

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**April 8, 2004**

The Spalding County Appeals Board held its regular monthly meeting on April 8, 2004 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Greg Pruitt, Chairman, presiding, Jon Baird, Bobby Hart, Charles Heggie, Allan McCallum and J. D. Smith. Dennis Richardson was not present.

Also present were Charles Taylor, Community Development Director, Lee Craig, Senior Planner, Newton Galloway, Attorney, and Virginia Langford and Yvonne Langford to record the minutes.

A quorum being present Mr. Pruitt called the meeting to order at 6:55 P.M. to approve an amended agenda and to consider time limits for the applications.

Mr. Pruitt said there were changes on the agenda that would have to be approved and additionally there would be time restrictions on the applications.

Mr. Galloway explained that due to the extensiveness of the agenda the anticipated shortest cases had been moved to the beginning of the agenda and the anticipated longer cases would be heard last. He requested approval of the agenda.

**MOTION**

Mr. Hart made a motion, seconded by Mr. Baird to adopt the new agenda. The motion passed with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

Mr. Galloway said the following time limits were recommended on each application:

- #04-10V Liberty Springs Baptist Church – 10 minutes
- #04-15S – Fairy Jane Phillips – 10 minutes
- #04-07V – Crescendo Land – 10 minutes
- #04-08V & #04-08AV – Bennett – 10 minutes
- #04-09V – Mobley – 10 minutes
- #04-04S, #04-04AS, #04-04BS, #04-04CS, & #04-04DS – High Top/Shawshank  
20 minutes (10 minute per side)
- #04-11V – Chuck Pruitt – 20 minutes
- #04-13S – MRD Realty - 30 minutes (15 each side)
- #04-14S – Conaway/Pruitt – 30 minutes (15 each side)
- #04-12S – Echols/Admiral Co. – 30 minutes (15 each side)
- #04-16S – Steele/Next Generation – 30 minutes (15 each side)
- #04-17S – Hollberg/Next Generation – 30 minutes (15 each side)

**MOTION**

Mr. Baird made a motion to adopt the time limits as proposed. The motion passed on a second by Mr. Smith with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

**MOTION**

Mr. McCallum made a motion to adjourn the meeting until 7:00 P.M. The motion passed on a second by Hart with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

Mr. Heggie arrived at 7:04 P.M.

Mr. Pruitt reconvened the meeting at 7:05 P.M., introduced the members of the Appeals Board and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

All persons appearing before the Board of Appeals came forward, stated their name and address and were sworn.

**Application #04-10V:** Liberty Springs Baptist Church, Owner – J. A. Phillips Construction Company, Inc., Agent – 41 Leach road (0.60 acres located in Land Lot 35 of the 1<sup>st</sup> Land District) – requesting a Variance from minimum building setback from property line.

Mr. Taylor said the original staff recommendation was for approval. The church has existed on this site since 1918, the shape of the property creates a hardship for the required setbacks for the building, and the proposed expansion will encroach on the property line less than the existing structure does. They have determined that the construction of the proposed expansion covered under this variance has already occurred. Additional construction at the front of the property, not covered by the variance, has already begun. Pictures were presented.

Mr. Pruitt said there are some issues regarding this application. A variance has been requested for one portion of the building but not the other. They began the construction before the variance was granted. No building permit was requested or granted. The county wants to table, but the applicants do not want to table. The county has just been made aware that construction was started and there may be some legal issues that the county needs to investigate.

John Phillips and Delores Phillips - 242 Armstead Circle

Mr. Phillips said he went by the building inspector's office and applied for a building permit in January. He was advised that he needed to bring architectural drawings, site plans and provide the name of the person that would be doing the work. He got a site plan and drawings and submitted that information, along with a check for \$1000 for approval for a building permit. They accepted the check and the plans and then he received notice in the mail that he needed a variance. Before they advised him that he

needed a variance, they would not give him a permit. He went back and applied for a septic tank permit and that was when they told him that he needed a variance. In the process of trying to get a variance he discovered, under Section 803, it states churches in residential neighborhoods do not need additional approval required for expansion or modification of churches that existed as of January 4, 1994. Under that impression, he thought he did not have to get a permit, but he did file for the variance and was working, doing the job, assuming that he would get the variance, and he would get a permit and pay for it. He was not trying to work, building something in the county without getting permission. The section 803 states that he does not need additional approval.

Mr. Taylor said that section means that if the church existed prior to adoption of the ordinance, if you want to expand you would not have to request a special exception, but you have to get variances and permits.

Mr. Phillips said he thought he did not have to get the permits until the variances were granted. He was advised that the county was going to recommend approval of the variance, but when they found out the work was in process, they advised him that they were going to recommend that it be tabled. He does not understand why it needs to be tabled because it is going to draw out the completion of the project. He does not have time to wait six months. He does quality work and is not trying to not pay the fees and furnish the papers that are needed.

Ms. Phillips said he was working under the assumption that no additional approval was required.

Mr. Galloway said time is needed to investigate this application, and it will be tabled only until the next meeting. It will not take six months.

#### **MOTION**

Mr. Hart made a motion to table Application #04-14V. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

**Application #04-15S:** Fairy Jane Phillips, Owner – Randall Bell, Agent – 245 Dundee Lake Road (2.10 acres located in Land Lot 165 of the 3<sup>rd</sup> Land District )- requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Randall Bell – 611 East Solomon Street

Mr. Bell said they are requesting this to put a manufactured home on this property so he can move to this site.

Mr. Taylor said there is no trend in the area for new construction or manufactured homes. They will be replacing an existing manufactured home on the property. The subdivision is approximately 50% manufactured homes and the majority of the manufactured homes in the subdivision are older, singlewide homes. Staff recommends approval.

## **MOTION**

Mr. Heggie made a motion, seconded by Mr. Smith to approve Application #04-15S. The motion passed with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, and Mr. Smith voting for the motion and Mr. Pruitt voting against.

**Application #04-07V:** Crescendo Land, LLC, Owner – Next Generation Properties, LLC, Agent – Parliament Place Subdivision located on Highway 155 – (40.26 acres located in Land Lot 111 of the 2<sup>nd</sup> Land District ) – requesting a variance from subdivision entrance sign.

Mr. Taylor said they have reviewed this application and from the entrance site it is impressive but the applicants failed to meet the requirement in the ordinance of hardship for a variance. The granting of the variance, without a specified hardship, would compromise the purpose and the spirit of the ordinance and the recommendation is for denial of the application. The placement of the sign is not an issue. It is the height.

Jzonn Cureton - 958 Main Street – Lithonia

Mr. Cureton said this design shows the quality of the subdivision they will be developing. The tower on the sign is 9 feet in height and it is 28 feet in length from end to end. The major part of the sign is within the code it is just that the towers are too tall. There will be lights in the towers. They are trying to get a variance so they will be able to use this design.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale said he is against approval for the variance of the sign. It is a very limited sight distance coming from the property on Highway 155. This transition is a very dangerous and hazardous place especially during rush hour traffic. 155 is a narrow highway with very little shoulder. Looking to the left is a rise and it is 175 feet before you see the car coming over the hill. At 55 miles per hour, it gives someone pulling out of the driveway 1.9 seconds before the car is at the intersection. Looking to the north you have 550 feet but you have to pull out into the lane to see the traffic coming. He had pictures to show the area. He gave statistics on traffic and wrecks and the excessive speed of the vehicles as well as poor drivers. Highway 155 is scheduled to be widened within the next six years. The possibility of a turn lane and passing lanes could possibly be developed faster. Georgia DOT has no projections. The entrance sign would have to be set back far enough not to interfere with the allowance for the widening. A big bulky sign would detract from the local rural community in general and would not be compatible with the existing signage in the area. Additional traffic on the highway from this subdivision is going to be bad enough without the added eyesore and driver distraction.

Homer Shelnutt – 1775 North Walkers Mill Road

Mr. Shelnutt said he is opposed to this because he nearly was killed when he rode into the new development the other day and tried to pull out. He taught driver's education in the school system and he knows about lead-time. Somebody needs to take a look at this. He said this is going to be the responsibility of the homeowner's association, and he has been through this in Florida, and he is not in favor of the homeowner's association because as the requirements are raised, the fee goes up, and when you can't pay them, they put a lien on your house and you lose your property.

Mr. Pruitt said there were three more people to speak but time is up. He asked them if what had been said covered their comments.

Walter Cliff Futral – 4953 Jackson Road

Mr. Futral he and Dan Smith Properties applied for, and received a change in zoning on Arthur Bolton Parkway and High Falls Road for a convenience store. The only way they were able to get the zoning was to agree to a monument type sign. These men said it was a hardship to agree to lower the height of their sign. They do not have a hardship because if they can afford to try to get 142 acres rezoned for one-acre lots and 44 acres rezoned. They have plenty of money and should have no problem doing what they want to on a sign. The sign should be thrown out and something safe for the community and for the public should be put in its place.

#### **MOTION**

Bobby Hart made a motion, seconded by Mr. Baird, to deny Application #04-07V. The motion failed to pass with three to three split.

Mr. Galloway recommended tabling and considering the application at the next meeting.

#### **MOTION**

Mr. McCallum made a motion, seconded by Mr. Heggie, to table Application #04-07V. The motion passed with Mr. Baird, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion and Mr. Hart voting against.

**Application #04-08V:** Randall S. Bennett and Phillip P. Bennett, Owners – 1813 South Walkers Mill Road (3.241 acres located in Land Lot 23 of the 3<sup>rd</sup> Land District ) – requesting a Variance from minimum lot width and minimum road frontage in the AR-1 District.

**Application #04-08AV:** Randall S. Bennett and Phillip P. Bennett, Owners – South Walkers Mill Road (8.228 acres located in Land Lot 23 of the 3<sup>rd</sup> Land District ) – requesting a Variance from minimum lot width and minimum road frontage in the AR-1 District.

Mr. Pruitt said he would entertain a motion to consolidate applications #04-08V and #04-08AV for the purposes of hearing and to vote separately.

**MOTION**

Mr. Heggie made a motion to consolidate Applications #04-08V and #04-08AV for the purposing of hearing and to vote them separately. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

Mr. Taylor said the staff recommendation is for denial because no hardship has been identified. He said they have received a FAX from a neighbor who could not be present who expressed her concerns.

Randall S. Bennett – 491 Chula Road – Locust Grove, Georgia

Mr. Bennett said when he purchased this land there was an old house and a singlewide mobile home on the property. They have removed the mobile home. They have 450’ of road frontage. They want to put his mother and father in the old house and he and his brother want to build homes there so they can look after their parents as they get older. They have the acreage but do not have the required road frontage. They lack approximately 50 feet. They will build nice 2000 SF homes. The community has a lot of singlewide and modular homes.

Phillip P. Bennett – 489 Chula Road – Locust Grove

He said they purchased the land thinking they would be able to put in a flag lot and have enough road frontage for the other houses. He has a house plan and a builder. The house will be 2800 SF under roof. This will increase the value of the property in the area.

Mr. Pruitt read the FAX from Ms. Juanita Delay expressing concern about this encroaching on her property located adjacent to this property. She has found flags on the inside of her property at 1781 South Walkers Mill Road. She has tried to contact Mr. Bennett without success.

Discussion was held regarding concern that they will build houses and sell them rather than live there themselves. There was also concern that they would build their homes and then ask for approval for other homes on the property. There were not restrictions that could be used to prevent them from selling the houses.

**MOTION**

Mr. Heggie made a motion to approve Application #04-08V conditioned on minimum 2000 SF houses. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

**MOTION**

Mr. Heggie made a motion to approve Application #04-08AV conditioned on minimum 2000 SF houses. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

**Application #04-09V:** Alan R. Mobley, Owner – Elder Road (1acre located in Land Lot 74 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum lot area in the AR-1 District.

Alan Mobley – 262 Mobley Road

Mr. Mobley said he purchased the property 12 years ago and this is the remainder of a 3+ acre tract of land. He applied to the Board of Appeals in 1993 for a variance on a tract that was .64 acres. He was denied but he did have septic tank approval. It was suggested that he attempt to purchase a portion of the land to the rear. That tract was 150 acres. He has been able to purchase enough of that property to get a one-acre lot and is requesting a variance to build on the lot. He had a tax map showing the property.

Mr. Taylor said no hardship was presented in this case. The applicant, Mr. Mobley, has applied for this variance based on what was recommended 11 years ago by the Board of Appeals under a different zoning ordinance. The recommendation is for denial. Lot sizes should be requested through zoning. He noted this property will have to be approved by the Health Department for the septic system even if the Appeals Board approves.

#### **MOTION**

Mr. McCallum made a motion to approve Application #04-09V. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion and Mr. Heggie voting against.

**Application #04-04S: Lift from the table** – High Top Holdings, Inc., Owner – Shawshank Ltd., Agent \_ Off Stephens Street (19.96 acres locate in Land Lot 126 of the 3<sup>rd</sup> Land District ) – requesting a Special Exception to allow one-acre lots in the R-2 District.

**Application #04-04AS: Lift from the table** – High Top Holdings, Inc., Owner – Shawshank Ltd., Agent \_ Off East McIntosh Road (13.82 acres locate in Land Lot 126 of the 3<sup>rd</sup> Land District ) – requesting a Special Exception to allow one-acre lots in the R-2 District.

**Application #04-04BS: Lift from the table** – High Top Holdings, Inc., Owner – Shawshank Ltd., Agent \_ Off East McIntosh Road (17.51 acres locate in Land Lot 126 of the 3<sup>rd</sup> Land District ) – requesting a Special Exception to allow one-acre lots in the R-2 District.

**Application #04-04CS: Lift from the table** – High Top Holdings, Inc., Owner – Shawshank Ltd., Agent \_ Off East McIntosh Road (23.83 acres locate in Land Lot 126 of the 3<sup>rd</sup> Land District ) – requesting a Special Exception to allow one-acre lots in the R-2 District.

**Application #04-04DS: Lift from the table** – High Top Holdings, Inc., Owner – Shawshank Ltd., Agent \_ Off East McIntosh Road (1.23 acres locate in Land Lot 126 of

the 3<sup>rd</sup> Land District ) – requesting a Special Exception to allow one-acre lots in the R-2 District.

**MOTION**

Mr. Hart made a motion to consider Applications #04-04S, #04-04AS, #04-04BS, #04-04CS and #04-04DS together and vote separately. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

**MOTION**

Mr. Heggie made a motion to lift Applications #04-04S, #04-04AS, #04-04BS, #04-04CS and #04-04DS from the table. The motion passed on a second by McCallum with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

John Herbert - 1750 Cardinal Drive

Mr. Herbert said he represents Mr. Jones and Mr. Mixon the sellers of the property. He identified the location of the property. The application was tabled last month to give them the opportunity to work out some of the deficiencies. They have met with the county and attempted to answer their concerns. The area has small homes on small tracts. They did some research and could not find any tracts as large as one acre or any large houses in this area; however, they could have overlooked some. They propose one-acre tracts with 1400 SF houses. The design will be early American with garages. When work is begun, the property values in the area will increase. There is a church in the area that should benefit from the increased population.

Nathan Mixon – 105 Hancock Road – Williamson

Mr. Mixon said this proposal is for a nice subdivision with nice houses. They have tried to do everything the Board recommends. This will be a resurgence to the area and an upgrade. They do not want to do anything to bring the area down. He requested approval.

E. Rosser – 50 Smoak Road

Mr. Rosser represented the Roosevelt Railroad, which owns the track that goes through the middle of the property. They have plans to make this railroad active again. They are concerned because there is no buffer. They are concerned about the children playing on the track. He has left a message for Mr. Jones and he has not contacted him so he can address his concerns to him. They are opposed until they can get some more information. They want a scenic buffer so they are not looking at a subdivision when they travel the rail.

David Goodman – 1362 North 9<sup>th</sup> Street

Mr. Goodman said he and his brother Mark Goodman own some land in this area. He lives right across from this proposed subdivision. They are concerned about the traffic. They do not need this subdivision because there is going to be one way in and one way out. This will bring down the value of the property in the area.

Bob Burke – 120 King Richard Drive

Mr. Burke said he served on a task force regarding the zoning in the county. They worked hard on this project and spent long hours. The sole purpose of the special exception for one-acre lots is to double the density of the houses. Density puts a tasking on the schools when you go to one-acre lots. A lot of money was spent on the land use plan. This subdivision would not be allowed under the new land use plan. It is not a good idea to kill the land use plan by rushing to allow special exceptions. These houses will become Section 8 housing.

William T. Vickery – 1409 North Lee Street

Mr. Vickery presented a petition to the Board with 50 signatures. He noted that there are four that are being circulated. The other three are not back in yet but he will get them for the County Commission meeting. They are concerned about the safety of the community. This is one of the safest communities in Spalding County and if these houses are allowed that will devastate that. The schools are already overcrowded. It will devastate the people in the area. At the last meeting, it was brought up to set the “bar” high. He requested the Board deny this application. The water lines are in terrible repair. They are being patched now. He requested denial.

Doris Gossett – 1405 Lee Street

Ms. Gossett said she is concerned about her mother who is not well and has to stay on oxygen. With one way in and one way out it will cause traffic congestion and will bring more noise. She said if they have enough money to develop this land, they can pay to have another way in and out of the property. This began as five acre lots and it is now one acre lots.

Mr. Herbert said as a family man he prefers a dead end street because there is less traffic. He said Section 8 is a good solid program where it is needed and it is generally needed in an economical area where the houses lend themselves to a certain price range. If you get a great deal of money in a house you can’t afford to rent it as a Section 8. These houses will sell for \$120,000 to \$150,000. With all the smaller lots in the area, these larger lots are going to help.

Mr. Hart said Camp Stephens is on 9<sup>th</sup> Street and the old breast works are still there and this was an overflow for Confederate hospitals. This is not involved with this project.

Mr. Taylor said they had met with the developer and some new designs have been brought in for the homes. The plan they have submitted meets all the zoning conditions placed on the property. It meets the design criteria for the urban proximity area. The proposal is consistent with what is out there and the density meets the requirements on the future land use map. The recommendation is for conditional approval. The conditions are:

1. The developer pave Lakeview Street to Spalding County standards during the construction of the interior streets.

2. Garages shall be located behind the rear building line of the homes and can be either attached or detached.
3. Variance has been applied for a cul-de-sac length and this variance must be approved.

Mr. Hart said he had met with Mr. Danny Kendrick who is the director of transportation for Griffin-Spalding County School System and he is very concerned with the entrance from Lakeview Street onto McIntosh Road. There is a sight distance issue. A school bus is 30,000 pounds and to get it moving takes a lot of power. There are large diesel engines on school buses but there is no way a school bus can accelerate as fast as an automobile can. He is concerned and requested that this be relayed to the Board of Appeals.

Mr. Herbert said they would certainly give whatever sight distance that will be needed to get in and out.

Mr. McCallum addressed the lack of appropriate front porches on some of the house designs that was furnished by the developer. He also questioned whether the 10 foot strip that was taken out of the lot would allow them to meet the green space requirements. He asked if the proposed 50' right of way access easement for future development had an additional entrance to that future development outside of the cul-de-sac.

Mr. Taylor said that the porches are one of the design options. The styles are cottage style homes and do not always have the porches. The 10 foot strip was taken out of the lots and without it they do not meet the green space requirements but the lot lines were moved to accommodate for that strip. The additional right of way is for future development that would come off of Dale Street, south of the development.

#### **MOTION**

Mr. Baird made a motion to approve Application #04-04S with staff conditions plus including a significant buffer to adequately screen the rear of the lots along the Roosevelt Railroad. Mr. Pruitt seconded the motion.

Mr. McCallum asked if the 10' easement across the Roosevelt Railroad was an easement of record.

Mr. Taylor said they had not done the research of the easements on the property. The way the layout is designed they would have to try to acquire the access easement across the railroad property.

Mr. Pruitt said his understanding of the motion is that it will require screening all the way down the railroad.

#### **MOTION – VOTE**

The motion failed with Mr. Baird and Mr. Pruitt voting for the motion and Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting against the motion.

**MOTION**

Mr. McCallum made a motion to deny Application # 04-04S. The motion passed on a second by Mr. Smith with Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

**MOTION**

Mr. McCallum made a motion to deny Application # 04-04AS. The motion passed on a second by Mr. Smith with Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

**MOTION**

Mr. McCallum made a motion to deny Application # 04-04BS. The motion passed on a second by Mr. Smith with Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

**MOTION**

Mr. McCallum made a motion to deny Application # 04-04CS. The motion passed on a second by Mr. Smith with Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

**MOTION**

Mr. McCallum made a motion to deny Application # 04-04DS. The motion passed on a second by Mr. Smith with Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

Mr. Pruitt said he would not participate in the next three applications because the first involves his son and the next two are ones in which he has a contract interest.

Mr. Hart assumed chairmanship of the meeting.

**Application #04-11V:** Chuck Pruitt Builders, Inc., Owner – Millcreek Lane (1.53 acres located in Land Lot 93 of the 1<sup>st</sup> Land District ) – requesting a Variance from minimum lot width in the R-5 District.

Chuck Pruitt – 1023 Moreland Road

Mr. Pruitt had pictures of the surrounding property. He said he had purchased the lot feeling he would have not difficulty in getting it divided into two lots because it is in a mobile home subdivision. He has built a 1400 SF house on the property and wants to build one like it on the balance of the land.

Mr. Taylor said the applicant has not presented a case for hardship and the recommendation is for denial.

Greg Pruitt – 55 Partridge Path

Mr. Pruitt said this has been through zoning and that was approved. They saw the plat, and what he was planning. They gave this their approval by allowing the rezoning. The staff also recommended denial on that application.

#### **MOTION**

Mr. McCallum made a motion to approve Application #04-11V. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion.

**Application #04-13S:** M.R.D. Realty, Inc., Owner – John G. Pruitt, Agent – Tract 84 West McIntosh Road (25.53 acres located in Land Lot 62 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling in the R-1 District.

Chad Pruitt – 914 West Taylor Street

Mr. Pruitt provided the members of the Appeals Board with information on proposed house designs for this development identified as Lexington Place. Mr. Pruitt said the plan is for 1750 SF with all brick fronts and hardi-plank sides and rear. The houses will sell for \$170,000 with the lots selling for \$30,000. He had display boards to show the master plan. There will be a 300 foot boulevard with a center island with plantings. There will be sidewalks. They have bermed the sides to screen the neighbors. There will be a raised pedestrian walk as you approach the entrance. There will be a recreation area with a swimming pool, 10; concrete walk, 800SF cabana/clubhouse, and tennis court. There will be benches throughout the recreation area. There will be bike racks. This site is 1.5 miles from the busiest intersection in Griffin, 19/41 – 92 intersection. It is 1 mile from Griffin Crossroads and the North Griffin Square retail center which makes it within walking distance for the average person. This is medium density which allows 1 to 4 units per acre. The proposal is for 2 to 2.5 per acre which is less than allowed in medium density.

Lee Southern – 2375 West McIntosh Road

Mr. Southern has handouts regarding the safety issues. The handouts gave the reaction time and travel distance before stopping of various weight vehicles. He went over the information provided and the danger as it relates to this intersection. He additionally addressed the danger of fires with the present fire service. Houses this close together present additional danger requiring more fire fighters.

James R. Green- 2437 West McIntosh road

Mr. Green said under the present zoning they could only build 12 houses. He requested the Appeals Board to uphold that standard. This layout contains 10 more homes than the previous layout that was defeated which makes it 21% more objectionable than the last. He had a map showing the relative lots as they exist in relation to the lots being proposed.

He read a letter from Mr. B. James Dutton, 161 West Ellis Road, who, due to previous commitments, could not be present. Mr. Dutton said he lives in an historic, two-story

brick house in front of Waterford. He does not like to identify the location of his house in relation to Waterford and is quick to note that he does not live in Waterford. When Mr. Dixon requested the Waterford development a picture was painted of a beautifully maintained, peaceful environment. When sales slowed down, a new concept was created. It was of a scorched earth, get out all you can and get out concept. Mr. Dixon promised anything to get what he wanted. He always said for everyone to trust him they were going to love what he was going to do. The result is what has become a problem and left behind and forgotten by the promise makers. They have left behind consistent daily problems for those that are there. Check out the police, ambulance and fire station visits there and you will understand. The homeowners here tonight want you to consider this while you can still make a difference. All this is another problem being presented. They are requesting you to protect them rather than another promise maker. The property can be a beautiful asset to the surrounding property owners, community, school system and businesses who need quality homes for their employees.

Mr. Green said he did not want to see one of the high-density, twenty-first century, trailer parks in his backyards, or anywhere in Spalding County. High-density equals high crime, low property values. Is this the precedent to be set in Spalding County? This kind of development does not work here. It has already happened. He requested rejection of the special exception.

Sue Fowler – 2435 Fayetteville Road

Ms. Fowler requested denial of this high-density subdivision. She lives 1.9 from the corner and the entrance to this subdivision cannot be 1.5 miles. 58 houses on 25 acres is totally unacceptable. This subdivision has many lots as small as 1/3 rd acre. The county commissioners say they need to upgrade the housing Spalding County. With Minerva and several other proposed subdivisions, Spalding County has enough high-density housing for years to come. The surrounding property here would be diminished and security and safety will be threatened. Spalding County cannot offer employment for the residents within the boundaries now. This will become Section 8 housing in the future. The *Griffin Daily News* says there are 460 Section 8 houses in Spalding County at the present time. Spalding County is carrying the brunt of neighboring counties. The surrounding counties are carrying several hundred percent lower. High-density and Section 8 also bring with it drugs, safety and theft problems. Schools need to be considered. The current public school population is about 10,500 students and has remained that for several years. The reason for this is an apparent high drop out rate. This will add approximately 70 children in the proposed subdivision and when added to the 3000 building permits issued the number run up. She has been told there are 625 empty homes and if they are sold and occupied we will be forced to build one or two more schools to accommodate all the children. The state and the county split the cost of education with the county's portion being \$2200 per child. The cost per house is \$2,600 each. Each new house needs to have an assessed value of \$320,000 to cover its mandated services. The residents have no objection to the present zoning that allows 12 homes. Why have a future land use plan, ordinances, regulations, codes when all the builders have to do is appear before the various commissions and request exceptions. The Planning and Zoning Board turned this down and she requests the same.

Bob Burke – 120 King Richard Drive

Mr. Burke said this is less than ½ mile from this proposed subdivision. This development does not comply with the current land use plan or the future land use plan. The future land use plan will not allow them to request an exception. This does not fit with what is already in the area. It will be a “lonely little petunia in an onion patch”. He requested denial.

Mr. Chad Pruitt

Mr. Pruitt addressed the concerns expressed. Mr. Pruitt said the traffic concerns is a generality and not site specific and does not apply to this application. Zoning allows for special exceptions. He does not know anyone that will purchase a \$175,000 home for Section 8 housing. There is more than 25% open space in the subdivision which is greater than in the general subdivisions. Ashton Place is full and you cannot find a place to buy there. More developments like that will allow for quality growth. This is a medium density subdivision. He has returned to Griffin and wants to live here the rest of his life. He wants quality growth. He wants to be able to find developments like this without having to drive all the way to Peachtree City.

Mr. Taylor reported that the design for the subdivision is good and meets the requirements for a country club type subdivision including the amenities. However, the trend in the area is larger lots than proposed. The property is surrounded by area with at least ½ acre lots. There are several large properties in the area. Approval of this subdivision will set a precedent and to continue that high a density, the traffic will significantly increase.

#### **MOTION**

Mr. McCallum made a motion to approve Application #04-13S. The motion passed on a second by Mr. Heggie with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum and Mr. Smith voting for the motion.

**Application #04-14S:** Ricky C. and Cathy A. Conaway, Owners – John G. Pruitt, Agent – 996 Vineyard Road (7.03 acres located in Land Lot 60 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling in the R-2 District.

Chad Pruitt – 914 West Taylor Street

Mr. Pruitt provided the members of the Appeals Board with information on proposed house designs for this development identified as Serene Place. Mr. Pruitt said the plan is for 1400 SF homes with all brick fronts and hardi-plank sides and rear. This tract is 7+ acres accessed off of Vineyard Road. It presently has a lake. They have designed the area to keep the lake on the site. The recreation area will have a clubhouse with 650 SF, bicycle rack, parking, walking trails and sidewalks. There is an entrance monument. The streets are curb and gutter with green islands. There are two very dense subdivisions on either side, Wills Walk and Vineyard Ridge. With those subdivisions, the highest and best use would be a subdivision such as this. The houses will sell in the \$110,000 to \$120,000 price range.

Ricky C. Conaway – 996 Vineyard Road

Mr. Conaway said he is surrounded on one side by Wills Walk and the other by Vineyard Village. This is putting a hardship on his property which is a 2000+ SF, five bedroom single-family home. The county approved Wills Walk and Vineyard Village and this will just be a continuation of this. He has seven acres that are not feasible to use for a single-family property between these two subdivisions. He has had it on the market for a year and the only buyers interested are developers. He requested the same consideration granted to Wills Walk and Vineyard Village. This will be a nice subdivision with a lake and nice homes, walking trails, clubhouse, etc.

Cathy Conaway – No further comment

James H. Crawford – 1191 Vineyard Road

Mr. Crawford said the Conaways have his sympathy. They have been overrun and crowded out of a beautiful place. Most of the argument raised in the previous application applies to this one. He does not know what happened to zoning. It originally seemed to be a pretty good idea but somewhere down the line we have lost track of it. We continue to change zoning, override zoning, overrule zoning and make special exceptions to zoning. He is concerned about the load that continues to be put on overloaded sewer lines, overloaded lift pump station. The sewer line runs parallel to Manley Creek at a distance never wider than the width of the road. If that sewer system or pump fail, it is all going down Manley Creek which feeds into the reservoir. He is concerned about traffic on Vineyard Road. It is pathetic and the traffic is getting worse because it is an alternate route to Highway 92. Cars travel at high rates of speed. He urged denial of this application.

Stacy Newstead – 110 Sammy Circle

Ms. Newstead said she understands the pond is spring fed and she thought you could not do anything with a spring fed pond. When you consider the pond and recreation area, 23 homes on this acreage puts the homes on top of each other. The picture looks good but on this site all of that is not there yet. Her property runs down the side of this property and when she bought in Wills Walk she was unaware they were going to build another section to Wills Walk or she would probably not have bought there. She probably would not have bought there if she had known they were going to build Vineyard Village. These homes are going to be right at her back door. She is concerned because it is going to be right on top of her. It is not feasible to put 23 homes on what is left by the time you put in a clubhouse and parking lot. There is a petition going around to oppose this. She calls this cluster homes and they wind up being Section 8 and rental with high crime. This is high-density. She urged denial. She feels this is a conflict of interest even though Mr. Pruitt is not participating in this application he is still a member of this board.

Donna Callahan – 123 Wills Way

Ms. Callahan said she moved into Wills Walk two years ago and lives on the lot furthest to the rear with the most trees. She has almost an acre. This will be in her back yard and she does not want that many homes in that small space. If one house goes

up in flames, a lot will go up in flames. Consideration should be given to fewer homes. You can go to Atlanta and live like that. She requested denial.

Mr. Pruitt said they have a letter approving sewer capacity. They had the lake checked and there were no restrictions. They want to keep the lake and that is their intent. They are planning to buffer the lake and if necessary will provide a screen at the rear.

Mr. Galloway said that Vineyard Ridge is a conservation subdivision on property that was already zoned R-2 for which there was sewer access. After Vineyard Ridge came in, the ordinance was changed such that Vineyard Ridge, as platted now, could not be approved.

Ms. Newstead said that Wills Walk has an average of ½ acre lots. Her lot is 1.74 acres and Ms. Callahan's lot is almost an acre.

Mr. Taylor said, in reviewing this application, the design meets the requirements for the county club subdivision including the amenities. However, the density is not supported by the future land use map which classifies the property as low-density residential.

**MOTION**

Mr. Heggie made a motion to approve Application #04-14S conditioned on 1750 SF homes and screening the properties totally from all properties that already exist. The motion failed for lack of a second.

**MOTION**

Mr. Hart made a motion to approve Application #04-14S. The motion failed for lack of a second.

**MOTION**

Mr. Heggie made a motion to deny Application #04-14S. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Heggie, Mr. McCallum, and Mr. Smith voting for the motion and Mr. Hart voting against.

Mr. Pruitt chaired the balance of the meeting.

**Application #04-12S:** Norman G. Echols, et al, Owner – Admiral Company, Inc., Agent – Teamon Road (34.38 acres, more or less, located in Land Lot 170 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow one-acre lots in the R-4 District.

Ted Echols – 825 Fairways Court – Stockbridge

Mr. Echols said he was representing Admiral Company in the application to develop a special exception residential neighborhood. There will be 22 lots. The Echols Family has owned the property since 1969. The applicants have attempted to provide some unique and appealing features. The streets have "roundabouts" for green space which serve to break up the road and add special features. They have attempted to comply with the special exceptions for the estate life neighborhood. One of the features is to minimize

the disturbance to the land. They have concentrated to minimize the grading and to preserve as many trees as possible. They have attempted to create a large green space area by having a natural common area. The green space has been designated to create a buffer between this subdivision and the residential homes that are on Jordan Hill Road. Most of those are less than one-acre lots. This proposed subdivision, with the green, space minimizes the impact it will have on the neighbors. The proposed subdivision conforms to the comprehensive land use plan and is consistent with the new land use map which designates the area as low-density residential. It is consistent with the uses of the nearby property and the zoning of nearby properties. The zoning classification of this subdivision will have significantly larger homes than are in the area. The requested lot size, which will be one home on 1.5 acres, is larger than the lots in the neighboring area. To the east of the property, along Jordan Hill, and to the south a new development is on one-acre lots. This property is well suited for the proposed subdivision. The density, which is 1.5+ acres per house, is well below the 1 unit per acre which is the low-density housing standard. There is a need for the type house on this size lot along Teamon Road. The proposed development will not increase the threat to the health, safety, and welfare of the area. The subdivision and proposed road will improve the community. This will provide a public right of way to at least three homes that currently do not have road frontage. There are three or four land locked properties that will have access to a public road. This will provide a safer access to Teamon Road. The subdivision will not be detrimental to the area. It is consistent with the neighbors on Jordan Hill Road and the currently zoned property to the south which is Spring Lake Subdivision which has one-acre lots. The value of this property will be diminished without the zoning request and special exception. The zoning will allow it to be used more effectively, more efficiently and without the rezoning and special exception the value is pushed artificially low. This property is shaped like a pie with 50' road frontage on Teamon Road. The current neighbors and neighborhood will benefit from the proposed rezoning and special exception. The size homes which will be 1500 SF+ are much larger than other homes in the area. This size home and the green space will increase the value of the neighbor's property. The staff and the school board representative at the Planning Commission meeting noted that there will be minimal impact to the schools. There will be six additional students. The staff has noted that it is a collector street and will not be overburdened by this special exception. There is a need for the quality of home and size home on Teamon Road that is being proposed. If this is not approved, they feel they will be treated differently than the other property on Teamon Road and that because of the different treatment the property value will be pushed lower. The portion of Spring Lake that joins this property to the south is a designated area with one-acre lots. They are requesting to be treated similarly to the neighbors. He requested approval of the special exception.

Mr. Hart asked if there was a pre-conference with staff.

Mr. Echols said the engineer had met with the staff, he had met with the staff and he and the engineer had met together with the staff.

Mr. Hart said this is one of the worst designs he has ever seen. Of the elevations that were submitted only one comes close to an English or American or country estate. Some of the floor plans do not have 1500 SF. The location of the detention pond on the site plan would be an obstruction to the people trying to use the green space. The detention pond should be relocated. He asked how he proposed the people get to the designated green space. None of the lots are around it. The green space is on the northeast corner with no lot close to it and no way identified to get to it.

Mr. Echols said that lot is very similar to the other lots that are part of the subdivision they will correct or amend because it is landlocked. It is a one acre lot like most of the lots in the area and it is one owned by the Echols Family that they have owned since 1969. There is access to that and it is accessible to another lot owner.

Mr. Hart said the common space has to be designed to be utilized by a majority of the homeowners. There is a cul de sac that is only 300 feet long. Lot 17 does not have adequate lot width.

Mr. Echols said they have reviewed the staff objections and they feel they have met the zoning requirements. It was designed by the engineer to meet those requirements. They feel lot 17 meets the requirements. The green space they have provided meets the requirements. The green space was all in one area and the staff wanted it spread out and they changed the plan to spread out the green space around the property. They could put it all at the back and it would be acceptable to the owner and the agent. That would not be a problem. They can move the detention pond to the rear of the property. What they struggled with was the requirement that there be minimal disturbance to the trees. If you move the detention pond to the back, you will have to remove more trees to dig the ditch. There is competing interest in the ordinance and a they have attempted to minimize the grading and tree removal to comply with that part of the ordinance.

Mr. Hart said this design will require crossing the detention pond or crossing someone else's property.

Mr. McCallum said part of the intent of the green space is that it becomes a part of the community and that it be used by the community.

Sarah Wimbush – 1286 Teamon Road

Ms. Wimbush said she is against this subdivision because to get to the subdivision they will have to go across her land and will take her whole front yard. The traffic on Teamon Road is terrible. It almost takes the State Patrol to get across the road to get to her mailbox. If they take that much land it will decrease her property value. It has been mentioned that in either direction it takes the fire department 10 to 20 minutes to get to this area. She is against this. The Planning Commission denied this and she hopes the Appeals Board will too.

Jimmy Releford – 1301 Teamon Road

Mr. Releford said a lot of things Mr. Echols said are not true. This neighborhood where he wants to build these houses does not want him. They are comfortable where they are. His house is 1700 SF and he keeps saying the houses are 1500 SF. They do not want the houses out there. The driveway to this property is directly across from his house. He is going to have to take two peoples' yard to make the drive to the subdivision.

Deborah Brown - 4344 Philadelphia Drive – Dayton, Ohio

Ms. Brown said she owns some property in the 1200 block of Teamon Road. This property has been in her family since the 1950's. There was a house on her property that she recently had removed. This subdivision would almost be in her bedroom if she built another home there. Mr. Echols has not made a case and they should not have to do a lot to get this application denied. They do not need more development in the area. The people in the area are comfortable. When the Echols purchased this land it was zoned agricultural and they knew that. He says he wants to be given the same consideration as the other developers. He has a bad plan. The area is over saturate with single family houses now. This is going to be a tremendous impact on the schools, a tremendous impact on traffic and the neighbors are concerned about crime. There has to be some kind of infrastructure consideration relating to sewer, landfills, garbage, etc. Mr. Echols said the impact to schools would only be six children but with 22 houses how can he know how many children people will have? The schools are already overcrowded now before another house is built. She requested this application be denied.

Belinda Williams – 1325 Teamon Road

Ms. Williams said she against the rezoning on Teamon Road because they already have widened the road for traffic. Traffic is very heavy, heavy trucks and lots of cars travel Teamon Road. Her house is right across the street from where he wants to cut the road. The school bus lets the children off the bus where Mr. Echols wants to make the road and that is not right. It is very dangerous. Where he wants to build the houses is behind a shooting range. It is not fair to have houses behind a shooting range. There is already a lot going on on Teamon Road. He wants to build affordable homes. She has lived in affordable homes and it was not nice at all. There is a lot of crime, shooting, drugs, traffic and live music. She does not want to raise her children in that environment. She moved to Teamon Road because it was a quiet neighborhood in a rural area. A subdivision should not be in a rural area. They want to keep it rural. Make the right decision on behalf of the neighborhood. They might make the houses Section 8.

Tom Mallory – 1730 Teamon Road

Mr. Mallory said he runs a small business at 1286 C Teamon Road. He has trouble getting out of his property due to traffic. Everyone comes from 155 because it is easy access to 19/41 Highway. It starts at 5:00 in the morning and does not end until 8:30 or 9:00. Mr. Echols has indicated that he has a 50 foot right of way but he only has a 30 foot easement. He is against this subdivision.

Linda McWell – 1286 Teamon Road

Ms. Wells said she is opposed to this because the land he is proposing to put the drive on is a privately owned driveway. It has been there for over 30 years. Is he going to take everybody else's land because he wants to put houses out there? It is wrong and she will always be against it.

Roy Smith – 956 Teamon Road

Mr. Smith said this land is AR-1 and he wants one-acre lots. Most of the people out there have three acres to 125 acres. He owns 17 acres. That road is getting more dangerous. He has trouble getting his mail. Beaverbrook School has ten trailers right now. Where are these children going to go? What is happening? His taxes just went way up. He appealed his taxes and told them he lived on that small Teamon Road and six months later they had it widened. He does not know who to go to but they want a center turn lane.

Gail Dean – 1250 Teamon Road

Ms. Dean said if there is no good reason to make a change that is at least one very good reason not to do it. There is no benefit to the area or the county to change this to allow one acre lots. At the Planning Board meeting 26 student were projected if this subdivision is completed. Mr. Ballard with the school system said that even one student would make an impact on Beaverbrook at this time. There is no good reason to do this but there are some problems. This will increase the traffic and residents will be entering and leaving on a dangerous curve. There was no recommendation to go forward with this development.

Tom Dean – 1250 Teamon Road

Mr. Dean said several different areas have been heard from and the problem that has been happening is a great influx of people that come in from the neighboring counties that have filled up and are trying to fill our county up too. It is coming. He has lived on this property for 46 years. He has seen a lot of changes and a lot that he does not like. There is a good group of people that live in this area and they have extra crowded conditions. Teamon Road is not equipped to handle the kind of traffic that is there. The location of the driveway is not located on one curve but on two severe curves. The tax map shows this as a 30' driveway and all the plat plans they have show it at 50'. What is the correct size? There is only going to be one way in and one way out. It is going to be extremely dangerous. If they have plans for more than 10 or 15 houses it is going to be extremely crowded. He said his property is adjacent to Springs property on the south side but not all of it does because his property abuts it on the south side. He also abuts on the north side Cherokee Rose which is going to blow the people that will be in these houses out because he gets blown out everyday. This place is right next to his house and you have not heard any complaints like you are going to hear when get a larger number of people out there. He cautioned regarding the fact that all the development is going to bring 700 homes to that area and what are you going to do then? There has to be a stopping place.

Mr. Taylor said there is a plat that the applicants have submitted that shows a 50' frontage on Teamon Road. The plat was made by a registered surveyor and they do not

have anything that contradicts that so they go on the assumption that there is 50' of road frontage. There is a deed, legal description and a plat.

Mr. Echols said the right of way and the utility right of way will not encroach on anyone else's property. The number of students that he mentioned was 6. That is the difference in the number of students between what is allowed now and what would be allowed with the special exception. The staff said in their report that the roads would not be unsafe with 22 additional homes on Teamon Road.

Mr. Taylor said the Planning Commission, at their meeting last month, recommended denial of the rezoning. It is going to the Commissioners with a recommendation for denial. He said the density in the area is not the major concern. The main concern is the design. The common space is poorly designed. Only one of the submitted housing elevations meets the minimum guidelines for estate life theme. The architectural criteria is that it is English or American large country estate homes dominated by the use of brick or stone. The outbuildings are generally designed to look like farm buildings. The recommendation is for denial.

Mr. Echols said the applicant is willing to abide by the 1500 SF minimum.

## **MOTION**

Mr. Hart made a motion to deny Application #04-12S. The motion passed on a second by Mr. Smith with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

**Application #04-16S:** Michael and Debra Steele, Owner – Next Generation Properties, LLC, Agent – 1819 North Walkers Mill Road (44.59 acres located in Land Lots 82, 83 & 111 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow one-acre lots in the R-2 District.

Mr. Steve Langford – 6958 Main Street – Lithonia

Mr. Langford said this request is for Parliament Place – Phase II. Information was furnished regarding this project. The project is based on a minimum of 2000 SF homes. They want one-acre lots to continue with the project as planned. The plat has one lot that is under one-acre and they will correct that error. There will be a creek with a minimum 100' buffer in addition to the required green space. He went over the plan as proposed. The development will have underground utilities, next generation signature intelligent home technology, standard lot width between 50 and 75 feet, landscaped entrances, center islands, architectural street lighting, front and side-entry garages depending on the elevations, no exposed foundations, landscaping, sidewalks, side lawns, playground areas, gazebo, picnic tables, park benches, walking/hiking/biking trail, tennis courts, and clubhouse. They will be using an existing building for the clubhouse, preserve the interior and upgrade the exterior. Home exteriors will be of brick, rock or stucco on one to three sides with the balance in hardi-plank. Elevations will be ranch and two-story. This plan is consistent with the county land-use plan. He spoke regarding the asset to the community with increased tax revenue and quality homes. Minimal impact on the

schools. The staff recommendation is for approval. He requested approve for the special exception.

Jzon Cureton – 6958 Main Street – Lithonia

Mr. Cureton said the trees placed outside the right of way is at the request from citizens who had expressed concern that in the right of way Spalding County does not take care of the property as they should so they are trying to incorporate the trees into the lot rather than the right of way.

Debra Jo Steele – 1819 North Walkers Mill Road

Ms. Steele gave information to the members of the Appeals Board. She spoke in favor of this development. She gave information regarding the meetings that had been held in her home regarding this project.

Shane Huey – 1823 North Walkers Mill Road

Mr. Huey said he feels it is the desire of the Board to get away from the high-density R-4 subdivisions and this is a good way to “raise the bar” in this community. It will be good for the community and will bring people to Spalding County.

Kelly Hurd – 1817 North Walkers Mill Road

Ms. Hurd said she is totally against this special exception. She lives next to the Steele’s property on 28 acres. She bought and cleared the land in 1993 and they were told by the county they could only have one dwelling on the property due to road frontage. The Steeles knew this also. She showed pictures of her property with horses and said she does not feel this fits next to her land. It is bad enough with two acre lots and now they want one acre lots. It does not fit. They want to have 62 houses with septic tanks. She does not like that many septic tanks. The green space includes the space down the driveway that cannot be used. She asked that they give a lot of thought because it means a lot to her.

Homer Shellnut – 1775 North Walkers Mill Road

Mr. Shellnut said all rezoning actions should be consistent with the comprehensive land use plan and allow amendments to the future land use plan no more than twice a year. Why is there a zoning and planning board to do things to protect the homeowners? He is not opposed to growth but growth at what expense? The school board representative said it takes a tax roll of \$3000 for one student in the county. This is very concerning because he sees the school system going down. The roads are going down too. He is very concerned for this county. He moved here thinking that it was an agricultural area and that he would be protected by governing bodies. He has had experience with homeowner’s associations and they can increase the assessments to the point that people can loose their property. That is part of the consideration that needs to be discussed. He requested denial

Chris Manley – 2150 North McDonough Road

Mr. Manley said he represent himself and his grandmother. His family has been in Spalding County for 150 years. They have a family cemetery on his property. He

requested that the board deny any changes to this property. It is not necessary. If they want to develop the property they can do it without changing the rules. They want to live in the country. This will be a negative on the wildlife in the area. It will obliterate any privacy they have and the lifestyle and the way of life the people in this community have come to know. It will destroy the character and integrity of the large tracts of land that is important where they live. He wants to raise his family in this rural environment. He requested denial of this application to protect the residents of Spalding County.

David Uphold – 2191 North Walkers Mill Road

Mr. Uphold said he concurred with those that have spoken in opposition to this application. He is concerned about how quality of life is being redefined by those that have spoken in favor of this. Quality of life to him is not what quality of life is to others. They chose the area they are in because of its rural setting and quality of life is not a lot of people coming in with their problems. Can the county really afford more development? Have studies been made to find whether the revenues received from additional tax values offset the expenditures that will be needed for the infrastructure? Some counties have assessments that they put on developers to cover these cost, an impact fee of some sort. He requested denial.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale furnished a tax plat for review. He said what is being proposed does not match anything in the area. Everyone is on acreage. He is building a 6000 SF house on his property. He has a workshop on his property. He furnished pictures of the work that is being done on Phase I of this development. The developer has not lived up to the special exception he received for Phase I of Parliament Place. There is no 25% green space on Phase I. There is no undisturbed 50' buffer around the property. Allowing a special exception would be very detrimental to the adjacent properties. The development of these properties will bring down the neighborhood in general and would adversely affect the health and safety of the local residents. This subdivision is not compatible with what is out there. It is not consistent with the current land use in the area.

Leslie Hollberg – 3335 Jackson Road

Ms. Hollberg said Mr. Dugdale has checked out these developers and there is no record of their work other than they have been in business for four years. They have not supplied references. She strongly recommended that this application be denied.

Mr. Taylor said staff recommendation is for conditional approval. The subdivision is the second phase of an approved subdivision. The proposed density is consistent with the comprehensive plan. The conditions are:

There shall be no clear cutting of timber on the property

Minimal disturbance of the site shall occur during development to ensure tree protection.

Streetscape design shall meet the Spalding County utility placement standards.

## **MOTION**

Mr. Smith made a motion to approve Application #04-16S conditioned on there be no clear cutting of timber on the property, minimal disturbance of the site shall occur during development to ensure tree protection, streetscape design shall meet the Spalding County utility placement standards. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt and Mr. Smith voting for the motion.

**Application #04-17S:** Wilma A. Hollberg, Owner – Next Generation Properties, LLC, Agent – Georgia State Route 155 (North McDonough Road – 142.98 acres, more or less, located in Land Lots 81 and 251 of the 2<sup>nd</sup> and 3<sup>rd</sup> Land Districts) – requesting a Special Exception to allow one-acre lots in the R-4 District.

Steve Langford – 6958 Main Street – Lithonia

Mr. Langford said this is a request for a special exception to be able to subdivide the land into 95 one-acre lots. The development will be right next to a trailer park. The plan is for 60% 2000 SF homes, 20% 1750 SF homes and 20% 1500 SF homes. They propose to have 100 foot buffers on the two creeks, 37.5 acres of dedicated open and green space, additional green space of 50 to 100 feet, underground utilities, staggered lot lines between 50 to 75 feet, landscaped entrances, natural center islands, two additional entrances, architectural street lighting, sidewalks, side lawns, playhouse, rest/play area, clubhouse, gazebo, picnic tables, park benches, tennis courts, and walking/hiking/bike trail. They requested that the Board recommend approval of this application.

Douglas Hollberg – 812 Maple Drive

Mr. Hollberg said this is an exceptional development. Ms. Wilma Hollberg purchased this land in 1998 as potential investment property with the intent to keep it for 10 years. They have decided due to health issues and the offer from Next Generation Properties that it is time to sell the property. They purchased this land when other developers wanted to put in modular homes. The timber was cut before they purchased the property and they have spent money cleaning up after that cutting. Staff has recommended denial due to the future land use map. Things are changing and a precedent has been set for one acre lots in this area. Thousands of lots have been approved in this area. DOT is in the process of making safety improvements on Highway 155. He read letters from some of the adjacent property owners supporting this rezoning. There is a mobile home park that adjoins this property. The Planning Commission approved this concept with a 5 to 0 vote. This is 95 homes on 143 acres compared to Pine Glen with 116 lots on 40 acres. He addressed the water quality and discussed the water system in the mobile home park they own. They do daily tests on their water system. They have 75 septic tanks that surround the well system. They make certain they have quality water. The water runs to the north into the Troublesome Creek basin. There will be video surveillance in the area for security. He addressed historic preservation and the development at various historic locations in the community. It is the responsibility of the school board to plan for the future.

Chris Manley – 2150 North McDonough Road

Mr. Manley said the large tracts of land in this area are going to be compromised by these further developments which are only on paper. Nothing has been seen that Next Generation has done except to cut and grind trees. The stipulation was made on Parliament Phase II that they could not clear cut. They can't clear cut because the land has already been clear cut. That is a useless, baseless stipulation. His family cemetery is directly across from this property and it is going to be vandalized by young people on a dare. It is a historical cemetery. They have been here 150 years and they bought the "bar" to Spalding County and that "bar" is being lowered by allowing these people to come in and tell you what they can do without actually doing anything except talk.

Sinclair Hollberg – 3335 Jackson Road

Mr. Hollberg said his brother Jerry Hollberg is an executor with him on their mother's estate. The estate is not settled yet. This project is creating a great division and split. The design ordinance Article 4, Section 413:G discusses the impact to adjacent property. He had reports regarding his objections to this application that he furnished to members of the Board of Appeals. Attached to the report was a report regarding accidents that have occurred in this vicinity. There was an additional report regarding criminal incidents that have happened on his property. This development will have an impact on his property. Double Cabins is a historical property. There is wildlife in the area that will be devastated. He said he needed legal advice regarding this property and he requested that this application be tabled to give him time to get legal counsel.

Leslie Hollberg – 3335 Jackson Road

Ms. Hollberg said she was originally going to be speaking for 12 people because of the late hour they had to leave the meeting. She has given those written statements to Mr. Galloway and he will be putting them in the record. She said her husband is a 35% beneficiary of the estate so he is the largest beneficiary. The house and the 20 acres around the estate are in a life estate which is protected to never be sold. It was Ms. Hollberg's wish that the property stay in tact as historic and in conservation use. This property was in conservation use until this request was made. She has discussed this with Mr. Morrow, County Commissioner, and he has said these dense developments do not make money for the county. Smaller houses, in condensed areas with children take money out of the county. So if this is be considered as a business decision it is not a good idea. The staff recommended denial. Mr. Taylor said the present zoning will allow for 71 lots with an estimated 85 children and the rezoning to 95 lots will bring in an estimated 114 children. This rezoning will not support the density. The proposal will double the land use planned density. There are over 20 peacocks, 20 wild turkeys, and deer. People come from all over to hunt this property. People come from all over to stay at this historic property. This placement of high-density housing will destroy the high-quality of wild life which presently exists. The property has not been clear cut as stated. It is a rugged property that has streams and creeks all over it. It is not conducive to be developed into a subdivision. She read a letter from Ms. Barker who was a friend of Ms. Hollberg. She requested that the property not be rezoned because Ms. Hollberg would not want it to be rezoned.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale said this development will overtax the existing streets, water systems and county services including the school system. It will have a substantial adverse impact on the environment, drainage, soil erosion, sedimentation, flooding, air quality, water quality and quantity. There have been 44 subdivisions approved since 2000 with close to 5000 homes and lots. The growth rate from 1990 to 2000 was approximately 3900 people and 300 of those were births in the county. We have already allowed over 25% higher than the 10 year growth rate will justify.

David Uphold – 2194 North Walkers Mill Road

Mr. Uphold said what he stated on the last application is appropriate for this application. Those who say it will enhance the community are the ones that will benefit from this monetarily and not those who will be left with the undesirable consequences. Those who are selling the property are not respecting the majority that will be affected and don't want it brought into the neighborhood. There is no value and no benefit to those who are staying. We value it staying rural. He urged denial of the special exception.

Traci Shanfelt – 200 Plantation Trail

Ms. Shanfelt said Ms. Emma Hollberg was a dear friend of hers. She would be speaking against this if she could. Some things are not about money. She valued history and treasured her home and her estate as one of the state treasures. Consider denying this special exception for the negative impact it will have on this wonderful heritage of the state.

Mr. Galloway summarized written comments that had been provided from several people opposing this application. The comments were from Gene Berna, Jerdeen and Ed Crane, Timothy Hilgeford, Pat Dewberry, and Walter Cliff Futral. Mr. Dugdale furnished signed petitions in opposition to this application as well as Applications #04-12S and #04-16S.

Mr. Taylor said this application is not consistent with the current land use map. The land use map shows the area as conservation. There are no other developments in this quadrant of Jackson Road and North McDonough that would set a precedent for one-acre lot subdivisions. The recommendation is for denial.

## **MOTION**

Mr. McCallum made a motion to approve application #04-17S conditioned on 20% of the homes being a minimum of 1500 SF, 20% at a minimum of 1750 SF and 60% at a minimum of 2000 SF, a densely planted buffer against Highway 155, minimal disturbance of the land, no clear cutting of the timber on the property, streetscape design including street trees to be included in the plan and the streetscape design meet the utility placement standards of the county. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

**MINUTES**

Mr. Hart made a motion to approve the minutes of the March 11, 2004 meeting. The motion passed on a second by Mr. Heggie with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

**MOTION**

The meeting was adjourned on a motion by Mr. Hart and a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion.

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Greg Pruitt – Chairman

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Yvonne M. Langford - Recorder