

# Agenda

## Board of Commissioners of Spalding County

### Zoning Public Hearing

October 22, 2020

6:00 PM

119 E. Solomon Street, Room 108

**A. Opening (Call to Order)**

**PLEASE SILENCE YOUR CELL PHONES AND ALL OTHER ELECTRONIC DEVICES.**

**B. Invocation**

**C. Pledge to Flag**

**Public Hearings**

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 as they relate to matters being considered by the Board of Commissioners on this Agenda. 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.

**D. New Business**

1. **Application #20-18S:** Congregational Holiness Church, Owner - Anna York, Agent - 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4th Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the development standards in the AR-1 & R-2 District.
2. **Application #20-19S:** First Assembly of God, Griffin, Ga., Inc, Owner - Cheryl Fields, Agent - 2000 West McIntosh Road (92.043 acres located in Land Lot(s) 66, 67, 94 & 95 of the 3rd Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District.
3. **Amendment to UDO #A-20-08P:** Article 2. Definitions of Terms Used – Section 202:BBB – amend definition; Article 5. AR-1 – Section 503:B(20), Article 6. AR-2 – Section 603:B(14), Article 7. R-1 – Section 703:B(5), Article 7A. R-1A – Section 703A:B(5), Article 8. R-2 – Section 803:B(5), Article 8A. R-2A – Section 803A:B(4), Article 10. R-4 – Section 1003:B(5) and Article 11. R-5 – Section 1103:B(4) – amend personal care home requirements.

**E. Other Business:**

**F. Closed Meeting**

**G. Adjournment**



## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-18S

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### Requesting Agency

Office of Community Development

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### Requested Action

**Application #20-18S:** Congregational Holiness Church, Owner - Anna York, Agent - 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4th Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the development standards in the AR-1 & R-2 District.

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### Requirement for Board Action

Article 4. Section 413.

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### Is this Item Goal Related?

No

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### Summary and Background

The applicant has requested to construct a single-family residential to serve as a parsonage for a retired minister or minister's windowed spouse. This is a permitted use with a Special Exception permit, per Sec. 503.B.

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### Fiscal Impact / Funding Source

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### STAFF RECOMMENDATION

**CONDITIONAL APPROVAL** as follows:

1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.

**BOARD OF APPEALS RECOMMENDS: CONDITIONAL APPROVAL AS STATED ABOVE.**

### ATTACHMENTS:

| Description                                   | Upload Date | Type            |
|---|-------------|-----------------|
| <input type="checkbox"/> Application #20-18S  | 10/2/2020   | Backup Material |
| <input type="checkbox"/> Minutes 10-08-20 BOA | 10/15/2020  | Backup Material |



REQUEST FOR SPECIAL EXCEPTION  
APPLICATION NO. 20-185

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Anna York

Address: Same

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

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

Phone: 404-617-7207 (cell)

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

PROPERTY OWNER INFORMATION

Name: Congregational Holiness Church

Address: 3888 Fayetteville Hwy.

City: Griffin

State: GA Zip: 30223

Phone: 770-228-4833 (office)

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

**APPLICANT IS THE:**

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

☒ Property Owner

\_\_\_\_\_ Developer

Present Zoning District(s): R-2 + AR-1

Land District(s): 4th Land Lot(s): 81 Acreage: 32.68 ±

Address of Property: 47 Mission Circle

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:

We want to add a home to the property on the circle.  
Section 503: B(1) - additional parsonage

Zoned R-2 + AR-1

**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):

Anna York  
Agent/Developer

L Wayne Hicks  
Property Owner

9-3-2020  
Date

9-3-2020  
Date

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**OFFICE USE ONLY**

Date Received: 9-3-20

Amount of Fee: \$300.00

Received By: Cynthia L. McDaniel

Receipt Number: 043880

**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. Adjacent properties would not be affected.

(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: 9-3-20

Received By: Cynthia L. 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.

L Wayne Hicks  
Print Name of Owner(s)

Anna York  
Print Name of Agent, If Not Same as Owner

L Wayne Hicks  
Signature of Owner(s) \_\_\_\_\_ Date \_\_\_\_\_  
or Signature of Authorized Officer or Agent  
(if applicable)

Anna York  
Signature of Agent

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

Matthew Ryan Turner  
Signature of Notary Public

9-3-2020

-- -Notary Seal-- -



**OFFICE USE ONLY**

Date Received: 9-3-20

Received By: Cynthia L. McDonnell

## **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:**      \$ 300.00

**Variance:**      \$ 300.00

**Special Exception:**      \$ 500.00

**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 - \$750.00**

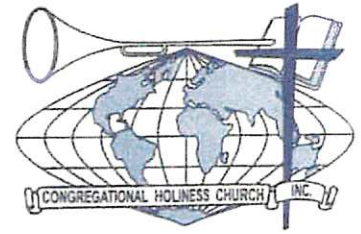
**B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and**

**C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.**



# Congregational Holiness Church, Inc.

## INTERNATIONAL HEADQUARTERS



Telephone  
Office (770) 228-4833  
Fax (770) 228-1177  
1-800-633-0877  
E-mail: [headquarters@chchurch.com](mailto:headquarters@chchurch.com)

3888 FAYETTEVILLE HWY.  
GRIFFIN, GEORGIA 30223

September 3, 2020

To Whom It May Concern,

The Congregational Holiness Church is asking for a special exception to add a 1200 sq ft, two bedroom, two bath home to Mission Circle. This home will be for the widow of our deceased pastor. Mission Circle is a private road maintained by the church.

Sincerely,

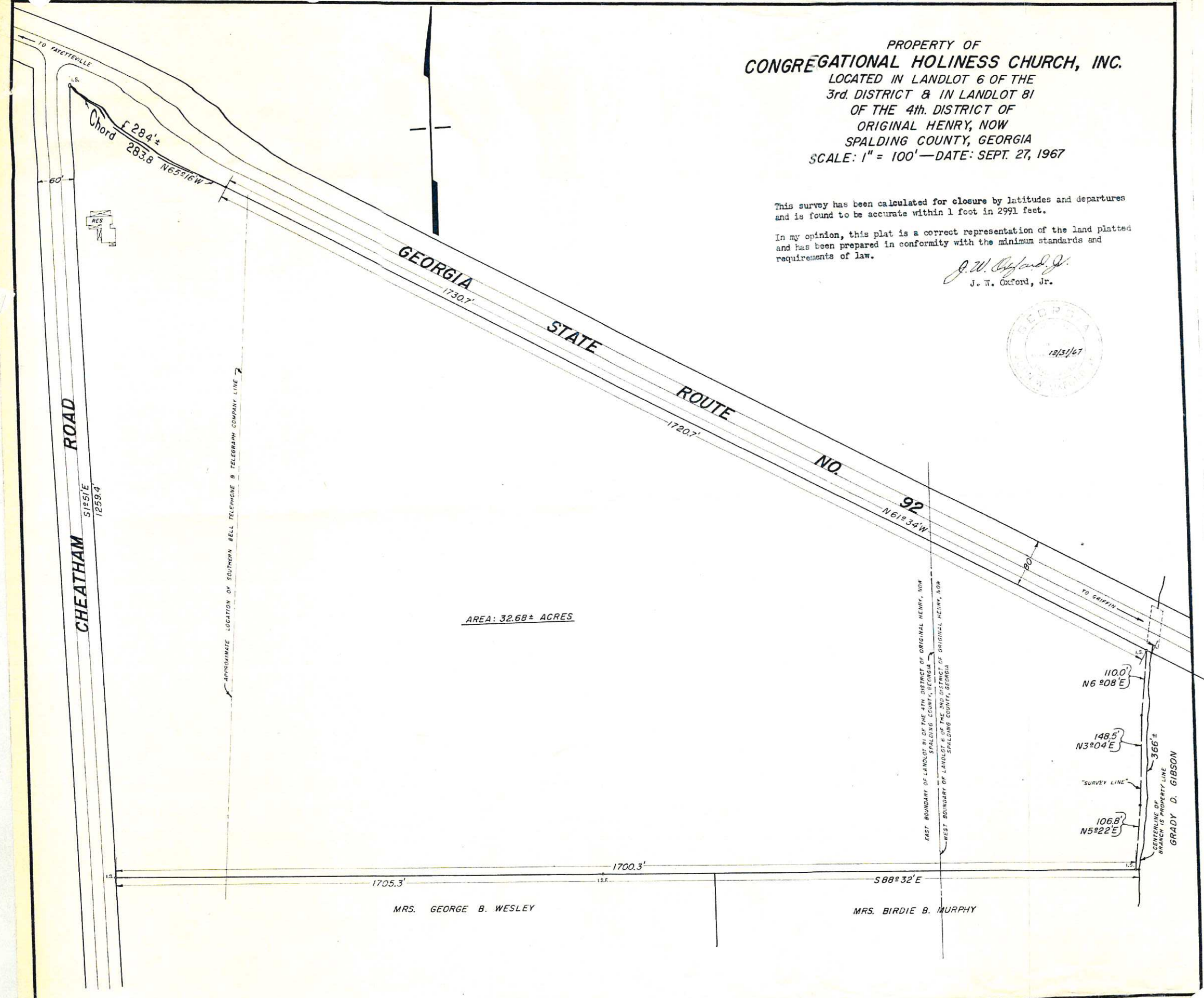
*L. Wayne Hicks*

L. Wayne Hicks  
General Superintendent

PROPERTY OF  
**CONGREGATIONAL HOLINESS CHURCH, INC.**  
LOCATED IN LANDLOT 6 OF THE  
3rd DISTRICT & IN LANDLOT 81  
OF THE 4th DISTRICT OF  
ORIGINAL HENRY, NOW  
SPALDING COUNTY, GEORGIA  
SCALE: 1" = 100' — DATE: SEPT. 27, 1967

This survey has been calculated for closure by latitudes and departures  
and is found to be accurate within 1 foot in 2991 feet.  
In my opinion, this plat is a correct representation of the land platted  
and has been prepared in conformity with the minimum standards and  
requirements of law.

*J. W. Oxford, Jr.*  
J. W. Oxford, Jr.





## State of Georgia SPALDING County.

THIS INDENTURE, Made the 15th day of April 1964, in the year of our Lord One Thousand Nine Hundred and Sixty-four between \_\_\_\_\_

TERRY CREWS

and

B. B. BLALOCK

\_\_\_\_\_ of the County of \_\_\_\_\_ of the State of \_\_\_\_\_ of the FIRST PART, and the \_\_\_\_\_ CONGREGATIONAL HOLINESS CHURCH, by and through B. B. BLALOCK, HOYT FAIR and \_\_\_\_\_ WAITON BRACK, its General Trustees and their successors, \_\_\_\_\_ Spalding \_\_\_\_\_ and \_\_\_\_\_ of the County of \_\_\_\_\_ of the SECOND PART:

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the sum of One & No/100 Dollars and assumption of indebtedness hereinafter set out,

Do hereby in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents, do grant, bargain, sell, alien, convey and confirm unto the said party of the SECOND PART, ~~heirs and assigns~~, all the following described property, to-wit:

All that tract or parcel of land situate, lying and being in Land Lot Eighty-one (81), of the Fourth Land District of originally Henry, now Spalding County, Georgia, containing Forty (40) acres of land, more or less, and being bounded as follows: North by the Fayetteville-Griffin Highway (Georgia State Route No. 92); East by the center line of a branch, across which lies property owned by Grady Gibson; South by land owned by Guy Wesley and by land owned by Mrs. Birdie Murphy; and West by an unpaved road known as the "Cheatham Road".

Located on said tract is one five room dwelling, together with outbuildings.

The property herein conveyed is that portion of property constituting the homeplace of David E. Ellis and lying south of the new Griffin-Fayetteville Highway, for many years.

NOTE: It is expressly understood and agreed in the execution, delivery and acceptance of this instrument that the conveyance of the above described property is made subject to a security deed from the Grantors herein to David E. Ellis dated April 15, 1964, securing an indebtedness in the amount of \$9440.00, and the Grantee herein hereby assumes and agrees to pay said indebtedness in strict accordance with the terms of the note evidencing, and the security deed securing, said indebtedness.



TO HAVE AND TO HOLD the said above granted and described property with all and singular the rights, members and appurtenances thereunto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART ~~their successors, administrators, and assigns, in FEE SIMPLE; and the said party of the FIRST PART the said bargained property above described unto the said party of the SECOND PART their heirs, executors, administrators, and assigns, against the said party of the FIRST PART their heirs, executors, administrators, and assigns, and against all and every other person or persons, shall and will and do hereby warrant and forever defend by virtue of these presents,~~

IN WITNESS WHEREOF, The said party of the FIRST PART have hereunto set ~~their~~ hand, affixed ~~their~~ seal, and delivered these presents, the day and year above written.

Signed, sealed and delivered in presence of us, the day and year above written.

*John R. Hunsley*  
Notary Public, Spalding County,  
Georgia

*B. B. B. B. B.* (SEAL)

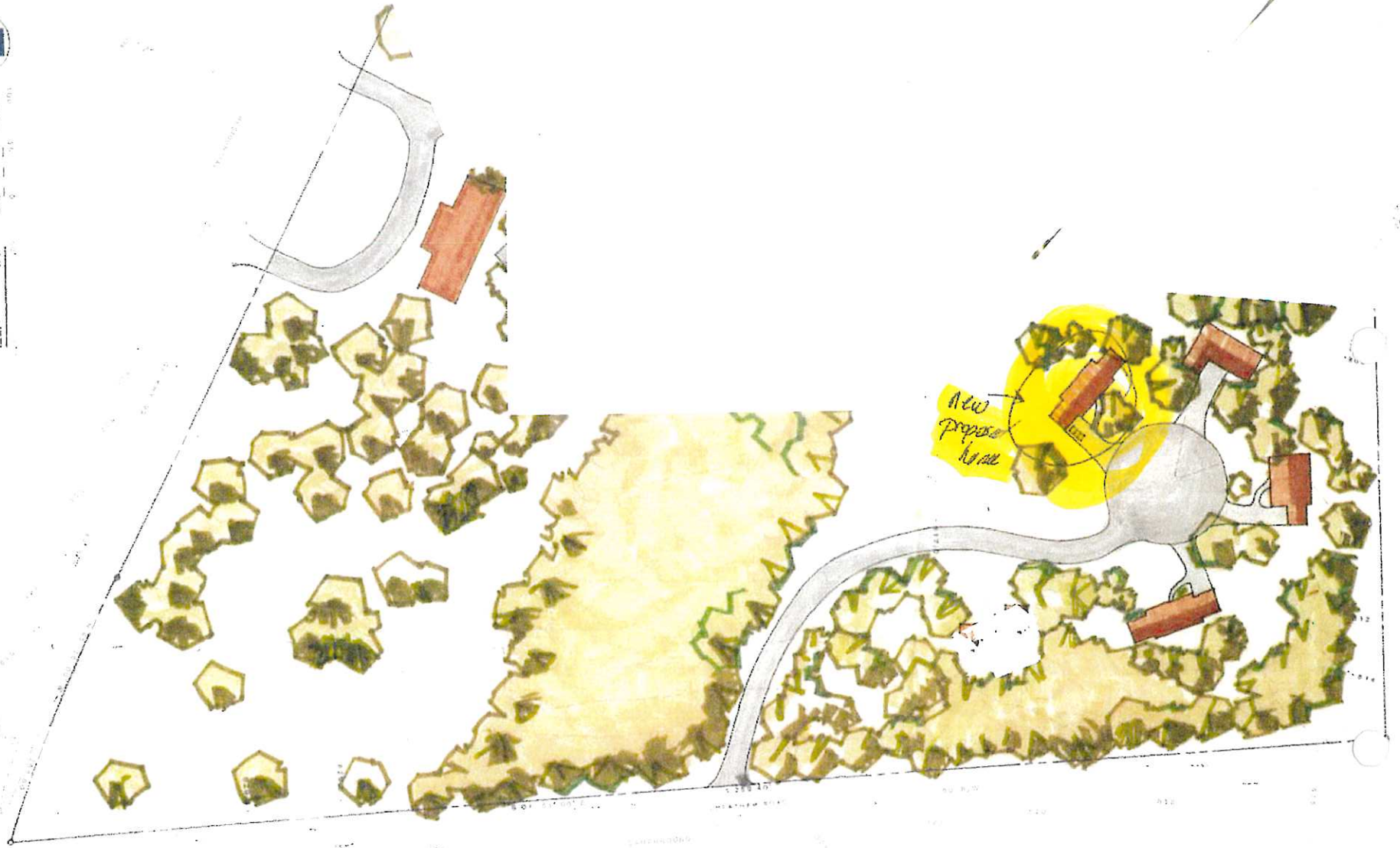
*Harry C. C.* (SEAL)

(SEAL)

Recorded APR 15 1964 *W. S. Lindsey* Clerk



SCALE: 1"=50'



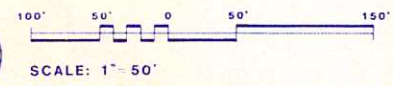
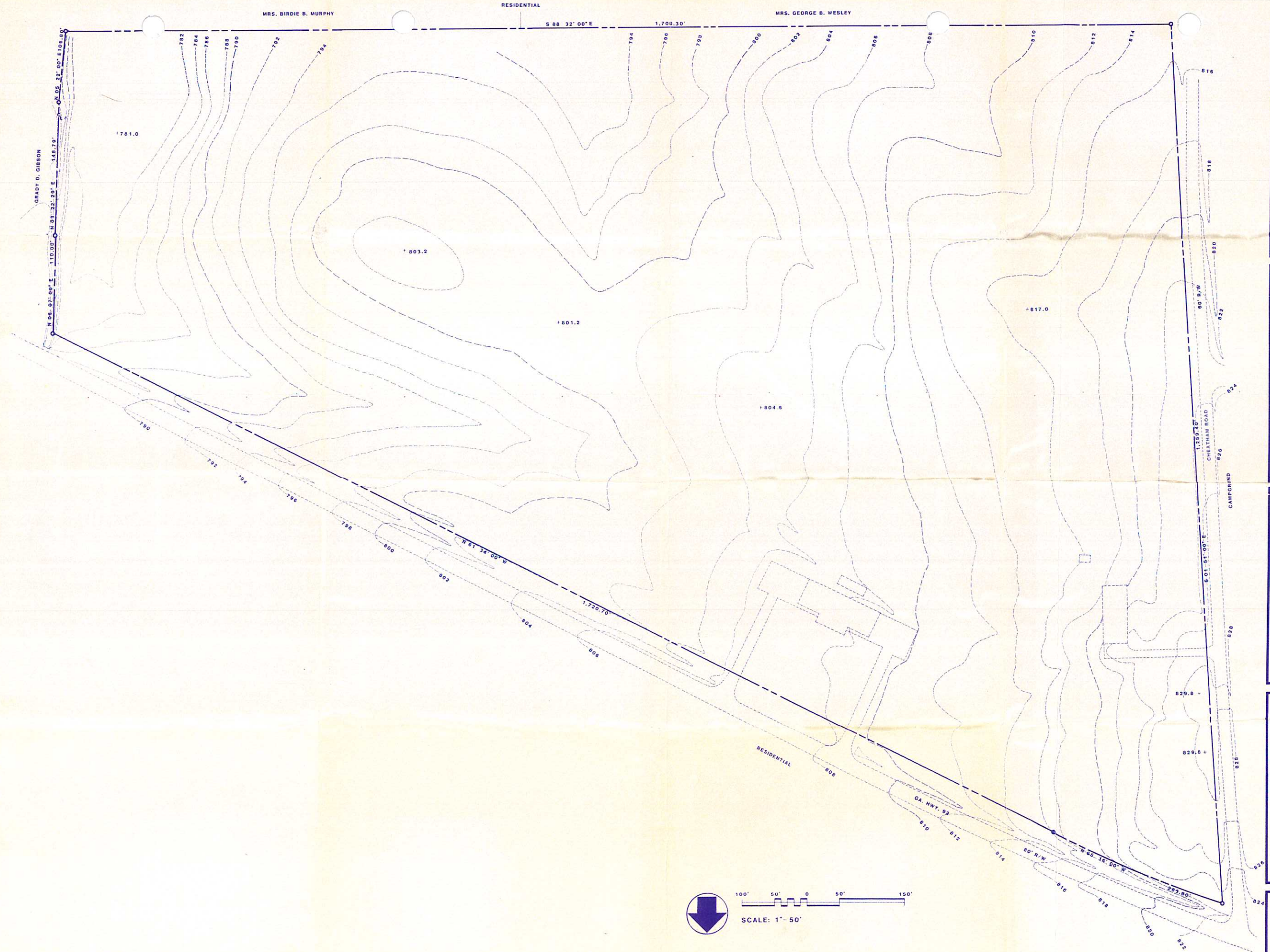
ON ORALING

CONGREGATIONAL  
HOLINESS CHURCH, INC.  
LANDLOT 6 3RD DISTRICT, SPALDING CO., GA.

|               |     |          |      |    |
|---------------|-----|----------|------|----|
| PROJECT NO.   | NO. | REVISION | DATE | BY |
| DESIGN BY     |     |          |      |    |
| DRAWN BY      |     |          |      |    |
| CHECKED BY    |     |          |      |    |
| DATE          |     |          |      |    |
| SCALE: 1"=50' |     |          |      |    |

PATTERSON ENGINEERING  
1700 Mount Pleasant Ave., Tucker, Georgia 30084 \* 404-938-2100





SCALE: 1" = 50'

CONGREGATIONAL  
HOLINESS CHURCH, INC.  
LANDLOT 6 3RD DISTRICT, SPALDING CO., GA.

| PROJECT NO. | NO. | REVISION | DATE BY |
|-------------|-----|----------|---------|
| DESIGN BY:  |     |          |         |
| DRAWN BY:   |     |          |         |
| CHECKED BY: |     |          |         |
| DATE:       |     |          |         |

DRAWING NO.

PATERSON ENGINEERING  
1700 Montclair Circle • Tucker, Georgia 30084 / 404.938.2100



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# SPALDING COUNTY BOARD OF APPEALS

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**DATE:** October 8, 2020 (BoA)  
**DATE:** October 22, 2020 (BOC)  
**TO:** Spalding County Board of Appeals  
Spalding County Board of Commissioners  
**FROM:** Department of Community Development

**RE: Special Exception Application #20-18S**

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

**Identification of the Property:**

**Size and location:**

The property is located at 3888 Fayetteville Hwy/1568 Cheatham Road, in Land Lot 81 of the 4<sup>th</sup> District of Spalding County. Property consists of a total of 32.68 acres.

**Parcel #:**

261-01009A

**Current owner:**

Congregational Holiness Church  
1568 Cheatham Road  
Griffin, Georgia 30223

**Owner's Agent**

Anna York  
1568 Cheatham Road  
Griffin, Georgia 30223

**Development:**

The applicant has requested to construct a single-family residence to serve as a parsonage for a retired minister or minister's widowed spouse. This is a permitted use with a Special Exception permit, per Sec. 503.B.

**Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as revised in December 2004, the request is consistent with the plan and associated

Future Land Use Map classification of Rural Community, except that the church does not desire to subdivide the parcel. The overall density of the proposed homes does not exceed what would be allowed under the base zoning.

**Transportation:**

No additional lots are proposed so no Transportation Analysis is required.

**Schools:**

No additional lots are proposed so no School System Analysis is required.

**Wetlands/Watershed Area:**

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 13255C0065D.

This site is located within an S-2 watershed area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

**Compliance with Zoning Ordinance Development Standards:**

The Spalding County Unified Development Ordinance, Article 5 – AR-1, Agricultural-Residential District, Section 503 (B) states the following:

B. The following Principal Uses are permitted as Special Exceptions in AR-1 districts:

1. Church, synagogue, chapel, or other place of religious worship including educational building, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:

a. It must be located on either an arterial or collector road;

b. The lot must have a minimum road frontage of 200 feet;

c. The lot must have an area of at least two (2) acres.

d. All buildings must be located at least fifty (50) feet from any property line;

e. A buffer (as provided by Section 405) must be provided along all side and rear property lines.

f. "Reserved." (#A-10-02, 05-03-10)

g. No additional approval shall be required for the expansion or modification of any facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located. (#A- 00-09, 06-05-00)

### **Special Exception Guidelines**

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.

*This request will not 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. 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 requirement of the use.

*There should be no depreciating effects created by allowing the construction of an additional parsonage home.*

3. It must meet all other requirements of this Ordinance.

*The request meets all other requirements of this ordinance.*

### **Photos:**



*View of the property from Cheatham Road.*

### **Staff Recommendations:**

Staff recommends **Approval** of this application for the following reasons:

1. Granting this variance would not cause substantial detriment to the public good nor would it impair the Spirit of this Ordinance.
2. There are no anticipated depreciating effects.
3. The request meets all other requirements of the ordinance.

### **Recommended Conditions:**

Staff recommends the following conditions

1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**October 8, 2020**

The Spalding County Appeals Board held its regular monthly meeting on October 8, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Ed Brown, Chair, presiding; Patricia McCord; and Tangela Williams. Members Robert Paul Peurifoy and Bill Slaughter were not present.

Also present were Newton Galloway, Zoning Attorney; Debbie Bell, Director of Community Development; and Teresa Watson to record the minutes.

Mr. Brown called the meeting to order and invited those who might wish to speak on any of the applications, but were not the applicants, to come forward and sign the request form.

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 #20-16V:** Baz Brothers Productions, LLC, Owner – 207 Winding Lane (5.47 acres located in Land Lot 72 of the 2<sup>nd</sup> Land District) – requesting a Variance from roof pitch requirements in the AR-1 District.

The applicant is requesting a permit to construct a private, single-family residence. The architectural style of the house is modern, and it has a flat roof over most of the house, with some roof sections having a 1:12 pitch, reminiscent of the Prairie Style architecture popularized by Frank Lloyd Wright.

Staff recommends conditional approval with the following stipulations:

1. All aspects of the construction shall conform to the house plans submitted with the application package.
2. An approved building permit is required, and applicant has already so applied.

Maria Baz, 207 Winding Lane, Griffin, GA

She noted she is new to Spalding County and seeking her forever home. The home is more modern than most. The roof is mostly flat, and she is requesting a variance as necessary.

***Motion/second to approve Application #20-16V with conditions as noted below by Ms. Williams/Ms. McCord carried by a vote of 3-0.***

1. ***All aspects of the construction shall conform to the house plans submitted with the application package.***

***2. An approved building permit is required, and applicant has already so applied.***

- 2. Application #20-17V:** JTS Properties, LLC, Owner – Keith Kenney, Agent – 1016 Rehoboth Church Road (68.67 acres located in Land Lot(s) 73 & 74 of the 3<sup>rd</sup> Land District) – requesting a Variance from front yard setback in the AR-1 District.

The applicant desires to subdivide the parcel into six lots. There is an existing house on the property that is a legal, non-conforming structure because it does not meet the minimum front yard setback. Any changes to the parcel configuration require a variance for the non-conforming setback. The applicant is requesting to vary from Section 504:D of the Unified Development Ordinance (UDO) which states that the Minimum Front Yard Depth shall be 100'. The existing house is located 90' from the front property line. The property is zoned AR-1. Staff recommends approval as presented with no negative impacts noted.

Keith Kenney, 143 Mill Pond Court, Milner, GA  
He is requesting a setback for a house that already sits on a 90' front yard setback.

***Motion/second to approve Application #20-17V as presented by Ms. McCord/Ms. Williams carried by a vote of 3-0.***

- 3. Application #20-18S:** Congregational Holiness Church, Owner – Anna York, Agent – 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the AR-1 & R-2 District.

The applicant has requested to construct a single-family residence to serve as a parsonage for a retired minister or minister's windowed spouse. This is a permitted use with a Special Exception permit, per Sec. 503.B.

Staff recommends conditional approval with the following stipulation:

1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.

Anna York, 3888 Fayetteville Highway, Griffin, GA

They would like to add a home to Mission Circle, which is a private road. The home will be for widows/widowers of retired ministers and will help with their lodging situations. Ms. York asked if they could be allowed to have only 1250 sf heated space. The other parsonage homes approximate 2000 square feet each, and Ms. Bell said for consistency, they recommend 1500 sf as noted and as required by our Ordinance. The applicant did not request this in the initial variance application.

Mr. Galloway opined that any variance to change the use is not allowed, but you can change the size of the use. However, there was no specific request for a size variance and no advertising was made for same. To meet the requirements of the



Ordinance, they will have to return with another application to vary from the required square footage in order for correct advertising to be arranged and other requirements fulfilled. A variance, noted Mr. Galloway, is different from a Special Exception. The board should consider the application before them tonight without consideration of what else might be requested by the applicant in the future.

***Motion/second to approve Application #20-18S to approve with condition as follows by Ms. Williams/Ms. McCord carried by a vote of 3-0.***

***1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.***

- 4. Application #20-19S:** First Assembly of God, Griffin, Ga., Inc, Owner – Cheryl Fields, Agent – 2000 West McIntosh Road (92.043 acres located in Land Lot(s) 66, 67, 94 & 95 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District.

The applicant has requested to construct 4 (four) 2-unit Residence Dorms for their School of Ministry. This is a permitted use with a Special Exception permit, per Sec. 803 B. Staff recommends approval as presented with no negative impacts noted.

Cheryl Fields, 406 Beacon Court, Griffin, GA

Ms. Fields stated they desire to build dormitories for their school ministries. The first two will be built first and the remaining two as needed in the future. Each building will be a little over 4000 sf and will house 16 students, so the four buildings will house 64 students total when all four are completed.

Ron Crum, 1738 Westminster Circle, Griffin, GA

They have had the school for 20 years and are an extension of the Texas campus. This will add quality student housing, and he supports the effort.

Hal Cowan, 132 Stillwater Trace, Griffin, GA

He was present because he has questions pertaining to the property, particularly regarding ingress and egress for the parcel. Ms. Fields provided an overview of the map for him and answered questions he posed.

***Motion/second to approve Application #20-19S as presented by Ms. McCord/Ms. Williams carried by a vote of 3-0.***

**C. Approval of the minutes of the September 10, 2020 meeting.**

***Motion/second to approve Minutes of the September 10, 2020 meeting by Ms. McCord/Mr. Brown carried by a vote of 2-0-1 with Ms. Williams abstaining since she was not present.***

Ms. Bell replied to Board members that October 30, 2020 will be the retirement date of Ms. Cindy McDaniel, Community Development Planning Technician. She has worked for

Spalding County for many years and will be sorely missed. Everyone voiced appreciation for her efforts.

**D. Adjournment.**

*Motion/second to adjourn at 7:25 p.m. by Ms. Williams/Ms. McCord carried by a vote of 3-0*

Respectfully submitted,

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Ed Brown, Chairman

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Teresa A. Watson, Recording Secretary



## SPALDING COUNTY BOARD OF COMMISSIONERS Application #20-19S

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**Requesting Agency**

Office of Community Development

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**Requested Action**

**Application #20-19S:** First Assembly of God, Griffin, Ga., Inc, Owner - Cheryl Fields, Agent - 2000 West McIntosh Road (92.043 acres located in Land Lot(s) 66, 67, 94 & 95 of the 3rd Land District) - requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District.

---

**Requirement for Board Action**

Article 4. Section 413.

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**Is this Item Goal Related?**

No

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**Summary and Background**

The applicant has requested to construct 4 2-unit Residence Dorms for their School of Ministry. This is a permitted use with a Special Exception permit, per Sec. 803.B.

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**

**APPROVAL.**

**BOARD OF APPEALS RECOMMENDS: APPROVAL.**

**ATTACHMENTS:**

| Description                                   | Upload Date | Type            |
|---|-------------|-----------------|
| <input type="checkbox"/> Application #20-19S  | 10/1/2020   | Cover Memo      |
| <input type="checkbox"/> Minutes 10-08-20 BOA | 10/15/2020  | Backup Material |



REQUEST FOR SPECIAL EXCEPTION  
APPLICATION NO. 20-195

AGENT/DEVELOPER INFORMATION

(If not owner)

Name: Cheryl Fields

Address: ~~2000~~ 404 Beacon Ct.

City: GRIFFIN

State: GA Zip: 30223

Phone: (770) 616-5344

Contact Person: Self

PROPERTY OWNER INFORMATION

Cheryl Fields for

Name: First Assembly of God of Griffin GA, Inc.

Address: 2000 West McIntosh Rd

City: Griffin

State: GA Zip: 30223

Phone: 770-228-2307 x104

Phone: 770-616-5344 (cell)

APPLICANT IS THE:

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

☒ Property Owner

\_\_\_\_ Developer

Present Zoning District(s): R-2

Land District(s): ~~G-1~~ 3 rd Land Lot(s): 66, 67, 94 & 95 Acreage: 92.043

Address of Property: 2000 West McIntosh Rd, 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 803: B(1)

We would like to build a total of 4 2 unit duplex  
type residential homes for our School of ministry.

Two 2-unit buildings would be built immediately for  
occupancy in July/August 2021. Two would be  
built as needed as the school grows.

**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):

Cheryl Fields  
Agent/Developer

9/3/2020  
Date

Cheryl S. Fields  
Property Owner

9/3/2020  
Date

**FOR FIRST ASSEMBLY OF GOD, INC.**

**OFFICE USE ONLY**

Date Received: 9.3.20

Amount of Fee: \$500.00

Received By: Cynthia L. McDowell

Receipt Number: 043881



**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: We do not see how this would be detrimental to anyone.

(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 there should not be any

(D) Whether granting a Special Exception would adversely affect existing uses: no. we can still fully conduct all other uses.

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

(F) Whether granting a Special Exception will meet the requirements of the Spalding County Ordinance: yes we will ensure that all ordinances are adhered to.

**OFFICE USE ONLY**

Date Received: 9-3-20

Received By: Cynthia L. 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.

First Assembly of God of Cheryl Fields, CFO  
Print Name of Owner(s) Cheryl Fields, GA Print Name of Agent, If Not Same as Owner

FOR FIRST ASSEMBLY OF GOD, INC. Inc

Cheryl Fields

Cheryl Fields

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

Signature of Agent

CFO

Title of Authorized Officer or Agent (if applicable)

Morgan Seigler

Signature of Notary Public

9/3/20

Date



**OFFICE USE ONLY**

Date Received: 9.3.20

Received By: Cynthia L. 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:**      \$ 300.00

**Variance:**      \$ 300.00

**Special Exception:**      \$ 500.00

**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 - \$750.00**

**B. Parcel 2-5 - \$150.00 each, in addition to the fees stated in A; and**

**C. Parcels 6+ - \$100.00 each, in addition to the fees stated in A and B.**





Special Exception Statement:

We would like to build a total of four 2-unit duplex-type residential dorms for our school of ministry. Two 2-unit buildings would be built immediately for occupancy in July/August 2021. Two 2-unit buildings would be built as needed as the school grows.

A handwritten signature in black ink that reads "Cheryl D. Fields".

Cheryl Fields  
CFO  
Griffin First Assembly



Recorded July 31, 1987



Mary F. Peoples  
Clark

Drawing No. B74443

See Materialman's Lien - Book 2351, Pg. 339  
 See Materialman's Lien - Book 2351, Pg. 342  
 See Materialman's Lien - Book 2371, Pg. 343

Smalley, Cogburn and Flynn, P.C.  
 Attorneys at Law  
 Griffin, Georgia

BOOK 893 PAGE 129

# Warranty Deed

STATE OF GEORGIA  
 Spalding County.

THIS INDENTURE, Made this 30th day of July, in the year One Thousand Nine Hundred and eighty-seven, between

H. Ray Simonton

of the County of Spalding and State of Georgia, Grantor and First Assembly of God, Griffin, Ga., Inc. and its elected Board of Trustees and their successors in interest of the County of Spalding and State of Georgia, Grantee

WITNESSETH, That the said Grantor, for and in consideration of

In hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, ha granted, bargained, sold, and conveyed, and by these presents do grant, bargain, sell and convey unto the said Grantee, heirs and assigns, the following described property, to wit:

All that lot, tract or parcel of land situate, lying and being in Land Lots 66, 67, 94 and 95 of the Third District of originally Henry, now Spalding County, Georgia, more particularly shown and designated on a plat of survey entitled, "Survey for First Assembly of God, Inc." by Griffin Engineering Company, dated July 24, 1987 and recorded in Plat Book 17, page 175, Spalding Superior Court records. The metes, bounds, courses and distances as shown on said plat are incorporated herein by reference and made a part hereof.

The above described tract contains 92.043 acres.

NOTE: Grantor does not warrant the title to that portion of the above described property designated on the plat as containing 0.42 acres which land is claimed by Mr. Henry Jackson, according to the plat.

The purpose of this deed is to correct the designation of the Grantee found in that Warranty Deed from H. Ray Simonton to First Assembly of God of Griffin, Ga., Inc., dated July 30, 1987 and recorded at Deed Book 858, page 308 in the records of the Clerk of the Superior Court of Spalding County, Georgia, so as to place title into the above-named Grantees in accordance with the constitution and by-laws of said Grantee. No additional consideration has been paid by the Grantees.

TO HAVE AND TO HOLD the said bargained premises, together 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 First Assembly of God, the said Grantee S, heirs and assigns, forever, in FEE SIMPLE. Griffin, Ga., Inc. and its elected Board of Trustees

And the said Grantor, for his heirs, executors, and administrators, will warrant and forever defend the right and title of the above described property unto the said Grantee S heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantor ha s hereunto set his hand and affixed his seal, the date first above written.

Signed, sealed and delivered in the presence of



Stanley R. Sullivan  
 Notary Public

H. Ray Simonton (L.S.)

(L.S.)

RECORDED MAY 9 1988 Myrtle J. Peoples, Clerk



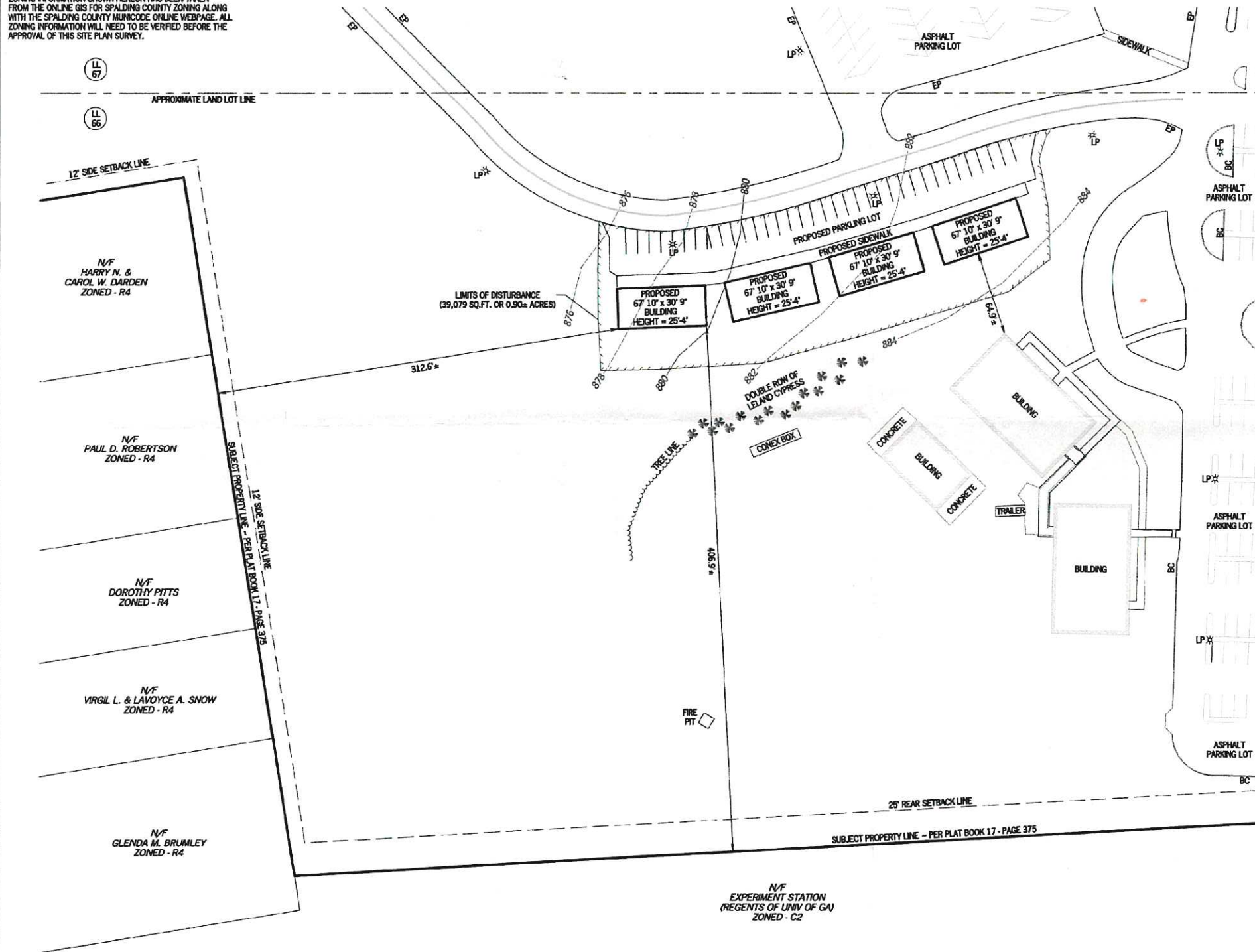
**SUBJECT PROPERTY**

OWNER: FIRST ASSEMBLY OF GOD GRIFFIN GA INC (PER TAX ASSESSOR)  
SITE ADDRESS: 2000 WEST MCINTOSH ROAD, GRIFFIN, GEORGIA 30223  
AREA: 92.043 ACRES+ (PER PG 17 - PG 375)  
PARCEL #248001003  
REFERENCE: PLAT BOOK 17 - PAGE 375

**ZONING NOTES**

R2 SINGLEFAMILY RESIDENTIAL DISTRICT  
- MINIMUM FRONT YARD SETBACK: 70 FEET  
- MINIMUM SIDE YARD SETBACK: 12 FEET  
- MINIMUM REAR YARD SETBACK: 25 FEET

ZONING INFORMATION SHOWN HEREON HAS BEEN TAKEN FROM THE ONLINE GIS FOR SPALDING COUNTY ZONING ALONG WITH THE SPALDING COUNTY MAINTENANCE ONLINE WEBSITE. ALL ZONING INFORMATION WILL NEED TO BE VERIFIED BEFORE THE APPROVAL OF THIS SITE PLAN SURVEY.

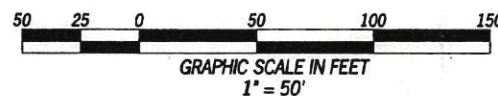


**LEGEND**

N/F NOW OR FORMERLY  
PF IRON PIN FOUND  
PB PLAT BOOK  
DB DEED BOOK  
PG PAGE  
EP EDGE OF PAVEMENT  
LP LIGHT POLE  
LL LAND LOT

PROVERBS 22:28  
REMOVE NOT THE ANCIENT LANDMARK  
WHICH YOUR FATHERS HAVE SET.

DEUTERONOMY 27:17  
"CURSED BE HE WHO REMOVES HIS NEIGHBOR'S LANDMARK,  
AND ALL THE PEOPLE SAY, 'AMEN'."



**BOUNDARY NOTE**

THIS SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY. THE BOUNDARY INFORMATION SHOWN HEREON WAS PERFORMED BY OTHERS. PLEASE SEE GENERAL NOTES FOR DETAILS.

THIS SURVEY DOES NOT MEET "MINIMUM STANDARDS OF PROPERTY BOUNDARY SURVEYS" AND MERELY REPRESENTS CONDITIONS FOUND ON-SITE AT THE TIME OF SURVEY.

**PURPOSE NOTE**

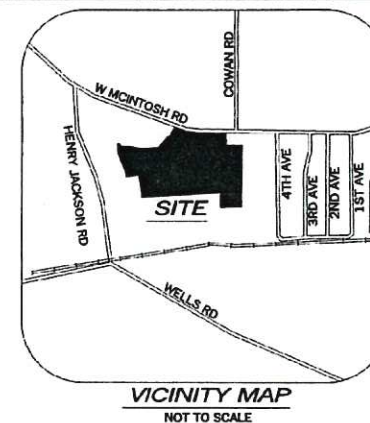
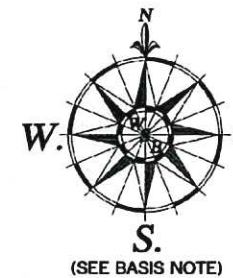
THE PURPOSE OF THIS SURVEY IS TO PROVIDE THE OWNER/COUNTY WITH A SITE PLAN SURVEY FOR THE PURPOSE OF BUILDING 4 NEW DORMITORIES. NO EROSION CONTROL MEASURES NEEDED PER COUNTY CHECKLIST FOR SITE PLAN FOR SPECIAL EXCEPTIONS.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE IN CONTRASTING INK OF SURVEYOR.

**RECORDING NOTE**

SHOULD NOT BE RECORDED WITH THE SPALDING COUNTY CLERK OF SUPERIOR COURT IN CURRENT FORM WITH SITE PLAN SURVEY INFORMATION SHOWN.



**GENERAL NOTES**

THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH MAY REVEAL ADDITIONAL CONVEYANCES, EASEMENTS, OR RIGHTS-OF-WAY NOT SHOWN HEREON.

EQUIPMENT USED FOR ANGULAR & LINEAR MEASUREMENTS: LEICA GEOMAX ROBOTIC (DATE OF LAST FIELD VISIT: SEPTEMBER 11, 2020)

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,476 FEET AND AN ANGULAR ERROR OF 0.05" PER ANGLE POINT AND WAS NOT ADJUSTED.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: REFERENCE NORTH (PG 17 - PG 375)

THE BASIS FOR THE ELEVATION SHOWN HEREON IS: GRID NORTH AS DEFINED BY NAD 83 DATUM, GEORGIA WEST ZONE AND DETERMINED THROUGH RTK-GPS METHODS UTILIZING A GNSS REAL TIME NETWORK SOLUTION. BY W.S. BODKIN SURVEYING.

NO NGS MONUMENT LOCATED WITHIN 500' OF SITE.

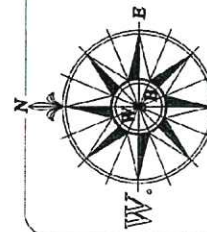
THE BOUNDARY INFORMATION SHOWN HEREON WAS TAKEN FROM PLAT BOOK 17 - PAGE 375; AND HAS BEEN USED VIA MEANS OF SUPPLEMENTAL FIELD VERIFICATION, WHICH IN NO WAY CONSTITUTES A BOUNDARY CERTIFICATION OR WARRANTY OF BOUNDARY INFORMATION BY THIS SURVEYOR.



SITE PLAN SURVEY FOR:

**GRIFFIN FIRST ASSEMBLY  
CHURCH OF GOD**

LAND LOT 66 3RD DISTRICT SPALDING COUNTY, GA



315 CASTLEWOOD RD.  
TYRONE, GA 30290  
770-312-5500  
W. S. BODKIN SURVEYING, L.L.C.

PROJECT NUMBER  
20038 / 2020.285

DRAWN BY NDW CHECKED BY WSB

ISSUE DATE 9-23-2020

DRAWING NUMBER  
1 OF 1

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# SPALDING COUNTY BOARD OF APPEALS

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**DATE:** October 8, 2020 (BOA)  
**DATE:** October 22, 2020 (BOC)  
**TO:** Spalding County Board of Appeals  
Spalding County Board of Commissioners  
**FROM:** Department of Community Development  
**RE: Special Exception Application #20-19S**

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

## **Identification of the Property:**

### **Size and location:**

The property is located at 2000 West McIntosh Road, in Land Lots 66, 67, 94 and 95 of the 3<sup>rd</sup> District of Spalding County. Property consists of a total of 92.04 acres.

### **Parcel #:**

248D-01003

### **Current owner:**

First Assembly of God Griffin GA Inc  
2000W McIntosh Road  
Griffin, Georgia 30223

### **Owner's Agent**

Cheryl Fields  
2000 W McIntosh Road  
Griffin, Georgia 30223

### **Development:**

The applicant has requested to construct 4 2-unit Residence DORMS for their School of Ministry. This is a permitted use with a Special Exception permit, per Sec. 803.B.

### **Land Use Plan:**

Pursuant to the "Spalding County Comprehensive Plan, 2004-2024," as revised in December 2004, the request is inconsistent with the plan and associated

Future Land Use Map classification of Rural Community.

### **Transportation:**

No additional lots are proposed so no Transportation Analysis is required.

### **Schools:**

No additional lots are proposed so no School System Analysis is required.

### **Wetlands/Watershed Area:**

According to the plan submitted with the application no portion of this property is located within a 100-year flood zone, per map # 13255C0065D.

This site is located within an S-2 watershed area.

This site is not within any recharge areas indicated on the S-3 Ground Water Recharge Overlay Map.

### **Compliance with Zoning Ordinance Development Standards:**

The Spalding County Unified Development Ordinance, Article 8 – R-2, Single Family Residential District, Section 803 (B) states the following:

B. The following Principal Uses are permitted as Special Exceptions in R-2 districts:

1. Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting the following development standards:
  - a. It must be located on either an arterial or collector road;
  - b. The lot must have a minimum road frontage of 200 feet;
  - c. The lot must have an area of at least four (4) acres.
  - d. All buildings must be located at least fifty (50) feet from any property line;



e. A buffer (as provided by Section 405) must be provided along all side and rear property lines.

f. "Reserved." (#A-10-02, 05-03-10)

g. No additional approval shall be required for the expansion or modification of any facility, as defined in this Section, which existed as of January 4, 1994 on the property on which it is presently located. (#A- 00-09, 06/05/00)

### **Special Exception Guidelines**

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.

*This request will not 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. 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 requirement of the use.

*There should be no depreciating effects created by allowing the construction of an additional parsonage home.*

3. It must meet all other requirements of this Ordinance.

*The request meets all other requirements of this ordinance.*



*View of the property from West McIntosh Road.*

### **Staff Recommendations:**

Staff recommends **Approval** of this application for the following reasons:

1. Granting this variance would not cause substantial detriment to the public good nor would it impair the Spirit of this Ordinance.
2. There are no anticipated depreciating effects.
3. The request meets all other requirements of the ordinance.

### **Photos:**



**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**October 8, 2020**

The Spalding County Appeals Board held its regular monthly meeting on October 8, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were Ed Brown, Chair, presiding; Patricia McCord; and Tangela Williams. Members Robert Paul Peurifoy and Bill Slaughter were not present.

Also present were Newton Galloway, Zoning Attorney; Debbie Bell, Director of Community Development; and Teresa Watson to record the minutes.

Mr. Brown called the meeting to order and invited those who might wish to speak on any of the applications, but were not the applicants, to come forward and sign the request form.

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 #20-16V:** Baz Brothers Productions, LLC, Owner – 207 Winding Lane (5.47 acres located in Land Lot 72 of the 2<sup>nd</sup> Land District) – requesting a Variance from roof pitch requirements in the AR-1 District.

The applicant is requesting a permit to construct a private, single-family residence. The architectural style of the house is modern, and it has a flat roof over most of the house, with some roof sections having a 1:12 pitch, reminiscent of the Prairie Style architecture popularized by Frank Lloyd Wright.

Staff recommends conditional approval with the following stipulations:

1. All aspects of the construction shall conform to the house plans submitted with the application package.
2. An approved building permit is required, and applicant has already so applied.

Maria Baz, 207 Winding Lane, Griffin, GA

She noted she is new to Spalding County and seeking her forever home. The home is more modern than most. The roof is mostly flat, and she is requesting a variance as necessary.

***Motion/second to approve Application #20-16V with conditions as noted below by Ms. Williams/Ms. McCord carried by a vote of 3-0.***

1. ***All aspects of the construction shall conform to the house plans submitted with the application package.***

***2. An approved building permit is required, and applicant has already so applied.***

- 2. Application #20-17V:** JTS Properties, LLC, Owner – Keith Kenney, Agent – 1016 Rehoboth Church Road (68.67 acres located in Land Lot(s) 73 & 74 of the 3<sup>rd</sup> Land District) – requesting a Variance from front yard setback in the AR-1 District.

The applicant desires to subdivide the parcel into six lots. There is an existing house on the property that is a legal, non-conforming structure because it does not meet the minimum front yard setback. Any changes to the parcel configuration require a variance for the non-conforming setback. The applicant is requesting to vary from Section 504:D of the Unified Development Ordinance (UDO) which states that the Minimum Front Yard Depth shall be 100'. The existing house is located 90' from the front property line. The property is zoned AR-1. Staff recommends approval as presented with no negative impacts noted.

Keith Kenney, 143 Mill Pond Court, Milner, GA  
He is requesting a setback for a house that already sits on a 90' front yard setback.

***Motion/second to approve Application #20-17V as presented by Ms. McCord/Ms. Williams carried by a vote of 3-0.***

- 3. Application #20-18S:** Congregational Holiness Church, Owner – Anna York, Agent – 47 Mission Circle (32.68 acres, more or less, located in Land Lot 81 of the 4<sup>th</sup> Land District) – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the AR-1 & R-2 District.

The applicant has requested to construct a single-family residence to serve as a parsonage for a retired minister or minister's windowed spouse. This is a permitted use with a Special Exception permit, per Sec. 503.B.

Staff recommends conditional approval with the following stipulation:

1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.

Anna York, 3888 Fayetteville Highway, Griffin, GA

They would like to add a home to Mission Circle, which is a private road. The home will be for widows/widowers of retired ministers and will help with their lodging situations. Ms. York asked if they could be allowed to have only 1250 sf heated space. The other parsonage homes approximate 2000 square feet each, and Ms. Bell said for consistency, they recommend 1500 sf as noted and as required by our Ordinance. The applicant did not request this in the initial variance application.

Mr. Galloway opined that any variance to change the use is not allowed, but you can change the size of the use. However, there was no specific request for a size variance and no advertising was made for same. To meet the requirements of the

Ordinance, they will have to return with another application to vary from the required square footage in order for correct advertising to be arranged and other requirements fulfilled. A variance, noted Mr. Galloway, is different from a Special Exception. The board should consider the application before them tonight without consideration of what else might be requested by the applicant in the future.

***Motion/second to approve Application #20-18S to approve with condition as follows by Ms. Williams/Ms. McCord carried by a vote of 3-0.***

***1. The heated square footage of the house shall meet or exceed the minimum heated square footage requirement of the underlying zoning district, AR-1, which is 1500 heated square feet, with at least 1250 heated square feet on the first floor if it is a multi-story dwelling.***

- 4. Application #20-19S:** First Assembly of God, Griffin, Ga., Inc, Owner – Cheryl Fields, Agent – 2000 West McIntosh Road (92.043 acres located in Land Lot(s) 66, 67, 94 & 95 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship including educational buildings, parsonage, church-related nursery or kindergarten, and other related uses meeting development standards in the R-2 District.

The applicant has requested to construct 4 (four) 2-unit Residence Dorms for their School of Ministry. This is a permitted use with a Special Exception permit, per Sec. 803 B. Staff recommends approval as presented with no negative impacts noted.

Cheryl Fields, 406 Beacon Court, Griffin, GA

Ms. Fields stated they desire to build dormitories for their school ministries. The first two will be built first and the remaining two as needed in the future. Each building will be a little over 4000 sf and will house 16 students, so the four buildings will house 64 students total when all four are completed.

Ron Crum, 1738 Westminster Circle, Griffin, GA

They have had the school for 20 years and are an extension of the Texas campus. This will add quality student housing, and he supports the effort.

Hal Cowan, 132 Stillwater Trace, Griffin, GA

He was present because he has questions pertaining to the property, particularly regarding ingress and egress for the parcel. Ms. Fields provided an overview of the map for him and answered questions he posed.

***Motion/second to approve Application #20-19S as presented by Ms. McCord/Ms. Williams carried by a vote of 3-0.***

**C. Approval of the minutes of the September 10, 2020 meeting.**

***Motion/second to approve Minutes of the September 10, 2020 meeting by Ms. McCord/Mr. Brown carried by a vote of 2-0-1 with Ms. Williams abstaining since she was not present.***

Ms. Bell replied to Board members that October 30, 2020 will be the retirement date of Ms. Cindy McDaniel, Community Development Planning Technician. She has worked for

Spalding County for many years and will be sorely missed. Everyone voiced appreciation for her efforts.

**D. Adjournment.**

*Motion/second to adjourn at 7:25 p.m. by Ms. Williams/Ms. McCord carried by a vote of 3-0*

Respectfully submitted,

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Ed Brown, Chairman

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Teresa A. Watson, Recording Secretary





## SPALDING COUNTY BOARD OF COMMISSIONERS Amendment to UDO #A-20-08

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**Requesting Agency**

Office of Community Development

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**Requested Action**

**Amendment to UDO #A-20-08P:** Article 2. Definitions of Terms Used – Section 202:BBB – amend definition; Article 5. AR-1 – Section 503:B(20), Article 6. AR-2 – Section 603:B(14), Article 7. R-1 – Section 703:B(5), Article 7A. R-1A – Section 703A:B(5), Article 8. R-2 – Section 803:B(5), Article 8A. R-2A – Section 803A:B(4), Article 10. R-4 – Section 1003:B(5) and Article 11. R-5 – Section 1103:B(4) – amend personal care home requirements.

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**Requirement for Board Action**

Article 4. General Procedures - Section 414.

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**Is this Item Goal Related?**

No

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**Summary and Background**

The adoption of this text amendment will update personal care home requirements regulated by the State of Georgia.

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**Fiscal Impact / Funding Source**

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**STAFF RECOMMENDATION**

**APPROVAL.**

**PLANNING COMMISSION RECOMMENDS: APPROVAL.**

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**ATTACHMENTS:**

| Description  | Upload Date | Type            |
|--|-------------|-----------------|
| <input type="checkbox"/> Amendment to UDO #A-20-08 | 10/19/2020  | Backup Material |
| <input type="checkbox"/> Minutes 09-29-20 PC       | 10/19/2020  | Backup Material |

IN RE:

***Text Amendment #A-20-08***

AMENDMENT TO THE ZONING ORDINANCE OF SPALDING COUNTY

**RESOLUTION AMENDING  
THE ZONING ORDINANCE OF SPALDING COUNTY, GEORGIA**

WHEREAS, the Board of Commissioners of Spalding County, Georgia under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners of Spalding County, Georgia enacted the current Zoning Ordinance of Spalding County, Georgia on January 4, 1994 and therein adopted the Official Zoning Map of Spalding County, Georgia, in Article 23, Section 2301, et. seq.;

WHEREAS, the Board of Commissioners of Spalding County has determined that it is in the best interests of the citizens of Spalding County for certain text revisions and amendments to be made to the Zoning Ordinance of Spalding County;

WHEREAS, such text amendments to the Zoning Ordinance of Spalding County were reviewed by the Spalding County Planning Commission, and a hearing on the text amendments to the Zoning Ordinance of Spalding County was conducted by the Board of Commissioners of Spalding County, Georgia on October 22, 2020 pursuant to O.C.G.A. § 33-66-1, et. seq. in the Spalding County Hearing Room, Room 108, Spalding County Courthouse Annex, 119 East Solomon Street, Griffin, Spalding County, Georgia;

WHEREAS, the Board of Commissioners of Spalding County, Georgia considered the proposed amendment, any and all alternate proposals or amendments, the report of the Spalding County Planning Commission and all data and evidence taken at the public hearing; and

WHEREAS, it is deemed by the Board of Commissioners of Spalding County, Georgia that an amendment to the Zoning Ordinance of Spalding County, Georgia and an amendment to the Official Zoning Map of Spalding County, Georgia is in conformance with the Spalding County Comprehensive Plan and sound comprehensive planning principles and of substantial benefit to the public and in the promotion of the best interests and general welfare of the people;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, that the Zoning Ordinance of Spalding County, Georgia shall be and is hereby amended as follows:

Section 1. The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used:" Section 202(BBB).

Section 2: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 2, "Definitions of Terms Used" to appear as Section 202(BBB):

**Section 202: General Definitions**

(BBB). *Personal Care Home*: Any dwelling, whether operated for profit or not which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services (including but not limited to individual assistance with or supervision of self-administered medication, assistance with ambulation and transfer and essential activities of daily living such as eating, bathing, grooming, dressing and toileting) for two or more adults who are not related to the owner or administrator by blood or marriage and permitted by the Department of Community Health pursuant to Georgia Rules and Regulations Chapter 111-8-62.

Section 3: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential:" Section 503(B)(20).

Section 4: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 5, "AR-1 Agricultural and Residential" to appear as Section 503(B)(20):

**Section 503: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in AR-1 districts:

(20) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.

- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
  - ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 5: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 6, “AR-2 Rural Reserve:” Section 603(B)(14).

Section 6: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 6, “AR-2 Rural Reserve” to appear as Section 603(B)(14):

**Section 603: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in AR-2 districts:

(20) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:



- a. Minimum lot size: Five (5) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
  - ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 7: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 7, “R-1 Single Family Residential Low Density:” Section 703(B)(5).

Section 8: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7, “R-1 Single Family Residential Low Density” to appear as Section 703(B)(5):

**Section 703: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in R-1 districts:

(5) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and

- ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 9: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 7A, “R-1A Single Family Residential District:” Section 703A(B)(5).

Section 10: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 7A, “R-1A Single Family Residential District” to appear as Section 703A(B)(5):

**Section 703A: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in R-1A districts:

(5) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 2,500 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;

- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
  - ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 11: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 8, “R-2 Single Family Residential District:” Section 803(B)(5).

Section 12: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 8, “R-2 Single Family Residential District” to appear as Section 803(B)(5):

**Section 803: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in R-2 districts:

(5) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;



- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
  - ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 13: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 8A, “R-2A Single Family and Two Family Residential District:” Section 803A(B)(4).

Section 14: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 10, “R-4 Single Family Residential District:” Section 1003(B)(5).

Section 15: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 10, “R-4 Single Family Residential District” to appear as Section 1003(B)(5):

**Section 1003: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in R-4 districts:

(5) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their

domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and

- ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 16: The following provision shall be deleted from the Zoning Ordinance of Spalding County, Article 11, “R-5 Single Family Residential District:” Section 1103(B)(4).

Section 17: The following provision shall be added to the Zoning Ordinance of Spalding County, Article 11, “R-5 Single Family Residential District” to appear as Section 1103(B)(4):

**Section 1103: Permitted Uses**

(B) The following Principal Uses are permitted as special exceptions in R-5 districts:

(4) Personal Care Home as defined in Section 202(BBB) that meets the following criteria:

- a. Minimum lot size: Three (3) acres;
- b. Minimum house size:
  - i. For no more than four (4) residents: 1,750 square feet;
  - ii. For no more than six (6) residents: 2,500 square feet;
  - iii. For no more than eight residents: 3,000 square feet
  - iv. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.

- c. Compliance with the requirements of the Americans with Disabilities Act, 42 U.S.C. § 126, et seq.;
- d. Compliance with the requirements of all regulations of the Georgia Department of Community Health governing the operation of a personal care home;
- e. Certificate of inspection and approval by the fire marshal and building inspector;
- f. Occupancy requirements:
  - i. The licensee authorized by the Georgia Department of Community Health to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one (1) officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
  - ii. No more than two (2) residents may occupy a single bedroom.
- g. Issuance of a business license for the operation of the facility by Spalding County; and
- h. Any Personal Care Home for which a license has been issued by the Georgia Department of Human Resources or the Georgia Department of Community Health on or before December 31, 2008 and which meets all the requirements of this ordinance shall be deemed to be in compliance with the requirements herewith and shall not be required to obtain approval as a special exception use within this district.

Section 18: The foregoing amendments to the Zoning Ordinance of Spalding County shall become effective immediately upon adoption of this resolution.

Section 19: All Ordinances or resolutions in conflict herewith shall be and are hereby, repealed.



**SPALDING COUNTY PLANNING COMMISSION**  
**Regular Meeting**  
**September 29, 2020**

The Spalding County Planning Commission held its regular monthly meeting on August 25, 2020 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: John Youmans, Chair, presiding; Bruce Ballard; Sonny Eubanks and Frank Harris. Absent was member Walter Cox.

Also present were Zoning Attorney Newton Galloway; Director of Community Development Deborah Bell and Teresa Watson to record the minutes.

**A. Call to Order..... Chairman John Youmans**

Note: Persons desiring to speak must sign in for the appropriate application. When called, speakers must state their names/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 Planning Commission. 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. Amendment to UDO #A-20-08:** Article 2. Definitions of Terms Used – Section 202:BBB – amend definition; Article 5. AR-1 – Section 303:B(30), Article 6. AR-2 – Section 603:B(14), Article 7. R-1 – Section 703:B(5), Article 7A. R-1A – Section 703A:B(5), Article 8. R-2 – Section 803:B(5), Article 8A. R-2A – Section 803A:B(4), Article 10. R-4 – Section 1003:B(5) and Article 11. R-5 – Section 1103:B(4) – amend personal care home requirements.

Adoption of this text amendment will update personal care home requirements regulated by the State of Georgia. Staff recommends approval of Amendment to UDO #A-02-08P.

Mr. Galloway handed out background information on this amendment. This ordinance is required because the Community Development office has begun to receive inquiries on personal care homes, and some research was required to establish protocols that will better function since the moratorium was going away. The handout works to bring this ordinance into compliance with State regulations. Chapter 290-5-35 of the Georgia rules and regulations was repealed, so personal care homes had to find new direction to comply. The moratorium was placed to allow for time to identify where regulations were, where they needed to be, what changes needed to be made to definitions, etc. Notices were not sent out to local governments regarding this repeal, and it took a great while to locate and research. The regs were removed from the Department of Human Resources and instead placed under the auspices of the Department of Community Health. He referenced the Department of Community Health, Georgia Rules & Regs, 111-8-62.01 through.34, which contained 48 pages of new regs enacted and approved over the past few years. New definition can be found at 111-8-62.03(x). What we have done is redefine personal care homes, Section 2, page 2, and having read this, we included a corresponding definition in our ordinance. For the rest of the ordinance, we deleted old definitions and added this one back in, then carried forward criteria except for the amendment alluding to the Georgia Department of Community Health. Page 3 added a new definition for personal care homes which he read for board members. We treated the Special Exception Uses in related Articles for different zoning designations. The sizes of homes are tied to the number of residents in each zoning designation and increase exponentially for AR-1, AR-2, R-1, R-1A, R-2, R-4 and R-5. He noted that in Sec. 13, we deleted a personal care home provision from the duplex district. This concludes residential districts.

Now, after doing this, Debbie and Cindy in Community Development caught situations where we allow similar uses in certain commercial designations. We have very little personal care home interest in a commercial district, but we will see another ordinance dealing with congregate personal care homes which changes the commercial zone. This first action coming to the Board for residential is a priority since this is the majority of interest. He was not sure why the State initially changed or why they moved regulations from the Department of Human Resources to the Department of Community Health. They are regulating much larger facilities and identifying much larger applications that do not fall in residential uses. Changes were made in regs long before COVID, even though these changes have materialized in this time frame. The changes are publicly accessible, but you wouldn't know to look for them if you were unaware they were being considered. Mr. Galloway will send a link to members so they can read them as desired. We will ensure applicants satisfy State regs first before we go through protocols for a Special Exception. He felt this ordinance was more complex than previous. He responded to Mr. Ballard that the required square footage tied to the number of persons in the home are from our own ordinance and not state regulations. Mr. Galloway advised that some such regulations fall under Home Rule. Mr. Ballard noted that some of the numbering in each zoning class was not sequential and should be corrected. Mr. Galloway thought that had been corrected; the issue was that automatic numbering is done within Word application and it sometimes does so erroneously.

***Motion/second by Messrs. Ballard/Eubanks to approve Amendment to UDO #A-20-08 with the noted corrections carried by a vote of 4-0.***

**C. Consider approval of the minutes for the August 25, 2020 meeting.**

***Motion/second by Messrs. Ballard/Harris to approve Minutes of the August 25, 2020 meeting of the Spalding County Planning Commission carried by a vote of 4-0.***

**D. Other Business:**

Frank Harris stated he had a personal request. He was appointed some years back by Commissioner Gwen Flowers-Taylor to represent the Chamber on its Transportation Committee. He has had no conflict with attending until this past year. The Chamber changed from Monday at 3:30 to Tuesday at 8 am, and he could no longer attend. Cindy Jones came to the Griffin-Spalding Area Transportation Committee (G-SATC) to cover. He would like to be appointed to represent the Planning Commission at the G-SATC. Chairman Youmans had no problem with such an appointment. Mr. Galloway will confer with County Manager William Wilson to see what that process may look like; it may require a change to bylaws. He will report back at the October Planning Commission meeting. Mr. Ballard commented that Mr. Harris has been a vital part of transportation for a long time and has excellent rapport with state reps and others; he would recommend such appointment.

Chairman Youmans advised that Walter Cox had an outpatient procedure today, and he will check on him.

**E. Adjournment**

***Motion/second by Messrs. Eubanks/Ballard to adjourn at 7:27 p.m. carried by a vote of 4-0.***

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John Youmans, Chairman

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Teresa A. Watson, Recorder