

**MINUTES**  
**CRISP COUNTY ZONING BOARD OF APPEALS**  
**MEETING**  
**April 18<sup>th</sup> 2023**

The Crisp County Zoning Board of Appeals met at a regular meeting on the 18<sup>th</sup> day of April 2023 at 9:00 a.m. in the Crisp County Government Center. The following members were present: Dale Mitchell, J.C. Clark, Lucky Taylor, Wendy Peavy, and Ray Cromer. Also present, Crisp County Planning Director, Mickey Dunnivant and Building Inspector Jimmy Mumphery.  
Visitors present: Jack Shiver.

Chairman JC Clark called the meeting to order.

**MINUTES**

Chairman asked for a motion on the August 16<sup>th</sup> 2022 and November 15<sup>th</sup> 2022 minutes.

**VOTE:** Motion was made by Dale Mitchell with a second by Lucky Taylor to **approve** the minutes of the July 21, 2020 meeting. Carried unanimously 3-0.

Mr. Clark opened the floor to Jimmy Mumphery to ask for nominations for a new Chairman for the Crisp County Zoning Board of Appeals for 2023 term. Lucky Taylor nominated Dale Mitchell with a second by JC Clark. Motion carried unanimously. The meeting was turned over to the new Chairman Dale Mitchell. Mr. Mitchell asked for nominations for a Vice Chairman. JC Clark nominated Lucky Taylor with a second by Ray Cromer. The motion carried unanimously.

Chairman Mitchell opened the Public Hearing and read aloud the criteria in which the board handles requests.

**PUBLIC HEARING**

A request from Jack Shiver, for a variance to allow him to construct a 20x20 (400 sq. ft.) storage building and a 18x21 (378 sq. ft.) lean to open shelter on a parcel of property prior to construction of a principle use on the property. The property is located at 235 Goodman Rd, Warwick Georgia and is zoned RR (Rural Residential).

Mr. Jack Shiver was present and spoke on behalf of the request. Mr. Shiver told the board that he would like to build the storage building on his property so that he could store and lock up his farm equipment. Mr. Shiver has intentions of building a home on the property in the future. Mr. Mitchell asked if Planning & Zoning received any phone calls or any objections from the neighboring properties in reference to this request. Mr. Dunnivant responded with no, he had not received any phone calls, comments or letters pertaining to Mr. Shiver's request. Mr. Dunnivant mailed 10 letters to neighboring property owners around Mr. Shiver's property; most property owners around him own large tracts of land. Mr. Clark told Mr. Shiver that his land was in a very rural area because he drove to the property and saw only wheat and grass growing on and around it, his GPS stopped him just short of where the property was actually located. Mr. Taylor asked why it was a hardship variance. Mr. Shiver said that he did not know why it was a

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hardship variance. Mr. Dunnivant reminded Mr. Shiver that he reported he could not afford to build his house first, he needed to build the storage building first to have somewhere to store his equipment. Mr. Shiver responded that he did need the storage building to store his welders and other equipment until he was able to build a home on the property. The application was changed from a Hardship to a Special Exception. Mr. Mitchell asked if there were any questions from the board for the request. Mr. Taylor asked Mr. Shiver if a 20x20 was big enough to store his farm equipment. Shiver responded that he was not necessarily storing farm equipment as much as he was storing farm tools. Mr. Cromer asked if Mr. Shiver could point out where the building would be sitting on his lot. Mr. Shiver stated that his building would be on the North side of his 1.5 acres just a little north of where his brothers shed is located. Mr. Mitchell asked if there were any further questions. There were none. Mr. Mitchell, concluded the public portion of the hearing.

**MEETING**

After discussion, the chairman asked for a motion.

**DISCUSSION and VOTE:**

Mr. Mitchell asked if there were any further discussion. Mr. Clark commented that the property did not have a primary structure and our code states if a building does not have a primary structure that it is his only objection. Mr. Mitchell stated this is the reason for this meeting is he is seeking a variance to place a structure with a principle structure on the property. Mr. Dunnivant told the board that if Mr. Shiver had told him that the structure was being used for a farming, which we did not know of a farming operation that he would have on his 1.5 acres, our code allows you to put a shop to store farming equipment, chemicals, tools without having to have a residential structure, but the way that Mr. Shiver told us is the shop was in lieu of a residence being built. A motion was made by Mr. Mitchell to **approve** the request as presented based on the findings of fact. Mr. Taylor seconded the motion to **approve** the request based on the findings of fact and that it would not cause substantial detriment to the public good or be injurious to the vicinity or impair property values as presented. Mr. Taylor said we needed to go ahead and put something on record for a 200 amp electrical service to be approved for the property. Mr. Mitchell made a motion to amend the original motion to include the addition of 200 amps power. The motion was seconded by Mr. Taylor as it would not impair the purpose or intent of the Development Code. Mr. Mitchell asked if there were any further discussion. There were none. Mr. Mitchell asked for all who were in favor to say "I". The vote was carried unanimously.

**NEW BUSINESS**

A summary handouts pertaining to Georgia House Bill 1405 was given to the board members. Mr. Dunnivant discussed changes that HB 1405 made pertaining to Quasi-Judicial hearings and notice requirements. Prior to this bill public notice for variance hearings was 15-45 days before the hearing occurred. This bill changed that time frame to 30 days with the addition of having to mail notice to the property owner or the owner of the property. Most counties had moved all public notices pertaining to

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Variances, rezoning and special uses to the 30 day time frame. Dunnivant also explained that when someone appeals a decision made by the board; their decision is subject to an appellate review. There is no new evidence submitted or a new hearing. The courts will review the record of the meeting and what was presented during the meeting.

Dunnivant discussed Georgia Senate Bill 213. Dunnivant explained that this bill would affect more restrictive zoned areas pertaining to preexisting manufactured homes or mobile homes. Dunnivant said that if one of these homes exist in a zoned area that does not allow them; the existing home can be replaced with another manufactured home or mobile home. Dunnivant used the example of Commissioner Felton who owned a double wide mobile home in an area zoned RS2, which is the most restrictive zoning. The home burned down. When Commissioner Felton attempted to replace the home with another mobile home, he was not allowed to because of the restrictive zoning. If this bill existed during that time, he would have been allowed to replace the home within a year. This bill moved thru the senate and the house with ease and never slowed down with its approval. This bill has not been signed as it is on the Governor's desk awaiting his signature. Dunnivant is confident this bill will be signed by the end of May 2023.

There was a brief discussion on Tiny Homes in Crisp County. At present, they are not allowed in Crisp County but should be researched a little more to see how neighboring counties how handling them. Does there zoning restrict or limit them to certain areas within the county.

Chairman Mitchell asked if the county was doing anything with Short Term Rentals. Dunnivant explained that at present, they are not allowed in the county. Dunnivant is working toward writing an ordinance to allow Short Term Rentals but does not have a date for this to be presented to the Commissioners. Most areas around the lake have covenants that restrict short term rentals and those covenants can be enforced by that neighborhood in civil court. For loud noises or disturbances people should contact the Crisp County Sheriff's Office.

Dunnivant told the Board that he would be attending the Community Planning Institute in July for training with development and understanding of Comprehensive Plans. Crisp County's Comprehensive plan is due June 2024.

**OLD BUSINESS**

None.

Meeting was adjourned by Chairman Mitchell.

  
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Dale Mitchell  
Chairman

  
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Mickey Dunnivant  
Secretary/Planning Director

