

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 24, 2020, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

STAFF PRESENT: Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

1. **Consideration of the Minutes of the Meeting held on January 27, 2020.**

Bill Beckwith made a motion to approve the minutes of the meeting held on January 27, 2020. John Tate seconded the motion. The motion passed 5-0.

PUBLIC HEARING

1. **Petition No. A-717-20, Sagon Family Trust: 1) Variance to Sec.110-125. A-R, (d) (6), to reduce the northern side yard setback from: a) 50 feet to 10 feet to allow a residential accessory structure to remain, and b) 50 feet to 40 feet to allow a tennis court to remain on the proposed lot. 2) Variance to Sec. 110-125. A-R, (d) (6), to reduce the southern side yard setback from 50 feet to 34 feet to allow an existing tennis court to remain on the proposed lot. 3) Variance to Sec. 110-79. Residential accessory structures and their uses, (b) Structure limitations, to allow a residential accessory structure to remain without a principal structure on the proposed lot. The subject property is located in Land Lots 39, 40, and 57 of the 5th District and fronts on Georgia State Highway 92.**

Chairperson Hopkins stated that the petitioner come forward and sign in and present your information.

Heath Sagon introduced himself and his brother Craig Sagon. He said that they have been residents of Fayette County for all of our lives, for the most part. He noted all of my family and my relatives lived on the property and the property adjacent to the plat that you have. He added we grew up on the property and my father purchased it from the Harp's back in the 70s and he and my uncles actually built the pond that is there now but back in the early 70s I doubted anybody even looked at what they were doing. He explained the tennis court and the tennis court house they built along with this was initially 25 acres and the house that was built in behind it was built for my grandmother. He concluded again my

grandmother's house wasn't built that early but was built sometime later, he didn't divide that up initially.

Heath Sagon said later on I think in the last 10 to 12 years, my aunt and uncle moved into the house after my grandmother had passed. He added my father gave them at that time, I believe, an acre and a half, and they have paid the taxes on it since then so they would have a designated property. He noted my father passed and now it's myself and my two (2) brothers, so we were handed this to deal with so we can bring it up for sale. He explained at that time, we were in the process of trying to re-draw the lines so that it meets the County's five (5) acre minimum lot size and also to make sure my aunt has at least five (5) acres for her property, so that it meets the guidelines for the A-R zoning for Fayette County. He said so that what we have done, I guess you have the concept plan.

Heath Sagon said we redrew the lines so that her lot will go from one (1) and a half (1/2) acres to give her the five (5) acres plus give her 100 feet of driveway, which before she had none. He noted when we sell my father's house, she would be would be protected with a driveway, because a family still lives around the pond. He then said I would like to go through each of the variances that we are requesting tonight.

Heath Sagon stated that Variance 1A is for the tennis court house. He explained when we drew in the property line for the driveway, it put the tennis court house too close to the line so we are asking for a variance to allow for that. He then stated that variance 1B is for the tennis court, because it makes the property more valuable and more desirable and whomever would buy the house would want the tennis court since it looks nice down there by the lake. He added unfortunately, when they built this pond at the time there was no consideration for the water buffer, so the tennis court is also number two (2), because it is too close to the water buffer, so we asking for a variance for that as well.

Chanelle Blaine interjected it's not the water buffer, the tennis court is too close to the property line. She said that she was sorry to interject but I just don't want anyone to be confused.

Heath Sagon stated Randy Boyd, our surveyor, was supposed to be here tonight, I don't know what happened but last Friday he told us he would not be able to this. He said I am not a real estate guy, I don't sell real estate and I don't develop, I sell trucks. He added if were talking about trucks I would have a lot more information, so forgive if me if I misstated anything.

Heath Sagon stated the third Variance is on Lot 3, which we have created when my father separated the property. He added the tennis court and the tennis court house now are on that property without a residence, so we are asking for a variance because there is no residence there. He concluded we are going to remove the small shed that was right on the property line and remove the small shed that my aunt has behind her house, since we don't need additional variances.

Chairperson Hopkins asked is there anyone to speak in support of the petition, being none, she asked is there anyone to speak in opposition.

Chairperson Hopkins stated that she would bring the item to the ZBA members for discussion.

Bill Beckwith asked Mr. Sagon I think you that you stated that when you resurveyed this to make Lot #2 to get the five (5) acres the way it worked out to get 100 feet of highway frontage, the line just cut too close to the tennis court house.

Heath Sagon replied yes sir that is correct. He said we tried to move it around a couple of different ways, but it got down into the pond, so this is the best we could do.

Bill Beckwith replied so basically what caused this that you reestablishing Lot #2 differently so that it has at least five (5) acres.

Tom Waller asked has the tennis court been used in the last ten (10) years.

Heath Sagon replied it has, it needs to be resurfaced.

Tom Waller asked for access to Lot #2 is there an easement or anything thing that provides for the use of this driveway on Lot #1 and Lot #3 for them to get into Lot #2, is there any easement.

Heath Sagon replied are you talking about the gravel driveway. He said no that was basically just a road to get down to the tennis court, the main driveway was share to get from the main road.

Tom Waller replied okay. He then asked does the owner of Lot #2 have to use one of the roads coming through the other properties to get the lot.

Heath Sagon responded yes, that is correct.

Tom Waller asked so there is no easement from the others for that. He continued do you anticipate providing that easement if Lot #2 is sold.

Heath Sagon replied with the 100 foot driveway aren't we doing that.

Tom Waller responded that would provide the room to put a roadway in, yes but I don't think that's the plan. He said I think you were just complying with a 100 foot width access to a public road.

Heath Sagon stated we have applied for a shared driveway.

Tom Waller replied well okay, because that lot will be landlocked without the use of the roads that are outside of it. He added if Lot #3 used their entranceway and put a road in it would have to go through the tennis court to get to Lot #3, interesting. He concluded for the prospective buyer of Lot #3 you may want to take another at that.

Bill Beckwith responded well I guess it could connect to the gravel driveway and then the asphalt driveway. He said just have an arrangement between the two owners.

Heath Sagon replied I thought they could share the main driveway coming in.

Chanelle Blaine stated I think what they are planning to do is each lot will have its own driveway, that why they created Lot #2 to be in compliance with the 100 feet of frontage. She said I think what he is trying to do is just get the variance and not worry necessarily about the driveway for Lot #3 because he plans on selling it, so that will probably be their issue.

Heath Sagon replied our plan is to sell it all together, two (2) lots and we understand that somebody may not want all of it, but the plan is to sell it as one piece.

Chairperson Hopkins asked Chanelle what is the rationale behind requiring a principal structure when there is an accessory structure.

Chanelle Blaine replied it's called an accessory structure because you are supposed to have a principal structure with it. She explained on A-R lots, which are five (5) acres or greater, they are allowed farm out buildings, you can build a farm out-building without a principal structure there, because it is not really for the house, they are not being used by the homeowner but the accessory structure is seen as being used by the homeowner as opposed to the farm out-building.

Bill Beckwith replied that would be similar to a pool house.

Chanelle Blaine replied yes, a pool house, gazebos, detached garages, guesthouse, all of these are accessory structures.

Chairman Hopkins asked does anyone have any questions.

John Tate stated I just want to be clear, which lots are going to be for sale.

Heath Sagon replied Lot #1 and Lot #3.

John Tate replied if Lot #3 were sold there could be a residence directive placed on that.

High Sagon replied, yes sir, okay.

Bill Beckwith asked do you live in one of these houses.

Heath Sagon replied I do not.

Chairman Hopkins asked does anyone have any questions or discussion, are we ready for a motion.

Bill Beckwith said I guess we should take each one individually.

Chanelle Blaine replied yes.

Chairman Hopkins asked do we have a motion for the first variance request to reduce the northern side setback from a) 50 feet to 10 feet to allow a residential accessory structure to remain, and b) 50 feet to 40 feet to allow a tennis court to remain on the proposed lot.

Bill Beckwith made a motion to approve of Variance 1(a) and 1(b) of Petition No. A - 717-20. John Tate seconded the motion. The motion passed 5-0.

Chairman Hopkins asked do we have a motion for the second variance to reduce the southern side yard setback from 50 feet to 34 feet to allow an existing tennis court to remain on the proposed lot.

Therol Brown made a motion to approve of Variance 2 of Petition No. A-715-19. John Tate seconded the motion. The motion passed 5-0.

Chairman Hopkins asked do we have a motion for the third variance for Residential accessory structures and their uses, (b) Structure limitations, to allow a residential accessory structure to remain without a principal structure on the proposed lot. The subject property is located in Land Lots 39, 40, and 57 of the 5th District and fronts on Georgia State Highway 92.

Therol Brown made a motion to approve of Variance 3 of Petition No. A-715-19. Tom Waller seconded the motion. The motion passed 5-0.

Chairperson Hopkins said being no further business, we will adjourn the meeting.

Tom Waller made a motion to adjourn, there were five (5) yeas.

The meeting adjourned at 7:22 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Marsha Hopkins

MARSHA HOPKINS, CHAIRPERSON

Howard L. Johnson

HOWARD L. JOHNSON, ZBA SECRETARY