

Minutes 08/25/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 25, 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 August 25, 2025, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Chairman John Tate 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.*
 4. Consideration of the Minutes of the Meeting held on July 28, 2025. *Bill Beckwith made the motion to approve the minutes of the meeting held on July 28, 2025. Kyle McCormick seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. **Consideration of Petition No. A-900-25** – Tashia Finney, Owner. Variance to Sec. 110-125(d)(1)- A-R., as allowed under Sec. 110-242(c)(1)- Requesting a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.793 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lot 11 of the 5th District and fronts Weldon Road. *Chairman John Tate made a motion to APPROVE Petition No. A-900- 25. Brian Haren seconded the motion. The motion carried 5-0.*

Ms. Bell explained the description of the petition above and stated that it was staff's opinion that the parcel met the criteria to be eligible for a variance to the minimum lot size under Section 110-242 and was necessary for the owners to be able to obtain a building permit for their house. She mentioned the lot was created by deed and plat recorded on June 8, 1979.

Chairman John Tate asked if anyone was there to speak on behalf of petition

A-900-25?

Mrs. Tashia Finney presented herself and stated that the lot was inherited by her grandfather, and she wanted to build a new home. She mentioned the preliminary survey was around five point one acres, but a mistake was made with the land across the street, which complemented the acreage of the lot.

Chairman Tate asked the audience if anyone else wanted to speak in favor of or in opposition to the petition. No one responded. He brought the item back to the board for questions.

Ms. Marsha Hopkins asked the petitioner if she had inherited the lot back in 2006? And if there was a vacant lot, or are there any structures now?

Mrs. Finney responded that it was yes to the year she inherited, and there was an old barn on the property.

Ms. Hopkins asked if the petitioner had paid taxes since she inherited the property?

Mrs. Finney responded that she has.

Chairman Tate asked the petitioner if they were planning to build on the property?

Mrs. Finney responded Yes.

Mr. Bill Beckwith asked Staff who mentioned that there is another part of the ordinance that allows a smaller lot to be approved? Asked to clarify more.

Ms. Bell responded that the land use plan will allow the rezoning of property in that area to two acre lots, a lot less than five acres will not be an anomaly in the area, but because it's a legal nonconforming lot, they are eligible to request this variance.

Chairman John Tate made a motion to APPROVE Petition No. A-900- 25. Brian Haren seconded the motion. The motion carried 5-0.

6. **Consideration of Petition No. A-901-25-A** – Coppolino Living Trust, Applicants are requesting A-901-25-A. Variance Per Sec. 110-125(d)(6) – Request to reduce the side yard setback from 50 feet to 14.4 feet to allow an accessory structure to remain. The subject property is located in Land Lots 227 of the 4th District and fronts Busbin Road.

Ms. Bell explained that items six and seven were related to the same parcel (A-901-25-A and A-901-25-B and A-901-25-B). She presented comprehensive information but would need it to undergo two separate hearings and votes. Ms. Bell explained the differences

between each petition. For "A", the structure is a barn with a lean-to roof on the sides and rear, constructed in 1974, and an additional metal shed behind the barn. Ms. Bell mentioned that in the 1971 zoning ordinance, the minimum side yard was 10 feet. This was amended in July 1974 to 20 feet, and it was possible that the barn was built before that amendment; staff didn't know the exact date of construction. Staff added that it will not pose any problems for neighboring properties since it's been in this location with no complaints.

Ms. Bell added that item "B" is for the small carport behind it that is next to the barn and is also in the setback.

Mr. Brian Haren asked if the carport was a separate structure from the barn.

Ms. Bell responded Yes.

Chairman John Tate asked the audience if anyone would like to speak in favor of petition A-901-25-A?

Mr. Mark McCullough stated that he is the agent representing the parties for the variances. He thanked the staff great work and the summary reports and introduced Trent Foster as a potential buyer for the property and planning to subdivide it into three parcels, a five acre parcel with the house already on it, a second five acre parcel to the east, and a twelve acre tract in the rear with a strip down the center for accessibility. He was doing the new survey and found out the buildings within the setbacks. Before they can record the plat they will need this variance to be approved.

Mr. Trent Foster explained that he is a local person and explained that they did an updated survey to make sure no Right-Of-Way was taken, or by putting in utilities, changes the size of the lot. He added it the barn has been there for a long time and asked if the board had any questions to ask him.

Chairman Tate asked if anyone else would like to speak in favor of or in opposition to the petition?

Mr. John Hemphill spoke in opposition by stating that he lives on the adjacent property, and the barn is extremely close to his property. The main structure of the barn is 20x30 structure and the lean is 115 feet from his house. He added that he is okay with the main structure of the barn staying, but he is opposed to the lean on his side and the metal carport in the back being removed.

With no one else speaking in favor or opposition, Chairman Tate brought the item back to the board for questions.

Mr. Bill Beckwith asked the new owners whether they would use all those facilities.

Mr. Foster responded that he is not sure he will remodel the house, but it's a solid barn and looks like it has been used a lot.

Mr. Beckwith commented that the owner of the property, Mr. McCullough, and the next-door neighbor should be talking about what was there and can be used.

Mr. McCullough responded that the current owners, Coppolino's, have passed away but they are selling the property, and when Mr. Foster purchases it, he will make changes. Whoever purchases it, we don't know who that user might be.

Mr. Beckwith commented that the board can't make a deal between the present owner and the future owner about that question; all we do is decide if a variance should be given.

Mr. Foster responded that they understood, and he agreed.

Mr. Hemphill asked the board if they could grant a smaller variance by removing the lean-to and the carport behind the barn.

Chairman Tate asked staff about the two separate petitions, and they are deciding just about the barn. Is that correct?

Ms. Bell responded that the barn is a single structure, and they would be contemplating removing part of the barn as a structure. The metal carport has a separate structure. Currently, it is a legal nonconforming structure, and they want to subdivide the property, which is the reason they are requesting the variance, so it can remain in place.

Mr. Kyle McCormick asked for staff clarification on the variances A and B.

Ms. Bell responded, "A" is for the Barn and "B" is for the Carport, as she showed the location on the survey.

Mr. Foster added that as a potential buyer, he will have no problem removing the metal carport.

Chairman Tate asked staff for clarification on the pictures shared with the board and asked about the carport being close to a fence.?

Ms. Bell showed the Board the lean roof photos of encroachment.

Mr. Brian Haren asked staff, if they would deny the variance for the pole barn; would that stop the process of subdividing the property?

Ms. Bell responded No, sir, if they don't have a variance for the barn, they will have to remove it before the plat can be approved.

Mr. Haren commented on the opposition that the structure has been there for almost fifty years, and when it was built, it was most likely a legal structure at the time, and setbacks, the Board tends not to punish homeowners because of changes that occurred to the zoning laws that occurred after a structure was built, being a legal structure.

Mr. Hemphill, from the opposition party, asked the Board to allow him to respond to Mr. Haren's comment; Chairman Tate granted it.

Mr. Hemphill responded with his opinion that there is no record of when the barn was exactly built, and the lean roof was an original part of the structure and was added at a later time.

Mr. Haren responded okay, and Mr. Beckwith commented, but we don't know.

Mr. Haren added that it was presented to the Board as a single structure, and it will be considered as presented.

Chairman Tate agreed with Mr. Haren and asked for any more questions from the Board.

Mr. Beckwith asked Ms. Bell for the staff assessment information; the minimum side yard setback was 10 feet in 1971 and was amended in July 1974 to 20 feet.

Ms. Bell responded that she did not document the dates when the change of 50 feet was made, probably 1980, when there were major changes to the zoning ordinances.

Mr. Haren asked if there was no record of a building permit for that barn?

Ms. Bell stated we wouldn't have building permits prior to 1983 because of the courthouse fire.

Mr. McCormick asked the owner, and the proposed buyer agreed to demo the carport and portions of the barn.

Ms. Bell responded that the entire barn is a single structure, and the carport will be considered in part "B".

Chairman Tate asked for a motion for petition A-901-25-A?

Brian Haren made a motion to APPROVE Petition No. A-901- 25-A. Bill Beckwith seconded the motion. The motion carried 5-0.

7. **Consideration of Petition No. A-901-25-B** – Coppolino Living Trust, Applicants are requesting A-901-25-B. Variance Per Sec. 110-125(d)(6) – Request to reduce the side yard setback from 50 feet to 32.1 feet to allow an accessory structure to remain. The subject property is located in Land Lots 227 of the 4th District and fronts Busbin Road.

Ms. Bell read the petition presented above.

Chairman Tate asked for anyone in support of the petition in the previous petition

“A”.

Mr. Mark McCullough stated he and the potential buyer had explained their decisions previously and if the structure needed to be removed, they would do it.

Chairman Tate asked for anyone in opposition.

Mr. Hemphill added that he wanted the carport removed.

Mr. Beckwith asked if they were to deny petition “B”, the owner would have a certain time to have that removed.

Ms. Bell responded that they would have to remove it before he submits a plat to subdivide the property or gets any other permits.

Chairman Tate commented that the petitioner has no issue with removing the carport and that, in coordination with the opposition, might satisfy that decision.

Ms. Marsha Hopkin commented that the structures were in place before the zoning regulations were changed, and the Board does not consider punishing the homeowner by not being consistent with past decisions that they had made, and she acknowledged the opposition comments.

Chairman Tate asked staff if the barn was constructed and the carport later.?

Ms. Bell responded that she doesn't know when the carport was constructed, but the barn was there by 1978.

Ms. Hopkins asked Ali Cox, County Attorney, when a case is uncertain like this, would that be in favor of the petitioner? We don't know, we can presume.

Ms. Cox responded to line up your decisions, since we don't have answers on either one of these structures on any date, but you want your decisions to line up with each other and need to precisely follow this in line.

Mr. Haren added that regardless of the way the Board votes the structure will come down, assuming the purchase goes through, either we approve or disapprove the variance.

Ms. Ali Cox commented at certain point that the structure will have to be renovated to the point that it will be gone, and it will have to be placed back within the setbacks in the right place. It won't retain the variance once the structure is taken to the ground for either of the structures.

Brian Haren made a motion to APPROVE Petition No. A-901- 25-B. Vice-Chairman Marsha Hopkins seconded the motion. The motion carried 5-0.

Chairman John Tate moved to adjourn the August 25, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 5-0.

The meeting adjourned at 7:53 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



JOHN TATE, CHAIRMAN

Marsha Hopkins, Vice Chairman



DEBORAH BELL

DIRECTOR, PLANNING & ZONING