

SPALDING COUNTY APPEALS BOARD
Regular Meeting
October 11, 2007

The Spalding County Appeals Board held its regular monthly meeting on October 11, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; Charles Perdue and JoAnne Phinazee. Shawn Cain, Richard Ingram and Allan McCallum were not present.

Also present were: Charles Taylor, Community Development Director; Chad Jacobs, Senior Planner; Newton Galloway, Attorney and Virginia 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 #07-26V: O'Dell Park, LLC, Owner – 205 and 209 O'Dell Road (2.05 acres locate in Land Lot 117 of the 2nd Land District) – requesting a Variance from required buffer in Commercial and Industrial Districts.

MOTION

Ms. Phinazee made a motion to move Application #07-26V to the end of the agenda. The motion passed on a second by Mr. Perdue with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

Mr. Taylor said on Applications #07-28V and #07-29V there some issues that remain unresolved and are not ready to be considered. The attorney recommends that they be tabled.

Mr. Galloway said they had met with the applicants and with Pike County. They are trying to get a design for large acreage lots, 25 or 30 acres, that would not require coming off of a private road or coming off from more flag lots. Hopefully there will be some resolution before the next meeting.

Application #07-27V: Lift from the table - 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.

MOTION

Mr. Perdue made a motion to lift Application #07-27V from the table. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

Alan Mobley –

Mr. Mobley said this is part of a 46-acre tract on Manley Road on the Manley Property. They have sold two tracts along Manley Road which leaves them a 31-acre tract and a parcel that has 30' of frontage at the end of Woodcrest. The requirement is 35'. He has purchased additional acreage along Woodcrest. The first two lots are not buildable at all but the third one is with a septic system. He has had the soil study done. He can build on that third lot with a septic system but it is an ugly tract of land and it creates a problem on the first three lots. If he builds a house on the third lot, he would have to sell all the three lots with one house. He is requesting a

variance. He had a drawing of the intended use of the property. He spoke with Mr. Smith who is the adjoining landowner to the east of the property line. He has some concerns regarding the buffer. The land is wooded, and he would deed restrict it for a 50' buffer along the eastern property line to protect the adjoining property.

Danny Smith – 223 Manley Road

Mr. Smith said he is present to get information regarding what will happen to his property. He is concerned about the buffer. He does not know what the criterion is for a buffer, but Mr. Mobley said he would agree to a 50' buffer on the eastern side of his lots. He is further concerned about a stream or creek at the bottom of the hill and wanted to know if there is a buffer for a stream or creek.

Mr. Taylor said if the creek is identified as State water by the County, then a 25' stream buffer will have to be provided adjacent to the banks of the stream. Mr. Taylor commented on what is considered to be State waters.

Mr. Taylor said in reviewing the application, they find that the request does not meet the criteria, and they recommend denial. The drawing that Mr. Mobley has prepared shows the lot as a flag lot. If that was changed, then it would meet the criteria. It is not required that the lot be accessed at that point. The lot could be accessed with a driveway at the end of the street.

Imogene Patrick – 121 Woodcrest Drive

Ms. Patrick said her property is next to where the property is being renovated where he wants to build. She asked how it would affect her property if the road is cut. The stream runs at the very back yard of her property. She is in the cul-de-sac, the dead end.

Mr. Taylor said Mr. Mobley has proposed to build a house next door to Ms. Patrick's property so she will have a new house next to her property. The ordinance requirement is that the lot have 35' of frontage in order to access the property, and Mr. Mobley is requesting a reduction in that frontage from 35' to 30'. If this is denied, it does not appear that it will prevent the house. Mr. Mobley has proposed that he run a property strip behind her property and along the creek down to the intersection, and he will provide his lot frontage down at the bottom end rather than the top end. He does not believe that Mr. Mobley is proposing to run his driveway behind the property if the variance is denied. It is much more likely that the driveway will still come off the end of Woodcrest Road.

Discussion was held regarding the location of the driveway.

MOTION

Ms. Phinazee made a motion to approve Application #07-27V. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

Application #07-28V: Lift from the table - 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.

No action was taken on this application.

Application #07-29V: Lift from the table - 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.

No action was taken on this application.

Application # 07-30S: Tom Spangler, Owner – Harvest Worship Center, Agent – 2280 North McDonough Road (72.28 acres located in Land Lots 111, 110, 115 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel or other place of religious worship meeting development standards in the R-2 District.

Application # 07-31S: Dick B. Spangler, Owner – Harvest Worship Center, Agent – 2290 North McDonough Road (59.93 acres located in Land Lots 111 and 114 of the 2nd Land District) – requesting a Special Exception to allow a church, synagogue, chapel or other place of religious worship meeting development standards in the R-2 District.

Mr. Hardwick said these two applications will be considered together and voted separately.

Tom Spangler – 107 Paul Circle

Mr. Spangler said they have a church group that wants to purchase this land on Highway 155 - McDonough Road. They are requesting approval so they can sell the land to the group.

Charles Penny – 118 North Expressway

Mr. Penny said he is with Paragon Consulting Group. He said a lot of this property is in the flood plain and will not be useful. The area that will be used for the church facilities is approximately 17 acres. The total tract is 132 acres but a lot of the land is not useable. There will be a small parking lot and a modular unit. They may have future expansion plans. There is some property behind this that is out of the flood plain but you would have to cross a stream. The property is heavily wooded and will have to be cleared. They will have to put in a DOT approve standard 24' drive entrance.

Les Chatham – 1979 North Walker Mill Road

Mr. Chatham said he lives at this location with his family. They are not opposing or endorsing. They do not have enough knowledge to know what is happening. The new subdivision, which is to the south of this tract, was approved two years ago. He thought then the nature of the area would be residential. There is a lot of road construction going on along Highway 155 so they were unable to post the sign and he is not aware whether or not the neighbors in the area are aware of this application.

Mr. Jacobs said the sign is out but with the construction it is difficult to see.

Mr. Chatham asked if anyone was present from the church. He has not been able to get any information about the church except that they presently are meeting in a strip shopping center in McDonough, and they have another facility in Rex, Georgia.

Mr. Taylor said the staff recommendation is for conditional approval. The conditions are:

1. The plan needs to incorporate an acceleration/deceleration lane off the highway. DOT will probably require this.

2. Any expansion of the facility or use of the facility will require another special exception.

Mr. Taylor said a modular type church building is being proposed initially. The Board of Commissioner at their meeting last month approved the ordinance that governs architectural design for commercial, industrial and institutional uses such as churches and that ordinance does not allow for modular type buildings for the principal use on the property. In looking at this, they will have to get special approval by the Board of Commissioners for an alternative design if they want to move forward with a modular type building for the initial building.

MOTION

Ms. Phinazee made a motion to approve Application #07-30S with the conditions as recommended by staff. The motion passed on a second by Mr. Perdue with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

MOTION

Ms. Cannon made a motion to approve Application #07-31S with the conditions as recommended by staff. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

Application #07-32V: Griffin-Spalding County Development Authority, Owner – Gray Construction Agent – 121 Hudson Industrial Drive (28.24 acres, more or less, located in Land Lot 212 of the 2nd Land District) – requesting a Variance from maximum building height requirement in the C-2 District.

Mr. Jacobs said Gray Construction is based out of Lexington, Kentucky and is the company doing the engineering work for the project. This is a potential industrial complex in the Hudson Industrial Park. The ordinance has a 65’ height limit and they need 70’ for a couple of pieces of equipment that will be in the facility. They are requesting a height variance from 65’ to 70’.

Mr. Taylor said the staff recommendation is for approval.

MOTION

Mr. Perdue made a motion to approve Application #07-32V. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Perdue, and Ms. Phinazee voting for the motion.

Application #07-26V: O’Dell Park, LLC, Owner – 205 and 209 O’Dell Road (2.05 acres locate in Land Lot 117 of the 2nd Land District) – requesting a Variance from required buffer in Commercial and Industrial Districts.

Mr. Taylor said the applicant has not arrived, but he can represent this application. This variance request was approved last month. The next day the staff was made aware that the wrong date had been posted. Legally this request has to be considered again. The recommendation is to approve the application with the same design criteria that was approved last month. The approval was conditioned on a brick front, 3’ berm with 3” caliper trees. Additionally, the applicant will be required to furnish a landscaping plan acceptable to the staff.

MOTION

Mr. Perdue 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 Ms. Phinazee with Ms. Cannon, Mr. Hardwick, 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 September 13, 2007 meeting. The motion passed with Ms. Cannon, Mr. Perdue, and Ms. Phinazee voting for the motion and Mr. Hardwick abstaining because he was not present.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder