

Minutes 08/24/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 24, 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 August 24, 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. Brian Haren seconded the motion. The motion carried 5-0.*
 4. Consideration of the Minutes of the Meeting held on July 27, 2026. *Vice-Chairman Kyle McCormick made a motion to APPROVE the Minutes as presented for the July 27, 2026, meeting. John Tate seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. **A-944-26** – Ross Alexander Berber and Meredith Leigh Wettach, owners. Applicants are requesting a variance to Sec. 110-79(c)(1)a., requesting to increase the maximum square footage of accessory structures allowed in the R-40 residential zoning from 1,800 square feet to 4,800 square feet to allow the construction of a 4,800 square foot airplane hangar. The subject property is located in Land Lots 65 and 66 of the 5th District and fronts Red Fox Run. .

Ms. Debbie Bell stated that explained that Coventry Estates was developed in the late 1960s as an aircraft community in the R-40 zoning district. Several properties within the community contain aircraft hangars, making the request somewhat unique. The current zoning ordinance, adopted in 1992, permits aircraft hangars as accessory structures in certain zoning districts. Because the subject property fronts the airstrip and is part of the established flying community, staff determined that the circumstances were unique.

Staff reported no objections or other issues with the request and recommended approval and that the proposed hangar would be located toward the rear portion of the property and would meet the applicable building setback requirements. The only requested variance concerned the maximum allowable square footage of the accessory structure.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Ross Berber, Owner, stated explained that the property was purchased approximately six months earlier in anticipation of housing two aircraft. The applicant stated that the current 1,800-square-foot accessory-structure limit would not provide sufficient space to house even the smaller aircraft. The applicant also noted the need for large hydraulic doors, including a proposed door approximately 54 feet wide, which contributed to the required size of the hangar.

Mr. Danny Dougherty, Neighbor, explained that numerous neighboring properties have aircraft hangars and that the subject property is part of an established aircraft community. He stated that there were no community concerns with the proposed hangar and that the neighboring airfield residents supported the request.

No one spoke in opposition.

Board member Brian Haren asked whether Coventry Estates was a planned unit development.

Ms. Bell clarified that it is located in the standard R-40 zoning district.

No further comments were made.

Brian Haren made a motion to APPROVE Petition No. A-944-26. Vice-Chairman Kyle McCormick seconded the motion. The motion passed 5-0.

6. Consideration of Petition No. **A-945-26** – Amelia Rose and Anthony O. Rose, Owners. 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 14 feet to allow an existing accessory structure to remain in its existing location. This property is located in Land Lot 38 of the 5th District and fronts on Greenfield Circle.

Ms. Bell stated that the property contains a one-story metal accessory structure exceeding 400 square feet. The structure came to the attention of Building Safety following a complaint regarding construction without a permit. A foundation survey subsequently showed that the structure was approximately one foot inside the required side-yard setback. The survey also indicated that an existing fence and gravel area extend onto the neighboring property.

Staff reported that the property is a standard legal lot without unusual size or shape characteristics and that sufficient area appears to exist to locate the accessory structure within the required building area. Building Safety issued a notice of violation on March 2, 2026. The property owners applied for a building permit on March 3, 2026. The application was accepted on April 9,

2026, after a survey was completed that identified the setback issue. The building permit remains on hold pending the Board's decision.

Staff recommended denial, noting that no exceptional hardship was demonstrated and that other options appeared available to bring the structure into compliance.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Anthony Rose, Owner, explained that they believed they had obtained the necessary approvals but were unaware that additional planning and zoning approvals were required. Once notified of the issue, they immediately began taking steps to correct it.

Mrs. Amelia Rose, Owner, stated that the structure had already been moved and repositioned on the property in an effort to meet the required setbacks and preserve access points. She stated relied on an existing fence as a reference point when positioning the structure. A subsequent survey revealed that the existing fence itself was approximately one foot over the property line, resulting in the structure being one foot short of the required setback. The applicant stated that letters of support had been obtained from affected neighbors.

No additional speakers appeared in support.

No one spoke in opposition.

Board member Brian Haren asked the applicant if they submitted a site plan.

Mrs. Rose responded that they weren't aware that they needed it to follow up with any other departments once they got approval from the Department of Environmental Health.

The Board engaged in extensive discussion concerning the one-foot setback encroachment and the steps available to the applicant to bring the structure into compliance. Board members acknowledged that the applicants had taken steps to address the problem after it was discovered, including moving the structure and obtaining additional documentation and surveys.

Board member Brian Haren suggested that the applicants contact the neighboring property owner to determine whether a one foot strip of property could be purchased and the plat adjusted. This was discussed as a potential way to bring the structure into compliance without moving the building again.

Mr. and Mrs. Rose responded that the neighboring property was occupied by a renter and that approximately \$3,000 had already been spent on repositioning the structure. Moving the structure again would require removing anchors, performing additional concrete work, and potentially modifying access points. The structure also has electrical utilities and an attached metal awning. The applicant explained that the entire metal-frame structure would have to be moved and that doing so would involve additional expense and construction work.

Chairman Marsha Hopkins asked if it was previously repositioned, how the structure still ended up one foot short.

Mrs. Rose responded that they were relying on the measurement of the existing fence.

The Board discussed whether the structure could simply be shifted farther from the property line. Board members also discussed the fact that the property owners had proceeded with construction without obtaining all required permits. It was noted that obtaining permits is ultimately the responsibility of the property owner, even when contractors are involved.

Chairman Marsha Hopkins emphasized that the Board could consider the totality of the applicants' efforts to correct the situation, but that financial expenditures alone do not establish the required hardship. The Board also considered whether the one-foot encroachment presented a meaningful impact on neighboring properties, public safety, access, or visibility. The Board determined that the circumstances justified granting the requested one-foot reduction in the setback.

One Board member voted in opposition, stating that the applicants had not exhausted all available options for bringing the structure into compliance, including the potential purchase of a one-foot strip of adjoining property.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-945-26. John Tate 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.

Chairman Marsha Hopkins moved to adjourn the August 24th, 2026, Zoning Board of Appeals meeting. Latisha Roebuck seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:46 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:


MARSHA HOPKINS, CHAIRMAN


MARIA BINNS, ZBA SECRETARY