

SPALDING COUNTY APPEALS BOARD
Regular Meeting
July 12, 2007

The Spalding County Appeals Board held its regular monthly meeting on July 12, 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. Richard Ingram was not present

Also present were: Charles Taylor, Community Development Director; Chad Jacobs, Senior Planner and Virginia Langford to record the minutes.

Mr. Hardwick called the meeting to order and invited anyone present that was not the applicant and wanting to address the Board on any of the applications to come forward and sign the request form.

Application #07-19S: Jesse C. Johnson, Owner – 2293 North Walkers Mill Road (5 acres located in Land Lot 116 of the 2nd Land District) – requesting a Special Exception to allow a certified medical hardship in the AR-1 District.

Jesse Johnson – 2293 North Walkers Mill Road

Nancy Johnson – 2293 North Walkers Mill Road

Ms. Johnson said they need this special exception because her son had a stroke and is handicapped. He is two years out of the hospital and is not improving. He has to have constant help. The special exception trailer was initially for her mother and father who have now passed away. She wants to keep the trailer for her son so she can take care of him.

Kenneth Brumbelow – 2289 North Walkers Mill Road

Mr. Brumbelow said he lives south of this property. He objects to this application. The mobile home was put there three to three and a half years ago for Mr. Johnson's aging parents. At that time, the community did not object. Both parents are now deceased and this son has been living in the brick home for over two years. This is a three bedroom double-wide trailer that was temporary. Now there is a need for this son to live in that structure. In his opinion, they just don't want to move the trailer per the agreement. This is a nice double-wide that was improved with porches, carport, 500-gallon LP tank and out buildings. They never intended to move the mobile home. This is just an out to keep the trailer. Their son has lived with them for two years. It is de-valuing his property because it is right out his back door.

Larry Conley – 2292 North Walkers Mill Road

Mr. Conley said he lives across the street from the Johnson's. He opposes this application. When the parents moved to the property, he did not object. These are nice people. He has talked with David, their son, on several occasions. Ms. Johnson's father died first. There was no need for David to move into the trailer at that time. He did not live in the trailer because he talked with him and he did not live there. He slept on the couch in the house with his parents. They had turned their living room into a bedroom for him. The house is a three bedroom house with a nice den that could have been turned into a bedroom for him but he sleeps on the couch. Now he needs to live in the trailer. There was no reason when the father died that he could not have moved to the trailer at that time if there was such a great need. How long is this temporary dwelling going to be there? He has no problem with people taking care of their own. She took care of her mother and father and now she needs to take care of her son. Who is going to be

next? They did not want to move the trailer and said there are people in the area that have trailers back to back. The son needs help but the trailer needs to be moved.

Earl Whitworth – 2297 North Walkers Mill Road

Mr. Whitworth said he and his wife live next door to the Johnson's and have no objections to this application. They do whatever they can to help them. He is not present to say they should or should not move the trailer, but he does not have a problem with the situation.

Mr. Taylor said, in reviewing the application and looking at the requirements of the ordinance, they find the application meets the criteria and recommend approval.

Mr. Hardwick said he understands that the ordinance requires the mobile home to be moved within 30 days of the death of the people in residence. The death certificate shows that the mother died on May 1, 2007.

Mr. Hardwick said the doctor's opinion advises that they are within their rights to request the special exception.

MOTION

Mr. McCallum made a motion to approve application #07-19S on recommendation of staff with the modification that the requested use is for a five-year period at which time the applicant will re-apply if the need continues. The motion passed on a second by Ms. Phinazee with Mr. Cain, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Mr. Taylor said he was not certain that the time period could be modified, because it is established by the ordinance but legal counsel will review the recommendation for merit.

Mr. Hardwick advised the Johnson's that this would be forwarded to the County Commission with the recommendation as voted. The County Commission will give consideration on July 26, 2007.

Application #07-20V: Gamal Tawfik, Owner – Justin Bazemore, Agent. – 1908 Kilgore Road 93.19 acres located in Land Lot 119 of the 3rd Land District) – requesting a Variance from minimum front yard setback in the AR-1 District.

Tom Bowen – 7544 Southlake Parkway – Jonesboro, Georgia

Mr. Bowen said he would be speaking on behalf of the applicant. There are two existing houses on this property, side by side. One is on a tract that he has already sold to one sister. The other sister wants to purchase the other house. In order accommodate her and what she can afford to purchase, they need this variance. He showed what they want to do and offered to answer any questions.

Mr. Taylor said the staff recommendation is for approval.

MOTION

Mr. McCallum made a motion to approve Application #07-20V. The motion passed on a second by Mr. Cain with Mr. Cain, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-21V: Union Baptist Church of Griffin, GA, Inc., Owner – 1405 North McDonough Road (34.182 acres located in Land Lot 49 of the 2nd Land District) – requesting a Variance to allow exemption of landscape requirements in the AR-1 District.

Jerry Bowen – 115 Bridget Drive – Hampton, Georgia

Mr. Bowen said they are requesting a variance regarding landscaping on the road frontage on church property. The requirement is that they plant 47 trees. They have planted 39 and have since discovered over a dozen trees that were not recorded on the plat by the civil engineer which would have almost raised the density to the level that they would not have had to plant any trees. What they are requesting is to be exempt from having to plant the trees along the road. The road is a great distance from the church, and they would have no way to water the trees and with the weather conditions they feel they would not live. The gas company has completed running a gas line in the area, and if the trees had been planted, they would have removed them. They have spent over \$5000 in landscaping the area. They will be planting additional trees along the driveway but are requesting that they not have to plant the trees along the road.

Mr. Taylor said the staff recommendation is for approval.

MOTION

Mr. Perdue made a motion to approve Application #07-21V. The motion passed on a second by Ms. Phinazee with Mr. Cain, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-22S: Robert R. Oliver and Jane S. Oliver, Owners – Bill Sloop, Agent – 197 Boynton Road (7 acres located in land Lots 171 and 172 of the 3rd Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Jane Oliver – 197 Boynton Road – Hampton, Georgia

Ms. Oliver said her husband is handicapped, and they are getting on in age and are entertaining the idea of selling their home and moving to something smaller. Mr. Sloop and his wife are interested in purchasing their property but want to make certain that he will be able to have a home occupation at this site.

Bill Sloop – 197 Boynton Road

Mr. Sloop said he is interested in purchasing this property. He blends soaps and all purpose cleaners and sells them. A building is on the property that he would like to use. There are no harmful chemicals; they are all biodegradable. They are very careful, but he cannot guarantee there would be no spills, but the spills would not be harmful to the environment. At the present time, he and one employee are the only ones that would be working there. They mix 500 gallons at a time.

Mr. Taylor said for Mr. Sloop to have the business on this property he would have to live on the site. There can be two additional employees that do not have to live there. He cannot start the business until he lives there.

Blake Yates – 171 Boynton Road

Mr. Yates said he is in a dilemma, because he is going to lose two good neighbors and does not want them to leave with a sour taste in their mouth for him. If he has a new neighbor, he wants to be a good neighbor. He is in the oil business and he knows that MSDS's have a lot of chemicals, and they can look good on the surface, and he would like to think that everything would be good with Mr. Sloop. He seems to be an upstanding gentleman. He will have to rely on Spalding

County to do what they are supposed to do to see the MSDS's and know that everything is on the "up and up". Many times in government something starts in one spot and everything is fine but it then evolves and changes to something else. He is concerned because this shop backs up to his property line. He has a couple of dogs that he lets out to play. He does not want his dogs harmed. He does not want to oppose this because then they would not be good neighbors. He just wants Spalding County to look at this and know that it is good for the community. He also expressed concern regarding setting a precedent.

Mr. Taylor said the County is responsible for enforcing the local ordinance, and Mr. Sloop will be required to adhere to those regulations. If there are environmental issues, they are regulated by EPA at the state level.

Mr. Yates said he will just have to have confidence that Spalding County will do the right thing and that Mr. Sloop will conduct the business as he says he will.

Mr. Taylor said the staff recommendation is for approval.

Mr. McCallum said, based on what Mr. Sloop has stated as the quantity that he mixes, this appears to be more than just a home occupation. He is mixing a lot of soap.

Mr. Taylor said if he is in violation of the home occupation and there are complaints, the approval will be withdrawn.

Mr. Sloop returned for questions. On question, he said he packages in gallon containers and 55-gallon drums. He ships by truck. He is presently manufacturing in Pike County.

MOTION

Mr. McCallum made a motion to deny Application #07-22S. The motion failed for lack of a second.

MOTION

Mr. Cain made a motion to approve Application #07-22S. The motion passed on a second by Ms. Phinazee with Mr. Cain, Mr. Hardwick, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. McCallum voting against.

MINUTES

Ms. Phinazee made a motion, seconded by Mr. McCallum, to approve the minutes of the June 14, 2007 meeting. The motion passed with Mr. Cain, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Perdue abstaining because he was not present.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder