

SPALDING COUNTY APPEALS BOARD
Regular Meeting
March 8, 2007

The Spalding County Appeals Board held its regular monthly meeting on March 8, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Vice-Chairman, presiding; Richard Ingram; Charles Perdue and JoAnne Phinazee. Keith Dryden, Shawn Cain, and Allan McCallum were not present.

Also present were: Chad Jacobs, Senior Planner 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. He called attention to the appropriate conduct for the meeting.

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

MOTION

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

Mr. Pilkenton – 111 Cheshire Drive

Mr. Pilkenton called attention to a picture of a sign at his place of business. He said that through a misunderstanding his sign had been placed so that it encroaches four feet on the right-of-way. The sign is set back six feet and should be back 10 feet. He cannot move the sign back because it would take up parking spaces that he needs to meet the parking ordinance. He is requesting a four foot variance.

On question, Mr. Pilkenton said the man that made the sign thought the sign ordinance required a five-foot setback. He, also, thought that the measurement was from a different location.

Mr. Jacobs said the staff recommends denial. It will not cause any substantial detriment to the public good. The recommendation is based solely on the spirit of the ordinance. The Board has more flexibility in their decision than the staff has.

In discussion, it was noted that the only place they will be able to locate the sign and be in compliance would be off to the left or right of the business. The measurement should be taken from the end of the right-of-way. Mr. Jacobs said he feels they probably used the end of the pavement for their measurement. Mr. Hardwick said he had visited the site and looked at the sign. He realizes he is not supposed to look at the location of other

signs in the area for comparison, but he did see two others that were encroaching even further on the right-of-way. Mr. Pilkenton's sign is well off the right-of-way, and the sign looks good.

MOTION

Ms. Phinazee made a motion to approve application #07-01V. The motion passed on a second by Mr. Perdue with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

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

MOTION

Ms. Phinazee made a motion to lift Application #07-02V from the table. The motion passed on a second by Mr. Perdue with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

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

MOTION

Ms. Phinazee made a motion to lift Application #07-03S from the table. The motion passed on a second by Mr. Ingram with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-02V and Application #07-03S were discussed together and voted separately.

Kevin Drury – 8500 Tara Boulevard – Jonesboro, Georgia

Mr. Drury said he is representing the applicant. He works for Buddy's Homes and this application is to replace a mobile home with a larger, newer manufactured home. Mr. Parker has lived at this location for 8 years. He gave the members of the Board a picture of the home they will be putting on this property. Mr. Parker owns the land but owes \$35,000 on the present manufactured home. He will not be able to get a builder who will give him the \$35,000 that is owed on the property. Buddy's Homes will allow him to trade in the home that he has on a new manufactured home. Application #07-02V is a request for a variance from the front setback on the property. They would like to re-locate this home at the required setback. They will need the variance for the Arthur K. Bolton Parkway Overlay, but do not want the variance for the setback. The new home will be 2300 SF which will generate more tax revenue. They have a blended family and need more space.

Dorothy Fowler – 121 Wild Plum Road

Ms. Fowler said there are 6 people living in the present home. They have four children and the three girls have to share a room. Ms. Fowler had prepared a book with pictures of the homes in the area. She had taken pictures of the homes on both sides of Wild Plum Road. She had additionally taken pictures of every home within a ½ mile radius of her home. The only option they have is a larger manufactured home, because they owe on the present home and can only get value from the present home with a replacement of a manufactured home. They have custody of all the children and are raising them with no financial assistance from the other parents. At the last meeting, the members of the Board seemed to feel that approving this application would devalue the property in the area. She has been a home owner and fully understands the concern. She made the pictures so the members could see what is in the area. She does not feel this will devalue the property in the area. In fact, it will improve the Wild Plum Road area. On High Falls Road, there are only two homes and the balance of the homes are duplexes.

Mr. Jacobs said the variance needs to be approved for the use of the property. They can eliminate the setback portion of the request, but the variance is needed for the use in the Arthur K. Bolton Overlay Zone. Arthur K. Bolton Overlay Zone does not allow manufactured homes as a permitted use. If the variance is not approved, then that creates a problem with the special exception. The recommendation is for approval of the variance. The trend in the area is for conventionally built homes. They are recommending denial of the special exception based strictly on the requirements of Section 413:G. The Board has more flexibility in their decisions than staff.

MOTION

Mr. Ingram made a motion to approve Application #07-02V with a 100' setback. The motion passed on a second by Mr. Perdue with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

MOTION

Ms. Phinazee made a motion to approve Application #07-03S. The motion passed on a second by Mr. Ingram with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-05V: North Griffin Congregational Holiness Church, Owner – Spalding County Board of Commissioners, Agent – 106 LaPrade Road (1.617 acres located in Land Lots 100 and 125 of the 3rd Land District) – requesting a Variance from required 50 foot building setback, required buffer per Section 405, and alteration and expansion of a non-conforming use prohibited in the R-1 District.

One person was signed up to address the Board regarding this application.

Thomas Hamm – 1038 County Line Road

Mr. Hamm said he owns the property adjacent to this property. This is rental property and he does not live in the house. He has been out of town and was not aware of this application until he returned and found the letter from the County. He called and Ms.

McDaniel said the building is already built, and he does not understand what has happened and he is present to learn what this is about.

Mr. Jacobs said no one from the church was present regarding this application. Spalding County Board of Commissioners is the applicant. When an application is received for additions to churches of 5000 feet or less, it has to go through a “watered down” site plan process. A site plan was submitted to the County for an addition to the North Griffin Congregational Holiness Church. The addition was to be 44’ x 62’ on the east side of the church. Mr. Joe Bramlett was the builder, and he came in for a meeting with the staff regarding the application. The site plan shows the addition on the parking lot side of the church. Mr. Bramlett was asked if he was going to break up the parking lot for the addition, and he advised that he was. They went through the review process, and it was signed off. When they applied for the certificate of occupancy, the County visited the site to be certain that it had been constructed as approved. When they went back out, they had actually constructed the addition on the west side of the church.

Discussion was held regarding this situation. Mr. Jacobs said he does not understand why they felt they could make the change without approval.

Mr. Hamm said he was present, because he did not understand the issues involved. He further stated that he had no problem with the location of the addition.

Mr. Jacobs said the staff recommendation is for denial. Granting the variance will not cause substantial detriment to the public good but would impair the spirit of the ordinance. Variance, if granted, shall go beyond the minimum necessary to afford relief and does constitute a privilege inconsistent with the limitations on other properties within the same zoning classifications. This request is a self-created hardship.

MOTION

Mr. Ingram made a motion to grant the variance on Application #07-05V. The motion passed on a second by Ms. Phinazee with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Mr. Hardwick said it has been requested in a lot of situations by one of the commissioners for the Appeals Board members to furnish more information regarding decisions on some of the applications so the Commissioners can understand more fully their decisions. This is needed on issues that are controversial. When a motion is made, it would be helpful to let them know some of the thoughts of the Appeals Board regarding approval or disapproval. He voted for this particular application, because if you look long enough you could probably find someone on which to place the blame. However, the bottom line is that if it is disapproved, the only option for the church would be to tear down the structure. Even though there is a violation, whether it was deliberate or whether it was not, we do not have that information. The mistake has already been made. The inspections were done. It is past this point. He voted for it so they would not have to go back, even though somebody messed up. He does not know whether or not it was intentional.

Ms. Phinazee said she just looked at it as that it is done now. You just may as well do the right thing.

Mr. Ingram said Mr. Hamm does not seem to object. He seems to be very understanding and that weighed in some on his emotion to grant approval.

MINUTES

Mr. Perdue made a motion, seconded by Ms. Phinazee, to approve the minutes of the February 8, 2007 meeting. The motion passed with Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

ADJOURN

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

Doug Hardwick – Vice-Chairman

Yvonne M. Langford - Recorder