

**CALHOUN COUNTY BOARD OF COUNTY COMMISSIONERS  
PLANNING COMMISSION  
DECEMBER 13, 2016**

**PRESENT AND ACTING:**

**DANNY RAY WISE, CHAIRMAN  
GENE BAILEY, VICE-CHAIRMAN  
DARRELL MCDUGALD  
DENNIS JONES  
JERAL HALL**

**MATT FUQUA, ATTORNEY  
CARLA HAND, CLERK OF COURT AND COUNTY COMPTROLLER  
JOE WOOD, DIRECTOR OF OPERATIONS  
SARAH WILLIAMS, CLERK ADMINISTRATIVE ASSISTANT**

The meeting was called to order by Chairman Wise at 5:04 p.m., CT.

Attorney Fuqua stated this Planning Commission meeting is about a request for a variance from the land development code set-back requirements. This variance was brought to the Board several years ago, and the Board denied the variance. Attorney Fuqua stated variances are typically granted when the condition of the property is such that it cannot be reasonably used without the variance.

Commissioner McDougald asked the Smith's what their dispute with the previous Commissioner and the property line. Mr. Charles Smith stated there was no dispute, the building was pre-existing before the land development code was brought into effect. Commissioner McDougald stated he knew the building was over the property line at one time, but was moved previous to the Smith's buying the property. Mr. Smith stated Mr. Pickron had a building attached to the building on his property with the previous owner's consent. Commissioner McDougald asked if the Smith's had requested Mr. Pickron detach his building from theirs after they purchased the property. Mr. Smith Sr. stated he never asked for the building to be removed, only for Mr. Pickron to be a good neighbor and allow them to start their business. Mr. Smith Sr. stated Mr. Pickron did not want to be a good neighbor, and after a couple months he asked him to either move his building or pay him rent, since part of Mr. Pickron's building is on his property. Mr. Smith Sr. stated he is asking for a variance so he and his father can open their machine shop and start to employ workers in the County. Mr. Smith stated there were issues previously which have since been found to be untrue. Mr. Smith stated he was informed he would need a storm water run-off pond and has found out this would not be needed. There was further discussion about the Smith's building. Commissioner Jones asked where the building in question is located. Mr. Smith stated the building is across the street from the car lot beside Lindy's Chicken. Commissioner McDougald stated he has received complaints about the items sitting on the property in front of the building and the weeds growing. Mr. Smith stated if he would be able to open his business the property would look better, but he works out of town presently. Mr. Smith Sr. stated all the building can be used for right now is as a pole barn. There was further discussion about the property. Commissioner Wise asked Mr.

Dowling Parrish, building inspector, if Mr. Pickron obtained a building permit to construct his building attached to the Smith's building. Mr. Parrish stated he was unsure how long the building has been attached. Mr. Parrish stated he started working for the County in 1989 and the building was already attached at that time. Commissioner Wise asked if the building was once in operation with the lean-to attached, would the variance be able to be questioned now. Attorney Fuqua stated initially the land development regulations were not in effect; the regulations came after the building had ceased to be in operation. Had the building continued to operate as a business, it could have operated as a prior existing non-conforming use under the land development code. There was further discussion about the variance. Commissioner Wise stated the welding shop would create jobs, and since the building already existed before the comp plan, he would like the variance granted. Mr. Smith Sr. and Mr. Smith stated when the variance was brought before a previous Board there was a lot of misinformation about the property and they are willing to pay to prove the statements which were made are false. Mr. Smith Sr. stated all he wants is the variance granted so they can open the machine shop and start making a living. Commissioner Jones asked if all the property owners in the area were notified by letter there would be a Planning Commission meeting on the issue. Mr. Smith stated they were notified, and he has the receipts to document they were sent. Commissioner Jones stated he does not see any property owners in attendance to object to the variance, and does not see a problem with granting the variance. Attorney Fuqua stated the meeting was advertised in the newspaper and certified letters were sent. Commissioner Bailey asked Attorney Fuqua if there were any other liabilities other than the possibility of being sued by Mr. Pickron. Attorney Fuqua responded he did not think there were other liabilities to the Board.

- ❖ Commissioner Bailey made a motion to grant the variance for the 10-foot setback. Chairman Wise seconded the motion. Commissioner McDougald stated he would like to see the building returned to use and create jobs in the County. Commissioner McDougald stated his only concern was with the property staying cleaned up. Mr. Smith stated the property would be kept orderly, and the shop will be more than just a machine shop. Mr. Smith stated they will also rebuild injector pumps for engines, and the closest shop for injector pumps is in Atlanta. There was further discussion about code enforcement on properties and granting the variance. Commissioner Bailey asked how many people the Smith's planned on employing at their shop. Mr. Smith stated he hoped to employ around a dozen people at least, and hoped to have the shop in operation by June. Mr. Parrish asked who sent the certifies letters out to the surrounding land owners. Clerk Hand stated the Clerk's Office sent out the letters. Attorney Fuqua stated the only letter which was undeliverable was Michael and Ricky Silcox, the rest were delivered. Ms. Sarah Williams stated there were three (3) letters the signature cards had not been returned. The cards were for Mr. Harold Pickron, Mr. George White, and Ms. Dahlia Stinson. Commissioner Bailey stated when the building was in operation with the previous owner there would be cars parked on the right of way of the road. Mr. Smith stated he did not have any intentions of parking any vehicles on the right of way. The motion passed unanimously 5-0.

There being no further business, the meeting adjourned at 5:30 p.m.

  
DANNY RAY WISE, CHAIRMAN

ATTEST:

  
CARLA A. HAND, CLERK