

Planning & Zoning Commission Meeting  
January 8, 2008  
Harlem City Hall

Page 1

The Planning & Zoning Commission Meeting that was set for January 8, 2008 at 7:00 p.m. at Harlem City Hall was cancelled due to the non-availability of a quorum.

Present: COMMISSION: Commissioner B. J. Cunningham; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Steven Brown and Planning & Zoning Clerk Jerry Campbell; ABSENT: Chairman Bobby Culpepper, Co-Chairman Dale Arnold, Commissioner Tim Farr and Commissioner Franklin Jennings; VISITORS: Phil Turner, Clay Smith, Virginia Hoffman, Daniel Cason, Greg Miller, Dan Lindbom, Weslyn McGee, Iris King and Ed Williamson.

The meeting was called to order by Commissioner Cunningham at 7:00 p.m.

Commissioner Cunningham announced due to not having a quorum, the scheduled meeting would be cancelled and rescheduled for a later date. All interested parties would be contacted with the date and time.

The meeting was closed at 7:01 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for a meeting at Harlem City Hall on Tuesday, February 5, 2008 at 7:00 p.m. with Chairman Bobby Culpepper presiding.

Present: COMMISSION: Chairman Bobby Culpepper, Vice-Chairman Dale Arnold, Commissioner B. J. Cunningham, Commissioner Tim Farr, and Commissioner Franklin Jennings; STAFF: City Manager Jean R. Dove, City Attorney Steven Brown, Clerk Penny Salley and Planning & Zoning Clerk Jerry Campbell; VISITORS: Sam and Linda Jones, Ed Williamson, James Thomas, Jr., Melonie Dappie, Virginia Hoffman, Dan Lindbom, Daniel Cason and Phil Turner.

The meeting was called to order by Chairman Culpepper at 7:00 p.m.

The Invocation was given by Commissioner Arnold.

The Pledge of Allegiance was led by Chairman Culpepper.

**Approval of December 10, 2007 Minutes:** Chairman Culpepper called for a motion to approve the Minutes of the December 10, 2007 meeting; that motion was made by Commissioner Jennings; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

**Rezoning Requests:**

- **Samuel R. Jones-515/525 N. Louisville Street, Map and Parcel H02 025, Zoning Change from B-1 Business District to R-2 Residential:** Proposed usage is for Duplex Apartments. Chairman Culpepper recognized P&Z Clerk Jerry Campbell to address the Commission. Mr. Campbell presented the request of Mr. Jones stating that this property was formerly an antiques store and that Mr. Jones is requesting to have the zoning changed from business to residential in order to be able to use the property as a duplex apartment. Chairman Culpepper asked if Mr. Jones would like to address the Commission. Mr. Jones stated that he had received numerous calls on the property for rent as commercial, but in talking with other citizens of the City he found that there was more of a need for residential buildings than commercial. This brought about his request. The building had previously been a triplex; there has been a wall removed and is currently two units; one is 800 sq. ft. and the other is 1600 sq. ft. The building had previously been zoned residential until Mr. Guy Fleming had it changed to business when he used it for office space. Mr. Jones stated that he would go along with whatever the Commission decided; that it did not make a difference. Chairman Culpepper asked for any opposition to the request; being none, Chairman Culpepper called for a motion for a recommendation to Council. Commissioner Farr made the motion to recommend to Council to grant the request of Samuel Jones to change the zoning of 515/525 N. Louisville Street

**Rezoning Requests (cont'd):**

- **Samuel Jones (cont'd):** from B-1 Business District to R-2 Residential District; 2<sup>nd</sup> by Commissioner Cunningham. Motion carried; all in favor.
- **William E. Williamson-370 W. Milledgeville Road, Map and Parcel H03 139, Zoning Change from R1-A Residential to B-3 Commercial:** Proposed usage is for a Used Auto Sales Lot, with conditional use as residential for a period of one year. This will be for the relocation of Danz Carz from 444 W. Milledgeville Road to 370 W. Milledgeville Road. Mr. Williamson addressed the Commission stating that his intent is to continue what Dan Lindbom started. Mr. Lindbom addressed the Commission at this time. He spoke on his history in Harlem and the support he has given to the local businesses, etc. Their intent is to comply with any aesthetics required by the City. They will be a smaller operation; 12-20 cars. The front of the lot will replicate main street; privacy fencing will be used along the back and anything needed for Ms. Hoffman as well. His intent is to add to the City not take away; to be a good neighbor. There are other businesses surrounding the area. The house will be renovated into an office for the business. Mr. Williamson is currently residing at the property and will vacate upon approval of the change. The lighting for the light will be similar to Larry's; the lights will shine on the cars not on the area residents. Chairman Culpepper informed Mr. Lindbom about the upcoming vote to be taken on the Historic District and that a moratorium was currently in place on the issuance of permits. He will have to go before HPC for approval. Mr. Lindbom stated he was aware that something was up coming and was willing to comply with what was necessary. City Attorney Brown had some questions on the plats and descriptions of the property in question. He wanted to know that when the property was purchased was a new plat and description done; their attorney used the existing legal descriptions. The normal or standard procedure is to have one with a new description. City Attorney Brown also stated that his understanding is that there are two issues before the Commission: re-zoning and conditional use permit. It was pointed out that residential use is not a permitted conditional use for B-3 zoning. The guidelines for car dealerships are addressed in section 152.069 of the code. Mr. Lindbom stated that Mr. Williamson will only be a resident of the property until permission or approval of the request is made and when the house becomes an office it will no longer be a residence and he will vacate the property. Chairman Culpepper asked if there was anyone else who would like to address the Commission. Virginia Hoffman of 350 W. Milledgeville (property adjacent to) asked to speak in opposition to the request. She stated that she has been a resident for 67 years and she does not approve of the re-zoning request. She has spoken with others and they would not like to live next to a car lot either. She has spoken with Mr. Lindbom and stated that he should have never left his prior place of

**Rezoning Requests (cont'd):**

- **William E. Williamson (cont'd):** business and felt that he would not want a car lot next to his home either. Mrs. Hoffman expressed her thanks to the Commission for their consideration of her request to not grant the request. Chairman Culpepper asked for any discussion from the Commission. The area is predominantly commercial and is listed as such in the Comprehensive plan. There is no legal reason to deny the request. Chairman Culpepper called for a motion for a recommendation to Council. Commissioner Cunningham made the motion to make the recommendation to Council to grant the request to re-zone the property at 370 W. Milledgeville Road from R1-A Residential to B-3 Commercial; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor. Chairman Culpepper informed Mr. Lindbom again about the HPC vote and going to them for approval for any changes to the home

Council will vote on these two items at the February 14, 2008 Council meeting.

Being no further business before the Commission, Chairman Culpepper adjourned the meeting at 7:30 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

As taken by Clerk Penny Salley and recorded by digital voice recorder.

The Planning & Zoning Commission met for a hearing at Harlem City Hall on Tuesday, March 4, 2008 at 7:00 p.m. with Chairman Bobby Culpepper presiding.

Present: COMMISSION: Chairman Bobby Culpepper, Vice-Chairman Dale Arnold, Commissioner B.J. Cunningham, and Commissioner Franklin Jennings; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Steven Brown, and P & Z Clerk Jerry Campbell; ABSENT: Commissioner Tim Farr; VISITORS: Fred Fischer, Angela Lokey, Joe Lokey, Jerry Hogan, and Duane Starrenburg.

The hearing was called to order by Chairman Culpepper at 7:00 p.m.

The Invocation was given by Commissioner Cunningham.

The Pledge of Allegiance was led by Chairman Culpepper.

**Approval of January 8, 2008 and February 5, 2008 Minutes:** Chairman Culpepper pointed out a typographical error on page two of the February 5, 2008 minutes. The correction is to change “be for HPC for approval” to “before HPC for approval”. Chairman Culpepper called for a motion to approve the Minutes of the January 8, 2008 and February 5, 2008 meetings after the correction is made; that motion was made by Commissioner Cunningham; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

**Request for *Conditional Use Permit*-Joe and Angela Lokey:** P&Z Clerk Campbell presented the request to the Commission. The request is for the property located at 280 W. Forrest Street. The property is currently zoned R1-A; the request is for the zoning to remain R1-A with a conditional use permit for a personal care home.

Chairman Culpepper recognized Angela and Joe Lokey and asked them to address the Commission with further information. Mrs. Lokey reported that the property would house six clients and that her and Mr. Lokey would reside there as well. In order to meet state guidelines there was some construction to be done; this is on going. The parking area is adequate and would accommodate four to six vehicles at one time (visitation). They normally service clients with dementia or Alzheimer's; they can not be bed ridden, but they must be supervised. The clients may or may not be elderly. There will be a registered nurse that will come in monthly to check on the clients. Medications will be monitored but not administered.

Chairman Culpepper opened the floor for any support or opposition from the visitors. Being none, he asked for any advice from City Attorney Brown. Mr. Brown stated that he had no opposition that the request was within the guidelines for conditional use under the R1-A zoning. Chairman Culpepper stated that this request would not have to go before Council for approval that the decision the Commission makes is the final

**Request for *Conditional Use Permit* (cont'd):**

decision. P&Z Clerk Campbell did report that if the Lokey's moved or closed the home that it would automatically revert back to R1-A Residential only.

As there was no further discussion, Chairman Culpepper called for a motion on the request. Commissioner Jennings made the motion to approve the request for the conditional use permit for a personal care home; 2<sup>nd</sup> by Commissioner Cunningham. Motion carried; all in favor.

**Monthly Meetings:** Chairman Culpepper presented this to the Commission. He had had a conversation with Mr. Campbell pertaining to setting up a regular monthly meeting to avoid having a meeting several times a month. The Commission discussed several times. City Manager Dove stated that due to the Council meeting on the third Monday of the month it would be advantageous to have the meeting date set prior to that time in the event there is a recommendation that needs approval/disapproval by Council. There was a question on whether the deadlines for advertising could be met; the advertising has to be done 15-45 days prior to the meeting and felt that this would be fine. When the applications are made, we would now be able to inform applicants of the exact date when it would go before the Commission. It was decided that the meetings would be held on the second Tuesday of the month, except for April. Due to falling during Masters Week and the Chairman and Clerk being unavailable that week, the meeting will be scheduled for the third Tuesday in April at 7 p.m. The Commission was in agreement.

Being no further business before the Commission, Chairman Culpepper closed the meeting at 7:15 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for a meeting at Harlem City Hall on Tuesday, March 11, 2008 at 7:30 p.m. with Chairman Bobby Culpepper presiding.

Present: COMMISSION: Chairman Bobby Culpepper, Vice-Chairman Dale Arnold, Commissioner Tim Farr, and Commissioner Franklin Jennings; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Steven Brown, and P & Z Clerk Jerry Campbell; ABSENT: Commissioner B. J. Cunningham; VISITORS: Fred Fischer, Donald Green, Robert Fields, Phil Turner, and Jennifer Bennett.

The meeting was called to order by Chairman Culpepper at 7:30 p.m.

The Invocation was given by Vice-Chairman Arnold.

The Pledge of Allegiance was led by Chairman Culpepper.

**Approval of March 4, 2008 Minutes:** Chairman Culpepper called for a motion to approve the Minutes of the March 4, 2008 as written; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Arnold. Motion carried; all in favor.

**Request for Rezoning:**

- **Larry Prather**-Mr. Prather is requesting to have the property located at 645 S. Louisville Street, Map and Parcel H06 086, be rezoned from A-1 Agriculture to R-1B Residential. The property is approximately 14.88 acres. Mr. Prather will be developing the property for a subdivision. It will consist of 30+/- lots and will be a PUD. The subdivision will be named Phillips Crossing. Chairman Culpepper called for a motion from the Commission. Commissioner Jennings made the motion to recommend approval of the rezoning request from A-1 to R-1B; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Approval of Final Plat:**

- **The Village at Sandy Run**-G. Ben Turnipseed Engineers (John McClellan) has approved the final plat. This is the Townhouse development across from Ansley Place. The Covenants need certification (signature); the only changes are typographical in nature. Chairman Culpepper called for a motion from the Commission. Commissioner Farr made the motion to approve the final plat subject to receipt of a certified copy of the final Covenants; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.
- **Pineview Court**-This is located off Fairview Drive. The City will take over the streets after a year. The property owners will be responsible for the two retention ponds and run off. Mr. Prather has agreed to fill in so they will hold little water. The property owners will take over possession of the ponds and will know that they are there. There will be no liability to the City.

**Approval of Final Plats (cont'd):**

- **Pineview Court (cont'd)**-City Manager Dove reported that the preliminary plat was approved back in 1996 or 1997 and that the road frontage was developed first. Chairman Culpepper asked if this was originally a PUD; City Manager Dove responded no they were R-1A. Some of the regulations have since changed, but the design is the original. Chairman Culpepper called for a motion from the Commission. Commissioner Jennings made the motion to approve the final plat as designed; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

Chairman Culpepper opened the floor for any Public Comment. Mr. Fischer had a question concerning the certifying of Covenants. City Attorney Brown stated that they were a part of the application process; City Manager Dove stated that they were part of the Ordinance and had been in place since 2005 or 2006.

The next meeting has been scheduled for April 15, 2008 at 7:00 p.m. There will be three issues brought before the Commission. After this meeting, the Commission will meet on a planned monthly basis on the second Tuesday of the month at 7:00 p.m.

Being no further business before the Commission, Chairman Culpepper adjourned the meeting at 7:50 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for a hearing at Harlem City Hall on Tuesday, April 15, 2008 at 7:00 p.m. with Chairman Bobby Culpepper presiding.

Present: COMMISSION: Chairman Bobby Culpepper, Commissioner B.J. Cunningham, Commissioner Tim Farr and Commissioner Franklin Jennings; STAFF: City Manager Jean R. Dove, Clerk Penny Salley, P & Z Clerk Jerry Campbell, and City Attorney Stephen Brown; ABSENT: Vice-Chairman Dale Arnold and City Clerk Debra E. Moore; VISITORS: James Thomas, Jr., Robert M. Hunter, Sylvester and Bettie Howard.

The hearing was called to order by Chairman Culpepper at 7:00 p.m.

The Invocation was given by Commissioner Cunningham.

The Pledge of Allegiance was led by Chairman Culpepper.

**Approval of March 11, 2008 Minutes:** Chairman Culpepper called for a motion to approve the Minutes of the March 11, 2008 hearing as written; that motion was made by Commissioner Cunningham; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor.

**Rezoning Request-Robert M. and Billy G. Hunter, Henry Miller Drive, Map & Parcel H03 164K, Zoned B-3 Business:** Chairman Culpepper asked Mr. Campbell to present an overview of the request to the Commission. Mr. Campbell reported that the property in questions is the vacant land located behind Dollar General and adjacent to Southern Anchor Bolt. The section of property is 50 feet wide on one side and 35 feet wide on the other side. They are requesting to have the zoning changed from its current zoning of B-3 Business to I-1 Industrial, the current zoning of Southern Anchor Bolt. Mr. Hunter is selling this piece of property to Southern Anchor Bolt for future expansion.

Chairman Culpepper opened the floor to Mr. Hunter for any comments he would like to make to the Commission. Mr. Hunter confirmed the information presented by Mr. Campbell. Chairman Culpepper asked if there were any questions from the Commission. Commissioner Cunningham asked for clarification on the current zonings and Commissioner Jennings had a question on building on the property. The zonings currently are I-1 Industrial for Southern Anchor Bolt and the vacant property is zoned B-3 Business. With the sale of the property they are requesting it to be rezoned I-1 to coincide with the zoning of Southern Anchor Bolt. There is a possibility of future expansion, but this will also get them rear entrance access to the building.

As there was no further discussion, Chairman Culpepper called for a motion from the Commission. Commissioner Cunningham made to the motion to recommend to Council to approve the zoning request as stated; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor.

**Variance Request-Bettie Howard, 545 Lamkin Road, Map & Parcel H03 166, Zoned R1-A:** Chairman Culpepper asked Mr. Campbell to address the Commission with the request. Mr. Campbell stated that the property consists of 5.85 acres with a two acre pond. The Howard's will be building their home on this property. In addition to their home they would like to build an 832 square foot cottage with a 217 square foot porch that will be located approximately 25-30 feet from the main structure for the purpose of housing an elderly mother. The property is currently zoned R1-A which provides for only one single residence per lot; this is the reason for the variance request. Also, the street frontage is not sufficient to sub-divide the property.

Chairman Culpepper asked Ms. Howard if she would like to address the Commission. Ms. Howard confirmed the reason for the request and cottage. The cottage will not be used for any other purpose (rental, etc.). There are no plans to sell the property; if sold it would be sold as a total property and not subdivided. This will be their retirement home. Her mother has lived with her for the last 16 years and would like to provide her with a place of her own. Ms. Howard presented the Commission with a copy of their plans; the cottage is actually 20 feet from the main structure. They hope to start construction within the next month.

Chairman Culpepper asked the Commission if they had any questions or concerns. Commissioner Farr had concerns with emergency vehicles having access to the property; Ms. Howard stated that the house and the cottage would share the same circular driveway and there would be no obstructions to reaching the cottage if necessary. Chairman Culpepper asked City Attorney Brown if he had any comments. City Attorney Brown brought up code section 152.235 Authority to Grant Variances of the Planning and Zoning guidelines (Land Usage). In section (C) there are conditions and criteria that are required in granting a variance. The Commission did not find that Ms. Howard's request was in violation of the criteria; only in having the additional structure on the property. As she is not sub-dividing the property, the variance is necessary. The Commission can put additional conditions on the variance request but he is not recommending that they do that.

Chairman Culpepper called for a motion at this time. Commissioner Jennings made the motion to approve the requested variance of Bettie Howard to put an additional housing structure (cottage) on her property and to recommend approval to Council; 2<sup>nd</sup> by Commissioner Farr. Discussion-Chairman Culpepper had a question concerning whether we would causing a problem by granting a variance without going through the process to make sure the criteria is met. City Attorney Brown stated that each request would have to be handled separately. Chairman Culpepper still had concerns with granting this one and turning down another; City Attorney Brown they would have to have plausible reasons for a denial. Chairman Culpepper called for a vote. Motion carried; all in favor.

**Covenant Requirements-City Attorney Stephen Brown:** City Attorney Brown stated that a question had been brought up at one of the previous Commission meetings about the City's involvement in the requirements of covenants for sub-divisions; his response was "maybe". His recommendation is if the Commission has recommendations they felt should be included or further required in the sub-divisions they should be able to take them to Council for consideration to be added to the sub-division regulations in the Planning & Zoning guidelines (Ordinance). Covenants are voluntary restrictions on land use; sub-division regulations are public regulations and are enforced by the City. If the City attempted to require covenants, that would be too vague. The City would have to list the requirements for the covenants for the sub-divisions. Enforcement of the covenants would be another issue; private covenants are not enforced by the City, but by the property owners themselves. City Attorney Brown does not recommend the Commission require that covenants be put in place; leave them voluntary.

As there was no further business before the Commission, Chairman Culpepper called for a motion to adjourn the meeting. That motion was made by Commissioner Cunningham; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor. The meeting adjourned at 7:35 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

Note: As taken by Penny Salley and the recording of the meeting.

The Planning & Zoning Commission met for their Regular Meeting at Harlem City Hall on Tuesday, May 13, 2008 at 7:00 p.m. with Commissioner B.J. Cunningham presiding.

Present: COMMISSION: Commissioner B. J. Cunningham, Commissioner Tim Farr, and Commissioner Franklin Jennings; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore and P & Z Clerk Jerry Campbell; ABSENT: Vice Chairman Dale Arnold and City Attorney Stephen Brown; VISITORS: Robert Fields and Phil Turner.

The meeting was called to order by Commissioner Cunningham at 7:00 p.m.

The Invocation was given by Commissioner Jennings.

The Pledge of Allegiance was led by Commissioner Cunningham.

**Approval of the April 15, 2008 Minutes:** Commissioner Cunningham called for a motion for the approval of the April 15, 2008 Commission meeting minutes as written; that motion was made by Commissioner Jennings; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Elect a New Chairman:** Commissioner Cunningham opened the floor for nominations. Commissioner Jennings made the motion to nominate Commissioner Cunningham for the position of Chairman of the Planning & Zoning Commission; Commissioner Farr 2<sup>nd</sup> the nomination. Motion carried; all in favor.

Being no further business before the Commission, Chairman Cunningham called for a motion to adjourn the meeting; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Jennings. Motion carried; all in favor. The meeting adjourned at 7:03 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for their Regular Meeting at Harlem City Hall on Tuesday, June 10, 2008 at 7:00 p.m. with Chairman B.J. Cunningham presiding.

Present: COMMISSION: Chairman B. J. Cunningham, Commissioner Tim Farr, Commissioner Jennings, and Commissioner John Neal; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Kurt Worthington and Planning & Zoning Clerk Jerry Campbell; VISITORS: N/A; ABSENT: Vice Chairman Dale Arnold.

The meeting was called to order by Chairman Cunningham at 7:00 p.m.

The Invocation was given by Commissioner Jennings.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of May 13, 2008 Minutes:** Chairman Cunningham called for a motion to approve the Minutes of the May 13, 2008 regular meeting as written; that motion was made by Commissioner Jennings; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Conditional Use Permit Request-Sam Jones:** This is for the property owned by Sam Jones and located at 525 N. Louisville Street, Map & Parcel H02 025, zoned R-2 Residential. The conditional use permit is for a Church which is an approved use for this type of zoning. This property had just previously been rezoned to R-2; prior zoning had been B-1. This property had also been a Church 7-8 years ago according to City Manager Dove. The permit will be issued for a period of time as long as Tim Lewis is the Pastor. It will revert back to R-2 without a conditional if it closes or if Mr. Lewis leaves.

There was no opposition present.

Chairman Cunningham called for a motion to approve or disapprove the request. Commissioner Jennings made the motion to approve the request for a conditional use permit for the property located at 525 N. Louisville Street for the use of a Church and that it would revert back to the original zoning of R-2 if the Church closes or Tim Lewis leaves; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Other:** Chairman Cunningham asked about a current zoning map and what we would need to do to get one. Also, what our zoning plans were for the future. City Manager Dove responded that there was a zoning map in the Comprehensive Plan; it needs to be color coded. The Zoning Plan is also part of the City's 10-year Comprehensive Plan. She also reported to the Commission that she and Jerry Campbell have been working on the current zoning ordinance and will have updates to bring before the Commission for input and approval and then would bring before Council for final approval.

Chairman Cunningham welcomed newcomer, John Neal, to the Commission.

Being no further business before the Commission, Chairman Cunningham called for a motion to adjourn the meeting; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Neal. Motion carried; all in favor. The meeting adjourned at 7:09 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

The Planning & Zoning Commission met for their Regular Meeting at Harlem City Hall on Tuesday, October 14, 2008 at 7:00 p.m. with Chairman B.J. Cunningham presiding.

Present: COMMISSION: Chairman B. J. Cunningham, Vice-Chairman Dale Arnold, Commissioner Tim Farr, Commissioner Franklin Jennings and Commissioner John Neal; STAFF: City Manager Jean R. Dove, Operations Manager Robert Fields, Planning & Zoning Clerk Jerry Campbell, and Clerk Penny Salley; ABSENT: City Attorney Barry Fleming; VISITORS: Jim Kaefer, Roy T. Johnsey, Stephanie Salazar, Mr. Salazar, Gary Quinn, Brendan & Mrs. McCahill, and Tony Menendez. Note: Some signatures unreadable; Mr. Salazar signed as "& Associate".

The meeting was called to order by Chairman Cunningham at 7:00 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Chairman Cunningham.

**Approval of June 10, 2008 Minutes:** Chairman Cunningham called for a motion to approve the Minutes of the June 10, 2008 Regular meeting as written; that motion was made by Commissioner Jennings; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Variance Request for Stephanie Salazar:** Chairman Cunningham presented the variance request of Stephanie Salazar as requesting for the allowance of keeping their mobile home on the property (560 Lamkin Road) during the construction of a new home. P & Z Clerk Jerry Campbell addressed the Commission that he also recommended at this time they might also want to discuss the expiration of building permits, the extension of building permits and the time frame for the removal of said mobile home once the Certificate of Occupancy is issued.

Chairman Cunningham recognized Mr. Salazar and Stephanie Salazar at this time. Mr. Salazar stated that Stephanie Salazar is the actual property owner. Ms. Salazar addressed the Commission. She stated that she did not understand why the variance was required; they would need someplace to live while the house was being constructed. She would like the fee that was paid to be applied towards the permit fee. Mr. Salazar addressed the Commission about not understanding himself. They had already contracted with someone for the removal of trees on his lot and were having a hard time getting them to show up. He did not want to stop them from coming so he went ahead and paid the fee. They have only three acres, but would have had a hard time getting the contractors back out. Mr. Salazar stated that he had read the ordinance and his understanding was that the house would not be considered a residence until the CO was issued. Mr. Salazar stated that this was the same thing that Mr. Campbell stated earlier.

**Stephanie Salazar Variance Request (cont'd):** Chairman Cunningham stated that the Board is only here to grant or not grant the variance request; the City interprets the laws. Mr. Salazar's response was "Okay." Chairman Cunningham asked Mr. Campbell to explain the time frame for building permits. Mr. Campbell stated that permits have an expiration date of six months from date of issuance. Chairman Cunningham asked Mr. Campbell if the building had to be completed within that time frame. Mr. Campbell responded that yes it would or they would have to reapply for a permit. Mr. Salazar stated that he read that the permit was good up to two years as long as the work was continuing not a six month period. He requested confirmation from City Manager Dove. She stated that they would have to request a continuance for six months up to a year. Mr. Salazar reiterated as long as the work continued. Mr. Salazar stated that this was a non-issue. Chairman Cunningham asked for confirmation from City Manager Dove that the Salazar's would have to come in at six month's to request an extension. City Manager Dove stated that yes they would, but if there was a break in the work after the six month's a permit would have to be reissued. Mr. Salazar asked how the continuance would need to be done; verbally? City Manager Dove stated that the six months starts on the date of issuance. The continuance would have to be put in writing prior to the six month's expiration. The City would then contact the County to let them know that the permit is still be open; there would be no other fees required (those already paid for).

Mr. Salazar wanted to know how the underlying issues would be addressed. Chairman Cunningham stated that there were other items that needed to be discussed first. Mr. Campbell stated that this pertained to the time frame for the removal of the mobile home once the Certificate of Occupancy is issued. Chairman Cunningham asked what time frame was required; Mr. Campbell stated that they were asking for 90 days. Chairman Cunningham wanted to know if that would be sufficient; Mr. Salazar stated he hoped so. He wasn't sure what to do with the trailer; sell it, burn it, move it or put it in the middle of a field and burn it. Chairman Cunningham wanted to know what the City would do after the 90 days expired and it was not removed. City Manager Dove stated he would have to come back before the Commission in order to leave it there after the 90 days or whatever time frame they approved.

Chairman Cunningham asked Mr. Salazar what other issues he had at this time. Mr. Salazar stated that he had problems with the planning part and in particular the processing of permits. He had to apply for a permit to build a temporary building and did not understand why, but did not challenge since he was new to the area. He stated that apparently that there seems to be a contingency of people who are having the same problems. The problems pertain to the planning and processing of permits and the classifications as to whether something is permanent or temporary and all other kinds of facets and issues related with the same ordinance. He further stated that there are a lot of misinterpretations of the ordinances, in particular, the cutting of trees. His wife received a call stating that the cutting of the trees needed to be halted; then it was found out the

**Stephanie Salazar Variance Request (cont'd):** law was being read incorrectly as to what “cut” meant. At this time, Mr. Campbell stated that these were issues that needed to go before Council and not Planning & Zoning. Mr. Salazar made comments to the effect of not knowing who to go to and sometimes he felt that he was getting the run around. It was explained to him that the Planning & Zoning Commission is able to hear and approve variance requests and hears zoning issues and makes recommendations to Council on the zoning issues. Council approves all ordinances. Mr. Salazar stated he would remove the trailer out within the 90 days of receiving the Certificate of Occupancy; they’ve had some “bites” on the trailer but he can’t do anything yet as they need a place to live.

Vice-Chairman Arnold asked what recourse the City had if the trailer is not moved within the 90 days. City Manager Dove stated she would consult with the City Attorney and that a citation would possibly be issued and they would have to come before the Judge. Chairman Cunningham stated that he feels they will have it out within the 90 days. Mr. Campbell read code section 152.999 of the Planning & Zoning Ordinance; this addresses the issue of violations of the Ordinance. City Manager Dove asked Mr. Salazar if 15 months would be an estimate of the time the trailer would remain on the property; Mr. Salazar stated that this was a conservative estimate.

Chairman Cunningham stated that he was recommending to the Commission to approve the variance request as presented and called for a motion. Commission Jennings made the motion to approve the variance as requested to let the trailer remain on the property while the house was being built and upon completion and issuance of the Certificate of Occupancy for the removal of said trailer within the 90 days after; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Other:** Due to the next Regular meeting falling on a holiday, Chairman Cunningham called for a motion to change the November meeting to Monday, November 10, 2008 at 7:00 p.m.; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor.

City Manager Dove gave information on the “Vision” meeting that Mayor Culpepper would like the Commission, the Historic Preservation Commission and Council to have. The meeting has been set for Tuesday, October 28, 2008 at 4:30 p.m. at Bowden’s Pond. This is an informal meeting and no decisions will be made.

Planning and Zoning Commission Meeting, City of Harlem, GA  
October 14, 2008  
Continued from page 3

Page 4

Being no further business before the Commission, Chairman Cunningham called for a motion to adjourn the meeting; that motion was made by Commissioner Farr; 2<sup>nd</sup> by Vice-Chairman Arnold. Motion carried; all in favor. The meeting adjourned at 7:20 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk

Note: As taken and digitally recorded by Penny Salley, Admin. Clerk

The Planning & Zoning Commission met for their Regular Meeting at Harlem City Hall on Tuesday, November 10, 2008 at 7:00 p.m. with Vice Chairman Dale Arnold presiding.

Present: COMMISSION: Vice Chairman Dale Arnold, Commissioner Tim Farr, Commissioner Franklin Jennings, and Commissioner John Neal; STAFF: City Manager Jean R. Dove, City Clerk Debra E. Moore, City Attorney Stephen Brown, Public Safety Officer Lance Herring, Planning & Zoning Clerk Jerry Campbell; ABSENT: Chairman B. J. Cunningham; VISITORS: Jim Kaefer, Fred Fischer, Herbert Newsome, Hope Dean, Phil Turner, Sarah Douth, Jerome and Melanie O'Connor.

The meeting was called to order by Vice Chairman Arnold at 7:07 p.m.

The Invocation was given by Commissioner Neal.

The Pledge of Allegiance was led by Vice Chairman Arnold.

**Approval of October 14, 2008 Minutes:** Vice Chairman Arnold called for a motion for approval of the October 14, 2008 Minutes as written. That motion was made by Commissioner Jennings; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor.

**Variance Request for C&N Properties Limited, LLC:** Vice Chairman Arnold recognized Mr. Campbell at this time. Mr. Campbell addressed the Commission. The property is located in the Historic District at 120 Verdery Street. Mr. Newsome of C & N Properties is requesting a variance on the setbacks. Mr. Newsome will be going before the Historic Preservation Commission to request permission to tear down the building; they will be saving the foundation. They are requesting a variance on the rear setback. The requirement is 25 feet. The building is currently built out to the street; they will be taking it off five feet from the walkway. Mr. Campbell had a question concerning parking. Mr. Newsome responded that he thought there were three spaces at the back; City Manager Dove stated that the reserved spaces in back belonged to Life Touch Photography. The building is 2600 square feet and could have four spaces at the side. The building will be used for office space and storage. There will be 1100 to 1200 square feet of office space and the storage space will be for the offices in front. The wordage "warehouse" was being used and City Manager Dove stated that the property was zoned B-1 and that a "warehouse" was not covered under this zoning. Mr. Newsome clarified that it is storage space for the offices, not warehouse space. There was a question about whether there was a site plan; there was not at this time. He was told by someone in the office that he would not need the plan at this time. He did not want to go to the expense of having the site plan if the variance would not be approved. He does know he would have to have one to take before the Historic Preservation Commission before he could get permission to take down the building. The plan is to make the building wider; currently 32 feet, will make it 40 feet. The building is currently 68 feet long; will be losing eight

**Variance Request for C & N Properties, LLC (cont'd):** feet, will be making the building 60 feet long. They would like to keep the back as it is (three feet). There are no side setback requirements in the business district. A question came up again on the parking. The parking in the rear would be for customers or visitors; parking would have to be provided for employees of the business. There would be space on one of the sides to put in at least four spaces.

Vice Chairman Arnold asked for any comments from any of the visitors. Phil Turner of the Historic Preservation Commission addressed Mr. Newsome and the Commission. He reiterated that Mr. Newsome would be required to have the site plan before he came to HPC with his request for taking down the building. Mr. Newsome agreed.

Fred Fischer had a question about the placement of the building on the rear setback. Mr. Newsome stated that it currently is only three feet from the property line. Mr. Fischer had concerns with access to the rear of the building by emergency equipment. The property in the rear is owned by the City and there should be no problem with access.

Being no further discussion, Vice Chairman Arnold asked City Attorney Brown for guidance on the motion that needed to be made. City Attorney Brown suggested the following: To grant the request for a variance from the rear setback subject to the approval of the Historic Preservation Commission granting the Certificate of Appropriateness to demolish the existing structure due to being in the historic district and the requirement by the Historic Preservation Commission to have a site plan before they can consider the demolition request and subject to building permit and elevation requirements. Vice Chairman Arnold made the following motion to clarify: To grant the initial variance request pursuant to the Historic Preservation Commission grant a Certificate of Appropriateness and subject to building permit requirements. That motion was made by Commissioner Farr; 2<sup>nd</sup> by Commissioner Jennings. Motion carried by a vote of 3-0 with Commissioner Neal recusing himself due to being the former owner of the building.

**Variance Request for Jerome O'Connor:** Mr. Campbell addressed the Commission. The property is located at 107 Ansley Place. The request is to be allowed to keep an aluminum carport that was installed in the back/side yard for boat storage and to adjust the rear and side setbacks. City Manager Dove stated that accessory structures should meet the materials requirements (like materials of the main structure) and meet setback requirements. City Attorney Brown questioned if a building permit or land use permit had been issued. Mr. Campbell responded that neither had been applied for. Vice Chairman Arnold wanted clarification as to what would happen if this was not approved; they would have to remove the structure. Commissioner Jennings stated that prior to this incident a citizen came before the Commission with a like request and that it was denied and he had to comply with the material and setback requirements; he does not feel that

**Variance Request for Jerome O'Connor (cont'd):** we can waiver on our decisions and requirements. Commissioner Jennings stated that the property owner was in violation of several requirements not just material requirements. Mr. Campbell agreed and stated that Mr. O'Connor was in violation of four requirements: no building permit applied for, material requirements and rear and side setback requirements. Commissioner Jennings stated that in his view Mr. O'Connor is in violation of code sections 152.066 and 152.055.

Being no further discussion, Vice Chairman Arnold called for a motion. Commissioner Jennings made the motion to deny the request due to the violation of code sections 152.066 and 152.055 (materials and setback requirements); 2<sup>nd</sup> by Commissioner Neal. Motion carried; all in favor. Discussion: The next step is to remove the aluminum carport.

The next meeting is scheduled for December 9, 2008.

Being no further business before the Commission, Vice Chairman Arnold called for a motion to adjourn the meeting; that motion was made by Commissioner Jennings; 2<sup>nd</sup> by Commissioner Farr. Motion carried; all in favor. The meeting adjourned at 7:49 p.m.

Respectfully submitted,

Debra E. Moore  
City Clerk