

**SPALDING COUNTY APPEALS BOARD  
MINUTES  
January 13, 2005**

The Spalding County Appeals Board held its regular monthly meeting in room 108 of the Spalding County Courthouse Annex on January 13, 2005. Members present were: Dennis Richardson, acting chairman, presiding Jon Baird, Doug Hardwick, Charles Perdue, JoAnne Phinazee, and J. D. Smith. Allan McCallum was not present.

Also present were: Charles Taylor, Community Development Director, Chad Jacobs, Senior Planner, Newton Galloway, Attorney, and Yvonne Langford to record the minutes.

Mr. Richardson called the meeting to order and stated that he would be acting chairman until the election of the new officers. He requested that the members of the Board introduce themselves since there were several new members.

**ELECTION OF OFFICERS**

Mr. Richardson called for nominations for a vice-chairman.

Mr. Smith nominated Jon Baird.

**MOTION**

Mr. Smith made a motion to close the nominations and elect Mr. Baird by acclamation. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

Mr. Richardson called for nominations for a chairman.

Mr. Baird nominated Dennis Richardson with Ms. Phinazee seconding the nomination.

**MOTION**

Mr. Smith made a motion to close the nominations and elect Mr. Richardson by acclamation. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

Mr. Richardson requested anyone present wishing to address comments to the Appeals Board regarding any of the applications to come forward and sign-in on the appropriate form.

**Application #04-63V: Lift from the table** – E. Marshall Pape, owner – Off Pinelea Road 932.91 acres located inland Lot 208 of the 2<sup>nd</sup> Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 Linear feet, from minimum frontage width and minimum lot width.

**MOTION**

Mr. Smith made a motion, seconded by Mr. Baird, to lift Application #04-63V from the table. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

Each person speaking came forward, stated his name and address and was sworn.

Marshall Pape – 3260 Turner Road – Williamson

Mr. Pape said he needs a special exception. He needs approval to extend the cul-de-sac beyond the 300 feet and lot number 22 needs to have a 50' width frontage,

Mr. Taylor said the staff recommendation is for approval.

### **MOTION**

Mr. Baird made a motion to approve Application #04-63V. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**Application #04-68S :** Alan R. Mobley, Owner – High Falls Road off Alicia Drive (46.1 acres located in Land Lots 209 and 210 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-5 District.

**Application #04-69V:** Alan R. Mobley, Owner – High Falls Road off Alicia Drive (46.1 acres located in Land Lots 209 and 210 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the R-5 District.

**Application #04-70S:** Walter E. Jones, Executor for the Estate of Paul H. Walker, Jr., Owner – Alan R. Mobley, Agent – High Falls Road (86.81 acres located in Land Lot 209 and 210 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-5 District.

**Application #04-71V:** Walter E. Jones, Executor for the Estate of Paul H. Walker, Jr., Owner – Alan R. Mobley, Agent – High Falls Road (86.81 acres located in land Lots 209 and 210 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the R-5 District.

These four applications were discussed together and voted separately.

Alan Mobley – 262 Mobley Road

Mr. Mobley said the request is for a special exception for one-acre lots. Both of these tracts are in Urban Proximity. There will be a total of 72 lots reduced from the original plan for 79 lots. He went over that plan as designed. They are selling one out parcel to the adjacent property owner. It will be deed restricted so that no homes can be built on it. It can only be used by the resident for an outbuilding. Mr. Mobley will maintain the frontage on the new street that will be cut into the subdivision. There will be a 50' buffer so it cannot be used for lots. There is some open space that they had wanted to donate to the parks and recreation department but the Recreation Department has no need for the property since it is close to AMBUCS Park. They additionally do not have funds to develop it for a park. This tract is not part of the subdivision. The average house size within ½ mile radius is 1036 SF. The R-5 has a required minimum house size of 1250 SF which will be an upgrade to the area. They will be required to have a double car garage and other requirements of the Urban Proximity developments. He is trying to recreate the house styles built in the 1920's. The smallest front porch will be 8' with some porches going all the way across the house. The request for variance on the 50' front yard setbacks is something that needs to be corrected in the Urban Proximity. Normally, in any subdivision if you sod the front yards, you are allowed the 50' setbacks. Urban Proximity requires sodded front yards but with a 100' setback. The houses will be accented with 30% stone, stucco, or masonry. There will be sidewalks.

Mr. Taylor said the recommendation from the staff is to table the variance requests. The zonings and special exceptions have not been finalized by the Board of Commissioners. It would be

inappropriate for the Board to act on the variance before the Board of Commissioners has considered the rezoning. The recommendation is for conditional approval on the Special Exceptions with the conditions as follows:

1. Front porches will be finished in character with the house.
2. The plan should indicate type and size of trees proposed for the streetscape.
3. Front yards shall be sodded.

Discussion was held regarding the style of the houses. There were also questions regarding saving the trees. Mr. Mobley said he intends to keep all the hardwood trees as possible on the lots. They will have to clear the right of way. The greenscape plan is for the right of way to be planted with five gallon red maples.

**MOTION**

Mr. Baird made a motion, seconded by Ms. Phinazee, to approve Application #04-68S with conditions are recommended by the staff. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**MOTION**

Ms. Phinazee made a motion to table Application #04-69V. The motion passed on a second by Mr. Purdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**MOTION**

Mr. Baird made a motion, seconded by Ms. Phinazee, to approve Application #04-70S with conditions are recommended by the staff. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**MOTION**

Mr. Hardwick made a motion to table Application #04-71V. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**Application #04-72S:** Debra B. Thomas and Jason R. Thomas, Owners – 109 Evans Road (2.357 acres located in Land Lot 21 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Debra B. Thomas – 2010 Steele Road

Ms. Thomas said they want to put a manufactured home in the area. They will meet the requirements. There are fourteen mobile homes in the area presently. There are more mobile homes than conventionally built homes.

Mr. Taylor said the staff recommendation is for approval. The majority of the homes in this area are manufactured homes.

**MOTION**

Mr. Smith made a motion, seconded by Mr. Baird, to approve Application #04-72S. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**Application #04-73V:** Sam Smith Homes, Inc., Owner – 238 Autumn Ridge Drive (0.48 acres located in Land Lots 203 and 204 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum lot width and minimum front yard setback in the R-4 District.

Cathy Pruitt – 893 Rover Zetella Road – Williamson

Ms. Pruitt said she was present to speak for Sam Smith Homes, Inc. Ms. Pruitt said they are requesting this variance to keep the subdivision consistent. This lot was omitted when they requested the initial variances on other lots in the subdivision.

Mr. Taylor said the recommendation is for approval conditioned on the front yard being sodded.

#### **MOTION**

Mr. Smith made a motion to approve Application #04-73V conditioned on the front yard being sodded. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

**Application #04-74V:** Westmoreland Partners, LLC, owner – Paragon Consulting Group, Agent – Vineyard Road (Lots 8, 16, 40, 48, 67 and 68 – 85.5 acres located in Land Lots 37, 38, 59, and 60 of the 3<sup>rd</sup> land District) – requesting a Variance from minimum requirement on lots with multiple frontage in the R-2 District.

Application #04-74V was withdrawn 01/07/05.

**Application #04-75V:** Spring Industries, Inc., Owner – Reddick Construction Company, Agent – 349 Railroad Street (45 acres located in Land Lot 127 of the 3<sup>rd</sup> Land District) – requesting a Variance from requirement on lots with multiple frontage in the C-2 District.

Calvin S. Hopkins III – 716 S. Center Street – Thomaston

Mr. Hopkins said this application is to add a 5240 SF loading dock onto the existing distribution center for Springs Industries which is located at the intersection of Railroad Avenue and Cheatham Street. The addition will be within the bounds of their property, but it encroaches on the front yard setback of 70 feet. The new setback with this addition would be 48 feet 6 inches. The addition will be in the side yard, but it will encroach on the front yard. It will not interfere with the visibility of the drivers.

Mr. Taylor said that Springs is located in a very urban area with very little space for expansion. This is the most logical place to locate the loading dock. If it can't be located here, it would create an economic hardship, because there is no other logical place for the loading dock. There are no safety issues. The recommendation is for approval.

#### **MOTION**

Mr. Hardwick made a motion, seconded by Mr. Perdue, to approve Application #04-75V. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

#### **MINUTES**

Mr. Smith made a motion to approve the minutes of the December 9, 2004 meeting. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

Mr. Taylor said a workshop has been scheduled for January 22, 2005 for an orientation meeting for all the new members of the boards. This meeting will include the Planning Commission and the Board of Commissioners. On behalf of the staff, Mr. Taylor welcomed the new member and invited them to contact the staff with any questions or concerns.

Mr. Galloway addressed the Board and advised that there would be a workshop meeting for them and advised them that he would be present to discuss their responsibilities as members of the Appeals Board. He will let them know when the meeting will be held. He went over what would be included at the meeting. He went over how variances are handled and the conditions on which they can be granted.

**ADJOURN**

The meeting was adjourned on a motion by Mr. Smith and a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms Phinazee, Mr. Richardson and Mr. Smith voting for the motion.

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Dennis Richardson – Chairman

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Yvonne M Langford - Recorder