

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 28, 2022, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John Tate, Chair
Marsha Hopkins, Vice Chair
Tom Waller
Anita Davis
Bill Beckwith

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

1. Consideration of the Minutes of the Meeting held on January 24, 2022.

Marsha Hopkins made a motion to table the minutes of the meeting held on January 24, 2022, until the next meeting. Bill Beckwith seconded the motion. The motion passed 5-0.

PUBLIC HEARING

2. **Petition No. A-787-22, David Battle, Owner, request the following: 1. Variance to Section 110-133 (d)(6), to reduce the side yard setback from 25 feet to 7 feet to allow an existing residential accessory structure (garage) to remain. 2. Variance to Sec. 110-79. (c) (1) (a) Number and size, to allow for the number of permitted residential accessory structures on the lot be increased from two (2) to three (3). 3. 2. Variance to Sec. 110-79. (c) (1) (a) Number and size, to increase the square footage amount from 1800 square feet to 3142 square feet for residential accessory structures on lots less than five (5) acres. The subject property is located in Land Lot 227 of the 4th District and fronts on Thomas Trail.**

David Battle (130 Thomas Trail) said when I bought his property, I was unaware that I needed any variances for these structures.

Chairman Tate said Mr. Battle please forgive me, Chanelle is it appropriate at this point to allow him the opportunity to return at a later date?

Chanelle Blaine asked Mr. Battle since we have an additional variance for the rear setback that will be coming up next month, the ZBA members would like to know if you want to continue with the three (3) variances that you have right now, or do them all of them next month?

David Battle responded if I can do them all next month, that would be perfect.

Chanelle Blaine said okay, we will table this petition and then next month we will hear them all at one time. She added since he has decided to table, so you need to make a motion.

Anita Davis made a motion table the Variance #1 of Petition A-787-22 until the March 28, 2022, meeting to reduce the side yard setback from 25 feet to 7 feet to allow an existing residential accessory structure (garage) to remain. Bill Beckwith seconded the motion. The motion was approved 5-0.

Marsha Hopkins made a motion to table Variance #2 of Petition A-787-22. Number and size, until the March 28, 2022, meeting, to allow for the number of permitted residential accessory structures on the lot be increased from two (2) to three (3). John Tate seconded the motion. The motion was approved 5-0.

Bill Beckwith made a motion to table Variance #3 of Petition A-787-22 until the March 28, 2022, meeting to increase the square footage amount from 1800 square feet to 3142 square feet for residential accessory structures on lots less than five (5) acres. Tom Waller seconded the motion. The motion was approved 5-0.

- 3. Petition No. A-788-22, Troy and Venesia Denson, Owners, request the following: Variance to Section 110-90 Mailbox supports, to allow an existing concrete post mailbox with stone veneer to remain. The subject property is located in Land Lot 131 of the 5th District and front(s) on Hood Road and Ginger Cake Road.**

Troy Denson (108 Hood Road) said good evening. He added I know that Fayette County does not take their ordinances lightly and we apologize for the inconvenience with the mailbox. Being members of the military, we try to honor all codes and ordinances of Fayette County. He explained as new homeowners we did not know that this was part of the ordinance until after having the inspection done, that that was the wrong thing to do at that time. He said we now understand that the mailbox and we apologize. He concluded at this time, we wish to keep our mailbox, but because of this situation with the builder, which we let go for not knowing that was part of the ordinance for where we live.

Chairman Tate asked is there anybody in the audience that would like to speak in support of the petition.

Regina Young said I live in the same subdivision as this lovely couple who have a beautiful mailbox that blends very well with the structure. She added I wasn't aware of any ordinances, as well, but it goes very well, and it is beautiful piece as soon as you come into the subdivision. She concluded I think that it attracts other people to want to build in there as well, thank you.

Chairman Tate asked is there anyone else in the audience that would like to speak in support of the petition.

Lavonia Stephenson said I have in this area about 11 years, and the mailbox is absolutely beautiful. She added my only concern about accidents. She added it is one thing to hit something that is not stable, as opposed to hitting something that is solid concrete. She noted I understand their dilemma

since I have been there, done that, I did things wrong, but I had to correct it. She concluded I have no problem if it approved, I just wanted to express my opinion.

Chairman Tate asked is there anyone else in the audience that would like to speak in support of the petition. Being none, he asked is there anyone in the audience that would like to speak in opposition of this petition?

Chairman Tate asked Mr. Denson, do you want to make another comment?

Troy Denson said I just wanted to say it only based on aesthetics, I didn't think it would cause a problem for the County itself to have to this stone mailbox put up. If we had known it was against the ordinance, we would have come to the County to discuss it first.

Chairman Tate asked is there anyone else in the audience that would like to speak in support or opposition of this petition? He said hearing none, I will bring it back to the ZBA for discussion.

Anita Davis asked will you please explain if your home is located within a subdivision or along a County residential street?

Troy Denson responded that was the tricky part of this situation. He added we were told by the builder that this was part of Dorsey Place but later we told by other that we were not part of Dorsey Place, so we did not have to follow the guidelines of Dorsey Place because we were so far away from the other homes. He concluded I guess Dorsey was the builder who bought the property and left this portion for someone to purchase it. He added that why we got left out.

Anita Davis asked for my clarity, it is not a part of a subdivision?

Venesia Denson replied it is, but we are in the back of Dorsey Place which allows us to be the corner lot. She added as Lavonia Stephenson stated it can be a safety issue however, if someone were to run through that 4-way stop, then they have the right to hit that mailbox. She noted that 4-way stop would hinder any type of accidents to occur before the stone mailbox.

Troy Denson replied we are talking about 146 feet from the stop sign, so you should be able see the mailbox.

Marsha Hopkins said first of all, thanks for your service to our country, I can't say enough about how we appreciate it, so thank you. She added I had an occasion to drive pass the house a couple of weeks ago, not realizing that was the one we that would be talking about tonight. She said I was struck by how the construction and design is very lovely and attractive. She explained I guess these are some of the hardest cases in my mind for us because someone has already built something, we then find out there is a code or ordinance that we have to look at to determine whether or not there is any further action that needs to be taken for the homeowner to remove it.

Marsha Hopkins continued clearly the mailbox supports ordinance is targeted at safety. She said I

have driven that area for the past two (2) years, and I have noted there is very much an increase of surface street and truck traffic. She stated it's not just at the intersection of Gingercake and Hood but others like Tyrone Road, it is all of those. She explained the traffic has changed in terms of what we really expect and who knows why whether it is the catching up now on building from the pandemic now and that sort of thing. She further explained I really had to struggle with my thoughts about this because yes, it is a beautiful mailbox. She added I am trying to put myself in the County's position if we said is okay and then if there is a problem in the future then it comes back because we didn't look at this for the safety measures that should be implemented. She said I bring that up to the ZBA members because I am stuck in the middle, but I can see both side of the issue and I really feel like I need input of everyone else with your thoughts and ideas about this. She concluded this is my only comment, so I want to offer to open it up and see what you all have to say.

Anita Davis replied I struggle with this also, I read this case over and over and its difficult. But my concern is setting precedence, and I understand what it is like to make a mistake, I get that I really do. She said but I wonder in the future what do we do for the next person who is unaware. She added at what point do we draw the line? She concluded that is my concern.

Bill Beckwith responded historically I have been on the ZBA for more 20 years in addition to being on the Planning Commission. He said I don't remember what year, but it was in the early 80s it seems that every mailbox along Gingercake was either stone, concrete, or brick. He noted there were a few accidents and I believe one (1) life was lost. He explained if you drive along there now, I think you don't even see one (1) mailbox since they all had to be removed for that reason. He added I know Mr. Denson pointed out there are some concrete or stone mailboxes along Hood Avenue, I counted at least six (6) and four (4) others on stilts. He said that all of the mailboxes except one had been there for a while. He expressed I do understand that, but I do also have a problem with this situation. He continued I do know the ordinance was put in place because of the accidents that took place, and I didn't think it really mattered how far away or the distance of the mailbox. He concluded that is my concern about having the mailbox there. He stated I do see a reason for the ordinance, and I do understand the situation the Denson's are in with having to remove the mailbox.

Tom Waller said if and when they replace the bridge and open Hood Road back up, this will become more of an issue. He added but at this time, since the bridge failure a few years ago, I really don't see a problem with this.

Chairman Tate said I mostly agree with my colleagues. He stated I also had the opportunity to drive down the street and I agree with Bill that there are a few stone brick mailboxes. He added my concern are the comments made by the other departments. He noted there are two (2) departments, Environmental Management and Public Works /Engineering who normally have no objections to variances for their own reasons, but they were not in agreement with this. He explained although that is not a determining factor, but we are faced with five (5) different factors that we must weigh, and we have to look at the situation individually to make the determination. He stated when I look at this variance request based on those factors, I do not find a basis where granting a variance would be appropriate. He stated I think the code was enacted for a reason and while we said we can or cannot override a particular code for a particular situation, I think in this case, there is still concern

about public safety. He concluded I think that is beyond our authority if there was any leniency or changes whether that was a public safety issue, then I think that must go to someone else. He said on that basis I cannot support this variance.

Marsha Hopkins made a motion to deny Petition A-788-22 to allow an existing concrete post mailbox with stone veneer to remain. Bill Beckwith seconded the motion. The motion passed 4-1. Tom Waller opposed the motion.

Chanelle Blaine asked can you vote on a petition to allow the petitioners up to the 60-day maximum to remove the concrete mailbox?

John Tate made a motion to allow the petitioners up to 60 days to remove the concrete post mailbox with stone veneer. Bill Beckwith seconded the motion. The motion passed 5-0.

Chanelle Blaine asked is there a motion to adjourn?

Marsha Hopkins made a motion to adjourn. Tom Waller seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:33 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



JOHN TATE, CHAIR



CHANELLE BLAINE, ZBA SECRETARY