

# Meeting Minutes 1/04/24

**THE FAYETTE COUNTY PLANNING COMMISSION** met on January 04, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Jim Oliver  
John H. Culbreth Sr., Chairman  
John Kruzan, Vice-Chairman  
Danny England

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

---

## NEW BUSINESS

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.  
*Danny England made a motion to approve the January 4th Agenda. John Culbreth seconded the motion. The motion passed 4-0. Arnold Martin submitted a letter of resignation as a board member for the Planning Commission on January 3, 2024, and therefore was not present.*
4. Consideration of the Minutes of the meeting held on December 7, 2023.  
*John Culbreth made a motion to approve the minutes of the meeting held on December 7, 2023. Danny England seconded the motion. The motion passed 4-0.*
5. Election of the Chairman.  
*Jim Oliver made the motion to elect John Culbreth, Sr. as the Chairman of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.*
6. Election of the Vice-Chairman.  
*Jim Oliver made the motion to elect John Kruzan as the Vice Chairman of the Planning Commission. John Culbreth seconded the motion. The motion passed 4-0.*
7. Election of the Secretary.  
*Jim Oliver made the motion to elect Christina Barker as the Secretary of the Planning Commission. Danny England seconded the motion. The motion passed 4-0.*

8. Petition No. 1336-23 –Applicant proposes to rezone 1.3 acres from A-R to C-H for the purposes of developing commercial uses.

Deborah Bell states, “That since we don’t have a full board present as Christina mentioned, you have the option to table this until the following month. Ms. Bell asks petitioner if they would like to continue or table this petition. Ms. Bell states we have a quorum, but not a full board they have the option to table.”

Jim Culbreth makes a point of inquiry, “We have a full board in lieu of the fact that we’ve had a member resign, is that correct?”

Bell, “Ok.”

Danny England, “This is as full as we are going to get right now.”

Jim Oliver, “We are a board of four now.”

Deborah Bell presents the staff report for Petition No. 1336-23 which is a request to rezone the above parcel from A-R to C-H. The applicant proposes to rezone 1.3 acres from A-R to C-H for the purpose of developing commercial uses. As defined in the Fayette County Comprehensive Plan, property is designated for low-density residential at one unit per one acre. Therefore, the request for rezoning to C-H is not appropriate. Based on the investigation and staff analysis staff recommends denial of the request simply based on the land use plan. If the request is approved, staff recommends the following conditions:

Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 days of approval of the rezoning.
2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.
3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

The petitioner, Sheffey Cochran, states that the reason they are requesting the property be rezoned is that because everything around the property is zoned commercial. We have a storage unit next to us, next to them is a flooring company, and then a gas station. The other side of the property is where the trading place used to be. When you go down Hwy 85, there are a lot of properties getting rezoned commercial also, so we were trying to get it zoned commercial and have the building there and sell it with the building, not with blank land. The petitioner offers to get a new plat with the property shown if needed, and her buyer bought the old Stinchcomb Property, so we just want to get it zoned commercial because we think it is a better use.

Danny England says “So, Luis Arango is purchasing this property?”

Sheffey states, “No, I am. We own this property. The property behind it, I sold him where it comes out on Redwine.”

John Culbreth asks if anyone else would like to speak on behalf of the petitioner or if anyone is against the proposed rezoning. Are there any questions?

Danny England asks, “So the property adjacent to you to the South. What is that parcel currently? There is a house on that one as well.”

Sheffey Cochran, “Yes.”

Danny England, “But that one is not occupied?”

PC Meeting

Sheffey Cochran, "There are people living there because I sold them that house. We bought two houses with it and then I bought a house."

Danny England, "That property was one house and then further south we have the lake with the Stinchcomb house, part of Luis' development, the old Trading Post. I think this is one of those funny properties because you literally draw a line on the map and say commercial/residential. Sometimes we are able to use a road, a body of water, or a power line to make that transition from commercial to residential, but here it is literally you are in the commercial or you are not. You just happen to be the test case for should this be commercial or not."

Jim Oliver, "If this were to be commercial have you looked at all your setbacks? Do you have a use for it? Do you have an end user?"

Sheffey Cochran, "I spoke to the storage unit because they already have a list of people who want to rent the units. He said he might be willing if I can get it zoned commercial because he owns the property next to me."

Jim Oliver, "Did you look over the list of conditions? Do you have a copy?"

Sheffey Cochran stated she did.

Jim Oliver, "We are a recommending body, so you will be going before the Board of Commissioners. If you get a favorable response from the board. Are you comfortable with the condition that you will remove the structure within 90 days?"

Sheffey Cochran states, "We would rather not remove it. We would rather whoever uses it as commercial or remove it themselves. Because it is going to cost us more to take it down than we will end up making."

Bell shows a current survey of the property. She states, "These buildings encroach on the current setbacks, and they would also encroach on the setbacks if zoned C-H. So, they are non-conforming structures. So, this diagram shows what the buffers and setbacks would be on the property, and they would definitely be encroaching on the buffers and setbacks if rezoned to C-H. This area on the interior of this box is about the only part of the property that is not located in a buffer or setback. It's a small parcel and for that reason, staff is recommending the demolition of existing structures."

Danny England, "And to be clear the setbacks you have shown on this diagram are the commercial setbacks."

Bell, "Yes, they are commercial setbacks and they do encroach on the residential setbacks. They may or may not be legal non-conforming, we did not investigate that."

Danny England, "Well, the house has been there forever."

Jim Oliver, "Have you thought about if you get approved, you have to go tear the house down within 90 days."

Sheffey Cochran, "Yes, well, it may cost more to tear it down than our return because it is a brick house."

Jim Oliver, "Well, I hate to state the obvious, but what do you want to do? We are a recommending body, I guess you can take our recommendation or leave it. I guess that would give you time to think about what you want to do. You have to think about now we have to tear it down and is that what you want to do? I want to make sure you are clear on that."

Danny England, "Actually the better statement is not what you want to do but are you willing to do it? If that is a stipulation to approval, you don't really have any choice."

John Culbreth, "You said yes you are willing to tear it down or no you are not?"

PC Meeting

Sheffey Cochran, "Yes, we are willing to tear it down, we just will have to figure it out."

John Culbreth, "Is the issue 90 days?"

Sheffey Cochran, "Yes."

John Culbreth asked the staff why 90 days?

Deborah Bell stated, "We generally set some time of deadline, so we have a goal. And

something like a demolition does not take long to permit. It is a quick item to permit.

Because the driveway is nonconforming. The driveway is nonconforming, so that is a reason to not allow a commercial development within existing structures because there is not a commercial driveway."

Jim Oliver, "You understand you are also putting on there a GDOT approval. That may take 6 months."

Deborah Bell, "That would be part of any new development process to get GDOT approval process to get the approval, but the demolition of the non-conforming structures is what we wanted to put a deadline on."

Sheffey Cochran states, "And we just remodeled the whole home. So why are they asking me to tear it down?"

Jim Oliver, "Mr. Chairman I would like make a motion to approve this petition with a change on the conditions from 90 days on demolition to 180 days."

Danny England, "On condition number one."

Jim Oliver asks staff to read the conditions out for the record.

"Yes sir, as amended the condition would read," said Deborah Bell Staff recommends the following CONDITIONS:

1. The residential structures, primary and accessory, on the property shall be demolished within 90 to be amended to 180 days of approval of the rezoning.

Sheffey, "Why are they asking for the building to be torn down?"

Danny England, "Because if we don't put a stipulation on it, three years from now, one of us drives by and it is still up. That house that was supposed to be removed because it was nonconforming is still there. Now it becomes a legal issue with the county attorney and the Marshal's office. When you are asking for a rezoning, they have to amend it. Especially when you are going from something like this from A-R to commercial, the only way for the county to know you are starting from scratch and this building will meet the intent of the new zoning is to remove everything on the property that doesn't meet that zoning, so, therefore, this house is a goner. So, you are not a special case, and it happens to everyone."

Sheffey, "So can we add to the home?"

Danny England, "No, not in this case. Your property is all over the setback. The existing structure has very little value as a commercial property. Unless you find someone, who wants to move right in there, like a chiropractor. The house should be removed and start fresh."

Jim Oliver, "You have time, you can pull your petition before this goes any further."

Sheffey, "Ok."

Jim Oliver, "We have a motion with an amendment."

Danny England, "Did we get those all read in?"

Deborah Bell reads Conditions two and three.

2. A site plan and appropriate permits are required before any commercial uses may be conducted on the property.



3. A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.

*Jim Oliver made a motion to approve Petition No. 1336-23 subject to conditions.*

*Danny England seconded the motion subject conditions. The motion passed, subject to conditions, 4-0. The conditions are as follows:*

*Staff recommends the following CONDITIONS:*

1. *The residential structures, primary and accessory, on the property shall be demolished within 180 days of approval of the rezoning.*
  2. *A site plan and appropriate permits are required before any commercial uses may be conducted on the property.*
  3. *A GDOT-approved commercial driveway is required before any commercial uses may be conducted on the property.*
9. Petition No. 1337-23 - Applicant proposes to rezone 2.40 acres from A-R to R-20 for the purposes of continuing a single-family home and accessory structures. Deborah Sims introduces the staff report for Petition No. 1337-23. This property was subdivided some time ago but after the November 13, 1980, timeframe so in order to build anything on it, it will need to come into compliance. It is not a legal nonconforming lot. So, this is just asking to zone it to R-20 which follows the Future Land Use Plan of Fayette County. It is also the same surrounding zoning in the area. Jim Culbreth asks if the petitioner would like to present their case. "Good evening, I am Nathan Dockery the G.C. for the petitioner. They are out of town for work, so I am here on their behalf. The short version is they bought two parcels, one with a house on it a long time ago and was torn down. It has an existing driveway on it. The other lot is also tiny. It is zoned A-R so technically this is a nonconforming lot. We are looking to combine the two lots into one lot so we can build a house. We are asking for the same zoning as the other lot. Nothing special." John Culbreth, "Is there anyone else in support of this petition?" "Hello, my name is Dianne Herring and I live next door to the property. I am in favor. I have lived in my home for 38 years and I was just wondering about compliance as far as square footage of the house and how many structures can be on the property." Deborah Bell states, "As it is zoned now as A-R the minimum square footage is 1,200 square feet. The minimum square footage if rezoned is also 1,200 square feet. There would be allowed 2 accessory structures with a total footprint of 1,800 square feet. That is the standard allowance for any lot within the county." John Culbreth asks if anyone is in opposition. If not, we will bring it back to the board. Are there any questions or inquiries? Nathan Dockery states, "Someone named Christian or Chris called him and said they didn't want him moving the existing driveway that it had the best site distance on the property and because it was on a curve, and he wanted us to try to use that, so he said we didn't need to do a driveway inspection at this time." Deborah Bell states, "So Christian Smith does the driveway inspections, and Chris Stanley is the reviewer. Typically, Chris and Christian review these. If I may suggest that for the present, you approve the conditions as presented and between now and the Board of Commissioners meeting, I will follow up with Chris and Christian and we will get

January 4, 2024

PC Meeting

some clarification on which driveway they would like for you to retain and which one they would like for you to remove.”

Nathan Dockery, “And if we can abandon that one and shift it over 50 feet, that is how our site plan was drawn. So, we love the new location, but we are fine. We will work through that with you guys.”

Danny England asked, “Nathan are you fine with the other two conditions?”

Nathan, “Yes, that’s fine.”

***Danny England made a motion to approve Petition No. 1337-23 subject to conditions.***

***John Kruzan seconded the motion.***

**RECOMMENDED CONDITIONS**

- 1. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet right of way as measured from the existing centerline of Hilo Road.***
- 2. The required right-of-way donation shall be provided to the County within 60 days of the approval of the rezoning request.***
- 3. The existing driveway on the western side of the property that connects to the neighboring property shall be removed due to noncompliance with sight distance prior to building permit issuance.***


**ADJOURNMENT:**

Danny England moved to adjourn the meeting. John Kruzan seconded. The motion passed 4-0.

The meeting adjourned at 7:31 p.m.

\*\*\*\*\*

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**




---

**JOHN CULBRETH, SR.  
CHAIRMAN**

**ATTEST:**




---

**CHRISTINA BARKER  
PLANNING COMMISSION SECRETARY**