

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**December 14 2006**

The Spalding County Appeals Board held its regular monthly meeting on December 14, 2006 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Jon Baird, Chairman, presiding; Doug Hardwick; Richard Ingram; Charles Perdue; and JoAnne Phinazee. Keith Dryden and Allan McCallum were not present.

Also present were: Charles Taylor, Community Development Director; Chad Jacobs, Senior Planner; Newton Galloway and Chad Torri, Attorneys and Yvonne Langford to record the minutes.

Mr. Baird 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 #06-31S:** Wat Phramahajanaka, Inc., Owner – Phanilak Soukkhanowong, Agent – 488 Steele Road (5 acres location in Land Lot 39 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a church, synagogue, chapel or other place of worship in the AR-1 District.

Michael Goode – 616 Woodhollow Drive – Marietta, Georgia

Mr. Goode said he was the attorney representing the Temple. This application is to build a Thai Buddhist Temple at this location. It will provide a quiet retreat for the Thai community in the greater Atlanta metro area to come and worship. The Buddhist religion is a peaceful – meditative religion. It will not be boisterous or loud or controversial. Some of the monks back in Thailand studied in the wooded forested areas. This would allow them to have a similar area here. On question, he said there was a person that used to go hunting with another Thai/Laotian person. The two cultures are very similar. The person that was hunting with them liked them and donated this land for their use.

Monk Prasan – 498 Steele Road

Mr. Prasan, along with his translator, Wirongrong Samransap, came forward to speak. Ms. Samransap's address is 616 Woodhollow Drive in Marietta, Georgia. Mr. Prasan said they want to build a Temple for the Thai people for meditation only.

Terry Sweatt – 1315 Manley Road

Mr. Sweatt said this property joins his property. He is opposed to this application. He heard noise from this area today when he came home from work. He was worshipping on a temple that is already built. He is uncertain what they want to build. It is not clear. This is a nice area, and it is not the place from something like this. He is uncertain whether five acres of land is sufficient for something like this. There is already a house on the property. He thinks there is 12 to 18 acres. They have been living there less than a year. They split the five acres up. There is no access to the five acres other than going through the driveway of the residence. He does not think the community wants this. He would like the Board to consider the people that have been living there 15+ years. He owns 30 acres right next to them. It is literally in his back yard. He understood they

were going to build a house back there. He does not have a problem with a house, but he does not want a place of worship.

Larry Jones – 149 Steele Road

They have lived here for 33 ½ years. They are working on the fourth subdivision on Vineyard Road now which is just a two-lane connector between Highway 92 and Highway 41. They already have a bunch of traffic that cuts through on Steele Road, and they are talking about building a temple to attract people all the way from Atlanta. He does not think they can handle that kind of traffic. It is bad enough getting out on Vineyard now with all the traffic. If you add all of that traffic, it will be almost impossible. He is highly opposed to this application. Six months ago they heard some music, and he thought it was a neighbor across the street. He lives ¼ mile away. The next day the next door neighbor told him it was coming from them, and he thought it was across the street.

Dutch Carouthers – 578 Steele Road

Ms. Carouthers said she is concerned because there are three structures on the property at the present time and only one driveway. 1/3 to 2/3 of the property is a swamp and is wet 12 months out of the year. She wanted to know how many structures can be built. She knows you have to have 200 feet of road frontage. Can you have that much road frontage and have all the structures in one little spot? Where will the temple be built? This will mean it will be a fourth structure. She has lived in her house since 1976 and until a few months ago she was told she could not build another house or anything else on that property because she has to have 200 feet of road frontage. Why has this changed all of a sudden? The reason she could not build more than one house on the property was because of the sewerage problem. They said Head's Creek could not handle having more than one structure for 200 feet of road frontage. She realizes her neighbors would love to have a place to worship, and she agrees they should have a place but maybe not where they want to build it. If they are bringing people from the metro Atlanta area here, what is that going to do to the waste problem going into Head's Creek? She would think that before anything like this could get passed there would need to be an environmental study to see what that is going to do regarding waste products going into the creek. Why here when there are so many other places in Spalding County that are already available? Why in an AR-1 area?

Alan Cauthon – 550 Steel Road

Mr. Cauthon said he is opposed to this, because the area is a residential-agricultural area and has been for a long time. There is always change involved in the county, but they do not need a Buddhist Temple beside them. He knows he would never have purchased this land if he had known there was going to be a Buddhist Temple there. He would not move beside a gambling hall or a liquor store. He disapproves of this completely.

Troy Hulon – 383 Steele Road

Mr. Hulon said he lives across the street from this location. There is a sewerage problem. He barely could build his house there because of the problem. He had to go into a big pump system. It was a major deal for him to build a house there. This is a hunting area for his son. His brother lives next door. He raises horses. They ride horses up and down the road. His next door neighbor has horses and rides up and down the road to pick up hay. They do not need the traffic back and forth through there. He is opposed to this.

He does not want it. It is very peaceful and quiet, and they have no problems. They do not need all the other traffic. There are already other neighborhoods. The majority of the people that live around there have 8 acres or more. This place is so small, and they already have a Buddhist Temple back there. They have already overbuilt on the property. He is very opposed and it is not needed.

Ken Sealey – 491 Steele Road

Mr. Sealey said his concerns are the same as everyone else's for the most part. It was said that it would be a retreat for the Buddhist from the metro Atlanta area or greater Atlanta area, and it sounds like a lot of people, and he is worried about the traffic. They are not set up for that kind of thing. He is concerned about what a Buddhist Temple might do to the property values in the area if everyone decided to sell.

Franklin Ly – Duluth, Georgia

Mr. Ly said he is a member of three temples. He has been going to a Buddhist Temples and does a lot of meditation at the temples. He used to sit on the board of a Buddhist Temple in Lithonia, Riverdale, and the one that is about to be built here. Everyone is talking about traffic and noise; that is not really true about the temple. Each week they probably have 15 to 20 people traveling to meditate. When they meditate, they are very quiet. They sit and do not make music or noise. The big ceremony for the Buddhist culture or Temple is probably do about four times a year. Churches do this every week. The retreat meditation is probably about once a week. Each time it is 15 to 20 people, and they are very quiet and peaceful. The land is five acres. Most of the temples have one acre or less. They are in the city limits and there are never any complaints. The temple not only has Asian people, but there are a number of American people who want to know more about meditation. This is open to everyone. This is a very good place to attract more people to worship. The reason they chose Griffin is that the landowner donated the property to the monks. He is in favor of this. He drives all the way from Duluth every week. He is helping them plan a really nice place. It will not be seen from the road. They need a quiet place without noise for meditation.

Leonal Dale Tyler – 1911 Rosewood Drive

Mr. Tyler said he has been associated with the Thai people since 1965 when he was in the military and stationed in Thailand. The temples are very quiet places. It is very restricted. They do not allow a lot of noise. The meditation is very peaceful and very quiet. He has visited the one in Griffin almost every week working and cleaning the grounds and doing various things to help them. There is no loud noise. It is a very quiet and peaceful meditation. There will probably be only 50 people there at special celebrations they may have for the monks. They probably will average 10 to 20 people at the very most. There are usually 2 to 3 people per car so there will not be a huge traffic problem. He has no objections and feels it will be an improvement for the community. There are other commercial buildings being built in the very same area. On Birdie Road, they are putting up a Baptist Church which is just down around the corner from this temple. There is a storage area where a man stores his equipment for hauling. That makes more noise than the meditation from the temple. He thinks it will be a good thing for the community.

Don Hulon, Jr. - 291 Steele Road

Mr. Hulon said he moved here in 1977. They purchased 25 acres, and it was one of the smallest tracts at that time. The community has been divided into 5-acre tracts since then, and he is now one of the largest land owners. They still have a lot of agriculture in the area. There is still cattle on Manley Road. There are plenty of horses on Steele Road. It is a good place to raise children. The land value has grown because it has held in tact in that area. In 1980, it was a dirt road. They gave 1.5 acres to get it paved. One of the conditions was that the traffic would not increase but unfortunately the survey was incorrect. It has become a cut through, and they put up with a lot of traffic which they did not have. He understands the community has grown, and the traffic is going to increase. They have three to four wrecks per year on his road frontage. About a month ago, they had to have two people life-flighted because of the sharp curve. It is an on-going problem. He does not know how many times he has had to replace his fence line because people leave the road and come through his pasture. He agrees with everyone that has spoken in opposition to this. They have been there a long time. They want to stay there, but if they have a Buddhist Temple, he does not know if he wants his grandchildren to stay there. They have heard that there will be anywhere from 15 to 50 people coming to these ceremonies. 50 people leaving at one time is a lot of traffic on a two-land road with sharp curves. He is opposed to this application.

Bill Shaw – 578 Steele Road

Mr. Shaw said they are opposed to this temple coming to Steele Road simply because it is a very quiet neighborhood. Everybody is neighborly. The folks that have moved in have made no effort to introduce themselves to any of the neighbors. It is not required, but they have made no effort to make themselves known to the neighbors in the area. His major contention is with this many people coming to this piece of land. This land sits in a bog and is mostly wet land. He lives two houses north of the site, and they have a very large wet spot in their yard. Percolation is a problem and his major concern is the amount of human waste generated in this overly saturated soil that abuts Head's Creek and flows into the Flint River. That runoff drainage area is vital to the community. They have cows, the Hulon's have horses, and they all have animals and livestock. It is somewhat true that the Buddhists are a quiet religion. He has been to Thailand and has visited Buddhist temples. They are unusual places to our culture, but they are not quiet. There is a lot of noise; there is a lot of chanting and gong ringing. It is an unusual situation. There is no access to that property other than an 8' wide gravel driveway. He is against this.

Mr. Taylor addressed some of the questions that were raised during the public comments. The review by staff is based on the application that is submitted. The information they received from the applicant is that the property is a five-acre site that currently has an octagon type structure with a small shelter building. There is a gravel parking lot that is part of the improvements to the property. That is all they have on the plan that was submitted. He is unaware of any other improvements.

Mr. Jacobs said there is a home on an adjacent piece of property along with an accessory structure that is a shed type where they keep their tools for cleaning.

Mr. Taylor said they are not aware of any accessory structures that are being proposed nor are they aware of any proposed septic system that would be required to be approved by the County's Environmental Health Department. They would take into account the

soil types and limitations associated with that. The area is largely zoned AR-1, and the AR-1 zoning, like all the residential zoning districts, allows one dwelling unit and one accessory structure. In this case, with special exceptions, it allows for churches and other places of worship and also allows accessory structures on the property. They are aware of the lowland areas on the property and any improvements made to the property are subject to local and EPD restrictions for building in places like flood plains and wetlands. Installing a parking lot for the temple area would require that those laws be observed.

Mr. Taylor said the staff recommendation is for conditional approval. The condition is that any expansion of the structure or any additional structures or expansion of the use would require an additional special exception.

Mr. Hardwick raised an issue regarding the road frontage and was advised that what the application is proposing is allowed. He further questioned the 15' easement rather than the 30' easement. He was advised that if the property was land locked it would require the 30' easement. He was further advised that if the Board wanted to recommend a wider easement it could be made a condition. Mr. Hardwick further questioned what restroom facilities are being planned and whether the land will perc under the present soil conditions. Mr. Taylor said he does not know of any plans to add restroom facilities to the site. If they plan restroom facilities, then the septic system would have to be approved for Spalding County Health Department. Mr. Ingram raised the issue regarding what the plans are for the present structure and whether it is permanent.

Mr. Jacobs said his understanding is that the octagon structure is the meditation area and that they plan to put a roof on that structure. At this time, there is no indication in the application that there are any plans for the expansion of this facility. The condition is to require that if they plan any expansion they will have to apply for another special exception.

Mr. Baird asked what plans there were for restroom facilities. He said he has no problem with this proposed use but does have some concerns regarding the sanitary conditions.

Mr. Goode said they planned to use the facilities at the adjacent house. He said when they talk in terms of 20 people that are being overly optimistic. There would probably be three to five people at any one time. 20 would be exception and 50 would be extremely exceptional.

Discussion was held regarding whether or not the restroom facilities would be adequate. Mr. Taylor said the off-site use of restroom facilities would pose a problem. It was decided to table the application until research can be done regarding the restroom facilities.

Mr. Galloway said the Appeals Board has the obligation to treat this application as any other religious application would be treated. There is a two-acre requirement for a church. They have never had an off-site restrooms facilities issue raised in previous applications and it will be necessary to research this issue prior to a recommendation.

#### **MOTION**

Mr. Hardwick made a motion to table Application #06-31S until the issue of restroom

facilities can be addressed. The motion passed on a second by Mr. Perdue with Mr. Baird, Mr. Hardwick, Mr. Ingram, Mr. Perdue, and Ms. Phinazee voting for the motion.

**Application #06-32V:** Jesse Thompson, Jr. and Mary Jo Williams-Thompson., Owners – 131 Landing Way (4.69 acres located in Land Lot 15 of the 4<sup>th</sup> Land District) – requesting a Variance from minimum setback requirements for an accessory structure in the R-4 District.

Jesse Thompson – 131 Landing Way

Mr. Thompson said he moved to this property in 1995. There was a lot of flooding in 1994, and the property was condemned out. All three structures, his and the two adjacent properties were flooded. It was not listed in the flood plain according to the Spalding County map. They had a discussion with the County, and in order to get their power turned on, they had to agree not to sue them for damage in the future. His understanding at that time was that there were no restrictions against the property that had been condemned. They can't use the back part or the side yard year round because the water still comes up on the land even though it is not in the flood plain. He presented pictures showing water levels at certain times. The only place he can put a structure is at the left front of the property. They started a structure there because he thought he had no restrictions and could build there. The neighbor on the south side sued the County during the flood period. He lost because the County told him it is not in the flood plain. The structure they have started is a steel structure. It is not a permanent structure because they still intend to build up the property on the left hand side of the house so they can move the structure there at a later date. They have had 13 dump trucks with 6 cubic yards already brought to the site. He showed the location of the present structure and how it is being built so he can move it in the future. He said he has planted trees so they will shield the structure in a couple of years. Flooding of the area does not let him use his property. The spirit of the ordinance does not take into account the permanent change that took place with Hurricane Opal. The area floods three or four times a year depending on the level of the rain. The plan for the structure is a 16' x 18' shed with a central walled-in structure eventually with a roll up door. The wings on the sides are overhangs to store equipment. It is not ugly. It won't get ugly. It keeps within the spirit of the ordinance by being able to move it around. They request approval of the variance so they can have storage for their materials. He showed photos of the last water damage. His understanding at the time they got the property was that there were no restrictions. His understanding was that they were not in a flood plain at that it was just a fluke of nature. They like it here. It is quiet. As soon as they get the land up so the water will not stand around the house, they are going to be real happy but that is going to take time. In the meantime, they need a place to put their equipment to get them out of the way.

C. J. Tassa – 126 Landing Way

Ms. Tassa said they moved to their home in 2000. They applied for insurance and were denied coverage. On further investigation, it was determined that the insurance company had gone to the wrong address and the coverage was denied due to the accumulation of garbage and trash around the premises was a fire hazard. The insurance company had gone to Mr. Thompson's property. To this day, Mr. Thompson has not cleaned his property but the trash has tripled. When they moved to the property, they knew it flooded but they all know not to build a shed. They don't build an open garage shed with wings to store equipment in the front of their house. This is a beautiful street. Mr. Thompson's

house has a privacy fence leaning against the front yard, cars parked everywhere and nobody mows the lawn. She was just informed that he cannot put a shed in the backyard but she understands he has a swimming pool. The shed will have open wings to the side which means he will have equipment, lawnmowers, shovels, etc. sitting out in the open in the front yard visible to the street. He said he has planted trees to grow and cover this which means he has no intention of moving it anytime within two or three years. The garbage that was there when they moved in is still there. She is opposed to this application.

David Tassa – 126 Landing Way

Mr. Tassa said he has a number of concerns mostly regarding what Mr. Thompson has just said. They mentioned the property being condemned. They are occupied so he does not understand that. He does not know why anything would be built on condemned property. An above ground pool completely and totally is subject to being destroyed if water rises beside it. They bought in 2000, and they knew about the flooding. The spring of 2004 was extremely wet. There was 8" in March. The water was to the back deck of their house which is 100' or so from his house. He mentioned bringing in truck loads and truck loads of dirt. That will never happen because his dirt will flood his house. This building will never be moved. This house has always been a junk collection and probably always will be. His understanding from the neighbors was that this property was forcibly cleaned up at sometime. Nobody has pursued it since, and it might be time for that again. The insulation damage under the house from 12 years ago has not been taken out. This building will never be moved. The entire outside of the house has always been used as a lean-to storage for his collection of items and this building will be used in the same way. This is in the front yard.

Susan Dodson – 125 Landing Way

Ms. Dodson said he can't say he didn't know because her daughter had come to the County to see if they could build a garage beside their house. It was to be the same color of the house. It was going to be nice, and they wanted to put in a privacy fence on Mr. Thompson's side to hide all of that because it was embarrassing. She was denied. She questioned the decision and advised the County that Mr. Thompson was putting up a structure. They said if he was to let the County know and they would investigate. She advised Mr. Thompson that the County code enforcement would be visiting him. He said he did not care, and he was not buying a permit, and he was not worried about the County. He said he had put dirt on the property. There have not been any trucks bringing dirt to this site. He had a swimming pool in the back but can't build a building in the back. He had a carport built and did not get a permit for that. He has bamboo for the roof of the carport. It is a mess.

Kevin Cox – 125 Landing Way

Mr. Cox said he has been in his house since it was built. He is the only person in the area that has been there from the very beginning. He cannot argue with him when he says he cannot do anything in the back yard. When Mr. Thompson purchased the property, he already knew that. He says he needs storage, but he enclosed his garage which eliminated the storage he had. He would have no problem if he built this on the side. If you are going to bring in dirt eventually why did we put the building up now? Why did he not bring in the dirt and then put up the building in its permanent location? He is really concerned about the dirt making it. He has brought in dirt in the past, but it has been

quite a few years ago. He is not taking into consideration what impact that level of dirt will have on the neighbors. What will it do to their water levels? It is a bad situation. They tried to talk to him, but he pursued it anyway. He does not want the building completed. It is a large red barn in the front of a house in a subdivision.

Andy Sheppard – 126 Landing Way

Mr. Sheppard said he has been living here since 2003. Last year with the rain he was fishing off of his back deck from the rains. If he does fill in with dirt, it will cause lot 125 and 126 to flood. He was raised to think he should be able to put what he wants on his own property, but he still disagrees with the barn in the front yard. It is a nuisance. He has tried to keep his property up as best he can. He is renting, and he is thinking about trying to purchase his house.

Tracy N. Cox - 125 Landing Way

Ms. Cox said everything that everyone has said is very true. She has a medical condition that keeps her at home. She is there 24 hours a day, seven days a week. She works in the yard, and she looks at this house everyday. She had pictures of the Thompson's yard and pictures of the building being put up. He will never move the building. Mr. Thompson has said he knows people and can do anything he wants, and the building will be put up. She presented a petition with 16 signatures in opposition to this building. He has a privacy fence on one side that is real nasty looking. His carport is made of 2 x 4's with a bamboo roof. He has put on an addition to his porch that is lopsided.

Mr. Taylor said the staff recommendation is for denial.

Discussion was held regarding whether or not the other additions and improvements were permitted. Mr. Taylor said he is not aware of any permits being issued for improvements to this property. Some improvements can be made without a permit so they will have to investigate whether or not they needed to be permitted.

#### **MOTION**

Mr. Ingram made a motion, seconded by Ms. Phinazee, to deny Application #06-32V. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Ingram, Mr. Perdue, and Ms. Phinazee voting for the motion.

**Application #06-33V:** R&B Construction, Owner – Jeremy Bush, Agent – 1016 Longview Trail and 1018 Longview Trail ( Lot 15 – 1.41 acres and Lot 16 – 1.54 acres located in Land Lot 201 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum lot width in the R-4 District.

Jeremy Bush – 1020 Longview Trail

Mr. Bush displayed a plat identifying the lots regarding the need for this variance. Due to the detention pond in the back and the layout of the land, it would be very difficult to get a primary and secondary septic system on this property with the house set back as far as required. If they can move the house forward, they would have gravity flow to the back and the secondary you could have in the front if the back fails. They additionally want to keep consistency in the subdivision. Lots 14 and 17 sit about 55' to 60' off the road. If they build on this lot with the setbacks as required, they would be 110' off the road.

Mr. Taylor said the staff recommendation is for approval.

**MOTION**

Mr. Perdue made a motion to approve Application #06-33V. The motion passed on a second by Mr. Ingram with Mr. Baird, Mr. Hardwick, Mr. Ingram, Mr. Perdue, and Ms. Phinazee voting for the motion.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Ingram, to approve the minutes of the November 9, 2006 meeting. The motion passed with Mr. Baird, Mr. Hardwick, Mr. Ingram, and Ms. Phinazee voting for the motion and Mr. Perdue abstaining because he was not present.

**ADJOURN**

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

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Jon Baird – Chairman

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Yvonne M. Langford - Recorder