LUMPKIN COUNTY
BOARD OF COMMISSIONERS
APPEAL HEARING AGENDA
Lumpkin County Administration Building
Boardroom
99 Courthouse Hill
Dahlonega, Georgia

January 7, 2014
IMMEDIATELY FOLLOWING 4:00 P.M. WORK SESSION

I. CALL TO ORDER — Chairman Dockery

II. APPEAL HEARING

- Discuss the Appeal of the Planning Commission Decision By Waypoint Center

III. ADJOURN — Chairman Dockery

LUMPKIN COUNTY BOARD OF COMMISSIONERS
APPEAL HEARING NOTES

January 7, 2014

CALL TO ORDER

Chairman Dockery called the Appeal Hearing to order at 4:27 p.m. in the Boardroom of the Lumpkin County Administration Building. Present were Chris Dockery, Doug Sherrill, Steve Shaw, Clarence Stowers, and Clarence Grindle.

***Motion**: Commission Stowers made a motion to approve the agenda which was seconded by Steve Shaw. All district commissioners approved of the motion and the motion carried.*

County Attorney K. C. Horne then asked to be recognized and stated that he was recusing himself in the matter being appealed.

PUBLIC HEARING

The Chairman then stated the purpose of this appeal hearing which was to hear the appeal of the Planning Commission decision in November 2013 allowing a variance on the property at 129 Center Point Drive.

Attorney Paul Frickey, Jarrard and Davis LLC, who was asked to provide procedural assistance to the county for this appeal hearing, then addressed the purpose of the appeal hearing. The board then discussed whether to postpone the hearing to a later date based more on the zoning laws or to proceed at this time.

Commissioner Shaw said he wanted to "listen to the people" while Commissioner Grindle said he wanted the board to listen to Attorney Frickey and follow his recommendation. Commissioner Sherrill said he thinks that Mr. Frickey should speak to the board in executive session rather than in public. Commissioner Stowers suggested that forty-five minutes be allowed to hear the differing viewpoints from the Waypoint representative and the Appellant Tom Vincent. When asked by Chairman Dockery if the arrangement was acceptable to them both parties to the hearing agreed.

Chairman Dockery then stated that the board is not giving each person a set amount of time but that there is a total of forty-five minutes. He said it was up to them to determine how they would use it.

***Motion**: Commissioner Grindle moved to change the procedure on how this hearing will be held. The motion was then seconded by Clarence Stowers and approved by Commissioners Sherrill, Shaw, Stowers and Grindle. The motion carried.*

Appellant Tom Vincent distributed documents to the Commissioners for their review. He requested that the Board of Commissioners overturn the Planning Commission decision regarding the Waypoint variance request. He stated that when he saw the appeal hearing ad in the newspaper he contacted Planning Director Reiter to ask why the present character area, the proposed character area, and the current use was not included in the ad.

Mr. Vincent then addressed each document in the information he had distributed to the board. He expressed his concern that the Planning Commission approved the variance request with the addition of stipulations stated by Planning Commission Board member Chad Williams. Appellant Vincent then raised the issue of not enough water to provide to the residents of the area. Mr. Vincent then stated that his major concern is the safety of his daughter and family because the property faces the carports of his house and his guest house.

Mr. Vincent spoke of the discrepancies in the newspaper, the intrusion of privacy, the water issue, the housing of forty people in a character area not in agreement with county ordinance, and that the sign concerning the variance was not posted correctly to advertise the variance request.

Commissioner Stowers asked if there has ever been a safety issue from The Center for New Beginnings, which currently operates from the 129 Center Point location. Mr. Vincent stated that safety has never been an issue to which Commissioner Stowers pointed out that New Beginnings houses thirty people while Waypoint plans to house forty.

Commissioner Sherrill then asked Mr. Vincent what Mr. Vincent's property looked like when he purchased it. He asked if the same buildings that are facing your property today were already there. Mr. Vincent said that it they were and that the owner kept building and adding until it became The Center for New Beginnings. He said that groups staying at New Beginnings have never been an issue and have always behaved. He stated, however, that he is concerned about the new group.

Commissioner Stowers spoke again and asked about a fence. He said he wanted to know where it was located, what kind of fence it is and its height. Mr. Vincent said he asked the first owner to install the privacy fence to shield the hot tub that was in an area visible from his house. The Commissioner then asked Appellant Vincent if he was a resident in 2003 and whether he voted in favor of Lumpkin County Land Use when it was on the ballot at that time. Mr. Vincent stated that he could not recall how he voted.

Lumpkin County Sheriff Stacy Jarrard then asked to speak regarding a letter he provided to the Board of Commissioners. The Sheriff stated that he supplied the letter at the request of Waypoint and it was to address whether his office had any past problems or 911 calls at the old Waypoint location. Sheriff Jarrard said there was only one 911 call in the past 8 years which is when Waypoint came to that location. That call was made by Waypoint about their neighbor. The Sheriff addressed the specifics of that 911 call.

Commissioner Sherrill asked the Sheriff if there had ever been a 911 call to any of our wedding venues The Sheriff stated that, yes, he could recall a few but does not recall the exact number.

Chairman Dockery called a break at 5:46 p.m.

The Appeal Hearing resumed at 5:59 p.m.

Attorney George Butler spoke next, representing Ask Gilburth Inc. and The Center for New Beginnings. He said feelings of uncertainty about new neighbors are normal because of concern about property values and the behavior of those moving in. He stated that regulations give the Planning Commission the decision regarding variance requests although that decision may be appealed to the Board of Commissioners for final decision. Mr. Butler said Georgia law states an appeal must be made within 30 days of the decision, an appeal can only be for issues brought up during the variance request, and the appeal can only be made by the person who presented those issues during the variance request. Attorney Butler also commented on federal fair housing and religious laws.

Mr. Butler said the owner of the old Waypoint property let them use the property because they had a son who had struggled with drug abuse. The owner of that property is now having difficulty so must sell the property. This is why Waypoint is moving its location. He also said staff vehicles are the only ones that will be entering and exiting the property. The people living there are not there during the day because they leave in staff vehicles at 10 a.m. to go to work and are brought back at the end of the day.

Chris Gillhouse, Waypoint, then spoke giving the background of Waypoint at its current and New Beginnings locations. He then talked about the men's schedules during the day and the screening of participants.

Following Mr. Gillhouse several citizens spoke on behalf of Waypoint which included Shannon and J. T. Wehunt, Katie Defoor, Pat Gawthrop, Jeff Pruitt, Dottie Guffey, Myke Seabolt, Gail Dawson and Kerry Johnson.

Planning Director Larry Reiter then addressed the Board of Commissioners saying the wording of the Appeal Letter was detrimental to the Planning Commission. He then addressed how the legal ad in the newspaper was worded and said the posting of the variance sign was a miscommunication between him and the code enforcement officer who placed the sign. He also said the advertising on the variance was done according to code and that the conditional approval was within the power of the Planning Commission.

Mr. Reiter then addressed the issue of land density and groundwater. He said that the state will require an adequate system for water.

He completed his remarks by stating that he does not see where there was any error on the behalf of the Planning Commission. Mr. Reiter said he believes they made the most informed decision.

Motion: *Commissioner Sherrill then made a motion to uphold the Planning Commissioner decision which was seconded by Clarence Stowers. Doug Sherrill, Steve Shaw and Clarence Stowers approved the motion with Clarence Grindle casting the only opposing vote. The motion carried.*

ADJOURN

Motion*: Commissioner Sherrill then moved to adjourn which was seconded by Steve Shaw. All district commissioners approved the motion and the meeting was adjourned at 6:44 p.m.*

28 Feb 2014
Date

Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:

Kathleen C Walker
Kathleen C. Walker
Clerk, Lumpkin County