

# Minutes 01/26/2026

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on January 26, 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 John Tate called the January 26, 2026, 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. Ms. Deborah Sims amended the agenda for the election of officers of the 2026 Fayette County Zoning Board of Appeals and the installation of the new board member, Mrs. Latisha Roebuck, and added items 5 through 8. *Marsha Hopkins made a motion to approve the amended agenda with the addition of items 5 through 8 to elect new officers on the 2026 Fayette County Zoning Board of Appeals and the new board member, Ms. Latisha Roebuck. Brian Haren seconded the motion. The motion passes 4-0. Planning and Zoning Director Deborah Bell was absent.*
  4. Installation of Mrs. Latisha Roebuck as New Board Member. Oath of Office for Mrs. Latisha Roebuck. *E. Allison Ivey Cox, County Attorney, read the Oath of Office to Latisha Roebuck, who was sworn in as a board member for the 2026 Fayette County Zoning Board of Appeals.*
  5. Election of the Chairman. *Brian Haren nominated Marsha Hopkins as the Chairman of the 2026 Fayette County Zoning Board of Appeals. John Tate made a motion to close the nomination. Nominations were closed. The board voted 5-0 to approve the nomination. The motion passes 5-0.*
  6. Election of the Vice-Chairman. *Brian Haren nominated Kyle McCormick as the Vice-Chairman of the 2026 Fayette County Zoning Board of Appeals. John Tate made a motion to close the nomination. Nominations were closed. The board voted 5-0 to approve the nomination. The motion passes 5-0.*

7. Election of Secretary. ***Brian Haren nominated Maria Binns for 2026 Fayette County Zoning Board of Appeals Secretary. Brian Haren made a motion to close the nomination. Nominations were closed. The board voted 5-0 to approve the nomination. The motion passes 5-0.***
8. Consideration of the Minutes of the Meeting held on December 15, 2025. ***Chairman John Tate made the motion to approve the minutes of the meeting held on December 15, 2026. Brian Haren seconded the motion. The motion carried 4-0.***

### **PUBLIC HEARING**

9. Consideration of Petition No. A-912-25 – Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust. 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 4.995 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 31 of the 7<sup>th</sup> District and fronts Nelms Road.

Ms. Sims stated this lot was deemed a nonconforming lot by the decision of the Zoning Board of Appeals on December 15, 2025, and now it's requesting a variance to the minimum lot size to allow a lot that is 208,216.8 square feet in area (4.78 acres) to be eligible to obtain a building permit. She stated the lot contains a lot of floodplain, and the owner wants to construct an auxiliary structure. Staff recommends approval.

Mr. Jason Newman expressed his gratitude to the commissioners and the county and stated that the denial of the petition will result in leaving the property unusual. The requirements criteria had been met with county standards.

Chairman Marsha Hopkins moved to bring the item back to the board, since there were no support or opposition comments.

Commissioner John Tate stated that, considering the petition meets all requirements per Section 110-242(c)(1), he moved for approval the petition and made motion.

***John Tate made a motion to APPROVED Petition No. A-912-25. Brian Haren seconded the motion. The motion passed ~~5-0~~ 4-0. M.B.***

10. Consideration of Petition No. A-915-25 – Kimberly N. Waldrop, Owner. Applicant is requesting the following: Variance to Sec. 110-137(d)(6)- R-40., to reduce the side yard setback from 15 feet to 5 feet to allow the construction of a detached garage. The subject property is located in Land Lots 184 of the 4<sup>th</sup> District and fronts Hammock Bay Road.

Ms. Sims read the description above and added that the applicant wants to build a detached garage, the property consist into two front yards, and the design of the house, when originally built, due to the shallow depth of the cul-de-sac lot, created challenges adding it elsewhere.

Kimberly Waldrop stated that adding the detached garage elsewhere on the property would be very difficult due to the majority of trees being on the opposite side, along with utility lines, and she wanted to use the existing driveway. If approved will need to be approved by their Home Owners Association.

Chairman Marsha Hopkins asked if anyone in the audience wanted to speak in support of the petition.

Mr. Neil Orand, neighbor next door, stated he has no objection to the structure being in the requested area.

Commissioner Bryan Haren asked the applicant where her septic location was and when it was built.

Ms. Waldrop responded that it was built in 2006 and is in the front yard, close to the driveway.

Commissioner Haren was there a petition in 2023 for a setback request?

Ms. Waldrop responded that it was for a pool on the right side of the house.

Commissioner Haren asked the applicant if there were any limitations pushing back the proposed structure so as not interfere with the setbacks?

Ms. Waldrop responded the hill will not suit that and will not leave room for a gate to access the back yard.

Ms. Sims showed the survey, explaining that it will be too tight to place it back far in the property.

Chairman Hopkins asked the board if they had more comments or to entertain a motion.

***John Tate made a motion to APPROVED Petition No. A-915-25. Brian Haren seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. A-916-25 – Ritchey Living Trust, Owner. Applicants are requesting a Variance to Sec. 110-149 (d)(6)(c)- PUD., to reduce the side yard setback from 15 feet to 12.63 feet to allow an existing attached garage to remain. The subject property is located in Land Lots 4 of the 6<sup>th</sup> District and fronts Wellborn Chase.

Ms. Sims introduced petition A-916-25, with location of the property at 140 Wellborn Chase. The house was constructed in 1994, the garage was built too close to the side property line. After it was damaged by fire, they applied to reconstruct it staff noticed the encroachment and advised the contractor and applicant that a variance was needed to complete reconstruction.

Ms. Sims stated this will not have a negative effect on any neighboring properties.

Ms. Elizabeth Ritchey stated the house was struck by lightning and the garage was built in 2008 and they didn't know the house was encroaching. Ms. Ritchey stated they are desperate to return home.

Mr. Neil Orand spoke in support of the petition and said has no objection to the petition.

Chairman Hopkins asked the audience if anyone was in opposition, hearing none then she brought the item back to the board for questions or comments.

Mr. Bryan Haren asked the petitioner if they just wanted to rebuild what was there before the fire.

Ms. Ritchey responded yes, the garage in question still has a roof.

Mr. Haren commented that they will not penalize people for what insurance will call it an act of god and that he will be in support of the petition.

Chairman Hopkins agreed with Mr. Haren's comment and made a motion for approval.

***Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-916-25. Vice-Chairman Kyle McCormick seconded the motion. The motion passed 5-0.***

12. Consideration of Petition No. A-917-25 – Douglas John Williams, Owner. Applicant is requesting a variance to reduce the side yard setback in the R-40 zoning district from 15 feet to 7 feet to allow a new accessory structure to be constructed. The subject property is located in Land Lots 221 of the 5<sup>th</sup> District and fronts Bentley Way. *Staff will request a motion to withdraw by petitioner.*

Ms. Sims stated that the applicant requested to withdraw, and since it has been advertised staff is requesting a motion to approve the withdrawal.

***WITHDRAWN BY PETITIONER, Marsha Hopkins made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-917-25. Latisha Roebuck seconded the motion. The motion carried 5-0.***

13. Consideration of Petition No. A-918-25 – Kerr Firefly Properties, LLC, Owner. Applicant is requesting a variance to Sec. 110-179(c)(1)(b)-In the A-R zoning. - Request to approve an increase of an accessory structure maximum footprint from 700 SF to 1200 SF to allow an existing accessory structure to remain. The subject property is located in Land Lots 104 of the 7<sup>th</sup> District and fronts Dogwood Trail. *Staff will request a motion to withdraw by petitioner.*

Ms. Sims stated that the applicant requested to withdraw, and since it has been advertised staff is requesting a motion to approve the withdrawal.

***WITHDRAWN BY PETITIONER, John Tate made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-918-25. Brian Haren seconded the motion. The motion carried 5-0.***

14. Consideration of Petition No. **A-919-25-A** – Neil Orand and Tara Fogle Orand, Owner. Applicant is requesting the following: A) Variance to Sec. 110-137(d)(6)- R-40.- Requesting a variance to reduce the side yard setback from 15 feet to 7 feet to allow a new accessory structure to be built. The subject property is located in Land Lots 184 of the 4<sup>th</sup> District and fronts Hammock Way Drive and Brooks Woolsey Road.

Ms. Sims stated the petitions for 106 Hammock Bay Drive have two petitions A-919-25-A and A-919-25-B. She presented the requests for both petitions, and the board will separately hold a separate hearing and a motion. Ms. Sims stated that for petition A-919-25-A the applicant is requesting to reduce the yard side 15 feet to 7 feet to allow a new detached garage to be built at the end of the existing driveway. The property has a very unique location in a cul-de-sac lot and has two road frontages. Staff received a letter from the Home Owners Association expressing no objections to these variances. Also, for petition A-919-25-B the applicant is requesting to reduce the front yard setback for the secondary front yard on Brooks Woolsey Road from 60 feet to 40 feet to allow the construction of the detached garage. Ms. Sims stated that it will not be possible for the applicant to build it on the right side of the property because the septic system will have to be moved to build a new driveway, and also, all the utilities are there, which make it difficult. Neighbors seem to have no objections.

Mr. Neil Orand stated he would like to build the detached garage as presented and because the property line runs parallel to the back of the house, they did not want to place the proposed garage behind the house, since it will encroach and a variance will be requested anyway.

Ms. Kimberly Waldrop, neighbor next door, stated that with a huge tree in between them this approval will not affect her property at all.

Without any support or opposition comments, Chairman Hopkins brought the item back to the board for discussion or entertain a motion.

Ms. Sims added the applicant will be required to conduct a foundation survey before they can get a framing inspection.

Mr. Kyle McCormick asked the board if the side yard setback was 15 to 10 or 15 to 7 feet.

Ms. Sims stated it was advertised from 15 feet to 7 feet.

Mr. Bryan Haren commented if this house were to be built today, the board would be a less issue approving it, and he made a motion.

***Brian Haren made a motion to approved Petition No. A-919-25-A. John Tate seconded the motion. The motion passed unanimously.***

15. Consideration of Petition No. **A-919-25-B** – Neil Orand and Tara Fogle Orand, Owner. Applicant is requesting B)Variance to Sec. 110-137(d)(4)- R-40.- Requesting a variance to reduce the front yard setback along Brooks Woolsey Road from 60 feet to 40 feet. The subject property is located in Land Lots 184 of the 4<sup>th</sup> District and fronts Hammock Way Drive and Brooks Woolsey Road.

Ms. Sims discussed both petitions above and because they need separate hearings, the applicant and Mr. Neil Orand spoke in support, no one spoke in opposition. The board brought the item back to the board and made a motion.

***Brian Haren made a motion to APPROVED Petition No. A-919-25-B. John Tate seconded the motion. The motion passed unanimously.***

16. Consideration of Petition No. A-920-25 – Neal W. McEwen and Patricia H. McEwen, Owners. Applicant is requesting a variance to Sec. 110-79(c)(1)(b) to increase the maximum square footage of a guest house from 700 square feet to 1,782 square feet to allow an existing and permitted guesthouse to remain. The subject property is located in Land Lots 98 of the 4<sup>th</sup> District and fronts Morgan Mill Road. *Removed by staff, this case is not eligible for a variance.*

Ms. Sims stated petition A-920-25 was removed by staff because the case is not eligible for a variance, and we need a motion to approve the removal since it was advertised.

***REMOVED BY STAFF, John Tate made a motion to ACCEPT THE REMOVAL BY STAFF, THIS CASE IS NOT ELIGIBLE FOR A VARIANCE of Petition A-920-25. Latisha Roebuck seconded the motion. The motion carried 5-0.***

17. Consideration of Petition No. **A-921-25-A** – Alexis Kirkbride, Owner. Applicant is requesting A) Variance to Sec. 110-79(e) to allow an accessory structure located in front yard to remain. The subject property is located in Land Lots 1 of the 9<sup>th</sup> District and fronts Rivers Road.

Ms. Sims explained that this case has three hearings; it's the same property requesting different variances. Back in 2022 apply for a variance for a detached garage in the front yard, but the petitioner withdrew the petition after the board asked to reevaluate things, the property owner proceeded to apply for a pool and a pool house but he didn't permit the accessory structure in the front yard and sold the property to Ms. Kirkbride, they can not proceed until this variance is cure. Ms. Sims refers to the maps and aerials to show the location of the structures.

Ms. Ann Kirkbride, mother of the petitioner, spoke on behalf of the owner and stated that they purchased the house and discovered there was an expired permit on the pavilion, it's just a storage shed with no electricity, and was not disclosed

to them when purchasing the home, and they need this variance approval to continue with the pavilion permit.

Chairman Hopkins moved to bring the item back to the board after no further comments in support or opposition from the audience.

Ms. Latisha Roebuck asked the petitioner what the total square footage of all the accessory structures would be.

Ms. Kirkbride responded to under 1,800 square feet, by the letter of the surveyor, including all the structures, she stated total 1,785 square feet, counting the structure under 1,000 square feet and the pavilion under 800 square feet.

Mr. Haren asked staff if the structure in the front is an airplane hangar or a shed.

Ms. Sims responded didn't know because they did not have a permit, and that in the initial permit request, they were proposing a 1,800 square feet garage. The Department of Building Safety will call anything with a roller door a garage, and zoning will call it an accessory structure. The arials shown between 2022 and 2024 were put out in that location.

Mr. Haren commented that in 2022 were talking to the previous owner in how to tax a hangar and saying he was close to the runway.

Ms. Sims stated staff will not support to place an airplane hanger at this location by not being an aircraft community here in rivers road and the previous owner and having the options he wanted he proceeded with the construction of it without a permit. If the board approves these three variances it will have to be permitted by building safety if not it will have to be permitted to demolish it.

Mr. Haren asked the petitioner what are your intentions are.

Ms. Kirkbride responded, would like to keep it as storage.

Chairman Hopkins asked staff if the pool cant be considered unless these other two are resolved.

Ms. Sims responded the pool can be considered absent of petitions A and B, they are for the structure constructed without a permit by the previous owner.

Mr. Haren commented that he understands there is a cost to all, but the easiest solution is to turn it down.

Mr. Tate commented that the board cannot punish the petitioner for what the previous owner did. Chairman Hopkins agreed with this comment.

Mr. Haren asked staff if this gets approved, what does the home owner has to do?

Ms. Sims responded they will have to obtain a permit and will have to get inspections and keep it as where the current owner wanted.

***Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-919-25-A. John Tate seconded the motion. The motion passed unanimously.***

18. Consideration of Petition No. **A-921-25-B** – Alexis Kirkbride, Owner. Applicant is requesting B) Variance to Sec. 110-133(d)(5) to reduce the rear yard setback from 50 feet to 37.6 feet to allow an existing accessory structure to remain. The subject property is located in Land Lots 1 of the 9<sup>th</sup> District and fronts Rivers Road.

Ms. Sims stated that for A-921-25-B of this petition is to allow the existing encroachment into the rear yard setback.

Ms. Kirkbride stated that the septic is on the left side, and would it be difficult to build on that side.

Chairman Hopkins moved to bring the item back to the board after no comments in support of opposition.

After previously discussing all the points on petition “A” the board made a motion.

***Brian Haren made a motion to APPROVED Petition No. A-921-25-B. Vice-Chairman Kyle McCormick seconded the motion. The motion passed 5-0.***

19. Consideration of Petition No. **A-921-25-C** – Alexis Kirkbride, Owner. Applicant is requesting C) Variance to Sec. 110-133(d)(5) to reduce the rear yard setback from 50 feet to 33.7 feet to allow the pool deck/equipment to remain as required in Sec. 110-79(k). The subject property is located in Land Lots 1 of the 9<sup>th</sup> District and fronts Rivers Road.

Ms. Sims for part C is to allow the encroachment of the pool deck; everything has to be inside the buildable area per our ordinances.

Ms. Kirkbride commented it was the corner that sits in that 50 foot setback.

Chairman Hopkins moved to bring the item back to the board after no comments in support or opposition. The board had no comments or questions and moved for a motion.

***John Tate made a motion to APPROVED Petition No. A-921-25-C. Brian Haren seconded the motion. The motion passed 5-0.***

20. Consideration of Petition No. **A-922-25-A** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: A) Variance to Sec. 110-79(e), to allow an accessory structure in the front yard. The subject property is located in Land Lots 65 of the 5<sup>th</sup> District and fronts Lester Road and Sherwood Road.

Ms. Sims presented and explained all of the three parts (A, B and C) to ease the motions and stated the property is one of the first airline communities in Fayette County, going back to 1969 within Coventry estates, and the property sits at the end of a road, and wanted to construct a hangar. Ms. Sims showed the airstrip on the aerials and the proposed location of the hangar, considering that space the front yard, and because of that, he need a variance to place it logically at the end of the runway.

Mr. Tim Belcher stated brought the property at the end of June last year and it one of the few that airport property that doesn't have a hangar to protect his airplane and that the only location on the property to have it at that location. He mentioned the lot has other structures and purchasing the property was originally two lot but the estate that he bought it from combined them together into one.

Chairman Hopkins asked if anyone wanted to speak in support of the petition.

Mr. Tim Hester, president of the runway association, stated he appreciated the board passed his variance previously and he will the same consideration for Mr. Tim Belcher.

Chairman Hopkins moved to bring the item back to the board after no comments in support or opposition. Chairman Hopkins also asked the petitioner about the location of the runway.

Mr. Belcher responded, it is not at the end of the runway, he pointed at the maps and said it goes across Lester Road, it is not in line with the runway, and the hangar will not make any difference in safety wise on the runway.

Mr. Bryan Haren asked if there are any other hangars in other properties.

Mr. Belcher responded that there are 17 hangars at the airport.

Mr. Haren asked how many of them are on the runway, setback or behind.

Mr. Belcher responded that there are all setback someway within the runway.

Ms. Latisha Roebuck commented that they understand a combination of two lots, she asked why he chose that location versus next to the primary home or behind it.

Mr. Belcher showed the primary home location and stated that, according to the zoning regulations for his property everything on the south part of it it's a front yard, everything on the west of the house is front yard; the only place he can put the hangar it would be in a small corner of the lot and pointed out to the contours they go up and down the property and would not be possible for the hangar to be back there and would have to cut a lot of trees.

Mr. Bryan Haren commented that the property has two front yards, and he sees no reason not to support that.

Mr. John Tate agreed that every part of the property is considered a front yard and he will support the petition A-922-25-A and move to motion.

***John Tate made a motion to APPROVED Petition No. A-922-25-A. Brian Haren seconded the motion. The motion passed 5-0.***

Ms. Sims was explaining petition A-922-25-B to increase the number of square footage allowed for accessory structures on the property; the old foundation of the house is still there, and with zoning, when counting square footage and roof lines, they didn't include that as one of the structures that will need a variance and counted it as recreational court. Staff added a list of the accessory structures that count on the staff report and the square footage limitations. By counting was it's on his property total 2,607SF and adding the hangar will bring a total of 7,407 to maintain the structures that he has and keep everything else. Ms. Sims stated that a rezoning to A-R is not possible because it is part of the Coventry Estates Subdivision.

Chairman Hopkins asked if the applicant want it to speak in support of petition part "B".

Mr. Belcher commented that hangars require a lot of space, and he is planning to have more than one airplane.

Mr. Hester spoke in support and stated that the airplanes within the community are similar sizes and need a lot of space, and he hopes the board approves this petition.

Chairman Hopkins brought the item back to the board after no more comments in support or opposition of the petition. Chairman asked, is this lot the largest within this subdivision?

Mr. Belcher responded that there are smaller and larger lots in it, and his is one of the largest.

Mr. Hester said that the second largest one is in the subdivision.

Ms. Sims commented that in the future, by talking with the planning commission, they are revising development plans to be subdivided.

Ms. Latisha Roebuck asked the petitioner if the structure that he is looking to build total 4,800 square feet, including restrooms and storage the total of the new hangar will be under 5,000 square feet?

Mr. Belcher responded yes.

Mr. Kyle McCormick asked if the hangar could be less than 1,000 square feet to max the allowable requirement of 3,600?

Mr. Belcher responded that it will not be very functional, and explained that it will need a 45 foot wide door to get the airplane wings in and will not fit two planes.

Mr. Haren stated by being a flying community and everyone has planes there and for the board to consider and he didn't have a problem for approval.

Mr. Tate commented that by approving the additional square footage of the hangar in a R-40 to 7,407 will be a lot to approve. He asked for clarification.

Mr. Belcher responded that he will be exceeding the 3,600 sf and the other structures have been approved.

Ms. Sims requested to move the vote on petition "C" to clarify a little more.

Ms. Allison Cox, County Attorney explained there are two different petitions to be considered, presented as "B" the board will vote to allow an accessory structure or not.

Chairman Hopkins added if there were four structures, the hangar would make it five, she asked staff.

Ms. Sims explained that the foundation from the old house is not a roof line and staff will not count that as a structure.

Chairman Hopkins responded that it was listed on the list shown in the staff report.

Ms. Sims explained that if counted as a recreational court, it will not count towards the square footage allowance; it's like a pool, but the other structures will count.

The board decided to amend the agenda to change A-922-25-C before A-922-25-B to clear doubts.

21. Amendment of the Agenda. ***Chairman Marsha Hopkins amended the agenda to reverse items No.21(A-922-25-B) and No.22 (A-922-25-C), where now item No.22(A-922-25-C) will be No.21(A-922-25-B). Marsha Hopkins made a motion to approve the amended agenda with the reversion of items No.22(A-922-25-C) to be No.21(A-922-25-B) Brian Haren seconded the motion. The motion passes 5-0.***
22. Consideration of Petition No. **A-922-25-C** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: C) Variance to Sec.110-79 (c)(1)(a) to exceed the allowable quantity (three) total, to allow four accessory structures on a lot with a minimum of five acres. The subject property is located in Land Lots 65 of the 5<sup>th</sup> District and fronts Lester Road and Sherwood Road.

Ms. Sims explained that for petition "C" the allowable accessory structures in the R-40 zoning are three (3), property has three (3) and wants to add a fourth one by

placing a hangar to bring the total square footage to 7,407, the foundation will not count towards.

Mr. Haren asked the petitioner whether the accessory structures were there before purchasing the property.

Mr. Belcher responded yes, the shed was built around year 2000 and the woodshed is 30 to 40 years old.

Mr. Haren asked about a lot of these structures, which are located on the eastern parcel.

Mr. Belcher showed on the maps all the structures and locations.

Chairman Hopkins asked the audience to speak in support. Mr. Hester commented supports all of the applicant petitions and Mr. Belcher added that he sent a letter signed by all of his neighbors supporting all the petitions.

The Chairman brought the item back to the board with no opposition comments.

Ms. Roebuck asked the petitioner would build the hanger upon the old foundation.

Mr. Belcher responded no.

Chairman Hopkins mentioned having doubts about the old foundation, is considered recreational.

Ms. Sims explained because no having a roof line, they don't count as part of the number of structures, it can be a driveway or a patio. Its not a structure is a foundation.

Mr. Belcher added that in all clarity, the foundation has walls and has concrete on top of it, but it's been there that long, it's a shell.

Ms. Sims responded in that case, it changes everything.

Mr. McCormick asked if they had a picture of it.

Mr. Haren commented that after reviewing the photos its clear is a structure.

Chairman Hopkins to staff are they required to place restrictions on one of these structures to remain.

Ms. Cox responded yes, currently he is only allowed to have three (3), the request is only allowed to anything else and choose which one he wants to

remove. The board can limit what you allow that square footage. But it's two separate variances: 1.- He is only allowed up to three accessory structures in this zoning district, but he has four being above the minimum and he likes to have five, the board will decide if they will approve for or required to stay at three and deny that variance request. And then 2.- Considered the maximum square t footage if he will be allowed to build the hangar which is already going to exceed the maximum square footage allowed in that area. There are two separate variances.

Mr. McCormick asked if any of the other neighbors had a similar situation.

Ms. Sims responded these neighborhood was developed in the 60's, and anything that was permitted was destroyed in the courthouse fire. And permits under 200 square feet don't require a permit and the foundation is different if it has a roof and walls, so we need to count it.

Chairman Hopkins expresses that five accessory structures are a lot.

Mr. Haren asked the applicant if he needed a hangar and if he would agree to remove two (2) accessory structures of his choice.

Mr. Belcher responded that he didn't want to remove them because of the cost.

Mr. Haren responded that the board wants to give him what you're asking for with the commitment of bringing the structures into compliance.

Ms. Sims added to help the applicant and stated that to remove any of the current structures, the applicant will need to submit a demolition permit. Anything that is less than 200 will not require a demolition permit.

Ms. Cox added that if the board denies the ability to exceed the three structures, he has to take two down, even if the board approved the square footage of the hangar, and he will not be able to obtain a new permit.

Mr. Belcher responded that he would remove the small woodshed and be in compliance.

Ms. Sims commented that he could expand the hangar and incorporate it into his hangar.

Mr. Belcher asked if it would be rezoned to A-R.

Ms. Sims stated would have to go through a revised development plan, and in A-R, having the hangar would be a conditional use, and the front yard would be a problem.

Mr. Haren commented on denying petition “C” the maximum he can get, its three accessory structures and then for petition “B” would read based on that denial.

Ms. Sims responded that petition “B”, the board could allow the sf to be greater he just can go over however he decides to configure it, or the board can reduce it by a specific amount, by whatever the accessory structure needs to be.

Mr. McCormick asked if denying “C” would change only the square footage on petition “B”.

Mr. Belcher agreed to remove two (2) structures, the woodshed and the foundation.

The board agreed to maximize the square footage on petition” B” by denying petition “C” and made the following motions:

***Chairman Marsha Hopkins made a motion to DENY Petition No. A-922-25-C. Brian Haren seconded the motion. The motion passed 5-0.***

23. Consideration of Petition No. **A-922-25-B** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: B) Variance to Sec. 110-79(c)(1)(c), to exceed the allowable 3,600 square footage of an accessory structure in the R-40 zoning to a total of 7,407 square feet to allow the construction of an aircraft hangar. The subject property is located in Land Lots 65 of the 5<sup>th</sup> District and fronts Lester Road and Sherwood Road.

And also made a motion to petition A-922-25-B, where the Board will change the square footage from 3,600 SF to 6,648 SF.

***John Tate made a motion to APPROVED Petition No. A-922-25-B, Per Sec. 110-79(c)(1)a., requesting to increase the maximum square footage of accessory structures allowed in a residential zoning with more than five (5) acres from 3,600 square feet to 6,648 square feet to allow the construction of a 4,800 square foot airplane hangar. Vice-Chairman Kyle McCormick seconded the motion. The motion passed 5-0.***

Staff commented that there were no more public hearings for the night, and the board moved to adjourn the meeting.

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*John Tate moved to adjourn the January 26, 2026, Zoning Board of Appeals meeting. Vice-Chairman Marsha Hopkins seconded the motion. The motion passed 5-0.*

*The meeting adjourned at 9:19 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**