

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on March 27, 2006 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Tom Mahon, Chairman
Larry Blanks, Vice-Chairman
Bill Beckwith
Ron Mabra
Vic Bolton

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Bill McNally, County Attorney
Delores Harrison, Zoning Technician
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator
Deputy Shawn Albea

Welcome and Call to Order:

Chairman Mahon 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 Meeting on December 19, 2005.

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

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2. Consideration of the Minutes of the Meeting on February 27, 2006.

Ron Mabra made the motion to approve the Minutes as circulated. Vic Bolton seconded the motion. The motion passed 4-0-1 with Bill Beckwith abstaining from the vote.

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Chairman Mahon read the procedures that would be followed for presentation and opposition for petitions.

3. Consideration of Petition No. A-561-06, Robert C. Boyd, Owner/Agent, request a 25 foot Variance to reduce the rear yard setback from a minimum of 30 feet to a minimum of 5 feet and a 5 foot Variance to reduce the side yard setback from a minimum of 15 feet to a minimum of 10 feet to allow construction of a detached garage. This property is located in Land Lot 164 of the 5th District, fronts on Fernway Drive, and is zoned R-40.

Larry Blanks explained that he would be abstaining from the discussion and vote since he has been friends with Mr. Boyd since high school.

Chairman Mahon explained to Mr. Boyd that he would need three (3) affirmative votes for approval.

Robert Boyd stated he was seeking variance approval to construct a detached garage. He said he wanted to construct the detached garage in the northwest corner of his property. He advised that a variance had previously been approved for his neighbor, Robert E. Smith. He confirmed that Mr. Smith's building was located in the rear northeast corner of his lot. He commented that his proposed structure would be located adjacent to Mr. Smith's existing structure. He remarked that if he complied with the setback requirements that his structure would be located forward of Mr. Smith's garage which would box in his back yard along the shared property line. He stated that the inconsistency in building alignment could have a negative impact on property values. He added that this was just the right way to do it to enhance the placement and uniformity in the neighborhood. He presented photographs to the Z.B.A.

Bill Beckwith asked if the detached garage could be located, as indicated on the plat, next to the pool or is there a physical reason why it can't be located as indicated.

Mr. Boyd replied that there would be an inconsistency with building placement. He added that another neighbor also has a building on the corresponding corner of his property in the rear which has been there for 30 years.

Chairman Mahon advised that Mr. Smith was granted a variance because of his septic tank field which was a hardship.

Chairman Mahon 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.

Ron Mabra asked what was the relation of the existing structure with the proposed structure.

Mr. Boyd replied that both structures were located in the corner. He pointed out the existing structure in the photographs for the Z.B.A.

Bill Beckwith made a motion to deny the petition stating that it was for a convenience, not a real hardship. Vic Bolton seconded the motion.

Chairman Mahon concurred with the other members of the Z.B.A.

The motion of denial passed 4-0-1 with Larry Blanks abstaining from the vote.

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4. Consideration of Petition No. A-562-06, John and Sally Chandler, Owners/Agents, request a 22.5 foot Variance to reduce the front yard setback from a minimum of 100 feet to a minimum of 77.5 feet to allow construction of a detached garage. This property is located in Land Lot 151 of the 5th District, fronts on McElroy Road, and is zoned A-R.

John Chandler stated he was requesting approval of a variance to construct a detached garage. He advised that he owned a nonconforming lot of record which was zoned A-R. He remarked that the house was built approximately 21 years ago and he was the third owner. He confirmed that the house was 57 feet from the right-of-way. He reported that he could not rezone the subject property because the house would be nonconforming with the setbacks. He added that the doors of the proposed garage would face the house and not the street. He said that if he attached the detached garage to the house that it would ruin the curb appeal. He stated that he had an existing garage attached to his house but needed more storage space for vehicles. He confirmed that the siding of the detached garage would match that of the existing house.

Vic Bolton asked for verification of the amount of the front yard setback.

Pete Frisina explained that the A-R zoning district requires a front yard setback of 100 feet. He added that the property is a nonconforming lot of record and the A-R did not require a five (5) acre minimum lot size prior to 1980.

Chairman Mahon asked Mr. Chandler to draw where his driveway would be located.

Mr. Chandler drew his driveway and stated that he would concrete between the house and the detached garage with the exception of three (3) feet which would be utilized for landscaping.

Chairman Mahon 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 made a motion to approve the petition. Bill Beckwith seconded the motion.

Mr. Bolton stated that the lot was a nonconforming lot of record and the existing house does not meet the setbacks. He added that the detached garage would comply with the side and rear yard setbacks. He said that approval of the variance would not create a precedent.

Mr. Blanks concurred and added that this was the best possible location.

Mr. Beckwith asked if the septic system field was located so the detached garage could be located further to the rear of the property.

Mr. Chandler replied that if he complies with the front yard setback that he would then not comply with the rear yard setback.

Ron Mabra referenced Section 5-21. Nonconforming Lot of Record in the Zoning Ordinance which states that a building site for a principal structure could be permitted; however, all other structures and uses must conform to the applicable regulations.

Mr. Frisina explained that the Staff works with a property owner with a nonconforming lot to get the principal structure located on the site; however, any other structure would require variance approval by the Z.B.A.

Chairman Mahon concurred with the comments made by the Z.B.A. members. He stated that the property is unique because the property owner is unable to request to rezone the property.

The motion for approval unanimously passed 5-0.

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5. **Consideration of Petition No. A-563-06, Ronald and Susan May, Owners/Agents, request for Enlargement of a Nonconforming Structure to develop a Psychological Office which will reduce the front yard setback from a minimum of 55 feet to a minimum of 20 feet and request for Change of the Nonconforming Use of two (2) Structures to allow an existing detached garage to be converted into a future office and an existing shed to be converted into a future patient file storage building. Request a Variance to allow 100% of the parking in the front yard. This property is located in Land Lot 199 of the 13th District, fronts on S.R. 138, Old Highway 138, and Highland Drive, and is zoned O-I.**

Ronald May stated that he was requesting three (3) variances. He explained that the subject property is unique in that it has three (3) road frontages. He advised that in 1975 the property owners dedicated additional right-of-way for Old Hwy. 138 to the County which decreased the property under one (1) acre. He said he wanted to expand the existing structure, a vacant single-family dwelling with a basement, for his wife's business, a Psychological Office. He commented that he wanted an existing detached garage to be converted into a future office and an existing shed to be converted into a future patient file storage building. He added that his wife was required to maintain patient files for ten (10) years. He also requested a variance to allow 100% of the parking in the front yard due to the General Overlay Zone. He reported that once the site planner had finished his site plan that there was a very limited area in which to expand. He advised that he rezoned the property to O-I in 2005. He confirmed that he was limited to 5,000 square feet of impervious area or he would be required to construct a detention area. He added that should the parking be increased, he would be required to have a hydro study prepared and that the hydro study approved by the Engineering Department.

Mr. May noted that there are three (3) entrances off of Hwy. 138; however, two (2) entrances are too close to Highland Drive and can not be utilized. He said that he was consulting with the Georgia Department of Transportation (GDOT) regarding the access to Hwy. 138.

Bill Beckwith asked what would the total square footage of the Psychological Office be after the expansion.

Mr. May replied a total of 2,897 square feet.

Larry Blanks stated that the subject property was very unique because of three (3) road frontages.

Chairman Mahon stated that he had never seen a piece of property with three (3) road frontages in his 25 years on the Z.B.A.

Mr. May advised that Old Hwy. 138 was a closed off road currently.

Pete Frisina reported that Old Hwy. 138 is not currently a through street; however, there are citizens who are speaking with the B.O.C. about reopening Old. Hwy. 138.

Ron Mabra stated that all three (3) structures were going to be utilized for the same business.

Chairman Mahon 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.

Ron Mabra made a motion to approve the petition as presented. Bill Beckwith seconded the motion. The motion was unanimously approved 5-0.

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- 6. Consideration of Petition No. A-564-06, Flat Rock A.M.E. Church, Vincent Parker, Trustee, Owner, and Ronald L. Bishop, Agent, request for Enlargement of a Nonconforming Structure to allow expansion of an existing church which will reduce the front yard setback from a minimum of 100 feet to a minimum of 50 feet and which will reduce the rear yard setback from a minimum of 125 feet to a minimum of 35 feet. This property is located in Land Lot 26 of the 7th District, fronts on Old Chapel Lane, and is zoned R-40.**

Vincent Parker, Trustee, said that presently the church has a sanctuary and a fellowship hall which are too small.

Ronald Bishop, Agent, remarked that the church membership is growing and the fellowship hall is too small. He noted that in 2002, the Z.B.A. granted an enlargement of a nonconforming structure for the fellowship hall. He said that after further review, it was inadequate so the church had decided to enlarge the existing church instead. He reported that the addition to the church would allow more of a front and rear yard setback than the existing church. He commented that the church is 150 years old. He added that the church is working with Staff to try to improve the subject property and make it an asset to Fayette County and the adjacent community.

Larry Blanks said he remembered discussion about the existing cemetery.

Mr. Bishop advised that the cemetery is to the left of the existing church and the addition is to the right of the existing church on a grassed area. He said that this would allow for additional parking.

Chairman Mahon 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.

Ron Mabra made a motion to approve the petition as presented. Bill Beckwith seconded the motion.

Chairman Mahon confirmed if the existing fellowship hall (concrete block building) was never enlarged and was going to be removed.

Mr. Bishop replied yes.

Vic Bolton questioned potential runoff from the parking area.

Pete Frisina advised that runoff would be governed by the Engineering Department.

Mr. Bolton stated that the shape of the lot is unique and the addition would not be located closer to the road or rear yard than the existing church.

Mr. Beckwith noted that the Z.B.A. had previously approved the enlargement of a nonconforming structure, the fellowship hall, and this is the same situation.

Mr. Mabra advised that a site plan would be required to be approved by the County.

Mr. Blanks further advised that the approval of the enlargement of a nonconforming structure did not relieve the church of complying with all County rules and regulations.

The motion unanimously passed 5-0.

Mr. Parker thanked the Z.B.A. on behalf of the church.

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Chairman Mahon asked if there was any further business.

Pete Frisina advised that there were no applications submitted for the April Public Hearing.

There being no further business, Larry Blanks made the motion to adjourn the meeting. Ron Mabra seconded the motion. The motion unanimously passed (5-0). The meeting adjourned at 8:03 P.M.

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ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

TOM MAHON
CHAIRMAN

ROBYN S. WILSON
SECRETARY