

SPALDING COUNTY APPEALS BOARD
Regular Meeting
October 11, 2012

The Spalding County Appeals Board held its regular monthly on October 11, 2012 at 7:00 p.m. in Room 108 of the Spalding County Courthouse Annex. Members present were: Michelle Cannon, presiding Vice Chair; Curtis Keys; Robert Lattimore; Allan McCallum; Charles Perdue; and Bill Slaughter. Absent was Doug Hardwick, Chairman.

Also present were: Chad Jacobs, Community Development Director; Newton Galloway, Zoning Attorney; and Teresa Watson to record the minutes.

Ms. Cannon called the meeting to order and invited anyone present who was not the applicant and wanted to address the Board on any petition to come forward and sign the request form.

Application #12-07V: Lift from the table – Mary D. Crowley, Owner - 2255 Old Atlanta Road (2.64 acres located in Land Lot 101 and 124 of the 3rd Land District) – requesting a variance to allow extension of a non-conforming use in the R-1 District.

Motion

Motion to lift Application #12-07V from the table by Mr. McCallum, seconded by Mr. Lattimore, carried unanimously.

Mary Crowley came forward but had nothing new to add and there were no questions.

Chad Jacobs said this matter was tabled about 2 months ago and concerned vacant pads in the mobile home park owned by Ms. Crowley that are non-conforming. Provisions in Section 403:A of the UDO reference a 12-month drop dead date if the non-conforming use is not utilized or is left unutilized longer than 12 months. At such time any underlying use will take effect. This matter was tabled as mentioned and his office was tasked with compiling data on mobile home parks in the county and how this problem affects those parks. His staff has begun and to date it has proven to be a daunting task. A few years ago a staff member in the tax commissioner's office was in charge of such data, but he has passed away and record keeping has suffered in recent years. Staff is still gathering information.

Staff recommends denial of this particular request because there is clear evidence that these lots are in violation. However, a series of meetings last month with Mr. Galloway as Zoning Attorney, County Manager William Wilson, and himself, with respect to all other mobile home parks, resulted in a determination of essentially a 12-month grace period to allow for gathering of this data. This mechanism also gives a good faith effort to the mobile home parks to get homes on these vacant pads, and he feels it is a good solution. The grace period will extend from 1-1-13 to 1-1-14 and will be a best effort by the zoning office and zoning board to arrive at the most equitable manner of application. At this point they do not want these type requests coming one by one, and in this manner all data obtained will be equally applied. His office will notify all mobile home parks that are not in compliance. They have already received their business license renewals three weeks ago in the mail and this was addressed in that process for home parks that may have non-conforming pads. He suggested there may be a workshop for all mobile home park managers so they are aware of the situation. His office has fielded many phone calls in the past few months. He stated that staff still recommends denial on this particular application.

Mr. Jacobs responded to Mr. McCallum that they will accept applications and run through normal processes in the meantime. After 12 months, this grace period will expire and violations will begin to be cited with no additional "grace period" recourse. Mr. Slaughter reiterated that if the Board denied this

request, others will have a year. Mr. Jacobs confirmed and noted that in this manner no precedent is set with the handling of just one petition.

Motion

Motion by Mr. McCallum to deny Application for Variance #12-07V was seconded by Mr. Slaughter and carried unanimously.

Application #12-09V: Vincent E. and Stacie L. Buchanan, Owners - 739 Wani Road (32.12 acres located in Land Lot 113 of the 3rd Land District) – requesting a Variance from Mother-in-Law Suite development standards in the AR-1 District.

Mr. Buchanan, whose actual address is 635 he noted, has a unique situation. His house sits on two road frontages. The positioning for a Mother-in-law suite behind his house is complicated by water runoff, a septic system with drain fields, and the configuration of the primary home on the parcel. He would like to move it to the side of a detached garage which is still mostly behind the house but still must seek relief from the rear yard requirement. The suite shall be 750 square feet and is as large as possible.

A review per Chad Jacobs said his request meets all requirements except for being completely retained in the back yard. This double lot complicates configuration and, if not for the lot on Wani, this request would be in compliance. As he said, this is the best spot for the suite and staff recommends approval since to allow will not cause substantial detriment to the public good and it would not impair the spirit of the ordinance.

Motion

Motion by Mr. McCallum to approve was seconded by Mr. Lattimore and carried unanimously.

Application #12-10V: Amjad A. Abuzaidieh, Owner – Steve Moore, Agent – 1251 North Hill Street (0.43 acre located in Land Lot 159 of the 3rd Land District) – requesting a Variance from minimum side yard setback in the C-2 District.

Steve Moore, Agent, 1026 Windsor Way

Mr. Moore noted the owner is basically looking to add a 30-foot extension to his building He needs more floor space for a wider range of grocery items and is looking for relief on the side yard setback to 15 feet from the current 30 feet. The extension is 30 wide by 30 deep for 900 square feet. The existing building is about 1500 square feet. A wall will come down and the roof will be extended to create one large area (not separate), and he will match the exterior veneer.

In response to Ms. Cannon, Mr. Jacobs noted the small building being encroached upon is another store, located on the next lot adjacent. It is also encroaching on the setback but is grandfathered. The fire department requires 12 feet and they comply with that, plus 3 feet.

Zach Holmes, 357 Moreland Road

Speaking in favor of the variance, Mr. Holmes noted he has known Mr. Abuzaidieh for a number of years and his father before him that opened the store. In past years they have assisted with many good deeds in the community, i.e. turkey giveaways, etc. The owner is looking to offer a wider variety for folks who have to walk to the store from the apartment complexes and homes nearby. A production of six months of calls for 911 center for this area shows 91 total calls, and 52 of these calls came from within the store for loitering, suspicious persons, etc. with 33 of these being for loitering. This shows he has tried to be a good steward in the neighborhood. There are known criminal activities common in the area, but these are things beyond his control. He has tried to clean up the store area and offer something to the community that would be beneficial for residents. He and his family are good citizens and his wife is almost through

with pharmacy school. The applicant is a family man with a son and is vested in this community. This is a blighted area but he does what he can to improve it, and Mr. Holmes urged approval.

Chad Jacobs noted staff recommends conditional approval. This would not cause detriment to the public good, nor would it impair the spirit of the ordinance. The two conditions are as follows:

- a. The addition shall be constructed of a material to match existing façade with no vinyl allowed.
- b. Any site lighting shall be designed so as not to glare onto adjacent rights of way or residential properties.

Mr. Jacobs responded this will not affect the building next door with adequate distance between the two structures. The entire area on this corner is zoned C-2 which allows for retail uses but setback restrictions in C-2 are more intense than in C-1 which has more flexibility. If this property were zoned C-1, no variance would be needed at all. Additionally, he reminded the Board that the applicant must go through site plan review also, which is another opportunity to ensure compliance with all regulations.

Motion

Motion to approve Application for Variance #12-10V with above-noted conditions by Mr. McCallum, seconded by Mr. Keys, carried unanimously.

Minutes

Motion by Ms. Cannon to approve the September 13, 2012 Minutes of the Board of Appeals, seconded by Mr. Keys, carried by a vote of 4-0-2 with Messrs. McCallum and Slaughter abstaining since they were not present for that meeting.

Adjournment

Motion to adjourn at 7:32 p.m. by Mr. Perdue, seconded by Mr. Lattimore, carried unanimously.

Michelle Cannon, Vice Chairman

Teresa A. Watson, Recorder