

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on March 28, 2011, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Vic Bolton, Chairman
Bill Beckwith, Vice-Chairman
Larry Blanks
Brian Haren
Tom Mahon

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 Bolton 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 Public Hearing held on January 24, 2011.

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

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

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2. Consideration of Petition No. A-579-11, David Harris, Owner, and Michael Harris, Agent, request a 35 foot Variance to reduce the south side yard setback from a minimum of 50 feet to a minimum of 15 feet to allow construction of a detached garage. This property consists of 3.15 acres, is located in Land Lot 88 of the 7th District, fronts on Ellison Road, and is zoned A-R.

Michael Harris, Agent, stated he was requesting to construct a detached garage since the existing house did not have a garage or carport. He advised the subject property is a nonconforming lot of record consisting of only 3.15 acres and the A-R zoning district requires a minimum of five (5) acres. He noted the A-R zoning district requires a minimum lot width of 250 feet and a side yard setback of 50 feet. He stated the A-R zoning district required a 15 foot side yard setback when the house was constructed. He pointed out the lot is long and narrow and only 154 feet wide. He remarked the septic system and leach field are located directly behind the house. He said the lot slopes, is heavily wooded, contains a small creek in the rear of the lot, and an old well. He confirmed the detached garage would be centered on the existing concrete driveway pad. He commented the detached garage would compliment and match the house by utilizing Hardiplank siding, a 30 year shingled roof, architectural shakes on the front gable, one (1) garage door, windows, and an entry door. He pointed out there are existing mature trees ranging from 20 to 30 feet in height and shrubs ranging from 10 to 15 feet in height along the south property line which will screen the view of the detached garage from the adjacent property. He said the proposed location is the only location where he could build the detached garage.

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

David Harris, Owner, requested approval of the petition for the reasons previously stated.

With no one else present, there was no one to speak in opposition and no rebuttal necessary, so Chairman Bolton closed the floor from public comments.

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

Larry Blanks said he had visited the subject property and the proposed location is about the only reasonable and logical location. He remarked the existing house did not have a garage. He stated normally he would never approve this drastic amount of a variance; however, the property is nonconforming and very restrictive.

Tom Mahon clarified the concrete driveway and pad existed and the garage would be placed on the concrete pad.

Michael Harris replied the detached garage would be centered on the concrete pad.

Tom Mahon asked if there was any way to move the detached garage more than 15 feet from the side property line.

Michael Harris replied there was not, because the septic system and leach field was located behind the house and also there was a mature tree in the way.

Tom Mahon clarified the existing trees and shrubs along the south side property line would remain.

Michael Harris replied the trees and shrubs would be left to provide a screen.

Brian Haren asked when the house was built.

Michael Harris replied 1978, prior to the current requirements.

Brian Haren asked Mr. Harris if he had contacted his neighbors to the south.

Michael Harris stated he had not because property owners on both side of the subject property are related and the son had lost this property to the bank.

Bill Beckwith pointed out the encroachment of a shed on the property to the south of the subject property.

Michael Harris replied he did not know when the shed was built.

Bill Beckwith asked if the fenced in area was a dog pen.

Michael Harris replied it had been used as a dog pen.

Bill Beckwith clarified the detached garage could not be located farther from the south property line.

Michael Harris replied he might be able to get an additional five (5) feet; however, he would have to cut down a mature tree.

Chairman Bolton stated the lot was nonconforming, long and narrow, and did not meet the dimensional requirements of the A-R zoning district. He added the septic system and leach fields were located behind the house. He said the detached garage cannot be constructed and comply with the requirements. He added the request complied with the criteria for granting a variance.

Tom Mahon concurred.

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 four (4) applications had been submitted for the April 25th Public Hearing. She requested all members be present due to the numerous applications.

There being no further business, Larry Blanks made the motion to adjourn the meeting. Brian Haren seconded the motion. The motion unanimously passed 5-0. The meeting adjourned at 7:23 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

VIC BOLTON
CHAIRMAN

ROBYN S. WILSON
SECRETARY