

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on September 24, 2001 at 7:25 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

**MEMBERS PRESENT:** Bill Beckwith, Chairman  
Ron Mabra  
Larry Blanks (arrived at 7:25 P.M.)

**MEMBERS ABSENT:** Tom Mahon  
David Bartosh, Vice-Chairman

**STAFF PRESENT:** Kathy Zeitler, Director of Zoning/Zoning Administrator  
Phil Grant, Assistant County Attorney  
Robyn S. Wilson, ZBA Secretary/Zoning Coordinator

**Welcome and Call to Order:**

Chairman Beckwith called the meeting to order at 7:25 P.M., confirmed there was a quorum, and led the Pledge of Allegiance. The Members of the Board and the Staff were introduced. The operating procedures of the hearing were then explained.

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**1. Consideration of the Minutes of the meeting held on August 27, 2001.**

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

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**2. Consideration of Petition No. A-515-01, David and Robin Scherer, Owners/Agents, request a 10 foot Variance to reduce the rear yard setback from a minimum of 40 feet to a minimum of 30 feet for construction of a proposed swimming pool. This property is located in Land Lot 225 of the 4<sup>th</sup> District, fronts on Broadmoor Drive, and is zoned PUD-PRD.**

Chairman Beckwith asked Mr. Scherer if he wished to proceed tonight without the benefit of a full board and knowing that a unanimous vote of approval was needed.

David Scherer replied yes sir. He advised that he had filed a petition before the Z.B.A. which was denied on February 26, 2001 at which time he was requesting a 22 foot Variance. He said that he had used some of the recommendations made at that time such as reducing the size of the pool from a 10,000 gallon pool to an 18 foot by 36 foot rectangular shaped pool. He pointed out that he was now requesting a ten (10) foot Variance which meant that he was going to have to remove his wooden deck which involved an additional cost. He confirmed that the Architectural Review Board for Whitewater Creek PUD would not permit an accessory structure or use to be located to the side of the principal structure or be visible from the street. He reminded the Z.B.A. that his septic system and drain field lines were on the right side of his property. He went on to say that staff from Environmental Health had come back out to his house to evaluate the situation and some of the drain field lines and the septic tank will have to be relocated to accommodate the pool which also involves additional costs. He remarked that the only part of the lot which would percolate was to the right of the single-family dwelling. He commented that he felt that the ten (10) foot Variance was a reasonable request since he had reduced the size of the pool, removed the wooden deck, relocated drain field lines, and reviewed all available avenues.

Chairman Beckwith 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, he closed the floor from public comments.

Larry Blanks made the motion to approve the petition. Ron Mabra seconded the motion.

Chairman Beckwith commented that when the PUD setback was established at 40 feet versus 30 feet that it created a limitation factor. He added that the Architectural Review Committee will not allow an accessory structure to be located to the side of a single-family dwelling where it is visible from the street. He said that the Scherers had made accommodations to try to be able to construct their pool and there seemed to be no other location for the pool that was in favor of the motion.

At this time, Chairman Beckwith called for the vote. The motion unanimously passed 3-0. Tom Mahon and David Bartosh were absent.

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Chairman Beckwith asked if there was any further business.

Kathy Zeitler advised that there were no applications submitted for the October Public Hearing, therefore the meeting had been canceled. There being no further business, Ron Mabra made the motion to adjourn the meeting. Larry Blanks seconded the motion. The motion unanimously passed 3-0. Tom Mahon and David Bartosh were absent. The meeting adjourned at 7:40 P.M.

**ZONING BOARD OF APPEALS**  
**OF**  
**FAYETTE COUNTY**

Respectfully submitted by:

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**BILL BECKWITH**  
**CHAIRMAN**

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**ROBYN S. WILSON**  
**SECRETARY**