

BOARD OF APPEALS
Regular Meeting
Open Session
November 8, 2001

The Spalding County Board of Appeals held its regular meeting on November 8, 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, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak.

Also, present were Planner Jennifer Reynolds, Zoning Attorney Newton Galloway and Cindy McDaniel to record the minutes.

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

Application #01-47V: Randy Royals, Owner – High Top Holdings, Inc., Agent – Jordan Hill Road (8 acres located in Land Lot 168 of the 3rd Land District) – requesting a Variance from minimum lot width of 125 feet in the R-2 District.

Mike Jackson came forward, was sworn, gave his name, and address as 154 Highland Park Drive, McDonough.

Mr. Jackson stated he is asking for a variance for 1 lot at 100-foot lot width with 8 acres instead of 125-foot lot width. Mr. Jackson stated the home built on the property would be left up to the buyer as to where it would be located on the lot.

Joyce Turner came forward, was sworn, stated her name, and gave her address as 2169 East McIntosh Road.

Ms. Turner stated she and 3 others own the property next to this property. Ms. Turner stated the property owners are requesting the balance of the property be left at 125-foot. Ms. Turner stated Mr. Jackson stated 3 houses would be built on the property. Ms. Turner stated if Mr. Jackson decides to sell to someone else, what would stop the new owners from building more than 1 house on the property? Ms. Turner stated she would like for the property to keep 125-foot lot width.

Ms. Reynolds stated should the applicant seek to subdivide the property to the rear of the 8 acres for more than 1 house, the applicant would need to apply for an additional variance. All lots created under this code are required to have 125-feet of road frontage; therefore, if the applicant wished to further subdivide the 100-feet the applicant is requesting the variance for now, another variance would need to be submitted. Ms. Reynolds stated another option available to the application is to actually cut a road into the 8 acres creating more road frontage.

Frank Harris entered the meeting at this time.

Mr. Heggie asked Mr. Jackson if the property was purchased expressly to develop this property and to build 3 lots. Mr. Jackson stated there is a contract subject to the zoning approval and variance approval. Mr. Jackson stated he already has the 2 125-foot lots sold and someone is looking at the 8 acres. Mr. Jackson stated when he sells the land; it will be the whole 8 acres. If the new owners would like to come back to this board for additional approval, Mr. Jackson stated he couldn't restrict this.

MOTION

Margaret Palmer made a motion to approve Application #01-47V. The motion passed on a second by Rosa Callaway with Rosa Callaway, Keith Dryden, Margaret Palmer, Frank Harris, and Karen Mathiak voting for the motion and Charles Heggie voting against the motion.

Mr. Dryden advised Mr. Jackson that the Board of Appeals has approved his variance application, and he would be receiving a letter from the Community Development office.

Application #01-48V: James I. Milam and Janet S. Pike, Owners – 3061 Jackson Road (1.74 acres located in Land Lot(s) 49 & 80 of the 2nd Land District) – requesting a Variance to allow an accessory structure to be located in side yard in R-2 District.

James Milam came forward, was sworn, gave his name, and address as 3061 Jackson Road.

Mr. Milam stated he is requesting a variance to allow a shed in his side yard. Mr. Milam stated he is unable to locate the shed beside his house due to the septic tank on one side and a swimming pool on the other side. Mr. Milam stated his home sits back so close to the rear property line, this hinders him from locating it in the rear yard as required.

Ms. Reynolds stated she had received a telephone call from Curtis Cruse, who resides to the north of Mr. Milam. Mr. Cruse stated a concern about the proximity to his property line and the noise that would be created by building the structure.

Mr. Milam stated there would be approximately 25 feet or better between the structure and Mr. Cruse's property line.

Mr. Heggie asked Mr. Milam if this would be a garage. Mr. Milam stated yes, to put 2 old cars in the building. Mr. Milam stated he has a hobby of fixing up old cars and needed some place to store and work on these cars.

Mr. Harris asked Mr. Milam what the structure would look like after completed. Mr. Milam stated the structure will be a car awning. Mr. Milam stated he is going to put up 12-gauge aluminum siding and have a roll-up door on the front of the structure.

Mr. Milam stated he had already started the construction of the structure. Mr. Milam stated he had the inspector come out for an inspection and was advised at that time the regulations had changed, and a variance approval would be needed to locate the structure in the side yard.

MOTION

Karen Mathiak made a motion to approve Application #01-48V. The motion passed on a second by Charles Heggie with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Milam that the Board of Appeals has approved his variance application, and he would be receiving a letter from the Community Development office.

Application #01-49V: Clarence Steiner, Owner – 527 South Walkers Mill Road (7.15 acres located in Land Lot 46 of the 3rd Land District) – requesting a Variance to add acreage to an existing flag lot in the AR-1 District.

Clarence Steiner came forward, was sworn, stated his name, and gave his address as 527 South Walkers Mill Road.

Mr. Steiner stated he is requesting a variance to add 1/3 of an acre to the north side of his property. Mr. Steiner stated his property adjoins David Culp's. Mr. Steiner stated in talking with Mr. Culp, Mr. Culp has plans to develop his property into a subdivision. Mr. Steiner stated the property he is asking for on the variance would allow a natural barrier between his property and the subdivision.

Kenneth Shivers came forward, was sworn, stated his name, and gave his address as 515 South Walkers Mill Road.

Mr. Shivers asked how this would affect his property. Mr. Shivers stated he lives across from Mr. Steiner. Mr. Shivers stated the last meeting he was at; Mr. Culp stated he was going to build a home on that property. Mr. Shivers was advised this would not affect his property at all.

Martha Owens signed up to speak, but did not wish to speak at this time.

MOTION

Rosa Callaway made a motion to approve Application #01-49V. The motion passed on a second by Margaret Palmer with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Steiner that the Board of Appeals has approved his variance application, and he would be receiving a letter from the Community Development office.

Application #01-50V: Brent Scarbrough, Owner – C. Mark McCullough, Agent – Hudson Road (4.473 acres located in Land Lot 212 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in C-1C District.

Application #01-50AV: Ranew's Truck & Equipment, LLC, Owner – C. Mark McCullough, Agent – Hudson Road (15.75± acres located in 212 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the C-1C District.

Application #01-50BV: Sibyl Glover, Owner – C. Mark McCullough, Agent – Green Valley Road (20.222± acres located in 212 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the C-1C District.

Application #01-50CV: Frances W. Phillips, Owner – C. Mark McCullough, Agent – 405 Futral Road (20.222± acres located in 212 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the C-1C District.

Application #01-50DV: Bettie Williams, Owner – C. Mark McCullough, Agent – Green Valley Road (20.222± acres located in 212 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet in the C-1C District.

Mr. Dryden stated that Application #01-05V, #01-50AV, #01-50BV, #01-50CV, and #01-50DV would be considered tonight as a block application.

Mark McCullough came forward, was sworn, stated his name, and gave his address as 747 Beize Street, Griffin.

Mr. McCullough stated he has been requested not to seek alternatives for an additional entrance off Futral Road. The commercial development has been designed per the request from different board.

Mr. McCullough stated there are not any similar commercial developments in the county. The existing ordinance does not allow for a cul-de-sac street to be more than 300 linear feet. The street in this commercial development is considerably longer.

Mr. McCullough stated the construction plans have not been completed for the road as of yet. Mr. McCullough stated a meeting will be held ahead of time with the proper departments and the road will meet the specifications of the Ordinance.

Mr. Galloway stated if the road does not need to be as long as it is shown on the plat, Mr. McCullough can reduce the road without having to come back to the Board. The Board would be approving the variance for what is shown on the plat.

Ms. Palmer stated she does not have a problem with the cul-de-sac. Ms. Palmer stated she has a problem with only one entrance into the development when an exit could be off Green Valley Road. Ms. Palmer stated she saw a back gate and thought it would be used as a back exit. Mr. McCullough stated that is how Ms. Williams accesses her home at this time. Mr. McCullough stated this was not a good alternative because of having to cross the railroad causing a safety issue and would be adding more traffic on Green Valley Road.

Brenda Barkley came forward, was sworn, stated her name, and gave her address as 452 Futral Road.

Ms. Barkley stated she thought the road was coming out onto Futral Road. Ms. Barkley was advised the road would be intersecting Hudson Road.

Ms. Mathiak stated the way the UDO is written allows a cul-de-sac street to only be 300 linear feet. The 300 feet would be only half way into the development. Ms. Mathiak stated Mr. McCullough is asking for the cul-de-sac street to be more than the 300 linear feet and keep all the truck traffic and industrial movement in one area. Mr. Harris stated the 300 feet would apply to the street not the cul-de-sac.

Ms. Reynolds stated the intent of the regulation is to encourage grid development. Due to the shape of this property and other restrictions given, staff is recommending approval of this application.

Ms. Reynolds stated she spoke with Fire Marshal Gary Kendrick, and he has no problem with this development.

MOTION

Frank Harris made a motion to approve Application #01-50V, #01-50AV, #01-50BV, #01-50CV, and #01-50DV. The motion passed on a second by Rosa Callaway with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. McCullough that the Board of Appeals has approved his variance applications, and he would be receiving a letter from the Community Development office.

Application #01-51V: Flint River Council Boy Scouts of America, Inc., Owner – Integrated Science & Engineering, Inc., Agent – 1363 Zebulon Road (3.23 acres located in Land Lot(s) 117 & 118 of the 2nd Land District) – requesting a Variance to extend or alter a legal non-conforming use in the R-1 District.

Jack Sears came forward, was sworn, stated his name, and gave his address as 1363 Zebulon Road.

Mr. Sears stated he is the Chief Executive of the Flint River Council, Inc. Boy Scouts of America. Mr. Sears stated the Boy Scouts of America is before the Board tonight asking for a variance to alter a legal non-conforming use in the R-1 District. There is an existing 4,000 square foot building, which serves as the Service Center for the 8 county south metro Atlanta area. This building was originally a county fire station. It was purchased on or about the mid 1980's and was donated by the purchaser to the Flint River Council Boy Scouts. On or about 1989, the Boy Scouts converted it into a Service Center which houses the staff, employees, and small retail operation to support the volunteer effort for the 8 counties it serves. In this 11-year period, Flint River has seen a tremendous explosion of growth in the Boy Scouts Council. In 1990, the organization was serving 3,000 young people is now serving an excess of 10,000 young people. The staff size has grown from 7 to 18. Strategic planning tells Flint River to anticipate for the next 4 years, more expansion and more services would become a large organization. Mr. Sears stated the Flint River Council Board would like to enlarge the current facility. Mr. Sears showed the Board an elevation drawing. Mr. Sears stated Integrated Science and Engineering is donating their time and services for this project.

Mr. Sears stated he has spoken with Kenneth and Donna Hattaway at 1351 Zebulon Road and David Weems at 1365 Zebulon Road, and they are in support of this project (see attached letters).

MOTION

Frank Harris made a motion to approve Application #01-51V. The motion passed on a second by Karen Mathiak with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Sears that the Board of Appeals has approved his variance application, and he would be receiving a letter from the Community Development office.

Application #01-52V: James Carlton Allen, Owner – 2500 High Falls Road (1.341 acres located in Land Lot 18 of the 3rd Land District) – requesting a Variance to allow a conventionally constructed home into the county older than the 5 year requirement.

James Carlton Allen came forward, was sworn, stated his name, and gave his address as 890 Highway 42 South, Jackson, Georgia.

Mr. Allen stated he has a home that is approximately 75 years old located in Jackson, in which he is currently residing. Mr. Allen stated he is requesting to move that home into Spalding County on property he currently owns on High Falls Road. Mr. Allen stated he will be adding 400 square feet to the home when it is moved into Spalding County. The structure is above Spalding County code. The wiring was redone about 5 years ago to bring the home up to current codes. The plumbing will have to be redone. The roof pitch is above Spalding County code. The home will be striped and repainted. The new addition will be added to the back of the home. The roof was put on less than 4 years ago.

Mr. Allen stated his father lives next door in the yellow house.

Ms. Palmer asked Mr. Allen what future home improvements would be made to the home. Mr. Allen stated he would replace the windows, build a new addition to back of the house, build new front porch and new material all the way across the front of the house. The structure would be repainted and trim work done. The home would be on a block foundation with crawl space.

Mr. Dryden read a letter from Betty W. Johnson at 56 South Walkers Mill Road, Griffin (see attached).

Mr. Harris stated he would be reluctant to approve a variance to exceed the 5-year age limit to bring in a home that doesn't have a particular appeal and it would add to the neighborhood.

Mr. Allen stated the picture the Board had to review was taken after he had started disassembling the home.

Mr. Allen stated that his father, who lives next door, has had a stroke. Mr. Allen stated by allowing him to put this home on the property, he could help his father clean-up his property and take care of his father.

Mr. Dryden stated he felt the Board should have been provided with more information to review what the proposed house would look like after being completed. Mr. Dryden stated the information should be something the Board could hold tangible for an approval of this variance.

Mr. Allen stated he was advised if the variance was approved, he would have to bring the home up to Spalding County's code. Mr. Dryden stated that would be the structural part, but he was speaking of the aesthetics as well. Mr. Dryden stated he would have like to have seen some drawings or an idea of what the completed house would look like.

Mr. Heggie asked if the application could be tabled for the applicant to provide more information to the Board. Mr. Dryden said the Board could table the application or resolve the application tonight. Mr. Allen would need to present to the Board additional information for the Board to act on this application.

Mr. Allen stated he could write up a proposal and submit it to the Board. Mr. Dryden stated if Mr. Allen could submit something to the Board saying what the house would look like, then the Board could give Mr. Allen a better consideration of the application.

Mr. Allen requested of the Board that this application be tabled to the next meeting.

MOTION

Karen Mathiak made a motion to table Application #01-52V until the December 13, 2001 meeting. The motion passed on a second by Margaret Palmer with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Allen that this application would be tabled until the December 13, 2001 meeting. Mr. Dryden asked Mr. Allen to get some information to the county office so the Board could received the information before their next meeting.

Application #01-53S: AT&T Corporation, Owner – 3000 Rehoboth Road (located in Land Lot 74 of the 3rd Land District) – requesting a Special Exception to allow a Utility Substation in the AR-1 District.

Brad Tihinen came forward, was sworn, stated his name, and gave his address as 1200 Peachtree Street, Atlanta, Georgia.

Mr. Tihinen stated he is employed with AT&T as a project manager. Mr. Tihinen stated AT&T is seeking a special exception to construct a regenerator building in support of a fiber-optic cable route that is being built between Atlanta and Jacksonville. Mr. Tihinen stated that these regenerator buildings are typically spaced every 50 miles and are needed to regenerate the signal

as it weakens over the span. Mr. Tihinen brought samples of fiber optic cable and pictures of the typical building for the Board to look at.

Mr. Tihinen stated there is a PF Net site next to this property.

Mr. Dryden asked what the plans were for a buffer around this site. Mr. Tihinen stated the plans show a 3' wide vegetation buffer would be provided around the site.

MOTION

Karen Mathiak made a motion to approve Application #01-53S. The motion passed on a second by Rosa Callaway with Rosa Callaway, Keith Dryden, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Mr. Dryden advised Mr. Tihinen that the Board of Appeals has recommended unanimous approval for the application and the Board of Commissioners will consider the application on November 29, 2001 meeting at 6:00 p.m.

MINUTES

Mr. Harris made a motion to approved the minutes of the October 11, 2001 meeting with corrections. The motion passed on a second by Rosa Callaway with Keith Dryden, Rosa Callaway, Frank Harris, Charles Heggie and Margaret Palmer voting for the motion. Karen Mathiak abstained since she was not present at the meeting.

ADJOURNMENT

Karen Mathiak made a motion, seconded by Charles Heggie, to adjourn the meeting. The motion passed with Keith Dryden, Rosa Callaway, Margaret Palmer, Charles Heggie, Frank Harris, and Karen Mathiak voting for the motion.

Keith Dryden – Chairman

Cindy L. McDaniel - Recorder