

SPALDING COUNTY APPEALS BOARD
Regular Meeting
September 11, 2003

The Spalding County Appeals Board held its regular monthly meeting on September 11, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Dennis Richardson, Chairman, presiding, Jon Baird, Bobby Hart, and Greg Pruitt. Keith Dryden, Charles Heggie, and Mose Stogner were not present.

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

Mr. Richardson called the meeting to order and introduced the members of the Appeals Board. He invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Application #03-12S: Trumbull Development Corporation, Owner – 240 – 246 O’Dell Road (4.646 acres located in Land Lot 108 of the 2nd Land District) requesting a Special Exception to allow a Drug Abuse Treatment Program in the C-1 District.

Mr. Richardson said the format of the meeting has changed and the staff report will be heard prior to the applicant or anyone wanting to address the Board.

Mr. Taylor said this is a special case in that the state law requires a six-month waiting period for zoning decisions on drug abuse treatment programs. This application was received seven months ago. The current zoning does not have drug treatment abuse programs as a use and it was put in as a special exception use in the zoning ordinance. This request is for approval as a special exception in the C-1 Zoning with final consideration by the County Commission. The staff recommends approval of the application. The location is commercial/industrial in nature so the adjacent area should not be adversely impacted by the use and the program is operated through McIntosh Trail and is similar in nature to the existing uses on the property which are government and medical.

Mike Brutz – President of Trumbull Development Corporation – Suite 2 – 101 Commerce Place – Barnesville, Georgia

Mr. Brutz said he did not have anything to add to the comments made by Mr. Taylor. When McIntosh Trail wanted to relocate this facility from Barnesville to Spalding County it was noted that there was no zoning for this type facility and that was the reason for this process. He made himself and Karen Cheesman, director of this program, available for questions.

MOTION

Mr. Pruitt made a motion to approve application #03-12S. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-24V: Robert E. Inman and Marsha C. Inman, Owners – Pro Building Systems, Inc., Agent – 108 Hudson Industrial Drive (1.38 acres located in Land Lot 212 of the 2nd Land District) – requesting a Variance from required buffers in the C-1C District.

Mr. Taylor reported that this is for a variance in the screening on commercial property that abuts residential zoning. The request is to eliminate the requirement for this location. Buffers in this instance would not add anything to the screening because there is a substantial wooded area behind a creek and then a steep slope. Requiring additional tree buffering would not add any screening. To try to put additional screening could potentially damage the screening there with no additional benefit. The staff recommends approval of this application.

Robert E. Inman – 1195 Vintage Club Drive - Duluth, Georgia

Mr. Inman said there is a heavy tree line and a creek with a slope that completely screens his property from whatever is to the rear of their property. Mr. Taylor has said about all that needs to be said.

MOTION

Mr. Baird made a motion, seconded by Mr. Pruitt, to approve Application #03-24V. The motion passed with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-25V: Jay W. Bethune, d/b/a/ as Custom Built Homes by Jay W. Bethune, Owner – Lot 73 Park Chase Court (0.83 acres located in Land Lot 56 of the 2nd Land District) – requesting a Variance from minimum front yard setback and minimum lot width in the R-4 District.

Mr. Taylor said Mr. Bethune is trying to save the trees on the property. With the setback and lot width requirement, in addition to the requirements of a side entry garage, it has made it impossible to save the trees on the site. He needs these special exceptions to be able to save the trees. The staff is recommending approval because the applicant is going to save specimen trees and this will not create any detrimental effects on the adjoining property. The house will not look out of line with the other houses.

Jay W. Bethune – 1660 Rehoboth Church Road – Griffin, Georgia

Mr. Bethune said he cannot add anything to what Mr. Taylor has said. The trees are very old. He has had to remove one so he would have a location for the house but he wants to save all he can.

MOTION

Mr. Hart made a motion to approve application #03-25V. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-27V: Ronnie D. Chambley and Gail M. Chambley, Owners – 22.537 acres on Steele Road located in Land Lot 22 of the 3rd Land District – requesting a Variance from minimum frontage width and minimum lot width in the AR-1 District.

Mr. Taylor said this request is to vary the road frontage width from 200’ to 53’ and the width requirements from 200’ to 53’ in the AR-1 District. The applicant is proposing to move the lot line and the lot has 33’ frontage, which is grandfathered. When he moves the lot line the grandfather status goes away. In this case the applicant will have more frontage than he had previously but still will not meet the minimum. He is hemmed in because of drainage and poor soils. Staff recommends approval because the applicant will be decreasing the non-conforming status by increasing the road frontage and the request is due to poor soil on the property. The Health Department has confirmed the status of the soil. There is a recommended condition of approval regarding access to the property.

Ronnie Chambley – 8070 Twin Oaks Drive – Jonesboro, Georgia

Mr. Chambley said it is as Mr. Taylor has stated. On question Mr. Chambley said he had no problem with the condition the staff has recommended.

MOTION

Mr. Pruitt made a motion to approve Application #03-27V conditioned on the access to this property be by existing driveway on the proposed four (4) acre lot to the east of this tract. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-28V: Christopher Mark McCullough, Owner – 1.35 acres on Memorial Drive located in Land Lots 178 and 179 of the 2nd Land District – requesting a Variance from required buffers in the C-1 District.

Mr. McCullough was not present. It was decided to defer this application until the last item on the agenda.

MOTION

Mr. Pruitt made a motion, seconded by Mr. Baird to amend the agenda and move application #03-28V to the last application on the agenda. The motion passed with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-29V: Cole Tract Associates, L.P., Owner – Minerva Properties, L.L.P., Agent – 210.17 acres off Trestle Road and Johnson Road Extension located in Land Lots 145, 234, and 247 of the 2nd and 3rd Land Districts (Heron Bay Golf and Country Club) –

requesting a Variance from minimum cul-de-sac turnarounds (diameter) and minimum front yard setback in the R-2 District.

Mr. Taylor said the applicant is requesting a change in the cul-de-sac right of way. The staff recommends approval with the conditions that the pavement width of the cul-de-sac shall be maintained at a minimum width of 80' in diameter to allow for turn around of large vehicles including school buses. Utilities in the cul-de-sac streets shall be completely in the right of way and shall not be under pavement or sidewalks. They had wanted to require side entry or rear entry garages but the layout will not allow that so they are recommending that the entrances never be less than 20' from the outer edge of the sidewalk. That recommendation is so that the vehicles will not block the sidewalks. They also want the street designed to provide a 5' grass strip from the curb to the edge of the sidewalk.

Brian Davidson – 2292 Henderson Mill Road – Atlanta, Georgia

Mr. Davidson said Mr. Taylor has covered the situation accurately. He said there are some utilities that might have to be under the pavement or sidewalk.

Mr. Taylor said it could be conditioned with the amendment that an exception could be approved by the County.

Mr. Davidson said he has no problems with the conditions as suggested with that amendment.

MOTION

Mr. Hart made a motion to approve Application #03-29V conditioned on the pavement width of the cul-de-sac being maintained at a minimum width of 80' in diameter, utilities in the cul-de-sac streets shall be completely in the right of way and shall not be under pavement or sidewalks unless otherwise approved by the county, garage entrances shall be no less than 20' from the outer edge of the sidewalk and the street design to provide a 5' grass strip from the curb to the edge of the sidewalk. The motion was approved on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Pruitt and Mr. Richardson voting for the motion.

Application #03-30V: CPW Development, LLC, Owner – Southern Sign Systems, Agent – 1948 Zebulon road (5.180 acres located in Land Lot 120 of the 2nd Land District) requesting a Variance from maximum sign area allowed for freestanding signs.

Mr. Taylor said the variance request is to vary the sign ordinance. The staff recommendation is for denial. The applicant was made aware of the requirements in the ordinance prior to the permitting for the sign. The original plat for the sign included a reader board. The applicant, along with the property owner, chose to delete the reader board to meet the requirements of the UDO rather than make the sign smaller to include space for the reader board. The applicant has not made a case for hardship as required and the variance should not be approved without showing a case for hardship. The staff report outlines other signs in the area that have been approved since the ordinance was

adopted. He said he estimated the signs in the area regarding the square footage and the Waffle House and Griffin Pediatric Clinic were approved after the ordinance are within the guidelines. The two signs prior to the ordinance was the Shell sign estimated at 158 SF and the Ingles sign estimated at 237 SF. The present sign ordinance has been in effect since 1996.

Mr. Scott Bombard – 721 Summerlin Drive – Macon, Georgia

Mr. Summerlin said the sign ordinance is generally for safety and appearance. He had drawings showing the safety of the sign as well as the design has initially built. They need to have the reader board replaced to give the owners to put their telephone number and special programs. He said he was not aware of the new sign ordinance when he began production of the sign. He was working under the old sign ordinance. He was aware of the ordinance before the sign was installed. The reader board was removed before installation so the sign would meet the ordinance. This application is so they can install the reader board.

Discussion was held and it was noted that when the permit was applied for they were aware of the ordinance at that time. Mr. Hart said he has some concerns about the sign limits because if he was in the city he would be allowed 140 SF. He can understand the confusion.

Mr. Pruitt stated he does not see a problem because the sign does not look that different from the other signs in the area.

MOTION

Mr. Pruitt made a motion to approve application #03-30V. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, and Mr. Pruitt voting for the motion and Mr. Richardson voting against.

Application #03-31S: New Era Missionary Baptist Convention of Georgia, Inc., Owner – Wagner, Johnston & Rosenthal, P.C., Agent – 1229 Green Valley Road (41.320 acres located in Land Lots 214 and 235 of the 2nd Land District) – requesting a Special Exception to allow a religious campground in the AR-1 District.

Mr. Taylor said this application has been discussed on several occasions. The applicant and the neighbors have been in discussions and they have reached an understanding that is acceptable to the county. If approved, the New Era Missionary Baptist Convention, will be able to move their activities into a building that will be constructed.

Elizabeth Jones – Wagner, Johnston, and Rosenthal, P.C. – 3340 Peachtree Road – Atlanta, Georgia

Ms. Jones went over the plans to include the construction of a facility that includes heat and air conditioning. It will be large enough to hold all the attendees of the large-scale events. At the present time they are using tents, which sometimes include a permit for noise amplification. If they can get approval for this application they will no longer have a need for a noise amplification permit. They have worked with the staff, Newton

Galloway, and Don Roof, the next-door neighbor, to reach an agreement. They have reached an agreement for the placement of the facility. She presented a site plan that included the location of the building and the parking. The entrance to the facility will be relocated to the northern part where the new proposed driveway is located. The construction of the building and the granting of the special exception is really in the best interest of all the neighbors because it will provide a housing location for all the events. It will contain the noise and provide a better appearance.

Mr. Galloway said there was a meeting on July 29 to attempt to get a final resolution to this development. This has been a recurring problem. The goal is to get the property zoned and approved, as it is used, with appropriate conditions and development standards that make the intrusion onto the Roof property as minimal as can be made. This is the fourth application in four to five years.

Mr. Taylor said there are staff recommended conditions and supplemental conditions as discussed between the Roofs, the county and the applicant. The recommendation is approval with all the conditions.

Mr. Hart said in the minutes of the June application a condition was recommended regarding additional insulation for soundproofing.

Ms. Jones said the applicant continues to be willing to install the additional soundproofing.

MOTION

Mr. Hart made a motion to approve with the following conditions:

1. Buffering consistent with that required of a commercial use in a residential area shall be created. This requirement shall consist of twenty-five (25) feet of buffer along all side and rear property lines, which shall include screening in the form of vegetation (trees intended for buffer, i.e. Leyland Cypress, shall be used for the screening).
2. The applicant shall submit site construction plans that meet the requirements of Spalding County Unified Development Ordinance (UDO) appendix J: Commercial/Industrial Ordinance (or equivalent).
3. Certification by a certified engineer shall be submitted indicating that the integrity of the dam for the pond is such that it will sustain the traffic generated by the activities performed on this property.
4. An easement shall be recorded and submitted to the Spalding County Community Development Department for ingress and egress across the adjoining tract to the north.
5. The hours of operation shall be limited as follow: All outside events must commence after 8:00 a.m. and conclude prior to 11:00 p.m.
6. All lighting for the property shall have a minimum setback of fifty (50) feet from each property line and be constructed in a manner to not reflect onto adjoining properties.

7. The proposed structure shall be a minimum of fifty (50) feet from any property line.
8. The site plan submitted with this application shall constitute a “development plan” and any changes to this plan, affecting the intent and character of the development, the density of land use pattern, or other substantial changes, must be approved by the Board of Commissioners upon the recommendation of the Board of Appeals.
9. Parking Facilities: In order to accommodate the requests of the County and the Roofs, a new parking area will be constructed on the property, which will accommodate the parking needs of the attendees at functions held on the property.
10. Entrance and Exit: In order to accommodate the requests of the County and the Roofs, a new entrance to the Applicant’s property will be constructed on the adjoining property to the north, which such property is also owned by the Applicant. The new entrance and driveway will connect with the existing driveway, making a one-way traffic capable “loop” across the property. The current entrance can then be used as an exit from the property. To the extent permitted by law, this new entrance will have appropriate signage indicating that it is the entrance to the property.
11. Contact Information: In order to accommodate the requests of the County and the Roofs, information will be posted as or near the entrance to the property, which will include names and telephone number of the Applicant’s representatives. Information regarding contacting the Applicant is also listed in the telephone book. This contact information is intended to assist those who are interested in using the property for gatherings and to provide the neighbors with a contact person in the event that they have suggestions or complaints for the Applicant.
12. Outside Amplification: In order to accommodate the requests of the County and the Roofs, information with regard to the need for a permit for the amplification of noise will be added to the rental agreement, which is executed by all users of the property.
13. A representative of the Applicant is generally on the property during the entire time that the property is used for one of the Applicant’s meetings or functions. In addition, a representative of the Applicant is generally on the property for some portion of the usage of the property for functions, which are not held by the Applicant. Users of the property are provided with contact information in the event of a maintenance issue or other emergency. In addition, as stated in Paragraph 11 above, contact information for representatives of the Applicant is listed in the telephone book and will be provided on the property.
14. Acoustical insulation shall be placed on the walls and ceilings of the interior of the building.

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

Application #03-28V: Christopher Mark McCullough, Owner – 1.35 acres on Memorial Drive located in Land Lots 178 and 179 of the 2nd Land District – requesting a Variance from required buffers in the C-1 District.

Mr. Taylor said this property is in the process of being approved by the county for rezoning. This request is for a variance on the buffer and screening on the rear of the property, which is adjacent to residential. In reviewing the application, the staff found that there is sufficient reason to recommend conditional approval to the application because the granting will eliminate an unnecessary requirement. The adjoining tract east and west are zoned residential but develop commercially. The properties are located on an arterial road, residential uses in the future are very unlikely on this portion of 16 East. Approval is contingent on the approval of the rezoning, if the parking or loading/service areas are located on the southern side of the property a 10’ buffer shall be required, the buffer shall be landscaped with screening plants at 6’ in height and the buffer plan shall be submitted with the general landscape plan to be reviewed by staff.

Mark McCullough – 704 West Taylor Street – Griffin

Mr. McCullough said he agrees with staff recommendations and conditions.

MOTION

Mr. Baird made a motion to approve Application #03-28V conditioned on the approval of the rezoning, if the parking or loading/service areas are located on the southern side of the property, a 10 foot buffer shall be required, the property shall be landscaped with screening plants at 6’ in height and the buffer plan shall be submitted with the general landscape plan to be reviewed by staff.

MINUTES

Approval was given to the minutes of the July 10, 2003 meeting on a motion by Mr. Hart and a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. Pruitt, and Mr. Richardson voting for the motion.

MOTION

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

Dennis Richardson – Chairman

Yvonne M. Langford - Recorder