

**BOARD OF APPEALS**  
**Regular Meeting**  
**Open Session**  
**January 10, 2002**

The Spalding County Board of Appeals held its regular meeting on January 10, 2002 at 7:00 p.m. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Keith Dryden, presiding, Rosa Callaway, Margaret Palmer, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak. Charles Heggie was not present.

Also, present were Planner Jennifer Reynolds, Zoning Attorney Newton Galloway, and Cindy McDaniel to record the minutes.

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

Mr. Dryden asked that the agenda be amended for the election of Vice-Chairman and Chairman be moved to the end of the meeting to allow time for Mr. Heggie to get to the meeting.

**MOTION**

Ms. Mathiak made a motion to amend the agenda. The motion passed on a second by Ms. Callaway with Keith Dryden, Rosa Callaway, Margaret Palmer, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion.

**Application #01-54S: Lift from the table** - Sonya Busby Bond, Owner – 6.612 acres off Malier Road, located in Land Lot 44 of the 3<sup>rd</sup> Land District – requesting a Special Exception to allow an additional dwelling on property due to hardship.

**MOTION**

Mr. Harris made a motion to lift from the table #01-54S. The motion passed on a second by Ms. Mathiak with Keith Dryden, Rosa Callaway, Margaret Palmer, Frank Harris, Dennis Richardson, Greg Pruitt, and Karen Mathiak voting for the motion.

Sonya Busby Bond came forward, was sworn, stated her name, and gave her address as 1030 Malier Road, Hampton, Georgia 30228.

Ms. Bond stated the special exception application is being applied for her semi-mental handicap sister who is on a limited income. Ms. Bond stated her sister was living in Decatur with her daughter who got married and moved out. Ms. Bond stated since her sister's daughter has moved out, she is unable to afford to reside on her own. Ms. Bond stated she has 6 acres in Spalding County and would like to put a manufactured home on her property for her sister to reside in. The home Ms. Bond wants to relocate to her property is currently down the road from Ms. Bond's property. Ms. Bond stated she and

other family members look out for her sister's financial responsibilities and welfare due to her sister's disability. Ms. Bond stated her sister is capable of living alone, but is not able to handle the financial responsibilities that arise. Ms. Bond stated a family member has to be close enough to watch her sister at all times.

Mr. Dryden reminded the Board of Appeals that Ms. Bond was before the board at the December meeting with a different type of application. After some discussion, Ms. Bond revised her application and has submitted the required information needed for a special exception hardship for the placement of a temporary manufactured home on her property for Ms. Bond's sister to reside in.

Ms. Bond's submitted pictures of her property for the Board of Appeals to review.

Evelyn Wellman came forward, was sworn, stated her name, and gave her address as 1887 Glenhaven Circle, Decatur, Georgia.

Ms. Wellman stated she is the sister of Ms. Bond. Ms. Wellman stated she can't live alone. Ms. Wellman stated her daughter, who lived with her, got married and moved out. Ms. Wellman stated she would like to live next to her sister.

#### **MOTION**

Ms. Callaway made a motion to approve Application #01-54S. The motion passed on a second by Mr. Harris with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Ms. Bond that the Board of Appeals has recommended unanimous approval for the application and the Board of Commissioners will consider the application on January 24, 2002 meeting at 6:00 p.m.

**Application #01-63V:** Colin L Butler, Owner – 134 Elder Road (7.165 acres located in Land Lot 75 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum road frontage and lot width in the AR-1 District.

**Application #01-63AV:** Colin L. Butler, Owner – 134A Elder Road (1.852 acres located in Land Lot 75 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum road frontage, minimum lot width, and minimum acreage requirement in the AR-1 District.

Colin L. Butler came forward, was sworn, stated his name, and gave his address as 134 Elder Road.

Mr. Butler stated he is requesting a variance to subdivide the lot into 2 tract. Mr. Butler stated he once had a total of 18 acres, which has since been subdivided. Mr. Butler stated since the county does not allow any more landlocked property, he is requesting to have access from his property onto Elder Road with a 30-foot lot width and road frontage.

Mr. Pruitt asked Mr. Butler how many houses were on this tract of property. Mr. Butler stated there are 2 houses on approximately 8 acres. Mr. Butler stated he is selling one of the houses, and resides in the other one.

Mr. Richardson asked if Mr. Butler is subdividing for resale. Mr. Butler stated he is not doing it for resale. The person who wants to buy the house with land is currently residing in the house. Mr. Butler stated he has already purchased the house, and they currently use the same driveway.

#### **MOTION**

Mr. Harris made a motion to approve Application #01-63V. The motion passed on a second by Mr. Richardson with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion.

#### **MOTION**

Ms. Callaway made a motion to approve Application #01-63AV. The motion passed on a second by Mr. Harris with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Butler that the Board of Appeals has unanimously approved his variance applications, and he would be receiving a letter from the Community Development office.

**Application #01-64S:** Arthur C. Krepps III, Owner – 351 Teamon Road (42.435 acres located in Land Lot 118 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the R-2 District.

**Application #01-65V:** Arthur C. Krepps III, Owner – 351 Teamon Road (42.435 acres located in Land Lot 118 of the 3<sup>rd</sup> Land District) – requesting a Variance to allow unenclosed outside storage of materials and supplies used in connection with home occupation in the R-2 District.

Arthur C. Krepps III came forward, was sworn, stated his name, and gave his address as 1987 South 6<sup>th</sup> Street Extension.

Mr. Krepps stated he is requesting a special exception to allow a home occupation in conjunction to allow a shop area of approximately 150 feet x 250 feet to be located 1,020 down the pipeline in the wooded area. The shop would be located in the heavy wooded area with the closest approach from the property line of 40 feet. Mr. Krepps stated Mr. Davidson would like to build a 50-foot x 60-foot metal building to service his equipment. Mr. Krepps stated Tony and Roxanne Davidson are buying the house and would like to relocate their business, Davidson Brothers, to the property. Mr. Krepps stated the business is not the Tom Davidson Construction Company that is located off School Road in Sunnyside. Mr. Krepps stated Mr. and Mrs. Davidson's business is currently located on Highway 19/41 in the same area and are of the same family, but the businesses are not connected in any manner. Mr. Krepps stated the dotted line, on the plans, represents a

crusher run gravel driveway that would be installed and entered through the woods with a 10-foot screening that would block any view from any aspect of the yard from anybody's property or from any street. If the 10-foot screening is not enough, Mr. Krepps stated Mr. Davidson would be willing to plant additional foliage, or a fence would be constructed.

Mr. Pruitt asked where the driveways are located. Mr. Krepps stated the driveway would be located approximately 235 feet from the corner of the property. Mr. Krepps stated in previous conversations with Mr. Davidson, not related to this application, it was mentioned that Mr. Davidson would cut all of the trees in that area to provide visibility for themselves as well as anyone coming down the road. Mr. Krepps stated the speed limit on Teamon Road is 45 miles per hour. Mr. Krepps stated cutting down the trees would provide anyone coming down the road with enough sight to slow down.

Mr. Krepps stated the shop would be used for Mr. Davidson to service his equipment used in conjunction with his business. Mr. Krepps stated mainly the equipment stays on the road at Mr. Davidson's job sites. Mr. Krepps stated the lowboy stays on the yard the most, which carries the heavy equipment from one site to the other. Mr. Krepps stated the concern for the road would be for the lowboy pulling out on the road and someone not seeing the vehicle. Mr. Krepps stated cutting down the trees on the property line in that area would provide more than enough visual range for safe entry and exit of the vehicles. Mr. Krepps stated everything will be stored in the shop area and block the view from the road.

Ms. Mathiak asked Mr. Krepps where the driveway would go back onto the property. Mr. Krepps stated the driveway will come along the second tree line and enter into the wood. There is a small gully where a pipe would be installed, build a little road across and proceed back into the wood.

Mr. Pruitt asked Mr. Krepps if the shop area would be totally screened from the road. Mr. Krepps stated yes.

Mr. Krepps stated in Mr. Davidson's business, there would be excess pipe occasionally that would need to be stored on the property. As far as the people working in the house, there would be Mrs. Davidson and 1 secretary. Mr. Krepps stated he thought the regulations calls for maximum of 2 employees who do not reside on the premises. Mr. Krepps stated the other employees would not be going to the house, but to the shop.

Mr. Krepps stated questions have arisen about traffic being increased on Teamon Road. Mr. Krepps stated he tried to get a traffic count from the Georgia Department of Transportation today, but no one was in the office. Mr. Krepps stated the traffic in the morning and in the evening is very busy. Mr. Krepps stated during the day, it is not lightly travel, but it is not very heavy. Mr. Krepps stated traffic from the employees going to the shop would not increase since some of the employees already reside on Teamon Road.

Tony Davidson came forward, was sworn, stated his name, and gave his address as 143 Minter Road, Griffin, Georgia.

Mr. Davidson stated his business would be just about the same as it is out on Highway 19/41. Mr. Davidson stated if necessary, he would plant additional trees or put a fence up. Mr. Davidson stated metal building come in different colors now, even a forest green, and the building would be hid. Mr. Davidson stated the lowboy may sit on the yard for about 3 weeks, then move 3 times in 1 days, and then sit again for another 3 weeks. The lowboy is used to get the machinery to the job site. Mr. Davidson stated his business has been in Sunnyside for 30 years. Mr. Davidson stated he and his wife liked the property and the house.

Mr. Dryden asked Mr. Davidson what type of materials would be stored on the property. Mr. Davidson stated manholes, pipe (stays in bundles), machinery, like boring rigs and augers. Mr. Davidson stated the larger machines would stay at the job site. Mr. Davidson stated there would be a crusher run road, and all the area of the shop and surrounding the shop would also have crusher run. Mr. Davidson stated there would only be 1 or 2 trucks that would stay at the shop. All the rest would go out on the job.

Mr. Harris asked Mr. Davidson what types of pipe would be stored on the property. Mr. Davidson stated PVC, cast iron, and some clay pipe. Mr. Davidson stated a lot of the items at the present location has been accumulated in the past 30 years and had rather not take with them. Mr. Davidson stated a lot of things would be sold at a good price or disposed of.

Mr. Harris asked Mr. Davidson if storing some of the items outside could be racked. Mr. Davidson stated racking could be easily done.

Mr. Davidson stated he and his wife plan on fixing up the area. Nothing would be out in the field in front of the house.

Mr. Richardson asked if the 10-foot offset off the Southern Natural Gas Company easement would cause a problem. Mr. Krepps stated there is no limitation how far one has to be from the easement. Mr. Krepps stated he spoke a representative from the Southern Natural Gas Company. Mr. Krepps stated the 10-foot was fine with the Gas Company.

Mr. Krepps stated the area being requested for the shop is actually smaller than the location on Highway 19/41. Mr. Krepps stated by applying for the special exception and variance, the Board of Appeals could apply conditions if approved. By providing the screening and locating everything in the woods, hopefully the only thing that would be seen is the crusher run road.

Ms. Palmer asked Mr. Davidson how many trucks he owns. Mr. Davidson stated 1 lowboy and tractor-trailer. Mr. Davidson stated he has a total of 6 employees that would be coming to the shop everyday.

Ms. Palmer stated she has had calls concerning a commercial enterprise coming into a residential area. Ms. Palmer stated turning off in the curve, there has been a fatality and some wrecks. Ms. Palmer stated there is a concern of noise and traffic also. Mr. Davidson stated the driveway could be moved wherever would be the safest site. Mr. Davidson stated safety is the main thing.

Mr. Richardson asked Mr. Davidson what would be the major in/out direction traveled on Teamon Road. Mr. Davidson stated the direction of travel on Teamon Road would depend on which way the job is located.

Several people were signed to speak regarding this application. They each came forward, were sworn, stated their name, and gave their address.

Jim Harp – 420 Teamon Road.

Mr. Harp gave Chairman Dryden a petition to pass around to the Board of Appeals members for review.

Mr. Harp stated he is good friends with Mr. Krepps and have been neighbors for 9 or 10 years. Mr. Harp stated his home and property is located directly in front of Mr. Krepps property. Mr. Harp stated Mr. Krepps spoke with him and his wife and expressed a desire to sell his property to Mr. Tony Davidson. Mr. Krepps stated the sell was contingent upon the special exception and variance approval.

Mr. Harp stated he is opposed to having the driveway coming off the property onto Teamon Road. Mr. Harp stated there have been several wrecks in the blind curve where the property is located.

Mr. Harp stated the property is zoned R-2 and is strictly a residential use. Mr. Harp stated the property owners in the area would like to keep it residential.

Mr. Harp stated the speed limit for Teamon Road is 45 miles per hour. Mr. Harp stated down the road about a mile and half below them, the speed limit is 55 miles per hour. Mr. Harp stated Teamon Road is a curvy type road especially the closer one gets to Sunnyside.

Mr. Harp stated approving the 2 applications would set a precedent for the area. Mr. Harp stated all of Mr. Davidson's equipment would be on the west side of his property and would be close to Terry Buffington and Ms. Sockwell's property.

Mr. Harp submitted a petition, and stated the petition is from neighbors as well as property owners up and down Teamon Road.

Mr. Harp stated he is respectfully asking the Board of Appeals to consider these changes inappropriate and leave the zoning R-2. The Board members advised Mr. Harp that a rezoning was not being requested, but a special exception and a variance for the property.

Marsha Cooper – 697 Steele Road

Ms. Cooper stated she and her husband are planning to build a home on Teamon Road this spring. Ms. Cooper stated the place where the home would be built is directly across from this property that is under discussion tonight. Ms. Cooper stated she does not want to live across the road from a commercial business, and does not wish to have the driveway in front of her property where trucks hauling pipe would be entering and exiting. Ms. Cooper stated she was also distressed to hear that the trees would be cut down. Ms. Cooper stated she would certainly ask that the Board of Appeals consider her position and denies this request.

Sid Jennette – 1980 Kilgore Road

Mr. Jennette stated the fact the Board of Appeals advised Mr. Harp that the request is not a rezoning is technically correct, but it is just a matter of semantics. Mr. Jennette stated the request is to allow a business within a residential area. Mr. Jennette stated the request benefits only two people, Mr. Krepps and Mr. Davidson. Mr. Jennette stated there are scores of people who would be hurt if the applications are approved. Mr. Jennette stated the properties would be devalued and would cause a traffic problem. Mr. Jennette stated the Board of Appeals is responsible for protecting the Land Use Plan, not to just make exceptions to the Land Use Plan. Mr. Jennette stated when he makes an investment in a home, he feels he is being protected, because he has made an investment, knew what the zoning of the property was before he purchased the property, what kind of houses would be in the area, and whether there would be business or not. Mr. Jennette stated by considering placing a business in a residential area does not make sense. Mr. Jennette stated if the special exception and variance were approved, this would open the door for other in the area to request the same. Mr. Jennette stated the precedent would have already been set not only for this area, but what about the rest of Spalding County.

Mr. Jennette stated this property is prime residential area, and could/would attract upscale housing. Mr. Jennette stated if a business were allowed on this property, this would certainly influence anyone's decision from putting an upscale subdivision on the property. Mr. Jennette stated no one has agreed that this is a good proposition for the people on Teamon Road or for the people of Spalding County.

Barbara Woodle – 153 Teamon Road

Ms. Woodle stated the property that Mr. Krepps is wishing to sell is a very beautiful place. Ms. Woodle stated this property adjoins the property that she and her sister own. Ms. Woodle stated if any of their grandchildren wished to build on their property, the property in question would be within 40 feet. Ms. Woodle stated she is not in favor of the request. Ms. Woodle stated she has lived on her property all of her life and does not wish to have a commercial business on the property next to her if at all possible.

Pat Grant did not wish to speak at this time. Ms. Grant concurred with what her sister, Ms. Woodle stated.

Sonia Garnett – 1061 Teamon Road

Ms. Garrett stated if the request were approved, would other businesses be allowed in the area. Ms. Garnett stated she moved in the area, because she wanted to reside in the country. Ms. Garnett would like to see the area remain as it is now.

Terry Buffington – 183B Teamon Road

Mr. Buffington stated he resides to the west of Mr. Krepps property. Mr. Buffington stated he would like to see the property remain as is with no commercial equipment on the property. Mr. Buffington stated he has a concern with the traffic on this road also.

Gail Dean – 1250 Teamon Road

Ms. Dean stated she agrees with her neighbors that the area is not suitable for a commercial venture of this nature. Ms. Dean stated there is a dangerous curve on Teamon Road in the area of the property in question. Ms. Dean stated she hopes the Board of Appeals would deny the request for the special exception for this property.

Tonia Garnett – 1061 Teamon Road

Ms. Garnett stated a main concern of hers is the growth on Teamon Road in this area. Ms. Garnett stated there are other tracts of property that has yet to be built on. Ms. Garnett stated there would be more growth and more families moving into the area. Ms. Garnett stated as growth occurs, traffic will be a bigger concern. Ms. Garrett stated she, also, has a concern if Mr. Davidson business continues to grow, how will the area handle this growth.

Mr. Pruitt asked if this special exception were approved, would Mr. Davidson be allowed to expand. Mr. Galloway stated the Board of Appeals could impose conditions on the approval of the special exception. The conditions are tied to the site plan, and the site plan specifically delineated an area. If Mr. Davidson chose to expand that area, Mr. Davidson would have to come back to the Board of Appeals and have the condition removed.

Ms. Palmer asked Mr. Davidson if he could in essence purchase this property to reside on and keep his business at his present location of 19/41. Mr. Davidson stated yes he could, but he would not be able to keep a close eye on the business. Mr. Davidson stated he likes to keep an eye on his equipment due to vandalism.

Mr. Krepps asked to address some of the issues that are a concern to the neighbors in the area. Mr. Krepps stated the traffic accidents are mostly from speeding. Mr. Krepps stated the speeding problem would need to be addressed by the Sheriff's Department.

Mr. Krepps stated a large truck entering or exiting onto the road would be a big obstacle, and Mr. Davidson does not want anyone hitting his truck. Mr. Krepps stated he was not aware that Mr. and Mrs. Cooper were wishing to build across the road from this property. Mr. Krepps stated there is already a business down the road, The Country Cloth Shop. Mr. Krepps stated as far as property values area concerned, Mr. and Mrs. Davidson would not do anything to trash the property. Mr. Krepps stated the commercial building would be hidden in the woods and could not be seen from Teamon Road. Mr. Krepps stated his property value went down considerably when the homes were put in down the road on the Old United Fruit place. Mr. Krepps stated his and Mr. Harps property is zoned R-2, but Mr. MacElmore's, who resides next door, property is zoned AR-1.

Mr. Krepps stated he did not feel anyone would put in a nice development on this property. Mr. Krepps stated his property has been on the market for 7 years. Mr. Krepps stated he spoke and urged his neighbors to come to this meeting and speak their mind. Mr. Krepps stated he feels the intent of the zoning laws is to improve the county.

Mr. Richardson stated Teamon Road would continue to have heavier and heavier traffic as development grows. Mr. Richardson stated there is nothing that can be done with the speeding and sharp curve on Teamon Road. Mr. Richardson stated speed humps couldn't be built legally anymore. Mr. Richardson stated if Mr. Krepps wished to subdivide this property, Mr. Krepps would put in as many as 78 homes in this area. If the homes have 2 cars per family, there would be an additional 60 vehicles on Teamon Road. Mr. Richardson stated the speeding would need to be addressed the Sheriff's Department.

Mr. Richardson stated the UDO does allow the Board of Appeals to consider all factors on Mr. Krepps request. Mr. Richardson stated the residences in the area are allowed their say, but Mr. Krepps is allowed the same consideration when applying for a special exception and variance.

Ms. Mathiak asked Mr. Krepps what the square footage of the home is. Mr. Krepps stated the home has 4,900 square feet.

Ms. Mathiak stated the building would be sitting 1,040 feet off the road. How could anyone see the building? Ms. Mathiak stated Mr. Davidson could agree to plant some Leyland Cypress or another type quick growing foliage. Ms. Mathiak stated she, also, has concern with the traveling on Teamon Road.

Ms. Palmer stated she has a concern with the trucks making the turns from Highway 19/41 to get to this property.

## **MOTION**

Mr. Pruitt made a motion to approve Application #01-64S. The motion passed on a second by Mr. Richardson with Rosa Callaway, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion, and Margaret Palmer and Keith Dryden voting against the motion.

Mr. Dryden advised Mr. Krepps that the Board of Appeals has recommended approval for the application and the Board of Commissioners will consider the application on January 24, 2002 meeting at 6:00 p.m.

### **MOTION**

Mr. Pruitt made a motion to approve Application #01-65V conditioned upon approval by the Board of Commissioners on the Special Exception, on site plan submitted by applicant, screenings of evergreen trees from all adjacent property owners, and driveway approval by Public Works. The motion passed on a second by Mr. Harris with Rosa Callaway, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion, and Margaret Palmer and Keith Dryden voting against the motion.

Mr. Dryden advised Mr. Krepps that the Board of Appeals has recommended approval for the application, and he would be receiving a letter from the Community Development office.

**Application #01-66V:** High Top Holdings, Inc. and D & N Classic Homes, Inc., Owners – 408A East Northwood Drive (1.58 acres located in Land Lot 132 of the 3<sup>rd</sup> Land District) – requesting a Variance from minimum road frontage in the R-2 district.

Howard Jackson came forward, was sworn, stated his name, and gave his address as 738 Old Greenville Road, Fayetteville.

Mr. Jackson stated he is asking for a variance from minimum frontage requirement of 125 feet to 24.91 feet on 1.58 acres. The entrance off East Northwood Drive is the only access onto this property. Mr. Jackson stated only 1 home would be built on the lot. Mr. Jackson stated this lot has nothing to do with the rezoning request before the Board of Commissioners on Pineview Road and East McIntosh Road.

Ms. Reynolds stated this property connects all the way to Pineview Road. Ms. Reynolds stated Mr. Jackson is seeking the variance for the balance of the property. The tract has been subdivided into 3 lots. Two of the lots met zoning requirements with the third lot not meeting road frontage requirement.

Ms. Mathiak stated since the original lot of record has been split into 3 tracts with only 2 meeting the requirements, this would be a self-imposed hardship. Ms. Reynolds stated if the lots were divided only from Pineview Road, there could be 3 oddly shaped lots.

Mr. Galloway stated there are numerous places in Spalding County where these little “fingers” left out of larger lots. Mr. Galloway stated the lots were platted prior to larger road frontage requirements, and there are certain circumstances where a 25 foot or a 30 foot strip on a road does exit. Mr. Galloway stated it is obvious that there was an intention to use this frontage as an access point onto the property.

Mr. Jackson stated there is another 25-foot lot next to the lot he is requesting a variance on.

Mr. Dryden asked Mr. Jackson if he has started houses on the 2 lots on Pineview Road, or have the two lots just be platted. Mr. Jackson stated he should start on these 2 houses within the next 2 or 3 weeks.

Ms. Reynolds stated when the applicant came into the Community Development office, the applicant had a 3-acre piece of property shaped with a small frontage on East Northwood Drive and a little more frontage on Pineview Road. Ms. Reynolds stated when the applicant recorded the other 2 lots, the applicant submitted the variance application. Ms. Reynolds stated the applicant has 3 pieces of property, and as long as the applicant can meet the development requirements for the lots for the R-2 zoning, the applicant can develop the 3 lots. The variance the applicant is asking for is for the frontage on East Northwood Drive giving the existing of the overall piece of property within the 3 acres; therefore the Board could consider this not a self-created hardship because of the road frontage on East Northwood Drive, overall 3 acres and existing shape of the property.

Linda Davis came forward, was sworn, stated her name, and gave her address as 408 East Northwood Drive.

Ms. Davis stated she resides next door to this property. Ms. Davis stated she was not aware that Mr. Jackson had purchased this property. Ms. Davis stated she has been trying for over a year to get this property cleaned up. Ms. Davis stated she did not wish to have a driveway right beside her property.

Patricia Willis came forward, was sworn, stated her name, and gave her address as 441 East Northwood Drive.

Ms. Willis stated she is speaking against the variance because of where the applicant is wishing to install the driveway. Ms. Willis stated it looks like the applicant could go a different route for access onto the property other than East Northwood Drive. Ms. Willis stated having the driveway come in off East Northwood Drive would cause problems entering and exiting. Ms. Willis stated the growth is continuing, and the children are smaller. Ms. Willis stated the children play in the road. Ms. Willis stated traffic has increased on East Northwood Drive. Ms. Willis stated the driveway coming in off East Northwood Drive would be better for the applicant, but not in the best interest for the community. Ms. Willis stated the applicant needs to consider putting the driveway in another place. Ms. Willis stated the community is strongly recommending the Board of Appeals not approve this variance request. Ms. Willis stated the Board of Appeals is obligated to look out for the citizens who reside in this area. Ms. Willis stated the way it looks to her the Board of Appeals is only concerned about the builders. Ms. Willis asked what the rights were of the citizens who reside in this area. Does the Board of Appeals not consider the community's request. Ms. Willis stated this is a serious concern, not only for her community, but also for this entire county. Ms. Willis stated the builders are putting up small houses, but the builders themselves do not reside in the houses.

Mr. Galloway stated Mr. Singletary cut in East Northwood Drive. Mr. Singletary allowed entryway into the area that abuts the old railroad tract, at which time was an active railroad tract. Mr. Galloway stated Mr. Singletary held this property to see what would develop around it. Mr. Galloway stated the property was recorded 30 years ago. Mr. Galloway stated that those 25-foot strips were intended as access to those rear pieces of property. Mr. Galloway stated the only difference in Tract 1A and Tract 1 is Tract 1 has access off Pineview Road.

### **MOTION**

Mr. Pruitt made a motion to approve Application #01-66V. The motion passed on a second by Mr. Richardson with Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion, and Margaret Palmer, Rosa Callaway, and Keith Dryden voting against the motion.

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

**Application #01-67V:** John T. Bolton and Roger L. Treadaway, Owners – Richard L. Mullins, Agent – Maloy Road (12.18 acres located in Land Lot 21 of the 1<sup>st</sup> Land District) – requesting a Variance from minimum lot width and minimum road frontage in the AR-1 District.

**Application #01-67AV:** John T. Bolton and Roger L. Treadaway, Owners – Richard L. Mullins, Agent – Maloy Road (20.72 acres located in Land Lot(s) 21 & 22 of the 1<sup>st</sup> Land District) – requesting a Variance from minimum lot width and minimum road frontage in the AR-1 District.

John T. Bolton came forward, was sworn, stated his name, and gave his address as 873 Moreland Road, Griffin, Georgia.

Mr. Bolton stated he has 2 pieces of property on Maloy Road. One tract is 12.18 acres and the other is 20.72 acres. Mr. Bolton stated he had applied for a rezoning for these 2 tracts of property, and the Planning Commission recommended Mr. Bolton apply for a variance from the minimum lot width and minimum road frontage in the AR-1 district rather than rezone the front portion of the property to a residential classification and keep the back half AR-1. Mr. Bolton stated he was requesting a rezoning of 7.52 acres and keep the back of the property in the AR-1 district to allow animals. The zoning classification Mr. Bolton was requesting did not allow animals. Mr. Bolton stated he is requesting 4 tracts out of the 2 tracts of property.

Ms. Mathiak stated the Planning Commission had a lot of discussion at the meeting in which Mr. Bolton was requesting a rezoning on this property.

Ms. Reynolds stated Mr. Bolton originally came in for an application to rezone the front portion of the property and the length back to where it starts to curve in the L-shape from agricultural to a residential zoning to create 4 long lots. Ms. Reynolds stated the purpose

of the rezoning was to allow 125 feet of road frontage without needing a variance. Ms. Reynolds stated during the hearing, the Planning Commission found out that Mr. Bolton's intentions were to use the front portion to get the frontage requirement and extend it back into larger lots in the back which could still be used for agricultural. Ms. Reynolds stated the Planning Commission would prefer to see a variance to the road frontage requirements, and keep the entire property and future lots one zoning classification rather than have a split zoning. Ms. Reynolds stated Mr. Bolton would leave the property and all future developments in the AR-1 zoning district in exchange for the reduction of the frontage lots.

Mr. Bolton stated where the dwellings are placed on the lots, the lots will be 200 feet or wider. Mr. Bolton stated the houses will not be built on the front of these lot but further back.

Ms. Palmer asked Mr. Bolton what his intentions are for the creek bed that is running through this property he is asking for the variance on. Mr. Bolton stated he is going to build a lake on the property. Mr. Bolton stated he has a driveway on the upper side of the lake and a driveway on the lower side of the lake. Mr. Bolton stated 2 property owners will use the driveway on the upper side of the lake, and the other 2 property owners will use the driveway on the lower side of the lake. Ms. Palmer asked what will happen to the water that is running to W. T. Crowder's pond. Mr. Bolton stated the water will run through a pipe and right on across. Mr. Bolton stated the water from Mrs. Palmer's lake will run through a pipe, fill up the lake, run through another pipe down to W. T. Crowder's property. Mr. Bolton stated he has already had soil test done on the property. None of the property is in low areas.

Lee Richardson came forward, was sworn, stated his name, and gave his address as 391 Hampton Road, Fayetteville, Georgia.

Mr. Richardson stated he is familiar with the drainage that Mr. Bolton did 4 or 5 years ago. Mr. Richardson stated he works for Mrs. Weathers. Mr. Richardson stated Mrs. Weather's has had problems with mud running down the creek through her property. Mr. Richardson stated the Corps of Engineers did not permit the digging on Mr. Bolton's property, and there is an investigation being done on the digging in a wetland. Mr. Richardson stated he is concerned with the damage done to Mrs. Weather's lake. The level of the lake has gone from 12 feet to 8 feet with silt in the pond at the deep end. Mr. Richardson stated the creek also had to be cleaned out. Mr. Richardson stated they are not concerned with the lots being subdivided, but are concerned about the damage done to Mrs. Weather's lake.

Lisa Loving came forward, was sworn, stated her name, and gave her address as 144 Wilder Way.

Ms. Loving stated she and her neighbor is concerned basically where the houses and driveways will be located on the property. Ms. Loving stated she specifically picked out

her house because of the scenery, and are bothered by the fact that all of that will be gone.

Mr. Dryden read into the minutes a letter that was received by Jane P. Weathers (see attached).

There was a concern about a driveway or a road being run over a dam. Mr. Galloway stated there is no prohibition to allow a driveway to run over a dam.

Ms. Mathiak asked Mr. Galloway how does Environmental Protection Agency or the Corps of Engineers effect Spalding County if there is an investigation. Mr. Galloway stated it would not effect the Board of Appeals decision of the variance approval on the 4 separate lots referencing minimum road frontage and minimum lot width. Mr. Galloway stated if Mr. Bolton would like to build another lake or drains a wetland, and that wetland area exceeds the minimal amount allowed under Corps regulations and Clean Water Act, then the Corps of Engineers comes in and issues a permit. Mr. Galloway stated in dealing with Conservation Subdivision or enforcement action, Spalding County would require advanced notice that the development is not going to be in a wetland area as defined by the Clean Water Act, or the developer would have to come in with the permit first. Mr. Galloway stated Spalding County does not prohibit someone from selling wetlands.

Mr. Richardson stated Mr. Bolton can go in and dry up wetlands, but he would have to replace the wetlands somewhere else. Mr. Galloway stated if Mr. Bolton destroys an acre of wetlands, then an acre of wetlands would have to be restored somewhere else, or either the Corps of Engineers can make the developer go back and restore the wetland that was already there.

#### **MOTION**

Mr. Richardson made a motion to approve Application #01-67V and Application #01-67AV conditioned to site plan submitted by applicant. The motion passed on a second by Mr. Pruitt with Rosa Callaway, Keith Dryden, Dennis Richardson, Greg Pruitt, Frank Harris, and Karen Mathiak voting for the motion, and Margaret Palmer voting against the motion.

Mr. Dryden advised Mr. Bolton that the Board of Appeals has approved his variance applications, and he would be receiving a letter from the Community Development office.

#### **MINUTES**

The minutes of the December 13, 2001 meeting were approved on a motion by Ms. Mathiak and second by Mr. Pruitt with Keith Dryden, Rosa Callaway, Margaret Palmer, Frank Harris, Greg Pruitt, and Karen Mathiak voting for the motion. Dennis Richardson abstained since he was not present at the meeting.

#### **ELECTION OF VICE-CHAIRMAN**

Mr. Dryden called for nominations for vice-chairman.

Ms. Palmer nominated Frank Harris as vice-chairman, seconded by Mr. Pruitt.

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

Mr. Harris was elected with Keith Dryden, Rosa Callaway, Margaret Palmer, Karen Mathiak, Dennis Richardson, and Greg Pruitt voting for Mr. Harris, and Mr. Harris abstaining.

### **ELECTION OF CHAIRMAN**

Mr. Dryden called for nominations for chairman.

Mr. Harris nominated Margaret Palmer as chairman, seconded by Dennis Richardson.

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

Ms. Palmer was elected with Keith Dryden, Rosa Callaway, Karen Mathiak, Dennis Richardson, Greg Pruitt, and Frank Harris voting for Ms. Palmer, and Ms. Palmer abstaining.

### **OTHER BUSINESS**

Mr. Harris stated he just wanted to elaborate on what Mr. Galloway stated on what the Planning Commission was suggesting to do with Mr. Bolton's property. The Planning Commission did not feel a rezoning request was of the best interest, and a variance would be more appropriate for what Mr. Bolton was wishing to do with the property.

### **ADJOURNMENT**

Mr. Richardson made a motion, seconded by Ms. Mathiak, to adjourn the meeting. The motion passed with Keith Dryden, Rosa Callaway, Margaret Palmer, Frank Harris, Dennis Richardson, Greg Pruitt, and Karen Mathiak voting for the motion.

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Keith Dryden – Chairman

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Cindy L. McDaniel - Recorder