

**Pike County Board of Appeals
Minutes
October 20, 2016**

The Pike County Board of Appeals held its scheduled monthly meeting on October 20, 2016, at 7:00 pm in the Pike County Board of Commissioner's meeting room located at 79 Jackson Street, Zebulon, Georgia. Members present were Chairperson Ron Snowden, Vice Chairperson Brent Taylor, Meredith Sorrow, and Leslie Ratliff. Bonnie Byrd Gardner was not present. Also present was David Allen, Director of Planning and Development who recorded the meeting. Several members of the public were present.

- I. Meeting was called to order by Chairperson Ron Snowden at 7:00 p.m.**
- II. A motion to approve the agenda was made by Brent Taylor and seconded by Leslie Ratliff. Vote 4/0**
- III. A motion to approve the September 15, 2016 meeting minutes was made by Brent Taylor and seconded by Leslie Ratliff. Vote 4/0**
- IV. New Business:**

Public Hearings:

VAR-16-04 – Jackie S. Stevens, property owner and applicant, is requesting a variance in an A-R zoned district to allow for a two-acre parcel to be subdivided from the subject property. The subject property, located at 1690 / 1882 Hutchinson Road, has approximately 2273 feet of frontage along the eastern side of Hutchinson Road and approximately 365 feet of frontage along the southern side of Bethany Church Road. The property is located in Land Lot 125 of the 1st District of Pike County, Georgia. The property consists of 14.7 total acres and is further identified as Tax Map Parcel #049 011.

David Allen introduced the case. Mrs. Stevens was not present.

Mrs. Stevens wants to divide her property to separate the two houses on the 14.7 acre parcel. Mrs. Stevens lives at 1690 Hutchinson Road, and the house she wants her nephew to have is at 1882 Hutchinson Road. Mrs. Stevens is unable to make the separated 1882 Hutchinson Road parcel a full three acres, because it would put her home parcel under 12 acres, which is the new minimum CUVA tax standard.

No one spoke in favor of the request.

Rodney Dickson (neighbor across street at 1723 Hutchinson Road) spoke in opposition to the request. When he bought his property he was told that 3 acre lots were the minimum, and he wants everything to stay the same (3 acres).

Board member Ron Snowden asked if you could rebuild the house if it burned? Probably, pending certain conditions.

Board member Meredith Sorrow said that 2.7 acres would be a good compromise. This would allow Mrs. Stevens to have her separate 12 acres and still qualify for CUVA.

Board member Brent Taylor asked if the subdivided property would have a separate deed? Yes

Ron Snowden asked if Mrs. Stevens could leave it in her will it as is? Yes.

Meredith Sorrow asked if there was officially two addresses out there? Yes.

A motion to approve the variance request with the condition that the smaller property be a minimum two acres was made by Meredith Sorrow and seconded by Leslie Ratliff. Vote 4/0

SE-16-12 – Timothy W. and Sharon Manley, property owners, and Jeremiah Manley, applicant, are requesting a special exception in an A-R zoned district to allow for a domestic winery on the subject property. The subject property, located at 395 East Milner Road, has approximately 465 feet of frontage along the northern side of East Milner Road and approximately 298 feet of frontage along the western side of Nazareth Church Road. The property is located in Land Lot 158 of the 8th District of Pike County, Georgia. The property consists of 10.09 acres and is further identified as Tax Map Parcel #079 041.

David Allen provided an overview of the situation and Jeremiah Manley, Timothy Manley, and Sharon Manley were present to answer any further questions. Jeremiah Manley wants to put a domestic winery (muscadine grapes) with public tasting room on his family property. This requires a special exception per the Pike County Zoning Code as a medium to high intensity agri-tourism use. The property fronts East Milner Road and a portion also fronts Nazareth Church Road (where the vines would be planted). The tasting room would be accessed off of East Milner Road, adjacent to the main Manley house.

Jeremiah Manley came forward. He wants to put 2 acres of muscadine vineyard on the land. The winery (plus the public tasting room) won't become fully operational until several years down the road. Until then, he will focus on selling other fruits, like strawberries and watermelons in a u-pick operation. He may eventually use other fruits besides muscadines in wine production.

Ron Snowden asked if they could approve the tasting room later. Mr. Manley would like to know if he can get approval for the whole thing now. Approved special exceptions run with the land and don't have expiration dates.

Jeremiah Manley read some State alcohol regulations, which state that distilled spirits cannot be sold or consumed within a 100 yards of a church (Open Arms Baptist Church is just down the road). He said that the tasting room would be at least 100 yards away from the church, but that wine was not considered a distilled spirit.

Ron Snowden asked if he would need a County business license. Yes.

Brent Taylor asked how the CUVA status would apply. He could still have CUVA and still sell wine under certain conditions.

Meredith Sorrow asked if the business license would violate CUVA. U-pick operations are fine, and wineries are fine if they use their own grapes in the wine production.

The public hearing was opened, with those in favor to speak first.

Sal McBrayer came forward to speak. He had some questions. He was concerned about where they would get water for this commercial enterprise. He said that there are already well problems on Nazareth Church Road. Would Mr. Manley irrigate? Mr. Manley said that he was planning to collect rainwater in cisterns. Mr. McBrayer said that they would need a deep well tapped into an aquifer. Mr. McBrayer himself makes wine and beer in small batches. He said that you don't have to spray muscadines. How would the waste products be handled? Turned into mulch and compost. Mr. McBrayer said that he would like to do a winery himself one day.

Vern Stephens of 481 Nazareth Church Road spoke in favor of the request. He has lived there 21 years. He said that shallow wells do dry up, and he has a deep well now. There is plenty of water out there. He has known the Manley family for a long time. He said that Jeremiah Manley is a disabled veteran wanting to now make a living off the land.

Robert Fuller also spoke in favor. He lives at 441 East Milner Road, next to the Manleys. He said that wells must go deep to get adequate water. He said that the Manleys were good neighbors.

Sonia Dickson of Hutchinson Road said that she would like a winery in the County.

Mitchell Mordas of Patton Road said that a winery would be good.

Sharon Manley, mother of Jeremiah Manley, said that the land has been in the family for many years. Her son is a disciplined person and has done his research.

Bonnie Mordas of Patton Road said that a winery would be good for the County.

Josh Lee spoke in favor. He has been a friend to Jeremiah for a long time, and he will make it happen.

Ellen Turner, a relative of Jeremiah, spoke in favor. She owns multiple acres next door.

Jessica Bulloch also spoke in favor. She is Jeremiah's sister. She said that he takes good care of the family land.

Terry Ison came forward to speak in opposition to the request. He is the Pastor of nearby Open Arms Baptist Church (corner of East Milner Road and Nazareth Church Road). He had questions about how to define a winery. Can it be as big as it wants? Can there be limits on the size? How big would the wine tasting room be? Does Pike have any standards to limit the winery? Can he only make wine from grapes grown on the property? How much wine would be made?

Jeremiah Manley said that approximately 3500 bottles would be made to start out.

Meredith Sorrow read the standards of a "farm winery" from the State code. A minimum 40% annual revenue has to be provided from grapes grown on the property. CUVA limits the number of offsite grapes that can be used.

Pastor Ison asked if tractor trailers would deliver anything. What would the hours of operation be?

Jeremiah Manley said that the winery would be open to the public in daylight hours only. Maybe noon to 6 pm. He does not want to conflict with church hours.

Pastor Ison said that he had an issue with a winery next to a church. He did not feel that the Board had enough information at this time about winery operations to make a decision. Would the place run on Sundays? Do the signees of the public hearing sign-in sheet all have to be Pike residents?

Brent Taylor asked what size tasting room. 15 feet by 15 feet approximately to start. She asked if there would be a limit on production. 10,000 bottles would be the eventual goal. Have they considered drilling a deep well? Yes. What would be the planned hours of operation? Weekdays 1 pm to 7pm. Saturdays 12 pm to 8 pm. Sundays 2 pm to 6 pm.

Ron Snowden asked if the Health Department would have to be involved. Yes. However, it will take about three years to grow the muscadines for wine production.

Meredith Sorrow said that there were natural limitations for the winery already, in terms of property size, water availability, etc. She said that a distinction needed to be made between a “farm winery” in the State regulations, versus a “wine manufacturer”, which is a much larger operation.

A motion to recommend approval of the special exception request, as a farm winery, with the listed conditions and to forward it to the Board of Commissioners was made by Meredith Sorrow and seconded by Leslie Ratliff. Vote 4/0

Approval conditions:

- 1. Adequate off-street parking shall be provided for the general public on the subject property. No parking associated with the winery shall occur on the road shoulders or rights-of-way.**
- 2. Hours of operation for the winery and tasting room in regards to the general public shall be weekdays 1 pm to 7 pm, Saturdays 12 pm to 8 pm, and Sundays 2 pm to 6 pm.**
- 3. An annual County business license shall be required.**
- 4. Approval of this request is for the activities associated with a farm winery and wine tasting room only. It does connote approval for other types of special event hosting on the property. Changes in or additions to the scope of this request shall require another special exception application and approval.**

VAR-16-05 – Mitch and Bonnie Mordas, property owners and applicants, are requesting a variance to allow for a reduction of the required width of the private road access to their subject properties. The subject properties, 1502 Patton Road and two adjacent parcels, share approximately 32 feet of frontage along the eastern side of Patton Road. The properties are located in Land Lot 60 of the 2nd District of Pike County, Georgia. The total property acreage is 29.79 acres and is further identified as Tax Map Parcel #075 022 A.

David Allen provided an overview of the situation and Bonnie Mordas was present to answer any further questions. Joey Scanlon of Scanlon Engineering was also present to show a large copy of the proposed plat. The Mordases have a house and accessory structure currently on their property. They want to split up the property three ways to give their kids their own plot of land. However, there is a 30 foot wide access strip to Patton Road that the Mordases share with a nearby family. In a letter from 2014, the County Attorney and I told the Mordases that they need to make the access strip a private road to accommodate any further subdivision of the land. The Mordases fulfilled the E-911

requirements for a private road last year, having the access strip officially named "Low Pass Lane". However, the zoning requirements for a private road (summarized in the letter) are still not fulfilled. The Mordases do not have enough access width to accommodate the required 60 foot wide right-of-way for a private road. Hence, they are asking for a variance on the right-of-way width as the first step toward making Low Pass Lane an official private road.

The public hearing was opened.

Dave Uhlenbrock had some questions. He lives south of the subject property at 433 Willow Creek Lane. Will the existing driveway stay the same? Yes. Will the private plane runway stay? Yes. Aren't there two houses out there? Mrs. Mordas said no, one house and the accessory building (built in 2014) is her clay studio. Does her kids live in the pottery studio? Mrs. Mordas said no.

Ashley Marie Travis spoke in favor of the request.

Mitchell Mordas also spoke in favor. His family has lived there 20 years. He wants to keep it in the family.

Bonnie Mordas spoke in favor. She wants her kids to inherit the family land.

Bonnie Uhlenbrock spoke in opposition. Where does Mrs. Mordas sell her pottery? Griffin Senior Center. The business will be there? No, the business has been on her property for 20 years without an incident. Mrs. Uhlenbrock is concerned about several houses and a business being off a 30 foot wide access.

Joey Scanlon showed the Board a large, detailed copy of the proposed plat.

A motion to approve the variance request was made by Brent Taylor and seconded by Leslie Ratliff. Vote 4/0

V. Discussion: None

VI. Adjournment: 8:40 pm

A motion to adjourn was made by Ron Snowden and seconded by Leslie Ratliff. Vote 4/0