

SPALDING COUNTY APPEALS BOARD
Regular Meeting
September 11, 2008

The Spalding County Appeals Board held its regular monthly meeting on September 11, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; Bryan Clanton; Richard Ingram; Charles Perdue; JoAnne Phinazee and Allan McCallum.

Also present were: Charles Taylor, Community Development Director; Newton Galloway, Attorney and Yvonne 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 #08-14S: Jeffery Lamar Ellis, Owner – Satonya Payne, Agent – 104 Meghan Place (0.55 acres located in Land Lot 60 of the 3rd Land District) – requesting a Special Exception to allow a Child Care Placement Facility in the R-2 District.

Satonya Payne – 201 South Stewart Lane

Ms. Payne said this is not the type childcare that is familiar to most people. This is for older children that have been removed from their homes and are under the care of the courts. This will be a facility for girls and is approved to keep 10 young females.

Mr. Taylor said the staff reviewed this application and finds that it meets the standards to have a foster care facility that have recently been adopted. The recommendation is for conditional approval. The conditions are as follows:

1. Proof of compliance with all DHR and other state regulations prior to application of business license.
2. Proof of State Fire Marshall inspection and approval.

MOTION

Ms. Phinazee made a motion to accept Application #08-14S with the conditions as recommended by staff. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Hardwick, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. Clanton, Mr. Ingram and Mr. McCallum voting against.

Application #08-15S: Jay W. Bethune, Owner – 1650 Rehoboth Church Road (1.01 acres located in Land Lot 106 of the 3rd Land District) – requesting a Special Exception to allow a commercial kennel in the AR-1 District.

Application #08-16V: Jay W. Bethune, Owner – 1650 Rehoboth Church road (1.01 acres located in Land Lot 106 of the 3rd Land District) – requesting a Variance from structure setback from all property lines in the AR-1 District.

Mr. Hardwick said that Applications #08-15S and #08-16V would be discussed together and voted separately.

Jay Bethune - 166 Rehoboth Church Road

Mr. Bethune said this lot is only 106' wide and the requirement is for a 200' setback from all property lines. They cannot meet this requirement and are requesting this variance. He is, however, 200' from all structures. This is not going to be a commercial kennel, but there is no other classification for what he needs. This is a hobby of his wife's that has expanded into breeding these dogs for sale. He has the full support of his community. He has 20± affidavits signed. Some of the neighbors were not even aware that the dogs were on the property. He purchased this property four to five years ago. If this variance is approved, they plan to install a 6' fence and add additional buffers. They have 22 pens, and they only have one dog per pen. They have been inspected by the State Department of Agriculture. The inspector ranked them as in the top 5% of the facilities he has inspected. They have commercial blowers to keep the dogs cool in the summertime. They have a specially designed septic system. A lot of thought has gone into their facilities. His wife shows the dogs and gives some to special needs children. Not every dog is of show quality and those that are not are given away will be sold. They have no plans to expand the kennel.

Mr. Taylor said, in reviewing the applications against the criteria in the ordinance, they do not support the application and the staff recommendation is for denial. If the Board is inclined to approve and they would like to impose conditions, those conditions need to be very specific.

MOTION

Mr. McCallum made a motion to approve Application #08-16V conditioned on a 6' high privacy fence along the back property line and 100' north on the eastern and western property lines with a planted buffer of the same length. Approval is also conditioned on the Special Exception being approved by the County Commission. The motion passed on a second by Mr. Ingram with Ms. Cannon, Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Mr. McCallum voting for the motion and Ms. Phinazee voting against.

MOTION

Ms. Cannon made a motion to approve Application #08-15S conditioned on a 6' high privacy fence along the back property line and 100' north on the eastern and western property lines with a planted buffer of the same length. The motion passed on a second by Mr. Perdue with Ms. Cannon, Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Mr. McCallum voting for the motion and Ms. Phinazee voting against.

Application #08-17S: Billy Anderson, Owner – Charles Penny, Paragon Consulting Group, Inc., Agent – 2491 Teamon Road (3.75 acres, more or less, located in Land Lots 217 and 232 of the 3rd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Charles Penny – 106 Maplewood Drive

Mr. Penny said he was with the Paragon Consulting Group. The Church is proposing a Special Exception for a church. The minimum requirement is 2 acres and this tract is 3.75 acres. He reviewed the plans for the church.

Steve Clark – 2523 Teamon Road

Mr. Clark said the map does not show that to the east of his property is Teamon Road Baptist Church. The driveway they propose is within 800' of Teamon Road Baptist Church. That is going to create opposing traffic on Sundays and Wednesdays and any other days they are going to have functions. It also does not show that their driveway is within feet of where Sun City Peachtree is going to exit on Teamon Road which will create another traffic nightmare. He moved onto Teamon Road 12 years ago, and since that time, the traffic has tripled. They put in

Highway 20 which is supposed to relieve traffic from Highway 19/41 to McDonough but everyone that works on the south side of McDonough travels 19/41 to Teamon Road and cuts across. It is a busy road. Sun City is a “done deal” and they are not taking into any consideration that they are coming out on Teamon Road. This is a residential area. Teamon Road Baptist Church has a lot of land. They have two sides of road frontage. This church is not going to have that. This is going to be right in the middle of a residential area. He is not opposed to a church on a religious basis.

Tyson Roache – 1502 Birdie Road

Mr. Roache said he is the minister of the church. At the present time, they have not pinned down a driveway. It is just an estimate and he thinks it can be adjusted. They are not a large church but certainly hope to grow. He does not think the Teamon Road Baptist Church is a large church and does not think this is going to be a traffic nightmare. He thinks Sun City Peachtree has slowed their building plans. They will do everything they can to make the residents in the area happy. They plan to line the property with some evergreens that will serve as a buffer. They are in the very infant stages of what they want to do. It is not going to be a monstrosity.

David VaRila – 2491 Teamon Road

Mr. VaRila said he does not think a church is going to harm the area. I don’t think you can have enough churches.

Andrea Dixon – 2449 Teamon Road

Ms Dixon said she lives right next to where they are going to build. Their driveway will join her property. She bought this property to be quiet and residential and here they come. She does not oppose churches. She goes to church herself. She does not know about the noise. If she starts to cut her grass, are they going to start complaining that she is interrupting their church service? It doesn’t matter where the driveway is going to be there is still going to be traffic with Sun City and them. How is this going to affect her property value? Is it going to decrease now that there is going to be a church? This is a residential area.

James A. Graham – 425 Hickory Lane

Mr. Graham thanked the members of the Board for their time and consideration in listening to this application. He is a member of New Beginnings Church and would like to have the application approved. He would like to put the neighbors at ease. They do not intend to put anything out there that they would not be proud of. They all know about Sun City; know what it means and that the entire area is changing. They are not coming to change but to add to and help by building a force to help everything to be good. They were led to the area. There have been a lot of obstacles but they have been able to overcome them. He would like to say to those that are opposing this that they will do everything they can if this is approved to work with them and try to have everything amenable to make everyone happy.

Mr. Taylor said the staff finds that the application meets the criteria and recommends conditional approval. The conditions are:

1. The plan shall incorporate an acceleration/deceleration lane to the site.
2. Any expansion of the facilities or use shall require an additional special exception.

MOTION

Mr. Hardwick made a motion to accept Application #08-17S with the conditions recommended by staff. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion.

Application #08-18V: Griffin Motor Company Enterprises, Owner – 3418 North Expressway (2 acres located in Land Lot 105 of the 3rd Land District) – requesting a Variance from front and side yard setbacks in the C-1B District.

Jon Mattox – 256 Williams Trail

Mr. Maddox said he has gone through the zoning process for this business and Griffin Motor Company, three miles south at Vineyard Road. He wants to combine the two. The one variance is that an existing building is in the required setback. They currently operate a full service repair shop from that building. They want to add the car lot to that location. They have removed a building from the property that was in poor condition.

Mr. Taylor said when the property was used for automotive repair along with some car sales, it was “grandfathered”. Griffin Motors has acquired this property that was developed for automotive related uses but had lost the grandfather status. They came to the County with a zoning request to go to C-1B which allows automotive use. The property was two tracts. The County requested that they combine the two parcels. That change was approved by the County, but it also changed the setback requirements. The previous setback requirement was 15’. They are also encroaching on the side yard setbacks but the building was constructed prior to the current setback requirements. This will be a cleaner more well maintained property than there was under the previous arrangement. The staff recommends approval of the application.

MOTION

Mr. Perdue made a motion to approve Application #08-18V. The motion passed on a second by Mr. McCallum with Ms. Cannon, Mr. Clanton, Mr. Hardwick, Mr. Ingram, 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 August 14, 2008 meeting. The motion passed with Ms. Cannon, Mr. Perdue, Ms. Phinazee and Mr. McCallum voting for the motion and Mr. Clanton, Mr. Hardwick and Mr. Ingram abstaining because they were not present.

Mr. Hardwick recognized Mr. Bryan Clanton the newest member of the Board.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder