

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
MARCH 10, 2008**

The Gordon County Planning Commission held a Public Hearing on Monday, March 10, 2008 at 7:00 p.m. in the Conference Room of the Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Kyle Johnson	Brant Talley
Ron Free	Brad Rains
Tony Mulkey	

Chairman Johnson called the meeting to order and advised all present of the sign-up sheets available for those who wish to address the Planning Commission on any of the zoning or variance change applications.

APPROVAL OF MINUTES

A motion was made by Brad Rains to change the named members in attendance at the February 2008 meeting. Tony Mulkey was not in attendance as stated and Chairman Johnson arrived after the meeting began. Brant Talley seconded the motion. All voted aye. The minutes were approved after the change was made.

VARIANCE APPLICATION #V08-002, CHARLES MULLINS

Chairman Johnson read variance application #V08-002, Charles Mullins, requesting a variance on .41 acres located at 3966 Rome Road, SW, Plainville, for the purpose of reducing the set back requirements. Mr. Mullins represented the request stating that he would like to build a metal building 24X30 and separate from the existing building, to use for storage and a garage. Mr. Mullins presented photos of what the structure would look like and noted that he needed the set back to be reduced to 5 feet for the back and side property line. All adjoining property owners had been notified.

Greg Frisbee, the Planning Director for Gordon County, recommends upon considering the criteria stated in section 11.3.2 of the county zoning ordinance, it is his opinion that the strict application of the requirements would result in an undue hardship to the property owner and the approval of this request would not cause substantial detriment to the public good nor would it impair the intent of the ordinance. Furthermore, the subject property has limitations to the location of an additional accessory building and the reduction of setbacks from 10 feet to 5 feet would enable the applicant to better position the building on the property.

Tony Mulkey made the motion to approve the variance as requested and reduce the required setback of 10 feet down to 5 feet on the side and back of the property line. Brant Talley seconded the motion. Brad Rains voted with the motion and Ron Free voted against the motion. The vote was 3-1 to approve the variance. The variance was granted as requested. The thirty- (30) day appeal period was explained.

VARIANCE APPLICATION #V08-003, DONALD & VICKIE KNICELY

Chairman Johnson read variance application #V08-003, Donald and Vickie Knicely, requesting a variance on 13.902 acres located at 1401 Slate Mine Road, Fairmount, for the purpose of building a new home on the property, waving the required 125 feet of county road frontage and access the site through an easement road that is maintained by Camp Sunrise. The Knicely's represented the request stating that they wished to build a 2000 square foot home with a basement and attached garage, constructed of brick and stone. It was also stated that they do believe they have the legal access, but would verify before beginning construction. All adjoining property owners had been notified.

Greg Frisbee, the Planning Director for Gordon County, recommends upon considering the criteria stated in section 11.3.2 of the county zoning ordinance, it is his opinion that the applicant's request does not prove a hardship in accordance with the criteria stated in section 11.3.2. The applicant states that the subject tract of land was created (subdivided) in 1993 and at that time the County required all lots to have a minimum lot frontage of 100 feet in order to obtain a building permit. Mr. Frisbee made no recommendation regarding this request; however, if the planning commission chooses to approve this request, he recommends the following stipulations: 1- the access easement shall be a general purpose easement having a minimum width of 40 feet which shall be recorded with the County Clerk of Court prior to the issuance of a building permit on the subject property; 2- the minimum surfaced area width of said easement shall be 12 feet and said surface shall be paved with a granite stone gravel, concrete, or asphalt of sufficient depth to meet the requirements of conventional vehicle use; 3 – said access easement shall intersect with the rights-of-way of Slate Mine Road as nearly at a 90 degree angle as possible but no less than 70 degrees and said angle of connection shall extend a distance of 50 feet from said intersection; 4 – if the proposed access easement is surfaced with gravel, there shall be a paved entrance landing consisting of either concrete or asphalt, having a minimum width of 12 feet and minimum length of 10 feet, and of standard depth for conventional vehicle use; 5 – said easement shall have no sharp turns in order to allow apparatus access by county emergency vehicles; and 6 – compliance with the above stipulations shall be approved by the County Road Department and Fire Department prior to the issuance of a building permit on the subject property.

Ron Free made the motion to approve the variance as requested waving the required 125 feet of county road frontage only after the applicants meet the stipulations 1-6 as stated by Mr. Frisbee. Brad Rains seconded the motion. All voted aye. The variance was granted as requested. The thirty- (30) day appeal period was explained.

VARIANCE APPLICATION #V08-004, ANTHONY BLACKSTOCK

Chairman Johnson read variance application #V08-004, Anthony Blackstock, requesting a variance on .90 acres located at 280 Parker Road, NW, for the purpose of placing a double-wide mobile home on the property for his daughter and her family, waving the required 125 feet of county road frontage and accessing the property through an existing easement road known as Parker Road. Mr. Blackstock stated that his reason for doing this for his daughter and her family is for financial hardship reasons and he does not plan to rent or sell anytime in the future. All adjoining property owners had been notified.

Wendy Trundle, daughter of Mr. Blackstock, addressed the planning commission stating that her husband had lost his job several months ago; they had gone from a \$70,000 a year income to a little more than \$200 per week to live on, that they have 3 children, and the home they were purchasing is in foreclosure. Her dad is willing to purchase a mobile home for them to live in until they can get financially stable again. Lara Benson and Patricia Roe, both joint property owners, spoke in opposition to the variance because the road is in very bad shape. Ms. Benson stated that weeks earlier she had been on her 162 acre family land that is at the end of Parker Road, riding 4-wheelers and was injured. Because the road was not accessible for the ambulance, she had to be air-lifted out. Ms. Benson and Ms. Roe both agreed that additional traffic would only make the road harder to travel.

Greg Frisbee, the Planning Director for Gordon County, recommends upon considering the criteria stated in section 11.3.2 of the county zoning ordinance, it is his opinion that the applicant's request does not prove a hardship in accordance with the criteria stated in section 11.3.2. The "parent" lot owned by the applicant, Mr. Blackstock, is a nonconforming lot. The "parent" lot contains 2.6 acres and is zoned A-1 (Agricultural) and is considered a "grandfathered" lot for the reason that it does not contain the minimum 5 acres required for a lot in the A-1 zoning district. Also, the stipulations for easement roads would also need to be applied. The further reduction in lot size of the "parent" lot is not recommended; therefore, he does not support the request.

Mr. Blackstock stated that he understood the stipulations for easement roads, but would have to look at the cost involved before he could say if he could do the required road improvements. Brad Rains questioned the .90 acres not having to be rezoned, also. Mr. Frisbee explained that for a family member the lot could be as small as .50 acres when subdivided but that the balance of the property was to remain at least 5 acres, and yes this .90 would need to be rezoned to R-4.

Brant Talley stated he would abstain from the vote. Tony Mulkey made the motion to approve the variance if Mr. Blackstock followed the stipulations required for the easement road and if the mobile home is moved out when his daughter is no longer living there and the .90 acres goes back to his original 2.6 acres. The motion dies with the lack of a second. Brad Rains stated that he understood the situation, but would have to make the motion to deny, and would like to see them come back to rezone the property to R-4 after they have met the easement concerns. Ron Free seconded the motion. Tony Mulkey voted against the motion. The vote was 2-1 to deny. Chairman Johnson voted against the motion and then the vote was 2-2, therefore the variance was not granted. The thirty- (30) day appeal period was explained.

ADDITIONAL BUSINESS

Chairman Johnson stated that the floor was opened for nominations for Chairman for the Planning Commission. Brad Rains made the motion to re-appoint Kyle Johnson as Chairman. Tony Mulkey seconded the motion. All voted aye. Kyle Johnson will remain Chairman of the Planning Commission. Chairman Johnson then opened the nomination for Vice-Chairman. Tony Mulkey made the motion to re-appoint Brant Talley as Vice-Chairman. Ron Free seconded the motion. All voted aye. Brant Talley will remain Vice-Chairman of the Planning Commission. Greg Frisbee stated that he hoped to have a rough draft of the unified land development ordinance to the Planning Commission in the next couple of weeks. There being no additional business; Tony Mulkey made the motion to adjourn. Brad Rains seconded the motion. All voted aye. The meeting was adjourned at 8:20 p.m.

Zelda Gregg, Secretary

Kyle Johnson, Chairman
Brant Talley, Vice-Chairman