

Meeting Minutes 12/19/22

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on December 19th, 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 and Zoning Director
Chelsie Boynton, Planning & Zoning Coordinator
E. Allison Ivey Cox, County Attorney

1. Approval of Agenda

Marsha Hopkins made a motion to approve the agenda for the December 19th, 2022 meeting. Bill Beckwith seconded the motion. The motion passed 5-0.

2. Consideration of the Minutes of the Meeting held on November 28, 2022.

Anita Davis made a motion to approve the Minutes of the Meeting held on November 28th, 2022. Tom Waller seconded the motion. The motion passed 4-0-1. Marsha Hopkins abstained.

PUBLIC HEARING

3. **Petition No. A-814-22, Kimberly & Derric Chamblee, Owner, request the following: 1) Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 100 feet to 66 feet to allow an existing single-family dwelling to remain. 2) Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 100 feet to 5 feet to allow an existing residential accessory structure (swimming pool) to remain. The subject property is located in Land Lot 221 of the 13th District and fronts on Old Ford Road.**

Deborah Bell, Planning and Zoning Director, stated that staff recommended approval due to both structures, the house and pool, being built by a prior owner or builder in 2000. She stated the current applicant purchased the house in 2020 when the structures were already in place. She continued that staff confirmed the original building permits displayed the location of the house on an appropriate spot on the lot. She added the house was built before the County required foundation surveys. She concluded the encroachment was discovered as part of the accessory structure permitting process.

Kimberly Chamblee introduced herself and presented her case before the Zoning Board of Appeals. She stated they purchased the home in 2020 and was made aware of the encroachment while applying for an accessory structure permit. She added she was not aware at the time of purchasing the home that it was in the setbacks. She concluded that she is asking for the variance so they can continue the permitting process.

Chairman Tate stated there were no other people in the audience and nobody to speak in support or opposition. He brought the discussion back to the Board.

Tom Waller asked if this was the first property Ms. Chamblee has owned?

Kimberly Chamblee stated she has owned property in Fulton County. She stated this is her first property in Fayette County.

Tom Waller asked if Ms. Chamblee walked the bounds of the property before purchasing.

Kimberly Chamblee stated no.

Tom Waller asked if Ms. Chamblee purchased the home from a realty company or from an individual.

Kimberly Chamblee stated she had a real estate agent through a realty company, but an individual was selling the home.

Tom Waller asked which realty company Ms. Chamblee used.

Kimberly Chamblee stated Palmer House.

Tom Waller asked if Ms. Chamblee has reached out to the realty company about why they sold her a house with a violation.

Kimberly Chamblee stated no.

Tom Waller asked why not.

Kimberly Chamblee stated she had not thought about it. She stated she was focused on how to correct the violation.

Bill Beckwith asked what is being put in, what is the new permit for?

Kimberly Chamblee stated it is for a shed to store things in. She added there was a shed previously on the property and a tree fell on it and they are replacing it.

Bill Beckwith asked if it will be in the proper setbacks.

Kimberly Chamblee stated yes. She added it will be 75 feet from the back and 50 feet from the sides.

Chairman Tate stated the application says that Ms. Chamblee is taking actions to correct. He asked what changes or adjustments are being made?

Kimberly Chamblee stated she got the foundation survey, has been learning the ordinance, and getting the proper documentation. She added she didn't know about these things and as she's learned, has communicated with personnel.

Marsha Hopkins made a point of clarification. She stated the agenda notes to reduce the setback from 100 to 66 feet and 100 to five (5) feet, but the staff recommendation shows 75 feet to 66 feet and 75 feet to five (5) feet.

Deborah Bell stated the rear setback is 75 feet.

Chairman Tate asked if there were other accessory structures on the property at this time?

Kimberly Chamblee stated there is a storage container that she is in the process of having removed. She stated it was there when she purchased the property.

Chairman Tate stated he agrees with staff. He stated this is a situation Ms. Chamblee did not create and the alternative would be detrimental.

John Tate made a motion to approve Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 75 feet to 66 feet to allow an existing single-family dwelling to remain. Bill Beckwith seconded the motion. The motion passed 4-1. Tom Waller opposed.

Bill Beckwith made a motion to approve Variance to Sec. 110-125. A-R. (d) (5) to reduce the rear yard setback from 75 feet to 5 feet to allow an existing residential accessory structure (swimming pool) to remain. Anita Davis seconded the motion. The motion passed 4-1. Tom Waller opposed.

Chairman Tate asked is there a motion to adjourn?

Marsha Hopkins made a motion to adjourn. Chairman Tate seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:16 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



JOHN TATE, CHAIRMAN



CHELSIE BOYNTON, ZBA SECRETARY

