

Agenda

Board of Zoning Appeals of Spalding County

Thursday, September 14, 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 #17-10S:** Mark Douglas Christmas and Gina H. Christmas, Owner - 1649 Teamon Road (3.73 acres located in Land Lot 183 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 August 10, 2017 minutes.

D. Other Business:

E. Adjournment



SPALDING COUNTY BOARD OF ZONING APPEALS
Application #17-10S

Requesting Agency

Office of Community Development

Requested Action

Application #17-10S: Mark Douglas Christmas and Gina H. Christmas, Owner - 1649 Teamon Road (3.73 acres located in Land Lot 183 of the 3rd Land District) - requesting a Special Exception to allow a general home occupation in the AR-1 District.

Requirement for Board Action

Article 4. General Procedures - 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 AR-1 district. The proposed home occupation will consist of an event / wedding center. The application indicates the events as non-profit benefits, church events, corporate events, community events and wedding.

Fiscal Impact / Funding Source

STAFF RECOMMENDATION

CONDITIONED APPROVAL AS FOLLOWS:

1. Any portion of the dwelling unit to be used in conjunction with the home occupation must be inspected by the building official and fire marshal prior to issuance of a business license.

ATTACHMENTS:

Description	Upload Date	Type
<input type="checkbox"/> Application #17-10S	8/29/2017	Backup Material

**SPALDING COUNTY
REQUEST FOR SPECIAL EXCEPTION
APPLICATION**

NO. 17-105

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Phone: _____

Contact Person: _____

PROPERTY OWNER INFORMATION

Name: Gina H. Christmas
Mark Christmas
DOUGLAS

Address: 1649 Teamon Rd

City: Griffin

State: GA Zip: 30223

Phone: 678 491 3700

Phone: _____

APPLICANT IS THE:

_____ Owner's Agent X Property Owner _____ Developer

Present Zoning District(s): AR-1

Land District(s): 3rd Land Lot(s): 183 Acreage: 3.73

Address of Property: 1649 Teamon Road Griffin GA 30223

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:

Section 503:0(5) - 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

8/9/2017

Date

OFFICE USE ONLY

Date Received: 8-10-17

Amount of Fee: \$300⁰⁰

Received By: C. McDaniel

Receipt Number: 064162

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

(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 all ordinances will be followed

OFFICE USE ONLY

Date Received: 8-10-17

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.

GINA H CHRISTMAS

Mark D Christmas

Print Name of Owner(s)

Print Name of Agent, If Not Same as Owner

Gina H Christmas
Mark D Christmas

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

8-10-17

Signature of Agent

Title of Authorized Officer or Agent (if applicable)

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

8-10-17
Date

---Notary Seal---

OFFICE USE ONLY

Date Received: *8-10-17*

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.

Statement Describing Special Exception

RE: Christmas Manor Event Center
1649 Teamon Road
Griffin, Georgia 30223

General Description

The purpose of this request for a Special Exception is to host special events at our home on Teamon Road. Our home is approximately 13,000 square feet and is situated approximately 500 feet from the road. The closest dwelling behind our residence is over 600 feet. The area planned for events is secluded by heavily wooded areas on all sides. The largest tract of land that is closest to the area planned for events is owned by family.

Types of Events

- **Non-profit Benefits** – Events where all proceeds go to a non-profit organization serving our community. Our passion is to fight human trafficking, help the homeless and those that are less fortunate.
- **Church Events** – Host youth groups, college age, young adult and other groups from local Churches
- **Corporate Events** – Host corporate events galas, award ceremonies, etc.
- **Community Events** – Host events that build community. For example, we would like to host “Open Mic Nights” designed to help artists in the area to develop their craft and make connections
- **Weddings** – Host small to medium size weddings. We plan to partner with other local businesses to enhance their opportunities through the use of our property

Revenue from the use of the Event Center

The Event Center is not our primary source of income and **would not involve** continual events scheduled for most weekends throughout the year. The goal is to host for-profit events to assist in costs required to maintain the property, residence. We believe that events that we would like to host will boost community through Spalding county.

In the past, we have hosted a small private annual benefit to support various non-profit organizations. By focusing on detail and enlarging the scope we can raise more revenue that will go to benefit these organization.

Lastly, we believe the Christmas Manor Event Center will increase revenues during the time events are held. We believe that events will improve the opportunity for local lodging, dining, catering, event supplies, etc. All of which will augment our local community.

Previous Events

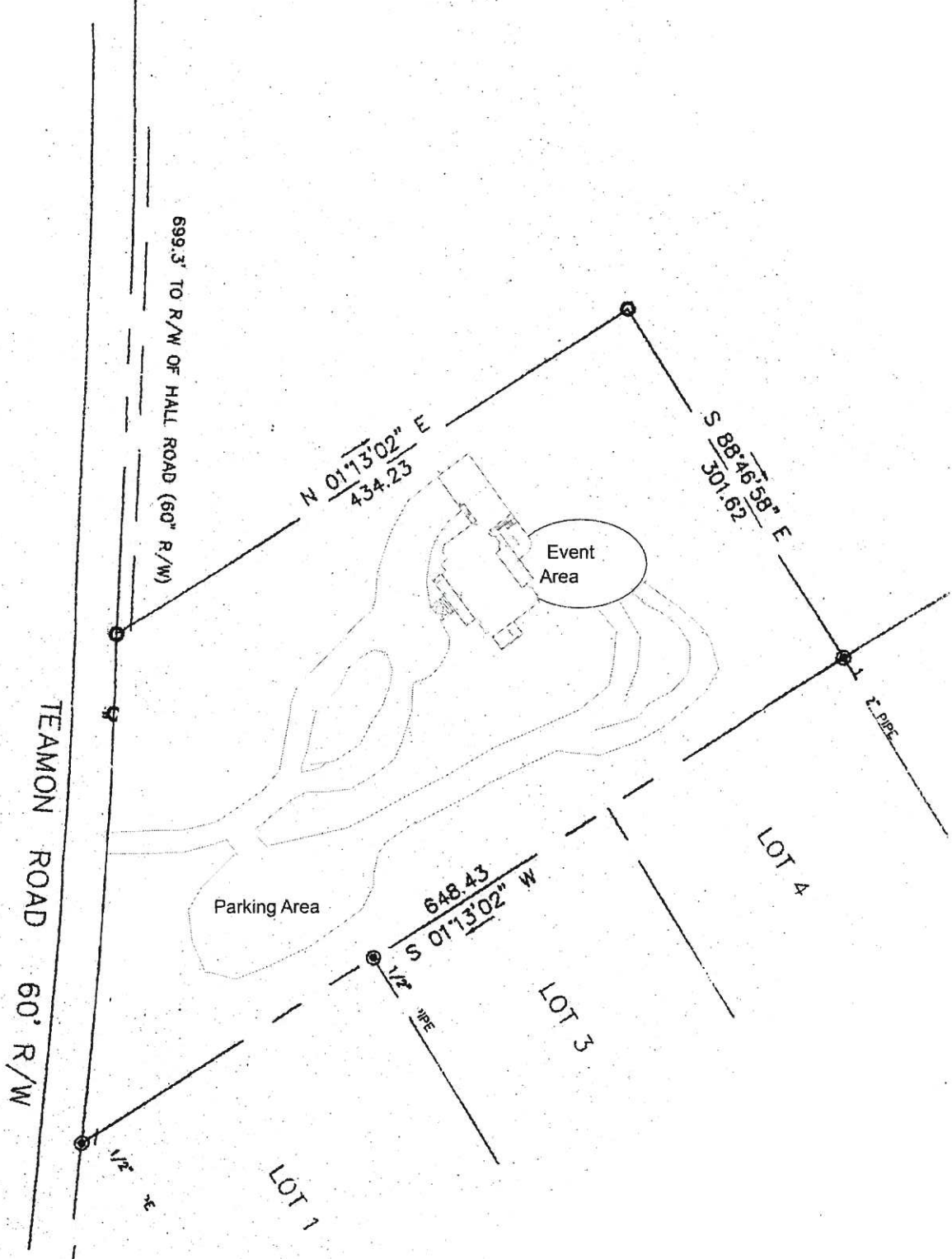
- Until recently we have had no plan to expand events being held at our home. However, in the last two years we have hosted 3 of our daughters' weddings using the space designated for the Christmas Manor Event Center. The largest of these 3 weddings did have 200 guests that were easily accommodated all guests.
- Over the last 4 years we have hosted a small private Christmas Benefit for raising funds for a designated non-profit each year. Through this small annual benefit, we have provided assistance to the Christian Women's Center in Griffin, Out of Darkness and the Atlanta Dream Center. We would like to expand this to generate more assistance for local and state non-profit organizations.

Parking

Currently we do have designated areas where guests can park on the property. As mentioned, we have hosted 200 guests at our daughter's wedding. We did clear an area just beyond our gate to accommodate guests several years ago. Utilizing our designated areas for parking, we easily provide safe parking for all guests. No vehicle is parked on or near Teamon Road.

The property does have a long circular driveway that circles in front of the house. In addition, there are two access drives that were inserted when the house was built to accommodate deliveries, etc. Using all these various accesses there are no issues with cars entering or leaving the property.

General Layout Event Center

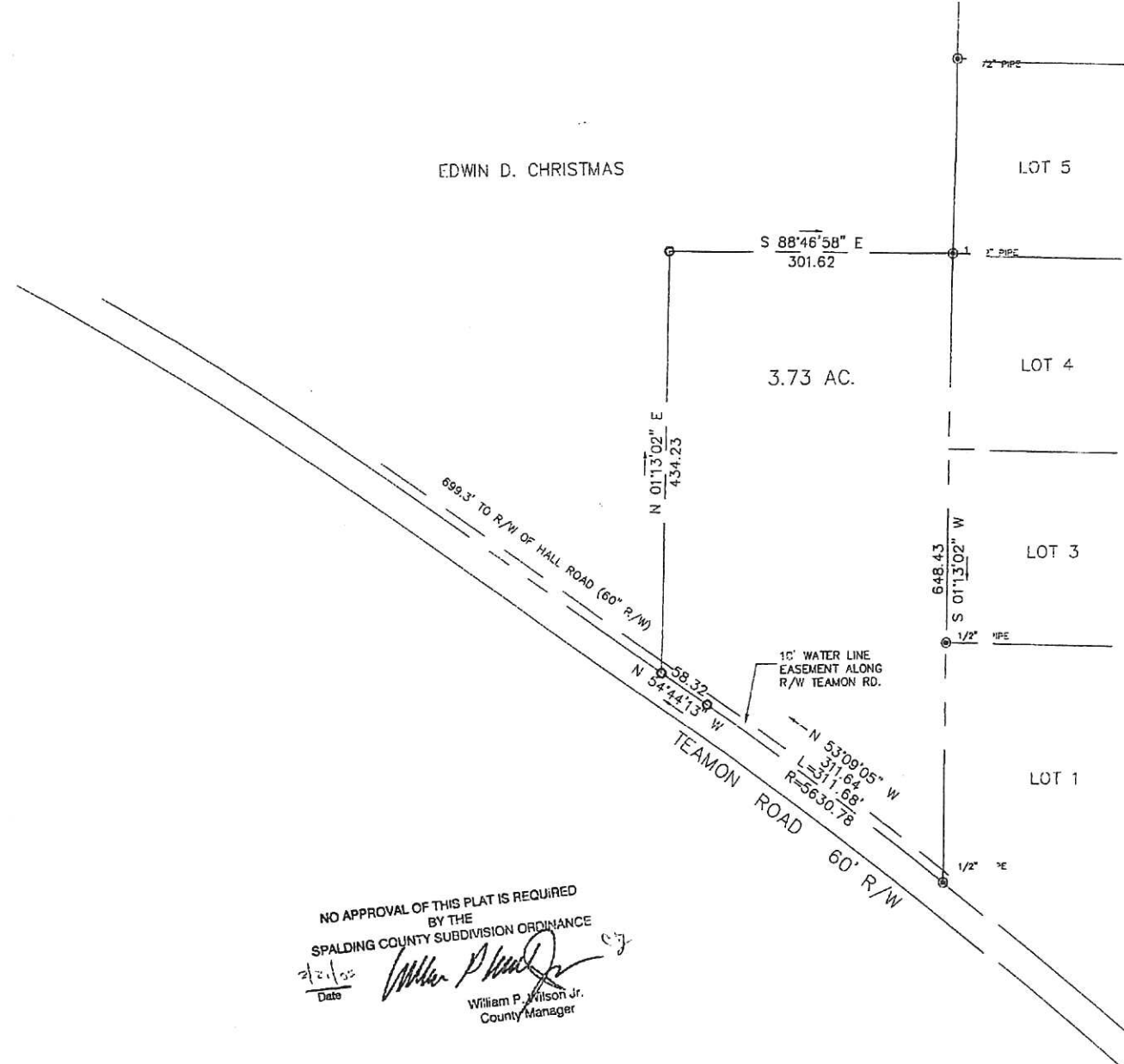


EDWIN D. CHRISTMAS

NOTES:

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

THIS PROPERTY IS NOT SHOWN WITHIN AN IDENTIFIED FLOOD HAZARD AREA AS PER FIRM COMMUNITY PANEL NO. 1303880075B DATED JULY 2, 1991.



REFERENCE: SPALDING COUNTY RECORDS

DEED BOOK 553 PAGE 181
 DEED BOOK 912 PAGE 239
 PLAT BOOK 12 PAGE 296
 PLAT BOOK 9 PAGE 216

NO APPROVAL OF THIS PLAT IS REQUIRED BY THE SPALDING COUNTY SUBDIVISION ORDINANCE
 Date: 2/21/05
 Signature: William P. Wilson Jr.
 County Manager

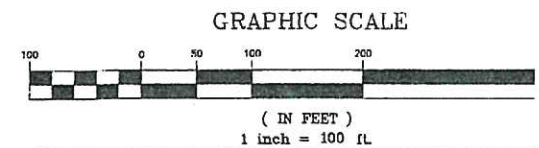
LEGEND

PROPERTY LINE	_____
CENTERLINE	_____
CONC MARKER FOUND	□
IRON MARKER FOUND	⊙
1/2" REBAR SET	○
FENCE	— x — x —
POWER LINE	— P — P —
POWER POLE	⊕



2/11/05
 THIS COPY IS NOT VALID AND IS NOT TO BE RECORDED UNLESS THE SIGNATURE ABOVE IS ORIGINAL AND IN BLACK INK. OCGA 15-6-67.

CERTIFICATION
 The field data upon which this plat is based has a closure precision of one foot in 10,000 feet and an angular error of N/A per angle point and was adjusted using the N/A rule.
 This plat has been calculated for closure and is found to be accurate within one foot in 100,000 feet. The linear and angular measurements shown on this plat were obtained using a TOPCON AP-L1A ROBOTIC.



SURVEY FOR MARK CHRISTMAS

IN LAND LOT 183 ORIGINAL HENRY NOW SPALDING COUNTY THIRD

SCANLON ENGINEERING SERVICES, INC.
 134 S. Hill St.
 Griffin, Georgia 30224
 (678) 967-2051 Fax (678) 967-2053

SCALE: 1"
 DATE: FEB
 DWG NO: R050290

2-21-05 4:30pm 24

Marie J. Norris, Clerk

Recorded Feb. 21, 2005

RETURN TO:
Kenneth D. Putan, P.C.
2250 Satellite Blvd., Suite 255
Duluth, GA 30097

Real Estate Transfer Tax
Paid \$ 0
Date 7-18-05
PT - 61 126-2005-2292
Marcia L. Norris
Clerk of Superior Court, Spalding Co., Ga.

FILED & RECORDED
CLERK, SUPERIOR COURT
SPALDING COUNTY, GA.
'05 JUL 18 AM 10 40
Marcia L. Norris
MARCIA L. NORRIS, CLERK

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

STATE OF GEORGIA,
COUNTY OF GWINNETT

This Indenture made this 12th day of July, in the year Two Thousand Five, between MARK DOUGLAS CHRISTMAS, of the County of SPALDING, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and MARK DOUGLAS CHRISTMAS and GINA H. CHRISTMAS as joint tenants with right of 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 LOT, TRACT OR PARCEL OF LAND SITUATE, LYING AND BEING IN LAND LOT 183 OF THE THIRD LAND DISTRICT OR ORIGINALLY HENRY, NOW SPALDING COUNTY, GEORGIA AND BEING SHOWN AND DESIGNATED AS "3.73 ACRES" ON PLAT OF SURVEY ENTITLED "SURVEY FOR MARK CHRISTMAS" DATED FEBRUARY 15, 2005, PREPARED BY SCANLON ENGINEERING SERVICES, INC. AND RECORDED AT PLAT BOOK 24, PAGE 780, SPALDING COUNTY SUPERIOR COURT RECORDS, WHICH SAID PLAT WITH THE METES, BOUNDS, COURSES AND DISTANCES AS SHOWN THEREON IS INCORPORATED HEREIN AND MADE A PART OF THIS INSTRUMENT.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises and ad valorem taxes for 2004 and subsequent years.

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 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.

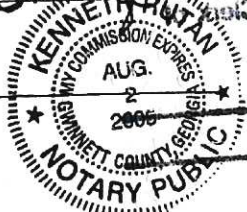
THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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, sealed and delivered in the presence of:
Raymond Putan (Seal)
Witness
Mark Douglas Christmas (Seal)
MARK DOUGLAS CHRISTMAS

Notary Public
My commission expires:
Book 2725 Page 240 (Seal)
2006

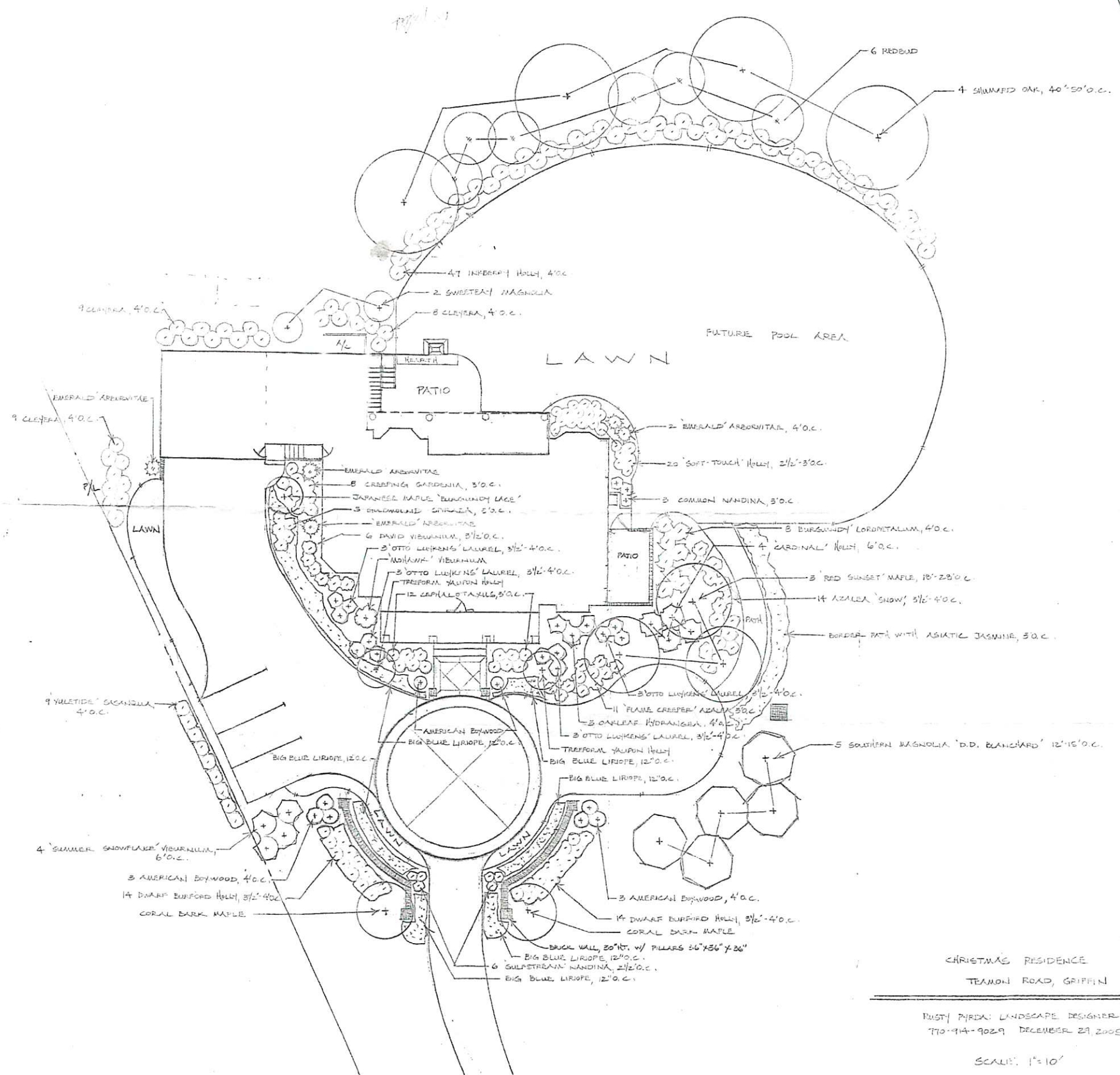


DEPUTY CLERK, SPALDING SUPERIOR COURT
MARCIA L. NORRIS, CLERK OF SUPERIOR COURT
SPALDING COUNTY, GEORGIA

All that tract or parcel of land lying and being in Land Lot 183 of the 3rd District, Originally Henry, now Spalding County, Georgia, and being more particularly described as follows:

BEGINNING at a point which is 699.3 feet southeasterly from the intersection of the northeasterly right-of-way of Teamon Road (60' R/W) and the easterly right-of-way of Hall Road (60' R/W); thence leaving said right-of-way North 01°13'02" East, a distance of 434.23 feet to a point; thence South 88°46'58" East, a distance of 301.62 feet to a 1" pipe found; thence South 01°13'02" West, a distance of 648.43 feet to a 1/2" pipe found on the northeasterly right-of-way of Teamon Road; thence along said right-of-way 311.68 feet along a curve to the left, said curve having a chord of North 53°09'05" West a distance of 311.64 feet and a radius of 5630.78 feet to a point; thence continuing along said right-of-way North 54°44'13" West, a distance of 58.32 feet to a point, being the POINT OF BEGINNING.

Said parcel contains 3.73 acres of land.



CHRISTMAS RESIDENCE
 TEAMON ROAD, GRIFFIN

RUSTY PYREX, LANDSCAPE DESIGNER
 770-914-9029, DECEMBER 29, 2005

SCALE: 1"=10'

S P A L D I N G C O U N T Y
B O A R D O F A P P E A L S

DATE: September 14, 2017

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

FROM: Department of Community Development

RE: Special Exception Application 17-10S

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 1649 Teamon Road; Land Lot 183 of the 3rd Land District of Spalding County. Property consists of 3.73 +/- acres.

Current owner:

Gina H. & Mark Christmas
1649 Teamon Road
Griffin, Georgia 30223

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 an event / wedding center. The application indicates the events as non-profit benefits, church events, corporate events, community events and weddings.

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 provided that the use remains incidental and subordinate to the residential use. The owner verified that they approximate only 6 events a year.

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. Pursuant to the tax accessor the subject dwelling is 7,040 heated square feet and 3,092 square feet of unfinished area for a total of 10,132. 25% of the total square footage of the dwelling unit is 2,533.

Photos



View of subject property from Teamon Road.

Staff Recommendations:

Staff recommends **CONDITIONAL 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.

Staff recommends the following condition(s):

1. Any portion of the dwelling unit to be used in conjunction with the home occupation must be inspected by the building official and fire marshal prior to issuance of a business license.



SPALDING COUNTY BOARD OF ZONING APPEALS
Approval of August 10, 2017 Minutes

Requesting Agency

Office of Community Development

Requested Action

Consider approval of August 10, 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 08-10-17 Minutes	8/29/2017	Backup Material

SPALDING COUNTY APPEALS BOARD
Regular Meeting
August 10, 2017

The Spalding County Appeals Board held its regular monthly meeting on August 10, 2017 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Ed Brown, Chair, presiding; Patricia McCord; and Bill Slaughter. Curtis Keys and Tangela Williams were not present.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson 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 #17-09V: Nancy W. Wood as Trustee of the William A. Wood, Jr. Trust, Owner – RaceTrac Petroleum, Inc., Agent – East corner at intersection of Zebulon Road (U.S. Hwy. 19) and Martin Luther King Jr. Parkway (U.S. Hwy. 41) (9.16 acres located in Land Lot(s) 119 & 120 of the 2nd Land District) – requesting a Variance from Sign Ordinance total sign area allowed and freestanding sign requirements.

Warren Tillery - Smith, Welch, Webb & White, 2200 Keys Ferry Court, McDonough, Georgia
Mr. Tillery represents the above owner/applicant, Nancy W. Wood, Trustee/RaceTrac Petroleum, Inc. in their request to vary from the Spalding County Sign Ordinance for total sign area allowed and freestanding sign requirements. Currently, 200 sf of signage is allowed and 672 sf of billboard signage. They desire 500 sf of signage and two freestanding monument signs, which would comply with the 500 maximum square footage. He understands this request to vary needs approval and he requests same tonight. The two freestanding signs would be at entrances at the corner of Highway 19 and this property and again at Highway 41 and this property. He offered to answer specific questions the Board may have.

Michael Mullen, rep of RaceTrac, 200 Galleria Parkway, Atlanta, Georgia
He reiterated that RaceTrac is seeking a variance for two freestanding signs as noted for monument signs. He answered that yes, these monument signs would be similar to those on the north side of town at Malier Road.

Michelle Ogletree – 107 Meadovista Drive, Griffin, Georgia
Ms. Ogletree came to hear this request to vary from signage requirements. Her property is adjacent to the proposed site. She was worried they might have very tall signs on very large metal pole that are brightly illuminated and intrusive to her yard.

Mr. Mullen and Mr. Tillery addressed the application. Mr. Mullen said typically these signs are not as brightly lit as many think and they take this type scenario into consideration. There can be different variations. Anything on Zebulon Road would be around 15 feet and on Highway 19, a 24 foot height. Mr. Jacobs noted the County allowed 24 feet, but their application packet specifies 7' poles. The applicant is willing to address billboard type signage to not allow billboards on this particular side of the road in order to accommodate concerns. Due to the nature

of this property, they are trying to cover the distance of the two corners. Staff recommends approval with the condition that at the time of permits, deed restrictions can be imposed that are consistent with what the applicant had already placed in the application.

MOTION

Mr. Slaughter made a motion, seconded by Ms. McCord, to approve with conditions as stated. The motion passed with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

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

Terry Dunn – 208 Sylvan Lane, Griffin, Georgia

Mr. Dunn began by showing a 1955 Soil Conservation map depicting the Math Fields property, courtesy of Cindy Martin, Griffin-Spalding County Archivist, which shows a working commercial sawmill and no reservoir at that time. There were also no houses in the immediate area, having been built later. Even after working with Chad Jacobs, Spalding County Community Development Director, there is no record of who requested the rezoning, the date it was enacted, or the requesting authority, all of which contributed to problems with this odd-shaped property that is proving difficult to sell. Mr. Dunn repeated the history of the property beginning with his grandfather clearing the land in 1938. His grandfather sold approximately 45 acres to the City of Griffin for construction of Head's Creek Reservoir in 1961 for the good of the community. Mr. Dunn has a deeded easement for access to the land. Math Fields has been home to Dunn's Sawmill, Dunn's Tree Service, Math Fields Softball Complex, Math Fields Event Center and Rachel's Restaurant.

He disputed the contention that the proposed training center and indoor gun range could have an adverse effect on the neighborhood, noting the positive support of 93 of the 96 neighboring residents with whom he spoke. He has provided a copy of that petition to the Board. He reiterated that 21 of the 24 persons who signed the petition opposing the application had now signed his petition of support. The original organizer of the petition opposing stated to residents that the range would be an outdoor one. He also felt that having law enforcement officers on the property frequently would make the property very safe. With professional GBI agents and gun safety instructors, the use of firearms could be learned safely and securely.

Also, with the closely monitored noise levels and soundproofing, the noise levels outside should be less than when the event center was operational. He referenced the map showing the American Heritage indoor gun range in McDonough and the surrounding residential neighborhood, noting there is currently new residential construction going in across the road from the facility, so noise levels are not problematic with that center. He and his wife recently revisited that range and sat outside for quite some time, hearing only the noises from the construction site across the street but not from the gun range.

The City of Griffin's Public Works Director, Dr. Brant Keller, cites no concerns on behalf of the City or EPS with this project. The report from Chad Jacobs indicates there should be no depreciation of neighborhood values due to the proposed facility. He took issue with Mr. Jacobs' report that the proposed use could adversely affect existing uses surrounding the property. The signed petition of neighbors indicates otherwise, and he noted the sound, lead and fumes from the indoor shooting range will be self-contained. The property is now zoned commercial on the

Future Land Use Map (FLUM) as directed by the Spalding County Board of Commissioners. It is situated well off the highway and secluded from surrounding neighborhoods. There should be less traffic, as well as less noise, than when the facility was an event center.

As for the Community Development Director's report stating the proposal is inconsistent with the current zoning and FLUM, to consider the current zoning, the Board would have to proceed as if the property had a commercial classification because without approval of the proper zoning, the special exception cannot be considered at all. Therefore, he contended this should not be a concern of this Board at all. This land has been utilized as non-residential since 1938 and proven to be so since 1955.

The Community Development Director's report states the reason to recommend denial is because Section 413:G is not satisfied, but Mr. Dunn felt they had all been satisfactorily addressed. At the June 22 meeting of the Spalding County Board of Commissioners, they charged Mr. Jacobs with reviewing the request and coming up with conditions for approval. He had great concerns these instructions either have not been properly communicated or are not being carried out per direction of the Board. At the July 25 Planning Commissioner meeting, they did not consider the property was zoned commercial on the FLUM and cited spot zoning as a reason for denial. He was confused by Mr. Jacobs' claim that the conditions that were requested and provided changed the scope of the request. This is admittedly a very unusual application, but those conditions are enforceable in his opinion. The property is now zoned commercial on the FLUM and that, along with the conditions that Alex Scott has offered should solve the stated problems with this application without anyone being deprived of their safety and use of their properties. Conditions are allowed per the Ordinance, and according to County Zoning Attorney Steven Jones, they are enforceable. Mr. Jacobs appears to have problems with following the sale of the property and with the perceived necessity of sound decibel monitoring, along with the reversion condition that would make that task difficult for his department. The facility in McDonough proves there is no need for noise monitoring. The reversion condition would follow the property the same and they do not, so having to follow the sale of the property would not be needed. If anyone wanted to buy the property for other uses, they would have to go through this same process.

Mr. Dunn encouraged the Board of Appeals to consider only the things with which they bear responsibility, namely that the property should be considered commercial as it now officially is shown on the FLUM, that the stated issues have been satisfactorily addressed, and that it complies with Spalding County Ordinances. It is not detrimental to adjacent property or the general neighborhood. There will be no adverse effects on the health and safety of citizens, as all noise, lead and fumes will be safely contained inside the facility. The reservoir cites no concerns, nor did surrounding residents on the petition that was submitted.

As previously noted, there are no depreciating effects or damages that will come as a result of approving this use, and it does not affect the existing uses of other residents or the reservoir. It meets all the requirements in the Ordinance of which Mr. Dunn is aware. Finally, to consider things outside the scope of these parameters is not serving the best interest of the community. He concluded he should have the right to sell his property as long as he had demonstrated successfully that no one else will be deprived or have the safety or use of their property adversely affected.

Marie Clark – 3255 Fayetteville Road, Griffin, Georgia

Her property is situated right across the road from Math Fields. Other neighbors who also opposed the proposed gun range have not been able to attend because of ill health and other issues. Her husband Clay, died in February and was retired Georgia State Patrol, and the property been in her family for decades. Noise is not an issue for her, but Highway 92 is highly traveled and sight distance is a great concern. Law enforcement has a shooting range available at Shoal Creek, so there is no need for this one. She urged the Board to recommend denial.

Faith Wallace – 3672 Fayetteville Road, Griffin, Georgia

Ms. Wallace presented a map of Dorian Estates subdivision with over 50 homes in the area. She told them when circulating the petition opposing the shooting range that noise would be a problem, but she was unsure it would be only an indoor gun range. She said the users of the gun range would not hurt anyone but she worried about folks with guns who might get mad. This was scary for her. She does not want to see a gun range in her back yard. Traffic is a problem already, and this is spot zoning for sure. She wondered if property values would, in fact, decrease. We are already plagued with terrorists, and this just might encourage that behavior.

Alex Scott – 109 Cedar Point, Peachtree City, Georgia

The five meetings to date on this application have made for a long journey so far. All these Boards have heard a lot of history. He wondered if this meeting was more about the issue with Full Blown Firearms and not with this specific application, which is an entirely different circumstance. He and Mr. Dunn have chosen to address all issues that were brought up and they deliberately chose to add the conditions because they felt it would make it better. Their goal is to run a good business and be part of the community. Each condition addressed specific issues and demonstrated a test of good faith. The Board of Commissioners changed the land use map and identified it as commercial. They asked to bring conditions back, and he was here to discuss that. They are trying to be transparent and he offered to answer any questions. They started this process a year ago and have been very up front. There are two sides of the zoning issues. Folks do hunt on Math Field and they affirm they will not allow outside shooting on their property. They have tried to establish open communications with Community Development; they will work to quickly resolve issues. They have worked to fix issues anytime they have been raised. As for the issue with reversion, this was a good faith point they put in just in case they go out of business. He asked for this Board's approval. As a law enforcement officer in this community, he has routine occasion to swear, and he asks they take his word if the stated conditions are not enough.

Zoning Attorney Newton Galloway said we are coming back after the hearing in June where we issued a recommendation of denial at that time. All hearings have been necessary out of an abundance of caution. The Board of Commissioners made the decision to approve the future land use map but that doesn't rezone property. That simply identifies the direction of land use in any given area.

Mr. Jacobs said the June 22, 2017 Board of Commissioners hearing, the applicant proposed a series of conditions for approval. The Board agreed to consider the conditions but since they change the scope of the request of the applicant, it was recommended by the County Zoning Attorney to send the applications back through the Board of Appeals for an updated recommendation before proceeding again to the Board of Commissioners in August. The staff recommendation to deny has not changed in light of the proposed applicant conditions because the request does not satisfy all of Section 413:G.

Mr. Galloway noted this was significantly different from that of Full Blown Firearms. Mr. Jacobs agreed and said the fact that it is an indoor range was not heavily weighted in Staff's recommendation. Their position dealt strictly with land use.

Mr. Galloway said they must ask two questions: 1) Does the change in FLUM make a significant difference, and does the presentation of conditions change the Board of Appeals' recommendation or not. If they do, the decision would be to approve. If not, the recommendation would be to deny. There are basically three decisions and this is part of one of them. To have an indoor range approved for this property, the Board of Commissioners needed to approve the FLUM change to allow, and that has been done; 2) the Board of Commissioners has to grant the rezoning request to allow rezoning of the property to Highway Commercial, C-1; and 3) the Board of Commissioners has to determine that allowing an indoor shooting range as a Special Exception at this location is acceptable.

Mr. Galloway stated it would be defensible for the Board of Commissioners to rezone the property with the consequence they have in mind for other uses. It also would be defensible to not allow the Special Exception. This Board of Appeals, however, is tasked tonight with a recommendation as to the Special Exception.

MOTION

Mr. Brown moved to approve the application as presented, along with the conditions presented by applicant. Ms. McCord seconded the motion. The motion passed with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

This recommendation to approve with conditions will go to the Board of Commissioners on August 24, 2017, at 6 pm here in the City Courtroom.

MINUTES

The minutes of the July 13, 2017 meeting were approved on a motion by Mr. Slaughter and a second by Ms. McCord with Mr. Brown, Ms. McCord and Mr. Slaughter voting for the motion.

ADJOURN

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

Ed Brown – Chair

Teresa Watson - Recorder