

BOARD OF APPEALS
Regular Meeting
Open Session
February 14, 2002

The Spalding County Board of Appeals held its regular meeting on February 14, 2002 at 7:00 p.m. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Margaret Palmer, presiding, Rosa Callaway, Keith Dryden, Frank Harris, Greg Pruitt, and Karen Mathiak. Charles Heggie and Dennis Richardson were not present.

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

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

Application #01-68V: David Holloway, Owner – 89 Boynton Road (3.936 acres located in Land Lot 149 of the 3rd land District – requesting a Variance to allow more than one dwelling per lot in the AR-1 District.

David Holloway came forward, was sworn, stated his name, and gave his address as 89 Boynton Road.

Mr. Holloway stated he would like to build a house on the hill behind the house that is already on the property. Mr. Holloway stated the house that is already on the property had a lot of fire damage. Mr. Holloway stated he would remodel the existing house to reside in until another house could be built on the back of the property. Mr. Holloway stated he has spent a lot of money to remodel the existing house on the property. The existing house currently sits approximately 25 feet off of Boynton Road. Mr. Holloway stated he has a son who could reside in the house on the front of the property.

Mr. Pruitt asked if Mr. Holloway would retain ownership of both houses on the property. Mr. Holloway stated yes. Mr. Holloway stated he had no intention of selling either home. Mr. Pruitt asked Mr. Holloway if his intent was to build another house in the back of the property to reside in. Mr. Holloway stated yes. Mr. Holloway stated he currently has a house in Jonesboro he needs to sell before he could begin building the other house. Mr. Pruitt asked Mr. Holloway if he realized he would need to apply for a variance to build another house on the property when he purchased the property. Mr. Pruitt stated Mr. Holloway has created his own hardship. Mr. Holloway stated he was advised he could reside in the remodeled house while building the new house, then he would have to convert the remodeled house into a shop or storage building. Mr. Holloway stated that would have been fine, but he has since invested too much money to use the structure only for a shop or a storage building.

Mr. Dryden stated if the Board of Appeals approved this application, the approval would be opening up Pandora's box for Spalding County. Mr. Dryden stated he could see restoring the fire damaged home.

Ms. Mathiak stated the staff report listed a second option to use the existing home, as an accessory structure not actually a livable structure. Ms. Mathiak stated she understands Mr. Holloway has a lot of money invested in the remodeling of the existing home on the property.

Mr. Dryden stated if Spalding County allows Mr. Holloway to have 2 dwellings on this piece of property, this would be setting a precedent Spalding County would not want in this county.

Mr. Pruitt stated Mr. Holloway might try and rezone this property to a residential classification for a minimum of 1 acres and 125-foot lot width. Ms. Reynolds stated Mr. Holloway would need a variance for the lot width at the 100-foot building line. Ms. Reynolds stated another consideration to look at, is the area is predominately AR-1 zoning district. There is very little residential near this property.

Ms. Palmer stated there are several other options that Mr. Holloway could look at.

Mr. Harris entered the meeting at this time.

Ms. Reynolds stated when Mr. Holloway first came into the office there was discussion on what would be best for this property. Ms. Reynolds stated discussion was whether to apply for a variance for two lots or for a variance for two houses. Ms. Reynolds stated the decision was to try for a variance to allow two houses on the lot. Ms. Reynolds stated the variance to allow two lots would be the other option should this variance be denied. Ms. Reynolds stated Mr. Holloway would not have to wait the 1-year period to apply for another variance. Ms. Reynolds stated the conversation with Michael Sabine before Mr. Holloway started restoring the burned house was if Mr. Holloway wanted to build another home on the property, then the restored home would have to be converted to an accessory structure.

Mr. Holloway asked if the accessory structure could be lived in. Ms. Reynolds stated no.

MOTION

Mr. Dryden made a motion to deny Application #01-68V. The motion passed on a second by Ms. Mathiak with Margaret Palmer, Rosa Calloway, Keith Dryden, Greg Pruitt and Karen Mathiak voting for the motion, and Mr. Harris abstaining.

Application #02-01S: Billy Duncan Owner – 3.877 acres on School Road located in Land Lot 43 of the 3rd Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Duncan, nor a representative for Mr. Duncan, did not show for the meeting.

MOTION

Ms. Mathiak made a motion to table Application #02-01S until the March 14, 2002 meeting. The motion passed on a second by Mr. Pruitt with Margaret Palmer, Rosa Callaway, Keith Dryden, Frank Harris, Greg Pruitt, and Karen Mathiak voting for the motion.

MINUTES

The minutes of the January 10, 2002 meeting were approved on a motion by Ms. Mathiak and second by Ms. Callaway with Margaret Palmer, Rosa Callaway, Keith Dryden, Frank Harris, Greg Pruitt, and Karen Mathiak voting for the motion.

ADJOURNMENT

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

Margaret Palmer – Chairman

Cindy L. McDaniel - Recorder