

**Pike County Board of Appeals
Minutes
January 21, 2016**

The Pike County Board of Appeals held its scheduled monthly meeting on January 21, 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, Brent Taylor, Bonnie Byrd Gardner, Meredith Sorrow, and Leslie Ratliff. 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 and to switch the order of the two public hearings was made by Leslie Ratliff and seconded by Meredith Sorrow. Vote 5/0**

A motion to add the Election of Officers to the end of the agenda was made by Meredith Sorrow and seconded by Ron Snowden. Vote 5/0
- III. A motion to approve the July 16, 2015 meeting minutes was made by Meredith Sorrow and seconded by Brent Taylor. Vote 5/0**

A motion to approve the October 15, 2015 meeting minutes was made by Meredith Sorrow and seconded by Brent Taylor. Vote 4/0 (Leslie Ratliff abstained.)

- A motion to approve the December 17, 2015 meeting minutes was made by Leslie Ratliff and seconded by Brent Taylor. Vote 4/0 (Meredith Sorrow abstained.)**

IV. New Business:

Public Hearings:

VAR-16-01 – Jason Leatherman, current property owner and applicant, is requesting a variance in an A-R zoned district to allow an accessory building (barn) in the front yard of the principal residence. The subject property, located at 810 Union School Road, has approximately 230 feet of frontage along the western side of Union School Road. The property is located in Land Lot 157 of the 9th District of Pike County, Georgia. The property consists of 8.12 acres and is further identified as Tax Map Parcel #034 056.

David Allen provided an overview of the situation, and Mr. Leatherman was present to answer any further questions. Mr. Leatherman wants to put an accessory building on his property, but the normal requirements of locating the structure in the side yard or rear yard cannot be met, due to the septic system location and portions of wet soils / floodplain in the side and rear yards.

Mr. Leatherman came forward and said that he wanted to put a 30 ft. by 40 ft. enclosed metal building in his front yard due to the fact that he was unable to put it in the side or rear yards. It will be for storage only, and no additional septic will be required.

No one spoke in opposition to the request.

Brent Davis, April Wheeless, David Mangham, and Cherry Thomas all spoke in favor of the request.

A motion to approve the variance request was made. Vote 5/0

SE-15-13 – Shri Ram Chandra Mission, property owner, and WestCare Georgia, Inc., applicant, are requesting a special exception in an A-R zoned district **to allow for the location of a drug and alcohol rehabilitation center and educational center for male youths (ages 14 to 17) on the subject property.** The subject property, located at 5611 Ga. Hwy. 109 West, has approximately 730 feet of frontage along the northern side of Highway 109. The property is located in Land Lot 93 of the 9th District of Pike County, Georgia. The property consists of 32.5 acres and is further identified as Tax Map Parcel #047 038B.

David Allen provided an overview of the situation. This hearing was tabled from December due to what citizens felt was a confusing zoning sign posted at the property. This was the same property where a rezoning application for a drug rehab failed in 2014. Members of WestCare, the applicant, were present to answer any further questions. The current property owner, Sanjay Sehgal of Shri Ram Chandra Mission, was also present. The property has been a religious meditation retreat for over 20 years.

Steve Hornsby of WestCare came forward to speak. He is a former Judge. He referred to the question and answer sheet passed out at the last meeting. He introduced Michael Langford and Michael Lavin also of WestCare. WestCare has been in Georgia since 2003. They provide addiction treatment centers of youths. The cases are voluntary, not court ordered. There would be 24 hour monitoring of patients by local hires. The program is fully accredited by the State. It is a non-profit, funded through State grants and private insurance. The youths (male) are referred from anywhere in the State of Georgia by doctors, counselors, ministers, and parents. The patients do not have a violent history. They are screened, and WestCare can refuse certain prospects. They want successful candidates. There would be 32 students maximum, 20 students initially.

Michael Langford of WestCare also spoke. He said that the greatest security measure for the facility would be the successful pre-assessment of the youths that will be there. Nevertheless, there will be 24 hour staff, a security system, and cameras. This will not be a lock down facility. They will transport unwilling patients back home. There will be a certified teacher on staff to provide 5.5 hours of education daily. No cell phones will be allowed, but there will be family days for visitation.

Michael Lavin of WestCare also spoke. He is the senior Vice President. WestCare has 148 facilities in 17 states. There are strict codes in the State of Georgia to meet. The main building on the property already has a sprinkler system for fire. The law requires that monitoring cameras be in

place. There are 3 required fire drills a month. He is confident enough of the quality of the place that he would be willing to send his grandchild there.

Board member Meredith Sorrow asked about their Stone Mountain facility and why it was no longer there. Mr. Lavin said that it was there 5 years, but that the State pulled funding due to the recession. They have other facilities in Keysville and in Atlanta. Ms. Sorrow asked about the Augusta facility. WestCare replied that that was a lockdown facility (not voluntary) that closed down about 5 years ago. Ms. Sorrow said that she read an article in the August Chronicle which talked about an assault at that facility and that the security system wasn't working at the time. WestCare replied that their license was not revoked due to that incident. They cannot guarantee a complete absence of those types of incidents.

Ms. Sorrow also talked about the proposed facility at the Green Meadows community in Augusta, and why it withdrew its application. WestCare replied that there was opposition within the community and concerns about access to the proposed facility (which it would have shared with Green Meadows).

Board member Bonnie Byrd Gardner brought up an article (provided at the meeting) which talked about a rape at one of their facilities and the license being revoked. WestCare replied that they have never had a license revoked.

Board member Brent Taylor asked what guarantee the citizens would have that this facility would be a true non-profit and just for youth. WestCare said that they have always been a non-profit. Zoning conditions could restrict the use of the property.

Mrs. Taylor asked why did WestCare pick Pike County? WestCare said that it was a 2 year search. The area was a good environment, and the building already had a sprinkler system and a commercial kitchen.

Board member asked if there were any intentions to build a perimeter fence for security reasons. WestCare replied that the property was too large to build a fence. They reiterated that there are 3 shifts of personnel and supervision 24 hours a day.

Board member Leslie Ratliff asked what if the facility changes purposes in the future? The State asked WestCare to find a facility. Could the State force the facility to change purposes without consulting the County? The State prison on County Farm Road is a good example. The State changed the purpose of the facility several times. Do they see the need to hire a resource officer for the facility? WestCare replied that they don't see the need for a resource officer right now. Their staff is already trained. They would have 30 staff, with 20 being full time. WestCare asked why they were relocating. They want to buy a good property to be at for a long time. They rent properties too, but they prefer to own.

Meredith Sorrow asked why do we need another facility like this in the County? WestCare replied that they were trying to find a good environment to serve these kids. They will be providing local jobs and put money back in the community. They will have \$1.2 million worth of paid staff.

Ron Snowden asked what the difference between this and Teen Challenge. WestCare was not sure, not being real familiar with the Teen Challenge program. Maybe more variety of kids at WestCare?

Board member Bonnie Byrd Gardner pointed out that we love our community and want what is best for it.

Meredith Sorrow said that she did not see a State contract number for WestCare. WestCare said that this is a public document.

Leslie Ratliff asked how often the WestCare advisory Board met. One to two times a month.

Meredith Sorrow asked why they went the special exception route instead of the rezoning route. A-R zoning doesn't seem to fit this request. This seems like a "back door" way of doing things. WestCare explained that David Allen had laid out both options for them and the pros and cons of both options. They knew that the previous rezoning request in 2014 had failed.

Steve Hornsby got back up and put letters of support from around the State into public record. He read portions of two letters from community leaders where WestCare had facilities.

Sanjay Sehgal, the property owner and local administrator of Shri Ram Chandra, came forward to speak. The organization has been there for 25 years. He knows it has been called names by citizens in the past. He feels that they have been peaceful neighbors. The property was active as a meditation center until 2010, and had many programs going on without any incidents. He said that there is a fear of the unknown. He had checked the past cases and incidents with WestCare and was fine with it. Bonnie Byrd Gardner asked why he was leaving. Mr. Sehgal said that the property was now too small for the headquarters. He loves the community though.

The Board opened up the public hearing. "In-favors" came forward first.

A doctor from Carrollton, a colleague of Mr. Sehgal's, came forward to speak in favor of the request. He first came to the meditation center in 1998. He thinks the community is nice people. These kids need help. He saw no assaults in the cases he was witnessed.

No more people spoke in favor. The Board asked for those opposed to come forward and speak.

Jim Davidson came forward. He presented information packets to the Board members. He was asked by several citizens to speak. He read from the Purpose section of A-R zoning, which is to preserve quite, agricultural and residential uses. It is free from other types of uses. This would be a professional business – its services are not free. WestCare representatives do not live in Pike, and they are not interested in our welfare. Mr. Davidson said that they are trying a "back door" approach with the special exception request. We already have two facilities in Pike for troubled youth. Pike County shouldn't be known as the drug capital of Georgia. This will lower property values. Mr. Davidson said that just like Green Meadows, we don't want them here. Mr. Davidson expressed safety concerns for widows and small children in the area. There is a history of escapees at Teen Challenge. There would be a problem if a fire occurred at the facility – steep slopes could delay a tanker truck coming up the hill. Does the place meet State fire codes? You need 150 psi of pressure on water system for fire protection. Is the septic system adequate for more than periodic use?

Mr. Davidson also stated that there were no hospitals nearby. What would happen during an emergency? An already busy Hwy. 109 would have more traffic. Item #2 for consideration of these requests in the Zoning Code states that a proposed use cannot be detrimental to adjacent properties. The tax exempt status would not be beneficial for Pike County. The approval of Teen Challenge was a bad precedent for the County that does not need to be repeated. Approval of this would be an encroachment on adjacent properties. Mr. Davidson asked the Board members to read the WestCare profile statement thoroughly. Is this best for the citizens of Pike County? He asked for show of hands or people standing to show opposition to the request. Most people in the audience stood.

Cherry Thomas also spoke against the request. She has been a Pike citizen for a long time and loves the County. She has concerns about the State providing funding and then controlling the use of the facility, not the County. This seems to be no tax benefit to the County. Who would pay for funding beside taxpayers? What if State funds dwindle – who would pay then? What are the backgrounds of the children coming? Will State inspections be made? What would keep the place from changing to another use once approved?

Leia Jordan also spoke against the request. She is concerned about the safety of her child. She moved to Pike 6 months ago. This is not the place for this type of facility.

Jim Lane spoke in opposition. Government is for the good of the citizens. How does this benefit the citizens? The youth may wind up in the court system anyway. Teenagers today can't be as controlled as they used to. He mentioned that a male inmate at the County Farm Road prison escaped and killed a Pike County citizen several years ago.

Jim Edwards spoke in opposition. He owns property nearby. He is concerned about property values. He said that the slow process to get this request heard is actually a good thing. It is an important decision that needs to be thought through.

Brent Davis spoke against the request. He said that the County already has two facilities like this. He doesn't believe WestCare's presentation. The security system failure in the Augusta incident proves that. Are there really going to be non-appointed youths there? This is a bad precedent. Small government is good and needs to be unobtrusive. The community helps each others. We don't need outsiders now.

Linda Lynch was opposed. She was born in Pike. We don't need another facility.

Becky Pryor was opposed. This threatens the integrity of Pike County. This is a rural community.

Carson Oeldrich was opposed. He lives a mile down the road and has kids.

Ramona McWilliams was opposed. She moved here 40 years ago from DeKalb. She loves the County. She lives right next door to the property.

Loyd Thomas was opposed.

Sean Cuillo was opposed. He lives behind the property. He has 4 kids, and has enough to worry about.

Suzanne Nesmith was opposed. She did a petition of citizens of Pike and had 50 signatures against the request.

April Wheeless spoke against the request. She signed the petition. She has a young child. She also had concerns about the water table and safety.

Bonnie Gill was opposed. She owns property nearby.

Robert Coker was opposed.

Susannah Flowers was opposed. She lives nearby and has kids and grandkids. She said that cameras will not be sufficient for security.

Alan Dodson was opposed. He has family here. This is a family environment.

Phyllis Brown was opposed.

Bethany Hill was opposed.

Marie Bauch was also opposed. She had concerns about family.

Melvin Kyle was opposed. A former firefighter, he talked about a grease fire that happened at the facility years ago. He said the place was filthy. This facility will not help those that need it.

Doris Coker was opposed.

Billy Conner was opposed.

Eleanor Quinn of Meansville was opposed. She gave her own petition to the Board.

Connie Green was opposed. She lives at 487 Deer Trail, behind the property. She says that Shri Ram Chandra has actually been a problem in the past. At big events, she had people wander off the mountain and on her property.

Linda Smith was opposed. She has grandkids. She did not support Teen Challenge. This is a agricultural community. How can this place be non-profit and State funded at the same time? Her husband, Lynn Smith, was also opposed. This is not zoned right.

William Glaze spoke in opposition. He worked in law enforcement and has been around addicts. The facility would accept kids trying to avoid court. There is no apparent security effort. Cameras are untrustworthy.

Ben Green was opposed. He lives behind the property. He is a contractor. He said documentation of the Health Dept. papers and floor plans at the Building Dept. are required but are lacking right now. He produced a letter from the Health Dept. which stated that an evaluation of the septic system is recommended. Do original drawings of the facility still exist? The place does not meet fire codes now – a 25 foot easement is required around public buildings. The sprinkler system should be inspected every year and they are required to keep the tests on site. He has asked to see the records. There are a lot of parking spaces required (based on square footage), but only 4 regular spaces and two handicap spaces are currently provided. The EPA requires a detention pond for developments over 1 acre. He said that they went the special exception request because they wanted to avoid the “spot zoning” label.

Sharon Davis was also opposed. She lives about a mile away.

Janet Matthews of Flowers Road was opposed.

Jimmy Bennett was opposed.

Ruth Harrison of Deer Trail was opposed.

Anne Davidson was opposed.

Jason Leatherman was opposed. This is a drain on the County.

Gerald Matthews was opposed. He enjoys country life. He thanked the Board for the tough job they do.

Tamra Jarrett was opposed. This proposal is out of sync with the community.

Don Harrison was opposed. He was a deputy Sheriff. He moved here to get away from things.

Tony Watkins spoke in opposition. He said that a special exception is not proper for this, it should be rezoned. He presided over a rezoning hearing for this same property back in 2014. This request has the same issues. He also owns property nearby and has an elderly mother there.

Judy Glaze was opposed. She lives nearby (across street). She worries about fires. She doesn't feel that there will be adequate security.

Henry Jordan was also opposed. He lives on Deer Trail. He is worried about property values. If approved, they will lose freedom of choice and will not be able to resale. He has family. He is worried about the camera incident in Augusta.

The public hearing was closed.

Steve Hornsby of WestCare spoke again. They have had fire inspections done, and are still doing their due diligence on the buildings.

Ron Snowden asked if WestCare would bring the buildings up to Code? Are these kids pre-court order. They are voluntary.

Bonnie Byrd Gardner said that with drug addict kids, the parents can suggest placement in a facility before a court order happens.

Ron Snowden asked if this would be all Georgia kids? Yes.

Meredith Sorrow said that the security issue was not addressed fully. WestCare said that the best security was choosing the right kind of kids to bring in in the first place. They have a detailed risk assessment process.

Mr. Hornsby said that treating kids like criminals is not effective.

Bonnie Byrd Gardner said that she was concerned that the facility would be a detriment to adjacent properties and it must not affect the health and safety of citizens.

Brent Taylor said that there are several factors to consider. We already have lots of facilities in a small County. It would be in close proximity to residential properties – they were here first. Highway 109 is very rural but with heavy traffic already. 30 employees would just add to that traffic.

Meredith Sorrow said that the approval of Teen Challenge was not setting a precedent for the rest of the County.

A motion to recommend denial of the special exception request was made by Bonnie Byrd Gardner and seconded by Brent Taylor. Vote 5/0

V. Discussion:

A motion to re-elect Ron Snowden as Chairperson and Brent Taylor as Vice Chairperson was made by Meredith Sorrow and seconded by Leslie Ratliff. Vote 5/0

The length of time for presenting views in the public hearings was discussed. It was decided to not limit the time and let everyone speak.

VI. Adjournment: 10:00 pm

A motion to adjourn was made by Bonnie Byrd Gardner and seconded by Meredith Sorrow. Vote 5/0