

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on October 22, 2018, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia. 7

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

STAFF PRESENT: Chanelle Blaine, Zoning Administrator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on August 27, 2018.

Bill Beckwith made a motion to approve the August 27, 2018 minutes. Tom Waller seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. Petition No. A-686-18, Dayle Brown, Owner, requests the following: Variance to Section 110-125 A-R, Agricultural-Residential District. (d) (6) to reduce side yard setback from 50 feet to 38 feet to allow an existing garage to remain. The subject property is located in Land Lot 9 of the 5th District and fronts on S.R. 92 South.

Dayle Brown stated that she lived at 1440 Highway 92 South in Fayetteville and that the subject garage is approximately 800 to 900 feet from Highway 92 South and in a heavily wooded area. She said that you could see the garage on Google and on the plats but her house is not visible.

Stephanie Garcia stated that she lived at 1440 Highway 92 South as well, and is Dayle's daughter. She said how it all got started was they moved in with them with the intention of building the existing garage (not the one in question), but another garage that is attached to the house into a small suite for her and her husband. She added that they went to get it permitted and found out everything else.

Marsha Hopkins asked how long the existing garage had been there.

Stephanie Garcia replied, I'm not sure, and they can't even remember. She stated that she doesn't know the date in which it was built.

Tom Waller asked if the existing garage on a permanent foundation and if it was plumbed and wired.

Stephanie Garcia asked if it was the garage that they are building or the one (1) in question.

Tom Waller replied the one (1) we are addressing this evening.

Stephanie Garcia replied that it is on a concrete slab and was built with rebar in it; and it does have electrical and does not have plumbing.

Therol Brown asked if they assumed for years that the garage was in compliance with the setbacks, and then discovered when they did the survey; that the property line was closer than what they thought it was.

Stephanie Garcia replied I went to get a permit and she (Chanelle Blaine) actually pulled it up on Google for us. She stated that Chanelle Blaine pulled it up on Google and estimated the yardage from the property line. She said we don't know specifically, because we never had it estimated, and we can't honestly afford to have it surveyed. She added that we don't know the exact measurements, but my dad did measure from where we believe the line is to the garage and its 38 feet.

Marsha Hopkins asked if there was anyone who would like to speak in favor of the petition. Hearing nothing, she asked if anyone would like to speak in opposition. Hearing nothing, she brought it back to the board.

Dayle Brown stated that her husband was in favor, and she is her husband's guardian and conservator because of Parkinson's. She said her son-in-law was also in favor and came to help them.

Marsha Hopkins asked if there was any other discussion.

Therol Brown made a motion to approve Petition A-686-18. John Tate seconded the motion. The motion passed 5-0.

- 3. Petition No. A-687-18, Marcia E. Thomas, Owner, and Randolph Homes, LLC,. Agent requests the following: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 41 feet to allow the construction of a single family residence to remain. Variance to Section 110-77. The lot width at the building line shall be met for a depth of 80 feet. The principal structure shall be constructed within this area provided the required setbacks are met. The subject property is located in Land Lot 85 of the 7th District and fronts on Ellison Road.**

Jack Randolph stated that he was the agent for Marcia Thomas. He stated that the two (2) variances they need are for the side yard setback to 41 feet. He added that originally when he applied for the permit the house was located in the proper position. He said once

pinned out Ms. Thomas came to him, and unfortunately the house has a dog leg on the property and the dog leg stayed within the setbacks as they were meant the house would be facing the back of the house next door to her which belongs to her sister, so she asked me if I could change that. He stated that yes he could, but all he would need to do is spin the house unfortunately and mea culpa on this and I spun the house on the wrong corner into the side setback. He added that when the foundation location came back they told him he was inside the 250 foot lot width, and the line was put in the wrong place when the plat was originally formatted. He stated that they had it reset so that the house does fit within the setback 250 width for A-R and it was at that point that the surveyor that I had sent me a survey and then it showed that I was eight in-half (8 ½) feet to close to the side line which he did not tell me about initially. He stated that the other variance can be met by just redoing the plat to make the 250 foot lot width work. He added that if it was drawn according to the Code of Ordinances which says it has to be parallel to the street right-of-way and the original line is not parallel to the street right-of-way. He stated that once they made it parallel to the street right-of-way the house was within the 250 width for A-R zoning. He said that on one (1) side of the street is her sister Mary Ann and on the other side is her sister Catherine. He stated that he was open for questions.

Bill Beckwith stated the way you have the house now its 41 feet from the property line.

Jack Randolph replied yes sir. He said it's the property on the left side that belongs to her sister Catherine.

Bill Beckwith asked is that the variance you are requesting.

Jack Randolph replied that would be one (1) of them. He said the other one (1) is about the 250 foot width for an A-R because the line was drawn incorrectly by the surveyor. He stated that it can be redrawn by the surveyor to make the house fit within that requirement. He added right now the way it is platted by the surveyor it shows that I am over the 250 foot width, but they did not make that line parallel to the street. He stated that the variance will become a moot situation once they have the surveyor re-plat it.

Bill Beckwith asked if we had to consider this tonight.

Chanelle Blaine replied yes we still have to consider both. She stated that he was correct about that the line was drawn incorrectly and it should have been running parallel to the road, but it was drawn in a straight line and it is recorded.

Bill Beckwith asked what can be done to fix that.

Chanelle Blaine replied he can do a minor revision to the plat and change the line showing the lot width running parallel to the road instead of straight. She added that the minor revision would fix that variance but he stills has the side yard setback variance.

Bill Beckwith stated that he read in the packet about possibly purchasing some property from one (1) of the sisters.

Jack Randolph replied yes sir that was one (1) of the alternatives. He stated that he had researched that for his client and the bank said that it would take anywhere from seven (7) to nine (9) months. He said that they would have to completely resubmit the loan because all of the pins would have to be removed and a new legal description drawn up and title search. He added that he did not want to expend that amount of time he just opted to go and get the variance because the bank would not continue the loan.

Bill Beckwith stated that a variance is the ability for you all to break the ordinance.

Jack Randolph replied that he gets what he is saying.

Bill Beckwith stated that we always try to look for a resolution if we can for the situation without having to break the law. He said if there is a resolution no matter what the time frame is that would seemed to be something you should consider.

Jack Randolph stated that his request for the variance was based on the fact that he would like to continue construction which the bank will not allow me to do without a variance and then at that point he would be willing to have the property re-platted to where we would then fall within the zoning requirement for A-R. He said what we were going to do is not sell property but swap property because it belongs to the sisters. He added that he has a survey already drawn up showing that they will make all the requirements necessary. He stated that he would like to have the variance because it would allow him to continue to build. He added that he would make it contingent that he would have that taken care of, and then at that point we would be in all of the requirements for A-R. He said that he would need the variance for three (3) months, and once he get the CO from the bank then I can go ahead and do that. He stated that it will take me seven (7) to nine (9) months if he has to do it the other way.

Bill Beckwith stated that this is a perplexing situation and we try to recognize that there are remedies to the situation.

Jack Randolph stated he has no problem with going through that but his request would be just to get the variance so he can build the house. He said to get the bank to give him a CO at which point then we can swap property and he would be glad to come back before you and give you that plat as being recorded in which case we would fall into all of the

zoning requirements. He added but my issue at this point would be to beg your indulgence to get me the variance so he can continue to build the house to get this all mitigated with the bank in which case he can do that without having to go through a title search in seven (7) or nine (9) months to have it taken care of.

Bill Beckwith asked if the problem was with the surveyor.

Jack Randolph replied one (1) of it is with the surveyor. He said when they did the original survey the A-R lot width is 250 feet and drawn in a straight line from one (1) pin to another. He added that mistake was his and it should have been drawn parallel to the street if it were done that way originally there wouldn't be a need for the variance.

Bill Beckwith asked if it had been recorded that way.

Jack Randolph replied yes sir, it was recorded that way and the County / zoning didn't catch it either. He said at this point it made it through the system and we are trying to deal with that.

Bill Beckwith asked what about the nine (9) foot difference.

Jack Randolph replied that is not the surveyor's fault that was my fault. He stated he rotated the house into the setback. He said he can rectify that and Ms. Thomas is here and she is willing to swap property, so that we would then be within the 50 side setback as required.

Marsha Hopkins said that the second variance of eight (8) in a half feet if the remedy for that is the swapping of property with the sister then would we necessarily have to be dealing with a variance as well.

Chanelle Blaine replied no, but like he said it would take seven (7) to nine (9) months before he can do that with the bank.

Bill Beckwith said basically before you can continue to build.

Chanelle Blaine agreed.

Jack Randolph replied exactly, what I am trying to do is move along the process for my client with your indulgence of a variance. He stated after the house is built and he gets the CO from the bank that he doesn't have to require any changes with them whatsoever, than he can redo the lot so they end up having the land swapped and then house would then of course be in the setback for A-R.

Marsha Hopkins asked if they had discretion to put conditions on our approvals.

Chanelle Blaine replied yes.

Marsha Hopkins asked if we approve this first one (1) on a condition it get re-platted then how is that enforced or monitored.

Jack Randolph replied he can't get a CO without their approval. He said for them to give me the approval he would have to come in there with re-platted situation setup the way they need to be.

Chanelle Blaine replied yes, that is one (1) way we can enforce it. She stated that we have done this before not for this particular situation, but we have held people's CO's.

Marsha Hopkins asked for the second request if we grant it doesn't moot having to have the swap.

Chanelle Blaine replied yes.

Jack Randolph stated he agrees with that 100 percent, but to avoid what he thinks would be a concern of yours, he is trying to help both directions here, he doesn't want to set a precedent that you will have to deal with in the future. He said he will be more than willing to have the property swapped done which then will bring it within the requirements and no one (1) down the road will be able to come in and say, you gave one (1) to him. He added that you could use the situation that we re-platted it and brought it within zoning.

Therol Brown stated Jack you have been building homes a very long time did you think it's going to take seven (7) months to get a title search.

Jack Randolph replied he is only going by what the bank told him.

Therol Brown said he has never heard of that.

Jack Randolph stated he agreed with him totally and he argued that same point.

Therol Brown stated that a lot of our applications deal with structures that have been standing for 20 years. He said this is a new structure you have very few nails in the ground and it looks to me that we got the cart before the horse. He added that if it can be resolved by the family swapping property and a new survey line drawn and a new plat recorded it seems like to me it is in the best interest of Fayette County citizen and the family to do that. He stated that they don't like to set precedent either, and that is what they would be

doing if this variance is granted. He added he can't fathom someone taking seven (7) months to do a title search.

Jack Randolph replied that they are just talking about doing the whole loan Mr. Brown.

Therol Brown stated that he read somewhere that she has had the property since 2016; and he doesn't think even it takes two (2) to three (3) months to do it, in which he would be shopping around for another lawyer and banker but that's your business not his. He said he still say the way to resolve the issue is to do it up front through the title swap and draw the new boundaries then you want need an appeal.

Jack Randolph replied that he agreed with that and that was my original concept my thought was for my client and she doesn't want to wait.

Therol Brown interjected saying he hated that they have to wait personally too but by the same token it's caused by two (2) human errors.

Jack Randolph agreed.

Marsha Hopkins asked if there was anyone here to speak in favor of this petition.

Katherine Rice stated she owned the property at 570 Ellison Road which is adjacent to my sister's property. She said they've had that property since 1954 when my dad past away we divided the property up and I owned the five (5) acres that's adjacent to her property. She added she had no problem with giving up nine (9) feet or eight (8) feet whatever it is in order for her to get her home built. She stated we all live on that property and we will probably all die on that property, because we have children and grand-children we will leave that property to in the future. She said my daughter lives in the house at 570 Ellison Road. She added that we have all lived there most of our lives at times we have been out, but most of the time we have lived there together and we will continue to do so. She stated she would prefer the variance over having to swap the property, because they have already done all of that and they have had all of the plats done and recorded. She said for eight (8) feet she knows that there are rules and regulations and she doesn't want to break any laws, because she's not that sort of person, but over eight (8) feet she just doesn't see the problem. She added she is willing to allow her to have that amount of property if we have to go that route, but she would just prefer the variance.

Marsha Hopkins asked if there was anyone else to speak in support of the petition. Hearing none, she asked if anyone would like to speak in opposition. Hearing none she brought it back to the board.

Therol Brown made a motion to deny Petition A-687-18. Bill Beckwith seconded the motion. The motion passed 5-0.

- 4. Petition No. A-688-18, Gary Sinse Foundation/Eric Hunter, Owner, requests the following: Variance to Section 110-125 A-R, Agricultural-Residential District. (d) (4) to reduce front yard setback from 75 feet to 40 feet to allow an existing single-family residence to remain. The subject property is located in Land Lot 164 of the 4th District and fronts on Evans Way.**

Ed Hamlin stated he is the builder of the home and he is here to represent the Gary Sinse foundation. He said this is so much similar to the case they just heard. He added that he would take full responsibility for the house being over the build line. He stated we're making this request, the home is completely finished and CO; the family is in it. He said as the builder he is responsible for checking the surveyor; he made the call he came out and shot the pins and he didn't get back with me and he didn't follow up. He added that the house was staked 75 feet from the property line. He stated that they moved the house as close to the property line as we could because if you move it further away the land falls off the land is low in the back, so we kept it up hill as far as they could. He said the homeowners came out and wanted to see the front of the house as you pulled up the driveway instead of the back of the house. He added like Jack's situation they had to rotate the home to appease the homeowner. He stated the mistake that was made instead of using the back corner which would move the whole house away from the line, they used the front corner so when they pivoted it, it encroached. He said we got with the neighbors which are the five (5) acre lot beside us, and they said they were fine with it; I even walked the line with them. He asked that they grant this request.

Bill Beckwith asked Ed Hamlin to explain what the Gary Sinse Foundation is all about.

Ed Hamlin stated the Gary Sinse Foundation has several programs and the one (1) he has worked with on is they build homes for veterans at no cost to the veteran. He said that Gary Sinse is the actor that played Lieutenant Dan in Forest Gump. He added he plays in a band and was playing overseas; he is really committed to helping the service men and women and first responders, and he visited Walter Reid and he saw a quadruple amputee and this is how it all got started. He stated he took money out of his own pocket and built this guy a home; after he did that he met the guy's friend who was a triple amputee and he built him a home. He said he is very passionate about it and just couldn't continue doing it out of his pocket so he started this foundation. He added he services policemen and firemen; there was a policeman who was paralyzed from the neck down his foundation built him a home. He stated Gary Sinse approached Sgt. Hunter and Eric chose Fayette County to raise his family. He said about nine (9) months we came, and the County was so warm with the proclamation night with the family. He added they built the home and he takes full responsibility again because he is supposed to be watching everybody. He

stated they didn't catch it at foundation stage; usually this is caught because they require a foundation survey. He said he knew every County is different and this is the first time he has built in Fayette County; he called in for an inspection and they said we don't do that inspection here; after that he stopped calling. He added later on once the foundation was done, the silk fencing and the plumbing were all done, and that was one (1) of the things that they did not inspect. He stated he did not provide a foundation survey and they didn't ask for one (1) until the very end just two (2) weeks before the unveiling ceremony. He stated he was going for the CO and it comes out that he needs a foundation survey. He said no problem he will get it over to you. He stated you talk about a sinking feeling when he got the call that he was over the building line and he said he has never had that happen in 32 years. He added that he apologizes, and that is why we are here.

Marsha Hopkins asked if the floodplain impacted the building in anyway.

Ed Hamlin replied honestly no, he did know the floodplain was there. He said the property is flat and the home was moved to the highest part. He added they brought all the dirt they could from the bank to try and fill in; being in a wheelchair the house is spread out and has a huge footprint. He stated to answer your question no we had room to move out further the mistake was made where they preferred to have it; he had it right at 75 feet but when it was rotated that back corner moved it over the building line.

Marsha Hopkins asked if there were any issues with the septic system.

Ed Hamlin replied no, we have a good system.

Bill Beckwith said Chanelle the 75 foot building line is a little unusual, where did that come from?

Chanelle Blaine replied on corner lots we use to measure from the road and it had a front setback; and being that Evans Way is considered a local road the front setback would be 75 feet. She said we run the setback from where the property meets the 250 foot width back 75 feet. She added that she would like to make mention to them that staff has amended the ordinance for nonconforming and flag shaped lots they no longer have fronts and rears they only have sides. She stated that if the property was brought in to us today the 75 foot setback would be 50 feet; we've had some issues in the past for flag-shaped lots and staff thought this was the best route since we were having so many variances.

Therol Brown said this was already permitted and doesn't fall under the new classification.

Chanelle Blaine replied it does not fall under the new classification, but she just wanted let them know that the ordinance has been amended.

Therol Brown said thanks.

Bill Beckwith said if this were to fall under the new ordinance.

Chanelle Blaine interjected that he still wouldn't meet it.

Bill Beckwith stated that it would be 10 feet instead of 30 or 45 feet.

Chanelle Blaine agreed yes, it wouldn't be as bad.

Bill Beckwith asked has the landowner of lot 14 been contacted for a land swap.

Ed Hamlin stated he is here this evening.

Bill Beckwith asked if he would be speaking in favor or opposition.

Ed Hamlin replied in favor.

Steven Freeman stated he owned the lot adjacent to the Gary Sinse home and he had no problem at all with where the house is. He said he preferred that they give him the variance.

Ed Hamlin stated Mr. Freeman expressed to me that he is not keen on swapping property lines.

Therol Brown asked Mr. Freeman if he would be willing to trade or either sell.

Steven Freeman replied no sir, he really wouldn't be willing. He stated when he gets ready to sell his house he wants a straight property line across there.

Bill Beckwith asked how many acres is your lot Mr. Freeman.

Steven Freeman replied five (5).

Marsha Hopkins asked if there was anyone else who wanted to speak in favor of the petition. Hearing none she asked if there was anyone who would like to speak in opposition to the petition. Hearing none she brought it back to the board.

Therol Brown made a motion to approve Petition A-688-18. Tom Waller seconded the motion. The motion passed 5-0.

- 5. Petition No. A-689-18, Brent D. & Georgianna Ragsdale, Owners, and Charles H. Jackson, Agent requests the following: Variance to Section 110-125. (d) (6) to reduce side yard setback from 50 feet to 40 feet to allow an existing single family residence to remain. The subject property is located in Land Lot 32 of the 7th District and fronts on Quarters Road.**

Charles Jackson stated he guess you guys have seen the plat that was submitted. He said what's happen was property was bought, subdivided, and lots sold off and built on which happened with the Ragsdale's; their neighbor several years after they had been there, had their property surveyed and evidently there has been some disagreement about where the property line is. He added that another surveyor did the building property and another surveyor did the adjoining property and they did the favor of calling me and getting me in the middle of this. He stated he went out to see what was right and what was wrong and he has actually surveyed all the fronts from the bend at the north end of Porters Road and all the way down to Alexander Ware Road. He said the problem is if you took all the deeds and added up all the distances there is not enough distances there. He added unfortunately for the Ragsdale's they're the ones that got squeezed or caught. He stated that the Ragsdale's have gone to the Best to offer to buy a strip to get back to their original line of what they bought, but the Best are not willing to sell. He added that if they hold the line that the other surveyor has called for the Best we are 40.1 feet off the property line. He stated its 50 right now, but that is the problem in a nutshell and that's why we need the variance.

Bill Beckwith asked if this boundary issue going to be resolved.

Charles Jackson replied yes if you go ahead and grant the variance he'll go ahead and accept the new property line, and I'll re-plat it; they have bought additional property from an ad joiner even if he gives up this triangle on the side more or less he will still have the five (5) acres there so it will still conform to the zoning ordinance more or less.

Bill Beckwith stated he meant the side-line the one (1) that's in dispute. He asked will that be resolved and how will that be resolved.

Charles Jackson replied it will have to be resolved by the Ragsdale's accepting the other surveyor's determination of the line. He stated that's what he will do; he has already prepared a plat that shows the lot reconfigured with that line and also including its Tract 2 on my plat there what the Ragsdale's purchased from the ad joiner in order to keep the lot at five (5) acres.

Bill Beckwith asked if it is Tract 1A that he was talking about.

Charles Jackson replied Tract 1 is 4.5 acres, Tract 2 is the one (1) in the back, and Tract 3 is the sliver of land that's in dispute.

Bill Beckwith stated that it shows Tract 1A on the survey.

Charles Jackson apologized and said you have an old plat.

Therol Brown asked if the Best and the Ragsdale's can't reach an agreement it would be up to the courts wouldn't it.

Charles Jackson replied, yes if you don't grant the variance they have no other recourse than to take it to court. He stated that he is not sure on how they would decide. He said he has been surveying for 42 years and like he said this is just a case of the land not being there. He added that the Best and the original property owner, that the builder had bought the property from there was another piece of property in-between them, and they agreed to buy the property and split it. He stated that is where the error came from and he doesn't believe there was a good survey done of it. He said the Best ended up having their property surveyed and monumented. He added that wasn't discovered by the surveyor for the builder / developer.

Therol Brown stated the reason he asked because there may be a chance that the Ragsdale are right, and if that's the case you don't need a variance.

Charles Jackson replied that's true, but they have a situation where the Ragsdale's have their house on the market and they have a buyer and they need to get the issue resolved.

Therol Brown stated he was not aware of that and it changes everything.

Brent Ragsdale stated we bought the house in 2007; Mr. Best was going to have his lot right next to us and he was going to have some trees cleared so he brought a surveyor out. He said when he surveyed it that is when he discovered a 10 foot difference in the line. He added that he approached Mr. Best at this time and said it would be best if you let me buy this sliver and he doesn't have to pay Charles or another surveyor to come out; and he wouldn't do it. He stated he would not sell me the land and demanded that he get his fence and rock wall off his property. He said to Mr. Best we have a difference of opinions on our surveyors and that is when he brought Charles out. He added that Mr. Best passed away on last year and that is when he approached Faye Best about getting it resolved. He stated that she was in agreement about getting it resolved, and he approached her again, and told her he was willing to pay double the market value for this little slither of land, and she wouldn't do it. He said that he told her we would have to get the courts involved if we couldn't get an agreement on the line. He added that he thinks she finally came to her senses and he told her we can do a boundary agreement and that he would be willing to accept that line if you will give me an encroachment agreement and not make tear down the fence and all of the landscaping improvements we have done and that should resolve this issue. He stated that would be to our buyer's satisfaction as well.

Therol Brown asked has she agreed to do that.

Brent Ragsdale replied she has agreed to do that. He stated that we are drawing up documents as we speak and he is hoping she will sign them and we can move forward.

Therol Brown stated that he wasn't aware that he was selling his property and that the courts would take at least two (2) years to settle the problem. He said he was thinking you may prevail in court.

Brent Ragsdale replied he probably would after we've done the research, but he would rather not have to do it.

Charles Jackson stated he could argue all day with him but you don't know how he will decide.

Marsha Hopkins asked if there was anyone else to speak in favor.

Elias Makres stated he built the house for Mr. Ragsdale. He said in 2003 he bought shy of 23 acres from a gentleman named Mr. Sullock and he had it subdivided before he bought it with Delta Surveyors, and he brought the plat to Planning & Zoning and they approved the plat. He added that he gave them an easement that they asked for to pull the property back. He added that they approved the subdivision of the 24 acres and four (4) lots; he built his house on one (1) of the lots and there was an existing home on it and he built two (2) other houses on the property. He stated that Mr. Ragsdale was one (1) of them at five (5) acres the two (2) front lots on Quarters Road at five (5) acres. He said he heard two (2) other builders up here saying they weren't paying attention their houses were over the setback line; he's always prided himself for being the guy that did pay attention he had the foundation put in, and he had the property surveyed. He added that he had the foundation surveyor take the survey to the Building Department; he did all the requirements that are supposed to be done, and 10 years go by and all of sudden Mr. Best surveys his property and says the line is supposed to be over here. He stated that his surveyor said no, my survey is correct based on the 25 acres that he purchased. He said the survey is a recorded plat and has been approved by the County. He added what Mr. Jackson is telling you is that he surveyed the property going all the way down Quarters Road and somewhere along Quarters Road there is 10 -12 feet of property missing and the likely scenario is the man he bought the property from and Mr. Best purchased a piece of property that was between them that was 14 acres. He stated that when they purchased the property they bought it from someone who had the property for a long time and had an old survey and they didn't have it resurveyed; and just assumed that survey was correct. He said they split it down the middle and said this is where the line is going to be right here; then when they actually got surveyors involved in it; the surveyors for my property that I bought from Mr. Sullock when you come over on this side the line is right here and you come from

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Mr. Best side the line is 10 feet over. He added that the lines overlap each other; so that was either a mistake the surveyors made years ago or when they split the property they stuck the pin in the wrong spot. He stated that this is absolutely no one's fought other than it's just the circumstances that have occurred here. He said it would have been easier for the Best to say we are going to give you this sliver, no big deal, but for whatever reason the neighbor is being hard to deal with so the only recourse is to come here and ask for a variance. He added that it is not that the house was built in the wrong place according to the plat that he had and the property that he bought and the plat that he recorded.

Bill Beckwith stated that this house is built according to the recorded plat of your property; to me that's the way it should be and is the right way to do it.

Therol Brown stated and the County approved it.

Marsha Hopkins asked if there was anyone else to speak in favor of the petition. Hearing none she asked if there was anyone who would like to speak in opposition to the petition. Hearing none she brought it back to the board.

Bill Beckwith made a motion to approve Petition A-689-18. Therol Brown seconded the motion. The motion passed 5-0.

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

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



MARSHA HOPKINS, CHAIRWOMAN



ZBA SECRETARY