

SPALDING COUNTY APPEALS BOARD
Regular Meeting
April 12, 2007

The Spalding County Appeals Board held its regular monthly meeting on April 12, 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.

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.

Mr. Hardwick said Mr. Dryden had resigned and there was a need to amend the agenda for election of a chairman.

MOTION

Mr. McCallum made a motion to amend the agenda to include election of a chairman. The motion passed on a second by Mr. Perdue with Mr. Cain, Mr. Ingram, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Mr. Hardwick said there were two options for the election. The Vice-Chairman could move to chairman and then elect a new Vice- Chairman or they could hold an election for a new Chairman.

MOTION

Mr. McCallum made a motion for the Vice-Chairman to assume the Chairmanship and hold an election for a new Vice-Chairman. The motion passed on a second by Mr. Cain with Mr. Cain, Mr. Ingram, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

ELECTION

Mr. Ingram nominated Mr. Perdue for Vice-Chairman. The nomination was seconded by Mr. Cain. There were no other nominations. Mr. Perdue was elected with Mr. Cain, Mr. Ingram, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the nomination and Mr. Perdue abstaining.

Application #07-09S: Larry E. Schmidt, Owner – Ideal Homes of Griffin, Agent – 125 North Stewart Lane (1 acre located in Land Lot 54 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured home in the AR-1 District.

Larry E. Schmidt – 125 North Stewart Lane

Mr. Schmidt said he wants to replace his present manufactured home with a new manufactured home. His present home is 20 years old, and he has noticed some water damage and termite damage. This would improve the neighborhood and would be more in line with the homes that are in the area. Additionally, his father-in-law has emphysema and diabetes, and it is possible that his father-in-law and mother-in-law may have to live with them for a while. It will be put on a permanent foundation.

Tom Ross – Ideal Homes – 101 Moreland Road

Mr. Ross said his company has been contracted by Mr. Schmidt to install a new home where the current home is located. The present structure will be removed, and they will install a new, larger home connected to the present septic system. All setbacks will be within the code. There will be a permanent foundation and a permanent block wall under pinning. This will be an enhancement to the neighborhood.

Mr. Taylor said the staff recommendation is for approval.

MOTION

Ms. Phinazee made a motion to approve Application #07-09S. The motion passed on a second by Mr. Cain with Mr. Cain, Mr. Ingram, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-10V: Cole Tract Associates, L.P., Owner – The Lakeview at Heron Bay (70.90 acres located in Land Lots 234 and 247 of the 3rd Land District) – requesting a Variance from Architectural Criteria for Single Family Dwellings located within a Subdivision in the PDD District.

Jane Curtis – Minerva - 2292 Henderson Mill Road

Ms. Curtis said this request is for the Lakeview Neighborhood in the Heron Bay Community. This is a gated community that was final platted in 2004. The ordinance for which they need a variance was put on the books in 2006. They currently have some contractors and homes in Lakeview that are 100% stucco homes. The houses are from 3000 to 5000 SF. Some of the applications they are receiving now are for even larger homes. The price range is for \$400,000 to \$1,000,000. Right now they have three new builders that build the Floridian or Mediterranean style homes which are 100% stucco homes. There are several homes already in the community that are 100% stucco. They want to continue to build the stucco homes because there seems to be a real buyer trend toward this style. The members had been supplied pictures of some of the stucco homes in the development. The price range of the stucco homes that are presently completed is \$325,000 to \$550,000. The new stucco homes will range from \$450,000 to \$725,000. They do have one that will sell for \$850,000. They presently have three stucco homes with five pending. There is a mix of all kinds of homes. They like to mix. It restricts the design options not to be able to have the options. There are approximately 65 lots still to be developed.

Mr. Taylor said in a review of the application staff recommends approval.

MOTION

McCallum made a motion to approve application #07-10V. 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.

Mr. Hardwick called for a 15 minute recess to review some information that had been furnished regarding Application #07-11V. At the end of the recess, the meeting reconvened with all members present.

Application #07-11V: North Spalding Development Company, L.L.C., Owner – Pulte Homes, Agent – Sun City Peachtree Subdivision and various off-site locations (1715.568 acres located in Land Lots 184, 185, 186, 187, 199, 200, 217, 218, 231 & 232 of the 3rd Land District) – requesting a Variance from signage requirements.

David Vitey – 355 High Grove Drive – Fayetteville, Georgia

Mr. Vitey said they are requesting approval for entry monumentation into the community, internal signage within the community and some locations outside the community for marketing trail signs. Generally, they try to get the signage approval early in the zoning process, but this was missed and he apologized for this oversight. The members of the Board had been furnished copies of the program of signs for each project for which they were requesting approval. They need the directional signage outside the development because this site is difficult to locate. It is important for the buyers to be able to locate the community without becoming lost and wandering. They are requesting 5 locations for signs: the intersection of Highway 41 and Baptist Camp Road; East McIntosh Road and North Hill Street; Jackson Road and Highway 155 and Teamon and Highway 155. He went over the locations and why they are important. He also went over the type signs they propose for each location. All of the signs will be of the highest quality materials that will weather well. The plan is for three entry signs with the main sign being on Baptist Camp Road. There would be two additional secondary entrance signs, one at the Jordan Hill Road entrance and the other at the Teamon Road entrance. The secondary signs will be about half the size of the main entrance signs. They, additionally, need to have signs on some of the facilities that are in the development. There are a number of amenities which includes a complex that is 40,000 SF complete with an indoor pool and theatre. This is the “town hall” of the community. It is important to have a sign identifying the building. There will be a second community center and a golf course club house that need to have a signs. Throughout the community they would like to have directional signs. Copies of the type signs they want to use were furnished to all the members of the Board. He presented a complete package of the type signs they want to have throughout the development to include neighborhood signs, internal banner signs to announce events to the community and to celebrate holidays and temporary construction signs for neighborhood safety during construction.

Alan Mobley – 262 Mobley Road

Mr. Mobley said he is all for this development. It is an asset to Spalding County. He has dealt with Minerva on several occasions, and he enjoyed dealing with them. He is for the signs. However, when he comes down and makes a request, he expects the same

treatment. He does not expect special treatment because of the size of the development or the money they may be spending.

Mr. Galloway said the current sign ordinance was adopted in 1996. At that time, there was no approved planned development. There was certainly not an AAR which is their zoning. Mr. Mobley has a proposed development for 300+ lots on High Falls Road. He asked Mr. Mobley what he feels is reasonable signage for that size subdivision. He asked also if it is right to distinguish on the basis of the size of the development.

Mr. Mobley said he felt the size of the development could be the criteria. He did not think he would need a sign this large for his 25 lot subdivision in Sunnyside, but he would like the opportunity to put out signs. He knows the ordinance needs work.

Kelly Butler – 1219 Jordan Hill Road

Ms. Butler said she had a question. She saw one sign for the golf course. It is going to extend across Jordan Hill Road and she wanted to know about the signage. She heard the golf carts are going under Jordan Hill Road.

Mr. Vitey said the golf course will be completely within the boundaries of the property and will not extend to the other side of Jordan Hill Road.

Mr. Taylor said this development is of a size and complexity larger than they normally see. Signage needs differ from development size to development size. However, the present sign ordinance is very narrow in its definition of criteria for which sign variances are granted. The staff is bound by those criteria. In review of the criteria for variances, most are dealing with hardship. Staff does not have the flexibility the Board has in viewing the requests, because they have to stick to the “letter of the law” as far as the criteria is concerned. In reviewing the criteria, they recommend denial.

The Board raised the issue regarding when the sign ordinance was going to be amended.

Mr. Galloway said they have identified three or four existing sign ordinances from other jurisdictions which have passed constitutional “muster” in response to constitutional challenges to be used as a guideline. They will have to choose between those and then prepare a draft. He has several priorities that take precedent over this unless that list is modified. Some consideration has to be given to budgeted funds for legal work. The Board could direct him to work on the sign ordinance next, and he would honor that directive. He could have a draft in 30 to 60 days, but he would not anticipate the ordinance would be adopted on the first draft. It would have to go through a workshop and discussed in some detail.

Mr. Cain asked Mr. Vitey when they would be ready for the homeowners to start looking at houses.

Mr. Vitey said they will be ready to sell in July. However, they are receiving telephone calls from potential residents who have gotten lost trying to locate the development. They have had 10,000 people that have expressed interest in the community. It is important that they be able to find the location without getting lost.

Mr. McCallum said he would prefer to table this application for 30 to 60 days to allow them to work on a new sign ordinance. He does understand they need the signs now, but they have turned applications down for being a few feet over the ordinance and this is obviously way over the allowed size.

Mr. Vitey said the signs are very important to the success of the development, and the time frame would be very difficult for them to be able to open the community to ensure its early success. Tabling would be very, very detrimental to this development. The signage is consistent with what they do in all of their developments.

Ms. Phinazee questioned whether or not it would be possible to work with staff and make the signs a little smaller.

Mr. Vitey said they would do what they need to do, but the signs do need to be of a size to be effective.

Mr. Taylor said the off-site temporary signage is proposed at 32 SF, one version is 11'3" high and the other is 7'3" high. He said it would be up to the Appeals Board to determine an appropriate size. They will enforce what they are directed to enforce. He went over the ordinance and the signage that is allowed. The Appeals Board can approve portions of this application at their discretion.

Mr. Galloway asked Mr. Vitey if a new ordinance is approved and the signs that are approved do not meet the new criteria, would there be a problem with them removing the signs.

Mr. Vitey said if he is speaking of the temporary directional signs, he could cooperate on that portion of the sign ordinance. He said he would prefer that the new ordinance allow what is being requested. They would like to have the entry signs approved and know that it is a permanent approval.

Mr. McCallum asked if he could substitute a temporary sign for the monument signs until a new sign ordinance could be drafted.

Mr. Vitey said they could except for the entrance signs into the community. He would like to have the main entry monument sign approved. The other entrance signs could be of a temporary nature. Additionally, the internal signs within the community are very important. They are prepared to begin putting up those signs.

MOTION

Mr. Cain made a motion to approve Application #07-11V as filed. Ms. Phinazee seconded the motion.

Mr. Hardwick said his feeling is that when this development was approved this is something that was included. He does not feel the operation should be hampered because we are behind on the development of a sign ordinance. Either we go for this or we do not go for this. He understands that there were some comments from Mr. Mobley regarding

the fact that the size of signage should be based on the size of the development. The present sign ordinance did not address anything of this magnitude at the time it was approved. We should not hamper this development just because we do not want to put up some signs. He asked if this is something staff can work with.

Mr. Taylor said he thinks the application is very specific, and he feels they understand the intent of the application.

Ms. Phinazee said she thinks the developers are “bending over backwards” to work with the community and she thinks the County should do the same.

Mr. McCallum questioned what was going to happen when an application is filed that is 5 SF over the commercial sign ordinance or an application for a smaller subdivision is over the current ordinance.

Ms. Phinazee said there is one thing that the Board does. They tell whoever steps to the podium that we handle one request and one case at a time. If we just continue to do that, we will be all right.

Mr. Hardwick said if we use an equivalency to rule on any applications, we will do okay. We do not want to get into a situation where we are saying okay here and it is not okay there. If we deal with each application on an individual basis relative to size, it will be okay.

MOTION – VOTE

The motion passed with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. McCallum voting against.

MINUTES

Ms. Phinazee made a motion, seconded by Mr. Perdue, to approve the minutes of the March 8, 2007 meeting. The motion passed Mr. Cain, Mr. Ingram, Mr. Hardwick, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. McCallum abstaining because he was not present.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder