

SPALDING COUNTY APPEALS BOARD
Regular Meeting
November 10, 2005

The Spalding County Appeals Board held its regular monthly meeting on November 10, 2005 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Jon Baird, Vice-chairman, presiding, Charles Perdue, JoAnne Phinazee and Allan McCallum. Keith Dryden, Doug Hardwick and Dennis Richardson, 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.

Application #05-36S: Cyrus E. Odom, Owner – Kilgore Road (5.92 acres located in Land Lots 103 and 112 of the 3rd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Cyrus Odom – 1020 Kilgore Road

Mr. Odom said the name of the church is Solid Rock Church of God. This request is for a special exception to build a church in an R-1 District. They have 200' of road frontage and 5.92 acres at the proposed site. They have met the criteria for this application.

Ernest Odom – 996 Kilgore Road

Mr. Odom said he is the pastor of this church. They have been working on this project for sometime, and they want to know what the next step will be to get this church built.

Wyn Crockett – 170 Landsdowne Drive

Ms. Crockett declined to speak.

Mr. Taylor said this application has been on the agenda previously, and at that time, the property was landlocked. The issue has been resolved. This application meets the criteria, and the staff recommendation is for conditional approval. The conditions are:

1. Any expansion of the structure, any additional structures or the expansion of the use will require another special exception to be approved by the county.
2. The driveway shall be paved to county required specifications from the edge of the existing pavement on Kilgore Road to the right of way line.

Mr. Baird said on the warranty deed dated September of 1993 there is a condition that the property is to be used for residential and agricultural purposes only, no commercial uses allowed.

Mr. Galloway said that the deed restrictions falls within the same category as a restrictive covenant, and the county is not responsible for enforcement. If someone who is a beneficiary of this deed restriction or a restrictive covenant chose to enforce it, then that will become an issue between the church and whoever chooses to enforce it. This restriction will not preclude the county giving approval.

MOTION

Mr. McCallum made a motion to approve Application #05-36S. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. McCallum, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #05-37S: Nancy J. McCallum, Owner – MJZP Engineering, Agent – Northeast corner of Williamson Road and Rover-Zetella Road (2.45 acres located in Land Lot 43 of the 2nd Land District) – requesting a Special Exception to allow a gasoline service station/convenience store in the VN District.

Mr. Baird announced that Application #05-37S cannot be considered. Mr. McCallum will have to recuse himself from this application due to a conflict of interest. If Mr. McCallum recuses himself, there will not be a quorum and no action can be taken.

MINUTES

Mr. McCallum made a motion, seconded by Ms. Phinazee, to approve the minutes of the October 13, 2005 meeting. The motion passed with Mr. Baird, Mr. McCallum, Mr. Perdue and Ms. Phinazee voting for the motion.

MOTION

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

Jon Baird – Vice-chairman

Yvonne M. Langford - Recorder