

Meeting Minutes 3/6/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 27th, 2023, 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
Brian Haren

STAFF PRESENT: Deborah Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning & Zoning Coordinator
E. Allison Ivey Cox, County Attorney

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

Bill Beckwith made a motion to approve the agenda for March 6th meeting. Brian Haren seconded the motion. The motion passed 5-0.

Old Business

Chairman Tate asked if there were any questions or comments from the Board about items four (4) through 12.

Bill Beckwith stated they are being asked to either affirm the denial of the Zoning Administrator for the petitions or to reverse the decision. He stated their duty is to look at how it applies to the existing Zoning Ordinance and was the denial made on specific basis. He stated they are not there to make any changes but to look at how the ordinance applies in this case and if the denials were correct. He continued they have not had many appeals to denials.

Chairman Tate agree and asked if there were any other questions.

Marsha Hopkins stated she agreed with Mr. Beckwith. She stated it is well specified in the ordinance the process to review the decisions.

Brian Haren agreed the ordinance is clear.

Chairman Tate agreed with Marsha Hopkins and Brian Haren.

Anita Davis asked Allison Cox, County Attorney, about the application submission. She stated the original application was submitted October 6th and they were rejected, and a new application was submitted October 26th. She asked if the second submission is a secondary submission or a continuation of the first?

Allison Cox stated the late October submission would be the initial application because the first one was done improperly.

Brian Haren added the clock does not start ticking until the proper request has been received. He added requests get rejected all the time for various technical reasons and only when the applicant submits the correct application that's when the clock starts ticking.

Chairman Tate asked the Board if they were ready to vote or if they felt the need to enter Executive Session.

The Board members agreed to go into Executive Session to discuss nine items of threatened litigation.

Executive Session:

Nine items of threatened litigation. Bill Beckwith made a motion to go into Executive Session. Brian Haren seconded the motion. The motion passed 5-0.

The Board recessed into Executive Session at 3:10 p.m. and returned to Official Session at 3:36 p.m.

Return to Session: Anita Davis moved to return to Official Session. Bill Beckwith seconded the motion. The motion carried 5-0.

Regular Session

4. **Petition No. A-823-23, Amazing Grace Evangelical International Ministries, INC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 199 of the 13th District and fronts on Highway 138, Highland Drive and Old Highway 138.**

Brian Haren made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit per Sec. 108-28. - Denial, revocation, and suspension regarding Petition No. A-823-23. Bill Beckwith seconded the motion. The motion carried 5-0.

5. Petition No. A-824-23, Thomas M. Suggs, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lots 248 and 249 of the 5th District and fronts on Hwy 85 N.

Bill Beckwith made a motion to affirm the decision of the Zoning Administrator/ Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-824-23. Brian Haren seconded the motion. The motion carried 5-0.

6. Petition No. A-825-23, Carnegie Place Holding, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 233 of the 5th District and fronts on Carnegie Place and Hwy 85 N.

Brian Haren made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-825-23. Anita Davis seconded the motion. The motion carried 5-0.

7. Petition No. A-826-23, MJE Properties, LLLP, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 233 of the 5th District and fronts on Hwy 85 N and Plantation Road.

Marsha Hopkins made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-826-23. Brian Haren seconded the motion. The motion carried 5-0.

8. Petition No. A-827-23, Donald Scarbrough, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 170 and 171 of the 5th District and fronts on Hwy 54 E.

Brian Haren made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-827-23. Bill Beckwith seconded the motion. The motion carried 5-0.

9. Petition No. A-828-23, G & I Equities, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.

Bill Beckwith made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-828-23. Anita Davis seconded the motion. The motion carried 5-0.

10. Petition No. A-829-23, Ronald V. Wormuth, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.

Anita Davis made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-829-23. Brian Haren seconded the motion. The motion carried 5-0.

11. Petition No. A-830-23, 355 Group, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.

Brian Haren made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-830-23. Anita Davis seconded the motion. The motion carried 5-0.

12. Petition No. A-831-23, Michael Mehio and Crystal Mehio, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 170 of the 5th District and fronts on Hwy 85 S.

Anita Davis made a motion to affirm the decision of the Zoning Administrator/Planning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension regarding Petition No. A-831-23. Bill Beckwith seconded the motion. The motion carried 5-0.

Chairman Tate asked is there a motion to adjourn?

Brian Haren made a motion to adjourn. Anita Davis seconded the motion. The motion passed 5-0.

The meeting adjourned at 3:51 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



JOHN TATE, CHAIRMAN



CHELSIE BOYNTON, ZBA SECRETARY

STATE OF GEORGIA
COUNTY OF FAYETTE

EXECUTIVE SESSION AFFIDAVIT

Personally appeared before me, John Tate, Chairman of the Fayette County Zoning Board of Appeals, who after being duly sworn says:

1.

I was the presiding officer of a meeting of the Fayette County Zoning Board of Appeals held on the 6th day of March, 2023

2.

That it is my understanding that O.C.G.A. § 50-14-4 (b) provides as follows:

When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

3.

6th The subject matter of the closed meeting or closed portion of the meeting held on the 6th day of March, 2023, which was closed for the purpose(s) of Threatened litigation as allowed by O.C.G.A., Title 50, Chapter 14, was devoted to matters within those exceptions and as provided by law.


4.

This affidavit is being executed for the purpose of complying with the mandate of O.C.G.A. § 50-14-4 (b) that such an affidavit be executed.

FURTHER AFFIANT SAITH NOT.


JOHN TATE, CHAIRMAN
FAYETTE COUNTY ZONING BOARD OF
APPEALS

Sworn to and subscribed before
me this 6th day of March, 2023.


Notary Public



