

Minutes 12/15/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on December 15, 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 [Absent]
Maria Binns, Zoning Secretary

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1. Call to Order. *Chairman John Tate called the December 15, 2025, meeting to order at 7:02 pm.*
 2. Pledge of Allegiance. *Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
 3. Approval of Agenda. *Bill Beckwith made a motion to approve the agenda. Brian Haren seconded the motion. The motion passed unanimously.*
 4. Consideration of the Minutes of the Meeting held on November 24, 2025. *Brian Haren made the motion to approve the minutes of the meeting held on November 24, 2025. Bill Beckwith seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

5. *Consideration of Petition No. A-907-25* – Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust. Applicants are requesting the following: Variance to Sec. 110-242(h). – A-R, requesting an illegal lot to be deemed a legal nonconforming lot. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.

Ms. Debbie Bell read the description above and explained that this petition was tabled from the October 27, 2025 and it does meet all the criteria per Sec. 110-242(h), the lot is an illegal lot because it is zoned A-R but has less than five acres created after November 13, 1980 and was created illegal via plat by a previous owner recorded in April 1986 creating a remnant and Mr. Newman is not related to him/her and there is not property available to add to this lot to convert it to the legal statutory and the applicant had removed all the items caused the petition to be tabled, except for a small greenhouse and livestock that does not require a permit and were allow to remain.

Chairman John Tate asked if the petitioner was present.

Mr. Jason Newman brought packets for the Board showing the pictures of the property that has brought into compliance and the concept plan of the structure building he would like to place on the property if approval of the petition, as to the letter he gave the neighboring properties, once he submits the petition. Mr. Newman also stated that he intends to create a family gathering property for his kids to work on. He met with the EMD Department, where they confirmed the floodplain assumptions and the procedural corrections.

Chairman Tate asked if anyone in the audience was in support of the petition, with no response, then he asked if anyone was in opposition to the petition.

Mr. James Heighton stated he has been on Nelms Road since 1984 and wasn't in opposition to someone living on the property in question, but they feel they don't have a lot of information on what is going to happen later, since they will not be the primary home on it and disregarding the rural setting they have, expressed his concern the property might become a dump or not knowing who is coming and going.

Ms. Hope Winters Colvin stated she resides next door to the property and that Mr. Newman has provided different narratives of his intentions, making it difficult for the neighbors to understand the real scope of what is being planned, changing it from a small workshop to an industrial (6,000 sq ft industrial commercial) building on a floodplain, impacting negatively the surrounding environment, and where septic is not archivable on that property.

Mr. Phillip Colvin explained that their home sits in front of the property in question, and they are concerned about the massive building proposed, along with automotive fluids, fertilizers, animal waste, and pollution. He asked the Board to deny the petition for the quiet they have now.

Mr. Newman returned for rebuttal and commented that the opposition statements had been mistaken about the size of the structure, where anything over 6,000 sq ft is not close to what they are proposing and would not be approved. They had septic approval from the Department of Health, and they have more than enough for the proper drainage and will not use any pesticides or pollute the water just wanted to teach their kids how to farm and will make sure there is no damage to the neighbors or do anything massive.

Chairman Tate brought the item back to the Board for questions.

Mr. Bill Beckwith asked staff if the property with an A-R zoning is to be a residence on the property before any accessory structures.

Ms. Bell responded, Not in A-R zoning, there are certain auxiliary structures, greenhouses, and other kinds of farm structures that are allowed before the primary residence is built.

Mr. Beckwith asked if buildings are put up on other zoning as accessory structures.

Ms. Bell responded that in any other residential zoning, any other building beyond the primary dwelling is considered an accessory structure, but in A-R zoning, a dual purpose zoning is agricultural and residential allowing a variety of non residential structures before the primary house is built.

Mr. Beckwith asked if there were square footage limits on those buildings.

Ms. Bell responded that it will be based on the square footage requirements based on the lot size.

Mr. Beckwith asked that the comments from the Department of Environmental Management stated that the approval of the petition does not guarantee the lot will be eligible for a building permit as buildable area is reduced due to floodplain and riparian buffers.

Ms. Bell responded anything over 200 sq ft requires a building permit, and a site plan will be reviewed by multiple departments.

Mr. Beckwith asked Whatever is approved tonight will still have to go through other building regulations within county departments and not do whatever they want?

Ms. Bell responded that this petition is only to convert from illegal to legal status and then take the next step.

Mr. Brian Haren asked staff if all of the unpermitted uses discussed on the last meeting were rectified.

Ms. Bell responded Yes.

Mr. Haren commented that tonight's decision is not an unusual action to create a non-conforming lot and happens all the time. Mr. Haren sympathized with all of the comments that were addressed, but those are not issues for the board now and said this petition has to do with the development face of the property if it is declared non-conforming.

Chairman John Tate stated agreed with Mr. Haren, and the board will be addressing bringing the lot into compliance per Sec. 110-242(h) and not by just placing the building on the property.

Brian Haren made a motion to APPROVE Petition No. A-907- 25. Vice-Chairman Marsha Hopkins seconded the motion. The motion passed unanimously.

6. Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule.

Ms. Bell presented the ZBA 2026 Calendar Schedule and asked the board for questions or changes they might have.

Chairman John Tate commented about changes discussed previously for memorial day meeting.

Ms. Bell responded they had 2 days in question May 26, 2026 and December 14, 2026 because of the holiday schedule.

Chairman asked the board for questions or comments.

Vice-Chairman Marsha Hopkins about the May 26, 2026, meeting being after the Memorial holiday and might be impacted by absences.

Ms. Bell responded that they could change it to May to see if they have a meeting space for that day and asked the board to approved the calendar as presented to publish the new hearing through April or change it to May 18 to fit everyone schedule.

Mr. Haren stated he would it agree to change it to May 18, 2026.

Vice-Chairman Marsha Hopkins accepted the Amended Zoning Board of Appeals 2026 Calendar, with the May meeting scheduled for May 18, 2026. Brian Haren seconded the motion. The motion carried 4-1; Bill Beckwith abstained from voting.

Mr. Brian Haren thanked Mr. Bill Beckwith for his 30 years of service in the county within the Zoning Board of Appeals and Planning Commission. Mr. Haren congratulated him and mentioned it was a pleasure working with him.

Ms. Debbie Bell stated there will be a special recognition on January 22, 2026, at the Board of Commissioners Meeting

Mr. Beckwith responded that he would see if he could make it.

Staff commented that there were no more public hearings for the night, and the board moved to adjourn the meeting.

Chairman John Tate moved to adjourn the December 15, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 5-0.

The meeting adjourned at 7:49 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:


**MARIA BINNS
ZONING SECRETARY**


~~JOHN TATE, CHAIRMAN~~
Marsha Hopkins