

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on June 23, 2014, at 7:08 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Vic Bolton, Chairman  
Bill Beckwith  
Larry Blanks  
Tom Mahon  
Tom Waller

**STAFF PRESENT:** Pete Frisina, Director of Community Services  
Dennis Dutton, Zoning Administrator/ ZBA Secretary

**Welcome and Call to Order:**

Chairman Vic Bolton called the meeting to order and introduced the Board and Staff.

**1. Consideration of the Minutes of the Meeting held on May 19, 2014.**

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

Larry Blanks said for the record a previous petition that was tabled at the last meeting has since withdrawn their request so that petition will not be discussed at tonight's meeting.

**2. Consideration of Petition No. A-609-14, William P. Little, Owner, requests a Variance from Sec. 6-1. A-R Agricultural-Residential District., to reduce the front yard setback from the required 100 feet to 35 feet to enlarge an existing nonconforming single-family residence. This property consists of 4.97 acres, is zoned A-R and fronts on Ebenezer Road and an unnamed County.**

Pete Frisina reminded Chairman Bolton that we do not have a full board at this time.

Chairman Bolton said that a member of the Zoning Board of Appeals is absent at this time but will be late for the meeting and asked the petitioner how he wanted to proceed.

Bill Little said he would wait for the other board member to arrive at the meeting.

Chairman Bolton said we will move to the next petition.

- 3. Consideration of Petition No. A-610-14, Devin & Jaclyn Bell, Owners request three Variances to Sec. 6-14. R-20 Single-family Residential District. (1) a Variance of eight feet to decrease the 30 foot rear yard setback to 22 feet for an existing garage, (2) a Variance of three feet to decrease the 15 foot side yard setback to 12 feet for an existing storage building and (3) a Variance of 25 feet to decrease the 30 foot rear yard setback to five feet for an existing storage building. This property consists of 1.58 acres, is zoned R-20, and fronts on Longview Road.**

Chairman Bolton asked the petitioner to come forward and Tom Mahon just contacted him and estimates his time of arrival at 7:45.

Devin Bell said he was the owner of the subject property (prior to the start of the meeting Devon Bell said he would precede with his petition even though a full board was not present.) Devon Bell stated that he was requesting variances for the two (2) existing structures and he had purchased the property in July of 2012. He added that the lot contains a two (2) car garage that encroaches into the rear setback by eight (8) and the existing shed is three (3) feet into the side setback and 25 feet into the rear setback. He said the lot did not contain a single-family residence when he purchased the property and it was his intent to build a residence and that is in the process now. He added that the previous owner was issued a stop work order for various zoning violations regarding the garage and those were never followed through by the County and the garage has existed since the mid 1980's and he does know when the shed was built. He said the garage and shed were part of the reason he purchased the property and he does not want to have to remove those structures. He added that the garage and shed do not impact any of his neighbors.

Chairman Bolton asked if there was anyone who would like to speak in support of the petition. Hearing none he asked if there was anyone who would like to speak in opposition of the petition and no one spoke in opposition.

Dennis Dutton said the Zoning Board of Appeals has a letter that was submitted today.

Chairman Bolton asked Mr. Bell if he was aware of the letter submitted concerning his petition.

Devin Bell said he was given a copy of the letter today and he didn't think his variances would have any effect on his neighbor.

Pete Frisina said the neighbor is saying as long as the position of these building don't affect where he can build a building, which it won't, he doesn't have a problem with the petition.

Bill Beckwith asked Mr. Bell how big a home he was building,

Devin Bell said about 2,500 square feet.

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Bill Beckwith asked Mr. Bell if it was a two story home.

Devin Bell said it was a two story home with a walk out basement.

Bill Beckwith asked if the property to the rear is vacant.

Devin Bell said that is correct.

Chairman Bolton asked what the property was used for originally and how these buildings were built.

Devin Bell said the garage was used as a storage building sometime and residence at other times.

Bill Beckwith asked if there was electricity and water to the garage.

Devin Bell said yes.

Chairman Bolton asked what the original stop work order was for.

Dennis Dutton said the garage was built without a permit and it was built as an accessory structure without a principal structure and this was in 1986.

Chairman Bolton asked about the shed.

Dennis Dutton said there are no records for the shed and was not part of the stop work order.

Larry Blanks said so even though there was a stop work order it was never followed up on.

Chairman Bolton asked how these situations are administered.

Dennis Dutton said a letter in the file says that upon inspection of the property the county has found that an addition to a garage violates the Fayette County Zoning Ordinance as the garage now exceeds 900 square feet and no building permits were issued for the improvements to the garage which included plumbing and no septic tank permit was issued as well. He said the letter further states that the property owner could apply for a variance to the 900 square foot requirement or if the garage is to be converted into a single-family residence additional heated square footage shall be added to the structure to meet the minimum square footage for the zoning district.

Larry Blanks said the stop work order was issued for the addition and garage was already there.

Bill Beckwith said Mr. Bell bought the property with no knowledge of the stop work order.

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Chairman Bolton asked Mr. Bell if this was true.

Devin Bell said that was true.

Chairman Bolton asked if this would show up in a title search.

Dennis Dutton said it probably would not show up in a title search.

Larry Blanks asked if it will cause a problem if we approve this because it didn't get a septic tank permit.

Dennis Dutton said the buildings in question would come into compliance as accessory structures with these variances.

Chairman Bolton said the new house has to meet all the requirements including septic.

Larry Blanks made a motion to approve the three (3) variances. Bill Beckwith seconded the motion.

Tom Waller asked if this location was used as a residence and was any occupancy permit provided for this location.

Dennis Dutton said it was used as a residence and we have no records indicating it was ever used for any commercial activity and as far as a CO I have no knowledge of anything issued for this property.

Chairman Bolton called the question and the motion passed 3-1. Tom Waller voted against the motion and Tom Mahon was absent.

**4. Consideration of Petition No. A-611-14, Michael and Debra Sorrow, Owners, request a Variance to Sec. 5-20. Accessory Structures and Uses., to allow an existing accessory structure to remain in the front yard. This property consists of 21.36 acres, is zoned R-70, and fronts on Veterans Parkway.**

Chairman Bolton asked the applicant if he wanted to move ahead or wait for Tom Mahon to arrive.

Mr. Sorrows said he would wait for Mr. Mahon to come to the meeting.

Chairman Bolton said we would recess until Mr. Mahon got to the meeting.

Tom Mahon entered the meeting at 7:40.

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Chairman Bolton said we will reconvene the meeting now.

Michael Sorrows said in 2007 he and his wife purchased 21 acres on what was Tillman Road at the time and he was told by one of the neighbors that this structure used to be the residence of a Mr. Hamm and Tillman Road used to be named Hamm Road so this is a historic property. He stated it is a 20 foot by 30 foot concrete block structure and it is 300 or 400 feet off of Veterans Parkway and it can't be seen from the road. He added that he has taken this on a project with his grandchildren and son who live next door to restore the building. He said he didn't realize that there was a rule that said an accessory structure can't be in front of a house and he considered this building a historic structure.

Chairman Bolton asked if there was anyone who wanted to speak in favor of this petition.

Debra Sorrows said there is a ridge between the building and the road and it is not visible from the road. She asked that you give consideration to their request as it is an existing structure and is historic.

Chairman Bolton asked if here was anyone who wanted to speak in opposition to the request. Hearing none he said he would bring it back to the board.

Larry Blanks thanked Mr. Sorrows for preserving a piece of history.

Tom Waller made a motion to approve the variance. Larry Blanks seconded the motion. The motion unanimously passed 5-0.

Chairman Bolton said we will now go back to Petition A-609-14.

Bill Little said he is requesting a variance to build onto an existing house. He added that the house is over 100 years old and the bedrooms are very small and he wants to add space to these rooms for his grandchildren that live in the house. He said he wants to add eight (8) feet to the side of the house closest to Ebenezer Road. He stated that the required setback is 100 feet and the house currently is 44 feet from the property line.

Chairman Bolton asked if there was anyone who wanted to speak in favor of the petition.

Jeanie Little said her son and his family moved close to her and her husband to be a help to them and she wants to keep them close so hopes to get the variance.

Chairman Bolton asked if there was anyone who wished to speak in opposition. Hearing none he said he would bring it back to the board.

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Bill Beckwith made a motion to approve the variance. Tom Waller seconded the motion. The motion unanimously passed 5-0.

There being no further business, Larry Blanks made the motion to adjourn the meeting and the meeting adjourned at 8:15 pm.

**ZONING BOARD OF APPEALS**  
**OF**  
**FAYETTE COUNTY**

  
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**VIC BOLTON, CHAIRMAN**

  
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**ATTEST**