

**MINUTES
CRISP COUNTY ZONING BOARD OF APPEALS
CALLED MEETING
MARCH 25, 2021**

The Crisp County Zoning Board of Appeals met at a called meeting on the 25th day of March 2021 at 9:00 a.m. in the Crisp County Government Center. The following members were present: Dale Mitchell, J.C. Clark and Ray Cromer. Also present, Crisp County Planning Director, Connie Youngblood and Building Inspector Jimmy Mumphery.

Visitors present: Samuel Williams., Freddie Gilliam, Frances Carswell and Fred Dorminey.

Chairman Ray Cromer called the meeting to order.

MINUTES

Chairman asked for a motion on the July 21, 2020 minutes.

Mr. Cromer opened the Public Hearing and read aloud the criteria in which the board handles requests.

PUBLIC HEARING

Request from Samuel and Alice Williams (w/the property owner's authorization) for the following variances: 1) locate a storage building on a parcel of property prior to or in lieu of the placement of a principal dwelling; 2) variance to increase the maximum size of the storage building from 1200 sq. ft. to 1500 sq. ft. Property is zoned RS2 (Single Family Residential) and is located across from 483 N. Cedar Creek Road.

Mr. Williams was present and spoke on behalf of the request. Mr. Williams told the board that he had recently built a home on the water side. He stated that it was a small lot and he and wife were going to sell their farm in Worth County and retire at the lake and he just doesn't have enough space to keep a good size lawn mower, boat and other things. He told the board that he was not going to build an ugly building, and he was going to build a nice one because it is going to be across the road from his house. He showed the board a photo of what he is wanting to build on the property. He stated that the picture he initially turned in won't work because of the existing overhead power line. He showed the board a photo of what he would like to put on the property. He said that basically it will look like a single family house with a 2 car garage on the end. He stated that he was going to clean the lot up and that it is in a mess right now, all grown up, dead limbs hanging all out in the road. He stated it would certainly look a lot better than it does now. Mr. Cromer asked Mr. Williams if he currently owned the property now. He replied no and has an option to buy it if he gets the approval for this. He stated without it, he did not want the land. He stated that talking to Crisp County Power Commission it would cost him \$9000.00 to move the power line and that is prohibited. He stated that he felt like he could clean it up and put a building in there sorta sideways. He stated he needed the facility large enough he could do what he wanted to do and not put his stuff in an enclosed building. He stated he wanted to be a nice neighbor and was not going to build something ugly. Mr. Cromer asked and the building you found is 1500 sq. ft. Mr. Williams replied yes and that he an option on the 2.2 acres if this was approved. He stated that the owner would not sell him just one lot, he has to buy it all. He also stated that maybe if he could get the other lot cleaned up he could sell it to somebody down the road. Mr. Clark asked Mr. Williams if he

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had something in writing, that if this is approved the owner is going to sell you the property. Mr. Williams stated they have a verbal agreement. Ms. Youngblood told the board they have a property owner's authorization giving Mr. Williams the authority to ask for this variance. Mr. Taylor asked since he changed the design, if he was still going to need the 1500 sq. ft. building. Mr. Williams stated that he would like to have an office for himself and a bathroom and other than that just be used for storage. He stated he wanted it to look nice and did not want his neighbors to be mad with him. Mr. Cromer asked about the storage shed that looks like it is on the line on the adjacent property. Freddie Gilliam, adjacent property owner stated that it is a pump house and it is on the line. She stated that when she built it she was supposed to have first refusal of the lot but the lady who owned it is 90 something years old and she guess she did not remember that she was supposed to have first refusal and she sold it and she didn't know anything about it until she walked out one morning and there were machines and everything out there and the guy that bought it just said that he had just bought the 2 acres. She stated she guessed she didn't get first refusal. Mr. Williams told Ms. Gilliam that she could buy that if he gets it, that he does not need all of that property. Mr. Mitchell stated that your house would be the one closest to this. Ms. Gilliam replied yes. Mr. Taylor asked Ms. Gilliam what her opinion is of him putting the building there. Ms. Gilliam asked Ms. Carswell to come up. Ms. Carswell stated that she wrote a letter to Ms. Youngblood expressing her opposition to you granting a variance. She stated she has met Mr. and Ms. Williams, seem to be very nice people and have built a beautiful home 4 houses down from her. Ms. Carswell stated they have very little to do with the decision to change it from R2 to whatever, and that particular land there is zoned R2 which is residential, which means you can't have a structure or a building or anything commercial that doesn't have a house to go with it, and their house is across N. Cedar Creek Road. She stated her question and her concern about the board allowing him to do this and somewhere down the road, somebody else may want the same and then they are 1/4 of a mile from the boat landing. She is concerned that there is a perfect place at the end of Mr. Williams' property for a beer and bait place. She stated she did not object to a storage building but she objects to the single family residential being changed to something other than what it is right now. She stated she agrees with Mr. Williams that the property is a mess and her objection is changing it from residential, because she feels it would lead to commercialization, which they do not need. Ms. Gilliam stated that she also agrees. Mr. Mitchell told Ms. Carswell that what they are doing here is not changing the zoning from residential to commercial and cannot conceive any situation that that land would become commercial, and the land would never become commercial and they would not allow businesses to move in the area. Ms. Carswell stated that you are changing it here and why can't she have a variance if she decided she wanted a beer and bait place. Mr. Mitchell replied that you would not get one because it is not zoned commercial and Mr. Williams is not asking for a business and you would have to go to the county commissioners to get that. Ms. Carswell stated that theoretically that could be the next step, couldn't it. Mr. Mitchell again stated that he could not conceive in it working like that. Mr. Mitchell stated they understood her concern but the way the zoning laws are written, that won't happen. Ms. Carswell stated that her understanding was that it would not change from a single family residential area either and when that was written it was the law. Mr. Mitchell stated that a variance limits things that can happen and cannot be commercial based operations. Ms. Carswell asked if he is given a variance, whatever she can come up with is not commercial, she can ask the board also. Mr. Mitchell replied yes. Ms. Youngblood stated that there are certain guidelines that tell what this board can approve and not approve in the residential zone district and that it has to be something that is an accessory use to a single family dwelling – such as a carport or storage building that go along with a house, and if the

house wasn't there the storage building would not be needed and that is why sometimes we allow a storage building first and on this situation it just happens to be across the road from his primary residence. Mr. Mitchell stated it is like the chicken and egg story, normally the house comes first and you build a storage building behind it, like Ms. Freddie did. Ms. Carswell stated that she understood but hoped that they understand her objection to what other sorts of variances in theory this could lead to. Mr. Mitchell stated they had limits on that and it did not go to commercial. Mr. Taylor stated that both sides have to come before this board or the county commission board before it would be approved and they wish to make both sides happy and that is not always possible. Mr. Fred Dorminey was present and has a place right up the street from there. Mr. Dorminey's concern is if they grant commercial here are you going to deny somebody else's commercial. Mr. Mitchell stated they are not rezoning the property and that is what would be required. Mr. Dorminey stated he knew but you are giving permission to someone to build a commercial building. Mr. Mitchell stated that the style of the building Mr. Williams showed did not look commercial. Mr. Dorminey stated to the board that as long as you understand you are opening up doors to commercial. Mr. Cromer replied they are not doing that and they cannot legally change the zoning of the property and could only give a variance. Mr. Dorminey replied that other than that, personally he has no objection. Mr. Mitchell stated that they see this situation happen often at the lake, because of the small lot sizes on the water side and sometimes people have to build buildings in their front yard because they don't have a backyard, because of the lake, and have also run into situations in the past like Mr. Williams and they have limits on what they can do and nothing they have done in the past has made anything commercial. Mr. Dorminey asked if he asked this board to make his lot commercial, would I have to tell you why. Ms. Youngblood replied that you would have to tell us what use you were asking for, the commissioners would have to rezone the property for anything commercial, and they would not rezone the most restricted residential property to commercial. Mr. Taylor asked if Mr. Williams did not do this on the property what is going to happen to it and what is the next step, would you have any control over what happens to it on the next person they buys it. Ms. Carswell stated that it depends on who it is and what they are asking for. Mr. Taylor stated that they would not have to come ask if it is just building a house there, it is just a normal permitting process. Ms. Carswell stated that she has one comment and it is on a "they say" on toward the park on Scenic Route, it is her understanding that some people that own property across the road, asked for a variance so they could put a boat landing there, which would increase the value of those lots across the road, and they were denied. Ms. Youngblood stated that the area where they wanted to put it was not a good area, the location of it and that would be turning into a public, more like commercial property than leaving it residential. She also stated that a commercial boat landing is not an accessory use to a residential structure like a garage or storage building is. Mr. Mitchell stated that in this case he thinks he need to take the word commercial completely out of the vocabulary for this instance, because this is not a commercial use. Ms. Carswell stated she agreed, and based upon what Mr. Williams says he has no idea he is going to do anything but store his toys. She stated that someone down the line might say they want a building to and she is hard pressed that it can be residential, for a house, boathouse, toy house for their lawnmower and such but he doesn't have to have a house to go with it. Mr. Mitchell stated that is correct and Mr. Williams could come back and build a house right in front of the storage building and he would be 100% in compliance. Ms. Carswell stated she understood that and she took the zoning R2 to be the law and if he went over there and built a house that would be allowed. Mr. Mitchell stated that is why this board is allowed to make variances within the law. At this time, Mr. Cromer stated that we needed to close the discussion period and that we are not getting anywhere by going over the same issue and asked if there

were any further comments from the public. Mr. Dorminey stated that he understands that you are not granting an exception to a commercial use on the property. Mr. Mitchell replied that is correct. Mr. Cromer, concluded the public portion of the hearing.

MEETING

After discussion, the chairman asked for a motion.

VOTE: 1) A motion was made by Lucky Taylor to **approve** the request to locate an accessory building on a parcel of property prior to or in lieu of a principle residence, with a second by Dale Mitchell. Mr. Cromer asked for all who were in favor. The vote carried 3-3 unanimously.

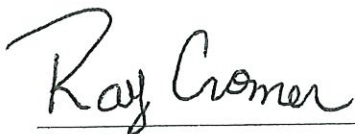
VOTE: 2) A motion was made by Dale Mitchell to **approve the** request to increase the maximum 1200 sq. ft. size of a storage building to 1500 sq. ft., with a second by Lucky Taylor. Mr. Cromer asked for all who were in favor. The vote was carried 3-3, by the chairman, J.C. Clark voting no.

NEW BUSINESS

None.

OLD BUSINESS

None.



Ray Cromer
Chairman



Connie Youngblood
Secretary/Planning Director