

## ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Monday, December 13, 2010, beginning at 6:00 p.m. with Commission Chairman Edward Goss, Jr. presiding and Commissioners Eddie L. Freeman, David Phillips and Gwen Flowers-Taylor in attendance. Bob Gilreath was not present. Also present were County Manager Tim Whalen, Interim Assistant County Manager Virginia Beams, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway, Attorney Stephanie Windham 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 #10-12S:** Gary Hall, Owner – 454 Sidney Drive (5.234 acres located in Land Lot 8 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

*This item was withdrawn from the agenda at the request of the applicant.*

2. **Application #10-13S:** Henry R. Milner, Owner – Henry R. Milner, III, Agent – 1815 (using 1807) South McDonough Road (1 acre located in LL 247 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Chuck Taylor addressed this item. He stated there was a house previously on this property, however, the house burned down. The applicant is proposing to replace the home with a manufactured home. The proposed home has approximately 1,500 sq. ft., of heated space.

Staff recommended denial of the request based on the requirements from Section 413 G' of the UDO, there is an established trend in the general area towards conventional home construction.

The Board of Appeals recommended conditional approval of the request. The following are the recommended conditions:

- The applicant has indicated that the square footage includes some eaves of the manufactured home. The square footage should be based solely on 1500 heated.
- On a landlocked piece of property, the county requires a 30' access easement. The easement must also be adopted, recorded, and confirmed prior to the issuance of a building permit.

The following people spoke in favor of this request:

#### **Henry Milner III – 1650 N. Second St. Ext., Griffin, GA (applicant's son)**

Mr. Milner stated his father did not have any insurance on the home when it burned. This will be the cheapest way for his father to have a home again. His father is 84 years old. He is currently living next door with one of his daughters. His father cherishes this property he has been on more than 50 years. The sister is willing to give whatever she needs to for the easement. The family is willing to meet whatever requirements are asked of them.

Mr. Freeman asked why the board is asking for an easement. Mr. Taylor stated the ordinance requires an easement before a permit can be issued on a landlocked piece of property. A thirty foot access easement will be required. This is a minimum standard.

#### **Jesse Milner – 1334 Elmhurst Circle, Atlanta, GA (applicant's son)**

Mr. Milner stated they have done everything that has been asked of them. The family does not want their father to leave out of his familiar surroundings. He has been displaced since August 16<sup>th</sup>. This has been hard on him. The family is looking to do the quickest and easiest thing they can to get him back in his own home. Mr. Milner also stated they will not have a problem getting an easement from their sister.

**Henry R. Milner – 1807 S. McDonough Rd., Griffin, GA (applicant)**

Mr. Milner stated that at one time an inspector came out and told him that he only needed 20' to have a driveway. He is trying to understand what the county is asking of him and has always tried to do the right thing. Mr. Milner stated his daughter will give him whatever land he needs for the easement. Ms. Taylor stated the board is not trying to give Mr. Milner a hard time however sometimes the rules change. She stated that apparently the zoning rules have changed and this is why he had to get a special exception. Ms. Taylor asked what will happen with this decision once Mr. Milner no longer lives on this property. Mr. Taylor replied there are no rules being broken to grant this exception. In this case, if Mr. Milner no longer lives on this property, this special exception will go with the land. It will always be there. Mr. Milner stated all of his neighbors have given him their support for him to have a manufactured home on this property.

**Barbara Wyatt – 2010 Futral Rd., Griffin (daughter of applicant)**

Ms. Wyatt stated it is in the deed that the driveway was given for this property.

*Motion/second by Commissioners Flowers-Taylor/Freeman to approve with recommended conditions and carried by a vote of 4-0.*

- 3. Application #10-14S:** Harvest Worship Center of Forest Park, Inc., Owner – 2290 North McDonough Road (72.28 acres, more or less, located in Land Lot(s) 111, 110, 115 and 114 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow an expansion of an existing Church in the R-2 and AR-1 District.

Items 3 and 4 were discussed together, however, they were voted on separately as they are two different tracts of land. Chuck Taylor stated this is a large piece of property located on Hwy. 155 North. The church was originally approved by the county a few years back with a condition that any expansion of the church would require an additional special exception. Proposed now is a maximum 1,120 SF classroom building that would either be a mobile classroom trailer, a metal stand-alone building or an addition to the existing church building. Future phases would add a 13,000 SF family life center and a 20,000 SF Sanctuary Building.

The staff and the Board of Appeals are recommending the following conditions:

- The plan shall incorporate an acceleration/deceleration lane to the site.
- Any expansion of the facilities or use beyond the proposed build-out as shown on the concept plan shall require an additional special exception.
- Driveway access shall be limited to one curb cut, alternatively one entrance and one exit curb cut.
- With the exception of one additional curb cut, a 50 ft. undisturbed buffer shall be maintained along the right-of-way of S.R. 155.

**Rev. Stuart Boice – 4321 Coatsworth Dr., Rex, GA**

Rev. Boice is the pastor of the church. Rev. Boice stated that their current square footage is just under 4500 SF. The proposed site plan is set at 6,000 SF. The DOT granted the church a waiver for the accel/decel lane due to the amount of people that attended the church at the time. The current sanctuary only seats about 100 to 120 people. The church fully understands that when they expand an accel/decel lane will be required. The church has doubled in size and they continue to grow.

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

- 4. Application #10-14AS:** Harvest Worship Center of Forest Park, Inc., Owner – North McDonough Road (59.93 acres, more or less, located in Land Lot(s) 111 and 114 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow an expansion of an existing Church in the R-2 and AR-1 District.

*Motion/second by Commissioners Phillips/Freeman to approve with conditions recommended by staff and carried by a vote of 4-0.*

5. **Application #10-15S:** Larry D. Solomon and Loretta E. Solomon, Owners – 239 Cecil Jackson Road (5.95 acres located in Land Lot 230 of the 3<sup>rd</sup> Land District) – requesting a Special Exception to allow a general home occupation in the AR-1 District.

Chuck Taylor addressed this item. This applicant requests a Special Exception to have a home occupation in the AR-1 district. The proposed home occupation will consist of a commercial kitchen that prepares food. Mr. Solomon is asking to be able to bring in food from off the property to his property and process and sell this food.

The staff and the Board of Appeals are recommending the following conditions:

- Proposed parking spaces shall be angled in such a way as to avoid conflict with the existing propane tank on site.
- Storm water generated shall be managed with the addition of rain barrels and similar approved devices that will limit the amount of additional runoff.
- No outdoor signage.

Mr. Taylor stated there will be vehicles delivering/picking up some of the food. Mr. Solomon will pick up the bulk of his food himself.

The following people spoke in favor of this item:

**Larry Solomon – 239 Cecil Jackson Rd. (applicant)**

Mr. Solomon stated he is asking for this special exception so that he can build a commercial kitchen on his property. The intent is to prepare food in bulk to be offered for sale to the general public, to businesses and institutions for consumption off premises. The operation of the business will not have a significant impact on the traffic on Cecil Jackson Road because of its proposed load of operation. The general public will not be the target market. It will be a small operation. He usually buys his supplies from local vendors which he picks up himself. This is Mr. Solomon's private home and he does not wish to invite a high volume of traffic.

There will not be a necessity to advertise with a sign as it would not be beneficial. Mr. Solomon asked the board to reconsider the condition to use rain barrels for storm water control because the increased runoff from the proposed building will be minimal. Mr. Solomon presented the board with a study he conducted on this runoff. Mr. Solomon stated if the board requires the storm water control it will set a precedent for everyone else in the neighborhood. There is a home that sits in the middle of the drainage basin. He stated that currently none of the runoff from his house goes into that basin.

When asked Mr. Solomon stated the home in the basin is about 400 feet from his home. Mr. Freeman asked if the drainage problems of the neighbor are from the natural flow of the water. Mr. Solomon stated it is. Mr. Freeman stated it is his opinion you cannot change the natural flow of the water. The proposed building will be 20' x 34'. This includes a 10' carport. It will include gutters.

**Larry Wilmot – 231 Cecil Jackson Rd. – Griffin, GA**

Mr. Wilmot stated his biggest concern was the traffic in the neighborhood however he now believes this will not be an issue. He stated he is in favor of Mr. Solomon's request and he hopes the board will grant him this opportunity.

*Motion/second by Commissioners Phillips/Freeman to approve with recommended conditions with one exception and carried by a vote of 4-0. The commissioners voted to remove the following condition: Storm water generated shall be managed with the addition of rain barrels and similar approved devices that will limit the amount of additional runoff.*

6. **Amendment to UDO #A-10-08:** Article 4. General Procedures – Section 408:A – amend building permit requirements.

Chuck Taylor stated this has been something that has been discussed for a long time. They have been trying different things but have not been able to figure out the best way to handle

building permit requirements. Mr. Taylor had a matrix that has been created by the building inspector to assist staff with making the decisions of whether or not a permit is needed. They believe that if an inspection is required, you should be required to get a permit. Otherwise, if an inspection is not required, you will not be required to obtain a permit. Currently there are times when citizens are paying for building permits however inspections are not taking place because an inspection is not required.

Examples of items that would not need a permit are: installation of new roof, modest personal repair including roofs, appliance change outs, above ground swimming pools, enclosing your back porch and installing fences.

Mr. Freeman asked why the county is not inspecting installations of new roofs. He believes the county is losing money by not requiring permits for new roofs. Mr. Freeman suggested looking at this after the first of the year. He believes contractors should have to pay the fee for the permit.

Mr. Taylor stated what's causing the biggest problem on the revenue side is people building things without getting the permit they are required to have. The county needs to be more vigilant about making sure that people have permits when they build.

Mr. Freeman believes the county has lost a lot of revenue from people who have put on roofs in the last year. He believes we should have had people inspecting this work. He stated that other counties are collecting revenue by doing this and so should Spalding County.

Mr. Freeman wanted more time to study the ordinance and the matrix to make possible changes. Mr. Taylor stated the ordinance could be approved as is and the matrix can be changed at any time.

***Motion/second by Commissioners Flowers-Taylor/Freeman to add roofing to the matrix and require permits. After a discussion this was voted down by a vote of 1-3 with only Freeman voting in favor of.***

***Motion/second by Commissioners Flowers-Taylor/Phillips to approve the ordinance as written with the staff's list of recommended items on the matrix with a vote of 3-1. Freeman opposed.***

**C. Other Business:**

1. Consider approval of second reading of resolution to amend Section 6-1057 of the Spalding County Code of Ordinances involving Sunday alcohol sales.

Ms. Flowers-Taylor has a problem with the board telling people they cannot sell alcohol on Thanksgiving and Christmas.

***Motion/second by Phillips/Flowers-Taylor to approve the ordinance. After a discussion Commissioner Taylor withdrew her second. Commissioner Taylor questioned not being able to sell alcohol on Thanksgiving or Christmas. Commissioner Freeman seconded the motion. A 2-2 vote resulted in no action being taken.***

***The commissioners requested amending the ordinance to delete the clause that states "at no time on Thanksgiving or Christmas Day" can alcoholic beverages be sold by the drink on premises. With this amendment this will now be considered the first reading of this ordinance. Motion/second by Commissioners Flowers-Taylor/Phillips to approve the amended ordinance by a vote of 3-1 with Commissioner Goss opposing.***

2. Consider approval of Resolution authorizing the continued due date of November 15<sup>th</sup> for the collection and payment of Ad Valorem Taxes on tangible property other than motor vehicles as currently authorized by Section 2-5011 of the Code of Spalding County, Georgia.

Tim Whalen stated there was a new law that passed in the last session that requires counties to set a final collection date.

***Motion/second by Commissioners Flowers-Taylor/Phillips to approve with a correction of a typo by a vote of 4-0.***

3. Consider approval of second reading of ordinance amending the Fiscal Year 2011 Budget for Spalding County. This law takes affect January 1, 2011. This will set the date for future collections.

*Motion/second by Commissioners Flowers-Taylor/Phillips to approve with a vote of 4-0.*

**D. Adjournment.**

*Motion/second by Commissioners Phillips/Freeman to adjourn at 8:25 p.m. and carried by all.*

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Chairman

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Interim County Clerk

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