

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairman
Bill Beckwith
Brian Haren
Kyle McCormick

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
May 27, 2025
7:00 P.M.**

***Please turn off or turn to mute all electronic devices during the
Zoning Board of Appeals Meetings**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on March 24, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-890-25 – Iris Williams, Owner. Applicant is requesting a variance to Sec. 110-137(d)(4) a. (1)., the front yard setback on an Arterial in the R-40 Zoning District is required to be 60 feet. The applicant requests to reduce the setback by 6 feet, to 54 feet, to allow the construction of a primary house. The subject property is located in Land Lots 74 & 75 of the 5th District and fronts South Jeff Davis Road. This petition was tabled at the March 24, 2025 meeting.
6. Consideration of Petition No. A-892-25 – Dornell and Winston Charles, Owners, Applicants are requesting a variance to Sec. 110-133. – R-70, 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 1.704 acres to be eligible for development. The subject property is located in Land Lots 80 of the 7th District and fronts Coastline Road.
7. Consideration of Petition No. A-893-25 – Tunde Uboh, Owner, Applicant is requesting a variance to Sec. 110-79(c)(1) b., to allow a residential accessory structure from 1800 SF to 2164 SF to remain exceeding the maximum footprint on a lot less than 5 acres. The subject property is located in Land Lots 22 & 43 of the 7th District and fronts Kirby Lane.

8. Consideration of Petition No. A-894-25 – Christian and Anna Rodriguez, Owners, Per Sec. 110-242(c)(1), Applicants are requesting a variance to Sec. 110-125(d)(1) to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.9723 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 220 and 221 of the 4th District and fronts Snead Road and Bernhard Road.
9. Consideration of Petition No. A-895-25-A – Elisha Turman and Joseph Jones, Owners, Applicants are requesting a variance to Sec 110-125(d)(5) to reduce the rear yard setback from 50' to 47.2' to allow an existing pool deck to remain. The subject property is located in Land Lots 121 of the 4th District and fronts Friendship Church Road.
10. Consideration of Petition No. A-895-25-B – Elisha Turman and Joseph Jones, owners, this variance was removed, staff identified that this issue cannot be resolved with a variance. The final plat for the parcel can be revised to show a 50' setback instead of a 100' setback and the proposed building will meet County standards. The subject property is located in Land Lots 121 of the 4th District and fronts Friendship Church Road.
11. Consideration of Petition No. A-896-25-A – Pediatric Wellness Pavilion, LLC, Owner. Applicant is requesting a variance to Sec 110-173 (1) i. (1) to allow 64% of the parking to be located in the front yard. The subject property is located in Land Lots 7 and 17 of the 6th District and fronts South Highway 74.
12. Consideration of Petition No. A-896-25-B – Pediatric Wellness Pavilion, LLC, Owner. Staff have determined that Part B. of this request is not necessary, no buffer is required on the north property line adjacent to the Starr's Mill School Complex. The only setback on this property line is the standard 15' building setback. The subject property is located in Land Lots 7 and 17 of the 6th District and fronts South Highway 74.

Minutes 03/24/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on March 24, 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 [absent]
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 March 24, 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 as presented Bill Beckwith seconded the motion. The motion passed 5-0.*
 4. Consideration of the Minutes of the Meeting held on February 24, 2025. *Bill Beckwith made the motion to approve the minutes of the meeting held on February 24, 2025. Marsha Hopkins seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. A-885-25 – Matthew & Kristi Oates, Owners, Applicants are requesting a variance to Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 47.4 feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 167 of the 4th District and fronts Chappell Road.

Ms. Deborah Sims stated that while working with the surveyor trying to get the property lines realigned came to their attention that the accessory structure was 47.4 feet from the property line. They are requesting a variance to proceed with subdividing the property for better alignment.

Ms. Kristi Oates explained that they had a swing set that was replaced with the existing shed, but once they got the survey found out it was 47.4 feet from the property line. She asked the board to make an exception to keep it as it.

Chairman John Tate asked if anyone in the audience was in favor of the petition. No one responded, then asked if anyone was in opposition.? No one responded. The chairman brought the item back to the board for questions.

Bill Beckwith asked the petitioner if she and her husband had constructed the shed and when was that.?

Ms. Oates responded Yes, around the late 90s, earlier 2000s. She added they had lived there for almost twenty years.

Mr. Beckwith asked how it is constructed.? What materials?

Ms. Oates stated that the tree sides are cedar and have a black metal roof; it has just one side that is open.

Mr. Kyle McCormick asked if she had talked to the neighbors concerning the setbacks.?

Ms. Oates responded Yes, they have no objection.

Chairman John Tate asked the board if no further questions, to make a motion.

Brian Haren made a motion to APPROVE Petition No. A-885-25. Bill Beckwith seconded the motion. The motion passed unanimously.

6. Consideration of Petition No. A-886-25 – Barbara & Roch LaRocca, Owners, Applicants are requesting a variance to Sec. 110-149(d)(6)(c), to reduce the side yard setback from 15 feet to 8.5 feet to allow the construction of a new accessory structure. The subject property is located in Land Lots 3 and 21 of the 6th District and fronts Longmead Drive and Redwine Road.

Ms. Sims explained that the petition is located on the Timberlake Subdivision and is a PUD, which is a different configuration since it has two front yards, a narrow yard and the way the house is located makes it a little difficult to build the accessory structure without some encroachment into the setback from 15 feet to 8.5 feet.

Mr. Dan Undutch presented the board photographs of the site and introduced himself as the builder's and owner's representative. The owners are desiring it to construct a garage, but the aesthetic of the building trying to go wider instead of deeper into the backyard makes more sense. The affected neighbor to the left is in support and will not stroke their view in any way.

Mr. Bill Beckwith asked if there is a garage already associated with the house.?

Mr. Undutch responded that they do, is an attached smaller two car garage.

Mr. Brian Haren asked if there are any unusual conditions on the lot that will prevent that structure from being pushed further to the rear and so it's in the back yard within the setbacks.?

Mr. Undutch responded no, per said. It could be put further back, but it will put a turn that will block their view from the back of the house and a practical standpoint for their usage and see if they can put an open breeze way into the garage and the new workshop it's an ideal location as presented.

Mr. Haren asked staff if this was a PUD zoning issue, not a HOA issue.?

Ms. Sims replied that this is a PUD issue; the size yard setback is 15 feet and in order to get the garage they want, they will have to encroach into the setback. Staff will require a foundation survey to be submitted before they get their framing inspection to ensure they do not encroach any further than they are allowed.

Mr. Haren asked the petitioner since it is a PUD, there is a HOA, and so they have waived on this.?

Mr. Undutch responded that they had approved the project, but we will need to present the approval for encroaching into the setbacks.

Chairman Tate asked about the space between the actual garage and the proposed one on the photos presented by the petitioner.?

Mr. Undutch responded from the side of the house to the side of the garage.? The garage starts at the end of the driveway, trying to keep it far enough from the house so it can be a walkway and not a complete tunnel.

Chairman Tate replied, "Why can the new structure be attached to the house itself? It will move it back, and it will not require this variance."

Mr. Haren asked to clarify are you asking to take away the breezeway.?

Chairman Tate responded that if it wasn't necessary to have it, if you eliminate the breezeway, then it wouldn't be an encroachment. He asked the petitioner if that idea has been discussed.?

Mr. Undutch responded it has been, its not what the owners would desire as far as the aesthetic look and cutting off access to the back yard. The way the will utilized the property it not ideal for that.

Mr. Haren asked where the drained field is on the property.?

Mr. Undutch responded in the front yard.

Mr. Beckwith added that are aware of a number of criteria that have to be met, but just because the owner wants something that is going to look nice is not one of them. We tried to look at other options if we could, like an alternate location of the project without breaking the law. He suggested relocating or putting the project closer to the house or the back. Do you think there is a way to do that? He asked the petitioner.

Mr. Undutch responded that we could change the design of the building to fit the space. As I read the criteria, the property layout doesn't have a few feet to work on. It could be redesigned, but the functionality wouldn't work.

Mr. Beckwith responded I'm still hearing would like to have it that way, and that is concerning. If you could be redesigned without compromising the ordinances/setbacks.

Chairman Tate asked if their a reason why the breezeway want it to be almost ten feet?

Mr. Undutch responded that we want it ample room to have a conform feel.

Ms. Marsha Hopkins asked by looking on the aerial photo of the homes looked similitier sided and not of them had development much beyond going further into the back, I see that as supporting your point, the narrow it of the lot and the way it is situated would perhaps the lot doesn't lend itself to be under consideration we are suggesting.

Chairman Tate added that he appreciated the comments, and he understands there is not a lot of space on the site. He expressed his concern about opening the doors for other properties following the same additions to their homes.

Mr. Beckwith stated the petitioner has options to redesign and would not be any encroachment, and with that in mind, I will move to disapprove this petition.

Mr. Kyle McCormick regarding the redesign, but they had already voted for a motion.

Bill Beckwith made a motion to DENY Petition No. A-886-25. Chairman John Tate seconded the motion. The motion passed 5-0.

7. Consideration of Petition No. A-887-25 – Black Loyd Hall Jr. Estate, Owner, Applicant is requesting a variance to Sec. 110-125(d)(5) to reduce the rear yard setback from 75 feet to 60 feet to allow the existing house to remain. The subject property is located in Land Lot 93 of the 4th District and fronts Bankstown Road and Morgan Mill Road.

Ms. Sims explained the property was originally developed as one lot, and they are returning to subdivide the property, but when the house was constructed, the eastern property line will be the side yard setback, which would only be fifty feet, now if they come back and subdivide you have an issue with the house being too closed to the side yard setback for them to get tree lots. They are asking for a reduction since this side yard will become the rear yard with the subdivision of the property and will be reduced to sixty feet to allow the existing house to remain at its current location. She showed the Minor Final Plat submitted for review and explained the changes wanted.

Chairman Tate asked if the petitioner was present, but no one responded. He asked if anyone in the audience wanted to speak in support of the petition.? With no response, he moved to ask if anyone was in opposition of the petition.

The following names were selected as the group's spokespersons in opposition of the petition:

Mr. Steve Sullivan
Mr. Jay Updyke
Mr. Darby Holliman
Mr. David Kent
Mrs. Sheila Sullivan

The spokespersons agreed on the alternative to make this property a flag lot to front Morgan Mill Road, and the remaining property will be sufficient for one additional house. They all had concerns about the drainage issues that will channel into their property by adding more than one house on this lot and how it will affect them.

Chairman John Tate asked if anyone else was in opposition of the petition, with no response, he brought the item back to the board for questions. He asked the staff if they had heard anything from the petitioner.

Ms. Sims responded No, sir, we have not.

Bill Beckwith expressed concern that the petitioner's absence from the meeting was unusual, as it allowed the petitioner to hear the opposing viewpoints and present their position against the proposed one. He believed that this was a crucial aspect of the situation and expressed his concern that no one was present to support the proposed position.

Ms. Marsha Hopkins commented that since the petitioner is not here, what we have left is the record, and it lacks a lot of information in the five areas that we are charged with evaluating each case. Can we work with this and make a decision.?

Mr. Brian Haren asked staff, by looking at the survey, which of those lines represents the boundary where that structure needs a variance for.? Is it the horizontal line?

Ms. Sims pointed at the survey and explained that by rotating the property so instead of having two front yards, it will only have one front yard that will become the rear yard, and you will have a 75 foot setback instead of 50 that it had when the house was constructed.

Mr. Haren stated that the opposition's objections to the board's proposed layout, aside from the slight off center ness of the building, are perfectly legal. He argued that the owner could rearrange things and come back asking for the same things. If the petitioner is absent now is potentially in violation, and he would not support this as the petitioner's absence.

Brian Haren made a motion to DENY Petition No. A-887-25. Bill Beckwith seconded the motion. The motion passed unanimously.

8. Consideration of Petition No. A-889-25 – Anthony Whitmore, Owner, Applicant is requesting A) Variance to Sec. 110-133(d)(4)(a)(2) to reduce the front yard setback from 75 feet to 63 feet to allow the primary structure to remain. B) Variance to Sec. 110-79(c)(1), to allow three existing accessory structures in the R-70 zoning to remain. The subject property is located in Land Lots 44 and 45 of the 7th District and fronts Sandy Creek Road.

Ms. Sims explained the variances requested by the petitioner and added that the house was built several years ago. When the property was originally subdivided, they did not require the property owner to get a variance, as it currently sits as a “U” shape around it, and they're proposing to do three lots with houses on either side, instead of having two lots as she showed the survey and explained on the maps.

Mr. James Quattlebaum presented himself as the surveyor of the project. He explained they want to keep the shed, garage, and an open cabana by the pool they were built prior to 2005, and everything else will be removed. Also spoke the variance for the house to keep it as it's.

Chairman Tate asked if anyone in the audience wanted to speak on behalf of the petition.? With no response, he asked if anyone was in opposition of the petition.? But no one responded.

Ms. Allison Cox, County Attorney, stated that we have to separate votes and separate hearings. We need to consider each petition separately with separate votes and motions.

Mr. Brian Haren asked the petitioner, subsequent to the construction of the residence, if there were any improvements on Sandy Creek that expanded the ROW that took frontage property.

Mr. Quattlebaum responded that he asked the DOT and was told there were a couple of plats that he didn't know if were recorded or not. He explained on the survey, and the DOT person he spoke with told him he didn't take any ROW, and if it was given to them, they would take it.

Mr. Haren asked if the current owners of this property were the same owners when these accessory structures were built.?

Mr. Quattlebaum responded No, they bought the property with these structures on it.

Mr. Haren asked if there were any record of permits for the construction of these structures.?

Mr. Quattlebaum responded that there are some plats I have signatures from the zoning, but unless they weren't recorded.

Mr. Haren asked staff about the creation of lot one. Isn't the machination that put this out of compliance, correct?

Ms. Sims responded that no, they are just coming to create two lots, and in order to receive approval, we found out the variance is too closed, and after looking, we did not find a variance for the house.

Mr. Haren asked the petitioner which of the accessory structures you wanted to have remain.?

Mr. Quattlebaum responded the shed, garage, and the cabana.

Mr. Haren asked if the shed that sits in the corner has a poured foundation.?

Mr. Quattlebaum responded that he wasn't sure.

Chairman Tate asked the board for any comments.? With no response, he asked for a motion.

A-889-25-A. Chairman John Tate made a motion to APPROVE Petition No. A-889-25-A. Brian Haren seconded the motion. The motion passed unanimously.

Chairman Tate called the petitioner to speak in favor of petition A-889-25-B and asked if he would like to address that.?

Mr. Quattlebaum, as previously mentioned before they would like to keep the shed, the garage, and the cabana in the pool, but the other three items will be removed.

Chairman Tate asked if anyone else was in favor/opposition of the petition.? He also asked for the acreage on lot two.

Mr. Quattlebaum responded 3.28 acres.

Chairman Tate asked when this property was purchased by the current property owner.?

Mr. Quattlebaum responded that the deed was dated November 25, 2024.

Chairman Tate asked it was purchasing as how many acres.?

Mr. Quattlebaum responded was almost four acres. He mentioned he had changed the property lines some.

Mr. Haren added that lot one, the interior lot that we are considering, was 3.67 acres, and the horseshoe shape around it before being subdivided was 6.9 acres. Over ten acres in total before it was subdivided. He asked if there were two separate lots.

Ms. Sims replied were legally subdivided around 2005.

Mr. Beckwith expressed his concern about if they allow for another accessory structure in violation of the ordinance, and he asked the petitioner for a reason why you would like to keep all three instead of getting rid of one.?

Mr. Quattlebaum responded they need a garage for the house, a shed for the lawn equipment, and the third is the pool cabana.

Mr. Haren asked staff how many accessory structures are we allowing in R-70 zoning.?

Ms. Sims responded if you are less than five acres are you are allowed to two accessory structures totaling of no more than 1,800 sq ft between the two, however you would like to divide the two. To combine them doesn't seem like an option, since it would exceed the maximum allowance.

Mr. Beckwith added that without a commitment from the owner, and if we were to deny this and allow only two structures, it will be up to the owner to

decide what to do with the third one and which one it would be, or we can approve this and create an allowance for three structures.

Ms. Marsha Hopkins responded that the only justification that she found in the record is the owner's claim that it will be a financial hardship to have to take it down, but that is not the basis for our deliberations on whether or not to approve or deny this. The owners created that because of the subdivision and will be heading in the wrong direction to allow for three structures to be there.

Chairman Tate commented how was that shed built.? On a foundation or movable?

Mr. Quattlebaum responded that he thinks is in a foundation if not is not movable, is built with posts on the ground.

Chairman Tate responded that if movable could be attached to the garage itself to make the two structures.

Mr. Quattlebaum asked what constitutes as a structure?

Ms. Sims replied we count roof lines, if you combine the garage and the shed into one, that will be the one structure with 1,500 sq ft, and you can keep the pool cabana as a second structure and not go over the 1,800 sq ft.

Mr. Beckwith asked staff if we were to deny allowing 3 accessory structures, would it be a time frame for the owners to remove one of the structures or do something about one of the structures without us saying which one?

Ms. Allison Cox responded that one of the structures is currently not legal. They can subdivide this property as it sits now without taking care of that structure; they will have to get a variance from this board or tear it down. If they go forward with the other departments, they will be denied because they have an illegal structure on the property. The time frame is up to them if they want to move forward with subsiding.

Mr. Quattlebaum asked what proof we need to bring to show it was removed.?

Ms. Sims responded that they would need to pull demolition permits with the Department of Building Safety, and they will do an inspection to confirm that it's demo. Once they complete the inspection, we have in the permanent record that it has been demolished.

Mr. Haren asked the current owner bought this after it had been subdivided to create that "U" shape out of the parcel, so this accessory structure (shed), before this property was subdivided, was that a legal structure.? Ten acres?

Ms. Cox responded that she wasn't sure when it was built, if they had a permit pulled to build. I couldn't answer that, it wouldn't be legal under our codes.

Chairman Tate asked for more clarification from staff.

Ms. Sims explained on R-70 zoning, you are allowed a total of two accessory structures totaling no more than 1,800 sq ft. If you have 5 acres or more, you can go up to 3 accessory structures totaling no more than 3,600s ft.

Chairman Tate responded that because the applicant is subdividing the property, it hasn't happened.

Ms. Sims responded that because there are still two lots currently, it is a "U" shape, and they are proposing to add one more lot. She stated she didn't know why this wasn't addressed when the property was subdivided the first time.

Mr. Haren commented as original built was legal, after subdivided the property and the stuffs were made illegal nobody got variances for, somebody comes along and buys the property doesn't realize a lot of the stuffs are now illegal, do we hold a property owner responsible from previous actions owner's responsibility.?

Chairman Tate added that if the petitioner is one owner and two lots? If lot two was increased and you decreased any of the other lots, that wouldn't be an issue. He asked if anyone else on the board had any comments.

Mr. Haren responded no but, thank you for bringing it that up I haven't considered that.

Mr. Beckwith added we are looking at a proposed plat, but lines can be moved to keep what's there and still have all three structures to remain.

Mr. Quattlebaum asked staff if we redesigned the cabana by taking out the roof and putting a retractable roof instead, would that still be considered a roof?

Ms. Sims read Sec. 110-79. - Residential accessory structures and their uses(c)(3), she stated she didn't see a way to approve a roof.

Mr. Quattlebaum this will be like a Motorized Retractable Awning.

Ms. Sims responded you will have to submit a permit, and we will have to review it.

Mr. Haren added either readjust things so you get five acres to keep all

three structures or remove one of them.

Mr. Beckwith agreed with Mr. Haren and added is not up to us to decide which one to choose.

Chairman Tate asked for any more comments or to make a motion.

A-889-25-B. *Brian Haren made a motion to DENY Petition No. A-889-25-B. Bill Beckwith seconded the motion. The motion passed unanimously.*

9. Consideration of Petition No. A-890-25 – Iris Williams, Owner, Applicant is requesting a variance to Sec. 110-137(d)(4)(a), to reduce the side yard setback from 60 feet to 54 feet to allow construction of a Single-Family dwelling. The subject property is located in Land Lots 74 & 75 of the 5th District and fronts South Jeff Davis Drive.

Ms. Sims stated the property was recently subdivided in 2022 there is watershed protection and there is a provision and watershed protection that you cannot request a variance to watershed protection if it is indicated on the final plat. This final plat does show watershed protection, and they did get a variance to the contiguous buildable area, typically for a lot in the zoning you are required to have a minimum of contiguous buildable are of 0.3 acres this one only has 0.17 they did get a proper variance back when variances where allow to contiguous buildable area to reduce it to this, but now they are coming back and requesting an additional variance to reduce the front yard setback by 6 feet to allow construction on the primary residence. Ms. Sims showed the maps and proposal.

Chairman Tate asked if the petitioner was present to come to the podium to speak.? No one's responded. He asked if there was someone to speak on behalf of the petitioner. There was no one to speak in favor or opposition.

Ms. Cox commented that the board has the option to table the petition, you don't have a lot of information in front of you, you do have the option to table it to the next hearing and see if the petitioner comes before you. We just need a certain date and a reason.

Mr. Beckwith, we don't know the circumstances for the proponent or agent for not being here.

Bill Beckwith moved to TABLE Petition No. A-890-25 to the May 27th, 2025, Zoning Board of Appeals Meeting. Brian Haren seconded. The motion passed unanimously.

10. Consideration of Petition No. A-891-25 – Taryn and Logan Moore, Owners Applicants are requesting a variance to Sec. 110-125(d)(6) to reduce the side yard setback from 50 feet to 36 feet to allow the primary structure to remain. The

subject property is located in Land Lot 104 of the 4th District and fronts Kelley Road.

Ms. Sims this house was built years ago, while reviewing they had applied to have an addition, the survey indicated the house was less than 50 feet from the property line, so they are petitioning to allow the existing structure to remain at 36 feet from the property line to allow them to bring them into compliance to continue with the addition. She showed the maps and survey where the property was located.

Mr. Logan Moore spoke on behalf of the petition and explained he bought the property with his wife last year from his grandfather. He stated they were unaware of the setback and the easement on that side. They spoke to the neighbor who owns that easement, and he has no problem with us doing this.

Chairman Tate asked the audience if anyone else would like to speak in support of the petition? with no response. He asked if anyone was in opposition.? After no response, he brought the item back to the board.

Mr. Haren asked the petitioner what year the house was built.?

Mr. Moore responded mid-eighties.

Mr. Kyle McCormick asked if they had a survey showing the addition.?

Ms. Sims showed the proposed addition on the screen and explained there are still some issues we will have to work with; there is a detached garage built that seems to stratal the property, and we are still working on have to handle that but when this property was subdivided it was fine for them to only 25 feet that you see here that is not an issue, is just that the house was built too closed and at that time we did not required a foundation survey to ensure that the property was on the buildable area of the lot.

Mr. Beckwith asked if the proposed addition will not encroach.?

Ms. Sims responded no, we just couldn't permit anything that would increase the nonconformity without getting permission to allow the existing encroachment to remain. The house was built after November 13, 1980, deadline. Our provision stated that if a house was built before that and the lot hasn't changed configuration that it will be okay, but in this case was after that date, and we need this variance.

Mr. Beckwick asked when did you purchase the house.?

Mr. Moore responded February of 2024.

Chairman Tate asked staff was ever a petition before the board on this particular property.?

Ms. Sims responded No, staff assume the house was built as it was meant to be built 50 feet from the setback, but the survey shows it was a little too close.

Mr. Beckwith, we don't know the reasons how this happened, and the petitioner owns what his have and because of the new improvement put the spotlight on and for that reason I will be in support of the petition.

Marsha Hopkins made a motion to APPROVE Petition No. A-891-25. Brian Haren seconded the motion. The motion passed unanimously.

Kyle McCormick made a motion to adjourn the March 24, 2025, Zoning Board of Appeals meeting. Bill Beckwith seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:55 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-890 -25

Requested Actions: Variance to Sec. 110-137(d)(4)a.(1) - To allow a variance to reduce the front yard setback from 60 feet to 54 feet to allow the primary structure to remain.

Location: S. Jeff Davis Drive Road, Fayetteville, Georgia 30215

Parcel(s): 0519 094

District/Land Lot(s): 5th District, Land Lot(s) 74 & 75

Zoning: R-40, Single-Family Residential

Lot Size: 1.747 Acres

Owner(s): Iris Williams

Agent: Brandon Larry

Zoning Board of Appeal Public Hearing: May 27, 2025

This request was tabled at the March 24, 2025, meeting due to the Owner/Agent's absence.

REQUEST

Applicant is requesting the following:

Per Sec. 110-137(d)(4) a.(1)., the front yard setback on an Arterial in the R-40 Zoning District is required to be 60 feet. The applicant requests to reduce the setback by 6 feet, to 54 feet, to allow the construction of a primary house.

STAFF ASSESSMENT

- The encroachment is not likely to have an adverse impact on the neighbors or traffic.
- The watershed protection buffers and setbacks do limit the buildable area of the lot.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The watershed protection buffers and setbacks do limit the buildable area on the lot.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
There is an environmental or topographical constraint.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the house is not likely to have an adverse impact on the neighbors or on traffic.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in this zoning district.

HISTORY

This parcel is a legal lot of record documented in a plat recorded in Plat Book 52 Page 117 on November 17, 2022. The right-of-way dedication documents have been submitted.

ZONING REQUIREMENTS

Sec. 110-137. – R-40, Single Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

(1) Lot area per dwelling unit:

- a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
- b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).

(2) Lot width:

- a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
- b. Minor thoroughfare: 125 feet.

(3) Floor area: 1,500 square feet.

(4) Front yard setback:

- a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
- b. Minor thoroughfare: 40 feet.

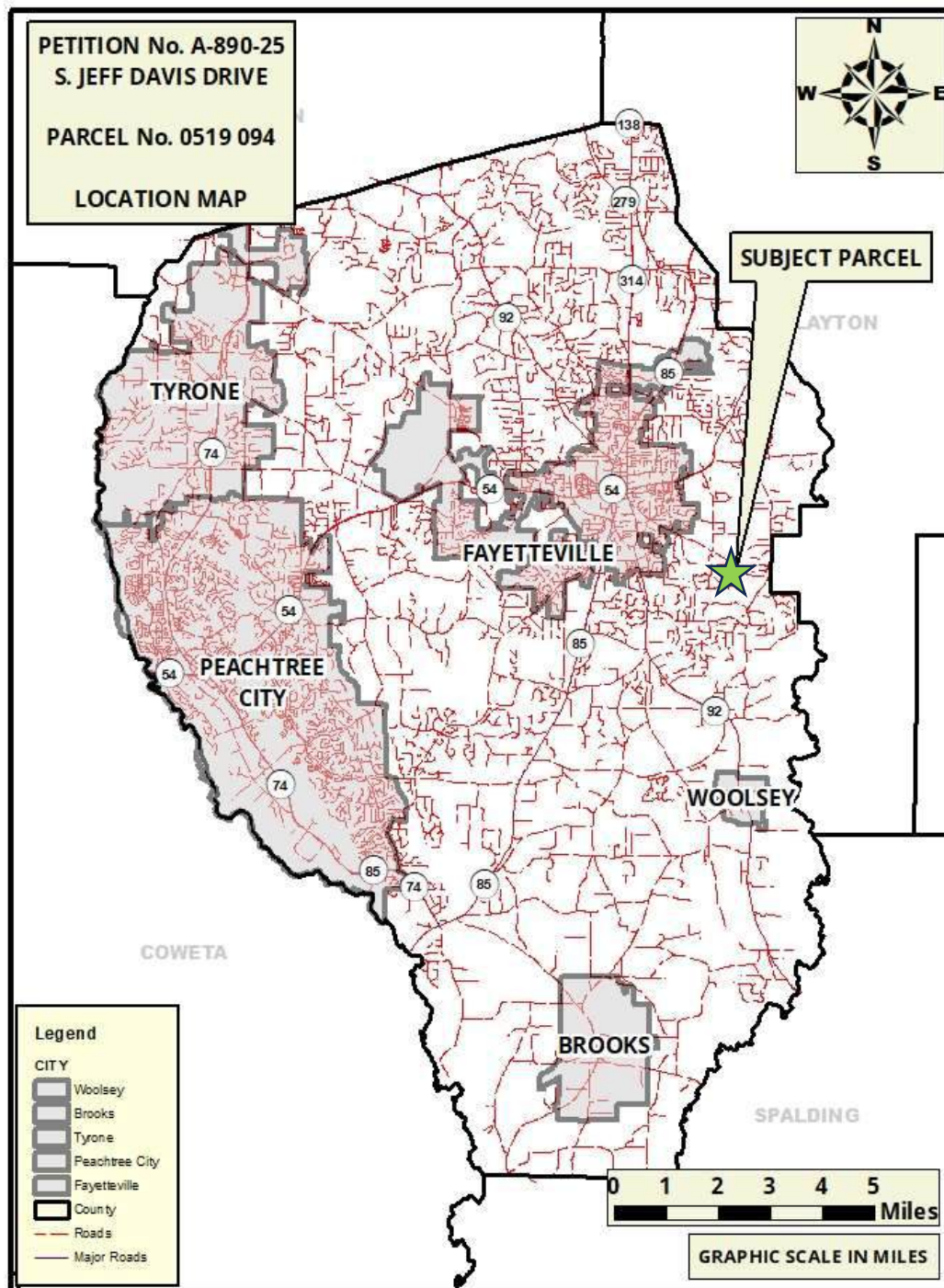
(5) Rear yard setback: 30 feet.

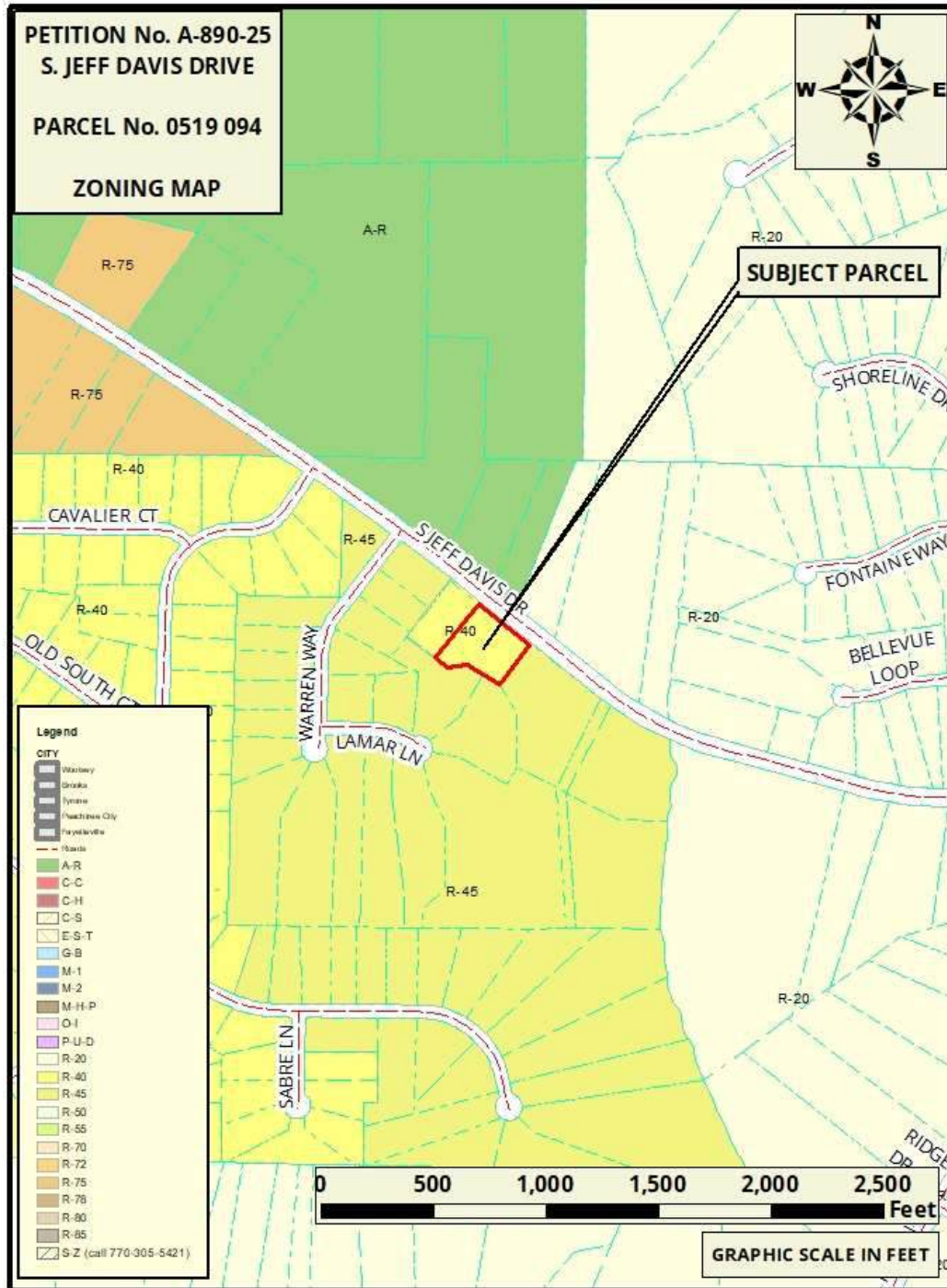
(6) Side yard setback: 15 feet.

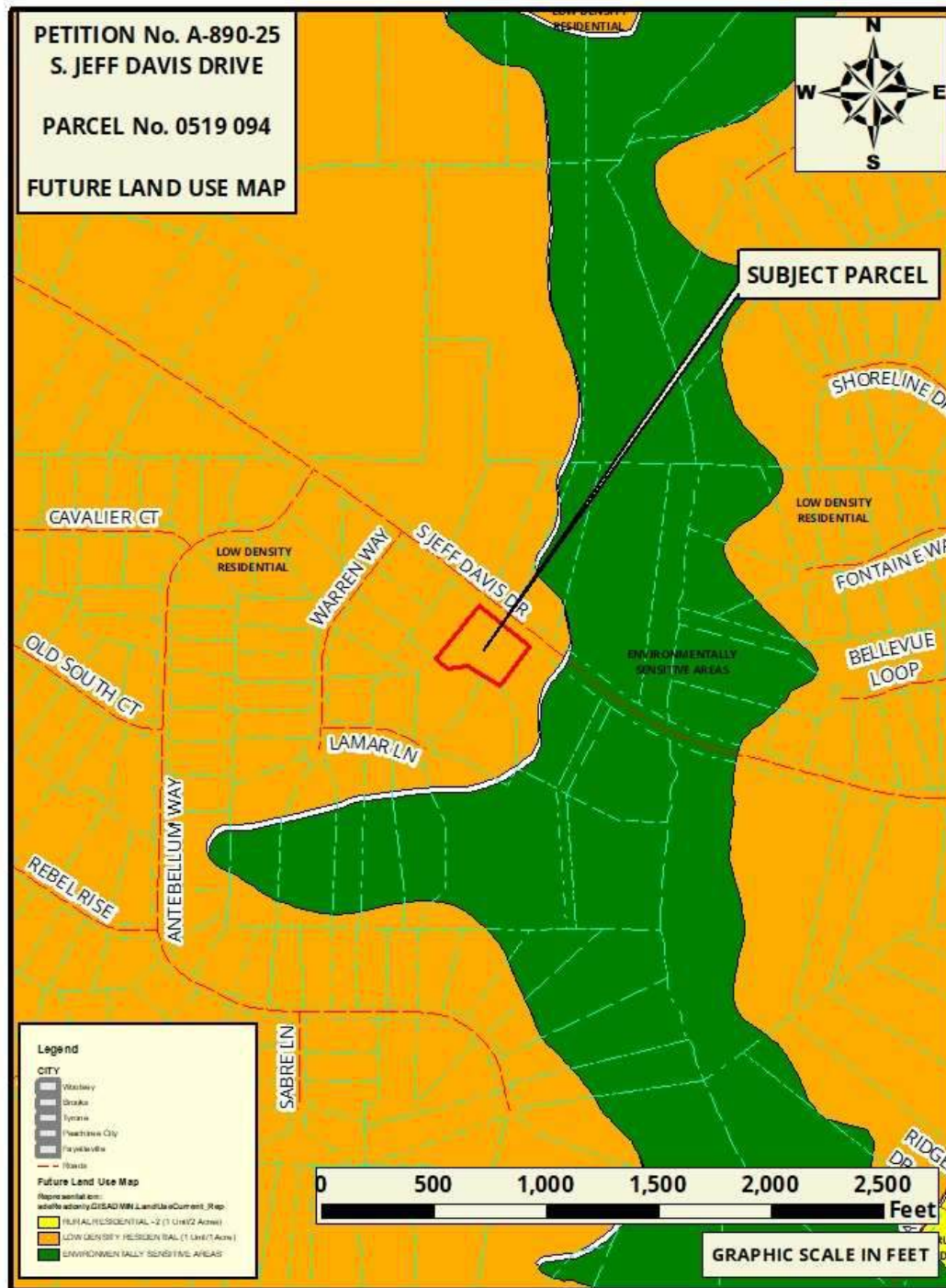
(7) Height limit: 35 feet.

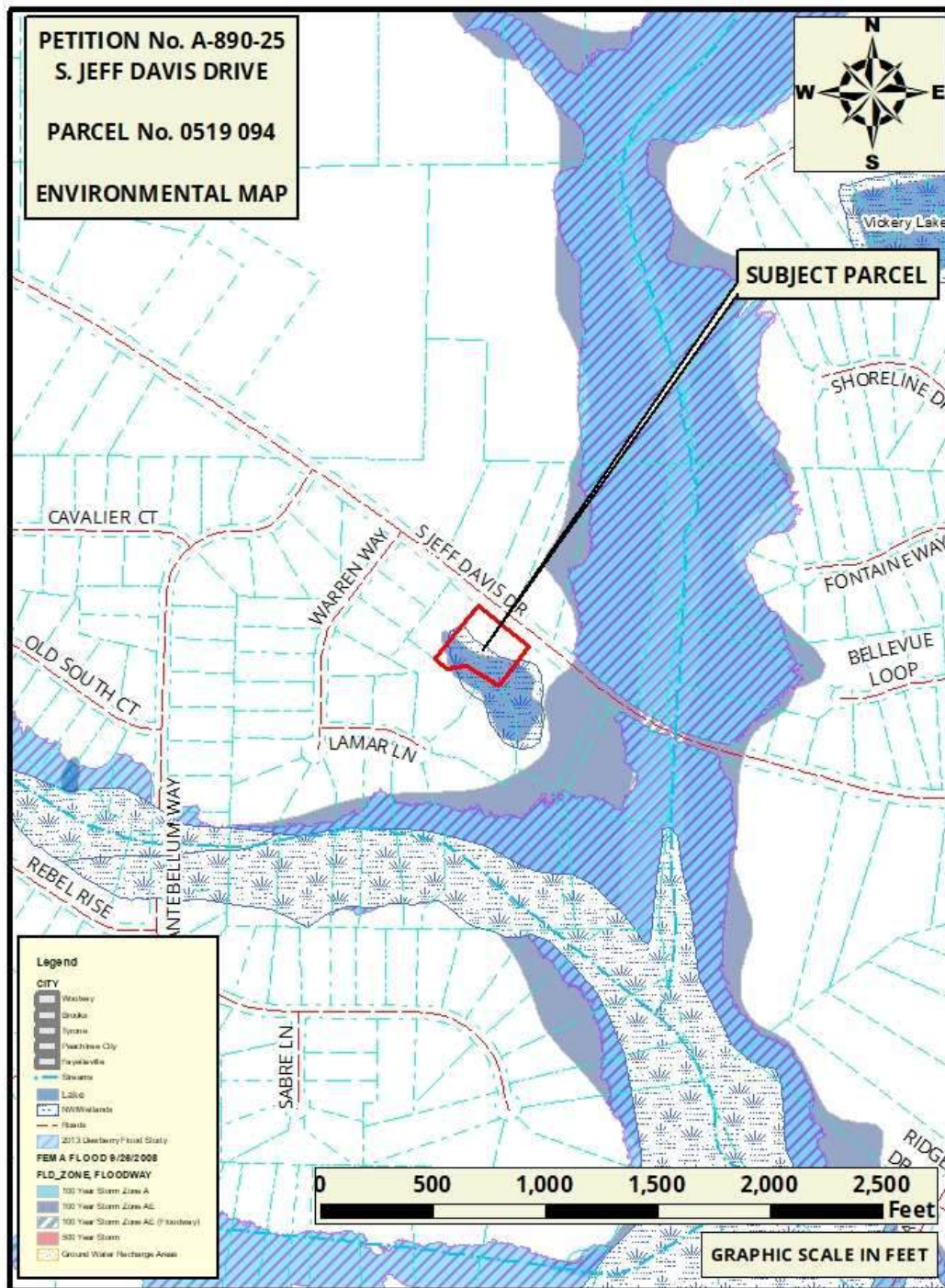
DEPARTMENTAL COMMENTS

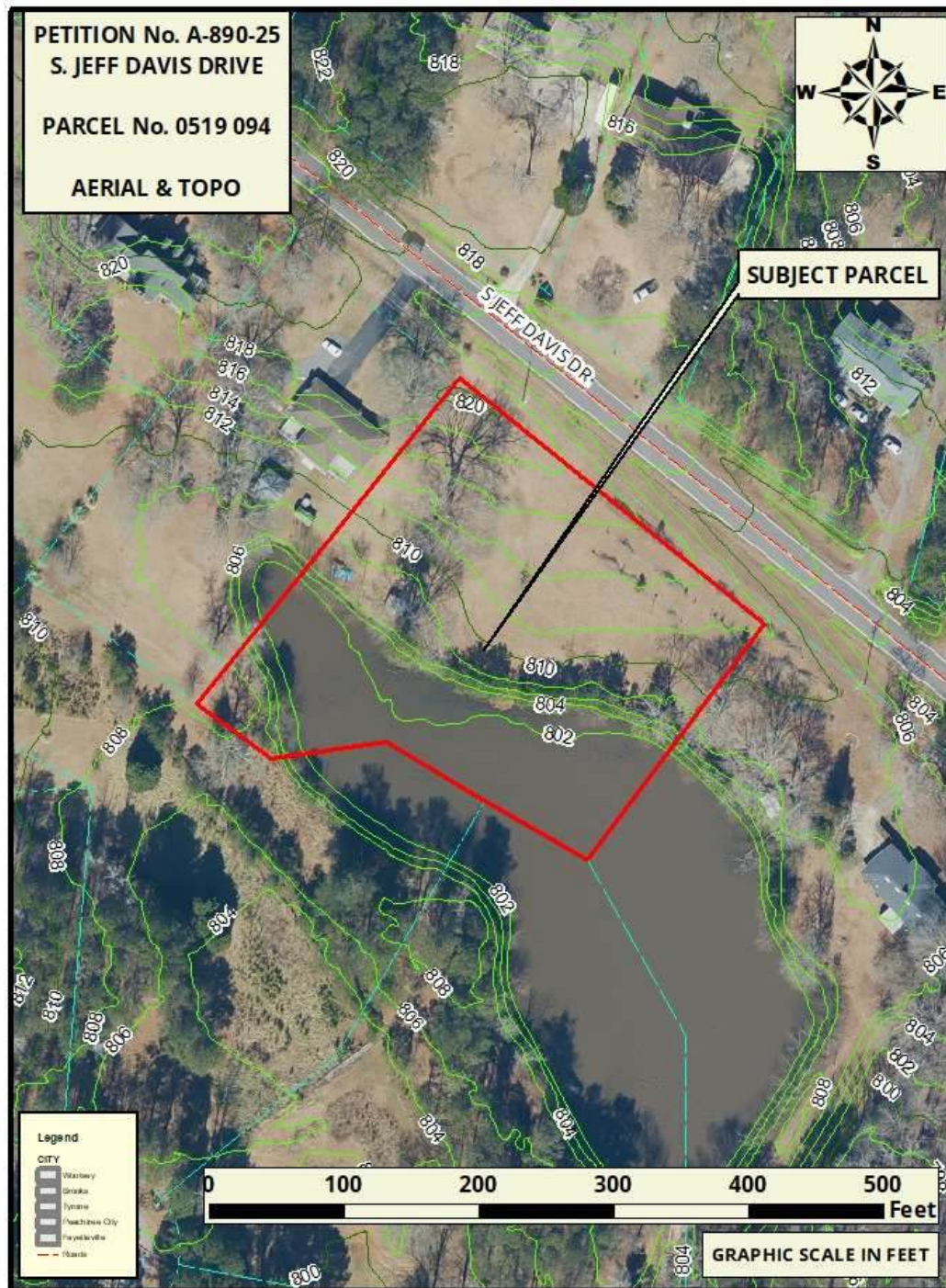
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No comment.
- ☐ **Environmental Management** – No comment.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No comments.

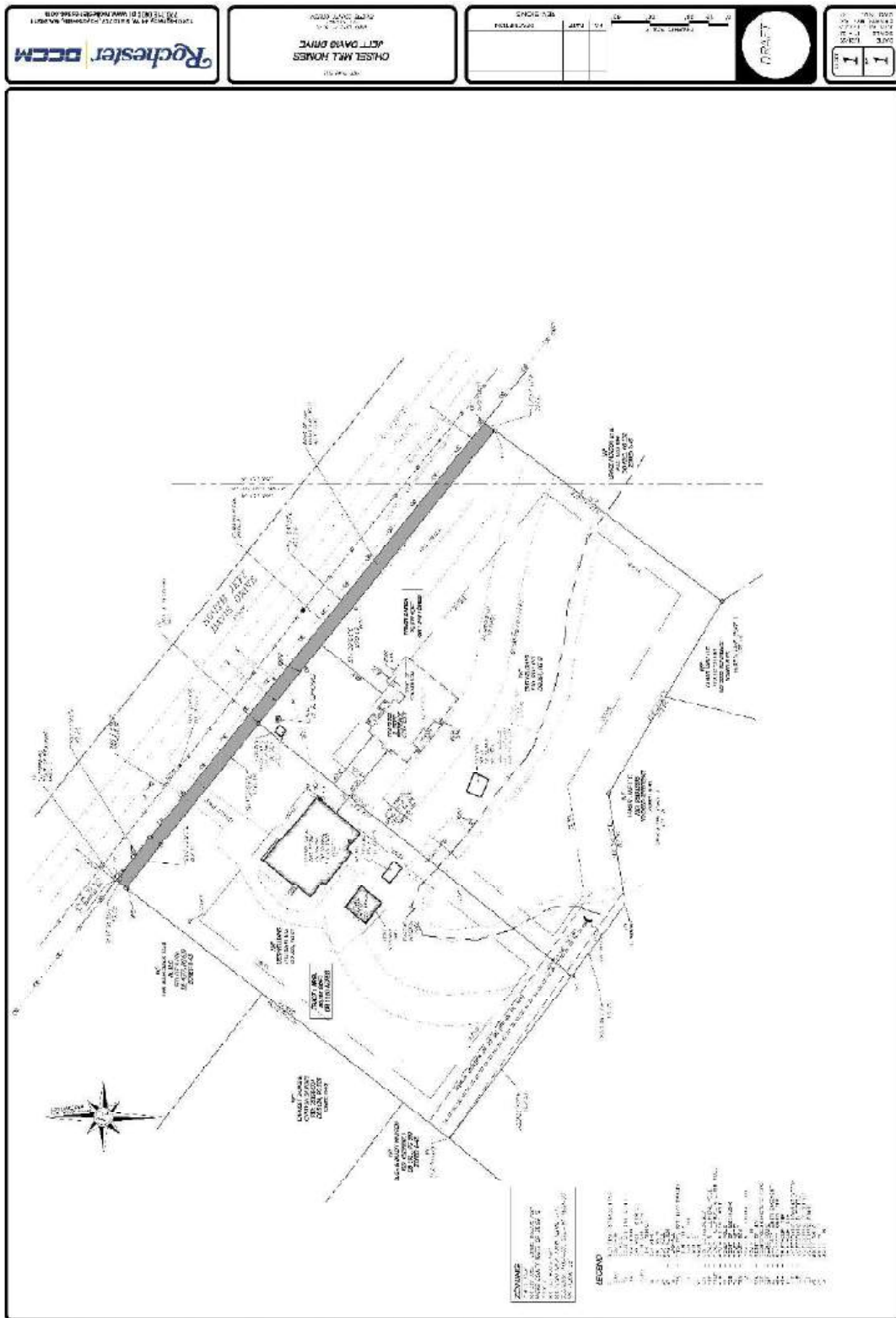












SURVEY

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0519 094 Acreage: 1.747 Land Lot: 74 + 75 Land District: 5th
Address: S Jeff Davis DR
Existing Zoning: R-40 Requested Zoning: N/A
Zoning of Surrounding Properties: R-45
Existing Use: Single family home / vacant lot
Proposed Use: Single family home

PROPERTY OWNER INFORMATION

Name Iris Williams
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Brandon Larry
Email brandon@chiselmill.com
Address 160 Whitney St.
City Fayetteville
State GA Zip 30214
Phone 706-672-5400

PETITION NUMBER: A-890-25 **(THIS AREA TO BE COMPLETED BY STAFF):**

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: March 24, 2025

Received payment from Brandon Larry a check in the amount of \$ 175.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid 02/03/2025

Receipt Number: 023056

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Iris Williams

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0519 094

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 74+75 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.75 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Brandon Larry to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Owner/
Agent
One:

Signature *Iris Williams* Notary: *Meghan M Doyle* (seal)
Name: Iris L. Williams
Address: [REDACTED] Commission Exp.: 9/24/2008
City/State/Zip: [REDACTED] or,
Date: 1-23-25

Owner/
Agent
Two:

Signature *Brandon Larry* Notary: *Maria T Binns*
Name: Brandon Larry Commission Exp.: May 05, 2026
Address: 160 Whitney St.
City/State/Zip: Fayetteville, GA 30214
Date: 2/3/25

Owner/
Agent
Three:

Signature _____ Notary: _____
Name: _____
Address: _____ Commission Exp.: _____
City/State/Zip: _____
Date: _____



VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	Article IV Sec. 110-137(d)(4)(a)
Requirement	Front Yard Setback : 60 feet
Proposed Change	Requesting a 10% Front yard setback Reduction
Variance Amount	6 feet (2.7ft is needed to build - see site plan)

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

We are requesting a 10% reduction of the front setback required by R-40 zoning.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Our lot is rectangular in shape, much wider than it is deep.

There is water present on the back half of the lot and with a total of 75 feet in protective buffers, it becomes difficult to build a 1500 sqft min structure within the building envelope.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Not at all.

3. Such conditions are peculiar to the particular piece of property involved.

The lot is wide rather than square or deep, the back of the lot is a pond with 75' of buffers, and the front setback is 60' from the ROW.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Correct. We are only asking for a 6 ft Reduction.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

The combination of lot shape, ordinance requirements, and water buffers makes this lot much more difficult to build on than others. We are only asking for 6 feet in order to build a beautiful home that the whole community will enjoy!

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☐ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☐ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. _____ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. _____ Location of exits/entrances to the subject property.
 - d. _____ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. _____ Location of all utilities, including well or water lines.
 - f. _____ Location of septic tank, drainfield, and drainfield replacement area.
 - g. _____ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. _____ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. _____ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. _____ Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Type: WD
Recorded: 1/27/2023 11:54:00 AM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 7446660550

BK 5583 PG 3 - 4

After recording, return to:
MR. IRIS WILLIAMS
1019 SOUTH JEFF DAVIS DRIVE
FAYETTEVILLE, GEORGIA 30215

TAX PARCEL ID#: 0519015

STATE OF GEORGIA
COUNTY OF FAYETTE

WARRANTY DEED
(Draw Deed Only)

THIS INDENTURE is made as of January 23, 2023, between IRIS L. WILLIAMS (hereinafter referred to as "Grantor") and IRIS WILLIAMS, as Trustee, or his successors in trust, under the WILLIAMS LIVING TRUST, dated January 23, 2023 and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Zero and No/100 Dollars (\$0.00) and love and affection, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Fayette County, Georgia (herein referred to as the "Land") as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

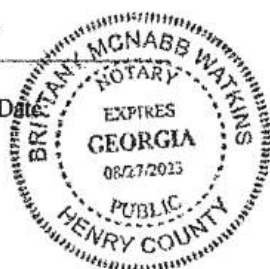
Preparer has not performed a title examination or confirmed the legal description, and as such makes no representation with regard to the same.

EXECUTED under seal as of the date above.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
Commission Expiration Date
(NOTARY SEAL)



GRANTOR:

IRIS L. WILLIAMS

EXHIBIT A

(Land more commonly referred to as: 1019 South Jeff Davis Drive, Fayetteville, Georgia 30215
Tax Parcel ID #: 0519015)

All that tract or parcel of land lying and being in Land Lots 74 and 75 of the 5th District, Fayette county, Georgia, containing 3.00 acres, more or less, and being more particularly described as follows:

Beginning at an iron pin found on the Southern right of way line of South Jeff Davis Drive (an 80 foot right of way), said pin being located 279.89 feet Southeast from the intersection formed by the meeting of the Eastern right of way line of Warren Wat (a 60 foot right of way) and the southern right of way line of South Jeff Davis Drive (an 80 foot right of way), thence continuing along the Southern right of way of South Jeff Davis Drive run South 52 degrees 16 minutes 24 seconds East a distance of 42.24 feet to an iron pin set, thence continuing along the Southern right of way of South Jeff Davis Drive South 51 degrees 32 minutes 09 seconds East a distance of 411.33 feet to an iron pin set, thence leaving the said Southern right of way line of South Jeff Davis Drive run South 36 degrees 37 minutes 50 seconds West a distance of 230.20 feet to a point, thence run North 89 degrees 54 minutes 19 seconds West a distance of 172.04 feet to a point, thence run South 81 degrees 31 minutes 48 seconds West a distance of 87.20 feet to an iron pin set, thence run North 53 degrees 26 minutes 29 seconds West a distance of 225.00 feet to an iron pin set, thence run North 37 degrees 23 minutes 50 seconds East a distance of 325.03 feet to an iron pin found and the point of beginning.

All as more fully described on that certain plat of survey prepared by CornerStone Engineering & Land Surveying Inc., for Marvita Griffin, dated 5-31-05. Said property being shown as Tract 1, containing 3.00 acres, more or less. Said plat of survey is hereby incorporated by reference and made a part hereof for a more accurate description.

Subject to all easements and restrictions of record.

B4 Fayette County News

Continued from page B3

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Tuesday, May
27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,

Legals continued page B5

Wednesday, April 16, 2025

Continued from page B4

Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-890-25
Owner: Iris L. Williams
Agent: Brandon Larry
Property Address: 1019 S Jeff Da-
vis Drive, Fayetteville, GA 30215
Parcel: 0519 094
Zoning District: R-40
Area of Property: 1.747 acres
Land Lot(s): 74 & 75
District: 5th
Road Frontage: S Jeff Davis Drive
Request: Applicant is requesting a
variance to Sec. 110-137(d)(4)(a),
to reduce the side yard setback
from 60 feet to 54 feet to allow
construction of a Single-Family
dwelling.

EXHIBIT "A"

(Land more commonly referred to
as: 1019 South Jeff Davis Drive,
Fayetteville, Georgia 30215 Tax
Parcel ID#: 0519015)

All that tract or parcel of land lying
and being in Land Lots 74 and 75
of the 5th District, Fayette Coun-
ty, Georgia, containing 3.00 acres,
more or less, and being more par-
ticularly described as follows:

Beginning at an iron pin forward
on the Southern right of way line of
South Jeff Davis Drive (an 80 foot
right of way), said pin being locat-
ed 279.99 feet Southeast from the
intersection formed by the meet-
ing of the Eastern right of way lies
of Warren Wat (a 60 foot right of
way) and the southern line of South
Jeff Davis Drive (as 80 foot right of
way), thence continuing along the
Southern right of way of South Jeff
Davis Drive for South 52 degrees
16 minutes 24 seconds East a dis-
tance of 42.24 feet to an iron pin
set, thence continuing along the
Southern right of way of South Jeff
Davis Drive South 51 degrees 32
minutes 09 seconds East a distance
of 411.33 feet to an iron pin set,
thence leaving the said Southern
right of way line of South Jeff Davis
Drive run South 36 degrees 37 min-
utes 50 seconds West a distance of
230.20 feet to a point, thence run
North 59 degrees 34 minutes 19
seconds West a distance of 172.04
feet to a point, thence run South
81 degrees 31 minutes 48 seconds
West a distance of 87.20 feet to a
iron pin set. Thence run North 53
degrees 26 minutes 29 seconds
West a distance of 225.00 feet to
an iron pin set, thence run North
37 degrees 23 minutes 50 seconds
East a distance of 325.03 feet to an
iron pin found and the point of be-
ginning.

All as more fully described on that
certain plat of survey prepared by
CornerStone Engineering & Land
Surveying Inc, for Marvin Griffin,
dated 5-31-05, Said property being
shown as Tract 1, containing 3.00
acres, more or less. Said plat of sur-
vey is hereby Incorporated by ref-
erence and made a part hereof for a
more accurate description.

PETITION NO: A-892 -25

Requested Actions: Variance to Sec. 110-133. – R-70, 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 1.704 acres to be eligible for development.

Location: Coastline Road, Fayetteville, Georgia 30214

Parcel(s): 0724 003

District/Land Lot(s): 7th District, Land Lot(s) 80

Zoning: R-70, Single-Family Residential

Lot Size: 1.704 Acres

Owner(s): Winston Charles and Dornell Charles

Agent: N/A

Zoning Board of Appeal Public Hearing: May 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-133. – R-70, to reduce the minimum lot size in the R-70 zoning district for a legal nonconforming lot, to allow a lot that is 1.704 acres to be eligible for development. The variance amount is 0.296 acres.

STAFF ASSESSMENT

- The lot is a legal nonconforming lot. It has 1.704 acres, which is less than the required 2.0 acres in the R-70 zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.
- The lot was created by deed and plat recorded in Deed Book Z, Pages 89-90, on January 16, 1937.
- The variance is necessary for the owners to be able to obtain a building permit for their house.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
This parcel was created by a deed and plat recorded in Deed Book Z, Pages 89-90, which was recorded on January 16, 1937. It is unique in that it is a legal nonconforming lot that is slightly less than the current R-70 requirement of 2.0 acres.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The owners would not be able to get a building permit without a variance to the lot size.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The conditions are unique to this parcel, and the property was a legal lot when it was created.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The variance will not be detrimental to the public good.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to build a home on this parcel without the variance.

HISTORY

This parcel is a legal lot of record documented in a deed and plat recorded in Deed Book Z Page 89-90 on January 16, 1937. The property was zoned from A-R to R-70 as part of a blanket rezoning in 1973.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

(c) *Request for a variance: Nonconforming Lots.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

(1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.

Sec. 110-133. – R-70, Single Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements in the R-70 zoning district shall be as follows:

(1) Lot area per dwelling unit: 87,120 square feet (two acres).

(2) Lot width:

a. Major thoroughfare:

1. Arterial: 175 feet.

2. Collector: 175 feet.

b. Minor thoroughfare: 150 feet.

(3) Floor area: 1,500 square feet.

(4) Front yard setback:

a. Major thoroughfare:

1. Arterial: 75 feet.

2. Collector: 75 feet.

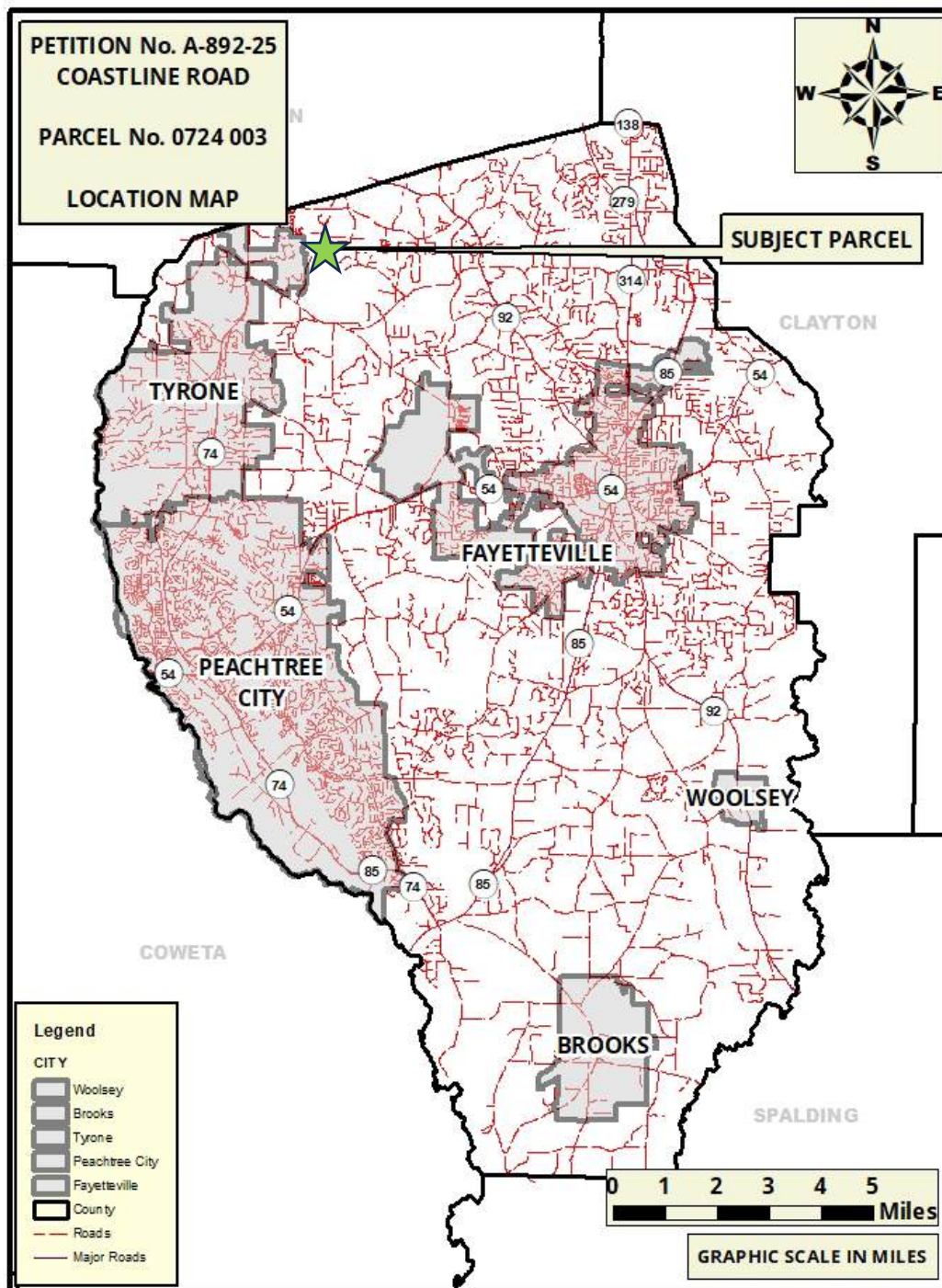
b. Minor thoroughfare: 50 feet.

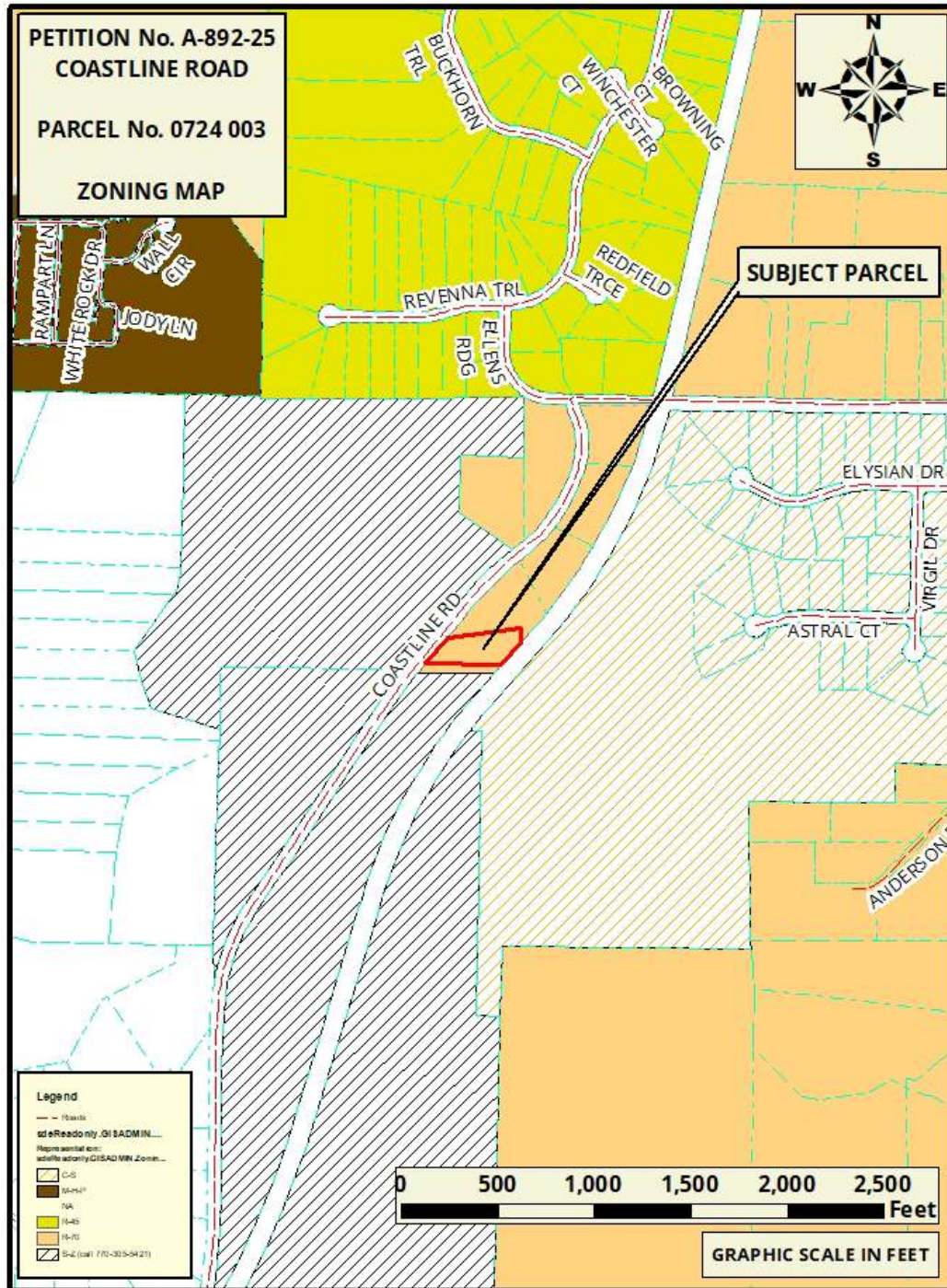
(5) Rear yard setback: 50 feet.

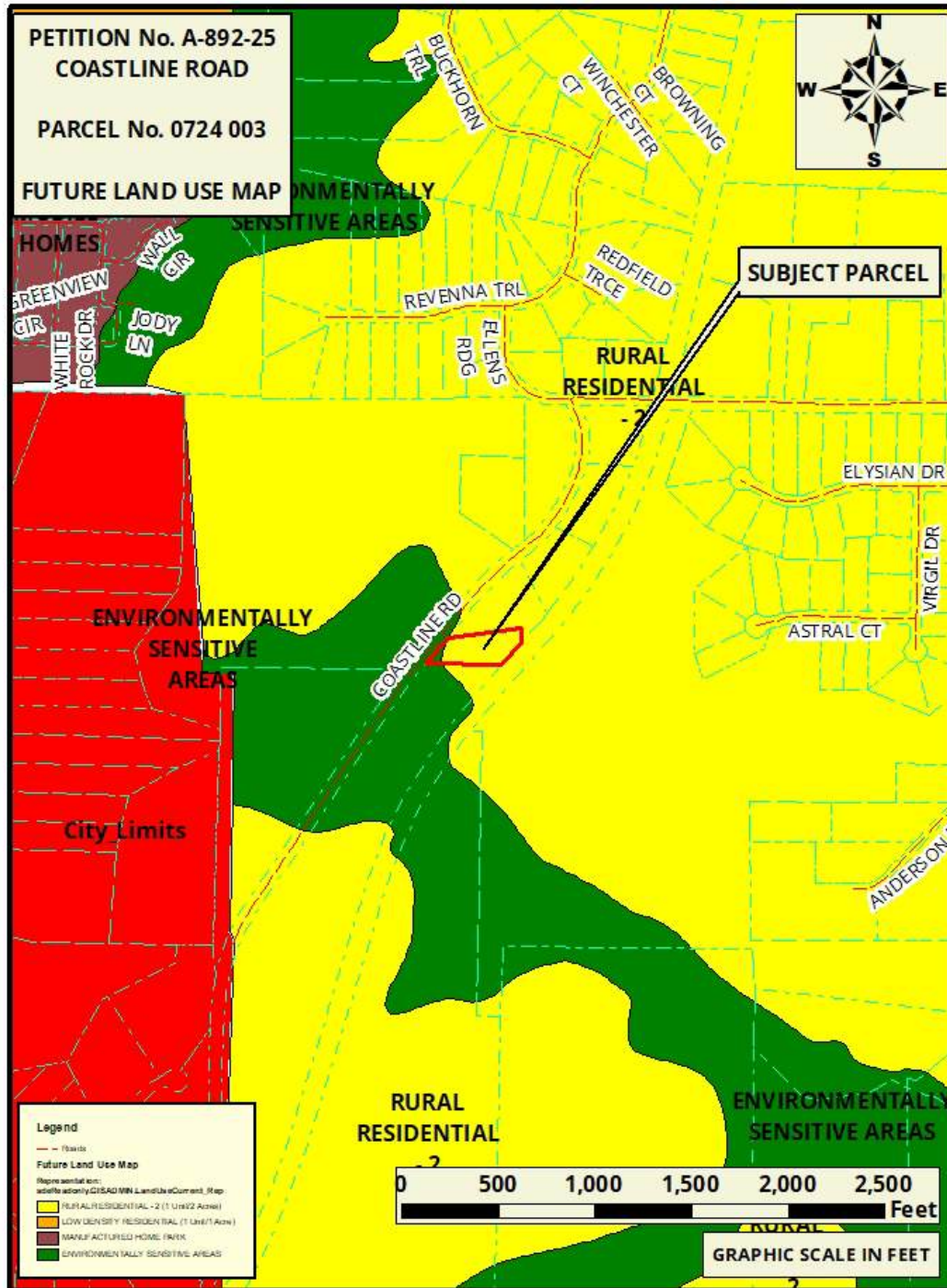
(6) Side yard setback: 25 feet.

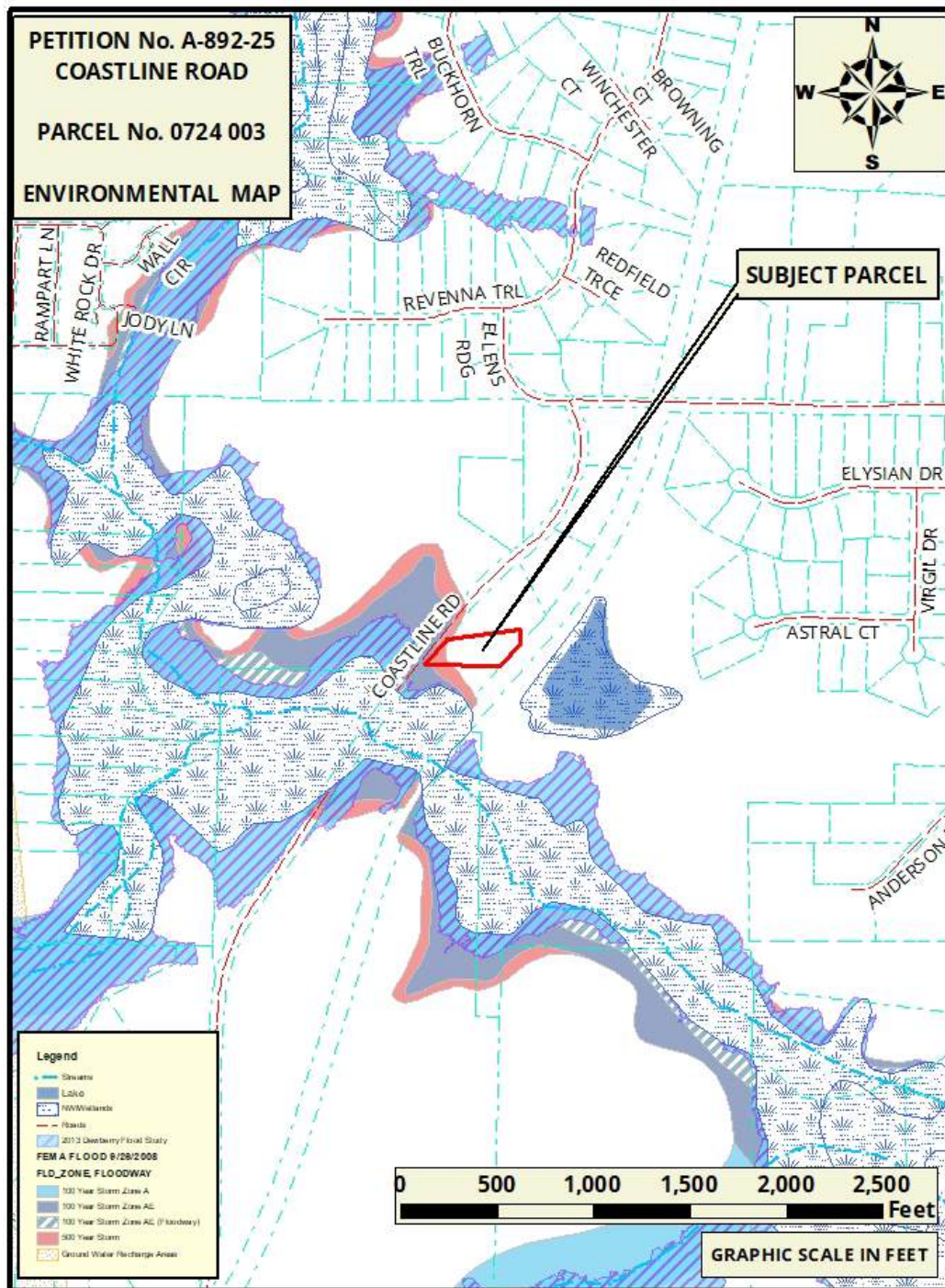
DEPARTMENTAL COMMENTS

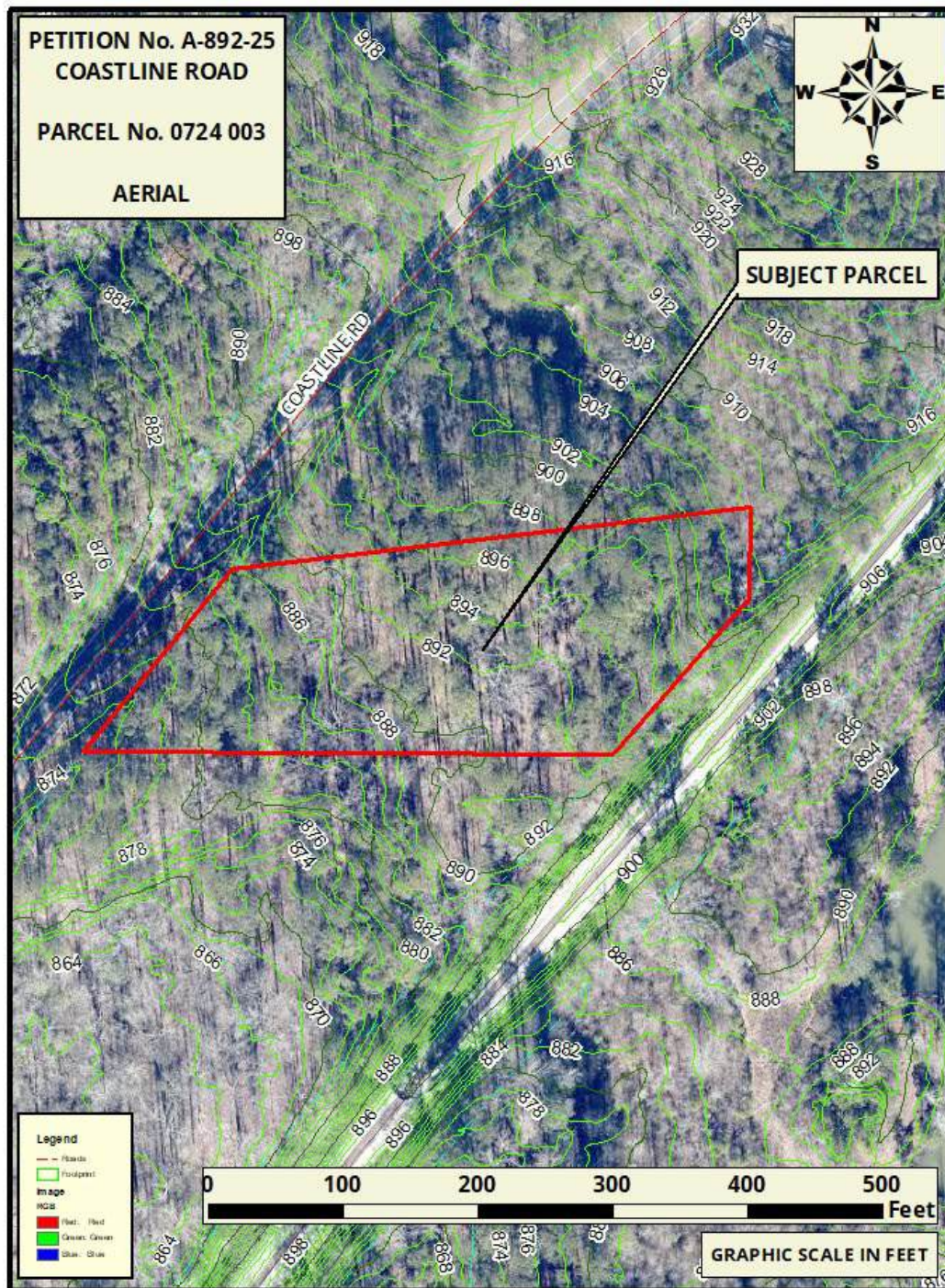
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of future use, nor does it guarantee that the lot will have suitable soils for a septic system.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No comments.

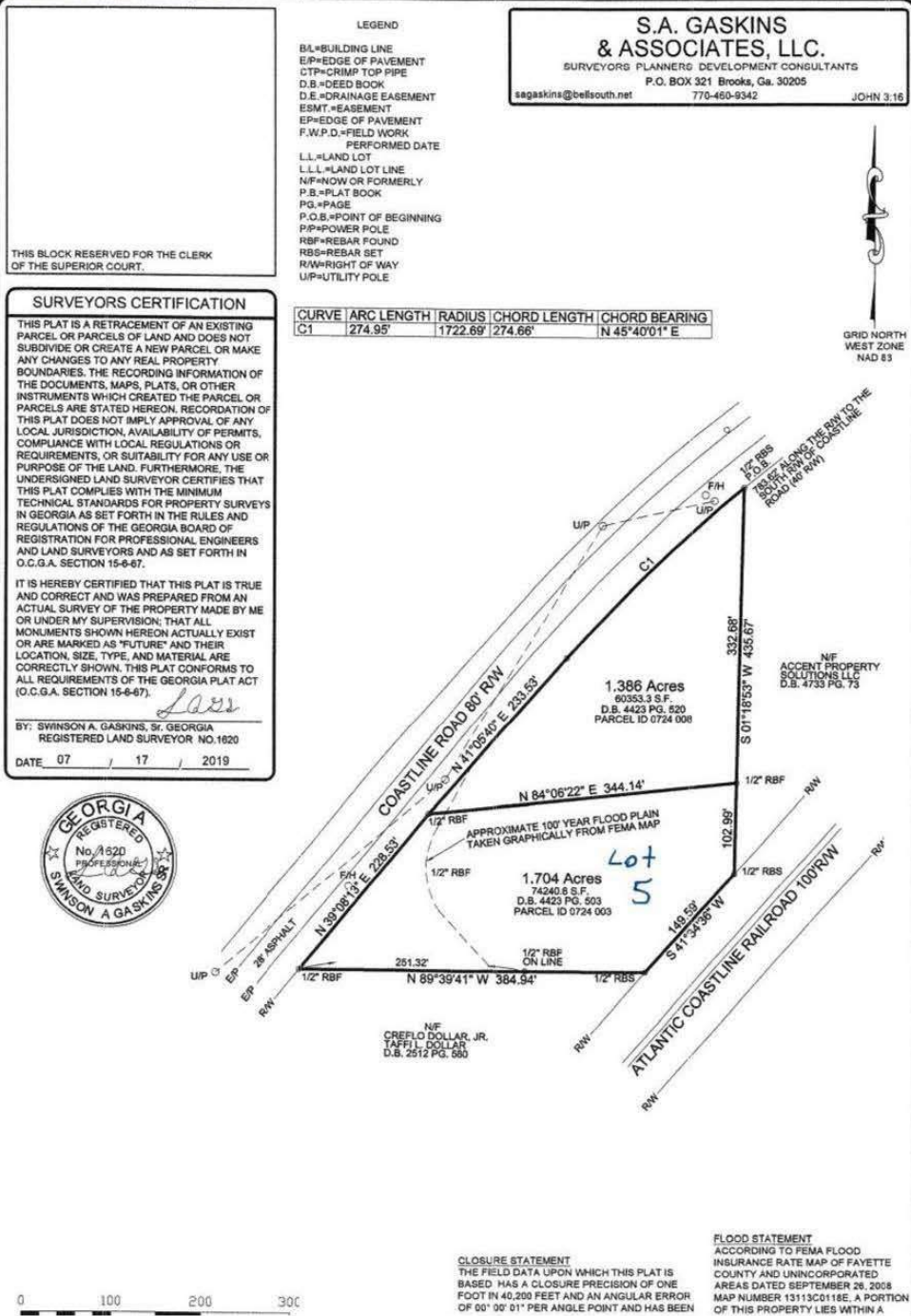












SURVEY

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0724 003 Acreage: 1.7 Land Lot: 5 Land District: Fayette County
Address: _____
Zoning: R-70 Zoning of Surrounding Properties: R-70 / C-S
Use: Single Family Residential

PROPERTY OWNER INFORMATION

Name Dornell & Winston Charles
Email Nell2sweet@icloud.com
Address _____
City _____
State GA Zip _____
Phone _____

AGENT/DEVELOPER INFORMATION (If not owner)

Name _____
Email _____
Address _____
City _____
State _____ Zip _____
Phone _____

PETITION NUMBER: A-892-25 (THIS AREA TO BE COMPLETED BY STAFF):

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: K. Beel Date: 03/05/2025

DATE OF ZONING BOARD OF APPEALS HEARING: May 27, 2025

Received payment from _____ a check in the amount of \$ _____

for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).

Date Paid _____ Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Dornell and Winston Charles

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

~~33483~~ 0724-003

(I am) ⁷⁴ (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 80 of the Fayette District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to n/a to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Signature Dornell Charles
Name: Dornell Charles
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: March 5, 2025

Owner/
Agent
One:

Notary: Deborah M Sims
NOTARY PUBLIC
Coveta County, GEORGIA
Commission Expires 01/05/2027

Signature Winston Charles
Name: Winston Charles
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: March 5, 2025

Owner/
Agent
Two:

Notary: Deborah M Sims
NOTARY PUBLIC
Coveta County, GEORGIA
Commission Expires 01/05/2027

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Owner/
Agent
Three:

Notary: _____ (seal)
Commission Exp.: _____

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	110-242(c)(1)
Requirement	Request a variance to the minimum lot size of 2.0 acres in the R-70 zoning district to
Proposed Change	allow a lot that is 1.704 acres to
Variance Amount	be eligible for a building permit

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Lot was created by a deed & plat recorded in Deed Book Z, pages 89-90, on Jan. 16, 1937.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Yes. We would not be able to get a building permit to build our home

3. Such conditions are peculiar to the particular piece of property involved.

Yes.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Relief would not be detrimental to anyone

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Yes, it would leave us unable to get a building permit.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☐ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. n/a **no structures** Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. n/a Location of exits/entrances to the subject property.
 - d. ✓ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. n/a Location of all utilities, including well or water lines.
 - f. n/a Location of septic tank, drainfield, and drainfield replacement area.
 - g. ✓ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. n/a Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. n/a Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. n/a Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Type: WD
Recorded: 5/26/2023 11:53:00 AM
Fee Amt: \$100.00 Page 1 of 3
Transfer Tax: \$75.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 5229283398,
0466245412

BK 5618 PG 681 - 683

Tax parcel ID#: 0724 003

Return Recorded Document to:
The Gilroy Firm
1155 Hightower Trail
Atlanta, GA 30350
23026/Charles

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FULTON

THIS INDENTURE, made the **26th day of May, 2023**, between **Justin O Berry**, party of the first part, and **Winston Charles and Dornell Charles**, parties of the second part,

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said parties of the second part, their heirs and assigns, the following described property:

See Exhibit "A" attached hereto and made a part hereof.

Book: 5618 Page: 681 Seq: 1

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said parties of the second part, their heirs and assigns, forever, in FEE SIMPLE.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said parties of the second part, their heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Kristy J. Baker.
Witness

Renee Lawson
Notary Public

J. Berry (SEAL)
Justin O Berry

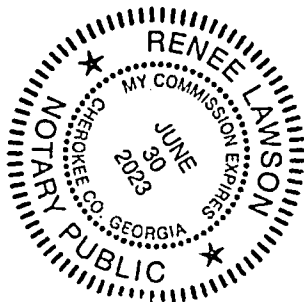


EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 80 of the 7th District of Fayette County, Georgia and described as follows:

To find the true point of beginning, commence at a point located at the intersection (hard turn to the east) of the Southeasterly right of way of Coastline Road (80 foot R/W) with the Southerly right of way of Coastline Road (40 foot R/W), from said intersection run Southwesterly along the Southeasterly right of way of Coastline Road (80 foot R/W) 783.62 feet to a 1/2" RBS; leaving said right of way run thence South 01 degrees 18 minutes 53 seconds West 332.68 feet to a 1/2" RBF and the true point of beginning. From said true point of beginning run thence South 84 degrees 06 minutes 22 seconds West 344.14 feet to 1/2 inch rebar found on the Southeasterly right of way of Coastline Road (80 foot right of way); run thence Southwesterly along the Southeasterly right of way of Coastline Road (80 foot R/W) South 39 degrees 08 minutes 13 seconds West 228.53 feet to 1/2 inch rebar found; thence leaving said right of way run thence South 89 degrees 39 minutes 41 seconds East 384.94 feet to a 1/2 inch rebar set along the Northwesterly right of way of the Atlantic Coastline Railroad (100 foot R/W); run thence North 41 degrees 34 minutes 36 seconds East 149.59 feet to a 1/2 inch rebar set; thence leaving said railroad right of way run thence North 01 degrees 18 minutes 53 seconds East 102.99 feet to a 1/2" RBF and the true point of beginning. Said property is more particularly shown as 1.704 acres more or less on a survey prepared for Accent Property Solutions, LLC by Swinston A. Gaskins Sr. (RLS #1620) for S. A. Gaskins and Associates, LLC dated July 17, 2019, said survey is incorporated herein and by reference made a part hereof. Survey not recorded.

This being same parcel "Coastline Road 1.70 more or less acre" conveyed by Pulte Home Corporation n/k/a Pulte Home Company, LLC to Accent Property Solutions, LLC in Deed Book 4956, Page 240, Fayette County, Georgia Records.

LEGEND

B/L=BUILDING LINE
 E/P=EDGE OF PAVEMENT
 CTP=CRIMP TOP PIPE
 D.B.=DEED BOOK
 D.E.=DRAINAGE EASEMENT
 ESMT.=EASEMENT
 EP=EDGE OF PAVEMENT
 F.W.P.D.=FIELD WORK
 PERFORMED DATE
 L.L.=LAND LOT
 L.L.L.=LAND LOT LINE
 N/F=NOW OR FORMERLY
 P.B.=PLAT BOOK
 P.G.=PAGE
 P.O.B.=POINT OF BEGINNING
 P/P=POWER POLE
 RBF=REBAR FOUND
 RBS=REBAR SET
 R/W=RIGHT OF WAY
 U/P=UTILITY POLE

S.A. GASKINS & ASSOCIATES, LLC.

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3.16

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

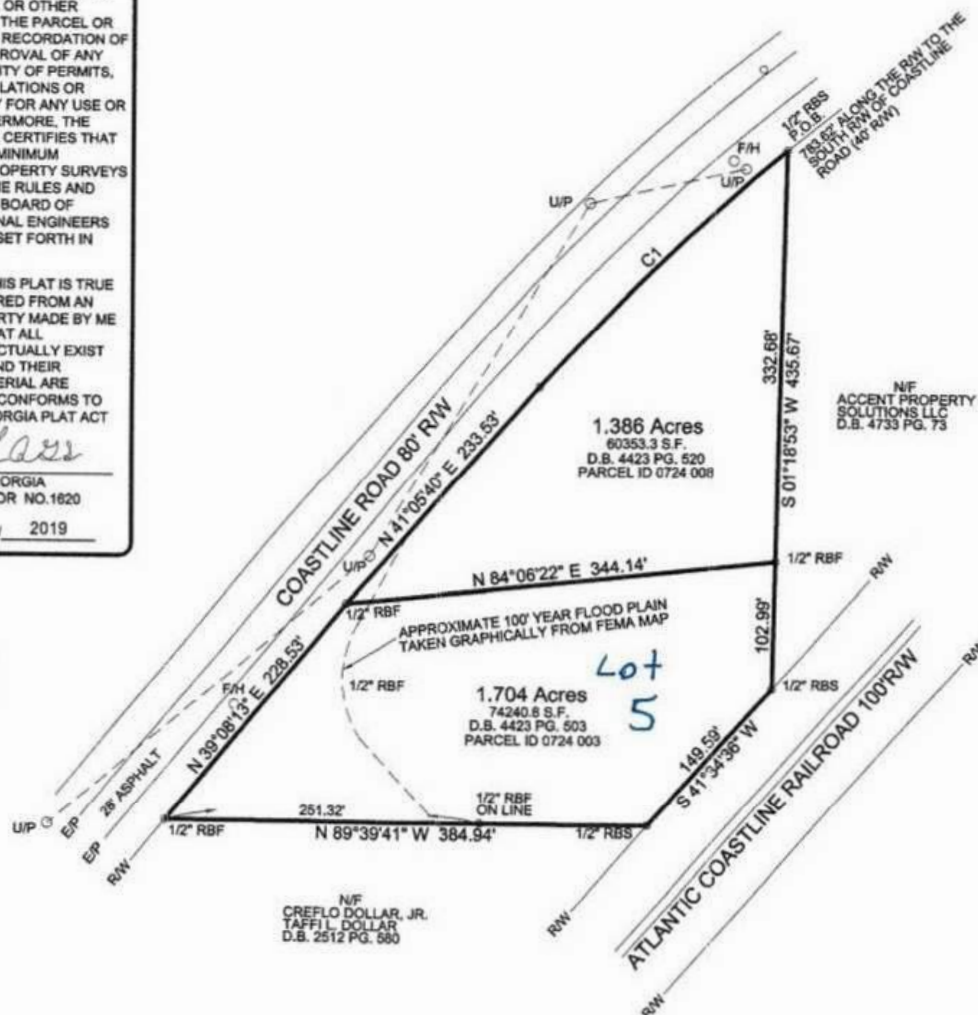
BY: SWINSON A. GASKINS, Sr. GEORGIA
REGISTERED LAND SURVEYOR NO. 1620

DATE 07 / 17 / 2019



CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	274.95'	1722.69'	274.66'	N 45°40'01" E

GRID NORTH
WEST ZONE
NAD 83



CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,200 FEET AND AN ANGULAR ERROR OF 00° 00' 01" PER ANGLE POINT AND HAS BEEN

FLOOD STATEMENT
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 28, 2008 MAP NUMBER 13113C0118E, A PORTION OF THIS PROPERTY LIES WITHIN A

0 100 200 300

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Tuesday, May
27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-892-25

Owner: Dornell and Winston
Charles

Property Address: Coastline
Road

Parcel: 0724 003

Zoning District: R-70

Area of Property: 1.704 acres

Land Lot(s): 80

District: 7th

Road Frontage: Coastline Road

Request: Applicant is requesting
a variance to Sec. 110-242(c)(1), to
the minimum lot size of 2.00 acres
in the R-70 zoning district to allow
a lot that is 1.704 acres to be eligi-
ble for a building permit.

Legal Description

EXHIBIT "A"

All that tract or parcel of land ly-
ing and being in Land Lot 80 of
the 7th District of Fayette County,
Georgia and described as follows:
To find the true point of beginning,
commence at a point located at
the intersection (hard turn to the
east) of the Southeasterly right
of way of Coastline Road (80 foot
R/W) with the Southerly right of
way of Coastline Road (40 foot
R/W), from said intersection run
Southwesterly along the South-
easterly right of way of Coastline
Road (80 foot R/W) 783.62 feet
to a 1/2" RBS; leaving said right
of way run thence South 01 de-
grees 18 minutes 53 seconds West
332.68 feet to a 1/2" RBF and the
true point of beginning. From said
true point of beginning run thence
South 84 degrees 06 minutes 22
seconds West 344.14 feet to 1/2
inch rebar found on the Southeast-
erly right of way of Coastline Road
(80 foot right of way); run thence
Southwesterly along the South-
easterly right of way of Coastline
Road (80 foot R/W) South 39 de-
grees 08 minutes 13 seconds West
228.53 feet to 1/2 inch rebar found;
thence leaving said right of way run
thence South 89 degrees 39 min-
utes 41 seconds East 384.94 feet
to a 1/2 inch rebar set along the
Northwesterly right of way of the
Atlantic Coastline Railroad (100
foot R/W); run thence North 41 de-
grees 34 minutes 36 seconds East
149.59 feet to a 1/2 inch rebar set;
thence leaving said railroad right
of way run thence North 01 de-
grees 18 minutes 53 seconds East
102.99 feet to a 1/2" RBF and the
true point of beginning. Said prop-
erty is more particularly shown as
1.704 acres more or less on a survey
prepared for Accent Property Solu-
tions, LLC by Swinston A. Gaskins
Sr. (RLS#1620) for S. A. Gaskins
and Associates, LLC dated July 17,
2019, said survey is incorporated

herein and by reference made a
part hereof. Survey not recorded.
This being same parcel "Coastline
Road 1.70 more or less acre" con-
veyed by Pulte Home Corporation
n/k/a Pulte Home Company, LLC
to Accent Property Solutions, LLC
in Deed Book 4956, Page 240, Fay-
ette County, Georgia Records.
04/16

PETITION NO: A-893-25

Requested Action: Variance to Sec. 110-79(c)(1)b. - to allow a residential accessory structure that exceeds the maximum allowable square footage on a lot less than 5 acres.

Location: 630 Kirby Lane, Fayetteville, Georgia 30214; Lot 74, Annelise Park III

Parcel(s): 070610008

District/Land Lot(s): 7th District, Land Lot(s) 43 and 22

Zoning: C-S, Conservation Subdivision

Lot Size: 1.140 Acres

Owner(s): Tunde Uboh

Agent: Chanel Uboh

Zoning Board of Appeal Public Hearing: May 27, 2025

REQUEST

Applicant is requesting a variance to the following section, requesting to be allowed to retain an accessory structure that is 2,164 square feet in area:

Sec. 110-79. – Residential accessory structures and their uses.

(c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.

(1) Residential accessory structures shall be limited to one of the following options:

b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure;

STAFF SUMMARY

This accessory structure was originally permitted and approved by staff to be 1,764 square feet in area, as a pool house, which met the requirements of the ordinance. The owner/builder subsequently constructed a structure that is 2,164 square feet, 400 SF larger than what was approved. The owner also made changes to the structure that made it a guest house, rather than a pool house, that exceeded the allowable maximum SF for guest houses. Staff finds no evidence of a hardship as defined by the variance criteria in the ordinance. Please refer to the History section on pages 3-4 for a full chronology of this project.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
Staff does not find any extraordinary and exceptional conditions pertaining to the property that would support this variance.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
There is not an environmental or topographical constraint.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
Construction of larger or more accessory structures than is allowed will increase the impervious surface coverage on the lot, which might compromise the approved stormwater management plan for the subdivision.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in this zoning district.

HISTORY

This parcel is a legal lot of record documented in the final plat for Annelise Park Phase II and Phase III, recorded in Plat Book 44 Page 91-94 on July 3, 2007.

2016 – The house was built by David Lindsey Homes.

July 24, 2020 - The owner/builder obtained a permit for the pool house (Permit #RNEW-07-20-062468. The plans submitted and approved by all departments were for a building with 1,764 square feet, which met the zoning requirements. The plans were submitted as a pool house with an office space. The applicant never completed this permit and never received a Certificate of Occupancy from Building Safety (*See building specs and plans on pages 11-12*).

March 16, 2021 - Building permits are valid for 6 months and may be renewed once, so applicant renewed the permit for the pool house.

September 12, 2021 – Original permit for pool house expired.

February 28, 2024 - The applicant applied for a permit at 150 Wesley Place to build a pool house with a guest house, bedrooms and closets, and an enclosed kitchen. During plan review, the Zoning Administrator identified that a pool house does not allow an enclosed kitchen; it only allows an outdoor kitchen. When this discrepancy was discussed with the applicant, he asked why he couldn't build this, it was the same thing he built at his house at 630 Kirby Lane. Staff reviewed the submittal for 630 Kirby Lane and discovered that it was NOT approved for a guest house, but as a pool house, and that the approved plans were for a 1,764 SF building.

However, upon further investigation, staff discovered that he had built a 2,164 SF building at 630 Kirby Lane, which was not what was permitted. (*See building specs and plans on pages 13-14*).

As the structure currently stands, it does not meet the criteria for a pool house but is classified as a guest house because of the finished SF and indoor kitchen. It exceeds the allowance for a guest house, which is 700 SF, and it exceeds the total allowance for an accessory structure, which is 1800 SF. (*Please see the Zoning Requirements section for details regarding pool houses and guest houses.*)

March 8, 2024 - Building Safety visited 630 Kirby Lane with Mr. Uboh. It was discovered that the spaces designated as offices were being used as a guest house complete with beds, and that it contained a full indoor kitchen.

March 12, 2024 – Mr. Uboh emailed Building Safety that he would demo a portion of the structure to bring it into compliance.

March 19, 2024 - Planning & Zoning and Building Safety met with the applicant/builder to discuss the alternatives for 630 Kirby Place. Building Safety advised that they would not approve a new permit for 150 Wesley Place while he had an expired permit at 630 Kirby Lane. Planning & Zoning advised that the pool house exceeded the maximum allowable size, and he should either apply for a variance or bring the building into compliance. In addition, the enclosed kitchen needed to be modified to be an open kitchen, as that is a requirement of a pool house. Mr. Uboh stated that he didn't want to wait

for a variance because he didn't want to delay his permit for 150 Wesley Place, and that he would obtain a new permit (which would replace the expired permit) to remove part of the structure to bring it into compliance.

March 20, 2024 – Building Safety issued a new permit for 630 Kirby Lane. These plans proposed removing part of the accessory structure to bring it into compliance with the zoning requirements, reducing the building footprint to 1,173 SF (*See revised building plan on page 15*).

March 25, 2024 - Building Safety issued the permit for 150 Wesley Place and a new permit for 630 Kirby Lane in good faith that he would complete the revisions to the pool house on Kirby Lane and resolve the zoning and permit issues.

September 9, 2024 – Applicant obtained an extension for the permit to revise the building at 630 Kirby Lane.

March 16, 2025 - The new (second) permit for the accessory structure at 630 Kirby Lane expired; no work was ever performed to bring the structure into compliance, as was agreed upon in March 2024.

March 17, 2025 - The owner/builder came to P & Z to apply for a variance to request to be allowed to keep the building at 2,164 SF.

March 28, 2025 – Applicant/builder applied for another new permit at 630 Kirby Lane to bring the guesthouse into compliance so they could get a building permit for an accessory structure at 150 Wesley Place.

ZONING REQUIREMENTS

Sec. 110-79. - Residential accessory structures and their uses.

(c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.

(1) Residential accessory structures shall be limited to one of the following options:

a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres. One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure;

b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or

c. One residential accessory structure, per individual lot with a minimum of five acres, footprint not to exceed 3,600 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure.

(f) *Guesthouses.* Only one guesthouse is allowed per individual lot (see also subparagraph w. of [section 110-169\(2\)](#)). Any living area included in a residential accessory structure is a guesthouse. A guesthouse shall not be used as tenant space. A guesthouse shall not exceed 700 square feet of heated and finished floor area.

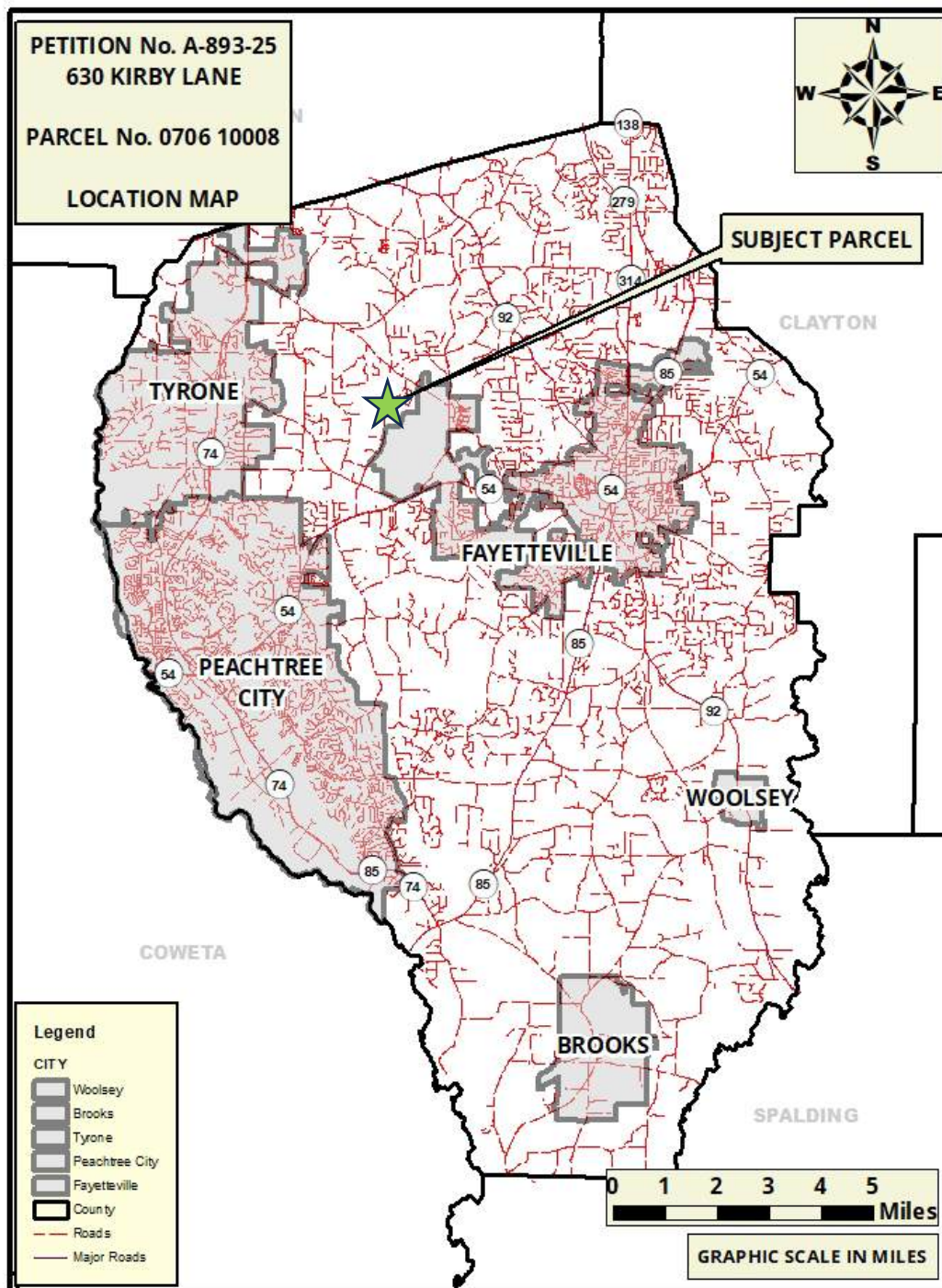
(j) *Cabana/pool house, boat house, detached covered patio, and detached covered deck.* The cabana, detached covered patio, and detached covered deck may contain an outdoor kitchen, fireplace, spa/hot tub, bathroom/changing room, and/or pool pump/filter but shall not be utilized as a carport, garage, storage building, open storage, or living area. Said structures shall, at a minimum, consist of a roof with supporting posts/columns, not to exceed one story, and comply with the architectural standards for a residential accessory structure of 200 square feet or greater.

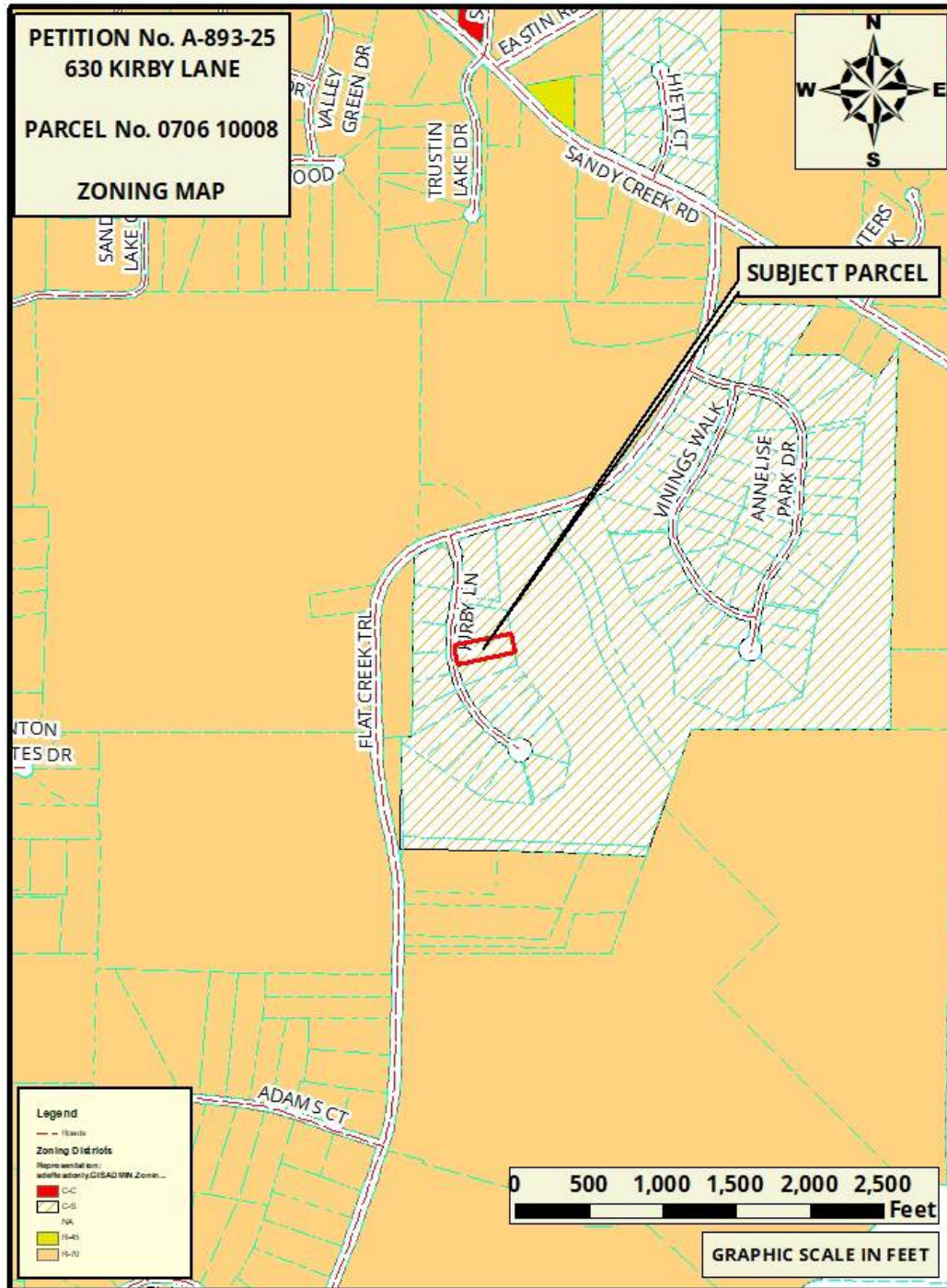
DEPARTMENTAL COMMENTS

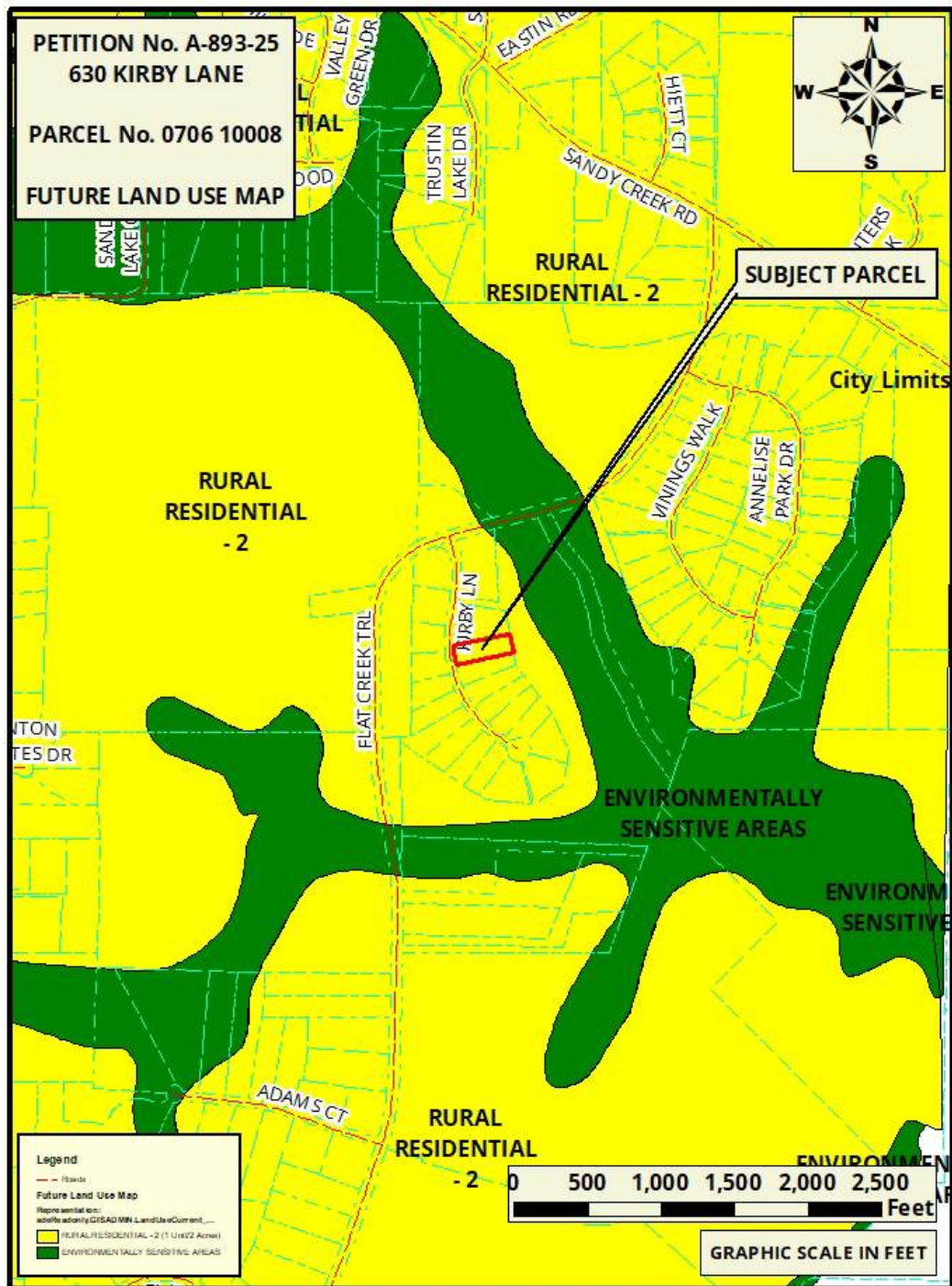
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Department of Building Safety** – The property owner had previously applied for and been issued a permit for demolition to reach compliance. Building Safety opposes the application for variance since the structure was found to be in violation, and the method of corrective

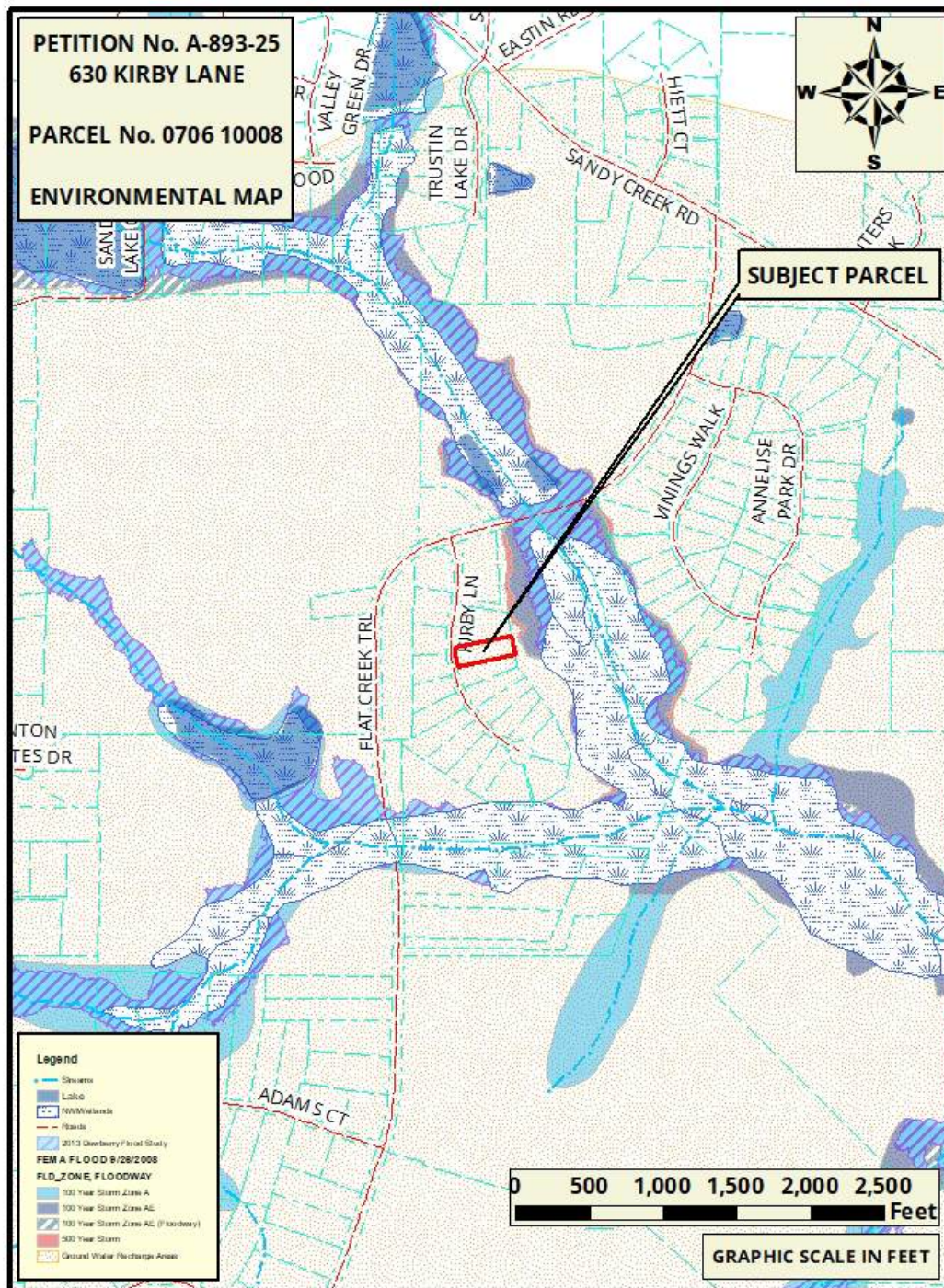
action required was demolition. Property has a history of allowing the permits to expire, and confidence in reaching corrective action is being delayed.

- ☐ **Fire** – No comments.

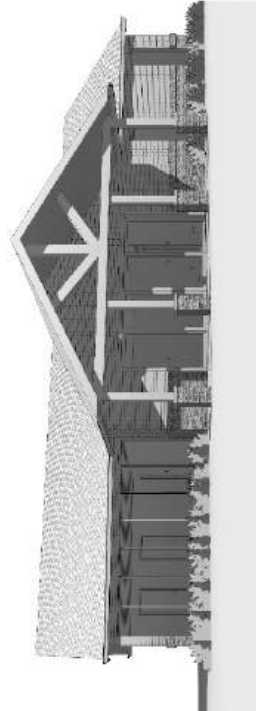












Residential New Construction

630 Kirby Ln
Fayetteville, GA 30214
Pool House

ALL BARRIERS, GATES,
LATCHES AND ALARMS
To Comply with the 2018 ISPS Code



Tony & Channel Ubah
630 Kirby Ln
Fayetteville, GA
30214

General Notes

1. GENERAL NOTES APPLY TO ALL DRAWINGS
2. DO NOT SCALE DRAWINGS. ANY DIMENSIONAL INFORMATION REQUIRED WHICH IS NOT INDICATED ON DRAWING DIMENSION STRINGS SHALL BE OBTAINED FROM THE ARCHITECT.
3. DIMENSIONS SHOWN ARE FINISH SURFACE OF EXISTING CONSTRUCTION, UNLESS NOTED OTHERWISE.
4. CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS (I.E. EXISTING MATERIALS, FRAMING MEMBER SIZES AND LOCATIONS, METHODS OF CONSTRUCTION). IF DISCREPANCIES ARE FOUND, NOTIFY ARCHITECT BEFORE PROCEEDING WITH WORK.
5. CONTRACTOR SHALL PAY ALL PERMIT FEES.
6. CONTRACTOR SHALL MAINTAIN THE IMMEDIATE CONSTRUCTION SITE IN A SECURE, CLEAN AND SAFE MANNER.
7. PROTECTION: CONTRACTORS SHALL BE SOLELY RESPONSIBLE FOR TAKING ALL STEPS NECESSARY TO PROTECT THE PUBLIC FROM INJURY AND ADJACENT PROPERTY DAMAGES DURING CONSTRUCTION AS REQUIRED BY LOCAL CODES.
8. REPAIR ALL EXISTING CONSTRUCTION AFFECTED BY NEW WORK TO ITS ORIGINAL CONDITION

Code Summary

- 1. International Building Code, 2018 Edition, with Georgia Amendments (2020)
- 2. International Residential Code, 2018 Edition, with Georgia Amendments (2020)
- 3. International Fire Code, 2018 Edition, with Georgia Amendments (2020)
- 4. International Plumbing Code, 2018 Edition, with Georgia Amendments (2020)
- 5. International Mechanical Code, 2018 Edition, with Georgia Amendments (2020)
- 6. International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020)
- 7. National Electrical Code, 2017 Edition, with Georgia Amendments (2020)
- 8. International Existing Construction Code, 2019 Edition, with Georgia Amendments (2020)
- 9. International Swimming Pool and Spa Code, 2019 Edition, with Georgia Amendments (2020)
- 10. NFPA 704, Life Safety Code 2015 Edition, with State Amendments (2020)

Scope of Work

ENGINEERS DESIGN
REQUIRED FOR GYM
SHEAR / BRACED WALL
Provide Eng. Design & Calculations

Heated Space

1st Floor: 1,764 sqft
Total: 1,764 sqft

Unheated Space

Overall Total: 1,764 sqft

Sheet Number	Sheet Name
A100	Cover Sheet
A101	Proposed Plan
A102	Proposed Elevation
A103	Schedules
E1	Electrical Plan
S100	Structural Notes
S101	Framing Plans
S102	Foundation Plan
S103	Roof Plan

REVIEWED FOR
CONFORMANCE
DATE: 07/29/2020
FAYETTE COUNTY
Department of Building Safety
Inspector: [Signature]
Seal: [Seal]

The undersigned, being a duly licensed Professional Engineer in the State of Georgia, hereby certifies that the above described project has been reviewed and found to conform with the applicable provisions of the Georgia Building Code, and the Georgia Electrical Code, and the Georgia Mechanical Code, and the Georgia Fuel Gas Code, and the Georgia International Existing Construction Code, and the Georgia International Swimming Pool and Spa Code, and the NFPA 704, Life Safety Code 2015 Edition, with State Amendments (2020).

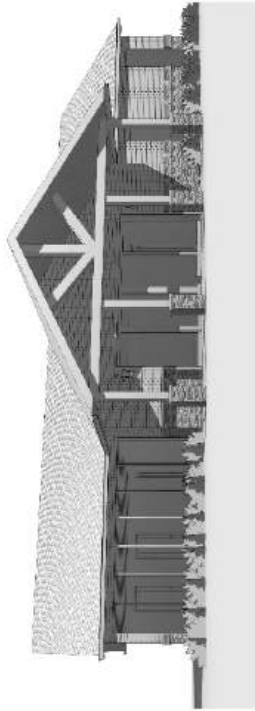
Release For Construction

Cover Sheet

Project No: 19-0000000000
Date: 7-29-2020 10:00:00 AM
Drawn By: A. Chiswick
Checked: A. Chiswick
Scale: A100

Residential New Construction

630 Kirby Ln
Fayetteville, GA 30214
Pool House



Tony & Channel Ubon
630 Kirby Ln
Fayetteville, GA
30214

Release For Construction

Cover Sheet

Project Name: Pool House
Address: 630 Kirby Ln
City: Fayetteville, GA
State: GA
Zip: 30214
Owner: Tony & Channel Ubon
Architect: Tony & Channel Ubon
Scale: 1/8" = 1'-0"
Date: 11/1/2018
Sheet: A100

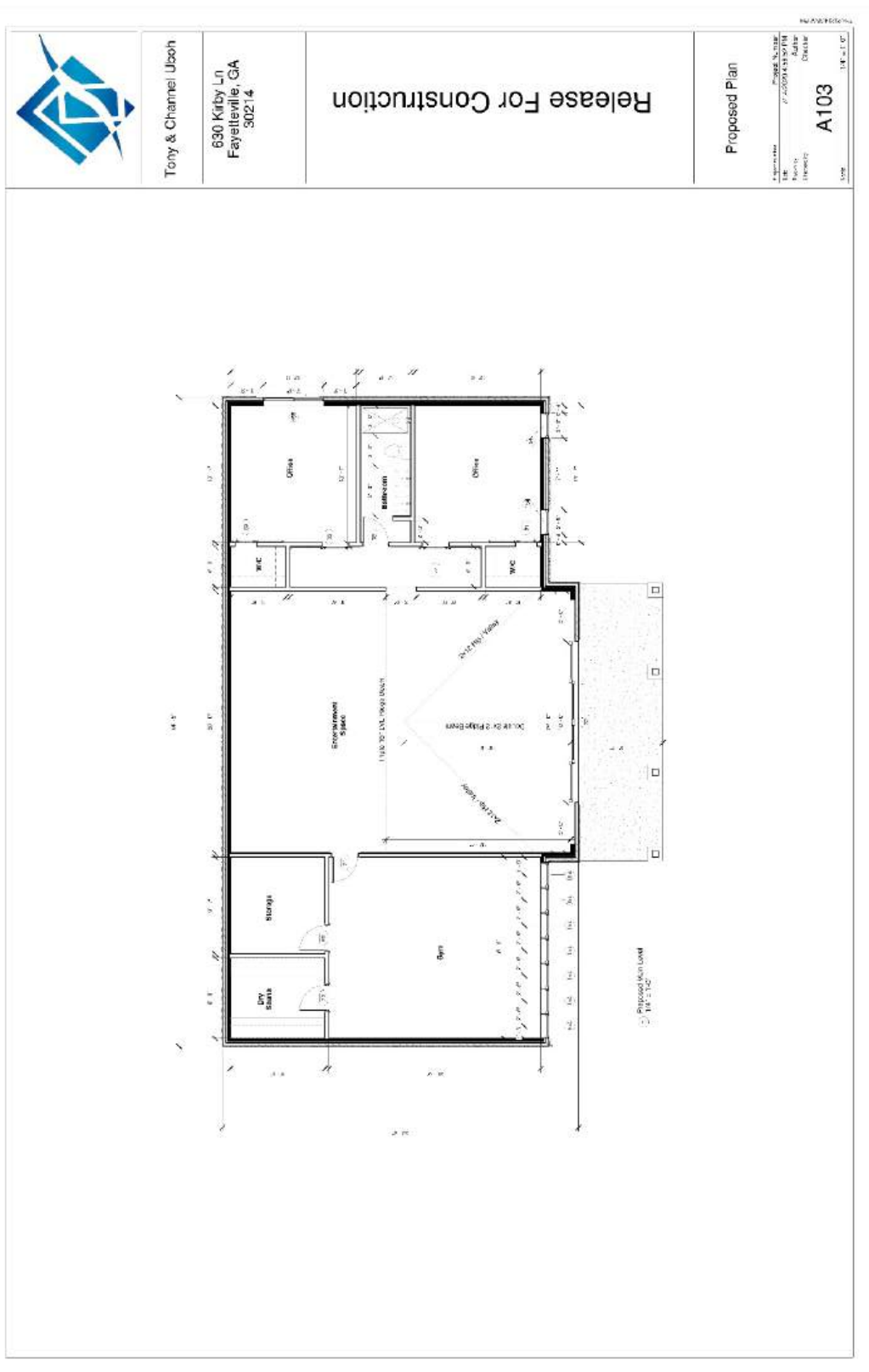
General Notes

1. GENERAL NOTES APPLY TO ALL DRAWINGS
2. DO NOT SCALE DRAWINGS. ANY DIMENSIONAL INFORMATION REQUIRED WHICH IS NOT INDICATED ON DRAWING DIMENSION STRINGS SHALL BE OBTAINED FROM THE ARCHITECT.
3. DIMENSIONS SHOWN ARE FINISH SURFACE OF EXISTING CONSTRUCTION, UNLESS NOTED OTHERWISE.
4. CONTRACTOR SHALL VERIFY ALL EXISTING DIMENSIONS AND CONDITIONS (I.E. EXISTING MATERIALS, FRAMING MEMBER SIZES AND LOCATIONS, METHODS OF CONSTRUCTION). IF DISCREPANCIES ARE FOUND, NOTIFY ARCHITECT BEFORE PROCEEDING WITH WORK.
5. CONTRACTOR SHALL PAY ALL PERMIT FEES.
6. CONTRACTOR SHALL MAINTAIN THE IMMEDIATE CONSTRUCTION SITE IN A SECURE, CLEAN AND SAFE MANNER.
7. PROTECTION: CONTRACTORS SHALL BE SOLELY RESPONSIBLE FOR TAKING ALL STEPS NECESSARY TO PROTECT THE PUBLIC FROM INJURY AND ADJACENT PROPERTY DAMAGES DURING CONSTRUCTION AS REQUIRED BY LOCAL CODES.
8. REPAIR ALL EXISTING CONSTRUCTION AFFECTED BY NEW WORK TO ITS ORIGINAL CONDITION

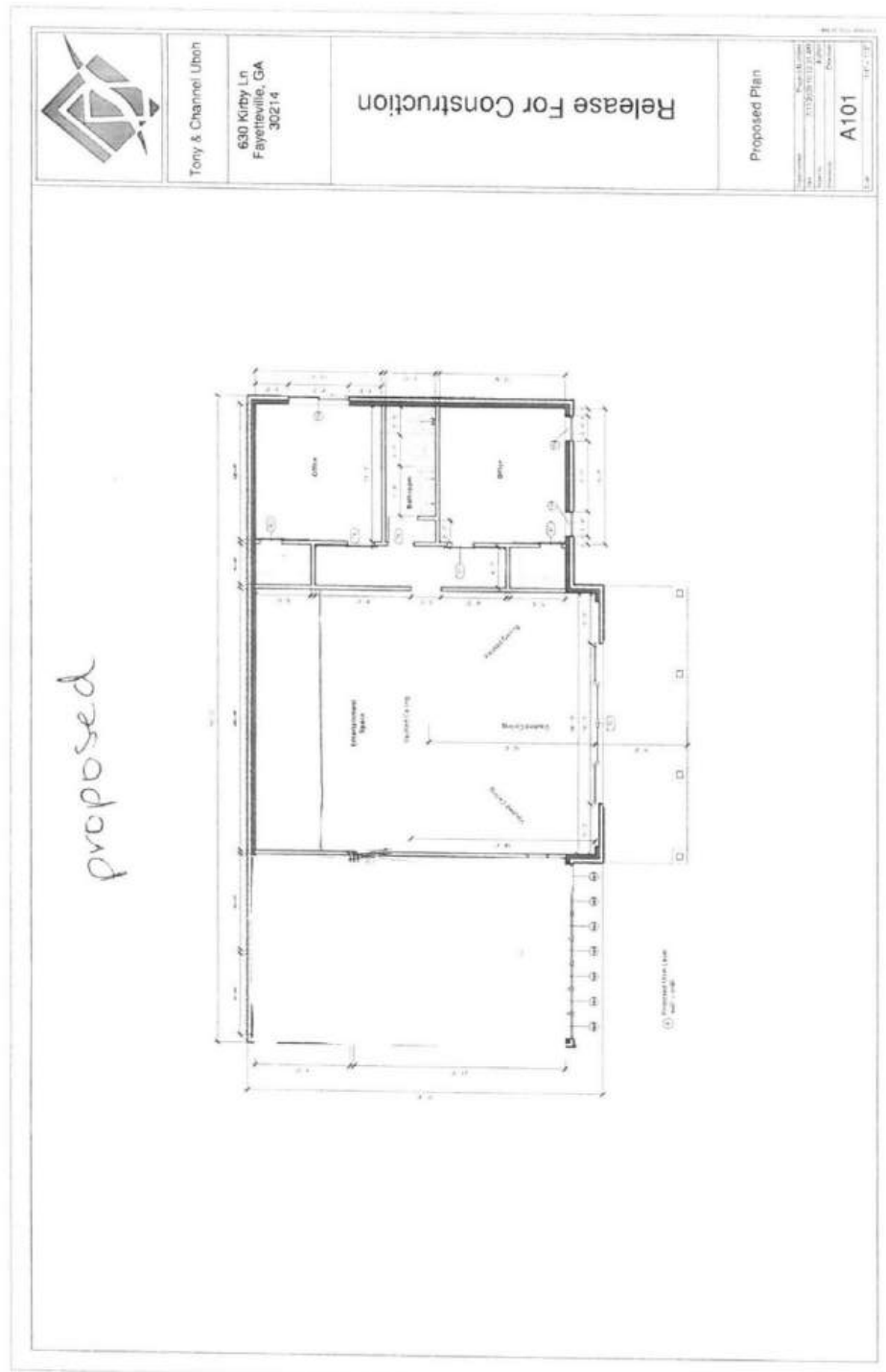
Code Summary

- International Building Code, 2018 Edition, with Georgia Amendments (2020)
- International Residential Code, 2018 Edition, with Georgia Amendments (2020)
- International Fire Code, 2018 Edition, with Georgia Amendments (2020)
- International Plumbing Code, 2018 Edition, with Georgia Amendments (2020)
- International Mechanical Code, 2018 Edition, with Georgia Amendments (2020)
- International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020)
- International Electrical Code, 2017 Edition, with no Georgia Amendments (Effective 11/30/18)
- International Energy Conservation Code, 2015 Edition, with Georgia Supplement (and 1/1/18 amendments)
- International Mechanical Pool and Spa Code, 2018 Edition, with Georgia Amendments (2020)
- IFPA-101, LNK Safety Code 2013 Edition with State Amendments (2020)

ACTUAL BUILDING PLANS, PAGE 1 – 2,164 Square Feet



ACTUAL BUILDING PLANS, PAGE 2 – 2,164 Square Feet



BUILDING PLAN SUBMITTED FOR 3RD PERMIT

This plan indicates removal of the left side of the structure, leaving the slab to be used as a patio. This was agreed upon in the in-person meeting on March 19, 2024, and would have brought the structure into compliance.

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 070610008 Acreage: 1.14^{ac} ~~1.74~~ Land Lot: 43+22 ~~74~~ Land District: 7
Address: 630 KIRBY LANE FAYETTEVILLE GA 30214
Existing Zoning: C-SC-S Requested Zoning: C-SC-S
Zoning of Surrounding Properties: C-SC-S
Existing Use: ACCESSORY STRUCTURE AND THEIR USAGE
Proposed Use: ACCESSORY STRUCTURE AND THEIR USAGE

PROPERTY OWNER INFORMATION

Name TUNDE UBOH
Email [REDACTED]
Address 630 Kirby Lane
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Chanel Uboh
Email chanel@marmosproperty.com
Address 630 Kirby Lane
City Fayetteville GA
State GA Zip 30214
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-893-25

☐ Application Insufficient due to lack of: _____
by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete
by Staff: Maria Binns Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: MAY 27, 2025

Received payment from CHANEL UBOH a ^{cc} check in the amount of \$ 175.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid 03/17/2025 Receipt Number: # 088965

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Tunde Uboh

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 070610008

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 4352 of the 7 District, and (if applicable to more than one land district) Land Lot(s) 74 of the District, and said property consists of a total of 1.14 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Chanel Uboh to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Owner/
Agent
One:

Signature Chanel Uboh
Name: Chanel Uboh
Address: 630 Kirby Lane
City/State/Zip: Fayetteville GA 30214
Date: 3/17/2025

Notary:

Commission Exp.: Nov. 7, 2026



Owner/
Agent
Two:

Signature Tunde Uboh
Name: Tunde Uboh
Address: 630 Kirby Lane
City/State/Zip: Fayetteville GA 30214
Date: 3/17/25

Notary:

Commission Exp.: Nov. 7, 2026



Owner/
Agent
Three:

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary:

(seal)

Commission Exp.: _____

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	110-79 Residential accessory structure and their use
Requirement	1800 Total square feet
Proposed Change	2164 Total square feet
Variance Amount	364 Total square feet

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Our request is to leave the existing structure as it is in it's completed state and not be required to tear it down to make the total square Foot area meet the ordinance requirements . As such we are requesting a variance .

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Attached

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

3. Such conditions are peculiar to the particular piece of property involved.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Attachment for Variance Application for 630 Kirby Lane Fayetteville GA 30214

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

*The subject property contains an existing building that is 2,164 square feet, exceeding the county's 1,800-square-foot allowance. While the zoning restrictions were in place at the time of construction, the building was **approved by inspectors and all involved officials during COVID, a period of unprecedented challenges that may have led to oversight or misinterpretation of regulations. Given that the structure was built with proper approvals and significant investment, enforcing strict compliance now would impose an undue hardship. A variance would allow the property to remain functional and in line with the originally approved plans.*

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Strict application of the zoning regulations to this property would create a practical difficulty and unnecessary hardship because the building was constructed with full approvals from inspectors and county officials during COVID. The existing 2,164-square-foot structure exceeds the 1,800-square-foot limit, but reducing or altering it to comply would be impractical, costly, and potentially render the building unusable for its intended purpose. Denying the variance would unfairly penalize the property owner for a situation that arose due to circumstances beyond their control.

3. Such conditions are peculiar to the particular piece of property involved.

The conditions affecting this property are peculiar because the existing 2,164-square-foot building was approved by county inspectors and officials during COVID despite the zoning restriction of 1,800 square feet. This is not a typical situation, as most properties in the area were either developed within the zoning limits or were not subject to approvals under such extraordinary circumstances. The unique combination of prior approvals, regulatory oversight, and the building's current existence makes this property distinct from others subject to the same zoning ordinance.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Granting this variance would not cause substantial detriment to the public good or undermine the intent of zoning regulations. The additional square footage remains entirely within the approved property building lines and setbacks, ensuring no negative impact on neighboring properties or public infrastructure. The structure was built with proper approvals, and allowing it to remain as constructed preserves the integrity of prior inspections while avoiding unnecessary financial hardship. This variance simply recognizes an existing, properly approved structure rather than introducing a non-compliant or disruptive use.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

A literal interpretation of this ordinance would unfairly deprive the applicant of rights that others in the same zoning district enjoy. The building was constructed with full county approvals and adheres to all setback and property line requirements, meaning it does not negatively impact surrounding properties. Forcing compliance now would impose an unnecessary hardship, whereas similar properties that met zoning requirements at the time of construction continue to benefit from their full use. Granting this variance ensures fairness and acknowledges the unique circumstances under which this property was developed.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☐ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☐ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. TU Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. TU Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. TU Location of exits/entrances to the subject property.
 - d. TU Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. TU Location of all utilities, including well or water lines.
 - f. TU Location of septic tank, drainfield, and drainfield replacement area.
 - g. NA Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. NA Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. NA Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. NA Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Please return to:
 Gary Lawson & Associates, P.C.
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 16-LAW-0740



Doc ID: 009905910001 Type: WD
 Recorded: 06/03/2016 at 09:10:00 AM
 Fee Amt: \$549.20 Page 1 of 1
 Transfer Tax: \$539.20
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 4461 PG 597

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 25th day of May, 2016 between

Jeff Lindsey Communities, Inc

as party or parties of the first part, hereinafter called Grantor, and

Tunde Uboh

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

ALL THAT TRACT or parcel of land lying and being in Land Lot 22 and 43 of the 7th District of Fayette County, Georgia, being Lot 74 of Annelise Park Subdivision, Phase III, as shown on that certain plat of said subdivision recorded in Plat Book 44, Pages 91-94, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:

Unofficial Witness


Notary Public

Jeff Lindsey Communities, Inc

BY:

Vee Jokjohor, Community Representative





- ## LEGEND

ZONING (PER PLAT)

1. EQUIPMENT USED : TOPCON ROBOTIC D2 TOTAL STATION - TOPCON RTK GPS RECEIVER.

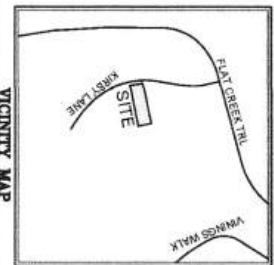
4. THIS PROPERTY IS SUBJECT TO ALL ZONING ORDINANCES, SETBACK LINES AND EASEMENTS OF RECORD. EXISTING UTILITIES ARE SHOWN ON THE PLAT.

GRAPHIC SCALE

0 20 40 80

(IN FEET)

AREA
49,667 sq.ft.
1.14 acres

[illegible]

UNITED LAND SURVEYING, L.L.C. ALL RIGHTS ARE RESERVED. ANY POSSESSION, REPRODUCTION OR OTHER USE OF THIS DOCUMENT WITHOUT PRIOR WRITTEN PERMISSION FROM UNITED LAND SURVEYING, L.L.C. IS EXPRESSLY PROHIBITED.

1234 CONCORD ROAD SUITE 103
SMYRNA, GEORGIA 30080
PH. (770) 343-6222

VISIT US ON OUR WEBSITE:
www.united-usa.com



UNITED LAND SURVEYING
COA NO. LSF 001321

JOB NUMBER:
24-203

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Tuesday, May
27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-893-25

Owner: Tunde Uboh

Agent: Chanel Uboh

Property Address: 630 Kirby Lane,
Fayetteville, GA 30215

Parcel: 070610 008

Zoning District: C-S

Area of Property: 1.14 acres

Land Lot(s): 22 & 43

District: 7th

Road Frontage: Kirby Lane

Request: Applicant is requesting
a variance to Sec. 110-79(c)(1)b,
Request to approve an increase in
accessory structure maximum foot-
print from 1800 SF to 2164 SF to
allow an existing accessory struc-
ture to remain.

Legal Description: ALL THAT
TRACT or parcel of land lying and
being in Land Lot 22 and 43 of
the 7th District of Fayette County,
Georgia, being Lot 74 of Annelise
Park Subdivision, Phase III, as
shown on that certain plat of said
subdivision recorded in Plat Book
44, Pages 91-94, Fayette County,
Georgia records, said plat being in-
corporated herein and made a part
hereof by reference.

Subject to restrictive covenants
and easements of record.

04/16

PETITION NO: A-894-25

Requested Action: 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 4.9723 acres in the A-R zoning district to be eligible for development.

Location: 740 Snead Rd, Fayetteville, GA 30215

Parcel(s): 0440 02003

District/Land Lot(s): 4th District, Land Lot(s) 220 & 221

Zoning: A-R, Agricultural-Residential

Lot Size: 4.973 Acres

Owner(s): Christian Rodriguez and Anna Rodriguez

Agent: N/A

Zoning Board of Appeal Public Hearing: May 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125. – A-R, to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 4.973 acres to be eligible for development. The variance amount is 0.027 acres.

STAFF ASSESSMENT

- The lot is a legal nonconforming lot. It has 4.973 acres, which is less than the required 5.0 acres in the A-R zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.
- The lot was created by a final plat recorded in Plat Book 19, Page 132, on August 9, 1988. At the time of lot creation, it contained 5.0 acres.
- The lot was reduced to 4.973 acres by the dedication of right-of-way to facilitate improvements to Bernhard Road by deed , recorded in Deed Book 732 Page 354 on July 6, 1992.
- The reduction in lot size as a result of the ROW dedication made the lot legal nonconforming.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel is unique in that it is a legal nonconforming lot that is slightly less than the current A-R requirement of 5.0 acres; this reduction was the result of a right-of-way dedication on the Bernhard Road frontage.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The house that was on the property burned down several years ago. The owners would not be able to get a building permit to build a new house without a variance to the lot size.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The conditions are unique to this parcel, and the property was a legal lot when it was created.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The variance will not be detrimental to the public good.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to build a home on this parcel without the variance.

HISTORY

The property is a legal nonconforming lot and meets the criteria to request a variance under Sec. 110-242. The lot was created by a final plat recorded in Plat Book 19, Page 132, on August 9, 1988. At the time of lot creation, it contained 5.0 acres. The lot was reduced to 4.973 acres by the dedication of right-of-way to facilitate improvements to Bernhard Road by a deed recorded in Deed Book 732 Page 354 on July 6, 1992. Since the reduction in lot size is the result of ROW dedication, the lot is legal nonconforming.

The existing accessory structure is a legal, nonconforming structure and is not a subject of this variance.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No comments
- ☐ **Environmental Management** – No comments.
- ☐ **Environmental Health Department** – No comments.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No comments.

ZONING REQUIREMENTS

Article VII.-Zoning Board of Appeals

Sec. 110-242. - Powers and duties.

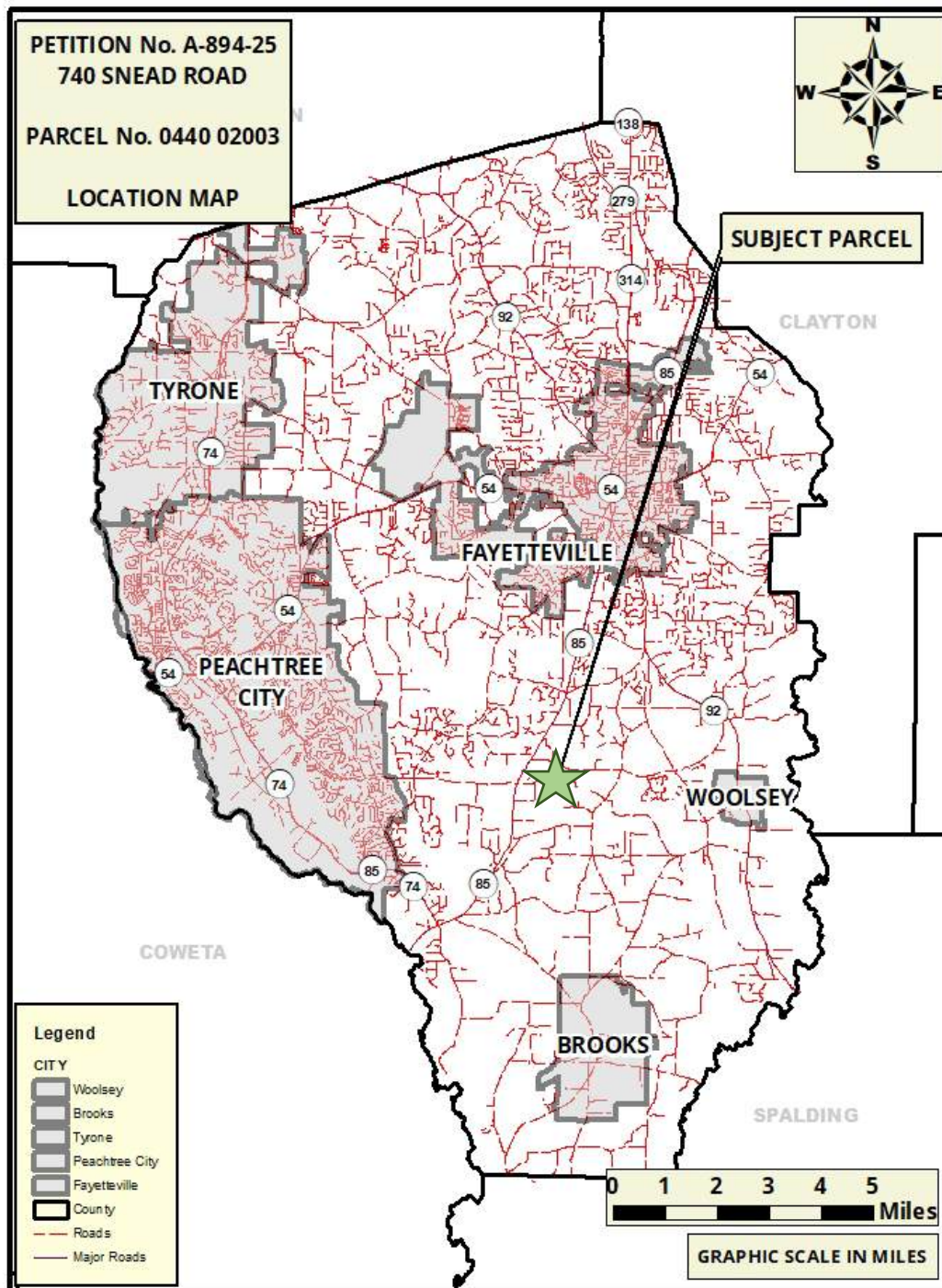
(c) *Request for a variance: Nonconforming Lots.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

(1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.

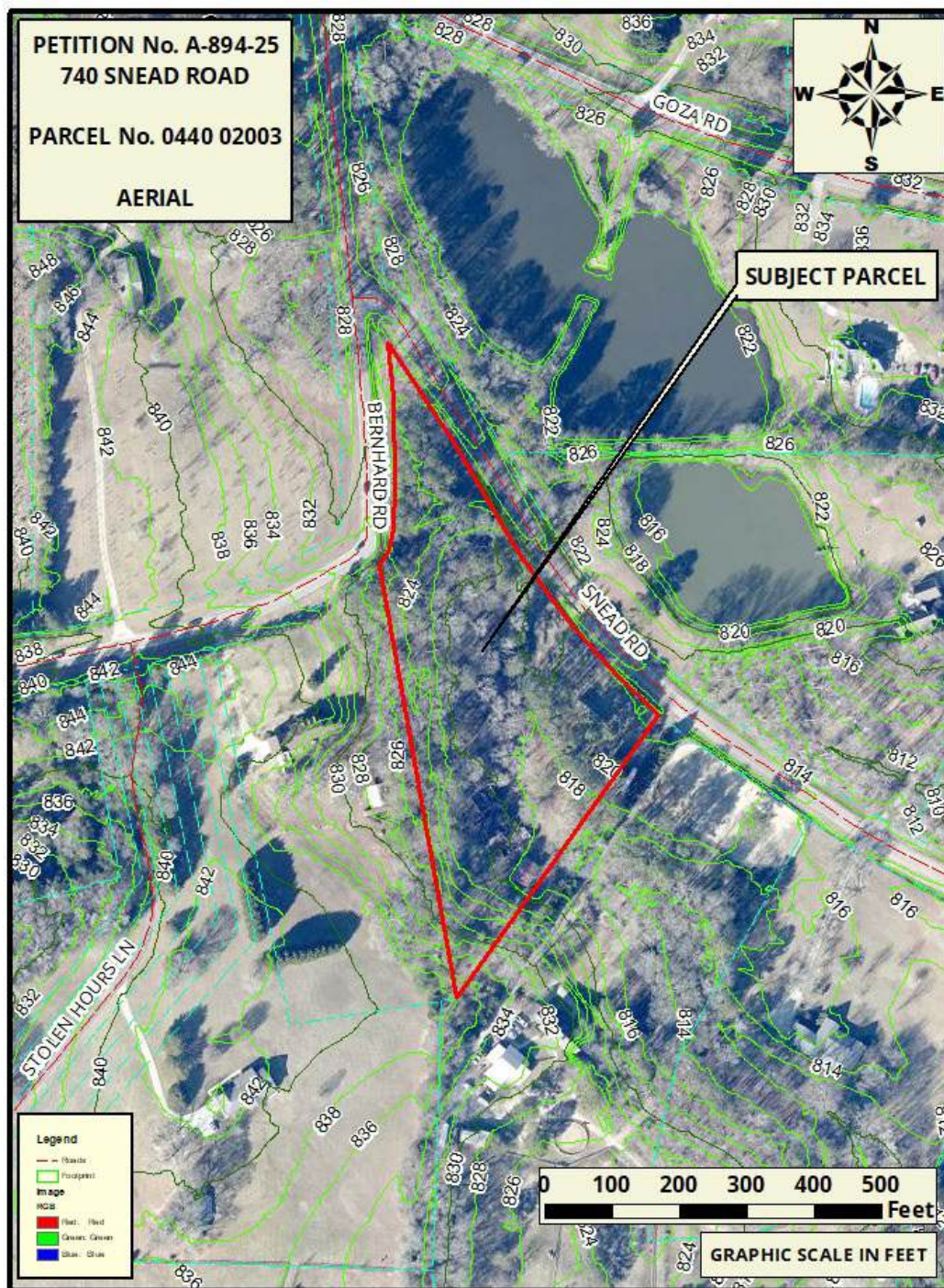
Sec. 110-125. – A-R, Agricultural-Residential District.

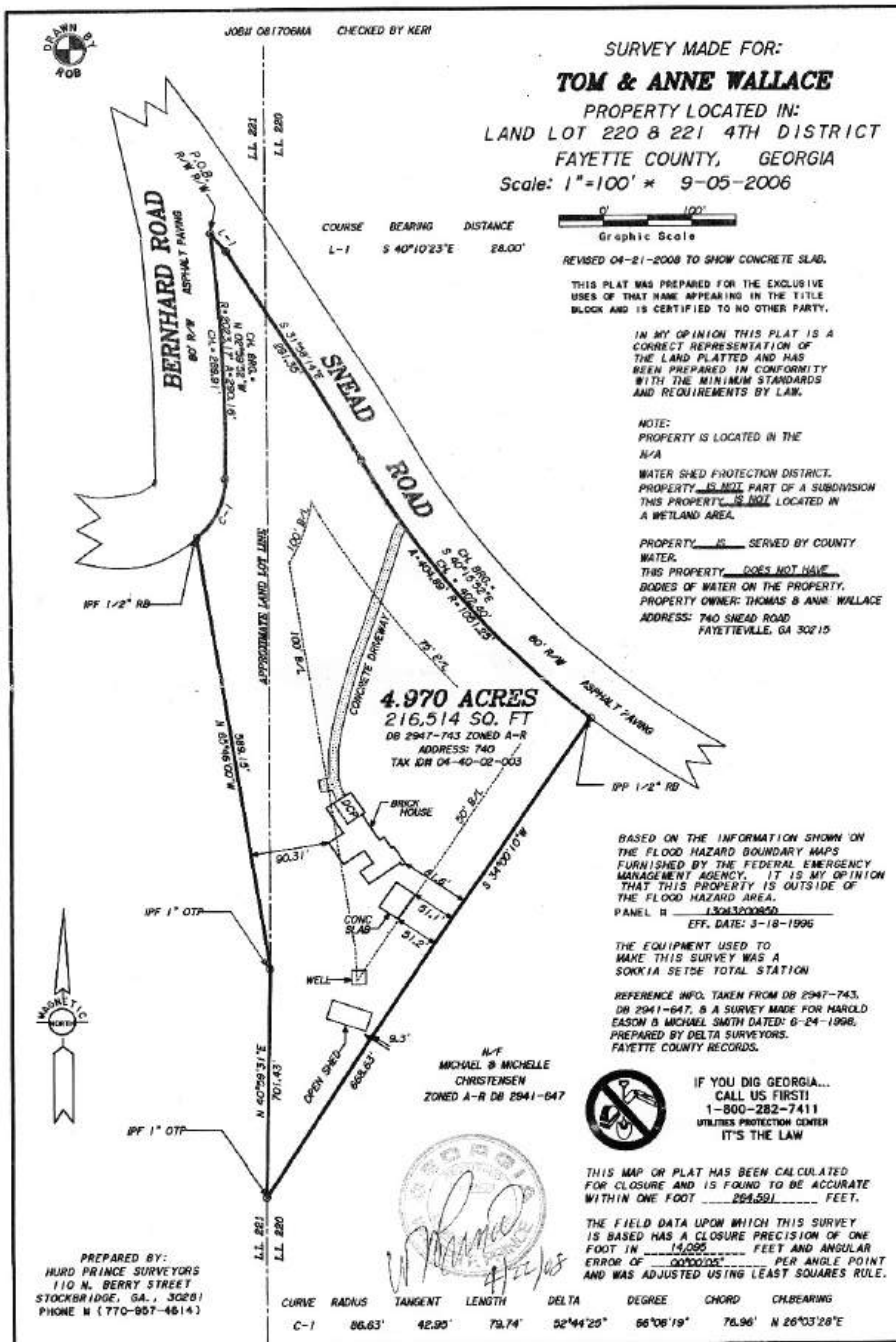
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.









FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0044002003 Acreage: 4.973 Land Lot: 220-221 Land District: 4
Address: 740 snead rd. Fayetteville GA, 30215
Zoning: AR Zoning of Surrounding Properties: AR
Use: Residential

PROPERTY OWNER INFORMATION

Name Christian Rodriguez
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name _____
Email _____
Address _____
City _____
State _____ Zip _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: 27 MAY 2025

Received payment from CHRISTIAN RODRIGUEZ VISA a check in the amount of \$ 175⁰⁰

for application filing fee, and \$ 40⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid 27 MAR 2025 Receipt Number: MISCPZ-03-2025-089057

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Christian and Anna Rodriguez

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: _____

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 226-221 of the 4 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 4.973 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Owner/
Agent
One:

Signature Anna Rodriguez
Name Anna E Rodriguez
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 27th March 2025

Notary:

Commission Exp.: 01/19/2026



Owner/
Agent
Two:

Signature Christian Rodriguez
Name Christian Rodriguez
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 27 March 2025

Notary:

Commission Exp.: 01/19/2026



Owner/
Agent
Three:

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary:

Commission Exp.: _____

(seal)

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	110-125 (D)(1)
Requirement	5.00 acres
Proposed Change	4.973
Variance Amount	5 - 4.973

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Need a variance to the min lot size.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Land was reduced to 4.973 acres due to a right-away in 1992.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Yes because I would not be able to get a building permit.

3. Such conditions are peculiar to the particular piece of property involved.

Yes,

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

No it will not be detrimental

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Yes

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. _____ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. _____ Location of exits/entrances to the subject property.
 - d. _____ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. _____ Location of all utilities, including well or water lines.
 - f. _____ Location of septic tank, drainfield, and drainfield replacement area.
 - g. _____ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. _____ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. _____ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. _____ Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☒ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Doc ID: 011916580003 Type: ESTD
 Recorded: 12/05/2023 at 09:30:00 AM
 Fee Amt: \$135.00 Page 1 of 3
 Transfer Tax: \$110.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5676 PG 553-555

SLEPIAN & SCHWARTZ, LLC
 42 EASTBROOK BEND
 PEACHTREE CITY, GA 30269
 23-1522-BEC
E. Slepian
 TAX PARCEL ID: 044002003

ADMINISTRATOR'S DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE is made as of December 1, 2023, between **BETH-ANNE WALLACE MILES, AS ADMINISTRATOR OF THE ESTATE OF ANNE VIRGINIA WALLACE a/k/a ANNE V. WALLACE** (hereinafter referred to as the "Deceased"), late of Fayette (hereinafter referred to as "Grantor") and **CHRISTIAN RODRIGUEZ and ANNA RODRIGUEZ, as joint tenants with right of survivorship and not as tenants in common**, (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR (acting under and by virtue of the power and authority contained in the Letters of Administration from the probate of the Estate and recorded in the Court of Probate of Fayette, for and in consideration of the sum of 10.00 Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 220 AND 221 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BERNARD ROAD (80 FOOT RIGHT-OF-WAY) WITH THE SOUTHWESTERLY RIGHT-OF-WAY OF SNEAD ROAD (60 FOOT RIGHT-OF-WAY) AND RUNNING THENCE SOUTH 34 DEGREES 50 MINUTES 58 SECONDS EAST, AND FOLLOWING ALONG THE RIGHT-OF-WAY OF SNEAD ROAD, A DISTANCE OF 497.50 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY, AND FOLLOWING ALONG AN ARC CURVE TO THE LEFT, AN ARC DISTANCE OF 208.47 FEET (CHORD BEARING SOUTH 44 DEGREES 54 MINUTES 14 SECONDS EAST AND A CHORD LENGTH OF 207.40 FEET TO A POINT); RUN THENCE SOUTH 34 DEGREES 00 MINUTES 10 SECONDS WEST A DISTANCE OF 668.63 FEET TO A 1/2 INCH REBAR SET; RUNNING THENCE NORTH 01 DEGREE 15 MINUTES 48 SECONDS EAST A DISTANCE OF 260.01 FEET TO A POINT; RUNNING THENCE NORTH 09 DEGREES 08 MINUTES 45 SECONDS WEST A DISTANCE OF 556.21 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF BERNARD ROAD; RUNNING THENCE NORTH 61 DEGREES 11 MINUTES 00 SECONDS EAST, AND FOLLOWING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 40.88 FEET TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY, AND ALONG THE ARC OF A CURVE TO THE LEFT, AN ARC DISTANCE OF 229.78 FEET (CHORD BEARING NORTH 01 DEGREE 44 MINUTES 22 SECONDS WEST A CHORD LENGTH OF 229.68 FEET) TO A POINT; RUNNING THENCE NORTH 05 DEGREES 46 MINUTES 32 SECONDS WEST, AND CONTINUING ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 88.86 FEET TO A POINT AND THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING APPROXIMATELY 5.00 ACRES AND BEING DESIGNATED AS "PART OF TRACT G" ON THAT CERTAIN PLAT OF SURVEY PREPARED BY DELTA SURVEYORS, INC., RLS, FOR JIM MATT, DATED 05/11/96.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

****Anne V. Wallace herein acquired interest and title to the above described property as a joint tenant with Thomas L. Wallace, by way of that certain Warranty Deed recorded in Deed Book 2947, Page 743, Fayette County, Georgia records; further the entire interest of Anne V. Wallace was the result of the death of Thomas L. Wallace on February 16, 2017 as more fully shown on that certain death certificate attached as Exhibit "A**

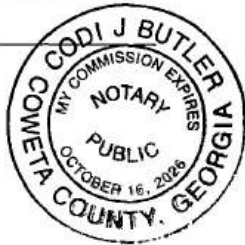
TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased. This document in executed under Seal.

Signed this 1st day of December, 2023 in the presence of:


Unofficial Witness


Notary Public
My Commission Expires: _____

[Notary Seal]



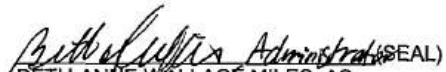
 (SEAL)
BETH-ANNE WALLACE MILES, AS
ADMINISTRATOR OF THE ESTATE OF
ANNE VIRGINIA WALLACE a/k/a ANNE V.
WALLACE

Exhibit "A"

GEORGIA DEATH CERTIFICATE

State File Number 2017GA000008385

1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last)		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX	2a. DATE OF DEATH (Mo., Day, Year)
3. SOCIAL SECURITY NUMBER		4a. AGE (Years)	4b. UNDER 1 YEAR	4c. UNDER 1 DAY	5. DATE OF BIRTH (Mo., Day, Year)
		Mos.	Days	Hours	Mins.
6. BIRTHPLACE	7a. RESIDENCE - STATE	7b. COUNTY	7c. CITY, TOWN		
	GEORGIA	FAYETTE	FAYETTEVILLE		
7d. STREET AND NUMBER	7e. ZIP CODE	7f. INSIDE CITY LIMITS?	8. ARMED FORCES?		
740 SNEAD ROAD	30215	NO			
8a. USUAL OCCUPATION	8b. KIND OF INDUSTRY OR BUSINESS				
9. MARITAL STATUS		10. SPOUSE NAME		11. FATHER'S FULL NAME (First, Middle, Last)	
MARRIED					
12. MOTHER'S MAIDEN NAME (First, Middle, Last)	13a. INFORMANT'S NAME (First, Middle, Last)		13b. RELATIONSHIP TO DECEDENT		
			WIFE		
13c. MAILING ADDRESS		14. DECEDENT'S EDUCATION			
740 SNEAD ROAD FAYETTEVILLE GEORGIA 30215		MASTER'S DEGREE			
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.)		16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify)			
NO, NOT SPANISH/HISPANIC/LATINO		WHITE			
17a. IF DEATH OCCURRED IN HOSPITAL		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify)			
18. HOSPITAL OR OTHER INSTITUTION NAME (If not in either give street and no.)		19. CITY, TOWN or LOCATION OF DEATH		20. COUNTY OF DEATH	
21. METHOD OF DISPOSITION (specify)		22. PLACE OF DISPOSITION		23. DISPOSITION DATE (Mo., Day, Year)	
24a. EMBALMER'S NAME	24b. EMBALMER LICENSE NO.	25. FUNERAL HOME NAME			
25a. FUNERAL HOME ADDRESS					
26a. SIGNATURE OF FUNERAL DIRECTOR		26b. FUN. DIR. LICENSE NO.	AMENDMENTS		
27. DATE PRONOUNCED DEAD (Mo., Day, Year)		28. HOUR PRONOUNCED DEAD			
29a. PRONOUNCER'S NAME		29b. LICENSE NUMBER	29c. DATE SIGNED		
			02/16/2017		
30. TIME OF DEATH		31. WAS CASE REFERRED TO MEDICAL EXAMINER			
01:16 PM		NO			
32. Part I. Enter the chain of events-disease, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology. DO NOT ABBREVIATE.					Approximate interval between onset and death
IMMEDIATE CAUSE (Final disease or condition resulting in death)					UNKNOWN
A. Due to, or as a consequence of					
B. Due to, or as a consequence of					
C. Due to, or as a consequence of					
D. Due to, or as a consequence of					
Part II. Enter significant conditions contributing to death but not related to cause given in Part I. A. If female, indicate if pregnant or birth occurred within 90 days of death.		33. WAS AUTOPSY PERFORMED?		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?	
AGENT ORANGE EXPOSURE		NO			
35. TOBACCO USE CONTRIBUTED TO DEATH		36. IF FEMALE (range 10-54) PREGNANT		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify)	
NO		NOT APPLICABLE		NATURAL	
38. DATE OF INJURY (Mo., Day, Year)	39. TIME OF INJURY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)		41. INJURY AT WORK? (Yes or No)	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)					
43. DESCRIBE HOW INJURY OCCURRED					
44. IF TRANSPORTATION INJURY					
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.)					
46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)					
45a. DATE SIGNED (Mo., Day, Year)		45b. HOUR OF DEATH		46a. DATE SIGNED (Mo., Day, Year)	
02/17/2017		01:16 PM			
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH					
48. REGISTRAR (Signature)		/S/ DONNA L. MOORE		49. DATE FILED - REGISTRAR (Mo., Day, Year)	
				02/20/2017	

Form 3903 (Rev. 04/2012), GEORGIA DEPARTMENT OF HUMAN RESOURCES

DO NOT FOLD THIS CERTIFICATE

STATE OF GEORGIA
COUNTY OF FAYETTE

FILED & RECORDED
FAYETTE COUNTY, GA.

'92 JUL 6 AM 10 56

RIGHT OF WAY DEED

THIS CONVEYANCE MADE AND EXECUTED THE 24 DAY OF JANUARY 1992.

W.A. BAYLARD
CLERK OF SUPERIOR COURT

WITNESSETH that WILLIAM H. SHOCKLEY (hereinafter referred to as "GRANTOR") property owner of certain land in the County of Fayette in which certain roadway known as Bernhard Road traverses does hereby, in consideration of the benefits accruing to Grantor's property by virtue of the improvement of such roadway, irrevocably release, convey and quitclaim to FAYETTE COUNTY, a political subdivision of the State of Georgia, the following described tract or parcel of land:

Sufficient land in Land Lot 221 of the 4th District of Fayette County, necessary to construct and establish a uniformly sixty (60') foot wide right of way for Bernhard Road, as measured from the proposed centerline of such road, as depicted per plat dated January 22, 1992, which is attached hereto and made a part hereof.

This conveyance shall expressly be limited to any and all land which the Grantor owns within the proposed boundaries of such sixty (60') foot wide right of way for Bernhard Road. Further, the Grantor expressly makes no warranties of title as to the land conveyed hereby.

Said right of way begins and ends where said location, as established, enters and leaves my property.

The County of Fayette is hereby released from any and all claims, actions or causes of action arising out of or in connection with the construction and improvement of the right of way for Bernhard Road.

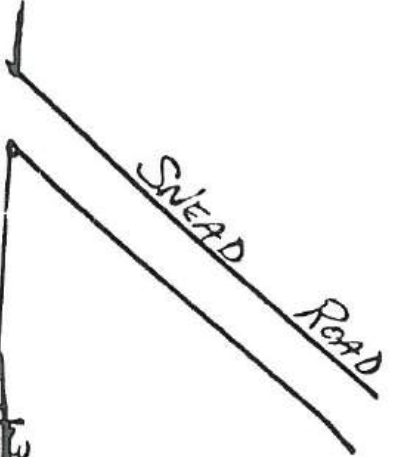
WITNESS my hand and seal the day and year first above written.

WITNESS

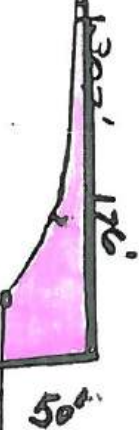
WILLIAM H. SHOCKLEY

NOTARY PUBLIC

Notary Public, Fayette County, Georgia
My Commission Expires Dec. 17, 1993

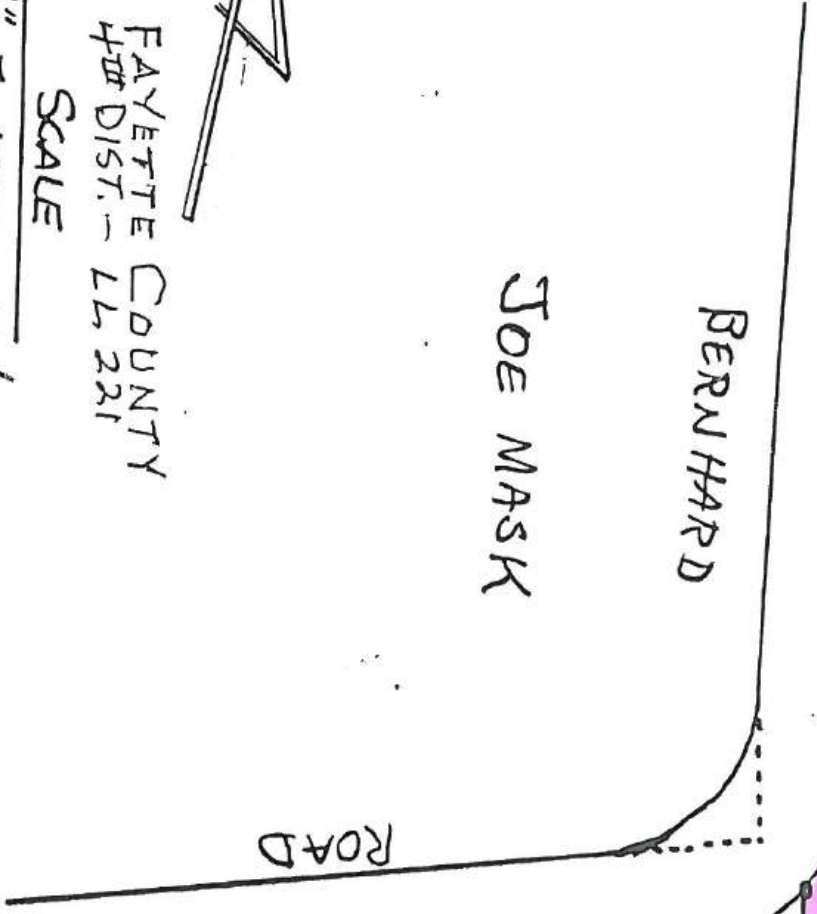


WILLIAM H. SHOCKLEY



BERNHARD

JOE MASK



RAYLENE S. ROBERSON

75'

50'



FAYETTE COUNTY
4th DIST. - LL 221

SCALE

1" = APPROX. 100'

1-22-92

LAW OFFICES

McNALLY, FOX, CAMERON & STEPHENS

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214

WILLIAM R. McNALLY
PATRICK J. FOX
JAMES S. CAMERON
M. VAN STEPHENS, II
PHILIP P. GRANT
CLAUDE L. GOZA, JR.
ALISON A. BRIDGES

(404) 461-2223
FAX: (404) 461-5863

MAILING ADDRESS:
POST OFFICE BOX 849
FAYETTEVILLE, GA 30214

MATERIAL TRANSMITTAL

TO: Vernon Hunter,
Public Works Department

DATE: July 13, 1992

cc: Robyn Moore, Zoning Department
David Mundt, Building
Department

PROJECT NAME: Bernhard Road -
William H. Shockley

LOCATION: Bernhard Road

The county attorney's office transmits herewith to you:

() The original filed warranty deed with regard
to the above-referenced project.

(X) Other: Original filed Right-of-Way Deed in reference
to the above mentioned project.

REMARKS: _____

Signed: William R. McNally
WILLIAM R. McNALLY



JOB# 081706MA CHECKED BY KERI

SURVEY MADE FOR:

TOM & ANNE WALLACE

PROPERTY LOCATED IN:
LAND LOT 220 & 221 4TH DISTRICT
FAYETTE COUNTY, GEORGIA

Scale: 1"=100' * 9-05-2006

COURSE BEARING DISTANCE
L-1 S 40°10'23"E 28.00'



REVISED 04-21-2008 TO SHOW CONCRETE SLAB.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE
USES OF THAT NAME APPEARING IN THE TITLE
BLOCK AND IS CERTIFIED TO NO OTHER PARTY.

IN MY OPINION THIS PLAT IS A
CORRECT REPRESENTATION OF
THE LAND PLATTED AND HAS
BEEN PREPARED IN CONFORMITY
WITH THE MINIMUM STANDARDS
AND REQUIREMENTS BY LAW.

NOTE:
PROPERTY IS LOCATED IN THE
N/A

WATER SHED PROTECTION DISTRICT.
PROPERTY IS NOT PART OF A SUBDIVISION
THIS PROPERTY IS NOT LOCATED IN
A WETLAND AREA.

PROPERTY IS SERVED BY COUNTY
WATER.
THIS PROPERTY DOES NOT HAVE
BODIES OF WATER ON THE PROPERTY.
PROPERTY OWNER: THOMAS & ANNE WALLACE
ADDRESS: 740 SNEAD ROAD
FAYETTEVILLE, GA 30215

4.970 ACRES
216,514 SQ. FT
DB 2947-743 ZONED A-R
ADDRESS: 740
TAX ID# 04-40-02-003

BASED ON THE INFORMATION SHOWN ON
THE FLOOD HAZARD BOUNDARY MAPS
FURNISHED BY THE FEDERAL EMERGENCY
MANAGEMENT AGENCY. IT IS MY OPINION
THAT THIS PROPERTY IS OUTSIDE OF
THE FLOOD HAZARD AREA.
PANEL # 13043200850
EFF. DATE: 3-18-1996

THE EQUIPMENT USED TO
MAKE THIS SURVEY WAS A
SOKKIA SET5E TOTAL STATION

REFERENCE INFO. TAKEN FROM DB 2947-743,
DB 2941-647, & A SURVEY MADE FOR HAROLD
EASON & MICHAEL SMITH DATED: 6-24-1998,
PREPARED BY DELTA SURVEYORS.
FAYETTE COUNTY RECORDS.



IF YOU DIG GEORGIA...
CALL US FIRST!
1-800-282-7411
UTILITIES PROTECTION CENTER
IT'S THE LAW

THIS MAP OR PLAT HAS BEEN CALCULATED
FOR CLOSURE AND IS FOUND TO BE ACCURATE
WITHIN ONE FOOT 264.591 FEET.

THE FIELD DATA UPON WHICH THIS SURVEY
IS BASED HAS A CLOSURE PRECISION OF ONE
FOOT IN 14,095 FEET AND ANGULAR
ERROR OF 00°00'00" PER ANGLE POINT
AND WAS ADJUSTED USING LEAST SQUARES RULE.

CURVE	RADIUS	TANGENT	LENGTH	DELTA	DEGREE	CHORD	CH.BEARING
C-1	86.63'	42.95'	79.74'	52°44'25"	56°08'19"	76.96'	N 26°03'28"E

PREPARED BY:
HURD PRINCE SURVEYORS
110 N. BERRY STREET
STOCKBRIDGE, GA., 30281
PHONE # (770-957-4614)



PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Tuesday, May
27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-894-25
Owner: Christian and Anna Rodri-
guez

Property Address: 740 Snead Road
Parcel: 044002 003
Zoning District: A-R
Area of Property: 4.970 acres
Land Lot(s): 220 & 221
District: 4th

Road Frontage: Snead Road and
Bernhard Road

Request: Applicant is requesting
a variance to Sec. 110-125(d)(1),
Requesting a variance to the min-
imum lot size for a legal noncon-
forming.

Legal Description

Administrator's Deed

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOTS 220 AND 221 OF
THE 4TH DISTRICT OF FAY-
ETTE COUNTY, GEORGIA, BE-
ING MORE PARTICULARLY
DESCRIBED AS FOLLOWS: BE-
GINNING AT THE INTERSEC-
TION OF THE EASTERLY RIGHT-
OF-WAY OF BERNARD ROAD (80
FOOT RIGHT-OF-WAY) WITH
THE SOUTHWESTERLY RIGHT-
OF-WAY OF SNEAD ROAD (60
FOOT RIGHT-OF-WAY) AND
RUNNING THENCE SOUTH 34
DEGREES 50 MINUTES 58 SEC-
ONDS EAST, AND FOLLOWING
ALONG THE RIGHT-OF-WAY
OF SNEAD ROAD, A DISTANCE
OF 497.50 FEET TO A POINT;
CONTINUING THENCE ALONG
SAID RIGHT-OF-WAY, AND
FOLLOWING ALONG AN ARC
CURVE TO THE LEFT, AN ARC
DISTANCE OF 208.47 FEET
(CHORD BEARING SOUTH 44
DEGREES 54 MINUTES 14 SEC-
ONDS EAST AND A CHORD
LENGTH OF 207.40 FEET TO A
POINT); RUN THENCE SOUTH
34 DEGREES 00 MINUTES 10
SECONDS WEST A DISTANCE
OF 668.63 FEET TO A 1/2 INCH
REBAR SET; RUNNING THENCE
NORTH 01 DEGREE 15 MINUTES
48 SECONDS EAST A DISTANCE
OF 260.01 FEET TO A POINT;
RUNNING THENCE NORTH
09 DEGREES 08 MINUTES 45
SECONDS WEST A DISTANCE
OF 556.21 FEET TO A POINT,
WHICH POINT IS LOCATED ON
THE SOUTHEASTERLY RIGHT-
OF-WAY OF BERNARD ROAD;
RUNNING THENCE NORTH 61
DEGREES 11 MINUTES 00 SEC-
ONDS EAST, AND FOLLOWING

ALONG SAID RIGHT-OF-WAY,
A DISTANCE OF 40.88 FEET
TO A POINT; CONTINUING
THENCE ALONG SAID RIGHT-
OF-WAY, AND ALONG THE ARC
OF A CURVE TO THE LEFT, AN
ARC DISTANCE OF 229.78 FEET
(CHORD BEARING NORTH 01
DEGREE 44 MINUTES 22 SEC-
ONDS WEST A CHORD LENGTH
OF 229.68 FEET) TO A POINT;
RUNNING THENCE NORTH 05
DEGREES 46 MINUTES 32 SEC-
ONDS WEST, AND CONTINUING
ALONG SAID RIGHT-OF-WAY, A
DISTANCE OF 88.86 FEET TO A
POINT AND THE POINT OF BE-
GINNING. SAID TRACT OR PAR-
CEL OF LAND CONTAINING AP-
PROXIMATELY 5.00 ACRES AND
BEING DESIGNATED AS "PART
OF TRACT G" ON THAT CERTAIN
PLAT OF SURVEY PREPARED
BY DELTA SURVEYORS, INC.,
RLS, FOR JIM MATT, DATED
05/11/96. THIS CONVEYANCE
is made subject to all zoning ordi-
nances, easements and restrictions
of record affecting said bargained
premises.

RIGHT OF WAY DEED

WITNESSETH that WILLIAM H.
SHOCKLEY (hereinafter referred
to as "GRANTOR") property own-
er of certain land in the County of
Fayette in which certain roadway
known as Bernhard Road travers-
es does hereby, in consideration of
the benefits accruing to Grantor's
property by virtue of the improve-
ment of such roadway, irrevocably
release, convey and quitclaim to
FAYETTE COUNTY, a political
subdivision of the State of Geor-
gia, the following described tract
or parcel of land: Sufficient land in
Land Lot 221 of the 4th District of
Fayette County, necessary to con-
struct and establish a uniformly
sixty (60) foot wide right of way
for Bernhard Road, as measured
from the proposed centerline of
such road, as depicted per plat
dated January 22, 1992, which is
attached hereto and made a part
hereof.

This conveyance shall expressly be
limited to any and all land which
the Granter owns within the pro-
posed boundaries of such sixty (60)
foot wide right of way for Bern-
hard Road. Further, the Granter
expressly makes no warranties of
title as to the land conveyed here-
by.

Said right of way begins and ends
where said location, as established,
enters and leaves my property.
The County of Fayette is hereby
released from any and all claims,
actions or causes of action arising
out of or in connection with the
construction and improvement of
the right of way for Bernhard Road.

04/16

PETITION NO: A-895-25

Requested Actions: Applicant is requesting variances to the following criteria:

- A. Sec. 110-125(d)(6) to reduce the side yard setback from 50' to 47.2' to allow an existing pool deck to remain.
- B. ~~Sec. 110-125(d)(6) and Sec. 110-106 -- Side yard setback on a flag lot. Staff have determined that Part B is not necessary; staff identified that this issue cannot be resolved with a variance. The final plat for the parcel can be revised to show a 50' setback instead of a 100' setback and the proposed building will meet County standards.~~

STAFF NOTE: Staff has determined that Part B of this request is not necessary. Sec. 110-106 *Minor subdivision plats and final plats containing flag lots which were recorded prior to the effective date of this section shall be required to be revised for this section to apply.*

Location: 158 Sovereign Trail, Brooks, Georgia 30205

Parcel(s): 0420 051

District/Land Lot(s): 4th District, Land Lot(s) 121

Zoning: A-R, Agricultural-Residential

Lot Size: 5.00 Acres

Owner(s): Elisha Turman and Joseph Jones

Agent: N/A

Zoning Board of Appeal Public Hearing: May 27, 2025

REQUEST

Applicant is requesting the following: Per Sec. 110-125(d)(6) to reduce the side yard setback from 50' to 47.2' to allow an existing pool deck to remain.

STAFF ASSESSMENT

The encroachment is minor and is unlikely to pose any problems for neighboring properties.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The watershed protection buffers do create some environmental constraints on the parcel.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The location and extent of the environmental buffers are unique to this parcel.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the pool deck is not likely to have an adverse impact on the neighbors.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in the A-R zoning district.

HISTORY

This parcel is a legal lot of record documented in Plat Book 21 Pages 59, on May 24, 1990.

ZONING REQUIREMENTS

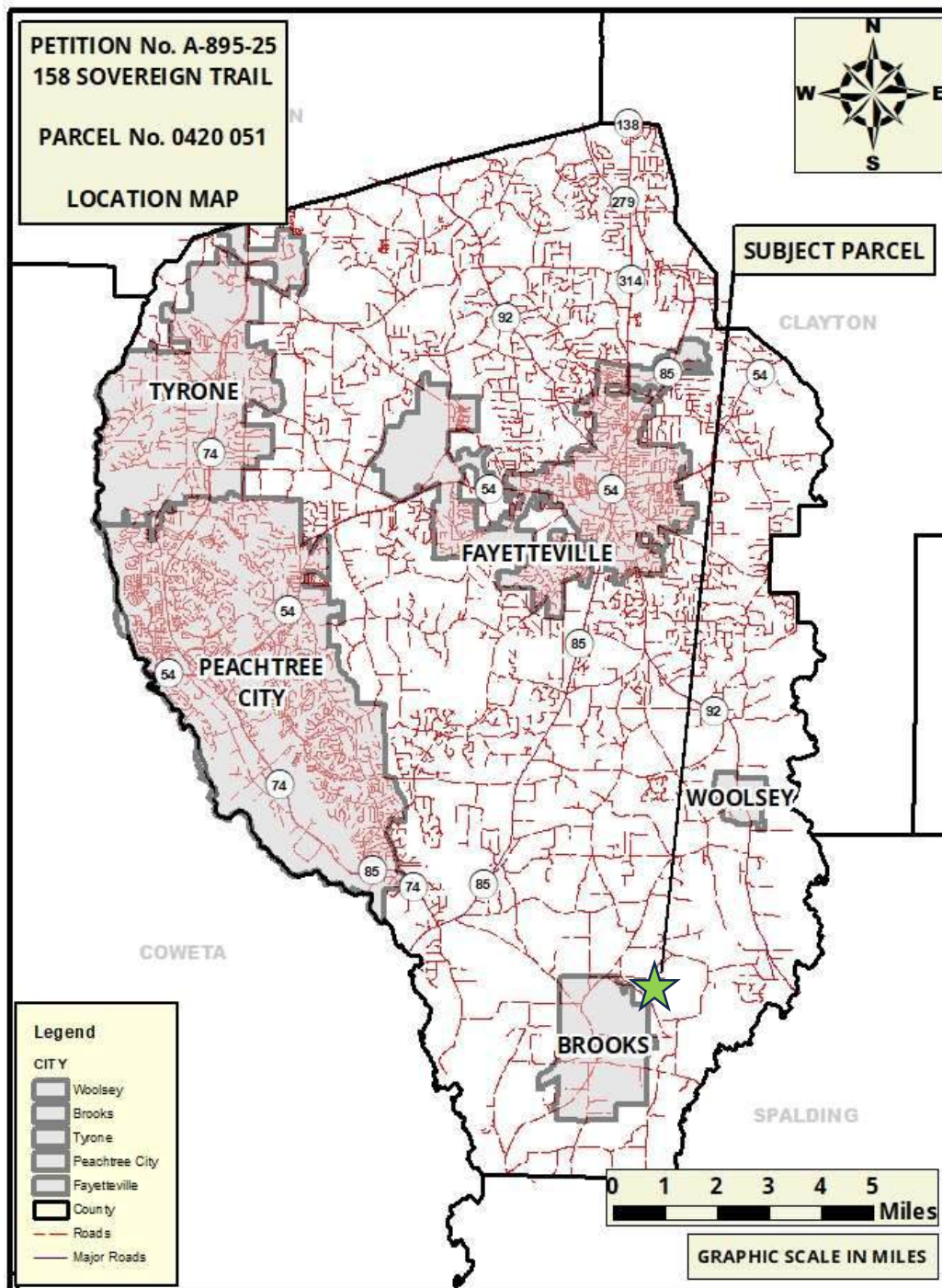
Sec. 110-125. - A-R, Agricultural-Residential District

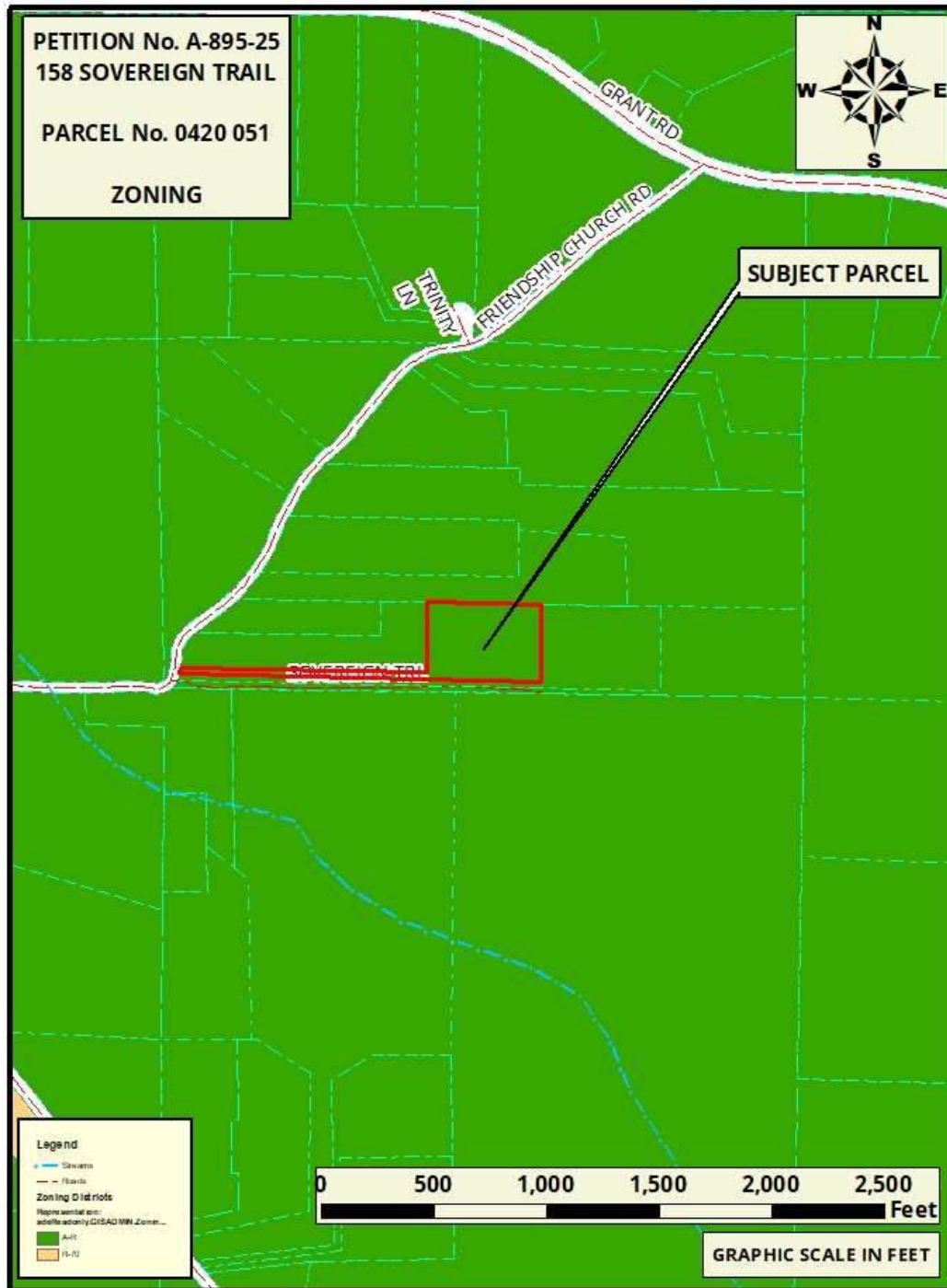
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

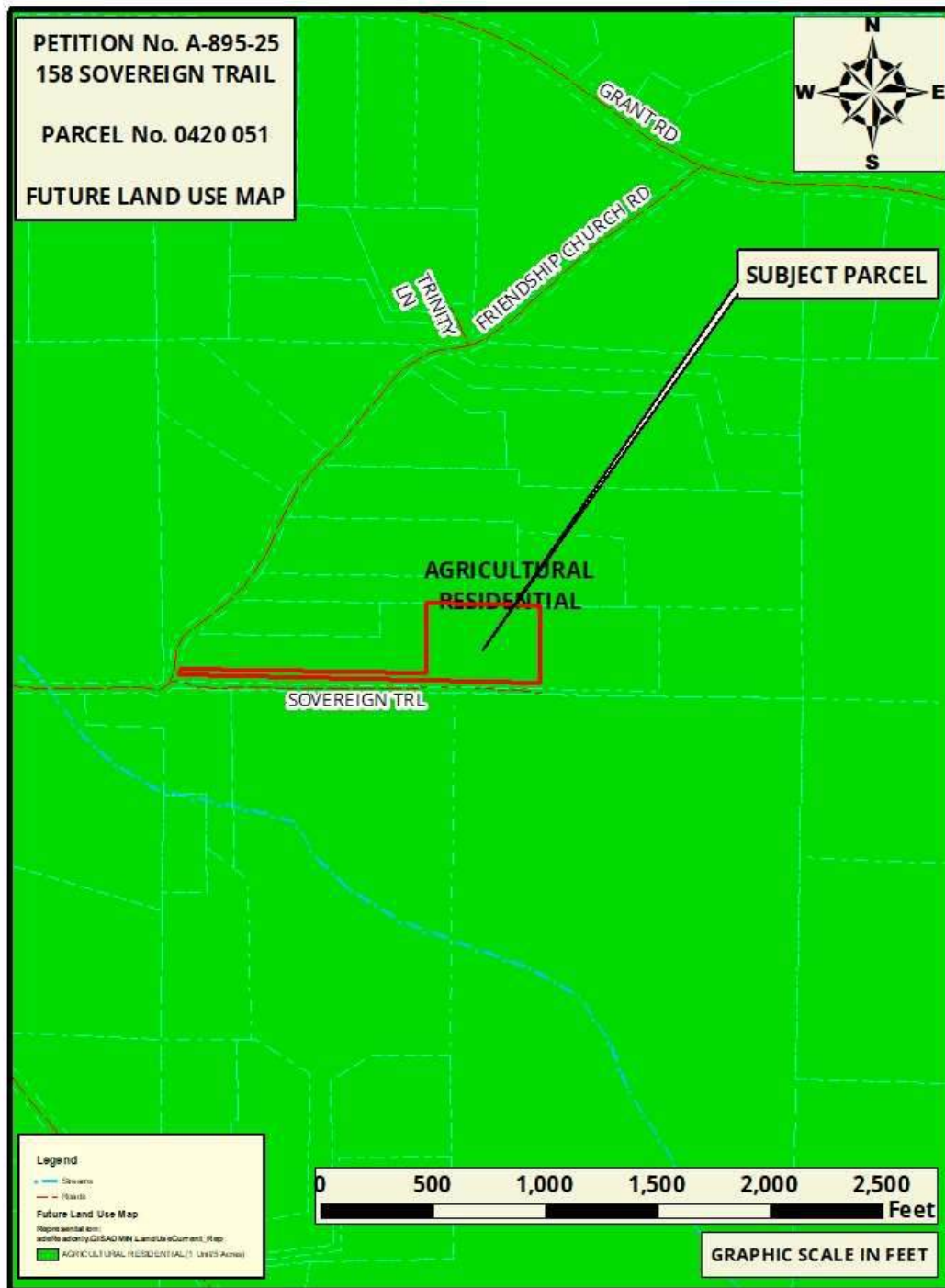
(6) Side yard setback: 50 feet.

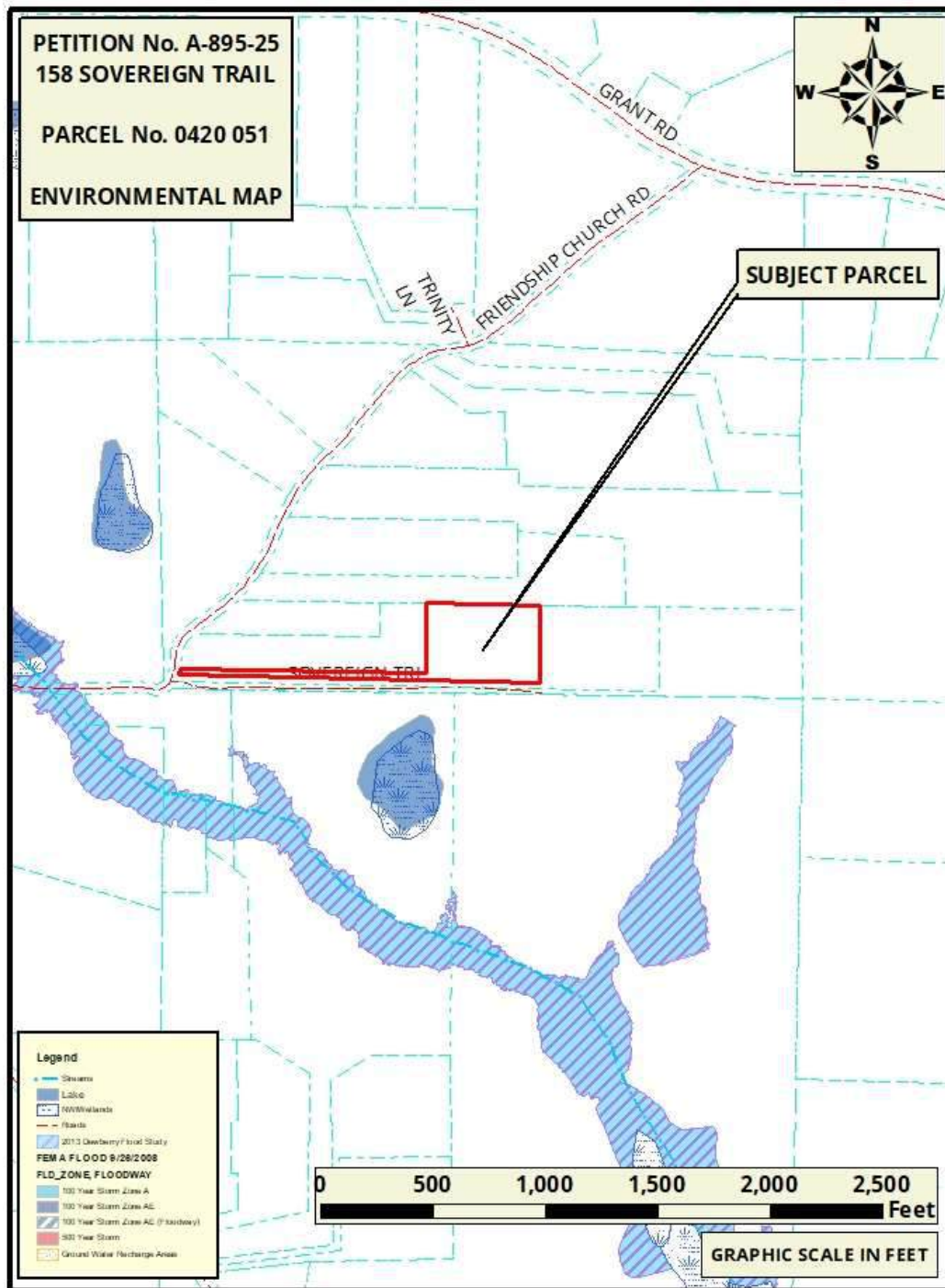
DEPARTMENTAL COMMENTS

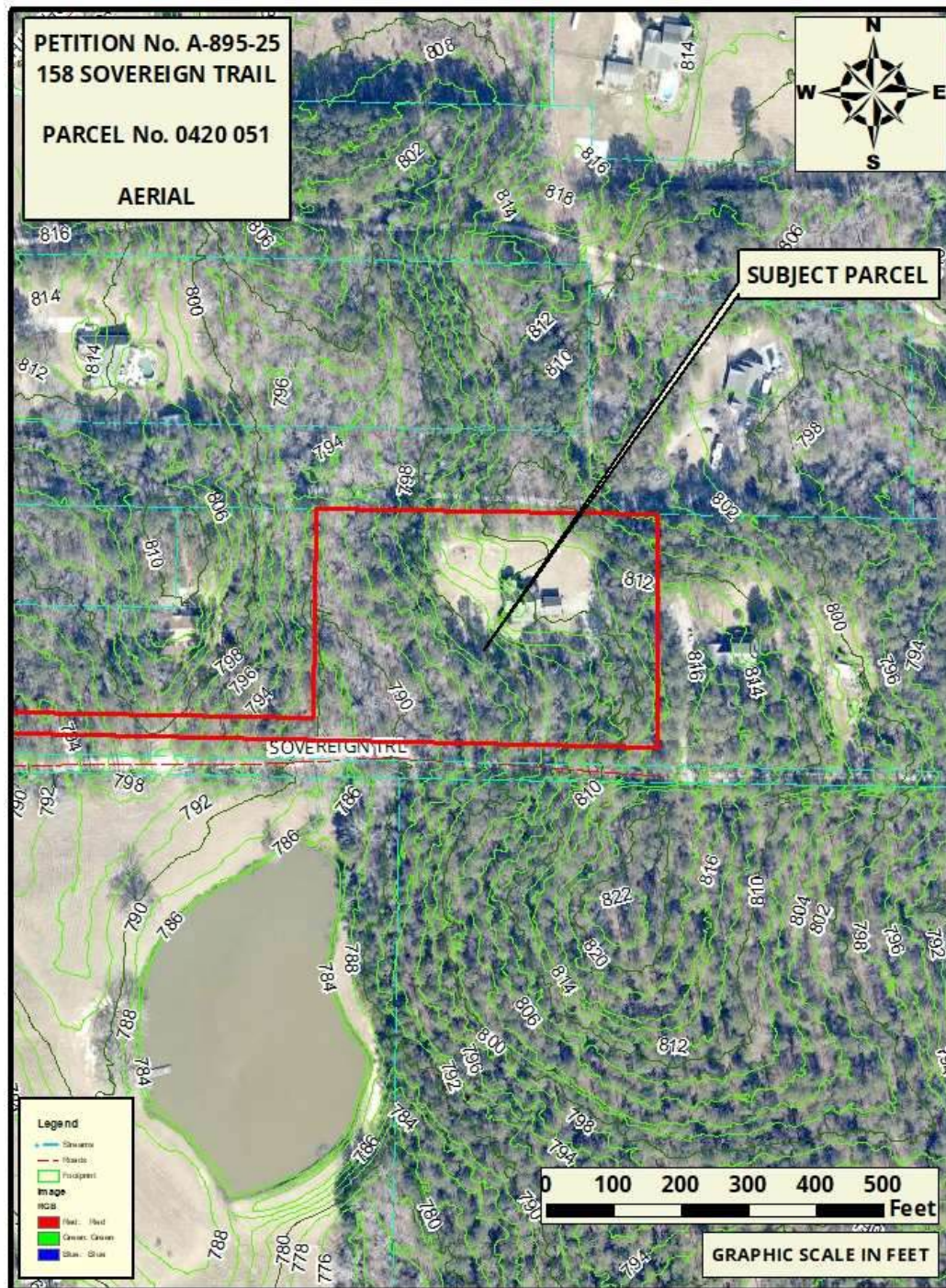
- ☐ **Water System** –No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No issues.
- ☐ **Fire** – No objections.











FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0420 051 Acreage: 5.0 Land Lot: 121 Land District: 4th
Address: 158 Sovereign Trail Brooks Ga. 30205
Zoning: AR Zoning of Surrounding Properties: AR
Use: Single Family Residential

PROPERTY OWNER INFORMATION

Name Joe Jones
Email [REDACTED]
Address 158 Sovereign Trail
City Brooks
State Gea Zip 30205
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name _____
Email _____
Address _____
City _____
State _____ Zip _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: 27 MAY 2025

Received payment from JOE JONES VISA a check in the amount of \$ 200-

for application filing fee, and \$ 20- for deposit on frame for public hearing sign(s).

Date Paid 28 MAR 2025 Receipt Number: MISCP2-03-2025-DB9D76

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Joseph Jones Elisha Turman

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0420 051

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 2 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 4.993 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Signature [Signature]
Name: Joseph Jones
Address: 158 Sovereign Trail
City/State/Zip: Brooks, Ga. 30205
Date: 3/31/25

Owner/
Agent
One:

Notary: [Signature]
Commission Exp.: 4-25-25



Signature Elisha A. Turman
Name: Elisha Turman
Address: 158 Sovereign Trail
City/State/Zip: Brooks, Ga. 30205
Date: 3/31/25

Owner/
Agent
Two:

Notary: [Signature]
Commission Exp.: 4-25-25



Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Owner/
Agent
Three:

Notary: _____
Commission Exp.: _____

(seal)

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	110-125(d) (5-6)
Requirement	100' setback from the property line
Proposed Change	Side yard, which is considered back is a 100' setback.
Variance Amount	50'

Ordinance/Section	110-125(d) (5-6)
Requirement	Set back 50' setback
Proposed Change	In requesting the variance for our building it was brought to our attention that our concrete is
Variance Amount	Approx 3'. The concrete is 2.8' beyond the setback. to allow pool deck to remain

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Requesting a variance from 100' - 50' on the east side of the property. This variance is for the purpose of a barn/Storage building.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Due to Sovereign Trail being a private driveway, the homes are situated as such that the east side of our home is considered the back. The front door is actually considered the side of the home. Aesthetically the proposed location makes the most sense.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The selected location is the best logical location for the building. The only other location would be in front of our house and could cause flooding issues.

3. Such conditions are peculiar to the particular piece of property involved.

Due to how the home is situated on Sovereign Trail, the side of the house is considered the back.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

I have obtained a letter from the impacted neighbor stating they had no objections.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

The immediate neighbor has received the same variance for a building on the same location.

approx. 2'7" beyond the setback. This was done by a contractor and inspected and approved by the county.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. ☒ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. ☐ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. ☒ Location of exits/entrances to the subject property.
 - d. ☒ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. ☒ Location of all utilities, including well or water lines.
 - f. ☒ Location of septic tank, drainfield, and drainfield replacement area.
 - g. ☒ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. ☒ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. ☒ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. ☒ Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

DATE: March 27, 2025

TO: Fayette County Planning & Zoning Committee

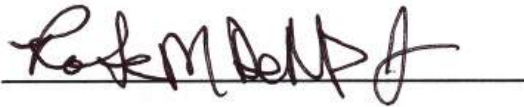
RE: Variance Request for Joe & Elisha Jones, 158 Sovereign Trail, Brooks, GA 30205

Gentlemen,

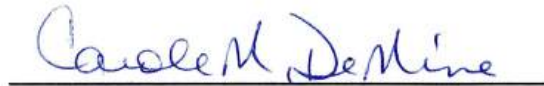
It's our understanding that Joe and Elisha Jones wish to build a 30' x 40' metal building on their property at the above address. The only viable site is located within the 100' rear setback of their property which adjoins the front of our property on the side facing Friendship Church Road.

We have no objection to this construction or the required reduction of the rear setback to approximately 53.6' as shown on their most recent survey by Ronald T. Godwin dated March 11, 2025.

If we can be of further assistance or answer any other questions, please let us know.

A handwritten signature in black ink, appearing to read "Robert M. DeMine, Jr.", written over a horizontal line.

Robert M. DeMine, Jr.

A handwritten signature in blue ink, appearing to read "Carole M. DeMine", written over a horizontal line.

Carole M. DeMine

166 Sovereign Trail

Brooks, GA 30205

After Recording Return To:
Wessels & Gerber, P.C.
810 Jackson St.
Locust Grove, GA 30248

Order No.: 23HC-099410

Type: WD
Recorded: 1/2/2024 1:39:00 PM
Fee Amt: \$655.00 Page 1 of 2
Transfer Tax: \$630.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 2919636848,
7067927936

BK 5683 PG 559 - 560

**JOINT TENANCY WITH SURVIVORSHIP
LIMITED WARRANTY DEED**

**STATE OF GEORGIA
COUNTY OF HENRY**

THIS INDENTURE, made this 29th day of December, 2023, between Russell K. Ortkiese and Tina Ortkiese, as party or parties of the first part, hereinafter called Grantor, and Elisha Turman and Joseph Jones, as party or parties of the second part, as joint tenants with survivorship and not as tenants in common, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 121 of the 4th District, Fayette County, Georgia, being Lot(s): 2, of Friendship Acres Subdivision, according to the recorded plat thereof, as recorded in Plat Book 21, Page 59, Fayette County, Georgia Records, to which reference is hereby made for the purpose of incorporating the same herein.

Commonly known as 158 Sovereign Trl, Brooks, GA 30205

Parcel #0420 051

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in Fee Simple.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 29th day of December, 2023.

Signed, sealed and delivered in the presence of:

Unofficial Witness

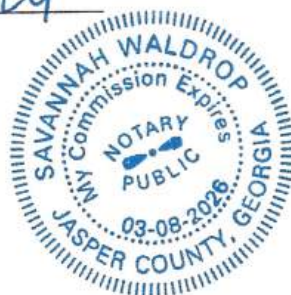
Notary Public

My Commission Expires:

3/8/24

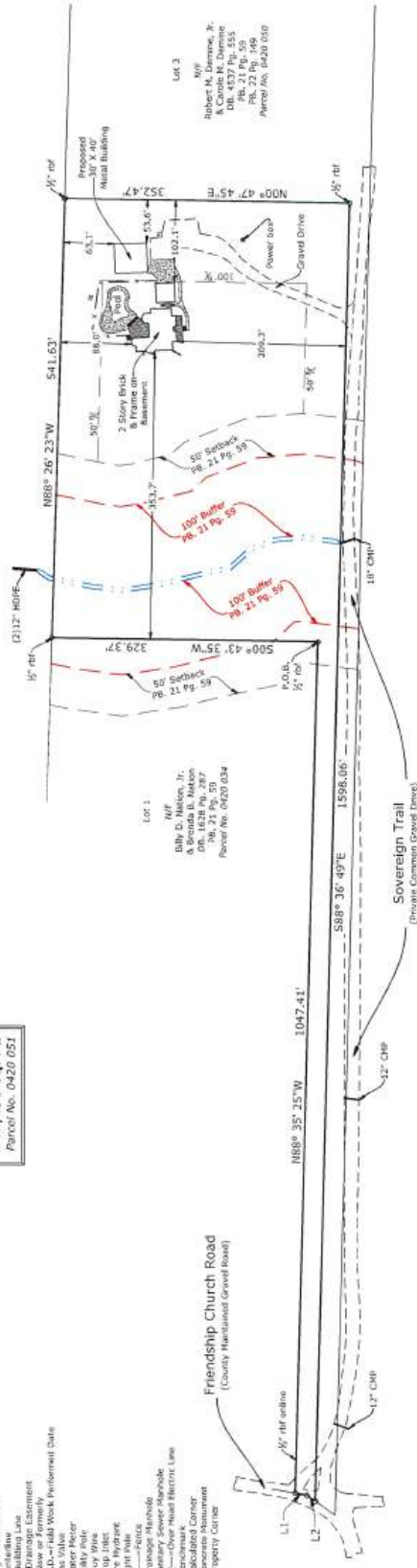
Russell K. Ortkiese (SEAL)
Russell K. Ortkiese

Tina Ortkiese (SEAL)
Tina Ortkiese



Line Table		
Line #	Direction	Length
L1	S09° S2' S2°W	14.69'
L2	S34° 44' 38"W	12.75'

Lot 2
4.993 Acres
217,496 Sq. Ft.
Parcel No. 0420 051

[illegible]

- Closure Data

Field Closure = N/A
Angle Point Error = N/A
Equipment Used = Carlson RT302 GPS System

- The field data upon which this survey was performed is based upon GPS observations which were established using Carlson BRX7 multi-frequency receiver using real time kinematic observations. The relative positional accuracy achieved is better than 0.03 feet per observation hour.

- This survey basis for directions shown herein are Grid North as defined by NAD 83 and NAVD 88, Georgia West Zone and determined through RTK-GPS methods utilizing eGPS Solutions VRS Network

• In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2004 Map #13113C0155E & 13113C0160E.

- This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded and not recorded.

- Integrated Science & Engineering has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Integrated Science & Engineering assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

- There was nothing on seafarers property located because permission was not given to obtained, Georgia DOES NOT have a Right of Entry law for Surveys.

• Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if agent has original seal and original signature of survivor.



Vicinity Map
(NOT TO SCALE)

The term "Certification" as used in Rule "180-6-.09(2) and (3)", and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-1-2(16) and(11), shall mean a signed statement based upon facts and knowledge known to the respondent and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Survivor's Certificate:

This plat is a re-creation of an existing plat or parcels of land and does not contain any new information. It is subject to the same restrictions and other boundaries as the original plat. This plat is a re-creation of an existing plat or parcels of land and does not contain any new information. It is subject to the same restrictions and other boundaries as the original plat. This plat is a re-creation of an existing plat or parcels of land and does not contain any new information. It is subject to the same restrictions and other boundaries as the original plat.

Graphic Scale 1" = 100'

BY: DATE: 2/26/05

• Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if agent has original seal and original signature of survivor.

Elisha Turman & Joseph Jones

158 Sovereign Trail
Lot 2 Friendship Acres
Land Lot 121 of the 4th Land District
Fayette County, Georgia

Page	Rev/Desc
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Job #: 1752.25-026
Drawn By: JCB
Reviewed By: RTG
Date: 03/11/2025
F.M.P.D.: 03/07/2025
Sheet: 1 of 1

FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Tuesday, May
27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-895-25
Owner: Elisha Turman and Joseph
Jones

Property Address: 158 Sovereign
Trail

Parcel: 0420 051

Zoning District: A-R

Area of Property: 4.993 acres

Land Lot(s): 121

District: 4th

Road Frontage: Friendship Church
Road

Request: Applicant is requesting
the following:

A-895-25-A. Variance to Sec 110-
125(d)(5) request to reduce the rear
yard setback from 50' to 47.2' to al-
low a pool deck to remain.

A-895-25-B. Variance to Sec 110-
125(d)(6) request to reduce the
side yard setback from 100' to
50' to allow an accessory structure
to remain.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND lying and being in Land
Lot 121 of the 4th District, Fayette
County, Georgia, being Lot(s): 2,
of Friendship Acres Subdivision,
according to the recorded plat
thereof, as recorded in Plat Book
21, Page 59, Fayette County, Geor-
gia Records, to which reference is
hereby made for the purpose of in-
corporating the same herein.

Commonly known as 158 Sover-
eign Tri, Brooks, GA 30205

Parcel #0420 051

04/16

PETITION NO: A-896-25

Requested Action:

- A. Variance to Sec. 110-173(1)(i)1. – No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.
- B. ~~Variance to Sec. 110-142(f)(6) – Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.~~

STAFF NOTE: Staff has determined that Part B of this request is not necessary. Sec. 110-94 states that *A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the zoning.*

Therefore, no buffer is required on the north property line adjacent to the Starr's Mill School Complex. The only setback on this property line is the standard 15' building setback.

Location: Hwy 74 S, Senoia, GA 30276

Parcel(s): 0604 035

District/Land Lot(s): 6th District , Land Lot(s) 7

Zoning District: O-I, Office-Institutional

Owner(s): Pediatric Wellness Pavilion, LLC

Agent: Brad Barnard

Zoning Board of Appeal Public Hearing: May 27, 2025

REQUEST

Applicant is requesting the following variance for the construction of a principal structure:

- A. Variance to Sec. Sec. 110-173(1)(i)1. – No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.

The applicant is requesting to allow 64% of the parking in the front yard of the development.

STAFF ASSESSMENT

The number of parking spaces in the front yard might be reduced by redesigning the parking lot. Also, the proposed site plan shows 10 spaces more than the minimum number required by the ordinance.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

Please refer to the application form for the applicant's justification of criteria.

The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**

There are no significant slope or environmental factors affecting the site. However, the triangular shape of the lot creates design challenges.

- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**

The property can still be developed. The number of parking spaces in the front yard might be reduced by redesigning the parking lot. Also, the proposed site plan shows 10 spaces more than the minimum number required by the ordinance, so the overall number of spaces could be reduced and still meet the ordinance criteria.

- 3. Such conditions are peculiar to the particular piece of property involved; and,**

The parking lot configuration is a product of the site design, not the lot. It appears that there is room to locate some parking between the various buildings.

- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

Relief would allow additional parking spaces in the front yard.

- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

The applicant may still develop the property according to the regulations.

HISTORY

The subject property was rezoned from A-R to O-I by the Board of Commissioners on September 22, 2016.

ZONING REQUIREMENTS

Sec. 110-173. – Transportation corridor overlay zone.

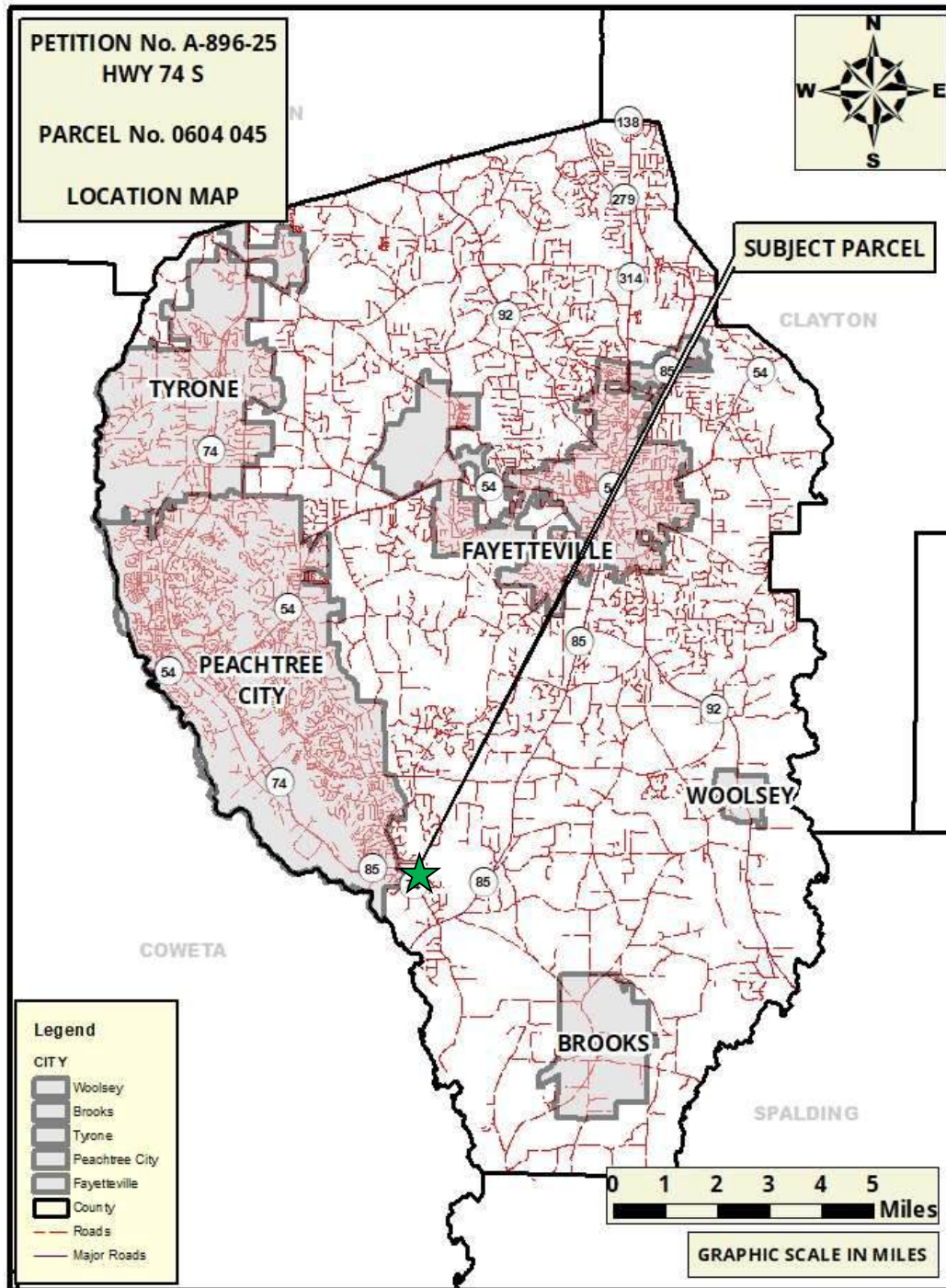
(1) – General state route overlay zone.

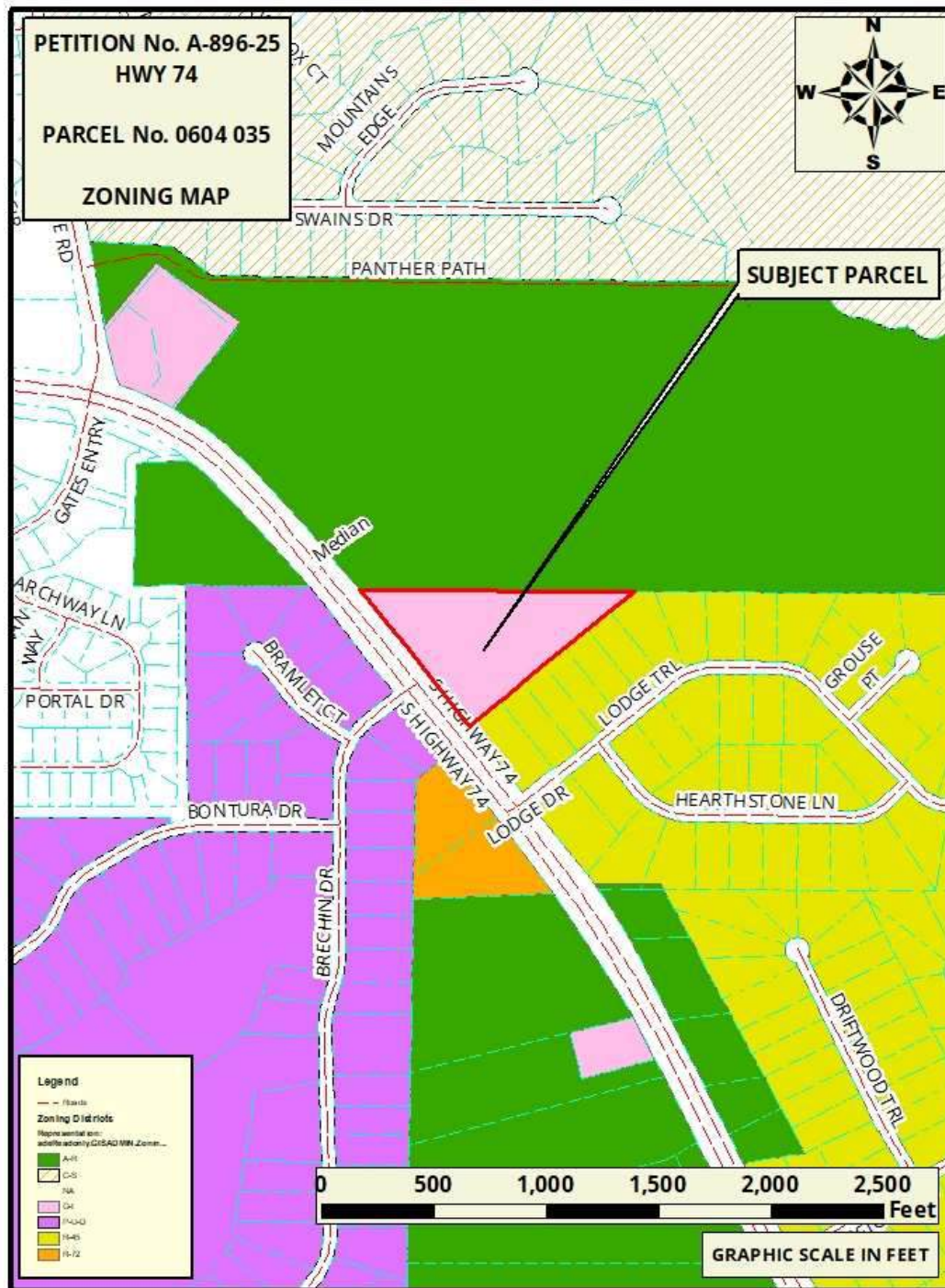
i. *Special locational and spatial requirements.*

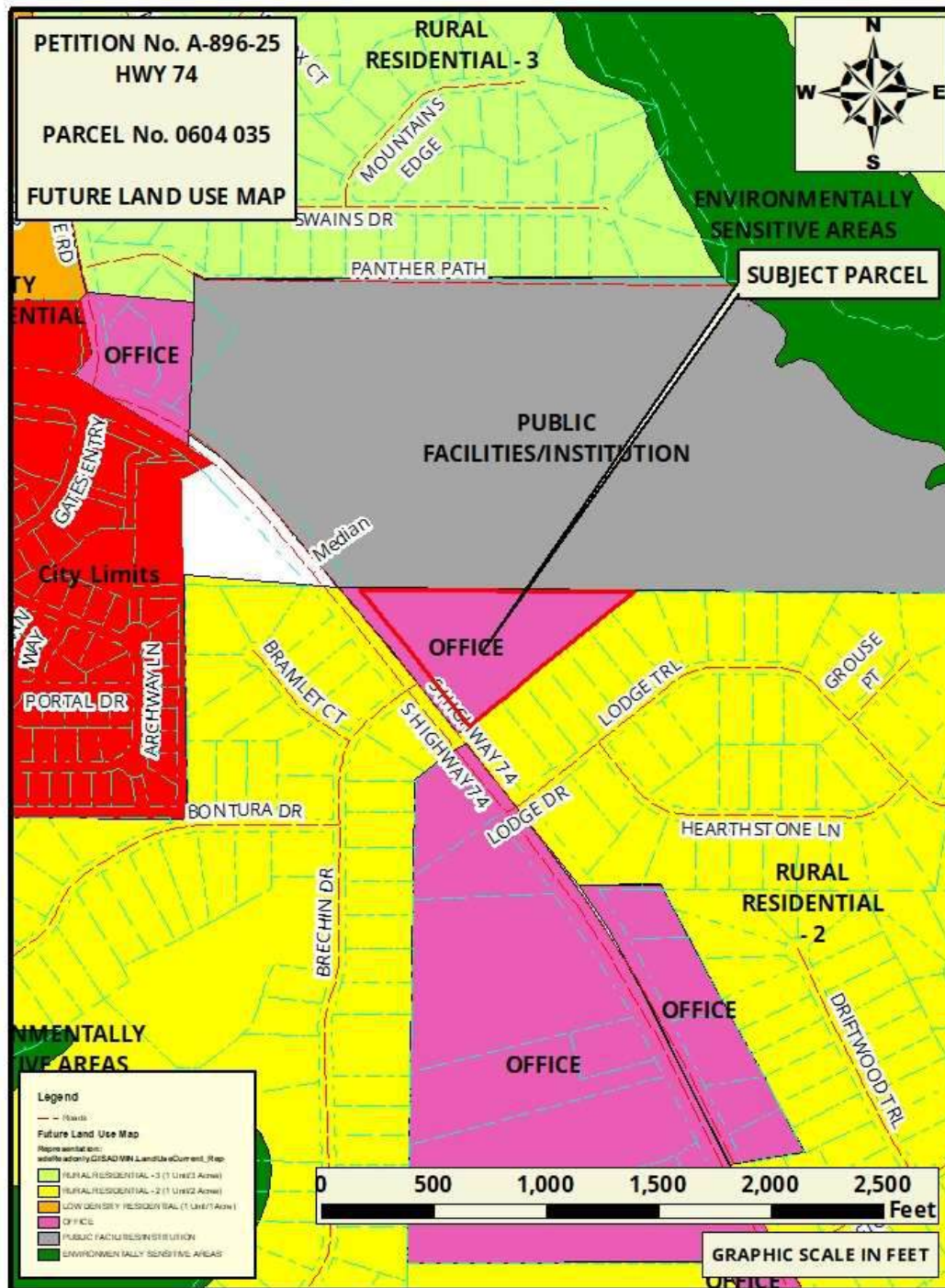
1. No more than 50 percent of the required parking can be located in the front yard along the state route as established by the front building line of any structure located on the site.

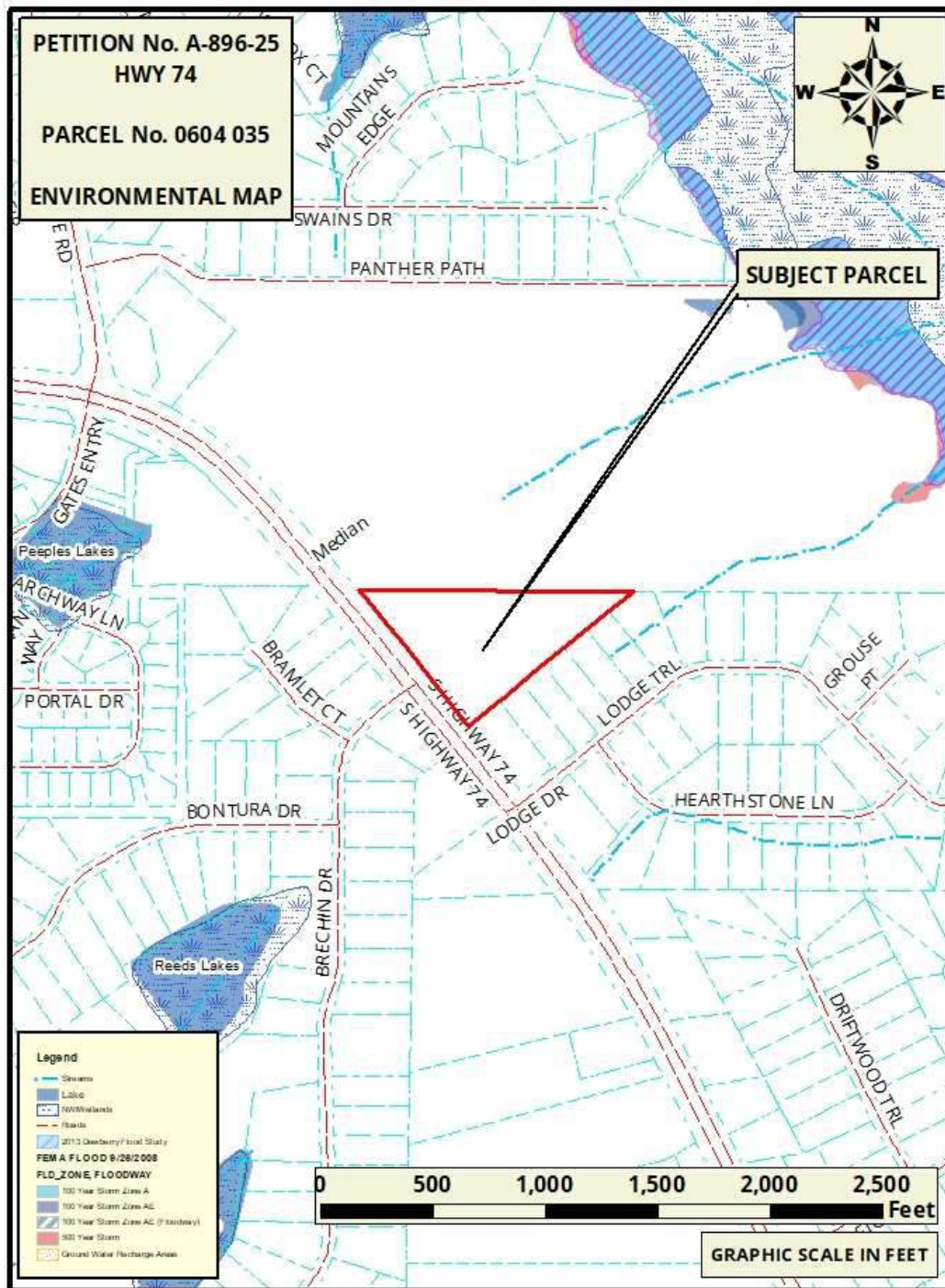
DEPARTMENTAL COMMENTS

- ☐ **Fire** – No objections.
- ☐ **Building Safety** - No objections. A building permit will be required.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – No objections.
- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **GDOT** – Not applicable to variance request.

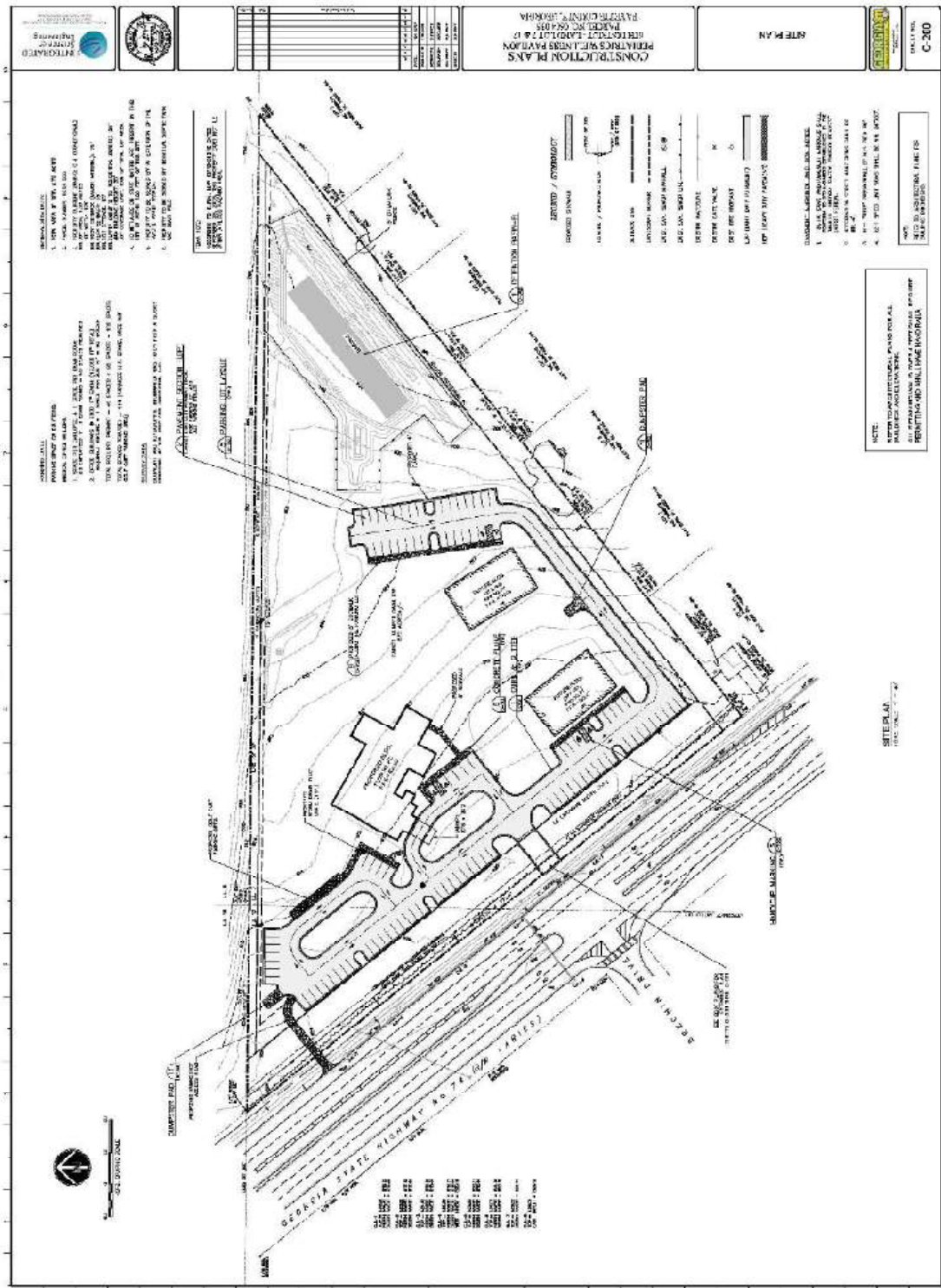


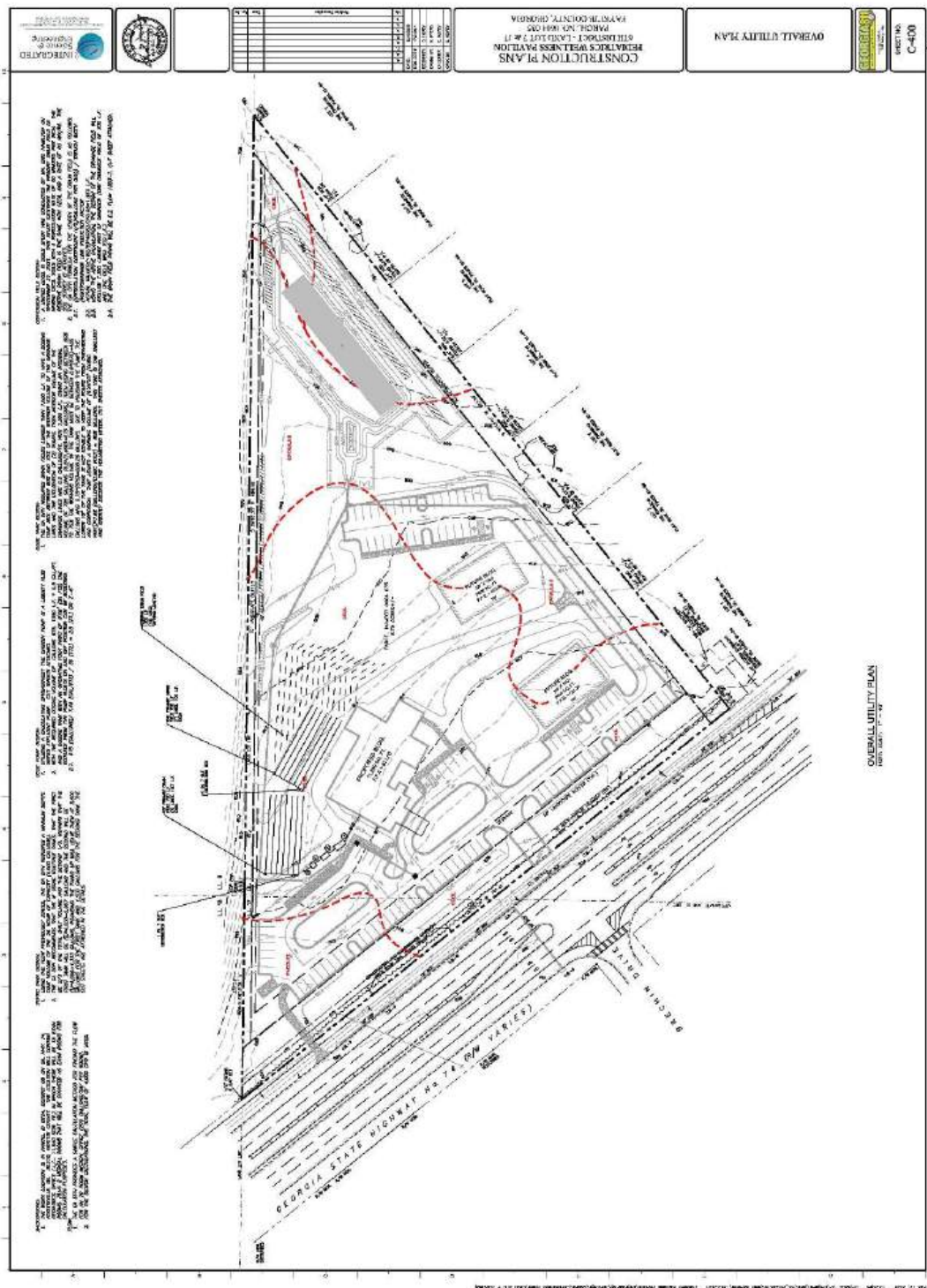




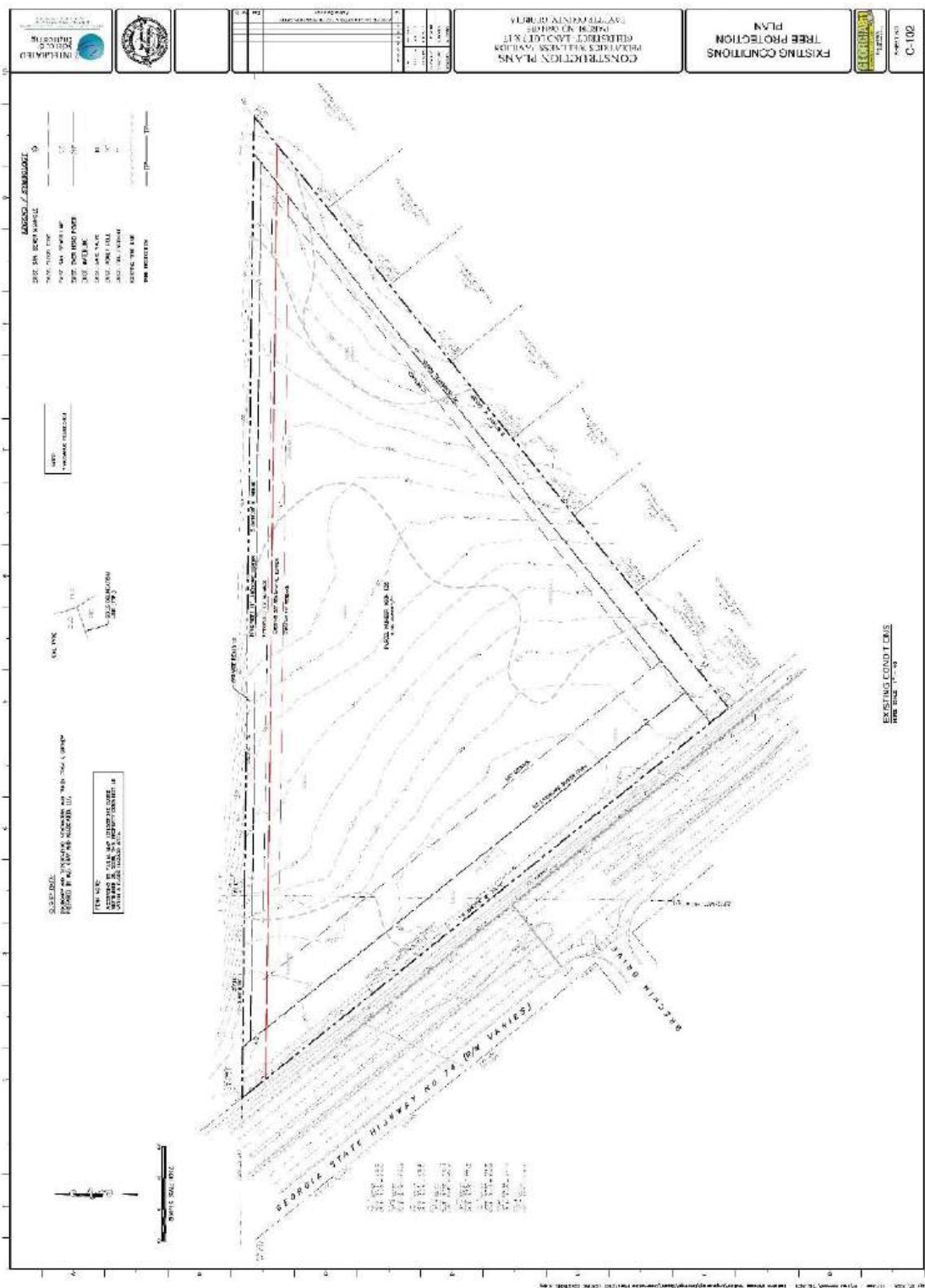








SEPTIC PLAN – shows location of septic field and backup septic area



FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0604 035 Acreage: _____ Land Lot: 7/17 Land District: 06
Address: GA Hwy 74 Fayetteville, GA 30215
Zoning: O-I Zoning of Surrounding Properties: AR-North PUD-West
Use: Medical Offices R45-South

PROPERTY OWNER INFORMATION

Name Megan Almond
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Brad Barnard EC&AL II, Inc
Email [REDACTED]
Address PO Box 7
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: 27 MAY 2025

Received payment from BRAD BARNARD ^{CREDIT} a check in the amount of \$ 200⁰⁰

for application filing fee, and \$ 20⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid 31 MAR 2025 Receipt Number: MISCP2-03-2025-089081

VARIANCE INFORMATION

Complete the chart below with the information pertaining to each request. If additional space is needed, please provide the information on a separate sheet of paper.

Ordinance/Section	110-142F6
Requirement	30' buffer against A-R (Starr's Mill High School)+ 15 building line for 45
Proposed Change	Change to 10' buffer+10' building line, total 20 only on High School side - Northside of property
Variance Amount	

Ordinance/Section	110.173 111
Requirement	No more than 50% of parking in front of building line
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Megan & Ted Almon

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: D604 035

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 7/17 of the 6th District, and (if applicable to more than one land district) Land Lot(s) 17 of the District, and said property consists of a total of 8.5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to BRAD C. BARNARD to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees become part of the official records of the Fayette County Zoning Department and may not be refundable. (I) (We) understand that any knowingly false information given herein by me/us will result in the denial, revocation or administrative withdrawal of the application or permit. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

SIGNATURES

Owner/
Agent
One:

Signature [Signature]
Name: Megan Almon
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 3/29/25

Notary: [Signature] (seal)
Commission Exp.: 7/24/27



Owner/
Agent
Two:

Signature [Signature]
Name: Brad Barnard
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 3/29/25

Notary: [Signature] (seal)
Commission Exp.: 7/24/27



Owner/
Agent
Three:

Signature [Signature]
Name: Ted Almon
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 3/29/25

Notary: [Signature] (seal)
Commission Exp.: 7/24/27



JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

Shape of property is triangular, good soils are in front 1/3 and go to left (North) property line. Need every inch we can get for storm drain and septic field.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Limited good soils for septic. Peachtree City will not allow us to connect to sewer. Need every square inch we can get.

3. Such conditions are peculiar to the particular piece of property involved.

Even though surrounded by Peachtree City sewer, we cannot connect to it per Peachtree City regulations. So need septic for all buildings and reserve area for all.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Existing tree buffers will stay on front and right hand side and adjacent property on Northside is Starr's Mill High School, ballfields, and parking

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Enough parking for patients (babies, children) with allowing septic system enough space in good soils.

JUSTIFICATION OF REQUEST

The Fayette County Zoning Ordinance, Section 110-242 (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation as necessary.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.

The triangular shape - wider at the road. Sloping to rear of property. Only good soils for septic are in front 1/3 of property. So needing parking to stay out of this area which puts more to the front of property.

2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

No more than 49% of parking on road side of building makes the parking in rear and that is only viable soils for septic field.

3. Such conditions are peculiar to the particular piece of property involved.

Peachtree City will not allow us to connect to their sewer system - so septic systems for all buildings is required.

4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

Existing tree buffer at road stays so except the entrance most of parking wont be seen from 74 Hwy

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

Interpretation would not allow the development of this Pediatric Development of 3 buildings which was originally planned for 5 when purchased and agreed to with Peachtree City with sewer.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. ☒ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. ☒ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. ☒ Location of exits/entrances to the subject property.
 - d. ☒ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. ☒ Location of all utilities, including well or water lines.
 - f. ☒ Location of septic tank, drainfield, and drainfield replacement area.
 - g. ☒ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. ☒ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. ☒ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. ☒ Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

STATE OF GEORGIA

Secretary of State

Corporations Division

313 West Tower

2 Martin Luther King, Jr. Dr.

Atlanta, Georgia 30334-1530

CERTIFICATE OF ORGANIZATION

I, Brian P. Kemp, the Secretary of State and the Corporation Commissioner of the State of Georgia, hereby certify under the seal of my office that

Pediatric Wellness Pavilion, LLC

a Domestic Limited Liability Company

has been duly organized under the laws of the State of Georgia on **06/13/2016** by the filing of articles of organization in the Office of the Secretary of State and by the paying of fees as provided by Title 14 of the Official Code of Georgia Annotated.

WITNESS my hand and official seal in the City of Atlanta
and the State of Georgia on 06/15/2016



Brian P. Kemp
Secretary of State

ARTICLES OF ORGANIZATION

Electronically Filed

Secretary of State

Filing Date: 6/13/2016 11:05:02 AM

BUSINESS INFORMATION

CONTROL NUMBER [REDACTED]
BUSINESS NAME Pediatric Wellness Pavilion, LLC
BUSINESS TYPE Domestic Limited Liability Company
EFFECTIVE DATE 06/13/2016

PRINCIPAL OFFICE ADDRESS

ADDRESS [REDACTED]

REGISTERED AGENT'S NAME AND ADDRESS

NAME **ADDRESS**
Megan Almond MD [REDACTED]

ORGANIZER(S)

NAME	TITLE	ADDRESS
Jonathan Kendall	ORGANIZER	[REDACTED]

OPTIONAL PROVISIONS

N/A

AUTHORIZER INFORMATION

AUTHORIZER SIGNATURE Jonathan Kendall
AUTHORIZER TITLE Organizer

After recording return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File No.: 16-LAW-2332



Doc ID: 010028700004 Type: WD
Recorded: 11/17/2016 at 10:05:00 AM
Fee Amt: \$816.00 Page 1 of 4
Transfer Tax: \$800.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4537 PG 1-4

STATE OF FLORIDA
COUNTY OF VOLUSIA

LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into this 24th day of October, 2016 by and between **GUERRY LOUIE BALLEW**, a Florida resident (herein referred to as "Grantor"), and **PEDIATRIC WELLNESS PAVILION, LLC**, a Georgia limited liability company (herein referred to as "Grantee").

WITNESSETH THAT, the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at or before the delivery of this deed, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey to the said Grantee, and its successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lots 7 and 17 of the 6th District, Fayette County, Georgia being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

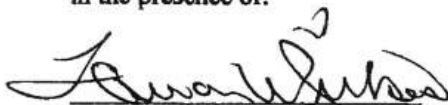
TOGETHER WITH all fixtures, structures and improvements located on such property and the easements, rights, members and appurtenances thereunto appertaining.

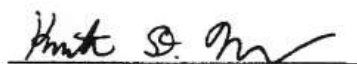
TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, privileges, easements, members and appurtenances belonging or thereunto appertaining, to the only proper use and benefit of the Grantee and its successors and assigns forever in FEE SIMPLE.

AND EXCEPT for those matters set forth on Exhibit "B" attached hereto and incorporated herein by reference, Grantor will warrant and defend the title to said premises against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed, sealed and delivered on the date above written.

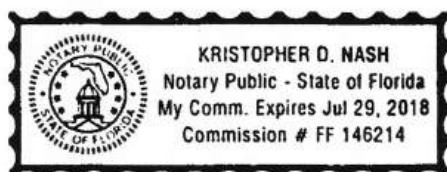
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My commission expires: July 29th, 2018

(Notary Seal)



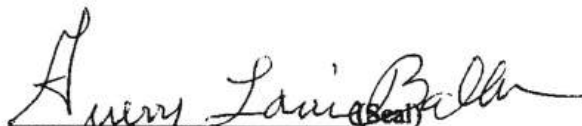

GUERRY LOUIE BALLEW

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 7 and Land Lot 17 of the 6th District, Fayette County, Georgia, and being more particularly described as follows: BEGINNING at the northwestern corner of Land Lot 7, said corner also being the northeastern corner of Land Lot 17; thence south 88 degrees, 27 minutes, 09 seconds east for a distance of 990.03 feet along the northern line of Land Lot 7 to an iron pin; thence south 52 degrees 07 minutes 21 seconds west for a distance of 963.39 feet to an iron pin on the northeasterly right of way of State Route 74; thence northwesterly along said right of way for a distance of 792.04 feet to an iron pin located on the north line of Land Lot 17; thence south 88 degrees 27 minutes 09 seconds east for a distance of 257.14 feet along the northern line of Land Lot 17 to the point of beginning. Said tract containing 8.759 acres and shown as Tract 1 on a plat by J.R. Wood Surveyors and Planners, Inc., dated April 21, 1982.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for 2017 and the subsequent years not yet due and payable.
2. Department of Transportation Construction and Maintenance Easement dated December 17, 2007 and recorded at Deed Book 3341, Page 182, Fayette County, Georgia records.'
3. All matters shown on that certain ALTA/NSPS Land Title Survey For: Pediatric Wellness Pavilion, LLC, United Community Bank, its successors and assigns and Chicago Title Insurance Company, dated July 11, 2016 and last updated October 20, 2016, survey by Georgia Registered Land Surveyor Jason A. Hopkins, GRLS No. 3215.

**PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Tuesday, May 27, 2025, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-896-25

Owner: Pediatric Wellness Pavilion, LLC

Property Address: GA Highway 74

Parcel: 0604 035

Zoning District: O-I

Area of Property: 8.75 acres

Land Lot(s): 7 & 17

District: 6th

Road Frontage: S Highway 74

Request: Applicant is requesting the following:

A) Variance to Sec. 110-142(f)(6) to reduce the required zoning buffer on the north property line adjacent to Stars Mill Highschool from 30 feet to 10 feet.

B) Variance to Sec 110-173 (1) i. (1) to allow 64% of the parking to be located in the front yard.

LIMITED WARRANTY DEED

EXHIBIT A

Legal Description

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 7 and Land Lot 17 of the 6th District, Fayette County, Georgia, and being more particularly described as follows: BEGINNING at the northwestern corner of Land Lot 7, said corner also being the northeastern corner of Land Lot 17; thence south 88 degrees, 27 minutes, 09 seconds east for a distance of 990.03 feet along the northern line of Land Lot 7 to an iron pin; thence south 52 degrees 07 minutes 21 seconds west for a distance of 963.39 feet to an iron pin on the northeasterly right of way of State Route 74; thence northwesterly along said right of way for a distance of 792.04 feet to an iron pin located on the north line of Land Lot 17; thence south 88 degrees 27 minutes 09 seconds east for a distance of 257.14 feet along the northern line of Land Lot 17 to the point of beginning. Said tract containing 8.759 acres and shown as Tract I on a plat by J.R. Wood Surveyors and Planners, Inc., dated April 21, 1982.

04/16