

# Agenda

## Board of Zoning Appeals of Spalding County

Thursday, July 13, 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. New Business:

1. **Application #17-08S:** Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

### C. Approval of Minutes:

2. Consider approval of June 8, 2017 minutes.

### D. Other Business:

### E. Adjournment



## SPALDING COUNTY BOARD OF ZONING APPEALS Application #17-08S

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**Requesting Agency**

Office of Community Development

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**Requested Action**

**Application #17-08S:** Preston Fuller and Destin N. Fuller, Owners - 74 Jonan Road (2 acres located in Land Lot 20 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

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**Requirement for Board Action**

Section 413.

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**Is this Item Goal Related?**

No

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**Summary and Background**

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of using a computer and silhouette machine to create t-shirts and decals.

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION****APPROVAL****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> Application #17-08S	7/6/2017	Backup Material

**SPALDING COUNTY  
REQUEST FOR SPECIAL EXCEPTION  
APPLICATION**

NO. 17-085

**AGENT/DEVELOPER INFORMATION**

(If not owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Contact Person: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name: Destin Fuller Preston Fuller

Address: 74 Jonan Road

City: Griffin

State: GA Zip: 30224

Phone: 770-233-4986

Phone: 770-687-9906

**APPLICANT IS THE:**

\_\_\_\_\_ Owner's Agent

X

Property Owner

\_\_\_\_\_ Developer

Present Zoning District(s): AR-1

Land District(s): 03 Land Lot(s): 020 Acreage: 2.0

Address of Property: 74 Jonan Road, Griffin, GA 30224

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:

General Home Occupation

**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

  
\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

6-8-2017      6/8/17  
\_\_\_\_\_  
Date

**OFFICE USE ONLY**

Date Received: 6-8-17

Amount of Fee: \$300<sup>00</sup>

Received By: C. McDaniel

Receipt Number: 00847

**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: it would not

(B) Whether granting a Special Exception would adversely affect the health or safety of residents or workers: NO

(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

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

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

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: yes

**OFFICE USE ONLY**

Date Received: 6-8-17

Received By: C. McDaniel

**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.

Destin Fuller Preston D. Fuller  
Print Name of Owner(s)

\_\_\_\_\_  
Print Name of Agent, If Not Same as Owner

Destin Fuller

Preston D. Fuller 6-8-17  
Signature of Owner(s) Date  
or Signature of Authorized Officer or Agent  
(if applicable)

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent (if applicable)

Cynthia L. McDaniel  
Signature of Notary Public Expires 8-17-20

6-8-17  
Date

-- -Notary Seal-- -

**OFFICE USE ONLY**

Date Received: 6-8-17

Received By: C. McDaniel



**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.

### **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.**



6-8-2017

We would like to receive a special Exception to be able to start making shirts and decals. we use our computer to make the designs and have a silhouette machine to cut and a heat press to apply. we are requesting a special Exception to be able to sell out of our home office.

Destin Fuller

*Destin Fuller*

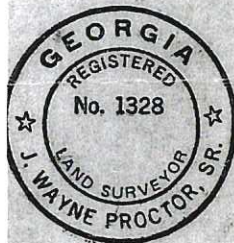
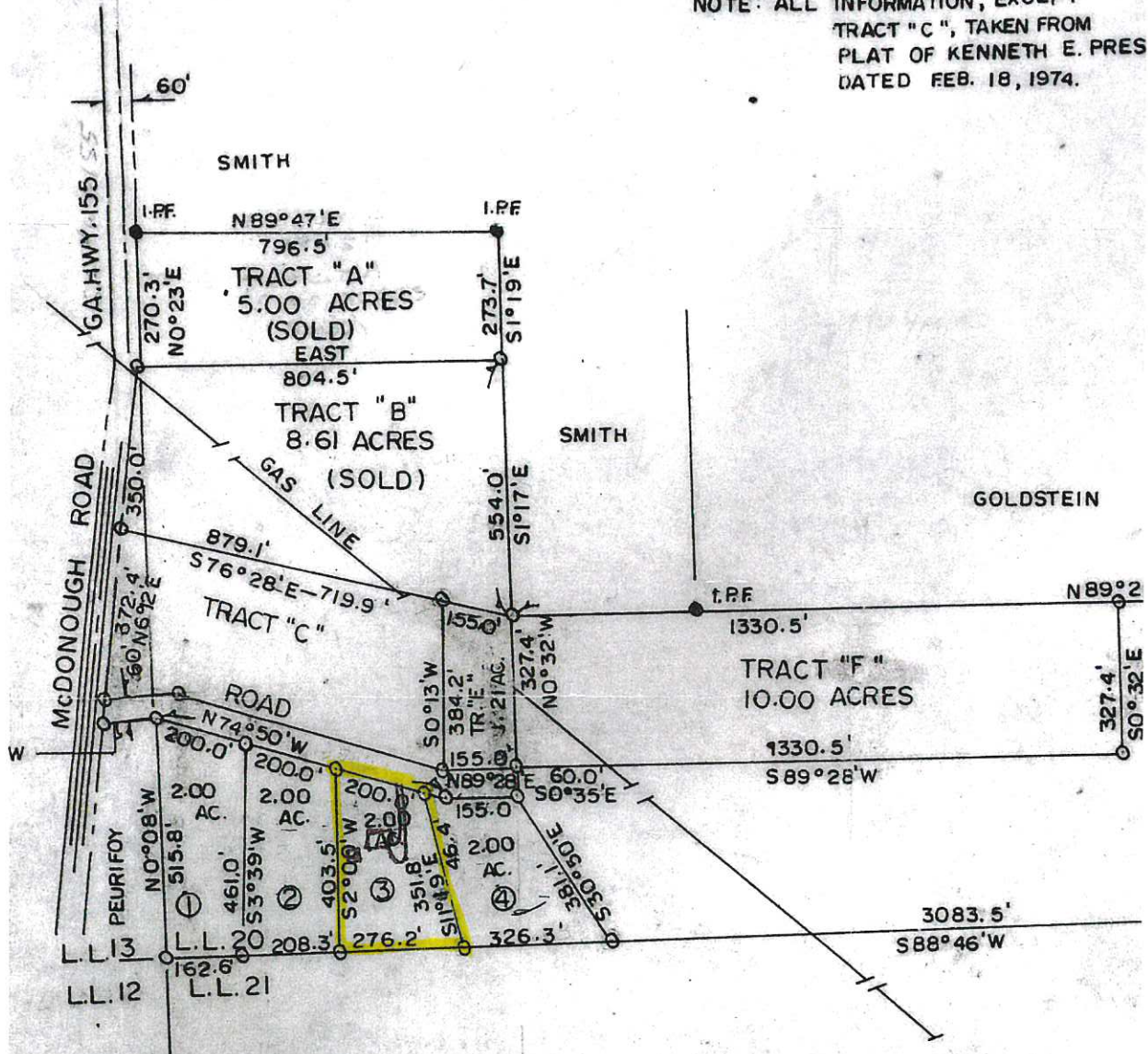
6-8-2017

Preston Fuller

*Preston Fuller*

6/8/17

NOTE: ALL INFORMATION, EXCEPT  
TRACT "C", TAKEN FROM  
PLAT OF KENNETH E. PRES  
DATED FEB. 18, 1974.



plat has been prepared with bearings cal-  
culated from turned angles and with distances  
measured by horizontal measurement; and calculated  
closure by latitudes and departures and is  
found to be accurate within one foot in 5,000 feet.

It is hereby certified that this plat is true  
& correct and was prepared from an actual  
survey of the property made under my  
supervision on the ground.

*J. Wayne Proctor, Sr.*  
J. WAYNE PROCTOR, SR.  
AND ASSOCIATES, INC.  
Ga. Reg. Surv. No. 1328

MEE  
LAND  
SPALL  
SCALE

13/170

10-30-79

Recorded Oct. 30, 1979



Please return to Raynor Law Group, LLC - Post Closing  
5775-D Glenridge Drive, Suite 150  
Atlanta, GA 30328  
File # 16067689

Real Estate Transfer Tax  
Paid \$ 99.00  
Date 7-29-16  
PT - 61 126- 2016-1876  
*Marcia L. Norris*  
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED  
CLERK, SUPERIOR COURT  
SPALDING COUNTY, GA

2016 JUL 29 A 10:05

BY TC  
MARCIA L. NORRIS, CLERK

STATE OF GEORGIA  
COUNTY OF *Fayette*

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 19th day of July, 2016, between

**Robert H. Beard ,**

as party or parties of the first part, hereinafter called Grantor, and

**Preston Fuller and Destin N. Fuller ,**  
as Joint Tenants with Rights of Survivorship,

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" 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 DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt 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 Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 20 OF THE THIRD LAND DISTRICT OF ORIGINAL MONROE, NOW SPALDING COUNTY, GEORGIA, BEING LOT 3, CONTAINING 2.00 ACRES, AS PER PLAT RECORDED IN PLAT BOOK 13, PAGE 170, SPALDING COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY THIS REFERENCE.

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 behoof of the said Grantee forever in FEE SIMPLE.

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 claiming by and through the Grantor.

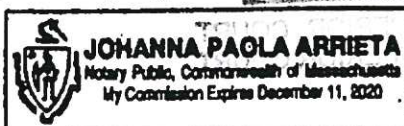
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

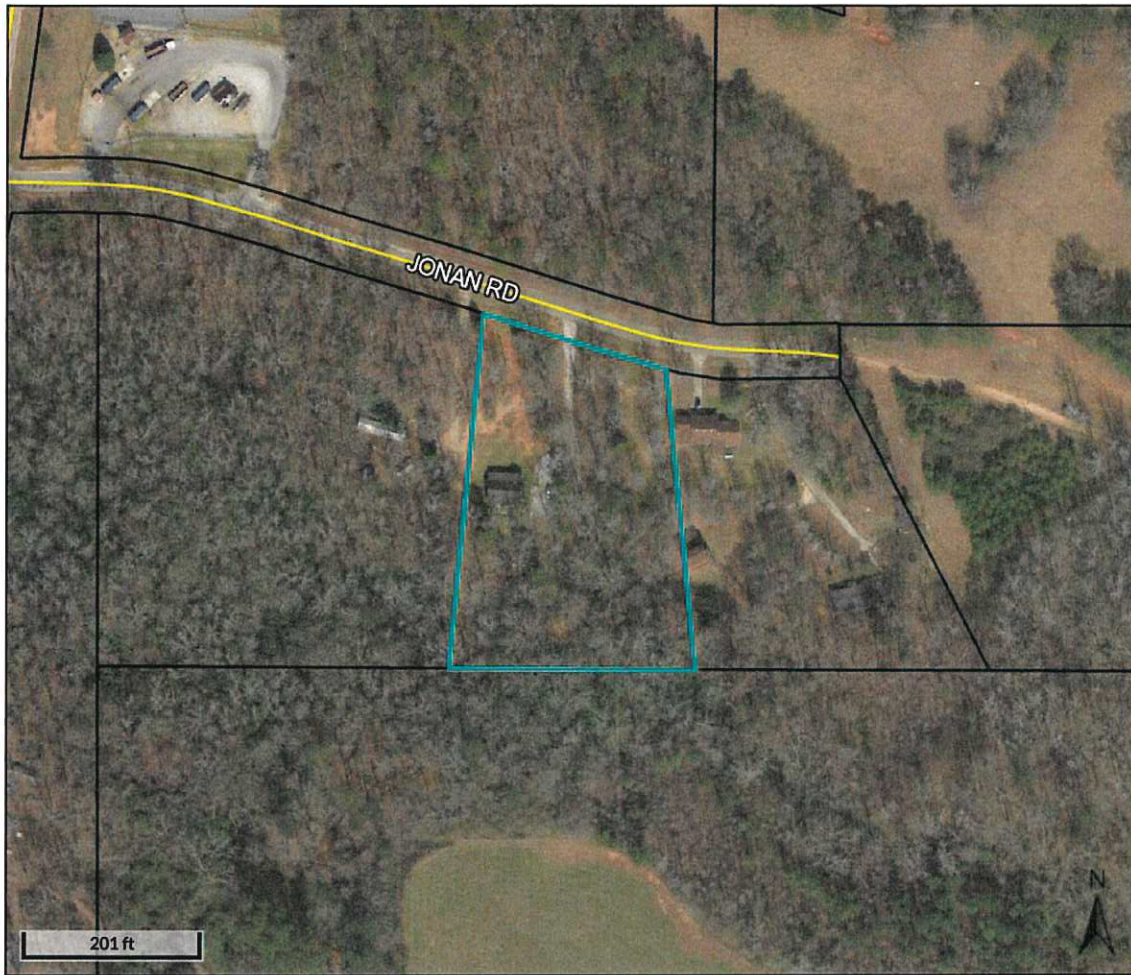
Signed, sealed and delivered in the presence of

*Robert H. Beard* (Seal)  
*Witness*  
*Notary Public*

My commission expires 12/11/2020

[Attach Notary Seal]





Overview



Legend

- Parcels
- Roads

Parcel ID	222 01082	Owner	FULLER PRESTON & DESTIN N	Last 2 Sales			
Class Code	Residential		74 JONAN RD	Date	Price	Reason	Qual
Taxing District	SPALDING COUNTY		GRIFFIN GA 30224	7/19/2016	\$99000	FM	Q
	SPALDING COUNTY	Physical Address	74 JONAN RD	6/3/2011	\$41500	BF	U
Acres	2.	Assessed Value	Value \$98740				
		Land Value	Value \$21600				

(Note: Not to be used on legal documents)

Date created: 6/8/2017  
Last Data Uploaded: 6/8/2017 9:31:19 AM



Developed by  
The Schneider Corporation





### Summary

**Parcel Number** 222 01082  
**Location Address** 74 JONAN RD  
**Legal Description** TR 3 JONAN ROAD PB 13/170  
 (Note: Not to be used on legal documents)  
**Class** R3-Residential  
 (Note: This is for tax purposes only. Not to be used for zoning.)  
**Tax District** SPALDING COUNTY (District 03)  
**Millage Rate** 39.8  
**Acres** 2  
**Homestead Exemption** Yes (S1)  
**Landlot/District** 020 / 03

[View Map](#)



### Owner

FULLER PRESTON & DESTIN N  
 74 JONAN RD  
 GRIFFIN, GA 30224

### Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
RES	S McDonough Rd (Rehobeth>Wild	Acres	0	0	0	2	0

### Residential Improvement Information

**Style** One Family  
**Heated Square Feet** 1671  
**Interior Walls** Sheetrock  
**Exterior Walls** Vinyl Siding  
**Attic Square Feet** 0  
**Basement Square Feet** 0  
**Year Built** 2004  
**Roof Type** Shingles - Asphalt  
**Flooring Type** Carpet/Tile  
**Heating Type** Central AC (Heat/Cool)  
**Number Of Rooms** 6  
**Number Of Bedrooms** 4  
**Number Of Full Bathrooms** 2  
**Number Of Half Bathrooms** 0  
**Number Of Plumbing Extras** 3  
**Value** \$77,140  
**Condition** Average

### Permits

Permit Date	Permit Number	Type	Description
08/12/2004	23514	NEW CONSTRUCT	

## Sales

Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
7/19/2016	4078 202	13 170	\$99,000	FAIR MARKET - IMPROVED	BEARD ROBERT H	FULLER PRESTON & DESTIN N
6/3/2011	3543 127	13 170	\$41,500	Bank ALT Improved Sale	FEDERAL NATIONAL MTG ASSN	BEARD ROBERT H
4/6/2010	3468 73	13 170	\$83,290	Bank Sale to Another Bank	EMC MTG CORP	FEDERAL NATIONAL MTG ASSN
4/6/2010	3468 70	13 170	\$83,290	DEED UNDER POWER	MCCULLOUGH C MARK	EMC MTG CORP
6/14/2005	2707 55	13 170	\$0	NON FAIR MARKET VALUE	MARKLAND MANAGEMENT LLC	MCCULLOUGH C MARK
12/17/2002	2196 324		\$140,000	MULTIPLE PARCELS	FREDERICK NANCY L	MARKLAND MANAGEMENT LLC
12/17/2002	2196 321		\$0	NON FAIR MARKET VALUE	FREDERICK NANCY ETAL	FREDERICK NANCY L
12/1/2002	2196 323		\$0	ESTATE	FREDERICK JOHNNY M & NANCY L	FREDERICK NANCY ETAL
2/7/1980	596 262		\$2,400	FAIR MARKET - VACANT	MEEKS TED, JOHN CARLISLE, WM JOHNSON	FREDERICK JOHNNY M & NANCY L

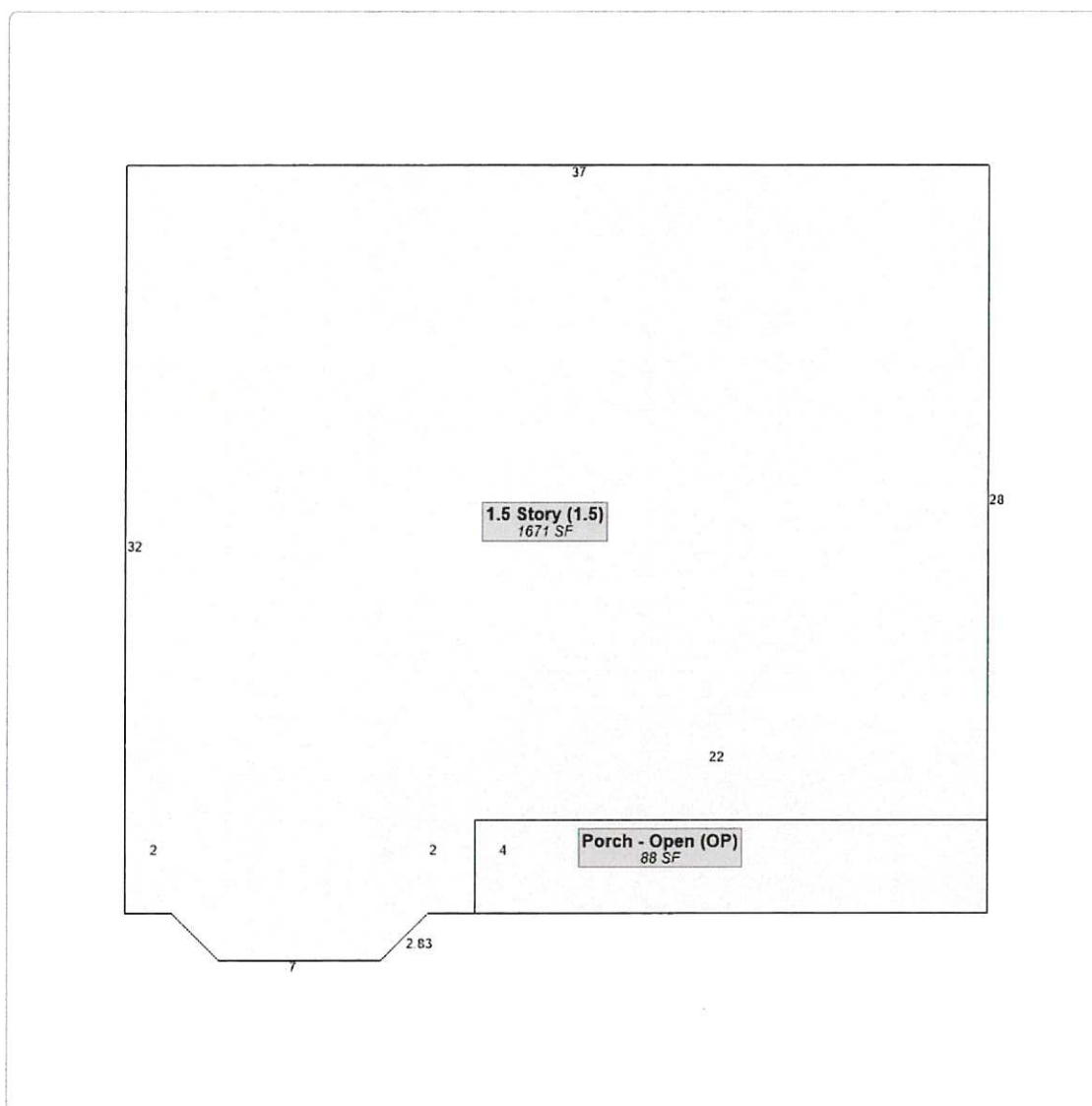
## Valuation

	2017	2016	2015
Previous Value	\$98,740	\$98,740	\$98,740
Land Value	\$21,600	\$21,600	\$21,600
+ Improvement Value	\$77,140	\$77,140	\$77,140
+ Accessory Value	\$0	\$0	\$0
= Current Value	\$98,740	\$98,740	\$98,740

## Photos



## Sketches



No data available for the following modules: Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Accessory Information, Prebill Mobile Homes.

The Spalding County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information shown is PRELIMINARY and has NOT BEEN APPROVED by the Board of Assessors. ALL data is subject to change. Zoning or Flood Map information should always be verified with the proper authorities before being relied upon.

Last Data Upload: 6/8/2017 9:31:19 AM

  
Schneider  
Developed by  
The Schneider  
Corporation



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# SPALDING COUNTY BOARD OF APPEALS

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**DATE:** July 13, 2017

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

**FROM:** Department of Community Development

**RE:** Special Exception Application 17-08S

*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 74 Jonan Road; Land Lot 20 of the 3<sup>rd</sup> Land District of Spalding County. Property consists of 2 +/- acres.

**Current owner:**

Destin & Preston Fuller  
74 Jonan Road  
Griffin, Georgia 30224

**Agent/Developer:**

None

**Proposed use:**

Applicant requests a Special Exception to have a home occupation on property in the AR-1 district. The proposed home occupation will consist of using a computer and silhouette machine to create tshirts and decals.

**Compliance with Zoning Ordinance Development Standards:**

The property is currently zoned AR-1.

Section 503:D(5) 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 1,671 heated square feet. 25% of the total square footage of the dwelling unit is 417.*

Section 413G of the Spalding County UDO.

#### **Photos**



*View of subject property from Jonan Road.*

#### **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



## SPALDING COUNTY BOARD OF ZONING APPEALS Approval of June 8, 2017 Minutes

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**Requesting Agency**

Office of Community Development

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**Requested Action**

Consider approval of June 8, 2017 minutes.

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**Requirement for Board Action**

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**Is this Item Goal Related?**

No

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**Summary and Background**

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION****ATTACHMENTS:**

Description	Upload Date	Type
<input type="checkbox"/> BOA 06-08-17 Minutes	7/6/2017	Backup Material

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**June 8, 2017**

The Spalding County Appeals Board held its regular monthly meeting on June 8, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown Chair, presiding; Patricia McCord; Bill Slaughter; and Tangela Williams. Curtis Keys 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.

**Application #17-04S:** Terry Dunn, Owner – Alex Scott, Agent – 3616 Fayetteville Road (19.5 acres located in Land Lot 6 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow indoor gun range in the C-1 District.

Heather Scott – 109 Cedar Point – Peachtree City, Georgia

Ms. Scott said she and her husband, along with two other friends, want to purchase the Math Field property. They are a group made up of law enforcement officers. They are all currently certified law enforcement officers. They desire to use this property for a training facility for law enforcement and civilian use. They spend a lot of time training. It is not all in using hand guns but also in tactical maneuvers, officer safety issues, search warrants and things of that nature. That is what they want to provide. Part of the training does involve the use of a hand gun. Training in the use of a hand gun can be accomplished in several different ways. They would like to have an in-door facility. There would be no outside gun use at all. There would be no outside shooting at all; no skeet shooting; no competitions. All of their firearms will be contained inside. All bullets will be contained inside the facility. They are all currently employed and this will be a part-time operation. Eventually they would like to have a program for civilians to use the facility and train in the proper use of hand guns and how to protect themselves.

There is currently a building on the property. They want to use that for classrooms, offices and set up an area that is like the interior rooms of a home for safety training. They want to add another facility to the property for the indoor gun ranges.

Mr. Jacobs said this property is currently under three different zonings. He discussed the three zonings and the history of their use.

Alex Scott – 109 Cedar Point – Peachtree City, Georgia

Mr. Scott said he is the applicant for this zoning change. His primary purpose for speaking is to dispel the rumors. There is a range in Spalding County that has come under some “heavy fire”. This facility is not the same. That is an outdoor range and this is not an outdoor range. Noise and safety are a huge issue related to the other range. This being inside fixes every issue the other outdoor range has had. They have been working on this for three or four years and decided they do not plan to have an outdoor range. They do not plan to rent space and time for shooting.

Everyone will have to participate in a class. They will not be open unless they have a class. Classes will be restricted to 12 to 15 people. This range will be built under the NRA range and safety guideline recommendations. They have spoken with the neighbors and some of them have issues with this. This is due to their not understanding what is happening. They fear what is happening in Williamson will happen here.

Stephen Walker – 470 Denton Circle – Fayetteville, Georgia

Mr. Walker said this property has been used for a number of businesses over the years. This is an interested party that wants to bring “wellness and excitement” to the community. They want to bring structure and education to the area about gun control. They will focus on educating. We have to take strong consideration to this for the future because we all need to learn and understand how that is important. When there is discussion about the zoning and where it has been, where it is going, we are not talking about a lot of traffic and a lot of noise. We are talking about education and helping them grow to be better citizens. Please consider this as a positive and move forward with the change.

William V. Rebholz - 3618 Fayetteville Road – Griffin, Georgia

Mr. Rebholz said Griffin needs this facility. He wants to help Mr. and Mrs. Scott the best way he can.

Faith K. Wallace – 3672 Fayetteville Road – Griffin, Georgia

Ms. Wallace said the zoning to commercial is opposed by many of the neighborhood. They are concerned because the area is totally residential. She visited the neighbors adjacent to the property and across the road. The reservoir is to the rear and there are no neighbors there. She is adjacent to Math Field and is concerned about the noise. When there was activity on the property they were bothered by the noise. They could not sleep for the noise. They are concerned about the guns. They did not know it was going to be police only. The walls will have to be as thick as a concrete block without holes. She wants to make certain the walls will prevent the bullets from going through. They have to be sturdy. They are concerned about the traffic. In the evenings they can hardly get out of their driveway for the traffic from Griffin to Fayetteville and from Fayetteville to Griffin. In the mornings too there is a lot of noise. She lives 200 feet off of the road. The current building is not fit to be a public building. She talked with her neighbors personally and discussed their pros and cons. She is afraid of their gun shooting. They do not know what is coming their way. She has submitted a petition with 23 names opposing the gun range. There were six that were for the gun range. She is opposing this rezoning because it is in a residential area.

Chad Jacobs gave the history regarding this application. He noted this application had nothing to do with the outdoor shooting range that has been in controversy with their neighbors. He noted the lack of other commercial properties in this area. The staff recommendation is for denial not because it is a shooting range but because this would be spot zoning.

## **MOTION**

Mr. Slaughter made a motion to deny Application #17-04S due to concerns with the zoning. The motion passed on a second by Ms. McCord with Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion and Mr. Brown voting against.

**Application #17-05S:** Patty Yocum, Owner – Kirby Yocum, Agent – 847 Shoal Creek Road (3 acres located in Land Lot 16 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Kirby Yocum – 821 Shoal Creek Road

Mr. Yocum stated his home is adjacent to the property in the application. They want this application for his sister who is moving here from California and his mother will be living with her. They have looked at the home they want in Byron, Georgia. The home will not look like a trailer. It will have 2 x 6 outer walls, with insulation in the walls on 16" centers, there are 2 x 4's in the inner construction. It is probably built better than a lot on the homes in town and are still being built. We have agreed to put a full size porch on the back of the house and a porch on the front where the gable is and they will also agree to brick the front up to the windows. It seems to be a smart way to build a home and it is really no different other than it is brought in on wheels. These homes are structurally sound. The house will be sitting 500 feet off the road and trees between the house and the road. There is a home just like this right next door to this property. He does not see any problem with this type home and the neighbors he has talked with do not see anything wrong either.

Mr. Jacobs said they have researched a half mile radius of the area and have found that there are 48 parcels. There are 31 single family conventionally constructed homes, 2 manufactured homes and 15 undeveloped parcels. Size of the homes range from between 832 square feet of heated space up to 2700 square feet of heated space. This represents 65% conventionally built homes, 31% undeveloped property and 4% manufactured homes. The numbers are weighted toward conventionally constructed homes and the staff usually recommends denial of this type application.

On question Mr. Yocum addressed the Board again. He said they bring in the house on wheels and it will put on a foundation. They then put in the sheet rock, floor, trim, the bathroom fixtures and the cabinets. Once the house is in place there is two months of work to complete the inside of the home. It is not like the typical trailers. It is not like a double-wide because the inside has to be built-out.

## **MOTION**

Mr. Slaughter made a motion to approve Application #17-05S. The motion passed on a second by Ms. McCord with Mr. Brown, Ms. McCord, and Mr. Mr. Slaughter, voting for the motion and Ms. Williams voting against.

**Application #17-06V:** Ricky Reid, Owner – 1676 Piedmont Road (0.53 acres located in Land Lot 83 of the 2<sup>nd</sup> Land District) – requesting a Variance from minimum front yard setback in the R-1 District.

Ricky Reid – 1676 Piedmont Road

Mr. Reid said this house is 37 years ago and he has been living there 17 years. He has always wanted a porch so when it rains he does not have to go in the house. He is going to retire in three more years and wants to enjoy the porch and his flowers.

Shirley Starks Ali – 1679 Piedmont Road

Ms. Ali said she was attending the meeting for another matter and realized her neighbor had an application. She has lived at this location since 1990. Of the 13 houses in the cluster her home is the only one with a porch until this porch was built. She can speak first hand on being able to



relax and enjoy sitting on her porch without the sun and rain on your head. She requested this application be approved to put a roof on their porch.

Mr. Jacobs said the staff recommendation is for approval.

#### **MOTION**

Ms. Williams made a motion to approve Application #17-06V. The motion passed on a second by Mr. Slaughter with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

#### **RECESS**

A request was made for a brief recess.

#### **MOTION**

Ms. Williams made a motion for a brief recess. The motion passed on a second by Ms. McCord with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

At the end of the recess the Appeals Board reconvened in open session with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams present.

**Application #17-07V:** Nancy W. Wood as Trustee of the William A. Wood, Jr. Trust, Owner – RaceTrac Petroleum, Inc., Agent – East corner at intersection of Zebulon Road (US Highway 19) and Martin Luther King, Jr. Parkway (US Highway 41) (9.16 acres located in Land Lots 119 and 120 of the 2<sup>nd</sup> Land District) – requesting a Variance from Tri County Crossing Overlay development standards and Sign Ordinance total sign area allowed and freestanding sign requirements.

Mr. Galloway said the sign variance portion of this application has been withdrawn. There are six variances that will be needed for this project. The sign portion of the variances will be refiled and addressed separately at a later date. The remaining five variance for this project will be considered with Application #17-07V.

Andy Welch – McDonough, Georgia

Mr. Welch said he is the attorney for RaceTrac Petroleum, Inc. regarding this application. Mr. Welch presented the site plan that has been approved by the Board of Commissioners. He reviewed the plans for the construction of the RaceTrac facility. He noted this is the new modern version of the facilities they are currently building. He reviewed the variances requested for this project. Parking is required in the rear but with a gas station parking will need to be in the front and they need a variance from this requirement. They need an expansion of the parking from 27 spaces to 40 parking spaces. A coffee shop is a part of this facility and they want to have an outdoor patio as a part of that portion of the facility. They are requesting a variance for the outdoor open space so they can have an outdoor patio associate with the coffee shop that does not meet the space requirements of 20% of the overall lot area. The area they are proposing will not be 20% of the overall lot area. They are also requesting a variance in the access control to Highway 19-41. This will have to be approved by Georgia Department of Transportation because they control a lot of the right of way on Highway 19-41. There is a requirement for a 10' wide greenway trail. This is a wooded lot so they are requesting that not be required for this particular parcel. The staff recommendation is for approval of all of the variances.

Michelle Ogletree – 107 Meadovista Drive



Ms. Ogletree said she only recently purchased her home and probably would not have purchased the property had she been aware of the plans for development. Her plans were for this to be her retirement home. She is concerned because her property is adjacent to this 9 acres. She does not know what this will do to her property values. She is concerned about the traffic flow and increased noise. She does not know how many gas stalls they intend to have. She also has environmental concerns in terms of overflow and gas leaks onto her property. Meadovista Drive is currently a quiet street without a lot of traffic and now there will be more traffic with people cutting through on Meadovista Drive to get to this facility. She is opposed for these reasons and her ability to a tranquil setting. She does not know how the lights will impact her. There are already ample gas stations in this area.

Mr. Jacobs said this is the first request that has been received regarding the overlay district. This area was identified as probably the next commercial area for development. They did not want to repeat the same mistakes made in the Highway 19 – 41 development. The staff recommends approval of all five variances.

Mr. Welch addressed the concerns expressed by Ms. Ogletree. The station will be moved closer to the road making it further from Meadovista Drive. There is a dense tree buffer between her property and the site that will not be developed until some future date. There are no current plans for development. There are very strict regulation regarding the in-ground tanks to protect against leakage. This property is already zoned commercial and this development conforms to the zoning. This application does not change any zoning. They were allowed to connect to Meadovista but did not feel this would be in their best interest so they do not plan to make that connection. He cannot address the noise issue. There is no way to know whether there will be an increase in traffic due to the station. There is substantial traffic in this location now.

Further discussion was held and it was noted the zoning allows the gas station and the members cannot deny that use.

### **MOTION**

Ms. Williams made a motion to approve application #17-07V. The motion passed on a second by Mr. Slaughter with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

### **MINUTES**

Ms. Williams made a motion, seconded by Mr. Slaughter, to approve the minutes of the May 11, 2017 meeting. The motion passed with Mr. Brown, Ms. McCord, Mr. Slaughter, and Ms. Williams voting for the motion.

### **ADJOURN**

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

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Ed Brown – Chair

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Yvonne M. Langford - Recorder