

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**March 9, 2006**

The Spalding County Appeals Board held its regular monthly meeting on March 9, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Jon Baird, Chairman, presiding, Keith Dryden, Richard Ingram, Charles Perdue and JoAnne Phinazee. Doug Hardwick and Allan McCallum were 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. Baird called the meeting to order and introduced the members of the Appeals Board. He invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

**Application #06-02S: Lift from the table** – Sammie L. Wells and Christine T. Wells, Owners – 2547 Locust Grove Road (31.03 acres located in Land Lot(s) 76 and 77 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a private school in the AR-1 District.

Mr. Baird announced that Application #06-02S had been withdrawn.

**Application #06-05V:** Framework For Success, Inc., Owner – 120 and 124 Beincourt Drive (Lot 102 – 0.518 acres and Lot 101 – 0.471 acres located in Land Lot 94 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum front yard setback and minimum lot width in the R-4 District.

Dawn Nunley – 874 King Road – Riverdale, Georgia

Ms. Nunley said she represented Framework for Success, Inc. These two lots are located in a cul-de-sac. There is a ridge at the rear of the property that drops off about 20 feet. The setback requirement would cause the house to be over the cliff. They need to move the house forward. They do not need to reduce the lot width. The County is recommending conditional approval and they have no problem with the conditions.

Lynn Baade – 108 Valley Court

Ms. Baade read a prepared statement objecting to Application #06-05V. She has lived in her home for 16 years and there are many long-time residents. They have a homeowner's association to help promote pride and care in the neighborhood. They take care of the front entrances by mowing, fertilizing, spreading pine straw, picking up liter and doing whatever needs to be done to keep the neighborhood looking nice. This maintains the value of their homes and keeps turnovers down. They have covenants and restrictions that are on file at the county. The restrictions require the houses to be setback from the

street a minimum of 70 feet. The existing homes have long driveways to accommodate vehicles and are all set back approximately the same distance from the street. They object to granting this variance. The builder should have checked the setback with the county before purchasing the lots, clearing all the trees and preparing the ground for construction. It is insulting to think he had done all this work, destroying the wooded area, to now come to ask for the homes to be placed 40 feet from the street because of the severe drop-off. There is a lot on their cul-de-sac with the same problem and if this is allowed they will then purchase that lot, clear it and expect the same variance. There have been many contractors come and go with new construction and they do not want to assume the responsibility for the damage to the front entrance or to people's property from construction equipment being moved in and out of the subdivision. They are not careful about using dumpsters and trash cans for their workers to use to prevent trash from blowing all over the neighborhood. The last contractor left the construction trailer and portable toilet for months. She requested the application be denied.

Ms. Phinazee asked if the homeowner's association was prepared to purchase the property if the application is denied.

Ms. Baade said they are not.

Mr. Taylor made a presentation regarding the project showing the property. He said this is a case for topographical problems with the lots. In reviewing the lots and looking at the adjacent properties they recommend a setback of 50 feet rather than the 40 with conditions. The conditions are that each lot will have a sodded front yard and that each lot will have a paved driveway. With the 50 foot setback they will still have a rear yard. It will be smaller but there will still be a yard.

Preston Bryan – 1681 Boulder Crest Road S.E. – Atlanta

Mr. Bryan said he is the owner of the property and they have reconsidered and the lot needs to be set back 62' from the curb. Discussion was held and it was noted that the 62' from the curb is actually 50' from the center line as measured by the county. There are lots in the subdivision that are built at setbacks of 50 and 60 feet. He said he had talked with the Ms. Baade and had given her his FAX number and telephone number. She faxed him some information and she requested a dumpster on the property for the trash. He understands her concerns and the heartaches of construction. It is a beautiful neighborhood and he is trying to enhance the neighborhood.

#### **MOTION**

Mr. Dryden made a motion to approve application #06-05V with a 50' setback conditioned on both lots having sodded front yards and both lots having paved driveways. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Dryden, Mr. Perdue, and Ms. Phinazee voting for the motion and Mr. Ingram voting against.

**Application #06-06V:** Mickey Maurice Jones, Owner – Cedardale Drive (15.03 acres located in Land Lot 151 of the 2<sup>nd</sup> Land District) – requesting a variance to allow cul-de-sac streets to exceed 300 linear feet in the R-1 District.

Mickey Jones – 1952 Honeybee Creek Drive

Mr. Jones said this is the final phase of the subdivision that was started in the 70's. They had saved this property with the intent of using the lake property themselves. He is not interested in using it himself and wants to develop the property. The houses will be 500 to 600 feet larger than the other houses in the area. He plans to build the houses himself, a couple of houses a year.

Mr. Baird asked Mr. Jones if he owned the two lots at the end of the cul-de-sac that face Sweetbriar Lane. Mr. Jones said he did. Mr. Baird asked him if he realized that if he had made the road go all the way through he would not need the variance.

Mr. Jones said he was not able to do that at the time. He had the lots on Sweetbriar annexed into the city because the county would not allow ½ acre lots at the time. Those lots are for sale. He did not know that they would get the infill zoning or he would have waited to do anything until that zoning was in place. If he runs the road all the way through it would come out on top of a storm sewer. He would like to see this street be a cul-de-sac street because it will be safer for the children.

Joan Sloan – 305 Sweetbriar Lane

Ms. Sloan said she did not have anything to say.

Pamela L. Ehlers – 295 Cedardale Drive

Ms. Ehlers said Mr. Jones has said he is going to build spec houses on these lots and she would like to know what size of the houses how many years it will take to finish the development.

Mr. Baird said he would get Mr. Jones to answer those questions prior to a motion.

Carlton English – 275 Cedardale Drive

Mr. English said he does not understand why the road cannot go all the way through. It will create more traffic in and out if it is a cul-de-sac street. When he purchased the property he was told by the applicant's father and brother that no houses would ever be built next to him because they needed access to the dam. If anything every happened to the dam they would have to get in there to do the work. He would rather see the road go all the way through to Sweetbriar. He does not object to people living next to him but he would like the road to go all the way through.

Mr. Taylor said this project has potential alternatives to create connectivity. As planners they are advocates of a connected street system. The traffic will be more focused on Cedardale Drive. If there are two ways in and out then the traffic will disperse in two directions rather than one and not put the pressure on one intersection. The law enforcement and emergency services like connectivity within subdivisions because it is

easier for emergency vehicles. Pedestrians prefer connectivity when they walk. If there is an alternative to long cul-de-sacs they advocate using the alternative means. The staff recommendation is for denial.

Mr. Baird said that since the lots on Sweetbriar have not sold he still has the option to put the road in all the way to Sweetbriar.

Mr. Jones said at the time he developed these lots he visited with Mr. Taylor and was told that he had to have a minimum of 1 acre lots. He did not want to annex into the city. He wanted to stay in the county but he did not have an option to get the ½ acre lots. He said he disagrees with Mr. Taylor regarding people not wanting to live on cul-de-sac streets. His neighbors like the cul-de-sacs because it is quieter and the children can play without having to worry about through traffic. It is going to be a slow development and it is going to be done right.

Ms. Joan Sloan – 305 Sweetbriar Lane

Ms. Sloan requested the opportunity to speak. She said Cedardale runs into Sweetbriar and if another road is put in there is only going to be three houses between the two roads. That is going to be difficult. She would prefer the cul-de-sac provided the houses that will be built on Sweetbriar will face the street rather than the lake.

#### **MOTION**

Mr. Dryden made a motion to deny Application #06-06V. The motion passed on a second by Mr. Ingram with Mr. Baird, Mr. Dryden, Mr. Ingram, Mr. Perdue, and Ms. Phinazee voting for the motion.

**Application #06-07V:** Cagle Homes, LLC, Owner – Chad Pruitt, Agent – Lot 7 Ingram Hill Subdivision (North Pomona Road – 1.08 acres located in Land Lot 120 of the 3<sup>rd</sup> Land District) – requesting a variance from front yard setback in the R-2 District.

Chad Pruitt – 2099 Honeybee Creek Road

Mr. Pruitt said this lot is in Phase I of Ingram Hills. Phase II was allowed a front setback of 50'. Someone on the Board recommended that this lot be a part of that setback variance. This one lot needs to match up with the homes on the 50' setbacks. They accept the conditions recommended by the staff.

Mr. Taylor said when the first variance came through it was requested that the lots on Pomona Road as well as the lots on North Pomona Road be approved for a 50' setback. The staff recommendation was for approval for the lots on Pomona Road and denial on the lots on North Pomona Road. The Appeals Board granted the variance on the lots on North Pomona Road. Granting this variance will put this house in line with the other houses on North Pomona Road. The staff recommendation is for approval conditioned on the front yard being sodded and the driveway being paved.

#### **MOTION**

Mr. Ingram made a motion to deny Application #06-07V. There was no second.

**MOTION**

Mr. Dryden made a motion to approve Application #06-07V conditioned on a sodded front yard and a paved driveway. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Dryden and Mr. Perdue voting for the motion and Mr. Ingram and Ms. Phinazee voting against.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Ingram, to approve the minutes of the February 9, 2006 meeting. The motion passed with Mr. Baird, Mr. Dryden, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

**MOTION**

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

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Jon Baird – Chairman

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Yvonne M. Langford - Recorder