

SPALDING COUNTY APPEALS BOARD
Regular Meeting
August 13, 2009

The Spalding County Appeals Board held its regular monthly meeting on August 13, 2009 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Doug Hardwick, Chairman, presiding; Michelle Cannon; Gail Hackbart; Charles Perdue; and Allan McCallum. Bryan Clanton and Richard Ingram were not present.

Also present were: Charles Taylor, Community Development Director; Newton Galloway, 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 #08-19V: Request to Lift from the Table by Applicant – Sandy Nicholson and Danny Nicholson, Owners – Gainer Road (3.023 acres located in Land Lot 115 of the 2nd Land District) – requesting a Variance from minimum lot width in the AR-1 District.

MOTION

Mr. McCallum made a motion to lift Application #08-19V from the table. The motion passed on a second by Mr. Hardwick with Ms. Cannon, Ms. Hackbart, Mr. Hardwick, Mr. Perdue, and Mr. McCallum voting for the motion.

Danny Nicholson – 133 Gainer Road

Mr. Nicholson said he is requesting a variance on the lot width. When he made this application, he had a mobile home that he wanted to put on the property but that home was sold before he could get approval. He now has located another mobile home that he wants to put on the property. The mobile home is 1700 SF. He has a home on the other three acres at this site. Mr. Nicholson is a disabled veteran and cannot get any insurance due to his health. He would rent out the mobile home. He is trying to provide for his wife by establishing additional income for her if something should happen to him. This is the only thing he knows that he can do. He provided a picture of the mobile home he would be putting on the property. The only thing he knows that would have to be done to the mobile home would be to upgrade the roof. The mobile home that was previously on this property has been removed since he made application for this variance.

Mr. Taylor said at the time this application was made, two variances were involved. One variance was to move a mobile home in from another county that was older than the five-year limit. The second variance was to allow Mr. Nicholson to divide the property to create a second lot and get a road frontage variance. The only variance now is the road frontage variance. Historically, the staff does not recommend approval of lot variances unless there are two houses on the same tract and they need to get them on separate lots. The staff recommendation is for denial. Mr. Taylor said the Board has the option to approve or not approve. The manufactured home essentially meets the requirements except for the roof pitch and some other minor upgrades. This will be an upgrade over what was on the lot previously.

MOTION

Mr. Hardwick made a motion to approve Application #08-19V conditioned on the mobile home being brought up to county code. The motion passed on a second by Ms. Cannon with Ms.

Cannon, Ms. Hackbart, Mr. Hardwick and Mr. Perdue, voting for the motion and Mr. McCallum voting against.

Mr. McCallum said he has concern regarding people cutting up existing lots into smaller tracts.

Application #09-10S: Georgia Banking Company, Owner – Ideal Homes of Griffin, Agent – 232 South Stewart Lane (1 acre located in Land Lot 54 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Tom Ross – Ideal Homes – 101 Moreland Road

Mr. Ross said the customer wants to put a very nice high roof pitch, sheet rock manufactured home on a one-acre parcel at Runaway Lakes. Her requirement was that she wanted to be on a lake. They have done a search and have come up with this location which is just about perfect for her needs. Runaway Lakes is a mixture of manufactured homes and site-built homes. It is almost a 50/50 split in composition. The home that will be put on this lot is certainly compatible with the site-built homes and the other manufactured homes. It will be an upgrade to some of the other homes there now. It is 1958 SF. The client is an IBM employee and is capable of buying anything she wants but she wants this home on that lot. Because the lot is so unique and the topography is such, they are requesting a little leniency on the set-back requirements. The current setback requirements would make it a lot more expensive due to the severe drop-off on the property.

Mr. Taylor said they have researched the ½ mile radius of the site and find that it is a mixture of mobile homes and site-built homes. The count is slightly in favor of the manufactured homes. The staff recommendation is for approval. The issue of the setback did come up when they were discussing the project. There is a provision in subdivisions like Run Away Lakes that allows for the homes to be lined up with the adjacent houses. They were not able to locate anything that lines up with the setback. It is going to require a variance.

MOTION

Ms. Cannon made a motion to approve Application #09-10S. The motion passed on a second by Mr. Perdue with Ms. Cannon, Ms. Hackbart, Mr. Hardwick, Mr. Perdue, and Mr. McCallum voting for the motion.

Mr. Ross asked about the setback variance. He was advised that it could not be considered. A separate request had to be made for that and it has to be appropriately advertised.

Application #09-11S: Minerva Spalding Village, LP, Owner – David C. Kirk as attorney for Verizon Wireless of the East, L.P. – 1486 Teamon Road (4.0456 acres located in Land Lot 183 of the 3rd Land District) – requesting a Special Exception to allow a telecommunications tower in the AR-1 District.

David Kirk – 60 Peachtree Street – Atlanta, Georgia

Mr. Kirk said he is an attorney representing Verizon Wireless. Verizon Wireless wants to install a 199' monopole telecommunications tower designed to accommodate four carriers. The proposed site a 10' x 10' tract approximately 700 feet from Teamon Road in a wooded area. Access will be provided via an easement. There are no residential structures within 199 feet of the proposed tower. The tower is intended to fill a gap in the Verizon service coverage. He furnished a coverage map as it is presently and a coverage map if the new tower is installed. There is good coverage north of Teamon Road but south the coverage is not satisfactory. This is a growing area of the county and the coverage is important for present and future customers. The

staff is recommending approval of the application. The county did not recommend approval for the landscaping waiver, and they are withdrawing the request for the landscaping waiver. The site plan includes a landscaping buffer, and they intend to adhere to that plan.

Keith Folds – 1481 Teamon Road

Mr. Folds said he is right across the street from the proposed tower site. He does not want this tower. It is going to be ugly and will drop his property value. Sun City is already buying up everything around there. They say it is going to be 700' back in the woods. It is still going to stick up above the trees. He has been living there for 26 years and this is not a good place for it. They could go back behind on Seven Forks Road where they have bought land and put it back in there and it would be away from everything and everybody. There are health risks with the radio waves. It can cause cancer.

Mr. Taylor said he had to make a correction to the staff report and the members were furnished an updated report. He had reported that the property was zoned R-2 and it is actually AR-1 zoning. Spalding County has an extensive list of requirements for location of new cell towers in the county. It deals mostly with identifying the need and safety issues. Staff is satisfied that the need for the tower has been identified. They are also satisfied that the tower meets the safety requirements. The recommendation is for approval.

Mr. Hardwick said one lady sent a written request that they be required to make the tower look like a tree.

Discussion was held regarding towers that are installed to look like trees. There is one in Spalding County, but Mr. Taylor said he does not know what the height of that tower is but thinks that it is shorter than this tower.

Wanda Folds – 1481 Teamon Road

Ms. Folds said she did not know much about cell phone towers until she researched them on the internet regarding health issues. It gives information on how it can affect the health within a quarter mile distance. There is no one that is going to buy their property with a cell phone tower at this location if they read the material and know. She was shocked when she came to the meeting tonight and none of the neighbors were present. Cell phones are so popular, and they are ignoring the health issues. Del Webb is going to get what they want because they always do. They've got money and they are going to get what they want. It is scaring her. She has lived here all of her life. She asked the members to read what the radiation from the towers is doing to people. Taxes are high with Del Webb coming in there with Sun City. They cannot sell because the tower is there.

Mr. Galloway addressed the Board regarding the history of towers in Spalding County and the requirements for approval.

Discussion was held regarding the accuracy of the information furnished by the applicant. It was noted that the county relies on the applicant furnishing accurate information. Mr. Kirk said tower sites are very expensive, and Verizon is not interested in placing towers that will not get them the result they need. They research first to see if they can locate on someone else's tower prior to investing the cost, time and trouble to put up a new tower. Discussion was also held regarding the request to make it look like a tree. Mr. Kirk said if you are dealing with a tower that is the same height at the tree level, they can be effectively disguised. A tower that is significantly above the tree line, as this one is, would be much more visible. It further would discourage co-

location by adding weight to the monopole and would limit the number of antennas that can be added. They need the height to get the coverage they need.

Mr. Folds said discussion has been regarding the number of towers. There are three towers in Sunnyside that is 3 to 4 miles for his house.

Mr. Kirk said the FCC regulates the standards of safety for the telecommunication towers, and as long as the tower meets their standards, the local authorities do not have the power to deny the application based on those standards.

MOTION

Ms Cannon made a motion to approve Application #09-11S with no landscaping waivers. The motion passed on a second by Ms. Hackbart with Ms. Cannon, Ms. Hackbart, Mr. Hardwick, Mr. Perdue, and Mr. McCallum voting for the motion.

MINUTES

Ms. Cannon made a motion, seconded by Mr. McCallum, to approve the minutes of the July 9, 2009 meeting. The motion passed with Ms. Cannon, Ms. Hackbart, Mr. Hardwick, Mr. Perdue, and Mr. McCallum voting for the motion.

ADJOURN

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

Doug Hardwick – Chairman

Yvonne M. Langford - Recorder