

## Walker County Planning Commission

Minutes

June 21, 2022

Walker County Civic Center

6:00 PM

### ATTENDEES:

#### **Planning Commission Members**

Jon Hentz  
Stan Porter  
John Morehouse  
Daryl Brooks  
Jack Mullinax  
Michael Haney  
Cindy Askew  
Zack Chapman  
Todd Hold  
Robert Carter

#### **Walker County Planning Staff**

David Brown, Director of Codes, Inspections & Planning  
Kristy Parker, Planning Commission Secretary

#### **I. CALL TO ORDER:**

Chairman Michael Haney called the meeting to order at 6:00 P.M.

#### **II. ROLL CALL**

**III. READING AND APPROVAL OF THE MINUTES FOR MAY 19, 2022:** Chairman Haney asked if there were any corrections to last month's minutes. Being none Chairman Haney asked if there was a motion to approve. Daryl Brooks made a motion to approve as submitted. Jack Mullinax seconded the motion to approve. Vote was unanimous. Vote to approve carried.

**II. MOTION TO OPEN THE PUBLIC HEARING:** Chairman Haney asked if there was a motion to open the public hearing. Todd Holt made a motion to open. Daryl Brooks seconded the motion. Vote was unanimous. Motion to open the public hearing carried.

#### **III. PUBLIC HEARING:**

**1. Andy Brown:** Mrs. Krista Brown came forward and stated that they would like to rezone the 1.25 acres from A-1 to R-1 to divide off the property and sell the house with less than five acres because they use the acreage to

run cattle on. Chairman Haney asked if she understood that the present zoning requires there to be five acres and she said yes but they did not have five to spare. Chairman Haney asked if there were any questions. Stan Porter asked Mrs. Brown how many acres they had, and Mrs. Brown stated sixteen. Todd Holt asked if this lot had already been deeded off and approved and Mrs. Brown said yes as far as she knows it has been. Jack Mullinax stated that he thinks the cart has been put before the horse. He stated that they should have gotten the rezone first then it should have been recorded. Cindy Askew asked if they planned to keep cattle on the remaining land and Mrs. Brown said yes. Cindy Askew then asked if they planned on putting another house on the property and Mrs. Brown said no. Chairman Haney then said that was all the questions they had for Mrs. Brown.

**2. Katina & Kamran Shafi:** Mrs. & Mr. Shafi came forward and he stated that his mother-in law wishes to spend her last days on this property. He said that they did make the mistake of not having any permits, but he would like to bring it up to codes. He also said that these places are only temporary until they can make one big place. He stated that he has cleaned the property. He also stated that they have been paying the taxes on the old house that is on the property. Chairman Haney asked if these were sold as cabins, and they said yes. Jack Mullinax asked if all three structures were being lived in and Mr. Shafi said yes. Chairman Haney asked Mr. Shafi if he understood that these were not supposed to be within three hundred feet of each other. Zach Chapman asked about the large house on the property and Mr. Shafi said it was not livable. Todd Holt asked how long these have been sitting on the property and asked to see a copy of their receipt. After looking at that he said so the buildings have been sitting out there since last year. He asked if Environmental Health has been out regarding the septic and Mrs. Shafi stated no that they just hooked it up to the existing tank. Todd Holt then asked how they got power and Mr. Shafi said that power was already there, and they hooked to it. Zach Chapman also brought up that the property is zoned A-1 and needs five acres per dwelling. Cindy Askew asked them what the long-term plan was, and Mr. Shafi said that they will not be left as tiny homes forever and that they would join them to the house. He said he is having trouble getting a loan to fix everything and waiting on prices to go down. He said that they must be close to his mother-in-law because of her health. Todd Holt asked how much money they had spent on getting all this done and Mr. Shafi said over \$50,000 dollars. Mr. Holt then said after spending that much money why did they not bring anyone in to see about upgrading the house. Mr. Shafi said that they had someone look at turning the garage into living space, but it was going to be \$200,000 dollars to do so. Chairman Haney said that was all the questions they had.

**3. Brenda DeFries:** Shannon DeFries (Ms. DeFries's son) stated that he would like to be able to have his son put a home on this property and they understand that you are supposed to have five acres each and they are just a little bit short on acreage. He said that he does have a few cows on the property. Jack Mullinax asked if there were more grandchildren that would need a place and Mr. DeFries laughed and said no. Todd Holt asked Ms. DeFries if the property was still in her name and she said yes. He asked if it would continue to be in her name and she said yes. Mr. DeFries said that he was given the place to live as a wedding gift years ago. He said that his mom does have the house that she lives in and if anything happens to her that either his son would get her house, or he would. Cindy Askew asked if he lives on the property and he said yes in the mobile home at the front of the property. John Morehouse asked if the other home would be at the back of the property and Mr. DeFries said yes. Todd Holt asked if they were aging to put a mobile home on the property and he said yes. Todd Holt asked Ms. DeFries if that home would be in her name, and she said no. Chairman Haney said that was all the questions they had.

**4. Ashish D. Patel:** Hiram Patel came forward and explained who lives in the mobile homes on the property and that they would like to place one back where there use to be one. Jack Mullinax questioned the back taxes that show being owed. Mr. Patel stated that the taxes owed are the mobile homeowners. He said that the land and mobile homes are different owners. Stan Porter asked who would own the mobile home that they are wanting to bring in and Mr. Patel turned around and pointed to a gentleman in the audience and said that he would. It was clarified that there are currently three mobile homes on the property and Mr. Patel is wanting to place a fourth one which they would all share the same drive. Zack Chapman said that he drove by the property, and you can see what looks to be the frames of the old mobile homes still on the property. Cindy Askew asked that where the old mobile home use to sit could a new one be moved in to replace it and Planning Staff stated that if something had been brought in within a year it would have been considered grandfathered in, but it's been longer than a year. Todd Holt asked when the property would be cleaned up. Mr. Patel did not answer. Chairman Haney said that was all the questions they had.

**5. Gary Soliz:** Mr. Soliz came forward and stated that he would like to open a taco restaurant in that area, and he is requesting a variance on the number of parking spaces. Chairman Haney asked how many spaces it currently has, and Mr. Soliz said twenty-two. Zack Chapman asked for clarification on what he was asking for. Planning Staff stated that Mr. Soliz thought they had enough room for the required amount of parking spaces but after measuring the property they cannot fit the number of spaces on the property. Cindy Askew asked what the required amount would be, and Mr. Soliz said twenty-two. She then asked Mr. Soliz how many was there, and he said twenty-two. Planning staff explained that his drawing was not measuring up to what was showing on Q-Public and that twenty-two spaces with required footage will not fit on the property. Jack Mullinax asked how large the office would be upstairs. Mr. Soliz said about 10x30 and the rest as storage for downstairs. Chairman Haney said that he did not feel like he was asking anything out of the way because the same thing had been done for the Dollar General. Chairman Haney said that was all the questions they had.

#### **IV. MOTION TO CLOSE THE PUBLIC HEARING:**

Chairman Haney asked if there was a motion to close the public hearing. Todd Holt made a motion to close the public hearing. Stan Porter seconded the motion. Vote was unanimous. Motion to close the public hearing carried.

**V. MOTION TO OPEN NEW BUSINESS:** Chairman Haney asked was there a motion to open new business. Jack Mullinax made a motion to open new business. Daryl Brooks seconded the motion. Vote was unanimous. Motion to open new business carried.

#### **VI. NEW BUSINESS:**

**1. Andy Brown:** Chairman Haney asked if there was a motion on the rezone. Jack Mullinax made a motion to deny. Daryl Brooks seconded the motion to deny. Vote was nine in favor of denying and one (Robert Carter) against the denial. Motion to deny the rezone carried.

**2. Katina & Kamran Shafi:** Chairman Hany asked if there was a motion for the variance and conditional use variance. Todd Holt made a motion to deny with a recommendation to the Board of Commissioners that they vacate within fifteen to twenty days if denied by them also. John Morehouse seconded the motion with the condition. Vote was nine in favor of denying and one (Robert Carter) against the motion to deny. Motion to deny the variances and conditional use variance carried.

**3. Brenda DeFries:** Chairman Haney asked if there was a motion. Todd Holt made a motion to approve. Robert Carter seconded the motion. Vote was seven in favor of approving and three (Cindy Askew, Daryl Brooks and Zack Chapman) against the motion to approve. Vote to approve carried.

**4. Ashish D. Patel:** Chairman Haney asked if there was a motion. Jack Mullinax made a motion to deny. Daryl Brooks seconded the motion. Vote was nine in favor of denying and one (Robert Carter) against denying. Vote to deny carried.

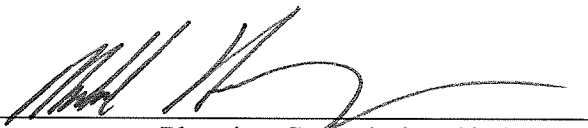
**5. Gary Soliz:** Chairman Haney asked if there was a motion. Stan Porter made a motion to approve. Robert Carter seconded the motion. Vote was unanimous. Motion to approve carried.

## **VII. ADJOURNMENT:**

Chairman Haney asked if there was a motion to adjourn. Jack Mullinax made a motion to adjourn. Daryl Brooks seconded the motion to adjourn. Vote was unanimous. Motion to adjourn carried.

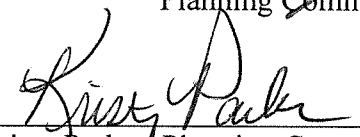
07-21-2022

Date Submitted

  
Planning Commission Chairman

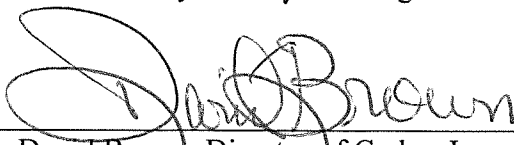
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Kristy Parker, Planning Commission Secretary

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David Brown, Director of Codes, Inspection & Planning