

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 21, 2012, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

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

MEMBERS ABSENT: Tom Mahon

STAFF PRESENT: Dennis S. Dutton, Zoning Administrator
 Robyn S. Wilson, ZBA Secretary/Zoning Coordinator
 Deputy Barry Baney

STAFF ABSENT: Pete Frisina, Director of Community Development

Welcome and Call to Order:

Chairman Bolton 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.

Recognition/presentation to Robyn Wilson.

Chairman Bolton requested Robyn Wilson join the ZBA at the podium. He commented Mrs. Wilson has accepted the early retirement package being offered by the County. He reported Mrs. Wilson has been employed with Fayette County for 28 years. He said she has been a blessing to the ZBA and she makes sure everything is done according to the law. He stated she does an excellent job because the documents are always correct and the ZBA never gets in trouble for not doing it right in regards to what the law requires for the ZBA. He remarked she is the wit and energy for the ZBA.

At this time, the ZBA presented Mrs. Wilson with a plaque which reads: “The Fayette County Zoning Board of Appeals Honors Robyn Wilson – For Your Many Years Of Dedicated Service To The Citizens of Fayette County – June 2012.” Mrs. Wilson also received a card and gift card from the ZBA.

Robyn Wilson commented she was very surprised and thanked each of the ZBA members.

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1. Consideration of the Minutes of the Public Hearing held on February 27, 2012.

Larry Blanks made the motion to approve the Minutes as circulated. Bill Beckwith seconded the motion. The motion unanimously passed 4-0. Members voting in favor were: Chairman Bolton, Bill Beckwith, Larry Blanks, and Brian Haren. Member absent: Tom Mahon.

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Dennis Dutton read the procedures that would be followed for presentation and opposition for petitions.

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2. Consideration of Petition No. A-591-12, Thomas D. Lewis, Jr. and Melanie K. Lewis, Owners, and Thomas Lewis, Agent, request: 1) a 50 foot Variance to reduce the front yard setback from a minimum of 100 feet to a minimum of 50 feet to allow the encroachment of an existing single-family dwelling; 2) a 64 foot Variance to reduce the

front yard setback from a minimum of 100 feet to a minimum of 36 feet to allow the construction of a swimming pool; and 3) a Variance to allow an accessory structure (swimming pool) in the front yard. This property is located in Land Lot 221 of the 4th District, consists of 6.458 acres, is zoned A-R, and fronts on Bernhard Road and Stolen Hours Lane. The street address is: 147 Stolen Hours Lane.

Larry Blanks disclosed he lives on Stolen Hours Lane; however, he has no personal or financial interest with the applicant.

Chairman Bolton verified with Thomas Lewis, Jr. that he wished to proceed forward without a full board being present prior to his presentation.

Tom Lewis, Owner, presented a larger color copy of his plat to the ZBA. He said he was in the process of acquiring a pool permit when he found out there was an issue with the single-family dwelling in regards to the front yard setback. He added he was requesting a pool permit for what he thought was his back yard; however, it is identified as the front yard per the Zoning Ordinance. He commented the original owner had a survey prepared and it was discovered that the driveway was not part of his property so there was a land sell in 2006 to bring the property into compliance. He confirmed he purchased the property in 2007. He reported he had found the iron pins and would only need a 45 foot Variance for the pool. He said he tried to place the pool to the rear of the single-family dwelling because of the shape of the lot, location of the septic system, and a wet area on the rear of the property. He commented he did not realize his front door was not facing his front yard.

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

Jerry Slaughter, an adjacent property owner (137 Stolen Hours Lane), said the variance would affect his rear property line. He confirmed he sold the property to the previous property owner to try to straighten out the property line. He stated he was in favor of the variance requests.

Terriann Howle, the other adjacent property owner (157 Stolen Hours Lane), stated she was in favor of the variance requests.

Chairman Bolton 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 Bolton advised the ZBA is charged with interpreting the ordinance as it exists, which creates interesting opportunities sometimes. He said the main criteria was whether or not a hardship exists and was the hardship self-induced by the applicant, which clearly isn't the case with this petition. He pointed out this is a pre-existing situation and was not created by the applicant.

Bill Beckwith pointed out approval of the petition would actually be allowing the law to be broken and the ZBA reviews each petition very seriously. He said a land sale had taken place to try to bring the property into compliance so attempts have been made to correct the situation.

Larry Blanks commented the front yard as designated by the ordinance is illogical and a front yard flag lot is one of his pet peeves. He said an ordinance is written "one size fits all", but it does not work that way all the time. He pointed out Mr. Slaughter's back yard is considered as Mr. Lewis's front yard, which is also illogical.

Chairman Bolton confirmed the side of the lot which parallels the road is the front yard and the orientation of the single-family dwelling does not matter. He said in looking at the shape of the lot, topography, location of the septic system, and wetlands, it appears the proposed location for the pool is the logical location. He added the adjacent property owners have no objections to the variance requests.

Variance 1)

Bill Beckwith made a motion to approve Variance #1. Brian Haren seconded the motion. The motion unanimously passed 4-0. Members voting in favor of the motion were: Chairman Bolton, Bill Beckwith, Brian Haren, and Larry Blanks. Member absent was: Tom Mahon.

Variance 2)

Bill Beckwith made a motion to approve Variance #2. Brian Haren seconded the motion. The motion unanimously passed 4-0. Members voting in favor of the motion were: Chairman Bolton, Bill Beckwith, Brian Haren, and Larry Blanks. Member absent was: Tom Mahon.

Variance 3)

Chairman Bolton made a motion to approve Variance #3. Brian Haren seconded the motion. The motion unanimously passed 4-0. Members voting in favor of the motion were: Chairman Bolton, Bill Beckwith, Brian Haren, and Larry Blanks. Member absent was: Tom Mahon.

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Chairman Bolton asked if there was any further business.

Dennis Dutton advised the June Public Hearing would be cancelled due to the lack of an application.

There being no further business, Bill Beckwith made the motion to adjourn the meeting. The motion unanimously passed 4-0. Members voting in favor were: Chairman Bolton, Bill Beckwith, Larry Blanks, and Brian Haren. Member absent: Tom Mahon. The meeting adjourned at 7:29 P.M.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully submitted by:



**VIC BOLTON
CHAIRMAN**


**ROBYN S. WILSON
SECRETARY**