

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 28, 2016, at 7:00 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
Masha Hopkins

MEMBERS ABSENT: Tom Mahon

STAFF PRESENT: Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning and Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on October 24, 2016.

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

Chairman Blanks stated that it normally takes three (3) votes to approve or deny something; it still takes three (3) votes even though we only have four (4) members present. He said if you would like to wait until we have a full board you can let us know now, and we can carry this over to next month, or if you would like to proceed we're happy to hear the petitions tonight.

Hearing none Chairman Blanks proceeded with the petitions.

PUBLIC HEARING

2. Consideration of Petition No. A-640-16, Johnny Black, Owner, request the following: Variance to Sec. 110-125. A-R, Agricultural-Residential District, to reduce side yard setback from 50 to 30 feet to allow an existing garage to remain. The subject property is located in Land Lot 95 of the 4th District and fronts on Morgan Mill Road.

Johnny Black stated that he lives at 555 Morgan Mill Road and is the property owner. He said that he has an existing garage that was built in 2005; bought the property in 2000; and built the house in 2001. He added that a few months ago they had a survey done and found out that the garage was built 20 feet shy of the 50 foot setback. He asked for the variance of 30 feet, and has said the building has been there for about 11 years.

Chairman Blanks asked if anyone else would like to speak in favor of the petition.

James Houston stated that he lives at 551 Morgan Mill Road and his property adjoins the Black's access to the shop parallel his property. He said that the building is probably 200 feet off the corner of his house. He added the shop is well maintained and has no problem with the shed staying where it is. He stated that Mr. Black is his neighbor and it has worked out fine with us.

Bill Beckwith asked if he was on the eastside of the property driving in the driveway.

Larry Houston replied yes.

Chairman Blanks asked if anyone else would like to speak in favor of the petition. Hearing none he asked if anyone would like to speak in opposition of the petition. Hearing none he brought it back to the board.

Bill Beckwith stated according to the history the garage was permitted, built, and given a Certificate of Occupancy; is that the garage we are talking about. He said that the County doesn't require a foundation survey, but he has a CO for that building. He added that the garage measured 52 feet from the property line and was drawn on the existing plat. He stated that a permit was issued and inspections were done in October 2005 and a CO was issued. He asked if a survey was done later for another building.

Johnny Black replied yes.

Bill Beckwith stated that at that time they found out that the garage was not 52 feet but 30 feet.

Johnny Black replied yes.

Bill Beckwith asked how it happened the garage was 52 feet from the east property line and ended up being 30 feet.

Johnny Black replied that they were confused because when they had the building permitted it was passed on. He stated that now that it has come back up after we have had this huge survey done it was said to be 32 feet but the original survey when we built the garage said it was good. He reiterated that when they originally built the garage it was said to be within the boundaries.

Bill Beckwith said based on that the County said you could go ahead and build.

Johnny Black replied yes sir. He stated that they gave him the okay and sign off on everything. He said since they built it two (2) years ago they have poured ten-thousand

dollars' worth of cement pad up to it. He added that he couldn't tell you the difference on what happen but when they originally built the garage it was permitted and it was good.

Chairman Blanks asked if it was two (2) different survey companies.

Johnny Black replied yes sir. He stated that he could not remember the first surveyor that done it, but everything was checked out when they originally built the garage. He reiterated that they didn't know they had a problem until they had the other survey done.

Marsha Hopkins stated that the original permit was granted in 2005; so from 2005 to September 2016 was it in use as anything else other than what you were proposing to use it for.

Johnny Black replied no mam it's just a garage. He stated that the only things that are kept in there are their Christmas decorations, his sons things, boat, and lawnmower.

Marsha Hopkins stated that it sounds like the reason for the survey was because you were changing the use, and that's what was required.

Johnny Black replied no mam they are doing another building and they needed a survey done. He stated after having the survey done they realized the building was too close.

Chairman Blanks asked if there were any other questions. Hearing none he asked for a motion.

Bill Beckwith stated that it seems like the County approved this and the location and whatever happen in the meantime was not Mr. Black's fault.

Bill Beckwith made a motion to approve the setback variance. Tom Waller seconded the motion. The motion passed 4-0. Tom Mahon was absent from the meeting.

3. **Consideration of Petition No. A-641-16, Gene and Claudia Lacy, Owners, request the following: Variance to Sec. 110-79 (d). Accessory structures and uses, to allow the construction of a detached garage located in the front yard. The subject property is located in Land Lot 88 of the 7th District and fronts on Ellison Road.**

Gene Lacy requested a variance to build his garage in the front yard. He stated that the garage would be to store older cars. He said that their lot is unique because it's a pie shape and there are boundaries of the lake that is behind them that keeps them from building anything back there. H added that they have a septic tank, well water tank, and underground propane tank that keeps them from building back there. He stated that where they are trying to build this it

has to be 50 or 40 percent that has to be aligned with the house; because of the setback of the lake we have nowhere else to go with this. He said that they are not close to anyone's property line because of the lake, and if they are facing the front of the house to the right side is all of our land. He added that they were not encroaching on anybody's property line. He reiterated that because of the lake setback this is the only area that they can go with this. He stated that the septic tank guy came out and said that this is a good area because it does not interfere with the septic tank or the runoff for that; permits and inspections said that it was okay with them and the environmental management people said it was okay with them if they meet the 9.02 elevation. He said that where it is staked at it meets that elevation, and if they moved it back some it would still meet but they may have to raise the structure. He added because of the setbacks and the pie shaped lot they have nowhere else to go with this. He asked the board to really consider their proposal to build this structure.

Chairman Blanks asked if Mrs. Lacy would like to say anything in support of the variance.

Claudia Lacy stated that he covered it.

Chairman Blanks stated that there was no one there to speak in opposition.

Gene Lacy stated that they spoke to all their neighbors and no one was in opposition. He said the Harvard's a ways from them said it didn't bother them, and the Hall's that are right next to them are okay with it and thinks it's a great idea. He added that those were verbal approvals and the rest of his neighbors are separated by the lake. He stated that they have about 2 ½ acres of their property that is in the lake. He said an alternative could be is to bring in some dirt and fill the lake up.

Bill Beckwith stated that he could wait and let the drought take care of it.

Gene Lacy stated that they would be very grateful if the Zoning Board would give consideration to allow them to build this building. He said that the building has the same features as the house, and the way it will be turned it will have some of it facing Ellison Road. He added that he has spoken to Mr. Dutton and had no problems with where it was located.

Chairman Blanks stated that they have a written statement from one (1) of their neighbors saying it was okay with them.

Bill Beckwith asked about the fire that destroyed their home.

Gene Lacy replied yes it was destroyed.

Bill Beckwith stated that he hoped everyone was okay.

Gene Lacy replied yes. He stated that he was out of town and his neighbor the Hall's called to see if they were okay because the alarm was going off. He said that he knows all of his neighbors and makes it a point to reach out. He added that after Mr. Hall called he called his wife to see if she was okay. He stated that when his wife opened the door she was met by the fire and was able to make it out wearing only her house gown. He said that his wife watched it burned and they lost everything. He added that they didn't lose their lives and that is what's most important.

Bill Beckwith asked if the new home is being built on the same foundation.

Gene Lacy replied that the house is being built on the same foundation and the same footprint. He stated that they had to elevate the home by four (4) feet to make sure it was out of the flood zone.

Chairman Blanks stated the home was beautiful.

Bill Beckwith asked if the garage will be placed where the four (4) red stakes are next to the porta potty.

Gene Lacy replied that there are two (2) stakes there. He stated the one (1) you are talking about was placed there for the Environmental Health Department; they asked me to move back so it would stay out of their field line area.

Bill Beckwith stated that the garage was permitted and the slab inspection was taken care of. He said that it looks like that's the only place you can put it.

Gene Lacy agreed there is nowhere else to go because of the lake setbacks, the septic tank issues on the left side of the house, the well issue, and the propane tank issue.

Chairman Blanks replied that there is nowhere else to place the garage. He asked for a motion.

Tom Waller made a motion to approve the front yard variance. Bill Beckwith seconded the motion. The motion passed 4-0. Tom Mahon was absent from the meeting.

There being no further business, Bill Beckwith made the motion to adjourn the meeting and the meeting adjourned at 7:13 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



LARRY BLANKS, CHAIRMAN



CHANELLE BLAINE, ZBA SECRETARY