

SPALDING COUNTY APPEALS BOARD
Regular Meeting
July 14, 2005

The Spalding County Appeals Board held its regular monthly meeting on July 14, 2005 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Dennis Richardson, Chairman, presiding, Jon Baird, Doug Hardwick, Allan McCallum, Charles Perdue and JoAnne Phinazee. Keith Dryden was 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. Richardson 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. Richardson advised that there has been a request to table Application #05-21V, and he recommended that it be considered first.

MOTION

Mr. Baird made a motion, seconded by Mr. Perdue, to amend the agenda to consider Application #05-21V first. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

Application #05-21V: Steve Reeves Homes, Inc, Owner – 45 Shamrock Circle (.0656 acres located in Land Lot 222 of the 3rd Land District) – requesting a Variance from minimum lot area of 1-acre in the R-2 District.

MOTION

Ms. Phinazee made a motion to table Application #05-21V until the August 11, 2005 meeting. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Application #05-17V: Lift from the table – Brea Homes, LLC, Owner – 15 Liberty Hill Road (1.206 acres located in Land Lot 57 of the 3rd Land District – requesting a Variance from minimum front yard setback in the AR-1 District.

William Shubert – 226 Todd Road – Senoia, Georgia

Mr. Shubert said someone approached him wanting to purchase some land to use to construct a house. He located this lot and thought it was a lot of record and that he could use it. There was a misunderstanding. He thought they told him a 100-foot setback from the center line, and he had a site plan prepared with the 100 feet and it should be 130 feet. When he applied for the building permit, he was advised that he did not meet the setback

requirements. He thought it was grandfathered since it has been a lot of record for so long. There is a house in the area that it only 50 or 60 feet from the center line.

Darren Davis – 20 Liberty Hill Road

Mr. Davis said the information he has is that this was originally one large lot, 30 to 40 acre tract. The lot under discussion is presently three different lots. This was tabled last month because this is actually two variances, one for the setback and the other is the acreage. This is 1.2 acres and the minimum is 3 acres. He does not see where the acreage is addressed. He does not think this has ever been listed in the courthouse as a lot. He had pictures of the lot. The neighbors are opposed to this. This is a nice community and this lot is extremely small, very shallow. They started moving dirt and were shut down.

Linda Davis –

Ms. Davis said she is the purchaser of this property and is trying to get a house built on this lot. When she entered the contract, she was under the impression that it was grandfathered. The county cut a road through and left that angle. Even though it is one acre and she knows the county now requires 3 acres, it is very difficult to find a small tract of land in Spalding County. One acre is plenty for her. The house will sit and will not interfere with anyone. She understands the neighbors' position but someone is going to build on this at some time. People have to live. She is a single, quiet person and does not anticipate any issues with her living there interfering with the neighbors' lifestyle. The house that will be built there is a decent, attractive, small, two-story Victorian style home, very fitting for the area. The house across the street is closer to the road than this one will sit. The lot is large enough for the house. She just wants somewhere to build a house.

Donald K. Phelps – 498 McKneely Road

Mr. Phelps gave everyone a diagram of the area. He said he is opposed to this application. His house is 130 feet south of the proposed house. His house is in Lamar County. He is an engineering specialist with Bell South and his wife teaches at the First Methodist pre-school in Spalding County, and they do all their shopping in Spalding County. He wrote a letter that all the members should have stating his opposition to the variance. Construction of the house was begun on March 19, 2005. The site was bulldozed and boards were placed to outline the house. The request for a variance was submitted on May 5, 2005. The front appears to be only 75 feet from the edge of the road right of way and the rear appears to be 120 feet. The rear of the proposed house is ahead of his front porch and his living area. He will be looking out at that two-story house that will be in front of him. His garage is 108 feet from the road right of way and the rear of his lot is 340 feet from the road. The lot in question is only 172 feet deep. This builder appears to be attempting to build a narrow, 27 foot wide and 45 foot deep, two-story house on a lot which is 172 feet and too shallow to support it. He requested a 30 foot variance from a 100 foot setback. There is a large plot of vacant land to the rear of the property which should be purchased so he can adhere to the existing code requirements. There are only a couple of older houses which may have less than the 100 foot setback but the rest of houses have a much greater setback. The proposed location of this house

would detract from the enjoyment and property value of his home. This has been his family's home since its completion in December 2002 and has been appraised in excess of \$150,000. The variance should not be granted.

David Traer – 1400 Swint Road

Mr. Traer said granting a variance for this property undermines the intent of AR-1 zoning. Any special exception will destroy the entire intent of this type zoning. A variance such as this tends to bring down property values in the neighborhood by reducing standards already established. Why create any regulations? Continuous rulings in favor of builders causes citizens of Spalding County to lose confidence in the integrity of the board. Please inspect the lot before make any decisions. Thank you for your consideration in denying this application.

Kenneth Bradley – 265 Liberty Bell Lane

Mr. Bradley said he has only lived in this area 14 months. The man that graded the lot is from Palmetto, and after talking with him, it is his opinion that the location of this house will have a cold weather spring under the foundation. The grader said he graded it off, filled it in, ran over it with the bulldozer and it seemed to straighten it out. If there is a spring under the foundation, it needs to be compacted not with just a bulldozer. He opposes this house in this neighborhood.

Michael J. Ledford – 497 McKneely Road

Mr. Ledford said this lot is a bad place to build a house, because it is one of the lowest lying lots in the area. He does not know about the spring but there is a drainage problem.

Mr. Taylor gave the staff report stating that as far as can be determined with the creation of Liberty Hill Road by the county the parcel was never deeded or platted as a separate parcel. The parcel would have been grandfathered if it had been established as a separate parcel but that did not happen. The parcel does not meet the minimum size requirements and the house will not meet the minimum setback requirements. Because the separation of the parcel was created by the road, staff has looked at it as a hardship that was not created by the owner and recommends approval of the variances. The variances are part of the same application and can be voted together.

MOTION

Mr. Baird made a motion, seconded by Mr. McCallum, to approve Application #05-17V. The motion failed with Mr. Baird, Mr. Perdue and Mr. McCallum voting for the motion and Mr. Hardwick, Ms. Phinazee and Mr. Richardson voting against.

Mr. Taylor recommended tabling the application.

MOTION

Mr. McCallum made a motion to table application #05-17V until the August 11, 2005 meeting. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

Application #05-18S: Lift from the table – Julia Abigail Maddox, Owner – Scarbrough & Rolader Development, LLC – South 6th Street Extension (96.594 acres locate in Land Lot 170 of the 2nd Land District) – requesting a Special Exception to allow development standards of construction of condominium dwelling, patio dwelling or zero lot line dwelling (Country Club) in the R-1 District.

MOTION

Ms. Phinazee made a motion to lift Application #05-18S from the table. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Donna Black – 270 North Jeff Davis – Fayetteville

Ms. Black said she is with Paragon who is representing the applicant. This will be a 73 lot subdivision on 96.5 acres on South Sixth Street. They are planning Country Club Standards under the existing R-1 zoning codes. The gross density is less than one unit per acre. Since the last meeting, they have met with 25 of the adjacent property owners to address their concerns. An agreement has been reached on the items that were of concern. The conditions are stated in an agreement letter from Scarbrough and Rolader Development dated June 22, 2005 and are as follows:

1. We will record a 25' undisturbed buffer along the northern property lines adjacent to Mr. and Mrs. Rafferty's and Mr. and Mrs. Harris' properties.
2. We will investigate the lighting options available through MEAG power to determine which options will have the lowest emission of upward focused light.
3. The Special Exception that we are applying for is Section 413g".2.b Country Club Subdivision. The neighborhood will be developed and built in compliance with this code section, including Design Criteria regarding Architectural, Common Space, Streets and Sidewalks, and Setbacks as specified in the code section.
4. Covenants will be recorded with the final plat that will reiterate the above Design Criteria, as well as establishing a Home Owners' Association with an Architectural Review Committee. The covenants will be in place in perpetuity, or for the maximum period provided for by Georgia law.
5. Detention will be provided on site in compliance with Spalding County requirements to ensure a controlled release of storm-water from the site.
6. We will investigate with our engineers, the potential of moving the Amenity Area to another location to lessen impact on existing residents. If it cannot be moved, a 30' wide strip of evergreen plant material will be installed to fill in the gap in the existing vegetation.

The intent is to develop an amenity based neighborhood to include a pool, cabana, commercial grade playground, improved walking trails, open space with houses in the range of \$250,000. The homes will have brick, stone or stucco facades. In keeping with the development standards of the Country Club criteria, front yards will be sodden, green space is provided throughout the neighborhood so that most homes are within 500' of green space, open space will be in excess of the required 25%, there are wetlands within the green space, there is a buffer around much of the perimeter of the property, there is

green space in the interior of the development, sidewalks and shade trees will be provided along the streets throughout the neighborhood, and detention will be provided. The property is served by water and sewer. This property is presently zoned R-1 and can be developed to conservation standards without a public hearing.

The issue regarding the cul-de-sac was raised and the options were discussed.

Elizabeth Chewning – 118 Jewell Drive

Ms. Chewning said she is the daughter of residents on Runnymede Road and helped head up the homeowners' association meeting that was held on June 21 with Scarbrough & Rolader Development, LLC. She gave a letter outlining the agenda for that meeting, a copy of which is attached to and becomes a part of the minutes. Per the plans the Home Owners' Association on Runnymede and South Sixth agreed to the terms. They are supportive as long as the County Club is the only variance allowed.

B. Frank Harris – 1881 South Sixth Street Ext.

Mr. Harris said the meeting that was held was very progressive, and they have been more than open on exactly what they are planning. The only issue is on the lighting and they will just have to be trusted to do what is appropriate. He requested approval per the agreement.

C. R. Luhrman – 121 Runnymede

Mr. Luhrman said if the people do what they say they are going to do, he will support the development. He feels it has to go along with the agreement. Some of the finest houses in Spalding County are in this area and the homeowners need to be protected. He likes the development and what is proposed is fine for the neighborhood.

Cathy J. Chewning – 119 Runnymede Road

Ms. Chewning said the residents of Runnymede and South Sixth Street area had several meetings, one including the developer, to discuss the items listed in the letter that has been furnished. There was tremendous support of the neighbors. If the property is developed, if the letter is adhered to, the general consensus is that the neighbors will all be happy and supportive of the development.

Mr. Hardwick said he still is concerned about the cul-de-sac and would like to see that corrected.

Mr. Taylor said with this design the density is less than what could be allowed on the property. They have worked with the developer and there are still some issues such as the cul-de-sac length that they would still like to address. The staff recommendation is for conditional approval with the conditions as follows:

1. The staff be given approval to amend the Future Land Use Map to Low Density Residential.
2. The playground will meet the county's large playground design criteria. A playground design plan must be submitted

3. The green space shall be redesigned so that it is better incorporated throughout the development.
4. The size and type of trees shall be indicated on the streetscape.
5. All homes will be three sided with brick, stone or stucco.
6. No vinyl siding shall be permitted on any part of the homes.
7. All the yards will be sodden up to the rear yard.
8. No lots shall be decreased below $\frac{3}{4}$ -acre in size.
9. All front porches shall be underpinned and finished in character with the home.
10. The cul-de-sac shall be redesigned around lots 20 - 23 to comply with section 502:K in Appendix A of the Spalding County UDO.

Mr. Taylor said there is a redundancy in the agreement with neighbors regarding the detention pond and the county ordinance will prevail.

MOTION

Mr. Hardwick made a motion to recommend approval for Application #05-18S conditioned on the staff recommendations and to include the agreement between the developer and the homeowners as stated in the letter from Scarbrough and Rolader Development dated June 22, 2005 and as listed above. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Application #05-19S: Lift from the table – Capital Mortgage Corporation, Owner – Dorothea L. Brown, Agent – 163 Ginny Lane (3.32 acres located in Land Lot 73 of the 2nd Land District) – requesting a special Exception to allow a Class A Manufactured Home in the AR-1 District.

MOTION

Mr. Hardwick made a motion to lift Application #05-19S. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Dorothea L. Brown – P. O. Box 871004 – Morrow, Georgia 30287

Ms. Brown said this request is to put a manufacture home on this property. She meets the minimum square footage requirements. There is a mixture of homes in this area.

Mr. Taylor said in reviewing the area with regard to the ordinances it was determined that the area is trending toward manufactured homes and the recommendation is for approval.

MOTION

Ms. Phinazee made a motion, seconded by Mr. Hardwick, to approve Application #05-19S. The motion passed with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Application #05-20S: American Housing Group, Inc., Owner – Meadowvista Drive, County Line Road and Ethridge Mill Road (128.46 acres located in Land Lot 137 of the

2nd Land District) – requesting a Special Exception to allow 1-acre lots (County Club) in the R-1 District.

John Larry Stover, Jr. – Paragon Consulting – 118 North Expressway

Mr. Stover said this project was approved by the Board of Commissioners on May 27, 2004. Subsequently, they have submitted plans for the entire development and construction has begun on Phase I which is right off of County Line Road. They have decided to eliminate a portion of the road previously on the plans. He identified the portion of the road being discussed. The main difference is that a portion of the road has been straightened out to a cul-de-sac and a portion has been eliminated. During the construction plan process, there was an area of soil that was not good for some of the lots. They have eliminated 685' of road and an acre \pm of right of way. They have also changed from the traditional theme to a Country Club Theme. This will require an upgrade to several facets of the development. They plan to add a club house, pool, a play ground, and improved walking trails. Houses with the Country Club Theme are required to have brick, stucco, or stone on the façade of the buildings. They have not increased the number of lots but have increased the green space by almost four acres. This development is an improvement over what was previously approved. He went over the staff recommendations. He said the recommendation is that the playground meet the county's large playground design criteria and they request that this be changed to the medium. The recommendation is for the houses to have three side brick, stone or stucco and they request that this be only on the façade. The developer has already included more than required and with the reduction in the roads the county will have less to maintain.

The staff recommendation is for conditional approval with the conditions as follows:

1. Staff be given approval to amend the Future Land Use Map to Low Density Residential.
2. The playground will meet the county large playground design criteria. A playground design plan must be submitted.
3. An architectural rendering shall be submitted for the clubhouse.
4. A streetscape shall be submitted. The size and type trees shall be indicated on the streetscape.
5. Vegetative screening shall be provided along Meadowvista Drive.
6. All homes will be three sided brick, stone or stucco
7. All front yards will be sodden.
8. All front porches shall be under pinned and finished in character with the home.

Discussion was held regarding this application. The houses will range in price from \$200,000 to \$250,000. They want the brick, stone, and stucco on the façade only. It is possible that they will have it on three sides if that is what the purchasers want. With the present approvals, they do not have to put brick on any side. There is a substantial cost savings with the brick on the façade only. They propose a nice playground but want the medium rather than large due to the cost savings. They are already doing more amenities than required. House plans were submitted with some of them having front entry

garages. The staff would like there to be no front entry garages. Mr. Stover said they would use the plans but have all the garages side entry.

The clubhouse plan was discussed and Mr. Taylor said consideration might be given to upgrading the clubhouse by making it brick, stone, or stucco on three sides in exchange for brick, stone and stucco on the façade only on the houses. He is concerned about the garages that extend beyond the front of the house having stone, brick or stucco on the front only.

Mr. Stover said that on the garages that extend beyond the front of the house the sides of the garage are considered to be the front.

Mr. Stover said they will be glad to meet with the staff regarding the playground equipment. He had a catalog they intended to use for the equipment, and they intend to purchase good, sturdy equipment just not the large layouts that cost \$23,000 plus installation. They also would agree to brick all sides of the clubhouse and eliminate the playground.

MOTION

Mr. Baird made a motion, seconded by Ms. Phinazee, to approve Application #05-20S conditioned on the following:

1. Staff be given approval to amend the Future Land Use Map to Low Density Residential.
2. An architectural rendering shall be submitted for the clubhouse.
3. A streetscape shall be submitted. The size and type trees shall be indicated on the streetscape.
4. Vegetative screening shall be provided along Meadowvista Drive.
5. All front yards will be sodded.
6. All front porches shall be under pinned and finished in character with the home.
7. The developer has the option to either construct an all brick or masonry clubhouse or a commercial grade medium size playground.
8. Eliminate front entry garages. On elevations where the garages exceed the front of the house require the front and sides of the garages to be brick, stone, or stucco.

The motion passed with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Application #05-23V: Brian L. Liles and Tammy R. Liles, Owners – 82 Dickerson Road (2 acres located in Land Lot 85 of the 3rd Land District) – requesting a variance to extend or alter a non-conforming use in the AR-1 District.

Tammy R. Liles - 82 Dickerson Road

Ms. Liles said she wants to add an in-law suite onto her home for her mother. Her father died last year and her mother is alone. Her sister lives next door to her so they will be able to care for their mother if she is closer.

Benjamin Dickerson – 1733 Detroit Court

Mr. Dickerson said his concern is that he would like to know how the zoning variance will impact the integrity of the current zoning code and what new standards will prevail once the variance is granted. They had it zoned a certain way at the time the people decided to purchase the property. He is not saying it is good or bad because progress has to take place.

Charles Swain – He said he has the same concerns Mr. Dickerson has.

Mr. Taylor said the staff recommendation is for conditional approval. The granting of the variance will not cause substantial detriment to the public good nor will it impair the spirit of the ordinance. The additional increase in square footage of the dwelling will bring the home closer to compliance with the AR-1 minimum 1500 SF for manufactured homes. The condition is that the addition will be constructed so that it will match the existing exterior in design and appearance. The Appeals Board looks at variances on an individual case by case basis, and this variance will not set a precedent for granting or denying variances.

MOTION

Mr. McCallum made a motion to approve Application #05-23 conditioned on the addition being constructed so that it will match the existing exterior in design and appearance. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

Application #05-24S: Richard Moore, Owner – Timmy Blandburg, Agent – 4297 Highway 92 (1.6 acres located in Land Lot 111 of the 4th Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Timmy Blandburg – 4297 Highway 92

Mr. Blandburg said he owns equipment which he sometimes brings to his home. He parks it at the rear of his house. It does not stay more than two or three days. He moves it and puts it back on the job site. He was not aware that he had to have a special exception to be able to do this. He is requesting the special exception to be able to bring it home on occasion. He is doing his business from his home but does not normally bring customers or employees to his home.

Ms. Blandburg said an enforcement officer came by because the truck had been parked on the property for a day. They need to bring the truck home a couple of days out of the month to change the oil and make minor adjustments. She thinks the lady next door complained because it had been there for two days. They have a business license.

Pictures of the location were available.

Mr. Taylor said the problem is that they have a home occupation for a business. The home occupation section of the ordinance has two different types of home occupation. A minor home occupation is basically for just an office in your house. There is also a

general home occupation which allows for more intense use. In this situation, he needs to go through the process of going from a minor home occupation to a general home occupation which will allow more intensity. This property is zoned R-2. In the AR-1 zoning under general home occupation, you can park trucks, but under the R-2 you cannot park vehicles other than those intended as passenger vehicles including pick-up trucks. Parking of heavy equipment in the R-2 district is not going to be allowed even if he is approved for the general home occupation. It will allow for up to two employees to be on the property and other things but a truck will not be allowed.

Discussion was held, and it was noted that his request would have to be for a zoning change. The Board felt that there had been a misunderstanding and that his application fee should be refunded. It was further noted that if he did not operate a business out of his home he would be allowed to park the truck on the property.

MOTION

Mr. Baird made a motion to recommend to the staff to refund the application fee and return the application to the staff with no recommendation. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion.

MINUTES

Ms. Phinazee made a motion, seconded by Mr. McCallum, to approve the minutes of the June 9, 2005 meeting. The motion passed with Mr. Baird, Mr. Hardwick, Mr. McCallum, Mr. Perdue, and Ms. Phinazee voting for the motion and Mr. Richardson abstaining since he was not present.

Mr. Taylor said there is funding for two members of the Board of Appeals to attend a training session. There is a session in mid August in Statesboro and anyone interested should contact him for the information. He hopes to have funding for more members to attend training next year.

MOTION

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

Dennis Richardson – Chairman

Yvonne M. Langford - Recorder