

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**January 8, 2015**

The Spalding County Appeals Board held its regular monthly meeting on January 8, 2015 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, Chair, presiding; Ed Brown; Curtis Keys; Robert Lattimore and Bill Slaughter.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Ms. Cannon called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

**ELECTION OF CHAIR**

Ms. Cannon opened the floor for election of a Chair.

Mr. Brown nominated Ms. Cannon. Mr. Slaughter seconded the nomination.

**MOTION**

Mr. Brown made a motion, seconded by Mr. Lattimore, to close the nominations and declare Ms. Cannon elected by acclamation. The motion passed with Mr. Brown, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion and Ms. Cannon abstaining.

**ELECTION OF VICE-CHAIR**

Ms. Cannon opened the floor for nominations for a Vice-Chair.

Mr. Slaughter nominated Mr. Brown. Mr. Keys seconded the nomination.

**MOTION**

Mr. Lattimore made a motion, seconded by Mr. Slaughter, to close the nominations and declare Mr. Brown elected by acclamation. The motion passed with Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion and Mr. Brown abstaining.

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

Bradley Ward & Lisa Ward – 475 North Rover Road

Mr. Ward expressed appreciation for the opportunity to speak regarding the application. Mr. and Mrs. Ward have been residents for 14 years. They are active in the community. Mr. Ward has a degree in criminal justice. He has been a competitive marksman for over 25 years, an NRA instructor for over 20 years and a range safety officer for over 20 years. For the past five years, he has been NRA State Field Representative.

This application is so he can “step out” from the NRA and start a gunsmith shop. They currently have a private range on their property. In addition to the gunsmith shop, they want to begin basic firearms training classes. In 2012, in his position with the NRA, one of his responsibilities has been to complete the safety inspections and evaluations of 16 of the Department of Natural Resources Ranges for the State of Georgia. He knows how to build a safe range and they have a safe range at their home.

The operation for the gunsmith services will be Monday through Friday from 9:00 a.m. until 6:00 p.m. They plan to operate the safety classes during normal business hours with some private classes on

Saturday. They do not plan to do any work on Sunday. The classes will be limited to 10 students per training session. The private range has been in existence for 14 years at this location training students, children and members of the local community without charge. They have officers from the Griffin Police Department and the Spalding County Sheriff's Department using their range when they are preparing for qualification.

The County has concerns regarding the impact to the community and the safety. They have been shooting for 14 years and there has not been a single noise complaint. They respect their neighbors and they shoot during business hours and not at night. A lot of their neighbors shoot at their facility and utilize the facility for their children. They have not had any safety issues or complaints in 14 years. The range they have built is extremely safe. It is built to NRA guidelines or exceeds NRA guidelines. They have policies and procedures in place to address the safety issues, not only for the shooters but for the community as well. Safety is their number one priority.

In building their range, they used approximately 35 tons of dirt to create their berms. He reviewed the berm heights, widths and depths.

During their 14 years in existence, the property values have not declined due to their range. They do not intend to become a public range. They do not intend to become a range for sporting clays. They have been advised the code will not allow the home occupation business to be expanded to the point that it becomes the primary function of the property. The operation will not be visible from the road. They have ample parking behind the house and it cannot be seen from the road. The nearest house from the firing range is approximately one mile. All of the direct neighbors have signed a petition favoring this range.

Mr. Ward said he knows there are no guidelines regarding ranges of this type and he is willing to meet with the County Commission and work on guidelines for ranges so they can have restrictions that would allow a means for controlling operations of this type.

A lengthy question and answer session was held. The issue was raised as to how to determine when a range becomes a public range as opposed to a private range.

Harold Ammons – 109 Bethel Lane

Mr. Ammons said he has lived at this location for 14 years. His concern is what this business could possibly become. Could it become a Cherokee Rose? He has spoken with Mr. Ward and feels comfortable that he is going to do what he says he is going to do. If he leaves and someone else moves to this location, what would they be able to do? The business is not a big deal. There is a little bit of traffic. He can hear the noise from his back yard, but it is not really that bad. Is this going to create a lot more noise? His biggest concern is what stipulations can be put in place that would protect this from becoming a nuisance. Mr. Ward has offered to work with the County to come up with guidelines to protect this from becoming a Cherokee Rose that would devalue his property. You can visit the area around Cherokee Rose and see what can happen. He is all for this business, but there have to be stipulations before he is willing to agree to this. He wants to have controls in place so it cannot become more than just what he is asking it to be.

Bill Taylor – 1424 Dauset Drive

Mr. Taylor said he served in the military for thirty years and retired as a Lieutenant Colonel. He has been on ranges run by the army. Mr. Ward has been an NRA instructor and has represented Georgia well with the National Rifle Association. He has spent his time to teach young people firearm safety. His father owned Taylor Police Supply in Griffin. He was a distributor for law enforcement products for thirty years before he died. Mr. Ward wants to stay home and run his own business from there. He supports what Mr. Ward is doing because he has devoted himself to firearm safety for youths. He will run his range tighter than most ranges in the country. He is responsible for this and has done something right for 14 years because there have not been many people to say much about the range. His contacts with the NRA

are something that won't go away. The NRA and law enforcement in this community work very closely together and with schools all over the United States. Those contacts will allow him to be in touch with the same people his Dad was in touch with. There are major firearms manufacturers moving out of the northeast to the southeast. He has a lot of contacts that can help this area monetarily.

Timothy Thurmond – 64 Shoal Creek Road

Mr. Thurmond said he has been to the site and has seen the range. This is a great place for young people to learn.

James Klemm – 119 Canaan Court

Mr. Klemm said he has three children that have had the opportunity to use this range. He appreciates that they have been able to learn how to use a fire arm safely and learn they are not toys.

Orlando Lopez – 811 Vaughn Road

Mr. Lopez said he has known Mr. Ward “forever”. He is a very good friend. If he tells you he is going to do something, he will not do otherwise. He trusts him with his children which speaks higher than anything. We need a lot more businesses in Spalding County. They need to generate more companies to come into the county. This is an example of a business that can draw more businesses.

Bill Bryant – 282 North Rover Road

Mr. Bryant said he has lived at this address with his family and enjoys the whole neighborhood. The western portion of Spalding County is largely undeveloped with several large tracts of land in agriculture uses. It is not easy to speak regarding this application because the Wards are their neighbors on North Rover Road but they have concerns regarding this special exception. Spalding County is going to have to determine how appropriate a shooting range is in residential settings. This may be a case where a sleeping dog is now awake and must be taken care of. The main concern is safety and noise. I understand that the shooting range has been going on for approximately 14 years but does not know if it was safely designed, constructed, and maintained. Was a qualified, experienced engineer consulted and responsible for site evaluation, planning for a safe range with all shots contained on the property? Are there sufficient backstops berms, baffles and other devices in place to keep ricochets safely on the property? What about the management of the lead from the ammunition? Are best practices being followed? What about control devices and signage to warn motorists that an active shooting range exists? He has been aware of discharges of firearms over the years but assumed it was just one of his neighbors. He never imagined the noise was associated with a business or was from training classes. There have been instances of numerous firearms discharges that he thought excessively loud and for long duration. He never complained and never knew the shooting was associated with a business or training classes. Certain weather conditions can permit sounds to travel way beyond normal distances. 475 North Rover Road is approximately 2,500 feet from his house to the northwest. He cannot explain why he hears the noise from gun discharges but he does. The rock quarry is almost one mile away to the southwest. There are times when he can hear the rock crushing machine and backup noise from the trucks. He displayed pictures from Google of locations of Cherokee Rose, the Griffin Gun Club and Mr. and Mrs. Ward's property. This was to give a view of the neighborhoods of each location as well as to see how the berms are positioned.

Mr. Bryant said if the Appeals Board decides to favor this application, he requested that conditions be placed on approval. Mr. Bryant listed several conditions that he would like to have considered. He would support the shooting range if all operations were moved indoors. This would eliminate all of his concerns regarding safety and noise. He is not interested in what has happened in the past he is more interested in what can happen in the future. The noise and safety concerns can be eliminated or greatly reduced by thoughtful planning. All current neighbors and future neighbors deserve a safe setting.

Mr. Jacobs said there are two levels of home occupation. One is where you are using a portion of your home for an office with all the services being off-site. The other is a home occupation where there is a business service being performed on-site or a product is being produced on-site. This is an instance you

have to make certain that the business is ancillary to the home. Most home occupations are not an issue but this is one that you have to consider more closely. They have based their recommendation of denial on safety, liability and nuisance. At the time of the original application, there was no mention of the gunsmith component. That would not be a concern. That would have to be an amendment to the application.

Discussion continued with Ms. Cannon noting that once the exception is allowed there is no way to control anything other than a code violation. Because there is no code, there are a lot of questions. She has great concerns regarding approving this application and setting a precedent for future applications that are not as well qualified. She has had telephone calls regarding this application. She has concerns regarding whether or not she has all the information she needs to make a good decision. She is concerned regarding what can happen beyond the gun range and beyond Mr. Ward. She has made decisions on applications and realized later she did not have all the information she needed. She is uncertain regarding a decision and has a list of questions she would like to work through before making a decision. Stipulations can be recommended or the Board can table the action and take the opportunity to visit the site. The gunsmith portion could possibly be considered separately from the shooting range. She does not feel there is enough information to set guidelines for a shooting range in a residential area as a home occupation.

Mr. Bill Taylor suggested the County work with Mr. Ward to develop guidelines for a range.

#### **MOTION**

Mr. Brown made a motion to table Application #14-07S for the Board Members to visit the site to make certain that all concerns of the neighborhood and Mr. Ward are addressed so they can get more input and expertise so the issue can be properly decided. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

#### **MINUTES**

Mr. Keys made a motion, seconded by Mr. Brown, to approve the minutes of the August 14, 2014 meeting. The motion passed with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

#### **ADJOURN**

The meeting was adjourned on a motion by Mr. Lattimore and a second by Mr. Brown with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

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Michelle Cannon – Chair

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Yvonne M. Langford - Recorder