

ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, September 23, 2010, beginning at 6:04 p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Eddie L. Freeman and David Phillips in attendance. Gwen Flowers-Taylor arrived at 6:30 P.M. Commissioner Gilreath was not present. Also present were Interim County Manager Tim Whalen, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, and Executive Secretary Glinda Robertson.

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. Time allotted to speakers will be five minutes each, unless otherwise noted at the Board's discretion. No speakers will be allowed to readdress the Board without express consent from a Board member. Outbursts from the audience will not be tolerated. Common courtesy and civility area expected at all times.

B. New Business:

1. **Application #10-07S:** William Larry Bowlin and Victoria K. Bowlin, Owners – 525 Bethany Road (25 acres located in Land Lot 10 of the 2nd Land District) – requesting a Special Exception to allow for an office (for commercial activity conducted off-premise) meeting development standards in the AR-1 District.

Chuck Taylor explained that earlier this year the ordinance was amended to allow this kind of use in the AR-1 zoning district as a special exception with a number of criteria. The Planning Commission has found that this meets the specified criteria and has recommended conditional approval of the request.

The conditions are: 1) Construction material and equipment shall be stored off-site; 2) Lighting shall be designed not to cause glare onto adjacent properties or street rights-of-way.

Larry Bowlin – 1271 Rover Zetella Road was present. No one was present to speak against.

Motion/second by Commissioners Phillips/Freeman to approve with conditions and carried by a vote of 2-1. Commissioner Goss voted against.

2. **Application #10-08S:** Eula Richmond, Owner – 101 Wilti Road (3.45 acres located in Land Lot 59 of the 2nd Land District) – requesting a Special Exception to allow a Family Personal Care Home in the AR-1 District.

Chuck Taylor explained this is a request for a special exception for a personal care home by Ms. Richmond. In review of the application it was found there is a concern about access to the site. The easement is narrow with steep ditches. It would be difficult for an ambulance or other emergency vehicle to get through. This resulted in the planning commission denying application.

Mr. Freeman stated this does not fit his idea of a personal care home sitting that far off the road. Mr. Goss stated he attempted to drive into the easement and he backed out because he did not want to scratch up his truck. He stated it would be difficult for an ambulance to get through.

Mr. Taylor stated there are to be six people in the home. It will be Ms. Richmond and some of her family members. He further stated the potential is there for more people to come in if the house is expanded.

The following people spoke out against the personal care home:

Daniel Payne- 101A Wilti Road – Locust Grove

Mr. Payne stated this area is country. He lives across the way from where the personal care home would be. There are wild hogs, deer and other wild animals in the area. There is a lake that is shared by four property owners. He stated it seems to him the State of Georgia leaves the policing of these personal care homes to the neighbors instead of setting up regulations. He further stated that if an emergency vehicle tries to get through the easement it will be fascinating.

Emmett Bennett – 501 Chuli Road – Locust Grive

Mr. Bennett's son lives in this area. After searching on the internet and not finding anything, they later discovered there was a sex offender living in Ms. Richmond's home. He too stated this is the country and not a place for a personal care home or any other kind of company.

Jovona Payne – 101A Wilti Road – Locust Grove

Ms. Payne stated there is an open well on the property which would be a hazard for people that would live in a personal care home. She is also concerned about this home being close to the lake. If the home is expanded she does not believe the septic system can support it.

Shelda Bennett – 501 Chuli Road – Locust Grove

Mrs. Bennett's children live in this area. She wanted to point out that the access to the property is a problem, the lake is a problem, the wild life is a problem and there are multiple hazards on the property to anyone that has a diminished mental or physical capacity. She stated the whole environment would have to be changed in order for a care home to be functional in this location. She believes there are other places in the county that would be more suitable for this type of facility. Ms. Bennett stated that Ms. Richmond is starting this personal care home in order to take care of her family and be able to receive government funds to do so. She further stated these people should already be receiving disability checks. There are also questionable subjects living on the property. She commented that Ms. Richmond does not live at this property.

Commissioner Phillips asked what kind of business Ms. Richmond operates and Ms. Bennett said Ms. Richmond has listed herself as an organization and a charitable ministry. Ms. Bennett does not believe Ms. Richmond is attempting to create this personal care home for the right reasons. She has a registered sex offender living in this home and she is moving her 13 year old daughter in the home.

She stated that in the past Mr. Payne had a truck that was stolen by someone living in Ms. Richmond's house. The man was arrested at Ms. Richmond's property later that day.

Motion/second to deny application by Commissioners Phillips/Freeman and carried by a vote of 3-0. Ms. Richmond did not attend the meeting.

3. **Application #FLA-10-02:** Helen Rowe/Brittney Faust has requested a future land use map change from Low Density Residential to Agricultural for the following: 4251 Fayetteville Road (4 acres located in Land Lot 111 of the 4th Land District).

Chuck Taylor explained the applicant initiated this request for future land use change because she would like to rezone the property to agricultural for her horses. The planning commission has recommended approval. There are presently two to three horses on the property.

The following people spoke in favor of the application:

Ann Dowda – 1667 Stark Road – Jackson, GA

Ms. Dowda's property is next door to Ms. Faust's property. Ms. Dowda stated that previously there had been a complaint about the horses from someone else. She wanted the Board to know she has never had a problem with Ms. Faust's horses being in the back of the property.

Brittney Faust/Helen Rowe – 4251 Fayetteville Road, Griffin, GA.

Ms. Faust stated she does not know who sent in the complaint but they have never bothered to show up at the meetings. All of the horses are rescue horses and she has had them for 4½ years. She is not looking to house her horses in the front yard. They have a barn and an existing fence in the back.

Mr. Freeman asked about her intentions for putting a fence in the front yard. She stated she is planning on putting up a decorative fence and she does not intend on housing her horses in the front yard.

Ms. Taylor asked if there are ordinances for fences in the front yard. Chuck Taylor stated that in agricultural settings you can have barbed wire fencing as long as it's to enclose livestock. It does not require a decorative fence nor does it require specific fence material. Ms. Faust stated she has no intention of putting in barbed wire fencing.

Mr. Taylor stated the next step would be to zone the property. If her property is zoned agricultural she can have horses in the front or backyard. She cannot put any accessory structures in the front yard because she does not have five acres.

There were letters from neighbors in the BOC packet, one in support of and one against. Ms. Faust stated she had heard one of the neighbors had a smell concern. She has never had any complaints about his. One of her neighbors uses turkey feces to fertilize the soil. She believes this is what the neighbor is smelling.

Motion/second to approve and carried with a vote of 4-0.

4. **Amendment to UDO #A-10-07:** Article 2. Definitions of Terms Used – Housing Definitions – Section 203:S(1)(f), T(1) and U(2) – delete age of manufactured homes allowed to be brought into Spalding County.

Chuck Taylor stated the county's ability to restrict the age of the housing brought into Spalding County has been eliminated by the State of Georgia. The county has to amend its ordinance to not restrict the age of housing brought in.

Mr. Galloway stated this is new legislation. The bill was SB384 which provided as follows: no county or municipality shall impose any health and safety standards for conditions based upon the age of a manufactured home.

According to Mr. Galloway, the ACCG and GMA sent out a model ordinance to establish minimum health and safety standards while at the same time telling the cities and counties to remove any age restrictions. The provisions that are specifically being removed from Spalding County's ordinance states you can't move in a manufactured home that is older than five years.

Mr. Taylor stated the biggest impact will be mobile home communities because the county allows class B and C mobile homes. Mr. Galloway stated this bill is designed to facilitate the transport of rental property.

Mr. Freeman expressed concerns over these homes being set up and not being used as a residence. He stated this happened in Fayette County and they had 20 or 30 mobile homes sitting on a property that were about to fall in. Mr. Galloway stated this ordinance deals with when it is being used as a residence. He further stated there is already an ordinance that prohibits the use of a manufactured home as a storage facility.

Motion/second to approve amendment by Commissioners Phillips/Freeman and carried by a vote of 4-0.

C. **Other Business:** None

D. **Adjournment.**

Motion to adjourn by Commissioners Phillips/Freeman at 6:50 p.m. and carried by a vote of 4-0.

Chairman

Interim County Clerk

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