

**THE FAYETTE COUNTY PLANNING COMMISSION** met on October 17, 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  
Al Gilbert  
Brian Haren  
Arnold L. Martin, III

**STAFF PRESENT:** Pete A. Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning and Zoning Coordinator  
Patrick Stough, County Attorney

**GUESTS:** Randy Boyd  
Donna Black

**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, September 19, 2019.**

Al Gilbert made a motion to approve the minutes of the meeting held on September 19, 2019. Brian Haren seconded the motion. The motion passed 5-0.

- 2. Consideration of the Minutes of the Planning Commission meeting held on Thursday, October 3, 2019.**

Brian Haren made a motion to approve the minutes of the meeting held on October 3, 2019. Arnold Martin, III seconded the motion. The motion passed 4-0-1. Danny England abstained.

**NEW BUSINESS**

- 3. Consideration of a Final Plat of The Reserve at Kelly Lake. The property will consist of 20 lots zoned A-R, is located in Land Lot(s) 93, and 94 of the 4<sup>th</sup> District and fronts on Bankstown Road.**

Chairman Culbreth asked if the petitioner was present and to state his name.

Richard Ferry responded yes, my name is Richard Ferry.

Chairman Culbreth asked are there any discussion or questions.

Brian Haren stated Lot 17 is really convoluted.

Chairman Culbreth asked if there were any other comments or questions from the other Planning Commission members.

Al Gilbert made a motion to approve the Final Plat of The Reserve at Kelly Lake. Brian Haren seconded the motion. The motion passed 5-0.

**4. Consideration of a Revision to a Minor Subdivision Plat of the Cindy Sims Estate. The property will consist of two (2) lots zoned A-R, is located in Land Lot(s) 72, 73, 88 and 89 of the 7<sup>th</sup> District and fronts on Bankstown Road.**

Chairman Culbreth asked if the petitioner was present.

Chanelle Blaine responded no, the petitioner is not here tonight. She said this is basically following up with the revised plat that was presented in July, the applicant want to create another lot.

Chairman Culbreth if there were any questions from the other Planning Commission members.

Arnold Martin, III made a motion to approve the Revision to a Minor Subdivision Plat of Cindy Sims Estate. Al Gilbert seconded the motion. The motion passed 5-0.

**5. Consideration of a Minor Subdivision Plat of Vander Woods. The property will consist of 27 lots zoned A-R, is located in Land Lot(s) 63, 64, 95 and 96 of the 4<sup>th</sup> District and Land Lot(s) 12 and 13 of the 6<sup>th</sup> District fronts on Padgett Road and Morgan Mill Road.**

Donna Black replied yes sir.

Chairman Culbreth asked Donna Black do you have the have any comments or statements.

Donna Black replied I will be happy to answer any questions.

Chairman Culbreth asked if there were any other comments or questions from the other Planning Commission members.

Brian Haren asked is Padgett Road still gravel.

Donna Black replied yes.

Brian Haren replied is the County going to pave that.

Donna Black stated is prescriptive easement, actually, but we are conveying right of-way so that you will have sufficient right-of-way for a real County road.

Chairman Culbreth asked are there any further questions, hearing none, do I have a motion.

Arnold Martin, III made a motion to approve a Minor Subdivision Plat of Vander Woods. Al Gilbert seconded the motion. The motion passed 5-0.

**6. Consideration of a Minor Subdivision Plat of Lowery Estates. The property will consist of four (4) lots zoned A-R, is located in Land Lot(s) 117 of the 4<sup>th</sup> District and fronts on State Route 92 South.**

Chairman Culbreth asked if the petitioner was present.

Randy Body replied I will be glad to answer any questions that you may have, I worked on the survey, worked on the plat, split it into four lots, then submitted to the County, all the departments have approved it, and we ask that you approve it submitted.

Chairman Culbreth asked if there were any other comments or questions from the other Planning Commission members.

Brian Haren asked just to be clear the driveway are going to come out on Highway 92.

Randy Boyd replied they have to. On lower street classifications they have to.

Arnold Martin, III stated that my only question, I brought this up before, in my day work, I am in the mortgage business, and in dealing with lot over five (5) acres can be challenge. He added was there ever any though in dealing with that or you just figure people will pay cash. I always like to ask.

Randy Boyd replied I think on these the owner probably will build the house themselves and then sell it out individually. He explained the reason these are weird acreages is because the you use have the front building line on both streets and you have the 2 acre contiguous area, so we had to move the line to make it a little bit larger to meet the point 2 acres requirement.

Brian Haren asked just out of curiosity is that a family cemetery.

Randy Boyd replied no, there are a number of names in there, it is abandoned. He added, that why we just cut that out.

Peter Frisina replied that is had been deeded to the historical society.

Randy Boyd stated it had very large trees in it and it needs to be cleaned up. He added I think the Historical Society will have work days to clean it up.

Chairman Culbreth asked if there are any other additional questions.

Brian Haren made a motion to approve the Minor Subdivision Plat of Lowery Estates. Danny England seconded the motion. The motion passed 5-0.

7. **Consideration of a request to reduce the 75 foot front yard setback on Lot 9 along an area platted for a future road as indicated on the Final Plat for the Broom- Hall Subdivision to 40 feet, as currently required by the R-40 Zoning District to revise the Final Plat.**

Brian Haren made a motion to approve the request to reduce the 75 foot front yard setback on Lot 9 along an area platted for a future road, as indicated on the Final Plat for the Broom-Hall Subdivision to 40 feet, as currently required by the R-40 Zoning District to revise the Final Plat. Arnold Martin, III seconded the motion. The motion passed 5-0.

### **OLD BUSINESS**

8. **Discussion of the Zoning Ordinance.**

Pete Frisina began by stating what we talked about on the sheet was item number five (5) and number six (6). He explained if you have an A-R lot, and you have five (5) to ten (10) acres, you can get one (1) detached farm building, auxiliary structure, greenhouse, or horse stable consisting of a maximum of 3,600 square feet. He added if you have a lot size over ten (10) acres, you are unlimited in the number of amount of farm buildings, farm activity and things of that nature. He stated the question that was posed to me is what if I have less than five (5) acres and I am zoned A-R.

Pete Frisina stated technically the way this ordinance reads, under number six (6), if you have less than five (5) acres, you do not get one of these buildings. He said I think the follow up question that I said was let's see how many lots we have out there that are less than five (5) acres, that's on the table I gave you. He said as you can see, based on our GIS system, we are able to say that we have 4,216 A-R lots in the County. He explained if you go to the end of the table, 3,051 are five (5) acres or greater; of the 4,216 lots you have at least 3,051 lots that can meet either number five (5) and/or number six (6); but then you have these other lots, slightly more than 30 percent of the A-R lots that are less than five (5) acres that do get these same buildings.

Peter Frisina stated the question you guys asked me, is there another category in here that we want to come up with, between three (3) to five (5) acres. He explained as you see there are 81 lots that less than one (1) acre, and that's pretty small for an A-R lot, but then there are 387 that are more than one (1) acre but less than two and then so on and so forth.

Arnold Martin asked for clarity Pete, are we to assume the lots that are less than one are carve outs.

Pete Frisina replied yes, they are probably all grandfathered bits and pieces here and there that have been on the ground for an unknown time. He added some could have houses on them, some could be vacant.

Patrick Stough asked wouldn't the addition of any buildings be an expansion of a non-conforming use.

Pete Frisina responded well if you don't have a building, I think this a conditional use, to get this you must meet this conditions. He explained if you are a grandfathered A-R lot and you don't have five (5) acres, we would not grant you an agricultural building, the way it reads right now, in my opinion. He said, so the question is, as you said earlier Arnold what about 4.75 (acres).

Arnold Martin replied based on what we approved before 5.01 or 4.99.

Pete Frisina stated that I wanted to get your feel about what we have out throughout the County. He explained I guess with the 81 lots are we are out of luck and I don't know if we are able to do much for the less than two, less than three, and less than four acre lots. He said the question is do we want to have some kind of graduated or another third option in here that will allow some agricultural building at some size. He added but then again you have to figure out where is the cut off, it depends on the lots. He explained if you place A-R setbacks on a one (1) acre lot, it's pretty tight. He explained people have the options of doing one or two things: asking for a variance but these are conditional uses but a variance cannot not be used for conditional uses, it would be only for the setbacks or someone could rezone their property but they don't get the agricultural buildings. He concluded now these lots would be able to have residential accessory structures, detached garages, and things of that nature, because those are not conditional uses, so they would get whatever availability they have for detached garages, shed and things of that nature.

Al Gilbert said getting back to one of things that we discussed last time, my problem is when you have a platted subdivision, I don't care if it 4.99 or seven (7) acres, I think you are looking into a different situation than that isolated property owner out by himself. He added that could affect somebody eventually, it could, but people moving into that area where the isolated guy is, he is there and they know he is there.

Pete Frisina replied I am not sure that I follow you.

Chairman Culbreth replied it's urban versus rural.

Danny England replied you mean the A-R subdivision versus A-R discussion we had.

Al Gilbert replied right, when it is in a subdivision of A-R lots, it troubles me to do a building this big in it, but if they are out in an open area, it doesn't bother me. He added I am referring back to the five (5) acres or more, to me is two different situations.

Pete Frisina replied so technically right now if you have an A-R lot that was inside a platted subdivision you could have one of these buildings.

Al Gilbert replied I don't think you should in a platted subdivision, because is that really A-R.

Pete Frisina replied yes it is A-R.

Al Gilbert replied yes, but is that really the intent.

Pete Frisina responded well in my opinion, if is zoned A-R it should get A-R.

Danny England responded I think what we talked about, it was two weeks ago, was in a situation where you have 20 - five (5) acres lot down in the south part of the County. He explained this sort of gets us back to the idea of character where somebody comes in who was one of the original owners in the subdivision. He explained maybe the house down the street changed hands and suddenly they are building barns and there are cows; and you say to yourself that's not what I bought into. He added is there a need to have a finer grain on A-R and make a distinction between the uses in a subdivision and maybe that's in the covenant and maybe it's through zoning, I don't know, but I think that was the conversation we had. He stated if I just buy five (5) acres in Brooks on Mask Road and I build a pole barn, no one really cares since the guy next to me has an airplane hangar and two doors down the guy two has some cows, it sort of works out. He concluded but if I am in a neighborhood that has got an identity to it and you got curb and gutter rolling into the subdivision and I am buying my lot there, maybe it's a different situation in terms of ownership and development, so that was the conversation we had about maybe making the distinction between those two.

Brain Haren replied I think that the job of the HOA, I really do in a development like that.

Danny England replied maybe it is.

Arnold Martin stated based upon what we are reading now and the way the things are right now currently if you are at 4.99 you are not able to do any of these, not even a guesthouse.

Pete Frisina replied no, these are just three ag buildings, they get residential accessory structures.

Danny England replied but you can't have a farm on 4.99 acres.

Pete Frisina replied you can have a farm you just can't have a barn.

Pete Frisina stated again the question was given those two restraints, and given these arrays of lots that are out there, obviously you have at least 70% of the A-R lots that are going to be five (5) acres or greater, 30 percent are less than five (5) acres and fall into various ranges here. He note you have two graduated things here: five (5) to ten (10) acres – 3600 square feet; and over ten (10) acres, no restrictions. So is there a third, less than five.

Danny England noted you still have contiguous lot area.

Pete Frisina replied, yes, but that does not apply to lots that already exists. If it does not meet the A-R it's not going to meet the two (2) acres contiguous.

Donna Black said by the time you put the agricultural (A-R) setbacks on a one (1) acre lot, there is no room for 3600 square feet.

Pete Frisina replied you are right, that is why I said earlier does a two (2) acre lot with A-R setbacks give you that threshold to build safely, something less than 3600 square feet. We just have to find where to break and create another range. Two (2) acres may be where we conceive the setbacks working to the degree they do. One (1) acre is going to be difficult. Three acres (3) will be better, and four (4) acres is better.

Randy Boyd stated that three (3) acres will be better, the side yard restrictions are squeezing it in so much. He asked what you would put on one (1) acre to two (2) acres that you will need a barn.

Pete Frisina replied that all these things are all different sizes they are not standard width.

Randy Boyd replied that it looks to me that three (3) to five (5) acres will be better. What can you put on one (1) to two (2) acres that you would need a barn.

Brian Haren suggested that three (3) to five (5) acres gets a single structure up maximum 2600 square feet. I reduced this by 1000 square feet from 2500.

Al Gilbert stated what about reducing the square footage by 25 percent which will be 2600.

Arnold Martin stated that he wanted clarity about the stats, he asked if these are all straight A-R lots or are some of them in subdivisions.

Pete Frisina responded that all the lots are zoned A-R, we don't care where they are.

Brian Haren said that 2600 also means that you keep to get 700 square foot heated guesthouse.

Pete Frisina responded what we are doing with that part is we have a residential accessory structure section that allows for a 700 square foot guesthouse, we have these A-R regs that states you can't have a 700 square foot guesthouse.

He said we are basically saying within a barn or something of that nature, because I can tell you the barns that are being built in this County right now are not meant for animals; you can live in them since they are nicer than anything an animal would need. He added in that context I see these things becoming more and more sophisticated, so we still will allow you to have one (1) guest house on your property of 700 square feet. He explained it can be part of an ag building or part of a residential accessory structure, but you don't get two (2) of them, you still get one. He noted there is a relationship back to the section under the residential accessory structure (110-79). He concluded throughout this process you get one (1) guest house, which we are not going to prohibit from going into one of these buildings, which is what we had before.

Brian Haren replied that is reasonable.



Arnold Martin replied that is very reasonable, which is more to the point that this is the direction the County is going to. He stated probably about six (6) months ago, I got a request to do a condo-barn. He concluded it is a barn structurally on the outside, but on the inside it was nice, it was very hard (financing) so they ended up having to go to the AgriBank.

Pete Frisina said some of these auxiliary structures people are building and that's where they kind of go and they deviate from the barn. He added I have got people building (structures) where they want to keep expensive cars which don't have dirt floors.

Pete Frisina said I will create another category in here with three (3) to five (5) acres, limiting it to the 2600 square feet, which is a third (3<sup>rd</sup>) option.

Donna Black asked permission to make a comment, she said that as citizen, not as a developer, it seems to me that ag zoning is ag zoning, you meet your setbacks then you can have your ag building and what is the harm if someone builds a barn on a three (3) acre lot instead of a five (5) acre lot. She added less government should be less government, as you put in these increments of what you can and what you can't do and more and more controls, I don't know that helping anyone other than making it difficult for you to administer, you are not protecting anyone, you are preserving rural character by not letting people build barns.

Pete Frisina replied to Donna Black so you are in favor allowing it.

Donna Black replied if it is zoned agricultural and the 3600 square feet is what your standard is and if it fits on your lot you should get your ag building. She concluded it's not going to fit on your lot, so that solves your problem.

Pete Frisina replied there's your suggestion.

Arnold Martin but once again, down to one (1) acre is ridiculous, but that does not mean it is not doable.

Donna Black replied let me put it his way, this rule that you are making is reducing the options that people have with the property they paid for.

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

The meeting adjourned at 7:46 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

