

SPALDING COUNTY APPEALS BOARD
Regular Meeting
December 13, 2007

The Spalding County Appeals Board held its regular monthly meeting on December 13, 2007 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; Richard Ingram; Charles Perdue; JoAnne Phinazee and Allan McCallum.

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

Application #07-37V: 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 parking requirements in the C-2 District.

Bradley Pell – 307 Willow Way

Mr. Pell said he was a project engineer representing Gray Construction. This application is for a variance for the parking lot to reduce the number of spaces from approximately 80 that is required to 40. They understand if the variance changes they will be responsible to address the changes by additions to the parking lot.

Mr. Taylor said the staff recommends conditional approval. The parking lot analysis by the company is accurate. They should have sufficient parking spaces with what they propose. There is a benefit to the County to reduce the number of spaces. The impervious surface adds to environmental issues due to storm water runoff, water quality and paved parking adds to the temperature of the immediate area. The condition is that should the use change or the number of employees expand additional parking will be required.

MOTION

Mr. McCallum made a motion to approve Application #07-37V with the condition as recommended by staff. The motion passed on a second by Ms. Phinazee with Mr. Cain, Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-38S: Claude Herbert, Owner – Kathleen E. Hockinson, Agent – 730 Vaughn School Road (3 acres located in Land Lot 51 of the 4th Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Claude Herbert – 422 Pinelea Road

Mr. Herbert presented information regarding his application. In 1995, as a member of the United Methodist Church, he was appointed to Mt. Zion, Hollonville and Vaughn United Methodist Churches. During his association with the churches, they fell in love with Griffin and Spalding County and wanted to be able to retire to this area. They moved and later had an opportunity to

return to Spalding County. When they were in the area the first time, a Mrs. L. B. Norton had told them that if they did return she would consider selling them some land. When they returned, she agreed to allow them to purchase some of her property. When they were having the papers drawn up, the attorney realized the land was in a conservation land program. If they take the land from the conservation program, he would have to pay the additional back taxes, which totaled in excess of \$13,000. He agreed to pay those taxes. He looked into the requirements to be able to build on the land. He found out that the zoning of the land required conventional construction. He had pictures of houses in the area showing conventional construction as well as mobile homes. He proposes to place a manufactured home that will be on a permanent foundation that meets the Spalding County code. It will additionally have a two-car garage attached. The house will have Hardi-Plank. The house will exceed the County requirements.

Donny Corum – 1211 St. Ives – Stockbridge, Georgia

Mr. Corum had information regarding the type home that is being proposed for this site. This product is high-end. They have been working on this proposed product for Mr. Herbert for the last year. It will have a two-car garage, Hardi-Plank, 2280 SF with 5-foot pitch roof system, dry wall throughout, 8' ceilings and ceramic tile. It is not a traditional site-built home but has a lot of the amenities that anyone would enjoy having in their home. He made himself available to answer any questions.

Mr. Taylor said Staff is required to look at very specific criteria to determine whether or not a manufactured home should be allowed on a tract of land. The main focus is what is happening in a one-half mile radius of the area. In investigating the tax records, they found that the area is overwhelmingly dominated by site built houses. There are a few manufactured homes in the area but the trend is toward site-build construction. The staff recommendation is for denial.

MOTION

Mr. Hardwick made a motion to deny Application #07-38S. The motion passed on a second by Mr. Ingram with Mr. Cain, Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinzee and Mr. McCallum voting for the motion.

Application #07-39S: Stephen C. Diffley and Kitty R. Diffley, Owners – Noah's Ark Free Holiness Church, Agent – 1404 Barnesville Road (5.2 acres located in Land Lot 87 of the 3rd Land District) – requesting a Special Exception to allow a church, synagogue, chapel, or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the AR-1 District.

Thomas Williams – 574 St. Andrews Drive – Jackson, Georgia

Mr. Williams said the church is currently located on Noah's Ark Road in Jonesboro. The property is currently for sale. They are requesting approval for a church and a cemetery. They feel they meet the requirements in the zoning ordinance for AR-1 Special Exception. The proposed building is a 40 x 120 that has a drive-through area on the front. The parking meets the required number of spaces. The required 50' buffer is on the plan. They have 36 families represented in the church with 75 to 80 members.

Cheryl Ellis – 1443 Barnesville Road

Ms. Ellis said she is across from the proposed church site. She is concerned about drainage problems, and she would like to know what plans they have to take care of the problem. She is further concerned about the additional traffic. They have trouble getting out of their driveway with some of their farm equipment. This is a farming area and they use fertilizers that have an

odor and there is noise from the equipment. Anyone that comes to the area needs to be aware of the noises and odors that are generated from the farming.

Dorothy Pate – 1435 Barnesville Road

Ms. Pate said she lives directly across the road from the driveway and has the same concerns that Ms. Ellis has just addressed. Some of the farm equipment is as wide as the two-laned roads. Traffic has to be careful. Additionally, there are some beautiful large old trees on the property that she would hate to see cut down and destroyed. She would like to know if there are plans for preservation of the trees and landscaping.

Ida Mae Ellis – 147 Ellis Dairy Road

Ms. Ellis said she has the same concerns already expressed. She is not against building a church but they really need to be aware of the location of the church. This is a completely farm area. They are in the southeast corner of Spalding County. They burned the field across the road from her house on Monday and there is still an odor. If it rains, it will be worse. They have learned to live with it because it is what farmers do. They know there is a lot of dust from the straw and hay. If it rains after chicken liter is put out, the odor is really bad. There are pigs, and when it rains, there is another odor. They do not need to have any complaints from the church. They need to know these things were there first. They can't move in and expect them to close everything down because of them. There is also a very small cemetery in the area with rocks as markers, and it does not need to be disturbed. It is outside of their property.

Bobbie Norwood – 1571 Rehoboth Church Road

Ms. Norwood said she agrees with everything that has been said. One thing that has not been mentioned is the location of the septic lines. There will have to have a lot of line for the number of people.

Kelli Jo Murrell – 1400 Barnesville Road

Ms. Murrell said she lives adjacent to this property. She is concerned because she has horses, and they are a source of revenue for the family. There are odors. The horses are in stalls, which they clean but they use it for compost which does have an odor. They recommend that they put up a privacy fence to keep the children from coming on the property which could be dangerous. They do not want the liability for other children.

Alan Hulsey – 1400 Barnesville Road

Mr. Hulsey said he had nothing else to add.

Mr. Hardwick asked Mr. Taylor for the staff recommendation and requested that he address the concerns regarding the drainage and the septic system.

Mr. Taylor said under the land use of church, there are a number of uses that go with that use such as daycare centers that can be added to the property. This proposal is just for a church at the present time. At this time, there are no other uses under consideration except the cemetery. Once the church is approved, the applicant will be required to bring a site development plan for the property that addresses the issues such as storm water. They will have to provide for a storm water study of the property and the rate of the storm water runoff after development cannot be greater than the runoff prior to development. There are storm water quality requirements that require property owners to filter that runoff in some way before it enters a stream or ditch off site. Those issues will have to be addressed prior to a permit being issued. The County will look at the traffic impact in conjunction with the construction plan, and it may be that the public works department will require acell/decel lanes. The ordinance requires a 25-foot buffer which can be

achieved with a fence, plantings or a combination of the two. They do not usually require privacy fences because they do not have a long life span and the fences often look worse than what they are screening. Landscaping will be addressed with the construction plan. There are a number of things that will be addressed with the construction plan. Staff recommends approval conditioned on any expansion of the facility or use will require additional special exception approval and that an access/decel lane be required due to the size of the church.

MOTION

Ms. Cannon made a motion to approve Application #07-39S with the staff conditions as recommended. The motion passed on a second by Mr. Ingram with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Cain voting against.

Application #07-40V: Cha Young Pattillo, Owner – 537 Maloy Road (2.455 acres located in Land Lot 20 of the 2nd Land District) – requesting a Variance to extend or alter a non-conforming use in the AR-1 District.

Young Cha Patillo – 537 Maloy Road

Mr. Patillo said he was speaking for his son Johnny Pattillo. They are applying to be able to make a 400 to 500 SF addition to their 1200 SF modular home. His mom and dad were taking care of his two brothers that are 37 and 41 and are mentally challenged. His father died three or four years ago. His mother does not drive, and he moved in with his mother to help. He has been sleeping in the living room, and he would like to add an additional bedroom. The addition will be connected via a breezeway.

Mr. Taylor said the staff recommendation is for approval conditioned on the addition matching the exterior of the present structure.

MOTION

Mr. McCallum made a motion to approve Application #07-40V with the condition as recommended by staff. The motion passed on a second by Mr. Perdue with Mr. Cain, Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #07-41V: Anthony F. Jolley, Owner – Richard Mullins, Agent – Macon Road (23.522 acres located in Land Lot 203 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the R-1 District.

Dick Mullins – 676 Brook Circle

Mr. Mullins said this application was presented to the County Commission with a proposal for 23 lots. The Commissioners recommended a reduction to 20 lots, which they did. They brought the application to the Appeals Board to use a traditional design and to have a cul-de-sac that exceeded 300 feet. The Appeals Board approved the traditional design but denied the cul-de-sac. They have made some changes and are requesting approval of the cul-de-sac with the changes. He reviewed the design as changed. They have included a 50' easement to the adjacent property which will allow for a future road if the adjacent property is developed.

Anthony F. Jolley – 1888 Macon Road

Mr. Jolley said this is a revised plan from an application that was denied in September. The old site plan was for 23 lots, and they have reduced the number to 20. They have added a roundabout and additional green space. They have also added an easement to the adjacent property so that if

it is ever developed they will be able to tie into this development for access to the highway. They are proposing to build \$275,000 to \$325,000 priced homes.

Mr. Taylor said this is a special exception subdivision that was allowed after the Commissioners reduced the number of lots proposed. They conditioned it on the Appeals Board approving the cul-de-sac and design variance. The Appeals Board approved the house design variance but did not approve the variance for the cul-de-sac length. They have revised the plan so there is an easement that will allow the adjacent property to connect to this development when that property is developed. This will allow for entrance to the Old Macon Highway without another curb cut onto the highway. The staff recommendation is for approval.

MOTION

Mr. Perdue made a motion to approve Application #07-41V. 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 and Mr. Hardwick and Mr. McCallum voting against.

MINUTES

Ms. Phinazee made a motion, seconded by Ms. Cannon, to approve the minutes of the November 8, 2007 meeting. The motion passed with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

The next meeting will be January 10, 2008. Mr. Taylor urged the members to attend so that all members would be present for election of a chairman.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder