

## MINUTES

The Spalding County Board of Commissioners held their Zoning Public Hearing in Room 108 in the Courthouse Annex, Thursday, September 26, 2013, beginning at 6:00 p.m. with Vice-Chairman Samuel Gardner presiding. Commissioners Rita Johnson and Bart Miller were present. Also present were Community Development Director Chad Jacobs, Zoning Attorney Newton Galloway, County Manager William P. Wilson, Jr., and County Clerk, Ex-Officio Ricky Clark to record the minutes. Chairman Gwen Flowers-Taylor & Commissioner Raymond Ray 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 #13-10S:** Benjamin S. and Leslie Hollberg – 3335 Jackson Road (20 acres, more or less, located in Land Lot(s) 80 and 81 of the 2<sup>nd</sup> Land District) – requesting a Special Exception to allow a general home occupation, excluding garage, repair garage or kennel in the R-2 and AR-1 District.

Chad Jacobs, Community Development Director noted that this request is for the applicant to hold wedding receptions and gatherings on their property. This request has been reviewed and meets all requirements of the UDO. Additionally, Mr. Jacobs noted that all parking shall be to the side or rear of the property. Furthermore, Mr. Jacobs noted that the Board of Appeals approved the application with staff conditions and also the condition that “All events shall be held outdoors, only.”

Chairman Flowers-Taylor questioned would an amplification permit be necessary. Mr. Jacobs advised that the applicant when requesting amplification, would go through the same process as adopted by the Board.

Commissioner Gardner questioned if there would be any requirements for an inspection by the health department. Mr. Jacobs noted that the majority of the events held on this property would be tent receptions, nothing indoors.

Commissioner Ray questioned if there was sufficient acreage behind the home. Mr. Jacobs noted that this is a 20 acre tract. Commissioner Ray also questioned alcohol allowance. Mr. Jacobs stated that a vendor would be required to serve alcohol.

#### **Pat Dewberry- 2421 East McIntosh Road Griffin, Georgia**

Ms. Dewberry stated that she is speaking in favor of the applicant. She noted how lovely the facility was to have events and the gorgeous lawn behind the residence. Furthermore, Ms. Dewberry stated that there is ample parking for receptions, children parties, etc.

#### **Nancy Cook- 3951 Jackson Road Griffin, Georgia**

Ms. Cook stated that she is interested in preserving anything that connects us with our past. Ms. Cook noted that she can remember what the property was like in the 40's. In addition, Ms. Cook stated that Leslie will be using local vendors rather than trying to prepare events herself. This will help the community and the economy. Furthermore, Ms. Cook stated that

Leslie is more than willing to work with the mobile home park on entertainment to keep the noise down (Faster music during the day and slower music at night).

Commissioner Ray requested that a condition be added to address parking and security for large events.

***Motion/Second by Gardner/Ray to approve Application #13-10S: Benjamin S. and Leslie Hollberg – 3335 Jackson Road (20 acres, more or less, located in Land Lot(s) 80 and 81 of the 2nd Land District) – requesting a Special Exception to allow a general home occupation, excluding garage, repair garage or kennel in the R-2 and AR-1 District with the following conditions:***

- a) *All parking shall be to the side or rear of property;*
- b) *All events shall be held outdoors only;*
- c) *Adequate security/patrol and traffic control for large events.*

***Motion carried unanimously by all.***

2. **Amendment to UDO #A-13-03:** Article 15. C-2 Manufacturing – Section 1503:A(34) – delete Commercial Livestock Processing as principal use; Section 1503:B(9) – add Commercial Livestock Processing as special exception use.

***Amendments to UDO #A-13-03 & A-13-04 were discussed together and voted separately.***

Mr. Jacobs noted that currently in C-2 zoning districts there are permitted uses. There was a concern that we have a lot of C-2 zoning throughout the county that intermingles with residential areas and staff feels it is important to move it from a permitted use to a special exception use, noted Mr. Jacobs. Mr. Jacobs stated by moving to a special exception, this gives the board the privilege to look at applicants on a case by case basis for approval.

Chairman Flowers-Taylor questioned the minimum acreage for C-2. Mr. Jacobs advised that the minimum acreage necessary for C-2 zoning is 50 acres.

***Motion/Second by Ray/Gardner to approve Amendment to UDO #A-13-03: Article 15. C-2 Manufacturing – Section 1503:A(34) – delete Commercial Livestock Processing as principal use; Section 1503:B(9) – add Commercial Livestock Processing as special exception use. Motion carried unanimously by all.***

3. **Amendment to UDO #A-13-04:** Article 15. C-2 Manufacturing – Section 1503:A(42)- delete Poultry Processing Plant as principal use; Section 1503:B(10) – add Poultry Processing Plant as special exception use.

***Motion/Second by Gardner/Ray to approve Amendment to UDO #A-13-04: Article 15. C-2 Manufacturing – Section 1503:A(42)- delete Poultry Processing Plant as principal use; Section 1503:B(10) – add Poultry Processing Plant as special exception use. Motion carried unanimously by all.***

4. **Amendment to UDO #A-13-06:** Appendix A. Subdivision Ordinance- Article 5. Required Development Standards- Section 501 – add provision requiring a lot and foundation survey prior to the issuance of building permit.

Mr. Jacobs noted that there was an issue that arose in a subdivision were a property owner went to do a survey and realized that their home was encroaching into a setback. Furthermore, Mr. Jacobs noted that there have been similar instances where homes were straddling property lines. This amendment requires that if you develop a home on a lot within a subdivision, you must provide a foundation survey that shows the building within the boundaries of the setback. The applicant would also have to sign an affidavit affirming

that they are going to build in accordance to the plan submitted. Mr. Jacobs noted that different municipalities have different requirements; Henry and Fayette Counties are following a similar plan.

Commissioner praised the fact that an affidavit is required at the time of permitted rather than the applicant having to rip out the foundation once it's been installed.

Newton Galloway, Zoning Attorney stated that from a legal liability posture, once the foundation survey comes in and it shows the appropriate location of the house, if a legal issue arises it's between the home owner and the builder; not the county.

Chairman Flowers-Taylor questioned additional costs involved. Mr. Jacobs stated that the only cost would be for the survey of the home. Usually on a 1 acre lot, the cost for a survey ranges from \$400-\$500. Chairman Flowers-Taylor also questioned if we would inspect the property as well. Mr. Jacobs noted that the county does not have a surveyor on staff.

Furthermore, Mr. Jacobs noted that this condition would take effect 30 days after adoption on Second Reading. Mr. Galloway noted that this amendment ups the burden of compliance on the property owner and is a means for us to assert and assure that we want compliance in the ordinance.

***Motion/Second by Ray/Miller to approve Amendment to UDO #A-13-06: Appendix A. Subdivision Ordinance- Article 5. Required Development Standards- Section 501 – add provision requiring a lot and foundation survey prior to the issuance of building permit. Motion carried unanimously by all.***

- C. Other Business:** *After questioning from Chairman Flowers-Taylor, Zoning Attorney Newton Galloway advised that the Grass Cutting ordinance will be added to the Minimum Housing Code.*

*Community Development Director Chad Jacobs advised the Board that a date is needed for the next round of In-Rem hearings. Mr. Jacobs noted that staff has sent out 20 notices and 2 have come in to demo their homes.*

- D. Adjournment.**

***Motion/Second by Gardner/Flowers-Taylor to adjourn at 6:28 pm. Motion carried unanimously by all.***