

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**December 10, 2009**

The Spalding County Appeals Board held its regular monthly meeting on December 10, 2009 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; Gail Hackbart; Richard Ingram; and Charles Perdue. Allan McCallum was not present.

Also present were: Charles Taylor, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

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 #09-16S:** Skipstone Corporation, Owner – 600 Baptist Camp Road (63.7 acres located in Land Lot 153 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a School – elementary, middle, high – public or private in the AR-1 District.

Chip Moody – 600 Baptist Camp Road

Mr. Moody said he was the Vice-President of operations for Skipstone. Skipstone started in 2007 with 30 students with the property under lease from Flint River Baptist Association. They were not aware that there was a problem regarding the zoning. When a new fire marshal visited the site, they were advised that they were not in compliance and it needed to be resolved. He has had several meetings with Mr. Taylor and expressed appreciation to him for his help in identifying the best solution. He reviewed the goals of the school. They are please with the success of their program. They have purchased the property and have made \$400,000 in capital improvements. He has received the information regarding the conditions that are being requested. They are in the process of designing a new facility that will be located on the front of the property. The conditions are all “doable”. Because they are in the design phase of the building, they need to get the design back to know where the parking lot is going to be located. Before they are ready to do the deceleration lane, it is going to be strategic to know where the lane is going to be. They do not want to be locked into a location because they do not want to have to make the parking lot fit the deceleration lane. Also, the only place the buffer is an issue is between them and the Baptist Association office. They have a great relationship with them. They have affidavits from all of the adjacent property owners expressing their support. The traffic study that Minerva did for their project at the end of Baptist Camp Road would have included their traffic. They have 180 students total. That will not change. They have 14 students per grade, kindergarten through 12<sup>th</sup> grade. They do not have the capacity for any more students, and they do not want more students. They like the small atmosphere. They have 150 students on the waiting list. There were 1632 cars on the road when the study was done. They have not had any traffic issues, and there have been no complaints from the neighbors. They would appreciate being allowed to “tackle” the deceleration problem when they get to the new building. The building will be a 30,000 SF facility. They anticipate beginning the project in the summer of 2010, and it should take approximately 1 year to complete.

Bob Cupp – 245 East McIntosh Road

Mr. Cupp said he has been requested to address the Special Exception regarding Skipstone. He is assisting them on their site plan and additionally has three children enrolled in the school and has a keen interest in their program. Three of the recommended conditions are the buffers, deceleration lane and the separation of the existing residence that is on the property. The entire property is surrounded by woods. The Flint River Baptist Association building is on the northwest corner of the property. At one time, they

owned the property that is now Skipstone and there was no buffer. Skipstone Corporation has learned that this property may become available, and they would have an interest in pursuing that. Skipstones' intent is to abide by all of the conditions. Prior to putting in a buffer, they would like to know whether or not the property is going to be available. Prior to putting in the deceleration lane, they would like to determine what size the parking lot is going to have to be, and they want to make certain that they are not going to have to change the entrance to the facility in order to best serve the needs. The separation of the residence from the property is not a problem, but there is a possibility that a portion of the parking will have to be at that location and the house will have to be removed. They would like to complete the land study and make certain they have enough land for the parking without having to remove the house. They want to wait to make that change until their plans are confirmed.

Mr. Taylor said the big question on Baptist Camp Road is what is ultimately going to happen with Cherokee Rose. The PRRRD Zoning District is wide open. If Cherokee Rose decides they are going to expand into a full operational shooting/convention center, that will have a huge impact on traffic on Baptist Camp Road. The County has approved zoning for a shopping center in the area of Baptist Camp Road, 19/41, and Birdie Road. That will have an impact as well. There is also some additional property that was previously zoned for a shopping center. They look at peak hours when doing a traffic study. Schools and shopping centers impact traffic during peak hours. This is what drives the need for additional road improvements. The buffer requirement is a zoning requirement. They look for the conditions to be done at a time when the enforcement is easy. If there is a time condition put on the conditions, it would probably work. Mr. Taylor reviewed the site plan and noted that the size of the building might require additional parking. Deceleration lanes are placed on the right-of-way and do not invade the property unless you have insufficient road shoulder. There is no indication that there is insufficient road shoulder. It should not impact the design. Because this is proposed and the plan should be available within 120 days, there should not be a problem with setting a 120 day "trigger period" as part of the development plan. The deceleration lane is more a function of the ultimate traffic on Baptist Camp Road. The existing residence is also driven by zoning. The ordinance only allows for one principal use for a piece of property. The school being the principal use doesn't allow for the residence to be a second principal use. It is perfectly all right to create the lot now and dissolve it if it is needed for parking. You can also tie it to the 120 day delay period. The requirement for presenting site plans is driven by Appendix J of the Unified Development Ordinance (UDO). Appendix J does not go by zoning but by land use. Schools are an institutional land use which is covered by the requirements of Appendix J. They will have to meet that requirement to make improvements to the site. Regarding the site lighting, you will have to be careful when you are establishing the sport's fields that you do not overly impact the adjacent properties. The staff recommends conditional approval with the conditions as follows:

1. The existing residence on the site must be vacated or a separate parcel meeting AR-1 Zoning must be created around the home.
2. A deceleration lane shall be added at the entrance on Baptist Camp Road.
3. All improvements proposed on the site will need to meet Unified Development Ordinance (UDO) requirements, including the requirements and processes of Appendix J of the UDO.
4. Where the current vegetation in the buffer is insufficient, additional buffer planting, fencing or a combination of both shall be required to meet the standards of Section 407 of the UDO.
5. Site lighting including those for any sports facilities shall be designed so as not to glare into adjacent residential area or public rights-of-way.

Further discussion was held regarding the location of the deceleration lane.

Mr. Moody said there are some additional requirements that need to be met for the fire ordinance, and they cannot get a building permit until they are in compliance.

**MOTION**

Mr. Clanton made a motion to approve application #09-16S with the conditions with a 120 day planning period. The motion passed on a second by Ms. Hackbart with Mr. Clanton, Ms. Hackbart, Mr. Hardwick, Mr. Ingram, and Mr. Perdue voting for the motion and Ms. Cannon abstaining.

**Application #09-17S:** Christ Our Savior Evangelical Lutheran Church, Owner – 3235 Teamon Road (4.117 acres located in Land Lot 113 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Church in the R-2 District.

Carl Brul – 2310 Patton Road

Mr. Brul stated that he was president of Christ Our Savior Lutheran Church. He gave the history of the beginning of this church. They have been at the present site for approximately one year. The church seats approximately 60 people with 40 people in attendance each week. This project will give them seating for 160 people. It is sized so they do not have problems with septic tank regulations. They have a bid for the construction. They will be adding a sanctuary, church office, class room and storage facilities. Plans are that it will be added to the existing facility. The purpose is to be good neighbors and make the facility available for meetings for other organizations. They sponsor a boy scout troop, a cancer walk, Five Loaves and Two Fish Food Pantry and coats for those in need. The letter from the Spalding County Staff says that 175 trips to and from the parking lot can be anticipated on Sundays. With the traffic at that level, they are recommending a deceleration lane. They are requested a little deference because Teamon Road is not heavily traveled. There is an average of 13 to 15 cars in the parking lot on Sunday, and it will be some time before they get beyond that. They anticipate the next milestone in a couple of years when they have to look at additional expansion and they will probably go to two services rather than a larger facility. The construction of the building is going to strain their resources, and if they have to include a deceleration lane, it will really strain them.

Mr. Taylor said this church was initially approved as a special exception it 2006. It was basically a single-family house that was being converted to a church. The church is growing and the additional building will also drive trip generation. It is not just based on the sanctuary size but on the facility size. One of the reasons the initial recommendation was that any expansion of the church would require an additional special exception was because they want to track impact. The deceleration lane is regularly required and traffic on Teamon Road is anticipated to increase. The church is small, and they did not require the deceleration lane with the initial special exception knowing that if it expanded it would have to have additional approval. The following conditions are recommended:

1. Site lighting shall be designed so that it will not glare into adjacent residential area or public rights-of-way.
2. A deceleration lane shall be added to the entrance of the site.
3. Any addition or expansion of the use shall require an additional special exception.

Discussion was held regarding the additional traffic that is going to be generated on Teamon Road due to additional development in the area.

**MOTION**

Mr. Ingram made a motion to approve Application #09-17S with the conditions as recommended by staff including the deceleration lane. The motion passed on a second by Ms. Cannon with Ms. Cannon, Mr. Clanton, Ms. Hackbart, Mr. Hardwick, Mr. Ingram, and Mr. Perdue voting for the motion.

**Application #09-20V:** Jo Ann Richardson, Owner – Beth Scarboro, Agent – 103 and 105 Westwood Drive (2.55 acres located in Land Lot 14 of the 4<sup>th</sup> Land District) – requesting a Variance from minimum lot width and to allow a non-conforming use to be extended or altered.

Elizabeth Scarboro – 113 Westwood Drive

Ms. Scarboro said they originally made application due to the illness of her mother, Ms. Richardson. Ms. Scarboro was not living in the area at the time. When Ms. Richardson was released from the hospital, they were advised that it would take a year of recovery. Ms. Scarboro was not able to work and care for her mother so she had a niece living in Florida who moved to Griffin to take care of her mother. She, her brother and her niece are taking care of her mother at this time. Ms. Richardson is improving but still has tremors and short-term memory loss. Ms. Scarboro has been able to move to Henry County which is closer. Ms. Richardson owns 12 acres in the cul de sac. When they purchased “105” which is across from “103”, there were two mobile homes, back to back, almost porch to porch, on the property. When she got the insurance, they were advised it was a fire hazard. One of the trailers was moved to another section of the three acres. They remodeled the mobile home that was to the front of the property. Knowing that she is going to need her niece, they decided to remodel the single-wide for her. That is going to cost money but they need to do this. They made application to split this section of property so each mobile home will have its own lot. They do not have the frontage they need.

Mr. Taylor said a neighbor had complained because he thought the mobile home had been moved in without a permit. This mobile home at the rear was actually attached to the back of the other mobile home via a terrace. The tax assessor’s office had not picked up on the fact that this was a second dwelling. Ms. Richardson said it had really been used as an extra storage area. They were not able to establish that it was actually a second dwelling. They have discussed potential solutions for this situation that will satisfy the ordinance. A few years ago there was a piece of property in the area that was zoned R-4 and a lot was split into one-acre lots. That seems to be the most sensible solution; zone the property to R-4 and let the property be divided into one-acre lots. There are already one-acre lots in the subdivision. In dividing the property, the survey identified the fact that the property was not going to be able to meet the minimum lot width requirements. The rezoning has already been approved. They have created as much lot width as possible. Mr. Taylor said he feels this area is going to trend toward one-acre lots with site-built homes.

**MOTION**

Ms. Cannon made a motion to approve Application #09-20V. The motion passed on a second by Mr. Perdue with Ms. Cannon, Mr. Clanton, Ms. Hackbart, Mr. Hardwick, Mr. Ingram, and Mr. Perdue voting for the motion.

**MINUTES**

Mr. Perdue made a motion, seconded by Mr. Clanton, to approve the minutes of the October 8, 2009 meeting. The motion passed with Ms. Cannon, Mr. Clanton, Ms. Hackbart, Mr. Hardwick, Mr. Ingram, and Mr. Perdue voting for the motion.

**ADJOURN**

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

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Doug Hardwick – Chairman

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Yvonne M. Langford - Recorder