

Agenda

Board of Zoning Appeals of Spalding County

Thursday, May 11, 2017

7:00 PM

Spalding County Annex Building, 119 East
Solomon Street, Room 108

A. Call to Order

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names and addresses and direct all comments to the Board only. Speakers will be allotted three (3) minutes to speak on their chosen topics and relate to matters pertinent to the jurisdiction of the Board of Zoning Appeals. No questions will be asked by any of the commissioners during citizen comments. Outbursts from the audience will not be tolerated. Common courtesy and civility are expected at all times during the meeting.

B. Election of Chairman

Lift from the table - Election of Chairman of the Spalding County Board of Appeals for Calendar Year 2017.

C. Election of Vice-Chairman

Lift from the table - Election of Vice-Chairman of the Spalding County Board of Appeals for Calendar Year 2017.

D. New Business:

1. **Application #17-03S:** Flynn Von Roretz and Tessa Von Roretz, Owners - 105 Laketrail Drive (1 acre located in Land Lot 11 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the R-4 District.

E. Approval of Minutes:

2. **Lift from the table** - Consider approval of December 8, 2016 minutes and consider approval of April 13, 2017 minutes.

F. Other Business:

G. Adjournment



SPALDING COUNTY BOARD OF ZONING APPEALS Election of Chairman - Calendar Year 2017

Requesting Agency

Office of Community Development

Requested Action

Lift from the table - Election of Chairman of the Spalding County Board of Appeals for Calendar Year 2017.

Requirement for Board Action

The BOA elects a member to serve as Chairman at the beginning of each calendar year.

Is this Item Goal Related?

No

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION



SPALDING COUNTY BOARD OF ZONING APPEALS Election of Vice-Chairman - Calendar Year 2017

Requesting Agency

Office of Community Development

Requested Action

Lift from the table - Election of Vice-Chairman of the Spalding County Board of Appeals for Calendar Year 2017.

Requirement for Board Action

The BOA elects a member to serve as Vice-Chairman at the beginning of each calendar year.

Is this Item Goal Related?

No

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION



SPALDING COUNTY BOARD OF ZONING APPEALS

Application #17-03S

Requesting Agency

Office of Community Development

Requested Action

Application #17-03S: Flynn Von Roretz and Tessa Von Roretz, Owners - 105 Laketrail Drive (1 acre located in Land Lot 11 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the R-4 District.

Requirement for Board Action

Section 413.

Is this Item Goal Related?

No

Summary and Background

Applicant requests a Special Exception to have a home occupation on property in the R-4 district. The proposed home occupation will consist of creating paracord products including dog leashes and bracelets.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

APPROVAL

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-03S	5/2/2017	Backup Material

**SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION**

NO. 17-03S

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Tessa Von Roretz
Name: Flynn Von Roretz

Address: 105 Lake Trail Dr

City: Griffin

State: GA Zip: 30223

Phone: (404)552-6175

Phone: _____

APPLICANT IS THE:

Owner's Agent

☒ Property Owner

Developer

Present Zoning District(s): R-24

Land District(s): 3rd Land Lot(s): 11 Acreage: 1

Address of Property: 105 Lake Trail Dr

Identify the use for which you seek a Special Exception and cite the section of the Spalding County Zoning Ordinance which provides that the Special Exception may be granted:

Special exception to allow a general home
occupation on premises

OTHER REQUIRED INFORMATION

- Attach a statement describing the Special Exception and the reason you are requesting this Special Exception.
- Attach 1 copy (11 x 17) of plat prepared by a Registered Land Surveyor and drawn to scale showing lot lines and location of existing structures and location of proposed structures.

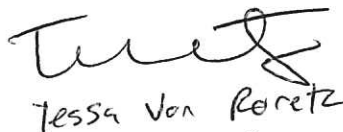
Some developments (i.e. subdivisions, Church's, etc.) may require a 24 x 36 copy of the plat.

- Please attach a deed, certified by the Clerk of Court, which includes a metes and bounds description of the property proposed.

Signature(s):

Agent/Developer

Date


Tessa Van Roretz


Elenna Van Roretz

Property Owner


4/4/17

Date

OFFICE USE ONLY

Date Received: 4- -17

Received By: C. McDaniel

Amount of Fee: \$300⁰⁰

Receipt Number: VISA 030352

SPECIAL EXCEPTION

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SPECIAL EXCEPTION APPLICANT'S RESPONSE

Pursuant to Section 413 of the Zoning Ordinance, the Board of Commissioners of Spalding County finds that the following standards are relevant in granting a Special Exception.

Please respond to the following standards in the space provided or use an attachment as necessary:

(A) Whether granting a Special Exception would be detrimental to the use of development of adjacent properties or the general neighborhood: NO, it will not be

detrimental to any of the neighborhood.

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: No, nothing will adversely affect the health or

safety of residents or workers.

(C) Whether granting a Special Exception would have depreciating effects and damages to the neighboring properties that are greater than the benefits or need for the Special Exception: NO,

nothing to a damaging effect to the neighboring properties.

(D) Whether granting a Special Exception would adversely affect existing uses: NO, it

won't affect the existing users.

(E) Whether the subject property is sufficient in size to satisfy the space requirements for the use: Yes the property is sufficient in size for

use.

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: Yes, all ordinances will be met.

OFFICE USE ONLY

Date Received: 4-6-17

Received By: C. McDaniel

SPECIAL EXCEPTION

PAGE 4

**PROPERTY OWNER'S CERTIFICATION OF
OWNERSHIP AND ZONING COMPLIANCE**

Certification is hereby made that the undersigned own(s) at least fifty-one (51) percent of the subject property.

The undersigned certifies that the subject property is presently in compliance with the current Zoning Ordinance for Spalding County, Georgia. The undersigned is aware that an application for a Rezoning, Variance, or Special Exception will not be received unless the subject property is in compliance with the Zoning Ordinance.

The undersigned certify that the agent, if different from the owner, is authorized to file this application.

Tessa Von Rortz
Flynn Von Rortz

Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

Signature of Owner(s)
or Signature of Authorized Officer or Agent
(if applicable)

Date

Signature of Agent

Title of Authorized Officer or Agent (if applicable)

Signature of Notary Public

Expires 4-17-20

Date

-- Notary Seal --

OFFICE USE ONLY

Date Received:

Received By:

4-6-17

C. McDaniel

SPECIAL EXCEPTION

PAGE 5

SITE PLAN REQUIREMENTS FOR SPECIAL EXCEPTION

Section 416: Special Exception.

A site plan meeting the requirements of Section 416 of this Ordinance shall be submitted with any application for a special exception which shall require a building permit for the purpose of commencing construction on a new structure on the property which is the subject of the special exception application; provided however, that any site plan for a special exception for a certified hardship allowed in Sections 503(D)(2-3), 603(D)(2-3), 703(D)(3-4), 803(D)(3-4), 803A(D)(3-4), 1003(D)(3-4), 1103(D)(3-4) and 1103A(D)(3-4) shall not be required to comply with the provisions of subparts (g), (i), (j), (k), (o) and (p) of Section 416.

- A. Vicinity map;
- B. Correct scale;
- C. The proposed land use and building outline as it would appear should the rezoning be approved;
- D. The present zoning classification of all adjacent property;
- E. The building outline and maximum proposed height of all buildings;
- F. The proposed location of all driveways and entry/exit points for vehicular traffic, using arrows to depict direction of movement;
- G. The location of all required off street parking and loading areas;
- H. Required yard setbacks appropriately dimensioned;
- I. The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation, if required;
- J. Topography at twenty (20) foot contour intervals;
- K. Location and elevation of the 100 year flood plain on the property which is the subject of the proposed zoning;
- L. Delineation and dimensions of the boundary of the proposed district;
- M. Date, north arrow and datum;
- N. Location and acreage of all major utility easements greater than twenty (20) feet in width;
- O. Approximate location (outline), height, and use of all other proposed drives, parking areas, buildings, structures and other improvements;
- P. For all property for which ingress and egress must be obtained by access from a road within the state highway system, a permit from the Georgia Department of Transportation for access to the state highway system.

(Revised 01/18/00)

Spalding County Fee Schedule:

Appeal from Action of Administrative Officer: \$ 200.00

Variance: \$ 200.00

Special Exception: \$ 300.00

Multiple Parcel Rezoning: Multiple parcel rezoning of contiguous tracts will be allowed so long as all tracts are to be rezoned to the same zoning classification. All applicants owning property which is subject to the application are deemed to consent to rezoning of their property and to rezoning of any and all other tracts included within the Application. The following fees shall apply to multiple parcel rezoning applications:
(#A-99-08 – 09/07/99; #A-00-11 - 07/17/00)

A. Parcel 1 - \$500.00

B. Parcel 2-5 - \$100.00 each, in addition to the fees stated in A; and

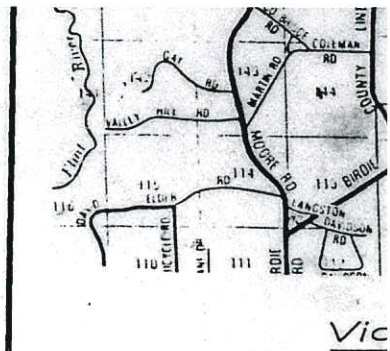
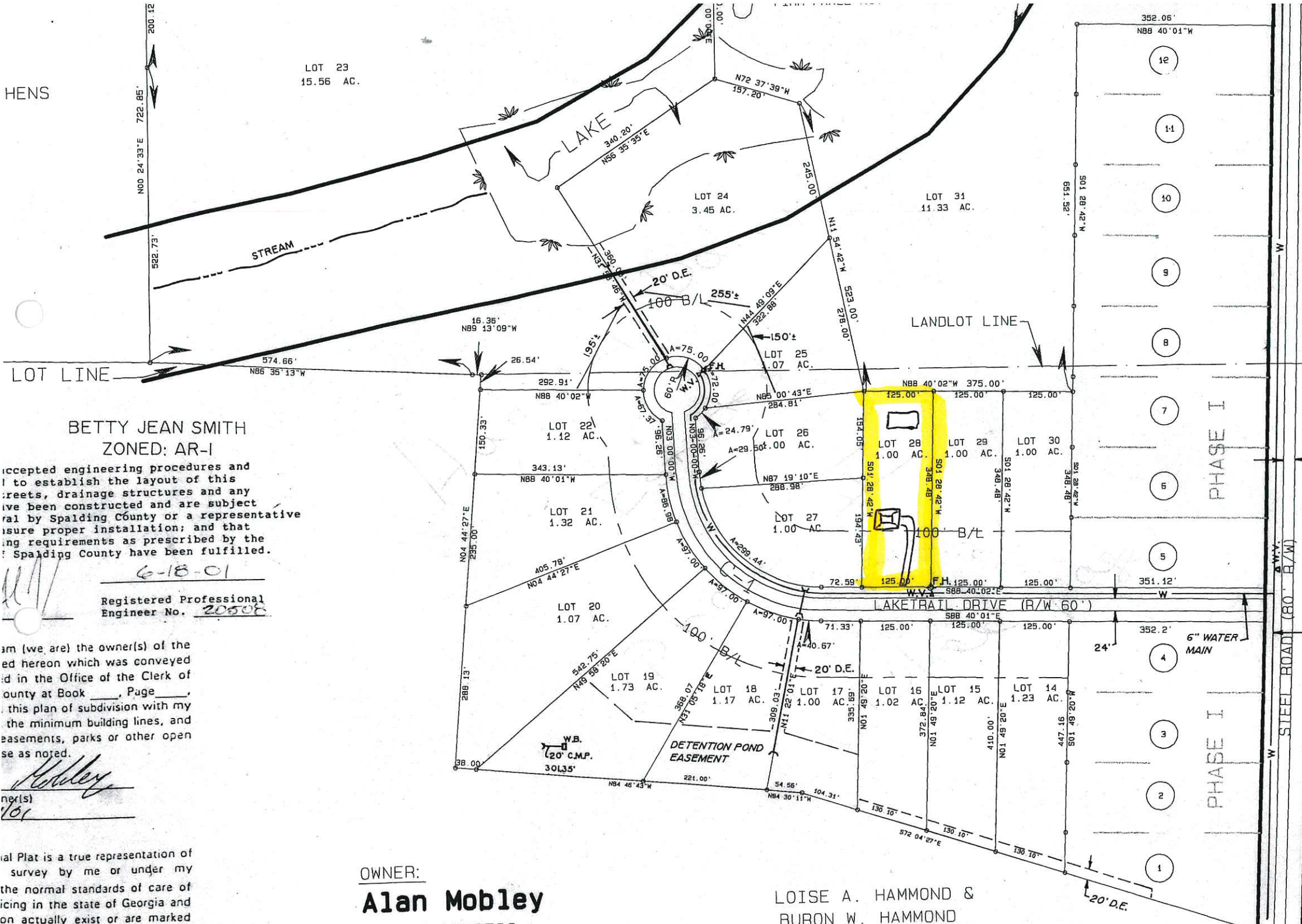
C. Parcels 6+ - \$50.00 each, in addition to the fees stated in A and B.

4/5/2017

REASON FOR SPECIAL EXCEPTION

The reason I am requesting a special exception is because I love working for myself. I am a Service Disabled Veteran Owned Small Business. I make Paracord products for our military, veterans, Law Enforcement, EMS and anyone who request my services. My products range from dog leashes to some one of a kind survival bracelets. I love what I do and for every person that request my services I get to not only have a customer but meet a new person every day. I am a registered LLC , the name of my company is Green Wolf Tactical LLC. I officially opened my business this year and plan to grow and become better each day. I put 100% in everything I do rather its sweeping the floor to maintaining my business so I look forward to growing this business and even more myself!

HENS



BETTY JEAN SMITH
ZONED: AR-1

I have accepted engineering procedures and methods to establish the layout of this subdivision, streets, drainage structures and any other improvements have been constructed and are subject to the approval of Spalding County or a representative of the county to ensure proper installation; and that the requirements as prescribed by the Spalding County have been fulfilled.

6-18-01
Registered Professional Engineer No. 20508

I am (we are) the owner(s) of the property described hereon which was conveyed to me in the Office of the Clerk of Spalding County at Book _____, Page _____. This plan of subdivision with my plat is a true representation of the actual survey by me or under my supervision in the state of Georgia and on which actually exist or are marked on the ground.

Alan Mobley
Owner(s)
101

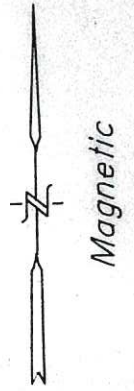
This Plat is a true representation of the actual survey by me or under my supervision in the state of Georgia and on which actually exist or are marked on the ground.

OWNER:
Alan Mobley
OWNER'S ADDRESS:

LOISE A. HAMMOND &
BURON W. HAMMOND

Linear measure:
angular measure:
theodolite apparatus:
per angle point,
Error of closure:

Note:
Iron stakes on



BOOK 4053 PAGE 321

Return Recorded Document to:
Wessels & Dixon, P.C.
175 Corporate Center Dr. Ste. A
Stockbridge, GA 30281
678-759-2211
File 16-0309

Real Estate Transfer Tax
Paid \$ 152.00
Date 5-16-16
PT - 61 126- 2016-991

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA

2016 MAY 16 A 10:18

Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

BY *[Signature]*
MARCIA L. NORRIS, CLERK

JOINT TENANCY WITH SURVIVORSHIP WARRANTY DEED

STATE OF GEORGIA
COUNTY OF HENRY

THIS INDENTURE, made this 26th day of April, 2016 between Chris Lokey and Megan Lokey, County of SPALDING and State of Georgia of the first part, hereinafter called Grantor, and Flynn Von Roretz and Tessa Von Roretz, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 11 of the 3rd District of originally Henry, now Spalding County, Georgia and being more particularly shown and designated as Lot 28, 1.00 acres, HUGHLEY DAIRY ESTATES SUBDIVISION, PHASE II, as per plat recorded in Plat Book 23, Page 795, Spalding County, Georgia records, to which reference is hereby made for the purpose of incorporating the same herein.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

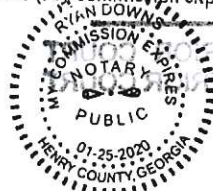
Signed this 26th day of April 2016 in the presence of:

[Signature]
Unofficial Witness

[Signature]
Chris Lokey

[Signature]
Notary Public (My commission expires) 1-25-2020

[Signature]
Megan Lokey



DEPUTY CLERK, SPALDING COUNTY, GEORGIA
MARCIA L. NORRIS, CLERK OF SUPERIOR COURT, SPALDING COUNTY, GEORGIA

SPALDING COUNTY BOARD OF APPEALS

DATE: May 11, 2017

TO: Spalding County Board of Appeals
Spalding County Board Of Commissioners

FROM: Department of Community Development

RE: Special Exception Application 17-03S

The following report constitutes the assessment and evaluation by the Community Development staff on the above referenced application.

Identification of the Property:

Size and location:

The property is located at 105 Lake Trail Drive; Land Lot 11 of the 3rd Land District of Spalding County. Property consists of 1 +/- acre.

Current owner:

Tessa and Flynn Von Roreta
105 Lake Trail Drive
Griffin, Georgia 30223

Agent/Developer:

None

Proposed use:

Applicant requests a Special Exception to have a home occupation on property in the R-4 district. The proposed home occupation will consist of creating paracord products including dog leashes and bracelets.

Compliance with Zoning Ordinance Development Standards:

The property is currently zoned R-4.

Section 1003:D(1) allows for Home Occupation, general, excluding garage, repair garage and kennel. Section 202:LL defines Home Occupation, General as: An occupation for gain or support conducted by residents on the premises, ancillary and accessory to the main agricultural or

residential use on the property, meeting the following criteria:

1. No home occupation shall employ more than two (2) persons who work on the premises but who do not reside in the dwelling located on the premises.
2. The home occupation must be incidental and subordinate to the residential use of the dwelling and must not change the residential character of the property.
3. No display of products shall be visible from the street.
4. Use of the principal and/or accessory building(s) for the home occupation shall not exceed twenty-five (25) percent of the combined gross floor area of the principle and accessory buildings.
5. No internal or external alterations shall be permitted which would change the fire rating for the structure.
6. No continuous unenclosed outside storage of materials or supplies used in connection with the home occupation shall be permitted, provided that this restriction shall not preclude the conduct of minor outside home gardening activities in conjunction with a home occupation.
7. All parking for the home occupation shall be located on the property and only in the side or rear yards.
8. Only vehicles designed and used primarily as passenger vehicles (including pickup trucks) shall be used in connection with home occupations in R-1, R-2, R-4 and R-5 zoning districts.

Spalding County Unified Development Ordinance, Section 413, Subsection G states as follows:

The Board of Appeals will consider the following points in arriving at a decision on the Special Exception:

1. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely

affect the health or safety of residents or workers.

The Home Occupation proposed in this request will not adversely affect the health or safety of residents or the general neighborhood nor will it be detrimental to the use or development of adjacent properties.

2. It must not be that any possible depreciating effects and damages to the neighboring properties are greater than the benefits or need for the Special Exception.

Staff does not anticipate any depreciating effects on neighboring property with the request use.

3. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use.

The subject property is of sufficient size for the request.

The subject dwelling is 1,518 square feet along with 800 square feet of accessory building. 25% of the total square footage of the dwelling unit and accessory building is 579.

Photos



View of subject property from Laketrail Drive.



View of the accessory building.

Staff Recommendations:

Staff recommends **APPROVAL** of this application.

This recommendation was made for the following reasons:

1. Satisfies the requirements for Home Occupation in Section 202:LL and the Special Exception Criteria in Section 413G of the Spalding County UDO.



SPALDING COUNTY BOARD OF ZONING APPEALS

Consider approval of December 8, 2016 and April 13, 2017 Minutes

Requesting Agency

Office of Community Development

Requested Action

Lift from the table - Consider approval of December 8, 2016 minutes and consider approval of April 13, 2017 minutes.

Requirement for Board Action

Is this Item Goal Related?

No

Summary and Background

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> BOA 12-08-16 Minutes	4/20/2017	Backup Material
<input type="checkbox"/> BOA 04-13-17 Minutes	4/20/2017	Backup Material

SPALDING COUNTY APPEALS BOARD
Regular Meeting
December 8, 2016

The Spalding County Appeals Board held its regular monthly meeting on December 8, 2016 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, Chair, presiding; Ed Brown; Curtis Keys; Robert Lattimore and Bill Slaughter.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Ms. Cannon called the meeting to order and 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 #16-17V: Lift from the table – Atlanta Best Auto Auctions, LLC, Owner – 2539 North Expressway (9.15 acres located in Land Lot 102 of the 3rd Land District) – requesting a Variance from the buffer requirements in commercial and industrial districts.

MOTION

Mr. Brown made a motion, seconded by Mr. Keys, to lift Application #16-17V from the table. The motion passed with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

Mr. Habib – 2539 North Expressway – Griffin, Georgia 30223

Mr. Habib said he wants to remove certain trees to offer a better view of his inventory. The trees are in the 25' required buffer. He wants to maintain a good relationship with his neighbors. He does not feel removing the trees will create an issue for anyone. He has not touched anything that is within the 25' buffer at the current time. He has been careful to follow the ordinance and will abide by the decision. He is trying to make the place presentable. He wanted to have some asphalt put down but when he consulted with the County, they did not want him to do that so he has decided not to put down asphalt. He only wants to remove 5 or 6 trees. He wants to level the ground so that it looks nice and clean. He wants to put some gravel there if he can. If not he will put some grass there so it looks nice.

Chad Jacobs identified the trees Mr. Habib wants to remove. He identified the property line and the buffer area. The buffer is intended to buffer between commercial uses and residential uses. They want to extend the parking area. They do not have a problem with them extending the parking area. They want to take away the trees for visibility which he understands from a business standpoint but has an issue with removing buffers between residential and commercial uses. They also have concerns regarding the storm water run-off. They do not have a problem with them graveling or paving but when you add 5000 SF or more of impervious surface you have to submit drawings and complete a hydrology study. If this changes the flow of the water to “dump” on your neighbor, this is a potential problem. Gravel is pervious and water can seep in but it will increase the run-off. Gravel will impact over time. The staff recommendation is for denial.

Discussion was held regarding whether or not removal of the trees should be allowed. Mr. Galloway reminded the members the standard is whether or not the trees cause a hardship on the use of the property. Mr. Jacobs said the only issue is the extension of the parking lot but there is ample room for extension of the parking lot without removing the trees. All the members were in agreement the new owners had done a great job of cleaning up the property and that it looked better than it has in months. The members of the Appeals Board did not see that removing the trees would be of sufficient benefit.

MOTION

Mr. Brown made a motion to deny application #16-17V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

Application #16-19S: William Jason Claxton and Beverly Lynn Claxton – 64 Parham Road (17.575 acres located in Land Lot 80 of the 3rd Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 district.

William Claxton – 169 Parham Road

Mr. Claxton said he has some property at 64 Parham Road and he and his wife want to put a manufactured home on the property. The home they have selected meets all the county requirements and standards. Parham Road is a short dirt road approximately ½ mile long. There are 11 homes on Parham Road, seven of which are manufacture homes with four being conventionally built homes. The four homes are 40+ years old. The home they have selected is 2280 SF, 6:12 roof pitch, and vinyl siding with the interior 100% sheet rocked. It is a lot better than double-wide's and manufactured homes used to be. He has researched 41 parcels that touch his property in the area and no homes have been added to those 41 properties. Since the year 2000, there have been six homes added; five are conventional built homes and one manufactured home. The most recent house was built in 2006. With ten years of no development, it is his opinion that the trend toward conventional construction no longer exists. There are seven other manufactured homes close to his property. This will be his home and he will live there.

Jarrel Hand – 172 Parham Road

Mr. Hand said his property joins this property at the rear. He has lived here for 50 years. His house was the first built on this road. There are currently seven manufactured homes on this road. He does not see any problem with another manufactured home in this area. He does not feel this will impact the value of his property.

Dana Hand – 169 Parham Road

Mr. Hand said he does not feel the manufactured home will hurt the value of his home.

Mr. Jacobs said they have researched the area within a ½ half mile radius. There are 73 parcels with 11 manufactured homes, 48 single-family, conventionally constructed homes and 14 undeveloped parcels. The square footage for the conventionally constructed homes ranges from 760 to just under 3000 SF. They do not have the square footage for the manufactured homes. The percentages are 65% conventionally constructed homes, 15% manufactured homes and 20% vacant parcels. The staff recommendation is for denial.

Discussion was held with Mr. Jarrel Hand requesting to speak again. He identified the location of his home and the mobile homes and vacant tracts in that area. He also noted that there is a large tract of land in this area on which nothing can ever be built because it is a landfill.

MOTION

Mr. Keys made a motion to approve Application #16-19S. The motion passed on a second by Mr. Brown with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

MINUTES

Mr. Brown made a motion, seconded by Mr. Lattimore, to approve the minutes of the November 10, 2016 meeting. The motion passed with Mr. Brown, Ms. Cannon, Mr. Keys and Mr. Lattimore voting for the motion and Mr. Slaughter abstaining because he was not present.

ADJOURN

The meeting was adjourned on a motion by Mr. Keys and a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

Michelle Cannon – Chair

Yvonne M. Langford - Recorder

SPALDING COUNTY APPEALS BOARD
Regular Meeting
April 13, 2017

The Spalding County Appeals Board held its regular monthly meeting on April 13, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown Vice-Chair, presiding; Curtis Keys; Patricia McCord; and Tangela Williams. Bill Slaughter was not present.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney and Yvonne Langford to record the minutes.

Mr. Brown called the meeting to order and 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.

ELECTION OF CHAIRMAN

ELECTION OF VICE-CHAIR

MOTION

Mr. Brown made a motion to table Election of Chair and Vice-Chair until all members can be present. The motion passed on a second by Mr. Keys with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion.

Application #17-01V: Carolyn Dianne Hobson, Owner – Winfred M. English, Agent. – 33 Johnston Road (4.072 acres located in Land Lot 248 of the 2nd Land District) – requesting a Variance from minimum road frontage and lot width in the AR-1 District.

Winfred English 29 Johnston Road

Mr. English said he has live on Johnston Road for 50 years. Thirty years ago he promised his father he would build on this land. He has 1.9 acres and is trying to get some buffers for this property. He wants to purchase 2.7 acres of adjacent property. Ms. Hobson is willing to sell a portion of her property. They have cleared the lot line and have had the land surveyed and appraised. He has been approved for a loan from the bank. They have cleared this with her mortgage company. They are aware of the requirement for 200' road frontage. Ms. Hobson's lot is 304' wide everywhere except on the front right hand corner. This leaves her with 171'. He needs the 2.7 acres at the rear. This will leave her with four acres. When he approached Planning and Zoning, he was advised that the 2.7 acres would have to be kept separate and not attached to his current tract. He wants 2.7 acres of unbuildable buffered land.

Mr. Jacobs said Mr. English's 1.9 acres is currently landlocked. That is an existing non-conforming lot which is grandfathered. Ms. Hobson has plenty of acreage but does not have the 200 feet of road frontage that is required in the current AR-1 Zoning District. Her tract is currently grandfathered. As it is currently, there are no issues. If you take the 2.7 acres, the road frontage issue comes into play. Staff has been consistent in recommending denial on these type issues. They have at times recommended approval if in allowing the exception on road frontage is relieves the grandfathering in other areas. The staff recommendation is for denial. However, it would not be detrimental to the public good but it will impair the spirit of the ordinance.

MOTION

Mr. Keys made a motion to deny Application #17-01V. The motion passed on a second by Ms. McCord with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion.

Application #17-02S: Stanley McCoy and Elizabeth McCoy, Owners – 137 Ginny Lane (5.6 acres located in Land Lot 56 of the 2nd Land District) – requesting a Special Exception to allow a Medical Hardship in the AR-1 District.

Elizabeth McCoy – 137 Ginny Lane

Ms. McCoy said she is requesting an exception for a medical hardship. They want to put a mobile home on their property for her daughter. Her daughter is planning to be married and has cerebral palsy and her fiancé is blind. They want their son to live on the lot with them so he can help them.

Mr. Jacobs said they have furnished all the information required to comply with the ordinance. The Staff recommendation is for approval.

MOTION

Ms. Williams made a motion to approve Application #17-02S. The motion passed on a second by Mr. Keys with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion.

MINUTES – December 8, 2016

Mr. Brown made a motion, seconded by Mr. Keys, to table approval of the minutes of the December 8, 2016 meeting until a quorum is present that attended the meeting. The motion passed with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion.

Mr. Jacobs introduce and welcomed Patricia McCord and Tangela Williams as new members of the Appeals Board.

ADJOURN

The meeting was adjourned on a motion by Mr. Keys and a second by Ms. Williams with Mr. Brown, Mr. Keys, Ms. McCord, and Ms. Williams voting for the motion.

Ed Brown – Vice-Chair

Yvonne M. Langford - Recorder