

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on October 27, 2014, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Vic Bolton, Chairman  
Larry Blanks, Vice-Chairman  
Bill Beckwith  
Tom Mahon  
Tom Waller

**STAFF PRESENT:** Pete Frisina, Director of Community Services

**Welcome and Call to Order:**

**1. Consideration of the Minutes of the Meeting held on September 22, 2014.**

Larry Blanks made a motion to approve the minutes. Tom Waller seconded the motion. The motion passed 5-0.

**2. Consideration of Petition No. A-616-14, Kathy S. James, Owner and Randy M. Boyd, Agent requests a Variance from Sec. 110-125. A-R: Agricultural-Residential Zoning District, to reduce the front yard setback from 100 feet to 60 and to reduce the rear yard setback from 75 feet to 40 feet to construct a single-family residence.**

Randy Boyd said Kathy James purchased this property in June of 2014 and the lot is a nonconforming lot of record originally platted in 1978 prior to the adoption of the present zoning ordinance in 1980. He added that the subject property was taken before the Planning Commission and Board of Commissioners in August of 2014 for rezoning to R-45 and the petition was denied by the Board of Commissioners. He added that he thought rezoning was the best solution but the Board of Commissioners denied the request. He said the existing house is in a dilapidated state and sits well within the front setback. He stated Kathy James wants to build a new house for her family including nine (9) children of which seven (7) of them have special needs. He said the request is to reduce the front setback from 100 feet to 60 feet and the rear yard setback from 75 feet to 40 feet which is in line with the R-45 zoning we originally requested. He stated that the new house is 2,600 square feet and is in keeping with the larger homes in the area.

Bill Beckwith asked Mr. Boyd if the proposed home is one (1) or two (2) story.

Randy Boyd said the home is one (1) story. He added some of the kids are special needs and a one (1) story is better for them and the house is the same as Lot 31 in Newhaven Subdivision.

Bill Beckwith said I suppose this house will fit into the building lines you are requesting.

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Randy Boyd said it will still be tight. He added that the an A-R lot is 250 feet wide and about 700 feet deep so a 100 foot front setback and 75 foot rear setback doesn't affect the lot that much but when you apply the setbacks on a one (1) acre it creates a small building area.

Tom Waller said you mentioned special needs children and this puts them closed to the road and should that be a concern.

Randy Boyd said some of these kids are older so they are all not really small children.

Deon James said thank you for this opportunity and he was sorry his mother couldn't be here tonight but his father had to go the hospital. He said please allows us to build this house on 92 because he has a lot of brothers and sisters.

Larry Blanks said he has some concerns and not all houses fit on all properties and sometimes you have to select the house to fit the property. He said the house has some offset wings in the front and on the back side you have an extended area that I assume will be bedrooms but in the center of the house you have an open spot.

Randy Boyd said they are hoping to put a pool there in the future.

Larry Blanks said he sort of assumed that and the other part is I realize they need room and I was curious if a two (2) story would give more room. He added a different house might fit better and I have a problem that we are granting a pretty significant variance and a different house could reduce the amount of the variance needed.

Chairman Bolton said there was mention of some special needs and stairs could be a challenge.

Bill Beckwith said he didn't think we were in a position to dictate what kind or size house as long as the owner says it will fit the guidelines we are looking at tonight.

Chairman Bolton asked Pete Frisina how this nonconforming lot came about.

Pete Frisina said the lot was created in 1978 and he could not say what the zoning was in 1978 but in 1980 the entire County was blanket rezoned so the County created the A-R zoning with a five (5) acre minimum and applied it to this one (1) acre lot.

Tom Mahon asked how close the current house is to the setback.

Randy Boyd said three (3) feet from the front property line.

Tom Mahon said so in affect the new house will be further back than the existing house.

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Randy Boyd said the new house will be 60 feet from the front property line.

Tom Mahon said that is an improvement.

Chairman Bolton said this is one of those cases where you chop up property sometimes you end up with an oddball.

Larry Blanks said he feels not every house will fit on every property and approving something so far out of kilter is a concern.

Chairman Bolton said with a 100 foot front setback and 75 foot rear setback that leaves a 50 foot area to build from side to side and that is not much to build on so almost anything on this property it is more than likely to going to be an exception.

Tom Mahon asked if there will be adequate area for septic on the lot.

Randy Boyd said a soil study had been performed and there should be sufficient area for septic,

Bill Beckwith made a motion to approve the petition. Tom Mahon seconded the motion.

Chairman Bolton said his concern is always has the property owner done something to create the problem of built without a permit and in this case that didn't happen.

Tom Mahon said he sees this as an improvement and it gets rid of a dilapidated house

Chairman Bolton called the question and the motion passed 5-0.

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There being no further business, Larry Blanks made the motion to adjourn the meeting and the meeting adjourned at 7:35pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

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**VIC BOLTON, CHAIRMAN**

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**ATTEST**