

**THE FAYETTE COUNTY PLANNING COMMISSION** met on March 21, 2013 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, Suite 100, Fayetteville, Georgia.

**MEMBERS PRESENT:** Al Gilbert, Chairman  
Jim Graw, Vice-Chairman  
Douglas Powell  
Tim Thoms

**MEMBERS ABSENT:** Bill Beckwith

**STAFF PRESENT:** Dennis Dutton, Zoning Administrator  
Hank Derbyshire, Marshal

**Welcome and Call to Order:**

Chairman Gilbert called the Planning Commission Meeting to order. Chairman Gilbert introduced Hank Derbyshire of the Marshal's office and Dennis Dutton the Zoning Administrator and the Commission Members Doug Powell, Tim Thoms, Jim Graw and Chairman Gilbert, Chairman.

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**NEW BUSINESS**

1. **Consideration of the Revised Preliminary Plat for Stillbrook Estates, Phase 3, Jefferson Homes, Inc., Owner and Dan Greene, Agent, Ashford Engineers South, LLC. This property consists of 191.51 acres with a total of 128 single-family dwelling lots. This property is zoned R-40 and is located in Land Lots 217, 218, 231, 232, & 249 of 13<sup>th</sup> District and accesses Helmer Road.**

Chairman Gilbert read the first item and asked if the agent was present.

Dan Greene stated the reason for the revision is the original developer used a soil scientist that was not familiar with Fayette County soils and the new developer had the soil analysis redone and we are trying to make the lots work better. He added the first preliminary showed 130 lots and this preliminary plat shows 128 lots. He said four lots in Phase 1B have been reduced to two (2) lots with an open space and in Phase 3 replaced them in the amenity area, and eliminate the pool and tennis court and go with a passive amenity area.

Jim Graw stated for clarification that lots 16,17, 103 and 104 were reconfigured, the land from lots 16 and 17 was added to lots 14 and 15 including an amenity area and lots 131 and 132 were added but the total number of lots is 128.

Dan Greene confirmed that the total number of lots is 128 and Phases 3, 1A and 1B have been recorded and we didn't want to renumber all the lots. He added other than the lot reconfigurations some the streets lengths were increased and storm water areas were enlarged.

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Tim Thoms asked that this was a new developer.

Dan Greene stated that developer is under the subsidiary of Crown Communities.

Jim Graw asked if there are any houses built in the subdivision.

Dan Greene replied that they started with 28 houses and they are building more and the other issue with the septic tanks is the previous developer was building four (4) bedroom houses and the new developer is building five (5) and six (6) bedroom house which require larger septic systems.

Doug Powell asked Dennis Dutton about the street length of 3,000 feet. Dennis Dutton stated that the Subdivision Regulations were amended and that is no longer a requirement.

Chairman Gilbert asked for any public input and heard none.

Doug Powell asked about the check-list that requires the developer to identify the number of acres used for storm water management and he couldn't find that of the preliminary plat and he didn't know if that was still a requirement based on any amendments that may have been made..

Dan Greene said that a statement was added to the preliminary plat which listed all of the open space some of which contains storm water facilities.

Doug Powell pointed out a note on page two (2) that says open space area combine to a total of 11.56 acres.

Dan Greens said note "i" on page two (2) indicates 14.45 acres of open space which also contains all of the storm water areas and some of the individual storm water areas have the acreage but some will need to re redesigned at the final plat stage.

Doug Powell said lot 89 has .33 acres of contiguous area and he asked Mr. Greene if he is comfortable with lot 89 and is there sufficient room to build a house and accessories.

Dan Greene said the lot it is planned for 3,500 square foot house with two (2) stories. He added that the lot has a lot of buffer on the back but the lot has good soils.

Doug Powell said lot 64 doesn't have the road frontage indicated.

Dan Greene said the label is missing but it definitely meets the 50 foot requirement.

Doug Powell asked about the grave sites mentioned on the preliminary plat.

Dan Greene replied that an archeologist determined there were no human graves on the property.

Doug Powell asked about specimen trees on the property.

Dan Greene replied that was dealt with on the first preliminary plat and there were about three specimen trees applicable on the property.

Tim Thoms asked even trees in the watershed area.

Dan Greene replied that only specimen trees in the path of the proposed roads or within a certain distance of a road needed to be shown.

Tim Thoms asked if 28 houses were currently under construction.

Dan Greene said that was correct and these are not spec houses they are under contract.

Dennis Dutton said the reason for the revised preliminary plat was to address major changes and in this case the developer is removing the amenities.

Doug Powell made a motion to approve the revised preliminary plat. Jim Graw seconded the motion. Chairman Gilbert called the question and the motion passed 4-0. Bill Beckwith was absent.

2. **Consideration of a Variance request (V/A 005-13) for Earl J. Hanners, Jr. Minor Subdivision, Earl J. Hanners, Jr., Owner and Matthew Rice, Agent from the Fayette County Subdivision Regulations, Section 8-505.(c). Contiguous Areas for Residential Development. This variance is to reduce the contiguous area for A-R: Agricultural-Residential District from the requirements of 2.0 acres to 1.38 acres to allow for plat approval and recordation in the Clerk's Office. The property is zoned A-R and is located in Land Lot 4 of the 4<sup>th</sup> District and fronts on Lynch Road (a gravel and dirt road).**

Chairman Gilbert read the second item and asked if the agent was present. Chairman Gilbert informed the petitioner that there was not a full board tonight and they have the option to table to the next meeting.

Matthew Rice stated that in 2008 Mr. Hanners met with the tax assessors and sold the southern portion of this land to his son to build a house.

Jim Graw asked how many acres did you sell to your son.

Matthew Rice replied five (5) acres.



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Jim Graw asked how many acres total do you have.

Earl J Hanners replied 80 acres on that side of the road.

Jim Graw said sold you sold five (5) acres out of the 80 to your son.

Earl J. Hanners said I had sold the original house to my son with five (5) acres and he wanted to build another house so I gave him another five acres.

Jim Graw asked if he then had 10 acres.

Matthew Rice replied that he did not have 10 acres. Matthew Rice said when the five areas was cut out below the subject property to build the son's house in 2008, and in so doing we have come to find out now as he trying to sell the subject property with the original house that is no longer a legal lot and when we cut out the five (5) acres we met with the tax assessor and at that time you didn't need to go through Planning and Zoning and now we are a pickle as we are trying to conform to five (5) acre zoning but we don't have two (2) contiguous acres.

Doug Powell said you have added additional property to the subject property to bring it into compliance with the A-R five (5) acres.

Matthew Rice replied that is correct but the challenge is we don't have anywhere else to add property to meet the contiguous area.

Earl J. Hanners said it wasn't a requirement before and I don't understand why it's not grandfathered in.

Jim Graw asked if you had a 1.7 acre lot in an A-R five (5) acre lot area.

Mathew Rice and Mr. Earl J. Hanners said yes but unknowingly.

Jim Graw said you had a 1.7 acre lot, an illegal lot.

Matthew Rice said we are trying to bring it into conformance.

Jim Graw said to get this straight in my mind, you have a 1.7 acre lot and you want to give this to your granddaughter, you find out from zoning that the lot is nonconforming because it doesn't have five (5) acres as required in A-R and now you are going to add additional property to meet the five (5) acre minimum but it can't meet the contiguous area.

Matthew Rice replied that is correct and we don't have any area to pull property from to meet the contiguous area.

Dennis Dutton said they now have to do a Minor Subdivision plat for the subject property.

Jim Graw said the property owner is trying to add property to the subject property but the area that will be added does not meet the contiguous area.

Matthew Rice said the subject property already contains a house.

Doug Powell made a motion to approve the variance request. Tim Thoms seconded the motion.

Tim Thoms asked what the proposed structures were on the plat.

Matthew Rice said that was to show there is room for additional structures.

Chairman Gilbert called the question and the motion passed 4-0. Bill Beckwith was absent.

Doug Powell said based on the variance procedure we have been discussing and in this case this is just an individual and I don't see any reason to put on the plat that this property has a variance but what do we do for the next guy.

Dennis Dutton said they still have to do a Minor Subdivision Plat.

Doug Powell said that the preliminary plat check list indicates that if there is a variance it be indicated on the plat and the preliminary plat we looked at tonight lists the conditions of zoning and the contiguous area for all of the lots and if I didn't know that a R-40 lot requires .32 acres of contiguous area unless you go to the Subdivision regulations you couldn't figure that out. Doug Powell said I don't see why we aren't putting these variances on the plat.

Tim Thoms said if we still have to do the Minor Subdivision Plat after the variance, that variance is listed on the Minor Subdivision Plat but if we have already approved a Minor Subdivision Plat and the only thing they need is a variance on the contiguous acreage and we grant that variance it will never be listed on the plat, am I correct in that.

Dennis Dutton said this case is different than the past cases because they came for the variance prior to your approval of the Minor Subdivision Plat and in the past cases they have asked for the variance and the approval of the plat in the same meeting so there is not a way to get the variance notation on the plat.

Jim Graw asked what will show up on that Minor Subdivision Plat as a result of tonight.

Dennis Dutton said that he would have a notation put on the plat about the variance approval.

Jim Graw said what will be put on the Minor Subdivision Plat regarding this variance.

Dennis Dutton replied it would show 1.38 acres contiguous and it will explain that is due to the granting of a variance.

Jim Graw said then they know where to go to look up variances.

Doug Powell said so if that plat ever comes back in your office for some reason you will see it on the plat and this would avoid confusion in the future and someone no knowing there had already been a variance approved for the plat and I don't want it to affect a subsequent buyer.

Tim Thoms said if a buyer actually takes the time to look at the plat and probably most of the time that doesn't happen but it is backed up on the plat if there are any questions later. Tim Thoms added that he doesn't see the difficulty in putting something on the plat.

Chairman Gilbert said the County Attorney may have a problem with putting something on the plat and he suggests that Planning and Zoning talk to the attorney. Chairman Gilbert asked if the Planning Commission would be discussing amendments to the LNS.

Dennis Dutton said they would be coming up next month.

Chairman Gilbert asked if there would be any additional items brought up by the attorney.

Dennis Dutton said at this time he does not know of any additional items but next meeting would be a public hearing to consider the deletion of the LNS.

Doug Powell requested that the County Attorney be present at the next meeting to explain why we're doing this.

Jim Graw made a motion to adjourn the meeting.

Chairman Gilbert said so moved.

PLANNING COMMISSION  
OF  
FAYETTE COUNTY

  
AL GILBERT, CHAIRMAN

ATTEST:



