

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**October 13, 2005**

The Spalding County Appeals Board held its regular monthly meeting on October 13, 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, Charles Perdue, JoAnne Phinazee and Allan McCallum. Keith Dryden was 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. 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 said there needed to be a change in the order of business and application #05-33V needed to be placed last on the agenda.

**MOTION**

Mr. McCallum made a motion, seconded by Mr. Baird, to move Application #05-33V to last on the agenda. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

**Application #05-30V:** Jeanette Smith, Owner – 12B and 12C East Sixth Street (1.541 acres locate in Land Lot 207 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum lot area n the C-2 District.

Jeanette Smith – 739 South McDonough Road

Ms. Smith said they have property at 12B & 12C Sixth Street in East Griffin. There is a lawnmower shop that her husband operates on the property and a rental house. They have wanted to sell the business for a couple of years, and the inquiries they have had do not want the rental house. They want to purchase the business without the rental house. If they sell the business without the house, the house would remain on a lot that is comparable to the other lots in the neighborhood. The neighborhood lots are from a ½ acre lot to one acre lots. They are bounded on the north and the east by county property which contains a maintenance barn. Across the street on the west, there is Plant #5. Down the street toward High Falls Road there is another business. They want to subdivide the lot and sell the business and keep the house. The business will be on .94 acres and the rental house will be on .59 acres.

Mr. Taylor said the staff recommendation is for denial since this does not meet the criteria of the ordinance. Additionally, a number of non-conformances will be created if the lot is split.

Mr. McCallum said he is concerned that this could be precedent setting throughout the county.

**MOTION**

Mr. McCallum made a motion to deny application #05-30V. The motion failed due to lack of a second.

**MOTION**

Mr. Hardwick made a motion to approve Application #05-30V. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. Richardson voting for the motion and Mr. McCallum voting against.

**Application #05-32S:** Jason Ramsey, Owner – Ideal Homes of Griffin, Agent- Rivers Road (3 acres located in Land Lot 94 of the 1<sup>st</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Tom Ross – Ideal Homes - 101 Moreland Road

Mr. Ross said Mr. Jason Ramsey approached them about purchasing a manufactured home to put on a 3 acre tract of land that he was purchasing. He is purchasing a 2280 SF home, four bedrooms, two baths, manufactured home that meets all the county requirements including the roof pitch.

Ken Bell – 193 Rivers Road – Williamson

Mr. Bell said his property adjoins this property. He is opposed to a manufactured home being put on this property. All the houses that have gone in since he moved to this location have been regular homes, not manufactured homes. The mobile home that is on this property has been there since he purchased his property. The plan is for this mobile home to go in behind the one there already. He was told by Mr. Ray that Florida Rock does not want any more new homes in the area because people will be complaining about the rock quarry. The manufactured home will cause his property value to go down. There was a lady that was denied permission to put a manufactured home on her property in this area. He does not see why someone else would be allowed a mobile home in the area when she was denied.

Mr. Taylor said in looking at the criteria, they find there are both manufactured and conventional homes in the area, and there is not a discernable trend for either conventional or manufactured homes. The recommendation is for approval.

Dick Morrow – 715 West Solomon Street

Mr. Morrow said a lady that lived next door to Mr. Bell had a doublewide manufactured home on her property. She was bought out by the rock quarry. She applied to move the manufactured home around the corner of Rover-Zetella Road. The Board denied her request and required that she build a conventional home.

Mr. McCallum said when there is no current trend, then the vote should go on the simple majority. You would create the trend by approval of applications. There is a simple majority of conventionally built homes in this area.

**MOTION**

Mr. Baird made a motion to deny Application #05-32S. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion and Mr. Hardwick voting against.

**Application #05-34S:** Raymond Ray, Sr., Owner – Sherri Haynie , Agent – 202 Buck Creek Circle (2.70 acres located in Land Lot 51 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the R-5 District.

Raymond Ray, Jr. – 1000 Springer Drive

Mr. Ray said he was speaking on behalf of his father. The request is for 202 Buck Circle on 2.70 acres. Mr. Ray, Sr. wants to sell a tract of land and allow Ms. Haynie to put a mobile home on the property which was originally developed for mobile homes early in the 70's. It was zoned for a mobile home community, and a few years ago the ordinance was re-written, and the zoning went to R-5 in which manufactured homes could not be used. His father requested that the ordinance be written so as to allow manufactured homes as a special exception so he would be able to use this development as intended. The request is to use the property as it was developed for mobile homes. In the ½ mile radius, there are 105 parcels; 52 are manufactured homes, 36 are single-family conventionally constructed homes and 17 are empty tracts. Ms. Haynie is from Zebulon and wants to move to Griffin and establish a home. She has identified and is prepared to purchase a 2006 SF, 4 bedroom, 2 bath, manufactured home if the zoning is approved. Mr. Ray requested approval.

Mr. Taylor said the staff recommendation is for approval. There is no recent trend but there are a number of manufactured homes and this was developed for manufactured homes.

Mr. McCallum said there is clearly a simple majority of manufactured homes.

**MOTION**

Mr. McCallum made a motion to approve Application #05-34S. The motion passed on a second by Mr. Hardwick with Mr. Hardwick, Mr. Perdue, Mr. McCallum, Ms. Phinazee and Mr. Richardson voting for the motion and Mr. Baird voting against.

**Application #05-35V:** Brian Keith Moore and Anthony Scarpati, Owners – 1857 West McIntosh Road (1.95 acres located in Land Lot 94 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum front yard setback and minimum lot size requirement for group development in the O & I District.

Keith Moore – 103 King Richard Drive

Mr. Moore said they have purchased this property, and it is zoned O & I. They need to have a variance on the minimum setback and minimum lot size. They are 5/100's of an acre short of the requirement. At the request of the staff, they have put all the parking at the rear of the buildings, and they lost the space they need to fit the project. They need the 18 foot setback so they can fit everything with the required detention ponds and minimum parking.

Mr. Taylor said this request meets the hardship requirements and was not self created. The property lacks very little in size. The corner of the property was taken by DOT for a widening project. The zoning requires the buildings to be close to the street and parking behind the buildings which is causing him to have to move the buildings. The staff recommendation is for approval with the following conditions:

- a) Due to the 45 degree angle on the southwest corner of the property, the 18' front setback shall only apply to the southwestern corner.
- b) The front two office structures shall be set in line with one another and not offset.

### **MOTION**

Mr. Hardwick made a motion to approve Application #05-35V with the staff conditions. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee Mr. McCallum and Mr. Richardson voting for the motion.

**Application #05-33V:** Michael H. Jackson, C. Richard Morrow and S. M. Bishop Company, Inc., Owners – 305 Green Valley Road (4.043 acres located in Land Lot 211 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum planned commercial development size in the Arthur K. Bolton Overlay Zone.

Dick Morrow – 715 West Solomon

Mr. Morrow gave the history of this project noting that the potential project originated approximately 5 years ago with the idea that Caterpillar would like a daycare center close to their operation to accommodate their employees. The project never materialized with the parties involved at that time. The project was revitalized with new partners and this property was acquired from the Development Authority. They have had the survey and done the topo, and the engineering work has begun. When they submitted the site plan to Mr. Taylor, it was discovered that they have less than the required minimum acreage for the Arthur Bolton Overlay Zone. The property was exempt when it was Development Authority property, but under private ownership, it must comply with the Overlay Zone requirements. Several industries in the Industrial Park are interested in a daycare for their employees. This will be a \$2,000,000 project. One of the partners is Mr. Bishop who has built 150 daycare centers. He builds nice facilities with brick facades and metal roofs. He will be the contractor and is a partner. They tried to resolve the land shortage by purchasing additional property. There was an old abandoned road bed adjacent to the property. The county initiated abandonment of the old road bed. The road bed goes to each of the adjacent property owners so they were able to get an additional ¼ acre. There was additionally a small triangle of excess property that belonged to the county that was appraised and has been offered at public auction. They have put in a bid at the appraised

value and are prepared to purchase. This was an additional .21 acres. They have been able to get the site to 4.5 acres. They have tried to purchase additional land from the adjacent property owners but they do not want to sell. There is a church adjacent to this property, and they have no objections to the daycare facility. Initially, there will be one shift, and it is estimated that within a year to a year and a half it will be a 24 hour service. It will accommodate 210 children. The Development Authority would like to sell the property. The county will get a \$2,000,000 investment, and when fully staffed, there will be 35 employees. He requested approval for the variance.

Vickie Rodgers – 51 Cheehaw Road

Ms. Rodgers said she was speaking for her father, Thomas L. Rodgers, who lives at 100 By Way Road which is adjacent to this property. Ms. Rodgers said this property was purchased by her father and grandfather in 1940. Her father has lived there almost continuously since that time. He has seen a lot of change. His property was split in half by Highway 16, and there is a lot of grief that goes along with that. The daycare probably would be the best thing that could go in the area adjacent to his property as well as adjacent to the church. Mr. Rodgers has no objections to this project.

David Luckie – Development Authority – 924 Mockingbird Lane

Mr. Luckie said he was representing the Griffin-Spalding Development Authority. The Development Authority was one of the first vocal supporters of the Arthur K. Bolton Overlay Zone. They still support the principle of the objectives of the Overlay Zone. Additionally, the Board fully supports this project. This property was purchased and development began in 1997. At that time, all the property within a circle belonged to the Development Authority except for Southern Wise Warehouse and Plainview Baptist Church. Southern Wise Warehouse was compatible with the plans for the Industrial Park. Plainview was on the other end and when the plan for the Industrial Park was complete there were four acres remaining adjacent to the church property. They considered what would be an appropriate use for the property taking into account Mr. Rodgers and Plainview Baptist Church. Caterpillar was the second tenant in the Park and discussions were held with them regarding any assistance that could be given to them and a daycare center was discussed. It was suggested that they might build a daycare center on property they had purchased but they did not want to use their property but they would like to have a daycare center. As part of the planning by the Development Authority for the industrial park they tried to be sensitive regarding this four acres, taking into consideration the adjacent properties. They did not think a manufacturing facility would be appropriate because it would be next to the church property and at that time they felt a daycare center would be the best use of the property. The Development Authority was not going to develop the daycare center because that is not the type development they do. Before the property was sold to Mr. Morrow, the Plainview Baptist Church was contacted. Reverend Gonzales was advised that someone wanted to build a daycare center on the adjacent property. He talked with his church council and advised Mr. Luckie that they had no objections to a daycare center there. They did not contact Mr. Rodgers but assumed that a daycare center was less intrusive than a manufacturing facility. The Development Authority supports the daycare center and would like the variance to be for a daycare center only.

Mr. Taylor said in reviewing the criteria for the variance, this does not meet the criteria and denial is recommended. They do feel a daycare center would be a good use for the property. There are other properties in the Overlay Zone that do not meet the minimum lot size and the best way is to deal with all of them at once rather than “piece meal”.

Mr. Galloway said the staff does not have the authority to grant a variance on the five-acre minimum. He went over the development of the Arthur Bolton Overlay Zone noting that the intent was to have an attractive well-planned corridor from I-75 into Griffin. It was known that at sometime that corridor would be widened to a four-lane entrance. At the time the Overlay was developed and approved, they did not have the capability to identify the non-complying properties. Now that Arthur Bolton Parkway is in the process of being widened it is going to have to be completed before the county can see if the plan is going to be consistent with the county goals in 1997. There are approximately 15 non-conforming tracts. It is unknown what impact the right of way addition will have on the Overlay Zone. There are some potential legal issues dealing with the minimum lot size of five acres and the right to develop on less than five acres. Consideration is going to have to be given to the non-conforming tracts and the right for development.

**MOTION**

Mr. McCallum made a motion to approve Application #05-33V conditioned that it be limited to a daycare center only. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee Mr. McCallum and Mr. Richardson voting for the motion.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Hardwick, to approve the minutes of the September 8, 2005 meeting. The motion passed with Mr. Hardwick, Mr. Perdue, Ms. Phinazee Mr. McCallum and Mr. Richardson voting for the motion and Mr. Baird abstaining because he was not present.

Mr. Richardson said after the December meeting he will be resigning, after fourteen years on the Appeals Board. He is finding it increasingly difficult to make the meetings because he is helping his son in Dawsonville. He finds that he is not keeping up with what is going on in the neighborhood.

**MOTION**

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

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Dennis Richardson – Chairman

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Yvonne M. Langford - Recorder