

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairman
Bill Beckwith
Brian Haren
Kyle McCormick

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Maria Binns, Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
June 23, 2025
7:00 P.M.**

***Please turn off or turn to mute all electronic devices during the
Zoning Board of Appeals Meetings**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on May 27, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-897-25 – Amari Capital Investments, LLC, Owner. Applicant is requesting a variance to Sec. 110-137(d)(5) to reduce the rear yard setback in the R-40 zoning from 30 feet to 12.7 feet to allow the construction of a new pool and pool deck.
6. Consideration of Petition No. A-898-25 – Toddman and Carolyn Ray, Owners, Applicants are requesting a variance to Sec. 110-125(d)(6) to reduce the side yard setback in an A-R zoning from 50 feet to 38.6 feet to allow an accessory structure to remain.

Minutes 05/27/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on May 27, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John Tate, Chairman
Marsha Hopkins, Vice-Chairman
Bill Beckwith
Brian Haren
Kyle McCormick

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

1. Call to Order. *Chairman John Tate called the May 27, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Brian Haren made a motion to approve the agenda as amended to remove items 10 and 12. Bill Beckwith seconded the motion. The motion passed 5-0.*
4. Consideration of the Minutes of the Meeting held on May 27, 2025. *Marsha Hopkins made the motion to approve the minutes of the meeting held on March 24, 2025, as amended. Bill Beckwith seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. **Consideration Petition No. A-890-25** – Iris Williams, Owner. Applicant is requesting a variance to Sec. 110-137(d)(4) a. (1)., the front yard setback on an Arterial in the R-40 Zoning District is required to be 60 feet. The applicant requests to reduce the setback by 6 feet, to 54 feet, to allow the construction of a primary house. The subject property is located in Land Lots 74 & 75 of the 5th District and fronts South Jeff Davis Road. This petition was tabled at the March 24, 2025, meeting.

Ms. Deborah Bell explained that this petition was tabled from the March 24 meeting and readvertised for this meeting. Staff assessment will not have an impact on traffic or neighbors. The watershed protection buffers and setbacks limit the buildable area of the lot. They dedicated some right-of-way, making their setback closer to the building area.

Chairman John Tate asked if anyone would like to speak in favor of petition A-890-25.?

Mr. Zack Knight, on behalf of the petitioner, asked the board for approval of the setback from 60 feet to 54 feet because of the 75-foot total watershed buffer and setback requirements.

No one else spoke in favor or opposition. Chairman Tate brought the item back to the board for questions.

Mr. Bill Beckwith asked staff if the property was taken away because of some right of way dedication.?

Ms. Bell responded that they dedicated ten feet of right of way, requested a reduction in the new property line and setback, if they hadn't dedicated the right-of-way, this variance would not have been necessary.

Mr. Beckwith asked to staff if the county often requests to dedicate right of way.?

Ms. Bell responded under certain circumstances, most of the time if there is a rezoning and the right of way adjacent to that property doesn't meet the current county standards on the transportation map.

Mr. Brian Haren commented that the county took ten, and now they are asking for six back.?

Brian Haren made a motion to APPROVE Petition No. A-890-25. Chairman John Tate seconded the motion. The motion passed unanimously.

6. **Consideration of Petition No. A-892-25** – Dornell and Winston Charles, Owners, Applicants are requesting a variance to Sec. 110-133. – R-70, as allowed under Sec. 110-242(c)(1) – Requesting a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 1.704 acres to be eligible for development. The subject property is located in Land Lots 80 of the 7th District and fronts Coastline Road.

Ms. Bell stated the lot is a legal nonconforming lot. It has 1.704 acres, which is less than the required 2.0 acres in the R-70 zoning district. It meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242. The lot was created by deed and plat recorded on January 16, 1937. The variance is necessary for the owners to be able to obtain a building permit for their house.

Chairman John Tate asked if anyone would like to speak in favor of the petition.?

Mr. Winston Charles stated purchased the property unknowingly they couldn't build after trying to get a permit. Talked to staff to get a solution.

Mr. Brian Haren asked if the lot was a legal lot and clarified with staff, looking for a variance to the minimum lot size.? He also pointed the lot has two railroads on each side of the property.

Ms. Bell responded yes.

Chairman John Tate asked to be clear because it is less than two acres in the zoning area than allowed.?

Ms. Bell stated that it was correct.

Mr. Bill Beckwith asked staff if in 1937 this was supposed to be a two acre lot? And was part of a blanket rezoning in that part of the county.?

Ms. Bell responded that there weren't any zoning ordinances at that time, and this was part of the R-70 blanket rezoning around 1973.

Bill Beckwith made a motion to approve Petition No. A-892-25. Brian Haren seconded the motion. The motion passed 5-0.

7. **Consideration of Petition No. A-893-25** – Tunde Uboh, previous owner. Applicant is requesting a variance to Sec. 110-79(c)(1) b., to allow a residential accessory structure from 1800 SF to 2164 SF to remain exceeding the maximum footprint on a lot less than 5 acres. The subject property is located in Land Lots 22 & 43 of the 7th District and fronts Kirby Lane.

Ms. Bell stated that this item was requesting a variance to allow a residential accessory structure that is 2,164 square feet in area and refer to Sec. 110-79 (c)(1)(b) – Number and size; One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet and was originally permitted and approved by staff to be 1,764 square feet in area, as a pool house, which met the requirements of the ordinance but changes were made to the structure that made it a guest house, rather than a pool house. The owner/builder constructed a 400 SF larger than what was approved. Currently, the structure does not meet the criteria for a pool house, but it is classified as a guest house (700 sq ft maximum allowance) because of the finished square feet and an indoor kitchen, and it exceeds the total allowance for an accessory structure, which is 1,800 sq ft. Planning and Zoning and Building Safety met with the owner/building previously back in March 2024 to discuss alternatives, to bring this into compliance, or apply for a variance. Building Safety advised they wouldn't approve the new permit for 150 Wesley because the same builder had an expired permit at 630 Kirby Lane, since no changes had been made from that time period, staff found no evidence of a hardship as defined by the variance criteria in the ordinance.

Chairman John Tate asked if anyone in the audience wanted to speak on behalf of petition A-893-25.?

Ms. Chanel Uboh, who spoke on behalf of the petitioner, stated that she wanted to review the history of the case presented and commented that there were a couple of discrepancies in the timeline.

Chairman Tate responded the board allows the petitioner to present their reasons for obtaining the petition granted and share their perspective. Board members will listen to the presentation and may ask questions, avoiding back-and-forth sessions.

Ms. Chanel Uboh stated the footprint and square footage were the issue and pointed to the foundation floor plan on the presentation, where she stated the front porch was over 326 sq ft from the original footprint. According to her understanding, what was changing was the range within it. When meeting with them, they were not engineers involved, the building does not encroach on the setbacks, and the HOA approved the plan and required that needed to match the original home. She stated that Planning and Zoning, and everyone in this discussion, to demo part of the building and leave an open space, and not all enclosed, and they mentioned to speak to a structural engineer. After doing an extension to the permit, they noticed that making changes to the structure was going to be more expensive, so they opted for a variance instead, but planning and zoning said they wouldn't approve it. Ms. Uboh stated that before the permit expired, they had already applied for the variance, and that's where the history of the case was a little off. She finished by stating that leaving the structure as is will create a space of value to the neighborhood, and they sold the property, and the current owner would like to keep the property as is.

Chairman Tate asked if anyone else wanted to speak in support of the petition.?

Mr. Tunde Uboh, previous owner and builder, stated he takes all responsibility for it, he couldn't differentiate between the pool house and the guest house, and he followed all regulations, complied with all inspections, and asked at what point we did not see that it was over 1,800 sq ft? He stated he doesn't want to demo anything on this property because he would compromise it.

Kathy Rivas, New owner at 630 Kirby Lane, explained she purchased the home with the intention of keeping the building in the back, after losing his brother and his wife a few months ago, and would like to take care of their children since the grandmother is getting older will be unable to do so. Also, stated she would like to get approved by the board and get this building into compliance.

Chairman Tate asked the audience if anyone else would like to speak in favor of the petition? No one responded, then he asked if anyone would like to speak in opposition to the petition.?

Ms. Bell commented that in terms of opposition, the HOA Board from Annelisse Park Board sent an email stating the HOA board for Annelisse Park would prefer that all homes built on Annelisse Park lots abide by our HOA builders' guidelines and Fayette County code regulations.

Mr. Bill Beckwith asked Ms. Bell to show page 16 of the building plans submitted for the third permit.

Ms. Bell responded are you referring to the plan submitted for the change to reduce the size? If you compared what was submitted in the first set, which was 1,764 sq ft and the next set after this was re-permitted, it came in at 2,164 sq ft, and the principal difference was the width of the central section made. Following the conversations they had with the Uboh's, we talked about different options and when they submitted this it was to remove the segment of the building as she showed on the screen, the slab could remain and be use as a patio but without having any vertical construction vertical structure as staff if they made that change will bring it into compliance.

Mr. Beckwith asked staff if they would agree to follow up to make the necessary changes where will this follow.?

Ms. Bell responded if they followed to make the required changes to the structure, they would not need this variance. As it sits, it has created two primary residential structures on one lot.

Mr. Beckwith asked Ms. Chanel Uboh, Do you agree with this? This will alleviate a lot of your problems.

Ms. Chanel Uboh responded, no, we don't agree with doing this. This proposal was put together by all of us sitting together, she stated that there was no structural engineer was not involved; this was just a proposal at that point, it wasn't a situation of finalizing all of the other pieces, we didn't do the cost wise, structurally.

Mr. Beckwith commented that the structure itself is larger than 1,800 sq ft, if that issue were addressed and taken care of it would be no need for a variance.

Ms. Uboh responded yes, it would be, but the way it's been proposed for us to do it, if there is another way to be done, that makes sense to the structure, will work for us without compromising the structure itself.

Mr. Beckwith asked Ms. Bell if the drawing on page 16 said it is released for construction. Does that mean it is released for construction, or how does that apply?

Ms. Bell clarified that this is what was submitted when they applied to have their permit reissued; they submitted this drawing, staff did not create this drawing.

Ms. Bell presented Ms. Niebler, Building Safety Director for the county, who can explain some things that I might not have been explained properly with respect to how it's labeled.

Leslie Nieber, Building Safety Director, stated that the second plan had expired, and by approving their third plan, this conceptual plan, is what they communicated when we set down and we come out to with a proposal to meet everyone's compliance and regulatory regulations, this is what they had agree when they had submitted the permit for approval.

Chairman Tate asked for more clarification.

Ms. Nieber responded that if they were going to demo that portion that is in violation, the roof line and the wall line, the structure wouldn't be at risk because it is going to get removed, other than just being a patio with a slab.

Chairman Tate asked Mr. Uboh why this wasn't done as originally approved with the 700 square feet?

Mr. Uboh responded that it was his mistake; he didn't realize it until he came back from vacation, and it was already framed. He stated that if he opens out the walls, the roof line will be compromised. I will do it if the "city" (referring to the county) takes responsibility for it, but he didn't want that responsibility, knowing that he had already sold the property to someone else.

Ms. Chanel Uboh added the answer to being demo and not compromising the integrity of it, to demo it, that information was given to us by a structural engineer, we don't have the ability to say that information is not correct and will be fine.

Mr. Uboh demoing the property is not a problem, I'm a builder; if my structural engineer is telling me, you can't do this. If my engineer says you can do it this way or that way, I will get it done. I don't want to get sued or go to jail later.

Chairman Tate on the proposed drawing/sketch that we are looking at now, and the area stated that needs to be changed to a patio, what is currently there? A covered?

Mr. Uboh stated Yes, it is an empty room.

Chairman Tate asked, so we are taking off the roof and the walls?

Mr. Uboh responded she wants the roof to remain and leave the walls.

Mr. Brian Haren asked if Mr. Uboh had a written statement from your structural engineer?

Mr. and Ms. Uboh responded No, but we could get one.

Mr. Haren added that is important to understand that we are asked to vote on, and what we can vote on tonight, if this continues, is whether that structure gets to remain. If we vote and we deny this petition, everything comes down all the way to the slab or you work with planning and zoning to alter that structure so a portion can remain, I deal with construction every day and I really don't think it will be difficult to demo part of that building and reestablish a low barring wall it's not that difficult to do, it happens all the time in the construction industry and if you get it properly inspected there is minimum legal risk or work with staff to figured out a way to reduce the side of it so it can remain. He asked the board to request to table the petition.

Mr. Uboh agreed to work with staff and find a way. He mentioned he wants it to be redesigned himself instead of the staff designing it for him; he didn't want it to be rushed to do anything.

Ms. Allison Cox responded to Mr. Uboh, You are not designing a house, it's a pool house...

Mr. Uboh briefly responded by saying it needs to be redesigned.

Ms. Cox continue by saying it's not a structure meant to be a residence, you need to begin there and then take the next step, I don't think staff designed the initial suggestion, but you are not designing a separate house and shouldn't look like a separate residence in a single property and can't remain that way. Additionally, Ms. Cox asked if this was disclosed to the buyer that this was on the table? She is the applicant because she owns the property now; you guys are liable for a sale in a way that was made in a way that was less than honest. Somebody needs to figure out who the applicant is, and both of you need to be on the application.

Mr. Uboh responded, let's not use the word dishonesty, please.

Ms. Cox asked Kathy Rivas (Current Owner) Ma'am, were you aware of this issue? You need to join in the application because this is now your problem.

Mr. and Ms. Uboh responded yes, it was disclosed to the buyer and was disclosed to the planning and zoning office.

Ms. Chanel Uboh stated that when she dropped off the variance application, neither the Debras were there, just the lady at the front, and Maria, and they were aware the house was listed, also the closing attorney's office was aware.

Ms. Cox responded that this has been going on for some time, the variance has been on the table. She asked when the sale went through.

Ms. Chanel Uboh stated on May 1, 2025.

Ms. Cox responded that it was very recent compared to the long history of the

property.

Ms. Chanel Uboh asked what does that have to do with this?

Ms. Cox responded that she was no longer the property of the owner; the new owner needs to be a part of this process. She stated she doesn't know what happened at closing, but she needs to be part of it.

Ms. and Mr. Uboh responded that they were fine with that. Let's say, for the record, things that make sense, if we were dishonest...

Ms. Cox responded Ma'am, I'm not calling you dishonest and I want to apologize to you.

Ms. Chanel Uboh responded to Ms. Cox I had never contacted you, I never had a conversation with you. She apologized that they did not give you the information and used words like dishonesty.

Ms. Cox apologized and said to make sure the new owner is part of this application moving forward and understand that two separate residential structures are not allowed to exist on the same property in this county.

Ms. Chanel Uboh added that there was a lot of misunderstanding between the pool house and a guest house. She asked about the difference between the two.

Ms. Cox responded that all of that is in our code.

Chairman John Tate stated that they were getting beyond the point, and they were in a situation where they had a decision to maybe table. I think you understand that there is a new owner and with the variance it needs to be part of it.

Ms. Chanel Uboh responded what does that mean exactly? I heard you said she needs to be brought on the application. What is the process?

Ms. Cox responded when this comes back before this board, she needs to be the applicant.

Mr. Uboh responded but this is already in motion, Ms. Chanel Uboh so tell us back a motion, do we do more paperwork, what does that mean exactly?

Ms. Cox responded they make a motion to table they will a motion to include her as applicant or will make a motion to deny or whatever the motion is.

Ms. Chanel Uboh asked if table do we come back into the office with the departments and make changes to the application?

Ms. Cox responded that's up to you.

Ms. Bell responded that she is not sure why it would be table, if you are representing the applicant she can speak and sign an affidavit to authorize you as her agent, which happens a lot, Ms. Bell stated the board can make a decision on this, whether to table it, approve or deny the request.

Ms. Chanel Uboh responded I asked that because the attorney said going forwarded, we need it to be in the application together and Mr. Brian said you can agree to work with staff, but we would like to work with engineers to be able to get into compliance, we are over 326 sq ft, do we all agree to that?

Ms. Bell responded No ma'am, according to the permits that were submitted with the initial application, and the reapplication for the larger structure is a difference of 400 sq ft that based on the permitted documents that were submitted by you, if you would like to withdraw the variance request and come back to staff with the plan to remodel this building and reduce the footprint to bring it into compliance you can certainly do that and that will resolve problem with that the need for a variance.

Ms. Chanel Uboh, ask for clarification to Ms. Bell, so your suggestion is to withdraw the variance and work with staff, is that what he meant by work with staff?

Ms. Bell responded your options are if you would like to withdraw the variance request and go back and work with an engineer and come up with some engineering drawings to modify it to reduce it and bring this building into compliance.

Mr. Tunde Uboh responded that they will work with staff to get the 400 sq ft off and include the current homeowner so we can come up with something that she wants.

Ms. Chanel Uboh asked if withdrawing the variance means working with you, correct? She asked Ms. Bell.

Ms. Bell responded yes, ma'am, the end result will be that you will resubmit the building plans to modify the structure to bring it into compliance.

Ms. Chanel Uboh asked, and we need to bring it down 400 sq ft, correct?

Mr. Uboh asked, but the current homeowner will be involved in that process?

Ms. Bell responded if you are her contractor, then you are submitting the permit as her contractor, and planning and zoning isn't involved in the documents you submit for your building permits as a contractor and as a homeowner.

Ms. Nieber spoke for clarification purposes because this permit previously expired twice, when it was renewed the last time, he did change the permit, and we have a contractor here in the audience and I don't want to give him the misconception that homeowners or building homes or selling homes to other citizens, Mr. Uboh is a

license contractor so when we issue the permit the third time, he apply for a permit as a license contractor versus as a homeowner when this permit process first started, this third permit is going to set expired so my request is that if he withdraw the variance, that we do not let that third permit expired, you will be required to get with your engineer, submit the building constructions plans with whatever proposal that is to try to reach compliance before this permit expired per my recommendation.

Ms. Bell asked that the applicant/agent they will need to please formally request to withdraw the variance application for the record.

Ms. Chanel Uboh stated she wanted to request to withdraw the variance request petition number A-893-25 and work with the departments to bring the current structure into compliance by removing 400 square feet from the building.

Chairman John Tate asked for a motion from the board as the petitioner requested to withdraw.

WITHDRAWN BY THE AGENT (Chanel Uboh), Brian Haren made a motion to ACCEPT THE WITHDRAWAL BY THE AGENT of Petition A-893-25 to bring the current structure into compliance by removing 400 square feet from the building. Kyle McCormick seconded the motion. The motion passed unanimously.

8. **Consideration of Petition No. A-894-25** – Christian and Anna Rodriguez, Owners, Per Sec. 110-242(c)(1), Applicants are requesting a variance to Sec. 110-125(d)(1) to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.9723 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 220 and 221 of the 4th District and fronts Snead Road and Bernhard Road.

Ms. Bell presented petition A-894-25, where the applicant seeks a variance to Sec. 110-125. – A-R to reduce the minimum lot size for a legal nonconforming lot, allowing a 4.973-acre lot for development eligibility. The lot is a legal nonconforming lot, but it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242. The lot was created by a final plat recorded on August 9, 1988, and it contained 5.0 acres, then was reduced to 4.973 acres by the dedication of right-of-way to facilitate improvements to Bernhard Road on July 6, 1992. This reduction in lot size left the ROW dedication, making the lot legal nonconforming.

Chairman Tate asked if anyone in the audience was in support of the petition?

Mr. Christian Rodriguez stated purchased the property in December 2023 with 5 acres and during the sale process February 2025 they were informed the acreage was 4.97 acres due to a 1995 county acquisition of right of way information

that was not disclosed to them when purchasing the property or afterwards and they find out when they were trying to sell it, he stated this has caused confusion and the only recorded survey 1989 recorded survey with 5 acres at the time. Mr. Rodriguez stated that this discrepancy has turned down potential buyers and presents a hardship impacting the ability to build or sell the property; he asked the board to grant the variance.

Chairman Tate asked if anyone else wanted to speak in support or opposition to the petition. No one responded, the chairman brought the item back to the board.

Mr. Brian Haren asked staff for clarification. Is this already a Legal non-conforming lot?

Ms. Bell responded is this a legal non-conforming lot, the deed for the ROW dedication is included in the package. That was the reduction below the required acreage.

Mr. Haren asked if already a legal non-conforming lot isn't that already eligible for development.?

Ms. Bell responded it requires a variance that the amendment to Section 110-242 clarify that process, any lots that are less than their zoning district will require a variance to be developed.

Chairman Tate commented that this is a situation where Sec. 110-242 does make it clear that as long as the lot is not reduced to less than an acre, the variance should be granted. The chairman asked for a motion.

Marsha Hopkins made a motion to approve Petition No. A-894-25. Brian Haren seconded the motion. The motion passed unanimously.

9. **Consideration of Petition No. A-895-25-A** – Elisha Turman and Joseph Jones, Owners, Applicants are requesting a variance to Sec 110-125(d)(5) to reduce the rear yard setback from 50' to 47.2' to allow an existing pool deck to remain. The subject property is located in Land Lots 121 of the 4th District and fronts Friendship Church Road.

Ms. Bell explained the request and that this property is a flag lot where all their setbacks can be side yard setbacks. When the petitioner applied to build a detached garage, it was noted that the pool deck encroaches on the side/rear setback, and the ordinance requires that the pool deck abide by the property building setback.

Mr. Joseph Jones asked the board for consideration of this variance and to be approved, stating the contractor for the concrete company told them they would it need another \$2,500 more for another concrete truck to complete the job

or they could just make the deck bigger. Mr. Jones said he is not a contractor, they didn't realize they were out of compliance until they got the survey done for the detached garage. He thanked Ms. Bell for being gracious and answering all of his questions, and brought a Neighbor Support Letter for the board, which mentions they don't have a problem.

Chairman Tate asked if anyone would like to speak in favor of the petition A-895-25-A?

Mr. Brad Barnard asked he didn't understand why, if he can put his driveway up to his property line, it doesn't have to be outside the building setback, but you are asking for a piece of concrete, if building a wooden deck, to him, that is a structure, since is a concrete slab it's like having a driveway. He asked for clarification from staff.

Ms. Bell responded driveways are specifically allowed to be poured within two feet of the property line, the ordinance for setbacks and accessory structures specifically states that the pool deck, which is the common name for the area around the pool, no matter what is built off the pool, the pool deck and the pool equipment all be contained within the building setbacks. That's the reason for the request.

Mr. Barnard asked if this had changed recently?

Ms. Bell responded No, it's been there for quite some time.

Chairman Tate asked if anyone else was in support or opposition of the petition? Hearing none, he then asked the petitioner, when was the house and pool built?

Mr. Jones responded that he wasn't sure; they just purchased the home in December 2023.

Ms. Bell added the lot was platted in 1990; she didn't record the date of the house since it wasn't part of the application.

Mr. Brian Haren commented that he was inclined to support the petition, followed by Chairman Tate and Mr. Beckwith.

Bill Beckwith made a motion to approve Petition No. A-895-25. Marsha Hopkins seconded the motion. The motion carried 5-0.

10. **Consideration of Petition No. A-896-25-A – Pediatric Wellness Pavilion, LLC, Owner.** Applicant is requesting a variance to Sec 110-173 (1) i. (1) to allow 64% of the parking to be located in the front yard. The subject property is located in Land Lots 7 and 17 of the 6th District and fronts South Highway 74.

Ms. Bell explained that the lot is west of Peachtree City on Highway 74 South and it's a triangular shape lot. The applicant seeks to build principal structures along a state route, requiring 64% of the required parking in the front yard. Section 110-173(1)(i)1 limits parking to 50%, but the applicant requests 64%. The proposed site plan shows 10 more parking spaces than the minimum required by the ordinance and redesigning the parking lot could reduce the number of spaces in the front yard. They also have to accommodate stormwater and their septic system on the property.

Chairman Tate asked if anyone was in favor of the petition?

Mr. Brad Barnard applicant's representative, stated the applicant purchased the site in 2016 and entered into an agreement with Peachtree City to tap into the sewer on all sides. They passed a bond, ensuring nobody from outside the city can tap into the sewer. Mr. Barnard highlighted the need to save good soils for septic fields for tree building, as it is limited to the front of the property. He suggested that putting parking between buildings and back would reduce environmental health area for the septic field and back-up field, which is why the plan is designed as shown.

Chairman Tate asked if anyone else wanted to speak in favor or opposition?

Mr. Rolan Myers, president of the Homeowners Association for Breaching Park Subdivision expressed his concern however the property is developed it doesn't have an adverse on the entrance/exit from their neighborhood.

Ms. Bell responded Mr. Myers is referring the crossover highway 74, GDOT controls state road; the county doesn't have any decision making with respect to how GDOT handles that intersection if they change it in the future.

Mr. Bill Beckwith asked if that subdivision is in sewer or septic?

Mr. Myers responded that they are on septic.

Mr. Beckwith commented is a creative use that Mr. Barnard is presenting, and he understands the plan.

Mr. Brian Haren stated he was involved in the development of this overlay and the intent for pushing the parking being and on the side of the buildings is to make sure this area doesn't look like an industrial park and more likely residential in terms of architectural to improve the visual and also it was the talk of PTC pulling sewer all the way down highway 74, but it hasn't happened.

Chairman Tate asked how many parking spaces will be on the site?

Mr. Haren commented around 20-25. He also asked petitioner, Are you going to come back and ask for another variance on the architectural design imposed by the overlay?

Mr. Barnard stated No.

Mr. Beckwith asked if a vegetated area between the parking lot and the street?

Mr. Barnard responded that the majority of the existing trees are staying and also all of the landscape buffers.

Mr. Kyle McCormick asked about the 10 spaces more than the minimum. Do we know if they will be in the front or located elsewhere?

Ms. Bell responded yes, they can be anywhere. That was just a total count.

Mr. Barnard responded he didn't realize they had 10 too many; I was relying on the designer's plan.

Ms. Bell stated right now it has 110 spaces total and based on the buildings and uses their parking calculations they will need 100 spaces.

Chairman Tate asked the main reason that the septic system has to be placed in each building, correct?

Mr. Barnard responded in the back; I can't put the septic fields where the road is.

Chairman Tate asked if anyone had any more questions. With no response, he commented that he will support the petition.

Chairman John Tate made a motion to approve Petition No. A-896-25-A. Marsha Hopkins seconded the motion. The motion carried 5-0.

Brian Haren moved to adjourn the May 27, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:48 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

DRAFT

PETITION NO: A-897 -25

Requested Actions: Variance to Sec. 110-137(d)(5) - To allow a variance to reduce the rear yard setback from 30 feet to 12.7 feet to allow the construction of a swimming pool and pool deck.

Location: 110 Ensley Point, Fayetteville, Georgia 30214

Parcel(s): 1305 07012

District/Land Lot(s): 13th District, Land Lot(s) 217 & 218

Zoning: R-40, Single-Family Residential

Lot Size: 1.1 Acres

Owner(s): Amari Capital Investments LLC

Agent: Premier Pools & Spas, Sherri McKelvey

Zoning Board of Appeal Public Hearing: June 23, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137(d)(5), the rear yard setback in the R-40 Zoning District is required to be 30 feet. The applicant requests to reduce the setback from 30 feet to 12.7 feet, which is a variance of 17.3 feet, to allow the construction of an inground pool and pool deck.

Staff Note: On the initial application, the applicant did not include the pool deck, which is an integral part of pool construction and must also be within the building setbacks. They resubmitted a revised site plan that shifted the pool and added the pool deck. This resulted in the request as described above. The legal advertisement reflected this revised request.

STAFF ASSESSMENT

- The encroachment is not likely to have an adverse impact on the neighbors or traffic.
- The lot contains a stormwater detention pond, which significantly limits the available area in the back yard.

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 presence of the stormwater detention pond in the back yard does limit the buildable area on the 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 neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The stormwater pond and its associated easement does take up a large portion of the yard.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the pool is not likely to have an adverse impact on the neighbors.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in this zoning district.

HISTORY

This parcel is a legal lot of record documented in a plat recorded in Plat Book 34 Page 189-191 on July 27, 2001, as Legacy Hills, Phase Two.

ZONING REQUIREMENTS

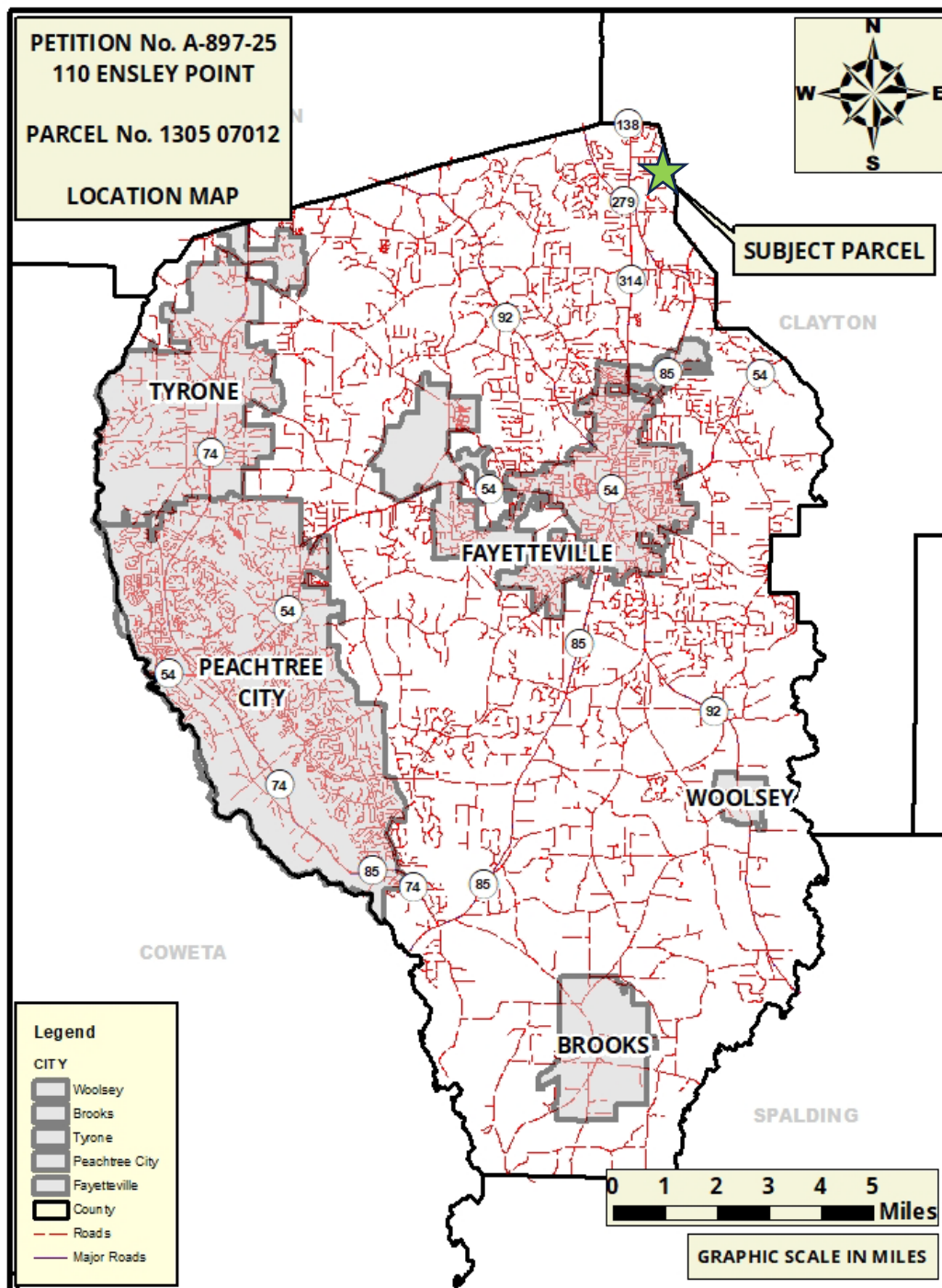
Sec. 110-137. – R-40, Single Family Residential District.

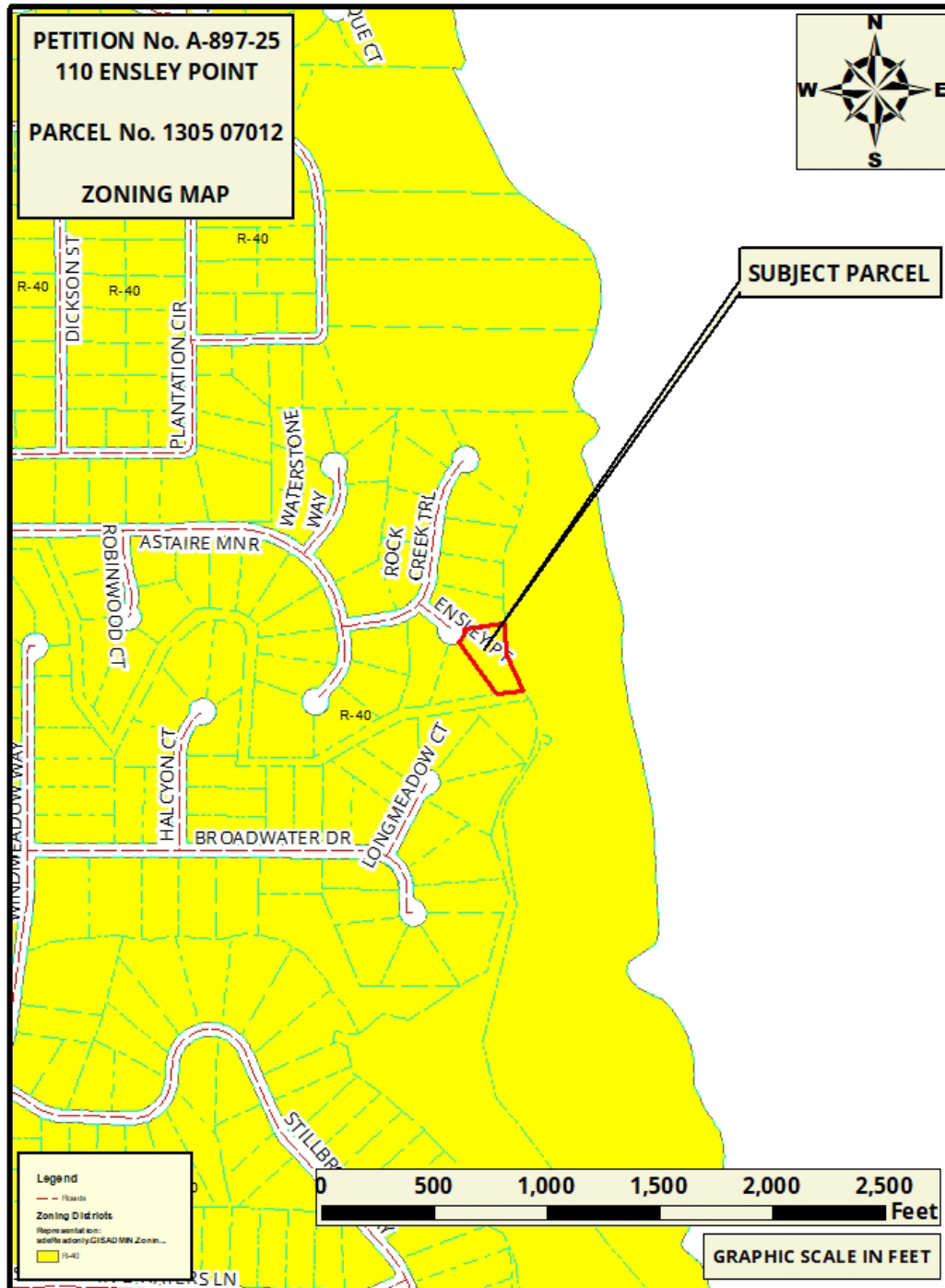
(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

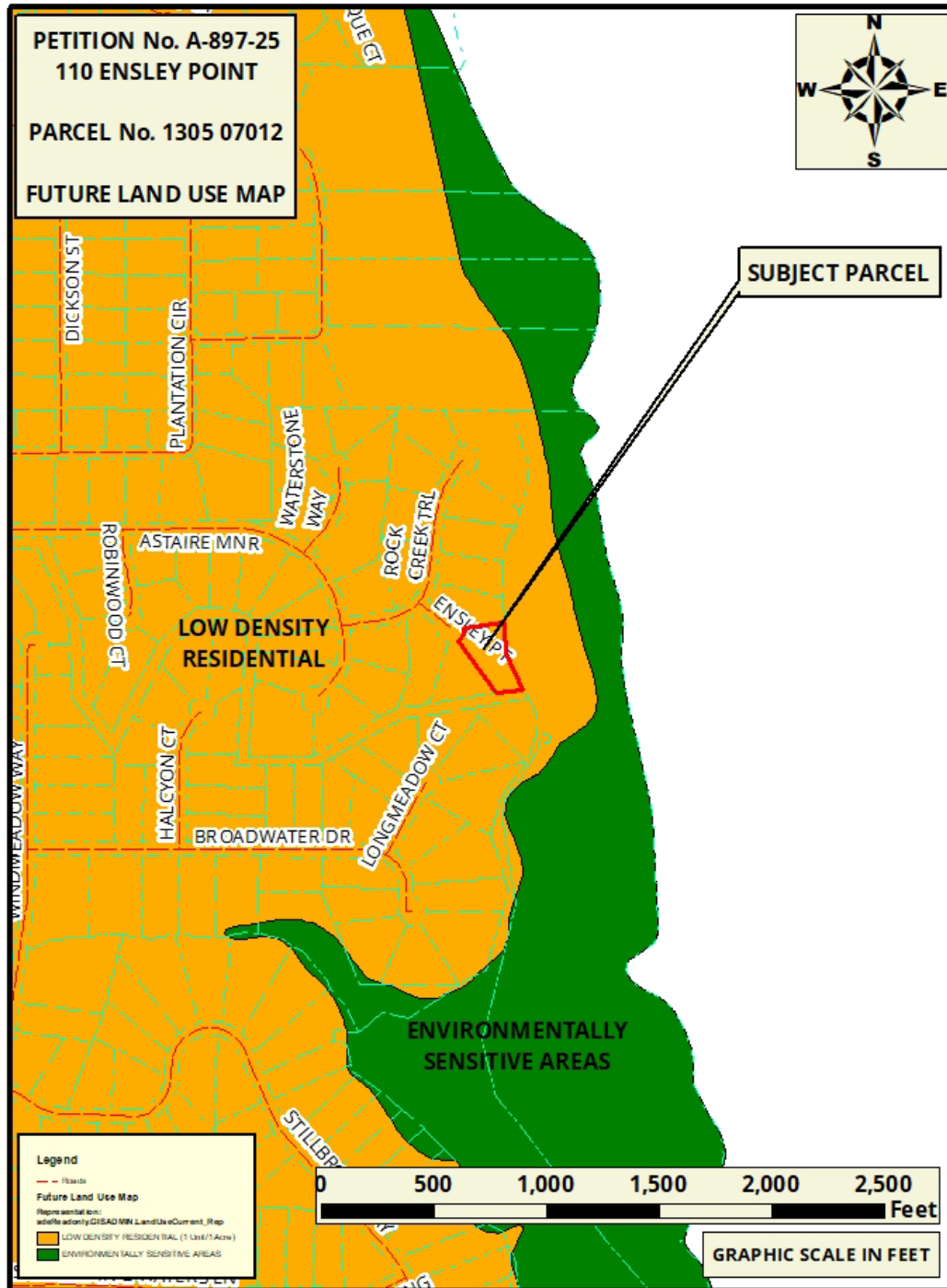
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width: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

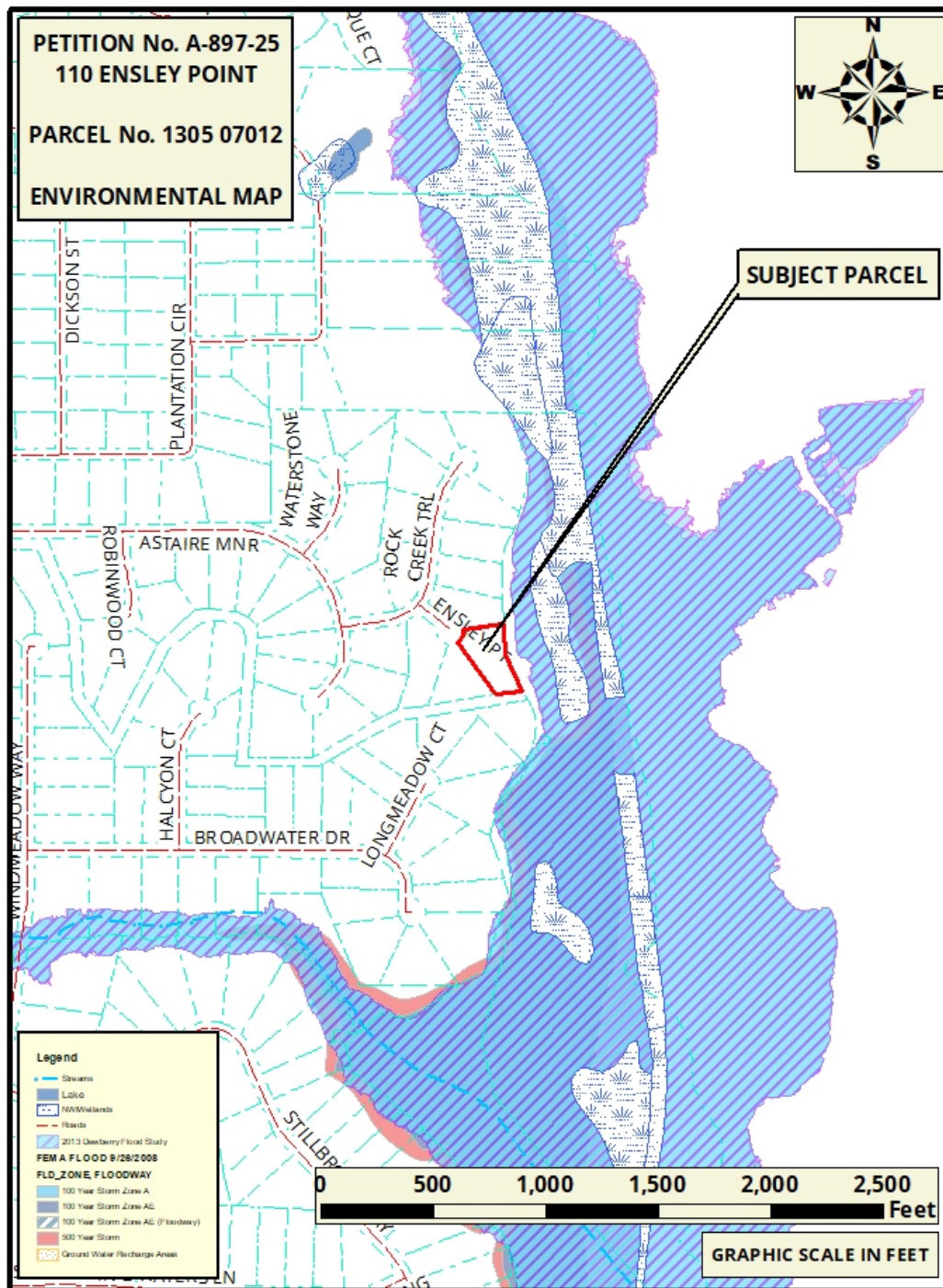
DEPARTMENTAL COMMENTS

- ☐ **Water System** –No objections.
- ☐ **Public Works** – No comment.
- ☐ **Environmental Management** – EMD has reviewed the final plat and site topography. Owner may not fill any portion of the detention pond or drainage easements without submitting engineering revisions to EMD. No comments on reducing the zoning setback limits.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Department of Building Safety** – The permit application was received and is pending variance approval. If granted, the applicant must continue with the pool installation.
- ☐ **Fire** – No comments.



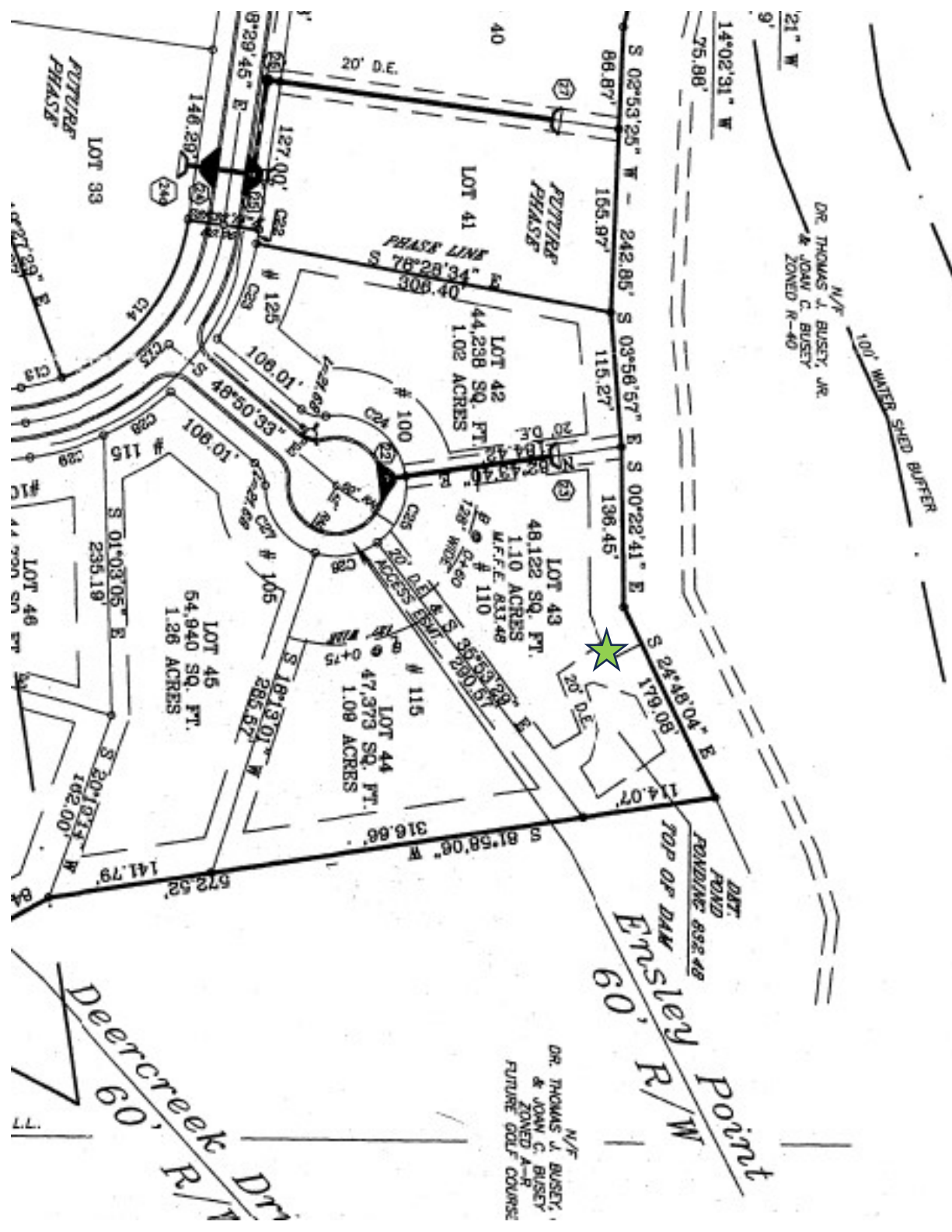




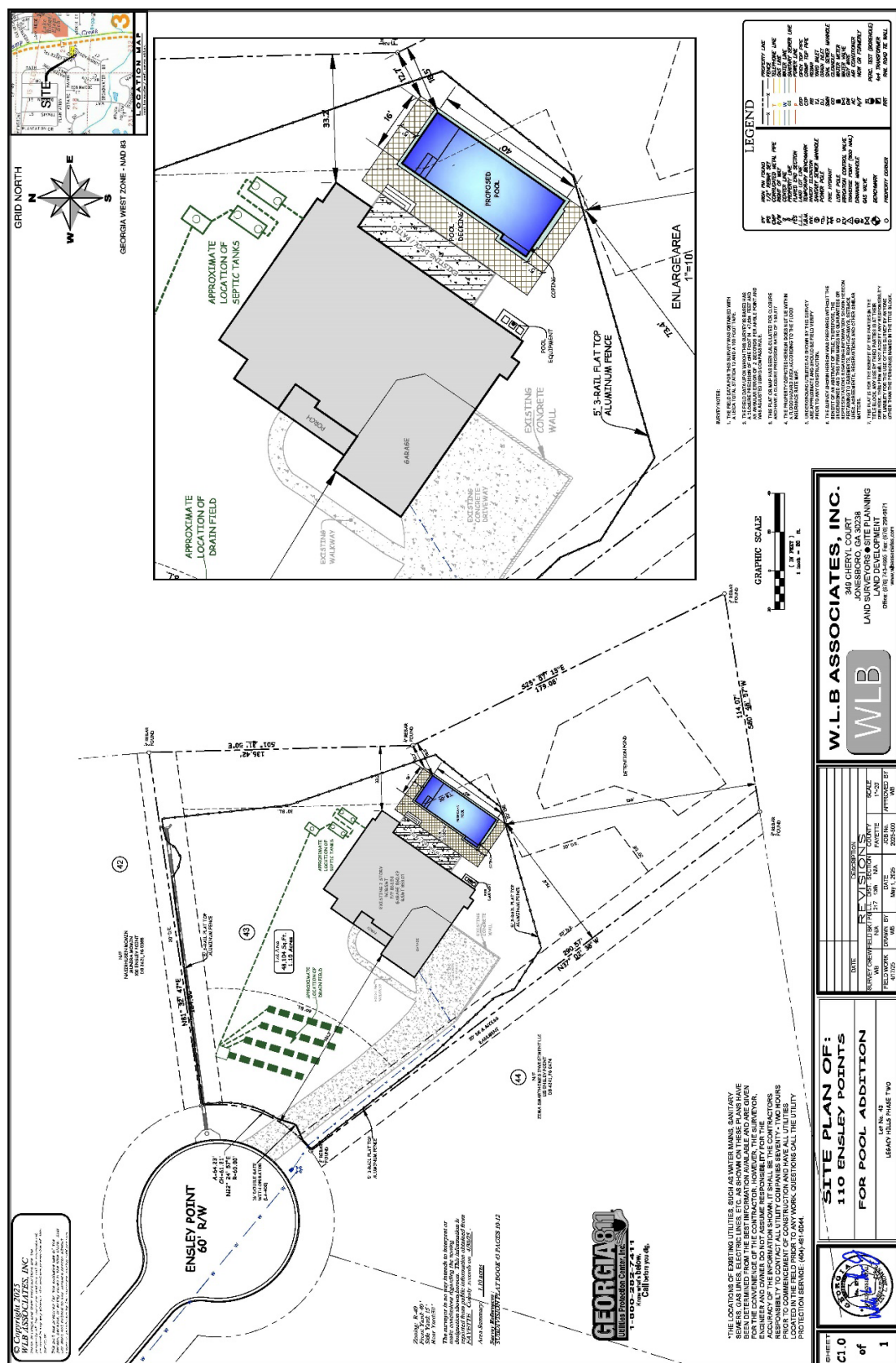


by third parties is at their own risk.

Graphic Scale: 1" = 100'



FINAL PLAT



Petition # A-897-25
(assigned by staff)

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

PROPERTY INFORMATION:

Parcel No. 130507012 Acreage: 1.10 Land Lot: 217 & 218 Land District: 13th
Address: 110 Ensley Pt
Zoning: ~~B-3~~ R-40 Zoning of Surrounding Properties: ~~B-3~~ R-40
Use: Residential Single family

PROPERTY OWNER INFORMATION

Name Amari Capital Investments LLC
Email valcineus@gmail.com
Address 110 Ensley Point
City Fayetteville
State GA Zip 30214
Phone (Valerie Cineus) 786-2740070

AGENT/DEVELOPER INFORMATION (If not owner)

Name Premier Pools & Spas (Sherri McKelvey)
Email smckelvey@ppas.com
Address 9 Pine Grove Rd
City Locust Grove
State GA Zip 30248
Phone 678-782-6899

PETITION NUMBER: A-897-25 (THIS AREA TO BE COMPLETED BY STAFF):

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: ZBA JUNE 23, 2025

Received payment from Sherri McKelvey 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 5/1/2025 Receipt Number: MISCPZ-05-2025-089314
023933

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:

Amani Capital Investments, LLC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 130 507 012

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 217/218 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 1.10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Sherri McKelvey 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.

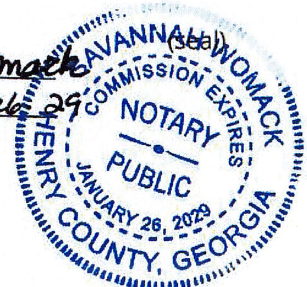
SIGNATURES

Owner/
Agent
One:

Signature [Signature]
Name: Valerie C'neus
Address: 110 Ensley Point
City/State/Zip: Fayetteville, GA 30214
Date: 5/1/25

Notary:

Savannah Womack
Commission Exp.: 1-26-29



Owner/
Agent
Two:

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

Notary:

(seal)

Commission Exp.: _____

Owner/
Agent
Three:

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

Notary:

(seal)

Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	Ch. 110-Zoning, Article III, Sec. 110-19 (a)(4), (K)
Requirement	shall comply with required setbacks (which is 30' at property line at issue) for swimming pool
Proposed Change	Allow corner of pool to encroach the building setback by 10'1", leaving 19'11" to the property line.
Variance Amount	10'1" or 94.6 sq. ft. (corner of pool)

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.

There is a 20' Drainage Easement directly behind the house. In order to keep the proposed pool out of the Drainage Easement, the proposed pool has been moved over towards the 30' Building Line Setback. The pool cannot move to another position because of the setback of 10' required from the house. We are requesting that one corner of the pool be allowed to encroach into the 30' Building Line Setback.

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 is a detention pond at the rear of the property with 20' Drainage Easements around the pond, limiting the area where a pool could be placed.

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

The 30' Building Line Setback would prevent the homeowner from being able to install the pool they have contracted for.

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

The property is odd shaped at end of a cul-de-sac and the location of the house does not allow much room behind it to place a pool.

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

The pool will still be 19'11" from property line at closest corner; will be at present grade with no raised structure; and will be directly behind the house. The location of the pool should have no effect on neighboring property.

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

The property line with the 30' Building Line Setback acts as a side property line and not a true rear property line. We ask that consideration be given to the Request given the proximity to the Detention pond.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Type: WD
Recorded: 12/4/2023 3:32:00 PM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

After Recording Return To:

McMichael & Gray, P.C.
120 Howard Lane
Fayetteville, GA 30215

Deed Prep Only

No Certification of Title

Order No.: ~~CON-231946-PUR~~
FAY - 230161-OTH

Parcel ID: 130507012

Attn: C. Hawthorne

Participant ID(s): 7339863107,
0848497841

BK 5675 PG 311 - 312

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 29th day of November, 2023, between

Valerie Cineus

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

Amari Capital Investments, 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).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of Ten and No/100 Dollars \$10.00 and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in Land Lots 217 and 218 of the 13th District of Fayette County, Georgia and being Lot 43 of Legacy Hills, Phase Two, as shown on a corrective Final Plat of Legacy Hills, Phase "Two", dated July 13, 2006, prepared by Delta Surveyors, Inc. certified by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, and being recorded in Plat Book 43, Pages 10-12, in the Office of the Clerk of the Superior Court of Fayette County, Georgia, which plat is incorporated herein by reference thereto for a more complete and accurate description of the property.

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

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

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

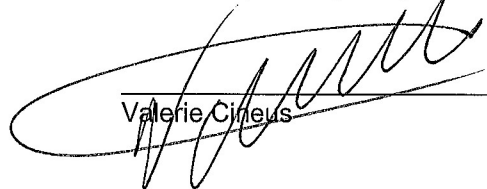
Book: 5675 Page: 311 Seq: 1

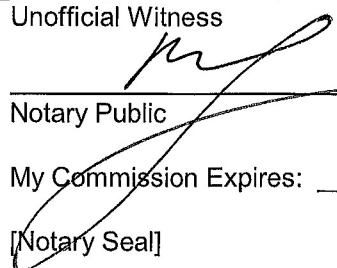
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:



Unofficial Witness

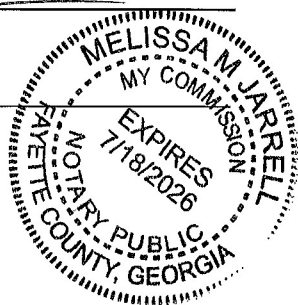

_____(SEAL)
Valerie C. Jones

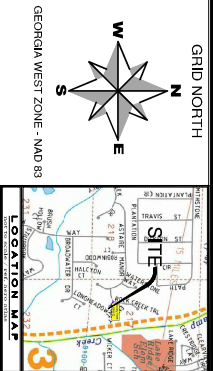
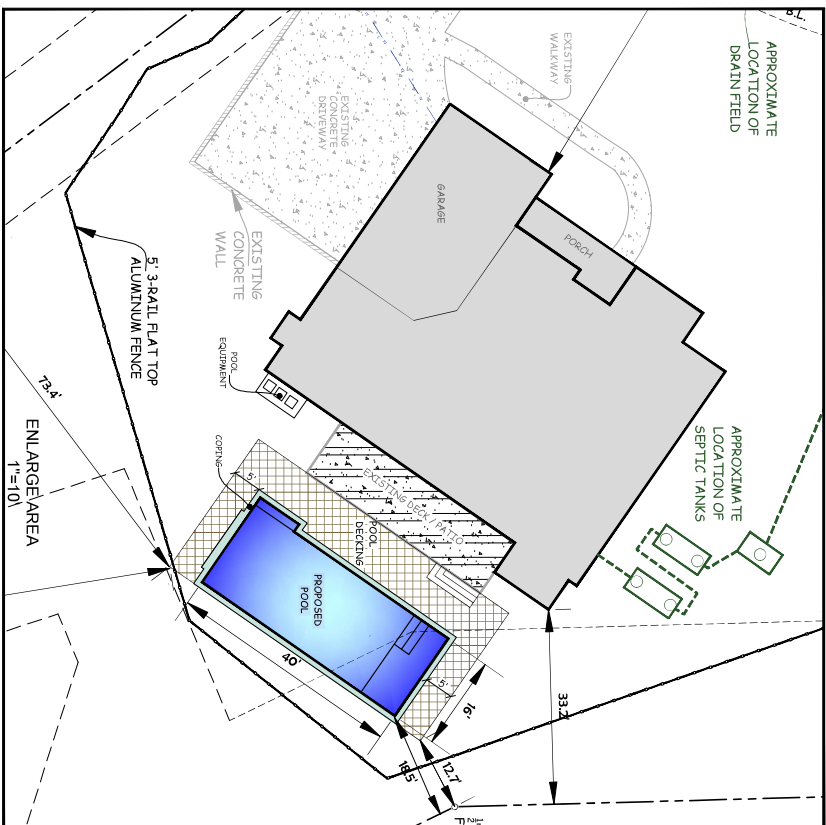
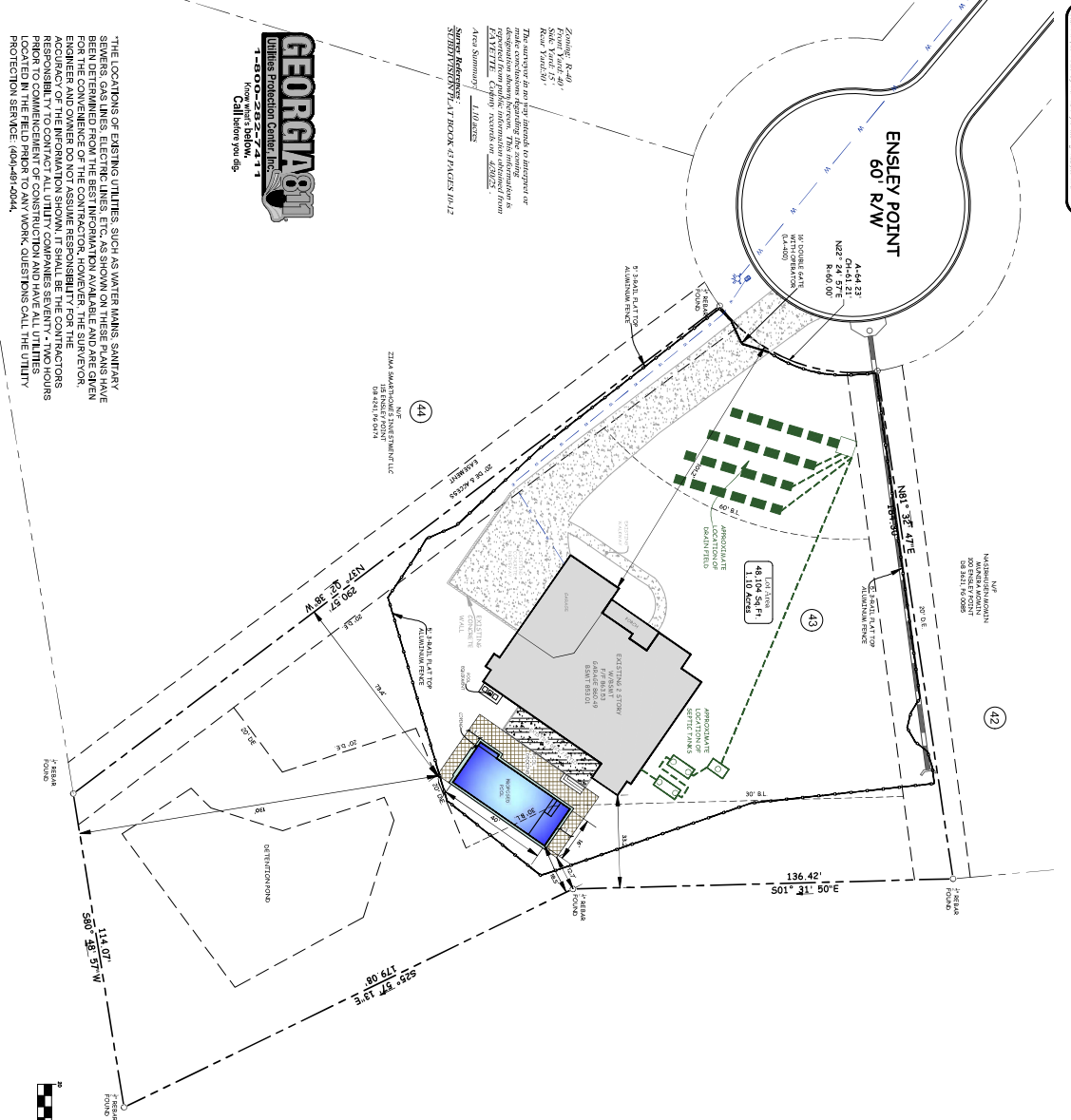


Notary Public

My Commission Expires: _____

[Notary Seal]





1 of C1.0

GEORGIA
No. 2773
OFFICE OF THE
CLERK OF THE
SUPERIOR COURT
JAMES L. BROWN, CLERK

**SITE PLAN OF:
110 ENSLEY POINTS
FOR POOL ADDITION**

DATE		DESCRIPTION	
REVISIONS			
SHEET CREATED BY	FILE	DWG. SECTION	COUNTY
WS	NA	21	1591 NA
FIELDWORK	DRAWN BY	DATE	JOB NO.
			PANELITE
			APPROVED BY
			1-20

W.L.B. ASSOCIATES, INC.
349 CHERYL COURT
JONESBORO, GA 30238
LAND SURVEYOR • SITE PLANNING
LAND DEVELOPMENT
Office (678) 714-4665 Fax (678) 254-4671

6. THE SURVEY SHOWN HEREON WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF THE TITLE. THEREFORE, THE UNDERSIGNED AND THIS FIRM MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, NEIGHBORHOODS, SETBACK LINES, ENCROACHMENTS, RESTRICTIONS AND OTHER SITUATIONS AFFECTING THE TITLE.

7. THIS PLAT IS FOR THE BENEFIT OF THE PARTIES IN THE TITLE BLOCK ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK. THIS FIRM WILL NOT ACCEPT ANY RESPONSIBILITY FOR THE ACTIONS OF ANY OTHER PARTY WHO MAY OCCUPY OR HAVE THE POSSESSION OF ANY OF THE TITLE IN CONNECTION WITH THE PRESENTING MATTER. THE TITLE IN CONNECTION WITH THE PRESENTING MATTER IS:

① POWER ARMED
 ② POWER LOCK
 ③ FIRE INDICATOR
 ④ LIGHT ROOF
 ⑤ PROTECTION CONTROL VALVE
 ⑥ TRAVELER POINT (GO, NAL)
 ⑦ DRAINAGE VALVE
 ⑧ GO VALVE
 ⑨ BOILER/HEATER
 ⑩ PROPERTY CORNER
 ⑪
 ⑫
 ⑬
 ⑭
 ⑮
 ⑯
 ⑰
 ⑱
 ⑲
 ⑳
 ㉑
 ㉒
 ㉓
 ㉔
 ㉕
 ㉖
 ㉗
 ㉘
 ㉙
 ㉚
 ㉛
 ㉜
 ㉝
 ㉞
 ㉟
 ㊱
 ㊲
 ㊳
 ㊴
 ㊵
 ㊶
 ㊷
 ㊸
 ㊹
 ㊺
 ㊻
 ㊼
 ㊽
 ㊾
 ㊿
 0
 1
 2
 3
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35
 36
 37
 38
 39
 40
 41
 42
 43
 44
 45
 46
 47
 48
 49
 50
 51
 52
 53
 54
 55
 56
 57
 58
 59
 60
 61
 62
 63
 64
 65
 66
 67
 68
 69
 70
 71
 72
 73
 74
 75
 76
 77
 78
 79
 80
 81
 82
 83
 84
 85
 86
 87
 88
 89
 90
 91
 92
 93
 94
 95
 96
 97
 98
 99
 100
 101
 102
 103
 104
 105
 106
 107
 108
 109
 110
 111
 112
 113
 114
 115
 116
 117
 118
 119
 120
 121
 122
 123
 124
 125
 126
 127
 128
 129
 130
 131
 132
 133
 134
 135
 136
 137
 138
 139
 140
 141
 142
 143
 144
 145
 146
 147
 148
 149
 150
 151
 152
 153
 154
 155
 156
 157
 158
 159
 160
 161
 162
 163
 164
 165
 166
 167
 168
 169
 170
 171
 172
 173
 174
 175
 176
 177
 178
 179
 180
 181
 182
 183
 184
 185
 186
 187
 188
 189
 190
 191
 192
 193
 194
 195
 196
 197
 198
 199
 200
 201
 202
 203
 204
 205
 206
 207
 208
 209
 210
 211
 212
 213
 214
 215
 216
 217
 218
 219
 220
 221
 222
 223
 224
 225
 226
 227
 228
 229
 230
 231
 232
 233
 234
 235
 236
 237
 238
 239
 240
 241
 242
 243
 244
 245
 246
 247
 248
 249
 250
 251
 252
 253
 254
 255
 256
 257
 258
 259
 260
 261
 262
 263
 264
 265
 266
 267
 268
 269
 270
 271
 272
 273
 274
 275
 276
 277
 278
 279
 280
 281
 282
 283
 284
 285
 286
 287
 288
 289
 290
 291
 292
 293
 294
 295
 296
 297
 298
 299
 300
 301
 302
 303
 304
 305
 306
 307
 308
 309
 310
 311
 312
 313
 314
 315
 316
 317
 318
 319
 320
 321
 322
 323
 324
 325
 326
 327
 328
 329
 330
 331
 332
 333
 334
 335
 336
 337
 338
 339
 340
 341
 342
 343
 344
 345
 346
 347
 348
 349
 350
 351
 352
 353
 354
 355
 356
 357
 358
 359
 360
 361
 362
 363
 364
 365
 366
 367
 368
 369
 370
 371
 372
 373
 374
 375
 376
 377
 378
 379
 380
 381
 382
 383
 384
 385
 386
 387
 388
 389
 390
 391
 392
 393
 394
 395
 396
 397
 398
 399
 400
 401
 402
 403
 404
 405
 406
 407
 408
 409
 410
 411
 412
 413
 414
 415
 416
 417
 418
 419
 420
 421
 422
 423
 424
 425
 426
 427
 428
 429
 430
 431
 432
 433
 434
 435
 436
 437
 438
 439
 440
 441
 442
 443
 444
 445
 446
 447
 448
 449
 450
 451
 452
 453
 454
 455
 456
 457
 458
 459
 460
 461
 462
 463
 464
 465
 466
 467
 468
 469
 470
 471
 4

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, June
23, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-897-25
Owner: Amari Capital Investments,
LLC
Property Address: 110 Ensley Point
Parcel: 130507 012
Zoning District: R-40

Area of Property: 1.10 acres
Land Lot(s): 217
District: 13th
Road Frontage: Ensley Point
Request: Applicant is requesting
the following: Variance to Sec. 110-
137(d)(5) to reduce the rear yard
setback in the R-40 zoning from
30 feet to 12.7 feet to allow the con-
struction of a new pool and pool
deck.

WARRANTY DEED

Legal Description

All that tract or parcel of land ly-
ing and being in Land Lots 217 and
218 of the 13th District of Fayette
County, Georgia and being Lot
43 of Legacy Hills, Phase Two, as
shown on a corrective Final Plat of
Legacy Hills, Phase "Two", dated
July 13, 2006, prepared by Delta
Surveyors, Inc. certified by Ron-
ald T. Godwin, Georgia Registered
Land Surveyor No. 2696, and being
recorded in Plat Book 43, Pages 10-
12, in the Office of the Clerk of the
Superior Court of Fayette County,
Georgia, which plat is incorporat-
ed herein by reference thereto for
a more complete and accurate de-
scription of the property.

05/14

PETITION NO: A-898-25

Requested Actions: Applicant is requesting a variance to reduce the side yard setback from 50' to 11.4' to allow an existing accessory structure to remain.

Location: 345 Ebenezer Road, Fayetteville, Georgia 30215

Parcel(s): 0714 047

District/Land Lot(s): 7th District, Land Lot(s) 60

Zoning: A-R, Agricultural-Residential

Lot Size: 5.3 Acres

Owner(s): Toddman & Carolyn Ray

Agent: Mark Jones

Zoning Board of Appeal Public Hearing: June 23, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-125(d)(6) Side yard setback in the A-R Zoning District is required to be 50'. The applicant requests to reduce the setback by 38.6', to a setback of 11.4', to allow an existing accessory structure to remain.

STAFF ASSESSMENT

The structure is a detached garage that was constructed in 2012. It seems unlikely that it will pose any problems for neighboring properties: the immediately adjacent neighbor is a relative of the applicants and has expressed support for the variance request.

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.**
There do not appear to be any environmental or topographical constraints on the parcel.
- 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 request is due to an error in location when the garage was built in 2012.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the building is not likely to have an adverse impact on the neighbors.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in the A-R zoning district.

HISTORY

This parcel is a legal lot of record documented in Plat Book 16 Pages 119, recorded on January 21, 1986.

ZONING REQUIREMENTS

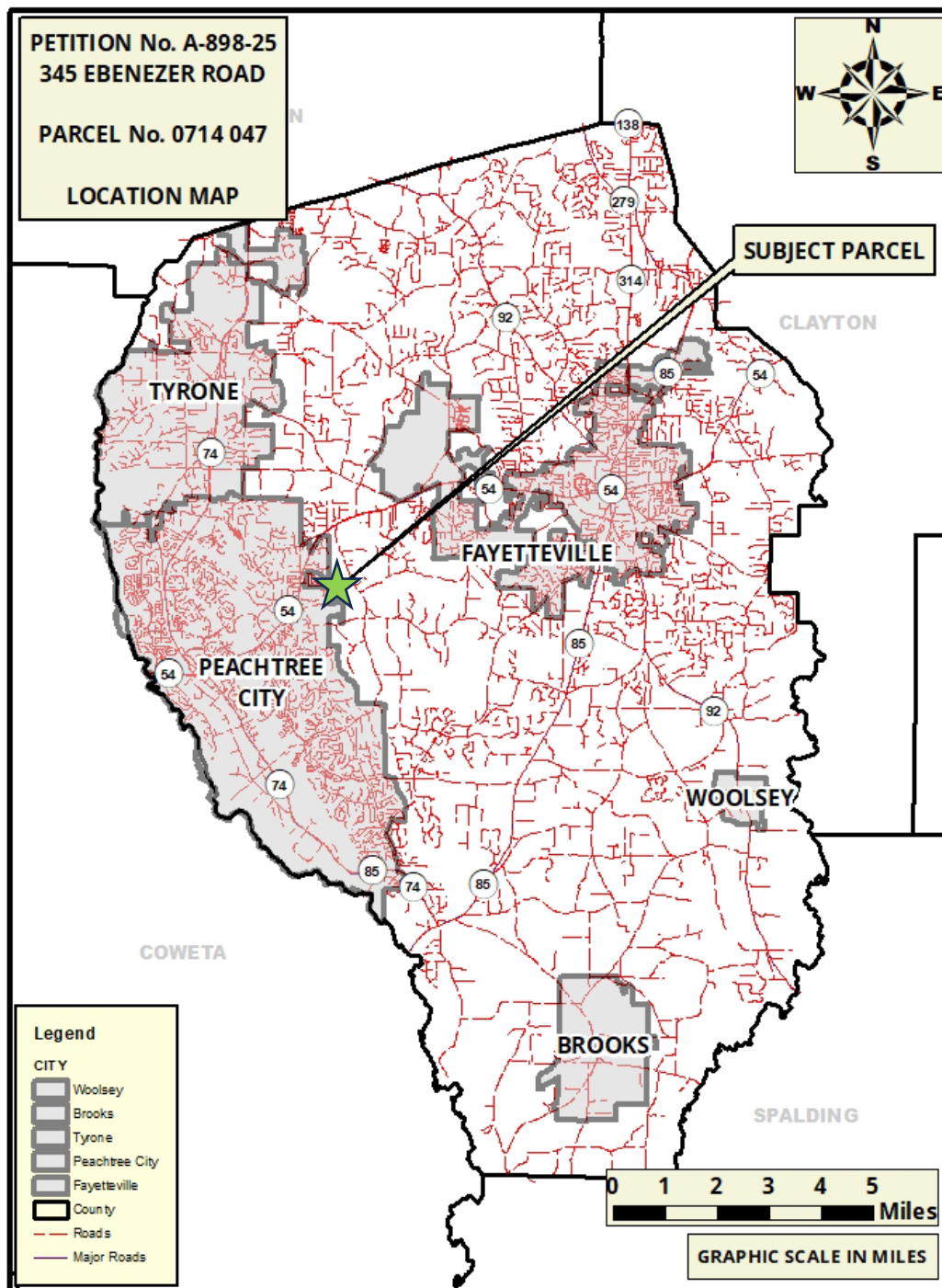
Sec. 110-125. - A-R, Agricultural-Residential District

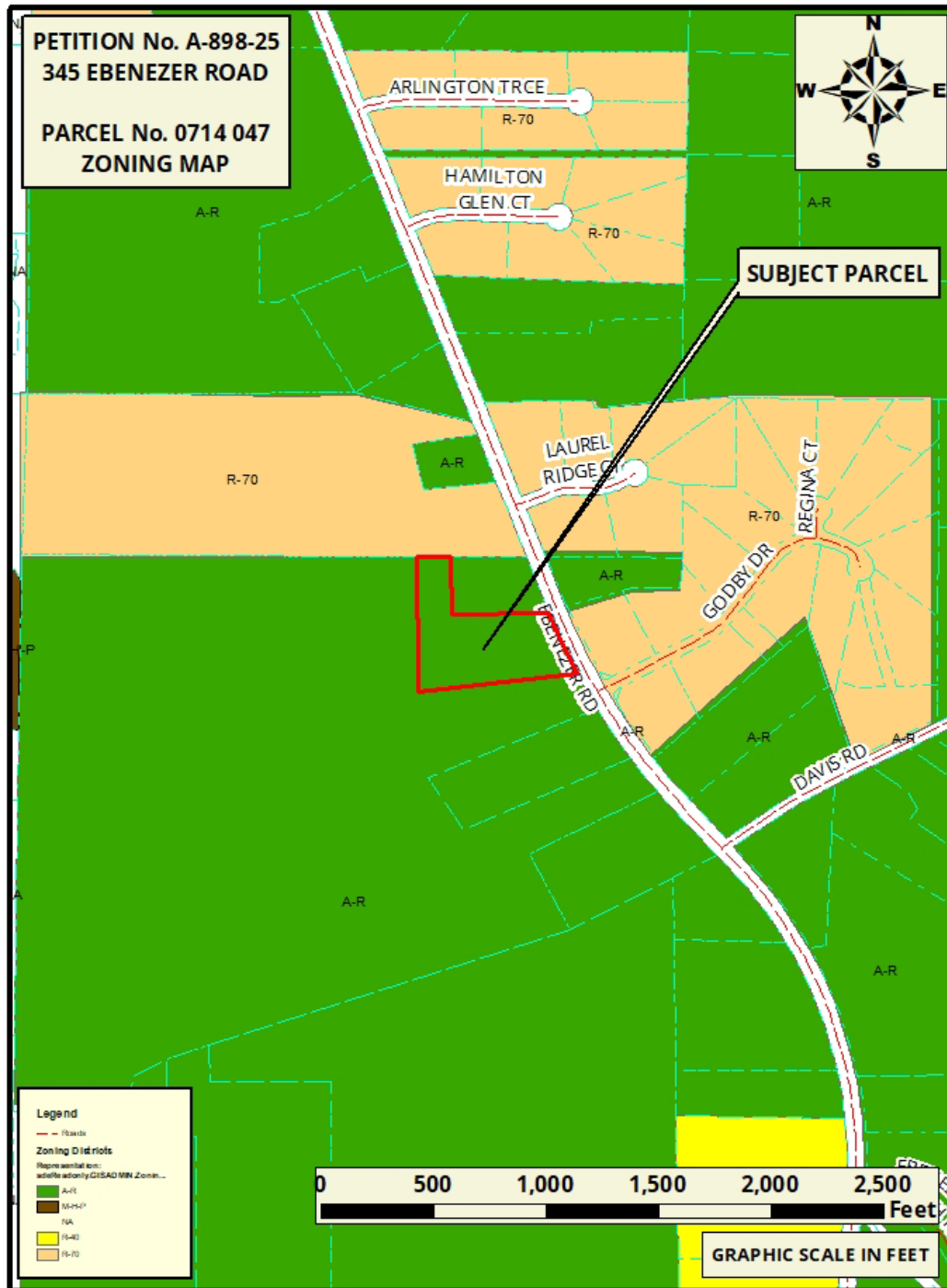
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

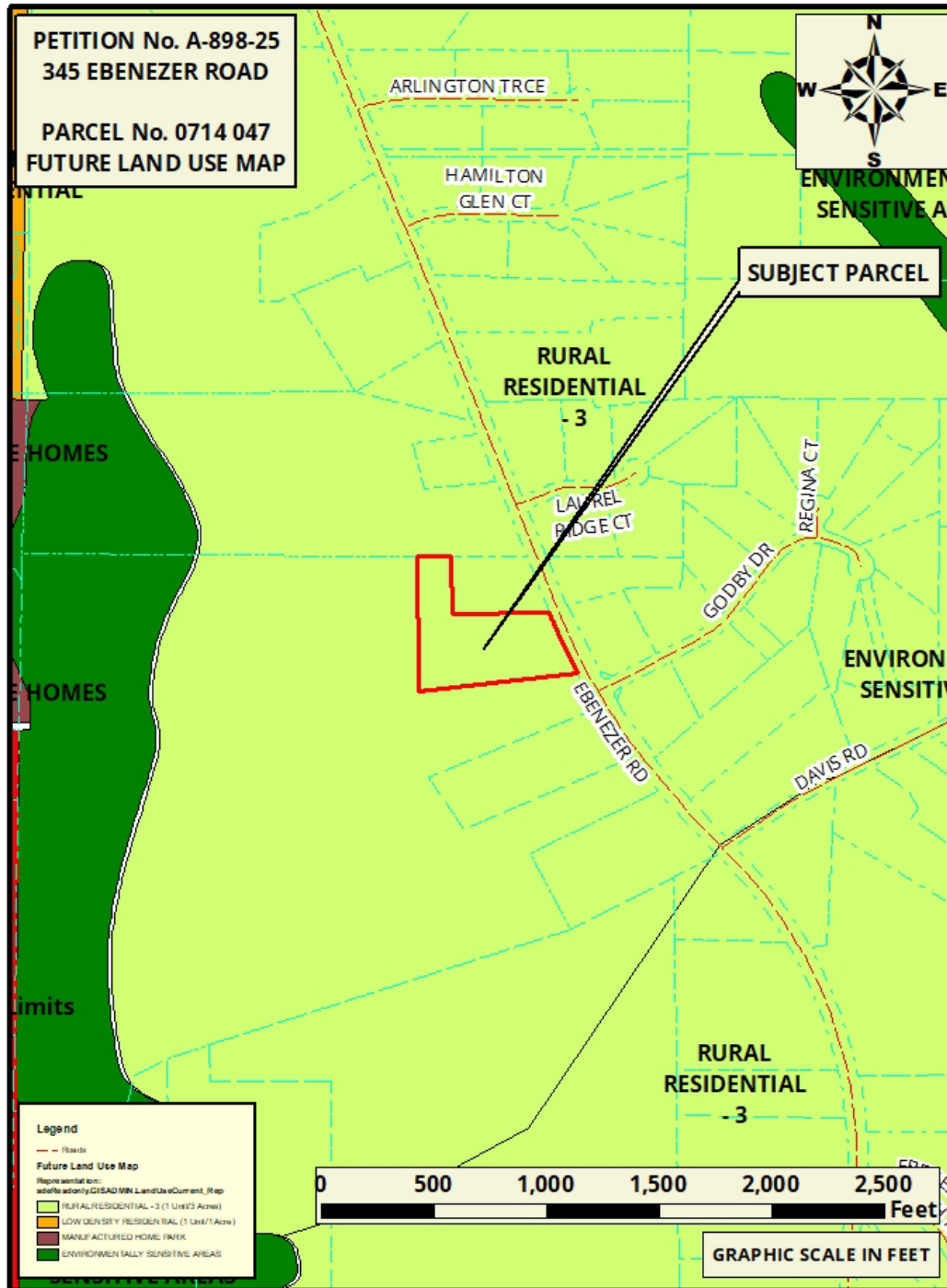
(6) Side yard setback: 50 feet.

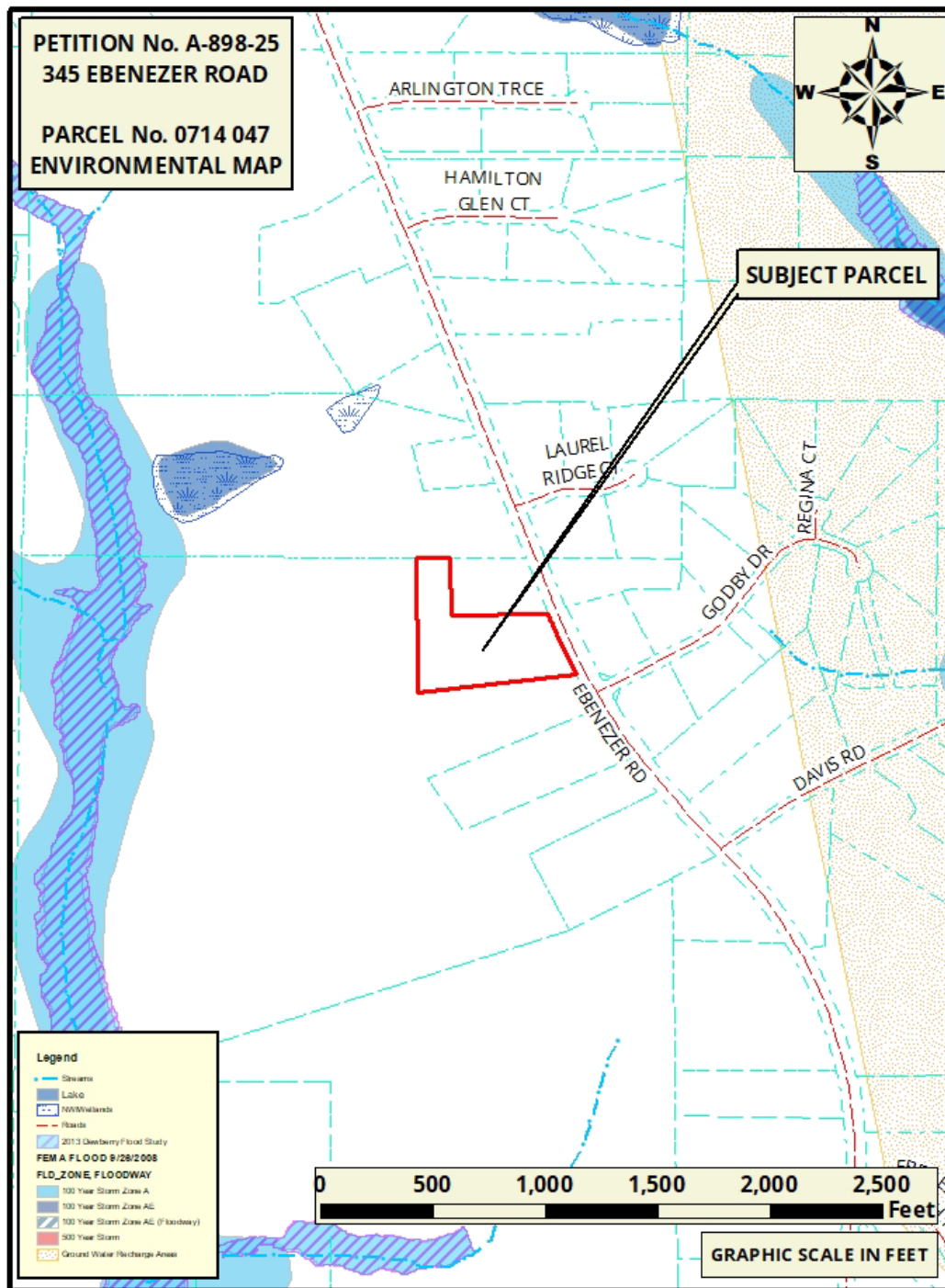
DEPARTMENTAL COMMENTS

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

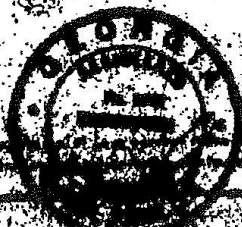


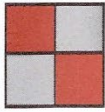






479.02

[illegible]



W.D. GRAY AND ASSOCIATES, INC.
Surveying and Land Planning
www.wdgraysurveying.com

160 Greencastle Road, Suite B, Tyrone, GA 30290
P.O. Box 3847, Peachtree City, GA 30269
Phone (770) 486-7552 • Fax (770) 486-0496

To: Mark Jones

Date: 05/05/2025

Re: 345 Ebenezer Road
Fayetteville, Ga. 30215

Mark,

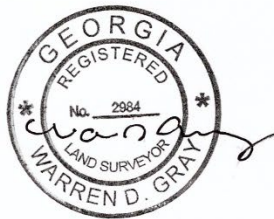
Per our conversation, the County is requiring that we provide you a letter stating the distances to the south property lines from an existing Garage located on the Southerly portion of the residential house at 345 Ebenezer Road in Fayetteville Georgia. Our survey crew did a closed loop survey of the property and located property corner pins in accordance with the current methods for land surveys in Georgia. A plat drawing was not requested so our field work was not geared towards producing a plat drawing. Our findings are as follows:

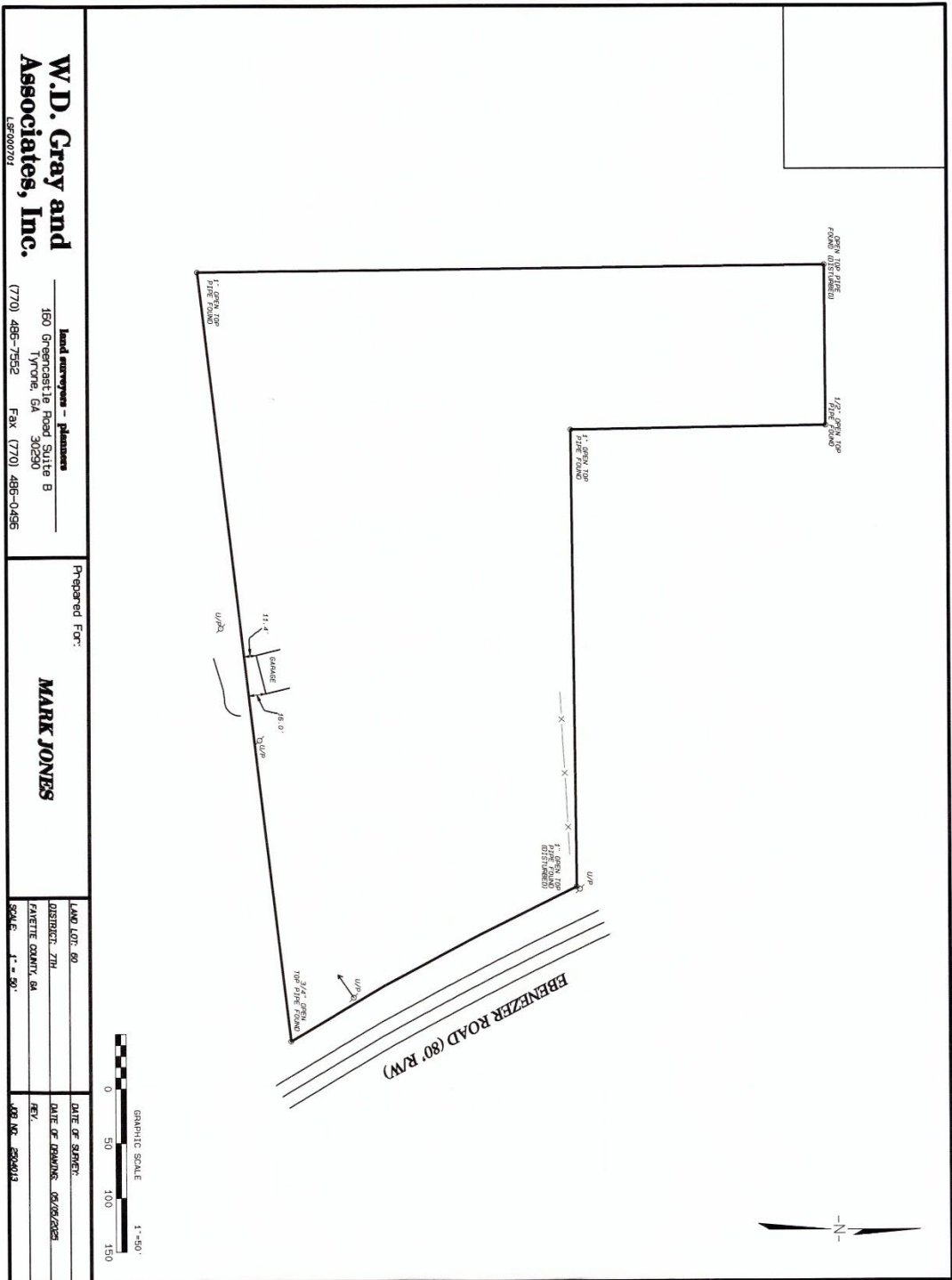
Rear Right Garage Corner to the Southern Property Line.....11.4 feet
Front Right Garage Corner to the Southern Property Line.....16.0 feet

A sketch is attached as a visual aid for this letter.

Please let me know if you have any questions.

Warren D. Gray, Ga. Registered Professional Land Surveyor.

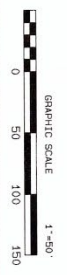




W.D. Gray and Associates, Inc.
Land surveyors - planners
160 Greencastle Road Suite B
Tyronne, GA 30290
(770) 486-7552 Fax (770) 486-0456

Prepared For:
MARK JONES

LAND LOT: 80	DATE OF SURVEY:
DISTRICT: 2TH	DATE OF RECORD: 06/06/2024
PARCEL: COUNTY, GA	REV:
SCALE: 1" = 50'	JOB NO: 2204013



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

PROPERTY INFORMATION:

Parcel No. 0714047 Acreage: 5.3 Land Lot: 60 Land District: 7
Address: 345 Ebenezer Rd, Fayetteville, GA 30215
Zoning: R4 AR Zoning of Surrounding Properties: R4 AR-R70
Use: Residence

PROPERTY OWNER INFORMATION

Name Toddman & Carolyn Ray
Email Tjacketman@comcast.net
Address 345 Ebenezer Rd
City Fayetteville
State GA Zip 30215
Phone (770) 685-9297

AGENT/DEVELOPER INFORMATION (If not owner)

Name Mark Jones
Email mjones.jcs@gmail.com
Address 214 Jones Circle
City Fayetteville
State GA Zip 30215
Phone 678-618-1478

PETITION NUMBER: A-898-25 **(THIS AREA TO BE COMPLETED BY STAFF):**

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: ZBA JUNE 23, 2025

Received payment from Beth Ray 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 5/1/2025 Receipt Number: 23938

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:

Toddman E Ray Carolyn Maribeth Ray

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

0714047

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 40 of the 7 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 5.3 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Mark Jones 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.

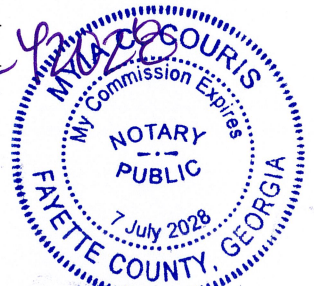
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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 Todd Ray
Name: Todd Ray
Address: 345 Ebenezer Rd
City/State/Zip: Fayetteville, GA 30215
Date: 5-1-25

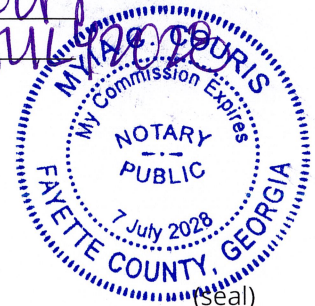
Notary: [Signature] (seal)
Commission Exp.: 7 JUL 2028



Owner/
Agent
Two:

Signature Carolyn M Ray
Name: Carolyn M Ray
Address: 345 Ebenezer Rd
City/State/Zip: Fayetteville, GA 30215
Date: 5-1-25

Notary: [Signature] (seal)
Commission Exp.: 7 JUL 2028



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

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

Detached garage constructed in 2012 with proposed 78' from building to the property line. 1992 ~~map~~ survey of house indicates the house was 50.8' from the property line, thus the detached garage obviously encroaches into the side yard.

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 not any extraordinary or exceptional conditions because of size, shape, or topography.

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

Applicant contracted with builder in good faith to construct the permitted detached garage. Builder did not employ a surveyor to confirm the location and resulting in the detached garage in the setback. Surveyor to provide exact extent of encroachment.

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

This is an older property without a metes and bounds legal description. Exact location of property lines are difficult to determine.

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.

Neighbor adjacent to ~~lot~~ 345 Ebenezer is a family member and has no objection to the encroachment.

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

Encroachment not observed prior to property owner applying for another permit.

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:

Send in stamped letter of exact distance of encroachment

 - 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. NA Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. NA Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. NA Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. NA Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☒ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size: <u>5</u>	
Lot:	Width at Building Line: <u>250'</u>	
Zoning: <u>A-R</u>	Front Setback: <u>100'</u>	
Flood: Yes/ No MFFE:	Side Setback: <u>50'</u>	
Stream Buffers:	Rear Setback: <u>75'</u>	
Number of Frontages <u>1</u>	House Size: <u>1200 SF</u>	

RECEIVE
 MAY 01 2025
 BY: dropped by *Owner*



Doc ID: 009302240001 Type: WD
 Recorded: 02/04/2014 at 09:30:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 4164 PG 477

Return to:
 Morris/Hardwick/Schneider, LLC
 1933 Highway 34 East
 Newnan, GA 30265
 File #: NWN-131200871R

WARRANTY DEED

State of Georgia
County of Coweta

THIS INDENTURE made this 10th day of January, 2014, between

Carolyn Davis Ray fka Carolyn Davis Hyde aka Beth D. Hyde and Todd E. Ray

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

Toddman E Ray and Carolyn Maribeth Ray
 as Joint Tenants with Rights of Survivorship and not as Tenants in Common

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 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 to the survivor of them, forever in FEE SIMPLE, the following described property:

All that tract or parcel of land lying and being in Land Lot 60 of the 7th District, Fayette County, Georgia, and being 5.31 acres as shown on a plat by Claude Esric Lee dated 1/13/86, recorded in Plat Book 16, page 119, Fayette County, Georgia records, said plat being expressly incorporated herein and made a part of this description by reference; being presently known as 345 Ebenezer Road, Fayetteville, Georgia; and being more particularly shown on a survey for Carolyn Davis Ray f/k/a Carolyn Davis Hyde a/k/a Beth D. Hyde by Lee Engineering Co. dated 1/13/86, revised 3/31/92.

Parcel # 0714 047

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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 Grantee against the claims of all persons whomsoever.

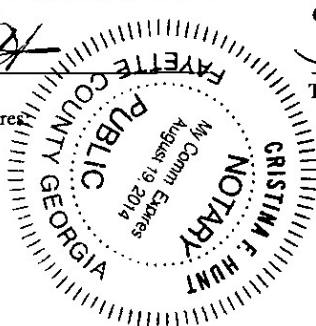
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

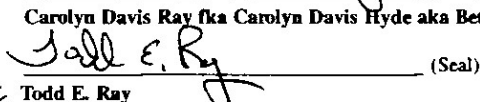

 Witness

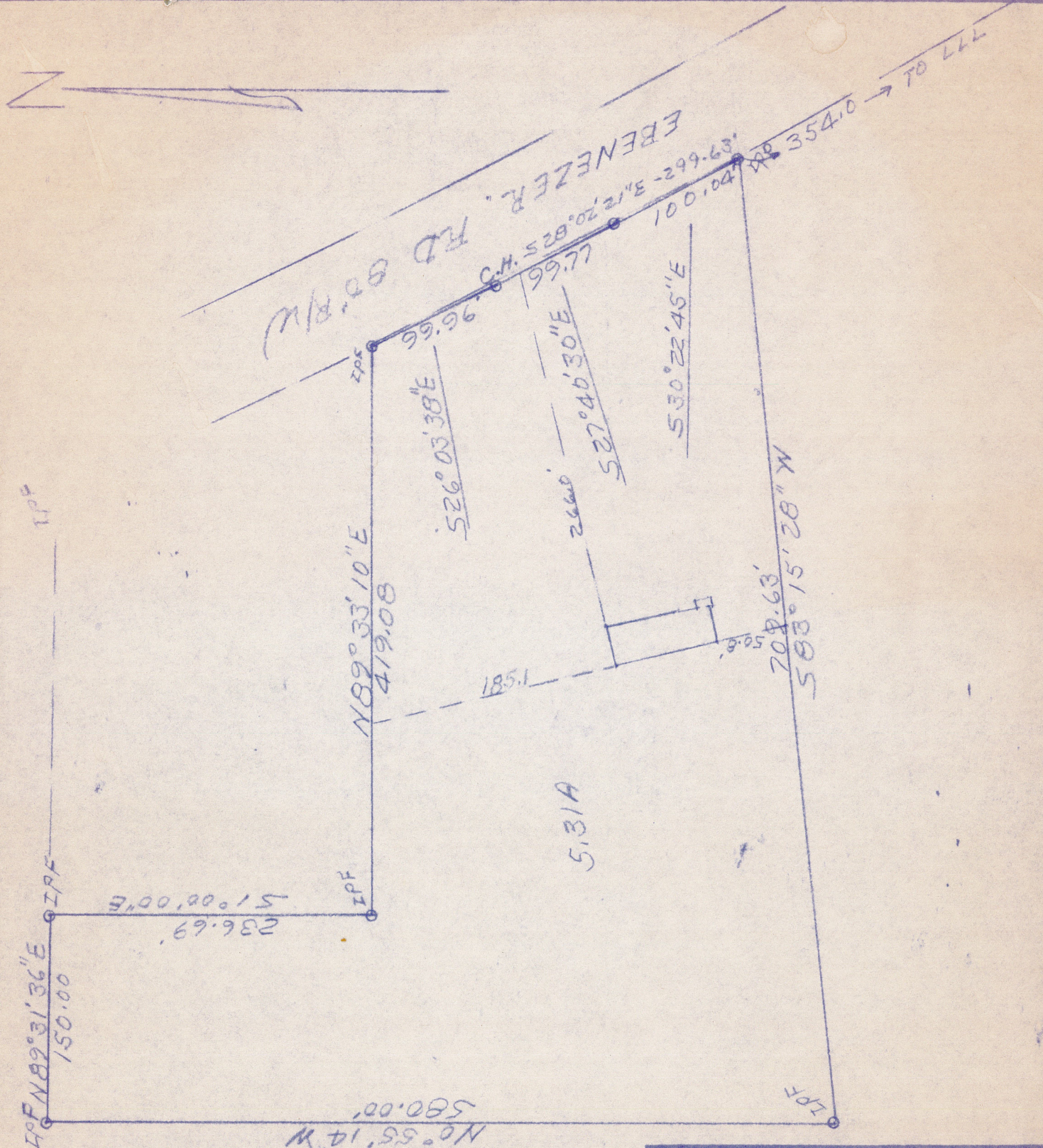
Notary Public

My Commission Expires

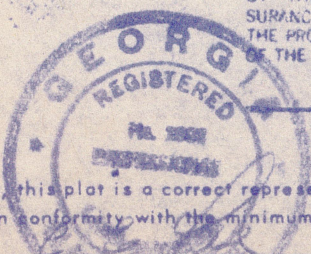


 (Seal)
 Carolyn Davis Ray fka Carolyn Davis Hyde aka Beth D. Hyde

 (Seal)
 Todd E. Ray



BASED ON THE INFORMATION SHOWN ON THE
FLOOD HAZARD BOUNDARY MAPS FURNISHED
BY THE DEPT OF H.U.D. THROUGH THE FEDERAL IN-
SURVANCE ADMINISTRATION IT IS MY OPINION THAT
THE PROPERTY SHOWN HEREON IS IS NOT IN
OF THE FLOOD HAZARD AREA



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

GEORGIA
COUNTY FAYETTE
CITY
SURVEY FOR CAROLYN M. D. RAY
PROPERTY OF
LAND DIST. 7TH LAND LOT NO. 60
SCALE: 1" = 100 FT. DATE 12-28-91
LEE ENGINEERING CO.
C. E. LEE, SURVEYOR, REG. 1093

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, June
23, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-898-25

Owner: Toddman and Carolyn M.
Ray

Property Address: 345 Ebenezer
Rd

Parcel: 0714 047

Zoning District: A-R

Area of Property: 5.31 acres

Land Lot(s): 60

District: 7th

Road Frontage: Ebenezer Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
125(d)(6) to reduce the side yard
setback in an A-R zoning from 50
feet to 38.6 feet to allow an acces-
sory structure to remain.

WARRANTY DEED

Legal Description

All that tract or parcel or land lying
and being in Land Lot 60 of the 7th
District, Fayette County, Georgia,
and being 5.31 acres as shown on
a plat by Claude Esric Lee dated
1/13/86, recorded in Plat Book 16,
page 119, Fayette County, Georgia
records, said plat being expressly
incorporated herein and made a
part of this description by refer-
ence; being presently known as
345 Ebenezer Road, Fayetteville,
Georgia; and being more particu-
larly shown on a survey for Caro-
lyn Davis Ray f/k/a Carolyn Davis
Hyde a/k/a Beth D. Hyde by Lee
Engineering Co. dated 1/13/86, re-
vised 3/31/92.

Parcel # 0714 047

Subject to all easements and re-
strictions of record.

05/14