

SPALDING COUNTY APPEALS BOARD
MINUTES
November 11, 2004

The Spalding County Appeals Board held its regular monthly meeting in room 108 of the Spalding County Courthouse Annex on November 11, 2004. Members present were: Greg Pruitt chairman, presiding Jon Baird, Bobby Hart, Charles Heggie and J. D. Smith. Allan McCallum and Dennis Richardson were not present.

Also present were: Charles Taylor, Community Development Director, Chad Jacobs, Senior Planner, Newton Galloway, Attorney, and Yvonne Langford to record the minutes.

Mr. Pruitt called the meeting to order and requested anyone present wishing to address comments to the Planning Commission regarding any of the applications to come forward and sign-in on the appropriate form.

Application #04-57S: Lift from the table - Westmoreland Properties, LLC, Owner – Vineyard Road (85.51 acres located in Land Lot 37 of the 3rd Land District) – requesting a Special Exception to allow condominium dwelling, patio dwelling or zero lot line dwelling development standards in the R-2 District.

MOTION

Mr. Hart made a motion to lift Application #04-57S from the table. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

Mike Horne – Westmoreland Partners – 1065 Jodeco Road – Stockbridge, Georgia
Mr. Horne said they are requesting a special exception to go to one unit per acre. The plan is for 83 lots which is less than one per acre. This will be a single-family detached subdivision. City sewer is available on the southeast corner of the development. They will have the Country Club Theme with a minimum of 1,750 SF homes. Examples of the homes were furnished. The front facades will be brick with some stone and stucco accents. Some of the homes will have three sides' brick. The sides that are not brick, stone or stucco will be Hardi-plank. There will be no vinyl. They propose a clubhouse and athletic field and commercial playground center on Vineyard Road in front of the three-acre lake. There will be a couple of parks in the development that will be landscaped. There will be a walking trail that encompasses the property. The City has plans for a future trail to Tyus Park that they plan to tie into. The clubhouse is planned for 1,000 SF with a large meeting room, kitchen and restrooms.

Mr. Hart said he felt the clubhouse was too small for a subdivision of 83 lots.

Community Development Director, Charles Taylor, said the staff recommendation is for approval with the following conditions:

- All homes will have brick, stone or stucco facades.
- Homes with 50' setbacks will be sodded.
- Front porches to be finished in character with the design of the houses.

The following were comments made against this application. Each person came forward, stated their name and address and were sworn.

Bert Jermain - 701 Manley Road

Mr. Jermain said he and his wife purchased the Manley homestead on Manley Road approximately three years ago. They purchased the house and six acres. They intend to restore the house and keep it in the historic character for the area. They are working hard to restore the house inside and out. They do not want to change the house. It is an important house to the community and the area. Most of the property on Manley Road has acreage. This development is "at his front door". They moved from Fayette County, because they like the rural character of the Birdie Community. He is opposed to this project, because it is not in character with the area. The density is too high on this project. The developer has said he wants to develop this in the county club theme. If he wants the county club theme, he will keep it at two acres per lot as it is presently zoned. Does this meet the character of the area? Birdie Community is important for Spalding County. When you look at some of the old plans, it shows Birdie Community as an historic area. It is not appropriate to put this right at the "doorway" of Birdie Community. He asked that the application not be approved.

Jim Westmoreland – 1360 Vineyard Road

Mr. Westmoreland said he is against this development. He has spoken against the other developments in the area. When he first spoke against development they were a rural area which is shrinking drastically and continues to shrink. They are starting to look more and more like Jonesboro. There have been letters from the Board of Education about the impact on the schools in the area. Resources are not being developed to support the type of development. There is not sufficient water. The character of the area is being drastically changed.

Mr. Hart said he was concerned because there were no guidelines from the County Commission regarding figuring net or gross regarding the density.

The members of the Appeals Board held discussion with Mr. Horne expressing concern about the smallness of the clubhouse. They also did not like the fact that there was no way to reach the amenity area within the subdivision. You have to go out onto Vineyard Road to get to the clubhouse and playground area. There was also concern about buffers in the form of berms on the lots that are adjacent to Vineyard and Westmoreland Roads. Comments were made regarding a fence in the playground area to protect it from the road traffic.

Mr. Horne said they would commit to increasing the size of the clubhouse to 1200 SF. They would berm the lots that have sides on Westmoreland and Vineyard Roads. He also committed to close the road from the clubhouse area that is on Vineyard Road and open a

paved driveway from the inside of the subdivision to access the amenities area. He will put up some type fencing to protect the playground area from Vineyard Road.

Further discussion was held regarding the desire to have the changes discussed ready to go to the County Commissioners for their meeting. Mr. Horne said they would have it ready to go in the County Commissioner's information for their meeting.

MOTION

Mr. Hart made a motion to approve Application #04-57S conditioned on:

- All homes having brick, stone or stucco facades.
- Homes with 50' setbacks will be sodded.
- Front porches being finished in character with the design of the houses.
- Increasing the size of the clubhouse to 1200 SF.
- Changing the entrance to the amenities area from Vineyard Road to have access from within the development.
- Berms being put in place on the lots with sides on Vineyard and Westmoreland Roads.
- Fencing along Vineyard Road in front of the playground area.

The motion passed on a second by Mr. Smith with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

Mr. Hart requested the staff to ask the County Commissioners to give guidelines regarding net or gross in calculating the housing density in developments

Application #04-59S: Lee Wall, Kenneth D. Dorsey, John Wall and Tammy Wall, Owners – Jackson Road and North McDonough Road (91.14 acres located in Land Lot 80 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots (Country Club Subdivision Design) in the R-2 District.

Kenneth Waller – 261 Dobbins Mill Road

Mr. Waller said they are requesting the Special Exception for one-acre lots using the Country Club Subdivision Design. They agree to the conditions recommended by the staff.

Mr. Hart questioned whether or not there would be sidewalks on both sides of the street.

Mr. Taylor advised that the Country Club Design requires sidewalks on both sides of the street.

Community Development Director, Charles Taylor, said the staff recommends approval with the following conditions:

- Revise house plan 1867 with additional design elements to be approved by staff

- Redesign the streetscape plan per County specifications indicating type and size of trees proposed.
- Walking trail shall be redesigned so not to encroach onto individual lots.
- The applicant will provide the staff plans for the commercial playground
- Provide the elevation for the clubhouse indicating the use of brick, stone or stucco.
- All homes with 50' setbacks will be sodded.
- Front porches and decks to be finished in character with the design of the houses.

Michael LaGreco – 1465 North McDonough Road was signed to address the Board but when called said that he had talked with Mr. Wall and all his questions had been answered.

MOTION

Mr. Heggie made a motion to approve Application #04-50S with the following conditions:

- Redo lots to make certain that 6-10 and the lots on North McDonough Road do not encroach on the lake area.
- Redesign the streetscape plan per county specifications indicating type and size of trees proposed.
- Walking trail shall be redesigned so not to encroach onto individual lots.
- The applicant will provide the staff plans for the commercial playground
- Provide the elevation for the clubhouse indicating the use of brick, stone or stucco.
- All homes with 50' setbacks will be sodded.
- Front porches and decks to be finished in character with the design of the houses.

The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

Application #04-60S: Margaret Wanda Stubelt, owner – 160 South McDonough Road (11.5 acres located in Land Lot 18 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Margaret Wanda Stubelt Greenberg and David Greenberg – 160 South McDonough Road
 Mr. Greenberg said they want to upgrade the present manufacture home on their property. The present home is 1500 SF with a 3:12 roof pitch and is 15 years old. They want to replace it with a larger manufacture home that is approximately 1900 SF with a 4:12 roof pitch. It is newer and nicer. If this is not approved, the present manufactured home will remain on the property. If approved the present mobile home will be removed.

Community Development Director, Charles Taylor, said the staff recommends denial. The present trend in the area is conventional construction. The majority of the homes within the half-mile radius are conventional construction.

Senior Planner, Chad Taylor, said that in the one-half mile radius 82% of the homes are conventional homes, 12% of the property is vacant and 6% is manufactured homes. There are three in the proximity of the home, one on either side of this property.

In discussion it was noted that the manufactured home is difficult to see from the road.

Mr. Baird said the trend in the area is conventional, site-built homes and he would like to encourage that rather than establish a precedent by approving more manufactured homes.

MOTION

Mr. Smith made a motion to approve Application #04-60S. The motion was approved on a second by Mr. Hart with Mr. Hart, Mr. Heggie and Mr. Smith voting for the motion and Mr. Baird and Mr. Pruitt voting against.

Application #04-61V: Debra B. Thomas and Jason R. Thomas, Owners – Evans Road (2.357 acres located in Land Lot 21 of the 3rd Land District) – requesting a Variance from minimum front yard setback in the AR-1 District.

Debra Thomas – 2010 Steele Road

Ms. Thomas said they are trying to get a 75’ setback approved rather than 100’ for a better location.

Community Development Director, Charles Taylor, said they recommend approval due to some obstacles on the property that create a hardship.

MOTION

Mr. Hart made a motion, seconded by Mr. Heggie, to approve Application #04-61V. The motion passed with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

Application #04-62S: E. Marshall Pape, Owner – Off Pinelea Road (32.91 acres located in Land Lot 208 of the 2nd Land District) – requesting a Special Exception to allow 1-acre lots (Urban Proximity) in the R-5 District.

Application #04-63V: E. Marshall Pape, Owner – Off Pinelea Road (32.91 acres located in Land Lot 208 of the 2nd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet, from minimum frontage width and from minimum lot width.

These two applications will be considered together and voted separately.

Marshall Pape – 3260 Turner Road – Williamson, Georgia

Mr. Pape said he is requesting the special exception to allow one-acre lots. His plans are to develop this using the Urban Proximity Design. He needs the variance for lot 22 which will create a “flag lot”. Mr. Pape said this was started 50 to 60 years ago and never completed and all the regulations have changed.

A letter from Dr. Tommy Hopkins in opposition to these applications was discussed.

Community Development Director, Charles Taylor, said the variance application has three requests; extending the cul-de-sac from 300' to 1235', on lot 22 which is 2.6 acres allow a 50' width on Dewey Street from 125', and the frontage on Dewey street reduced from 50' from 75'. The Planning Commission has recommended that the lots fronting on Dewey Street be zoned R-5 and the Pinelea Street lots be zone R-2. He said the staff recommendation on the special exception is for conditional approval. The conditions are:

- The streetscape design will be revised to reflect the intent of design criteria as follows:
 - a) minimum four (4) foot width sidewalks on both side of street;
 - b) streetscape design, which includes street trees (indicate size and type);
 - c) curb and gutter;
 - d) streetlights
- Front porches to be finished in character with the design of the houses.
- Sodded front yards.
- Provide a 50' easement through Lot #8 for future tie-in point with respect to future development adjacent to southern boundary line.

The recommendation on the variance request is that it be tabled until the rezoning and special exception is considered by the County Commissioners.

MOTION

Mr. Baird made a motion to approve Application #04-62S with the staff recommendations as follows:

- The streetscape design will be revised to reflect the intent of design criteria as follows:
 - a) minimum four (4) foot width sidewalks on both side of street;
 - b) streetscape design, which includes street trees (indicate size and type);
 - c) curb and gutter;
 - d) streetlights
- Front porches to be finished in character with the design of the houses.
- Sodded front yards.
- Provide a 50' easement through Lot #8 for future tie-in point with respect to future development adjacent to southern boundary line.

The motion passed on a second by Mr. Heggie with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

MOTION

Mr. Baird made a motion to table Application #-04-63V until the County Commission has considered the rezoning and Special Exception. The motion passed on a second by Mr. Smith with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

Application #04-64V: Multi-Specs, Inc., Owner – 104 Shadow Creek Drive (Lot 56-0.53 acres located in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard setback in the R-4 District.

Application #04-65V: Multi-Specs, Inc., Owner – 106 Shadow Creek Drive (Lot 57-0.579 acres located in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard setback in the R-4 District.

Application #04-66V: Multi-Specs, Inc., Owner – 107 Shadow Creek Drive (Lot 58-0.579 acres located in Land Lot 204 of the 2nd Land District) – requesting a Variance from minimum front yard setback in the R-4 District.

Mr. Taylor said these three applications need to be tabled because additional variances have been identified that will need to be considered.

MOTION

Mr. Hart made a motion, seconded by Mr. Heggie, to table Applications #04-64V, #04-65V, and #04-66V. The motion passed with Mr. Baird, Mr. Hart, Mr. Heggie, Mr. Pruitt and Mr. Smith voting for the motion.

MINUTES

Mr. Hart made a motion, seconded by Mr. Baird, to approve the minutes of the October 14, 2004 meeting. The motion passed with Mr. Baird, Mr. Hart and Mr. Pruitt voting for the motion and Mr. Heggie and Mr. Smith abstaining because they were not present.

ADJOURN

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

Greg Pruitt – Chairman

Yvonne M Langford - Recorder