

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**November 13, 2008**

The Spalding County Appeals Board held its regular monthly meeting on November 13, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Charles Perdue, Vice-Chairman, presiding; Michelle Cannon; Bryan Clanton; Richard Ingram and JoAnne Phinazee. Doug Hardwick and Allan McCallum were not present.

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

Mr. Perdue called the meeting to order and invited anyone present that was not the applicant and wanting to address the Board on any of the applications to come forward and sign the request form.

**Application #08-20V:** T. D. Baxter, Owner – 137 School Road (0.72 acres located in Land Lot 107 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum lot area, front yard setback, side yard setback and rear yard setback in the C-1B District.

Mr. Taylor said that Mr. Baxter is seeking rezoning of the property as well as these variances. Some of the variances are a result of the rezoning that he is requesting. The property is used for an insurance business. The property additionally has an accessory structure that was used as storage for construction materials and equipment. There was also an equipment shed. The accessory building is not presently being used. Mr. Baxter would like to lease the accessory building. The proposed rezoning of the property brings some potential problems. The rezoning would result in some increased setbacks that would be required under the new zoning. Mr. Taylor discussed the setback variances that would have to be granted for the building to be legally occupied if the rezoning is approved. Additionally, by changing the use of the building from an accessory building to another business, the property becomes a group development and under the ordinance, a group development has to have at least two acres and this property is less than one acre. This would require an additional variance. The Planning Commission has recommended denial of the rezoning application. The County will consider this request later in November. Mr. Taylor said the Staff recommendation is for denial of the variances.

T. D. Baxter – 1500 Tara Place – Hampton, Georgia

Mr. Baxter said that he and his mother maintain their Aflac Insurance business at this location. His mother owned the property prior to his purchase recently from her. Since they have owned the property, they have made improvements which include fencing, landscaping and concreting the parking areas. He is trying to improve the area. He understands that zoning is to protect the landowners and that is what he is trying to do. He would like to be able to rent the building for additional revenue. They are not trying to do anything detrimental to the area but are trying to increase the tax base and increase the land value for the neighbors. The sign has been posted for the new zoning and none of the neighbors are present to object to the zoning. He has talked with the neighbors and made them aware of what he is trying to do. He said he feels this is a little different because he is not trying to add more buildings but just use the building that is already there.

Discussion was held and it was noted that if the County Commission denies the rezoning then any action taken regarding the variances would not be needed. It was decided to table until the County Commission has made a decision regarding the rezoning.

**MOTION**

Mr. Perdue made a motion to table Application #08-20V pending action on the rezoning by the County Commission. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Clanton, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

**Application #08-21V:** Paul Bell, Owner – Rannie Dean, Agent – 238 Airport Road (1.66 acres located in Land Lot 117 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the O & I District.

Mr. Taylor said this is a variance similar to the variances that have been granted to other properties on Airport Road. There are a number of residential homes along Airport Road that have now being approved for commercial use to be used for offices and similar uses rather than heavy commercial uses. The rezoning causes the setbacks to increase considerably. The residential setback is 50 feet and the O & I setback is 70 feet. This is the situation with the building involved in this variance application. The Staff recommendation is for approval.

Paul Bell – 238 Airport Road

Mr. Bell said there are several houses in the area that have already been approved for the variance and he is requesting the same consideration.

**MOTION**

Mr. Ingram made a motion to approve Application #08-21V. The motion passed on a second by Mr. Clanton with Ms. Cannon, Mr. Clanton, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

**Application #08-22V:** Hosannah United Methodist Church, Owners – John A. Phillips Construction Company, Inc. – Hosannah Road (1.279 acres located in Land Lot 216 of the 3<sup>rd</sup> Land District) – requesting a Variance from required 50 foot building setback in the AR-1 District.

Mr. Taylor said this application is to reduce the setback requirements for churches from 50 feet to 25 feet along the side yard portion of the property. The plat was displayed showing the location of the existing church and the location of the proposed addition. He noted that the irregular shape of the property makes it difficult to make the addition without encroaching on the setbacks. The Staff recommendation is for approval conditioned on the new addition being constructed to match the exterior of the existing building.

John Phillips – 242 Armistead Circle

Mr. Phillips said the addition could be made without encroaching on the setbacks but the addition would have to be put over the existing septic system. The proposed structure will only encroach on the setback requirements at one corner of the building. They plan to use the same materials used on the present building for the new structure.

**MOTION**

Ms. Cannon made a motion to approve application #08-22V conditioned on the exterior of the new building match the exterior of the existing building. The motion passed on a second by Ms.

Phinazee with Ms. Cannon, Mr. Clanton, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

**MINUTES**

Mr. Clanton made a motion, seconded by Mr. Ingram, to approve the minutes of the October 9, 2008 meeting. The motion passed with Mr. Clanton, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion and Ms. Cannon abstaining because she was not present.

**ADJOURN**

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

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Charles Perdue – Vice-Chairman

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Yvonne M. Langford – Recorder