

CHAIR
Jack Shuman
VICE CHAIR
Timothy Byler
ASST. VICE CHAIR
Lynn Pace
SECRETARY
Jeff Ricketson



COMMISSIONERS
Sarah Baker
Alonzo Bryant
John Hodges
Marshall Kennemer
Phil Odom
Durand Standard

November 27, 2018

The Liberty Consolidated Planning Commission met on Tuesday, December 18, 2018, in the Historic Courthouse, 100 Main St., Hinesville, GA. Jack Shuman, Chairman, called the meeting to order. A motion was made by Phil Odom and motion was seconded by Sarah Baker to accept the minutes from the November 20, 2018 meeting. Motion passed unanimously. Chairman Shuman asked for a motion to accept the final agenda. Durand Standard made a motion to approve the agenda and Marshall Kennemer seconded the motion. Motion passed unanimously. The public was notified of the meeting and the agenda was posted in accordance with Georgia Law.

COMMISSIONERS PRESENT:

Sarah Baker
Durand Standard
Lynn Pace
Phil Odom
Jack Shuman
Marshall Kennemer

ABSENT:

Tim Byler
Alonzo Bryant

LCPC STAFF PRESENT:

Kelly Wiggins, Executive Assistant
Jeff Ricketson, Executive Director
Curles Butler, Inspector
Gabby Hartage, Zoning Administrator

Chairman Shuman asked the public to disclose prior to speaking at the podium if they had contributed more than \$250.00 to any elected official who would be voting on these zoning matters.

1.0 OLD BUSINESS (NONE)

2.0 NEW BUSINESS

2.1 Consent Agenda Items (None)

2.2 Ordinances and Resolutions (None)

3.0 REZONING PETITIONS AND OTHER ZONING-RELATED ITEMS

LIBERTY COUNTY

3.1 Special Exception Request 2018-054-LC. An application has been filed by Lisa and Kenneth Smith, owners, for a special exception to the Liberty County Code of Ordinances, Section 6-7(c), which requires a minimum 300 ft. separation between any animal or fowl enclosure, excluding dogs and cats, and an adjacent house or building within a county subdivision. The subject property is located on the east side of Sunshine Lake Rd. and approximately 700 feet north of the intersection of Sunshine Lake Rd. and Old Sikes Rd., further described as LCTM-Parcel 241B-014.

Gabby presented this special exception to the Planning Commission. The applicant would like an exception to the animal ordinance. The ordinance requires a 300-foot separation between animals or fowl and any house in a subdivision. A complaint was submitted to her by the code enforcement of Liberty County that the animals could be considered a nuisance. Ms. Smith is a war veteran and suffers from PTSD. She is 90% disabled. Ms. Smith has 5 ducks which are of a breed that is incapable of making noises. She has 7 chickens. She has 3 turkeys that are considered domesticated. Gabby stated that Mrs. Smith has had the turkeys for 8 years at this location. Mrs. Smith received a notice of violation from the Liberty County Building and Licensing Department in October 2018. Mrs. Smith would like to keep her animals. She has built an enclosure for the fowl to stay in. She is proposing to build a 6-foot fence between the enclosure and the neighbor's house. Gabby received a note from a neighbor that stated the wild geese that migrate to the lake are more of a nuisance than the fowl that Mrs. Smith owns. Gabby stated that one complaint indicated that the animals are in the roadway and blocking the road and some have destroyed a neighbor's yard.

RECOMMENDATION: Approval with standard and the following special conditions:

- Roosters shall not be permitted
- Fowl shall not be allowed to roam off property
- Opaque fencing shall be constructed as proposed
- No increase in area for the keeping of fowl.

Chairman Shuman asked Gabby which ordinance she used. Gabby stated the animal ordinance. The nuisance ordinance is not for the LCPC to enforce. Gabby stated that the animal ordinance states they must be 300 ft from any residence.

Mr. Kenneth Smith came forward to speak on behalf of his wife. Mr. Smith stated that they did check with the neighbors prior to getting the animals over 8 years ago and no one has ever said anything until now. Mr. Smith stated that he has not seen the animals in the road. They did allow the animals to roam around the yard for a little while but have since stopped and they are kept in their coop. The coop is cleaned monthly. Mr. Smith stated that they have five chickens and one rooster and are willing to get rid of the rooster if that is the problem for the neighbors. These animals are support animals for his wife. They help a lot with her stress.

Dr. Jim Arnold came forward to speak on behalf of Mrs. Smith. Dr. Arnold has been treating Mrs. Smith at the VA for several years. The State of Georgia in accordance with the American

Disabilities Act states that a person with this condition can have support animals. Dr. Arnold stated that these animals have been a lot of help with Mrs. Smith's treatment.

Shannon Kesner came forward and spoke against the special exception for the Smith's. Ms. Kesner stated that the animals that she has a problem with, Mrs. Smith has only had six months. The turkeys came after Ms. Kesner's daughter one morning. When Mrs. Smith first got the turkey's, they were not in an enclosure until she received notice from the Liberty County Building and Licensing office. Ms. Kesner stated that she did have to spend one hundred dollars at the vet for her dog to have its stomach pumped from the feces in the yard from the turkeys. Ms. Kesner stated that Mrs. Smith also has birds and dogs in her house and asked if the Planning Commission was considering those support animals also. Gabby stated that there are no restrictions in the ordinance on how many dogs and cats a person can have. Ms. Kesner asked how many support animals one person needs for one person. Ms. Kesner stated that they have not had the animals for eight years and she was never approached by the Smith's asking if she minded the animals being there. She stated she was never asked to sign a petition either. Ms. Kesner stated that we live in a military community and if this request is granted when will this stop? Do we make exceptions for every person that needs animal support? Will this affect my property taxes. Ms. Kesner asked to know what animals she can have, and will she be able to add more animals to the amount she has now.

Bernadette Strickland came forward and stated that she lives right next store to Mr. and Mrs. Smith. Ms. Strickland states that they have only had the turkeys for six months. She states that the turkeys destroyed her entire yard. The turkeys are penned up now. I want to know that this is it and I do not want any more farm animals in this neighborhood. Ms. Strickland stated that the therapy animal is usually with you all day long, but Mrs. Smith goes to work without the animals. If she puts up a fence, then Ms. Strickland's view of the lake will be blocked. She also stated that their deeds say that no fencing is allowed except chain-link in our neighborhood. Her concern is if this request is granted where will this stop.

Janet Blanks came forward and stated that she agrees with all the other complaints. Mrs. Blanks stated that she talked to this couple two years ago and they stated they were going to move to the country somewhere to have animals. Mrs. Blanks also stated that she was never approached with any questions or petition. The turkeys were in the road and would not move. She would also like to know when this will stop and how much more she will add to it.

Melinda Schneider stated that she lives the farthest from the petitioner. She stated that the animals wander far from her house all the way to Ms. Schneider's house. If she gets special exemption will this open the door for many other neighborhoods to have to be exposed to this same animal issue.

Joel Blanks came forward and stated that Mrs. Smith did approach him to sign petition, but he declined.

Lexlie Shockley came forward and spoke in favor of Mrs. Smith. She visits with the Smith's quite often. She has witnessed the neighbor's dogs out running loose often. She was also there when the Canadian geese migrated to the area and witnessed the mess the geese left behind. The lady that just spoke mentioned that Lisa has geese. Lisa does not have geese. The animals she has are domesticated. Lisa's animals are non-aggressive. These animals provide her with a deep sense of comfort to help her deal with the things she has gone through that have arose from her involvement with the military. This is the most important thing to keep in mind.

Mrs. Smith came forward and stated that she has had fowl for eight years. She recently got the turkeys. Mrs. Smith stated that when the residents come to her and ask when will it end, she poses the same question to you. When will it end for her? When is it fair to her? The geese were brought from the Richmond Hill KOA by Mr. Strickland. Mr. Strickland told Mrs. Smith all about the geese and she stated that the geese come to her yard and roam all the time. She stated the geese are very destructive. She stated her birds are enclosed and will be fenced when this request passes. These animals are a homing species unless they are getting fed outside their homing area. Mrs. Smith found out while visiting to get signatures for her petition that the kids of the neighbor on the opposite side of Ms. Kesner were feeding her turkeys. Mrs. Smith was not notified by any of her neighbors that her birds were a problem. She states if they would have approached her, she would have planned to fix the issue. She states she offered to pay for damages, although they have no proof of her birds making. She also has a vet that comes twice a year to treat her birds. She also stated that she would get rid of the rooster if that is the problem.

Jack asked Mrs. Smith about the fence. Mrs. Smith stated that there is a ten-foot easement and the property is at an angle and she would still be able to see.

Commissioner Odom asked if there was an HOA for this neighborhood? Jeff stated that she stated there was a deed restriction. Commissioner Odom stated that if there is a restriction in the deed then the staff recommendation is illegal. Jeff stated he was not aware of this until today. Gabby stated that we do not search the private covenants because we are enforcing the ordinance and the ordinance states that she can have a fence. Also, Liberty County does not require a permit for a fence. Chairman Shuman asked if the deed would supersede the ordinance. Jeff Ricketson recommended that given this new information he would recommend a chain-link fence and not an opaque fence. Mrs. Smith stated that she had a copy of her deed in the packet she gave out at the beginning of the meeting. Commissioner Pace asked if there is a restriction in the deed to the fencing. Jeff stated that based on this deed he does not see any references in there to fencing. Jeff stated that either type of fencing would keep the animals in her yard. Commissioner Pace stated that most of the complaints do not have a bearing on our decision. Commissioner Odom asked how many animals per square foot is allowed by the Department of Agriculture. Chairman Shuman stated he did not know. That calculation will tell how many are allowed. The enclosure is 12X22.

MOTION: Marshall Kennemer made a motion to accept staff recommendation with standard and special conditions.

Chairman Shuman asked how we are recommending the fencing?

Marshall Kennemer amended his motion to accept the staff recommendation with standard and special conditions with the removal of the word opaque and the fence 6 foot high.

Durand Standard stated that in the past we have not put a sunset on a special exception but in this case, it might merit discussion to consider doing this for a period of time and then revisit it to extend it. Durand stated that if we do this now, we are doing it in perpetuity. She would have these animals forever and her conditions could change from a need to a want.

Marshall Kennemer amended his motion to add Durand Standards suggestion. Lynn Pace stated that should be her doctor's decision.

Chairman Shuman stated that what he is hearing from Marshall Kennemer is to approve this special exception with standard conditions and with special conditions with the change being remove the word opaque and add 6-foot required height. And adding a two-year limit on this special exception, to be revisited each two years thereafter.

SECOND: Phil Odom

Commissioner Pace asked what does revisit mean. Commissioner Standard stated he would recommend that the petitioner come back to staff every two years with recommendation of the medical need for the support animals. Commissioner Standard stated that this condition would go with the property not the owner.

VOTE: Unanimous in favor

This special exception will go before the LCBOC on January 8, 2019 at 6 PM.

3.2. Home Occupation–Type (B) 2018-056-LC. An application for a type (B) home occupation has been filed by Bradley Mollman, owner, to operate a firearms restoration and transfer business out of his home on the property located at 87 Goodman Drive., further described as LCTM-Parcel 361B-018. This property is zoned R-1 (Single-Family Residential District).

Gabby presented this home occupation to the Planning Commission. His business will be by appointment only.

RECOMMENDATION: Approval with standard and the following special condition:

All applicable federal/state permits shall be obtained.

MOTION: Phil Odom

SECOND: Durand Standard

VOTE: Unanimous in favor

This conditional use will go before the LCBOC on January 8, 2019 at 6 PM.

WALTHOURVILLE

3.3 Rezoning Zoning Petition 2018-057-W. An application has been filed by Jimmy Shanken, applicant, on behalf of Donna R. Pagliarulli, executor of the McLamb estate, to rezone 10.6 acres of land, more or less, from AR-1 (Agricultural Residential District) to R-2 (Single-, Two-Family Residential District) for a single-family residential subdivision. Property is located at the intersection of Talmadge Road and Arnall Road and is further described as LCTM-Parcel 051C-009.

Gabby presented this rezoning petition to the Planning Commission. Gabby sated that this property has four road frontages. Gabby pointed out the gas line easement on the property.

RECOMMENDATION: Approval

Commissioner Odom asked if the subdivision will be built over a gas line? Gabby stated there is a 40-foot easement. Commissioner Odom asked if there was an ordinance about building houses

on top of gas lines? Jeff stated yes. They will have to go through the subdivision review process and bring that back to you and show you how they will deal with that constraint. Jeff stated there will not be houses built on or within proximity to that gas line. This is just a concept.

MOTION: Phil Odom
SECOND: Durand Standard
VOTE: Unanimous in favor

This variance will go before the Walthourville City Council on January 15, 2018 at 6 PM.

4.0 SITE PLANS, PRELIMINARY PLATS & FINAL PLATS

5.0 INFORMATIONAL ITEMS

6.0 GENERAL PUBLIC COMMENTS

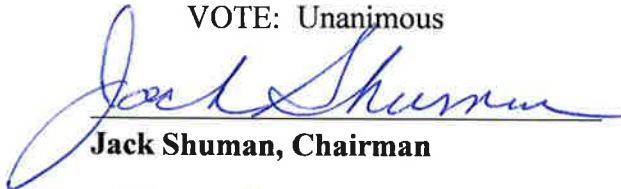
7.0 OTHER COMMISSION BUSINESS

7.1 Director's Report

Jeff Ricketson, Executive Director, presented the Planning Commission with an update of last month's actions. Jeff stated that the conditional use for the boys and girls club was approved. The carport variance on Lake Drive was approved. The rezoning and conditional use at Barrington Ferry and Coastal Highway where the applicant wanted to repair trucks was denied. Griffin Park Phase 10 final plat was approved by the Hinesville City Council. Jeff reminded everyone of our holiday Christmas party at Izola's for the staff and Commission.

8.0 ADJOURN

MOTION: Marshall Kennemer
SECOND: Phil Odom
VOTE: Unanimous



Jack Shuman, Chairman

1-15-19

Date



Jeff Ricketson, Secretary to the Board