

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairwoman
Tom Waller
Bill Beckwith
Anita Davis

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning and Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
September 26, 2022
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on August 22, 2022.

PUBLIC HEARING

2. Petition No. A-799-22, James Brinkerhoff, Owner, request the following: Variance to Section 110-133. R-70, (d) (5), to reduce the rear yard setback from 50 feet to 18 feet to allow for construction of a residential accessory structure (i.e., garage). The subject property is located in Land Lot 1 of the 9th District and fronts on Rivers Road. ***(The applicant has requested to withdraw the petition).***
3. Petition No. A-807-22, Terry and Kristie Ferrell, Owner, request the following: 1. Variance to Sec. 110-79. Residential accessory structures and their uses, (g). Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. 2. Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 75 feet to 74 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 72 of the 4th District and fronts on Woods Road.

Dennis King

From: jim brinkerhoff <brink24@att.net>
Sent: Thursday, August 18, 2022 1:12 AM
To: Dennis King
Subject: Re: A799-22 - Withdraw Request

External Email Be cautious of sender, content, and links

Yes I would like to withdraw from petition. Thank you

On Tuesday, August 16, 2022, 02:35:41 PM EDT, Dennis King <deking@fayettecountyga.gov> wrote:

Hi James,

If you decided to formally withdraw for petition (A799-22) for a variance, then please respond to this email confirming your desire.

Thank you,

Dennis

Dennis King

Planning and Zoning Technician

Fayette County Planning & Zoning Department

140 Stonewall Avenue West, Suite 202

Fayetteville, GA 30214

Phone: 770-305-5260

Email: deking@fayettecountyga.gov



A-799-22 Aerials

Jewel Bluff

SUBJECT
PROPERTY

Rivers Road



PETITION NO. A-807-22
Terry and Kristie Ferrell
405 Woods Road
Brooks, GA 30205
Public Hearing Date September 26, 2022

INTRODUCTION

The subject property is a 5.0-acre parcel located at 405 Woods Road, Brooks, GA 30205 and is zoned A-R. The applicant is requesting variances as follows:

- a. Variance to Section 110-79(g). *Architectural standards*. The applicant is requesting a variance from the architectural standards, to be allowed to use a vertical siding material.

Section 110-79(g). *Architectural standards*. All residential accessory structures of 200 square feet or greater, except a detached garage located in the front yard, shall be constructed in a residential character consisting of a facade of fiber-cement siding, wood siding, wood textured vinyl siding, brick/brick veneer, rock, stone, cast-stone, stucco, or synthetic stucco, or finished/baked enamel aluminum/metal siding which establishes a horizontal pattern. These standards shall not apply to an addition to an existing residential accessory structure that is nonconforming in terms of these standards. Any addition to an existing nonconforming residential accessory structure shall match the architectural design of the existing nonconforming residential accessory structure. Elevation drawing denoting compliance shall be submitted as part of the building permit application.

- b. Variance to Sec. 110-125(d)(5) *Dimensional requirements*. The applicant is requesting a variance to allow an existing accessory structure to remain with an encroachment into the rear yard setback.

Sec. 110-125(d)(5) *Dimensional requirements*. The minimum dimensional requirements in the A-R zoning district shall be as follows: (5) Rear yard setback: 75 feet.

STAFF RECOMMENDATION

Regarding part (a.) of the variance request, Sec. 110-79(g), requiring the use of horizontal exterior siding material, staff recommends **DENIAL**, as there is no evidence of a hardship related to the consideration criteria for variances.

Regarding part (b.) of the variance request, Sec. 110-125(d)(5) Rear yard setback: 75 feet, staff recommends **CONDITIONAL APPROVAL** of a variance to allow an existing accessory structure to remain as an encroach into the rear setback, with the encroachment not to exceed five (5) feet. The encroachment is minimal and relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations.

RECOMMENDED CONDITIONS

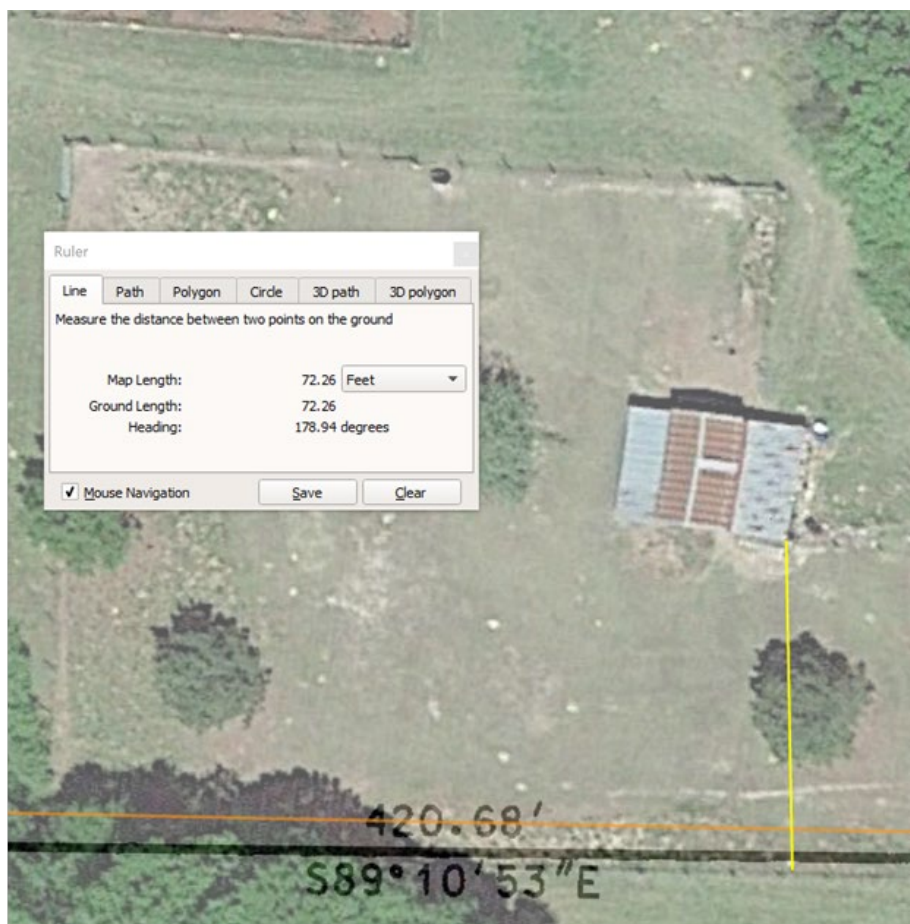
1. Approval of the setback reduction does not grant the owner permission to expand or build into the regulated flood plain. The Fayette County Flood Plain Ordinance will apply to current or future building on the parcel.

HISTORY

A plat of 405 Woods Road was recorded on May 5, 1998, in Plat Book 30 and Page 113. Tax Assessor's records indicate that the applicant purchased the property in May 1998 in Deed Book 1250 and Page 46. The lot is 5.00 acres and fronts on Woods Road.

As part of the building permit process for a residential accessory structure (i.e., shop) permit, a site plan and building plans are required. The applicant's proposal is for an accessory building with an exterior façade of vertical metal panels, which does not comply with Sec. 110-79(g) Architectural Standards.

Additionally, during the review, staff discovered one violation of an existing accessory structure. An existing barn encroaches into the rear building setback, which is a violation of Sec. 110-125. A-R, (d)(5).



Staff calibrated measurements using a survey of the property and available aerial photography to determine the approximate nature of the encroachment. Staff consistently came up with measurements between 72.0 and 72.5' for the distance of the barn to the rear property line, thus an encroachment of approximately 3'.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

The applicant provides the following information

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

- a. I am building a shop and want my metal siding to run vertical. The current zoning code says the siding must run horizontal and I need it to run vertical because of the looks & the way the shop is built.
- b. I am asking for a variance on my poll barn. The county code is 75' and if you measure one corner of my barn, it measures 77'1" The other corner post measures 74'1" I need this passed so I can build my shop.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - a. The size and shop of this shop will not be in question because I have plenty of room all around it & it will not come close to the property lines at all & is within the setbacks the county requires.
 - b. I would like an exception on this 75' variance because my poll barn over 75' except one corner and its only 11 inches too close.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - a. It wouldn't create a hardship but it would be difficult because this type shop is what I can afford and any changes would cost me more money.
 - b. If this does not get passed this would make it difficult to either not build my shop. I do not want to tear it down because I use this barn a lot. I have had this barn for 18 years
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - a. Nothing would be peculiar because it is barely visible.
 - b. There is nothing peculiar about my barn. Only one part is 11 inches too close.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - a. This shop would not cause detriment to the public good or impair any regulations.
 - b. I can assure the county and all residents that are ajoined to my property will cause any substantial detriments since its been there for 18 years.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - a. To my best knowledge of this question there are several shops around me with vertical siding.
 - b. If this variance is not passed for me it would make it very difficult for me to build my new shop.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variances.

ENVIRONMENTAL MANAGEMENT/ENGINEERING:

Traffic Data - Woods Road is classified as a County Local Road and has an 80' ROW. The posted speed limit is 35 mph. There is no traffic data for Woods Road.

Sight Distance - No new driveways are proposed. The existing driveways have adequate sight distance for the road speed/classification.

Floodplain Management - The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0170E dated September 26, 2008, and the FC 2013 Future Conditions Flood Study.

The site **DOES** contain floodplain per the 2013 Dewberry Limited Flood Study; however the requested variances do not encroach in this area per existing data.

The existing structure within the rear setback does not appear to be in any portion of the floodplain per existing data. However, approval of the setback does not grant the owner permission to expand or build into the regulated flood plain. The Fayette County Flood Plain Ordinance will apply to current or future building on the parcel.

Wetlands - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection - There **ARE NOT** state waters or watershed protection buffers located on the subject property per existing data.

Groundwater - The property **IS NOT** within a groundwater recharge area.

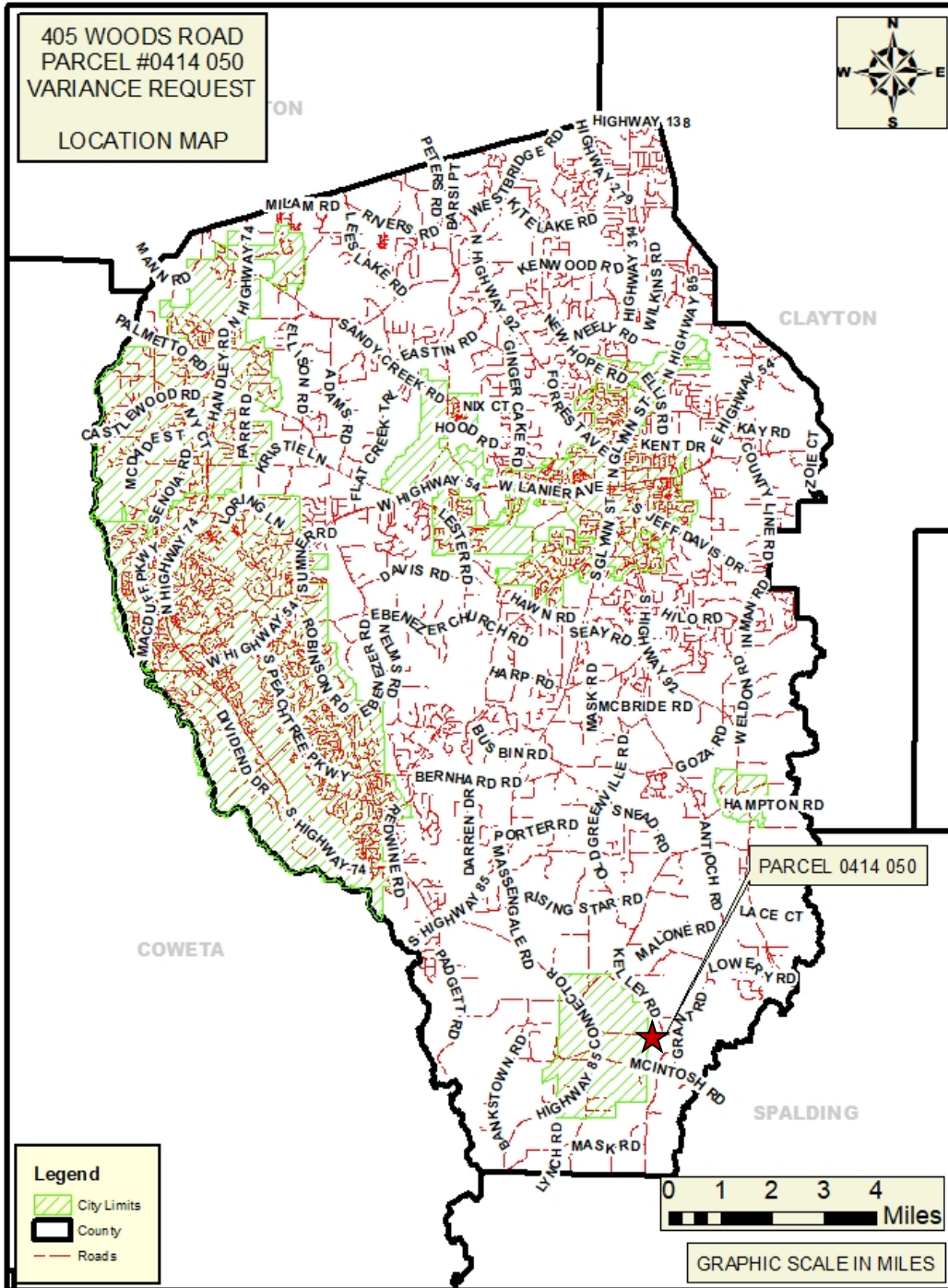
Post Construction Stormwater Management - This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if a variance is granted at this time.

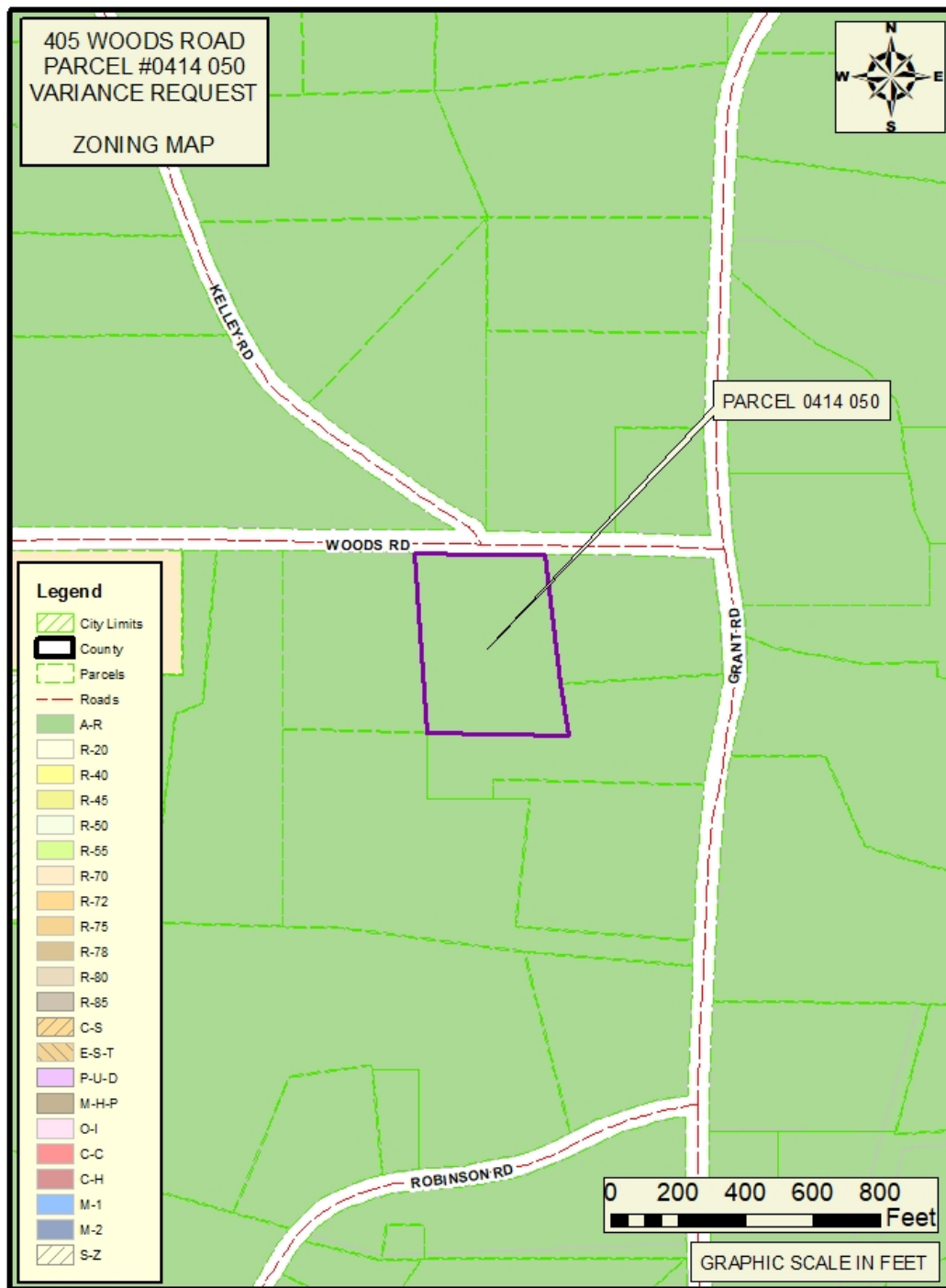
Staff Recommendations:

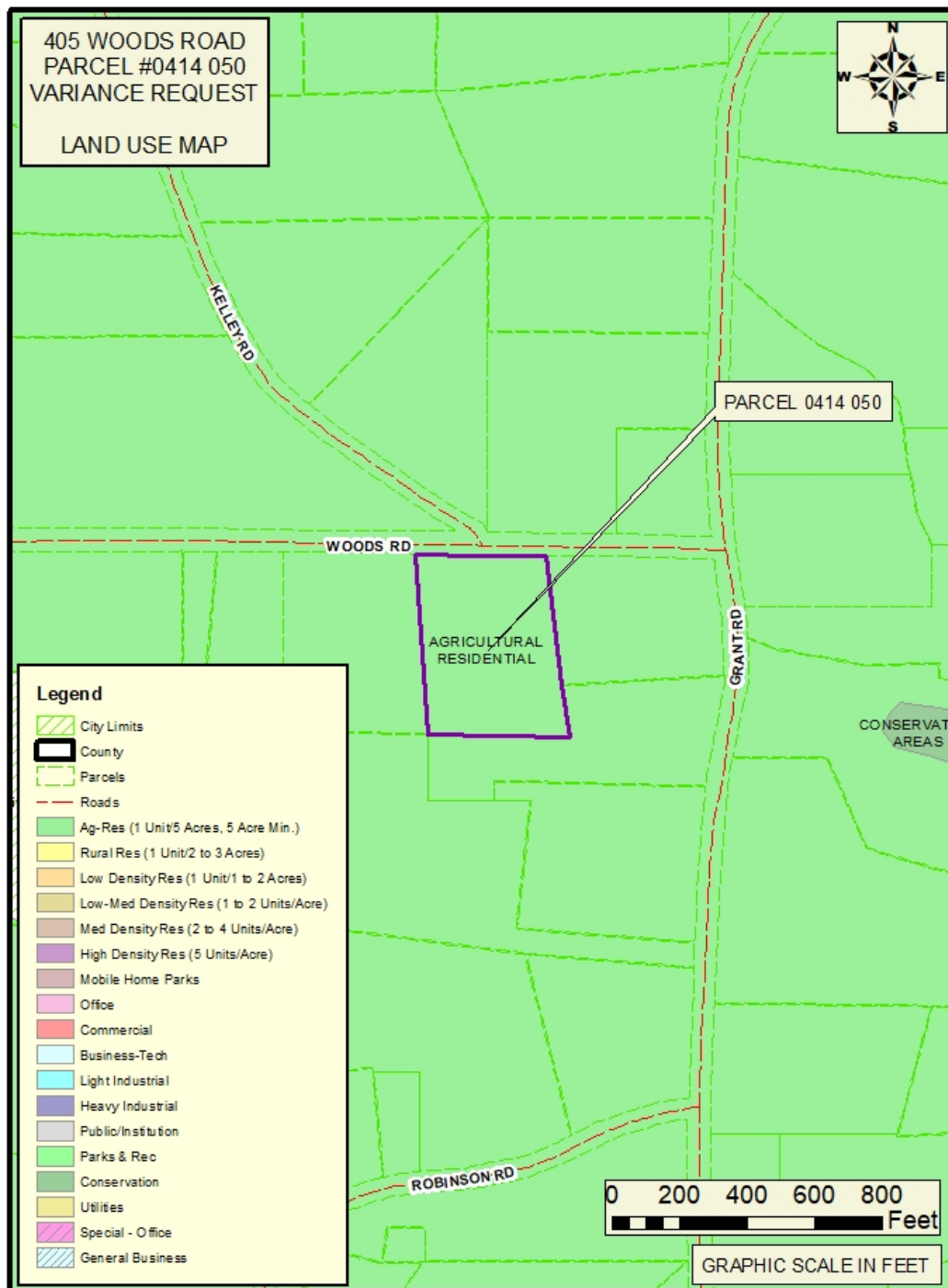
1. Any new construction shall adhere to the Flood Plain ordinance. The applicant/owner should refer to the Fayette County 2013 Dewberry Limited Flood Study for placement of structure.

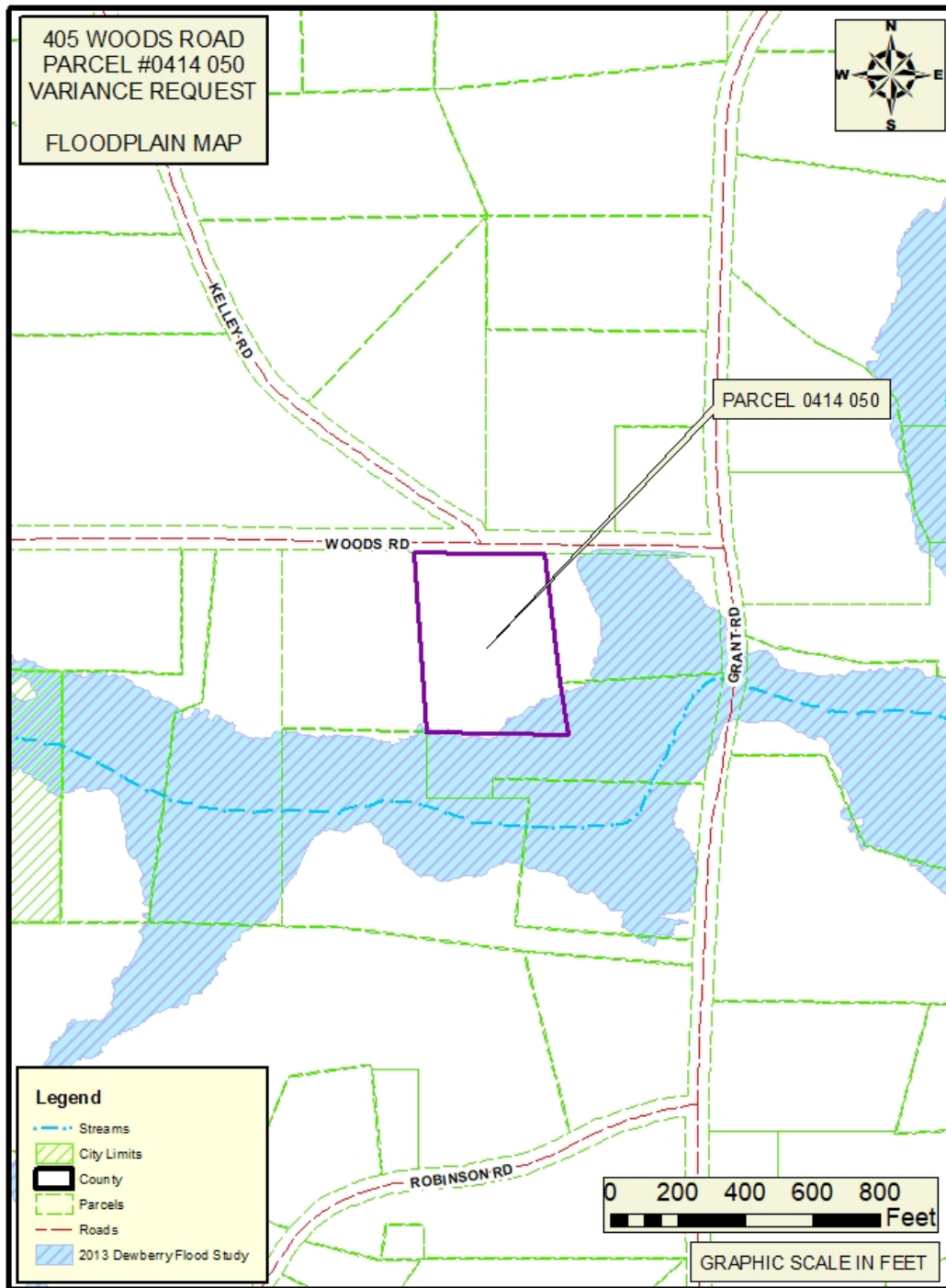
FIRE MARSHAL: No objection to the requested variances.

WATER SYSTEM: FCWS has no objection to the proposed variance. Water is not currently available at this location.











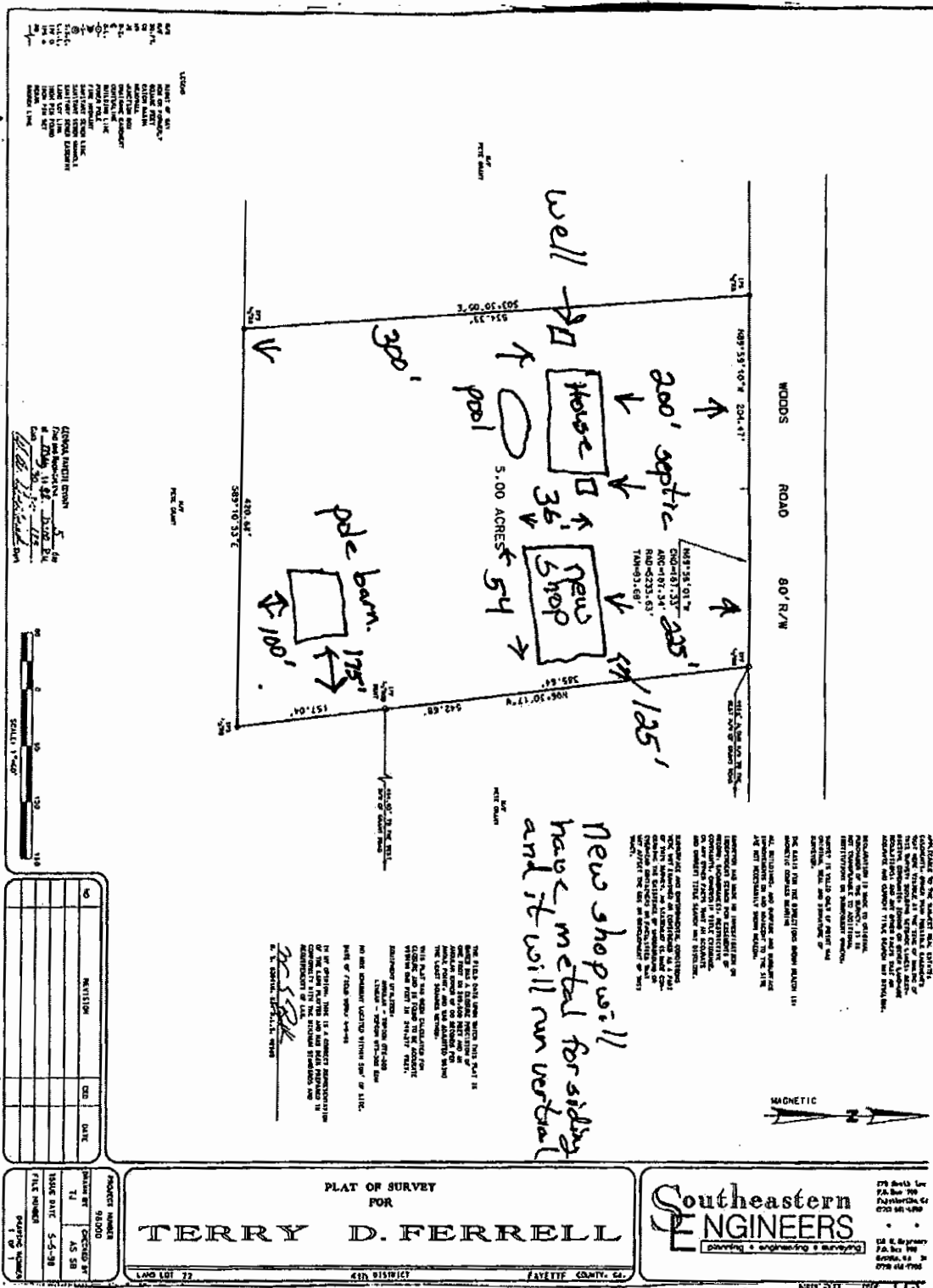


A-807-22 – 405 Woods Road



A-807-22 – 405 Woods Road





VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Terry and Kristie Ferrell

MAILING ADDRESS: 405 Woods Rd Brooks Ga 30205

PHONE: 404-436-9578 E-MAIL: tferrellogeneralpapergoods.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 72 LAND DISTRICT 4th PARCEL 0414050

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R & R-70

PRESENT USE OF SUBJECT PROPERTY: A-R

PROPOSED USE OF SUBJECT PROPERTY: A-R

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-807-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

[X] Application and all required supporting documentation is Sufficient and Complete

by Staff: Wm A Ky. Date: AUG 17, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: SEP 26, 2022

Received from TERRY & KRISTIE FERRELL a check in the amount of \$ 195.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid: AUG 16, 2022 Receipt Number: 015601

TOTAL RECEIVED \$195.00 CHECK # 1755
* RECEIVED ADDITIONAL CHECK (\$1756) ON AUG 18, 2022, FOR
\$ 25.00 FOR ADDITIONAL VARIANCE
TOTAL PAID FOR TWO VARIANCES
\$ 220.00

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property).

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Terry Ferrell Kristie Ferrell
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0414050

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4/2 District, and (if applicable to more than one land district) Land Lot(s) 72 of the District, and said property consists of a total of 5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

[Signature]
Signature of Property Owner 1

405 Woods Rd Brooks Ga
Address

[Signature]
Signature of Property Owner 2

405 Woods Rd Brooks Ga
Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

8/16/22
Date

[Signature]
Signature of Notary Public

Date

Signature of Notary Public

Date



VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Requirement	Proposed	Variance Amount
110-79(G)	ALL RESIDENTIAL STRUCTURES (ACCESSORY) OR 200 FT OR GREATER SETBACK BE HORIZONTAL PATTERN.	VERTICAL PATTERN	N/A.
110-125.(d)(5)	REAR YARD SETBACK: 75 FT.	REAR YARD SETBACK: 74 FT.	REAR YARD SETBACK: 1 FOOT

VARIANCE SUMMARY

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JUSTIFICATION OF REQUEST

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It wouldn't create a hardship but it would be difficult because this type shop is what I can afford and any changes would cost me more money.

3. Such conditions are peculiar to the particular piece of property involved.

nothing would be peculiar because it is barely ~~visible~~ visible.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

This shop would not cause detriment
to the public good or impair any regulations.

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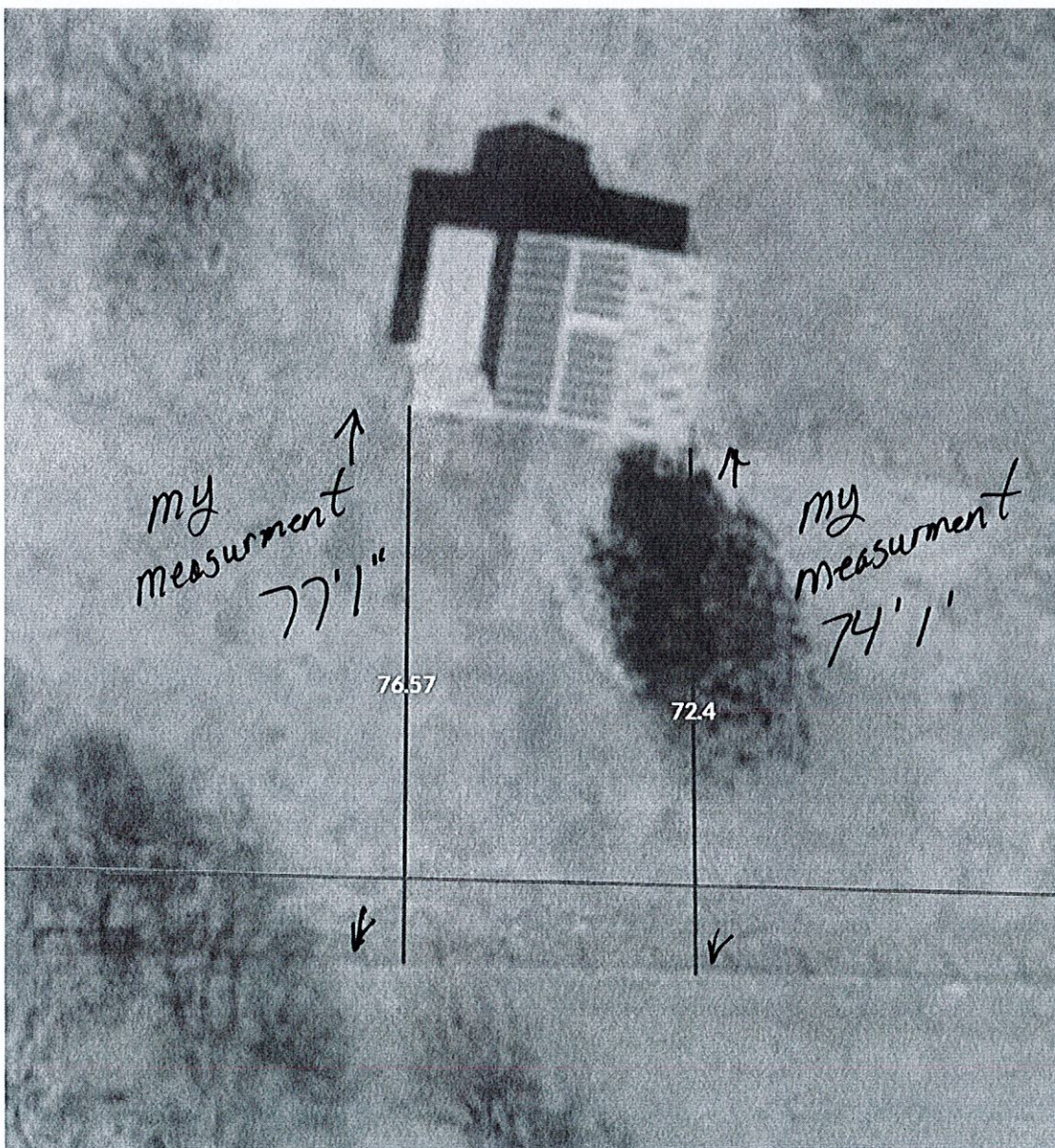
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Terry Ferrell

From: Dennis King <deking@fayettecountyga.gov>
Sent: Thursday, August 18, 2022 9:26 AM
To: Terry Ferrell
Cc: Dennis King
Subject: FW: 405 Woods Road (A-807-22) - measurement
Attachments: Set back.jpg



MR. FERRELL'S
MEASUREMENTS

RETURN TO:
GLOVER & DAVIS, P.A.
P.O. DRAWER 1038
NEWNAN, GA 30264

Return Recorded Document to:
GLOVER & DAVIS, P.A.
10 Brown Street
Newnan, GA 30264



Doc ID: 006042840001 Type: GLR
Filed: 11/19/2003 at 09:40:18 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court

BK 2392 PG 519

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COWETA

IN CONSIDERATION OF OTHER GOOD AND VALUABLE CONSIDERATION AND TEN (\$10.00) Dollars, the receipt whereof is hereby acknowledged, **Terry Ferrell**, (hereinafter called Grantor(s)) of Coweta County, Georgia does hereby give, grant, sell, alien, and convey unto **Terry Ferrell and Kristie Ferrell**, (hereinafter called Grantee(s)) of Coweta County, Georgia, heirs and assigns, the following property, to-wit:

All that certain tract or parcel of land situate, lying and being in Land Lot 72 of the 4th Land District of Fayette County, Georgia, being 5.0 acres as per survey for Terry D. Ferrell, recorded in Plat Book 30, Page 113, Fayette County, Georgia Records. Reference to said plat is hereby made for a more complete and accurate description of the property herein described.

together with all privileges and appurtenances thereto in anywise belonging in fee simple.

And the said Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said **Terry Ferrell** has hereunto set his/her hand(s), affixed his/her seal(s) and delivered these presents this **7th day of November, 2003**.

Signed, sealed and delivered in the presence of:

Witness

Terry Ferrell

[SEAL]

[SEAL]

Notary Public, State of Georgia
My Commission Expires:
[Seal]



To the Fayette County zoning department

I have spoken with my neighbor about the shop I intend to build and have discussed the siding issue and explained to him the exterior of the building. I have told him where the shop will be built and have shown him pictures of a similar shops that will look like what I am having built. He has told me he has no issues with the look of the exterior and is in agreement of the location of the shop. He did mention he can't even see where my shop will be built so he is perfectly fine with this project. The address of his house is 395 Woods Rd Brooks Ga. His name is Sean Carter and he has agreed to sign this letter to show that he has no problem with the shop I intend to build. Below is his signature to approve this letter.

Print Sean Carter

Sign *Sean Carter*