Effingham County Georgia
Board of Commissioners

THE PLANNING BOARD OF EFFINGHAM COUNTY, GA
June 11, 2024

I. CALL TO ORDER

Chairman Dave Burns called the meeting to order at 6:01PM

II. INVOCATION

Mr. Ryan Thompson gave the invocation.

III. PLEDGE TO THE FLAG

Mr. Ryan Thompson led the pledge.

IV. AGENDA APPROVAL

Chairman Dave Burns asked if there were any changes to the agenda. Ms. Kimberly Barlett, Planning Board Secretary stated that there were changes to the agenda, item 15, has been postponed. Mr. Peter Higgins made a motion to approve the agenda. Mr. Alan Zipperer seconded the motion. The motion carried unanimously.

V. APPROVAL OF MINUTES

Chairman Dave Burns asked if there were any corrections or additions to the May 14, 2024, minutes. Mr. Alan Zipperer made a motion to approve the minutes as presented. Mr. Ryan Thomspon seconded the motion. The motion carried unanimously.

Members Attending:	**Mr. Ryan Thompson, Chairman Dave Burns, Mr. Alan Zipperer, Mr. Peter Higgins**
Members Absent:	**Mr. Brad Smith**
Staff Present:	**Mr. Steve Candler: Director of Development Services, Ms. Chelsie Fernald: Senior Planner, Ms. Samantha Easton: Planner II, Ms. Kimberly Barlett: Planning Board Secretary, Mr. Jonathan Hulme: County Engineer**
Persons Attending:	**Anthony Wilson, Amy Wilson, Brooke Graham, Jimmy Blakely, Robert Crisp, Steve Smith, Faye Smith, Roy Spring, Jo Spring, Shane Vorous, Seth Vorous, Fred Blitch, Sara Motes, Jeff Motes, Mike Stubbs, Ronnie Benton, Mark Elliot, Jake Ford, Ruth Bell, Betty Crosby, Scott Lewis, Gary Moore, Edward Horne, Mark Horne, Jason Levitt, Donald Embleton, Penny Blankenship, Luis Perdomo, Julie Weddle, David Williford, Eddie Horne, Harrold B.**

Wheeler Jr., Ray Nestlehutt, Wilfredo Aponte, Jason Ruark, Kurtis Bronston, Joey Ford, Greg Coleman, Luis Perdomo, Alan Spivey

VII. NEW BUSINESS

Chairman Burns stated all items voted on would be presented at the July 16, 2024, Board of Commissioners meeting at 6:00 pm as a public hearing.

Greg Coleman – PUBLIC HEARING (1): the applicant requests a **Text Amendment** from ordinance section 5.11.2 to allow for the addition of truck and trailer parking as a conditional use in B-3 zoning.

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

Mr. Greg Coleman stated they have filed the text amendment for the property on US Hwy 80. The property is under contact with the goal of truck and trailer parking. It is currently used by Georgia Power as a lay down yard containing construction materials from equipment to containers. His client has it under contract and wants to use it as a local truck and trailer company for parking. He stated they had met with the adjacent neighbor next door and with there being no buffer they have tried to work with him and figure out how to get a buffer back. A 150-foot buffer would be extremely difficult, he is trying to work with staff to get some type of buffer and fencing. He has made some suggestions to the criteria:

- For subject property or assemblage of properties be no less than 12 acres
- Subject property to have direct access to a local or state truck route
- No less than 800 feet of road frontage

Mr. Ryan Thompson asked for clarification of the amendment to the ordinance for B-3.

Chairman Dave Burns clarified that this will be added to B-3 as a conditional use.

Mr. Peter Higgins asked if B-3 allows for storage or a stacking yard for containers. Mr. Greg Coleman said no.

Ms. Chelsie Fernald explained that currently on the table of permitted uses truck and trailer parking are currently a conditional use within the light industrial zoning.

Mr. Ryan Thompson asked for clarification on it being truck and trailers and not containers.

Mr. Greg Coleman stated this will be trailers and containers on chassis.

Chairman Dave Burns asked for clarification on the buffers for B-3.

Ms. Chelsie Fernald stated the buffers depend on what the property is next to. So next to residential is 30 feet.

Mr. Greg Coleman stated he is proposing 50 feet.

Mr. Ryan Thomspon asked if staff is recommending including the conditional use just to add it or also add the language that Mr. Coelman recommended.

Ms. Chelsie Fernald stated that right now it is just to add it but if the board chooses to add those conditions that were recommended then that is fine.

Mr. Fred Glitch stated he owns 75 acres around the property, and he is concerned about the buffer for his property. He is also concerned about the proposed retention pond and where it will drain.

Chairman Dave Burns explained that they will address his comments on the next hearing that pertains to the conditional use.

Mr. Ryan Thomspon made a motion for approval with Staff Recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

Greg Coleman– PUBLIC HEARING (2): the applicant requests a **conditional use** to allow for commercial truck parking in B-3. Located at US Hwy 80. **(First District) [Map# 329 Parcel# 36, 37, & 38]**

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

Mr. Greg Coleman stated that his client is open to a 50-foot buffer on the three sides of the property not facing US Hwy 80. The pond is part of the concept plan as an idea.

Mr. Ryan Thompson asked what they are proposing within the buffers.

Mr. Greg Coelman stated there are two rows of Leyland Cypress trees six feet in height and an opaque security fence.

Mr. Ray Nestlehutt stated the logistics company will have primarily empty containers but it's basically a cheaper option for parking for the Port.

Mr. Peter Higgins asked if it will be gated and guarded.

Mr. Ray Nestlehutt stated by guarded he means 24-hour video surveillance.

Mr. Greg Coleman stated they do not know exactly where the pond will be located, but it will meet the county stormwater ordinance to not create any drainage issues.

Mr. Ryan Thompson asked along the edge of the pond if they would be willing to add 50 feet plus the pond.

Mr. Greg Coelman stated yes, and Mr. Glitch does have some uplands directly adjacent behind the property and the pond may change to a u-shape.

Mr. Fred Glitch asked if there will be an erosion sediment control plan.

Mr. Jonathan Hulmes explained that after possible approval there will be a development plan review, where they check for the stormwater ordinance and the LDA permit that will have the erosion control plan. They will have to do the BMP's that the state requires during construction and there are also post construction BMP's that they must remain on site.

Mr. Fred Glitch asked what's the setbacks on retention ponds.

Chairman Dave Burns assured him that they are proposing a 50 feet buffer on three sides.

Mr. Ryan Thomspon made a motion for approval with Staff Recommendations and the condition that the three sides that is not on Highway 80 will have a 50-foot planted buffer. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Luis R. Perdomo– PUBLIC HEARING (3): the applicant requests a **conditional use** for a **Rural business** to allow for commercial vehicle parking. Located at 100 Highland Drive. **(Second District) [Map# 466B Parcel# 10]**

Ms. Chelsie Fernald presented this item and staff is recommending denial of the request for the conditional use however we are recommending the approval of a variance for commercial truck parking with the following conditions:

- A privacy fence shall be installed to screen the truck parking area
- Only 1 truck shall be allowed to be parked at the dwelling.
- The hours of operation shall be 6am – 7pm.

Mr. Ryan Thompson and Chairman Dave Burns asked for clarification on the variance.

Ms. Chelsie Fernald stated this would be variance to section 74.8 that allows for the truck and container to be parked at the residence as opposed to just the bobtail.

Mr. Alan Zipperer asked if that would be no overnight parking.

Mr. Steve Candler stated that the number of trucks would depend on whether it is a rural business or a variance.

Chairman Dave Burns was concerned about the advertisement and changing it to a variance.

Mr. Wilfredo Aponte was here to translate on behalf of the applicant. He states that Mr. Perdomo has lived on the property for seven years and he has a total of three trucks, and he only uses one at a time. He has two trailers, one for sand and the other ones he's using as container storage. The trucks are parked along the wood line so it's almost out of view of the road. One container is closed, and the other is what he uses to transport concrete.

Mr. Ryan Thompson asked if containers are permitted on the property.

Chairman Dave Burns asked for calcification on her number of trucks.

Mr. Wilfredo Aponte stated there are three semis and two trailers.

The board had discussions on overnight parking and the number of trucks.

Ms. Chelsie Fernald explained that the overnight parking is allowable, but the hours of operation are for the running of the trucks.

Mr. Steve Candler explained that this is a code enforcement complaint and the trucks have been there for about seven years and we just want to bring them into compliance.

Mr. Alan Zipperer stated that he was confused about the verbiage.

Ms. Chelsie Fernald explained that the board can grant the conditional use for the rural business, deny the conditional use but approve a variance in its place or they can deny it all together.

Mr. Steve Candler explained that the ordinance allows for bobtails on the property, but he just can't park the trailer and the bobtail.

Mr. Jimmy Blakey stated that before code enforcement got involved it was a raggedy looking place, but lately he has it cleaned up and looking good. He said there might be three tractors behind the trailer. He feels if it is approved it is opening a can of worms. It will look like Garden City with all those trucks. This will devalue the neighbor's property and he is asking for a denial based on the sake of the county.

Mr. David Williford stated that he has lived on Highland Drive for 31 years. He stated there are three trucks and it has been cleaned up recently. He states there are covenants that no businesses are to be run on that road. He would like to see it denied and cut back.

Chairman Dave Burns asked if this lot is part of the subdivision. Mr. Williford stated yes, it is the entrance to the neighborhood, but he is unaware if it is part of the subdivision or where the covenant starts.

Mr. Alan Spivey stated he has lived there since "68". He said there is an ordinance in their subdivision. The place is clean, and he has nothing against him, but he has accumulated more over the years, and he is concerned with his property value. He asked if we have the authority to override the covenants of the neighborhood.

Mr. Ryan Thompson explained that they have no saying over their covenants.

Chairman Dave Burns stated to enforce the covenants it would have to be done through civil actions.

Mr. Eddie Horn stated no ill intentions to the owner but that this is residential property and there's good value. The county does recognize the lot as Westwood Farms which is part of the covenant. He is concerned with the number of trucks and it being close to a school bus stop, so there are safety concerns. He would appreciate denial.

Mr. Charles Lake is concerned that it is a residential neighborhood, and they have semi-trucks and it's ridiculous.

Mr. Mark Horne is concerned with more trucking companies coming. He is concerned about the kids riding the bus.

Mr. Kenyan King states that the owners are good people, and he keeps it well maintained and he believes they are adding values to the properties. Most property values are mismanaged by just how you keep your home or the comps in the area not by trucks in the area. The owner is probably out of bed at 3:00am before most people are up. The tenant before the current owner had an 18-wheeler and no one had a problem before.

Chairman Dave Burns stated there is a letter from Mr. Carlton Hodges and to sum it up he said, "I don't believe this is an appropriate rezoning under the circumstances."

Mr. Alan Zipperer asked if there was an option to enter and exit off Goshen Road and he is concerned with the children that must walk to Goshen to get on the bus. He would propose moving away from using Highland Drive, putting a privacy fence as a condition, and a maximum number of three trucks.

Mr. Steve Candler stated that is an option to get an encroachment permit and proper equipment if there is a ditch there.

Chairman Dave Burns is concerned with a trucking business in a neighborhood.

Mr. Ryan Thomspon expressed concern that he didn't have enough information to decide, and he is not comfortable with approving a variance when there may be a problem with the covenants.

Mr. Alan Zipper made a motion for denial. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Betty Crosby - PUBLIC HEARING (4): requests a **variance** from ordinance Section 5.1.4, to allow for a reduction in required building setbacks. Located at 118 Second Street, zoned **AR-1. (First District) [Map# 296A Parcel# 25]**

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

Ms. Betty Crosby is asking for a variance because she is getting older, and she has two disabled sons that live with her. One is an epileptic, and the other is autistic. She is hoping to get a variance for the possible near future they can add a dwelling for a caregiver to take care of them if needed. She is concerned that if something happens to her, they will have no one to take care of them.

Mr. Ryan Thompson asked if there is a number for the variance and clarification on where the mobile home would go. If the properties were recombined at some point.

Ms. Betty Crosby stated there was a house there previously, but it burned down. She does have city water and there is a septic tank from the previous home.

Mr. Peter Higgins asked what the size of the lot was. Ms. Cheslie Fernald stated it is ½ an acre.

Mr. Steve Candler stated she is probably getting a variance somewhere between five and 10 feet.

Ms. Wanda Hales states she is concerned with the water lines in an alleyway. She wants to make sure nothing is put in the roadway behind her house.

Mr. Steve Candler explained that most of the abandonments have trouble lacking deeds, but the utility easements are clearly defined.

Mr. Scott Lewis stated Ms. Crosby is his aunt and stated she was a victim of arson and there would be a home had it not burned down. She is just concerned about her handicapped children for the rest of their lives.

Mr. Ryan Thompson asked for clarification on variance.

Ms. Chelsie Fernald states the board would need to determine exactly how far off the front and side.

Mr. Steve Candler stated based on the orientation of the house facing 2nd Street she would need a about 40 feet variance from the front and 15 feet off the side. A setback of 10 feet from the road and 10 feet on the sides.

Mr. Ryan Thomspon made a motion for approval for the variance down to the following a 10- foot front yard setback to second street and a 10-foot side yard setback adjacent to the 20-foot lane. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

Kurtis Bronston - PUBLIC HEARING (5): requests a **variance** from ordinance Section 3.3.2, to allow for a swimming pool in a residential front yard. Located at 134 Lakewood Drive, zoned **R-1. (Second District) [Map# 436B Parcel# 63]**

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

Mr. Kurtis Bronston is the homeowner and stated there are two issues: one is there is a drain field in the back and wetlands. He spoke with his builder about gaining more property and he was told he couldn't based on the wetlands. He has a non-conforming lot. He states he has a timeline that he wants the members to be aware of:

- On February 20, 2024, he applied for the pool permit
- The permit was granted on February 26th
- Over the next weeks he made plans with the pool contractor, and he began work on St. Patrick's Day
- The first inspection was completed by the county on the 20th of March, and it passed
- Then May 2, the pool is about 85 % complete and he gets a call from the county telling him they should have made him do a variance.

He states he was never given a stop work order and the work has continued at about 98% completion. He is waiting for the electrician and some landscaping. He states that he has invested a significant amount of money in this, and he looked into the code and what it specifically stated to grant a variance. A variance shall be issued only when there is:

- A finding of good and sufficient cause.
- A determination that failure to grant the variance would result in exceptional hardship; an
- A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

He feels that he has a significant argument when it comes to financial hardship because his family has invested a significant amount of money into this pool. He stated that the remedies would be for the county to tell him to yank it out or the variance is granted. He stated when he applied for the permit, he did it in good faith because he drew on the plat exactly where he was doing it, and he didn't hide anything. He said the county came out and told him he may need a permit for the retaining wall, and he did everything that was asked of them. He hired a pool contractor because he didn't build it himself, he is an attorney. He is respectfully requesting the panel approve their variance.

Chairman Dave Burns asked why he chose so far away from the house.

Mr. Kurtis Bronston stated his front yard is considered where his driveway is, and his house faces the cul de sac. Where the pool is located, he considered it a nuisance, it had roots sticking out of the ground, ditches where trees had been yanked out and rats and snakes. In their mind that is their side lot, and it wasn't being used.

Mr. Peter Higgins asked if a fence was put up. He also asked for clarification on why the pool wasn't put in the back.

Mr. Kurtis Bronston stated he put up a privacy fence. The back has two issues which are there's not a lot of yard back there and it is pretty much canopied by trees. Drain field number one and then wetlands are in the back. His understanding after speaking with different pool contractors is that it can't be in the wetlands and a retaining wall wouldn't work. There are two drain fields, one being between the house and where the pool is, which is a big mound in the middle of the yard. So, he had to get proper setbacks off the septic and drain fields.

Mr. Ronnie Benton stated that as much as he has invested in his pool the rest of the residents have invested in their properties. He too has a pool that he got a permit for, but he thinks this is an eye sore at the beginning of his property. He thinks he should have moved the drain field out to the edge and

incorporated some of his front yard or side yard to maybe allow for the pool. The fence is about six feet tall and heard fences are only supposed to be four feet. Mr. Steve Candler stated that any fence over seven feet requires a permit and be engineered to meet 130 mph wind load. Mr. Benton's biggest concern is that it is a nice house, but it was poorly designed where it was built. It was of the last lots to be built on because of the shape but if it was done right from the start he wouldn't be here asking for a variance. If this is allowed what will stop anybody else from doing what they want in their front yards. He might put a sauna I'm his front yard because his backyard is used up.

Ms. Sara Motes states she lives two doors down and her concern is when she walks out into her front yard all she sees is a privacy fence that she can't look over. She can't see her neighbor, to the end of the street or the stop sign and she considers it a safety issue. When he purchased the lot, he knew the size of that lot and what could go there. There are other homes that don't have backyards that back up to ponds what will keep them from putting pools into their front yards and what will that do to their neighborhood.

Mr. Steve Smith states he lives at 406 Jaguar his concern is the fence next to the ditch. He doesn't understand how the pool goes to the point of needed a variance and it sounds like the ball was dropped somewhere by someone. He is concerned that someone else might do the same.

Mr. Mike Stubbs is first question is how the project even got started. He states he called Planning and Zoning and was told the stop work order was given and the homeowner says differently. From his understanding the front yard fence from ordinance section 6.2.2 says a fence in the front yard can't be higher than 48 inches and this fence is easily six to eight feet. When the owner built the house, he knew where the wetlands and drain field were, but it is an eye soar and he's in real estate and houses in that area will not be marketable. He can't sell a house that has a 6-to-8-foot fence running down the driveway. They are worried about property values, safety, and the precedent it sets for the community. What's going to stop someone in the future from doing just this. He feels like this is almost asking forgiveness instead of going through the proper channels to get the variance. He stated he built a pool in his backyard, and he has lot of trees and a lot of canopies, and he cut down about 40 trees and he had to make the pool smaller because he has a ditch in the back and he could have maybe asked for a variance to fill in the ditch and put some drainage there but instead he made the pool smaller. He stated he spoke with the neighbors that live at 407 Jaguar Court and they are on vacation, and they asked him to relay that they are against it and would like to not see that it is approved as well. Mr. Steve Candler asked that he tell them to send an email for the records.

Mr. Mark Elliot stated he lives at 304 Stingray Court, and he thinks that it just doesn't look good. He asked if this is the plan that was submitted showing where the pool was going to be. Ms. Chelsie Fernald said yes sir. Mr. Elliot said that looks like the front yard so why did they approve it, and somebody needs to be held accountable. In his defense that's what he submitted, and the county approved it. He asked if he has two drain fields. Mr. Steve Candler stated there are times when DPH requires a backup drain field. Mr. Elliot asked is there any ordinance on how far the pool can be from the drain field. He stated he also wanted a pool, and he moved houses because he couldn't build a pool at his last house. He stated we are where we are because someone dropped the ball and it's embarrassing because it seems like more and more people in this county are dropping the ball and it's driving him to move out of here.

Ms. Chelsie Fernald said there was miscommunication with staff when looking at this and determining whether it was considered the front yard, or the side yard and the staff's perspective is that it was the side yard. Once the inspection started and going out there and looking at the site and realizing that it does look more like a front yard that is why staff contact the applicant and said the variance process was the best option here with the consideration that his lot does fit with the ordinance of a hardship.

Mr. Jefferey Motes states his fence is the same height as a neighbor's 10-foot fence. He asked when was to stop work order was issued because there has not been a stop to the work and now it's done.

Chairman Dave Burns states that this is the first time that this board is getting involved in this and yes, we do make mistakes, everybody makes mistakes, and he can't speak to exactly what happened in this situation. He understands Mr. Bronston situation and believes every word he said when he spoke but everybody's not perfect and things do happen. Unfortunately, this is not the right board to probably be discussing the ultimate solution for this matter and that will happen on July 16th.

Mr. Motes asked what the normal setback for a pool from the street is and how did they decided when the permit was issued. Chairman Dave Burns stated normally pools aren't by streets.

Mr. Kurtis Bronston stated this is unfortunate that this is how he is meeting most of his neighbors. Over the past week they have seen nasty things said about them on Facebook and that upsets him. To address the setbacks his pool contactor pulled measurements from some code he was looking at. He said Ms. Fernald can confirm that he was never given a stop work order, it was never delivered to his house, and it was never posted anywhere. Ms. Chelsie Fernald stated he did not get a stop work order from Planning and Zoning and she was not sure if he got one from the building department. Mr. Bronston said he would not continue from the perspective of an attorney the second that you are given that anything you do after he is on the hook for so he would not have done that. He personally doesn't think it's an eye sore. He apologizes and hates that this has turned into such a mess he was just trying to provide a pool for his children. He states he wasn't trying to pull one over on the county or his neighbors. It's built by no error on his part and quite frankly if it is denied it's a lawsuit and it's a bad one and quite frankly it's not bad for him. He states he doesn't want to have to go chase that because he did all of this in good faith with a professional licensed contractor do all the work except for him laying a bunch of sod. He states that he didn't think this would be such a mess and he doesn't like people saying he did something he's not supposed to do. Now he must repair his reputation in his own neighborhood. He stated he has a weird, shaped lot and that is the only place he could put it in the didn't have any say where his house was placed on the lot, that was his contactor.

Mr. Steve Smith states the homeowners will suffer from property depreciation and he hopes he wasn't threatening a lawsuit. He states that they don't blame him because he did what he's supposed to do, they are questioning how it happened.

Mr. Ryan Thompson questioned the maps that were submitted that say not drawn to scale and if the variance is just the pool or the fence height.

Mr. Alan Zipperer stated this is tough because this is a door he didn't want to have to open but because of some errors the door has been opened. The way the pool is constructed he doesn't like it and he feel bad for everybody involved but as a county we had several opportunities to stop it and we didn't. He is struggling to tell him he's got to tear it out when he did everything the county asked him to do and he feels bad for the residents that they got to live with it and how do we stop that door on the next lots.

Chairman Dave Burns stated he is disappointment that it got to this point.

Mr. Peter Higgins states he sympathizes with both parties but the simple thing that the board is supposed to do is look at an irregular lot and see if it's entitled to a variance, but he will vote in favor of the applicant.

Mr. Peter Higgins made a motion for approval. The motion dies. Mr. Alan Zipperer made a motion to deny. The motion was seconded by Mr. Ryan Thompson and 3 to 1.

Recess 7:42PM

Return from recess: 7:48PM

Amy Wilson - PUBLIC HEARING (6): requests a **variance** from ordinance Section 3.21.1, to allow for occupation of an RV during home construction. Located at 569 Little McCall Road, zoned **AR-1. (Third District) [Map# 320 Parcel# 51]**

Ms. Chelsie Fernald presented this item, and the staff recommends alternative one.

Ms. Amy Wilson is asking for approval to live in her RV on her parents' property, who are both in bad health. Her dad lost the use of one of his arms and her mother has breast cancer and they can't take care of the land or themselves. They would like to stay there until they can build something of their own.

Chairman Dave Burns asked what kind of timeframe they are thinking.

Ms. Amy Wilson said one year.

Mr. Ryan Thompson asked if there is an existing house on the property and would the plan be to build a second structure and on this land.

Ms. Amy Wilson said yes that is where her parents live, and they plan to build a small home on this land.

Mr. Alan Zipperer made a motion for approval of the variance for 12 months and if the proposed home is not done by then the applicant will have to come back before the board. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Robert Crisp - PUBLIC HEARING (7): requests a **variance** from ordinance Section 5.1.4, to allow for reduction in building setbacks. Located at 156 Knotty Pine Circle, zoned **R-1. (Fourth District) [Map# 428C Parcel# 150]**

Ms. Chelsie Fernald presented this item and staff recommends alternative two.

Mr. Robert Crisp states that he wants to add a metal garage to do physical therapy. He states he had a spinal cord injury and has no room for the equipment in his garage.

Mr. Peter Higgins asked how big it is going to be and has he considered putting it on the right of the house.

Mr. Robert Crisp said 24 x 30 feet with a lean to on the side to put his grills. There is a tree line on the right side that wouldn't allow it.

Mr. Ryan Thompson asked if this is another garage.

Ms. Shelane Westbrook states that she lives directly behind Mr. Crisp, and she says there is already a metal building there so she wants to know where exactly this would be going and if the other building will be removed. She is also concerned about the purpose of the garage.
Mr. Steve Candler explained that there is an existing building, and it is not drawn on the site plan he provided. He asked Ms. Fernald how many structures they can have on the lot. Ms. Fernald said two accessory structures and includes the attached garage.

Mr. Ryan Thompson asked for clarification on the current building that is there, and it has not met setbacks either.

Mr. Alan Zipperer made a motion for approval. The motion dies. Mr. Ryan Thomspon made a motion for denial he thinks that's a lot of accessory structures. The motion was seconded by Mr. Peter Higgins and carried 2 to 2 for a tie vote.

Jason Ruarks as agent for Karen Lanier & Gary Moore– PUBLIC HEARING (8): requests to **rezone** +/- 4.88 acres from **AR-1** to **AR-2** to allow for subdivision to create a new home site. Located at 188 Harley Road. **(Second District) [Map # 417B Parcel # 4]**

Ms. Chelsie Fernald presented this item and staff recommends alternative one.

Mr. Jason Ruarks stated he moved from Bryan County and his in-laws are subdividing and giving them an acre to put a mobile home on it.

Mr. Ryan Thomspon asked if they are rezoning the whole property. Ms. Chelsie Fernald said yes because it is a non-conforming AR-1 lot and there will be three lots.

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

Lee Grider- PUBLIC HEARING (9): requests to **rezone** +/- 1.34 acres from **AR-1** to **AR-2 to B-1**to allow for commercial/business opportunities. Located at 1243 Noel C Conaway Road. **(Second District) [Map # 375E Parcel # 5 & 6]**

Ms. Chelsie Fernald presented this item and staff recommends alternative one.

No one present to speak for or against this item.

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

Brooke Graham- PUBLIC HEARING (10): requests to **rezone** +/- 5.14 acres from **AR-1** to **AR-2** to subdivide to create new home sites. Located at 2453 GA Hwy 119 N. **(Third District) [Map # 408 Parcel # 24A]**

Chairman Dave Burns recused himself.

Mr. Ryan Thomspon made a motion for Chairman Burns to recuse himself. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

Ms. Chelsie Fernald presented this item and staff recommends alternative one.

Ms. Brooke Graham stated there's already a house that is being remodeled for sale on tract one with a driveway and there is a separate driveway that asceses tract two and three. She talks about the possibility of combining lots or subdividing further.

Mr. Peter Higgins asked if these will be family homes. Ms. Graham said no.

Mr. Jake Ford (he passed out accident reports for the area) He states that he lived in this county for 37 years and he's seen a lot of wrecks on that road. He states he has observed the dramatic increase of population within Effingham County and areas of vast trees and acreage now made into quarter lots and sold to highest bidder. The development began moving towards Springfield and Clyo and it frustrates him to witness this amount of increase in traffic and hazards that he must deal with just attempting to leave his driveway. Over the years he has witnessed multiple accidents due to heavy traffic from drivers near the curve on Highway 119 prior to Mock Road. The printouts that he handed out showed records totaling four pages front and back of accidents occurring on Mock Road and Hwy 119 in the last 10 years. He states that the average family in Georgia has 2.3 vehicles per household and that potentially 9 to 12 vehicles coming out that driveway.

Mr. Peter Higgins asked if the traffic in the reports came from Springfield South or which side of Mock Road.

Ms. Julie Weddle stated she lived here for 82 years, and she is aware of some of the accidents. She sold 10 acres, and she doesn't want to sell for anything but agriculture. She understands the importance of farming, but she also understands that people must have houses to live in. She didn't think the neighbors would be so opposed but she thinks a house is much better thing than apartments.

Mr. Doug Ford States he has lived here 40 years and it's like a speedway and he doesn't want to see anyone get hurt.

Mr. Ryan Thomspon asked about adjacent zonings and the future land use map.

Mr. Ryan Thomspon made a motion for approval with staff recommendations. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

Mr. Ryan Thomspon made a motion for Chairman Burns to return. The motion was seconded by Mr. Alan Zipperer and carried unanimously.

Read Brennan- PUBLIC HEARING (11): requests to **rezone** +/- 27.65 acres from **PD & AR-1** to **AR-1 to PD** to allow for the amendment of a Planned Development. Located on Blue Jay Road. **(Fourth District) [Map # 415 Parcel # 10] [Map # 414 Parcel #9]**

Ms. Chelsie Fernald presented this item and staff recommends alternative one.

Mr. Read Brennan states that he plans to acquire the piece of property to incorporate it into the existing subdivision. They are not adding lots to the current subdivision, but the increase comes from acquiring additional land.

Mr. Ryan Thompson asked if the lots sizes are similar. Mr. Brennan said yes.

Mr. Peter Higgins asked if the property is upland or wetlands. Mr. Brennan stated the ponds exist and there are some wetlands.

Chairman Dave Burns asked how long he has been involved with this project. Mr. Brennan said about 10 years, but he was not the original developer. He bought the property from the bank.

Chairman Dave Burns states that he remembers in the past there were a lot of drainage issues.

Mr. Read Brennan said he has been working with the county for years and years on drainage issues and he's got a plan that has already been approved to put a drainage easement and the county is in the process of acquiring some land. He said there is localized flooding because of an issue with the original design and approval of the detention and the outflow. Mr. Ryan Thompson asked if what he's doing will not add to the problem but alleviate it. Mr. Brennan said 100 percent of which has already been submitted and approved by local agencies.

Mr. Alan Zipperer asked about the drainage easement going all the way to Blue Jay Road and if they're going to dump that water on existing properties.

Mr. Ryan Thomspon asked if all the standards and buffers are defined on the new property. Ms. Chelsie Fernald said yes. Mr. Brennan said they are giving the county an easement to access the gas plant and they get relief on the buffer as per Mr. Callahan.

Mr. Alan Zipperer asked how the pond's levels will be lowered because he's an adjoining property owner and that subdivision was built in a swamp that was filled in and that's where the houses are sitting today. The water drains there and he's not sure how he's going to drain from there. He doesn't want to compound the problem. It is horrible for the people that live on Aquaduct. When he tried five years ago, he thinks the county said -he had to fix the drainage problem prior to any more development.

Mr. Read Brennan said they didn't say he had to fix it, they said there needed to be a fix and he has been working with them for years on this. He stated he is not an engineer, but they have drawn a plan with details in the design that increase pond size as well as the diameter and depth and this what was approved from Hussey Gay-Bell.

Mr. Alan Zipperer asked if the lots behind the pond will be developed too. Mr. Brennan said this is only the 27.65 addition. Mr. Zipperer says he is confused because he thought they came before the board to develop the house behind the pond, and it was denied.

Chairman Dave Burns how will the new property connect.

Mr. Ryan Thompson asked how many additional units. Mr. Brennan said there will only be 26 in the additional property.

Ms. Chelsie Fernald there will be 184 to 225 maximum units. Property one has 68 units and property two has 26 units. The 68 is already approved.

Ms. Penny Blankenship stated that since the application in 2017 she wants to make sure the incorrect address of 1400 Blue Jay Road is her property. The county or Mr. Brennan has not fixed the issue of the easement and she has not been served so it's still an open issue so that easement is not a go. She said she was told that there would be some kind of piping system along her property that would drain on the opposite side of Blue Jay, which is lowlands that flood. She feels bad for the people on Aquaduct because it floods badly. She said the ponds are being used without any impact studies on what's in the water. Her property floods in the back because of the sprinkler systems under the electric lines that is non-potable runoff that floods her property. She has animals on her property that have retreated to her land because everything around them has been removed. She would like people to consider that when they build that many houses you are not preserving any grassy areas, trees, or parks areas for drainage.

Mr. Harold Wheeler Jr. states that he lives next door to the gas line. There is constant water and flooding back there. He is surprised that this is even an option and he's concerned about where all the drainage will go.

Mr. Jason Lovett states he lives at 106 Aquaduct and some of his concerns are what's going to be the entrance to the other proposed homes. He already has flooded every time it rains, and the sprinkler systems were flooding his entire backyard. Finally, he had someone come out and they redirected something, and it slowed down. He wants to know will there be a road created from Aquaduct. Mr. Read Brennan said Aquaduct will not change, it will still be a dead end. Mr. Lovett is questioning how they will add a road to land that is already flooding. There are water pressure issues in the area as well, he said it takes 30 min to fill his kitchen sink.

Chairman Dave Burns said he must get approval from Corp of Engineers and a lot of approvals from other agencies besides the board. This is the first step and Mr. Candler agreed.

Mr. Read Brennan stated that wants to make sure that everyone understands that he is looking for a rezoning on the adjacent parcel and they still must get wetlands confirmed and fix the drainage problem that are part of this process by widening and deepening the ponds in the back and adding an additional pond to the next-door property. He states he has done what the county asked him to do as far as design

and it was approved. He said he can't take the other steps without this approval. He's not looking for a wetland's approval, or a drainage approval, just a zoning approval.

Mr. Ryan Thomspon asked for clarification that without the adjacent units the drainage improvements aren't viable because there's not enough units to justify the plan. Mr. Brennan said some of the additional detention is on the additional property as well as the easement.

Mr. Alan Zipperer said he doesn't think the county has the right of way yet to do any kind of drainage. He said it is hard for him in good faith to approve something when we already have a problem, and we haven't fixed it. He wants to see the fix before it can go any further. Chairman Dave Bruns agrees.

Ms. Penny Blankenship states she doesn't want her property to be the way to fix all the flooding. Chairman Dave Burns asked why she thinks her property would be the answer. Ms. Blankenship said she's been approached and it's the North side of her property. She asked what's the plan for the sprinkler system that's already there. Mr. Alan Zipperer said that's a drain field for the wastewater treatment and the county struck a deal with the original developer and paid him a sum of money to use that as a spray field. Mr. Brennan confirmed.

Mr. Alan Zipperer made a motion for denial. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Consideration of an amendment to the Code of Ordinances – **PUBLIC DISSUSSION (12): Part II – Official Code, Appendix C – Article III – Section 3.17-3.17A – Ponds**

Ms. Samatha Easton stated that it was mentioned having a motion to table this item during the workshop.

Mr. Ryan Thompson made a motion to table for the next 30 days or next meeting. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Consideration of an amendment to the Code of Ordinances – **PUBLIC DISSUSSION (13): Part II – Official Code, Appendix C – Article III – Section 3.41 – Swimming Pools, Private community, or club**

Ms. Samatha Easton stated we spoke during the workshop about this item going over the changes and clarifications such as measuring to water's edge, pools cannot be in the front yard, and staff recommends alternative one.

Mr. Peter Higgins clarified no pools in the front yard in front of the house.

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

Consideration of an amendment to the Code of Ordinances – **PUBLIC DISSUSSION (14): Part II – Official Code, Appendix C – Article IV – Section 4.1 –Zoning Districts**

Mr. Alan Zipperer made a motion to table. The motion was seconded by Mr. Peter Higgins and carried unanimously.

Consideration of an amendment to the Code of Ordinances – **PUBLIC DISSUSSION (15): Part II – Official Code, Appendix C – Article III – Section 3.3 –Accessory structures in residential districts**

Withdrawn

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:01PM.

CHAIRMAN OF PLANNING BOARD EFFINGHAM COUNTY, GEORGIA	**DATE** 7-9-24
PLANNING BOARD SECRETARY	**DATE** 7/9/24