

# Minutes 06/23/2025

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on June 23, 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. *Chairman John Tate called the June 23, 2025, meeting to order at 7:01 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. Kyle McCormick seconded the motion. The motion passed unanimously. Marsha Hopkins, Vice-Chairman, Commissioner Brian Haren, and Zoning Administrator Deborah Sims were absent.*
  4. Consideration of the Minutes of the Meeting held on May 27, 2025. *Bill Beckwith made the motion to approve the minutes of the meeting held on May 27, 2025. Kyle McCormick seconded the motion. The motion carried 3-0.*

## **PUBLIC HEARING**

5. **Consideration of Petition No. A-897-25** – Amari Capital Investments, LLC, Owner. Applicant is requesting a variance to Sec. 110-137(d)(5) to reduce the rear yard setback in the R-40 zoning from 30 feet to 12.7 feet to allow the construction of a new pool and pool deck. The subject property is located in Land Lots 217 & 218 of the 13<sup>th</sup> District and fronts Ensley Point.

Before reading the item, Ms. Deborah Bell asked the petitioner if, because there was not a full Board present, they could request to table the petition to the next meeting.

Sherri McKelvey, Agent, on behalf of the applicant, chose to continue with the hearing.

Mrs. Bell read petition A-897-25 and stated the applicant is requesting a variance of 17.3 feet to reduce the rear yard setback from 30 feet to 12.7 feet to allow the construction of an inground pool and pool deck. The parcel is a legal lot of record as shown on the plat recorded at located in Legacy Hills Phase II Subdivision, zoned R-40 with 1.1 acres. Staff mentioned the encroachment is not likely to have an adverse impact on the neighbors or traffic, and that the lot contains a stormwater detention pond, which significantly limits the available area in the backyard.

Ms. Sherri McKelvey, Agent with Premier Pools & Spas, on behalf of the applicant, stated that they tried to adjust the pool location to accommodate it from the setbacks and the drainage easement.

No one spoke in favor or opposition to this request.

Mr. Bill Beckwith commented that since there wasn't another location in the property to place the pool, he thinks it's situated well without having to move the septic system.

Mr. Kyle McCormick asked if the aluminum fence exists.

Ms. McKelvey responded No, that is a proposal.

Chairman Tate mentioned that the request is only asking for one section that will encroach upon the boundaries, and everything else appears to be in order. Then he asked Have you spoken or had any comments from the neighbors?

Ms. McKelvey responded No, that she's aware of. The owner is not yet living in the home.

Mr. Harold Smith, President of the Homeowners Association for Legacy Hills Subdivision, commented that he wasn't in opposition to the request, and he just wanted to make sure that the approved proposal submitted to them would remain in the back of the property as presented.

***Kyle McCormick made a motion to APPROVE Petition No. A-897-25. Bill Beckwith seconded the motion. The motion passed unanimously.***

6. **Consideration of Petition No. A-898-25** – Toddman and Carolyn Ray, Owners, Applicants are requesting a variance to Sec. 110-125(d)(6) to reduce the side yard setback in an A-R zoning from 50 feet by 38.6 feet to 11.4 feet to allow an accessory structure to remain. The subject property is located in Land Lots 60 of the 7<sup>th</sup> District and fronts Ebenezer Road.

The applicant chose to continue with the hearing.

Mrs. Bell continued by reading petition A-898-25, the applicant is requesting to reduce the side yard setback to 11.4 feet to allow a detached garage that was constructed in 2012 to remain. Staff find this unlikely have an impact on the neighboring properties; the immediately adjacent neighbor is a relative of the applicants and has expressed support for the variance request. When the applicant came to permit something else, they realized the structure was too close. Ms. Bell commented that W.D. Gray prepared a letter statement that verifies the distances of the garage from the property line. She states they submitted a site plan for a building permit at the time, and though that's how far they were from the property line, they didn't request foundation surveys, and it's never come out since it was family owned.

Mark Jones, Contractor, on behalf of the applicant, stated that the detached garage was constructed in 2012, with a proposed distance of 78 feet from the property line. There is a survey indicates the house was 50.8 feet from the property line, and with this, the garage encroaches into the side yard. He's not sure about that missed calculation.

No one spoke in favor or opposition to this request.

Mr. Bill Beckwith asked the petitioner if he knew if the garage was built at the same time as the house.

Mr. Jones responded that the house was built in the 90's the garage in 2012.

Mr. Kyle McCormick asked if it is confirmed on the other side that it is 126 feet from the house?

Mr. Jones stated he wouldn't know.

Chairman Tate asked for clarification back in 2012 when the garage was built. Were the same owners?

Mr. Jones responded Yes, he honestly thinks it was a contractor error, and no, the owners.

Chairman Tate asked if the property that's located next to the structure in review? And what size is that parcel?

Mr. Jones responded That's a family member, Mrs. Davis, the mother of the property owner, and approximately close to two hundred acres.

*Chairman John Tate made a motion to APPROVE Petition No. A-898-25. Kyle McCormick seconded the motion. The motion passed unanimously.*

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*Kyle McCormick moved to adjourn the June 23, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion carried 3-0.*

*The meeting adjourned at 7:32 p.m.*

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

  
JOHN TATE, CHAIRMAN

  
DEBORAH BELL  
DIRECTOR, PLANNING & ZONING