

HENRY COUNTY PLANNING COMMISSION

MINUTES OF MEETING

March 12, 2025

The regular meeting of the Henry County Planning Commission was held on Wednesday, March 12, 2025, in the Second Floor Conference Room of the Henry County Administration Building. The meeting was called to order by Mr. Paul Setliff with Richard Reynolds, Jeff Prillaman, Stuart Bowman, Glenwood Vaughn, and Dee West present. Recording Secretary, Wanda Setliff, Planner/Community Development Specialist, Micah Montgomery and Director of Planning, Zoning, and Inspection Lee Clark were also in attendance.

The minutes of the February 12, 2025 meeting were reviewed by Paul Setliff. Motion to approve the minutes was made by Jeff Prillaman, seconded by Richard Reynolds, and followed by a unanimous vote with two absent.

R-25-03 Brent D. Tucker

The property is located at 924 Trenthill Drive, in the Blackberry District. The property is shown on Tax Map 14.6/373,373A. The applicant is requesting the rezoning of approximately 8.5-acres from Suburban Residential District S-R to Agricultural District A-1. The applicant wishes to use the property for agricultural purposes.

The public hearing opened at 6:04.

Brent Tucker approached the podium and explained that his son has a seizure disorder, and that animals provide therapeutic benefits for him. He expressed his desire to rezone his property to A1 to allow for small animals, so his son could benefit from their presence.

Paul Setliff asked Mr. Tucker if there would be any large animals. Brent Tucker replied, "No, my plan is to keep rabbits and chickens."

Paul Setliff asked if anyone wished to speak on behalf or in opposition to this application.

Lori Cassell mentioned that her property adjoins Mr. Tucker's property. Are the animals going to be only small ones? Mr. Brent Tucker replied, "My plans are to only have small animals, and I will be glad to speak with Ms. Cassell."

The public hearing closed at 6:09.

Paul Setliff asked if there were any discussion from the Board.

Dee West made a motion to request the Board of Supervisors approve the zoning change, and Stuart Bowman seconded the motion. It was followed by unanimous approval.

R-25-04 Chris Lawless

The property is located at 1687 Stultz Road, in the Collinsville District. The property is shown on Tax Map 41.2(2)/1A. The applicant is requesting the rezoning of approximately 2.978-acres from Government and Special Use District G-S to Limited Industrial District I-2. The applicant wishes to use the property as a welding and fabrication business.

The public hearing opened at 6:12.

Chris Lawless spoke on his own behalf, explaining that he plans to move part of his business to this location as he expands.

Paul Setliff asked if anyone wished to speak on behalf or in opposition to this application with no one coming forward.

The public hearing closed at 6:14

Richard Reynolds made a motion to request the Board of Supervisors approve the zoning change, and Dee West seconded the motion. It was followed by unanimous approval.

R-25-05 Kenneth T. Lewis

The property is located at 3975 Chatham Road, in the Reed Creek District. The property is shown on Tax Map 32.4/17. The applicant is requesting the rezoning of approximately 0.19-acre from Agricultural District A-1 to Commercial District B-1. The applicant wishes to use the property for a commercial automobile repair garage.

The public hearing opened at 6:18.

Kenneth Lewis expressed his desire to have this property rezoned to B1 Commercial to ensure his business is complying with Henry County laws.

Paul Setliff asked how long Kenneth Lewis had known that this property wasn't zoned for commercial business. Kenneth Lewis responded, "About three months ago."

Stuart Bowman asked how long someone has been operating a car repair business out of this shop. Mr. Lewis replied, "About six months."

Paul Setliff asked if anyone wished to speak on behalf or in opposition to this application.

Delin Kirks came forward to express his desire for the rezoning case to be denied. He stated that the repair shop operates from 5 PM into the late hours of the night. The noise, lights, and the movement of vehicles up and down the street are preventing him from getting a good night's sleep.

Thomas Wells Jr. has expressed his concerns regarding the rezoning of the property adjacent to his. He believes that the lot size does not legally qualify for rezoning. He noted that there are two entrances to the repair shop, one of which is located on his property; he plans to close that entrance, allowing only one point of access. Additionally, he mentioned that the tenants have been inconsiderate to the neighbors due to the noise and their operation during late hours.

Andrew Quirk mentions that his daughter spends some time at Holly Kozelsky's home, which is directly across the road from a garage. When Ms. Kozelsky purchased her home years ago, she had no idea it would be situated across from a noisy business. While Henry County encourages businesses, they must operate responsibly.

I have dropped my daughter off at Ms. Kozelsky's home at 11 PM, and the garage doors were wide open, with customers waiting outside and 10 to 20 vehicles in the parking lot. This has been operating as an illegal business,

which raises concerns about the owner's responsibility.

Holly Kozelsky whom lives across from the garage approached the podium saying that business lot minimum size is one acre or more this is on less than 1/5 of an acre. The setback regulations of the property must be 35' from the state right of way, this may be less than 35' but car parks in the right of way. The minimum side yard is 10', however, in a residential district it must be 20' his side yard might be 2'. This is the side that is called the driveway leading from Chatham Road to the property which belongs to Thomas Wells. The rear yard setback is 20' but for permitted usage adjacent to residential property is 50' while they have about 3 feet. Prior employers there have all had peaceful businesses there until now. I feel with all this the property should not be rezoned.

Lee Clark read the following two letters written in opposition of the rezoning.

To whom it may concern, we are sorry that we cannot be present at this meeting, which is of utmost importance to our neighborhood. We moved in November 2024 and we really like the neighborhood, especially the tranquility. We recently learned of this unpleasant situation, and I don't understand why they are allowed to open that type of business if this is a rural area. We hope this can be solved in the best possible way and that we and each of the neighbors can continue living in peace without so much noise, and above all, continue enjoying being able to sleep without noise, that's one of the reasons we like this area.

Jesus Sanchez

Dear Members of the Henry County Planning Commission:

I have lived in the Dyer's Store neighborhood since I was three years old and not once has the large building on the corner of Chatham and Dyer Store Roads been a concern until now.

With all the junky vehicles being across the street it has been a constant eye sore, and with the current situation, it has been a direct disruption to daily life of all surrounding neighbors. The loud noises running all through

the nights and the dangerously fast-moving cars driving up and down the road through all hours of the night. As a young learning driver, I will be receiving my driver's license in a few months, and it frightens me to be driving on the road knowing these neighbors are so close.

The men using the building keep ugly, questionable vehicles outside and constantly bring in new ones almost daily. Being 15 years old, I find it disturbing knowing strange men are across the road, directly in view of me. Leaving for the bus in morning and getting off in the afternoon is more stressful than it should ever be.

Many neighbors in the community have been consistently expressing discomfort with the state of that property on the corner for almost a year. Rezoning the building will cause more discomfort to the neighbors in the surrounding areas and will quite possibly be making these issues increasingly worse.

As much as I want to be at this meeting, I have a required practice for the school play that I am not able to get out of, which is why I am writing this letter. I attended the last meeting and spoke my feelings then.

Mary Quirk

Michael Sandochie of Martinsville says he has a friend on Dyer Store Road whom he frequently visits coming up Chatham Road I've seen tire marks on the road, then turning on Dyer Store Road the tire burns were everywhere. I know how loud cars can be and to have it all hours of the night.

Christine Stewart visits her friends on Dyer Store Road. This is an eye sore and a nuisance for the community. I think this should not be rezoned.

Mary Martin came forward to speak on behalf of Kenneth Lewis, he has taken care of my vehicles for many years. He has been a well-respected for over 45 years in the community and I feel very confident that he has no intention to run an illegal business that is why he is getting it rezoned. Once the zoning is repaired Mr. Lewis can get his business license and then the Commissioner of Revenue will ensure taxes will be paid and the

Sheriff's office can make sure the noise is following the ordinance. I am in favor of the rezoning of this property.

Lee Clark clarified that the statement regarding the minimum lot size for B1 being one acre is incorrect; there is actually no minimum lot size in B1. The building was constructed in the 1960s, at a time when there were no setback requirements, which makes it grandfathered in its current placement.

I have collaborated with the Henry County Sheriff's Office to address the issue of inoperable vehicles at this garage. Initially, there were around 30 vehicles on the property, but that number has now reduced to about five. Regarding license plates, the Sheriff's Office can only enforce regulations on vehicles that are on the road. They cannot act on vehicles located on private property.

The noise ordinance in Henry County pertains to amplified sounds from speakers or music, rather than the types of noises we are currently facing. Unfortunately, we cannot legislate common courtesy or good neighborly behavior.

When making land use decisions, we should focus on the land itself and its potential, rather than on the individuals involved.

The public hearing closed at 6:40.

Dee West made a motion to request the Board of Supervisors approve the zoning change, and Richard Reynolds seconded the motion. It was followed by a vote of 4-2.

The meeting adjourned at 7:09.

A handwritten signature in black ink, appearing to read "Lee Clark", written over a horizontal line.

Lee Clark