

Amended Minutes 02/23/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 23, 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 February 23, 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. *Brian Haren made the motion to approve the agenda. John Tate seconded the motion. The motion carried 5-0.*
4. Amendment of the Minutes of the Meeting held on January 26, 2026. *Ms. Latisha Roebuck amended the January 26, 2026, minutes for item number 9, motion for petition A-912-26 was 4-0 instead of 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. A-923-26 – Keith Harris, Owner. Applicant is requesting the following: Variance to Sec. 110-79(c)(1)(b), requesting to increase the square footage for an accessory structure on a lot less than five (5) acres from 1,800 square feet to 2,606 square feet to allow an existing accessory structure with three (3) lean-tos to remain in its existing configuration and location. The subject property is located in Land Lot 3 of the 5th District and fronts Harris Road.

Ms. Bell stated that a variance was not in need, and the accessory structure could be brought into compliance. The property was subject to a rezoning where part of it is A-R and part of it is R-70. Ms. Bell explained the barn with multiple lean-tos located within the setbacks is located in Tract 1 and exceeds the allowable 1,800 square feet allowed in the R-70 zoning.

Chairman Marsha Hopkins asked if the applicant was present.

Mr. Keith Harris stated that he has lived on the property for 25 years and that it has been in the family since the 1930s. His father built the shop in 1973 and added sheds for the family farm. His sister moved back to the parents' house, used the space for tool storage, and for the farm equipment that had helped his neighbors with other projects. Mr. Harris provided letters of support from his surrounding neighbors for the board and some photographs of the location of the barn, and stated that it will incur a lot of expenses to move it or replace it.

Connie Reed's applicant sister spoke in support and stated that she stayed in the house once her parents passed away, and it had been in the family for a long time, hasn't had any complaints from the neighbors, it's a very well built structure, and has been maintained and asked the board to keep it as it sits to continue helping her neighbor's.

With any other support or opposition comments, the chairman brought the item back to the Board for questions or a motion.

Mr. John Tate asked the applicant what the use of the building on the front is.

Mr. Harris responded that once his sister moved in, there was some stuff from the move.

Ms. Latisha Roebuck asked applicants if the request is not granted, **they** will lose part of their inheritance. She asked if she was referring to the shed or the items in it.

Ms. Reed responded that she would not lose part of her inheritance, but they would not have a place to store the equipment.

Chairman Hopkins asked staff what triggered the request and whether the zoning had changed.

Ms. Bell responded that the property was already rezoned and that when they submitted the plat, the property's configuration changed.

Mr. Brian Haren asked applicant if he was willing to take down a combination of two lean-tos, which would put him a little above the limit.

Mr. Harris responded that he wanted to keep the one in the back to keep his tractor cover.

Ms. Bell added that by doing that, it will bring it to a total of 1,848 by taking off the two small ones in the front.

Chairman Hopkins and Commissioner Tate agreed that it's hard to bring the property into compliance and create a hardship to the applicant by removing it, and moved for a motion.

John Tate made a motion to APPROVED Petition No. A-923-26. Brian Haren seconded the motion. The motion passed 4-1. Ms. Latisha Roebuck opposed.

6. Consideration of Petition No. **A-924-26-A** –. Tony and Lisa Huggins, Owners. Applicants are requesting the following: A) Variance Sec.110-125(d)(2), A-R zoning, to reduce the lot width from 250 feet to 229 feet to allow a new primary residence to be built in the same location as the previous one. The subject property is located in Land Lots 117 of the 4th District and fronts Lowery Road.

Ms. Bell explained that the following case has three petitions, and it will explain all together, but will need three separate votes. After reviewing the layout of the lot, staff did not find support for this. She showed the location of the lot on the maps; the previous house was destroyed by fire in 1987, and the requirements to recommend a variance to expand the encroachment for reconstruction in the setbacks have not been met.

Chairman Hopkins asked if the applicant was present.

Mr. Randy Boyd, authorized agent, brought a detailed survey of the property and explained the board they wanted to removed petition A-924-26-C asking to located the barn and keep “A” to allow the lot width to be reduced at 229 feet and “B” to amend the petition by reducing it to 41 feet and be built where the original house was located since the lot its very particular and the septic tank and drain fields will not be suitable elsewhere, he showed on the survey there is a tree line cutting through it and an big oak tree where the lot width could be meet.

Tony Huggins stated they moved from Texas to be closer to family and found the property they liked, and would it be easier to rebuild it in the same place it was before. He stated it’s a very particular lot and had a driveway ready to be used, and kept the oak tree.

No one else spoke in support or opposition of the petition. Chairman Hopkins brought the item back to the board for questions.

Chairman Hopkins asked staff for clarification on the 0.58 acres of buildable area that will not be required to be reduced at building line.

Ms. Bell explained on the survey that, generally speaking, they will consider the buildable area of the property for the house, anything that is 250 feet, the width of the lot over to the streams and buffers, that area will be what is measured to be the buildable area of the lot by just looking at the geometry.

Mr. Brian Haren asked the petitioner if rebuilding the house in the same location would they use the same slab.

Mr. Boyd responded that everything was gone, and there was no slab. A slob is aligned with the tree line, and nothing can be put there. He would like to know where the drain fields were.

Mr. Haren asked if they would have to put the drain fields in front of the property.

Mr. Boyd responded yes, the soil test showed they cannot put a septic tank in front of the property, and he is not sure if they will be putting in the same square footage of the house.

Ms. Latisha Roebuck asked staff if the buildable area doesn't take into account the placement of the oak tree.

Ms. Bell responded no, they looked at the geography of the area and any setbacks of the lot within the 250 widths, which will **determine** the location of the principal structure.

Mr. Haren asked the staff if drain fields can go into setbacks.

Ms. Bell responded yes, within five feet of the property line, as long as there is not a setback line with the adjacent property, Environmental Health determines that.

Mr. Haren asked why they couldn't build the structure on the other side of the tree.

Mr. Boyd responded that he is not sure if the soils will be usable and will cover a lot of areas where the drainage field line should be, and having the one hundred foot radii for the well will make the construction of the house very tight, and there is no county water. He asked the board if, on the safe side, they would like to place it in the same spot where it was previously.

Mr. Huggins added that they had a professional test it and it will be functional.

Mr. Haren asked the county attorney what portion of the structure has to meet the lot width at building line.

Ms. **Allison** Cox, County Attorney, responded that there is not a variance for that; you have to be 250 feet wide at building line.

Ms. Bell explained that the lot width is required for the primary home; any accessory structures can be placed on the narrowed portion of the lot as long as they meet zoning setbacks.

Brian Haren made a motion to APPROVED Petition No. A-924-26-A. John Tate seconded the motion. The motion passed 5-0.

7. Consideration of Petition No. **A-924-26-B** – Tony and Lisa Huggins, Owners. Applicants are requesting the following: B) Variance to Sec. 110-125(d)(6), A-R zoning, to reduce the side yard setback from 50 feet to 29 feet to allow a new primary residence to be built in the same location as the previous one. The subject property is located in Land Lots 117 of the 4th District and fronts Lowery Road.

Chairman Hopkins asked the petitioner if he would like to speak for part "B" of the request.

Mr. Boyd, agent, asked the board to reduce the side yard setback from 50 feet to 41 feet to allow the house to be built.

The board did not have any other questions, and **Mr. Haren made** a motion.

Brian Haren made a motion to APPROVED Petition No. A-924-26-B, Variance to Sec. 110-125(d)(6), A-R zoning, to reduce the side yard setback from 50 feet to 41 feet to allow a new primary residence to be built in the same location as the previous one. John Tate seconded the motion. The motion passed 5-0.

8. Consideration Petition No. **A-924-26-C** – Tony and Lisa Huggins, Owners. Applicants are requesting the following: C)Variance Sec.110-125(d)(6), in A-R zoning, to reduce the side yard setback from 50 feet to 29 feet to allow an accessory structure to be built behind the new proposed new home. The subject property is located in Land Lots 117 of the 4th District and fronts Lowery Road.

Ms. Bell stated that the Board does not have to have a hearing on part “C”, just a motion to approve the withdrawal.

WITHDRAWN BY PETITIONER, Joh Tate made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-924-26-C. Vice-Chair Kyle McCormick seconded the motion. The motion carried 5-0.

9. Consideration of Petition No. A-925-26 – Natalie G. Jones, Owner. Applicants are requesting a variance to Sec. 110-125.(d)(4)b. – A-R - To reduce the front yard setback from 75’ to 13’ 11”, to allow the original 1925 home to remain in the existing location as an uninhabitable accessory/auxiliary structure. The subject property is located in Land Lots 195 of the 4th District and fronts Jones Circle.

Ms. Bell stated that the request is not eligible for a variance, and since it has been advertised staff have requested a motion to approve the removal.

Removed by Staff, this case is not eligible for a variance. Chairman Marsha Hopkins made a motion to APPROVED THE REMOVAL of Petition No. A-925-26. Latisha Roebuck seconded the motion. The motion passed 5-0.

10. Consideration of Petition No. **A-927-26-A** – Jerome Allen, Owner. Applicants are requesting a Variance to Sec. 110-129(d)3, a variance to reduce the minimum square footage from 2,500 to 1,730 to allow an existing home to remain. The subject property is located in Land Lots 249 and 250 of the 4th District and fronts Antioch Road.

Ms. Bell stated that items 10 and 11 are petitioned by the same applicant and will need a separate hearing. Staff explained that the applicant has taken multiple steps to reduce the nonconformity of the nonconforming structure by obtaining land and rezoning it from A-R to R-80, making the minimum house side of 2,500 square feet, and the current home being 1,730 square feet, as well as the encroachment of the carport.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Jerome Allen explained that the family living in the house is family and they cannot

move the house to bring it into compliance.

No one spoke in favor or opposition of the petition, and the item was brought to the board.

M. Kyle McCormick asked staff if any variances were granted to the structure when it was A-R?

Ms. Bell responded no, it was a legal non-conforming structure in A-R.

Mr. Bryan Haren commented that now it's a legal non-conforming structure in R-80, and no less out of compliance in R-80.

Ms. Bell responded that the setback was out of compliance in A-R, the house was not; the side yard setback had a greater encroachment under A-R.

Ms. Latisha Roebuck asked if part of the one and a half acres was to bring it to the six acres.

Ms. Bell responded yes.

Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-927-26-A. John Tate seconded the motion. The motion passed 5-0.

11. Consideration of Petition No. **A-927-26-B** – Jerome Allen, Owner. Applicant is requesting a Variance to Sec. 110-129(d)6, to reduce the side yard setback from 30 feet to 21.88 feet to allow a home constructed in 1965 to remain. The subject property is located in Land Lots 249 and 250 of the 4th District and fronts Antioch Road.

Mr. Allen requests that the board approve the petition since they couldn't move the house.

No one spoke in support or opposition.

Chairman Hopkins stated that, with the previous discussions, she wanted to move for a motion.

Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-927-26-B. Brian Haren seconded the motion. The motion passed 5-0.

12. 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), R-40 zoning, to reduce the rear yard setback from 30 feet to 4.5 feet to allow two (2) accessory structures to remain. The subject property is located in Land Lots 219 and 220 of the 13th District and fronts Lafayette Drive.

Ms. Bell stated that staff have been working with the petitioner and have requested a survey for more accurate information, and are asking the board to table the petitions "A" and "B" to April 27th, 2026.

Chairman Marsha Hopkins made a motion to APPROVED TO TABLE Petition No. A-928-26-A to April 27th, 2026. John Tate seconded the motion. The motion passed 5-0.

- 13. Consideration of Petition No. **A-928-26-B** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a variance to Sec.110-79(c)(1)a., to allow one (1) additional accessory structure (448 square feet) for a total of three (3) in an R-40 zoning. The subject property is located in Land Lots 219 and 220 of the 13th District and fronts Lafayette Drive.

Chairman Marsha Hopkins made a motion to APPROVED TO TABLE Petition No. A-928-26-B to April 27th, 2026. John Tate seconded the motion. The motion passed 5-0.

John Tate moved to adjourn the February 23, 2026, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion passed 5-0.

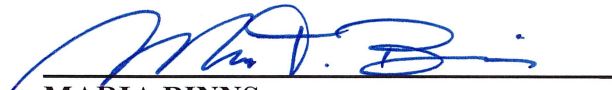
The meeting adjourned at 8:16 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:



MARSHA HOPKINS, CHAIRMAN



**MARIA BINNS
ZONING SECRETARY**