

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 26, 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: Pete Frisina, Director of Community Services
Ali Cox, County Attorney
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on June 24, 2019.

Therol Brown made a motion to approve the minutes of the meeting held on June 24, 2019. Bill Beckwith seconded the motion. The motion passed 5-0.

2. Consideration of the Minutes of the Meeting held on July 22, 2019.

Bill Beckwith made a motion to approve the minutes of the meeting held on July 22, 2019. John Tate seconded the motion. The motion passed 5-0.

PUBLIC HEARING

3. Petition No. A-705-19, David L. Whorton, owner, and Tom Hoover, agent, request the following variances:

(1) Variance to Sec. 110-143. – C-C, Community Commercial District. (d) (5) to reduce the side yard setback from 15 feet to 0 feet on the north and west property lines. (2) Variance to Sec. 110-143. – C-C, Community Commercial District. (d) (6) to reduce the buffer from 50 feet to 19 feet on the north property line and 18 feet on the west property line. (3) Variances, as applicable, for all existing structures and improvements to remain in anticipation of any platting which may be done in the future. The subject property is located in Land Lot 44 of the 7th District and front(s) on Sandy Creek Road and Sams Road.

David Lamont Whorton stated that he lives at 250 Ashley Park Fayetteville, GA 30214. He said we are talking about a piece of property at 731 Sams Road and Sandy Creek Road. He asked if he was supposed to answer questions. He added I never done this before.

Chairperson Hopkins stated even though Ms. Blaine has given us the details of your case we would like to hear you talk about it.

David Whorton stated that he bought the parcel of property about four (4) years ago from Mr. Ivey and it was a store originally years ago; not to my knowledge I bought it for a building to store my antique cars in. He said my car collection has grown larger than the building and I would like to build a building to put the rest of my car collection in. He added I have no idea and plans to run a business out of the garage.

Chairperson Hopkins asked if there was anything else you would like to add.

Mr. Whorton replied I don't know what else to add. He said it's a built piece of property and I keep it up and I just want to build a bigger space for my cars.

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

Eddie Lanham stated that he lived at 200 Carrington Lane in Brooks, GA and I've been in Fayette County since 1970's. He stated I've been working with Mr. Whorton on this ever since he contacted me about building this building. He said I think you should have a package that tells you everything that has gone on about this. He added that we went through the process in the correct manner but things didn't work out like we would have assumed they would. He stated that we ran into some snags with mainly this buffer and the setbacks. He said he has a two (2) acre tract of land, and he has been paying commercial taxes on them ever since he bought this thing. He noted it turns out it's not quite what the Tax Assessor has on their record. He explained Mr. Whorton had no way of knowing that. He added what we are trying to do is to come to a common ground on this, and have these buffers removed. He stated this has been a commercial lot since back in the 60's and have been paying commercial taxes on it since back in the 60's. He said we are not bringing any kind of negative situation on this; this building is going behind the other one and will be coming in off of Sams Road. He added that there will be no impact on anything, and Mr. Whorton owns the property that surrounds this lot that we're on. He stated if you have any questions ask me because I figured you all have read the document we submitted.

Tom Waller stated it appears the property is on a slope the terraces that are there when the place was used for cotton are still there. He said it appears to be at least a 15 to 20 foot drop between the end where you want to put that building and down at the store. He noted you will have to dig in that building to an extent. He asked are you planning on digging that building in.

Eddie Lanham replied we will probably have to do a cut and peel. He stated I have not studied the latest plans that the civil engineer have drawn.

Tom Waller asked do you wish for us to go by the variance plat that was provided, or the construction plan that we were just provided to.

Eddie Lanham replied Sir, I don't know what the difference is, and I've only seen one (1) drawing.

Tom Waller stated I would have to defer to Pete Frisina. He asked if they match up. He stated from a quick cursor review they don't match up.

Pete Frisina stated that as far as the setbacks they should match up.

Tom Waller said but the driveway coming off of Sams Road, the parking area.

Pete Frisina said again our concern is the setback, the setback should be the same.

Tom Waller said the setbacks should be the same but the driveways are not.

Pete Frisina replied that is not a zoning variance issue.

Tom Waller said thank you.

Tom Waller stated all the pictures you provided are nice and they show a side interest; and that part of the issue that I had with your variance plan. He said your variance plan shows an end of the building entrance to the large area the driveway. He added I am now provided with the construction plans which shows the side interest coming off of Sams. He asked which one are you going to do.

Eddie Lanham replied the last one (1) I saw was a side entrance coming off of Sams Road.

Tom Waller asked how long ago.

Eddie Lanham replied a while; he asked can you show it to me.

Tom Waller stated that this one (1) was just provided this afternoon.

Eddie Lanham replied we will do what the engineer has outlined us to do that is the least impactful to any kind of erosion or anything like that.

Tom Waller stated that attachment #1 provides a picture of the store from many years ago, it reflects two (2) gas pumps. He asked has those tanks been removed on that site.

Eddie Lanham replied that was way before us.

Tom Waller interjected you don't know.

Eddie Lanham stated I do not know.

Tom Waller stated I would think that would be an environmental question Mr. Frisina and it should be answered. He added or environmental safety for the groundwater in that area.

Pete Frisina asked how long ago you think this was a gas station.

Tom Waller replied the 60's to 65. He stated that I would defer to Rufus' son.

Jim Ivey I was never told it was a gas station.

Pete Frisina stated that underground storage tanks are a function of the State.

Tom Waller said I would raise that as an issue.

Eddie Lanham stated that there is no evidence of them.

Tom Waller asked if the well on site was functioning.

Eddie Lanham replied it is not.

Tom Waller stated the zoning 1960, 1971, 1980, 1998; 1998 was the last rezoning effort that included the 50 foot buffer... Pete.

Pete Frisina replied I think that was when it was increased from 30 feet to 50 feet. He said prior to 1980 there was not a buffer requirement.

Tom Waller stated the buffer went in and we added convenient community commercial zoning in 1980. He said with you (Pete) the ordinance was done in 1998, 21 years ago before you bought that property so the zoning requirements were in place since 1998 to include the buffer; is that not correct Pete.

Pete Frisina replied the buffer was created in 80 at 30 feet and was enhanced at 50 feet in 1998.

Tom Waller said the question is to the width of the road; you're depicting in the variance plat a 60 foot right-of-way for Sandy Creek, is that what you understand.

David Whorton replied I don't know I am not a contractor.

Tom Waller stated I believe it's an 80 foot right-of-way.

Eddie Lanham stated I didn't put the entrance there and I be glad to take it out.

Tom Waller noted you have an entrance coming in off of Sam's Road and it's not depicted on this plat.

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

David Whorton apologized for not being able to answer the question; he stated I am not a builder.

Tom Waller stated but you paid for the plat.

David Whorton replied I bought the motorcycle but I don't know how to work on them either. He stated I am not trying to avoid the question but if I knew the answer I would tell you. He reiterated I just don't know.

Chairperson Hopkins asked if anyone was there to speak in opposition.

Jim Ivey stated I live at 769 Sandy Creek Road and I am the one (1) who sold him the land. He said the store and a little bit less than an acre is all that is Community Commercial. He noted the other acre that he has is residential. He reiterated that the only community commercial is that one (1) little less than an acre. He asked that they take that into consideration.

Chairperson Hopkins asked if he had anything else to add.

Jim Ivey replied that is it.

Chairperson Hopkins asked if anyone was there to speak in opposition.

Rust Starett stated that he lived on 697 Sandy Creek. He said I am concerned about the impact on the visual beauty of our road. He asked what efforts have you all made to get with the builder to build a more conforming property, and do you have an alternate plan.

Chairperson Hopkins asked that he (Rust Starett) keep his comments to the board. She stated that the petitioner will answer in his rebuttal.

Rust Starett stated fair enough, with that being said I know of one (1) precedent where a variance was not granted and refused on the basis that the law is the law, and it's a good law and it meets the needs of the community and it is the responsibility of the applicant to comply and conform if there is no extreme hardship presented or unforeseeable to grant the variance. He added that was my dwelling in which I requested a variance on because we wanted to turn my garage, which is a preexisted dwelling; brick building fully finished in, we wanted to turn that into a mother-in-law suite. He stated because it was a little over 700 square feet we were denied the variance on the basis of the code requires that mother-in-law suites and swimming pool houses be 700 square feet or less. He said we then altered our plans to conform; we then conformed and was granted a building permit. He added I have not seen any drawings, I was hoping we would have some drawings up here to look at, and so I am looking at these setbacks being too close to the street. He added that it

would be too much of a negative impact on our roads, which would make it look industrial versus residential. He stated I think it is incumbent upon the applicant to conform. He added I think that is not unreasonable or impossible since no ground has been broken and no material purchased (that I am aware of); I simply think that this serves the good of the community to abide by the setbacks and to require the applicant to conform and that it is possible in some way. He noted it might not be 100 percent satisfactory, and believe me I do understand that, however, that does prevent it only requires a little extra work and that comes with a lot of project.

David Whorton stated that he would like to build the building and if I can make it look nicer for the community I am all for that. He said I just need somebody to tell me what to do. He added I am not trying to break the law or break any rules. He noted it's just a building to store my cars in and I promise you the materials have already been purchased; I'm out 30,000 dollars already and I was under the impression when we first came in that somebody said we could do it, then I was told we couldn't do it. He stated that is why we are here tonight and I apologize again for not knowing about the footage or the variances, I am not a builder I am a car guy. He said that I will follow the rules to the letter; I am not trying to do anything under the table. He added that the building will look nice and the color and materials I have picked out is like the building that is already there. He stated that building will be green with a white trim. He stated the door is open and anyone is welcomed to come there anytime. He said the County parks equipment there all the time for road work and that little side exit people cut there all the time and I ask people not to do it...school buses park there, UPS stops there on a regular basis, and one (1) guy got stuck in a ditch and I had to help him out. He added it's a lot of cutting through but it's just a place for me to keep my cars. He thanked the Zoning Board for listening.

Bill Beckwith stated that we are here to decide on whether or not to grant a variance because of setbacks that surround residential property and that is all that we are here to do. He added should we allow the variance because of setbacks or should we not. He said what I have found from reading through all of this is that this particular piece of property has been taxed and considered a commercial piece of property since at least 1980 if not before. He noted when this proposal came to the County made a determination that the owner of the property could go ahead and build a building on that property, unfortunately that was an error because of the surrounding residential property from which setbacks and buffers had to be applied to the commercial property. He added that if those setbacks and buffers are applied to the piece of commercial property it would limit severely almost 90 percent of room that the building could be built. He stated this is what we have to determine to allow the variances that were asked for because of the surrounding property and because of incorrect information that was given to the owner, and the owner based on that has spent a lot of money for his building. He said because of that problem we have to determine that tonight to see what we are going to do about it, and that is the only question we have here tonight. He added should we allow the building to be built or should we allow rather the variance to approve the setback or allow the building to be built without the effect of the setbacks.

John Tate stated to be absolutely clear did I hear Mr. Whorton state that he is the actual owner of the property to the rear which the actual buffer would apply is that correct.

Bill Beckwith replied I believe he owns the residential lot that surrounds the commercial lot.

John Tate said so there's really no one opposing the fact that there wouldn't be any 50 foot buffer. He added that is the way that I understand it and if I am off base could you correct me.

Chairperson Hopkins replied that I think I am actually hearing the same thing, but what gives me pause regardless of that if it would be another owner we would have to apply the variance criteria to that. She said I think Tom had mentioned and it's in our packet that in 1998 the buffer was increased to 50 feet so the record would have it at and to know about it. She added staff has given us a great history of this that they could put together and it is very helpful. She stated I am also cognizant of the expense the owner has put into this but we have to balance again whether or not this meets the criteria of granting a variance, and as I read over the justification request I am not sure I see enough detail on why I need to make that decision fully. She said and with that the issue then becomes what other alternatives have you thought about or pursued that may in fact help you meet the variance criteria. She then asked if anyone else had any comments.

Bill Beckwith asked are you asking the owner if they have another option if they weren't able to get the variance.

Chairperson Hopkins replied right, to come into compliance more.

David Whorton asked you want to know if I have a backup plan if this don't work do something else. He said I haven't considered any other thing but I am open to suggestions. He added that he wanted to be a good neighbor, and I don't want a crappy place. He stated that I want to keep it clean and that there was two cars up there and one (1) of them I gave away to my preacher. He said that there won't be any cars sitting up there. He added that I am willing to do whatever the County tells me to do.

Bill Beckwith asked if the buffers and setbacks were applied how large of a building you be able to build on that property.

David Whorton replied I'm hoping that I could build a 60 X 100 foot building.

Bill Beckwith said if you get the variances, if you don't get the variances, then what.

David Whorton replied I haven't thought that far ahead, I'd have to reconsider my options.

Bill Beckwith responded that's what we are trying to get to.

David Whorton replied I am not trying to avoid your question, I haven't thought of that yet, no sir.

Bill Beckwith replied I think that's what we are trying to ask.

David Whorton asked do I make it shorter, do I make it deeper

Bill Beckwith asked applying the setback and the buffer, how much of your property is available.

David Whorton replied the contractor says not much, sir.

Bill Beckwith asked do you know how many square feet that is.

Bill Beckwith stated that we have a copy before us. He said I guess the answer to my questions is there could be a buildable area on the property if all the setbacks and buffers are applied, but the size of that you don't know.

David Whorton added I got 24 cars that how much room, I am probably going to buy more, I like cars.

Bill Beckwith explained that so everybody understands, when commercial property is close to other types of uses (residential), there has to be buffers and setbacks from the residential property to keep a distance of the commercial property away from somebody's residence, basically.

David Whorton stated that Mr. Ivy owns the two closest homes. He added we had a verbal agreement to buy the rest of the property from Mr. Ivy but a handshake doesn't mean a lot anymore, I guess.

Bill Beckwith asked do you own the property completely surrounding the commercial.

David Whorton replied I shook his hand right there and I bought it, he said he would sell me the other property after the closing but then he wanted to double the price, he said his handshake doesn't mean anything. He added I will do whatever you folks want me to do, if he build a house there, I'd love to see it. He explained that Mr. Ivey already graded it once and nobody complained about that. He added I have been there four (4) years, and I think you have been charging him and me commercial rates on two piece of property. He questioned I don't know how many years you have been charging Mr. Ivy commercial taxes on residential property. He explained you have been charging me that for four (4) years, maybe you have been charging him wrong for 39 years. He said I just want to build a building and I want to be a good neighbor and I want to get along with everybody. He concluded if you tell me the building I want is too big, now I got something to think about. I don't want to run a business there.

Bill Beckwith asked Mr. Whorton what would your plan would be for the existing building.

David Whorton replied if you told me I could enlarge it, I would enlarge it. He added I would stretch it out or make it larger or something, I am open for suggestions. He explained in the subdivision that I live in can only have so many cars in the driveway, but all of my cars are tagged, drivable and insured.

Chairperson Hopkins stated that we as a Board we can't really offer you suggestions, we have to review what is before us. She noted also that the material suggests that you didn't know there was a 50 foot buffer requirement, so I guess if it is possible for you to maybe think about other options to satisfy that variance that might be something you would consider but I would need some guidance on how we would handle that here. She questioned Pete Frisina if we would take a vote on this, what we will do, does it get tabled or does it stay alive are we making a decision, and it is final, how does that work.

Pete Frisina replied that you can make a decision that is final, you can table it for more information, given the constraints of this site, as you can see from the drawing, and there is very little room to build on this site at all. He explained a portion of the buildable area by the existing building which is a non-conforming building because it was built many years ago, it does not meet setbacks. He added so what they are trying to do is meet the front setbacks, move the building to the rear of the site and get variances for the two sides, there is no rear, only front, front, side, side, so there asking for the variance to get into the buffer and side setbacks.

Chairperson Hopkins then noted that the other piece of this where any variances, as applicable, for all existing structures.

Pete Frisina replied that this is similar to what we dealt with a little store on Highway 85 South that had been there for many years and had never been platted. He explained at that point they were just doing platting so I looked at this as a pre-emptive variance and if in the future the try to do some platting they don't have to come back, if that is the case. He concluded that we are basically saying all the existing buildings are grandfathered and if they plat it be that note will be on the final plat, because ten (10) years from now, who knows someone won't be here to know they got a variance. It's just to clean it up in the future.

Therol Brown asked Pete, is it true, that if it had been platted, and Mr. Whorton had seen that plat, he wouldn't be here tonight, is that correct.

Pete Frisina responded yes, that lot did not go through a platting process. It was subdivided and that plat was not brought into us.

Therol Brown replied and it was strictly on this deed that was two (2) acres more or less.

Pete Frisina responded it did not do through the platting process.

Therol Brown replied my viewpoint, for what it is worth, I see the pros and cons of this. He said Mr. Whorton was told by the County that he could build and Mr. Beckwith said that he spent good money, platting and paying for some of the materials. He explained I would be more inclined to approve the variance than to have him lose the money and looks to me like to a large degree it's the County is at fault. He added I am not pointing fingers, it's just a fact. He noted the other thing is that the property has been commercial. He concluded Jimmy you know better than I do, I don't know when your daddy started that store.

Jim Ivey replied the first store was back in the 1930's.

Therol Brown responded that I am talking about the property itself. It has been commercial just about all my life.

Jim Ivey replied I don't know when they came through and rezoned it residential.

Therol Brown responded I don't know this for a fact, I don't think you or your daddy knew that probably.

Again, I think the County assigned that classification based on the records we have. He added I can't speak for Mr. Whorton but I think he bought it in good faith thinking it was okay and based on a larger degree on what the County said. He explained the gentleman said they went through the process and they did everything they knew what to do and then they were told it didn't meet the variances. He concluded I just felt he has been done wrong.

Bill Beckwith stated in that case I will move that we approve the first variance to reduce the side yard setback from 15 feet to zero feet on the north side and west side property lines. John Tate seconded. The motion passes 5-0.

Chairperson Hopkins asked if there was a motion of the second variance.

Bill Beckwith moved for approval of the second variance. John Tate seconded.

Chairperson Hopkins called for discussion.

Tom Waller stated the requirement for a buffer is not new, it was in existence for some than 21 years before you bought the property. He said I know you have probably been under pressure to do something with the property. He added you are going to be approached by many that would like to do that. He said I think it is in writing, the buffer, and in the dialogue you presented that this wasn't presented to you, that a 50 foot buffer was required.

He added, Sir, I would say that it in writing and was available to you, I believe I am correct, Pete, it is in writing, and it was available to him. He explained the 50 foot buffer is a requirement, yet in your dialogue, you presented it was as a surprise, a 21 year plus surprise.

He said due diligence, if I were looking at it, it would require me to read for myself. He concluded, I know that you were probably under pressure, hey we need to build.

Mr. Whorton replied that I am not under any pressure sir.

Tom Waller responded already well, in that the funds that were expended, I would look at that as pressure, thank you.

Chairperson Hopkins stated I don't disagree that the information was presented. She said I think when Pete explained clearly that there is really not much buildable area, I think that makes a difference. She explained I am not sure how viable an option there is given that restriction. She concluded I don't disagree about you noting that the information was there.

Bill Beckwith said call a question for the vote.

Chairperson Hopkins called for a vote. The motion was approved passed 4-1.

Chairperson Hopkins said the third one is: (3) Variances, as applicable, for all existing structures and improvements to remain in anticipation of any platting which may be done in the future. She explained we don't need any more information of that we just need to take a vote, okay, is there a motion.

Therol Brown made a motion to approve. Bill Beckwith seconded the motion.

Chairperson Hopkins asked for any discussion.

Tom Waller replied the discussion would be whether or not we voted on this variance plat as presented, or the plat that is included in this construction package, they are not the same, Mr. Frisina.

Pete Frisina replied that is correct.

Tom Waller asked which one we are voting on.

Pete Frisina responded that you are voting on the setbacks and the existing structure. He added the existing structure is what you are voting on right now.

Bill Beckwith replied we have taken care of the setbacks.

Tom Waller responded okay.

Chairperson Hopkins said we have a motion and a second to approve it.
The motion passed 4-1.

Mr. Whorton said thank you for your consideration and thank you for doing what you do.

4. **Petition No. A-706-19, Kelvin Pavon, Owner, and Nancy Pavon, Agent, request the following: Variance to Sec. 110-79. (e) Residential accessory structures located in front yard, to allow an existing pool on a corner lot to remain. The subject property is located in Land Lot 229 of the 5th District and fronts on Thornton Drive.**

Nancy Pavon began by stating that she lives at 105 Thornton Drive. She said that we purchased the house about two (2) years ago and it came with an existing pool. She explained the house was not pretty but what really caught my eye was the existing pool, because we have four (4) children. She added, I knew immediately that the moving process would be easier for us because of the pool for our four (4) children. She said the house was not pretty but it is beautiful now but now I love the way it looks. She stated the house is a little different; the address is 105 Thornton Drive; the door faces Kenwood Road; the mailbox is on 105 Thornton Drive, so it has a two (2) front yards, I am not really familiar with that. She added the house has two (2) additional doors one (1) of the doors is actually on the left side, so it faces one of my neighbors. She also added, the second door, we don't have a back door, this door literally takes us to the deck next to the pool. She explained we didn't know it didn't have a permit, but what we tried to do was get a roof for the deck, so when the kids go in the pool, but we had no clue it didn't have the needed permits. She concluded again we just recently bought the house, and we have been working on it, but we love the house and the pool was one of the reasons we purchased the home.

Chairperson Hopkins asked the petitioner is there any additional information you wish to add.

Nancy Pavon added we have neighbors that knock on our door to see how the house looks and to thank us that the neighborhood looks so much better. She concluded we are grateful that our neighbors are happy.

Bill Beckwith said may I ask you Ms. Pavon so when you did the work when did you find out the pool is not in compliance.

Nancy Pavon replied we found in the middle of summer (July) because we had just repaired the pool because that was part of the work, the pool was a mess. The kids wanted to go into the pool and when they come out they are hungry, so we wanted to grill but it was so hot and there was no roof, the sun was literally on top of us, we figured we would go and find out if we need a permit or something we can to cover that area up. When we took pictures to show what areas we wanted to cover up that's when they told us there was no permit for the pool.

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

Kim Jeffords (100 Thornton Road) stated that she lives across the street. She said that she has been there since 1981 and I know when the pool was built. She added I am really

surprised that they cannot find a permit considering the fact that their next door neighbor to them actually complained that they were unable see the entrance. She stated the police checked it out and told them at that time that they had nothing to stand-on, there was nothing done wrong. She explained the pool was built either in 1984 or 1985 so for what I understand it is possible they were not original, it was built as an addition. She said they have done a wonderful job, it looks so much better than what it has in many, many years. She noted that her grandchildren go across the street to swim with them. She added to be honest with you, if they close that down, it's going to be an eyesore and a health hazard. She concluded I really don't see any reason this should not be approved.

Chairperson Hopkins responded thank you, anyone else to speak in favor of.

Kimberly Ball (240 Little Creek) said that I actually live in the subdivision. She explained I didn't know what the zoning signs were for and I just happened to see the signs up in the subdivision. She said I have lived in the area since 1999 and she is right, that house has been an eyesore for the longest. She added you guys don't know me, but I live in the neighborhood, but you guys have a done a wonderful job with that house. She concluded I really think that petition should be approved because you guys have done a wonderful job with that house, because it was an eyesore for a longtime and now it looks 100 percent better.

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

Nathan Crutchfield (320 Thornton Drive) stated that he lived on Thornton Drive for approximately 30+ years. He explained we drive by this house routinely probably two (2) to three (3) times a day running errands, maybe not quite that but at least daily. He said the house had become an eyesore before they moved in and they greatly improved the property and the look and feel of the house. He added in reading the notes that were turned in, I didn't realize you could have two (2) front doors. He noted that it's on a corner so what we thought was a front yard, now its two (2) front yards, that doesn't make sense to me. He stated the house has been really improved since they have been there and we would like to thank them for that. He concluded I can vouch for what the previous two (2) speakers said, they have done a good job.

Chairperson Hopkins responded thank you, anyone else to speak in favor of.

Eloise Delane (115 Thornton Drive) said we have been there 23 years, the subdivision is getting older and thankfully we are getting younger people in there because most of us are seniors and we actually have kids in there again. She added they have really improved that property.

Chairperson Hopkins responded anyone else to speak in favor of.

Chairperson Hopkins asked if anyone wanted to speak in opposition. Being none, she turned it back to the members of the ZBA for discussion.

Tom Waller made a motion to approve Petition No. A-706-19. Therol Brown seconded the motion.

John Tate commented that I just want to say that I do agree that the pool is actually bricked as opposed to wired fence or something that you can see, and you actually would not know that a pool is there. I drove by and it does look really nice.

The motion passed 5-0.

There being no further business, Bill Beckwith made the motion to adjourn the meeting. It was seconded by John Tate. The motion passed 5-0.

The meeting adjourned at 8:02 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



MARSHA HOPKINS, CHAIRPERSON



HOWARD L. JOHNSON, ZBA SECRETARY