

BOARD OF APPEALS

Marsha Hopkins, Chairman
Kyle McCormick, Vice-Chairman
John Tate
Brian Haren
Latisha Roebuck

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
May 18, 2026
7:00 P.M.**

***Please turn off or mute all electronic devices during the Zoning Board of Appeals Meetings**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on April 27, 2026.

PUBLIC HEARING

5. Consideration of Petition No. **A-934-26** – Milton McLean Jr., owner, and Roderick Cloud, Agent. Applicants are requesting a variance to Sec. 110-137(d)(6), in the R-40 zoning, to reduce the side yard setback from 15 feet to 4 feet. The subject property is located in Land Lot 6 of the 7th District and fronts Blue Point Parkway.
6. Consideration of Petition No. **A-935-26** – John T. and Frances S. Watkins, owners, and Randy Boyd, Agent, are requesting the following variance: Per Sec. 110-125(d)(1), 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 205,603 square feet (4.72 acres) in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 162 & 163 of the 4th District and fronts Old Highway 85 and SR 85.
7. Consideration of Petition No. **A-936-26-A** – Matthew D. Brown & Kimberly A. Brown, owners, and Joe Cook with JDC Homes, LLC, agent, are requesting the following variance: A) Per Sec. 110-125(d)(4)a.2., in A-R zoning, to reduce the front yard setback along Mask Rd. from 100 feet to 60 feet to allow additional area for a new residential home. The subject property is located in Land Lots 3 of the 4th District and fronts Mask Road and Tri County Road.
8. Consideration of Petition No. **A-936-26-B** – Matthew D. Brown & Kimberly A. Brown, owners, and Joe Cook with JDC Homes, LLC, agent, are requesting the following variance: B) Per Sec. 110-125(d)(6), in A-R zoning, to reduce the side yard setback along Mask Rd. from 50 feet to 40 feet to allow additional area for new home construction outside of the floodplain and buffers. The subject property is located in Land Lots 3 of the 4th District and fronts Mask Road and Tri County Road.

Minutes 04/27/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on April 27, 2026, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Marsha Hopkins, Chairman
Kyle McCormick, Vice-Chairman
John Tate
Brian Haren
Latisha Roebuck

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 Marsha Hopkins called the April 27, 2026, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Chairman Marsha Hopkins offered the invocation and led the audience in the Pledge of Allegiance.*
 3. Approval of Agenda. *John Tate made the motion to APPROVE the agenda. Vice Chairman Kyle McCormick seconded the motion. The motion carried 5-0.*
 4. Consideration of the Minutes of the Meeting held on March 23, 2026. *Brian Haren made a motion to APPROVE the Minutes as presented for the March 23, 2026, meeting. John Tate seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. **A-928-26-A** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a variance to Sec. 110-137(d)(5), in the R-40 zoning, to reduce the rear yard setback from 30 feet to 5.9 feet. The subject property is located in Land Lots 219 and 220 of the 13th District and fronts Lafayette Drive.

Ms. Debbie Bell explained that the property is a nonconforming lot and outlined the requested variances and presented all three petitions together for items five (5), six (6) and seven (7), but will require separate motions. The structures in question include multiple sheds and a connecting deck, currently used for storage during ongoing renovation. Staff recommended conditional approvals for certain requests.

Staff presented the case involving a property in Lafayette Drive requesting multiple variances:

- A-928-26-A; Reduction of rear setback from 30 feet to 5.9 feet.

- A-928-26-B; Reduction of side setback from 15 feet to 7.3 feet
- A-928-26-C; Increase in allowed accessory structures

The property was described as nonconforming and smaller than required for the zoning district.

Chairman Marsha Hopkins asked if the petitioner was present.

Ms. Camille Feanny, applicant, presented the request, explaining that the sheds were installed during COVID following significant home damage (flooding, mold, asbestos). She relied on guidance that permits were not required for sheds under 200 square feet. The backyard has slope and sinkhole issues limiting placement options. The structures are necessary for storage and to assist in caring for her ill mother. A platform (deck) was added between sheds to improve safety after a fall. Ms. Feanny requested that two sheds and the platform remain in place and stated that a third smaller shed would be removed.

Public Comments – In Support

Jason Seaton (Contractor/Project Manager): Spoke on behalf of the applicant, noting the structures were installed in good faith and that the applicant is attempting to comply with all requirements.

Sydney Wynn (Neighbor): Expressed no concerns and stated the structures do not negatively impact the neighborhood. Encouraged consideration of the applicant's circumstances.

Andrea (Family Member): Spoke about the applicant's caregiving responsibilities and the importance of the structures for daily living.

Linda Miles (Neighbor): Confirmed the structures are not visible or disruptive and supported the request, noting potential safety concerns if relocated.

Public Comments – Opposition: None.

Chairman Marsha Hopkins brought the item back to the board for questions or motion.

Board members discussed the nonconforming nature of the lot, the age of the subdivision, and the applicant's circumstances. Members acknowledged the unique hardship and generally supported the request.

Part A – Rear Yard Setback Variance

Motion made and seconded to approve.

John Tate made a motion to APPROVE Petition No. A-928-26-A, to reduce the rear setback from 30 feet to 5.9 feet. Brian Haren seconded the motion. The motion passed 5-0.

6. Consideration of Petition No. **A-928-26-B** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a Variance to Sec. 110-137(d)(6) – Side yard setback requirement, to reduce the side yard setback from 15 feet to 7.3 feet to allow an existing accessory structure to remain. The subject property is located in Land Lots 219 and 220 of the 13th District and fronts Lafayette Drive.

Ms. Bell explained the description and the points for each petition on item five (5).

Part B – Side Yard Setback Variance (Small Shed)

Motion made and seconded to approve with the condition that the structure be removed within 12 months.

Chairman Marsha Hopkins made a motion to APPROVE WITH CONDITIONS Petition No. A-928-26-B. John Tate seconded the motion. The motion passed 5-0.

CONDITIONS:

1. *Staff recommended conditional approval of the request A-928-26-B to reduce the side yard setback from 15 feet to 7.3 feet for a period of twelve (12) months to allow completion of the sunroom and removal of building materials from the sheds. Sec. 110-79(h) allows for temporary storage not to exceed one year in conjunction with an ongoing renovation project.*
7. Consideration of Petition No. **A-928-26-C** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a variance to Sec. 110-79(c)(1)a., in the R-40 Zoning, Two (2) residential accessory structures, per individual lot, to increase the total number of four (4) accessory structures; three (3) sheds and one (1) deck, on a lot less than five (5) acres. The subject property is located in Land Lots 219 and 220 of the 13th District and fronts Lafayette Drive.

Ms. Bell explained the description and the points for each petition on item five (5).

Part C – Number of Accessory Structures

Motion made and seconded to: Allow three structures to remain and allow a fourth structure to remain temporarily for up to 12 months.

John Tate made a motion to APPROVE WITH CONDITIONS Petition No. A-928-26-C. Latisha Roebuck seconded the motion. The motion passed 5-0.

CONDITIONS:

1. *Staff recommended conditional approval of the request A-928-26-C to allow three (3) accessory structures to remain and to allow a four (4) accessory structure to remain for a period of twelve (12) months.*
8. Consideration of Petition No. A-933-26 – Kristopher Gilmore, Owner. Applicant is requesting the following: Per Sec. 110-242(h), requesting an illegal lot to be deemed a nonconforming lot. The subject property is located in Land Lots 118 of the 4th District and fronts Antioch Road and Lowery Road.

Ms. Bell Staff stated the property meets all criteria required to be designated as a legal nonconforming lot. The lot was created by a previous owner and cannot be brought into compliance without affecting adjacent properties.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Christopher Gilbert explained that he recently purchased the property, which has fallen into disrepair and intends to clean up the lot and potentially rebuild or improve the existing structure. The property has strong support from surrounding neighbors.

Public Comments:

In Support: None, applicant presented written support letters from adjacent neighbors.

Opposition: None.

Chairman Marsha Hopkins brought the item back to the board for questions or a motion and commented the property has been asked to be deemed a nonconforming lot and there is nothing else for the board to decided and made a motion.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-933-26. Vice-Chairman Kyle McCormick seconded the motion. The motion passed 5-0.

Brian Haren moved to adjourn the April 27, 2026, Zoning Board of Appeals meeting. John Tate seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:11 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:

MARSHA HOPKINS, CHAIRMAN

**MARIA BINNS
ZONING SECRETARY**

PETITION NO: A-934-26

Requested Action: Variance to reduce left side building setback from 15' to 4' in the R-40 (Single-Family Residential) District, to allow the construction of a detached garage.

Location: 218 Blue Point Pkwy, Fayetteville, GA 30215

Parcel(s): 070328002

District/Land Lot(s): 7th District, Land Lot(s) 6

Zoning: R-40

Owner(s): Milton McLean, Jr.

Agent: Roderick Cloud

Zoning Board of Appeal Public Hearing: May 18, 2026

REQUEST

Applicant is requesting the following variance to construct a new detached garage:

1. Variance to Sec. 110-137(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 4 feet in the R-40 zoning district.

STAFF RECOMMENDATION

Staff recommends **DENIAL** of the request to reduce the rear yard setback from 15 feet to 4 feet for the construction of a detached garage.

A garage addition could be done that is within the buildable area of the lot. Alternatively, the amount of the variance request could be significantly reduced if they garage were built attached to the house instead of as a detached structure. Instead of reducing the side setback to 4 feet, that would make the setback almost 10 feet.

Mr. McLean provided a form letter signed by two of his neighbors regarding the variance, but his letter to the neighbors does not state the extent of the variance request. Additionally, there are many other neighbors that would be impacted by the visual disruption caused by a structure so close to the property line. It is staff's opinion that a 4-foot setback is not warranted and would be detrimental to the overall character of the lot and the adjacent lots.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

HISTORY

The subject property is a legal lot of record in the Canoe Club at Waterlace Pod A3, with a plat recorded May 22, 2017. It is a 1.19-acre lot and is a legal, conforming lot in the R-40 zoning district.

ZONING REQUIREMENTS

Sec. 110-137. R-40 – Single-family residential district.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

(6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No objection to the variance request.
- Environmental Health Department** – This office has no objection to the proposed variance. This garage location has been approved by our office.
- Fire** – N/A
- Building Safety** – Building safety has no issue. A permit is required if approval is granted.

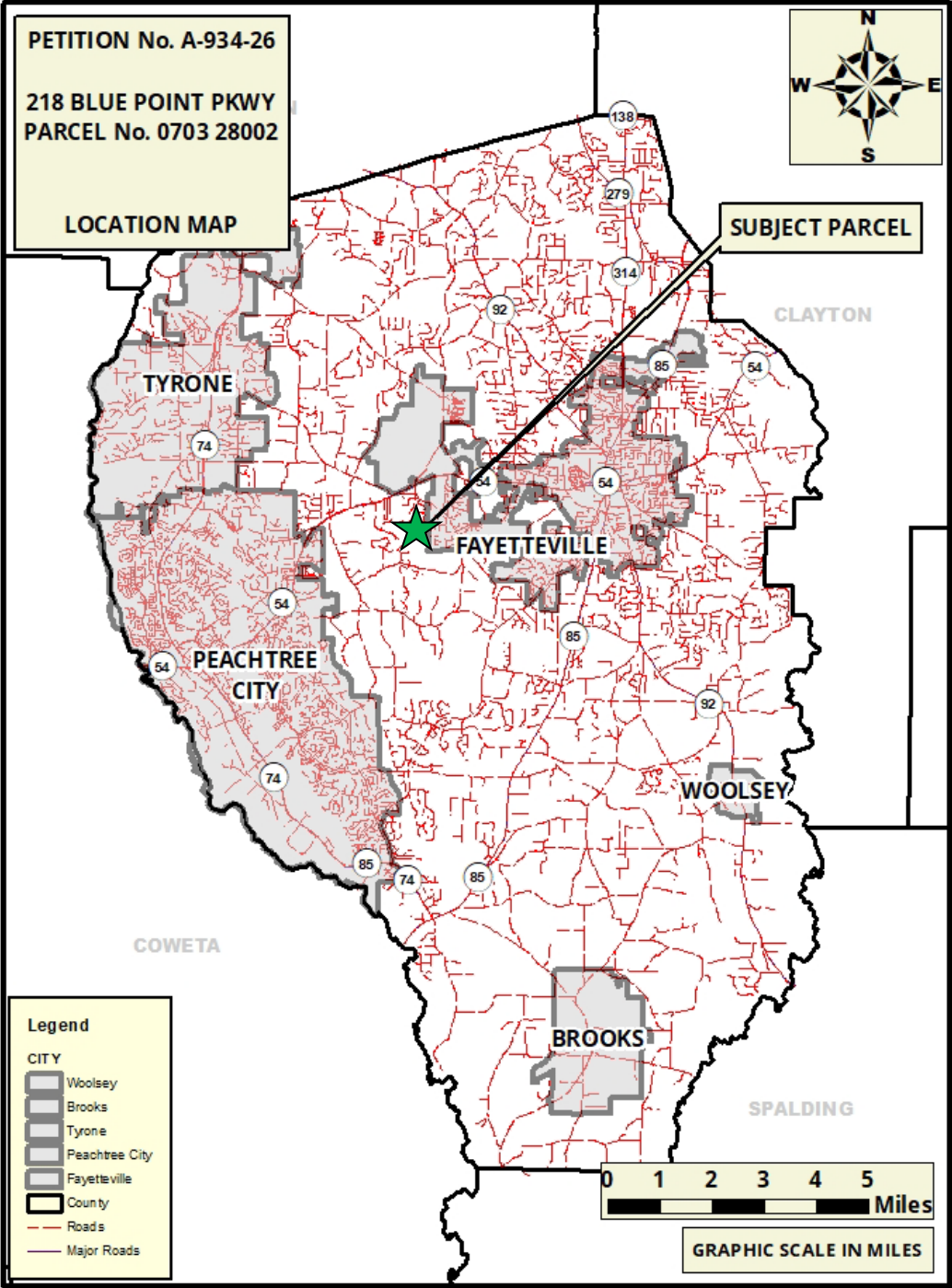
CRITERIA FOR CONSIDERATION OF A VARIANCE

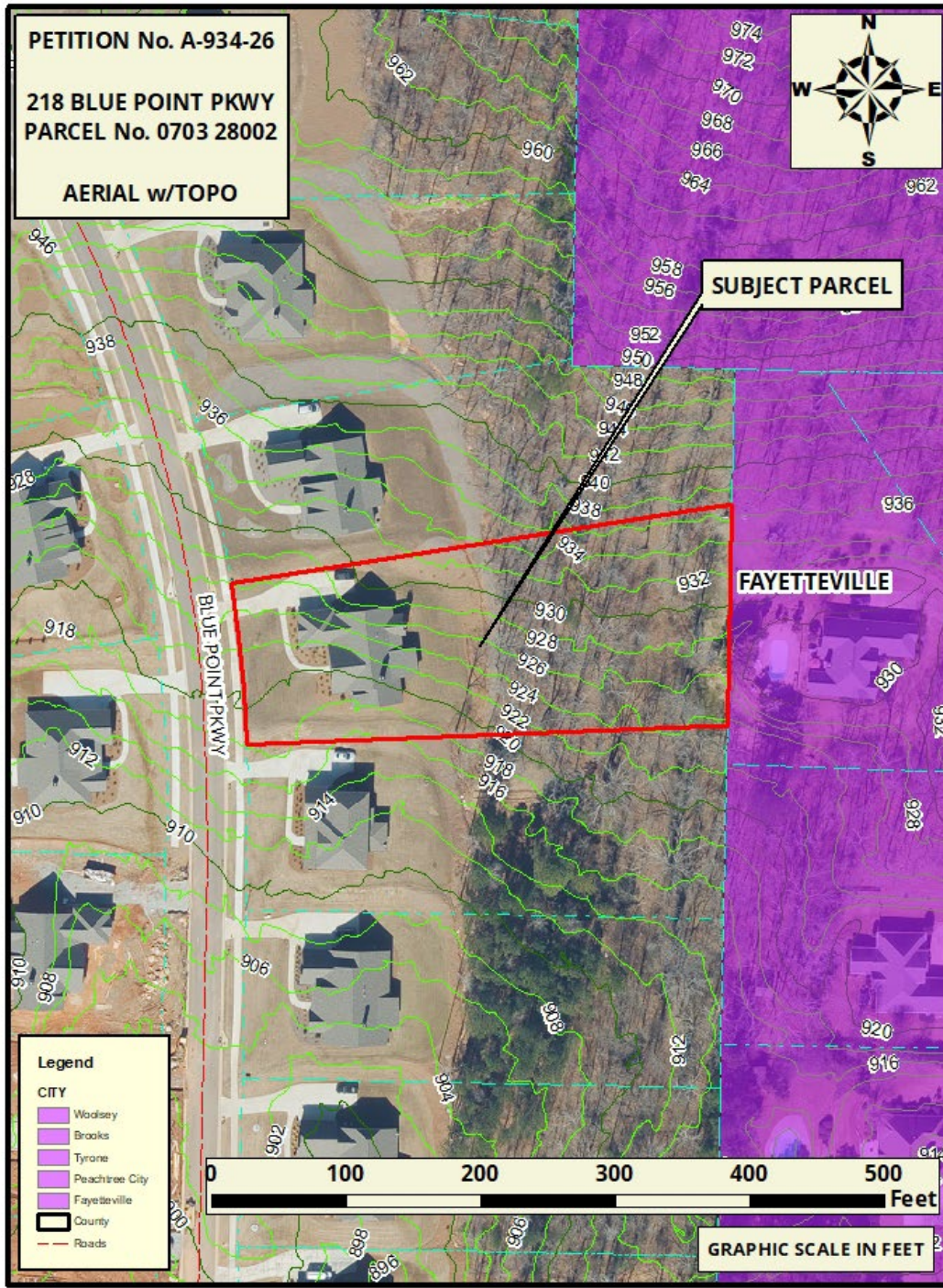
STAFF ASSESSMENT OF CRITERIA

(Please see the attached application package for the applicant's responses to the criteria.)

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The lot is an average residential lot and typical of other lots in this subdivision.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The lot is already developed and an addition or accessory structure that meets the setbacks could be constructed.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There are no conditions on this parcel that limit use and development that are specific to the parcel.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *The neighbor on the affected side of the property has been made aware of the plans and did not express any objections. However, the letter that the applicant presented to the neighbors did not state the extent of the request.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to construct a garage, but it would need to meet the building setbacks.*

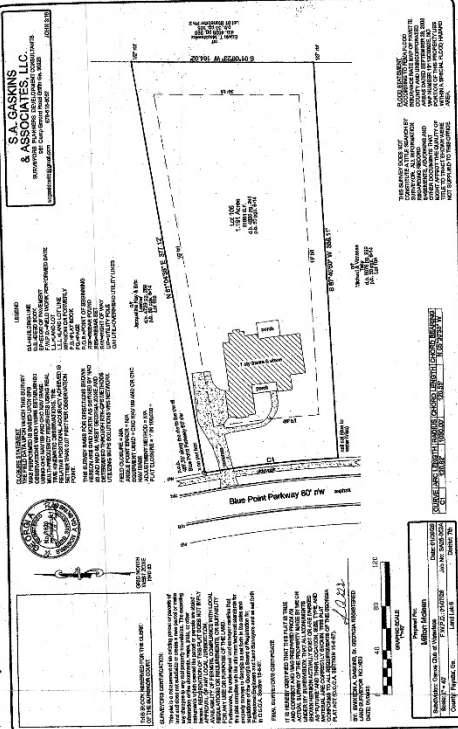




210 BLUE POINT PARKWAY
REAR ADDITION
SCOPE WORK
PROPOSED GARAGE

REV. 2/10/2022

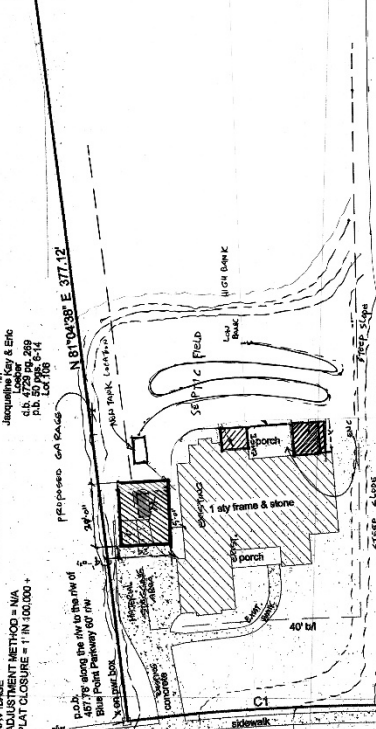
PREPARED BY: S.A. GASKINS & ASSOCIATES, L.L.C.
 1000 W. BLUE POINT PARKWAY, SUITE 100
 BLUE POINT, GA 31306



S.A. GASKINS & ASSOCIATES, L.L.C.
 1000 W. BLUE POINT PARKWAY, SUITE 100
 BLUE POINT, GA 31306
 (706) 241-1111

GENERAL NOTES:
 1. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLUE POINT ZONING ORDINANCE AND ALL APPLICABLE REGULATIONS.
 2. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLUE POINT SUBDIVISION MAP ACT AND ALL APPLICABLE REGULATIONS.
 3. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLUE POINT PLANNING AND ZONING COMMISSION DECISIONS AND ALL APPLICABLE REGULATIONS.
 4. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLUE POINT PLANNING AND ZONING COMMISSION DECISIONS AND ALL APPLICABLE REGULATIONS.
 5. THE PROPOSED WORK SHALL BE IN ACCORDANCE WITH THE CITY OF BLUE POINT PLANNING AND ZONING COMMISSION DECISIONS AND ALL APPLICABLE REGULATIONS.

FIELD CLOSURE = N/A
ADJUSTMENT METHOD = N/A
EQUIPMENT USED = GCS NAV / ISB AND OR CHC
NAV / BASE
ADJUSTMENT METHOD = N/A
POINT CLOSURE = 1" IN 100,000 +



PROPOSED SITE PLAN
 DATE: 2/10/2022
 RELEASED FOR CONSTRUCTION

- International Mechanical Code (2018) (Effective January 1, 2020)
- International Fire Code (2018) (Effective January 1, 2020)
- International Building Code (2018) (Effective January 1, 2020)
- International Residential Code (2018) (Effective January 1, 2020)
- International Energy Conservation Code (2018) (Effective January 1, 2020)
- International Existing Building Code (2018) (Effective January 1, 2020)
- International Plumbing Code and Fixtures Code (2018) (Effective January 1, 2020)
- International Mechanical Code (2018) (Effective January 1, 2020)
- International Fire Code (2018) (Effective January 1, 2020)
- International Building Code (2018) (Effective January 1, 2020)
- International Residential Code (2018) (Effective January 1, 2020)
- International Energy Conservation Code (2018) (Effective January 1, 2020)
- International Existing Building Code (2018) (Effective January 1, 2020)
- International Plumbing Code and Fixtures Code (2018) (Effective January 1, 2020)



FAYETTE COUNTY

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES
IN UNINCORPORATED AREA
OF FAYETTE COUNTY,
GEORGIA

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, May
18, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-934-26
Owner: Milton McLean, Jr.
Property Address: 218 Blue Point
Parkway

Parcel: 070328 002
Zoning District: R-40
Area of Property: 1.19 acres
Land Lot(s): 6
District: 7th

Road Frontage: Blue Point Park-
way

Request: Applicant is requesting
the following: Per Sec. 110-137(d)
(6). Requesting a variance to re-
duce the side yard setback in a
R-40 zoning (Single-Family), from
15 feet to 4 feet, to allow a new ac-

cessory structure to be built.

Legal Description
Exhibit "A"

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 6 OF THE 7TH
DISTRICT, FAYETTE COUNTY,
GEORGIA, BEING LOT 105, OF
CANOE CLUB AT WATERLACE,
POD A3, AS PER PLAT THEREOF
RECORDED IN PLAT BOOK 50,
PAGES 5-14, FAYETTE COUNTY,
GEORGIA RECORDS, WHICH
RECORDED PLAT IS INCORPO-
RATED HEREIN BY REFERENCE
AND MADE A PART OF THIS
DESCRIPTION; BEING KNOWN
AS 218 BLUE POINT PARKWAY,
ACCORDING TO THE PRESENT
SYSTEM OF NUMBERING PROP-
ERTY IN FAYETTE COUNTY,
GEORGIA.
PARCEL ID: 070328002

PETITION NO: A-935-26

Requested Actions: Variance to Sec. 110-125. – A-R, Agricultural-Residential (d)(1), as allowed under Sec. 110-242(c)(1) – Requesting a variance to the minimum lot size for an unimproved nonconforming lot, to allow a lot that is 205,603 square feet in area (4.72 acres) to be eligible for development.

Location: Old Highway 85 & SR 85, Fayetteville, Georgia 30215

Parcel(s): 0437 037

District/Land Lot(s): 4th District, Land Lot(s) 162 & 163

Zoning: A-R, Agricultural-Residential

Lot Size: 205,603 square feet (4.72 Acres)

Owner(s): John T. & Frances S. Watkins

Agent: Randy M. Boyd

Zoning Board of Appeal Public Hearing: May 18, 2026

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125. – A-R, (d)(1), to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 205,603 square feet in area (4.72 acres) to be eligible for development. The variance amount is 12,197 square feet.

STAFF ASSESSMENT

- The lot is a legal nonconforming lot. It has 205,603 square feet in area (4.72 acres), which is less than the required 217,800 square feet (5.00 acres) in the A-R zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.
- The variance is necessary for the owners to be able to obtain a building permit.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

This parcel is a legal, nonconforming lot. It was assigned A-R zoning when Fayette County adopted zoning regulations. The future land use plan supports this property remaining A-R zoning.

- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

The owners would not be able to get a building permit without a variance to the lot size.

- 3. Such conditions are peculiar to the particular piece of property involved; and,**

The conditions are unique to this parcel.

- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

The variance will not be detrimental to the public good.

- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

The applicant would not be able to build a structure on this parcel without the variance.

HISTORY

This parcel is a legal nonconforming lot. It has not been rezoned.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

(c) *Request for a variance: Nonconforming Lots.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

(1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size.

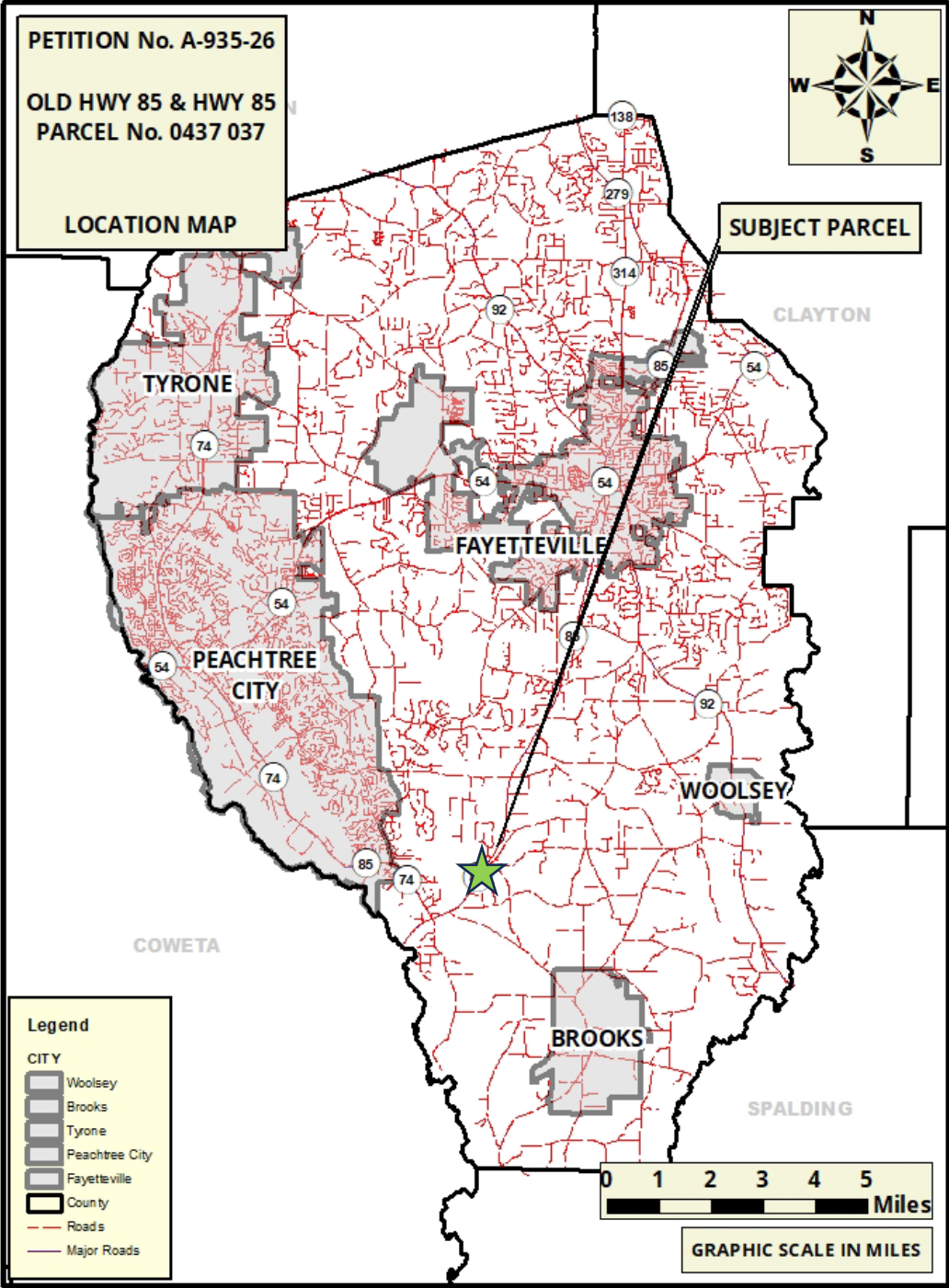
Sec. 110-125. – A-R, Agricultural-Residential District.

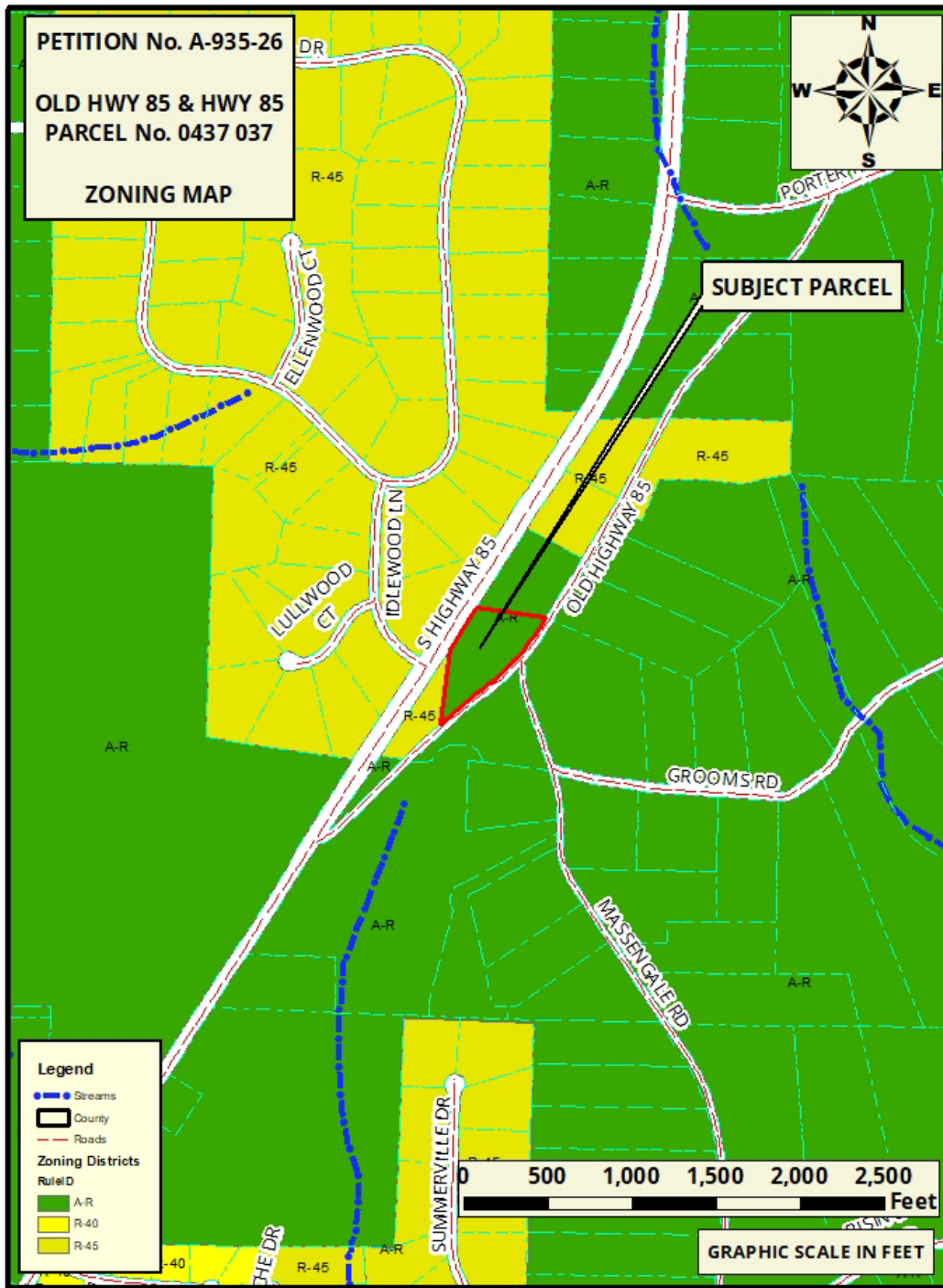
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

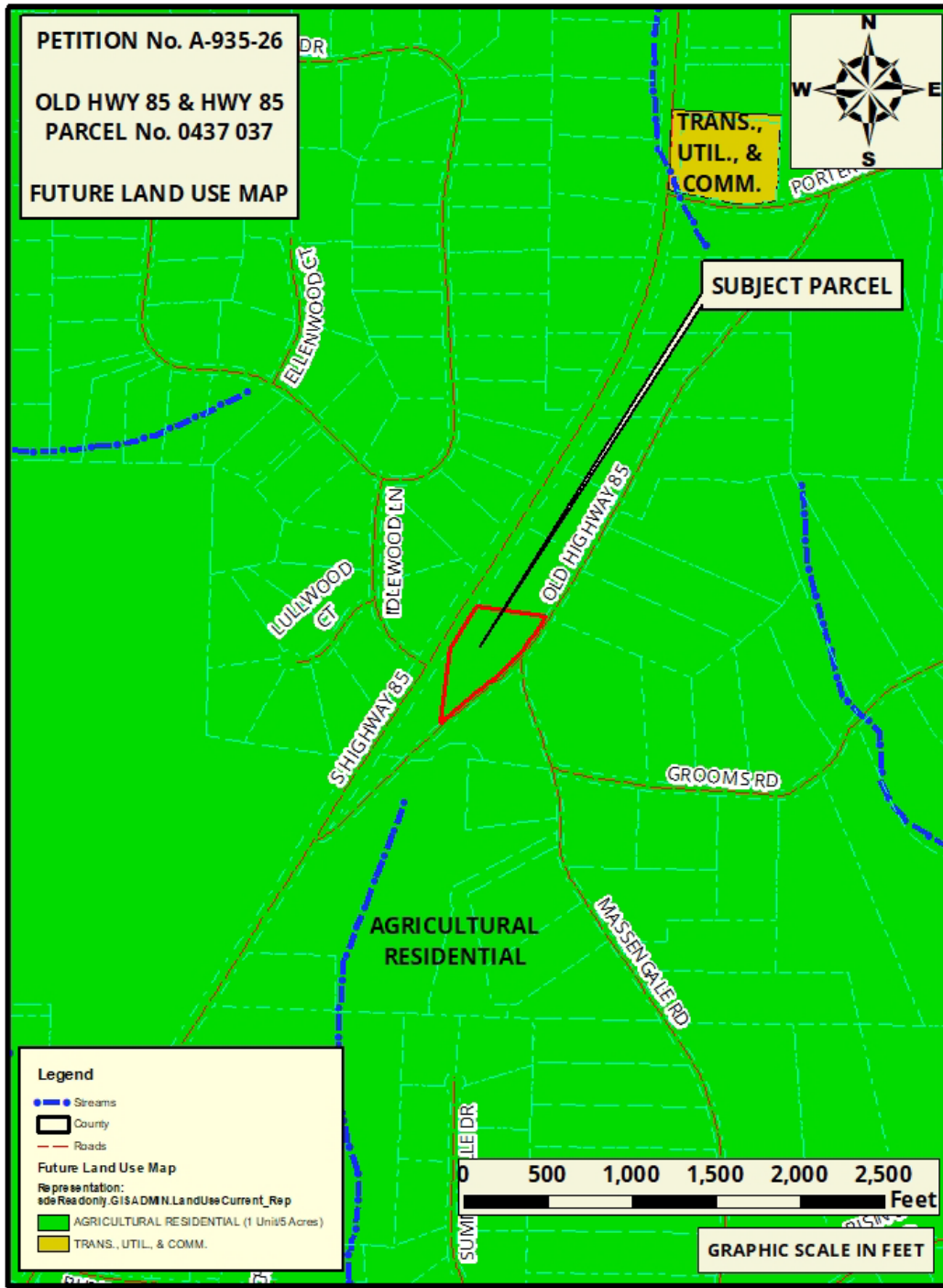
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.

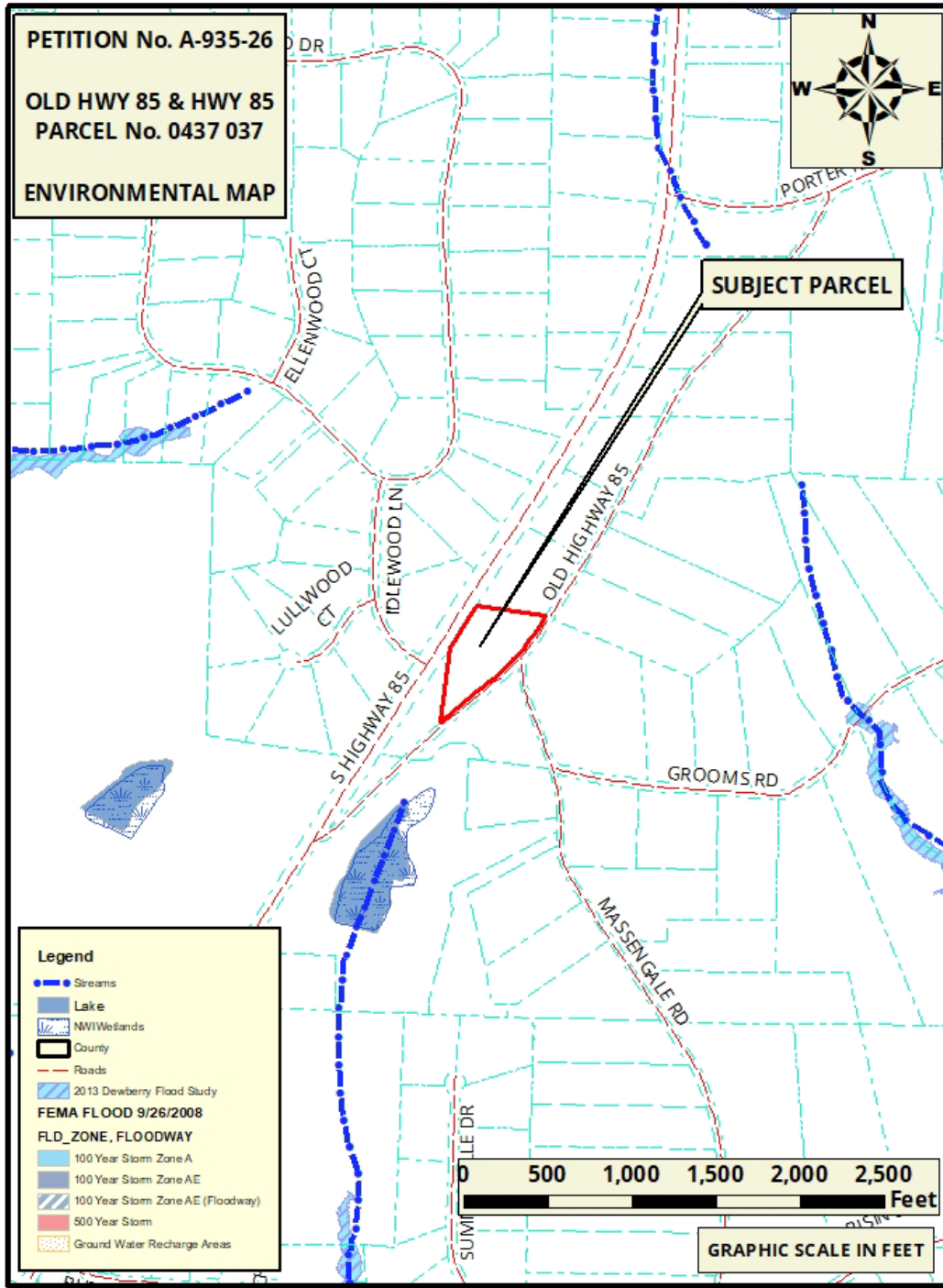
DEPARTMENTAL COMMENTS

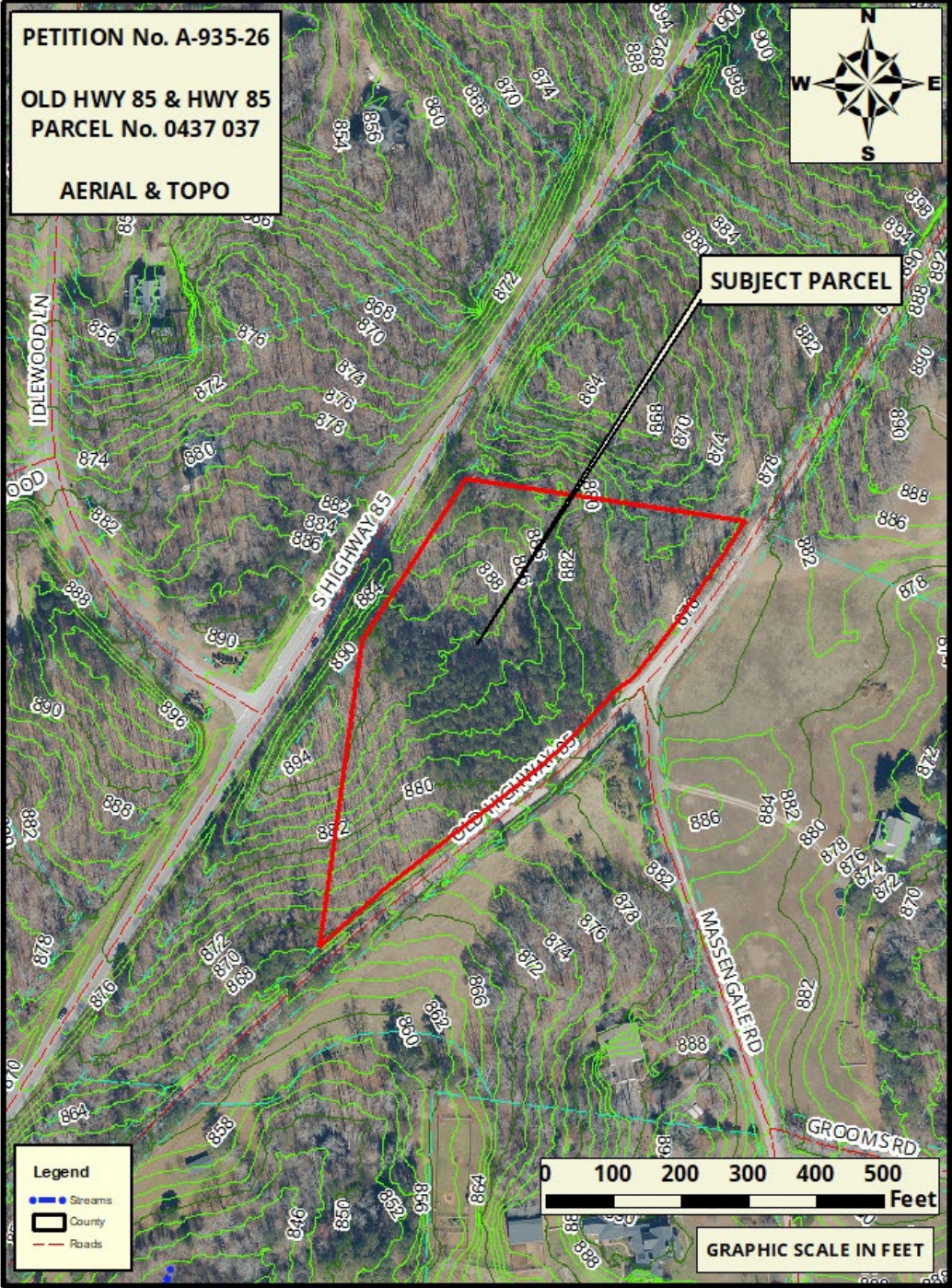
- Water System** –No objections.
- Public Works** – Submitted survey is not legible and does not show current conditions, features, or setbacks. Prior survey (PB 1, PG 38) shows property line to centerline of Old Hwy 85, which would change the lot size. Surveys of adjacent properties do not seem to agree with the surveys of this property. Recommend a new survey prior to approval.
- Environmental Management** – Recommend a new survey of the property.
- Environmental Health Department** – This office has no objection to the proposed variance. Lot size exceeds requirement for installation of septic and well on a lot if needed.
- Fire** – N.A
- Department of Building Safety** – No issues.

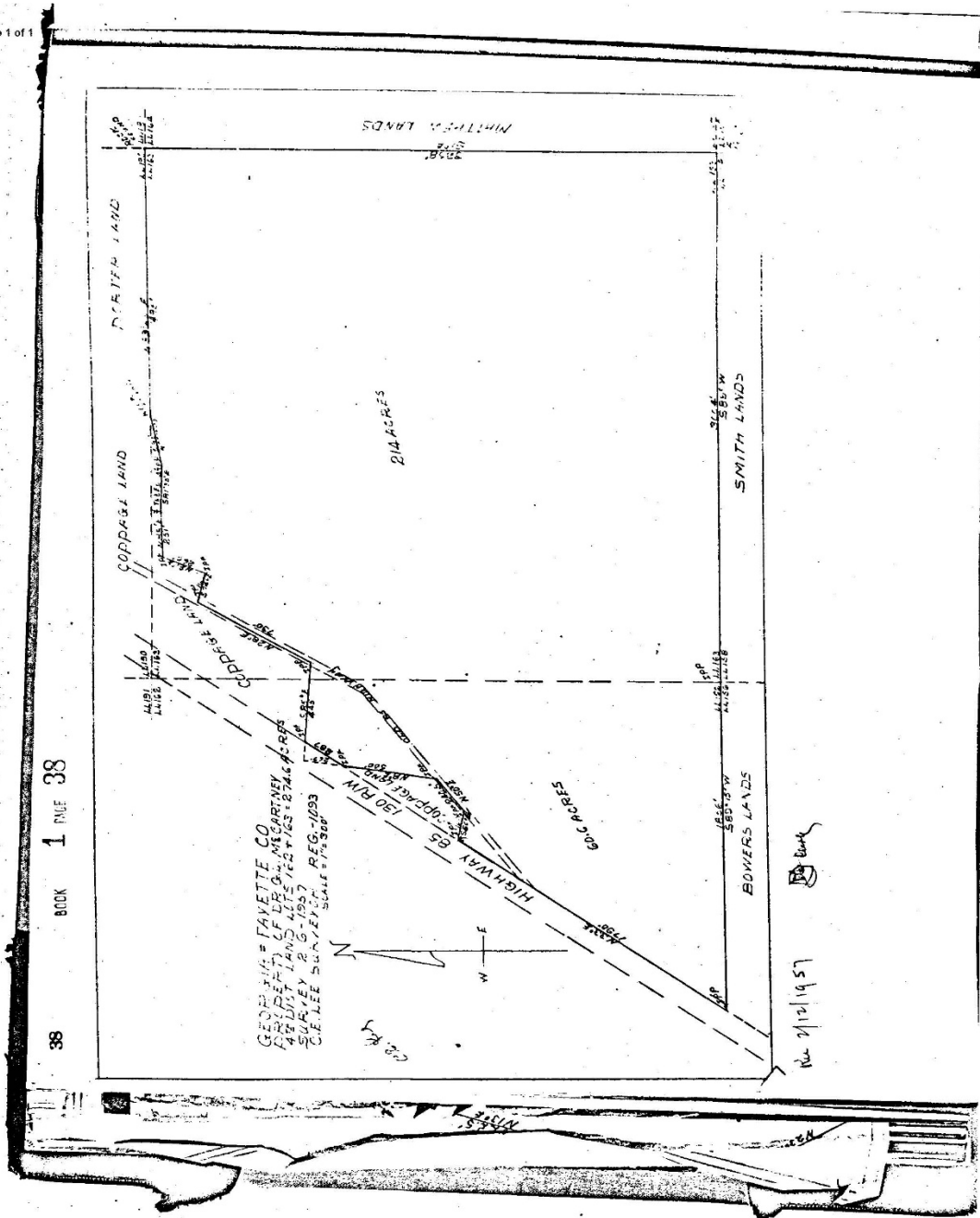








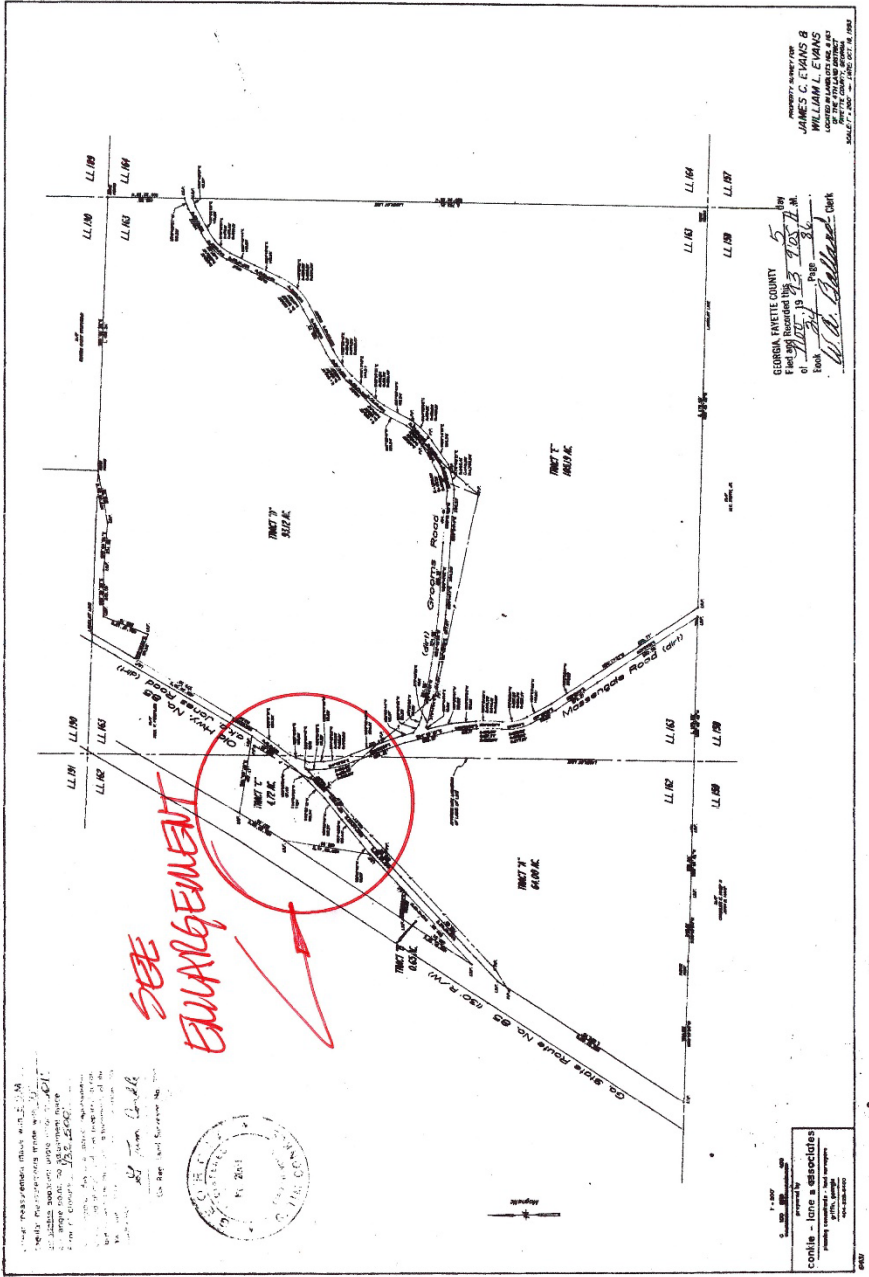




Book: 1 Page Sequence: 38

SURVEY

P.B. 24, Pg. 86



SURVEY



SITE VIEW

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES
IN UNINCORPORATED AREA
OF FAYETTE COUNTY,
GEORGIA

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, May
18, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-935-26

Owner: Frances S. Watkins & John
T. Watkins, Trustees of the Frances
Revocable Living Trust

Property Address: West Side of Old
Highway 85

Parcel: 0437 037

Zoning District: A-R

Area of Property: 4.72 acres

Land Lot(s): 162 & 163

District: 4th

Road Frontage: Between Old High-
way 85 & Highway 85 South

Request: Applicant is requesting
the following: Per Sec. 110-125(d)
(1), 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 4.72 acres in the A-R zoning
district to be eligible for develop-
ment.

Legal Description

All that tract or parcel of land, ly-
ing and being in Land Lots 162 and
163 of the 4th District, of Fayette
County, Georgia, being Tract "C",
containing 4.72 acres, as shown on
that certain plat of survey recorded
in Plat Book 24, Page 86, Fayette
County, Georgia Records, refer-
ence to which plat is hereby made
for a more accurate description of
the metes and bounds of said
Tract "C".

Subject to all other covenants, zon-
ing ordinances, easements, liens,
restrictions of record and security
deeds recorded upon such proper-
ty.

Currently known as West Side of
Old Highway Null

Map ID #: 0437 037

4/15

PETITION NO: A-936-26-A-B

Requested Actions: Applicant is requesting variances to reduce the front building setback and reduce the side yard setback to allow additional area for proposed construction closer to Mask Rd. and outside of the floodplain.

Location: Mask Rd. & Tri-County Rd., Brooks, Georgia 30205

Parcel(s): 0402 094

District/Land Lot(s): 4th District, Land Lot(s) 3

Zoning: A-R, Agricultural-Residential

Lot Size: 131,713 square feet (3.02 Acres)

Owner(s): Matthew D. Brown & Kimberly A. Brown

Agent: Joe Cook, JDC Homes, LLC

Zoning Board of Appeal Public Hearing: May 18, 2026

REQUEST

Applicant is requesting the following:

A-936-26-A: Per Sec. 110-125(d)(4)a.2. Front yard setback. Reduce the front yard setback from 100' to 60' to allow additional area for new home construction.

A-936-26-B: Per Sec. 110-125(d)(6) Side yard setback. Reduce the side yard setback from 50' to 40' to allow additional area for new home construction outside of the floodplain and buffers.

STAFF ASSESSMENT

It is staff's opinion the requirements to recommend a variance to reduce the front yard setback and side yard setbacks have been met. The survey prepared by Sinson A. Gaskins for John Dial on January 23, 2026 depicts the existing buildable area of the property is only 233.02 square feet. The existing buildable area is not sufficient to construct the minimum 1,200 square foot house. The proposed reduction of the front yard setback on a dirt road and reduction of the side yard setback away from the floodplain area expands the buildable area to 3,039.04 square feet.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

This parcel is a legal, nonconforming lot. The Fayette County Thoroughfare Plan classifies Mask Road as a collector road and requires a 100' front yard setback. Minor thoroughfares have a minimum of 75' setback. Additionally, Fayette County's 2013 Limited Detail Study Floodplain outlines a significant portion of the east side of the property is floodplain.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,

The owners would need a variance to minimum floor area if a variance to the setbacks are not granted.

3. Such conditions are peculiar to the particular piece of property involved; and,

The conditions are unique to this parcel.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and

The variance will not be detrimental to the public good.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,

The applicant would not be able to build a structure on this parcel without the variance to either the setbacks or a variance to the minimum floor area.

HISTORY

This parcel is a legal nonconforming lot. It has not been rezoned.

ZONING REQUIREMENTS

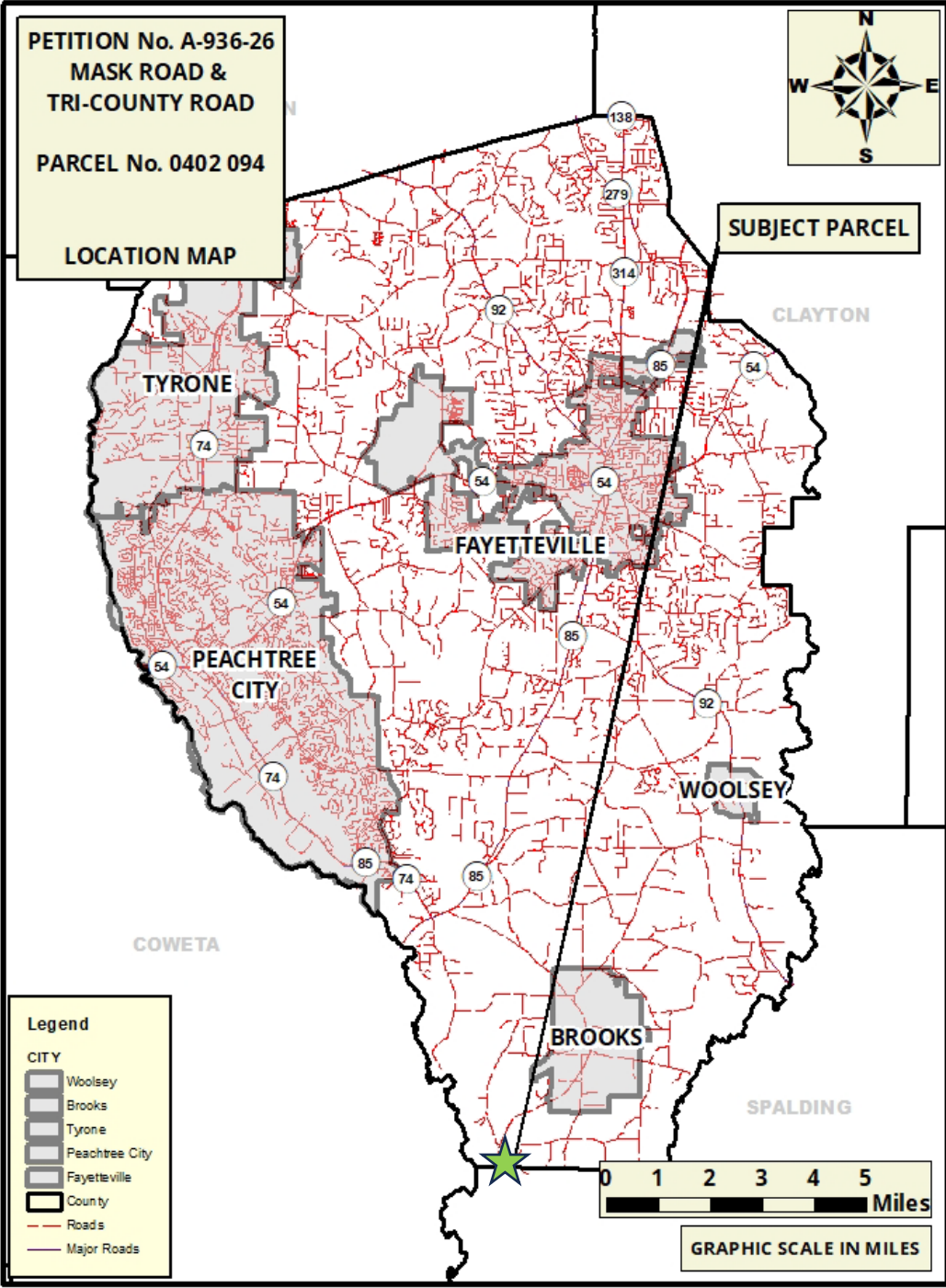
Sec. 110-125. – A-R, Agricultural-Residential District.

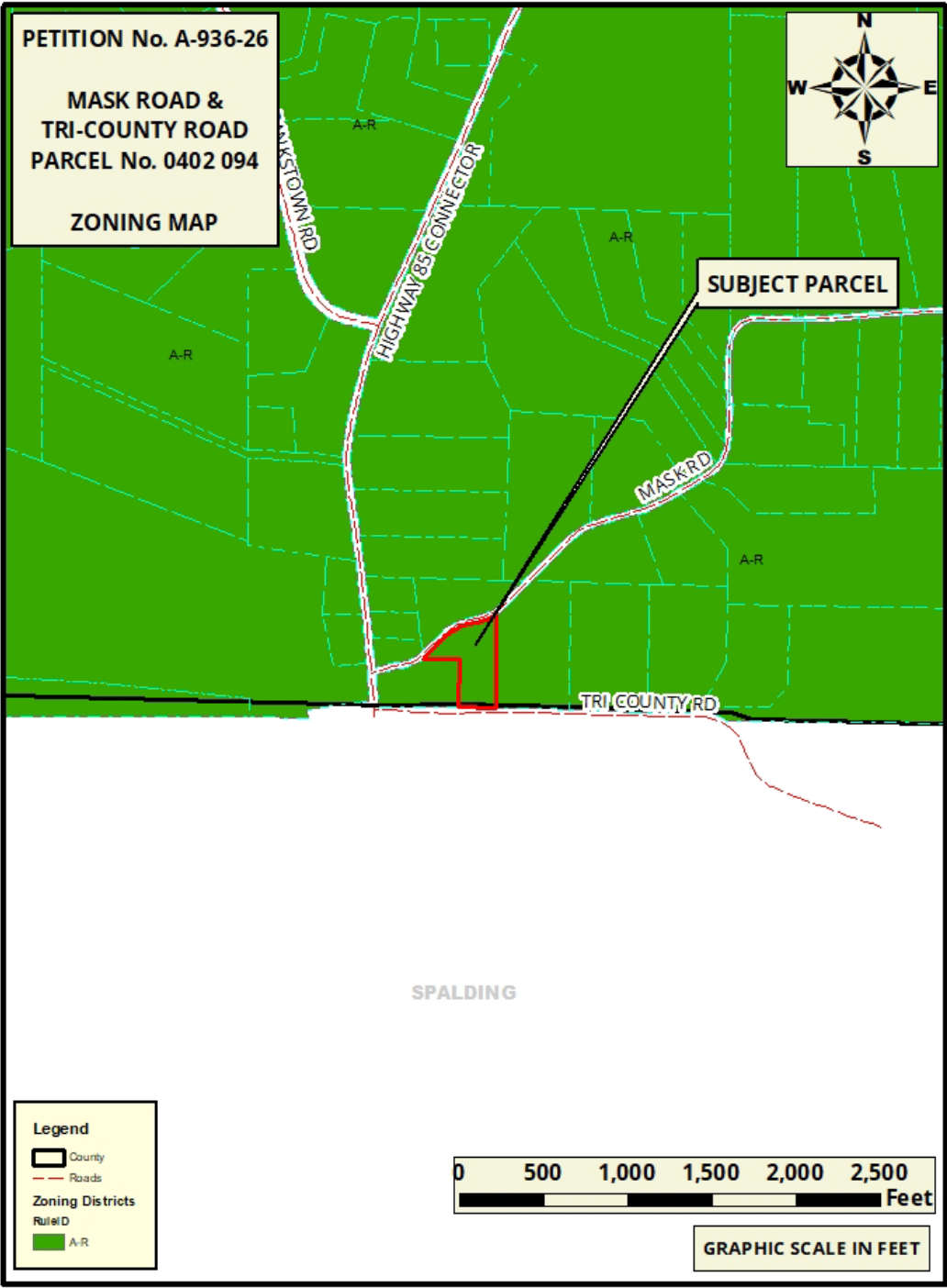
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

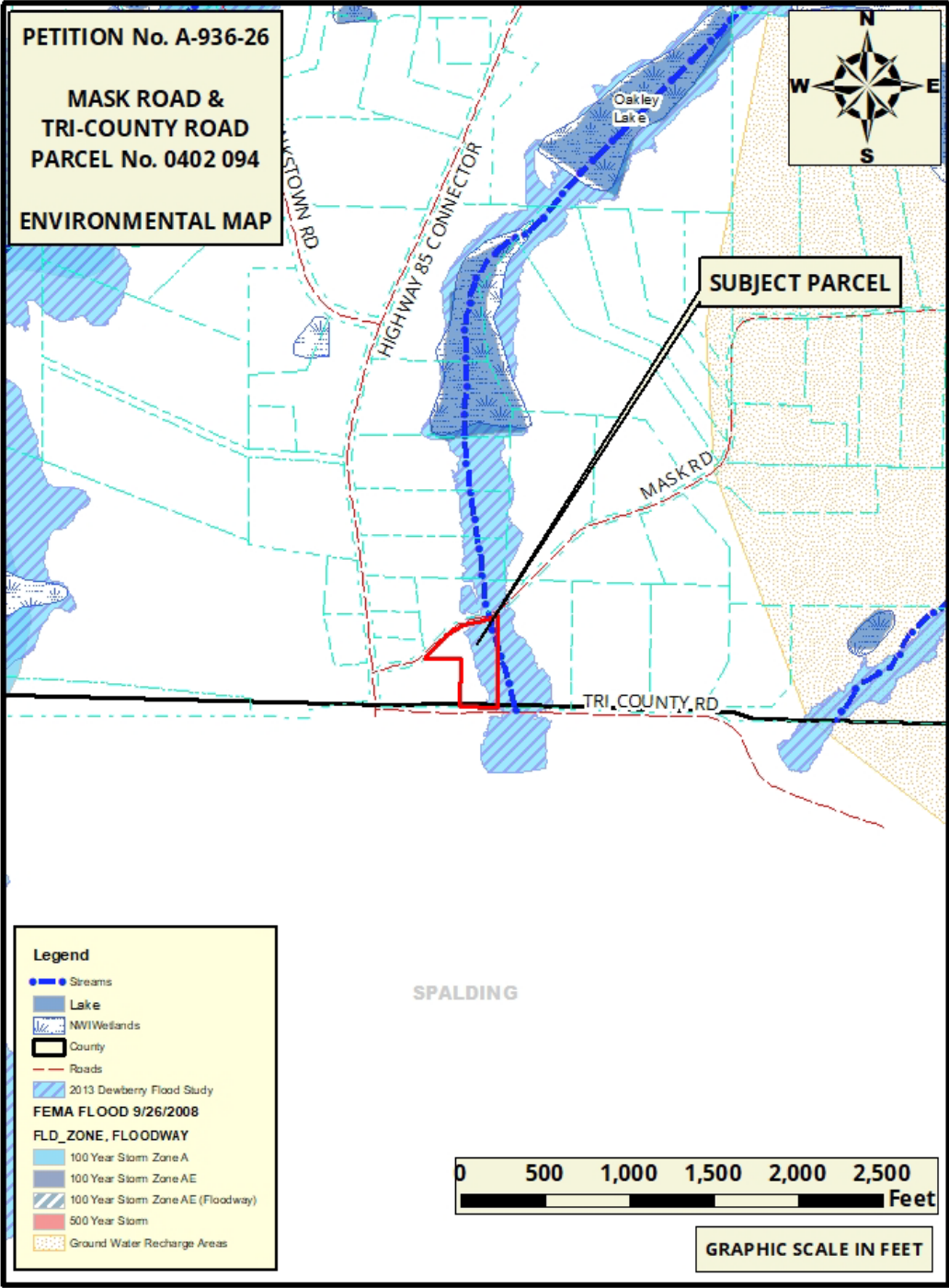
- (1) Lot area: 217,800 square feet (five acres). **A-931-26 allowed 131,713 square feet**
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet. **Mask Road**
 - b. Minor thoroughfare: 75 feet. **Tri-County Road**
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

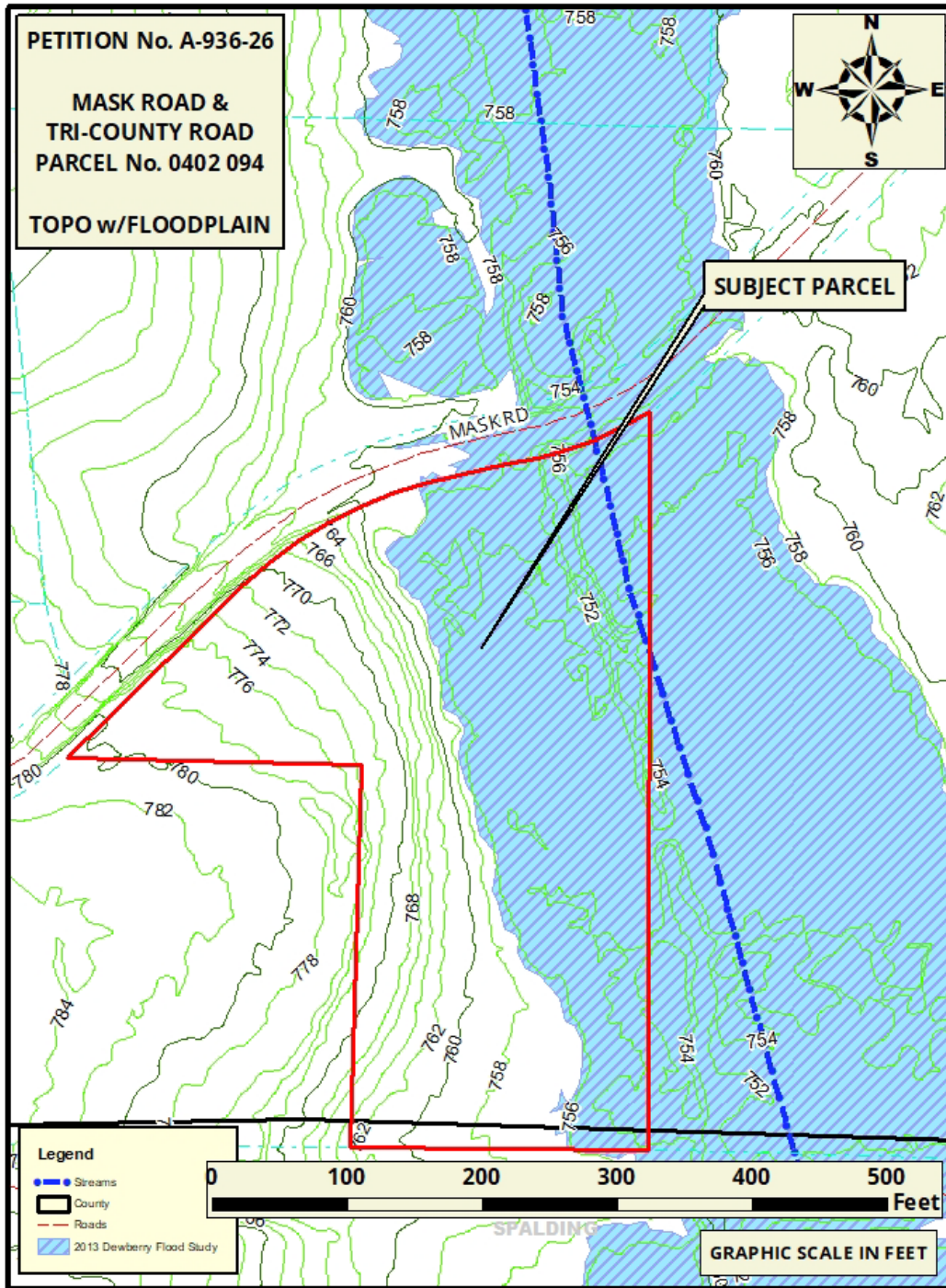
- Water System** –No objections.
- Public Works** – No comments.
- Environmental Management** – No comments.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Fire** – N/A







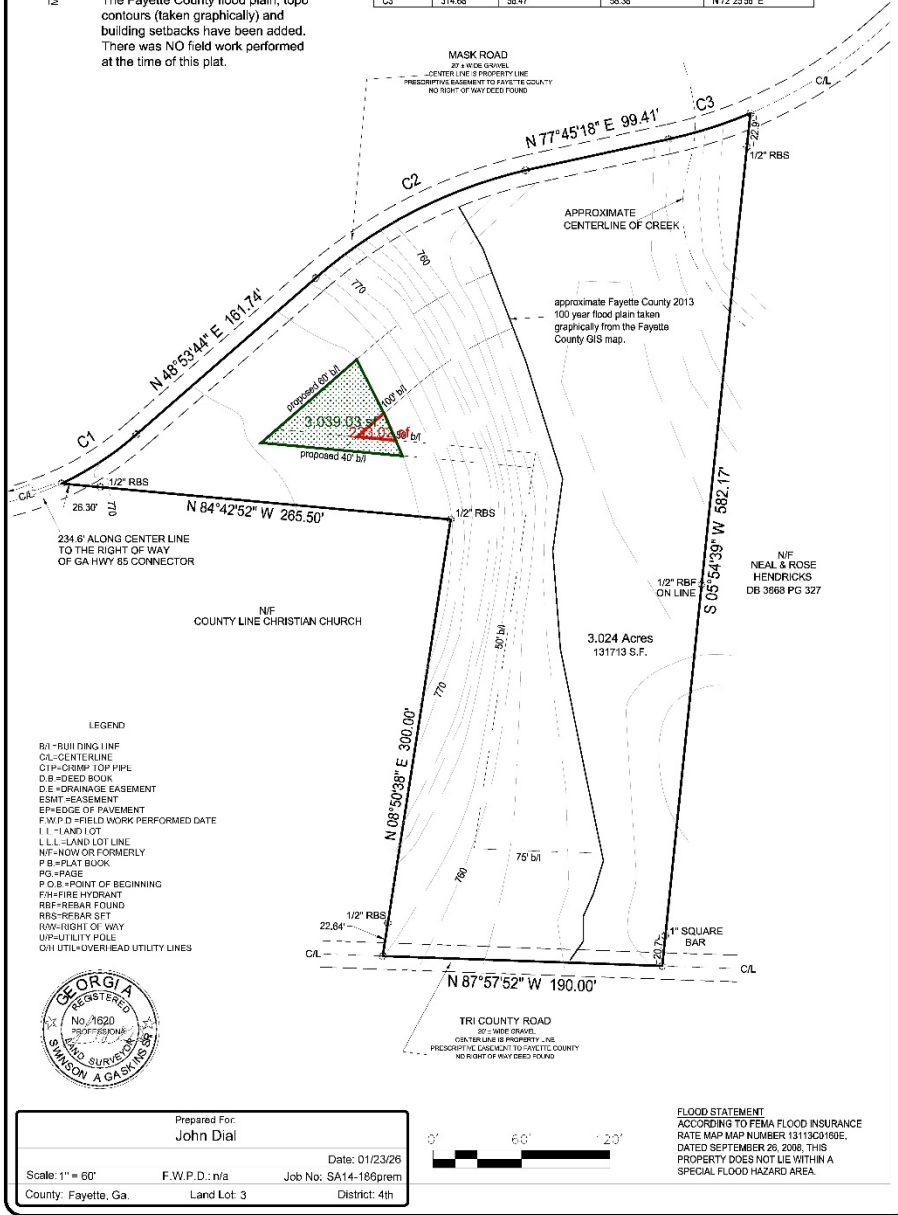






This is a preliminary plat taken from a field run survey dated 10/08/2014 by this office.
 The Fayette County flood plain, topo contours (taken graphically) and building setbacks have been added.
 There was NO field work performed at the time of this plat.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	203.75	60.93	60.70	N 36°49'12" E
C2	332.72	161.86	160.27	N 62°49'55" E
C3	314.68	58.47	58.38	N 72°25'59" E



SURVEY

B4 Fayette County News

Continued from page B3

**PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES
IN UNINCORPORATED AREA
OF FAYETTE COUNTY,
GEORGIA.**

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, May 18, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-936-26-A-B
Owner: John M. Dail, Jr. and Peggy Dial

Property Address: Mask Road

Parcel: 0402 094

Zoning District: A-R

Area of Property: 3.024 acres

Land Lot(s): 3

District: 4th

Road Frontage: Mask Road and Tri-County Road

Request: Applicant is requesting the following:

A) Per Sec. 110-125(d)(4)(a)(1), to reduce the front yard setback from 100 feet on Mask Road (Arterial) to 60 feet to allow a lot that is 3.024 acres in the A-R zoning district to be eligible for development.

B) Per Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 40 feet to allow a lot that is 3.024 acres in the A-R zoning district to be eligible for development.

Legal Description

Exhibit "A"

TRACT 1

All THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4th District of Fayette County, Georgia, as per plat of survey prepared by W.R. Frank, Registered Land Surveyor, dated 3/28/1972, and being more particularly described as follows:

BEGINNING at a point on the centerline of Mask Road and on the East side of the right of way for Georgia Highway 74 running thence Northwesterly along the East right of way of Georgia Highway 74, a distance of 207.0 feet to an iron pin; running thence Easterly a distance of 290.0 feet to an iron pin running; thence Northwesterly a distance of 357.5 feet to an iron pin; running thence Southeasterly along a fence a distance of 657.2 feet to a point in the center of Mask Road; running thence Southwesterly along the and following the curvature thereof a distance of 264.0 feet to a point; running thence Southerly 580.0 feet to a point in the center of the former location of State Highway 16; thence Southwesterly along the center of the former location of Old State Highway a distance of 190.0 feet to a point; running thence Northerly a distance of 300.0 feet to an iron pin; running thence westerly a distance of 266.0 feet to a point on the centerline of Mask Road; running thence southwest-erly along the centerline of Mask Road a

distance of 234.6 feet to the POINT OF BEGINNING. Said tract containing 8.89 acres (more or less) according to survey described

Wednesday, April 15, 2026

Wednesday, April 15, 2026

Continued from page B4

above.

LESS AND EXCEPT:

ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4th District of Fayette County, Georgia, as per survey prepared by W.R. Frank, Registered Land Surveyor, dated 3/28/1972, and being more particularly described as follows:

BEGINNING at a point on the centerline of Mask Road with the intersection thereof with the East right of way of Georgia Highway 74; thence running in a northeasterly direction, along the centerline of Mask Road, a distance of 300.60 feet to a point, said point being the POINT OF BEGINNING; running thence in a northwesterly direction a distance of 452.5 feet to an iron pin placed; thence running Southeast-erly along a fence 657.2 feet to a point on the centerline of Mask Road; thence running Southwest-erly along the centerline of Mask Road and following the curvature thereof a distance of 747.0 feet to a point located on the centerline of Mask Road, and point being the original POINT OF BEGINNING.

Said tract containing 4.12 acres, more or less, and is bounded as follows: Westerly and Southwest-erly by the centerline of Mask Road; Northerly by lands now or formerly owned by Maurice Harbin and Easterly by lands owned by Mary L. Woodie. This property is conveyed by Mary L. Woodie to William Fred Huckaby by Warranty Deed dated January 31, 1984, filed February 6, 1984, recorded in Deed Book 299, Page 791, Fayette County Records.

TRACT 2

ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4th District of Fayette County, Georgia, as per plat of survey prepared by Swinson A. Gaskins, Sr., Registered Georgia Land Surveyor No. 1620, dated 10/08/2014, and recorded in Plat Book 48, Page 28, records of the Clerk of Superior Court of Fayette County.

4/15