

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**June 12, 2003**

The Spalding County Appeals Board held its regular monthly meeting on June 12, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Jon Baird, Ray Browning, Bobby Hart, Charles Heggie, and Mose Stogner.

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

It was noted that neither the Chairman nor Vice-chairman was present and it would be necessary to elect a chairman for the meeting.

**MOTION**

Mr. Baird made a motion to approve Ray Browning chairman for the meeting. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Stogner voting for the motion.

Mr. Browning called the meeting to order and 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.

**Application #03-06V:** Lift from the table – Southside Developers, Inc. Owner –Mark Whitley, Agent – 111 Huntington Terrace (0.48 acres located 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.

**MOTION**

Mr. Hart made a motion, seconded by Mr. Heggie, to lift application #03-06V from the table. The motion passed with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie, and Mr. Stogner voting for the motion.

William Johnston – 124 North Hill Street

Mr. Johnston, representing Southside Developers, Inc., said this was discussed at the last meeting and they had nothing additional to add but would entertain any questions. They had offered to put a screening of Leland cypress trees on the property. He presented a landscape plan showing 46 ± trees, 5' in height, on the property. If approval is conditioned on the planting of these trees they are prepared to put them in place.

Discussion was held and the Appeals Board felt the screening was excessive and they wanted the rear screening only.

## **MOTION**

Mr. Hart made a motion to approve Application #03-06V conditioned on screening with Leland cypress as depicted on the site plan at the rear of the property on the southern property line only which is 162.16'. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Browning, Mr. Hart, and Mr. Stogner voting for the motion and Mr. Heggie abstaining.

**Application #03-22S:** New Era Missionary Baptist Convention of Georgia, Inc., Owner – Wagner, Johnston & Rosenthal, P. C., Agent – 1229 Green Valley Road (41.320 acres located in Land Lot 214 & 235 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow privately owned park or recreation area in the AR-1 District.

Beth Jones – Wagner, Johnston and Rosenthal, P. C. – Suite 1200 Tower Place – 3340 Peachtree Road, N.E. – Atlanta, Georgia

Ms. Jones said she was representing New Era Missionary Baptist Church Convention. She noted that many members of the Church were present in support of this application. This property is presently zoned AR-1. The application is to have a privately owned park or recreation area. The purpose is to construct a structure to house their meetings and conventions. Presently they set up a tent and request a noise amplification permit for their meetings. The heat in the summer is severe. This would allow them to have air-conditioned facilities and keep the noise contained in the building. They would have a parking area and increase the driveways to have a one way in and one way out. These factors will improve the situation for the neighbors and New Era. She said the facilities are proposed to be used for both religious and secular purposes such as family reunions.

Mr. Taylor said no one was signed to speak regarding this application; however, a letter was received dated June 11, 2003 from Ms. Sandra Roof. This letter is attached to and becomes a part of these minutes.

Mr. Taylor said the staff recommends conditional approval for the request. The conditions are as follows:

Buffering to be consistent with that required of a commercial use in a residential area shall be created. This requirement shall consist of a 25' buffer along all side and rear property lines which shall include screening in the form of vegetation. Trees for buffer i.e. Leland cypress shall be used in the screening.

The applicant shall submit site construction plans that will meet the requirements of Spalding County Unified Development Code, Appendix J Commercial – Industrial Ordinance or equivalent.

Certification by a certified engineer shall be submitted indicating that the integrity of the dam for the pond, which is a primary access point to this site, is such that it will sustain the traffic generated by the activities performed on the property.

An easement shall be recorded and submitted to the Spalding County Community Development Department for ingress and egress across the adjoining tract to the north giving the property two points of access.

The hours of operation shall be limited as follows: All outside events must commence after 8:00 A.M. and conclude prior to 11:00 P. M.

All lighting for the property shall have a minimum setback of 50 feet from each property line and shall be constructed in a manner not to reflect onto adjoining properties.

The proposed structure shall be a minimum of 50' from the property line and the site plan submitted with this application shall constitute a development plan and any changes to this plan affecting the intent and character of the development, the density, or land use pattern or other substantial changes must be approved by the Board of Commissioners upon recommendation by the Board of Appeals.

The recommendation is that this be approved as a religious campground rather than a recreational park.

Mr. Taylor said the activities being described by the applicant fit more into the category of a religious campground and simply renting this out from time to time for family reunions and other things, to us, in reading the ordinance, does not preclude them being a religious campground. To approve this as a recreation facility will create more problems than it will solve.

Ms. Jones said the intent is to use this for activities that will not be entirely religious in nature. They do not object to being classified as a religious campground as long as it is placed in the record that it can be used for non-religious purposes even though it is a religious campground

Mr. Browning said the inclusion of acoustical insulation on the walls and ceilings needs to be added as an additional protection against the noise.

## **MOTION**

Mr. Hart made a motion to approve Application #03-22S as a religious campground with the conditions as follows:

Buffering to be consistent with that required of a commercial use in a residential area shall be created. This requirement shall consist of a 25' buffer along all side and rear property lines which shall include screening in the form of vegetation. Trees for buffer i.e. Leland cypress shall be used in the screening.

The applicant shall submit site construction plans that will meet the requirements of Spalding County Unified Development Code, Appendix J Commercial – Industrial Ordinance or equivalent.

Certification by a certified engineer shall be submitted indicating that the integrity of the dam for the pond, which is a primary access point to this site, is such that it will sustain the traffic generated by the activities performed on the property.

An easement shall be recorded and submitted to the Spalding County Community Development Department for ingress and egress across the adjoining tract to the north giving the property two points of access.

The hours of operation shall be limited as follows: All outside events must commence after 8:00 A.M. and conclude prior to 11:00 P. M.

All lighting for the property shall have a minimum setback of 50 feet from each property line and shall be constructed in a manner not to reflect onto adjoining Properties.

The proposed structure shall be a minimum of 50' from the property line and the site plan submitted with this application shall constitute a development plan and any changes to this plan affecting the intent and character of the development, the density, or land use pattern or other substantial changes must be approved by the Board of Commissioners upon recommendation by the Board of Appeals.

Acoustical insulation shall be placed on the walls and ceilings of the interior of the building.

The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Browning, Mr. Hart, and Mr. Heggie voting for the motion and Mr. Stogner voting against.

#### **MINUTES**

Mr. Baird made a motion to approve the minutes of the May 8, 2003 meeting. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Browning, Mr. Hart, Mr. Heggie and Mr. Stogner voting for the motion.

#### **MOTION**

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

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Dennis Richardson – Chairman

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Yvonne M. Langford - Recorder