

BOARD OF APPEALS
Regular Meeting
Open Session
January 9, 2003

The Spalding County Board of Appeals held its regular meeting on January 9, 2003 at 7:00 p.m. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Dennis Richardson, presiding, Mose Stogner, Charles Heggie, Bobby Hart, Keith Dryden, Jon Baird Greg Pruitt, and Karen Mathiak.

Also, present were Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, Senior Planner Lee Craig, and Cindy McDaniel to record the minutes.

CHOOSE A PRO TEM CHAIRPERSON TO PRESIDE OVER THE CALL TO ORDER AND ELECTION OF VICE-CHAIRMAN AND CHAIRMAN

Mr. Dryden nominated Dennis Richardson as Pro Tem Chairman, seconded by Mr. Pruitt.

There were no other nominations, and the nominations were declared closed.

Mr. Richardson was elected with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

ELECTION OF VICE-CHAIRMAN

Mr. Richardson called for nominations for vice-chairman.

Mr. Stogner nominated Greg Pruitt, seconded by Mr. Hart.

There were no other nominations, and the nominations were declared closed.

Mr. Pruitt was elected with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

ELECTION OF CHAIRMAN

Mr. Richardson called for nominations for chairman.

Mr. Dryden nominated Dennis Richardson, seconded by Ms. Mathiak.

There were no other nominations, and the nominations were declared closed.

Mr. Richardson was elected with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

Mr. Richardson called the meeting to order, introduced the members of the Appeals Board, and gave the procedure for handling the applications.

Application #02-47V: Lift from the table - Annie Odom, Owner – Kilgore Road (3 acres located in Land Lot 122 of the 3rd Land District) – requesting a Variance from minimum road frontage in the AR-1 District.

Application was not lifted from the table.

Application #02-46S: Lift from the table - Annie Odom, Owner – Kilgore Road (3 acres located in Land Lot 122 of the 3rd Land District) – requesting a Special Exception to allow a Church in the AR-1 District.

Application was not lifted from the table.

Application #02-53S: Norman and Blanche Foster, Owners – Buddy's Homes, Agent – 489 Dutchman Road (1 acre located in Land Lot 48 of the 2nd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Cathy L. Foster came forward, was sworn, gave her name, and address as 489 Dutchman Road, Griffin, Georgia 30223

Ms. Foster stated there is an existing manufactured home on the property. Ms. Foster stated she has had two (2) more children since the home was purchased in 1989, and they are in need of more room.

MOTION

Mr. Heggie made a motion to approve Application #02-53S. The motion passed on a second by Mr. Dryden with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

Mr. Richardson advised Ms. Foster that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-54S: Merrydale Estates, Inc., Owner – James R. Westbury, Jr., Agent – 3223 Newnan Road (12 acres located in Land Lot 15 of the 2nd Land District) – requesting a Special Exception to modify a previously approved Special Exception to allow a nursing home in the AR-1 District.

James R. Westbury, Jr. came forward, was sworn, gave his name, and address as 124 Four Oaks Drive, Griffin, Georgia.

Mr. Westbury stated Ronald P. Westbury, Construction Manager of this project, is with him tonight. Mr. Westbury stated several years ago a portion of this property was rezoned to AR-1, and a special exception was approved to allow a nursing home on this property. Mr. Westbury stated when the Board of Commissioners approved the special exception, buffering and fencing requirements were imposed on all property lines. The entire 100-acre tract is completely wooded. The only areas that are developed are the old nursing home, the new nursing home, and Mrs. Dukes' property. When the construction permit was requested, it was brought to our attention that buffering and fencing was required. Construction plans do show buffering and fencing so a land disturbing permit could be issued by the County, and work could begin on the project. Unless the Board of Commissioners approved the special exception to lift the buffering and fencing requirements, Merrydale Estates would not be relieved of the buffer requirements.

Mr. Westbury stated he is asking to be relieved from the buffer requirements on property that is currently owned by Merrydale Estates. Mr. Westbury stated on the property adjoining Mrs. Duke's property they are asking to be relieved only from the fencing requirements. There are existing trees between Mrs. Dukes' property and the existing construction project. There will be a 25-foot untouched buffer with 205 Virginia pine trees, which grow 50, 60 to 75 feet.

Mr. Westbury stated he is asking the Board of Appeals and the Board of Commissioners to be allowed to construct the nursing home, and be relieved from having to put a buffer between the two (2) facilities, because they are a part of the same complex. Also, to be relieved from the fencing requirement on the side of the property that Merrydale Estates does not own.

Betty M. Dukes of 3295 Newnan Road was present at the meeting, but did not speak.

MOTION

Mr. Pruitt made a motion to approve Application #02-54S. The motion passed on a second by Ms. Mathiak with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

Mr. Richardson advised Mr. Westbury that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on January 23, 2003 at 6:00 p.m.

Application #02-55V: Southside Developers, Inc., Owner – David W. Rutledge, Agent – 102 Huntington Terrace (0.462 acre located in Land Lot 105 of the 2nd Land District) – requesting a Variance from minimum front yard setback in the R-2 District.

Tim Johnson, speaking on behalf of David W. Rutledge, came forward, was sworn, gave his name, and address as 2576 Jackson Road, Griffin, Georgia 30223.

Mr. Johnson stated when the job superintendent set the front stakes for the house to square up for the slab, he moved the stakes to the front instead of the back. Therefore, the 50-foot setback was not met.

MOTION

Mr. Pruitt made a motion to approve Application #02-55V from minimum front yard setback of 50 feet to 48 feet. The motion passed on a second by Mr. Hart with Karen Mathiak, Greg Pruitt, Jon Baird, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion.

Mr. Richardson advised Mr. Johnson that the Board of Appeals had approved his variance application, and he would be receiving a letter from the Community Development office.

Application #02-56V: Southside Developers, Inc., Owner – David W. Rutledge, Agent – 111 Huntington Terrace (0.48 acre located in Land Lot 105 of the 2nd Land District) – requesting a Variance from minimum front yard setback in the R-2 District.

Mr. Johnson, still under oath, stated there is supposed to be a 50-foot setback on the front. This is a corner lot. The job superintendent saw that a 35-foot setback was shown on the plat, and did not read far enough down to see the 50-foot setback. The job superintendent took for granted that the setback was suppose to be 35-foot both ways and set it that way.

Mr. Heggie asked how far along the house is under construction. Mr. Johnson advised the house has already been sheet rocked.

Mr. Taylor stated he has spoken with the Building Official about this house. Mr. Taylor stated they do have plenty of space on the other side of the house to locate the garage. The garage would be the only part of the house that would have to be removed and put on the other side of the house.

MOTION

Mr. Dryden made a motion to deny Application #02-56V from minimum front yard setback of 50 feet to 35 feet. The motion passed on a second by Mr. Hart with Karen Mathiak, Keith Dryden, Bobby Hart, Charles Heggie, Mose Stogner, and Dennis Richardson voting for the motion, and Greg Pruitt and Jon Baird voting against the motion.

Mr. Richardson advised Mr. Johnson that the Board of Appeals had denied his variance application, and he would be receiving a letter from the Community Development office.

MINUTES

The minutes of the December 12, 2002 meeting were approved on a motion by Mr. Pruitt and a second by Ms. Mathiak with Dennis Richardson, Mose Stogner, Charles Heggie, Greg Pruitt, and Karen Mathiak voting for the motion, and Keith Dryden, Bobby Hart, and Jon Baird abstained since they were not at the meeting.

OTHER BUSINESS:

Mr. Richardson appointed Greg Pruitt as the crossover member to the Planning Commission.

Mr. Galloway offered to the new members a primer on the duties of the Board of Appeals. Mr. Galloway stated he would go over what the duties are of the Board of Appeals, the legal status of variances, standards for granting variances, etc. Meeting was scheduled for 6:00 p.m. on February 13, 2003.

ADJOURNMENT

Mr. Pruitt made a motion, seconded by Mr. Heggie, to adjourn the meeting. The motion passed with Dennis Richardson, Mose Stogner, Charles Heggie, Bobby Hart, Keith Dryden, Jon Baird, Greg Pruitt, and Karen Mathiak voting for the motion.

Dennis Richardson – Chairman

Cindy L. McDaniel – Recorder