

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 22, 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
Therol Brown
John Tate

MEMBERS ABSENT: Bill Beckwith

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 May 18, 2020.

John Tate made a motion to table the minutes of the meeting held on May 18, 2020. Therol Brown seconded the motion. The motion passed 4-0.

PUBLIC HEARING

2. Petition No. A-727-20, Arinze & Wynne Inya-Agha Owners, requests the following: Variance to Section 110-136. R-45, to reduce the side yard setback from 15 feet (as required in 1998 when the subdivision was platted) to 8 feet to allow an existing storage shed to remain. The subject property is located in Land Lot 7 of the 6th District and fronts on Lodge Trail.

Arinze Inya-Agha introduced himself to the Zoning Board of Appeals.

Chairperson Hopkins stated excuse me sir, before you get started I want to make sure that you sign in. She said we need to know for the record, since we don't have a full board present, whether you wish to table your presentation to the next meeting or if you want to proceed.

Arinze Inya-Agha replied I would like to proceed.

Arinze Inya-Agha stated I own a shed in my backyard that I built in 2016. He said prior to doing any work, I called and asked if I needed to apply for a permit. He added I was told you didn't need a permit unless the shed was anchored to the ground. He explained in my neighborhood, we have an architectural review committee. He said I had to apply to them to obtain approval. He said I included in the Petition the application that I used to apply to the architectural review committee, and they had me to go before my neighbors so that they

could see what I was planning to do. He noted my neighbors on both sides and the front of my property all approved it. He said in fact, one (1) of my neighbors is here, and he occupies the house on the side directly adjacent to the shed. He said I assumed it was okay to place the shed where it is today. He concluded so I went ahead, did the work and the architectural review committee came by and they all approved it.

Arinze Inya-Agha said when I was applying for a permit for a pool I was informed that the shed was too close to my neighbor's property. He stated since building the shed I have done a lot of landscaping and planted trees around it. He added where it situated, it is not visible from the street and I have a fence with trees right behind the fence. He said I included some pictures in my Petition to show the fence and the tree in front and along the side of my yard right next to the shed. He stated you cannot see the shed unless you're halfway down my backyard behind the fence. He said these were all conditions that the architectural review board placed on my application. He added they had me to plant trees so it wouldn't be visible from the street. He stated since I have applied for this permit, I have driven around my subdivision, and I see other sheds that are not meeting the fifteen (15) foot setback requirement. He concluded, so I am here to appeal for your consideration.

Chairperson Hopkins replied okay, is there anyone else to speak in-favor of your presentation?

Arinze Inya-Agha replied, my wife.

Chairperson Hopkins asked if you would like to speak you are more than welcome to.

Wynne Inya-Agha decline the offer to speak.

Chairperson Hopkins asked is there anyone that is opposed that wishes to speak? Hearing none, she brought it back before the Zoning Board of Appeals.

Chairperson Hopkins asked Chanelle Blaine do you know the phone number to call in.

Chanelle Blaine gave her the information to read.

Chairperson Hopkins replied, so given the COVID-19 conditions, we have a provision, where if anyone else wants to speak, in favor of, or in opposition to the Petition, they can call-in if they are not here in-person. She said we have to give it at least a minute to see if there are any call-ins. She added we are going to take a minute break right now, so that anyone that wants to call in can do so at 770-305-5277.

Chairperson Hopkins said okay we will now bring this back to the Zoning Board of Appeals for questions.

Therol Brown stated if I heard you correctly sir, you said you checked with staff before you built the shed, and asked about getting a permit. He said you were told that you didn't need a permit unless the building was anchored to the ground.

Therol Brown asked who did he call for information?

Arinze Inya-Agha stated that I called the number to the Building Department, and that was about five (5) years ago.

Therol Brown replied if that is the case, I guess you did what you are supposed to do. He asked so, you are talking about a seven (7) foot variance.

Chanelle Blaine replied yes the request is for a seven (7) foot variance.

Tom Waller asked did you construct the building that is there now?

Arinze Inya-Agha replied yes.

Tom Waller asked were you aware that a building over 200 square feet requires a permit from this County?

Arinze Inya-Agha replied I wasn't aware of that.

Tom Waller asked are the porches on that building included in that 16' x 24' size that is cited in your paperwork?

Arinze Inya-Agha responded no.

Tom Waller replied they are not.

Arinze Inya-Agha replied do you mean the porches?

Tom Waller replied there are porches in the front and the rear. He asked are the porches included in the 16' x 24' footprint?

Arinze Inya-Agha replied there is only a front porch and it is not included.

Tom Waller replied they are not. He added they aren't included in the 16'x 24' footprint and you weren't aware that a permit was required on a building over 200 square foot and this particular building is 384, so it is well beyond that.

Arinze Inya-Agha replied I was told that it is not considered permanent, because it is movable, it is not tied to the ground. He added I did not tell them the size because I assumed it was okay.

Tom Waller asked why a building permit was never requested or issued? He asked so the architectural review committee did not caution you about the setback requirement?

Arinze Inya-Agha replied no, they did not.

Tom Waller replied I would get head to head with that architectural review committee because they did not give you good service.

Arinze Inya-Agha replied the packet that I sent to them, is included in the Petition I sent to you. He added the page where they all signed and approved included conditions. He said they told me to plant trees around the building, but at no point did they say anything about a permit nor did they say anything about a setback requirement.

Tom Waller asked does your wife wish to speak?

Wynne Inya-Agha introduced herself. She said we have been living at this house for more than 20 years. She added our shed is not the only shed in the neighborhood, there are at least seven (7) sheds that do not meet the Code.

Tom Waller replied thank you, we won't discuss all the other infractions within this County.

Chairperson Hopkins asked does anyone on this ZBA have any other questions?

Tom Waller stated I make a motion that this request be denied.

Chairperson Hopkins asked is there a second to that or any questions. Hearing, none, she added that I want to make a comment.

Chairperson Hopkins said it is always troublesome when you are told something, when you ask the question and you are of the understanding that is okay. She said in this case it sounds like you were told if it's not anchored then there was nothing else to be done. She added you made that call to the County five (5) years ago and that's what's you were told.

Chairperson Hopkins asked it is not anchored, is that right?

Arinze Inya-Agha replied it is not anchored.

Chairperson Hopkins said with all due respect to my fellow ZBA member, I can't agree with your motion. She explained I feel as though if the gentleman made the request to the County, he was given misinformation and he acted on that misinformation. She added that he shouldn't be held to a standard when he was told differently. She concluded I just wanted to put that out there, if the rest of the ZBA wants to discuss it.

Therol Brown stated that he agreed with the Chairperson.

John Tate made a motion to recommend approval of Petition No. A-727-20. Therol Brown seconded the motion. The motion passed 3-1. Bill Beckwith was absent.

3. **Petition No. A-728-20, Linda R. and Laurence P. Lake, Owners, request the following: 1) Variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, to allow a guesthouse to be constructed in the front yard. (2) Variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.**

Chairperson Hopkins said good evening Ms. Lake. She added before you get started we need to know for the record, whether or not you want to table your request this evening since we don't have a full board, or do you wish to proceed.

Linda Lake replied that will be fine.

Chairperson Hopkins replied please present your request.

Linda Lake said that my husband and I have 4.2 acres on Adams Road in Fayette County. She added our property sits pretty far back off the road and we have a barn and a gazebo on the property in the back. She noted we have a little over two (2) acres, I believe, in the front of the house. She said we would like to petition to be able to build a 700 square foot guesthouse. She added that our son, who is paraplegic should be on our property but not in our house, so he can have some independence, but be close enough so that we can provide some care for him. She continued it took me a while but I actually found the plat that we had for the property when we bought it in 1987. She explained at that time we didn't have a gazebo there, just the barn. She said I managed to draw in the gazebo and show where on the property we would like to put the guesthouse for him. She added we were being careful enough to make sure that it is far enough from our neighbors' property. She stated we do have a fence all around the 4.2 acres, so we would not be impeding upon anybody. She said I think Mr. Johnson helped me with this, but we are about 13 feet short of having enough land in front, to give him a lot of his own. She noted we could always try go to our neighbors to ask if we can take 13 feet of their property to make a separate lot. She said

however it would be better to have him on our property. She concluded that is really all I have, if you have any questions, I can answer them.

Chairperson Hopkins asked if there is anyone to speak in favor of the petition. Hearing none, she asked if there was any opposition to the petition. Hearing none she brought it back to the Zoning Board of Appeals.

Chairperson Hopkins stated since we have to allow for public comment we must open up 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 discussion, and so we are going to do that now.

Therol Brown said (audio inaudible).

Chairperson Hopkins stated there are two (2) parts to this petition. She asked Chanelle do we have to take a vote on each one?

Chanelle Blaine replied yes, you have to take a vote on each one.

Chairperson Hopkins asked for a motion on the first part of the variance.

Tom Waller made a motion to recommend approval of Variance 1 of Petition No. A-728-20, a variance to Sec. 110-79 Accessory structures and uses, (e) Residential accessory structures located in a front yard, to allow a guesthouse to be constructed in the front yard. Therol Brown seconded the motion. The motion passed 4-0. Bill Beckwith was absent.

Chairperson Hopkins then asked for a motion on the second part of the variance.

Therol Brown made a motion to recommend approval of Variance 2 of Petition No. A-728-20, a variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3. Tom Waller seconded the motion. The motion passed 4-0. Bill Beckwith was absent.

Linda Lake replied thank you to the lady and the gentlemen.

Chairperson Hopkins said being no further business, she asked for a motion to adjourn the meeting.

ZBA Meeting
June 22, 2020

Page 7

Therol Brown made a motion to adjourn, there were four (4) yeas.

The meeting adjourned at 7:35 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Marsha Hopkins

MARSHA HOPKINS, CHAIRPERSON

Howard L. Johnson

HOWARD L. JOHNSON, ZBA SECRETARY