

THE FAYETTE COUNTY PLANNING COMMISSION met on March 1, 2018 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Brian Haren, Chairman
John H. Culbreth, Sr., Vice-Chairman
Danny England
Al Gilbert
Jim Graw

STAFF PRESENT: Peter A. Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Chakevia Jones, Planning & Zoning Coordinator

ZBA MEMBERS PRESENT: Bill Beckwith, Zoning Board of Appeals

Welcome and Call to Order:

Chairman Haren called the Planning Commission Meeting to order.

PUBLIC HEARING

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- 1. Consideration of Petition No. 1272-18, James Turner, Owner, and Ron Godwin, Agent, request to rezone 20.033 acres from A-R to R-70 to add to Lot 2 of Tuner Estates Subdivision. This property is located in land lot 72 of the 7th District.**

Chairman Haren asked if there is anyone who would like to speak in favor of the petition.

Ron Godwin said his client, James Turner, wants to rezone two pieces of property to R-70 so they can be combined with an existing R-70 lot owned by Larry Turner which is in the Turner Estates Final Plat. He said the reason this is being done is to transfer property to Larry Turner who is James Turner's son for estate purposes.

Jim Graw asked if the property could be further subdivided after it is rezoned and combined.

Pete Frisina said as configured the property could not be further subdivided because there is not enough road frontage to subdivide any more lots.

Jim Graw said that James Turner owns a two (2) acre lot to the east and couldn't he sell additional property to give this property more road frontage.

Larry Turner said that is not why we are rezoning this property and he just wants all on the property to be in one (1) lot.

Pete Frisina said there is a house on James Turner's property but additional property could be obtained from any adjacent property but that is not what is being presented tonight.

Jim Graw asked if R-70 complies with the Land Use Plan.

Pete Frisina said it did comply.

Chairman Haren asked if there was anyone who would like to speak in opposition of the petition. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to recommend approval of Petition No. 1272-18. John Culbreth seconded the motion. The motion passed 5-0.

2. Consideration of Petition No. RP-066-18, Larry Turner, Owner, and Ron Godwin, Agent, request to revise Lot 2 of Tuner Estates Subdivision to add 20.033 acres. This property is located in 72 of the 7th District and fronts on Dogwood Trail.

Chairman Haren asked if there is anyone who would like to speak in favor of the petition.

Ron Godwin said they want to combine the property with Lot 2 of Turner Estates Final Plat.

Chairman Haren asked if there was anyone who would like to speak in opposition of the petition. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of Petition No. RP-066-18. John Culbreth seconded the motion. The motion passed 5-0.

3. Consideration of Petition No. RP-067-18, Ron Gassman, Owner, request to revise the final plat of Coventry Estates to add a lot to the subdivision by subdividing lot 43. This property is located in 63 of the 5th District and fronts on Brookshire Drive. The applicant has requested to withdraw Petition RP-067-18.

Chairman Haren said the petitioner has requested to withdraw the petition and he asked if there is anyone who would like to speak in favor of the withdrawal. Hearing none he asked if there was anyone who would like to speak in opposition of the withdrawal. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to approve the withdrawal of Petition No. RP-067-18. John Culbreth seconded the motion. The motion passed 5-0.

4. Consideration of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses.

Pete Frisina said these amendments are a result of a letter from Bill Beckwith (ZBA) to the Staff, Planning Commission and Board of Commissioners requesting the review of regulations

pertaining to accessory structures and corner lots due to a number of variance requests for new and existing structures. He added that new definitions for flag lots, primary front yard and secondary front yard have been added to the zoning ordinance as well as some minor amendments to existing definitions to provide more clarity. He said the primary front yard on a corner lot is defined by the orientation of the front door of the house to a street or if the house does not face the street then the street with the addressed access will be used. He added that the Secondary Front yard is the area between a property line adjacent to a street and the front building line outside of the primary front yard. He stated there will be greater flexibility in a secondary front yard to place an accessory structure. He added that accessory structures allowed in a front yard include 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 or secondary front yard of a corner lot, an accessory structure located in a secondary front yard of a corner lot, or an accessory structure on a lot in the A-R zoning district which consists of five or more acres.

Bill Beckwith asked if in the flag lot definition it should be stated that a structure cannot be built in the pole portion of the flag lot but must be in the flag portion of the flag lot.

Pete Frisina said the setback probably couldn't be met in the pole portion in A-R and the lot width requirement couldn't be met in the pole portion of a flag lot so house couldn't be constructed there.

Danny England asked if the lot diagrams that were presented to the Planning Commission would be placed in the ordinance.

Pete Frisina said those corner lot diagrams would not be placed in the zoning ordinance because of limitations with Municode. He added that a document will be produced by the department and be available on line and in hard copy to illustrate corner lots.

Chairman Haren asked if there is anyone who would like to speak in favor of the amendments. Hearing none he asked if there was anyone who would like to speak in opposition of the amendments. Hearing none he said he would bring it back to the board.

Al Gilbert made a motion to recommend approval of Amendments to Chapter 110. Zoning Ordinance, Regarding Sec. 110-3. – Definitions and Sec. 110-79. - Accessory Structures and Uses. John Culbreth seconded the motion. The motion passed 5-0.

5. Consideration of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot.

Pete Frisina said these amendments to the Subdivision Regulations address creating a procedure for the Planning Commission to establish a front, side and rear yard on an existing or proposed flag lot that that would be different than the yards per existing County regulations and on a nonconforming landlocked lot. He stated that if the orientation of a flag lot is changed by this

procedure, the regulations require that any applicable final or minor subdivision plat be revised to show this change. He added these amendments including adding the same definitions as proposed for the zoning ordinance.

Bill Beckwith asked if the front yard can be stamped on the plat.

Pete Frisina said that would be helpful but it may not be possible in every case.

Bill Beckwith asked wouldn't you have to know which the way the house will face when it is built.

Pete Frisina said if a flag lot subdivision is being proposed and the developer was also going to build the homes then the builder may know how the homes will be oriented and then it could be put on the plat after going through this procedure but the setbacks will also identify the front, side and rear yards.

Al Gilbert said the best time would be to catch it at the building permit stage on corner lots.

Pete Frisina said this procedure is not for corner lots but is for flag lots.

Al Gilbert said when you go to a closing and the buyer is given a plat of the property it would be helpful if the front yards are marked on a corner lot.

Pete Frisina said he doesn't know if that will always be possible because the orientation of the house may not be known at that time. He added that when a permit comes in sometimes the orientation of the house can be determined and sometimes it can't.

Al Gilbert said he got a plat when he closed on his house and if the homeowner could be given a plat with the front yards marked it would save a lot of heartache in the future.

Pete Frisina said he doesn't know if that happens in every case.

Danny England said sometimes all you get is the boundary of the property.

Pete Frisina said at this time he not sure how the County can make sure every homeowner gets something like that because the permit through to the certificate of occupancy is handled by the builder.

Al Gilbert said for big builders that may be the case but the smaller builders probably don't operate that way.

Pete Frisina said staff would work on something but at this time he doesn't have a solution.

Chairman Haren asked if there is anyone who would like to speak in favor of the amendments. Hearing none he asked if there was anyone who would like to speak in opposition of the amendments. Hearing none he said he would bring it back to the board.

Jim Graw made a motion to recommend approval of Amendments to Article XV. - Subdivision Regulations, Regarding Sec. 104-593. - Definitions and Sec. 104-603. Procedure for the Establishment of Front, Side and Rear Yards on a Flag Lot or a Nonconforming Landlocked Lot. John Culbreth seconded the motion. The motion passed 5-0.

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

Al Gilbert said so moved. John Culbreth seconded the motion and the motion passed 5-0.

The meeting was adjourned at 7:30 pm.

**PLANNING COMMISSION
OF FAYETTE COUNTY, GA**



BRIAN HAREN, CHAIRMAN

ATTEST:


