

Town of Hayesville
Board of Adjustment
Meeting Minutes February 9, 2023

Members Present: Sara Smith, Chair; Sandy Zimmerman, Vice-Chair; Stuart Jenner, Bert Schafer, Betty Schopp, Alternate, Theresa Holbrook, Alternate

Staff Present: Ron Wallace, Zoning Administrator; Suzanne Hedden, Secretary

Visitors: Joe Slaton, Mayor; Clara Reffit, Reid Woody, Shandalee Woody, Leslie Woody, Livian Woody, Joann Moore, George Gaines, Stephen Bannakis, Randall "Shell" Traver, Kristy McTaggart, Mark Buchanan, Rhonda S. Buchanan, John Mazza, Robert Elkin, Kevin Warren, Bill Christy, Marsha Christy, Lecia B. Bryan

Chair Sara Smith called the meeting to order at 6:00 pm.

MINUTES

Sandy Zimmerman moved to approve the minutes of the November 17, 2022 meeting; Stuart Jenner seconded. Motion passed unanimously.

NEW BUSINESS

- 1. In Application #BOA-23-01, Mr. Reid Woody asked for a variance to allow him to continue to set up a fire arms manufacturing business in an existing building in an R1 Residential District. His hardship was that he has already set up part of his shop and to move it or delay its' completion, would be a hardship for him and his family.**

Mrs. Smith explained the reason for the meeting and requested Mr. Woody join the Board members at the conference table. After Mr. Woody was sworn in, Mrs. Smith read and explained various ordinances pertaining to the situation, instructing him that he would be getting a special use provision. She also advised him that it is required to read this information and then requested that he explain his purpose for presenting this to the Board of Adjustment. Mr. Woody introduced himself to the Board stating that he is a native of Clay County, graduate of Hayesville High School, graduated from Clemson University and, afterwards, served in the United States Air Force. During his military tenure, he served two (2) active-duty terms and has flown missions to thirty (30) different countries.

Many local citizens were present to show their support for Mr. Woody.

The business he is requesting special use for will be located in the Lion's Club building (old Scout Hut) located directly behind the old Clay County Health Department and the old Clay County Jail. His profession is a licensed gun smith and he is very skilled in the trade. His passion for making guns was instilled in him by his late father, Denny Woody. He remains passionate about the profession, and is proud to be training his oldest daughter to help him in this very skilled trade. As of now, he has not had to advertise, as people have sought him for the highly desirable and collectable high-end priced pistols he makes and assembles. Mr. Woody also stated that if he is granted use of this site, he will have a security system that will be state of the art.

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When asked by Board member Sandy Zimmerman his purpose for relocating the business, he stated that he has been working in a small shop in Brasstown and feels it is time to enlarge. Chair Sara Smith asked Mr. Woody if the operation will be noisy, to which he replied that the nature of the operation generates very little noise, as most of the equipment involved is completely enclosed. Betty Schopp questioned Mr. Woody about the amount of ammunition that would be kept at the location. He confirmed that there will only be the ammunition that is used in testing, and, all firing will be outside the city limits. The guns that will be produced by Mr. Woody are normally never fired by the owner, only a collector's item.

When Chair Sara Smith asked the attendees if anyone wanted to speak, Mrs. Lecia Bryan responded and joined the Board members at the table and was sworn in. She emphatically stated that her property joins the Lion's Club property, and she does not want a "gun shop" next to her. She also mentioned the proximity of the Daycare (located in basement of Hayesville First Methodist Church) to the property in question.

Mr. George Gaines, a member of the Planning and Zoning Board (but stating that he is not speaking on behalf of the Board, only as an individual), was sworn in next. He advised that he is a certified trainer in firearms, having trained law enforcement and civilians in North Carolina and Florida. He compared Mr. Woody's work of art to a Rolex watch due to the precision and beauty of the guns. At this point, Mrs. Bryan interrupted "a Rolex would not kill anyone"; to which Mr. Gaines replied "excuse me, I am talking to the Board". He stressed that this operation would bring money into Hayesville and the clientele will be high class individuals. He closed by saying that we could not ask for a more high-class person than Reid Woody.

Mr. Stephen Bannakis approached the table next to be sworn in. He has been a resident of Clay County since 1998, having moved here after retiring as a Lieutenant with the Pensacola Police Department. He estimates that in his thirty (30) years of service, his department handled approximately thirty (30) million calls of which many involved deaths by various kinds of weapons, but he never witnessed anyone killed by a collector's gun.

John Mazza was sworn in as a representative of the Lions Club. He began by stating that in 1996-1997 his father, Howard Mazza, along with Clay County residents Carl Moore and Dr. Russell Hughes initiated the Clay County Lions Club. Over the years, they have had many members and have contributed to many charitable organizations in Clay County. They are now experiencing low attendance and are not being approached by anyone wishing to join. Mazza stressed that net proceeds will be used as a continuing fundraiser for the County (Matt's Ministry, etc.). He confirmed that Mr. Woody is using the Scout Hut for storage now and Lions Club officers have confirmed to the ATF that they understand Mr. Woody's intentions for the building. He also presented a letter on behalf of the Clay County Lions Club to Zoning Administrator Ron Wallace confirming full support in this endeavor.

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Mark Buchanan was sworn in next, immediately introducing himself as Sheriff of Clay County, and Reid Woody's father-in-law. He read a letter from Commissioner Clay Logan which strongly encouraged the opening of this business. Sheriff Buchanan stated that he has had many opportunities to observe Reid working in his shop and feels certain that noise will not be an issue. The Sheriff uses the old Health Department as a "Sheriff's office substation" for investigators and other officers. This alone constitutes making the area very secure where there will be no undesirables hanging around.

Mr. Woody chose to address a comment about him already moving into the property before this meeting. He presented tax cards for the involved property which show the lot is classified as commercial; however, when applying about moving his ATF license, he was informed that this site is in R-1 residential zone. This was his first indication that he would have to bring this situation to the Planning and Zoning Administrator. Mr. Wallace confirmed and had Mr. Woody fill out a Board of Adjustment application for a variance.

Mrs. Smith clarified, once again, that the purpose of this meeting is not for a variance, but for a special use provision in a residential area. She then reiterated the qualifications for such: application submitted, use for special permit will not affect neighbors, in harmony with character of neighborhood, satisfactory access to property, buffering, exterior lighting. She feels that the Board of Adjustment will lose credibility if a business is allowed. Stuart Jenner injected that he agrees and feels that a business is not in harmony with the character of the neighborhood.

Conversation continued as follows:

Sandy Zimmerman: "Thank you for your service, Reid. We need to work on our zoning discrepancies."

Sara Smith: "The Board is required to do their due diligence."

Bert Schafer: "Is the Lions Club commercial or residential?"

Sara Smith: "It was a community service....family centered. If we are ready to vote now, since it is a special use allowance; simple majority carries the vote." (Section 1426 of our Zoning Ordinances states that four (4) affirmative votes are required).

Mayor Slaton interjected that we like to acquire new businesses in Hayesville; however, this situation is definitely commercial and re-zoning the site will probably be a better solution.

Woody stated that he is not trying to hide anything in this matter and has already spent lots of money to establish his business.

Theresa Holbrook commended Mr. Woody on his intricate creations and stated that he is definitely an artist.

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Suzanne Hedden asked to speak, joined the Board at the conference table, and was sworn in. Comments were as follows: “For the sake of family and community, I feel that Mr. Woody should be granted permission to establish his business at this location. We are debating over a “C” and an “R”. The Lions Club and Boys Scouts have maintained this building for many years, and those are not residential entities. We have had Mr. Woody’s eight (8) children in this meeting tonight, and none of them have had to be reprimanded....this is a very disciplined family, a good family. This appears to only be a win-win situation, as the Lions Club will be donating rent proceeds back to the County (i.e. Matt’s Ministry, etc.). We are always striving to get new businesses in the Town of Hayesville, and this seems like it will benefit Mr. Woody, and all involved.”

George Gaines and John Mazza briefly reiterated (from their seats) their original ideas with Mr. Gaines adding that this type of business will bring a very wealthy clientele to the area, which will also benefit other businesses (restaurants, etc.). Mr. Mazza added that several years ago in a residential area (Riverside Avenue) provisions were made to allow a cabinet shop which is still operating at the location.

Bert Schafer made a motion to grant the variance and accept as noted. Betty Schopp seconded the motion. Mrs. Smith again read the variance rules. Voting resulted in four (4) for and one (1) against.

Mr. Woody was granted the variance because all conditions of the hardship were met.

(There was a discrepancy in zoning between County records and Town of Hayesville records (County classifying property as commercial; Town of Hayesville classifying property as residential).

Betty Schopp moved to adjourn; Bert Schafer seconded; Meeting adjourned at 7:54 pm.


Respectfully submitted,
Suzanne G. Hedden, Secretary


Sara Smith
Chair