

Minutes
Historic Courthouse, Board Chambers, 3rd Floor
225 North Board Street
April 24, 2018

The Thomas County Board of Commissioners met on the above date in a regular scheduled meeting at 6:00 p.m. at the Historic Courthouse, Commission Chambers, with the following board members present:

Wiley Grady, Chairman, Dist. 6	Phillip V. Brown, Vice-Chair, Dist. 7
Merrill E. Baker, Jr., Dist. 1	Moses Gross, Dist. 2
Kenneth E. Hickey, District 3	Mark NeSmith, Dist. 4
Hershel P. Ansley, Dist. 5	Zippy T. Vonier, Dist. 8

Staff present was County Manager Michael J. Stephenson, Attorney Joe Cargile (attending in County Attorney Bruce Warren's absence), County Clerk Twink Monahan and Assistant Clerk Thelma Maxwell. Media present was Patti Dozier, Times Enterprise and Chris Hurst, WPAX. Other staff present were Tony Bodiford, Public Works Director; Lyndall Knight, Facilities; Ken Gay, Inspections, Planning and Zoning.

Commissioner Hickey gave the invocation and led the pledge of allegiance to the flag.

Chairman Grady recognized Commissioner Baker who made a motion to approve the minutes of the April 10, 2018 regular meeting. The motion was seconded by Commissioner Ansley and carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

Chairman Grady declared a Public Hearing for Application #18-4-1, Thomas County Board of Commissioners requests to amend the Thomas County Land Use Standards Ordinance Section 4.410 General Provisions, Section 4.420 Standards for granting variances, and Section 4.430 Limitations on variances.

Chairman Grady recognized Inspections and Planning Director Ken Gay who explained the application. He explained the text amendment. The amendment is to give a clear procedure for variances which the staff and the county attorney prepared. He reported the Planning and Land Use Commission reviewed and discussed the amendment but did not take any action at their meeting on April 16, 2018.

Chairman Grady asked if there were any comments from the public. There were none. He asked for any comments from the board. Commissioner Gross asked if this amendment is passed does it mean that there are no variances for easements on parcels divided and sold after the 1996 zoning ordinances went into effect. Mr. Gay stated that was correct. There were no more questions.

Chairman Grady closed the public hearing.

Chairman Grady recognized Commissioner Gross who made a motion to approve Application #18-4-1 Thomas County Board of Commissioners requesting to amend the Thomas County Land Use Standards Ordinance Section 4.410 General Provisions, Section 4.420 Standards for granting variances, and Section 4.430 Limitations on variances by resolution. The motion was seconded by Commissioner NeSmith.

Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

RESOLUTION

APPENDIX A LAND USE STANDARDS ORDINANCE

BE IT THEREFORE RESOLVED by the Thomas County Board of Commissioners of Thomas County, Georgia, and **IT IS HEREBY RESOLVED BY THE AUTHORITY OF SAME:**

WHEREAS, on April 24, 2018 the Thomas County Board of Commissioners voted to amend Sections 4.410, 4.420, and 4.430, Appendix A Land Use Standards Ordinance adopted June 11, 1996, which became effective August 19, 1996.

All other Ordinances and Resolutions in conflict herewith are hereby repealed.

Required section changes for text amendment

Section 4.400 Variances from land use standards district regulations.

4.410 General provisions.

(1) *Authority.* The Planning and Land Use Standards Commission shall recommend and the Thomas County Board of Commissioners shall have authority to grant variances from the requirements of Sections 3.216 (except no variance shall be granted for residential or commercial construction on property that is located on an easement), and 3.222, and 3.223 in accordance with the standards and procedures set forth in this section.

(Amd. of 10-13-98)

(2) *Purpose.* The purpose of a variance is to provide a mechanism when, owing to special conditions, the literal enforcement of the regulations of Sections 3.216, 3.222, and 3.223 that impose upon a landowner unnecessary hardship can be mitigated without conferring on the applicant any special privilege.

(3) *Initiation.* An owner of or any person having contractual interest in the property to be affected by the variance may seek a variance under the provisions of this section.

4.420 Standards for granting variances.

The Thomas County Board of Commissioners shall not grant a variance unless it shall, in each case, make specific findings of fact based directly upon the particular evidence presented to it which support written conclusions that:

(1) The variance requested arises from a condition that is unique and peculiar to the land, structures, and buildings involved; that the particular physical surroundings, the shape or topographical condition of the specific property involved, would result in unnecessary hardship for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of

Sections 3.216, 3.222, and 3.223 are literally enforced; that it is a condition that is not ordinarily found in the same Land Use Standards District, and the condition is created by the regulations of Sections 3.216, 3.222, 3.223 of this Ordinance, and not by an action or actions of the property owner or the applicant.

(2) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same Land Use Standards District under the terms of this Ordinance.

(3) The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(4) The granting of the variance will not confer on the applicant any special privilege that is denied by this Ordinance to similar lands, structures, or buildings in the same Land Use Standards District.

(5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structures; and

(6) The variance desired will not be opposed to the general spirit and intent of this Ordinance of the Thomas County Comprehensive Plan.

(Amd. of 10-13-98)

4.430 Limitations on variances.

(1) No variance shall be granted which would permit a use or structure contrary to the use provisions of Section 3.270.1 and Table 4.

(2) No variance from the provisions of Sections 3.216, 3.222, and 3.223 shall be valid for a period longer than twelve (12) months unless a building permit is issued and construction is started pursuant thereto.

EFFECTIVE April 24th 2018; ADOPTED this 24th day of April 2018.

Chairman Grady recognized Commissioner NeSmith who made a motion to ratify action of a poll of the board taken on April 24, 2018 to have Concrete Enterprises, Albany, GA crush the rubble and stock piled rock at the Public Works yard for \$7.00 per ton to be used as road basing material for \$56,000. The motion was seconded by Vice-Chairman Brown. Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

Chairman Grady recognized Commissioner NeSmith who made a motion to ratify action taken at the 4/18/2018 Road Committee to purchase a used 2013 Kenworth Conv Day cab, Model T660 from MHC Truck Source for \$48,245 and an extended 1 year, 100,000 mile warranty for \$4,755, total purchase price of \$53,000.00. The motion was seconded by Commissioner Baker. Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

Chairman Grady recognized Commissioner Vonier who made a motion to approve the final plat design for Green Village, Tony and Marlene Bienes for 10.64 acres off of Georgia Highway 3, a private subdivision with private road, and will never be considered to be accepted a county maintained road due to the inverted road bed with no curb and gutter system. The motion was seconded by Commissioner Hickey.

Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

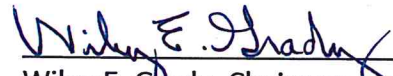
Chairman Grady recognized Commissioner Hickey who made a motion to authorize the chairman to execute a 30 year lease of the one acre for the Lake Riverside Volunteer Fire Station with Joan Tolar Carr, State Route 202. The motion was seconded by Vice-Chairman Brown. Motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.

Sheriff Powell invited the board to come to the Sheriff's Annual Vehicle Inspection at 7:30 Friday morning in the Library Parking lot.

Chairman Grady recognized Commissioner Vonier who made a motion to ratify the purchase of gas for \$2.0251 per gallon and diesel for \$2.1941 per gallon from Petroleum Products on 4/13/2018. The motion was seconded by Commissioner Baker.

Upcoming meetings were announced.

Chairman Grady recognized Commissioner Hickey who made a motion to adjourn. The motion was seconded by Commissioner NeSmith and the motion carried unanimously; Chairman Grady, Vice-Chairman Brown, Commissioners Baker, Gross, Hickey, NeSmith, Ansley, and Vonier voting aye.



Wiley E. Grady, Chairman

ATTEST:



M. Twink Monahan, County Clerk