

THE FAYETTE COUNTY PLANNING COMMISSION met on December 19, 2013 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
Bill Beckwith
Douglas Powell
Tim Thoms

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Bryan Keller, Environmental Management Department

Welcome and Call to Order:

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced the Commission Members and Staff. Chairman Gilbert made a motion to add to the Agenda consideration of the Minutes of the meeting held on December 5, 2013. Doug Powell seconded the motion. The motion passed unanimously 5-0.

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1. Consideration of the Minutes of the Meeting held on December 7, 2013.

Doug Powell made a motion to approve the minutes. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

NEW BUSINESS

2. Consideration of Minor Subdivision Plat for Max Fuller, Ron Godwin of Four Corners Surveying, and Max Fuller, Owner. The Minor Subdivision will consist of two residential lots of 5.01 acres and 5.23 acres respectively. The property is zoned A-R and is located in Land Lot 87 of the 5th District and fronts on South Jeff Davis Drive.

Chairman Gilbert asked the petitioner to present his request.

Max Fuller said he was subdividing his property into two lots.

Chairman Gilbert stated there was no one present from the public to speak so he would bring it back to the board for discussion and he would start it off by saying there are two conditions recommended by staff and does the petitioner agree with those conditions.

Max Fuller said he agrees with the two conditions and one of the conditions has already been satisfied.

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Doug Powell read the two conditions as follows:

1. That the Zoning Administrator shall not sign off until the quit claim deed for the forty (40) feet of right-of-way as measured from the centerline of South Jeff Davis Drive has been recorded in the Clerk of Court's Office; and
2. That the Zoning Administrator shall not sign off until the Level III Soil Survey has been signed by the Engineer.

Chairman Gilbert indicated that the Soil Survey has now been signed on the plat.

Doug Powell said he has a question about minimum lot width for the front setback and do these lots have the required width of 250 feet up front.

Tim Thoms said the total frontage on tract B is approaching 800 feet and tract A is 600 feet.

Tim Thoms made a motion to approve the Minor Subdivision Plat with the two (2) conditions. Doug Powell seconded the motion. The motion passed unanimously 5-0.

3. **Consideration of Floodplain Variance No. 002-13, Walter and Kate Hudson, Owners, and Bill Gilmer of Simply Southern Traditional Homes, Agent/Contractor, request a variance from the floodplain regulation as part of the Fayette County Development Regulations. The Fayette County Environmental Management Department will be present. This property consists of 1.88 acres located in Land Lot 225 of the 4th District and fronts on Tralee Drive.**

Bryan Keller said Mr. Gilmer requested a variance on the minimum finished floor elevation on a lake and floodplain takes precedence over Final Plats and when the Final Plat for the Registry at Whitewater Creek was approved the minimum finished floor elevation was 798 feet. He added that the North Georgia Metropolitan Watershed District requires the County to do a future floodplain analysis which raised the floodplain and also during this time the County's regulations changed from one foot above the floodplain elevation to three feet above the floodplain elevation. He stated that if this plat was submitted today the minimum finished floor elevation would be 800 feet and not 798 feet and Mr. Gilmer is requesting a two foot variance to reduce minimum finished floor elevation from 800 feet to 798 feet.

Doug Powell asked if that will allow him to build a basement.

Bryan Keeler said Mr. Gilmer is requesting the variance because it would cost about \$10,000 dollars to bring dirt in to meet the requirements and the lower elevation which will make the lot look good.

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Doug Powell said to make the lot look good and meet the 800 minimum.

Jim Graw said so someone came in and raised the minimum finished floor elevation level by three feet.

Bryan Keller said that was correct.

Chairman Gilbert asked when that happened.

Bryan Keller said about 2005.

Jim Graw said it is really a matter that he would like to do this so he doesn't have to spend \$10,000 to bring in dirt to comply with the regulations.

Bryan Keller said that is correct.

Doug Powell asked if this is designated special flood hazard area.

Bryan Keller said it is a Zone A and it is also part of the North Georgia Metropolitan Watershed District so there are three different flood studies on this lake.

Doug Powell said have there been any problems on this lake.

Bryan Keller said not to his knowledge but we have required every house built since the new regulations to meet the 801 foot elevation.

Doug Powell said is that to say the two homes which flank his lot were built prior to these regulations.

Bryan Keller said that was correct.

Doug Powell said the two lots on either side set below his lot because the terrain slopes down from his property and those two homes would be in worse shape if the lake ever over flows.

Bryan Keller said they met the minimum finished floor elevation that was in place at that time.

Jim Graw asked if the house could be moved out of the floodplain or could it be built at 802 feet without any problem.

Bryan Keller responded yes if they bring in the dirt to build up the lot.

Jim Graw asked if they could build at 803 feet if they bring in dirt.

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Bryan Keller said yes he believes so.

Chairman Gilbert said if the dirt is brought in will it affect the two adjoining lots because they were built at a lower elevation.

Jim Graw said this lot will be built higher than the two adjoining lots.

Chairman Gilbert said yes because he is raising the elevation of the a lot when he brings in dirt.

Tim Thoms said but that shouldn't affect the flow of storm water it will just raise his basement.

Chairman Gilbert said the floods of 1994 had some effect on raising the floodplains.

Doug Powell asked what the base flood elevation on this lot is.

Bryan Keller said it is 798.03 feet.

Doug Powell asked are we now applying a future floodplain elevation.

Bryan Keller said it is the future floodplain or the existing floodplain, whichever is greater applies and it is three feet above existing floodplain which would be 801 feet or one foot above the future floodplain which is also 801 feet.

Doug Powell said so the bottom floor of the basement can't be any lower than 801 feet.

Bryan Keller said that was correct.

Doug Powell said so in order for him to do that he has to bring in one to two feet of fill.

Bryan Keller said that was correct.

Jim Graw asked if he has enough contiguous area on the lot to move the house.

Bryan Keller said the house is not in the floodplain but the house needs to be built above the floodplain.

Tim Thoms said if you have property adjacent to the floodplain you have to build at an elevation above the floodplain.

Bryan Keller said the flood insurance rate goes down for every foot you build above the floodplain.

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Jim Graw asked if we approve this variance at 798 feet and sometime later this house floods what's the County's liability.

Bryan Keller said I don't about the liability but our community service rating would go down if we allowed someone to build at this lower elevation which would affect insurance rates.

Chairman Gilbert asked if we approve this is there still a process he has to go through.

Bryan Keller said he would be free to get his building permit.

Chairman Gilbert said so this is the final say.

Doug Powell said if we don't approve this variance he can go to the State.

Bryan Keller said you are the final say and his next step is to go to court.

Doug Powell asked Bryan Keller what his recommendation would be.

Bryan Keller said his recommendation is to not grant the variance but he would be OK with 800 feet.

Doug Powell said so the builder would need to bring in a foot or so of fill.

Bryan Keller said yes a foot or so.

Jim Graw asked what the exact request is.

Bryan Keller said his request is to lower the elevation to 798 feet.

Doug Powell said the variance should only be granted when all of the following are met and that is a finding of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance. Doug added unless the petitioner is going to live in the house he is going to pass the cost of the dirt onto the buyer of the home.

Jim Graw said I wonder if the builder would even tell the people who buy it that they are in the floodplain.

Bryan Keller said recently lot 17 or 16 had to meet this same minimum finished floor elevation.

Jim Graw made a motion to deny the floodplain variance request of Variance No. 002-13. Bill Beckwith seconded the motion. The motion passed unanimously 5-0.

Chairman Gilbert said we have two members and this is their last meeting and he wanted to say we will miss their expertise, Tim Thoms has been invaluable when it came to landscaping, water issues, and has been a dissenting voice on some issues that made the Planning Commission look long and hard at the issues, and Bill Beckwith has been the voice of reason and wisdom.

Chairman Gilbert said he would entertain a motion to adjourn the meeting.

Bill Beckwith said so moved.

Chairman Gilbert said the meeting was adjourned at 7:26 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



AL GILBERT, CHAIRMAN

ATTEST:


