

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**April 10, 2003**

The Spalding County Appeals Board held its regular monthly meeting on April 10, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Greg Pruitt, Vice-chairman, presiding, Jon Baird, Ray Browning, Bobby Hart, Charles Heggie, and Mose Stogner. Dennis Richardson and Keith Dryden were not present.

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

Mr. Pruitt called the meeting to order. He invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Mr. Galloway said, due to concerns regarding a quorum and potential violation of the conflict of interest he recommended that the Appeals Board amend the agenda to include election of an acting vice-chairman for this meeting. The chairman is not present and the vice-chairman will be presiding and due to a potential conflict of interest on some of the agenda items with the vice-chairman this election is necessary.

**MOTION**

Mr. Browning made a motion to amend the agenda to include the election of an acting vice-chairman for this meeting. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

Mr. Browning said there were several applications that have been requested to be tabled and he would like to amend the agenda to have those items considered first.

**MOTION**

Mr. Browning made a motion to amend the agenda to consider Applications #03-07S, #03-10S and #03-11S as the first three items on the agenda. The motion passed on a second by Mr. Heggie with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

Election of Acting Vice-chairman

Mr. Pruitt called for election of an Acting Vice-chairman for this meeting.

Mr. Browning nominated Mr. Heggie with Mr. Hart seconding the nomination.

**MOTION**

Mr. Browning made a motion to close the nominations. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

Mr. Heggie was declared elected.

**Application #03-07S:** Clara Company, Owner – Triad Investments, LLC, Agent – Teamon Road (70.321 acres located in Land Lot 201 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow 1-acre lots in the R-2 District.

**MOTION**

Mr. Browning made a motion to table Application #03-07S. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

**Application #03-10S:** Crescendo Land, LLC, Owner – Next Generation Properties, Agent – Georgia Highway 155 (41.26 acres, more or less, located in land Lot 111 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots in the R-2 District.

**MOTION**

Mr. Browning made a motion to table Application #03-10S. The motion passed on a second by Mr. Heggie with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

**Application #03-11S:** Byron F. Smith, Owner, McKinley Drive 93.61 acres, more or less, located in Land Lot 150 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling, or zero lot line dwelling in the R-1 District.

**MOTION**

Mr. Hart made a motion to table Application #03-11S. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Pruitt voting for the motion.

**Application #03-06V:** Southside Developers, Inc., Owner – Mark Whitley, Agent – 111 Huntington Terrace (0.48 acres locate in Land Lot 105 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the R-2 District.

Mr. Galloway said he has a potential conflict on this application. He stated that he had not participated in the review of the application and would not participate in any part of the hearing. He left the podium.

Each person that spoke came forward, stated their name and address, and was sworn.

Mr. Whitley – G T Communities -7544 Southlake Parkway – Jonesboro, Georgia 30236  
Mr. Whitley apologized for the error caused by his company. They are requesting a setback variance for this house. The house has already been built and sits 15 feet over the setback line. The house is 2080 SF. He presented a plat of the lot with the house as positioned. The area that is over the line is 80% of the two-car garage and the bonus room. He said Mr. Rutledge is going to address the Commission on how the error occurred.

David Rutledge – G T Communities - 7544 Southlake Parkway – Jonesboro, Georgia  
Mr. Rutledge said this was an honest mistake and not deliberate. He showed the plans and how the error was made. He said they have changed their procedures so this will not happen again. They have a buyer for the house and it is scheduled to close on April 24. A petition was presented to the homeowners in the neighborhood as to what they would like to see done with the house under the circumstances. They tried to present the options in as unbiased a manner as possible. They showed, via drawings and pictures, the options that could be considered. The options are to remove the garage and bonus room and reconstruct to the left side or to the rear, or for the house to remain as is. To move the garage to the left side would put the entrance to the house from the garage into the master bedroom which would not be very satisfactory. If the garage is put to the rear of the house it would block the windows and deck. They feel the best option is for the house to remain as is and therefore they are requesting the variance on the setback. The existing homeowners in the subdivision have requested the house be allowed to remain the same. There are 9 people in the subdivision and 7 of them were contacted. They were unable to reach the other 2.

Mr. Stogner arrived at this time.

Jonathan D. Smith – 208 Huntington Way – Griffin, Georgia  
Mr. Smith said he had no problem with the house as it is. He moved in before the house was built and he likes the way the house is set up. Moving the garage and bonus room would not be practical, sensible, or cost efficient. The house is beautiful and it should stay the way it is.

Tony Hinton – 600 Pine Hill Road – Griffin, Georgia  
Mr. Hinton said he has a contract to purchase this house. He and his wife love the house the way it is and would like for it to stay as it is.

Jason Evans – 116 Huntington Terrace.  
Mr. Evans lives across the street from this house. He likes this subdivision because it is very nice and neat. The floor plan of his house and this house are the same. There is no way that moving the garage will work. If you move the garage anywhere it will detract from the neighborhood. If it is changed it will stick out like a “sore thumb.” As a homeowner, living directly across the street, he would like for it to stay as it is.

Mr. Whitley discussed again with the Commission this application. Mr. Hart noted that when other houses are built, adjacent to this house, this house is going to stick out like a

“sore thumb.” Mr. Whitley said they are proposing to put in a tree buffer between this house and the adjacent house. They would be willing to put in a privacy fence or a tree buffer either one. They had to stagger some houses in one area due to wetlands and they could do that with this street also if permitted.

Mr. Taylor said the staff recommendation is to deny. This situation was considered previously and denied. Nothing new has been presented that would cause the application to be approved. There is no concern that this would be setting a precedent because each variance “stands on its own.”

Mr. Browning said he feels visibly the house, as is, creates no problem and particularly if they do the screening. The house is an attractive house. If you redesign it, it will destroy the curb appeal. The neighbors do not object to the house as it is. The solution is worse than the problem.

Mr. Hart said this is the second variance for the same problem. The other was only two feet. He does not see how a professional builder can make this large a mistake.

Mr. Baird said he realizes it was a mistake and not done intentionally and it is not improving the value of the property by taking that 15’ easement. The proposed solution is worse than the problem. The punitive damages he has had by letting the house sit for three months by not granting a CO is enough punishment to make sure that mistake does not happen again and he would vote to support this variance. The proposed cure is worse than the problem. The first time this was considered he was concerned about a precedent but since that does not appear to be a concern he would vote to support.

Mr. Heggie said he had a problem since it was considered before and there are no changes in any information. This is self-created.

Mr. Pruitt said he understands the situation better. It was a bad mistake. They are willing to plant a buffer which is a new proposal. To change the garage and the bonus room would make the house look worse.

**MOTION**

Mr. Browning made a motion to approve the variance in Application #03-06V conditioned on the planting of a minimum 5’ Leland cypress tree buffer to fully screen the rear of the house. The motion failed on a second by Mr. Baird with Mr. Baird, Mr. Browning, and Mr. Pruitt voting for and Mr. Hart, Mr. Heggie, and Mr. Stogner voting against.

**MOTION**

Mr. Heggie made a motion to table Application #03-06V until the next meeting. The motion passed on a second by Mr. Browning with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, Mr. Pruitt, and Mr. Stogner voting for the motion.

**Application #03-08S:** John T. Bolton Owner – Gregg Pruitt Construction Company, Agent – Stanfield West Phase V off Wilder Way (64.8 acres, more or less, located in Land Lots 12 and 21 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow 1-acre lots in the R-5 (conditional) District.

Since Mr. Pruitt was a party to Applications #03-08S and #03-09V he recused himself from the Commission and stepped down from the podium. Mr. Heggie chaired the meeting for these two applications. Mr. Galloway returned to the podium.

Mr. Galloway said that Mr. Pruitt, as an applicant, is governed by the Conflict of Interest and Zoning Procedures Act and he will not be able to take part, in anyway, with the special exception application but will be able to take part in the variance application by providing information.

John T. Bolton – 873 Moreland Road – Griffin, Georgia

Mr. Bolton said they are requesting a special exception to allow one-acre lots in R-5 (conditional) District. All plats have been furnished. This will match the other lots in the Stanfield West Subdivision.

Mr. Taylor said the staff recommends approval for the one-acre lots conditioned, that if the soil on the property will allow, the road should be looped to avoid cul-de-sacs. The applicant is checking the soil to see if it will permit the loop.

#### **MOTION**

Mr. Hart made a motion to approve Application #03-09V conditioned that if the soil will allow, the road will be looped to avoid the cul-de-sacs. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Stogner voting for the motion. (Mr. Pruitt did not participate in discussion or vote)

**Application #03-09V:** John T. Bolton Owner – Gregg Pruitt Construction Company, Agent – Stanfield West Phase V off Wilder Way (64.8 acres, more or less, located in Land Lots 12 and 21 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum road frontage requirement and to allow cul-de-sac streets to exceed 300 linear feet in the R-5 (conditional) District.

Greg Pruitt – 55 Partridge Path – Griffin, Georgia

Mr. Pruitt said this request is to reduce the size of the lot from 150' to 100'. He had some soil problems and is investigating what can be done. It is causing him to have cul-de-sacs longer than UDO allows and they need the variance for length of lot and length of cul-de-sac. This will not add any more lots.

Mr. Taylor said the staff recommendation is for approval for this variance because it closely matches the lot dimensions offered in the first four phases of development. If the road is looped it will negate the necessity of the variance that will be granted for the cul-de-sac. If the soil test permits the road should be looped.

**MOTION**

Mr. Baird made a motion to approve Application #03-09V conditioned that if the soil tests permit, the road will be looped. The motion passed on a second by Mr. Stogner with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, Mr. Pruitt, and Mr. Stogner voting for the motion.

**Application #03-13V:** Griffin Remodeling, Inc., Owner – Christine M. Livingston, Agent – Jacqueline Drive (42.64 acres, more or less, located in Land Lot 31 of the 1<sup>st</sup> Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the R-4 District.

Christine M. Livingston – Shepherd and Johnston - 124 North Hill Street – Griffin, GA  
Ms. Livingston said they need a variance to allow for longer cul-de-sacs. She had a plat noting that on the east side there is a substantial wetlands that will not allow for the development of that property which extends to the rear of the property which abuts the landfill. They need the extension in order to develop the lots along the characteristics that have been followed in the Turtle Tracks Subdivision.

Mr. Taylor said the recommendation is for approval.

**MOTION**

Mr. Browning made a motion to approve Application #03-13V. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, Mr. Pruitt, and Mr. Stogner voting for the motion.

**MINUTES**

A question has been raised regarding the minutes of the March 13, 2003 meeting that will require research and the recommendation is to table action until the next meeting.

**MOTION**

Mr. Baird made a motion to table action on the minutes of the March 13, 2003 meeting until the next meeting. The motion carried on a second by Mr. Browning with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, Mr. Pruitt, and Mr. Stogner voting for the motion.

**MOTION**

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

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Dennis Richardson – Chairman

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Yvonne M. Langford - Recorder