

THE FAYETTE COUNTY PLANNING COMMISSION met on July 2, 2014 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Al Gilbert, Chairman
Jim Graw, Vice-Chairman
Brian Haren
Douglas Powell
Bob Simmons

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Dennis Dutton, Zoning Administrator

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order and introduced the Commission Members and Staff.

* * * * *

1. Recognition of Bill Beckwith and Tim Thoms.

Jim Graw said he would like to read what was on the plaques, Fayette County, Georgia Planning Commission, in Appreciation to Bill Beckwith for 18 Years of Service and Fayette County, Georgia Planning Commission, and in Appreciation to Tim Thoms for Eight Years of Service. He stated that they put a lot of hard work and time into this Planning Commission sometimes staying until 10:30 or 11:00 at night and they stuck it out. He added that these two gentlemen put a lot of time and effort and the Planning Commission appreciates the effort. He added that Bill studied everything on the agendas and looked at each item so carefully that he seldom had much discussion but he made very good motions. He said however, Tim usually had a lot to say and both of these gentlemen had very good input. He said the Planning Commission got along very well and while disagreed and had our own opinions we got along very good and I will miss them.

Doug Powell said that this is a service job and keep in mind that anyone in this room can apply to be on the Planning Commission and it takes a lot of study. He added that you don't get comfortable in the job until about three years as there are a lot of regulations to look at and a lot of procedures to address. He stated that he was particularly grateful to Bill Beckwith because he brought me onto the Planning Commission 14 years ago. He said he liked the diversity that Tim Thoms brought to the Planning Commission because he was the only person on the board who actually lives on a large A-R property and to put that into perspective the unincorporated County is approximately 52 percent A-R and he was the only person on the board that represents that and he will be sorely missed on the board. He added that those people that live in the rural areas have different zoning considerations than those people in the urban areas and we need that. He said Bill Beckwith and I both served in the Army and the Army has a lot of aircraft but Bill and I both flew an OV1 Mohawk and if there ever was a minority aircraft it was the OV1 Mohawk and chances that you would have two OV1 Mohawk aviators sitting on this board is extremely remote.

Brian Haren said he has known Bill Beckwith since they started working together at the airport and Bill asked me if had ever heard of the Zoning board of Appeals and would I consider serving on that board. He added that Bill was his mentor and taught him the rules of the game as it applies to zoning in Fayette County. He stated that this is bitter sweet to him because he was asked to throw his name in the hat for the Planning Commission and little did he know he would be replacing Bill on the Planning Commission. He thanked Bill for being his mentor and helping him.

Tin Thoms said he appreciated serving with the members of the Planning Commission. He added that knew the staff before the Planning Commission and the County is very fortunate to have the staff and Planning Commission and this is a service job and he doesn't think anybody does it for the paycheck and he enjoyed working with the Planning Commission members. He said he tried to help the county and it is a great place to live.

Bill Beckwith said it was his honor to serve with these gentlemen on the Planning Commission and Fayette County should be thankful of the professionalism on this board and the staff. He added that the Planning Commission has the concern of the county in their hearts as he did. He said the beauty is the Planning Commission is not elected each member answers to his own conscience and he was very proud to serve with this Planning Commission.

Pete Frisina said on the behalf of staff we were very glad to have both of you guys working with us for many years because you both were a great resource and I was always happy when one of you came to my office because I knew I wouldn't have to do anything for about 45 minutes.

NEW BUSINESS

Chairman Gilbert said we next are going to consider some plats and he asked Dennis Dutton to explain the plats.

Dennis Dutton said the items on the agenda are labeled Minor Subdivision Plats but by definition they should be labeled Final Plats.

Doug Powell said so all three of these plats should be labeled Final Plats as opposed to Minor Subdivision Plats.

Dennis Dutton said that is correct.

Joey Scanlon said he was representative for the Scarbrough Group and he would be glad the answer any questions concerning the plats.

2. **Consideration of Minor Subdivision Plat of Ellison Road Tract for the Scarbrough Group, Inc. The property will consist of one (1) residential lot zoned R-70 and is located in Land Lot 76 of the 7th District and fronts on Ellison Road.**

Doug Powell made a motion to approve the Final Plat of Ellison Road Tract with the condition that all the applicable signatures are in place on the plat prior to recording. Jim Graw seconded the motion. The motion passed 5-0.

3. **Consideration of Minor Subdivision Plat of #101 Flowers Lane for the Scarbrough Group, Inc. The property will consist of one (1) residential lot zoned R-70 and is located in Land Lot 76 & 85 of the 7th District and fronts on Flowers Road.**

Doug Powell made a motion to approve the Final Plat of #101 Flowers Lane with the condition that all the applicable signatures are in place on the plat prior to recording. Brian Haren seconded the motion. The motion passed 5-0.

4. **Consideration of Minor Subdivision Plat of McNiel Farms Phase 2. The property will consist of nine lots zoned R-70 and is located in Land Lot 76, 77, 84, & 85 of the 7th District and fronts on Swanson Road.**

Doug Powell asked about the depiction of the dedicated right-of-way area, 1.33 acres, and is the county going to improve this road.

Pete Frisina said yes when we discussed this at a previous meeting the County is going to straighten out some the curves in the road and the applicant was willing to donate additional right-of-way for the project.

Doug Powell made a motion to approve the Final Plat of McNiel Farms Phase 2 with the condition that all the applicable signatures are in place on the plat prior to recording. Brian Haren seconded the motion. The motion passed 5-0.

PUBLIC HEARING

5. **Consideration of Petition No. 1235-14 and Petition No. RP-052-14, Max Fuller, Owner, and Moore Bass Consulting, Inc., Agent, request to rezone 10.56 acres from A-R to R-45 to add six (6) lots to the Minor Subdivision Plat for Max Fuller. This property is located in Land Lot 87 of the 5th District and fronts on South Jeff Davis Road.**

Steve Moore of Moore Bass Consulting said he was representing Max Fuller who is the owner of the subject property and the request is to rezone 10.56 acres located on South Jeff Davis Drive from A-R to R-40. He stated the property was previously subdivided into two lots in February of 2014 and the request is to add six (6) additional lots to the subdivision and the lots would be a minimum of one (1) acre in size. He added that the lots would be served by septic systems and public water and each lot would have a driveway cut on South Jeff Davis Drive. He said per the staff recommendation for approval the rezoning is in compliance with the Future Land Use Plan and the adjacent properties are also zoned one (1) acre zoning districts and he would be happy to answer any questions.

Chairman Gilbert asked if there was anyone who wished to speak in favor of the petition. Seeing none he asked if there was anyone who wished to speak in opposition of the petition

Frank Love said he was the developer and a resident of Jeff Davis Plantation subdivision which is adjacent to the subject property and he has some questions and comments about the rezoning. He said his concern is the traffic because Rivers Edge subdivision in Clayton County produces traffic on South Jeff Davis Drive and people drive fast above the speed limit on the road and the Sheriff's Office sits in this area to slow down the traffic. He added now this request will add eight (8) driveways on a hill where one (1) person was killed in front of his subdivision and another person was hit pulling out and he is not sure whose fault it was. He said this rezoning adds eight (8) driveways with no deceleration lane and the location of these driveways could impact his deceleration lane for his subdivision. He said his other concern is how much will be cleared on these lots and will they be clear cut and will their houses be visible from the lots in Jeff Davis Plantation subdivision and the storm water runoff could be an issue. He asked if the plan is to add six (6) one (1) acre lots to the two (2) A-R lots. He said his other concern is the 1,800 square foot house size in R-45 and does anybody know if is going to 1,800 square feet and are we going to go down from the 2,300 and 2,600 square feet in his subdivision down to 1,800 square feet in this subdivision where I can't sell the rest of my lots because I have six (6) lots to sell and the Woodlands subdivision could have even bigger homes. He added that he wished the rezoning would not be approved.

Marlene McCartha said she is adjacent to the proposed subdivision and her concern is the small houses that would be allowed on these lots as her property is not worth what it was 15 years ago and these homes will devalue her property even further. She added that when the previous property owner cut some of the trees from that property it created a stream that ran through her property and landed in her next door neighbor's yard and she will bring pictures to the Board of Commissioners meeting and clearing these lots will create a bigger problem with runoff.

Jeremy Payne said he is adjacent to the proposed subdivision and his concern is he has so much privacy and he would not like to have to look at three (3) other houses next to his back yard. He added that if you take out all of this we lose all of our protection from the road.

Page 5
July 2, 2014
PC Meeting

Chairman Gilbert asked if there was anyone else who wished to speak in opposition of this petition. Seeing none he brought it back to the board.

Chairman Gilbert said the petitioner could present his rebuttal.

Steve Moore said some of these issues were brought up in the staff report as concerns by Engineering/Public Works and one of their observations was making sure each driveway did have adequate site distance and we ran some analysis taking the existing profile of South Jeff Davis Drive and using the County's requirements for sight distance did, based on the information we have, confirm that each of the lots can have a driveway that meets the adequate sight distances that are required so he feels that is an issue that can be resolved and there could be two (2) lots that may require a shared driveway cut and as we move to the next steps we would do more detailed analysis to make sure they truly do meet the requirements and if they don't we would look at the shared driveway cut suggested by the Engineering Department. He said regarding runoff Environmental Management had a similar comment regarding protection of the adjacent properties from drainage from this property and we understand that concern and we would handle this through a requirement or some direction to the builders to that drainage associated with each house needs to be conveyed to the ditch along South Jeff Davis Drive to avoid the properties to the south. He said we are aware of these issues and as far as clear cutting the lots, we are not aware of any plans by anybody to clear cut the lots and as far as the residents in Jeff Davis Plantation don't want to see these guys, he is sure these guys don't want to see houses in Jeff Davis Plantation and the lots are very deep and he can't imagine there are plans to clear any more than the building pads, an adequate yard and a driveway and no one has communicated to them an intent to clear cut the lots and he can't imagine that that would make a marketable lot as a house sells better with trees. He added that in terms of the minimum house size they have received no communication as to what size the end user intends to build there and he could check with the builder and bring that information to the BOC meeting.

Bob Simmons said in his experience there has been a lot of talk about things that will happen, can happen, may happen, or could happen but what kind of guarantees can you give these residents that the things you say will take will actually take place, because I have heard developers before say we are not going to clear cut and the next thing you know the property is clear cut.

Steve Moore said he would be happy to propose some type of clearing restrictions or a buffer along that rear property line adjacent to Jeff Davis Plantation and the Woodlands subdivisions and with the shape of this properties it is his feeling that the builder will build toward the front of the lot at the front building line because they don't want to build any longer driveway than they have to.

Page 6
July 2, 2014
PC Meeting

Jim Graw said to Bob Simmons that if a motion is made you could suggest some of these things as conditions to the motion.

Jim Graw said he has a question for staff and in the report it was also mentioned by the petitioner about potential sight distance problems for lots 6 and 7 and the sharing of driveways and is that allowed under our ordinance.

Pete Frisina said the sharing of driveways is allowed and Phil Mallon who is the County Engineer has addressed these issues, the petitioner responded to Phil's comments and Phil responded to their response and he is basically saying that he has been given some preliminary information that sight distance can be met but he will make the final determination about driveway placement at the Final Plat stage.

Jim Graw said his concern is who is responsible for the maintenance of the shared driveway.

Pete Frisina said if you look at Phil Mallon's comments he mentions shared easements for access and it could be made as part of the easement as to who is responsible for maintenance of the shared driveway.

Jim Graw asked if that could be made part of the deed.

Pete Frisina said the easement could be made part of the deed. He added that Phil Mallon will make the determination about driveway placement at the time of the Final Plat and the driveway could be split by a property line or could be offset from the property line.

Jim Graw said when he hears the term shared driveway he thinks of a driveway going back into the property a great distance.

Pete Frisina said he thinks what Phil Mallon is addressing is shared driveway cuts or curb cuts and not a shared driveway that goes deep into the lot.

Steve Moore said they would also address storm water runoff concerns at the Final Plat stage as well on how the drainage will be conveyed.

Jim Graw said he drove by the property and the site is heavily wooded and he asks how deep are the proposed lots are.

Steve Moore said he thinks the site is pretty heavily wooded.

Jim Graw asked Steve Moore that what he had said was only the pad for the house and the driveway would be cleared.

Page 7
July 2, 2014
PC Meeting

Steve Moore said he thinks the builder would only clear the house pad, adequate front and back yards and driveway and also an area for a septic system but he couldn't say exactly how much would be cleared.

Bob Simmons said he had a question for the resident from Jeff Davis Plantation and that question is other than no development at all what would make you happy in terms of this development from a tree removal standpoint.

Frank Love said he would like to discuss the shared driveways.

Chairman Gilbert said the floor is closed to these questions as the board has discussed this issue and moved on to other topics.

Doug Powell asked if Mr. Love was aware that the Planning Commission is a recommending body and this petition will go before the BOC for a final decision on July 24th.

Brian Haren said he has some concerns with the traffic issues and there has been some passing mention of a deceleration lane and is that at all required anywhere.

Pete Frisina said not on individual driveways but on entrance roads for a subdivision for example.

Brian Haren said his feeling is without a deceleration lane someone is going to get hit and he thinks a deceleration lane along the entire frontage of the property should be considered as a safety issue. He added that he is also concerned with the storm water runoff.

Chairman Gilbert asked the petitioner if he had considered a higher zoning classification for the property and he would explain why, because he knows people get concerned with smaller homes devaluing their property and he didn't think that would be the case but he feels like it is taking advantage of the bigger higher priced homes and he didn't think that was fair to the people in the area and he is not sure that R-45 is the appropriate zoning for the area. He added that years ago R-40 and R-45 were about the only one (1) acre zoning categories there were and that is his concern that R-45 does not have the appropriate size house for that area.

Steve Moore said he did not know what size house the client has in mind for the subdivision and he understands consistency with the adjoining properties and he will talk to his client.

Doug Powell said we are dealing with R-45 which requires a 1,800 square foot house. The Woodlands is R-45 and they chose to build larger homes. Jeff Davis Plantation is R-40 with 1,500 square foot homes. He has never heard us argue about building a larger square foot home than what the petitioner is requesting. He added that R-55 requires a 2,500 square foot home. He

Page 8
July 2, 2014
PC Meeting

doesn't remember the Planning Commission ever making a suggestion of that nature before.

Jim Graw said he understands Doug's concern and with all the years he has been on the Planning Commission more times than not the developer tells us what size home they plan to build and the problem here is this gentleman can't tell us the size of the homes. He said if the petitioner could give some indication of the size house that would make him feel better.

Steve Moore said he has not had this discussion with his client.

Doug Powell said we are discussing a rezoning and per the ordinance, R-45 has certain requirements. At the time of the Final Plat as he understands it, if there needs to be a detention pond on one of those lots that may take one of the lots out of the subdivision. The engineers will make those determinations at that stage. The same goes for the driveways. He agrees with Brian Haren: the purpose of a deceleration lane is to improve safety. So what's the difference between a deceleration lane going into a subdivision street and one going into a private driveway, particularly when two (2) of those driveways are on a hill. He would love to see a deceleration lanes there. He added that every time he drives that road at the speed limit someone is on his bumper.

Jim Graw asked what the house sizes are for R-55 and R-50.

Doug Powell said R-55 is 2,500 square feet and R-50 is 2,100 square feet. He said on page five of the staff report the Engineer said we do not want to create, via rezoning, a lot with safety issues to future homeowners or traveling public.

Jim Graw asked what would be an appropriate buffer.

Doug Powell said we do not require a buffer for any residential development and the first level of zoning where we require a buffer is O-I and that buffer is 30 feet and that is the smallest buffer we require.

Jim Graw said if we want a buffer we need to make it a condition of zoning since it isn't required for residential zoning.

Bob Simmons made a motion that we not approve the petition until there are some assurances in writing about the runoff, the fact that they would not clear cut the lots and a 25 foot buffer is put in place.

Chairman Gilbert said that is not a proper motion. He said you need to make a motion to deny the petition and what you just stated could be your reason to deny the petition.

Page 9
July 2, 2014
PC Meeting

Bob Simmons made a motion to deny the petition.

Brian Haren seconded the motion.

Chairman Gilbert called the question and the vote was 2-3 so the motion failed.

Jim Graw said the request does meet the Comprehensive Plan but the question is what type of one (1) acre zoning is best. Jim Graw made a motion to approve the petition as R-50 with the following conditions of at least a 10 foot buffer adjacent to any residential lots and a deceleration lane along the entire frontage of the property.

Bob Simmons seconded the motion.

Doug Powell said the recommendation is rezone to R-50 with a ten foot vegetated buffer.

Jim Graw said an undisturbed buffer that is in addition to the setback and then he said no inside the setback.

Pete Frisina said you want the buffer to be along the boundary of the subject property on the west and south.

Jim Graw asked what the setback is on R-50.

Pete Frisina said it is a 30 foot setback in the rear.

Jim said so the undisturbed buffer will be 30 feet which includes the setback.

Doug Powell said I don't think we can do that. If the undisturbed buffer were the same as the rear setback and the home was built on the rear setback line, theoretically the home owner would have trees up to his back door.

Brian Haren asked if the buffer would cause some problem with the drain fields.

Pete Frisina said in his opinion the road is going to have some influence on the placement of the houses and that may move them to the middle of the lot and the properties drain to the rear and a buffer could be good to surround the property. He said a 30 foot is the smallest buffer the County requires and what you want is to preserve the existing trees.

Jim Graw said he is saying a 30 foot buffer that is inclusive of the setback.

Doug Powell said so the motion is to approve the petition as R-50 with a 30 foot undisturbed buffer along the property and the decal lane.

Jim Graw said so I question is the decal lane overkill, so those are the three (3) things I am proposing in my motion.

Chairman Gilbert said we have a motion and second and is there any further discussion. Hearing none he called for the vote. The motion passed 4-1 with Doug Powell voting in opposition.

Pete Frisina said there is also Petition RP-052-14 to revise the Minor Subdivision Plat for Max Fuller to add six (6) lots to the subdivision in conjunction with this rezoning.

Chairman Gilbert asked if there is a motion. Chairman Gilbert said for discussion he will make a motion to approve Petition RP-052-14 to revise the plat.

Jim Graw seconded the motion.

Chairman Gilbert said if there is no discussion he would call the question. The motion passed 4-1 with Bob Simmons voting in opposition.

6. Consideration of Petition No. 1236-14 and Petition No. RP-053-14, Danny Ray Reid, Owner, and Brian McCreary, Agent, request to rezone 2.00 acres from A-R and R-70 to R-40 to add one (1) lot to the Final Plat of Reid Estate. This property is located in Land Lots 72 & 89 of the 7th District and fronts on Dogwood Trail.

Brian McCreary said he is speaking for Danny Ray and the D'Souza's bought two (2) acres some time back and now they want to by another lot so we have been working with the staff to get this request to the point that it may get rezoned and the D'Souza's can buy the lot.

Chairman Gilbert asked if there was anyone who wished to speak in favor of the petition. Seeing none he asked if there was anyone who wished to speak in opposition of the petition. Seeing none he said he would bring it back to the board.

Pete Frisina said the history of the property is there was a previous rezoning in 2000 from A-R to R-70 and a portion of that R-70 is contained within the subject property and in 2001 a Final Plat of Reid Estate Subdivision was approved and the subdivision consists of a 2.05 acre R-70 lot and a 31.35 acre A-R and R-70 lot. He added that the Final Plat was approved with two (2) homes on the large lot and what they are doing tonight will create a separate lot for one of the homes and the houses don't meet the minimum floor area for A-R or R-70.

Jim Graw so this is the correct the problem.

Pete Frisina said it obviously wasn't a problem back then because the Final Plat was signed off and approved by staff and that may have been the policy back then but this will get each of these houses on their own lot. He said what they are trying to do is create an additional for one of the houses and these lots are configured so these houses will meet the setbacks and that is why the side line is running at an angle. He added as the house on the subject property doesn't meet the minimum floor area requirement there is a condition to apply for a variance, remove the house or add onto the housed prior to submitting the Final Plat.

Chairman Gilbert read the condition as follows:

That the owner/developer shall execute one (1) of the three (3) options below prior to the submittal of the revised Final Plat of Reid Estate:

- a. Obtain a variance, approved by the Zoning Board of Appeals, to reduce the minimum floor area requirement;
- b. Remove the nonconforming single-family residence; or
- c. Add additional floor area to the existing single-family dwelling to bring it into compliance, this requires a variance approved by the Planning Commission to issue a building permit prior to the revision to the Final Plat being approved and recorded, per the Subdivision Regulations.

Jim Graw asked if the petition is aware to the condition.

Brain McCreary said yes.

Chairman Gilbert asked if the petitioner agrees to the condition.

Brain McCreary said yes.

Doug Powell asked what is the intent of the petitioner in terms of the new lot as you said you were going to purchase the lot.

Walter D'Souza said he plans to purchase the lot.

Doug Powell asked, what's your intent for the house?

Walter D'Souza said at this time we do not plan to do anything with the house. He said at some point we will build a bigger house or add on to this one.

Doug Powell said at some point you will build two (2) houses on two (2) lots. He said his concern is we would be setting precedence for R-40 in this area as there is no R-40 in the area now, only A-R and R-70. Doug Powell said the property owner has cut off enough property to

Page 12
July 2, 2014
PC Meeting

create a R-40 lot but he has not cut off enough property to have a R-70 lot which is in not keeping with the land use plan and also keep in mind that we have a house that does not meet the requirements for A-R, R-70 or R-40 and once the precedence is set anyone out there would think they could go into one (1) acre zoning. He said he was hoping there would be a way to cut out more property, from the existing 31 acres, to create an R-70 lot because he is not in favor of an R-40 lot.

Walter D'Souza said they originally he wanted an R-70 lot but the surveyor couldn't make a lot that meets R-70.

Dennis Dutton said they couldn't meet the contiguous area because of problems with the lot width due to the location of the two (2) existing houses and since the area was land used for one acre lots on the land use plan, the only way make the lot meet was to go with an R-40 and the property owner is trying to maintain 300 of frontage on the large A-R lot so if need be it can be subdivided in the future.

Doug Powell said the adjacent A-R lot is 31 acres and the problem it is all situated behind the house to the west. He said he is all for R-70 and if there is some way to work it out with a variance from the ZBA to reduce the minimum floor area requirement and if you were getting more R-70 property to expand the existing R-70 lot I would be in favor of that.

Walter D'Souza said they want two (2) lots.

Jim Graw said he has similar concerns as Doug and the County created this problem many years ago.

Doug Powell said yes with the two (2) houses.

Jim Graw said the R-40 would go a long way to help solve the problem the County created and you are right this will be an R-40 sitting in the middle of A-R and R-70 and will it set precedence, will it could but on the other hand the answer to someone who tries to use it as a precedence it is a unique situation and it was used to solve a problem and it doesn't set any kind of precedence.

Doug Powell said all I have to do is look at a map and there it is, R-40.

Chairman Gilbert said is it better have R-40 that may not meet the land use plan or better to have an illegal lot and I would like to clean up the illegal situation.

Doug Powell said I think you are creating a bigger problem with R-40 in the area.

Page 13
July 2, 2014
PC Meeting

Pete Frisina said I don't think it is particularly illegal because apparently it was OK then, but based on how we approve plats now we wouldn't do it today. He added that it does create a problem to have two (2) houses on one (1) lot because we had to give these two (2) houses a special address with an A and a B for 911 purposes. He added that the area is land used for both one (1) and two (2) acre lots.

Chairman Gilberts asked if these two (2) houses fall under the regulation that if a storm came through and destroyed one of them it couldn't be rebuilt.

Pete Frisina said I really don't know because the County approved the plat with two (2) houses on one lot.

Doug Powel said we have the three (3) options under the condition and what's the time requirement on that and how long do we give them to achieve this.

Pete Frisina said the condition will need to be met prior to submitting the Final Plat.

Doug Powell said if you were to join the subject property to the existing two (2) acre lot and call it R-70, the existing house could be an accessory structure.

Pete Frisina said the existing house would not meet the 700 square foot limit for a guest home.

Doug Powell said it would be easier to decrease the heated space to meet 700 square feet.

Dennis Dutton said the existing 2.05 acre lot does not contain a house.

Chairman Gilbert asked on option c. why it requires the approval of a variance from the Planning Commission to issue a building permit.

Pete Frisina said this is similar to what we did for the lot on South Jeff Davis and Callaway Road.

Chairman Gilbert said that is his concern as to the two ways these are being handled.

Pete Frisina said they are similar situations but not exactly the same, this house may be nonconforming but not illegal as the situation on South Jeff Davis and Callaway Road.

Chairman Gilbert said but we are enforcing the same rules.

Pete Frisina said we have a nonconforming house and to approve a new lot we need to address the nonconforming house by getting a variance, removing the structure or adding to it before the Final Plat but to add to the house they need a variance from the Planning Commission so a

building permit can be issued prior to a Final Plat being approved and this regulation is under the Subdivision Regulations.

Jim Graw said I think we did this before on South Jeff Davis and Callaway Road.

Pete Frisina said the difference is the case on South Jeff Davis and Callaway Road was an illegal situation and this situation is not illegal because the County approved in that way.

Jim Graw said he was concerned with correcting a situation the County created and the easiest way to correct the situation is the R-40 and he understands Doug's concerns.

Al Gilbert made a motion to approve the Petition 1236-14 with one (1) recommended condition.

Jim Graw said the condition was read and the applicant agreed to the condition. Jim Graw seconded the motion.

Chairman Gilbert called the question and the motion passed 4-1. Doug Powell voted against the motion.

Chairman Gilbert said the next item is RP-053-14 for the revised final plat and he asked if there was anyone from the public that would like to comment on the petition. Seeing none he brought it back to the board.

Al Gilbert made a motion to approve Petition RP-053-14. Brian Haren seconded the motion. The motion passed 4-1. Doug Powell voted against the motion.

Doug Powell made a motion to adjourn.

Chairman Gilbert said the meeting was adjourned at 9:00 pm.

**PLANNING COMMISSION
OF
FAYETTE COUNTY**


AL GILBERT, CHAIRMAN

ATTEST:


