COUNTY AGENDA REQUEST

Department:	Planning and Zoning	Presenter(s):	Pete Frisina / Dennis Dutton
Meeting Date:	Thursday, August 23, 2012	Type of Request:	Public Hearing

Wording for the Agenda:

Consideration of Petition No. 1224-12, James L. Dixon and Maria Dixon, Owner / Agent, request to rezone 0.93 acres from A-R to C-H. This property is located in Land Lot 154 of the 7th District and fronts on 349 Senoia Road.

Background/History/Details:

This request is to rezone 0.93 acres, located in Land Lot 154 of the 7th District and fronts on 349 Senoia Road, from A-R to C-H for the purpose of developing an Auto Service and Repair Garage. Senoia Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. The portion of Senoia Road under consideration is part of the old alignment of State Route 74, which was realigned in the 1980s.

The subject property contains a single-family residence, is currently zoned A-R, and is considered a legal nonconforming lot as a survey of the subject property was recorded in 1974 prior to the effective date of the Zoning Ordinance (November 13, 1980). The subject property is nonconforming as it does not meet the minimum lot area of five acres or lot width of 250 feet in the A-R zoning district. The lot also contains a legal, nonconforming structure as the existing residential structure does not meet the side yard setback of 50 feet.

The Planning Commission (with one member absent) unanimously recommends approval of this rezoning request with two (2) conditions. Staff also recommends approval of this request with two (2) conditions.

What action are you seeking from the Board of Commissioners?

Approval of Petition No. 1224-12, James L. Dixon and Maria Dixon, Owner / Agent, request to rezone 0.93 acres from A-R to C-H with said property located in Land Lot 154 of the 7th District and fronts on 349 Senoia Road.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

Condition 1) Prior to site plan approval, the owner / developer shall donate at no cost to the County, via quit claim deed, all land within 50 feet of the existing road's centerline, across the property's 125 feet of road frontage. Condition 2) Unless additional property can be acquired to alleviate the setback issue, the existing residential structure, partially located in the side yard setback, will need a variance approved by the Zoning Board of Appeals to remain in the setback prior to submittal of the site plan.

PLANNING COMMISSION REZONING REPORT

PETITION NO.: 1224-12

APPLICANT: James L. Dixon and Maria Dixon
349 Senoia Road
Peachtree City, Georgia 30290

STAFF RECOMMENDATION: **APPROVE with TWO (2) CONDITIONS**

PLANNING COMMISSION HEARING: August 2, 2012

PLANNING COMMISSION RECOMMENDATION: **APPROVE with TWO (2) CONDITIONS 4-0**

BOARD OF COMMISSIONERS HEARING: August 23, 2012

COMMISSION DECISION: _____

REQUEST: Request to rezone 0.93 from A-R to C-H to develop an Auto Service and Repair Garage.

PARCEL SIZE: 0.93

EXISTING USE: Single-Family Residential

PROPOSED USE: Auto Service and Repair Garage

LOCATION: Land Lot 154 of the 7th District and fronts on Senoia Road

ZONING OF SURROUNDING PROPERTY: C-H and M-1

LAND USE PATTERN: Commercial

PLANNING COMMISSION HEARING NOTES:

See Attached Minutes.

MOTION AND VOTE OF PLANNING COMMISSION:

Al Gilbert made a motion to approve the rezoning petition subject to two (2) recommended conditions. Doug Powell seconded the motion. The motion unanimously passed 4-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw.

REASON(S) FOR RECOMMENDATION:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved C-H **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. Prior to site plan approval, the owner/developer shall donate at no cost to the County, via quit claim deed, all land within 50 feet of the existing road's centerline, across the property's 125 feet of road frontage. *(Per Public Works, this condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. ***Unless additional property can be acquired to alleviate the setback issue,*** the existing residential structure, partially located in the side yard setback, will need a variance approved by the Zoning Board of Appeals to remain in the setback prior to submittal of the site plan. *(This condition is to ensure that the structure complies with zoning requirements per Sec. 7-2.)**(This condition was amended after the Planning Commission Public Hearing based on the discussion that the acquisition of additional property is being evaluated.)***

The applicants agreed to the two (2) recommended conditions. The PC recommended approval subject to the two (2) recommended conditions 4-0, with one member absent from the PC Public Hearing.

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION

NO. 1224-12

WHEREAS, James L. Dixon and Maria Dixon, Owner, and , Agent, having come before the Fayette County Planning Commission on August 2, 2012, requesting an amendment to the Fayette County Zoning Map pursuant to "The Zoning Ordinance of Fayette County, Georgia, 2010"; and

WHEREAS, said request being as follows: Request to rezone 0.93 from A-R to C-H, in the area of Senoia Road, Land Lot 154 of the 7th District, for the purpose of developing Auto Service and Repair Garage; and

WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request;

BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be

This decision is based on the following reasons:

In compliance with the Fayette County Comprehensive Plan.
Compatible with the surrounding area.

PLANNING COMMISSION

OF

FAYETTE COUNTY

ATTEST:

TIM THOMS
CHAIRMAN

PC SECRETARY

PLANNING COMMISSION RECOMMENDATION

DATE: August 2, 2012

TO: Fayette County Commissioners

The Fayette County Planning Commission recommends that Petition No. 1224-12, the application of James L. Dixon and Maria Dixon to rezone 0.93 from A-R to C-H, be:

✓ Approved _____ Withdrawn _____ Disapproved

_____ Tabled until _____

This is forwarded to you for final action. 4-0

TIM THOMS, CHAIRMAN

AL GILBERT, VICE-CHAIRMAN

BILL BECKWITH

DOUG POWELL

ABSENT

JIM GRAW

Remarks:

Fayette County
GEORGIA

Where Quality Is A Lifestyle

To: Fayette County Board of Commissioners

From: Dennis S. Dutton, Fayette County Planning & Zoning

Date: August 9, 2012

Subject: Board of Commissioners Public Hearing, August 23, 2012

The attached report is submitted for you consideration and contains the Staff's Recommendation and the Planning Commission's Recommendation on the rezoning application scheduled for public hearing on August 23, 2012.

PAGE	PETITION NUMBER	LOCATION/ REQUEST	STAFF RECOMMENDATION	PLANNING COMMISSION RECOMMENDATION
1-1	**1224-12**	**Senoia Road/ A-R to C-H for an Auto Service and Repair Garage**	**APPROVE C-H WITH TWO (2) RECOMMENDED CONDITIONS**	**APPROVE W/ TWO (2) RECOMMENDED CONDITIONS**

DSD

cc: Scott Bennett, County Attorney
Peter A. Frisina, Director of Planning & Zoning
Dennis S. Dutton, Zoning Administrator/PC Secretary

PETITION NO: 1224-12

REQUESTED ACTION: A-R (Agricultural-Residential) to C-H (Highway Commercial)

PROPOSED USE: Auto Service and Repair Garage

EXISTING USE: Single-Family Residential

LOCATION: Senoia Road

DISTRICT/LAND LOT(S): 7th District, Land Lot(s) 154

OWNER: James L. Dixon and Maria Dixon

APPLICANT: James L. Dixon and Maria Dixon

PLANNING COMMISSION PUBLIC HEARING: August 2, 2012

BOARD OF COMMISSIONERS PUBLIC HEARING: August 23, 2012

APPLICANT'S INTENT

Applicant proposes to develop an Auto Service and Repair Garage

STAFF RECOMMENDATION

APPROVE WITH TWO (2) RECOMMENDED CONDITIONS

INVESTIGATION

A. PROPERTY SITE

The subject property is a 0.93 acre tract fronting on Senoia Road in Land Lot(s) 154 of the 7th District. Senoia Road is classified as a Minor Arterial road on the Fayette County Thoroughfare Plan. This portion of Senoia Road is the old alignment of SR 74. SR 74 was realigned in the 1980's. The subject property contains a single-family residence and is currently zoned A-R.

History:

The subject property is considered a legal nonconforming lot as a survey of the subject property was recorded in 1974 prior to the effect date of the Zoning Ordinance (November 13, 1980). The subject property is nonconforming as it does not meet the minimum lot area of five acres or lot width of 250 feet in the A-R zoning district. The lot also contains a legal nonconforming structure as the existing residential structure does not meet the side yard setback of 50 feet.

B. SURROUNDING ZONING AND USES

The general situation is a 0.93 acre tract that is zoned A-R. In the vicinity of the subject property is land which is zoned C-H and M-1. See the following table and also the attached Zoning Location Map.

The subject property is bound by the following adjacent zoning districts and uses:

Direction	Acreage	Zoning	Use	Comprehensive Plan
North	1.5	C-H	Single-Family Dwelling	Commercial
South	1	C-1 (Tyrone)	Animal Clinic	Residential (Tyrone)
East	1 & 1.6	M-1	Repair Garage and Heavy Equipment Storage	Commercial
West	1	C-2 (Tyrone)	Vacant Non-Residential	Commercial (Tyrone)

C. COMPREHENSIVE PLAN

The subject property lies within an area designated for Commercial. This request conforms to the Fayette County Comprehensive Plan.

D. ZONING/REGULATORY REVIEW

The applicant seeks to rezone A-R from to C-H for the purpose of developing an Auto Service and Repair Garage.

Setbacks and Buffers

Zoning District	Zoning Setbacks	Minimum Lot Size	Minimum House Size	Lot Width at Building Line	Buffer
C-H (proposed zoning district)	F - 75' Arterial F - 70' Collector F - 65' Minor S - 15' R - 15'	1 Acre* .5 Acre**	1,200 sq ft	125'	50
A-R (existing zoning district)	F - 100' Arterial F - 100' Collector F - 75' Minor S - 50' Side R - 75' Rear	5 Acres	1,200 sq ft	250'	N/A

* A minimum lot size of one (1) acre where a central water distribution system is provided.

** One-half (.50) acre where a central sanitary sewage and central water distribution systems are provided.

*** A minimum lot size of one (1) acre where a central sanitary sewage or central water distribution systems are provided..

**** One and one-half (1.50) acres where neither a central sanitary sewage nor a central water distribution system is provided.

As previously mentioned, the subject property is a legal nonconforming lot. Section 7-2 of the Zoning Ordinance states:

> *Consideration for the Rezoning of Legal Nonconforming Lots.* Any legal nonconforming lot may be considered for rezoning to another zoning district where the lot would be made nonconforming by said rezoning. Factors of consideration, in addition to those enumerated in Article XI., would include the following:
>
> 1. The degree of increase or reduction of the nonconformity of existing structures located on the subject property; and
> 2. The current zoning and land use designations of adjoining lots as indicated on the Land Use Plan.

In regard to 1. above, an existing residential structure is approximately 9.5 feet from the side yard property line and does not meet the A-R side yard setback of 50 feet. The residential structure also will not meet the C-H side yard setback of 15 feet. However, this is a reduction of the nonconformity of existing structures. In regard to 2. above, the zoning and/or land use designations of all adjoining lots is nonresidential (see B. SURROUNDING ZONING AND USES above).

The existing residential structure does not meet the C-H side yard setback of 15 feet. As previously mentioned, the existing residential structure is approximately 9.5 feet from the side property line which is an encroachment of 5.5 feet into the setback. Section 7-2 of the Zoning Ordinance states:

> A property that is improved with a legally existing structure, which would become nonconforming in terms of the setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning, except as otherwise provided in Article VI. O-I. and Article VII. Transportation Corridor Overlay Zone. Upon approval of the rezoning request, a variance authorized by the Zoning Board of Appeals shall be necessary for the structure to remain within the setback (see Article IX.) Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the Zoning Board of Appeals. Any new structure shall comply with the dimensional minimum requirements herein. (Amended 05/24/12)

Staff is recommending a condition that the applicant apply for a variance for the existing residential structure, as discussed above, prior to the submittal of the site plan. **(At the Planning Commission Public Hearing, the applicants stated that there is an option of obtaining additional property from the adjacent lot which could alleviate the setback issue. Staff has amended the condition accordingly.)**

Access

The Concept Plan submitted indicates one (1) access from Senoia Road.

Site Plan

Should this petition be approved, the owner/developer must submit a Site Plan as required by Section 8-26., c. of the Development Regulations. Access must comply with the provisions of Section 8-53. of the Development Regulations and the Georgia D.O.T., as appropriate. The subject property must comply with Fayette County ordinances including but not limited to: Sections 5-18. Screening Required and 5-19. Screening Standards of the Fayette County Zoning Ordinance and 8-159. Fayette County Landscape and Buffer Requirements, Article VI. Tree Retention, Protection, and Replacement, and Article VIII. Off-Street Parking and Service Requirements of the Fayette County Development Regulations.

E. TRAFFIC AND TRIP GENERATION

The applicant is proposing an Auto Service and Repair Garage. The average trip generation for an Automobile Care Center of this size is approximately two trips in the weekday a.m. peak (7 to 9 a.m.) and approximately two to three trips in the weekday p.m. peak (4 to 6 p.m.), based on trip generation rates provided in "Trip Generation, 7th edition volume 1 of 3".

F. REVIEW OF CONCEPT PLAN

The applicant is advised that the Concept Plan is for illustration purposes only. Any deficiencies must be addressed at the time of submittal of the Preliminary Plat, Final Plat, and/or Site Plan.

Deficiencies include, but not limited to:

The access drive on Concept Plan indicates it is only 17 feet wide. The Development Regulations require a minimum of 24 feet for two-way traffic.

G. DEPARTMENTAL COMMENTS

Water System

Existing ¾" service. (Tony Parrott)

Public Works/Engineering

Public Works/Engineering offers the following comments for consideration by the applicant as they plan and budget for design and construction. (Phil Mallon)

1. *Improved Driveway* – Nonresidential driveways require a minimum width of 24 feet. Improvements to existing drive shall be required if the existing drive is less than this amount. All internal drives and parking areas shall be improved to meet County requirements.

2. *Traffic Impact Study* – A traffic impact study will not be required for the proposed 2-car auto service and repair garage.

3. *Turn Lanes* – Based on preliminary data provided in the rezoning application, it appears the estimated trips associated with the proposed use are below the trigger values established in the GDOT *Regulations for Driveway and Encroachment Control*; no left or right turn lanes will be required.

4. *Right-of-Way Dedication* – Senoia Road in the unincorporated area is considered a minor arterial with future right-of-way width of 100 ft. Prior to site plan approval the applicant shall donate to the County, via quit claim deed, all land within 50 feet of the existing road's centerline, across the property's 125 feet of road frontage

Stormwater (Brian Keller)

Floodplain: Per FEMA FIRM panel 13113C0078E, the property **DOES NOT** contain floodplain.

Wetlands: The property **DOES NOT** contain wetlands per the U.S Department of Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection: Per the Fayette County GIS and site visits, there are **NO** water bodies subject to the county watershed protection ordinance.

Groundwater Recharge Area: The property is within the groundwater recharge area, per the Georgia Department of Natural Resources' 1992 Ground-Water Pollution Susceptibility Map of Georgia (Hydrologic Atlas 20).

Environmental Health Department

Department has no comments relating specifically to the rezoning request. However, based on an inspection record (Individual Water and Sewage Record) dated 6/19/1969 the on-site individual sewage disposal system (drainline) serving the house appears to encroach upon the adjacent (north) property. This matter will need to be resolved prior to our department approving the site plan through drainline replacement or altering current system. (Jeff Kilegore)

Fire and EMS

Fire Suppression and Fire Prevention:

The Bureau of Fire Prevention will neither approve nor deny requests that fall outside the scope of Fire Prevention Code Requirements. (Jimmy Hall)

Georgia Department of Transportation

We have no comments to make regarding this Petition since it is not on the State Route system. (Kathy Parnell)

Peachtree City

No comments received

Tyrone

No comments received

STAFF ANALYSIS

This request is based on the petitioner's intent to rezone said property from A-R to C-H for the purpose of developing Auto Service and Repair Garage. Per Section 11-11 of the Fayette County Zoning Ordinance, Staff makes the following evaluations:

1. The request for rezoning from A-R to C-H is consistent with the Fayette County Land Use Plan.

2. The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

3. The proposed rezoning will not result in a burdensome use of roads, utilities, or schools.

4. Existing conditions and the area's continuing development as a non-residential district support this petition.

Based on the foregoing Investigation and Staff Analysis, Staff recommends **APPROVE WITH TWO (2) RECOMMENDED CONDITIONS**

RECOMMENDED CONDITIONS

If this petition is approved by the Board of Commissioners, it should be approved C-H **CONDITIONAL** subject to the following enumerated conditions. Where these conditions conflict with the provisions of the Zoning Ordinance, these conditions shall supersede unless otherwise specifically stipulated by the Board of Commissioners.

1. Prior to site plan approval, the owner/developer shall donate at no cost to the County, via quit claim deed, all land within 50 feet of the existing road's centerline, across the property's 125 feet of road frontage. *(Per Public Works, this condition is to ensure the provision of adequate right-of-way for future road improvements.)*

2. ***Unless additional property can be acquired to alleviate the setback issue,*** the existing residential structure, partially located in the side yard setback, will need a variance approved by the Zoning Board of Appeals to remain in the setback prior to submittal of the site plan. *(This condition is to ensure that the structure complies with zoning requirements per Sec. 7-2.)**(This condition was amended after the Planning Commission Public Hearing based on the discussion that the acquisition of additional property is being evaluated.)***

June 22, 2012

Fayette County Planning and Zoning Department
Dennis Dutton, Zoning Administrator
140 Stonewall Avenue West
Suite 202
Fayetteville, Ga 30214

Re: Petition to rezone 349 Senoia Rd, Peachtree City Ga 30269

Dear Mr. Dutton:

Mr. and Mrs. James L Dixon respectfully request to rezone the above mentioned property from the current zoning classification of agricultural (A-R) to commercial highway (C-H). The property description is LAND LOT 154, LAND DISTRICT 7. This request falls in line with the Land use Plan Designation of C-H. The property is currently bordered on either side by other C-H and M-1 areas.

The proposed building as shown on the conceptual plan will be a metal one-story, 24' x 24', 2 car garage for a husband and wife team to have a small automobile service & repair business that will cater only to select import cars. It will be built at the end of the existing driveway, to the side of the existing house, as shown on the attached Conceptual Plan. It will have a covered walkway attached to the brick house. For safety & insurance purposes, customers will not be allowed in the shop area. The existing house will be used as the office and for any needed storage.

Respectfully yours,

James and Maria Dixon

4. a. Presently 1 and a half acre lot. see map

b. Proposed uses - we propose to have a metal 2 car garage to repair & service select import cars. (This is consistent with the surrounding metal buildings existing in the adjoining C-H and M-1 properties). For safety & insurance reasons, the garage will be off limits to customers. We will use the existing brick house, as the point of contact with customers (office). The house will also be used to store business supplies. It has 2 working bathrooms which can be refurbished to code as needed.

c. James and Maria Dixon as property owners, presently residing at 120 Tramore Trace, Tyrone Ga 30290. Contact 404 -773-0313 work for Maria Dixon.

d. Location of existing brick building & proposed 2 car garage - see map.

e. Setback of existing brick building - House was built in 1970 when there were no existing setback requirements therefore it is presently situated 9'5" from northern boundary line. (Current setback requirements did not come into play until 1980 therefore we expect the structure to be exempt from present setbacks and remain as is.) All other sides exceed current setback requirements.
Setback of proposed 2 car garage - Garage will be situated 16-18' from southern boundary line, and approximately 80 feet from the northern boundary. All other sides exceed requirements.

f. See attached letter of intent
g. Easements – N/A

h. Existing 2 bed/1 bath brick home is a one story structure on a basement built in 1970. It is 70' by 29' and is approx 18' in height.
Proposed metal 2 car garage will be a one-story, 24' by 24' structure, having a 12' ceiling (approx 18' total including roof'). The doors will face the front. It will be attached to the brick building via a covered walkway.

i. Existing home has an open 2 car garage measuring 22 x 20, so we will clearly designate both spaces as part of the required parking allotment. In addition, we will have 4 additional concrete or asphalt 10' x 20' spots in the front as indicated on the attached map.

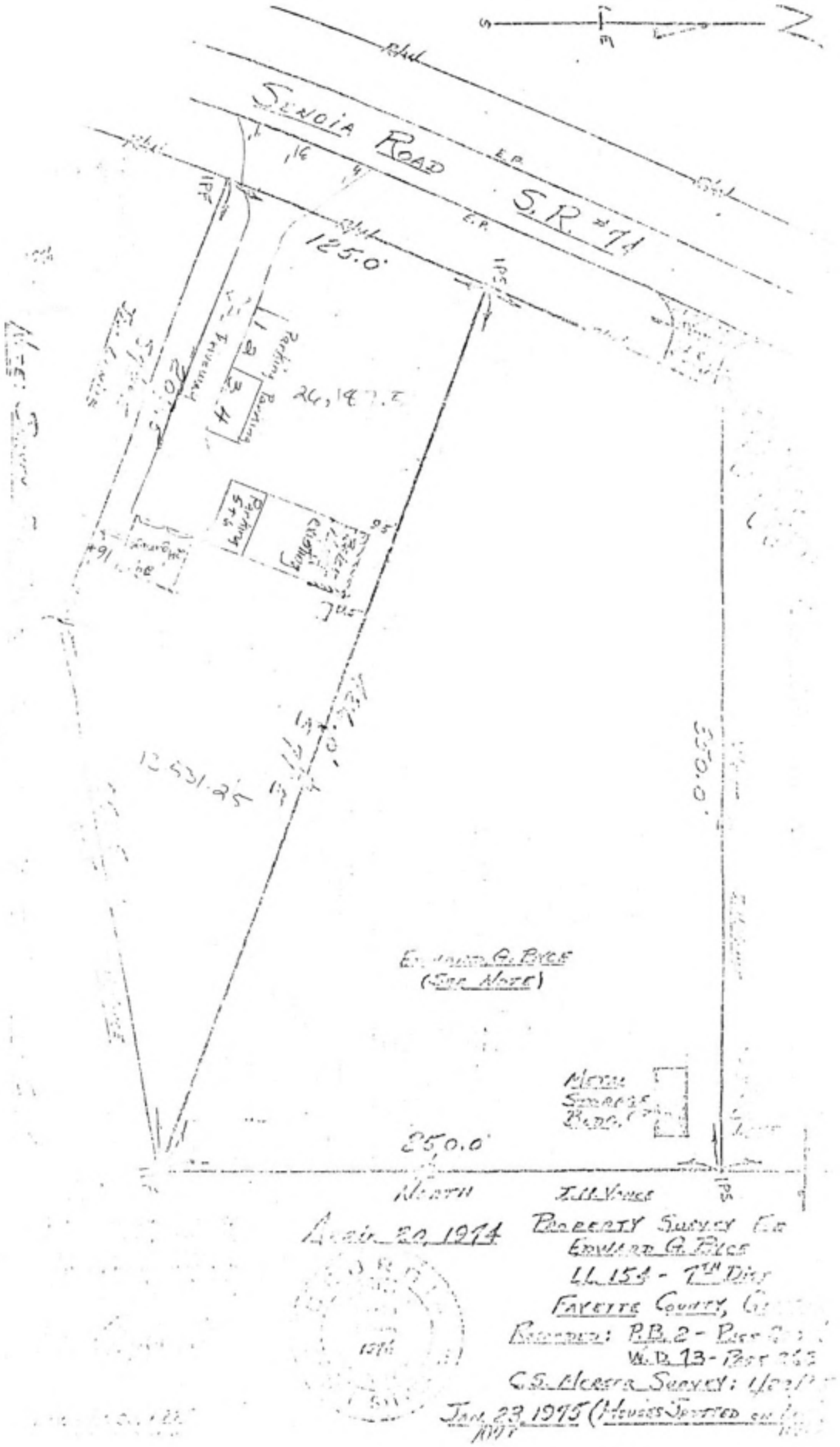
j. We will seek to maintain most of the existing pine and oak trees that are throughout the property. Also all other existing landscaping will be kept and additional decorative landscaping will be added.

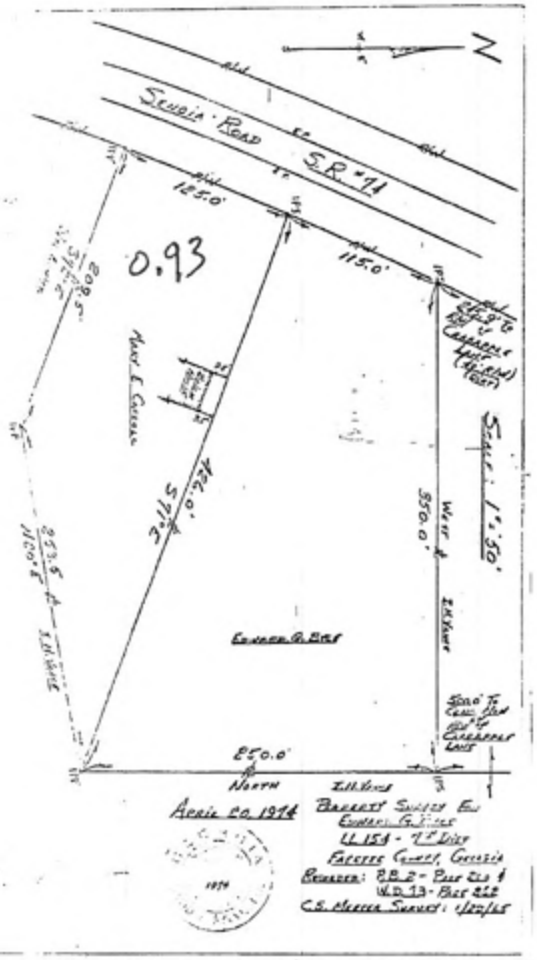
k. No plans for outdoor screens.

l. The 31' entrance to the property is off of Senoia Rd. We anticipate low volume traffic entering the property only during business hours of 730am-6p, Mon-Fri. We estimate left turns and/or right turns into the property to range anywhere from 1-3 customers per day since we will be a small business catering only to select import car types.

m. Outdoor lighting-Use existing lights at front and sides of brick building.

n. N/A
o. N/A


Sequoia Road
S.R. #74
E.R.
125.0'
Parking Spaces
26,147.7
Parking Space
Garage
12,531.25
Edward G. Price
(See Note)
Metro Sewerage Easement
250.0'
North
Property Survey Co.
Edward G. Price
LL 154 - 7th Dist
Fayette County, Ga.
Recorded: P.B. 2 - Page
W.B. 13 - Page
C.S. Herrer Survey: 1/
Jan. 23, 1975 (Houses Spotted on
Jan. 20, 1974



Recorded 6-21-1974 W. A. Ballard Clerk

P. 128

Recorded 5-15-1974 W. A. Ballard Clerk

THE FOLLOWING WILL BE CONSIDERED BY THE PLANNING COMMISSION ON AUGUST 2, 2012, AND BY THE BOARD OF COMMISSIONERS ON AUGUST 23, 2012.

3. Consideration of Petition No. 1224-12, James L. Dixon and Maria Dixon, Owners/Agent, request to rezone the property from A-R: Agriculture-Residential to C-H: Highway Commercial for said property to develop an Auto Service and Repair Garage. This property consists of 0.93 acres and is located in Land Lot 154 of the 7th District, and fronts on 349 Senoia Road.

Maria Dixon said that she and her husband purchased the subject property in hopes of operating a specialty import automotive service/repair garage. She stated that they planned to construct a two bay building where the repairs would take place and use the existing residence for the office and customer waiting area.

Chairman Thoms 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.

Maria Dixon stated that the Planning and Zoning staff was helpful in recognizing that the property was not 1.5 acres, but rather 0.93 acres. She continued that she had been in contact with the original property owner, Mr. Edward Byce, about the discrepancy in the acreage. Maria Dixon stated that talks with the owner were about acquiring acreage from his adjoining lot to make their lot 1.5 acres. Pete Frisina said before any changes are made to either lot they should check with staff so they can determine if this will create any problems. Tim Thoms stated that before they acquired additional property it should be discussed with the P&Z staff.

Al Gilbert questioned if the rezoning would be affected by the addition of more land from the neighbor's property. Pete Frisina answered that the adjacent lot is zoned C-H as well, so there is no conflict in terms of zoning.

Doug Powell questioned staff if there would be any issues with the rezoning a nonconforming lot. Pete Frisina responded that under Section 7-2 of the Zoning Ordinance, as explained on page 1-3 of the staff report, a legal nonconforming lot could be considered for rezoning. He further stated that the lot was platted and recorded in 1974 prior to the effective date of November 13, 1980.

Doug Powell then queried the applicants and staff about the Environmental Health Department comments which mentioned that the drain field line encroaches into the adjacent property. Mrs. Dixon responded that they were made aware of this by the Environmental Health Department and were in discussion with them on how to resolve the matter.

Al Gilbert asked the petitioners if they were in agreement with the conditions of the rezoning and asked if they should be read aloud.

Doug Powell volunteered to read the recommended conditions and did so. Al Gilbert then asked if the petitioners understood and agreed to the recommended conditions.

Mrs. Dixon said she read and understood the conditions of rezoning, but had a question first. She asked about the quit-claim deed for 50 feet from the center line of Senoia Road to Fayette County. Mrs. Dixon then asked if that was a general procedure for a request to rezone.

Doug Powell then stated that during a request for rezoning or recording of a plat, the County does ask for right-of-way as part of the County's provision for adequate right-of-way per the County Road Department.

Pete Frisina addressed the question by stating that Senoia Road used to be SR 74 but was relinquished by the State DOT when SR 74 realigned. The road then became a County road. He stated that there were no right-of-way deeds to Fayette County per the research of the Public Works Department. He said that per the Dixon's property survey, their front property line is approximately 40 feet from the centerline of the road so the county was only getting an additional 10 feet of right-of-way from the property. He said since Public Works did not have any deeds to the right-of-way they were asking for quit-claim deed for the entire area to the centerline of the road.
The Dixon's then concurred and agreed with the recommended condition.

Jim Dixon questioned the condition concerning the variance that is required for the existing residence and asked why it is not considered to be grandfathered as it is now. Pete Frisina explained that the lot and residence are legally nonconforming under the current zoning, but Section 7-2 requires that the structure be brought into compliance or get a variance to remain in the setback when the property is rezoned. Jim Dixon said, as stated previously, they may be able to acquire additional property from the adjoining lot which could alleviate the setback issue. Pete Frisian said that he was not aware of the acquisition of additional property until this meeting and Staff needs look at this situation to make sure that this will not create any problems. He further stated that the condition of rezoning could be amended prior to going to the BOC to reflect the option of also acquiring additional property to alleviate the setback issue.

Doug Powell commented that he looked at the property and saw that the proposed rezoning was a good fit within the area. He continued that only when you look at the staff analysis, did you see the complications with the property, but he was still satisfied with the property being utilized for commercial.

Chairman Thoms reiterated that the applicants get back with the staff to deal with their proposed property line changes and whether to proceed with a variance of the structure's setbacks.

Al Gilbert made a motion to approve the rezoning petition subject to two (2) recommended conditions. Doug Powell seconded the motion. The motion unanimously passed 4-0. Members voting in favor were: Chairman Thoms, Al Gilbert, Bill Beckwith, and Doug Powell. Member absent was Jim Graw.