

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on October 28, 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: Channele Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on August 26, 2019.

Tom Waller made a motion to approve the minutes of the meeting held on August 26, 2019. John Tate seconded the motion. The motion passed 5-0.

2. Consideration of the Minutes of the Meeting held on September 23, 2019.

Tom Waller made a motion to approve the minutes of the meeting held on September 23, 2019. Bill Beckwith seconded the motion. The motion passed 5-0.

PUBLIC HEARING

1. Petition No. A-709-19, Danny Dougherty, Jr and Patricia Nolde, owners, request the following variance: Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 60 feet to allow the existing hanger to remain. The subject property is located in Land Lot 65 of the 5th District and fronts on Lester Road.

Danny Dougherty stated this petition is for a variance for zoning for an existing structure. He said the existing structure was built I believe about 1975 when Lester Road was still a gravel road. He added we have recently rezoned from R-40 to A-R which changed the setback and put the existing structure within the setback, we are looking for a variance to keep the existing structure.

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

Norman Nolde (202 Davis Road) stated that he is a resident of Fayette County. He said that Danny Dougherty is his son-in-law and Patricia Nolde is his daughter has an investment in the property as well. He noted that she would be here tonight speaking on her behalf but right now she is at a small farmers seminar in Lexington Kentucky. He stated that this part of the grand plan to use this as A-R. He said again, Lester Road was a gravel

road when the hangar was first built. He explained if you take a look at the map, you will notice Lester Road was a lot closer to the property and then they paved the road and changed the location of the road itself, so a lot of changes have gone on. He added to move this hangar would be a great financial burden and it is also used in the operation of the farm that my daughter is trying to establish. He concluded she is well on her way, she probably produced over 1000 pounds of tomatoes this year, so we are asking for a favorable approval of this variance because it doesn't change much, other than the fact we are growing tomatoes and other vegetables there instead of grass, thank you very much.

Chairperson Hopkins stated if there is anyone in favor of the petition you more than welcome to please step up now. Being none, she asked if there was anyone in opposition who wished to speak.

Being none, she turned the item to other members for discussion.

Bill Beckwith stated I do have a comment, I was at the Board of Commissioner's meeting when the re-zoning was approved from R-40 to A-R. He added it was pointed out by more than one (1) of the Commissioners that is a very unusual situation to go from a residential to an agricultural situation. He said the way Ms. Nolde explained was she was going to produce vegetable and re-establish a farm, which was quite unusual in the County. He explained that the Board of Commissioners meeting was very much in favor of this and the only problem they will have to deal with is this variance to change the distance, as pointed out by Mr. Nolde, the road location changed, the setback from the road caused this situation.

Therol Brown made a motion to approve the variance to reduce the front yard setback from 100 feet to 60 feet to allow the existing hanger to remain. Bill Beckwith seconded the motion. The motion passed 5-0.

Danny Dougherty responded thank you very much.

Bill Beckwith replied congratulations with that project.

2. **Petition No. A-710-19, Estefana Juarez, owner, and Wendy Mendez, agent, request the following variances: a) Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 68 feet to allow the construction of an addition to an existing single-family home. b) Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the south side yard setback from 50 feet to 36 feet to allow the construction of an addition to an existing single-family home. c) Variance to Sec. 110-125 A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 77 feet to allow the construction of a proposed garage. d) Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the north side yard setback from 50 feet to 38 feet to allow the construction of a proposed garage. e) 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(s) 196 of the 13th District and fronts on Westbridge Road.

Wendy Mendez introduced herself and the owner, Estefana Juarez. She said that we are here because Ms. Juarez bought the property. She explained my husband and I looked at the property and decided to purchase it from Estefana Juarez, so she helped us and bought it for us. She explained now we want to extend the home because we have two (2) kids and wanted to make it bigger so we can have bedrooms for them. She added the property is zoned A-R but the property it is not a whole acre, so the setbacks only gives us only a small amount of space where we can build, actually the home that is already there is within the setback, so we are asking that you give us more room so that we can extend the home and build the garage.

Chairperson Hopkins asked is there is anything you want to add to that.

Wendy Mendez stated that Estefana Juarez doesn't speak a lot of English so I will translate her comments.

Estefana Juarez (translated from Spanish to English by Wendy Mendez) stated that hopes that the Zoning Board of Appeals would consider the fact that we are in an A-R district and are not able to extend it because of the setbacks.

Chairperson Hopkins asked is there is anyone else to speak in favor the petition.

Chairperson Hopkins asked is there is anyone to speak in opposition if the petition. Being none, she brought the item to the Zoning Board of Appeals for questions.

Tom Waller asked how long has the property has been vacant.

Wendy Mendez replied it was vacant before we bought it, but I am not sure before then.

Tom Waller asked when did you buy it.

Wendy Mendez replied I bought it in 2018.

Tom Waller replied in 2018, but you don't know how long it's been vacant.

Wendy Mendez replied, no.

Tom Waller replied okay, thank you.

Chairperson Hopkins responded I do have a question. The structures that are there now on in the back, is that an actual house or livable area. Those are the structures we are being asked to consider to leave remaining, is that right Chanelle.

Chanelle Blaine replied yes.

Wendy Mendez replied it a shed and a storage building.

Chairperson Hopkins replied oh, okay.

Bill Beckwith asked your plan will double the living space in the house, is that right.

Wendy Mendez replied it's not 100 percent double, we are moving it eight (8) feet back and 14 feet to the side plus the new garage. She added well I guess could be double, yes.

Bill Beckwith replied okay, it is a substantial amount because you need the room for yourself and your family, is that right.

Wendy Mendez replied yes, because the size of the home right now only will allow me to have two rooms and maybe one (1) bathroom.

Bill Beckwith replied I would image a 1952 house in that area was probably that size.

Chairperson Hopkins stated I don't have any additional questions, if the panel doesn't then I just need to know if we need to take each a vote on each or take it as a whole.

Chanelle Blaine replied I would do each one (1) a, b and c.

Chairperson Hopkins asked do I have a motion for a) Variance to Sec. 110-125. A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 68 feet to allow the construction of an addition to an existing single-family home.

Therol Brown made a motion to approve a) variance to reduce the front yard setback to allow the construction of an addition to an existing single-family home. John Tate seconded the motion. The motion passed 5-0.

Chairperson Hopkins asked do I have a motion for b) Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the south side yard setback from 50 feet to 36 feet to allow the construction of an addition to an existing single-family home.

Therol Brown made a motion to approve variance b) to reduce the south side yard setback to allow the construction of an addition to an existing single-family home. John Tate seconded the motion. The motion passed 5-0.

Chairperson Hopkins asked do I have a motion to approve c) Variance to Sec. 110-125 A-R, (d)(4)(a)(1), to reduce the front yard setback from 100 feet to 77 feet to allow the construction of a proposed garage.

Therol Brown made a motion to approve variance c) to reduce the front yard setback to allow the construction of a proposed garage. Bill Beckwith seconded the motion. The motion passed 5-0.

Chairperson Hopkins asked do I have a motion to approve d) Variance to Sec. 110-125. A-R, (d)(4)(6), to reduce the north side yard setback from 50 feet to 38 feet to allow the construction of a proposed garage.

Bill Beckwith made a motion to approve variance d) to reduce the north side yard setback to allow the construction of a proposed garage. John Tate seconded the motion. The motion passed 5-0.

Chairperson Hopkins asked do I have a motion to approve e) Variances, as applicable, for all existing structures and improvements to remain in anticipation of any platting which may be done in the future.

John Tate made a motion to approve variances e) for all existing structures and improvements to remain in anticipation of any platting which may be done in the future, as applicable. Therol Brown seconded the motion. The motion passed 5-0.

Chairman Hopkins stated you have them all.

Wendy Mendez replied thank you very much.

Bill Beckwith stated enjoy your new home.

- 3. Petition No. A-711-19, Rhonda and Keith Logan, owners, request the following variance: Variance to Sec. 110-137. R-40, (d) (6), to reduce the side yard setback from 15 feet to 12 feet to allow the existing house to be in compliance with a proposed subdivided lot. The subject property is located in Land Lot 132 of the 5th District and fronts on Hood Avenue.**

Keith Logan stated good evening Board members. He said I apologize for my wife, she had to go to work this evening, she could not make it here this evening. He said my request is to have the setback reduced from 15 feet to 12 feet, currently, the distance is twelve (12) and a half feet, so we are talking about a two (2) and a half foot variance request to be compliance with 15 feet side yard setback. He explained the house has is situated on the east corner, so two (2) and a half feet would have to be removed to be in compliance. He concluded so I am begging the Board members to approve this variance.

Chairperson Hopkins asked is there anyone else to speak in support of this petition.

Chairperson Hopkins asked is there anyone to speak in opposition to it, being none, she said we will bring it back to the board for questions and discussion.

Bill Beckwith said I am just curious, the lot is exactly one (1) acre that the house is located on, was it subdivided.

Keith Logan replied no it is actually three (3) acres, the existing lot.

Bill Beckwith we show a subdivided lot where the house is, that is one (1) acres and the rest is almost two (2) acres, is that right.

Keith Logan replied yes, the new subdivided lot will be two (2) acres and the exiting house structure will be on one (1) acre.

Bill Beckwith asked what is planned for the larger lot.

Keith Logan it will for be new construction.

Bill Beckwith asked Keith Logan is that your property.

Keith Logan replied yes.

Therol Brown responded I have a question. He said on the survey drawing that we have, it shows a driveway on the east side of the property coming off Hood Avenue, but the survey shows the concrete driveway to be relocated. He added however, the driveway that I saw is on the west (left side).

Keith Logan replied the actual driveway is on the left side, sir.

Therol Brown replied but your drawing maybe old, it shows the concrete driveway to be relocated but it shows it on the east side of the property, so I guess it has already been relocated.

Keith Logan replied it has not been relocated yet, the intention is to relocate it on the westside.

Therol Brown replied but when I came by to look at it, the existing driveway was on the westside.

Keith Logan then replied I am sorry, sir, I am getting it mixed-up as far as the east and west. Yes, it is on the westside.

Therol Brown replied it is on the left side of the property if you face the house.

Keith Logan replied yes, it is.

Therol Brown replied okay.

Chairperson Hopkins asked are there any more questions.

Tom Waller made a motion to approve the variance to reduce the side yard setback to allow the existing house to be in compliance with a proposed subdivided lot. John Tate seconded the motion. The motion passed 5-0.

4. **Petition No. A-712-19, Jeremy & Lisa Klinger, owners, request the following variance: Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 20 feet to allow the construction of an accessory structure. The subject property is located in Land Lot 40 of the 4th District and fronts on Hardy Road.**

Jeremy Klinger (191 Hardy Road, Brooks) introduced himself. He stated that he has a 50 foot setback on both sides of my property that is north and south. He said I am asking for a 30 foot variance to make it 20 feet so that I can build a detached garage at the end of the current driveway which will parallel to the house. He added to the left, there are three (3) neighbors. He explained our intent is to build the garage to resemble the house for any future, possible neighbors, so I am trying to do it tastefully and respectfully. He noted as you can see, the lots are long and narrow. He added that the first picture is a street view so you can get a general overview of the house layout and the yard. He also explained the second picture is a little closer and you can see behind the car there is well in the red box, that's behind the house. He noted to the right of house, you can barely see the green cap of the septic tank on the right, and the leech bed is on the front of the house, so we are somewhat limited in the area where we can put a garage as well. He concluded the last picture is just general layout with some string to give an idea of the where the garage will go, the 20 feet would go inside the woods and we still have 20 feet to our property line. He said concluded I believe that's all.

Chairperson Hopkins said I normally would ask if there was anyone else to speak in favor or opposition of this petition. (no remaining audience members)

Jeremy Klinger replied my wife was going to come but our daughter had practice tonight and a lot of homework so she was unable to make it, sorry.

Chairperson Hopkins asked are the any questions.

Bill Beckwith asked do you presently have a garage.

Jeremy Klinger replied yes we do have an attached garage, yes we do.

Bill Beckwith asked attached where.

Jeremy Klinger replied in the pictures, it is on the left side of the driveway which curves to the right, so it would be the front left.

Tom Waller asked immediately coming off the road.

Jeremy Klinger asked are you talking about the current garage.

Bill Beckwith responded yes.

Jeremy Klinger replied yes, when you come down the driveway and it is right on the other side of the sidewalk, that there the garage is.

Bill Beckwith asked are those two windows for the garage.

Jeremy Klinger replied yes, correct.

Chairperson Hopkins asked is your house the only one in the subdivision

Jeremy Klinger replied we are along a country road. He explained to our left, four (4) lots over there is a house and to our right we are actually the first set of woods because everybody to the right of us are all horse pastures. He added so we are the first lots with woods that starts the whole wooded area.

Tom Waller clarified there is no homeowners association associated with this.

Jeremy Klinger replied no.

Tom Waller also asked if the well is a functioning well.

Jeremy Klinger replied yes it is, it is what we use.

Tom Waller asked are all of your utilities buried,

Jeremy Klinger replied yes this was a new build finished in July

Therol Brown stated Mr. Klinger, I looked on the side of your property, but it looks to me that if those stakes on the left of your driveway are your property line, so I would question whether or not you will have 20 feet. He added I did not have a tape measure with me, but that is not our decision but it looks from sitting in your driveway based on these plans, you may not have 20 foot clearance.

Jeremy Klinger replied I measured the best I could with the tape measure. He explained actually, it looks like the streamer on the trees is the line to tell them where to stop cutting down trees. He added there is a wooden stake on the left side of the house, next to my car, that is labeled electric. He concluded my guess is that those are the markers where they buried the electric cables, maybe.

Therol Brown replied when I saw the wooden stakes I thought it was the property line, okay. He added again, that's not up to us, I just wanted to make sure you measured it.

Tom Waller made a motion to approve the variance to reduce the side yard setback to allow the construction of an accessory structure. John Tate seconded the motion. The motion passed 5-0.

Chairperson Hopkins stated I don't think we have any further business, I think we are ready to adjourn, I am ready for a motion.

Therol Brown made the motion to adjourn the meeting. It was seconded by John Tate. The motion passed 5-0.

The meeting adjourned at 7:31 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**


MARSHA HOPKINS, CHAIRPERSON


HOWARD L. JOHNSON, ZBA SECRETARY