

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
December 15, 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 November 24, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-907-25 – Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust. Applicants are requesting the following: Variance to Sec. 110-242(h). – A-R, requesting an illegal lot to be deemed a legal nonconforming lot. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.
6. Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule.

Minutes 11/24/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on November 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
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney
Maria Binns, Zoning Secretary

-
1. Call to Order. *Chairman John Tate called the November 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. *Bill Beckwith made a motion to approve the agenda. Brian Haren seconded the motion. The motion passed unanimously.*
 4. Consideration of the Minutes of the Meeting held on October 27, 2025. *Vice - Chairman Marsha Hopkins made the motion to approve the minutes of the meeting held on October 27, 2025. Brian Haren seconded the motion. The motion passed unanimously.*

PUBLIC HEARING

5. **Consideration of Petition No. A-908-25** – Martha DeLeon and Juan Castillo Sanchez, Owners. Applicants are requesting the following: Variance to Sec. 110-137.(d)(b). – R-40, Requesting a variance to the minimum lot width for a legal nonconforming lot, to allow a lot that is 100' wide to be eligible for development. The subject property is located in Land Lots 70 of the 5th District and fronts Corner of Tributary Way and Price Road.

Ms. Deborah Sims presented the petition above, stating a variance is being requested to reduce the minimum lot width for a legal nonconforming from 125 feet to 100 feet to be eligible for development, located south of the city limits, and it has been in that configuration since 1969, has no road frontage on Tributary Way, only on Price Road. Ms. Sims showed the maps and the plat with the one hundred foot wide measurement, and stated staff recommended approval.

Ms. Celia Castillo, Daughter and representative of the applicants, stated that they wanted to build a house on that lot and was already that size before the owners purchased but they weren't aware of it.

Chairman John Tate asked if anyone else in the audience was in support of the petition; with no response, he then asked if anyone was in opposition of the petition. No one responded. Chairman Tate brought the item back to the Board for questions.

Mr. Brian Haren asked if the lot is one hundred feet wide, what were the buffers and setbacks for R-40 zoning?

Ms. Sims responded to its fifteen feet from each side, forty feet front, and thirty on the rear. A few years ago, they legally rezoned it from A-R to R-40. Ms. Sims added that there is no road frontage on Tributary Way and that there will be a fifteen foot side yard setback.

Mr. Haren commented the property, its surrounded by odd cutouts.

Ms. Sims stated that when they developed the subdivision, they carefully developed around this parcel.

Chairman John Tate made a motion to APPROVE Petition No. A-908- 25. Brian Haren seconded the motion. The motion carried 5-0.

6. **Consideration of Petition No. A-909-25** – James Zacheri Richardson and Louis R. Richardson. Applicants are requesting the following: Variance to Sec. 110-137(d)(6), to reduce the side yard setback from 15 feet to 14.6 feet to allow a new accessory structure to encroach into the side yard setback. The subject property is located in Land Lots 189 of the 5th District and fronts Hickory Road. Ms. Sims read the variance description above and stated that the structure of 1,800 square feet was constructed on a slab, applicants were requested to obtain a foundation survey showing the correct encroachment.

Ms. Zacheri James stated hired the professionals, and they made a minor mistake, and she would not like to be blamed for it.

Mr. Grady Richardson, son. He talked about the measurements where the shed is located, and he apologized to the Board for the surveyor's mistake.

Mr. Bill Beckwith commented that this was a minor mistake, and he would like to vote in favor of the petition.

Bill Beckwith made a motion to APPROVE Petition A-909-25. Brian Haren seconded the motion. The motion passed unanimously.

7. **Consideration of Petition A-910-25** - Amanda McFarlin Scarbrough, Owner, is requesting a Variance to Sec. 110-125(d)(1)- A-R., as allowed under Sec. 110-242(c)(1)- To the minimum lot size for a legal nonconforming lot, to allow a lot that is 3.94 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 247 of the 4th District and fronts Goza Road, Hills Bridge Road and South Highway 92.

Ms. Sims explained that this is a lot of record, being A-R and containing only 3.94 acres, so they can build a house on this property. She stated has a minimum of environmental concern but nothing else, that will impact the development.

Mr. Sean Murphy, Agent, being on behalf of the applicant, stated that on this property, they formerly lived, and he believed a storm damaged the house, becoming a problem, and it was demolished for safety and hazard, and now no one will buy it unless they know it can be built on it.

Chairman John Tate asked if anyone else was in support or opposition of the petition, with no response, the chairman brought the item back to the Board for comments or questions.

Mr. Haren asked the staff if this was a legal nonconforming lot before?

Ms. Sims responded that it was a legal nonconforming lot, it is a lot of record if they would it kept the previous house there, they wouldn't require a variance but now that the house has been removed, we need to ask for the variance so the new house can be built. She stated the applicant could rezone to a three acre lot following the land use plan but they would like to keep it as A-R, which is less intensively used and might want to have goats.

Mr. Haren asked what is legal lot? And if it was a house previously there?

Ms. Sims responded the lot is undeveloped non-conforming lot, and as long as a house is not there, they can proceed with the variance and they might be able to sell it knowing the new owners will be able to build on it.

Mr. Bill Beckwith asked staff if there was enough buildable land, counting setbacks and buffers?

Mr. Sims responded she believes there is, once the variance gets approved, applicants will have to present plans for review.

Mr. Kyle McCormick asked if it would be a better option to rezone to three acre lots?

Mr. Sims responded that staff would recommend allowing it to stay A-R by having more flexibility than to rezone to any other residential zoning. She stated

Staff is recommending approval.

Mr. Haren commented that if the new purchaser wants to later rezone, let them approach that.

Brian Haren made a motion to APPROVE Petition A-910-25. Kle McCormick seconded the motion. The motion carried 5-0

8. **Consideration of Petition A-911-25.** - Donnese Cannady, Donnette Cannady, and Eddie Cannady Stokes F/K/A Eddie Mae Cannady. Applicants are requesting the following: Per Sec. 110-125(d)(1)- in the A-R zoning, as allowed under Sec. 110-242(c)(1)- A variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 1.22 acres in the A-R zoning district to be eligible for development. The property is located in Land Lots 232 of the 5th District and fronts the Corner of Old Road and Butler Road.

Ms. Sims read the variance information above and stated that the lot has changed configuration because of the donation of Right-Out-Way in 1987 on Buttlar Road and again in 2006 along Old Road, bringing the property to 1.22 acres for A-R zoning. She stated the lot might have additional variance, but it first needs to be converted into a nonconforming lot.

Chairman Tate asked if the petitioner was present?

Ms. Donnese Cannady stated they have another house on the same street and would like for the Board to approve their variance for this new lot.

Mr. Bill Beckwith asked staff how, in that year, someone would subdivide that many small lots being zoned A-R?

Ms. Bell responded that it was subdivided prior to the zoning, and when they applied zoning laws to the Fayette County, more around Court of Fayetteville where zoned residential and commercial and any other that didn't have a designation became A-r (Agricultural-Residential).

Ms. Sims commented that they never applied to rezone stated that way since the beginning. The family already lives in that neighborhood.

Mr. Bill Beckwith asked staff if this was part of the blanket rezoning around the county?

Ms. Sims responded that it was not part of that blanket rezoning, and she doesn't know how this particular subdivision stayed A-R with lots less than the acreage required for that type of zoning.

Mr. Brian Haren commented was concerned about the lot not having enough land to be built on it, but based on how these lots were zoned he would support a rezoning.

Chairman John Tate made a motion to APPROVE Petition No. A-911-25. Vice-Chairman Marsha Hopkins seconded the motion. The motion.

9. **Consideration of Petition A-912-25.** – Michael Newman, Owner. Staff are requesting a motion to table Petition A-912-25 until January 26, 2026, pending the outcome of Petition No. A-907-25, which was tabled to December 15, 2025.

Ms. Sims stated staff is requested to table this petition since the last meeting was requested that petition A-907-25 (Parent petition) was tabled to December 15, will need to be heard first and then come back to this Board to hear petition A-912-25.

No comments were addressed by the Board.

Chairman John Tate made a motion to TABLE Petition No. A-912-25 to the January 26, 2026, Zoning Board of Appeals Meeting. Bill Beckwith seconded the motion. The motion passed unanimously.

10. **Consideration of Petition A-913-25.** - Lauri Kallen Culp Maselli, Vincent Michael Maselli, David Alana Albee Jr. and Patricia Marie Albee, Owners. Applicants are requesting a Variance to Sec. 110-125(d)(6).- A-R Zoning, to reduce the side yard setback from 50 feet to 31 feet to allow an accessory structure to be built. The property is located in Land Lots 94 and 95 of the 4th District and fronts Morgan Mill Road.

Ms. Sims read the petition above and stated the house was built before foundation surveys were required, applicants want to build a new detached garage and they found the encroachment.

Ms. Lauri Culp Maselli stated that her parents bought the house four years ago and didn't know that it was so close to the side yards and asked the board for approval of the petition.

Chairman asked if anyone wanted to speak in support or opposition of the petition, with no response, he brought the item back to the board.

Mr. Bill Beckwith refers to a dimension of forty feet shown on the plan?

Ms. Sims stated she scale that measurement on Blue Bean but she showed a surveyor's certification with the exact measurement of thirty one feet.

Mr. Debbie Bell responded at times when it's a single dimension like this one, staff will request that a surveyor locate the property line, structures and certify the measurements so the property owner doesn't have to fully pay for a survey.

Ms. Sims commented the county did not require foundation surveys until 2006, and this was built thirty years ago with the wrong measurements.

Mr. Brian Haren asked what this accessory structure is used for?

Ms. Sims responded that was actually part of the house, they did an addition and it's thirty one feet, and they are requesting now to build another building at front which is allowed since their zoning is A-R.

Mr. Haren commented that this case is an example where the homeowner tried to do the right thing and found out it is not in the right place.

Mr. Beckwith commented he disagreed with Mr. Haren said, we see some of this things happened and is not the property owner's fault, the house has been there for almost thirty years and move to a motion.

Bill Beckwith made a motion to APPROVE Petition A-913-25. Brian Haren seconded the motion. The motion passed unanimously.

11. **Consideration of Petition A-914-15.** – Flat Creek Baptist Church Inc., Owner. Requesting a Variance to the Flat Creek Trail Overlay Zone requirement to omit the requirement for a pitched peaked or mansard roof. Per Sec. 110-173(6)(b)(1). - Architectural Standards, to be replaced by a parapet wall consistent with other buildings on the site.

Ms. Sims read the petition above and stated Flat Creek church has been in our community for many years and has expanded to add additional land along Highway 54, they had previously was review and approved, but by them been in the Flat Creek Trail overlay zoned and Hwy 54 overlay zoned there are architectural standards for non residential developments and that why they are requesting a variance for a pitched peaked (gable or hip) roof type on the southside of the campus. Applicant sent a concept plan that Ms. Sims showed to the Board.

Ms. Debbe Bell explained that on the concept plans, they also have a building that will replace the chapel but the actual request is for the brick building, which will not have the gable roof that will be a classroom.

Mr. Joe Hogan, member of Flat Creek, stating staff covered cover everything well and he mentioned there is already another building being a children classroom and this new building will mirror that. All the mechanical equipment will be on top of the roof and will not wanted to show that and they are requesting this variance to cover that.

Chairman John Tate asked if anyone in the audience was in support or opposed to the petition, but no one responded. He brought the item back to the board for questions or comments.

Mr. Beckwith asked staff to show the aerial of the property and asked what is the width of the Overlay Zone, Highway 54?

Ms. Bell responded that it doesn't specify width, but in this case, the new

building will be visible from Flat Creek on the north side. She stated don't know why they implemented.

Mr. Brian Haren stated that he knew, he helped write it and said that Flat Creek was a feeder road and the expectation was will go O-I (Office) and piedmont when a head and start to built stuffs and controlling how doctors offices will look. The intent was never to control the look and feeling of a campus and he believes fits the original intent and he will support this request.

Mr. Beckwith commented that the overlay zone does not identify specific buildings but specific types of uses?

Mr. Haren responded If a parcel goes aligned, how do we want it to look? And this is a church campus, and we knew a church fell out of it, and here we are addressing it.

Mr. Beckwith responded that a church should look like a church, because it's already there.

Mr. Kyle McCormick asked staff it looked like the parapet building are on the other side of the building, is that correct?

Ms. Bell showed the aerial map and said it is in the central/eastern part of the property and this new building will be on the north/central side where the chapel just to be and will be consisting with the other buildings.

Mr. Haren asked if the church owns all that parcel down to Highway 54?

Mr. Hogan responded yes.

Chairman John Tate made a motion to APPROVE Petition A-914-25. Brian Haren seconded the motion. The motion passed unanimously.

Brian Haren moved to adjourn the November 24, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion carried 5-0.

The meeting adjourned at 8:01 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

DRAFT

PETITION NO: A-907-25

Requested Action: To approve an illegal lot to be deemed a legal, nonconforming lot, per Sec. 110-242(h).

Location: Nelms Road, Fayetteville, GA 30215

Parcel(s): 0701 063

District/Land Lot(s): 7th District, Land Lot(s) 31

Zoning: A-R, Agricultural-Residential

Lot Size: 4.78 Acres

Owner(s): Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust

Agent: Jason Newman

Zoning Board of Appeal Public Hearing: December 15, 2025 at 7:00 PM, Tabled from the Zoning Board of Appeals Hearing on October 27, 2025.

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-242(h), requesting an illegal lot to be deemed a nonconforming lot.

STAFF ASSESSMENT

This parcel **DOES MEET** all the criteria outlined in Sec. 110-242(h). Please refer to criteria and justification on Page 3 for full details.

- (1) The subject property was made illegal by actions of a previous owner via a plat recorded 29 April 1986, Plat Book 16, Page 181, which was MORE THAN 10 YEARS AGO. The plat was for Redwine Quarters, Phase I, and while it did not specifically include this parcel, it created this parcel as a remnant.***
- (2) The petitioner IS NOT a person, or an immediate family member of that person, who caused the subject property to be an illegal lot.***
- (3) As defined in Sec. 110-242(h)(3), THERE IS NOT PROPERTY AVAILABLE to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause said lot(s) to be illegal in size, road frontage, or lot area.***

HISTORY

The property is an illegal lot because it is zoned A-R but has less than 5 acres and was created after Nov. 13, 1980. It is a remnant parcel created by the recordation of a plat under a previous owner. A plat for Redwine Quarters, Phase I, recorded in Plat Book 16 Page 181, on 29 April 1986 left this parcel as a remnant.

- At the ZBA hearing on 10/27/2025, an opposition resident stated there were unpermitted uses in the property.
- The ZBA tabled the petition to the next advertisable date, December 15, 2025, to allow staff time to assess the issues and review with the applicant.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No objections to the minimum lot size request.
- ☐ **Environmental Management** – No objections to the minimum lot size request. However, this does not guarantee that the lot will be eligible for a building permit as buildable area is reduced due to floodplain and riparian buffers. Floodplain delineation will be required for a building permit. Prior to issuance of building permits, the owner will be required to locate wetlands, creeks, and produce a flood certificate.
- ☐ **Environmental Health Department** – This office has no objection to the proposed minimum lot size request. However, this does not constitute approval of future use, structures, or septic capabilities. The minimum lot size for a property on septic and well is 43,560 square feet. The following land areas are not considered as a part of a lot when calculating the required minimum lot size: right of ways of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, soil conditions that exclude the installation of an on-site sewage management system, bodies of water, land within 50 feet of a lake, river, stream, wetland or other bodies of water and similar limiting factors.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No comments.

ZONING REQUIREMENTS

Article VII.-Zoning Board of Appeals

Sec. 110-242. - Powers and duties.

(h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;

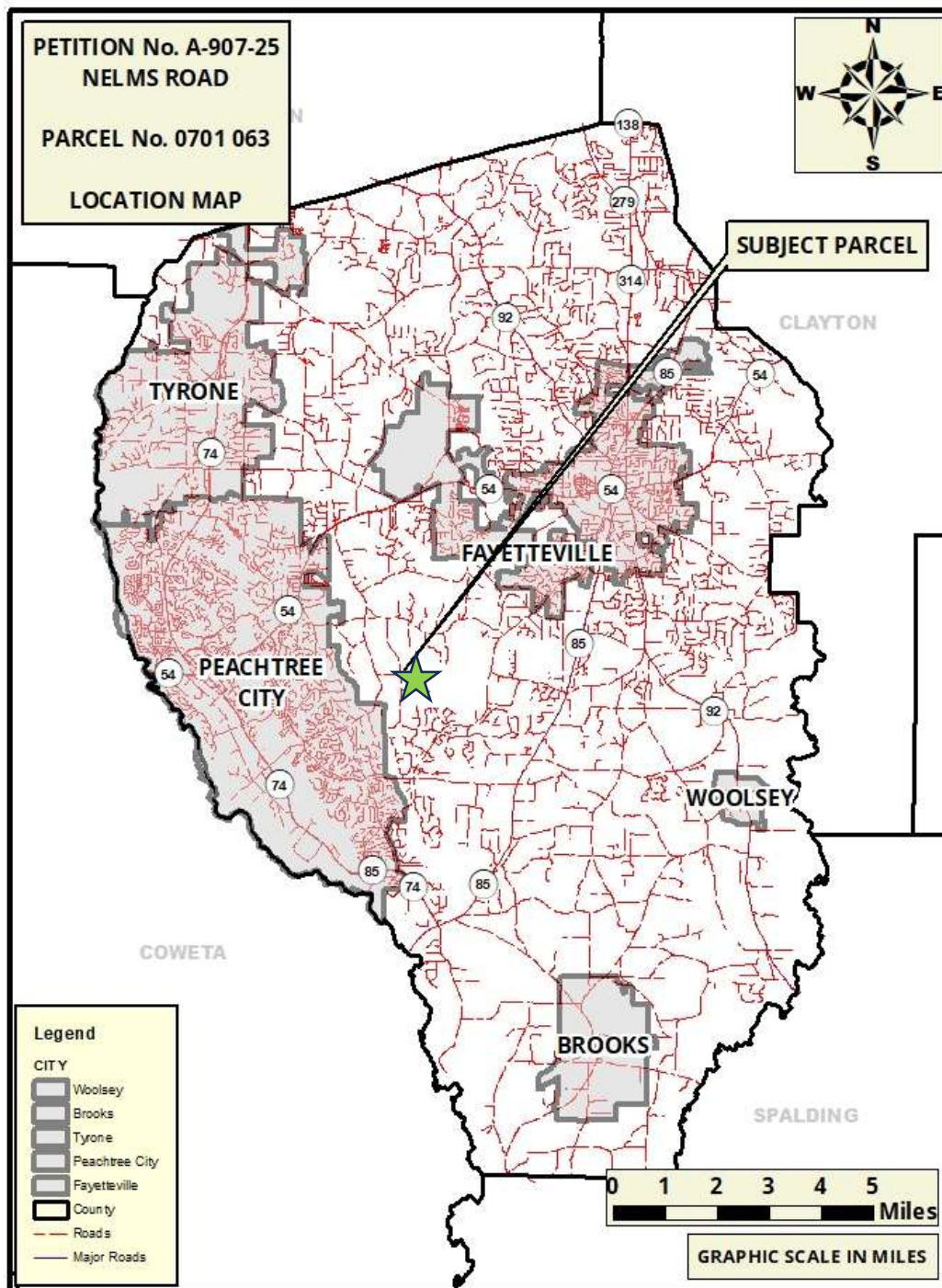
The subject property was made illegal by actions of a previous owner via a plat recorded 29 April 1986, Plat Book 16, Page 181, which was MORE THAN 10 YEARS AGO. The plat was for Redwine Quarters, Phase I, and while it did not specifically include this parcel, it created this parcel as a remnant.

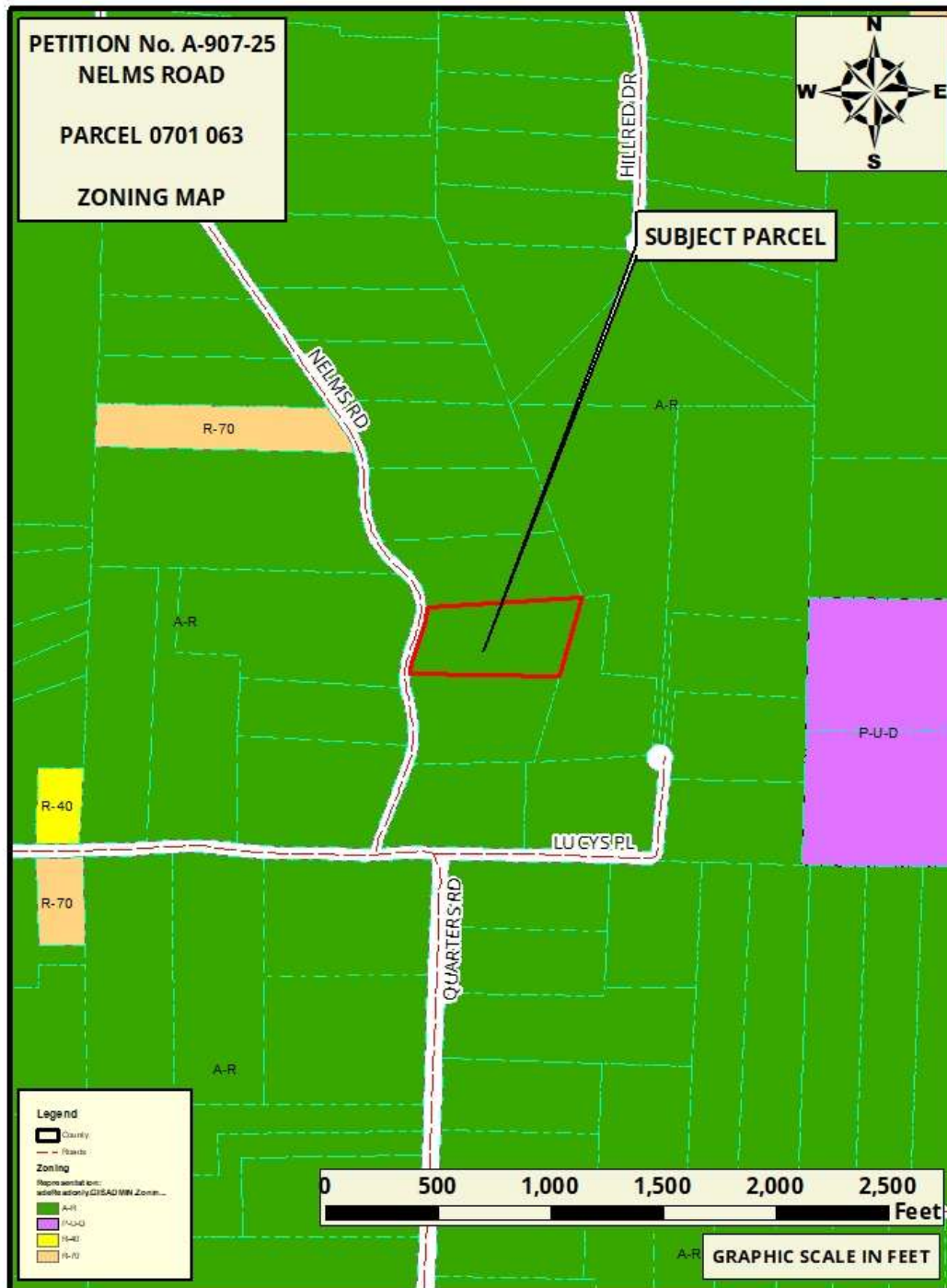
(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

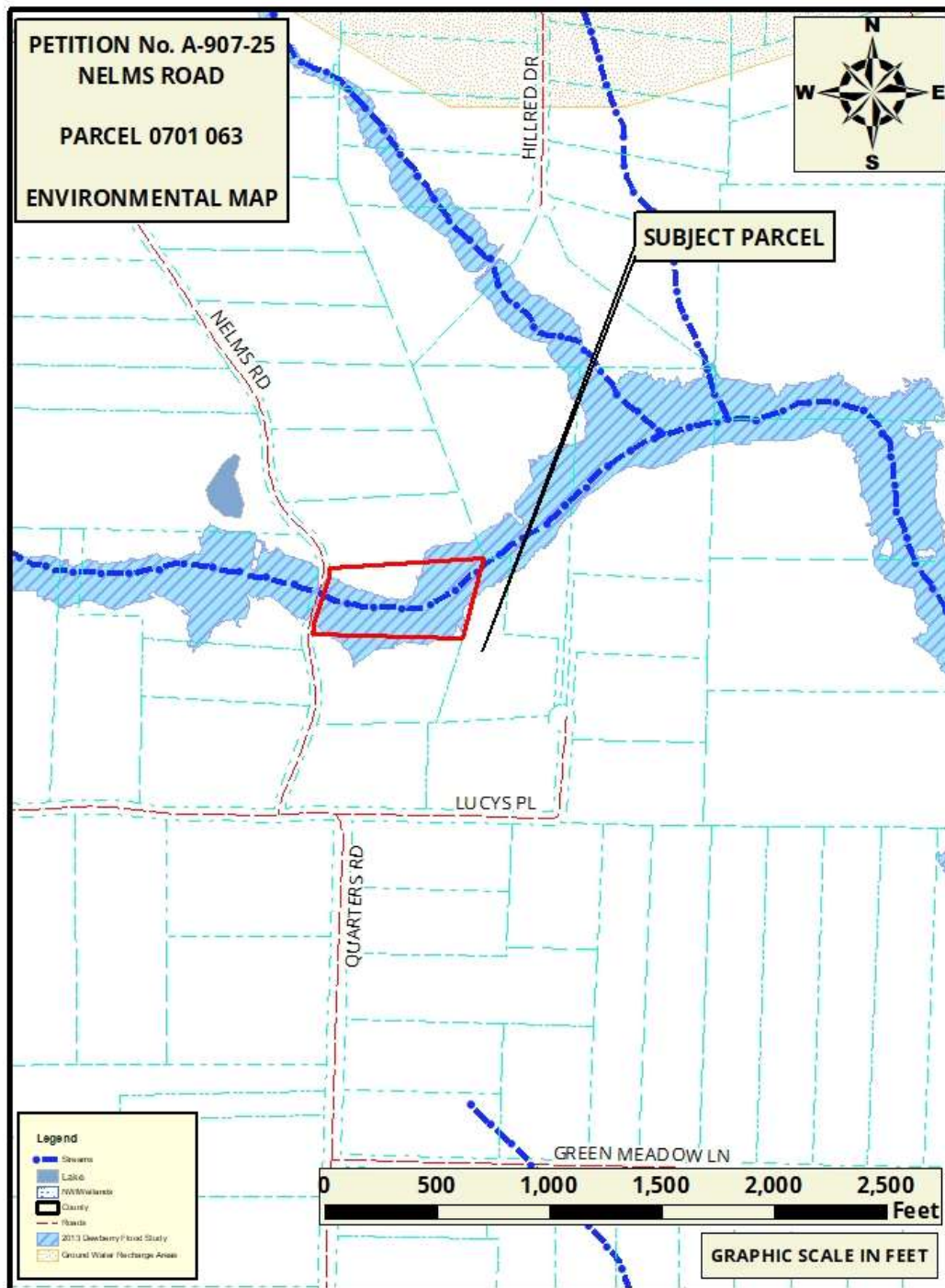
As defined above, the petitioner IS NOT the person, or an immediate family member of the person, who caused the subject property to be an illegal lot.

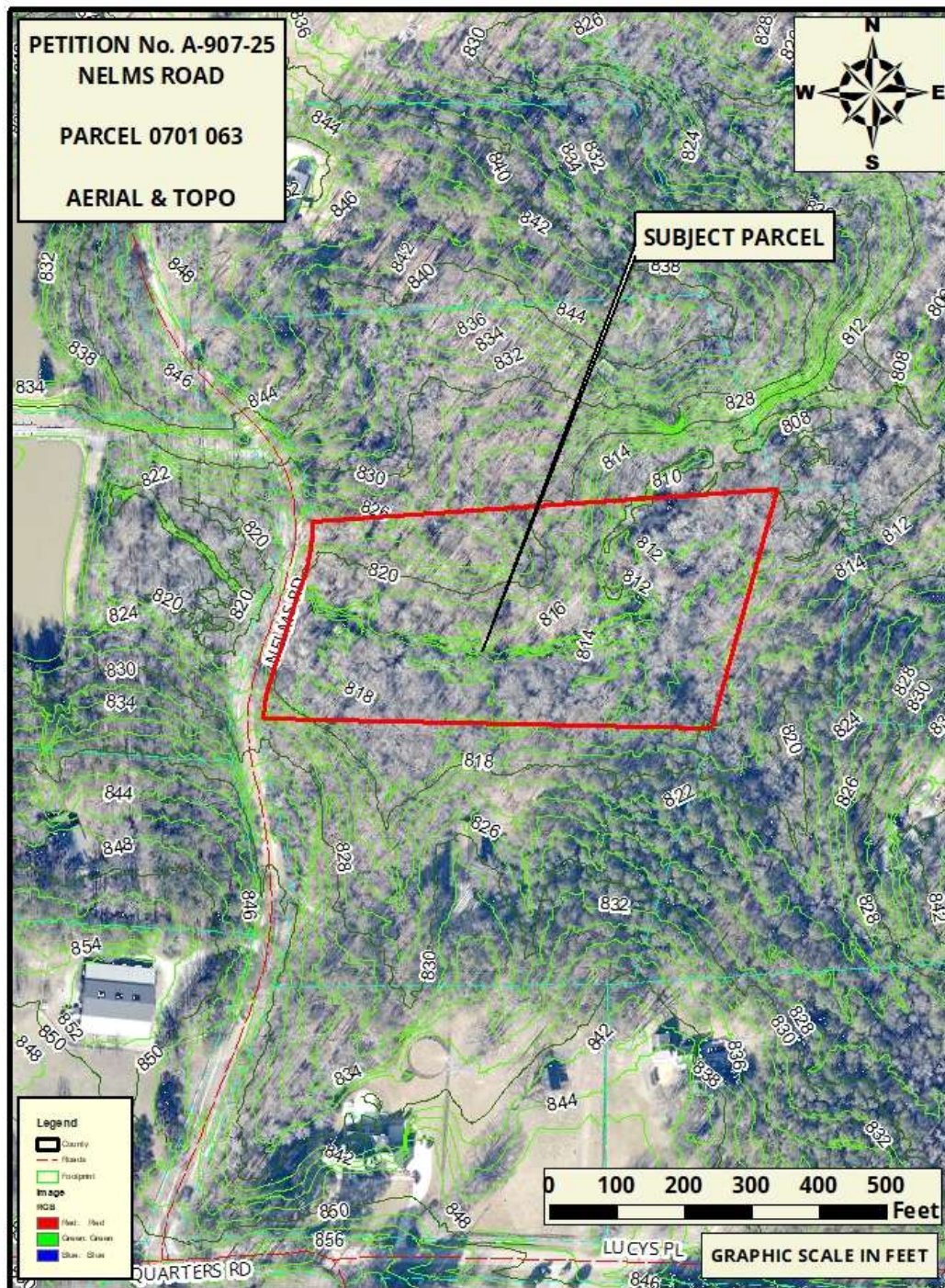
(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

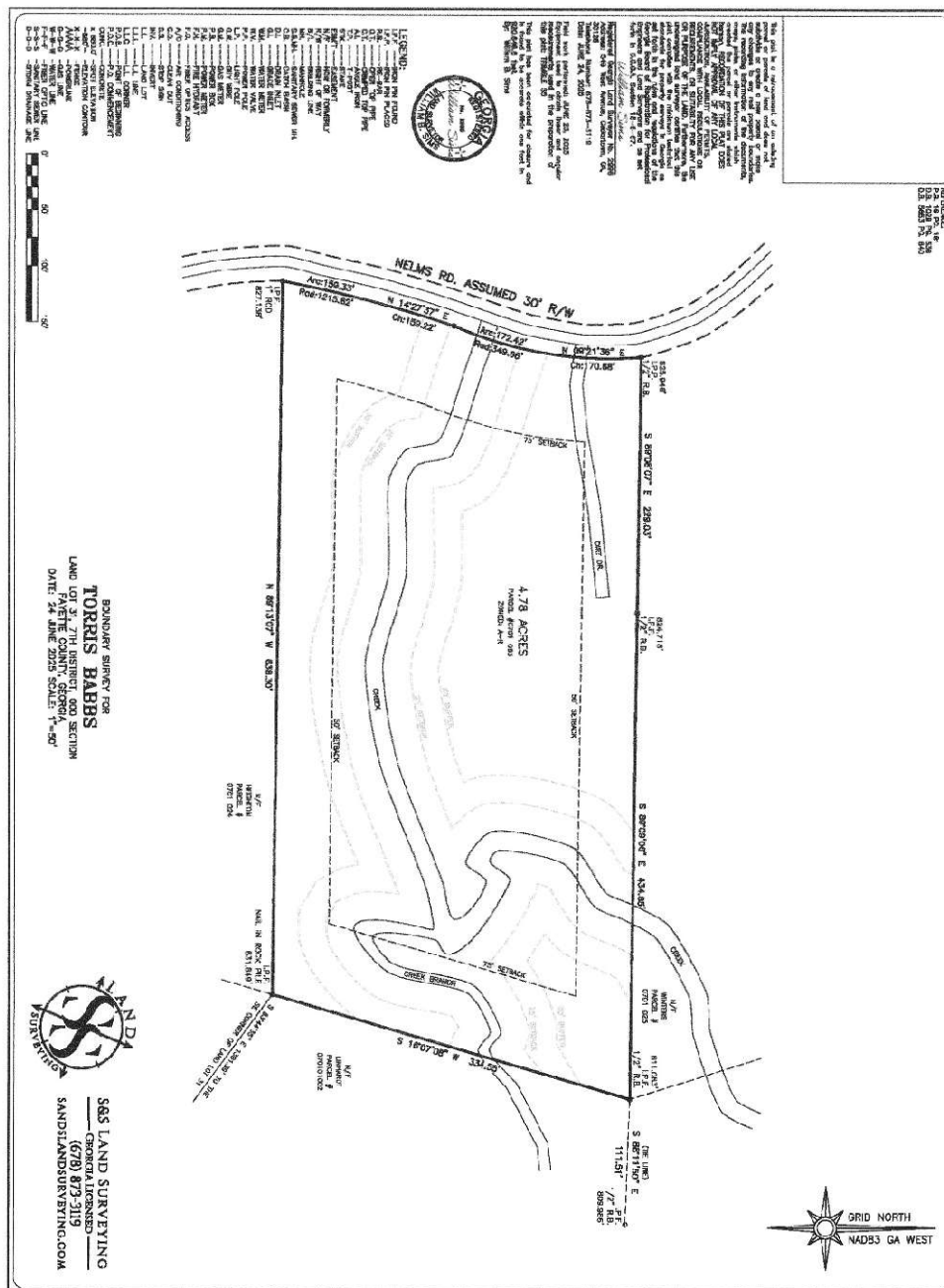
As defined above, there IS NOT property available to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause that lot to be illegal in size, road frontage, or lot area.











SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0701-063 Acreage: 4.78 Land Lot: 31 Land District: 7
Address: Not Assigned. Property Immediately south of 290 Nelms Rd
Zoning: A-R Zoning of Surrounding Properties: A-R
Use: Farm / Personal Workshop

PROPERTY OWNER INFORMATION

Name Michael & Billie Newman
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Jason Newman (Son)
Email [REDACTED]
Address [REDACTED]
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: Maria Binns Date: 09/02/2025

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

Received payment from Jason Newman 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 09/02/25 Receipt Number: 025057

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:

Michael Newman, Billie Newman

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0701-063

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in LandLot(s) 0701-063 of the 7 District, and (if applicable to more than one land district) Land Lot(s) 31 of the District, and said property consists of a total of 4.78 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Jason Newman 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.

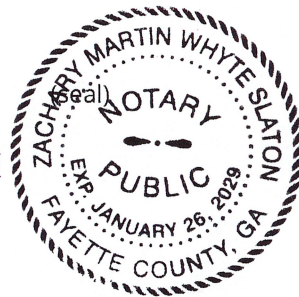
SIGNATURES

Owner/
Agent
One:

Signature Michael E. Newman
Name: Michael E. Newman
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 9-2-2025

Notary:

Commission Exp.: 1/26/2029

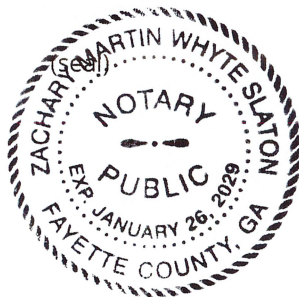


Owner/
Agent
Two:

Signature Billie G. Newman
Name: Billie G. Newman
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 9-2-2025

Notary:

Commission Exp.: 1/26/2029

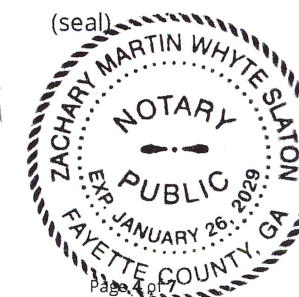


Owner/
Agent
Three:

Signature Jason Newman
Name: Jason Newman
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 9/2/25

Notary:

Commission Exp.: 1/26/2029



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 4 Section 110-125
Requirement	Property Minimum SF be no less than 217,800 SF for A-R Zoning
Proposed Change	Register Property as Illegal / Non Conforming to move to variance request
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.

See Additional Documentation

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 parcel measures 4.78 acres, a deficiency of only 9,583 SF from the required 217,800 SF. The lot is further encumbered by FEMA floodplain restrictions documented by Fayette County Environmental Management
(FIRM Panel 13113C0094E, effective Sept. 26, 2008; Environmental Evaluation dated June 7, 2022)
.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
Strict application of the minimum lot size would prevent any development of auxiliary structures, depriving the applicant of permitted A-R uses and imposing hardship not shared by similarly situated landowners.
3. Such conditions are peculiar to the particular piece of property involved.
The parcel was lawfully platted as part of Redwine Quarters Phase I (1986) and represented at sale as 4.99 acres. The slight deficiency was only discovered after updated survey. Floodplain encumbrances further limit use of otherwise developable land.
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 relief will allow use consistent with the intent of A-R zoning and surrounding properties. The proposed auxiliary structure is outside mapped flood zones and will comply with engineering and environmental requirements.
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 would deprive the applicant of rights routinely exercised by other A-R property owners, specifically the ability to construct an auxiliary building prior to a principal residence.

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 MFPE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

Application for Variance and Nonconforming Status

Applicant:	Jason Newman
Parcel ID:	0701 063
Address:	Nelms Road, Fayette County, GA
Zoning District:	A-R (Agricultural-Residential)
Current Lot Size:	4.78 acres (208,216.8 SF)
Required Lot Size:	5.0 acres (217,800 SF, Sec. 110-125)

Section 1 – Request

The applicant respectfully petitions the Zoning Board of Appeals for:

1. Recognition of Nonconforming Status for Parcel 0701 063, zoned A-R but measuring 4.78 acres, created through the Redwine Quarters Phase I plat recorded in 1986.
2. Variance to Minimum Lot Size Requirement under Sec. 110-125 to allow development consistent with permitted A-R uses, specifically a private recreational shop/barn.

Section 2 – Basis for Nonconforming Status

Based on the Zoning Administrator's letter, August 13, 2025:

- Parcel created in 1986, over ten years prior to this application.
- Deficiency in lot area was not caused by the applicant or immediate family.
- No adjoining property is available to bring the parcel into conformity.

Section 3 – Variance Criteria Response

- Extraordinary and exceptional conditions due to lot size and FEMA floodplain encumbrances.
- Strict application of lot size requirement imposes hardship preventing permitted A-R use.
- Lot conditions are peculiar – recorded as 4.99 acres, deficiency discovered via new survey.
- Relief will not cause public detriment or impair zoning intent.
- Literal interpretation deprives applicant of rights enjoyed by others in A-R district.

Section 4 – Supporting Documentation

- Zoning Administrator Determination Letter (Aug. 13, 2025)
- Environmental Management Property Evaluation (June 7, 2022)
- FEMA FIRM Panel 13113C0094E (Sept. 26, 2008)
- Updated Boundary & Topographic Survey (Newman_Nelms Rd Plan)

Section 5 – Relief Requested

The applicant requests that the Zoning Board of Appeals:

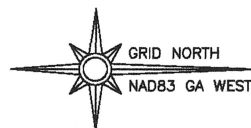
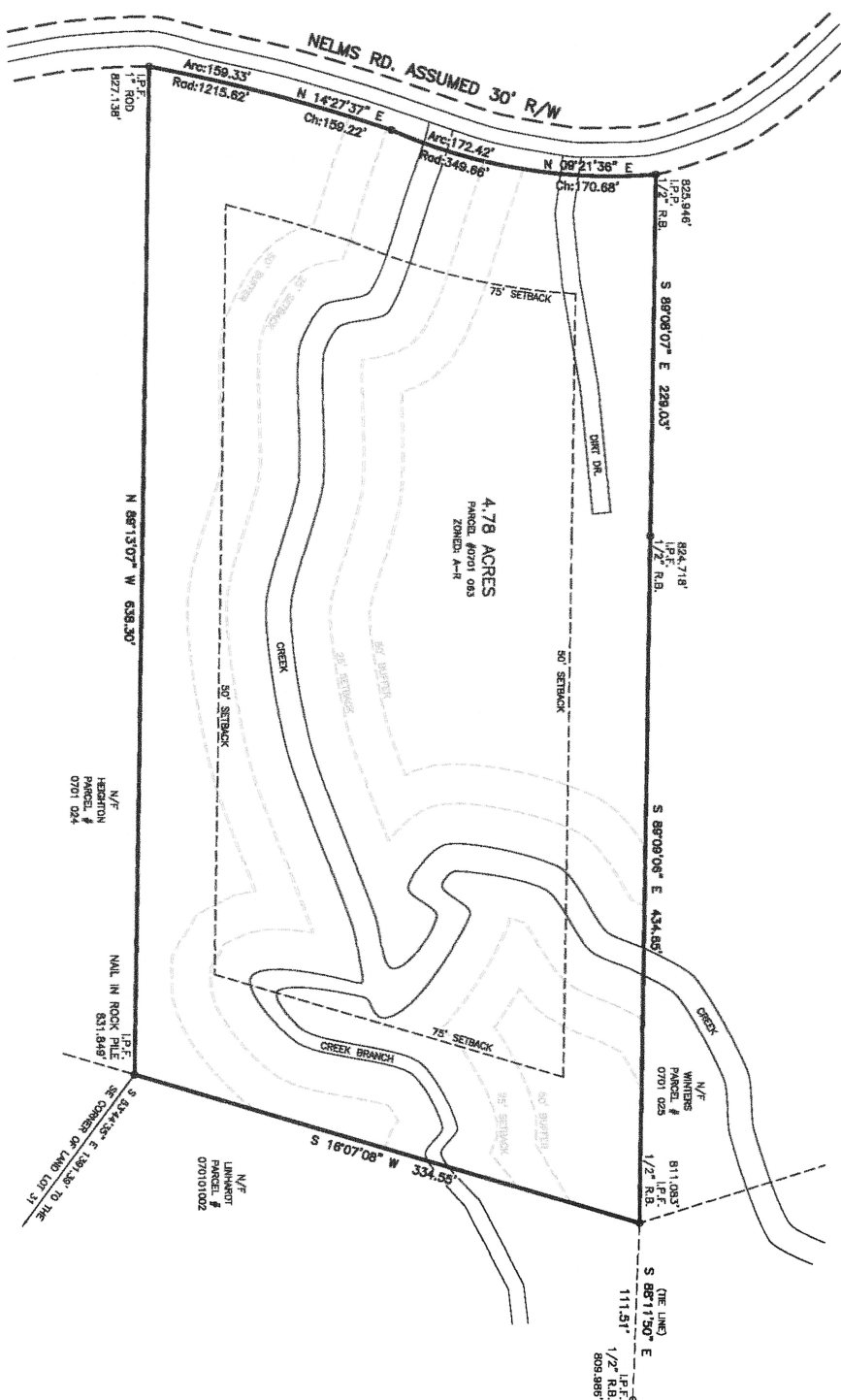
1. Grant nonconforming status to Parcel 0701 063; and

REFERENCE:
P.B. 16 PG. 181
D.B. 1029 PG. 536
D.B. 5653 PG. 840

This plan is a replacement of an existing record or parcel of land and does not require any change to any and properly bounded. The recording jurisdiction of the documents, made by the record or instruments which created the parcel or parcels, is not affected. The recording jurisdiction of the documents, made by the record or instruments which created the parcel or parcels, is not affected. The recording jurisdiction of the documents, made by the record or instruments which created the parcel or parcels, is not affected.

Registered Georgia Land Surveyor No. 2996
Address: 649 West Avenue, Cadotown, GA,
30125
Telephone Number: 678-673-3119
FAX: 678-673-3125

Field work performed: JUNE 23, 2025
Equipment used to obtain linear and angular measurements used in the preparation of this plot: TRANSITE, SO
This plot has been calculated for closure and is found to be accurate within one foot in 930,644.6 feet.
By: William B. Stone

[illegible]

BOUNDARY SURVEY FOR
TORRIS BABBS
LAND LOT 31, 7TH DISTRICT, 000 SECTION
FAYETTE COUNTY, GEORGIA
DATE: 24 JUNE 2025 SCALE: 1"=50'



S&S LAND SURVEYING
— GEORGIA LICENSED —
(678) 873-3119
SANDSLANDSURVEYING.COM

Wednesday, November 12, 2025

Continued from page B6

Fayette County News **B7**

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, De-
cember 15, 2025, at 7:00 P.M., Fay-
ette County Administrative Com-
plex, Public Meeting Room, 140
Stonewall Avenue West, first floor.
Petition No.: A-907-25
Owner: Michael Edward Newman
and Billie Gail Newman
Agent: Jason Newman
Property Address: Nelms Road
Parcel: 0701 063
Zoning District: A-R
Area of Property: 4.995 acres
Land Lot(s): 31
District: 7th

Road Frontage: Nelms Road
Request: Applicant is requesting
the following: Sec. 110-242(h), re-
questing an illegal lot to be deemed
a nonconforming lot.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND LOT 31 OF THE 7TH DIS-
TRICT OF FAYETTE COUNTY,
GEORGIA, AND BEING 4.995
ACRES, MORE OR LESS AS
SHOWN ON A PLAT OF SURVEY
DATED JANUARY 12, 2007, PRE-
PARED BY WILLIAM H. HOL-
BROOK, R.L.S., WHICH PLAT IS
RECORDED AT PLAT BOOK 43,
PAGE 157, IN THE OFFICE OF
THE CLERK OF THE SUPERIOR
COURT OF FAYETTE COUNTY,
GEORGIA, SAID PLAT BEING
MADE A PART HEREOF BY REF-
ERENCE.

PARCEL ID NUMBER: 0701 063

11/12



2026 HEARING SCHEDULE

For Zoning Board of Appeals

Fayette County, Georgia

140 Stonewall Avenue West, Suite 202, Fayetteville, GA 30214

The deadline is 12:00 PM (Noon) on the first day of the month prior to the month of the meeting. Variance applications require a public hearing held on the fourth Monday of the month before the Zoning Board of Appeals. The Meeting Schedule reflects adjustments for holidays. The public hearing is held at the Fayette County Administrative Complex at Stonewall (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville) on the first floor in the Public Meeting Room (near the fountain) and hearings begin at 7:00 p.m.

APPLICATION DEADLINES

December 1, 2025

January 2, 2026

February 6, 2026

March 6, 2026

April 3, 2026

May 1, 2026

June 5, 2026

July 3, 2026

August 7, 2026

September 4, 2026

October 2, 2026

November 4, 2026*

December 4, 2026

ZBA MEETING DATES

January 26, 2026

February 23, 2026

March 23, 2026

April 27, 2026

May 26, 2026*

June 22, 2026

July 27, 2026

August 24, 2026

September 28, 2026

October 26, 2026

November 23, 2026

December 14, 2026*

January 25, 2027

*Dates are adjusted for Holiday meeting schedules and newspaper advertising deadlines.

Wednesday, November 12, 2025

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Fayette County News **B7**

PUBLIC HEARING
ZONING BOARD OF APPEALS
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, De-
cember 15, 2025, at 7:00 P.M., Fay-
ette County Administrative Com-
plex, Public Meeting Room, 140
Stonewall Avenue West, first floor.
Topic.: Zoning Board of Appeals
2026 Calendar
Request: Approval of Zoning Board
of Appeals 2026 Calendar.
11/12