

# Minutes 09/22/2025

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on September 22, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** John Tate, Chairman  
Marsha Hopkins, Vice-Chairman  
Bill Beckwith  
Brian Haren  
Kyle McCormick

**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. *Vice Chairman Marsha Hopkins called the September 22, 2025, meeting to order at 7:00 pm.*
  2. Pledge of Allegiance. *Vice Chairman Marsha Hopkins offered the invocation and led the audience in the Pledge of Allegiance.*
  3. Approval of Agenda. *Brian Haren made a motion to approve the agenda. Bill Beckwith seconded the motion. The motion passed unanimously. Chairman John Tate was absent.*
  4. Consideration of the Minutes of the Meeting held on August 25, 2025. *Brian Haren made the motion to approve the minutes of the meeting held on August 25, 2025. Kyle McCormick seconded the motion. The motion carried 4-0.*

## **PUBLIC HEARING**

5. **Consideration of Petition A-902-25** – William M. Massengale Disclaimer Trust. Applicants are requesting the following: Per Sec. 110-125(d)(4)a.2., front yard setback on a collector in the A-R Zoning District is required to be 100 feet. The applicant is requesting a variance to reduce the front yard setback from 100 feet to 23.7 feet to allow an existing accessory structure to remain. The subject property is located in Land Lots 132 and 157 of the 4<sup>th</sup> District and fronts Rising Star Road.

Ms. Debbie Bell asked the applicant, since not having a full present and if they would like to request to table the petition to the next Zoning Board of Appeals meeting or proceed with the request.

Applicant confirmed they would proceed with the request petition.

Ms. Bell explained the information above and didn't know the exact date the

barn was constructed, and it was unlikely that it would generate any problems for adjacent properties.

Vice Chairman Marsha Hopkins asked for the presence of the petitioner.

Mr. Rick Massengale, trustee of the trust and stated that the barn is not located where the property is planned to be subdivided, and they photograph from 1955, and he believes it's from the 1900s since his grandfather was born in that barn. Mr. Massengale added that the road wasn't there before it was paved and moved closer to the barn, and wanted to keep the house where the barn is located for his 101 year old mother.

Mr. Andrew P. Moore, a neighbor who spoke in support of the petition and would like to keep it as it is to preserve the history of Brooks.

Vice Chairman Hopkins asked if there was anyone else in support of the petition, with no response, then asked if there was anyone to speak in opposition to the petition, but no one responded. Ms. Hopkins brought the item back to the board for comments, questions, or to entertain a motion.

No comments or questions were addressed by the board.

***Bill Beckwith made a motion to APPROVE Petition No. A-902- 25. Brian Haren seconded the motion. The motion passed unanimously.***

6. **Consideration of Petition No. A-903-25** – Jorge and Veronica Lopez. Applicants are requesting the following: Variance to Sec. 110-136(d)(5), to reduce the rear yard setback from 30 feet to 27 feet to allow an accessory structure to remain. The subject property is located in Land Lots 36 of the 5<sup>th</sup> District and fronts Respired Road.

Ms. Bell asked the applicant if they would like to continue to proceed or request a deferral.

Applicant agreed to proceed with the petition requested.

Ms. Bell stated read the description for the petition above and added that there was an error in staking the property line and setback, resulting in a minor encroachment that was discovered when the surveyor prepared the foundation survey of the slab, and will not result in any issues with the neighboring properties. Ms. Bell showed the aerial photos and the location of the property on the maps.

Vice Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Josh Woods, contractor, stated they have an active permit at the location and called the surveyor to have them come out and look at the form boards, they took a measurement from midline instead of the far left corner and told them there were too closed, went out and moved the slab forward two feet and waited for the foundation survey per county procedures and upon receiving the survey found out they were nine

foot of the slab crossed that setback and asked the board the approval of the petition.

Vice Chairman Hopkins asked if anyone else wanted to speak in favor of the petition. No one responded. Then she asked if anyone was in opposition. No one responded. Vice Chair Hopkins brought the item back to the board for comments or questions.

Commissioner Brian Haren asked Mr. Woods when the survey came out and told you to move the slab and come forward two feet.

Mr. Woods responded No, they told us to move it eighteen inches, and it was moved forward two feet to be saved, and after the preliminary inspections, it was incorrect.

Commissioner Haren mentioned he is a licensed surveyor in the state of Georgia.

Mr. Woods responded that he is, but no longer his licensed surveyor, and asked the board if they had any other questions. With no response, he thanked the board.

Vice Chairman Hopkins asked if the Board had any other comments or questions, or to entertain a motion.

No comments or questions were addressed by the board.

***Brian Haren made a motion to APPROVE Petition No. A-903- 25-A. Bill Beckwith seconded the motion. The motion passed unanimously.***


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*Chairman Brian Haren moved to adjourn the September 22, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 4-0.*

*The meeting adjourned at 7:23 p.m.*

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

  
DEBORAH BELL  
DIRECTOR, PLANNING & ZONING

  
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**JOHN TATE, CHAIRMAN.**  
Vice Chairman