

Bulloch County Planning & Zoning Commission

Minutes of the May 12, 2005 Meeting of the Planning & Zoning Commission

The Meeting of the Bulloch County Planning & Zoning Commission was held Thursday, May 12, 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:	Gene Rogers
Commissioner:	Andy Hart
Commissioner:	Wade Hodges
Commissioner:	Dick Hilde
Commissioner:	Eugene Brown
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 April Planning and Zoning Commission meeting. A motion was made by Wade Hodges and seconded by Gene Rogers to accept the minutes from the April 14, 2005 Planning & Zoning Commission meeting with the noted corrections. The vote was unanimous in favor of the motion.

Public Hearing Item **1**:

Applicant: Terry Floyd
Re: Variance Request
Location: Fernwood Drive
Map & Parcel: 197A/128
Present Zone: AG-5

Patti Butler, as agent for Terry Floyd, has submitted the application with the Bulloch County Zoning Department requesting a variance to allow two mobile homes to be hooked together and utilized as one residence. The property consists of approximately 0.83 acres and is located on Fernwood Drive in Eldora Farms. **This item was postponed from last month's P&Z meeting.** Randy Newman stated that he inspected the mobile home and found that the two mobile homes were tied together in the middle and that each bedroom has a window that grants access to the outside which is required. Patti Butler stated that she is planning on adding a roof to make it look like one mobile home. She stated that she has the siding already and the roof will be done after the first of year when she receives her income tax money.

Motion was made to: Approve the variance request with the condition that a roof is put on as soon as possible.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item 2:

Applicant: Billy Blanton
Re: Conditional Use Request
Location: Hwy. 67
Map & Parcel: 108/17A
Present Zone: HC

Billy Blanton has filed the application with the Bulloch County Zoning Department requesting a conditional use permit to allow the existing building to be divided into three retail rental spaces. The property is located on Highway 67 and consists of approximately 2.26 acres. **This item was postponed from last month's P&Z meeting.** Cheryl Tatum stated that the violations on the property were the reason for the postponement. She stated that Mr. Blanton has resolved all violations and he now complies.

Motion was made to: Recommend approval of the conditional use request.

Motion made by: Jeanne Anne Marsh and seconded by Ernest Lee.

Vote: 6-0 vote in favor of the motion with Wade Hodges abstaining.

This will be heard by the Board of Commissioners on June 7, 2005 at 6 p.m.

Public Hearing Item **3**:

Applicant: Mable Sanders
Re: Conditional Use Request
Location: Morgan Way
Map & Parcel: MS69/3-009
Present Zone: HC

Mable Sanders has filed the application with the Bulloch County Zoning department requesting a conditional use permit to allow multiple uses on one parcel of land. She would like to utilize an existing dance studio on the property. The property consists of approximately 1.01 acres and is located on Morgan Way. **This item was postponed from last month's P&Z meeting.** Cheryl Tatum stated that the violations on the property were the reason for the postponement. She stated that Ms. Sanders came into the office on April 22 and she informed Ms. Sanders of what she needed to do. Ms. Sanders has brought proof that she is connected to the community water system but no Certificate of Occupancy has been done yet. Ms. Tatum also stated that Ms. Sanders has not complied with the setbacks either. Mable Sanders stated that she does plan to finish everything up but she needs a little bit more time. She feels that she should have everything taken care of by the June 7 Board of Commissioners meeting. Wade Hodges asked if the commission could vote to table the request again and Ms. Tatum stated that they could not.

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

- 1) A minimum of one (1) -6 cubic yard containers, located on a concrete pad with truck access, will be required for solid waste disposal.
- 2) All driveway aprons, service areas, and primary parking shall be paved.
- 3) If approved, off-street loading area shall be located in the rear of the building and be installed so that it does not reduce the amount of parking spaces required by the ordinance (22 spaces plus 1 handicap space) and any such area laying within 100 feet of a public street shall be screened as specified by County Code Section 407 of the Bulloch County Zoning Ordinance.
- 4) Fire lanes are required in the front of the building.
- 5) During and after construction, the driveway entrance and exit must be stabilized with either gravel or pavement.
- 6) Prior to construction the County Road Department should be consulted about proper safety signage along right-of-ways approaching the property.
- 7) All violations on the property will be resolved before the Board of Commissioners meeting on June 7, 2005.

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

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on June 7, 2005 at 6 p.m.

Public Hearing Item 4:

Applicant: Ellen and David Woods
Re: Variance Request
Location: Foye Wilson Road
Map & Parcel: 63B/22
Present Zone: AG-5

David and Ellen Woods have submitted the application with the Bulloch County Zoning Department requesting a variance to the front setback requirements. They would like to be 55ft. from the front property line instead of the required 100ft. The property consists of approximately 10 acres and is located on Foye Wilson Road. David Woods was present at the meeting to make the presentation. He stated that he didn't understand the law when he moved the mobile home in. A contractor crushed up some stone and placed it on the property in such a way that he didn't have any choice but to put the manufactured home closer to the front property line. Randy Newman stated that when he initially went out there, he thought the property was all one parcel when in fact, it's two parcels.

Motion was made to: Approve the variance request.

Motion made by: Jeanne Anne Marsh and seconded by Wade Hodges.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item 5:

Applicant: Phillip & Paula Buckles
Re: Variance Request
Location: Seedtick Road
Map & Parcel: 178/18A
Present Zone: AG-5

Grant Towne, as agent for Phillip and Paula Buckles, has filed the application with the Bulloch County Zoning Department requesting a medical hardship variance for Mr. Towne's mother. He would like to place a mobile home on the property for his mother to live in so he can help take care of her. The property is located on Seedtick Road and consists of approximately 2.0 acres. Grant Towne was present at the meeting to make the presentation. He stated that he is purchasing the property from Mr. Buckles next month and that he needs it for his mother. Ann Pittman stated that she did not know until tonight, that Mr. Towne was planning to purchase the property from Mr. Buckles. Mr. Towne purchased his home in 2004 and his mother moved in with him then. He owns the mobile home right next to this property and she wanted to know why his mother can't live there. Mr. Towne stated that the property next door is being sold. Randy Newman stated that this has been going on for several months now. Mr. Newman has left numerous door knockers about that mobile home next door because it was abandoned. Then the owners decided to set it up and the code enforcement department stopped them and told them to get a permit for it.

Motion was made to: Approve the variance request.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **6**:

Applicant: Carroll Baird and Christopher Dye
Re: Rezone Request
Location: Maria Sorrell Road
Map & Parcel: 89/21
Present Zone: AG-5

Stephen Rushing, as agent for Carroll Baird and Christopher Dye, 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 approximately 51.30 acres. The intent of the rezone is to develop a residential subdivision. The property is located on Maria Sorrell Road. Stephen Rushing was present at the meeting to make the presentation. He stated that there has been residential development all along Maria Sorrell Road. Asking for R-25 will make spreading the costs out easier with the paved roads and water system. He stated that there will be a private water system and all the standards will be met. There will be 50 to 60 homes that are stick built with covenants. Gloria Johns stated that she has been living there for 20 years and she is concerned about the traffic and the number of houses. She likes her privacy. She is also concerned with the type of people that might be moving in out there. Her granddaughter has seizures and sometimes roams the land. She stated that she is opposed. Robert Johns, Jr. stated that he is opposed to the subdivision. Robert Johns, Sr. stated that he is opposed also. Radonna Sapp stated that all the area around is AG-5. The adjoining landowners didn't even know the land was for sale. If they had known, some of the farming people would probably have bought it. She is opposed to R-25. She stated that it should be approved as R-40 with conditions.

Eugene Brown stated that if approved, a condition should be added that all homes are site built. Stephen Rushing stated that he realizes they need to reconfigure lots 1-8 for internal access and they may lose some lots, but that is fine with the owners.

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

- 1) A traffic study performed by a licensed engineer would be required prior to sketch plan application consisting of:
 - a) An estimate of total number of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips
 - b) A 24 hour directional traffic count on a typical weekday
 - c) Assess the need for a decel lane and taper using GADOT standards where the expense of any such improvements shall be borne by the developer.
- 2) To enhance traffic safety and ease of entry for public safety vehicles, the following is required:

- a) internal access for all lots with no individual lot access from Maria Sorrell Road
 - b) Provide two (2) access points or an acceptable alternative would allow for one access point linked to a continuous loop road to provide secondary egress.
- 3) All homes must be site built only.

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

Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on June 7, 2005 at 6 p.m.

Public Hearing Item 7:

Applicant: Oliver and Linda Nunnally
Re: Variance Request
Location: Burkhalter Road
Map & Parcel: 122/33-002
Present Zone: R-80

Billy Allen, as agent for Oliver and Linda Nunnally, has filed the application with the Bulloch County Zoning Department requesting a variance to the flood plain elevation requirements. They are requesting to be 2.6ft. above highest adjacent grade instead of the required 3ft. The property consists of approximately 10 acres and is located on Burkhalter Road. Cheryl Tatum stated that the fill dirt that was brought in has caused them to be at 2.6 feet instead of the required 3 feet. Randy Newman stated that the property is located on top of a hill and everything looks good to him.

Motion was made to: Approve the variance request.

Motion made by: Jeanne Anne Marsh and seconded by Ernest Lee.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **8**:

Applicant: Martin Builders
Re: Variance Request
Location: Cody Lane
Map & Parcel: 123/42A
Present Zone: R-2

Sam Dipolito, as agent for Martin Builders, has filed the application with the Bulloch County Zoning Department requesting a variance to allow for a zero lot line. He would like to be able to build duplexes and divide them down the middle in order to sell them individually. He is also requesting a variance to the lot width requirements. The property is located on Cody Lane. Sam Dipolito was present at the meeting to make the presentation. He stated that they would like to sell these individual units to two different families if approved. Cheryl Tatum stated that the only variance they actually needed was for the lot width. They actually have enough square footage in the lots to divide them down the middle. Paul Bradley stated that he owns the lot next to this one. He also stated that he was about to purchase this lot and the lady went up on the price at the last minute after helping her get it rezoned. Brad Martin eventually bought the property. Mr. Bradley stated that he is totally against the variance. His main concern is who will maintain the yards if there are two owners. Mr. Bradley stated that he lives out there and they maintain and manage their own properties. Sam Dipolito stated that they would just like to sell affordable housing to families in the county.

Motion was made to: Approve the variance request.

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

Vote: Six to one vote in favor of the motion with Eugene Brown voting in opposition.

Public Hearing Item **9**:

Applicant: John & Paula McCormick
Re: Rezone Request
Location: Rushing Road and Shaw Road
Map & Parcel: 124/29
Present Zone: AG-5

Joey Maxwell, as agent for John & Paula McCormick, 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 approximately 59.75 acres. The intent of the rezone is to develop a residential subdivision. The property consists of approximately 59.75 acres and is located at the intersection of Rushing Road and Shaw Road. Joey Maxwell was present at the meeting to make the presentation. He stated that there will be 42 lots averaging from ½ acre to 4 acres in size. Most of the front is agricultural and there are power lines in the back. He stated that John McCormick is working with John Lavender on the plans and also pointed out that Johnson Run is just a mile up the road. He stated that Mr. McCormick is a farmer that is close to retirement and all he has is his land. He would like to do something to make some money so he can retire. Chap Cromley stated that he is a farmer with his brother and they own the property in front of this property. He presented letters from adjacent property owners that are opposed to the rezone request. He stated that there are poorly drained soils all over the property. Sixteen acres out of 52 are poorly drained. The sixteen acres is not worth developing. Every acre counts with farming. All the property around is zoned AG-5. Mr. Cromley stated that the request is not consistent with the Comprehensive Land Use Plan. The

school systems are already full. John Lavender stated that the subdivision will be similar to the size homes in Berkshire. The trend in that area is for residential growth. The majority of the homes will be in the front. Joey Maxwell stated that the larger lots encompass the wet soils. Randy Newman stated that there are a lot of code violations on the property that need to be addressed. There are some old abandoned farming buildings on the property that probably house some old chemicals. Mr. Cromley added that all the runoff from the subdivision will go into his property. Hal Cromley, Chap's brother, stated they usually have a lot of cows on the property in front of the property in question. He wanted to know if the wind blows the wrong way one day, can the county tell them that they can't have the cows anymore if the neighbors begin to complain. Jeff Akins stated that there is an ordinance that protects agricultural land and also protects civil suits as well. The cows are allowed. Eugene Brown stated that the schools are over packed now and building all these subdivisions adds up. Overloading of schools is a provision in the ordinance for denial of a request.

Motion was made to: Recommend denial of the rezone request.
Motion made by: Wade Hodges and seconded by Andy Hart.
Vote: Unanimous vote in favor of the motion.

This will be heard by the Board of Commissioners on June 7, 2005 at 6 p.m.

Public Hearing Item **10**:

Applicant: Nesmith Properties
Re: Sketch Plan Request
Location: Maria Sorrell and Bell Road
Map & Parcel: MS56/138
Present Zone: R-25

Lamar Reddick, as agent for Nesmith Properties, has submitted a sketch plan request for his property located on Maria Sorrell and Bell Road. He is wanting to divide 38.79 acres into 49 separate parcels. This will be known as Sweet Brier Subdivision. Lamar Reddick was present at the meeting to make the presentation. He stated that there will be 3500 linear ft. of paved roads and they will tie into Georgian Walk's water system. The traffic study is fine but they have a problem with the two entrances on the staff recommendations. The property is too narrow for two entrances. Mr. Reddick proposed paving a 250ft. section of Bell Road to Silver Leaf cul-de-sac. They would have work out a deal with the county to acquire some right of way to cut off the edge of the road. No houses would be facing Bell Road. The shape of the property will cause Lots 1, 46, 47, 48 and 49 to front on Maria Sorrell Road. That couldn't be helped. Eugene Brown asked if there could be a short access road for Lots 46-49. Mr. Reddick stated that he wasn't sure but that would be something to look at. Cheryl Tatum stated that she did not think the county would approve acquiring right of way for a road paving for a subdivision to make money.

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

- 1) A traffic study performed by a licensed engineer would be required prior to preliminary plan application consisting of:
 - c) An estimate of total number of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips
 - d) A 24 hour directional traffic count on a typical weekday
 - e) Assess the need for a decel lane and taper using GADOT standards where the expense of any such improvements shall be borne by the developer.

- 3) To enhance traffic safety and the provision of public safety vehicles, the internal road system should provide the following upon submission of preliminary plat:
 - a) Internal access for all lots with no individual lot access on Bell road or Maria Sorrell Road except Lots 1, 47, 48 and 49.
 - b) Provide two (2) access points, one from Maria Sorrell Road and one from Bell Road.

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

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **11**:

Applicant: T&C Investment Holdings, James Johnson & Margaret Blevins
Re: Sketch Plan Request
Location: Zettwell Road and Five Chop Road
Map & Parcel: 134/9E
Present Zone: R-80

Marlin Nevil, as agent for T&C Investment Holding, James Johnson and Margaret Blevins, has submitted a sketch plan request for their property located on Zettwell Road and Five Chop Road. They are wanting to divide 129.55 acres into 43 separate parcels. The property will be known as "East Hampton at Mill Creek" subdivision. Marlin Nevil was present at the meeting to make the presentation. He stated that the subdivision will provide a natural buffer to the neighbors on the east and there will be a security gate.

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

- 1) Internal access circulation only for all lots.
- 2) Prior to preliminary plat approval, the developer shall submit a traffic impact study performed by a qualified engineer that provides:
 - a. An estimate of total number of AM (7:30-8:30) and PM (5:00-6:00) peak hour trips

- b. A 24 hour directional traffic count on a typical weekday
 - c. Assess the need for safety improvements, such as a decel lane and signage on Zettwell Road and along Five Chop Road and at the intersection of Five Chop Road and Burkhalter Road.
- 3) Provide a buffer to the cemetery of 25 feet using standards provided for in the County Zoning Ordinance.
- 4) Provide a second access point to the development by extending the cul-de-sac proximate to parcels 23 and 24 to intersect Five Chop Road to enhance internal circulation and the provision of access by public service vehicles.

Motion made by: Wade Hodges and seconded by Andy Hart.

Vote: Unanimous vote in favor of the motion.

Public Hearing Item **12**:

Applicant: Kevin Spence
Re: Sketch Plan Request
Location: Josh Smith Road
Map & Parcel: 93/29 & 29-002
Present Zone: R-25

Kevin Spence has submitted a sketch plan request for his property located on Josh Smith Road. He is wanting to divide 12.4 acres into 7 separate parcels. The property will be known as Kevin Spence Subdivision. Don Marsh was present at the meeting to make the presentation. He stated that there is an existing well on the property and they may move the road over a little to make more room for the drain lines.

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

1. Consider shifting the road to allow for Lots 2 & 3 to have enough room for septic tank drain lines.

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

Vote: Unanimous vote in favor of the motion.

