

Minutes 10/27/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on October 27, 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 October 27, 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 September 22, 2025. *Vice - Chairman Marsha Hopkins made the motion to approve the minutes of the meeting held on September 22, 2025. Kyle McCormick seconded the motion. The motion passed unanimously.*

PUBLIC HEARING

5. **Consideration of Petition No. A-904-25** – Jose Ruiz, Maria Ruiz, and Jorge A. Ochoa Farias. Applicants are requesting the following: 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 2.9941 acres to be eligible for development. The subject property is located in Land Lots 235 of the 4th District and fronts Highway 92 South.

Ms. Debbie Bell stated that it's staff opinion the parcel meets the criteria to be eligible for the variance, being a legal nonconforming lot having less than the acreage requirement by A-R zoning (5 acres), but it meets the criteria for the lot size under Sec. 110-242. She explained that the variance is necessary for the owners to obtain a building permit for their house.

Chairman Tate asked if the petitioner was present.?

7. **Consideration of Petition A-906-25-A-B-C** – 5 Parcel Mills, LLC. Applicant is requesting the following: **A-906-25-A:** Per Sec. 110-143(6).- Buffer. Reduce the side yard buffer on the north property line from 50 feet to 0 feet to accommodate the installation of the septic drain field. **A-906-25-B:** Per Sec. 110-93.- Reduce the septic tank and septic drain field line setback on the north property line from 25 feet to 6 feet to install the septic drain field. **A-906-25-C:** Per Sec. 110-174(5)a.- Street frontage landscape area: to reduce the septic system placement setback from 25 feet to 5 feet on the north side of the SR 74 entrance to install the septic drain field. The subject property is located in Land Lots 8 of the 6th District and fronts Antioch Road.

Ms. Bell explained that petition A-906-25-A-B-C has three components and being one project, it will require three separate votes. She read each request. It is staff's opinion that the history of the parcel creates some unique and difficult constraints. The property has a long history of development as a community crossroads area, with homes, local businesses, a church, and a school. It was bisected by the former route of Georgia State Route 85, as evidenced on a 1940 county map and a 1955 aerial photo. This combination of former uses created a property with limited suitable soils for a modern septic system. If the variances are approved as depicted on the accompanying site plan, staff feel that there will be minimal impact on the neighboring property. The area that is the subject of the requests is adjacent to the entry drive and detention pond of New Hope Baptist Church. The property was rezoned from A-R to C-C in 2022 by the BOC. She explained the zoning requirements per each: Sec 110-93 requires a ten foot setback for septic tank and drain field from the property line; Sec. 110-143 its require buffering in the C-C zoning and Sec 110-174 is part of the landscape requirement in the historic district overlay zone and Sec. 110-194 it's the general Buffer requirement. Ms. Bell showed on the maps the buffers and other requirements on the plans and maps.

Chairman John Tate asked if the petitioner was present.

Mr. Rick Lindsey, agent, spoke on behalf of the petitioner, stating that all of the variances requested involve the septic system that needs to be put into the property. He mentioned the property presents challenges to installing a workable septic system because the old Highway 85 bisected this property and stated Environmental Health did not allow them to do that because the soils were disturbed and covered by asphalt for a number of years, and in addition, the Stars Mill Historic Overlay district requires for the development to stay away from Highways 85 and 74 and more buffers by pushing the development to the back of the property. He stated the proposed septic drain fields will be in the northern part of the property, and on the other side, it's the detention pond for the New Hope Baptist church. Mr. Lindsey stated he has reached out to them and sent them a copy of the plans and has heard no objections, and he believes it meets the criteria for the variances to be approved. He stated wanted to empathized will be a coffee shop and a retail space too.

Chairman Tate asked if anyone else wanted to speak in support or in opposition of the petition? With no response, the chairman brought the item back to

Ms. Debbie Bell amended the agenda to correct the applicant's request Per Sec. 110-242(h), requesting an illegal lot to be deemed a non-conforming lot. It was advertised correctly, but it's incorrect on the agenda. Staff assessment considers that the subject property was made illegal by actions of a previous owner via a plat recorded on 29 April 1986, more than ten years ago. The plat was for Redwine Quarters, Phase I, and while it did not specifically include this parcel, it created this parcel as a remnant. The petitioner IS NOT a person, or an immediate family member of that person, who caused the subject property to be an illegal lot. As defined in Sec. 110-242(h)(3), there is no property available to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause said lot(s) to be illegal in size, road frontage, or lot area. Environmental Management and Environmental Health had some comments regarding the floodplain and riparian buffers. Ms. Bell explained the configuration of the lot that was the parent parcel on the maps. If approved, the petitioner will have to come back and ask for a variance to the lot size.

Chairman asked if the petitioner was present.

Mr. Jason Newman, son of Michael and Billie Newman, stated he lives in the back of that subdivision and there were aware that the property was not the correct size and had flood plain. Mr. Newman stated that within one acre more or less they had available to build a workshop and not to place a principal residence; they knew less than five acres.

Chairman asked the audience if there was anyone to speak in favor of the petition. With no response, the Chairman asked if anyone wanted to speak in opposition.?

Mr. James Heighton, adjacent neighbor to the property in question, knowing that the property didn't have the correct acreage and had a stream running through the middle and was in the floodplain. He stated that he doesn't agree with someone changing the aesthetics of the area. Nelms Rd is a dirt road; they like the wildness of it and if people buy property that doesn't meet the requirements, like the other lots, why do it? Mr. Heighton stated he does not know what they are trying to do with the property and asked the Board for their consideration to deal with this properly and heard rumors that big buildings are planned to come; they were trying to refurbish cars.

Ms. Hope Winters spoke in opposition, saying that her parents purchased their home in 1977, and to main character of their neighborhood, she mentioned that zoning exists to protect the balance, safety and livability of their community. In this case, the applicant knowingly and willingly bought the parcel, knowing it was less than five acres and all of the restrictions that came with it, asking for a variance to appeal these regulations so they can build multiple structures on a lot that doesn't meet the requirements and the applicant also revealed to plan to a large car restoration without living on the property, having multiple structures since July 2025 including two RV's, shipping containers, a boat, the property reassembles a junk yard. Ms. Winters provided photos of the location with all of the structures to the Board.

Chairman Tate if anyone else was in opposition of the petition, with no response, the chairman brought the item back to the Board and asked the petitioner to come back for rebuttal.

Brian Haren moved to adjourn the October 27, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion carried 5-0.

The meeting adjourned at 8:05 pm

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**



JOHN TATE, CHAIRMAN



**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**