

ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Tuesday, August 30, 2011, beginning at 6:00 o'clock p.m. with Commission Chairman Eddie Freeman presiding. Commissioners Chipper Gardner, Raymond Ray and Gwen Flowers-Taylor were present. Also present were County Manager William P. Wilson, Jr., Deputy County Manager Virginia Beams, Community Development Director Chuck Taylor, Zoning Attorney Newton Galloway and Executive Secretary Ricky L. Clark, Jr. to record the minutes. Commissioner Bob Gilreath was absent.

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. 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. **Application #11-09S:** Wat Phramahajanaka, Inc., Owner – Michael Goode, Esq, Agent – 498 Steele Road (17.563 acres located in Land Lot 39 of the 3rd Land District) – requesting a Special Exception to expand an existing Church, synagogue, chapel, or other place of religious worship in the AR-1 District.

Chuck Taylor stated that Application #11-09S does meet criteria in an AR-1 District and staff recommends conditional approval. Prior to the Board of Appeals meeting, staff receive a complaint from a neighbor and the Building Official went out to inspect the property. Upon investigation of the property it was confirmed that there were two (2) structures without proper permits. There have been two (2) permits filed for construction, which are pending approval of the Special Exception. He noted that this addition was added to the residence and being used as habitable space and a place of assembly without a valid permit. The permit is being held pending the outcome of the Special Exception. He noted that a notice of the violation was sent to Mr. Ly on July 26, 2011. The Board of Appeals recommends conditional approval with the same conditions as recommended by staff with the exception of Section E, the option of giving a variance for the building that encroaches into the building setback not be allowed and the building be removed. The building is located on the eastern side of the property as is known as a Pavilion.

Commissioner Flowers-Taylor questioned if the pavilion was in the original plan. Mr. Taylor advised that the pavilion was in fact in the original plan but was constructed in a different location than outlined in the plan. Flowers-Taylor also questioned where the monks lived. Mr. Taylor advised at the present time they were living in a single story home on the property. The square footage of the home is between 2500 sq. ft. and 3000 sq.ft.

Chairman Freeman questioned the additional acreage to be added to the existing special exemption. At the request of Mr. Freeman, Mr. Taylor advised the original acreage was only five acres. Since the original plan, twelve acres have been added to make the total acreage seventeen. Mr. Taylor noted that no use would be permitted without proper zoning in place. If the temple wanted to use any of the property for anything rather than residential purposes the Special Exception must be granted. He noted that alot of the discrepancies stem from buildings being built not as shown on the original plan.

Commissioner Flowers-Taylor questioned the legal ramifications the County has taken for this property. Mr. Taylor noted that the Cease and Desist letter went out primarily to advise residents to

get building permits and to bring in compliance all properties that were altered without proper approval. He advised that at this time no citations were issued.

Michael Goode- Agent for the Temple- 3121 Lily Road NW- Kennesaw, GA

Mr. Goode Stated that he was committed to being in compliance with any zoning requirements set by the County. Mr. Goode has gone to the site personally to make sure that proper permits were in place. He advised he made sure that the storage building was not being used as a place of assembly. He stated that he would obey any of the stipulations set forth by the Board. Mr. Goode asked for the same rights of freedom of religion as any other church.

Commissioner Flowers-Taylor questioned if Mr. Goode was present when the original application was brought before the Board. He advised that he was at the hearing but not a part of the original submittal of the application. He was asked later by the monks to accompany them at the hearing as their attorney.

Commissioner Flowers-Taylor also questioned whose decision it was to build the structures without proper permits. Mr. Goode advised that as the buildings were being built the usage of the building changed. He noted that during the process of building, the applicants have in fact been obtaining applicable permits. He advised that the violations made were technical and simple misunderstandings; all of which the monks are willing to bring in compliance.

Forest Franklin Ly- 220 Suwanee Avenue- Suwanee, Georgia

Mr. Ly has been a regular attending member of the temple and temple secretary since the beginning of the establishment. He was in fact at the first hearing for the application. Mr. Ly advised that the temple is a very quiet place and a good place to meditate. Mr. Ly requests to combine three parcels of land into one parcel with a special land use addition. He noted that the additional property was purchased on site where the monks currently live. He intends to be in compliance with Zoning Regulations. He mentioned that there were misunderstandings, and the monks did not consult with him prior to the additions being made.

Leonard Tyler- 1911 Rosewood Drive-Griffin, Georgia

Mr. Tyler also noted that he has been at the temple since its origin. He was present when the permits were granted for several of the structures. He stated that he has no idea how the extensions went without being permitted. He advised that the people are very quiet and law abiding citizens. He would like to see them have their own place of worship. He noted that there is minimum noise and a maximum of fifty people who would actually go to the ceremonies.

Troy Hulon- 383 Steele Road- Griffin, Georgia

Mr. Hulon mentioned the following violations he noticed on site: Three buildings without proper permit, applicants practicing Buddhism outside special exception boundaries, building a storage building and using it for assembly purposes, buildings in buffer zone, chemicals being poured into reservoir. Mr. Hulon stated that they should have to follow the same rules as their neighbors.

Terry Sweat- 1315 Manley Rd- Griffin, Georgia

Mr. Sweat noted that he has been at the property for many years. He quoted Mr. Goode at the December 14, 2006 Zoning Public Hearing saying, "When they talk in terms of 20 people, they are being overly optimistic. There would probably be three to five people at one time. Twenty would be exceptional and 50 people would be extremely exceptional." Mr. Sweat noted that he prepared a petition from the Birdie Road community. He advised that the community is fine with the current arrangements at the temple, but wish not to have it expanded.

Motion by Flowers-Taylor to approve Application #11-09s with the following stipulations:

- a. The Pavilion be removed out of the 50 feet buffer***
- b. All current violations should be addressed before any construction or future land use plans are submitted.***

Motion dies for lack of second.

Motion/Second by Ray/Gardner to deny Application #11-09S for a period of one year until all items of the conditional approval as recommended by staff on the Board of Appeals are met. Motion carried by a vote of 3-1 with Commissioner Flowers-Taylor opposing.

2. **Application #11-12S:** Doris L. Gossett, Owner – Rose M. Gossett, Agent – 1800 Teamon Road (1 acre, more or less, located in Land Lot 201 of the 3rd Land District) – requesting a Special Exception to allow a home occupation, general, excluding garage, repair garage and kennel in the AR-1 District.

Chuck Taylor noted that Application #11-12S, hereinafter known as a pet grooming business, does meet the criteria as established in the ordinance. Staff recommends that the following condition be applied: no pets kept overnight.

Commissioner Flowers-Taylor removed herself from the meeting at 7:05 p.m. stating, “Mr. Chairman, I would like the record to show that I’m leaving in protest. I don’t agree with discrimination for race, sex, and religion.”

Chairman Freeman questioned the parking arrangements at 1800 Teamon Rd. Mr. Taylor advised that the standard parking was next to the house. He also advised that additional parking should be added to the front of the house. Staff recommends that a space be added to the side of the site to provide for more parking.

Commissioner Gardner stated that he has received numerous complaints about the dogs barking and the amount of dogs at the house. He noted that the same nuisances that come from kennels would exist during the daytime.

County Manager William Wilson noted that in the proposed recommendations from the Animal Care & Control Advisory Board (ACCAB) they do not address the number of dogs a owner can keep in a residence.

Motion/Second by Ray/Freeman to table item until ACCAB’s Animal Living Conditions Ordinance is finalized. Item will be placed on September 22, 2011 Zoning Public Hearing agenda. Motion carried by a vote of 3-0.

3. **Amendment to UDO #A-11-05:** Quarterly adoption of official zoning map in revised Geographic Information Systems (GIS) platform as applicable to unincorporated Spalding County.

Motion/Second by Gardner/Ray to approve Amendment to UDO #A-11-05. Motion carried by a vote of 3-0.

4. **Amendment to UDO #A-11-06:** Article 4. General Procedures – Section 408:K – amend building permit requirements and Section 409 – amend certificate of occupancy requirements.

Mr. Taylor explained that the new language lines coincide with the updated Building Code. The changes mentioned address the consequences of starting construction and abandoning it. Because of different types of construction and situational issues, the Building Code entitles you to have three levels of completion. It adds the Certificate of Completion and the Notice of Approval. However, it doesn’t allow anyone to occupy the building.

After question from Commissioner Ray, Chuck advised that there is no limit to the length of time in which the construction must be completed. The codes states that it must be continued work.

Motion/Second by Gardner/Ray to approve Amendment to UDO #A-11-06. Motion carried by a vote of 2-1 with Commissioner Ray opposing.

C. Other Business:

D. Adjournment.

Motion/Second by Gardner/Ray to adjourn at 7:22 p.m._Unanimously approved.

Chairman

County Manager

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