no one has done anything about it. If they get more dangerous dogs and they get out when he is walking he will have to do something to the dogs.

Don Bell, 150 Pruitt Drive – Mr. Bell stated he has 21 acres just wondering if it got rezoned how will it change his property. Mr. Wilkinson asked what his property was zoned. Mr. Bell stated Ag Intensive. Ms. Payne asked how many acres he has. Mr. Bell stated 21.21. Mr. Wilkinson stated it will not have any effect on his property. Mr. Stroud stated it would open up the land to whatever the land use permitted uses are.

Ms. Pepper Short, 137 Bobby Street – Ms. Short stated she would like to say something about the animals they used to have the pigs and other wildlife. Last summer they could not even be outside. It is not just the noise but the other nuisances.

Natasha Robinson, 23 Central Avenue, Toccoa. – Ms. Robinson stated she is James Shorts daughter and lived with them for a while. Around the time the other neighbors started moving it used to be a peaceful neighborhood until the drug traffic and the dogs coming into the area. She stated she has a four year old that she cannot let her child outside to play because the noise of the dogs has really gotten worse and it is really bad.

3. CONDITIONAL USE REQUEST FROM BRITTANY HANNIGAN, 107 BOBBY STREET, TOCCOA, GA. PARCEL T22 064A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL MULTI-FAMILY. THE PROPOSED ACTION TO BE TAKEN IS A CONDITIONAL USE REQUEST TO HAVE A BREEDING KENNEL FOR DOGS

## V. COMMITTEE REPORTS

## VI. OLD BUSINESS

## VII. NEW BUSINESS

1. VARIANCE REQUEST FROM SHIRLEY WILBANKS, 326 HAYES-WILBANKS ROAD, TOCCOA, GA. PARCEL 060 106. SUBJECT PROPERTY IS CURRENTLY ZONED AS AGRICULTURE RESIDENTIAL. THE PROPOSED ACTION TO BE TAKEN IS TO GRANT A VARIANCE TO PLACE A MOBILE HOME ON PROPERTY WITH EXISTING HOMES

A motion was made by Barbara Payne, seconded by James Addison to approve and accept the variance request. **Motion carried unanimously.**

2. REZONING REQUEST FROM BRITTANY HANNIGAN, 107 BOBBY STREET, TOCCOA, GA. PARCEL T22 064A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL MULTI-FAMILY. THE PROPOSED ACTION TO BE TAKEN IS TO REZONE THE PROPERTY TO COMMERCIAL GENERAL

A motion was made by Scott Stroud, seconded by Barbara Payne to deny the rezoning request. **Motion carried unanimously.**

Ms. Payne stated she would like to explain the reason why she denied the request. One of the concerns she had if you look at the tax map, your residence everything is residential except for the

properties facing Swift Street. Ms. Payne stated her concern it is mostly residential homes and with such a small lot; we deal with a lot of chicken farmers that want to raise chickens and a lot of times we are talking about 25, 50 and 100 acres. With just a little over two acres that is not enough to warrant on a side residential street to change the zoning to commercial and that is my reason for denying it. Mark Wilkinson stated we don't have official authority we are only giving a recommendation and it will be up to the County Commission to give the final decision.

3. CONDITIONAL USE REQUEST FROM BRITTANY HANNIGAN, 107 BOBBY STREET, TOCCOA, GA. PARCEL T22 064A. SUBJECT PROPERTY IS CURRENTLY ZONED AS RESIDENTIAL MULTI-FAMILY. THE PROPOSED ACTION TO BE TAKEN IS A CONDITIONAL USE REQUEST TO HAVE A BREEDING KENNEL FOR DOGS.

A motion was made by Scott Stroud, seconded by James Addison to deny the conditional use request. **Motion carried unanimously.**

### VIII. ADJOURNMENT

A motion was made by Scott Stroud, seconded by Barbara Payne to adjourn the meeting. **Motion carried unanimously.**

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

\_\_\_\_\_  
Chairperson

Attest:

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Beth Rider, Planning Clerk