

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 22, 2008 at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

MEMBERS PRESENT: Larry Blanks, Chairman
Vic Bolton, Vice-Chairman
Bill Beckwith
Brian Haren
Scott Gilbert

MEMBERS ABSENT: None

STAFF PRESENT: Pete Frisina, Director of Planning & Zoning
Dennis S. Dutton, Zoning Administrator
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator
Deputy Hank Myers

Welcome and Call to Order:

Chairman Blanks 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 held on July 28, 2008.

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

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

2. Consideration of Petition No. A-570-08, Joseph and Patti Cramer, Owners, and Development Concepts, Inc., Agent, request a Variance to allow the construction of a swimming pool in the front yard. This property consists of 9.173 acres, is located in Land Lot 94 of the 4th District, fronts on Duke's Court, and is zoned A-R.

Jerry Baker of Development Concepts, Inc. stated that he was the agent. He presented numerous photographs of the subject property. The photos included: from the road looking toward the house, from the house looking toward the lake, from the house looking from both of the side yards with one (1) containing the septic system and the other side containing the driveway to the garage, from the house looking toward the neighbor's house which contains a pool located in front of the Cramer's property, the access road, an aerial, the front elevation and rear elevation of the house, and the plat. He pointed out that Duke's Court curves and depending on what part of the road you are looking at, the front yard can be in three (3) different positions. He confirmed that the back of the house actually faces the lake, which is what the County classifies as the front yard of the property. He noted that the house cannot be seen from Duke's Court. He added that the pool complied with the setback requirements but not the location requirement.

Mr. Baker pointed out that the flag lot was oddly shaped and also slopes down toward the lake. He reported that other locations were researched for the pool location; however, a real estate agent who advised that the value of the house would be reduced if placed in the rear yard, since the front of the house faces the rear yard. He added that a fence is required for the pool, which would also devalue the property. He reiterated that the septic system is located on one (1) side of the house and the driveway to the garage is located on the other side of the house. He said that the lot was unique in that it was a flag lot, which access a curvy road, which made the actual front yard hard to determine.

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He commented that the neighbor has a pool located behind their house between the house and the lake. He noted that the Cramer's want their pool to be located between the lake and their house. He presented a letter from the neighbor who did not object to the proposed location of the pool. He reported that the property is located a quarter of a mile off Duke's Court with a tree line. He added that they understood that should the variance be granted that they must construct the pool as granted or the variance could be rescinded.

Bill Beckwith asked to see the photographs of the front and rear of the house and the side yard showing the location of the septic system.

Chairman Blanks 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.

Bill Beckwith asked Staff if the access from Duke's Court to the house was a County maintained road or a driveway.

Dennis Dutton replied that the access across the dam from Duke's Court was a driveway.

Bill Beckwith stated that the Z.B.A. had considered a very similar request on Rivers Road several years ago.

Bill Beckwith made a motion to approve the petition for the pool to be constructed between the house and the lake. Vic Bolton seconded the motion.

Chairman Blanks said that the petitioner is being penalized by an ordinance because he has three (3) front yards. He stated that he could support the petition since there had been almost an identical request approved in the past.

Mr. Bolton pointed out that the County definition of a front yard has nothing to do with the orientation of the house. He commented that due to the curvature of Duke's Court that an argument could be made about the exact location of the front yard. He asked about the location of the front yard on the colored aerial.

Pete Frisina replied that Randy Boyd, who designed the subdivision, worked with Staff to give the location of the front yard, which he did free of charge.

Mr. Bolton explained that based on the curvature of Duke's Court, this is an exceptional case because the letter of the law and the spirit conflict. He stated that due to the topography of the lot and the existing tree line, which he hopes will be maintained, he could support the request. He added that the pool should not create an undue hardship for anyone else especially since the lot is a flag lot.

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

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Chairman Blanks asked if there was any further business.

Robyn Wilson advised the October Public Hearing had been cancelled due to the lack of applications.

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There being no further business, Vic Bolton made the motion to adjourn the meeting. Brian Haren seconded the motion. The motion unanimously passed (5-0). The meeting adjourned at 7:31 P.M.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY

Respectfully submitted by:

LARRY BLANKS
CHAIRMAN

ROBYN S. WILSON
SECRETARY