

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on July 27, 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 (in-person)

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.

Bill Beckwith made a motion to approve the minutes of the meeting held on May 18, 2020. Tom Waller seconded the motion. The motion passed 5-0.

2. Consideration of the Minutes of the Meeting held on June 22, 2020.

John Tate made a motion to table the minutes of the meeting held on June 22, 2020. Tom Waller seconded the motion. The motion passed 5-0.

PUBLIC HEARING

3. Petition No. A-729-20, Justin and Andrea Johnson, Owners, request the following: 1) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 11 feet to allow for the construction of a pergola. 2) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (4) (a) (2) to reduce the front yard setback from 75 feet (as required by plat) to 65 feet to allow for the construction of a pergola. 3) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (4) (a) (2) to reduce the front yard setback from 75 feet (as required by plat) to 17 feet to allow for the construction of a shed. The subject property is located in Land Lot 49 of the 7th District and fronts on Elysian Drive and Coastline Drive.

Justin Johnson stated I am requesting these variances to minimize the setback because of where my home was placed by the builder. He said the septic tank was placed in the front yard along with the drain field lines. He added the rear setback is at 75 feet along Coastline Drive which is behind our property. He stated I believe from my research that's normally at 30 feet, and with that setback (i.e. 75) I only have 14 feet behind my home to build any type of accessory structures. He said my first request is to have the rear setback reduced for the shed and pergola. He added I

am also requesting a side yard setback reduction from 20 feet to 11 feet, and that is also for placement of the pergola. He stated I have supported these things with not only the plats that show where the septic tank is located on my property, but I have also talked to both neighbors and they both provided statements and signed documentation that supports the construction of both of these detached structures. He said I have also supported this variance request with a letter from our homeowners association, where the president has signed off on our board's behalf. Lastly he added they are supporting it in the community as long as I am building within the guidelines of the design for accessory structures.

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

Justin Johnson replied my wife is here to speak in favor of the petition.

Chairwoman Marsha Hopkins stated if she wishes to speak that is fine, but she doesn't have to speak.

Justin Johnson replied she wishes not to speak at this time.

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

Chanelle Blaine replied there is no one here.

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.

Bill Beckwith stated the problem here is that the lot has two (2) front yards.

Chairwoman Marsha Hopkins asked if anyone else had a comment....Therol.

Therol Brown asked if the acreage of the lot was two (2) acres.

Justin Johnson replied no.

Therol Brown stated it looks to me that the developer got approval of the conservation subdivision, and reduced the acreage lots to Mr. Johnson and others. He said this leaves no room for any structures to be built that would comply with the setbacks. He added it should be incumbent on the developer, or his representatives

to tell the purchaser about this. So the purchaser would know it going into the contract whether or not they would want the lot with these reduced areas that are ineligible for structures. He added it looks to me if we approve this we are telling the Planning Commission that zoning doesn't matter and we will override it if they want to build something within the setback. He stated I just have a problem with that, because it may be precedent setting not only in this subdivision, but in any other subdivisions particularly those with a minimum of one (1) acre.

Tom Waller asked are you the original owner of this home.

Justin Johnson replied yes sir.

Tom Waller asked are you aware that this is a one (1) acre lot.

Justin Johnson replied yes sir.

Tom Waller said you have within your front yard over half an acre and in your back yard it is less than a quarter of an acre. He added within that quarter of an acre we must apply setbacks. He stated with regards to the additional buildings you wish to put up that's what requires you to have these variances. He asked do you understand that.

Justin Johnson replied I do. He asked may I respond to that first question and your comment about the lot being an acre lot and the front being 75 percent of that lot.

Tom Waller replied please.

Justin Johnson stated that the septic tank is in the front yard, and I can't build on top of the septic tank. He said that leaves me with only 14 feet off of my house in the rear yard according to the plat.

Tom Waller asked was this information you were aware of before you purchased the home.

Justin Johnson replied no I was not aware, and neither was the builder or any of the agents. He said I do not have any of the other property owners to speak to that, but other property owners have talked to me with the same amount of surprise, once I had to explain to them that I was going through a variance process. He stated the other question I wanted to respond to was the backyard. I have taken photos of my backyard as well as what extends beyond the fence. He said it is a natural area to which I own about 50 feet or so and then there is a setback to the community. He added then there is Coastline Road and then the other front driveway is on the other side of Coastline Road.

Tom Waller asked how wide the buffer around your subdivision is.

Justin Johnson replied I could approximate but I could not answer specifically.

Tom Waller stated you do not know.

Justin Johnson agreed.

Therol Brown asked who the developer was.

Justin Johnson replied D.R. Horton.

Chanelle Blaine stated I just want to make sure that everybody understands that the issue is he has a septic tank in his front yard and his lot is a through-lot. She explained a through-lot is a lot that faces two (2) streets one (1) being on the rear portion of his lot and the other being on the front. She added the rear portion of his lot has a road that is classified as a collector and that is why the setback is so large. She stated the road in the front of his lot is an internal local road. She added that the road classification makes the setback larger than what it would normally be on a lot this size. She added that is why he can't build his residential accessory structures in his backyard. She said it would normally be 30 feet for rear yard setback with no road abutting it. She concluded I just want to make sure we all understand why we are here.

John Tate asked with regards to distance with the shed that is 52 feet from the back of your house.

Justin Johnson replied that is correct.

John Tate asked could the shed be built closer to your house.

Justin Johnson replied if you take a look at the photos that were taken where I was standing on the back patio and took the picture back to my fence. He said the fence is right at 50 feet. He added I can build a shed closer to my house, but my thought process in building the shed would be at the entry way of my fence.

Chairwoman Marsha Hopkins asked if there were any additional questions or discussions. She asked for a motion.

Chanelle Blaine interjected saying remember we have (3) variances and we are going to do each one (1) separately.

Therol Brown stated I believe the Johnson Family got themselves in a pickle through no fault of their own, they had good intentions, and the developer did not do his part

and, I guess that is debatable. He said with Coastline Road being back there it makes it hard for someone else to build back there at least in our lifetime and with that in mind I make it that we grant the variance.

Therol Brown made a motion to recommend approval of Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 11 feet to allow for the construction of a pergola. John Tate seconded the motion. The motion passed 4-1. (Tom Waller opposed)

Bill Beckwith made a motion to recommend approval of Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (4) (a) (2) to reduce the front yard setback from 75 feet (as required by plat) to 65 feet to allow for the construction of a pergola. Therol Brown seconded the motion. The motion passed 4-1. (Tom Waller opposed)

John Tate made a motion to recommend approval of Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (4) (a) (2) to reduce the front yard setback from 75 feet (as required by plat) to 17 feet to allow for the construction of a shed. Therol Brown seconded the motion. The motion passed 4-1. (Tom Waller opposed)

4. **Petition No. A-730-20, Martin Padilla, Owner, requests the following: Variance to Section 110-137. R-40 (d) (6), to reduce the side yard setback from 15 feet to 10 feet for the renovation of an existing pool deck and open roof. The subject property is located in Land Lot 156 of the 5th District and fronts on Red Oak Drive.**

Martin Padilla stated I am remodeling my old pool, because it was leaking a lot of water, and the decking was in bad condition. He said the pool was existing. He added I am building a wall and I cannot move my pool closer to the middle of the yard, because I have my septic system. He added I need a variance to allow my deck and open roof to be 10 feet from the side property line.

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

Lawrence Hartwell stated I am Martin's neighbor from across the street. He said we certainly have no objections to the change. He added that we have had a similar problem with our property across the street. He stated we are sitting in the curve of the street, and the lots that are in that curve are key-hold shape lots. He said the builders laid the houses on the lot as if they were to be parallel to the street. To cause those key hold shaped property lines to dive in behind the house that makes it very difficult to do things to the rear of the house with the 15 foot restriction. He said in the case of Martin Padilla's place it leaves him with only 90 feet at his back property line and when you take 15 feet off of each side it only leaves him with a 60 foot working area. He added when these houses went in 40 years ago these property lines were a little more evident, but after 40 years of tree growth, fence installation that may or may not have been in line with the property

line these setbacks can cause a problem. He added in our particular case we were able to have an amicable arrangement with our neighbor where we actually purchased a slither of property from him. He said that was a process that has taken us over nine (9) months. He added in the case of Martin's property and what he's proposing here it's a difference between 15 and 10 feet. He said from the standpoint of a cross the street neighbor I have no objections to it.

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

Chanelle Blaine replied there is no one else in favor.

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

Chanelle Blaine replied yes.

Dean Breeze stated I have live there for over 40 years and I have objected to it because the setbacks are clearly marked on the application when he applies, and that somehow doesn't seem to be the case. He said the property behind the house from side to side is 90 feet it's a 163 feet. He added the 90 feet behind the house that was referred to, is 200 feet behind the house. He said you can't take that into consideration, you have to look at where the pool is. He stated Mr. Padilla says the pool is a modernization or renovation in fact it's a brand new pool from start to finish everything about it is brand new. He said he filled in the old pool, and put in a new pool. He added that Mr. Padilla said the septic tank is in the backyard, well I was there 40 years ago and was one (1) of the first houses on the street; all of the septic systems as far as I know are in the front yard, not in the backyard, so people can put pools in their backyards. He stated the original owner put the pool right behind the house now its moved over, so why is that? He asked is there a septic field in the back, I don't think so. He asked if there was a permit for that too. He reemphasized that septic tanks throughout the neighborhood are placed in the front yard not in the backyard like this person says. He said and what business is Mr. Padilla in, septic, and where does his vehicle stay, in the front yard on the grass in the driveway. He complained of heavy vehicles up and down the street. He added we object to it, because it doesn't meet the requirements as stated. He said it was on the permit when he applied for it and has mislead the County and the Zoning Board of Appeals. He stated all you have to do is come out and see it. He said it is a 163 feet across the back from one (1) property line to another. He added he could have put that pool in the same place the original pool was. He stated it was his decision to move it over, and it was his decision to put the wall in, and it was his decision to put up the post up. He added and now he has to move them, and is asking for a variance. He stated when I went upstairs to ask the people where the architectural drawings were for the decking, there response was there are no architectural drawings for this. He said if you were to go down the street you would see a

huge 6X6 post in the air on the fence line. He added we object to it and I don't think he is a good neighbor.

Chairwoman Marsha Hopkins asked if there was anyone to speak in opposition of the petition. Hearing none, she asked Chanelle does the petitioner get a chance to rebut to the opposition.

Chanelle Blaine replied yes he does.

Martin Padilla stated septic systems don't always go in front of the house, they can be in the back, or on the sides. He said before I got approval for my pool permit the first thing we had to do was get approval from Environmental Health to make sure the pool was not going to be within 15 feet from the septic system and drain-field lines. He added the person that was just speaking before can check on Google Maps to see where the pool was originally built. He stated the pool was originally built on the side of the house, and all I did is tear down the old pool and build it back on. He said the gentleman can go to Environmental Health Department to see that the original septic system was built in the backyard. He added I am currently meeting those expectations of 20 feet and 15 feet from the edge of the pool to my septic lines. He stated if I wanted to install my pool right behind my house I would have needed to move my drain-field lines, and my drain-field lines and septic system are in perfectly good condition. He said there is no need for me to move my septic system, and all I did was remodel the pool; the pool is in the original spot. He added if you check the old Google Maps the pool is in the original spot where it is currently located right now. He stated the only thing I did was build the wall without surveying the property. He said when I surveyed the property; that is when I found out that the wall was only 10 feet from the property line, and that is why we are here. He stated if I am allowed to do this that will be okay, and if I am not that is why we are here to fix this issue. He said my neighbors have a chain-link fence it's actually on my property, is that a problem? Not for me, it doesn't bother me, its okay, I am not going to make my neighbor tear down her chain-link fence. He added I know it's on my property, but I like to be a good neighbor. He stated that pool was originally in the same spot, and the only thing is we built that wall and planned to build that roof only 10 feet away from that property line. He concluded all I am asking for is five (5) feet. He said my property line is correctly marked and that is why we are here.

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.

John Tate stated when you were making your initial statements I thought you said the pool had been moved. He asked is that correct, did you say that.

Martin Padilla replied no, the pool was never moved.

John Tate stated that was my only question. Gentleman do you have something else?

Martin Padilla interjected saying may I add something else that I forgot to say. He said the reason why I am building that wall closer to that property line is because right behind the house is a septic line, and I only have a four (4) foot deck from the edge of the pool to my septic lines. He added I cannot build a big enough deck on the right side of the pool, so that is why I am building on the left side of the deck. He stated that is the reason why that wall and deck are closer to the property line, because I cannot go bigger on the right side. He said if I could go bigger on the right side and my drain-field lines weren't in the way I would have done it.

John Tate stated when I read through this petition it said that it was a remodeling and there was not extension to anything else, and now I am just not certain. He said we had a comment that said the pool use to be somewhere else, and that is just my confusion.

Martin Padilla replied I guess someone gave you the wrong information the pool is still in the original spot. He stated that wall is where I use to have a fence and a shed. He said where the pool equipment use to be with the storage. He added instead of having that shed and pool equipment that's where I built a wall to have a deck.

Therol Brown stated that I am sort of like John, he said Mr. Padilla you stated on your application and I quote, "There was already an existing pool and deck at this same location and all that I will be doing is remodeling my pool and deck." He asked is that a true statement or is that a false statement.

Martin Padilla replied that is a true statement. He stated the only thing I am doing differently than before is making the left side deck a little bit bigger.

Therol Brown replied then that is not the same location then.

Martin Padilla stated that pool it is.

Therol Brown stated you said the pool and deck were at the same location.

Martin Padilla said it was going to be a little bit differently.

Therol Brown stated so that's a false statement?

Martin Padilla replied no.

Therol Brown stated I don't have anything else.

Chairwoman Marsha Hopkins asked does anyone else have anything. Hearing none, she asked for a motion.

Bill Beckwith asked Therol Brown what he determined from his remarks.

Therol Brown replied Mr. Padilla said the pool and deck were in the same location. He added Mr. Padilla later stated that the pool was moved a little bit further, but yet he tells me that is not a false statement. He said there is a question in my mind on whether it is in the same location or not. He asked do we have any photos of a before and after.

Chanelle Blaine replied I have an aerial from 2018 and it shows a hole in the ground for a pool. She asked at when did you remodel the pool.

Martin Padilla replied I started sometime in 2018. He then said I have an old picture from Google Maps where it shows the original pool before I started to do anything.

Bill Beckwith asked how old the picture was.

Martin Padilla replied I do not know but that's how the house was before I bought it.

Chairwoman Marsha Hopkins I think the information is conflicting that is in front of me for me to make a decision.

Therol Brown replied I concur.

John Tate made a motion to recommend denial of Petition No. A -730-20. Therol Brown seconded the motion. The motion denied 5-0.

5. **Petition No. A-731-20, Andrew and Cindy Schultz, request the following: 1) Variance to Section 110-137. R-40 (d) (4) (b), to reduce the front yard setback from 40 feet to 20 feet for the construction of a detached garage. 2) Variance to Section 110-79. Residential accessory structures and their uses (e) (2) when a residential accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback increase of 20 feet will not apply. The subject property is located in Land Lot 184 of the 4th District and fronts on Hammock Bay Drive, Porchview Court, and Antioch Road.**

Andrew Schultz stated the setback is currently set for 40 feet and we are requesting 20 feet and that is along Porchview Court. He said the outbuilding will extend along that area that attaches from the current concrete driveway to the garage. He added

we are requesting this, because if we were to set the outbuilding within the parameters of the current setback we would be interrupting our site lines in our backyard, and make our space back there unusable. He added we also have a proposed patio for the future that will go behind the house, and if we put the garage where the setback is that would interrupt the site line there. He stated also we plan to put in a deck to extend the living area of the house outside. He added we have a very flat backyard area, and if we were to adhere to the current setbacks the garage would be in the backyard directly behind the house. He stated this would interrupt our backyard for the play area for the kids. But also when the kids are in the backyard it creates kind of a safety issue because we wouldn't be able to look out the window into the backyard to see the kids, and it would also interrupt the flow of driving the cars down the driveway into the garage. He stated it would put it completely out of focus. Another thing is for use because we are right next to the road it would add some needed privacy to our backyard. He said where we are proposing to place it is kind of the high ground so, if we were to place it in the backyard we would have to build up all of that turf back there, in order to take the garage out of a flood hazard, because all of the front yard of the house drains in that area. He concluded if you have any questions I will be happy to answer.

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

Andrew Schultz replied yes, we have our HOA president.

Scott Schwartz stated I am the HOA president for Hammock Bay. He said we on the HOA have approved the plans as described by the homeowner. He added I just wanted to state that for the record.

Chairwoman Marsha Hopkins asked if Mr. Schwartz wanted to add anything else to that.

Scott Schwartz replied no.

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

Chanelle Blaine replied no that is it.

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

Chanelle Blaine replied no.

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 stated based on the type of lot you have I would be supportive of approval just based on that.

Chairwoman Marsha Hopkins asked if anyone else had a comment. Hearing none, she asked for a motion.

Chanelle Blaine stated that each variance motion will be done separately.

Therol Brown made a motion to recommend approval of Variance to Section 110-137. R-40 (d) (4) (b), to reduce the front yard setback from 40 feet to 20 feet for the construction of a detached garage. John Tate seconded the motion. The motion passed 5-0.

John Tate made a motion to recommend approval of Variance to Section 110-79. Residential accessory structures and their uses (e) (2) when a residential accessory structure is located in a secondary front yard adjacent to a street that is designated as an Internal Local the required setback increase of 20 feet will not apply. R-40 (d) (4) (b), to reduce the front yard setback from 40 feet to 20 feet for the construction of a detached garage. Bill Beckwith seconded the motion. The motion passed 5-0.

6. **Petition No. A-732-20, Dawn Scarbrough, requests the following: Variance to Section 110-242 (h), Request for an illegal lot to be deemed a nonconforming lot, due to the lot having less road frontage than is required for its zoning to be a nonconforming lot. The subject property is located in Land Lot(s) 186, 187, 198 and 199 of the 4th District and fronts on Snead Road.**

Dawn Scarbrough stated I bought this property in 2015 without any real plan for it. She said I thought in doing so I had confirmed that it was a legal lot, but couldn't find any proof in that when it came time to sell it. She added that is when these troubles came up, unbeknownst to me everything has to do with when the lot was created. She stated unless you live in a subdivision a lot of people wouldn't know when the lot was created if it wasn't a piece of property that was divided up all at one (1) time. She said this property was left over after other sections were sold off. She added in trying to sell it I found out that it was an illegal lot because of the road frontage, its only about 57 feet and 100 feet are required so, that is why I am asking for a variance to make this a nonconforming lot. She added I am here to get this lot from being an illegal lot to a nonconforming lot. She stated some people are interested in buying it, that may have a different use in mind, but that is not what I am here for tonight.

Chairwoman Marsha Hopkins add if that was anything else Dawn Scarbrough would like to add to that.

Dawn Scarbrough replied no, unless someone has a question.

Chairwoman Marsha Hopkins asked if there was anyone else to speak in favor of the petition. Hearing none. She asked if there was anyone else to speak in opposition of the petition.

Chanelle Blaine replied yes, there are people here to speak in opposition.

Mark Macayan stated I represent the residents of Snead Road, and our request is for you to deny this variance. He said it has come to our understanding that in order to make it a legal non-conforming lot the owner must have a 100 feet of road frontage. He added we understand according to County rules if there is an available lot adjacent to the current lot in discussion, they should be able to purchase that lot in order to follow the County regulations. He added we would like for the owner of the lot to purchase the additional lot in order to conform to this 100 feet of frontage rule.

Chanelle Blaine asked is that all of your presentation sir.

Mark Macayan replied no, we also have concerns about what is going into that lot. He stated we are a residential area very peaceful, and we are concerned about opening a business in a residential area. He asked how that is going to affect our neighborhood with traffic, and we don't know what the business is whether that could be a business that is 24 hours 7 days a week. He said no one has told us what the intention is for the lot. He added we also have to be concerned about any type of noise that may come up. He stated it may be a school or maybe a business with a lot of noise. He said it could affect our property values if it's a bar or some other place that we have concerns about. He also mentioned there may be an odor coming off of the place. He concluded our biggest concerns are traffic, people coming and going that may not be involved and that are not even from the County. He stated that affects the homeowners in our area and the safety of our area, our family and our property. He added at the core issue we would like to petition the Zoning Board of Appeals to not grant this variance to make the owner of the lot attempt to purchase the property adjacent to them in order to make an illegal lot conforming.

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

Christian Vehrs stated we purchased a home on this road because it was a quiet road. He said this road is all residential and we've been told that the plan is to turn this lot into a business. He said we have also been told, I don't know if that is just hearsay, that it's going to be a dog kennel, and the noise that comes from a place like that to me would be quite egregious with all the property owners adjacent to it. He asked are we talking openly about what type of business is going to be here. He added don't we already know

that. He stated as a homeowner that is exactly why we are in opposition to it because this would greatly affect not only our life but our property value.

Chairwoman Marsha Hopkins asked if there was anyone else.

Chanelle Blaine replied we have one (1) more person.

Shane Crockett stated I live directly across the street from the property. He said this is an individual who does real estate for a living, and has determined five (5) years later she can't sell this property. She is now asking the County to change the legality of this property so she can turn around, and sell this property for a business to be there. He added the business going in there is an animal rescue, and this a residential area. He stated it's interesting to me that we are allowing someone who does real estate for a living who made a mistake to come before the Zoning Board of Appeals to request the legality of the property be changed. He said this mistake that was made allows her to turn around and sell this property and put a business on it in the middle of residential property. That is probably my biggest frustration. He added I don't want a business directly from my house regardless to what that business is. He said this is country land and it's not meant for a business. He stated this is country land and Snead Road just got paved three (3) or four (4) years ago. He concluded we are asking the County to not approve the variance because this is a person who does real estate for living and should have known this before she bought it.

Chairwoman Marsha Hopkins stated the petitioner now has time to rebut to the opposition.

Dawn Scarbrough stated first of all apparently no one has read the application. She stated I have not made application for any type of business use whatsoever, and I apologize for a party that is interested in this property probably jumped the gun. She said all that I have asked is for a variance to turn this from an illegal lot to a legal lot. She added it is true that a non-profit organization that works for animals is interested in purchasing this, that's not what this application is about. She stated they will have to make their own application for a variance, and after tonight I'll be sure let them know that they will be wasting their time to do so, but that's not what I am here to do. She added I am not trying to bring a business to your property. She reiterated I have not made any sort of application for any type of business at all, as I said someone else is interested in purchasing this property, but they would need to make an application for a conditional use or special use variance as well to be back before this board, that is not what we are here for tonight. She stated I am only trying to get the lot from an illegal use to a legal non-conforming use it has nothing to do with a business whatsoever.

Chairwoman Marsha Hopkins asked if that concluded your comments.

Dawn Scarbrough replied yes.

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.

Therol Brown stated the property is properly zoned Agricultural-Residential. He said I really appreciate your concern with what may be going on there that's a matter for the Zoning Commission and the Board of Commissioners that's where they would make that appeal. He added the gentleman's comments regarding purchasing the five (5) acre parcel next to it the property, the applicant addressed that in her application. He stated the five (5) acres is the minimum amount you can have in A-R and if you take away from that property you are making it illegal. He said that is not our decision we only go by what the applicant has asked for on her application.

Chairwoman Marsha Hopkins stated I agree with what Therol said. She added our charge is to make sure the applicant complies with the conditions that have been set up and it looks like the applicant has satisfied those conditions.

Chairwoman Marsha Hopkins asked if anyone else had any questions or comments.

Therol Brown made a motion to recommend approval of Petition No. A-732-20. John Tate seconded the motion. The motion passed 5-0.

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

Therol Brown made a motion to adjourn, there were five (5) yeas.

The meeting adjourned at 9:03 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**


MARSHA HOPKINS, CHAIRPERSON

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A handwritten signature in blue ink, appearing to read "Howard L. Johnson", is written over a horizontal line. The signature is fluid and cursive, with a large initial 'H' and 'J'.

HOWARD L. JOHNSON, ZBA SECRETARY

