

Minutes 05/27/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 27, 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

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1. Call to Order. *Chairman John Tate called the May 27, 2025, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Chairman John Tate 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 as amended to remove items 10 and 12. Bill Beckwith seconded the motion. The motion passed 5-0.*
 4. Consideration of the Minutes of the Meeting held on May 27, 2025. *Marsha Hopkins made the motion to approve the minutes of the meeting held on March 24, 2025, as amended. Bill Beckwith seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. **Consideration Petition No. A-890-25** – Iris Williams, Owner. Applicant is requesting a variance to Sec. 110-137(d)(4) a. (1)., the front yard setback on an Arterial in the R-40 Zoning District is required to be 60 feet. The applicant requests to reduce the setback by 6 feet, to 54 feet, to allow the construction of a primary house. The subject property is located in Land Lots 74 & 75 of the 5th District and fronts South Jeff Davis Road. This petition was tabled at the March 24, 2025, meeting.

Ms. Deborah Bell explained that this petition was tabled from the March 24 meeting and readvertised for this meeting. Staff assessment will not have an impact on traffic or neighbors. The watershed protection buffers and setbacks limit the buildable area of the lot. They dedicated some right-of-way, making their setback closer to the building area.

Chairman John Tate asked if anyone would like to speak in favor of petition A-890-25.?

Mr. Zack Knight, on behalf of the petitioner, asked the board for approval of the setback from 60 feet to 54 feet because of the 75-foot total watershed buffer and setback requirements.

No one else spoke in favor or opposition. Chairman Tate brought the item back to the board for questions.

Mr. Bill Beckwith asked staff if the property was taken away because of some right of way dedication.?

Ms. Bell responded that they dedicated ten feet of right of way, requested a reduction in the new property line and setback, if they hadn't dedicated the right-of-way, this variance would not have been necessary.

Mr. Beckwith asked staff if the county often requests to dedicate right of way.?

Ms. Bell responded under certain circumstances, most of the time if there is a rezoning and the right of way adjacent to that property doesn't meet the current county standards on the transportation map.

Mr. Brian Haren commented that the county took ten, and now they are asking for six back.?

Brian Haren made a motion to APPROVE Petition No. A-890-25. Chairman John Tate seconded the motion. The motion passed unanimously.

6. **Consideration of Petition No. A-892-25** – Dornell and Winston Charles, Owners, Applicants are requesting a variance to Sec. 110-133. – R-70, as allowed under Sec. 110-242(c)(1) – Requesting a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 1.704 acres to be eligible for development. The subject property is located in Land Lots 80 of the 7th District and fronts Coastline Road.

Ms. Bell stated the lot is a legal nonconforming lot. It has 1.704 acres, which is less than the required 2.0 acres in the R-70 zoning district. It meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242. The lot was created by deed and plat recorded on January 16, 1937. The variance is necessary for the owners to be able to obtain a building permit for their house.

Chairman John Tate asked if anyone would like to speak in favor of the petition.?

Mr. Winston Charles stated purchased the property unknowingly they couldn't build after trying to get a permit. Talked to staff to get a solution.

Mr. Brian Haren asked if the lot was a legal lot and clarified with staff, looking for a variance to the minimum lot size.? He also pointed the lot has two railroads on each side of the property.

Ms. Bell responded yes.

Chairman John Tate asked to be clear because it is less than two acres in the zoning area than allowed.?

Ms. Bell stated that it was correct.

Mr. Bill Beckwith asked staff if in 1937 this was supposed to be a two acre lot? And was part of a blanket rezoning in that part of the county.?

Ms. Bell responded that there weren't any zoning ordinances at that time, and this was part of the R-70 blanket rezoning around 1973.

Bill Beckwith made a motion to approve Petition No. A-892-25. Brian Haren seconded the motion. The motion passed 5-0.

7. **Consideration of Petition No. A-893-25** – Tunde Uboh, previous owner. Applicant is requesting a variance to Sec. 110-79(c)(1) b., to allow a residential accessory structure from 1800 SF to 2164 SF to remain exceeding the maximum footprint on a lot less than 5 acres. The subject property is located in Land Lots 22 & 43 of the 7th District and fronts Kirby Lane.

Ms. Bell stated that this item was requesting a variance to allow a residential accessory structure that is 2,164 square feet in area and refer to Sec. 110-79 (c)(1)(b) – Number and size; One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet and was originally permitted and approved by staff to be 1,764 square feet in area, as a pool house, which met the requirements of the ordinance but changes were made to the structure that made it a guest house, rather than a pool house. The owner/builder constructed a 400 SF larger than what was approved. Currently, the structure does not meet the criteria for a pool house, but it is classified as a guest house (700 sq ft maximum allowance) because of the finished square feet and an indoor kitchen, and it exceeds the total allowance for an accessory structure, which is 1,800 sq ft. Planning and Zoning and Building Safety met with the owner/building previously back in March 2024 to discuss alternatives, to bring this into compliance, or apply for a variance. Building Safety advised they wouldn't approve the new permit for 150 Wesley because the same builder had an expired permit at 630 Kirby Lane, since no changes had been made from that time period, staff found no evidence of a hardship as defined by the variance criteria in the ordinance.

Chairman John Tate asked if anyone in the audience wanted to speak on behalf of petition A-893-25.?

Ms. Chanel Uboh, who spoke on behalf of the petitioner, stated that she wanted to review the history of the case presented and commented that there were a couple of discrepancies in the timeline.

Chairman Tate responded the board allows the petitioner to present their reasons for obtaining the petition granted and share their perspective. Board members will listen to the presentation and may ask questions, avoiding back-and-forth sessions.

Ms. Chanel Uboh stated the footprint and square footage were the issue and pointed to the foundation floor plan on the presentation, where she stated the front porch was over 326 sq ft from the original footprint. According to her understanding, what was changing was the range within it. When meeting with them, they were not engineers involved, the building does not encroach on the setbacks, and the HOA approved the plan and required that needed to match the original home. She stated that Planning and Zoning, and everyone in this discussion, to demo part of the building and leave an open space, and not all enclosed, and they mentioned to speak to a structural engineer. After doing an extension to the permit, they noticed that making changes to the structure was going to be more expensive, so they opted for a variance instead, but planning and zoning said they wouldn't approve it. Ms. Uboh stated that before the permit expired, they had already applied for the variance, and that's where the history of the case was a little off. She finished by stating that leaving the structure as is will create a space of value to the neighborhood, and they sold the property, and the current owner would like to keep the property as is.

Chairman Tate asked if anyone else wanted to speak in support of the petition.?

Mr. Tunde Uboh, previous owner and builder, stated he takes all responsibility for it, he couldn't differentiate between the pool house and the guest house, and he followed all regulations, complied with all inspections, and asked at what point we did not see that it was over 1,800 sq ft? He stated he doesn't want to demo anything on this property because he would compromise it.

Kathy Rivas, New owner at 630 Kirby Lane, explained she purchased the home with the intention of keeping the building in the back, after losing his brother and his wife a few months ago, and would like to take care of their children since the grandmother is getting older will be unable to do so. Also, stated she would like to get approved by the board and get this building into compliance.

Chairman Tate asked the audience if anyone else would like to speak in favor of the petition? No one responded, then he asked if anyone would like to speak in opposition to the petition.?

Ms. Bell commented that in terms of opposition, the HOA Board from Annelisse Park Board sent an email stating the HOA board for Annelisse Park would prefer that all homes built on Annelisse Park lots abide by our HOA builders' guidelines and Fayette County code regulations.

Mr. Bill Beckwith asked Ms. Bell to show page 16 of the building plans submitted for the third permit.

Ms. Bell responded are you referring to the plan submitted for the change to reduce the size? If you compared what was submitted in the first set, which was 1,764 sq ft and the next set after this was re-permitted, it came in at 2,164 sq ft, and the principal difference was the width of the central section made. Following the conversations they had with the Uboh's, we talked about different options and when they submitted this it was to remove the segment of the building as she showed on the screen, the slab could remain and be use as a patio but without having any vertical construction vertical structure as staff if they made that change will bring it into compliance.

Mr. Beckwith asked staff if they would agree to follow up to make the necessary changes where will this follow.?

Ms. Bell responded if they followed to make the required changes to the structure, they would not need this variance. As it sits, it has created two primary residential structures on one lot.

Mr. Beckwith asked Ms. Chanel Uboh, do you agree with this? This will alleviate a lot of your problems.

Ms. Chanel Uboh responded, no, we don't agree with doing this. This proposal was put together by all of us sitting together, she stated that there was no structural engineer was not involved; this was just a proposal at that point, it wasn't a situation of finalizing all of the other pieces, we didn't do the cost wise, structurally.

Mr. Beckwith commented that the structure itself is larger than 1,800 sq ft, if that issue were addressed and taken care of it would be no need for a variance.

Ms. Uboh responded yes, it would be, but the way it's been proposed for us to do it, if there is another way to be done, that makes sense to the structure, will work for us without compromising the structure itself.

Mr. Beckwith asked Ms. Bell if the drawing on page 16 said it is released for construction. Does that mean it is released for construction, or how does that apply?

Ms. Bell clarified that this is what was submitted when they applied to have their permit reissued; they submitted this drawing, staff did not create this drawing.

Ms. Bell presented Ms. Niebler, Building Safety Director for the county, who can explain some things that I might not have been explained properly with respect to how it's labeled.

Leslie Nieber, Building Safety Director, stated that the second plan had expired, and by approving their third plan, this conceptual plan, is what they communicated when we set down and we come out to with a proposal to meet everyone's compliance and regulatory regulations, this is what they had agree when they had submitted the permit for approval.

Chairman Tate asked for more clarification.

Ms. Nieber responded that if they were going to demo that portion that is in violation, the roof line and the wall line, the structure wouldn't be at risk because it is going to get removed, other than just being a patio with a slab.

Chairman Tate asked Mr. Uboh why this wasn't done as originally approved with the 700 square feet?

Mr. Uboh responded that it was his mistake; he didn't realize it until he came back from vacation, and it was already framed. He stated that if he opens out the walls, the roof line will be compromised. I will do it if the "city" (referring to the county) takes responsibility for it, but he didn't want that responsibility, knowing that he had already sold the property to someone else.

Ms. Chanel Uboh added the answer to being demo and not compromising the integrity of it, to demo it, that information was given to us by a structural engineer, we don't have the ability to say that information is not correct and will be fine.

Mr. Uboh demoing the property is not a problem, I'm a builder; if my structural engineer is telling me, you can't do this. If my engineer says you can do it this way or that way, I will get it done. I don't want to get sued or go to jail later.

Chairman Tate on the proposed drawing/sketch that we are looking at now, and the area stated that needs to be changed to a patio, what is currently there? A covered?

Mr. Uboh stated Yes, it is an empty room.

Chairman Tate asked, so we are taking off the roof and the walls?

Mr. Uboh responded she wants the roof to remain and leave the walls.

Mr. Brian Haren asked if Mr. Uboh had a written statement from your structural engineer?

Mr. and Ms. Uboh responded No, but we could get one.

Mr. Haren added that is important to understand that we are asked to vote on, and what we can vote on tonight, if this continues, is whether that structure gets to remain. If we vote and we deny this petition, everything comes down all the way to the slab or you work with planning and zoning to alter that structure so a portion can remain, I deal with construction every day and I really don't think it will be difficult to demo part of that building and reestablish a low barring wall it's not that difficult to do, it happens all the time in the construction industry and if you get it properly inspected there is minimum legal risk or work with staff to figured out a way to reduce the side of it so it can remain. He asked the board to request to table the petition.

Mr. Uboh agreed to work with staff and find a way. He mentioned he wants it to be redesigned himself instead of the staff designing it for him; he didn't want it to be rushed to do anything.

Ms. Allison Cox responded to Mr. Uboh, You are not designing a house, it's a pool house...

Mr. Uboh briefly responded by saying it needs to be redesigned.

Ms. Cox continue by saying it's not a structure meant to be a residence, you need to begin there and then take the next step, I don't think staff designed the initial suggestion, but you are not designing a separate house and shouldn't look like a separate residence in a single property and can't remain that way. Additionally, Ms. Cox asked if this was disclosed to the buyer that this was on the table? She is the applicant because she owns the property now; you guys are liable for a sale in a way that was made in a way that was less than honest. Somebody needs to figure out who the applicant is, and both of you need to be on the application.

Mr. Uboh responded, let's not use the word dishonesty, please.

Ms. Cox asked Kathy Rivas (Current Owner) Ma'am, were you aware of this issue? You need to join in the application because this is now your problem.

Mr. and Ms. Uboh responded yes, it was disclosed to the buyer and was disclosed to the planning and zoning office.

Ms. Chanel Uboh stated that when she dropped off the variance application, neither the Debras were there, just the lady at the front, and Maria, and they were aware the house was listed, also the closing attorney's office was aware.

Ms. Cox responded that this has been going on for some time, the variance has been on the table. She asked when the sale went through.

Ms. Chanel Uboh stated on May 1, 2025.

Ms. Cox responded that it was very recent compared to the long history of the

property.

Ms. Chanel Uboh asked what does that have to do with this?

Ms. Cox responded that she was no longer the property of the owner; the new owner needs to be a part of this process. She stated she doesn't know what happened at closing, but she needs to be part of it.

Ms. and Mr. Uboh responded that they were fine with that. Let's say, for the record, things that make sense, if we were dishonest...

Ms. Cox responded Ma'am, I'm not calling you dishonest and I want to apologize to you.

Ms. Chanel Uboh responded to Ms. Cox I had never contacted you, I never had a conversation with you. She apologized that they did not give you the information and used words like dishonesty.

Ms. Cox apologized and said to make sure the new owner is part of this application moving forward and understand that two separate residential structures are not allowed to exist on the same property in this county.

Ms. Chanel Uboh added that there was a lot of misunderstanding between the pool house and a guest house. She asked about the difference between the two.

Ms. Cox responded that all of that is in our code.

Chairman John Tate stated that they were getting beyond the point, and they were in a situation where they had a decision to maybe table. I think you understand that there is a new owner and with the variance it needs to be part of it.

Ms. Chanel Uboh responded what does that mean exactly? I heard you said she needs to be brought on the application. What is the process?

Ms. Cox responded when this comes back before this board, she needs to be the applicant.

Mr. Uboh responded but this is already in motion, Ms. Chanel Uboh so tell us back a motion, do we do more paperwork, what does that mean exactly?

Ms. Cox responded they make a motion to table they will a motion to include her as applicant or will make a motion to deny or whatever the motion is.

Ms. Chanel Uboh asked if table do we come back into the office with the departments and make changes to the application?

Ms. Cox responded that's up to you.

Ms. Bell responded that she is not sure why it would be table, if you are representing the applicant she can speak and sign an affidavit to authorize you as her agent, which happens a lot, Ms. Bell stated the board can make a decision on this, weather to table it, approve or deny the request.

Ms. Chanel Uboh responded I asked that because the attorney said going forwarded, we need it to be in the application together and Mr. Brian said you can agree to work with staff, but we would like to work with engineers to be able to get into compliance, we are over 326 sq ft, do we all agree to that?

Ms. Bell responded No ma'am, according to the permits that were submitted with the initial application, and the reapplication for the larger structure is a difference of 400 sq ft that based on the permitted documents that were submitted by you, if you would like to withdraw the variance request and come back to staff with the plan to remodel this building and reduce the footprint to bring it into compliance you can certainly do that and that will resolve problem with that the need for a variance.

Ms. Chanel Uboh, ask for clarification to Ms. Bell, so your suggestion is to withdraw the variance and work with staff, is that what he meant by work with staff?

Ms. Bell responded your options are if you would like to withdraw the variance request and go back and work with an engineer and come up with some engineering drawings to modify it to reduce it and bring this building into compliance.

Mr. Tunde Uboh responded that they will work with staff to get the 400 sq ft off and include the current homeowner so we can come up with something that she wants.

Ms. Chanel Uboh asked if withdrawing the variance means working with you, correct? She asked Ms. Bell.

Ms. Bell responded yes, ma'am, the end result will be that you will resubmit the building plans to modify the structure to bring it into compliance.

Ms. Chanel Uboh asked, and we need to bring it down 400 sq ft, correct?

Mr. Uboh asked, but the current homeowner will be involved in that process?

Ms. Bell responded if you are her contractor, then you are submitting the permit as her contractor, and planning and zoning isn't involved in the documents you submit for your building permits as a contractor and as a homeowner.

Ms. Nieber spoke for clarification purposes because this permit previously expired twice, when it was renewed the last time, he did change the permit, and we have a contractor here in the audience and I don't want to give him the misconception that homeowners or building homes or selling homes to other citizens, Mr. Uboh is a

license contractor so when we issue the permit the third time, he apply for a permit as a license contractor versus as a homeowner when this permit process first started, this third permit is going to set expired so my request is that if he withdraw the variance, that we do not let that third permit expired, you will be required to get with your engineer, submit the building constructions plans with whatever proposal that is to try to reach compliance before this permit expired per my recommendation.

Ms. Bell asked that the applicant/agent they will need to please formally request to withdraw the variance application for the record.

Ms. Chanel Uboh stated she wanted to request to withdraw the variance request petition number A-893-25 and work with the departments to bring the current structure into compliance by removing 400 square feet from the building.

Chairman John Tate asked for a motion from the board as the petitioner requested to withdraw.

WITHDRAWN BY THE AGENT (Chanel Uboh), Brian Haren made a motion to ACCEPT THE WITHDRAWAL BY THE AGENT of Petition A-893-25 to bring the current structure into compliance by removing 400 square feet from the building. Kyle McCormick seconded the motion. The motion passed unanimously.

8. **Consideration of Petition No. A-894-25** – Christian and Anna Rodriguez, Owners, Per Sec. 110-242(c)(1), Applicants are requesting a variance to Sec. 110-125(d)(1) to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.9723 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 220 and 221 of the 4th District and fronts Snead Road and Bernhard Road.

Ms. Bell presented petition A-894-25, where the applicant seeks a variance to Sec. 110-125. – A-R to reduce the minimum lot size for a legal nonconforming lot, allowing a 4.973-acre lot for development eligibility. The lot is a legal nonconforming lot, but it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242. The lot was created by a final plat recorded on August 9, 1988, and it contained 5.0 acres, then was reduced to 4.973 acres by the dedication of right-of-way to facilitate improvements to Bernhard Road on July 6, 1992. This reduction in lot size left the ROW dedication, making the lot legal nonconforming.

Chairman Tate asked if anyone in the audience was in support of the petition?

Mr. Christian Rodriguez stated purchased the property in December 2023 with 5 acres and during the sale process February 2025 they were informed the acreage was 4.97 acres due to a 1995 county acquisition of right of way information

that was not disclosed to them when purchasing the property or afterwards and they find out when they were trying to sell it, he stated this has caused confusion and the only recorded survey 1989 recorded survey with 5 acres at the time. Mr. Rodriguez stated that this discrepancy has turned down potential buyers and presents a hardship impacting the ability to build or sell the property; he asked the board to grant the variance.

Chairman Tate asked if anyone else wanted to speak in support or opposition to the petition. No one responded, the chairman brought the item back to the board.

Mr. Brian Haren asked staff for clarification. Is this already a Legal non-conforming lot?

Ms. Bell responded is this a legal non-conforming lot, the deed for the ROW dedication is included in the package. That was the reduction below the required acreage.

Mr. Haren asked if already a legal non-conforming lot isn't that already eligible for development.?

Ms. Bell responded requires a variance to the amendment for Section 110-242 to clarify that process, any lots that are less than their zoning district will require a variance to be developed.

Chairman Tate commented that this is a situation where Sec. 110-242 does make it clear that as long as the lot is not reduced to less than an acre, the variance should be granted. The chairman asked for a motion.

Marsha Hopkins made a motion to approve Petition No. A-894-25. Brian Haren seconded the motion. The motion passed unanimously.

9. **Consideration of Petition No. A-895-25-A** – Elisha Turman and Joseph Jones, Owners, Applicants are requesting a variance to Sec 110-125(d)(5) to reduce the rear yard setback from 50' to 47.2' to allow an existing pool deck to remain. The subject property is located in Land Lots 121 of the 4th District and fronts Friendship Church Road.

Ms. Bell explained the request and that this property is a flag lot where all their setbacks can be side yard setbacks. When the petitioner applied to build a detached garage, it was noted that the pool deck encroaches on the side/rear setback, and the ordinance requires that the pool deck abide by the property building setback.

Mr. Joseph Jones asked the board for consideration of this variance and to be approved, stating the contractor for the concrete company told them they would it need another \$2,500 more for another concrete truck to complete the job

or they could just make the deck bigger. Mr. Jones said he is not a contractor, they didn't realize they were out of compliance until they got the survey done for the detached garage. He thanked Ms. Bell for being gracious and answering all of his questions, and brought a Neighbor Support Letter for the board, which mentions they don't have a problem.

Chairman Tate asked if anyone would like to speak in favor of the petition A-895-25-A?

Mr. Brad Barnard asked he didn't understand why, if he can put his driveway up to his property line, it doesn't have to be outside the building setback, but you are asking for a piece of concrete, if building a wooden deck, to him, that is a structure, since is a concrete slab it's like having a driveway. He asked for clarification from staff.

Ms. Bell responded driveways are specifically allowed to be poured within two feet of the property line, the ordinance for setbacks and accessory structures specifically states that the pool deck, which is the common name for the area around the pool, no matter what is built off the pool, the pool deck and the pool equipment all be contained within the building setbacks. That's the reason for the request.

Mr. Barnard asked if this had changed recently?

Ms. Bell responded No, it's been there for quite some time.

Chairman Tate asked if anyone else was in support or opposition of the petition? Hearing none, he then asked the petitioner, when was the house and pool built?

Mr. Jones responded that he wasn't sure; they just purchased the home in December 2023.

Ms. Bell added the lot was platted in 1990; she didn't record the date of the house since it wasn't part of the application.

Mr. Brian Haren commented that he was inclined to support the petition, followed by Chairman Tate and Mr. Beckwith.

Bill Beckwith made a motion to approve Petition No. A-895-25. Marsha Hopkins seconded the motion. The motion carried 5-0.

10. **Consideration of Petition No. A-896-25-A** – Pediatric Wellness Pavilion, LLC, Owner. Applicant is requesting a variance to Sec 110-173 (1) i. (1) to allow 64% of the parking to be located in the front yard. The subject property is located in Land Lots 7 and 17 of the 6th District and fronts South Highway 74.

Ms. Bell explained that the lot is west of Peachtree City on Highway 74 South and it's a triangular shape lot. The applicant seeks to build principal structures along a state route, requiring 64% of the required parking in the front yard. Section 110-173(1)(i)1 limits parking to 50%, but the applicant requests 64%. The proposed site plan shows 10 more parking spaces than the minimum required by the ordinance and redesigning the parking lot could reduce the number of spaces in the front yard. They also have to accommodate stormwater and their septic system on the property.

Chairman Tate asked if anyone was in favor of the petition?

Mr. Brad Barnard applicant's representative, stated the applicant purchased the site in 2016 and entered into an agreement with Peachtree City to tap into the sewer on all sides. They passed a bond, ensuring nobody from outside the city can tap into the sewer. Mr. Barnard highlighted the need to save good soils for septic fields for tree building, as it is limited to the front of the property. He suggested that putting parking between buildings and back would reduce environmental health area for the septic field and back-up field, which is why the plan is designed as shown.

Chairman Tate asked if anyone else wanted to speak in favor or opposition?

Mr. Rolan Myers, president of the Homeowners Association for Breaching Park Subdivision expressed his concern however the property is developed it doesn't have an adverse on the entrance/exit from their neighborhood.

Ms. Bell responded Mr. Myers is referring the crossover highway 74, GDOT controls state road; the county doesn't have any decision making with respect to how GDOT handles that intersection if they change it in the future.

Mr. Bill Beckwith asked if that subdivision is in sewer or septic?

Mr. Myers responded that they are on septic.

Mr. Beckwith commented is a creative use that Mr. Barnard is presenting, and he understands the plan.

Mr. Brian Haren stated he was involved in the development of this overlay and the intent for pushing the parking being and on the side of the buildings is to make sure this area doesn't look like an industrial park and more likely residential in terms of architectural to improve the visual and also it was the talk of PTC pulling sewer all the way down highway 74, but it hasn't happened.

Chairman Tate asked how many parking spaces will be on the site?

Mr. Haren commented around 20-25. He also asked petitioner, Are you going to come back and ask for another variance on the architectural design imposed by the overlay?

Mr. Barnard stated No.

Mr. Beckwith asked if a vegetated area between the parking lot and the street?

Mr. Barnard responded that the majority of the existing trees are staying and also all of the landscape buffers.

Mr. Kyle McCormick asked about the 10 spaces more than the minimum. Do we know if they will be in the front or located elsewhere?

Ms. Bell responded yes, they can be anywhere. That was just a total count.

Mr. Barnard responded he didn't realize they had 10 too many; I was relying on the designer's plan.

Ms. Bell stated right now it has 110 spaces total and based on the buildings and uses their parking calculations they will need 100 spaces.

Chairman Tate asked the main reason that the septic system has to be placed in each building, correct?

Mr. Barnard responded in the back; I can't put the septic fields where the road is.

Chairman Tate asked if anyone had any more questions. With no response, he commented that he will support the petition.

Chairman John Tate made a motion to approve Petition No. A-896-25-A. Marsha Hopkins seconded the motion. The motion carried 5-0.

Brian Haren moved to adjourn the May 27, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:48 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**


DEBORAH BELL
DIRECTOR, PLANNING & ZONING


JOHN TATE, CHAIRMAN