

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 26, 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 Technician
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. The Members of the Board and the Staff were introduced. The operating procedures of the hearing were then explained.

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1. Consideration of the Minutes of the meeting held on September 24, 2001.

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

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2. Consideration of Petition No. A-516-01, Ron Zappendorf, Owner/Agent, request a 9 foot Variance to reduce the front yard setback from a minimum of 40 feet to a minimum of 31 feet and a Variance to allow construction of a detached garage without a breezeway in the front yard. This property is located in Land Lot 53 of the 5th District, fronts on Parkwood Lane and Morning Mist Way, and is zoned R-45.

Ron Zappendorf explained that he was proposing to construct a detached garage on the right side of his house which would be surrounded by trees on three (3) sides and also match the facade of the existing house. He advised that the area had been cleared by the previous owner during the construction phase of the house. He noted that his lot was a corner lot thereby having two (2) road frontages. He pointed out that the lot was uneven and sloped, and that it was also heavily wooded. He presented several photographs of the subject property including a photo of the existing house, the area to the right of the existing house which is void of trees, a water pipe which limits the location of the proposed detached garage, the backyard, and several photos of other existing detached garages in his subdivision. He remarked that he had contacted all of his surrounding neighbors and presented a petition signed by each of them in favor of the proposed detached garage.

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 required, he closed the floor from public comments.

Larry Blanks made a motion to approve the nine (9) foot front yard setback variance. David Bartosh seconded the motion. The motion unanimously passed 5-0.

Tom Mahon made a motion to approve the construction of the proposed detached garage in the front yard. Ron Mabra seconded the motion. The motion unanimously passed 5-0.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler advised that one (1) application had been submitted for the December 17th Public Hearing.

Larry Blanks expressed concern about the County's definition of "front yard". He remarked that the Z.B.A. had received a number of requests and said that the homeowners were being penalized if they had multiple road frontages. He commented that he would like to make a motion to ask that the ordinance be reviewed by the B.C.C.

Chairman Beckwith replied that instead of a motion, he would address the B.C.C. He asked if there were any comments from the other members. He asked Staff if there had not been a recent clarification of "front yard" made in the Zoning Ordinance.

Kathy Zeitler advised that the clarification had been made at least a year or so ago to address multiple frontage lots. She noted that front setbacks are required where the lot is adjacent to any road frontage. She pointed out that when the lot is platted that the County does not know which street will be utilized for access. She added that sometimes there is a circular driveway and multiple streets are accessed.

Mr. Blanks stated that logic dictates that there is a front, back, left, and right. He said that a clarification should be made and that the front yard should be the yard where the mailbox and front door is located.

Mrs. Zeitler pointed out that a permit is not issued for a mailbox and often it is erected after the issuance of the Certificate of Occupancy so there is not a way of easily monitoring the situation.

Mr. Blanks reiterated that he would like for the ordinance to be reviewed by the B.C.C.

David Bartosh asked if there were some issues regarding this that the Z.B.A. is not seeing.

Attorney McNally advised that the ordinance should be reviewed by the P.C. first. He confirmed that multiple frontage lots have always been a problem. He explained that this was due to the exposure of others in the neighborhood from an aesthetics standpoint. He said that some lots may be conducive to locating an accessory in the front yard like Mr. Zappendorf's while others may not be. He commented that usually there are heavy objections to locating an accessory structure in the front yard on lots which are not as conducive as the current petition. He said that the Z.B.A. hears a few variance applications per year but by the same token there will be numerous complaints with opening up a front yard to any accessory use. He added that he had never been able to figure out a way to make accessories work in the front yard without a variance.

Chairman Beckwith said that he would talk to the Chairman of the B.C.C. and see if they want to take any action or not.

Attorney McNally stated that if the Z.B.A. had a great number of variances on the same item that the ordinance should be reviewed.

Mr. Blanks replied that there have been about a half dozen in the past three (3) years. He added that it was an undo hardship on the property owners since they had to pay a variance fee and go through the hassle to do something with their property which they had purchased.

There being no further business, Tom Mahon made the motion to adjourn the meeting. Chairman Beckwith seconded the motion. The motion unanimously passed (5-0). The meeting adjourned at 7:20 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

BILL BECKWITH
CHAIRMAN

ROBYN S. WILSON
SECRETARY