

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on June 27, 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 April 25, 2016.**

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

**PUBLIC HEARING**

**2. Consideration of Petition No. A-635-16, Siarah Hwy, LLC, Owner, request the following: Variance to Section 110-94. Buffer., to reduce buffer from 25 to 10 feet to allow additional space for septic system field lines. The Subject Property is located in Land Lot(s) 198 & 199 of the 13<sup>th</sup> District and fronts on S.R. 138.**

Larry McEver representative of the petitioner an engineer stated that they do not wish to reduce the buffer, but to encroach 15 feet further into the buffer. He asked Dennis if that was correct.

Dennis Dutton replied yes.

Larry McEver he said that he was here to answer any questions if the Planning Commission had any.

Chairman Blanks asked if the setback will be reduced from 25 to 10 feet.

Larry McEver replied yes, with the side setback to the edge of the property line. He stated that it was consistent with any other place that does not have a buffer. He said that Fayette County is 10 feet from the property line and everywhere else in the state it's 5 foot.

Bill Beckwith asked if this was distance reduction from the side property line.

Larry McEver replied yes. He said that he didn't know what else the Planning Commission might need.

Chairman Blanks replied that this is basically an overview of what you want to do, and he said that's pretty much what you have already done. He asked if it will affect the well.

Larry McEver said that you can't put a septic system within 100 feet of a well.

Chairman Blanks asked if anyone wanted to speak in support of the petition. Hearing none, he asked if anyone wanted to speak in opposition. Hearing none he turned it over to the Planning Commission.

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

**3. Consideration of Petition No. A-636-16, Michael J. Cardone, Owner, request the following: Variance to Sec. 110-125. A-R, to reduce side yard setback from 50 feet to 35 feet to allow the construction of a proposed garage. The Subject Property is located in Land Lot(s) 67 & 94 of the 4<sup>th</sup> District and fronts on Duke's Court.**

Michael Cardone stated that he is seeking relief in a 15 foot variance for a side yard setback to build a garage. He said that he had additional pictures to give the Planning Commission. He added that the reason he wants to build the garage on the right side because on the left side there is a steep drop off and drain; behind the home there is a well; and to the rear of the home to the right there is a hill. He stated that the best place would be on the right side of the home. He added that there is a berm on the right side and it will hide a good portion of the garage from the neighbors. He stated that last year they petition for it and was denied. He added that some of his neighbors came last year and was in opposition of the garage due to it being an eyesore. He said they have since spoken with their neighbors and given them a better idea of where the garage is going to be placed. He stated that a few neighbors are here tonight to speak in favor of the petition.

Chairman Blanks asked if anyone would like to speak in favor of the petition.

Robert Papandrea neighbor of the petitioner said that he and his wife went over to Mr. Cordone's home and saw where the potential garage would be placed and had no problem with it being built.

John Yates contractor of the petitioner stated that he had recently done some work for Mr. Cardone, and that Mr. Cardone does not like for things to look cheap. He said that the roof of the garage will only be seen because of the berm's coverage. He added that they will make the garage look really nice and it will match the house.

Chairman Blanks asked if anyone else would like to speak in favor.

Patricia Papandrea stated that she was originally against the garage, but Mr. Cardone and his wife invited her over to see where it would be placed. She said that she had no objections to it and that it would enhance his home.

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

Bill Beckwith made a motion to approve the setback variance.

Tom Mahon stated that there was a petition similar to this one (1) a few years back off of Redwine Road.

Chairman Blanks stated that he doesn't recall that petition. He said that they have approved these types of variances before.

Tom Mahon stated that this will set a precedent.

Chairman Blanks said that he personally doesn't see this setting a precedent, but legally he doesn't know.

Tom Waller asked if we can find out before.

Robert Papandrea stated that Mr. Cardone's property is about 35 feet from the edge of his driveway and about another 15 feet from where the wanting to place the driveway. He said that the edge of his driveway is heavenly wooded. He added that he doesn't expect any problems.

Dennis Dutton stated that if Lot 9 transfers property it's going to make the neighbor have an illegal lot because the minimum lot width is 100 feet and that's where their driveway comes in.

Michael Cardone stated that if we have to put the garage in the rear they will have to clear more trees and will be a nuisance to the neighbors.

Bill Beckwith stated that the Planning Commission is not concern with the clearing of trees and dirt. He said that it looks like the garage could be moved to the back. Tom Mahon said that he did not want to set a precedent.

Michael Cardone stated that he thought that each petition was heard on a case by case basis.

Dennis said that there is framework in this but each case is a based on a case by case basis and that is what you're making your decision on. He added that if it is 40 feet into the setback or 20 feet into the setback that is what you have to determine what is best for the County. He stated that they could place conditions on the structures, but he reiterated that he couldn't say that you are setting a precedent.

Bill Beckwith stated that it is not based on convenience but a hardship.

Dennis Dutton agreed that it's not for convenience but for a difficulty and a hardship.

Bill Beckwith stated that they may be able to come to agreement without the variance. He said that we can't negotiate with the proponent.

Chairman Blanks stated that it could be set back just a little and it will not affect the driveway or the woods.

Michael Cardone stated that he understood their notion of convenience but said that would be a hike for him to make if he placed it in the rear of the property. He added that he is 69 and doesn't plan on going anywhere and that this garage would not be a convenience but a necessity.

Bill Beckwith added that there is a possibility to shift it without breaking the law.

John Yates talked to the board at the bench about the sketch.

Chairman Blanks stated that he doesn't believe they are setting a precedent.

Chairman Blanks seconded the motion.

The motion passed 3-2.

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There being no further business, Bill Beckwith made the motion to adjourn the meeting and the meeting adjourned at 7:43 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**



**LARRY BLANKS, CHAIRMAN**



**CHANELLE BLAINE, ZBA SECRETARY**

