

ZONING PUBLIC HEARING

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, September 22, 2011, beginning at 6:00 p.m. with Commissioner Eddie Freeman presiding. Commissioners Raymond Ray and Bob Gilreath were present. Also present were County Manager William P. Wilson Jr, Attorney Newton Galloway, Community Development Director Chad Jacobs and Executive Secretary Ricky L. Clark Jr. to record minutes. Commissioners Gwen Flowers-Taylor, Gardner and Deputy County Manager Virginia Beams were not present.

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 #11-12S: Lift from the table** – 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.

Motion/Second by Ray/Gilreath to lift from table Application #11-12S. Motion carried by a vote of 3-0.

Commissioner Gilreath questioned the distance from the proposed grooming site and neighbors. Mr. Chad Jacobs advised neighbors are approximately 50 feet away. Mr. Gilreath also questioned applicable parking at the site. Mr. Jacobs advised that staff recommended one additional parking space be added.

Chairman Freeman questioned the amount of animals that would be allowed on site at one time. Mr. Jacobs advised at this time no provision has been made addressing the amount of animals.

Mr. Wilson advised that ACCAB will not make a recommendation due to a vote two years ago. ACCAB advised the issue was political. Mr. Wilson stated that decision would have to be made by the Board.

Commissioner Gilreath advised he would like to see additional parking spots added before the application was approved and also the number of dogs on site at one time addressed. Mr. Gilreath proposed tabling the application.

Mr. Newton Galloway advised the Board to allow the applicant to speak before the application is tabled.

Rose Gossett-1800 Teamon Rd. Griffin-GA- Ms. Gosset advised she would not allow the dogs to run wild, the dogs would be kept in a kennel. She noted that usually at one time she only has 5-8 animals. Customers would drop their dogs off and pick them up in the evening after work. She advised the grooming would take place behind her home. She advised a parking space would be added beside the existing one.

Mr. Wilson questioned the amount of animals she currently has at the home. Ms. Gosset advised she currently has eighteen dogs due to her sister passing from a terminal illness. She noted that Animal Control has been to her property and can validate that her dogs are well kept, well contained and behaved.

Commissioner Gilreath questioned if she accepted dogs that did not have the proper medical treatment. Ms. Gosset noted that she requires the dogs to have all shots required before she accepts them.

Chairman Freeman stated his only concern was the amount of animals Ms. Gosset has on site. He advised her to keep trying to find a home for the excess dogs.

Motion/Second by Gilreath/Ray to approve Application #11-12S as outlined by Staff & the Board of Appeals. Motion carried by a vote of 3-0 with the following conditions:

- a. *Pets to be groomed may not be kept on site. No commercial kennel can be established.*
- b. *One additional parking space shall be added next to the home.*
- c. *No pets to be groomed can be kept overnight.*

2. **Application #11-15S:** Julius E. and Brenda K. Whitley, Owners – 220 Smoak Field Road (3.71 acres located in Land Lot 233 and 248 of the 3rd Land District) – requesting a Special Exception to allow a General Home Occupation in the R-2 District.

Mr. Jacobs advised that the applicants wish to operate a printing business that would consist of promotional items, t-shirts etc.

Commissioner Gilreath questioned the type of printing source the applicants would use. He also questioned how the applicants would discard the chemicals. Mr. Julius Whitley advised the printing was water based.

Julius Whitley-220 Smoak Field Rd. Griffin,GA- Mr. Whitley advised he and his wife are retired air force . Due to the passing of Mrs. Whitley's father they wish to continue his printing business. He advised they have a 24 x 24 detached garage which would be where the printing business would be operated. He advised the garage does have water, electricity and sewer in it.

Commissioner Gilreath questioned the amount of frames Mr. Whitley would operate on. Mr. Whitley advised he would only have one frame.

Motion/Second by Ray/Gilreath to approve Application #11-15S. Motion carried by a vote of 3-0.

3. **Application #11-17S:** Christ Our Savior Evangelical Lutheran Church, Owner – Carl W. Brul, Agent – 3235 Teamon Road (4.117 acres located in Land Lot 113 of the 2nd Land District) – requesting a Special Exception to change a condition in the R-2 District.

Mr. Jacobs advised the Church received a Special Exception in 2010 to expand the site to add an additional sanctuary to the existing site. One of the requirements was for them to add a decel lane on Teamon Rd by July 1, 2011. The Church is now requesting an extension for two years to comply with conditions issued.

Mr. Paul Brul 2310 Patterson Rd- Mr. Brul stated he was the president of the congregation. He advised he would like to see the extension of two years given for the following reasons: Currently there is not heavy traffic on Sundays, Wednesday's Bible Study Traffic Survey indicated one car every few minutes. He noted that the church is experiencing extreme financial burdens. He noted that at the present time the Church could not get a loan to complete a decel lane.

Commissioner Gilreath questioned if there had been a traffic count conducted. Chairman Freeman advised that to his knowledge no official traffic count had been conducted.

Commissioner Ray noted that a condition of the earlier approval was to install the decel lane. He questioned Mr. Newton Galloway if an extension was permissible since the original application was approved with those conditions. Mr. Galloway advised that the Board could in fact extend the condition. He added that by extending the time of the condition the applicant would not be in violation. He further stated that the applicants applied before the original conditions set by the Board expired. Mr. Ray stated that his concern was that the original special exceptions were not followed by the applicants. His biggest concern was for safety. He noted that a decel lane at this location was important to have installed. Mr. Ray questioned Mr. Brul by asking what other work had been done to the site since the initial approval of the Special Exception.

Mr. Brul advised that no work had been done since the initial building of the Church.

Motion/Second by Freeman/Ray to approve Application #11-17S as outlined by Staff & the Board of Appeals. Motion carried by a vote of 2-1 with Commissioner Ray opposing. The following conditions were set:

- a. *Site lighting shall be designed so that it will not glare into adjacent residential areas or public rights-of-way.*
- b. *A deceleration lane shall be added to the entrance of the site by no later than July 1, 2013.*
- c. *Any addition or expansion of the use shall require an additional special exception.*

4. **Application #11-18S:** Samuel C. and Michelle Vickery, Owners – 1206 Knowles Alley (0.62 acre located in Land Lot 201 of the 2nd Land District) – requesting a Special Exception to allow a General Home Occupation in the R-1 District.

Mr. Jacobs advised the Board that the applicant Ms. Michelle Vickery wishes to operate a custom wreath making business in the household.

Michelle Vickery-1206 Knowles Alley, Griffin, GA- Ms. Vickery stated that there would be no large trucks entering the property in fact she would go to the post office to mail said items. She explained that customers will request custom made orders and she would go out and handpick items for design. She noted the wreaths will be constructed inside her seven bed room home. After question from Chairman Freeman, she advised she has been making wreaths for free for about three years.

Commissioner Ray questioned if she would have trucks picking up orders onsite. Ms. Vickery advised that due to the design of her products, she would be concerned about shipping. She would package her own products and go to post office for shipping.

Motion/Second by Ray/Gilreath to approve Application #11-18S. Motion carried by a vote of 3-0.

5. **Application #11-20S:** Kerry Carden, Owner – 1750 Hollonville Road (14.95 acres located in Land Lot 110 of the 1st Land District) – requesting a Special Exception to allow a Class A Manufactured Home in the AR-1 District.

Mr. Jacobs advised that the applicant is requesting to move their manufactured home on their property located at 1750 Hollonville Road. Within the UDO there is provision dealing with placement of manufactured homes.

Kerry Carden- P.O. Box 5, Brooks, GA- After question from Chairman Freeman, Mr. Carden advised that this was not a new manufactured home.

Motion/Second by Ray/Gilreath to approve Application #11-20S with the following condition set by Commissioner Ray. Motion carried by a vote of 3-0.

- a. *Manufactured Home must be inspected following completion.*

6. **Application #11-21S:** Cade P. and Deborah I. Newbern, Owners – 2121 West McIntosh Road (0.53 acre located in Land Lot 67 of the 3rd Land District) – requesting a Special Exception to allow a General Home Occupation in the R-2 District.

Mr. Jacobs advised this was a request to operate an adult day-care. He noted that the clients will not be staying overnight. Mr. Jacobs advised staff recommended conditional approval with the following conditions: No more than 4 clients be allowed, no overnight accommodations, and additional parking provided next to carport on the eastern side of the property. Board of Appeals also recommends conditional approval with the condition that the Fire Marshall & Department of Health provide inspection.

Commissioner Gilreath questioned the term “client”. Mr. Jacobs advised the clients would be the adults staying onsite. Commissioner Gilreath also questioned the maximum occupancy of four clients in the building. Mr. Jacobs advised the following requirement per UDO standards: In a R-2 District Home Occupation you can only use 25 percent of the space allotted. The residence is about 400 feet which would allow for only four occupants.

Deborah Newbern- 2121 West McIntosh Road- After question from Chairman Freeman, Ms. Newbern advised that she once had the same type of establishment located on East Popular Street for sixteen months. At this location she had a maximum of 16 occupants. Due to the economy Ms. Newbern advised she had to downsize. She explained that her business services clients 18 and older. Some of these are born with some form of disability that would

not allow for them to stay in the home alone. She advised she has a ramp for entrance to the home. She advised the den was the most used room in the home, which is where a lot of the activities take place.

Commissioner Gilreath questioned if there was a Staff Member to administer medicine. Ms. Newbern advised most of the clients are given their medication before they get under her supervision. She advised her home was a secondary resource for people considering placement in Nursing Homes.

Ms. Newbern advised of a previous complaint with environment health concerning raw sewerage. She noted this problem has since been taken care of.

Commissioner Freeman questioned the length of time the occupants stay at the residence. Ms. Newbern advised most of the clients only stay 4-6 hours. The average time is between 9:30-10:00 am. Ms. Newbern advised that if the clients were late being picked up, an additional late fee would be applied.

Commissioner Gilreath questioned if Mrs. Newbern was in compliance with Health Department regulations. Ms. Newbern advised that they do not fall within the rules and regulations of the Health Department. She noted that the Department of Health advised they had nothing to do with her organization.

Allen Biles- 1234 Everee Inn Rd. Griffin, GA- Mr. Biles advised he is speaking on behalf of his parents who live at 2131 West McIntosh Road. Mr. Biles advised he is not against what the Newbern's are doing for the community, he is against the location. His parents are elderly and would not feel safe with them living beside this residence. Mr. Biles advised that when this area was zoned, it was agreed that the area would remain residential. He noted that Ms. Newbern's property had four dogs and a 300 lb. pot-bellied pig. He also advised that the septic tank at the applicants residence had not been changed since the property was initially constructed.

Commissioner Ray questioned if the Health Department specified the size of the septic tank. After a substantial search through documents, Ms. Newbern could not find where a specified septic tank size was discussed by the Health Department.

Randy Kent- 2153 West Mcintosh Rd- Griffin, GA- Mr. Kent advised that he has lived on the property since 1957. Most of the residents in the area are elderly in the area. He doesn't think the adult day care site would pose a problem. His concern was for the increased traffic that would occur. He also stated that the wheelchair wrapped around the mailbox poses an eye sore. Mr. Kent wants the Board to help keep the area quiet, safe, and well kept.

Motion/Second by Freeman/Gilreath to deny Application #11-21S. Motion carried unanimously by a vote of 3-0.

7. **Application #11-22S:** Patricia V. Young and Ralph W. Varnadoe, Owners – Reverend Sandra Fendley, Agent – 4761 West McIntosh Road (4.104 acres located in Land Lot 52 of the 4th Land District) – requesting a Special Exception to allow a Church, synagogue, chapel, or other place of religious worship meeting development standards in the AR-1 District.

Mr. Jacobs advised that this application is to replace the original church located on Bendview Road which was destroyed by the tornado. Applicants Patricia Young & Ralph Varnadoe wish to construct the church at a new site.

Robert R. Jimmerson- 635 School Rd, Hampton, GA- Mr. Jimmerson noted that the Church is a 107 years old. He has a close attachment to the church. Mr. Jimmerson noted that he would like to see the church rebuilt.

Rev. Sandra Finley, Pastor- Princeton Trace, Fayetteville, GA- Ms. Finley advised that the church was destroyed during the tornado. The Church is approximately 107 years old. She noted that putting the church back at the same location was not available. She stated that the old building was two buildings, a fellowship hall and the sanctuary. Ms. Finley would like to put both buildings into one on the 4.1 acres. She advised they added about 104 square feet added to the original plan due to safety regulations for handicap bathrooms. She advised there would be 40 parking spaces added per requirement. Ms. Finley stated that all of the people in the area would like to have the church back in the area.

Commissioner Gilreath questioned the well needed for the new site. Ms. Finley advised that they would be on County water and would have all the essentials needed. Ms. Finley advised that the church is still doing fundraisers to offset cost.

Chairman Freeman stated that he was on site the day after the tornado and he had never seen so much devastation to one community. He advised Ms. Finley that he likes the location they chose for the church.

Motion/Second by Freeman/Gilreath to approve Application #11-22S as outlined by Staff. Motion carried by a vote of 3-0 with the following conditions:

- a. Site lighting shall be designed so that it will not glare into adjacent residential areas or public rights of ways.*
- b. Any addition or expansion of the use shall require and additional special exception.*
- c. A 25-foot wide buffer is required along the western property line. Said buffer shall be undisturbed and supplemented with screening plants and trees in areas where existing vegetation is limited to provide effective screening.*

- 8. Application #FLA-11-03:** Various Property Owners – Spalding County Board of Commissioners, Agent – property within ¼ mile radius at the intersection of Teamon Road and North McDonough Road (S.R. 155) – from Agricultural, Open Space Network, Transportation, Communication, & Utilities to Agricultural, Open Space Network, Transportation, Communication, Utilities & Crossroads Commercial.

Mr. Jacobs advised that as a result of a rezoning request for the corner lot of 155 the future land use map was not compliant. To bring the corner in compliance with the Land Use Map the area would have to be made cross road commercial. He advised that the Board of Appeals wanted the area reduced to a quarter mile radius zoned cross road commercial.

Commissioner Ray agreed with the application, his concern was the wording of approval. He did not agree with conditions set to represent as outlined by Chuck Taylor. He requested a more definitive condition.

Chairman Freeman expressed his concern with comparison to a village node in the area. He added that there is not a village node currently in progress for this area. Mr. Freeman advised this corner has already been zoned. He stated a future land use map was already done for this area and did not connect the roads such as Henry Jackson, McIntosh and other roads in the area.

Attorney Newton Galloway explained that initial direction from the Board was to draw a circle a quarter mile radius around the intersection. The Planning Commission's concern was particularly that the east side of the road was the large tract, single family residential houses and the other side would be commercial. This large tract is owned by Sue Savage. There was also concern that there was sufficient space for a business like Wal-Mart or business similar in size on the lot. At this time the area was zoned down to prevent this.

Chairman Freeman advised that he has spoken with several residents in the area and they would like to see their property zoned commercial. Mr. Freeman further questioned the size of the area in question.

Commissioner Gilreath questioned the type of businesses that would be permitted in the area. Mr. Galloway advised they would be conducive with the Future Land Use Map.

Motion/Second by Ray/Gilreath to approve Application #FLA-11-03 as outlined by Staff & the Planning Commission. Motion carried by a vote of 2-1 with Commissioner Freeman opposing. The following conditions were set:

- a. Recommend restricting approval to the west side of Hwy 155 and to the drawing as defined on the GIS updated map.*

- 9. Amendment to UDO #A-11-04:** Article 2. Definitions – Section 202:K''' – add definition of Group Home, Transitional; Article 5. AR-1 Agricultural and Residential – Section 503:B(12) – add Group Home, Transitional as special exceptional use and Article 19. O & I Office and Institutional – add Group Home, Transitional as principal use.

Attorney Newton Galloway advised Ms. Nicole Arnold brought this issue to the Board a few months ago. At that time the Board recommended staff to draw up an amendment to provide

for the land use. Ms. Arnold wishes to provide housing for people in transition (i.e. battered women etc.) After the ordinance was drafted Mr. Galloway advised he met with both of them and made necessary changes. Mr. Galloway advised staff devised a definition to read as follows: these homes will provide extended shelter and supportive services for individuals with the goal of helping them to live independently in transition from the housing. Transitional housing generally provides single family homes at no cost to the resident. Site may be configured for specialized groups such as people with substance abuse problems, homeless, mentally ill, homeless domestic violence victims, veterans, or homeless people with AIDS/HIV. Addiction in substance abuse, drug treatment and education programs are specifically excluded from the definition.

Mr. Galloway also added that for purposes of size requirements Mr. Chuck Taylor did use the Personal Care Home Text as a guide. In terms of minimal square footage, it is guided by the size requirements of an AR-1 District and occupancy requirements.

Nicole Arnold- 217 Central Lake Cir, Griffin-GA.- Ms. Arnold advised she would like to open up this home to help women of domestic violence and women who are about to lose their children. Ms. Arnold advised that currently there are 92 kids in foster care in Spalding County. She added that there is no center to facilitate these foster kids. Ms. Arnold noted that she is trying to facilitate them in a residential area so that they don't feel ostracized. She advised she is a certified charitable service provider through the IRS.

Chairman Freeman questioned how many residents would she have. Ms. Arnold advised that she would have no more than nine of which would be only women and children. She also advised she would have a residence manager that would be in the home. Chairman Freeman also questioned the referral of the residents. Ms. Arnold advised she received calls from Victim Services, the Fire Department and the Christian Women Center. Lastly, Mr. Freeman questioned funding for the transitional home. Ms. Arnold advised she received a small grant from the Collaborative. At this present time she is looking for more ways of funding.

Attorney Newton Galloway advised that the ordinance is drafted for the transitional home to be located only in the AR zones in which have larger acreage requirements. He advised the number of residents is tied to the square footage.

Commissioner Ray noted that the Ordinance does not address a child and their mother to be counted as one resident. It in fact states that each individual would be counted as a resident. Commissioner Ray also questioned if Ms. Arnold would have priority on Spalding County residents. Ms. Arnold advised that her residents would only be Spalding County residents. She advised her primary concern was for safety.

After question from Mr. Freeman , Ms. Arnold advised that she currently has a residence located at 390 Hosanna Road which is zoned AR-1. This house in which she currently operates was deeded to her by her mom.

Motion/Second by Ray/Freeman to approve Amendment to UDO #A-11-04. Motion carried by a vote of 3-0.

C. Other Business: NONE

D. Adjournment.

Motion/Second by Ray/Gilreath to adjourn at 7:45 pm. Motion carried by a vote of 3-0.

Chairman
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County Manager
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