

BOARD OF APPEALS
Regular Meeting
Open Session
July 12, 2001

The Spalding County Board of Appeals held its regular meeting on July 12, 2001 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, Frank Harris, Margaret Palmer, and Dennis Richardson.

Also, present were Michael Sabine, Community Development Director, Jennifer Peterson, Planner, Newton Galloway, Zoning Attorney, and Cindy McDaniel to record the minutes. Members Karen Mathiak, Greg Pruitt, and Tangela Fuller were not present.

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

Application #01-25S: Richard R. and Helen J. Peterson, Owners – Ideal Homes of Griffin, Agent – 225 Ginny Lane – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Richard R. Peterson and Helen J. Peterson came forward, were sworn, stated their names and gave their address as 225 Ginny Lane.

Mr. Peterson said they want to upgrade their present manufactured home. The new home would enhance the neighborhood.

MOTION

Mr. Richardson made a motion to approve Application #01-25S. The motion passed on a second by Ms. Callaway with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, and Frank Harris voting for the motion.

Mr. Dryden advised Mr. and Mrs. Peterson that the Board of Appeals has recommended approval of the application and the Board of Commissioners will consider the application on July 26 at 6:00 p.m.

Application #01-26S: Fredrick W. and Elaine D. Eckhardt, Owners – Field of Dreams, Agent – 458 Mangham Road – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Tim C. Druce came forward, was sworn, stated his name and gave his address as 458 Mangham Road.

Mr. Druce said he wants to upgrade his present manufactured home, which is 10 years old. Most of the homes around them are manufactured homes, some are old and some are new. The new home would enhance the neighborhood.

Fredrick Eckhardt came forward, was sworn, and gave his address as 1250 Trailwood Drive, Watkinsville, Georgia.

Mr. Eckhardt said he was in support of this application, and has been leasing the property to Mr. Druce for approximately 12 to 13 years. Mr. Eckhardt stated if the special exception were approved, Mr. Druce would be purchasing the property. The new home would be an improvement to the neighborhood.

MOTION

Ms. Callaway made a motion to approve Application #01-26S. The motion passed on a second by Ms. Palmer with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, and Frank Harris voting for the motion.

Mr. Dryden advised Mr. Druce that the Board of Appeals has recommended approval of the application and the Board of Commissioners will consider the application on July 26 at 6:00 p.m.

Application #01-28S: WinShape Centre, Inc., Owner – Barnard & Associates Remodeling, Inc., Agent – 14924 Wildwood Road – requesting a Special Exception to allow a Group Home in the AR-1 District.

Bob Barnard of Barnard & Associates Remodeling, Inc. came forward to represent WinShape Homes regarding this application. He was sworn, stated his name and gave his address as 9 Beauregard Court, Fayetteville, Georgia 30215.

Mr. Barnard stated Mr. Cathy was given 167 acres on Wildwood Road in the northwest corner of the County. A brick home, of approximately 1800 square feet, is presently on the property. Mr. Cathy would like to build one of his WinShape homes, which is about 5,000 square feet building. It looks like a residential home with a front porch, 2 fireplaces, 6 or 7 bedrooms, full kitchen, family room, and garage. This home would house a husband and wife, and 12 to 14 children under the age of 18, which are hand selected by Mr. Cathy. These children come from distressed situations and are placed by DFACS through Mr. Cathy. Presently, he has 127 children involved in his homes across the state. The latest project was a couple of years ago in Stockbridge. The home in Stockbridge is the exact same home Mr. Cathy would like to build. It operates basically like a family does with the parents responsible for the children, and the children having certain responsibilities they have to maintain.

Mr. Barnard stated they went through a special text amendment Tuesday night, July 10, 2001, where the Planning Commission made a recommendation to approve to allow this group home within the AR-1 zoning. The text amendment was written in its current form because the size of the property could hold a couple more homes so the amendment

allows a net five (5) acres per group home that was involved. Mr. Cathy's plan, at this time, is just this one home and the existing home, which is to be remodeled, to accommodate a couple of more children. There are some bathrooms and square footages of rooms that have to meet requirements.

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

Robin Brown – 1273 Moore Road, Griffin

Ms. Brown stated she resides directly behind the property in question, and she strongly opposes this special exception request based on safety and health. Ms. Brown stated she was raised in Forest Park where the houses were so close together that you could barely fit a car in between. Ms. Brown stated she married and moved to a mobile home park where she lived for seven years and tolerated the enclosed environment. They purchased the property, which is their dream home, where she has lived there for 12 years and has worked hard to keep and maintain the property. This is a quiet area with no aggravations.

Ms. Brown's statement is paraphrased for the record as follows: Upon receiving a letter from Community Development Office stating a request had been made that Land Lot's 175, 177 & 178 of the 4th Land District were for a special exception, I contacted the Planning Office, by telephone as stated in the letter, to obtain more information. They could only tell me that the request was for a group home to house 10 to 12 children plus adults to supervise, and it would probably be about the same size as a regular house or a little larger. It probably be a foster home. I visited the office on last Tuesday, and they still could not provide any additional information. I specifically asked if they had plans or drawings of what was proposed, and they stated that was not required at this time. As stated in Spalding County's Appendix 4 Zoning, Article 4, Section 413 - Special Exceptions, it states "that it must not be detrimental to the use or development of adjacent property, or to the general neighborhood; it must not adversely affect the health or safety of residents or workers. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or needs for the Special Exception, and it must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use." This will be detrimental and have depreciating effects on adjacent properties. This special exception is basically allowing a multiple family housing development or apartment to move in and decrease the value of surrounding properties and area. It would be increasing the noise level with 10 to 12 children playing in a concentrated area. There has been no mention of how the children will be controlled or supervised; thereby endangering property and livestock that already exists in the area. No future plans are available at this time causing uneasiness about the future. It adversely affects the health of residences in the area changing from a nice, peaceful setting to one of noise and higher traffic. If the special exception is passed, then additional multiple family housing developments could be added without any additional zoning request. This could turn into another Christian City or Baptist Children's Home. Today I found out that plans were now available in the Planning Office. It is for a 5,000 square foot home to house 10 to 15

children with 4 adults. The current plans are to locate it 300 foot off the property line adjacent to owners of horses. Children tend to play in back yards creating a safety hazard to adjacent property owners. I was advised by the Planning Office that there are 150 acres in this tract. Why does the home have to be so close to the property line? I checked on WinShape Homes and there are 11 in total with 7 in Georgia. The Harrell house is already being used for the purpose it is requesting to be used as. Out of the 7 houses 2 have expanded to include camping facilities, a guesthouse, and a place to accommodate 150 to 1,000 people for different activities. This area is agricultural/residential and should remain as such, and this home should seek an area already zone to accommodate their needs. I do not want this in my neighborhood, and I strongly oppose this request based on the safety and health listed above.

Toni Tidwell and David Tidwell – 1379 Moore Road, Griffin

Ms. Tidwell stated they live on property adjacent to land in question. She stated they raise stallions and their special paddocks are built with high-intensified wire that is electrified. Their paddocks are 12 feet from the property line with another fence beyond that to protect people from coming onto the property. Stallions are aggressive animals and safety issues arise. Their dream was to buy in Spalding County and reside the rest of their lives. If we need to sell our property at some time, will our property remain the same value as it is now or will it loose property value? Since they have such a large tract of land, why couldn't they move the home to the other side of the property? Liability is a big concern with the house being so close to our property line. Ms. Brown has a pond on her property and she is concern if a child falls into it. Ms. Tidwell is not against Mr. Cathy on anything he does, she applauds him for everything he does. Safety of the location is a big concern.

Mr. Tidwell agreed with what his wife had stated. He restated that their secondary fences are electric and very dangerous. He stated stallions are not mean, but by the nature of the beast, they do bite. It is their way of communicating. If someone comes onto his property and gets bit, who will be liable? There is a danger for anyone who does not know how to handle themselves around livestock. Mr. Tidwell stated we do not oppose what Mr. Cathy wants to do. We would oppose this if it were a subdivision.

Angela Owens – 1335 Moore Road

Ms. Owens stated she resides between Ms. Brown and the Tidwell's. At this time, Ms. Owens stated she has no objections to the special exception request if they could locate it on the other side of the property. There is an old house on the property not in use. They could tear it down and build on that location. Ms. Owens stated she has no problem with children. In fact she has two toddlers who reside in my home, and they love horses. Ms. Owens stated she respects Mr. Cathy for what he is trying to do. Ms. Owens stated she has met the foster parents who currently reside on the property. Ms. Owens stated her concern of the electric fence and children being in the area. If they could relocate the house to the other side of the property as her main concern, is for the safety of the children. Ms. Owens stated she has resided on the property for 23 years.

Joan Cook – 1151 Moore Road

Ms. Cook stated all of her concerns had been addressed and would pass on speaking at this time.

Mr. Barnard returned to the podium to answer questions that had been raised. Mr. Barnard stated the children are exceptional and are placed under stringent guidelines when placed in the home. If they do not meet the responsibilities, they are removed from the home. Mr. Cathy has about a 92 to 95% success rate with these children coming out as productive citizens. Mr. Barnard stated he understands the concerns and fears of the neighbors. As far as the location, Mr. Cathy selected this location because it is the most level on the property. It will be hidden behind the trees on the property. Mr. Barnard stated there would be part of the property sectioned off to raise cattle and horses. Mr. Barnard suggested the possibility of planting Leyland Cypress along property line to provide a healthy hedge. Mr. Cathy may consider the idea of relocating the home on the property. If the Board requested it to be relocated, Mr. Cathy would not have a problem with this relocation.

Mr. Harris had a concern of how many homes will be located on the property.

Mr. Barnard could not respond directly. Mr. Barnard advised it has been discussed strictly for this one home and the existing home on the property now.

Mr. Sabine stated that this application is for this home and the existing home. The Board could condition this special exception and all future homes would have to come back for special exception approval. The text amendment covers the entire AR-1 zoning district to enable the specific site to be considered, which is why the five (5) acres was placed there. Mr. Sabine stated there were several points he wished to clarify which were brought out in this discussion. The building plans are not a normal component of the application; a site plan is required. The Board could condition the approval to recommend only 2 homes on the property. Mr. Sabine stated there are 2 homes at The Rock Ranch, which started out as a commercial farm and homes were placed on it later. The Board could condition any approval with fencing, Leyland Cypress, buffers, and screening if they feel that is appropriate and compatible with the neighborhood. Relative to the site of the home situation, the Board could place a condition on it. Mr. Sabine stated since it is already 300' off the property line; he doesn't feel we should diminish their ability to use the property in such a needful way. Spalding County should offer reasonable accommodations. Mr. Sabine stated building at the 300' with proper buffers, screenings, and fencing would satisfy the requirement of this application would provide adequate safety that would allow Mr. Cathy to develop the property in a respectful way.

Mr. Sabine stated this application could only be approved subsequent to the approval of the text amendment, which was included in the staff report.

MOTION

Ms. Palmer made a motion to approve Application #01-28S conditioned on approval of the text amendment by the Board of Commissioners and a 25' buffer planted with a double row of Leyland Cypress and Northern Red Cedars. The motion passed on a second by Mr. Harris with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, and Frank Harris voting for the motion.

Mr. Dryden advised Mr. Barnard that the Board of Appeals has recommended approval of the application and the Board of Commissioners will consider the application on July 26 at 6:00 p.m.

Application #01-29V: Patricia A. Polohaske, Owner – 252 David Elder Road – requesting a Variance from minimum side yard depth in the R-2 District.

Patricia A. Polohaske came forward, was sworn, stated her name and gave her address as 252 David Elder Road.

Ms. Polohaske is requesting to build a garage onto her house. Ms. Polohaske stated when the house was built, the house was not properly placed on the property. When she bought the house, the property line was not where she was told it was located. The builder knew, at the time she purchased the house, that her desire was to build an attached garage. Due to her work hours and health, Ms. Polohaske is requesting permission to build her garage. Ms. Polohaske stated the side yard of 12 feet could not be met as required. Ms. Polohaske stated she is requesting a variance from 12 feet to 3 to 5 feet from side property line. This would be an enhancement to the area.

Mr. Sabine stated he had been out to the residence with the Building Official. Mr. Sabine stated that Ms. Polohaske is having an addition built that is attractive, and she is making a great strive to upgrade the home. This is consistent with the area. The way the homes are set are not side-by-side. Ms. Polohaske's home is further back than the adjacent ones so the garage would not be encroaching directly upon the other residences that are to the east. This is the reason we are recommending the approval of the variance from 12 feet down to 3 feet as requested.

Ms. Polohaske asked if the application is approved, when could she start construction. Mr. Sabine advised she could start at 8:00 a.m., July 13th.

MOTION

Mr. Harris made a motion to approve Application #01-29V. The motion passed on a second by Mr. Richardson with Rosa Callaway, Keith Dryden, Margaret Palmer, Dennis Richardson, and Frank Harris voting for the motion.

Mr. Dryden advised Ms. Polohaske that she had received approval from the Board of Appeals for variance and she would be receiving a letter from the Community Development Office.

MINUTES

The minutes of the June 14, 2001 meeting were approved, with correction of date from June 26 to June 28 on page 4, on a motion by Mr. Harris and a second by Ms. Callaway with Keith Dryden, Rosa Callaway, Frank Harris, Margaret Palmer, and Dennis Richardson voting for the motion.

OTHER BUSINESS:

Mr. Harris stated he would like to publicly thank all the people who came to the meeting tonight out of concern for their county. This past year the Planning Commission Board had four-quadrant meetings to discuss the future land uses or plan for the county. Mr. Harris stated they didn't have half the people attend as was in attendance tonight. Mr. Harris commended them and asked for them to keep up the good work.

Mr. Sabine introduced Spalding County's new staff Planner, Jennifer Peterson.

ADJOURNMENT

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

Keith Dryden – Chairman

Cindy L. McDaniel - Recorder