

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 28, 2015, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
Larry Blanks, Vice-Chairman
Marsha A. Hopkins
Tom Mahon
Tom Waller

STAFF PRESENT: Pete Frisina, Community Services Division
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on August 24, 2015.

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

PUBLIC HEARING

2. Consideration of Petition No. A-624-15, Lynnette Waycaster, Owner and Thomas Waldrep, Agent requests a Variance to Sec. 110-133. R-70, to reduce the front yard setback from 75 to 35 feet to add an addition to an existing residence. The subject property is located in Land Lot 256 of the 13th District and fronts on SR 92 North.

Thomas Waldrep said two years ago a car accidently hit his house, and was a few feet from his daughter's room. He said due to this accident it has caused his daughter to develop high anxiety. He went on to state that she no longer sleeps in the room and the family would like to move her room to the rear of the house where the current laundry room sits. He added that the addition would be 14' x 16' and would be coming off the side of the home by six (6) feet and coming off the back of the house by 10 feet.

Chairman Beckwith asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition. Hearing none he brought it back to the board.

Tom Mahon asked if the addition will be built on the back of the house.

Mr. Waldrep replied that the addition will be built on the backside of the home toward the driveway.

Tom Mahon asked if the addition will bring the house closer to SR 92.

Mr. Waldrep replied that it will not bring the house closer to SR 92.

Chairman Beckwith asked when the house was built.

Mr. Waldrep replied that the house was built in 1945.

Marsha Hopkins asked if there were any issues with the septic system.

Mr. Waldrep replied that the home recently installed a new septic tank system and it is placed 16 or 17 feet away from the house.

Larry Blanks stated that approval of the variance does not mean the addition can be built without obtaining the proper permits and going through the proper procedure.

Mr. Waldrep replied that he understood and would follow all guidelines.

Larry Blanks made a motion to approve the variance. Marsha Hopkins seconded the motion. The motion passed 5-0.

3. Consideration of Petition No. A-625-15, D.R Horton/Crown, LLC, Owner and Jeramy Barton, Agent requests a Variance to Sec. 110-137. R-40, to reduce the front yard setback from 40 to 36 feet to allow an existing covered stoop to remain. The subject property is located in Land Lot 231 of the 13th District and fronts on Broadwater Drive and Halcyon Court.

Jeramy Barton said the front stoop of the house was built over the front setback. He stated that the stoop is four (4) feet deep and six (6) feet wide. Mr. Barton stated the surveyor did not take the stoop into consideration when he staked the property.

Tom Waller asked if the surveyor was licensed.

Mr. Barton replied that the surveyor was licensed. He then stated initially the site plan was correct and showed that the stoop was within the setbacks. He said they began to pour the concrete and build the house after the house was later staked by the front two corners. He added that the house is almost completed and the stoop is over by four (4) feet. Mr. Barton stated that the front setback is 40 feet and 36 feet from the easement to the stoop. He added that the house is under contract and is schedule to close in October. He stated that he understood without the variance he would have to remove the stoop.

Chairman Beckwith asked Pete Frisina to elaborate more on the situation.

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Pete Frisina said that the ZBA was given the original drawings at the previous meeting. He said the drawings showed the house and the stoop met the setbacks however, the foundation survey showed the stoop was over the setback. He added that the combination of the landing and covering is four (4) feet over the setback.

Chairman Beckwith asked if the concrete can be four (4) feet over the setback.

Pete Frisina replied that the concrete can be three (3) feet over but the covering which is an extension of the home cannot be in the setback at all.

Chairman Beckwith asked where the outer end of the covering/stoop fit vertically regarding the concrete.

Mr. Barton replied that the concrete is four (4) feet out and the stoop is 11 inches, so it's like three (3) feet and one (1) inch. He added that they built a brick pillar at the bottom of the stoop at the edge of the concrete.

Chairman Beckwith asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition. Hearing none he brought it back to the board.

Larry Blanks asked if they began work on the home before the foundation plan was approved.

Mr. Barton replied that they must pour the concrete before getting the foundation surveys. He added that the surveyor then takes the surveys to the County to get it approved. He stated that they did go ahead with framing the house.

Chairman Beckwith asked if this was the normal procedure.

Mr. Barton replies that this is the normal procedure. He added that the company tries to build the houses as fast as they can to make the closing date.

Chairman Beckwith asked if this procedure is risky.

Mr. Barton replied they have setup precautions called a box check so this won't happen again.

Tom Mahon asked how long has your company been in business.

Mr. Barton replied they have been in business for a while, since he was working for Crown Communities. He stated that they're the biggest builder in America.

Tom Mahon made a motion to deny the variance. Tom Waller seconded the motion.

Tom Mahon expounded on his denial vote. He stated that the board does not want to set precedent and that this is a self-induced hardship. He added that the house can still be

retained without a cover.

Chairman Beckwith asked will they have to remove the concrete and move back the covering if the variance was denied tonight.

Pete Frisina replied that based on a denial the covering will have to come back and meet the 40' setback, and the stoop would have to come back one (1) foot and meet a three (3) feet encroachment into the setback.

Chairman Beckwith asked if it is the overhang or the base that is over the setback.

Pete Frisina replied that the base will need to be cut back by one (1) foot into the setback and the overhang has to be cut back by four (4) feet.

Tom Mahon shares with the board photos of front doors of nice homes in Peachtree City without overhangs.

Tom Waller asked if we can flag the surveyor for future actions.

Pete Frisina replied that we cannot.

Chairman Beckwith agreed with Pete Frisina that the surveyor should not be flagged.

Chairman Beckwith called the question. The motion passed 5-0.

Tom Mahon said he would amend the motion that the petitioner remove the covered stoop and landing from the setback within 30 days per the time allotted by the Fayette County Zoning Ordinance. Larry Blanks seconded the motion. The motion passed 5-0.

4. Consideration of Petition No. A-626-15, D.R Horton/Crown, LLC, Owner and Jeramy Barton, Agent requests a Variance to Sec. 110-126. C-S, to reduce the front yard setback from 50 to 48 feet to allow an existing covered stoop to remain. The subject property is located in Land Lot 223 of the 5th District and fronts on Briergate Place.

Mr. Barton asked the Board for a four percent variance. He stated that the stoop is two (2) feet over the setback.

Chairman Beckwith stated that he understands why Mr. Barton mentioned the four (4) percent variance but the Board of Commissioner has not given staff the ability to grant an administrative variance.

Mr. Barton replied that he understood.

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Chairman Beckwith asked if there was anyone who would like to speak in favor of the petition. Hearing none he asked if there was anyone who would like to speak in opposition to the petition. Hearing none he brought it back to the board.

Tom Mahon made a motion to deny the variance and that the structure is brought into compliance within 30 days per the time allotted by the Fayette County Zoning Ordinance. Larry Blanks seconded the motion.

Tom Waller asked if the surveyor worked on any other lots for your company.

Mr. Barton replied yes, the surveyor has worked on many other projects. He added that Henry and Clayton County require the box check so mistakes won't be made.

Tom Waller asked if the box check was a County requirement or self-imposed.

Mr. Barton replied that it's a County requirement for Henry and Clayton. He added that Henry and Clayton require a box check on site before concrete can be poured. He said Fayette County required a foundational survey which cannot be done until after the concrete is poured.

Tom Waller said he believes that the surveyor should have waited until after the foundation approval was completed then they would have caught the mistake.

Tom Mahon said that the process seems backwards.

Mr. Barton agreed with Tom Mahon. He said even if he would have gotten the foundation survey and poured the concrete four (4) feet over he still would have to cut that portion off and add it to the back of the house.

Tom Mahon asked why you brought it all the way up to the building line.

Mr. Barton replied that they were trying to give the homeowner the shortest driveway as possible and the biggest backyard as possible.

Tom Mahon urged Mr. Barton to next time have a buffer.

Mr. Barton agreed with Mr. Mahon, and stated that he would go out there personally with a 100' tape to move the stakes himself even if they were close to the front. He added that it wouldn't happen again.

Chairmen Beckwith asked Pete Frisina if this was something that the Planning Commission needed to address or change in the ordinance.

Pete Frisina replied that the foundational surveys are not in the zoning ordinance but is a part of the building procedures. Mr. Frisina added that the County use to have the procedure called batter boards. He said that they measured using batter boards and sometimes the foundation

would not end up where the batter boards were. He added that's why the County went to foundation surveys.

Chairmen Beckwith asked Pete Frisina if he would recommend that the foundational survey needed to be changed in the building procedure.

Pete Frisina replied no. He stated that what the County has works great as long as people follow it. He added that the box checks are supposed to be done before you pour your foundation. He said the company should be doing its own box checks and know where the batter boards are. He stated the foundation surveys are proof to us that the foundation was poured in the right place. He said we have had experience where the batter boards did meet the setbacks, and then after the fact the foundation didn't.

Tom Mahon states that this isn't a mom and pop operation this company is building thousands and thousands of homes. He also says that this company knows the procedures of other counties from experience.


Chairman Beckwith called the question. The motion passed 5-0.

There being no further business, Larry Blanks made the motion to adjourn the meeting and the meeting adjourned at 7:30 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



BILL BECKWITH, CHAIRMAN



ATTEST