

BOARD OF APPEALS

Marsha Hopkins, Chairman
Kyle McCormick, Vice-Chairman
John Tate
Brian Haren
Latisha Roebuck

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
September 28, 2026
7:00 P.M.**

***Please turn off or 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 August 24, 2026.

PUBLIC HEARING

5. Consideration of Petition No. **A-942-26** – Jamilah Shakir Rashid Living Trust, Owners. Applicants are requesting a variance in the R-20 zoning, Single- Family Residential, to Sec. 110-79(c)(1)(a)., Residential accessory structures and their uses. To increase the maximum number of accessory structures allowed on a lot with a minimum of five acres from three (3) to five (5) to allow existing accessory structures to remain. This property is located in Land Lot 107 of the 5th District and fronts on County Line Road.
6. Consideration of Petition No. **A-946-26** – Ar-Rahman A. Person and Ayana T. Raines, Owners. Applicants are requesting a variance in the R-40 zoning, Single- Family Residential. Per Sec. 110-137(d)(5) to reduce the rear yard setback from 30 feet to 28.6 feet to allow an existing deck to remain. This property is located in Land Lot 227 of the 13th District and fronts on Covered Bridge Way.
7. Consideration of Petition No. **A-947-26** – Charles E. and Beatriz Williams, Owners. Applicants are requesting a variance in the R-40 zoning, Single- Family Residential, to Sec. 110-137(d)(6) to reduce the side yard setback from 15 feet to 13.1 feet to allow a newly constructed detached garage to remain in the existing location. This property is located in Land Lot 196 of the 5th District and fronts on Berkley Place.

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

PETITION NO: A-942-26

Requested Action: Variance to increase the maximum number of accessory structures on a lot with a minimum of five (5) acres from three (3) to five (5).

Location: 405 County Line Rd., Fayetteville, GA 30215

Parcel(s): 0526 079

District/Land Lot(s): 5th District, Land Lot(s) 107

Zoning: R-20

Owner(s): Jamilah Shakir Rashid Living Trust

Agent: N/A

Zoning Board of Appeal Public Hearing: July 27, 2026

REQUEST

Applicant is requesting the following variance to allow an existing detached garage to remain:

1. Variance to Sec. 110-79(c)(1)(a.) – Residential accessory structures and their uses. To increase the maximum number of accessory structures allowed on a lot with a minimum of five acres from three to five to allow existing accessory structures to remain.

STAFF RECOMMENDATION

Staff does not find evidence of a hardship to support the retention of 5 accessory structures.

HISTORY

The subject property was created in 1998. The lot is a legal lot of record in the R-20 zoning district. The house and the detached garage were also constructed in 1998, prior to a foundation survey requirement. The structures do meet the building setback requirements for R-20.

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;

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – No comment. This is a zoning setback request. Site was reviewed on GIS and there are no known access issues.
- ☐ **Environmental Health Department** – This office has no objection to the variance request. This is not approval for final location or construction of structure.
- ☐ **Fire** – N/A.
- ☐ **Building Safety** – No issues. If unpermitted and meeting the standards of permitting requirements, a permit is required.

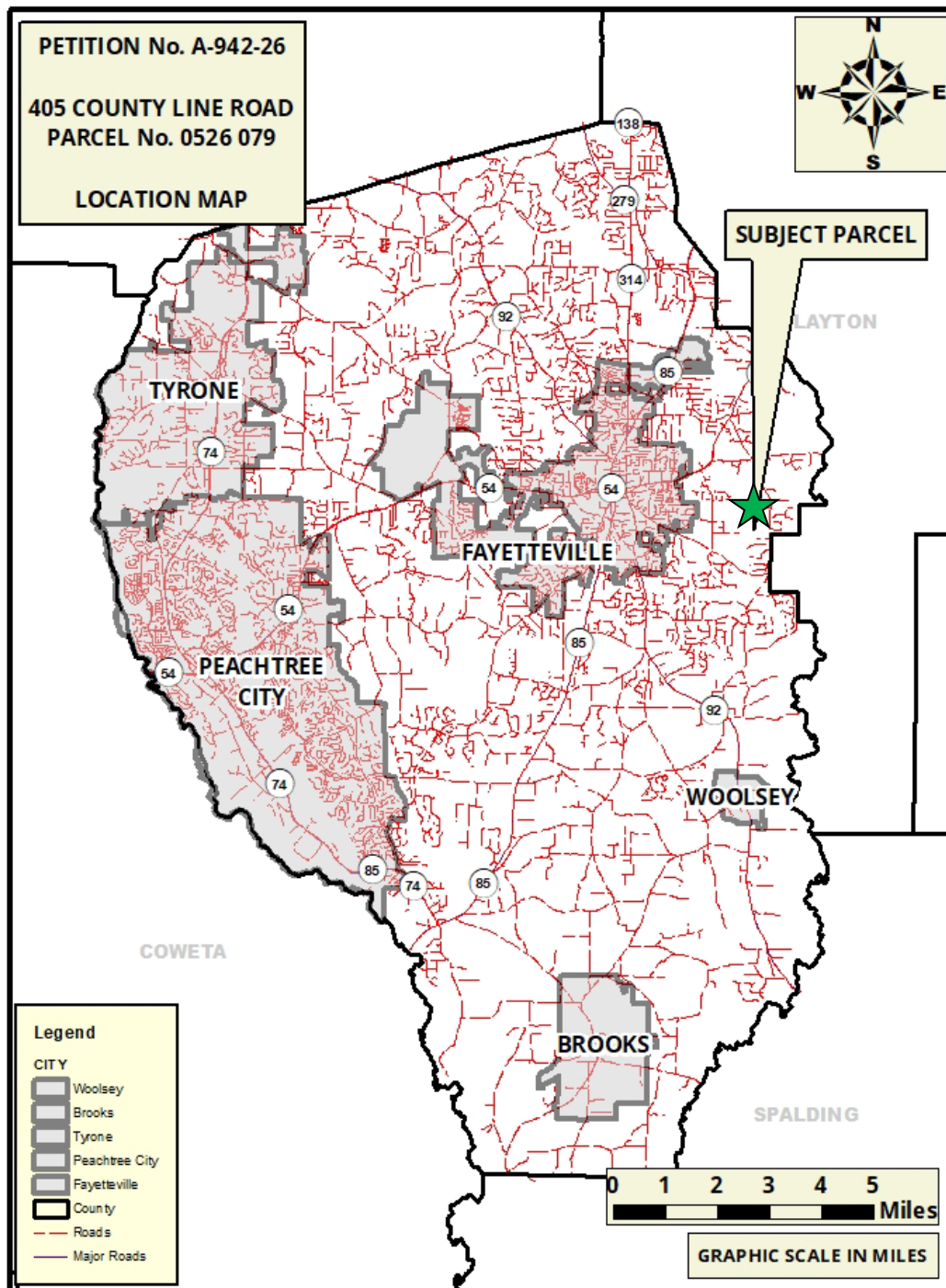
CRITERIA FOR CONSIDERATION OF A VARIANCE

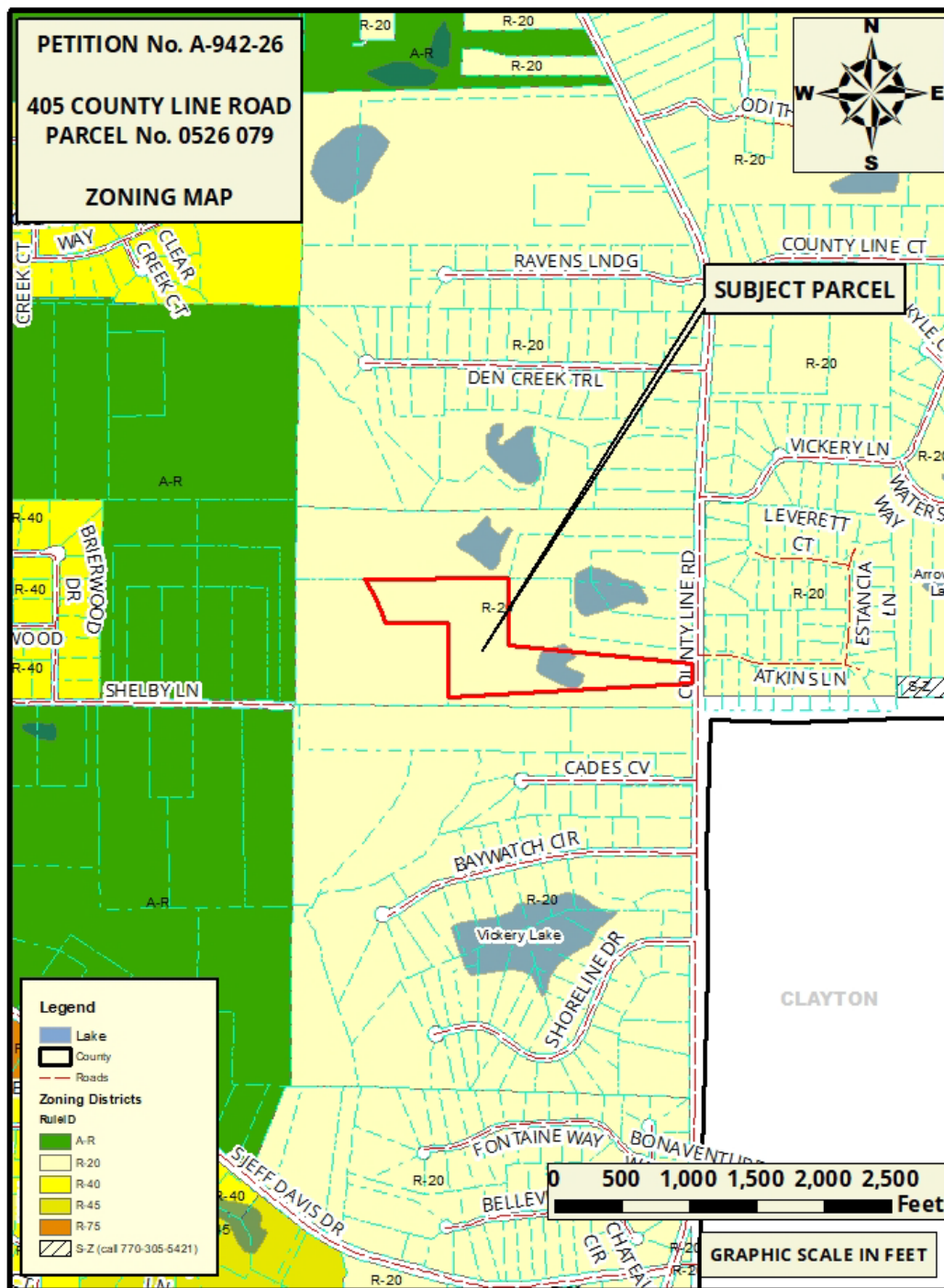
STAFF ASSESSMENT OF CRITERIA

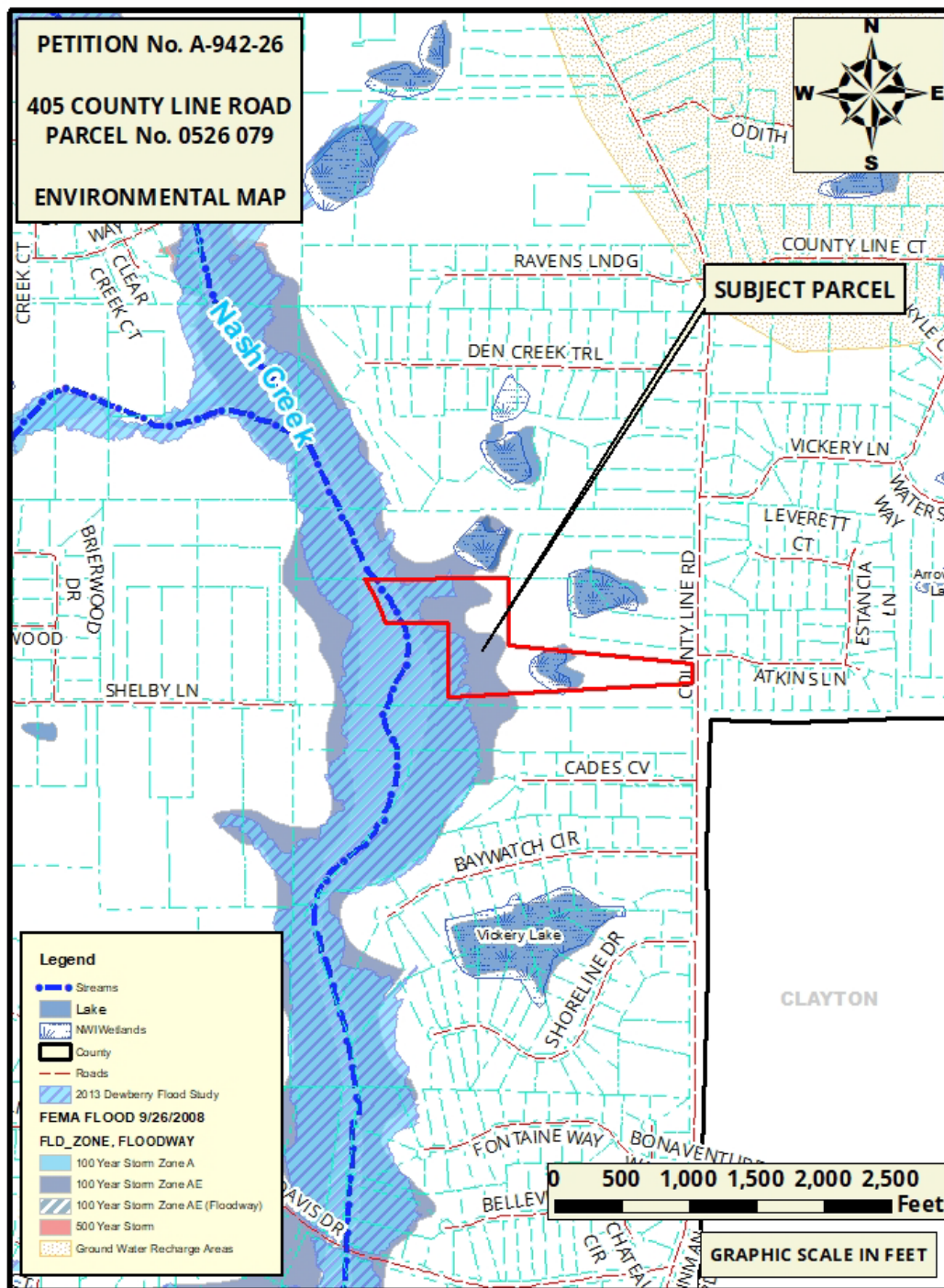
(Please see the attached application package for the applicant's responses to the criteria.)

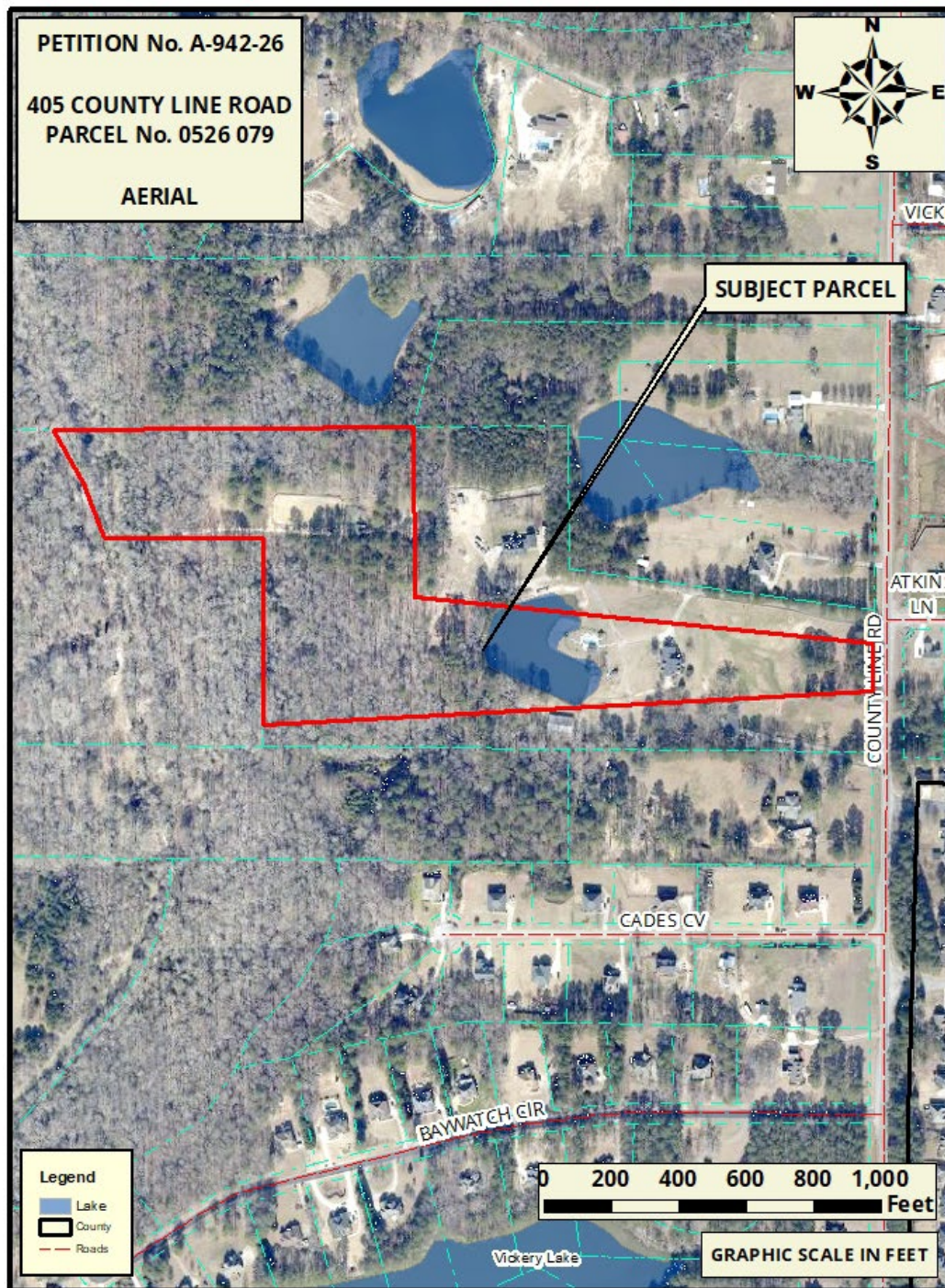
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

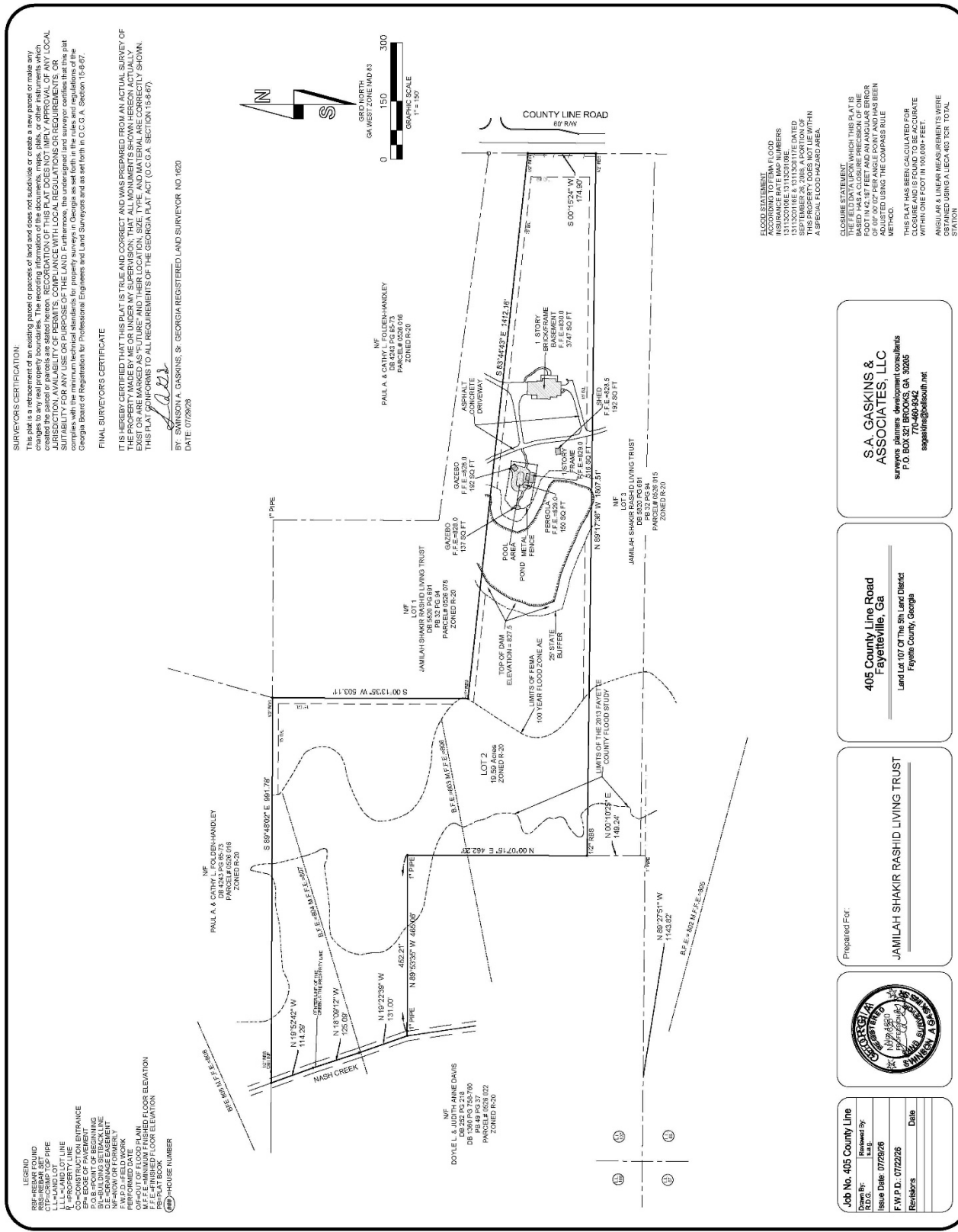
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The parcel is a slightly irregular shape, but that does not factor into the allowable number of accessory structures.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The nonconformity was identified when the property owner applied to improve one of the structures.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *The criteria limiting a lot of this size to 3 accessory structures is common to all residentially zoned properties in the county.*
- 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 neighbors are aware of the request and do not object.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to have three accessory structures.*











SURVEYORS CERTIFICATION

This plat is a representation of an existing parcel or parcels of land and does not indicate or create a new parcel or make any change in the boundaries of any parcel. The surveyor has not created the parcel or parcels as stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR COMPLIANCE WITH ANY OTHER APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS, OR REQUIREMENTS. The plat is prepared in accordance 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 15-9-67.

FINAL SURVEYORS CERTIFICATE

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 ON THE PROPERTY, AND THAT THE LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT IS PREPARED IN ACCORDANCE WITH ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-9-67).

BY: SWINSON A. GASKINS, SR. GEORGIA REGISTERED LAND SURVEYOR NO. 1620
DATE: 07/26/26

FLOOD STATEMENT
THIS PLAT IS A REPRESENTATION OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT INDICATE OR CREATE A NEW PARCEL OR MAKE ANY CHANGE IN THE BOUNDARIES OF ANY PARCEL. THE SURVEYOR HAS NOT CREATED THE PARCEL OR PARCELS AS STATED HEREIN. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR COMPLIANCE WITH ANY OTHER APPLICABLE LAWS, ORDINANCES, RULES, REGULATIONS, OR REQUIREMENTS. THE PLAT IS PREPARED IN ACCORDANCE 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 15-9-67.

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED FROM A SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST ON THE PROPERTY, AND THAT THE LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT IS PREPARED IN ACCORDANCE WITH ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-9-67).

S.A. GASKINS & ASSOCIATES, LLC
surveyors, planners, development consultants
P.O. BOX 405, FAYETTEVILLE, GA 30266
770-460-9442
sagaskins@bellsouth.net

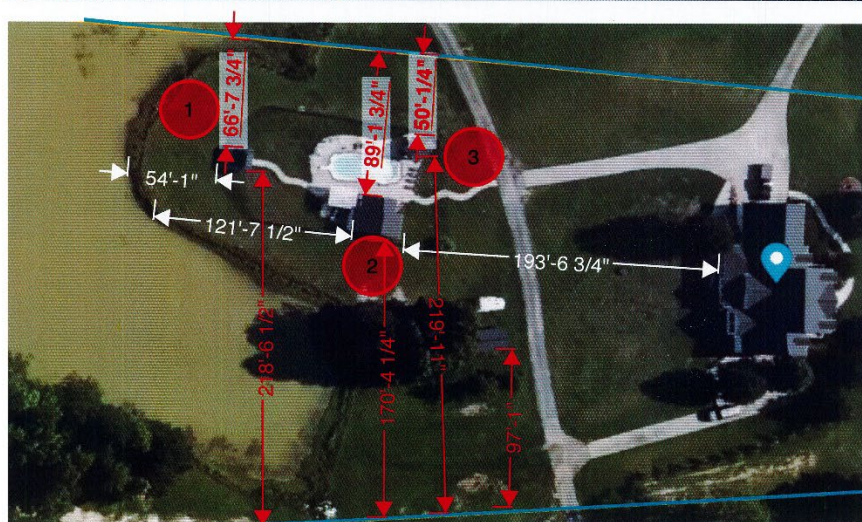
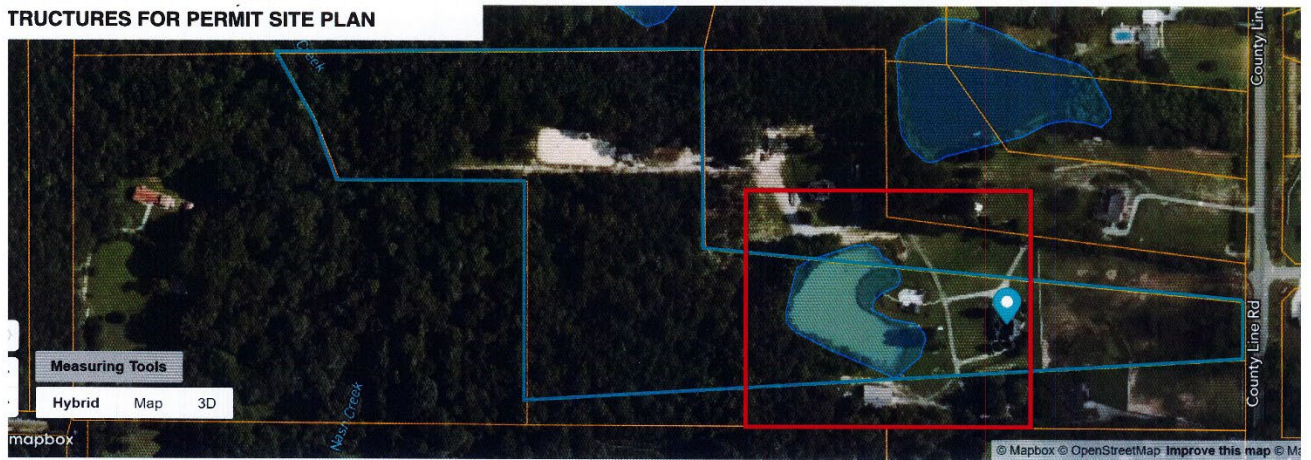
405 County Line Road
Fayetteville, Ga
Land Lot 107 of The 5th Land District
Fayette County, Georgia

JAMILAH SHAKIR RASHID LIVING TRUST



Job No. 405 County Line	
Drawn By:	Reviewed By:
Issue Date: 07/26/26	Issue Date: 07/26/26
FWP D.: 07/22/26	Revisions:
Date:	

STRUCTURES FOR PERMIT SITE PLAN



- PROPERTY LINE
- ↔ DISTANCE TO PROPERTY LINE
- CLOSE UP SQUARE

STRUCTURES FOR PERMIT

- 1 GAZEBO
- 2 POOL STRUCTURE
- 3 OPEN AIR SHADE STRUCTURE

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

PROPERTY INFORMATION:

Parcel No. 0526 079 Acreage: 19.6 Land Lot: 107 Land District: 5
Address: 405 County Line Road
Zoning: Residential Zoning of Surrounding Properties: Residential
Use: Single family Residential

PROPERTY OWNER INFORMATION

Name Dawud Kofi Rashid & Jamilah Shakir Rashid
Email [REDACTED]
Address 405 County Line Road
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-942-26 **(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: Maria Binns Date: 06/01/2026

DATE OF ZONING BOARD OF APPEALS HEARING: July 27, 2026

Received payment from Dawu Kofi Rashid 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 06/01/2026 Receipt Number: # 027677

RECEIVED
JUN 01 2026
BY: MB

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:
Dawud Kofi Rashid & Jamilah Shakir Rashid, Trustees of the Jamilah Shakir Rashid Living Trust

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0526 079

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 107 of the 05 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 19.6 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.

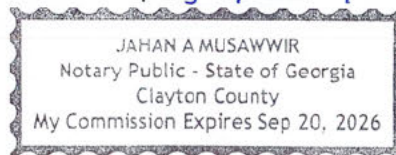
SIGNATURES

Owner/
Agent
One:

Signature _____
Name: Dawud Kofi Rashid
Address: 405 County Line Road
City/State/Zip: Fayetteville, GA 30215
Date: May 29th, 2026
Phone: _____
Email: _____
Signature _____

Notary: _____ (seal)

Commission Exp.: Sept. 20, 2026

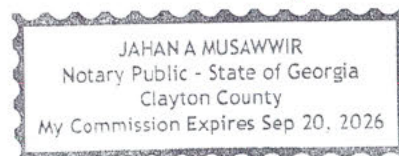


Owner/
Agent
Two:

Name: Jamilah Shakir Rashid
Address: 405 County Line Road
City/State/Zip: Fayetteville, GA 30215
Date: May 29th, 2026
Phone: _____
Email: _____
Signature _____

Notary: _____ (seal)

Commission Exp.: Sept. 20, 2026



Owner/
Agent
Three:

Name: _____
Address: _____
City/State/Zip: _____
Date: _____
Phone: _____
Email: _____

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	Fayette County Zoning Ordinance – Accessory Structure Limitations (Section 110-79)
Requirement	Maximum of three (3) accessory structures permitted on a residential lot.
Proposed Change	Allow a total of five (5) accessory structures on the subject property.
Variance Amount	Two (2) additional accessory structures (which do not require permits) beyond the maximum allowed as per the Ordinance.

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.

The applicant is requesting a variance to allow five (5) accessory structures on the subject property in lieu of the permitted maximum of three (3). The property consists of approximately 19.6 acres and the existing structures are small, low-impact, and accessory in nature including a pool house (used as a gym), open-air gazebo, pergola, open-air pavillion and storage shed.

The total square footage of all accessory structures (less than 1,200) remains below the maximum sq ft allowed under the Ordinance.

(Please see next page for additional information)

Type text here

Variance Summary additional

The structures predate the current ownership, and the applicant is working cooperatively with Fayette County to bring the applicable structures into compliance through the permitting process. Environmental Health has confirmed there are no septic or environmental concerns associated with the request.

Given the size of the property, the low-density surrounding area, and the limited impact of the structures, approval of the variance will not adversely affect neighboring properties or the public interest.

The applicant respectfully requests approval of the 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.
The subject property consists of approximately 19.5 acres and is used as a single-family residential property.
Several accessory structures are located in a defined area around the pool, while a separate shed is located elsewhere on the property. All structures are modest in size and serve normal residential purposes, such as recreation, storage, and outdoor use. The limitation of three (3) accessory structures creates a constraint when applied to this property, where multiple small accessory structures are present.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
The strict application of the ordinance would require the removal of existing accessory structures currently on the property that serve normal residential purposes. The difficulty arises from applying a fixed limit on the number of structures where multiple small, low-impact structures are present. The structures were present on the property when the property was purchased in April 2025.
3. Such conditions are peculiar to the particular piece of property involved.
The conditions are specific to this property due to its size, layout, and the existing configuration of small accessory structures located in a defined area of the property. The limitation on the number of structures creates a constraint when applied to this existing configuration
The property is 19.6 acres and otherwise has no outdoor storage for equipment to maintain the property and the existing structures provide shade and resting areas for accomodate for use of the pool. None of the structures are for living purposes.
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 will not cause a substantial detriment to the public good or impair the intent of the ordinance. Adjacent Land parcels are also owned by the same owner. The use remains single-family residential. The structures are small and non-habitable. Environmental Health has reviewed and approved the location of the structures.
This request is limited to the number of accessory structures and does not involve any prohibited 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 application of the ordinance would require the removal of existing accessory structures that support ordinary residential use on this property, restricting that use given its size, layout, and existing configuration.
Applying a fixed limit of three structures to this property, given its size, layout, and existing configuration, restricts that use.

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
- ☐ A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. x 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. x Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. x Location of exits/entrances to the subject property.
 - d. x 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. x Location of all utilities, including well or water lines.
 - f. x Location of septic tank, drainfield, and drainfield replacement area.
 - g. x 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 at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Type: WD
Recorded: 4/14/2025 3:41:00 PM
Fee Amt: \$1,215.00 Page 1 of 3
Transfer Tax: \$1,190.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5820 PG 688 - 690

Prepared By:

Weissman PC

3500 Lenox Road, 4th Floor
Atlanta, GA 30326

File No.: W-S-02967-25-PC

Parcel ID: 0526 079

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 11th day of April, 2025 by and between **Richard D. Howell and Kimberly P. Howell**, as party or parties of the first part, hereinafter called Grantor, and **Jamilah Shakir Rashid and Dawud Kofi Rashid, Trustees of the Jamilah Shakir Rashid Living Trust, as restated on April 20, 2023**, 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 NO/100 (\$10.00) AND OTHER 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, the following described property, to-wit:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE HERETO

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said 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, only to the 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 herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written.

Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: _____

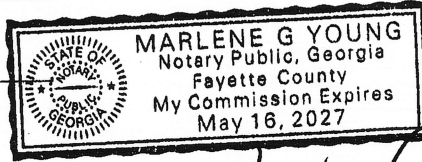
Signed, sealed and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

My Commission Expires: _____

[Signature] (Seal)
Richard Howell



[Signature] (Seal)
Kimberly Howell

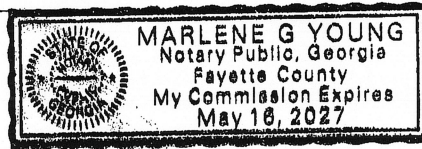


EXHIBIT "A"

File No.: W-S-02967-25-PC

All that tract or parcel of land lying and being in Land Lot 107 of the 5th District, Fayette County, Georgia, being Lot 2, containing 19.616 acres, more or less, as per survey prepared for Hubert W. Howell, per plat thereof recorded in Plat Book 32, Page 94, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Together with Permanent Ingress/Egress Easement at Deed Book 5508, Page 186.

FOR INFORMATIONAL PURPOSES ONLY: Said property being known as 405 County Line Road according to the present system of numbering property in Fayette County, Georgia.

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 Monday,
September 28, 2026, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-942-26

Owner: Jamilah Shakir Rashid
Living Trust

Property Address: 405 County
Line

Parcel: 0526 079

Zoning District: R-20

Area of Property: 19.59 acres

Land Lot(s): 107

District: 5th

Road Frontage: County Line Road

Request: Applicant is requesting
the following: A Variance to Sec.

110-79(c)(1)(a.) – Residential
Accessory Structures and their

Uses. In the R-20 zoning, to

increase the maximum number of
accessory structures allowed on

a lot with a minimum of five (5)

acres from three (3) to five (5) to

allow existing accessory structures
to remain.

Legal Description

EXHIBIT A

File No.: W-S-02967-25-PC

All that tract or parcel of land lying
and being in Land Lot 107 of the

5th District, Fayette County, Geor-

gia, being Lot 2, containing 19.616

acres, more or less, as per survey

prepared for Hubert W. Howell,

per plat thereof recorded in Plat

Book 32, Page 94, Fayette County,

Georgia Records, which recorded

plat is incorporated herein by

reference and made a part of this

description.

Together with Permanent Ingress/

Egress Easement at Deed Book

5508, Page 186.

FOR INFORMATIONAL PURPOSES

ONLY: Said property being

known as 405 County Line Road

according to the present system

of numbering property in Fayette

County, Georgia.

09/02

PETITION NO: A-946-26

Requested Action: Variance to reduce rear yard building setback in the R-40 (Single-Family Residential) District from 30 feet to 28.6 feet to allow an existing deck to be reconstructed and replaced with a closed-in sunroom.

Location: 835 Covered Bridge Way

Parcel(s): 130201093

District/Land Lot(s): 13th District, Land Lot(s) 227

Zoning: R-40, Single-Family Residential

Owner(s): Ar-Rahman A. Person and Ayana T. Raines

Agent: N/A

Zoning Board of Appeal Public Hearing: September 28, 2026

REQUEST

Variance to Sec. 110-137(d)(5). to reduce the rear yard setback in the R-40 zoning district from 30 feet to 28.6 feet to allow an existing deck to be reconstructed and improved with a closed-in sunroom. There will be a shingle roof to replace the existing shingle roof being torn down.

STAFF RECOMMENDATION

A variance by the Zoning Board of Appeals may be granted in an individual case upon finding that all five (5) criteria in Sec.110-242 (b) are met. Staff finds three (3) of five (5) requirements are met. Staff recommends **DENIAL** of the request.

HISTORY

Tax Records indicate the original house was constructed in 1981. Fayette County maintained records in the original Fayette County Courthouse prior to the fire on April 18, 1982. It is presumed the original permit records were destroyed in the fire. Staff is unable to determine whether the structure existed as of November 13, 1980.

Sec. 110-170 (l)

Nonconforming structures. Any legal existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as of the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.

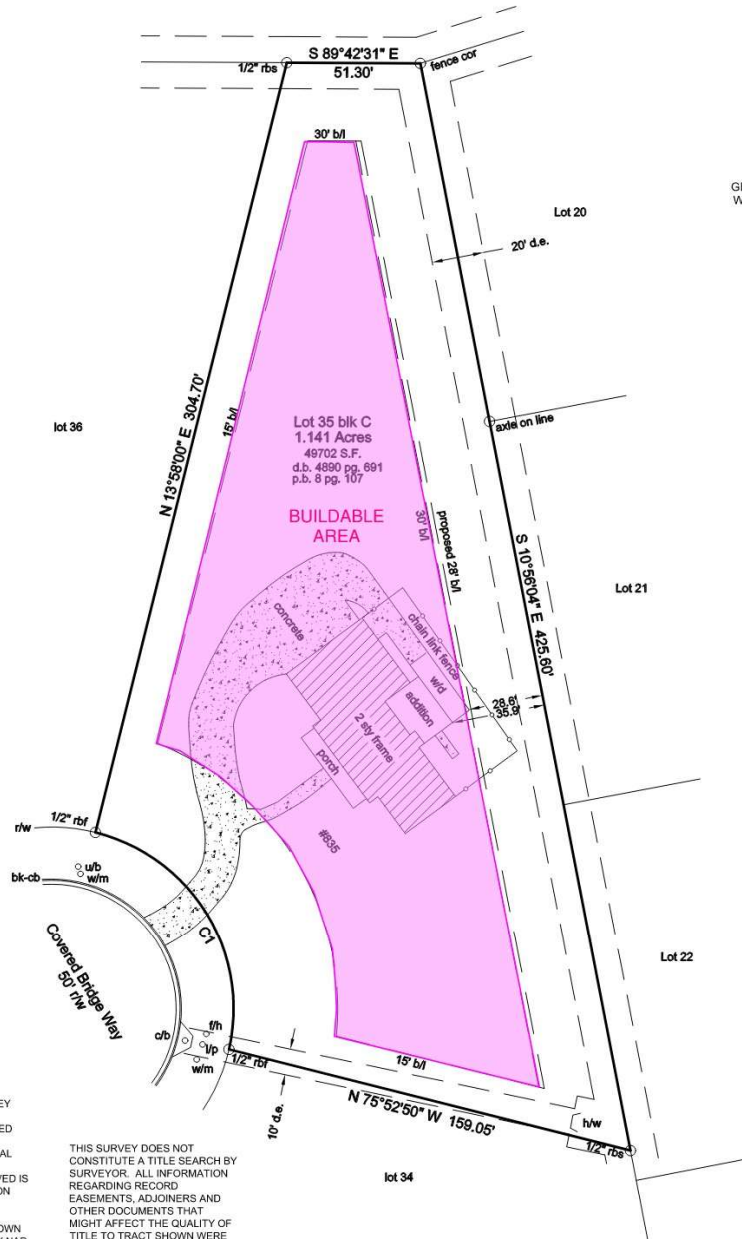
LEGEND

B/L=BUILDING LINE
 C/L=CENTERLINE
 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
 PG.=PAGE
 P.O.B.=POINT OF BEGINNING
 F/H=FIRE HYDRANT
 RBF=REBAR FOUND
 RBS=REBAR SET
 R/W=RIGHT OF WAY
 U/P=UTILITY POLE
 O/H UTIL=OVERHEAD UTILITY LINES



Variance Plat

**S.A. GASKINS
 & ASSOCIATES, LLC.**
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
 981 Camp Ground Road Griffin Ga. 30223
 sagaskins55@gmail.com 678-618-5067 JOHN 3.16



CLOSURE STATEMENT:
 THE FIELD DATA UPON WHICH THIS SURVEY WAS PERFORMED IS BASED UPON GPS OBSERVATIONS WHICH WERE ESTABLISHED USING CHC NAV 189 AND CHC NAV IBASE MULTI-FREQUENCY RECEIVERS USING REAL TIME KINEMATIC OBSERVATIONS. THE RELATIVE POSITIONAL ACCURACY ACHIEVED IS BETTER THAN 0.07 FEET PER OBSERVATION POINT.

THIS SURVEY BASIS FOR DIRECTIONS SHOWN HEREON ARE GRID NORTH AS DEFINED BY NAD 83 AND NAD 88, WEST GEORGIA ZONE AND DETERMINED THROUGH RTK-GPS METHODS UTILIZING EGPS SOLUTIONS VRS NETWORK.

FIELD CLOSURE = N/A
 ANGLE POINT ERROR = N/A
 EQUIPMENT USED = CHC NAV 189 AND CHC NAV IBASE
 ADJUSTMENT METHOD = N/A
 PLAT CLOSURE = 1" IN 100,000 +

THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY SURVEYOR. ALL INFORMATION REGARDING RECORD EASEMENTS, ADJOINERS AND OTHER DOCUMENTS THAT MIGHT AFFECT THE QUALITY OF TITLE TO TRACT SHOWN WERE NOT SUPPLIED TO THIS OFFICE.

FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF FAYETTE COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0036E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	108.75'	70.00'	98.14'	N 31°32'07" W



Prepared For:
Ayana Raines

Subdivision: Westbridge, unit one, section one p.b. 8 pg. 107 Date: 07/24/26
 Scale: 1" = 40' F.W.P.D.: 07/03/26 Job No: SA26-066A
 County: Fayette, Ga. Land Lot: 227 District: 13th

CRITERIA FOR CONSIDERATION OF A VARIANCE

STAFF ASSESSMENT OF CRITERIA

(Please see the attached application package for the applicant's responses to the 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. 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.**
 - This property is a standard wedge-shaped cul de sac lot.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - The deck can be constructed to be within the bounds of the buildable area, however, it is assumed the original construction drawings had the deck at the rear of the house. The applicant would be required to have new architectural drawing prepared and additional renovations for the house to exit to a deck in another location.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - Staff is unable to confirm if the house existed as of November 13, 1980. The enclosure to create a sunroom would be considered an expansion of the nonconformity.*
- 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 was discovered when the applicant submitted an application to reconstruct the deck and enclose part of the deck to create a sunroom. The plans submitted with the application indicate the reconstruction and improvement did not extend beyond the original footprint. Staff has not received any complaints about the location of the deck.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - A literal interpretation of this Ordinance would not deprive the applicant of the right to have a deck.*

ZONING REQUIREMENTS

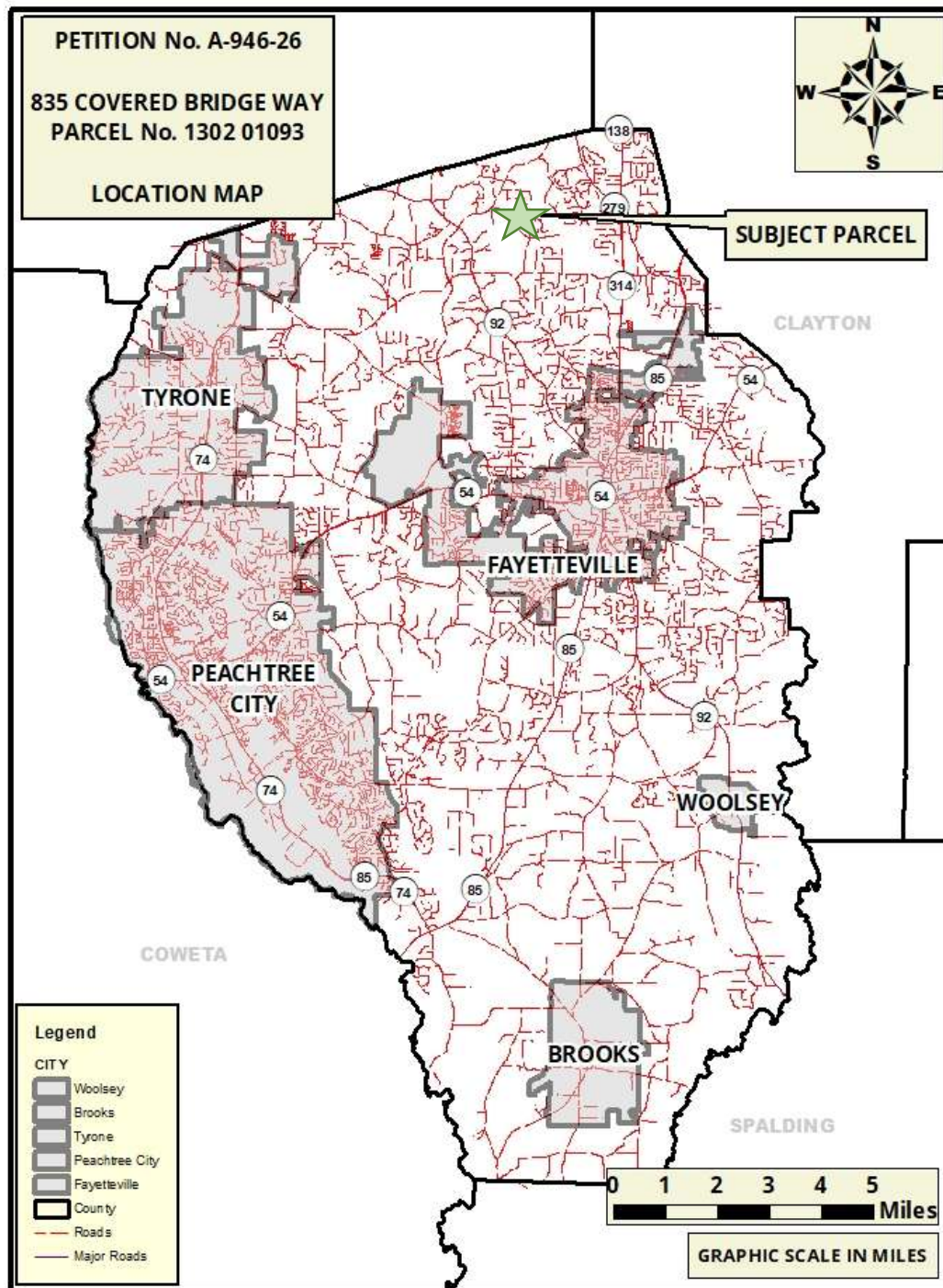
Sec. 110-137. R-40, Single-Family Residential District.

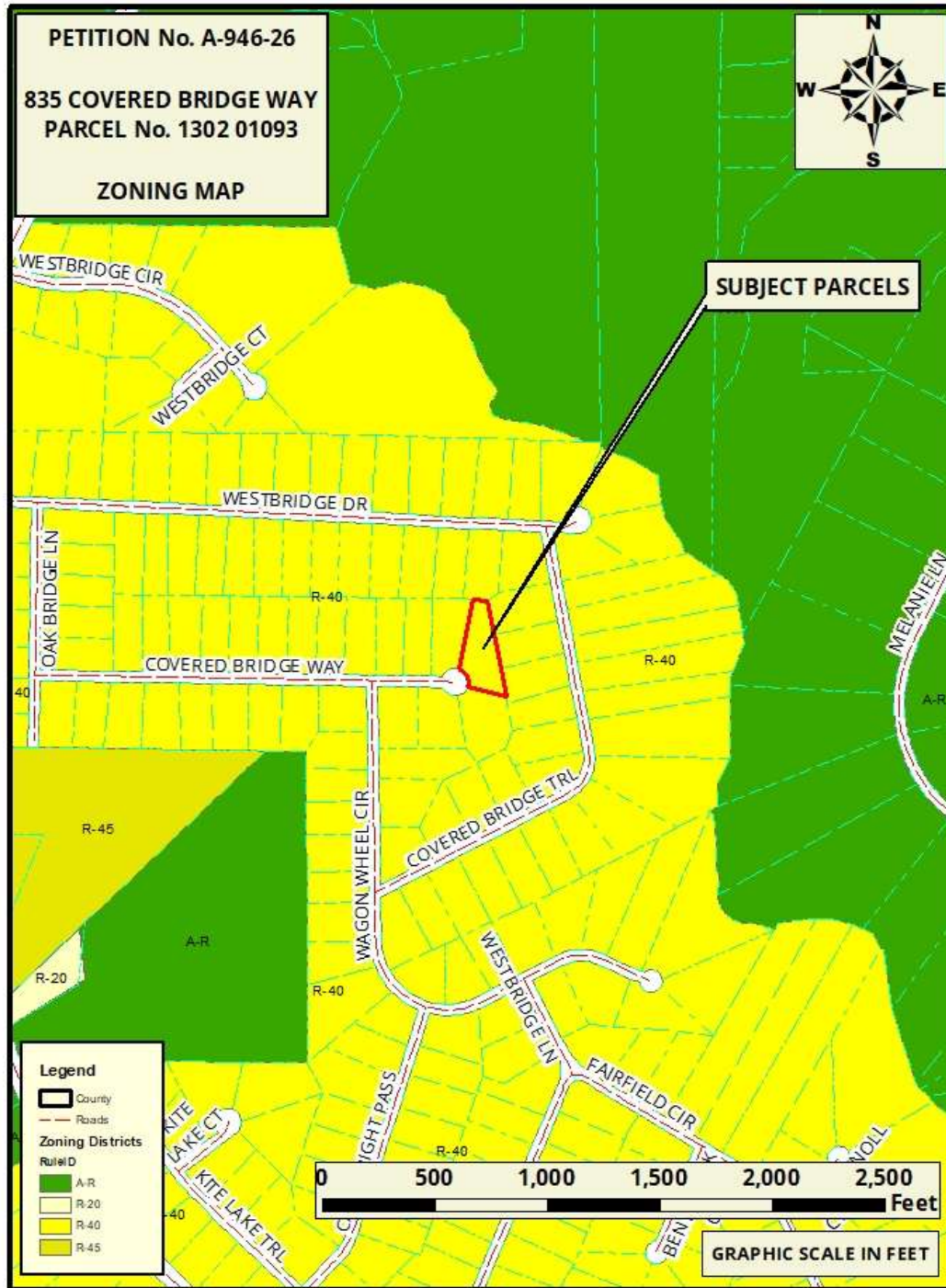
(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

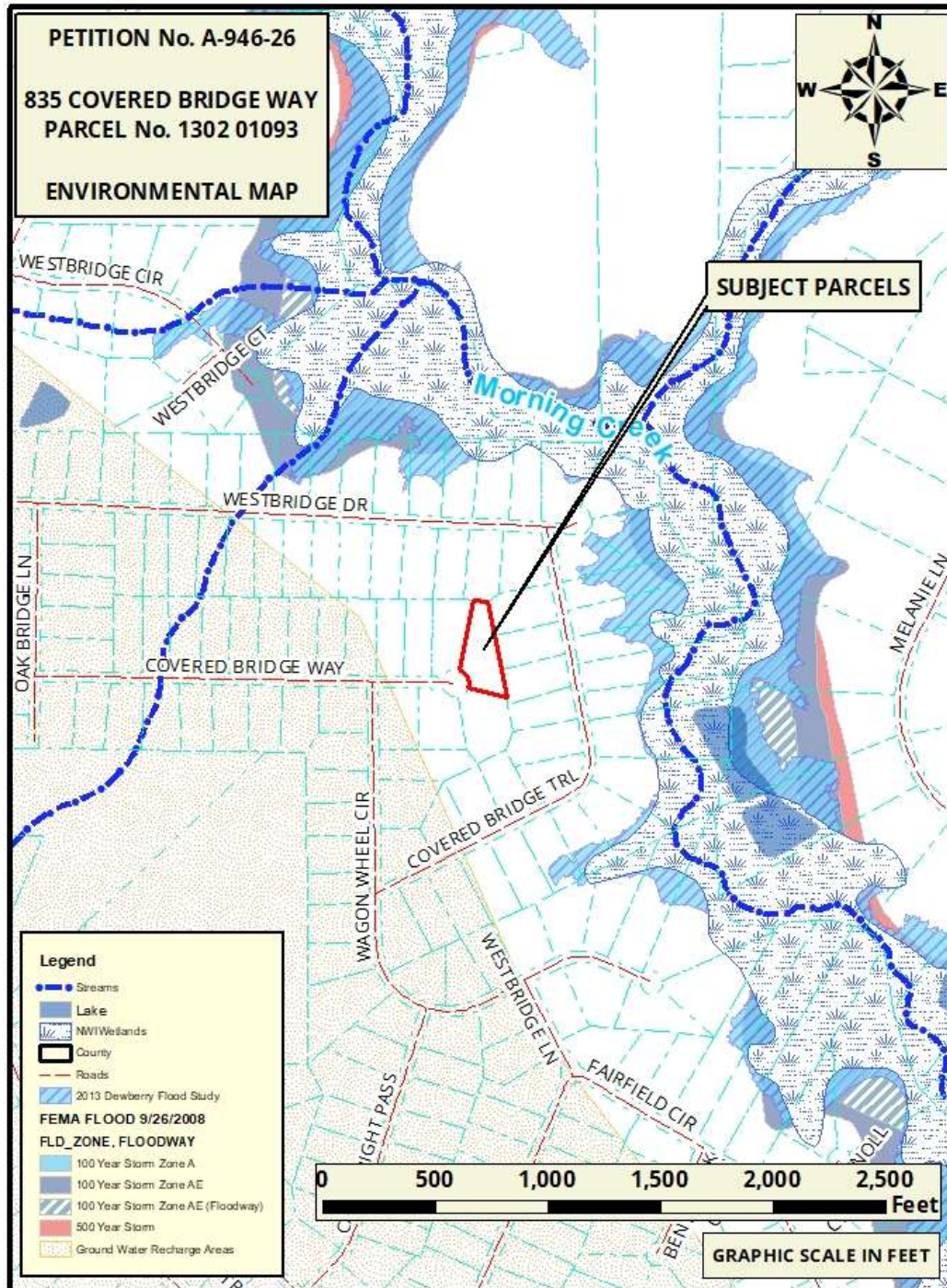
(5) Rear yard setback: 30 feet.

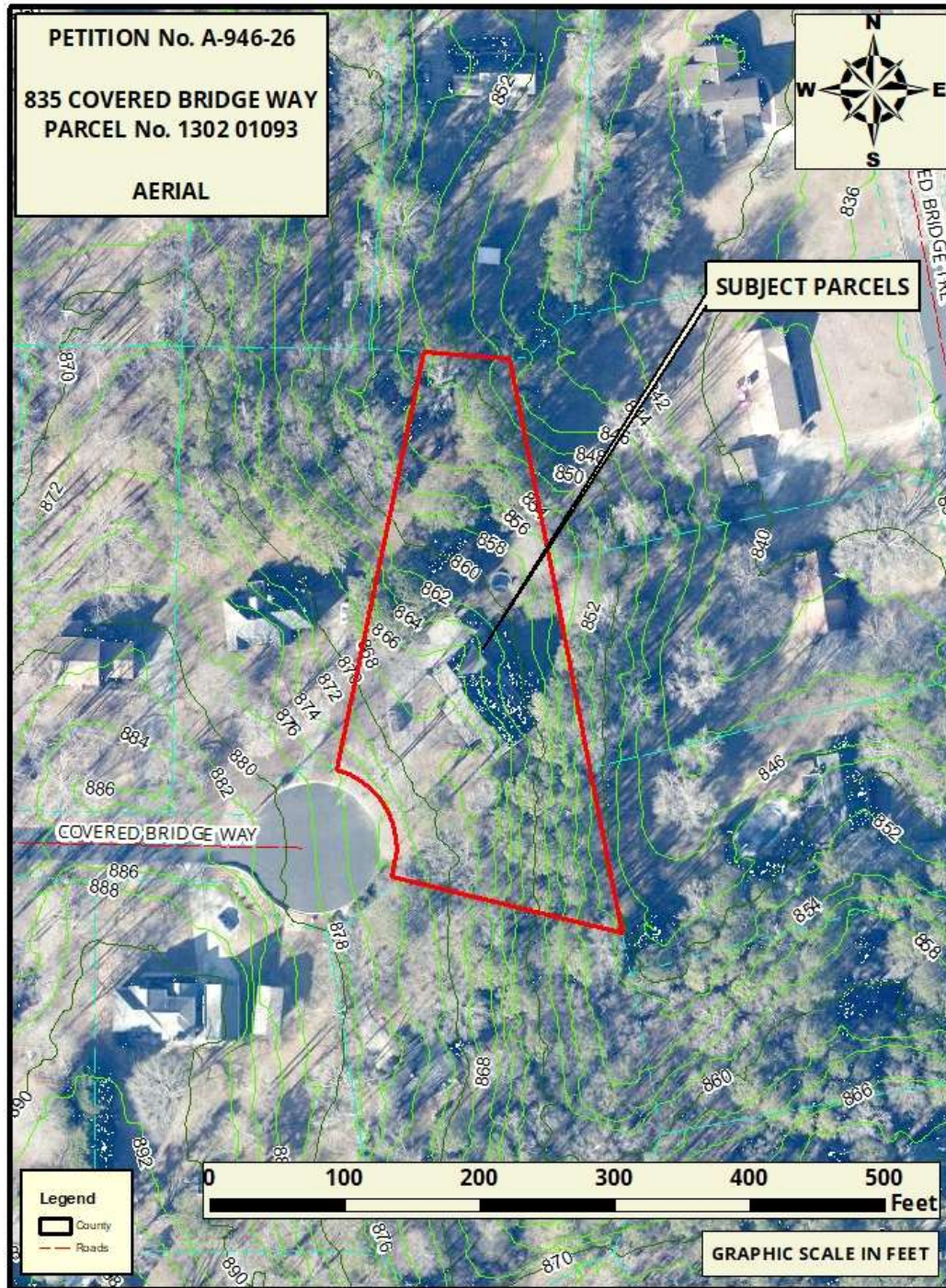
DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works** – No comments for a building setback reduction for deck intrusion.
- ☐ **Environmental Management** – No comments for a building setback reduction for deck intrusion.
- ☐ **Environmental Health Department** – No objection to the proposed variance.
- ☐ **Fire** – N/A.
- ☐ **Building Safety** – No issues. If unpermitted, a permit is required.









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

PROPERTY INFORMATION:

Parcel No. 130201093 Acreage: 1.141 Land Lot: 227 Land District: 13
Address: 835 Covered Bridge Way Fayetteville, Ga 30214
Zoning: Residential Zoning of Surrounding Properties: Residential
Use: _____

PROPERTY OWNER INFORMATION

Name Ayana Raines
Email [REDACTED]
Address 835 Covered Bridge Way
City Fayetteville
State Ga Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-946-26 **(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: Maria Birns Date: 07/24/2026

DATE OF ZONING BOARD OF APPEALS HEARING: September 28th, 2026

Received payment from Ayana Raines 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 07/24/2026 Receipt Number: 028201

RECEIVED
JUL 24 2026
BY: M.B.

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:

Ayana Raines and Rahman Person

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 130201093

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 227 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.141 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.

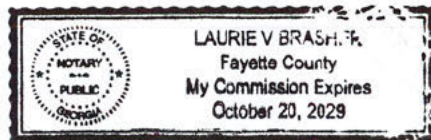
SIGNATURES

Owner/
Agent
One:

Signature _____
Name: Ayana Raines
Address: 835 Covered Bridge Way
City/State/Zip: Fayetteville, Ga 30214
Date: 7/26/26
Phone: _____
Email: _____

Notary: Laurie V Brasher (seal)

Commission Exp.: 10/20/29

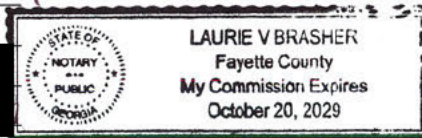


Owner/
Agent
Two:

Signature 7/26/26 _____
Name: Rahman Person
Address: 835 Covered Bridge Way
City/State/Zip: Fayetteville, Ga 30214
Date: 7/26/26
Phone: _____
Email: _____

Notary: Laurie V Brasher (seal)

Commission Exp.: 10/20/29



Owner/
Agent
Three:

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

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	SEC. 110-137. R40 zoning, Single-Family Residential District.
Requirement	Variance to Sec. 110-137(d)(5) to Reduce the Rear Yard Setback from 30 Feet to 28.6 feet to allow a covered
Proposed Change	deck to be built.
Variance Amount	

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.

I am requesting a variance because there is a small encroachment inside the building setback. This encroachment is at the corner of a deck that is being constructed to replace the deck that was demolished due to it being a danger (wear and tear).

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 cut of my property line is an awkward shape and the placement of where the house was built creates a challenge for repairing and constructing the deck. There is a small corner (on the left side of the deck that crosses over the 30' b/l).

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

To make adjustments or tear the deck down ~~to~~ due to the slight corner would create additional financial hardship (materials and labor).

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

These conditions are peculiar due to the awkward shape of the lot and the placement of the house when it was built in 1981.

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.

There would be no detriment or any affect at all to any one or any property.

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

There would be no affect to any one or any property.

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
- ☒ A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- ☒ 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: <u>Maria Binos</u>	Lot Size: <u>1.141 acres</u>	<u>Single-Family Residential</u>
Lot: <u>35C</u>	Width at Building Line:	
Zoning: <u>R-40</u>	Front Setback: <u>40'</u>	
Flood: Yes/ No MFFE:	Side Setback: <u>15'</u>	
Stream Buffers:	Rear Setback: <u>30'</u>	
Number of Frontages <u>1</u>	House Size:	

Doc ID: 010667310001 Type: WD
Recorded: 06/26/2019 at 09:00:00 AM
Fee Amt: \$360.00 Page 1 of 1
Transfer Tax: \$350.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4890 Pg 691

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
19-0812A/RACHEL

TAX PARCEL ID: 130201093

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 21st day of June, 2019, by and between **PHILIP THERIAULT and SIMONA THERIAULT**, as party or parties of the first part, hereinafter referred to as "Grantor," and **AR-RAHMAN A. PERSON and AYANA T. RAINES**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 227 OF THE 13TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 35, BLOCK C, OF WESTBRIDGE SUBDIVISION, PHASE ONE, UNIT ONE, AS PER PLAT RECORDED AT PLAT BOOK 8, PAGE 107, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

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

TO HAVE AND TO HOLD the Property, 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, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

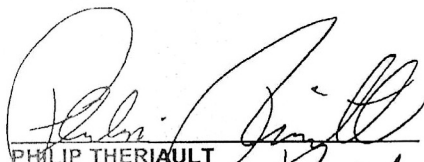
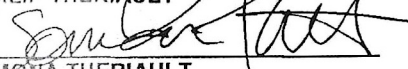
Signed this 21st day of June, 2019 in the presence of


Unofficial Witness


Notary Public
My Commission Expires

[Notary Seal]




PHILIP THERIAULT

SIMONA THERIAULT

Book: 4890 Page: 691 Seq: 1

Wednesday, September 2, 2026

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 Monday, Sep-
tember 28, 2026, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.:A-946-26

Owner:Ar-Rahman A. Person and
Ayana T. Raines

Property Address:835 Covered
Bridge Way

Parcel:130201 093

Zoning District: R-40

Area of Property:1.141 acres

Land Lot(s):227

District: 13th

Road Frontage:Covered Bridge
Way

Request:Applicant is requesting
the following: A Variance to Sec.
110-137(d)(5). In the R-40 Zoning,
to reduce the rear yard setback
from 30 feet to 28.6 feet to allow an
existing deck to remain.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 227 OF THE 13TH
DISTRICT, FAYETTE COUN-
TY, GEORGIA, BEING LOT 35,
BLOCK C, OF WESTBRIDGE SUB-
DIVISION, PHASE ONE, UNIT
ONE, AS PER PLAT RECORDED
AT PLAT BOOK 8, PAGE 107,
FAYETTE COUNTY, GEORGIA
RECORDS, WHICH PLAT IS
HEREBY INCORPORATED AND
MADE A PART HEREOF BY REF-

ERENCE. THIS CONVEYANCE
is made subject to all zoning ordi-
nances, easements and restrictions
of record affecting said bargained
premises.

09/02

PETITION NO: A-947-26

Requested Action: Variance to reduce right side building setback from 15' to 13.1' in the R-40 (Single-Family Residential) District, to allow a newly constructed detached garage to remain in the existing location.

Location: 120 Berkley Place, Fayetteville, GA 30214

Parcel(s): 054307003

District/Land Lot(s): 5th District, Land Lot(s) 196

Zoning: R-40

Owner(s): Charles E. Williams and Beatriz E. Williams

Agent: N/A

Zoning Board of Appeal Public Hearing: September 28, 2026

REQUEST

Variance to Sec. 110-137(d)(6). Side yard setback requirement, to reduce the side yard setback from 15 feet to 13.1 feet in the R-40 zoning district.

STAFF RECOMMENDATION

A variance by the zoning board of appeals may be granted in an individual case upon finding that all five (5) criteria in Sec.110-242 (b) are met. Staff finds one (1) of five (5) requirements are met. Staff recommends **DENIAL** of the request.

HISTORY

The subject property is a legal lot of record in the Berkley Park Subdivision, with a plat recorded May 18, 1983. It is a 2.038-acre lot and is a legal, conforming lot in the R-40 zoning district.

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:

(6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – No objection to the variance request.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Fire** – N/A
- ☐ **Building Safety** – DBS has no objection.

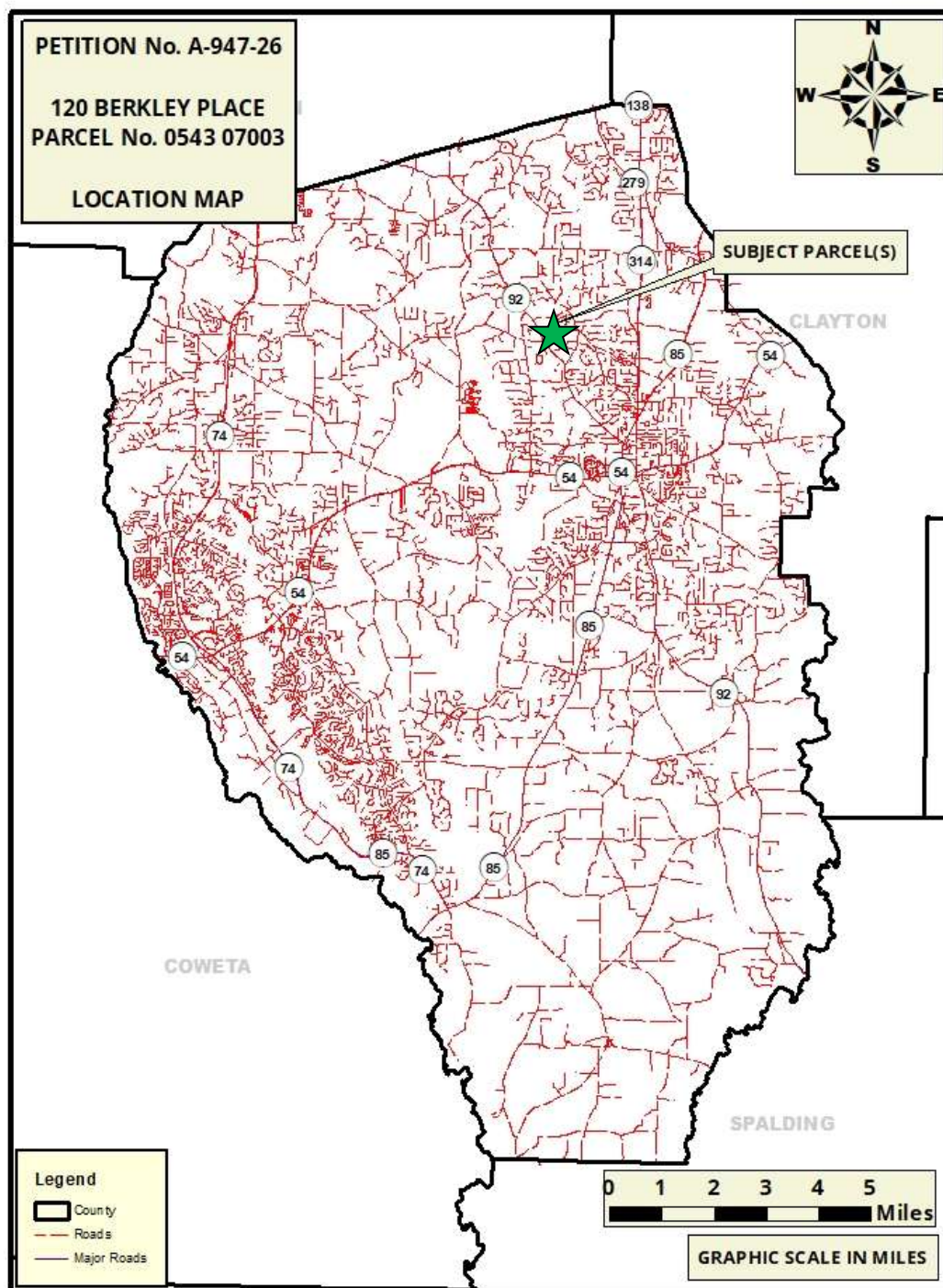
CRITERIA FOR CONSIDERATION OF A VARIANCE

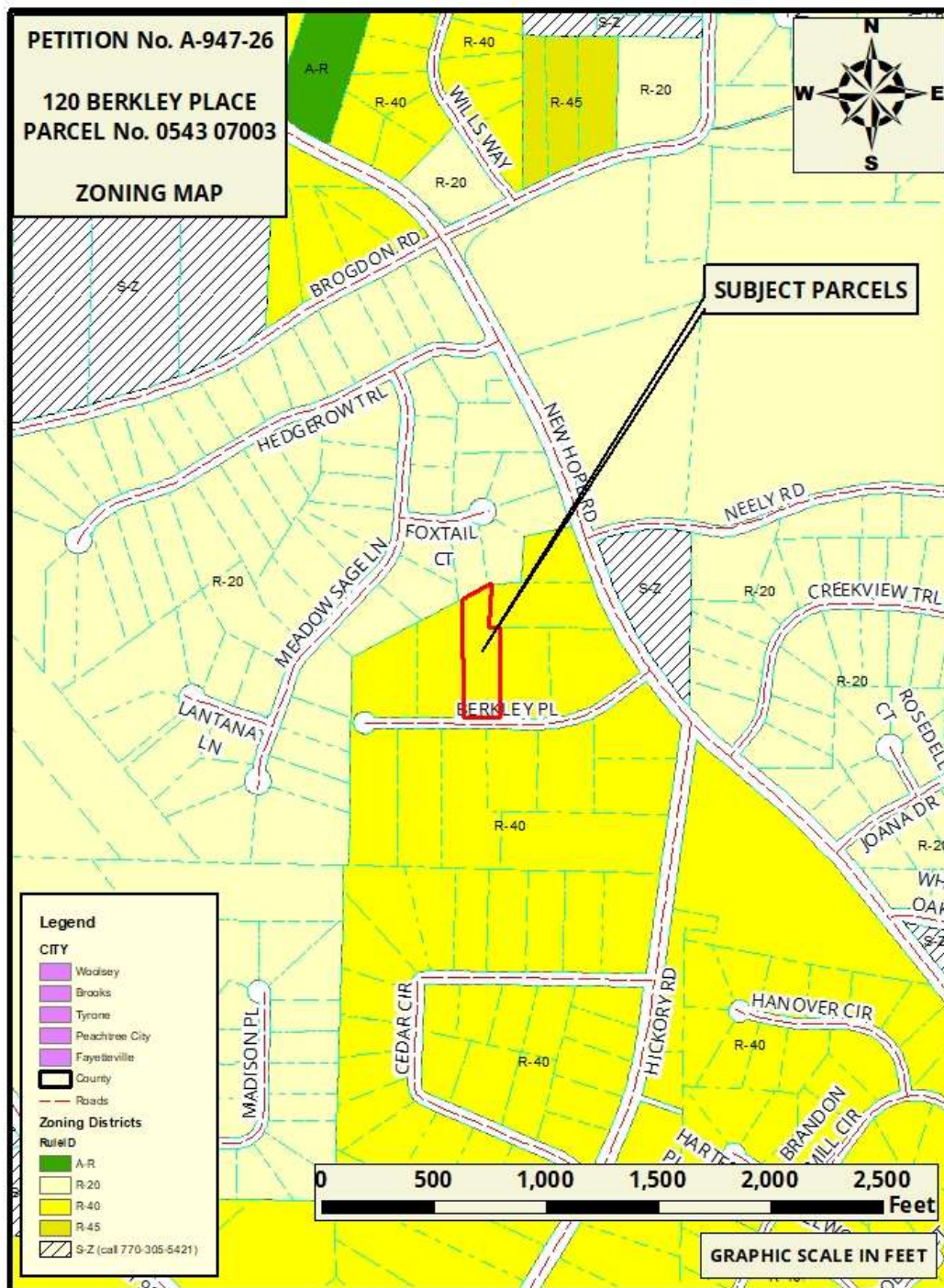
STAFF ASSESSMENT OF CRITERIA

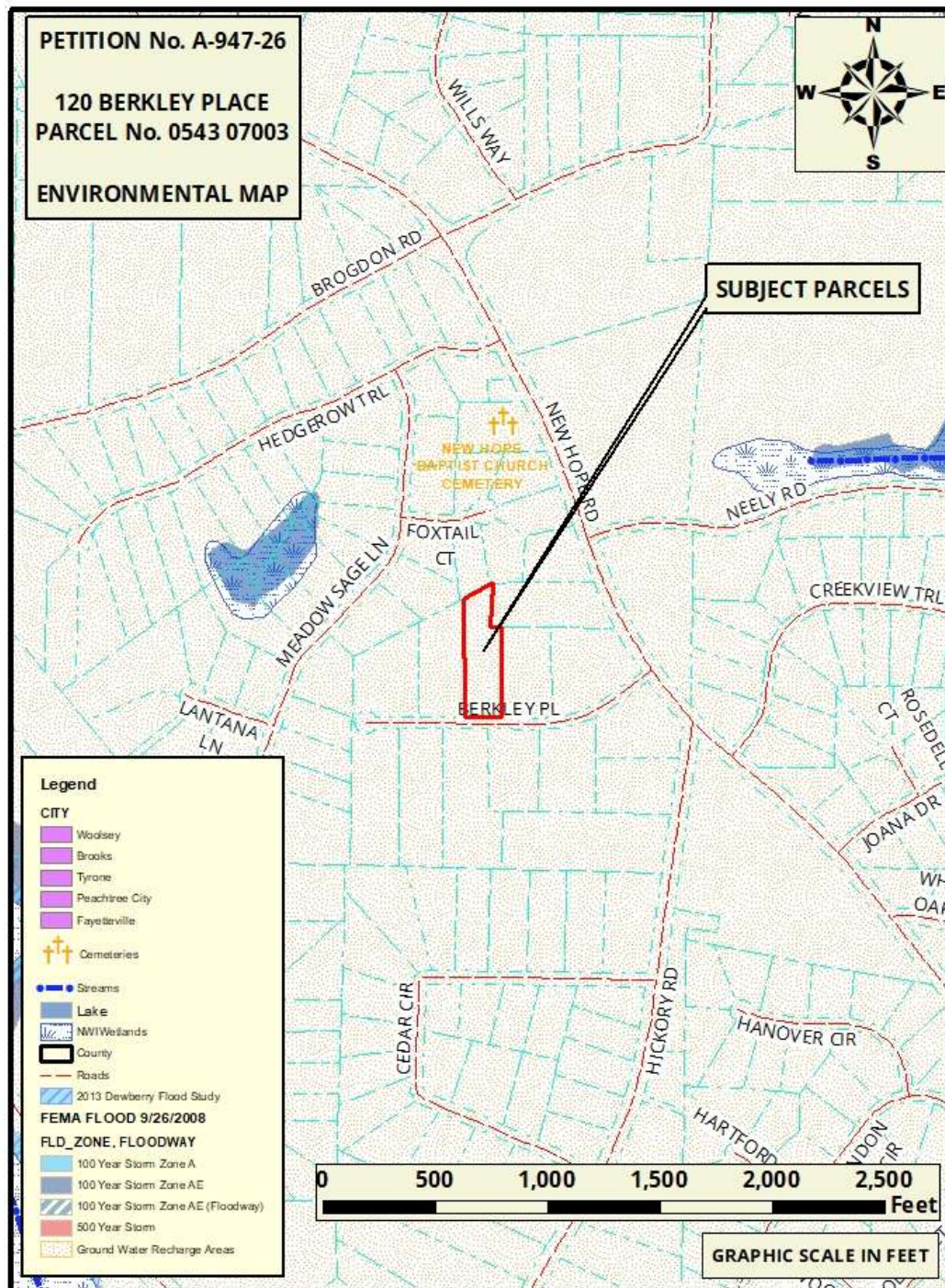
(Please see the attached application package for the applicant's responses to the criteria.)

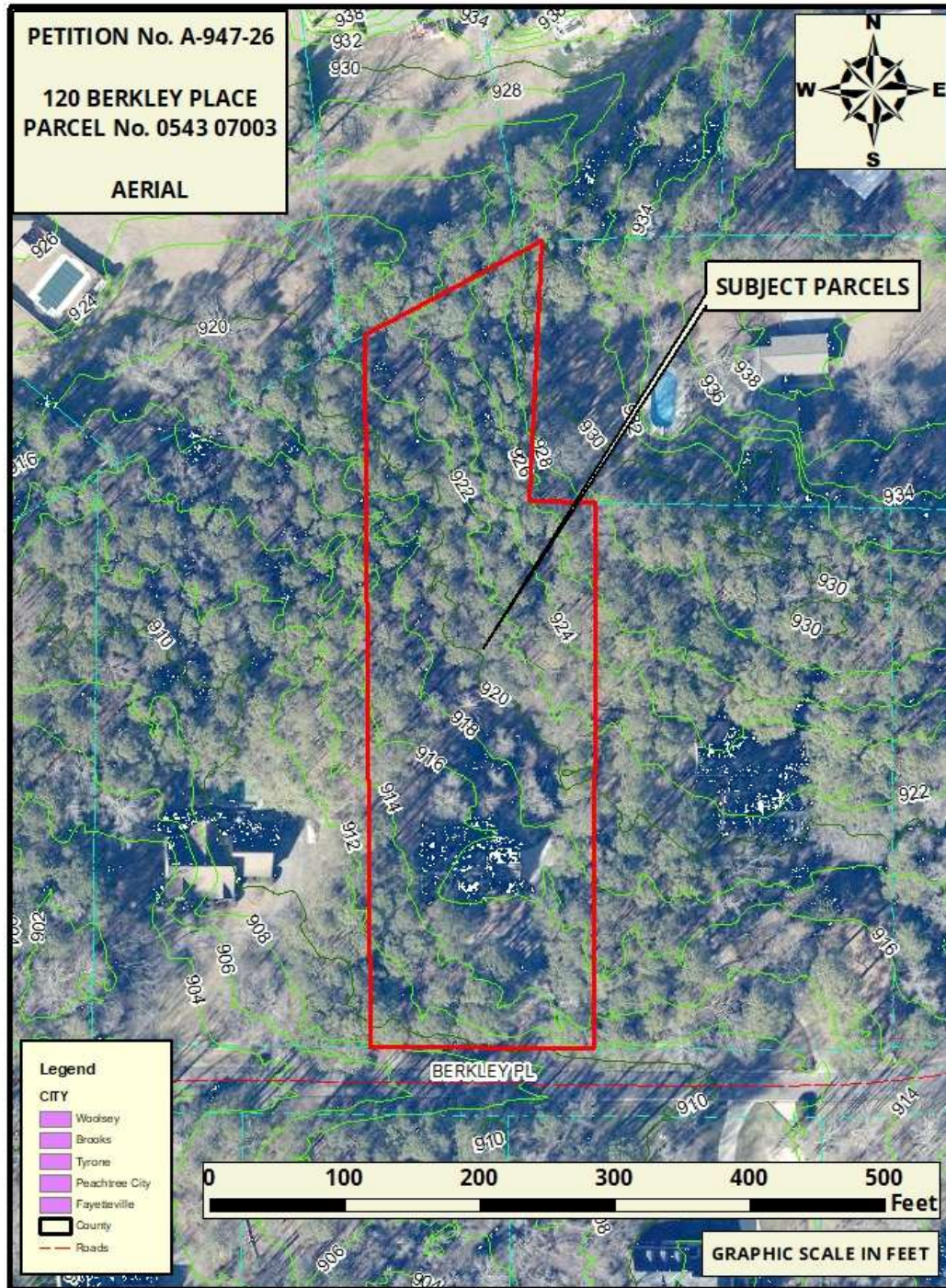
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

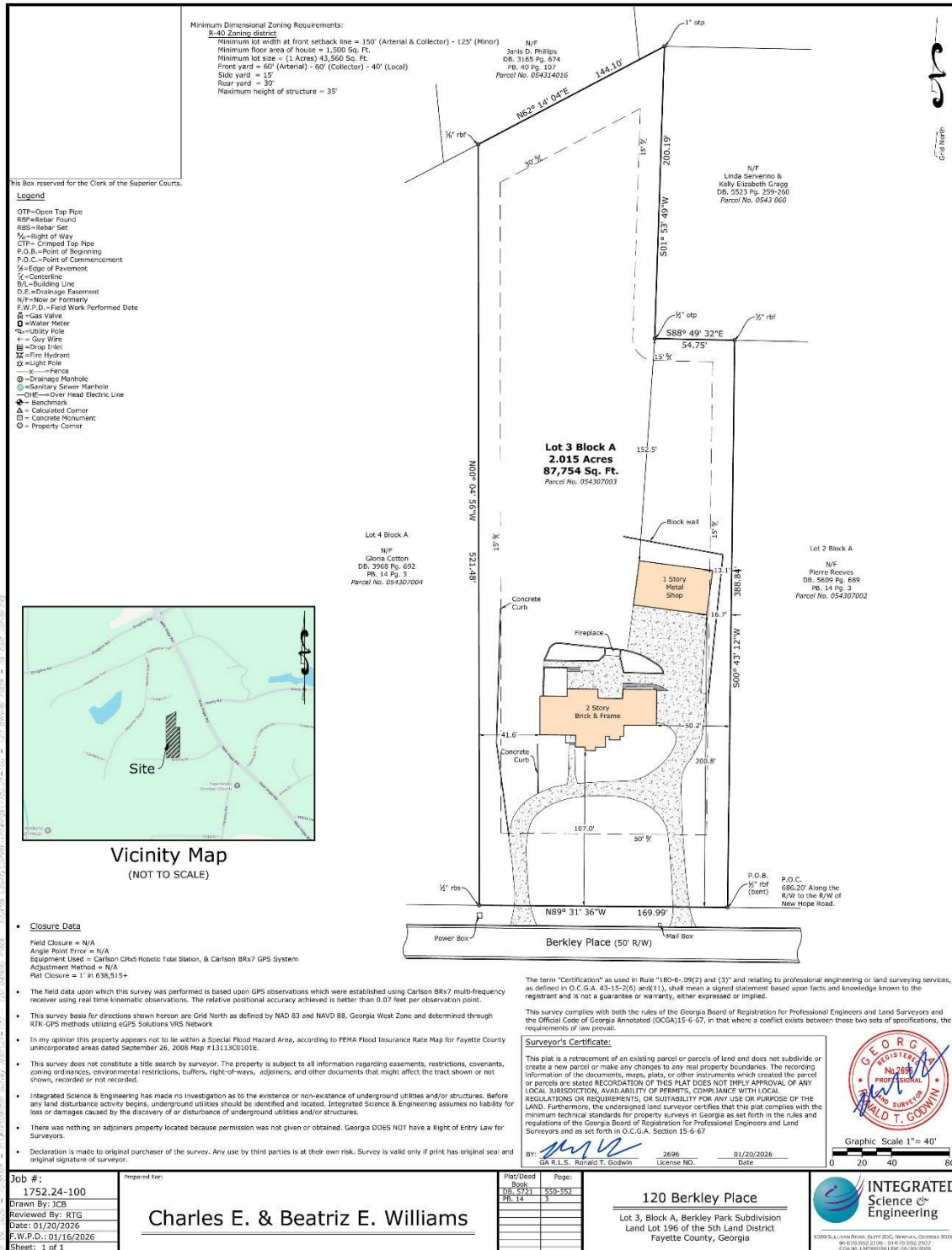
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The lot is an average residential lot and typical of other lots in this subdivision. There are no extraordinary or exceptional conditions pertaining to its size, shape or topography.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The garage is already constructed. The applicant could revise property lines to cure the encroachment or remove the encroachment.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There are no conditions on this parcel that limit use and development that are specific to the 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 neighbor on the affected side of the property has been made aware of the encroachment and did not express any objections.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to construct a garage, but it would need to meet the building setbacks.*













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

PROPERTY INFORMATION:

Parcel No. 05-43-07-003 Acreage: _____ Land Lot: 196 Land District: 5th
Address: 120 Berkley Place, Fayetteville, GA 30214
Zoning: _____ Zoning of Surrounding Properties: _____
Use: _____

PROPERTY OWNER INFORMATION

Name Charles Williams
Email [REDACTED]
Address 120 Berkley Place
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-947-26 (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: September 28, 2026

Received payment from Charles Williams a Cash in the amount of \$ 175⁰⁰

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

Date Paid 7/31/2024 Receipt Number: 28239

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:

Charles E Williams; Beatriz E. Williams

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) _____ of the _____ 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 _____ 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: [Redacted]
Name: Charles E Williams
Address: 120 Berkley Pl.
City/State/Zip: Fayetteville, GA 30214
Date: 7/31/26

Owner/
Agent
One:

Phone: [Redacted]
Email: [Redacted]
Signature: [Redacted]

Name: Beatriz E. Williams
Address: 120 Berkley Pl.
City/State/Zip: Fayetteville, GA 30214
Date: 7/31/26

Owner/
Agent
Two:

Phone: [Redacted]
Email: [Redacted]

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

Owner/
Agent
Three:

Phone: _____
Email: _____

Notary: _____ (seal)
Commission Exp.: 1/5/2027

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

Notary: _____ (seal)
Commission Exp.: 1/5/2027

Deborah M Sims
NOTARY PUBLIC
Coweta County, GEORGIA
My Commission Expires 01/05/2027

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	Sec. 110-137. (d) (6) Side yard setback
Requirement	15'
Proposed Change	13.1'
Variance Amount	1.9' - 12.67%

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.

I need a 2 ft Variance on Side Back ^{of the} garage in the right away

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.

Yes, the stake was move by accident on the Back side of the Garage. It suppose to Be 15 feet But the mistake was 13 feet.

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

It was a mistake Because someone moved the stake.

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

2 feet on Back of the right away property

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.

N/A

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

N/A

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
- ☐ A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- ☐ 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:	

Type: WD
Recorded: 5/14/2024 1:17:00 PM
Fee Amt: \$454.90 Page 1 of 3
Transfer Tax: \$429.90
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID(s): 0172454434,
7067927936

BK 5721 PG 550 - 552

After Recording Return To:

Hankin & Pack, LLC

11800 Amber Park Drive

Suite 250

Alpharetta, GA 30009

Order No.: 24-3267

Property Appraiser's Parcel I.D. Number: 05-43-07-003

Property Address: 120 Berkley Place, Fayetteville, GA 30214

Forwarding Address: 120 Berkley Place, Fayetteville, GA 30214

**JOINT TENANTS WITH RIGHT OF SURVIVORSHIP
LIMITED WARRANTY DEED**

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 14th day of May, 2024 between OP SPE PHX1, LLC, a Delaware limited liability company as party or parties of the first part, and hereinafter called Grantor, and Charles E. Williams and Beatriz E. Williams as joint tenants with right of survivorship, not as tenants in common, 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 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.

SEE ATTACHED EXHIBIT A

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

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.

*****SIGNATURES APPEAR ON THE FOLLOWING PAGE*****

Book: 5721 Page: 550 Seq: 1

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written. Signed, sealed and delivered in the presence of:

OP SPE PHX1 LLC, a Delaware Limited Liability Company

By: OfferPad Inc., Its Member

By: Rebecca McLean (SEAL)

Print Name: Rebecca McLean

Its: Authorized Signor

Signed, sealed and delivered in presence of the undersigned this the 13th day of May, 2024

[Signature]
Witness

[Signature]
Notary

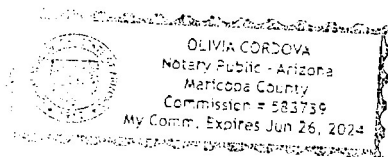


EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 196 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING ALL OF LOT 3, BLOCK A, BERKLEY PARK SUBDIVISION, AS PER PLAT RECORDED IN PLAT BOOK 14, PAGE 3, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

Property Address: 120 Berkley Place, Fayetteville, GA 30214
Parcel ID: 05-43-07-003

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 Monday, Sep-
tember 28, 2026, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-947-26

Owner: Charles E. Williams and Be-
atriz E. Williams

Property Address: 120 Berkley
Place

Parcel: 054307 003

Zoning District: R-40

Area of Property: 2.015 acres

Land Lot(s): 196

District: 5th

Road Frontage: Berkley Place

Request: Applicant is requesting
the following: A Variance to Sec.
110-137(d)(6), to reduce the side
yard setback in the R-40 zoning
district from 15 feet to 13.1 feet to
allow a metal building to remain.

Legal Description

EXHIBIT A

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 196 OF THE 5TH
DISTRICT OF FAYETTE COUN-
TY, GEORGIA, AND BEING ALL
OF LOT 3, BLOCK A, BERKLEY
PARK SUBDIVISION, AS PER
PLAT RECORDED IN PLAT BOOK
14, PAGE 3, FAYETTE COUNTY,
GEORGIA RECORDS, WHICH
PLAT IS INCORPORATED HERE-
IN BY REFERENCE AND MADE A
PART HEREOF.

Property Address: 120 Berkley
Place, Fayetteville, GA 30214

Parcel ID: 05-43-07-003

09/02

PETITION NO: A-948-26

Requested Action: Variance to reduce right side building setback from 50' to 6.5' in the A-R (Agricultural-Residential) District, to allow a barn constructed several years ago to remain in the existing location.

Location: 1246 Highway 314, Fayetteville, GA 30214

Parcel(s):1306 011

District/Land Lot(s): 13th District, Land Lot(s) 213

Zoning: A-R

Owner(s): 1246 Highway 314 Fayette Co, LLC

Agent: Randy Boyd, Registered Agent

Zoning Board of Appeal Public Hearing: September 28, 2026

REQUEST

Variance to Sec. 110-125(d)(6). Side yard setback requirement, to reduce the side yard setback from 50 feet to 6.5 feet in the A-R zoning district.

STAFF RECOMMENDATION

A variance by the zoning board of appeals may be granted in an individual case upon finding that all five (5) criteria in Sec.110-242 (b) are met. Staff finds two (2) of five (5) requirements are met. Additionally, given the size of the property, there is ample area on the parcel to locate an accessory structure without encroaching on any setbacks. Staff recommends **DENIAL** of the request.

HISTORY

Ordinance 1372-25 rezoned the subject property from R-40 (Single-Family Residential) to A-R (Agricultural-Residential) on February 26, 2026. The rezoning caused the barn to lose its nonconforming structure status.

Sec. 110-170(q)(5) A property that is improved with a legally existing structure, which would become nonconforming in terms of setbacks only within the zoning district for which a rezoning is being sought, may be considered for rezoning. Upon approval of the rezoning request, a variance authorized by the zoning board of appeals shall be necessary for the structure to remain within the setback, except as otherwise provided in the zoning ordinance. Any enlargement, expansion, or extension of said structure which serves to increase nonconformance, either vertical or horizontal, shall only be made with the dimensional requirements herein.

ZONING REQUIREMENTS

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

(d) (6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – No objection to the variance request.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This does not approve the structure itself nor the location of the structure. This office has no record or evaluation of the barn.
- ☐ **Fire** – N/A
- ☐ **Building Safety** – A structural engineer is required to deem the barn safe to move prior issuance of a relocation permit by Department of Building Safety.

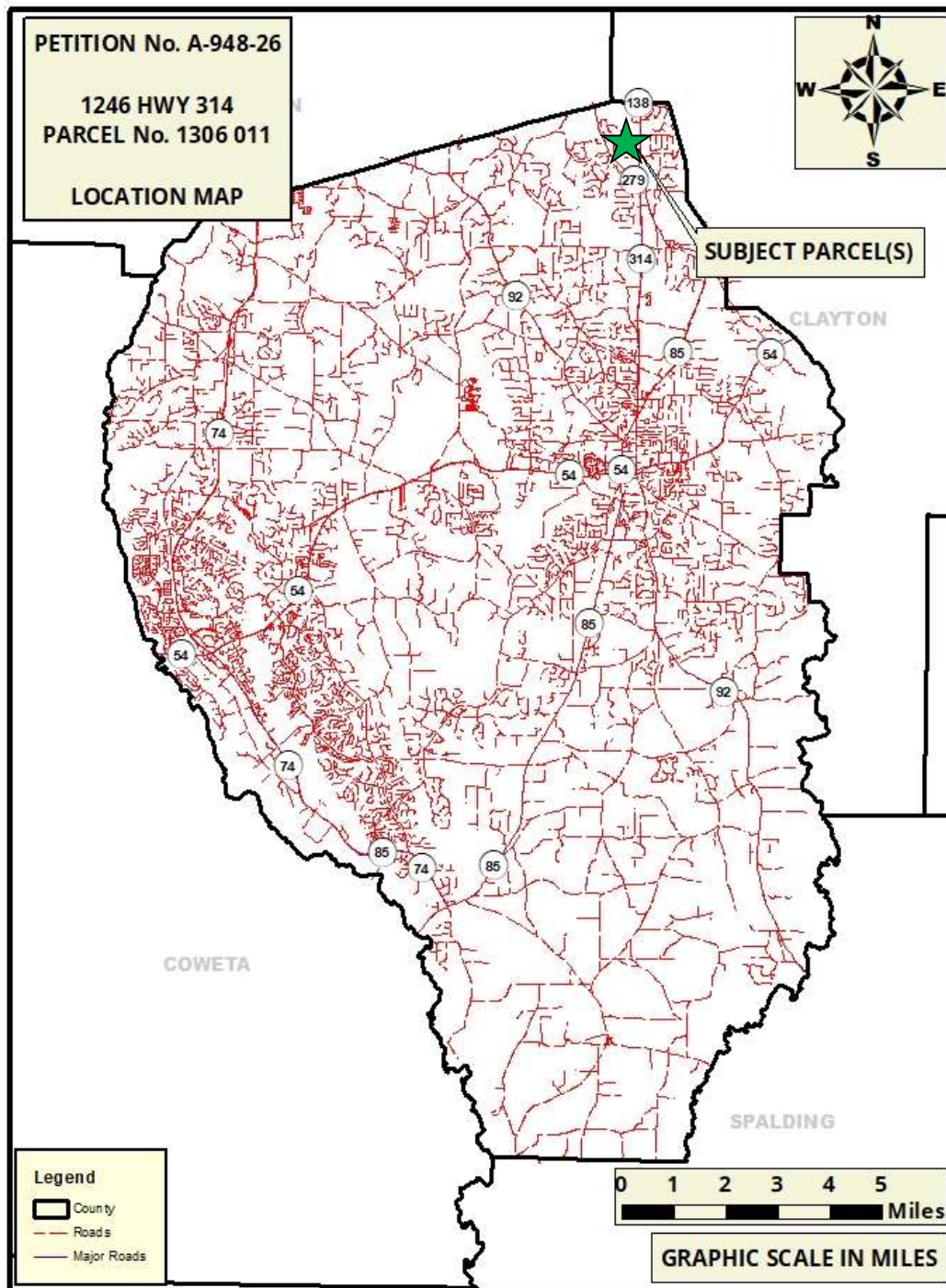
CRITERIA FOR CONSIDERATION OF A VARIANCE

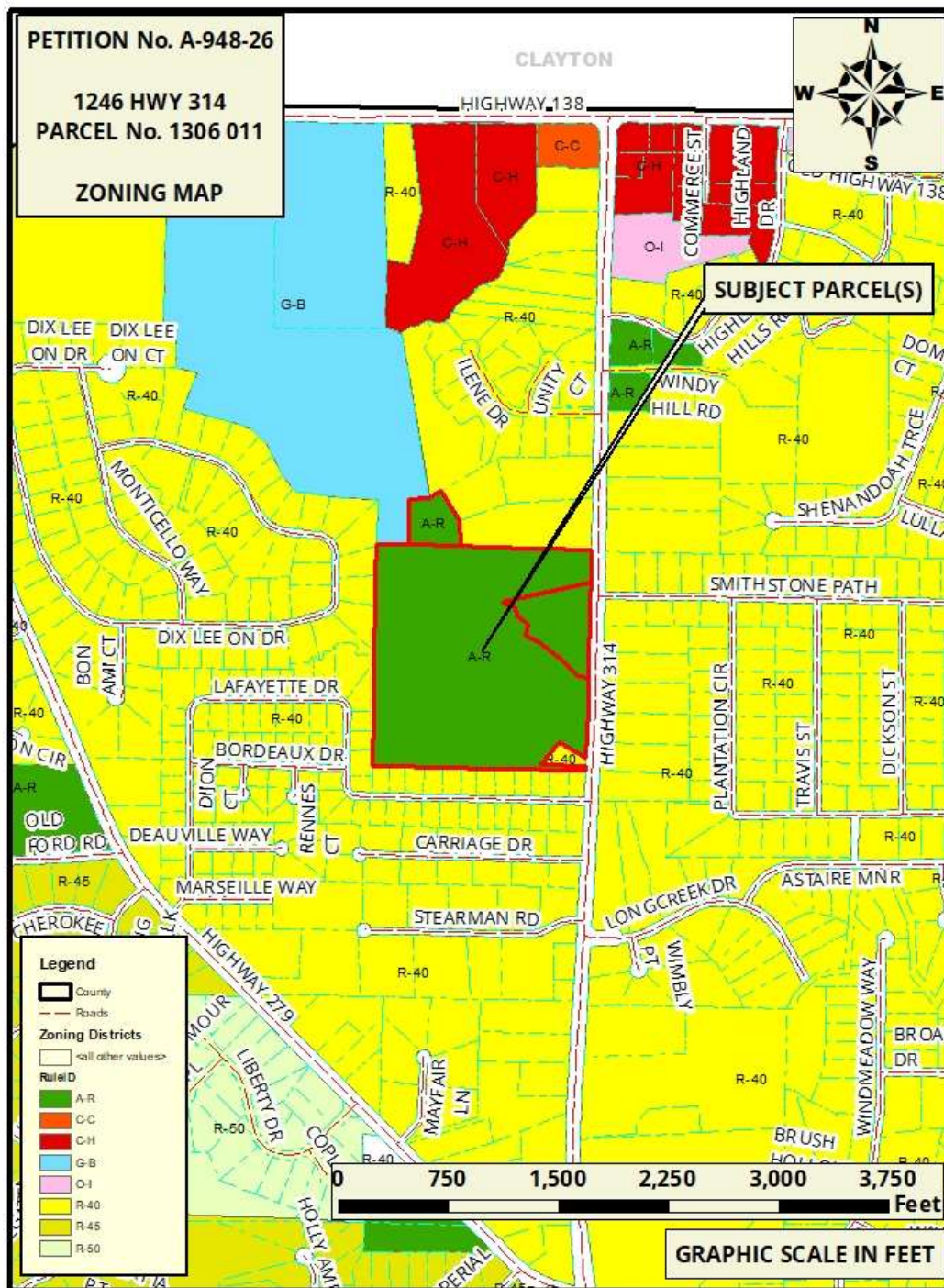
STAFF ASSESSMENT OF CRITERIA

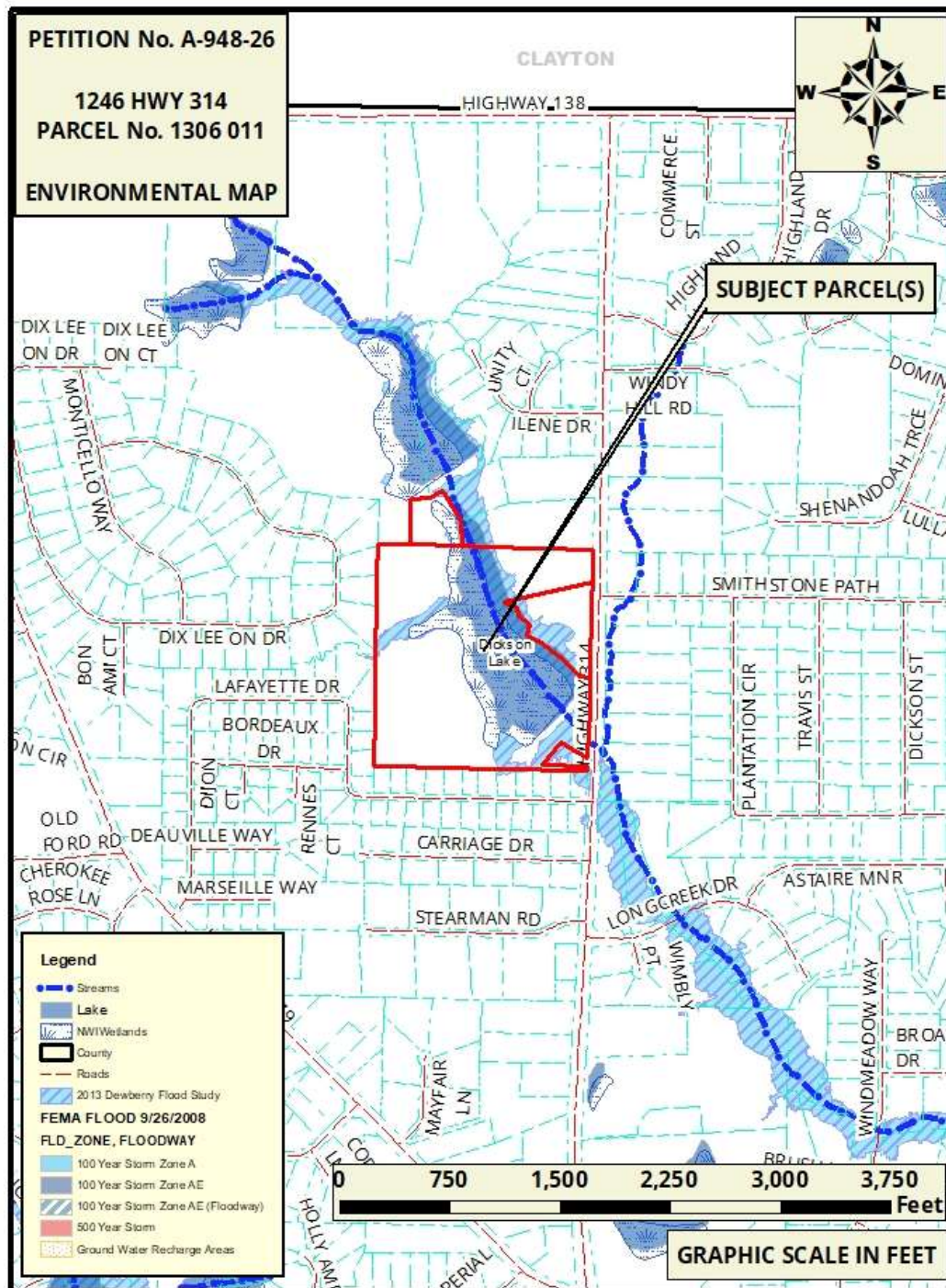
(Please see the attached application package for the applicant's responses to the criteria.)

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. 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.**
 - *This lot is 53.36 acres per the survey submitted. The lot is larger than average residential or commercial lot in unincorporated Fayette County. There a 14 acre lake on the property with additional floodplain and stream buffers. There is still sufficient buildable area for the barn to be relocated.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The barn has been constructed for many years and currently houses lawn equipment. It is possible the barn would not be deemed safe to move by a structural engineer, leaving demolition the only option.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There are no conditions on this parcel that limit use and development that are specific to the parcel. The applicant has mentioned possibly using this property for conditional uses allowed in A-R zoning. Should the setback be a part of the conditional use requirement, a variance is not allowed.*
- 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,**
 - *Staff has not received any complaints about the barn.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to construct a barn, but it would need to meet the building setbacks.*



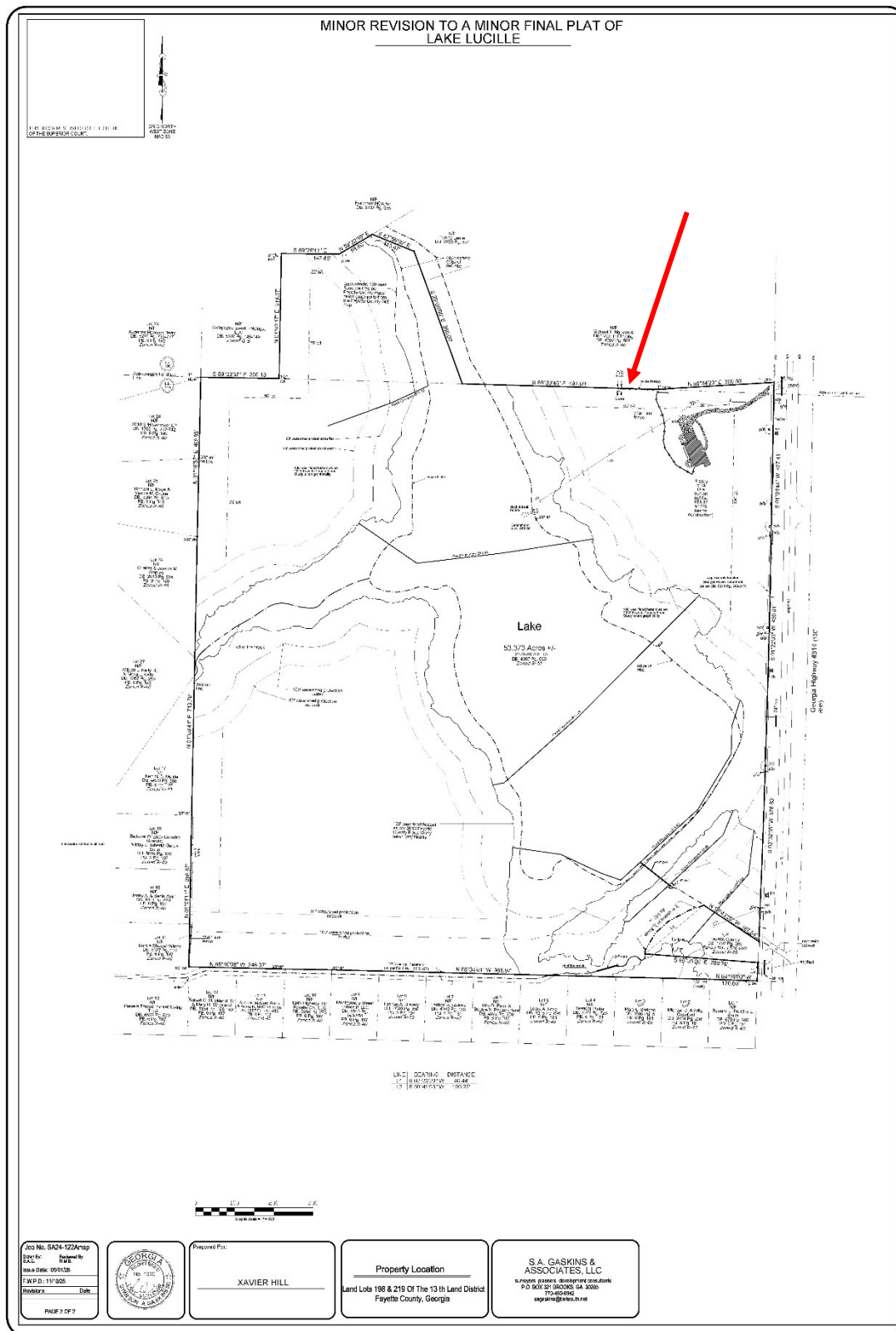














FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 1306 011 Acreage: _____ Land Lot: 213 Land District: 13th
Address: 1246 Hwy 314 Fayetteville GA, 30214
Zoning: A-R Zoning of Surrounding Properties: R-40
Use: Agricultural-Residential

PROPERTY OWNER INFORMATION

Name 1246 Hwy 314
Email [REDACTED]
Address _____
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-948-26 **(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: Maria Binns Date: 08/04/26

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from Xavier Hill 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 8/4/2026 Receipt Number: MISCPZ-08-2026-092963

RECEIVED
AUG 04 2026
BY: M.B.

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:

1246 Hwy 314, Fayetteville, GA 30214

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 1306 011

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 219 of the 13th 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 _____ 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: [Redacted]
Name: Xavier Hill
Address: 1246 Hwy 314
City/State/Zip: Fayetteville
Date: 08/03/26
Phone: [Redacted]

Notary:

Commission Exp.: May 05, 2030



(seal)

Owner/
Agent
Two:

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

Notary:

Commission Exp.: _____

Owner/
Agent
Three:

Signature: [Redacted]
Name: BANDY M. Boyd
Address: P.O. Box 64
City/State/Zip: ZEPHURON, GA 30295
Date: 08/03/26
Phone: [Redacted]
Email: [Redacted]

Notary:

Commission Exp.: May 05, 2030



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	Sec. 110-125(d)(6)
Requirement	50' side yard setback
Proposed Change	
Variance Amount	

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.

I am applying for set back variance for the barn

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 barn is 12x12 and was erected years ago. It currently houses lawn equipment to keep the property maintain

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

Yes If the barn could be moved I would I am certain by trying to move it would collapse creating a demolition clean up and destruction of the yard in the area

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

The condition is a small barn that is about 15' from existing property line but with the property now being rezoned to AR the setback change

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.

It would not cause any detriment to the public

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

no

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
- ☒ A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- ☒ 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:	

Return to:

John R. Grimes, Esq
Lefkoff, Duncan, Grimes, McSwain, Hass & Hanley, P.C.
3715 Northside Parkway NW Bldg 300, Ste 600
Atlanta, GA 30327

Tax Parcel Nos 1306 011 and 1306 117

WARRANTY DEED

THIS INDENTURE, made this 1st day of November, 2023 between **WILLIAM F. JOHNSTON, III** ("Grantor"), and **1246 HIGHWAY 314 FAYETTE CO, LLC** ("Grantee") (the terms Grantor and Grantee to include their respective heirs, successors and assigns where the context hereof requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00), and other valuable consideration, in hand paid at the delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does hereby grant, bargain, sell and convey unto Grantee, the following described real property, to-wit:

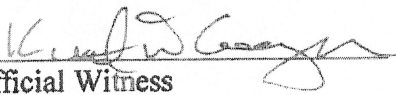
ALL THAT TRACT OR PARCEL OF LAND laying and being in Land Lot 219 of Fayette Co, GA being the tax parcels noted above and being known as 1246 Highway 314, Fayetteville, Fayette Co, GA according to the present system of number properties in said count and being more particularly and fully described in **Exhibit "A"** attached hereto and incorporated herein by reference.

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 Grantee, in FEE SIMPLE.

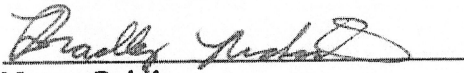
AND, SUBJECT TO the title matters expressly set forth in **Exhibit "B"** attached hereto, Grantor will warrant and forever defend the right and title to the above-described property unto Grantee against the lawful claims of all persons owning, holding or claiming by, through or under Grantor.

IN WITNESS WHEREOF, Grantor has signed and sealed this Deed the day and year first above written.

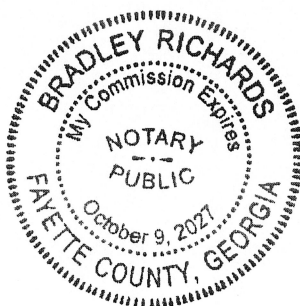
Signed, sealed and delivered
in the presence of:


Unofficial Witness


WILLIAM F. JOHNSTON, III (SEAL)


Notary Public

(NOTARY SEAL)



**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 Monday, September 28, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-948-26

Owner: 1246 Highway 314 Fayette Co, LLC

Agent: Randy Boyd

Property Address: 1246 Highway 314

Parcel: 1306 011

Zoning District: A-R

Area of Property: 53.373 acres

Land Lot(s): 196

District: 5th

Road Frontage: Berkley Place

Request: Applicant is requesting the following: Variance to Sec. 110-125(d)(6), to reduce the side yard setback in the A-R zoning district from 50 feet to 6.5 feet to allow an accessory structure to remain.

Legal Description

EXHIBIT A

All that tract or parcel of land containing fifty (50) acres, more or less, in the northeast corner of Land Lot 219, and bounded as follows; On the North by lands of J. B. Travis; on the East by a public road leading from near Friendship Church to Riverdale; on the South by lands of S. B. Lewis; and on the West by lands of S. B. Lewis and the Eliza Scott place; being the same property described in the Executor's Deed from Trust Company Bank, as Executor under the Will of William Chester Dickson,

to Louise Dickson (also known as Louise Edna Dickson), recorded at Deed Book 144, Page 210, Fayette County, Georgia, Records; and being the same property described in the warranty Deed from: Louise Dickson (a/k/a Louise Edna Dickson) to Trust Company Bank, Trustee under agreement dated April 24, 1972 as amended, recorded at Deed, Book 152, Page 177, Fayette County, Georgia, LESS AND EXCEPT ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 219 of the 13* District of Fayette County, Georgia and being more particularly described as follows: BEGINNING at an Iron pin on the West right-of-way of Georgia State Highway No. 314 (said highway having a right-of-way 100 feet in width) 1,406 feet South, as measured along the West right-of-way line of said highway from the Intersection formed by the West right-of-way line of said highway with the North line of Land Lot 219; running thence South, along the West right-of-way line of said highway, 54 feet to an Iron pin; running thence in a westerly direction 306 feet to an Iron pin located in a branch as shown on the hereinafter described plat of survey; running thence in a northeasterly direction, along said branch, 204.3 feet to an Iron pin located in another branch which runs in a northwesterly-southeasterly direction; running thence in a southeasterly direction, along the latter mentioned branch 182 feet to the West right-of-way line of Georgia State Highway No. 314 at the POINT OF BEGINNING, all as shown on a plat of survey dated April 11, 1970 as prepared by Lee Engineering Company.

09/02