

SPALDING COUNTY APPEALS BOARD
Regular Meeting
November 13, 2003

The Spalding County Appeals Board held its regular monthly meeting on November 13, 2003 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Greg Pruitt, Vice-chairman, presiding, Jon Baird, Bobby Hart, and Allan McCallum. Charles Heggie and Dennis Richardson were not present.

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

Mr. Pruitt 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 #03-32S: Girl Scouts of Pine Valley Council, Inc., Owner – Cecil Jackson Road (38.09 acres located in Land Lot 251 of the 3rd Land District) – requesting a Special Exception to allow a private club or lodge in the AR-1 District.

Terry Ison – 257 Williams Mill Road – Zebulon, Georgia

Mr. Ison said the Girl Scouts want to build a shower house which is a project they started last year. This will enhance the cabins that have already been built.

Mr. Taylor said they investigated the request and found that the project is under construction. The Girl Scouts thought they were operating under a permit that was issued for the cabins. They requested a site plan to include the bathhouse and they have complied. The recommendation is for approval.

MOTION

Mr. McCallum made a motion to approve Application #03-32S. The motion passed on a second by Mr. Hart with Mr. Baird, Mr. Hart, Mr. McCallum, and Mr. Pruitt voting for the motion.

Application #03-33V: Tim Anderson, Owner – Alan R. Mobley, Agent – Mockingbird Lane (10.73 acres located in Land Lot 45 of the 1st Land District) – requesting a Variance from minimum 200' road frontage and lot width in the AR-1 District.

Alan Mobley – 222 Mobley Road

Mr. Mobley said the property was acquired through a trade on a new house. When the application was submitted the property was still in Mr. Anderson's name, but it is now in Mr. Mobley's name. He wants to divide the lot into two tracts. Each tract will be five acres but he is 22' short of having enough road frontage to divide the tract. They have a contract on one of the lots if the variance is approved. They will be building a 1750 SF

house, and he will make that a requirement of the other tract if the commission wants. This will add value to the neighborhood due to the size homes they will build. There are nice homes in the area but most are smaller than the 1500 SF required. He has read the staff recommendation but he feels this is a hardship. He has had a Level III Soil Study done by a certified engineer. Three systems were designed on this property. All are conventional systems and one is having to be pumped in a desirable location. He had a plat of the sites. he said he would deed restrict to require a two-car garage. No timber will be cut.

Mr. Taylor said he has received letters in opposition to this application from Harold and Denise Stamey and Katherine Stamey. The staff reviewed the application and Mr. Mobley has not presented a case for hardship and the proposed lots in the area are larger and have more square footage than he is requesting so the staff recommendation is for denial.

The following made comments regarding this application:

Gaynor Durden – 215 Sandy Lane Road

Mr. Durden said this property in question borders his property. He is opposed to this application. When someone buys property that he can't build on, he should not buy the property. If the requirement is 200', that it what it should be. If you get a ticket for speeding, you cannot get the speed limit changed so why should you be able to get the road frontage changed? When variances are started, then comes easements to get to the property in question. He should have known this before he took the property on trade.

Jack D. McBrayer – 269 Sandy Lane Road – Brooks, Georgia (Digby Community)

Mr. McBrayer said he is opposed to this application. There are two acres on the corner that have road frontage of 277' that Mr. Mobley owns. Each of the lots that he wants to get with this variance has 188'. He has this land and what is keeping him from putting the two houses on the land. There is a lot more than 400' of road frontage on Mockingbird Lane. Is Mr. Mobley going to build two or three houses? What is he going to do with the two-acre lot on the corner? Is he going to build two or three houses? If he were going to build two houses, he would not object. If he wants to build three, then he is against it. The land won't pass a perc test. There is going to be a problem with that system. They are having problems in the subdivisions with all of these systems and the health department is going to probably turn him down. They would probably let him build two houses but they won't ever let him build three houses. There is zoning for a reason. Every person could ask for a variance. If you give this man 188', then the next person is going to want 170'. If you give it to one, then you are going to have to give it to another. Where do you stop with the variances?

Bruce Goddard – 300 Avalee Drive – Brooks, Georgia

Mr. Goddard said his questions had been answered. He was interested in what the plan was and he wanted to know what was being planned.

Jack Sampler – Brooks, Georgia
Mr. Sampler said his questions had been answered.

Clint Whitlock – 219 Mockingbird Lane
Mr. Whitlock wanted to know how many houses were proposed for this application. Mr. Pruitt advised him there would be two.

Gary Sampler – 816 Hollonville Road
Mr. Sampler said his questions had been answered.

Dan Klein – 220 Mockingbird Lane
Mr. Klein said he knows one or two people that have looked at this property before. The first time it was looked at it was for \$10,000, the second time it was \$21,000, and the reason they did not purchase the land was because there was a perc test problem. He had signed statements from some of the neighbors that were not able to attend. One of the comments is from a couple that has just purchased the land across the road from this property. If there is a 200' road frontage requirement, why change it? One of the lots drops to 153' which does not leave much room for a 1750 SF house unless you build it real long and real narrow. There has been a drainage problem in that area all along. The property below that is downhill. There is a little branch that goes across Mockingbird Lane that feeds the lake on the west side of Mockingbird Lane. Sometime in the wintertime that road has been flooded. If you put in a septic tank, where is it going to go? It is going in the neighbors yard and from that yard it is going to the next neighbors yard. They have a septic system and it is going to be a domino effect. It is not a sensible, viable situation. If he wants to something real nice, he would build a 2500 SF house and make a beautiful house. He has been there a long time. He built a nice house, and he does not want to see his property devalued. He pays enough taxes as it is. He lives in a nice area. There is zoning for a reason. Don't change it.

Mr. Hart said if you look in the area, there are 1250 SF homes and there are manufactured homes with junk cars in the front yard and compared to some houses in the area this is quite an upgrade. There are some manufactured houses behind others that are worse than the ones on the road.

Mr. Klein said the size of the house is not the issue. The road frontage is the issue. The ordinance says 200' frontage. Why should you vary that? The ordinance is 200' and it could have been made 180' but it wasn't so why would you need to change it?

MOTION

Mr. Hart made a motion to approve application # 03-33V conditioned on both lots having 1750 SF houses and two car garages. The motion passed on a second by Mr. Baird with Mr. Baird, Mr. Hart, Mr. McCallum, and Mr. Pruitt voting for the motion.

Application #03-34V: Sam Smith Homes, Inc., Owner – 217 Lake Chase Drive North (Lot 49 – 1.02 acres located in Land Lot 56 of the 2nd Land District) – requesting a Variance from minimum 100' front yard setback in the R-4 District.

Application #03-35V: Sam Smith Homes, Inc., Owner – 219 Lake Chase Drive North (lot 50 – 1.81 acres located in Land Lot 56 of the 2nd Land District) – requesting a Variance from minimum 100’ front yard setback in the R-4 District.

Applications #03-34V and #03-35V were discussed together.

Sam Smith - 200 St. Gabriel Way – Fayetteville, Georgia

Mr. Smith said he is requesting this variance because there is a lake with a dam running down the property line on lot 49. The spillway is on the north end of the dam. It goes into the 100’ setback line. If he builds the home behind the required setback and the lake level rises, the spillway is going to go inside the house. He overlooked this when he purchased the lot. He requested a variance of 50’ to avoid the water issue. He needs the variance on the second lot so that house will not be looking at the rear of the other house.

Mr. Taylor said the staff investigated this application and found the request to be valid. The recommendation is for approval of Application #03-34V and if that is approved the recommendation is for approval of Application #03-35V.

MOTION

Mr. Baird made a motion to approve Application #03-34V. The motion passed on a second by Mr. McCallum with Mr. Baird, Mr. Hart, Mr. McCallum, and Mr. Pruitt, voting for the motion.

MOTION

Mr. McCallum made a motion, seconded by Mr. Hart, to approve Application #03-35V. The motion passed with Mr. Baird, Mr. Hart, Mr. McCallum, and Mr. Pruitt, voting for the motion.

Application #03-36V: Portia J. Hodo, Owner – Jimmy M. Hodo, Agent – Tract A corner of Futral Road and South Walkers Mill Road (0.679 acres located in Land Lot 9 of the 3rd Land District) – requesting a Variance from minimum 100’ front yard setback in the AR-1 District.

Jimmy Hodo – 1633 North Hill Street.

Mr. Hodo said they need a variance for a 50’ setback due to the shape of the lot. He had furnished copies of a plat of the lot showing the boundaries of the tract of land.

Mr. Taylor reported that the staff had investigated and found that Mrs. Hodo has a legal, non-conforming lot. The setback of 100’ creates a hardship that would make it impossible to build on the lot. Granting the variance will make it possible to build on the lot.

Russell Lynch – 2101 South Walkers Mill Road

Mr. Lynch wanted to know on which side the variance would be allowed and the size house that would be built.

Mr. Hodo confirmed that it would be on the South Walkers Mill Road side.

Mr. Taylor advised that the property is AR-1 and the required house size is 1500 SF.

Mr. Lynch said he had just built a house and was required to meet the code. He did not think it was fair to allow a variance for someone else.

Mr. Hodo asked if he would be able to face the house in either direction.

Mr. Taylor said the ordinance did not restrict the way the house would have to face.

The question was raised as to when the lot was platted. Mr. Hodo said it was platted in 1998 and was subdivided in 1977. There was originally 11 acres of which 8 acres was sold to Mr. Lynch. The county platted this tract in the early 70's because they designed the road and cut up the land into three tracts. One tract was 8 acres, one tract was 2 acres and the third was 1.69 acres. The county did not record the tract and it was not recorded until 1998.

MOTION

Mr. Hart made a motion, seconded by Mr. McCallum, to approve Application #03-36V. The motion passed with Mr. Baird, Mr. Hart, Mr. McCallum, and Mr. Pruitt, voting for the motion.

MOTION

Approval was given the minutes of the September 11, 2003 meeting on a motion by Mr. Baird and a second by Mr. Hart with Mr. Baird, Mr. Hart and Mr. Pruitt voting for the motion and Mr. McCallum abstaining since he was not present.

MOTION

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

Dennis Richardson – Chairman

Yvonne M. Langford - Recorder