

SPALDING COUNTY APPEALS BOARD
Regular Meeting
November 8, 2007

The Spalding County Appeals Board held its regular monthly meeting on November 8, 2007 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; 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 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. He called attention to the appropriate conduct for conducting business that was posted for those in attendance.

Mr. Hardwick requested a motion to change the order of the agenda so that Application #07-36V would be first on the agenda.

MOTION

Mr. McCallum made a motion to move Application #07-36V to first on the agenda. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee, and Mr. McCallum voting for the motion.

Application #07-36V: Kingston Land Developments, LLC, Owner – Richard L. Mullins, Agent – Lot 18 Kingston Estates (3.61 acres located in Land Lot 169 of the 2nd Land District) – requesting a Variance from driveway requirements within a subdivision in the R-1 District.

Mr. Hardwick said there has been a request to table Application #07-36V until next month's meeting.

MOTION

Mr. Hardwick made a motion to table Application #07-36V until the December meeting. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum 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.

MOTION

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

Mr. Hardwick said Application #07-28V needs to be tabled until all the issues with Pike County have been resolved at which time it will be brought back to the Appeals Board for consideration.

MOTION

Mr. Hardwick made a motion to table Application #07-28V until the issues with Pike County have been resolved. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

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.

MOTION

Mr. Hardwick made a motion to lift Application #07-29V from the table. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

MOTION

Mr. Hardwick made a motion to table Application #07-29V until the issues with Pike County have been resolved. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-33V: Timothy Allbritton and Barbara G. Allbritton, Owners – 2735 South Walkers Mill Road (2acres located in Land Lot 249 of the 2nd Land District) – requesting a Variance from requirement of height of fences in the AR-1 District.

Timothy Allbritton – 2735 South Walkers Mill Road

Mr. Allbritton said they started installation of a fence and was not aware there was a height limit in the County. When they became aware of the height limitations, they ceased the installation and returned the fence to the original construction. The problem is with some Pit Bulls that are a danger particularly with the children and the elderly in the neighborhood. He is bringing that to the attention of the County. People are even afraid to walk up the road. Most of the time there is no one on the premises where the dogs reside, sometimes for days at a time. The people that own the dogs are nice people. The problem is the dogs. They are a vicious breed and hard to control. His mother hates to visit him at his house. The only time she will come is if they raise the garage door and let her drive her car in and she stays in the house. The reason they wanted to raise the fence is that when you go out on his back porch they can see them. There are 30 Pit Bulls. One is chained to every tree in the yard. It is a “loaded gun” with the hammer cocked, waiting to happen. It is going to happen. One is going to get out. He has spent \$7000 in the past month putting video and audio over his whole property because he knows it is going to happen and when it does, he wants the evidence. He has a private investigator that is present for his attorney. There is going to be a problem and he is present to let the County know that someone is going to get hurt. He is not going to raise the fence. Why spend \$10,000 to raise the fence when he can put up two rows of Leland Cypress and do the same thing. He does not need the Variance because he is going to handle this in a different way.

Mr. Taylor said there is no height limitation on Leland Cypress and the request can be withdrawn.

Mr. Allbritton said he wanted to withdraw the application.

Mr. Taylor said Mr. Allbritton should take this issue to the Animal Control office or to the County Manager’s office for help.

Mr. Hardwick advised those that had signed up to address this matter that the application had been withdrawn.

Application #07-34S: Donna I. Taylor, Owner – 93 Wild Plum Road (15.3 acres located in Land Lot 242 of the 2nd Land District) – requesting a Special Exception to increase height of already approved telecommunication tower in the AR-1 District.

Tim Shepherd – 124 North Hill Street

Mr. Shepherd said he was present representing Ms. Taylor. There is approval for a 250' tower on this site. The tower has been moved 70' from the location of the original approved site. The County should have the new site plan. It is planned that this tower will be used for the new 800 Mhz system. This application is for an additional 250' at the same location.

The County is recommending conditions. The County is recommending that FAA approval be furnished. Mr. Bill Taylor has been in discussion with the FAA and will be able to answer any questions. They have approval from the FAA for a 500' tower at the original site that is 70' from the present location. He has verbal approval from the FAA for the adjusted site.

The County further recommends that the height be restrict to 495' and they have no problem with that.

The third recommended condition from the County is regarding interference from the tower. Mr. Art White is present and is a RF Engineer with 40 years experience and presently maintains 18 radio stations. He cannot give the requested certification due to the wording on the third condition from the County. The problem is the word possible. It is possible to have interference from existing towers. What can be said is that there is a way interference problems are be handled when you have two towers in proximity to each other. This is handled by de-tuning the tower. You put up the tower, and if there is interference, you de-tune the tower so that it basically becomes invisible to the other tower. You address the interference rather than say before you put it up no interference is possible.

The fourth condition regarding the Georgia Power relocation can be discussed by Mr. Taylor. They are waiting on Georgia Power to come next week and move their lines. Georgia Power and Mr. Taylor have worked out an agreement that is mutually beneficial to them. When the lines are moved, they are ready to install the additional height.

Discussion was held regarding the interference issue. Mr. White said if interference becomes an issue, you make adjustments to deal with the issue.

Mr. Galloway said they had a discussion regarding this issue prior to the meeting and he will be discussing the County recommendation.

Art White – 806 Natchez Court – Peachtree City

Mr. White said any interference that is caused by the increase height of the tower can be handled by de-tuning. This is a normal procedure every time a tower is installed. Parties owning other towers have the same responsibility to de-tune any directionalization that is causing interference.

Bill Taylor – 1445 Dauset Drive

Mr. Taylor said he was present to answer any questions. He has information from his structural engineer regarding possible failure mechanism due to wind. Should that occur it is likely that the tower would buckle and collapse into itself. They do not anticipate that this would happen due to

the strength of the tower. He has had towers collapse due to ice and they all fell within a 40' radius. It is unlikely that it would fall in a straight line.

This tower site is being improved for the 800 Mhz for Spalding County. Additionally, NACOM has said they are currently having a problem with their site in the Williamson Road area. With the additional height on this tower, they are considering using this to alleviate that problem. They are leasing space on the tower to Spalding County at 1/3 of the usual commercial rate. The County will be installing a separate building for their system.

Edward Powell – 89 Wild Plum Road

Mr. Powell said he lives right beside this site. He has dealt with the different people that have worked on the property, and they absolutely have no objections to approval of this application.

Ted Taylor –

Mr. Taylor said he was doing the work on this site and was present to answer questions.

Mr. Taylor said the staff recommendation is for conditional approval with the following conditions:

1. Applicant will provide verification of FAA approval for the new coordinates of the tower site prior to approving permit.
2. Tower height will be a maximum of 495'.
3. The issue of the radio frequency needs to be resolved prior to the installation of the additional height. The applicant will agree to work with the County and other regulatory agencies to ensure that at 495' the tower will not interfere with any existing towers in the area.
4. Confirmation that Georgia Power is relocating the power lines to get out of the way of the guy wires on site.

Mr. Galloway said he talked with Mr. White prior to the meeting regarding dealing with the radio frequency potential interference. This would be regulated by FCC protocol. If interference is an issue, there should be some protocol established to assure the County that it is resolved. They want to see this and establish a plan prior to consideration by the Board of Commissioners.

MOTION

Mr. McCallum made a motion to approve Application #07-34S with the staff recommendations and Mr. Galloway's modifications. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-35V: Helen E. Poole McMullan, Owner – 112 Big Paw Drive (8.467 acres located in Land Lot 13 of the 3rd Land District) – requesting a Variance from minimum road frontage and lot width in the AR-1 District.

Helen E. Poole McMullan – 374 Oak Crest Drive – Hartwell, Georgia

Ms. McMullan said her first husband died in 2001, and she has since remarried. She wants to be able to make her will to leave her sons this property. In order to be able to do that, she needs to divide the property and needs a variance to accomplish this.

Mr. Taylor said they rarely recommend approval for lot width variances. However, in this case, there are two existing homes on one piece of property and granting the variance would allow the

County the opportunity to get rid of an existing non-conforming use. The staff recommends approval.

MOTION

Mr. Ingram made a motion to approve Application #07-35V. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Ms. Phinazee and Mr. McCallum voting for the motion.

MINUTES

Ms. Cannon made a motion, seconded by Ms. Phinazee, to approve the minutes of the October 11, 2007 meeting. The motion passed with Ms. Cannon, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Ingram abstaining because he was not present.

ADJOURN

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

Doug Hardwick – Chairman

Virginia Langford - Recorder