Effingham County Georgia
Board of Commissioners

THE PLANNING BOARD OF EFFINGHAM COUNTY, GA
August 13, 2024

I. CALL TO ORDER

Chairman Dave Burns called the meeting to order at 6:00 PM.

II. INVOCATION

Chairman Dave Burns gave the invocation.

III. PLEDGE TO THE FLAG

Chairman Dave Burns led the pledge.

IV. AGENDA APPROVAL

Chairman Dave Burns asked if there were any changes to the agenda. Ms. Kimberly Barlett stated that there were changes to the agenda. Item 9 has been postponed to the September 10th meeting by the applicant's request. Mr. Peter Higgins made a motion to approve the agenda. Mr. Ryan Thompson seconded the motion. The motion carried unanimously.

V. APPROVAL OF MINUTES

Chairman Dave Burns asked if there were any corrections or additions to the July 9, 2024, minutes. Mr. Brad Smith made a motion to approve the minutes as presented. Mr. Peter Higgins seconded the motion. The motion carried unanimously.

Members Attending:	**Mr. Ryan Thompson, Chairman Dave Burns, Mr. Peter Higgins, Mr. Brad Smith**
Members Absent:	**Mr. Alan Zipperer**
Staff Present:	**Mr. Steve Candler: Director of Development Services, Ms. Chelsie Fernald: Senior Planner, Ms. Kimberly Barlett: Planning Board Secretary**
Persons Attending:	**Rigo Rodriguez, Jason Sanders, Kain Martin, Edward L. Vance Sr., Sheila Boazman, Amber Danbi, Chad Zittrouer, Liz Sapp, Samantha Easton, Damon Rahn, Kenneth Souls, Mary Godlove, Ava Dantis, Bo Langham, Robert McCorkle, Tom Tinday**

VI. NEW BUSINESS

Chairman Burns stated all items voted on would be presented at the September 3, 2024, Board of Commissioners meeting at 6:00 pm as a public hearing.

Bo Langham as agent for Matthew & Ryan Davis – PUBLIC HEARING (1): the applicant requests approval for a **pond less than one acre.** Located at 2643 Courthouse Road. **(Fourth District) [Map# 348 Parcel# 35]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

Mr. Bo Langham stated he submitted the application and is here to answer any questions.

Mr. Brad Smith made a motion for approval with Staff Recommendations. The motion was seconded by Mr. Ryan Thompson and carried unanimously.

Jorge Lopez– PUBLIC HEARING (2): the applicant requests a **conditional use** for a **Rural business** to allow for commercial truck parking in AR-2. Located at 238 Midland Drive. **(First District) [Map# 350A Parcel# 18]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

Mr. Rigo Rodriguez stated he is a field supervisor at Mr. Lopez's company. Currently, they park 2500 Vans and Tacoma trucks at the residence and drive to South Carolina.

Mr. Peter Higgins asked if the personal vehicles were left on site.

Mr. Rigo Rodriguez stated some of the workers live on-site, and they pick up the other workers offsite.

Chairman Dave Burns asked if there was a shop, or any work was on site.

Mr. Rigo Rodgriguez stated they had issues with theft when they left their vans in South Carolina, so the house was way more secure. The vehicles are just parked; they don't work.

Mr. Peter Higgins asked if this was a code enforcement case. Ms. Fernald said yes.

Mr. Ryan Thompson asked if there was anything screening the trucks from the public or a condition that would be placed on this request. Mr. Rodriguez said yes.

Mr. Ryan Thompson asked if they would have to submit a site plan.

Ms. Chelsie Fernald stated that she did put a condition that the truck parking does not exceed 1000 square feet, and adding the condition of screening is an option.

Mr. Jason Sanders stated that he lives across the street, and there have been several issues with them parking semis on the road where the school buses can't pass. He says there are six vans and about four personal vehicles in the yard every night. He says the road is already rough and needs repair. The extra traffic should not be allowed on the road. They stated there had been a lot of construction and truck traffic in and out, including semis and cement trucks. He said he called to call the county because there was a semi blocking their road for two weeks. He is Officer Morris, who came out to move the vehicle. He also states they over-occupied a single-family house and about 25 people live there. His biggest concern is that he has small children, and the extra traffic has been an issue.

Mr. Ryan Thompson made a motion for denial based on this being a subdivided neighborhood, and parking six commercial vehicles is not a justifiable variance. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Kenneth Souls - PUBLIC HEARING (3): requests a **variance** from ordinance Section 3.21.1 to allow for the occupation of an RV/Camper. Located at 277 Horseshoe Road, zoned **AR-1. (First District) [Map# 355A Parcel# 3]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

Mr. Peter Higgins asked how long they had already been there.

Ms. Chelsie Fernald stated the 12 months would start with the board's approval.

Mr. Kenneth Souls stated he inherited an abandoned mobile home from his late brother, and they want to renovate it to make it livable. He explained there were two lots and two septic tanks where he can hook up the RV and place the mobile home.

Chairman Dave Burns explained that this is a common request and asked if he could get it done in 12 months. He would then come back and request more time.

Mr. Ryan Thompson explained that he can no longer occupy the RV once it's complete.

Mr. Kain Martin asked if it would just be one RV.

Mr. Ryan Thompson made a motion for approval with Staff Recommendations. The motion was seconded by Mr. Brad Smith and carried unanimously.

Edward Vance - PUBLIC HEARING (4): requests a **variance** from ordinance Section 3.21.1 to allow for the occupation of an RV/Camper. Located at 1717 Shawnee-Egypt Road, zoned **AR-1. (Third District) [Map# 233B Parcel# 26]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

Mr. Edward Vance stated that he put in the rest and could have his home built within 12 months.

Mr. Peter Higgins made a motion for approval with Staff Recommendations. The motion was seconded by Mr. Brad Smith and carried unanimously.

Darrell Boazman - PUBLIC HEARING (5): requests a **variance** from ordinance Section 6.2.3 to allow for a reduction in accessory structure setbacks. Located at 109 Lexus Court. **(Fifth District) [Map# 455C Parcel# 98]**

Ms. Chelsie Fernald presented this item and is recommending alternative one and the variance would be for 1.5 feet.

Mr. Steve Candler stated that up to three different surveys of this property by different entities involved have apparently been conducted, and none of them have been recorded. The only legal document that the staff has is the original plat, which is the basis for determining the variance.

Mr. Ryan Thompson asked how we know if the fence is right.

Mr. Steve Candler said we went by the corner markers.

Mr. Peter Higgins asked what would happen if they granted the variance, and the surveyor finally figured out that he's now encumbered the other property.

Mr. Steve Candler stated that if any surveys were done, they weren't recorded, and staff hadn't seen them.

Mr. Ryan Thompson asked if the surveys were signed.

Ms. Sheila Boazman stated they had lived there since 2015, so they followed the original plan. Once the land got resurveyed, they moved the markers, and that's when the issue arose. She stated that whoever built the house next door was the one who resurveyed. The building has been empty for over a year.

Mr. Steve Candler said they legally moved the markers when it was resurveyed.

Mr. Peter Higgins asked about the fence being moved.

Ms. Seila Boazman stated they had to move the fence when they said it was on the property line.

Mr. Ryan Thompson asked for clarification on how to define setbacks.

Ms. Amber Danbi stated she lives next door, and the fence post is encroaching on her property. She says the fence post was erected, and they have been trying to move over. She said she was told when she purchased that there was a two-inch overhang on the shed's roof on their property in December 2023. She states they were told that her property went to the back corner of that shed, and the property line is suddenly in question. She states this is directly impacting the value of her property.

Chairman Dave Burns asked if she was familiar with the new survey.

Ms. Amber Danbi said she heard through the grapevine through the HOA that surveys were being done because there were questions about whether or not the property markers had been moved.

Mr. Peter Higgins asked if her lender required her to get a survey when she purchased. Ms. Danbi said no.

Mr. Brad Smith asked if the building was already there when she bought the property if she knew it had already extended over her line, and why it was an issue now.

Ms. Amber Danbi stated she knew there were issues with the property lines when they were moving. She also has in writing from the HOA that they are pursuing this to the fullest extent of the law. She asked how the board could decide based on half of the information if the property lines were in question.

Mr. Rayn Thompson stated that she has the right to survey her property.

Mr. Damon Rahn said Smith Family is still the declarant of the property and they control the area. The HOA doesn't have the votes to do anything. The HOA was given two representatives, and Smith Family appointed the others.

Chairman Dave Burns stated that they have a plat that they are going by, and if there is a discrepancy on the property line, that's a civil matter.

MS. Amber Danbi stated we shouldn't use GIS maps if they are inaccurate.

Mr. Ryan Thompson explained that the map is not a survey but rather a tax parcel map with a disclaimer. He stated that there's nothing defining where the house, structure, or either one is built right now, so it's impossible to know where either one is. He said that even though he is pretty good with

property lines, he doesn't feel like he could measure it because you have to run a string line between corners, and even then, he wouldn't be confident.

Mr. Steve Candler asked Mr. Thompson if he meant that the staff was not qualified to measure the lot.

Mr. Ryan Thomspon said he doesn't know how to establish exact measurements from two points to see that it's a foot and a half. He would think that they would have to submit something that proves it. So, staff doesn't have to do it. They should have to prove where they are on their property.

Chairman Dave Burns stated this is a platted subdivision, and staff should be able to.

Mr. Peter Higgins asked if the corner markers are altered, which is a problem.

Mr. Steve Candler stated that when Elizabeth went out to measure it, she went by the markers.

Chairman Dave Burns said it is up to the adjacent property owner to get a surveyor and show that the property lines have been altered. They must base their decisions on where the corner markers are.

Ms. Amber Danbi asked why they didn't need a variance before erecting the building.

Ms. Chelsie Fernald explained that the county doesn't require permits for fences unless they are over a certain foot tall, and as far as the building when it was erected based on where the initial fence was, they would have complied with the ordinance.

Mr. Steve Candler asked Ms. Danbi to bring the paperwork provided at the closing and see if the alleged survey was in that packet.

Chairman Dave Burns asked MS. Boazman to explain the fence and why it was moved.

Ms. Sheila Boazman stated the initial fence was where they thought their property line was. Then, when it was resurveyed, they said they were over, so they moved it. She asked why they needed a variance if the other surveys were not recorded, and they were in compliance with the recorded survey.

Mr. Brad Smith asked when did the changes on the fence take place.

Ms. Sheila Boazman stated they moved the fence after Ms. Danbi moved in to try to accommodate them.

Mr. Steve Candler is concerned about whether a builder is moving permanent markers, which differs from a recorded plat.

Mr. Ryan Thompson stated he wanted to clarify that he didn't realize the thought that the markers were moved because a survey can be signed by a surveyor and not recorded, and it's still a good survey.

Mr. Peter Higgins made a motion to table so the property owner next door could bring her information to Steve Candler to get to the bottom of the encroachment. The motion was seconded by Mr. Ryan Thompson and carried unanimously.

Stephen Daugherty– PUBLIC HEARING (6): requests to **rezone** +/- 1.60 out of 7.67 acres from **AR-1** to **AR-2** to allow for subdivision to create a new home site. Located at 595 Arnsdorff Loop. **(Third District) [Map # 363 Parcel # 27]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

No one was present to speak in favor of or against this item.

Mr. Ryan Thompson made a motion for approval with staff recommendations. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Mary L. Godlove- PUBLIC HEARING (7): requests to **rezone** +/- 1 out of 6.49 acres from **AR-1** to **AR-2** to allow for subdivision to create a new home site. Located at 108 Oak Street. **(Second District) [Map # 450D Parcel # 7]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

No one was present to speak in favor of or against this item.

Mr. Brad Smith made a motion for approval with staff recommendations. The motion was seconded by Mr. Ryan Thompson and carried unanimously.

Robert L. McCorkle, III as agent for MS2 Farms, LLC- PUBLIC HEARING (8): requests to **rezone** +/- 188.2 out of 259.33 acres from **AR-1 to B-3 & LI** to allow for commercial and industrial uses. Located on Blue Jay Road. **(Second District) [Map #415 Parcel # 30]**

Ms. Chelsie Fernald presented this item and is recommending alternative one.

Mr. Ryan Thomspon was asked about the remaining residential.

Mr. Chad Zittrouer stated he wanted to go through a timeline of the property. He mentioned the owners' incorporation of the parkway and the abandonment of Otis Seckinger Road. There was concern about the frontage on Blue Jay Road and wetlands, and they have chosen to leave those AR-1s. He also proposed B-3, which is meant to align with the commercial corridor standards. He didn't do commercial on the North side of the parkway because there is a gas line that runs right along the front edge and there is no room for commercial development. He stated they agree with all the staff recommendations, and he would like to propose some conditions:

1. The physical closure of the portion of Otis Seckinger Roadway shall take place but not before the following:
   a. Effingham Parkway is complete and operational (if this item is not completed by September 1, 2025, the applicant shall be allowed to proceed with the physical closing).
   b. The area for the new cul-de-sac is deeded to Effingham County (in the form of R/W or easement to be determined by Effingham County).
2. No certificates of occupancy shall be issued on the properties associated with this zoning application until such time as Items #1a and #1b above are completed.

Chairman Dave Burns asked about the triangle piece where the gas line is located.

Mr. Chad Zittrourer stated that there are wetlands in that area, and they have plans for development. A site plan is required, and they will bring it to the board.

Mr. Rayn Thompson asked if it would be subdivided. He thinks the residential buffer is good.

Ms. Chelsie Fernald stated it would be split zoning.

Mr. Chad Zittrourer stated that staff did not require it, but they do not object to subdividing in the future.

Mr. Ryan Thompson made a motion for approval with staff recommendations and the additional petitioner provided recommended conditions of 1a, 1b, and 2. The motion was seconded by Mr. Brad Smith and carried unanimously

Neil McKenzie as agent for Nick Finland- PUBLIC HEARING (9): requests to **rezone** +/- 221.87 acres from **AR-1 to R-5** to allow for residential development. Located on Goshen Road. **(Second District) [Map # 451 Parcel # 41]**

Postponed by applicant.

VIII. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:05 PM.

CHAIRMAN OF PLANNING BOARD
EFFINGHAM COUNTY, GEORGIA

8-13-24
DATE

PLANNING BOARD SECRETARY

9/10/24
DATE