

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on January 24, 2011, at 7:17 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
Tom Mahon
Deputy Hank Meyers

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Community Development
Dennis S. Dutton, Zoning Administrator
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator

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. He welcomed newly appointed member, Tom Mahon, who previously served on the ZBA for numerous years.

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1. Oath of Office administered to Tom Mahon.

Pete Frisina administered the Oath of Office to Tom Mahon.

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2. Election of a Chairman for 2011.

Bill Beckwith nominated Vic Bolton as Chairman for 2011. Brian Haren seconded the motion. Bill Beckwith made a motion to close the floor for nominations. Larry Blanks seconded the motion. The vote to close the floor unanimously passed 5-0. The election of Vic Bolton as Chairman for 2011 unanimously passed 5-0. At this time, Chairman Bolton took over the meeting.

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3. Election of a Vice-Chairman for 2011.

Tom Mahon nominated Bill Beckwith as Vice-Chairman for 2011. Larry Blanks seconded the motion. Brian Haren made a motion to close the floor for nominations. Larry Blanks seconded the motion. The vote to close the floor unanimously passed 5-0. The election of Bill Beckwith as Vice-Chairman for 2011 unanimously passed 5-0.

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4. Election of a Secretary for 2011.

Tom Mahon nominated Robyn Wilson as Secretary for 2011. Bill Beckwith seconded the motion. Larry Blanks made a motion to close the floor for nominations. Brian Haren seconded the motion. The vote to close the floor unanimously passed 5-0. The election of Robyn Wilson as Secretary for 2011 unanimously passed 5-0.

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ZBA Public Hearing

5. Consideration of the Minutes of the Meeting held on August 23, 2010.

Larry Blanks made the motion to approve the Minutes as circulated. Bill Beckwith seconded the motion. The motion passed 4-0-1 with Tom Mahon abstaining from the vote.

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

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6. Consideration of an Appeal of the decision of the Zoning Administrator regarding denial of a Free-Standing Sign Permit Application and a Sign Permit Application for a gasoline canopy, RaceTrac Petroleum, Inc., Owner, and Attorney Jason Thompson of Webb, Wade, Taylor, and Thompson, LLC, Agent. This property is located in Land Lot 70 of the 5th District, fronts on SR 85 South and Ramah Road, and is zoned C-H.

Attorney Jason Thompson stated this was the second time he had appeared at a public hearing to represent RaceTrac. The first time was in regard to the windows and the gasoline canopy. He explained RaceTrac was constructing a convenience store with gasoline sales at the intersection of Ramah Road and SR 85 South. He introduced Julie Bowen, Project Manager for RaceTrac. He said RaceTrac was able to have very open dialogues with the County and would like to bring forth another request.

Attorney Thompson pointed out the two (2) requests addressed allowing a logo/lettering on the gasoline canopy and allowing a larger free-standing sign. He said RaceTrac would like to have their name on the gasoline canopy because their name is their logo. He remarked it is pretty clear that the Sign Ordinance does not allow lettering on a gasoline canopy and the Zoning Administrator was correct in denying the application. He presented photos of gasoline canopies containing a logo/lettering. He asked the ZBA to consider the following factors. He pointed out this site is the gateway to the County and is the first piece of property into the County. He noted that when you are traveling south on SR 85 at SR 314 you will see a BP station (744 Glynn Street) which is approximately 2.26 miles from the RaceTrac site. He confirmed the BP gasoline canopy contains a logo/lettering. He noted the next station is Phillips 66 (620 Glynn Street) which is approximately 2.17 miles from the RaceTrac site. He confirmed the Phillips 66 gasoline canopy contains a logo/lettering. He noted the Marathon station is approximately 1.96 miles from the RaceTrac site. He confirmed the Marathon gasoline canopy contains a logo/lettering. He noted the BP station (450 Glynn Street) is approximately 1.93 miles from the RaceTrac site. He confirmed the BP gasoline canopy contains a logo/lettering. He remarked while these sites are located with the city limits, there are sites further south on SR 85 in the unincorporated County. He noted the BP station (1850 SR 85 South) is approximately 4.7 miles from the RaceTrac site. He confirmed the gasoline canopy contains a logo/lettering. He noted the Woolsey Chevron located at 1992 SR 92 South is approximately 6.4 miles from the RaceTrac site. He noted the Woolsey Chevron gasoline canopy contains a logo/lettering. He remarked that RaceTrac is very proud to be locating in Fayette County and they are ready to be a good corporate citizen and the first stop outside of the city limits. He said RaceTrac would like to display their logo on the gasoline canopy like others. He asked the ZBA to consider allowing a logo/letter on the gasoline canopy.

In regards to the free-standing sign, Attorney Thompson confirmed the maximum height is seven (7) feet and the maximum square footage is 50 feet. He said RaceTrac would like a sign height of 15 feet with signage consisting of 72 square feet. He pointed out as you travel south, Chick-fil-A has great elevation and landscaping; however, this blocks the view of the RaceTrac. He reported people

are looking for gas prices and RaceTrac has to be able to show the consumer their prices. He said the larger sign is needed to draw attention to RaceTrac. He asked the ZBA to consider allowing a larger free-standing sign.

Chairman Bolton 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 confirmed RaceTrac was requesting two (2) administrative appeals.

Attorney Thompson replied he was asking for two (2) administrative appeals: 1) to allow a logo/lettering on the gasoline canopy; and 2) to allow a larger free-standing sign.

Bill Beckwith made a motion to affirm the ruling from the Zoning Administrator regarding both items. Tom Mahon seconded the motion.

Bill Beckwith remarked he was the member who serves on both boards, the ZBA and the PC. He confirmed the PC spent many months and numerous workshops in developing the Sign Ordinance. He said the Sign Ordinance fulfills the purpose of representing what the County population wanted it to be and not something which is overly obtrusive. He commented the PC was very open to the community and the community did voice their concerns. He said the Zoning Administrator had applied the Sign Ordinance as stated and the ZBA should affirm this fact. He remarked the PC recognized that there are grandfathered situations regarding signs. He reported the PC and staff received a lot of legal advice from the County Attorneys at the time. He reiterated the Zoning Administrator had applied the requirements appropriately in this case.

Tom Mahon said he lives on the south side and he is familiar with the development. He pointed out that RaceTrac would be the only gasoline station of major size in the area. He commented he did not remember seeing a logo/lettering on the Shell station gasoline canopy. He remarked that other stations do not have their logo/lettering on their gasoline canopy; however, all the pumps are busy. He said he could not see how a 15 foot high sign would bring in any more business and RaceTrac's pumps would be flowing all the time. He added he could not see a hardship.

Chairman Bolton asked if there were any further comments. Hearing none, he called for the vote. The motion to affirm the ruling from the Zoning Administrator regarding both items was unanimously approved 5-0.

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7. **Consideration of Petition No. A-578-11, R.F. Stephenson, Owner, and Doug Webster, Agent, request a 55 foot Variance to reduce the front yard setback along SR 85 North from a minimum of 100 feet to a minimum of 45 feet to allow display sales. This property is located in Land Lot 168 of the 5th District, fronts on SR 85 North and Walker Parkway, and is zoned C-H.**

Douglas Webster, one of the owners of Apex Pools, said Apex Pools had been in business in Fayette County for approximately 10 years. He reported three (3) years ago, Apex Pools did an expansion. He presented pictures of the subject site indicating improvements such as painting the fence, painted the outside and inside of the building, re-floored including tile floors in the showroom, painted awnings, removed gravel and installed sidewalks, and upgraded the landscaping. He added the painted fence would provide additional screening. He also presented pictures of existing sites with outside display. He said the Zoning Ordinance was amended to allow outside display; however, the septic system and drainfield lines are located in the front yard which abuts SR 85 North. He

commented he contacted the Environmental Health Department to verify the location and a trench was excavated starting from the building and continuing northwest toward SR 85 North. He confirmed there was no apparent evidence of drainline being located in the area planned for outdoor display. He reported the building was constructed in the early 1970's and the SR 85 North Overlay Zone was adopted later. He also pointed out an 18 foot wide circulation pattern was required for the parking area. He noted that Mr. Stephenson, the owner, had dedicated approximately 10 feet of right-of-way to the GDOT which further reduced the setback. He confirmed the proposed area for outside displays was the only feasible area on the property and without approval of the variance, outside displays would not be permitted.

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

Chairman Bolton asked if the outside display would be similar to those in the pictures presented.

Mr. Webster replied the pictures are from Brown's Pools located on SR 34 in Coweta County and Apex Pools would like theirs to be similar. He pointed out one of the other pictures is of a pool which Apex Pools had previously constructed.

Bill Beckwith asked if the hot tub currently located outside the building would be utilized as part of the outside display.

Mr. Webster replied there would be a pool with decking and landscaping not recessed into the ground to show the structural difference between an in ground pool and an above ground pool. He said they also planned to have an above ground pool.

Brian Haren asked when the property was purchased.

Mr. Webster replied that Apex Pools leases the property.

Dennis Dutton explained the previous Zoning Ordinance permitted outside displays which were placed outside during working hours only and were required to be brought back inside at night.

Tom Mahon asked if the pool could be recessed into the ground or above ground.

Dennis Dutton replied the pool could be recessed into the ground or above ground; however, the issue is compliance with the setback requirement.

Tom Mahon confirmed the septic system and drainfield lines were not located in the area proposed for outside display and he also asked for the location of the parking area.

Mr. Webster replied this was correct. He noted there were three (3) 100 foot lines running along SR 85 North. He confirmed the parking area is located along Walker Parkway.

Larry Blanks made a motion to approve the petition as requested. Bill Beckwith seconded the motion.

Chairman Bolton verified GDOT had acquired additional right-of-way.

Dennis Dutton confirmed this was correct.

Hearing no further comments, Chairman Bolton called for the vote. The motion unanimously passed 5-0.

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Chairman Bolton asked if there was any further business.

Robyn Wilson advised that no applications had been submitted for the February Public Hearing; therefore, the public hearing had been cancelled.

There being no further business, Chairman Bolton made the motion to adjourn the meeting. Larry Blanks seconded the motion. The motion unanimously passed 5-0. The meeting adjourned at 8:06 P.M.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully submitted by:

**VIC BOLTON
CHAIRMAN**

**ROBYN S. WILSON
SECRETARY**