

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 20, 2019, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

Marsha Hopkins welcomed everyone to the meeting and introduced each member of the Zoning Board of Appeals. She also introduced the two staff members, Chanelle Blaine and Howard Johnson.

1. Consideration of the Minutes of the Meeting held on April 22, 2019.

Tom Waller made a motion to approve the minutes of the meeting held on April 22, 2019. John Tate seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. Petition No. A-698-19, Nicolas T. Golden, requests the following: (1) Variance to Section 110-136. R-45. (d)(4)(b) to reduce the front yard setback from 40 feet to 30 feet to allow for the construction of a canopy over an existing front porch; and (2) a Variance to Section 110-136. R-45. (d)(6) to reduce the east side yard setback from 15 feet to nine (9) feet to allow the existing pool deck to remain. The subject property is located in Land Lot 171 of the 5th District and fronts on Par Court.

Chairperson Hopkins asked the petitioner to come forth and present his petition.

Nicolas Golden stated that he desired to put a canopy over the front door to avoid getting wet while opening the front door. He said the front slab that the canopy will sit on was already in place when the house was purchased. He added he simply wanted to add the canopy which will not extend farther than the existing slab.

Nicolas Golden also stated that the pool deck is a major problem because the pool and the pool deck was also in place when the house was purchased. He said the problem is the existing pool motor, pool pump and the plumbing is located in the side setback where he needs a variance. He noted that if he is unable to get a variance, he would have to tear out the almost entire in-ground pool which would require a lot of work. He said that he spoke with his neighbor yesterday on the side where the variance is needed and she did not have

any problem at all what needed to be done to correct the problem. He noted that he did not have her contact info with him at that time but he could forward that information if needed.

Chairperson Hopkins asked if there was anyone else to speak in favor of the petition.

Fleming Golden, the petitioner's father, came forward and stated that he has a survey that he can provide to the ZBA members for clarity.

Chanelle Blaine stated that the ZBA members already have a copy of the survey.

Chairperson Hopkins asked if there was anyone to speak in opposition of the petition. Being none, she brought the item to the members of the ZBA for discussion.

Bill Beckwith stated his understanding was that the house was built in 1977 and he bought it in 2016, therefore, the house has been there for approximately 42 years. He also stated that the slab was there and possibly the setbacks may have been changed in the meantime. He asked Nicolas Golden if the slab was there when he bought the house.

Nicolas Golden stated that he does not know when the actual date when the improvements were done to the house since he bought the house in foreclosure. He said that he believed that the house was vacant four (4) to five (5) years and he does realize that the times have probably changed over the years.

Bill Beckwith asked if he bought the house "as-is".

Nicolas Golden replied yes and he did not know about the setback problem until he had the property surveyed. He said he was surprised that a survey had not been done before.

Bill Beckwith asked if the roof in the front extends out past the concrete.

Nicholas Golden replied that the roof only comes out to the front door, but the actual slab comes out a few more feet from the front door, and he wishes an extension to the end of the slab.

Bill Beckwith asked had this slab has been in existence for years.

Nicholas Golden stated that he was unsure what was done before he bought the house.

Bill Beckwith stated that he had no further questions.

John Tate asked if the slab itself is approximately ten (10) feet in length from the door.

Nicholas Golden replied that he thinks that it is only four (4) or five (5) feet, the distance should be indicated on the survey.

John Tate clarified if the canopy will start at the roof line of the front door.

Nicholas Golden replied that this is correct, it will start at the roof line and stop at the end of the slab.

Marsha Hopkins stated that are two (2) motions that she will entertain. She asked for a motion on the first variance.

Therol Brown made a motion to approve a variance to reduce the front yard setback from 40 feet to 30 feet to allow for the construction of a canopy over an existing front porch. John Tate seconded the motion. The motion passed 5-0.

Therol Brown made a motion to approve a variance to reduce the east side yard setback from 15 feet to nine (9) feet to allow the existing pool decking to remain. Tom Waller seconded the motion. The motion passed 5-0.

3. Petition No. A-699-19, Mariela Villagomez, requests the following: Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 7 feet to allow the construction of an attached two (2) car garage.

Maria Gonzalez, introduced herself as the sister-in-law of Mariela Villagomez, and that she will serve as the Spanish -English translator for Mariela Villagomez for this petition.

Maria Gonzalez stated that Mariela Villagomez desired to build a two (2) car garage addition which is 24 feet by 44 feet. She explained that her neighborhood had a string of break-ins and they think that a garage would stop criminals from stealing their tools and vehicles. She explained that the side yard is the best fit because there is an available concrete pad (driveway) and the backyard has a major drop-off. She also noted that they were victims of a theft when they first moved into their home, since new roofing shingles were stolen from their property. They noted that many people walk from a nearby park by and look closely along on the side of their property. She said that her husband does not sleep well at night because he is afraid of theft because he has a truck loaded with expensive tools. She added that both of the neighbors are okay with the garage addition and she provided the ZBA members with a letter from the legal guardian of the nearest neighbor to the addition, however, the second letter from the opposite neighbor (who is sick) did not arrive in time.

Chairperson Hopkins asked if there was anyone else to speak in favor of the petition.

She then asked if there was anyone to speak in opposition to the petition. Being none, she turned the item to the members of the ZBA for questions discussion.

Bill Beckwith stated that he visited the property to look at possible options for the garage. He stated that there is a steep drop-off behind the slab on the side of the house, but also is septic tank drain field, so putting it anywhere else is not possible. He noted that her husband's truck does contains a lot of tools out in the open and he can understand why

they would like to have a structure to enclose the tools and keep it from being visible. He said that that he thinks this is reasonable request.

Therol Brown stated that the concrete pad that will serve as the floor of the garage has been there for years so it not encroaching on a new land that has not already been encroached upon.

Tom Waller asked about the height of the structure.

Maria Gonzalez replied the she does not know the exact height, but it will be attached to house, but not taller than the house. The size of the garage will be 24 by 44.

Tom Waller asked does the roofline compliment the current house roofline and how does it fit in?

Maria Gonzalez asked Tom Waller to rephrase the question.

Tom Waller asked what will it look like when it is built, as far as the roof is concerned, will it have the same type, and /or same slope?

Maria Gonzalez replied that it will be the same.

Bill Beckwith noted that garage should be tall enough to allow her husband's truck to enter with the ladders atop the van.

Maria Gonzalez replied that it will not be taller than the main house.

Tom Waller asked if the garage doors will be regular or oversized to allow for the truck.

Maria Gonzalez said that the doors will be slightly larger than normal, to accommodate for the ladders atop the van.

Tom Waller asked if she thought the style will be in keeping with the neighborhood.

Maria Gonzalez replied yes, that she doesn't think it is going to be a big difference than any of the other doors in the neighborhood and she also talked with her neighbors about it. She stated that the garage will be built with the same materials, including the brick, as the house.

John Tate made a motion to approve a variance to reduce the side yard setback from 15 feet to nine (9) feet to allow for the construction of an attached two (2) car garage. Therol Brown seconded the motion. The motion passed 5-0.

There being no further business, Bill Beckwith made the motion to adjourn the meeting.
The motion passed 5-0. The meeting adjourned at 7:21 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Marsha Hopkins

MARSHA HOPKINS, CHAIRPERSON

Howard L. Johnson

HOWARD L. JOHNSON, ZBA SECRETARY