

**BOARD OF APPEALS**

Marsha A. Hopkins, Chairman  
Tom Waller, Vice-Chair  
Therol Brown  
John Tate  
Bill Beckwith

**STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning and Zoning Coordinator

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**AGENDA**  
**Fayette County Zoning Board of Appeals**  
**Fayette County Administrative Complex**  
**Public Meeting Room**  
**March 25, 2019**  
**7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on December 17, 2018.
2. Consideration of the Minutes of the Meeting held on February 25, 2019.

**PUBLIC HEARING**

3. Petition No. A-694-19, Ellarie Noel, Owner, and J&M Pools Services, Agent request the following: Variance to Section 110-126. C-S. (f) (5) to reduce side yard setback from 30 feet to 18 feet to allow for the construction of swimming pool with a surrounding deck. The subject property is located in Land Lot 49 of the 7<sup>th</sup> District and fronts on Elysian Drive.
4. Petition No. A-695-19, D. Brent Scarbrough, Owner, and Daniel Fields and Richard Ferry, Agent request the following: (1) Variance to Sec. 110-125 A-R (d)(4)(a)(2) to reduce the front yard setback along Grant Road from 100 feet to 50 feet; and (2) Variance to Sec. 110-125 A-R (d)(4)(b) to reduce the front yard setback along Rowland Road from 75 feet to 50 feet. The subject property is located in Land Lot 88 of the 4<sup>th</sup> District and front(s) on Grant Road and Rowland Road.

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Ellarie Noel

MAILING ADDRESS: 210 Elysian Dr, Fayetteville GA 30214

PHONE: 770 366 9196 E-MAIL: missellarie@yahoo.com

AGENT FOR OWNERS: J&M Pool Services LLC

MAILING ADDRESS: 200 Will Banks Rd Senoia, GA 30276

PHONE: 678 665 4148 E-MAIL: michael@jmpools.com

PROPERTY LOCATION: LAND LOT ~~118~~ 49 LAND DISTRICT ~~01~~ 7 PARCEL 070907006

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.07

ZONING DISTRICT: ~~B3~~ C-S

ZONING OF SURROUNDING PROPERTIES: ~~B3~~ C-S

PRESENT USE OF SUBJECT PROPERTY: Private Residence

PROPOSED USE OF SUBJECT PROPERTY: Private Residence with Inground Swimming Pool

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-694-19

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

[☒] Application and all required supporting documentation is Sufficient and Complete

by Staff: *CB* Date: 1-15-2019

DATE OF ZONING BOARD OF APPEALS HEARING: February 25, 2019

Received from J&M Custom Pools a check in the amount of \$ 195.00

for application filing fee, and \$ 175.00 for deposit on frame for public hearing sign(s). 20.00

Date Paid: 1/15/2019 Receipt Number: 6621348 - Application  
6621350 - Sign

# 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:

ELLARIE NOEL

Please Print Names

Property Tax Identification Number(s) of Subject Property: 070907006

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01 District, and (if applicable to more than one land district) Land Lot(s) 118 of the District, and said property consists of a total of 1.07 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to J&M Pool Services / J Michael Durand 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.

*[Signature]*

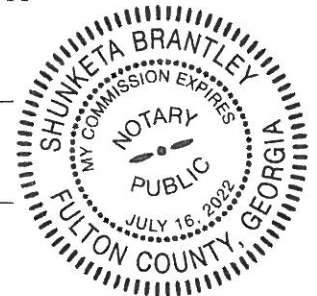
Signature of Property Owner 1

210 ELYSIAN DR FAYETTEVILLE GA  
Address 30214

*[Signature]*

Signature of Notary Public

1-15-2019  
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

Signature of Authorized Agent

Address

Signature of Notary Public

Date

## JUSTIFICATION OF REQUEST

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

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

Attached - Printed

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

Attached - Printed

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

Attached - Printed



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.

Attached - Printed

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

Attached - Printed

## 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	Requirement	Proposed	Variance Amount
Sec. 110-126 C-5 (F)(5)	30' s/b	18'	12'

## VARIANCE SUMMARY

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

Attached - Printed

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

We purchased this home with the intention of building a swimming pool in our backyard, so we could enjoy a private swimming pool like so many other Fayette county residents. The home is zoned R3 with a Setback of 30' on the rear of the property. Due to the some unavoidable factors including current topography, septic system location, and water drainage, there is very minimal amount of working area to build a swimming pool with a surrounding deck in our backyard between the home and the existing 30' Setback. We are requesting a 12' Variance on the rear setback. This will (1) allow for the entire pool and surrounding deck area to be installed as designed and (2) will also allow us to locate the swimming pool equipment in a location level with the pool (required for proper circulation) and further away from our neighbor's homes. As illustrated on the property plat with the proposed pool location, the additional 12' of available space on the rear side of the property would allow for the room necessary to put an attached deck all the way around the pool, as well as locate our equipment in the rear of the property.

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

There is a significant grade change of over 8' from the rear of the house to the property line. With a majority of that elevation dropping 8' about 30' off the rear of the house, there is minimal room to put the swimming pool and surrounding deck between this grade change and the 30' setback as the land currently lays. The pool cannot be moved to the side of the property because of the location of the septic system and field lines. Installing the pool closer to the rear of the home and within the setback is not a feasible option without significantly disturbing the current topography of the land, which could affect surrounding neighbor's and natural water flow.

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

Due to the aforementioned topography issues and septic locations, the proposed area to install the pool is the only practical location available. Trying to make a pool fit within the current setbacks would result in a practical difficulty and unnecessary hardship because we would end up with a swimming pool that lacked practical and functional use already enjoyed by other Fayette county residents with private swimming pools (no deck around the pool).

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

The conditions are peculiar to this particular property because of the natural slope and significant drop off of the land between the rear of the home and the rear property line. With the additional 12' Variance, the pool can be located in an area without causing major impact or significant change to the current topography of the property. Minimizing the topography change will have less impact on erosion, and water drainage on our property and the properties surrounding us.

**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.**

This request is the result of locating the equipment on the rear of the property AND a small area of the proposed deck around the swimming pool protruding into the current 30' Setback. The majority of the proposed swimming pool project and 100% of the swimming pool footprint falls within the current 30' setback. The deck and equipment location that is the result of our 12' Setback Variance request will not cause any substantial detriment to the public good or impair the purposes and intent of these regulations.

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

The literal interpretation of this Ordinance deprives us of the right to enjoy a swimming pool in our backyard. Many owners of pools in the Fayette county area have set back variances up to 15' to make the addition of a swimming pool at their home feasible due to similar topography conditions. We are respectfully requesting for that we are granted that same right and privilege of owning a private pool with your approval of the 12' setback.



After Recording Return To:  
McMichael & Gray, P.C.  
120 Howard Lane  
Fayetteville, GA 30215

Order No.: CON-182085-PUR

Property Appraiser's Parcel I.D. Number  
070407006

I CERTIFY THAT THIS IS A TRUE  
AND CORRECT COPY OF THE  
ORIGINAL

### LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

THIS INDENTURE, made this 12th day of October, 2018, between

**D. R. Horton, Inc., a Delaware Corporation**

of the County of Rockdale, State of Georgia, as party or parties of the first part,  
hereinafter called Grantor, and

**Ellarie Noel**

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,

All that tract or parcel of land lying and being in Land Lots 49 and 50 of the 7th District, Fayette County,  
Georgia, being Lot 18, Elyson Fields, as shown on Final Subdivision Plat for Elyson Fields recorded in  
Plat Book 49, pages 153-158, Fayette County, Georgia Records, which plat is incorporated herein by this  
reference.

**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.

[Remainder of Page Intentionally Left Blank]

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:

[Signature]  
Unofficial Witness  
Alyson Brooke Dursey  
Notary Public

My Commission Expires: 1/23/2021

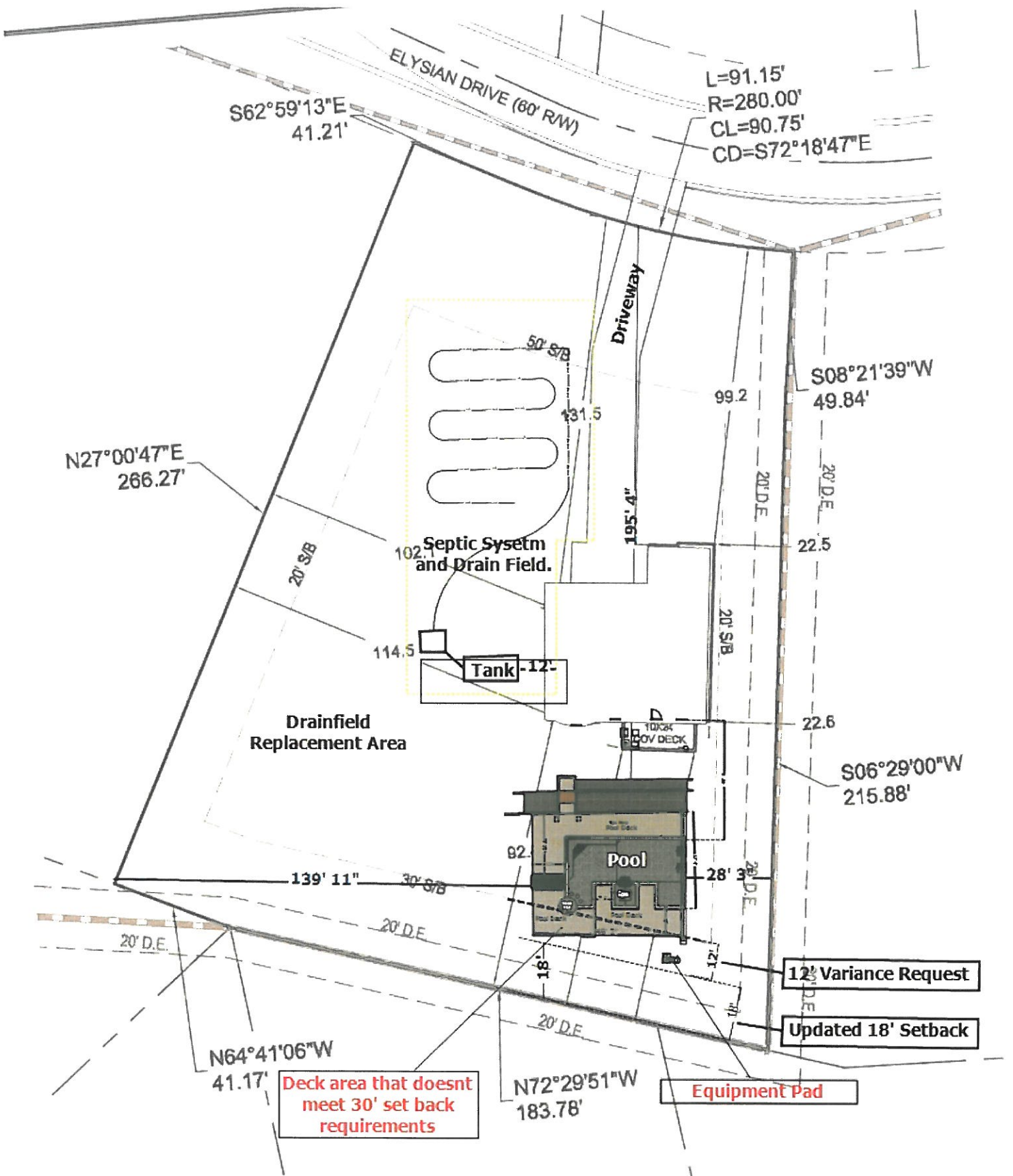


D. R. Horton, Inc., a Delaware Corporation

BY: [Signature]  
Name: Lisa Wagner  
Its Assistant Secretary

(Corporate Seal)





**PETITION NO. A-695-19**  
**Parcel ID 0415-037 (Fronts Rowland Road & Grant Road)**  
**Brooks, GA 30205**  
**Public Hearing Date March 25, 2019**

The subject property is zoned A-R and located at the corner of Grant & Rowland Road (0440-054), Fayetteville, GA 30215. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125 A-R (d)(4)(a)(2) to reduce the front yard setback along Grant Road from 100 feet to 50 feet.

Variance to Sec. 110-125A-R (d)(4)(b) to reduce the front yard setback along Rowland Road from 75 feet to 50 feet.

**History:** The subject property is a non-conforming lot of record. A survey of the subject property was recorded on June 27, 1968. The subject property is 1.17 acres in size. Tax Assessor's records indicate that applicant purchased the property in 2017.

The applicant provides the following information:

**VARIANCE SUMMARY**

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

Overall – the setback requirements as noted in section 110-125 (d) (4) make the 1.17 acre lot of record unbuildable due to the triangular shape of the lot. The non-conforming nature of this lot preexisted current zoning laws and was acquired with another large parcel across Grant Road. This remnant lot was created when Grant Road was constructed years ago. When applying the required setbacks to the triangular lot of record, the resulting buildable area is roughly 680 SF that is also triangular in shape and represents less than 2% of the overall acreage of the lot. We would like to build a single family home on the lot that is typical in this part of Fayette County but are prevented from doing so after applying required setbacks to the lot. Therefore, we respectfully request that a variance be given to reduce all applicable setback requirements to 50' in order to create a reasonable building footprint on the lot. Request # 1 – A reduction in the front yard setback on an arterial road (i.e. Grant Road) from 100' to 50' resulting in a variance of 50'. Request # 2 – A reduction in the front yard setback on a minor thorough fare (i.e. Rowland Road) from 75' to 50' resulting in a variance of 25'.



## JUSTIFICATION OF REQUEST

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

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

As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.

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

As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.

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

As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.

- 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 use of land will not deviate from surrounding properties. It is only to be used for single family

residential purposes. The variance does not change the planned use of the property or deviate from the surrounding uses.

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

The literal application of the setback requirements deprives the applicant of the right to build a similar house on this lot as compared to neighboring houses within the zoning district. As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot practically unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.

**DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** No comment.

**ENVIRONMENTAL MANAGEMENT:** No comment.

**FIRE MARSHAL:** The bureau of fire prevention will neither approve nor deny request that fall outside the scope of ISO requirements.

**WATER SYSTEM:** Water not available.



**A-695-19**  
**Aerials**





**VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS**

**PROPERTY OWNERS:** D. Brent Scarbrough

**MAILING ADDRESS:** 270 North Jeff Davis Drive, Fayetteville, GA 30214

**PHONE:** 770-461-0478

**E-MAIL:** dfields@brentholdings.net

**AGENT FOR OWNERS:** Daniel Fields and Richard Ferry

**MAILING ADDRESS:** 270 North Jeff Davis Drive, Fayetteville, GA 30214

**PHONE:** 770-461-0478

**E-MAIL:** dfields@brentholdings.net

**PROPERTY LOCATION:** LAND LOT 88 LAND DISTRICT 4 PARCEL 0415037

**TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY:** 1.17 acres

**ZONING DISTRICT:** A-R

**ZONING OF SURROUNDING PROPERTIES:** A-R

**PRESENT USE OF SUBJECT PROPERTY:** Residential

**PROPOSED USE OF SUBJECT PROPERTY:** Residential

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(THIS AREA TO BE COMPLETED BY STAFF): **PETITION NUMBER:** A-695-17

[ ] Application Insufficient due to lack of:

by Staff: \_\_\_\_\_

Date: \_\_\_\_\_

[ ] Application and all required supporting documentation is Sufficient and Complete

by Staff: 

Date: 2/13/2019

**DATE OF ZONING BOARD OF APPEALS HEARING:** March 25, 2017

Received from Daniel Fields (Brent Holdings) a check in the amount of \$ 175.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s). 240.00

Date Paid: 2/14/2019

Receipt Number: 6655385

L Total



## 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:

D. Brent Scarbrough

Please Print Names

Property Tax Identification Number(s) of Subject Property: 041537

**(I am) (we are)** the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4th District, and (if applicable to more than one land district) Land Lot(s) 88 of the District, and said property consists of a total of 1.17 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

**(I (We))** hereby delegate authority to Daniel Fields and/or Richard Ferry 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.

[Signature]

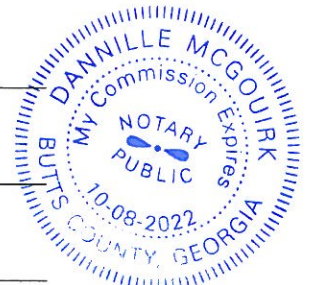
Signature of Property Owner 1

155 Robinson Drive, Fayetteville GA  
Address 30214

[Signature]

Signature of Notary Public

2-13-19  
Date



Signature of Property Owner 2

Signature of Notary Public

Address

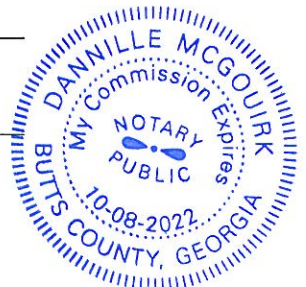
Date

[Signature]  
Signature of Authorized Agent

[Signature]  
Signature of Notary Public

270 North Jeff Davis, Fayetteville, GA  
Address 30204

2-13-19  
Date



### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-125 (d) (4) (a.1)	Front yard setback - 100 ft.	50' front yard setback	50' variance
Sec. 110-125 (d) (4) (b)	Minor thoroughfare setback - 75 ft.	50' minor thoroughfare setback	25' variance

### VARIANCE SUMMARY

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

SEE ATTACHED

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## VARIANCE SUMMARY

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**Overall** – the setback requirements as noted in section 110-125 (d) (4) make the 1.17 acre lot of record unbuildable due to the triangular shape of the lot. The non-conforming nature of this lot preexisted current zoning laws and was acquired with another large parcel across Grant Road. This remnant lot was created when Grant Road was constructed years ago. When applying the required setbacks to the triangular lot of record, the resulting buildable area is roughly 680 SF that is also triangular in shape and represents less than 2% of the overall acreage of the lot. We would like to build a single family home on the lot that is typical in this part of Fayette County but are prevented from doing so after applying required setbacks to the lot. Therefore, we respectfully request that a variance be given to reduce all applicable setback requirements to 50' in order to create a reasonable building footprint on the lot.

**Request # 1** – A reduction in the front yard setback on an arterial road (i.e. Grant Road) from 100' to 50' resulting in a variance of 50'.

**Request # 2** – A reduction in the front yard setback on a minor thoroughfare (i.e. Rowland Road) from 75' to 50' resulting in a variance of 25'.

## 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.

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*As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.*

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

*As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest*

*point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.*

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

*As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.*

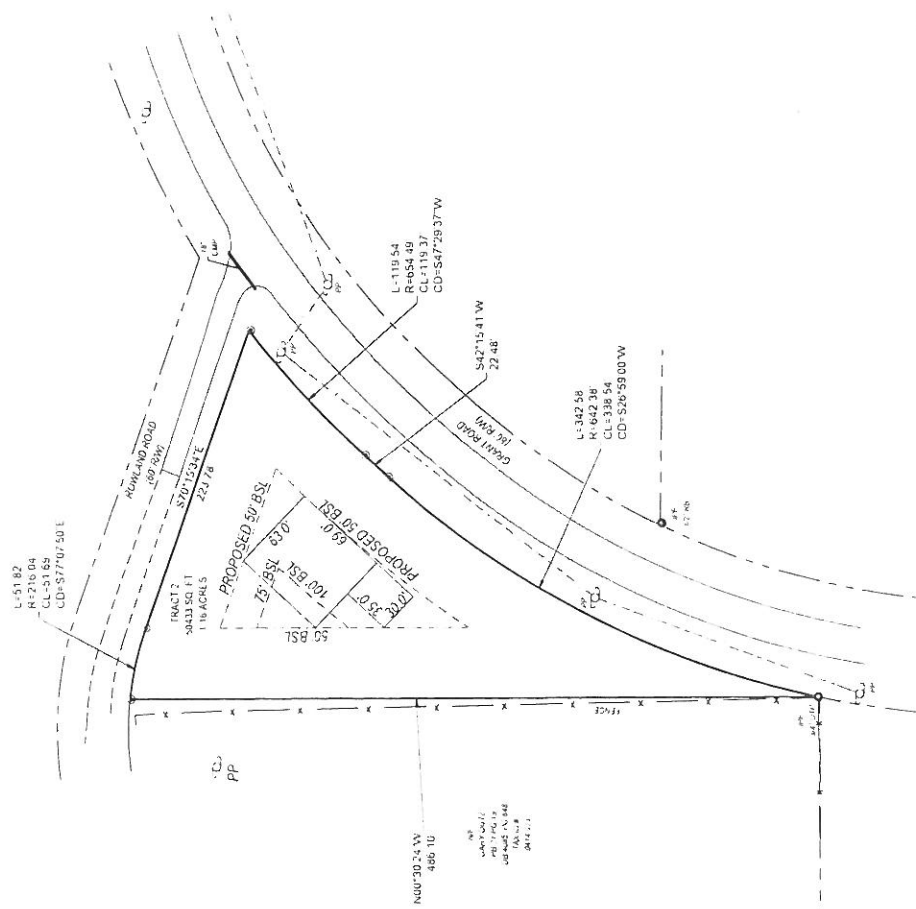
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

*The use of land will not deviate from surrounding properties. It is only to be used for single family residential purposes. The variance does not change the planned use of the property or deviate from the surrounding uses.*

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

*The literal application of the setback requirements deprives the applicant of the right to build a similar house on this lot as compared to neighboring houses within the zoning district. As previously stated, this lot is a remnant of a larger piece of property that was created as a result of the construction of Grant Road years ago. The resulting size and triangular shape of the lot give rise to conditions that make the lot practically unbuildable when setback restrictions are applied. When the 100' front yard setback and 75' minor thoroughfare setback are applied, the resulting buildable area is a triangular ~ 680 SF. At its widest point the buildable area is only 45' which significantly impacts the likelihood of any standard sized rectangular home from being built.*





STATE OF GEORGIA  
COUNTY OF FAYETTE

**AFFIDAVIT REGARDING COMMERCIAL REAL ESTATE BROKERS**

The undersigned being duly sworn, states:

That the undersigned, D. Brent Scarbrough (the "Buyer") and is duly authorized to execute this Affidavit on behalf of the Buyer as well as in his individual capacity; and

That Buyer has of even date herewith purchased and acquired certain real property located in Land Lot 88 of the 4<sup>th</sup> District, Fayette County, Georgia, and being more particularly described on Exhibit "A" attached hereto and incorporated herein (the "Property"), pursuant to the terms and conditions of that certain Contract for the Purchase and Sale of Undeveloped Land dated February 28, 2017 by and between Paula Wrenn Dougherty (the "Seller") and Frank James, as assigned to Buyer (as amended and modified, the "Contract"); and

That all negotiations relative to the Contract and the conveyance of the Property pursuant to the Contract have been conducted by and between the parties without the intervention of any person or other party as agent or broker with the exception of Bush Real Estate Group.

This Affidavit is given to induce a title insurance company to permit a policy or policies of title insurance to be issued without exception for any possible lien arising from the Commercial Real Estate Broker Lien Act (O.C.G.A. §44-14-600 et seq.).

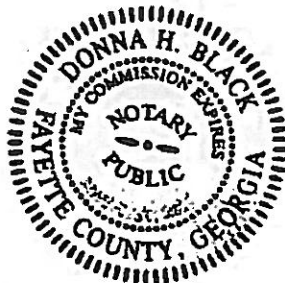
The undersigned is making this Affidavit with the knowledge that it will be relied upon by purchasers, lenders, attorneys and title insurance companies interest in the title to the Property.

Sworn to and subscribed before  
me this 21<sup>st</sup> day of July, 2017.

Donna H. Black  
Notary Public  
My commission expires: 3.14.21  
[Notary Seal]

D. Brent Scarbrough (SEAL)  
D. Brent Scarbrough

SR\Grant\RD\Owner-Broker Affidavit Purchaser



Return to:

The Abram Law Group, LLC  
1200 Ashwood Parkway, Suite 560  
Atlanta, GA 30338  
770/349-0120  
File #17-0151

## **QUIT-CLAIM DEED**

STATE OF GEORGIA  
COUNTY OF FAYETTE

THIS INDENTURE, made the 21<sup>st</sup> day of July, in the year two thousand and seventeen, between

**PAULA WRENN DOUGHERTY**

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

**D. BRENT SCARBROUGH**

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 ONE AND NO/100 DOLLAR (\$1.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents bargain, sell, remise, release, and forever quit-claim to Grantee all the right, title, interest, claim or demand which the Grantor has or may have had in the following described real property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 88 of the 4<sup>th</sup> District, Fayette County, Georgia, and being more particularly described on **Exhibit "A"** attached hereto and incorporated herein for a complete legal description.

## EXHIBIT "A"

### Tract 1

All that tract or parcel of land lying or being in Land Lot 88, 4<sup>th</sup> District, Fayette County, Georgia and being more particular described as follows:

Beginning at a rebar found at the intersection of Land Lots 73, 74, 87, and 88, said point being the True Point of Beginning; thence along the southerly side of Land Lot 88; North 88 degrees 56 minutes 34 seconds West, with a distance of 1720.38 feet to a 1/2" inch rebar found; thence North 88 degrees 57 minutes 41 seconds West, with a distance of 377.56 feet to a point; thence North 26 degrees 44 minutes 31 seconds West, with a distance of 83.36 feet to a point; thence North 37 degrees 39 minutes 23 seconds West, with a distance of 134.74 feet to a point; thence North 25 degrees 06 minutes 50 seconds West, with a distance of 221.35 feet to a 1/2" inch rebar found; thence North 25 degrees 13 minutes 28 seconds West, with a distance of 164.13 feet to a 1/2" inch rebar found in a tree; thence North 30 degrees 52 minutes 28 seconds East, with a distance of 280.47 feet to a 1/2" inch rebar found; thence North 03 degrees 43 minutes 30 seconds East, with a distance of 170.15 feet to a point; thence North 24 degrees 25 minutes 30 seconds West, with a distance of 50.31 feet to a point; thence North 02 degrees 46 minutes 26 seconds West, with a distance of 100.46 feet to a 5/8" inch rebar found; thence North 02 degrees 46 minutes 26 seconds West, with a distance of 299.97 feet to a 5/8" inch rebar found; thence North 02 degrees 46 minutes 26 seconds West, with a distance of 500.13 feet to a 1" inch rebar found on the southerly right-of-way of Grant Road (80' right-of-way); thence along said right-of-way North 78 degrees 06 minutes 27 seconds East, with a distance of 1133.47 feet to a point, thence along said right-of-way, along a curve to the left, said curve having an arc length of 75.70 feet with a radius of 757.93 feet, being subtended by a chord bearing of North 75 degrees 14 minutes 43 seconds East, with a distance of 75.73 feet to a 1/2" inch rebar found, thence leaving said right-of-way of Grant Road South 18 degrees 59 minutes 01 seconds East, with a distance of 641.47, thence South 88 degrees 56 minutes 38 seconds East, with a distance of 929.85 feet to a 5/8" rebar found on the Land Lot common to Land Lots 87 and 88, proceed thence along said Land Lot line South 01 degrees 06 minutes 23 seconds West, with a distance of 1553.86 feet to the True Point of Beginning.

Said tract of land contains 95.15 Acres.

AND

### Tract 2

All that tract or parcel of land lying or being in Land Lot 88, 4<sup>th</sup> District, Fayette County, Georgia and being more particular described as follows:

Beginning at a point at the intersection of the Westerly right-of-way of Grant Road (80' right-of-way) and the Southerly right-of-way of Rowland Road (60' right-of-way), said point being the True Point of Beginning; proceed thence along Grant Road the following courses and distances along said right-of-way on a curve to the right, said curve having an arc length of 119.54 feet with a radius of 654.49 feet, being subtended by a chord bearing of South 47 degrees 29 minutes 37 seconds West, with a distance of 119.37 feet to a point, thence along said right-of-way South 42 degrees 15 minutes 41 seconds West, with a distance of 22.48 feet to a point, thence along said right-of-way on a curve to the right, said curve having an arc length of 342.58 feet with a radius of 642.38 feet, being subtended by a chord bearing of South 26 degrees 59 minutes 00 seconds West, with a distance of 338.54 feet to a 3/4" inch open top pin, thence leaving said right-of-way of Grant Road North 00 degrees 30 minutes 24 degrees West, with a distance of 486.10 feet to a point on the southerly right-of-way of Rowland Road, thence along said right-of-way on a curve to the right, said curve having an arc length of 51.82 feet with a radius of 216.04 feet, being subtended by a chord bearing of South 77 degrees 07 minutes 50 seconds East, with a distance of 51.69 feet to a point, thence along said right-of-way of Rowland Road South 70 degrees 15 minutes 34 seconds East, with a distance of 223.78 feet to a point, said point being the True Point of Beginning.

Said tract of land contains 1.16 Acres.



**EXHIBIT "A" (page 1 of 3)**

**PARCEL NO. 1.**

**ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, containing 1.171 acres as shown on a plat of survey prepared for Paul Wrenn by J. R. Wood, RLS on May 1, 1985, a copy of which is recorded in Plat Book 16, page 14, of the Fayette County Superior Court records and which said plat is hereby incorporated herein by reference and made a part of this description.**

**PARCEL NO. 2.**

**ALL THAT TRACT OR PARCEL OF LAND situate, lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, containing 129.0976 acres as shown on a plat of survey prepared for Paul Wrenn by J. R. Wood, RLS on May 1, 1985, a copy of which is recorded in Plat Book 16, page 14, of the Fayette County Superior Court records and which said plat is hereby incorporated herein by reference and made a part of this description, LESS AND EXCEPT THE FOLLOWING TRACTS:**

**LESS AND EXCEPT TRACT NO. 1:**

**ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, more particularly described as follows:**

**TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at an iron stake which marks the Southeast corner of the aforesaid Land Lot 88, and running thence North 89 degrees 28 minutes 46 seconds West a distance of 2461.37 feet along the South original land lot line of said Land Lot 88 to a point, and running thence North 29 degrees 38 minutes 37 seconds West a distance of 100.72 feet to a point; thence North 10 degrees 51 minutes 7 seconds West a distance of 150.08 feet to a point; thence North 11 degrees 26 minutes 49 seconds West 228.42 feet to a point which marks the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence North 0 degrees 13 minutes 45 seconds East a distance of 1361.9 feet to an iron stake located on the Southern margin of the right of way of Grant Road; thence in a Southwesterly and thence Southerly direction along the Southern and Eastern margin of the right of-way of Grant Road a distance of 904.8 feet to an iron stake (said arc being subtended by a chord with a bearing of South 35 degrees 22 minutes 4 seconds West and a distance of 827.38 feet); thence South 1 degree 5 minutes 58 seconds West along the Eastern margin of the right of way of Grant Road a distance of 319.47 feet to an iron stake; thence South 47 degrees 43 minutes 48 seconds East a distance of 195.96 feet to a point; thence South 54 degrees 36 minutes 2 seconds East a distance of 123.58 feet to a point; thence South 63 degrees 23 minutes 56 seconds East a distance of 148.59 feet to a point; thence South 45 degrees 54 minutes 6 seconds East a distance of 140.62 feet to the iron stake which marks the TRUE POINT OF BEGINNING. Said tract containing 11.319 acres.**

**EXHIBIT "A" (page 2 of 3)**

**LESS AND EXCEPT TRACT NO. 2:**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, and being more particularly shown and designated as TRACT IIA, on a plat of survey entitled "Paul Wrenn", prepared by J. R. Wood, Registered Land Surveyor, dated May 1, 1985, a copy of which is recorded in Plat Book 24, page 155, of the Superior Court records of Fayette County, Georgia, and which said plat, together with the metes, bounds, courses and distances shown thereon with respect to said property, is incorporated herein and made a part hereof as fully as if set out herein. Said tract containing 10.193 acres.

**LESS AND EXCEPT TRACT NO. 3:**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, and being more particularly shown and designated as TRACT IIC, on a plat of survey entitled "Paul Wrenn", prepared by J. R. Wood, Registered Land Surveyor, dated May 1, 1985, revised February 11, 1994, a copy of which is recorded in Plat Book 25, page 137, of the Superior Court records of Fayette County, Georgia, and which said plat, together with the metes, bounds, courses and distances shown thereon with respect to said property, is incorporated herein and made a part hereof as fully as if set out herein. Said tract containing 2.352 acres.

**LESS AND EXCEPT TRACT NO. 4:**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 88 of the 4th District, Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at a point located at the corner common to Land Lots 73, 74, 87 and 88; thence in a Northerly direction along the land lot line common to Land Lots 87 and 88 North 00° 33' 35" East a distance of 1553.91 feet to a 5/8" rebar found and the TRUE POINT OF BEGINNING; thence North 89° 28' 46" West a distance of 929.97 feet to a 1/2" rebar set; thence North 19° 31' 19" West a distance of 640.64 feet to a 1/2" rebar set on the Southeastern right-of-way line of Grant Road (80 foot right-of-way); thence Northeasterly along said right-of-way line along the arc of a 757.11 foot radius curve to the left, an arc distance of 100.00 feet to a 1" pipe found (said arc being subtended by a chord bearing North 67° 36' 51" East, for a chord distance of 99.93 feet); thence leaving said right-of-way line, run South 88° 57' 21" East a distance of 260.83 feet to a point; thence South 10° 28' 14" West a distance of 237.73 feet to a point; thence South 79° 34' 42" East a distance of 210.00 feet to a point; thence North 10° 28' 14" East a distance of 210.00 feet to a point; thence North 79° 34' 42" West a distance of 190.00 feet to a point; thence North 10° 28' 14" East a distance of 31.04 feet to a point; thence South 88° 57' 21" East a distance of 195.88 feet to a 5/8" pipe found; thence South 41° 51' 04" East a distance of 861.38 feet to a 5/8" rebar found and being the POINT OF BEGINNING.

Said tract containing 10.00 acres and shown on that certain plat of survey prepared for Billy G. Baldwin by Jefferson Consultants, bearing the seal of Larry C. Shimshick, Georgia Registered Land Surveyor No. 2343, dated May 8, 1996 (Job No. 850342), which plat of survey is incorporated herein by this reference and made a part of this description.

**EXHIBIT "A" (page 3 of 3)**

**LESS AND EXCEPT TRACT NO. 5:**

**ALL THAT TRACT OR PARCEL OF LAND** lying and being in Land Lot 88 of the 4th Land District of Fayette County, Georgia, and being more particularly described as follows:

**TO FIND THE TRUE POINT OF BEGINNING**, begin at an iron pin found at the Southeast corner of Land Lot 88, the common corner of Land Lots 73, 74, 87, and 88; thence running Westerly along the South line of Land Lot 88, 2,097.77 feet to an iron pin found and the **POINT OF BEGINNING**; thence continuing along said land lot line, North 89 degrees 27 minutes 25 seconds West for 35.26 feet to an iron pin found; thence continuing along said land lot line and running along the property line North 25 degrees 40 minutes 04 seconds West for 199.32 feet to a point in the centerline of a creek; thence departing said property line and running along the centerline of said creek, South 38 degrees 12 minutes 37 seconds East for 134.74 feet to a point; thence continuing along said centerline, South 27 degrees 17 minutes 45 seconds East for 83.40 feet to a point on the South line of Land Lot 88 and the **POINT OF BEGINNING**.

Said tract containing 4,216 square feet or 0.0968 acres as depicted on a plat of survey entitled "Brooks Creek Wellands-Phase II for Fayette County Board of Commissioners" prepared by Mallett & Associates, Registered Land Surveyors, dated March 19, 1996, and revised as of April 16, 1996. Such plat of survey is, by this reference, incorporated herein and made a part hereof.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by and means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

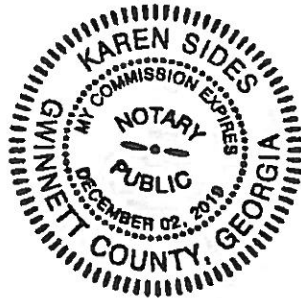
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered  
in the presence of:

Cynthia Williams  
Witness

Paula Wrenn Dougherty (SEAL)  
Paula Wrenn Dougherty

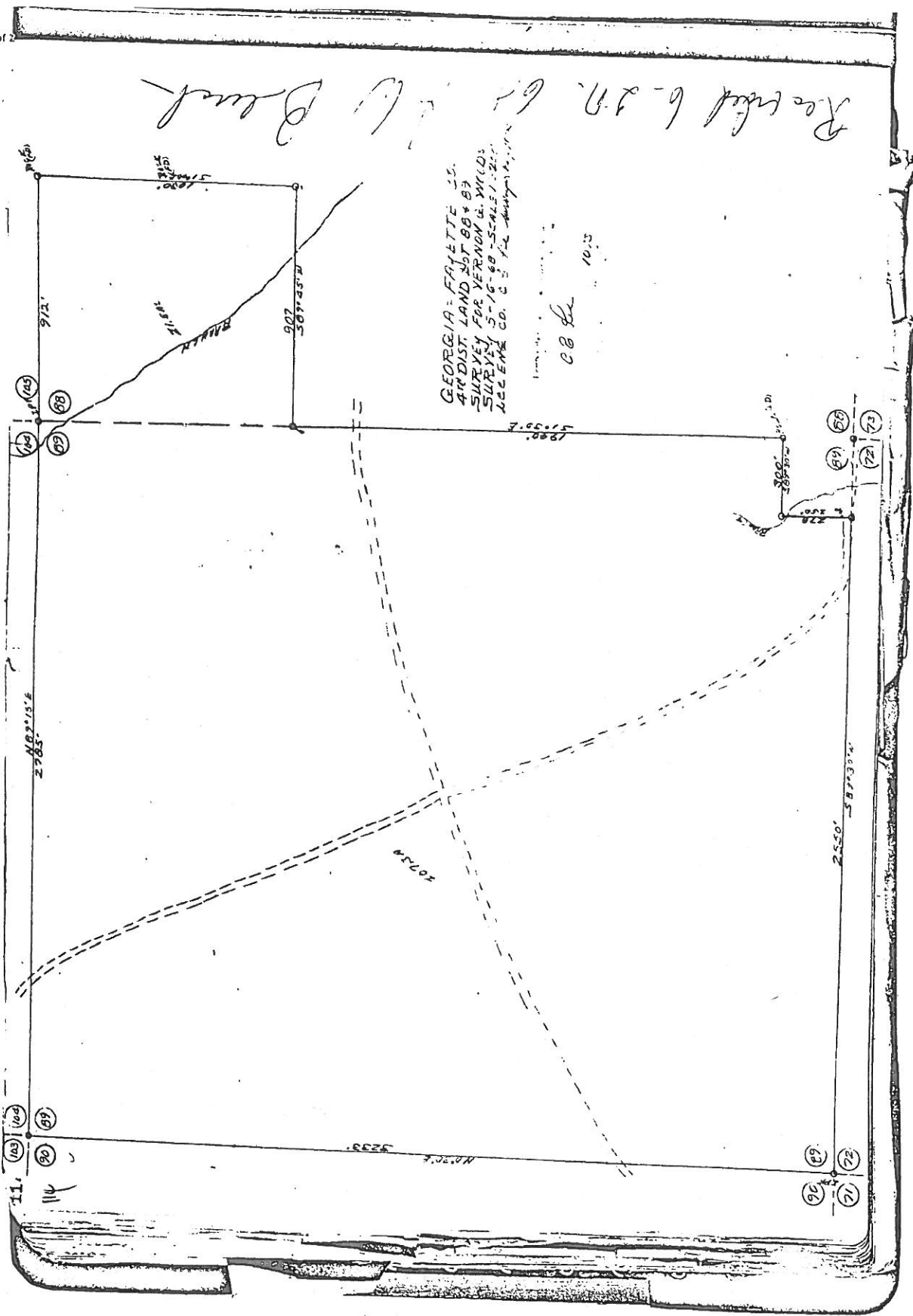
Karen Sides  
Notary Public  
My commission expires:  
[Notary Seal]







BOOK 4 PAGE 114



**POSTING OF PROPERTY**

**PETITION NO:** A-695-19

**OWNER:** D. Brent Scarbrough  
Brent Holdings  
270 North Jeff Davis Drive,  
Fayetteville, Georgia 3214

**LOCATION:** Land Lot(s) 88 of the 4th District  
Fronts on Grant Road & Rowland Road.

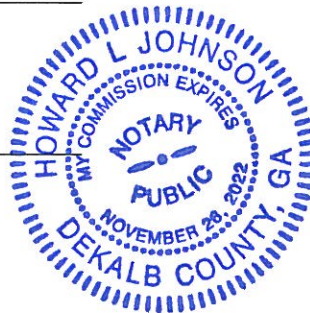
**REQUEST:** Variance to Sec. 110-125 A-R (d)(4)(a)(1) to reduce the front yard setback along Grant Road from 100 feet to 50 feet.

Variance to Sec. 110-125A-R (d)(4)(b) to reduce the front yard setback along Rowland Road from 75 feet to 50 feet.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.

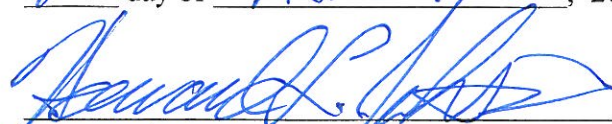
  
\_\_\_\_\_  
OFFICIAL

3/7/19  
\_\_\_\_\_  
DATE



Sworn to and subscribed before me this

7th day of MARCH, 2019.

  
\_\_\_\_\_  
NOTARY

Number of signs posted 2.

Date sign posted 3/7/19.