

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**April 13, 2006**

The Spalding County Appeals Board held its regular monthly meeting on April 13, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Jon Baird, Chairman, presiding; Doug Hardwick; Charles Perdue; JoAnne Phinazee and Allan McCallum. Keith Dryden and Richard Ingram 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.

Mr. Baird said he would like to consider changing the order of the agenda to discuss consideration of a extending a variance on Application #04-67V first.

**MOTION**

Ms. Phinazee made a motion, seconded by Mr. McCallum, to change the agenda to consider a variance extension on Application #04-67V first. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Consider the extension of Variance approval for Application #04-67V – Ginger Ray Smith, Owner – 2 acres at the intersection of Arthur K. Bolton Parkway and High Falls Road.

Tim Shepherd – 144 North Hill Street

Mr. Shepherd said this application is to extend a variance that has been approved. The project cannot be initiated due to the highway improvements being made on the Arthur K. Bolton Parkway.

Mr. Baird said this variance has been extended previously and was last extended for six months.

Mr. Galloway said this extension is needed due to the work on the Arthur K. Bolton Parkway. The ordinance requires that when a variance is approved the work must begin within six months. No one can do anything at this location because of the Bolton Parkway construction. Rather than this variance being extended every six months, he suggested that a date be set for when the variance will expire based on the proposed completion date of the work on the Parkway.

Mr. Taylor said they are estimating that the work will be completed in late 2007.

### **MOTION**

Ms. Phinazee made a motion to extend the Variance on Application #04-67V until May 31, 2008. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-08S:** Ingram-Averett Enterprises, LLC, Owners – Rhoda Ingram, Agent – 2613 Newnan Road (13.643 acres located in Land Lots 47 and 50 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Jay Averett – 715 Bieze Street

Mr. Averett said he is representing Rhoda Ingram. For over 60 years, this project has been a labor of love. Frank and Rhoda Ingram transformed this property on Newnan Road from predominately pasture and timberland to what many believe today to be a very important southern garden. Beginning in 1939 the gardens grew from a foundation of the Ingram house to an ever expanding ring, first filling in a brick wall built in the early 1950's. Promises were made then to stop the gardens at the gate inside those walls but the gardens continue to grow to encompass 20 additional acres. Meadowlark Nursery was founded but ended tragically in the 1970's. Farm cottages were renovated, a new house was built, the gardens continued to expand through the years. Today there are nearly 30 acres of maintained gardens on the property. There are two employees there with an employment tenure of over 85 years, one was actually born on the property. The lake now bears his name. In order to keep the history in tact and keep the garden growing, more revenue must be generated than from the sale of rental dwellings on the land. The setting is ideal for special events. It is beautiful and rich with history. The special exception is for general home occupation so they may host events, welcome the public and arrange tours of the gardens, Additionally, they want to further develop the lands agricultural potential in a manner and a scale that will promote agri-tourism and education. This is a great opportunity for Spalding County and Griffin. He requested approval of the application.

On question from Mr. Perdue, Mr. Averett said the iron gate to the property would be designated as the exit. Mr. Perdue said he has concerns regarding the safety of the sight distance on that road.

Mr. Averett said he had the same concerns, and when making the new entrance, he consulted with John McKenzie with the DOT. They picked the location of the entrance based on Mr. McKenzie's recommendation. That location meets the minimum guidelines for the DOT. There is over 700' of sight distance to the east and unlimited sight distance to the west.

Sinclair Hollberg – 3335 Jackson Road

Mr. Hollberg said he is president of the Simply Southern Tourism Association, and Mr. Averett is one of the members. They are anxious to see this tourism venue get off the

ground and prosper. It is an absolutely gorgeous resource in Spalding County. It has tremendous potential to bring people from all over the world to Spalding County. He requested that the Board look for a way to resolve the safety issue without damaging the integrity of the property. The hedges have been there for years. It might be possible to hire someone to direct the traffic when there is an event.

Mathew Stafford – 1560 Flynt Street

Mr. Stafford said he is a founder and vice-president of the Simply Southern Tourism Association which encompasses 11 Georgia counties. This is a huge opportunity for Spalding County to showcase one of the finest gardens within the county lines. There are options and different ways around things that should be pursued. The groups are booked a minimum of one year in advance so the dates and time will be known for events at Meadowlark Gardens. He encouraged the Board to allow the special exception.

Mr. Taylor said in reviewing the application, the intended use is great for the property. They did identify the ingress and egress as a potential issue and will become more of an issue when business picks up for the property. The recommendation is for approval with conditions that the future farm standards being imposed comply with Section 202 LL3 of the ordinance and that the sight distance which has been discussed as a potential problem be addressed by a meeting with the County, DOT and the property owner to look at engineering solutions for the ingress and egress of the site prior to issuing the permit. He is not certain that the DOT was aware of potential commercial use of the site at the time the entrance was located.

#### **MOTION**

Mr. McCallum made a motion to approve Application #06-08S conditioned on the staff recommendations. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-09S:** Larry R. English and Phyllis English, Owners – Plainview Baptist Church, Agent – High Falls Road (12.30 acres located in Land Lot 78 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

No one was present to address this application.

#### **MOTION**

Mr. McCallum made a motion to table Application #06-09S. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-10S:** Alan R. Mobley, Julian D. Mobley and Charles F. Mobley, Owners – Vineyard Road and Jones Road (61.65 acres located in Land Lot 69 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or cluster dwelling meeting development standards in the R-2 District.

Wade Mobley – 224 Mobley Road

Mr. Mobley said Alan Mobley was out of town, and he was present on his behalf. This is a 61.65 acres tract on Vineyard Road. They want to have ½ acre lots with 65 homes with a minimum of 1750 SF. They have sewer and water. There will be a tennis court, pavilion and playground with the balance of the land in green space.

Mr. Hardwick said it appears that there is too much of the flood plain being used for the common area.

Mr. Jacobs said that not more than 10% of the wetland area can be used. At the present time, Mr. Mobley is in the process of delineating between wetland and flood plain. He is getting the delineation between what is flood plain acreage and what is wetland acreage. They will be allowed to use 10% of the wetland acreage toward the total open space. At the present time, they do not know how much of the acreage is wetland versus flood plain.

Mary Tuggle – 535 West Vineyard Road

Ms. Tuggle said there is not enough law enforcement to cover the area. Schools are overcrowded. They do not want Section 8 or cluster homes in the area.

Suzi Axtell – 260 Andrews Road

Ms. Axtell requested a continuance of this application because a lot of people were confused by the letters that were sent out. They thought this meeting had been cancelled because they received a second letter. Additionally, the first letter did not state that the property was on both sides of Vineyard Road. She is confused about the agenda because it states the “special exception is to allow condominium dwelling, patio dwelling or cluster dwelling meeting development standards in the R-2 District.” When Mr. Mobley talked, he said they were going to put 1750 SF homes on ½ acre lots. If this is approved, does that mean he can put a condominium dwelling, patio dwelling or cluster dwelling?

Mr. Baird said he can only develop what he applies for specifically and what is approved by the County Commission. It is within the parameters for him to apply for those uses but he has not applied for that. He is applying for single-family residences and that is all he will be allowed.

Ms. Axtell said she has been a registered voter and tax payer of Spalding County since 1975. Those that live in the area have had the quality of their life lowered by the high volume of over development. Development of any plan that would put more than one family on a very small lot will greatly affect all of them unfairly. What is the point of having zoning laws if they can be changed so easily? Any change to the law that will allow clustering of homes would erode their property value and lessen their quality of life. It is very disturbing the changes that have taken place in the community in the last five years. There are obviously too many people in too small a space. The light at Vineyard Road and Highway 19/41 is considered by the Griffin Daily News to be the most dangerous intersection in Spalding County. Vineyard Road is already so crowded at times that you cannot get on it and a lot of times you cannot get through the light in one light. They have seen an increase in litter, noise and crime since the numerous

subdivisions have sprung up on Vineyard Road. They have two more in the building stage presently. They have become the “sacrificial lamb” for Spalding County and she does not like it. Does this developer not have any respect for the dead either since this zoning change will put a road at the foot of the family cemetery and a house at the head of it? If you let this exception go through it will be like the County is stealing our investment and quality of life and trading it for an expanded tax base. We are not asking for development to be stopped. They are asking to “establish and preserve quiet and relatively low density neighborhoods of single-family residential as desired by a large number of people”. That is the way the Spalding County Zoning Code reads. She requested for this not to be changed.

#### Deborah Stubbs – 1483 Cowan Road

Ms. Stubbs said this property was sold to the Mobley’s by her husband’s family members. She is certain that they wanted the Mobley’s to keep their property values in mind when they built something on this property, especially at the family cemetery located on Vineyard Road. It was not sold for the cemetery to be disrespected. Fewer houses on larger lots would allow the roadway to be put somewhere other than right next to the cemetery and houses would not be put right on top of the cemetery. She is certain that if they had a family cemetery they would not want it done to their family cemetery. There are still people alive that visit that cemetery to pay respect to their lost loved ones and it is a total disrespect to them and the cemetery. She hopes the Board of Appeals and the Commissioners will not let this disrespect occur. Additionally, they have been told that houses should be put on two-acre lots with the zoning as it is now. They request that it be kept that way. They live on six acres and have lived there for 25 years. They have put a lot of money into their property to raise the value. They want to maintain the value. The houses across the street on Cowan and Vineyard have turned Section 8. What could stop these houses from coming Section 8 and lowering their property values? She requested the requirement remain as it is presently and the houses be built on two-acre lots.

#### Herbert Stubbs – 1483 Cowan Road

Mr. Stubbs said all his family is buried in this cemetery, and he will be buried there also. He is concerned about that. He is also concerned about the environmental impact this is going to have on the area. The area behind his house is very swampy, and he has to quit cutting grass because it keeps coming his way making his yard smaller. He was told that the home place across from the cemetery is the only place not in the flood plain. If they do this and tie into the sewer system, then you are taxing the existing sewer system. That will cost more money. He is very familiar with the area. He knows when it is wet and when it is going to be wet. With all of this grading and construction, it is going to enhance the mire, muck, swamp – everything. He does not know if the environment can handle this. He would like to see the area kept the way it is with single-family dwellings on two acres of land.

#### Rickey Brand – 615 Seminole Drive

Mr. Brand said he opposes this and he would like to have a continuance. It was too confusing. Half the people that should be here are not here because of the letter. He feels

this is a divide and conquer that the purpose was to split these people up. We need some more time to get together to find out what they are going to do about it. It is real easy for people to come and get things changed. He has been through this a million times already in Spalding County. They may not get it the first time or the second time; but they will do it. There are just too many people that live in that little corner of Griffin. There is too much traffic and not enough police protection. They never had any crime in that neighborhood until three weeks ago somebody stole his truck right out of his yard and his riding lawnmower all at once. That shows what happens when you get more and more people put in one spot. He has already had to run several people off of his property and other people's property up and down his street. He lives on a dead end street right behind that so called flood plain which is a water area. It is not a flood plain it is a water area. Water stays there. There are geese and turkey that live there and deer that live there. When more and more people come, there these things do not have a place to go. The animals are getting crowded out. They can't find who stole his truck because they are not even looking for it. There are not enough police to look for it. No one got killed so they are not interested. There are not enough people to rent these places. He is opposed to this.

Brenda Banister – 60 Jones Road

Ms. Banister said she echoes everything that has been said. She lives on Jones Road and the Georgia Power lines come across her front yard. She does not know if there is going to be an entrance on Jones Road but there is already a race track there. There have already been a couple of young men killed. Look at Cody's Plantation and Will's Walk and whatever that is that is going to be in between Will's Walk and the next one, you have a lot of people not counting Cowan Road, Sherbrook Woods, the school and the park. She is concerned about the safety of the school buses. She has lived here since 1978. She is further concerned about Cody's Plantation. There is no landscaping. She does not want this to happen with this development. She feels like she is being closed in more and more. She would like for this to stay the way it is now. On April 8<sup>th</sup>, the Griffin Daily News had an article regarding a request from the Sheriff's Department for additional personnel. You cannot stop development but you do not need to put houses on half-acre lots.

Jeanette Compton – 728 Vineyard Road

Ms. Compton said she has lived on Vineyard Road her entire life. It stays wet all the time. She has an underground spring in her front yard. She cannot cut some areas of her yard because it is soaking wet. There is a lot of crime on Vineyard. They broke into her house while she was out of the country. With the addition of Cody's Plantation and Will's Walk, there is more crime. There are speeders on Vineyard. If you make it 10 miles per hour, they are going to go 50. Half-acre lots will be too many. It is going to move the deer and rabbits out. She wants to retire here but the way it is building up it just does not feel like home anymore. She does not want the property value to go down. Griffin is changing. It is not like it used to be. She does not like it. She wants it to be wooded area. She likes the openness. She does not want it to change but if it is going to change make it two-acre lots. Make it two acres so nobody can be next to the cemetery.

Richard Lawson – 302 Sammy Circle

Mr. Lawson said he does not have the history that the rest of the people have. He has just moved into two years ago. He purchased a home in Will's Walk. His home is right behind all of this, and once this is developed, every time it rains his yard is going to flood more so that it does now. Every time it rains now he has the Mississippi River in his yard. It is awful. Once all this happens it cannot help but be worse. He did not know when he purchased that some of the property was already into Section 8. Now he has found out that they are leasing some of the homes. He has made a considerable investment in this home and his property value has already decreased with the Section 8. From what he knows of Griffin, the average salary is not that high. You do not have enough people in this town to fill this development so naturally it is going to go Section 8. That is going to be worse. He has already lost his investment. He may try to sell and get out. If this goes through, he has lost \$100,000+ and will not be able to get it back. There are a few people in Will's Walk that have purchased. He knows for sure that there are eight Section 8 homes there and two people close to him are leasing. It is going to get worse because there are not enough people in the area to fill the houses.

Joel Stevens – 746 A Vineyard Road

Mr. Stevens said he has been living here all his life. He loves the area and the neighbors. He lives in a nice neighborhood. You could not ask for any better. He identified the flood plain. One of his neighbors had problems and the county came in and detoured her yard and not it dumps on his property. He contacted Mr. Garner and he advised that there was nothing he could do and he would have to live with it. He dug a pond. They have not settled the wetness in the area. They built five houses on swampland. He did not think you could build on swampland. After they started building, all these houses they started having break-ins. They never had that kind of problem before. They built right up on him and did not put up a fence. He thought they should have had some kind of footage before his line but they built right up on his line. There should have been some kind of barrier. Now they are going to build on the other side. He asked if they are trying to run all the old people off of Vineyard Road and just put in junk. All the houses that are Section 8; all kind of junk, all the break-ins they are having. It never happened before they built. This little road cannot handle this. No cops can come out there because there are not enough cops. It is ridiculous. They say the sewer system is at total capacity but they are building more houses. Someone is not telling the truth. They told him his land would not perc and he had to put in a pump system. Now they can put four dwellings on one acre. The land is not even suitable for a dairy farm. They are destroying the whole neighborhood.

Tony Waterer – 1463 Cowan Road

Mr. Waterer had a petition signed by people that were unable to attend the meeting. He would also like to request a continuance because the letters were very confusing and the whole question regarding the meaning of cluster houses is confusing. He identified on the map the flood plain. His neighbor had water 100' to 200' up hill when Alberto came through. He is speaking for his mother who owns property on Cowan Road. They believe the development in accordance with present R-2 and a very sensitive flood plain area makes more sense environmentally and would be much more in keeping with the

already established neighborhood. Spalding County Comprehensive Plan evidently assures that subdivisions will continue to go in about them. He has been told the sewer is the reason. The sewer allows for more development. Once precedence is established the developers will not be denied. The argument is that once a subdivision goes in then a developer's request for other plots will be allowed. If them, why not me? He has heard this over and over at community planning. In the development business precedence is a reason with no adequate counter argument. He suggested that already established precedent should be followed in the matter at hand. On the south border it is much older with very large lots. To the north on the established Vineyard and Jones Roads, Andrews and Caldwell Roads there are many nice homes with very large lots, some on many acres. Cody's Plantation went in to the east. The very first of the moderate subdivisions so prevalent on Vineyard Road now, with R-1 homes like theirs and R-2 on the inside, all on very large lots. The next subdivision to the west, Will's Walk went in. Precedent is, was, and has been firmly established. The new neighbors bought in Will's Walk and Cody's Plantation expecting the same thing that was already the established precedent, as is so important in the development community, would apply. He cannot speak to what goes on down the road or around town. Big fields with hundreds of tract homes jammed next to each other is there, not here. Here with us in our already established neighborhood, this condo, cluster, patio, squeeze in as many as you can idea is totally inappropriate. This property is not suitable for the proposed purpose. If that development was in any way compatible with the established neighborhood and respectful of the neighbors on any side of it, then no exception would be needed. There is a possible threat to public safety, welfare and health if rezoned. It will have a substantial impact on drainage, soil compaction, soil erosion, sedimentation, flooding, well water quality and water run off in a FEMA flood plain area. The water treatment facility is already at, or above, capacity when it rains. They are about to put a moratorium on further sewer addition for that very reason. Who is going to protect us and those people in this compacted development when another Alberto comes and floods the whole area? The last FEMA assessment was in 1991. Things change constantly in a flood zone and never for the better. Over there it will be all houses and roads, no trees or underbrush to slow the floods when they come, no big breaks between the houses. They will be all jammed up on top of one another, not to mention the obvious traffic and density problems. There is tremendous concern about the respectful treatment of the family cemetery. Present zoning would allow for far fewer houses which would leave room for a respectful green space around the cemetery. To unnecessarily add more than 60 cluster homes when less than half of that is allowed by the present zoning might be well too many and would unjustly risk damaging and endangering the investment and properties of good tax paying citizens who have every right to believe that their concerns will have added weight in the deliberations. Please protect them. The residents are not and should not be held responsible for the viability of construction on any local site. That present codes might not be convenient to any one property owner should not become a burden to the rest of the neighborhood. The four sides of their square has already established precedent. Please respect the established codes and reject any request for exception.

Chuck Taylor said there is some confusion around the process and the name of what is being done with this special exception. He went over the ordinance regarding this special exception and the development process.

Mr. Taylor said the recommendation is for conditional approval. The conditions are:

1. The total count of the lots shall be reduced by four lots to allow for a gross density of one unit per acre.
2. Variance is necessary regarding the cul-de-sac length in the subdivision
3. Two additional house designs shall be submitted to provide a better variety of house designs throughout the subdivision.
4. House designs are required to have brick, stone, or stucco facades.
5. 40% of the homes will have side entry garages.
6. Recommend that the applicant provide a walking trail layout for the development
7. The playground will meet the county standards and the design be submitted to the county.
8. Architectural rendering for the clubhouse will be provided
9. Front yards will be sodden if the front yard is 50' or less.
10. Streetscape plan for the subdivision will be submitted. The size of the trees will be a minimum of 2" in diameter.
11. A vegetated screen with a berm will be provided along Vineyard Road with a berm height of at least 3'.
12. All front porches will be underpinned and finished in the character of the home.
13. No exposed block or concrete foundations.

Discussion was held regarding this special exception with concern regarding the flood plain and wetlands. There were other issues regarding the price, the request for additional house plans, access to the green space and change from clubhouse to pavilion.

#### **MOTION**

Mr. McCallum made a motion to table Application until a revised plat showing the reduction of the four lots, vegetated buffer, street on both sides of Vineyard Road, two additional house designs, house designs with side entry garages, walking trail layout, playground design, architectural rendering for a clubhouse or pavilion clarifying what is going to be done and a streetscape submitted with all the particulars. The motion passed on a second by Mr. Hardwick with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-11V:** Bethel Grove Church, Owner – Harry Clark, Agent – 603 Wallace Road (1.355 acres located in Land Lot 26 of the 2<sup>nd</sup> Land District) – requesting a Variance from front yard setback requirements for a Church in the AR-1 District.

Henry Clark – 2161 A Brownlee Road – Jackson, Georgia

Mr. Clark said they had been granted a variance previously for the addition of their fellowship hall. They now need a variance for the sanctuary. They presently have a 30' setback and the county requires a 50' setback. They will remove the present sanctuary

and want to rebuild on the same site. They requested that the variance be granted so they can begin construction.

Mr. Taylor said the recommendation is for approval conditioned on the new sanctuary matching the exterior of the 2001 building.

**MOTION**

Mr. Hardwick made a motion to approve Application #06-11V conditioned on the new sanctuary matching the exterior of the 2001 building. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Perdue, to approve the minutes of the March 9, 2006 meeting. The motion passed with Mr. Baird, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. Hardwick and Mr. McCallum abstaining because they were not present.

**MOTION**

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

---

Jon Baird – Chairman

---

Yvonne M. Langford - Recorder