

Minutes 09/28/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 28, 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

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1. Call to Order. *Chairman Marsha Hopkins called the September 28, 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 4-0. Board Member Latisha Roebuck was absent.*
 4. Consideration of the Minutes of the Meeting held on August 24, 2026. *Vice-Chairman Kyle McCormick made a motion to APPROVE the Minutes as presented for the August 24, 2026, meeting. John Tate seconded the motion. The motion passed 4-0.*

PUBLIC HEARING

5. Consideration of Petition No. **A-929-26** – Fisal Ali Razavi Ghavamzadeh, Owner, and James Carroll, Agent. Applicants are requesting a variance to Sec. 110-125(d)(6).-A-R, Agricultural-Residential Single-Family. To allow an accessory structure from 50 feet to 41 feet to remain. This property is located in Land Lots 59 and 60 of the 5th District and fronts Highway 85 South.

Ms. Debbie Bell advised the Board that Petition A-929-26 had been removed from consideration because further staff review determined that the proposed action did not require a variance. The matter was therefore withdrawn from the agenda.

Removed by Staff, Staff advised the Board that Petition A-929-26 had been removed from consideration because further staff review determined that the proposed action did not require a variance.

6. Consideration of Petition No. **A-942-26** – Jamilah Shakir Rashid Living Trust, Owners. Applicants are requesting a variance in the R-20 zoning, Single- Family Residential, to Sec. 110-79(c)(1)(a)., Residential accessory structures and their uses. To increase the maximum number of accessory structures allowed on a lot with a minimum of five acres from three (3) to five (5) to allow existing accessory structures to remain. This property is located in Land Lot 107 of the 5th District and fronts on County Line Road.

Ms. Bell explained that the property consists of approximately 19.5 acres and contains a residence and five existing accessory structures. The property was created in 1998. The residence and attached garage were constructed in 1998, before foundation surveys were required. Staff determined that the property generally meets the applicable dimensional requirements, but the number of accessory structures exceeds the ordinance limit. Staff did not find sufficient evidence of hardship to support the requested variance. The limitation on the number of accessory structures applies generally to similarly situated residential properties.

No objections had been received from neighboring property owners or other departments. Staff also noted that the environmental features on the property did not affect the variance request and that the existing structures generally met applicable setback requirements.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Kofi Rashid explained that the property was purchased the previous year with the five existing accessory structures already in place. The issue was discovered when a contractor sought a permit to replace the existing swimming pool. He stated that the accessory structures are relatively small and are primarily clustered around the pool. Several provide shade for the family, while another is used as a gym and another as a tool shed for maintaining the approximately 20 acre property.

Mr. Rashid stated that removing two of the structures would provide little practical benefit and would reduce available shade and storage. He also noted that the structures were not constructed by the current owners.

Public Comment

No additional speakers appeared in support of or opposition to the request.

The Board discussed the fact that the structures were already present when the property was purchased, the size of the property, and the absence of neighborhood opposition. The relatively small size of the accessory structures. The distinction between allowing existing structures to remain and permitting future construction of additional structures. The importance of applying the variance criteria consistently.

Board members expressed concern about departing from the ordinance while also considering the circumstances surrounding the existing structures and asked for legal advice.

Ms. Allison Cox, County Attorney, commented that the Board motion could be applied only to the accessory structures that currently exist on the property as of the date of approval. If any of the approved structures are removed in the future, the variance does not authorize replacement or construction of another accessory structure without further approval.

Brian Haren made a motion as CONDITIONAL APPROVAL for Petition No. A-942-26. John Tate seconded the motion. The motion passed 4-0.

CONDITIONS:

The Approval applies to the five (5) existing structures currently existing on the site.

7. Consideration of Petition No. **A-946-26** – Ar-Rahman A. Person and Ayana T. Raines, Owners. Applicants are requesting a variance in the R-40 zoning, Single-Family Residential. Per Sec. 110-137(d)(5) to reduce the rear yard setback from 30 feet to 28.6 feet to allow an existing deck to remain. This property is located in Land Lot 227 of the 13th District and fronts on Covered Bridge Way.

Ms. Bell explained that the original residence was constructed in approximately 1991 and that records concerning older structures were incomplete because county records had been destroyed in the 1982 Fayette County Courthouse fire. The requested variance would allow an existing deck and enclosed sunroom to remain approximately 28.6 feet from the rear property line rather than the required 30 feet.

Staff determined that the request met several, but not all, of the applicable variance criteria. The existing deck had been reconstructed and slightly extended as part of the renovation. No objections had been received from neighboring property owners or other departments.

Chairman Marsha Hopkins asked if the petitioner was present.

Mrs. Ayana Raines and Mr. Ar-Rahman Person explained that they purchased the property in 2001 and had believed the existing deck was in satisfactory condition and over time, the deck deteriorated and became unsafe. They obtained professional advice and determined that the deck needed to be removed and reconstructed. They also proposed enclosing a portion of the deck as a sunroom. During the permitting and survey process, they discovered that a portion of the reconstructed deck extended approximately 1.4 feet into the required setback. The applicants stated that modifying the deck to comply would require additional reconstruction and would substantially alter the intended design.

Public Comment

No one appeared in opposition to the request.

The Board discussed the relatively small extent of the setback encroachment and the absence of an original foundation survey. The condition of the existing deck and the fact that the applicants had

followed the permitting process and worked with staff. The practical consequences of removing the encroaching portion.

Staff clarified that the applicable R-40 setback requirements had not materially changed and that the requested variance was limited to the existing configuration.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-946-26. John Tate seconded the motion. The motion passed 4-0.

8. Consideration of Petition No. **A-947-26** – Charles E. and Beatriz Williams, Owners. Applicants are requesting a variance in the R-40 zoning, Single- Family Residential, to Sec. 110-137(d)(6) to reduce the side yard setback from 15 feet to 13.1 feet to allow a newly constructed detached garage to remain in the existing location. This property is located in Land Lot 196 of the 5th District and fronts on Berkley Place.

Ms. Bell explained the subject property is approximately 2.038 acres and is a legal lot of record in the Berkeley Park subdivision. The applicable side yard setback is 15 feet. Staff found that the property did not have extraordinary conditions relating to size, shape, or topography that would justify the variance. The garage could potentially be brought into compliance by revising the property boundary or removing the encroaching portion. No specific objections have been received from the county departments. Staff recommended denial.

Chairman Marsha Hopkins asked the petitioner to present and provide comments regarding the request.

Mr. Charles Williams explained that he constructed the garage and had inadvertently moved a survey stake during construction and failed to replace it in its original location, and that the garage complied with the setback requirement at the front but was approximately 13 feet from the property line at the rear. Mr. Williams stated that he had discussed the matter with his neighbor, who indicated that the encroachment was not a problem because the adjacent area was wooded.

Public Comment

Ms. Gloria Cotton, a neighboring property owner, stated that she did not object to the garage's location, but she raised concerns about drainage and mud runoff that had occurred during construction and asked about her rights if additional construction were proposed.

Staff and the Board clarified that the present hearing concerned only the setback variance for the existing garage.

Board Members discussed the possibility of resolving the encroachment through a boundary adjustment between the adjoining properties.

Ms. Bell explained that the neighboring property owners could potentially modify the shared boundary so that the garage would comply with the required setback. Such a change would require an appropriate survey and legal property transfer.

The Board also discussed the fact that the setback issue resulted from an error during construction rather than an unusual characteristic of the property.

Staff advised that the applicant would have to correct the encroachment or remove it within the applicable timeframe if the variance was denied. A subsequent variance request would also be subject to the applicable waiting period.

The Board and staff explained that the applicant could work with the adjoining property owner and a surveyor to explore a boundary adjustment. If the property line were legally revised so that the structure complied with the setback, the matter could proceed administratively without another variance hearing, subject to all applicable requirements.

Chairman Marsha Hopkins made a motion to DENY Petition No. A-947-26. Brian Haren seconded the motion. The motion passed 4-0.

9. Consideration of Petition **A-948-26** – 1246 Highway 314, LLC, Owner and Randy Boyd, Agent. Applicants are requesting a variance in the A-R zoning, Agricultural-Residential Single-Family, to reduce the side yard setback from 50 feet to 6.5 feet to allow an existing barn to remain in the existing location. This property is located in Land Lot 219 of the 13th District and fronts on Highway 314.

Ms. Bell explained that the property was rezoned from R-40 to AR on February 26, 2026. As a result of the rezoning, the existing barn lost its previous nonconforming status and became subject to the AR district's 50 foot setback requirement. The property consists of approximately 53 acres and contains significant environmental features, including a lake, floodplain areas, and stream buffers. Staff determined that sufficient buildable area remained elsewhere on the property to relocate the barn with approximately 12 feet by 12 feet and has been used for storage of landscaping equipment. The Department of Building

Safety advised that a structural engineer would need to determine whether the barn could safely be moved before relocation. Staff recommended denial.

Mr. Randy Boyd, Applicant's Agent, explained that the property had previously been a working farm and that the barn existed before the current owner acquired the property and is used to store landscaping equipment, chainsaws, weed trimmers, and similar materials. Mr. Boyd stated that the barn is located beneath large trees and has limited impact on neighboring property. The applicant requested permission to allow the existing barn to remain and stated that the property was rezoned with the intention of potentially developing a wedding venue and related recreational uses.

Public Comment

No one appeared in support of or opposition to the request.

The Board discussed the effect of the recent rezoning on the barn's status.

Staff clarified that the barn had been legally existing under the former R-40 zoning and the rezoning to A-R eliminated its prior nonconforming status. The required setback increased from 15 feet to 50 feet. The barn had not been identified during the original rezoning review but was later identified in the survey submitted for the required combination of the parcels as a condition of the rezoning, and if the variance were denied, the barn would need to be relocated or removed to comply with the A-R district requirements.

The Board also discussed the potential consequences of approving a variance before any future conditional use application for a wedding venue.

Ms. Allison Cox, County Attorney, commented that the concern was that granting a permanent variance could create a future legal or nonconforming use issue if the property owner later sought approval for a conditional use.

Board Members concluded that approval could create complications that would not arise if the structure were required to be brought into compliance. Board Members noted that property transfers or boundary adjustments may require approval from lenders or other parties with an interest in the property. These considerations should be taken into account when applicants are advised to pursue boundary modifications

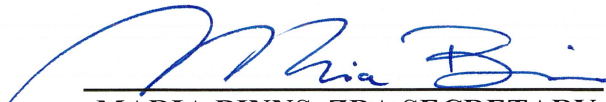
Chairman Marsha Hopkins made a motion to DENY Petition No. A-948-26. John Tate seconded the motion. The motion passed 4-0.

Brian Haren moved to adjourn the September 28, 2026, Zoning Board of Appeals meeting. John Tate seconded the motion. The motion passed 4-0.

The meeting adjourned at 8:33 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:



MARIA BINNS, ZBA SECRETARY



MARSHA HOPKINS, CHAIRMAN