

**Minutes of Public Hearing
Elbert County Board of Commissioners
Monday, May 8, 2023**

- 1) Discussion and approval of a request by Rusty Adams for a variance request to encroach setback requirements of property line and right-of-way. Located at 2763 Cedar Creek Rd., Elberton, GA. Map and Parcel: 034 006C. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.
- 2) Discussion and approval of a request by Rusty Adams to rezone from Mixed Use to I (Industrial). Located at 1201 Allen Logan Rd., Elberton, GA. Map and Parcel: 040B 014. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.
- 3) Discussion and approval of a request by Zachary Myers to rezone from RR (Rural Residential) to A (Agricultural). Located at O.W. Adams Rd., Dewy Rose, GA. Map and Parcel: 012 120. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.
- 4) Discussion and approval of a request by Lynne Worley to rezone from Mixed Use to A (Agricultural). Located at 3572 Anderson Hwy., Elberton, GA. Map and Parcel: 059 046. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.
- 5) Discussion and approval of a request by Charles Fleming to rezone from RR (Rural Residential) to R1 (Single Family Residential). This request is to allow for the property to be split and the land to be sold. Located at 1932 Fork Creek Circle, Bowman, GA. Map and Parcel: 012 041. Planning and Zoning **approved** by a 4-0 vote. Mr. Fleming was in attendance again stating the reason for the rezone request.
- 6) Discussion and approval of a request by Vieng Lee to rezone 3.80 acres from A (Agricultural) to R1 (Single Family Residential). This request is to allow for a portion to be split from the remainder of the tract. Located at 2252 Indian Hill Rd., Elberton, GA. Map and Parcel: 044 102B. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.
- 7) Discussion and approval of a request by Jeremiah Hall to rezone from RR (Rural Residential) to R1(Single Family Residential). This request is to split property into four (4) tracts to allow for a home to be placed on each one. Located at 1006 Second St. Ext., Elberton, GA. Map and Parcel: E32 037. Planning and Zoning **denied** by a 4-0 vote. Mr. Hall spoke, highlighting parts of his letter that was given to the Commissioners before the meeting, reiterating all of the hoops he's had to jump through since this was first put on the Planning and Zoning agenda in February. This request has been tabled, then denied due to allegations that there are gravesites on the property. Mr. Hall initially stated that he would allow access to his property to bring in cadaver dogs to search the area; then he later denied access to his property. Mr. Hall has proposed to change his request to dividing the property into two (2) tracts. Mr. Donald McCalla, Mr. and Mrs. Jimmy White, Donna Wood spoke against the request. Mr. Johnny Lutz spoke on behalf of the Planning and Zoning board's denial of the request.

May 8, 2023 pg. 2

- 8) First Reading of an amendment to Chapter 7.17 of the Zoning Ordinance for Farm Wineries to remove “weddings and wedding receptions” from Special Events. Planning and Zoning **approved** by a 4-0 vote. There were no public comments.

**Minutes
Elbert County Board of Commissioners
Monday, May 8, 2023**

Chairman Lee Vaughn called the meeting to order. Present were Commissioner David Hunt, Commissioner Casey Freeman, Commissioner Chris Alexander, Commissioner Mike Scoggins, Commissioner Freddie Jones, County Administrator Allen Hulme, CFO Macie Witcher, County Attorney Bill Daughtry, County Clerk Tamara Butler and media.

After the pledge to the flag the invocation was given by Mr. Daughtry.

Adoption of the Agenda. Chairman Vaughn asked for a motion to amend the agenda to add 14a) First Reading of an amendment to the State Zoning law. Commissioner Alexander made a motion to adopt the agenda as amended. Commissioner Freeman seconded the motion. The motion passed 5-0.

Adoption of the Minutes of the Called Meeting on April 6, 2023 and the Regular Meeting on April 10, 2023. Commissioner Alexander made a motion to adopt the minutes of April 6th, and April 10th. Commissioner Jones seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Rusty Adams for a variance request to encroach setback requirements of property line and right-of-way. Located at 2763 Cedar Creek Rd., Elberton, GA. Map and Parcel: 034 006C. Planning and Zoning *approved* by a 4-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Jones seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Rusty Adams to rezone from Mixed Use to I (Industrial). Located at 1201 Allen Logan Rd., Elberton, GA. Map and Parcel: 040B 014. Planning and Zoning *approved* by a 4-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Alexander seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Zachary Myers to rezone from RR (Rural Residential) to A (Agricultural). Located at O.W. Adams Rd., Dewy Rose, GA. Map and Parcel: 012 120. Planning and Zoning *approved* by a 4-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Scoggins seconded the motion. The motion passed 5-0.

May 8, 2023 pg. 3

Discussion and approval of a request by Lynne Worley to rezone from Mixed Use to A (Agricultural). Located at 3572 Anderson Hwy., Elberton, GA. Map and Parcel: 059 046. Planning and Zoning *approved* by a 4-0 vote. Commissioner Alexander made a motion to approve this rezone request. Commissioner Freeman seconded the motion. The motion passed 5-0

Discussion and approval of a request by Charles Fleming to rezone from RR (Rural Residential) to R1 (Single Family Residential). This request is to allow for the property to be split and the land to be sold. Located at 1932 Fork Creek Circle, Bowman, GA. Map and Parcel: 012 041. Planning and Zoning *approved* by a 4-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Hunt seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Vieng Lee to rezone 3.80 acres from A (Agricultural) to R1 (Single Family Residential). This request is to allow for a portion to be split from the remainder of the tract. Located at 2252 Indian Hill Rd., Elberton, GA. Map and Parcel: 044 102B. Planning and Zoning *approved* by a 4-0 vote. Commissioner Freeman made a motion to approve this rezone request. Commissioner Scoggins seconded the motion. The motion passed 5-0.

Discussion and approval of a request by Jeremiah Hall to rezone from RR (Rural Residential) to R1(Single Family Residential). This request is to split property into four (4) tracts to allow for a home to be placed on each one. Located at 1006 Second St. Ext., Elberton, GA. Map and Parcel: E32 037. Planning and Zoning *denied* by a 4-0 vote. Commissioner Jones made a motion to deny this rezone request. Commissioner Freeman seconded the motion. The motion passed 5-0. There was a second request by Mr. Hall to split the property into two (2) tracts. Commissioner Jones made a motion to deny this request, also. Commissioner Freeman seconded the motion. The motion passed 5-0.

First Reading of an amendment to Chapter 7.17 of the Zoning Ordinance for Farm Wineries to remove “weddings and wedding receptions” from Special Events. Planning and Zoning *approved* by a 4-0 vote. This is for first reading only. No vote required.

Discussion and approval of a donation of \$1,000 to the City of Bowman to help with the Big Iron Crank Up festivities. Commissioner Scoggins made a motion to approve this donation to the City of Bowman. Commissioner Alexander seconded the motion. The motion passed 5-0.

Discussion and approval of a Resolution to approve a requested annexation by the City of Elberton of a 5.39-acre parcel located on Calhoun Falls Highway. Mr. Daughtry stated this is a Resolution authorizing in accordance with applicable Georgia law to annex into the City of Elberton 5.39 acres located on Calhoun Falls Hwy. Identified as tax parcel 0421004. The county is required to take affirmative action to approve this annexation because there is a road that separates this from other city properties. The property will be used for a fire training facility by the City of Elberton. Commissioner Freeman made the motion to approve this annexation. Commissioner Hunt seconded the motion. The motion passed 5-0.

May 8, 2023 pg. 4

First Reading of an Ordinance to amend Chapter 11 of the Elbert County Code of Ordinances to amend the Notification Procedures in Zoning Actions to comply with recent changes in State Law. Mr. Daughtry stated HB 1405 made a number of changes to zoning laws. Some types of actions require a 30-day notice, some require 15-day notice. Currently our zoning ordinance requires a 15-day notice. He stated after discussion with Mr. Hulme, for the sake of simplicity, a 30-day notice will be required for all zoning actions. This is for first reading only. No vote required.

Finance Report. Ms. Witcher stated the General Fund expenditures was under budget thru April and revenues are up compared to this time last year due to some excess SPLOST and insurance reimbursements. SPLOST and TSPLOST funds are in good shape; and also, the Hotel/Motel tax fund is in good shape.

Public Comments. There were no public comments.

Adjournment. Commissioner Alexander made a motion to adjourn, seconded by Commissioner Hunt. The motion passed unanimously.