

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 23, 2020, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Marsha Hopkins, Chairperson (Virtual)
Bill Beckwith (Virtual)
Therol Brown (Virtual)
John Tate (Virtual)

STAFF ABSENT: Tom Waller, Vice-Chairman

STAFF PRESENT: Chanelle Blaine, Zoning Administrator (in-person)
Tameka Smith, County Clerk (in-person)

STAFF ABSENT: Pete Frisina, Director of Community Services
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

1. Consideration of the Minutes of the Meeting held on September 28, 2020.

Bill Beckwith made a motion to approve the minutes of the meeting held on September 28, 2020. John Tate seconded the motion. The motion passed 4-0. Tom Waller was absent.

2. Consideration of the Minutes of the Meeting held on October 26, 2020.

Chairperson Hopkins said that for the September 28, 2020 minutes we will have to table, do I have a motion.

Bill Beckwith made a motion to table the minutes of the meeting held on October 26, 2020. Therol Brown seconded the motion. The motion passed 4-0. Tom Waller was absent.

PUBLIC HEARING

3. Petition No. A-743-20, Shawn and Susan Brooks, request the following:

- 1) Variance to Sec. 110-125 A-R, (d) (6) to reduce the side yard setback from 50 feet to 45 feet to allow an existing pole barn to remain, and
- 2) Variance to Sec. 110-125 A-R, (d) (5) to reduce the rear yard setback from 75 feet to 60 feet to allow an existing pole barn to remain.

The subject property is located in Land Lot 93 of the 4th District and fronts on Morgan Mill Road.

Chairperson Hopkins said if the Brooks are there, so they can approach the podium and sign-in. She added that we need to ask Mr. Brooks if he wishes to table his petition since we don't have a full ZBA tonight.

Chanelle Blaine asked Mr. Brooks do you wish to table your petition. She then announced that he wants to continue.

Chairperson Hopkins said Mr. Brooks after you sign-in you can present your petition to the group.

Shawn Brooks said I am asking for a variance for a pole barn. He added it was the only area to put the pole barn and I wasn't aware that I need a permit, I did it for under 2,000 dollars. He explained there was no road access to the barn and that was the only good place to put it because of all the trees around it. He concluded if I had to put it anywhere else then I would have to knock down a lot of trees on the property.

Chairperson Hopkins asked is there anyone else in the room that wants to speak in favor of the petition?

Chanelle Blaine replied there is no one here.

Chairperson Hopkins said okay, but for the record, I must ask if there is anyone there to speak in opposition to the petitioner's request. She added my assumption is if there is no one there, there is no party to speak in opposition. She announced for the record what we also must do before we bring it back for the ZBA for discussion, we will open up our phone lines and allow anyone who may call-in with comments to do so. She concluded we will give about one (1) to two (2) minutes to that and then we will bring it back to the ZBA for discussion and questions for you Mr. Brooks.

Chairperson Hopkins announced that if anyone wants to call-in the number is 770-305-5277, then we will return in about a minute and we will bring it to the ZBA for discussion.

Chairperson Hopkins asked does anyone on the ZBA have any questions or need clarification from Mr. Brooks?

Bill Beckwith asked did you buy the house in 2020?

Shawn Brooks replied we built the house in 2005.

Bill Beckwith replied I am sorry, I got the wrong date. He asked did you build the pole barn at that time?

Shawn Brooks responded we built the pole barn probably five (5) years ago, maybe.

Bill Beckwith asked were you getting a permit to install a pool and it was found out that the pole barn had violations with the side and back property lines?

Shawn Brooks replied that is correct.

Bill Beckwith responded I just wanted to clarify that information. He added I have no other questions right now.

Chairperson Hopkins said I just have a clarification. She noted that the information that we have, maybe a typo because it says the applicant purchased the property in 2020, but I see that the quick claim deed is dated back in 2005, so I assume there was a discrepancy and that 2005 might have been the actual purchase date. She asked can I get that clarified for the record?

Chanelle Blaine replied yes, that is a typo Marsha.

Chairperson Hopkins asked does anyone else have any questions?

John Tate said I am curious because on the application it is indicated that there are no other areas to put the barn, yet it appears that a pool is being constructed, is that correct?

Shawn Brooks replied yes.

John Tate asked when was the pole barn constructed?

Shawn Brooks responded about five (5) years ago.

John Tate asked could have been another area where the pole barn could have been located?

Shawn Brooks replied no not at the time, the road access leading to the pole barn was covered by a camper, hay and other farm equipment.

John Tate asked if the area where the pool is being located been cleared?

Shawn Brooks said it is right behind the house in the backyard.

John Tate responded okay, thank you.

Chairperson Hopkins asked was this lot part of a subdivision or is it just an individual lot?

Shawn Brooks replied it is an individual lot.

Chairperson Hopkins said okay, I don't have any additional questions, unless anyone from the Zoning Board Appeals does, can someone make a motion?

Bill Beckwith asked just to clarify, if we disapprove this, Mr. Brooks will have to tear-down or move the barn, is this correct?

Chanelle Blaine replied that is correct.

Bill Beckwith asked Mr. Brooks were you aware of the dimensions of the setbacks from the property lines when you built that pole barn?

Shawn Brooks responded no sir, I wasn't. He added at that time, I was just trying to cover a camper and a hay roll and some equipment.

Chairperson Hopkins said I don't understand as well as my co-members what goes into the construction of a pole barn, is that something that goes onto a concrete slab, how is that structured?

Shawn Brooks said it has a dirt floor.

Chairperson Hopkins said I am going speak up and maybe some of the other members can chime in, since this one of those difficult cases. She noted you had it there for a couple of years, but quite frankly it does not meet the code and since it is on a dirt surface, it doesn't sound to me that is a complicated construction, such that it couldn't be located elsewhere so that it could be put back in compliance. She explained I haven't seen anything in the materials to suggest to me, this is it the only place it could go. She emphasized if you have information to fill in those gaps to show something unique about it to prove that this the only place it can go, we are certainly willing to listen.

Shawn Brooks replied sure, I can fill you in on that. He said on the outside of the house there are septic tank lines and a lot of trees. He explained my worry is the septic lines are now in the road access to it where we back the camper up. He added the 6x6 posts are cemented into the ground. And the top is made with heavy metal trusses, so it would be quite an ordeal to move it. He said you can't just pick it up and move it. He concluded if you move it over, it would be extremely close to the well.

Chairperson Hopkins asked how close to the well will it be?

Shawn Brooks responded do you mean how close to the well, is it now?

Chairperson Hopkins said well, yes.

Shawn Brooks replies I guess 20 feet or maybe less.

Chairperson Hopkins replied okay. She added those are all of the questions that I had, does anyone else have any comments, if not, are we ready for a motion?

Therol Brown said due to the fact that that it has been there and it has not caused any problems, along with the fact that it is not really feasible to move a pole barn, I wish to make a motion.

Therol Brown made a motion to recommend approval of Variance 1 of Petition No. A-743-20 to reduce the side yard setback from 50 feet to 45 feet to remain. Bill Beckwith seconded the motion. The motion passed 4-0. Tom Waller was absent.

Chairperson Hopkins asked can I get motion for the reduction of the rear setback?

Therol Brown made a motion to recommend approval of Variance 2 of Petition No. A-743-20 to reduce the rear yard from 75 feet to 60 feet to allow an existing pole barn to remain. John Tate seconded the motion. The motion passed 4-0. Tom Waller was absent.

4. Petition No. A-744-20 A- E, Ridgeside Professional Properties, LLC, Owner, and George Harper, Agent, request the following:

- 1) Variance to Sec. 110-142. O-I, (f) (4) (B), to reduce the front yard setback from 55 feet to 25 feet along Grand Oak Drive.**
- 2) Variance to Sec. 110-142. O-I, (f) (5) (a), to reduce the side yard setback from 15 feet to 10 feet.**
- 3) Variance to Sec. 110-173. Transportation corridor overlay zone, (d) (1) Architectural standards, to allow a flat roof instead of a pitched peaked roof.**
- 4) Variance to Sec. 110-173. Transportation corridor overlay zone, (d) (3) Architectural standards, to allow a more modern style building to include modern construction materials.**
- 5) Variance to Sec. 110-173. Transportation corridor overlay zone, (d) (4) Architectural standards, to modify framed doors and windows of a residential character to allow modern floor to ceiling type windows and doors.**

The property is located in Land Lot 39 of the 7th District and fronts on State Route 54 and Grand Oak Drive.

Chairperson Hopkins said we have to get a decision from the group or the spokesperson whether or not they want this to be tabled to the next meeting given that we don't have a full board present tonight.

George Harper said I represent Ridgeside Professional Properties. He added we would like to go ahead and proceed tonight. He noted unfortunately, we don't have lot of time to spare and wait another month.

Chairperson Hopkins replied okay. She asked Chanelle, do we take these in any particular order, is Mr. Harper the first one to speak?

Chanelle Blaine replied Mr. Harper is the agent. She added I am guessing he's the one to tell the others when to speak.

George Harper responded yes, I will.

Chanelle Blaine said Mr. Harper you can talk about all of the variances in their entirety, we don't have to break it up if you don't want to.

George Harper responded this is a unique piece of property that most of you are probably familiar with, located on the right as you are headed to Peachtree City. He said it was starting to develop maybe seven (7) to 10 years ago, but it never quite developed as planned. He added now our client is purchasing all of the lots in the Grand Oaks Professional Park. He explained we will actually be combining lots six (6) through 10 together into one (1) big lot to construct a 16,000 square foot high-tech medical facility. He concluded they will do cutting-edge procedures such as spine therapy, regeneration and stem cell therapy in a cutting edge type facility and the client wants the building to reflect and speak to that.

George Harper said we are looking to build this one (1) story 16,000 square foot building within the Transportation Overlay Corridor. He added since this property is located within the Transportation Corridor, it has some additional buffers and setbacks that we would not normally have on a regular piece of property located outside the Transportation Corridor District. He explained as you can see on the site plan, we have a 50 foot highway corridor overlay on the frontage but the way this property is shaped, it has some screening buffers on one (1) side and zoning buffers as well. He concluded to get the building in as we need, we have to come before the ZBA to ask for a couple of variances.

George Harper said since his client is looking to purchase all of the lots in this subdivision, we inquired about the process of having the County quit-claim the right-of-way along Grand Oaks Drive back to the property owner, so then his client will own and maintain that right-of-way. He added however we were informed that is a lengthy process and unfortunately we didn't have that much time to do that. He concluded our only option was to come before you with these variances, tonight.

George Harper said the first variance is to reduce the front setback from 55 feet to 25 feet. He explained the front yard setback is not in front of the building, it is actually on the side of the building. He noted since we have a corner lot with double road frontage, technically the front yard setback is along the Grand Oak Drive where we wish to reduce it from 55 feet to 25 feet. He explained that on the site plan there is a little corner that overlaps the existing 15 foot building line on the northeast side of the building. He noted that due to the way the property is shaped, we couldn't quite get the building in the space with the current setbacks and the 50 foot setback along the front. He said that honestly we squeezed it in the space and only way we can make it work is with these variances. He announced I also have the architect for this project, Mr. Phillip Reese, here tonight. He concluded that I will go through the variances we are asking for in the architectural standards and if you have any specific questions, he would be able to speak about those more clearly than I can.

George Harper said the first variance that we are asking for is to allow a flat roof instead of a peaked pitched roof. He noted as all of you are aware I am sure that the current overlay standards were developed somewhere about 2005-2006 and they all called for a residential-type standard. He added nowadays building materials and building styles have evolved quite a bit and there are a lot of new products and new styles out there that really look good and really stand out. He said the new designs also refer back to elements taken from residential-type standards with the type of materials such as exposed wood. He explained we are trying to incorporate some of those type elements into the building as well. He concluded if you can see on the renderings that we submitted with our application, it is self-explanatory what we are asking.

George Harper then continued said then second variance would be to allow for a more modern style building to include the more modern construction materials. He explained the existing overlay requirements are asking again for the more typical bed brick, older residential-type standards and we are looking to do something a little more modern again that speaks to the kind of operations that they are going to be having there. He concluded when their patients walk-in to have a very high-tech procedure, they want the building, and their operation to reflect that, as well.

George Harper said the third variance is to modify the framed doors and windows from a residential character to allow a more modern floor to ceiling type windows and doors. He explained if you look on our elevations you will see in the existing standards you have maybe a three (3) foot ledge below the window, and then your window will start from there up. He added on a more modern style window, it goes all the way to the floor, lets a lot more light in, gives more open type feel and it really goes along with the design we are proposing.

George Harper stated that I talked with Pete last week and he said, I think Chanelle can probably confirm this, the County is in the process now of going through an updating this transportation overlay zone's architectural requirements. He added we are just a little bit ahead of the curve here. He said that in speaking with Pete, they just started on them and he has a gentleman on the Planning Commission who is an architect and they are beginning to update some of these requirements. He noted that Pete said it would probably be more like March before he was able to get it through to the Board of Commissioners to get it all approved. He explained unfortunately we did not have enough time to wait for that, so you know that it is in process and it is something the County is looking at and planning on doing, hopefully. He concluded maybe with this project we can set a little bit of a standard of what you may like to see in this area. He added I would like to turn it over to Phillip so he can explain it a little bit better.

Phillip Reese said I think you covered it all, I think the only thing that I want to add is the fact this building is not a huge departure from the other buildings in that particular area. He added some of the older buildings area have the floor to ceiling windows but not quite as much glass as we are proposing, but they do go all the way to the ground. He noted it is not a huge departure from what is happening with Piedmont Fayette. It is a step forward from what the surrounding

areas represent, but it not a huge departure. He explained as George is mentioned, we are trying to use some of these traditional building elements with the stone and the exposed wood beams to have the residential feel like you would see in a more modern traditional architecturally designed house.

George Harper said thank you Phillip. He noted the buildings around Piedmont Fayette, in addition to a new Piedmont facility across from Pinewood Studios represents a more modern type facility, which I know are located in the City, not the County. He noted this is the look of the modern type buildings where the trend is headed. He concluded I will be glad to answer any questions you may have.

Chairperson Hopkins asked is there anyone else that wants to speak in favor of this petition?

Chanelle Blaine replied Marsha, there is no one here in the building, but I do want to confirm what George Harper said, Pete and the Planning Commission are working towards updating our architectural standards for the Transportation Overlay Zone. She added I was going to tell you guys that after they presented their petition.

Chairperson Hopkins said if there is no one in the room and if no one virtually wants to speak, we still have to acknowledge if anyone is in opposition to it, but obviously no one is in the room. She announced we have to open up the phone line again of about one (1) minute or two (2) to let anyone that may want to call in to do so. She said we are going to do that now and then we will bring it back to the ZBA for questions and discussion, the call-in number is 770-305-5277.

Chairperson Hopkins asked does anyone any have any questions.

Bill Beckwith stated I served on the Planning Commission for many years. He added it was 15 or more years ago, when the Planning Commission developed that Transportation Overlay Zone. He noted the idea back then was exactly the way the ordinance reads now with a more residential character. He explained the character of the buildings along State Route 54 was more or less the transition between what was Peachtree City's development and Fayetteville's. He said there really wasn't much out there back 21 years ago, but the point was it was a transitional area so that was the purpose of the overlay zone. He noted one building that we used to hold up as an example of what we wanted was the dental office of Dr. Richardson on the corner of Ebenezer Road and State Route 54. He said it is a very nice building for a dental office but as Mr. Reeves pointed out there are other buildings that have been developed with a medical-style around the hospital and even west toward Peachtree City that look like they were built for the purpose of providing medical services. He explained I sit into the Planning Commission meetings where they are discussing things in this Overlay Zone and I think this type of building will be something that they have in mind as the type of building that will be appropriate for that traditional transitional area.

Chairperson Hopkins said I appreciate that Bill that is good background information. She added my concern is not necessarily with the change in regulations and the type in architecture, it is more of legal process. She stated something that a petitioner proposes now based on something that is supposed to happen in the future but has not happened yet, obviously leaves me unsettled as to where we go if this never happens or if something changes it. She added we don't have a crystal ball we can look into, but legally, I don't generally think it is a good idea to approve something based on something that going to happen in the future, when that is not certain. She continued but I say that with the caveat that Bill with your background and your knowledge of how planning looks at these things. She concluded again, I find myself in a quandary, not necessarily wanting to approve something based on a future regulation that has not been developed yet. She added I will open it up to my fellow ZBA member for comment on that.

John Tate said I admit that what you just stated is very similar to one (1) of the things that I wanted to ask Chanelle. George Harper mentioned that Pete was having meetings. He added I wanted to find out if she had any direct knowledge of what some of the proposed changes to the Overlay would be and whether this is in-line to what is currently on the agenda.

Chanelle Blaine responded I can say that these are in-line with what we want to do. We want to have flat roofs instead of the peaked peak roofs. She added we do want to allow not only the petitioners but other people to use different materials than the ones we have listed. She said I also know that we want to allow to have glass windows to be from the floor to ceiling. She concluded this is in-line of what we want to do, we have not done it as of yet. I can tell you that we are going to start discussing it at the last meeting but it was canceled due to Covid 19.

John Tate replied okay, that helps. He asked just of curiosity, what is the construction of this building, it appears to be some type of brick?

Mr. Reeves replied it will be steel frame, but it we are going to cover the steel framing with traditional elements. He noted for example the canopy will be built out of steel but we are going to wrap it with some kind of wood finish material and stain it so it looks like the image that you see in front of you. He explained the thought is there will be no exposed steel, we will be using traditional material, like the wood. He concluded we have stone on the canopy and a little bit around the building as well.

John Tate replied okay thank you.

Chairman Hopkins asked does anybody else have any comments?

George Harper said to be honest, we started off with a much more modern building than this, but the more we looked at it and went through the regulations and tried to find a good balance in-between the current regulation and more modern type building toward what the client wanted. He noted I believe Pete included in your packet are the first renderings of what we proposed. We went back to meet with our client and tried to introduce more residential type

materials. He concluded if you have any questions.

Chairman Hopkins said if we are ready to make motions, we have to take each motion separately, is that right Chanelle?

Chanelle Blaine said the way we will do it, is to take each item A through E and read each of the variances.

Chairman Hopkins said with that I will begin the process of asking for a motion and I will each item then ask for a motion.

John Tate made a motion to recommend approval of Variance 1-5 of Petition No. A-744-20 A. Bill Beckwith seconded the motion. The motion passed 4-0. Tom Waller was absent.

Therol Brown made a motion to recommend approval of Variance 1-5 of Petition No. A-744-20 B. John Tate seconded the motion. The motion passed 4-0. Tom Waller was absent.

Bill Beckwith made a motion to recommend approval of Variance 1-5 of Petition No. A-744-20-C. John Tate seconded the motion. The motion passed 4-0. Tom Waller was absent.

John Tate made a motion to recommend approval of Variance 1-5 of Petition No. A-744-20 D. Bill Beckwith seconded the motion. The motion passed 4-0. Tom Waller was absent.

Bill Beckwith made a motion to recommend approval of Variance 1-5 of Petition No. A-744-20 E. Therol Brown seconded the motion. The motion passed 4-0. Tom Waller was absent.

Chairperson Hopkins said your request is approved.

George Harper said thank you guys very much, I do appreciate your time on this. This was an unusual meeting being virtual. This maybe the ways of the future, who knows? We appreciate all that you do.

Chairperson Hopkins asked is there any other business Chanelle that we have to cover?

Chanelle Blaine replied no.

Chairperson Hopkins asked do I have a motion to adjourn?

Chairperson Hopkins said being no further business, we will adjourn the meeting, can I get a motion to adjourn?

Therol Brown made a motion to adjourn. Bill Beckwith seconded the motion. The motion passed 4-0. Tom Waller was absent.

The meeting adjourned at 7:59 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Marsha Hopkins

MARSHA HOPKINS, CHAIRPERSON

Howard L. Johnson

HOWARD L. JOHNSON, ZBA SECRETARY