

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 23, 2005 at 7:20 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: David Bartosh, Chairman
Bill Beckwith
Larry Blanks

MEMBERS ABSENT: Ron Mabra, Vice-Chairman
Tom Mahon

STAFF PRESENT: Aaron Wheeler, Director of Zoning/Zoning Administrator
Bill McNally, County Attorney
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator

Welcome and Call to Order:

Chairman Bartosh 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. Election of a Chairman for 2005.

Larry Blanks made a motion to table the election of a Chairman for 2005 until the next public hearing due to the lack of a full board.

Chairman Bartosh stated he would like to proceed with the election.

Mr. Blanks withdrew his motion.

Bill Beckwith nominated David Bartosh as Chairman. Larry Blanks seconded the nomination. The motion to nominate David Bartosh as Chairman for 2005 unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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2. Election of a Vice-Chairman for 2005.

Chairman Bartosh nominated Larry Blanks as Vice-Chairman. Bill Beckwith seconded the nomination. The motion to nominate Larry Blanks as Vice-Chairman for 2005 unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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3. Election of a Secretary for 2005.

Chairman Bartosh nominated Robyn Wilson as Secretary. Larry Blanks seconded the nomination. The motion to nominate Robyn Wilson as Secretary for 2005 unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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4. Consideration of the Minutes of the meeting held on April 25, 2005.

Bill Beckwith made the motion to approve the Minutes as circulated. Larry Blanks seconded the motion. The motion unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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Chairman Bartosh waived the reading of the rules and procedures since the petition was tabled from the April Public Hearing.

5. **Consideration of Petition No. A-552-05, Gin-Jer Investments, LLC, Owner, and Gerard P. Chandler, Agent, request the following: 1) Request a 17 foot Variance to reduce the fifty (50) foot landscape area along S.R. 54 West from a minimum of 50 feet to a minimum of 33 feet to allow the front parking area; 2) Request a seven (7) foot Variance to reduce the ten (10) foot landscape strip along all side property lines from a minimum of ten (10) feet to a minimum of three (3) feet to allow a concrete sidewalk to the rear yard area for delivery of supplies; 3) Request a Variance to allow placement of all required parking in the front of the building/structure; and 4) Request an eighteen (18) foot Variance to reduce the 30 foot buffer from a minimum of thirty (30) feet to a minimum of twelve (12) feet to allow parking for site plan approval of an existing structure for O-I uses. This property is located in Land Lot 70 of the 7th District, fronts on S.R. 54 West, and is zoned O-I.**

Ed Koons of Hamilton Engineering stated he was the Site Designer for Gerald Chandler who was unable to attend the meeting tonight. He confirmed that the property was located at 1826 S.R. 54 West which consists of an existing ranch structure built in the late 60's as a residential unit. He reported that the BOC had approved the rezoning of the subject property to O-I for the purpose of enabling the owners to utilize the property for office purposes, training, and display. He pointed out that the property could not comply with the County regulations. He said that to the right of the subject property is an attorney's office and to the left is a 7.5 acre vacant tract owned by an out-of-state property owner. He remarked that there would be no improvements to the building. He confirmed that the building is eight (8) feet from the right property line and 10.3 feet from the left property line and therefore there is not access to the rear of the property to locate parking. He stated that the existing driveway is unsafe and will be widened to provide the correct radius which should increase the sight distance. He said that a landscape architect has been hired to prepare a landscape plan to conceal the parking spaces from S.R. 54 West. He added that the proposed site plan utilizes the best use of the property as an office structure.

Chairman Bartosh 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.

Chairman Bartosh made a motion to approve Variance #1., Variance #3., and Variance #4. Bill Beckwith seconded the motion.

Chairman Bartosh made a motion to deny Variance #2. Larry Blanks seconded the motion.

Chairman Bartosh stated that there are a lot of items to consider such as the widening of S.R. 54 West, the Overlay Zone requirements, the narrow lot and location of the existing structure, and the unique nature of the properties in the general area. He said that it was the intent of the BOC when the Overlay Zone was adopted that there would be some unique circumstances to the properties within that area and that those circumstances would be resolved by the ZBA. He commented that the granting of the three (3) variances were not a matter of convenience. He remarked that a similar variance for allowing parking to be located in the front yard had been approved for the adjacent properties.

Bill Beckwith concurred and stated that he could not see anything else that could be done which would allow the property owner to utilize his property. He added that Variances 1., 3., and 4. are appropriate.

Chairman Bartosh referenced the comments from the Engineering Department which state that should a dumpster be utilized, a wooden privacy fence in addition to vegetation is suggested. He asked if this item was included in the motion.

Attorney Bill McNally replied that this item was not a part of the motion but that the motion could be amended.

Chairman Bartosh amended his motion to approve Variance #1., Variance #3., and Variance #4. and added that should a dumpster be utilized, a wooden privacy fence in addition to vegetation is required. Bill Beckwith seconded the amended motion.

At this time, Chairman Bartosh called for the vote.

The motion to approve Variance #1., Variance #3., and Variance #4. was unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

Chairman Bartosh stated that in regards to Variance #2., the landscape area should be in place and not reduced from 10 feet to 3 feet to allow a concrete sidewalk to the rear yard area for delivery of supplies. He said that he viewed this variance as a matter of convenience and not a hardship.

Mr. Blanks asked Attorney McNally if the ZBA could approve a lesser amount than requested.

Attorney McNally replied that the ZBA could approve a lesser amount but not more.

Mr. Blanks suggested reducing the width of the sidewalk which would reduce the amount of the variance requested.

Mr. Koons advised that he would like to have a four (4) foot landscape strip before the sidewalk and not be forced to place the sidewalk next to the building.

Chairman Bartosh said that the sidewalk should be placed against the building to avoid an encroachment in to the landscape area.

Mr. Beckwith confirmed that the edge of the concrete was located four (4) feet from the side of the house.

Mr. Koons replied yes sir.

Chairman Bartosh confirmed that the ZBA would rather see the landscape interrupted at the sidewalk than the required side landscape area.

Mr. Koons replied that the sidewalk could be constructed against the building and not encroach into the landscape area.

At this time, Chairman Bartosh called for the vote.

The motion to deny Variance #2. unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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Chairman Bartosh asked if there was any further business.

Aaron Wheeler advised that three (3) applications had been submitted for the June Public Hearing.

Chairman Bartosh stated that he would be absent as he would be on vacation and had already purchased his airline tickets.

Chairman Bartosh made a motion to reschedule the June 27, 2005 meeting to a suitable date the week of June 20, 2005 pending availability of the Public Meeting Room and a representative from the County Attorney's office being able to attend. Larry Blanks seconded the motion. The motion

unanimously passed 3-0. Tom Mahon and Ron Mabra were absent.

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There being no further business, Bill Beckwith made the motion to adjourn the meeting. Larry Blanks seconded the motion. The motion unanimously passed 3-0. Tom Mahon and Ron Mabra were absent. The meeting adjourned at 7:53 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

DAVID BARTOSH
CHAIRMAN

ROBYN S. WILSON
SECRETARY