

SPALDING COUNTY APPEALS BOARD
Regular Meeting
September 13, 2007

The Spalding County Appeals Board held its regular monthly meeting on September 13, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Charles Perdue, Vice-Chairman, presiding; Shawn Cain; Michelle Cannon; Richard Ingram and JoAnne Phinazee. Doug Hardwick and Allan McCallum were not present.

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

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

Mr. Perdue said he would like to amend the agenda and consider Applications #07-27V, #07-28V and #07-29V first.

MOTION

Ms. Cannon made a motion to amend the agenda and consider Applications #07-27V, #07-28V and #07-29V first. The motion carried on a second by Mr. Cain, with Mr. Cain Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-27V: Alan R. Mobley, Owner – 118 Woodcrest Drive (4.95 acres located in Land Lot 104 of the 3rd Land District) – requesting a Variance from minimum frontage width on cul-de-sacs in the AR-1 District.

Mr. Taylor said a letter has been received from Mr. Mobley requesting that his application be tabled.

MOTION

Mr. Cain made a motion to table application #07-27V. The motion passed on a second by Ms. Cannon with Mr. Cain, Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-28V: Flanders Farms and Timber, LLC, Owner - S. J. Reeves and Associates, Inc., Agent – 164.49 acres located in Land Lot 90 of the 1st Land District in Spalding County with access from Pike County off Bethany Church Road – requesting a Variance from maximum lot size in the private driveway requirements in the AR-1 District.

Mr. Perdue said there has been a request to table this application

Mr. Taylor said the staff and legal counsel are recommending this application and the following application be tabled because the applicant needs to get approval from Pike County in order to allow access from Pike County to this property. Pike County has tabled the request.

MOTION

Ms. Cannon made a motion to table Application #07-28V. The motion passed on a second by Ms. Phinazee with Mr. Cain, Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-29V: Jesse A. Dallas and Robert E. Dallas III, Owners – S. J. Reeves and Associates, Inc., Agent – 112.81 acres located in Land Lots 90 and 91 of the 1st Land District in Spalding County with access from Pike County off Bethany Church Road – requesting a Variance from maximum lot size in the private driveway requirements in the AR-1 District.

MOTION

Ms. Phinazee made a motion to table application #07-29V. The motion passed on a second by Mr. Ingram with Mr. Cain, Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-24S: James Holtz and Rosemarie Holtz, Owners – 323 Stonewood Drive (0.794 acres located in Land Lot 204 of the 2nd Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

James Holtz – 323 Stonewood Drive
Rosemarie Holtz – 323 Stonewood Drive

Ms. Holtz said this application is so that she can do home childcare.

Mr. Taylor said the staff recommends approval conditioned on the maximum number of children be limited to six in accordance with Spalding County and State of Georgia regulations.

MOTION

Ms. Cannon made a motion to approve Application #07-25V conditioned on the number of children being limited to six. The motion passed on a second by Ms. Phinazee with Mr. Cain, Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #07-25V: Anthony F. Jolley, Owner – Richard Mullins, Agent – Macon Road (23.552 acres located in Land Lot 203 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300’ and from architectural design in the County Club Design Theme in the R-1 District.

Dick Mullins – 676 Brook Circle

Mr. Mullins said he was representing the applicant regarding this application. Mr. Mullins identified the location of the property. He gave the history of the application

regarding the property to date. The increase density was recommended for denial by the Appeals Board but was approved by the County Commission. They have proposed a 20 - lot subdivision. They are making application for a variance regarding cul-de-sac length from 300' to 1000'. The developers additionally want a traditional design neighborhood rather than the County Club design. There are only 20 lots and you cannot develop a Country Club Subdivision will just 20 lots with swimming pool and tennis courts. They are going to a market that would not be interested in those amenities. He has looked at all the building permits in 2007. There have been 190 building permits for single-family dwellings during 2007 with 78 being related to Heron Bay or Sun City. About 41% of all single-family permits have been for outside people not for Spalding County residents. They have looked at some of the Country Club type subdivisions and found that there have been only 13 permits. There is no development like this proposed in Spalding County. He showed the type homes they are proposing. They plan 2200 SF minimum and anticipate they will sell for between \$250,000 and \$325,000. They intend to have a walking trail around the subdivision with 8 or 9 acres of open space. They will build a pavilion. Traffic will not be an issue with only 20 homes. The land-use map is a guide and is designed to be changed to accommodate change as it occurs. This will be only 20 houses, and it does not violate the spirit of the ordinance in that there is great open space, there is privacy, walking trail, close to town, and it is totally different from anything else that is being proposed. It will add ten's of thousand's of dollars to the tax digest.

Ms. Cannon questioned the potential for development of the adjoining properties.

Mr. Jolley said he owns the adjoining property on one side and Mr. Doughtie owns the property on the other side.

Mr. Mullins said this will enhance the potential for development of the adjoining properties, because it will add value to that side of town.

Ms. Cannon said she sees the potential, if this is approved, for cul-de-sac development all along Old Macon Road. She is afraid this will not be the best for traffic flow.

Mr. Mullins said he does see this as a problem and identified subdivisions with one way in and one way out development. This is not a large enough piece of property to develop anyway except cul-de-sac. This will not create any traffic problems.

Ms. Cannon said she likes the design and layout except for the cul-de-sac.

Mr. Taylor said the decision made tonight does not address the land-use map. The only thing being considered is the house design and the cul-de-sac length. The staff is not satisfied that there are not alternative designs that will avoid a variance, or if a variance is necessary, they may not be able to remedy the one way in and one way out in the future with adjacent development. The Staff recommendation is for denial. They feel almost certain they will have future development on two sides of the property. With the change in the land-use map at the County Commission meeting, there has been an indication that

some of the adjacent property will be developed. With this potential, some consideration should be given to tie the properties together with a road design.

Mr. Cain asked why you would want to tie in such a nice subdivision with a subdivision with something completely opposite. It looks like it would hurt the County not knowing what the future development will be.

Mr. Taylor said a lot has changed in the ordinance regarding the quality and what gets built since the approval of Deer Creek. A lot has been changed since Autumn Ridge which is certainly a step up from Deer Creek.

Mr. Mullins said the real question is whether or not it is good for the County and this will be good for the County.

MOTION

Mr. Cain made a motion to approve Application #07-25V. There was no second.

MOTION

Ms. Cannon made a motion to approve the change from the Country Club design to the traditional design and deny the cul-de-sac extension. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. Cain voting against.

Mr. Mullins said there will be no subdivision without the cul-de-sac. He requested reconsideration of Mr. Cain's motion.

No further action was taken.

Application #07-26V: O'Dell Park, LLC, Owner – 205 and 209 O'Dell Road (2.05 acres located in LL 227 of the 2nd Land District) – requesting a Variance from required buffer in the Commercial and Industrial Districts.

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said this is a commercial piece of property with residential use in the area. The building will be used as an office/warehouse. He and his sons want to put a privacy fence to shield the view for the neighbors. The staff has recommended that they put the fence 15' from the line, and they want to put the fence right on the line. They want to put shrubbery to shield the fence from view. He identified the site on a map. They want to put up a 6' wooden privacy fence with plantings on both sides of the fence.

Mr. Pruitt said his son Chad Pruitt has been handling this request and was not able to be present. He showed a landscape plan and discussed the plan that his son who is a landscape architect had prepared.

Joe Maddox – 1306 Lakeshore Drive

Mr. Maddox identified his home on the map. He is concerned about living adjacent to commercial. They want to be certain they do the landscaping as proposed. He wants to be certain the front is heavily wooded with the green space and grass, shrubs and trees to make it look more residential. They do not want this to impact their home values. There is a lot of residential property in the area so he does not see the area changing immediately to commercial.

Mr. Pruitt said the front of the property will be brick. They plan that the sides will be heavily vegetated and should not be seen.

Mr. Maddox said they are not present in opposition but does want their concerns considered. He would like to have a berm that would hide the front parking area.

Emil Schultz – 202 O'Dell Road

Mr. Schultz said he and his wife purchased their property in 1967. They built their home in 1978. The property is across the street from this property. He has 220 feet of road frontage. Whatever is placed on this property will be visible from all the rooms of his house except for a couple of rooms on the back of his house. This property is surrounded with residential development. His objections have been reduced since he has seen what is planned with the fence and Leland Cypress and other vegetation. He likes the idea of the berm and it will shield the parking lot and make a more pleasant view from his house. He would like to establish a precedent that all subsequent buildings in the area would be set back the same amount to give this a more residential look for future development. This is a much better plan that he anticipated.

Mr. Taylor said to make anything that is discussed enforceable they will have to be made as part of the motion. He sees the trees are shown only on one side of the property line.

Mr. Pruitt said they want to make the fence on the property line with the trees on both sides of the line all the way to the wooded area.

Mr. Taylor said the reason for making the fence with the buffer on the outside of the fence is so the neighbors are looking at landscaping rather than the fence. One thing regarding fences on the property line is that if the adjacent property owner does not allow access on their property there is no way to maintain the fence. Privacy fences can be unsightly if not maintained. They do not recommend that fences go beyond the front setback of the building. That is not the best curb appeal for viewers that are driving past the facility. They recommend terminating the privacy fence at the setback and continuing the vegetation beyond that point. They recommend mixing the plants and not just using the Leyland Cypress. The trees that work well for screening and buffering are Leyland Cypress, Wax Myrtle, American Holly, Foster Holly or Dwarf Magnolias. They should be of a height of at least six feet. Mr. Taylor said the recommendation is for conditional approval.

Mr. Pruitt said he does not have a problem with the fence being off the property line a few inches. They will make certain that it is within their property allowing for plantings to screen the fence. He asked if approval could be given conditioned on staff approval of a landscaping plan.

Ms. Phinazee asked if there was some way the fence could be omitted.

Mr. Taylor said the fence will serve a purpose on the sides and rear of the building because it gives opacity where there is space between the trees.

Mr. Pruitt said if they do not have to put up the fence, they will be able to spend more on the landscaping.

Mr. Jacobs said he did not see a problem with omitting the fence if an agreement can be reached regarding sufficient plantings to screen the building. He asked if it can be approved so that they will have to do a landscaping plan acceptable to staff.

Mr. Pruitt said it would be acceptable to require a landscaping plan to be approved by the staff, and he would be willing for the neighbors to look over the plan also.

The neighbors in attendance said they did not have any objections to not requiring the fence.

MOTION

Mr. Ingram made a motion to approve Application #07-26V conditioned on a brick front, 3' berm and 3" caliper trees. Additionally, the applicant will be required to furnish a landscaping plan acceptable to the staff. The motion passed on a second by Mr. Cain with Mr. Cain, Ms. Cannon, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

MINUTES

Ms. Cannon made a motion, seconded by Ms. Phinazee, to approve the minutes of the August 9, 2007 meeting. The motion passed with Ms. Cannon, Mr. Ingram, Mr. Perdue, and Ms. Phinazee voting for the motion and Mr. Cain abstaining because he was not present.

ADJOURN

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

Charles Perdue – Vice-Chairman

Yvonne M. Langford - Recorder