

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**August 10, 2006**

The Spalding County Appeals Board held its regular monthly meeting on August 10, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Allan McCallum Vice-chairman, presiding; Keith Dryden; Charles Perdue; and JoAnne Phinazee. Jon Baird, Doug Hardwick and Richard Ingram were not present.

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

Mr. McCallum called the meeting to order and 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 #06-16S: Lift from the table** - Mercy Ogbo and Elechi Wordu, Owners – 415 Ashley Trail (0.47 acres located n Land Lot 60 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

**MOTION**

Approval was given to lift Application #06-16S from the table on a motion by Mr. Dryden and a second by Ms. Phinazee with Mr. Dryden, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Mercy Ogbo – 415 Ashley Trail

Ms. Ogbo said they want this special exception to be allowed to keep children in their home. They will be limited to six children per state regulations.

Mr. Taylor said the staff recommendation is for approval conditioned on a limit of six children in accordance with the state laws.

Ms. Ogbo said she is allowed to keep six children but can have an additional two with state approval

Mr. Taylor said if the condition is approved, she will only be allowed six. She will not be able to have the two additional even with state approval.

**MOTION**

Ms. Phinazee made a motion to approve Application #6-16S conditioned on a limit of six children. The motion passed on a second by Mr. Dryden with Mr. Dryden, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-17V:** Robert Gordon and Diane Gordon, Owners – Gregg Pruitt Construction, Agent – 119 Lake Chase Drive South (0.83 acres located in Land Lot 56 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback and minimum lot width in the R-1 District.

Robert Gordon and Diane Gordon – 1960 Summerwoods Court

Mr. Gordon said they have purchased a lot on Lake Chase Drive for construction of a retirement home. They need to change the front setback from 75' to 50' and reduce the minimum width from 125' to 110'. There is a significant drop in the topography of the land at the rear of the property. The lot drops off into the lake. They were not aware of the dramatic drop of the lot when they made this purchase. If they don't move the house forward, they will not be able to build on this property.

Chad Pruitt - 914 West Taylor Street

Mr. Pruitt said he is the builder. The lot is steep, and it would not allow for a back yard. If they can move the house forward, they will be able to add some flat area to the back so they can have a back yard.

Mr. Taylor said the staff recommendation is for approval. The lot drops significantly.

#### **MOTION**

Mr. Perdue made a motion, seconded by Ms. Phinazee to approve Application #06-17V. The motion passed with Mr. Dryden, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-18S:** Florida Rock Industries, Inc., Owner – Richard L. Mullins, Agent – Rover-Zetella Road (42.11 acres located in Land Lot 96 of the 1<sup>st</sup> Land District) – requesting a Special Exception to expand the operation of a granite quarry in the AR-1 District.

**Application #06-19S:** Florida Rock Industries, Inc., Owner – Richard L. Mullins, Agent – Rover-Zetella Road (3.761 acres located in Land Lot 66 of the 1<sup>st</sup> Land District) – requesting a Special Exception to expand the operation of a granite quarry in the AR-1 District.

These two applications were discussed together but voted separately.

Dick Mullins – 676 Brook Circle

Mr. Mullins said this application is for a special exception to allow Florida Rock to place overburden on these two tracts. Since the two tracts are separated, it required two applications. A map was drawn to identify the property owned by Florida Rock. The plan is to place the overburden on the two tracts and have the entire tract screened from the road. They have been mining since 1970 and acquired a special exception to expand the operation in 1997. Since that time, they have acquired this additional property. If the special exception is granted, Florida Rock is expected to prepare an entire development

plan. Before they bring that plan, they need the special exception to get the permit from EPD.

Ben Roebuck – Vice-president Florida Rock – 23 Brookwood Drive, Newnan, Georgia  
Mr. Roebuck was present to answer any questions. He said he was prepared to stay after the meeting to answer any questions for the neighbors.

Johnathon and Denise Johnson – 1295 Rover-Zetella Road – Williamson, Georgia  
Mr. Johnson said he wanted to know whether or not they are planning to expand the rock quarry and blasting. He is already feeling the effects of the blasting with the operation as it is now. His whole house is shaking. How is this going to affect him?

Mr. Mullins said they are not asking for any mining of the two sites. This is for storage of the overburden.

Mr. Roebuck spoke and addressed the plans for these sites on question for the Appeals Board members.

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said he was present representing his brother who could not be present. His brother owns a home adjacent to this property. He built the houses in the area adjacent to this property and in the vicinity of his brother's house. When he built the houses, he did testing to make certain it would be all right to build on this site. At that time, there was no problem. However, his brother and other people in the area have complained that the blasting is cracking the foundations and other problems. Florida Rock has purchased several of the homes in this area, and he does not understand why they do not purchase the rest. His brother's house is "falling apart". He has some real issues. The berm they built was real nice, but the rock pile behind it is twice as tall. The intent of the berm was so the rock quarry would not be visible and with the rock pile higher than the berm it defeats the purpose of the berm.

Willis Merritt – 22 Rivers Road

Mr. Merritt said he does not have a problem with the blasting. His problem is with the dust from the rock piles. He thought they were supposed to water the rock piles to keep down the dust. He has dust over everything; his porch, vehicles, whole house. He has cement dust all over his front porch. They were supposed to put a berm in front of him. He located his house on the map, and Mr. Roebuck said that they will be putting in that berm.

Raymond Lopes – 974 Bethany Road

Mr. Lopes said that his property is adjacent to the property for which they are requesting the special exception. He has a cattle operation and honey bee operation in addition to raising peacock and pheasant. In that last 12 years, he has attended at least five meetings regarding the rock quarry. When the quarry was first started, it was going to be for a finite period of time and then it was going to be shut down, and they were going to put in trees and make a pond. They were given an exception to be able to expand the operation

and continue to mine for an additional twenty-five years. When they say that they are not going to expand the mining operation, he does not believe that is true. This is just a step in the progression to expand their operation. What you are looking at is Jonah the Whale, and it will continue to get larger and larger. You need to take into consideration the green space and taking care of the property the way the farmers in the area do. Farms are important. His farm has three very deep wells that run 400 to 600 feet deep. He uses the water for his animals. His farm is loaded with springs that feed about six different lakes in the area. Every time the quarry blasts he checks the wells to determine whether or not they have disrupted the aqua flow and he is out of water. They have admitted they could be responsible for broken windows in his house and have paid for the replacement of the windows. He has 125 head of cattle, and when they set off a blast, if the wind is going the right way, his cattle go from black to gray and stay like that until the rains come which is not too often. That cloud goes a minimum of 200' feet in the air. They should be confined to the area in which they are presently operating. They should not be able to expand and expand and expand and squeeze them until they can't stay there anymore. His objective is not to have them buy him out and have to find another place to live. He enjoys where he lives. He enjoys the town, and he intends to stay there. This reminds him of Germany in World War II when the man said, "Just give me one more country and I will be happy". He kept on going. He would like to see the original size of the quarry and look at what it is now and how they intend to expand. All he wants to do is run his farm, be a steward to his land and be a good Christian. All he is asking is to look at what they are trying to do and whether or not they really are Jonah the Whale.

Mike Polk – 885 Rover-Zetella Road

Mr. Polk said his concerns have been addressed.

Tim Dingler – 889 Rover-Zetella Road

Mr. Dingler identified the location of his property and he questioned whether or not there were any changes in the quarry adjacent to his property.

Mr. Roebuck identified a pond in the area and showed a berm being prepared presently. He said they intend to stay behind the tree line. He showed the future development of the berm in the area.

Chris Gibson – 91 Rivers Road – Williamson, Georgia

Mr. Gibson identified his house on the map and questioned whether or not a berm was intended in that area. He said he does not have some of the problems some of the other people have.

Mr. Mullins said they are not requesting that they be able to mine these properties but only to put the overburden on the property. The staff has recommended 20-foot berms along the road. Florida Rock is willing to put berms on the McGahee property and is willing to put up 30-foot berms but the staff says 20. They think the 30 would be better. They just want to continue to mine the area they presently are mining.

Mr. Roebuck went over the portion of the property they are presently mining and the area they are authorized to mine. He further went over the present use of the areas that are used for the overburden and the screening that is in place along with the plans for the future placement of the overburden. They cannot expand the mining without permission from EPD, and they have to have proper land use to apply to EPD. They cannot move any of the overburden until it is permitted by EPD. They have a community board in the area, and they have placed the berms where the community requested they be placed. They welcome input from the community and are willing to work with the farmers.

Mr. Taylor said the recommendation of the staff for the larger tract is for conditional approval with the following conditions:

1. Mining activities shall be prohibited.
2. A development plan shall be submitted for all properties owned under control of Florida Rock that have special exception approval.
3. A vegetative berm shall be constructed along Rover-Zetella Road beginning 50' from the right of way. The first 50' shall remain undisturbed. Said berm shall be a minimum of 20' (30' berm is acceptable) in height with vegetative screening on the top consisting of Leyland Cypress.
4. A 100' undisturbed buffer shall be maintained on both sides of the creeks that traverse the property.

Mr. Taylor said on the smaller tract, the recommendation is for conditional approval with the condition being that the property can only be used as a buffer.

On question, Mr. Taylor said on the last special exception for Florida Rock they were requested to submit a 25-year plan prior to development of the site. They need to have a copy of the plan and to have an understanding of what operation is proposed for the next 25 years.

Mr. Roebuck said if they submitted a plan and EPD made changes, they would have to have changes. The intent is to give the plan after EPD approval. They have not done anything with the property except build a road.

Mr. McCallum said he has an issue with approving another special exception without the plan. One project should be completed before moving to the next.

Mr. Mullins said at the time they got the special exception in 2003, they wanted to do the whole thing at one time.

## **MOTION**

Mr. Dryden made a motion to approve Application #06-18S with the recommendations of the staff and further conditioned on the development plans being submitted prior to the August meeting of the County Commission. The motion died for lack of a second.

**MOTION**

Mr. McCallum made a motion to table Application #06-18S until Florida Rock provides the county with a development plan as conditioned on the prior special exceptions. The motion passed on a second by Ms. Phinazee with Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Dryden voting against.

**MOTION**

Mr. McCallum made a motion to table Application #06-19S until Florida Rock provides the county with a development plan as conditioned on the prior special exceptions. The motion passed on a second by Ms. Phinazee with Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Dryden voting against.

**Application #06-20S:** Dan Curtis Morgan and Linda Rhodes, Owners – 1808 Hallmark Drive (0:339 acres located in Land Lot 94 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

Don Morgan – 1808 Hallmark Drive

Linda Rhodes – 1808 Hallmark Drive

Ms. Rhodes said she wants to have the special exception so she can keep six children in her home for daycare.

Mr. Taylor said in review of the application, it was noted that the home is 1403 SF. The ordinance only allows 25% of the home to be designated for home occupation which would mean that only 350 SF can be so designated for the children. This is insufficient space for six children, and the recommendation is for denial.

Discussion was held, and it was determined that there would be sufficient room for three children.

**MOTION**

Mr. Dryden made a motion to approve Application #06-20S conditioned on a maximum of three children. The motion passed on a second by Mr. Perdue with Mr. Dryden, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Dryden, to approve the minutes of the July 13, 2006 meeting. The motion passed with Mr. Dryden, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Mr. Taylor said he has sent information to the members regarding an opportunity for training at the Atlanta Regional Commission. This is a three class course and a commitment for all three is required. The classes are once a month for three months during the day. He asked the members to let him know if they were interested in attending.

**ADJOURN**

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

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Jon Baird – Chairman

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Yvonne M. Langford - Recorder