

SPALDING COUNTY APPEALS BOARD
Regular Meeting
May 13, 2004

The Spalding County Appeals Board held its regular monthly meeting on May 13, 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, Allan McCallum, Dennis Richardson, and J. D. Smith. Charles Heggie was 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 and invited those present wanting to address the Board regarding any matter to sign in on the appropriate form.

All people addressing the Board were sworn.

Application #04-07V: Lift from the table – 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 2nd Land district) – requesting a Variance from subdivision entrance sign.

MOTION

Mr. Baird made a motion to lift Application #04-07V and Application #04-10V from the table. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Jzonn Cureton – 6958 Main Street - Lithonia

Mr. Cureton said they want a variance in the height of the entrance sign they have proposed for Parliament Place on Highway 155. The sign meets code on everything except for the height. There are two columns that are four feet higher than allowed.

Mr. Taylor said the staff recommendation is for denial. The sign ordinance requires hardship to vary the sign ordinance. This is clearly not a hardship. To grant a variance would compromise the intent of the ordinance.

John Dugdale – 1985 North Walkers Mill Road

Mr. Dugdale said, as of yesterday at 2:00 p.m., when he was in Thomaston, the subdivision known as Parliament Place did not have an approved entrance onto Highway 155. There is very limited sight visibility to the north and to the south. He timed cars from the time they could be seen until they reach the driveway and it was less than two seconds. The road is going to be widened at the intersection of Jackson Road and Highway 155. By the time it gets to the cemetery at Manley's it is narrowed back in. They are purchasing a little right of way on the left side because when they build the

bridge they will shift the traffic to get on the bridge while they tear the other bridge down. The little bit of right of way in front of their property is for an acceleration lane. They only have 300' of road frontage. They have not been in compliance with any of the laws and regulations of the state, federal or county government since they started. They continue to operate illegally. Their entrance, with the sign where it is, will be an eyesore, it will block the vision. The state advised him that they are trying to work with them to see if they can come up with a solution. Moving it up the hill is not the option, it is going down the hill. It is very dangerous. 20,000 vehicles a day go by that intersection right now. The next traffic count will be next year and it may be as high as 36,000. They have not bought all the right of ways on this road. They are very much opposed to the big, gaudy sign in their community. It does not match any of the signage that is around. It will further add to the distraction of the drivers on 155. He gave out information and petitions related this project.

Sinclair Hollberg— 3335 Jackson Road

Mr. Hollberg said that 99.9% of the residents in this neighborhood are not too thrilled about the way this project is going and the manner in which the project has been implemented. This sign is just another affront to the people in this neighborhood. It is not compatible with anything. When you consider Parliament Place, the only parliament that comes to mind is British Parliament. This design predates the British Parliament by 500 years. You would find this is Robin Hood's England. He thinks the neighborhood would be more receptive to a sign that is more compatible with the neighborhood and the nature of the project. He understands that the type houses planned are Savannah style. There are many tasteful ways you could accomplish a sign for a Savannah style project that would be very compatible with the neighborhood. There is no reason to grant an exception to a sign in the neighborhood with a project that has progressed in the manner it has. There are 400 to 500 people in the neighborhood that have expressed considerable distaste for the way this has progressed. They need to go back and come up with a sign the neighborhood could be happy with and proud of in something that is architecturally compatible with the stated purpose of Parliament Place and Savannah style. Visibility is tough. He does not know how this will affect the traffic flow and being able to see. He strongly encourage the Appeals board to make them come up with a plan that is more compatible with the neighborhood and more compatible with their project, something the neighborhood could support.

Jzonn Cureton

Mr. Cureton said at the present time they are meeting the standards. Their site report has been done. They have to get approval from the DOT to submit their construction plans to Spalding County. They have their preliminary letter from DOT. Their entrance has been approved. Spalding County had an initial meeting with the EPD on the site because they were not able to make the meeting. They made a list of things they need to do for the initial start-up. They are doing everything they were requested to do, and more. They met with Mr. Taylor to make certain they are following the standards of Spalding County and the EPD. To his knowledge, they are meeting those requirements. DOT is not going to let them do anything that is not safe. They looked at what they have. They have engineered it to meet the DOT standards. They are not building Savannah style houses.

They have never said that they were going to build Savannah style houses. They have chosen this sign because they do not want to be like everybody else. The theme is the Renaissance.

Discussion was held regarding what part of the structure the sign ordinance refers to when determining the sign area. Definitions were read and determined that the only variance is in the height of the structure.

Andre Douglas – Next Generation – 6958 Main Street – Lithonia

Mr. Douglas said Ms. Puckett called him today. She lives adjacent to this property. She was concerned because she understood that the sign was going to be 20' x 20'. She additionally wanted to know about the accel/decel lane. He reviewed the plans and advised her regarding her concerns. She was satisfied and advised that she would not be at the meeting.

MOTION

Mr. Richardson made a motion to deny Application #04-07V. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Richardson and Mr. Smith voting for the motion and Mr. McCallum and Mr. Pruitt voting against.

Application #04-10V: Lift from the table – 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 1st Land District) – requesting a Variance from minimum building setback from property line.

Mr. John A. Phillips – 242 Armistead Circle

Mr. Phillips said that he had been in error. He was working without a permit. Since that time he has met with Mr. Taylor, Ms. Craig, Mr. Gregory, and Mr. Galloway, they have agreed that he was working as not needing approval but did need a permit. They agreed that Mr. Gregory would inspect to be certain that everything was up to code, and he would then apply for the variance. It has been inspected and everything passed the inspection.

Ms. Craig stated that the staff recommendation is for approval. She said there had been a meeting and Mr. Gregory has inspected the building and all the work that has been done. Mr. Gregory said the building is up to code. The request is for an encroachment to 18 feet of the eastern property line and 14 feet to the southern property line. The property is triangular in shape and it would be very difficult to get another structure within a 50-foot setback. The church predates the ordinance and that is the reason the special exception is not required and the expansion to the east will not encroach any further than the present structure encroaches now and the addition to the front is only a minimum difference.

Mr. Hart questioned Mr. Phillips regarding his appearance before the Appeals Board and the statements he had made.

Mr. Phillips went over what he had said and stated that he may have not been accurate in statements he had made previously but he wanted to set the record straight. He said he had taken the code as he read it. He knew he needed a permit but they would not give him a permit. He was told to bring the plans and when he did they told him he would need a variance.

Mr. Hart said Mr. Phillips had stated that he thought he would not need the permit until the variances were granted.

Mr. Phillips said the code stated that he did not need any further approval, and he thought he could go ahead and construct it and when he received the variance, he could then get the permit.

Mr. Hart told Mr. Phillips he had been a contractor long enough to know that you have to have a permit before construction begins.

Mr. Phillips said he was in error, and he apologized for that, but he stated that the building was up to code, and he is requesting the variance.

Reverend Fred Shillow – 210 Oakwood Lakes Drive – Hampton, Georgia

Reverend Shillow said they have been left hanging with the church for sometime. They are very incomplete, even the sanctuary work that does not need a variance is incomplete. They have been displaced for five weeks. Mr. Phillips has apologized for his mistake. He went over what they had been through to get the approval. He said the ordinance stated that no further approval is needed, and he thought it was all right to begin the work. Mr. Phillips has done his best. They are trying to make a facility that is suitable for the community use, not just the members. Something is needed in the area as a voting place and activities for children for a tutoring program. They have not been able to do anything for five weeks, and they need to move forward to get this thing done. They would appreciate the board giving this consideration and allow them to complete the work.

MOTION

Mr. McCallum made a motion, seconded by Mr. Hart, to approve Application #04-10V. The motion passed with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Application #04-18V: Trustees of Corinth Baptist Church, Owner – Sheetul S. Wall, Esq., Agent – 53 Merrybrook Road (1.042 acres located in Land Lot 43 of the 2nd Land District) – requesting a Variance from minimum building setback from property lines for an addition to a Church in the AR-1 District.

Sheetul S. Wall – 101 South Hill Street

Ms. Wall said this church was established in 1907, and they want to add classrooms onto the rear of the building. They need to vary from the current ordinance by 50 feet. The rear of the property abuts the Gaisert property. Mr. Gaisert has provided a letter stating

that he does not object to the reduced setback. The county has been working with them to get this approval. She requested approval of the variance.

Mr. Taylor said the shape of the property creates a hardship and the proposed addition will encroach on the property line that adjoins the rear property. The recommendation is for approval.

MOTION

Mr. McCallum made a motion, seconded by Mr. Richardson, to approve Application #04-18V. The motion passed with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Application #04-19V: Ann J. Everett, Owner – Steve Morris, Agent – Highway 19 & 41 (1.5 acres located in Land Lot 103 of the 3rd Land District) – requesting a Variance from rear yard setback in the C-1 District.

Steve Morris – 4295 Highway 19-41

Mr. Morris said this property is across from Cronin Chevrolet. The property is 480 feet wide and 134 feet deep. When 19-41 was developed, this property was split. There is a power line running through the property that makes it difficult to build on. There is a 30-foot setback on the rear property line, and he needs to get that reduced to 15 feet. This property is surrounded by commercial property. It will be difficult to build on this lot without the variance. Mr. Morris said he could build a small building on this property as it is, but he is attempting to put up a nicer building by getting the variance.

Mr. Taylor said this property is very shallow. The power line easement makes the use of the property very difficult. The recommendation is for conditional approval. The conditions are for brick or masonry stucco on all walls visible from the right-of-way of North Expressway and Highway 19-41, only one curb cut be allowed and that the building and other improvements on the property meet applicable building and fire codes.

Jim Murray – 427 Audubon Circle

Mr. Murray said he is representing the owner of 44 acres directly behind this site. When the Highway was cut, it went through four pieces of property that were pretty good size acreage and left “slivers” on the west side of the road. There are four pieces of property identical to this site. If this is approved, there are going to be four requests to do the same thing. The power line runs from Vineyard Road all the way down the west side of the road. He is requesting a plot of ground and then he is going to design his building.

Discussion was held regarding the four pieces of property that have the same difficulties that the site of the application has. Mr. Murray also confirmed that the property he represents is for sale. Mr. Galloway suggested that this application be tabled until further consideration can be given to what is going to be an appropriate use for all of the lots that have the same configuration. Mr. Pruitt said he would like to see all of the walls be brick or masonry construction since the property to the rear will be developed in the future.

MOTION

Mr. McCallum made a motion to approve Application #04-19V conditioned on brick or masonry stucco on all walls of the building, only one curb cut be allowed and that the building and other improvements on the property meet applicable building and fire codes. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Application #04-20S: James Edward Eubanks and Pamela Palmer Eubanks, Owners – 3204 Newnan Road (2.63 acres located in Land Lot 15 of the 2nd Land District) – requesting a Special Exception to allow an additional dwelling on property due to hardship in the AR-1 District.

Pamela Palmer Eubanks – 3204 Newnan Road (Highway 16)

Ms. Eubanks gave a copy of a medical note from a physician regarding the health of her mother-in-law. She said her mother-in-law has lived with them for 15 years. They have 2.63 acres of land. They have a modular home; four bedrooms, two baths. There are six people living there. The mother-in-law is trying to raise two grandchildren. They want to build a 1500 SF house on the back of the property. She is in a wheelchair and it makes it difficult for her to get around in the modular home. There will be more room, and they will be able to take care of her better.

Discussion was held regarding the fact that the doctor needs to furnish a letter regarding the medical hardship that exists regarding the mother-in-law. Ms. Eubanks needs to sign a release form for the doctor to release the information.

Ms. Eubanks said she is blind, in a wheel chair, has had two strokes, and hardening of the arteries. The information that she brought with her from the doctor gives the information.

Mr. Hart said there is a procedure whereby the information must be furnished by the doctor directly to Spalding County.

Mr. Taylor said if the Board is satisfied with the information furnished, it can be accepted. He said the recommendation is for conditional approval. The recommendation is that the house be relocated so when the house is built the trailer will be on the rear of the property. This will require only a slight relocation of the house.

MOTION

Mr. Baird made a motion to approve Application #04-20S conditioned on the house being relocated so that the trailer is located to the rear of the property. The motion passed on a second by Mr. Richardson with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

Application #04-21V: Margaret E. Detwiler, Trustee, Owner – 227 Runaway Lake Drive (1 acre located in Land Lot 54 of the 3rd Land District) – requesting a Variance to allow an accessory structure to be located in side yard.

Mr. Bonner – 227 Runaway Lake Drive

Mr. Bonner said a plat had been made available for the Appeals Board members. There is a lake with a 50' setback requirement and a 50' setback from Runaway Lake Drive so there is no other place to build a garage except to the side. It will be visible from Runaway Lake Drive but there are Leland Cyprus and cedar trees that will shield it from being too visible. They are going to preserve the trees. The staff recommendation is that the garage matches the house, and he has no problem meeting that requirement.

Mr. Taylor said the recommendation is for approval conditioned on the house being architecturally consistent with the house.

MOTION

Mr. Hart made a motion to approve conditioned on the building being architecturally consistent with the house. The motion passed on a second by Mr. Richardson with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, Mr. Richardson and Mr. Smith voting for the motion.

MINUTES

Mr. Baird made a motion to approve the minutes of the April 8, 2004 meeting. The motion passed on a second by Mr. Pruitt with Mr. Baird, Mr. Hart, Mr. McCallum, Mr. Pruitt, and Mr. Smith voting for the motion and Mr. Richardson abstaining because he was not present.

MOTION

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

Greg Pruitt – Chairman

Yvonne M. Langford - Recorder