

SPALDING COUNTY APPEALS BOARD
Regular Meeting
May 10, 2007

The Spalding County Appeals Board held its regular monthly meeting on May 10, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, 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.

Application #07-12V: Quality Craft Homebuilders, Inc., Owner – 204 Rocky Creek Drive (Lot 49 - .502 acres locate in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard depth and minimum lot width in the R-4 District.

Application #07-13V: Quality Craft Homebuilders, Inc., Owner – 207 Rocky Creek Drive (Lot 50 - .540 acres locate in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard depth and minimum lot width in the R-4 District.

Application #07-14V: Quality Craft Homebuilders, Inc., Owner – 205 Rocky Creek Drive (Lot 51 - .955 acres locate in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard depth and minimum lot width in the R-4 District.

MOTION

Mr. McCallum made a motion to amend the agenda to consider Applications #07-12V, #07-13V and #07-14V together and vote individually. 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.

No one was present to address these applications.

MOTION

Mr. McCallum made a motion to table Application #07-12V until the next meeting. The motion passed on a second by Mr. Ingram with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

MOTION

Mr. McCallum made a motion to table Application #07-13V until the next meeting. The motion passed on a second by Mr. Ingram with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

MOTION

Mr. McCallum made a motion to table Application #07-14V until the next meeting. The motion passed on a second by Mr. Ingram with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-15V: Michael Robertson, Owner – Total Dwellings, Inc., Agent – 3017 Sarah Lane (1 acre located in Land Lot 22 of the 3rd Land District) – requesting a Variance from Architectural Design Criteria within the Country Club Design in the R-4 District.

Michael Robertson – 3017 Sarah Lane

Mr. Robertson said on the Country Club design, three different cement products, rock, brick or stucco have been specified. He would like to have a variance to have Hardiplank around the front part area with cedar shakes on the two gables and stone as pictured on the proposed design he gave the Board for their review.

Discussion was held regarding the homes that are already built in the area.

Mr. Taylor said the staff recommendation is for approval.

Mr. Hardwick asked if there is anything that needs to be incorporation into the motion to assure that certain guidelines are followed.

Mr. Jacobs said that his recommendation is that the builder submits an elevation indicating the location of the shingles, stone and Hardiplank to avoid any misunderstanding. Mr. Robertson said it would not be a problem for him.

MOTION

Mr. Cain made a motion to approve Application #07-15V conditioned on the developer submitting an elevation prior to construction. 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 #07-16S: Anthony F. Jolley, Owner – Markland Management, LLC, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2nd Land District) – requesting a Special Exception to allow one (1) acre lots (Country Club Design) in the R-1 District.

Mark McCullough – 1805 Futral Road

Mr. McCullough said this property in on Macon Road toward Orchard Hill. He identified the property on a map that was provided. There is a large natural buffer surrounding the property. They plan is to cut a road within the open field so they will not have to disturb the natural buffer. To accomplish this, they have to have a variance from the lot size requirements. The lots will have to be a significantly smaller. They plan to have 23 homes on the 23 acres. The lots will be approximately ½ acre. He had pictures of the homes that are examples of what they propose to put on the lots. The zoning they are

requesting requires 2000 SF minimum home, and they propose a minimum of 2200 SF with conditions and covenants to assure the homes are built like the pictures he has brought. They will work with the County Club criteria.

Mr. Hardwick said the pictures are fine, but they were not incorporated in the information the members received. They do not have anything to show what is planned for the development. He further noticed that there are no plans for the amenities required for the County Club design.

Mr. McCullough said they have plans for the amenities which will include a small club house, walking trails and probably sidewalks. He said, regarding the house plans, he looked at the application and the check list and this needs to be added to the check list if it is a requirement. He was not aware of this requirement when he made the application.

Mr. Hardwick said the Board needs something, because if the Board varies from the ordinance, it has to be very exacting because that is what they will use to approve the application.

Mr. McCullough said he would be happy to submit the photos as the type houses they will be building in the development.

Mr. Hardwick inquired about the plans for the club house and other amenities.

Mr. McCullough said his understanding is that it will all be a part of the subdivision process.

Mr. McCallum said it appears that lot 14 will encroach on the 25-foot stream buffer.

Mr. McCullough said it might go right up to the edge. They will locate that when they get into the concept plan when the lot size is addressed. He is willing to do all of that but he was not aware it is required.

Mr. Hardwick said the Board needs to have something definite to be able to vote.

Mr. McCullough said he understood. There is a lot more land out Macon Road, and he is certain there will be a lot more applications.

David Powers – 1900 Macon Road

Mr. Powers said he and Mr. Watson own the tract of land adjacent to this property on the south side. They do not have anything against the development. He does have a question. His property is landlocked. They have an easement across Mr. Jolley's property but not on this tract. They are on well water. If a subdivision is allowed, if the groundwater becomes bad, how do they get city water?

Mr. Taylor said that any conditions generally apply to the property that is up for rezoning. He is not certain that conditions can be imposed on property that is not up for

rezoning or special exception approval. The issue of the water line is something that the property owners will have to work out between themselves.

Mr. Galloway said he would generally consider this to be a private easement matter. There are equitable provisions in Georgia law for access to get to frontage and utilities where a person's property is landlocked if the property owner does not agree. He recommends that the parties meet to attempt to resolve this prior to it going to the County Commission.

Mr. Jolley said he had no problem with the easement and will work with Mr. Powers.

Charles Doughtie – 2130 Macon Road

Mr. Doughtie said when he first heard about this development, he questioned whether or not another development is needed. Is it going to be another vinyl siding, small home development? Mr. McCullough visited him and showed him pictures of some of the homes he is planning to build. He likes the house designs. He has been assured they will increase the house size to 2200 SF. He can support what he has seen and is encouraged that the County will monitor this development. He does not know what will happen if this is not approved and someone comes with another plan. He is concerned about the houses being built right on his property line. The green space is a great idea. He purchased his property 20 years ago and has maintained the natural habitat, and it is a natural occurrence to see wild animals running around his place. He hates to see this disturbed at this point in time. He has smaller lots designed which will increase the possibility of animal habitat and will help maintain his privacy.

Mr. Taylor said there are still requirements missing that are needed to apply for the Country Club Subdivision which Mr. McCullough has not furnished. Details on the house design and amenities were requested well ahead of the report being written or the information being furnished to the members of the Board. The material was not received. At this time, he is unable to confirm whether or not the design of the subdivision, the design of the houses or the amenities would meet the requirements. The lot size itself dictates a zero lot line condominium, because the one-acre lot special exception does not apply to what he has requested. The most important factor in the recommendation from staff is the future land use map of this area. There is always concern regarding the density stretching along the major roadways. The land use map was crafted very carefully so Orchard Hill and Griffin would not grow together because density along roadways and land use intensity along the roadways will ultimately generate inefficiency in the provision of services such as roads, fire protection and law enforcement. The more compact the area the better it is from an efficiency standpoint. What you see between Orchard Hill and Griffin are several lots that are shown as future agricultural. In Orchard Hill and the higher density areas in Orchard Hill there are estate size lots which have a density of one unit for every five acres. The density for this property is one unit for every three acres. The staff cautions the Board against approving development that is not in keeping with the future land use map. This is not the only property along Macon Road that is interested in developing at a higher density than proposed by the future land use map. It is feared that this will start a trend. There was an application for a

townhouse development that was recommended for denial and the project has not materialized. They indicated they were going to try to bring a conservation subdivision design but it appears it is not going to move forward. With the future land use map and the comprehensive plan in mind, the staff recommendation is for denial of this application.

Mr. McCallum said the 400 SF club house that is proposed is inadequate for this development. He questioned what size is recommended.

Mr. Taylor said the County does not have a standard. This is a small subdivision but you need room for people to be able to use the club house.

Mr. McCullough said this proposal is not as dense as the application for the town homes. This will set the standard for future development with less density and larger homes. He said, regarding submitting the plans and details, he was not requested to submit those. He would have done it gladly. Mr. Jolley is very concerned about the style of the homes and they reached an agreement with him. He will be the closest to this area. They have always known what style homes they are going to build and would have provided that information.

Ms. Phinazee said she visited the site and it is a beautiful piece of property from Macon Road. From the map, the wetlands seem close. She asked if there would be a disturbance to the wetlands that would cause it to shift or change.

Mr. Taylor said this is a concept plan and it appears there will be no disturbance of the wetlands.

Mr. Galloway said the requirements for the design are in the ordinance. The developer should not have to be told to read the ordinance.

MOTION

Mr. Cain made a motion to approve Application #07-16S provided he meets the criteria on the home designs. The motion failed for lack of a second.

MOTION

Mr. Ingram made a motion to deny Application #07-16S. Ms. Phinazee seconded the motion.

Mr. Hardwick said he would like to have more information prior to voting on this application. He wants to see the specific house designs that will be used and drawings for the proposed amenities. He has further concerns regarding the violation of the future land use map for this area. The plan for this area is not this type dense development.

Mr. Ingram said one reason he is voting for denial is the precedent setting density issue for this area.

Mr. Ingram reminded the members that this vote is for a recommendation to the Board of Commissioners.

MOTION (vote)

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

MOTION

Mr. McCallum made a motion to table Application #07-16S until the applicant submits to the staff plans for house elevations, clubhouse elevations, playground design, addresses the square footage for the clubhouse and addresses lot 14 regarding the building line intruding into the stream buffer. 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.

Mr. Taylor said the applicant for the first three items on the agenda that were tabled had arrived and the Board might like to consider lifting them from the table.

MOTION

Mr. McCallum made a motion to lift Applications #07-12V, #07-13V and #07-14V from the table. 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 #07-12V: Quality Craft Homebuilders, Inc., Owner – 204 Rocky Creek Drive (Lot 49 - .502 acres locate in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard depth and minimum lot width in the R-4 District.

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Application #07-14V: Quality Craft Homebuilders, Inc., Owner – 205 Rocky Creek Drive (Lot 51 - .955 acres locate in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard depth and minimum lot width in the R-4 District.

These applications were discussed together and voted separately.

Reid Fagler – 922 Highway 81 East – McDonough, Georgia

Mr. Fagler said he has topographical issues with these lots. The lots slope dramatically at the rear of the property. If the houses are built on the present building line, two of the lots would not be useable. If they can move the houses forward, it would allow him to use the lots.

Discussion was held regarding this application and whether there might be an alternative to moving the building lines.

Mr. Taylor said this problem is fairly indicative of the Autumn Ridge Subdivision. Construction plans were approved in 2000, and it is not a very good subdivision design and it has left a lot of the lots with some severe topographical problems. Looking at the application, granting the variance will not make the houses too out of line with the surrounding houses. The recommendation is for approval.

MOTION

Mr. McCallum made a motion to approve Application #07-12V. 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.

MOTION

Mr. McCallum made a motion to approve Application #07-13V. 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.

MOTION

Mr. McCallum made a motion to approve Application #07-14V. 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.

MINUTES

Ms. Phinazee made a motion, seconded by Mr. McCallum, to approve the minutes of the April 11, 2007 meeting. The motion passed with Mr. Cain, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

ADJOURN

The meeting was adjourned on a motion by Mr. Perdue and a second by Ms. Phinazee 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