

BOARD OF APPEALS

Therol Brown, Chair
John Tate, Vice-Chair
Tom Waller
Bill Beckwith
Marsha Hopkins

STAFF

Pete Frisina, Director
Chanelle Blaine, Zoning Administrator
Howard Johnson, P & Z Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
February 22, 2021
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on January 25, 2021

PUBLIC HEARING

2. Petition No. A-748-21, Michael S. Lane & Kathy L. Forde-Lane, Owners, request the following: Variance to Section 110-79. Residential accessory structures and their uses (e), to allow a residential accessory structure to be located in a front yard. The subject property is located in Land Lot 53 of the 7th District and fronts on Sandy Lake Circle.
3. Petition No. A-749-21, Alice P. Reeves and Robert R. Reeves, Owners, request the following:
 - 1) Variance to Sec. 110-142. O-I, (f) (6), to reduce the minimum buffer for the north side yard that abuts an A-R zoning district to be reduced from 30 feet to 0 feet.
 - 2) Variance to Sec. 110-142. O-I, (f) (6), to reduce the minimum buffer for the east yard that abuts an A-R zoning district to be reduced from 30 feet to 0 feet.
 - 3) Variance to Sec. 110-142. O-I, (f) (6), to reduce the minimum buffer for the south side yard that abuts an A-R zoning district to be reduced from 30 feet to 0 feet.

The subject property is located in Land Lot 57 of the 7th District and fronts on Flat Creek Trail. **(There was an issue with the petitioner's request and the applicant has requested to table the petition to March 24th).**

This Public Hearing will be live-streamed at:

<https://livestream.com/accounts/4819394?query=fayette%20county&cat=account>.

The call-in number of 770-305-5277 is provided for those who would like to make public comment during this Public Hearing.

PETITION NO. A-748-21
Michael S. Lane & Kathy L. Forde-Lane
245 Sandy Lake Circle
Fayetteville, GA 30214
Public Hearing Date February 22, 2021

The subject property is located at 245 Sandy Lake Circle, Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

**Variance to Section 110-79. Residential accessory structures and their uses (e),
to allow a residential accessory structure to be located in a front yard.**

Section 110-3. Definitions,

Yard, front, means the area between the property line adjacent to a street and the front building line, extending the full width of the lot.

History: The Revised Minor Final Plat of Cochran's Corner of Lots 1 & 2 for 245 Sandy Lake Circle was recorded on July 21, 1997 in Book 29 and Page 121. Tax Assessor's records indicate that the house was built in 1990 and according to the deed the applicant purchased the property in 2020.

As part of the permitting process for a detached residential accessory structure, a site plan is required. Through the site plan staff discovered the violations. The detached residential accessory structure site plan given for the building permit shows the structure located in the front yard.

The applicant provides the following information:

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

My husband Mike came into the office of Fayette County Planning & Zoning to inquire about our obligations in reference to building a carport on our land. The desire was discussed for a 24 X24 cement slab to be poured and a carport erected thereafter. Thereafter the staff informed us that the structure will be in the front yard.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

Yes, the topography of the subject property is that of an “L” shape with wetlands to the rear of the subject property. In addition, the septic tank field lines are located in an open area on the front left and well house to the front right as you face the home.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

Yes, the property has a lakes/wetlands at the entire rear of the home not allowing us to erect the carport at the rear of the home.

3. Such conditions are peculiar to the particular piece of property involved; and,

The subject parcel of land is “L” shaped flanked by home sites to the right and left and lake to the rear.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,

If granted, the carport would be located in an area that is not visible from the street, would not cause detriment to the public nor impair in anyway the regulations. Carports are within the regulations, said variance is needed for an exception in the location on the subject property only.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,

Yes, the current interpretation of the ordinance would deprive the homeowners to cause construction of a carport at the desired and best location.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: No objections to the proposed variance.

ENVIRONMENTAL MANAGEMENT: With being a carport with no sides or utilities EMD has no comment.

FIRE MARSHAL: The Bureau of Fire Prevention will neither approve nor deny request that fall outside the scope of fire prevention code requirements.

PUBLIC WORKS/ENGINEERING: No Public Works for this variance request for an accessory structure in the front yard.

WATER SYSTEM: We have no comments regarding this petition.

**A-748-21
Aerials**

Sandy Lake Circle

**SUBJECT
PROPERTY**



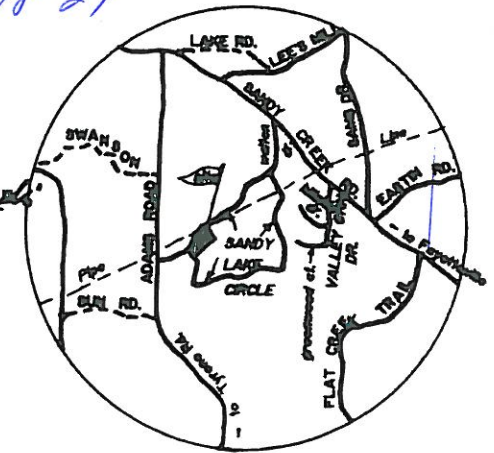
LOT#	AREA IN FLOOD ZONE	AREA OUT OF FLOOD ZONE
LOT#1	0.526 ACRES 22912.96 SQ FEET	1.6794 ACRES 73153.64 SQ FEET
LOT#2	1.0162 ACRES 44267.45 SQ FEET	2.2236 ACRES 96856.44 SQ FEET

N/F
JOHN M. & SUSAN M.
CARSON
D.B. 407, PG. 283

FINAL PLAT APPROVED BY COUNTY ENGINEER OF FAYETTE COUNTY.
ALL AS-BUILT PLANS HAVE BEEN APPROVED.

DATE: 6/21/88 SIGNATURE: *W. A. Ballard*
REVISION DATE: 6/20/97 SIGNATURE: *Ch. Verine*
COUNTY ENGINEER

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR
DATE: 6/21/88 SIGNATURE: *Barney Spurr*
REVISION DATE: 6/20/97 SIGNATURE: *Ch. Verine*



-VICINITY MAP-
not to scale

APPROVED BY FAYETTEVILLE-FAYETTE COUNTY PLANNING COMMISSION

DATE: 6-30-88 SIGNATURE: *Robyn S. Moore*
REVISION DATE: 7-16-97 SIGNATURE: *Robyn S. Moore*
SECRETARY
APPROVED BY FAYETTE COUNTY PLANNER

DATE: 6/20/97 SIGNATURE: *Ch. Verine*

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAYETTE COUNTY, GEORGIA

DATE: 6/30/88 SIGNATURE: *W. A. Ballard*
FAYETTE COUNTY SANITARIAN
REVISION DATE: 7/15/97 SIGNATURE: *W. A. Ballard*

THIS PLAT HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE FAYETTE COUNTY HEALTH DEPARTMENT AND BASED ON PERCOLATION TEST RESULTS, LAY OF THE LAND, SOIL INFORMATION, ETC., THIS LAND APPEARS SUITABLE FOR THE INSTALLATION OF SEPTIC TANKS AND DRAIN FIELDS. HOWEVER, EACH LOT WILL HAVE TO BE INSPECTED TO DETERMINE THE STYLE OF HOUSE, LOCATION OF HOUSE, ETC. BEFORE A FINAL PERMIT CAN BE ISSUED.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF AT LEAST ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 0.25 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

FIELD INFORMATION WAS OBTAINED WITH EDM EQUIPMENT TOPCON GTS-30.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN AT LEAST ONE FOOT IN 10,000 FEET.

THE PROPERTY IN THIS AREA IS SERVED BY WELLS. THE NEAREST PUBLIC WATER IS LOCATED AT CORNER OF SANDYCREEK RD. AND ADAMS RD.

DATE: 6/23/97 SIGNATURE: *D. A. DeLoach*
FIRE MARSHAL

SURVEYORS ACKNOWLEDGEMENT

I CERTIFY THAT ALL MEASUREMENTS ARE CORRECT AND WERE PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION, THAT MONUMENT LOCATIONS ARE CORRECTLY SHOWN, AND THAT THE PROPERTY WILL DRAIN AS SHOWN.

DATE: SIGNATURE: *D. RAY ALLGOOD*
D. RAY ALLGOOD

REVISION DATE: 5-29-97 SIGNATURE: *W. A. Ballard*

REVISION OF LINES BETWEEN LOTS # 1 & 2
FINAL PLAT REVISION DATED 5/14/97

REVISED PLAT OF SURVEY FOR:
COCHRAN'S CORNER LOTS
A.K.A. 245 SANDY LAKE CIRCLE 1 & 2 ONLY

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH MINIMUM STANDARDS AND REQUIREMENTS OF LAW.



NOTES:

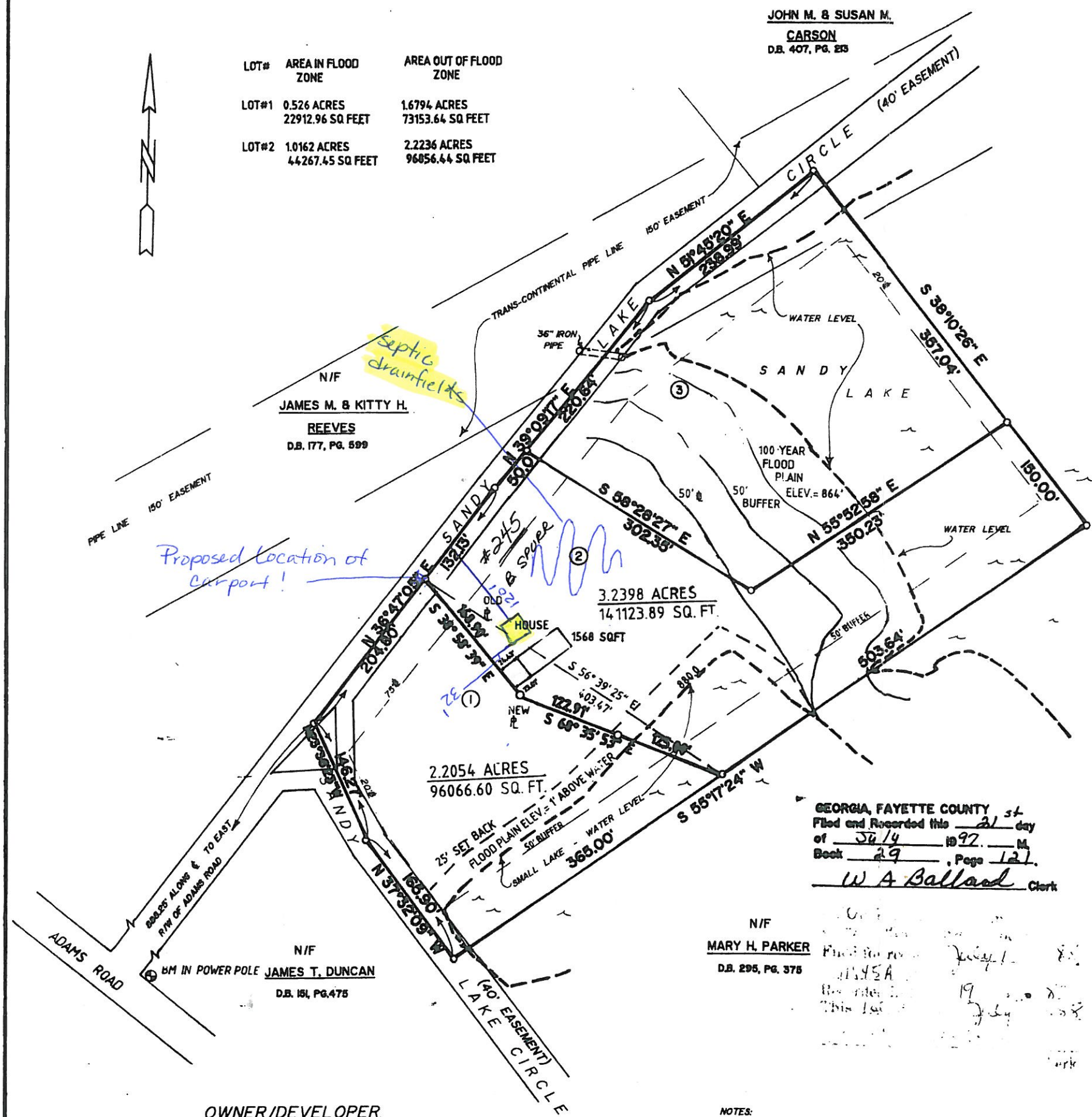
REF. PLAT BY FISTER & ASSOCIATES
FOR: LARRY BEARD
DATED: 10/28/76

ZONING R 170

NOTE:
LOT# 3 RECORDED P.B. 19-82
DATE: 7/1/88

OWNER/DEVELOPER

BARNEY SPURR
245 SANDY LAKE CIRCLE
FAYETTEVILLE GA. 30214



A-178-21

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Michael S. Lane & Kathy L. Ford-Lane

MAILING ADDRESS: 245 Sandy Lake Circle, Fayetteville GA 30214

PHONE: 770-833-9783 / 770-883-3995

E-MAIL: kathy@crowerealtyga.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

PROPERTY LOCATION: LAND LOT 53 LAND DISTRICT 7th PARCEL 07110158

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.91

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: _____

PRESENT USE OF SUBJECT PROPERTY: Residential District

PROPOSED USE OF SUBJECT PROPERTY: _____

(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-748-21

[] Application Insufficient due to lack of:

by Staff: _____

Date: _____

[☒] Application and all required supporting documentation is Sufficient and Complete

by Staff:  _____

Date: 1/12/21

DATE OF ZONING BOARD OF APPEALS HEARING: FEBRUARY 22ND, 2021

Received from MICHAEL S. LANE a check in the amount of \$ 175.00

for application filing fee, and \$ 25.00 for deposit on frame for public hearing sign(s).

Date Paid: 1/12/2021

Receipt Number: _____

A-748-21

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Michael S. Lane & Kathy L. Ford-Lane

Please Print Names

Property Tax Identification Number(s) of Subject Property: 071101058

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 1st District, and (if applicable to more than one land district) Land Lot(s) 53 of the District, and said property consists of a total of 2.91 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

MICHAEL LANE

(I) (We) hereby delegate authority to KATHY FORD-LANE to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

Michael S. Lane
Signature of Property Owner 1
245 SANDY LAKE CIR
FAYETTEVILLE, GA 30214
Address
Signature of Notary Public
1-12-2021
Date

Signature of Property Owner 2
245 Sandy Lake Circle
Address Fayetteville GA 30214
Signature of Notary Public
1-8-2021
Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Mike came into the office of Fayette County Zoning to inquire about our obligations in reference to building a carport on our land. The desire was disussed for a 24 x 24 cement slab to be poured and a carport to be erected thereafter.

There after the staff informed us that the structure wq'll be in the front yard.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Yes, the topography of the subject property is that of an " L " shape with
wetlands to the rear of the subject property. In addition, the septic tank and
field lines are located in an open area on the front left and well house to the
front right as you face the home.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Yes, the property has a lakes/wetlands at the entire rear of the home not allowing us to
erect the car port at the rear of the home.

3. Such conditions are peculiar to the particular piece of property involved.

The subject parcel of land is "L" shaped flanked by home sites to the right and left
and lake to the rear.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

If granted, the car port would be located in an area that is not visible from the street, would not cause detriment to the public nor impair in anyway the regulations.

Car ports are within the regulations, said variance is needed for an exception in the location on the subject property only.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Yes, the current interpretation of the ordinance would deprive the homeowners to cause construction of a carport at the desired and best location.

Chanelle Blaine

From: Alice Reeves <alice@acctresources.com>
Sent: Tuesday, February 16, 2021 2:19 PM
To: Chanelle Blaine
Subject: RE: 193 Flat Creek Trail Variance (A-749-21)

External Email Be cautious of sender, content, and links

Chanelle

We would like to table our petition that we submitted for the February 22, 2021 meeting and instead have a petition for the March 22, 2021 meeting.

Alice

Alice Reeves
Accounting Resources
112 Governor's Square, Suite D
Peachtree City, GA 30269
770-632-5562 phone
770-632-5599 fax
www.acctresources.com

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From: Chanelle Blaine <cblaine@fayettecountyga.gov>
Sent: Tuesday, February 16, 2021 2:01 PM
To: Alice Reeves <alice@acctresources.com>
Subject: 193 Flat Creek Trail Variance (A-749-21)

Good afternoon Ms. Reeves,

Please don't forget to send me an email requesting to table your petition to the next ZBA Meeting on March 22, 2021.

Also below is the section of the ordinance you will be requesting a variance for:

Sec. 110-94. - Buffer.

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see section 110-93). A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the zoning.

Feel free to call or email if you have any other questions.