

Minutes 02/24/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 24, 2025, 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-Chairman
Bill Beckwith
Brian Haren
Kyle McCormick

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 February 24, 2025, meeting to order at 7:03 pm.*
2. Amendment of the Agenda. *Ms. Debbie Bell amended the agenda for the election of officers of the 2025 Fayette County Zoning Board of Appeals. Chairman Bill Beckwith made a motion to approve the amended agenda with the addition of items to elect new officers on the 2025 Fayette County Zoning Board of Appeals. Vice-Chairman Brian Haren seconded the motion. The motion passes 4-0. Anita Davis submitted a letter of resignation as a board member for the Zoning Board of Appeals on February 24, 2025, and therefore was not present.*
3. Oath of Office for Kyle McCormick. *E. Allison Ivey Cox, County Attorney, read the Oath of Office to Kyle McCormick, who was sworn in as a board member for the 2025 Fayette County Zoning Board of Appeals.*
4. Election of the Chairman. *Brian Haren nominated John Tate as the Chairman of the 2025 Fayette County Zoning Board of Appeals. Brian Haren made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination.*
5. Election of Vice-Chairman. *Brian Haren nominated Marsha Hopkins for the position of Vice-Chairman for the 2025 Fayette County Zoning Board of Appeals. John Tate made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination. The motion passes 5-0.*
6. Election of Secretary. *Bill Beckwith nominated Maria Binns for 2025 Fayette County Zoning Board of Appeals Secretary. Bill Beckwith made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination. The motion passes 5-0.*

7. Pledge of Allegiance. *Elected Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
8. Approval of Agenda in the order as presented. *Bill Beckwith made a motion to approve the agenda in the order as presented. Brian Haren seconded the motion. The motion passes 5-0.*
9. Consideration of the Minutes of the Meeting held on January 27, 2025. *Brian Haren made a motion to approve the minutes of the meeting held on January 27, 2025. Marsha Hopkins seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

10. Consideration of Petition No. A-883-24 – Douglas Fields & Lucille Fields, Owners, per A. Per Sec. 110-125(d)(5), Reduce the rear yard setback from 75' to 67.5' to allow an existing accessory structure to remain. B. Per Sec. 110-125(d)(6), Reduce the side yard setback from 50' to 12.1' to allow an existing accessory structure to remain. The subject property is located in Land Lots 59 & 70 of the 5th District and fronts Highway 85 South.

Ms. Debbie Bell introduced the petition details and explained the board it's a detached carport, the owners presented letters of agreement from immediate adjacent property owners that would be affected by the variances with no objections.

Mr. Douglas Fields stated they inherited the property from his wife's parents, around 1979 they built the structure for storage, subdivided part of the lot on the northside, and divided it between his son and daughter which has no objections for the petitions or so the neighbors on the southside. He showed the board pictures of the structure where is placed and asked the board if they had questions for him and would be happy to answer them.

Chairman John Tate asked the audience if anyone would like to speak in favor of the petition, but no one responded. He then asked if anyone was in opposition.? But no one responded. Chairman Tate brought the item back to the board and asked if they had any questions.

Mr. Kyle McCormick asked for clarification on the aerial showing the property line is different from the topo photo.

Ms. Bell responded the property lines that qpublic shows are rough estimates, we rely on the surveys when we have an issue like that.

Mr. Randy Boyd added that if you read their deed and looked at their survey they match perfectly.

Mr. Brian Haren asked staff, do we know what the setbacks requirements were back in 1979 when the structure was built?

Ms. Bell responded they were the same, they hadn't changed for A-R zoning.

Mr. Bill Beckwith made a comment about a similar case where someone wanted to build something on their property and Mr. Fields wanted to have the record corrected the issue to be complying.

Chairman Tate agreed with Mr. Beckwith comment and asked the board if they had any more questions, if not, he called for a motion.

A-883-24-A. Brian Haren made a motion to approve Petition No. A-883-24-A. Bill Beckwith seconded the motion. The motion passed unanimously.

A-883-24-B. Brian Haren made a motion to approve Petition No. A-883-24-B. Marsha Hopkins seconded the motion. The motion passed unanimously.

11. Consideration of Petition No. A-884-24 – Steven Sappington, Owner, Applicant is requesting a variance to Sec. 110-125(d)(1), to reduce the minimum lot area from five (5) to 4.84 acres to allow for the construction of a single-family residence. Per Sec. 110-242(c)(1), the lot is eligible for a request for a variance to the minimum lot size. The subject property is located in Land Lot 56 of the 4th District and fronts Grant Road and McIntosh Road.

Ms. Bell explained the board staff was able to work with the property owner and discussed in review this with legal where was determined that we did not need a variance for what the owner wanted it to do, staff had already advertised the petition and they were requesting a withdraw for the petition.

WITHDRAWN BY PETITIONER, Bill Beckwith made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-884-24. Brian Haren seconded the motion. The motion carried 5-0.

NEW BUSINESS

12. Discussion of Amendments to Chapter 110. Zoning Ordinance, regarding Article VII.-Zoning Board of Appeals. – Sec. 110-242 Powers and Duties. **No Actions were taken on this item.**

Ms. Bell stated back in December 2024 was an amendment to Section 110-242 Powers and Duties of the zoning board of appeals where some cases for parcels that were small and came in for variances and there were such items like lot width and lot side that were excluded from your powers and duties to grant variances to

certain things. After taking it to the board of commissioner and legal, Legal drafted an amendment to 110-242 which now allowed certain items for variance.

Ms. Bell pointed at the primary changes under item 110-242(b), and also (c)(i). They asked the board to go over the new request and ask staff and Alli any questions they might have. She read Sec 110-242(c)(1)(2)(3) where the zoning board of appeals may authorize variances from these terms with some requirements. They will start seeing more cases with these requests.

Ms. Alli Cox pointed to a case back in October 2024 for a variance where she stated the zoning board of appeals didn't have the authority to grant a variance like that at that moment, now with the proposed changes the ZBA board will have the authority vote on, but limited for those lots that are impossible to work on or bring into compliance no matter what.

Mr. Haren asked in paragraph Sec 110-242 (c)(1), is there a reason we don't address septic in that also.?

Ms. Cox responded that not everyone would need that one and a half acre lot in size to fit the changes.

No Actions were taken on this item.

Brian Haren made a motion to adjourn the February 24, 2025, Zoning Board of Appeals meeting. Kyle McCormick seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:40 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



JOHN TATE, CHAIRMAN



**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**