



**PUBLIC HEARING**

A public hearing was held by the Spalding County Board of Commissioners in their office in the Courthouse Annex, Thursday, September 26, 2002 beginning at 6:00 o'clock p.m. with Commissioners, Michael Kendall, Martha McDaniel, Merrill Massengale, Johnnie McDaniel and Dick Morrow present. Also present were County Manager William Wilson, Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and County Clerk Phyllis Doane.

**A G E N D A**

**A. Call to order: Chairman Johnnie McDaniel**

**B. Special Exceptions:**

1. **Application #02-26S:** New Era Missionary Baptist Convention of Georgia, Inc., Owner – Council of Overseers, New Era Missionary Baptist Convention Center, Inc., Agent – 1229 Green Valley Road (41.320 acres located in Land Lot(s) 214 and 215 of the 2<sup>nd</sup> Land District – requesting a Special Exception to allow a Church and related uses meeting development standards in the AR-1 District.

Rev. Douglas Stowers gave his address as 6697 Autumn West Drive, Riverdale, GA. stated they were applying for a special exception to erect a chapel (metal building) on their property. He said each year in July they have a Congress of Christian Education where there are 350 to 400 people in attendance and they rent a tent to house this event and we also apply for a noise variance amplification. He said that with the erection of the chapel they would be better able to control the noise and be better neighbors to the folks in the neighborhood. This facility would be used to conduct all their recreational and convention activities.

It was noted that the New Era Baptist Convention of Georgia also rents out this property for family reunions and this has nothing to do with religious activities. No amplification permits are requested when there are family reunions held. The noise and parking from these reunions have really caused a problem with neighbors.

There was a question with the purchase of an additional forty acres adjacent to the property why couldn't they move it farther down away from the residences. Rev.. Stowers answered that they were trying to locate it in the vicinity of their existing buildings and recreational area. He said that this would be erected on the back side of their property. Rev.. Stowers was questioned regarding the proposed parking area and he answered that it would be graveled and they would possibly have parking on the additional acreage they had purchased.

Assistant County Manager Sabine gave staff report. He mentioned the letter that had been received from Mrs. Sandra Roof relative to this application and she asked that the letter be read into the record at the appropriate time. It was noted that the Board of Zoning Appeals voted to approve this Special Exception on conditions.

Those signed up to speak against this application were:

Mr. Robert Nordan, Jr. gave his address as 1289 Green Valley Road. He said that this just keeps going on and on and knows with the additional forty acres they are going to be asking for more and more special exemptions. He said that he was worried about the depreciation of his land bay, his home bay and the general security of the area where he resides. He said that he is not against what New Era wants to do but against it being next to his and other's property. He said the noise is loud and there are family reunions one after another. He said that he is ready for this

to end. He said he was speaking for his family, friends and neighbors. He said that his in-laws land touches the New Era land and he was speaking for them also.

Mr. Donald Roof gave his address as 240 McGarity Drive, McDonough, GA and stated he was speaking on behalf of his mother and made comments regarding the submitted letter to the Board of Commissioners. He requested that the letter be read into the record. He said that they support everything Mr. Nordan has said. Mr. Roof requested that the application be tabled to give them more time to prepare.

Chairman McDaniel, at this time, read the following letter from Sandra Roof into the minutes.

September 25, 2002

Mr. Johnie A. McDaniel  
Chairman  
Spalding County Board of Commissioners  
1603 Beville Drive  
Griffin, Georgia 30224

Re: Special Exception Request for Property Located at 1229 Greenvalley Road

Dear Mr. McDaniel:

My husband and I own property adjacent to the New Era Baptist Convention Center located at 1229 Greenvalley Road. This property has served as our primary residence for the past twenty-six years.

The purpose of this letter is to state our opposition to the special exception request made by New Era. Our opposition is based on the following:

- We believe further development of the property located at 1229 Greenvalley Road may have depreciating effects and damages to neighboring properties that are greater than the benefits or need for the special exception that has been requested.
- We believe approval of the special request may be contrary to applicable sections of the Zoning Ordinance related to non-conforming use.

We recognize our concerns have to be supported by adequate evidence and legal analysis to be useful to the Board in its decision making process. Unfortunately, we have not had sufficient time to engage professionals necessary to complete our analysis of this request. As such, we respectfully request the Board's consideration in deferring a final decision on this matter until its next regularly scheduled meeting in October.

Over the years we have spent considerable time and have suffered significant inconvenience in addressing issues created by the owners of the property at 1229 Greenvalley Road. Additionally, and as documented in the records of the Spalding County Sheriff's Department, we have been subjected on numerous occasions to unnecessary disturbances by activities that have taken place on this property.

While all parties are anxious to bring this matter to conclusion, we do not believe a continuance of this matter is an unreasonable request. The Board clearly has the discretion to grant the requested continuance and should do so to ensure that all facts are available before a final decision is made.

Sincerely,

Sandra Roof

*Motion made by Commissioner Martha McDaniel to table **Application #02-26S** until the October 24, 2002 Public Hearing. Commissioner Morrow seconded the motion and motion to table was approved by a vote of 3-2 with Commissioners Kendall and Massengale voting against the motion to table.*

Commissioner Kendall asked the Chairman to excuse him for the rest of the meeting.

2. **Application #02-27S:** Barbara D. Lavigne, Owner – 761 Buck Creek Road (6.01 acres located in Land Lot 120 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a kennel in the AR-1 District.

Ms. Barbara D. Lavigne gave her address as 761 Buck Creek Road and stated she was the applicant and was applying for a Special Exception to put a kennel on her property.

There was no one else signed up to speak for or against this application.

*Motion made by Commissioner Martha McDaniel to approve Application #02-27S with conditions of (1) not used for commercial purpose, that is, open to public and (2) limited to 9 runs. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.*

3. **Application #02-29S:** Pamela D. Allen, Owner – 941 Moon Road (2 acres located in Land Lot 23 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Ms. Pamela D. Allen gave her address as 941 Moon Road and stated she was the applicant. She was requesting a Special Exception to upgrade her single wide mobile home to a new double wide mobile home. She said that she has been at this location since 1993. She said that a septic tank has already been installed, which was one of the requirements. She said they would like to be able to take care of foster children.

Assistant County Manager Sabine gave the staff report. He said there was a split recommendation from staff and Board of Zoning Appeals as staff recommended denial on the basis of compatibility standards. 82% of the homes were indicated to be conventionally constructed and Board of Zoning Appeals voted to approve 5-2.

Those signed up to speak in favor of this application were as follows:

Mr. Harold Distel gave his address as Yatesville/Barnesville Highway and stated he was father of the applicant. He said that his daughter has been in Spalding most all of her life and she would like to continue living in Spalding County. He said that he worries about her living in an old single wide mobile home and would like to see her replace this home with a better one. He said that records show that in the immediate area where she lives there is not half and half.

Ms. Cecilia Distel gave her address as Yatesville/Barnesville Highway and stated she was the applicant's stepmother. She said that she is a mortgage broker and has worked in this industry since 1974 and has worked for several brokerage companies. She said that she has dealt with manufactured homes on an daily basis with paperwork and also the construction of these homes. She said they are well designed and beautiful homes. She said that this particular mobile home has appraised at \$111,000 with three comparable properties in the area. She said this is a standard Fannie Mae/Freddie Mac appraisal. She said the homes are built according to the standards of HUD (Housing of Urban Development). Every aspect of that home has to be inspected by a HUD inspector as well as the facility where the homes are built. She said that these homes are inspected much more than site built homes.

Those signed up to speak against this application were:

Mr. Virgil Duncan gave his address as 1024 Moon Road and Mr. and Mrs. Allen were their neighbors and good neighbors. They applaud her for wanting to upgrade the mobile home; however, he has recently sold two-10 acre lots, which are one lot removed from the Allens and have placed restrictive covenants on these tracts, which would permit one single-family dwelling on each ten acres and a minimum of 2100 SF. There could be no barns or metal construction on the property. He said that these two individuals are aware of the Allen's single wide and a

double wide that sits between the property but they did not anticipate a renewal of what is there. He asked the Board to protect this property and deny this request.

Ms. Sandra Duncan gave her address as 1024 Macon Road and also stated that the Allen's have been good neighbors. She would love to see the Allen's build a stick built home. She said their desire to improve is very admirable. She said they own fifty acres across the street and if they desire to sell more land they want to maintain that which is compatible to the entire area.

Commissioner Morrow is sympathetic to the Allen's wanting to upgrade their home; however, the rules, procedures and guidelines prohibit us from allowing this application to be approved. The compatibility is 80-20 and the trend is conventionally constructed homes.

*Motion made by Commissioner Morrow to deny **Application #02-029S**. Commissioner Massengale seconded the motion.*

Chairman McDaniel commented that this does not change the compatibility as this is the existing use and it is not our practice to deny somebody the opportunity to replace an existing manufactured home.

*Chairman McDaniel called the question on the motion to deny. The motion passed by a vote of 3-1 with Commissioner Johnie McDaniel voting against the motion.*

### **C. Text Amendments:**

1. **Amendment to UDO-#A-02-06:** Appendix F. Flood Ordinance – Article 3: Section B:1(e) – add provision for permit procedures.

There was no one signed up to speak for or against this amendment.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Amendment to UDO-#A-02-06 was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

2. **Amendment to UDO-#A-02-07:** Article 3. Multiple Family – Section 905:A – add provision for minimum heated floor area per dwelling, maximum density, and maximum lot coverage.

Assistant County Manager Sabine stated that this is the R-3 amendment, which increases the minimum square footage to 1,000 and reduce the density from ten to six per acre and maximum lot coverage to 25%.

There was no one signed up to speak for or against this amendment.

*Upon motion by Commissioner Morrow, seconded by Commissioner Johnie McDaniel Amendment to UDO-#A-02-07 was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

3. **Amendment to UDO-#A-02-08:** Appendix A. Subdivision Ordinance – Article 7. Conservation Subdivision – Section 703:A(3 & 9) – add provision on density, and Section 712: add provision for design guidelines.

Mr. Burke was signed up to speak on this item. He gave his address as 120 King Richard Drive. He said he was not sure that he was against this ordinance; however, was against high density in subdivisions. He particularly mentioned those subdivisions proposed at Vineyard Ridge and the Westmoreland Road property. He said he has tried to apply these standards to these two subdivisions. He understands that under the old rule Vineyard Ridge could have 78 homes and this change would reduce that to 63 homes. He said the Westmoreland Road property under the old rule could have 198 homes and this change would reduce that to 158 homes on thirty-five acres. He said when you build houses on small lots you have to build small homes. He said to him the density problem is we talk about lot size rather than acreage size. He says that he feels that one-half acre lot is fairly acceptable but he also thinks that we should limit the house size too.

Mr. Burke was told that they need to get this through to get it in place. He was told that after adopting this Resolution, they could look at it again to see if it needs “tweaking”.

*Upon motion by Commissioner Morrow, seconded by Commissioner Martha McDaniel Amendment to UDO-#A-02-08 was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

4. **Amendment to UDO-A-02-09:** Appendix A. Subdivision Ordinance – Article 7. Conservation Subdivision – Section 701 – add provision for maximum density according to zoning district, Section 703:A(2) – minimum greenspace 50% of total tract, Section 703:C(1)(a) – add provision in calculation of Adjusted Tract Acreage to include the deduction of proposed street area, Section 704:B(2) – add provision that greenspace is to be owned by Homeowners Association, land trust, or a conservation organization, Section 704:B(8) – add provision requiring that 10% of the total amount greenspace should be located at or near the subdivision entrance, Section 702:C –delete requirement of two (2) entrances for subdivisions with fifteen (15) or more lots, Section 708:B(1)(f) – add provision that Homeowners Association and restrictive covenants are to be reviewed during the preliminary plan phase, and Section 708:B(4)(b)(6) – add provision that increases the discretion that the Board of Commissioners has in reviewing conservation subdivision plats.

There was no one signed up to speak for or against this Amendment.

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow Amendment to UDO-#A-02-09 was unanimously approved by a vote of 4-0. **The Resolution will be incorporated into the minutes on second and final reading.***

#### **D. Other Business:**

**Conservation Subdivision S/D #02-07: Lift from the table** – Vineyard Ridge – Rajendra J. Patel, Owner – Village Partners, LLC, Developer – 51.91 acres off Vineyard Road, located in land Lot 60 of the 3<sup>rd</sup> Land District – 78 lots.

*Motion made by Commissioner Morrow to lift S/D #02-07 from the table. Commissioner Martha McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.*

Zoning Attorney Newton Galloway addressed this item. He said following the last meeting staff met with Mr. Smith to discuss covenant issues for the greenspace in Vineyard Ridge Subdivision. Mr. Smith has cooperated with us agreed to add the following provisions in all the additional covenants we have requested. They are as follows:

Covenant Issues for Greenspace:

- (1) Identifying Spalding County as a “beneficiary”.
- (2) Revise amendment procedures to avoid HOA/developer amendment of covenants pertinent to greenspace upon approval.
- (3) Authorize the right of County to enter and enforce the covenants, if necessary.
- (4) Provide a HOA (Home Owners Association) list of restricted activities pertinent to greenspace to ensure maintenance of conditions of the greenspace.
- (5) Perpetuation of greenspace post HOA
  - (a) right of County to collect “HOA dues”;
  - (b) right of County to maintain;
  - (c) continuity of restriction on use of space;
  - (d) right of County to recoup costs of maintenance and insurance
- (6) To provide more detail procedures for dissolution of HOA and notification to County in event the HOA was dissolved.
- (7) Financial pro forma for the operation of the HOA to ensure sufficient funds to maintain; notice to the County.

- (8) Rental restriction covenant, which would prohibit rental units developing in the subdivision above a certain percentage and
- (9) Square footage minimum 1500.

Zoning Attorney Newton Galloway asked the Board to allow Mr. Smith's subdivision to go forward conditioned upon this addition of additional covenants and also authorize him to retain an attorney in Atlanta, who is the state's authority on homeowners association covenants and condominium covenants and work with him within a budget of approximately \$2500 to develop the language for this that would be used not only for this subdivision but to use with every other conservation subdivision that comes through.

Commissioner Martha McDaniel commented that this needs to be two (2) separate votes.

Those signed up to speak for or against this application were:

Ms. Jane Westmoreland gave her address as 1194 Vineyard Road. She said that she owns the property adjacent to this property to be developed. She said the 77 homes that will be built on this property use the force main and the lift station on Westmoreland Road for sewage purposes. She said that she had a chemist from Analytech come and take two (2) water samples from Manley Creek and the results were the water is Not Safe for drinking or recreation purposes. She said the results show that there is E-coli as a result of human sewage. She said that Manley Creek runs across her farm on both sides and also runs into Heads Creek Reservoir. She asked the Board not to approve any more homes in this area due to these findings.

Mr. Bob Burke gave his address as 120 King Richard Drive. He also spoke about the lift station. He asked that the Board consider making a condition of this lift station be repaired before adding on the additional homes from the Vineyard Ridge Subdivision. He said he was concerned about the sewage problem.

Mr. Tom Smith, Jonesboro, GA addressed the comments made above regarding the sewer situation. He said that is was his understanding that they hook into a gravity sewer going back into the City of Griffin and really has nothing to do with the pump station and they don't use the pump station. He said this pump station has nothing to do with the proposed Vineyard Ridge Subdivision. He said that they have jumped through every legal hoop that has been required of them with all the additional covenants, rental restrictions and increase in minimum square footage.

Mr. Jack Blackwell gave his address as 113 Old Virginia Circle, Jonesboro, GA. He commended the Board and the people that wrote the Conservation Subdivision ordinance. He said that the City of Griffin has a \$2200 impact fee on each lot for sewer; therefore, he hopes that the impact fee would be used for future improvements on sewer.

Mr. Frank Westmoreland asked to address the Board of Commissioners even though he was not signed up to speak. Chairman McDaniel asked what was the pleasure of the Board and the majority had to problem with Mr. Westmoreland making brief comments.

Mr. Frank Westmoreland commented that statements made by Mr. Smith were erroneous. He said that the gravity line flows west to the lift station. This proposed subdivision is above the lift station and will impact the sewer. He wanted to know why the Board would approve any more building permits on something that is already polluting the stream.

*Motion made by Commissioner Johnie McDaniel to approve **Conservation S/D #02-07** subject to the condition that he provide and cooperate with us in getting the restrictive covenants added into what he has already filed that address the issues raised by Mr. Galloway, which deals with the role of the county and the maintenance and upkeep of the greenspace. These are to be met before the approval of the final plat. Commissioner Martha McDaniel seconded the motion and motion was approved by a vote of 3-1 with Commissioner Massengale voting against the motion.*

**Amendment to Future Land Use Plan #02-01LU:** Amendment to Future Land Use Plan relative to amendment to residential districts and creation of Residential – rural reserve density classification.

Assistant County Manager Sabine stated that he was supplying to the Board two (2) similar maps. Map No. 1 is the one recommended by the Planning Commission and it adds a small area to the rural reserve designation in the Bethany Road area and changes an area that is listed agricultural on the north eastern part of Spalding County to low density residential. Map No. 2 also retains the additional of rural reserve in the Bethany Road area but it retains similarly the agricultural area that was carried forth from previous maps and would not change that to low density residential.

*Motion made by Commissioner Martha McDaniel to approve **Map No. 2**. Commissioner Johnnie McDaniel seconded the motion and motion was unanimously approved by a vote of 4-0.*

*Chairman McDaniel asked for a motion to amend the agenda to consider Mr. Galloway's request to retain some counsel.*

*Motion made by Commissioner Martha McDaniel, seconded by Commissioner Morrow and unanimously approved to amend the agenda.*

*Motion made by Commissioner Martha McDaniel to authorize Zoning Attorney Newton Galloway to spend no more than \$2500 to retain counsel who specializes in covenants for Home Owners Associations. Commissioner Morrow seconded the motion and motion was unanimously approved by a vote of 4-0.*

#### **E. Adjournment.**

*Upon motion by Commissioner Martha McDaniel, seconded by Commissioner Morrow the meeting was unanimously adjourned at 8:05 PM.*

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County Clerk

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Chairman

Please send comments to [webmaster@spaldingcounty.com](mailto:webmaster@spaldingcounty.com)  
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