

Meeting Minutes 9/25/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 25th, 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: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
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. Brian Haren seconded the motion. The motion carried 5-0.

4. Consideration of the Minutes of the Meeting held on August 28, 2023.

Brian Haren made a motion to approve the minutes of the meeting held on August 28, 2023. Anita Davis seconded the motion. The motion carried 5-0.

5. Discussion of the Fayette County Zoning Board of Appeals 2024 Calendar.

Debbie Bell noted the regularly scheduled meetings for November and December fell on holiday weeks. Staff is recommending the November meeting be moved from the 25th to the 18th and moving December from the 23rd to the 16th. If the board agrees, staff will formally advertise the calendar and bring it back for a vote at the next meeting.

Bill Beckwith asked it that would allow the appropriate amount of time between the application and the meeting.

Debbie Bell stated staff will shift the application date appropriately to allow adequate time for review. This does not need a vote at this time.

PUBLIC HEARING

6. **Petition No. A-842-23, 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 23 feet to allow construction of a residential accessory structure (i.e. swimming pool) to remain. The subject property is located in Land Lot 89 of the 7th District and fronts on Sims Road.**

Debbie Bell, Planning and Zoning Director, explained this property was the subject of a prior variance No. A-815-23 to reduce the setback because the property does have a significant amount floodplain and buffers from an adjacent stream. A concept was used for the initial variance. When the pool and deck were poured, the pool doesn't encroach any further into the setback but the concrete of pool deck was poured a little bit further. The variance should read to reduce the setback from 29' on the side setback to 22.6'. The request is rounded up to 23' and it should have been rounded down. Staff is recommending approval.

Cheryl Turner from 231 Sims Rd stated they did not understand they needed to request a variance for the concrete in addition to the water's edge of the pool. There is grass, landscaping, and a fence. The side property line is Peachtree City.

Brian Haren asked if anyone knew what the side setbacks were on the Peachtree City side. They did not.

Cheryl Turner explained that the driveway was closer to the property line than the pool deck and she was unaware the same provisions that apply driveways did not apply to pools.

Debbie Bell stated driveways are allowed as close as two (2) feet of the property line, but pool decks were considered structures and subject to established setbacks.

Brian Haren asked if staff did not catch this when the original application was made.

Debbie Bell stated the prior variance was prepared and approved based upon the concept plan submitted.

John Tate made a motion to approve Petition No. A-842-23, Variance to Sec. 110-125. A-R (d)(6) to reduce the side yard setback from 29' to 22.6' to allow the swimming pool deck to remain. Marsha Hopkins seconded the motion. The motion passed 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.

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The meeting adjourned at 7:17 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



JOHN TATE, CHAIRMAN



DEBORAH BELL, PLANNING & ZONING DIRECTOR