

Meeting Minutes 5/22/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 22, 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
Bill Beckwith
Brian Haren
Anita Davis

STAFF PRESENT: 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.

Brian Haren made a motion to accept the agenda. Bill Beckwith seconded the motion. The motion passed 5-0.

4. Consideration of the Minutes of the Meeting held on April 24, 2023.

Marsha Hopkins made a motion to accept the Minutes of the Meeting held o April 24, 2023. John Tate seconded the motion. The motion passed 4-0-1. Anita Davis abstained.

PUBLIC HEARING

5. Petition No. A-836-23, Jonathan Paul Campagna and Rebecca Jean Ruthberg-Campagna, Owner, request the following: Variance to Sec. 110-79. (c) (1) (a) Number and size, to increase the square footage amount from 3600 square feet to 4100 square feet for residential accessory structures on lots more than five (5) acres. The subject property is located in Land Lot 21 of the 7th District and fronts on Eastin Road.

Mr. Campagna stated his document said 3792 square feet and asked where did the 4100 come from?

Deborah Sims, Zoning Administrator, stated when Debbie Bell, the Planning and Zoning Director, started reviewing everything, she found that he needed a total of 4080 square feet. She added 4100 would give him a little buffer.

Mr. Campagna stated okay and he would go with the numbers provided. He stated he would answer any questions that the Board has.

Chairman Tate asked if there were any comments in support or opposition. There were none. He brought the discussion back to the Board.

Bill Beckwith stated he drove out to the property and saw four (4) posts near the red bard. He asked if that's where he intended to place the structure?

Mr. Campagna stated yes.

Bill Beckwith asked what was on the other side of the barn?

Mr. Campagna stated that was already overhang for the porch area and that's included as part of the original design and square footage. He stated they are asking for overhang on the right where he saw the posts.

Bill Beckwith asked what's inside the barn?

Mr. Campagna stated nothing currently.

Bill Beckwith asked how long has he owned the property?

Mr. Campagna stated since June of 2019.

Bill Beckwith asked what will the proposed use of the shed be?

Mr. Campagna stated it will keep things out of the rain. He stated they have a golf cart they use on the property since it's so large.

Bill Beckwith asked where is it kept now?

Mr. Campagna stated in the garage.

Bill Beckwith asked if there is room on the other side of the barn?

Mr. Campagna stated no because of the setback. He further stated it has the ability to have horses, they'd like for it to have some type of covering, if they decide to do that at some point, it'd be nice to have shade for the animals.

Brian Haren asked if they are only talking about a overhanging?

Mr. Campagna stated yes, to keep rain from hitting the side of the building. He stated it would be beneficial to keep the rain from hitting the concrete slab as well.

Anita Davis asked if Mr. Campagna could park the golf cart in the barn since the barn is not being used?

Mr. Campagna stated they could but they want to use the shed because when it is in use and they do have animals, the overhang would be useful. He stated that's the side where the stalls are and it will keep them out of the rain.

Chairman Tate stated his concern is that Mr. Campagna is already at the limit for an accessory structure. He stated he cannot find it justifiable based on the five (5) stipulations they must look at.

Marsha Hopkins agreed. She stated all five (5) conditions must be met to grant the variance. She stated by granting a variance they are straying from the regulations and there is a high bar for it. She stated she is not seeing the justification in what's been presented to them.

Mr. Campagna asked what the five (5) factors were?

Marsha Hopkins stated they were on the application.

Deborah Sims placed the five (5) questions on the screen for all to see.

Mr. Campagna stated when he answered the questions, it involved some confusion on exactly what to say. He stated that the main purpose of the overhang is to provide shade and shelter for when they do have animals on the property. He added he didn't know the overhang was part of square footage. He stated it would be a great assistance to them if they could have some type of overhang.

Bill Beckwith stated to grant a variance there has to be a hardship, this appears to be a convenience, especially with the animals not being there.

Mr. Campagna asked would it have made a difference if the animals were already there?

Bill Beckwith said probably not because he would probably have them inside.

Mr. Campagna asked if there is anything they can do that is within code?

Brian Haren stated that would be a question to take back to Planning and Zoning. He stated this is not the first time they've had this come up. He stated though they are not asking to enclose a living space but to expand an awning, they have to stick with the five (5) conditions. He stated he does have sympathy for Mr. Campagna's situation.

Mr. Campagna's stated he doesn't understand how this is square footage.

Brian Haren stated they have to rule on what's presented and follow the ordinance. He stated there may be other options to achieve what Mr. Campagna wants but he cannot offer any.

Chairman Tate stated their function is to look at the request and see if it fits the conditions. Beyond that they cannot provide guidance. Chairman Tate asked for a motion.

Brian Haren made a motion to deny Petition No. A-836-23, Variance to Sec. 110-79. (c) (1) (a) Number and size, to increase the square footage amount from 3600 square feet to 4100 square feet for residential accessory structures on lots more than five (5) acres. Anita Davis seconded the motion. The motion carried 5-0.

Chairman Tate asked is there a motion to adjourn?

Brian Haren made a motion to adjourn. Marsha Hopkins seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:46 pm.

ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY



JOHN TATE, CHAIRMAN



CHELSIE BOYNTON, ZBA SECRETARY