

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on July 25<sup>th</sup>, 2022, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** John Tate, Chairman  
Marsha Hopkins, Vice Chairwoman  
Anita Davis  
Bill Beckwith  
Tom Waller

**STAFF PRESENT:** Deborah Bell, Planning & Zoning Interim Director  
Chanelle Blaine, Zoning Administrator  
Chelsie Boynton, Planning & Zoning Coordinator

**1. Consideration of the Minutes of the Meeting held on June 27<sup>th</sup>, 2022.**

*Tom Waller made a motion to approve the minutes of the meeting held on June 27<sup>th</sup>, 2022. Anita Davis seconded the motion. The motion passed 4-0-1. Marsha Hopkins abstained.*

**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 9<sup>th</sup> District and fronts on Rivers Road.**

James Brinkerhoff introduced himself and stated he would like to build a detached a garage. He stated he needs a variance because the septic tank line is on the other side of his house so this is the only place he can put it.

Chairman Tate asked if there was anyone to speak in support of the petition. There were none. He asked if there was anyone who wished to speak in opposition. There were none. He then brought the discussion back to the Zoning Board of Appeals.

Tom Waller stated the size of the building, 30 feet by 60 feet, is almost commercial size. He stated one can put six (6) to 12 cars in a facility that size. He asked why it needed to be so big.

James Brinkerhoff stated he had a truck, a car, a boat, a 16-foot trailer, and the last section will be a woodshop.

Tom Waller asked if it will be a workshop and a six (6) to 12 car garage.

James Brinkerhoff stated he can't put two cars in each roll up section because cars are 18 feet, and the sections are 30 feet. He stated the woodshop will just be for personal use, he will not be selling anything.

Tom Waller asked if he will be repairing cars in this garage.

James Brinkerhoff answered no. It would just be storage.

Bill Beckwith stated that if the variance is approved, it would be breaking the ordinance, so they like to look at other options as well. He stated that he understands the septic line is on the left side of the house and asked Mr. Brinkerhoff if he had considered moving the garage somewhere along the driveway.

James Brinkerhoff stated he had not thought of that since that is a more wooded area.

Bill Beckwith stated he has an option of removing some trees or ask the Zoning Board of Appeals to break the ordinance.

James Brinkerhoff stated he had not thought of placing it there.

Bill Beckwith stated it appears Mr. Brinkerhoff would have sufficient room to build the garage along the driveway and the Zoning Board would not have to consider refusing the petition. He stated Mr. Brinkerhoff did not have to do this, but it is an option.

Chairman Tate stated he agreed with Mr. Beckwith. The Zoning Board of Appeals seeks to approve variances when there are no other options available but looking at the pictures they've been provided, it seems there is another option available.

James Brinkerhoff stated that he understood and had not thought about placing the garage there. He stated his only concern is backing things in. When he is pulling his boat, it may be longer than the space would allow but he would look at it.

Chairman Tate stated if there is a better option so that Mr. Brinkerhoff would not have to come before the Zoning Board of Appeals, he has the choice to look at it. Chairman Tate asked Chanelle Blaine if Mr. Brinkerhoff would be able to withdraw his petition.

Chanelle Blaine he could withdraw or table it. If he chooses to withdraw, he will have to start the process over again and pay the fee again. If he chooses to table it until a later date, he will not have to pay a fee.

Bill Beckwith asked if he tables it, could he come back with a different plan.

Chanelle Blaine stated yes. If tabled, he could come back with a different plan. He could go look at every avenue, and then come back to the Zoning Board of Appeals at the next meeting. If he withdraws it, he will have to pay the fee all over again.

Chairman Tate asked if Mr. Brinkerhoff were to consider another location and it's within the requirements of the ordinance then there would be no need for him to come back.

Chanelle Blaine confirmed, there would be no need for him to come back.

Chairman Tate stated he thinks everyone understands now. If Mr. Brinkerhoff would like to table the petition and finds that the new location will not work, then he can return.

James Brinkerhoff stated he would like to table.

*Bill Beckwith made a motion to table Variance of Petition A-799-22. To reduce the rear yard setback from 50 feet to 18 feet to allow for construction of a residential accessory structure until August 22<sup>nd</sup>, 2022. Anita Davis seconded the motion. The motion passed 5-0.*

- 3. Petition No. A-800-22, Johann and Monica Reckley, Owner, request the following: Variance to Sec. 110-137. R-40, (d) (6) to reduce the side yard setback from 15 feet to 13.5 feet to allow an existing single-family dwelling to remain. The subject property is located in Land Lot 16 of the 7<sup>th</sup> District and fronts on Janice Drive.**

Monica Reckley introduced herself. She stated she doesn't understand how the house was built breaking the ordinance. She stated her family has grown and they were looking to add on the pool and the pool house. She stated moving toward those things was when she was made aware that the house was built not according to the ordinance.

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

Mike Messer introduced himself and stated he is the property owner who is probably most impacted by the variance. He stated he is in support of the variance. He stated he could provide some background information on the lot. He stated the neighborhood was built in the 70s and the lot was not one of the original lots. It was graded to provide a runoff slow down area for some culverts that lead to the northeast corner. He stated the lot was considered by residents of the neighborhood, a non-buildable lot. He said he doesn't know how but long before Ms. Reckley purchased it, someone approved placing a house on the lot. He stated the builder placed the edge of the house at what they thought was the edge of the property line. He stated they missed the mark a little bit but there was an attempt to put in a rip rap drainage culvert along the eastern side of the house by the driveway. He stated this is what cause the house to be pushed as far as it was. He stated that there is a significant drainage issue and that when it is time for the application of the pool that it be approved with an appropriate drainage plan. He stated he understands this variance is only for the house.

Chairman Tate asked if there was anyone to speak in opposition. There were none. He brought the discussion back to the Zoning Board of Appeals.

Bill Beckwith stated he wants to clarify that they are only considering the house at this public hearing.

Monica Reckley stated she was not aware of what Mr. Messer mentioned. She stated she respects his input and will relay it to her husband and with the builders as they move forward.

*Marsha Hopkins made a motion to approve the Variance of Petition A-800-22. To reduce the side yard setback from 15 feet to 13.5 feet to allow an existing single-family dwelling to remain. John Tate seconded the motion. The motion passed 5-0.*

4. **Petition No. A-801-22, Christopher and April Szopa, Owner, request the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 20 feet to 1 foot to allow an existing residential accessory structure to remain. The subject property is located in Land Lots 163 and 190 of the 5<sup>th</sup> District and fronts on Ginger Cake Road. (There was a an issue with the petitioner's request and the applicant has requested to table the petition August 22, 2022).**

*John Tate made a motion to table Variance of Petition A-801-22. To reduce the side yard setback from 20 feet to 1 foot to allow an existing residential accessory structure to remain until August 22<sup>nd</sup>, 2022. Anita Davis seconded the motion. The motion passed 5-0.*

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Chairman Tate asked is there a motion to adjourn?

*Marsha Hopkins made a motion to adjourn. Anita Davis seconded the motion. The motion passed 5-0.*

The meeting adjourned at 7:27 pm.

ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY

  
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JOHN TATE, CHAIRMAN



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CHELSIE BOYNTON, ZBA SECRETARY

