

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**June 14, 2007**

The Spalding County Appeals Board held its regular monthly meeting on June 14, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Richard Ingram; JoAnne Phinazee and Allan McCallum. Shawn Cain and Charles Perdue were 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 application's to come forward and sign the request form.

**Application #07-16S: Lift from the table** – Anthony F. Jolley, Owner – Markland Management, LLC, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to condominium dwelling, patio dwelling or cluster dwellings meeting development standards in the R-1 District.

**MOTION**

Mr. McCallum made a motion to lift Application #07-16S from the table. The motion passed on a second by Ms. Phinazee with Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

Dick Mullins – 676 Brook Circle

Mr. Mullis said he was present to represent the applicant. This application is for development of a subdivision. There would be one cul-de-sac street with 23 homes. The homes would be a minimum of 2200 SF. There would be a walking trail all the way around the development with a pavilion type club house and a playground. The lots would be approximately ½ acre each with 13 acres in home development and 10 acres in commons area. They want a County Club type development with traditional type design houses. He showed the proposed house designs and the proposed club house design. It is proposed that the homes would sell for between \$285,000 and \$325,000. There are two streams on the property which would prevent development of the property except in the proposed area. There is little development on the south side with this level of quality. He discussed the other developments in that area and stated that this development would upgrade the area.

Charlie Doughtie – 2130 Macon Road

Mr. Doughtie said he wanted to apologize to the Board and the applicants. At the last meeting, he thought he explained himself but evidently did not do a very good job. It has been conveyed to him that he is 100% in support of making the change to this property. He is in favor of leaving the property as it is, but if it is going to be changed, this is the

minimum that it should be changed. Several people have questioned his support. He does not really want to see this change. If they do what they have proposed, he could live with it; he does not want to but he could. To clarify his position, he wants to say that he is against any change and let the Board work with that. He apologized again for the confusion. He would like to eventually develop his property, but it would be for four to five or six acre lots to family and friends. He does not want more houses than that.

Mr. Taylor said the staff report was given at the last meeting, and it has been updated with the additional information furnished. The Board requested further information from the developer which has been furnished. He turned the meeting over to Mr. Jacobs to discuss the information furnished.

Mr. Jacobs said they do have the additional information on file. Mr. McCullough has provided the club house design and playground design. The housing elevations are the same as those shown at the previous meeting. They are in the traditional theme and are not consistent with the County Club theme. Should there be a recommendation for approval, they will have to apply for a variance for the architectural design and for the cul-de-sac length. This completes the application. The staff recommendation remains the same for denial of the application.

Mr. Hardwick said as the future expansion of Griffin continues Highway 41 is going to become one of the main thoroughfares. He is afraid that if this precedent is set, it will become just like Highway 155 to McDonough.

#### **MOTION**

Mr. Ingram made a motion to deny Application #07-16S. The motion passed on a second by Mr. Hardwick with Mr. Hardwick, Mr. Ingram and Ms. Phinazee voting for the motion and Mr. McCallum voting against.

Mr. Taylor advised that the County Commission will have the final vote on this application. It will go to the Commission with the recommendation for denial from the Appeals Board.

**Application #07-17S:** Beverly E. Munson, Owner – Ideal Homes of Griffin, Agent – 800 Bailey Jester Road (7.6082 acres located in Land Lot 9 and 113 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Tom Ross – Ideal Homes – 101 Moreland Road

Mr. Ross said he had been contacted by Ms. Munson and her daughter, Rebecca Jones, with their desire to place a manufactured home on a parcel of land at 800 Bailey Jester Road. There had been a manufactured home on the property that was removed in 2005. The customer wants to put a manufactured home on the property that meets the County requirements. It will be connected to the present well and septic tank on the property. It will sit back 164 feet off the road behind two rows of trees. As you drive by, you will hardly see the roof line of the home, because the home will sit on a terraced area that is

considerably lower than the road itself. It will be fairly benign and obscured by the trees. The staff has done a lot of work on the application. He has also investigated the area. He went to the tax assessor's web-site, pin-pointed the property and did a survey of a ½ mile radius around the property. He found that there are 16 manufactured homes, 21 site-built homes and 20 vacant parcels. That could vary depending on which parcels you include in the ½ mile radius. The homes in the area vary. The age of the manufactured homes falls between 1984 and 1999. The preponderance of the homes are less than 20 years old in the area. There are 6 or 7 site-built homes that have been built since the year 2000. About a quarter of a mile down Bailey Jester Road is the dump site. To place a manufactured home on this site, which previously had a manufactured home, would be consistent with the area. It would not be out of place and would not be a problem. It is not clear to him that there is a preponderance of site-built homes in the area. He tried to visit the 21 site-built home owners in the area. He had a prepared letter requesting them to respond regarding whether or not they object to a manufactured home on this tract. He was only able to deliver 15 of the letters and received five responses. Three of the five do not oppose the home; two of the five oppose it. The two that are in opposition live on Wani Road. This will be a good addition to the area and will replace a manufactured home that was already there. The home that was previously there was repossessed. The difference with this home on the property is that the financing will be such that the deed ties the land to the home, and if there is non-payment, the home will be re-sold as with the property included. The value of the land and the home will be in the \$70,000 to \$80,000 price range. Ms. Munson is the property owner and is selling the land to her daughter.

Brian Gunter – 850 Bailey Jester Road

Mr. Gunter said, in spite of what Mr. Ross has said, the dump is more than a mile down the road. He has clocked the distance. He has 44 acres of land directly across the road from this site and has road frontage of 1280 feet. He purchased a repossessed house at the courthouse and is currently living there. He has plans to build a 3000 SF home on a site that is on a hill on the 44 acres. He will have a direct line of site to this manufactured home. The name that was on the repossession of the manufactured home on the property is the same as the applicant. It was in shabby shape when they took everything away. He is required to build a stick-built house on his property. Why is everyone else not required to do that? He knows the rules and everyone else should know the rules. His property taxes go up every year and now you are discussing putting up trailers and does that mean you are going to reduce his property taxes? If you are going to change the zoning, change it for the whole County. Don't give them an exception just because someone wants a special exception in a particular place. He wants to keep it fair for everyone. They can't get the Sheriff to control the speed. You are going to make a trashier area by putting in trailers. He is having enough trouble getting the Sheriff to patrol the area as it is. They want a \$70,000 home and he is planning on building a home in excess of \$200,000. One of the houses he mentioned on Wani Road is the next 800 feet of road frontage on Bailey Jester Road. Their house faces Bailey Jester Road but their driveway is on Wani Road. There are a number of people that oppose this. He works in Atlanta but pays his property tax in Spalding County and pays sales tax in Spalding County. He

recently spent \$90,000 on building materials to put up things on his property. He does not want to live in a dumpy area.

Mr. Hardwick advised Mr. Gunter that this property is not zoned for a mobile home. The Appeals Board is a way to request for the zoning to be overridden.

Rebecca Jones Kilby – 855 Bailey Jester Road

Ms. Kilby said her mother purchased this land on the auction block from Mr. Hughly who had repossessed from her stepson in 2005. She is trying to help her and her two boys out. She married in April and is expecting another baby in November. This would be her first home and she cannot afford a \$120,000 to \$130,000 home. This will be back on the lot in a terraced area with two rows of trees in front. This was the same location of the previous manufactured home. Neither she nor her mother can be responsible for what her stepbrother did regarding the trashiness of the place. They are trying to clean it up but it is very hard to do. She just wants to have a place her boys can call their own. She is living in a one-bedroom apartment at the present time, and she needs something better than that for her children and she cannot afford anything better.

Mr. Ross said that the interesting thing about this discussion that has always fascinated him is that if he were to put a manufactured home, or a modular home or a stick-built home that were all designed exactly the same he guarantees nobody in the room would be able to tell the difference. The connotation, because it is built in a factory, has such a dark cloud hanging over it, it amazes him. It is built substantially; it is a good structural build. The fear factor is not so much the structure as it is the people that live in them. That is what he keeps hearing in all his travels. It is the association of a certain type person that lives in manufactured homes as opposed to those that live in a site-build home. The people that he talked to on Wani Road that are opposed to this, their site built home was not very appealing; it was not kept up; it was pretty trashy.

Mr. Gunter said he does not mean to cause pain. He is a real good neighbor. He will help people build things. He would be able to tell the difference in a manufactured home and a site-build home. He has built his own barn and his own shop, and he can tell the difference. His main concern is property values.

Chad Kilby – 865 Bailey Jester Road

Mr. Kilby said he is present to support his wife. He understands where the neighbors are coming from. He is a clean person and wants to get the place cleaned up and maybe do some landscaping and straighten the place up so it is not looking so bad for them. He wants his children to grow up out in the country instead of in the city. He wants them to be able to play without being in danger and without getting hurt and without crime.

Jeff Clive – 944 Bailey Jester Road

Mr. Clive said he feels bad. He worked hard for his home and the land and it is an investment for him. He is concerned this will bring his property value down, and he is not for it. His taxes are not going down. It is not personal.

Mr. Taylor said the zoning ordinance has some clear and concise criteria that are applied for applications for manufactured homes in AR-1 properties. The criteria is found in Section 413:G of the ordinance. When you review the criteria, the application does not meet the criteria, and the staff recommendation is for denial.

Ms. Phinazee asked if the landfill had decreased property values.

Mr. Taylor said the County does get complaints from time to time regarding the traffic to and from the landfill, but he does not know whether it has caused a decrease in property values or not.

### **MOTION**

Mr. Ingram made a motion to deny Application #07-17S based on staff recommendation and the concerns regarding the housing value of the site-builts in the area. The motion passed on a second by Mr. McCallum with Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #07-18S:** Jonathan R. Mason and Betty B. Mason, Owners – 100 David Elder Road (5 acres located in Land Lot 100 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Betty Mason – 100 David Elder Road

Ms. Mason said she is trying to open a hair salon in her home. They built the house within the last three years. When they decided to build, she checked the zoning because she wanted to be certain she could have the business in her home and it was permitted. Once she finished the school and got her license, the rules had changed. She is asking for this special exception so she can have the business in the home. She will be the only person working there. They built their home so it would be large enough for her business.

Mr. Taylor said the County changed its way of approving special exceptions of this caliber. When you bring customers to your home under a home occupation, it is basically considered to be a general occupation rather than a minor home occupation such as a home office. The County made the special exception requirements, which requires them to go the Board of Appeals and the County Commission. The staff recommends approval with the condition that the parking for the business be located to the side and rear of the house.

Ms. Mason said she had no problems with the condition. They are presently changing the driveway to the side of the house to comply with the condition.

### **MOTION**

Ms. Phinazee made a motion to approve Application #07-18S with the staff recommended condition. The motion passed on a second by Mr. Ingram with Mr. Hardwick, Mr. Ingram, 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 May 10, 2007 meeting. The motion passed with Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

**ADJOURN**

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

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Doug Hardwick – Chairman

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Yvonne M. Langford - Recorder