

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 19, 2014, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Vic Bolton, Chairman
Bill Beckwith
Larry Blanks
Tom Mahon
Tom Waller

STAFF PRESENT: Dennis Dutton, Zoning Administrator/ ZBA Secretary

Welcome and Call to Order:

Chairman Vic Bolton called the meeting to order and introduced the Board and Staff.

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1. Consideration of the Minutes of the Meeting held on March 24, 2014.

Larry Blanks made a motion to approve the minutes. Bill Beckwith seconded the motion. The motion passed 5-0.

2. Consideration of Petition No. A-607-14, Michael and Christine Fenton, Owner and Jennifer Pizzolatao, Agent request a Variance to Sec. 5-20. Accessory Structures and Uses. D. Location on Lot to allow an accessory structure in a front yard and a Variance to Sec. 6-2. C-S, Conservation Subdivision. F. Dimensional Requirements. 4. Front yard setback: i. Arterial: 100 feet to reduce the front yard setback from the required 100 feet to 70 feet to construct a swimming pool. This property consists of 1.07 acres, is zoned C-S, and fronts on Swain's Drive, Nesmith Court, & Redwine Road.

Michael Fenton said they were requesting these variances because they want to put a pool in the back yard and the lot fronts on three roads and they are considered front yards. He added the house faces Swain's Drive and it is rare when a lot has three frontages, the variances will not have an adverse effect on any surrounding property, this lot does not have the same rights as a through lot and there is a berm, fence and bushes along Redwine Road so the pool will not be visible.

Chairman Bolton asked if there was anyone present that wanted to speak in favor of the petition. Hearing none he asked if there is anyone here tonight to speak in opposition of the proposal. Hearing none he brought it back to the board.

Tom Mahon asked where the berm, fence and bushes were located on the lot.

Michael Fenton said they were in the back on the lot by Redwine Road and the fence is six feet tall.

ZBA Meeting
May 19, 2014
Page 2

Tom Waller said this is a Conservation Use Subdivision do you know what that means.

Michael Fenton said not really.

Tom Waller said he believes a Conservation Subdivision has a portion of the subdivision designated as conservation use and the ownership of that area was donated to the Southern Conservation Trust and that allowed the developer to have smaller one acre lots instead of the required two acre lots.

Dennis Dutton said that is correct.

Tom Waller said he believes there are about 60 lots in the subdivision and the conservation area can't be used to build on and the residents would have priority on using that area.

Dennis Dutton said the conservation area needs access.

Bill Beckwith said the purpose of the Conservation Subdivision is to hold a portion of the area in a conservation easement so it can never be developed and in return the developer is allowed to have smaller lots.

Larry Blanks said I bet you never realized you had three front yards.

Michael Fenton said he did not realize that.

Larry Blanks said only government can designate three front yards.

Larry Blanks made a motion to approve the two (2) variances. Bill Beckwith seconded the motion.

Chairman Bolton said this is about the only place the pool can go and there were no neighbors here tonight to voice opposition so this did not cause a problem for him.

Bill Beckwith said from his days on the Planning Commission he knows the County has struggled with multi-frontage lots and a variance is the best way to address the situation.

Chairman Bolton called the question and the motion unanimously passed 5-0.

3. **Consideration of Petition No. A-608-14, Gary & Tia Boyce, Owners and Roch DeGolian, Request a Variance to Sec. 5-20. Accessory Structures and Uses. D. Location on Lot. 1. a. to increase the size of a garage from the required 900 square feet to 975 square feet and a Variance to Sec. 5-20. Accessory Structures and Uses. D. Location on Lot. 1. d. to increase the percentage of the footprint of a garage that may be located beyond the front building line of the principle structure from the required 50 percent to 100 percent. This property consists of 10.00 acres, is zoned A-R, and fronts on Old Senoia Road.**

Roch DeGolian said he is with Raven Homes and the Boyces have contracted with us to build their home. He said this is a flag lot and they positioned the house about 1,200 feet from the road and were not aware of the rule that no more than 50 percent of the garage could be in front of the building line set by the house. He added that when this came to their attention one of the issues that came into play is the topography of the driveway that has been cut into the building area and the way to approach the house was to allow a car to pull straight into the garage which would allow less maneuvering into the garage area and that is the logic to garage location and the other variance was for the size of the garage which is a standard two car garage with a workshop area and since the house is on a slab there is less space for storage and a workshop and the workshop would go on the far side of the garage farthest from the house. He said their feeling is since the house is so far from the street it would not be visible and would not create an inconvenience to the general public.

Chairman Bolton asked if there was anyone present that wanted to speak in favor of the petition. Hearing none he asked if there is anyone here tonight to speak in opposition of the proposal. Hearing none he brought it back to the board.

Chairman Bolton asked about the angle of the driveway and garage and is that based on topography.

Roch DeGolian said there is a ridge line where the driveway sets and there is also a stream that we were trying to stay away from.

Bill Beckwith asked if the well has been drilled yet.

Roch DeGolian said that is the proposed location of the well.

Bill Beckwith asked if a different location of the garage behind the front build line of the house has been explored perhaps in the area of the proposed well.

ZBA Meeting
May 19, 2014
Page 4

Roch DeGolian said they had tried to reposition the garage and the concern is the way the breezeway would come into the house and the grade of the land which would require substantial regarding of the building area.

Bill Beckwith said it seems to him that if there is an optional location to put this garage it would not require a variance and it would be appropriate to reposition the garage behind the building line of the house.

Roch DeGolian said the building footprint of the house has been graded and if we were to move the garage back it would require grading into a slope and could also require a retaining wall.

Chairman Bolton said the orientation of the house which looks to be at about 45 degrees and was that angle due to topography of the site.

Roch DeGolian said that was part of it and the other issue was the sun angle of the windows along the back of the house.

Larry Blanks said the lot is heavily wooded.

Bill Beckwith said he thought a readjustment of the structure would alleviate the need for a variance and variances are not for a convenience.

Roch DeGolian said it could be accomplished.

Chairman Bolton said he was ambivalent on this request usually the variance is based on the shape of the lot as it maybe nonconforming. He added that he did not have much problem with the square footage but he hadn't seen the topography on the site to know how much will have to be cut into a hillside and we try to avoid a variance for convenience.

Bill Beckwith said his question is can the garage be moved to meet the requirements of the ordinance.

Roch DeGolian said it would be a challenge and technically it is possible but it would take a lot of heavy equipment and movement of dirt.

Tom Mahon said he has a problem with the request and he would like to see a topographic map so you may want to table it and bring that back to the next meeting.

Bill Beckwith said a variance is permission to break the law, second we always keep setting a precedence in the back of our minds and third if there is absolutely no other way to make the

ZBA Meeting
May 19, 2014
Page 5

structure meet the ordinance. Like the well was already drilled and septic tank was installed but they are not so he thinks repositioning the garage should be considered.

Chairman Bolton asked if the house could be rotated.

Gary Boyce said the one thing about the topography of the lot and where we want to place the house is on a hill we had to cut out and the driveway has to cross an intermittent creek and we put a 48 inch culvert in to cross the creek and there is a 25 foot setback from the creek that we tried to stay 30 or 40 feet away from the creek and wind around to come back to where we wanted to place the house. He added that to move the well we would have to remove several large oak trees we wanted to keep. He said as far as the house goes when you get that far back from the road you really don't have any idea of the orientation of the house to the street. He added that the house is on the hill where the water flows behind the house and the lot on the north side is a 15 acre lot that is owned by a conservancy and there will never be a house built on that lot.

Chairman Bolton asked Mr. Boyce to show him on the plat where the water flows on the property.

Gary Boyce showed the ZBA where the water flows on the plat.

Tom Mahon asked if the applicant had a topo map anywhere in their file.

Gary Boyce asked if we had access to the Fayette County GIS map.

Chairman Bolton asked if the house could be rotated to meet the ordinance.

Gary Boyce said the slope of the lot falls pretty drastically so moving the house could require a lot of grading and fill.

Tom Mahon said we are not here to break the law for you and I have been on the Board for 34 years and there always someone who comes in and it is always something and I have a problem alright and I have an opinion that if you reorient your garage you could solve the problem because you are faced with a nay or yay.

Chairman Bolton said this is the final decision and there is not a lot you can do but sue the County so we can act on it tonight or we can table it for a month and let you consider your options to move the house or garage but you lose construction time so my question is do you want to move ahead or work with staff to seek a solution.

ZBA Meeting
May 19, 2014
Page 6

Roch DeGolian said they would look at the location of the house and garage and come back to the next meeting so they would request to table the petition.

Tom Mahon made a motion to table the two (2) variances until the next scheduled hearing for June 23, 2014. Tom Waller seconded the motion. The motion unanimously passed 5-0.

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There being no further business, Larry Blanks made the motion to adjourn the meeting and the meeting adjourned at 8:10 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



VIC BOLTON, CHAIRMAN



ATTEST