

SPALDING COUNTY APPEALS BOARD
Regular Meeting
January 10, 2008

The Spalding County Appeals Board held its regular monthly meeting on January 10, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Shawn Cain; Michelle Cannon; Charles Perdue; JoAnne Phinazee and Allan McCallum. Richard Ingram was not present.

Also present were: Chad Jacobs, Senior Planner; Newton Galloway, Attorney and Yvonne Langford to record the minutes. Community Development Director Chuck Taylor was not present at the meeting.

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.

ELECTION OF VICE-CHAIRMAN

Ms. Cannon made a motion to keep the same Vice-Chairman (Mr. Perdue). The motion passed on a second by Mr. McCallum with Mr. Cain, Ms. Cannon, Mr. Hardwick, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Perdue abstaining.

ELECTION OF CHAIRMAN

Mr. Cain made a motion to keep the same Chairman (Mr. Hardwick). The motion passed on a second by Mr. Perdue with Mr. Cain, Ms. Cannon, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Hardwick abstaining.

Application #07-42V: Metro 2000, Owner – Gary Beers, Agent – 5291 Old Atlanta Road (30.98 acres located in Land Lot 108 of the 3rd Land District) – requesting a Variance to bring manufactured homes into Spalding County that exceed the 5-year limit.

Gary Beers – Suite 1 -3 Idlewood Lane - Kittery, Maine 03904

Mr. Beers said he is the agent for Stephen A. Hines, Owner, Metro 2000 LLC. He is the designated owner for Stephen A. Hines South Hampton Mobile Home Community. He introduced Joyce Schwaner as the South Hampton Community manager for the past five years. This request is to install up to 34 used homes more than five years old on the existing vacant lots at South Hampton. Douglas County, Georgia has purchased the land on which Flag View Mobile Home Park is situated in Douglasville adjacent to the County Courthouse in order to build a new prison. There are 190 families residing at Flag View that must move their homes prior to March 31, 2008. Douglas County has engaged an agent to affect the removal. The agent contacted three mobile home park owners near Douglasville to provide relocation assistance and disposition of the homes to those residents including the Hines Group Village located in Austell. They are in the process of purchasing up to 50 of the Flag View homes and providing trade-in or lease/purchase arrangements on 50 new homes already set up at the Village. These very old homes will be salvaged, demolished or sold to brokers in other states. They are also working to arrange for an additional 23 suitable homes, none newer than 2000, to be transported from Flag View to the Village for installation on vacant lots there to fill up that park. Personal property moving and temporary living arrangements are also being provided to those being displaced. The unfortunate part of the equation is that most Flag View units are older than the five years required by the Spalding County Unified Development Ordinance. With the 34 vacant lots available at South Hampton, they would like to purchase that many more of, no earlier than 1996 manufactured homes and set them up in Spalding County. They have not made any purchase of perspective homes for South Hampton at this time understanding the UDO five-year restriction and are

consequently making this appeal in advance because if they do not receive favorable consideration, they would have no place for them to go, and they would not be able to deal with the additional units. The action of Douglas County has created a hardship for the residents there. They are doing all that is possible with what they have there and are seeking an opportunity to do that much more here. If that peculiar situation had not arisen in Douglas County, there would be no plans to bring in homes older than five years for installation at South Hampton. Steve Hines has a solid reputation as a socially responsible developer and mobile home community owner. They respect and have admiration for Mr. Taylor for the ordinance. They firmly believe that their proven track record at South Hampton and the commitment to maintain the standards reflected in the ordinance demonstrates a consistency with the spirit of the ordinance and outright improvement of the public good in Spalding County. Included in the appeal is a background on South Hampton Mobile Home Community which clearly reflects the uniformly positive improvements orchestrated by Ms. Schwaner during her tenure. Community facilities, infrastructure, resident home appearance, self-contained utilities and the public safety welfare environments are significantly better than before she arrived. All of that has been achieved with considerable cooperation, support and continued good favor by County officials. She has also continually improved the quality of existing homes through the metro sales division with purchase and renovation of existing older homes in the community. Her performance and accomplishments there are precisely what Steven Hines asks of their park managers. The purpose and intent of all written and legally established park rules is to promote the character of the parks as peaceful, attractive and enjoyable communities for all residents and to promote order, safety and harmony. The five-year restriction established in 1994 is somewhat arbitrary since he has encountered mobile homes that meet that aspect but are literally bashed. He also noted that the restriction does not apply to older homes being moved within Spalding County. In 2005, several homes older than that were moved into South Hampton, set up and renovated and have been sold or are for sale. Photographs of these homes were distributed to the members of the Board. The true spirit of the UDO is to have well-built solidly maintained and attractively appearing homes and lots in mobile home parks in Spalding County. With 27 parks around the country and several sales divisions representing the best manufacturers in America, Stephen Hines is adamant about maintaining the quality in their communities. Allowing us to bring in these homes, renovating them to the extent necessary with new skirting, decks, landscaping, and keeping them affordable will satisfy the key fundamentals and spirit of the ordinance and under the South Hampton rules continue to assure only positive impact to the public including the increased tax base. He regrets that they cannot specifically identify the 34 hoped for homes because they are not able to make firm commitments to owners at Flag View. He had a prospective list of owners that they would like to commit to but only a few of them have homes that meet the Spalding County criteria. Due to the circumstances and the merits of the appeal, especially due to the discretionary authority of the Board, he is requesting that a one time, unusual circumstance, application be approved.

On question, Mr. Beers gave a calendar of the events that had taken place regarding this purchase by Douglas County.

A discussion was held regarding this application, and it was noted that Mr. Beer's company was purchasing these homes from the people that are being displaced and wants to bring the homes to Spalding County. The people that own the homes will not be moving with their homes. If they want, they can, but the intent is that they will be making other arrangements for housing and are only selling their present mobile home.

Gordon Brown – 86 Minter Drive – Hampton

Mr. Brown said he is representing his 88-year old mother, Mary Frances Brown, for which he has her power of attorney to act in her behalf. She received a letter from Spalding County dated December 17, 2007 advising her, as an adjoining property owner, of this application for a variance request. He owns

50 acres in Henry County as part of the family farm of 145 acres in Spalding and Henry Counties that his parents purchased in 1943. He has owned and operated Brown's Christmas Tree Farm since 1978 at that location. From his residence, 86 Minter Drive, he can see the trailer park. His mother's house at 4313 North Expressway is directly across from the trailer park. The property owners are opposed to this application. In reference to the Spalding County Zoning Ordinance, Section 203T.1, manufactured homes Class B, states that, "The home may not be brought into Spalding County and used as a dwelling if such home was constructed more than five years from date application is requested". Spalding County, in its wisdom, set up the code to prevent old, used, worn out, dilapidated mobile homes older than five years of age from being dumped into our communities. This lowers the tax base for Spalding County as well as lowering its tax paying citizens' property values. He is certain that each of the members of the Board would not want these mobile homes in question moved beside their home. Spalding County should uphold the established ordinances as a minimum and should work to strengthen them when possible to protect property values of expensive single-family dwellings that Spalding County would wish to be located here. This variance request works to lower the tax base for the County as well. As the ordinance is written, South Hampton Mobile Home Community can bring new or used homes less than five years of age into the County to rent without a variance. There are currently 23 mobile home parks located in Spalding County. If you approve this variance, then you could be flooded with the same request from the other 22 mobile home parks. He requested the application be denied. Think about the future of the community and its citizens and not allow someone from out of the County to make a quick profit on renting up to 12-year-old mobile homes.

Chad Jacobs said the staff recommendation is for denial of the application. Granting the variance will cause substantial detriment to the public good and would impair the spirit of the ordinance. Homes were purchased with the knowledge of the existing restrictions. The request dates the proposed homes to sometime after 1995. Of the homes purchased, only the newest should have been included in the request.

MOTION

Mr. McCallum made a motion to deny Application #07-42V. The motion passed on a second by Mr. Cain with Mr. Cain, Ms. Cannon, Mr. Hardwick, Mr. Perdue, 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 December 13, 2007 meeting. The motion passed with Mr. Cain, Ms. Cannon, Mr. Hardwick, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder