

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on March 24, 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

MEMBERS ABSENT: Tom Waller

STAFF PRESENT: Pete Frisina, Director of Community Services
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. Election of the Zoning Board of Appeals Secretary.

Larry Blanks made a motion to nominate Dennis Dutton as Zoning Board of Appeals Secretary and Bill Beckwith seconded the motion. The motion to elect Dennis Dutton as Zoning Board of Appeals Secretary passed 4-0. Tom Waller was absent.

2. Consideration of the Minutes of the Meeting held on February 24, 2014.

Tom Mahon made a motion to approve the minutes. Larry Blanks seconded the motion. The motion passed 4-0. Tom Waller was absent.

3. Consideration of Petition No. A-604-14, Ramon Sessions, Owner and Brad C. Barnard, Agent request a variance to Sec. 5-20. Accessory Structures and Uses. C. Number and Size. 1. a., a Variance to increase the number of accessory structures from two to three and a Variance of 1,672 square feet to increase the accessory structure cumulative square foot total from 3,600 square feet to 5,272 square feet in total. This property consists of 7.587 acres, is zoned R-70, and fronts on Molly's Way.

Chairman asked the petitioner if he wanted to proceed with the request since there were only four board members present tonight.

Bob Barnard stated he would proceed with the request. Bob Barnard said he was there to represent his brother Brad Barnard who is the contractor for the Mr. Sessions. He said the situation is when Mr. Sessions contracted to buy the home from Mr. Bush the former owner/builder, one of the stipulations in Mr. Sessions' contract states that he needed to have a 3,600 square foot gymnasium and a workout room and that is stipulated by the NBA. He

added that the Board of Commissioners approved the amendment to the zoning ordinance allowing the 3,600 square foot building/ gymnasium but the problem is that the original house that was built under on permit has a structure in the front that is a guest quarters then there is a corridor, a pool and the rest of the main house as a California style home and after that Mr. Bush then permitted a pool house at the end of the pool. He said these two structures become your two structures based on the ordinance and then there was the ordinance modification where you could have the 3,600 square foot gym which then puts us in a violation of having three structures. He said there was discussion of adding enclosed corridors to meet the regulations but the problem to connect the guest quarters on the front of the house there is no way to do a heated corridor without going over the pool and the pool house cannot be connected because of the difference in the elevation of the floor systems which would also impact the pool equipment and the drainage path for rain water. He added that they are asking for a variance for the number of accessory structures and the total square footage of accessory structures.

Larry Blanks said he looked at aerials of the property and as he read in the staff report there is another house of similar design in this subdivision and they didn't label it as a pool house so are we talking semantics.

Bob Barnard said in the original house permit by Mr. Bush the plans labeled the guest quarters as a pool house but it was done under one permit for the house.

Larry Blanks asked how big the guest room was.

Bob Barnard said the guest room is 307 square feet.

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

Duchess Reed said she works for the property owner managing the property and Mr. Sessions is not clear why he can't build what he wants to build and it is merely wording in terms of these buildings that are causing the problem and he needs a building where he can practice on his property.

Chairman Bolton asked Pete Frisina that the issue is not what a room is called it is whether it is physically connected to the main house by a heated corridor.

Pete Frisina said that is correct and at the time of the application staff was not aware of the guest room until it was brought to our attention by the agent for the owner and he pulled the building plans for the house and there was no indication that this room was considered as detached. He added that he has recently gone before the Board of Commissioners and staff is looking at the ordinance to address these detached rooms but that wouldn't happen quickly.

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Chairman Bolton said the issue the physical connection to the house and he saw the house when it was being constructed as he and his wife used to walk in this subdivision.

Larry Blanks so there is another house in this subdivision with a similar design and are we going to have to deal with it someday.

Pete Frisina said it doesn't create a problem until you have too many accessory structures since it counts as one accessory structure.

Chairman Bolton asked if there is anyone who would like to speak in opposition to this petition. See none he closed the public hearing portion of this petition.

Tom Mahon made a motion to approve the two (2) variances.

Bill Beckwith seconded the motion.

Tom Mahon said he and Bill Beckwith went to the property and what he saw looked like one structure in terms of the guest room. He that they also saw the other issues with the site like the pool equipment and were the storm water flows and how the subject property is viewed form the surrounding properties. He said he does not have a problem with these variances.

Chairman Bolton said he has been in these houses when they were being constructed and it is not just the wording it is the spirit of the law we need to be considered with and we need to be reasonable with our decisions. He said the intent of the ordinance is to address detached structures that are clearly detached from the house and he knows Mr. Frisina has addressed this with the BOC and is pursuing amendments and he doesn't have a problem with the variances.

Tom Mahon said he would like to see this proposed third accessory structure soften with some type of landscaping and he doesn't think the petitioner has a problem with that.

Bob Barnard said they don't have a problem with that but it is very rocky in this area and so they will do the best they can to get something to grow.

Larry Blanks said the point he was making earlier and if there are other structures with similar design the easiest this to do is change the definition of the structure to make that a part of the house.

Chairman Bolton said staff is working on that but the other property is not a problem until they want more than two accessory structures.

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Tom Mahon asked if that detached room is a quest room or a pool house.

Bob Barnard said it was initially label as a pool house and built under the permit for the house.

Chairman Bolton said again that it was not what it was labeled but how it is not connected to the house by a heated passageway.

Bill Beckwith said what is evident that there is something new in terms of house construction that we haven't seen before and we need to look at the ordinance.

Larry Blanks said this is unique situation because this guest room is connected by a common roof line and isn't it how we connect garages to a house.

Pete Frisina said there is a requirement to connect garage when it is in the front yard a breezeway is one of the required way to connect the garage.

Larry Blanks said so when you connect with a breezeway it is connected.

Pete Frisina said it counts as a detached structure and it has to be a heated connection to not count as an accessory structure.

Chairman Bolton said the point is not legislate it tonight but let staff review the ordinance.

Larry Blanks said he is not trying to legislate tonight but he wants to make it clear that this is a unique situation.

Chairman Bolton asked Tom Mahon if he wanted to restate his motion to address the screening he suggested.

Tom Mahon said he would with draw his original motion.

Bill Beckwith said he would withdraw his second of that motion.

Tom Mahon said he makes a motion to approve the two variances with the condition that the applicant work with staff to plant screening such as Leland Cypress to soften the view of the proposed accessory structure.

Bill Beckwith seconded the motion.

Pete Frisina said he wanted to come up to look at the site plan to make sure he knows the area where the screen will be planted.

Bill Beckwith said the back of the property will someday face the West Fayetteville Bypass and he didn't think there will be anything built back there and there is a house to the left.

Bob Barnard said they are willing to work with the staff.

Bill Beckwith said Mr. Sessions relied on the previous builder's assurances about what could be built even if that wasn't accurate.

Chairman Bolton said that is important because one of the things we look at is if the problem was the fault of the petitioner and in this case it was not.

Pete Frisina said he just wanted clarify that the condition was not specific to the area of the screening but that the petitioner work staff to plant some type of screening.

Tom Mahon said that was correct.

Chairman Bolton called the question. The motion unanimously passed 4-0. Tom Waller was absent.

- 4. Consideration of Petition No. A-606-14, Mark and Patricia Castilla, Owners request Variance to Article VI. District Use Requirements, Sec. 6-1. A-R Agricultural-Residential District, D. Dimensional Requirements., 6. Side yard setback: 50 feet to reduce the side yard setback from the required 50 feet to 44 feet for an existing barn. This property consists of 5.64 acres, is zoned A-R, and fronts on Brooks Woolsey Road.**

Patricia Castilla said they wish to go ahead with their petition even though there are only four members present tonight and she is one of the owners of the property and they would like to keep the barn that is on the property. She said the barn is in the setback of the side yard and that came to light when they did a Minor Subdivision Plat.

Bill Beckwith said didn't the plat indicate that the barn was to be removed.

Patricia Castilla said that was correct and they wish for the barn to remain.

Pete Frisina said the plat indicated that the barn was to be removed because it was in the setback and now they have changed their mind and if the variance id approved they will have to revise the plat to show the barn remaining.

Chairman Bolton asked if this one variance can accomplish that.

Pete Frisina said yes and then they will have to clean it up by revising the plat because we don't want a public record stating that the barn is to be removed.

Chairman Bolton asked how this came about.

Pete Frisina said it was the act of subdividing the property that brought attention to the barn and at the time of the plat the property owner chose the option to remove the barn and now that they have changed their mind they need a variance for it to remain. He said we believe the barn was built in the 1940's.

Chairman Bolton said that is the case where the ordinance changes and older building become nonconforming and the subdivision brings that to light.

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

Mark Castilla said the original farmer and his grandson built this barn and it i built better than any structure today and he has been working on this property and house for 33 years and the barn is too nice to tear down.

Chairman Bolton asked if anyone wanted to speak in opposition of the petition. Hearing none he closed the public hearing.

Larry Blanks made a motion to approve the variance. Tom Mahon seconded the motion. The motion unanimously passed 4-0. Tom Waller was absent.


There being no further business, Bill Beckwith made the motion to adjourn the meeting and the meeting adjourned at 8:00 pm.

ZONING BOARD OF APPEALS
OF

FAYETTE COUNTY



VIC BOLTON, CHAIRMAN



ATTEST