

ZBA Meeting

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Marsha Hopkins stated that this particular subdivision is zoned C-S and the zoning of surrounding properties are A-R and PUD-PRD according to the variance application.

Pete Frisina replied possibly around the subdivision that is the zoning. He said that this property is within the C-S zoning. He added that this lot does come to the edge of the property there is some A-R and there is a strip of land that is going to a larger piece of property in the back. He stated in that are the subdivision re might be a small strip of greenspace on the side of that. He said that it is predominately surrounded by the subdivision and there is some A-R to the south of that down there.

Marsha Hopkins asked for C-S zoning how in this location abutting A-R; I kind of since this is all relatively consistent type of land use.

Pete Frisina stated that the subdivision does abut up to a strip of A-R and below that is a piece of land that is zoned R-78 but undeveloped and that is a two (2) acre zoning. He said that C-S is based on a two (2) acre density; so the number of lots within this property is offset by the conservation area; so your density is still the same as if these lots were all two (2) acres. He added what you do is you can then make those lots smaller to offset by the conservation, and so that is why you have the one (1) acre lots inside the C-S subdivision even though it is a two (2) acre density. He stated that the PUD-PRD which is to the northern section of the subdivision is also a two (2) acre density. He said the area even though it has A-R zoning in the area those three (3) areas have been developed straight two (2) acres or two (2) acre density.

Marsha Hopkins asked how we are consistent with the ordinance and the land use plan. She said that it is a small subdivision with greenspace and putting a pool in there as some of the other homeowners have done and it's what homeowners do. She added that she is trying to weigh the pros and cons are. She asked if anyone could help her out.

Chairman Beckwith stated just like the previous petition we don't have enough information to give it a denial or an approval. He said that there might be other ways to get around breaking the ordinance. He added that if tabling would allow the petitioner to come back and give us some more information whatever he or she would like to do; we wouldn't have to say yes or no but in any case I think tabling it would be something we should do.

Kent Leonard replied with respect to tabling the petition I'm not quite sure what information you could want. He stated that he is a military member and would be deploying soon and would be in the Middle East for the next several months.

Chairman Beckwith asked if there was enough information to make a motion.

Mrs. Leonard stated that you can't build 10 feet from the house. She said the house itself is 10 feet and then you have to start the pool where it to also be legal. She added if we were to build with just the space that we have it would be a seven (7) foot wide pool. She stated that we don't have enough space and that is why we are asking for a little more space so we can cover the actual pool. She said that they are so restricted by different things the 10 foot setback from the house, the 30 foot setback from the property line, the septic tank, and the 100 foot setback from the power lines.

Kent Leonard stated that they drew their parcel and had all the obstinatus, and then had the pool builder take that a cut out of what our desired pool and shrunk it down and moved it all around. He said that it went perfectly in the front of the yard but that is not going to happen; on the side of yard (kidney bean area) aesthetically would be seen from the yard and would not look well.

Chairman Beckwith stated that this presents us with a situation where you want to have a pool, but to us the pool would be more of a convenience rather than some befitting the home itself. He said that this is something very tough for us to approve. He added that is why I brought up some other possible ways to for you to go back and come to us; and if there is another way to locate the pool within the bounds of your property. He stated that this is something that we need to discuss up here. He said that we don't want to negotiate with you; and said that a 19 foot variance is quite a bit. He added that what we are trying to do is see options and if we can see options that can be explored. He stated that if we don't approve this it could keep you from coming back to us for another six (6) months.

Pete Frisina replied that he thinks it is a six (6) months after denial.

Chairman Beckwith stated before you can move forward again if you want to with something else. He said that he is sure that it is nice to have a pool but it is not necessary for you to have a pool.

Kent Leonard replied that he does understand and not that it matters what other people told us; we knew when we moved into this sub-development that there was no community pool nor would there ever be. He stated that there is no room for one (1) nor is there any desire from the HOA to have one (1). He said that was one (1) of our requirements when we had our relator our realtor and she directed me to the foreman and he should have known and he should have told us if we were going to run into issues. He added that was the exact place he pointed out and said it was a perfect place to put a pool. He stated that it doesn't matter what he says because he is not the law, and I get that but that was the spirit and the intent behind the purchase of that property.

Chairman Beckwith asked if anyone had any comments.

Tom Waller stated that conservation subdivision is presented by the developer to allow him to make smaller lots and bring a lot of the area to greenspace; additionally it puts a buffer around the lots to give more greenspace. He stated that Mr. Leonard said a 30 foot buffer and he would have to take another look at that.

Pete Frisina stated that it is a rear yard setback on this property.

Tom Waller repeated that it was a 30 foot rear yard setback and said that the homeowners association is responsible for the greenspace. He stated that this responsibility is transferred to...

Pete Frisina stated that it could be transferred to the County or a land trust. He said that he was pretty sure that the homeowners association has retained ownership of this greenspace in the subdivision.

Tom Waller stated that the purpose of the greenspace for the homeowners association can be used for recreation, swimming pool, etc.

Pete Frisina stated that the greenspace is for passive recreation not for what we call developed recreation. He said that a pool or tennis court would not be a part of the conservation use it would have to be on a piece of property that is not counted as the conservation use.

Chairman Beckwith stated that there were a couple of things that he wanted to talk about one (1) of which was the size of the pool itself. He said you may have in your mind the type and size of the pool you would like to have but I'm wondering if by reducing or modifying the shape you might be able to put it in that same area that same position in relation to the house; so, in not to infringe on that 30 foot setback. He added that the layout here shows the septic tank line a distance of 55 feet from the corner of the house to the septic tank line beyond your patio. He stated that he also sees in depiction of the property the building lines (Jeff Lindsey Communities Survey) shows a 50 foot building line that curves around the cul-de-sac and reaches around the side of the residence. He said by placing the pool back behind that 50 building line and would be on the side of the residence and would be unique to a cul-de-sac because it's curved. He added that there is quite a bit of land on the side that would accept the location of the pool basically adjacent to your driveway near the rock garden. He stated that appears to be a number of ways to get around this situation so we would not have to break the law with the ordinance.

Kent Leonard replied when you reference what the pool looks like the shape of it, and can it be changed a little bit, we have already gone through the process if you reference the rectangular shaped pool that's not what it is going to really look like. He stated that he doesn't know if he provided this and then asked if that what they are referencing.

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where we would probably want to put a pool and he didn't sound like there would be any sort of issue. He stated that he purchased the house last May of 2016 and started moving forward with getting a pool. He said he hired a contractor, and the contractor came out showing them where the pool could go referencing the septic system and the drain field lines and came up with a proposal roughly in the southwest quadrant of the wedge shaped quadrant. He added that when the builder went to pull permits they were informed of the 30 foot offsets from the building line offsets from the southwest property line and from the east property line and 100 foot off set from directly behind the home due to high tension property lines on the rear south part of the property line. He stated that they told him where they proposed to put the pool is depicted on the survey given to them by staff. He said that the survey given out was done by him and is not to scale. He added that the variance is there for several reasons but one (1) of the primary ones is to maintain the aesthetics of the neighborhood and not build right up on the adjoining property. He stated that the adjoining property is owned the Southmill Homeowners Association. He said having spoken with them there is no intent to build on that; nor do I think they could if they wanted to because there is no access to it. He added that he went around to all 18 lots and 12 of them are occupied right now; and showed them the photograph of what they would like and asked if they had any concerns; 100 percent of the neighbors were in support of it. He stated that it was not going to be viewed by anyone whether it's there or anywhere.

Chairman Beckwith asked if anyone would like to speak in favor of the Petition. Hearing none, he asked if anyone would like to speak in opposition. Hearing none, he brought it back to the board.

Chairman Beckwith stated that Mr. Leonard said the pool contractor knew that it was a 30 foot building line.

Kent Leonard replied no sir, he did not know that until he went to pull permits, and that is when he was informed that he could not build within 30 feet of the property line.

Chairman Beckwith asked what the contractor did afterward.

Kent Leonard replied that he told him he needed to file a variance request and that it should get approved, but we'll see.

Chairman Beckwith stated okay.

Tom Waller asked if this was a conservation use subdivision.

Kent Leonard replied to that I don't know; I don't know what a conservations subdivision is.

Pete Frisina replied yes.

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this is going to be a cost versus breaking the law which we hold very strongly. He asked if anyone else had any comments.

John Tate stated that he was in agreement because he heard Mr. DeHart mentioned that the drawing makes it appear to be totally in front of the house and if that were to be the case than it would certainly be out of compliance more than what the request is. He requested more detailed and specific information.

Tom Waller concurred and stated that we are looking at a situation here where we're going to have a duplex and I don't know if that neighborhood is suitable for duplexes. He said that was a concern for him in the back of his mind. He added that if the additional building could be pushed further to the back and be in compliance especially when you said you do have a large lot. He stated that should be explored.

Chairman Beckwith asked if anyone cared to make a motion.

Bill Beckwith made a motion to table Petition A-649-17 to May 22, 2017.

Pete Frisina stated Chairman Beckwith I just wanted to make sure that they're talking about a set of regulations that deals specifically with detached garages located in the front yard. He said that there are a set of requirements to be able to locate a detached garage in the front yard. He asked if he would like for him to get him a copy of these so he could know what these are as well as the DeHarts to know what these regulations are to be able to locate a structure in the front yard. He added that only a detached garage can be done so.

Chairman Beckwith replied please do that and guide them on their response when they come back. He asked if he had a second to his motion.

Marsha Hopkins seconded the motion. The motion passed 4-0. Therol Brown was absent from the meeting.

**5. Consideration of Petition No. A-650-17, Kent M. Leonard, Owner, requests the following: Variance to Section 110-79. (f) (5) to reduce rear yard setback from 30 feet to 11 feet to allow the construction of a swimming pool.**

Kent Leonard stated that he was the owner and petitioner for 180 Southmill Lane. He said that it is located on the south side of Peachtree City. He added that Southmill subdivision has been around for two (2) or three (3) years. He stated that it is a new sub-development and it only has 18 lots. He said that only 12 of them are occupied. He added as a small HOA there was never intent to have an HOA pool. He said one (1) of things when he purchased this lot for this particular home he told the building foremen that he would like to build a pool. He added that he chatted with him on where it could and could not go; he alluded to him on

and hollow. She said if they try and shovel it back they would have to remove fencing and have the electric company move a whole electric pole with cables that are there at the time.

Oliver DeHart stated that the floor of the structure is four (4) feet lower than the basement, so, it is really low. He said they are only doing seven (7) feet walls and are not doing anything higher.

Della DeHart stated that they will still be 152 feet from the road. She said that it is a lot further back than any of the houses in the neighborhood or structures.

Chairman Beckwith asked if there was anyone else who wanted to speak in favor of this petition. Hearing none he asked if there was anyone else who wanted to speak in opposition of this petition. Hearing none he brought it back to the Zoning Board of Appeals.

Chairman Beckwith stated that the problem is whether the structure is in the front of the house. He asked if they said it was just a few feet in the front yard.

Della DeHart replied that it is 10 feet from the front of the house.

Chairman Beckwith stated that he has what he thinks to be not a good layout of where the garage is, but he said he would take her word for it that it will be somewhat in front of the house. He added that another thing they will be looking at is if there is a possibility of a slight movement of the structure itself to alleviate the problem or the fact that it is in front of the house. He stated that along with that is a matter of convenience. He asked if that was a matter of convenience for the proponents that they just want to have it where it is. He asked if it needed to be there or can it be move even if it be a cost to moving the powerlines; could it be moved back at least equal to the front of the house. He stated that these are the things we have to look at. He said it looks like your saying you would like to have it and it infringes about 10 feet in front of the house. He asked if anyone had any questions for the DeHart's.

Marsha Hopkins stated that she needs definite percentages and that it has a convenience factor to it. She asked what adjustments or options could be made to bring this into compliance.

Chairman Beckwith stated that Marsha Hopkins had some good points and that they like to have as much specific information as we can because remember we are thinking about breaking the law; in a case like this I'm not even sure whether this drawing indicates where they like the structure to be; in a case like this we would like to have more information. He said they have a procedure that they can do; they can table this request until the next meeting. He asked that they provide more specific information about where the building is regarding the front of the house and then consider whether there might another location that will not be a problem. He stated that it might require moving a telephone pole and even though that might be a problem for you all; that is something we don't consider a point to debate. He added that



Chairman Beckwith asked if there was any discussion. Hearing none he said that he has been on the Zoning Board of Appeals for a long time and we have a lot of situations where things occur; you know the story something happens and it's not the fault of anyone things just occurred and no one really caught it until it was too late. He added that it's one of these things that he thinks is unfortunate. He stated that we kind of look at it saying is the County at fault well maybe but possibly not; is the homeowner at fault well probably but what can we do about it; and who should suffer the consequences. He said in regard to this case we need to vote one (1) way or another. He added that he would support also the approval of the petitions.

The motion passed 4-0. Therol Brown was absent from the meeting.

3. **Consideration of Petition No. A-648-17, Morten Buch & Michael J. Taylor, Owners, requests the following: Variance to Sec. 110-137 to reduce side yard setback from 15 feet to five (5) feet to allow the construction of a detached accessory structure.**

Petitioners request withdrawal from variance A-648-17.

4. **Consideration of Petition No. A-649-17, Thomas Lynch, Owner, and Oliver & Della DeHart, Agents, requests the following: Variance to Section 110-79. (d) Location on lot. To allow the construction of a detached accessory structure located in the front yard.**

Della DeHart stated that her daughter and her husband purchased their home at 185 White Road in November of last year with the intention the unfinished basement would be finished so that we the in-laws could live downstairs to be close to the grandbabies. She said as they went along and started to finish the basement it became necessary to address the parking situation and our only outlet is on the opposite side where the driveway and the current garage is, so we have two (2) vehicles and they have one (1) vehicle. She added for us to have a close parking so we can bring grocery and goods in it would be much better for us to be by our only entrance on that side of the lot. She stated that otherwise we have to go through the house where they live and go down the stairs to our living quarters.

Oliver DeHart stated that the variance is not going to be much and that it is not a variance at all. He said the corner of the building is a little bit behind the house is only a few feet from being compliant.

Della DeHart stated that the house is on a three (3) acre lot and the house was shoved way in the back right corner backyard corner, so there is very little backyard and it goes down and then comes back up so the carport won't be visible from the road because it's kind of down

Chairman Beckwith stated that what they have here in their packet is an application for a Fayette County building permit that was issued in 1983 and it states that the homeowner Mr. Butler would build a carport and a 30X30 utility building which is in question here. He said that it was noted that the side setback was 50 feet. He added that we have a copy of a survey from 1978 which indicates the wood utility building would be 60 feet from the side line. He stated that is probably where a lot of this clarification and confusion came about. He said this is in the record and this is where we stand now is the County approved in 1983 a building to be built 50 feet from the side line and as it turns out it wasn't it was built nine (9) feet from the sidelines. He added this is the situation we are in now and this is what we have to decide what we are going to do about it.

Mary Francis Butler replied that she realizes that but she wasn't the one (1) that did it.

Chairman Beckwith stated that he understood.

Mary Francis Butler stated that she understands that she was married to the guy but she had no control over that she just accepted what he told me.

Marsha Hopkins stated that she has so much consternation whenever we have to get back to the 1983 courthouse records destruction. She said it would give us so much history and would allow us to really get a full understanding of the situation. She added in this case with these five (5) acre properties and then you have a wedge shaped property a lot; homeowners are very restricted because they don't have the spacing to do some things that the five (5) acre people have. She stated that it's a non-conforming lot from the get go and she thinks that homeowners/purchasers of property should be on notice that they need to know the things that affect their property. She said that this is a little different because if the County came out and approved it; and you operate on the assumption that it has been approved nothing surfaces until you are trying to sell it. She added if the County had the burden of doing that and doing it correctly I'm not sure if I think the homeowner should be the one (1) to have to bear that burden.

Chairman Beckwith stated that it is a confusing process and there is no blame to be given to anyone in the room tonight. He asked Tom Waller if he had any ideas.

Tom Waller replied he had no ideas.

Chairman Beckwith asked if anyone would care to make a motion to approve or deny the petition.

Marsha Hopkins made a motion to approve Petition A-646-17. John Tate seconded the motion.



building that is nine (9) feet from the property line which is well within the 50 foot building restriction line from that side property line. He added what we would do is consider whether we would grant the variance to leave that building where it is or whether we should deny the variance and if that is the case that building would have to be removed within 60 days.

Pete Frisina interjected and said the most you can do is 30 days.

Chairman Beckwith stated that by removing the building within 30 days that would allow the property to be sold and further developed as it is right now and was found out by the new survey. He said as it is right now it is not developable or sellable.

John Tate stated that he would like some clarification on the surveys that were conducted. He said that he believed there was one (1) survey at the time when the structure was built and there was a subsequent survey when that occurred and what the difference of the surveys was.

Chairman Beckwith stated that either Mr. Mahon or Ms. Butler you may come up and address that.

Mary Francis Butler replied that she doesn't know when the original survey was done. She stated that Mr. Frisina might know that. She said that she didn't have a copy of the original. She added that the second one that was done was done by someone who didn't get it right and that is why we had to get the one (1) that you have there in front of you to clarify and make sure all the details were right. She stated when they had the other survey done she wasn't sure on why they had it done. She said the people that did it were not the best and she didn't know it at the time. She added that she has a family member that does title searches and she told her after the fact. She stated that you can't go back and undo what someone has done once they done it. She asked if that answered his question.

John Tate replied it helps somewhat. He stated that what he was really trying to understand was at what point you had knowledge that this building was not within the 50 feet.

Mary Francis Butler stated that when James her ex was first putting it in something came up about it. She stated that she had a recent conversation with him and that everything was a done deal. She said he thought the variance was done because it was discussed at the time. She added that he had walked it off as opposed to having someone come out and actually tell him where to put it. She added that she knew it was too close, but it wasn't over the line and she was told that it was all good. She stated that all this time because the permits were there and they had no problem with getting the electricity and no one ever followed up. She said that she didn't know that there would be other issues and she didn't know to call anyone and ask.

nothing but farm land out there. He added that when people think on where there line is unless they have a line painted on the ground they can't really see it. He stated that Ms. Butler said her husband was the one (1) that applied for the permit, went through the application process but back then the County infrastructure was very thin. He said from looking at the documents that were able to be obtained there was an approval for the 200 amp service that was provided, the homeowner mistakenly thought it was an approval for everything on that building. He added that if you look at the most recent survey you are going to see that there is a well house; the well is equally distant from the main living structure, and the 30X30 detached garage. He stated that obviously when they were trying do this it was conjecture; it was a guestimate to keep that land open as much as possible for the water to permeate the ground down to the water table below. He said the sign that was placed on the property approximately 45 days ago Mr. Frisina; would have provided ample time for anyone to come up and provide contradiction to the variance request. He added one (1) of the things they wanted to consider was this was provided 34 years ago; there has been no recorded objections to the property; it was only noticed when I was walking the property with Ms. Butler and we wanted to clarify where that building was in relation to everything else. He stated that you notice there right in the middle if you look at the most recent diagram there is very little area on that, because there is no backyard no back property line it is a perfect triangle and everything has to be in the center. He said you notice the main living structure is also outside, but according to Mr. Frisina that is fine because it was built in 1960. He added that it goes way back when it was raw land out there and nobody was really close by and living. He stated taking all of that into account I would urge you to consider granting the variance because of the exception of this and it really doesn't have any negative impact on the surrounding properties.

Chairman Beckwith asked if there was anyone else here to speak in favor. Hearing none, he asked if there was anyone here to speak in opposition. He stated that he would bring the situation back to the Zoning Board of Appeals and that there would be no further public comment unless they ask someone a question. He asked the Zoning Board of Appeals how they would like to proceed. He asked if they had any discussions or any questions for Ms. Butler or anyone else. He stated before you do that let me explained one (1) thing that may not be entirely evident to the Zoning Board of Appeals: the ZBA is an organization that takes very seriously its duties and its duties are to consider whether a variance to an ordinance of the County should be granted. He said an ordinance is a law of the County and by granting a variance that means there is sufficient reason to break that law and approve something that is in opposition to the ordinance. He added that what they are looking at here this evening is an ordinance regarding the side setbacks for property lines and what can and cannot be built within the property line. He stated that is what we are dealing with here whether the request is sufficient enough to cause us to grant a variance to break the law. He said that is what we are considering and that is what we always consider regarding petitions. He added with that in mind would anyone like to make a comment or statement or even a motion. He stated that he sees a little reluctance up here. He said what we are looking at here is a one (1) story frame

Francis Butler stated that she was here to request that they approve the property as is. She said based on the fact that it was installed some 30 years ago and there have not been any problems with it. She added that she didn't even know that there was a problem with it until recently. She stated that they thought with all of the approvals with everything that everything was good. She said that at that time her ex-husband handled everything and he had the building built, and at that time she wasn't into the details and that's how it came about. She reiterated that it was built 30 years ago and she has never had a problem with it as far as anyone complaining. She added that Mr. Baker who lives next door who has lived there for over 10 years has had no problems. She stated that the property is non-conforming being that it is two (2) acres instead of the five (5) acres. She said that it was pie shaped which does make it odd when you try to add something to the property.

Chairman Beckwith asked if there was anyone else who wanted to speak in favor of this petition.

Dennis Maker stated that he resided on 250 Lowery Road and that he is the adjacent property owner to Ms. Butler and actually the property that abuts where this variance will be issued. He said that he looks for property in South Fayette County and has lived in Fayette County for quite a while. He added that he decided to buy the property there and built his house, barn a placed where his horses that he had at that time. He stated that its never been a property with a garage and there has never been a problem or a situation there. He said that the building has been there as long as he has been there. He added that they were there way before he got there and respectfully asked the board to grant the variance to allow it to stay there. He said that it isn't hurting anything and is not hurting anyone. He added that Ms. Butler has always been a great neighbor to deal with. He stated that he doesn't know what the situation is now about it I understand if you were building it now, but it was built long ago and far away before I was even there and provides no harm to me or my property or any infringement.

Chairman Beckwith asked if there was anyone else who wanted to speak in favor of this petition.

Tom Mahon stated that he plans to be the purchaser of property on behalf of TSM Developments LLC; in order to provide upgraded living area for the people that will be living in the Whitewater School District. He said several things he would like to bring to their attention; walking the property they asked Mrs. Butler where she perceived the property line to be; she pointed it out and they were concerned that it might be in the setback. He added that he reached out to Mr. Frisina and his team and they found out that there were multiple surveys at least two (2) that were in conflict with each other. He stated that he requested that a third survey be conducted in which Ms. Butler provided through Warren Gray and Associates. He said that he believes they have it in their packet and would like to bring something to their attention that when this was constructed back in 1983 that it was basically

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on April 24, 2017, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Bill Beckwith, Chairman  
Marsha Hopkins, Vice-Chairman  
Tom Waller  
John Tate

**MEMBERS ABSENT:** Therol Brown

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator

**Welcome and Call to Order:**

**1. Consideration of the Minutes of the Meeting held on March 27, 2017.**

Marsha Hopkins made a motion to approve the minutes. John Tate seconded the motion. The motion passed 3-0-1. Marsha Hopkins abstained. Therol Brown was absent from the meeting.

Chairman Beckwith stated that they received a message from Michael Taylor regarding variance A-648-17 that he would like to withdraw his request for a variance. He said since it is his variance requests we will accept that.

Chairman Beckwith asked Pete Frisina to read the rules for the ZBA meetings.

Pete Frisina reads the rules.

Chairman Beckwith asked Pete Frisina if he read the rules about the board.

Pete Frisina replied that if we do not have a full board you get one (1) opportunity to table it until we do have a full board. He said before you make your presentation we would need for you to tell the board that you wish to table. This first petition had already done that so they have to be heard but the other two (2) would have that option.

**PUBLIC HEARING**

**2. Consideration of Petition No. A-646-17, Mary Frances Butler, Owner, and Jay McCoy, Agent, requests the following: Variance to Sec. 110-125 to reduce side yard setback from 50 feet to nine (9) feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 118 of the 4th District and fronts on Lowery Road.**

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John Tate stated that he didn't quite understand the response when Bill indicated why this didn't go on the side I thought I heard you make the comment that it had to be 10 feet away from the house.

Kent Leonard replied that is what the pool owner told him it didn't have to be 10 feet it had to be at least 10 feet away, which it would be on the side of the house but aesthetically for the neighborhood it would be an eyesore.

Pete Frisina stated that there are two (2) drawings in here. He said when you look at the house in one (1) drawing it looks like the driveway is to the left and on the other drawing it looks like the driveway is to the right. He added that the first one (1) looks like a foundation survey and if I am looking at the house it's on the left and on the other the driveway is to the right.

Kent Leonard stated that is from Jeff Lindsey and when they were going to initially design the home and put it on the driveway was going to be on the left and then when they looked at it said, no that is not going to work. He said they inverse the floor plan and that is what they ended up going with. He added that the latest and greatest plat with the driveway on the right is the correct one (1).

Chairman Beckwith asked if that was the one (1) that was built right now.

Pete Frisina stated that he was confused.

Kent Leonard stated that is correct the driveway is on the right hand side. He said that would require us to move a little of the driveway to put it on the side of the yard.

Marsha Hopkins stated that we like to preserve as much of the setback as we can; so thinking about it like that is the possibility to come up with something that will be in much of the setback.

Kent Leonard stated that he understood exactly what she meant. He said that anything is possible and the reason why I was requesting the full 19 feet into the 30 foot offset is simply because its greenspace behind it. He added that he understood that you needed to follow the ordinance and you can't just go willy-nilly out and make your own rules out of convenience I get it. He stated that in this situation nullification of that ordinance to me seems appropriate and it doesn't seem like the intent spread behind that ordinance to me doesn't seem like it fits this situation.

Chairman Beckwith stated that they would look at if the adjacent lot was developed would be the same situation; 30 feet is 30 feet.

Kent Leonard replied okay.

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Chairman Beckwith asked for a motion.

Bill Beckwith made a motion to deny Petition A-650-17. Tom Waller seconded the motion. The motion passed 4-0. Therol Brown was absent from the meeting.

Pete Frisina stated that we have two (2) additional petitions coming up next month.

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There being no further business, Therol Brown made the motion to adjourn the meeting and the meeting adjourned at 8:06 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

  
\_\_\_\_\_  
**CHAIRMAN**

  
\_\_\_\_\_  
**CHANELLE BLAINE, ZBA SECRETARY**