

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
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
January 23, 2023
7:00 P.M.**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Bill Beckwith made a motion to amend the agenda and table item number six (6) until the February 27th meeting. Marsha Hopkins seconded the motion. The motion passed 5-0.

4. Consideration of the Minutes of the Meeting held on December 19, 2022.

Marsha Hopkins made a motion to approve the minutes of the meeting held on December 19th, 2022. Anita Davis seconded the motion. The motion passed 5-0.

PUBLIC HEARING

5. Petition No. A-815-23, Howell & Cheryl Turner, Owner, request the following: Variance to Sec. 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 29 feet to allow construction of a residential accessory structure (i.e. swimming pool). The subject property is located in Land Lot 89 of the 7th District and fronts on Sims Road.

Bill Beckwith made a motion to approve Petition No. A-815-23, Variance to Sec. 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 29 feet to allow construction of a residential accessory structure (i.e. swimming pool). John Tate seconded the motion. The motion passed 5-0.

6. Petition No. A-816-23, Apremier Properties Group, Inc, Owner, and Darrell Baker/ Principle/ Randolph Williams, LLC, Agent, request the following: Variance to Sec. 110-170. Nonconformances, (l) Nonconforming structures. Request enlargement of a nonconforming structure: To allow an unpermitted addition to primary structure to

remain. The subject property is located in Land Lot 26 of the 7th District and fronts on Highway 54W and Tyrone Road.

Bill Beckwith made a motion to table Petition No. A-816-23, Variance to Sec. 110-170. Nonconformances, (l) Nonconforming structures. Request enlargement of a nonconforming structure: To allow an unpermitted addition to primary structure to remain. Marsha Hopkins seconded the motion. The motion passed 5-0. The petition is tabled until the February 27th meeting.

7. Petition No. A-817-23A, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7th District and fronts on Highway 54 W and Tyrone Road.

John Tate made a motion to deny Petition No. A-817-23A, Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. Tom Waller seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

8. Petition No. A-817-23B, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7th District and fronts on Highway 54 W and Tyrone Road.

Anita Davis made a motion to deny Petition No. A-817-23B, Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. Marsha Hopkins seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

9. Petition No. A-817-23C, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7th District and fronts on Highway 54 W and Tyrone Road.

Marsha Hopkins made a motion to deny Petition No. A-817-23C, Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. John Tate seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

10. Petition No. A-817-23D, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7th District and fronts on Highway 54 W and Tyrone Road.

Marsha Hopkins made a motion to deny Petition No. A-817-23D, Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. Tom Waller seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

11. Petition No. A-818-23, Baby Bird and Company Automotives, LLC, Owner, and Mark Schaeffer, Esq, Glasser and Schaeffer, PC, Agent, request the following: Variance to Sec. 110-146. M-1, (d) (5) to reduce side yard setback from 25 feet to 15 feet to allow existing primary structure to remain. The subject property is located in Land Lot 217 of the 5th District and fronts on Carnes Drive and Walter Way.

Bill Beckwith made a motion to approve Petition No. A-818-23, Variance to Sec. 110-146. M-1, (d) (5) to reduce side yard setback from 25 feet to 15 feet to allow existing primary structure to remain. Tom Waller seconded the motion. The motion passed 5-0.

12. Petition No. A-819-23, Johnnie K. Holland, Owner, and Randy Boyd Agent, request the following: Variance to Sec. 110-79. Residential accessory structures and their uses (f) Guesthouses. To increase the maximum allowed square footage from 700 to 768 square feet, to allow existing structure to remain. The subject property is located in Land Lot 254 of the 5th District and fronts on Kenwood Road and South Kite Lake Road.

John Tate made a motion to approve Petition No. A-819-23, Variance to Sec. 110-79. Residential accessory structures and their uses (f) Guesthouses. To increase the maximum allowed square footage from 700 to 768 square feet, to allow existing structure to remain Marsha Hopkins seconded the motion. The motion passed 5-0.