

**THE FAYETTE COUNTY PLANNING COMMISSION** met on June 20, 2019 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** John H. Culbreth, Chairman  
Danny England, Sr., Vice-Chairman  
Brian Haren  
Al Gilbert  
Arnold L. Martin, III

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Howard Johnson, Planning and Zoning Coordinator

**STAFF ABSENT:** Chanelle Blaine, Zoning Administrator

**Welcome and Call to Order:**

Chairman Culbreth called the Planning Commission Meeting to order.

1. Consideration of the Minutes of the Planning Commission meeting held on Thursday, June 6, 2019.

Brian Haren made a motion to approve the minutes of the meeting held on Thursday, June 6, 2019. Arnold Martin, III seconded the motion. The motion passed 4-0. Al Gilbert was absent.

**NEW BUSINESS**

2. Consideration of Petition No. VA-017-19, Mark Jones, Owners, request a variance to the Fayette County Subdivision Regulations, Section 104-597-Minimum standards, (3) Contiguous Areas for Residential Development, as needed to approve a Minor Subdivision Plat. This property is located in Land Lot 195 of the 4<sup>th</sup> District, and fronts on Jones Circle.

Chairman Culbreth asked if the petitioner was present.

Pete Frisina stated that the applicant was not present and he just attempted to call the applicant. He stated that the applicant is trying to complete a minor subdivision plat for this lot. He explained that staff found this lot as an illegal tract of land consisting of a three (3) acre parcel and the applicant was attempting to bring it into compliance under A-R.

Arnold Martin asked what was making the lot illegal.

Pete Frisina replied that the lot was cut-out some time in past. He stated that the applicant is trying to make the lot legal by adding the acreage to reach the minimum requirement of five (5) acres.

Chairman Culbreath asked if that was legal.

Pete Frisina stated that the property is zoned A-R and the minimum lot size of five (5) acres is needed to become legal, but currently the applicant only has three (3) acres. He explained that the applicant desired to add more land to the rear of the property to bring the lot up to a five (5) acre property, however, there is still a problem of meeting the contiguous area requirement. He said the property also contains a creek which has a 150' wide buffer. He explained that once the setbacks and buffers were put in place, in addition to the more extensive County's floodplain regulations, caused an issue meeting the contiguous area minimum. He said that he believes that the applicant desired to build a new home in the buildable portion of the lot and to move the old house for use as storage shed.

Arnold Martin asked if the surrounding lots are five (5) acres.

Pete Frisina replied yes, you can see the large lots that surround the property. He explained that the applicant was able to get some property from his dad, who owns an adjacent parcel, to add the needed acreage.

Chairman Culbreath asked does the creek count as part of the acreage.

Pete Frisina replied yes.

Danny England noted that the creek (and the buffers) decreases the contiguous buildable area on a lot.

Pete Frisina explained the applicant can add property to meet the five (5) acre minimum for A-R, but you can't add property to get to the contiguous area minimum along the other (setback and buffer) issues. He noted that he spoke with the applicant about a seeking a three (3) acre zoning, as an alternative, however the property still cannot meet the minimum contiguous area requirements. He said the applicant thought it would be more in character to maintain the five (5) acres. He added that the Environmental Management Department would prefer a contiguous area variance rather than stream buffer variances.

Brian Haren asked for clarification of the tract that was added to the parcel.

Pete Frisina pointed out the land that was added on the television screen.

Arnold Martin asked about the acreage of the parcel of the applicant's father and whether it negatively impacts the father's parcel.

Pete Frisina replied that the applicant has 20 acres.

Arnold Martin asked in a scenario such as this one, what are the next steps.

Pete Frisina responded that he has to first obtain a variance so that he can get his minor subdivision plat, then once he gets his plat, he will return to Planning Commission for final approval. The applicant wants to place the approved variance information on the final plat when he returns.

Brian Haren asked how much contiguous acreage he will have.

Pete Frisina replied one (1) acre.

Brian Haren verified that in A-R, the minimum requirement is two (2) acres.

Chairman Culbreath confirmed that he needs two (2) acres.

Chairman Culbreath asked what the dilemma for him is if he had less than two (2) acres (contiguous area).

Pete Frisina replied that that the applicant cannot move ahead without the variance and he cannot create this lot.

Al Gilbert stated that he does not like three (3) acre lots in an A-R zoning district.

Pete Frisina said they looked at rezoning, however that option still did not work.

Arnold Martin stated that this rezoning would result in a zoning island.

Pete Frisina that the applicant would still need to get a variance for the contiguous area, therefore his decision may have been to keep the property zoned under A-R, not go through a rezoning, but still get a variance for the contiguous area.

Brian Haren noted that his father owns the adjacent parcel so at some point he may acquire all of the land and it maybe all become A-R.

Pete Frisina noted that due to issues with the house the property line can't go too close.

Chairman Culbreath asked Pete Frisina what is his recommendation.

Pete Frisina replied that he is unable to made recommendation on variances. However, he stated that the Environmental Management Department prefers a variance for the contiguous area versus variances for the setback and buffers.

Chairman Culbreth asked if there are any additional questions.

Brian Haren asked the question if the lot is an illegal lot or a non-conforming lot.

Pete Frisina responded that it is an illegal lot, but the applicant is trying to bring the lot into compliance.

Arnold Martin asked to explain the difference between an illegal lot and a non-conforming lot.

Pete Frisina replied that non-conforming means that you are grandfathered, whereby illegal means you are not grandfathered.

Brian Haren stated that he did not do anything to his knowledge, he bought the property in this way.

Pete Frisina replied that it was made that way, but not by the applicant. He noted that this was family land, where his grandfather lived many years ago. He explained that the Planning Commission can bring this into compliance, otherwise the lot will remain an illegal lot.

Danny England stated that the applicant made a good effort to bring the lot into compliance, and he is fortunate to be able to acquire additional property to meet the five (5) acre lot minimum.

Brian Haren asked if their approval would make the lot legal.

Pete Frisina responded an approval of the variance would allow the applicant to move forward with the platting process to establish a lot that meets the five (5) acre minimum.

Brian Haren stated he understands the variance to the contiguous acreage.

Chairman Culbreth asked the Planning Commission for a motion.

Arnold Martin, III made a motion to approve Petition No. VA-017-19, a variance to the Fayette County Subdivision Regulations, Section 104-597 Minimum Standards, (3) Contiguous Area for Residential Development, as needed to approve a Minor Subdivision Plat. Brian Haren seconded the motion. The motion passed 5-0.

Pete Frisina noted that the zoning amendments discussed in previous meeting was scheduled to be heard by the Board of Commissioners next week. He stated that if the amendments are approved, he and staff will start to review the subdivision regulations, in general, especially the contiguous area regulations. He explained that an analysis of what is the proper amount contiguous area should be done and other items in the subdivision regulations that should be updated.

Peter Frisina asked for feedback from the Planning Commission on the amendments to Highway 54 Corridor. He stated that he met with the agenda committee for the Board of Commissioners about the proposed changes. He said one of the questions that arose from that

meeting concerned the minimum percentage of the footprint held-out for businesses in the footprint located in the indoor self-storage facility. He explained that the Board of Commissioners may not make the business percentage mandatory, and the proposed amendment maybe returned back to the Planning Commission.

Pete Frisina then discussed possible options if the Board of Commissioners desires to make changes to the proposed amendments.

Danny England expressed his desire to keep the 20 percent office requirement.

Brian Haren noted that the goal was to make the development have a better fit visually within the O-I zoning district. He felt that the storefront portion of the building will help with the office look. He hopes to no see a very large monolithic brick structure.

Arnold Martin stated that agrees but hopes that the corridor does not become a strictly industrial area.

Pete Frisina noted that the structure will still have to meeting the architectural character regardless of whether the office spaces are included.

Al Gilbert noted that the small office spaces in an ideal location for a start-up business.

Danny England stated that the office / storage mix should be a good option for small business who could have his office and a storage facility for a reasonable price. He thinks that it should note be difficult to lease 20 percent of the space to small businesses. He also noted that this property is located along Highway 54 which is highly visible, and will bring activity to area.

Al Gilbert noted that the City of Fayetteville recently approved another indoor facility, possible near State Highway 314.

Pete Frisina stated that if the question comes up, he would relay that was a decision of the Planning Commission that the property is zoned O-I, and some businesses other than pure storage meets the intent of the zoning.

Brian Haren noted that it is an advantage to have people in and out the office to increase activity in the area, which helps other nearby businesses. He explained that is make it difficult to commit vandalism and theft when people are there constantly monitoring the facility.

Chairman Culbreth called for a motion to adjourn.

Al Gilbert made a motion to adjourn. Arnold Martin seconded the motion. The motion passed 5-0.

Meeting was adjourned at 7:21 PM.

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PLANNING COMMISSION  
OF  
FAYETTE COUNTY

  
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JOHN H. CULBRETH, SR, CHAIRMAN

ATTEST

  
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HOWARD L. JOHNSON  
PLANNING COMMISSION SECRETARY