

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on April 22, 2019, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Marsha Hopkins, Chairperson
Tom Waller, Vice-Chairperson
Bill Beckwith
John Tate

MEMBERS ABSENT: Therol Brown

STAFF PRESENT: Pete Frisina, Director of Community Services
Chanelle Blaine, Zoning Administrator
Howard Johnson, Planning & Zoning Coordinator

Welcome and Call to Order:

Marsha Hopkins welcomed everyone to the meeting and introduced each member of the Zoning Board of Appeals. She also introduced the three staff members, Peter Frisina, Howard Johnson and Chanelle Blaine.

1. Consideration of the Minutes of the Meeting held on March 25, 2018.

Tom Waller made a motion to approve the minutes of the meeting held on March 25, 2019. John Tate seconded the motion. The motion passed 4-0-1. Therol Brown was absent.

PUBLIC HEARING

2. Petition No. A-696-19, Christine Standish, Vice-President, Heritage Bank, Owner, and Chris Singh, Agent request the following: Section 110-170 (k) Continuance of a legal nonconforming use to re-establish a nonconforming child care center. The subject property is located in Land Lot 233 of the 5th District and fronts on Carnegie Place.

Chairperson Hopkins asked the applicant if he desired to proceed with only four (4) members of the Zoning Board of Appeals present.

Chris Singh agreed to move forward with only four (4) board members present.

Chris Singh (130 Carnegie Place), the realtor representing Heritage Bank stated that he desired to proceed. He stated that the property located at 130 Carnegie Place was built as a daycare, always used a daycare and is located in an area with similar type of uses, such as a head-start center. He also stated that is Heritage Bank's intention to sell the property to an owner-occupant, however if an offer came from an investor, it would be considered.

Chairperson Hopkins asked if there was anyone who desired to speak in favor of the petition.

Jizel Alexis (120 Carnegie Place) said that she was interested in purchasing the property and desired to see the property approved for occupancy. She said she recently visited the location and it was very convenient for the parents as well as the staff of the Head Start Program. She also stated that it may be possible to operate a daycare facility in addition to the Head Start program, since the Head Start program ends at 2:30 pm, the children can utilize the daycare (next door) until the parents arrive from work in the evenings. She noted that it is a clean, beautiful location where she can possibly offer a summer program.

Chairperson Hopkins asked if there was else who desired to speak in favor of the petition.

Chairperson Hopkins then asked if there was else who desired to speak in opposition to the petition. Hearing none, she brought the item back to the members for discussion.

Tom Waller asked how many kids per day will be at the facility and whether there is a requirement for a licensed nurse to be present during the day.

Chris Singh responded that the facility is licensed for 130 children, and there is not a requirement from the State that would require a nurse. He stated that most daycare facilities do not have a nurse unless there it is a larger school.

Tom Waller asked how many parking spaces are available at this facility.

Chris Singh responded that he believed it was 23 spaces.

Tom Waller asked if it will be a drop-off facility.

Chris Singh responded absolutely.

Chairperson Hopkins asked the staff to clarify whether the reason for this petition was due to fact that the business was unoccupied for more than six (6) months period.

Chanelle Blaine responded that the last time an occupation tax certificate from Fayette County was issued for that location was in 2012.

Chris Singh responded that actually the previous owner and her tenant did not apply for an occupational tax license but they operated the facility as a daycare. He clarified that he also owns a school in Fayette County and has come before the Zoning Board of Appeals in the past. He stated that since Heritage Bank hired him he has advised his client to follow the proper rules and process for licensing and permits.

Bill Beckwith asked Chanelle Blaine to clarify if the location was approved previously as day care center which was then a nonconforming use. Then he noted that the rules have changed again, therefore, it is still a non-conforming use. So he clarified that in order to continue forward, is a variance still required.

Chanelle Blaine responded, yes.

Bill Beckwith made a motion to approve a variance to Sec. 110-170 (k) to re-establish the legal nonconforming use of a child care center. Tom Waller seconded the motion. The motion passed 4-0. Therol Brown was absent.

3. Petition No. A-697-19, Daisy Hill Farms, LLC, Owner, and Jerry Peterson, AIA, Agent, request the following: Variances, as applicable, for the existing Daisy Hill Farms event facility, as property is converting through rezoning from A-R (Agricultural – Residential) to O-I (Office-Intuition) as follows: Sec.110-94 -Buffer, Sec. 110-42- O-I, Office-Institutional District and Sec. 110-173 – Transportation corridor overlay zone. The subject property is located in Land Lot 127 of the 5th District and fronts on Highway 54 West.

Chairperson Hopkins asked the applicant, Jerry Peterson if he desired to proceed with only four (4) members of the Zoning Board of Appeals present.

Jerry Peterson stated that he wish to proceed. He began with an introduction and he noted that the owners were present if the members had any questions. He stated that initially the Daisy Hill Event Center was an allowable use and permitted under the A-R zoning and the construction has been recently completed with three (3) or four (4) events hosted to date. He further stated that when the owners decided to use the exiting house along the frontage as a pre-event center (i.e., bride preparation and offices) the property has to be rezoned to O-I. He concluded that the property is now zoned O-I, with a new set of requirement and therefore variances are now needed.

Chairperson Hopkins asked if there was else who desired to speak in favor of the petition.

Chairperson Hopkins asked if there was else who desired to speak in opposition of the petition. Hearing none, she brought the item back to the members for discussion.

John Tate asked going forth, what are going to be overall uses for the facility.

Jerry Peterson replied that as an event facility they will host events, wedding and corporate gatherings and similar uses. The house will be used exclusively for pre-event preparation, such a bride preparation before a wedding reception.

John Tate asked since the property has been rezoned, what has taken place, as it is related to the resolve the buffer issues (variance request) on the property.

Jerry Peterson described that some of the parking encroached into what became the buffer zone of the O-I after the property was rezoned.

Chanelle Blaine responded that in the staff report the stormwater facility as well as the parking are in the buffer zone on the west side of the property line. She explained that this was overlooked during the initial review, and after the property was rezoned to O-I, a second review of the site plan revealed that the parking and water detention pond was located in the setback.

Pete Frisina noted that A-R does not have buffer zone.

Jerry Peterson stated that when the parking and the detention pond was built in A-R, it was compliant but once it was rezoned to O-I, then it was located in the buffer zone.

Chairperson Hopkins asked how long had the structures existed under A-R.

Jerry Peterson replied that the structures had been under construction until a two (2) to three (3) weeks ago, therefore the structures are brand new.

Pete Frisina explained to the Zoning Board of Appeals that the site plan shows that a portion of the drive aisle and a large stormwater facility at the bottom on the hill encroaches into the buffer and he noted that stormwater facilities have to be placed at the lowest point. He clarified that when the property was rezoned from A-R to O-I, a 30-foot buffer became required, because the adjacent property is zoned residential. This requirement was not applicable under A-R.

Bill Beckwith stated that it seemed unfair to penalize the owners for a situation that was already approved under one category and now this under a different category.

Pete Frisina responded that this rezoning that was approved by the Board of Commissioners and it does fit into the land use plan along Highway 54, and he expects that more event centers will come into the County.

Chairperson Hopkins asked as a matter of process and procedure, although the Board of Commissioners have approved the rezoning, subject to Zoning Board of Appeals approval, what happens if the Zoning Board of Appeals does not grant approval.

Pete Frisina stated that the property owners will have to move a large amount lot of infrastructure.

Chairperson Hopkins as the other Planning Commission members if they have any additional questions.

Tom Waller stated that the lake on the property is quite beautiful and he asked if they are any restrictions relative to the open lake, since it could be an attractive nuisance.

Pete Frisina said the lake is a part of the attraction of the event center, it is open, but he did think it was a zoning issue.

Chairperson Hopkins asked the other Planning Commission members if they had any additional questions. Being none, she called for a motion.

John Tate with made a motion to approve all the necessary variances, as applicable as follows:

- Sec. 110-94 – Buffer,
- Sec. 110-42 O-I Office-Institutional District and,
- Sec. 110-173 – Transportation corridor overlay zone.

Bill Beckwith seconded the motion. The motion passed 4-0. Therol Brown was absent.

There being no further business, Tom Waller made the motion to adjourn the meeting. The motion passed 4-0-. Therol Brown was absent. The meeting adjourned at 7:19 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Marsha Hopkins

MARSHA HOPKINS, CHAIRPERSON

Howard L. Johnson
HOWARD L. JOHNSON, ZBA SECRETARY

