

SPALDING COUNTY APPEALS BOARD
Regular Meeting
July 14, 2016

The Spalding County Appeals Board held its regular monthly meeting on July 14, 2016 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, Chair, presiding; Ed Brown; Robert Lattimore and Bill Slaughter. Curtis Keys was not present.

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

Ms. Cannon called the meeting to order and invited anyone present that was not the applicant and wanted to address the Board on any of the applications to come forward and sign the request form.

Application #16-08V: Midway Methodist Church, Owner – David Lynch, Agent – 2517 High Falls Road (1.477 acres located in Land Lot 17 of the 3rd Land District) – requesting a Variance from required development standards for a church in the R-2 District.

David Lynch – 185 North Walkers Mill Road

Mr. Lynch said The Midway Methodist Church is closing. The United Methodist Church Conference wants to sell the property. There is a cemetery associated with the property and there is concern that the cemetery will be a deterrent to the sale. They are further concerned that if it is sold and the cemetery is included it will not be well maintained. They want to separate the cemetery from the church and set up an association for perpetual care. The association will be made up of families that have relatives buried in the cemetery. Everyone on the committee has a relative buried in this cemetery. Some of the graves are very close to the building and therefore the separation line at the rear of the property has to be drawn close to the church and the pavilion. They have tried to leave as much space between the graves and the buildings as possible.

John Neel – 4521 Jackson Road

Mr. Neel said they had a church member that died and left Midway a sum of money with the stipulation that it would not be used for the regular budget. He wanted it used for something other than the budget. The funds have been put in a trust. It has been decided to form a cemetery trust association and use the interest from this trust for the maintenance of the cemetery.

Brent White – 430 Ridgemont Drive – Fayetteville, Georgia

Mr. White advised he is the chairman of the Trustees for the Griffin District of the United Methodist North Georgia Conference. He was present to affirm that the information being presented is accurate. They are seeking to sell this facility to a small church congregation. They have worked with the Midway Church on this plan to assure the cemetery can be maintained.

Chad Jacobs said the church is located in an R-2 zoning district. R-2 requires a special exception for churches. This church has been at this location since the 1820's. This would subdivide the property and create new tracts. The zoning requires a minimum of four acres for a church and there are setback requirements. The area that will be left for the church will be 1.5 acres.

Additionally, the property line will be located very close to the church structure which is a drastic reduction in the setback requirements. This is a unique situation and the staff recommendation is for approval. Perpetual care for private cemeteries is a concern and this appears to be the best way to avoid abandonment of the cemetery.

Barbara Gossett Cook – 1203 Maple Drive

Ms. Cook apologized for being late due to traffic and wanted to discuss this application. Her family has property adjacent to this property and she wants to make certain this will not impact their property. She supports the church and she and her brother even donated some property to expand the cemetery.

Mr. Jacobs assured her this would not affect her family property in anyway. This application is to divide the cemetery from the church buildings to provide a way to arrange perpetual care for the cemetery.

MOTION

Mr. Brown made a motion to approve Application #16-08V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Lattimore and Mr. Slaughter voting for the motion.

Application #16-09S: James R. Jr. and Christina L. Robinson, Owners – 208 Whatley Road (11.678 acres located in Land Lots 41 & 56 of the 3rd Land District) – requesting a Special Exception to allow a General Home Occupation excluding public garage, repair garage and kennel in the AR-1 District.

Christine Robinson – 208 Whatley Road

Ms. Robinson said she wants to have a home occupation to offer general alteration and sewing services. She is a stay-at-home mother for a small child and would like to help by bringing in some additional income for the family. She would be going to dress shops and alteration shops to work with them to assist with their overflow business. There is a full basement in her home and she has set up an area for this business. She would not have any other employees. There would not be any traffic except maybe an occasional client bringing or picking up their clothes. She plans to go to the client rather than have them come to her.

Mr. Jacobs said the application meets all the requirements and criteria for a home occupation. There is adequate room at the house. The staff recommendation is for approval.

MOTION

Mr. Lattimore made a motion to approve Application #16-09S. The motion passed on a second by Mr. Brown with Mr. Brown, Ms. Cannon, Mr. Lattimore and Mr. Slaughter voting for the motion.

Application #16-10V: Daryl Edward Huxhold, Owner – 1392 Dewey Street (0.82+/- acres located in Land Lot 208 of the 2nd Land District) – requesting a Variance from side yard setback in the R-2 District.

Daryl Huxhold – 1392 Dewey Street

Mr. Huxhold said this application is so he can build a garage on his property to the side of his home. The garage will be 16 feet wide and 32 feet long.

Mr. Jacobs said this area is made up of older lots that preexist the current codes. The lot is only 65 feet wide at the road. The current ordinance requires 125 feet. A 12 foot side yard setback is required and the location of the garage will only allow a 2.5 foot setback. The building code requires a 10 foot separation between structures and this meets that requirement. The staff recommendation is for approval.

MOTION

Mr. Brown made a motion, seconded by Mr. Lattimore, to approve application #16-10V. The motion passed with Mr. Brown, Ms. Cannon, Mr. Lattimore and Mr. Slaughter voting for the motion.

MINUTES

Mr. Brown made a motion, seconded by Mr. Slaughter, to approve the minutes of the June 9, 2016 meeting. The motion passed with Mr. Brown, Ms. Cannon, and Mr. Slaughter voting for the motion and Mr. Lattimore abstaining because he was not present.

ADJOURN

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

Michelle Cannon – Chair

Yvonne M. Langford - Recorder