

# Minutes 03/23/2026

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on March 23, 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 March 23, 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. *John Tate made the motion to approve the agenda. Brian Haren seconded the motion. The motion carried 4-0. Vice-Chairman Kyle McCormick, Allison Cox, County Attorney, and Zoning Administrator Deborah Sims were absent.*
4. Amendment of the Minutes of the Meeting held on February 23, 2026. *Ms. Deborah Bell presented the amended minutes for February 23, 2026. Brian Haren made a motion to APPROVED the Amended Minutes as presented for the February 23, 2026, meeting. John Tate seconded the motion. The motion passed 4-0.*

## PUBLIC HEARING

5. Consideration of Petition No. A-930-26 – James and Kimberly Dugger, Owners. Applicants are requesting the following: Variance to Sec. 110-242(c)(1), requesting the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.90 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lot 56 of the 4<sup>th</sup> District and fronts McIntosh Road.

Ms. Debbie Bell asked the applicant if they wanted to proceed without a full board or to table the petition to the next zoning board of appeals meeting.

Mr. James Dugger responded that they would proceed with the hearing.

Ms. Bell read the description above and added that the lot is 213,444.0 square feet in area (4.9 acres) because it donated right of way 0.10 acres, so the variance was necessary for the applicant to obtain a building permit. The lot does not present any environmental issues; staff recommended approval.

Chairman Marsha Hopkins asked if the petitioner was present to explain his case.

Mr. James Dugger stated they purchased the lot in 2022, and because of the right of way dedication to the county, he asked the board to approve his petition.

Ms. Becky Crawford, Realtor, stated the property had a lot of interest, but because the property was not five acres, the county wouldn't allow it to be built. She asked the board to approve the petition to close on the property.

After no further support or opposition comments, the chairman brought the item back to the board for discussion.

Mr. Brian Haren asked staff, as a legal lot of record, it still needs to go through the process to obtain a building permit.

Mr. Bell responded that it does; anytime the lot is less than the acreage, it will have to go through this process.

Chairman Hopkins commented that the board would take a motion if no other comments or questions.

***Brian Haren made a motion to APPROVED Petition No. A-930-26. Latisha Roebuck seconded the motion. The motion passed 4-0.***

6. Consideration of Petition No. A-931-26 – Matthew and Kimberly Brown, Owners. Applicants are requesting the following: Per Sec. 110-125(d)(1), 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 3.024 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 3 of the 4<sup>th</sup> District and fronts Mask Road.

Ms. Bell asked the applicant if they wanted to proceed without a full board or to table the petition to the next zoning board of appeals meeting.

Mr. Joe Cook responded that they wanted to proceed with the hearing.

Ms. Bell read the description above, and it had existed in this configuration before the 1980s, also less than the minimum acreage for A-R zoning 217, 800 square feet (5 acres). Staff recommended approval.

Mr. Joe Cook, agent, checked with staff the requirements needed and asked the board for approval for the owners to build their house on this lot.

Ms. Wendy Griffin, with Kelly Williams, spoke on behalf of the property owners. She referred to the plat that the lot originally had over five acres, and the lot split once Mask Road was created.

Chairman Hopkins asked if anyone else was in support of the petition, with no response, and she asked if anyone was in opposition.

Mr. Craig Pettis commented that there are another nine lots for sale on Mask Road, and he's concerned that they might subdivide the lot into more lots.

With no other comments, the chairman brought the item back to the board.

Mr. Brian Haren asked staff if they could put up a house on that lot that would meet A-R minimum size. And commented that there are also a lot of other parcels in the county with less than the minimum acreage required.

Ms. Bell responded that she didn't think that would be a problem.

Mr. John Tate commented that he agrees with Mr. Haren's comment and would like to proceed with a motion.

***John Tate made a motion to APPROVED Petition No. A-931-26. Brian Haren seconded the motion. The motion passed 4-0.***

7. Consideration of Petition No. **A-932-26-A** – Michael and Christine Fenton, Owners. Applicants are requesting the following: A) Requesting a variance to reduce the secondary front yard setback from 100 feet to 60 feet to allow an existing swimming pool and a pool deck in the secondary front yard to remain. The Subject property is located in Land Lots 18 of the 6<sup>th</sup> District and fronts Redwine Road, Nesmith Court, and Swain's Drive.

Ms. Bell explained that items seven (7) and eight (8) are together and would present together but **will require** separate motions, and that the property owners obtained a variance on May 19, 2014, to reduce the side yard setback from Redwine Road from 100 feet to 70 feet to construct the swimming pool, but a foundation survey was not required or submitted. **A recent remodel permit revealed discrepancies in the pool's placement at 64.1 feet, on a property that features three (3) front yards.**

Mr. Michael Fenton, Owner, stated that the project is necessary to bring the pool into compliance, to add a spa/hot tub, and to do the necessary repairs.

Chairman Hopkins brought the item back to the board without any other comments in support or opposition. She also asked staff where part "A" needs to be corrected in order to bring the pool into compliance with what was approved.

Ms. Bell responded yes, the foundation survey showed the pool decking was

encroaching into the approved variance.

Mr. Brian Haren asked if they just required foundation surveys previously.

Ms. Bell responded that they didn't request them for variances, but now they do to add them to the building permits to ensure that when it is granted, construction meets those requirements.

Mr. Haren moved for a motion.

***Brian Haren made a motion to APPROVED Petition No. A-932-26-A. John Tate seconded the motion. The motion passed 4-0.***

8. Consideration of Petition No. **A-932-26-B** – Michael and Christine Fenton, Owners. Applicants are requesting the following: B) Per Sec. 110-126(f)(4)a.1., Requesting a variance to the secondary front yard setback, to reduce the setback from 100' to 90 feet to allow a spa/hot tub to be constructed in the area adjacent to the swimming pool.

Ms. Bell asked the petitioner for clarification on the location where the spa/hot tub will be placed.

Mr. Michael Fenton responded that the patio was located next to the pool, and the spa would be located between the house and the pool area. Mr. Fenton brought a site plan with the location of the spa/hot tub and showed it to the board.

Ms. Bell requested the board to amend the petition to reduce the setback from 100 feet to 90 feet as per the plan shown.

Mr. Fenton asked the staff if the one hundred feet includes the right-of-way.

Ms. Bell responded that for the pool, the measurements of the nearest setbacks right of way are from Redwine Rd, since it is a much larger ROW than the interior streets.

Mr. Fenton added that in the future, he will have a variance for the pool and the spa/hot tub and finalized this to prove the value of the property and to comply with the HOA regulations.

Chairman Hopkins brought the item for questions or a motion. And with no questions, she moved for a motion.

***Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-932-26-***

*B for the reduction of the setback from 100 feet to the amended 90 feet to allow a spa/hot tub to be constructed in the area adjacent to the pool. Latisha Roebuck seconded the motion. The motion passed 4-0.*

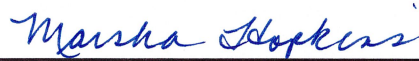
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*John Tate moved to adjourn the March 23, 2026, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion passed 4-0.*

*The meeting adjourned at 7:41 pm.*

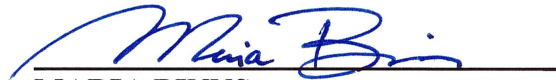
**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

**Respectfully Submitted by:**



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**MARSHA HOPKINS, CHAIRMAN**



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**MARIA BINNS  
ZONING SECRETARY**