

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on January 26, 2015, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Bill Beckwith, Chairman  
Larry Blanks, Vice-Chairman  
Tom Mahon  
Tom Waller

**STAFF PRESENT:** Dennis Dutton, Zoning Administrator  
Peter Frisina, Director Community Services  
Dennis Davenport, County Attorney

**Welcome and Call to Order:**

**1. Consideration of the Minutes of the Meeting held on December 22, 2014.**

Tom Mahon made a motion to approve the minutes. Larry Blanks seconded the motion. The motion passed 4-0.

**2. Election of the Chairman.**

Tom Mahon made a motion to nominate Bill Beckwith as Chairman. Larry Blanks seconded the motion. The motion passed 4-0.

**3. Election of the Vice-Chairman.**

Tom Mahon made a motion to nominate Larry Blanks as Vice-Chairman. Tom Waller seconded the motion. The motion passed 4-0.

**4. Election of the Secretary.**

Tom Mahon made a motion to nominate Dennis Dutton as ZBA Secretary. Larry Blanks seconded the motion. The motion passed 4-0.

PUBLIC HEARING

5. **Consideration of Petition No. A-619-14, Charles and Annette Braddock, Owners, request the following: (1.) Variance to Sec. 110-79. (d) to allow an existing (590 sq. ft.) accessory structure to remain in the front yard. (2.) Variance to Sec. 110-79. (d) to allow an existing (435 sq. ft.) accessory structure to remain in the front yard. (3.) Variance to Sec. 110-79. (d) and Sec. 110-133. (d) (4) a. 1. to allow an existing accessory structure (100 sq. ft. well house) to remain in the front yard and reduce the setback for the well house from 75 feet to 55 feet. (4.) Variance to Sec. 110-79. (c) to increase the number of allowed accessory structures from two (2) to four (4) accessory structures. (5.) Variance to Sec. 110-79. (c) to increase the allowed square footage for accessory structures by 725 square feet, from 1,800 square feet to 2,525 square feet. The subject property is located in land Lot 52 of the 7th District and fronts on Sandy Creek Road and Lake Road.**

Charles Braddock said there are three (3) structures that are historic. He stated the middle building is an old general store with grocery permits from 1937 to 1941 issued by Fayette County. He said he would like to keep the buildings where they are due to the historic value and rural nature of this area in the County. He added that on Lake Road there is a property that has similar structures behind the house so the whole area has that character and he would like to preserve the same on his property. He said he also like to build an additional accessory structure for storage and a workshop. He stated the following concerning the six (6) justifications that need to be addressed:

1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

The property lines and building lines do not allow for the new home to be built in front of the existing barns. The barns are located at the front of the property. The new house will need to be built behind the existing barns.

2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

The applications of these regulations create a practical difficulty in the placement of the new home. The existing barns are at the front of the lot.

3. **Such conditions are peculiar to the particular piece of property involved; and,**

The existing barns are peculiar to this lot only. They were built many years ago.

4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

Relief would not cause substantial detriment to the public good nor impair the purposes or intent of the regulations. The barns have been in existence for many years and are known to exist by the surrounding property owners. Relief would be in keeping with the spirit of the purposes and intent of the regulations.

5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

A literal interpretation would deprive the applicant of the ability to maintain the unique character and setting of the lot that the barns provide.

6. **Provided that the Board may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhoods; and provided that wherever the Board shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not being complied with, said Board shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a hearing. In exercising the above powers, the Board shall not consider any nonconforming use of neighboring lands, structures or buildings in the same District, and no permitted use of lands, structures or buildings in other districts as grounds for the issuance of a Variance.**

The barns do not represent a nonconforming use.

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Charles Braddock said he sent the following memo to the Board of Appeals:

Dear Chairman Bolton and other distinguished members of the board,

I have on the agenda, a request that you approve a variance concerning property on Sandy Creek Road. There are several buildings on the property that have a history and were built during the early 1900's. If these buildings could talk they would talk to you about the hard times they went through including the Roaring 20's, the depression, World War II and other events. These historical buildings bring out the nostalgia and awe of everyone that see them.

You have pictures of the buildings from the outside but what you don't see is the people walking up to the building and walking in and picking out basic food stuff and paying using real nickels and pennies and during WWII giving the clerk government issued rationing stamps along with the coins. The reason I know this is that on the wall of the main room in one of the buildings is a series of "Grocery Permits" issued by Fayette County dated "1937", "1938", "1939", "1940". This is real history that is being torn down every day to make way for progress. In the other room in the same building is a sign labeled, "War Time Tube Replacement" and had a list of vacuum tubes that you could substitute for various frequencies because the main tubes were being sent overseas and being used by the military.

Contributing to the overall characterization of the property is barn and a working well with a shed covering that adds to the history. Each building tells its own story and together they generate wonderment of what was it like to live back then.

I believe these buildings express the rural character of the area and would like to preserve them as long as possible. When people ride by on Sandy Creek Road and see these buildings they will reflect on days gone by and wonder, if only for a moment, what it was like to live during those times.

Thanks for your time and consideration  
Charles V. Braddock

Chairman Beckwith asked if there was anyone who wished to speak in favor of the petition.

Alice Reeves said she lives at 201 Flat Creek Trail and she is representing Fayette County Historical Society and she would like to read the letter that was submitted as follows:

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Dear Mr. Frisina,

The Planning and Zoning Board has received a request for a variance at Land Lot 52 of the 7<sup>th</sup> District, Sandy Creed Road and Lake Road. The Fayette County Historical Society's Board would like to ask that you approve this request.

Fayette County was once a rural farming community. Yet today very few farm structures have been saved. We believe the barns on the Ellington place are more than 50 years old. The property owner is willing to preserve them, if allowed this variance.

Most of our historic preservation has happened because the County (Courthouse, Starr's Mill) or the City of Fayetteville (Holliday/Dorsey/Fife House, Train Depot, and City Hall) has stepped in. In the case of The Ackert Train Station and Mclucas Store, they were saved by Jim Minter. So it is heartening that someone else is also willing to save part of our local heritage.

The Ellingtons were charter members of the Fayette County Historical Society and active in the Sandy Creek community. We greatly appreciate your consideration of this request.

Chairman Beckwith asked if there was anyone else that would like to speak in favor of the petition. Hearing none, he asked if there was anyone who wished to speak in opposition to the petition. Hearing none he said he would bring it back to the Board.

Tom Mahon asked Mr. Braddock what his intent is with the buildings as to what he is going to put in the buildings or is he going to turn them into museums.

Charles Braddock said he hasn't given the future use much thought but right now he just has stuff stored in the buildings and he would like to restore the buildings. He said he has no idea how zoning would affect them as a museums. He said was a history teacher, he just likes historic stuff.

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Tom Mahon asked Pete Frisina with old buildings we have rules that say when they fall down you can't replace them so what happens in a case like this where these buildings are destroyed and we don't want them replaced with something brand new, how do we handle this type of situation.

Pete Frisina said that portion of the ordinance addresses non-conforming structures where if they are damaged to the point where the cost of replacement is of a certain percentage of the value of the structure it cannot be replaced. He said if the ZBA grants variances to these building they would be considered to be legal non-conforming structures.

Tom Mahon said unless we propose conditions on the variances.

Pete Frisina said the ZBA could place conditions on the variances.

Tom Mahon said he didn't want to set precedence of putting building in the front of lots so if these buildings are destroyed the ZBA could place conditions that they can't be rebuilt.

Charles Braddock said his understanding of the rules is it was only for these building to remain and if something happened to destroy them they couldn't be replaced.

Tom Mahon said he wanted that stated in the minutes so there wouldn't be any confusion in the future.

Charles Braddock said he wouldn't want to replace these building with new buildings in front of his house and the only reason to save these buildings was to preserve the history.

Larry Blanks said he didn't think we needed to worry about setting precedence as these are historic buildings.

Tom Waller said the key historic structure on the subject property was the old farm house that was torn down so why is it you tore down the old farm house but you want to keep these out buildings.

Charles Braddock said his understanding from Mr. Polzin was it was in the right-of-way and when the property was subdivided it had to be removed to comply with certain ordinances.

Dennis Dutton said when Mr. Polzin subdivided the property he had to bring everything into compliance and the house was in the setback so the plat stated it was to be removed.

Tom Waller said the old fireplace and chimney is still standing and he asked is it your intent to tear that down.

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Charles Braddock said he did not intend the tear it down.

Dennis Dutton said he didn't think it was an issue.

Chairman Beckwith said it wasn't an accessory structure.

Tom Waller said about the additional building you want, it looks like you got about 1,400 square feet not accounted for and which comes out to a building of about 37 feet by 37 feet and that's a pretty large building. He added that it is more than these entire old buildings have and if you put your driveway through that cluster of old buildings to go back and service that larger building and the house that's going to be awful crowded.

Charles. Braddock said the property goes all the way back to Lake Road.

Chairman Beckwith said the Polzins owned both of these lots and you are buying lot 2, is that correct.

Charles Braddock said that is correct.

Chairman Beckwith asked where you plan to put your home.

Charles Braddock said in the clearing right before the woods.

Chairman Beckwith asked Charles Braddock if he had considered making Lake Road the access and address for the property so these buildings would be in the back yard per the zoning ordinance.

Charles Braddock said he was told the driveway was approved for Sand Creek Road and it was a done deal.

Larry Blanks said his least favorite ordinance in Fayette County was the two front yards so he thinks it would still be in the front yard. He asked if variance number 5 was for the new accessory structure.

Charles Braddock said the new accessory structure would be partially enclosed and is to store some utility trailers, boat and a camper as well as a work shop.

Chairman Beckwith asked if the square footage in variance number 5 includes all of the

detached structures on the site.

Dennis Dutton said it included all of the detached structures on the site.

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Tom Waller said Mr. Braddock had indicated that somebody has approval to put a driveway there and it is my understanding that we have to accept where it is because it is pre-existing or grandfathered.

Pete Frisina said the Board should have a letter dated in 2007 from Phil Mallon approving the location of the driveway on Sandy Creek Road as part of the Final Plat approval.

Tom Waller asked if the removal of the old house void that driveway approval.

Dennis Dutton said it would not.

Dennis Davenport said based on the Board's discussion tonight he would like to clarify that the Board wants the buildings in the front yard to be considered as nonconforming structures for purposes of rebuilding per the zoning ordinance. He added for clarification it would be best to vote on each one of these variances separately.

Chairman Beckwith said so if we approve these variances all of the structures become legal nonconforming structures.

Dennis Davenport said that is correct.

Tom Mahon made a motion to approve Variance (1) of Petition A-619-15 to allow an existing (590 sq. ft.) accessory structure to remain in the front yard with the Condition that the structure be treated as a non-conforming structure for the purposes of reconstruction. Larry Blanks seconded the motion. The motion passed 4-0.

Tom Mahon made a motion to approve Variance (2) of Petition A-619-15 to allow an existing (435 sq. ft.) accessory structure to remain in the front yard with the Condition that the structure be treated as a non-conforming structure for the purposes of reconstruction. Larry Blanks seconded the motion. The motion passed 4-0.

Tom Mahon made a motion to approve Variance (3) of Petition A-619-15 to allow an existing accessory structure (100 sq. ft. well house) to remain in the front yard and reduce the setback for the well house from 75 feet to 55 feet with the Condition that the structure be treated as a non-conforming structure for the purposes of reconstruction. Larry Blanks seconded the motion. The motion passed 4-0.



Tom Mahon made a motion to approve Variance (4) of Petition A-619-15 with the Condition that if any of the non-conforming structures are removed, the four (4) accessory structures shall be reduced commensurately to the point where no more than

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two (2) accessory structures shall be allowed on the subject property. Larry Blanks seconded the motion. The motion passed 4-0.

Tom Mahon made a motion to approve Variance (5) of Petition A-619-15 with the Condition that if any of the non-conforming structures are removed, the total square footage of 2,525 of accessory structures shall be reduced commensurately to the point where no more than a total of 1,800 square feet of accessory structures shall be allowed on the subject property. Larry Blanks seconded the motion. The motion passed 4-0.

Dennis Davenport said what the ZBA has tonight are amendments being proposed for zoning procedures and one of the amendments is to increase the time allotted to those in favor and those in opposition to 20 minutes per side.

Pete Frisina said please be aware that the petitioner is included in that 20 minutes.


Dennis Davenport said that is the only real substantial change being proposed. He added that if a petition is tabled now, both the sign will be changed and the legal ad will be re-advertised.


Chairman Beckwith said he didn't see any issues with the amendments.

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There being no further business, Larry Blanks made the motion to adjourn the meeting and the meeting adjourned at 8:05 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

  
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**BILL BECKWITH, CHAIRMAN**

  
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**ATTEST**

