

MINUTES

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 of the Courthouse Annex, Thursday, February 26, 2015, beginning at 6:00 p.m. with Chairman Rita Johnson presiding. Commissioners Bart Miller, Raymond Ray, Gwen Flowers-Taylor and Donald F. Hawbaker were present. Also present were County Manager William P. Wilson Jr., Assistant County Manager, Eric Mosley, Community Development Director, Chad Jacobs, County Zoning Attorney Newton Galloway and Kathy Gibson, Executive Secretary to record the minutes.

A. Call to Order led by Chairman Rita Johnson.

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of the Commissioners. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

B. New Business:

1. Application #14-07S: Bradly D. Ward and Lisa A. Ward, Owner - 475 North Rover Road (22.655 acres located in Land Lot(s) 64 & 65 of the 1st Land District) - requesting a Home Occupation, General, excluding public garage, repair garage and kennel in the AR-1 District.

Chad Jacobs, Director Community Development, stated that what is being considered this evening is a Special Application for a Home Occupation. The application is a dual purpose application, the nature of the business is a gun range and gun smith business.

Mr. Ward will run a gun smith business on the property as well as offer a gun safety training and gun range on the property. Staff has recommended denial of the application in that it doesn't satisfy the requirements of Section 413(G). Specifically it must not adversely affect the health or safety of residents, the development of adjacent property or the general neighborhood. Staff has concerns regarding depreciating effects with respect to the use as well. Staff has no concern with regard to the gun smith portion of the application. At the last regularly scheduled meeting the Board of Zoning Appeals, recommended conditional approval by a vote of 3-2 based on the following conditions:

- 1) Proof of either:
 - a. Completion of the NRA "Range Development and Operations Course"; or
 - b. Ownership of the NRA "Sourcebook"; and
 - c. Knowledge of NRA "Sourcebook" contents and guidelines.
- 2) Compliance with industry, NSSF or NRA, design standards for outdoor shooting ranges including, but not limited to the following:

- a. A ballistic background that extends for a sufficient distance past the end of the range to ensure that rounds that miss the backstop do not pose a danger to any other person or property.
 - b. A backstop or berm constructed to industry standards.
 - c. Side berms constructed to industry standards.
 - d. Sufficient fencing to prevent indiscriminate access from:
 - i. The ready line to the firing line; and
 - ii. The area between the firing line and the backstop.
 - e. Adequate sound abatement, either natural vegetation or artificial structures, to ensure the surrounding properties and residents are not unreasonably hindered from enjoying the use of those properties.
 - f. A safety area where customers can handle their unloaded firearms unsupervised.
 - i. The range must inform customers that no live ammunition is allowed in this area.
 - g. Consultation with or review of the range by a professional shooting range designer or equivalent professional.
 - h. Shoot Range/Gun Safety Rules of the NRA shall be posted on the site.
- 3) Compliance with the EPA's "Best Management Practices for Lead at Outdoor Shooting Ranges".
 - 4) The above listed conditions and approval of same shall be tied to the current applicant and not transferrable to any future property owners.

The special exception will not be tied to the property and will not be moved to future owners of the property. Traditionally, special exceptions transfer at the time ownership transfers; however in this case the exception will not be transferred.

Mr. Jacobs then advised the Board that they had three options for consideration:

- Denial application in full.
- Deny only the gun range portion of the application.
- Approve the application with the conditions suggested.

Spoke in favor of the application:

Bill Bryant, 282 North Rover Road, has resided there for approximately 27 years. He stated that his main concerns are with noise and safety. He requested that the Board consider the addition of the follow conditions to the application should it be approved:

- Hours of Operation be Monday through Friday from 9:00 a.m. to 6:00 p.m.; Saturday from 8:00 a.m. to Noon and that there be no shooting on Sundays.
- No evening hours of operation except by County Permit. Permit to be applied for based on customer need, must be applied for in advance by 14 days; all shooting operations to be concluded by 8:00 p.m. No evening shooting on weekends.
- No military grade firearms (for example, full automatic fire or large caliber). Only firearms suitable for home defense,

- competition, hobby use or hunting.
- Proof of Sufficient Property and Casualty Insurance above normal homeowners insurance. He requested that a General Liability Insurance policy in the amount of not less than \$1,000,000 per occurrence be obtained as required by other counties.

Francis Cavender, 249 McIntosh Road, stated the range would provide a safe environment for the citizens of Spalding County to learn the proper use and handling of firearms. Most ranges cater to fire arm competitions and sporting events and are not available to the private citizen.

James Klemm, 119 Canaan Court, stated that he is a neighbor to Mr. Ward and that he has used his range. Mr. Klemm stated that Mr. Ward has operated his facility privately for friends that he and his family for many years and that he and his family have learned firearm safety from Mr. Ward. Mr. Klemm stated that it is nice to know there is a place where people can go to learn how to operate a firearm safely.

Dwayne Howard, 55 Calhoun Road, stated that he is a retired law enforcement officer. He is in favor of the range. This range would benefit not only the citizens of the county but will benefit law enforcement in Spalding County. Mr. Howard further stated that law enforcement many times will just learn the basics for their position; however, the services being offered by Mr. Ward can take their training to the next level.

Woody Ward, 110 Bethel Lane, spoke in favor of the gun range.

Brad and Lisa Ward, 475 North Rover Road, stated that they have lived at this location more than 14 years. They stated that the property has housed a private shooting range from “the day we walked onto the property.”

Mr. Ward stated that he has a Degree in Criminal Justice and that he has been an NRA Instructor for the last 20+ years. This is not a public range, we are asking for a private business. There will be no business operations on Sunday.

Mr. Ward stated that all of his direct neighbors are on board with this business. He stated that they did a sound study in Mr. Bryant’s driveway and he gave a copy of the results to the Board. Mr. Ward further stated that his business hours will be from 9 AM until 6 PM, six days a week. He further stated that there would be no business conducted on Sundays.

Mr. Ward further stated that it is rare for there to be evening shooting. He stated that recently he had to hold an evening shoot to accommodate law enforcement to prepare for certification. Mr. Ward further stated that the 14 day waiting period proposed by Mr. Bryant would prohibit his ability to assist law enforcement with their certifications as in most cases there is not enough time between notification and the test to allow for a 14 day permit period. He stated that he would abide by whatever the Board required. Mr. Ward assured the Board that it is rare for him to have a class into the night, he stated that in the last year he had approximately two night shoots.

Motion/Second by Flowers-Taylor/Miller to approve Application #14-07S: Bradly D. Ward and Lisa A. Ward, Owner - 475 North Rover Road (22.655 acres located in Land Lot(s) 64 & 65 of the 1st Land District) - requesting a Home Occupation, General, excluding public garage, repair garage and kennel in the AR-1 District under the conditions as stated by the Spalding County Board of Appeals at their meeting on February 12, 2015:

1) Proof of either:

- a. Completion of the NRA “Range Development and Operations Course”; or**
- b. Ownership of the NRA “Sourcebook”; and**
- c. Knowledge of NRA “Sourcebook” contents and guidelines.**

2) Compliance with industry, NSSF or NRA, design standards for outdoor shooting ranges including, but not limited to the following:

- a. A ballistic background that extends for a sufficient distance past the end of the range to ensure that rounds that miss the backstop do not pose a danger to any other person or property.**
- b. A backstop or berm constructed to industry standards.**
- c. Side berms constructed to industry standards.**
- d. Sufficient fencing to prevent indiscriminate access from:
 - i. The ready line to the firing line; and**
 - ii. The area between the firing line and the backstop.****
- e. Adequate sound abatement, either natural vegetation or artificial structures, to ensure the surrounding properties and residents are not unreasonably hindered from enjoying the use of those properties.**
- f. A safety area where customers can handle their unloaded firearms unsupervised.
 - i. The range must inform customers that no live ammunition is allowed in this area.****
- g. Consultation with or review of the range by a professional shooting range designer or equivalent professional.**
- h. Shoot Range/Gun Safety Rules of the NRA shall be posted on the site.**

3) Compliance with the EPA’s “Best Management Practices for Lead at Outdoor Shooting Ranges”.

4) The above listed conditions and approval of same shall be tied to the current applicant and not transferrable to any future property owners.

as well as the condition that if there will be shooting after 9:00 p.m. notification will be given to Community

Development and, if such amplification it is addressed in the noise ordinance, then an Amplification Permit will be applied, investigated, voted on and issued prior to the evening shoot.

Newton Galloway, Zoning Attorney, stated that the State of Georgia has a Special State Statute that governs noise from shooting ranges, and it provides as follows:

“A shooting range will not be subject to Public or Private Nuisance Actions because of changes in conditions that occur at lease within one year after a range begins operations.”

It further the statue provides that:

“No shooting range will be subject to any civil or criminal action relating to noise if the range remains in compliance with noise statues, ordinances, regulations or rules that were applicable to it on the day that it commenced operation.”

Mr. Ward then advised that his range was established 14 years ago and that the statue outlined by Mr. Galloway covers private ranges.

Commissioner Miller asked if night shooting would be limited to law enforcement officer training. He further asked that the property containing the actual shooting range be fenced and signage be placed on the fencing notifying anyone in the area that there is a shooting range on the other side of the fence.

Motion/Second by Flowers-Taylor/Hawbaker to amend her motion to include the conditions as stated in her initial motion and to add the following conditions:

- ***The business is to maintain at least a \$2,000,000 liability policy.***
- ***To request permission if night shooting is to accommodate law enforcement and is to go past 9:00 p.m.***
- ***That sufficient fencing be added to prevent indiscriminate access to the firing range.***
- ***Additionally, no expansion will be allowed to the current range without prior approval of the Spalding County Board of Commissioners. Motion carried 4-1 (Ray). Commissioner Ray stated that he does not believe this type of operation is appropriate as a home occupation.***

Commissioner Hawbaker asked that proof of \$2,000,000 in liability insurance coverage be required annually when the license for this range is applied for through Community Development.

Motion/Second by Flowers-Taylor/Ray to amend the agenda to add an additional new business item. Motion carried unanimously by all.

Motion/Second by Ray/Flowers-Taylor to place a moratorium on the acceptance of applications on the

home occupation of firing range for a period of six months providing the Board with a better opportunity to solidify the requirements and to see how the decision of this evening impacts the community. The motion failed for lack of a vote.

C. Other Business:

D. Adjournment

Motion/Second by Flowers-Taylor/Ray to adjourn at 7:45 p.m. Motion carried unanimously by all.

/s/ Rita Johnson
Chairman

/s/ William P. Wilson, Jr.
County Manager