

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on January 23, 2017, at 7:37 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

**MEMBERS ABSENT:** Marsha Hopkins

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Chanelle Blaine, Planning and Zoning Coordinator  
Patrick Stough, County Attorney

**Welcome and Call to Order:**

**1. Consideration of the Minutes of the Meeting held on December 19, 2016.**

Tom Mahon made a motion to approve the minutes. Tom Waller seconded the motion. The motion passed 4-0. Marsha Hopkins was absent from the meeting.

Chairman Blanks stated that he would like the rules and procedures to be read for the Zoning Board of Appeals.

Pete Frisina interjected that we are past the public hearing point, you have closed the floor this is a continuation of your meeting and a deliberation phase from your last meeting.

Chairman Blanks stated that we have new attendees tonight.

Pete Frisina asked if he was going to open the floor again for public hearing.

Chairman Blanks replied that he would hold off. He stated that the people are here to same something I'm sure.

Patrick Stough stated that if you would like to call on them you can, but there is no right to speak.

**PUBLIC HEARING**

**2. Consideration of Petition No. A-642-16, Isaias Sandoval, Owner, and Tracy Trite Waldrop, Agent requests the following: Variance to Sec. 110-125. A-R, Agricultural-Residential District, (d) Dimensional requirements, (6) Side yard setback: reduce side yard setback from 50 to 6 feet to allow an existing well house to remain, to reduce the side yard setback from 50 feet to 31 feet for an**

**existing garage to remain and to reduce the side yard setback from 50 feet to 27 feet for an existing shed to remain. The subject property is located in Land Lot 182 of the 4<sup>th</sup> District and fronts on Mud Bridge Road.**

Pete Frisina stated that you have already made a motion and approved the variances to the well house and existing garage. He said they are now making a deliberation on the third structure which was the shed behind the garage.

Chairman Blanks stated they made the motion last month to table that to give an opportunity for the petitioner to make some arrangements to see if they would need the variance or not.

Chairman Blanks called on the agent Ms. Waldrop to make her presentation.

Tracy Waldrop stated that she was an attorney for the Sandoval's and was at the last public hearing. She said that they were discussing the shed and it was tabled to see if they were able to even need the variance by purchasing some of the land next door. She added that they were not able to purchase any of the land adjacent to the property right next to the shed. She stated that they did have it surveyed and the copy should be in the file. She said they were going to need approximately 1,000 square feet from the Shell's property and 2,000 square feet of the Baird's property. She added that she was unable to make contact with the Baird's, and Mr. Sandoval was able to make contact with the Shells. She stated that the Shells are here tonight and they do not wish to sell any of their property. She said that their deed did not give them an acreage, but they were able to get it drawn out and figured it was close to the Bairds which was 5.9 and the Shells would be at 5.4 acres. She said they might have a little room to sell that off and still maintain their five (5) acres, but they don't wish to do so which is absolutely their right. She added that they are here tonight and want to help the Sandovals. She stated that they are willing to testify if they need to or I can just convey what they were going to say. She said that they do not oppose and do not object to the shed (structure c), because they know it houses an RV. She added that they would much rather have the structures there rather than the RV showing on the property. She stated that the shed is much more aesthetically pleasing and does not believe it devalues their property whatsoever. She said the last time she was here they had a bird's eye view of the property that was given by Pete; and here argument at that time was if they were given a variance for structure c, even without purchasing property into the adjacent properties there was a buffer of trees there and then you get a certain acreage of clear land before you even get to the Sandoval's boundary line. She added that it didn't interfere with the look or value of the other properties. She stated they were hoping for that purchase to take away the need of the variance. She said that this was a structure that Mr. Sandoval put on the property, and he now knows that there is a much different process in doing that. She added that when they apply for the permits to renovate the home that's when he found out about those buildings being in the setback. She stated that he is requesting tonight that he be given a variance for that based on the structure not devaluing properties or lending itself to any displeasing aesthetic appeal to the property. She said that it is at least

housing an RV inside a building so it looks a little better from the road frontage and from the backs of these properties; there are some buffers there; so there is much needed space even between the structure and the boundary line. She added that the boundary line is 27 feet and there is enough space if the County needed to come in and put in an easement. She stated that he would retroactively if that is permitted apply for a permit or pay some fee for the permit.

Chairman Blanks stated that was not in their purview.

Tracy Waldrop asked the Zoning Board of Appeals if they wanted to hear from the Shells or her proffering with what they were in agreement with or would you like to ask them what she said was true.

Chairman Blanks asked if anyone would care to hear from them.

Tom Waller replied he would.

Walter David Shells Jr. stated that Mr. Sandoval was his neighbor and he has no objections to the building. He said he doesn't consider it unsightly nor does he considerate it to devalue his property; and would much rather see the RV parked in this building than exposed outside. He added that Mr. Sandoval has been his neighbor for about 10 years and is one (1) of the best neighbors he ever had. He thanked the Zoning Board of Appeals for hearing him out and asked that they take into consideration him keeping his building.

Tom Waller stated that he doesn't believe that there is anything that requires him to keep this RV in the shed. He asked if there were other vehicles parked out in the middle of the pastures down there.

Walter David Shells Jr. replied that is correct sir. He said there is a trailer parked in the pastures with the other neighbors. He added that it is certainly more unsightly than Mr. Sandoval's RV.

Tom Waller asked if there was any home owners association involved.

Walter David Shells Jr. replied no sir.

Bill Beckwith asked Mr. Shells if he lived out on Mud Bridge Road.

Walter David Shells Jr. replied no. He said our house faces Highway 92 South and that Mr. Sandoval is directly behind him. He added that they are adjacent to the log house that burned some years ago.

Chairman Blanks stated that in the drawing it was where the line protrudes out.

Tracy Waldrop replied it was the northern one (1).

Tom Mahon asked if there was room on this property, other than where it is now to place the shed.

Tracy Waldrop replied that you would have to put it behind the barn that exist on the property, or on the other side and I'm not sure on the topography in trying to get the RV to that. She added that they have the fences for the horses out there.

Tom Mahon asked if Ms. Waldrop would agree that if they gave the variance with all perpetuity with the property; even if someone put trees there right between the two (2) properties.

Tracy Waldrop replied yes.

Tom Mahon stated that there was no guarantee that the trees would stay there forever. He said they may die or be cut down.

Tracy Waldrop replied yes they could.

Tom Mahon stated that he has been on the Zoning Board of Appeals since 1983. He said that he believes that we don't set precedents. He added that the Board of Commissioners set the ordinance. He stated that since there is another area to put the shed and this is a self-induced hardship he would have trouble passing this.

Bill Beckwith stated that the last time they were here Ms. Waldrop stated that the second building was used to house horses.

Tracy Waldrop stated that was right.

Bill Beckwith asked if it was completely horses in the barn.

Tracy Waldrop replied that it is just setup for horses and there is nowhere you can park an RV.

Tom Waller asked if there was plumbing in the structure where they house the horses.

Tracy Waldrop replied no.

Tom Waller asked if the other outbuildings had plumbing.

Tracy Waldrop replied no.

Tom Mahon made a motion to deny the setback variance for building C (50 feet to 27 feet). Tom Waller seconded the motion.

Chairman Blanks stated that they try and give the benefit of the doubt to the homeowners, but Mr. Mahon makes an excellent point this was a self-induced hardship for two (2) reasons: had a building permit been requested a property line would have been noted from the beginning and this wouldn't be coming before this board tonight; he said that the variance is pretty big to be going from 50 feet to 27 feet for an existing shed. He added that he was hoping that something could have been worked out on the property but since it wasn't I agree that we can't just set this precedent.

The motion passed 4-0. Marsha Hopkins was absent from the meeting.

Tom Mahon made a motion that the petitioner remove building C from the setback within 30 days per the time allotted by the Fayette County Zoning Ordinance. Bill Beckwith seconded the motion. The motion passed 4-0. Marsha Hopkins was absent from the meeting.

Tracy Waldrop stated that there is a permit now for the renovation to the house and the shed is being used as storage for the family's house goods. She said that they will not be done with the renovations for another 60 days plus not more than 90 days. She added that it will be an undue hardship for the record in case an appeal is needed.

Pete Frisina stated that the ordinance doesn't allow you to go beyond 30 days.

Tom Mahon stated that it has to be removed, or brought into compliance cut it off, which doesn't make sense. He asked if Mr. Sandoval understands why they are doing what they are doing.

Tracy Waldrop replied yes, and that she would explain that more thoroughly to him. She stated that she doesn't know if she found that out before she spoken to him this afternoon or not. She said that she wanted to note for the record a request originally just a longer period of time because he has to move all of the stuff in there into storage for another 30 to 60 days while he is tearing that building down and renovations are being done. She added that she would speak more thoroughly to him.

Chairman Blanks stated that they did anticipate giving him more time, but checked with Mr. Frisina and was given a copy of the ordinance that states 30 days is the minimum.

Tracy Waldrop replied that she had spoken with the County Attorney on that coming in. She stated that she was aware that was probably going to be the final tonight and understood your hands are tied.

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There being no further business, Tom Waller made the motion to adjourn the meeting and the meeting adjourned at 7:24 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

  
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**LARRY BLANKS, CHAIRMAN**

  
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**CHANELLE BLAINE, ZBA SECRETARY**