

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 17, 2003 at 7:07 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

MEMBERS ABSENT: None

STAFF PRESENT: Kathy Zeitler, Director of Zoning/Zoning Administrator
Bill McNally, County Attorney
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator
Deputy Mark Thayer

STAFF ABSENT: Delores Harrison, Zoning Technician

Welcome and Call to Order:

Chairman Bartosh called the meeting to order and led the Pledge of Allegiance. He introduced the Board Members and Staff and confirmed there was a quorum present.

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1. Consideration of the Minutes of the meeting held on July 28, 2003.

Bill Beckwith made the motion to approve the Minutes as circulated. Larry Blanks seconded the motion. The motion unanimously passed 5-0.

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Kathy Zeitler read the procedures that would be followed for presentation and opposition for petitions.

2. Consideration of Petition No. A-539-03, Linda O’Neal Dias, Owner, Antonio C. Dias, Agent, request three (3) Variances as follows: 1) Request a 63 foot Variance to reduce the rear yard setback from a minimum of 75 feet to a minimum of 12 feet; 2) Request a 12 foot Variance to reduce the side yard setback from a minimum of 50 feet to a minimum of 38 feet; and 3) Request a Variance to allow an existing 1,008 square foot accessory structure to exceed the maximum of 900 square feet. The three (3) requested Variances are to allow an existing accessory structure to remain. This property is located in Land Lot 228 of the 4th District, fronts on Goza Road, and is zoned A-R.

Antonio Dias remarked that he would like to read the following statement: Myself and my wife feel that the reason that we are here today is a simple misinterpretation of County guidelines for nonconforming structures and lots that have been grandfathered since the 1980's. What began as a simple remodeling to an existing garage at the back of our property eventually turned into a complete replacement due to extensive termite damage found. We feel that we did not go outside the guidelines for remodeling or we would have gone through the permit process as we did in 1996 when we built an addition to our home. It was at that time that I discussed my intentions with the final inspector and as a result of that conversation we felt that we were within the guidelines. The subject came up because I installed a new electrical service line to that garage area and it had to be OK'd by the inspector during the original renovation. For the last ten (10) years, we have spent a lot of hard hours and money to improve our property, not only to benefit ourselves but as not to be an eyesore to our neighbors who and which have constantly complimented us on our improvements. No intent to deceive the County was ever an issue as we felt we were in the right and furthermore

to work on our house is like working in a fish bowl. Everyone knows and sees what we are doing. This issue has come up one (1) year after this building was built and was not brought up by the County but by an anonymous citizen. If this was not a County concern originally, why are we here? Continued growth and development is a large priority to the County and us also. As we continue to develop our property, we have to accept continued growth around us as well, such as the Kiwanis Field directly behind us. Although we would rather have the Kiwanis behind us rather than an urban community. We don't particularly care for the Fairgrounds less than 150 feet from our back door. As we are both strong supporters of the public school system, we don't particularly care about the football and baseball stadiums behind us also, especially the high voltage lighting at the stadium's intensive glare will be focused at our home but we also have to accept it. The County is constantly growing, hopefully with the consideration of its residents. We ask that the County give consideration for this resident, if only as a result of its choice to develop extensively the properties around us drastically changing our way of living tremendously. We submit a petition for your review of over 40 of our neighbors who agree with us and also hope that you do. Thank you.

Mr. Dias remarked that the petition pretty much states everything as requested. He added that is important that the County realizes that due to the requirements that he has to abide by, the six (6) criteria for a variance, that he feels strongly that he fits everyone of them. He said that he owns a one (1) acre lot and whatever he is allowed to do on his property will in no way ever affect any other property in Fayette County because he is adversely affected by the lot behind him. He stated that no one else has to deal with the Fairgrounds behind them. He confirmed that his building does not affect the Fairground or his neighbor behind him because everything was done in good taste and they feel that they did nothing wrong. He reported that he had a building there and replaced it with the exact same size. He pointed out that the County Assessors's document stated that his building was 416 square feet which is incorrect. He submitted photos which shows the building larger than 26 feet in length. He said he measured the roof line which is what the County goes by and the roof line was consistent with the building which he has now. He added that the Assessors's measurements were wrong and that their records showed the building was located in the wrong place.

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

Joe Mask of 115 Bernhard Road said he gave the property to his son in the 1970's. He stated his son built the original building behind his house. He remarked that his son had improved the property 100%. He commented that he was born and raised on this same property and he had heard no comments from the neighbors. He reported that a water line was installed by the County on the opposite side of the property and several pretty trees were removed. He went on to say that the County used about a quarter of an acre of his property to store the pipe. He said there were no complaints for one (1) year. He stated his son thought he was grandfathered but found out that he wasn't. He added that when the fair is in process and the wind is blowing it is very rough. He stated that this area had been turned from a nice quiet place to live to a pretty rough place because there are events at the Kiwanis building several times per year.

Chairman Bartosh 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. He asked Attorney McNally if the Z.B.A. could vote on all three (3) variances at the same time, because if any of the three (3) are turned down then the other two (2) don't matter.

Attorney McNally replied that it depended on how the motion was worded.

Larry Blanks made a motion to approve the three (3) variances as requested. Bill Beckwith seconded the motion.

Mr. Blanks said that he had spoken with Mr. Dias since he is familiar with the property since he passed the property at least twice a day. He stated that he had seen the improvements Mr. Dias has made and also the degradation of the property behind him, which he was improving his property and the degradation of the entire neighborhood. He remarked that he was familiar with the building which fits the footprint on the photographs. He commented that the Tax Assessors's records have

discrepancies which are not explained. He reported that Mr. Dias has gone by the book on every point, every building permit, and working closely with the County. He suggested that these requests be approved since he has gone through enough with the County. He asked where was the County when all of this was going on in his back yard that was going to take away from his property while nothing he has done will take away from anything. He added that the requests should be approved.

Tom Mahon said unless he hears otherwise he plans to vote negative because a lot of this could have been solved by applying for a building permit. He stated that what the Z.B.A. approves or disapproves will affect future petitions and the Z.B.A. should be consistent. He added that this could have been solved before it was built. He commented that if the Tax Assessor's records were in error they should have been corrected some time before. He said that this hardship was brought on by the petitioner and he could not approve the petition.

Bill Beckwith asked Mr. Dias how far the original building was from the rear property line.

Mr. Dias replied that the building was in the exact same spot. He said had he applied for a building permit that he would have been told that he could not go through with this but he felt that he was grandfathered and the existing building could be remodeled. He stated that it was his understanding that he could have torn down half and replaced it and then torn down the other half and replaced it that he would not be here. He added that he is not trying to force anything on the County other than what is already there. He remarked that when the property was purchased the building was an asset, however over time, it had deteriorated. He said property should be maintained at its current level if not better so the value increases for the owner and the County.

Mr. Beckwith asked if more concrete was added to the pad.

Mr. Dias replied that 60% of the original building had a concrete slab and the remaining area had only a roof and walls but no floor. He said he added the concrete when he had to totally replace the building. He added that he had to elevate the area due to the runoff from the property behind his property which would flood the building.

Mr. Beckwith asked if the building was moved from another location.

Mr. Dias reported that he had previously owned property in South Carolina and there was a 30' by 40' building on the property. He said he dismantled the building and reduced its size and located it on his property.

Mr. Beckwith confirmed that the same size building was replaced in the same location.

Mr. Dias replied yes.

Ron Mabra stated that he concurred with Mr. Mahon. He said that Mr. Dias has some years in building and is an experienced builder and should not have started the building without a building permit. He added that he was puzzled by the amount of work done without a building permit.

Mr. Dias replied that had he known that he needed a permit that he would go through the process. He added that he spoke with the final inspector and thought that he was O.K. and now he stands to lose a lot of money.

Mr. Blanks asked if a building permit was needed for a remodeling project.

Mrs. Zeitler replied yes, it would be a building permit for interior renovations.

Mr. Blanks stated that he thought that there were a lot of lawbreakers in this county then.

Chairman Bartosh asked Mr. Dias who informed him and when.

Mr. Dias said he did not know the exact name and that he dealt with several inspectors when he remodeled his home by adding 400 to 600 square feet. He added that he remodeled the house and used the old building for storage.

Mrs. Zeitler advised that the house was remodeled in 1996 and the accessory building was not reconstructed until 2002.

Mr. Blanks asked Mr. Dias if he was an experienced builder.

Mr. Dias replied no sir but that he was a "jack of all trades and a master of none".

Chairman Bartosh said he saw a hardship with the unique one (1) acre lot zoned A-R. He stated that he knew that there had been extensive drainage problems which had been addressed and a lot of improvements to the property, in spite of a very negative impact to the neighborhood with the Kiwanis Fairgrounds and the schools. He added that the existing building was replaced in the same footprint and he was in favor of the petition.

Hearing no further comments, Chairman Bartosh called for the vote.

The motion for approval passed (3-2) with Tom Mahon and Ron Mabra voting in opposition.

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3. **Consideration of Petition No. A-540-03, Dan T. and Rhonda P. Cathy, Owners, and Todd Hill of PBS&J, Agent, request an 1,846 square foot Variance to increase the maximum size of a proposed guest house from a maximum of 700 square feet of heated area to a maximum of 2,546 square feet of heated area. This property is located in Land Lots 172, 173, and 181 of the 4th District, fronts on Peeples Road, and is zoned A-R.**

Todd Hill, Agent, advised that Mr. Cathy owns a 350 acre tract of land where he is currently building his primary residence. He said that Mr. Cathy wants to construct a guesthouse which will be complimentary of his house. He stated that as a hardship they looked at subdividing the property but due to setback requirements, denial of a shared driveway, major improvements to Peeples Road, and construction of a cul-de-sac they were unable to fit the guesthouse in this way. He added that they had also looked at a rezoning to PUD-PRL and after meeting with the Planning Commission, Mr. Cathy decided to table the petition upon suggestion that the variance process may be the more appropriate manner. He confirmed that he had met the with the Zoning Staff for their ideas. He remarked that Mr. Cathy was basically in a dilemma, due to the size of his tract he cannot build a guesthouse to match the size needed. He remarked that if the property was split into five (5) acre lots that he could build 49,000 square feet of accessory structures but he is asking to build a guesthouse for family and guests in close proximity to his house to better facilitate the whole concept of his home. He added that Mr. Cathy had even looked at a heated/cooled hallway to connect the residence and the guesthouse, but due to the distance of the house it would not work well and be very costly.

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

Dan Cathy said he had lived in Fayette County for over 25 years and had purchased the subject property approximately one and one-half years ago. He reported that Mr. Fred Green was the original owner and that he had sold the property to a couple of doctors who live in the Lake Spivey area. He stated that he had designed a very beautiful place and was finishing up on the house which has a stone exterior. He commented that the guesthouse would be about half the size of the house and would be a companion building with the same exterior and roof. He remarked that the guesthouse would be used for small groups for entertainment next to the pool as well as two (2) bedrooms with bathrooms and a kitchen area on the upstairs area. He confirmed that he had renovated an existing barn and added a covered arena and built an equipment barn for the storage

of tractors and equipment. He said that due to the size of the land that they have tried to space out the buildings so there are some nice walkways with heavy landscaping between the different structures. He added that this will be an asset to the community and a very beautiful home site.

Donald Crocker of 211 Anderson Drive, Smyrna stated he was a friend and colleague of the Cathys and also a real estate professional for 15 years traveling the country dealing with governing municipalities. He said he had also provided council and advise to help the Cathys acquire the tract approximately one and one-half years ago. He referenced the criteria for granting a variance. He said that the property was extraordinary since it was a single use large residential tract and the Zoning Ordinance was not written with a tract this size in mind as it relates to an A-R zoning. He commented that they have already alluded to an unnecessary hardship with the items which Mr. Hill made reference to. He added that they had tried to work with the Zoning Staff to find a solution to benefit everyone. He pointed out that there was also a hardship relative to building roadways and driveways which are unnecessary. He stated that a rezoning was an alternative and more involved, but it did not provide an opportunity like the variance request would do in a very simple manner. He confirmed that a heated/cooled hallway would be a very expensive answer since there would be a heated/cooled hallway where there is a road and also provide an undue hardship since Mr. Cathy wanted privacy and security. He said that relief if granted would not cause substantial detriment to the public good since the guesthouse will actually increase property values and be something very positive for the surrounding property owners. He noted that literal interpretation would deprive the applicant of his rights. He added that the applicant would consider additional restrictions imposed by the Z.B.A. He pointed out that the Zoning Ordinance was written with a five (5) acre tract in mind and probably never envisioned a 350 acre tract as related to this particular issue so a condition which might be appropriate to answer issues or questions relative to setting a precedent where the Z.B.A. could grant a variance subject to a particular size parcel is something that the property owner could be agreeable to. He confirmed that the existing structure was demolished and this would be an improvement to the property. He added that all the criteria for granting a variance had been met.

Nickey Gregory of 110 Lakeview Drive said his in-laws own the property to the south of the subject property adjoining Mr. Cathy. He stated that the property was known as the "Green Farm" but when it was sold to the doctors they really let it run down but Mr. Cathy is now building a beautiful home place. He remarked that the guesthouse would be a compliment to the whole community.

Fred Green of 263 Mud Bridge Road said his property backs up to the north property line of the subject property and that he was the former owner of the subject property. He remarked that when he purchased the property in 1968 that there were three (3) tenant houses on the property. He stated that the property will be a showplace for the County and asked the Z.B.A. to grant the variance.

Mary Carol Jenkins of 287 Mud Bridge Road stated that she was proud to have the Cathys living close to them. She said that the house was beautiful and the guesthouse will be beautiful. She remarked that this development will be an asset to the County and is absolutely gorgeous.

Mary Jones of 205 Lakeview Drive said that she owns the adjoining property to the south and the guesthouse will be closest to her property. She stated that she could see all the buildings from her home. She added that the Cathys are a great asset and she is glad to have them living there.

Jim Gregory of 140 Peebles Road said he concurred with the previous comments and is in favor of granting the variance.

Chairman Bartosh 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.

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

Mr. Mahon remarked that there was no question that Mr. Cathy was going to construct a show place but the ordinance stated 700 square feet. He said he could not see a hardship to go beyond 700 square feet. He commented that the primary residence would not be affected. He confirmed that he

saw the petition as a convenience and not a hardship. He noted that the Z.B.A. had made interpretation of the ordinances in the past and will have to in the future and the ordinance is the guidance. He suggested that the applicant approach the B.O.C. to see if they were interested in amending the ordinance for larger parcels. He reported that there was also an alternative, a heated/cooled hallway which may not be what Mr. Cathy wants but this is another alternative rather than giving a precedent to break the current ordinance. He pointed out that he had to look at whether the request was for a hardship or if there were alternatives and he sees alternatives.

Bill Beckwith asked Mrs. Zeitler what would have to be done to Peeples Road in order to subdivide the property.

Mrs. Zeitler replied that the turn around portion of the cul-de-sac would have to be constructed and paved. She added that Peeples Road would not have to be paved. She advised that if the use was to be a guesthouse on a separate lot, it would be an accessory structure to a single-family residence.

Mr. Beckwith stated that by constructing a cul-de-sac and subdividing the property the problem would go away essentially.

Mrs. Zeitler explained that the guesthouse on a separate lot by itself would have to be permitted as a single-family residence and the ordinance defined single-family as everyone being related by blood or marriage, and that is not the case if the actual use is that of a guesthouse.

Mr. Beckwith said that this is an option rather than approving a variance.

Mrs. Zeitler replied that another option is to construct a heated/cooled hallway to connect the residence to the guesthouse which would make the guesthouse an addition to the residence instead of a stand alone guesthouse and therefore would not limit the size of the addition.

Mr. Beckwith asked if there was a problem with the heated/cooled hallway being above ground or below ground as long as it connected the structures.

Mrs. Zeitler responded no.

Mr. Blanks asked for clarification about being related by blood or marriage.

Attorney McNally advised that by developing a cul-de-sac the road frontage requirement would be reduced from 100 feet to 50 feet per lot and it permits a second house to be built to any size as long as it is above the minimum and meets setback and road frontage requirements.

Mrs. Zeitler confirmed that a single-family residence is for a single-family and a guesthouse is not, which is why Mr. Cathy elected not to build a separate structure on a separate lot because it would not be a single-family residence but used as a guesthouse.

Attorney McNally advised that the County cannot regulate the fact that the house is being used by Mr. Cathy's guest. He confirmed that the intent of the ordinance is to not have homes placed on the same parcel to be rented. He said that each house should be occupied by a single-family. He remarked that the guesthouse would be used for Mr. Cathy's guest who come and go and Mr. Cathy would not be making any type of income from the guesthouse which is perfectly permissible.

Mr. Blanks said that the Z.B.A. will not be considering 350 acre parcels two (2) to three (3) times per year. He stated that he did not see a problem with the request based on the uniqueness of the size of the property and the use. He remarked that he did not understand why allocations had not been made in the past for large parcels and would this not appear to be unique in the size of the parcel to allow the oversize guesthouse due to the parcel's uniqueness.

Attorney McNally confirmed that the B.O.C. deliberated months before the square footage requirement for a guesthouse was established. He said that there were concerns that smaller parcels not have anything on them which was too large. He stated that maybe the B.O.C. would consider an ordinance amendment but he could not speak for them. He remarked that the minimum house size for A-R is 1,200 square feet and a guesthouse is 700 square feet. He added that a guesthouse should be secondary and should not be used for a place where a family would ordinarily reside.

Ron Mabra stated that the ordinance states 700 square feet. He said that the 350 acres may be a peculiar situation.

Mr. Blanks asked if the B.O.C. could change the ordinance.

Attorney McNally said the B.O.C. could consider changing the ordinance however, if this petition is granted that anyone with a five (5) acre or larger tract would be entitled to the same relief.

Chairman Bartosh remarked that there was no doubt in his mind as to the improvements Mr. Cathy will make to the property, however granting relief would set a precedent for five (5) to 350 acres. He said that the Z.B.A. had granted relief in the past but on a much smaller scale. He concurred with Mr. Mahon in that there are other alternatives which should be exhausted first.

Chairman Bartosh addressed Mr. Crocker for a closing comment.

Mr. Crocker said that there had been some discussion about whether or not a platted subdivision is a reasonable alternative and confusion about single-family or blood relative. He stated that they had asked the same questions and they were under the impression that it could not be used for a guesthouse.

Attorney McNally advised that if a person builds a home on five (5) acres or one (1) acre, he did not see how in any way the County could tell that person that it can't be a guesthouse or whatever kind of home you want to call it. He said that they had constructed a house which was in compliance with County regulations and he does not know how else the County can regulate it. He confirmed that you could build a house and either live in it or rent it and he does not see why you could not let people pan in and out and use the pool.

Mr. Mahon said that he had lived in the County for almost 30 years and ordinances have been debated for a long, long time. He pointed out that the Z.B.A. is not the board to change ordinances. He confirmed that there is a defined process to change the ordinance which is to go through the B.O.C.. He added that he had served on the Z.B.A. for over 20 years their job is not to change the ordinance. He remarked that the Z.B.A. had to consider other alternatives to accomplish the same end result and he sees other alternatives. He closed by saying he feels like the Z.B.A. is doing the right thing.

Mr. Crocker stated that if a platted subdivision was reasonable then they would be pursuing it. He said that a second drive would have to be constructed if the property was subdivided so in essence you are talking about a beautiful piece of property with a circular drive and now you are talking about a second driveway.

Mr. Mahon asked how this addressed the 700 square feet.

Mr. Crocker replied that it is a hardship and unreasonable.

Mr. Mahon commented that they should go to the B.O.C. and argue the point to put some other kind of regulations in place.

Mr. Crocker said that they were trying to play by the rules.

Chairman Bartosh confirmed that the Z.B.A. was not here to debate the ordinances.

Mr. Crocker reiterated that nothing about this has been convenient. He said that they started with the Zoning Staff and they suggested a rezoning which was pursued but the P.C. suggested that we petition the Z.B.A. He stated that this has been going on for about 10 months or longer. He confirmed that they have not taken the easy route because they are trying to abide by the rules and regulations. He added that the six (6) criteria apply to this situation.

Mr. Blanks said that he was in favor of approving the petition until Attorney McNally made a statement which he hoped everybody understood which was if the Z.B.A. granted this request that anyone with five (5) acres or more could ask for the same relief and the Z.B.A. could not deny it. He added that this statement changed his mind and it does need to go back to the B.O.C.

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

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Chairman Bartosh called for a break at 8:19 P.M. He reconvened the meeting at 8:30 P.M.

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4. **Consideration of Petition No. A-542-03, S.C. Butler, Owner, Christy Dunkelberger, Contract Purchaser, and Brad Barnard of E.C. & A.L., Inc., Agent, request a Variance to allow paved parking within a portion of the required 50 foot landscape area along S.R. 54 West. The S.R. 54 West Overlay requires all impervious surfaces to be located 50 feet from the right-of-way. This property is located in Land Lot 70 of the 7th District, fronts on S.R. 54 West, and is zoned O-I.**

Brad Barnard advised that the lot is very small due to the widening of S.R. 54 West which took property. He said that with the O-I zoning and the parking spaces required, the parking could not be placed in the back yard. He stated that he was trying to stay out of the buffers so the only place to put the parking was in the front. He reported that the Environmental Health Department had expressed concern about the footage of septic line after placement of the parking lot. He confirmed that he had met with Jeff Kilgore of the E.H.D. and the septic tank person on site and the septic lines were found. He said that they concluded that there was sufficient line which the parking area was not covering. He stated that the lids on the septic tank could be changed to a concrete lid which you are able to drive on top of. He commented that after the conversation with Mr. Kilgore that he went back to the Engineer and had his revised the plat which relocated the parking to the east to get off of the top of the septic tank. He presented the revised plat and revised letter from Mr. Kilgore to the Z.B.A.

Attorney McNally confirmed that a variance was still required.

Mr. Barnard replied yes that he only altered the parking to met the E.H.D.'s comments.

Attorney McNally advised that because the B.O.C. wanted to keep the acquisition of right-of-way reasonable, they had passed a policy in which parcels which were rendered smaller than the one (1) acre minimum for development would not be penalized by selling to the State in order for the road to be improved, therefore this is a hardship which the County imposed upon this property and as long as there is no other way that they can do this and accommodate it, the Z.B.A. would have to agree that in this case the paved parking in the front is far superior to the gravel parking since it is on a slope and goes out onto S.R. 54 West. He said that it would be appropriate if the Z.B.A. sees fit to grant the relief because the property appears not to be able to be used in any other way for this purpose.

Chairman Bartosh announced that due to no one being present in the audience to speak in favor or opposition of the petition, he closed the floor from public comments.

Bill Beckwith asked if the parking area was planned to be above or at the same elevation as S.R. 54 West.

Mr. Barnard replied that he had not seen the finished engineering drawings but he had measured the level which is two (2) to three (3) feet from the slope. He added that he would be able to retain one (1) of the trees but the other tree would probably be removed.

Mr. Beckwith asked if there would be any access for the parking spaces from S.R. 54 West.

Mr. Barnard replied that they would utilize the existing driveway but it would have to be widened in order to meet D.O.T. requirements, however the individual parking spaces would not have direct access to S.R. 54 West.

Chairman Bartosh asked if the existing concrete would be removed.

Mr. Barnard replied that it would have to be removed in order to allow placement of the curb.

Chairman Bartosh confirmed that the same amount of required landscaping would be relocated to another location on the subject property.

Mr. Barnard replied that the landscaping would be disbursed in other places.

Tom Mahon asked if there would be any landscaping in the front.

Mr. Barnard stated he could not plant anything in the right-of-way, however he hopes to plant some small shrubs between the curb and the right-of-way but until the engineer completes the plans he is uncertain.

Chairman Bartosh expressed concern that the plan submitted and the one which the engineer is preparing may be different.

Mrs. Zeitler advised that site plan approval would be required prior to the issuance of a building permit and business license. She added that landscaping would not be permitted in the right-of-way without permission from the D.O.T.

Mr. Blanks verified that the variance was to allow paved parking in the front within the 50 foot landscape area and all other requirements must be met.

Mrs. Zeitler replied that Mr. Barnard is going to put in as much landscaping in the front area as possible and what required landscaping can't be fit in the front will go elsewhere on site.

Attorney McNally stated that due to the shape of the property after right-of-way dedication, there is no other place to put the parking area. He added that it appeared there would be a two (2) to three (3) foot strip available for a landscape area.

Tom Mahon made a motion to approve the petition subject to compliance with the landscaping standards with as much as possible of the front yard landscaping to be installed along the front property line and the remainder planted elsewhere on the subject property. Bill Beckwith seconded the motion. The motion unanimously passed 5-0.

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Chairman Bartosh asked if there was any further business.

Kathy Zeitler advised that one (1) application had been submitted for the December 15, 2003 Public Hearing, however the deadline is not until November 21, 2003.

There being no further business, Larry Blanks made the motion to adjourn the meeting. Bill Beckwith seconded the motion. The motion unanimously passed 5-0. The meeting adjourned at 8:48 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

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DAVID BARTOSH
CHAIRMAN

ROBYN S. WILSON
SECRETARY