

**HEARD COUNTY BOARD OF COMMISSIONERS MEETING  
JULY 24, 2018 - 6:30 P.M.**

The Heard County Board of Commissioners held a Commissioners Meeting on July 24, 2018 at 6:30 p.m. in the Commission Chamber of the Heard County Administration Building. In attendance at the meeting were Chairman Lee Boone, District 1 Commissioner Larry Hooks, District 2 Commissioner Keri Denney, District 3 Commissioner Gwen Caldwell, District 4 Commissioner Larry Hammond, District 5 Commissioner Joe Adams and County Attorney Jerry Ann Conner. Chairman Boone called the meeting to order and welcomed everyone present. Commissioner Hooks gave the invocation.

**Agenda Item # 3 – Public Hearing – a. Rezoning Requested by Mr. Robert Payne, (Property located at corner of Pea Ridge Road and Franklin Parkway; Continued from last month) -**

Chairman Boone opened the public hearing and read the request from Mr. Payne to request 5 acres of land at the corner of Pea Ridge Road and Franklin Parkway be rezoned from agricultural to general commercial for the purpose of building mini warehouses for storage. Zoning Administrator Stacie Morris stated that after reviewing the Standards for Evaluating Zoning Request; the Planning Commission makes a recommendation to change the zoning classification from A1 to GC with conditions. (attached). Chairman Boone reviewed the public comment rules and asked for any public comments. Mrs. Lillie Cole, 264 Doc Fisher Road, Franklin asked what kind of storage facilities were going to be constructed and where would the entrance and exit be located for the facility. Mr. Robert Payne explained that he planned to start with just one storage unit which would be a small single level metal type building approximately 30 x 150 in size. He stated that the facility would be fenced and the driveway would be on Pea Ridge Road. Commissioner Denney asked how many units would be in the building. Mr. Payne stated 14 – 10 x 20 units.

Mr. Wendell Cole, 264 Doc Fisher Road stated he was concerned about the site being rezoned commercial. He stated he felt this would continue again and again if this area is rezoned commercial.

Mr. Tommy McKenzie, 226 Pea Ridge Road stated his concerns about the buffers for this property. He stated he is worried about the facility being open at all times of the day and night. Ms. Conner reviewed the conditions set forth by the Planning Commission and explained that the motion by Mrs. Hazel Reeves and seconded by Mr. Randy Chesnut was to recommend the approval of the application to rezone the property from A1 to GC and upon the Board of Commissioners approval of the zoning application, to grant a variance to the applicant of the set back and buffer requirements upon the conditions. (see attached). Mr. Payne expressed his concerns that this public hearing was not to talk about the conditions but to only talk about the zoning. Chairman Boone stated that the Board has the final say not the Planning Commission on the zoning. Mr. Payne stated that he does not like the buffer requirements because it interrupts his visibility of the facility. He stated he was not willing to meet the buffer requirements and if they are required, he may not build the mini warehouses at all. Ms. Conner stated that the Board can continue the hearing or approve it with the conditions. Mr. Payne commented that he would not have to rezone the property if he chose to put a chicken house or pig farm on the property with the way it is zoned now but because he wants a commercial business there he must ask for a zoning change.

Mrs. Sandra McKenzie, 226 Pea Ridge Road expressed her concerns that Mr. Payne never came to talk to her or their neighbor, who will be directly affected by this facility, if it is built. She stated that Mrs. Hazel Reeves did come to see the property and she appreciated that. She stated that she was highly offended by Mr. Payne's remark about a "chicken house or pig farm".

Mrs. Lillie Cole stated she was also offended by Mr. Payne's remarks.

Commissioner Adams asked Mr. Payne if he had already cleared the property? Mr. Payne stated yes, he had the trees cut and a driveway put in. Mr. Payne explained that he was simply saying the way the property is zoned now, he could do anything agriculturally related on the property, but he has no plans to do anything like that. He was simply making a statement that the agricultural related businesses would be worse, in his opinion, for the neighbors, than the mini warehouses.

Mr. Wendell Cole asked the Board if the property is rezoned commercial, could Mr. Payne then sale the property and another business be put on the property. Chairman Boone stated that if the property's zoning is changed it can be zoned with conditions that it will only be used for mini warehouses. Ms. Morris explained to the Board that they cannot change the variances/conditions; only the Planning Commission can do that. There being no further discussion, on motion (Hammond) and second (Adams), the Board unanimously voted to close the public hearing.

**Agenda Item # 5 – Approval of Minutes** – On motion (Hooks) and second (Hammond), the Board unanimously voted to approve the minutes from July 24, 2018.

**Agenda Item # 6 – Amend Agenda** – None.

**Agenda Item # 7 – New Business – a. Discuss Rezoning Request – Robert Payne** – After some discussion, on motion (Hammond) and second (Hooks), the Board unanimously voted to continue their decision on the rezoning request and for the request to go back to the Planning Commission for clarification on the variances/conditions. Commissioner Caldwell stated he wants to know exactly what the Planning Commission's recommendations are.

**b. Discuss Application for Non-Conforming Use Mobile Home, Thomas J. Davis, Sr., 9291**

**Georgia Highway 34** – Chairman Boone stated that Mr. Thomas Davis has made an application to relocate a 1970 Redman 12x40 singlewide mobile home from 6634 Georgia Highway 34W to Thomas Davis Mobile Home Park located at 9291 Georgia Highway 34, Lot #3. Chairman Boone stated that in

the application it was noted that the mobile home was written off the tax digest in 2014 and therefore deemed as storage and/or not livable at this time. Chairman Boone noted that Mr. Davis did pay the back taxes from 2014 to 2018 as required. Mr. Thomas Davis stated that he was given the mobile home by a friend who bought some land and the mobile home was on this land. He stated he did not believe the County could deem the mobile home as not livable. He stated there had been a private inspection done on the mobile home. The Board reviewed before and after pictures of the mobile home. Chairman Boone asked Mr. Davis was there any mold/mildew in the mobile home? Mr. Davis stated there is no odor of mold and mildew. Commissioner Hammond expressed his concerns that the mobile home has not been inspected specifically for mold/mildew. He stated just because it doesn't smell, doesn't mean that it is not present. Commissioner Adams asked how long has the mobile home been sitting vacant and how long has it been since someone actually lived in the mobile home? Mr. Davis stated no one had lived in the mobile home since 1991. Commissioner Adams asked the Zoning Administrator, Ms. Morris, about the mobile home being written off the tax digest. She explained that the tax assessors allow mobile homes to be written off for valuation purposes and that the mobile home should have been removed from the property at this time because to write a mobile home off the digest, means it is deemed not livable. Chairman Boone stated that when it is written off it is considered below living standards. He stated that there are constant citizen complaints about the appearance and condition of Mr. Davis's mobile home park, and the Board will need to decide if this mobile home is in the condition to be moved or not. After further discussion, on motion (Adams) and second (Denney), the Board unanimously voted to deny this application.

**c. Discuss Application for Medical Hardship, Mike & Tina Green, 915 Pea Ridge Road –**

Chairman Boone stated that Mike and Tina Green, residents at 915 Pea Ridge Road are applying for a medical hardship for a non-conforming singlewide mobile home for Mr. Green's elderly mother.

Mrs. Green stated that her father in law recently passed away and her husband relocated his mother from Arkansas to Georgia. She is currently living with them and their two sons in their home. She has been recently diagnosed with dementia and they feel as if she will need a fulltime caretaker to live with her in the near future. Mrs. Green stated their plan is to buy her mother in law a new small singlewide mobile home to be placed on their property where there is room for her and a caretaker to live with her. She also stated when the hardship is over, they understand the mobile home would have to be removed. Commissioner Hammond stated he has looked at Mr. and Mrs. Green's property and he feels like they have a perfect place to put the mobile home and he sees no problem with it. On motion (Hammond) and second (Caldwell), the Board unanimously approved this request.

**Agenda Item # 8 – Old Business** – None.

**Agenda Item # 9 – Public Comments** – Mrs. Bonnie Reed, 640 Deer Creek Circle, thanked the Board for the sign at the post office directing the public to the new administration building. She also stated her concerns with the road signage when the Highway 34 bridge was closed. Chairman Boone stated that all the detour signs were placed by the Department of Transportation not Heard County. Mrs. Dorothy Garrett, 1011 Pea Ridge Road, asked the Board if Mr. and Mrs. Green would have to remove the singlewide when the hardship ceases to exist. Ms. Conner stated, yes, Mr. and Mrs. Green understand they will have to remove the mobile home at the time that the hardship no longer exists.

**Agenda Item # 10 – Executive Session** – None.

There being no further business, on motion (Caldwell) and second (Adams), the Board unanimously voted to adjourn.

Adjourned at 8:44 p.m.

*Patty A. Giles*

County Clerk

*Lee Boone*

Chairman

Date 8/28/18