

**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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
June 22, 2026  
7:00 P.M.**

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

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1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on May 18, 2026.

**PUBLIC HEARING**

5. Consideration of Petition No. **A-937-26** – Benjamin & Barbara June Hendricks, owners. Applicants are requesting a variance to Sec. 110-125(d)(6).- Side yard setback requirement, to reduce the side yard setback from 50 feet to 12 feet in the A-R zoning district to allow the construction of a detached garage. The subject property is located in Land Lot 255 of the 5<sup>th</sup> District and fronts Hill Road.

# Minutes 05/18/2026

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on May 18, 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

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1. Call to Order. *Chairman Marsha Hopkins called the May 18, 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 April 27, 2026. *John Tate made a motion to APPROVE the Minutes as presented for the April 27, 2026, meeting. Brian Haren seconded the motion. The motion passed 5-0.*

## **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 7<sup>th</sup> District and fronts Blue Point Parkway.

Ms. Deborah Sims explained that the applicant requested a variance to reduce the left side yard setback from 15 feet to 4 feet in the R-40 zoning district to allow construction of a detached garage at the end of the existing driveway. The property is located within the Canoe Club subdivision and contains steep topography and septic field limitations. The proposed garage location was selected to avoid septic field encroachment and minimize grading impacts. Ms. Sims stated that alternative buildable areas exist but are less practical due to terrain and septic restrictions. Staff also noted that if the variance were approved, a foundation survey would be required during construction to verify compliance with the approved setback.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Milton McLean Jr., Owner, explained that the household includes five adults with multiple vehicles and that the HOA regulations prohibit street parking. The detached garage would help reduce driveway congestion and improve neighborhood appearance. He currently pays approximately \$300 per month for off-site storage of vehicles and personal property. The HOA architectural representative and neighboring property owners reviewed the proposal and expressed support.

### **Public Comments – In Support**

Mr. Roger Cloud (Agent) stated that the rear septic field limits construction options, and the right side of the property contains steep terrain requiring significant retaining walls. The proposed garage location is the most practical and least intrusive placement. The requested setback reduction was necessary to accommodate a functional two-car garage while maintaining proper building clearances.

Tony McCullough (Neighbor), Similar detached garage configurations exist within the neighborhood. Additional garage space would reduce vehicle congestion and improve property functionality.

### **Public Comments – Opposition: None.**

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

Board members discussed the septic field limitations, topography constraints, drainage concerns, and garage placement relative to the existing home.

The Board concluded that the evidence presented demonstrated practical difficulties associated with the property.

***Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-934-26. Brian Haren seconded the motion. The motion passed 5-0.***

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 4<sup>th</sup> District and fronts Old Highway 85 and SR 85.

Ms. Sims explained that the parcel contains approximately 205,603 square feet. A-R zoning requires a minimum of 217,800 square feet (5 acres). The request would allow the lot to remain zoned A-R while being recognized as buildable despite its reduced size. The parcel fronts State Route 85 South and Old Howard Union Road, and the request is consistent with the Future Land Use Plan.

Mr. Randy Boyd (Agent), representing John T. and Francis S. Watkins, stated that the parcel was created many decades ago and predates current zoning requirements. The variance request is limited to recognizing the parcel as buildable and that the lot would not be subdivided further.

**Public Comments – In Support: None**

**Public Comments – In Opposition:**

Mary Ruth Boman (Neighbor) asked whether the owners possessed adjacent property that could later be subdivided for additional homes.

Ms. Sims clarified:

- The request applies only to the existing parcel.
- The action would not permit subdivision or rezoning.
- Future subdivision would still be subject to zoning regulations.

Board members noted that similar historic nonconforming parcels exist throughout the county and that the request simply allows the property to proceed through the development process.

***John Tate made a motion to APPROVE Petition No. A-935-26. Vice-Chair Kyle McCormick seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. **A-936-26-A** – Matthew D. Brown & Kimberly A. Brown, owners, and Joe Cook with JCD 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 4<sup>th</sup> District and fronts Mask Road and Tri County Road.

Ms. Sims read the description above and stated that Mask Road is classified as a collector road under the county thoroughfare plan; collector roads require a 100-foot front setback, and floodplain areas significantly limit the buildable portion of the property. Without the variance, the buildable area would be extremely restricted.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Joe Cook (Agent) with JCD Homes, LLC, stated that the property contains significant natural beauty and mature hardwood trees. Existing nearby homes appear to have similar setback distances, and the proposed home would be carefully designed to fit the site and avoid floodplain disturbance.

**Public Comments – In Support: None**

**Public Comments – In Opposition: None**

Chairman Marsha Hopkins brought the item back to the Board, and they acknowledged the unusual lot constraints, the floodplain impacts, and the limited practical buildable area without relief.

**Part A – Front Yard Setback Variance**

Motion made and seconded to approve.

*Brian Haren made a motion to APPROVE Petition No. A-936-26-A. John Tate seconded the motion. The motion passed 5-0.*

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 4<sup>th</sup> District and fronts Mask Road and Tri County Road.

Ms. Sims explained that the applicant requested an additional variance to reduce the side yard setback from 50 feet to 40 feet to increase the buildable area outside the floodplain. The reduced side setback would allow construction of a compliant residence while minimizing floodplain disturbance.

**Public Comments – In Support: None**

**Public Comments – In Opposition: None**

The item was brought back to the Board.

Board members agreed the variance was reasonable based on the lot configuration and environmental limitations.

**Part B – Side Yard Setback Variance**

Motion made and seconded to approve.

*John Tate made a motion to APPROVE Petition No. A-936-26-B. Latisha Roebuck seconded the motion. The motion passed 5-0.*

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*Brian Haren moved to adjourn the May 18, 2026, Zoning Board of Appeals meeting. Vice-Chair Kyle McCormick seconded the motion. The motion passed 5-0.*

*The meeting adjourned at 7:44 pm.*

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

**Respectfully Submitted by:**

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**MARSHA HOPKINS, CHAIRMAN**

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**MARIA BINNS,  
ZONING SECRETARY**

**PETITION NO: A-937-26**

**Requested Action:** Variance to reduce left side building setback from 50' to 12' in the A-R (Agriculture-Residential) District, to allow the construction of a detached garage.

**Location:** 170 Hill Rd., Fayetteville, GA 30214

**Parcel(s):** 0548 055

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 255

**Zoning:** A-R

**Owner(s):** Benjamin & Barbara June Hendricks

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** June 22, 2026

**REQUEST**

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

1. Variance to Sec. 110-125(d)(6).- Side yard setback requirement, to reduce the side yard setback from 50 feet to 12 feet in the A-R zoning district.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the request to reduce the rear yard setback from 50 feet to 12 feet for the construction of a detached garage. The shape of the lot and the location of utilities on the lot (septic, overhead power) make this the most reasonable place to locate a structure. Although there is area on the back of the lot, this would put the garage a great distance from the house.

The proposed structure will be a greater distance from the property line than the current shed, reducing the nonconformity somewhat.

**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 nonconforming lot of record, with a deed recorded July 13, 1964. It is a 2.95-acre lot and is a legal, nonconforming lot in the A-R zoning district.

## **ZONING REQUIREMENTS**

### **Sec. 110-125. A-R, Agricultural-Residential District.**

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

(6) Side yard setback: 50 feet.

## **DEPARTMENTAL COMMENTS**

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No comment. This is a zoning setback request. Site was reviewed on GIS and there are no known access issues.
- Environmental Health Department** – This office has no objection to the variance request. This is not approval for final location or construction of structure.
- Fire** – No comment.
- Building Safety** – No issues.
- Coweta Fayette EMC** – No buildings should be located within 20 feet of any overhead power lines, so a total of a 40-foot easement should be observed.

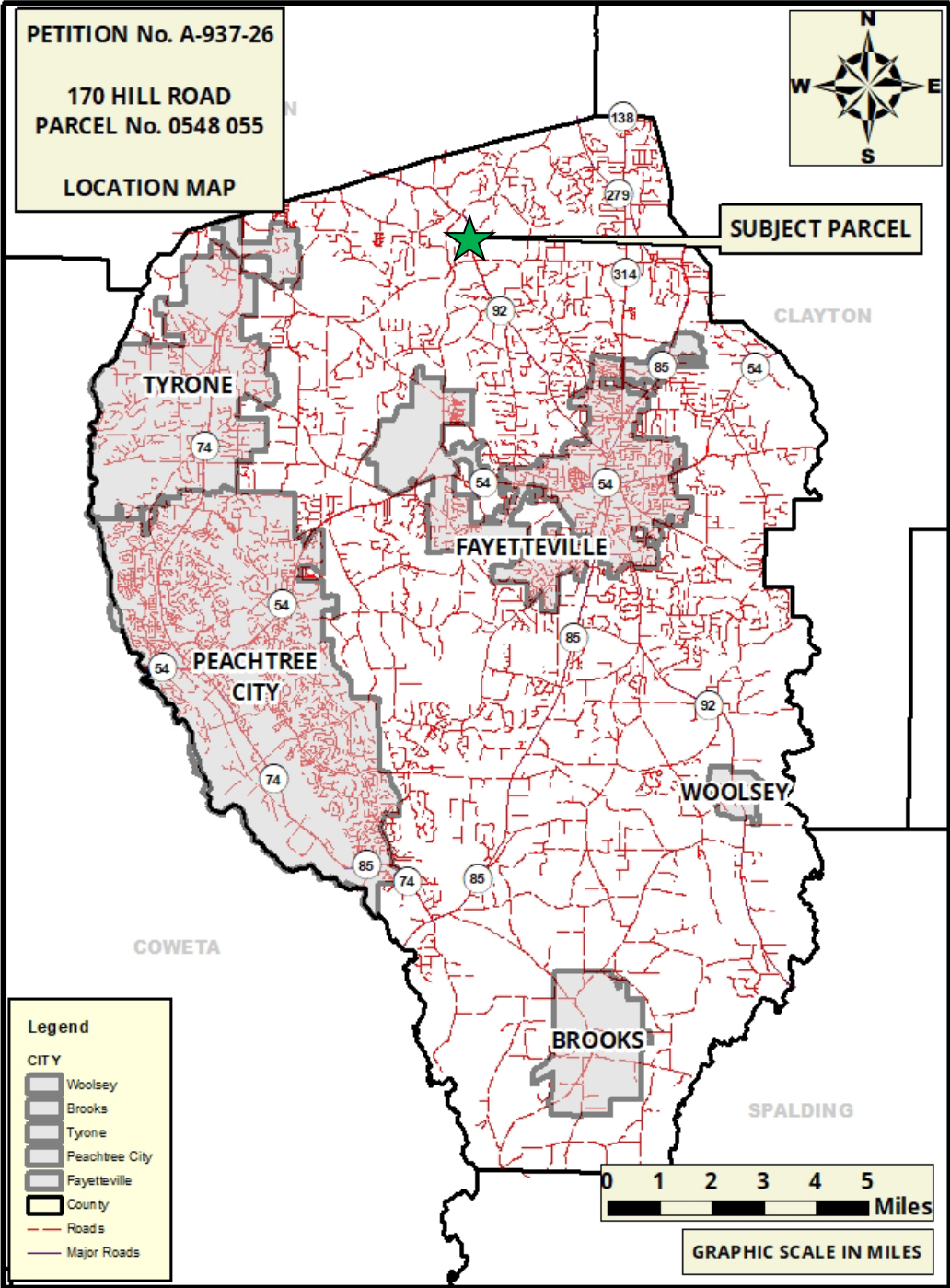
## **CRITERIA FOR CONSIDERATION OF A VARIANCE**

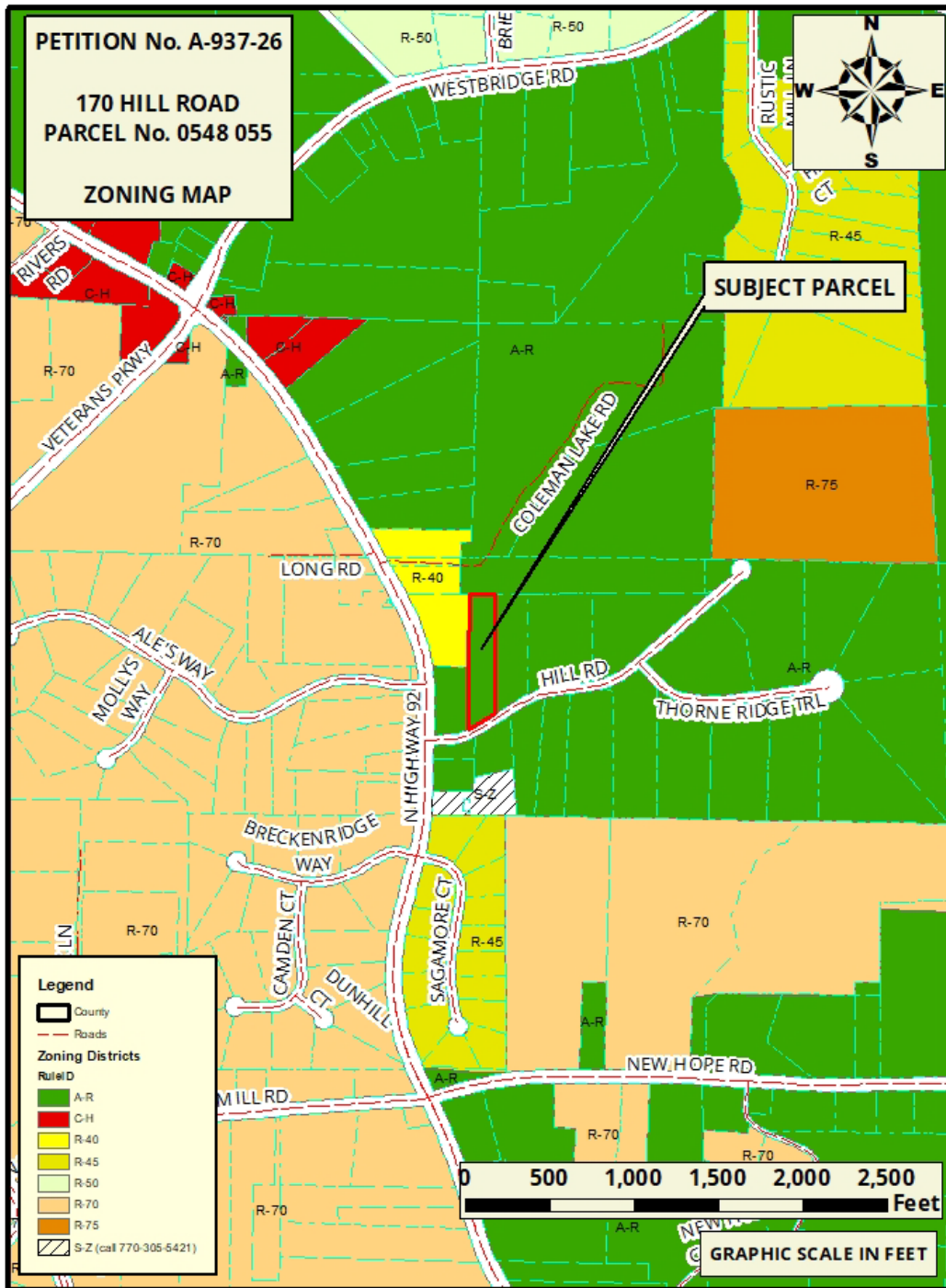
### **STAFF ASSESSMENT OF CRITERIA**

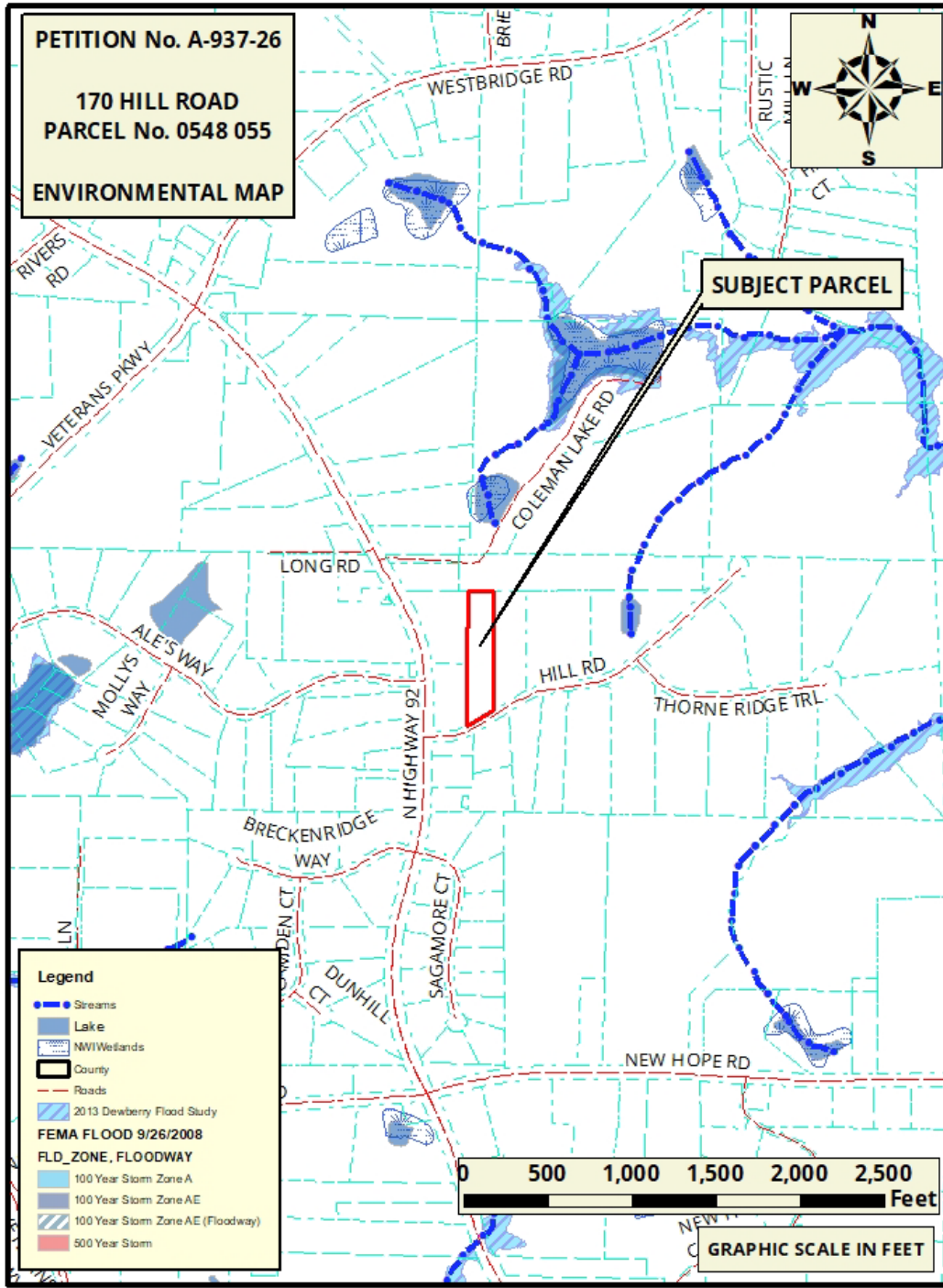
*(Please see the attached application package for the applicant's responses to the criteria.)*

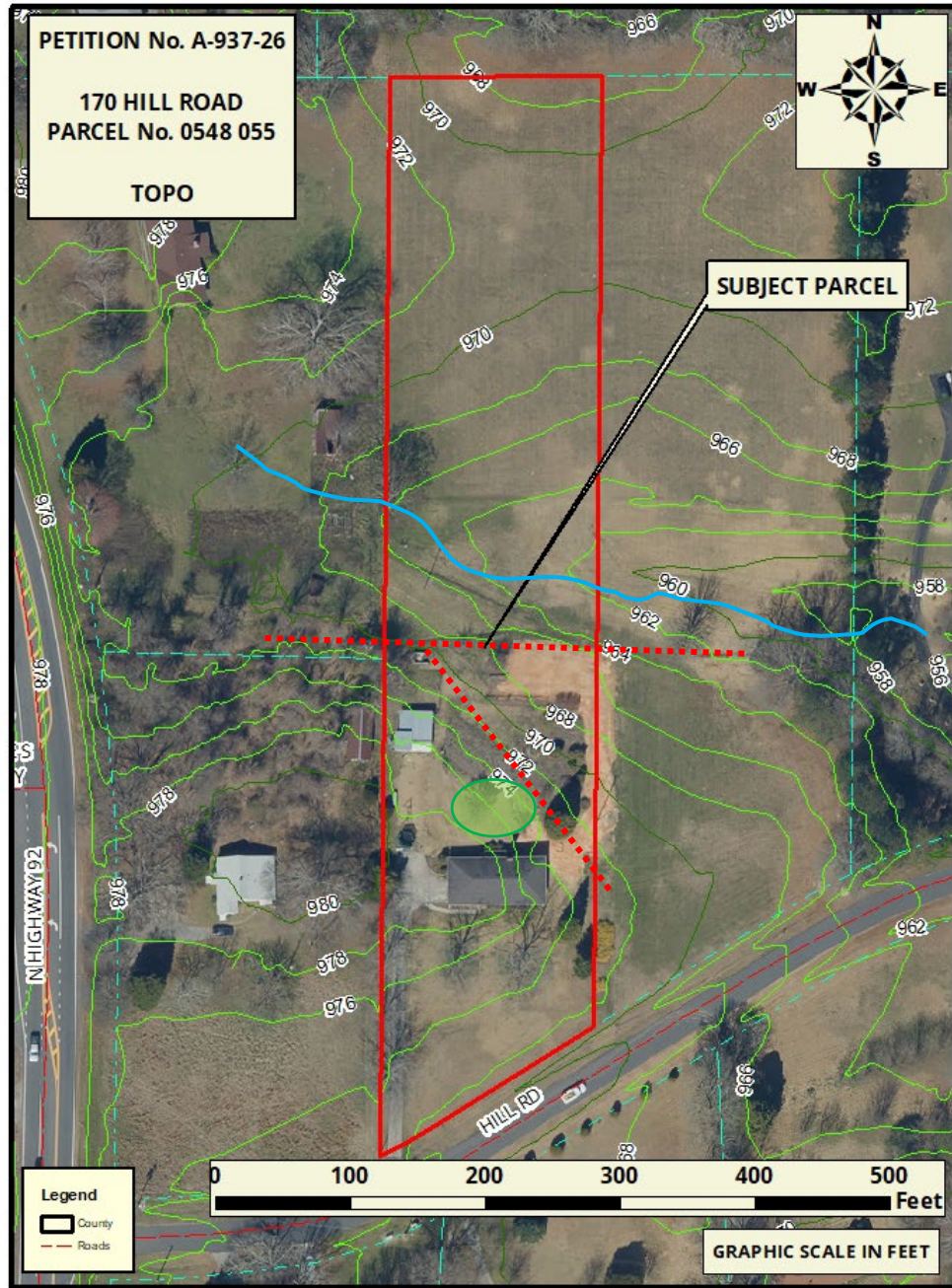
**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

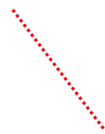


- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
  - *The lot is less than 60% of the minimum acreage for Agricultural-Residential lots and less than 65% of the minimum lot width. The size of the lot is further complicated by the overhead powerlines bisecting the property.*
  
- 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, but the most logical placement of a detached garage is at the end of the existing driveway.*
  
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
  - *This is a legal nonconforming lot in A-R zoning that is significantly smaller than what could be approved per today's regulations. Additionally, the parcel is bisected by an overhead powerline and easement.*
  
- 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.*
  
- 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.*









-  POWER LINES
-  NATURAL SWALE - STORMWATER RUNOFF
-  SEPTIC FIELD

Property boundary retracement survey  
For  
**BENJAMIN HENDRICKS**  
170 Hill Road  
Fayetteville, GA 30214

Survey done by:  
Exclusive Land Surveying  
313 Eagle Way  
Stockbridge, GA 30281  
Phone (404) 304-9757  
Certificate of Authorization no.  
LSF000877

**PROPERTY LOCATION**  
170 Hill Road  
Fayetteville, GA 30214  
(unincorporated)  
As described by plot of J.O.  
Lee, dated June 29, 1964;  
Plat book 2, page 142.  
Land Lot 255, 5th District  
Fayette County, Georgia

Drawing date: 10/28/2018  
Drawing scale: 1"=60'  
Drawn by: Anthony Jacobs  
Sheet: 1 of 1  
(sheet size 11x17)  
Dwg. name: 170hill.dwg

Adjacent property  
Carl Ellison  
Tax Parcel Number: 0548 022



Surveyed property  
current owner

**BENJAMIN HENDRICKS**  
Deed book 4786, page 233. As described by  
plat by J.O. Lee,  
dated June 29, 1964;  
Plat book 2, page 142.

Total lot Area = 2.95 acres

Adjacent property  
**BENJAMIN HENDRICKS**  
Deed book 4786, page 233. As described  
by plat by J.O. Lee, dated June 29, 1964;  
Plat book 2, page 142.  
3.01 acres

**SURVEYOR'S CERTIFICATION**  
This is to certify that this survey was  
prepared from a ground run survey and  
in conformity with the Technical  
Standards for Property Surveys in  
Georgia, as set forth in Chapter 180-7  
of the Rules of the Georgia Board of  
Registration for Professional Engineers  
and Land Surveyors and as set forth in  
the Georgia Plat Act O.C.G.A. 15-6-67,  
43-15-4, 43-15-6, 43-15-19,  
43-15-22.

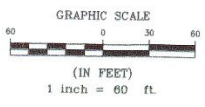
*Anthony Jacobs*  
Anthony Jacobs  
Registered Land Surveyor No. 2987



Adjacent property  
Sophann Kin  
Deed book 1893, page 692.

Adjacent property  
1349 Hwy 92 North LLC  
C/O John Santiago  
Deed book 3408, page 566.

- SURVEYOR'S NOTES**
1. Purpose of survey - To mark the property lines on the ground to guide fence construction.
  2. Field survey completed 10/26/2018. The field data upon which this map or plat is based was by a radial survey and not adjusted.
  3. This map or plat has been calculated for closure and is found to be accurate within one foot in 345,753 feet.
  4. A Leica TCR1103 robotic total station was used to obtain the linear and angular measurements used in the preparation of this plat. All distances shown hereon are horizontal "ground" distances.
  5. Public records referenced in this survey found at the Fayette County Clerk of the Circuit Court.



Land Lot 256

Approximate land lot line.

Land Lot 255

L=50.07'  
R=365.79'  
B=S59°58'22"W  
C=50.03'

S57°08'37"W  
159.84'

Hill Road 60' R/W

Apparent R/W taken since the referenced plat created.  
Documents not found or provided.  
centerline of the existing road.

**LEGEND**  
○ Found property corner  
● Set property corner/curve point  
○ P.O.B. Point of Beginning  
○ P.O.R. Point of Reference  
— Property line/right of way line  
— R/W Right-of-way  
— x Fence  
— EP Edge of pavement  
— Overhead power lines/poles/guys



Site Photo

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, June 22, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stone-wall Avenue West, first floor.

Petition No.: A-937-26

Owner: Benjamin Hendricks and Barbara June Hendricks

Property Address: Hill Road

Parcel: 0548 055

Zoning District: A-R

Area of Property: 2.95 acres

Land Lot(s): 255

District: 5th

Road Frontage: Hill Road

Request: Applicant is requesting the following: Per Sec. 110-125 (d) (6), In the A-R zoning, a variance to reduce the side yard setback from 50 feet to 12 feet to allow the construction of a garage at the end of the driveway.

Legal Description

All that track or parcel of land lying and being in Land Lot 255 of the 5th Land District of Fayette County, Georgia, and more particularly described by plat of J O Lee dated June 29, 1964 and recorded in Plat Book 2 at Page 142, Fayette County, Georgia records as follows:

TO ARRIVE AT the beginning point hereof, start at the Northwest corner of Land Lot 255 aforesaid; go thence South 0 degrees and 5 minutes West, as measured along the West line of said Land Lot 255 a distance of 175 feet, thence North 89 5 degrees East, a distance of 50 feet, from the POINT OF BEGINNING thus determined, running North 89.5 degrees East, a distance of 162 feet; thence South, 0 degrees and 5 minutes West, a distance of 758 feet to the northerly side of a private road or driveway, thence southwesterly, as measured along the northerly side of said road or driveway, a distance of 190 feet, thence North, 0 degrees and 5 minutes East, a distance of 190 feet; thence North 0 degrees and 5 minutes East, a distance of 861 feet back to the POINT OF BEGINNING; said tract containing 3 acres, more or less.

This conveyance is made subject to

the conveyance to Fayette County by Marvin H. Hill et al dated September 24, 1976, and recorded in Deed Book 157 at Page 188, said records and to easements of record if any

The realty hereinabove described is the same described by deed from J.E Hill to W F Hill, Sr, dated July 13, 1964, and recorded in Deed Book 53 at Page 357, records Fayette County, Georgia

Subject to that certain Boundary Line Agreement recorded in Deed Book 277, Page 472, aforesaid records

TOGETHER WITH

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 255 of the 5th Land District of Fayette County, Georgia, and more particularly described by Plat of J O. Lee, dated June 29, 1964, recorded in Plat Book 2, Page 142, records of Fayette County, Georgia, to-wit

TO REACH THE TRUE POINT OF BEGINNING commence at the northwest corner of Land Lot 255 aforesaid, running thence South 0 degrees 5 minutes West, as measured along the West line of said Land Lot, a distance of 175 feet, running thence North 89 1/2 degrees East, a distance of 212 feet to the TRUE POINT OF BEGINNING, which is also the Northeast corner of property currently owned by the Grantee herein, from said True Point of Beginning thus established, running thence North 89 1/2 degrees East a distance of 190 feet to a point; running thence South 0 degrees 05 minutes West, a distance of 629 feet to a point on the Northerly side of Hill Road (formerly a private driveway) running thence Southwesterly, measured along the Northern side of said road/private driveway a distance of 219 feet to a point; running thence North 0 degrees 05 minutes East a distance of 758 feet to the TRUE POINT OF BEGINNING; said Tract containing 3 acres, more or less, and more fully described on Plat of Survey for M. H. Hill, dated 6/29/64, by C E Lee, Land Engineering Company, Registered Land Surveyors.

LESS AND EXCEPTING All that property embraced within the right of way of Hill Road as set out in a 60 foot Right-of-Way Road Deed from Marvin H, Hill, et al, to Fayette County, dated 9/24/76, recorded on 12/14/76 in Deed Book 157, Page 188, Fayette County records.