

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on March 28, 2016, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Larry Blanks, Chairman
Bill Beckwith, Vice-Chairman
Marsha Hopkins
Tom Mahon
Tom Waller

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on March 28, 2016.

Tom Mahon made a motion to approve the minutes. Bill Beckwith seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. Consideration of Petition No. A-630-16, Jeffrey Anderson, Owner, request the following: Variance to Sec. 110-125. A-R, Agricultural-Residential District, to reduce side yard setback from 50 to 44 feet to allow an existing home to remain. The Subject Property is located in Land Lot 62 of the 4th District and fronts on Bankstown Road.

Jeffrey Anderson stated that he recently had his house rezoned to A-R (Agricultural-Residential) from R-20. He said that on one (1) side of his house he is 44 feet from the property line and would like a variance for that. He added that the property adjacent to him has been put into conservation. He stated that nothing will ever be built on that side of his yard but grass. He passed out pictures to the Zoning Board of Appeals Members.

Chairman Blanks stated that he believes most members have had the opportunity to drive around the property. He asked if Jeffrey Anderson had anything else to add.

Jeffrey Anderson replied no.

Chairman Blanks asked if there was anyone else who would like to speak in favor of the petition. Hearing none he asked if someone would like to speak in opposition to the petition. Hearing none he brought it back before the Zoning Board of Appeals.

Tom Mahon made a motion to approve the petition. Tom Waller seconded the motion.

Chairman Blanks asked if Jeffrey Anderson was the only property in the area that was not A-R.

Jeffrey Anderson replied that all of the surrounding property is A-R except for four (4) or five (5) lots between me and Price Road.

Chairman Blanks stated that you're A-R now, and the purpose of the petition is for you to keep your house.

Jeffrey Anderson said pretty much.

The motion passed 5-0.

3. **Consideration of Petition No. A-631-16, Danny Lee Clay, Owner, request the following: Variance to Sec. 110-79 Accessory structures and uses, (f) *Architectural standards*, to allow for the construction of an accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The Subject Property is located in Land Lot 75 of the 7th District and fronts on Sun Road.**

Danny Clay stated that he wanted to add a storage unit next to his barn with vertical pattern siding to match his barn's siding. He said pictures were given to staff for the Zoning Board of Appeals to view.

Chairman Blanks asked where the storage structure would go next to the existing barn.

Danny Clay said that the storage structure could go anywhere. He stated that it would go to the right just between the existing barn and the house. He added that the barn is quite a distance from his house. He stated that the storage facility could go on the side or back of the barn or he could just make the barn bigger.

Chairman Blanks asked if anyone would like to speak in favor of the petition. Hearing none, he asked if anyone would like to speak in opposition. Hearing none he brought it back before the Zoning Board of Appeals.

Tom Mahon asked what the purpose of only allowing horizontal siding in the ordinance.

Dennis Dutton stated that it was only a design standard for a garage to make it match the house. He said that usually when you put thing in the ordinance it's for one (1) acre and two (2) acre lots.

Tom Mahon said that the ordinance should say that accessory structures should match the house and not stipulate the siding.

Dennis Dutton stated that the original intent was to not have a butler building. He said that it was the only way staff could think of to prevent those types of buildings from being built.

Tom Mahon made a motion to approve the petition as presented. Marsha Hopkins seconded the motion. The motion passed 5-0.

Dennis Dutton stated that staff was going through the ZBA rules and procedures and would like to add two (2) points to the procedures. He said the first point is to allow the ZBA to set conditions on anything that comes before them. He added by removing the conditions from one specific area in the ordinance and giving it its own section allows for them to place it on all variances. He said the second point was reinserting the six (6) month period for a variance to be brought before you if it was denied originally. He added that it was left out by error when the ordinance was constructed and would like for it to be consistent with the zoning ordinance.

Bill Beckwith stated the he was at the last Planning Commission meeting when this was brought up. He added it would have been helpful if the ZBA had the ability to use the conditions at the last meeting. He said that he told the Planning Commission that it was a good idea and thought the ZBA would agree with him. He added that he told the Planning Commission that this was good timing and they could have used this on their last evaluation.

Chairman Blanks stated that last week it came to his attention that during the rewriting of ordinances the administrative variance option was omitted before it was passed to the Board of Commissioners for approval. He said that he read the minutes from that meeting where the administrative variance was requested to be added back was denied by the Board of Commissioners. He stated that in reading the arguments they all leaned toward builders and not to homeowners who wanted a small variance. He added that before the Zoning Administrator could go ahead and approve that, and now they have to go through the time and expense of a variance request. He said that he would like for this to be entertained by the Board of Commissioners with the argument that we do need something for the homeowners. He added that the County is made up of more than just builders. He stated that he was surprised no one brought that argument up to the Board of Commissioners. He asked what would be the best way to handle this.

Bill Beckwith suggested just making a public comment during a Board of Commissioners meeting.

Chairman Blanks asked that it be added to the minutes.

Bill Beckwith stated he didn't know the procedure and asked Dennis for the proper way to handle it.

Dennis Dutton stated that any citizen can present something to their elected official voicing their concerns. He said he should be able to talk to his Commissioner individually about the situation. He added that he could go before the Board of Commissioners, but they wouldn't take any action on it that night. He said he could also write a letter to him and he could give it to the County Administrator.

Chairman Blanks asked if he does a letter would there be any pushback from the ZBA Members.

Bill Beckwith replied that he would need to read the Board of Commissioners meeting minutes to see what Chairman Blanks is talking about.

Chairman Blanks stated that he has a copy of the minutes and would email them over to Bill Beckwith. He asked if any of the other members would like to see the minutes as well. He reiterated that it is something that would help out the homeowners.

Bill Beckwith asked if it could go forward as a recommendation from the ZBA.

Dennis Dutton replied yes.

Chairman Blanks asked if there was any old business.

Dennis Dutton replied no. He stated that there will be three (3) petitioners on the next agenda which will be held on April 25th.

There being no further business, Bill Beckwith made the motion to adjourn the meeting and the meeting adjourned at 7:24 pm.

ZBA Meeting
March 28, 2016
Page 5

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



LARRY BLANKS, CHAIRMAN



CHANELLE BLAINE, ZBA SECRETARY

