

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 19, 2008, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Board of Commissioners Conference Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Larry Blanks
Vic Bolton
Bill Beckwith
Brian Haren
Scott Gilbert

MEMBERS ABSENT: None

STAFF PRESENT: Dennis S. Dutton, Zoning Administrator
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator
Hank Meyers, County Marshal

STAFF ABSENT: Pete Frisina, Director of Community Development

Welcome and Call to Order:

Larry Blanks called the meeting to order. He introduced the Board Members and Staff and confirmed there was a quorum present.

* * * * *

1. Oath of Office administered to Scott Gilbert and Brian Haren.

Dennis Dutton administered the Oath of Office to Brian Haren and Scott Gilbert.

* * * * *

2. Election of the Chairman for 2008.

Bill Beckwith nominated Larry Blanks as Chairman. Vic Bolton seconded the nomination. Bill Beckwith moved that the nominations be closed. Vic Bolton seconded. The nomination to elect Larry Blanks as Chairman for 2008 was approved 4-0-1. Larry Blanks abstained from the voting.

* * * * *

3. Election of the Vice-Chairman for 2008.

Bill Beckwith nominated Vic Bolton as Vice-Chairman. Scott Gilbert seconded the nomination. Chairman Blanks closed the floor from nominations. The nomination to elect Vic Bolton as Vice-Chairman for 2008 was approved 4-0-1. Vic Bolton abstained from the voting.

* * * * *

4. Election of the Secretary for 2008.

Vic Bolton nominated Robyn Wilson as Secretary. Chairman Blanks seconded the motion. Chairman Blanks closed the floor from nominations. The nomination to elect Robyn Wilson as Secretary for 2008 was unanimously approved 5-0.

* * * * *

Z.B.A. Public Hearing

5. Consideration of the Minutes of the Meeting held on December 17, 2007.

Vic Bolton made the motion to approve the Minutes as circulated. Bill Beckwith seconded the motion. The motion passed 3-0-2. Brian Haren and Scott Gilbert abstained from the voting.

* * * * *

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

6. Consideration of Petition No. A-568-08, Jill Daniel a/k/a Jill Yancey, Owner/Agent, request an 11 foot Variance to reduce the east side yard setback from a minimum of 50 feet to a minimum of 39 feet and a 37 foot Variance to reduce the rear yard setback from a minimum of 75 feet to a minimum of 38 feet to allow an addition to the existing single-family dwelling. This property is located in Land Lot 4 of the 5th District, fronts on Harp Road, and is zoned A-R.

Jill Daniel, Owner, requested approval of the variance requests as submitted.

Gary Daniel, Ms. Daniel's father-in-law, advised that the house was built in 1965 on a 6.22 acre lot. He said that four (4) years later, the property was subdivided and the house was left on a 3.22 acre tract; however, a year to a year and one-half later, the 3.22 acre tract was subdivided and the house was left on a 1.06 acre tract. He stated that the 1.06 acre tract was a nonconforming lot of record zoned A-R. He pointed out that the A-R zoning district requires large setbacks.

Mr. Daniel commented that the application included a plat with the footprint of the existing structure and a plat with the footprint of the proposed additions. He confirmed that the variance was actually three (3) feet on the east side and six (6) feet on the rear from the existing footprint. He reported that the existing house did not meet the current setbacks on the east side and the rear. He stated that the house was actually built as a cottage and has no designated eating area or laundry room. He added that the house needs a new roof and a new deck also. He remarked that the improvements would make the house more livable. He reported that the improvements would be better for the community and would not have any adverse affects on the community.

Mr. Daniel confirmed that there was a tree line of 12 foot to 15 foot high Magnolias along the east property line. He added that Ms. Daniel has plans to plant additional trees along the same tree line. He said that there is not a structure on the adjacent property to the rear. He added that the adjacent property to the west consisted of a 3.64 acre tract with a berm and tree line along the property line. He confirmed that the house complies with the front yard setback and the west side yard setback.

Chairman Blanks asked if there was anyone to speak in favor of the petition.

Dave Yancey, Ms. Daniel's father, stated that a great deal of improvements had been done to the house and he would like to see the progress continue.

Chairman Blanks asked if there was anyone to speak in opposition of the petition. Hearing none, he closed the floor from public comments.

Bill Beckwith made a motion to approve the variances as requested. Vic Bolton seconded the motion.

Mr. Bolton asked if it was feasible, in terms of the layout of the house, for the additions to be located on the west side of the house.

Mr. Daniel replied that there is the living room with a fireplace, a carport, and a huge 75 to 80 year old Sweet Gum Tree on the west side of the house.

Mr. Bolton questioned the concerns about the septic system.

Mr. Daniel replied that when the house was purchased, it was discovered that the drain field lines were located on a portion of the neighbor's property. He said that he had met with Jeff Kilgore of the Environmental Health Department and there is a possibility that the drain field lines will have to be relocated on the subject property. He added that there is ample space to relocate the drain field lines.

Robyn Wilson advised that approval from the Environmental Health Department was required prior to the issuance of a building permit.

Chairman Blanks advised that should the Z.B.A. grant the variances that the applicant is not exempt from other requirements.

Bill Beckwith stated that the A-R zoning district has extensive setbacks; however, the applicant is only asking for an additional three (3) feet to the east side and six (6) feet to the rear as measured from the existing footprint. He said that this is a minor amount.

Mr. Bolton commented that this is not a self-induced hardship due to the lot being a nonconforming lot of record zoned A-R. He offered the Z.B.A.'s condolences to Ms. Daniel.

Hearing no further comments, the motion unanimously passed 5-0.

* * * * *

Chairman Blanks asked if there was any further business.

Robyn Wilson advised that one (1) application has been submitted for the June 23rd Public Hearing for the expansion of a nonconforming structure of a church.

Chairman Blanks sent "Best Wishes" to Delores Harrison on her upcoming retirement.

There being no further business, Vic Bolton made the motion to adjourn the meeting. Scott Gilbert seconded the motion. The motion unanimously passed 5-0. The meeting adjourned at 7:37 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

LARRY BLANKS
CHAIRMAN

ROBYN S. WILSON
SECRETARY