

Minutes 07/27/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on July 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

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1. Call to Order. *Chairman Marsha Hopkins called the July 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. Chairman Marsha Hopkins seconded the motion. The motion carried 5-0.*
 4. Consideration of the Minutes of the Meeting held on June 22, 2026. *Chairman Marsha Hopkins made a motion to APPROVE the Minutes as presented for the June 22, 2026, meeting. Brian Haren seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. **A-939-26** – Sarah Kagondou, owner. Applicant is requesting a variance to Sec. 110-138(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 0.4 feet in the R-20 (Single Family – Residential) District to allow an existing detached garage to remain. The subject property is located in Land Lot 55 of the 5th District and fronts Hilo Road.

Ms. Debbie Bell stated that the petition requests a variance to reduce the required side yard setback from 15 feet to 0.4 feet to allow an existing detached garage to remain. Staff explained that the detached garage was constructed when the home was originally built. Due to the lot's irregular configuration, relocating the garage would be impractical. Staff noted there were no objections from reviewing departments and recommended approval.

Chairman Marsha Hopkins asked if the petitioner was present.

Ms. Sarah Kagondou, Owner, stated the garage existed before she purchased the property. She explained that because of the shape of the lot, mature trees, and the existing driveway, relocating the garage is not feasible.

Mr. James Cleghorn, Neighbor, addressed the Board, explaining that the lot configuration resulted from a family subdivision completed years earlier to satisfy road frontage requirements. He noted that the garage has existed since approximately 1996 and that his own property has a similar setback issue because of the altered property lines.

No one spoke in opposition.

Board members agreed the request was straightforward and represented a hardship created by the unusual lot configuration rather than by the current property owner. They found no evidence that granting the variance would negatively impact neighboring properties.

Brian Haren made a motion to APPROVE Petition No. A-939-26. John Tate seconded the motion. The motion passed 5-0.

6. Consideration of Petition No. **A-940-26** – April L. Phillips & Anthony C. Phillips Living Trust and April and Anthony Phillips, Trustees. Applicants are requesting a variance to Sec. 110-135(d)(6). – Side yard setback requirement, to reduce the side yard setback from 20 feet to 8.2 feet in the R-50 (Single Family – Residential) District to allow an existing storage structure to remain in its current location. This property is located in Land Lot 104 of the 7th District and fronts on Cicely Way.

Ms. Bell stated the applicant requests a variance to reduce the required side yard setback from 20 feet to 7.29 feet to allow an existing storage shed to remain. Staff explained the property owners had consulted Environmental Health regarding placement of the shed because of the septic system. Although the shed did not require a building permit due to its size, it was still required to meet zoning setbacks. Staff indicated there was technically buildable area elsewhere on the property but acknowledged that a misunderstanding occurred regarding placement.

Chairman Marsha Hopkins asked if the petitioner was present.

Ms. Jasmine Antoine, applicants' representative, explained that the rear yard contains significant slope, a septic system limits available placement, a drainage easement further reduces usable space, and that the adjacent property owners support the variance. The owners acted promptly after learning the shed did not comply with setback requirements.

The Board discussed the apparent misunderstanding between county agencies and the applicants regarding the proper placement of the shed. Members agreed the violation appeared unintentional and that requiring relocation would create unnecessary expense without providing a meaningful public benefit. The Board also noted there were no objections from neighboring property owners.

John Tate made a motion to APPROVE Petition No. A-940-26. Vice-Chair Kyle McCormick seconded the motion. The motion passed 5-0.

7. Consideration of Petition No. **A-941-26** – James R. & Michele L. Cleghorn, owners. Applicants are requesting a variance to Sec. 110-138(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 2.1 feet in the R-20 (Single Family – Residential) District to allow an existing detached garage to remain in its current location. The subject property is located in Land Lot 55 of the 5th District and fronts Hilo Road.

Ms. Debbie Bell explained the applicant is requesting a variance to reduce the required side yard setback to allow an existing detached garage to remain, and the garage predates current foundation survey requirements. The setback issue was discovered during review of a neighboring property's permit application.

Mr. James Cleghorn explained that his garage was legally constructed before the property was subdivided. Years later, property lines were adjusted among family members to create sufficient road frontage for another parcel. The new property line ultimately placed the existing garage within the current setback.

Ms. Sarah Kagondou, Neighbor, stated she supported her neighbor's petition and had no objections.

No one spoke in opposition

Board members discussed the fact that the garage was properly located when originally built and that the hardship resulted from the later subdivision rather than intentional construction within the setback. Members agreed the circumstances justified granting the variance.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-941-26. Brian Haren seconded the motion. The motion passed 5-0.

8. Consideration of Petition No. **A-943-26-A-B-C** – Melody Eubanks, Owner, and Dallas Lester, Agent. The subject property is located in Land Lot 168 of the 4th District and fronts Acton Drive and Brooks Woolsey Road. Applicants are requesting the following:

The Board considered three separate variance requests relating to construction of a new garage and relocation of an existing storage building.

A-946-26-A: Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15.3 feet in the R-72 zoning district to allow an accessory structure to be constructed to the east of the property.

Ms. Bell stated that the variance request is to reduce the required side yard setback from 20 feet to 15.3 feet to construct a new detached garage. Staff recommended approval, noting the proposed location represented the most reasonable placement while maintaining access to the existing attached garage.

Mr. Dallas Lester, applicants' representative, explained the proposed garage was positioned to preserve driveway access to the existing garage. Moving the structure farther into compliance would interfere with vehicle access and require substantial redesign.

Board members discussed the unusual corner lot configuration and agreed the proposed location represented the most practical solution.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-A. John Tate seconded the motion. The motion passed 5-0.

A-946-26-B: Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15 feet to allow a 240 square foot metal building to be relocated to the south of the property.

Staff explained item B is requesting to reduce the required side yard setback from 20 feet to 15 feet to relocate an existing 240-square-foot metal storage building. Staff did not recommend approval, stating that buildable area existed elsewhere on the property.

Ms. Melody Eubanks, Owner, explained the relocation would move the storage building out of public view and into an area with a more suitable grade. She stated the property's two road frontages, narrow buildable area, and sloping terrain significantly limited placement options.

Board members acknowledged staff's recommendation but concluded that relocating the structure as proposed represented the most practical use of the property. Several members commented that forcing placement elsewhere would likely create additional complications without improving the overall site.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-B. John Tate seconded the motion. The motion passed 4-1. Brian Haren Opposed.

A-946-26-C: Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 16 feet to allow a 240 square foot metal building to be relocated to the south of the property.

Ms. Bell presented item C requesting to reduce the required side yard setback from 20 feet to 16 feet to accommodate the relocated storage building. Staff again recommended denial based on available buildable area.

Ms. Eubanks reiterated that the proposed location best accommodated the property's topography while preserving access and improving the appearance of the property.

The Board continued discussion regarding available buildable area, driveway access, lot configuration, and practical limitations created by the property's shape. A majority concluded the requested variance represented a reasonable solution.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-C. Vice-Chair Kyle McCormick seconded the motion. The motion passed 4-1. Brian Haren Opposed.

With no further business before the Board, a motion was made and seconded to adjourn.

Brian Haren moved to adjourn the July 27th, 2026, Zoning Board of Appeals meeting. Latisha Roebuck seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:06 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:



MARSHA HOPKINS, CHAIRMAN



**MARIA BINNS,
ZBA SECRETARY**