

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**December 8, 2005**

The Spalding County Appeals Board held its regular monthly meeting on December 8, 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 Chad Jacobs, Senior Planner, and Virginia 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.

**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 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a gasoline service station/convenience store in the VN District.

Mr. McCallum recused himself from discussion and vote on this application due to a potential conflict of interest.

Mark Whitley – MJZP Engineering – 1205 McKinley Road – Zebulon, Georgia  
Mr. Whitley said he is representing Ms. Nancy McCallum and Mr. McCallum regarding this application for construction of a gas station/convenience store at this location. There will additionally be a retail center making this a nice development. Currently, to the south of this location is a convenience store. Southwest of this property is undeveloped, and on the northwest, there is a historic building that appears to be abandoned. This property is undeveloped at this time. DOT is currently working on a design to improve this intersection to include a traffic light. DOT anticipates the improvements to begin within the next 12 to 15 months. The intent is that Ms. McCallum will retain ownership of the property and wants to maintain the historic character of the development and set a trend for this area. This type development will be suitable for the area.

Edith Smith – 1696 Rover-Zetella Road – Williamson, Georgia  
Ms. Smith said she is against this development at this intersection. It is extremely dangerous. She is glad to hear that there will be a traffic light installed she had not heard that before. She identified the roads in the area, the traffic patterns and the danger of those roads. She discussed her experience on these roads as a truck driver. She said she has nothing against Ms. McCallum but asked that she and the county find some other way. She discussed some of the wrecks that she has seen in this area. She said this is going to be a nice development, and she appreciates what they are trying to do, but with

the traffic light when the trucks from the Rock Quarry stop, the weight of the trucks pull the pavement. There is already a convenience store there, and with the traffic entering the highway from both stores, it is going to be a nightmare. There are school buses with the new Moreland Road School that has just opened. She asked if there was to be a traffic light at the intersection.

Mr. Jacobs said he has a copy of the proposed changes, and the plan is to begin the improvements in early 2007 or late 2006 if the money is released. He will be discussing the changes later in the meeting.

Ed Beall – 160 Rover-Zetella Road – Williamson, Georgia

Mr. Beall said he lives in the Rover Community and uses this intersection daily. When you get the improvements to the intersection with a traffic signal, it will cut out all the problems. There have been some problems particularly with the sharp turn on Rover-Zetella Road just off of Highway 362. That turn is going to be straightened. He said that a lot of people coming from town are going to go into the new store. A lot of the problems are being created by people going into and out of the present service station. He does not see a problem with this application, and it will probably help. He said he has been living in the area for 24 years, and he has seen a lot of improvements. There are a lot of fine homes in the area now. He is for anything that will be an improvement. There will be sidewalks added to the area. The competition will be good for the area. The prices are generally higher than in other areas. He said he is for this application and thinks it will help the community.

Jennifer Douglas – 1823 Rover-Zetella Road – Williamson, Georgia

Ms. Douglas said she is concerned about the safety issue of this development. It is her understanding that the State Patrol answers the more severe accidents and the Sheriff's Department also answers the accidents. With the additional traffic of another convenience store, it will only get worse. There are many people that cross the road with children going to Moreland Elementary. It is very difficult there at times. The request for a traffic light at this time has been denied. They will not even consider it because it will cost just as much as the entire project to straighten the road. The DOT did a traffic study there in order to consider straightening the road. She feels with all the traffic from the trucks and the people cutting through it is only going to make it worse.

Scott Douglas – 1823 Rover-Zetella Road – Williamson, Georgia

Mr. Douglas said he is definitely, totally against this project. He is the first house on Rover-Zetella Road on the same side of the street. Just leaving his driveway on a daily basis is death defying. The speed limit is 35 miles per hour and nobody on the road goes 35 miles per hour, nobody. If this project happens, it still will not help him with a blind drive. The straighter the road, the faster the people are going to travel. The sharp hairpin turn at the end is the only thing that slows people down on that road. As far as having an entrance on Rover-Zetella Road, that is just going to add to the traffic on that road. It is the only road within a couple of miles there that does not have a sign that says no through trucks. It is dangerous. This project is not going to help.

Letter from Mary Jackson and George Gaissert were read into the record objecting to this application.

Chad Jacobs gave all the members copies of the proposed DOT improvements to this intersection to realign the roads. They went over the proposed changes. Regarding the traffic, they contacted the Spalding County Sheriff's Department regarding wrecks. They said they do not work the wrecks since it is a state highway. The Georgia State Patrol works the wrecks. The Georgia State Patrol was contacted regarding the wrecks in this area. They have a data base on all the wrecks in the State of Georgia, and you can get the wrecks within a three year span of time that happen at any intersection in the state. The information was received, and within the last three years, there have only been 14 injury wrecks at this intersection with no fatalities. Taking all the information into account and with the plans for improvements to the intersection, the recommendation is for conditional approval. This recommendation is assuming that the VN zoning will be approved. If it is not approved, then this action will be moot. The conditions recommended are:

1. The installation of an acceleration/deceleration lane on Williamson Road.
2. Site lighting shall be designed so as not to glare into adjacent residential areas or into traffic.
3. A variance shall be necessary for the front yard set back.
4. The ingress/egress point on Rover-Zetella Road shall be redesigned in conjunction with the Georgia Department of Transportation 2007 realignment project.

Mark Whitley said this type development does not generate traffic as a subdivision does. It is to serve the traffic in the area. It will not cause a traffic hazard and should help, because people can be served on that side of the road and not have to cross the intersection. The DOT improvements will serve this development and future development in the Village Node.

#### **MOTION**

Mr. Hardwick made a motion to approve Application #05-37S with the conditions as recommended by the staff. The motion passed on a second by Jon Baird with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, and Mr. Richardson voting for the motion. Mr. McCallum had recused himself and did not vote.

**Application #05-38V:** Drayton C. Collier, Owner – Ken Dorsey, Agent – 220 Beasley Road (16.57 acres located in Land Lots 29 and 30 of the 3<sup>rd</sup> Land District) – requesting a Variance from 30 foot easement required per landlocked lots to 15 foot easement.

Ken Dorsey – 261 Dobbins Mill Road

Mr. Dorsey said he is representing Chris Collier who owns this property. They are requesting a variance from the 30' easement. They have 16 acres and want to build on the property rather than sell to the developers that are coming in from Westmoreland. They want to build one house on the property which will be better than including it in the

adjacent development. According to the county rules, they cannot build a house there with a 15' easement. They need 30' so they are requesting a variance. There is no need for 30 feet, because they just want a driveway to the house and 15 feet is enough. They presently have a 15 foot easement which they were told was all they would need. The neighbors do not want to sell them an additional easement.

Mr. Jacobs said in researching this application, it is an unfortunate set of circumstances. The deed that was submitted indicates the property was purchased in 1995. The ordinance specifically states that you must have a 30' easement to access property. The indication is that the property was purchased with knowledge of an existing restriction. The recommendation is for denial. They do agree that granting the variance will not cause substantial detriment to the public good, but it would impair the spirit of the ordinance.

Discussion was held regarding whether or not the easement predated the sale of the property or whether the driveway was used prior to the establishment of the 30' easement requirement.

#### **MOTION**

Mr. McCallum made a motion to approve Application #05-38V. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

**Application #05-39V:** Ponderosa MHP, LP, Owner – Ricky Vickers, Agent – 1578 Patterson Road – Lots 48A and 57A (12.44 acres located in Land Lot 55 of the 3<sup>rd</sup> Land District) – requesting a Variance from the 5 year age limit on manufactured homes being brought into Spalding County in the AR-1 District.

Rick Vickers – 160 Ponderosa Road

Mr. Vickers said he owns rental property at Ponderosa Mobile Home Park. He has not been in the business very long and is still sorting out the rules and regulations. A few months ago he purchased six homes from Mr. Knight who is a mobile home mover. They were already situated in the park. It is his understanding that you can move homes from wherever as long as they are moved into a park. He did not check prior to purchasing the homes to see where they were from. Luckily for him most of them were all right, because they came from another park in Spalding County. Mr. Knight did not get any permits before he moved them, but he has straightened that out now. There were two mobile homes that Mr. Beall checked and found they were from out of the county. After he checked with Mr. Knight, he was able to get him to repurchase one from him. They are unable to find any records regarding where the other mobile home is from. They can't say whether it came from Spalding County or not. The other home was on the Ideal Homes lot, which is in Spalding County, when he purchased it. He was not aware of the law and did not bother to check to see where it was from. Mr. Beall checked and found that it was from Monroe County originally. These are two of the nicest homes in the park. They will in no way bring down the value of the park. Families are living there, and if he has to move the homes, they will be displaced. This is more taxes for the

county. They help the park. He has learned a lot since this happened, and it will not happen again. He has purchased homes since then and has checked with Mr. Beall to be certain they were in the county. If you grant the variance, there will be no more problems.

Ed Beall – 160 Rover-Zetella Road

Mr. Beall said he works for the tax commissioner's office with most of his time being spent on mobile homes. Part of his job is to inventory mobile homes for tax purposes. He was in the park one day with the manager to compare his list with her list. The result was that she had seven that he did not have listed. He found that Mr. Vickers was paying the lot rent on the mobile homes. He started checking the records on the decals that were on some of the homes and traced four of the seven to the Pine Glen Mobile Home Park which was within the ordinance. The other three were a problem. One of the three had a Putman County sticker, and he contacted them and was advised that it had been in that county. When he went back to the mobile home park later, that sticker had been removed. In further checking, he found that one of the mobile homes had come from Monroe County. He said Mr. Vickers advised him that he had purchased this one from Ideal Mobile Homes. In checking with them, Mr. Beall found out that Ideal Mobile Homes had sold a new mobile home to someone in Monroe County, and they wanted to sell their old mobile home. He called Mr. Vickers and put him in touch with the couple, because he knew that he purchased old mobile homes. That was the only involvement he had with the transaction. It was not a trade-in. They do not know where the other mobile home came from. Mr. Knight advised him that he did not move that trailer into Spalding County. Mr. Vickers said the home came from Steele Road, and he went with Mr. Vickers to locate where on Steele Road the mobile home had been previously located. They rode for an hour and were not able to establish the location. He has been unsuccessful in locating where the trailer was previously. He does not think it came from Spalding County because that is his job and he can find no record. Mr. Vickers denied owning any of the trailers initially. When Mr. Beall persisted, he finally admitted he owned the mobile homes. One of the seven has been moved and that leaves these two. He is concerned, because they are supposed to get a decal prior to moving any mobile home. He has talked with Mr. Knight, and he has committed to getting the proper permits in the future. Mr. Vickers has started getting permits. His concern is establishing a precedent. If these two homes are allowed to stay, it will set a precedent.

Renee Lupes – 1578 Patterson Road – Lot 20A

Ms. Lupes said she is opposed to this variance. For the last six months to a year, they have been bringing in these trailers that look terrible. They are a fire hazard the older they are.

Chad Jacobs said the staff recommendation is for denial. On research, they know that one of the trailers is from Monroe County, and they have not been able to get any information on the other one. The ordinance states that you cannot bring one into the county that is older than five years. To grant a variance would cause substantial detriment and would set a horrible precedent.

On question, it was clarified by Mr. Beall that you can move a trailer within the county into a mobile home park, but you cannot move it from private property to private property if it is more than five years old.

### **MOTION**

Mr. McCallum made a motion to deny Application #05-39V. The motion passed on a second by Ms. Phinazee with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

**Application #05-40V:** Southside #3, LLC, Owner – Charles N. Penny, Agent – Corner of US 19 and Southbrook Drive (1.24 acres located in Land Lot 120 of the 2<sup>nd</sup> Land District) – requesting a Variance from side yard setbacks in the C-1 District.

Mr. Jacobs stated that this application has been withdrawn.

**Application #05-41S:** Trinity Baptist Church of Spalding, Owner – Gerald Talbot, Agent – 601 Jenkinsburg Road (3.34 acres located in Land Lot 56 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a fellowship hall/recreation facility in the AR-1 District.

Gerald Talbot – 213 Oxford Road

Mr. Talbot said the Trinity Baptist Church is requesting a special exception to build a fellowship hall/recreation facility. In March, they were getting their old building approved for a church, and they were requested to get a letter from an engineer. They were also given permission to restore a pole barn but in reality it was too expensive to renovate.

Mr. Jacobs said there was a previous application in March for a special exception for the existing structure. It was approved conditioned on any expansion would require another special exception. Additionally, they were required to obtain a letter from a structural engineer to verify that the structure was sound. They have accomplished that. They still need to get a CO for the facilities. In reviewing the application, the recommendation is for conditional approval. The conditions are:

1. A site plan for the addition shall be submitted to Community Development for compliance with Appendix J of the UDO.
2. Per the condition of approval for Application #05-11S a CO must be obtained for the existing structure before construction for the new building permit is permitted.
3. Any expansion of the structure or any additional structures will require another special exception.

### **MOTION**

Mr. Baird made a motion to approve Application #05-41S with the recommended conditions. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee, Mr. McCallum and Mr. Richardson voting for the motion.

**Application #01-23S:** Howard L. and Brenda F. Wilson, Owners – 355 Tomochichi Road (10 acres located in Land Lot 49 of the 3<sup>rd</sup> Land District) – consider finding of the expiration of the Special Exception.

Mr. Richardson noted that the above reference special exception was granted on June 28, 2001 for a temporary use of a manufactured home for an individual with a medical hardship. Since approval of the said application, the original owner of the manufactured home let the home fall in default, and the manufactured home company never reposed the home. The property was eventually sold to Mr. Bill Schmidt. He contacted Community Development in hopes of having some assistance in having the home removed from the property. Since then, the home has been removed. However, staff recommends that the Board still vote on the application so the file may be closed officially. The staff recommendation is the revocation of the original special exception which must be voted on by this body.

**MOTION**

Mr. Hardwick made a motion to revoke the special exception in Application #01-23S. 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.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Perdue, to approve the minutes of the November 10, 2005 meeting. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Perdue, Ms. Phinazee Mr. McCallum and Mr. Richardson voting for the motion.

Mr. Richardson expressed appreciation to the members of the Board for their assistance in his 14 years on the Board. He stated that he had enjoyed serving the county and the citizens.

**MOTION**

The meeting was adjourned on a motion by Mr. Perdue and a second by Mr. McCallum with Mr. Baird, 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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Virginia F. Langford - Recorder