

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 25, 2001 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
David Bartosh, Vice-Chairman
Tom Mahon
Ron Mabra
Larry Blanks

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Zeitler, Director of Zoning/Zoning Administrator
Bill McNally, County Attorney
Delores Harrison, Zoning Department Secretary
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Beckwith called the meeting to order at 7:00 P.M. and confirmed there was a quorum. He led the audience in the Pledge of Allegiance. The Members of the Board and the Staff were introduced. The operating procedures of the hearing were then explained.

* * * * *

Chairman Beckwith advised that the Z.B.A. needed to adjourn to Executive Session to discuss two (2) items of potential litigation.

Larry Blanks made a motion for the Z.B.A. to adjourn to Executive Session. Tom Mahon seconded the motion. The motion unanimously passed 5-0.

The Z.B.A., Attorney Bill McNally, and Zoning Administrator Kathy Zeitler attended the Executive Session from 7:03 P.M. to 7:25 P.M. No action was taken.

Chairman Beckwith called the meeting back to order at 7:30 P.M.

* * * * *

1. Consideration of the Minutes of meeting held May 21, 2001.

David Bartosh made the motion to approve the Minutes as circulated. Larry Blanks seconded the motion. The motion passed 3-0-2 with Tom Mahon and Ron Mabra abstaining from the vote due to being absent at the May public hearing.

* * * * *

2. Consideration of Petition No. A-507-01, Webb and Adine Mask, Owners, and Jeff Evans of SprintCom, Inc., Agent, request a 72 foot Variance to reduce the rear yard setback from a minimum of 200 feet to a minimum of 128 feet, and a 134 foot Variance to reduce the side yard setback from a minimum of 200 feet to a minimum of 66 feet, to construct a 190 foot Monopole Telecommunications Tower in a highway corridor area. This property is located in Land Lot 9 of the 5th District, fronts on S.R. 92 South, and is zoned A-R. (Tabled from the May 21, 2001 Public Hearing)

Attorney James Ney representing SprintCom, Inc. spoke regarding the two (2) variances needed to construct a 190 foot monopole telecommunications tower on 53 acres of land fronting on S.R. 92 South. He said that the property is owned by Webb and Adine Mask. He presented a plat indicating

the 54 acre tract and the location of the proposed tower. He remarked that a monopole type tower was the least obtrusive tower structure which could be built. He confirmed that the proposed tower would support five (5) carriers. He pointed out that the front portion of the property is pasture land, but the rear yard is filled with dense trees ranging from 90 to 100 feet in height. He noted that the lower portion of the entire tower facility will be completely concealed by vegetation. He commented that the subject property as well as the adjacent property is zoned A-R. He went on to say that the ordinance requires a 200 foot setback from properties zoned A-R, however the only feasible location for the proposed tower requires two (2) variances to the setbacks. He reported that a 72 foot variance was needed to the rear yard setback (north property line), and a 134 foot variance was needed for the side yard setback (east property line).

Attorney Ney advised that SprintCom has a major coverage problem in this area and must find a way to provide coverage. He presented the following drawings:

1. Indicated massive coverage area/gap where calls would be dropped and calls could not be placed or received.
2. Indicated coverage area that would be achieved by the proposed tower.
3. Indicated the search ring where the proposed tower must be located to provide coverage.

Attorney Ney commented that they had spoken with the property owners of large tracts of land ranging from 41 acres to 122 acres within the search ring, but all declined with the exception of the Mask property. He said that the proposed location was the only location on the 53 acre tract to locate the proposed tower to avoid a conflict with the requirement for a 1,000 foot distance from an off-site residence. He remarked that they had no other options for locating in this portion of Fayette County and had to request the variances.

Attorney Ney pointed out that the properties to the north and east are zoned A-R and essentially undeveloped. He presented a series of six (6) photographs as follows:

1. Photos taken from and across S.R. 92 South. Indicated location of the proposed monopole and dense trees which would serve as a natural visual screen.
2. Photos taken from S.R. 92 South and in the front yard of the Mask's home. Proposed monopole would be located in dense trees approximately 90 to 100 feet in height.
3. Photos taken from the actual location of the proposed tower toward the east property line. Indicated dense trees and heavy vegetation which would serve as a visual screen.
4. Photos taken from the fence onto adjacent property which indicated dense trees to serve as a visual screen. It was understood that the adjacent property owner could cut his trees at any time, but there are dense trees and heavy vegetation on the subject property.
5. Photos taken from the east property line toward the actual tower location. Indicated an undeveloped area which contained dense trees.
6. Photos taken from the proposed tower location toward the north. Indicated dense, thick, heavily wooded area.

Attorney Ney stressed that the location of the proposed tower could not be moved to the west as it would violate the requirement for a 1,000 foot setback from an off-site residence.

Attorney Ney referenced the Staff Analysis and read the following: To comply with the 1,000 foot separation requirement, the proposed tower facility can not comply with the minimum 200 foot setback requirements. Therefore, the applicant requests two variances to setback requirements. He also referenced the Staff Analysis section entitled Background which states that the B.C.C. considered, but voted against, reducing the requirement for a 1,000 foot distance between tower facilities and an off-site residence. He read the following: The B.C.C. recommended that tower companies apply for a variance to this distance requirement if necessary and provide the needed justification to the Z.B.A., and in cases where it can be justified due to exceptional circumstances a variance to this requirement could be granted. He said that this is exactly the case since SprintCom can't comply with the requirements. He noted that the approval of this variance was justified based on the following: 1) SprintCom could not comply with both the setback requirements and the

1,000 foot separation requirement; 2) Existence of their massive coverage gap and their inability to locate any where else within their specific search ring; and 3) Relocation of the proposed tower facility would result in other requests for variances to the Zoning Ordinance requirements.

Attorney Ney submitted his written responses to the six (6) criteria required for the granting of a variance. He read the following:

1. This is the only parcel within the search ring which would be large enough and configured to accommodate the proposed tower with a minimal impact on the surrounding property.
2. Without this proposed facility, SprintCom could not provide the essential coverage to this surrounding portion of Fayette County.
3. The public would receive a large gain by having clear, uninterrupted wireless service for both the general public, but more importantly for emergencies.
4. There would be no harm, much less substantial harm, to the public good by granting variance to allow the proposed tower to be located.
5. There would be no other detrimental effect, including property value, to any other property owner around the proposed tower location due to the type of tower and the visual screen.
6. Denial of the requested variances would result in injury to the health, safety, and welfare of workers and residents of the community, since they would not be able to make cellular phone calls in order to protect themselves.

Attorney Ney referenced the comments from the various departments, including the request for tower lighting from the Falcon Field Airport Manager. He advised that the proposed tower would not be lighted since it is lower than 250 feet. He explained that this is not a requirement of the F.A.A. and caused pilots to be confused at this height.

Attorney Ney provided letters from Professional Engineers regarding the safety and protective features built into the proposed tower. He said the proposed tower would not have any negative impact nor would it affect the surrounding property values. He presented copies of Impact Studies from Forsyth County, Coweta County, Cherokee County, and the City of Roswell which concluded that such a tower does not have any negative impact on adjacent properties.

Attorney Ney asked those in support of the proposed tower to stand. Approximately fifteen (15) people stood in favor of the proposed tower. He also presented two (2) signed petitions of support.

Attorney Ney advised that Staff had contacted him about some specimen trees in the area near to the proposed tower. He said that they would like to see if the tower facility could be adjusted without doing any harm to the trees but if not the tower facility could be shifted to the south by approximately forty (40) feet, maintaining the same distance proposed from the east property line and reducing the amount of the variance needed from the north property line. He thanked the Z.B.A. for their time.

Chairman Beckwith asked if there was anyone else to speak in favor of the petition.

Lonnie Johnson of Henry County said that she comes to Fayette County alone and sometimes at night approximately two (2) to three (3) times per week since she has family and friends approximately one half mile away from the Mask property. She stated that she considered her cellular phone a safety device to use in case of an car accident or flat tire. She commented that she had no signal in this area, and would like to have coverage.

Chairman Beckwith asked if there was anyone to speak in opposition of the petition.

Charles Harp stated he was the adjacent property owner to the east, and he had 132 acres. He said he was not opposed to the tower but was opposed to the tower being located 66 feet from his property line. He asked why rules were made if we do not live by them. He went on to say that he had graded property for his son-in-law who owns a tower, and had to grade it twice and it is still not up and running. He remarked that the ordinance required a 200 foot setback and 66 feet is 1 3/4 less than what is required.

In rebuttal, Attorney Ney said that there are rules, and variances are allowed. He stated that the proposed tower must be located within the search ring. He remarked that the location was chosen for the proposed tower in an attempt to comply with as much of the ordinance as possible, and to also conceal the tower facility by utilizing the dense trees and vegetation.

At this time, Chairman Beckwith closed the floor from public comments.

Tom Mahon made a motion to approve the petition for the 72 foot variance for the rear yard setback subject to the following: That the tower be constructed for a minimum of five (5) users. Ron Mabra seconded the motion.

Mr. Mahon said that after he read the report and listened to the presentation he felt that the proposed location was very well researched, to ensure the least amount of hardship for anyone. He remarked that the proposed tower facility would be in compliance with the 1,000 foot setback from an off-site residence which was commendable. He added that he would like to ensure the preservation of the visual screen.

Larry Blanks commented that the proposed tower facility would require ground clearing which could leave a thin layer of coverage. He reminded the Z.B.A. that towers had been approved in the past in wooded areas only to find the property clear cut later and the property left in a mess. He said he was unsure how the variance would be affected if the tower facility is relocated forty(40) feet to the south.

Attorney Ney replied that the tower facility lease area was only 80 feet by 80 feet and there would be very dense vegetation left on the outside of the compound. He said that they plan to save as many trees as possible. He remarked if the tower is located forty (40) feet further south that it would go into the existing goat pen and less trees would be cut.

Mr. Blanks expressed concern that the requirement for a 1,000 foot distance between an off-site residence and the tower would restrict a neighbor's use of his property if they wanted to build a house then they would have to locate the house 1000 feet away from the tower.

Kathy Zeitler advised that the requirement for 1,000 feet from an off-site residence applied to the tower site only, and a neighbor would not be held to the requirement and penalized for the existence of a nearby tower.

Chairman Beckwith asked if the tower were relocated forty(40) feet to the south, if the tower would be closer to an off-site residence.

Attorney Ney replied that the proposed tower was located to the northwest, so if the tower site moved south it would not be located closer to the off-site residence, but should be further away.

Mr. Mabra stated that he appreciated the effort in complying with the 1,000 foot requirement from an off-site residence.

Mr. Bartosh expressed concern about the clear cutting issue and asked if it could be stipulated that the trees remain as a buffer as long as the tower is on the subject property.

Webb Mask, owner of the subject property, stated that he has no intentions of cutting his trees.

Mr. Bartosh replied that the property owner would therefore not object to the condition.

Tom Mahon amended his motion to approve the petition for the 72 foot variance for the rear yard setback subject to the following: 1) That the tower be constructed for a minimum of five (5) users. 2) That the trees located outside of the tower lease area be preserved. Ron Mabra seconded the amended motion. The motion for approval unanimously passed 5-0.

Tom Mahon made a motion to approve the 134 foot variance for the side yard setback subject to the following: 1) That the tower be constructed for a minimum of five (5) users. 2) That the trees located outside of the tower lease area be preserved. Ron Mabra seconded the motion. The motion for approval unanimously passed 5-0.

* * * * *

Chairman Beckwith called for a short break from 8:10 P.M. to 8:15 P.M.

* * * * *

3. Consideration of Petition No. A-509-01, Claude Gay, III, Owner/Agent, request a 11.3 foot Variance to reduce the side yard setback from a minimum of 15 feet to a minimum of 3.7 feet to allow an existing encroachment of the single-family dwelling to remain. This property is located in Land Lots 170 and 171 of the 5th District, fronts on Oak Manor, and is zoned R-40.

Claude Gay, owner, said that he had recently relocated to Fayette County from Minnesota. He stated that he had hired Attorneys Morris & Snyder to represent him the closing on his house. He remarked that the survey was received after the closing. He commented that the house was closer to the side yard setback than allowed by the zoning district. He stated he had verified this information with the Zoning Department. After verifying the setback requirement, he went on to say that he contacted the builders, Gary and Larry Adcock of Adcock Properties. He pointed out that the house was located closer to the side property line on the existing survey, even though the builder thought the house was situated in the middle of the lot. He confirmed that he had occupied the existing home since late January or early February. He said that the only way to bring the home into compliance was modify the house or to move the \$420,000 home which would be impossible. He advised that the encroachment was only for the back corner of the house.

Mr. Gay said that he spoke with the Zoning Department staff who told him the easiest remedy was to revise the final plat by moving the property line. He stated he had contacted the adjacent property owner to see if they were willing to revise the side property line by a land swap, however the adjacent property owner was not willing to revise the property line.

Mr. Gay commented that he had purchased the property in good faith and attempted to do everything possible by utilizing an attorney, his realtor, and the builder's realtor. He said that there was no harm to any property owners by the encroachment, and the property to the east was undeveloped. He added that since he had just moved from Minnesota that he did not totally understand the laws of Georgia. He requested approval of the variance request.

Chairman Beckwith asked if there was anyone to speak in favor of the petition.

Gary Adcock of Adcock Properties advised that when the house was laid out in April of 2000, they found existing markings which were interpreted to be the boundary lines which were double checked from street references. He expressed his shock when presented with the survey in April of 2001. He said that they had made their best effort without getting a survey, but now realize a survey should have been prepared.

Chairman Beckwith asked if there was anyone to speak in opposition of the petition.

Sally Bonner, President of the Homeowners Association, stated that there were currently 27 homes built and occupied with an additional phase providing for 16 additional homes in The Oaks subdivision. She said that their Architectural Review Committee had received plans from Mr. Adcock for 2,748 square feet built on a slab. She remarked that as the house was being constructed she discovered there was a basement, and contacted Mr. Adcock and he said that he intended to "bump out" the sides of the house by six (6) feet to enlarge the house to approximately over 4,000 square feet. She confirmed that the current square footage is 4, 414. She submitted photographs of

the subject home along with a copy of the plat which indicated a lot width of 153.04 feet. She said that the width of the house is 87 feet. She remarked that she was terribly disappointed to discover that the County inspectors do not check for setbacks, but it is the sole responsibility of the builder to determine the property lines and measure the setbacks.

Ms. Bonner presented photographs of other homes in the neighborhood, some directly across the street, indicating that none are three (3) feet from the side property line. If approved, she noted that the possible distances between houses could be 18.7 feet. She went on to say that this was a sorry situation which could have been avoided with a survey. She stressed that approval of the variance would penalize the owner of the adjacent lot whose property value would drop considerably along with Mr. Gay's property value. She said he would have three (3) feet to service an air conditioner or utilize a side door. She stated that this is not the way people live in The Oaks and this is unacceptable and should never have occurred. She pointed out that the builder could have pulled a tape 153 feet from the utility box and come close to the property line. She respectfully requested that the Z.B.A. deny the request. She asked members of The Oaks to stand in opposition of the petition. Approximately six (6) people stood up in opposition.

In rebuttal, Mr. Adcock stated that the air conditioner and the garage door is greater than three (3) feet from the setback since the encroachment is only on the back side of the house. He pointed out that there was a dense vegetated buffer between the subject lot and the adjacent vacant lot.

At this time, Chairman Beckwith closed the floor from public comments.

Tom Mahon made a motion to deny the petition. Larry Blanks seconded the motion.

Mr. Mahon stated that the hardship was brought about by the petitioner or his agent. He said that there was a remedy to the problem since there was a vacant lot next door, but the land swap was not agreed to. He added that approval of the request would set a dangerous precedent. He stressed that if you have something of this value, you need to make sure that it is accurate. He remarked that it is a beautiful home and subdivision. He closed by saying he sympathized with the owner but he could not vote in favor of the petition.

Mr. Blanks reported that builders had made errors in the past, and their variance requests were denied and in one case the builder had to relocate the house. He confirmed that this was an extensive variance request from fifteen (15) feet to three (3) feet. He said that there is an option with the property next door and it sounded to him that this remedy has not been pursued to the fullest extent.

Mr. Mahon added that this was not a unique situation, and requests for other existing structures which encroached had been denied in the past.

Ron Mabra concurred with Mr. Mahon and Mr. Blanks.

David Bartosh had no comments.

Chairman Beckwith expressed concern about the apparent sloppy work which had been going on in the development and building of the home on the subject property. He said that information available was not utilized and the revised final plat remedy needed to be further pursued. He remarked that he sympathized with Mr. Gay because he bought a house which perhaps he should have looked into a little more. He advised that the County inspectors are not required to find property lines, or actually have a survey in hand to see where the foundation is located. He stated that the County had to take a hit on this because the County is responsible to do something more than they did, even though their regulations do not require them to do so. He added that it was not right to penalize Mr. Gay in this particular case, so he could not support the denial of this petition.

Mr. Mabra asked that additional time be given to Mr. Gay to bring the property into compliance should the petition be denied.

Mr. Mahon added that the subject lot seems to be the widest lot on the street. He said that he sympathized with Mr. Gay but this was a hardship brought about by the builder. He noted that the County inspectors are not required to shoot the property lines and make sure all lines are accurate. He stated that the County inspectors only assist, and are not the ones to say whether the setback is accurate or not.

Attorney McNally advised that it is the responsibility of the builder to see that the footings are poured in the proper location on a lot. He said that the County inspects for compliance with building codes and does not inspect to see if a building is situated on the lot, which is the responsibility of the builder.

Chairman Beckwith replied that this amplified his point. He said that Mr. Gay was led to believe by the builder that the house was within the setbacks. He added that he did not think it was Mr. Gay who was responsible. He stated that he understood Attorney McNally's comments but there might be some tightening up which may need to be done by the building inspection office.

Mr. Bartosh pointed out that the adjacent lot was narrow and if the adjacent property owner was to swap out land that it could make the adjacent lot unbuildable. He said there is a remedy which is to negotiate to purchase the adjacent lot. He added that there were other avenues to pursue and he could not support the petition.

Mr. Mabra reiterated providing additional time to allow Mr. Gay to work out a remedy.

Ms. Zeitler advised that when a request for an existing violation is denied, the Zoning Ordinance allowed ten (10) days with an additional 30 day extension to bring the violation into compliance.

Tom Mahon amended his motion to deny the petition to include a 90 day time limit for the petitioner to bring the property into compliance. Larry Blanks seconded the amended motion. The motion for denial passed 4-1 with Chairman Beckwith voting in opposition.

* * * * *

Chairman Beckwith called for a short break from 8:40 P.M. to 8:45 P.M.

* * * * *

4. Consideration of Petition No. A-510-01, Joe D. and Vasana Smith, Owners/Agents, request a 42 foot Variance to reduce the side yard setback from a minimum of 50 feet to a minimum of 8 feet to allow construction of a carport and garage. This property is located in Land Lot 254 of the 5th District, fronts on South Kite Lake Road, and is zoned A-R.

Joe Smith advised that he wanted to amend his request to increase the side yard setback from eight (8) feet to thirteen (13) feet, for a variance of 37 feet. He said that he had reduced the size of the proposed garage. He submitted an existing survey which indicated the house to the north side of the subject property. He stated that the house was purchased approximately two (2) months ago. He pointed out that there was not a carport or garage on the subject property. He presented a front view of the existing house. He noted that the proposed carport would be attached to the north side of the house and behind the carport would be a two (2) car garage. He confirmed that the house sits at an angle and the proposed garage would be approximately a minimum of 13 feet from the side property line, but the carport would be approximately a minimum of 22 feet. He presented a sketch which indicated the proposed setbacks for both the carport and garage. He also submitted a copy of a letter from the Environmental Health Department which approved the location of the proposed garage from the existing septic system.

Mr. Smith presented photographs which indicated the north side view where the construction is proposed. He also presented photographs which indicated the south side view where the property

is wooded and sloped. He advised that the septic system and pool were located to the rear of the existing house. He said that the existing room appeared to be originally designed as a garage, but was made into a room and it has been like that for 20 years. He pointed out that the neighbor's house to the north was approximately 125 feet from the property line and is located on a hill.

Mr. Smith requested approval of a variance to locate the proposed garage approximately 13 feet from the side property line and approval of a variance to locate the proposed carport approximately 22 feet from the side property line. He thanked the Z.B.A. for their consideration.

Chairman Beckwith asked if there was anyone to speak in favor of the petition. Hearing none, he asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal, he closed the floor from public comments.

Tom Mahon asked if the left side of the house was originally a garage.

Mr. Smith replied no. He said that the house was built in 1980 and was an enclosed structure.

Mr. Mahon asked Mr. Smith if he built the house.

Mr. Smith replied that he had purchased the house approximately two (2) months ago and assumed he could construct a garage. He added that the house was built 20 years ago but there is an existing concrete pad which measures 28 feet by 36 feet. He said the house was built on a crawl space without a garage.

Tom Mahon made a motion to deny the petition. David Bartosh seconded the motion.

Mr. Mahon stated that no garage was clearly visible to the petitioner, and that the house was constructed in 1980 with no garage. He said that the garage and carport were for a convenience and not a hardship.

Ron Mabra concurred with Mr. Mahon and added that the structures are for a convenience for the protection of automobiles.

Larry Blanks said that there are some alternatives to locating the garage on the subject property without asking for this great of a degree of a variance or possibly with no variance required.

David Bartosh remarked that he felt there were other remedies involved with this particularly piece of property, and the request did not qualify as a true hardship.

At this time, Chairman Beckwith called for the vote. The motion for denial unanimously passed 5-0.

Mr. Smith asked about the 22 foot variance regarding the carport.

Kathy Zeitler advised that the closest setback is considered, and would apply both the garage and carport.

Mr. Blanks stated that the request was to reduce the side yard setback from 50 feet to 8 feet.

Mr. Smith asked if he wanted to construct the carport 22 feet from the side yard setback if he would have to file another petition.

Mr. Bartosh advised Mr. Smith to contact the Zoning Department.

* * * * *

5. **Consideration of Petition No. A-511-01, Charles Hiram Pitts, III, Owner/Agent, request a Variance to allow an accessory structure to be located in the front yard. This property is located in Land Lot 3 of the 7th District, fronts on Bridger Point Road and Ebenezer Church Road, and is zoned A-R.**

Charles Pitts stated he owned a 7.18 acre lot. He advised that the front of his house faced Bridger Point Road. He said he was proposing to build the detached garage on the northeast corner of his lot. He noted that his lot is at the foot of the hill at the entrance of his subdivision and his lot catches all of the rain water from the lots above his. He commented that he had done extensive grading to try to angle the water to the rear of his lot. He went on to say that if he complied with the ordinance that he would have to do extensive grading and cut into the hill. He remarked that he needed to locate the garage to the right of his house which places the garage behind the house. He submitted a letter from Environmental Health approving the proposed location. However, he pointed out that he was a corner lot and therefore by the ordinance the proposed garage to the side of the house would be located within a front yard. He confirmed that there were trees along Ebenezer Church Road which served as buffer. He added that the garage would not be visible from any other lots surrounding his lot.

Mr. Pitts presented photographs of his lot showing the dense trees along Ebenezer Church Road and Bridger Point Road. He also submitted a petition signed by his neighbors who were in favor of the variance request.

Mr. Pitts stated that the siding and roof will compliment the existing house. He added that he had planted an orchard which will, in time, serve as a buffer. He added that he also plans to landscape around the garage. He asked the Z.B.A. to approve his request as submitted.

Chairman Beckwith asked if there was anyone to speak in favor of the petition.

Gene Adams of 150 Bridger Point Road (down at the end of the road on the left) stated that Mr. Pitts was a fine fellow and said it had been a pleasure since he moved into the subdivision. He said that he hoped the Z.B.A. would approve the petition.

Chairman Beckwith asked if there was anyone to speak in opposition of the petition. Hearing none and with no rebuttal, he closed the floor from public comments.

Tom Mahon asked Mr. Pitts where the orchard was located.

Mr. Pitts replied that the orchard consisting of four (4) rows of trees which would be located between the road and the detached garage. He stated that the detached garage would be located approximately 123 feet from the existing house in order to clear the septic system.

Chairman Beckwith asked about future plans for a pool.

Mr. Pitts replied that he would like to build a pool off of the back porch but this is five (5) to ten (10) years down the road. He said that the grading he had done should make the water drain to the back of the lot.

Mr. Mahon asked Mr. Pitts if he had plans to landscape around the garage.

Mr. Pitts replied yes.

David Bartosh made a motion to approve the petition. Larry Blanks seconded the motion.

Mr. Mahon stated that he rides by the location on a regular basis and it is very heavily wooded. He said that Mr. Pitts also had plans to provide landscaping around the garage.

Mr. Bartosh asked how far the garage was located off of Ebenezer Church Road.

Mr. Pitts replied more than 200 feet.

Larry Blanks expressed concern that property owners on a corner lot are penalized by having two (2) front yards.

At this time, Chairman Beckwith called for the vote. The motion for approval unanimously passed 5-0.

* * * * *

Chairman Beckwith asked if there was any further business.

Kathy Zeitler advised that three (3) applications had been submitted for the July Public Hearing. Chairman Beckwith advised that there were only three (3) Z.B.A. members present at the May Z.B.A. public hearing when a petition was heard regarding a telecommunications tower on McDonough Road. He noted that according to the rules, one of the members who voted against the petition may request a reconsideration of that particular petition.

Chairman Beckwith made a motion to reconsider the McDonough Road telecommunications tower request for August 27, 2001. Larry Blanks seconded the motion. The motion unanimously passed 5-0.

David Bartosh advised that he would be absent at the July public hearing.

Tom Mahon informed the Z.B.A. of a new product on the market which reinforces existing monopole towers to allow for additional users. He stated that the County may want to further research the product.

There being no further business, David Bartosh made the motion to adjourn the meeting. Larry Blanks seconded the motion. The motion unanimously passed (5-0). The meeting adjourned at 9:20 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY