

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 27th, 2022, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John Tate, Chairman
Anita Davis
Bill Beckwith
Tom Waller

MEMBERS ABSENT: Marsha Hopkins, Vice Chairwoman

STAFF PRESENT: Chanelle Blaine, Zoning Administrator
Chelsie Boynton, Planning & Zoning Coordinator

1. Consideration of the Minutes of the Meeting held on May 23, 2022.

Bill Beckwith made a motion to approve the minutes of the meeting held on May 23, 2022. Anita Davis seconded the motion. The motion passed 4-0. Marsha Hopkins was absent

PUBLIC HEARING

2. Petition No. A-795-22, David and Luella Przedeki, Owner, request 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 residential accessory structure to remain. The subject property is located in Land Lot 3 of the 4th District and fronts on Mask Road.

Mr. David Przedeki stated he is trying to move the shed to the 15 feet variance. The only other area on the lot to move the shed to is on the driveway by the pond. He stated that this location can be dangerous for when deliveries come, and guests visit. He added they spoke with the neighbor behind them, and they were okay with the placement of the shed. They have signed a letter saying she is okay with it. He concluded that he is only trying to move a shed from one location to another.

Chairman Tate asked if there is anyone in the audience who wishes to speak in support.

Mr. Drake Young stated he found out last minute about the public hearing for the variance. He stated his only concern is that if he is held to the same accountability, he cannot build within 50 feet of his property line. He added, other people may try to do the same thing and it will be a hindrance to his property value in the long run. He stated he cares about the aesthetic of his property. Mr. Young explained how he had to call Code Enforcement because Mr. Przedeki built a fence on his property. He stated Mr. Przedeki didn't do his due diligence in terms of marking the property line.

Chairman Tate stated that he was confused about Mr. Young's comments as this is a time for those in support of the petition to speak. He also stated that Mr. Young is speaking about issues other than the petition. He added that Mr. Young will have an opportunity to speak against the petition but right now they are asking for those who would like to speak in support.

Mr. Drake Young apologized and stated he will return when it is time to speak in opposition.

Ms. Luella Przdecki stated they are only trying to straighten out the property. She stated they went by the old fence line and placing the fence on Mr. Young's property was not done on purpose. She stated once they were told the fence was on his property line, they had it removed immediately. She added, they were only told they needed to speak with the neighbor behind them in regard to the shed. She stated if the shed is placed on the other side, it would cause a lot of problems with the traffic coming in. She concluded they just want to move the shed.

Chairmen Tate asked if there was anyone else who wanted to speak in support of the petition. There were none. Chairman Tate asked if there was anyone that wanted to speak in opposition of the petition.

Mr. Drake Young stated his only concern is that he believes in the rules and regulations. They are in place to keep things from happening. He asked that if this is allowed to happen, what will be next? He stated that when the houses were built, they understood there was a watershed line and you cannot build back there. He stated that was okay with him, he did his due diligence. He added this could become a domino effect. If the neighbor wants to build a small shed, they will try to build it within the 50 feet. According to County rules and regulations, you cannot do that. He added that he is only asking that we stick to the guidelines. His biggest concern is the unintended consequences that may come along in the future. He added in Brooks there is a five (5) acre minimum to buy, and it is unfortunate that they are in the situation they are in. There has been a lot of friction that comes along with this. Mr. Young provided a foundation survey for the Zoning Board of Appeals to review.

Bill Beckwith asked Mr. Young if he was saying the privacy fence is on his property.

Drake Young stated it was removed after Code Enforcement was called. He added that his concern is if this is approved, what will be next? He stated if he wanted to build 50 feet within his property line, he cannot do that. He asked if it happens to one property what will be the next? It will be a trickledown effect. He stated there will be buildings on the property line unintendedly and it will be an eye sore.

Chairman Tate asked Chanelle Blaine for clarification on the petition. He stated that Mr. Young's seems to be talking about a request that is not an issue tonight.

Chanelle Blaine responded the petition is only for the shed, it is not for the fence. She stated Mr. Young is stating that if they place the shed 15 feet from the property line it will trickle down. She added it will not trickle down because each person that wants to break the ordinance must

come before the board and ask for approval. They are not just allowed to build where they want to build. It is a process, and each variance stands on its own merit.

Drake Young stated he understood and thanked the Board for their time.

Chairman Tate asked if there was anyone else who wishes to speak in opposition. There were none.

Chairman Tate asked Mr. Przedeki if he would like to add anything else.

David Przedeki stated he is in regulation in regard to Mr. Young's property. He referenced the aerial picture of his property and stated the building on the left side and the RV is no longer there.

Chairman Tate brought the discussion back to the Zoning Board of Appeals.

Bill Beckwith asked if the letter that was provided was from the landowner to the west of the property.

David Przedeki said yes they have her signature.

Anita Davis asked the square footage of the shed.

David Przedeki answered it is 10' by 12'.

Anita Davis asked for clarity if the shed was there when he purchased the property.

David Przedeki stated yes.

Anita Davis asked if the shed will be on the front yard.

Chanelle Blaine answered it will be on the side.

Anita Davis asked if it is now behind a privacy fence.

David Przedeki stated yes, the fence is on the back and sides.

Anita Davis sought clarification that no neighbor could see it.

David Przedeki stated no neighbor can see it.

Tom Waller asked if the building is on a foundation?

David Przedeki stated no it is just a portable shed.

Tom Waller asked if it had electricity.

David Przeddecki stated no. It has a door and he put the lawn mower there. It will be used for storage.

Tom Waller asked if it was built onsite or moved.

David Przeddecki said he couldn't answer that because it was there when he bought the house.

Chairman Tate stated his understanding is that when Mr. Przeddecki brought the property the shed was already in place, Mr. Przeddecki then wanted to build a privacy fence, then needed to move the fence. He asked if after moving the fence was it determined that the shed was too close?

David Przeddecki said no. He said from the property line, they went five (5) feet into his property and he will be able to clear that area when growth comes about.

Chairman Tate asked since the shed is portable, is there anyway it could be moved somewhere else on the property.

David Przeddecki said the only other area by meeting the regulations would be right in the curve of the driveway and the driveway goes down into the pond. He stated that it wouldn't be safe for it to be placed there for UPS and friends that drive by. He added they are meeting the 30 foot rear setback, it's only the 50 feet they cannot meet.

Chairman Tate asked if there were any other questions or comments. There were none. He stated that this appears to be a situation where the shed was probably in the proper place initially and with the change of the fence and so forth, that's what brought it to the point where it is not as far away from the fence as it should be. He added, listening to Mr. Przeddecki there may not be any other location on the property that would be feasible. He asked if that is a driveway that runs in off Mask Road down to the lake.

Mr. Przeddecki said yes.

Chairman Tate stated he does not have an objection to this petition.

John Tate made a motion to approve Variance of Petition A-795-22. To reduce the side yard setback from 50 feet to 15 feet to allow an existing residential accessory structure to remain. Bill Beckwith seconded the motion. The motion was approved 4-0. Marsha Hopkins was absent.

- Petition No. A-796-22, Jameka Character, Owner, request the following: Variance to Sec. 110-79. Residential accessory structures and their uses (e) (2), to reduce the secondary front yard additional setback of a corner lot from 20 feet to 0 feet to allow for the construction**

of a residential accessory structure. The subject property is located in Land Lots 6 & 7 of the 7th District and fronts on Blue Point Parkway.

Jason Character stated he is here today because they were attempting to build a detached garage to his home. He stated he went through a process where they submitted a request to his HOA which consisted of the sign off and signature of approval of several of their neighbors. He stated it was approved by the HOA and he hired a contractor. Once the contractor started the permitting process, the permit was originally approved but after further review, Chanelle Blaine, realized there was a change in it pertaining to the primary and secondary front yards. He was told he needed to show up here and receive a variance to continue building the garage.

Chairman Tate asked if there is anyone that wishes to speak in support of the petition.

Gail Allen stated she lives in the same neighborhood as Jason and Jameka. She stated Jason and Jameka are good residents, they take very good care of their property, and everything they touch is beautiful. She added she feels if they want a detached garage, she has no problem with it because it will bring up the value of all of their properties. She concluded that she has no objections.

Chairman Tate asked if there were anyone that would like to speak in objection of the petition. There were none. Chairman Tate brought the discussion back to the Board. He then asked Chanelle Blaine to help clarify the difference between secondary front and primary front yards.

Chanelle Blaine stated when she initially looked at the garage permit it was approved since she thought the secondary front yard was the primary front yard. She added based on the definition found in the ordinance the primary front yard runs parallel to the front of the house. Therefore, this is their secondary front yard, and they have another secondary front yard here, she referred to a concept visual of the lot. She added the primary and secondary front yard rules were created because at the time Planning and Zoning were getting complaints about the neighbors being able to see into their neighbors garages and they didn't like the way it looked in subdivisions with internal roads. She stated the former director, Pete Frisina, created the ordinance to take care of that and push the garage so it wouldn't be at eye level from the neighbor.

Bill Beckwith asked is the garage at the regular setback but not the increased setback.

Chanelle Blaine stated it is not at the increased 20 feet setback. It would meet the regular building setback, but it would not meet the additional 20 feet. She added that if they added the additional 20 feet, the garage would be in their backyard.

Bill Beckwith asked how far along is the garage.

Jason Character stated there is an image showing how far along the garage is.

Chanelle Blaine showed the picture on the monitor.

Jason Character also asked for Chanelle Blaine to show the image taken from the back of the house. He stated he has a unique property line so there is plenty of space. He added it will be the same builder who built the house years ago, so it will be the same look and quality of the house.

Bill Beckwith asked if it will be setup to be in line with the driveway.

Jason Character answered yes.

Chairman Tate asked if he could explain the mock up included in his application.

Jason Character asked Chanelle Blaine to please show the last image in the application. He explained that this was used as a part of the HOA approval to show this is conceptually what it will look like. He stated it is a photoshop of one of his neighbors' garages to show what it will look like and the general proximity of where it will go, it is not the actual structure.

Chairman Tate asked does this generally fit with the house and where it will be placed?

Jason Character answered yes. He added there will be blinds up as well, the inside will not be visible.

Bill Beckwith stated he wanted to clarify for the audience that as a homeowner you must deal with the HOA. That is a contract between the homeowner and HOA but we don't have anything to do with the HOA. He stated if it violates the ordinance, we usually don't take that into consideration but in this case it seems to be in line with our ordinance. He concluded he would be in favor of the ordinance.

Chairman Tate stated he too would support the petition.

Bill Beckwith stated there are regulations they try to abide by but he doesn't believe it would be appropriate to try to move the garage back.

Chairman Tate asked if there was a motion.

Bill Beckwith made a motion to approve Variance of Petition A-796-22. To reduce the secondary front yard additional setback of a corner lot from 20 feet to 0 feet to allow for the construction of a residential accessory structure. Anita Davis seconded the motion. The motion was approved 4-0. Marsha Hopkins was absent.

4. **Petition No. A-797-22, Brendt Bowen, Owner, and Mark Murphy, Agent, request the following: Variance to Sec. 110-79. Residential accessory structures and their uses (c) (1) (a), Number and size, to increase the square footage amount from 1,800 square feet to 2,205 square feet for residential accessory structure on lots less than five (5) acres. The subject property is located in Land Lot 250 of the 4th District and fronts on McBride Road.**

Mr. Mark Murphy stated he has letters from the neighbors stating they don't mind what the shed looks like. He stated they built a 51 by 35 accessory structure just to the left of the driveway. He stated it was originally a concrete patio, during construction Mr. Bowen asked if it could be covered with a shed roof. He stated he told Mr. Bowen he could, not realizing it would increase the square footage of the accessory structure.

Chairman Tate asked if there was anyone who wishes to speak in support of the petition.

Mr. Rodney Carter stated he is in support of the accessory structure continuing construction.

Chairman Tate asked if there was anyone else who would like to speak in support.

Mr. Brendt Bowen stated he is the property owner and thanked the Zoning Board of Appeals for their time. He stated the intention of building the shed comes from being short on storage at his house. He stated he has a lot of equipment that sits outside, and he wants it to look presentable. He stated his neighbors have been patient with him while he works to get things out of sight. He stated he's working to further beautify and clean up the property. He stated the shed roof can't be seen from the road, the only place it can be seen is from the backyard. He added the letters that he has provided are from the neighbors that can see it the most.

Chairman Tate asked if there was anyone that wishes to speak in opposition. There were none. He brought the discussion back to the Board for questions and comments.

Bill Beckwith stated if the roof had not been put on, the main building would have met the requirement of not exceeding 1800 square feet. He stated that Mr. Bowen told him the shed will be used to move equipment from a wooded area to the shed.

Anita Davis asked if the building itself would be used to house Mr. Bowen equipment.

Mark Murphy stated it would be used to house a boat, cars, storage, a workshop, and a tractor.

Brendt Bowen stated he has a pontoon boat that's been sitting outside for some time, and he has dedicated part of the shed for that. He added he wanted to add a wood shop and would also store a truck and a car there. He stated the whole idea is to keep everything covered and keep it out of the weather.

Anita Davis asked if he has intentions of enclosing the structure.

Brendt Bowen answered no. He stated it will be an open storage area.

Chairman Tate asked is the shed parallel to Antioch Road or to someone's property line.

Mark Murphy referenced the visual of the aerial of the property. He stated the shed can only be seen by two other property owners. He added that these are the letters that were provided to the Board.

Chairman Tate said his concern was that someone may build directly behind it or to the side but Mr. Murphy explained the location.

Tom Waller asked what size was the tractor that will be placed in the shed.

Brendt Bowen stated it is a compact tractor that can pull a five (5) foot box blade.

Tom Waller asked where the trailer will be placed.

Brendt Bowen references the visual of the concept drawing of the shed and stated it will go in the back. He added his goal is to get everything out of sight.

Tom Waller asked if he will be able to remember that the trailer is back under the shed and behind the building.

Brendt Bowen stated yes.

Tom Waller asked what kind of cutter Mr. Bowen has for the tractor.

Brendt Bowen stated he has a five-foot rotary cutter and a chipper.

Chairman Tate stated this is a little over 400 square feet above the 1800 square feet. He asked if the roof had not been put on it would have been okay.

Chanelle Blaine stated yes. The shed was in compliance before the addition of the roof.

Chairman Tate stated it is not the purpose of this Board to try to find ways around the ordinance. He stated sometimes they are faced with situations like this where Mr. Murphy and Mr. Bowen would have been fine if it were not for the roof. He stated they must also be reasonable in their decision making because there are unique circumstances that occur. He added he doesn't see this as being a gross violation of the ordinance. He stated he is in support of approving the petition.

John Tate made a motion to approve Variance of Petition A-797-22. To increase the square footage amount from 1,800 square feet to 2,205 square feet for residential accessory structure on lots less than five (5) acres. Bill Beckwith seconded the motion. The motion was approved 4-0. Marsha Hopkins was absent.

5. Petition No. A-798-22, Apremier Properties Group, LLC, Owner, and Darrell Baker Agent, request the following:

1. Variance to Sec. 110-170. Nonconformances, (l) Nonconforming structures. Request enlargement of a nonconforming structure: enlarge an existing fuel canopy structure from 960 square feet to 1,900 square feet

2. Variance to Sec. 110-144. C-H (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 14 feet to allow the construction and placement of a diesel dispenser.

The subject property is located in Land Lot 26 of the 7th District and fronts on GA. Highway 54 and Tyrone Road. **(There was an issue with the petitioner's request and the applicant has requested to table the petition).**

John Tate made a motion to table Variance of Petition A-798-22. (1). To enlarge an existing fuel canopy structure from 960 square feet to 1,900 square feet and (2). To reduce the front yard setback from 75 feet to 14 feet to allow the construction and placement of a diesel dispenser until the August 22nd, 2022 Zoning Board of Appeals public hearing. Anita Davis seconded the motion. The motion was approved 4-0. Marsha Hopkins was absent.

Chairman Tate asked is there a motion to adjourn?

Anita Davis made a motion to adjourn. John Tate seconded the motion. The motion passed 4-0. Marsha Hopkins was absent.

The meeting adjourned at 8:08 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



JOHN TATE, CHAIRMAN



CHELSIE BOYNTON, ZBA SECRETARY

