

Bulloch County Planning & Zoning Commission

Minutes of the March 10, 2005 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, March 10, 2005 at 6:00 P.M. in the County Annex Building in Statesboro, Georgia. Eugene Brown called the meeting to order. Invocation was given by Ernest Lee.

Planning & Zoning Commission Present:

Commissioner:	Ernest Lee
Commissioner:	Eugene Brown
Commissioner:	Gene Rogers
Commissioner:	Andy Hart
Commissioner:	Wade Hodges
Commissioner:	Dick Hilde
Commissioner:	Jeanne Anne Marsh

Staff Present:

Zoning Administrator:	Cheryl Tatum
Zoning Administrative Assistant:	Melissa Sellers
County Staff Attorney:	Jeff Akins

The first item on the agenda was the minutes from the February Planning and Zoning Commission meeting. A motion was made by Jeanne Anne Marsh and seconded by Wade Hodges to accept the minutes from the February 10, 2005 Planning & Zoning Commission meeting with the noted corrections. The vote was unanimous in favor of the motion.

Public Hearing Item **1**:

Applicant: P. James Brown
Re: Variance Request
Location: Martin Road
Map & Parcel: 82/36-002 (Lot A)
Present Zone: AG-5

P. James Brown has filed the application with the Bulloch County Zoning Department requesting a medical hardship variance to allow a mobile home to be put on his property for his son to live in to help take care of him. The property consists of approximately 0.762 acres and is located on Martin Road. Tiffany Robinson, daughter-in-law, stated that she and her husband needed to put a mobile home on the property so they could look after Mr. Brown. She stated that driving back and forth is very hard with a small child not to mention how high gas prices are right now. Mr. Brown's wife is gone three days out of the week and she also has problems with her legs. Denny Haygood stated that he is against the request. He stated that 7/10 acre is not big enough to add a residence. There would be too many trailers on one parcel. He also stated that his sister lives on the other side of him. Eugene Brown stated that a medical hardship is temporary and has to be renewed each year. If the hardship becomes voided, the mobile home has to be removed from the property.

Motion was made to: Approve the variance request.

Motion made by: Jeanne Anne Marsh and seconded by Dick Hilde.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item 2:

Applicant: Bulloch Telephone
Re: Variance Request
Location: Grimshaw Road
Map & Parcel: 123/5
Present Zone: AG-5

Bulloch Rural Telephone has filed the application with the Bulloch County Zoning Department requesting a variance to the setback requirements. They would like to replace an existing tower and be 120 ft. off of the property line instead of the required 300 ft. The property consists of approximately 4.65 acres and is located on Grimshaw Road. Cheryl Tatum stated for the record that Bulloch Telephone was not required to have a conditional use permit approved because they are just replacing a tower. They need a setback variance. Mr. Lewis stated that they are replacing copper with fiber facilities. It would be more expensive to restructure and re-guy the tower. The county would be better served with the new tower. Eugene Brown asked if there were any problems with David Snaveley's report. Mr. Lewis stated that they fully expect to comply with all the requirements. The old tower is coming down as soon as possible.

Motion was made to: Approve the variance request.

Motion made by: Wade Hodges and seconded by Dick Hilde.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **3**:

Applicant: Robert and Betsy Nance
Re: Rezone Request
Location: Hwy. 24
Map & Parcel: 133/23
Present Zone: AG-5

Thomas Lewis, as agent for Robert and Betsy Nance, has filed the application with the Bulloch County Zoning Department requesting a rezone from AG-5 (Agricultural 5 acre lots) to HC (Highway Commercial) on approximately one (1) acre. The intent of the rezone is to allow the transfer of one acre and a commercial building. The property is located on Highway 24. John Dotson was present in Thomas Lewis' place to make the presentation. He stated that the one acre in question is adjacent to Lisa Hodges' property that was rezoned a few months ago. Ms. Hodges is planning on purchasing this one acre to add to her acreage. Mr. Dotson stated that they did not understand one of the staff recommendations that stated one curb cut will need to be eliminated on Clito Road. Tom Couch stated that the reason for the curb cut is because joint access to the property would be more usefully served. Dick Hilde questioned where the access to the property would be. Mr. Dotson stated that there would be one on Clito Road.

Motion was made to: Recommend approval of the rezone request
with the following conditions:

- 1) DOT approval must be obtained for any driveway cuts on Highway 24. Only 1 drive will be allowed on Clito Road which will also have to serve the adjacent property owned by Lisa Hodges.
- 2) A 25 foot buffer must be maintained next to the branch.
- 3) One curb cut on Clito Road will need to be eliminated.
- 4) Prior to issuance of construction permits, a site development plan addressing the issues in this report should be submitted to the County Zoning Administrator, including:
 - a. Installation of the recommended buffer and provision of adequate paved parking and unloading space shall be provided.
 - b. Proper soil erosion plans and permits should be in place.
 - c. Contact the county Emergency Management Director prior to

construction to verify any storage of hazardous wastes, if any.

- d. During and after construction, the driveway entrance and exit must be stabilized with either gravel or pavement.
- e. Prior to construction, the County Road Department should be consulted about proper safety signage along right-of-ways approaching the property.
- f. Fire Lanes will need to be provided in front of the building. Fire lanes should be reviewed when the building permit application is received.

Motion made by: Dick Hilde and seconded by Jeanne Anne Marsh.

Vote: Six to one (6-1) vote in favor of the motion with Wade Hodges abstaining.

This will be heard by the Board of Commissioners on April 5, 2005 at 6 p.m.

Public Hearing Item 4:

Applicant: Michael and Natalie Howard
Re: Variance Request & Sketch Plan Request
Location: Cypress Lake Road
Map & Parcel: 61/8-003
Present Zone: R-80

Thomas Lewis, as agent for Michael and Natalie Howard, has filed the application with the Bulloch County Zoning Department requesting a sketch plan to divide 21 acres into 3 separate parcels. They are also requesting a variance to allow two flag lots side by side on a private road. The property consists of approximately 21 acres and is located on Cypress Lake Road. John Dotson was present at the meeting to make the presentation. He stated that they would just like to divide the property into 3 parcels. There is no other access to the property. Two flaglots will access Parcel 2 and Parcel 3. Eugene Brown asked why not combine the two 30ft. access easements and make a 60ft. road. Natalie Howard stated that they did not want a road going across the pond dam. The road would have to be built to county standards and it would ruin Parcel 1. She stated that this land is all family land. She would like for her kids to live there eventually and a road would hurt the look of the land. Eugene Brown stated that a road built to county standards means having to use an all weather material. Referring to one of the conditions recommended by staff, Ms. Howard asked what all weather material meant. Jeff Akins stated that it meant anything that will not hold water. It can be dirt, crush and run or gravel for example. She also asked why a dry hydrant was required. Cheryl Tatum stated that a dry hydrant was requested by the Public Safety department. Mr. Brown asked if there were any problems with

the conditions listed on the staff recommendations. Mr. Dotson stated that they have a problem with #1; the road inside the development should be brought to the western boundary of Lot #1. Ms. Howard stated that if that was the only way this would get approved, then she would meet that requirement.

Motion was made to: Approve the variance and sketch plan request.

Motion made by: Dick Hilde and seconded by Wade Hodges.

Vote: Six to one (6-1) vote in favor of the motion
with Jeanne Anne Marsh voting in opposition.

Public Hearing Item 5:

Applicant: Terry Gerrald
Re: Rezone Request
Location: Josh Deal Road
Map & Parcel: 94/21
Present Zone: AG-5 and R-40

Don Marsh, as agent for Terry Gerrald, has filed the application with the Bulloch County Zoning Department requesting a rezone from AG-5 (Agricultural 5 acre lots) to R-25 (Residential 25,000 sq.ft. lots) on 19.5 acres and from R-40 (Residential 40,000 sq.ft. lots) to R-25 (Residential 25,000 sq.ft. lots) on 127.7 acres. The intent of the rezone is to develop a residential subdivision. The property is located on both sides of Josh Deal Road. Don Marsh was present at the meeting to make the presentation. He stated that the property is a total of 147 acres. The residences will be stick built homes only ranging from \$130,000 to \$160,000 with a 2 car garage. The covenants will be very restrictive and each person that buys a lot will be required to plant a tree. There will be fire protection and a dry hydrant. Mr. Marsh stated that one of the staff recommendations was that the road would have to be paved. He stated that it would be very hard for the numbers to work if the road has to be paved. The road has been on the county's paving list before and they hope to get it back on there again. The developers are willing to share in the cost of the paving but not to pay for all of it. Jeanne Anne Marsh asked why Mr. Marsh thinks this should be rezoned to R-25 when there have been three denied recently. Mr. Marsh stated that the numbers work better with the smaller lot sizes. He also stated that of these lots, 30 or 40 will be approximately one acre.

Eugene Brown stated that the difference in R-25 and R-40 is density. Dan Coty stated that he will be buying the property if it is rezoned. He has been developing in Glynn County. Dick Hilde asked if R-25 would sell for \$10,000-\$12,000, wouldn't R-40 sell for \$14,000-\$15,000? Mr. Coty stated that no it would not because you can only put one house on the lot. Mr. Brown stated that according to the zoning ordinance, financial consideration should not be a decision maker with the planning and zoning commission. Isaac Bunce stated that the property should not be rezoned. The Bulloch County Real Estate guide has 500 homes on the market. He can't see why Bulloch County needs anymore. Nona Bunce stated that she would prefer R-40 and that she is not giving the right-of-way. Paving will be a problem for the developers. She also stated that she prefers the onions on the property.

Motion was made to: Recommend approval of the rezone request
with conditions.

Motion made by: Dick Hilde and no one seconded the motion.

Vote: The motion failed to carry due to lack of a
second.

Motion was made to: Recommend denial of the rezone request.

Motion made by: Andy Hart and seconded by Eugene Brown.

Vote: Four to two (4-2) in favor of the motion with
Dick Hilde and Gene Rogers voting in
opposition and Wade Hodges abstaining from
the vote.

This will be heard by the Board of Commissioners on April 5, 2005 at 6 p.m.

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Public Hearing Item **6**:

Applicant: Wilbur Rozier
Re: Variance Request
Location: Rocky Ford-Portal Road
Map & Parcel: 27A/1D-001
Present Zone: AG-5

Harold Washington, as agent for Wilbur Rozier, has filed the application with the Bulloch County Zoning Department requesting a variance to allow two flaglots to be side by side with less than 500 ft. of road frontage. He would like to divide the property in half and give half to his brother. The property consists of approximately 11.08 acres and is located on Rocky Ford-Portal Road. Cheryl Tatum stated that the easement that is on the property now that accesses another parcel will remain. Harold Washington stated that the easement is referenced in the deed that it shall remain the same no matter what.

Motion was made to: Approve the variance request.

Motion made by: Wade Hodges and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **7**:

Applicant: Lawrence Baptist Church
Re: Variance Request
Location: Jones Road
Map & Parcel: 142/24A
Present Zone: AG-5

Mickey Starling, as agent for Lawrence Baptist Church, has filed the application with the Bulloch County Zoning Department requesting a variance to the setback requirements in order to build a cooking shelter. They would like to be 18ft. from the property line instead of the required 50ft. The property consists of approximately 1.73 acres and is located on Jones Road. Mickey Starling was present at the meeting to make the presentation. He stated that all they wanted to do was to build a cook shelter.

Motion was made to: Approve the variance request.

Motion made by: Jeanne Anne Marsh and seconded by Dick Hilde.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **8**:

Applicant: W.M. Sheppard Properties, LLLP
Re: Variance Request
Location: Interstate 16
Map & Parcel: 35/10
Present Zone: HC

Shannon Graham, as agent for W.M. Sheppard Properties, LLLP, has filed the application with Bulloch County Zoning Department requesting a variance to the sign requirements. He would like to construct a billboard on Interstate 16 that is 30ft. taller than the 70ft. height restriction in order to avoid obstruction from trees. The property consists of approximately 0.25 acres out of a 182.13 acre tract and is located on I-16. Shannon Graham was present at the meeting to make the presentation. He stated that they need to raise the height of the billboards because the land drops off and the sign would not be visible above the trees. He also stated that the DOT won't allow them to cut the trees because of the Garden Club. He wants to erect three signs but he only needs to raise two. Randy Newman stated that there are some code violations on the property that need to be taken care of before any sign permits can be issued. The commission recommended tabling the request until all code violations were resolved.

Motion was made to: Postpone the variance request until the April
14, 2005 Planning & Zoning meeting.

Motion made by: Wade Hodges and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **9**:

Applicant: Liberty Properties
Re: Sketch Plan Request
Location: Lilla Myers Road
Map & Parcel: 177/28
Present Zone: AG-5

Marlin Nevil, as agent for Liberty Properties, has submitted a sketch plan request for their property located on Lilla Myers Road. They are wanting to divide approximately 86 acres into 9 separate parcels. This will be known as Lilla Myers Subdivision. Marlin Nevil was present at the meeting to make the presentation. He stated that in 1966 there was 988 acres that was divided into 7 parcels; this being one of those parcels. Interstate 16 took 22 of those acres leaving a total of 86. It was re-surveyed in 2000. Eugene Brown asked if the property was being divided to sell or to develop. Mr. Nevil stated that he wasn't sure but probably to sell.

Motion was made to: Approve the sketch plan request.

Motion made by: Wade Hodges and seconded by Dick Hilde.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **10**:

Applicant: Ellis Cartee
Re: Sketch Plan Request
Location: Jappy Akins and Shaw Road
Map & Parcel: 109/37-001
Present Zone: R-2

Lamar Reddick, as agent for Ellis Cartee, has submitted a sketch plan request for his property located on Jappy Akins and Shaw Road. He is wanting to divide approximately 21.03 acres into 18 separate parcels. This will be known as Coyote Crossing. Cheryl Tatum stated that there shall be a 40 ft. easement reserved for future paving and that the landowner shall be aware of this.

Motion was made to: Approve the sketch plan request with the following conditions:

- 1) All lots will have to be connected to a community water system that meets fire flow requirements. This is to include the lots that have already been built on.
- 2) A 40ft. strip from the centerline of Jappy Akins Road shall be provided for future paving.
- 3) A dry hydrant shall be provided at the owner's expense between Lots 1 & 9 off of Shaw Road.

Public Hearing Item **11**:

RE: Amendments to the Code of Ordinances of Bulloch County, Georgia
of Appendix C-Zoning

The Bulloch County Planning & Zoning Commission considered amendments to the Bulloch County Zoning ordinance in reference to various changes to the current Zoning Ordinance. The Zoning Commission recommended to approve the changes and referred them to the Bulloch County Board of Commissioners. See Exhibit 31005-1 attached.

Motion was made to: Recommend approval of the text amendments.

Motion made by: Jeanne Anne Marsh and seconded by Andy
Hart.

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on April 5, 2005 at 6 p.m.

Eugene Brown asked if there were no other items of business, he would need a motion to adjourn.

Motion was made to: Adjourn the March 10, 2005 meeting of the Planning and Zoning Commission.

Motion made by: Andy Hart and seconded by Dick Hilde.

Vote: Unanimous vote in favor of the motion.

Eugene Brown, Chairman

Jeanne Anne Marsh, Secretary