

SPALDING COUNTY APPEALS BOARD
Regular Meeting
December 11, 2008

The Spalding County Appeals Board held its regular monthly meeting on December 11, 2008 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Bryan Clanton; Richard Ingram; Charles Perdue and JoAnne Phinazee. Michelle Cannon 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 Newton Galloway, Zoning Attorney, were 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 #08-20V: Lift from the Table - T. D. Baxter, Owner – 137 School Road (0.72 acres located in Land Lot 107 of the 3rd Land District) – requesting a Variance from minimum lot area, front yard setback, side yard setback and rear yard setback in the C-1B District.

MOTION

Mr. Perdue made a motion to lift Application #08-20V from the table. The motion passed on a second by Ms. Phinazee with Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

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

Mr. Baxter said that he purchased this building approximately six months ago and has made substantial improvements to the property with fencing and paving. He has an AFLAC office in the main structure on the property. He was recently granted a C-1B zoning to give him more flexibility in the use of the property. He is requesting this variance so that he can rent out an additional building that is on the property. He has had the building inspected to determine that it is safe and up to code. It has separate utilities. He has had the sewerage checked and has a letter advising that it is adequate to handle the additional business. He has someone that would like to have a vehicle repair shop at this location. They might also like to sell tires.

Mr. Taylor said the Board of Commissioners had approved the rezoning of this property to C-1B. The staff recommendation is still for denial. The setback requirements are 70' for front yard for buildings and 15 feet for side-yard. The structures encroach on those setbacks. Additionally, the lot does not meet the size requirements for an additional business.

Mr. Hardwick said the requirement for C-1B is for two acres for a commercial business. It will be very difficult to turn anyone down if approval is given for a second commercial business on .72 acres. If this is approved, it would completely destroy the UDO.

MOTION

Mr. Ingram made a motion to deny Application #08-20V. The motion passed on a second by Mr. Hardwick with Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

Application #08-23V: Baymac Ventures, Inc., Owner – Rebecca Baynard, Agent – Fairview Road (1.25 acres, more or less, located in Land Lots 84 and 85 of the 1st Land District) – requesting a Variance from minimum lot width and minimum frontage width in the AR-1 District.

Becky Baynard – 1423 Fairview Road

Ms. Baynard said she has lived at this address for 24 years. She had excess acreage and recently had to sell some of the excess acreage. She retained ten acres with her home. She has received a letter from the zoning board advising her that she has a non-conforming lot. When she received the letter, she talked with zoning and understands that the easement she intended to use is not allowable. She is appealing. She did not intentionally create this problem. Some of the property was divided into lots. They had to take a loan on their home and some of the lots. She had used the easement for so long that her intent was to continue to use that easement. Fifty feet has been set-aside on Fairview for a road to access the property that was intended for subdividing the property. She never intended to sell off the entire frontage that went to the bank. The bank has foreclosed on the property. She identified two of the lots that she still owns, but they are rental houses. She owns an additional lot, but it has lowlands at the rear and she would not be able to use it as a driveway to her property.

The bank owns most of the lots with Ms. Baynard owning two (2) lots. Baymac Ventures, Inc. owns the rest of the land. Ms. Baynard's daughter is part of the corporation.

She is applying for this variance because her lot is non-buildable, and if something happens to the home, she would not be able to get a permit to rebuild. She will not be able to sell if she needs to because the new owners would have the same problem.

Tony Walraven – 1281 Fairview Road

Mr. Walraven said he owns the property adjacent to Ms. Baynard's property. He is not opposed or objecting to this application. He feels the County is a little unfair to property owners who have acreage without much road frontage as he has. He has an odd configuration just to comply with the County Codes. He is present to state that if this variance is granted to Ms. Baynard, he wants the same consideration. He would love to have a flagpole lot so he and his son can share a driveway. He has 300 acres and unless he develops the whole tract he can only put three houses on the property. He is not opposed, but he wants the same variance if this is approved.

Mr. Taylor said the State Attorney General has enacted a policy that does not allow denial for anyone to record a plat whether it meets the zoning requirements or not. When this happens, the County tries to inform people that they have recorded a plat on property that does not meet the zoning requirements. That is the reason Ms. Baynard received the letter. A non-buildable lot means that the lot does not meet the zoning requirements. The ordinance requires that building permits can only be issued when a property meets the zoning requirements or the lot has a grandfather status. This land does not meet the requirements and the staff recommendation is for denial.

Discussion was held and it was determined that Ms. Baynard had options to remedy her problem.

MOTION

Mr. Hardwick made a motion to deny Application #08-23V. The motion passed on a second by Mr. Ingram with Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion.

MINUTES

Mr. Perdue made a motion, seconded by Mr. Ingram, to approve the minutes of the November 13, 2008 meeting. The motion passed with Mr. Clanton, Mr. Ingram, Mr. Perdue and Ms. Phinazee voting for the motion and Mr. Hardwick abstaining because he was not present.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder