

City Council of Peachtree City
Minutes of Meeting
October 15, 1998
7:00 p.m.

The City Council of Peachtree City met in regular session, Thursday, October 15, 1998, at 7:00 p.m. in the City Hall Council Chambers.

Mayor Lenox led those attending in the pledge of allegiance. Other council members present were: Carol Fritz, Annie McMenamin, Bob Brooks and Jim Pace.

ANNOUNCEMENTS, AWARDS, SPECIAL RECOGNITION

Mayor Lenox presented the Employee of the Month award to David McDaniel.

Mayor Lenox presented the Supervisor of the Quarter award to Donald Jordan.

Mayor Lenox read a proclamation for Children's Week.

The VFW presented a plaque to the City to recognize those individuals and companies who donated funds for the VFW monument.

Larry Turner, General Manager for the Water and Sewerage Authority, announced that the generator for the Line Creek plant would be delivered next Tuesday and installed the next week. He also said that there was some foam in Flat Creek south of Crosstown Road. He said water quality tests indicated that the water was fine and that it was a natural occurrence. He said the EPD was also running tests and felt that the foam was a natural occurrence and that there was no detrimental effect on the water quality.

ADDITIONAL AGENDA ITEMS

Mayor Lenox made a motion to add agenda item 10-98-6 - Consider Alcohol License Change - Village Store, Shakerag Hill. Brooks seconded the motion. Motion carried unanimously.

MINUTES

McMenamin made a motion to approve the minutes of October 1, 1998 as presented. Fritz seconded the motion. Motion carried unanimously.

OLD AGENDA ITEMS

There were no old agenda items.

NEW AGENDA ITEMS

Mayor Lenox explained that the next two agenda items would be conducted as public hearings. He read the rules for conducting the hearings and set a time limit of 20 minutes for each hearing.

10-98-4 Public Hearing - Consider Variance - 107 Wedgewood Way - Storage Shed

— Lenox asked to hear from the applicant first. Mr. Stalker Reed addressed the Council and explained that he purchased the property in May 1998. He said he noticed that two accessory buildings existing in the rear yard were close to the property line, and he asked the owner to provide copies of the building permits. He learned that the buildings were constructed without a permit and that they both encroached into the required rear setback. He said he had asked the owner to resolve the issue by obtaining a variance, but because the loan on the property closed before the variance issue could be resolved, he was left to request the variance himself.

Hearing no one else to speak in favor of the variance, Lenox asked to hear from those who wished to speak in opposition to the variance.

Jim Williams, Director of Developmental Services, addressed Council. He explained that the rear yard setback for the applicant's property was 30 feet. He said that the ordinance would permit two accessory use structures to be located in the rear setback area, provided the total combined area of the structures did not exceed 125 square feet provided that the structures did not exceed eight feet in height. Williams said the size of the two existing accessory buildings were: 14 feet by 30 feet, (420 square feet) and 6 feet by 10 feet, (60 square feet), a total of 480 square feet.

— Williams recommended that the variance request be denied because it would constitute an increase of almost 300 percent for the permitted area and more than a 50 percent increase in the permitted height. He said the buildings were installed without a permit, and their illegal status was known to Mr. Reed prior to his purchasing the property.

Hearing no one else to speak in opposition to the variance, Lenox opened the floor for Council debate. McMenamin clarified that the previous owner had built the storage sheds.

Pace commended Mr. Reed for trying to do the "right thing". He was concerned about the height requirement in the ordinance and asked staff to look into amending the ordinance.

One of Mr. Reed's next door neighbors addressed Council in support of the variance. He did not want the buildings to be moved and felt that their current location was the best site for them. Walt Mashburn also spoke in favor of the variance.

Brooks felt the intent of the ordinance was to protect adjoining property owners. He felt if the variance was denied it would have a detrimental effect on the adjoining property owners which would defeat the purpose of the ordinance.

McMenamin pointed out that trees would have to be removed to relocate the buildings.

— Pace agreed with Brooks and McMenamin and felt the property was well landscaped. He asked Mr. Reed if he needed both of the buildings. Mr. Reed said that he did need both buildings because the previous owner had enclosed the garage.

Pace made a motion to approve the variance as requested. Brooks seconded the motion. Motion carried unanimously.

10-98-5 Public Hearing - Consider Variance 2512 Cranberry Lane - Fence

Lenox asked first to hear from the applicant. Ms. Martha T. House addressed Council and explained that she had installed a six-foot high fence on her property and that it encroached into the front setback. She explained that she had obtained permission from her homeowner's association to install the fence and that she did not realize that another permit was needed. She had assumed that the building contractor would have taken care of any other necessary permits. She said the fence was 13 feet from the curb and it enclosed a small patio. She said she enjoyed drinking coffee on her patio early in the morning and she felt a six foot fence would provide some privacy. Ms. House said that after installing the fence she spent much time and effort planting a garden and she hoped that Council would grant a variance so that it would not have to be destroyed.

Hearing no one else to speak in favor of the variance, Mayor Lenox asked to hear from those wishing to speak in opposition to the ordinance. Jim William addressed Council and explained that the ordinance prohibited a fence in excess of four feet in height to be installed within the required setback area that adjoins a street right-of-way. He said the six-foot fence encroached about two feet into the required setback. He recommended that the variance be denied because it was installed without a permit, and he felt it would be a relatively simple matter to either remove two feet from the height of the fence or to relocate the fence back an additional two feet from the curb.

Hearing no one else to speak in opposition to the variance, Lenox opened the floor for Council debate. Pace understood that Ms. House wanted the fence around her patio for privacy, and he was sympathetic to Ms. House's desire to keep her garden.

Rick Lindsey, City Attorney, said he felt there were special circumstances to consider for the variance request. He said Ms. House thought she had followed the proper procedures by securing approval from her homeowner's association for the fence. She had relied on the homeowner's association and her contractor to advise her of the proper procedures.

Lenox asked that staff place an article in the next "UPDATE" to notify residents that they need to obtain building permits even if they have received permission from their homeowner's association.

Pace asked that staff also send a letter to the homeowner's associations advising them that building permits were required before construction could take place.

Pace made a motion to grant the variance as requested. Brooks seconded the motion. Motion passed unanimously.

10-98-6 - Consider Alcohol License Change - Village Store, Shakerag Hill

Lenox explained that Multicorp Management Group, Inc. had purchased the Village Store, located at 2000 Shakerag Hill and submitted an application to transfer the current alcoholic beverage license into their name. Mr. Needham C. Mallory applied to be the Licensee and Mr. James Robert Franklin applied to be the License Representative.

The Vice President of Multicorp, Mr. Troy Martin was present to represent Mr. Mallory. McMenamin asked if they understood the City ordinance as it pertained to alcohol. They both said they had read the ordinance. McMenamin made a motion to approve the application as submitted. Fritz seconded the motion. Motion carried unanimously.

COUNCIL/STAFF TOPICS

There were no council/staff topics to discuss.

Lenox made a motion to adjourn the meeting directly into executive session to discuss a pending law suit. McMenamin seconded the motion. Motion carried unanimously and meeting adjourned into executive session at 8:10 p.m.

EXECUTIVE SESSION

No action was taken in executive session. Lenox made a motion to adjourn the meeting at 8:30 p.m. Brooks seconded the motion. Motion carried unanimously.



Nancy Faulkner, City Clerk

Attest: 

Mayor