

Minutes 01/27/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on January 27, 2025, 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
Marsha Hopkins
John Tate [Absent]
Anita Davis

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney
Maria Binns, Zoning Secretary

1. Call to Order. *Chairman Bill Beckwith called the January 27, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman Bill Beckwith offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Brian Haren made a motion to approve the agenda. Anita Davis seconded the motion. The motion carried 4-0. John Tate was absent.*
4. Consideration of the Minutes of the Meeting held on September 23, 2024. *Marsha Hopkins made a motion to approve the minutes of the meeting held on December 16, 2024. Brian Haren seconded the motion. The motion carried 4-0.*

PUBLIC HEARING

5. Consideration of Petition No. A-879-24 – Patel K. Hiren, Owner, per Sec. 110-173(1)(b), to allow commercial access onto Price Road (County Local) instead of commercial access onto State Route 85. The subject property is located in Land Lot 70 of the 5th District and fronts Highway 85 S and Price Road.

Ms. Deborah Sims asked the petitioner if would like to proceed without a full board present. The petitioner agreed and she explained to the board the request, showed the map location of the property, and added that GDOT prefers the access off Price Road instead of Highway 85.

Mr. Noah Chapman with Gasking LeCraw, a civil engineering firm spoke in representation of Christian Brother Automotive and stated they were proposing a ten bay automotive repair facility, they had spoken with GDOT for access on Price Road instead since it is limited trips per day around 200 and asked the board to approve the variance for the development.

Chairman Bill Beckwith asked if anyone would like to speak in favor of petition A-879-24.?

Mr. Matt Kennemore gave his support for this development to obtain his approval from the board.

Chairman Bill Beckwith asked if anyone would like to speak in favor or opposition of petition A-879-24.? No one responded, he brought the item back to the board and asked if they had any questions.?

Chairman Beckwith asked Mr. Chapman, if the idea will be a safety issue, is that your point/GDOT point.?

Mr. Chapman responded they have very limited frontage on State Route, it doesn't meet GDOT standards for spacing and will create conflicts to turn out coming Highway 85, he stated they have been working with all departments in the county.

Vice-Chairman Brian Haren asked staff if we had something in writing from GDOT that they would prefer this option.?

Ms. Sims believes they have something from GDOT and due to the closed road frontage along Hwy 85 and Price Road will put two access close together. Staff has reviewed the proposal, and they agree with it.

Chairman Beckwith commented Price Road is not too wide; do you have to plan to have a turn-in that is off the actual pavement without creating conflicts with cars going up and down Price Road.?

Mr. Chapman responded it appears there will be a few trips per day and haven't been required that, if necessary, staff can require of us and any type of delivering truck will not have problems maneuvering the site, the radius is around twenty-five or thirty-five.

Chairman Beckwith asked if anyone else had any questions.?

Ms. Sims added that it was also part of the rezoning they dedicated right of way, and they have been working on it throughout the process.

Mr. Chapman pointed at the screen map and explained that GDOT eventually will take more right of way, so we plan the detention pond doesn't have to be moved.

Chairman Beckwith asked if no one else had any questions to move for a motion.

Brian Haren made a motion to Approve Petition No. A-879-24. Marsha Hopkins seconded the motion. The motion passed 4-0.

6. Consideration of Petition No. A-880-24 – Tim Hester, Owner, Applicant is requesting a variance to Sec. 110-137(d)(4)b, requesting to reduce the front yard setback on a minor thoroughfare from 40' to 37.7' to allow a newly constructed encroaching airplane hangar to remain. The subject property is located in Land Lot 66 of the 5th District and fronts Berry Ridge Road and Sherwood Road.

Ms. Deborah Sims asked petitioner Tim Hester if he would like to proceed without a full board present. Mr. Hester replied yes. Ms. Sims explained to the board the petitioner got an approved variance for a new hanger that constructed slide offset when the placement from 40 feet from the front yard setback came back to 37.7 feet, he is asking for a variance to continually complete the construction of that hanger.

Chairman Beckwith asked the petitioner if he would like to speak.

Mr. Tim Hester explained when the concrete company completed the job it had the incorrect measurements, the northeast corner was twisted inside the setback. He spoke to his neighbors about it, and they had no problem with this request.

Chairman Beckwith asked the audience if anyone was in support of the petition. With no response, he asked if anyone opposed it, again nobody objected. He brought the item back to the board and asked if anyone had any questions.

Ms. Anita Davis asked the petitioner if the foundation had been poured or had constructed the walls for the hanger.?

Mr. Hester responded that in the middle of September, the concrete was poured and in October was framed in. I started to contact the county staff and we stopped the work.

Vice-Chairman Bryan Haren asked staff how we measure to the edge of the Right of way. From the center line of the road.?

Ms. Sims responded the ROW should be measured from the center line of the road, typically if you going to do it without a surveyor and if it gets too close, we request a foundation survey. The proposal showed he was going to be within two feet of a setback, and it showed he was too close.

Chairman Beckwith asked staff to show where the petitioner property line stars on the map/survey.

Ms. Sims pointed out the survey, showing the forty foot built line and the closest part is 37.7 feet to where the property lines begin.

Chairman Beckwith stated drove by the property and mentioned to the petitioner had quit steel and asked the board if no further questions or comments someone would like to make a motion.

Anita Davis made a motion to Approve Petition No. A-880-24 to reduce the front yard setback on a minor thoroughfare from 40' to 37.7' to allow a newly constructed encroaching airplane hangar to remain. Brian Haren seconded the motion, The motion passed 4-0.

7. Consideration of Petition No. A-881-24 – Guyon J. Davis and Sherri A. Davis, Owners, applicants are requesting the following: Per Sec. 110-138(d)(5), requesting to reduce the rear yard setback from 30' to 28' to allow an existing garage (Storage Building) to remain. The subject property is located in Land Lot 90 of the 5th District and fronts Lake Circle Drive.

Ms. Sims asked the petitioner if they would like to proceed without a full board present, the applicant replied yes, and she commenced with the staff report of the petition.

Mr. Jay Davis stated his address and mentioned the issue came out when they wanted to build a swimming pool, the building in question was built in 2007 and had the certificate of occupancy, and knows it was some type of issue with the setback once we were talking to purchase it from my wife's relative.

Chairman Beckwith asked if anyone in the audience would like to speak in favor of the petition.?

Ms. Fe Williams stated she lives in Mitchell Estates, as a neighbor. She mentioned the shed it been there for a long time, it does sit on the property line but is in a buffer to another neighborhood which doesn't affect anyone, and she asked the board to grant the petition.

Chairman Beckwith asked the audience if there was anyone else to speak in favor of the petition.? No one responded, then he asked if there was anyone to speak in opposition.? But no one responded. He brought the item back to the board and asked if anyone had any comments or questions.

Vice-Chairman Haren asked the petitioner if the shed had a poured foundation and if was there when you purchased the property.?

Mr. Davis responded it does, had power, and would be very expensive to remove it.

Vice-Chairman Haren also asked if it was there when he purchased the property.?

Mr. Davis responded yes, was built back in 2007.

Chairman Beckwith asked the board if they had any more comments, if not he asked for a motion to be made.

Brian Haren made a motion to Approve Petition No. A-881-24 requesting to reduce the rear yard setback from 30' to 28' to allow an existing garage (Storage Building) to remain. Marsha Hopkins seconded the motion. The motion passed 4-0.

8. Consideration of Petition No. A-882-24 – Walter A. Finn, Owner, applicant is requesting to reduce the side yard setback from 20' to 5' to build a detached garage. The subject property is zoned R-45 (Single-Family Residential), and it is located in Land Lot 70 of the 5th District and fronts Sweetwater Drive.

Ms. Sims asked the petitioner if they would like to proceed since there wasn't a full board present.? The petitioner agreed to proceed with the petition. She stated this was a new variance to build a detached garage, but it was complicated by the small side yard setback and before they do a property swap and reduce it to five feet will require a foundation survey when the detached garage is built to ensure there will no encroach any further to reduce the side yard setback five feet once the property line is moved.

Mr. Walter Finn stated they purchased the house back in October because of storage space they wanted to build a detached garage, the driveway is parallel to each other, which is really the only place where we could build it and shouldn't affect anything. He stated his present neighbor agreed to do the swap, so everyone can have one acre lot and there won't be any other changes than the property lines.

Chairman Beckwith mentioned this was the first time he witnessed neighbors try to help each other in a request like that. And asked the audience if anyone would like to speak in favor of the petition.

Mr. Matt Kennemore stated is a perfect plan and he has no problem supporting his neighbor.

Chairman Beckwith asked the audience if anyone would like to speak in opposition.? With no response, the Chairman brought the item back to the board and asked if anyone had questions.

Vice-Chairman Haren asked the petitioner if the house had currently a garage, correct.? And there was no way you could make it fit on the other side of the property which seems to have plenty of space.

Mr. Finn responded yes and would have to build a second driveway which would be paralleled to their other neighbor too. The house will have two driveways.

Vice-Chairman responded he understood but it would be within the rules if it was done that way.

Mr. Finn explained he hadn't measured, to be honest.

Vice-Chairman Haren asked about this land swap your driveway will encroach into what will become his property.?

Mr. Finn explained on the survey the way would be traced once they did the property swap.

Ms. Sims commented there would be a slope problem if they were to put the detached garage over on that side.

Vice-Chairman asked where is the drain field on the property.? Are you on septic.?

Ms. Sims responded yes on septic and the drain field is in the back yard it would be a no go; she showed the board on the map where was located.

Mr. Finn added they would have to move the septic tank anyway.

Vice-Chairman added the issue he saw was a lot of contortion to make something fit, on the other hand, as Mr. Beckwith pointed out is the first time we've seen two neighbors communicate and cooperate, and from that perspective, I'm inclined to support it.

Mr. Kennemore commented if you saw their property on paper, it looks more complicated than in person, what he is requesting from me I will never use what is going to give me back in return is part of a backyard that slopes down.

Vice-Chairman responded he understood but it was a large variance to ask for.

Chairman Beckwith said they normally the board does ask to find a reasonable or different placement for something like this when there is a case of an almost inaccessible request and not sure if there is none. He stated would support Mr. Haren thought to make this the first one. He asked for a motion.

Vice-Chairman Haren asked do we approve it tonight.?

Ms. Sims responded she would recommend approving the variance and the final plat can be revised and approved, then he can apply for a building permit. After the final plat is revised to change the property lines as stands now, he will be building on his neighbor's property and there is nothing we can do with that. He is asking preventiently to approve changing the property lines and an encroachment up to five feet of the property line instead of the fifteen-foot building setback so he could build the detached garage.

*Vice-Chairman Brian Haren made a motion to **CONDITIONAL APPROVAL** for Petition No. A-882-24. Bill Beckwith seconded the motion. The motion passed 4-0.*

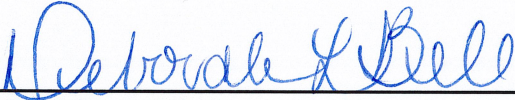
CONDITIONS:

1. *Final Plat be revised before applying for a building permit.*

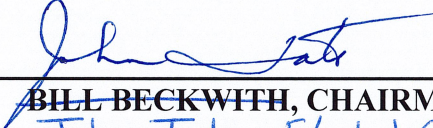
Vice-Chairman Brian Haren made a motion to adjourn. Anita Davis seconded the motion. The motion passed 4-0.

The meeting adjourned at 7:44 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



DEBORAH BELL
DIRECTOR, PLANNING & ZONING



BILL BECKWITH, CHAIRMAN
John Tate, Elected Chairman