

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
October 27, 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 September 22, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-904-25 – Jose Ruiz, Maria Ruiz, and Jorge A. Ochoa Farias. Applicants are requesting the following: Variance to Sec. 110-125.(d)(1). – A-R, 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 2.9941 acres to be eligible for development. The subject property is located in Land Lots 235 of the 4th District and fronts Highway 92 South.
6. Consideration of Petition No. A-905-25 – Jean Allen Living Trust. Applicants are requesting the following: Variance to reduce the side yard setback from 50' to 20.0' to allow an existing home to remain. The subject property is located in Land Lots 249 and 250 of the 4th District and fronts Antioch Road.
7. Consideration of Petition A-906-25-A-B-C – 5 Parcel Mills, LLC. Applicant is requesting the following: **A-906-25-A:** Per Sec. 110-143(6).- Buffer. Reduce the side yard buffer on the north property line from 50 feet to 0 feet to accommodate the installation of the septic drain field. **A-906-25-B:** Per Sec. 110-93.- Reduce the septic

tank and septic drain field line setback on the north property line from 25 feet to 6 feet to install the septic drain field. **A-906-25-C:** Per Sec. 110-174(5)a.- Street frontage landscape area: to reduce the septic system placement setback from 25 feet to 5 feet on the north side of the SR 74 entrance to install the septic drain field. The subject property is located in Land Lots 8 of the 6th District and fronts Antioch Road.

8. Consideration of Petition A-907-25 – Michael E. Newman and Billie G. Newman, owners. Applicants are requesting the following: Per Sec. 110-125(d)(1)- A-R., 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 4.995acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.
9. Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule.

Minutes 09/22/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 22, 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. *Vice Chairman Marsha Hopkins called the September 22, 2025, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Vice Chairman Marsha Hopkins 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. Bill Beckwith seconded the motion. The motion passed unanimously. Chairman John Tate was absent.*
 4. Consideration of the Minutes of the Meeting held on August 25, 2025. *Brian Haren made the motion to approve the minutes of the meeting held on August 25, 2025. Kyle McCormick seconded the motion. The motion carried 4-0.*

PUBLIC HEARING

5. **Consideration of Petition A-902-25** – William M. Massengale Disclaimer Trust. Applicants are requesting the following: Per Sec. 110-125(d)(4)a.2., front yard setback on a collector in the A-R Zoning District is required to be 100 feet. The applicant is requesting a variance to reduce the front yard setback from 100 feet to 23.7 feet to allow an existing accessory structure to remain. The subject property is located in Land Lots 132 and 157 of the 4th District and fronts Rising Star Road.

Ms. Debbie Bell asked the applicant, since not having a full present and if they would like to request to table the petition to the next Zoning Board of Appeals meeting or proceed with the request.

Applicant confirmed they would proceed with the request petition.

Ms. Bell explained the information above and didn't know the exact date the

barn was constructed, and it was unlikely that it would generate any problems for adjacent properties.

Vice Chairman Marsha Hopkins asked for the presence of the petitioner.

Mr. Rick Massengale, trustee of the trust and stated that the barn is not located where the property is planned to be subdivided, and they photograph from 1955, and he believes it's from the 1900s since his grandfather was born in that barn. Mr. Massengale added that the road wasn't there before it was paved and moved closer to the barn, and wanted to keep the house where the barn is located for his 101 year old mother.

Mr. Andrew P. Moore, a neighbor who spoke in support of the petition and would like to keep it as it is to preserve the history of Brooks.

Vice Chairman Hopkins asked if there was anyone else in support of the petition, with no response, then asked if there was anyone to speak in opposition to the petition, but no one responded. Ms. Hopkins brought the item back to the board for comments, questions, or to entertain a motion.

No comments or questions were addressed by the board.

Bill Beckwith made a motion to APPROVE Petition No. A-902- 25. Brian Haren seconded the motion. The motion passed unanimously.

6. **Consideration of Petition No. A-903-25** – Jorge and Veronica Lopez. Applicants are requesting the following: Variance to Sec. 110-136(d)(5), to reduce the rear yard setback from 30 feet to 27 feet to allow an accessory structure to remain. The subject property is located in Land Lots 36 of the 5th District and fronts Respired Road.

Ms. Bell asked the applicant if they would like to continue to proceed or request a deferral.

Applicant agreed to proceed with the petition requested.

Ms. Bell stated read the description for the petition above and added that there was an error in staking the property line and setback, resulting in a minor encroachment that was discovered when the surveyor prepared the foundation survey of the slab, and will not result in any issues with the neighboring properties. Ms. Bell showed the aerial photos and the location of the property on the maps.

Vice Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Josh Woods, contractor, stated they have an active permit at the location and called the surveyor to have them come out and look at the form boards, they took a measurement from midline instead of the far left corner and told them there were too closed, went out and moved the slab forward two feet and waited for the foundation survey per county procedures and upon receiving the survey found out they were nine

foot of the slab crossed that setback and asked the board the approval of the petition.

Vice Chairman Hopkins asked if anyone else wanted to speak in favor of the petition. No one responded. Then she asked if anyone was in opposition. No one responded. Vice Chair Hopkins brought the item back to the board for comments or questions.

Commissioner Brian Haren asked Mr. Woods when the survey came out and told you to move the slab and come forward two feet.

Mr. Woods responded No, they told us to move it eighteen inches, and it was moved forward two feet to be saved, and after the preliminary inspections, it was incorrect.

Commissioner Haren mentioned he is a licensed surveyor in the state of Georgia.

Mr. Woods responded that he is, but no longer his licensed surveyor, and asked the board if they had any other questions. With no response, he thanked the board.

Vice Chairman Hopkins asked if the Board had any other comments or questions, or to entertain a motion.

No comments or questions were addressed by the board.

Brian Haren made a motion to APPROVE Petition No. A-903- 25-A. Bill Beckwith seconded the motion. The motion passed unanimously.

Chairman Brian Haren moved to adjourn the September 22, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 4-0.

The meeting adjourned at 7:23 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-904-25

Requested Actions: Variance to Sec. 110-125.(d)(1). – A-R, 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 2.9941 acres to be eligible for development.

Location: 1780 Hwy 92 S, Fayetteville, Georgia 30215

Parcel(s): 0446 027

District/Land Lot(s): 4th District, Land Lot(s) 235

Zoning: A-R, Agricultural-Residential

Lot Size: 2.9941 Acres

Owner(s): Jose Ruiz, Maria Ruiz, and Jorge A Ochoa Farias

Agent: James Hodge

Zoning Board of Appeal Public Hearing: October 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125.(d)(1), A-R, to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 2.9941 acres to be eligible for development. The variance amount is 2.0059 acres.

STAFF ASSESSMENT

It is staff's opinion that this parcel meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The lot is a legal nonconforming lot. It has 2.9941 acres, which is less than the required 5.0 acres in the A-R zoning district. However, 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 in Deed Book 183, Pages 285, on July 3, 1978.
- The variance is necessary for the owners to be able to obtain a building permit for their house.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

This parcel was created by a deed and plat recorded in Deed Book 183, Pages 285, which was recorded on July 3, 1978. It is unique in that it is a legal nonconforming lot that is less than the current A-R requirement of 5.0 acres.

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

The owners would not be able to get a building permit without a variance to the lot size.

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

The conditions are unique to this parcel, and the property meets the criteria to be considered for the variance.

- 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**

It is staff's opinion that the variance will not be detrimental to the public good.

- 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 a home on this parcel without the variance.

HISTORY

This parcel is a legal lot of record documented in a deed and plat recorded in Deed Book 203 Page 430 on June 8, 1979. The property was zoned from A-R as part of the original county zoning ordinances.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

(c) *Request for a variance: Nonconforming Lots.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

(1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.

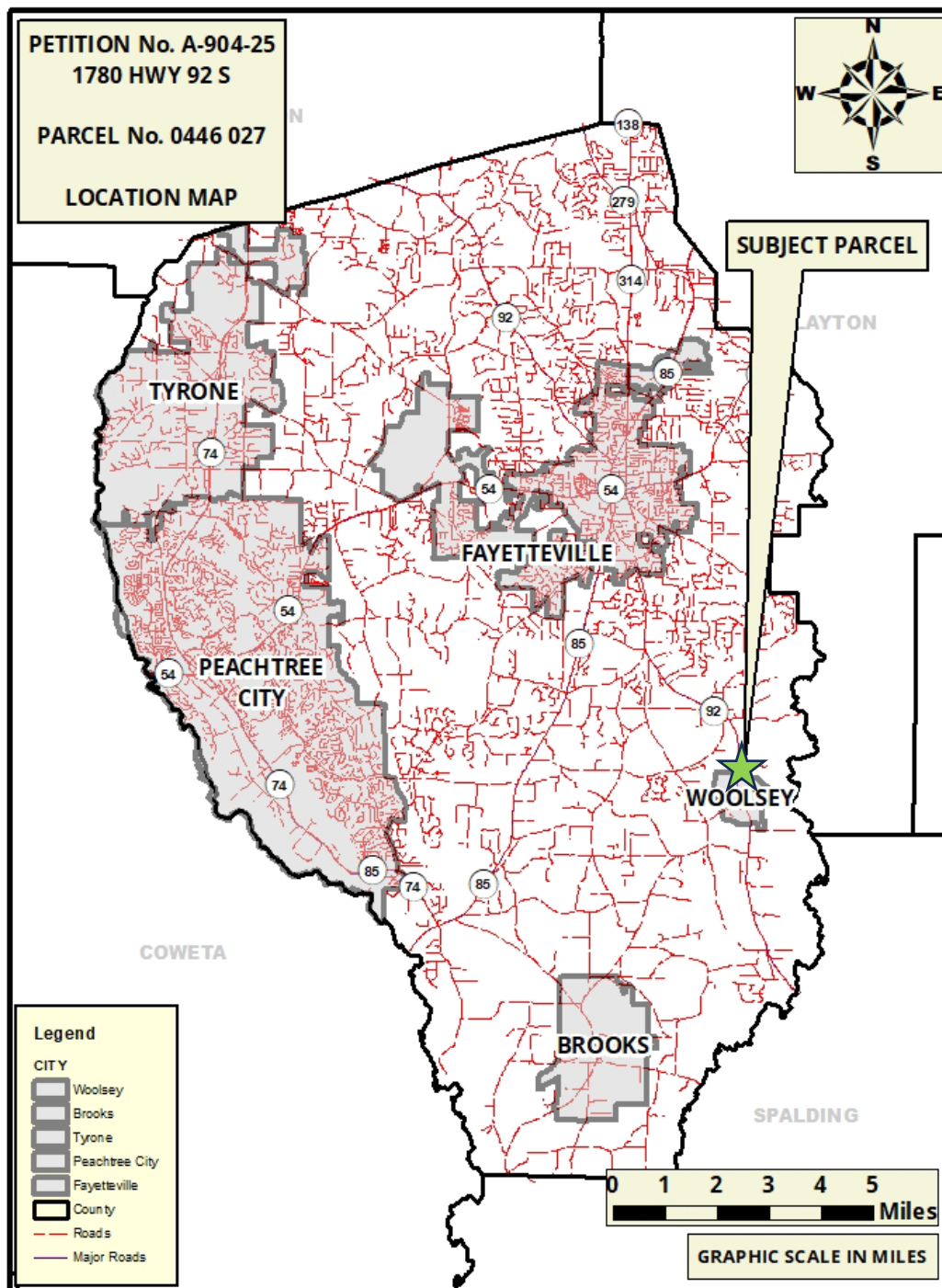
Sec. 110-125. – A-R, Agricultural-Residential District.

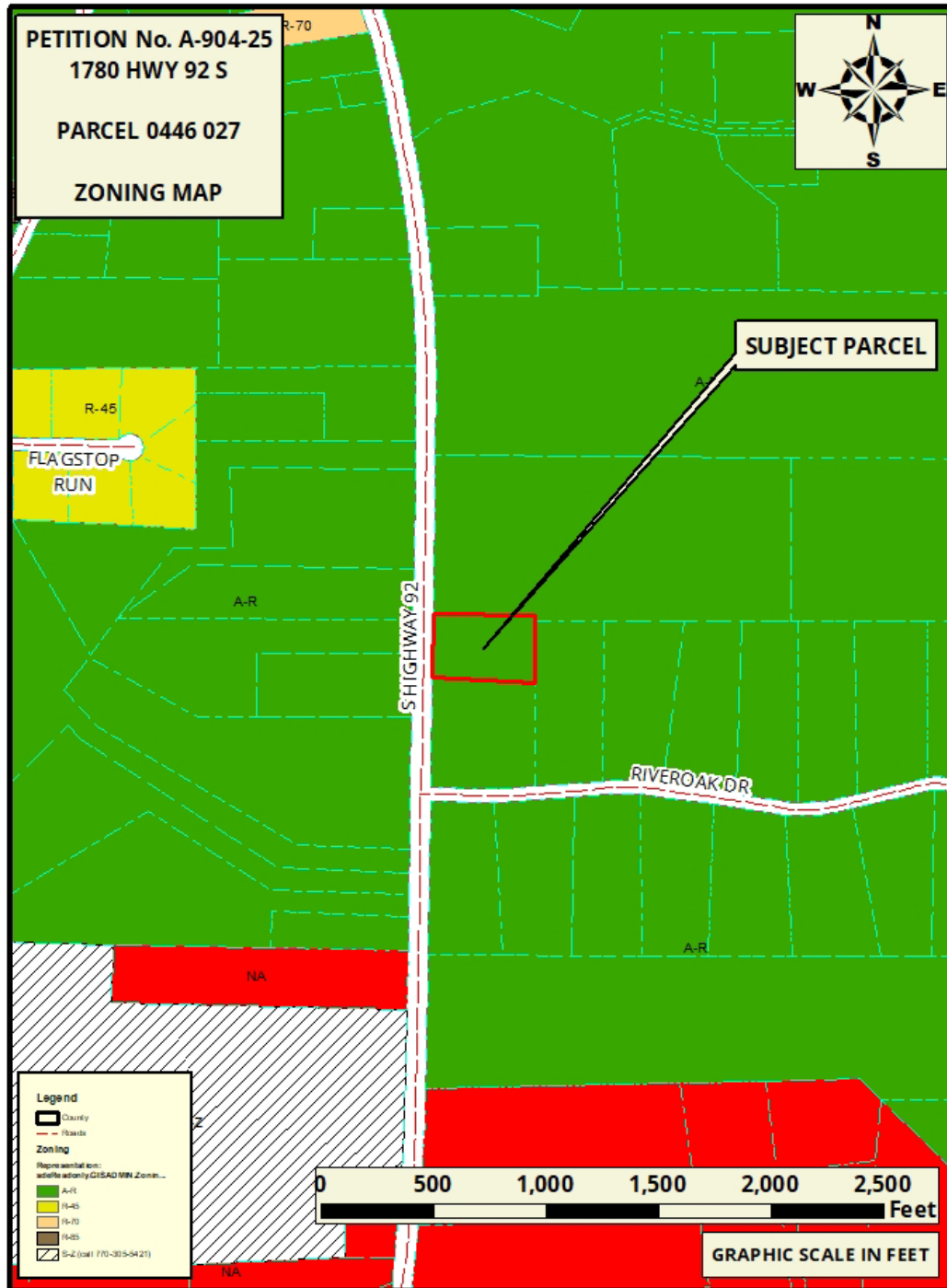
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

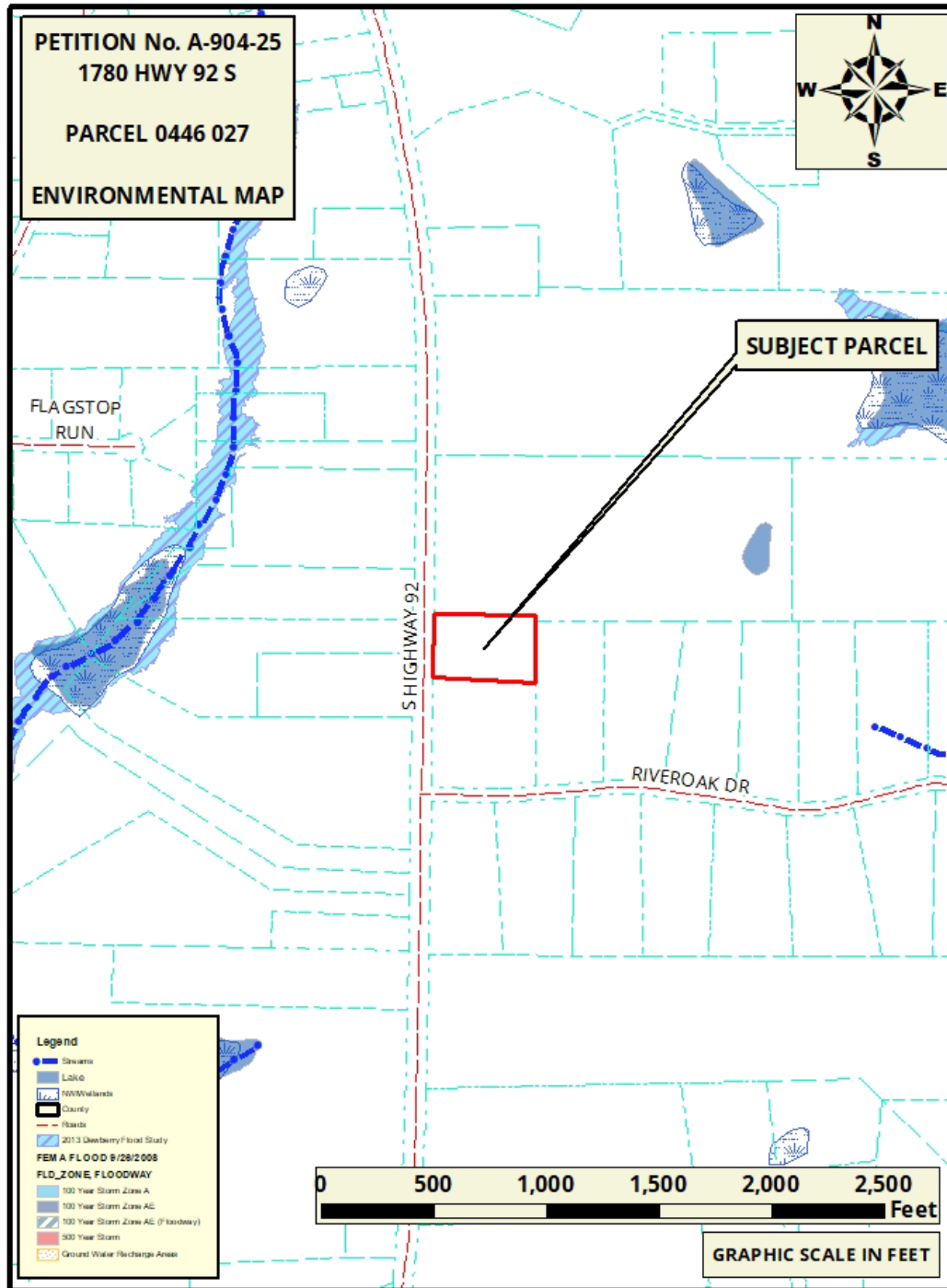
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

DEPARTMENTAL COMMENTS

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









STATE OF GEORGIA

COUNTY OF FAYETTE

WARRANTY DEED

153-285

THIS INDENTURE made this 30th day of June 1978 by and between

ARTHUR M. BURCH
party or parties of the first part, hereinafter referred to as "Grantor", and

FRED A. CORLEY
party or parties of the second part hereinafter referred to as "Grantee", the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural;

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor, has and hereby does grant bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee

All that tract or parcel of land lying and being in Land Lot 235 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a point located on the east right-of-way line of State Highway 92 (100 foot right-of-way) one thousand four hundred forty nine (1,449) feet south as measured along the east line of the right-of-way of State Highway 92 from the intersection of the east line of the right-of-way of State Highway 92 and the north line of said Land Lot 235; thence running south 00° 05' east along the east line of the right-of-way of State Highway 92, two hundred ninety and nine tenths (290.9) feet to an iron pin; thence running north 89° east, four hundred fifty four (454) feet to an iron pin; thence running north 00° 51' west, two hundred ninety one (291) feet to a point; thence running south 88° 59' west, four hundred forty six and two tenths (446.2) feet to the Point of Beginning and containing 2.99 acres, more or less, according to plat of survey by Lee Engineering Co., dated May 6, 1978.

Grantor hereby grants to Grantee a temporary easement for the use of the septic tank, and the field lines, presently serving the house located on the above described property, said septic tank being located on property north of the above described property and being a part of the property acquired by Arthur M. Burch under Warranty Deed recorded at Deed Book 56, Page 53, Fayette County, Georgia Records. This easement shall terminate and be null and void at the time the said field lines fail to function properly.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 52.00 Date 7-3-78
Clerk of Superior Court

FILED 7-3-1978
RECORDED 7-5-1978
11:30 AM
W. A. GILBERT, JR.
CLERK SUPERIOR COURT

TO HAVE AND TO HOLD said tract or parcel of land, together with any and all of 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 Grantee and the heirs, legal representatives, successors and assigns of Grantee, forever, in fee simple.

GRANTOR SHALL WARRANT and forever defend the right and title to said tract or parcel of land unto the Grantee and the heirs, legal representatives, successors and assigns of Grantee, against the claims of all persons whomsoever.

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

Signed, Sealed and Delivered in the presence of:

Arthur M. Burch
(Notary Public)
Notary Public, Georgia, State at Large
Commission Expires Dec. 16, 1981

153-285
Jeanne H. Burch (SEAL)
Jeanne H. Burch as Attorney-In-Fact for Arthur M. Burch under Power of Attorney dated June 7, 1978, recorded in Deed Book 181, Page 624, Fayette County, Georgia Records
Book: 181 Page: 624 Seq: 1

DEED

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

PROPERTY INFORMATION:

Parcel No. 0446027 Acreage: 2.9941 Land Lot: 235 Land District: 4
Address: 1780 Hwy 92 S, Fayetteville, GA 30214
Zoning: AR Zoning of Surrounding Properties: AR
Use: Residential

PROPERTY OWNER INFORMATION

Jorge A Ochoa Farias

AGENT/DEVELOPER INFORMATION (If not owner)

Name Maria Ruiz, Jose Ruiz
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

Name James Hodge
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-904-25

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Bims Date: 08/08/2025

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

Received payment from Jose Ruiz 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 08/08/25

Receipt Number: 024855

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:

Maria Ruiz, Jose Ruiz, Jorge A Ochoa Farias

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0446027

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 235 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.9941 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to James Hodge 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.

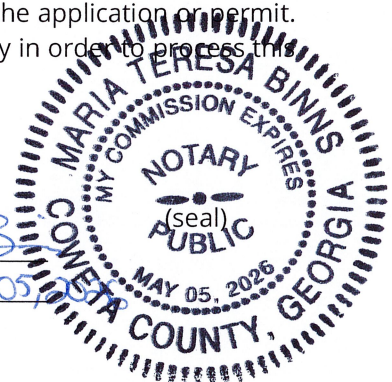
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: Maria Ruiz
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 8/8/25

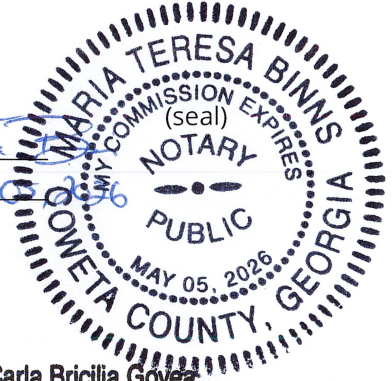
Notary: [Signature]
Commission Exp.: May 05, 2026



Owner/
Agent
Two:

Signature [Signature]
Name: Jose Ruiz
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 8/8/25

Notary: [Signature]
Commission Exp.: May 05, 2026



Owner/
Agent
Three:

Signature [Signature]
Name: Jorge A. Ochoa Farias
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 8/8/25

Notary: [Signature]
Commission Exp.: 09/19/2025

Carla Bricilia Govea
NOTARY PUBLIC
Douglas County, GEORGIA

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:

Maria Ruiz, Jose Ruiz, Jorge A Ochoa Farias

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0446 027

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 235 of the 4th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.9941 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to James Hodge 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 James Hodge

Name: James Hodge

Address: _____

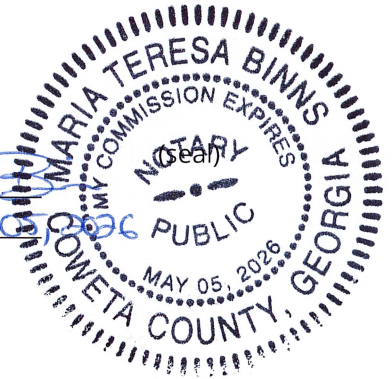
City/State/Zip: _____

Date: 8/8/25

Notary: _____

Commission Exp.: May 05, 2026

Owner/
Agent
One:



Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Notary: _____

(seal)

Commission Exp.: _____

Owner/
Agent
Two:

Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Notary: _____

(seal)

Commission Exp.: _____

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	110-125. (d) (1)
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.

Variance to the minimum Lot size for a Legal Non Confirming Lot.

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.

Is an older Lot and we are building a Home.

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

Right size of the home.

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

Lot Size.

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.


A home will be built

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

this will be a Stand a Lone Home

2

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


Doc ID: 012105190002 Type: QCD
Recorded: 10/18/2024 at 10:45:00 AM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5772** PG **123-124**

TAX PARCEL ID: 0446 027
Order.No.: 24-1144-JOY

STATE OF GEORGIA
COUNTY OF FAYETTE

QUITCLAIM DEED

THIS INDENTURE, made the 15th day of October, 2024, by and between

JOSE RUIZ and MARIA RUIZ

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

JOSE RUIZ and MARIA RUIZ and JORGE A. OCHOA FARIAS

as party or parties of the second part, **as joint tenants with right of survivorship and not as tenants in common**, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledge, by these presents does hereby remise, convey and forever QUITCLAIM unto each said grantee interest in and to the following property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 235 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND B BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE EAST RIGHT-OF-WAY LINE OF STATE HIGHWAY 92 (100 FOOT RIGHT-OF-WAY) 1,449 FEET SOUTH AS MEASURED ALONG THE EAST LINE OF THE RIGHT-OF-WAY OF STATE HIGHWAY 92 FROM THE INTERSECTION OF THE EAST LINE OF THE RIGHT-OF-WAY OF STATE HIGHWAY 92 AND THE NORTH LINE OF SAID LAND LOT 235; THENCE RUNNING SOUTH 00 DEGREES 09 MINUTES 33 SECONDS EAST ALONG THE RIGHT OF WAY OF STATE HIGHWAY 92, A DISTANCE OF 290.00 FEET TO AN IRON PIN; THENCE RUNNING NORTH 89 DEGREES 01 MINUTES 17 SECONDS EAST, 454.00 FEET TO AN IRON PIN; THENCE RUNNING NORTH, 01 DEGREES 34 MINUTES 57 SECONDS EAST, 290.25 FEET TO A POINT; THENCE RUNNING SOUTH, 88 DEGREES 59 MINUTES 00 SECONDS WEST, 445.18 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.9941 ACRES, MORE OR LESS ACCORDING TO PLAT OF SURVEY BY PEARSON & ASSOCIATES, INC., RMS, DATED APRIL 13, 1987 FOR LESLIE KAREN GULLET.

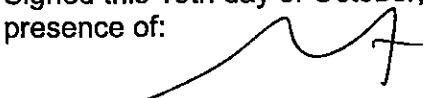
PARCEL ID NUMBER: 0446 027

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

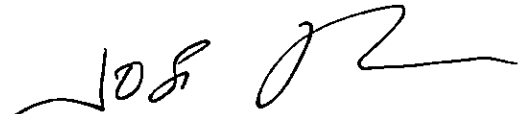
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed this 15th day of October, 2024 in the presence of:



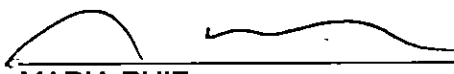
Unofficial Witness



JOSE RUIZ (SEAL)

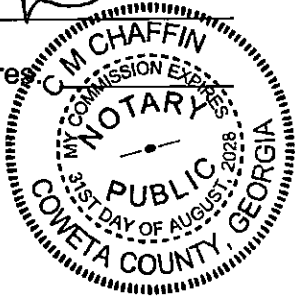


Notary Public
My Commission Expires



MARIA RUIZ (SEAL)

[Notary Seal]



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, Octo-
ber 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-904-25

Owner: Maria Ruiz, Jose Ruiz,
and Jorge A. Ochoa Farias

Agent: James Hodge

Property Address: 1780 Highway
92 South

Parcel: 0446 027

Zoning District: A-R

Area of Property: 2.9941 acres

Land Lot(s): 235

District: 4th

Road Frontage: Highway 92 South

Request: Applicant is requesting
the following: Variance to Sec. 110-
125(d)(1)- A-R., as allowed under
Sec. 110-242(c)(1)-Requesting a
variance to the minimum lot size
for a legal nonconforming lot, to al-
low a lot that is 2.9941 acres in the
A-R zoning district to be eligible for
development.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND LOT 235 OF THE 4TH DIS-
TRICT OF FAYETTE COUNTY,
GEORGIA, AND BEING MORE
PARTICULARLY DESCRIBED AS
FOLLOWS: BEGINNING AT A
POINT LOCATED ON THE EAST

RIGHT-OF-WAY LINE OF STATE
HIGHWAY 92 (100 FOOT RIGHT-
OF-WAY) 1,449 FEET SOUTH AS
MEASURED ALONG THE EAST
LINE OF THE RIGHT-OF-WAY
OF STATE HIGHWAY 92 FROM
THE INTERSECTION OF THE
EAST LINE OF THE RIGHT-OF-
WAY OF STATE HIGHWAY 92
AND THE NORTH LINE OF SAID
LAND LOT 235; THENCE RUN-
NING SOUTH 00 DEGREES 09
MINUTES 33 SECONDS EAST
ALONG THE RIGHT OF WAY
OF STATE HIGHWAY 92, A DIS-
TANCE OF 290.00 FEET TO AN
IRON PIN; THENCE RUNNING
NORTH 89 DEGREES 01 MIN-
UTES 17 SECONDS EAST, 454.00
FEET TO AN IRON PIN; THENCE
RUNNING NORTH, 01 DEGREES
34 MINUTES 57 SECONDS
EAST, 290.25 FEET TO A POINT;
THENCE RUNNING SOUTH, 88
DEGREES 59 MINUTES 00 SEC-
ONDS WEST, 445.18 FEET TO
THE POINT OF BEGINNING AND
CONTAINING 2.9941 ACRES,
MORE OR LESS ACCORDING TO
PLAT OF SURVEY BY PEARSON
& ASSOCIATES, INC., RMS, DAT-
ED APRIL 13, 1987 FOR LESLIE
KAREN GULLET.

PARCEL ID NUMBER: 0446 027
09/17

PETITION NO: A-905-25

Requested Actions: Applicant is requesting a variance to reduce the side yard setback from 50' to 20.0' to allow an existing home to remain.

Location: 366 Antioch Road, Fayetteville, Georgia 30215

Parcel(s): 0448 013

District/Land Lot(s): 4th District, Land Lot(s) 249 and 250

Zoning: A-R, Agricultural-Residential

Lot Size: 6.0 Acres

Owner(s): Jean Allen Living Trust

Agent: Jerome Allen, Power of Attorney

Zoning Board of Appeal Public Hearing: October 27, 2025

REQUEST

On September 22, 2025, the applicant requested to **WITHDRAW** this petition.

STAFF ASSESSMENT

Staff recommends **APPROVAL OF THE REQUEST TO WITHDRAW** the petition.

Wednesday, September 17, 2025

Continued from page B4

Fayette County News B5

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, Octo-
ber 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-905-25

Owner: Jean Allen Living Trust

Agent: Jerome W. Allen

Property Address:

366 Antioch Road

Parcel: 0448 013

Zoning District: A-R

Area of Property: 6.00 acres

Land Lot(s): 249 and 250

District: 4th

Road Frontage: Antioch Road

Request: Applicant is requesting
the following: Variance to allow
existing 1,764 legal nonconforming
structure to remain 21.22' from the
property line to allow the property
to be rezoned and subdivided to
construct one (1) additional home.

LIMITED WARRANTY DEED

All that tract or parcel of land ly-
ing and being in land lots 249, and
250, of the 4th. District, Fayette
County, Georgia. And being more
particularly described as follows:
Commencing at the centerline
intersection of the centerline of
Sourwood Trail. (if extended)
and the centerline of Antioch Rd.
Thence S 71°42'57" E A Distance
Of 45.26' to a open top pipe on the
Easterly right of way of Antioch
Rd (80' R/Wo, which is the point
of beginning Thence S 89°55'49"
E leaving said right of way A Dis-
tance Of 380.46' to a open top pipe
found od the land lot line dividing
land lots 249, & 250 Thence N
00°42'34" E along said land lot line
A Distance Of 225.64' to a rebar
found Thence S 48°12'53" E leav-
ing said land lot line A Distance Of
641.91' to a rebar found Thence S
74°07'25" W A Distance Of 768.71'
to a rebar found on the Easterly
right of way of Antioch Rd Thence
With A Curve Turning To The
Right along said right of way, With
An Arc Length Of 337.09', With A
Radius Of 1985.53', With A Chord
Bearing Of N 17°35'12" W, With A
Chord Length Of 336.68', Thence
With A Curve to a point; Thence
N 12°43'23" W along said right of
way A Distance Of 94.21' to a open
top pipe found Which Is The Point
Of Beginning, Having an area of
6.000 acres.

09/17

PETITION NO: A-906-25-A-B-C

Requested Action: Applicant is requesting variances to the side yard zoning buffer, to reduce the side yard septic system zoning buffer, and to reduce the street frontage landscape strip to allow the installation of the septic system.

Location: 1591 Hwy 74, Senoia, GA 30276

Parcel(s): 0604 006

District/Land Lot(s): 6th District, Land Lot(s) 8

Zoning: C-C

Lot Size: 3.68 Acres

Owner(s): 5 Parcel Mills, LLC

Agent: Richard Lindsey, Attorney

Zoning Board of Appeal Public Hearing: October 27, 2025

REQUEST

Applicant is requesting the following:

A-906-25-A: Per Sec. 110-143(6).- Buffer. Reduce the side yard buffer on the north property line from 50 feet to 0 feet to accommodate the installation of the septic drain field.

A-906-25-B: Per Sec. 110-93.-Reduce the septic tank and septic drain field line setback on the north property line from 25 feet to 6 feet to install the septic drain field.

A-906-25-C: Per Sec. 110-174(5)a.- Street frontage landscape area: to reduce the septic system placement setback from 25 feet to 5 feet on the north side of the SR 74 entrance driveway to install the septic drain field.

STAFF ASSESSMENT & RECOMMENDATION

It is staff's opinion that the history of the parcel creates some unique and difficult constraints. The property has a long history of development as a community crossroads area, with homes, local businesses, a church, and a school. It was bisected by the former route of Georgia State Route 85, as evidenced on a 1940 county map and a 1955 aerial photo (see pages 10-12). This combination of former uses created a property with limited suitable soils for a modern septic system. If the variances are approved as depicted on the accompanying

site plan, staff feels that there will be minimal impact on the neighboring property. The area that is the subject of the requests is adjacent to the entry drive and detention pond of New Hope Baptist Church.

HISTORY

The property has a long history of development as a community crossroads area, with homes, local businesses, a church, and a school. It was bisected by the former route of Georgia State Route 85, as evidenced on a 1940 county map (see pages 10-12).

On February 24, 2022 - the Board of Commissioners approved rezoning Petition No. 1316-21 to rezone the property from A-R to C-C for the development of a Convenience Store with Fuel Pumps.

ZONING REQUIREMENTS

Sec. 110-93. – Septic tank and septic drain field line setbacks.

Septic tanks shall be set back a minimum of ten feet from the property line. Septic drain field lines shall be set back a minimum of five feet from the property line. In the case where a buffer is required, septic tanks and septic drain field lines shall be set back a minimum of 25 feet from the property line (see section 110-94).

Sec. 110-143. - C-C, Community Commercial District.

(d)Dimensional requirements. (6)Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

Sec. 110-174. - Historic district overlay zone.

(5) *Landscape requirements.* In addition to the standard requirements of the landscape ordinance, the following landscape requirements shall apply to the Overlay Zone:

a. Street Frontage: Landscape area: Fifty (50) feet along the right-of-way of SR 74, SR 85, and Padgett Road. The first 25 feet as measured from the right-of-way is for required landscape planting only. The remaining 25 feet may be used for septic system placement; underground stormwater detention systems; and the following stormwater management facilities/structures if designed in full accordance with the specifications provided in the most current edition of the Georgia Stormwater Management Manual; vegetated channels, overland flow filtration/groundwater recharge zone, enhanced swales, filter strips, and grass channels, Septic systems and stormwater structures shall be exclusive of each other and the minimum distance of separation between wastewater and stormwater structures shall be established by the Environmental Health Department and the Environmental Management Department. Utilities (including underground stormwater

pipings) and multi-use path connections may be located anywhere within the landscape area.

Sec. 110-94. - Buffer. *[definition]*

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see section 110-93). A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the zoning.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **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 parcel has sloped topography. Although there are not significant environmental constraints, the parcel's development history may impact its current uses.

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

The parcel has a long history of development as a developed site, including being the former route of Georgia Highway 85. This predates all current regulations governing site development, including pavement, septic system & soil suitability analyses and landscape requirements.

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

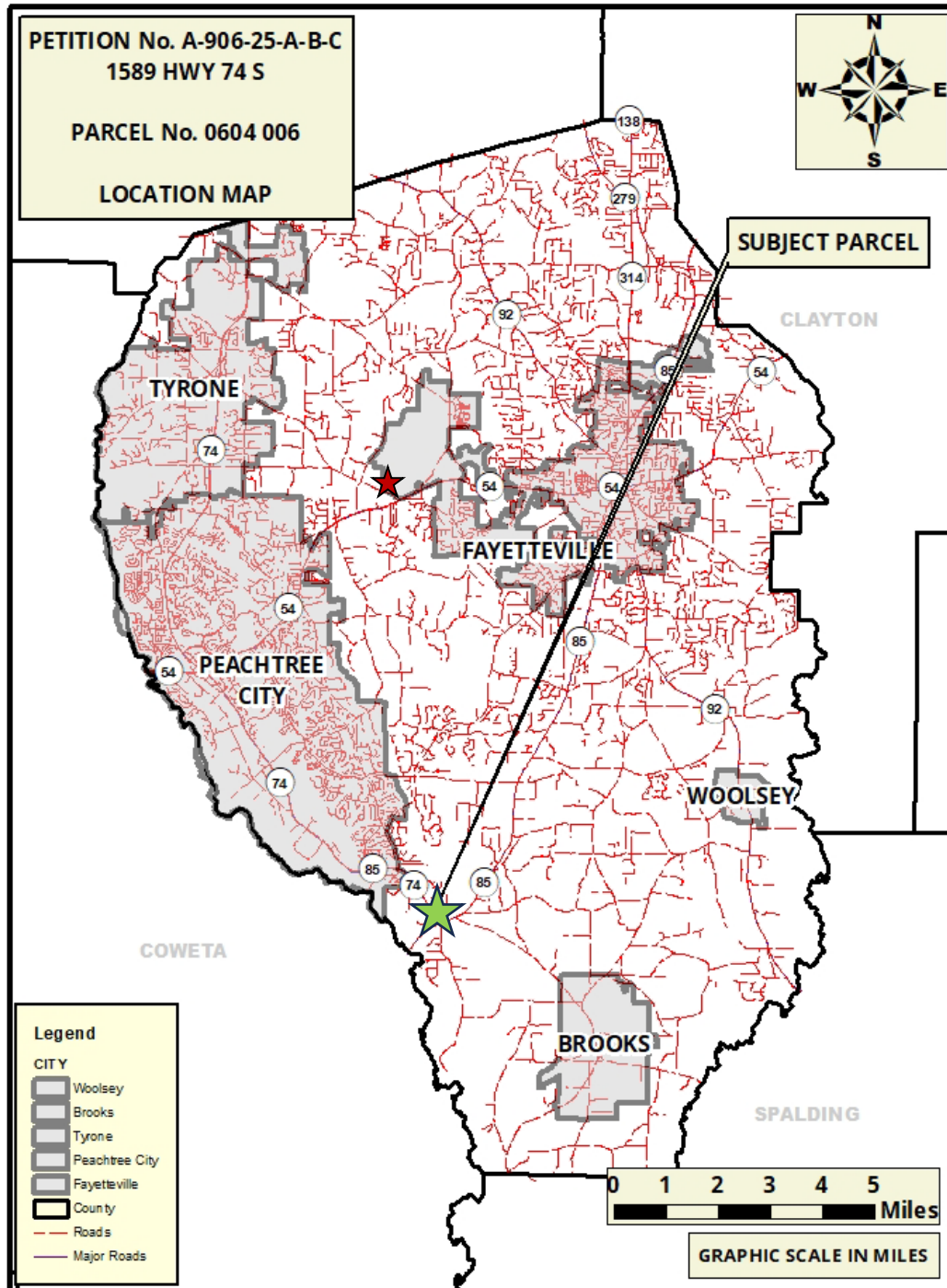
The property is unique in that it developed organically as a community hub with numerous buildings and a major roadway.

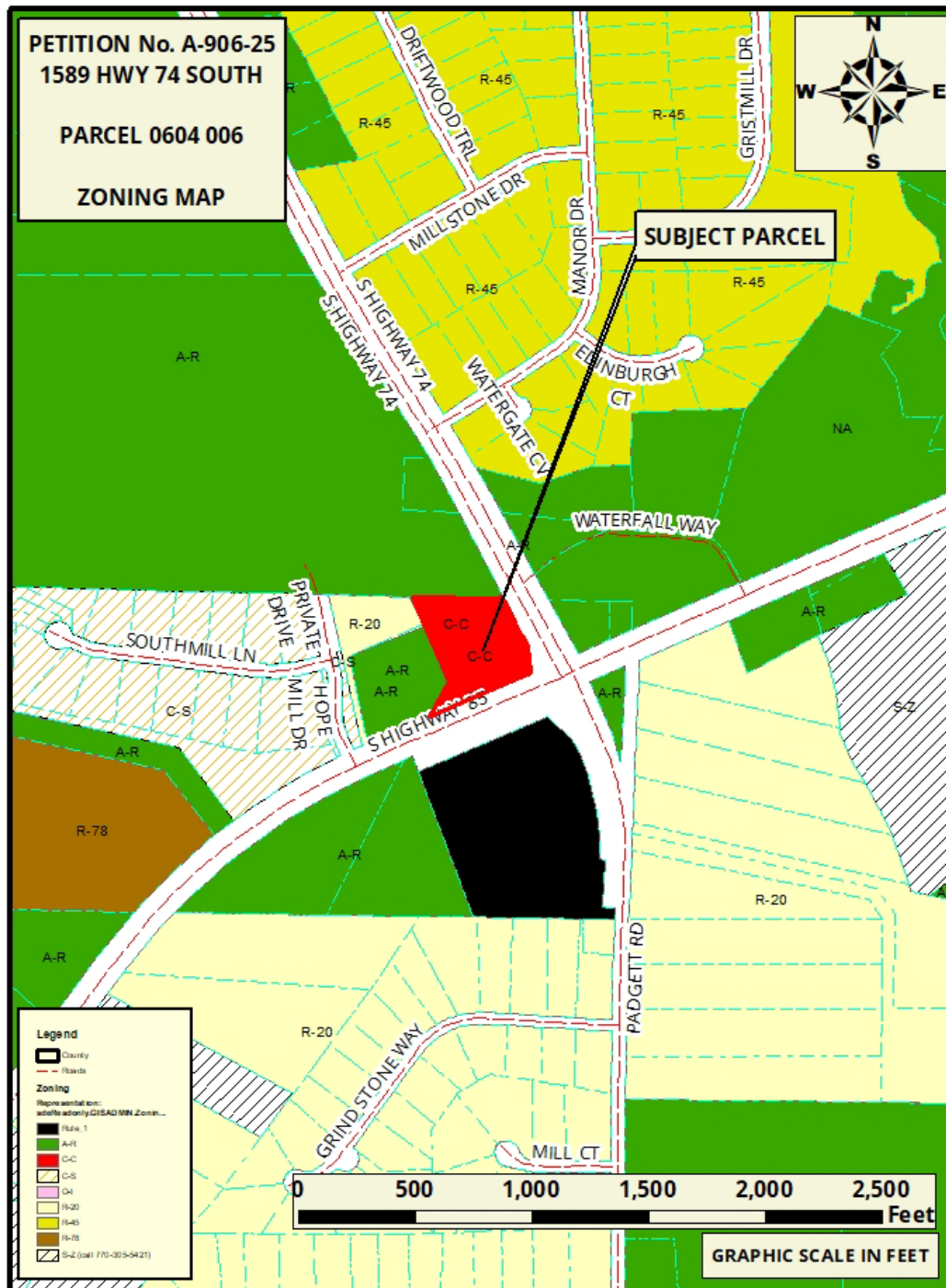
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

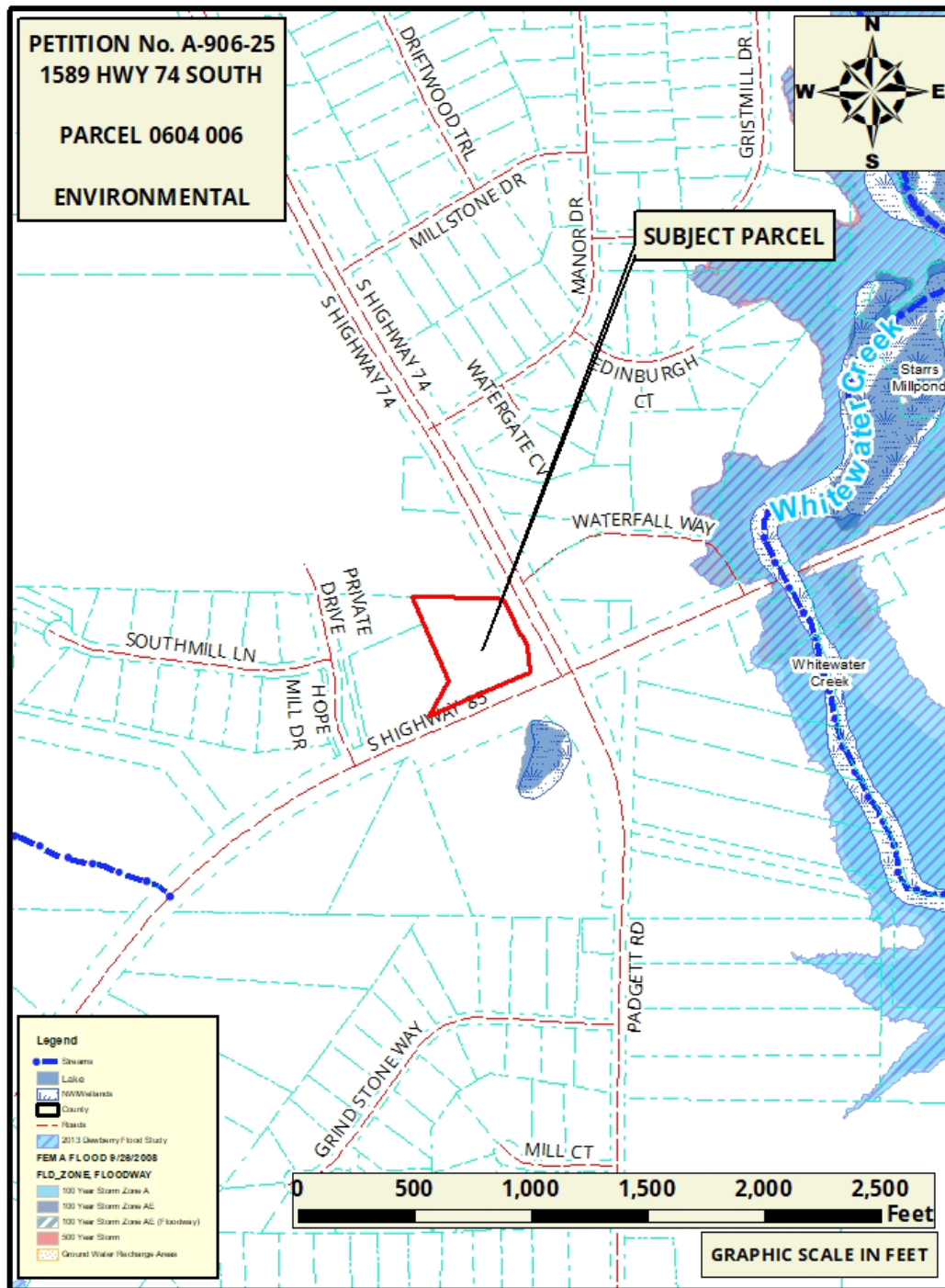
Relief would reduce the zoning buffer adjacent to an A-R zoned parcel developed with a church. Specifically, the area of the request is adjacent to the church's driveway and detention pond. Additionally, the development regulations require a 6-foot landscape strip that will still be planted, so a visual screen will still be provided.

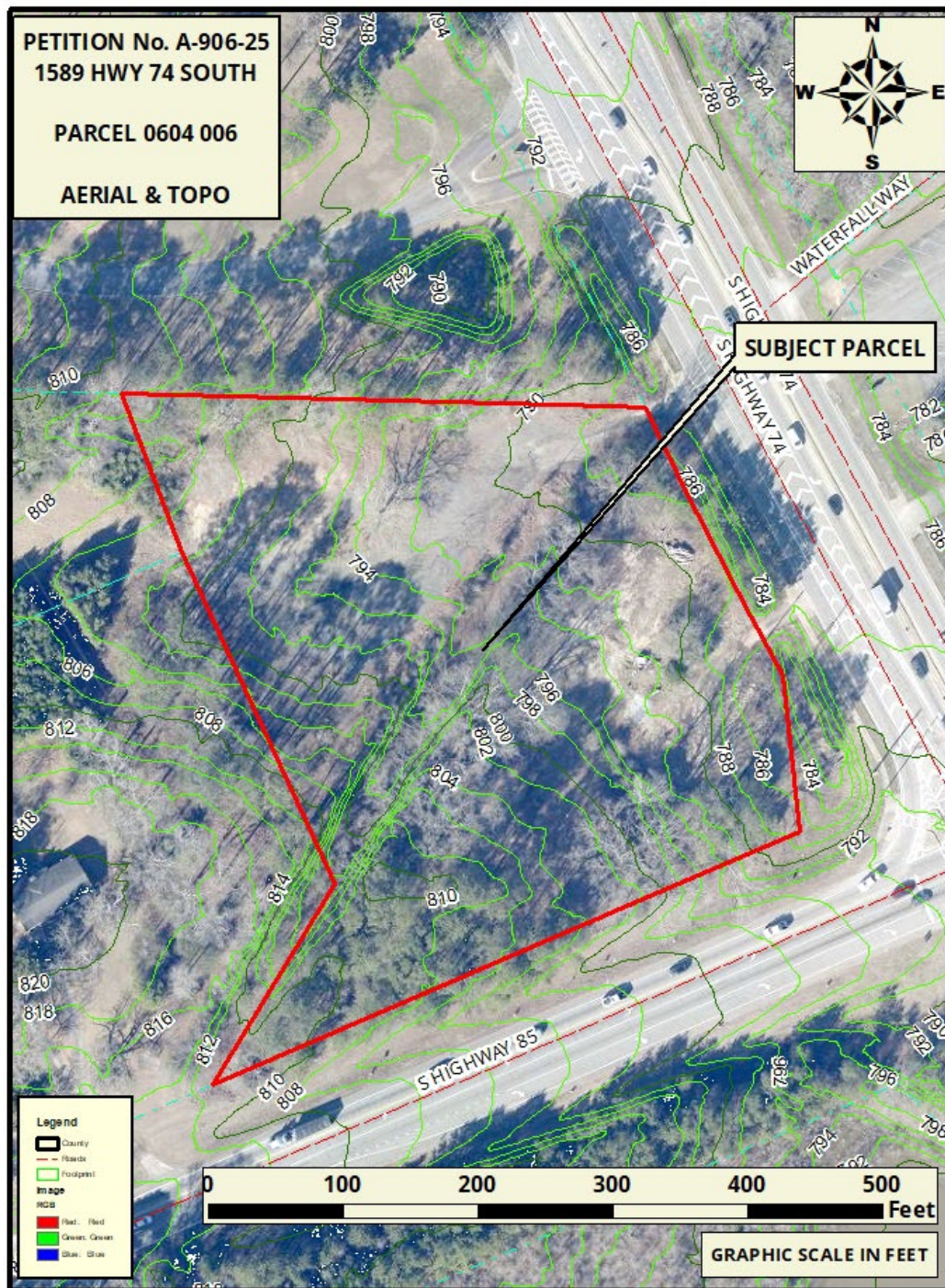
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

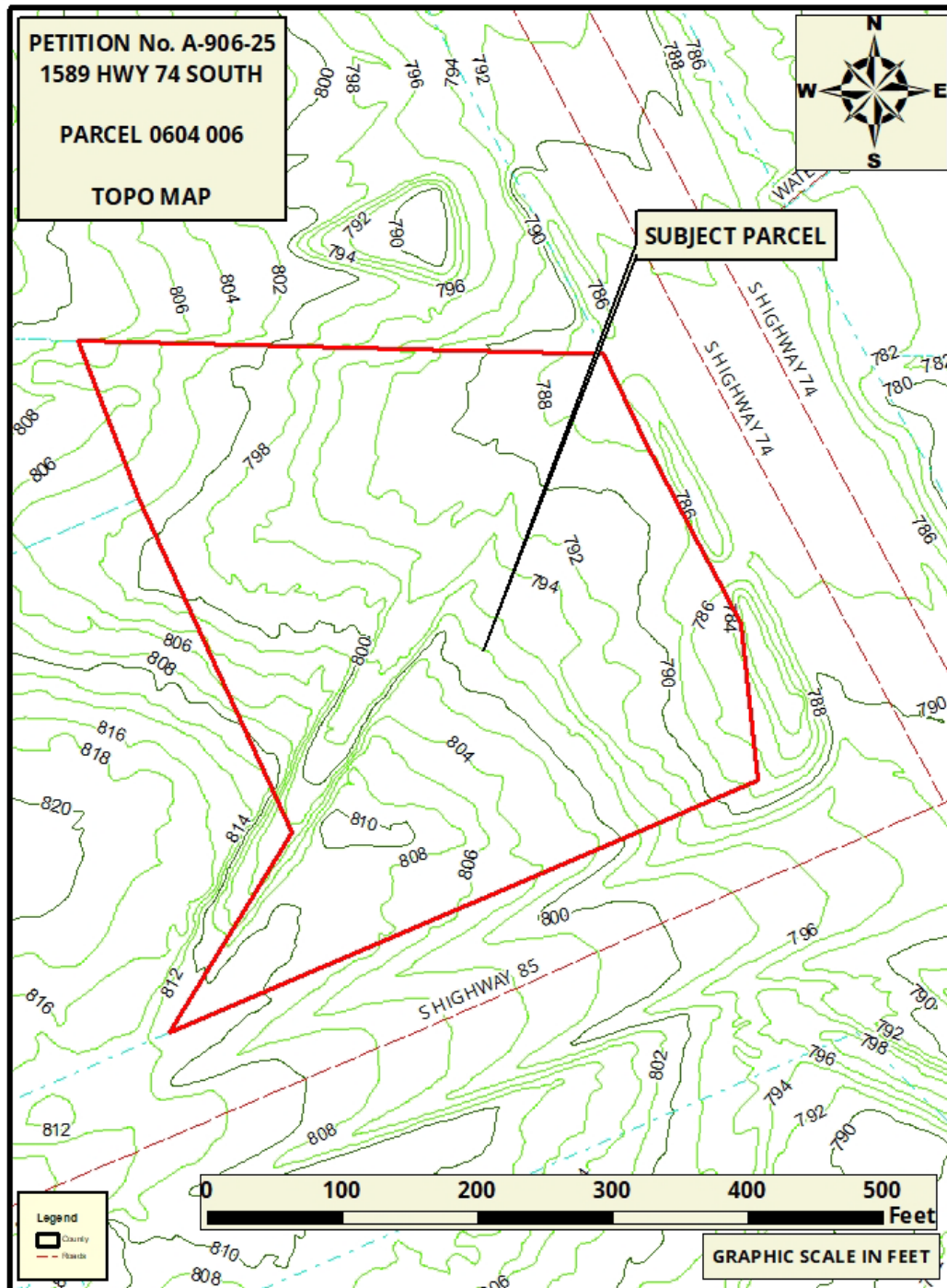
The applicant may not be able to develop the property according to the regulations if the variance is not granted.

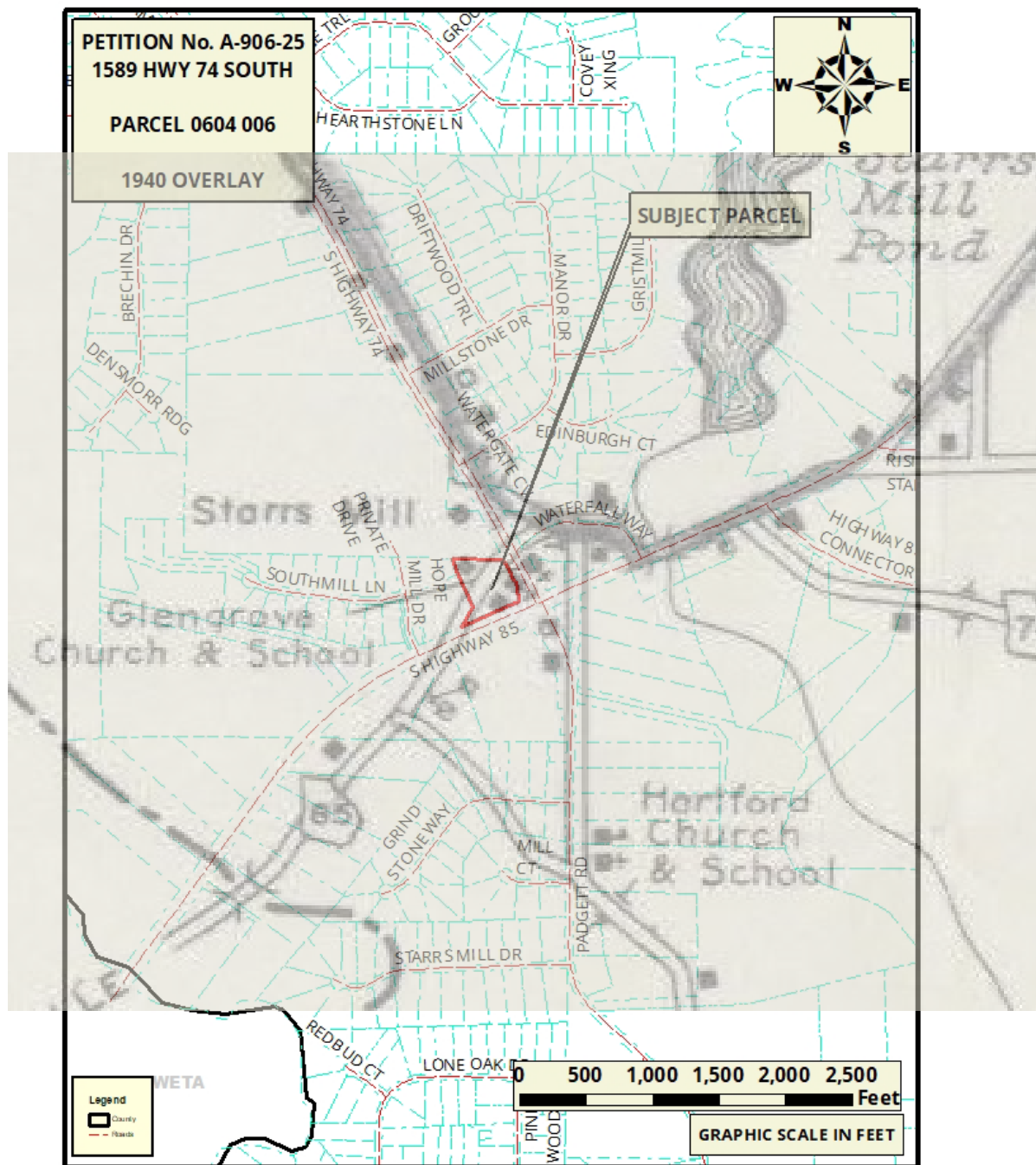














1940



1955

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS**PROPERTY INFORMATION:**

Parcel No. 0604-006 Acreage: 3.68 Land Lot: 8 Land District: 6th
Address: 1591 Hwy. 74, Brooks, GA 30215
Zoning: C-C Zoning of Surrounding Properties: A-R & R-20
Use: Vacant

PROPERTY OWNER INFORMATION

Name 5 Parcel Mills, LLC
Email _____
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Richard "Rick" Lindsey
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

PETITION NUMBER: A-906-25^{A-B-C} **(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: October 27, 2025

Received payment from Lindsey Lacy a check in the amount of \$ 200.00 ^{\$175}
for application filing fee, and \$ 20.00 ^{\$30} for deposit on frame for public hearing sign(s).

Date Paid 9/2/2025

Receipt Number: MISCP2-09-2025-09015
25056

VARIANCE INFORMATION

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

Ordinance/Section	110-93
Requirement	25 feet
Proposed Change	5 feet
Variance Amount	20 feet

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.

Applicant requests using the twenty (20) feet along a portion of the northern area of its property to install the septic drain field. The variance is needed in order to achieve compliance with the increased buffers needed along Hwy. 74 and Hwy. 85.

JUSTIFICATION OF REQUEST

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

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

See attached separate sheet

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

Same

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

Same

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.

Same

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

Same

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:

5 Parcel Mills, LLC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0604-006

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 8 of the 6th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 3.8 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Richard P. Lindsey 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: Samirali A Sayani

Address: [Redacted]

City/State/Zip: [Redacted]

Date: 8/28/2025

**Owner/
Agent
One:**

Notary: Valerie P. Shellnutt (seal)

Commission Exp.: Mar 21, 2029



Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

**Owner/
Agent
Two:**

Notary: _____

Commission Exp.: _____

Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

**Owner/
Agent
Three:**

Notary: _____ (seal)

Commission Exp.: _____

JUSTIFICATION OF REQUEST

- (1) There are extraordinary and exceptional conditions pertaining to the property. Since it is located at the corner of Hwy 74 and Hwy 85, it is located in the Starr's Mill Historic District Overlay Zone and, as such, is governed by Section 110-174 of the Fayette County Ordinances. The requirements of the overlay zone include fifty (50) feet of buffer along both Hwy 74 and Hwy 85 as well as front yard setbacks of 100 feet for both state highways. In addition, parking in the front yard is also restricted so that much of the required parking is located along the sides and rear of the property. While these requirements will enhance the beauty of the property, they present a challenge in getting the needed area for the septic drain field. The property is further encumbered by the old roadbed for the former Hwy 85, which cannot be crossed or used as part of the septic drain field. As such, there are limited alternatives for the needed septic drain field. The proposed development is a small commercial center that will include a small café, coffee shop, convenience store, and two other retail spaces of undetermined use. The concept for the café and coffee shop was shown to the Planning Commission and Board of Commissioners when the property was rezoned in 2022 and has never varied through the engineering and planning stages.

Section 110-93 requires a twenty-five-foot set-back for septic drain fields along the side and rear property lines when a buffer is required. If a buffer were not required, the set-back for septic drain fields is five feet. The applicant requests a reduction in the set-back of twenty feet in the rear buffer along the northern property border next to Good Hope Baptist Church in the area of the church's detention pond. If the County requests a privacy fence be installed in the area of the reduced buffer, the applicant is willing to install the fence.

- (2) The application of the twenty-five-foot set-back set forth in Section 110-93 presents a practical and unnecessary hardship in that the café and coffee shop would not be viable due to the constraints a smaller drain field would impose. With the requested reduction of the setback, the café could have about 35 seats and the coffee shop 10 seats. Without the reduction, the total number of seats for both the café and coffee shop will be only about 25, resulting in one or both being economically unfeasible. Again, the café and coffee shop were shown to the Planning Commission and Board of Commissioners back in 2022 in the concept drawings and have been a part of the civil engineering and planning documents throughout the development process.
- (3) The conditions are peculiar to the property due to Starr's Mill Historic District Overlay Zone and the old roadbed that crosses the property.
- (4) Relief, if granted, will not cause substantial detriment to the public good or impair the purposes and intent of the regulation. The applicant is requesting a reduction for the setback only in the area of its property that abuts the area where the detention pond is located on

the neighbor's property and is willing to install a privacy fence if that is deemed appropriate by the County.

- (5) A literal interpretation of the ordinance would deprive the applicant of rights others have in the same zoning district. An old roadbed is present on the property. The drain field cannot be located there. Additionally, the constraints on the property resulting from the overlay district regulations greatly restrict and limit the options available for the location of the drain field. Without the reduction in the setback, the café and coffee shop planned from the beginning cannot be located on the property.

2



Doc ID: 011575160004 Type: WD
Recorded: 06/17/2022 at 04:00:00 PM
Fee Amt: \$400.00 Page 1 of 4
Transfer Tax: \$375.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5509** PG **635-638**

(Above Reserved for Recording)

After recording, please return to:
Matthew L. Ramsey, Esq.
Warner, Hooper & Ramsey, P.C.
101 World Drive – Suite 325
Peachtree City, Georgia 30269

Parcel ID # 06-04-027

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE is made effective on the 8th day of June 2022, by **LAVERNE HAND STARR and BUDDY HAND** ("Grantors") and **5 PARCEL MILLS, LLC**, a Georgia limited liability company ("Grantee").

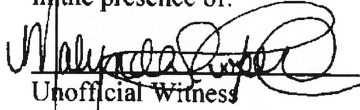
WITNESSETH:

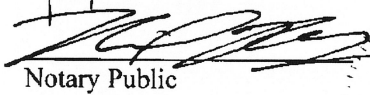
THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby transfer and convey unto Grantee, that certain real property lying in Fayette County, Georgia being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Encumbrances") and Grantors shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantors but against none other. "Grantor", "Grantors" and "Grantee" shall include their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Grantors have executed this deed as of the day and year first set forth above.

Signed, sealed and delivered
in the presence of:

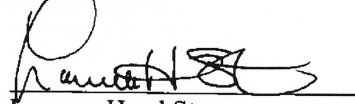

Unofficial Witness

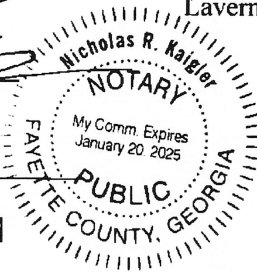

Notary Public

My commission expires: _____

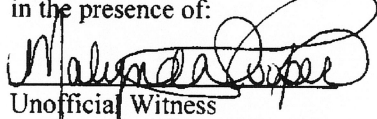
[NOTARIAL SEAL]

GRANTORS:


Laverne Hand Starr



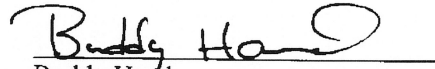
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My commission expires: _____

[NOTARIAL SEAL]


Buddy Hand

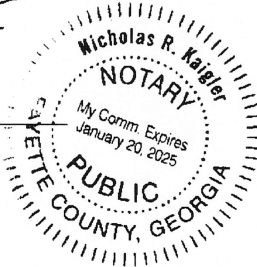


EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 8, 6th District, Fayette County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at a concrete right of way monument in the southern corner of the mitered intersection of the western right of way of Joel Cowan Parkway and the northern right of way of Highway 85 North; run thence along said northerly right of way of Highway 85, South 66 degrees 36 minutes 24 seconds West, a distance of 88.91 feet to a point, said point being the True Point of Beginning; thence running along said northerly right of way of Highway 85 South 66 degrees 36 minutes 24 seconds West a distance of 381.58 feet; thence leaving said right of way, North 30 degrees 24 minutes 58 seconds East a distance of 171.91 feet; thence running North 31 degrees 26 minutes 00 seconds East a distance of 223.73 feet; thence running South 52 degrees 05 minutes 21 seconds East a distance of 98.73 feet; thence running South 28 degrees 22 minutes 57 seconds West a distance of 144.33 feet to the True Point of Beginning.

Containing 1.08 acres, more or less, and being shown on that certain Retracement Survey dated November 29, 2021, prepared for Samin Property LLC by Integrated Science & Engineering, bearing the seal of Scott D. Grusenmeyer, Georgia Registered Land Surveyor, Certificate Number 3130, said survey being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Court Order Condemnation from Richard Hand to Georgia Department of Transportation, recorded February 11, 2008, in Deed Book 3356, Pages 258, in the Clerk of Superior Court of Fayette County, Georgia.
3. Easement from Richard Hand to Bellsouth Telecommunications, Inc. dba AT&T Georgia, dated November 19, 2008, recorded December 8, 2008, in Deed Book 3460, Pages 725-727, in the Clerk of Superior Court of Fayette County, Georgia.

3

Doc ID: 011575170004 Type: WD
Recorded: 06/17/2022 at 04:00:00 PM
Fee Amt: \$55.00 Page 1 of 4
Transfer Tax: \$30.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5509 PG 639-642

(Above Reserved for Recording)

After recording, please return to:
Matthew L. Ramsey, Esq.
Warner, Hooper & Ramsey, P.C.
101 World Drive – Suite 325
Peachtree City, Georgia 30269

Parcel ID # 06-04-018

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE is made effective on the 8th day of June, 2022, by **DARRS, LLC**, a Georgia limited liability company ("Grantor") and **5 PARCEL MILLS, LLC**, a Georgia limited liability company ("Grantee").

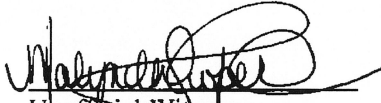
WITNESSETH:

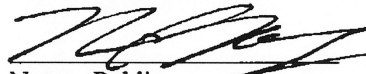
THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain real property lying in Fayette County, Georgia being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Encumbrances") and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor but against none other. "Grantor", "Grantors" and "Grantee" shall include their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Grantor has executed this deed as of the day and year first set forth above.

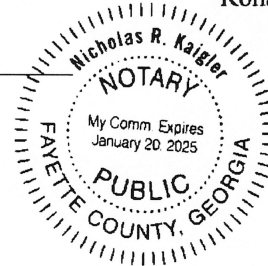
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

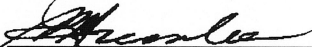
My commission expires: _____

[NOTARIAL SEAL]



GRANTOR:

DARRS, LLC
a Georgia limited liability company

By:  (SEAL)
Sandra P. Greenlea, Manager

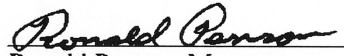
By:  (SEAL)
Ronald Penson, Manager

EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 8, 6th District, Fayette County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at a concrete right of way monument in the southern corner of the mitered intersection of the western right of way of Joel Cowan Parkway and the northern right of way of Highway 85 North; run thence along said northerly right of way of Joel Cowan Parkway North 5 degrees 44 minutes 21 seconds West a distance of 116.03 feet; thence continuing along said right of way of Joel Cowan Parkway North 28 degrees 18 minutes 23 seconds West a distance of 49.00 feet; run thence along said northerly right of way of Joel Cowan Parkway North 28 degrees 18 minutes 23 seconds West a distance of 84.92 feet to a point, said point being the True Point of Beginning; thence leaving said right of way of Joel Cowan Parkway running North 80 degrees 22 minutes 31 seconds West a distance of 94.98 feet; thence running North 31 degrees 29 minutes 32 seconds East a distance of 85.88 feet to a point; thence running along said right of way of Joel Cowan Parkway South 28 degrees 41 minutes 44 seconds East a distance of 101.59 feet to the True Point of Beginning.

Containing 0.09 acres, more or less, and being shown on that certain Retracement Survey dated November 29, 2021, prepared for Samin Property LLC by Integrated Science & Engineering, bearing the seal of Scott D. Grusenmeyer, Georgia Registered Land Surveyor, Certificate Number 3130, said survey being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Right of Way Deed from Mary Ellen Penson to Department of Transportation, dated March 10, 2008, recorded March 24, 2008, in Deed Book 3374, Page 119, in the office of the Clerk of Superior Court of Fayette County, Georgia.
3. Right of Way Deed from Mary Ellen Penson to Department of Transportation, dated April 18, 2008, recorded April 24, 2008, in Deed Book 3388, Page 66, in the office of the Clerk of Superior Court of Fayette County, Georgia.

5



Doc ID: 011575190004 Type: WD
Recorded: 06/17/2022 at 04:00:00 PM
Fee Amt: \$175.00 Page 1 of 4
Transfer Tax: \$150.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5509 PG 646-649

(Above Reserved for Recording)

After recording, please return to:
Matthew L. Ramsey, Esq.
Warner, Hooper & Ramsey, P.C.
101 World Drive – Suite 325
Peachtree City, Georgia 30269

Parcel ID # 06-04-006

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE is made effective on the 8th day of June, 2022, by **SHAMIKKA MICHE' GIBSON f/k/a SHAMIKKA MICHE' HAMMETT** ("Grantor") and **5 PARCEL MILLS, LLC**, a Georgia limited liability company ("Grantee").

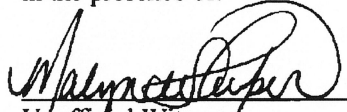
WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain real property lying in Fayette County, Georgia being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

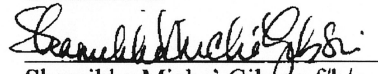
TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Encumbrances") and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor but against none other. "Grantor", "Grantors" and "Grantee" shall include their respective heirs, successors and assigns.

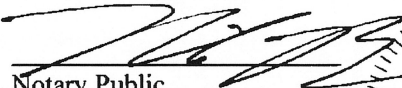
IN WITNESS WHEREOF, Grantor has executed this deed as of the day and year first set forth above.

Signed, sealed and delivered
in the presence of:


Unofficial Witness

GRANTOR:


Shamikka Miche' Gibson f/k/a
Shamikka Miche' Hammett


Notary Public

My commission expires: _____

[NOTARIAL SEAL]

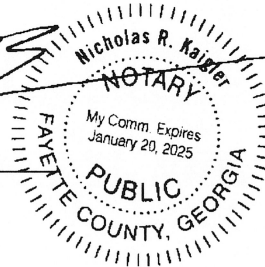


EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 8, 6th District, Fayette County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at a concrete right of way monument in the southern corner of the mitered intersection of the western right of way of Joel Cowan Parkway and the northern right of way of Highway 85 North; run thence along said northerly right of way of Joel Cowan Parkway North 5 degrees 44 minutes 21 seconds West a distance of 116.03 feet; thence continuing along said right of way of Joel Cowan Parkway North 28 degrees 18 minutes 23 seconds West a distance of 49.00 feet, said point being the True Point of Beginning; thence running South 59 degrees 53 minutes 28 seconds West a distance of 133.37 feet; thence running North 52 degrees 05 minutes 21 seconds West a distance of 98.73 feet; thence running North 31 degrees 29 minutes 32 seconds East a distance of 113.63 feet; running thence South 80 degrees 22 minutes 31 seconds East a distance of 94.98 feet to a concrete r/w monument located on said right of way of Joel Cowan Parkway; running thence along said right of way of Joel Cowan Parkway South 28 degrees 18 minutes 23 seconds East a distance of 84.92 feet to the True Point of Beginning.

Containing 0.42 acres, more or less, and being shown on that certain Retracement Survey dated November 29, 2021, prepared for Samin Property LLC by Integrated Science & Engineering, bearing the seal of Scott D. Grusenmeyer, Georgia Registered Land Surveyor, Certificate Number 3130, said survey being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Right of Way Deed from Shamikka Miche Hammett, as Executrix u/w of Yvonne B. Hammett and Shamikka Miche Hammett to Department of Transportation, dated December 21, 2007, recorded December 26, 2007, in Deed Book 3338, Page 178, in the office of the Clerk of Superior Court of Fayette County, Georgia.
3. Order and Judgment filed with respect to Department of Transportation vs. 3.184 acres of land, et al., Docket No. 2008V-0233H, Superior Court of Fayette County, Georgia, recorded February 11, 2008, in Deed Book 3356, Page 258, in the office of the Clerk of Superior Court of Fayette County, Georgia.
4. Right of Way Deed from Shamikka Miche Hammett, as Executrix u/w of Yvonne B. Hammett and Shamikka Miche Hammett to Department of Transportation, dated March 10, 2008, recorded March 24, 2008, in Deed Book 3374, Page 119, in the office of the Clerk of Superior Court of Fayette County, Georgia.

7



Doc ID: 011575210004 Type: WD
Recorded: 06/17/2022 at 04:00:00 PM
Fee Amt: \$305.00 Page 1 of 4
Transfer Tax: \$280.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5509** PG **652-655**

(Above Reserved for Recording)

After recording, please return to:
Matthew L. Ramsey, Esq.
Warner, Hooper & Ramsey, P.C.
101 World Drive – Suite 325
Peachtree City, Georgia 30269

Parcel ID # 06-04-017

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE is made effective on the 8th day of June, 2022, by **CARLANDRIA HAYES** (as to a 1/6 undivided interest) and **EDNA ANN HAYES-EDWARDS** (as to a 5/6 undivided interest) ("Grantors") and **5 PARCEL MILLS, LLC**, a Georgia limited liability company ("Grantee").

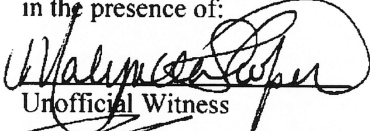
WITNESSETH:

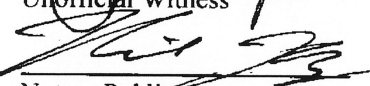
THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantors do hereby transfer and convey unto Grantee, that certain real property lying in Fayette County, Georgia being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Encumbrances") and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor but against none other. "Grantor", "Grantors" and "Grantee" shall include their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Grantor has executed this deed as of the day and year first set forth above.

Signed, sealed and delivered
in the presence of:

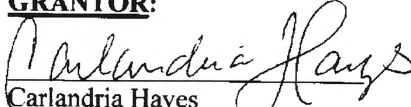

Unofficial Witness

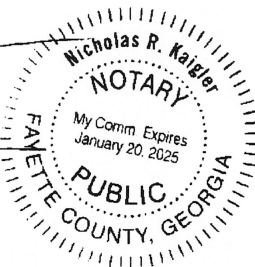

Notary Public

My commission expires: _____

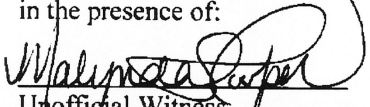
[NOTARIAL SEAL]

GRANTOR:


Carlandria Hayes



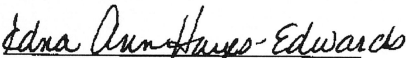
Signed, sealed and delivered
in the presence of:


Unofficial Witness


Notary Public

My commission expires: _____

[NOTARIAL SEAL]


Edna Ann Hayes-Edwards

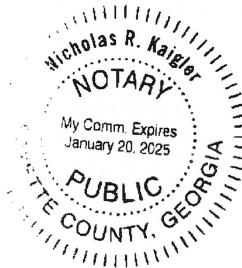


EXHIBIT "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 8, 6th District, Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete right of way monument in the southern corner of the mitered intersection of the western right of way of Joel Cowan Parkway and the northern right of way of Highway 85 North; thence continuing along said northerly right of way of Highway 85, South 66 degrees 36 minutes 24 seconds West, a distance of 88.91 feet; thence leaving said right of way, North 28 degrees 22 minutes 57 seconds West a distance of 144.33 feet; thence North 59 degrees 53 minutes 28 seconds East a distance of 133.37 feet to a point located on said right of way of Joel Cowan Parkway; thence along said right of way South 28 degrees 18 minutes 23 seconds East a distance of 49.00 feet; thence along said right of way South 5 degrees 44 minutes 21 seconds East a distance of 116.03 feet to the point of beginning.

Containing 0.41 acres, more or less, and being shown on that certain Retracement Survey dated November 29, 2021, prepared for Samin Property LLC by Integrated Science & Engineering, bearing the seal of Scott D. Grusenmeyer, Georgia Registered Land Surveyor, Certificate Number 3130, said survey being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Order and Judgment filed with respect to Department of Transportation vs. 0.340 acres of land, et al., Docket No. 2008V-0590H, Superior Court of Fayette County, Georgia, recorded February 11, 2008, in Deed Book 3384, Page 228, in the office of the Clerk of Superior Court of Fayette County, Georgia.

8



Doc ID: 011575220004 Type: WD
Recorded: 06/17/2022 at 04:00:00 PM
Fee Amt: \$203.50 Page 1 of 4
Transfer Tax: \$178.50
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5509 PG 656-659

(Above Reserved for Recording)

After recording, please return to:
Matthew L. Ramsey, Esq.
Warner, Hooper & Ramsey, P.C.
101 World Drive - Suite 325
Peachtree City, Georgia 30269

Parcel ID # 06-04-030

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE is made effective on the 8th day of June, 2022, by **ELAINE S. POWERS** ("Grantor") and **5 PARCEL MILLS, LLC**, a Georgia limited liability company ("Grantee").

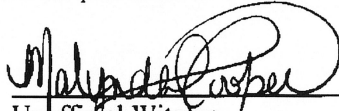
WITNESSETH:

THAT, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) in hand paid and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor does hereby transfer and convey unto Grantee, that certain real property lying in Fayette County, Georgia being more fully described in Exhibit "A" attached hereto and made a part hereof, together with all improvements located thereon, if any, together with all rights, members and appurtenances in any manner appertaining or belonging to said property (collectively the "Property");

TO HAVE AND TO HOLD the Property unto Grantee forever in fee simple; subject only to those matters described on Exhibit "B" attached hereto and made a part hereof (hereinafter the "Permitted Encumbrances") and Grantor shall warrant and forever defend the right, title and interest to the Property unto Grantee against the claims of all persons claiming by, through or under Grantor but against none other. "Grantor", "Grantors" and "Grantee" shall include their respective heirs, successors and assigns.

IN WITNESS WHEREOF, Grantor has executed this deed as of the day and year first set forth above.

Signed, sealed and delivered
in the presence of:


Unofficial Witness

GRANTOR:


Elaine S. Powers


Notary Public

My commission expires: _____

[NOTARIAL SEAL]

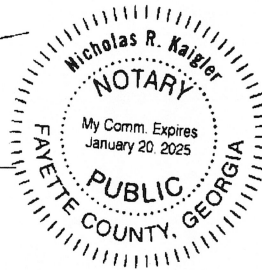


EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 8, 6th District, Fayette County, Georgia, and being more particularly described as follows:

To find the point of beginning, commence at a concrete right of way monument in the southern corner of the mitered intersection of the western right of way of Joel Cowan Parkway and the northern right of way of Highway 85 North; run thence along said northerly right of way of Joel Cowan Parkway North 5 degrees 44 minutes 21 seconds West a distance of 116.03 feet; thence continuing along said right of way of Joel Cowan Parkway North 28 degrees 18 minutes 23 seconds West a distance of 49.00 feet; thence continuing along said northerly right of way of Joel Cowan Parkway North 28 degrees 18 minutes 23 seconds West a distance of 84.92 feet; thence continuing along said right of way of Joel Cowan Parkway North 28 degrees 41 minutes 44 seconds West a distance of 101.59 feet to a point, said point being the True Point of Beginning; thence leaving said right of way of Joel Cowan Parkway South 31 degrees 29 minutes 32 seconds West a distance of 199.51 feet; thence running South 31 degrees 26 minutes 00 seconds West a distance of 223.73 feet to a point; thence running North 24 degrees 36 minutes 10 seconds West a distance of 270.94 feet; then running North 20 degrees 56 minutes 20 seconds West a distance of 145.39 feet; thence running South 86 degrees 52 minutes 01 seconds East a distance of 386.23 feet East to the True Point of Beginning.

Containing 1.68 acres, more or less, and being shown on that certain Retracement Survey dated November 29, 2021, prepared for Samin Property LLC by Integrated Science & Engineering, bearing the seal of Scott D. Grusenmeyer, Georgia Registered Land Surveyor, Certificate Number 3130, said survey being incorporated herein and made a part hereof by reference.

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. All taxes for the year 2022 and subsequent years, not yet due and payable.
2. Right of Way Deed from R. T. Fife to Highway Board of Georgia dated January 25, 1938, recorded September 18, 1941, in Deed Book 28, Page 298, in the Clerk of Superior Court of Fayette County, Georgia.
3. Right of Way Deed from R. T. Fife to Highway Board of Georgia dated January 25, 1938, recorded September 19, 1941, in Deed Book 28, Page 308, in the Clerk of Superior Court of Fayette County, Georgia.
4. Right of Way Deed from R. T. Fife to Highway Board of Georgia dated October 24, 1941, recorded February 23, 1943, in Deed Book 29, Page 190, in the Clerk of Superior Court of Fayette County, Georgia.
5. Easement from R. T. Fife to Georgia Power Company dated October 27, 1949, recorded December 12, 1949, in Deed Book 33, Page 287, in the Clerk of Superior Court of Fayette County, Georgia.
6. Right of Way Deed from Elaine S. Powers to Department of Transportation dated February 13, 2008, recorded March 5, 2008, in Deed Book 3366, Page 43, in the Clerk of Superior Court of Fayette County, Georgia.

JEFFERSON_



RENDERING

SCHEMATIC CONCEPT "C" - STARS MILL CONVENIENT STORE FAYETTE COUNTY, GEORGIA

JANUARY 11, 2022

JEFFERSON_



RENDERING

SCHEMATIC CONCEPT "C" - STARRS MILL CONVENIENT STORE FAYETTE COUNTY, GEORGIA

JANUARY 11, 2022

Wednesday, September 17, 2025

Continued from page B4

Fayette County News B5

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, Octo-
ber 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-906-25-A-B

Owner: 5 Parcel Mills, LLC

Agent: Richard Lindsey

Property Address:

1591 Highway 74

Parcel: 0604 006

Zoning District: C-C

Area of Property: 3.682 acres

Land Lot(s): 8

District: 6th

Road Frontage: Highway 85 South
and Highway 74 South

Request: Applicant is requesting
the following:

A-906-25-A: Per Sec. 110-93.-Sep-
tic tank and septic drain field line
setbacks, to reduce it from 25 feet
to 5 feet to install the septic drain
field.

A-906-25-B: Per Sec. 110-174(5)a.-
Street frontage: Landscape area:
to reduce the septic system place-
ment setback from 25 feet to 5 feet
to install the septic drain field.

Legal Description

All that tract of parcel of land ly-
ing and being in the 6th District
of Land Lot 8, Fayette County,
and more particularly described
as follows: TO FIND THE POINT
OF BEGINNING, commence at the
Concrete Right-of-Way Monument
located at the northwestern corner
of the intersection of Hwy. 74 and
Hwy. 85 which is the Point of Be-
ginning; thence S 66°36'24" W a
distance of 470.49 feet along the
northern edge of the Ga Hwy 85
South Right-of-Way (R/W varies)
to a 3/8" rebar found; thence leav-
ing the Right-of-Way N 30°24'58"
E a distance of 171.91 feet to an
iron pin set; thence N 24°36'10" W
a distance of 270.94 feet to a 1/2"
rebar found; thence N 20°56'20"
W a distance of 145.39 feet to a 1/2"

rebar found; thence S 86°52'01"
E a distance of 386.23 feet to a
Concrete Right-of-Way Monu-
ment located at the western edge
of the Ga Hwy 74 Right-of-Way
(R/W varies); thence S 28°41'44"
E a distance of 101.59 feet along
the western edge of the Ga Hwy
74 Right-of-Way to a Concrete
Right-of-Way Monument; thence
continuing along the western edge
of the Ga Hwy 74 Right-of-Way S
28°18'23" E a distance of 84.92 feet
to a Concrete Right-of-Way Monu-
ment; thence continuing along the
western edge of the Ga Hwy 74
Right-of-Way S 28°18'23" E a dis-
tance of 49.00 feet to a Concrete
Right-of-Way Monument; thence
continuing along the western edge
of the Ga Hwy 74 Right-of-Way S
5°44'21" E a distance of 116.03 feet
to a Concrete Right-of-Way Monu-
ment being the point of beginning
and consisting of 3.682
acres as shown on that plat of sur-
vey prepared by Larry J. Seabolt,
Registered Professional Land Sur-
veyor No. 2135, for 5 Parcel Mills,
LLC, dated 08/22/2023..
09/17

PETITION NO: A-907-25

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

Location: Nelms Road, Fayetteville, GA 30215

Parcel(s): 0701 063

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

Zoning: A-R, Agricultural-Residential

Lot Size: 4.78 Acres

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

Agent: Jason Newman

Zoning Board of Appeal Public Hearing: October 27, 2025

REQUEST

Applicant is requesting the following:

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

STAFF ASSESSMENT

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

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

HISTORY

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

DEPARTMENTAL COMMENTS

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

ZONING REQUIREMENTS

Article VII.-Zoning Board of Appeals

Sec. 110-242. - Powers and duties.

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

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

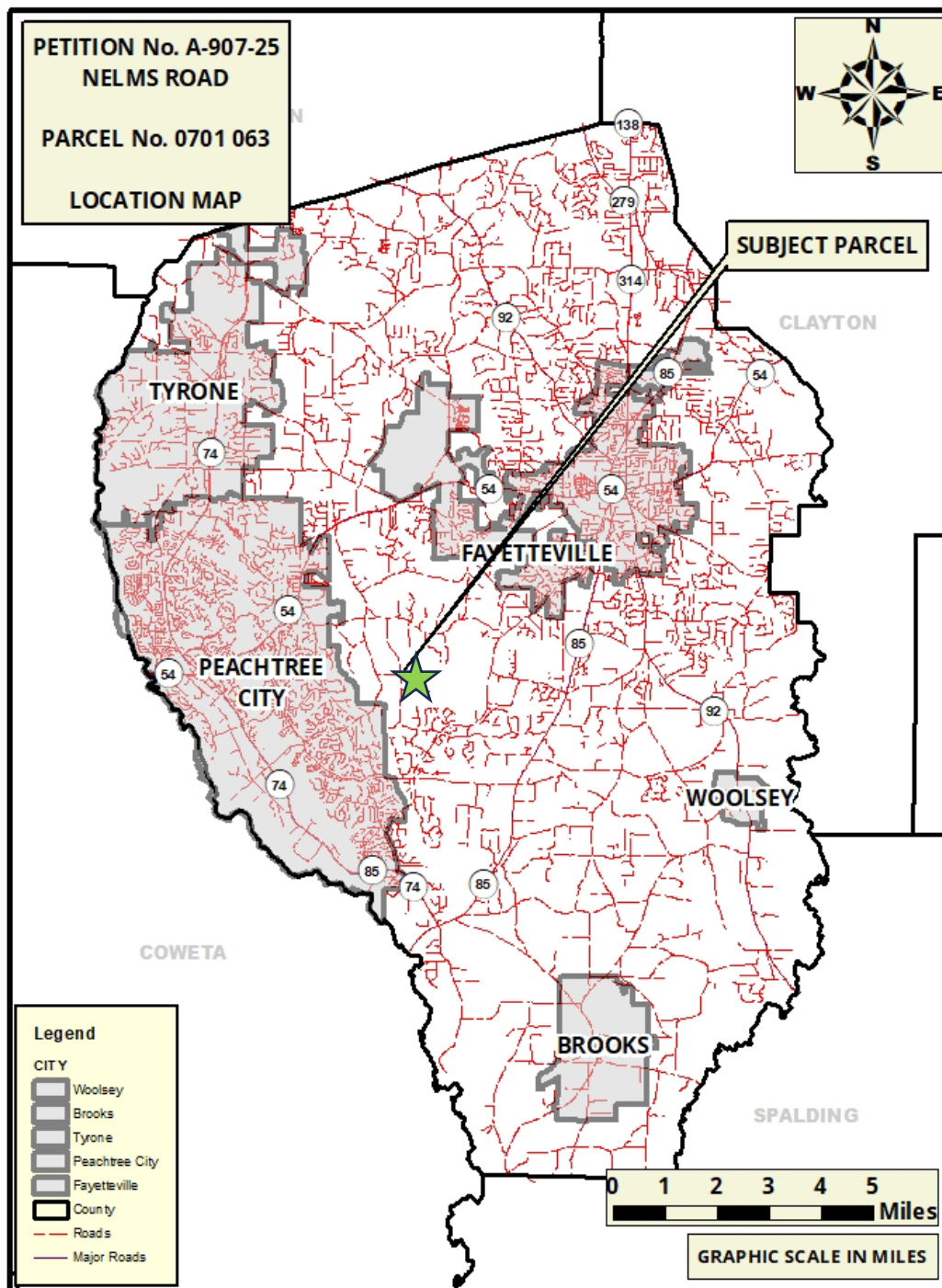
The subject property was made illegal by actions of a previous owner via a plat recorded 29 April 1986, Plat Book 16, Page 181, which was MORE THAN 10 YEARS AGO. The plat was for Redwine Quarters, Phase I, and while it did not specifically include this parcel, it created this parcel as a remnant.

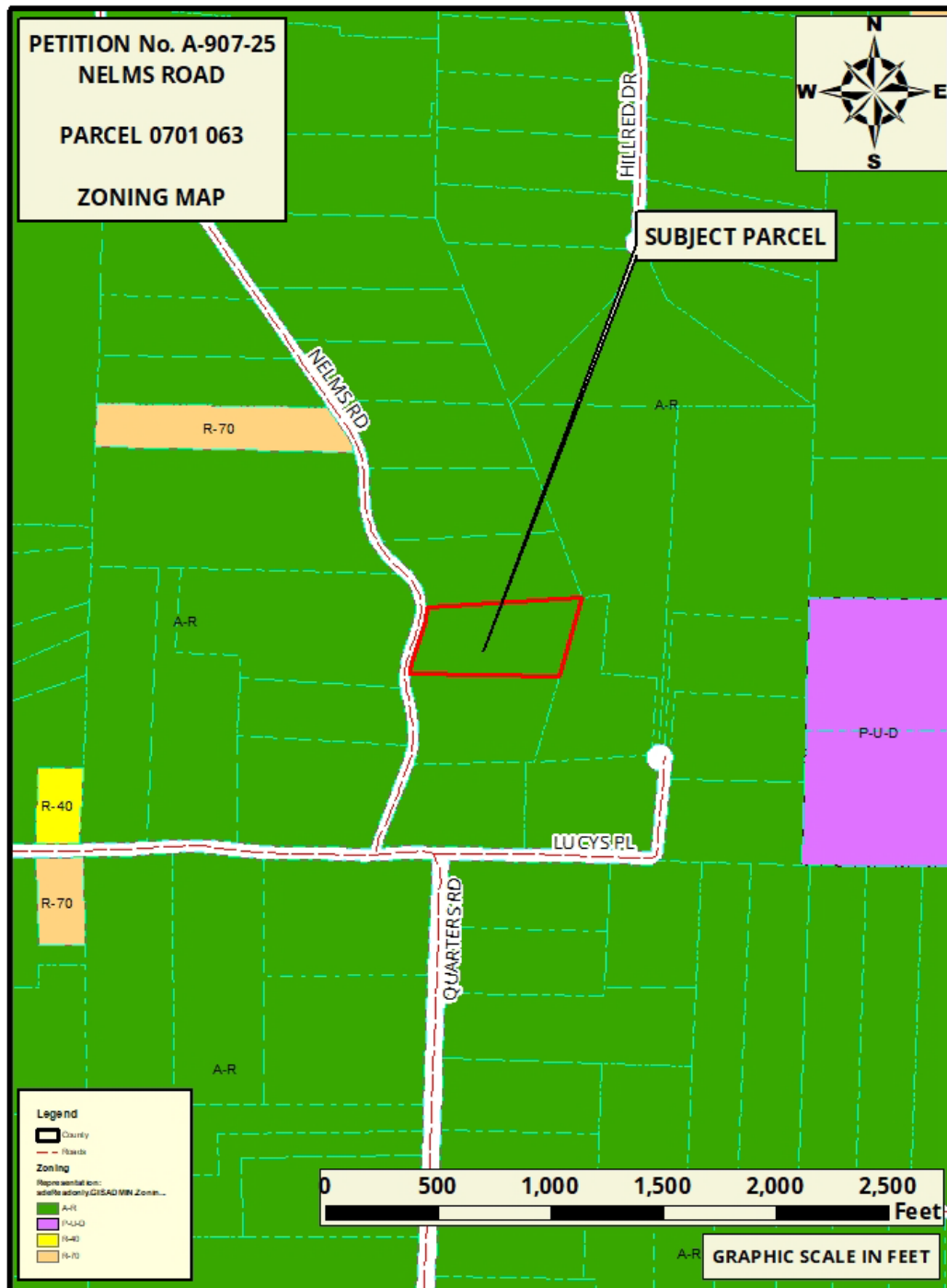
(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent,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

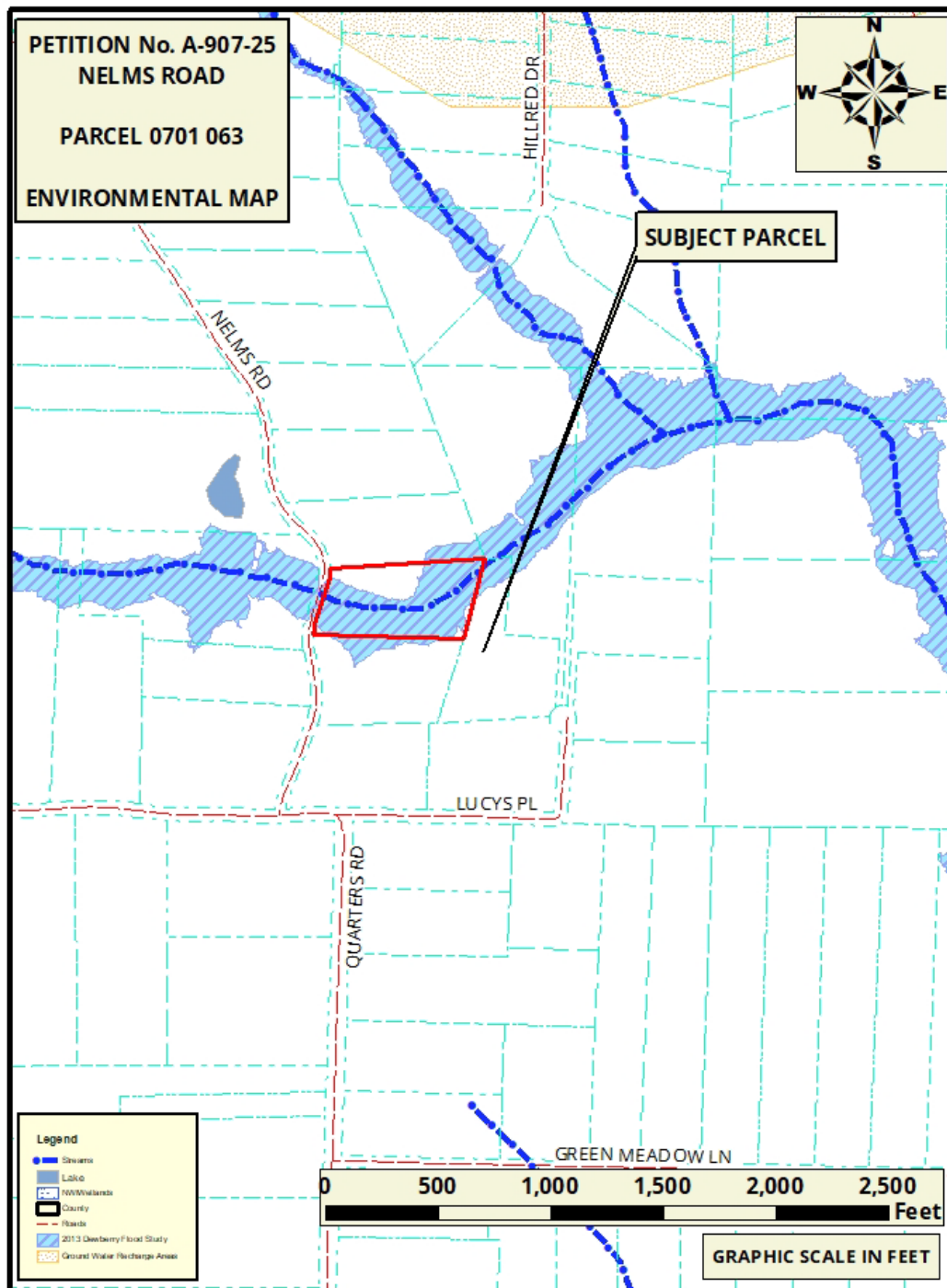
As defined above, the petitioner IS NOT the person, or an immediate family member of the person, who caused the subject property to be an illegal lot.

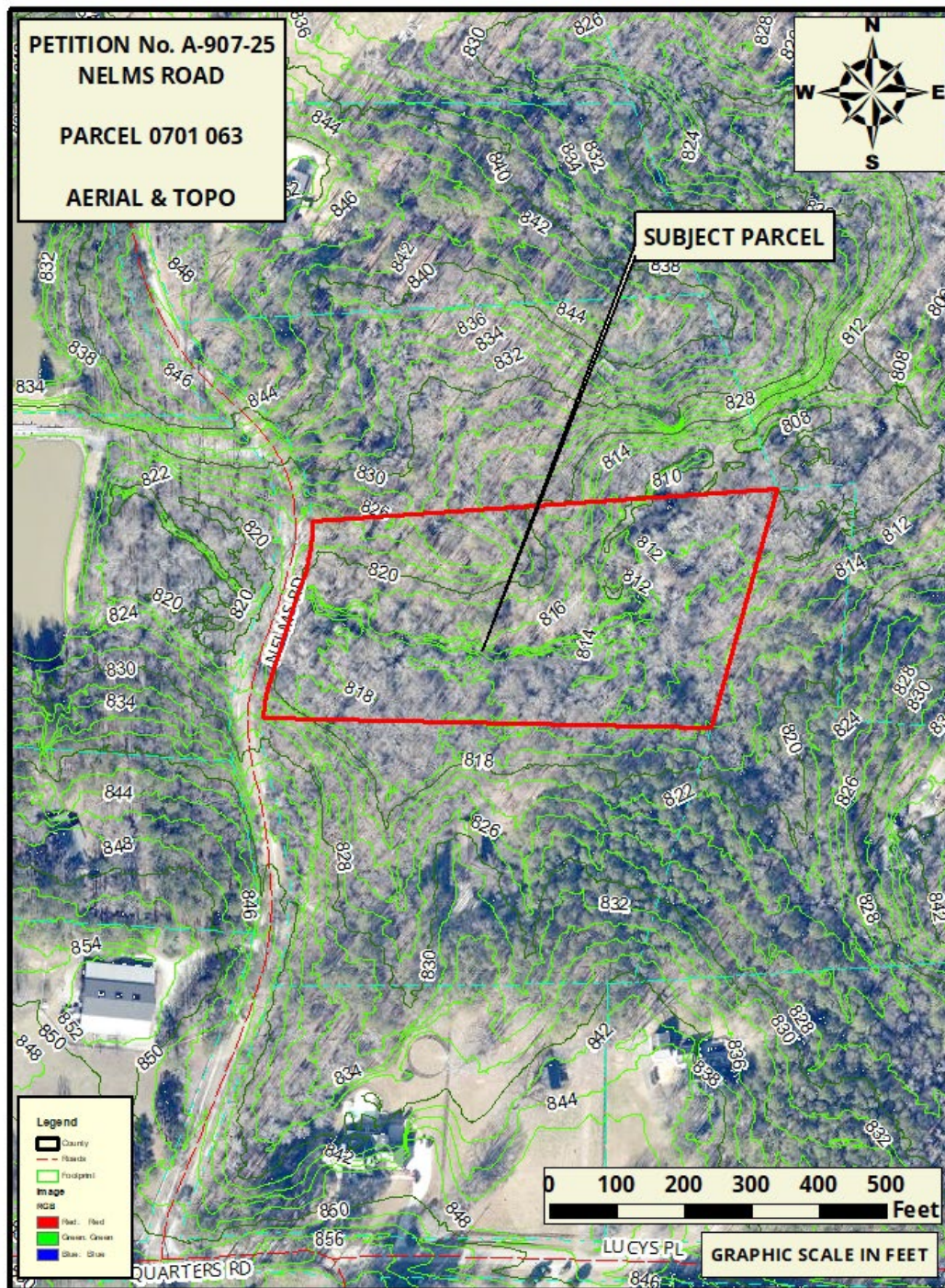
(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent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

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









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

PROPERTY INFORMATION:

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

PROPERTY OWNER INFORMATION

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

AGENT/DEVELOPER INFORMATION (If not owner)

Name Jason Newman (Son)
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip [REDACTED]
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 09/02/2025

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

Received payment from Jason Newman a check in the amount of \$ 175.00

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

Date Paid 09/02/25 Receipt Number: 025057

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Michael Newman, Billie Newman

Please Print Owners' Names

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

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

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

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

SIGNATURES

Owner/
Agent
One:

Signature [Signature]
Name: [Redacted]
Address: [Redacted]
City/State/Zip: [Redacted]
Date: 9-2-2025

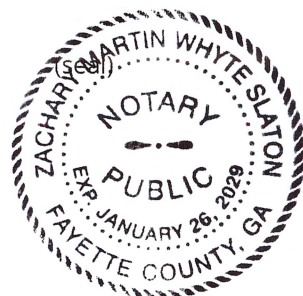
Notary: [Signature]
Commission Exp.: 1/26/2029



Owner/
Agent
Two:

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

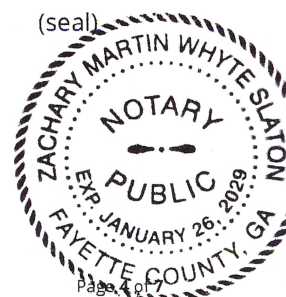
Notary: [Signature]
Commission Exp.: 1/26/2029



Owner/
Agent
Three:

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

Notary: [Signature]
Commission Exp.: 1/26/2029



VARIANCE INFORMATION

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

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

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

See Additional Documentation

JUSTIFICATION OF REQUEST

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
The parcel measures 4.78 acres, a deficiency of only 9,583 SF from the required 217,800 SF. The lot is further encumbered by FEMA floodplain restrictions documented by Fayette County Environmental Management
(FIRM Panel 13113C0094E, effective Sept. 26, 2008; Environmental Evaluation dated June 7, 2022)
.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
Strict application of the minimum lot size would prevent any development of auxiliary structures, depriving the applicant of permitted A-R uses and imposing hardship not shared by similarly situated landowners.
3. Such conditions are peculiar to the particular piece of property involved.
The parcel was lawfully platted as part of Redwine Quarters Phase I (1986) and represented at sale as 4.99 acres. The slight deficiency was only discovered after updated survey. Floodplain encumbrances further limit use of otherwise developable land.
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.
Granting relief will allow use consistent with the intent of A-R zoning and surrounding properties. The proposed auxiliary structure is outside mapped flood zones and will comply with engineering and environmental requirements.
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.
A literal interpretation would deprive the applicant of rights routinely exercised by other A-R property owners, specifically the ability to construct an auxiliary building prior to a principal residence.

Application for Variance and Nonconforming Status

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

Section 1 – Request

The applicant respectfully petitions the Zoning Board of Appeals for:

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

Section 2 – Basis for Nonconforming Status

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

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

Section 3 – Variance Criteria Response

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

Section 4 – Supporting Documentation

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

Section 5 – Relief Requested

The applicant requests that the Zoning Board of Appeals:

1. Grant nonconforming status to Parcel 0701 063; and

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

TAX PARCEL ID: 0701 063

Order No.: 25-0748-DEB

LIMITED WARRANTY DEED

STATE OF ~~GEORGIA~~ ^{TENNESSEE} _{Rob}
COUNTY OF ~~FAYETTE~~ ^{BLOUNT} _{Rob}

THIS INDENTURE, made this 20th day of June, 2025, between **WILLIAM B. MORRISON**, as party or parties of the first part, hereinafter called Grantor, and **MICHAEL EDWARD NEWMAN and BILLIE GAIL NEWMAN, AS TRUSTEES OF THE MIKE AND BILLIE NEWMAN LIVING TRUST DATED MARCH 28, 2023, AND ANY AMENDMENTS THERETO**, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

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

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

PARCEL ID NUMBER: 0701 063

This being the same property conveyed by that certain Warranty Deed dated January 26, 2007 and recorded in Deed Book 3170, Page 143, Fayette County, Georgia records.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

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

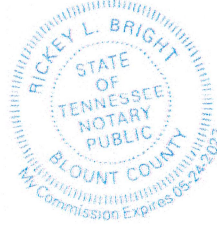
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 19 day of June, 2025.

Signed, sealed and delivered in the presence of:

Andrea Prozzo
Unofficial Witness Andrea Prozzo

R. L. Bright
Notary Public
My Commission Expires: May 24, 2027

William B. Morrison (SEAL)
WILLIAM B. MORRISON

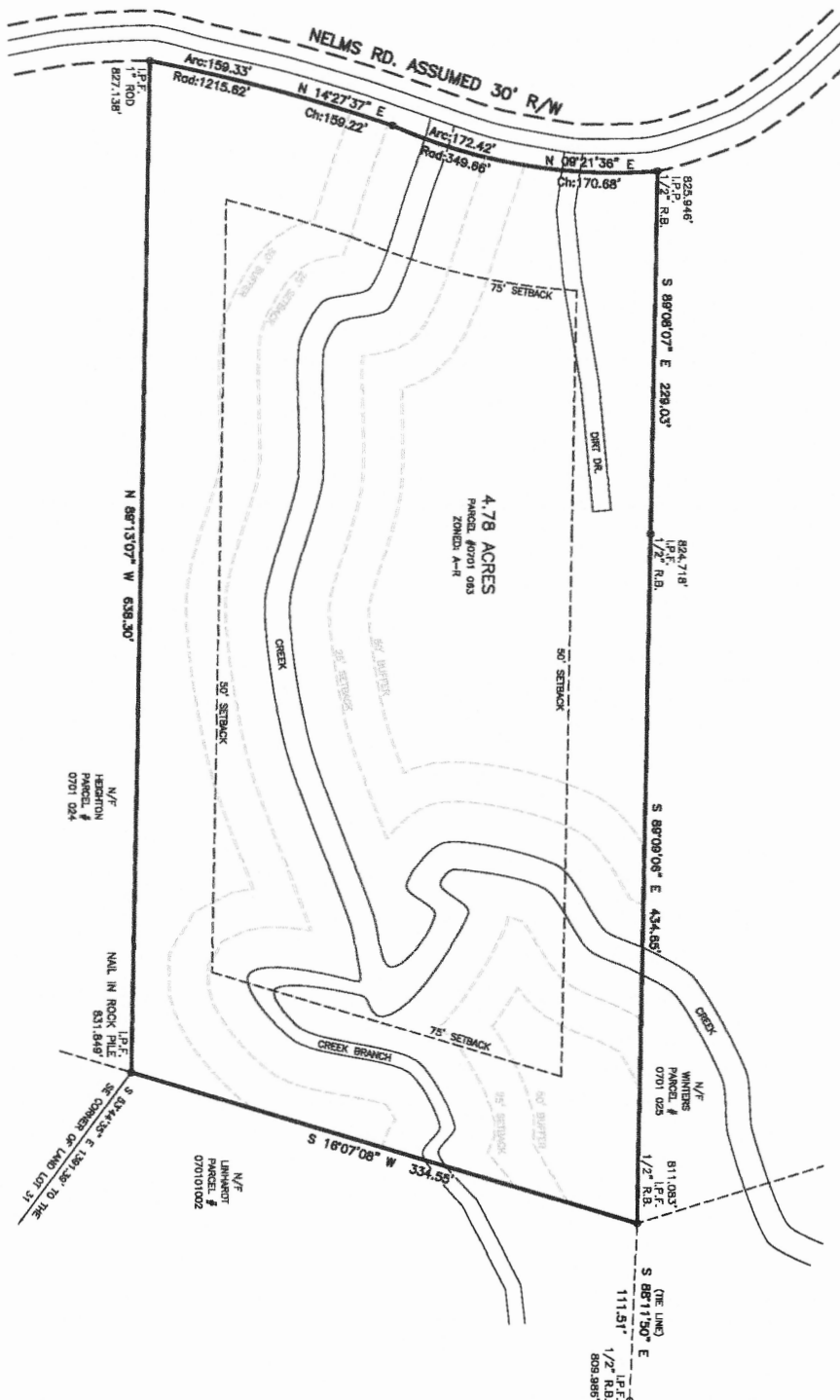


REFERENCE:
P.B. 16 PG. 181
D.B. 1028 PG. 536
D.B. 5653 PG. 040

This plan is a refinement of an existing record or parcels of land and does not, in any way, affect the period or mode of any claim or title to the land. It is not a new survey. The remaining remainder of the document, comprising the description of the lands, maps, plans, or other instruments which contain the record or title and the LOS, shall be read and construed in connection with the RECORD, RESIDUALS, OR REMAINDER, and the LOS, and shall be construed, AVAILABLE FOR PERMITS, DISSECTION, and the LAND, PERMITS, OR PURPOSE OF THE LAND. Furthermore, the unadvised land surveyor certifies that this set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 46-1-87.

Registered Georgia Land Surveyor No. 2998
Address: 649 West Avenue, Columbus, GA,
30125
Telephone Number: 678-675-5119
Date: June 24, 2025

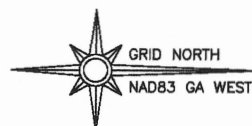
This plot has been calculated for closure and is found to be accurate within one foot in 920,644.8 feet.
By: William B. Sims

[illegible]

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



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



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, Octo-
ber 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-907-25

Owner: Michael Edward Newman
and Billie Gail Newman

Agent: Jason Newman

Property Address: Nelms Road

Parcel: 0701 063

Zoning District: A-R

Area of Property: 4.995 acres

Land Lot(s): 31

District: 7th

Road Frontage: Nelms Road

Request: Applicant is request-

ing the following: Per Sec.
110-242(h)-Request for an illegal
lot to be deemed a nonconforming
lot.

Legal Description

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

PARCEL ID NUMBER: 0701 063

10/08



2026 HEARING SCHEDULE

For Zoning Board of Appeals Fayette County, Georgia

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

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

December 5, 2025

January 2, 2026

February 6, 2026

March 6, 2026

April 3, 2026

May 1, 2026

June 5, 2026

July 3, 2026

August 7, 2026

September 4, 2026

October 2, 2026

November 4, 2026*

December 4, 2026

ZBA MEETING DATES

January 26, 2026

February 23, 2026

March 23, 2026

April 27, 2026

May 26, 2026*

June 22, 2026

July 27, 2026

August 24, 2026

September 28, 2026

October 26, 2026

November 23, 2026

December 14, 2026*

January 25, 2027

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