

BOARD OF APPEALS
Regular Meeting
Open Session
November 14, 2002

The Spalding County Board of Appeals held its regular meeting on November 14, 2002 at 7:00 p.m. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Margaret Palmer, presiding, Keith Dryden, Mose Stogner, Charles Heggie, Dennis Richardson, Frank Harris, and Karen Mathiak. Greg Pruitt was not present at the meeting.

Also, present were Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, Senior Planner Lee Craig, and Cindy McDaniel to record the minutes.

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

Application #02-34V: Lift from the table – 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 Lot(s) 155 and 166 of the 3rd Land District) – requesting a Variance to allow cul-de-sac street to exceed 300 linear feet and from minimum lot width requirements in the R-2 District.

MOTION

Mr. Dryden made a motion to lift from the table Application #02-34V. The motion passed on a second Mr. Stogner with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, and Karen Mathiak voting for the motion.

Ms. Palmer advised application #02-34V has been withdrawn from the agenda.

Application #02-35S: Robert and Faye Stipes, Owners – 51 Wani Road (2 acres located in Land Lot 10 of the 2nd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Robert Stipes came forward, was sworn, gave his name, and address as 51 Wani Road.

Mr. Stipes stated he would like to replace his old 1977 singlewide manufactured home, which is beyond repairs, with a new manufactured home.

James Robinson came forward, was sworn, gave his name, and address as 432 Ham Road, Jackson, Georgia.

Mr. Robinson stated the home Mr. Stipes is buying is a 2003 Chandeaur, which is built by Champion, and meets all of Spalding County's requirements.

MOTION

Mr. Dryden made a motion to approve Application #02-35S. The motion passed on a second Mr. Richardson with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Stipes that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on December 16, 2002 at 6:00 p.m.

Application #02-36V: Robert and Faye Stipes, Owners – 51 Wani Road (2 acres located in Land Lot 10 of the 2nd Land District) – requesting a Variance to allow replacement of manufactured home in the Arthur K. Bolton Parkway Overlay.

Mr. Stipes came forward, still sworn, and stated a portion of his property falls within the Arthur K. Bolton Parkway Overlay, and would need a variance approval to replace his home within the overlay district.

Mr. Harris entered the meeting at this time.

Mr. Taylor stated staff recommends approval for the Special Exception and Variance applications.

MOTION

Mr. Dryden made a motion to approve Application #02-36S. The motion passed on a second Mr. Richardson with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, and Karen Mathiak voting for the motion, and Mr. Harris abstaining.

Ms. Palmer advised Mr. Stipes that the Board of Appeals had approved his variance application, and he would be receiving a letter from the Community Development office.

Application #02-37V: High Top Holdings, Inc., Owner – East McIntosh Road and Pineview Road (20.46 acres located in Land Lot 132 of the 3rd Land District) – requesting a Variance to allow cul-de-sac streets to exceed 300 linear feet in the R-5 District.

Mike Jackson came forward, was sworn, gave his name, and address as 5138 Old Atlanta Highway, Hampton.

Mr. Jackson stated he is asking for a variance on the length of the cul-de-sacs on a new development off Pineview Road and East McIntosh Road. Mr. Jackson stated the ordinance requires cul-de-sac streets not to exceed 300 linear feet. Mr. Jackson stated one of the cul-de-sac streets is approximately 360 linear feet, and the other is approximately 460 linear feet.

Mr. Taylor stated the staff did review the variance request, and did find some very limiting circumstances in terms of the number of curb cuts that are available to the applicant. Mr. Taylor stated there are two (2) easements that cross the property that put

further limitations on the developability of the property and potential lot layout. Staff finds there are sufficient reasons to grant the variance for this application.

MOTION

Mr. Dryden made a motion to approve Application #02-37V. The motion passed on a second Mr. Harris with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, Frank Harris and Karen Mathiak voting for the motion.

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

Application #02-38S: Michael and Mary Ann Dayton, Owners – Galaxy Homes, Agent – 105 Amanda Avenue (1.12 acres located in Land Lot 53 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mary Ann Dayton came forward, was sworn, gave her name, and address as 1078 Brockdell Court, Norcross, Georgia.

Ms. Dayton stated she and her husband have bought some property in Runaway Lake Subdivision. Ms. Dayton stated she would like to put a manufactured home on the property, and move from Norcross to retire in Spalding County.

Mr. Taylor stated staff recommends approval of this application.

MOTION

Mr. Richardson made a motion to approve Application #02-38S. The motion passed on a second by Ms. Mathiak with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion.

Ms. Palmer advised Ms. Dayton that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on December 16, 2002 at 6:00 p.m.

Application #02-39S: Robert L. Stinchcomb, Owner – Chappell Mill Road (5 acres located in Land Lot 121 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Robert L. Stinchcomb came forward, was sworn, gave his name, and address as 421 Chappell Mill Road.

Mr. Stinchcomb stated he is in bad health and totally disabled, and his son would like to put a manufactured home on this property to be close by him to help.

Mr. Taylor stated staff recommends approval of this application.

MOTION

Mr. Stogner made a motion to approve Application #02-39S. The motion passed on a second by Mr. Dryden with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. Stinchcomb that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on December 16, 2002 at 6:00 p.m.

Mr. Heggie entered the meeting at this time.

Application #02-40V: Deloris Sherwood Birdwell, Owner – Barbara L. Burdette, Milton M. and Sybil W. Lord, Agents – Lot 4 Mintz Street (8.356 acres, more or less, located in Land Lot 17 of the 3rd Land District) – requesting a Variance from minimum road frontage and minimum lot width in the R-2 District.

Ms. Craig advised the Board of Appeals that a new plat was drawn, and the applicant has meet the road frontage requirements on both lots in the R-2 District. The Variance request would be for the minimum lot width only.

Deloris Sherwood Birdwell came forward, was sworn, gave her name, and address as 1307 Greenview Drive.

Ms. Birdwell stated she wanted to sell the property so the property could be divided into 2 lots, then Ms. Burdette and her mother could both build a home on the 8 acres (4 acres each).

Barbara L. Burdette came forward, was sworn, gave her name, and address as 6550 Port A Prince Drive, Forest Park, Georgia.

Ms. Burdette stated she and her parents would like to buy Ms. Sherwood's property, split the property into two tracts (4 acres each), and both build a house. Ms. Burdette stated her parents are getting older, and would like to have her parents close enough to help take care of them.

Sybil W. Lord came forward, was sworn, gave her name, and address as 6600 Port A Prince Drive, Forest Park.

Ms. Lord stated Barbara Burdette is her daughter. Ms. Lord stated she is crippled, and would like to build 2 homes close enough together so her daughter could help take care of them.

Nancy Gresham came forward, was sworn, gave her name, and address as 10 North Walkers Mill Road.

Ms. Gresham stated she and her husband own the property that will be directly behind these 2 houses. Ms Gresham stated there are several creeks/springs on her property and has a concern that the drip septic system that is already on the property would be overloaded and cause the drain field to run down into the creeks/springs on her property.

Mr. Harris asked how the 2-nitrification field easements shown on the plat are related to the construction of the proposed residents.

Ms. Birdwell stated the 2-nitrification field easements are for Mr. Fields house and Mr. Gibson's house on Mintz Street.

There was discussion about the nitrification field easements.

Aquila Coe came forward, was sworn, gave his name, and address as 17 Mintz Street.

Mr. Coe stated this property adjoins his property on the rear of his residence, and has several concerns about this request. Mr. Coe stated he remembers the floods of 1994, the end of the cul-de-sac is low, and 4 new houses have been built in the area. Two of the septic systems drain fields are on this particular piece of property (Spalding County's right-of-way). Mr. Coe stated a variance approval cannot be self-created.

Tommy Lindsey, Jr. came forward, was sworn, gave his name, and address as 19 Mintz Street.

Mr. Lindsey stated this property is adjoining his property, and has a concern about the septic systems.

Henry Queen came forward, was sworn, gave his name, and address as 10 Mintz Street.

Mr. Queen stated he has a concern about the water run-off, and how 2 driveways would be cut to cross the nitrification field easements for access onto the property.

Mr. Taylor stated only 1 house could be built, with approval on the septic system from Environmental Health, on the property as recorded now. The staff did not investigate the nitrification field easements.

Ms. Burdette stated she was not aware there were other septic systems on the property. Ms. Burdette stated she was aware that she would have to have 2 septic systems for the proposed 2 homes. Ms. Burdette stated she has not contacted Environmental Health about the existing septic systems on the property. The builder would be the one taking care of all the permits.

Discussion continued about the nitrification field easements.

Mr. Taylor stated if the Board of Appeals did not feel comfortable with making a decision on the application, the application could be tabled.

Milton Lord came forward, was sworn, gave his name, and address as 6600 Port A Prince Drive, Forest Park.

Mr. Lord asked who is responsible for installing culverts on the County's right-of-way. Mr. Lord stated there are 2 culverts, 2 separate driveways onto this property now.

Ms. Burdette requested that the application be tabled until the next Board of Appeals meeting to give her enough time to contact Environmental Health for information.

MOTION

Ms. Mathiak made a motion to table Application #02-40V. The motion passed on a second by Mr. Dryden with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion, and Charles Heggie voting against.

Application #02-41V: Pilkenton-Murray, LLC, Owner – Aerodrome Way – Raventree Subdivision (25.6 acres located in Land Lot 86 of the 2nd Land District) – requesting a Variance from required detention pond fencing.

Applicant requested application be tabled until the next Board of Appeals meeting on December 12, 2002.

MOTION

Mr. Dryden made a motion to table Application #02-41V. The motion passed on a second by Ms. Mathiak with Margaret Palmer, Keith Dryden, Mose Stogner, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion, and Charles Heggie voting against.

Application #02-42S: Linda V. Colwell, Owner – AT&T Wireless Services, Agent – Jackson Road (0.23 acre located in Land Lot 77 of the 2nd Land District) – requesting a Special Exception to allow a Telecommunications Tower in the R-2 District.

Kimberly Adams, representative for AT&T Wireless, came forward, was sworn, gave her name, and address as 534 Main Street, Palmetto, Georgia.

Ms. Adams stated AT&T Wireless is proposing to build a 150-foot monopole on a 50' x 50' tract of property in a wooded, undeveloped tract with a 10-foot wide landscape buffer around the compound on the north side of Jackson Road between North Walkers Mill Road and Locust Grove Road. The purpose of this monopole is to provide telephone coverage to northeast Spalding County, and the well-traveled corridor between Griffin and I-75. Currently, all of AT&T sites in Spalding County are co-location sites. The site does meet all of Spalding County's Tower and Antenna Ordinance, and staff has recommend approval of this application.

Ms. Palmer read a letter from Burton J. Crapo II, 2767 B Locust Grove Road into the minutes (see attached).

Maria Johnson came forward, was sworn, gave her name, and address as 600 Hamil Road, Griffin.

Ms. Johnson stated she is requesting denial of this special exception. Ms. Johnson was concerned about interference from the tower with her television viewing, two-way radio on her farm, and being an eyesore in the area. Towers are expected within the city limits, but not in the country.

Alton Colwell came forward, was sworn, gave his name, and address as 653 Johnny Cut Road.

Mr. Colwell stated his sister-in-law is the owner of this property, and the site would be a good location for a tower. Mr. Colwell asked that the Board of Appeals recommend approval of this application.

Rick McPhail came forward, was sworn, gave his name, and address as 5680 Oakbrook Parkway, Suite 175, Norcross, Georgia.

Mr. McPhail stated he is the site acquisition coordinator for Bechtell Telecommunications, who has the contract to find these sites for AT&T Wireless. An intensive study of the area was done to find a suitable site for the tower. Existing structures are located first to see if compatible to collocate. AT&T needs this coverage to provide continuous coverage along Jackson Road. No lighting would be required for this tower, and will be built for multiple carriers. The Federal Communications Commission assigns bandwidths for the various different types of usage, which are far enough apart to alleviate interference between the uses. The power that runs into the site is single-phase 110, 220 power, which is about what a house consumes itself. The bandwidth the tower operates off of should have no interference at all with other transmissions, such as televisions, telephones, etc. This is taken care of by the licensing of the frequency bands by the FCC.

Klilebe Mal Kelly came forward, was sworn, gave his name, and address as 2865 Landington Way, Duluth, Georgia.

Mr. Kelly stated his company has contracted out with AT&T Wireless to find sites that meet their coverage objectives as well as to fit into the counties. Towers are sited so that the visual impact is as minimal as possible. The mature tree growth affords a lot of good coverage to deal with the visual impact. This proposed tower is being submitted for 3 carriers.

Ronald Bradford came forward, was sworn, gave his name, and address as 4200 Jackson Road.

Mr. Bradford stated his property is directly across the street from this site, and had been contacted about a contract for a AT&T site for a tower. Mr. Bradford stated he had been denied for a tower site.

Mr. Taylor stated Spalding County has a very comprehensive ordinance that regulates telecommunication towers. Staff has reviewed the information submitted by the applicant and found the applicant has met the requirements in the ordinance for the location of a telecommunication tower, and therefore, recommend approval of the application.

Ms. Adams stated AT&T Wireless will be leasing a 100' x 100' parcel, and will be clearing and fencing only a 50' x 50' section in the middle of the property. All existing tree growth will be saved within that area. Outside of the fence there will be a 10-foot wide landscape strip surrounding the whole compound with Leyland Cyprus and Burford hollies to fill in and enclose the compound area from any visibility there might be through the woods.

MOTION

Mr. Richardson made a motion to approve Application #02-42S. The motion passed on a second by Mr. Heggie with Margaret Palmer, Keith Dryden, Mose Stogner, Charles Heggie, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion.

Ms. Palmer advised Ms. Adams that the Board of Appeals has recommended unanimous approval for the application, and the Board of Commissioners will consider the application on December 16, 2002 at 6:00 p.m.

Application #02-43V: Donald R. French, Owner – Meevans, Agent – 1523 Zebulon Road (1.19 acres located in Land Lot 119 of the 2nd Land District) – requesting a Variance from buffer and screening requirements for fencing and parking turn around.

Don French came forward, was sworn, gave his name, and address as 2031 Cranbrook Walk, Kennesaw, Georgia.

Mr. French stated he has built and owns the building where the Dollar General has leased. Mr. French stated he and Mr. Foster, the pastor from the Church of the Nazarene, do not want to have to fence from the building to the right-of-way on the property. This would not block the view of the church, and would allow for additional turnaround for the Dollar General Store.

John Evans came forward, was sworn, gave his name, and address as 771 Middleground Road, Waynesboro, Georgia.

Mr. Evans stated he is the contractor with Meevans. Mr. Evans stated he felt requiring the fence all the way to the right-of-way would certainly cause a traffic problem.

Rick Foster came forward, was sworn, gave his name, and address as 813 Parham Road.

Mr. Foster stated he is the pastor at the Church of the Nazarene, and is in favor that the fence not to be put up and block the view of the church. Mr. Foster stated he has no problem with the turnaround for the parking lot.

Mr. Taylor stated staff recommends conditional approval. The conditions are as follows: 1) The design of the turn around area should be submitted for review and approval by the Administrative Officer; and 2) A revised landscaping plan should be submitted for review and approval by the Administrative Officer.

MOTION

Ms. Mathiak made a motion to approve Application #02-43V with conditions as follows: 1) The design of the turn around area should be submitted for review and approval by the Administrative Officer; and 2) A revised landscaping plan should be submitted for review and approval by the Administrative Officer. The motion passed on a second by Mr. Dryden with Margaret Palmer, Keith Dryden, Mose Stogner, Charles Heggie, Dennis Richardson, Frank Harris and Karen Mathiak voting for the motion.

Ms. Palmer advised Mr. French that the Board of Appeals had approved his variance application, and he would be receiving a letter from the Community Development office.

MINUTES

The minutes of the October 10, 2002 meeting were approved on a motion by Ms. Mathiak and second by Mr. Dryden with Margaret Palmer, Keith Dryden, and Karen Mathiak voting for the motion, and Mose Stogner, Charles Heggie, Dennis Richardson, and Frank Harris abstaining since they were not at the meeting.

ADJOURNMENT

Mr. Richardson made a motion, seconded by Mr. Heggie, to adjourn the meeting. The motion passed with Margaret Palmer, Keith Dryden, Mose Stogner, Charles Heggie, Dennis Richardson, Frank Harris, and Karen Mathiak voting for the motion.

Margaret Palmer – Chairman

Cindy L. McDaniel – Recorder