

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
August 26, 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 July 22, 2024.

PUBLIC HEARING

5. Consideration of Petition No. A-869-24-A-B – Anthony Holloway, Owner, request A-869-24-A. Variance to reduce the front yard setback as shown on the Final Plat for Wesley Forest Subdivision from 100' to 46.8 to allow an existing primary structure to remain. A-869-24-B. Variance to reduce the front yard setback as shown on the Final Plat for Wesley Forest Subdivision from 75' to 70.9 to allow an existing primary structure to remain.
6. Consideration of Petition No. A-870-24 – Helen Goodman, Owner, request a variance to Sec. 110-125. (d)(4)a.2, Reduce the front yard setback from 100' to 95.6' to allow an existing home to remain.
7. Consideration of Petition No. A-871-24-A-B-C – Wright Chancy McBride, LLC, Owner, request A-871-24-A. Variance to Sec. 110-125(d)(2) to reduce the lot width at building line from 250' to 120' to allow development of a legal nonconforming lot. A-871-24-B. Variance to Sec. 110-125(d)(4)(a)(2) to reduce the front yard setback from 100' to 55' to allow development of a legal nonconforming lot. A-871-24-C. Variance to Sec. 110-125(d)(6) to reduce the side yard setback from 50' to 25' to allow development of a legal nonconforming lot.

8. Consideration of Petition No. A-872-24-A-B-C – Wright Chancy McBride, LLC., Owner, request A) Variance to Sec. 110-125(d)(2) to reduce the lot width at building line from 250' to 200' to allow development of a legal nonconforming lot. B) Variance to Sec. 110-125(d)(4)(a)(2) to reduce the rear setback from 75' to 37.5' to allow development of a legal nonconforming lot. C) Variance to Sec. 110-125(d)(6) to reduce the front setbacks from 50' to 25' to allow development of a legal nonconforming lot.
9. Consideration of Petition No. A-873-24 – Veterans Pkwy and Lees Mill South, LLC., Owner, request a variance to Variance to the maximum building height of 35' to allow the construction of the new soccer training facility building to exceed the height by 5'-6".

Minutes 07/22/2024

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on July 22, 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 5-0.***
4. Consideration of the Minutes of the Meeting held on June 24, 2024. Bill Beckwith asked the board if they had any thoughts or corrections about the minutes.? No one responded., if no he asked for a motion. ***Marsha Hopkins made a motion to approve the Minutes of the Meeting on June 24, 2024. John Tate seconded the motion. The motion passed 5-0.***

PUBLIC HEARING

5. Consideration of Petition No. A-863-24 - Bill Entrekin, Agent, for Flat Creek Baptist Church, Owner, requests 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. Ms. Bell explained the church is located between Fayetteville and Peachtree City just outside Highway 54 the 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 in 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. The road was on a prescriptive easement at the time of establishment and there were no specified building setbacks at that time. Right of Way for Flat Creek Trail was acquired in the 1960s. The staff

assessment of the start 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 current request is to maintain the alignment of all structures and the cemetery along the road frontage. Ms. Bell proceeded to show different types of maps, showing the type of zoning, aerial, etc. She explained there are no environmental factors affecting this site, as well as a survey of the property. Mr. Bill Entrekin explained he is the project manager on a volunteer basis at Flack Creek Baptist Church, he states they intend to remove the building that is no longer useful, and we need a different kind of space in different on some of those areas. We would like to replace it with a very similar size and shape, even located one foot or another, to serve weddings, funerals, and smaller church services. He explained as Ms. Bell mentioned before a variance was granted a few years back for the main sanctuary and on the opposite side of the right of the structure we are talking about standing in Flack Creek facing the building, to the left of it is a cemetery that I don't know the age of it but, the cemetery and the new sanctuary structure are in line with one another in terms of the street as is the building we are trying to tear it down, it our intention to replace it with a building that does not extend any further forward than the cemetery or the sanctuary and it goes back just like it its right now. Bill Beckwith asked if anyone was in favor of the petition.? No one responded. He also asked if anyone was in opposition.? Since no one responded he brought the item back to the board. Mr. Beckwith asked the board if they had any questions regarding the petition. Mr. Brian Haren asked for clarification on item two, removal of the older Chappel will automatically cause the setback to revert from 50 feet to the original 100-foot setback rounding that portion of the property insurable. He asked Mr. Entrekin if the structure being replaced was going to be extended any further than the current one, correct.? Mr. Entrekin responded that is correct, and the reason was when the original setback was established, we were asking for a variance for the sanctuary and it was granted for the purpose of building a sanctuary, so they did not remove permanently the 100 foot setback to 50 foot for the entire length of our property, only for that building, for that time being if you will. So, when we tear that building down it will automatically reverse back to a 100 foot setback. We might shift the building left or right a little bit but nothing significant. Bill Beckwith asked for any other comments.? If not, he asked for a motion. ***Brian Haren made a motion to approve Petition No. A-863-24. John Tate seconded the motion. The motion passed 5-0.***

6. Consideration of Petition No. A-864-24-A – Arthur Ash, III, and Allison 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). Ms. Bell explained where the property was located and the parcel information This parcel is a legal lot of record; it is Lot 15 in Forrest Lake II Subdivision. The house meets or exceeds the 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 in the setback. The encroachments were discovered when the applicant submitted the foundation survey for the new garage. The zoning is R-40, and it has very similar residential land use plans all around it, she shows the different maps of the site and also the foundation survey for the garage. The staff's opinion is, 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 the geographical/topographical condition of the lot. Mr. Arthur Ash stated he wanted to ask for two variances, the first one is to keep the three existing sheds on the property, and the second one is to allow them to sit where they currently are which is 10 feet from the rear property. He mentioned the board they moved in 2019 from Coweta County and brought the two sheds they had at their old home to the new one, the original cost for the sheds was about eleven thousand dollars and they relied on them for their business, since he didn't encounter any zoning issues previously, he was not aware of any zoning regulations when they moved to Fayette County. He also states he is building the garage himself and did research on what was needed to obtain the building permits to start the process. I was informed that he was building so close to the side yard setbacks he was going to need a survey done with some foundation form board to be set. I found my two side yard boundary stakes pulled the streamline between the two and then marked fifteen feet over from that line and told the concrete contractor to build the forms there which happens to be exactly in line with the existing driveway, so he thought that was going to work perfectly, however, once the surveyor came out told me the streamlines weren't accurate and the forms were fourteen feet from the property lines. I was informed but the zoning department I will have to remove the foundation site and have it re-survey, which we did and have moved a foot and a half just to be safe. The total of that was twenty-four hundred dollars and I was notified I have to remove two out of the three buildings since I had more than allowed on the site. However, since the foundation site has already moved over, and the foundation footer has been ducked down there isn't currently enough room to fit equipment between the building site and a platform deck that we have on the other side of the foundation. Mr. Ash also stated that he called some towing companies to see if it was possible to move the sheds and all said they wouldn't be able to do so since there was not enough site clearance to move between the foundation site and the platform deck. He added that going back to the setback issues moving the building forward isn't feasible either for a few reasons. The first reason is that moving the sheds forward to comply with the rear setback will block our only gate to our backyard. This is the only access to the septic drain fill, if ever needed repair this will not be possible to access it. The second reason is the structural integrity of the middle shed, it's been there for a long time and will not survive to be moved the last reason is the equipment issue mentioned before they can't get past the foundation site and the platform. Mr. Ash also stated he spoke to all four of his neighbors and they have no objections whatsoever. All sheds are in use and full, one is full of lawn equipment and the other two are used for our full-time business, which we have a home base business, and our attached garage is also full. We need these buildings to keep our business running and they also have a storage unit that is one hundred and nine dollars in rent another cost to put up in our finance. He asked the board for his

petitions to be approved. Bill Beckwith asked if anyone wanted to talk in favor or opposition of the petition, but no one responded. He brought back the petition to the board; Ms. Anita Davis asked the petitioner if he was building a new garage and would use the garage for the purpose to be storing vehicles or business.? Mr. Ash responded it was mixed-use, but he wanted to get the vehicle out and put business stuff in the attached garage that they have. Ms. Davis also asked if we planning on expanding business operations.? He responded yes, since he recently quit his job; two years ago, to focus on the business, he also added there is photos that show the property with the buildings. Mr. Beckwith acknowledged they had the photos in the agenda package. Mr. John Tate asked Mr. Ash for a particular photo that shows the deck and two of the sheds are located, he asked what the space is between the wood deck and the fence.? Mr. Ash responded between the deck and the fence, between the foundation foam boards are nine and a half foot. Mr. Tate responded It looks like there is a lot of space on this photo, twenty feet at least. Mr. Ash responded no, I measured it yesterday in the rain, and it's about nine and a half feet between the fence and the platform and nine feet between the platform deck and the wooded fence. Mr. Tate asked he thought he stated he drove his truck back there. Mr. Ash responded no, that between where the platform deck is now and between the foundation is where we just have to drive the truck, I don't drive the truck now, but now I will have to drive between the foundation and the platform deck. Mr. Tate asked when was the platform built.? He responded during covid 2020 it was my stay-at-home project. Mr. Tate asked when were the sheds brought in.? Mr. Ash responded when they moved there, the middle one, the gray one was an existing shed, and the other two on either side were brought in, they were placed in line as far as distance to the rear of the property line. Mr. Tate asked if he did not check with any county officials to see if those sheds were in violation.? He responded no, because we already had those sheds and another detached building in Coweta County so he didn't know of anything like that would be needed. Mr. Beckwith asked if anyone else on the board had any more questions.? Ms. Bell responded that the staff was unaware that the buildings are being used for home occupation use and that the plan for the garage is to be used for support of a home occupation use and that is not allowed so he will not be able to use those for storage for support a home occupation. Mr. Beckwith asked Ms. Bell if he could apply for permission to do that.? Ms. Bell responded no, a home occupation is a conditional use, and it isn't subject to variance except for those very unique situations like the church where is a legal nonconforming use already. Mr. Beckwith states he knows some cases where people do have a home occupation and there are allowed to use their residence for that. Ms. Bells responded they're allowed to use their residence, but the accessory buildings are not supposed to be used to support or conduct the home occupation. Mr. Beckwith asked Ms. Bell if she had any suggestions.? Ms. Bell responded in terms of the home occupation he will need to move the storage of his stock into a storage unit and not use the accessory buildings to support the home occupation. Mr. Beckwith asked but he could use them for storage.? Ms. Bell replied he could use them for storage or personal items. Mr. Beckwith asked what about the garage he is building.? Ms. Bell responded the same would apply to the garage, any of the accessory buildings are subject to that same use requirements. Mr. Beckwith

asked Mr. Ash if he understood the situation, and he responded that the end result would be everything business would be in the attached garage, he wanted to take the car out of there and put it in the new detached garage and all of the stuff in the accessory buildings will also have room to go into the detached garage since he uses the room above of that garage as well for his home office and everything will be within the footprint of the home. Ms. Bell responded that would be satisfactory. Ms. Marsha Hopkins asked about the three units right now, eventually the things that are in it that are related to the business will come to the attached garage.? Mr. Ash responded yes. Ms. Hopkins replayed back, once the units are empty what are those units will be for.? Mr. Ash responded to the middle for the use of the lawn and the other two for future project cars. Mr. John Tate asked for clarification that there should only be two accessory structures, there are already three on the property but now they are asking for a four-one which he states he hasn't found a justification for that allowance for a property that only allows for two. Ms. Anita Davis asked Mr. Ash for clarification once you move your items from your accessory structures into the newly created, it's there any way you can have those two accessory buildings removed.? Mr. Ash responded there was no way to physically move them because he called several towing companies, they looked at it and they said their truck were big the sheds were ten foot wide. Ms. Davis asked if he could have them removed.? Mr. Ash responded he would not want them to tear them down. They are expensive and in impeccable condition and it will be a waste, they are well built because they are portable, it will be difficult for us to do that, we can't afford another storage building. Ms. Davis asked when you moved into the home you were able to get them back there because of the deck you built wants there. He responded yes, the deck was not there or the foundation. Mr. Beckwith asked if anyone had other discussions.? Ms. Hopkins asked about the items that are related to the business, within the scope that we are looking up tonight It is a none issue for us if we approve all four of these or if we approve the setbacks, it is what it is, and the use is not a consideration for this decision. Am I correct.? Ms. Bell responded that it was correct. Mr. Beckwith asked for any more discussions regarding petition A-864-24-A which is the permitted number of accessory structures from 2-4. Ms. Hopkins added this is a 1.14-acre property and statically it seems like four structures is a lot amount of acres she understands everything the petitioner presented and they have other petitioners moving from other counties and they weren't aware of the zonings but that is just not an always a justification but I heard what you are saying about the financial aspect but, I have concerns about four structures in a small amount of acre. She asked the board If anyone could add any other concerns.? Ms. Davis responded that her concern is that what if future neighbors don't like this. Mr. Brian Haren stated that over the last several months in meetings, we let people who didn't do their diligence and lay out their new construction, we let them skate. He explained different situations, but he stated that Mr. Ash did his diligence but did it twice, and because of that he found that he was out of compliance with these structures, I have a problem with the number of structures, but he did move the forms to come in compliance and because of that I will be in support this petition. He is one of the few that fixed the problems he encountered and move forward to get in compliance. Mr. John Tate added

doesn't agree Mr. Ash didn't do his diligence initially and hopes residents will do more often but he can't find a justification for the four structures in this type of property. Mr. Beckwith states that different people moved from other parts of the county and the blind side because they didn't check but Mr. Ash is done, and he agreed with Mr. Haren supporting this petition part A. Then he asked for a motion if no more discussion. Ms. Hopkins added she fell in the middle, sometimes it gets more than what is reasonable under the circumstances, what can we do when it gets to that level.? But he rectifies what was pointed at him and she will be in support of this petition. Mr. Beckwith asked for a motion. ***Brian Haren made a motion to approve Petition No. A-864-24-A. Bill Beckwith seconded the motion. The motion passed 4-1 with John Tate voting in opposition.***

7. Consideration of Petition No. A-864-24-B – Arthur Ash, III, and Allison 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. Mr. Beckwith asked Mr. Ash if he would like to make a comment about the petition.? He responded when the two other buildings brought the existing gray shed and came from the neighbor's house and the previous owner moved it in there and told us it was ten feet away from the property line. When brought the other ones, I told the tow truck drivers to align them with the one that was already there. That was why I was asking for this variance. Mr. Beckwith asked if anyone was in favor of this petition.? No one responded, then he asked if anyone was in opposition.? No one responded. He brought the item back to the board for comments. Mr. Beckwith added that while Mr. Ash was doing his diligence in one area, he assumed that the location was okay. Basically, he was putting barriers to moving them from their location. He asked for a motion to the board. ***Brian Haren made a motion to approve Petition No. A-864-24-B. Anita Davis seconded the motion. The motion passes 4-1 with John Tate voting in opposition.***
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 for a detached garage in the front yard that is located 169' from the house. Ms. Bell added the other two components so that you are aware of them as we go to the presentation to allow a detached garage in the front yard that does not match the general residential architectural style of the dwelling. And to allow a detached garage in the front yard to omit the connecting breezeway, deck, or pergola. The property is located at 139 Lees Lake Road in Fayetteville, and it is zoned R-70, 5.7 acres most of the abjection property is also zoned R-70 and the land use plan is rural residential. Ms. Bell showed the maps to the board and explained to them where the house was on them. As well as the survey of the property. 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. She states that we have some letters in support from the

neighbors, they were passed to the board by the secretary. Mr. Beckwith asked Mr. Sasser to sign the sheet and explained to the board his petitions. Mr. Sasser presented himself and stated he had lived in Fayette County for 24 years; he was a soldier for 30 years and deployed. He explained he is retired now and moved a year ago and bought a second home where he is trying to build a storage building without plumbing or electricity, we need it to store our yard equipment and other miscellaneous items. I submitted plans to the county and found that to build it to code we need to require approval of three variances, where the building will be placed, variance for a connected path to the building, which is normally required for a garage, but this is not a garage is a storage building and the exterior of the building simulate or look like my home. I have been attempting to complete this process for many months now and it's been a lot of factors he explained. He had expenses close to three thousand dollars. He referred to the maps and explained to the board the location of the house and he stated the back of the house is very steep there, and that house from the front to the backdrops about fifteen feet just to the back of the house where to build it up to put a building in either one of those places on the side is nearly impossible. That's why he was requesting to put the building in the front which is the only flat spot basically that exists to put the building there. He also stated you cannot change the elevation where the house is located, the shape and the elevation of the land house are already there. There is a lake on the back, and he will take down some oak trees close to one hundred years old other than building back there will not be a way to enter the space other than building an additional road around to the other side and it not doable and we will no other use for that road. I also think will be dangerous a safety issue to pour that much concrete into the back of the house or even on the side of the house. He showed the board exactly where the best place to build it was in the front. He spoke to his neighbor, and he has no problem with the building. The other variance for me to match my house will require me to build a brick building and will be very expensive to do and I don't see why there should be requirements since it will be that far away from the house. Almost everyone in that part of the county has a building for storage and I don't need that because it is not anywhere near to be seen near the house or can be seen from the road. He asked the board if they granted his petitions. Mr. Beckwith stated the board was going to take those three petitions one at a time. Ms. Allison Cox, County Attorney added according to the new information that they just got about being this an accessory structure and not an attached garage we got a suggestion from legal I will say that instead of considering these three separate variances this could be considered a front yard accessory which will be a variance to Sec 110-179(e) which you have in your package and it says that no residential accessory structure should be located in the front yard except a detached garage which we thought we were considering but that isn't what we are hearing it says this is a storage area. Well, if it is a storage area then the architectural standards do not apply and neither does the distance from the home, that wouldn't apply either, so could deny the first and the last variances and consider the second one as a variance to 110-179 (e) and that can grant it or deny based on the fact that this is an accessory structure in the front yard that isn't a detached garage. We are lining up the variance request with reality a little bit. Mr. Beckwith responded that would trim a couple of items, Ms.

Coz responded it would, but it also lines things up with expectations in the room a little bit we are not looking for a detached garage we are looking for an accessory structure. So, we should be considering that which is a different variance. Ms. Beckwith thanked the county attorney and proceeded with the regular statement where he asked if there was anyone in support of the petition.? No one responded. Then he asked if there was anyone in opposition.? No one responded. Mr. Beckwith brought back the item to the board for discussion and state if he understood the suggestion that they can deny petitions "A" and "C". Ms. Cox added to have the hearing and everything as normal since we advertised them but "B" if a motion it's made it should be a motion to allow a variance to Sec 110-179 (e) to allow an accessory structure in the front yard. Mr. Beckwith asked for a motion to A-865-24-A. **Brian Haren made a motion to deny Petition No. A-865-24-A. John Tate seconded the motion. The motion passed 5-0.**

9. Consideration of Petition No. A-865-24-B – Roland E. Sasser, Jr., Owner, requests 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 to approval to construct a detached garage located in the front that does not meet these architectural standards. Ms. Bell read the amendment petition A-865-24-B as variance to request Sec. 110-79(e) with the request to allow an accessory structure in the front yard. Mr. Brian Haren asked that they must first vote to approve the amendment and then vote on approval or denial.? Ms. Cox responded if the motion is made properly is not an amendment, but we do have to have the hearing. Mr. Beckwith asked if there were anyone in the audience who would like to speak in favor of the petition.? No one responded. Then he asked if anyone would like to speak in opposition.? No one responded. He brought the petition to the board. **Allison Cox, County Attorney recommended presenting this as a variance to Sec 110-79 (e) to allow an accessory structure in the front yard. John Tate made a motion to approve Petition No. A-865-24-B. to Sec 110-79 (e) to allow an accessory structure in the front yard and construction of the building. Brian Haren seconded the motion. The motion passed 5-0.**
10. Consideration of Petition No. A-865-24-C – Roland E. Sasser, Jr., Owner, requests 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. The board asked to go to this particular petition first to make a motion since they have spoken about it in petition A-865-A. Mr. Bill Beckwith asked if there was anyone in support of the petition A-865-C? No one responded. Then he asked if there was anyone in opposition A-865-C? No one responded. Then he brought the petition back to the board for a motion. **John Tate made a motion to deny Petition No. A-865-24-C. Bill Beckwith seconded the motion. The motion passed 5-0.**
11. Consideration of Petition No. A-866-24 – Tim Hester, Owner, requests 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. This lot is at 100 Berry Ridge Road, Fayetteville, GA, is zoned R-40, and is 4.2 acres in Coventry Estates, the parcel is a legal lot of record documented in a final plat for Coventry Estates in September 1969. The house meets or exceeds the minimum house size for the zoning. The current owner applied for a permit to construct a new airplane hangar. The unique factor here is that Coventry Estates is a flying community, airplane hangars are standard structures in the subdivision, so its zoned R-40, and there is a limitation on the footprints of those accessory structures but many of the other homes in this neighborhood do have airplane hangars since is an airplane community and Mr. Hester has provided letters of support from his neighbors and they are in the packet. Ms. Bell showed the board the proposal on the maps and explained he wanted to remove a couple of carports and replace them with the airplane hangar along the side property line. Mr. Hester told the board that they moved in 2003 mainly because of the runway and he is a retired pilot. He states he has three airplanes, and they need to be protected from the elements. He asked the board would like to get his petition approved so he can have the new hangar with an electrical door for access, where he said would keep his other lawn equipment and hope this will increase the value of the home if they ever decide to sell it. He spoke to his neighbors and members of the group having their support. Mr. Bill Beckwith asked if there was anyone in support of the petition.? No one responded. Then he asked if there was anyone in opposition.? No one responded. Then he brought the petition back to the board. Mr. Beckwith asked the petitioner if he knew the square footage of each structure he already had on the property. Mr. Hester responded they were 45x35, there was about eight or nine foot between the two, and one of the two was sticking out in the sun which I don't like that either. Mr. Beckwith noticed that on the picture too, and he responded he had almost four thousand square feet right now. Mr. Hester responded they had been there twenty years. Mr. Beckwith asked if anyone on the board had any discussion or any questions.? Mr. Brian Haren asked if the two existing structures were permitted.? Mr. Hester responded he did not think so, he spoke to the building gentleman who told him the temporary building permits were not required, so he put them up and left. Mr. Haren asked in today's date within in a flying community, I assume if it is a total of four thousand square footage is that adequate.? For storage or protection of general aviation aircraft.? Mr. Hester responded what they would like to do is an 80x60 and that would be enough for all three. Mr. Haren asked is the community was a PUD or anything like that is it.? Ms. Bell responded no; it was developed in 1967 so it didn't anticipate some of the zoning regulations that we have now. Mr. Haren asked if there was nothing in zoning that talks about hangars.? Ms. Bell responded typically they are permitted in A-R with less limitations and a lot squarer footage is allowable she thinks up to five thousand square feet but because of the age of the subdivision and the R-40 zoning, we have the limit on the footprint for accessory structures. Mr. Beckwith added this is what is known as willow farms on Lester Road. Mr. Haren recommended the petitioner to advise the subdivision to pursue a change to the zoning to allow larger hangar structures. Mr. John Tate asked if there were other accessory structures on the property.? Mr. Hester responded no. Mr.

Beckwith asked Ms. Bell, what are the maximum number of square feet.? Ms. Bell responded typically for a lot this size the maximum will be 1,800 sq ft. Mr. Tate asked if there was nothing in the zoning that covers hangars.? Ms. Bell responded hangars are allowed in A-R but because of the type of zoning (R-40) because of the age of that neighborhood. Mr. Beckwith asked the petitioner if there were any other sizes of hangars he could choose.? Mr. Hester responded if he needed to downsize, he probably would, but he wouldn't have all of his stuff covered and that's why he was requesting this approval. Mr. Haren asked if his property was part of that development.? Mr. Hester responded yes. Mr. Tate commented he have no problem approval for the petition, and he also made a motion.

John Tate made a motion to approve Petition No. A-866-24. Marsha Hopkins seconded the motion. The motion passed 5-0.

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 as is build. This is located on North Highway 85; the 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. Is zoned C-H (Commercial Highway). Ms. Bell shows the location of the proposal on the different maps, she states there is some floodplain in the north part of the property, what you see is a parking lot not building encroachment, which is not an issue. The building plans show the building in the correct location, however, was constructed and discovered it was over that front setback. 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 site plans. Mr. Jonathan Kasper states he is the council for Midgard, he was there with Moshe director of planning development. He explained that the foundation goes into the setback line about 1.6 feet, which is minor, and the building structure is there they are seeking a variance because a denial will cause a teardown of the building that is already there and a great expense. Mr. Beckwith asked if anyone was in favor of the petition.? No one responded, anyone in opposition, he asked.? No one responded. He brought the petition back to the board. Mr. Beckwith asked the petitioner what happened, why was 1.6 feet over.? Did it have foamboards out.? Mr. Moshe responded yes to the second question first and then he added he doesn't know exactly how that happened if they had the survey layout. Mr. Brian Haren asked again if no foundation survey was done before construction proceeded.? And the person that set the foamboards did not make sure was correct.? Mr. Moshe responded maybe someone bumped into and they thought

they were in the right place for it went off a little. Mr. Haren added that this happens a lot in this county. Mr. Beckwith states he drove by in that day, and they had a big activity. Mr. Jonathan explained that this was an error, they did provide the construction company with the proper survey and where the physical structure should be located. Unfortunately, this is out of my client's control, and wouldn't be known if Mr. Moshe would process any foundation survey. Mr. Beckwith asked Ms. Bell if this had something to do with GDOT prior to the setback.? Ms. Bell responded no it doesn't, the site plans and the architecture of the plans were all based on the new right-of-way line, I checked those measurements to make sure there were no discrepancies but the old property line did show on some of the old documents that survey submitted to like three years after the acquisition had occurred, she states she checked those measurements on all of the approved buildings plans and they were correct with the new property lines and that difference was like twenty feet, the property lines were twenty feet so it wasn't a thigh distance between the old and property lines. Mr. Beckwith asked if there was something done to the highway.? Do they expand it.? Ms. Bell responded they are in the process of doing some improvements now, most are in Clayton County, but this project includes up to the top of the hill at the intersection on Highway 279 as part of that improvement so it's under construction now. Mr. Haren asked is that DOT work would come south to this property.? Ms. Bell responded its in front of this property, GDOT acquired twenty feet of the right of way all the way down Highway 85 on that side but that was three years ago they completed that acquisition. Do you know if there are any other work plans around.? Mr. Haren asked Ms. Bell. She responded there was going to be a continuance of the GA 85 improvements going from down past Corinth Road to make some improvements at the corner past Corinth Road intersection. Part of the county's participation in that project is an extension of Corinth Road to provide traffic light access to Kenwood Business Park but that will be a couple of years from now. But regarding this property, they won't do anything else that is already set. Mr. Haren added the measurements for this encroachment are based on the center line of the road.? Ms. Bell responded, no, they are based on the property line to the distance current of the building, and the issue is the building structure itself. Mr. Beckwith asked if anyone else had questions.? Mr. Tate this is not a usual case they were a survey done and the structure was put in someone did a modification in the field. Mr. Beckwith asked if it was asphalt-based or concrete.? Mr. Moshe responded was concrete footing set on a "U" shape and inside that there is asphalt and explained how the building and the soundings were positioned and built. Mr. Beckwith asked when this project was supposed to be completed.? Mr. Moshe replied that it was past due but if approved as soon as possible. Ms. Anita Davios commented she understood the expenses of the construction of the building but for future projects to be careful. Mr. Moshe responded they had set up a policy he would check before any concrete was poured and had the same contractor do the same in another job in another state. Mr. Beckwith added if they disapprove the petition will put the owner in big loss financially, but he knows will make a difference and he would like to make a motion to approve it.

Bill Beckwith made a motion to approve Petition No. A-867-24. Marsha Hopkins seconded the motion. The motion passed 5-0.

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. Ms. Bell explained the property and showed the maps of where is located near Brooks and it is zoned A-R (agricultural residential) This parcel is a legal lot of record; it is Lot 4 in Kenley Park subdivision, recorded on September 4, 1996. The lot is at the corner of Bankstown Road and Kenley Drive. It is zoned A-R and all standard building setbacks apply. 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. 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. It is a flying community. The front yard setback for zoning purposes runs parallel to the road, in this case, the front yard setback is a trunk carried by a little bit of the runway setback. Ms. Bell explained more about the location of the property on the maps, and she added the runway setback is not negotiable and he is asking to put a hangar on the other side of the property probably on an angle which will cause encroachment on the side property line reducing it to a potential 30 feet. Mr. Bill Beckwith asked if anyone was in favor of the petition.? No one responded. Ms. Bell responded the applicant was not present. Mr. Beckwith stated the board will have to continue without the applicant and stated that the zoning board of appeals cannot comment or take any actions for the homeowner's association which is a separate legal body. Whatever the HOA says, they will have to decide on the size of the hangar, and the location that's the HOA's responsibility, but what we can do is comment on either approved or disapproved county setbacks, and this case has three different petitions. Does anyone like to speak in support? No one responded. Anyone would like to speak in opposition to petition A-868-24-A.? Melissa Sanford explained the neighborhood description, she opposed the petition because she thinks if approved, it will be a safety issue for everyone else. She states this lot is at the top of the hill, the top of the runway, if permitted this variance would block the view for pedestrians, the pilots, and cars. She is unnecessary and should be denied. Ms. Davis commented that the proposed building seems unnecessarily close to the proper line, and she can't see why can be built within the proper setbacks. Mr. Beckwith added that all they can do is approve or disapprove the setback that is requested, whatever happens after that is the HOA's responsibility. Mr. Haren asked the staff if any other properties in the subdivision have been granted a waiver for a front-back setback.? Ms. Bell responded no. Ms. Hopkins asked if there was a vacant lot.? Ms. Bell responded there had never been a house on this lot. Mr. Tate commented that there was a better place to build the structure and in the absence of that he didn't seem basis to approve this petition and he made a motion for denial.

John Tate made a motion to deny Petition No. A-868-24-A. Anita Davis seconded the motion. The motion passed 5-0.

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. Mr. Beckwith asked for anyone in support of the petition.? No one responded. He asked if there was anyone in opposition.? Mr. Kent Gillen introduced himself, he is on the board of the HOA for the subdivision. He states they have rules and regulations and that the setback he is asking for is closer to Kenley Drive it is a curve road, and the hangar will block the view. Mr. Russell Sanford this year is the president of the HOA and there are only nine lots there and the objections remain the same, we invested a lot of money to be there and it's a great neighborhood and in the community, no one wants it. Mr. Beckwith asked if anyone else would like to speak in opposition.? But no one responded, Mr. Beckwith brought the item back to the board. Marsha Hopkins comment is based on the criteria that we have to evaluate this case, the information, and that the petitioner is not present she said she does not see anything that is responsive, and because of this she will deny this request. Mr. Brian Haren asked Mr. Stanford for the HOA the covenant speaks at all of air navigation safety and obstruction mitigation.? He responded, no that will be the 200 back set from the runway is not buildable, and the other rules they are park association. Mr. Haren asked him if the association evaluates does as safety issues.? Mr. Stanford said that the hangar would obstruct the view, you wouldn't be able to see what is coming walking, and you wouldn't be able to see that coming from the runway. Mr. Haren replied even not was not a fly issue, it was about moving aircraft. ***Brian Haren made a motion to deny Petition No. A-868-24-B. Anita Davis seconded the motion. The motion passed 5-0.***
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 the side yard setback on the southwest property line from 50 feet to 35 feet to allow the construction of an airplane hangar. Mr. Beckwith asked if anyone would like to speak in favor.? No one responded, then he asked if anyone would like to in opposition.? Mr. Nathan Miller, he states he lives in the adjacent lot and wanted to ask the board if they received the letter they sent.? Mr. Beckwith replied yes. Mr. Miller explained in his letter that the proposal for this variance would damage his view, this particular lot has more buildable area than more of the other lots in the subdivision, and the proponent approached them and said is everything or nothing and again has been said these would not pass the standards of the architectural committee. Mr. Beckwith brought the item back to the board. Mr. Haren and Davis commented they didn't see a reason to approve this petition. ***Brian Haren made a motion to deny Petition No. A-868-24-C. John Tate seconded the motion. The motion passed 5-0.***

*John Tate made a motion to adjourn. Bill Beckwith seconded the motion.
The motion passed unanimously.*

The meeting adjourned at 9:10 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

BILL BECKWITH, CHAIRMAN

MARIA BINNS, ZBA SECRETARY

PETITION NO: A-869-24-A-B

Requested Action: **A-869-24-A.** Variance to reduce the front yard setback on Ginger Cake Road as shown on the Final Plat for Wesley Forest Subdivision from 100' to 46.8 to allow an existing primary structure and mechanicals to remain; and **A-869-24-B.** Variance to reduce the front yard setback on Wesley Forest Drive as shown on the Final Plat for Wesley Forest Subdivision from 75' to 70.9 to allow an existing primary structure to remain.

Location: 105 Wesley Forest Drive, Fayetteville, Georgia 30214

Parcel(s): 0529 10001

District/Land Lot(s): 5th District, Land Lot(s) 158

Zoning: R-70, Single Family Residential

Lot Size: 2 Acres

Owner(s): Anthony Holloway

Agent: N/A

Zoning Board of Appeal Public Hearing: August 26, 2024

REQUEST

Applicant is requesting the following:

A-869-24-A. Variance to reduce the front yard setback on Ginger Cake Road as shown on the Final Plat for Wesley Forest Subdivision from 100' to 46.8 to allow an existing primary structure and mechanicals to remain.

A-869-24-B. Variance to reduce the front yard setback on Wesley Forest Drive as shown on the Final Plat for Wesley Forest Subdivision from 75' to 70.9 to allow an existing primary structure to remain.

STAFF ASSESSMENT

The house was built in 2004 and the nonconformances are not the result of actions by the current property owner. Additionally, Ginger Cake Road is classified as a "major thoroughfare/minor arterial" and the setback would ordinarily be 75', but the developer recorded a larger setback. If it had been recorded with the normal setback, the encroachment would not be as large as it is in this request. Wesley Forest Drive is classified as a "minor thoroughfare/internal local street" and would ordinarily have a 50' front yard setback, but the developer recorded a larger setback of 75'. If the plat had been recorded with the normal setback, this variance would not be needed.

HISTORY

The lot is a legal lot of record as Lot 1 of Wesley Forest Subdivision, recorded in Plat Book 25, Pages 82-83.

ZONING REQUIREMENTS

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

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

- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 175 feet.
 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.
- (7) Height limit: 35 feet.

DEPARTMENTAL COMMENTS

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

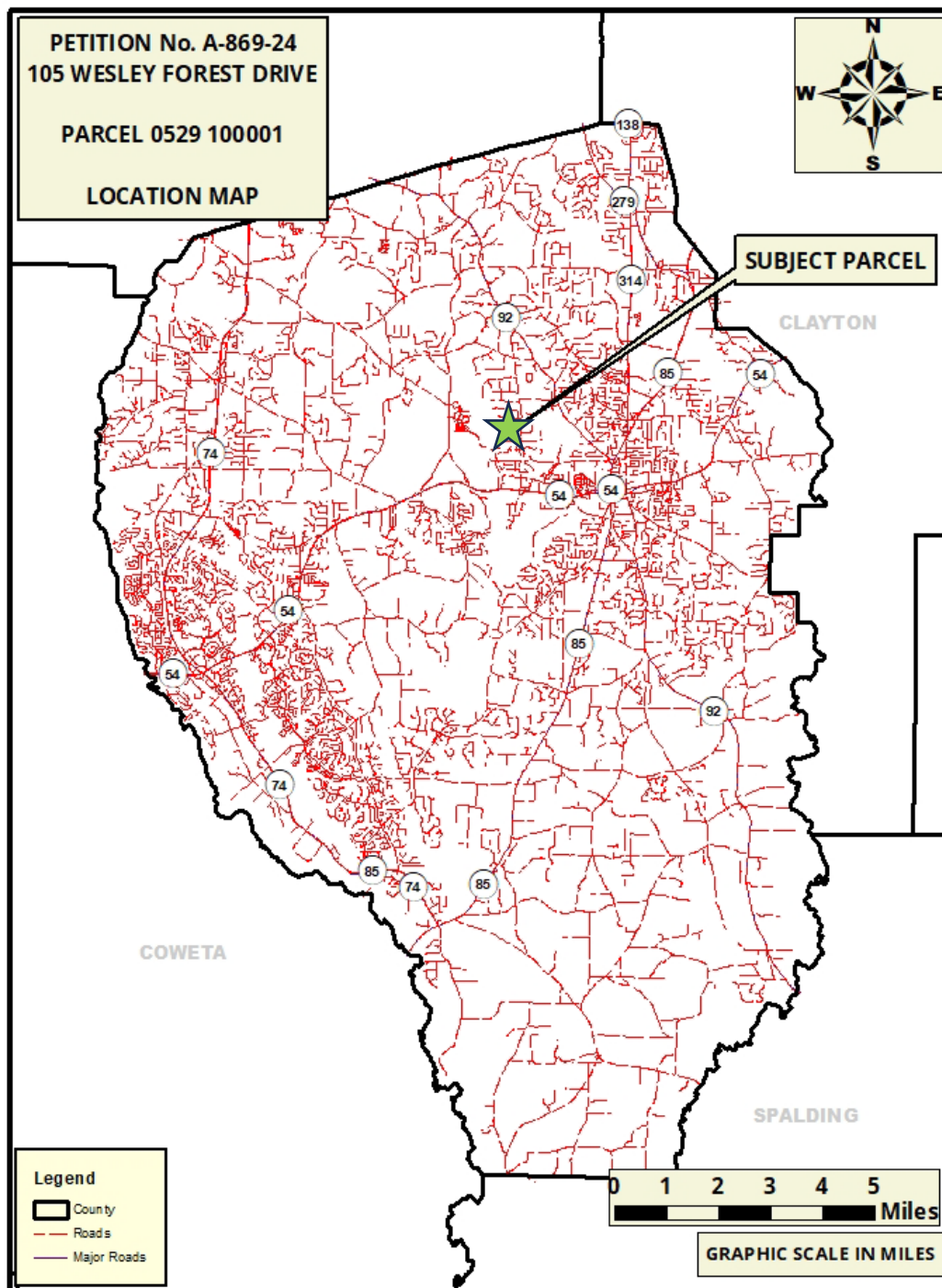
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

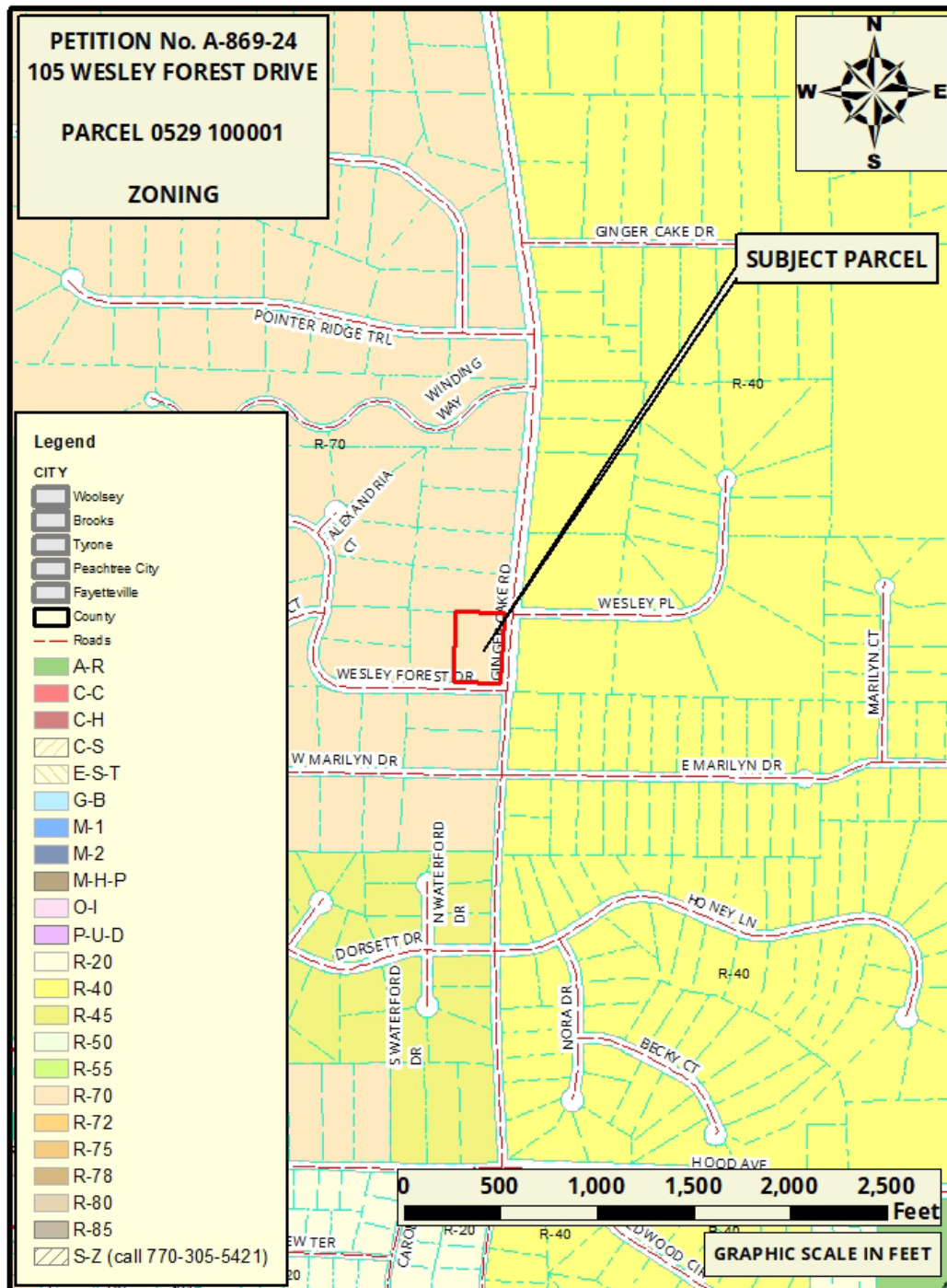
Staff Assessment

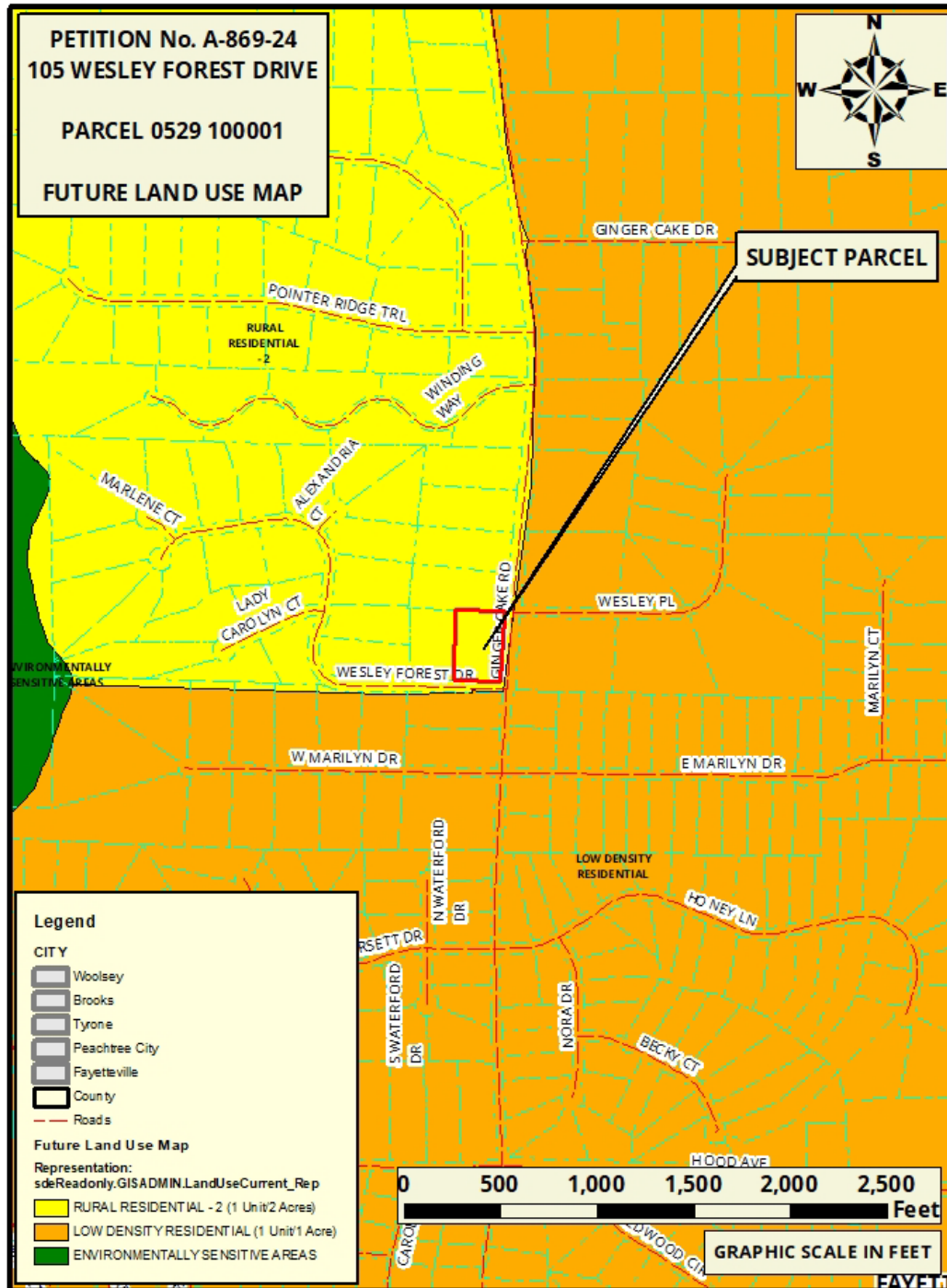
Please refer to the application form for the applicant's justification of criteria.

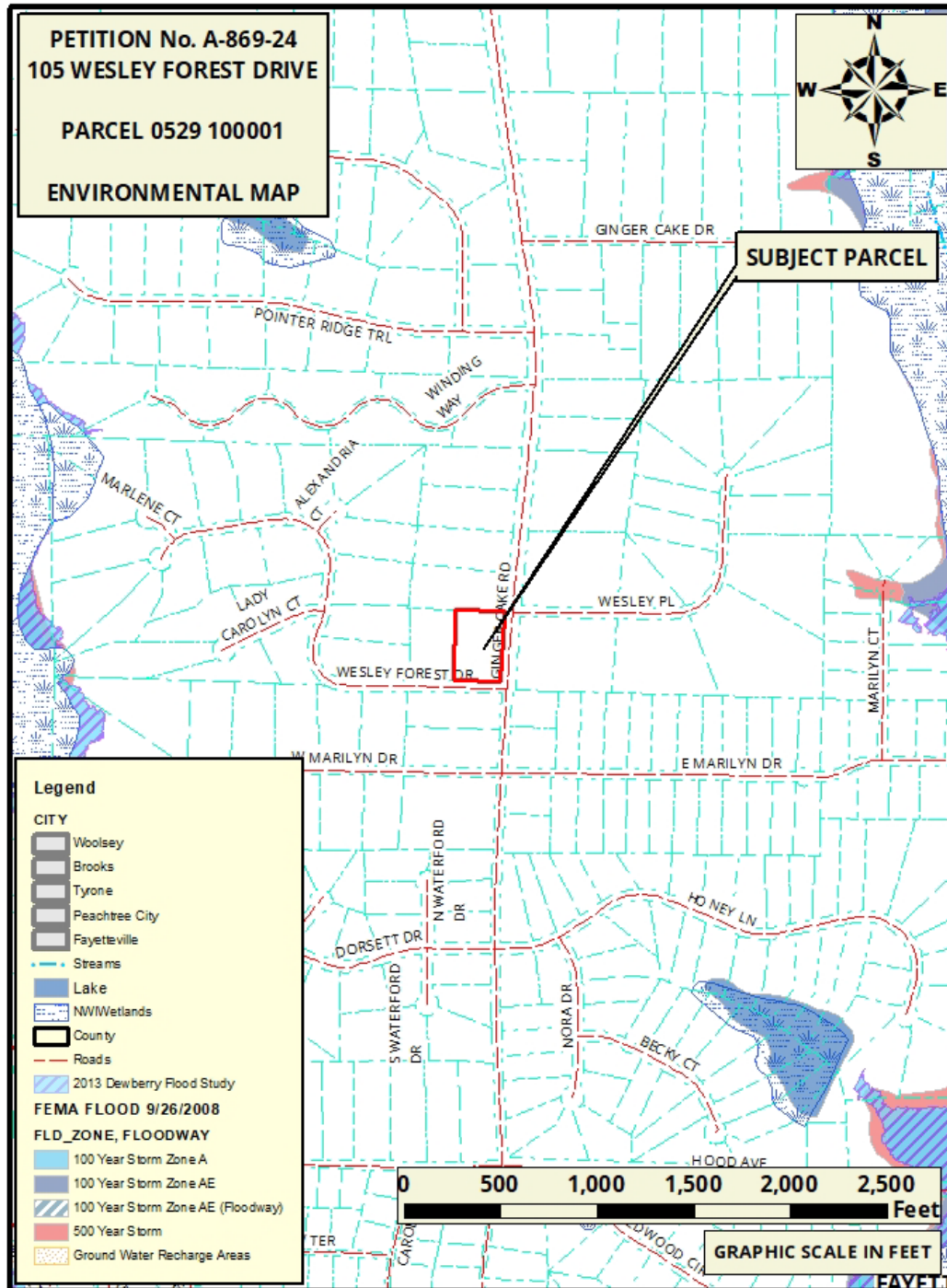
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

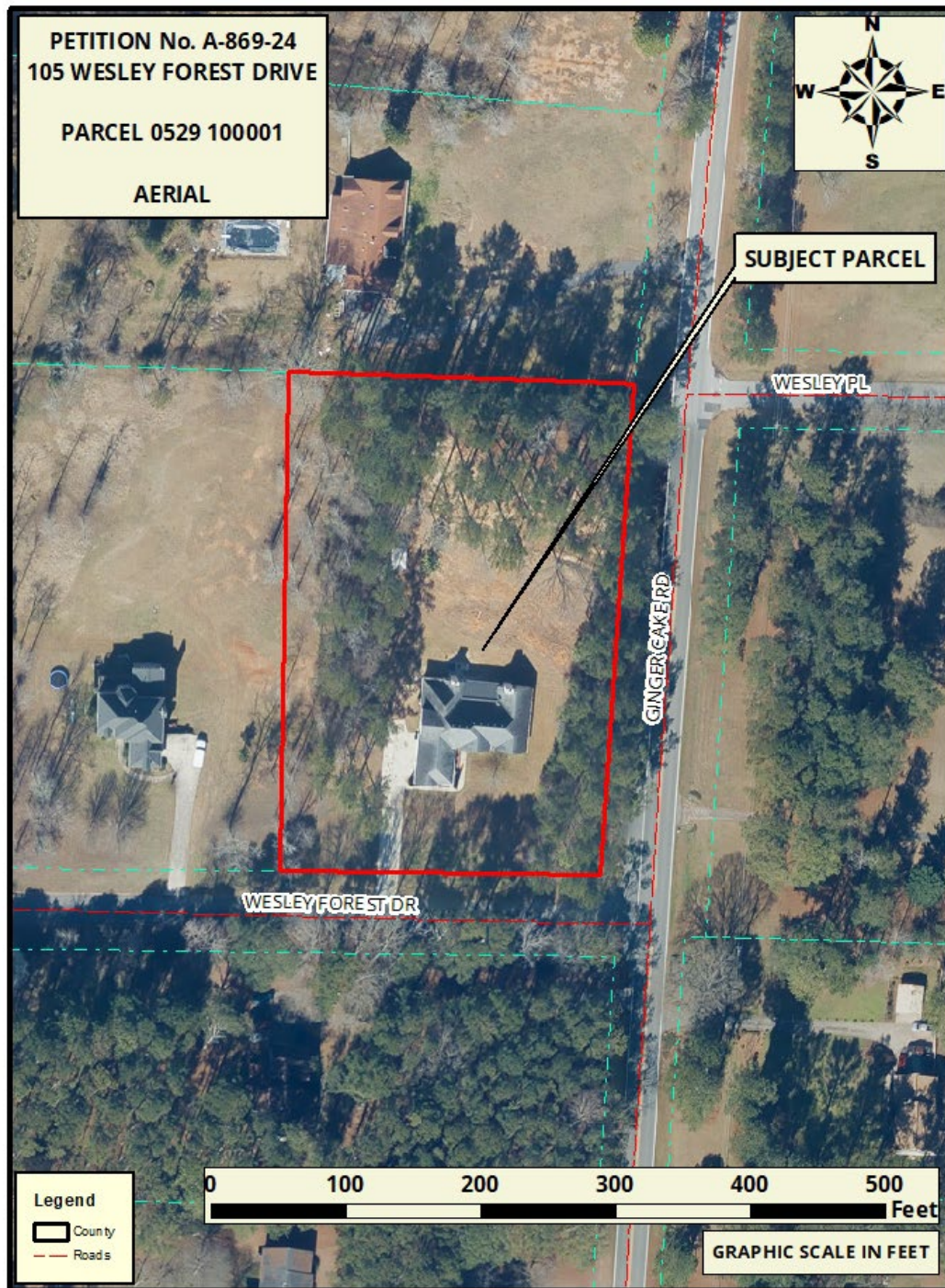
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel does have some additional setback requirements because it has 2 road frontages..
- 2. The application of these regulations to this 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 was built in 2004, under prior ownership.
- 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 encroachments are not likely to have an adverse impact on the adjoining properties.
- 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 property according to the regulations if the variance is not granted. However, they would not be able to obtain additional building permits for additions or improvements or accessory structures.













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

PROPERTY INFORMATION:

Parcel No. 052910001 Acreage: 2 Land Lot: 5-158 Land District: 01
 Address: 105 Wesley Forest DR, Fayetteville, GA, 30214
 Existing Zoning: Residential Requested Zoning: Residential
 Zoning of Surrounding Properties: Residential
 Existing Use: Personal Home
 Proposed Use: Personal Home

PROPERTY OWNER INFORMATION

Name Anthony Holloway
 Email AVHOLLOWAY13@GMAIL.COM
 Address 105 Wesley Forest DR
 City Fayetteville
 State GA Zip 30214
 Phone 404-428-7894

AGENT/DEVELOPER INFORMATION (If not owner)

Name N/A
 Email _____
 Address _____
 City _____
 State _____ Zip _____
 Phone _____

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

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

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

Date Paid _____

Receipt Number: _____

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	N/A
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

The house was built over the property line before I purchased the home. I am the 2nd owner, I would like to request a variance to bring my house into compliance so that I may build other things on my property.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- ☐ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☐ 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 MFPE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

(2)

Doc ID: 010455100001 Type: WD
 Recorded: 08/14/2018 at 10:00:00 AM
 Fee Amt: \$340.00 Page 1 of 1
 Transfer Tax: \$330.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4779 PG 39

After recording return to:
 Law Firm of Stephen D. Ott, P.C.
 125 Flat Creek Trail, Suite 250
 Fayetteville, GA 30214
 File # 18-202

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made the 10th day of **AUGUST, 2018**, between **MARY LOU BARNHILL** of the State of Georgia, as party of the first part, hereinafter called Grantor, and **ANTHONY HOLLOWAY**, as parties of the second part, hereinafter called Grantee (the words "Grantor(s)" and "Grantee(s)" 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 DOLLARS (\$10.00)** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee(s), the following described property:

All that tract or parcel of land lying and being in Land Lot 158 of the 5th District of Fayette County, Georgia, being Lot 1 of Wesley Forest Subdivision, as per plat recorded in Plat Book 25, Pages 82-83, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof. Said property being known as 105 Wesley Forest Drive according to the present system of numbering property in Fayette County, Georgia.

Parcel # 052910001

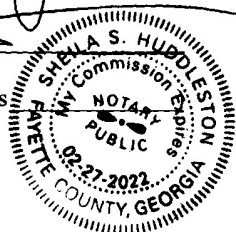
This deed is given subject to all easements, covenants and restrictions of record, if any.

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 Grantees 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 Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, this 10th day of **AUGUST, 2018** in the presence of:

Manha B. Johnson
 Unofficial Witness
Sheila S. Huddleston
 Notary Public
 (My commission expires 02-27-2022)



Mary Lou Barnhill
MARY LOU BARNHILL

FAYETTE COUNTY

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, August
26, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-869-24-A-B

Owner(s)/Agent(s): Anthony Hol-
loway

Property Address: 105 Wesley For-
est Drive

Parcel: 052910 001

Zoning District: R-70

Area of Property: 2 acres

Land Lot(s): 158

District: 5th

Road Frontage: Fronts on Gin-
ger Cake Road and Wesley Forest
Drive

Request: A-869-24-A. Variance
to reduce the front yard setback on
Ginger Cake Road as shown on the
Final Plat for Wesley Forest Subdi-
vision from 100' to 46.8 to allow an
existing primary structure and me-
chanicals to remain.

A-869-24-B. Variance to reduce
the front yard setback on Wesley
Forest Drive as shown on the Final
Plat for Wesley Forest Subdivision
from 75' to 70.9 to allow an existing
primary structure to remain.

Legal Description:

All that tract or parcel of land ly-
ing and being in Land Lot 158 of
the 5th District of Fayette County,
Georgia, being Lot 1 of Wesley For-
est Subdivision, as per plat record-
ed in Plat Book 25, Pages 82-83,
Fayette County, Georgia Records,
said plat being incorporated herein
and made a part hereof. Said prop-
erty being known as 105 Wesley
Forest Drive according to the pres-
ent system of numbering property
in Fayette County, Georgia.

Parcel # 052910001

07/24

PETITION NO: A-870-24

Requested Action: To reduce the front building setback from 100 feet to 95.6 feet to allow an existing home to remain.

Location: 310 Lowery Road, Fayetteville, Georgia 30215

Parcel(s): 0418 034

District/Land Lot(s): 4th District, Land Lot(s) 118

Zoning: A-R, Agricultural Residential

Lot Size: 10 Acres

Owner(s): Helen Goodman

Agent: Micah Goodman

Zoning Board of Appeal Public Hearing: August 26, 2024

REQUEST

Applicant is requesting the following:

Per Sec. 110-125(d)(4)a.2., the front yard setback on Lowery Road shall be 100 feet. Applicant is requesting a variance to [reduce the front yard setback from 100' to 95.6' to allow an existing home to remain.](#)

STAFF ASSESSMENT

Given the fact that the house was built in 1968, prior to paving of Lowery Road, there was no violation at the time of construction. The variance is minor and unlikely to have a negative effect on any neighboring properties.

HISTORY

The house was constructed in 1968, so it is currently a legal, nonconforming structure. However, the family would like to subdivide the property, so a variance is necessary to allow them to move forward. At the time of construction, Lowery Road was unpaved and only a prescriptive right-of-way, so the location of the house was not a violation.

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

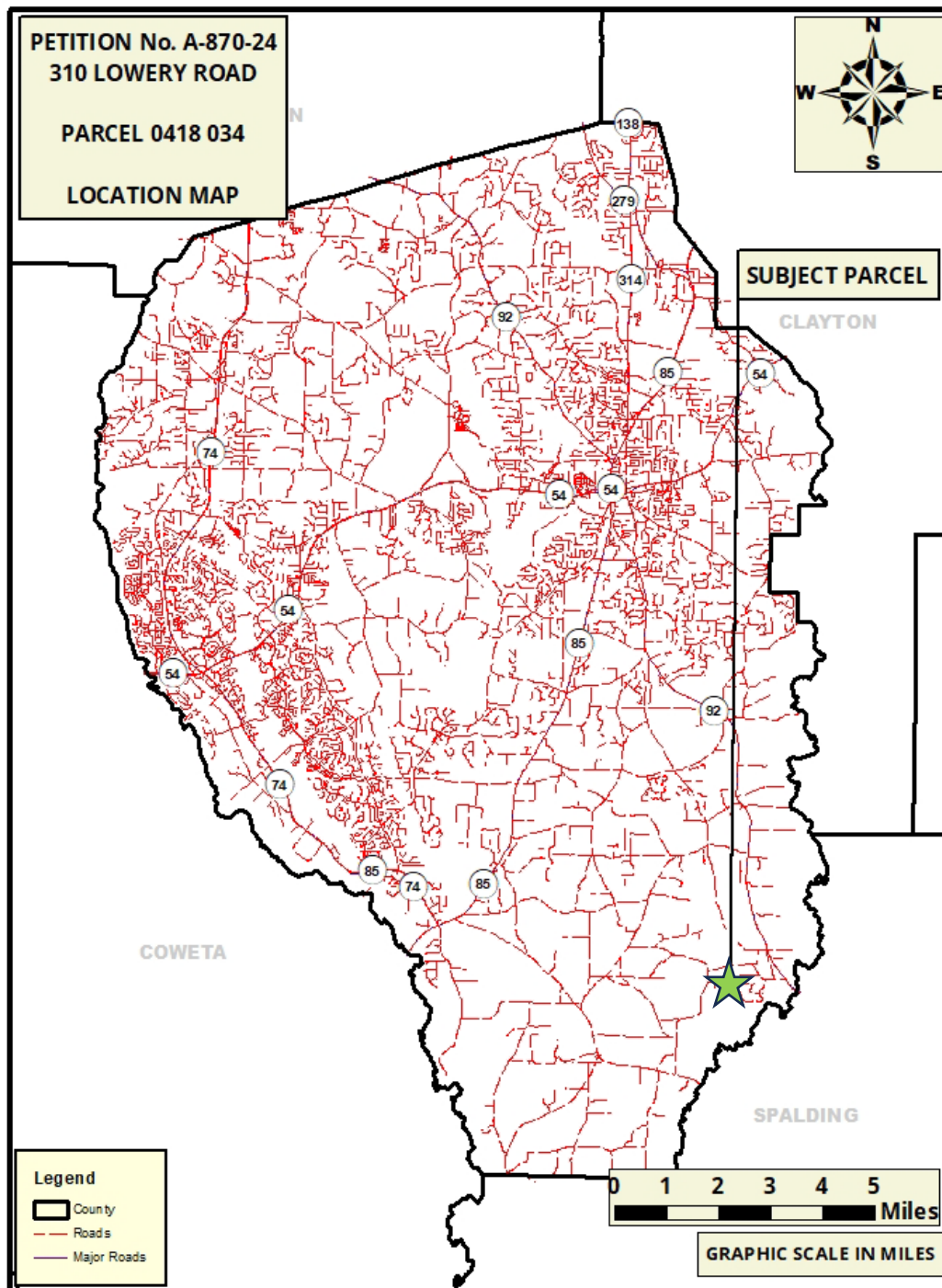
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

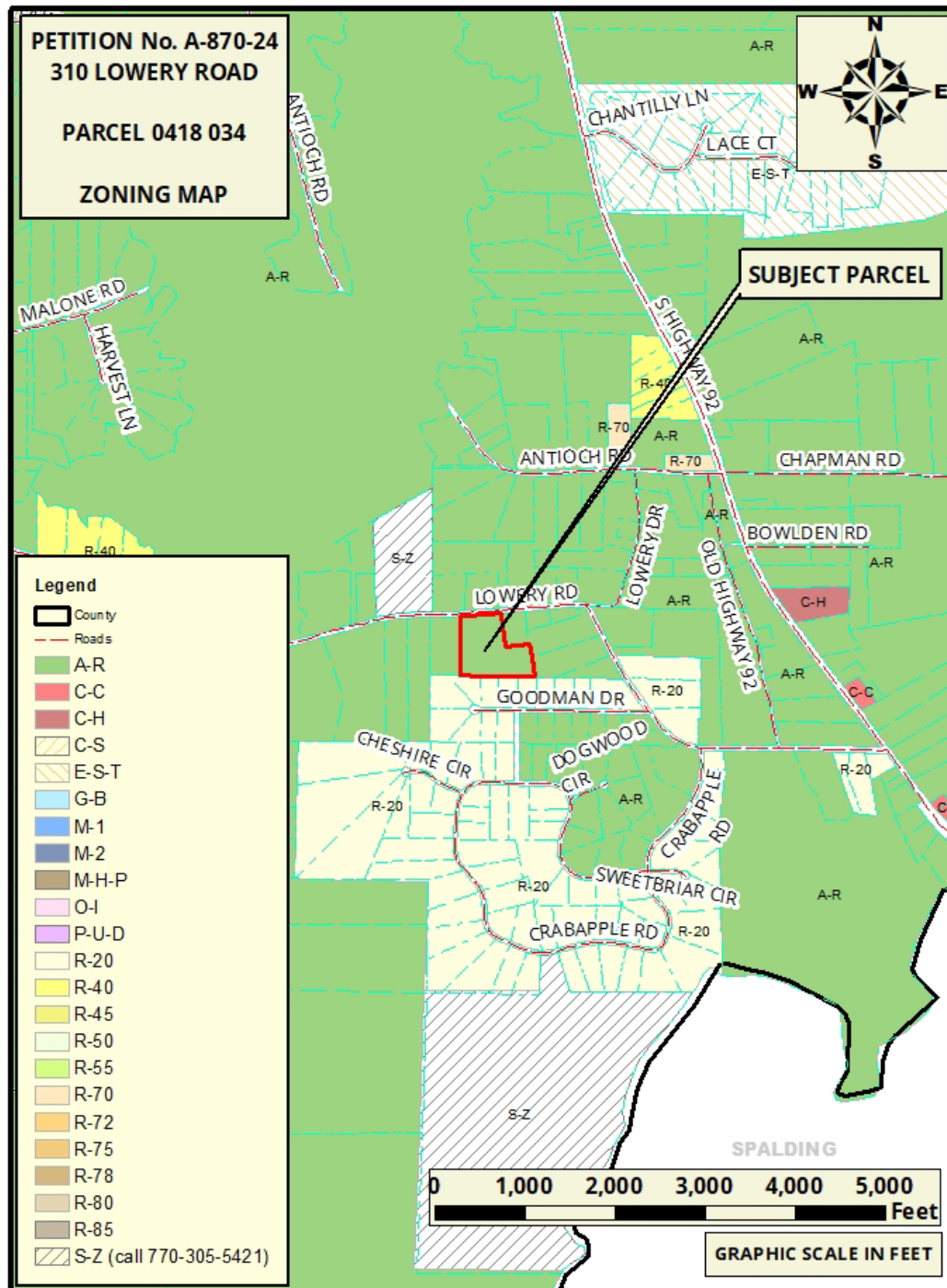
Staff Assessment

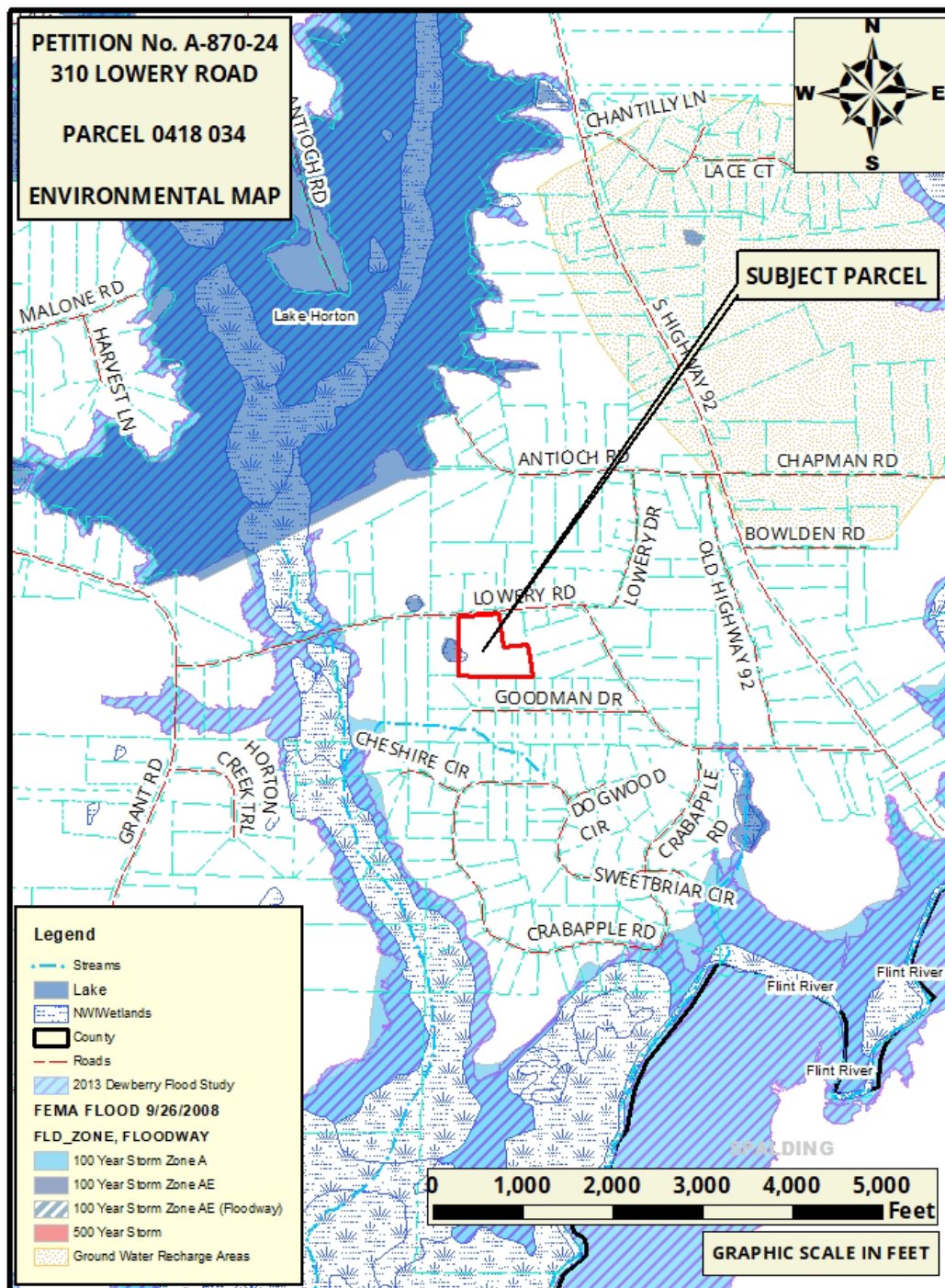
Please refer to the application form for the applicant's justification of criteria.

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.**
The unique circumstances related to this request are the age of the house and the fact that it was constructed before current right-of-way standards for county roads were established.
- 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 situation is specific to this property.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment is not likely to have a detrimental impact on any other properties.
- 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 but could not subdivide the parcel.

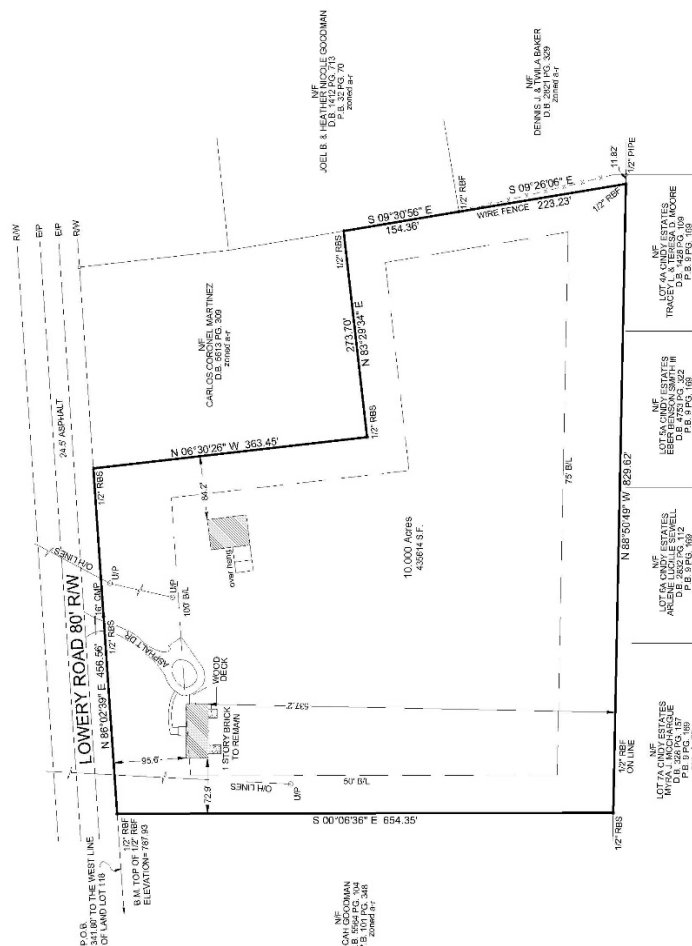








POOL & CARPORT VISIBLE IN AERIAL HAVE BEEN REMOVED



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

CLOSURE STATEMENT
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE INCH BASED ON A CLOSURE PRECISION OF ONE INCH PER 37,111 FEET AND AN ANGULAR ERROR OF "00' 00" 00" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR A CLOSURE OF .001 FOOT TO 86,940 FEET WITHIN ONE FOOT IN 10,000 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA TS02 TOTAL STATION GOMAX CHAMPION PRO GPS ON THE FIMBLE NETWORK.

LEGEND

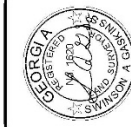
D.B.=DEED BOOK
F.W.P.D.=FIELD WORK
PERFORMED DATE
L.L.=LAND LOT
L.L.L.=LAND LOT LINE
N.F.=NOT OR FORMERLY
N.F.W.=NOW TO SCALE
OHU=OVERHEAD UTILITY LINES
OPU=OPEN TOP PIPE
B.F.=BRIQUET BOOK
P.O.L.=POINT OF BEGINNING
RBS=REBAR FOUND
RBS=REBAR SET
R.W.=RIGHT OF WAY
S.F.=SQUARE FEET
E.P.=EDGE OF PAVEMENT
UP=UTILITY POLE
F.H.=FIRE HYDRANT
U.B.=UTILITY BOX



**S.A. GASKINS &
ASSOCIATES, LLC**
surveyors planners development consultants
P.O. BOX 321 BROOKS, GA 30205
770-460-9342
sagaskins@bellsouth.net

Property Location
Lot 118 Of The 4th Land District
Fayette County, Georgia

Prepared For:



Job No. SA24-044AVAR	
Drawn By:	Reviewed By:
	s.a.g.
Issue Date: 07/23/24	
F.W.P.D.: 05/23/22	
Revisions	Date

FOUNDATION SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0418034 Acreage: 10.0 Land Lot: 118 Land District: 4
 Address: 310 Lowery Road
 Existing Zoning: A-R Requested Zoning: _____
 Zoning of Surrounding Properties: A-R
 Existing Use: _____
 Proposed Use: _____

PROPERTY OWNER INFORMATION

Name HELEN GOODMAN
 Email goodmanconstructioninc@gmail.com
 Address 310 Lowery Rd
 City Fayetteville
 State GA Zip 30215
 Phone 404-392-8250

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Deborah L. Bell Date: 07/08/2024

DATE OF ZONING BOARD OF APPEALS HEARING: Aug. 26, 2024

Received payment from Micah Goodman a check in the amount of \$ 195⁰⁰ total

for application filing fee, and \$ 200⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid 07/08/2024 Receipt Number: 21392

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:

Micah Goodman

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

0418 034

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 118 of the 4th District, and (if applicable to more than one land district) Land Lot(s) n/a of the District, and said property consists of a total of 10.0 acres 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

X Signature

Helen Goodman

Name: Helen Goodman

Address: 310 Lowery Rd

City/State/Zip: Fayetteville GA 30215

Date: 7-8-2024

Owner/
Agent
One:

Notary:

Jessica Mask

Commission Exp.: Nov 20, 2026



(seal)

Signature _____

Notary:

Name: _____

Address: _____

Commission Exp.: _____

City/State/Zip: _____

Date: _____

Owner/
Agent
Two:

Signature _____

Notary:

Name: _____

Address: _____

Commission Exp.: _____

City/State/Zip: _____

Date: _____

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. 110-125 (d)(4)a.2.
Requirement	100'
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

JUSTIFICATION OF REQUEST

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

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

The house was built 55 years ago before road was paved.

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

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

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

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

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. n/a Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. n/a Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. n/a Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Type: QCD
Recorded: 1/12/2022 8:53:00 AM
Fee Amt: \$25.00 Page 1 of 5
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 8444968941

BK 5434 PG 307 - 311

Please return to:
Law Office of G. Alan Dodson
100 S. Hill Street, Suite 405
Griffin, GA 30223

STATE OF GEORGIA
COUNTY OF FAYETTE

QUITCLAIM DEED

THIS INDENTURE is made as of 12:01p.m. on December 29, 2021, between Helen C. Goodman, individually and as Executor U/W Wendell Louis Goodman (hereinafter referred to as the "Decedent"), late of Fayette County, Georgia, deceased (the "Grantor" or "Executor"), and Helen C. Goodman (the "Grantee"). "Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives, and assigns where the context requires or permits.

WITNESSETH:

That the Grantor, for and in consideration of love and affection and the sum of TEN DOLLARS (\$10.00) in hand paid the receipt and sufficiency of which is acknowledged, has bargained, sold, and by these presents does remise, release, and forever quitclaim to the Grantee, her successors and assigns, all the right, title, interest, claim, or demand that the Grantor has or may have had in and to all of that tract or parcel of land, together with all improvements located thereon, described in attached Exhibit "A," which said exhibit is incorporated herein by reference. And see Exhibit "B" for true and correct copies of the related Order and Letters Testamentary.

With all the rights, members, and appurtenances to the said premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said premises unto the Grantee so that neither the Grantor nor any other person or persons claiming under her shall have, claim, or demand any right, title, or interest in or to the described premises or its appurtenances.

IN WITNESS WHEREOF, the Grantor has hereunto set her hand and affixed her seal the day and year first above written.

GRANTOR:

Helen C Goodman [L.S.]
Helen C. Goodman, Individually and as
Executor aforesaid

Signed, sealed, and delivered
in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

[NOTARIAL SEAL]

My Commission Expires

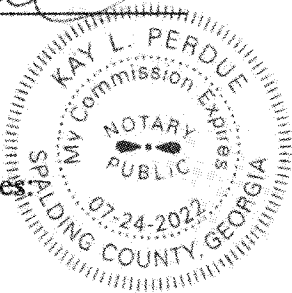
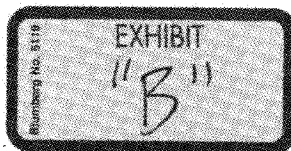


Exhibit "A"

All that certain tract of parcel of land situate, lying and being in Land Lot 118 of the 4th Land District of Fayette County, Georgia, more particularly shown as the 10.236 Acres on a plat of survey prepared by S.A. Gaskins & Associates, LLC, Registered Land Surveyor, for Helen B. Goodman, dated December 14, 2021, a copy of which said plat is recorded with the Clerk of Superior Court of Fayette County, Georgia in Plat Book 101, Page 185. Said plat together with the metes, bounds, courses, and distances as shown thereon is incorporated by reference and made a part hereof as fully as if set out herein.

NOTE 1: SCRIVENER DRAFTED DEED ONLY AT THE REQUEST OF THE PARTIES, DID NOT PERFORM A TITLE SEARCH AND THEREFORE DOES NOT WARRANT IN ANY MATTER WHATSOEVER THE CHAIN OF TITLE, INCLUDING BUT NOT LIMITED TO THE FOLLOWING, TO-WIT: THE RECORD TITLE HOLDER, LIENS, JUDGMENTS, EASEMENTS, ENCROACHMENTS OR RIGHTS OF PERSONS IN POSSESSION THEREOF.

NOTE 2: Grantor signs this deed in her individual and in her fiduciary capacities.



**IN THE PROBATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF)	
)	
WENDELL LOUIS GOODMAN,)	ESTATE NO. 21-15974
DECEASED)	

ORDER ADMITTING WILL TO PROBATE IN SOLEMN FORM

An alleged last will and testament dated **NOVEMBER 13, 2003** was propounded.

HELEN C. GOODMAN, was nominated personal representative by the testator. The Court finds that the decedent died domiciled within, or domiciled outside the State of Georgia but owning property within, the above county. The Court further finds that all of the heirs at law were served or acknowledged service. The Court further finds that no objection has been filed, and all requirements of law have been fulfilled. The Court further finds that the propounded Will is self-proving.

ACCORDINGLY, IT IS ORDERED that the Will dated **NOVEMBER 13, 2003** is established as the last will and testament of the decedent ("the Decedent's Will"); that the Will be admitted to record as proven in solemn form; and, that the nominated executor named above has/have leave to qualify as personal representative by taking the required oath, after which letters testamentary shall issue. The clerk shall serve the personal representative with copies of this order and the letters upon qualification.

IT IS FURTHER ORDERED that the personal representative shall disburse all property according to the terms of the Decedent's Will and shall maintain all records of income and disbursements until discharged by order of this Court.

IT IS FURTHER ORDERED that: *[Initial all that apply]*

- ☒ (a) An inventory shall be filed.
- ☒ (b) Annual returns shall be filed.
- ☒ (c) Letters of testamentary conservatorship shall issue to _____
- ☒ (d) Letters of testamentary guardianship shall issue to _____

SO ORDERED this 23 day of August, 2021.


 Ann S. Jackson, Judge of the Probate Court

Cc: JOHN P. JOINER, ESQ.

**IN THE PROBATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA**

IN RE: ESTATE OF

WENDELL LOUIS GOODMAN,
DECEASED

)
)
)
)

ESTATE NO. 21-15974

LETTERS TESTAMENTARY
[Relieved of filing returns]

At a regular term of probate court, the last will and testament dated **NOVEMBER 13, 2003** of the above-named decedent, who was domiciled in this county at the time of his or her death or was domiciled in another state but owned property in this county at the time of his or her death, was legally proven in solemn form to be the Decedent's Will and was admitted to record by order, and it was further ordered that **HELEN C. GOODMAN** named as executor in said Will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor.

THEREFORE, the executor, having taken the oath of office and complied with all necessary prerequisites of the law, is/are legally authorized to discharge all the duties and exercise all powers of executor under the Will of said decedent, according to the Decedent's Will and the law.

Given under my hand and official seal, the 23 day of August, 2021.


Ann S. Jackson, Judge of the Probate Court

*Note: The following must be signed if the
judge does not sign the original of
this document:*

Issued by:

[Seal]

Clerk of the Probate Court

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,
August 26, 2024, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-870-24

Owner(s)/Agent(s): Helen
Goodman

Property Address: 310 Lowery
Road

Parcel: 0418 034

Zoning District: A-R

Area of Property: 10 acres

Land Lot(s): 118

District: 4th

Road Frontage: Lowery Road

Request: Per Sec. 110-125. (d)(4)
a.2, Reduce the front yard setback
from 100' to 95.6' to allow an
existing home to remain.

Legal Description:

EXHIBIT "A"

All that certain tract of parcel
of land situate, lying and being
in Land Lot 118 of the 4th Land
District Of Fayette Georgia, more
particularly shown as the 10.236
Acres on a plat of survey prepared
by S.A. Gaskins & Associates, LLC,
Registered Land Surveyor, for
Helen B. Goodman, dated Decem-
ber 14, 2021, a copy of which said
plat is recorded with the Clerk of
Superior Court of Fayette Georgia
in Plat Book 101, Page 185. Said
plat together with the metes,
bounds, courses, and distances as
shown thereon is incorporated by
reference and made a part hereof
as fully as if set out herein.

07/24

PETITION NO: A-871-24

Requested Action:

- A. To reduce the lot width at building line from 250' to 120'.
- B. To reduce the front yard setback from 100' to 55'.
- C. To reduce the side yard setback from 50' to 25'.

Location: Antioch Road, Fayetteville, Georgia 30215

Parcel(s): 0448 075

District/Land Lot(s): 4th District, Land Lot(s) 118

Zoning: A-R, Agricultural Residential

Lot Size: 1.374 Acres

Owner(s): Wright Chancy McBride, LLC

Agent: Rod Wright; Steven Jones

Zoning Board of Appeal Public Hearing: August 26, 2024

REQUEST

Applicant is requesting the following:

- A) Variance to Sec. 110-125(d)(2) to reduce the lot width at building line from 250' to 120' to allow development of a legal nonconforming lot.
- B) Variance to Sec. 110-125(d)(4)(a)(2) to reduce the front yard setback from 100' to 55' to allow development of a legal nonconforming lot.
- C) Variance to Sec. 110-125(d)(6) to reduce the side yard setback from 50' to 25' to allow development of a legal nonconforming lot.

STAFF ASSESSMENT

The lot is a legal, nonconforming lot. Per Sec. 110-170. – Nonconformances, a legal nonconforming lot may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.

HISTORY

This lot is a legal, nonconforming lot and has not been rezoned. Although it was given the same tax parcel ID number by the Tax Assessor's office for billing purposes, it was never combined with another lot. Therefore, it is eligible for the uses and structures allowed in the A-R zoning district but requires variances to some of the dimensional requirements.

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** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance, but there is no guarantee that each lot is suitable for the installation of an onsite sewage management system.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No objections.

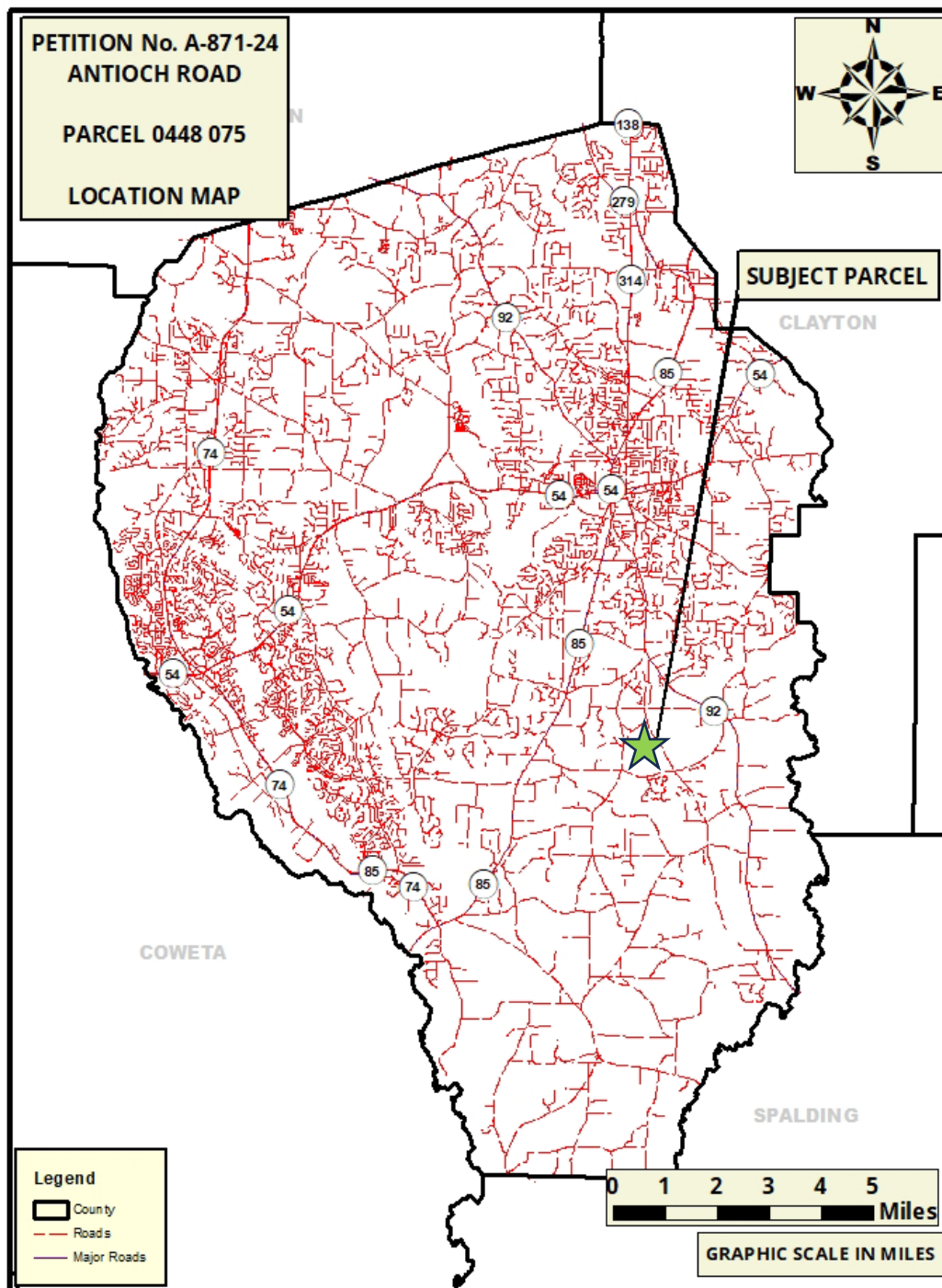
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

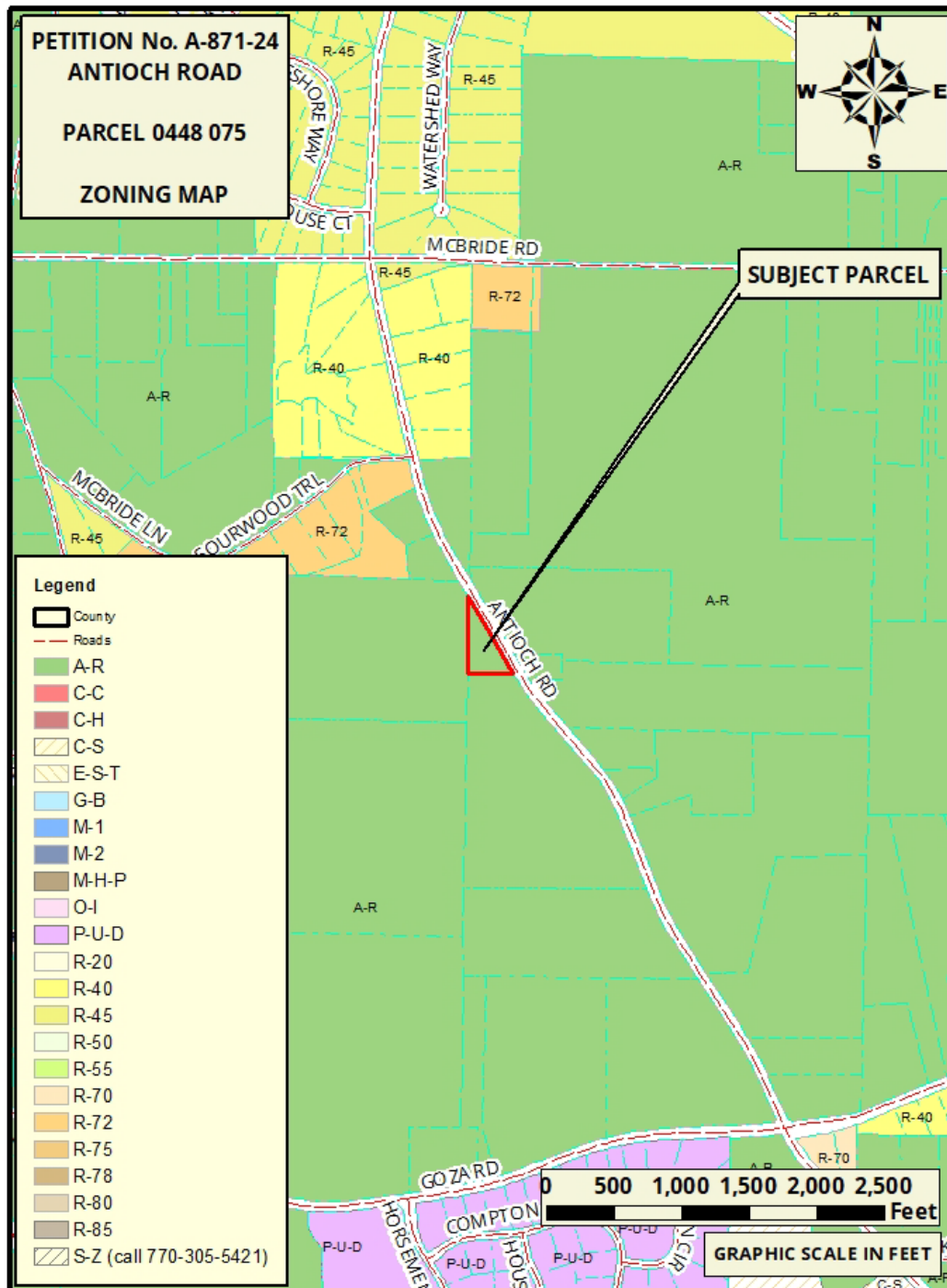
Please refer to the application form for the applicant's justification of criteria.

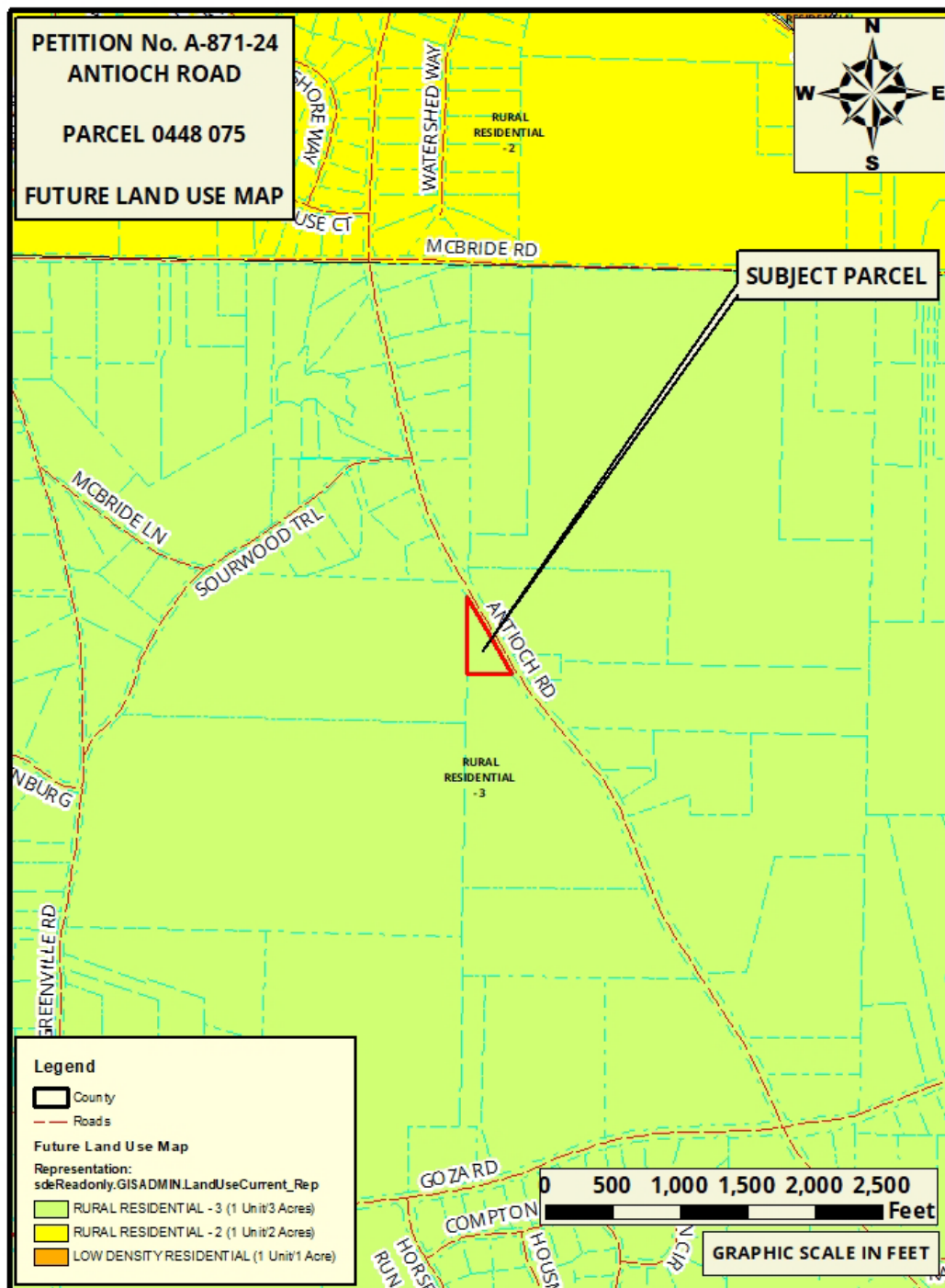
Staff Assessment

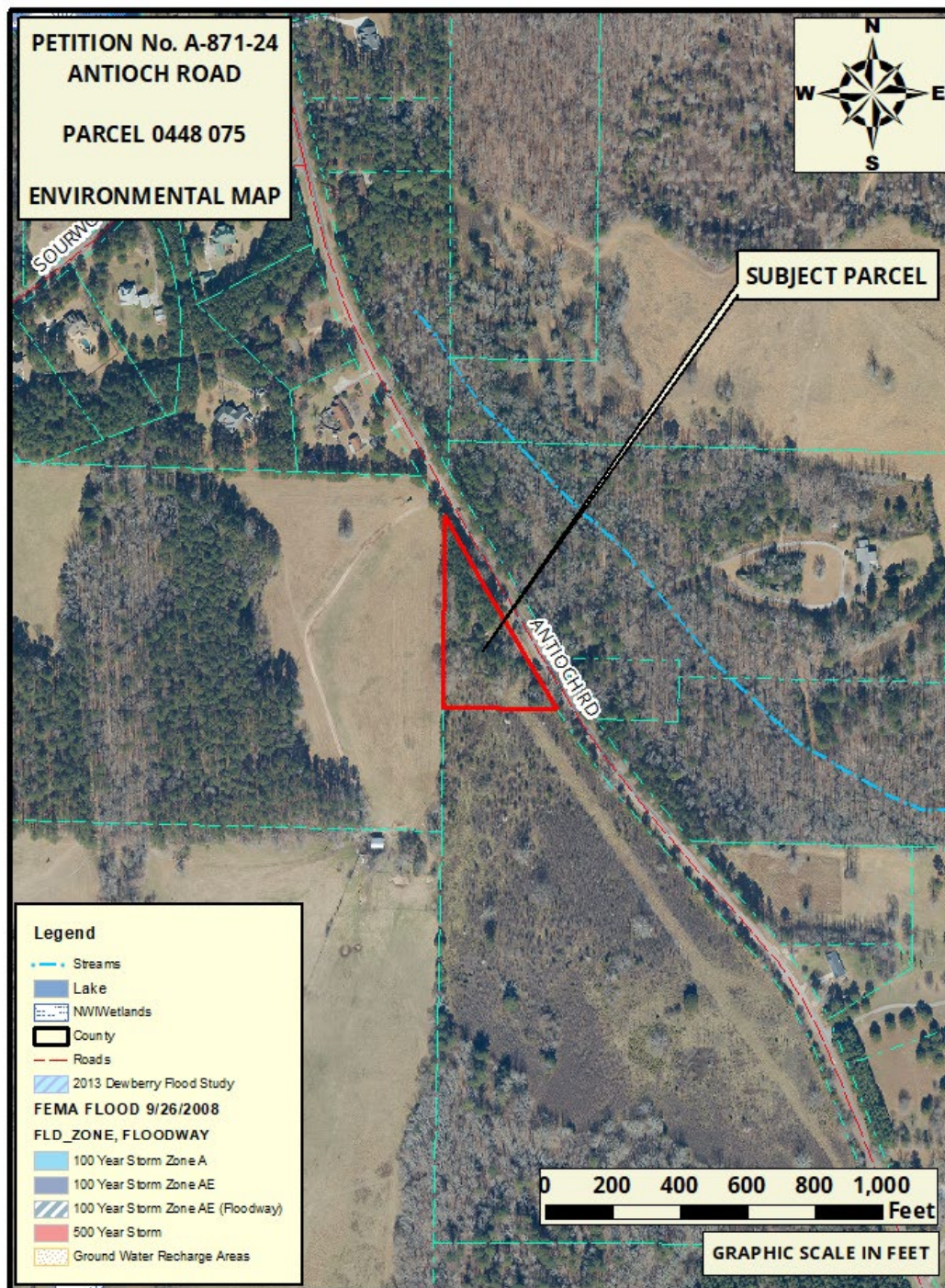
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

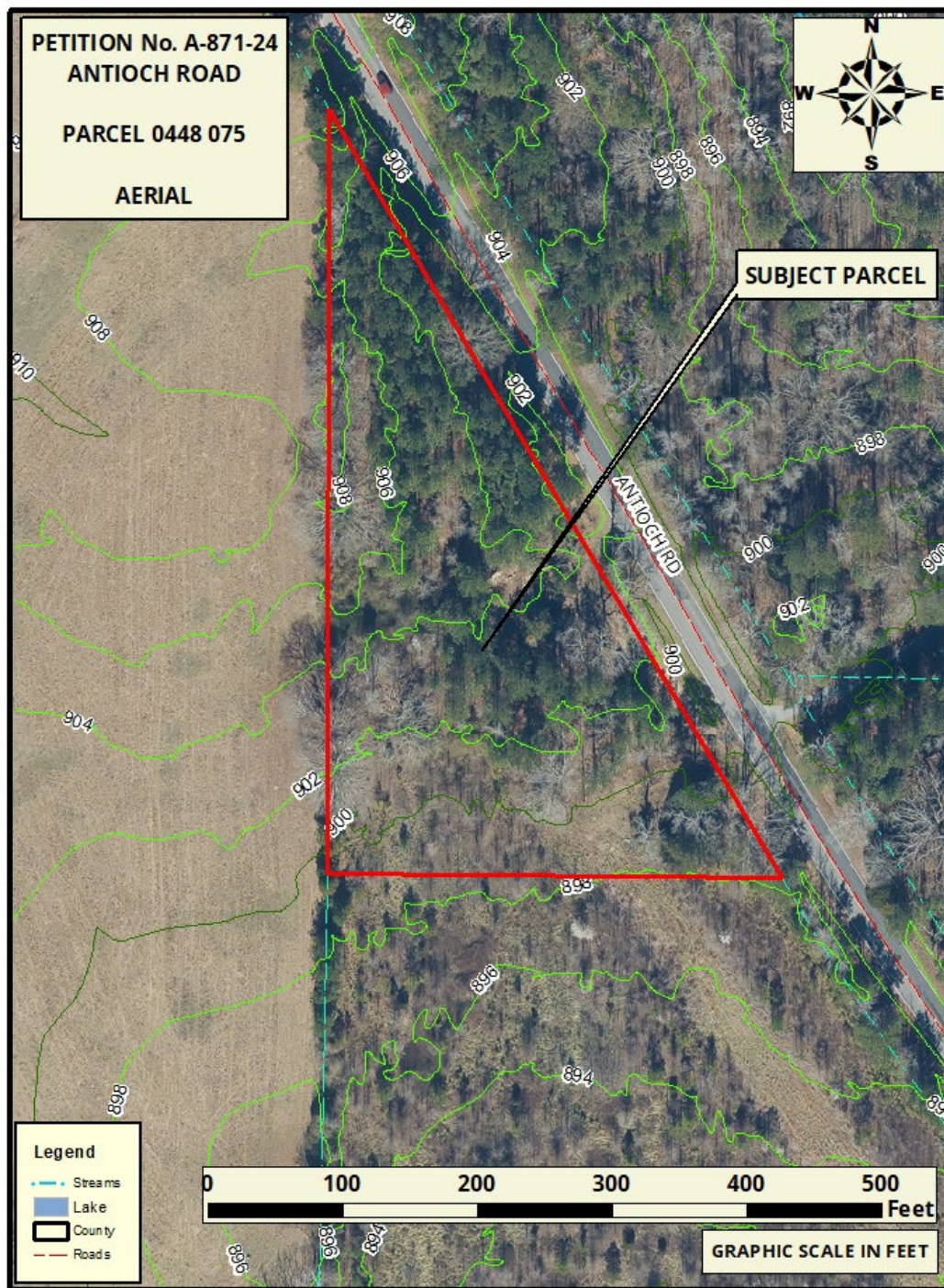
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The lot is a legal nonconforming lot.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the County.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The situation is specific to this property.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The reduced setbacks are not likely to have a detrimental impact on any other properties.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to build on this property without the variances.











POOL & CARPORT VISIBLE IN AERIAL HAVE BEEN REMOVED

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

Permit # A-871-24
Variance-07-24-087227

PROPERTY INFORMATION:

Parcel No. 0448075 Acreage: 1.37 Land Lot: 249 Land District: 4
Address: 0 North of 430 Antioch Rd
Existing Zoning: AR Non Conforming Requested Zoning: _____
Zoning of Surrounding Properties: _____
Existing Use: _____
Proposed Use: _____

PROPERTY OWNER INFORMATION

Name Wright Chancy McBride LLC
Email The.subdivider@gmail.com
Address Po Box 629
City Fayetteville
State Ga Zip 30214
Phone 770-460-5606

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-871-24

☐ 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: August 26, 2024

Received payment from _____ 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 _____ Receipt Number: _____

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

Washt Chancesy McBride LLC

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

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

SIGNATURE

Signature _____

Name: _____ John Alan Bell


Address: _____ 3754 New Hope Rd.

City/State/Zip: _____ Zebulan Ga 30295

Date: _____ July 8, 2024

Deborah M Sims
NOTARY PUBLIC
Notary: Coweta County, GEORGIA (seal)
My Commission Expires 01/05/2027
Commission Exp: 01/05/2027

Owner/
Agent
One:

Signature: 
Name: Randy Chenevix
Address: 207 Jeff Davis Pl
City/State/Zip: Fayetteville Ga
Date: 2/9/24

Notary: Deborah M Sims (seal)
 NOTARY PUBLIC
 Commission Exp.: _____
 Coweta County, GEORGIA
 My Commission Expires 01/05/2027

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	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

JUSTIFICATION OF REQUEST

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

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

yes

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

yes

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

yes

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

It would not

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)

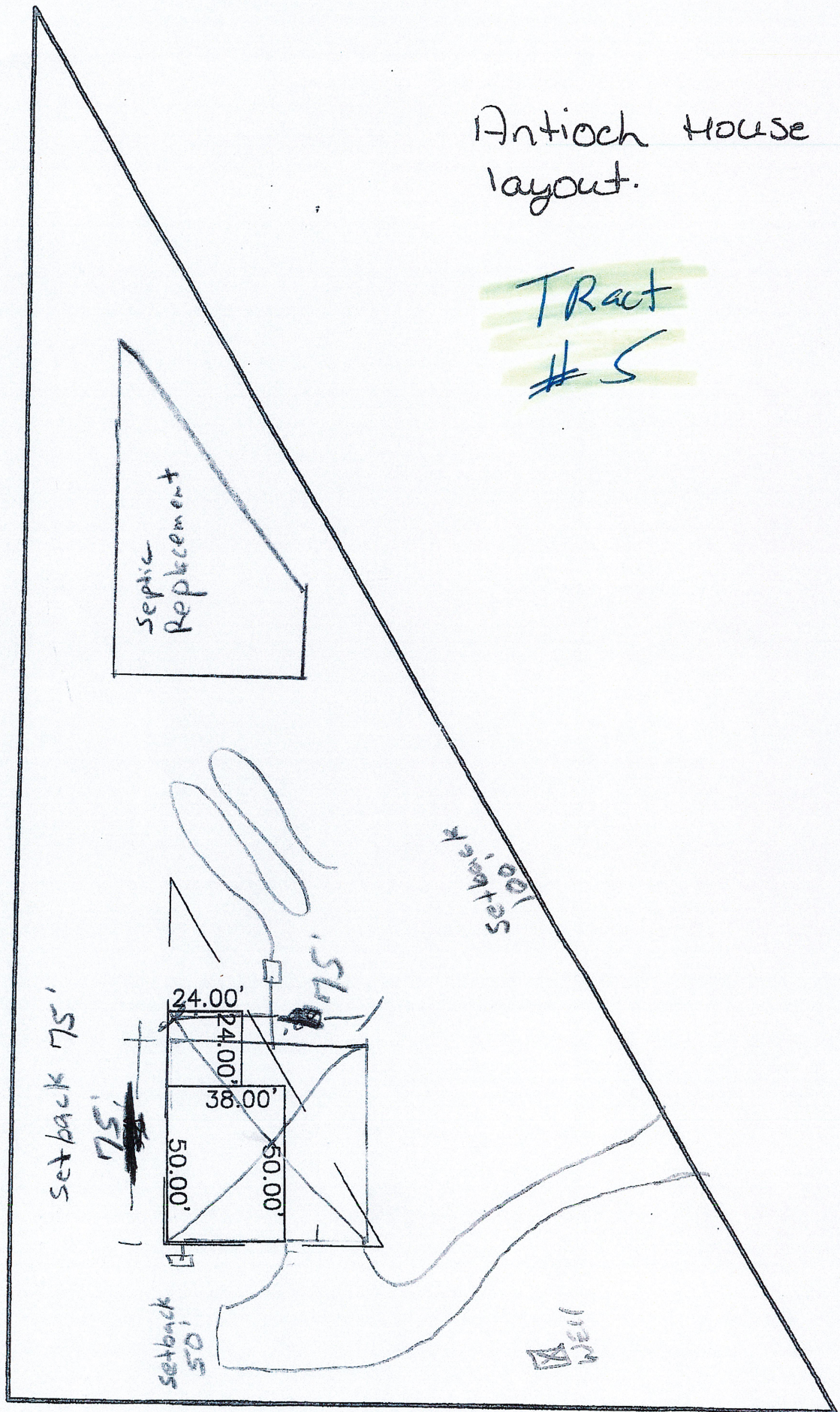
- ☐ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☐ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☐ One copy of the survey plat of the property, drawn to scale with accurate 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.

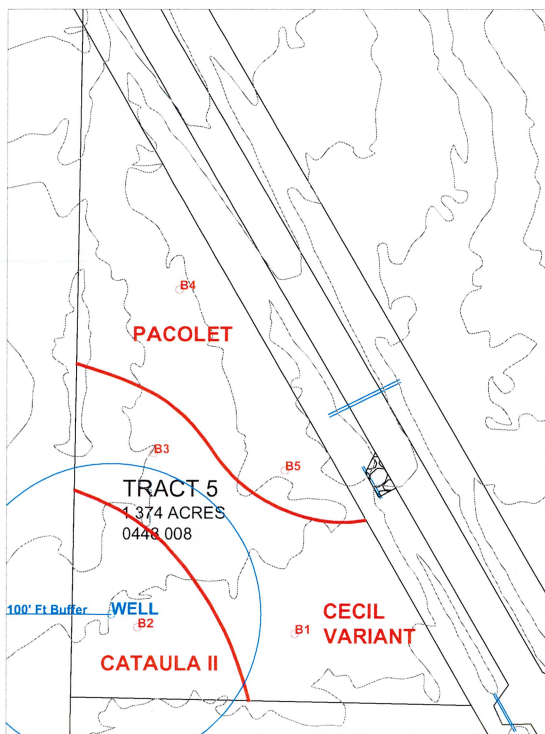
PLANNING AND ZONING STAFF INFORMATION BELOW

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

Antioch House layout.

Tract
#5





SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table Indicators (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cataula II	>72	30-40 (PWT)	1-2	12-18	75	0.12	C1
Cecil Variant	>72	>72	1-2	40-48	60	----	A3
Pacolet	>72	>72	1-2	30-48	60	----	A1

(PWT)=Perched Water Table

SOIL SUITABILITY CODE LEGEND

- A1** Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- A3** Soils are typically suitable for conventional absorption field with proper design, installation and maintenance. The Bt horizon shows some evidence of slow percolation, substratum is well drained. Permeability appears to improve with depth. Trenches installed at the recommended depth should function effectively. Further inspection with test pits may allow for deeper installations.
- C1** Soils are unsuitable for conventional absorption fields due to perched water table conditions. Soils are generally suitable for alternative absorption fields with treatment system producing Class 1 effluent.

NOTES:

- Topographic information should be considered approximate.
- Terraces in the vicinity of absorption field construction should be graded out to improve surface water drainage.
- Soil boundary lines should be considered transitional zones between different soil conditions or series rather than an exact boundary.
- System installation should not occur under saturated or wet soil conditions.
- Absorption fields should not be installed on concave slopes.
- Surface drainage should be diverted away from absorption field lines.
- Gutter downspouts should be discharged away from the vicinity of the on site wastewater system.
- Estimated percolation rates are based on full-sized system performance. However, no guarantee is given or implied as to the performance of any particular system installed.



MAP LEGEND

- Soil Boundary
- Soil Boring
- Slope Direction
- Gully

GRAPHIC SCALE

30 0 30 60
(IN FEET)
1 inch = 60 ft.



Applied Environmental Sciences, Inc.
90-F Glenda Trace, #327 Newnan, Georgia 30265
(678) 262-4020 (678) 262-4024 (fax) www.soilmapping.com

LEVEL 3 SOIL MAP ANTIOCH ROAD

TRACT 5
LAND LOT 249, 4th DISTRICT
FAYETTE COUNTY, GEORGIA

DATE: 9-29-23

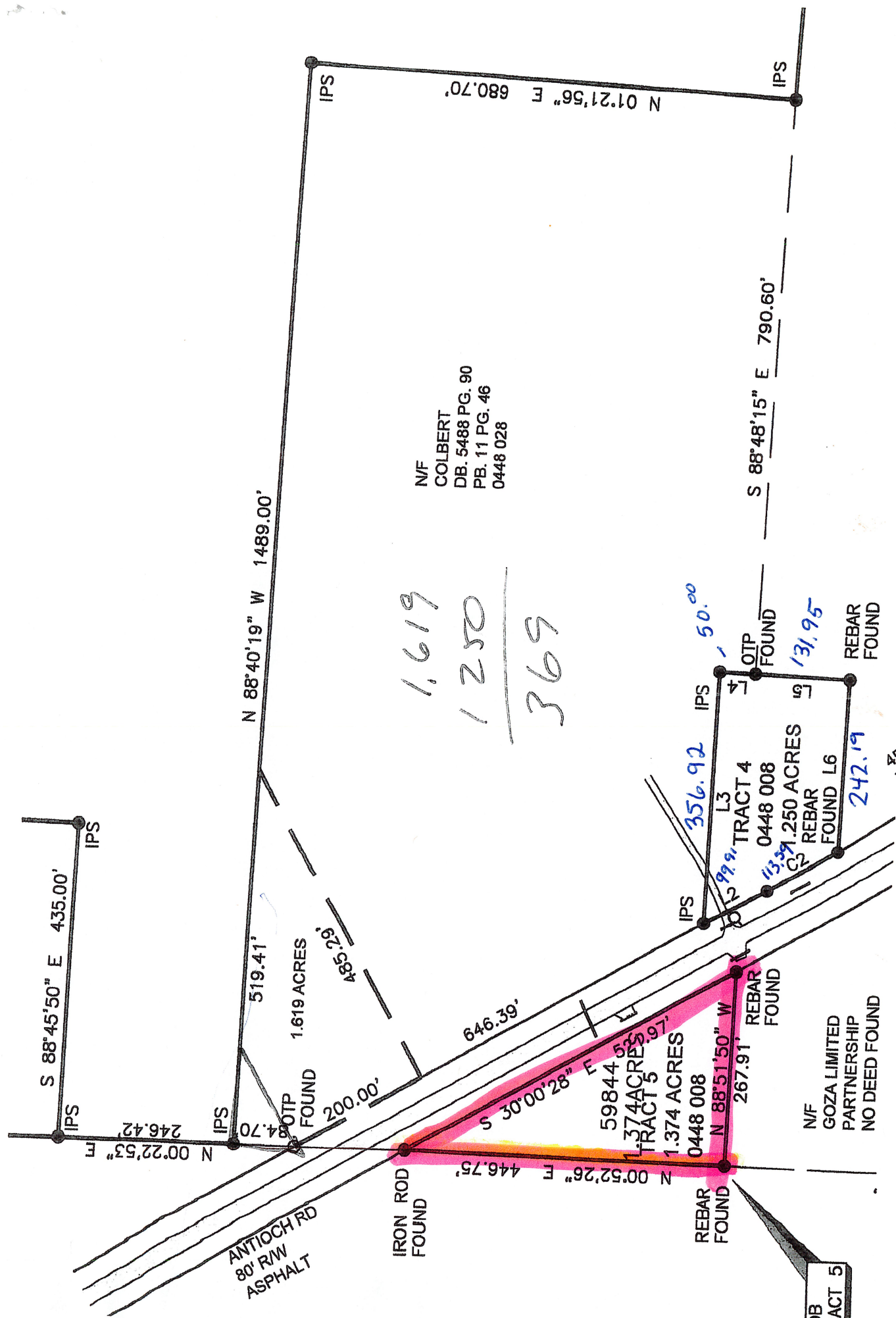
SCALE: 1" = 60'

CLIENT: ROD WRIGHT

BORING LOCATION METHOD: TRIMBLE GEO 7X GPS

FIELD WORK BY: JNM, SCIT

CHECKED BY: ERICA A. HAMILTON, DPH CSC, #224



Please return to:
 Lawson, Beck & Sandlin, LLC
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 23-LAW-0839
 Att: Lexi Clarke
 Parcel Number: 0448008,0448036,0448034



Doc ID: 011885870003 Type: WD
 Recorded: 10/09/2023 at 09:50:00 AM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5661 PG 168-170

STATE OF GEORGIA
 COUNTY OF FAYETTE

(23)

LIMITED WARRANTY DEED

THIS INDENTURE made this 28th day of September, 2023 between

Wright Chancey, LLC

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

Wright Chancey McBride, LLC

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

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

Tract 04-48-008

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 1, containing 125.444 acres more or less, Tract 4, containing 1.250 acres more or less, and Tract 5, containing 1.374 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Tract 04-48-036

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 2, containing 15.087 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Tract 04-48-034

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 3, containing 19.999 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

LEGAL DESCRIPTION
Continued

Tract 04-48-008

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 4, containing 1.250 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 5, containing 1.374 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.


SIGNATURES ON NEXT PAGE


Subject to restrictive covenants and easements of record.

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

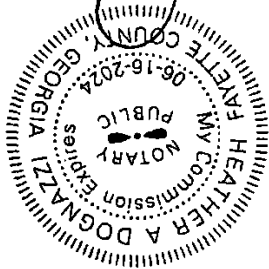
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

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



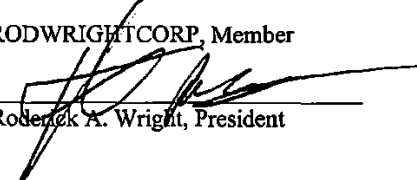
Witness


Notary Public



Wright Chancey LLC

By: RODWRIGHTCORP. Member

BY: 

Rodenack A. Wright, President

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,
August 26, 2024, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-871-24-A-B-C

Owner(s)/Agent(s): Wright

Chancy McBride, LLC

Property Address: Antioch Road

Parcel: 0448 075 (Formerly part of
0448 008)

Zoning District: A-R

Area of Property: 1.374 acres

Land Lot(s): 249

District: 4th

Road Frontage: Antioch Road

Request:

A) Variance to Sec. 110-125(d)(2)
to reduce the lot width at building
line from 250' to 120' to allow
development of a legal noncon-
forming lot.

B) Variance to Sec. 110-125(d)(4)
(a)(2) to reduce the front yard
setback from 100' to 55' to allow
development of a legal noncon-
forming lot.

C) Variance to Sec. 110-125(d)(6) to
reduce the side yard setback from
50' to 25' to allow development of
a legal nonconforming lot.

Legal Description:

Tract 04-48-008

All that tract or parcel of land lying
and being in Land Lot 249 of the
4th District of Fayette County,
Georgia, being Tract 4, containing
1.250 acres more or less, as shown
on that boundary survey for Rod
Wright Corp, by Sibley-Miller
Surveying and Planning Inc., Tim
L. Miller, Reg. Land Surveyor No.
3150, dated 9/5/2023, as recorded
in Plat Book 101, Page 509, Fayette
County, Georgia Records, said plat
being incorporated herein and
made a part hereof by reference.

07/24

PETITION NO: A-872-24

Requested Action:

- A. To reduce the lot width at building line from 250' to 200'.
- B. To reduce the front yard setback from 100' to 75'.
- C. To reduce the side yard setback from 50' to 25'.

Location: Antioch Road, Fayetteville, Georgia 30215

Parcel(s): 0448 075

District/Land Lot(s): 4th District, Land Lot(s) 118

Zoning: A-R, Agricultural Residential

Lot Size: 1.374 Acres

Owner(s): Wright Chancy McBride, LLC

Agent: Rod Wright; Steven Jones

Zoning Board of Appeal Public Hearing: August 26, 2024

REQUEST

Applicant is requesting the following:

- A) Variance to Sec. 110-125(d)(2) to reduce the lot width at building line from 250' to 120' to allow development of a legal nonconforming lot.
- B) Variance to Sec. 110-125(d)(4)(a)(2) to reduce the front yard setback from 100' to 55' to allow development of a legal nonconforming lot.
- C) Variance to Sec. 110-125(d)(6) to reduce the side yard setback from 50' to 25' to allow development of a legal nonconforming lot.

STAFF ASSESSMENT

The lot is a legal, nonconforming lot. Per Sec. 110-170. – Nonconformances, a legal nonconforming lot may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.

REQUEST TO TABLE TO SEPT

HISTORY

This lot is a legal, nonconforming lot and has not been rezoned. Although it was given the same tax parcel ID number by the Tax Assessor's office for billing purposes, it was never combined with another lot. Therefore, it is eligible for the uses and structures allowed in the A-R zoning district but requires variances to some of the dimensional requirements.

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** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance, but there is no guarantee that each lot is suitable for the installation of an onsite sewage management system.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No objections.

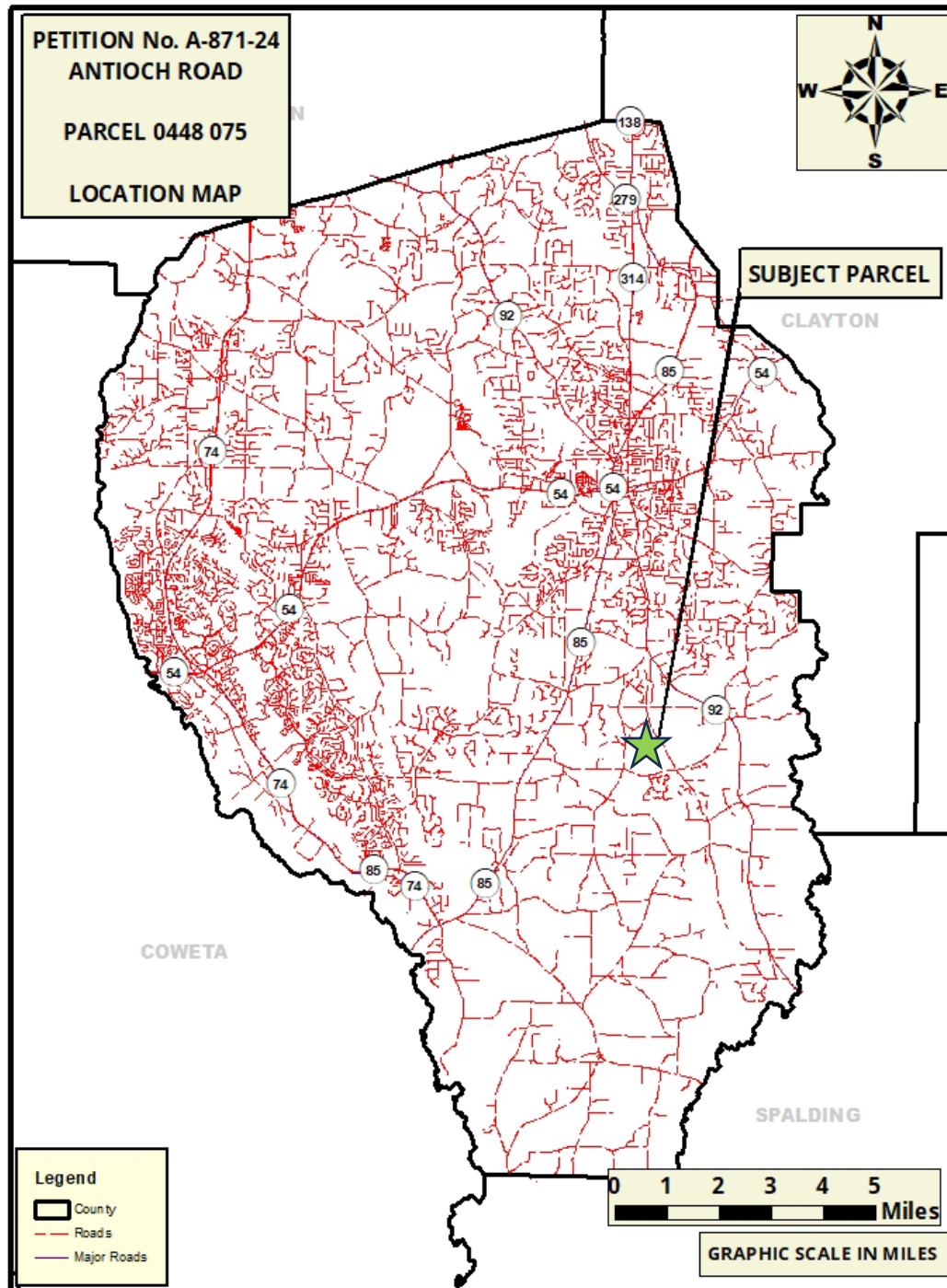
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

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

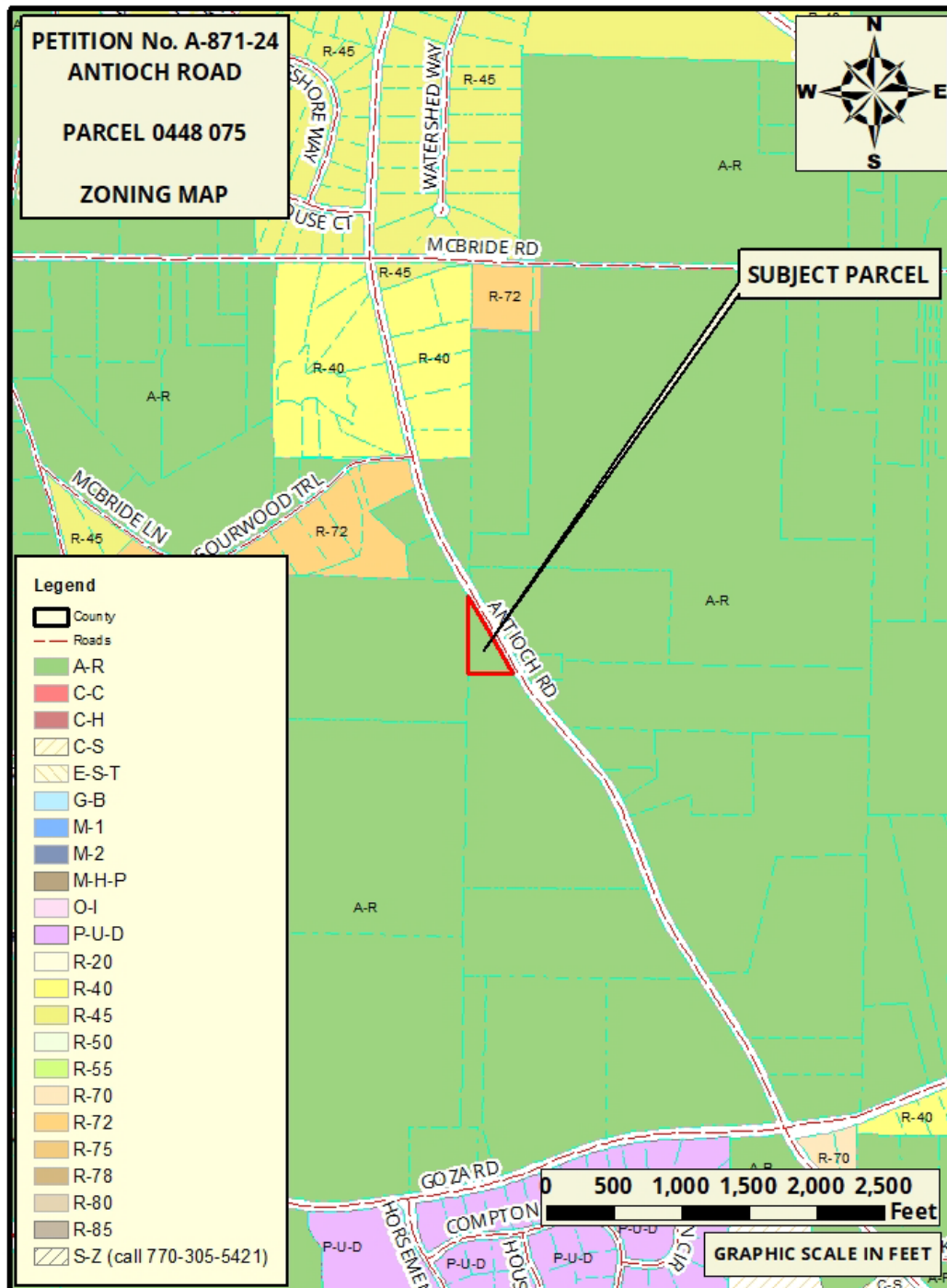
Staff Assessment

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.

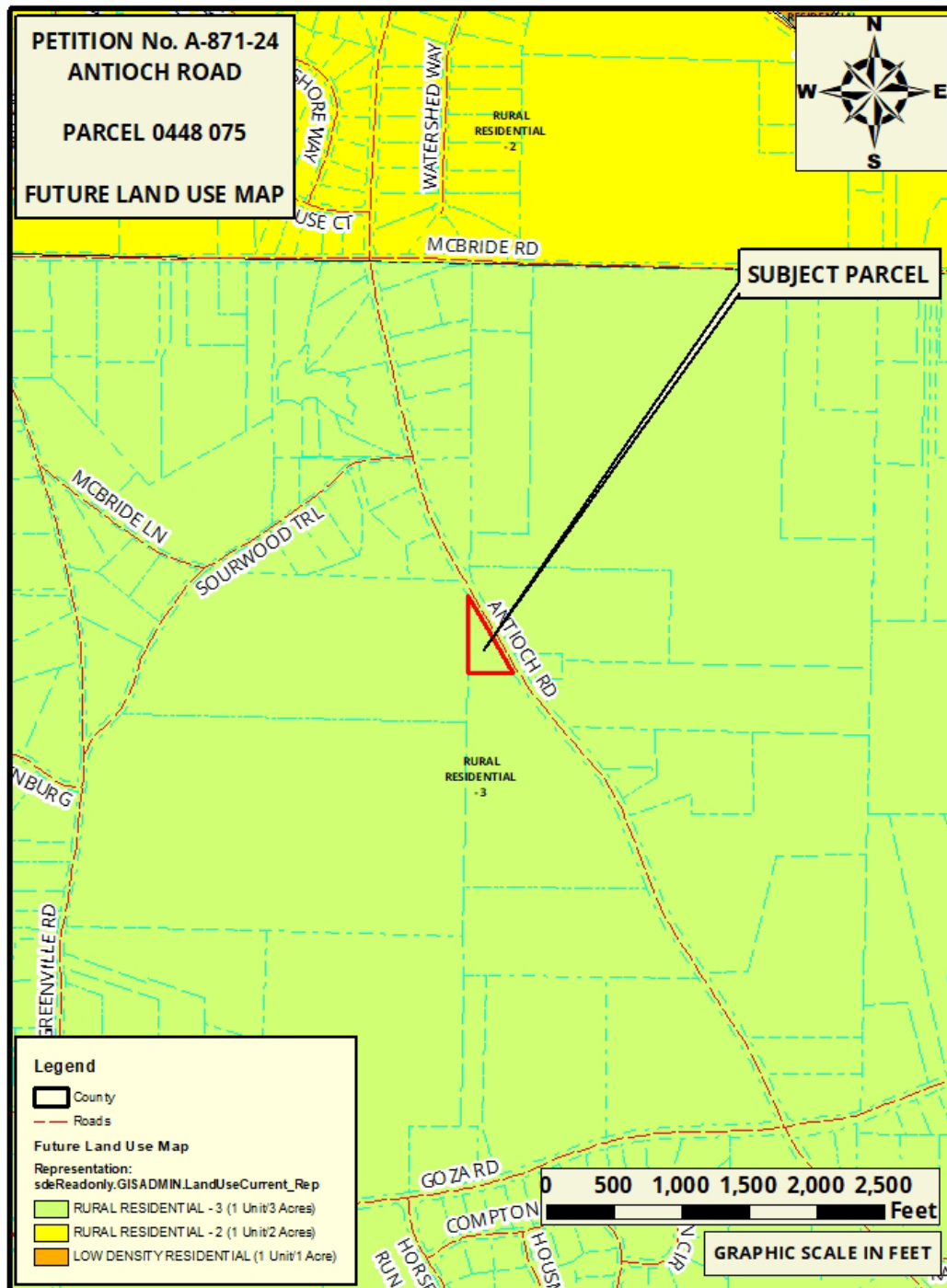
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The lot is a legal nonconforming lot.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the County.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The situation is specific to this property.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The reduced setbacks are not likely to have a detrimental impact on any other properties.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to build on this property without the variances.

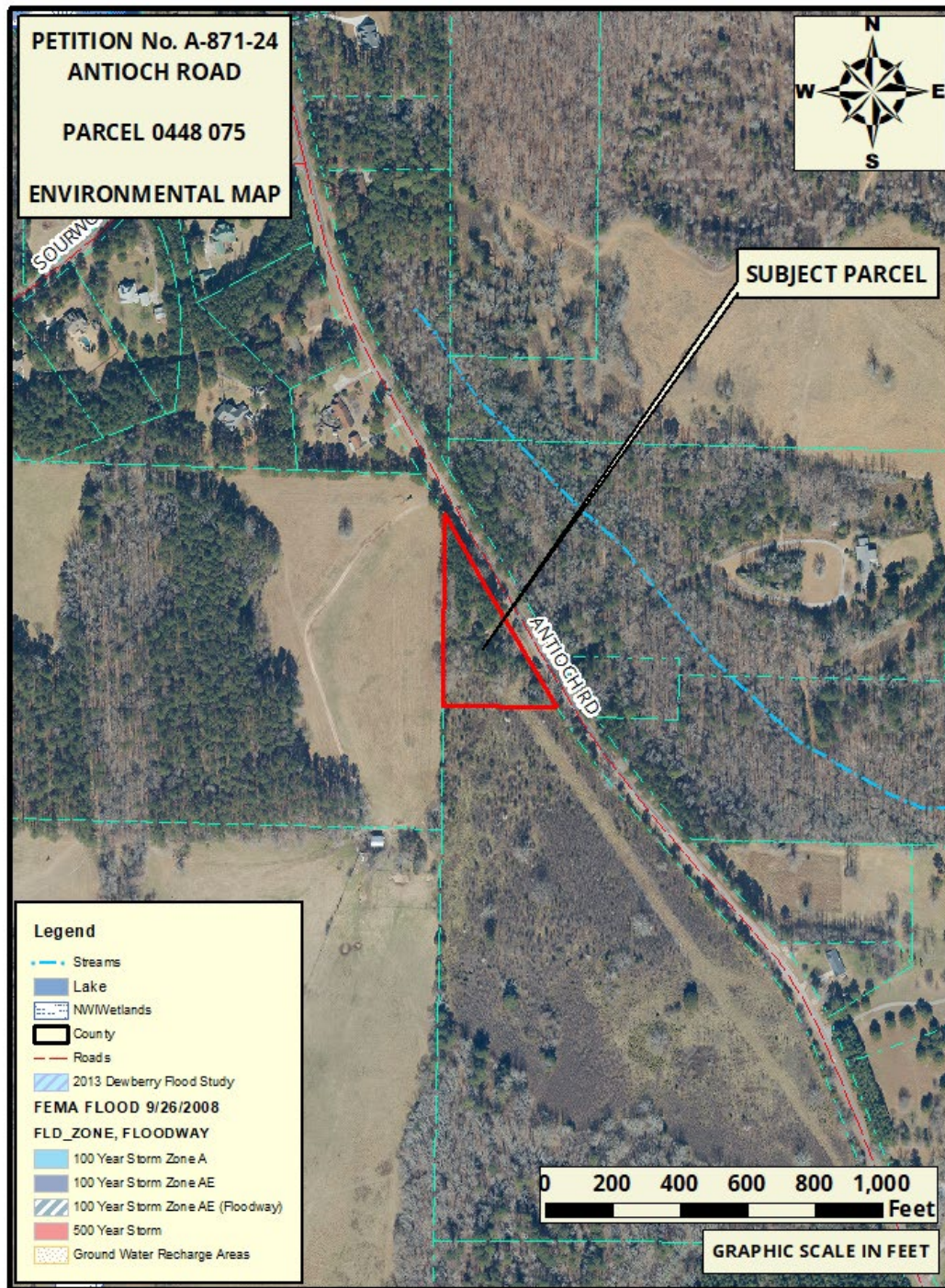


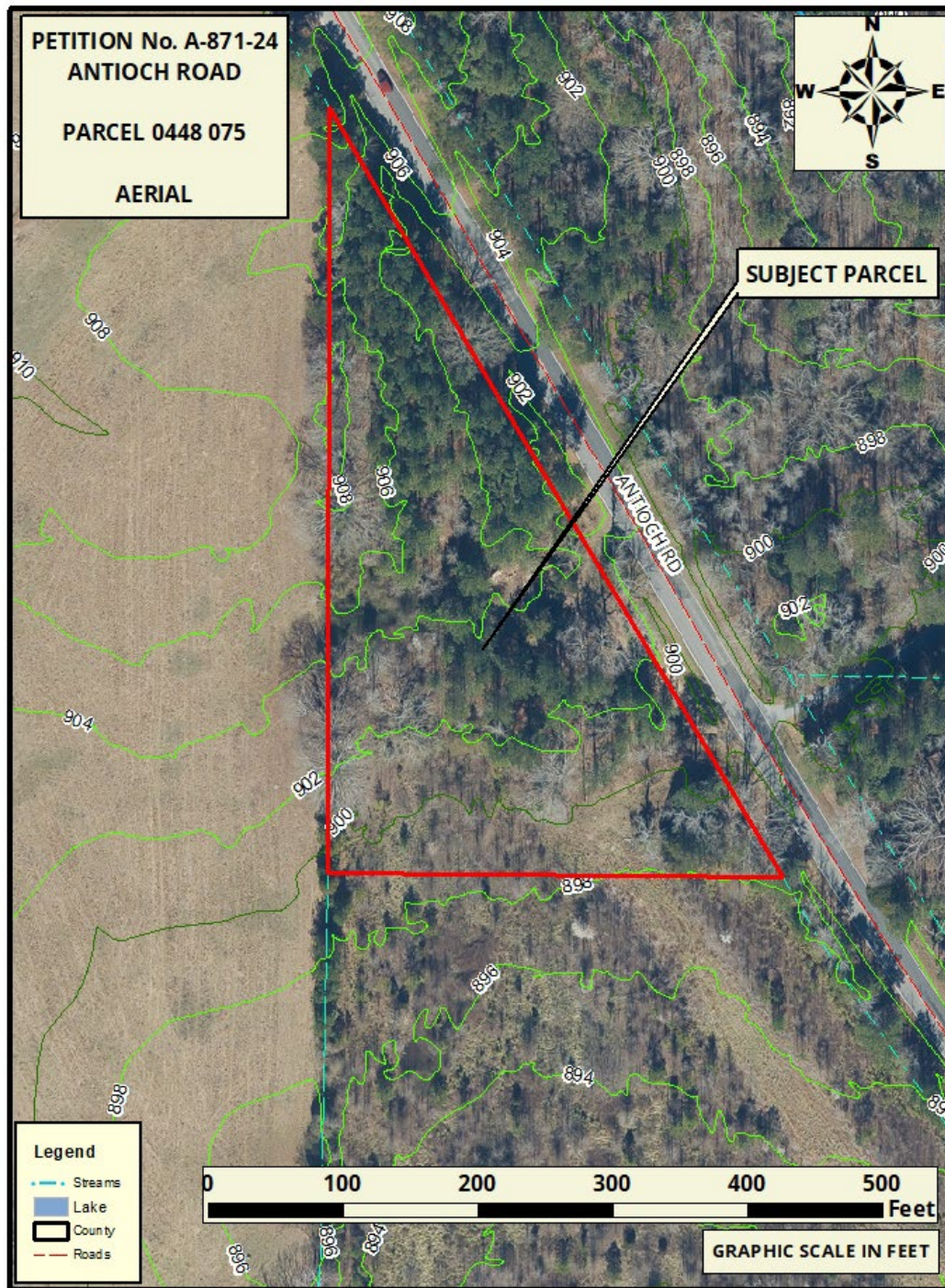
REQUEST TO TABLE TO SEPT



REQUEST TO TABLE TO SEPT







POOL & CARPORT VISIBLE IN AERIAL HAVE BEEN REMOVED

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

Permit # A-872-24
Variance -07-24-
087229

PROPERTY INFORMATION:

Parcel No. 0448-076 Acreage: 1.25 Land Lot: 249 Land District: 4
Address: 0 North of 430 Antioch Rd.
Existing Zoning: AR NonConforming Requested Zoning: _____
Zoning of Surrounding Properties: _____
Existing Use: _____
Proposed Use: _____

PROPERTY OWNER INFORMATION

Name Wright Chaney McBride LLC
Email thesubdivident@gmail.com
Address P.O. Box 629
City Fayetteville
State GA Zip 30214
Phone 770-460-5606

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-872-24

☐ 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 _____ a check in the amount of \$ 175.00

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

Date Paid _____ Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Wright Chancey McBride LLC
Please Print Owners' Names

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

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

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

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

SIGNATURES

Owner/
Agent
One:

Signature [Signature]
Name: John Alan Bell
Address: 3754 New Hope Rd.
City/State/Zip: Zobelew Ga 30295
Date: July 8, 2024

Notary: [Signature] Deborah M Sims (seal)
NOTARY PUBLIC
Coweta County, GEORGIA
Commission Expires 01/05/2027

Owner/
Agent
Two:

Signature [Signature]
Name: Randy Chancer
Address: 207 Jeff Davis Pl
City/State/Zip: Fayetteville Ga 30214
Date: 7/9/24

Notary: [Signature] Deborah M Sims (seal)
NOTARY PUBLIC
Coweta County, GEORGIA
Commission Exp.: _____
My Commission Expires 01/05/2027

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	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

JUSTIFICATION OF REQUEST

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

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

yes

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

yes

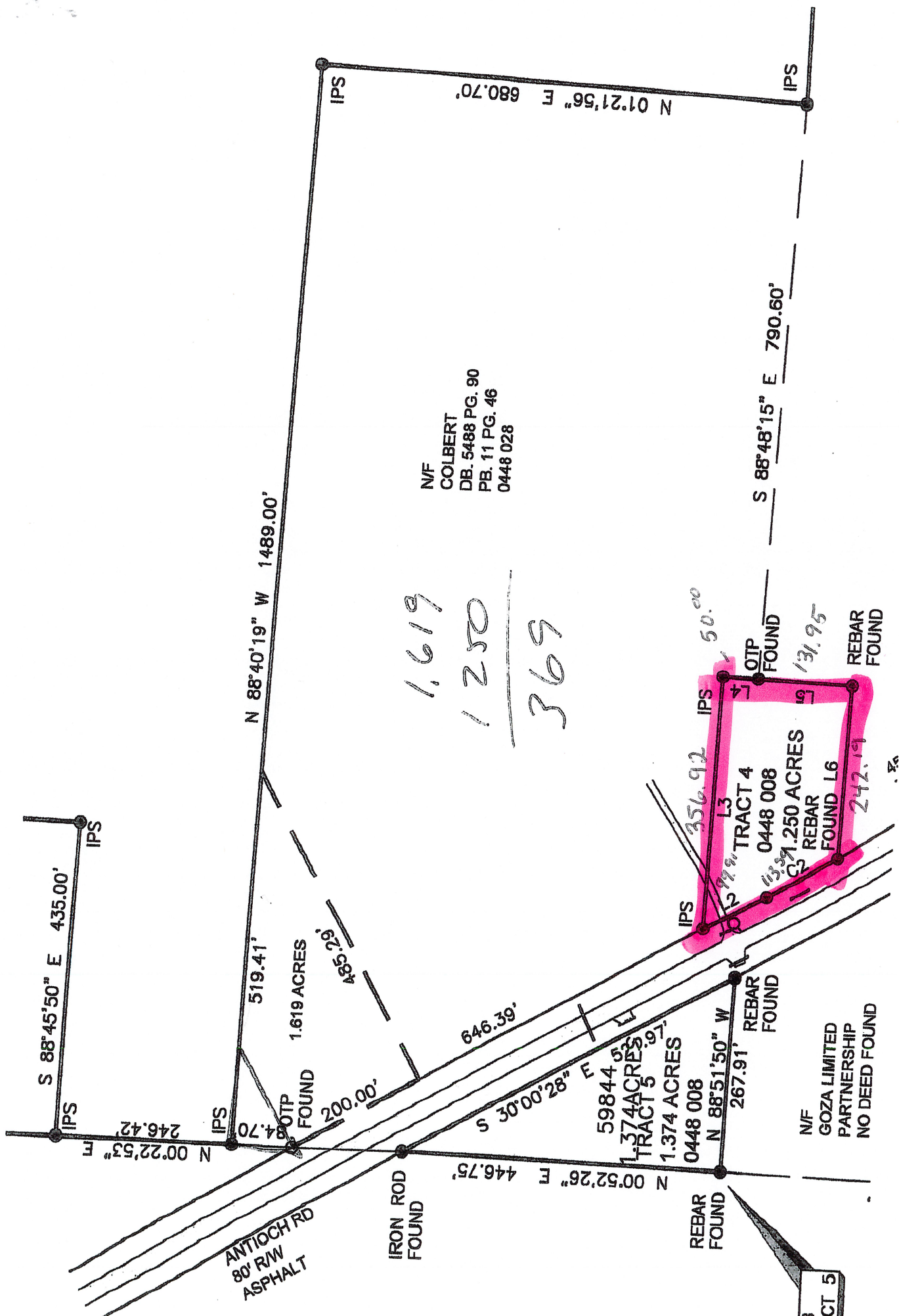
3. Such conditions are peculiar to the particular piece of property involved.

yes

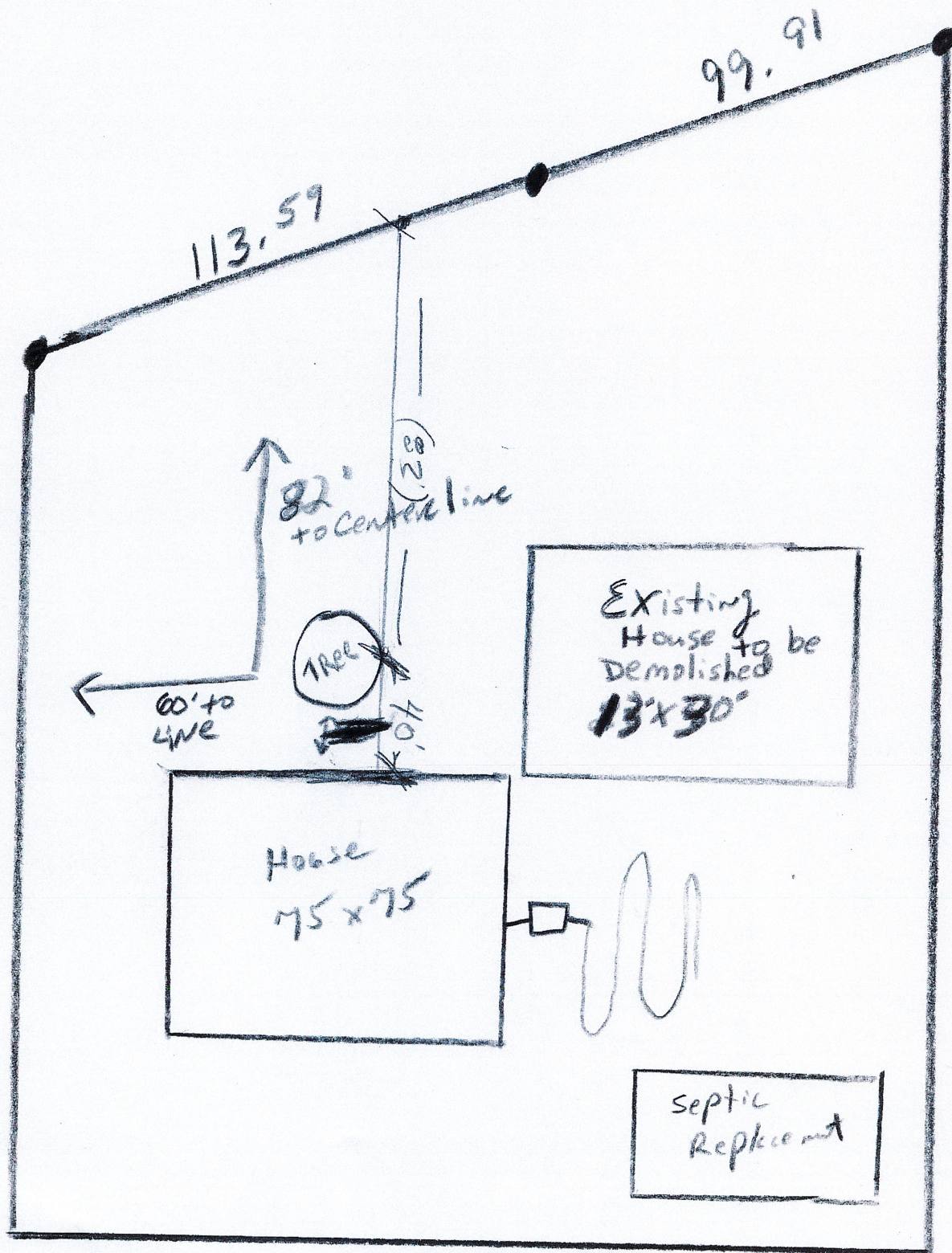
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

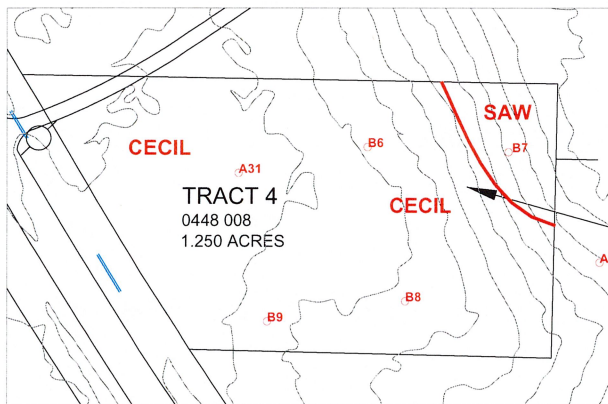
I + would not

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



Tract 4
Antioch Rd.





SOIL INTERPRETIVE DATA

Soil Units	Depth to Bedrock (in)	Depth to Seasonal High Water Table Indicators (in)	Slope Gradient (percent)	Recommended Trench Depth (in)	Estimated Perc Rate (min/in)	Recommended Hydraulic Loading Rate (gal/day/sq.ft.)	Soil Suit. Code
Cecil	>72	>72	2-8	36-48	60	----	A1
Saw	24	>24	4-12	8-12	75	0.12	I1

SOIL SUITABILITY CODE LEGEND

- A1 Soils are typically suitable for conventional absorption field with proper design, installation and maintenance.
- I1 Soils are unsuitable for conventional absorption fields due to shallow bedrock. Excavation of observation pits with a backhoe may allow these soils to be reclassified in a different suitability category. These soils are generally suitable for alternative absorption fields with treatment system producing Class I effluent.



NOTES:

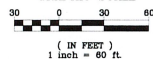
- Topographic information should be considered approximate.
- Terraces in the vicinity of absorption field construction should be graded out to improve surface water drainage.
- Soil boundary lines should be considered transitional zones between different soil conditions or series rather than an exact boundary.
- System installation should not occur under saturated or wet soil conditions.
- Absorption fields should not be installed on concave slopes.
- Surface drainage should be diverted away from absorption field lines.
- Gutter downspouts should be discharged away from the vicinity of the on site wastewater system.
- Estimated percolation rates are based on full-sized system performance. However, no guarantee is given or implied as to the performance of any particular system installed.



MAP LEGEND

- Soil Boundary
- Soil Boring
- Slope Direction
- Gully

GRAPHIC SCALE



Applied Environmental Sciences, Inc.
90-F Glenda Trace, #327 Newnan, Georgia 30265
(678) 262-4020 (678) 262-4024 (fax) www.soilmapping.com

LEVEL 3 SOIL MAP

ANTIUCH ROAD
TRACT 4
LAND LOT 249, 4th DISTRICT
FAYETTE COUNTY, GEORGIA

DATE: 9-29-23

SCALE: 1" = 60'

CLIENT: ROD WRIGHT

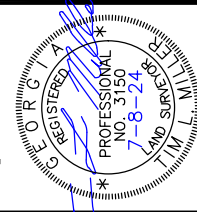
BORING LOCATION METHOD: TRIMBLE GEO 7X GPS

FIELD WORK BY: JNM, SCIT

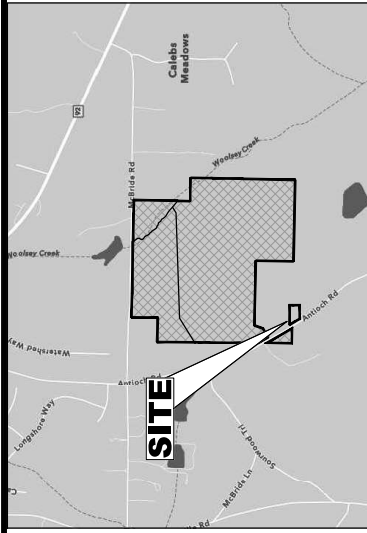
CHECKED BY: ERICA A. HAMILTON, DPH CSC, #224

SIBLEY-MILLER
SURVEYING & PLANNING INC.
212 WEST CAMPGROUND RD
MCDONOUGH, GA, 30253
PHONE: (770) 320-7555
FAX: (770) 320-7333
WWW.SIBLEYSURVEYING.COM
*CIVIL ENGINEERING
*TOPOGRAPHICAL SURVEYS
*LAND DEVELOPMENT DESIGN
*CONSTRUCTION LAYOUT
*LAND PLANNING
*LAND SURVEYING

VARIANCE SITE PLAN
WRIGHT CHANCEY MCBRIDE
LLC
LAND LOT 249, 4TH DISTRICT
FAYETTE COUNTY, GEORGIA



PROJECT # B23042
TRACT 5 VARIANCE
SITE PLAN
DRAWN BY: TLM
SCALE: 1" = 50'
DATE: 7-8-24

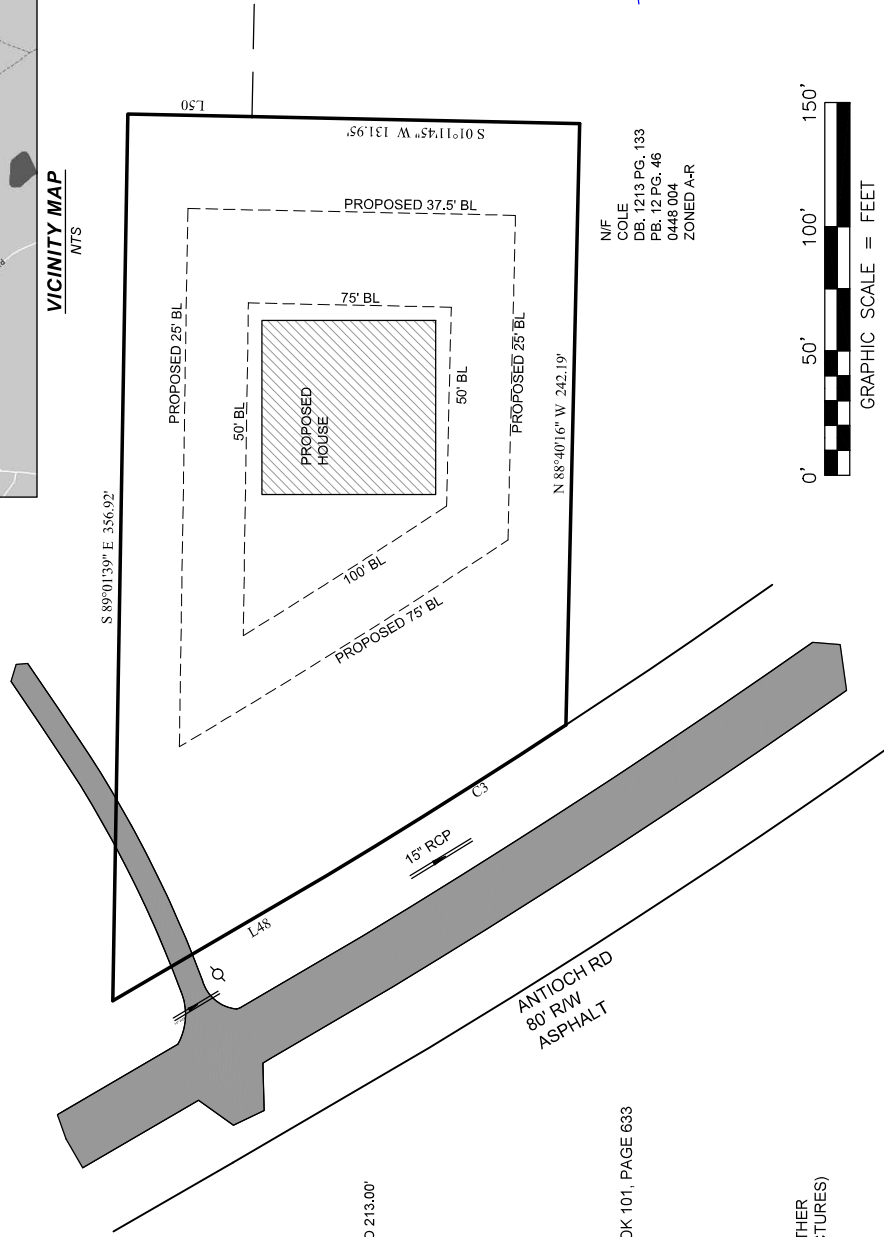


VICINITY MAP
NTS

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C3	3090.87'	113.59'	113.58'	N 32°12'45" W

LINE	BEARING	DISTANCE
L48	N 30°18'31" W	99.91'
L50	S 01°11'45" W	50.00'

NF COLBERT
DB. 5488 PG. 90
PB. 11 PG. 46
0448 028
ZONED A-R



NF COLE
DB. 1213 PG. 133
PB. 12 PG. 46
0448 004
ZONED A-R



GRAPHIC SCALE = FEET

TRACT 5
1.250 ACRES
10,764 SQ. FT. CONTIGUOUS
LEGAL NONCONFORMING
THIS PARCEL IS PART OF
ORIGINAL DEED (BOOK 195
PAGE 747, PLAT BOOK 9,
PAGE 60) DATED 5-8-75
NEVER LESSED OUT

REQUESTING THE FOLLOWING VARIANCES
TO REDUCE THE FRONTAGE ON ANTIOCH ROAD FROM 250.00' TO 213.00'
FRONT SETBACK FROM 100' TO 75' (25%)
SIDE SETBACKS FROM 50' TO 25' (50%)
REAR SETBACK FROM 75' TO 37.5' (50%)

NOTES:

OWNER: WRIGHT CHANCEY MCBRIDE LLC
P.O. BOX 629,
FAYETTEVILLE, GA, 30214
PHONE = (770) 480-5606, FAX = 404-768-8576

EXISTING PARCEL: TRACT 5 AS RECORDED IN PLAT BOOK 101, PAGE 633
ZONED: A-R

- MINIMUM LOT SIZE = 5.00 ACRES
- MINIMUM LOT WIDTH = 250' (AT BUILDING LINE)
- FRONT SETBACK = 100'
- SIDE SETBACK = 50'
- REAR SETBACK = 75'
- MINIMUM FLOOR AREA = 1,200 SQ. FT.
- BLDG HEIGHT LIMIT 35' (NOT FOR BARN, SILOS, OR OTHER NON-HUMAN OCCUPIED STRUCTURES)
- SEWER SERVICE AS PER SEPTIC SYSTEM

Please return to:
 Lawson, Beck & Sandlin, LLC
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 23-LAW-0839
 Att: Lexi Clarke
 Parcel Number: 0448008,0448036,0448034

Doc ID: 011885870003 Type: WD
 Recorded: 10/09/2023 at 09:50:00 AM
 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5661 PG 168-170

STATE OF GEORGIA
 COUNTY OF FAYETTE

(23)

LIMITED WARRANTY DEED

THIS INDENTURE made this 28th day of September, 2023 between

Wright Chancey, LLC

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

Wright Chancey McBride, LLC

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

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

Tract 04-48-008

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 1, containing 125.444 acres more or less, Tract 4, containing 1.250 acres more or less, and Tract 5, containing 1.374 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Tract 04-48-036

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 2, containing 15.087 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Tract 04-48-034

All that tract or parcel of land lying and being in Land Lot 249 of the 4th District of Fayette County, Georgia, being Tract 3, containing 19.999 acres more or less, as shown on that boundary survey for Rod Wright Corp, by Sibley-Miller Surveying and Planning Inc., Tim L. Miller, Reg. Land Surveyor No. 3150, dated 9/5/2023, as recorded in Plat Book 101, Page 509, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

LEGAL DESCRIPTION
Continued

Tract 04-48-008

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SIGNATURES ON NEXT PAGE


Subject to restrictive covenants and easements of record.

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

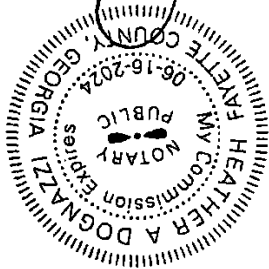
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

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



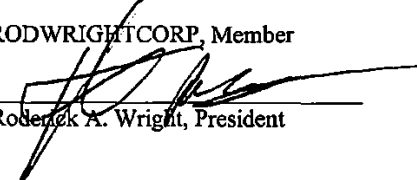
Witness


Notary Public



Wright Chancey LLC

By: RODWRIGHTCORP. Member

BY: 

Rodenack A. Wright, President

Please return to:
 Lawson, Beck & Sandlin, LLC
 1125 Commerce Drive, Suite 300
 Peachtree City, GA 30269
 File # 23-LAW-0839
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Doc ID: 011885870003 Type: WD
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 Fee Amt: \$25.00 Page 1 of 3
 Transfer Tax: \$0.00
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WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS and other good and valuable consideration (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property:

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LEGAL DESCRIPTION
Continued

Tract 04-48-008

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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.

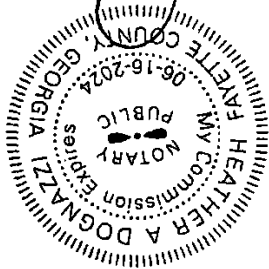
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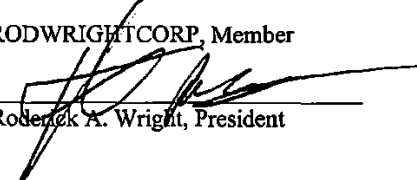
Witness


Notary Public



Wright Chancey LLC

By: RODWRIGHTCORP. Member

BY: 

Rodenack A. Wright, President

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,
August 26, 2024, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-872-24-A-B-C

Owner(s)/Agent(s): Wright

Chancy McBride, LLC

Property Address: Antioch Road

Parcel: 0448 076

Zoning District: A-R

Area of Property: 1.374 acres

Land Lot(s): 249

District: 4th

Road Frontage: Antioch
Road

Request:

A. Variance to Sec. 110-125(d)(2)
to reduce the lot width at building
line from 250' to 200' to allow
development of a legal noncon-
forming lot.

B. Variance to Sec. 110-125(d)(4)(a)
(2) to reduce the rear setback from
75' to 37.5' to allow development
of a legal nonconforming lot.

C. Variance to Sec. 110-125(d)(6) to
reduce the front setbacks from 50'
to 25' to allow development of a
legal nonconforming lot.

Legal Description:

All that tract or parcel of land
lying and being in Land Lot 249 of
the 4th District of Fayette County
Georgia, being Tract 5, containing
1.374 acres more or less, as shown
on that boundary survey for Rod
Wright Corp, by Sibley-Miller
Surveying and Planning Inc., Tim
L. Miller, Reg. Land Surveyor No.
3150, dated 9/5/2023, as recorded
in Plat Book 101, Page 509, Fayette
County, Georgia Records, said plat
being incorporated herein and
made a part hereof by reference.

07/24

PETITION NO: A-873-24

Requested Action: Applicant is requesting a variance to the building height limit of 35' to allow a height of 40'-6" for the indoor practice facility building.

Location: Lees Mill Road & Veterans Parkway, Fayetteville, Georgia 30215

Parcel(s): 0707 011

District/Land Lot(s): 5th District, Land Lot(s) 224 & 225; 7th District, Land Lot(s) 13, 14, 15, 18 & 19

Zoning: A-R, Agricultural Residential

Lot Size: 307.29 Acres

Owner(s): Veterans Parkway and Lees Mill South, LLC, owner.

Agent: John Simoneaux, Impact Development South, agent.

Zoning Board of Appeal Public Hearing: August 26, 2024

REQUEST

Applicant is requesting the following:

- A) Variance to Sec. 110-125(d)(7)a. to increase the maximum height of a building from 35' to 40'-6".

STAFF ASSESSMENT

The building is set below street grade, so the additional height should not have a detrimental impact on Lees Mill Road. There is a vegetated buffer between the building complex and the adjacent residential property, so the additional height is not expected to have a detrimental impact on adjacent properties.

The architectural elements that require the additional height are for clerestory windows that provide natural light into the buildings. The area above the height limit is not habitable space.

HISTORY

This lot is a legal lot of record that was rezoned from R-70 to A-R on January 11, 2024.

The measurement of building height in large structures is defined as noted below, so the measurement of the height of an open-roof building is taken at the point where the trusses rest on the wall.

In the A-R zoning district, agricultural buildings are allowed to exceed the maximum building height if they increase the building setback distances. The proposed location of this building also meets this requirement.

Sec. 110-3. – Definitions.

Building height means the vertical distance of a building measured from the median height of the basement level or crawl space to the midpoint of the highest roof. The midpoint shall be measured from the ceiling joist of the highest floor level or from where the truss rests on the highest wall for open roof structures. For structures constructed without a basement or crawl space, the measurement will be taken beginning at the ground floor level.

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** – No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance, but there is no guarantee that each lot is suitable for the installation of an onsite sewage management system.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No objections.

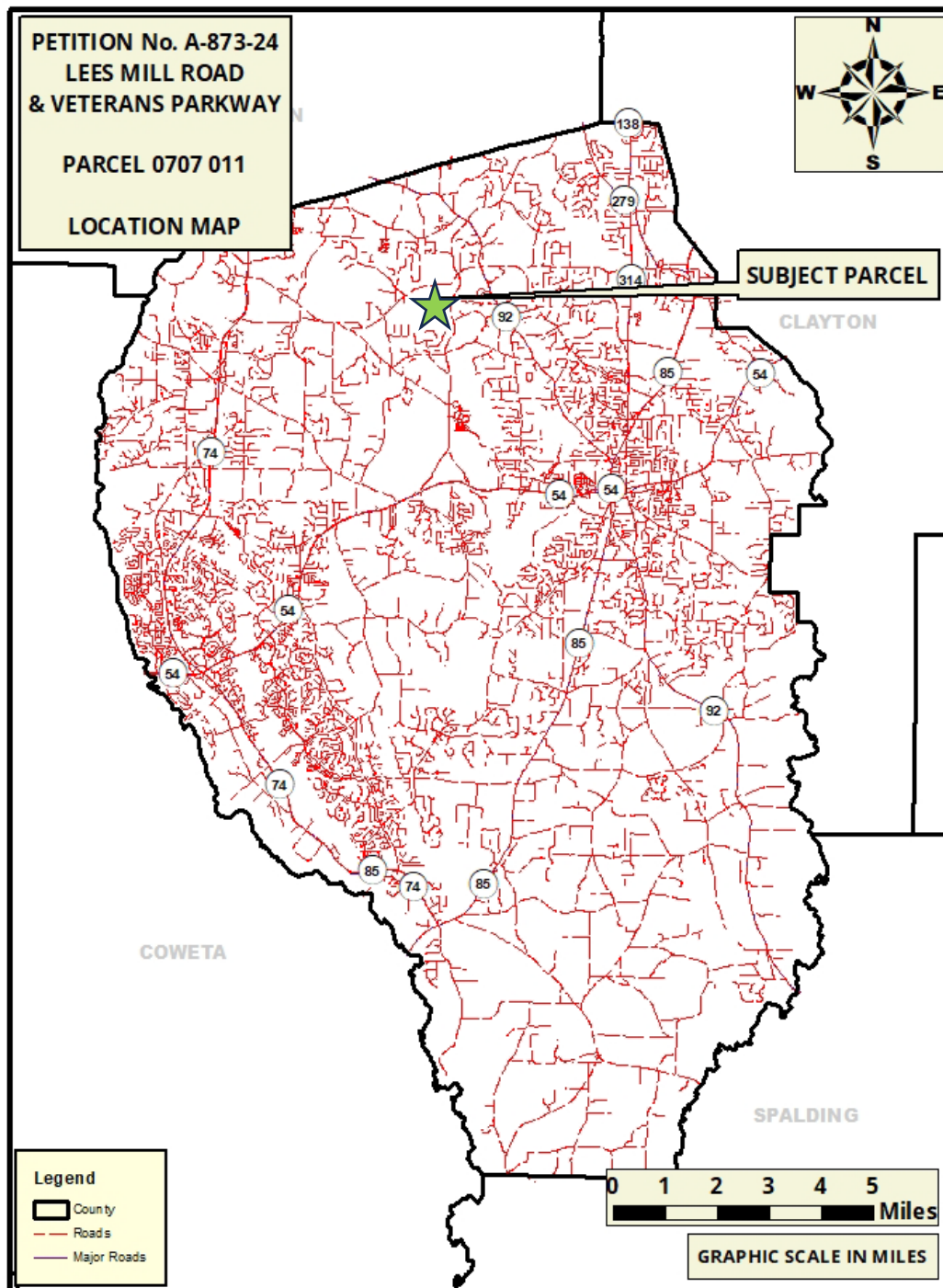
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

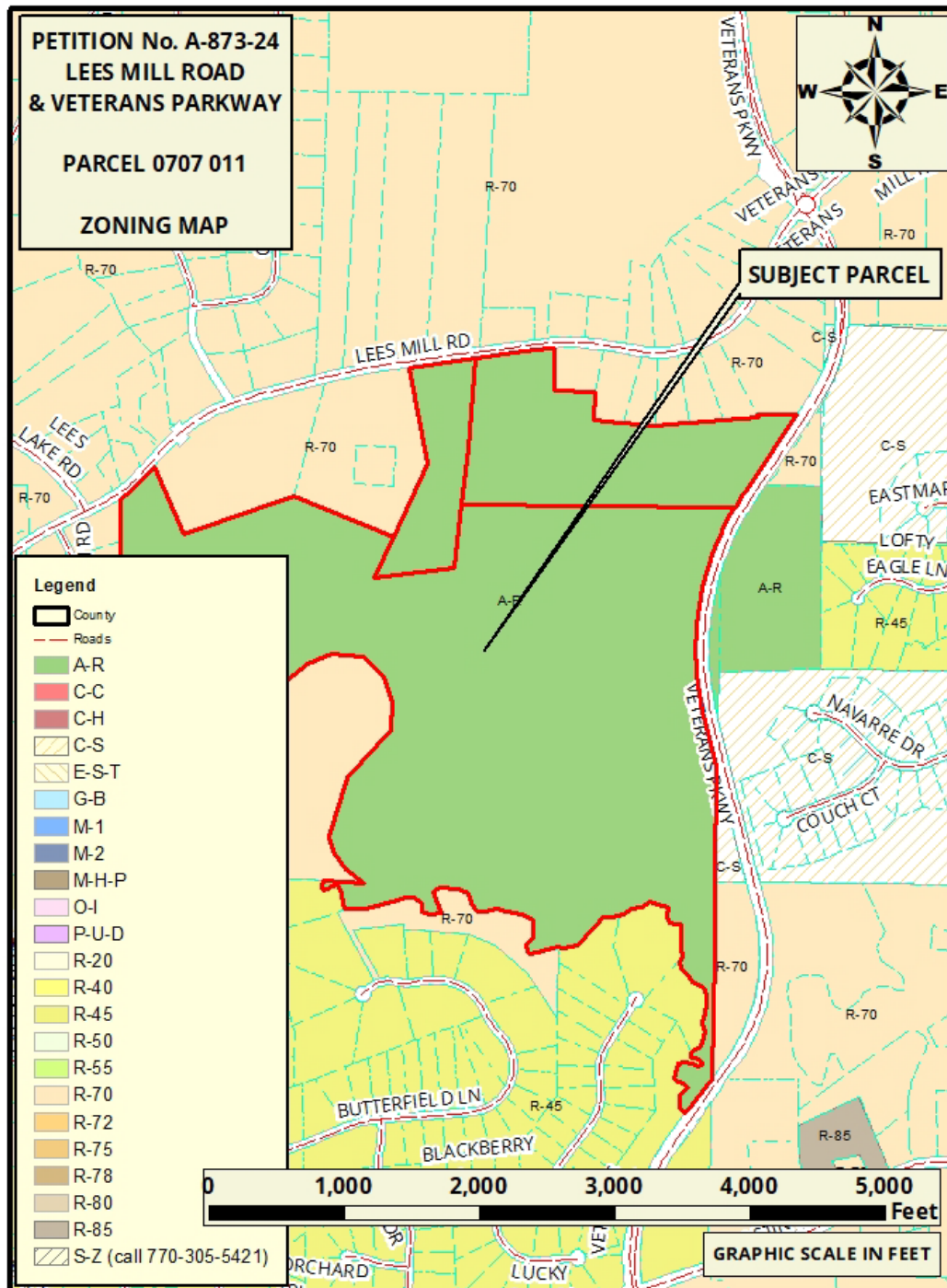
Please refer to the application form for the applicant's justification of criteria.

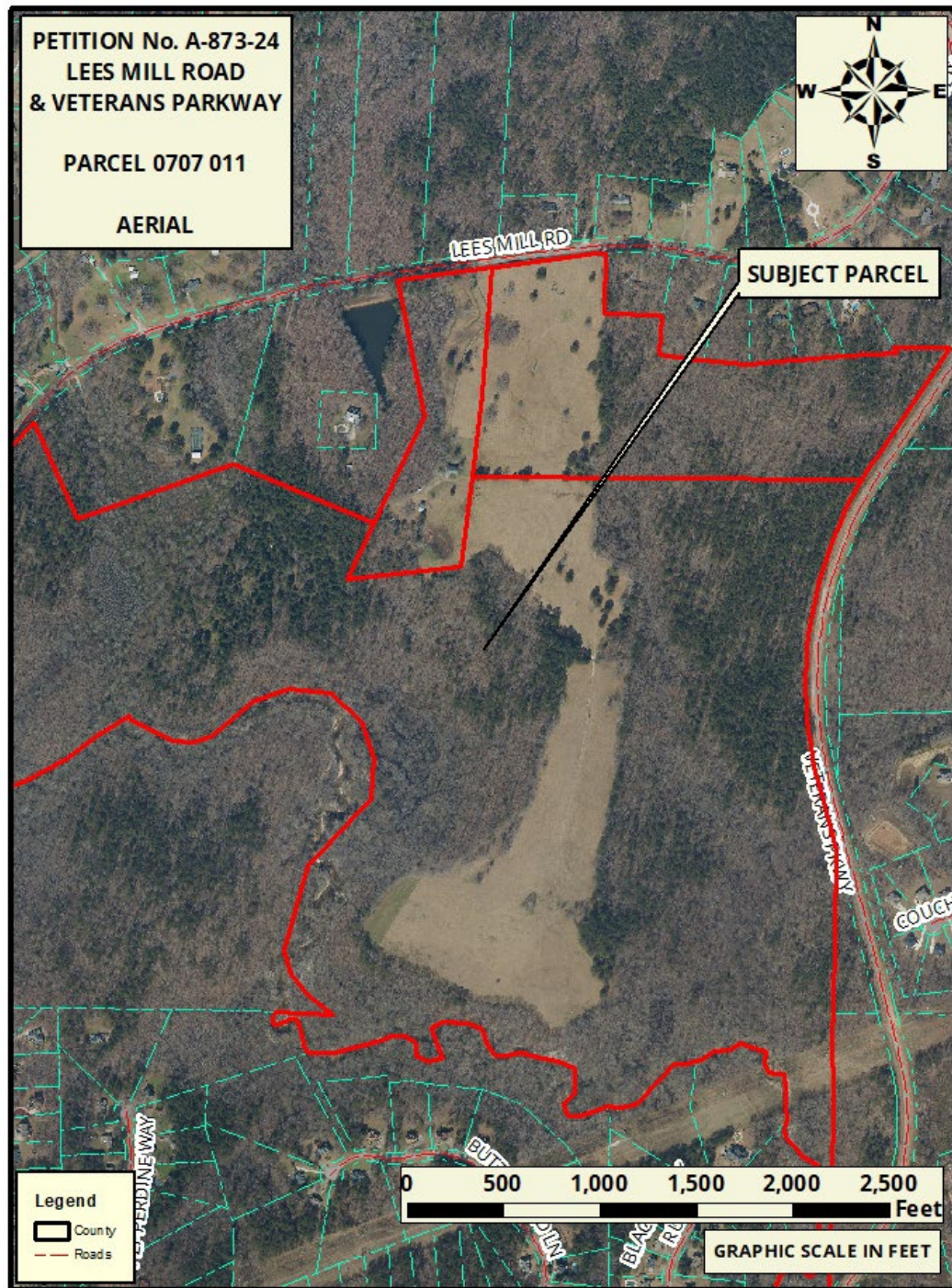
Staff Assessment

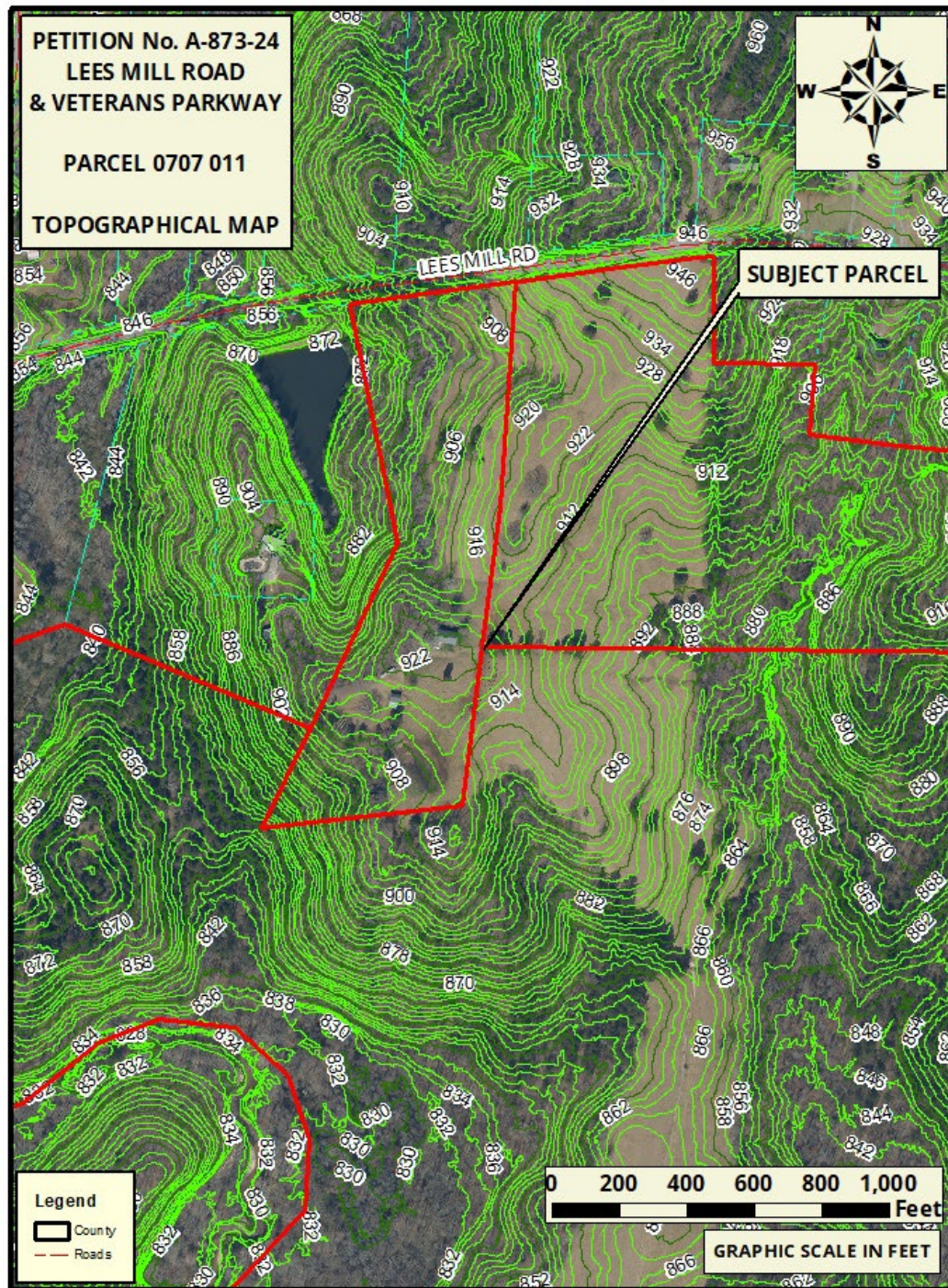
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The lot is a legal nonconforming lot.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the County.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The situation is specific to this property.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The reduced setbacks are not likely to have a detrimental impact on any other properties.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be able to build on this property without the variances.









EXISTING TOPOGRAPHY



01 SITE SECTION - EAST
SCALE: 1"=50'

SECTION VIEW ELEVATION OF BUILDINGS IN RELATIONSHIP TO LEES MILL ROAD



VARIANCE APPLICATION

Fayette County, Georgia

140 Stonewall Avenue West, Suite 202, Fayetteville, GA 30214
770-305-5421

A COMPLETE VARIANCE APPLICATION MUST BE SUBMITTED TO THE PLANNING AND ZONING DEPARTMENT BY 12:00 NOON ON THE FIRST FRIDAY OF THE MONTH

Fayette County Planning and Zoning Department
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
Phone: 770- 305-5421
E-mail: zoning@fayettecountyga.gov

APPLICATION FILING FEES

Application Filing Fee: \$175.00 (plus \$25 for each additional variance requested)

Sign Deposit Fee: A \$20.00 deposit is required (per public hearing sign posted on property). If the sign frame(s) is returned to the Planning and Zoning Department within five (5) working days of the last applicable public hearing, the sign deposit will be reimbursed to the applicant. **The application filing fee and sign deposit may be combined on one (1) check made payable to Fayette County.** Application filing fees may be refunded ONLY when an application request is withdrawn in writing by the applicant PRIOR TO placement of the legal advertisement for said public hearing request (at least 30 days before scheduled public hearing).

A submittal that is missing any required documents, or that has inaccurate or out-of-date documents, is not considered a complete application, and may be moved to a later meeting date.

Please refer to the checklist on page 7 for a list of required documents.

Compliance with standards. Where an application to the board is initiated due to an existing violation of this chapter and said application is denied, the violation shall be required to be corrected within ten calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 30 calendar days.

SCHEDULE FOR 2024 ZONING BOARD OF APPEALS APPLICATIONS

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

Deadline for application is the first Friday of the month by noon. If the first Friday of the month is on a holiday, the application filing deadline is extended to the next business day.

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

APPLICATION DEADLINES	ZBA MEETING DATES
December 1, 2023	January 22, 2024
January 5, 2024	February 26, 2024
February 2, 2024	March 25, 2024
March 1, 2024	April 22, 2024
April 5, 2024	May 28, 2024
May 3, 2024	June 24, 2024
June 7, 2024	July 22, 2024
July 5, 2024	August 26, 2024
August 2, 2024	September 23, 2024
September 6, 2024	October 28, 2024
October 4, 2024	November 25, 2024
October 18, 2024	December 16, 2024
December 6, 2024	January 27, 2025

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

PROPERTY INFORMATION:

Parcel No. 0542 005 & 0707 011 Acreage: 307.29 Land Lot: 13, 14, 15, 18, 19/224, 225 Land District: 5th & 7th
 Address: Lees Mill Road
 Existing Zoning: A-R Requested Zoning: N/A
 Zoning of Surrounding Properties: R70
 Existing Use: Recreation
 Proposed Use: N/A

PROPERTY OWNER INFORMATION

Name Veterans Pkwy and Lees Mill South, LLC
 Email _____
 Address 3050 Peachtree Street NW, Suite 740
 City Atlanta
 State GA Zip 30305
 Phone _____

AGENT/DEVELOPER INFORMATION (If not owner)

Name Impact Development Management
 Email jsimoneaux@impactdm.com
 Address 900 Circle 75 Pkwy, Suite 550
 City Atlanta
 State GA Zip 30339
 Phone 404-435-3685

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

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

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

Date Paid _____

Receipt Number: _____

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Veterans Pkwy and Lees Mill South, LLC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0542 005 & 0707 011

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 224 & 225 of the 5th District, and (if applicable to more than one land district) Land Lot(s) 13, 14, 15, 18, 19 of the 7th District, and said property consists of a total of 307.29 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Impact Development Management 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.

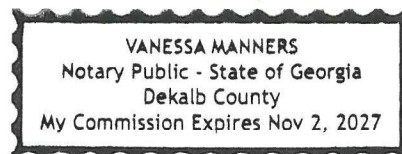
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: JOHN SIMONEAUX
Address: 900 GIRLIE TS PKWY, SUITE 550
City/State/Zip: ATLANTA, GA 30339
Date: 7/2/2024

Owner/
Agent
One:

Notary: [Signature] (seal)
Commission Exp.: 11/2/21



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	Sec. 110-66 - Height and density; Section 110-125 - A-R, Agricultural-Residential District (d) (7) a.
Requirement	No building or other structure shall hereafter be erected or altered so as to exceed the height limit, which for the A-R district is 35'.
Proposed Change	Allowable building height is 35' and the building height needed is 40'6".
Variance Amount	Variance for 5'6" of additional height.

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 indoor practice facility for the U.S. Soccer National Training Center (NTC) exceeds the height limit per the zoning code. A variance is needed for 5'6" of additional height. See attached exhibit that illustrates the building height and the zoning standard.

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.

There are extraordinary and exceptional conditions pertaining to this property due to its size and topography. The topography of the site is being modified in the design of the facility and the existing elevations at the indoor practice facility are being lowered up to approximately 18 feet. Due to this change in elevation, although the practice facility exceeds the height regulation, it will sit lower than the height regulation from the Lees Mill elevation. Due to the size of the property, this indoor practice facility will sit more than 900 feet from the Lees Mill Rd Right of Way.

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

The application of these regulations would create a practical difficulty and unnecessary hardship to the functional use of the NTC and its supporting facilities. The building height is required to allow for functional use and playing of soccer and futsal within the building. A height restriction would inhibit the functional use of these spaces and would be a detriment to U.S. Soccer's programming and long term use.

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

This facility is a one of a kind indoor soccer practice facility. While other structures are considered that are allowed to exceed the height regulations, this use was not considered in the zoning regulations and the height restriction on this use is peculiar to this piece of property.

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

Although, per the code, the height limit is exceeded, the indoor practice facility is located over 900 feet from Lees Mill and the existing grades are being lowered so at the Lees Mill Rd elevation the top of the indoor practice facility does not exceed the height limit. As a result these changes will not cause detriment to the public good or impair the purposes and intent of these regulations.

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

In the A-R zoning district agricultural structures "not normally designed for human occupation" are allowed to exceed the building height regulation, if the minimum distance from property lines to any building shall be increased one foot for every two feet or part thereof of building height over 35 feet. The indoor practice facility meets these minimum distance requirements from the property lines and although it will be used for practices and events, it will not be occupied full time.

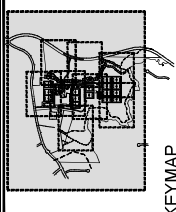
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(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:	



ANALYSIS OF THE PROBLEMS The lack of clear mass response and the lack of a formalized system of control is probably the most common cause of the failure of the mass response system. The lack of a formalized system of control is probably the most common cause of the failure of the mass response system. The lack of a formalized system of control is probably the most common cause of the failure of the mass response system.

Gensler

2020 K Street NW
Suite 200
Tel: 202.721.5209
Fax: 202.872.8587

2024

UZUN + CASE
Structural Engineering
1208 Peachtree Street NE
Atlanta, GA 30309

Rochester & Associates
Civil Engineering
280 Highway 314, Suite A
Forestville, GA 30724

Tel 078.553.5200 **Tel** 770.746.8123

Henderson Engineers, Inc.
HIGOR

3245 Lenoza Drive, Suite 300
Lenoza, KS 66214
USA
Building B, Suite 320
3525 Piedmont Road NE
Atlanta, GA 30305

Tel: 410.248.1100

Gordheal Consulting
Camacho USA

3350 Riverwood Parkway,
Suite 400
Atlanta, GA 31018

Tel 770.715.6971

Δ	Date	Description
-	01/16/2024	DESIGN DEVELOPMENT

Seal / Signature

**NOT FOR
CONSTRUCTION**

3333

Project Name
115 SOCCER HO +

TRAINING CENTER
| Bristol Museum

09.0297.000

EAST BUILDING ELEVATION & SITE SECTION

As indicated

=====

119. AU.00Z

© 2024 Gender

Type: WD
 Recorded: 3/3/2023 11:44:00 AM
 Fee Amt: \$6,879.10 Page 1 of 8
 Transfer Tax: \$6,854.10
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

Participant ID: 6405611605

BK 5592 PG 507 - 514

After recording return to:
 Calloway Title and Escrow, LLC
 4170 Ashford Dunwoody Rd. Ste. 525
 Atlanta, GA 30319

2-42146

After Recording, Return to:

Cushing Morris Armbruster & Montgomery, LLP
 191 Peachtree Street, N.E., Suite 4500
 Atlanta, Georgia 30303
 Attn: Elizabeth S. Harps

Parcel Nos.:

0542 005
 0707 011
 0708 042
 0708 050

**STATE OF GEORGIA
 COUNTY OF FAYETTE**

LIMITED WARRANTY DEED

THIS INDENTURE, made this 3rd day of March 2023, between GREEN PROPERTIES PARTNERS, L.L.L.P., a Georgia limited liability limited partnership (herein called "Grantor") and VETERANS PKWY AND LEES MILL SOUTH, LLC, a Delaware limited liability company (herein called "Grantee").

WITNESSETH that: for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents, and for other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, Grantor 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 THOSE TRACTS or parcels of land lying and being in Land Lots 13, 14, 15, 18 and 19 of the 7th District and Land Lots 224 and 225 of the 5th District of Fayette County, Georgia, being more particularly described on Exhibit "A" attached hereto and by this reference incorporated herein.

TO HAVE AND TO HOLD the said tracts or parcels of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise 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 lawful claims of all persons owning, holding or claiming by, through or under Grantor, but not otherwise, subject however, to those matters set forth on Exhibit B, attached hereto and incorporated herein by this reference.

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

Signed, sealed and delivered
in the presence of:

Dana Lasenski

Unofficial Witness

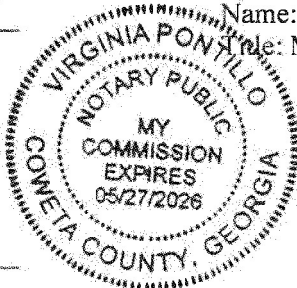
Virginia Pontillo

Notary Public

(NOTARY SEAL)

My Commission Expires:

5.27.26



GRANTOR:

GREEN PROPERTIES PARTNERS, L.L.P.

By: Edward C. Wyatt (SEAL)

Name: Edward C. Wyatt

Title: Managing General Partner

Signed, sealed and delivered
in the presence of:

Dana Lasenski

Unofficial Witness

Virginia Pontillo

Notary Public

(NOTARY SEAL)

My Commission Expires:

5.27.26



By: John B. Green (SEAL)

Name: John B. Green

Title: General Partner

EXHIBIT A **Legal Description**

EXHIBIT "A"

TRACT 1:

All that tract or parcel of land lying and being in Land Lots 224 & 225, 5th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Northeasterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and the said line of Veteran's Parkway and running with the said land lot line, North 01° 28' 30" East, 358.02 feet to a nail found in stone being the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing along the said land lot line

1. North 00° 54' 25" East, 694.56 feet to a point on the aforesaid line of Veteran's Parkway; thence, leaving the aforesaid land lot line and running with the said line of Veteran's Parkway
2. 583.43 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 25° 19' 45" East, 581.25 feet to a point being 0.61 feet northwest of a concrete r/w monument found; thence,
3. North 33° 54' 01" East, 554.51 feet across the land lot line common to land lots 224 and 225; thence, leaving the aforesaid line of Veteran's Parkway and running
4. South 89° 06' 17" East, 191.29 feet to a 1 inch iron rod found; thence,
5. South 00° 55' 13" West, 739.81 feet across the aforesaid land lot line common to land lots 224 and 225 to a 1 inch pipe found; thence,
6. South 00° 50' 38" West, 944.77 feet to a ½ inch rebar found; thence,
7. North 89° 25' 56" West, 734.45 feet to the Point of Beginning, containing 1,000,459 square feet or 22.9674 acres of land, more or less.

TRACT 2 (INCLUDING GAP):

All that tract or parcel of land lying and being in Land Lot 15, 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a 1 inch open top pipe found at the northeast corner of Virginia Lake Estate – Unit Two per plat recorded among the Land Records of Fayette County, Georgia in Plat Book 17, Page 154, said point being the Land Lot Corner common to Land Lots 15, 16, 17 & 18 of the 7th District as identified in Deed Book 4398, Page 25, Plat Book 8, Page 127 & Plat Book 17, Page 154, aforesaid records; thence, leaving said point and running along the said land lot line common to land lots 15 & 16

1. North 88° 54' 39" East, 237.95 feet; thence, leaving the aforesaid land lot line and running
2. South 00° 49' 15" West, 2,064.62 feet to a point on the Northerly Right-of-Way Line of Lee's Mill Road (f.k.a. Lee's Lake Road) (f.k.a. Ellington-Kenwood Road) (having an apparent 80 feet wide r/w); thence, running with the said line of Lee's Mill Road
3. 210.86 feet along the arc of a curve deflecting to the left, having a radius of 7,055.50 feet and a chord bearing and distance of South 77° 59' 38" West, 210.86 feet; thence,
4. South 77° 08' 16" West, 34.80 feet to a point on the aforesaid land lot line common to land lots 15 & 18; thence, leaving the aforesaid line of Lee's Mill Road and running with the said land lot line and partially along the aforesaid easterly subdivision line of Virginia Lake Estate – Unit Two
5. North 00° 51' 51" East, 2,111.73 feet to the Point of Beginning, containing 498,074 square feet or 11.4343 acres of land, more or less.

TRACT 3A:

All that tract or parcel of land lying and being in Land Lots 13, 14, 15, 18 & 19 of the 7th District, and Land Lots 224 & 225 of the 5th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a tack found in rock at the Land Lot Corner common to Land Lots 13 & 14 of the 7th District, and Land Lots 193 & 224 of the 5th District; thence leaving the said Point of Beginning and running with the said land lot line common to land lots 13 & 193

1. South 00° 40' 30" West, 1,444.84 feet to a ½ inch rebar with cap "LSF810" set on the Northwesterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), thence, running with the said line of Veteran's Parkway
2. South 35° 00' 07" West, 346.23 feet to a point in the centerline of Whitewater Creek; thence, running with the meanderings of the said creek centerline the following courses and distances
3. North 45° 26' 00" West, 52.34 feet; thence,
4. North 15° 05' 40" West, 61.60 feet; thence,
5. North 33° 40' 34" East, 68.06 feet; thence,
6. North 24° 05' 05" East, 53.32 feet; thence,
7. North 67° 02' 50" West, 61.54 feet; thence,
8. North 39° 47' 04" West, 58.96 feet; thence,
9. North 04° 25' 30" East, 81.78 feet; thence,
10. North 66° 19' 09" East, 75.19 feet; thence,
11. South 67° 56' 31" East, 80.42 feet; thence,
12. North 68° 39' 24" East, 64.82 feet; thence,
13. North 21° 33' 28" West, 43.65 feet; thence,
14. North 81° 08' 28" West, 73.51 feet; thence,
15. North 09° 02' 29" West, 42.06 feet; thence,
16. North 62° 39' 15" East, 94.52 feet; thence,
17. North 15° 03' 31" East, 76.25 feet; thence,
18. North 03° 26' 29" West, 125.78 feet; thence,
19. North 17° 33' 00" East, 102.77 feet; thence,
20. North 00° 56' 30" East, 96.75 feet; thence,
21. North 41° 20' 06" West, 37.61 feet; thence,
22. North 54° 40' 04" West, 77.14 feet; thence,
23. North 40° 14' 36" West, 144.79 feet; thence,
24. North 11° 15' 52" West, 69.06 feet; thence,
25. North 01° 06' 42" West, 238.14 feet; thence,
26. North 80° 07' 45" West, 44.04 feet; thence,
27. North 58° 51' 35" West, 58.42 feet; thence,
28. North 17° 26' 59" West, 116.95 feet; thence,
29. North 81° 13' 11" West, 116.28 feet; thence,
30. South 68° 06' 09" West, 215.77 feet; thence,
31. South 84° 49' 40" West, 107.71 feet; thence,
32. South 44° 29' 15" West, 204.77 feet; thence,
33. South 36° 37' 43" West, 96.46 feet; thence,
34. South 69° 44' 43" West, 122.68 feet; thence,
35. North 64° 58' 27" West, 78.08 feet; thence,
36. South 60° 44' 06" West, 108.13 feet; thence,
37. North 84° 50' 29" West, 115.56 feet; thence,
38. North 16° 49' 20" East, 74.95 feet; thence,
39. North 15° 39' 17" West, 80.38 feet; thence,
40. North 34° 16' 25" East, 93.39 feet; thence,
41. North 71° 01' 33" West, 194.53 feet; thence,
42. North 65° 03' 53" West, 102.99 feet; thence,

43. South 65° 12' 27" West, 94.55 feet; thence,
44. South 83° 17' 15" West, 64.59 feet; thence,
45. North 30° 00' 15" West, 49.05 feet; thence,
46. North 36° 18' 32" East, 39.82 feet; thence,
47. North 07° 35' 22" East, 42.86 feet; thence,
48. North 49° 44' 27" West, 96.42 feet; thence,
49. North 75° 48' 16" West, 84.65 feet; thence,
50. South 67° 48' 51" West, 145.31 feet; thence,
51. South 62° 20' 47" West, 44.73 feet; thence,
52. South 79° 37' 03" West, 68.08 feet; thence,
53. North 85° 56' 27" West, 133.35 feet; thence,
54. South 64° 19' 32" West, 132.92 feet; thence,
55. South 75° 08' 03" West, 95.65 feet; thence,
56. South 57° 22' 02" West, 84.02 feet; thence,
57. South 71° 54' 28" West, 48.62 feet; thence,
58. North 37° 38' 36" West, 111.11 feet; thence,
59. North 15° 39' 31" West, 143.31 feet; thence,
60. South 69° 54' 53" West, 127.48 feet; thence,
61. North 60° 47' 50" West, 53.74 feet; thence,
62. North 05° 29' 39" West, 28.72 feet; thence,
63. North 34° 35' 02" East, 74.66 feet; thence,
64. North 01° 34' 59" East, 112.94 feet; thence,
65. North 14° 00' 55" East, 139.98 feet; thence,
66. North 61° 45' 08" East, 101.74 feet; thence,
67. North 43° 52' 38" East, 172.86 feet; thence,
68. North 10° 51' 27" West, 118.23 feet; thence,
69. North 25° 16' 24" East, 96.62 feet; thence,
70. North 03° 15' 12" West, 116.30 feet; thence,
71. North 85° 38' 58" West, 74.75 feet; thence,
72. North 21° 54' 17" West, 88.51 feet; thence,
73. North 38° 24' 13" East, 69.87 feet; thence,
74. North 03° 18' 09" East, 107.80 feet; thence,
75. North 40° 03' 01" East, 54.25 feet; thence,
76. South 68° 03' 26" East, 78.30 feet; thence,
77. North 46° 32' 02" East, 49.39 feet; thence,
78. North 27° 07' 58" West, 124.11 feet; thence,
79. North 20° 49' 37" East, 113.43 feet; thence,
80. North 13° 19' 15" West, 152.30 feet; thence,
81. North 25° 08' 33" East, 68.82 feet; thence,
82. North 05° 05' 06" West, 54.49 feet; thence,
83. North 51° 45' 13" West, 78.77 feet; thence,
84. North 71° 21' 14" West, 90.14 feet; thence,
85. South 85° 31' 31" West, 108.82 feet; thence,
86. North 67° 39' 15" West, 74.46 feet; thence,
87. South 70° 04' 59" West, 49.64 feet; thence,
88. South 87° 20' 23" West, 80.80 feet; thence,
89. South 50° 30' 21" West, 199.13 feet; thence,
90. South 74° 58' 42" West, 288.14 feet; thence,
91. North 72° 04' 07" West, 118.00 feet; thence,
92. South 84° 20' 07" West, 122.08 feet; thence,
93. North 73° 31' 36" West, 90.81 feet; thence,
94. South 63° 12' 14" West, 167.50 feet; thence,
95. South 53° 54' 41" West, 226.91 feet; thence,
96. South 67° 35' 25" West, 366.69 feet; thence, leaving the aforesaid centerline of Whitewater Creek and running
97. North 00° 54' 44" East, 1,693.02 feet to a 5/8 inch rebar found; thence,

98. North 00° 54' 44" East, 10.02 feet to a ½ inch rebar with cap "LSF810" set on the Southeasterly Right-of-Way Line of Lee's Mill Road (f.k.a. Lee's Lake Road) (f.k.a. Ellington-Kenwood Road) (having an apparent 80 feet wide r/w); thence, running with the said line of Lee's Mill Road
99. 207.85 feet along the arc of a curve deflecting to the left, having a radius of 873.69 feet and a chord bearing and distance of North 49° 15' 42" East, 207.36 feet; thence,
100. North 42° 26' 46" East, 300.34 feet to a ½ inch rebar found; thence, leaving the aforesaid line of Lee's Mill Road and running
101. South 21° 25' 02" East, 546.56 feet to a ½ inch rebar found; thence,
102. North 82° 24' 22" East, 864.32 feet to a ½ inch rebar found; thence,
103. South 78° 13' 04" East, 772.15 feet to a ½ inch rebar found; thence,
104. South 09° 21' 49" West, 466.07 feet to a ½ inch rebar found inside pipe; thence,
105. North 76° 31' 18" East, 600.23 feet to a ½ inch rebar found; thence,
106. North 02° 34' 38" East, 894.88 feet to a ½ inch rebar found; thence,
107. North 03° 47' 35" West, 667.43 feet to a ½ inch rebar found on the aforesaid line of Lee's Mill Road; thence, running with the said line of Lee's Mill Road
108. 86.20 feet along the arc of a curve deflecting to the right, having a radius of 3,391.93 feet and a chord bearing and distance of North 81° 38' 00" East, 86.20 feet; thence,
109. North 82° 21' 41" East, 347.96 feet; thence,
110. 111.22 feet along the arc of a curve deflecting to the right, having a radius of 5,391.92 feet and a chord bearing and distance of North 82° 57' 09" East, 111.22 feet to a ½ inch rebar found; thence, leaving the aforesaid line of Lee's Mill Road and running
111. South 02° 22' 53" East, 309.13 feet to a ½ inch rebar found; thence,
112. South 89° 04' 48" East, 314.26 feet to a ½ inch rebar found; thence,
113. South 00° 51' 29" West, 199.88 feet to a ½ inch rebar found; thence,
114. South 86° 00' 41" East, 451.75 feet to a ½ inch rebar found; thence,
115. North 83° 34' 48" East, 723.13 feet to a ½ inch rebar found; thence,
116. South 89° 10' 31" East, 326.23 feet to a ½ inch rebar with cap "LSF810" set on the aforesaid line of Veteran's Parkway; thence, running with the said line of Veteran's Parkway
117. South 33° 54' 01" West, 767.11 feet to a point being 0.46' northwest of a concrete r/w monument found; thence,
118. 1,733.78 feet along the arc of a curve deflecting to the left, having a radius of 2,050.00 feet and a chord bearing and distance of South 09° 40' 18" West, 1,682.57 feet to a point being 1.16 feet northwest of a concrete r/w monument found; thence,
119. South 14° 33' 26" East, 361.19 feet to a ½ inch rebar with cap "LSF810" set at the intersection of the said line of Veteran's Parkway and the said land lot line common to land lots 14 and 224; thence, leaving the said line of Veteran's Parkway and running with the said land lot line
120. South 01° 00' 10" West, 833.74 feet to the Point of Beginning, containing 11,993,375 square feet or 275.3300 acres of land, more or less.

TRACT 3B:

All that tract or parcel of land lying and being in Land Lot 14, 7th District, Fayette County, Georgia and being more particularly described as follows:

Beginning at a point at the intersection of the Northeasterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and running with the said line of Veteran's Parkway

1. 1,065.78 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 01° 06' 01" East, 1,052.56 feet; thence, leaving the aforesaid line of Veteran's Parkway and running
2. South 00° 54' 25" West, 694.56 feet to a nail found in stone; thence,

3. South 01° 28' 30" West, 358.02 feet to the Point of Beginning, containing 52,201 square feet or 1.1984 acres of land, more or less.

TRACT 3C:

All that tract or parcel of land lying and being in Land Lot 225, 5th District, Fayette County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a point at the intersection of the Northeasterly Right-of-Way Line of Veteran's Parkway, (apparent 100 feet wide r/w) as per Fayette County Department of Public Works Right-of-Way Plans (West Fayetteville Bypass – Phase II), and the Land Lot Line common to Land Lot 14 of the 7th District, and Land Lot 224 of the 5th District, said point being 1.59 feet northwest of a concrete r/w monument found; thence, leaving said point and the said land lot line and running with the said line of Veteran's Parkway, 1,065.78 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 01° 06' 01" East, 1,052.56 feet; thence, 583.43 feet along the arc of a curve deflecting to the right, having a radius of 1,950.00 feet and a chord bearing and distance of North 25° 19' 45" East, 581.25 feet to a point being 0.61 feet northwest of a concrete r/w monument found; thence, North 33° 54' 01" East, 554.51 feet across the land lot line common to land lots 224 and 225 of the 5th District to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and continuing along the said line of Veteran's Parkway

1. North 33° 54' 01" East, 277.73 feet to a ½ inch rebar with cap "LSF810" set; thence, leaving the aforesaid line of Veteran's Parkway and running
2. South 89° 10' 31" East, 39.44 feet to a ½ inch rebar found; thence,
3. South 00° 45' 21" West, 232.96 feet to a 1 inch iron rod found; thence,
4. North 89° 06' 17" West, 191.29 feet to the Point of Beginning, containing 26,871 square feet or 0.6169 of an acre of land, more or less.

EXHIBIT B
Permitted Encumbrances

1. All taxes for the year 2023 and subsequent years.
2. Right of Way Agreement recorded in Deed Book 32, Page 575, aforesaid Records.
3. Easement for Right-of-Way recorded in Deed Book 524, Page 338, aforesaid Records.
4. Permanent Construction/Slope Easement from Green Properties Partners, L.L.L.P. to Fayette County, recorded in Deed Book 3860, Page 136, aforesaid Records.
5. All matters as shown on that certain survey entitled "ALTA/NSPS Land Title Survey To: Veterans Pkwy and Lees Mill South, LLC & First American Title Insurance Company", prepared by TerraMark Land Surveying, Inc., bearing the seal and certification of Paul B. Cannon, Georgia Registered Land Surveyor No. 2928, dated December 22, 2022, last revised February 9, 2023, being designated as Project No. 2022-261.

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,
August 26, 2024, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-873-24

Owner(s)/Agent(s): Veterans
Pkwy and Lees Mill South, LLC
Property Address: Veterans Pkwy
and Lees Mill Road
Parcel: 0707 011

Zoning District: A-R

Area of Property: 236.08 acres

Land Lot(s): 13; 14; 18; 19
District: 7th

Road Frontage: Veterans Pkwy
and Lees Mill Road

Request:

Variance to the maximum building
height of 35' to allow the construc-
tion of the new soccer training
facility building to exceed the
height by 5'-6".

Legal Description:

U.S. SOCCER HEADQUARTERS
AND NATIONAL TRAINING
CENTER
(TRACT II)

All that tract or parcel of land lying
and being in Land Lots 13, 14, 15,
18 & 19 of the 7th District, and
Land Lots 224 & 225 of the 5th
District, Fayette County, Georgia,

as shown on a Minor Final Plat
recorded among the Land Records
of Fayette County, Georgia in Plat
Book 101, Page 614, and being
more particularly described as
follows:

Beginning at a tack found in a rock
located at the Land Lot Corner
common to Land Lots 13 & 14, 7th
District, and Land Lots 193 & 224,
5th District; thence, leaving said
point and the said land lot corner
and running with the said land lot
line common to Land Lot 13 of the
7th District and Land Lot 193 of
the 5th District

1. South 00° 40' 30" West, 1,444.84
feet to a 1/2-inch rebar with cap
"LSF810" found on the Northwest-
erly Right-of-Way Line of Veter-
an's Parkway, (apparent 100 feet
wide r/w) as per Fayette County
Department of Public Works
Right-of-Way Plans (West Fayette-
ville Bypass - Phase II), thence,
leaving the aforesaid land lot line
common to Land Lot 13 of the 7th
District and Land Lot 193 of the
5th District and running with the
said line of Veteran's Parkway

2. South 35° 00' 07" West, 346.23
feet to a point in the centerline of
Whitewater Creek; thence, run-
ning with the meanderings of the
said creek centerline the following
courses and distances

3. North 45° 26' 00" West, 52.34
feet; thence,

4. North 15° 05' 40" West, 61.60
feet; thence,

5. North 33° 40' 34" East, 68.06
feet; thence,

6. North 24° 05' 05" East, 53.32
feet; thence,

7. North 67° 02' 50" West, 61.54
feet; thence,

8. North 39° 47' 04" West, 58.96
feet; thence,

9. North 04° 25' 30" East, 81.78
feet; thence,

10. North 66° 19' 09" East, 75.19
feet; thence,

11. South 67° 56' 31" East, 80.42
feet; thence,

12. North 68° 39' 24" East, 64.82
feet; thence,

13. North 21° 33' 28" West, 43.65
feet; thence,

14. North 81° 08' 28" West, 73.51
feet; thence,

15. North 09° 02' 29" West, 42.06
feet; thence,

16. North 62° 39' 15" East, 94.52
feet; thence,

17. North 15° 03' 31" East, 76.25
feet; thence,

18. North 03° 26' 29" West, 125.78
feet; thence,

19. North 17° 33' 00" East, 102.77
feet; thence,

20. North 00° 56' 30" East, 96.75
feet; thence,

21. North 41° 20' 06" West, 37.61
feet; thence,

22. North 54° 40' 04" West, 77.14
feet; thence,

23. North 40° 14' 36" West, 144.79
feet; thence,

24. North 11° 15' 52" West, 69.06
feet; thence,

25. North 01° 06' 42" West, 238.14
feet; thence,

26. North 80° 07' 45" West, 44.04
feet; thence,

27. North 58° 51' 35" West, 58.42
feet; thence,

28. North 17° 26' 59" West, 116.95
feet; thence,

29. North 81° 13' 11" West, 116.28
feet; thence,

30. South 68° 06' 09" West, 215.77
feet; thence,

31. South 84° 49' 40" West, 107.71
feet; thence,

32. South 44° 29' 15" West, 204.77
feet; thence,

33. South 36° 37' 43" West, 96.46
feet; thence,

34. South 69° 44' 43" West, 122.68
feet; thence,

35. North 64° 58' 27" West, 78.08
feet; thence,

36. South 60° 44' 06" West, 108.13
feet; thence,

37. North 84° 50' 29" West, 115.56
feet; thence,

38. North 16° 49' 20" East, 74.95
feet; thence,

39. North 15° 39' 17" West, 80.38
feet; thence,

40. North 34° 16' 25" East, 93.39
feet; thence,

41. North 71° 01' 33" West, 194.53
feet; thence,

42. North 65° 03' 53" West, 102.99
feet; thence,

43. South 65° 12' 27" West, 94.55
feet; thence,

44. South 83° 17' 15" West, 64.59
feet; thence,

45. North 30° 00' 15" West, 49.05
feet; thence,

46. North 36° 18' 32" East, 39.82
feet; thence,

47. North 07° 35' 22" East, 42.86
feet; thence,

48. North 49° 44' 27" West, 96.42
feet; thence,

49. North 75° 48' 16" West, 84.65
feet; thence,

50. South 67° 48' 51" West, 145.31
feet; thence,

51. South 62° 20' 47" West, 44.73
feet; thence,

52. South 79° 37' 03" West, 68.08
feet; thence,

53. North 85° 56' 27" West, 133.35
feet; thence,

54. South 64° 19' 32" West, 132.92
feet; thence,

55. South 75° 08' 03" West, 95.65
feet; thence,

56. South 57° 22' 02" West, 84.02
feet; thence,

57. South 71° 54' 28" West, 48.62
feet; thence,

58. North 37° 38' 36" West, 111.11
feet; thence,

59. North 15° 39' 31" West, 143.31
feet; thence,

60. South 69° 54' 53" West, 127.48
feet; thence,

61. North 60° 47' 50" West, 53.74
feet; thence,

62. North 05° 29' 39" West, 28.72
feet; thence,

63. North 34° 35' 02" East, 74.66
feet; thence,

64. North 01° 34' 59" East, 112.94
feet; thence,

65. North 14° 00' 55" East, 139.98
feet; thence,

66. North 61° 45' 08" East, 101.74
feet; thence,

67. North 43° 52' 38" East, 172.86
feet; thence,

68. North 10° 51' 27" West, 118.23
feet; thence,

69. North 25° 16' 24" East, 96.62 feet; thence,
 70. North 03° 15' 12" West, 116.30 feet; thence,
 71. North 85° 38' 58" West, 74.75 feet; thence,
 72. North 21° 54' 17" West, 88.51 feet; thence,
 73. North 38° 24' 13" East, 69.87 feet; thence,
 74. North 03° 18' 09" East, 107.80 feet; thence,
 75. North 40° 03' 01" East, 54.25 feet; thence,
 76. South 68° 03' 26" East, 78.30 feet; thence,
 77. North 46° 32' 02" East, 49.39 feet; thence,
 78. North 27° 07' 58" West, 124.11 feet; thence,
 79. North 20° 49' 37" East, 113.43 feet; thence,
 80. North 13° 19' 15" West, 152.30 feet; thence,
 81. North 25° 08' 33" East, 68.82 feet; thence,
 82. North 05° 05' 06" West, 54.49 feet; thence,
 83. North 51° 45' 13" West, 78.77 feet; thence,
 84. North 71° 21' 14" West, 90.14 feet; thence,
 85. South 85° 31' 31" West, 108.82 feet; thence,
 86. North 67° 39' 15" West, 74.46 feet; thence,
 87. South 70° 04' 59" West, 49.64 feet; thence,
 88. South 87° 20' 23" West, 80.80 feet; thence,
 89. South 50° 30' 21" West, 199.13 feet; thence,
 90. South 74° 58' 42" West, 288.14 feet; thence,
 91. North 72° 04' 07" West, 118.00 feet; thence,
 92. South 84° 20' 07" West, 122.08 feet; thence,
 93. North 73° 31' 36" West, 90.81 feet; thence,
 94. South 63° 12' 14" West, 167.50 feet; thence,
 95. South 53° 54' 41" West, 226.91 feet; thence,
 96. South 67° 35' 25" West, 366.69 feet; thence, leaving the aforesaid centerline of Whitewater Creek and running
 97. North 00° 54' 44" East, 1,690.89 feet to a point on the Southeasterly Right-of-Way Line of Lee's Mill Road (f.k.a. Lee's Lake Road) (f.k.a. Ellington-Kenwood Road) (apparent variable width r/w), said point being 2.13 feet south of a 5/8-inch rebar found; thence, running with the said line of Lee's Mill Road
 98. 217.17 feet along the arc of a curve deflecting to the left, having a radius of 883.69 feet and a chord bearing and distance of North 49° 29' 12" East, 216.63 feet; thence,
 99. North 42° 26' 46" East, 295.44 feet to a 1/2-inch rebar with cap "LSF810" found; thence, leaving the aforesaid line of Lee's Mill Road and running
 100. South 21° 25' 02" East, 535.42 feet to a 1/2-inch rebar found; thence,

101. North 82° 24' 22" East, 5.37 feet to a 1/2-inch rebar with cap "LSF810" found; thence,
 102. South 71° 58' 19" East, 1,611.45 feet to a 1/2-inch rebar with cap "LSF810" found; thence,
 103. North 09° 21' 49" East, 460.70 feet to a 1/2-inch rebar found; thence,
 104. North 09° 22' 40" East, 462.09 feet to a 3/8-inch rebar found; thence,
 105. North 05° 14' 49" West, 710.15 feet to a 1/2-inch rebar found on the aforesaid line of Lee's Mill Road; thence, running with the said line of Lee's Mill Road
 106. North 82° 17' 31" East, 499.58 feet; thence,
 107. 86.07 feet along the arc of a curve deflecting to the right, having a radius of 3,381.93 feet and a chord bearing and distance of North 81° 37' 57" East, 86.07 feet; thence,
 108. North 82° 21' 41" East, 347.96 feet; thence,
 109. 110.30 feet along the arc of a curve deflecting to the right, having a radius of 5,381.92 feet and a chord bearing and distance of North 82° 56' 55" East, 110.30 feet to a 1/2-inch rebar with cap "LSF810" found; thence, leaving the aforesaid line of Lee's Mill Road and running
 110. South 02° 22' 53" East, 299.11 feet to a 1/2-inch rebar found; thence,
 111. South 89° 04' 48" East, 314.26 feet to a 1/2-inch rebar found; thence,
 112. South 00° 51' 29" West, 199.88 feet to a 1/2-inch rebar found; thence,
 113. South 86° 00' 41" East, 451.75 feet to a 1/2-inch rebar found; thence,
 114. North 83° 34' 48" East, 723.13 feet to a 1/2-inch rebar found; thence,
 115. South 89° 10' 31" East, 326.23 feet to a 1/2-inch rebar found on the aforesaid line of Veteran's Parkway; thence, running with the said line of Veteran's Parkway
 116. South 33° 54' 01" West, 767.11 feet to a point being 0.46 feet northwest of a concrete r/w monument found; thence,
 117. 1,733.78 feet along the arc of a curve deflecting to the left, having a radius of 2,050.00 feet and a chord bearing and distance of South 09° 40' 18" West, 1,682.57 feet to a point being 1.16 feet northwest of a concrete r/w monument found; thence,
 118. South 14° 33' 26" East, 361.19 feet to a 1/2-inch rebar with cap "LSF810" found at the intersection of the aforesaid line of Veteran's Parkway and the aforesaid land lot line common to Land Lot 14 of the 7th District and Land Lot 224 of the 5th District; thence, leaving the said line of Veteran's Parkway and running with the said land lot line
 119. South 01° 00' 10" West, 833.74 feet to the Point of Beginning, containing 12,306,112 square feet or 282.5095 acres of land, more or less.
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