

**SPALDING COUNTY APPEALS BOARD**  
**Regular Meeting**  
**October 13, 2016**

The Spalding County Appeals Board held its regular monthly meeting on October 13, 2016 at 7:00 P.M. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, Chair, presiding; Ed Brown; Curtis Keys; Robert Lattimore and Bill Slaughter.

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 #16-12V:** Pilkenton Construction, Inc., Owner – 361 O’Dell Road (1.007 acres located in Land Lot 108 of the 2<sup>nd</sup> Land District) – requesting a Variance from side yard setbacks in the C-2 District.

Harvey Pilkenton – 111 Cheshire Drive

Mr. Pilkenton said they need this variance for the new building they are constructing. They are combining two lots and need the variance to shift the location of the new building to allow enough room so they can get their trucks between the two buildings. The requirement is 30’ and they need a 15’ variance. The new building is 110’ wide and the lot is only 150 wide. The lot is fenced with screening. They will probably take the fence down between the two buildings. He is currently in negotiations to acquire the adjacent lot, and if they are successful, they will not need the variance for this lot but might need the variance for the next lot.

Mr. Jacobs said if everything works out, the lots will probably be combined, but if it does not work out, they will need this variance. Due to the size of the lot and size of the building and the nature of his business, there are unique issues. The staff recommends approval of the variance.

**MOTION**

Mr. Keys made a motion to approve Application #16-12V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion and Ms. Cannon abstaining because her business is adjacent to this tract and does not want it to appear there was any favoritism.

**Application #16-13V:** Ken Tomlinson and Evelyn Tomlinson, Owners – 224 Sawgrass Place (0.14 acres located in Land Lot 186 of the 3<sup>rd</sup> Land District) – requesting a Variance from rear yard setback in the AAR District.

Ken Tomlinson – 224 Sawgrass Place

Mr. Tomlinson said this variance application is to change from a 20’ setback to a 14’ setback to increase the size of their patio and to cover the area. The original patio 10’ x 8’ wide and he increased the size to a 10’ x 13’ with approval from the ARC Committee in Sun City Peachtree. No variance was required for that expansion. They want to put a 12’ x 20’ porch over the patio and a variance is required because it will extend the roofline over the setback line.

Mr. Jacobs said they have received requests similar to this application in the Sun City Peachtree community. The recommendation is for approval.

**MOTION**

Mr. Brown made a motion to approve Application #16-13V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

**Application #16-14V:** Ronnie D. Philpot and Molly G. Philpot, Owners - 414 Tallulah Drive (0.186 acres located in Land Lot 199 of the 3<sup>rd</sup> Land district) – requesting a Variance from rear yard setback in the AAR District.

Ronnie D. Philpot – 414 Tallulah Drive

Mr. Philpot said he extended his patio in 2011 from an 8’ x 16’ open slab to 16’ x 17’ covered. He was not aware that he needed to get a variance. This application is to correct that. They extended the roofline 8.5’ to 10’ beyond the building setback. The neighbors in the area had extended their patios without covers and he was not aware the cover was an issue. He became aware of the need for a variance through communication from the Homeowner’s Association which advised that a permit was required if it was covered with a roof.

Mr. Jacobs said they are recommending approval. There is an issue regarding infringement on the drainage easement. There was a request a few months ago regarding a drainage easement and the applicant pulled back a couple of feet to avoid that conflict. The staff noted any approval of this variance request will not remove potential maintenance matters and/or liability with respect to the drainage easement. The current and future owners will shoulder any future burdens regarding the easement. Spalding County does not recommend building within the easement. This variance will address only the setback encroachment.

**MOTION**

Mr. Brown made a motion to approve Application #16-14V. The motion passed on a second by Mr. Lattimore with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

**Application #16-15V:** Ana Karen Padilla and Sonia Flores-Baltazar, Owners – 375 Dutchman Road (6 acres located in Land Lot 48 of the 2<sup>nd</sup> Land District) – requesting a Variance from front yard setback in the AR-1 District.

Ana Padilla – 375 Dutchman Road

Ms. Padilla said there is a small porch on the house and they would like to increase the size.

Mr. Jacobs said this house was built prior to the codes, which requires a 100’ setback and the house already infringes on the setback. If the porch is extended, it will encroach even further. The recommendation is for approval.

**MOTION**

Mr. Lattimore made a motion to accept the recommendation of staff and approve Application #16-15V. The motion passed on a second by Mr. Keys with Mr. Brown, Ms. Cannon, Mr. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

**MINUTES**

Mr. Keys made a motion, seconded by Mr. Brown, to approve the minutes of the September 8, 2016 meeting. The motion passed with Mr. Brown, Ms. Cannon, Mr. Keys, and Mr. Lattimore voting for the motion and Mr. Slaughter 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. Keys, Mr. Lattimore and Mr. Slaughter voting for the motion.

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Michelle Cannon – Chair

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Yvonne M. Langford - Recorder