

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**February 8, 2007**

The Spalding County Appeals Board held its regular monthly meeting on February 8, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Vice-chairman, presiding; Shawn Cain; Richard Ingram; 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. Hardwick 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 #06-36V:** Lift from the table – Hooper Trailer Sales, Inc. and C. L. Cook, Owners, - Lakeside Construction, Agent – 1726 U. S. Highway 41 South By Pass (2 acres located in Land Lot 120 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the C-1B District.

**MOTION**

Mr. McCallum made a motion, seconded by Ms. Phinazee, to lift Application #06-36V from the table. The motion passed with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Jeremy Miller – 500 Lakeside Road – Williamson, Georgia

Mr. Miller said this application is to add a 24 x 30 foot addition to his structure for storage. He is present to answer questions.

Mr. Jacobs said the staff recommendation is for approval.

**MOTION**

Mr. McCallum made a motion to approve Application #06-36V. The motion passed on a second by Mr. Perdue with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-38S:** Earby H. Henderson and Anna V. Henderson, Owners – Buddy's Homes, Agent \_ Amelia Road (5.69 acres located in Land Lots 108 and 109 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Kevin Drury – 8500 Tara Boulevard – Jonesboro

Mr. Drury said Ms. Hilliard, who is the Henderson's daughter, wants to move next door to her parents on property they have owned for a long time. Mr. and Mrs. Henderson have been residents of Spalding County for 30 years. Mr. Henderson has had a stroke and suffers from Parkinson's and Mrs. Henderson is in poor health. They want to live close to Mr. and Mrs. Henderson to help look after them. A niece lives with Ms. Hilliard. She is twenty years old and in a wheel chair as the result of an automobile accident several years ago. A report of the area notes that there are 12 manufactured homes and 7 single-family constructed homes with 13 undeveloped parcels. He requested that consideration be given to the circumstances and approve the application.

Herbert F. Miles – 515 Amelia Road

Mr. Miles said his property is 25 ½ acres and is adjacent to this property. He is opposed to this variance. In the last 6 to 10 years, the homes that have been built in the area have been conventionally built homes. There are manufactured homes in the area, and he has no problems with them. They were there when he moved there. Everything currently is going to conventionally built homes.

Angela Hoover – 2266 North Walker's Mill Road

Ms. Hoover said she has 16 acres adjacent to this property and is opposed to this application. She has nothing against manufactured homes. She likes Mr. and Mrs. Henderson. They are nice people. They tried to purchase the land from the Hendersons about four years ago, and the Henderson's concern was that they would put a manufactured home on the property. They had to assure them they would not put a manufactured home on the property. They had a contract to purchase, and the Hendersons failed to come to the closing. She had to pay all the fees and expenses even though they did not come to the closing. She does not hold any hard feelings about the incident. The Hendersons said their children did not want them to sell. She left the closing and absorbed the expenses and made no effort to be reimbursed. She has all her savings invested in her home, and she feels it will devalue her property if she ever wants to sell. She has been a real estate broker for 20 years and her experience is that when you try to sell property that has a mobile home on adjacent property the purchaser expects to pay less. Their area is going conventional and this would be going in the wrong direction.

Gary Hoover – 2266 North Walker's Mill Road

Mr. Hoover said his wife has made appropriate comments, but this is a flag lot and once a home is put on this property the odds are that it will always be there. This is five acres of land, and the property will probably not go up in value over any length of time. All the houses that have been built since they started building over two years ago have been conventionally constructed homes. They are good sized brick homes over 3000 SF. One of the homes is 7000 SF. Within two to three miles of the area, there are all brick built homes. He is opposed to a trailer being put on this property. He hopes they will consider the value of the County and not just them as individuals. He would like his son to have value for what his life has meant. There are nice homes on both sides of this property. When he purchased this property in 1999, his understanding was that there would not be

any more mobile homes in the area because they were trying to improve the quality of Spalding County.

Mr. Jacobs said in reviewing requests, they study a ½ mile radius of the area regarding conventional construction versus manufactured homes. The data for this area is that there are 32 total parcels. Seven are conventional homes, 12 are manufactured homes and thirteen parcels are vacant. This breaks down to 22% conventional, 38% manufactured and 40% undeveloped. In reviewing, the staff recommendation is for approval.

**MOTION**

Mr. Ingram made a motion to deny Application #06-38S. The motion passed on a second by Mr. Cain with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #06-39V:** Ricky Patterson, Owner – 310 Irving Avenue (0.16 acres located in Land Lot 207 of the 2<sup>nd</sup> Land District) – requesting a Variance from side yard setback in the AR-1 District.

Christy Patterson – 310 Irving Avenue

Ms. Patterson said they want to put a two-room addition to the side of their house. It will be on a portion of an additional lot that they own. The addition will be the same architectural design as the present structure.

Mr. Jacobs said the staff recommendation is for approval.

**MOTION**

Mr. Perdue made a motion, seconded by Mr. McCallum, to approve Application #06-39V conditioned on the addition being of the same nature as the existing structure. The motion passed with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #07-01V:** Harvey Pilkenton, Owner – 357 O’Dell Road (1.001 acres located in Land Lot 108 of the 2<sup>nd</sup> Land District) – requesting a Variance from free standing sign setback in the C-2 District.

No one was present regarding this application.

**MOTION**

Mr. McCallum made a motion to table Application #07-01V until the next meeting. The motion passed on a second by Ms. Phinazee with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #07-02V:** Ricky A. Parker, Owner – 121 Wild Plum Road (1.992 acres located in Land Lot 242 of the 2<sup>nd</sup> Land District) – requesting a Variance from principal use in the Arthur K. Bolton Parkway Overlay and from front setback in the AR-1 District.

**Application #07-03S:** Ricky A. Parker, Owner – Buddy’s Homes, Agent – 121 Wild Plum Road (1.992 acres located in Land Lot 242 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

These two applications were heard together and voted separately.

Kevin Drury – 8500 Tara Boulevard – Jonesboro

Mr. Drury provided copies of a similar manufactured home they are proposing to put on this property. They have decided to put the replacement house at the 100 foot setback per the current ordinance. The present home is 1200 SF, and they have outgrown it and need a larger facility. He has lived in this home for 8 years. They propose to have a 2300 SF home. The homes are similar, but the newer one will be larger. This is similar to the homes in the area. The new house will generate more tax revenue. If he cannot put the larger home on the property, he will be forced to move. He is withdrawing the variance request and will put the home at the 100 foot setback.

Mr. Jacobs said there is still a need to approve the variance because this will still be an extension of a non-conforming use.

Dorothy Fowler – 121 Wild Plum Road

Ms. Fowler said she is Mr. Parker’s fiancée, and they are getting married in October. They need to have a larger home. It will improve the area to have a new manufactured home on this property.

Mr. Jacobs said the property lies within the Arthur K. Bolton Overlay Zone which does not address manufactured homes. Approval for this is necessary because it will be an extension of a non-conforming use. The recommendation is for approval of the variance. The analysis of the area for the Special Exception showed that the area has 68 parcels in the ½ mile area. There are 38 conventionally built homes, 11 manufactured homes and 19 vacant lots. This is 56% conventionally constructed homes, 11% manufactured homes and 28% vacant lots. The majority of the manufactured homes are on Wild Plum Road. Based on this information, the staff recommends denial. However, as with Ms. Shatzoff last month, the Appeals Board has the authority to make a different recommendation.

In discussion, it was noted that there was not a need to consider Application #07-02V unless Application #07-03S is approved. It was decided to vote on Application #07-03S first.

**MOTION**

Mr. McCallum made a motion to deny Application #07-03S. The motion failed on a second by Mr. Ingram with Mr. Ingram, Mr. McCallum and Mr. Perdue voting for the motion and Mr. Cain, Mr. Hardwick and Ms. Phinazee voting against.

Mr. Galloway said since this did not pass it would be necessary to consider this at the next meeting when all members are present.

Discussion was held and it was noted that there are 11 parcels on Wild Plum Road and all of them have manufactured homes.

### **MOTION**

Mr. McCallum made a motion, seconded by Ms. Phinazee, to table Application #07-02V until the next meeting. The motion passed with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #07-04V:** Chuck Pruitt Builders, Inc., Owner – 226 Malier Road (0.505 acres locate in Land Lot 85 of the 3<sup>rd</sup> Land District) – requesting a Variance from front yard setback in the AR-1 District.

Chuck Pruitt – 949 East Maddox Road

Mr. Taylor explained how the ordinance is interpreted regarding setbacks in situations such as this where the tracts are landlocked.

Mr. Pruitt showed the situation involved with the tracts. He had soil sampling done and the soils are acceptable. Prior to beginning work on any of the land, he wants to have approval from the County. He went over various examples with the problems that are involved.

Roy Brown – 162 Malier Road

Mr. Brown said he had been interested in purchasing this property and feels that he was misled. He showed the property and the lines that are presently there and the zoning involved along with the road frontage issues. He talked with the County and was advised that only one dwelling could be built on the property. He thought that was ridiculous when there is approximately 8.5 acres in all. Now he has found someone else has purchased the land and is building 3 houses. He is opposed unless he can be shown what is happening so he can understand what he can do on his property. He has asked to do something on his property which he has been told he cannot do.

Mr. Jacobs said his discussion with Mr. Brown involved moving property lines and giving different road frontages which would eliminate the “grandfathering” that is involved with this property. Mr. Pruitt is not moving any property lines. He is taking the existing tracts and getting a permit that is vested under that right. Mr. Brown never discussed using the tracts as they exist. Mr. Jacobs said he is willing to help him work with his land to see if there is a way to develop it without moving the property lines.

Mr. Brown said he understands that Mr. Pruitt has figured a way to make it work for him but does not necessarily feel it is right.

Mr. Jacobs said the staff recommends approval.

**MOTION**

Mr. McCallum made a motion to approve Application #07-04V. The motion passed on a second by Mr. Cain with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Mr. Taylor said there is a training opportunity in Columbus in March for the members that are interested. This is similar to the training that some were able to attend in Athens. The County will pay for the cost including travel and meals. Space is limited and the members need to notify him as soon as possible.

**MINUTES**

Ms. Phinazee made a motion, seconded by Mr. Hardwick, to approve the minutes of the January 11, 2007 meeting. The motion passed with Mr. Cain, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Ingram and Mr. Perdue abstaining because they were not present.

**ADJOURN**

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

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Keith Dryden – Chairman

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Yvonne M. Langford - Recorder