



Board of Commissioners

PUBLIC HEARING

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, July 25, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Johnie McDaniel and Dick Morrow present. Also present were Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane. Commissioner Merrill Massengale and County Manager William Wilson were absent.

A G E N D A

A. Call to order: Chairman Johnie McDaniel.

B. Rezoning:

1. **Application #02-11Z:** Griffin Area Habitat for Humanity, Owner – Mark Staples, Agent – Lots 97, 98 & 101 Cascade Avenue (.735 acre located in Land Lot 207 of the 2nd Land District – requesting a rezoning from C-2, Manufacturing, to R-5, Single Family Residential.

Mr. Mark Staples, the Agent, gave his address as 1386 Carver Road and stated he was Vice President for Griffin Area Habitat. They were requesting rezoning to build two (2) three bedroom homes on this piece of property.

There was no one else signed up to speak on this application.

*Motion by Commissioner Martha McDaniel to approve **Application #02-11Z** condition with site-built homes only. Commissioner Morrow seconded the motion and motion was unanimously approved by vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

2. **Application #02-12Z:** Paul Eugene Jr. and Valerie S. Reynolds, Owners – 83.5899 acres on Georgia State Route 16 West located in Land Lot 23 of the 1st Land District – requesting a rezoning from AR-1, Agricultural and Residential, to AR-2, Rural Reserve.

The applicants were not present when this application was presented.

Mr. Louis Szenczi gave his address as 6226 Newnan Road, Brooks, GA. and stated he was not for or against but would like some questions answered. He asked since the

applicants were not present, would they reschedule another hearing and please notify him. Commissioner Morrow stated that he had concerns with Rucks Dairy and was hoping to get to talk with the applicant. Mr. Rucks sent a letter and wanted it on the record that he does have a dairy there and doesn't want to have folk's start moving in and complaining. He has been there a long time.

Assistant County Manager Sabine stated there is state legislation that explicatively excludes agricultural operations from being defined or subject to a nuisance claim purely because of newer developments surrounding them. Mr. Sabine stated this would protect the developments from any prospective nuisance actions against the developments.

Motion made by Commissioner Martha McDaniel to table this application until the August 22nd meeting since the applicants were not present. Commissioner Morrow seconded the motion and motion to table was unanimously approved by a vote of 4-0.

3. **Application #02-13Z:** Teramar Holdings, LLC and Eric Yu, Owners – Steven E. Ponsell, Agent – 4 acres off Zebulon Road located in Land Lot 120 of the 2nd Land District - requesting a rezoning from C-1, Highway Commercial, to C-1B, Heavy Commercial.

Mr. Steve Ponsell, Agent, gave his address as 5775 Riverwood Drive, Atlanta, GA and stated they were asking for this rezoning for the back four (4) acres for mini warehouse storage facility while leaving the front 1.2 acres alone as C-1 designation retail space with brick, stone or masonry stucco. The front of the storage facility would not be visible from the highway.

There was no one else signed up to speak on this application.

Chairman McDaniel stated that the motion that was passed by Planning & Zoning Board conditioned any building facades/elevations visible from US Highway 19 (Zebulon Road) shall be constructed of brick, stone or masonry stucco.

*Motion made by Commissioner Morrow to approve **Application #02-13Z** subject to the condition placed on by Planning & Zoning Board. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

C. Text Amendments:

1. **Amendment to UDO #A-02-04: Lift from the table** - Appendix A. Subdivision Ordinance – Article 5. Required Development Standards – Section 501: add provision to prohibit and restrict subdivision development streets intersecting with an unimproved (dirt) county road and/or to require improvements to unimproved county roads to allow access to proposed subdivisions.

Motion made by Commissioner Morrow, seconded by Commissioner Kendall and unanimously approved to lift this amendment from the table.

There was no one signed up to speak on this amendment.

Assistant County Manager Sabine recommended that the Board not take any action on this tonight. It was brought to his attention by Henry County that if we were develop on less than 80 feet of right of way in a subdivision, DOT would not place these roads on the LARP list for resurfacing. The proposed text amendment does not address this. He said that the Board could come up with a firm policy or the Board could make their decision on a case-by-case basis by setting up certain criteria.

Motion made by Commissioner Martha McDaniel to table to a date uncertain. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.

D. Other Business:

Commissioner Morrow brought up the problem of having a quorum present with there being an eight member Board of Zoning Appeals. There are five appointed members, two at-large appointed members and one crossover member from Planning & Zoning Board. The Appeals Board asked him to approach the possibility of eliminating one member, which would make four members a quorum. He requested that having a seven member Board be placed on the August 5, 2002 Commissioners' meeting for consideration. Commissioner Martha McDaniel asked Mr. Sabine for a list of the appointees and their attendance record for the meetings.

E. Adjournment.

Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel the meeting was unanimously adjourned at 6:28 P.M.

County Clerk

Chairman

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