

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**July 10, 2008**

The Spalding County Appeals Board held its regular monthly meeting on July 10, 2008 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; Charles Perdue; JoAnne Phinazee and Allan McCallum. Shawn Cain was not present.

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

Mr. Hardwick called the meeting to order and introduced the members of the Appeals Board. He 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 #08-10S: Lift from the table** – Sharon Reeves, Owner – 1645 North Second Street Extension (0.87 acres located in Land Lot 196 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Family Personal Care Home in the R-1 District.

**MOTION**

Ms. Cannon made a motion to lift Application #08-10S from the table. The motion passed on a second by Ms. Phinazee with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee, and Mr. McCallum voting for the motion.

Sharon Reeves – 1645 North 2<sup>nd</sup> Street Extension

Ms. Reeves said she wants to open a personal care home in her home. She has been approved by Department of Human Resources. She has been approved to keep two people in her home. She meets the bathroom requirements.

Mr. Hardwick said at the last meeting, there was an issue regarding her caring for children in her home. He requested information.

Ms. Reeves said she is no longer keeping children in her home and has documentation to prove this information. Her daughter lives with her, and she is the only person living with her at the present time.

Mr. Jacobs said Ms. Reeves meets all the requirements for a personal care home. The staff recommendation is for conditional approval. The conditions are:

1. Prove compliance with all DHR and other State regulations prior to application for a business license.
2. No more than four residents shall be allowed.
3. One restroom within the dwelling shall be entirely dedicated for patient use only.

Discussion was held regarding who verifies compliance and handles inspections. Mr. Jacobs said he understands that the State checks compliance. The County will investigate any reports of violations.

**MOTION**

Ms. Phinazee made a motion to approve Application #08-10S with the staff recommended conditions.

The motion failed for lack of a second.

**MOTION**

Mr. McCallum made a motion to deny Application #08-10S. The motion passed on a second by Mr. Hardwick with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Mr. McCallum voting for the motion and Ms. Phinazee voting against.

Mr. Hardwick said he does not feel a subdivision is an appropriate place for a personal care home. They need to be in a facility close to town, hospitals and emergency vehicles.

**Application #08-12V:** Donnie R. Bradberry, Owner – 630 Minter Road (3 acres located in Land Lot 74 of the 3<sup>rd</sup> Land District) – requesting a Variance to extend or alter a non-conforming use in the AR-1 District.

Donnie Bradberry and Rachael Bradberry – 630 Minter Road

Mr. and Mrs. Bradberry said they want to add a dining room to their house. They have a small eat-in kitchen, and when there is company, they have problems seating everyone. They want to add a small dining area. This is a 28 x 64 mobile home, and they want to make a 12 x 14 addition.

Mr. Jacobs said the staff recommends approval with the condition that the addition will be constructed to match the existing exterior and design.

**MOTION**

Mr. Hardwick made a motion to approve with the condition recommended by staff. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**Application #08-13V:** Jack L. Shaw and Ida F. Shaw, Owners – 240 Airport Road (0.66 acres located in land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a Variance from side yard setbacks in the C-1A District and required buffers in commercial districts.

Ida Shaw – 385 Morgan Dairy Road

Ms. Shaw said she has a beauty shop at this location on Airport Road. They want a variance so they do not have to remove the carport.

Mr. Jacobs said the property was rezoned so Ms. Shaw would be able to operate a beauty shop at this location. The setbacks changed and the carport is encroaching on the setbacks so they need a variance so they do not have to remove the carport. When a piece of property goes from residential to commercial, code states that any piece of property that is zoned commercial and used as commercial that abuts residential zoning or residential use has to have a 25-foot buffer. This is to protect the residential neighbors. The buffer has to be opaque screening using vegetation or fencing.

This is really two applications that have been combined. One application is for a variance because the carport is inside the buffer on the West side. The other application is for a variance on the setback to allow a driveway within the buffer on the east side. Mr. Jacobs said the staff is recommending approval on the west side yard so they do not have to remove the carport. It

would be a hardship to have to remove the carport. They are recommending denial of the encroachment of the buffer on the east side.

Mr. Jacobs said they are recommending denial of the variance for the east side buffer because it was self created. If the second driveway had been there previously, then it would not have been self created.

Ms. Shaw said there were two driveways. The big driveway had a metal pipe in it and was paved so far back. She paved and connected the two driveways.

Mr. Jacobs said when the rezoning was in process and he took the pictures, he did not see a second driveway.

Ms. Cannon asked if they could allow the encroachment from the house to the street and deny it from the rear of the house to the rear of the property so the buffering integrity is maintained for the back. She said she drives by the house frequently and does not feel it will bother the neighbors at the front of the property but has no idea what the back of the property looks like. She feels it is safer if the cars do not have to back into the traffic.

Mr. Jacobs said he would rather do all or nothing.

Mr. Hardwick said he is concerned that to permit two curb cuts would be setting a precedent and everyone would want two curb cuts.

**MOTION**

Ms. Cannon made a motion to grant the variance on the front side of the property even with the house, deny the variance on the back side of the property and maintain the setbacks and buffers and there is some type buffer installed in the front, but it does not have to be 25 feet but remain with the 8 foot limit and require some type buffer the full length of the property line.

There was no second to this motion.

Mr. Jacobs said the Board could approve the 25 foot buffer encroachment on the front of the house to Airport Road on the East side of the property and side yard setback after 8 feet on the West side of the property from the back of the house to Airport Road.

**MOTION**

Mr. McCallum made a motion, seconded by Ms. Cannon, to approve application #08-13V for a side setback to 8 feet from the back of the house to Airport Road on the West side and maintain 25 foot buffers from the back of the house to the back of the property in side yards behind the property and approve the buffer encroachment on the East side of the property from the northeast corner of the house to Airport Road for safety of ingress and egress to Airport Road.

Mr. Hardwick asked Ms. Shaw if she had received a permit for the paving she had done on the property.

Ms. Shaw said she did not know she had to. She asked if the man that poured the concrete had gotten the permit.

Ms. Cannon said it is a self made hardship.

Mr. Hardwick said he had a problem with two curb cuts because everyone will want two.

Mr. McCallum withdrew his motion and Ms. Cannon withdrew her second.

**MOTION**

Mr. Hardwick made a motion to approve the setback on the West side and deny the buffer on the East side. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

**MINUTES**

Mr. McCallum made a motion, seconded by Ms. Cannon, to approve the minutes of the June 12, 2008 meeting. The motion passed with Ms. Cannon, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Perdue abstaining because he was not present.

Mr. Ingram raised the issue regarding the fact that the members get very little compensation for being on the Appeals Board and with the travel that is required to visit the sites involved in the applications he wondered whether or not additional compensation might be appropriate. He asked if it would be appropriate to discuss this with the Commissioners. The members asked that this be documented in the minutes for the Commissioners.

**MOTION**

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

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Doug Hardwick – Chairman

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Yvonne M. Langford - Recorder