

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**May 11, 2006**

The Spalding County Appeals Board held its regular monthly meeting on May 11, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Jon Baird, Chairman, presiding; Keith Dryden; Doug Hardwick; Charles Perdue; and Allan McCallum. JoAnne Phinazee and Richard Ingram were not present.

Also present were: Charles Taylor, Community Development Director; Chad Jacobs, Senior Planner; Chad Torri, 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 wanting to address the Board on any of the applications to come forward and sign the request form.

**Application #06-09S: Lift from the table** – 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.

**MOTION**

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

Larry English – 3 Bucksnot Road

Mr. English said he just became a member of Plainview Baptist Church recently. They have been looking for some property on which to build a church. His understanding is that they are going to have to move from their present location on Green Valley Road. He has some property on which they would like to build their church.

Mr. Taylor said the staff recommendation is for conditional approval. The condition is that any expansion of the structure, any additional structures or the expansion of the use will require a special exception to be approved by the county.

**MOTION**

Mr. Hardwick made a motion to approve Application #06-09S conditioned that any expansion of the structure, any additional structures or the expansion of the use will require a special exception to be approved by the county. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Dryden, Mr. Hardwick, Mr. Perdue and Mr. McCallum voting for the motion.

**Application #06-10S: Lift from the table** – 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.

**MOTION**

Mr. Dryden made a motion, seconded by Mr. McCallum, to lift Application #06-10S from the table. The motion passed with Mr. Baird, Mr. Dryden, Mr. Hardwick, Mr. Perdue and Mr. McCallum voting for the motion.

Alan Mobley – 262 Mobley Road

Mr. Mobley said at the last meeting, there were some concerns regarding this application, and they have addressed most of them in the new plat that has been furnished to everyone. They were not quite prepared for the meeting. The 65 lots have been reduced to 61. The Waldrops thought they had 60 some odd lots on the south side of Vineyard Road. The land had not been surveyed in years, and they were actually paying taxes on land they did not even own. It was cut to 45 on the survey. They have put more open space around the cemetery. They moved the amenity package to the front of the subdivision in the area of the existing farmhouse. This will be a much better area. It won't crowd the landowners along Cowan Road. The walking trail is a requirement and will remain where it is presently. They did wetland delineation on the tract which was going to have to be done before construction could begin. There are only 9 acres plus/minus of wetlands on the site. They provided a letter from Brant Keller advising that there was sewerage capacity for 65 lots. They will have berms along Vineyard Road. The timber will be cut only where they need to cut for the houses. There is quite a bit of marketable timber on the property that will be left to buffer the surrounding properties. This will be a lot better subdivision that has been built in the past along Vineyard Road. Vineyard Road has gotten beaten up a lot on existing subdivision; but they did follow the rules at the time. There was nothing that could be done about it. The houses will be 1750 SF homes. He has one concern regarding the staff recommendation and that is the recommendation for 40% of the houses to have side entry garages. When you go to a sewerred subdivision with half acre and smaller lots and the county has a new ordinance where 1200 SF has to be on the main level the side entrance garages are restrictive especially on a single-level house. You run out of room to put in a side-entry garage. It takes 30 to 33 feet of distance between the house and the property line before you can properly swing into a side-entry garage. He would like to omit the condition for 40% side-entry garages and leave it up to him to put the side-entry on the lots that he can. That is the only condition being recommended that he would like to eliminate. The houses will sell in the high 160's and 170's.

Danny Moore – 400 Caldwell Road

Mr. Moore said he does not know much about the subdivision but he is concerned about the traffic and water. There have already been water problems in the area. He wanted to know if there are plans to be certain there will be enough water. He additionally wanted to know if there are plans to resurface Vineyard Road. The number of subdivisions in the

area has really beaten up the road. The road is in bad shape with a lot of extra traffic. Where do you draw the line and say the area is saturated? Will the area stand another 61 homes? He lives in the area and he knows the traffic has picked up.

Jeanette Compton – 728 Vineyard Road

Ms. Compton said the house she is living in was her parents. She grew up there. She is across from Andrews Road. He may not say this is wetlands, but they never played in those woods when she was little because there were a lot of sink holes. The post lady got off of her driveway into the grass and there was a sink hole. The water comes from underneath and the ground falls from underneath. Using a map she identified the area of the water flow from Andrews Road. 61 homes is too many. Traffic is already bad and it is going to pick up. They are going to have to widen and resurface the road. If there are children in these homes, they will go to Cowan Road School. They will have to redistrict to go to other schools.

Robert Ripley – 611 Seminole Drive

Mr. Ripley said he has a well and feeds his animals and horses from the well. Shoal Creek line runs through Seminole Creek. He sold the county some property several years ago to install the line. When it rains heavy, you can go to that area and there is sewage. They are concerned about well contamination in this area. With the increased number of houses with 61 homes, it will go into this same line. His wife called the county sewer and water department several times today to try to get some information and no one ever returned her calls or gave any information. His wife called three separate times. They are concerned about the additional load on Shoal Creek because they understand that it is close to capacity. He knows Mr. Mobley is approved until October of this year. He wanted to know what type homes these would be; are they going to be brick fronts, stucco or siding. They were advised that they could not get copies of the minutes of the last meeting until they were approved. He would like to see the 40% side-entry garages stay. He knows it is a problem for the builder but it makes a better looking subdivision. He is also concerned about the school system. It is going to be an issue because Cowan Road is pretty full. He has heard that Mr. Mobley has agreed to limit the number of Section 8 homes that can be in this area. He would like to see that put in writing before it is approved.

Mr. Baird said that if a house sells for \$160,000 to \$170,000 there is no way Section 8 will allow that much rent. That will not be a problem with that price point. The numbers won't work. The State of Georgia is correcting the generous rental allowance from Section 8 for this area. They used to base the rental allowance on Griffin being a part of the Metro Atlanta area. That is why there were Section 8 houses in nicer neighborhoods because they were basing rent comparable to Atlanta. That has been adjusted and all the contracts that are coming up for renewal will be based on market rate in Spalding County. There is no way that you can legally say that you cannot rent a house for Section 8. It can't be done. It is illegal to restrict a subdivision from allowing that. None of these houses will be Section 8 houses.

Tony Waterer – 1463 Cowan Road

Mr. Waterer said he did some research on Section 8 on the internet and one of the things that was really interesting was that they are paying over \$1000 for a 3 bedroom home in Spalding County. He additionally discovered that you can get a mortgage on a \$170,000 home for \$670. There is a disparity.

Mr. Baird said the \$670 does not include taxes and insurance, and it is not viable to make that work. He understands from DCA that the rates have been adjusted to a lower amount in this area and will come due as the leases expire.

Mr. Waterer wanted to know the distance between the homes.

Mr. Taylor said this zoning allows for smaller setbacks. The ordinance is vague. It states that, "10 feet or less if it meets the county fire code requirements".

Discussion was held regarding what this could mean. Mr. Taylor said he did not have the fire code with him and could not tell what the restrictions would be regarding the fire code. There is a separation requirement and additional fire code requirements.

Mr. Waterer identified the creeks and property lines on the map on display. He identified some areas where the berms would not work. He identified areas that they would like to have wide buffers. He liked the fact that they were going to try to save the trees and vegetation. They are concerned about that fact that the area is so wet that when they start grading and turn the dirt to "fluff" the first time it rains the dirt is into the creek and backs it up and they will have a lake they do not want.

They went into Cody's Plantation across the street and totally denuded it. They then turned the dirt up, graded it until it was just "fluff/dust" and then packed it into dump trucks and hauled it down Cowan Road, tearing up Cowan Road, putting huge pot holes in there. They mined that dirt to take it somewhere else. They are concerned about what is going to happen here. They want a buffer. They have neighbors that live in the area that already have water problems. There is going to be runoff that will affect people in the area. There was some talk about a smaller number of houses; 50 was discussed. The attorney gave a number that could be built as it is and it was 20 or 21 or 22. Common sense says that one road, up the middle, with a turn around at the back with 8 or 10 on two-acre lots on either side and another road with four or five or whatever the law allows is safer to the neighbors and will make a much more beautiful type subdivision. Instead of \$170,000, you could make them a lot more. They don't have to be \$170,000 if it is really nicely layed out it could sell for a lot more. The houses here are all R-1 on much larger lots; 6-acres, 5-acres, 4-acres. It just does not fit to put in 60 houses when 20 would be fine.

Tony Banister – 60 Jones Road

Mr. Banister said the people present are all one community with several streets involved. They are all concerned about Vineyard Road because a lot of the houses will be there. He lives on Jones Road. They look right out their front door onto this property. There are going to be houses in front of his house. They are talking about \$160,000 to

\$170,000 houses. He purchased his house 28 years ago and you had to have a one-acre lot. Now it is two-acres. They do not have sewage, and they are right across the street. How about doing them a favor and send sewage to their house. Lots of people have problems with septic tanks. It is a low land place out there. The soil is bad. Nothing has been said about a berm over there where they are going to be looking straight at people's houses. They are going to be in two-story houses looking right down on his house. His house is worth \$75,000 to \$80,000. That won't fit with these houses at all. How would you feel if someone came in and upgraded something right across the street? He requested the Board to think about the people in the area. The builder is all about making money. The more lots the more money.

Suzi Axtell – 260 Andrews Road

Ms. Axtell said she does not understand why they were not allowed to get the transcript of the last meeting until this one is over.

Mr. Baird said the minutes had not been approved, but they will be ready after the meeting is over tonight.

Ms. Axtell said she still does not understand the wording about the cluster homes, condominium houses and patio houses. The signs and the printed agenda should still state what he wants to do, I guess he wants to put a 1750 SF homes on one-acre. She wanted to know if the houses were going to be on a slab.

Mr. Taylor said if the Board wants to make it a condition to restrict slab-built homes they can. It is not restricted by the ordinance.

Ms. Axtell said Milner just restricted slab-built homes due to the flooding. Houses built with crawl space or so many inches off the ground would be better in this situation because everyone talks about the dampness. She disputed the fact that you can see both ways when you pull out on the two roads. That is an absolute blind, blind, blind place. You cannot see at all. The Waldrop sisters that lived there for years had to have their mailbox moved to their side of the road because they were taking their life in their hands every time they crossed the road to get their mail. You cannot see. When the people are pulling out of their subdivision and turning left going toward 19-41, they could possibly be hit by someone that is going west. It is a very blind spot. The clubhouse and walking trails are going to be on the north side of the subdivision and those people on the south side won't have access to them because they will have to walk across that very dangerous road with the cars flying up and down. More houses are going to bring more crime, more litter, more traffic, more flooding and more of everything and they do not need it. A long time ago the zoning was changed from agriculture to R-1 and R-2 so they would not be overrun with mobile homes. Now they are being overrun with these little houses that do sometimes go Section 8. Hopefully these won't. At the last meeting, it was said the buyer should beware but how can the buyer beware when he thinks the developer is a good person and didn't build it on a sinkhole. People that have lived here all their lives are saying there are sinkholes and runoff. They were told they were the sacrificial lambs for Spalding County. She does not appreciate that. She thinks that is a horrible thing to

say. She has 20 acres with two lovely houses. On Caldwell Road, there are a lot of nice houses with land. Something like this will bring their property values down.

Joel Stevens – 746A Vineyard Road

Mr. Steven said at the last meeting they were talking about the flood plain. They were having problems with the water coming off of Andrews Road. The county for the last 12 to 15 years has not done anything about it. They said we would have to live with it. Since they built the houses in Will's Walk, they are having problems with the houses, and the builder won't do anything about it. Now they are going to build this many over here, and they are going to butt right up to theirs. There is already not enough sewer and water. They are already having trouble with the well. What is the problem? They already have overcrowded schools. They have houses in Will's Walk they have not sold. It does not make sense.

Mr. Taylor said the staff recommendation is for conditional approval. Some of the conditions that were discussed last month have been addressed so the present conditions are;

1. Variance is necessary regarding the cul-de-sac length in the subdivision
2. Two additional house designs shall be submitted to provide a better variety of house designs throughout the subdivision.
3. House designs are required to have brick, stone, or stucco facades.
4. 40% of the homes will have side entry garages.
5. Front yards will be sodden if the front yard is 50' or less.
6. All front porches will be underpinned and finished in the character of the home.
7. No exposed block or concrete foundations.
8. A change will be made to the streetscape that is provided on the plan and the tree planting be done on a 4' planting strip between the curb and the edge of the sidewalk.

Mr. Dryden said he has listened to everyone and has taken each statement personally because he has lived in the county for a long time. He is for development that will improve the image and quality of life for the people of the county as well as the county itself. He has listened to both sides, and he is just one person on the Board but he has never been one afraid to speak his mind. He said he commends Mr. Mobley on one side because he is trying to present a plan that is going to be financially lucrative for him and that is what he is in the business of doing and you can't fault a person for doing that because this is America. On the other hand, he sees the citizens of the area that have some grave concerns some of which he can directly relate to. He has a problem with the density of the plan.

#### **MOTION**

Mr. Dryden made a motion to deny Application #06-10S. The motion passed on a second by Mr. Perdue with Mr. Dryden, Mr. Hardwick, Mr. Perdue and Mr. McCallum voting for the motion and Mr. Baird voting against.

**Application #06-12V:** Brooks Properties International, Inc., Owner – 1632 and 1636 Old Atlanta Road (4.30 acres located in Land Lot 126 of the 3<sup>rd</sup> Land District) – requesting a Variance to continue a non-conforming use in the C-1B District.

John Brooks – 9 James Street

Mr. Brooks said he purchased this property approximately 2 ½ years ago. There is an ordinance requiring that he tear the residential properties down this year. The time is approaching. He has some tenants in the residential properties that are elderly. One has lived here for 15 years. Her rent is \$250 or \$275 per month plus utilities. There is another family that includes a single father raising two children and his elderly parents live with him. He works for the City of Hampton. It will create a burden on them to have to move.

Michael Jackson – 5138 Old Atlanta Road – Sunnyside, Georgia

Mr. Jackson said Mr. Brooks purchased the property from him. At the time it was sold, he was concerned regarding the non-conforming use with the houses but he feels the elderly tenant should be able to remain in the house. They like the house; it is in pretty good shape, and he requested that it remain as a non-conforming use for a period of time and it was allowed. The development up and down Old Atlanta Road has not progressed to the point that it is ready for a shopping center, and he does not think another warehouse facility is needed. He requested that the non-conforming use be extended.

Mr. Taylor said the recommendation is for conditional approval. The recommendation is that the residential dwellings be allowed to remain on the property for an additional 3 years from the date of the approval and a further condition is that should additional structures be permitted for construction during the three year time the existing dwellings will be demolished and removed from the property at that time.

Mr. Perdue expressed concern regarding the condition of the yard. He said it looked like a junkyard.

## **MOTION**

Mr. Dryden made a motion, seconded by Mr. Perdue, to approve Application #06-12V with the condition that it be for no longer than three years. In the event additional commercial development on the property is initiated within the three year period that will take precedent over the three year time frame and the existing dwellings will be demolished and removed from the property and that an effort be made to clean up the property within 6 months. The motion passed with Mr. Baird, Mr. Dryden, Mr. Hardwick, Mr. Perdue and Mr. McCallum voting for the motion.

**Application #06-13V:** Stanley E. Wicks, Jr. and Tammy M. Wicks, Owners – 11A Cain Street (2.327 acres located in Land Lot 104 of the 3<sup>rd</sup> Land District) – requesting a Variance to allow an accessory structure in front and side yard in the AR-1 District.

Stanley Wicks – 11A Cain Street

Mr. Wicks said he has some wetlands at the rear of his property and there is no area to build a shop. The only place he can build a shop is at the side of his property. It will not be an eyesore. He intends to build it so it will look like his house. He has recently retired and wants something to do. He wants a place to keep his hunting equipment, four-wheeler, tractor, etc. There will not be a commercial operation. The neighbors signed an affidavit stating that they did not object.

Mr. Jacobs said the recommendation is conditional approval. The accessory structure should not encroach into the front yard.

**MOTION**

Mr. McCallum made a motion to approve Application #06-13V conditioned on the structure not encroaching into the front yard. The motion passed on a second by Mr. Hardwick with Mr. Baird, Mr. Dryden, Mr. Hardwick, Mr. Perdue and Mr. McCallum voting for the motion.

**MINUTES**

Mr. Hardwick made a motion, seconded by Mr. Perdue, to approve the minutes of the April 13, 2006 meeting. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, and Mr. McCallum voting for the motion and Mr. Dryden abstaining because he was not present.

**MOTION**

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

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Jon Baird – Chairman

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Yvonne M. Langford - Recorder