

THE FAYETTE COUNTY PLANNING COMMISSION met on January 18, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
Al Gilbert
Jim Graw
Danny England

MEMBERS ABSENT: John Culbreth

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chakevia Jones, Planning & Zoning Coordinator
Patrick Stough, County Attorney

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order.

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1. Consideration of the Minutes of the meeting held on January 4, 2018.

Al Gilbert made a motion to approve the minutes. Jim Graw seconded the motion. The motion passed 3-0-1-1. Danny England abstained and John Culbreth was absent.

NEW BUSINESS

2. Consideration of a Minor Subdivision Plat of Carson Road Estates. The property will consist of four residential lots zoned A-R, is located in Land Lot 26 of the 4th District and fronts on Carson Road.

Joseph Cook stated that we're seeking approval of a subdivision plat. He said it would be easier to sell if the lots were broken down into smaller sizes.

Jim Graw made a motion to approve the Minor Subdivision Plat. Al Gilbert seconded the motion. The motion passed 4-0-1. John Culbreth was absent.

3. Consideration of WPV/A-001-18, Ben Loggins, Owner and Rick Lindsey, Agent, request an appeal of the decision of the Stormwater Department's denial of a variance to the Watershed Protection Ordinance.

Rick Lindsey stated that there is nothing he can see in writing about the procedures and how the appeal will proceed. He said that Mr. Loggins' property in Canoe Club abuts the lake down there, and what we have is an encroachment of the watershed setback. He added that they wanted to be able to enjoy the lake so they contracted Hollingsworth Landscaping to put in some stacked stone and mulch. He said they also did some work to combat erosion problems, and because of the steep

grade, they put in stacked stone stairs, not knowing it wasn't permitted. He stated that after the house next door was built there were some water issues on the property. He said Mr. Loggins' contacted the neighbors about the water issue and they weren't interested in piping the water from their yard. He added that Mr. Loggins contacted the builder who, in turn, contacted the Fayette County Environmental Management Department. Mr. Lindsey stated that the county came out and realized the non-disturbed area has been cleared, and informed Mr. Loggins that he would need to add trees, pull up the stacked stones, the walk way, and the stones bordering the property. He stated that Mr. Loggins filed a request with the county, which was turned down, and he was given a choice of material to use which was not impervious. He added that the material choice won't work because it'll be too steep and what they want is something that the Loggins' can use to enjoy the back of the property. He said they've done all they can do and they're seeking a variance. He stated that they were there seeking a variance of the denial based on the topography of the property. He also added that the ordinance prohibits being a granted a variance after the fact, but the Loggins' didn't know that they needed a permission.

Jim Graw asked which steps are in question. He also asked are all the steps in question in the buffer.

Rick Lindsey replied that all of them are. He added that I looked at your water shed protection ordinance, and it says an impervious is a manmade structure or surface that prevents the infiltration of storm water into the ground below. He said the Georgia Supreme Court and the Georgia Court of Appeals has said that when there is a question of a question that impacts property rights, it is to go into favor of the property owner.

Mike Lorber said I've been involved in developing landscape and plans in the lakes in Fayette County.

Chairman Haren stated that we're only focused on the material allowed in unincorporated Fayette County.

Vanessa Birrell said we don't enforce our ordinances in other jurisdictions.

Mike Lorber said he understood, but what he finds is there needs to be a process for what is allowed as a permeable surface.

Chairman Haren said we're dealing with the ordinance that exist today, not what the county should do going forward.

Ben Loggins said that if we take the steps out we can't go down to the lake.

Chairman Haren said the issue is permeability. He asked if there was an allowance for joints or cracks in the steps.

Vanessa Birrell stated that there is no infiltration, the storm water runs off this stone. She said that according to the Georgia Storm Water Management Manual, the state standard for engineering design, those stones that are currently placed on the Loggins' property are impermeable. She added

Page 3
January 18, 2018
PC Meeting

that they have a runoff coefficient of one (1), which is the same as concrete and asphalt. She also said she considers it manmade because the stones in question aren't natural stones.

Jim Graw asked if Fayette County adopted the Georgia storm water standards.

Vanessa Birrell stated that the Georgia Storm Water Management Manual is adopted in Fayette County's storm water management ordinance. She said one issue with the ordinance is it doesn't list every impervious item that's on the list. She added that the watershed protection setback is the area of the parcel including septic tanks, nitrification fields, and any impervious structures shall be prohibited. She also stated that grading, filing, and earthmoving shall be minimized in the setback.

Jim Graw asked why impervious surfaces are prohibited.

Vanessa Birrell stated that impervious surfaces increase runoff and erosion destroying the watershed buffer. She added that the topography of the lot didn't change, it's always been steep. She noted that on the recorded final plat the Environmental Management Department stated what the watershed buffer and setback would be. She said the buffers and setbacks were detailed on the final plat, which was distributed at the time the home was built.

Jim Graw asked if he petitioner was the original owner.

Ben Loggins replied yes.

Jim Graw asked if the petitioner has ever seen the final plat.

Ben Loggins replied yes.

Jim Graw also asked whether or not the county approved the stairs?

Vanessa Birrell said no.

Jim Graw further asked why the petitioner wants to keep the steps.

Rick Lindsey replied that it is too steep to go down without something there, and these stacked stones steps are the best way to get down there. He added even if it is impervious it's such a small area in this large lake, that's why they're asking for a variance. He said even if it is a problem, it's such a small problem and the variance says you can bend the rules a little bit.

Vanessa Birrell stated that they increased the runoff by raising the watershed buffer. She added that the Environmental Management Department did provide information on other pervious surfaces that they could put down in lieu of these rocks that would grant them the same access.

Mike Lorber asked if wooden steps would be allowed.

Vanessa Birrell answered no, that's a manmade structure, and there is runoff with wooden steps as

well.

Al Gilbert asked if timber or cross ties be acceptable.

Jim Graw asked if cross tie is impervious.

Vanessa Birrell replied yes, water doesn't infiltrate through those cross ties.

Chairman Haren stated that his concern is always setting a precedence. He said yes you do have a severe slope, but he has the same problem on his property, and he knew it was an existing condition when he purchased the property. He added that he thinks there is a way to accomplish what the Loggins' want by using natural materials that meet the county's requirements without violating the county ordinance.

Ben Loggins asked why the other property owners were permitted to have stones, but he wasn't.

Jim Graw stated that it sounds like the petitioner knew what the rules were and installed the stones anyway.

Rick Lindsey said that what a variance is about.

Chairman Haren stated that this could be achieved with natural material and he didn't think this variance was good policy for the county, which is what we're here to do.

Al Gilbert stated that he was very involved in the water shed protection ordinance. He added that Fayette County has a very strict watershed protection ordinance.

Vanessa Birrell replied that because Fayette County does have a tough ordinance that protects our water resources, and we haven't had to do as much environmental compliance.

Jim Graw asked if the petitioner has sat down with Ms. Birrell to figure out a solution.

Ben Loggins said what she suggested was untreated wood for the steps.

Jim Graw said there were some ideas thrown out.

Ben Loggins said I can talk with her, but we've spent a lot of money already.

Rick Lindsey stated that if the commission would permit a tabling it would give us an opportunity to work it out.

Jim Graw made a motion to table the Appeal until February 15, 2018. Al Gilbert seconded the motion. The motion passed 4-0-1. John Culbreth was absent.

PUBLIC HEARING

4. Consideration of Petition No. RDP-014-17, Pulte Homes Company, LLC, request approval of the Revised Development Plan for rezoning 1160-05 to reconfigure the street layout. This property is located in Land Lots 223, 224, 225 & 226 of the 5th District and fronts on SR 92 North.

Pete Frisina stated that though there was a public hearing for this petition on November 2nd 2017, he did not recognize the new road (Veterans Parkway) adjacent to the subject property and that an additional public hearing sign was required so that previous public hearing was not official. He added that Pulte Homes Company wanted this petition tabled at the December 14, 2018 meeting because of the soil analysis being conducted. He said Brian, from the Pulte Homes Company, said that the road configuration should stay the same so there is no need for another redevelopment plan.

Chairman Haren asked if there was anyone who wished to speak in favor of the petition. Hearing none, Chairman Haren asked if there was anyone who wished to speak in opposition to the petition.

John Greene stated that he was coming back to state his concerns. He said that when he purchased the property he was abutted by three (3) lots, and now it is five (5) lots, and the conservation area has been removed. He added that as a result of the previous meeting he and representatives from the Pulte Homes Company have come up with a landscape easement. He stated that they have come close, but they don't have an agreement.

Danny England asked if the landscape easement will be installed on Mr. Greene's property? He stated that if the landscape easement is on someone else's property the new property owner can remove it.

Garen Smith said that the landscape easement would be in perpetuity.

Pete Frisina suggested mentioning it on the deed of the new property owners.

Garen Smith said the landscape easement will be maintained by the homeowners association.

Al Gilbert made a motion to approve the Minor Subdivision Plat. Danny England seconded the motion. The motion passed 4-0-1. John Culbreth was absent.

OLD BUSINESS

5. Discussion of amendments to the Zoning Ordinance, concerning corner lots and flag lots.

Pete Frisina said that he kept the points from last meeting which were: make a distinction between a primary and secondary front yard; consider greater front yard setbacks for accessory structures; consider the classification of the roads giving preference to higher classification of

roads for the placement of an accessory structure; consider different zoning/lots sizes; reservation with placing an accessory structure between the street and the front orientation of the house. He added that front yard, primary means on a corner lot, the area between a property line adjacent to a street of which the front door of the principal structure is oriented to or if the front door is not oriented to one street, the street in which the driveway accesses and the front building line, extending the full width of the lot. He also stated that front yard, secondary means on a corner lot, the area between a property line adjacent to a street and the front building line outside of the primary front yard.

Pete Frisina said he started with accessory structures located in a front yard, on a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a through lot, the area between the street from which the lot has its addressed access and the front building line shall be treated as a front yard with regard to the location of accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of accessory structures. He stated that when he says primary front yard and secondary front yard with the (s) he's referring to the tri corner lots with three streets.

Chairman Haren asked what a through lane is.

Pete Frisina said it where you have the internal street for a subdivision and you back up to a main road.

Pete Frisina stated that no accessory structure shall be located in the front yard except as follows: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); an accessory structure located in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

Pete Frisina also added that detached garage located in the front yard of a single frontage lot, a through lot, or the primary front yard on a corner lot. Said garage shall meet the following requirements:

- a. Footprint shall not exceed 900 square feet.
- b. The detached garage shall not be located more than 35 feet from the principal structure.
- c. The design of the garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- d. The garage shall have at least one opening for vehicular access.
- e. A separate electrical meter is not permitted, unless otherwise required per the Department of Building Safety.
- f. The garage shall be connected to the principal structure by at least one of the following

and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:

1. An attached or detached breezeway. Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the garage;
2. An attached raised deck. Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or
3. An attached or detached pergola. Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the garage.

Pete Frisina further stated that an accessory structure located in the secondary front yard of a corner lot. Said accessory structure shall meet the following requirements:

- a. When an accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local, that's an internal subdivision street, the required setback shall be increased by 20 feet.

He said that in looking at different classifications of roads and different regulations, on an interior street we make that structure setback an extra 20 feet if it's on a corner lot.

Danny England asked what the setback is on the secondary yard if you're on the corner.

Pete Frisina replied that if you're on an interior street it's an additional 20 feet of what is required. He said if it's a one (1) acre lot with a 40 foot setback it would push you back to 60 feet.

Al Gilbert said the he thinks this setback information should be disclosed by the building department when people come in to get a permit.

Pete Frisina stated that when people come in to get a permit it goes through a process and normally we catch it before it happens. It becomes an issue when people build structures without a permit.

He said that he met with Dennis Davenport and they discussed the issue of flag lot and how it's difficult to figure out where the front and rear are. He said the found three (3) basic flag lot development types. He stated that the first was a named private drive inside this flag lot subdivision with a 25 foot strip going out to the road and some kind of easement. He added that Fayette County was naming those private drives as if they were streets and issuing addresses on private drives. He further said that back then if you had a lot greater than five (5) acres you did

not have to go through county, but the plats that went through the county were approved based on its orientation to where that 25 foot strip hit the road. He stated that the next level was unnamed private drive with an address on a County road, which meant there was an address for each 25 foot strip. He said some of the plats prior to 2010 may or may not indicate front, side and/or rear setbacks, but final and minor subdivision plats after 2010 do indicate front, side or rear setbacks. He added that the word flag lot does not appear in the zoning ordinance; it's just an interpretation of how lots are oriented. He further said road frontage was changed from 25 feet to 100 feet, and at some point we stopped allowing private drives; each lot with 100 feet of frontage had to have its own drive. He said there is a situation where the Public Works Director will allow two (2) lots if it's for safety reasons or it cuts down on environmental impact.

Pete Frisina stated that land locked properties in the ordinance have to have been land locked prior to November 13, 1980 with the required easement to be considered as nonconforming lots.

Jim Graw asked why the date of November 13, 1980 is significant.

Pete Frisina replied that Fayette County reaffirmed all the established zoning designations.

Pete Frisina said the zoning ordinance defines front yard in relation to street frontage and technically land locked lots do not have street frontage. He added that he would need the Planning Commission to provide some guidance on a procedure for handling land locked properties.

Danny England asked if a procedure would be establish where applicants come to the Planning Commission to establish their front yard.

Pete Frisina replies yes, a procedure for the establishment of front, side and rear yards on a flag lot or a nonconforming landlocked lot. He stated that due to the various irregular shapes of flag lots and that nonconforming land locked lots have no road frontage, a property owner may request that the planning commission establish the front, side and rear yards on an existing flag lot and a proposed flag lot in conjunction with the Final Plat and Minor Subdivision Plat approval process that would be different than the yards per existing County regulations and establish the front, side and rear yards on a nonconforming land locked lot. He added that this procedure is applicable to existing flag lots, proposed flag lots and nonconforming landlocked lots. He said further that the front, side and rear orientation of the residence (existing or proposed) on the flag lot or nonconforming landlocked lot will be considered in this establishment of front, side and rear yards. He also stated that the establishment of yards through this procedure will require the revision of the Minor Subdivision Plat or Final Plat, as applicable.

Patrick Stough said anything the Planning and Zoning Department can do to keep land locked properties from going to the Planning Commission would be best. He asked if there was a standard established.

Pete Frisina replies that there is not a standard specific to flag lots, but there is a standard specific to lots.

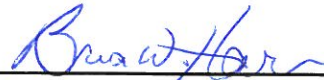
No action was taken on this item and the discussion will be continued at a future meeting.

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

Jim Graw said so moved. Danny England seconded the motion and the motion passed 3-0-2. Al Gilbert left before the meeting adjourned, and John Culbreth were absent from the meeting.

The meeting was adjourned at 8:40 pm.

PLANNING COMMISSION
OF
FAYETTE COUNTY



BRIAN HAREN, CHAIRMAN

ATTEST:

Chakevia Jones

