

After Agenda

**Board of Commissioners of Spalding County
Zoning Public Hearing
Thursday, July 28, 2016
6:01 PM
Meeting Room 108, Courthouse Annex
119 E. Solomon Street**

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Monday, July 28, 2016, beginning at 6:00 p.m. with Chairperson Rita Johnson presiding. Commissioners Bart Miller, Raymond Ray and Donald Hawbaker were present. Commissioner Flowers-Taylor was not present for the meeting. Also present were County Manager, William P. Wilson Jr., Assistant County Manager, Eric Mosley, Zoning Attorney, Newton Galloway, Community Development Director, Chad Jacobs and Executive Secretary, Kathy Gibson to record the minutes.

A. Call To Order by Chairperson Rita Johnson.

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 the Commissioners. 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-16-01:** Article 2. General Definitions - Section UUU, VVV, WWW and XXX - amend definition of yard, front yard, side yard and rear yard.

Chad Jacobs, Community Development Director, advised that the text amendment currently before the Board is to better establish the definition of a yard currently there are discrepancies in how a yard is defined. The current definition is confusing and this amendment will clear up that confusion.

This amendment sets the:

- Front yard as any part of the property between the road and the front of the house.
- Side yard as those pieces of property located to each side of the house.
- Back yard as the property located behind the house.

Staff is recommending approval of these changes and at their meeting in March the Planning Commission recommended the changes by a vote of 4-0.

Motion/Second by Ray/Miller to approve the Amendment to UDO #A-16-01: Article 2. General Definitions - Section UUU, VVV, WWW and XXX – to amend the definition of yard, front yard, side yard and rear yard. Motion carried unanimously by all.

2. **Application #16-03Z:** John R. and Dorothy W. Clear, Owners - 2772 High Falls Road (6.13 acres located in Land Lot 47 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to AR-1, Agricultural and Residential.

Mr. Jacobs advised that this is a split zoned property that currently has a pole barn located on the front portion of the property that portion is currently zoned residential. Mr. Clear is wanting to build a home further back on in the AR-1 zoned area and leave the pole barn where it is located. The R-2 does not allow accessory structures to be located in front yard; however, AR-1 does allow for this type of structure if it is located on 5 acres or more. In reviewing the land use map, this areas is planned as Agricultural. Applicant is asking that the entire property be rezoned to AR-1 to allow for the current structure to remain where it is and the applicant to build his home further back on the property.

Mr. Jacobs stated that the request is compliant with the land use plan and staff recommends approval and at their meeting in May, the Planning Commission also recommended approval by a vote of 5-0.

John Clear, 2768 High Falls Road, the property is located at 2772 High Falls Road. He advised that the home to be built on the property would be owner occupied.

Motion/Second by Ray/Miller to approve Application #16-03Z: John R. and Dorothy W. Clear, Owners - 2772 High Falls Road (6.13 acres located in Land Lot 47 of the 3rd Land District) - requesting a rezoning from R-2, Single Family Residential and AR-1, Agricultural and Residential, to AR-1, Agricultural and Residential. Motion carried unanimously by all

3. **Amendment to #16-09S:** James R. Jr. and Christina L. Robinson, Owners - 208 Whatley Road (11.678 acres located in Land Lot(s) 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.

Mr. Jacobs stated that this is a Home Occupation request by Ms. Robinson who plans to run a sewing business where she will collect items that need to be altered or repaired, bring them into her home to work on the items and then return the items once completed. In reviewing the requirements that are in Section 202LL for a Home Occupation, this request meets all of the requirements outlined in this code section.

Staff recommends approval of the request and at their meeting in July, the Board of Appeals also recommended approval by a vote of 4-0.

Christina Robinson, 208 Whatley Road, stated that in order for her to apply for a business license she needed to apply for a special exemption as she will be doing all of the work in her home. She advised that she will be picking up items at dress shops and dry cleaners and taking them back to her home to do

the sewing, then she will be returning the items to the dress shops or dry cleaners.

Commissioner Hawbaker asked if any of the customers would be coming to her home.

Ms. Robinson stated that she may have people from time to time come to her home, but it is her intention to pick up the items and return them as she doesn't want a lot of people coming to her home. Ms. Robinson reiterated that her plan is to pick up the items at customer locations, bring the items home to do the work and then return the items back to the customer at their location.

Motion/Second by Miller/Hawbaker to approve Application #16-09S: James R. Jr. and Christina L. Robinson, Owners - 208 Whatley Road (11.678 acres located in Land Lot(s) 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. Motion carried unanimously by all.

C. Other Business: None

D. Commissioner Comments

Commissioners discussed the Purchasing Policy dated March 2014.

E. Adjournment

Motion/Second by Miller/Ray to adjourn the meeting at 6:31 p.m. Motion carried unanimously by all.