



*You Are Why We Are Here*

**FRANKLIN COUNTY**  
**BOARD OF COMMISSIONERS**  
**Board of Appeals Minutes**  
**January 25, 2022**  
**5:30 p.m.**

**BOC:** Commission Chairman Jason K. Macomson  
District 1 Commissioner Robert Franklin  
District 2 Commissioner Kyle Foster  
District 3 Commissioner Ryan Swails  
District 4 Commissioner Eddie Wester

**Media:** Shane Scoggins, Franklin County Citizen  
MJ Kneiser, 92.1 WLHR

**Staff:** County Manager Derrick Turner  
County Clerk Kayla Finger  
Assistant County Manager/Planning Director Scott DeLozier  
County Attorney Bubba Samuels

1. **Call Appeals Hearing to Order** Commissioner Macomson called the hearing to order at 5:30 p.m. and explained the proceedings.
2. **Approval of Agenda:** Commissioner Wester motioned to approve the agenda as presented. Commissioner Foster seconded the motion. No discussion. All were in favor, 4-0.

**A. Rezoning Permit Appeal - John C. Doss, 633 Neal Road**

- i. Planning and Zoning Director Scott DeLozier presented a re-summarization of the previously approved application for Troy Construction, LLC at 633 Neal Road. The applicant is a building contractor that does utility work, such as installing pipeline and indicated that the land would be used for equipment storage, which requires a Light Industrial zoning designation under Franklin County guidelines. They applied for a rezoning from Agriculture Intensive to Light Industrial at parcel number 006-018. The planning and zoning board and Dir. DeLozier recommended approval of the application. He submitted the following documents as evidence: minutes from the September 2021 planning commission meeting, the October 2021 public hearing, the October 2021 regular board meeting, the November 2021 regular board meeting, and the original application with all supplemental documents.



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- ii. Mr. John C. Doss addressed the board stating his experience in working with cities and on zoning issues similar to this. He stated he was not questioning the process or advertising; he was concerned with the legal authority of Franklin County to rezone this property. He read two pieces of legislation and submitted them to be part of the official minutes. He reviewed his research of the Franklin - Banks County line and showed maps to the board. He noted the difference in zoning and tax maps. He stated it is illegal to zone property not located in the county. He believes the Franklin County Trust is who put the line on the map and it matches the tax map. He asked the board to make sure they have the legal authority to change the zoning of the property in question.
- iii. Dir. DeLozier stated to the board that the officially recorded plat that was submitted with the original application is the legally recorded document showing that the property does lie in Franklin County. The tax records also show that all taxes have been paid in Franklin County going back over 20 years. He also stated that none of Mr. Doss's information had been previously provided to him, and that the plat on record at the courthouse shows the entire tract being in Franklin County.
- iv. Mr. Ed Ridgeway addressed the board as legal representation for Troy Construction, LLC. Since the meeting in November where the application was approved by the Franklin County Board of Commissioner, Troy Construction has since purchased the property. He restated that Troy Construction does utility jobs throughout the state and intends to use the property for equipment storage. He noted that the governing authority, Franklin County, approved and gave permission for Troy Construction to use the property as zoned. The appellant is asking for a denial of a previous approval. He stated his objection to their appeal. He addressed the issue of the claim that part of the property is in Banks County. Mr. Ridgeway referenced the survey and plat book 29 page 843 of the Franklin County Superior Court, and noted that this documentation was provided to the planning and zoning commission and the board of commissioners during the application and approval process. The plat shows the entire 15.44 acres as being in Franklin County. He gave copies to be submitted to the minutes. He also presented tax records from online going all the way back to 2002 showing that all



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taxes have been paid to Franklin County. The tax map shows the parcel in Franklin County and the Banks County tax map is consistent with this. He noted he had not seen what was provided by Mr. Doss. He also provided deeds and the chain of title going back to 1996 describing the property as lying solely in Franklin County. He respectfully requested the board to dismiss the appeal.

Chairman Macomson confirmed with legal counsel that the board would take a 10-minute break to review all submitted documentation.

Chairman Macomson called for all who wished to speak in favor of the appeal.

- Mr. Stanley Beasley, 592 Neal Road spoke in favor of the appeal.
- Mrs. Katie Braswell, 1190 Culpepper Road spoke in favor of the appeal and submitted documentation to the board.
- Mr. Damon Braswell, 1190 Culpepper Road spoke in favor of the appeal and submitted documentation to the board.
- Mrs. Tina Beasley, 592 Neal Road spoke in favor of the appeal.
- Ms. Jodi Parks, 2051 Hwy 63 spoke in favor of the appeal.

Chairman Macomson called for all who wished to speak in opposition of the appeal. There were none.

Chairman Macomson called Mr. Doss forward for his time of rebuttal.

Mr. Doss noted that one of the plats previously provided to the board is from 1988 and shows part of the property in Banks County, which is similar to the tax maps. In his research from 1988 forward he could find no evidence of the property line being moved. He believed it risky for the board to base their decision off of the one plat and how taxes were paid is risky. He encouraged the board to reconsider their initial ruling.

Mr. Doss, Dir. DeLozier, and Mr. Ridgeway were called up for questions from the commissioners. There were none.



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Chairman Macomson asked for a motion to approve or deny the appeal with a directive to have the county attorney write up the written findings and the clerk to keep the minutes which will be up for approval at the February meeting.


Commissioner Wester motioned to deny the appeal and affirm the original zoning decision and direct the attorney to draft written findings. Commissioner Foster seconded the motion. No discussion. The motion passed 3-1 with Commissioner Swails voting in opposition.

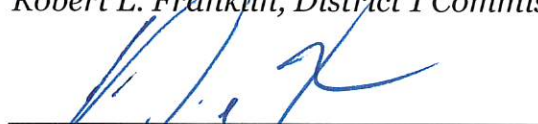
Commissioner Wester made a motion to adjourn. Commissioner Foster seconded the motion. All were in favor, 4-0.


*\*Copies of all submitted documentation have been attached to the official recorded minutes.*

Signed on the 7<sup>th</sup> day of February, 2022


  
Chairman Jason K. Macomson

  
Robert L. Franklin, District 1 Commissioner

  
Kyle Foster, District 2 Commissioner

  
Ryan Swails, District 3 Commissioner

  
Eddie Wester, District 4 Commissioner

  
Kayla Finger, County Clerk