

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 28, 2010, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Larry Blanks, Chairman
Vic Bolton, Vice-Chairman
Bill Beckwith
Brian Haren
Scott Gilbert

MEMBERS ABSENT: None

STAFF PRESENT: Dennis S. Dutton, Zoning Administrator
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator

STAFF ABSENT: Pete Frisina, Director of Community Development

Welcome and Call to Order:

Chairman Blanks 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. Election of a Chairman for 2010.

Vic Bolton nominated Larry Blanks as Chairman for 2010. Bill Beckwith seconded the nomination. Scott Gilbert made a motion to close the floor. Vic Bolton seconded the motion. The motion to close the floor for nominations unanimously passed 5-0. The motion to elect Larry Blanks, as Chairman for 2010, unanimously passed 5-0.

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2. Election of a Vice-Chairman for 2010.

Bill Beckwith nominated Vic Bolton as Vice-Chairman for 2010. Chairman Blanks seconded the nomination. Scott Gilbert made a motion to close the floor. Bill Beckwith seconded the motion. The motion to close the floor for nominations unanimously passed 5-0. The motion to elect Vic Bolton, as Vice-Chairman for 2010, unanimously passed 5-0.

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3. Election of a Secretary for 2010.

Chairman Blanks nominated Robyn Wilson as Secretary for 2010. Bill Beckwith seconded the nomination. Vic Bolton made a motion to close the floor for nominations. Bill Beckwith seconded the motion. The motion to close the floor unanimously passed 5-0. The motion to elect Robyn Wilson, as Secretary for 2010, unanimously passed 5-0.

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4. Consideration of the Minutes of the Meeting held on May 18, 2009.

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

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ZBA Public Hearing

Dennis Dutton read the procedures that would be followed for presentation and opposition for petitions.

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5. **Consideration of Petition No. A-573-10, Mr. and Mrs. Thomas J. Smithers, III, Owners, and Gordon MacFarlane, Agent, request a 30 foot Variance to reduce the minimum rear yard setback from a minimum of 40 feet to a minimum of ten (10) feet to bring an existing pool and existing gazebo into compliance and to allow construction of an outdoor fireplace. This property is located in Land Lot 254 of the 4th District, fronts on Birkdale Drive, and is zoned PUD-PRD.**

Gordon MacFarlane, Agent, explained the Whitewater Creek Community Architectural Review Committee (WWC ARC) granted a variance in 1993 to reduce the rear yard setback from 40 feet to 20 feet for the swimming pool and cabana were constructed at the same time the house was being constructed. He reported there was no documentation in the building permit file for the swimming pool or cabana. He said the owners wanted to now construct an outdoor fireplace (8' X 11') inside the fence. He confirmed the side yard setback is 100 feet for both sides and the golf course abuts the rear property line of the subject property. He explained approval of the variance requests would bring the subject property into compliance.

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

Thomas Smithers, Owner, said a variance was granted by the WWC ARC and he was under the impression this was all that was required. He added he had received a Certificate of Occupancy from the County.

Chairman Blanks 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.

Vic Bolton made a motion to approve the variances as requested. Bill Beckwith seconded the motion.

Chairman Blanks verified the structures were built approximately 17 years ago. He said due to the age of the structures he could support the requests; however, the variance is for a large amount and he probably would not have supported the request 17 years ago.

Vic Bolton said it appears someone employed by the County “dropped the ball” during the permit process and the hardship does not appear to be self-induced by the owner or the contractor.

Chairman Blanks concurred.

Chairman Blanks called for the vote. The motion was unanimously approved 5-0.

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Chairman Blanks asked if there was any further business.

Robyn Wilson advised two (2) applications had been submitted for the July Public Hearing.

There being no further business, Bill Beckwith made the motion to adjourn the meeting. Scott Gilbert seconded the motion. The motion unanimously passed 5-0. The meeting adjourned at 7:25 P.M.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully submitted by:

**LARRY BLANKS
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**