

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**July 9, 2009**

The Spalding County Appeals Board held its regular monthly meeting on July 9, 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; Charles Perdue; and Allan McCallum.

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 #09-08V:** Gladys Futral Spiak, Owner – Southeast corner of Musgrove Road and Sapelo Road (94.73 acres located in Land Lot 256 of the 3<sup>rd</sup> Land District) – requesting a Variance from fence height requirements and setback requirements for a lot with multiple frontages in the R-2 District.

Mr. Taylor identified the location of this property. This issue deals with a request for a deer fence around the property on the corner of Sapelo Road and Musgrove Road. The applicant is requesting a variance for an 8' fence on the property line. He has indicated he has recently done some planting that he is trying to protect from the deer. He is additionally concerned about security of a vacation home on the property. The County, earlier this year, adopted a new fence ordinance which requires that fences in the front yard be no more than 4' in height and in the rear no more than 6' in height. The deer fence is similar to the type fence that is commonly referred to as a "hog fence". The staff recommendation is for approval.

Ms. Hackbart asked why the height restrictions were set.

Mr. Taylor said there was a lot of discussion regarding fences earlier this year, and in investigating, it generally appeared that the height of fences being installed around the county was about 4' in front yards. It is common in other counties and cities to keep the front yard at 4' and the rear yard at 6'. Deer can be a nuisance in the rural areas of the county. The county will probably have to address this again because deer fences at that time were not considered during the drafting of the revised ordinance and there will probably be that question raised more often. The rules were set, and the ordinance was adopted, hence this application.

Nick Spiak – 515 Valley Creek Drive – Greer, South Carolina

Mr. Spiak said this location is a vacation/retirement property. He is looking for something to control the deer. He had pictures of the Talmadge Farm in Henry County that has a fence with 12' posts that are 8" x 8" and he wants to use 10' posts that are 4" x 4". Along with the deer control, they have had a problem with vandalism at the house. He does not feel the deer fence will be a total "fail safe" prevention, but it will serve as a deterrent. The house is located in the woods and is not visible from the road. He has neighbors on Sapelo that do a magnificent job of cutting the yard on his side of Sapelo and he is appreciative. He plans to take the deer fence along the tree line so that it will not be prominent in the yard area. He identified the location of the fence. He said he has planted soy beans. He is in the sushi business and his intent is to go to a very high-priced soy bean. He wants to sell to the fresh market. He plans to plant 22 to 23 acres. He has an alarm system on the house.

Discussion was held regarding the location of the fence on the property as it relates to the tree line and the right of way. Discussion was also held regarding the fact that an 8' fence will not keep out the deer. Mr. Spiak said it would be a deterrent.

Clint Phillips – 983 Musgrove Road

Mr. Phillips said he lives on the corner of Musgrove and Sapelo Roads. Most of his questions have been answered. He did not understand the setback requirements. He was advised that right-of-way is measured from the centerline of the road. He said he has no problem with the fence but wanted to know if the fence was going to follow the tree line. Mr. Spiak said it was going to follow the tree line. Mr. Phillips said they welcomed Mr. Spiak and his home at this location but just wanted to make certain this was not for some other construction.

David McGhee – 555 Sapelo Road

Mr. McGhee said he is interested in the aesthetics of the fence. They are welcome to the neighborhood. He wanted to know if there is a way to locate the fence 10 feet inside the woods. A fence of such height might dominate the aesthetics of the road. If the intent is to deter the deer, then it might not hurt for the fence to be inside the tree line a certain number of feet. They do try to maintain the area and that is his concern.

James Harrison – 581 Sapelo Road

Mr. Harrison said his questions had been answered.

Jimmy Spradley – 611 Sapelo Road

Mr. Spradley said his questions had been answered.

Arthur Thompson – 503 Musgrove Road

Mr. Thompson said he is also concerned about the aesthetics. He drives by the Talmadge farm everyday, and the fence is not the prettiest fence in the world. At some time, this property was a hunting camp, and he wanted to know if that use was going to continue. Mr. Spiak said at one time, it was used for that but was used only by the family. Last year they killed one deer and the year before they killed one deer. Mr. Thompson said he works for the Clayton County Water Authority, and they have had a tremendous deer problem. He can't feel the fence is going to keep the deer out.

Kathy Noble – 876 Musgrove Road

Ms. Noble said they own the property along Musgrove Road. They own 15 acres and her mother-in-law owns 4 acres. She has no problem with this request. They are zoned agriculture and she supports what he wants to do with his property.

Bryan Ferrell – 505 Musgrove Road

Mr. Ferrell said he is concerned regarding the impact this will have on the wildlife. He located to Griffin from Ohio. His property backs up to Mr. Don Futral's property. Mr. Futral would like for Mr. Spiak to purchase his property. Mr. Futral has said to him, on more than one occasion, that Mr. Spiak's property was a hunting operation. They hunt there; not commercially but the family. He is concerned about an 8' fence. If the intent is to eradicate the deer, how are they going to remove the deer from the property that belongs to the State of Georgia and the Department of Natural Resources so they are not fenced inside the property and it becomes a "high fence" hunting operation? He is opposed to "high fence" hunting operations. If Mr. Spiak can convince the Board and the neighbors that he is going to remove the deer prior to putting up the fence, he would support him 100%, otherwise he strongly urges the Board to consider the impact this will have on the wildlife. He moved there for the wildlife. He understands his issue with the deer and destroying the agriculture. He applauds him for wanting an agricultural operation. Mr. Ferrell has a huge garden and feeds the deer every night. If he can convince the county that he is not

going to trap the deer inside the property, then he supports his request but if he can't prove that, then he objects to the application.

**MOTION**

Mr. McCallum made a motion to approve Application #09-08V. The motion passed on a second by Mr. Clanton with Ms. Cannon, Mr. Clanton, Ms. Hackbart, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Mr. McCallum voting for the motion.

**Application #09-09V:** Bonnie and Mattie Parker, Owners – 3222 Arthur K. Bolton Parkway (5.203 acres located in Land Lot 10 of the 2<sup>nd</sup> Land District) – requesting a Variance to extend or alter a non-conforming use in the AR-1 and R-2 Districts located in the Arthur K Bolton Parkway Overlay District.

Bonnie Parker – 3222 Arthur K. Bolton Parkway

Ms. Parker said she wants to add a 12' x 24' extension on her manufactured home because she needs additional space. She wants to add a family/computer room and extend the laundry room. She is aware of the condition the County is requesting and has no problem with meeting that condition.

Mr. Taylor said the staff recommendation is for conditional approval. The condition is that the new addition will be constructed so that it will match the existing exterior design and appearance.

**MOTION**

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

**MINUTES**

Mr. Clanton made a motion, seconded by Mr. Perdue, to approve the minutes of the June 11, 2009 meeting. The motion passed with Mr. Clanton, Mr. Hardwick, Mr. Ingram, Mr. Perdue and Mr. McCallum voting for the motion and Ms. Cannon and Ms. Hackbart abstaining because they were not present.

**ADJOURN**

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

---

Doug Hardwick – Chairman

---

Yvonne M. Langford - Recorder