

SPALDING COUNTY BOARD OF APPEALS
Minutes
October 10, 2002

The Spalding County Board of Appeals held its regular monthly meeting on October 10, 2002 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Margaret Palmer, Chairman, presiding, Keith Dryden, Frank Harris, Charles Heggie, Karen Mathiak, Greg Pruitt, Dennis Richardson, and Mose Stogner.

Also present were Lee Craig, Senior Planner, Newton Galloway, Zoning Attorney, and Yvonne Langford to record the minutes.

Ms. Palmer called the meeting to order and introduced the member of the Appeals Board.

Application #02-30S: Lift from the table – Catherine C. Kreismanis, Owner – 11 acres on Rover-Zetella Road located in Land Lots 35, 36, 61, and 62 of the 1st Land District – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

MOTION

Mr. Dryden made a motion to lift application #02-30S from the table. The motion passed on a second by Mr. Stogner with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, and Mr. Stogner voting for the motion.

Ms. Kreismanis came forward, was sworn, stated her name, and gave her address as 260 Rover-Zetella Road, Williamson, Georgia.

Ms. Kreismanis said she owns a mobile home. She has sold the property on which the mobile home is located and it will be demolished if they do not move it. They have some property on which she would like to put the mobile home. She owns 21 acres of land that is divided into two tracts. They will use a common drive and it will be located adjacent to her house on 11 acres of the land. The Rock Quarry purchased her land and they were able to retain title to the mobile home. At the present time she has no plans to use the mobile home but anticipates that one of her sons will live in it at some future time or she may move in herself. She purchased the 21-acres last February and sold the land to the Rock Quarry a couple of months prior to that.

Discussion was held regarding the property on which it would be located and where it would be situated. It was noted that the location would be between vacant property and a conventionally constructed home.

Ms. Palmer asked Ms. Kreismanis if she had been compensated for the manufactured home when the property was sold to the Quarry.

Ms. Kreismanis said she had been compensated but had been able to maintain the title to the manufactured home and would like to move it. If they do not move it the Rock

Quarry will demolish the trailer. She said there are a lot of trees and a lot of privacy on the property where the trailer will be located. She said she has owned the manufactured home and worked and paid for it and would like to move it. She has one year from the date the property was sold to move whatever they want. It was her home for a long time and she wants to keep it.

Mr. Dryden said he understands Ms. Kreismanis's attachment to the mobile home but there are other considerations. There is a keen interest in this area and this would be precedent-setting. Spalding County has adopted some ordinances to regulate the type of housing that will be located in certain areas. There are provisions for variances. There is a lot of open land and it is subject to a trend.

Ms. Kreismanis asked if the fact that she has lived in this area for 20 years had any bearing on the decision.

Mr. Dryden said it did not to him since she had been appropriately compensated for the land and manufactured home. He feels, that due to the trend, he cannot support her request. If this is allowed and then more, it will change the trend.

MOTION

Mr. Dryden made a motion to deny Application #02-30S. The motion passed on a second by Mr. Harris with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, and Mr. Stogner voting for the motion.

Ms. Palmer advised Ms. Kreismanis that the County Commission will consider this application at their October 24 meeting with a recommendation from the Appeals Board that it be denied.

Application #02-32V: Rye Real Estate and Investments, LLC, Owner – 1851 North Expressway (2.02 acres located in Land Lot 100 of the 4th Land District) – requesting a variance from parking requirements in the C-1 District.

Mr. Darrel Rye came forward, was sworn, stated his name and gave his address as Montezuma, Georgia.

Mr. Rye said the plan is to relocate the Badcock Furniture store to this property at 1851 North Expressway. At the present location they have never had enough parking space at their present location. The Southern Building Code requires 1 parking space for every 400 SF of area. Spalding County requires 1 parking space per 200 SF of space, which will be more than they would ever use. The site plan they have provided has 26 parking places in front and 20 + down the side. Their business is not a high traffic business. They would like a variance in the parking requirements.

The staff recommended approval of this application.

MOTION

Mr. Pruitt made a motion to approve application #02-32V. The motion passed on a second by Mr. Dryden with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, Mr. and Mr. Stogner voting for the motion.

Application #02-33S: Springs Industries, Inc. Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (129.56 acres located in Land Lots 155 and 166 of the 3rd Land District) – requesting a special exception to allow one acre lots in the R-2 District.

Application #02-34V: Springs Industries, Inc., Successor by Merger to Dundee Mills, Inc., Owner – Minerva Properties, L.L.P., Agent – Jordan Hill Road (129.56 acres located in Land Lots 155 and 166 of the 3rd Land District) – requesting a variance to allow a cul-de-sac street to exceed 300 linear feet and minimum lot width requirements in the R-2 District.

These applications will be heard together but voted on separately.

Mr. Brian Davison came forward, was sworn, stated his name, and gave his address as 2292 Hendersonville Road, Atlanta, Georgia. He noted that he was representing Minerva Properties

Mr. Davison said their special exception request is to allow one-acre lots in the R-2 District. This is a change from a two-acre minimum. The variance is to allow a cul-de-sac street to extend further than the allowed 300 linear feet and to change the minimum lot width requirement.

Ms. Craig said staff is not opposed to the one-acre lots but would like to have it conditioned on the rezoning being approved. She said the Planning Commission has recommended elimination of the curb cuts on Jordan Hill Road.

Mr. Davison said they have not changed the plan but will be changing it to eliminate the curb cuts on Jordan Hill Road. This will require a redesign of the subdivision.

Mr. Richardson arrived at this time.

Ms. Palmer said she did not have a problem with the cul-de-sac variance due to the power line and the gas line easements. She said she did have a problem with the 100' wide lots. That appears to be a self-created problem. She is also not certain about the one-acre lots. If it was redesigned where they reduced the curb cuts on Jordan Hill then the design might be appropriate. If it is not redesigned then the one-acre lots might not be appropriate.

Mr. Pruitt said he does not see a problem with the one-acre lots. One-acre lots have been the standard for development and it should not even be required to have to request a variance. It should be allowed. The conservation subdivision was supposed to address

tax dollars spent on roads. One of the reasons the County wanted a conservation subdivision was to be able to get more houses per foot on the road to have more tax dollars to maintain the roads. There would be more houses which would give additional revenue to maintain the roads.

Mr. Galloway said that you could protect the green space and consolidate the houses on smaller lots which would maintain the same density. It should reduce infrastructure cost to create and infrastructure maintenance expenses.

Mr. Pruitt said the smaller frontage lots would allow the developer to make more money but it would additionally give the County more tax revenue for maintenance. He said he did not have a problem with 100' lot frontage.

Mr. Harris said he would like to see the proposed redesign of the subdivision with the curb cuts eliminated on Jordan Hill Road.

Discussion continued on the advantages and disadvantages of approving these two applications.

Ms. Craig said there are two applications with three issues. One is the one-acre lots, another is the cul-de-sac, and the third is the lot width. She recommended separate votes on each issue. The recommendation is to condition the one-acre tract on approval of the rezoning.

MOTION

Mr. Dryden made a motion to approve Application #02-33S conditioned on approval of the rezoning. The motion passed on a second by Mr. Harris with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, and Mr. Richardson voting for the motion and Mr. Stogner voting against.

Ms. Palmer advised Mr. Davison that the Appeals Board will recommend approval of the special exception to the County Commissioners.

MOTION

Mr. Pruitt made a motion to approve the variance to allow cul-de-sac street to exceed 300 linear feet for this subdivision. The motion passed on a second by Mr. Heggie with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, Mr. Richardson, and Mr. Stogner voting for the motion.

MOTION

Mr. Pruitt made a motion, seconded by Mr. Harris to approve a minimum lot width of 100' or this subdivision. The motion did not pass with Mr. Harris, Ms. Mathiak, Mr. Pruitt and Mr. Richardson voting for the motion and Mr. Dryden, Mr. Heggie, Ms. Palmer, and Mr. Stogner voting against.

The Board took a five-minute recess.

The Board reconvened with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, Mr. Richardson, and Mr. Stogner present.

Mr. Galloway said that there had to be a majority vote for approval to approve a variance. There was no majority vote. The subdivision plan is in significant flux. It is not known which specific lots will need a variance. Given the size of the tract they feel there is "room to play" where most lots can probably meet what the ordinance requires. His recommendation is to table consideration of the variance in the lot width which would allow the Board of Commissioners to finish the zoning action so the Appeals Board will know what, if any, conditions are imposed on the rezoning. This application can then be reconsidered when the actual design is closer to being confirmed.

Mr. Dryden noted that a portion of this application has already been approved. He questioned whether or not a portion can be tabled and a portion approved.

Mr. Galloway said he was doubtful that only a portion can be tabled. He felt the entire variance application will have to be tabled if it is tabled at all.

MOTION

Mr. Pruitt made a motion to table Application #02-34V in its entirety until the Board of Commissioners has time to consider the rezoning and the preliminary plat is available. The motion passed on a second by Mr. Heggie with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, Mr. Richardson, and Mr. Stogner voting for the motion.

MINUTES

Approval was given for the minutes of the September 12, 2002 meeting on a motion by Mr. Stogner and a second by Mr. Harris with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Palmer, Mr. Pruitt, Mr. Richardson, and Mr. Stogner voting for the motion and Ms. Mathiak abstaining because she was not present.

MOTION

On a motion by Mr. Dryden and a second by Mr. Heggie approval was given to adjourn the meeting with Mr. Dryden, Mr. Harris, Mr. Heggie, Ms. Mathiak, Ms. Palmer, Mr. Pruitt, Mr. Richardson, and Mr. Stogner voting for the motion.

Margaret Palmer – Chairman

Yvonne Langford - Recorder