

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 27, 2018, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Chanelle Blaine, Zoning Administrator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on June 25, 2018.

Therol Brown made a motion to approve the June 26, 2018 minutes. John Tate seconded the motion. The motion passed 4-0-1. Marsha Hopkins abstained from voting.

PUBLIC HEARING

2. Petition No. A-685-18, Allegiance Homes, Owner, and Trent Foster, Agent requests the following: Variance to Section 110-79 Accessory structures and uses. (d), to allow an accessory structure in the front yard without a connecting breezeway, deck, or pergola. The subject property is located in Land Lot 219 of the 5th District and front(s) on Snead Road and Old Greenville Road.

Trent Foster stated that he was there to petition for a variance from the zoning ordinance. He said that it saying with them being on a corner lot that they have two (2) front yards. He added that when Pete Frisina called him about it, it caught him off guard. He stated he talked with other builders in the County that had been there for years and it had caught them off guard as well. He said he talked to Pete Frisina again and Pete had said hopefully he won't have to deal with it because staff was trying to change the ordinance by August. He added that Pete Frisina said that it shouldn't apply to A-R zoning and was made more for the smaller zoning districts. He stated they have 307 feet of woods and drainage ditches between Old Greenville Road and the side of this house that are not cleared. He said if you look at the site plan there is a foundation survey done by Four-Corners. He added that they went ahead and did a building permit for the pergola continuing on with the house, because this is a presale to a family out of Alabama, which needs to be in the house at a certain time. He stated that the small building is 307 feet to the back corner and that is where the garage sits facing Snead Road. He said that it was 12 feet from the house. He added he was not sure if the ordinance was meant to protect anyone from this. He stated the family does not want it and he told them he would build it for them with no charge. He said the family wants to do something different between their house and not have something connected. He added that the reason they didn't put it on the other side was topography. He stated that it kind of runs down to the low part on

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Snead Road and he would have had to bring in three (3) or four (4) feet of fill to bring the garage up on the right side of the house. He said that there was an existing driveway cut and a water tap on that end. He added that the owner said it was done by the County when they paved that part of Snead Road and that is why the house is position the way it is. He stated that he would take any questions whenever they were ready.

Marsha Hopkins asked if there was anyone in opposition to the petition. She stated that there was no one else in the room besides Mr. Foster.

Bill Beckwith asked if anyone from the family plans to develop the wooded area near the house.

Trent Foster replied that there is really nothing that you can do. He stated by ordinance with the County there is nothing, you can clean it up and clean the underbrush. He said the reason they wanted it so far down was because of the privacy. He added that there was nothing across the street from it and there will never be anything across the street from it because it's the back of another existing lot.

Bill Beckwith asked if they would construct a pool.

Trent Foster replied they are going to build a pool but it would be right behind the house. He stated the garage is creating a buffer on it.

Bill Beckwith asked when the owner wants to move in.

Trent Foster replied they want to move in by Thanksgiving and that they are doing rough mechanicals now. He stated they should be on target and that is the reason why he didn't wait to get the building permit for the pergola. He added that he got the architect to draw the pergola that would connect it just in case. He stated that the family has already moved up here and is living in a rental in Peachtree City.

Marsha Hopkins asked if the variance request was for the portion that deals with connecting the garage by breezeway, deck, or pergola.

Chanelle Blaine replied yes and that the garage is in the front yard.

Bill Beckwith asked if we run into this situation a lot.

Chanelle Blaine replied yes, we run into it a lot.

Bill Beckwith asked if this was a corner lot situation.

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Chanelle Blaine replied yes, it's the secondary front yard and the ordinance says if you are going to have it in the front yard you must have it connected by a deck, pergola, or breezeway. She stated that the applicant doesn't want either one of those options. She said they just want the garage by itself without any connection to the house.

Marsha Hopkins asked for the reasoning behind the ordinance.

Chanelle Blaine replied what I gather from Pete Frisina was if it was in a residential subdivision they wanted it to look like one (1) structure more like an addition than a separate detached structure. She stated that staff is going before the Board of Commissioners to have that section removed from the A-R zoning district. She added that it has not been approved so he has to go through the variance procedure.

Trent Foster stated that he read the ordinance backwards and forwards and the pergola was the best way to keep moving with the process. He added if you had to connect it with heating and air space you're making it really difficult to something without having to do demolition.

Bill Beckwith stated that the connection would look better on a smaller residential lot.

Chanelle Blaine agreed.

Tom Waller asked if the house was on sceptic.

Trent Foster replied yes sir, and that was some of the reasoning on how we situated the house, because the sceptic really needs to come off that front left corner and gravity feed down toward Snead Road so we don't have to put pumps in. He added that they were trying to keep it away from the non-porous driveways.

Tom Waller asked if there was any access given.

Trent Foster replied yes, those are just the porches on the house the front and the back.

Tom Waller asked what the square footage of house is.

Trent Foster replied that the house is 2000 square feet on the main level. He added that you have a little bit upstairs. He stated that there would be a sidewalk that would run just to the front porch.

Tom Waller asked how many cars.

Trent Foster replied that it's a two (2) car garage on the main level house, and then detached garage is 20 x 24. He stated that you could technically put two (2) cars in it, but you are going

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to be pretty tight if you have a 16 foot door. He said that it would be three (3) cars maybe because they don't have anyone else home except for them and their 13 year old daughter.

Tom Waller asked if any semi-trucks would be on the property.

Trent Foster replied no sir; the owner is mostly out of town and is part of Jimmy Carter's detail. He added that they were in Trussville, Alabama and had family in Norcross and he works in Plains, and he said they moved here because they were trying to find somewhere in between that had good schools.

Marsha Hopkins stated that she thought she heard him say that he had developed an alternative where a pergola could be attached if required.

Trent Foster replied yes mam, all it is a four (4) foot by 10 or 12 foot from the house and the building. He said that it was four (4) post with four (4) 4x6's, and 2x8's going across, and 2x4's going across. He added that they were not even connected. He stated the ordinance says six (6) inches off each side. He said it is basically a freestanding pergola in the middle of two (2) buildings just to meet what the ordinance says.

Marsha Hopkins asked if there was any structural reason on why they couldn't put a pergola there.

Trent Foster replied no mam there is no structural reasoning.

Marsha Hopkins asked if it was more for aesthetics.

Trent Foster replied that it is not just that they wanted their fence to come in and go around. He added that it is a lot of aesthetics too.

Bill Beckwith made a motion to approve Petition A-685-18. Tom Waller seconded the motion. The motion passed 5-0.

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There being no further business, Tom Waller made the motion to adjourn the meeting and the meeting adjourned at 7:18 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



MARSHA HOPKINS, CHAIRWOMAN



ZBA SECRETARY

