

# Minutes 01/22/2024

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on January 22, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** Bill Beckwith, Chairman  
Brian Haren, Vice-Chairman  
Anita Davis  
John Tate

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Deborah Sims, Zoning Administrator  
Christina Barker, Planning and Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

- 
1. Call to Order.
  2. Pledge of Allegiance.
  3. Approval of Agenda.  
*Deborah Sims reported that Item #9, Petition No. A-852-23, on the agenda, had been withdrawn pursuant to the petitioner's request. Staff received an email withdrawing the petition on January 22, 2024. Bill Beckwith made a motion to approve the agenda. Brian Haren seconded it. The motion passed 4-0.*
  4. Consideration of the Minutes of the Meeting held on December 18, 2023.  
*Brian Haren made a motion to approve the Minutes of the Meeting on December 18, 2023. Bill Beckwith seconded the motion. The motion passed 4-0.*
  5. Election of the Chairman.  
*Brian Haren made the motion to elect Bill Beckwith as the Chairman of the Zoning Board of Appeals. John Tate seconded the motion. The motion passed 4-0.*
  6. Election of the Vice-Chairman.  
*Bill Beckwith made the motion to elect Brian Haren as the Vice-Chairman of the Zoning Board of Appeals. Anita Davis seconded the motion. The motion passed 4-0.*
  7. Election of the Secretary.  
*Bill Beckwith made the motion to elect Christina Barker as the Secretary of the Zoning Board of Appeals. Brian Haren seconded the motion. The motion passed 4-0.*

## PUBLIC HEARING

8. Consideration of Petition No. A-846-23 – Thomas Lee Adkins, II, Zinnia U. Zamora-Adkins, Owners, and Bob Barnard, Barnard & Associates Remodeling, Agent, request a variance to Sec. 110-125 (d)(6) to reduce the side yard setback

for building from 50' to 35' to allow a 26 x 50 garage to be built on the south east side of the property. The subject property is located in Land Lot 291 of the 4th District and fronts on Winn Way.

Deborah Bell presents the staff report for Petition A-846-23. Ms. Bell asks if the petitioner would like to proceed since we do not have a full board or if they would like to table until the next meeting. The petitioner elects to move forward with the appeal. The petitioners and agent request a variance to reduce the side yard setback from 50' to 35' to build an accessory building to allow a 26 x 50-foot garage to be built on the south side of the property. It is actually on the east side of the property. The subject property is located in land lot 291 of the 4th district and fronts on Winn Way. This petition was tabled from the November 27, 2023, ZBA meeting so the petitioner could reassess their application. They have presented a new site plan. Deborah Bell presents the aerials, maps, and a revised site plan amending their request. Their request is now a lessened encroachment of the side yard setback. The staff's opinion is that the property does present some unique characteristics. The location of the septic system is located off the end of the driveway and southward into the backyard. There follows a steep 6% downhill slope along the backyard. So, building in the proposed location requires the least clearing and grading. Ms. Bell shows the updated site plan showing that the petitioner is requesting to shift the garage a little closer to the house and remove part of the circular driveway loop there. So, it won't be as large as an encroachment.

Bob Barnard speaks on behalf of the petitioner. He states that the last time they requested 20 feet, they were asked to go back to revisit the site with the possibility of being inside the setback. Where it shows about 160 feet inside in the red circle, that area is about 7 1/2 feet below the front porch and there is also a water issue at that location, so we would have to add a foundation and build it up. The petitioner has the pictures showing the elevation. Also, access into the house would have to be through the front door of the house because the master bedroom takes up the whole right of the house. The other thing the owner did was he went to the neighbors on either side and got letters of approval for them to build with a 15' setback. We also have two other neighbors who have shown up tonight in support of our project and to speak in favor as well.

Philip Doolittle, of 155 Gladys Lane, the road adjacent to Winn Way. I have been in the neighborhood for 24 years. I am currently the longest-standing resident. We don't have an HOA, but we do nominate neighbors to take care of the interest of the properties and I have done that for 7 years. While I am here to speak on Thomas and Zamora's behalf tonight, I am also here to speak on behalf of the neighborhood. I have spoken to a lot of the neighbors and there are none of us that are opposed to this project. One thing you can't see from the drawing, but I am sure you can see from the pictures. This side of the drive is wooded, so to move the shed to the front of the house (from the street) it is not going to look as pretty as it does if put on the right-hand side in the area that is more heavily forested. As a neighbor, I would request that you put the shed where it is requested by the petitioner as that is the most aesthetically pleasing from our point of view. I drive by at least twice a day for 24 years and I see no reason to not approve this as drawn.

David of 140 Winn Way, next-door neighbor, is in full support of this as the best place to put the shed. You can't put it in the back because of the septic. I am on that side and I would not want to look out the front and through the woods to see that garage. It will be a lot better where they got it.

Bill Beckwith asked, do you live on the left side?

T states, "Yes, I am on lot 32 on the left side. Across the front of 32 and 33, it is all woods. My driveway and Tom's comes out all through woods on that side."

Beckwith says thank you and asks if anyone else would like to speak in favor of this project or in opposition. He asks if anyone has any questions for the petitioner or his agent.

Anita Davis asks the petitioner to refresh her memory if he currently has a garage at the home.

Thomas Adkins, Petitioner, states that he does have an attached two-car garage that is very small. He states that they had that side of the property surveyed and they are not going to touch any of the trees.

Davis asks if the structure they are building is strictly a garage.

Adkins says there will be unfinished space above it.

Brian Haren asks the homeowner to walk the board through where the septic drain field is. Is it where the 844-elevation marker is?

Adkins, "Right to the left of the 844. The septic tanks are up to the left and up to the right."

Brian Haren, "So, basically it is unbuildable."

Bill Beckwith asks for any additional questions.

John Tate asks about the original petition request.

Debbie Bell, "The original petition request was to reduce it to a 20-foot setback."

John Tate, "So, they are now asking for from 50' to 35'."

Bill Beckwith states, "I remember the last meeting we asked you why you could not move the structure. I think you gave us a good answer this time and did as much as you could. You made a good effort to put it in the only location that is accessible to the house as a garage should be. With that in mind, I would like to move that we approve this variance."

***Bill Beckwith made a motion to approve Petition No. A-846-23. Anita Davis seconded the motion. The motion passed 4-0.***

9. Consideration of Petition No. A-852-23 – Thomas L. Rogers, Virginia W., Rogers, Owners, and Nick McCullough, Agent, request a variance to Sec. 110-149(d)(6)(a) to reduce the side yard setback from 15' to 2' to allow a 30' X 41' (1,230 square foot) addition to the existing home. The subject property is located in Land Lot 157 of the 6th District and fronts on Monarch Dr. ***The petition was withdrawn from the agenda pursuant to the Petitioner's request, in an email dated January 22, 2024, from agent Nick McCullough.***
10. Consideration of Petition No. A-853-23 – William E. Jerome and Jennifer R. Jerome, Owners, request a variance to Sec. 110-125(d) (6) to reduce the side yard setback from 50' to 29'8" to allow existing pool equipment and a fire pit to remain. The subject property is located in Land Lot 93 of the 4th District and fronts on Grace Hope Dr.

Deborah Bell presents the staff report for the consideration of A-853-23 to reduce the side yard setback from 50' to 29'8" to allow the existing pool equipment and fire pit to remain. Bell states that staff review shows that the parcel does not have unique or limiting factors, however, the encroachment is not very large and is unlikely to have a negative impact on adjoining properties. Bell presents an aerial and discusses the property location in the County. She zooms in on the survey for the property which will show the key measurements and details that they are looking at. The owners had a pool installed and the pool pump equipment and the small outdoor seating area both encroaching in the setback. She shows some photographs of a seat wall and a fire pit and the pool pump equipment.

Bill Beckwith requests that the owner please come forward.

Jennifer and Bill Jerome, owners, come forward to speak with the board.

Jennifer Jerome explains that they hired a contractor to build a pool contractor to take care of all that was included in the build. She states that she contacted the Planning & Zoning department, knowing that they wanted to build a small seating area and fire pit. She called to find out if she needed a permit for the seating area and the fence. She was told no, but she did need to be in what she thought was 15 feet from the building line.

So, with respect to the fire pit, I am asking for grace because I thought I heard 15 feet and not 50 feet. Had I known 50' I would not have put the firepit there or we would not have installed it all. But we did install 13 Arbor Vitae trees that we have planted. There are some other shrubs that we planted there as well. We have included several pictures. We also have contacted the developer of the lot next to us which is a vacant lot, Brent Holdings, and we do have a legal statement from them stating that they are fine with the encroachment on the setback. I have provided that document to make it part of the record.

Bill Beckwith asks while we are looking at the statement provided, is there anyone who wishes to speak in favor or opposition of this petition? Do any of the board members have any questions?

Bill Beckwith asks about the item that most encroaches is the pool pump. Did the pool people just put it in there? How did that happen?

Jennifer says, "Yes. We were hoping the pool contractor would be here tonight, but he texted me and told me he had the flu. So, he could not be here. I am not entirely sure how that happened."

Bill Jerome states that there was a conversation with the pool contractor about where they would put the pool equipment. There was a conversation with the contractor about where they would put it by the back part of their house where they have a generator and other equipment. He felt like it was better to put it away from the house. So, the contractor suggested they just go back from the pool. We just assumed he would not put it not within the setback. We know we made a mistake and as homeowners, we should have known more, but we just assumed that the builder would put it in the correct spot.

Brian Haren has a question for staff, "When I was on the Planning Commission there was some discussion about making adjustments to the setbacks in A-R. Has there been any further movement on that?"

Debbie Bell stated that she was not aware of that discussion since she has been in the position, but if you would like we could certainly broach that with the Planning Commission. That discussion may have predated her.

Brian Haren, "Maybe that did pre-date you. But why is it 50 feet?"

Debbie Bell, "I can add a point of clarity. If you are looking at the agenda item if you decide to approve the 29 foot as the setback. You can do it with one motion. On the front page of the staff report, I broke it into two motions in case you wanted to split it up, but that is not necessary."

Brian Haren, "I think the discussion is that there are still some A-R lots that are below 5 acres and even though it is A-R they were getting really squeezed on buildable area. I was just asking to see if that had been addressed through Planning & Zoning."

Debbie Bell, "Those are just some of the legal non-conforming lots that are holdovers from much earlier days. That was a totally different zoning map. It has been there since the late 70's."

Bill Beckwith asked if there were any other questions. John Tate discussed the expense of moving this pool equipment, seating area, and fire pit and moved to approve the petition.

***John Tate made a motion to approve Petition No. A-853-23. Brian Haren seconded the motion. The motion passed 4-0.***

\*\*\*\*\*

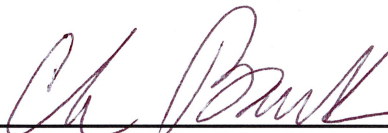
***John Tate made a motion to adjourn. Brian Haren seconded the motion. The motion passed unanimously.***

The meeting adjourned at 7:33 p.m.

ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY



**BILL BECKWITH, CHAIRMAN**



**CHRISTINA BARKER, ZBA SECRETARY**

