

BOARD OF APPEALS

Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Anita Davis
Marsha Hopkins
John Tate

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
July 22, 2024
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 June 24, 2024.

PUBLIC HEARING

5. Consideration of Petition No. A-863-24 - Bill Entrekin, Agent, for Flat Creek Baptist Church, Owner, request a variance to Sec. 110-169(n)), request to reduce the front yard setback from 100' to 50 to allow for the reconstruction of the small chapel to be in line with the main sanctuary and the cemetery.
6. Consideration of Petition No. A-864-24-A – Arthur Ash, Jr., and Melissa Ash, Owners, request a variance to Sec. 110-79(c)(1)a., requesting to increase the permitted number of accessory structures on a lot of five acres or less from two (2) to four (4).
7. Consideration of Petition No. A-864-24-B – Arthur Ash, Jr., and Melissa Ash, Owners, request a variance to Sec. 110-137(d)(5), requesting to reduce the rear yard building setback in the R-40 zoning district from 30' to 10' to allow the existing accessory structures to remain.
8. Consideration of Petition No. A-865-24-A – Roland E. Sasser, Jr., Owner, request a variance to Sec. 110-79.(e)(1)a., a detached garage located in the front yard is required to be within 35' of the principal structure. The applicant is requesting approval of a detached garage in the front yard that is located 169' from the house.

9. Consideration of Petition No. A-865-24-B – Roland E. Sasser, Jr., Owner, request a variance to Sec. 110-79(e)(1)b, a detached garage located in the front yard shall have a residential architectural style. The applicant is requesting approval to construct a detached garage located in the front that does not meet these architectural standards.
10. Consideration of Petition No. A-865-24-C – Roland E. Sasser, Jr., Owner, request a variance to Sec. 110-79(e)(1)d, a detached garage located in the front yard shall be attached to the principal dwelling by a breezeway, deck or pergola. The applicant is requesting to allow a residential accessory structure located in the front that does not have a connecting breezeway, deck, or pergola.
11. Consideration of Petition No. A-866-24 – Tim Hester, Owner, request a variance to Sec. 110-79.(c)(1)b., a residential lot is limited to one accessory structure with a footprint not to exceed 1800 square feet. The applicant is requesting a variance in the amount of 3000 square feet, to allow an airplane hangar with a footprint of 4800 square feet.
12. Consideration of Petition No. A-867-24 – BWR Midgard Self Storage 3, LLC, Owner, and Robert Copenhaver, Agent, request a variance to Sec. 110-173.(3)c.2.(i), the front yard setback on State Route 85 N shall be 100 feet. Applicant is requesting a variance to reduce the front yard setback from 100 feet to 98.6 feet, to allow Building “D” to encroach into the front yard setback by 1.4 feet.
13. Consideration of Petition No. A-868-24-A – James Keith Berggren, Owner, and Cole Antley, Agent, request a variance to Sec. 110-125(d)(4)a.2., requesting to reduce the front yard setback in the A-R zoning district from 100’ to 50’ to allow the construction of a single-family dwelling.
14. Consideration of Petition No. A-868-24-B – James Keith Berggren, Owner, and Cole Antley, Agent, request a variance to Sec. 110-125(d)(4)b., requesting to reduce the front yard setback on Kenley Drive from 75 feet to 50 feet to allow the construction of an airplane hangar.
15. Consideration of Petition No. A-868-24-C – James Keith Berggren, Owner, and Cole Antley, Agent, request a variance to Sec. 110-125(d)(6), requesting to the side yard setback on the southwest property line from 50 feet to 35 feet to allow the construction of an airplane hangar.

Minutes 06/24/2024

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 24, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Marsha Hopkins
John Tate
Anita Davis was absent.

STAFF PRESENT: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney
Maria Binns, Secretary

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda. ***Brian Haren made a motion to approve the agenda. John Tate seconded the motion. The motion passed 4-0.***
4. Consideration of the Minutes of the Meeting held on May 28, 2024. ***Marsha Hopkins made a motion to approve the Minutes of the Meeting on May 28, 2024. Brian Haren seconded the motion. The motion passed 3-0. John Tate abstained from voting as he was absent for the May 28, 2024, meeting.***

PUBLIC HEARING

5. Consideration of Petition No. A-861-24-A – Jerry Battle, Jr. and Melissa Battle, Owner, and Randy Boyd, Agent, request a variance to Sec. 110-125(d)(5), request to reduce the rear yard setback from 75’ to 67.3’ to allow an existing accessory structure to remain. Ms. Bell stated since we didn’t have a full board, the petitioner had the opportunity to table this until the next meeting or if you would like to proceed with the board that we have in place right now. Randy Boyd responded they would like to proceed. Ms. Bell mentioned the first introduction of the two items on the petition. Its staff’s opinion this particular parcel has some exceptional circumstances is zoned A-R but it is smaller because it was an older remaining parcel, the accessory structure was built approximately in 2002 by a prior owner, the battles were unaware of this issues when they purchased the property and on May 28, 2024, the battles were granted from these board to have the lot deem a nonconforming lot. The house on the property is legal nonconforming structure so it is not subject to tonight’s petition, it is located at McBride Road, staff reviewed and there are no rejections for the request to the variance, the current owners has done a lot to clean up all the debris as shown on the aerial map. They have also

removed some other unpermitted sheds and structures that didn't need to remain in the property, she presented a survey showing a shop building that was conducted by the owners are indebted to get a permit and encroaches in the setbacks a little for the purpose of this petition and the second item in the petition, item B would address the square footage of the building. Agent for the battles Randy Boyd, explained to the board in the last meeting they requested to bring the lot from illegal to legal and there were three criteria, one of those is that it has to be ten years from the date from when the illegal lot was created, that was like thirty-seven years ago, the second one is the person that I represent the battles are not related to the person that created these problems and the third one is there is not available land for sale in this area to add to create five acres because its zoned A-R. He asked the board to Kinley approve the petitions and explained the information about the buildings on the property and the process of how they cleaned the property since acquisition. Bill Beckwith asked if there was anyone to speak in favor of the petition.? Kristen Sullivan stated she lives next door to the property, and they have been there since March 2017 when they moved to the property was a complete mess; people hoarding, police activity, cars coming in and out for ten minutes, and leaving. Last year when the battles came in and cleaned the property it has been much more pleasant leaving since the last six years, and she asked the board to grant the petition so they can live better. Bill Beckwith asked if there was anyone to speak in opposition.? Tim Thoms explained he lives three lots to the east of the subject property. He states that he did his research on his property before purchasing it and he states he spoke to Mr. Battle and explained his business, he wants to use the unpermitted, illegal structure to work on installing emergency sirens and lights and he told him he didn't think the county would not allow that. He stated this hadn't started since February, he added the county didn't know when Mr. Battle installed the lights, and he was the person to come and file a complaint about the noise. He knew it was a lot of rumors about the property having issues before the battle purchased it but again, he is against the petition, he also made questions to be answered for the petitioners; how much of the accessory structure is heating and cooled.? What is the plan use of the property? What happens to the house that is so many square feet from the road? Is it 1,300 sq or 1,158 square feet? He thinks is a lot of things to consider and he would like more clarity on this petition. Bill Beckwith asked if there was anyone else in opposition.? No one responded. Mr. Randy Boyd asked for a turn to answer some of the questions Mr. Thoms asked previously. Mr. Boyd stated the existing house is 1,340 sq ft which is larger than the 1,200 sq ft allowed in the A-R district and it is outside the building lines, the staff report said it's an older house it's one hundred years old so it's not subject to this building lines if understand that correctly, Mr. Battle had his business in that building late February and the end of the last board of commission meeting we discussed that Mr. Battle as soon he found out the building was illegal he left it and on that Saturday after that meeting, I asked Ms. Bell to send a representative from the county and make sure the building was cleanout and the business wasn't there anymore. He added Mr. Thoms did all his diligence, I understand he's a landscape architect, and he knows how to do this, most people don't know how to do this and that's why we have these meetings. The footing on that building Mr. Battle has reinforced concrete and steel under the footing and he is getting a structure engineer

to verify that. He is working to be up to code. Bill Beckwith asked the board if there were any questions.? Brian Haren just added someone was going to buy this property and sooner or later we were going to address this at some point the creation of the illegal lot shouldn't be held over the current owners, he inclined for the approval of the petition he believes they were trying to do a better piece of property to fit the neighborhood, he explained to Mr. Thoms doesn't feels falls into the zoning board of appeals area, that more code enforcement. That's not our job to address. John Tate states he appreciates the comments made by Mr. Thoms brought to the board and he agrees with Brian Haren. He was also inclined to approve the petition. Bill Beckwith asked if anyone else would like to comment otherwise he will request someone from the board to make a motion.

Brian Haren made a motion to approve Petition No. A-861-24-A. John Tate seconded the motion. The motion passed 4-0.

6. Consideration of Petition No. A-861-24-B - Jerry Battle, Jr. and Melissa Battle, Owner, and Randy Boyd, Agent, request a variance to Sec. 110-79(c)(1)b., to approve an increase in accessory structure maximum footprint from 1800 SF to 1820 SF, to allow an existing accessory structure to remain. Ms. Bell explained is the same structure we had discussed in the previous presentation; staff does not have anything else to add at this point. Bill Beckwith asked if anyone would like to speak in favor.? No one responded, then he asked if anyone was in opposition.? Mr. Thoms addressed his opposition and explained that a structure that was built without a permit, illegally was there for ten or twelve years and operated just fine, your concern is why should be given a variance from the county zoning district requirements.? He was appointed to the survey and stated nothing fits the requirements and gave some examples, he also added he served in the planning commission in the past as a civil servant. He appreciates the board for listening to his comments. Randy Boyd spoke regarding the opposition of Mr. Thoms stating most of his points of view were made before the battles took ownership of the property. He states the battle's family is good people, he hopes he gets to know them, and they are just trying to clean up the mess they did not create. Bill Beckwith made a comment when he was on the planning commission, we understood each other, he just appointed the minimum house size is 1,200 sq ft, and the maximum accessory structure size is 1,800 sq ft he didn't, there it is he didn't think anything has to size to each other, and the previous owner did that. He asked for a motion. John Tate comments on the sizes of the structures as Mr. Beckwith explained previously and shouldn't held accountable for the battles.

John Tate made a motion to approve Petition No. A-861-24-B. Marsha Hopkins seconded the motion. The motion passed 4-0.

7. Consideration of Petition No. A-862-24 – Harold Hunt, Owner, and Mark McCullough, Agent, per Sec. 110-242 (h), request an illegal lot to be deemed a nonconforming lot. The subject property is located in Land Lot 165 of the 4th District and fronts on Matthews Road. Ms. Bell announced the next item and before presenting the case she asked the petitioner's agent if he would like to proceed with the case tonight since there was not a full board present.? The

petitioner's agent responded if they could have some discussion now and come back for the next month's meeting. Ms. Bell responded that was not an option and has to make that decision before we opened the public hearing. Mark McCullough would like to proceed with the case. Ms. Bell introduced the petition information and stated the staff review had no comments and proceeded with showing the map, where she showed the location of the property at Southcentral Fayette County just a little north of Brooks, the zoning is A-R and it's a four-acre lot. She mentioned Matthews Road is an unpaved road, 110-242 is a unique section in our ordinance it does provide an opportunity to allow for someone to apply for an illegal lot to be deemed a nonconforming lot. This lot is illegal because is four acres in an A-R zoning and it was created after the 1980 cutoff date but, as outlined m110-242 the parcel does not meet the criteria, first the subject property was made illegal by action by the previous owners via plat recorded on the thirteen of December of 2001 and that was more than ten years ago; Two, the petitioner is a person or an immediate family member of that person who causes the subject property to be an illegal lot and three as defined and section 110-242 (h) (3) there is property available to add to this lot that will transform it into a legal lot. The reduction in area on some of the abjection lots will not cause the lots to be illegal in size, road frontage, or lot area and we do expend on that under the powers and duties given that a little more explanation. Staff assessment does not meet all these three criteria. Bill Beckwith asked if all three criteria must be met or could two be met and not one met.? Ms. Bell responded it was supposed to meet all three of those criteria, it does meet the first one and it was created ten years ago but it does not meet two or three. Bill Beckwith asked the petitioner to come forward and if he wanted to proceed, he responded yes. Mr. Mark McCullough introduced himself representing the owner Harold Hunt and thanked the board and staff. He explained they were not aware there was property available, I had spoken to the adjective property's owner, and they are not willing to sell from their parcels to make this a five-acre lot. They might say that the fact that the property exists is the definition of available, but we believe there is a difference between the property that exists and being available for purchase and since is not we didn't meet those criteria. The second on Harold Hunt did inherit the property over twenty years ago, his half-sister was the executor of the state, and she recorded the plat creating the lot and then transferred ownership to him. He was appointed to the ordinance referring to the immediate family. Still, it didn't say anything about his half-sister, so if we could get some clarification if there is property available, he would know so he could solve this problem. Bill Beckwith asked the staff if anyone knew about that situation.? Alli Cox – County Attorney responded that the standard is there is property available, and it exists and could be taken from these parcels or negotiated from these parcels in order to cause the five acres to exit in this one parcel so, although is not for sale right now it is on the owner to negotiate a transaction that will allow it to comply. Mark McCullough asked is if true that the ordinance states that the property is available.? Alli responded yes, as far as the ordinance said available means it exists. The standard will be like in the case of the battles where they trying to obtain property from the neighbors, it will cost the neighbor lots to become non-conforming, it's not available at all, but it can be

done. But in this particular case, the neighboring properties would not become non-conforming I believe they belong to the family. Mr. McCullough asked if you don't have to meet all three you have to employ the following factors to determine approval.? Alli's response was all three factors must be met. Bill Beckwith asked if anyone would like to speak in favor.? No one responded, again he asked if anyone would like to speak in opposition.? Ms. Adrienne Grooms spoke in opposition stating her property is across the street from the petitioner and said her sister is adjacent to Mr. Hunt's her name is Kerie Burns, Harold Hunt has requested from my sister to purchase an acre in order to make his four acres to comply, but she does not want to do that. Bill Beckwith asked if anyone would like to speak in opposition.? Gary Walker said he is the adjacent property owner to the west of the subject property and he just now became aware of this petition not long ago, he did some research and found three things, one of those he had questions about the adjacent lot is available if it doesn't make adjacent lot non-conforming, well in my case it doesn't make my lot non-conforming, it doesn't make the one on the north non-conforming and it's possible the third lot that touches could also donate the acre of land but if maybe a ten of an acre short and according to the ordinances that I read all three things have to comply but it also reference what it's available property. Also, states the price can't be considered whether the donor lot or not so technically the one acre is required to be 15 million dollars and that's what he would have to pay to make the ordinance true. In my case, I have no problem with it. Bill Beckwith asked if anyone else would like to speak in opposition, he asked Mr. Gary Walker how big his lot was he responded 54.9 acres to be exact. Brian Haren said since the three facts haven't been met, he can't support the petition. ***Brian Haren made a motion to deny Petition No. A-862-24. Section 110-242 (h) that the illegal lot be deemed to be a nonconforming lot. John Tate seconded the motion. The motion passes 4-0.***

Marsha Hopkins made a motion to adjourn. Brian Haren seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:09 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

BILL BECKWITH, CHAIRMAN

MARIA BINNS, ZBA SECRETARY

PETITION NO: A-863-24

Requested Action: Decrease front building setback from 100' to 50' to allow the reconstruction of the Chapel building so it can remain in line with the main sanctuary and the historic cemetery.

Location: 161 Flat Creek Trail, Fayetteville, Georgia 30214

Parcel(s): 0713 104

District/Land Lot(s): 7th District, Land Lot(s) 57 & 58

Zoning: A-R, Agricultural-Residential

Lot Size: 16.71 Acres

Owner(s): Flat Creek Baptist Church

Agent: Bill Entrekin

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following:

Per Sec. 110-169.n. – 4.(i)., requesting to reduce the minimum front yard setback for structures from 100' to 50'.

STAFF ASSESSMENT

The historic nature of the church and cemetery should be considered in this request. The main sanctuary is already located with the 50' setback, as a result of the approval of A-297-88, in which a request for a 50' setback for the sanctuary was approved on August 23, 1988. This request is to maintain the alignment of all structures and the cemetery along the road frontage.

HISTORY

This parcel is a legal lot of record and the property is zoned A-R, Agricultural-Residential. There is no history of rezoning. The church was constituted in 1836 and moved to its current location in 1910. The sanctuary that they want to rebuild was built c. 1957.

Churches are Conditional Uses, per Sec. 110-169.(2)n. In most instances, a variance is not allowed for a conditional use. However, Sec. 110-242.(b) provides an exception for legal nonconforming conditional uses to be eligible to be considered for a variance. Because this Church has been in this location since 1910, it is a legal nonconforming use. It is nonconforming because it doesn't meet the front yard building setbacks. In fact, the road was on a prescriptive easement at the time of establishment and there were no specified building setbacks. Right of Way for Flat Creek Trail was acquired in the 1960s.

Sec. 110-242.(b) *Request for a variance.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for an improved illegal lot. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance.

Church History

From the Fayette County Historical Society webpage: [Flat Creek Baptist Church - Fayette Historical Society](https://fayettehistoricalsociety.com/2021/01/04/flat-creek-baptist-church/) -- <https://fayettehistoricalsociety.com/2021/01/04/flat-creek-baptist-church/>

August 31, 1826

Flat Creek Baptist Church

Flat Creek Baptist Church was constituted on August 31, 1826. It was established as a mission church of Whitewater Baptist Church, and early on, was called "The Church of Christ at Flat Creek."

Its first building, a log structure, was erected in 1827 near what is now Sumner Road in today's Peachtree City. The first Deacon Ordination was in 1838. A great revival in 1866 added 137 members. A new building was constructed in 1876, with help from Mt. Ebal Masonic Lodge, which met in the church. Sunday School began in 1891.

In 1910, the congregation moved to its present location on what is now Flat Creek Trail in Fayetteville and built a wooden sanctuary. The church emphasized missions throughout the 1920s through its Woman's Missionary Society, Young Woman's Auxiliary, Royal Ambassadors for boys, and support of the national campaign to advance missions worldwide. The church today maintains its mission's emphasis and focus on children, youth, and families.

"Full time" (every Sunday) service began in 1955, and a new sanctuary was dedicated in 1957. Flat Creek held services and events throughout 1976 in recognition of its 150th Anniversary.

The church experienced exponential growth through the remainder of the 20th century with progressive increases in membership and building programs for a large modern worship center, educational space, and a children's facility.

Flat Creek Baptist Church looks forward to its 200th anniversary in 2026 and continued ministry to the community and beyond.

By Janis Hooper

Source: Flat Creek Baptist Church records

ZONING REQUIREMENTS

Sec. 110-169. – Conditional Use Approval.

(2) Conditional uses allowed.

n. Church and/or other place of worship.

4. Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).

(i) Front yard: 100 feet.

(ii) Side yard: 50 feet.

(iii) Rear yard: 75 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No comments.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. However, this does not constitute approval of any reconstruction or changes to the chapel.
- ☐ **Department of Building Safety** – A permit is required for all demolition and construction work.
- ☐ **Fire** – No comments.

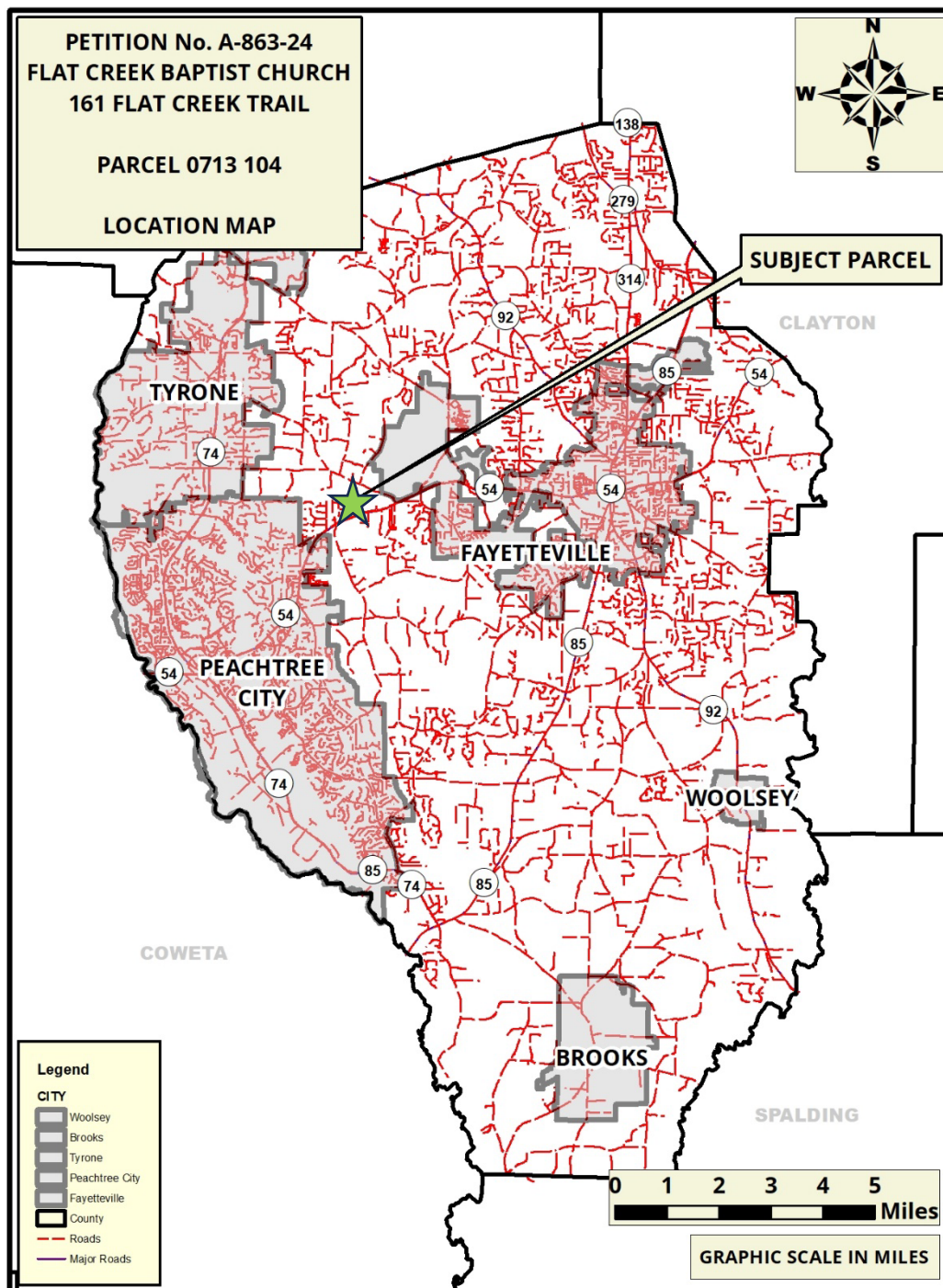
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

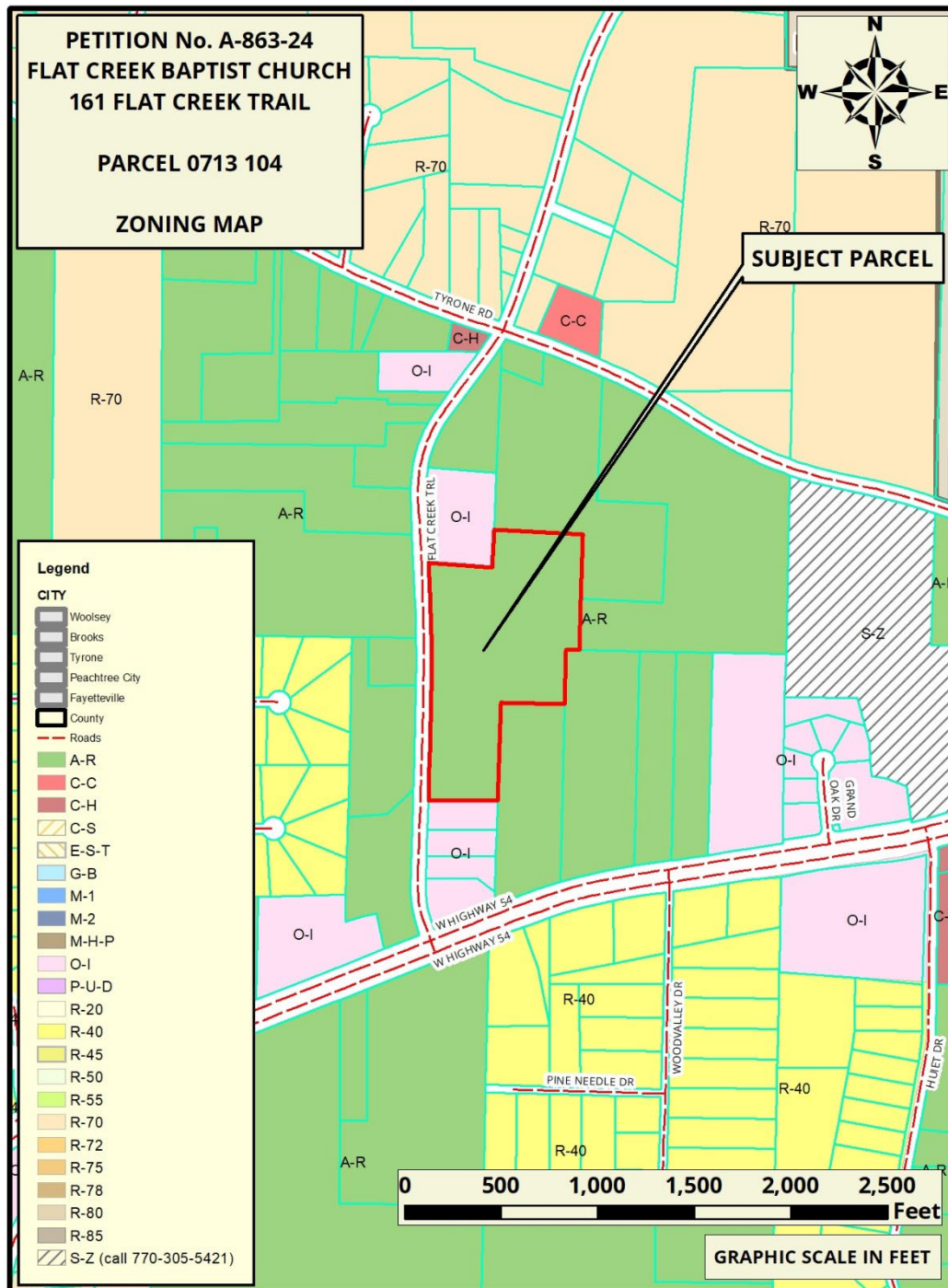
Staff Assessment

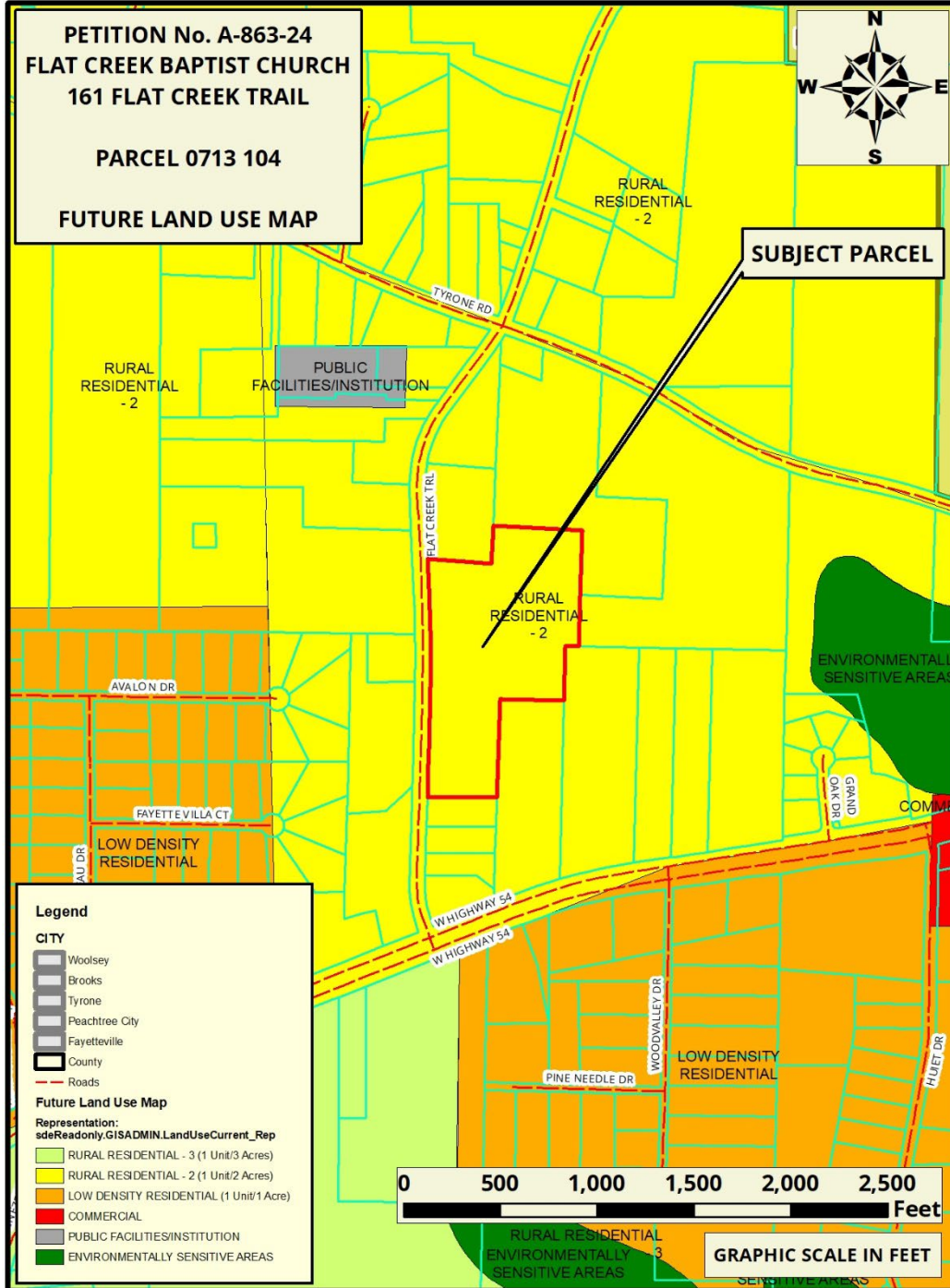
Please refer to the application form for the applicant's justification of criteria.

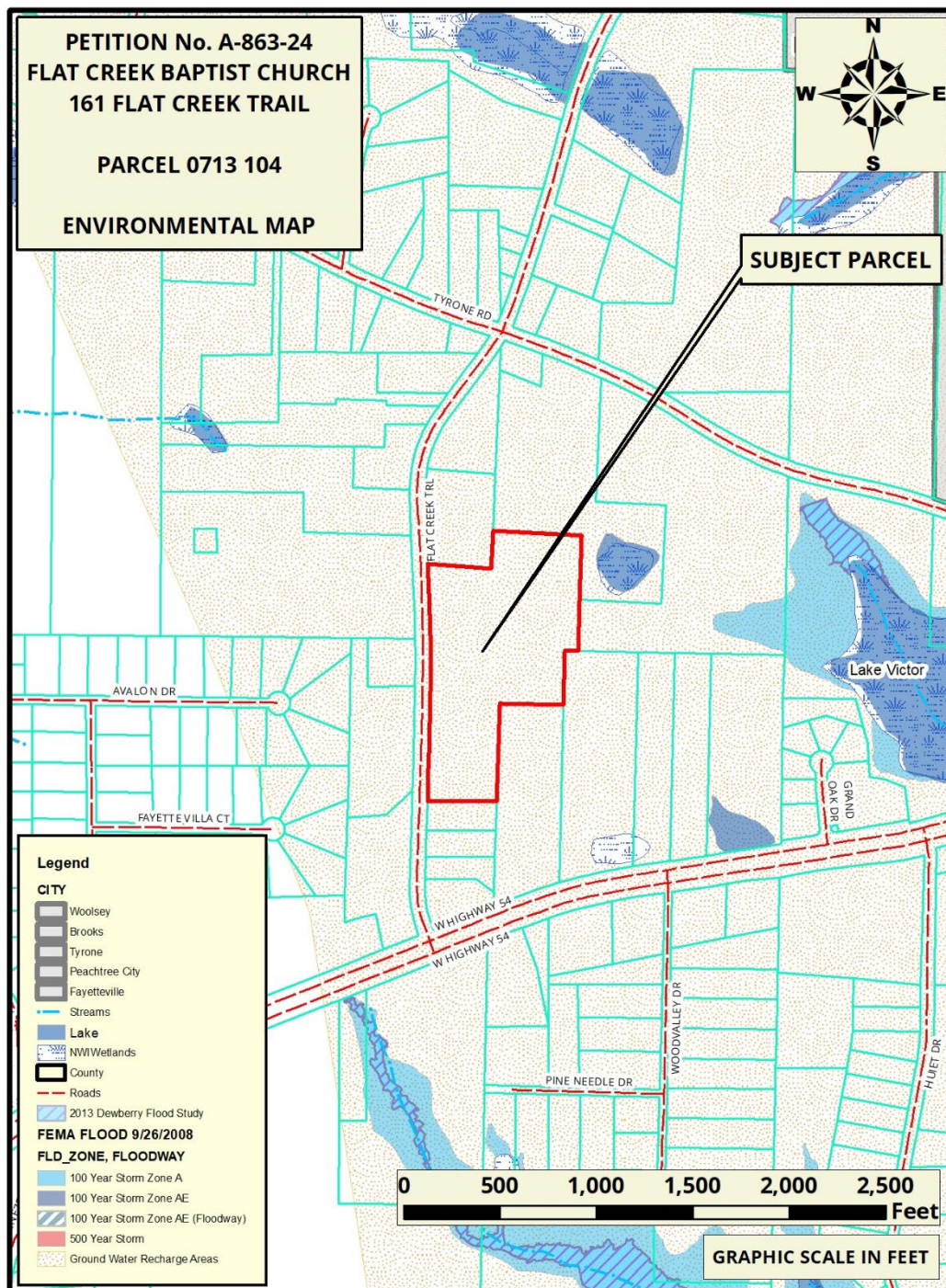
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

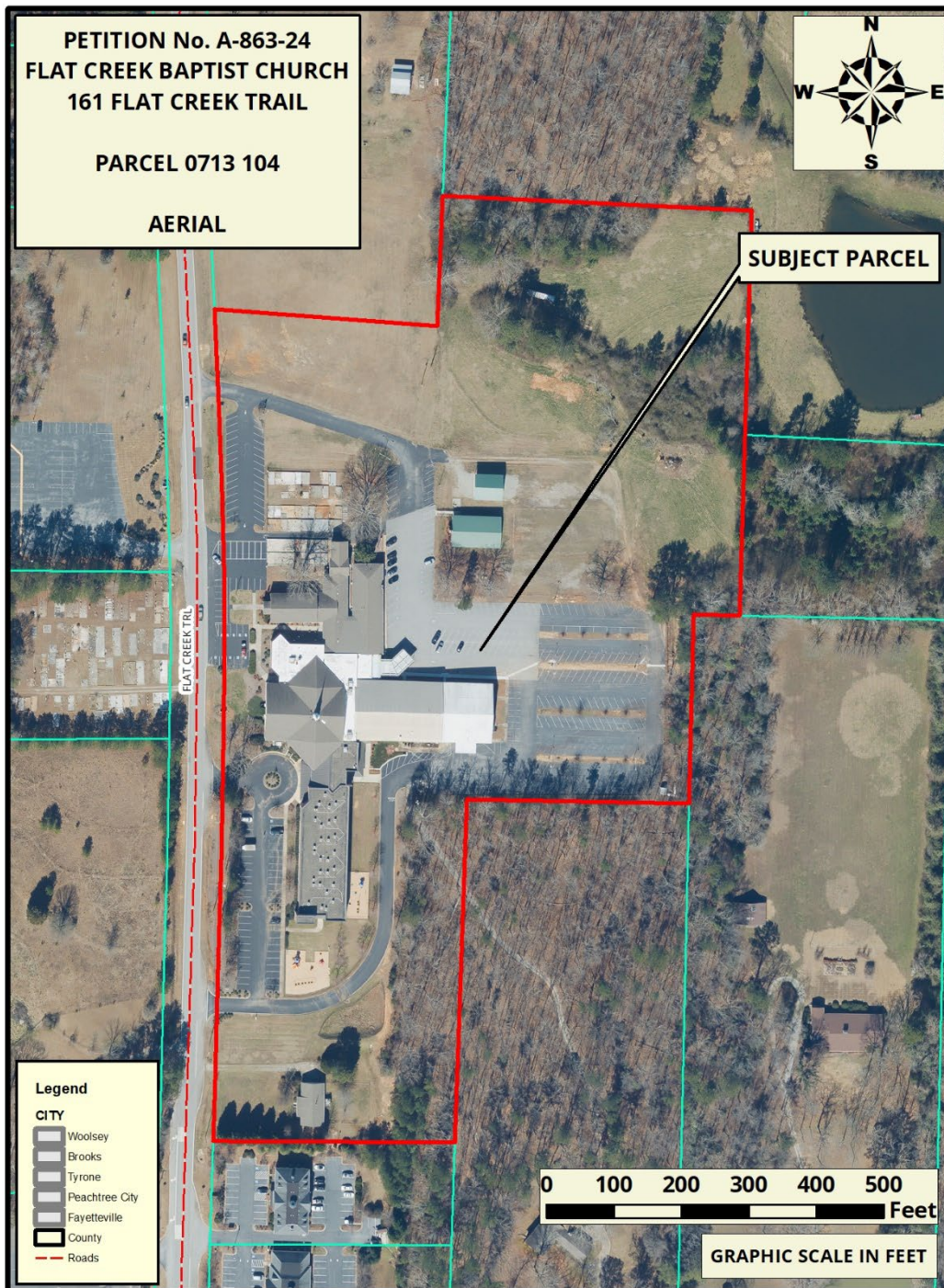
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The historic nature of the use contributes to the nonconforming layout of the buildings and cemetery.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The church would like to rebuild the chapel to improve access from the guest and handicapped parking areas.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
There are not many historic churches in the county, so the arrangement of structures and uses is unique.
- 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 setback reduction is not likely to have an adverse impact on the community.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to rebuild in the area of the parcel where the existing chapel is located.



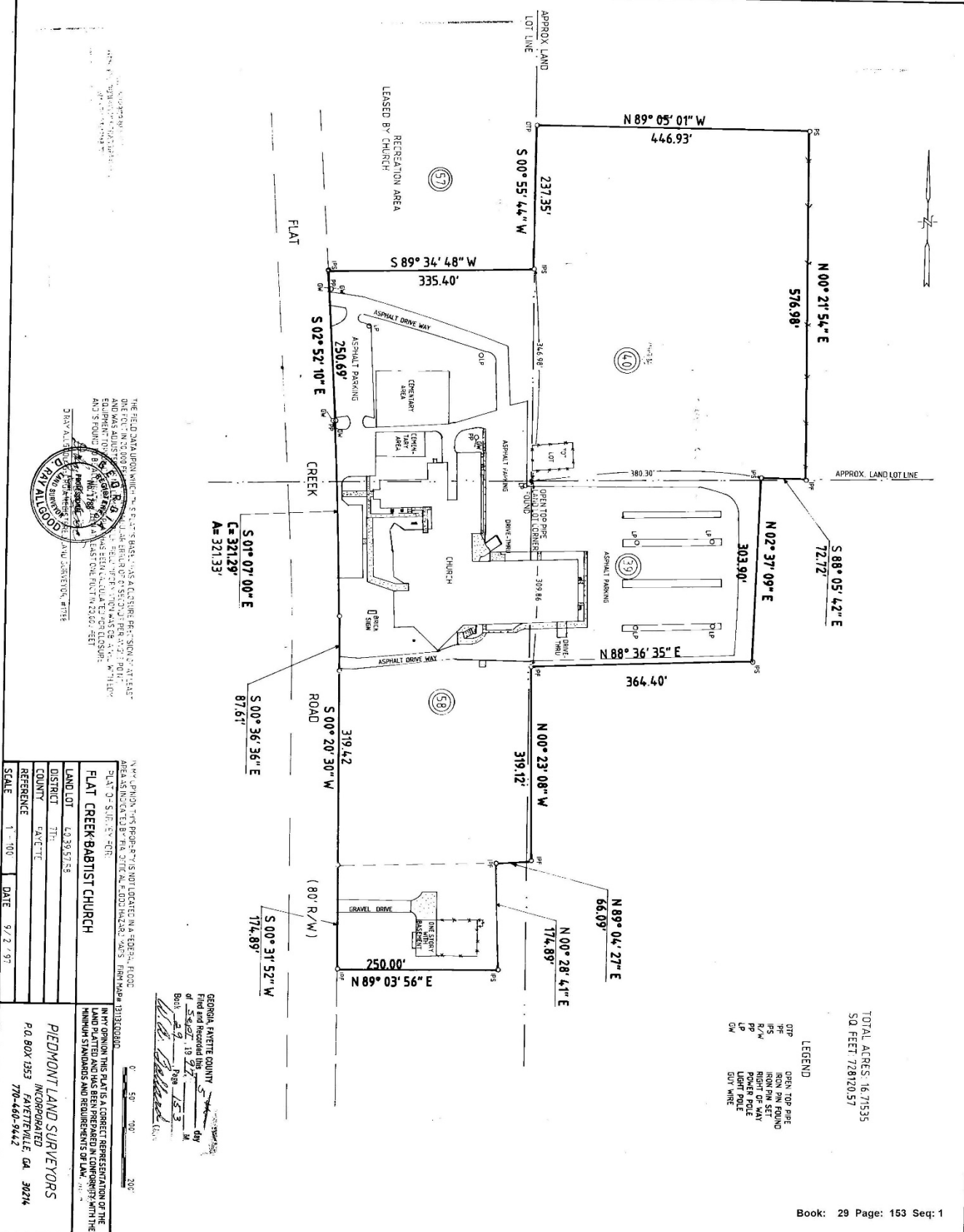












TOTAL ACRES 16.71535
50 FEET 728120.57

- LEGEND
- OTF OPEN TOP PIPE
 - IPF IRON PIN FOUND
 - IPB IRON PIN SET
 - R/W RIGHT OF WAY
 - UP LIGHT POLE
 - UP LIGHT POLE
 - GW GUY WIRE

THE FIELD DATA INDICATES THAT THE CHURCH PROPERTY IS LOCATED IN A FLAT AREA AND WAS ADJUSTED TO BE A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF L.M.A. 11-1.

DATE OF SURVEY 7/2/97

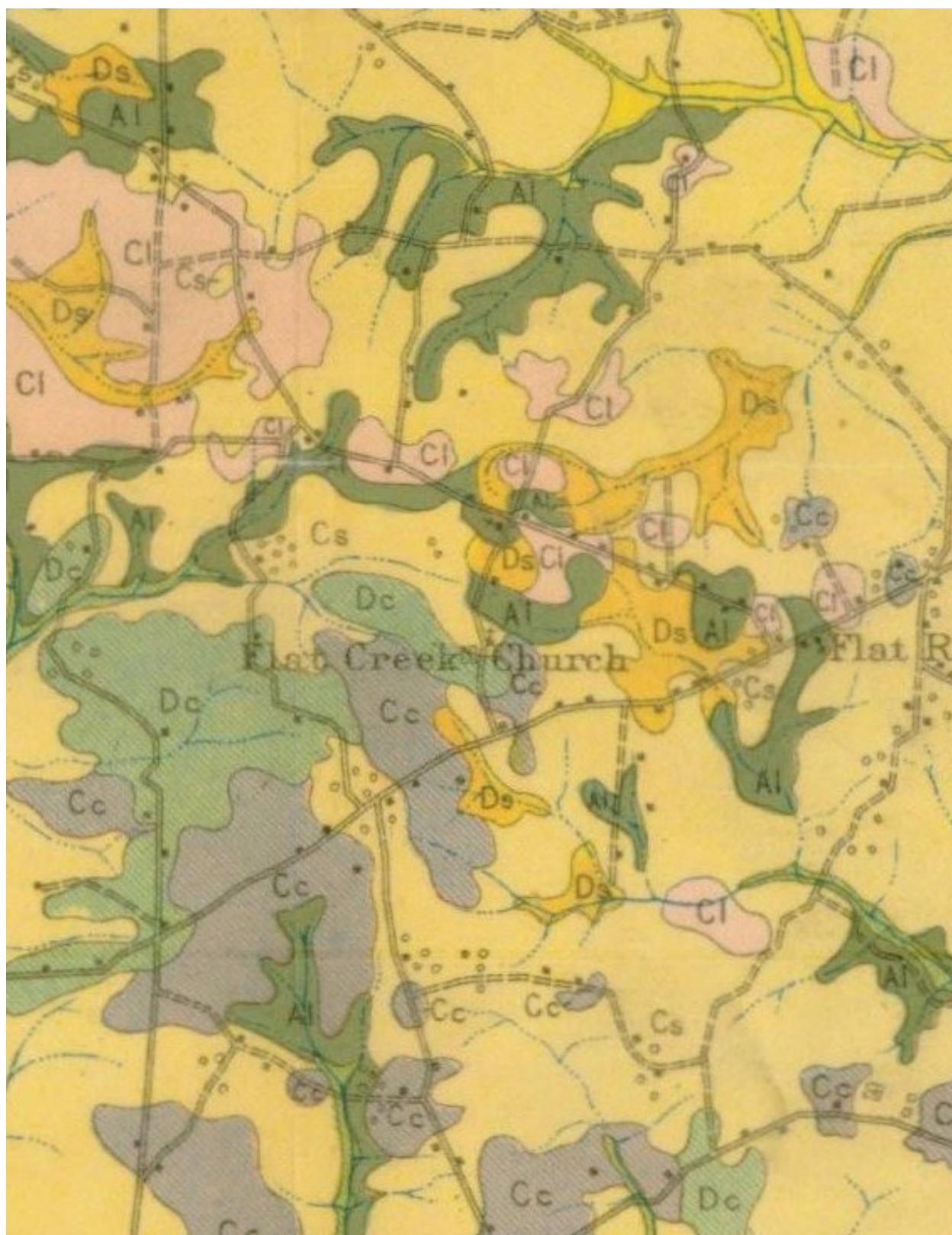
BY: [Signature]

LAND LOT	40.39.57.58
DISTRICT	27th
COUNTY	FAYETTE
REFERENCE	
SCALE	1" = 100'
DATE	7/2/97

PIEDMONT LAND SURVEYORS
INCORPORATED
P.O. BOX 3553
FAIRFAXVILLE, GA 30214
770-460-9442

SURVEY

A-863-24



1919 FAYETTE COUNTY SOILS MAP

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

PROPERTY INFORMATION:

Parcel No. 0713 104 Acreage: 16.71 Land Lot: 57, 58 Land District: 7
Address: 101 FLAT CREEK TRAIL, FAYETTEVILLE, GEORGIA 30214
Existing Zoning: A-R Requested Zoning: _____
Zoning of Surrounding Properties: A-R
Existing Use: CHURCH
Proposed Use: CHURCH

PROPERTY OWNER INFORMATION

Name FLAT CREEK BAPTIST CHURCH
Email james@flatcreekbaptist.org
Address 101 FLAT CREEK TRAIL
City FAYETTEVILLE
State GEORGIA Zip 30214
Phone 770-487-4890

AGENT/DEVELOPER INFORMATION (If not owner)

Name ~~SAUE~~ Bill Entrekin
Email _____
Address _____
City billentrekin52@gmail.com
State _____ Zip _____
Phone _____

PETITION NUMBER: A-863-24 (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 Completeby Staff: Debbie Bell Date: _____DATE OF ZONING BOARD OF APPEALS HEARING: July 22, 2024 175Received payment from Bill Entrekin a check in the amount of \$ 195.00for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).Date Paid 05/21/2024 Receipt Number: 21040

SEE APPEAL A-297-88, 50' var for front setback for main sanctuary.

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:

FLAT CREEK BAPTIST CHURCH.

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

58-1390304

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 57.50 of the 7 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 16.71 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to BILL ENTREKIN 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 _____

Name: James N. Stewart

Address: 161 Flat Creek Trail

City/State/Zip: Fayetteville Ga.

Date: 5/20/24

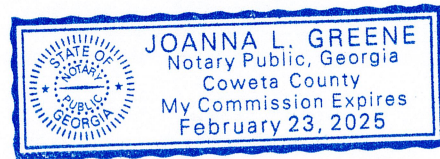
Owner/
Agent
One:

Notary:

Joanna L. Greene

(seal)

Commission Exp.: 02-23-2025



Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Owner/
Agent
Two:

Notary:

(seal)

Commission Exp.: _____

Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Owner/
Agent
Three:

Notary:

(seal)

Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	
Requirement	<u>100' front setback</u>
Proposed Change	<u>50' FRONT SETBACK</u>
Variance Amount	<u>50' VARIANCE</u>

sec. 110-169.n.4.(i) Minimum setbacks for structures and use areas is 100'.

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.

REQUEST VARIANCE OF FRONT SETBACK FOR THE PURPOSE OF REMOVAL
OF EXISTING BUILDING AND REPLACEMENT OF NEW BUILDING IN
SAFELY OR SIMILAR LOCATION, NOT TO EXTEND BEYOND LINE OF
EXISTING BUILDING.

JUSTIFICATION OF REQUEST

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

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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.

SEE ATTACHED

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

SEE ATTACHED

1. An existing chapel was already in place (approx. 50' setback) when the new 100' front setback was imposed. The existing chapel was "Grandfathered" in and remained in place. Later, a 50' variance was granted to accommodate the construction of a new sanctuary. We now wish to demo the older chapel and replace it with a new structure in the same or similar location, not to encroach any further than the existing 50' setback.
2. Removal of the older chapel would automatically cause the setback to revert from 50' to the original 100' setback, rendering that portion of our property unusable for our intended purpose.
3. An existing sanctuary to one side and a cemetery to the other side of the chapel that is to be removed make the property in question unusable as right-of-way, or any other future use that would be protected by an extended front setback.
4. Any new building that would be constructed under the requested variance would not extend any closer to the street than buildings currently located there. New structures would in no way impede visibility, traffic flow, or approach adjoining properties. New structures would be located similarly to those currently in place.
5. Enforcement of the 100' setback would prohibit the use of our property in a fashion that is currently used, for no added value to either adjoining properties or to the county. For use as protected right-of-way.

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: OK D Bell
 - 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.

ON FILE @ TAYLOR COUNTY

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name: <u>Flat Creek Bapt. D Bell</u>	Lot Size:	
Lot:	Width:	
Zoning: <u>AR</u>	Front Setback: <u>100</u>	<u>50</u>
Flood: Yes/ <u>No</u> MFFE: <u>N/A</u>	Side Setback:	
Stream Buffers: <u>N/A</u>	Rear Setback:	
Number of Frontages <u>1</u>	House Size:	

CORRECTIVE
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the
one thousand nine hundred 87

day of
, between

, in the year

FLAT CREEK BAPTIST CHURCH, an unincorporated
association acting by and through its TRUSTEES
of the County of FAYETTE, and State of Georgia, as party or parties of the
first part, hereinafter called Grantor, and

FLAT CREEK BAPTIST CHURCH, INC

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

(\$1000) DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipts 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
39, 57, and 58 of the 7th District of FAYETTE COUNTY, GEORGIA
and being more particularly described as follows:

BEGINNING at the southeast corner of LAND LOT 57, being the
common corners of LAND LOTS 39, 40, 57 and 58; running thence N 0°
18' 49" E 347.00 feet to an iron pin; thence S 89° 00' W 335.47
feet to an iron pin; thence S 3° 29' 35" E 347.30 feet to an iron
pin; thence S 1° 21' 13" E 212.21 feet to an iron pin; thence S
1° 52' 48" E 100.00 feet to an iron pin; thence N 86° 53' E 326.8
feet to an iron pin; thence N 86° 53' E 364.4 feet to an iron pin
thence N 1° 8' W 303.9 feet to an iron pin; thence S 89° 0' W
380.0 feet to an iron pin and the point of beginning.

This deed is to correct the legal in deed book 133 page 681

GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record July 18, 1988

9:30 A. M.

Recorded in Book 509 Page 467

This 18 day of July 19 88

W. A. Ballard

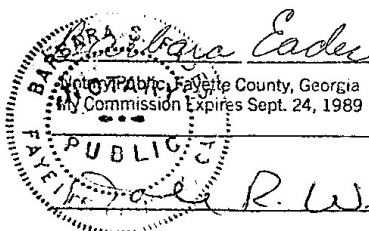
Clerk

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 whomsoever.

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

Signed, sealed and delivered in presence of:



James M. Hays (Seal)

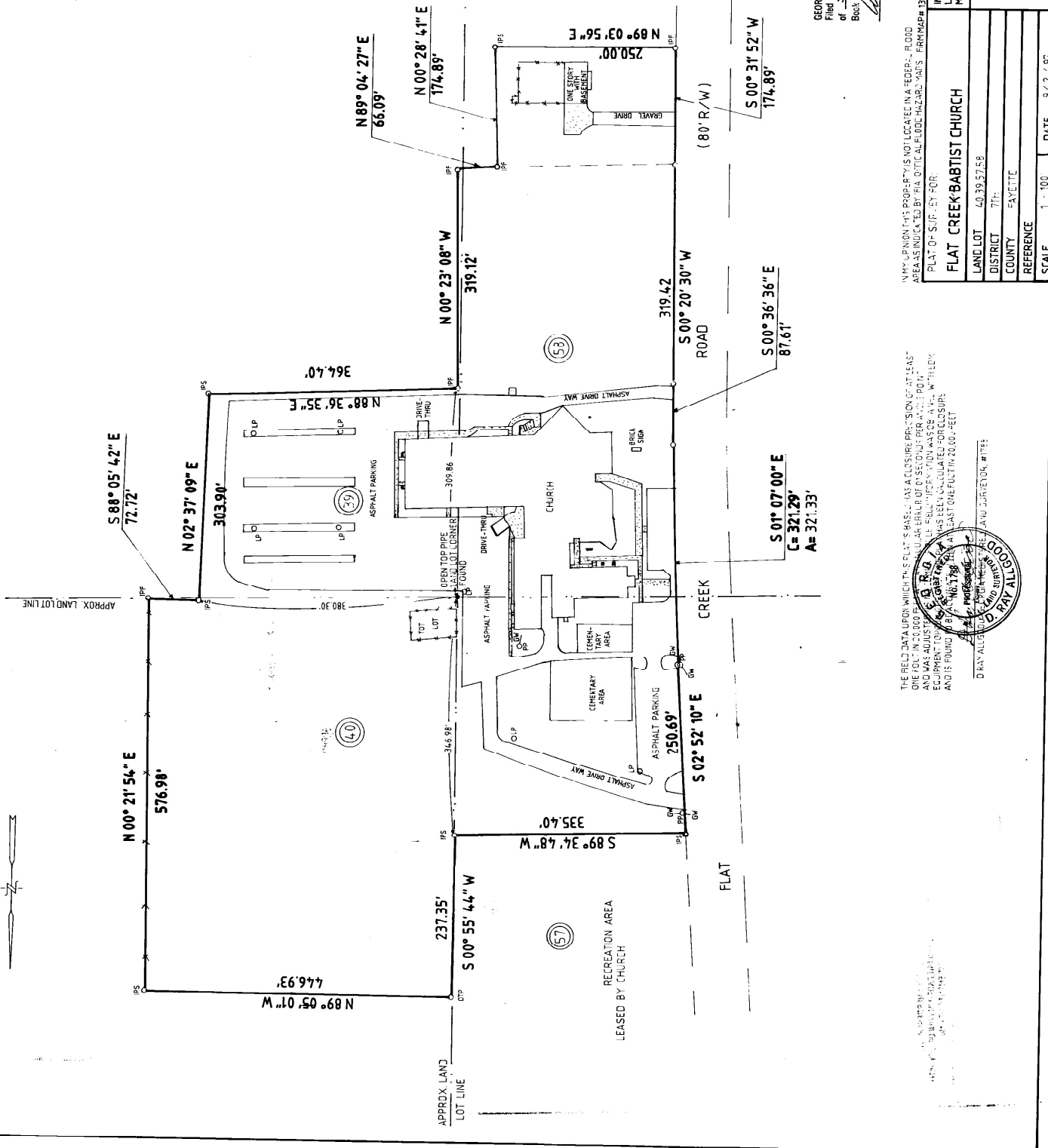
Claude R. Lacy (Seal)

Howard H. Gibbs (Seal)

TOTAL ACRES: 16.71535
SQ. FEET 728120.57

LEGEND

- OTF OPEN TOP PIPE
- IPF IRON PIN FOLND
- IPS IRON PIN SET
- PPA RIGHT OF WAY
- PPA POWER POLE
- LP LIGHT POLE
- GW GUY WIRE



GEORGIA, FAYETTE COUNTY
Filed and Recorded this 5th day of September, 1997.
Book 29 Page 153
W.C. Ballard, Jr.
Surveyor

IN MY OPINION THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS. FIRM MAP # 1313C008D

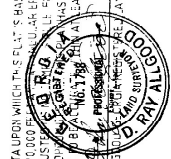
PLAT OF S.U.P. BY FOR

FLAT CREEK BAPTIST CHURCH

LAND LOT	40395758
DISTRICT	7TH
COUNTY	FAYETTE
REFERENCE	
SCALE	1" = 100'
DATE	9/2/97

PIEDMONT LAND SURVEYORS
INCORPORATED
P.O. BOX 1953
FAYETTEVILLE, GA 30214
770-460-9442

THE FIELD DATA UPON WHICH THIS PLAT IS BASED, HAS A CLOSURE PRECISION OF AT LEAST ONE FOOT IN 10,000 FEET. THE MEASUREMENTS WERE MADE BY A SURVEYOR WHO HAS BEEN ADJUSTED TO THE NATIONAL HORIZONTAL DATUM OF 1983. THE PLAT WAS PREPARED BY A PROFESSIONAL SURVEYOR WHO HAS BEEN LICENSED BY THE STATE OF GEORGIA. THE PLAT WAS FILED FOR RECORD ON SEPTEMBER 5, 1997. THE PLAT WAS PREPARED BY W.C. BALLARD, JR., A PROFESSIONAL SURVEYOR. THE PLAT WAS PREPARED BY W.C. BALLARD, JR., A PROFESSIONAL SURVEYOR.



DRAWN BY: [Signature] DATE: 9/2/97

FORM 509

RURAL POST ROADS

RIGHT OF WAY DEED

GEORGIA Fayette COUNTY PROJECT NO. PR 4463 (1)

THIS INDENTURE made this day of , 19 , between the undersigned Grantor (Grantors)
 Party(ies) of the first part, and Fayette County, a political sub-
 division of the State of Georgia, party of the second part.

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) in hand paid, and the benefits
 flowing the Grantor (Grantors) from the project hereinafter described, party(ies) of the first part
 does grant and convey unto party of the second part, its successors and assigns, the following property,
 to-wit:

That tract of land, lying and being in the 624 District G.M. of
 said county, along and on either side of the center line of a Rural Post Road which has been surveyed
 and laid out by the State Highway Department of Georgia as a Rural Post Road, known as Project No.
PR 4463 (1) Between State Route 54 and S 846
 of sufficient width for a right of way 80 feet in width, together with sufficient land on
 either side thereof for slopes, fills and drainage necessary for the construction and maintenance of
 said road; and for the same consideration also release said County, and State Highway Department from
 any claim of damage arising on account of construction of said roads or fills and embankments, ditches
 or culverts or bridges, on account of back waters, changing of courses of streams or in any other manner.
 The land herein granted is more particularly described on the map and drawing of said Project which is on
 file in the office of the State Highway Department, and reference is made thereto for a more complete
 description.

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee
 simple.

Party(ies) of the first part will forever warrant and defend the title to the bargained premises unto
 party of the second part, its successors and assigns against the claims of all persons whomsoever.

IN WITNESS WHEREOF party(ies) of the first part have hereunto set their hand(s) and seal(s) the day
 and year above written.

FLAT CREEK BAPTIST CHURCH:

BY E. L. Adams (L.S.)C. R. King (L.S.)J. A. Griffith (L.S.)M. W. Calmer (L.S.)Trustees of said Church
Lincoln Parrott (L.S.)Alice Thomas (L.S.)W. H. Ciskew (L.S.)Howard Ciskew (L.S.)A. B. Hopson (L.S.) (L.S.) (L.S.) (L.S.) (L.S.) (L.S.) (L.S.)

Signed, Sealed and Delivered in the
 presence of:

Mrs. H. C. Howell, Jr.
 Notary Public

Sheet of RECORDED THIS 23 DAY OF 4 1963

CLERK

subject to all zoning ordinances,
easements and restrictions of
record affecting said bargained
premises.
06/19

**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, July
22, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-863-24

Owner(s)/Agent(s): Flat Creek
Baptist Church

Property Address: 161 Flat Creek
Trail

Parcel: 0713104

Zoning District: A-R

Area of Property: 16.71 acres

Land Lot(s): 57 & 58

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filed, a hearing
at a later date.
filed, the petiti
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Judge
B
Clerk

F

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PETITION NO: A-864-24-A-B

Requested Action: 1. To increase the allowable number of accessory structures from 2 to 4.
2. To reduce the rear building setback from 30' to 10' to allow the existing accessory structures to remain.

Location: 150 Forrest Lake Way, Fayetteville, Georgia 30215

Parcel(s): 0512 06012

District/Land Lot(s): 5th District, Land Lot(s) 41

Zoning: R-40, Single-Family Residential

Lot Size: 1.14 Acres

Owner(s): Arthur Ash III and Allison Ash

Agent: N/A

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following:

- A. Per Sec. 110-79.(c)(1)a., requesting to increase the permitted number of accessory structures on a lot of five acres or less from two (2) to four (4).
- B. Per Sec. 110-137(d)(5), requesting to reduce the rear yard building setback in the R-40 zoning district from 30' to 10' to allow the existing accessory structures to remain.

STAFF ASSESSMENT

It is staff's opinion that, while the logistics of removing an accessory structure are challenging due to the location of the new building foundation boards, this is not due to a geographical/topographical condition of the lot.

HISTORY

This parcel is a legal lot of record; it is Lot 15 in Forrest Lake II. The house meets or exceeds minimum house size for the R-40 zoning district and was properly permitted in 1985. The current owner applied for and received a permit to construct a new detached garage. He had already moved 2 accessory structures onto the lot and was unaware that there were setback requirements for small garden sheds, as an existing garden shed was already located (improperly) in the setback. The encroachments were discovered when the applicant submitted the foundation survey for the new garage.

ZONING REQUIREMENTS

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

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

- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – If approved, each shed exceeding 199 square feet or with electrical must have a permit submitted/reviewed/approved and issued before any work occurs.
- ☐ **Fire** – No objections.

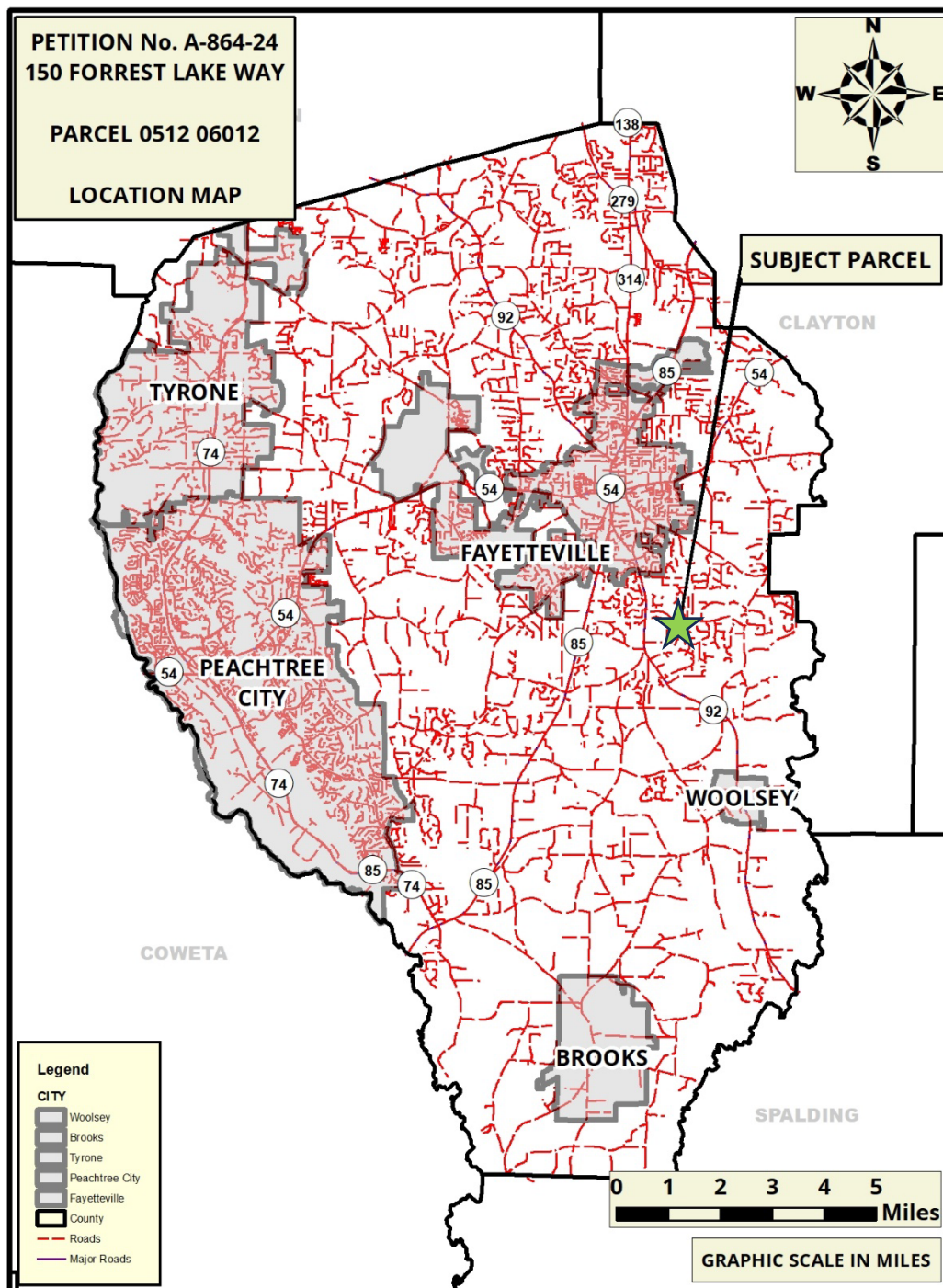
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

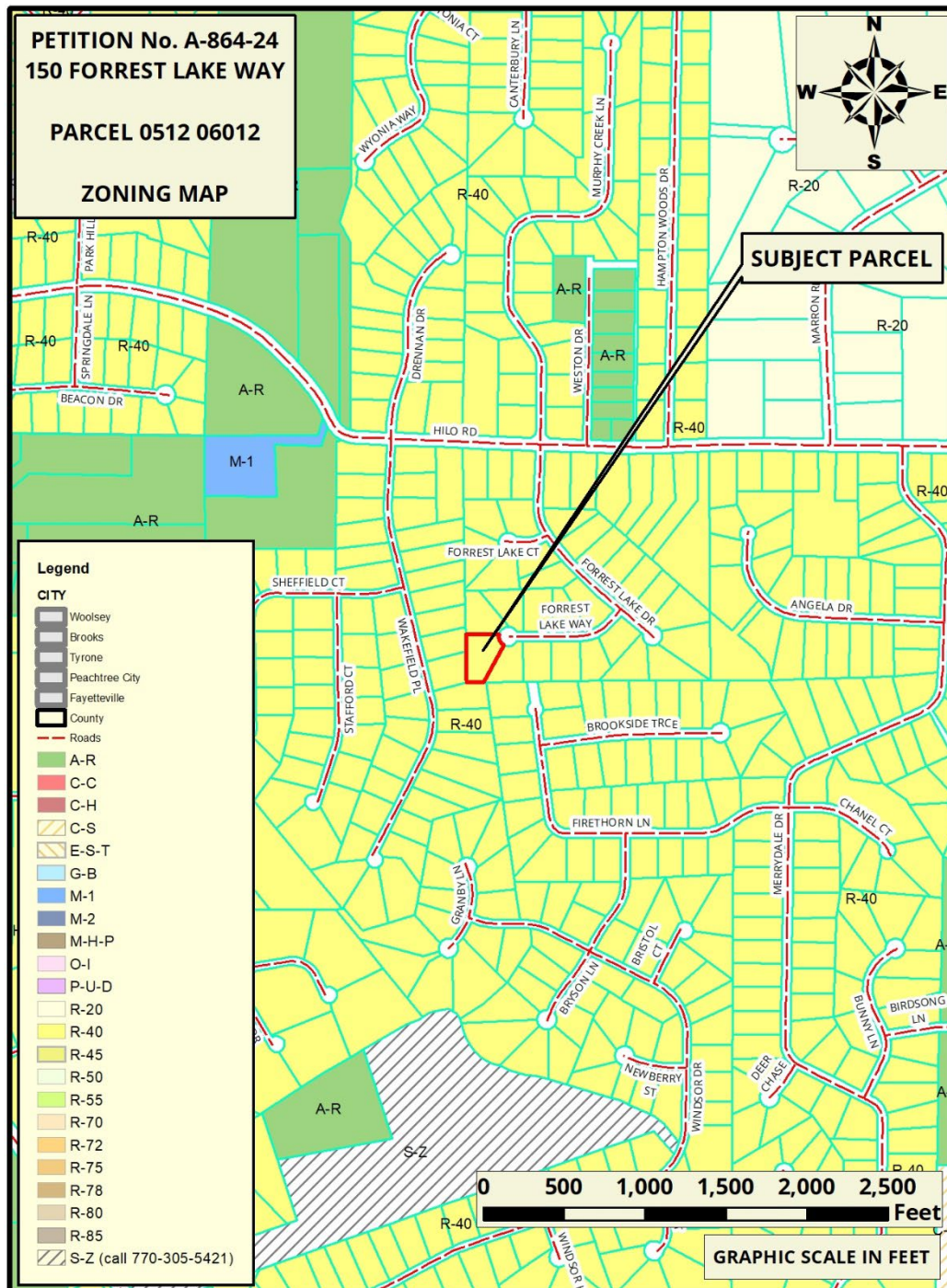
Staff Assessment

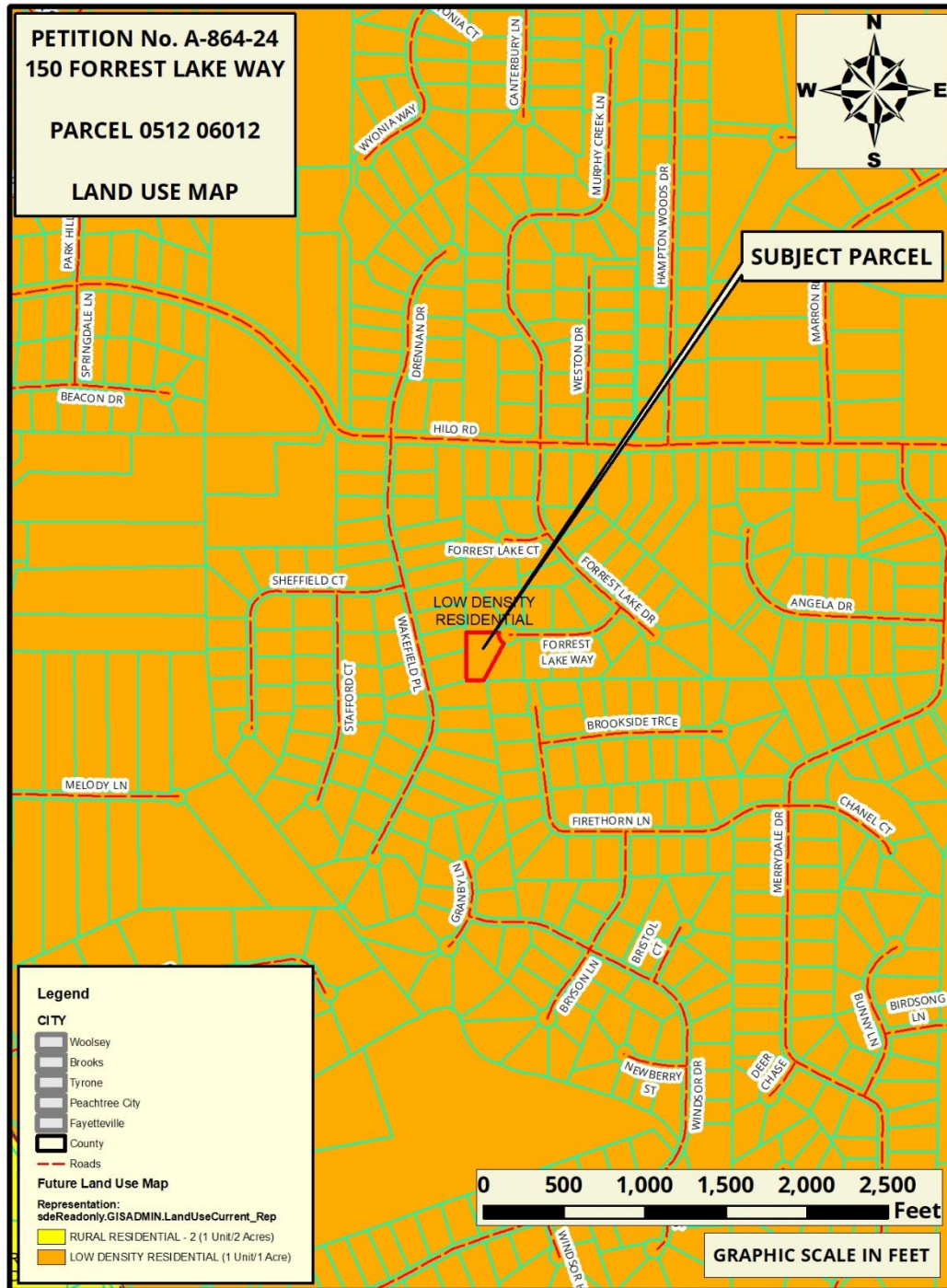
Please refer to the application form for the applicant's justification of criteria.

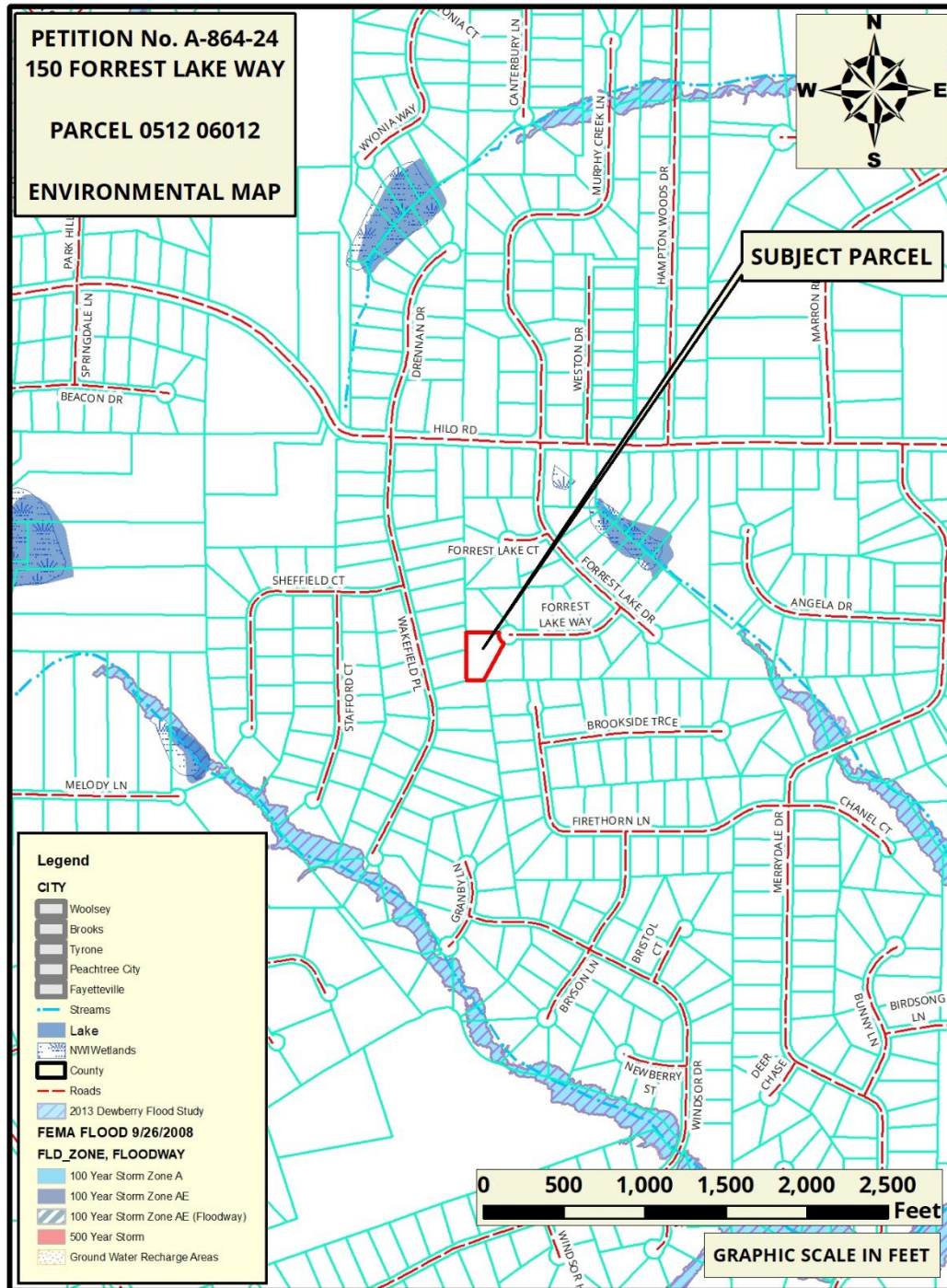
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

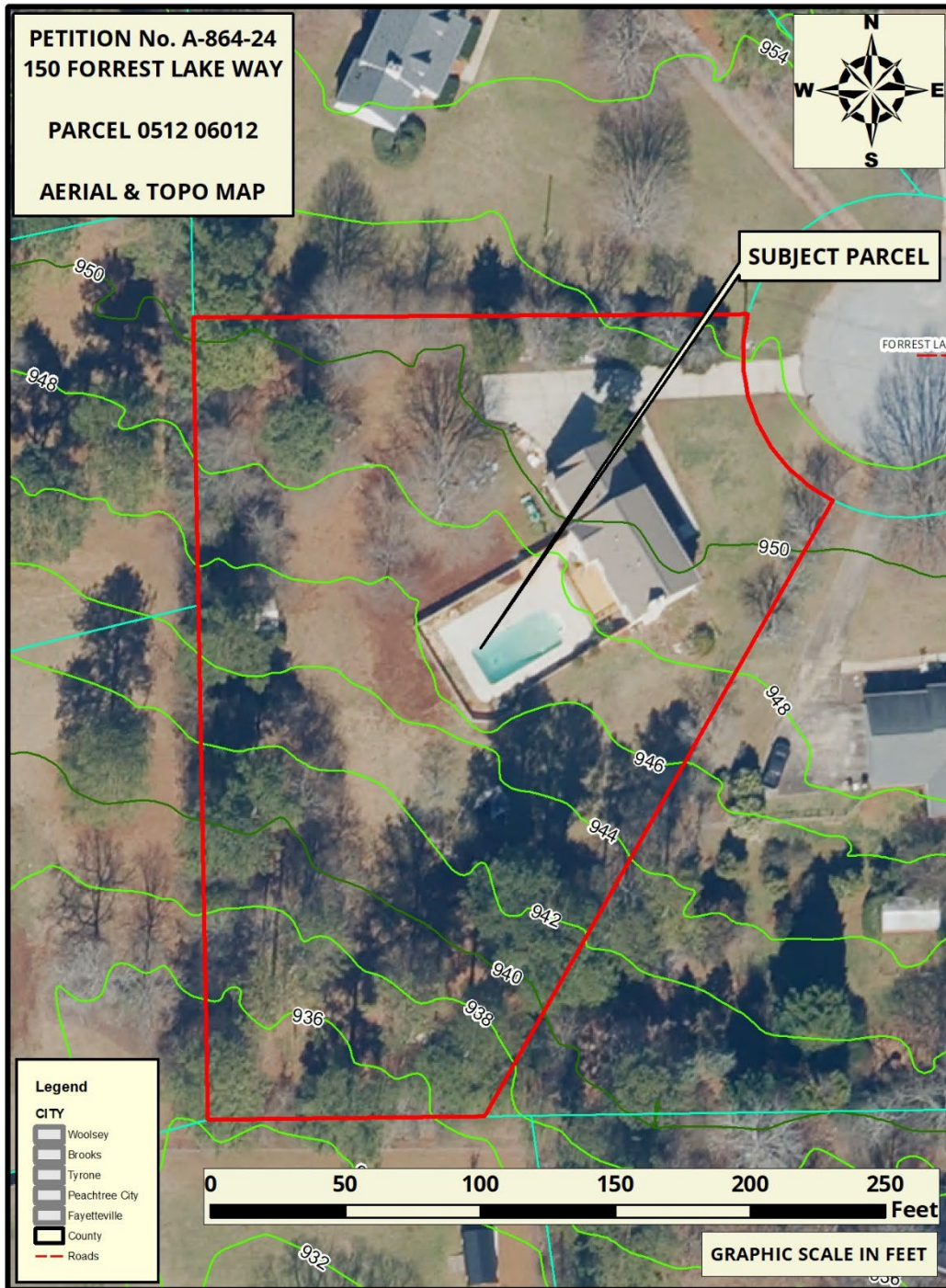
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel does not have unusual configuration or topographic conditions.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The arrangement of existing structures and features on the lot are unique.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of one structure is not likely to have an adverse impact on the adjoining property, however, it is staff's opinion that the encroachment of 3 structures is excessive. Additionally, the addition of 2 extra accessory buildings may have an impact on the aesthetics of the neighborhood.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in the R-40 zoning district.











CLOSURE NOTE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 17,685 FEET, AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 122,858 FEET. A TRIMBLE TOTAL STATION AND RECON DATA COLLECTOR WERE USED TO GATHER THE INFORMATION USED TO PREPARE THIS PLAT.

FLOOD NOTE

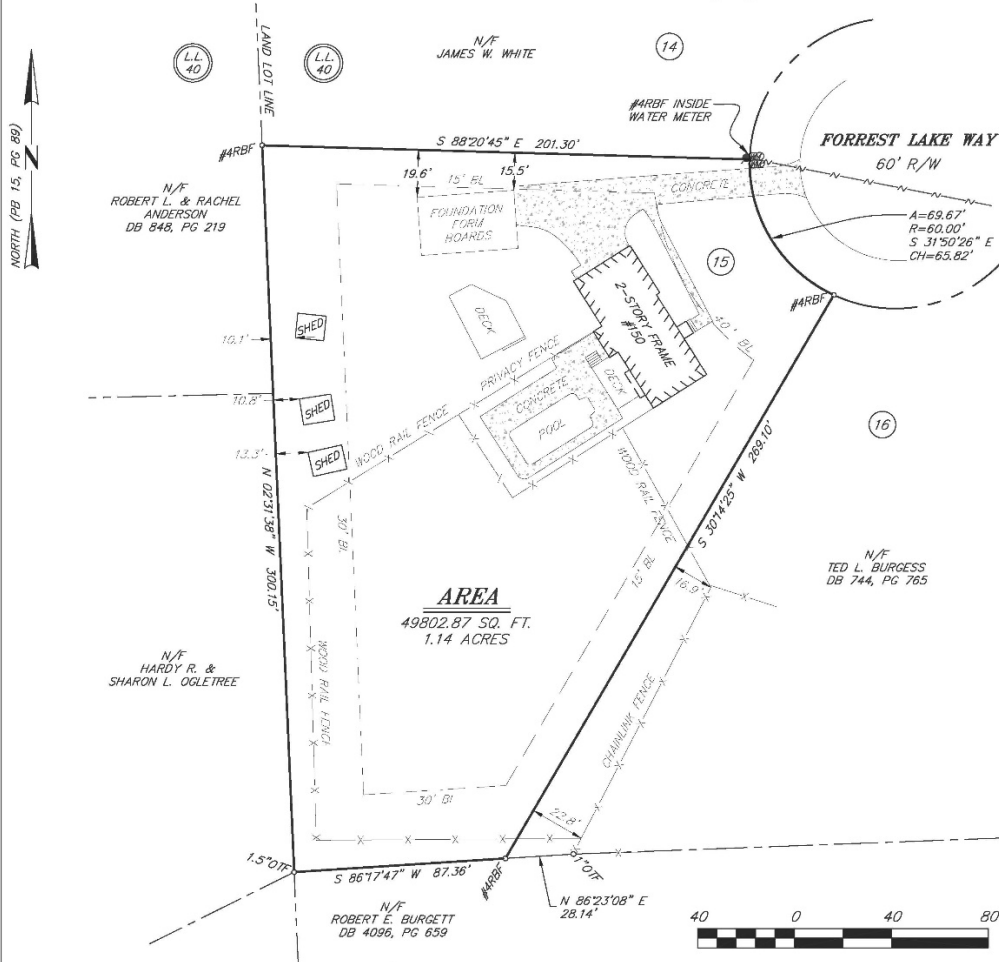
I HAVE EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO SAID OPINION.

NOTES

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES OF RECORD MAY EXIST BUT MAY NOT BE SHOWN BY THIS SURVEY. THIS PLAT IS SUBJECT TO ANY FINDINGS THAT A TITLE REPORT MAY DISCLOSE.
2. ONLY VISIBLE UTILITIES SHOWN.

LEGEND

- #4RBF 1/2" REBAR FOUND
- #4RBS 1/2" REBAR SET
- 1.5" OTF 1.5" OPEN TOP PIPE FOUND
- 1" OTF 1" OPEN TOP PIPE FOUND
- SS SANITARY SEWER MANHOLE
- ☀ LIGHT POLE
- WMD WATER METER
- — — OVERHEAD POWER
- X — FENCE



ZONING

R-40

FRONT SETBACK - 40 FEET
REAR SETBACK - 30 FEET
SIDE SETBACK - 15 FEET

** ALL ZONING INFORMATION TO BE VERIFIED WITH THE CITY OR COUNTY **

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Jeremy D. Shirey
JEREMY D. SHIREY-04 RLS #3156

DIGITALLY SIGNED ON 6/3/24
DATE



FOUNDATION SURVEY FOR:
150 FORREST LAKE WAY

ARTHUR ASH III & ALLISON ASH

LOT 15 OF FORREST LAKE SUBDIVISION, UNIT TWO
DB 4871, PG 699; PB 15, PG 89



52 CURETON LANE
MORELAND, GA 30259
678-633-5665

WWW.WIDEOPENLANDSURVEYING.COM

JOB #150FORRESTALLAKWAY

FIELD DATE:	6/3/24
PLAT DATE:	5/6/24
SCALE:	1"=40'
COUNTY:	FAYETTE
DISTRICT:	5TH
LAND LOT:	41

SURVEY

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

PROPERTY INFORMATION:

Parcel No. 051206012 Acreage: 1.14 Land Lot: 41 Land District: 5th
Address: 150 Forrest Lake Way
Existing Zoning: R-40 Requested Zoning: _____
Zoning of Surrounding Properties: Res.
Existing Use: Res
Proposed Use: _____

PROPERTY OWNER INFORMATION

Name Arthur Ash
Email _____
Address 150 Forrest Lake Way
City Fayetteville
State GA Zip 30215
Phone _____

AGENT/DEVELOPER INFORMATION (If not owner)

Name NA
Email _____
Address _____

PETITION NUMBER: A-864-24 (THIS AREA TO BE COMPLETED BY STAFF)

- ☐ Application Insufficient due to lack of: _____
by Staff: _____
- ☐ Application and all required supporting documentation is Submitted _____
by Staff: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from Arthur Ash a check in the amount of \$ 200.00
for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).
Date Paid 6/3/2024 Receipt Number: 21109

Need Allison's
signature

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:
- ☒ 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.
 - ☒ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - ☒ Location of exits/entrances to the subject property.
 - ☒ 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.
 - ☒ Location of all utilities, including well or water lines.
 - ☒ Location of septic tank, drainfield, and drainfield replacement area.
 - ☐ NA Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - ☐ NA Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - ☐ NA Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - ☐ 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: <u>Deb Sims</u>	Lot Size:	
Lot: <u>15</u>	Width:	
Zoning: <u>R 40</u>	Front Setback: <u>40'</u>	
Flood: Yes/ No MFEE:	Side Setback:	
Stream Buffers:	Rear Setback: <u>30'</u>	<u>10'</u>
Number of Frontages <u>1</u>	House Size:	

Doc ID: 010637030001 Type: WD
 Recorded: 05/13/2019 at 10:05:00 AM
 Fee Amt: \$271.00 Page 1 of 1
 Transfer Tax: \$261.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4871 PG 699

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220
 19-0663S/JULIE

TAX PARCEL ID: 051206012

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **9th day of May, 2019**, by and between **CHRISTOPHER T. KOLLASCH**, as party or parties of the first part, hereinafter referred to as "Grantor," and **ARTHUR ASH III and ALLISON ASH**, 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 41 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 15, OF FORREST LAKE SUBDIVISION, UNIT TWO, AS PER PLAT RECORDED AT PLAT BOOK 15, PAGE 89, 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 9th day of May, 2019 in the presence of:


CHRISTOPHER T. KOLLASCH

Unofficial Witness

Notary Public
 My Commission Expires

[Notary Seal]



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:

Arthur + Allison Ash

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 05-1206-012

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 41 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.14 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Signature [Signature]
Name: Arthur Ash
Address: 150 Forrest Lake Way
City/State/Zip: Fayetteville, GA 30215
Date: 4-3-24

Notary: [Signature]

Commission Exp.: May 2026



Owner/
Agent
One:

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

Notary: _____

(seal)

Commission Exp.: _____

Owner/
Agent
Two:

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

Notary: _____

(seal)

Commission Exp.: _____

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	110-79. (c)(1) a.
Requirement	2 per lot
Proposed Change	4 structures - 3 garden sheds + 1 detached garage
Variance Amount	2 structures

Ordinance/Section	110-137. (d) (5) Rear yard setback
Requirement	30'
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.

A variance is requested to keep the 3 existing storage sheds on the property and have them remain where they are. I'd like to request the rear setback be reduced from 30' to 10'.

10x12
10x12
10x14

960
120
140
140
1360

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.

In order to remove the sheds, an existing deck would need removed or the placed concrete forms would need to be taken apart and moved. They've already been moved over 1.5' and now are blocking the removal path. If they were to be moved forward, they would block the only access to the backyard + existing septic drain field. They would also cover up a potential future site.

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

One storage shed is very old and would probably come apart if moved. By moving them forward, they would block current septic drain field access. Since everything like the deck, concrete forms, fence, etc are in place, they are effectively locked in place. Danger to equipment could result if it was to be used.

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

This property has been improved since the sheds were set. A fence has been created + a large platform/deck has been built. The new building has been planned to sit on the only reasonable spot for it. Because of that, the sheds have been blocked in their current position.

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.

After talking to my rear neighbors, they stated that they didn't even know they were there and had no objections with them remaining. My side neighbors fully support that as well. The sheds are kept nice and are well maintained.

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

If the sheds are to be moved, there will be no access to repair the septic drain field should the need arise. They will also be on top of a future site if it's needed.

CLOSURE NOTE

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 17,685 FEET, AN ANGULAR ERROR OF 04 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 122,558 FEET. A TRIMBLE TOTAL STATION AND RECON DATA COLLECTOR WERE USED TO GATHER THE INFORMATION USED TO PREPARE THIS PLAT.

FLOOD NOTE

I HAVE EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. WITHOUT AN ELEVATION CERTIFICATE, SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE TO SAID OPINION.

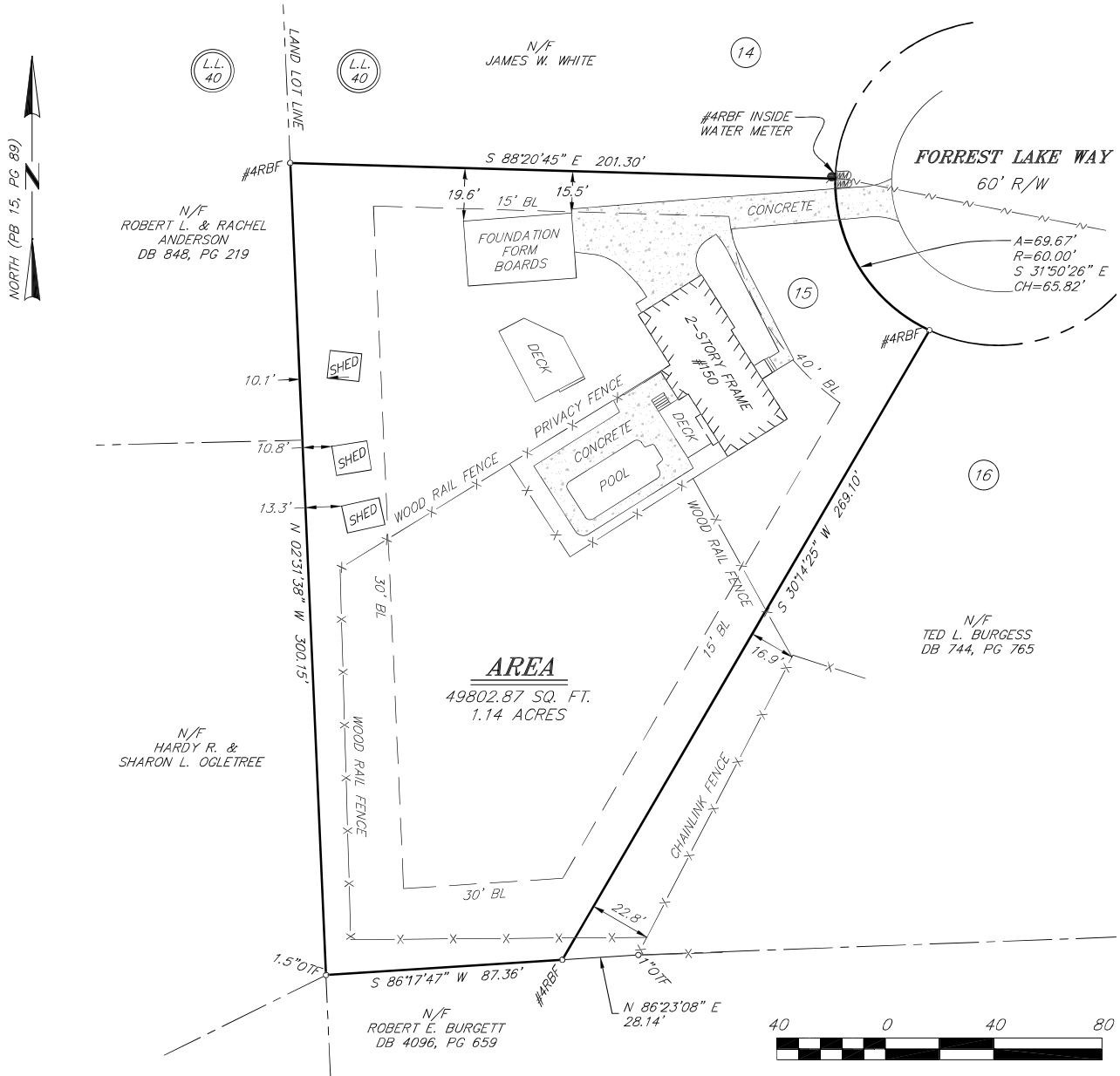
MAP NUMBER: 13113C0116E REVISED DATE: 09/26/08

NOTES

- THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT AND ACCURATE TITLE REPORT. EASEMENTS AND OTHER ENCUMBRANCES OF RECORD MAY EXIST BUT MAY NOT BE SHOWN BY THIS SURVEY. THIS PLAT IS SUBJECT TO ANY FINDINGS THAT A TITLE REPORT MAY DISCLOSE.
- ONLY VISIBLE UTILITIES SHOWN.

LEGEND

#4RBF	1/2" REBAR FOUND
#4RBS	1/2" REBAR SET
1.5" OTF	1.5" OPEN TOP PIPE FOUND
1" OTF	1" OPEN TOP PIPE FOUND
SS	SANITARY SEWER MANHOLE
☀	LIGHT POLE
WM	WATER METER
—/—/—	OVERHEAD POWER
—X—X—	FENCE



ZONING

R-40

FRONT SETBACK - 40 FEET
REAR SETBACK - 30 FEET
SIDE SETBACK - 15 FEET

** ALL ZONING INFORMATION TO BE
VERIFIED WITH THE CITY OR COUNTY **

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Jeremy D. Shirey
JEREMY D. SHIREY, GA RLS #3156

DIGITALLY SIGNED ON 6/3/24
DATE



FOUNDATION SURVEY FOR:
150 FORREST LAKE WAY

ARTHUR ASH III & ALLISON ASH

LOT 15 OF FORREST LAKE SUBDIVISION, UNIT TWO
DB 4871, PG 699; PB 15, PG 89



52 CURETON LANE
MORELAND, GA 30259
678-633-5665

WWW.WIDEOPENLANDSURVEYING.COM

JOB #150FORRESTALLAKWAY

FIELD DATE:	6/3/24
PLAT DATE:	5/6/24
SCALE:	1"=40'
COUNTY:	FAYETTE
DISTRICT:	5TH
LAND LOT:	41

140 Forest Lake Way
Fayetteville, GA 30215
May 11, 2024

To Whom It May Concern:

Mr. Arthur Ash and his family, residing at 150 Forest Lake Way, are my neighbors. It has come to my attention that Mr. Ash wishes to construct a garage on his property.

My wife and I fully support the addition of the garage, as well as his existing storage units remaining in place. The community is composed of one-acre lots, and the addition will not create a cluttered or otherwise negative appearance. The Ash family always maintain their property and keep it looking very appealing.

I respectfully request your consideration of approving a variance to facilitate his plans. Thank you, and I will be happy to provide any additional information you may need.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ted L. Burgess", with a large, stylized loop at the end.

Ted L. Burgess

6-3-2024

" TO Whom it may concern "

The Three sheds located at the back property line of my neighbor Arthur Ashe does not present any problems.

Sincerely:

James White

145 Forest Lake way
Fayetteville, Ga. 30215

6/2/24

To whom it may concern,

My name is Sharon Ogletree, I live
at 190 Wakefield Pl, Fayetteville, Ga
30215 - 770-595-9459 -

I have no opposition to the number
of sheds or the location of sheds on
the property of Mr. Arthur Ash.

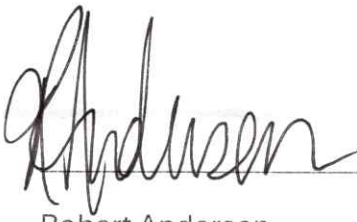
Sharon L. Ogletree

Date: 5 June 2024

Re: 150 Forrest Lake Way

To whom it may concern,

Arthur Ash at 150 Forrest Lake Way has my permission to have 3 sheds at 10 feet from my property line.

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

Robert Andersen

180 Wakefield Place

Fayetteville, GA 3021-5

404-921-4443

Bob.andersen777@gmail.com



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



Applicant Photo



PETITION NO: A-865-24-A-B-C

Requested Actions:

1. To allow a detached garage in the front yard to be more than 35' from the principal dwelling.
2. To allow a detached garage in the front yard that does not match the general residential architectural style of the dwelling.
3. To allow a detached garage in the front yard to omit the connecting breezeway, deck, or pergola.

Location: 139 Lee's Lake Road, Fayetteville, Georgia 30215

Parcel(s): 0708 060

District/Land Lot(s): 7th District, Land Lot(s) 18

Zoning: R-70, Single-Family Residential

Lot Size: 5.7 Acres

Owner(s): Roland E. Sasser, Jr.

Agent: N/A

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following variances:

- A. Per Sec. 110-79.(e)(1)a., a detached garage located in the front yard is required to be within 35' of the principal structure. The applicant is requesting approval of a detached garage in the front yard that is located 169' from the house.
- B. Per Sec. 110-79(e)(1)b, a detached garage located in the front yard shall have a residential architectural style. The applicant is requesting to approval to construct a detached garage located in the front that does not meet these architectural standards.
- C. Per Sec. 110-79(e)(1)d, a detached garage located in the front yard shall be attached to the principal dwelling by a breezeway, deck or pergola. The applicant is requesting to allow a residential accessory structure located in the front that does not have a connecting breezeway, deck, or pergola.

STAFF ASSESSMENT

It appears that there is room to locate the garage closer to the house, but it would be difficult to locate the garage behind the house. There is no apparent zoning hardship to support omitting the architectural standards for a detached garage in the front yard.

HISTORY

This parcel is a legal lot of record documented in a final plat recorded in Plat Book 33 Page 126. The house meets or exceeds minimum house size for the R-70 zoning district. The current owner applied for a permit to construct a new detached garage.

ZONING REQUIREMENTS

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

(e) *Residential accessory structures located in a front yard.* On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of residential accessory structures. On a corner lot, the area between the streets and the front building lines shall be treated as a primary front yard or secondary front yard(s) with regard to the location of residential accessory structures. On a through lot, only the area between the street from which the lot is accessed and the front building line shall be treated as a front yard with regard to the location of residential accessory structures.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot, a through lot or in the primary front yard of a corner lot (see subsection (1) of this section for requirements); a residential accessory structure in a secondary front yard of a corner lot (see subsection (2) of this section for requirements); or a residential accessory structure on a lot in the A-R zoning district which consists of five or more acres.

(1) *Detached garage located in the front yard of a single frontage lot, a through lot, or a primary front yard on a corner lot.* Said detached garage shall meet the following requirements:

- a. The detached garage shall not be located more than 35 feet from the principal structure.
- b. The design of the detached garage shall match with the general residential architectural style inherent in the existing principal structure, including, but not limited, to: roof pitch, roof facade, facade, residential windows, and residential doors. Elevation drawings denoting compliance with these requirements shall be submitted as part of the building permit application.
- c. The detached garage shall have at least one opening for vehicular access.
- d. The detached garage shall be connected to the principal structure by at least one of the following, and elevation drawings denoting compliance with the following requirements shall be submitted as part of the building permit application:
 1. *An attached or detached breezeway.* Said breezeway shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached breezeway shall be constructed within six inches of the principal structure and the detached garage;
 2. *An attached raised deck.* Said attached raised deck shall be a minimum height of 15 inches. The deck shall have a minimum width of six feet. Said deck shall have guard rails measuring a minimum of three feet in height; or

3. *An attached or detached pergola.* Said pergola shall consist of parallel colonnades supporting an open roof of beams and crossing rafters, shall be a minimum of six feet in width and a minimum of eight feet in height (interior measurement). A detached pergola shall be constructed within six inches of the principal structure and the detached garage.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – If approved, Building Safety requires metal buildings to have site-specific plans. A permit must be submitted/reviewed/approved, and issued before any work occurs.
- ☐ **Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

The parcel does have specific topographic conditions that affect building location. The topography of the site slopes northward to a small lake. However, the difficulties of siting an accessory building are related to the location of the house, which is far back on the lot, near the lake.

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

The parcel is subject to the same requirements as all other properties in the neighborhood.

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

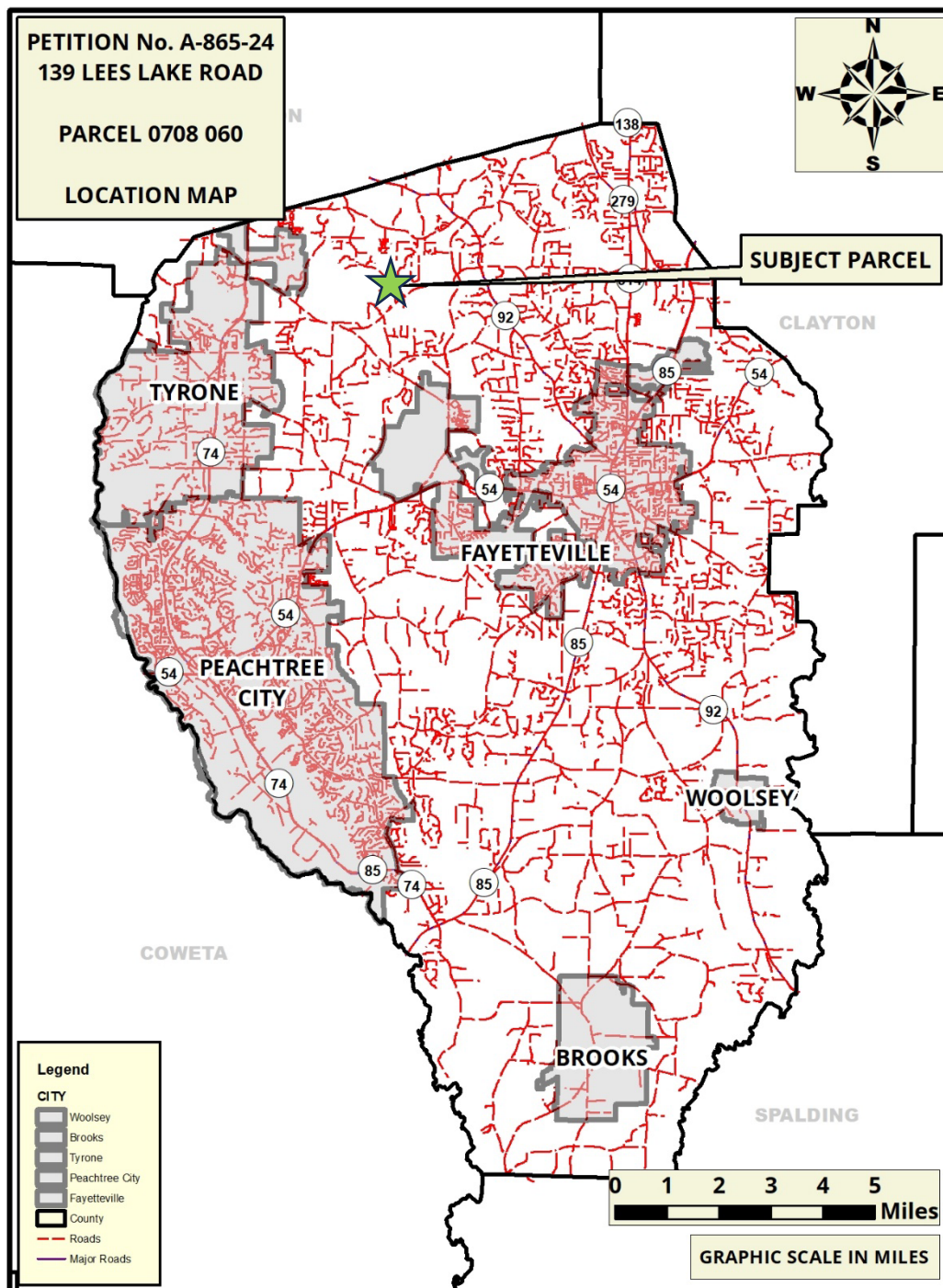
The house is set toward the back of the parcel, but this appears to have been by choice.

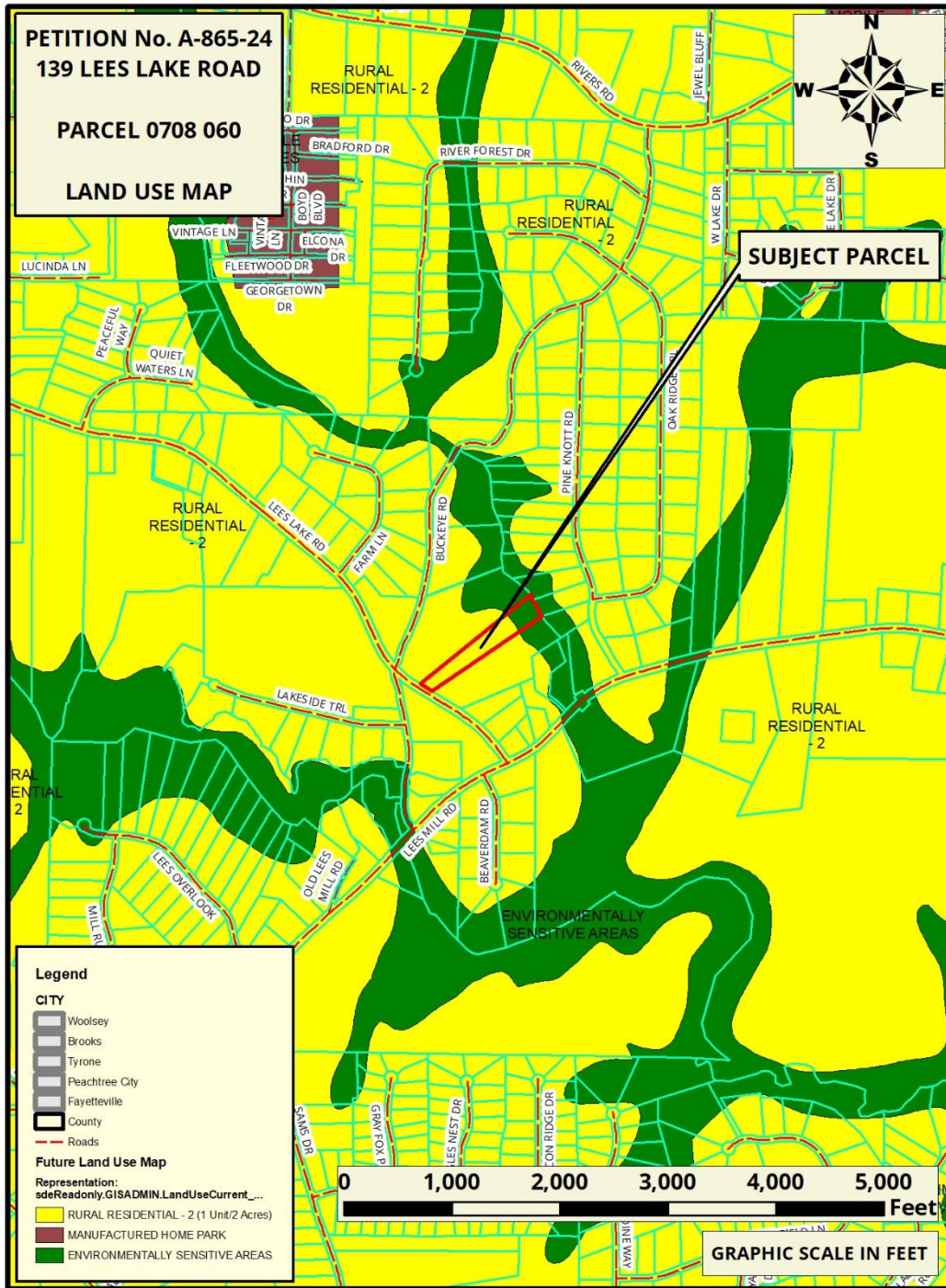
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

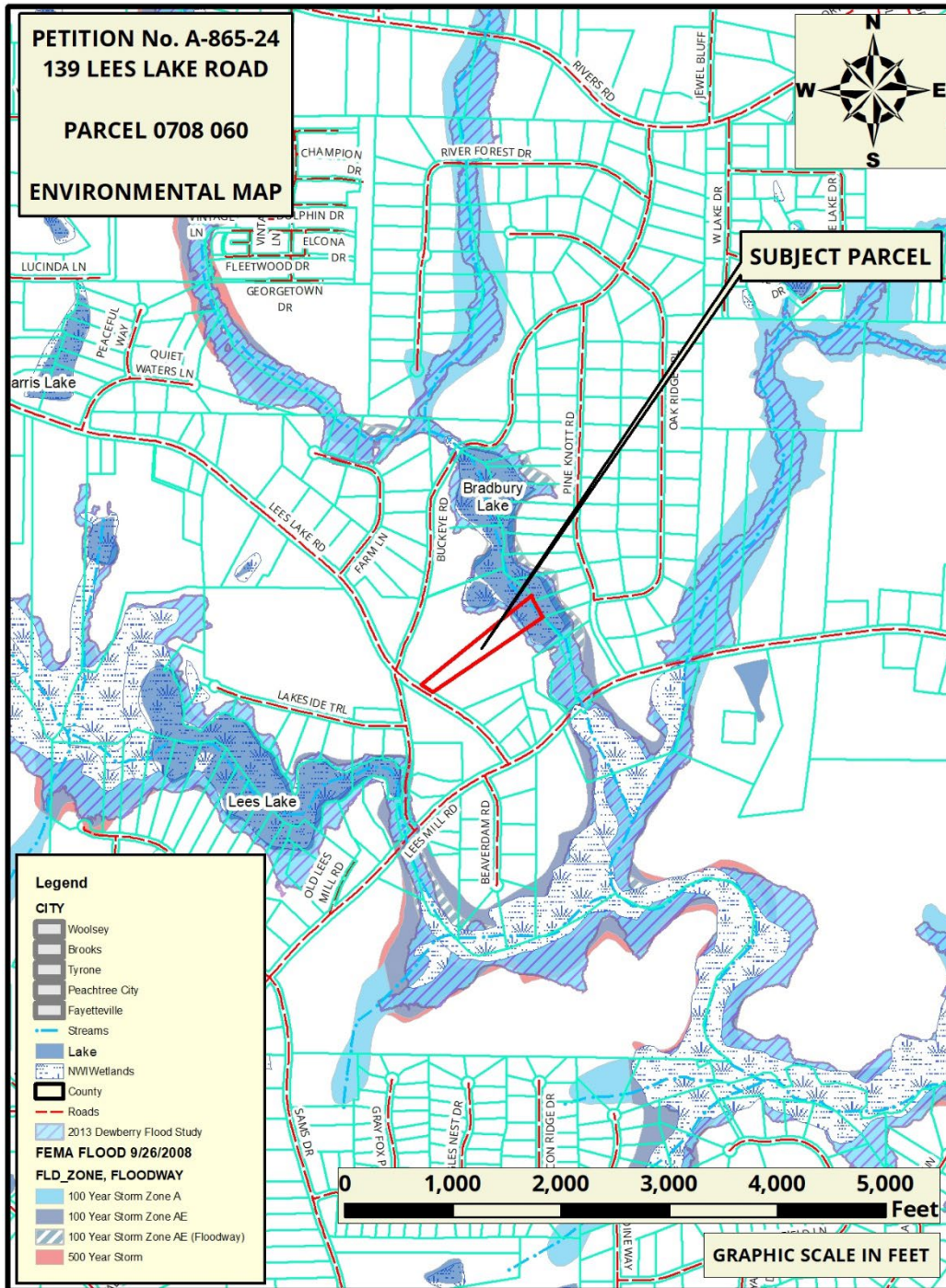
The location of the building is not likely to have an adverse impact on the neighbors. However, staff is concerned that the architectural requirements of the ordinance will not be met because the building has an industrial appearance rather than a residential appearance.

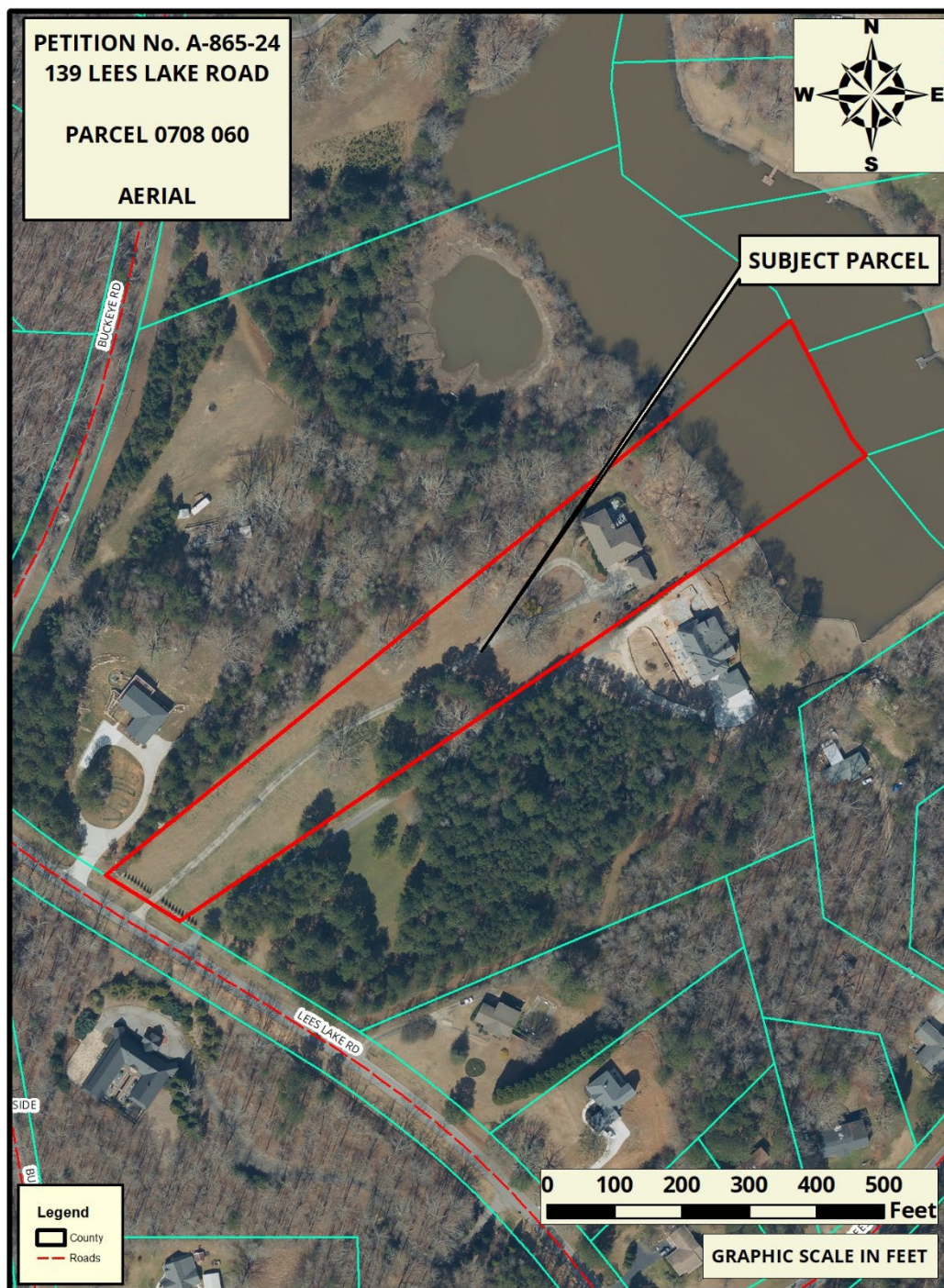
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

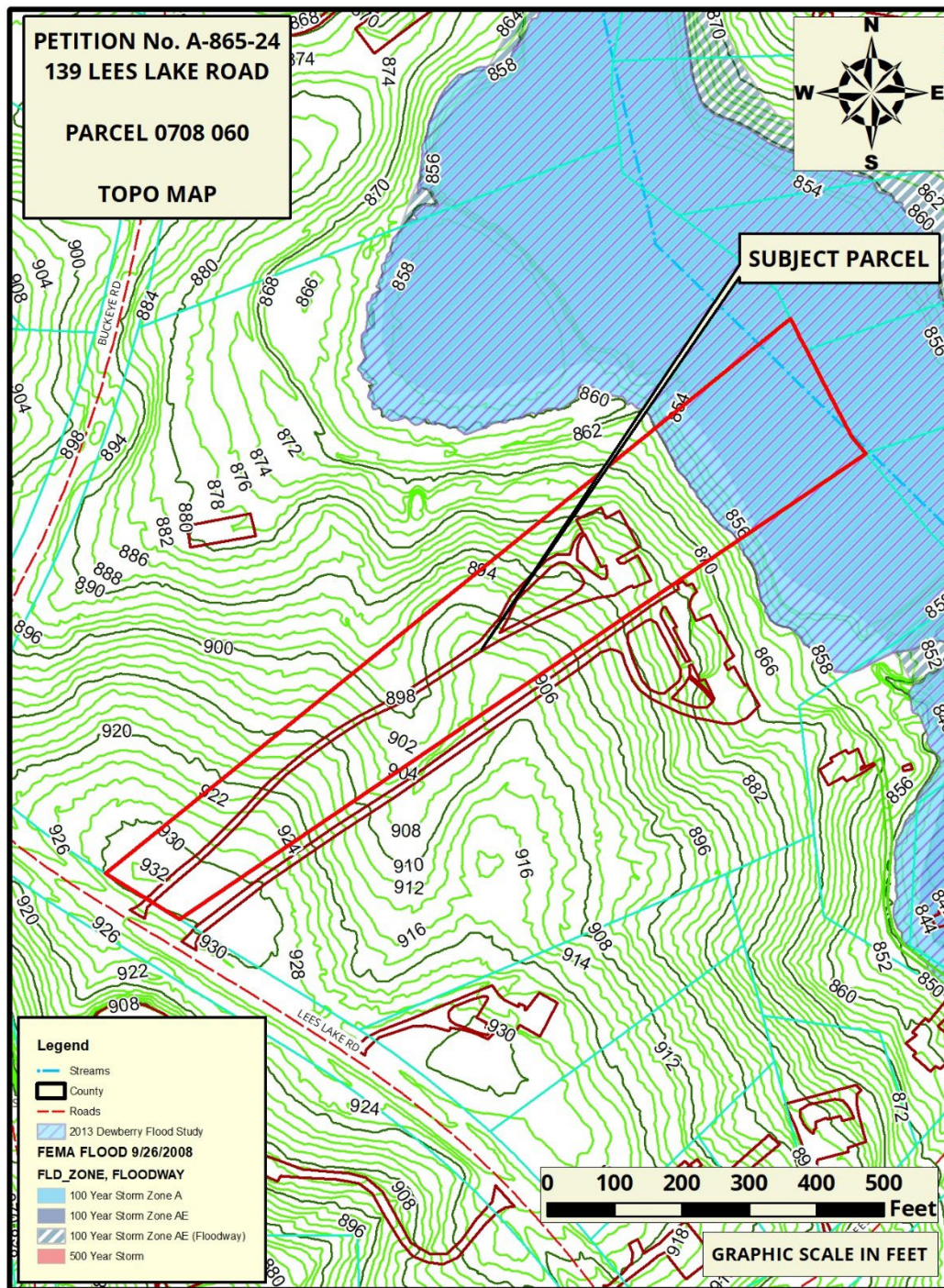
The applicant will continue to have the same rights as all other residents in the R-70 zoning district and is allowed to locate a detached accessory structure in the front yard that complies with the zoning criteria.

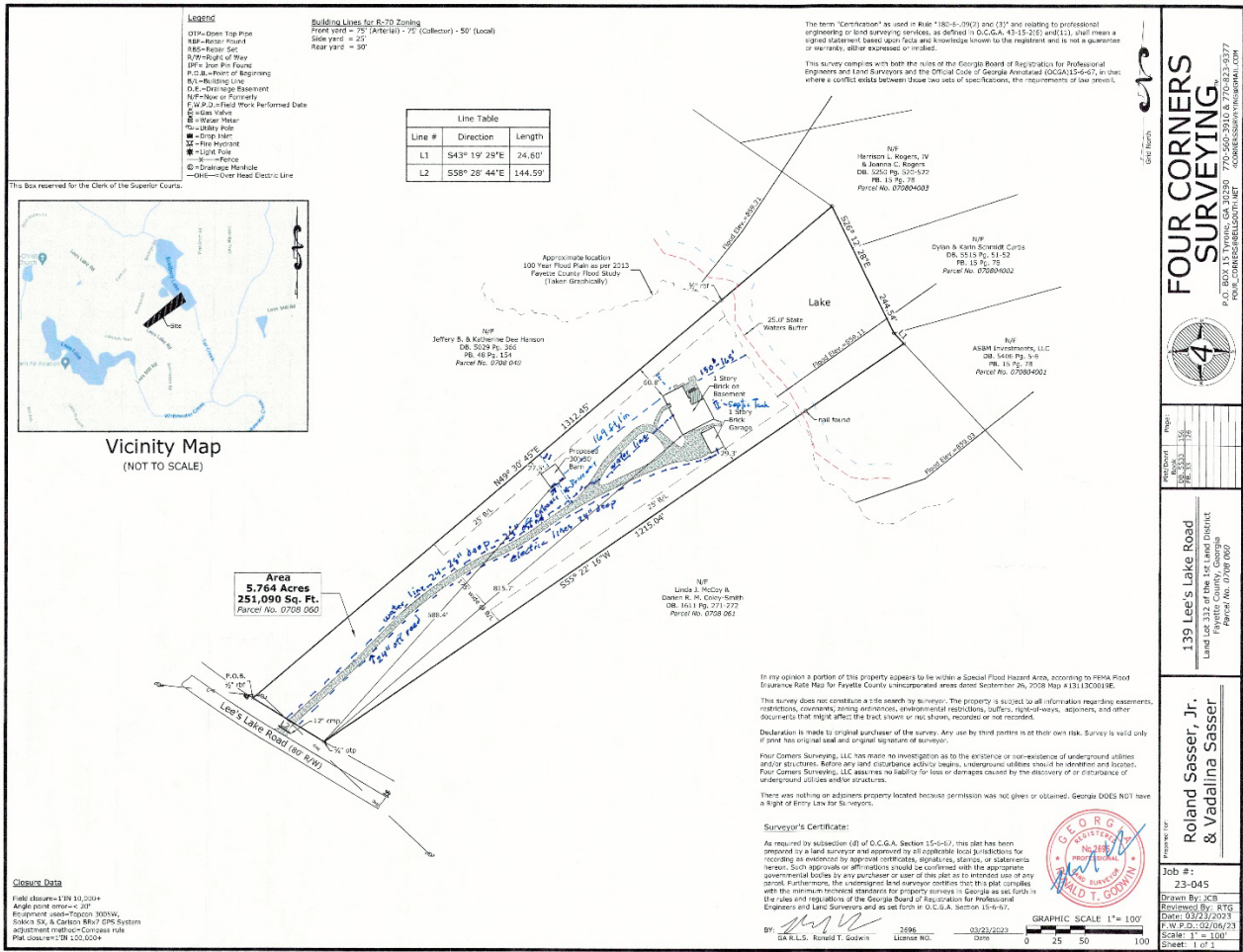












SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0708 080 Acreage: 5.7 Land Lot: 18 Land District: 7th
Address: 139 Lees Lake Rd, Fayetteville, GA 30214-3166
Existing Zoning: Residential Requested Zoning: _____
Zoning of Surrounding Properties: Residential
Existing Use: Residential
Proposed Use: Storage of owner's miscellaneous yard equipment, recreational use items and tools.

PROPERTY OWNER INFORMATION

Name Roland E Sasser Jr
Email sassere@aol.com
Address 139 Lees Lake Road
City 139 Lees Lake Rd, Fayetteville, GA 30214-3166
State Georgia Zip 30214-3166
Phone (678) 357-7588

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-865-24 **(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: _____

Received payment from Col. Roland Sasser, Jr. a check in the amount of \$ 225.00

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

Date Paid 6/6/2024 Receipt Number: 021149

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:

Sasser Living Trust c/o Roland E Sasser Jr and Vidalina Sasser

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 07-08-060

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 18 of the 7th District, and (if applicable to more than one land district) Land Lot(s) of the District, and said property consists of a total of 5.764 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Signature [Signature]
Name: Roland E Sasser Jr
Address: 139 Lees Lake Road
City/State/Zip: Fayetteville, GA 30214
Date: _____

Notary: [Signature]
Commission Exp.: 11/2/26



Owner/
Agent
One:

Signature [Signature]
Name: Vidalina Sasser
Address: 139 Lees Lake Road
City/State/Zip: Fayetteville, GA 30214
Date: _____

Notary: [Signature] (seal)
Commission Exp.: 11/2/26



Owner/
Agent
Two:

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

Notary: _____
Commission Exp.: _____

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	110-79(e)(1)(a)
Requirement	To allow the detached garage in front yard more than 35ft from principal structure.
Proposed Change	Move the bldg placement to allow for a level /safe structure to be built due to elevation difference of 885 ft elevation in front of house to 902 ft at bldg site - 17 ft difference.
Variance Amount	169 ft/1 inch from the front of the house toward Lees Lake Road.

Ordinance/Section	110-79(e)(1)(b)
Requirement	To allow the detached garage in front yard to not meet the residential architectural style inherent in the existing principal structure.
Proposed Change	<u>The steel bldg ordered is colored and structured to compliment the existing principal structure with matching roof, doors and windows.</u>
Variance Amount	The building ordered is structured to withstand site specific standards and painted to match in colors of medium grey and green trim even though it will be 169 ft away.

Ordinance/Section	110-79(e)(1)(d)
Requirement	To allow the detached garage in front yard to not be connected to the principal structure.
Proposed Change	<u>The elevation will not allow a structure to be built on the rear of the house because the elevation is 868 ft and the lake water level is 856 ft. Cannot be built on side of house due to inadequate footage on either side of property lines, 29ft/3in and 61 ft.</u>
Variance Amount	169ft/1inch from front of the house to the proposed location

VARIANCE SUMMARY

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

To allow the detached building in front yard more than 35ft from principal structure and 35ft from the boundaries, the site chosen is the only reasonable spot. It allows minimal digging, minimal concrete driveway and short driveway access. It will not be visible to anyone unless they turn down our private driveway and procede down past the line of 30ft cedar privacy trees grown specifically for that purpose.

JUSTIFICATION OF REQUEST

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

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

Due to the elevation and sloping of the property it is impossible to comply with the required variance
The proposed area is the only land that is level enough and has adequate space to the right
hand boundary (facing the road from the site to build a safe and compliant structure).

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

Relocating the structure would create a practical difficulty and an unnecessary hardship and expense.
The structure will not meet footage requirements to fit on either side of the main house, nor will it fit
in the rear of the house due to the elevation drop and distance requirements. It also would block the
view of the lake from the main house.

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

Sloping of the property is evident throughout this parcel of lake land. The elevation differences
make it impossible to locate the designated area for the proposed structure anywhere other than
chosen location per Para 1 and 2 above.

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 structure will not be visible to anyone driving by unless they enter the private entrance to
property and drive up the driveway. There is a tree line of 30 foot cedars on both sides of the
driveway blocking any view to the property. Only one neighbor can see it from her driveway entry
and she has stated to me she does not have a problem with the building placement. The other
neighbor has no view of my driveway from his property.

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

Yes, there are structures located throughout this district. This structure would not be visible
from the main road (Lees Lake Road). I have spoken to my two adjoining neighbors and
they do not have any concerns regarding the building or the chosen location.

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. 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. 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. x 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>Deb Sms</u>	Lot Size:	
Lot:	Width:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



Doc ID: 011621850001 Type: QCD
 Recorded: 08/24/2022 at 09:30:00 AM
 Fee Amt: \$25.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 5533 PG 156

After Recording Return To:
 SLEPIAN & SCHWARTZ, LLC
 42 Eastbrook Bend
 Peachtree City, GA 30269
 (770)486-1220

Firm then to return recorded deed to:
 139 LEES LAKE ROAD
 FAYETTEVILLE, GA 30214

TAX PARCEL ID: 0708 060

Order.No.: 22-1247-JOY

STATE OF GEORGIA
 COUNTY OF FAYETTE

DRAW DEED ONLY QUITCLAIM DEED

THIS INDENTURE, made the 22nd day of August, 2022 between ROLAND E. SASSER, JR. AND VIDALINA SASSER, as party or parties of the first part, hereinafter called "Grantor", and ROLAND E. SASSER, JR. AND VIDALINA SASSER, TRUSTEES, OR THEIR SUCCESSORS IN TRUST, UNDER THE SASSER LIVING TRUST, DATED DECEMBER 12, 2002., 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, Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto said Grantee the following property to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 18 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING TRACTS 1 AND 3 AS SHOWN ON A SURVEY PREPARED FOR JIM DOWNS BY DELTA SURVEYORS, INC., RECORDED IN PLAT BOOK 33, PAGE 126, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION. SAID PROPERTY BEING KNOWN AS 139 LEES LAKE ROAD ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FAYETTE COUNTY, GEORGIA.

Property Address: 139 LEES LAKE ROAD, FAYETTEVILLE, GA 30214
 Map Parcel No.: 0708 060

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting subject property.

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

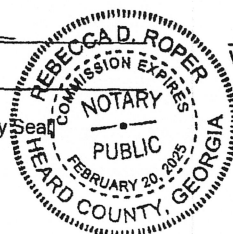
IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed this 22 day of August, 2022
 in the presence of:

Unofficial Witness

Notary Public
 My Commission Expires:

[Notary Seal]



ROLAND E. SASSER, JR.

VIDALINA SASSER

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, July
22, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-865-24 A-B-C
Owner(s)/Agent(s): Roland E.
Sasser Jr. & Vidalia Sasser
Property Address: 139 Lees Lake
Rd

Parcel: 0708 060

Zoning District: R-70

Area of Property: 5.7 acres

Land Lot(s): 18

District: 7th

Road Frontage: Lees Lake Rd

Request:

A. Per Sec. 110-79.(e)(1)
a., a detached garage located in the
front yard is required to be within
35' of the principal structure. The
applicant is requesting approval of
a detached garage in the front yard
that is located 169' from the house.

B. Per Sec. 110-79(e)(1)b,
a detached garage located in the
front yard shall have a residential
architectural style. The applicant is
requesting to approval to construct
a detached garage located in the
front that does not meet these
architectural standards.

C. Per Sec. 110-79(e)(1)d,
a detached garage located in the
front yard shall be attached to the
principal dwelling by a breezeway,
deck or pergola. The applicant is
requesting to allow a residential
accessory structure located in the
front that does not have a connect-
ing breezeway, deck, or pergola.

Legal Description:

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 18 OF THE 7TH
DISTRICT, FAYETTE COUNTY,
GEORGIA, BEING TRACTS 1
AND 3 AS SHOWN ON A SURVEY
PREPARED FOR JIM DOWNS
BY DELTA SURVEYORS, INC.,
RECORDED IN PLAT BOOK 33,
PAGE 126, FAYETTE COUNTY,
GEORGIA RECORDS, WHICH
PLAT IS INCORPORATED HERE-
IN BY REFERENCE AND MADE
A PART OF THIS DESCRIPTION.
SAID PROPERTY BEING KNOWN
AS 139 LEES LAKE ROAD
ACCORDING TO THE PRESENT
SYSTEM OF NUMBERING PROP-
ERTY IN FAYETTE COUNTY,
GEORGIA.

06/19

PETITION NO: A-866-24

Requested Actions: To allow an accessory structure that exceeds 1800 SF in floor area.

Location: 100 Berry Ridge Road, Fayetteville, Georgia 30215

Parcel(s): 0515 020

District/Land Lot(s): 5th District, Land Lot(s) 66

Zoning: R-40, Single-Family Residential

Lot Size: 4.2 Acres

Owner(s): Tim Hester

Agent: N/A

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following variances:

Per Sec. 110-79.(c)(1)b., a residential lot is limited to one accessory structure with a footprint not to exceed 1800 square feet. The applicant is requesting a variance in the amount of 3000 square feet, to allow an airplane hangar with a footprint of 4800 square feet.

STAFF ASSESSMENT

Coventry Estates is a fly-in/airplane community, so airplane hangars are standard accessory structures in this neighborhood. Mr. Hester has provided letters of approval from several neighbors and these are included in the packet.

HISTORY

This parcel is a legal lot of record documented in a final plat recorded in Plat Book 5 Page 105 on September 15, 1969. The house meets or exceeds minimum house size for the R-40 zoning district. The current owner applied for a permit to construct a new airplane hangar.

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:

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

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No water service at this location. No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No issues. Building permit required.
- ☐ **Fire** – No objections.

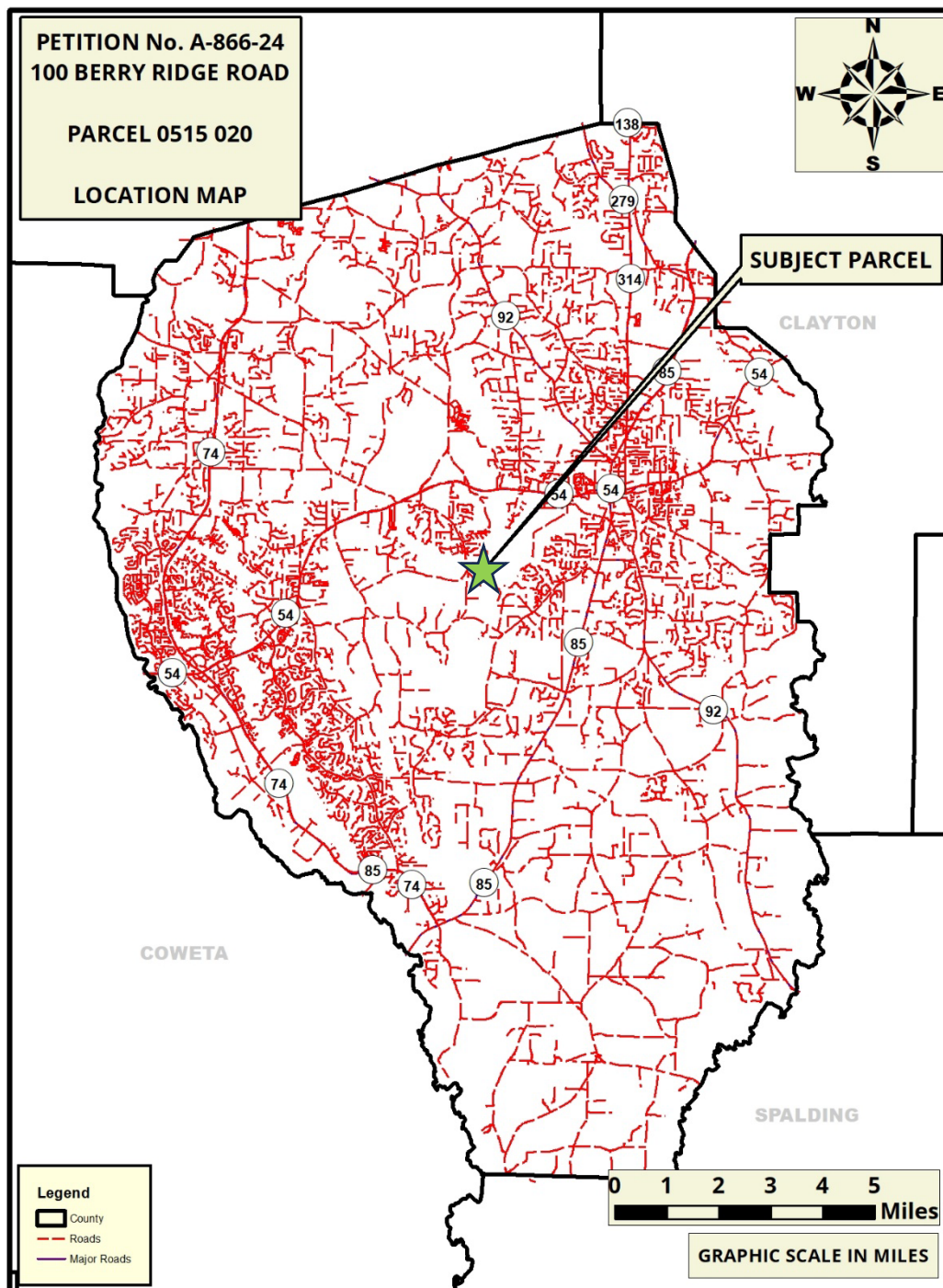
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

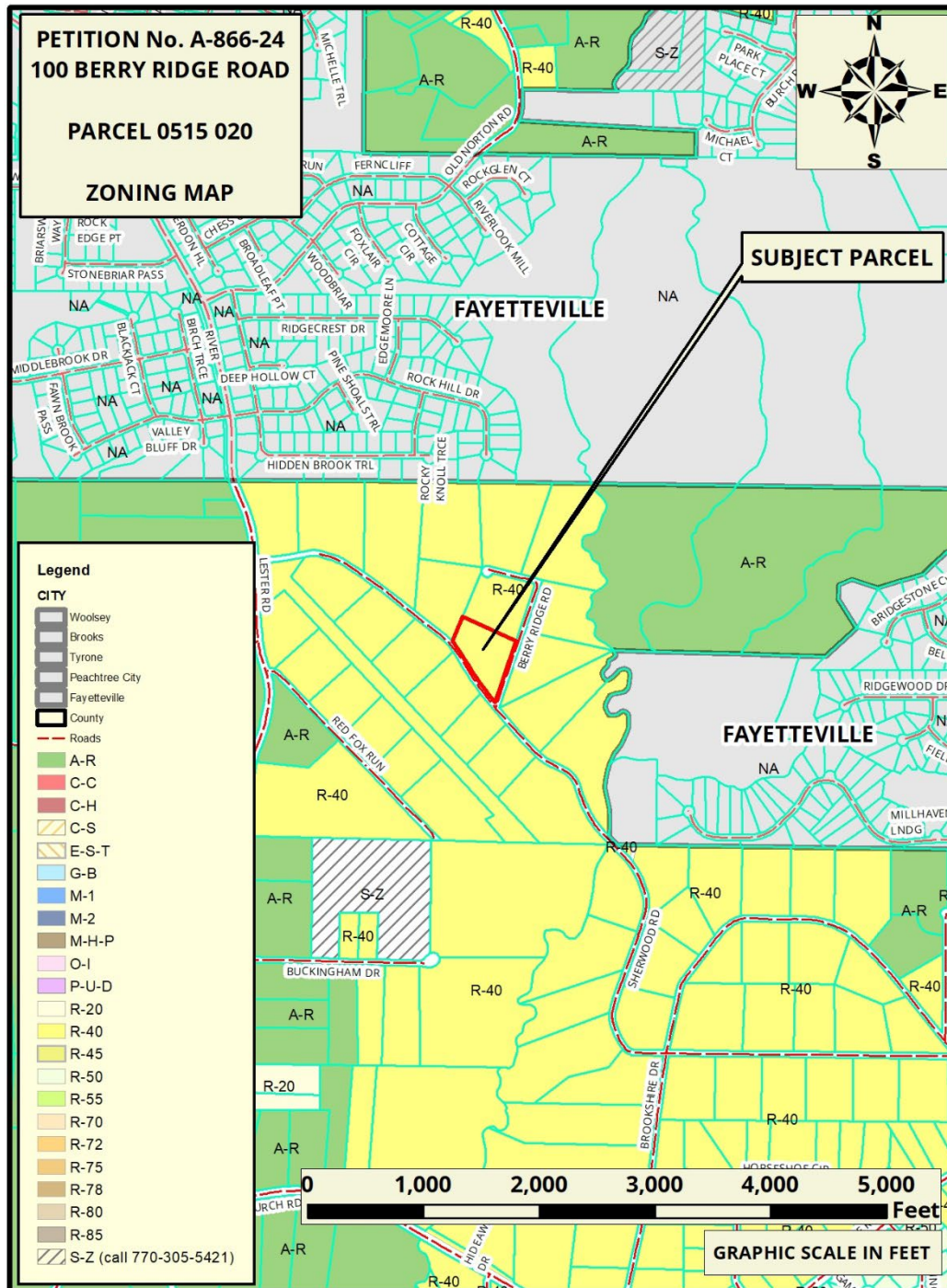
Staff Assessment

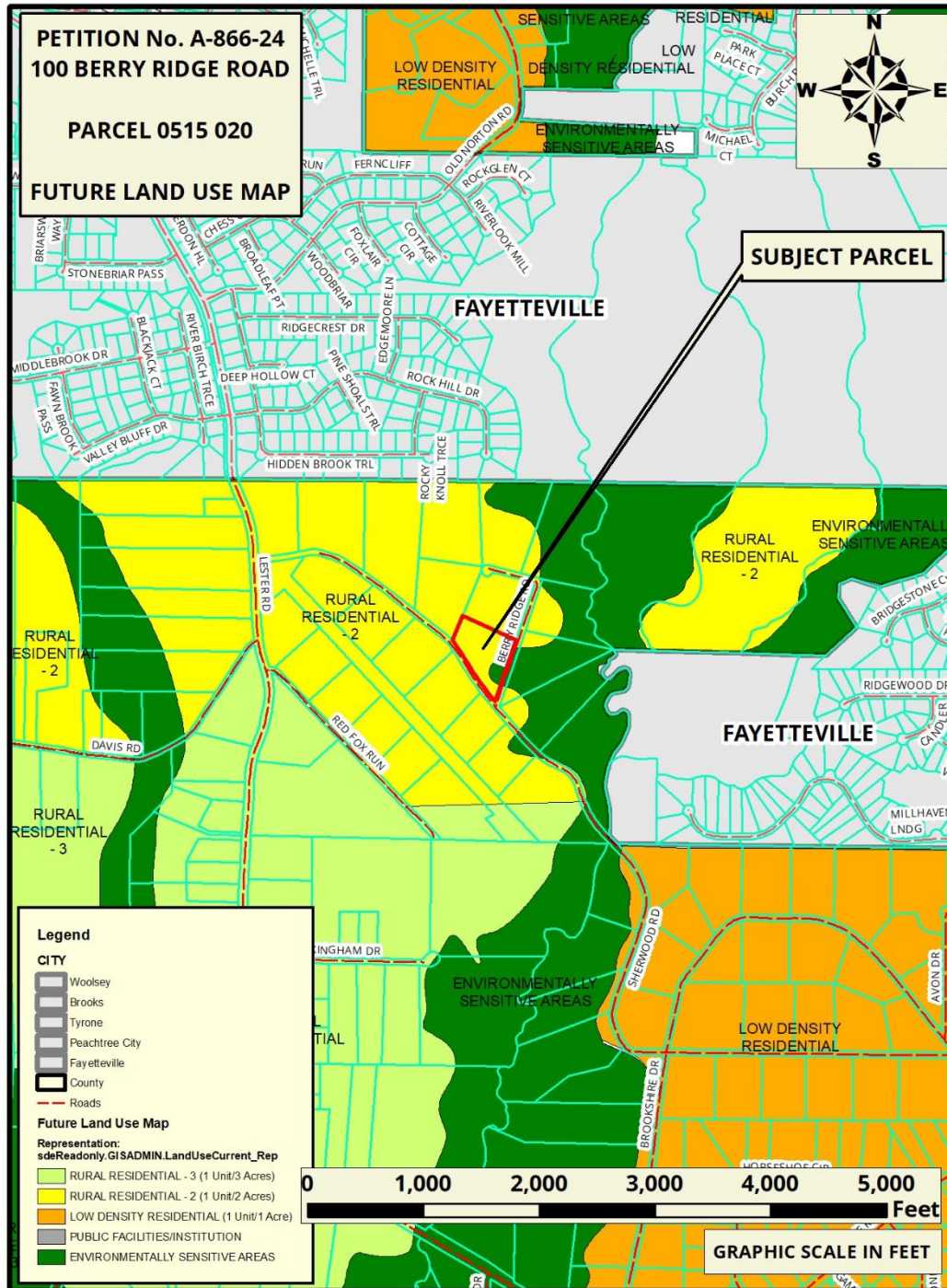
Please refer to the application form for the applicant's justification of criteria.

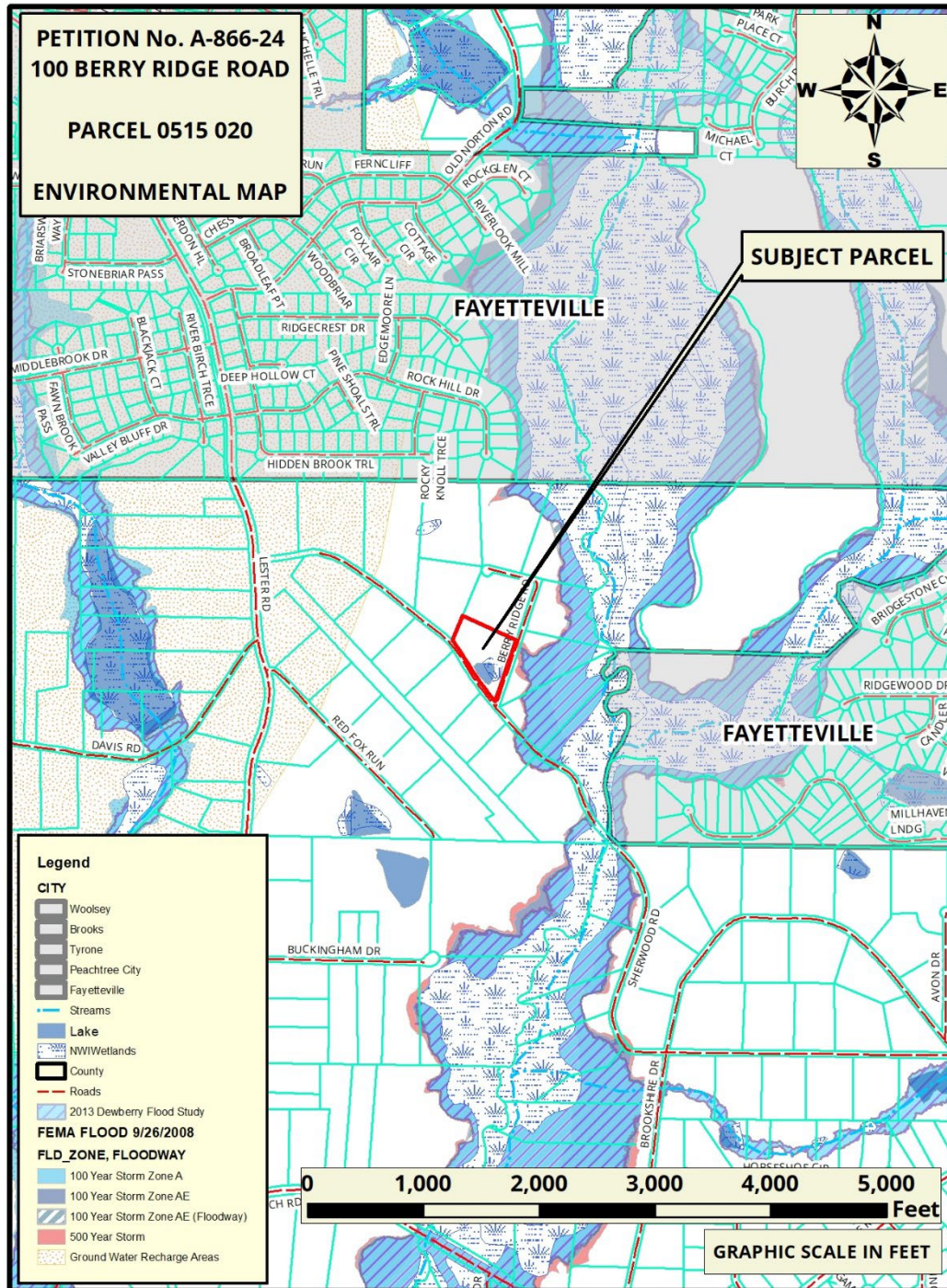
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

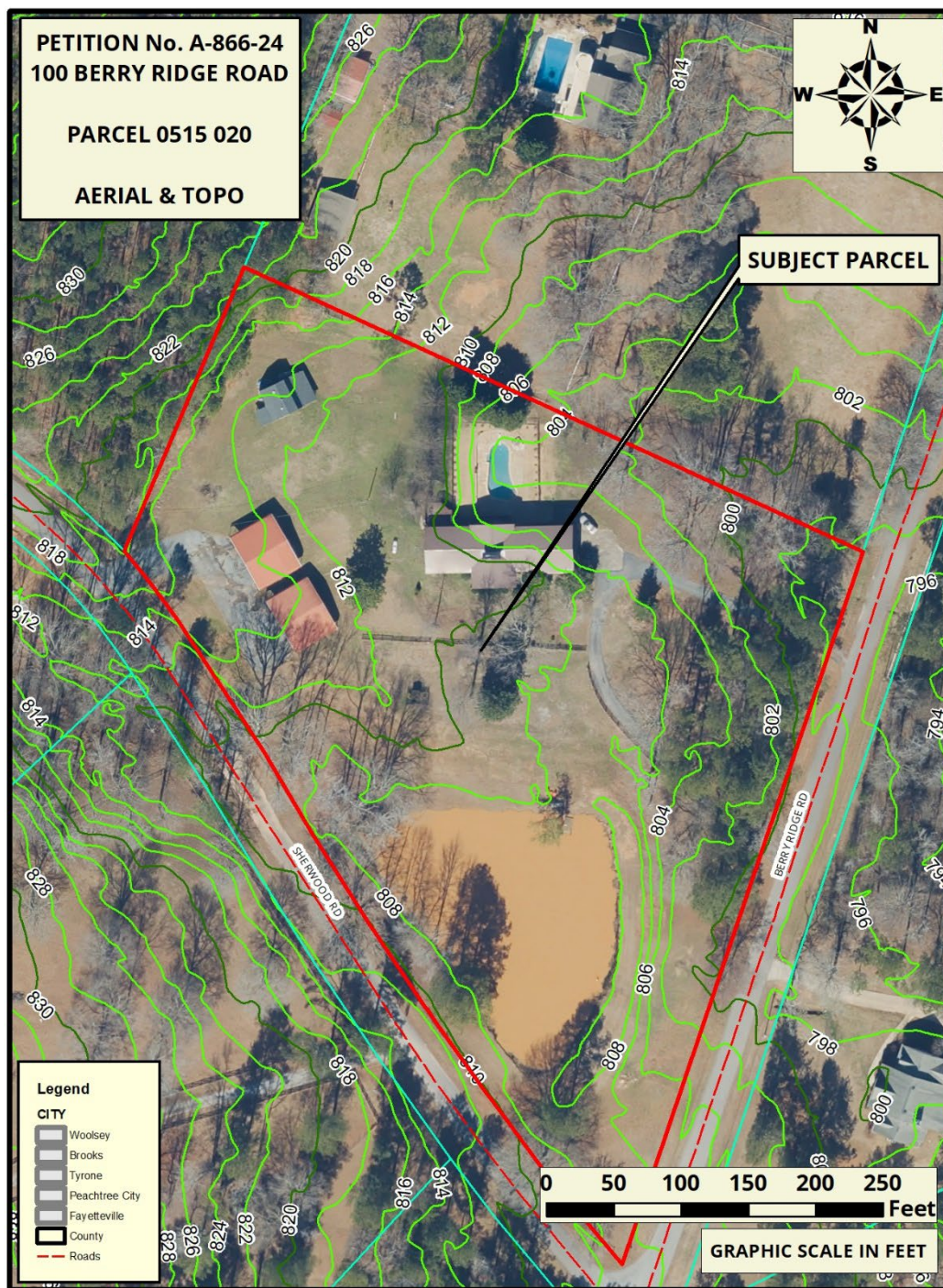
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel has two road frontages.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The house is set toward the back of the parcel, at an angle.
- 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 size of the building is not likely to have an adverse impact on the neighbors since it is an airplane hangar in a fly-in community and most properties have a hangar.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in the R-40 zoning district.










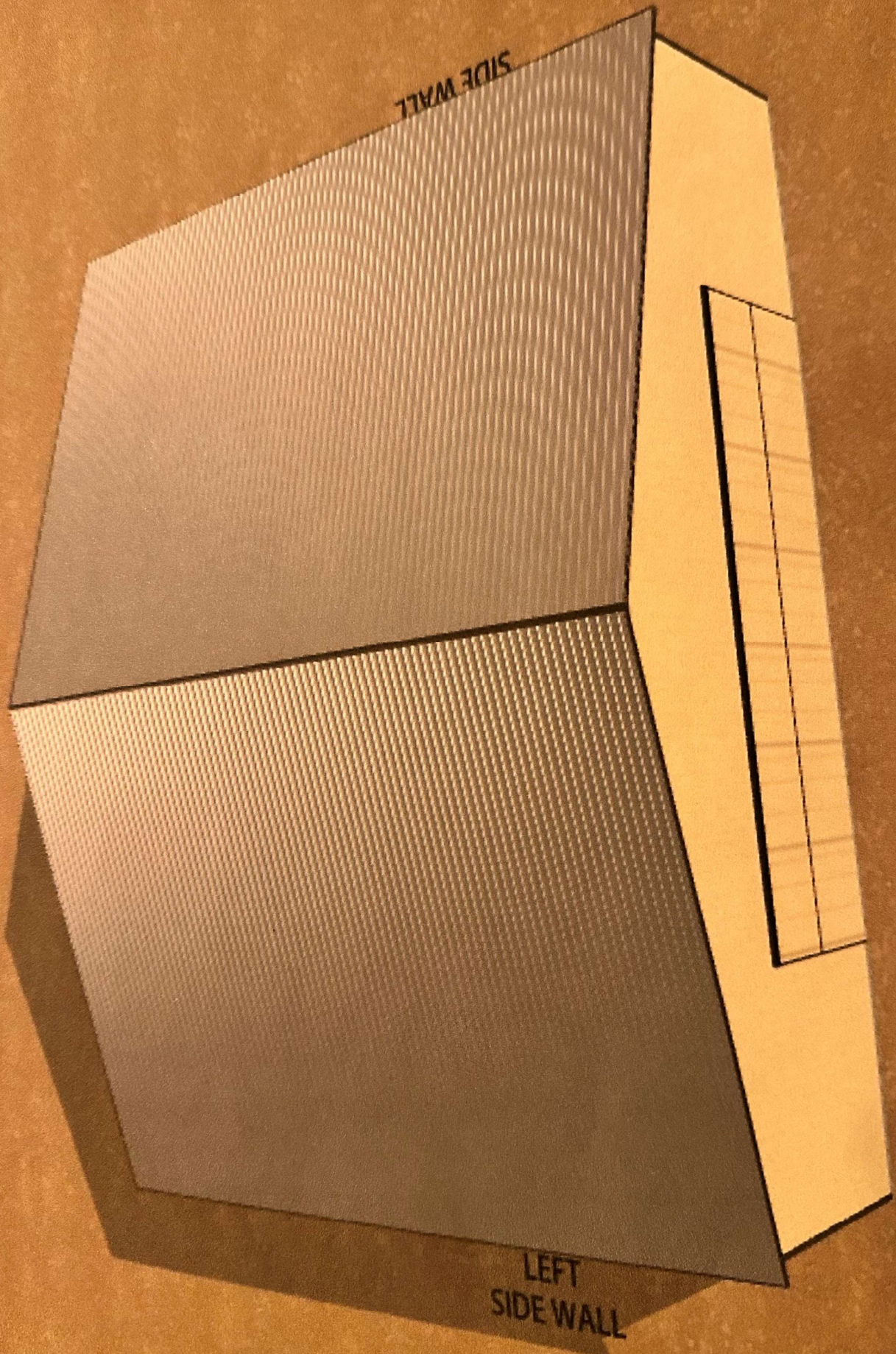




Date created: 6/6/2024
Last Data Uploaded: 6/6/2024 6:19:42 AM
Developed by  **Schneider**
GEOSPATIAL

The proposed building would be located at the black rectangle shown above, with dimensions of 60' x 80', and setback from Sherwood Road by 42.5'.

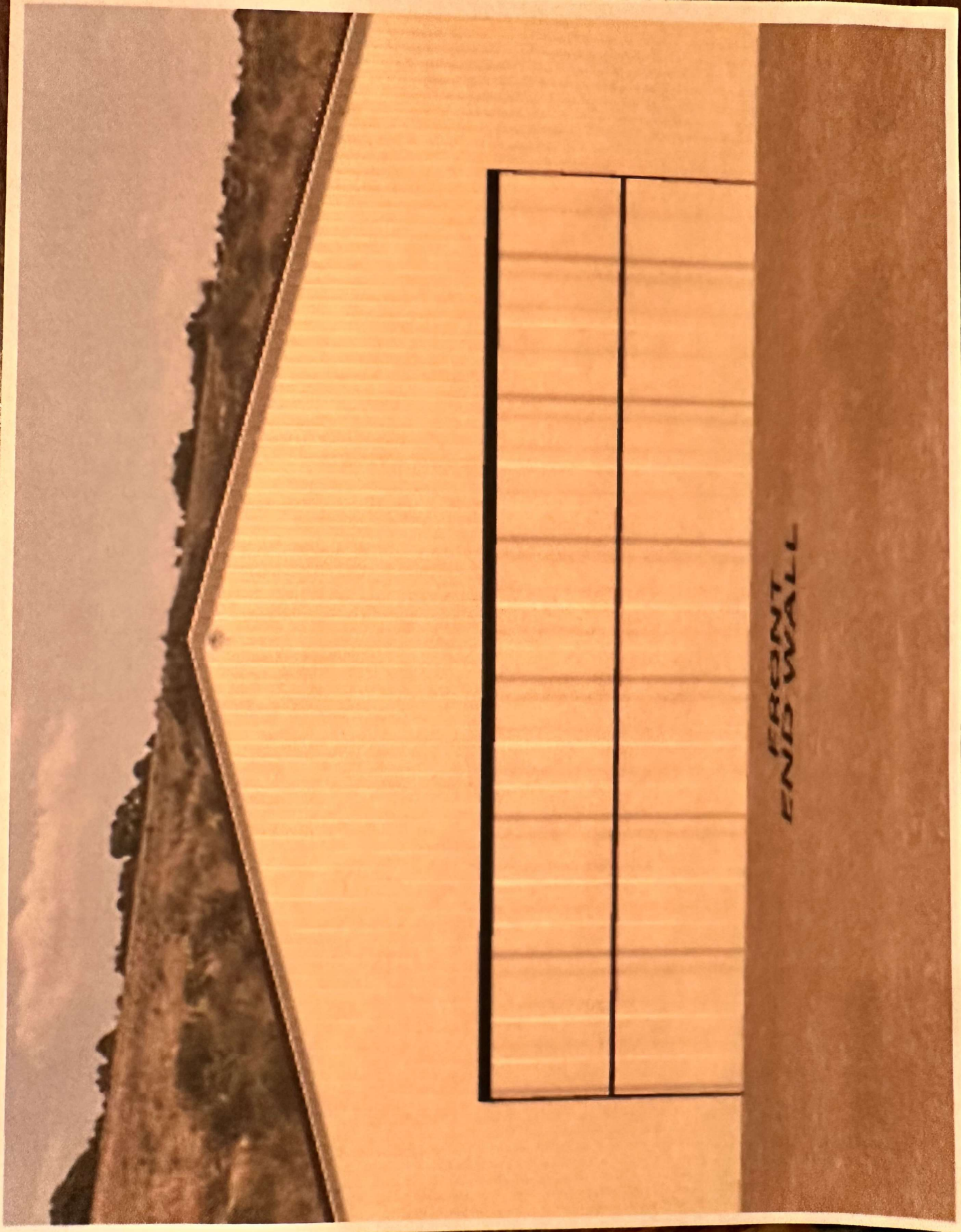
SITE PLAN



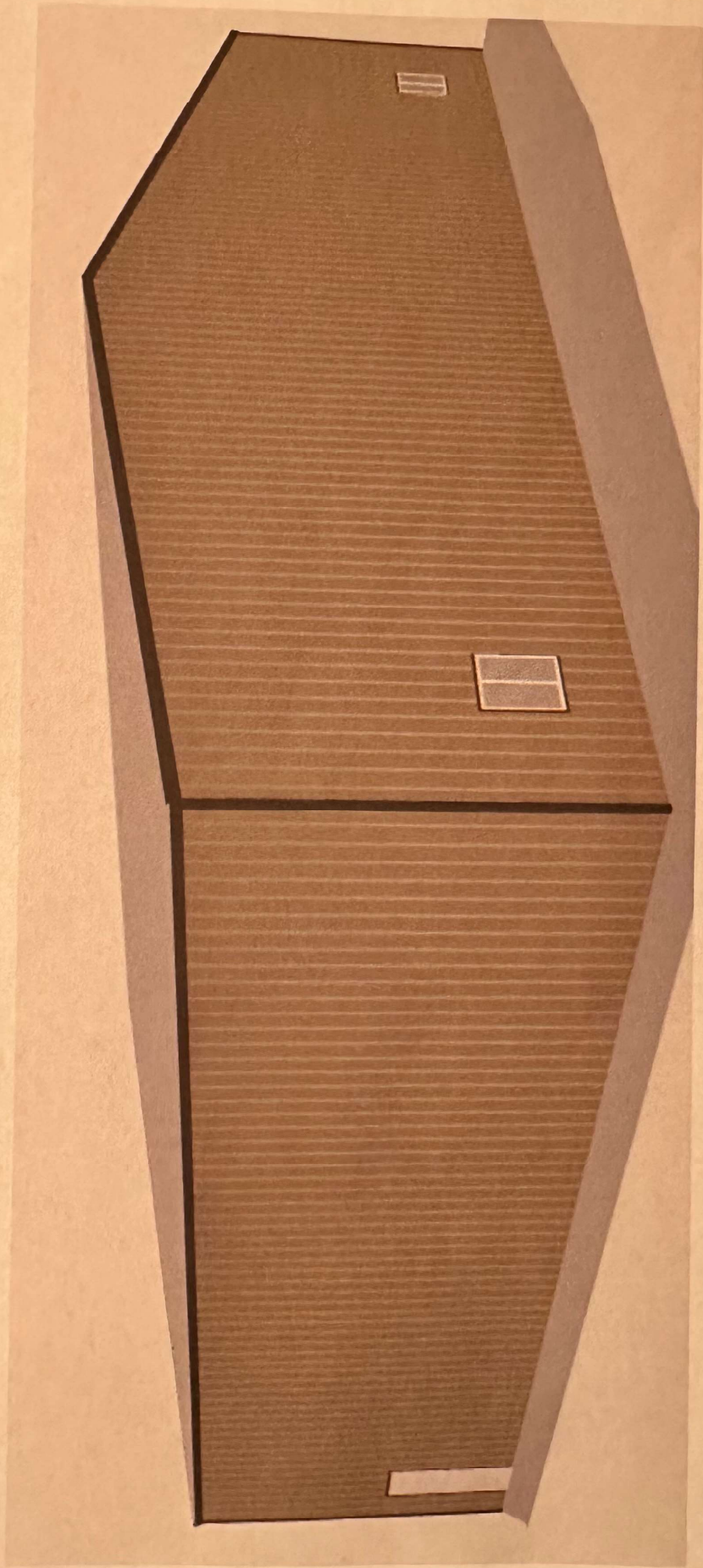
SIDE WALL

FRONT
END WALL

LEFT
SIDE WALL



FRONT



Permit # A-866-24

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

PROPERTY INFORMATION:

Parcel No. 0515 020 Acreage: 4.2 Land Lot: 66 Land District: 5th
Address: 100 BERRY RIDGE ROAD, FAYETTEVILLE, GA 30215
Existing Zoning: R-40 ~~Requested Zoning:~~ _____
Zoning of Surrounding Properties: _____
Existing Use: _____
Proposed Use: _____

PROPERTY OWNER INFORMATION

Name TIM HESTER
Email timhester7@icbud.com
Address 100 BERRY RIDGE ROAD
City FAYETTEVILLE
State GA Zip 30215
Phone 404-247-4644

AGENT/DEVELOPER INFORMATION (if not owner)

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

PETITION NUMBER: A-866-24 **(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: _____

Received payment from Tim Hester a check in the amount of \$ 175.00
for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).
Date Paid 6/6/2024 Receipt Number: 21153

JUSTIFICATION OF REQUEST

1. The property located at 100 Berry Ridge Road is triangular in shape and thus it is smaller than most of the other properties in the Coventry Estates subdivision. The houses built on or near the Willow Pond runway were constructed especially because the original residents desired to have a fly-in community, starting in 1959. My wife and I felt very fortunate to be able to purchase a house here in 2003, and have been members of the Willow Pond Aviation Association since 2004. At 4.2 acres the property does not qualify to be zoned A-R, and since there are approximately 12 other properties on or near the runway that have hangars, we are requesting a variance to replace the two open sheds with an enclosed structure to better protect our light airplanes from the elements, and to improve the appearance of the property.
2. The existing regulations would not permit an accessory structure any larger than 1800 square feet, and the three planes have wingspans of about 38 feet each, so more space is needed. Also we have some other vehicles and lawn mowers that we would like to store there to better protect them from theft and the elements.
3. As mentioned above, this property is less than 5 acres, making rezoning to A-R impossible.
4. Relief, if granted, would not cause substantial detriment to the public good because our neighbors generally have hangars and enjoy flying airplanes.
5. Similar to the above, a literal interpretation of the existing rules would preclude building a structure that would protect the airplanes, as our neighbors have been allowed to build. For all the above reasons, I am asking the Board to consider a variance for our property. Thank you.

Tim Ressler

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 66 of the 5th District, Fayette County, Georgia; and being more particularly described as follows:

Beginning at an iron pin placed at the corner formed by the intersection of the northeasterly right of way of Sherwood Road (50 foot right of way) and the northwesterly right of way of Berry Ridge Road (50 foot right of way); running thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) and following the curvature thereof 252.022 feet to an iron pin placed; continuing thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) 163.456 feet to an iron pin placed; continuing thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) and following the curvature thereof 234.192 feet to an iron pin placed and the southeast corner of property acquired by Normand L. Blain in Deed Book 131, page 174, Fayette County Records, running thence north 24 degrees 48 minutes 02.9 seconds east along said Blain property 222.637 feet to an iron pin found and the southwesterly line of Lot 62 of said subdivision; running thence south 67 degrees 10 minutes 02.2 seconds east along the line dividing Lots 62 and 63 of said subdivision 502.391 feet to an iron pin found on the northwesterly right of way of Berry Ridge Road (50 foot right of way); running thence south 19 degrees 19 minutes 16.5 seconds west along the northwesterly right of way of Berry Ridge Road (50 foot right of way) 574.5 feet to an iron pin placed on the northeasterly right of way of Sherwood Road (50 foot right of way) and the POINT OF BEGINNING; said property being improved property having a one story rock and brick house located thereon known as No. 100 Berry Ridge Road according to the present system of numbering houses in Fayette County, Georgia, and being more particularly shown on a survey prepared by Georgia Land Surveying Co., Inc. dated August 7, 1984, Josh L. Lewis, III, Registered Land Surveyor #1751; drawing #3357.

BOOK 2491 PAGE 191

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:

TIM HESTER

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0515 020

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 66 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 4.2 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to TIM HESTER (SELF) 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 Tim Hester
Name: TIM HESTER
Address: 100 BERRY RIDGE ROAD
City/State/Zip: FAYETTEVILLE, GA 30215
Date: 6-6-2024

Notary: Deborah M. Sims (seal)
Commission Exp.: 1/5/2027

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

**Owner/
Agent
One:**

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

Notary: _____ (seal)
Commission Exp.: _____

**Owner/
Agent
Two:**

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

Notary: _____ (seal)
Commission Exp.: _____

**Owner/
Agent
Three:**

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. 110-79.c.1.b
Requirement	1800 max sq.ft
Proposed Change	4800 sq ft
Variance Amount	3000 addtl sq ft

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.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Payment Receipt #021153

6/6/2024

Fayette County		Tim Hester
140 Stonewall Ave. West, Suite 201, Fayetteville, Georgia, 30214		
Item	Amount	
Variance Fee	\$215.00	
Total	\$215.00	
Transaction Method:		Check Number:
Check		5775
Check Date:		Bank Name:
6/6/2024		Delta Community Credit Union
Notes		
For Misc. Payments - P&Z Application #MISCPZ-06-2024-087004		
A-866-24		

Generated on Jun 06, 2024 @ 03:55 PM

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, July
22, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-866-24

Owner(s)/Agent(s): Tim Hester

Property Address: 100 Berry
Ridge Rd

Parcel: 0515 020

Zoning District: R-40

Area of Property: 4.2 acres

Land Lot(s): 66

District: 5th

Road Frontage: Berry Ridge
Rd and Sherwood Rd

Request:

1. Per Sec. 110-79.(c)(1)b.

- One residential accessory struc-
ture, per individual lot, footprint
not to exceed 1,800 square feet.

Applicant is requesting to have
an accessory structure (airplane
hangar) with a total footprint of
4,800 square feet.

Legal Description:

EXHIBIT "A"

All that tract or parcel of land lying
and being in Land Lot 66 of the
5th District, Fayette County, Geor-
gia; and being more particularly
described as follows

Beginning at an iron pin placed
at the corner formed by the
intersection of the northeasterly
right of way of Sherwood Road
(50 foot right of way) and the
northwesterly right of way of Berry
Ridge Road (50 foot right of way);
running thence northwesterly
along the northeasterly right of
way of Sherwood Road (50 foot
right of way) and following the
curvature thereof 252.022 feet
to an iron pin placed; continuing
thence northwesterly along the
northeasterly right of way of Sher-
wood Road (50 foot right. of way)
163.456 feet to an iron pin placed;
continuing thence northwesterly
along the northeasterly right of
way of Sherwood Road (50 right of
way) and following the curvature
thereof 234.192 feet to an iron pin
placed and the southeast corner of
property acquired by Normand L.
Blain in Deed Book 131, page 174,
Fayette County Records, running
thence north 24 degrees 48 min-
utes 02.9 seconds east along said
Blain property 222.637 feet to an
iron pin found and the southwest-
erly line of Lot 62 of said subdivi-
sion; running thence south 67
degrees 10 minutes 02.2 seconds
east along the line dividing Lots 62
and 63 of said subdivision 502.391
feet to an iron pin found on the
northwesterly right of way of Berry
Ridge Road (50 foot right of way);
running thence south 19 degrees
19 minutes 16.5 seconds west

along the northwesterly right of way of Berry Ridge Road (50 foot right of way) 574. 5 feet to an iron pin placed on the northeasterly right of way of Sherwood Road (50 foot right of way) and the POINT OF BEGINNING; said property being improved property having a one story rock and brick house located thereon known as No. 100 Berry Ridge Road according to the present system of numbering houses in Fayette County, Georgia and being more particularly shown on a survey prepared by Georgia Land Surveying Co., Inc. dated August 7, 1984, Josh L. Lewis, III, Registered Land Surveyor #1751; drawing #3357.

06/19

PETITION NO: A-867-24

Requested Action: To reduce the front building setback from 100 feet to 98.6 feet to allow a newly constructed encroaching structure to remain.

Location: 1950-1960 Highway 85 N, Fayetteville, Georgia 30214

Parcel(s): 0552 015

District/Land Lot(s): 5th District, Land Lot(s) 248

Zoning: C-H, Highway Commercial

Lot Size: 17.821 Acres

Owner(s): BWR Midgard Self Storage 3, LLC

Agent: Robert Copenhaver

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following:

Per Sec. 110-173.(3)c.2.(i), the front yard setback on State Route 85 N shall be 100 feet. Applicant is requesting a variance to reduce the front yard setback from 100 feet to 98.6 feet, to allow Building "D" to encroach into the front yard setback by 1.4 feet.

STAFF ASSESSMENT

It is staff's opinion that there are no exceptional conditions about the parcel that would justify the variance. The approved site plans were developed using the current property lines, which reflect a GDOT right-of-way acquisition that occurred in 2021, well before this project was permitted.

The building was not built according to the approved site plans.

HISTORY

This parcel is a legal lot of record and has been zoned C-H (Highway Commercial) since 1971. It was originally developed as a retail shopping center in 1994, as the J & R Plaza.

Midgard is redeveloping the existing buildings and adding new buildings to serve as a self-storage business. Building D received a building permit on November 7, 2023. Their site plan was initially approved on November 7, 2023.

ZONING REQUIREMENTS

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

(3) *SR 85 North Overlay Zone.*

c. Dimensional requirements.

1. All parking areas shall be located at least 50 feet from any state route right-of-way.

2. Setbacks will be as follows:

(i) **Front yard setback on State Route 85 North: 100 feet.**

(ii) Gasoline canopy: Front yard setback on State Route 85 North: 85 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This area does not affect the septic system or future area for septic system.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No objections.

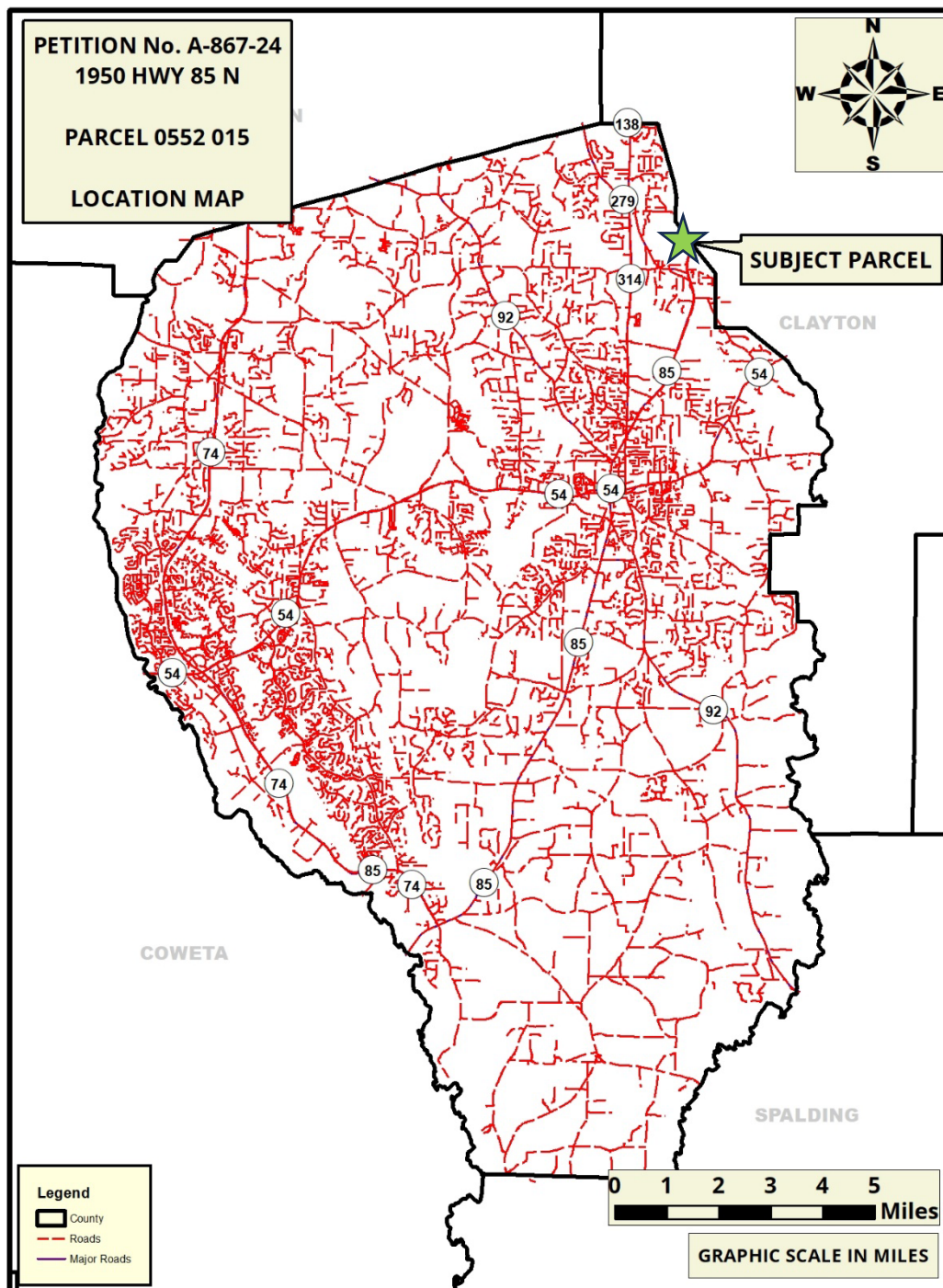
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

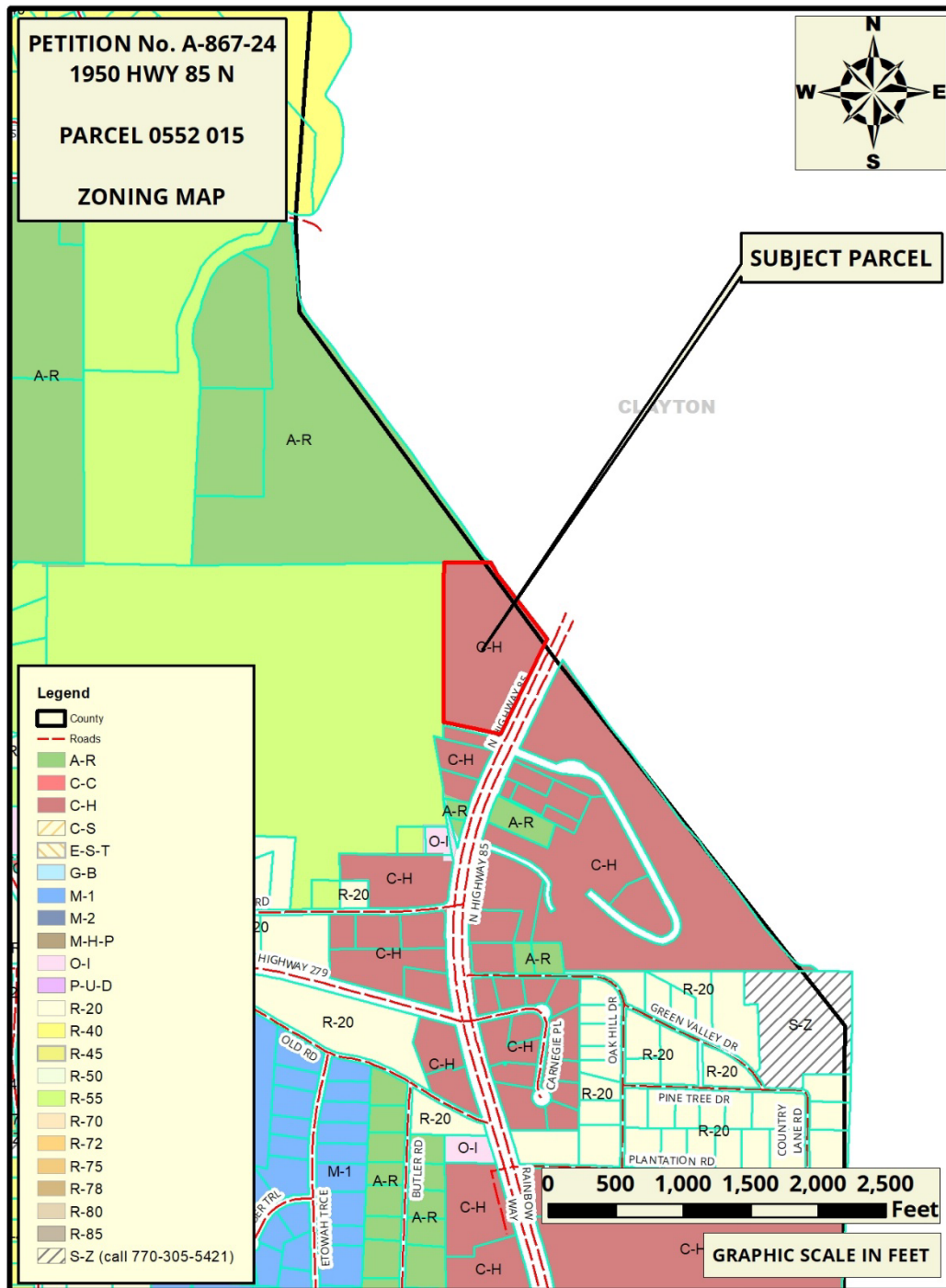
Staff Assessment

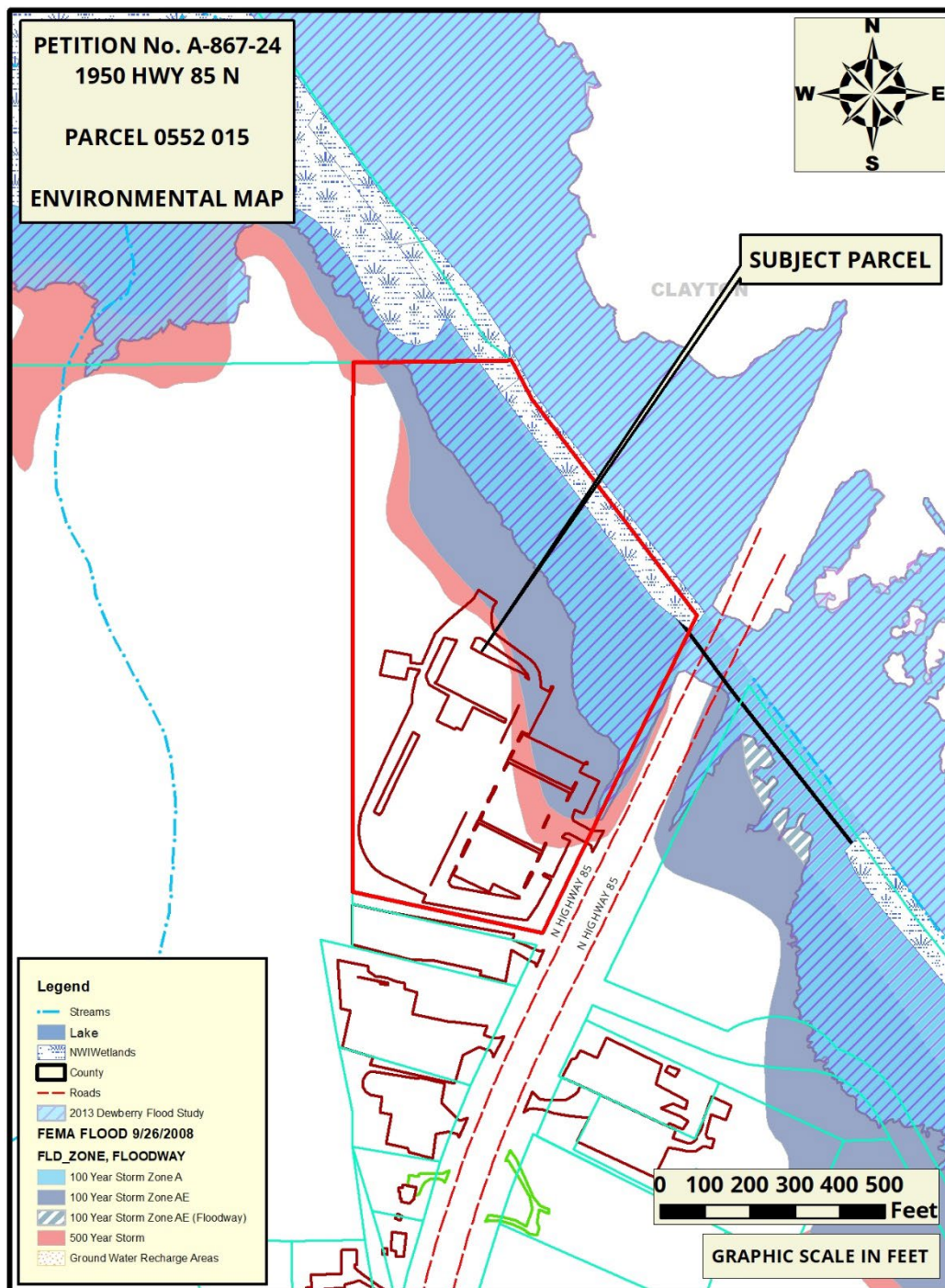
Please refer to the application form for the applicant's justification of criteria.

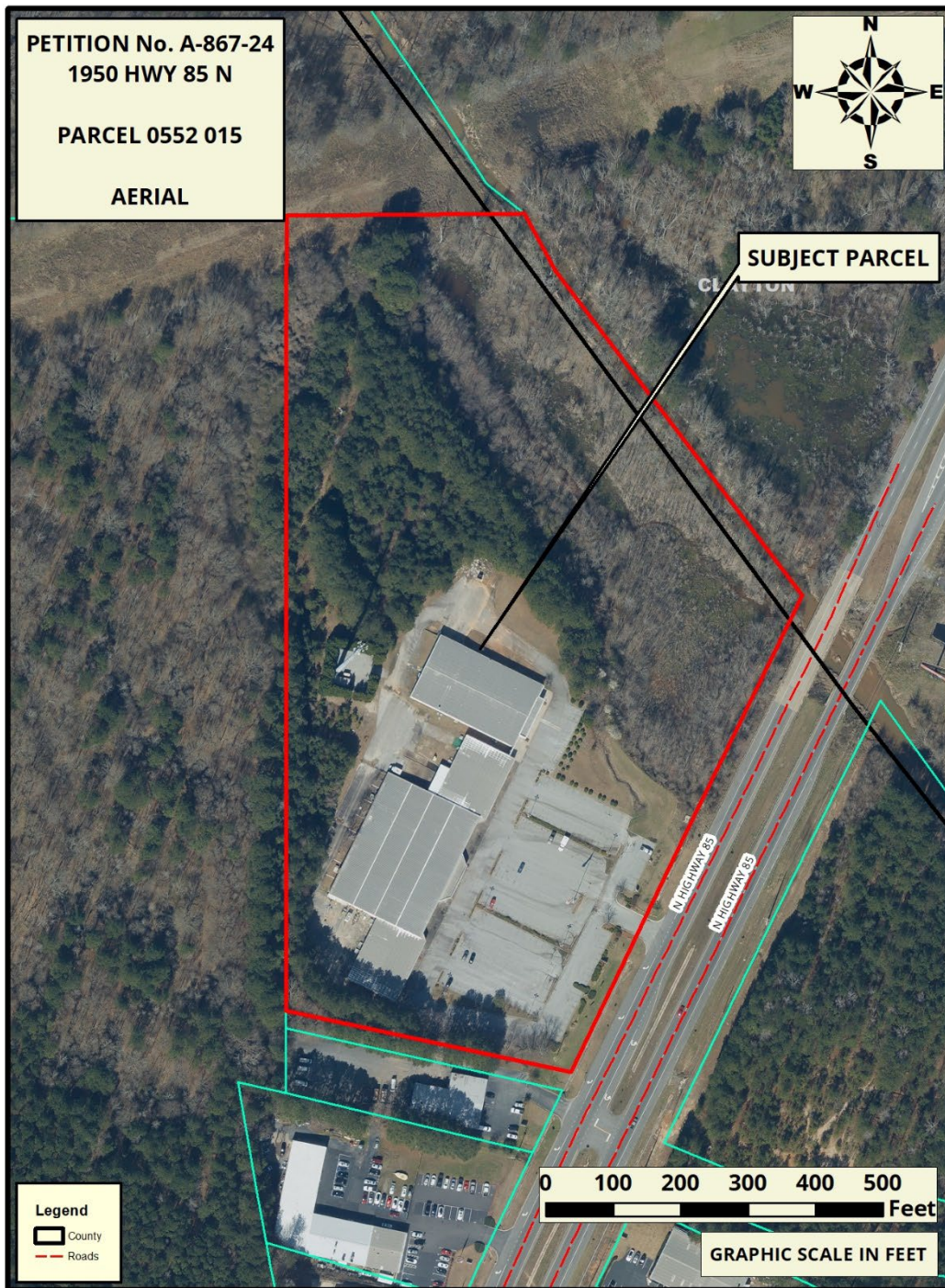
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

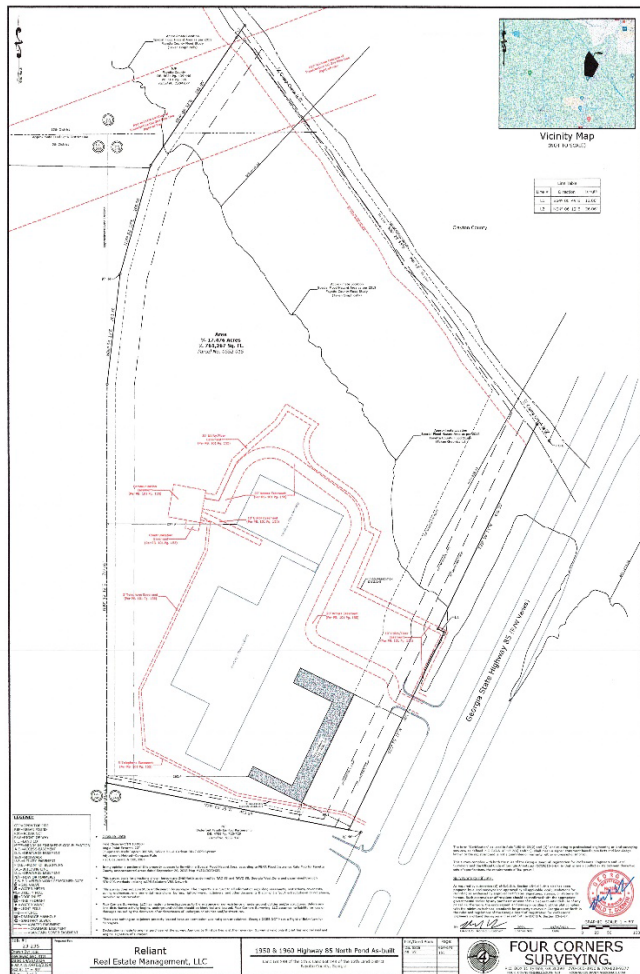
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
This is a large commercial parcel. Although there is flood plain on the property, it does not impact any area near the building.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the County.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The configuration of the parcel is not unique.
- 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 may have a detrimental impact on the SR 85 Corridor.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant is still able to develop the parcel under the applicable zoning ordinances.



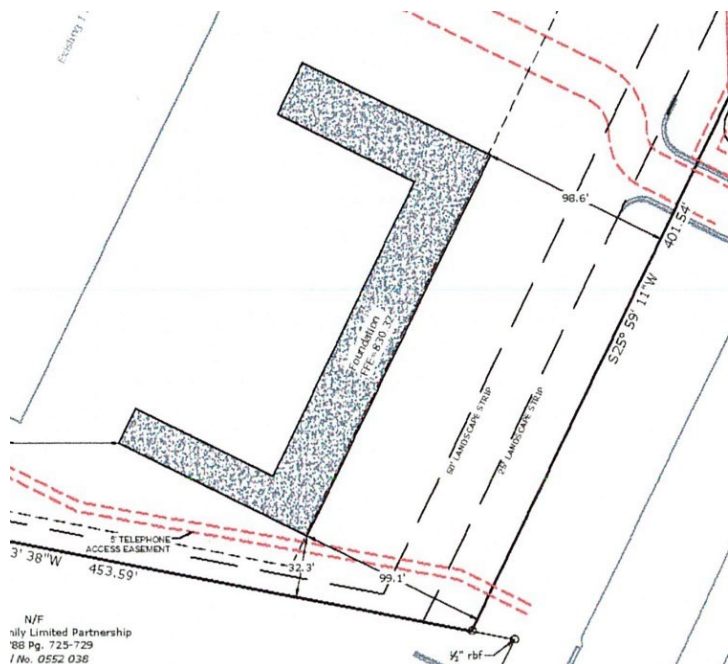




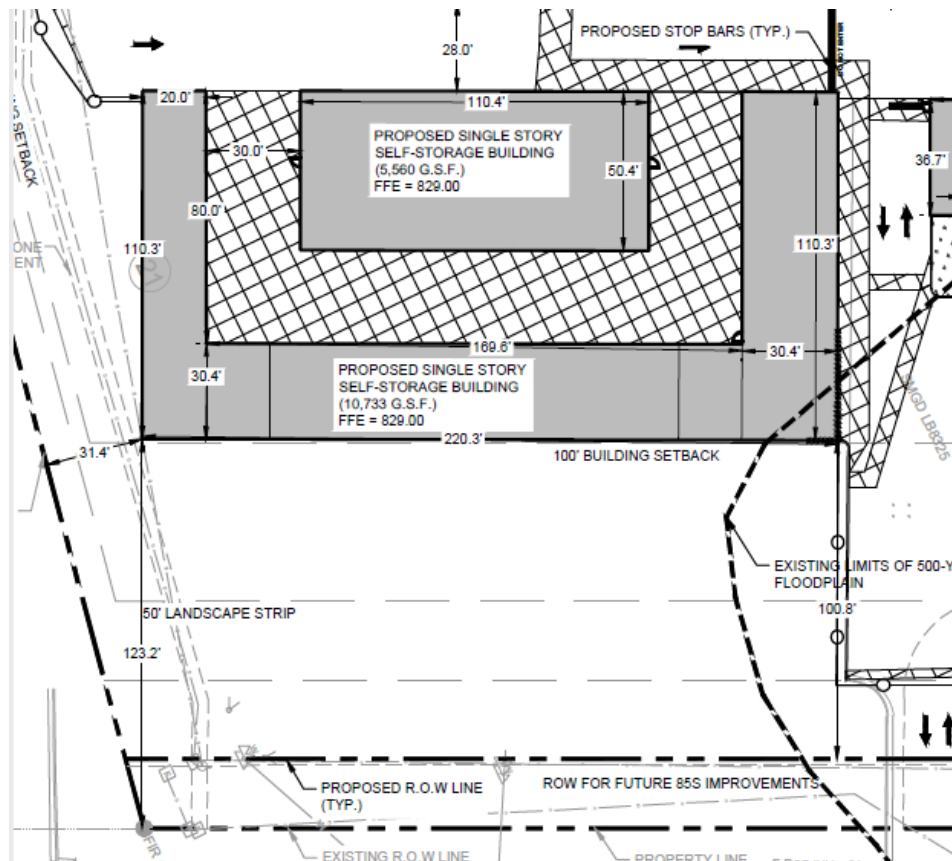




FOUNDATION SURVEY



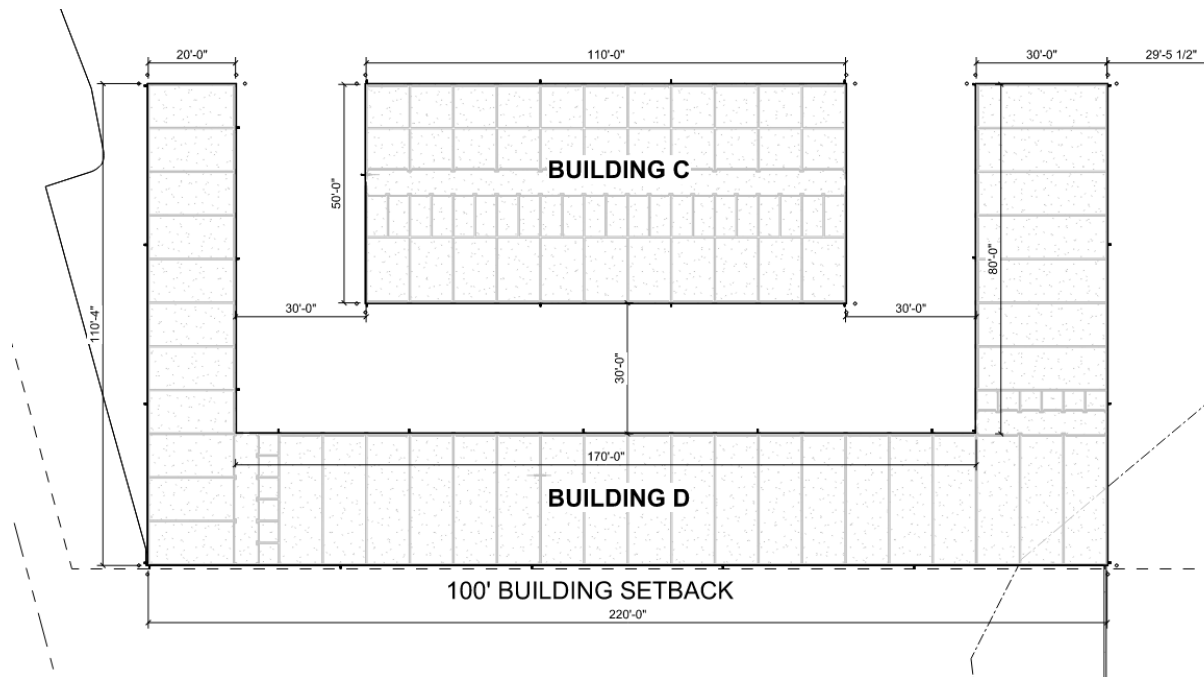
CLOSE-UP OF ENCROACHMENT



Snip of approved site plan.

Although the civil site plans show the original ROW and the new GDOT ROW line (property line location), the plans were developed and approved in 2023. The GDOT acquisition & property line change occurred in 2021; this property line change did NOT occur mid-project.

The plans show a correct 100' setback based on the current (GDOT) property line. The plans indicate that the building will be 100.8' from the property line, which was approved.



Snip of approved architectural building layout.

The architectural layout also indicates that the building will be properly located behind the building setback line.

A-867-24
Building ID

Permit # CNEW-09-23-071392

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

Variance 97020

PROPERTY INFORMATION:

Parcel No. 0552 015 Acreage: 17.821 Land Lot: 248 Land District: 13th
Address: 1950 -1960 HIGHWAY 85 N, FAYETTEVILLE GA 30214
Existing Zoning: SELF STORAGE Requested Zoning: SELF STORAGE
Zoning of Surrounding Properties: ☐
Existing Use: SELF STORAGE
Proposed Use: SELF STORAGE

PROPERTY OWNER INFORMATION

Name BWR MIDGARD SELF STORAGE 3 LLC
Email MARONOWITZ@RELIANT-MGMT.COM
Address 1146 CANTON STREET
City ROSWELL
State GEORGIA Zip 30075
Phone 770-609-8276

AGENT/DEVELOPER INFORMATION (If not owner)

Name Robert Copenhagen
Email rcopenhagen@reliant-mgmt.com
Address 1146 Canton Street
City Roswell
State GA Zip 30075
Phone 678-689-5125

TBD
PETITION NUMBER: A-867-24

(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: Deborah L Bell Date: 06/07/2024 9:41 AM

DATE OF ZONING BOARD OF APPEALS HEARING: July 22, 2024

Received payment from BWR Midgard Self Storage 3, LLC a check in the amount of \$ 195.00 ^{total}

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

Date Paid 06/07/2024 Receipt Number ~~to be emailed~~

21162

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:

BWR MIDGARD SELF STORAGE 3 LLC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 88-2465185

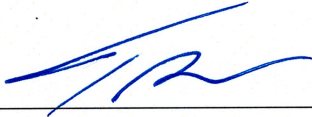
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 248 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 17.821 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

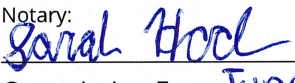
(I) (We) hereby delegate authority to J KASPER, M ARONOWITZ & D THOMAS to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

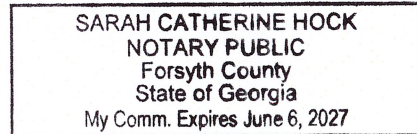
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: TODD M ALLEN
Address: 1146 CANTON STREET
City/State/Zip: ROSWELL GEORGIA 30075
Date: 6/6/2024

Notary:  (seal)
Commission Exp.: June 6, 2027



Owner/
Agent
Two:

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

Notary: _____ (seal)
Commission Exp.: _____

Owner/
Agent
Three:

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

Notary: _____ (seal)
Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	Ord. No. 2012-09, § 3, 5-24-2012 110-173(3)(c)(2)(i)
Requirement	No building, structure (including prohibited mailbox supports as described in article V of this chapter), wall or fence, service area or required off-street parking and loading facilities, except driveways and associated headwalls, shall be permitted to encroach on public rights-of-way.
Proposed Change	Building D as built conditions encroach into the 100 foot setback of the new DOT right of way along the western side of highway 85. the encroachment requested is no more than 2 feet into the setback by the eastern side of building D
Variance Amount	less than 2 feet 1.4'

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 eastern side of building D was built accidentally encroaching inside of the 100 foot set back requirement from the new DOT right of way on the western side of highway 85

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.

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

The building is already constructed and would cost a substantial amount of money to demolish the encroachment and move it out of the 100' set back. Building structure would have to be demolished and rebuilt, foundation and concrete slabs would have to be demolished and re-poured.

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

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

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

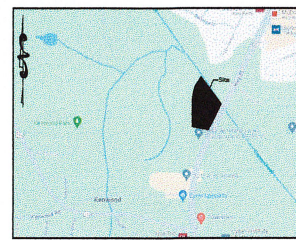
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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



Line Table		
Line #	Direction	Length
L1	S64° 00' 49"E	13.00'
L2	N34° 06' 12"E	26.06'

Clayton County

Area
 +/- 17.476 Acres
 +/- 761,267 Sq. Ft.
 Parcel No. 0552 015

Georgia State Highway 85 (R/W Varies)

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

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

Surveyor's Certificate:

As required by subsection (4) of O.C.G.A. Section 45-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of the parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 45-6-67.

BY: GA R.L.S. Ronald T. Godwin License NO. 2696 Date 04/26/2024 GRAPHIC SCALE 1" = 50'

A red circular professional seal for Ronald T. Goowin, a Professional Engineer in the State of Georgia. The seal includes the text "GEORGIA REGISTERED PROFESSIONAL ENGINEER" and "RONALD T. GOOWIN". A blue ink signature is written across the seal.

LEGEND:

OTF=OPEN TOP PIPE
RBF=REBAR FOUND
RSS=REBAR SET
R/W=RIGHT OF WAY
L=LAND LOT
MFE=MINIMUM FINISHED FLOOR ELEVATION
A.E.=ACCESS EASEMENT
D.E.=DRAINAGE EASEMENT
S/W=SIDEWALK
U.E.=UTILITY EASEMENT
P.O.B.=POINT OF BEGINNING
B/L=BUILDING LINE
D.E.=DRAINAGE EASEMENT
W/F=WORK FORMERLY
F.W.P.D.=FIELD WORK PERFORMED DATE
G.=GAS VALVE
W.=WATER METER
U.=UTILITY POLE
D.=DRAIN INLET
F.=FIRE HYDRANT
W.=WATER VALVE
L.=LIGHT POLE
F.=FENCE
M.=MANHOLE
S.=SANITARY SEWER
W.=WATER EASEMENT
D.=DRAINAGE EASEMENT
S.=SANITARY SEWER EASEMENT

6. Closures Data:

Field Closures = 17M 10.0009
Angle Point Error = 20"
Equipment (Leica): Topcon 902936, Sokkia S11, & Carlson Eri7 GPS System
Adjustment Method = Compas Leica
Field Closure = 17M 10.00091

It is in compliance with the special provisions in the California Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Faretite
Flood Insurance Rate Map, dated September 26, 2008 (MAY 1311030436).

This survey basis for directions shown here on Grid North is defined by NAD 83 and NAVD 83, Georgia West Zone and determined through RTK-GPS methods using Zephyr Solutions VRS Network.

It is the responsibility of the surveyor to determine the propriety of all information regarding existing easements, restrictions, covenants, zoning ordinances, environmental restrictions, hazards, right-of-way, adjoiners, and other documents that might affect the tract shown or not shown recorded or not recorded.

This survey has been made with no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

There was nothing on Adjoiners property located because permission was not given or obtained. Georgia DOES NOT have a Right of Entry Law for Surveyors.


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

Plat/Deed Book	Page:
DB. 5516	667-672
PB. 101	155



**FOUR CORNERS
SURVEYING_{LLC}**
P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-937
FOUR_CORNERS@BELLSOUTH.NET 4CORNERSURVEYING@GMAIL.COM

Parcel No.: 0552015


Doc ID: 011590330005 Type: WD
Recorded: 07/11/2022 at 04:55:00 PM
Fee Amt: \$2,525.00 Page 1 of 5
Transfer Tax: \$2,500.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5516** PG **667-671**

(Above Reserved for Recording)

After Recording Return to:
First American Title Insurance Company
Attn: Irma Duran
3455 Peachtree Rd NE, Suite 675
Atlanta, Georgia 30326
1108319

STATE OF GEORGIA

COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE, made effective as of the 27th day of June 2022, by and between LBC1 REO, LLC, a Delaware limited liability company, with an address at 106 Chestnut Street East, Stillwater, MN 55082 ("Grantor"), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration to Grantor paid by, BWR MIDGARD SELF STORAGE 3, LLC, a Delaware limited liability company ("Grantee"), the receipt of which is hereby acknowledged and confessed, has GRANTED, BARGAINED, SOLD and CONVEYED and by these presents does GRANT, BARGAIN, SELL AND CONVEY unto Grantee, its successors and assigns, the following described real property (the "Property") situated in Newton County, Georgia, together with all improvements thereon and all of Grantor's interest in any rights and privileges appurtenant thereto:

SEE EXHIBIT A ATTACHED HERETO AND BY

THIS REFERENCE MADE A PART HEREOF.

SUBJECT TO: the permitted exceptions set forth on EXHIBIT B attached hereto and by this reference made a part hereof.

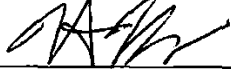
TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the only proper use, benefit and behoof of the said Grantee, its successors and assigns, forever, IN FEE SIMPLE.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; that it hereby specially warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor, subject, however, to the matters set forth on EXHIBIT B attached hereto and made a part hereof.

IN WITNESS WHEREOF, Grantor has hereunto executed this Limited Warranty Deed on the day and year first above written.


Signed, sealed and delivered
in the presence of:

Unofficial Witness:



Print Name: Henry Bensen

Notary Public:



Print Name: Lillian Locher
Date Commission expires:

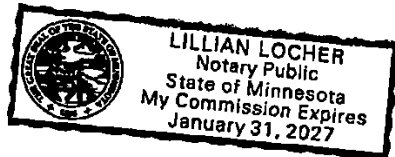
GRANTOR:

LBC1 REO, LLC,
a Delaware limited liability company



By: Lena Motz, Authorized Signer

[NOTARIAL SEAL]



[Signature Page to Limited Warranty Deed]

EXHIBIT "A" TO LIMITED WARRANTY DEED

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 248 OF THE 13TH DISTRICT AND LAND LOT 248 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION FORMED BY THE CENTERLINE OF CAMP CREEK (WHICH IS THE BOUNDARY LINE BETWEEN CLAYTON COUNTY AND FAYETTE COUNTY) WITH THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF STATE HIGHWAY NO. 85 AND RUNNING THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF THE RIGHT OF WAY OF STATE HIGHWAY NO. 85 A DISTANCE OF 17.8 FEET, MORE OR LESS, TO AN IRON PIN; THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE SOUTH 25 DEGREES 47 MINUTES WEST 757.4 FEET TO AN IRON PIN; RUN THENCE NORTH 79 DEGREES 15 MINUTES 50 SECONDS WEST 476.25 FEET TO AN IRON PIN LOCATED IN THE CENTERLINE OF AN ABANDONED ROAD (REFERRED TO AS OLD FAYETTEVILLE-ATLANTA ROAD); THENCE ALONG THE CENTERLINE OF SAID ABANDONED ROAD THE FOLLOWING COURSES AND DISTANCE: NORTH 0 DEGREES 00 MINUTES EAST 727.65 FEET TO AN IRON PIN; THENCE NORTH 6 DEGREES 42 MINUTES EAST 201.5 FEET TO AN IRON PIN; THENCE NORTH 15 DEGREES 41 MINUTES EAST 205.9 FEET TO AN IRON PIN; THENCE NORTH 33 DEGREES 54 MINUTES 281.5 FEET TO AN IRON PIN; THENCE CONTINUING ON THE SAME BEARING 26.06 FEET, MORE OR LESS, TO THE CENTERLINE OF SAID CAMP CREEK; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID CAMP CREEK AND FOLLOWING THE MEANDERINGS THEREOF A DISTANCE OF 950 FEET, MORE OR LESS, TO THE POINT OF BEGINNING

EXHIBIT "B" TO LIMITED WARRANTY DEED

- 1 Taxes and assessments for the year 2022 and subsequent years, not yet due and payable, and taxes for prior years arising from reassessments or digest disputes.
- 2 Matters shown on plat recorded in Plat Book 101, Page 155, Fayette County, Georgia records.
- 3 Matters shown on plat recorded in Plat Book 6, Page 166, aforesaid records.
- 4 Easements acquired pursuant to Proceeding entered in Condemnation Action No. 1030, Fayette County, Georgia Superior Court, styled Transcontinental Gas Pipe Line Corporation vs. C.M. Williams & Zelma Mae Williams, recorded in Minute Book H, Page 407, aforesaid records; as affected by Verdict, dated March 15, 1958, filed September 22, 1958, and recorded in Minute Book H, Page 568, aforesaid records.
- 5 Easements acquired pursuant to Judgment of Court entered in Case No. 1760, Fayette County, Georgia Superior Court, styled Transcontinental Gas Pipe Line Corporation vs. C.M. Williams & Zelma Mae Williams, dated March 8, 1967, and recorded in Minute M, Page 363, aforesaid records.
- 6 Easement from Roy W Smith to Georgia Power Company, dated October 5, 1972, filed for record December 8, 1972, and recorded in Deed Book 116, Page 86, aforesaid records.
- 7 Conveyance of access rights contained in Right of Way Deed from Richard J. Dumas to Department of Transportation, dated June 19, 1989, filed for record June 19, 1989, and recorded in Deed Book 557, Page 667, aforesaid records.
- 8 Conveyance of access rights contained in Right of Way Deed from Richard J. Dumas to Department of Transportation, dated June 19, 1989, filed for record June 19, 1989, and recorded in Deed Book 557, Page 668, aforesaid records.
- 9 Deed of Easement from Richard J. Dumas to Fayette County, a political subdivision of the State of Georgia, dated September 23, 1990, filed for record October 24, 1990, and recorded in Deed Book 626, Page 616, aforesaid records.
- 10 Terms and provisions of an unrecorded Ground Lease Agreement by and between Richard Dumas and Airtouch Cellular of Georgia, a Nevada corporation, dated March 3, 1999, as evidenced by Short Form of Ground Lease Agreement between the same parties, dated March 3, 1999, filed for record March 2, 1999, and recorded in Deed Book 1366, Page 161, aforesaid records; as affected by Non-Disturbance and Attornment Agreement and Partial Release of Assignment of Leases and Rents by and among The Bank of Georgia, T6 Unison Site Management LLC, a Delaware company and Georgia 85 Center, LLC, dated December 1, 2009, filed for record December 3, 2009, and recorded in Deed Book 3593, page 648, aforesaid records.
- 11 Wireless Communication Easement and Assignment Agreement by and between Georgia 85 Center, LLC and T6 Unison Site Management LLC, a Delaware limited liability company, dated December 1, 2009, filed for record December 3, 2009, and recorded in Deed Book 3593, Page 656, aforesaid records; as affected by Non-Disturbance and Attornment Agreement and Partial Release of Assignment of Leases and Rents by and among The Bank of Georgia, T6 Unison Site Management LLC, a Delaware company and Georgia 85 Center, LLC, dated December 1, 2009, filed for record December 3, 2009, and recorded in Deed Book 3593, page 648, aforesaid records.

EXHIBIT "B" TO LIMITED WARRANTY DEED
(CONTINUED)

12 Terms and provisions of an unrecorded Master Prepaid Lease by and between Verizon Wireless (VAW) LLC, a Delaware limited liability company d/b/a Verizon Wireless to ATC Sequoia LLC, a Delaware limited liability company, dated July 1, 2015, filed for record July 14, 2015, and recorded in Deed Book 4341, Page 134, aforesaid records.

13 Terms and provisions of that certain Memorandum of Utility and Fiber Easement Agreement, by and between Georgia 85 Center, LLC., a Georgia limited liability company and Verizon Wireless (VAW) LLC, a Delaware limited liability company, dated December 10, 2019, filed for record January 8, 2020, and recorded in Deed Book 4977, Page 670, aforesaid records.

14 Matters disclosed on the ALTA/NSPS Survey prepared by LMT Surveying Ltd., on behalf of American National, dated February 17, 2022, last revised February 22, 2022, under Network Reference No. 20220362-001, as follows:

- (A) Utility vault west of building on subject land lies partially outside of a beneficial easement.

County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-867-24
Owner(s)/Agent(s): BWR Mid-
gard Self Storage 3, LLC
Property Address: 1950 Highway
85 N
Parcel: 0552 015
Zoning District: C-H
Area of Property: 5.34 acres
Land Lot(s): 31
District: 4th
Road Frontage: Highway 85
N
Request:
1. Per Sec. 110-173.(3)
c.2.(i), the front yard setback on
State Route 85 N shall be 100 feet.
Applicant is requesting a variance
to reduce the front yard setback
from 100 feet to 98.6 feet, to allow
Building "D" to encroach into the
front yard setback by 1.4 feet.
Legal Description:
EXHIBIT "A" TO LIMITED WAR-
RANTY DEED
ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 248 OF THE 13TH
DISTRICT AND LAND LOT 248
OF THE 5TH DISTRICT OF FAY-
ETTE COUNTY, GEORGIA, AND
BEING MORE PARTICULARLY
DESCRIBED AS FOLLOWS:
BEGINNING AT THE INTER-
SECTION FORMED BY THE
CENTERLINE OF CAMP CREEK
(WHICH IS THE BOUNDARY
LINE BETWEEN CLAYTON
COUNTY AND FAYETTE COUN-
TY) WITH THE NORTHWEST-
ERLY LINE OF THE RIGHT OF
WAY OF STATE HIGHWAY NO.
85 AND RUNNING THENCE
SOUTHWESTERLY ALONG THE
NORTHWESTERLY LINE OF
THE RIGHT OF WAY OF STATE
HIGHWAY NO. 85 A DISTANCE
OF 17.8 FEET, MORE OR LESS,
TO AN IRON PIN; THENCE
CONTINUING ALONG SAID
RIGHT OF WAY LINE SOUTH
25 DEGREES 47 MINUTES
WEST 757.4 FEET TO AN IRON
PIN; THENCE NORTH
79 DEGREES 15 MINUTES 50
SECONDS WEST 476.25 FEET TO
AN IRON PIN LOCATED IN THE
CENTERLINE OF AN ABAN-
DONED ROAD (REFERRED TO
AS OLD FAYETTEVILLE-ATLAN-
TA ROAD); THENCE ALONG
THE CENTERLINE OF SAID
ABANDONED ROAD THE FOL-
LOWING COURSES AND DIS-
TANCE: NORTH 0 DEGREES 00
MINUTES EAST 727.65 FEET TO
AN IRON PIN; THENCE NORTH
6 DEGREES 42 MINUTES EAST
201.5 FEET TO AN IRON PIN;
THENCE NORTH 15 DEGREES 41
MINUTES EAST 205.9 FEET TO
AN IRON PIN; THENCE NORTH
33 DEGREES 54 MINUTES 28.5
FEET TO AN IRON pin; THENCE
CONTINUING ON THE SAME
BEARING 26.06 FEET, MORE OR
LESS, TO THE CENTERLINE OF
SAID CAMP CREEK; THENCE
SOUTHEASTERLY ALONG THE
CENTERLINE OF SAID CAMP
CREEK AND FOLLOWING THE
MEANDERINGS THEREOF A
DISTANCE OF 950 FEET, MORE
OR LESS, TO THE POINT OF
BEGINNING
06/19

PETITION NO: A-868-24-A-B-C

Requested Action: A. To reduce the front building setback on Bankstown Road from 100 feet to 50 feet to allow the construction of a single-family residential dwelling.

B. To reduce the front building setback on Kenley Drive from 75 feet to 50 feet to allow the construction of an airplane hangar.

C. To reduce the side building setback on the southwest side from 50 feet to 35 feet to allow the construction of an airplane hangar.

Location: 100 Kenley Dr, Fayetteville, Georgia 30215

Parcel(s): 040101004

District/Land Lot(s): 4th District, Land Lot(s) 31

Zoning: A-R, Single-Family Residential

Lot Size: 5.346 Acres

Owner(s): James Keith Berggren

Agent: Cole Antley

Zoning Board of Appeal Public Hearing: July 22, 2024

REQUEST

Applicant is requesting the following:

- A. Per Sec. 110-125(d)(4)a.2., requesting to reduce the front yard setback in the A-R zoning district from 100' to 50' to allow the construction of a single-family dwelling.
- B. Per Sec. 110-125(d)(4)b., requesting to reduce the front yard setback on Kenley Drive from 75 feet to 50 feet to allow the construction of an airplane hangar.
- C. Per Sec. 110-125(d)(6), requesting to the side yard setback on the southwest property line from 50 feet to 35 feet to allow the construction of an airplane hangar.

STAFF ASSESSMENT

It is staff's opinion that, while there are some geometric restrictions on the lot, namely the double-frontage setbacks, there is still ample room to build on the lot.

HISTORY

This parcel is a legal lot of record; it is Lot 4 in Kenley Park subdivision, recorded on September 4, 1996, in Plat Book 28 Page 064. The lot is at the corner of Bankstown Road and Kenley Drive. It is zoned A-R and all standard building setbacks apply.

ZONING REQUIREMENTS

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

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

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

DEPARTMENTAL COMMENTS

- ☐ **Water System** – Fayette County Water System does not provide water service to this parcel.
- ☐ **Public Works** – No comments.
- ☐ **Environmental Management** – No comments.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This is not approval of construction for the structures. Proper applications must be submitted to this office prior to any construction.
- ☐ **Department of Building Safety** – If approved, all structures must have permits reviewed/approved and issued before any construction begins.
- ☐ **Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

The parcel does have unique geometric requirements because it has two road frontages, which have larger setback requirements. It also has some floodplain and riparian buffer constraints. The topography of the lot slopes toward the stream on the southeast side of the property. However, approximately 1 acre is available for development within the boundaries of the setbacks and

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

The parcel is subject to the same requirements as all other properties in the neighborhood.

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

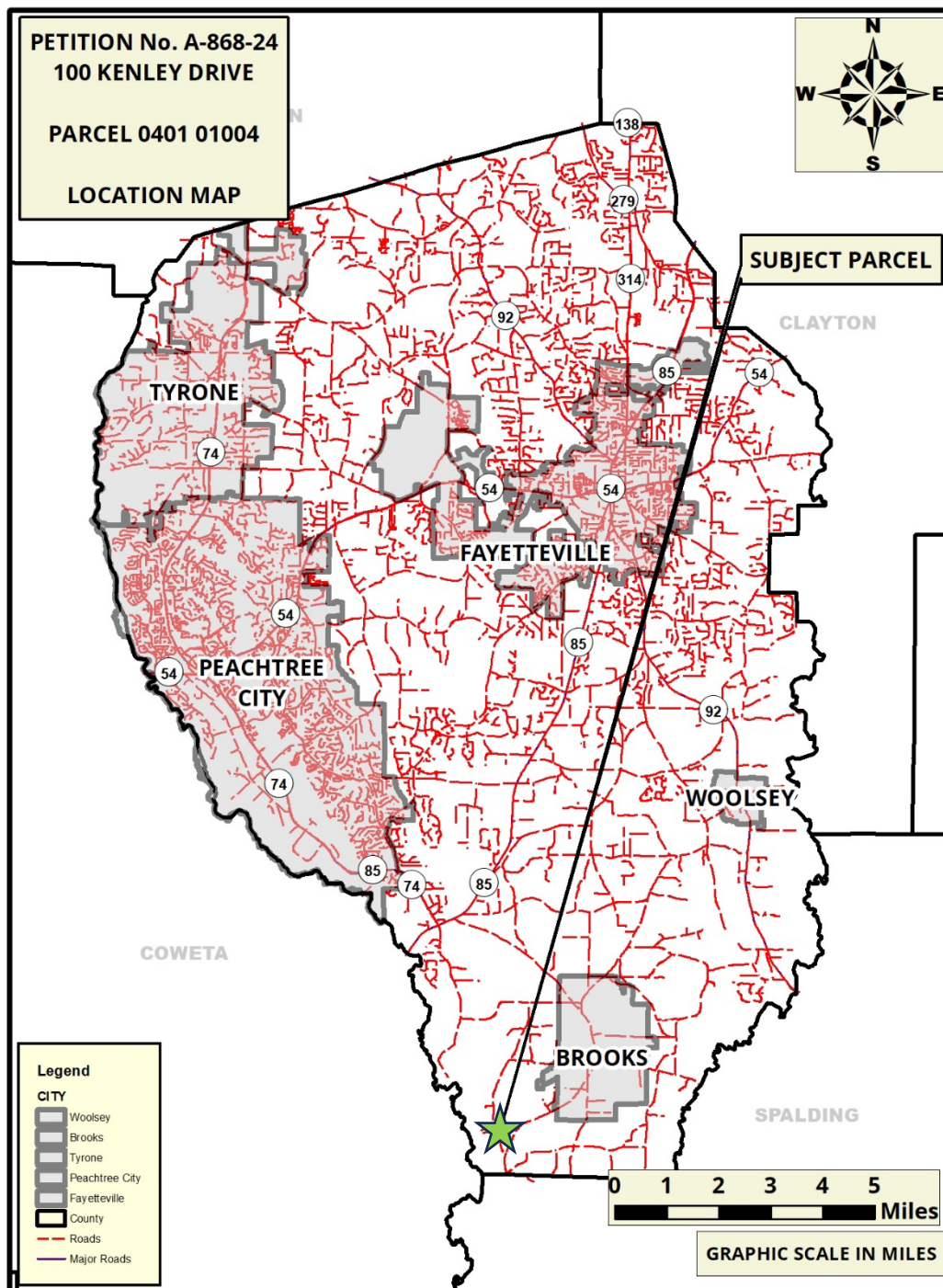
Because it is a corner lot, it has dual front building setbacks.

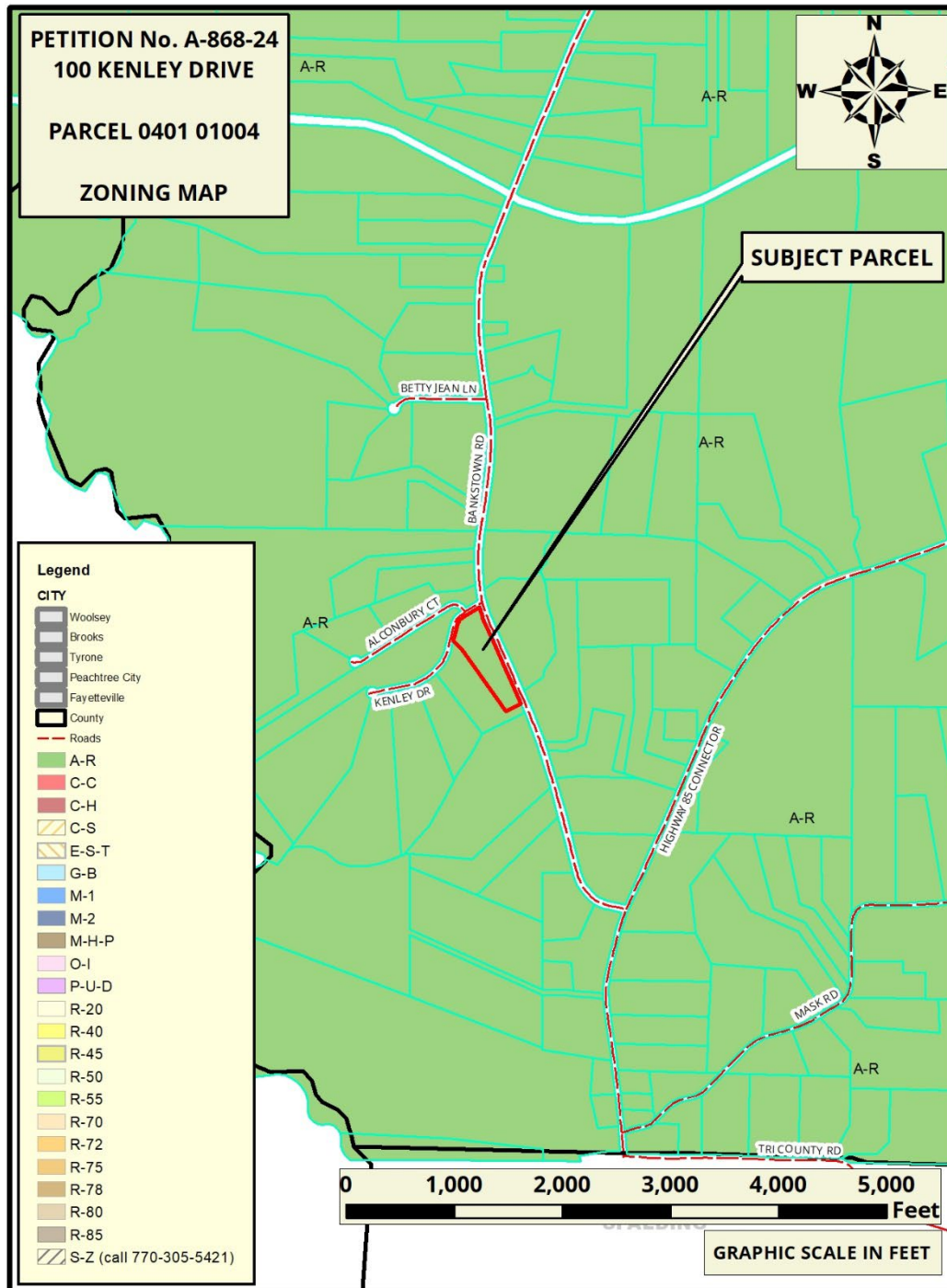
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

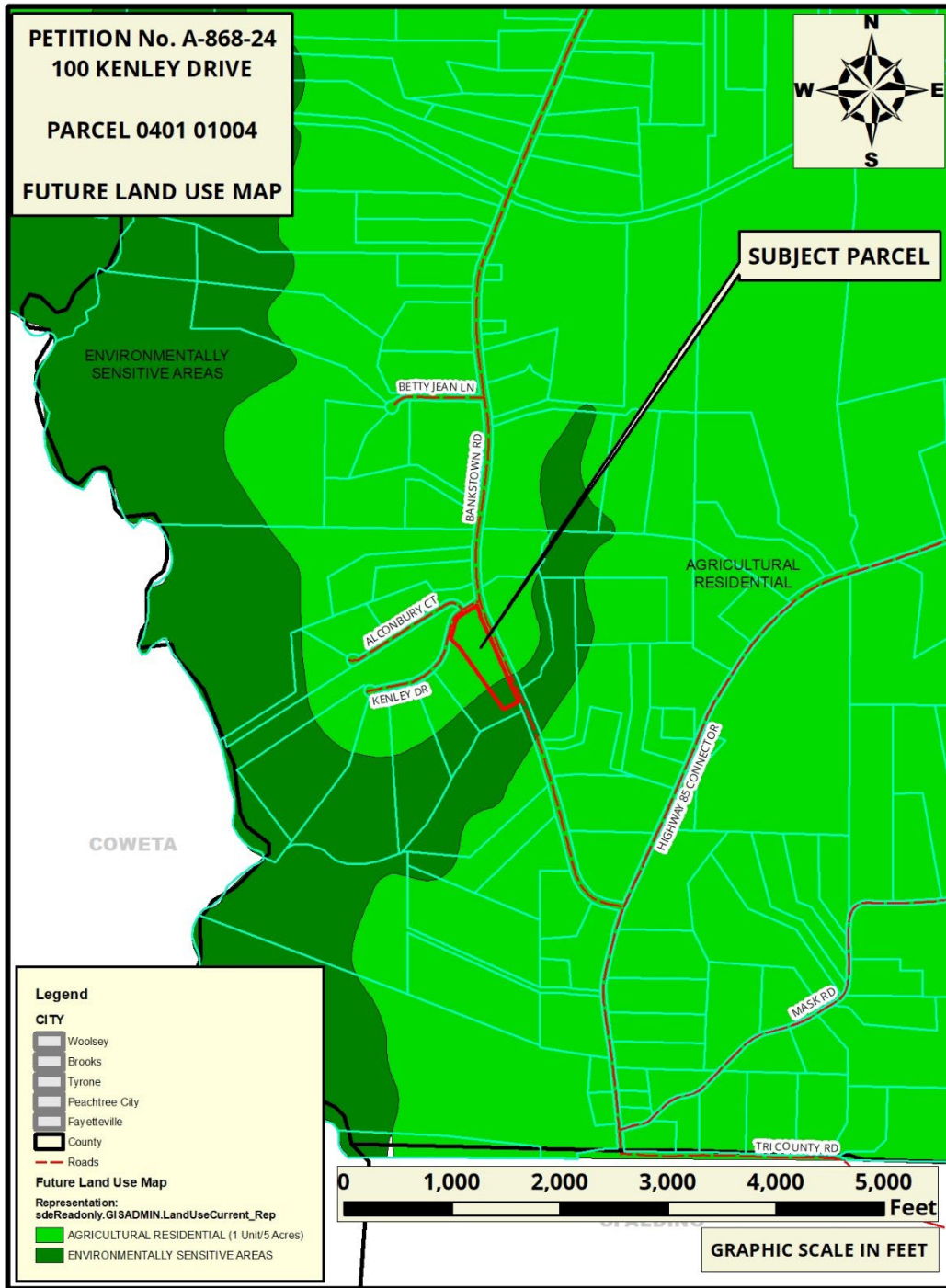
The reduction in the front setback may affect the rural character of the area.

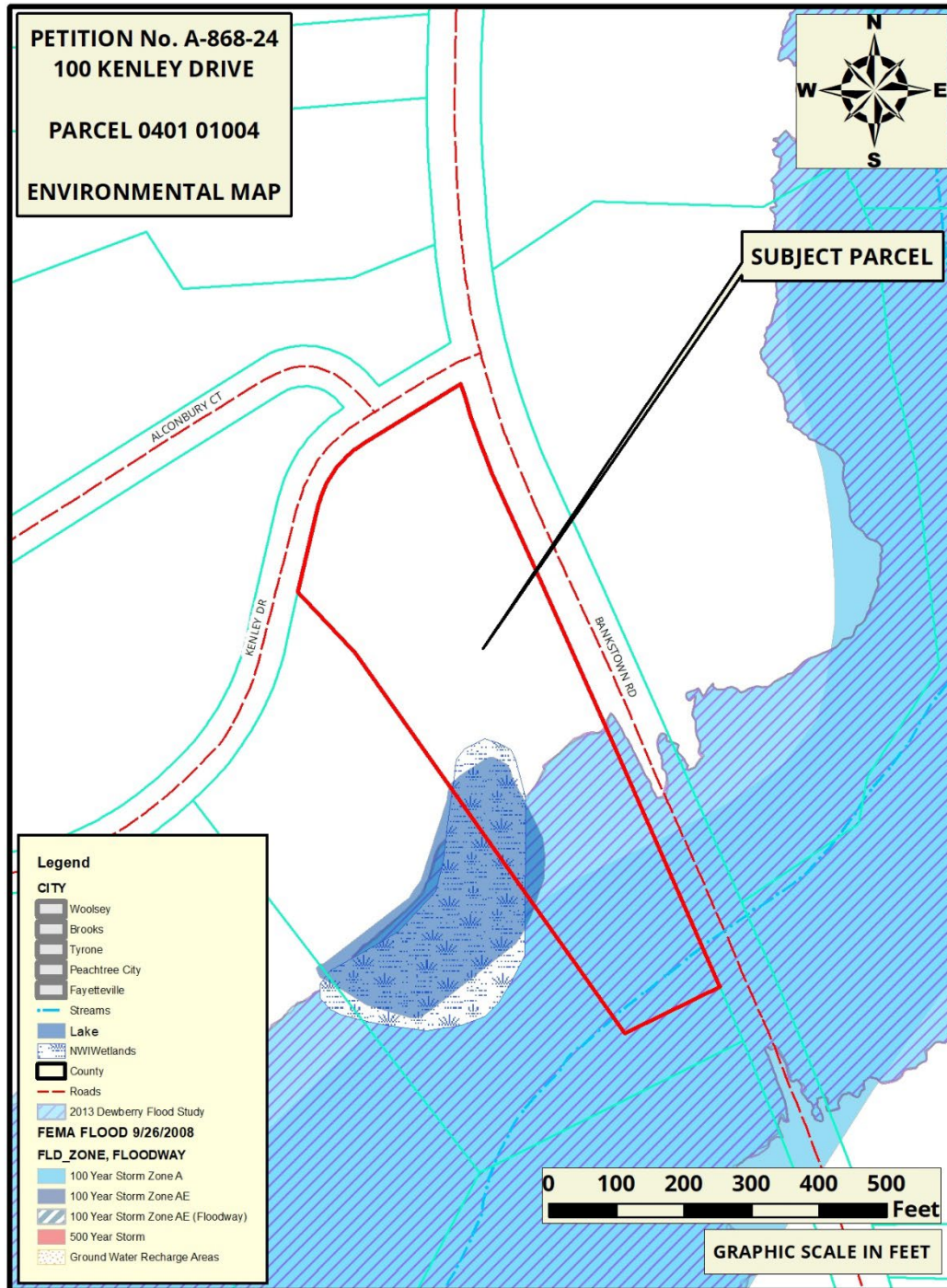
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

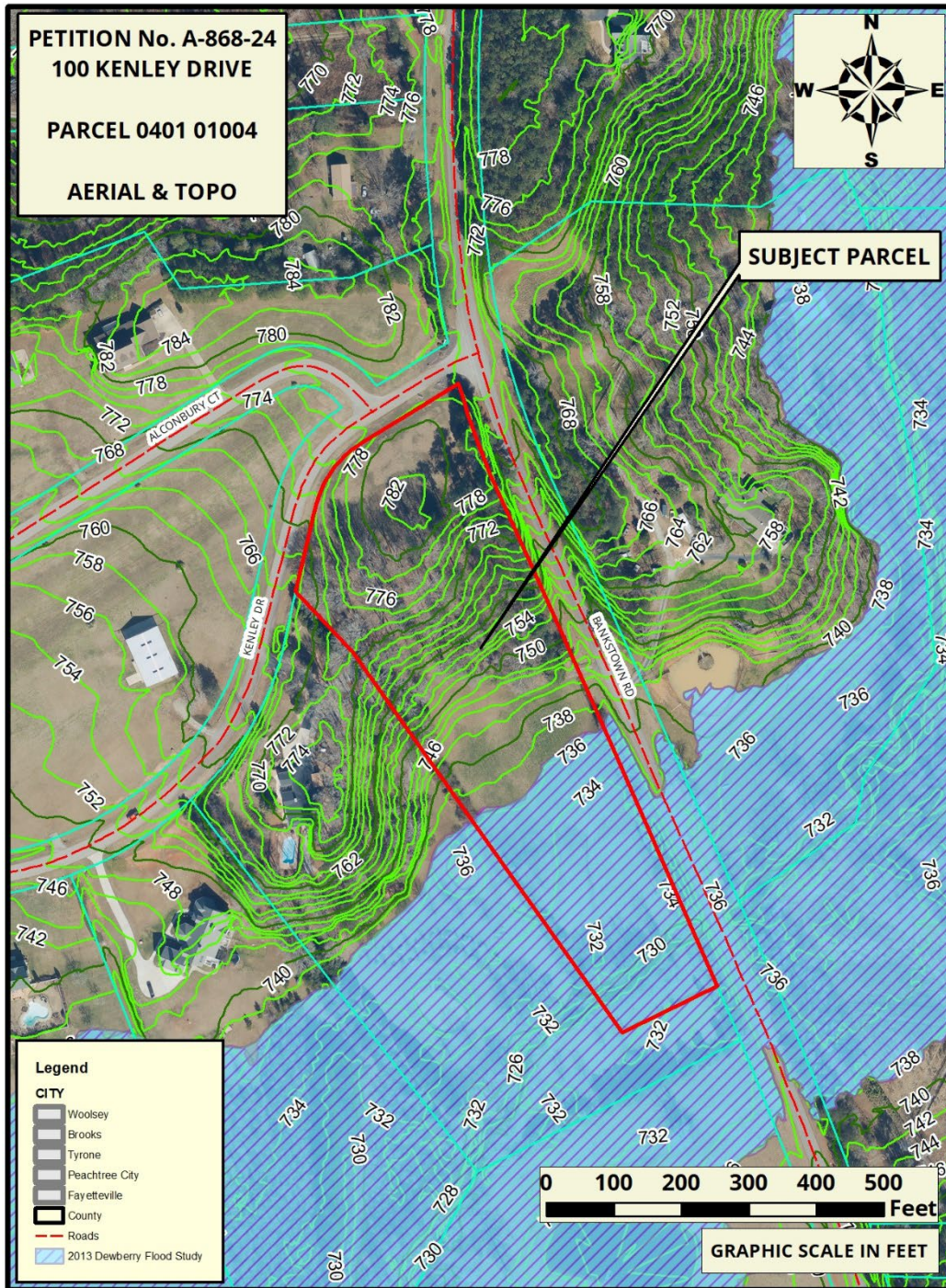
The applicant will continue to have the same rights as all other residents in the A-R zoning district.











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

PROPERTY INFORMATION:

Parcel No. 040101004 Acreage: 5.346 Land Lot: 31 Land District: 4
 Address: 100 Kenley Dr
 Existing Zoning: A-R Requested Zoning: _____
 Zoning of Surrounding Properties: _____
 Existing Use: _____
 Proposed Use: _____

PROPERTY OWNER INFORMATION

Name James Keith Berggren
 Email 15103 Det Prado Dr.
 Address _____
 City Hacienda Heights
 State California Zip 91745-5139
 Phone _____

Applicant
AGENT/DEVELOPER INFORMATION (If not owner)

Name Cole Antley
 Email cole@antley.com
 Address 2748 S. Hwy 92
 City _____
 State _____ Zip 30215
 Phone 678 326 2890

PETITION NUMBER: A 868-24 **(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: Debbie Bell Date: 06/07/2024

DATE OF ZONING BOARD OF APPEALS HEARING: July 22, 2024

Received payment from Cole Antley a check in the amount of \$ 225.00

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

Date Paid 06/07/2024 Receipt Number: 21164

175
 25
 25
 40

Variance Application 265.80 rec'd Cash ORB

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)(4)a. 2.
Requirement	100'
Proposed Change	50'
Variance Amount	

Ordinance/Section	Sec. 110-125 (d)(4)b.
Requirement	75
Proposed Change	50
Variance Amount	

Ordinance/Section	Sec. 110-125 (d)(6)
Requirement	50
Proposed Change	35
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.

Setback off Bantstown rd be reduced to 50'

Kenley Dr setback be reduced to 50'

Setback from neighboring property line be reduced to 35'

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.

House + Hanger
Flood Plain - Bottom Half of property
Topography - steep terrain in majority of building area
Several setbacks reducing buildable area
HOA building requirements

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

Multiple setbacks on Bankstown, Kenley Dr, neighboring property
Steep sloping terrain, large portion located in Flood plain or areas where soil was unable to perk.

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

60x60 Hanger
2600 sq ft House + 2 car garage per community Requirements
200' setback off landing strip

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.

We do not anticipate any impact to the community or surrounding communities

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

neighbor is 60' from right of way (130 Kenley Dr)

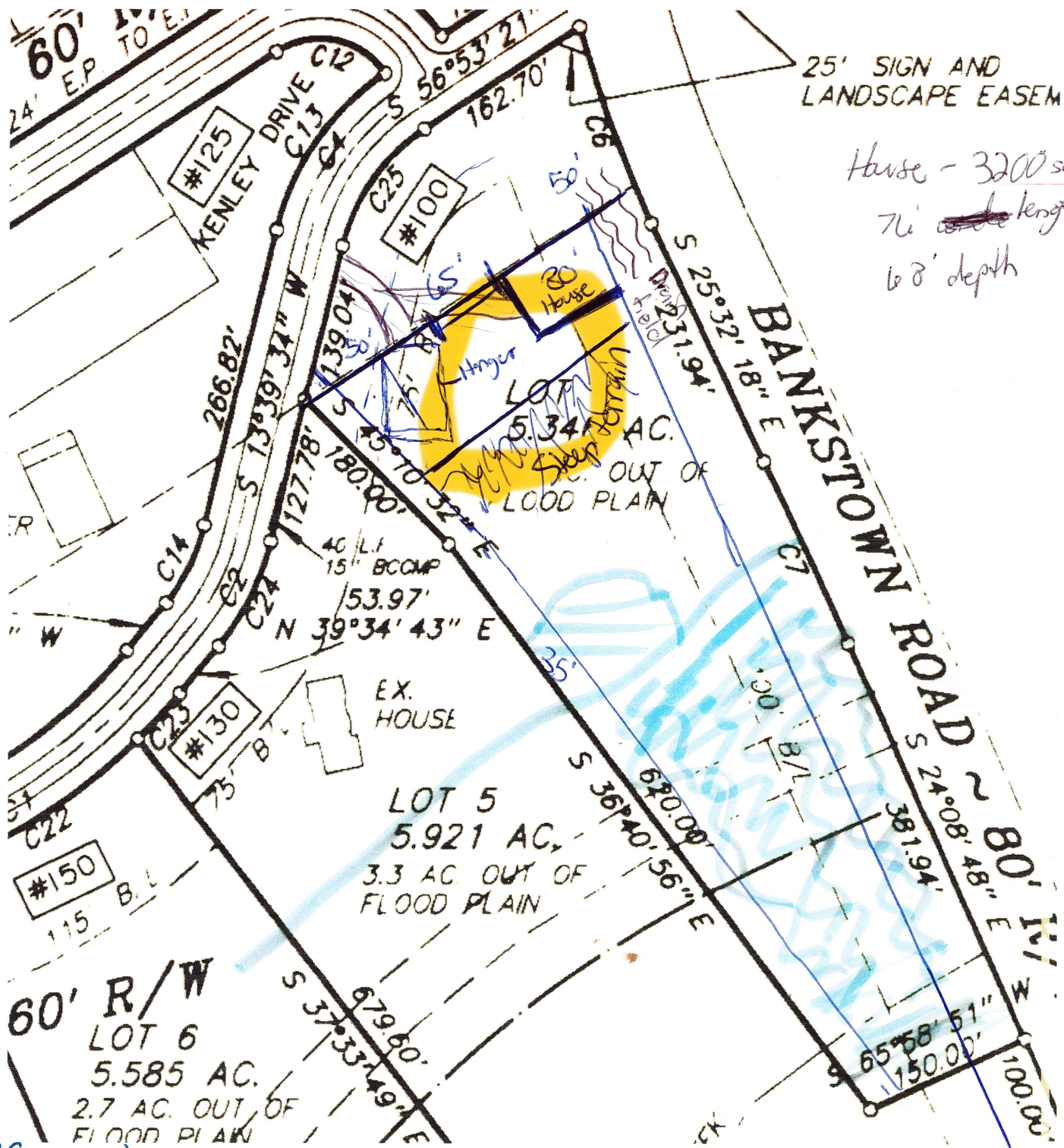
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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



House - 3200 sq ft
 76' ~~width~~ length
 68' depth

S/D Covenants.

Minimum 2600 sq ft living

2 Car Garage

60x60 Hanger

Proposed Plan

Bankstown (100' - 50')

Kentley Dr (75' - 50')

Neighboring Property (50' - 35')

BOOK 1923 PAGE 344

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 31 of the 4th District of Fayette County, Georgia, being known as Lot 4, Kenley Park Subdivision, as per plat of survey prepared for Aeroterre, Ltd., by Jefferson Consultants, dated July 8, 1996, and being further described as follows:

To find the point of beginning, begin at the intersection of Bankstown Road (80 foot right of way) and Kenley Drive (60 foot right of way) at a point located on the southwest point of said intersection, said point being the point of beginning; thence leaving said right of way of Kenley Drive, proceed along the right of way of Bankstown Road south 20 degrees 20 minutes 12 seconds east a distance of 183.33 feet (chord distance of 183.15 feet) to a point; thence south 25 degrees 32 minutes 18 seconds east a distance of 231.94 feet to a point; thence south 24 degrees 46 minutes 29 seconds east a distance of 175.95 feet (chord distance of 175.94 feet) to a point; thence south 24 degrees 08 minutes 48 seconds east a distance of 381.94 feet to a point; thence leaving said right of way south 65 degrees 58 minutes 51 seconds west a distance of 150 feet to a point; thence north 36 degrees 40 minutes 56 seconds west a distance of 620 feet to a point; thence north 45 degrees 10 minutes 32 seconds west a distance of 180 feet to a point along the right of way of Kenley Drive; thence following along said right of way north 13 degrees 39 minutes 34 seconds east a distance of 139.04 feet to a point; thence north 35 degrees 16 minutes 27 seconds east a distance of 128.27 feet (chord distance of 125.24 feet) to a point; thence north 56 degrees 53 minutes 21 seconds east a distance of 162.70 feet to a point; said point being the point of beginning.

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:

James Keith Berggren

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: **040101004**

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) **31** of the **4th** District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of **5.346** acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to **Cole Antley** 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 *Maria Del Carmen Canizales*
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary: _____ (seal)
Commission Exp.: _____

Owner/
Agent
Two:

Signature *James Keith Berggren*
Name: James Keith Berggren
Address: 15103 Del Prado AR
City/State/Zip: Hacienda Heights CA 91745
Date: 6/7/24

Notary: *Maria Del Carmen Canizales* (seal)
Commission Exp.: 08/01/27



Owner/
Agent
Three:

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

Notary: _____ (seal)
Commission Exp.: _____

RETURN TO:
SLEPIAN & SCHWARTZ, LLC
ATTORNEY AT LAW
42 EASTBROOK BEND

PEACHTREE CITY, GA 30269

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 95.00
DATE 8-14-02
CLERK OF SUPERIOR COURT

FILED & RECORDED
FAYETTE COUNTY, GA.
12 AUG 14 PM 3 28
SHEILA STUDDARD, CLERK

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

This Indenture made this 9th day of August, in the year Two Thousand Two, between JAMES A. WELCH, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and JAMES KEITH BERGGREN, 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 00/100'S (\$10.00) Dollars 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 Exhibit "A" attached hereto and made a part hereof by this reference.


This Deed is given subject to all easements and restrictions of record, if any.

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 whomsoever.

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

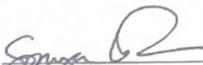
Signed, sealed and delivered in the presence of:



Witness


JAMES A. WELCH (Seal)

(Seal)



Notary Public



BOOK 1923 PAGE 343

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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, July
22, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-868-24 A-B-C
Owner(s)/Agent(s): James Keith
Berggren
Property Address: 100 Kenley Dr
Parcel: 040101 004
Zoning District: A-R
Area of Property: 5.34 acres
Land Lot(s): 31
District: 4th
Road Frontage: Kenley Drive and
Bankstown Rd
Request:

A. Per Sec. 110-125.(d)(4)
a.2, the front yard setback on a col-
lector (Bankstown Road) shall be
100 feet. Applicant is requesting a
variance to reduce the front yard
setback from 100 feet to 50 feet, to
allow for the construction of a sin-
gle-family residence.

B. Per Sec. 110-125.(d)(4)
b., the front yard setback on a mi-
nor thoroughfare (Kenley Drive)
shall be 75 feet. Applicant is re-
questing a variance to reduce the
front yard setback from 75 feet to
50 feet, to allow for the construc-
tion of a single-family residence
and an airplane hangar.

C. Per Sec. 110-125.(d)(6),
the side yard setback in the A-R
zoning district shall be 50 feet. Ap-
plicant is requesting a variance to
reduce the side yard setback from
50 feet to 35 feet, to allow for the
construction of an airplane hangar.

Legal Description:
EXHIBIT "A"

All that tract or parcel of land lying
and being in Land Lot 31 of the 4th
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being known as Lot 4, Kenley Park
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stown Road south 20 degrees 20
minutes 12 seconds east a distance
of 183.33 feet (chord distance of
183.15 feet) to a point; thence south
25 degrees 32 minutes 18 seconds
east a distance of 231.94 feet to a
point; thence south 24 degrees 46
minutes 29 seconds east a distance
of 175.95 feet (chord distance of
175.94 feet) to a point; thence south
24 degrees 08 minutes 48 seconds
east a distance of 381.94 feet to a
point; thence leaving said right of
way south 65 degrees 58 minutes
51 seconds west a distance of 150
feet to a point; thence north 36 de-
grees 40 minutes 56 seconds west
a distance of 620 feet to a point;
thence north 45 degrees 10 min-
utes 32 seconds west a distance of
180 feet to a point along the right of
way of Kenley Drive; thence follow-
ing along said right of way north 13
degrees 39 minutes 34 seconds east
a distance of 139.04 feet to a point;
thence north 35 degrees 16 minutes
27 seconds east a distance of 128.27
feet (chord distance of 125.24 feet)
to a point; thence north 56 degrees
53 minutes 21 seconds east a dis-
tance of 162.70 feet to a point; said
point being the point of beginning.
06/19

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/