



**Fannin County Board of Commissioners  
Regular Scheduled Meeting  
February 28th, 2023 @ 6:00 p.m.  
Jury Assembly Room  
Third Floor**

**OPENING OF REGULAR SCHEDULED MEETING:**

Present in meeting were Chairman Jamie Hensley, Post One Commissioner Johnny Searce, Post Two Commissioner Glenn Patterson, County Clerk Sherri L. Walker & County Attorney Lynn D. Doss.

Item #1: Invocation was led by Probate Judge Scott Kiker. Pledge was led by Post One Commissioner Johnny Searce.

Chairman Hensley moved to amend the agenda to remove Item #6 being Board Discussion/Action on Sheriff's Office Server. Motion made second by Commissioner Patterson. Motion passed unanimously.

Chairman Hensley moved to amend the agenda to add to agenda Item #7 being purchase of equipment for the EMS. Motion made second by Commissioner Searce. Motion passed unanimously.

**UNFINISHED BUSINESS:**

Item #2: Board approval of the minutes from the February 14<sup>th</sup>, 2023 Regular Scheduled Meeting & the minutes of the February 14<sup>th</sup>, 2023 Public Hearing. Chairman Hensley made a motion first to approve the minutes of the February 14<sup>th</sup>, 2023 meeting. Motion made second by Post Two Commissioner Patterson. Motion passed unanimously. Chairman Hensley made a motion first to approve the minutes of the February 14<sup>th</sup>, 2023 meeting. Motion made second by Post One Commissioner Johnny Searce. Motion passed unanimously.

**NEW BUSINESS:**

Item #3: Board Discussion/Action on Variance Request from Nathan Berger to build a garage 20 feet from the edge of Deer Crest Road. No parties were present for the approval of the variance. Chairman Hensley made a motion first to approve the variance request. Motion made second by Commissioner Searce. Motion passed unanimously.

Item #4: Board Discussion/Action on Adoption of Resolution on the Fannin County Planning Commission. Chairman Hensley stated the recommendation of the Planning Commission would be for the following individuals to serve: Marie Wood -Land Development, Keith Nicolson – Building Department, Candace Graham – Building Department, Zack Ratcliff – Road Department, & Robert Graham – EMA. After discussion, Chairman Hensley made a motion to adopt the Resolution of the Fannin County Planning Commission. Motion made second by Commissioner Searce. Motion passed unanimously.

Item #5: Board Discussion/Action on Consideration of Modification of Land Planning Ordinance. Chairman Hensley elaborated on the Resolution for the Purpose of Enacting a Temporary Emergency Moratorium on the Acceptance or Processing of Applications for Development Approval for Certain Intensive Land Uses. Chairman Hensley made a motion first to adopt the Resolution. Motion made second by Commissioner Searce. Motion passed unanimously.

Item #6: Board Discussion/Action – Deputy EMA Director Patrick Cooke – Sheriff's Office Server Removed from Agenda.

Item #7: Board Discussion/Action – Fannin County Fire Chief Larry Thomas – Fire Station #5 Plans. Fire Chief Larry Thomas presented to the Board the design layout of Fire Station #5. Chairman Hensley made a motion first to place the project out for bids. Motion made second by Commissioner Patterson. Motion passed unanimously.

Addition to agenda being the purchase of equipment for the Fannin County EMS. Fire Chief Larry Thomas requested from the Board funds in the amount of \$38,471.00 for 17 sets of turn out gear for the EMS crew.

Chairman Hensley asked for a motion to approve the purchase of the turn out gear in the amount of \$38,471.00 to be paid for out of the Public Safety SPLOST. Motion made first by Commissioner Searce. Motion made second by Commissioner Patterson. Motion passed unanimously.

Item #8: Board Discussion/Action – Juvenile Court Conflict Attorney. County Attorney Lynn Doss stated this situation has come up with the Juvenile Attorneys being able to represent parties in Juvenile cases. Ms. Doss stated there may be situations where there will need to be a conflict attorney representing another party in the case so therefore the cost has increased from \$1,250 per month to \$2,000 per month if needed. Ms. Doss stated this was a shared cost with each county paying an additional amount of \$9,000 to provide for the conflict attorneys. Chairman Hensley made a motion first to approve the additional cost. Motion made second by Commissioner Patterson. Motion passed unanimously.

Item #9: Board Discussion/Action – Ashley Hopper, UGA County Extension Coordinator – Extension Office Updates. Ms. Hoppers approached the Board to introduce the new 4H Director Kate Phillip. Ms. Phillips addressed the Board on some of the different activities in which were taking place through the program.

#### **PUBLIC COMMENTARY:**

Public Commentary was made by Bob Hopkins & Scott Frank.

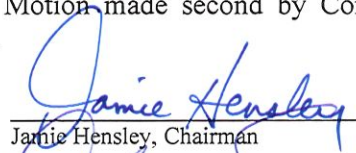


Closed at 7:22 p.m.

#### **EXECUTIVE SESSIONS:**

Chairman Hensley stated there was not a need for Executive Session.

#### **CLOSING:**

Chairman Hensley made a motion to adjourn the meeting. Motion made second by Commissioner Patterson. Motion passed unanimously. Adjourned at 7:25 p.m.

  
Jamie Hensley, Chairman  
  
Johnny Searce, Post One Commissioner  
  
Glenn Patterson, Post Two Commissioner

Attest:

  
Sherri L. Walker, County Clerk



## Fannin County Variance Request

Name Nathan Berger Date 2/17/2023

Mailing Address: 22 Trudy Lane

City Lakewood State: NJ Zip 08701- Telephone (706) 455-3438

Property Location Lot # 8 Deer Crossing Map Reference 0043-047A8

District 7 Section 2 Land Lot 61 Deed Book On File

Directions to site Go Aska Road to Snake Nation Road, to Deer Crest Road, Property on the Left. Just pass 355 Deer Crest Road.

Variance Requested To build garage 20 foot from the edge of Deer Crest Road. MD

Details:

new construction project. that contracted sale is pending. base on being able to built garage. MD

Reason for Variance See Details.

Customer Signature Matthew Davenport

Matthew Davenport MD

Borders US Forest Service:

NO

Meeting Date: Board of Comm. in the Jury Assembly room at 6.00 PM

2/28/2023

Received by County Clerk:

Sherrill K. Walther

Agenda Confirmation Date:

2/28/2023

**NOTE: FANNIN COUNTY SHALL NOT BE RESPONSIBLE FOR THE FAILURE TO DELIVER PUBLIC SAFETY TO ANY PROPERTY ABOVE THIS EXCESSIVE SLOPE, ESPECIALLY, BUT NOT EXCLUSIVE OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES. THIS NOTICE SHALL BE PLACED BOTH ON THE FINAL PLAT AND DEED.**

**FANNIN COUNTY SHALL NOT BE HELD RESPONSIBLE FOR EROSION AND SEDIMENTATION OR WATER DAMAGE DUE TO THIS VARIANCE.**

Variance Accepted: Yes ☒ No ☐

Conditions of Variance:

Signed

James V. [Signature]  
2/28/2023

Chairman, Fannin County Board of Commissioners

Date

## Fannin County Variance Information Details

Variance Requestor: Nathan Berger

5 ft N/A How many feet from the property line?

N/A Letter from adjoining property owner.

20 How many feet from the edge of the present road?

20 How many feet from the centerline of the present road?

not on garage project. only N/H project

Has construction begun? If it has then you will need to stop construction until the variance is approved.

\*Applicant signature: Matthieu Dampert Date: 2/17/2023

Road Name: Deer Crest Rd

Is the road a County / Private / Subdivision Road? (Please Circle)

40 What is the road Right of Way or Easement?

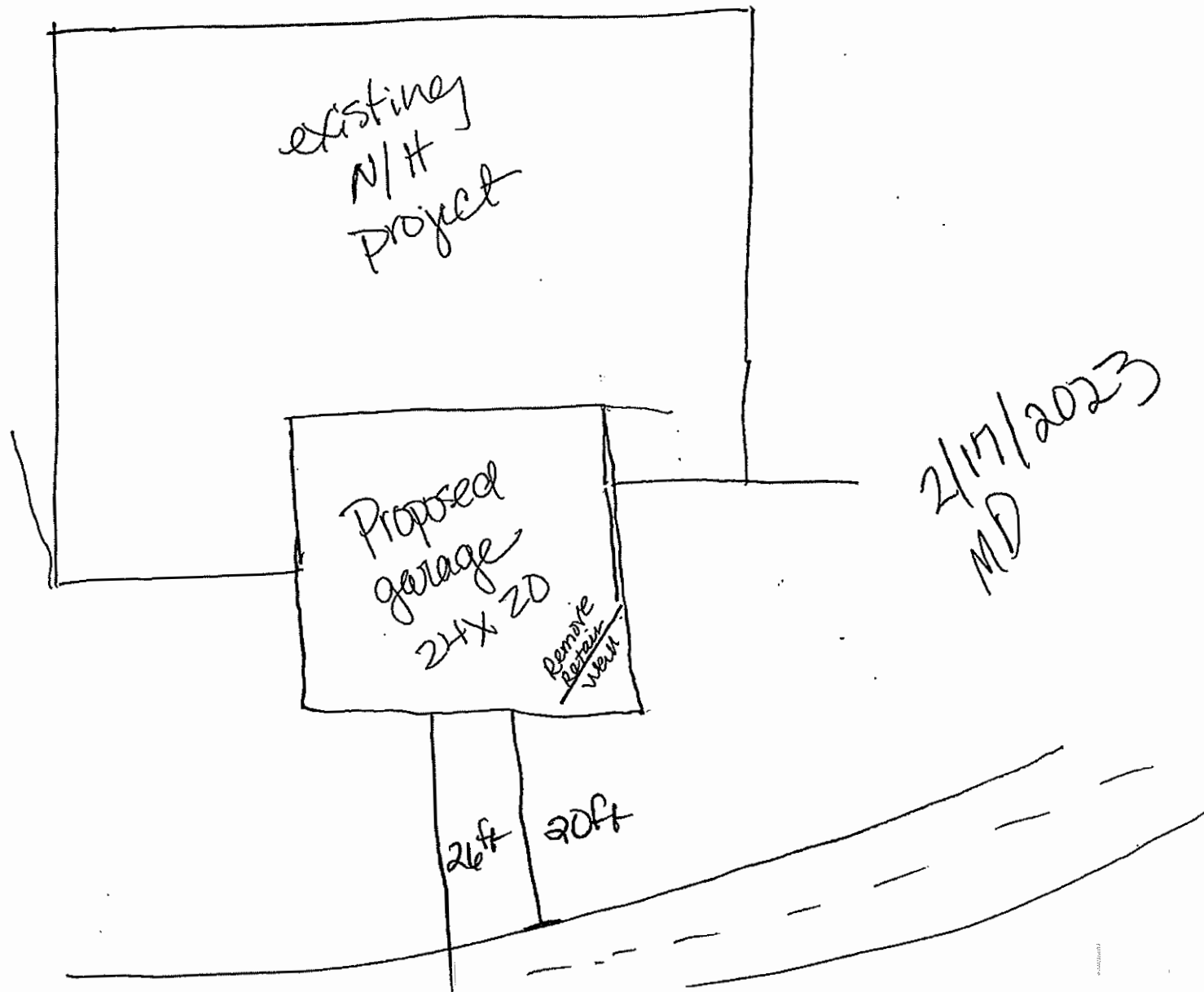
NO Gate Code?

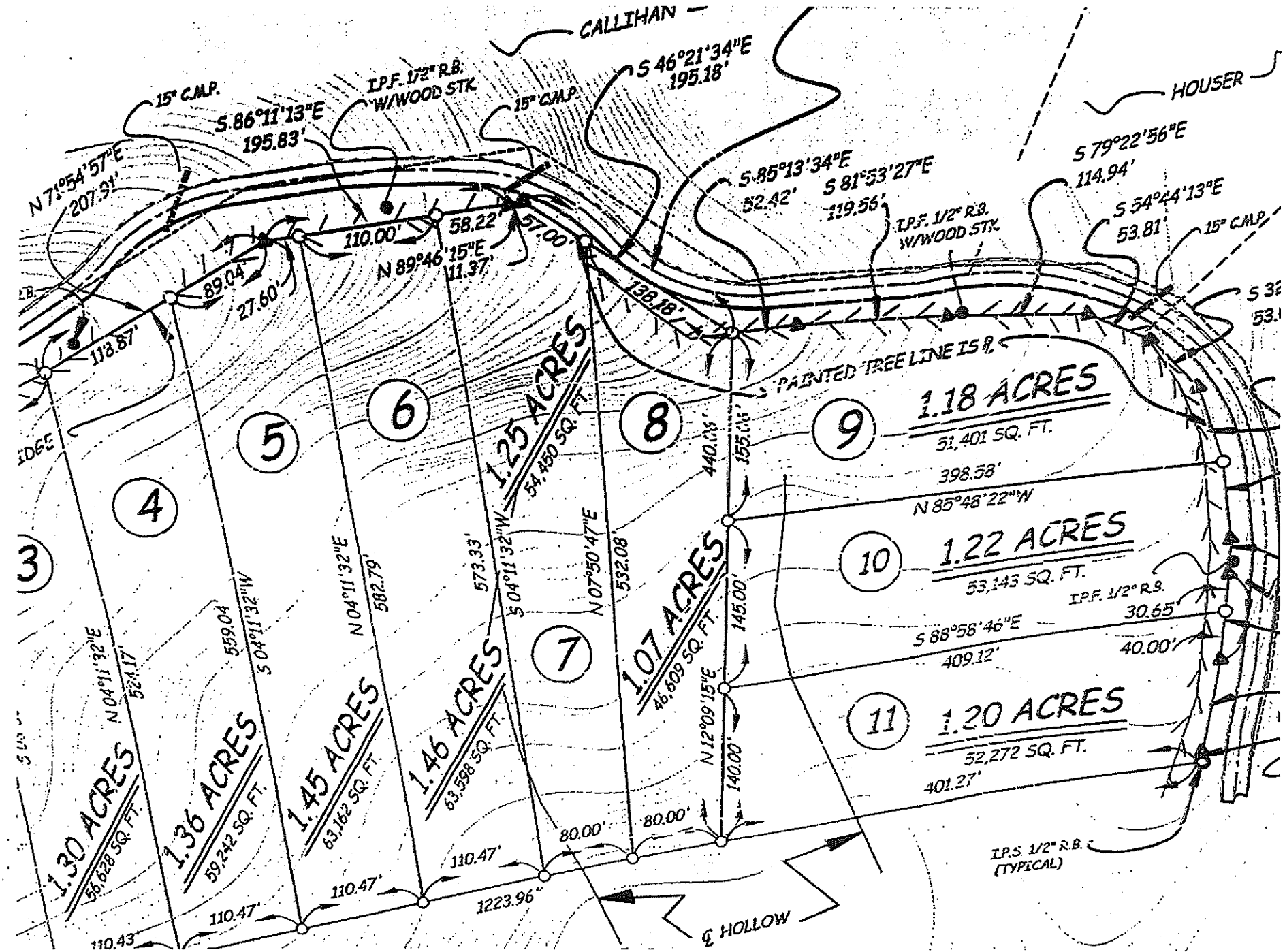
NO \* NOT for additional garage project:  
Has permit been applied for? or Permit Issued? \_\_\_\_\_

Notes:

Builder is requesting variance due to pending sale  
contract that requires him to build garage for  
sale to go through.

Matthieu Dampert Variance Prepared By / Date: 2/17/2023





Return recorded document to:  
Wilson Hamilton LLC  
316 Summit Street  
Blue Ridge, GA 30513  
File No.: 22-0163

## **LIMITED WARRANTY DEED**

STATE OF GEORGIA  
COUNTY OF FANNIN

THIS INDENTURE is made May 17, 2022, between **Donald Justin LeSesne and Austin James LeSesne and Kenneth Destin LeSesne ("Grantor")**, and **Nathan Berger ("Grantee")**, (the words "Grantor" and "Grantee" to include their respective heirs, successors, and assigns where the context requires or permits).

**WITNESSETH THAT:** Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant bargain, sell and convey unto Grantee, the following described property:

All that tract or parcel of land lying and being in the 7th District, 2nd Section, Land Lot 61, Fannin County, Georgia, being Lot 7 of Deer Crossing, containing 1.25 acres, more or less, as shown on plat of survey by Shelly J. Bishop, GRLS No. 2536, dated April 14, 2004 and recorded in Plat D-318, Pages 2-4, Fannin County Records, to which reference is hereby made for a more complete and accurate legal description.

For informational purposes only: Map Parcel No. 0043 047 A7


**TOGETHER WITH** right of ingress, egress and utility easement along existing roads to the subject property; **AND SUBJECT TO** all existing easements, restrictions, reservations and rights of way of record.

Chain of Title: This being the same property as was conveyed to Grantor herein by Limited Warranty Deed from Necowa Cove, Inc. dated September 4, 2020 and recorded in Book 1369, Page 433, Fannin County Records.

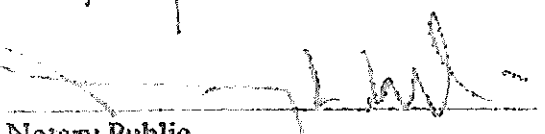
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of Grantee forever in FEE SIMPLE.

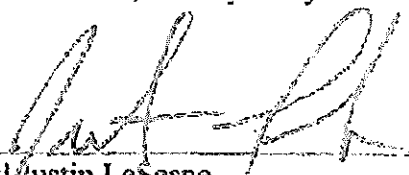
AND GRANTOR will warrant and forever defend the right and title to the above described property unto Grantee against the claims of all persons claiming by, through or under Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year above written.

  
Unofficial Witness

Sworn and subscribed before me this 17 day  
of May, 2022.

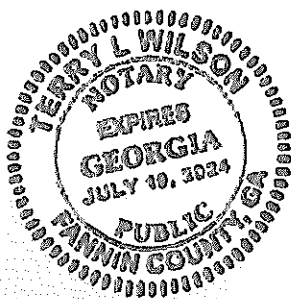
  
Notary Public  
My commission expires 7/19/2024

  
Donald Austin LeSesne (seal)

Austin James LeSesne (seal)  
Austin James LeSesne

Kenneth Destin LeSesne (seal) by Justin LeSesne  
Kenneth Destin LeSesne

Attorney in fact





A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FANNIN COUNTY, GEORGIA FOR THE  
PURPOSE OF ENACTING A PLANNING COMMISSION.

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**WHEREAS**, Fannin County has been confronted with the potential for significant growth; and,

**WHEREAS**, the County does not have zoning or detailed land use planning regulations; and,

**WHEREAS**, the Board of Commissioners is concerned that growth consistent with the County's existing land use regulations may be too intensive to be adequately served by County services and infrastructure, and further may be an undue burden on County services and infrastructure; and,

**WHEREAS**, the Board of Commissioners wishes to evaluate the existing land use regulations to determine whether they should be improved or strengthened to better regulate growth; and,

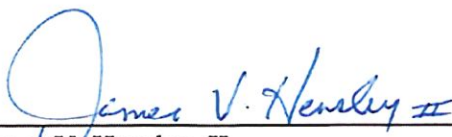
**WHEREAS**, the Board of Commissioners desire to direct growth and also strive to maintain the natural beauty and rural character of the area; and


**WHEREAS**, appointing a Planning Commission is necessary to protect the public welfare; and,

**NOW THEREFORE BE IT RESOLVED** by virtue of the authority vested in the Board of Commissioners that a Planning Commission is established as follows:

1. The Board of Commissioners establishes the Fannin County Planning Commission.
2. The Commission shall consist of five individuals.
3. The members of the Commission shall be made by a vote of the Fannin County Board of Commissioners.
4. The Planning Commission shall adopt such procedures as is deemed appropriate for the review and approval of building permits, land disturbance permits, plat approvals, driveway permits or any other development approval for intensive uses within the unincorporated area of Fannin County, Georgia.
5. The Planning Commission shall review and make recommendations for intensive use projects, to include:
  - a) Non-residential uses with a disturbed area of three acres or more;
  - b) residential developments with more than fifty units or a density of greater than two units per acre, or which are to be marketed as "for rent only" communities;
  - c) Crypto-mining.

SO ADOPTED this 28<sup>th</sup> day of FEBRUARY, 2023,  
to be effective immediately, the public health, safety, and welfare demanding.

  
\_\_\_\_\_  
James V. Hensley, II  
Chairman  
Fannin County, Georgia

  
\_\_\_\_\_  
Sherri Walker, County Clerk

(SEAL)

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF FANNIN COUNTY, GEORGIA FOR THE PURPOSE OF ENACTING A TEMPORARY EMERGENCY MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR DEVELOPMENT APPROVAL FOR CERTAIN INTENSIVE LAND USES.

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**WHEREAS**, Fannin County has been confronted with the potential for significant growth; and,

**WHEREAS**, the County does not have zoning or detailed land use planning regulations; and,

**WHEREAS**, the Board of Commissioners is concerned that growth consistent with the County's existing land use regulations may be too intensive to be adequately served by County services and infrastructure, and further may be an undue burden on County services and infrastructure; and,

**WHEREAS**, the Board of Commissioners wishes to evaluate the existing land use regulations to determine whether they should be improved or strengthened to better regulate growth; and,

**WHEREAS**, it is anticipated that the time necessary to conduct that review and adopt any appropriate amendments will be 120 days; and,

**WHEREAS**, the Board of Commissioners wish to preserve the status quo and not allow applications for development approval for intensive uses to be accepted, processed or approved until such time as the potential amendments to the ordinances can be completed and properly adopted in order to prevent any claims of vested rights being obtained; and,

**WHEREAS**, adopting this moratorium as an emergency provision is necessary to protect the public welfare and is further in accord with established Georgia Supreme Court decisions such as City of Roswell v. Outdoor Systems, Inc., 274 Ga. 130 (2001); and,

**WHEREAS**, the proposed moratorium duration is until June 23, 2023, at 6:00 p.m. to allow reasonable time to consider and adopt ordinance amendments.

**NOW THEREFORE BE IT RESOLVED** by virtue of the authority vested in the Board of Commissioners that a moratorium is temporarily established as follows:

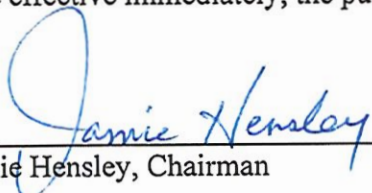
1. This moratorium is enacted for temporary and emergency purposes only, and shall be in effect through and including June 23, 2023, at 6:00 pm, or until it is repealed, whichever occurs first.
2. The County's staff shall not accept, process, or approve any new applications for building permits, land disturbance permits, plat approvals, driveway permits or any other

development approval for intensive uses within the unincorporated area of Fannin County, Georgia.

3. For purposes of this moratorium, intensive uses means:

- (a) Non-residential uses with a disturbed area of three acres or more;
- (b) residential developments with more than fifty units or a density of greater than two units per acre, or which are to be marketed as "for rent only" communities;
- (c) Crypto-mining.

SO ADOPTED this 28<sup>th</sup> day of FEBRUARY, 2023,  
to be effective immediately, the public health, safety, and welfare demanding.

  
\_\_\_\_\_  
Jaimie Hensley, Chairman

  
\_\_\_\_\_  
Sherri Walker, County Clerk

(SEAL)