

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on May 18, 2020, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Marsha Hopkins, Chair (tele-conference)  
Tom Waller, Vice-Chair (in-person)  
Bill Beckwith (tele-conference)  
Therol Brown (in-person)  
John Tate (telephone)

**STAFF PRESENT:** Pete Frisina, Director  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning & Zoning Coordinator

**Welcome and Call to Order:**

1. **Consideration of the Minutes of the Meeting held on February 24, 2020.**

*Therol Brown made a motion to approve the minutes of the meeting held on February 24, 2020. Tom Waller seconded the motion. The motion passed 5-0.*

**PUBLIC HEARING**

2. **Petition No. A-716-20, Charlotte Chancellor, Owner, requests the following: Variance to Section 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 12 feet for the construction of a residential accessory structure. The subject property is located in Land Lot 41 of the 5<sup>th</sup> District and fronts on Hilo Road.**

Charlotte Chancellor stated that I wanted to do a survey of my property, but quite honestly I do not have the funds. She stated I am right on the setback and I am requesting a three (3) foot variance. She added that is all I have to say its short I just wanted a garage for my house.

Chairwoman Marsha Hopkins asked do you have anything else to add to your presentation.

Charlotte Chancellor replied no ma'am that is it.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Chanelle Blaine replied there is no one.

Chairwoman Marsha Hopkins asked if there was anyone to speak in opposition of the petition.

Chanelle Blaine replied there is no one.

Chairwoman Marsha Hopkins stated we must open it up to the phone lines so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for discussions.

Chairwoman Marsha Hopkins brought it back to the Zoning Board of Appeals for discussion or questions. She asked Tom Waller do you have any questions.

Tom Waller asked the partially constructed residential accessory structure what is the nature of that structure.

Charlotte Chancellor replied it's a garage.

Tom Waller asked is there currently a garage on that lot now.

Charlotte Chancellor replied I have a garage attached to my house. She said this would be like a garage/workshop/storage room. She added my garage is full.

Tom Waller asked so this is a second garage.

Charlotte Chancellor replied second garage/storage room.

Tom Waller said, thank you.

Chairwoman Marsha Hopkins asked Therol Brown do you have any questions.

Therol stated I have a couple of questions. He asked is the garage already under construction, is that correct?

Charlotte Chancellor replied that is correct we stopped in February because I was unaware I was supposed to have a permit or variance. She added we have not done anything since February.

Therol Brown stated I noticed in one (1) of your remarks that you said that the rear of the carport is 12 feet from the property line and the front is 15 feet.

Charlotte Chancellor replied yes sir.

Therol Brown stated the front of the building complies and the back of the building does not comply.

Charlotte Chancellor replied that is correct because of the way the property line runs.

Therol Brown asked how much trouble it would take for you to shift it three (3) feet...would you have to tear it down?

Charlotte Chancellor replied yes sir I would have to tear it down to shift it.

Chairwoman Marsha Hopkins asked Bill Beckwith do you have any questions.

Bill Beckwith replied I have no questions.

Chairwoman Marsha Hopkins asked John Tate do you have any questions.

John Tate asked how far along is the structure from being complete.

Charlotte Chancellor replied 45 percent.

John Tate asked the reason it has to go there is because of the septic tank lines, is that correct?

Charlotte Chancellor replied yes.

John Tate stated that is all the questions I have.

Chairwoman Marsha Hopkins replied I do not have any questions. She asked are there any other comments or questions from the Zoning Board of Appeal members. Hearing none. She said if there are no further comments are we ready for a motion.

Therol Brown made a motion to approve the variance. Tom Waller seconded the motion. The motion passed 5-0.

3. **Petition No. A-719-20, Allen & Reagan Moscon, Owners, request the following: 1) Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (1) (a) to allow a detached garage to be located 110 feet from the principal structure, as opposed to the maximum of 35 feet. 2) Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, (d) (1) to allow a detached garage to not be connected to the principal structure. The subject property is located in Land Lot 3 of the 5<sup>th</sup> District and fronts on Harris Road.**

Allen Moscon stated my wife and I recently bought the home last year. He said it's a large home on a narrow lot. He said the backyard has two (2) active septic systems and the side yard is not very large. He added there is not a lot of room between the houses and the side yard; one side has a terrace and the other side has the utilities, the water and electric. He stated the only place a garage can fit would be in the front, because there is

no room on the sides and the backyard has the electric and the water on one (1) side and the terrace on the other side. He said we have put in a proposal for a three (3) car garage, we have not priced it out, but that would be the maximum. He added it might be smaller for the final built garage. He stated we looked at where to build it and we want to use the circular drive. He said to the right of the circular drive we have four (4) very large oak tree that we don't want to cut down. He added in front of the oak tree is just grass, and if we put it where we propose it is still a long way from the street and setback line. He stated we would like to set it off to the side just a little so it wouldn't be directly in front of the house, so that there is still a nice view of the house. He said it would be very much in line with a couple of the other homes that are on Harris Road. He added we understand that they are zoned differently and are allowed to have garages and barns in front of their homes further down. He stated our home was rezoned in August, when Rod Wright bought the property, and split the land up into different lots. He said we've looked at it and we can't seem to find another place to put the garage. He added our options is to come to the Zoning Board of Appeals to ask for a variance to build in the front or to not have a garage.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Chanelle Blaine replied there is no one here to speak in favor or opposition to the petition.

Chairwoman Marsha Hopkins stated we must open it up to the phone lines so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for discussions.

Chairwoman Marsha Hopkins brought it back to the Zoning Board of Appeals. She asked Tom Waller do you have any questions.

Tom Waller asked is this the original home on this property.

Allen Moscon replied it was on that property with nine (9) acres, the original in that area.

Tom Waller stated the presence of two (2) septic systems indicates a large number of people in the home. He said as an original home you probably had a garage. He asked where the original garage on this property was.

Allen Moscon replied there was never a garage. He said they put two (2) septic systems, because when they put in a walk-out basement, instead of trying to pump it up to the other septic, they put in a separate septic for the basement.

Tom Waller asked again it never had a garage.



Allen Moscon it never had a garage. He said it use to have a shed on the other lot, but it's been torn down, that would be the neighboring lot was where he parked his lawnmower in the shed; it was never a garage.

Tom Waller replied thank you.

Chairwoman Marsha Hopkins asked Therol Brown do you have any questions.

Therol Brown stated you mention the only other option would be is to not to have; I don't mean this sarcastically, but did you consider buying the lot that is adjoining your lot, or are they already sold?

Allen Moscon replied it was already sold, we tried to get Mr. Wright to consider selling us an extra lot, but he had already made arrangements with a Trademark Homes for the other lots.

Therol Brown replied I don't have big issues with this. He stated to my knowledge we all the ones we've done in the past we approved on a corner lot. He said we don't make the zoning ordinance we just hear the appeal for variances, this is somewhat of a precedent in my opinion here to approve one (1) in the front yard. He added that is not to say that I wouldn't vote for it, but I am just letting it be known.

Allen Moscon replied I believe it says you can have one (1) in the front yard, but it must be 35 feet from the home and connected. He said our house is about 30 feet tall and there isn't a good way for you to connect it. He added we really don't want to tear down any trees right in front there wouldn't be a good way to do that.

Chanelle Blaine stated he is right the ordinance does allow you to build a garage in the front yard, but you have to meet certain conditions to do so.

Chairwoman Marsha Hopkins asked Bill Beckwith do you have any questions.

Bill Beckwith stated I think the other two (2) asked the question I was thinking about. He said the only logical option on your property to do what you asked us to do, which is basically break the ordinance; it looks in my opinion as much as I can see it's just not a feasible location to put a garage and apparently you do have more than one (1) car. He asked if that was correct.

Allen Moscon replied yes that is correct.

Bill Beckwith asked it may be a three (3) car garage.

Allen Moscon replied that is the maximum we would build. He stated I would have to work with someone to find out the cost on that. He said we would like to have a three (3) car garage but it may end up being two (2) based on the cost.

Bill Beckwith stated I know it's a large house we drove by it today, but what is the basement used for?

Allen Moscon replied half of the basement is finished it has a living area, there's a little kitchenette, a bedroom, a laundry room as well, and just more living area. He said it's half of the house 800 square feet, and the front of the house is just crawl space and the back is where the basement is.

Bill Beckwith asked where you park the cars now.

Allen Moscon replied on the driveway. He stated it is little bit of a hassle because it is one (1) car wide. He added you end up backing up in the grass to get around the other vehicle.

Bill Beckwith asked was the house already built when you bought it.

Allen Moscon replied yes it was built.

Bill Beckwith asked how old the house is.

Allen Moscon replied it was built in 1887 originally sat down in downtown Fayetteville and was moved in 1973. He stated the outside is not original but the inside is original. He said the brick, the porch, and the columns were all done in 1973.

Bill Beckwith stated I do not have any further questions. He asked was the home a recognized historic home.

Allen Moscon replied it is not.

Bill Beckwith asked do you know who the original owner was, I am just curious.

Allen Moscon replied the original owner was the Blalock family. He stated we bought it from a developer Rod Wright, and he bought it from the Brocks, James Brock is a descendant of the Blalocks.

Bill Beckwith asked this is why the subdivision is known as the Blalock Estates.

Allen Moscon stated that is why Mr. Wright named it that yes; the lots he created from the land that he bought the house. He added that was his choice.

Bill Beckwith stated okay now I don't have any further questions.

Chairwoman Marsha Hopkins asked John Tate do you have any questions.

John Tate stated I thought I heard you mention something about the trees, the ones I see in the photo. He asked are you saying that even if you move those trees there will not be enough room to build a garage.

Allen Moscon replied from the spot on the circle and from the circle over, I couldn't make it fit very well from the edge of the circle if we wanted to use that driveway still over to the setback line. He said if you look at the setback line of 25 feet I couldn't get it from the edge of the driveway and not have it go into the setback. He added so I would go over it with electric and the waterline and I would have to ask for a variance for the setback to do it there and take down the tree.

John Tate stated he had no further questions.

Therol Brown stated that Brad Blalock built that house it was relocated here in the 70's by David Blalock I suppose. He said they moved the house down to Harris Road.

Allen Moscon stated that the Baptist Church bought it and didn't want the house they just wanted the property.

Therol Brown stated that they were going to tear it down, but the grandson decided to move it and lived in it for a while.

Chairwoman Hopkins asked Therol Brown do you have anything else.

Therol Brown replied, no, I guess I was just a little surprised it wasn't on the registry for historic residences, but I guess someone has to apply and be approved but if it's not it's not. He added I don't think it would prevent non-detached buildings from being on the property. He said I feel bad for the family that has it because they have two (2) and a half acres normally you would think that is plenty room but when you carve the subdivision out they didn't leave them very much room.

Bill Beckwith asked, Mr. Moscon if you were to build that garage, would the exterior be architecturally similar to the house.

Allen Moscon replied that is a question that is hard for me to answer. He said I think that would be great, but I don't know how easy that would be a big column house. He added that my original thought was to have it look like a barn or a carriage house; similar to the ones at 250 and 155 Harris Road. He stated that it looks like it belong to that period of that older style, we wouldn't necessary try to have columns around it.

Bill Beckwith stated I wasn't thinking of that, I meant to the type of brick, and actually I was thinking of a carriage house. He said I wasn't thinking that you would want to have columns on any of it.

Allen Moscon stated I would like it to look like it belonged in that period, not a new modern looking garage with an old house behind it.

Chairwoman Hopkins stated I don't have any questions does anybody else from the Zoning Board of Appeals have any questions. She said if there aren't any questions we would be ready to entertain a motion.

Chanelle Blaine interjected saying, Marsha we have two (2) separate variances so we are going to have two (2) separate votes.

Chairwoman Hopkins replied thank you.

Chanelle Baine said you're welcome.

Chairwoman Marsha Hopkins stated, do we have a motion for the first request to allow a detached garage to be located 110 feet from the principal structure, as opposed to the maximum of 35 feet. Bill Beckwith made a motion to approve. Therol Brown seconded the motion. The motion passed 5-0.

Chairwoman Marsha Hopkins stated, do we have a motion for the second request to allow a detached garage to not be connected to the principal structure. Therol Brown made a motion to approve. John Tate seconded the motion. The motion passed-0.

4. **Petition No. A-720-20, Charlene Denney, Owner, requests the following: Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lot(s) 42 and 55 of the 7<sup>th</sup> District and fronts on Adams Road.**

Richard Denney stated I am representing Charlene Denney. He said we are pursuing to reconstruct the building that is existing there. He showed a document to the ZBA. He said the roofing is severally damaged by hail storms over the years. He added we basically wanted to go back with a building that is similar to this, but something more modern and architecturally looking with the same footprint of the slab that we have. He stated this little building that was there was a buffer building and it was built in 1987. He said we would like to keep the same structure because there are a lot of modifications that would need to happen (concrete, footers, and other things). He added Mr. Eddie Lanham will be the guy that is building this building. He stated we just want to take this building down and put another one (1) back in its place something more appealing. He said this is my mother's lot and I live in Eaton Estates, so it's directly behind me; I can see the shop

from my porch and as you can see it is not really appealing. He added we want to do something that makes it look a lot better and doesn't cost a lot from tearing up concrete and footers and putting a new building back up there. He stated that's all I got as far as the request.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Richard Denney replied yes my mother.

Charlene Denney stated we built the building in 1987 when we moved here. She said metal is a lot better than wood when dealing with termites. She added I'm beginning to see some wear and tear to it said no one can see that building but Richard. She added that I am on 9 acres.

Chairwoman Marsha Hopkins asked if anyone else would like to speak in favor of the project.

Richard Denney replied due to the COVID-19 we didn't want to bring a group of people. He added we had a lot of people who wanted to come, but we wanted to limited to ourselves.

Chairwoman Marsha Hopkins asked if anyone would like to speak in opposition to the project.

Chairwoman Marsha Hopkins stated we must open it up to the phone lines so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for discussions.

Chairwoman Marsha Hopkins brought it back to the Zoning Board of Appeals. She asked Bill Beckwith do you have any questions.

Bill Beckwith stated this is for Chanelle, I am looking at the write-up that was provided by Planning & Zoning. He said I am going to read some of it:

At that time Planning & Zoning had a policy that allowed R-70 property that met A-R dimension requirements to have A-R structures and uses such as farm-out buildings and livestock. That policy ended in 1998, and R-70 zoned property currently can only have residential accessory structures.

Bill Beckwith asked is this current structure a residential accessory structure Chanelle.

Chanelle Blaine replied yes.

Bill Beckwith said according to the regulations says that structures of metal accessory

structures must have horizontal pattern than a vertical siding I believe that is correct also.

Chanelle Blaine replied yes that is correct.

Bill Beckwith asked that is what the variance is asking to do, to use vertical pattern siding.

Chanelle Blaine replied correct.

Chairwoman Marsha Hopkins asked John Tate do you have any questions.

John Tate stated my question is along the same lines as far as what is the real difference from having the horizontal siding versus the vertical siding from the ordinance itself. He said is it from some basis on the type of structure, I am just curious about that and that is for Chanelle.

Chanelle Blaine replied the reason why we require the metal buildings have horizontal siding instead of vertical siding is because we want the structure to look more residential in nature. She stated that was the intent.

John Tate replied okay. He added if I may the structure in place right now is vertical, correct?

Chanelle Blaine replied that is correct, when it was built they were allowed to do that at that time.

John Tate asked if they wanted to add on to the structure then they would be allowed to continue to use the vertical construction, is that correct?

Chanelle Blaine replied, I don't quite know the answer to that.

John Tate stated I thought I read in the ordinance that if there were to be an addition they structure would be allowed to remain.

Chanelle Blaine replied I do believe that is the case, but I do not have the ordinance in front of me. She added I do believe they would be allowed to add on to the building, but it would have to look like how the building looks now, so they would have to keep the vertical.

John Tate asked Mr. Denney the way I understood it you're not adding on anything you're simply replacing, is that correct?

Richard Denney replied not entirely what we are trying to do is rather than patch the building or extend the building take the building down and go back with a brand new building just like what's there now. He said without deviating from the original concept of what's there now with a better architectural feature, better look, and this thing will have

roll up doors on it. He added it is more economical to just take the building down. He said by the time we piece meal the roof patch paint and scrape the building and do the addition to it all we've got several quotes from the building guys and they said, it would be better to go back with a new building that is more residential friendly. He stated I don't understand the whole vertical and horizontal stuff. He said other than that, that's kind of what we were wanting to do take the building down and put another building put back up in its place.

Chairwoman Marsha Hopkins asked Therol Brown do you have any questions.

Therol Brown replied I don't have any questions; I am going to say this simply because we have the benefit of looking at the photos they've provided. He added I don't think anyone would argue that the proposed structure is much more aesthetically pleasing than the existing building.

Chairwoman Marsha Hopkins asked Tom Waller do you have any questions.

Tom Waller replied I have no comment.

Bill Beckwith stated I have one (1) more comment, I understand what Mrs. Denney says about wood as far as termites etc. He said there are other materials similar to hardiplank that is impervious to insects, but for the horizontal nature (residential nature) of that building would be appropriate. He added the metal vertical standing seams I don't think would be appropriate for that building and that is what they are asking for here.

Chairwoman Marsha Hopkins stated my only comment about that is that they started out with a vertical structure and the regulations changed in the ensuing years, and maybe Chanelle can help me out with the concept of grandfathering something in. She asked if someone is replacing what they have or updating it to be based on the façade and structure of what existed I'm a little unclear on having the horizontal regulation be applied when they are only replacing what they already have. She added I am just a little unclear about that is there anything that you can shed light on historically.

Chanelle Blaine replied like the write-up said when they started out in the late 1980's R-70 allowed them to have A-R provisions; they were allowed to have livestock, farm-outbuildings and that is what they did because they have a lot of acreage. She said and then that policy ended in 1998, they now want to build that same building what they had previously again, but the only way for them to do it with it being metal with vertical siding is for them to come here and get the variance.

Chairwoman Marsha Hopkins replied okay, does anyone else on the Zoning Board of Appeals have any questions. She asked are we ready for a motion on this?



Therol Brown stated I agree with your concerns that it was originally built with vertical sides and with the request of the property owner I believe it is going to enhance the character of it. He said for those reasons I make a motion we approve the variance.

Chairwoman Marsha Hopkins asked for a second to the motion.

John Tate seconded the motion. The motion passed 4-1.

Bill Beckwith stated I vote to deny the motion, because there is another reason that would apply to the ordinance and that is a different type of exterior.

5. **Petition No. A-721-20, Faye Hodge & Marvin Mund, Owners, request the following: Variance to Sec. 110-79 Residential accessory structures and their uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lots 163 of the 4<sup>th</sup> District and fronts on Massengale Road and Grooms Road.**

Daniel Perkins stated the condition on this whole case is a matter of the vertical versus horizontal siding on the proposed building. He said the area that we live in is down south close to the city of Brooks, it is very agricultural in nature, and we live on a dirt road. He added the neighbor closes to us has 15 to 20 heads of cattle and she even has sheep and goats, the other property on the other side of us has three (3) or four (4) horses, it has open fields, the area is very agricultural by nature. He stated most of the buildings and out structures in the area are actually a vertical construction of it to a point where a horizontal structure would look out of place in our mindset and in this area. He said we are in an area where most of the property is 10 acres or greater; a certain ordinance does not come into place because we are 5 acres on our property. He added we have talked to the neighbors in the area and they are understanding of it. He stated they have all come and spoken to us since signs have been placed in our yards asking what the zoning was about; we expressed our situation and they don't see anything wrong with that. He said you can see what I wrote down that the variance is based on appearance of building requesting vertical sides as matching the area, that's why we are asking for it because the vertical side would match the area, a building with horizontal siding would match the code but not necessarily the agricultural area we live in. He added secondly the hardship of following the specific guideline of a horizontal side building would create a hardship of a custom built structure versus the structure that was manufactured. He stated also the building that we are coming into question with is built to a higher specification by is vertical siding and inner-steel structure than the buildings that would have horizontal siding; where we live is high on a hill and it's a lot of wind in that area we wanted to have a building that was a little stouter and a little better built. He said a lot of buildings that have the horizontal siding on them that match the code would be an 18 gage steel tubing that would be somewhat more fragile to the codes specification but we wanted to upgrade to something that had red iron beam on the inside of it; but again that's built with

a vertical side seam as oppose to a horizontal side seam would make it tougher for the wind. He added relief would not cause detriment to the public good or impair the intent of the regulation. He stated the reason behind this again is the area around the property is primarily agricultural the look of an agricultural style building with vertical sides would not appear out of place in the area. He added there are properties in the area with more acreage that rely on multiple building with vertical sides while in this same area a building with this application will not appear out of place. He stated however due to our property size in this area for a house that was built on the other property after it was subdivided we have to comply with regulations that were meant for more residential areas here in town or more city areas of Fayetteville instead of the outer areas of Fayette County and the agricultural areas of Brooks.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition

Daniel Perkins stated that would be the other people but they are 86 and 73 at the moment and were staying away from all the virus trouble we've been having at the moment.

Chairwoman Marsha Hopkins asked if there was anyone to speak in opposition of the petition.

Chanelle Blaine replied there is no one here to speak in opposition to the petition.

Chairwoman Marsha Hopkins stated we have to open it up for phone calls so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for any questions.

Chairwoman Marsha Hopkins brought it back to the Zoning Board of Appeals. She asked Therol do you have any questions.

Therol Brown stated I have a question for either Pete or Chanelle. He said it goes without asking could this be rezoned agricultural to avoid the variance.

Chanelle Blaine replied this property is already zoned A-R. He has two (2) accessory structures already on his property one (1) is a residential accessory structure and the other is a farm outbuilding. She added he is only allowed to have one (1) farm out-building and two (2) residential accessory structures that is why he is asking for the variance.

Chairwoman Marsha Hopkins asked Chanelle can you repeat that last part again.

Chanelle Blaine repeated that he is allowed to have two (2) residential accessory structures that's why he is asking for the variance, because you can't have vertical siding on residential accessory structures.

Chairwoman Marsha Hopkins asked Therol do you have anything else.

Therol Brown replied no.

Chairwoman Marsha Hopkins she asked Tom do you have any questions.

Tom Waller replied I vote we approve his request.

Chairwoman Marsha Hopkins stated we are still taking comments at this point.

Chairwoman Marsha Hopkins she asked Bill do you have any questions.

Bill Beckwith asked of the buildings on the property what the square footage is.

Daniel Perkins replied one (1) building is 10 x 20.

Bill Beckwith asked of the building you want to have vertical siding on what the square footage is.

Daniel Perkins replied it's going to be a new construction.

Bill Beckwith replied oh I understand. He said when I drove by today it looked like the large building on the north side of the property had aluminum siding to it, is that correct?

Daniel Perkins replied its tin and that's been on the property longer than we've actually been living on the property. He added that one (1) side of that lean-to is a horizontal seam, but the other part of the building that has the roof draped over it is vertical.

Bill Beckwith asked is he going to leave as it is and build a new building.

Daniel Perkins replied yes sir that is correct. He added its going to be like the other building and when you drive by it on the road it will look like one building.

Bill Beckwith replied okay thank you.

Chairwoman Marsha Hopkins she asked John do you have any questions.

John Tate replied no questions.

Chairwoman Marsha Hopkins stated I also do not have any questions and no one else has any questions we are ready for a motion.

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

**Petition No. A-723-20, Scott & Wendy Marlow, Owners, request the following: Variance to Sec. 110-133. R-70, (d) (4) (a) (2), to reduce the front yard setback off Antioch Rd from 75 feet to 74 feet to allow a detached garage to remain. The subject property is located in Land Lot 216 of the 4<sup>th</sup> District and fronts on Rosemont Trace and Antioch Road.**

Wendy Marlow stated we bought our property in 2011, and it had a detached garage. She said it was built in 1987 or 1988, whenever the house was built. She added we would like to alter the interior of that structure to create a Nana cottage for my mom to live in. She stated we want to try to let her maintain some of her independence and let her live by herself. She said currently her most recent issue is her vision and we want to move her down so she can live right there by us. She added I want to make sure that she is eating well and taking her insulin. She stated that the outside of the structure will stay the same as far as the exterior goes. She said I looked up the ADA compliance and we currently have 33 inch doors and garage doors, we plan to leave the garage doors and change the regular doors on the front and side. She added there is a window that faces Antioch Road that I would like to be turned into a door. She stated we had our plumbers come out and they said they could tap into our water line but another septic tank would be needed for that structure because of the way their field lines run. She said the setback off of Antioch Road is 75 feet and the southeast corner of that building is 74.8 feet from Antioch Road. She added we have a 4 inch corner of our building encroaching the setback, and that is why we need the variance.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Chanelle Blaine replied there is no one here to speak in favor or opposition to the petition.

Wendy Marlow stated we had neighbors drive up and ask, "What is up with the sign in your yard". She replied we told them and their response has been, "four inches". She said, "Yep four inches but you do what you have to do". She added they said they would come to the meeting, but they're all 70 and 80 years old. She stated I didn't even tell them, and in fact Scott couldn't make it tonight, it's just me.

Chairwoman Marsha Hopkins stated we have to open it up for phone calls so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for any questions.

Chairwoman Marsha Hopkins brought it back to the Zoning Board of Appeals. She asked John do you have any questions.

John Tate replied no questions.

Chairwoman Marsha Hopkins asked if Tom Waller had any questions.

Tom Waller replied, no questions.

Chairwoman Marsha Hopkins asked if Therol Brown had any questions.

Therol Brown replied no.

Chairwoman Marsha Hopkins asked if Bill Beckwith had any questions.

Bill Beckwith replied I'm good.

Chairwoman Marsha Hopkins stated, no questions from me either, so are we ready for a motion.

John Tate made a motion to recommend approval of Petition No. A-723-20. Bill Beckwith seconded the motion. The motion passed 5-0.

6. **Petition No. A-724-20, Estate of Josephine Ballard, David Ballard, Executor, and Amanda Mask Loyd, Agent, request the following: 1) Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 30 feet to allow an existing barn to remain on the proposed Tract 1. 2) Variance to Sec. 110-125 A-R, (d) (4) (b) to reduce the front yard setback from 75 feet to 25 feet to allow the existing single-family residential home to remain on the proposed Tract 2. 3) Variance to Sec. 110-125, (d) (4) (b) to reduce the front yard setback from 75 feet to 59 feet to allow the existing barn and lean-to to remain on the Proposed Tract 2. The subject property is located in Land Lot 181 of the 4<sup>th</sup> District and fronts on Mudbridge Road.**

David Ballard stated I am the Executor of Josephine Ballard's estate and was directed under her will to perform a survey and divide up the tract off of Mud Bridge Road. He said of course when we got the survey done, the survey indicated after the request had been made we would have to tear down existing structures that have been on the property as long as I have been alive, and probably as long as my grandfather had been around. He added therefore we would like to request these variances, we would leave the property in its current character. He stated we wouldn't change anything as far as the rural nature of Woolsey. He asked if there was any specific questions I will have to incur to my cousin who is quite familiar with the property and lives there.

Amanda Mask Loyd asked if there was any specific questions you have in regards to the request.

Chairwoman Marsha Hopkins replied I do not have any questions at this point I just wanted to hear in your own words a little bit about the situation.

Amanda Mask Loyd replied my great-aunt own this property and passed last year. She stated I spent a large portion of my childhood being here with her and my uncle. She said that his family passed down his portion of the property to him, and she is now giving it to us, and I will one (1) day give it over to my children. She added the structures that are on there, the first structure is a barn that was built there in 1955 and was once a chicken house, but that now houses equipment and an old wooden wagon and lots of family heirlooms. She stated the brick house is their home and probably means a great deal to us emotionally to be able to keep that piece of property here for her. She said the barn and the lean-to were the original home structure from my great-uncle's parents. She added he was raised in that house and the house is over 120 years old. She stated we added a lean-to and converted it to essentially a barn that we house family heirlooms and things that have been passed down. She said we store tons of things in there we also use it to store farm equipment because we do still farm there and we do still have cattle. She added that it would be a great hardship for us emotionally if we have to tear it down. She stated we intend to keep the old homestead original structure as much as we possibly can. She said as far as the financial hardship it would be quite difficult for us to have to tear those down because we would have to build structures to house all of the equipment that those buildings are now housing for us. She added that it would mean a great deal if we can keep our old family homestead because it has been there for over a hundred years.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Amanda Mask Loyd replied we don't have any nay-sayers.

Chairwoman Marsha Hopkins stated that was going to be my next question if there was anyone to speak in opposition of the petition.

Amanda Mask Loyd replied no ma'am.

Chairwoman Marsha Hopkins stated we have to open it up for phone calls so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for discussion.

Chairwoman Marsha Hopkins asked if Bill Beckwith had any questions.  
Bill Beckwith asked if the will required you to subdivide the property.

David Ballard replied yes.

Bill Beckwith asked what you plan to do with Tract 1.



Amanda Mask Loyd replied my husband and I are taking Tract 1 and we intend to build a house there within the next five (5) years or so. She stated that her father has inherited the house that is on Tract 2, and my intention is to be there and share that home with my father. She said he has expressed to me to leave me his portion and we will eventually be able to bring those properties back together to keep them in our family. She added the cattle that we have are now grazing that property, but I do intend to put a house there within the next five (5) to 10 years.

Bill Beckwith stated that it is going to stay in the family basically?

Amanda Mask Loyd replied absolutely. She added my intention is to leave the entirety of it my portion and my father's portion to my daughter.

Bill Beckwith asked Chanelle Blaine how someone can build that house so close to the road. He asked if the road was re-designated some other type.

Amanda Mask Loyd stated the original homestead which is now the barn and the lean-to it sat in the place where the brick home is now was there and okayed before Mud Bridge was a County road. She said the first survey the surveyor could find was from 1904. She added back then your property went to the middle of the road, and the other family's property meets in the middle. She stated they basically gave some of their property to build that road, and that is why the house sits so close to the road.

Bill Beckwith stated very interesting...I just wanted to know.

Chairwoman Marsha Hopkins asked if John Tate had any questions.

John Tate replied actually he cleared up any questions I may have had.

Chairwoman Marsha Hopkins asked if Therol Brown had any questions.

Therol Brown replied I don't have any questions.

Chairwoman Marsha Hopkins asked if Tom Waller had any questions.

Tom Waller replied no questions.

Chairwoman Marsha Hopkins stated, no questions from me either, we have to vote on three (3) separate variances request so we will start with variance number one (1) to Sec. 110-125 A-R (d)(6) to reduce the side yard setback from 50 feet to 30 feet to allow an existing barn to remain on the proposed Tract 1. Therol Brown made a motion to approve. Bill Beckwith seconded the motion. The motion passed 5-0.



Bill Beckwith made a motion to approve 2) Variance to Sec. 110-125 A-R, (d) (4) (b) to reduce the front yard setback from 75 feet to 25 feet to allow the existing single-family residential home to remain on the proposed Tract 2. John Tate seconded the motion. The motion passed 5-0.

John Tate made a motion to approve 3) Variance to Sec. 110-125, (d) (4) (b) to reduce the front yard setback from 75 feet to 59 feet to allow the existing barn and lean-to to remain on the Proposed Tract 2. Tom Waller seconded the motion. The motion passed 5-0.

7. **Petition No. A-725-20, Mask Road Brooks Residence Trust/William Pettis, Owner, requests the following: Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 15 feet to allow an existing barn to remain. The subject property is located in Land Lot(s) 4 and 29 of the 4<sup>th</sup> District and fronts on Mask Road.**

Chairwoman Marsha Hopkins asked, please present your petition to us.

William Pettis stated the variance request I am asking for abuts me and is located at 561 Mask Road. He said that property when we bought it was actually two (2) tracts, Tract one (1) and Tract two (2). He added recently back in April I found out that a shed on Tract 2 was built 15 feet from an internal property line. He stated at the time we built this I paid a contractor to do it he kind of looked at the property as one (1) piece and not two (2) separate tracts. He said I did not double check to see if a permit was needed, if I hadn't we wouldn't be here tonight, and that was my mistake. He added right now I am requesting a variance that will allow me to build a deck, and I feel as though this would not have any detrimental effect on my neighbors east or west of their property line. He stated down the road I feel like this property will be sold as one (1) tract like we bought it. He said we ask for the variance so we can avoid the cost and risk.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Chanelle Blaine replied, there is no one here Marsha it is just us.

Chairwoman Marsha Hopkins stated so there isn't any opposition.

Chanelle Blaine replied, correct.

Chairwoman Marsha Hopkins stated we have to open it up for phone calls so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for discussion.

Chairwoman Marsha Hopkins asked if Tom Waller had any questions.

Tom Waller replied no questions.

Chairwoman Marsha Hopkins asked if Therol Brown had any questions.

Therol Brown replied my question is since Mr. Pettis owns tract one (1), which is where the shed is 15 feet away from. He asked Pete if you can replat that.

Chanelle Blaine replied, yes he could, that is something he could do.

Therol Brown asked Mr. Pettis if he explored replatting tract one (1) and tract two (2).

William Pettis replied, no I did not.

Chanelle Blaine interjected saying I just spoke to Pete and it wouldn't work because the house is so close to the shed.

Therol Brown stated I just thought there was another solution besides a variance. He then said that is all the questions I have Marsha.

Chairwoman Marsha Hopkins asked if Bill Beckwith had any questions.

Bill Beckwith replied my only comment is, this is a strange situation where a man's shed is too close to his house and there is a problem, but I don't think there is a problem. He said I think this is something we can resolve with a variance. He added otherwise you would have to tear down his own shed on his own property.

Chairwoman Marsha Hopkins asked Bill Beckwith if he had anything else on that.

Bill Beckwith replied no that's it.

Chairwoman Marsha Hopkins asked if John Tate had any questions.

John Tate replied, no questions or comments.

Chairwoman Marsha Hopkins replied, none from me as well. She asked for a motion.

John Tate made a motion to recommend approval of Petition No. A-725-20. Tom Waller seconded the motion. The motion passed 5-0.

- 8. Petition No. A-726-20, Stacie McCullough, Owner, Nick McCullough, Agent, request the following: Variance to Sec. 110-133 R-70, (d) (6) to reduce the side yard setback from 25 feet to 20 feet to allow a single family residence under construction to remain. The subject property is located in Land Lot 47 of the 7<sup>th</sup> District and fronts on Lees Lake Road.**

Nick McCullough stated we found out that the home was across the side setback line and I went back to the surveying company that staked it for me and he blamed it on the foundation company, and the foundation company blamed it on him. He said I really don't know what happened.

Chairwoman Hopkins asked do you have anything else you like to add to that.

Nick McCullough replied it's not hurting the neighbors or anything on the side of the home where it is, because it is swamped and the property next door is a great ways away.

Chairwoman Marsha Hopkins asked if there was anyone to speak in favor of the petition.

Chanelle Blaine replied, there is no one here.

Chairwoman Hopkins stated since there is no one to speak in opposition we must open it up for phone calls so, we have to give it a minute to allow for that process, and the call in number is 770-305-5277. She said we will give that about a minute and then we will bring it back to the Zoning Board of Appeals for questions and a vote.

Chairwoman Marsha Hopkins asked if Tom Waller had any questions.

Tom Waller replied no questions.

Chairwoman Marsha Hopkins asked if Therol Brown had any questions.

Therol Brown replied I have one (1) question on the west side of the lot where the swamp is at, it wouldn't be visible would it?

Nick McCullough replied no sir, it's a swamp and there is a creek right beside that so no one can ever build there.

Therol Brown stated that is all I had.

Chairwoman Marsha Hopkins asked if John Tate had any questions.

John Tate replied, no questions.

Chairwoman Marsha Hopkins asked if Bill Beckwith had any questions.  
Bill Beckwith replied, no comments from me.

Chairwoman Marsha Hopkins replied, none from me as well. She asked for a motion.

Tom Waller made a motion to recommend approval of Petition No. A-726-20. Therol

Brown seconded the motion. The motion passed 5-0.

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

*Bill Beckwith made a motion to adjourn, there were five (5) yeas.*

The meeting adjourned at 9:17 pm.

ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY

*Marsha Hopkins*  
MARSHA HOPKINS, CHAIRPERSON

*Howard L. Johnson*  
HOWARD L. JOHNSON, ZBA SECRETARY