

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 22, 2021, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Therol Brown, Chairman
John Tate, Vice-Chair
Tom Waller
Marsha Hopkins
Anita Davis

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

STAFF ABSENT: Pete Frisina, Director, Community Services

1. Consideration of the Minutes of the Meeting held on October 25, 2021.

John Tate made a motion to approve the minutes of the meeting held on October 25, 2021. Tom Waller seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. Petition No. A-782-21, William & Terese Wisvader, Owners, and Michael Wisvader, Agent, request the following: Variance to Section 110-179. Accessory structures and uses, (c) (1) (a), Number and size, to allow for the number of permitted residential accessory structures on the lot be raised from three (3) to four (4). The subject property is located in Land Lot 226 of the 4th District and fronts on Busbin Road.

Michael Wisvader stated we had to move into our parent's home to take care of them as well as the property, since they are elderly. He added we sold our house in south Fayette County to move in and take care of them. He noted that we planned to put up a little guest house to accommodate my wife and I. He explained we had some belongings that we had to move there so I put in an extra storage shed. He noted the guesthouse can only be 700 square feet and we can't fit everything within that space, so that was the purpose of the extra shed. He concluded the main reason for the guesthouse is because we have to move onto their property to take care of them.

Chairman Brown asked are you also proposing a carport in addition to the guesthouse?

Michael Wisvader responded that the carport was already there. He added the only thing that we added was the shed.

Chairman Brown asked is there anyone in the audience who would like to speak in support of

this petition. Being none, he asked is there anyone in the audience who like to speak in opposition to this petition. He then asked if not, are there any questions or any comments from ZBA members.

Tom Waller asked is this lot in a subdivision?

Michael Wisvader replied I don't know if this is considered a subdivision. He added it is on almost six (6) acres but I guess it is because there are neighbors on either side of us.

Chairman Brown said there are neighbors but it looks to me that it is not in a subdivision, but I may be wrong.

Tom Waller said this looks like a subdivision plat.

Chanelle Blaine replied the way we categorize subdivisions maybe different from what you think. She added anytime you subdivide a lot into two (2), we consider that to be a subdivision. She explained these are just lots on the side of the road and do not have an internal road for a normal subdivision like in River Park or Analise.

Chairman Brown said these are lots with driveways that feed out on to Busbin Road.

Michael Wisvader responded that is correct.

Tom Waller asked what is the large easement going through the back of the property and how wide is it?

Michael Wisvader replied it is a Georgia Power easement.

Tom Waller asked is it 200 or 300 feet wide.

Michael Wisvader replied it is maybe a 100 feet.

Chanelle Blaine said I think on the plat for Busbin Road it says it 100 feet wide.

Tom Waller asked what is the within of the entrance road going into the property?

Michael Wisvader responded the entrance is 20 feet. He added the driveway is not 20 feet.

Chanelle Blaine said according to the legal description on the lot, the deed says the frontage is 37 feet wide.

Tom Waller asked would 37 feet wide acceptable now for a lot?

Chanelle Blaine responded no it wouldn't because we require that each lot have at least 100

feet of frontage, but this lot was done prior to the zoning ordinance in 1976. She added the zoning ordinance was done in 1980.

Tom Waller asked so you think that the Georgia Power easement is 100 feet wide?

Michael Wisvader replied that is correct.

Tom Waller said the current house has a shed in the backyard. He asked is there a swimming pool in the back yard?

Michael Wisvader responded yes.

Tom Waller asked is there a pavilion shed with it.

Michael Wisvader replied no.

Tom Waller also asked is this house on County water?

Michael Wisvader responded no.

Anita Davis asked are there two (2) existing shed on the property, is that correct.

Michael Wisvader replied yes, there was one (1) original shed there when we purchased the house. He added I put a shed up because there was no room to store all of our belongings.

Anita Davis asked is it possible you can replace the two (2) smaller sheds with one (1) larger shed to accommodate everything instead of two (2) separate sheds?

Michael Wisvader responded one (1) of the sheds, are owed by my dad, is located close to the house and he has problems walking, so that is convenient for him. He said the other shed, which we put up, is going to be closer to the proposed guesthouse. He added one shed contains all of belonging and my dad's belongings are in his shed, which is a close walk for him.

Anita Davis asked is also possible that some of your personal belongings can be placed in the existing home?

Michael Wisvader replied oh no there is not any room in my parent's house. He added that why we put the shed up otherwise we would have placed our belonging in there.

John Tate asked did you say that the carport is already in place?

Michael Wisvader responded yes, when we purchased the property the carport was there.

John Tate then asked when you initially applied for an approval for a guesthouse, is that is when they discovered this.

Michael Wisvader replied yes, they said there are too many structures on the property. He added you can't see it, but the structures are very far apart from each other and there is nothing by the street because it is a flag lot. He noted that they are very nice structures.

Chairman Brown asked Michael Wisvader to describe the two (2) sheds.

Michael Wisvader responded I have a picture that I show you.

Chairman Brown replied that would even better.

Howard Johnson said I will pass the photo to the members of the ZBA. He added this is a picture of the new shed, correct.

Michael Wisvader replied correct, the old one I don't know if I have a picture of it.

Chairman Brown asked is the old one similar to this new one?

Michael Wisvader responded yes, because I replaced the siding and re-re-roofed it. He added it is much nicer now.

Chairman Brown asked when did your parents move there?

Chanelle Blaine said it was probably 2013.

Michael Wisvader replied that's probably right, it's been about eight (8) years.

Chairman Brown said Chanelle what does the ordinance say about the number of accessory structures

Chanelle Blaine replied the code says that you are allowed to have three (3) when you have five acres or less and it not zoned A-R.

Chairman Brown said this zoned R-40, correct?

Chanelle Blaine says it states:

... per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres.

Chairman Brown responded the primary structure had been there since, I believe 1976.

Chanelle Blaine replied the primary structure does not count against them, it is just the detached accessory structures.

Tom Waller asked is a swimming pool a structure?

Chanelle Blaine responded it is not counted as a residential accessory structure, according to the ordinance.

Tom Waller asked is that in writing?

Chanelle replied yes it is. I can read it for you if you like, please let me look it up.

Chairman Brown asked are you 800 feet off the road, is that correct?

Michael Wisvader said I know the driveway is 900 feet.

Chanelle Blaine said the ordinance states:

A well/pump house, pool equipment enclosure structure, dog house, or playhouse/treehouse consisting of 70 square feet or less; dog pen/run; swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure or one semi-trailer/box truck (as regulated under [section 110-125](#), pertaining to "A-R, Agricultural-Residential District," and [section 110-169](#), pertaining to "Conditional use approval"); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace; patio; underground storm shelter; horse quarters (as regulated under [section 110-169](#), pertaining to "Conditional use approval"), temporary greenhouse (see (o) below), or beehive shall not be included in determining the number of residential accessory structures.

She concluded there are a list of structures that are not included in the amount of residential structures. She added the pool is just one (1) of those.

Michael Wisvader said in the brief description that I have from the County, it says the property is allowed a setback 800 feet from the street.

Chairman Brown asked are they any other questions or comments from members of the ZBA. Hearing none, he then asked Howard or Chanelle do you have any other comments.

Chanelle Blaine replied no I do not.

Chairman Brown said hearing no further questions or comments, I will entertain a motion.

Chairman Brown said hearing none, the Chairman will make a motion to approve.

Therol Brown made a motion to approve Petition No. A-782-21 to allow the number of permitted residential accessory structures on the lot to be raised from three (3) to four (4). John Tate seconded the motion. The motion passed 3-2.

Tom Waller made a motion to adjourn. Marsha Hopkins made a motion to adjourn.

The motion passed 5-0.

The meeting adjourned at 7:26 pm

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



THEROL BROWN, CHAIRMAN

ATTEST:



HOWARD L. JOHNSON, ZBA SECRETARY
Chanelle Blaine