

BOARD OF APPEALS

Marsha Hopkins, Chairman
Kyle McCormick, Vice-Chairman
John Tate
Brian Haren
Latisha Roebuck

STAFF

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

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
July 27, 2026
7:00 P.M.**

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

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on June 22, 2026.

PUBLIC HEARING

5. Consideration of Petition No. **A-939-26** – Sarah Kagondou, owner. Applicant is requesting a variance to Sec. 110-138(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 0.4 feet in the R-20 (Single Family – Residential) District to allow an existing detached garage to remain. The subject property is located in Land Lot 55 of the 5th District and fronts Hilo Road.
6. Consideration of Petition No. **A-940-26** – April L. Phillips & Anthony C. Phillips Living Trust. And April and Anthony Phillips, Trustees. Applicants are requesting a variance to Sec. 110-135(d)(6). – Side yard setback requirement, to reduce the side yard setback from 20 feet to 8.2 feet in the R-50 (Single Family – Residential) District to allow an existing storage structure to remain in its current location. This property is located in Land Lot 104 of the 7th District and fronts on Cicely Way.
7. Consideration of Petition No. **A-941-26** – James R. & Michele L. Cleghorn, owners. Applicants are requesting a variance to Sec. 110-138(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 2.1 feet in the R-20 (Single Family – Residential) District to allow an existing detached garage to remain in its current location. The subject property is located in Land Lot 55 of the 5th District and fronts Hilo Road.

8. Consideration of Petition No. **A-943-26-A-B-C** – Melody Eubanks, Owner, and Dallas Lester, Agent. Applicants are requesting the following:

A) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15.3 feet in the R-72 zoning district to allow an accessory structure to be constructed to the east of the property.

B) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15 feet to allow a 240 square foot metal building to be relocated to the south of the property.

C) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 16 feet to allow a 240 square foot metal building to be relocated to the south of the property.

Minutes 06/22/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on June 22, 2026, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Marsha Hopkins, Chairman
Kyle McCormick, Vice-Chairman
John Tate
Brian Haren
Latisha Roebuck

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

-
1. Call to Order. *Chairman Marsha Hopkins called the June 22, 2026, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Chairman Marsha Hopkins offered the invocation and led the audience in the Pledge of Allegiance.*
 3. Approval of Agenda. *John Tate made the motion to approve the agenda. Vice Chairman Kyle McCormick seconded the motion. The motion carried 4-0. Board Member Latisha Roebuck was absent.*
 4. Consideration of the Minutes of the Meeting held on May 18, 2026. *Brian Haren made a motion to APPROVE the Minutes as presented for the May 18, 2026, meeting. John Tate seconded the motion. The motion passed 4-0.*

PUBLIC HEARING

5. Consideration of Petition No. **A-937-26** – Benjamin & Barbara June Hendricks, owners. Applicants are requesting a variance to Sec. 110-125(d)(6).- Side yard setback requirement, to reduce the side yard setback from 50 feet to 12 feet in the A-R zoning district to allow the construction of a detached garage. The subject property is located in Land Lot 255 of the 5th District and fronts Hill Road.

Ms. Debbie Bell explained that the property is a legal lot of record. The shape of the lot and the presence of utility easements and overhead power lines limit suitable building locations; the proposed structure would be located farther from the property line than the existing shed, thereby reducing the degree of nonconformity, and no objections were received from reviewing departments. Staff recommended approval of the petition.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Benjamin Hendrix, Owner, addressed the Board and stated that the proposed location is the most practical location on the property. He stated the adjacent property owner, Sylvia Jimenez, was informed of the request and expressed no concerns regarding the proposed garage.

Ms. Jessica Hendrix also spoke in support of the request, noting that the structure would provide storage for equipment used to care for the family's animals and serve as a workspace for family projects.

Public Comment

No additional speakers appeared in support of or in opposition to the petition.

Board members discussed the request and agreed that the proposed location was reasonable given the property's configuration and utility constraints.

Brian Haren made a motion to APPROVE Petition No. A-937-26. John Tate seconded the motion. The motion passed 4-0.

Brian Haren moved to adjourn the June 22nd, 2026, Zoning Board of Appeals meeting. Vice-Chair Kyle McCormick seconded the motion. The motion passed 4-0.

The meeting adjourned at 7:12 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:

MARSHA HOPKINS, CHAIRMAN

**MARIA BINNS,
ZBA SECRETARY**

PETITION NO: A-939-26

Requested Action: Variance to reduce left side building setback from 15' to 0.4' in the R-20 (Single-Family Residential) District, to allow an existing detached garage to remain in the current location.

Location: 460 Hilo Rd., Fayetteville, GA 30215

Parcel(s): 051201046B

District/Land Lot(s): 5th District, Land Lot(s) 55

Zoning: R-20

Owner(s): Sarah Kagondou

Agent: N/A

Zoning Board of Appeal Public Hearing: July 27, 2026

REQUEST

Applicant is requesting the following variance to allow an existing detached garage to remain:

1. Variance to Sec. 110-138(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 0.4 feet in the R-20 zoning district.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the request to reduce the rear yard setback from 15 feet to 0.4 feet to allow the detached garage to remain. The shape of the lot and the location of driveway make this the most reasonable place to locate a detached garage. Although there is area on the back of the lot, this would put the garage a great distance from the house.

HISTORY

The subject property was created in 1998. The house and the detached garage were also constructed in 1998, prior to a foundation survey requirement.

ZONING REQUIREMENTS

Sec. 110-138. R-20, Single-Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-20 zoning district shall be as follows:

(6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – No comment. This is a zoning setback request. Site was reviewed on GIS and there are no known access issues.
- ☐ **Environmental Health Department** – This office has no objection to the variance request. This is not approval for final location or construction of structure.
- ☐ **Fire** – N/A.
- ☐ **Building Safety** – No issues. If unpermitted and meeting the standards of permitting requirements, a permit is required.

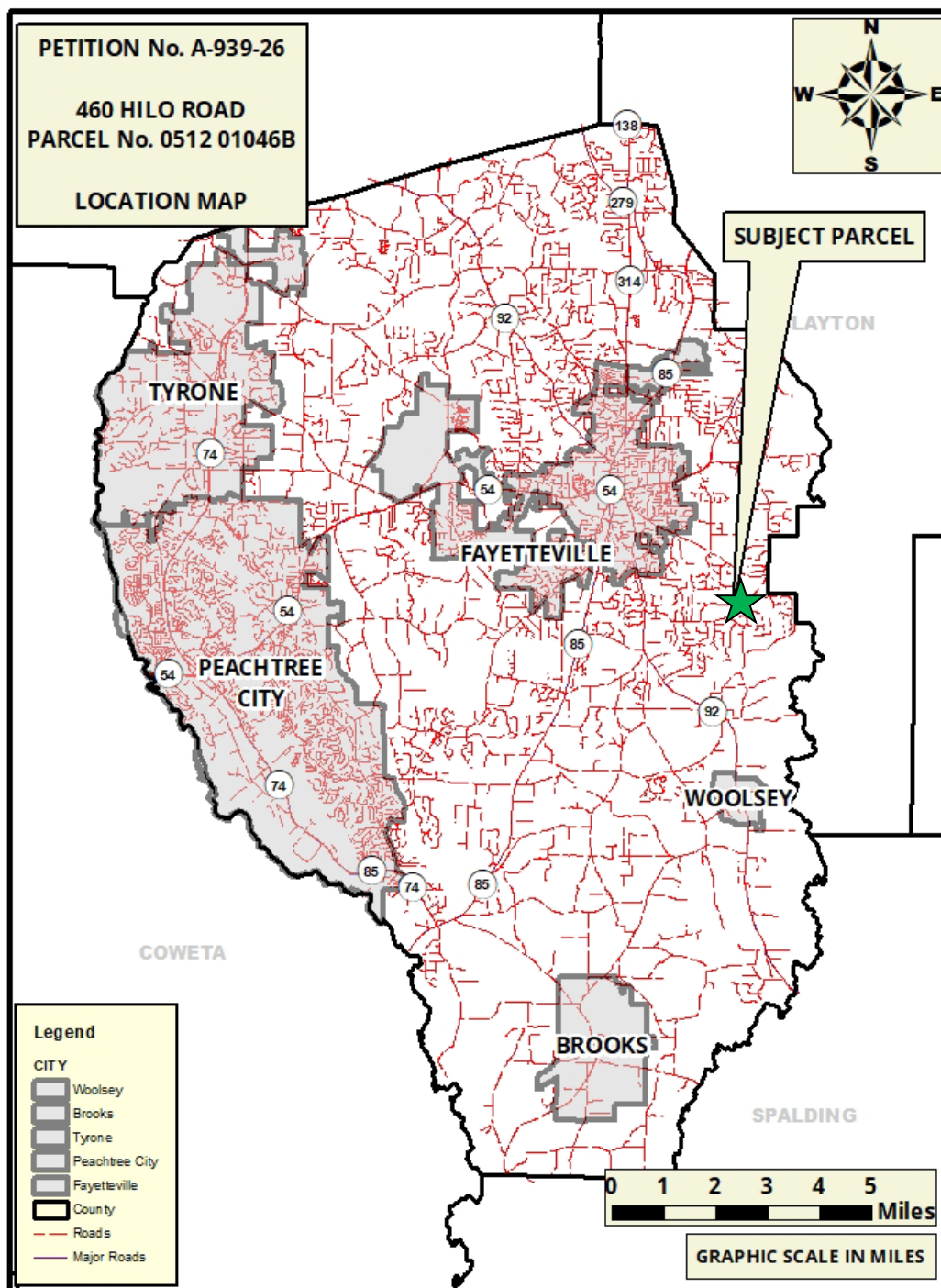
CRITERIA FOR CONSIDERATION OF A VARIANCE

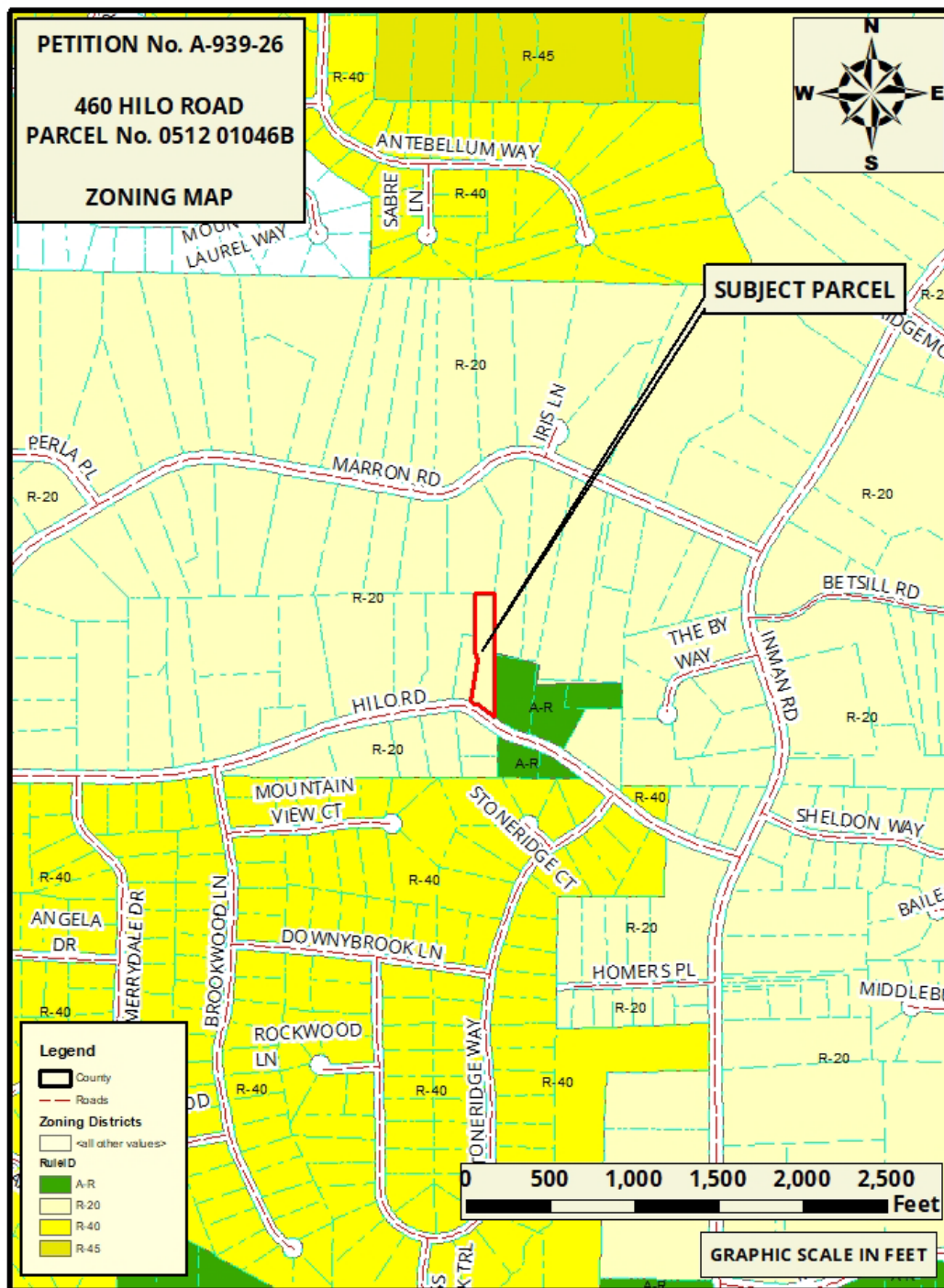
STAFF ASSESSMENT OF CRITERIA

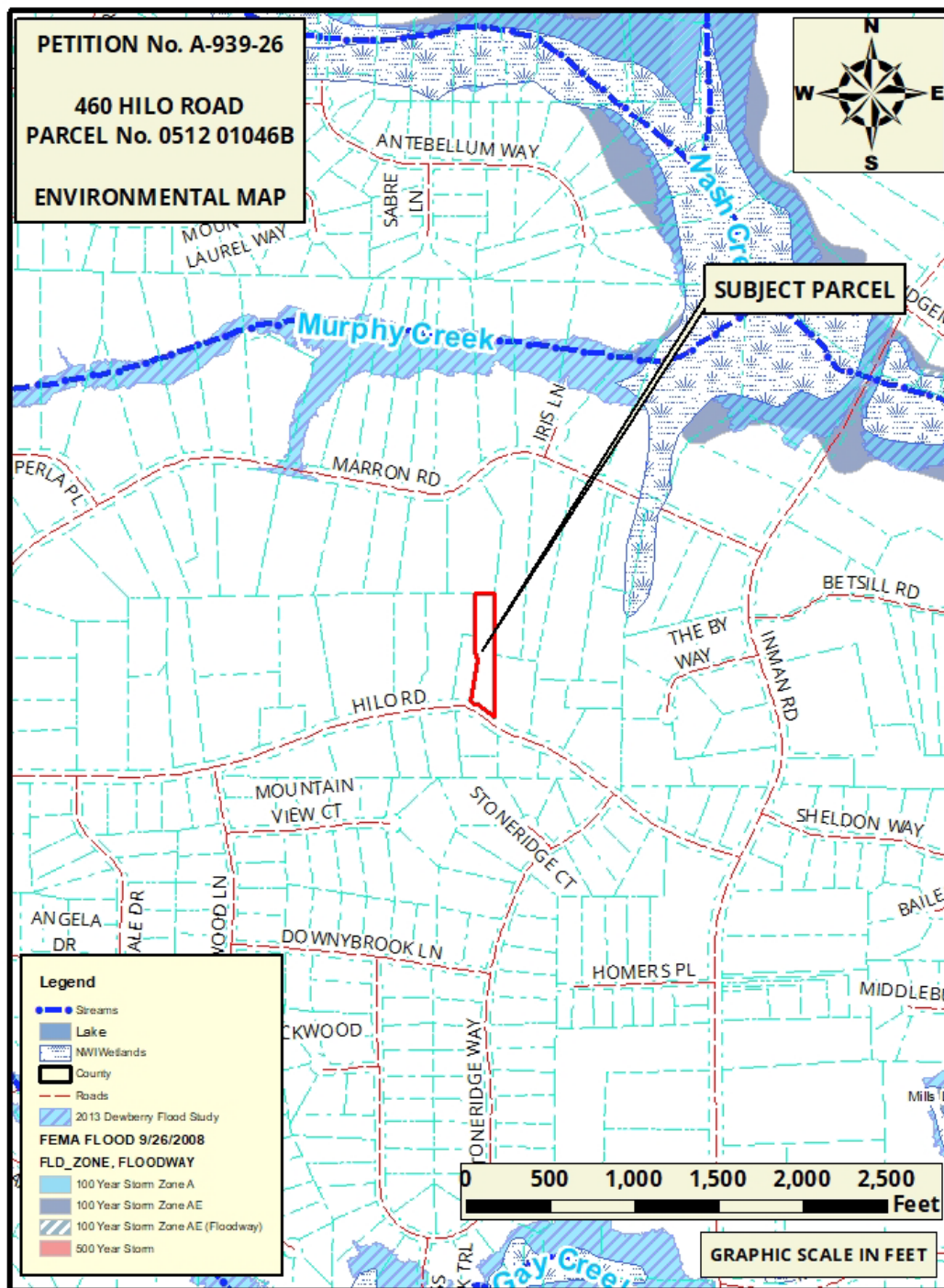
(Please see the attached application package for the applicant's responses to the criteria.)

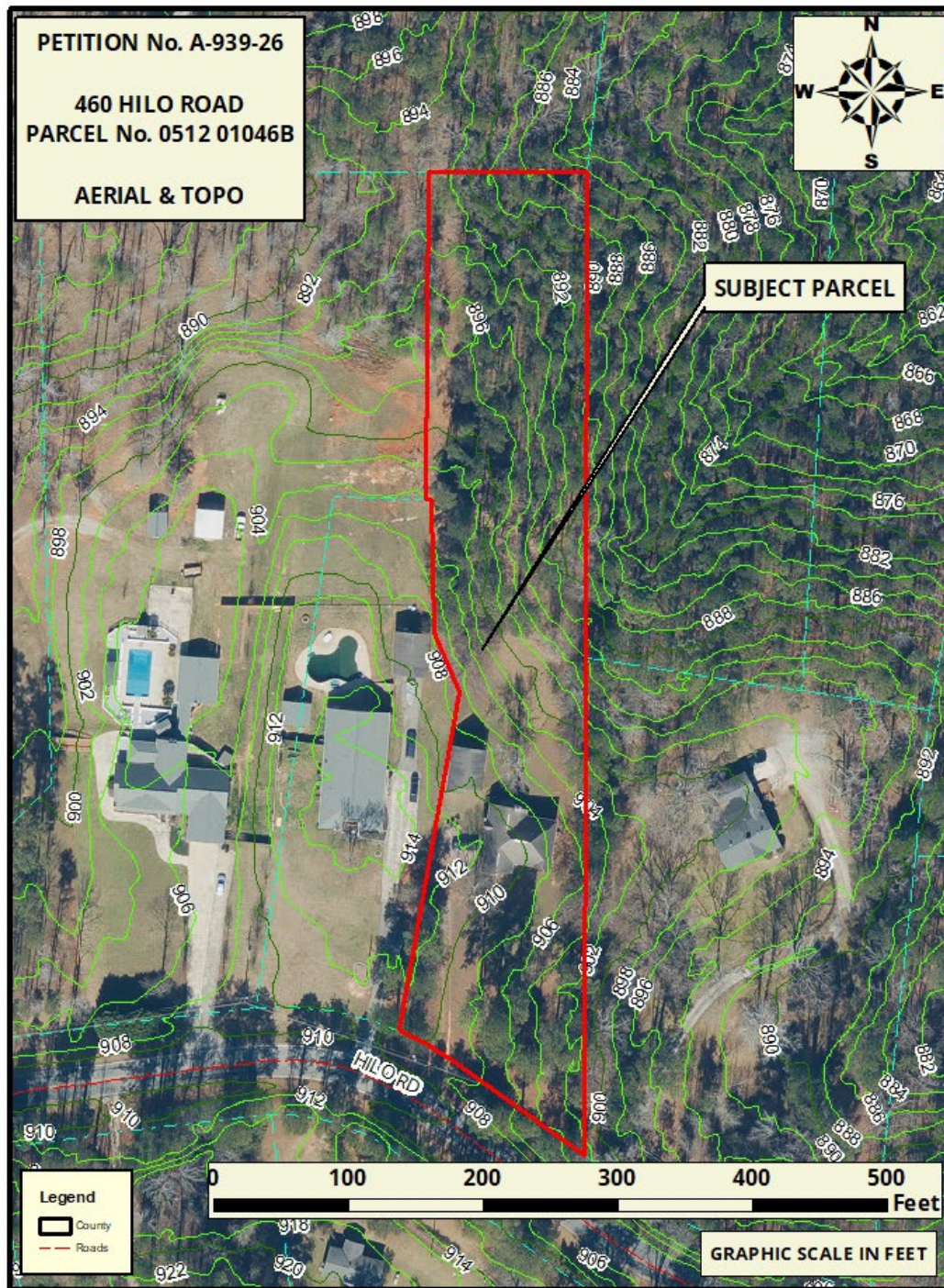
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation 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 property line shared with 454 Hilo Rd changes directions four (4) times, rather than the straight line seen on most plats. There is a 9.2' cut into the property towards the existing driveway. The lot was platted with a 10' side yard setback vs. the 15' setback in the current ordinance. If the property line was straight, property owners would have less difficulty following side yard setbacks.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The garage was constructed by the previous homeowner in the side yard setback and has existed without any complaints. The nonconformity was identified when the property owner applied to improve the detached garage.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *This lot has a peculiar shape on the western side.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *The neighbor on the affected side of the property is aware of the encroachment and does not object.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to have a detached garage, but the detached garage would have to be located a significant distance from the existing house to protect the septic replacement area.*











LOT PHOTO

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

PROPERTY INFORMATION:

Parcel No. 051201046B Acreage: 1.988 Land Lot: 55 Land District: 5th
Address: 460 Hilo Road, Fayetteville, GA 30215
Zoning: R-20 Zoning of Surrounding Properties: R-20 & A-R
Use: Residential

PROPERTY OWNER INFORMATION

AGENT/DEVELOPER INFORMATION (If not owner)

Name <u>Sarah Kagonda</u>	Name _____
Email <u>[REDACTED]</u>	Email _____
Address <u>460 Hilo Road</u>	Address _____
City <u>Fayetteville</u>	City _____
State <u>GA</u> Zip <u>30215</u>	State _____ Zip _____
Phone <u>[REDACTED]</u>	Phone _____

PETITION NUMBER: A-939-26 **(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: Maria Binno Date: 05/08/2026

DATE OF ZONING BOARD OF APPEALS HEARING: July 27, 2026

Received payment from Sarah Kagonda a check in the amount of \$ 195.00

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

Date Paid 05/08/2026 Receipt Number: 027433

RECEIVED
MAY 07 2026
BY: D.S.

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:

SARAH KAGONDU

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0512010 46B

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 55 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.988 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Signature [Signature]
Name: Sarah Kagundu
Address: 460 Hill Road
City/State/Zip: Fayetteville GA 30215
Date: 5/7/2026

Notary: _____ (seal)
Commission Exp.: 1/5/2027

Phone: _____
Email: _____

Signature [Signature]
Name: Sarah Kagundu
Address: _____

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

City/State/Zip: _____

Commission Exp.: _____

Date: _____

Phone: _____

Email: _____

Signature _____

Notary: _____ (seal)

Name: _____

Address: _____

Commission Exp.: _____

City/State/Zip: _____

Date: _____

Phone: _____

Email: _____

VARIANCE INFORMATION

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

Ordinance/Section	Sec. 110-138 (d)(6) Side yard setback
Requirement	15'
Proposed Change	0.4'
Variance Amount	14.6'

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.

Kindly requesting for a variance
waiver of setback

JUSTIFICATION OF REQUEST

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

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

The existing structure is ~~has~~ ~~on~~ Slopely area at the rear. Would have been difficulty to have had it built on the Slopely land.

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

There is natural habitation (trees) at the back

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

I bought the property with the existing structure already in place. Constructed over ten years ago.

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

The structure has already been in existence and has been well maintained with a new roof installed in 2023. The drive way has a end way to the structure.

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

There would no deprivance, the property is within the rights use by other owners within the zoning district.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Type: WD
Recorded: 8/12/2025 3:57:00 PM
Fee Amt: \$375.00 Page 1 of 2
Transfer Tax: \$350.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

After Recording Return To:
McMichael & Gray, P.C.
2055 North Brown Road, Suite 250
Lawrenceville, GA 30043

BK 5861 PG 346 - 347

Order No.: MGS-GA-250419-PUR
Attn: CHAUNTHORNE
Property Appraiser's Parcel I.D. Number:
051201046B

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 28th day of July, 2025, between

John J. Shaw, III

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

Sarah Wanjiru Kagundu

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

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

All that tract or parcel of land lying and being in Land Lot 55 of the 5th District, Fayette County, Georgia, being Lot 3A, of Revised Plat for: Tunis Trace Lots 2 & 3A only, as per plat recorded in Plat Book 30, Page 74, Fayette County, Georgia records, said plat is incorporated herein and made a part hereof for a more complete description.

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

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

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

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

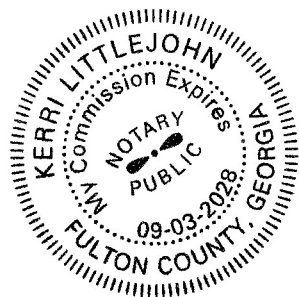
Signed, sealed and delivered in the presence of:

William Edmondson
Unofficial Witness

John J. Shaw, III (Seal)
John J. Shaw, III

Kerri Littlejohn
Notary Public

My Commission Expires: 9/3/2028
[Notary Seal]



Wednesday, June 24, 2026

FAYETTE COUNTY

PETITIONS FOR VARIANCE(S)/ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEOR- GIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, July 27, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stone-wall Avenue West, first floor.

Petition No.: A-939-26

Owner: Sarah W. Kagondou

Property Address: 460 Hilo Road

Parcel: 0512010 46B

Zoning District: R-20

Area of Property: 1.988 acres

Land Lot(s): 55

District: 5th

Road Frontage: Hilo Road

Request: Applicant is requesting the following: Per Sec. 110-138(d) (6), in the R-20 zoning, a variance to reduce the side yard setback from 15 feet to 0.4 feet to allow an accessory structure to remain.

Legal Description

All that tract or parcel of land lying and being in Land Lot 55 of the 5th District, Fayette County, Georgia, being Lot 3A, of Revised Plat for: Tunis Trace Lots 2 & 3A only, as per plat recorded in Plat Book 30, Page 74, Fayette County, Georgia records, said plat is incorporated herein and made a part hereof for a more complete description. SUBJECT to all zoning ordinances, easements and restrictions of record affecting said premises.

6/24

Legals continued page B5

PETITION NO: A-940-26

Requested Action: Variance to reduce right side building setback from 20' to 8.2' in the R-50 (Single-Family Residential) District, to allow an existing storage structure to remain in the current location.

Location: 215 Cicely Way, Tyrone, GA 30290

Parcel(s): 072915015

District/Land Lot(s): 7th District, Land Lot(s) 104

Zoning: R-50

Owner(s): April L Phillips and Anthony C Phillips Living Trust

Agent: N/A

Zoning Board of Appeal Public Hearing: July 27, 2026

REQUEST

Applicant is requesting the following variance to allow an existing storage structure to remain:

1. Variance to Sec. 110-135(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 8.2 feet in the R-50 zoning district.

STAFF RECOMMENDATION

Staff recommends **DENIAL** of the request to reduce the side yard setback from 20 feet to 8.2 feet to allow the storage structure to remain in the existing location. The recorded final plat indicates this lot has 0.54 buildable acres free and clear of setbacks or easements.

HISTORY

The property owner submitted a construction permit to enclose the swimming pool. The accessory structure less than 200 square feet in the side yard setback was brought to Zoning's attention at that time. A building permit is not required for accessory structures less than 200 square feet that do not have electricity.

ZONING REQUIREMENTS

Sec. 110-135. R-50, Single-Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-50 zoning district shall be as follows:

(6) Side yard setback: 20 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works** – No objection.
- ☐ **Environmental Management** – Environmental Management Department objects to this variance based on the lack of survey data to ensure the shed is not within the 30 foot drainage easement. Measurements off qPublic are not to a high enough degree of accuracy. The shed is a significant distance from the approved site plan that was submitted in 2023.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This office approved the shed in 2023. Per notes on the evaluation, Environmental Health requested the shed to be moved close to the property line a bit to ensure sufficient distance from the septic drain lines.
- ☐ **Fire** – N/A.
- ☐ **Building Safety** – No issues – if the structure is unpermitted and the structure requires a permit, permitting requirements apply, a building permit is required following the existing process.

CRITERIA FOR CONSIDERATION OF A VARIANCE

STAFF ASSESSMENT OF CRITERIA

(Please see the attached application package for the applicant's responses to the 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. 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.**
 - *This property is a standard parallelogram.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *Each residential building lot shall have a minimum of 0.3 contiguous acres that is free and clear of zoning setbacks, floodplain, watershed protection buffers and setbacks, jurisdictional wetlands and easements of any kind. This property has 0.54 contiguous buildable acres, almost double the minimum requirement. There is sufficient area inside the buildable area to locate the storage structure.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *Staff did not identify any peculiar conditions.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *The neighbor on the affected side of the property is aware of the encroachment and does not object. The Home Owner's Association has also approved the encroachment.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to have a storage structure.*



To: April Phillips

Date: 06/16/2026

Re: 215 Cicely Way
Tyrone, GA 30290

April,

Per our conversation, the County is requiring that we provide you a letter stating the distances to the north property line from an existing wood shed on a concrete slab located in the Northwesterly corner of your residence at 215 Cicely Way in Tyrone, Georgia. Our survey crew ran an OPUS solution based GPS survey of the property and located property corner pins in accordance with the current methods for land surveys in Georgia. A plat drawing was not requested so our field work was not geared towards producing a plat drawing.

The following findings are based on the nearest structural component to the boundary line. In this case, measurements are reported from the corners of the concrete slab:

Northeast slab corner to the Northern Property Line (Side Line).....8.2 Feet
Northwest slab corner to the Northern Property Line (Side Line).....8.8 Feet

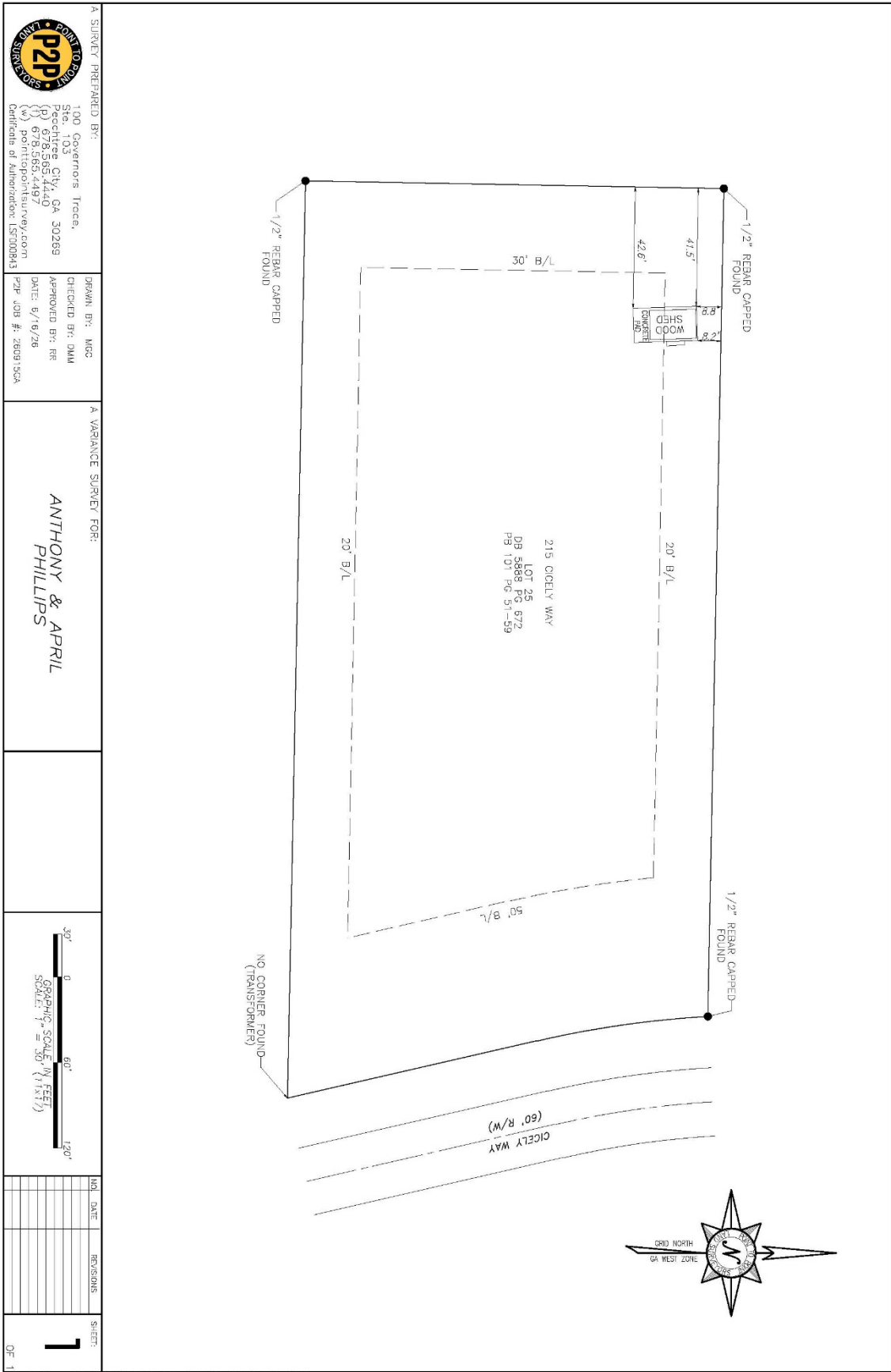
A sketch is attached as a visual aid for this letter.

Please let me know if you have any questions.

David M. Miller
Georgia Professional Land Surveyor # 3433



100 Governors Trace, Suite 103, Peachtree City, GA 30269 (p) 678.565.4440 (f) 678.565.4497 (w) www.p2pls.com



C:\My Drive\Proposals\2025\260915_215 Cicely Way_April Phillips\215 Cicely Way PRELIM.pro

The Enclave at Stonecrest Preserve HOA, Inc

P.O. Box 143089
Fayetteville GA 30214
(770) 692-0152
(770) 692-0156 Fax
<https://camga.com/>

May 20, 2026

April & Anthony Phillips
215 Cicely Way
Tyrone GA 30290

RE: 215 Cicely Way

NOTICE OF APPROVED REQUEST

Dear April & Anthony Phillips:

On behalf of your Architectural Review Committee (ARC), we are pleased to inform you that:

Shed - Conditions: Your request to approve an application to keep the existing shed in its current location has been approved based on the condition that it does in fact stay in the current location any movement of the shed without prior notice for approval will make this approval Null and void.

As a reminder, the ARC's approval of your plans and specifications is not for engineering or structural integrity, but only within their rights and responsibilities with regards to the Association's Declaration of Covenants, Conditions and Restrictions. Also, you are responsible for obtaining any permits that may be required by your local government authority and for any damage caused to HOA or adjoining property.

The Association reserves the right to make a final inspection of the change to confirm it matches the request you submitted for approval. Please follow the plan you submitted or submit an additional request form if you cannot follow the original plan.

We appreciate you being a responsible homeowner by following the guidelines of the approval process for your community. If we may be of any future assistance, please feel free to contact us.

Sincerely,

COMMUNITY ASSOCIATION MANAGEMENT, LLC
Agent for The Enclave at Stonecrest Preserve HOA, Inc

Lee Mason

Lee Mason, CMCA®, AMS®, PCAM®

To Whom It May Concern (Fayette County Zoning & Planning)

We, the adjacent property owners, are aware that the existing shed and concrete slab/foundation at 215 Cicely Way, Tyrone, GA 30290, are within the required side yard setback from our shared property line. We do not object to the shed and slab remaining in their current location. We understand that final approval is subject to Fayette County's zoning and variance process.

VASIM MOMIN

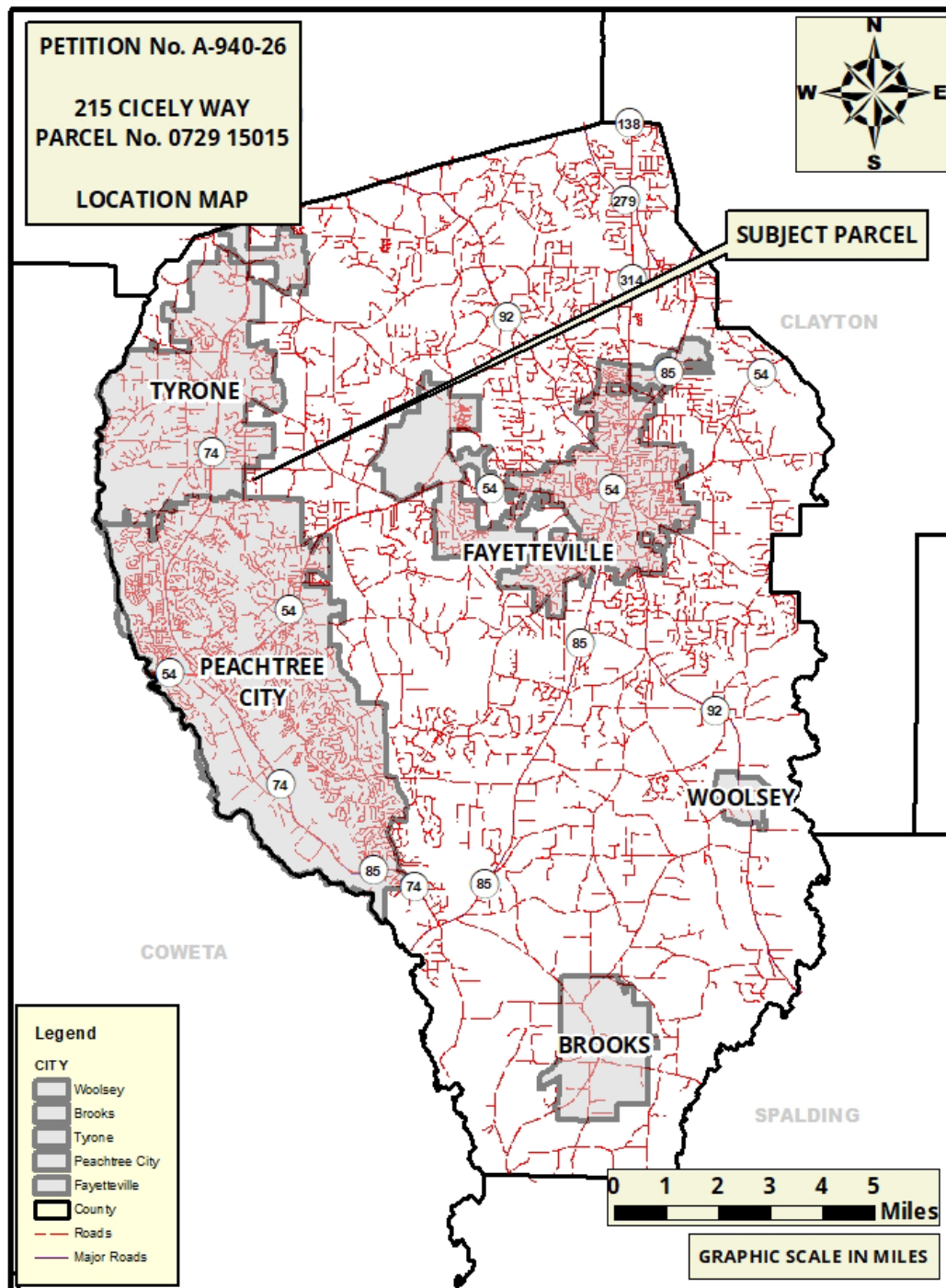
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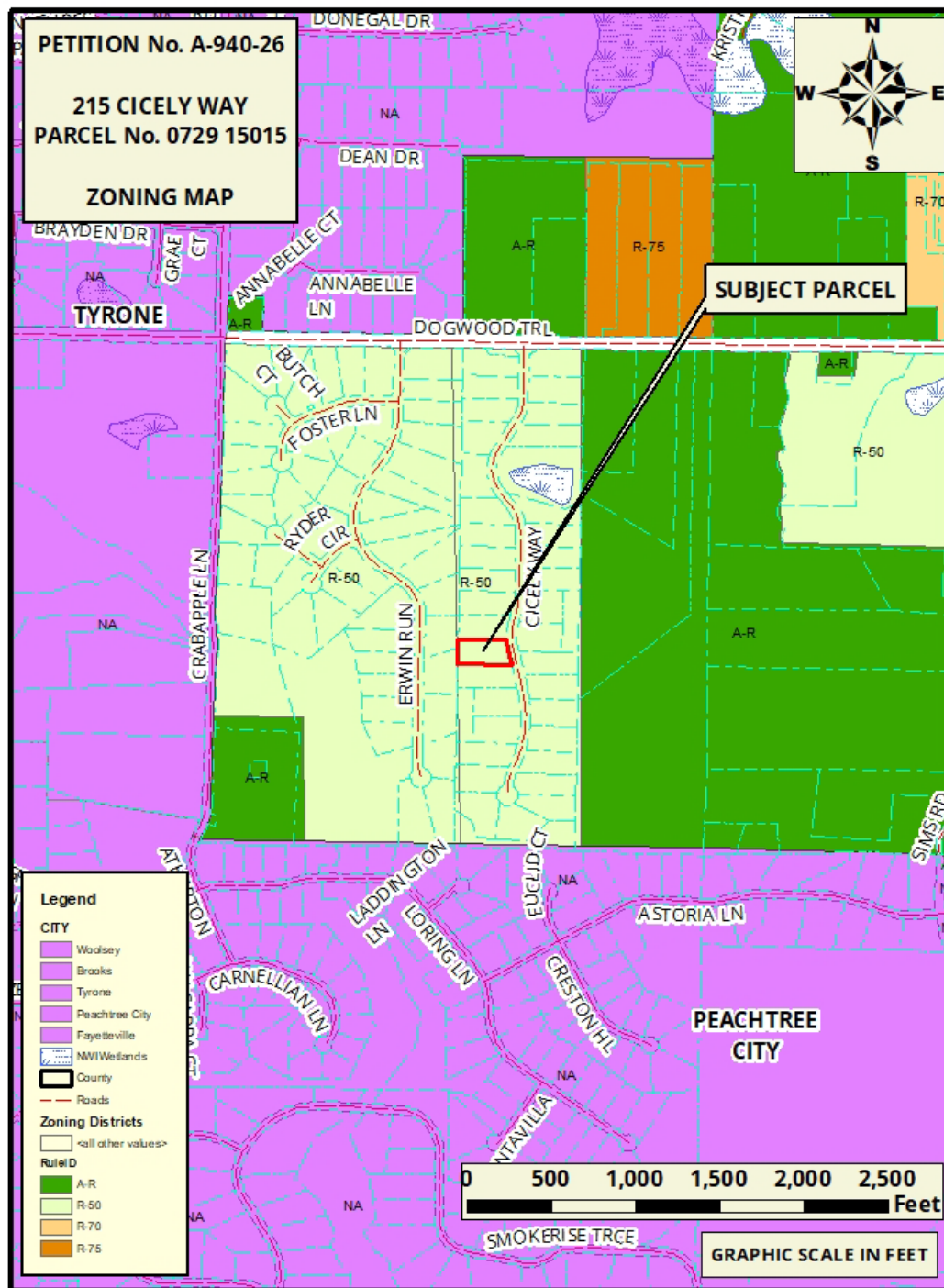
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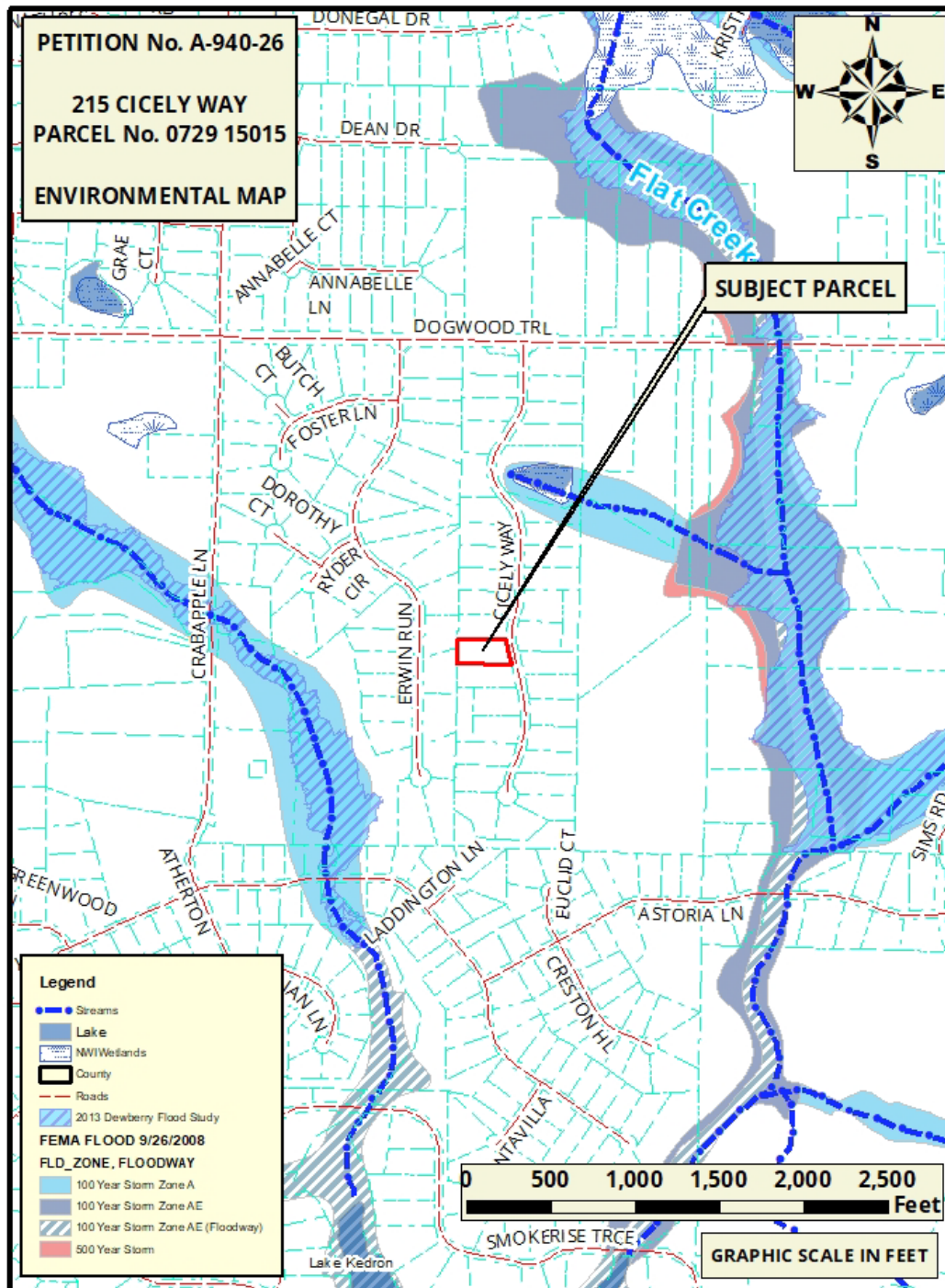
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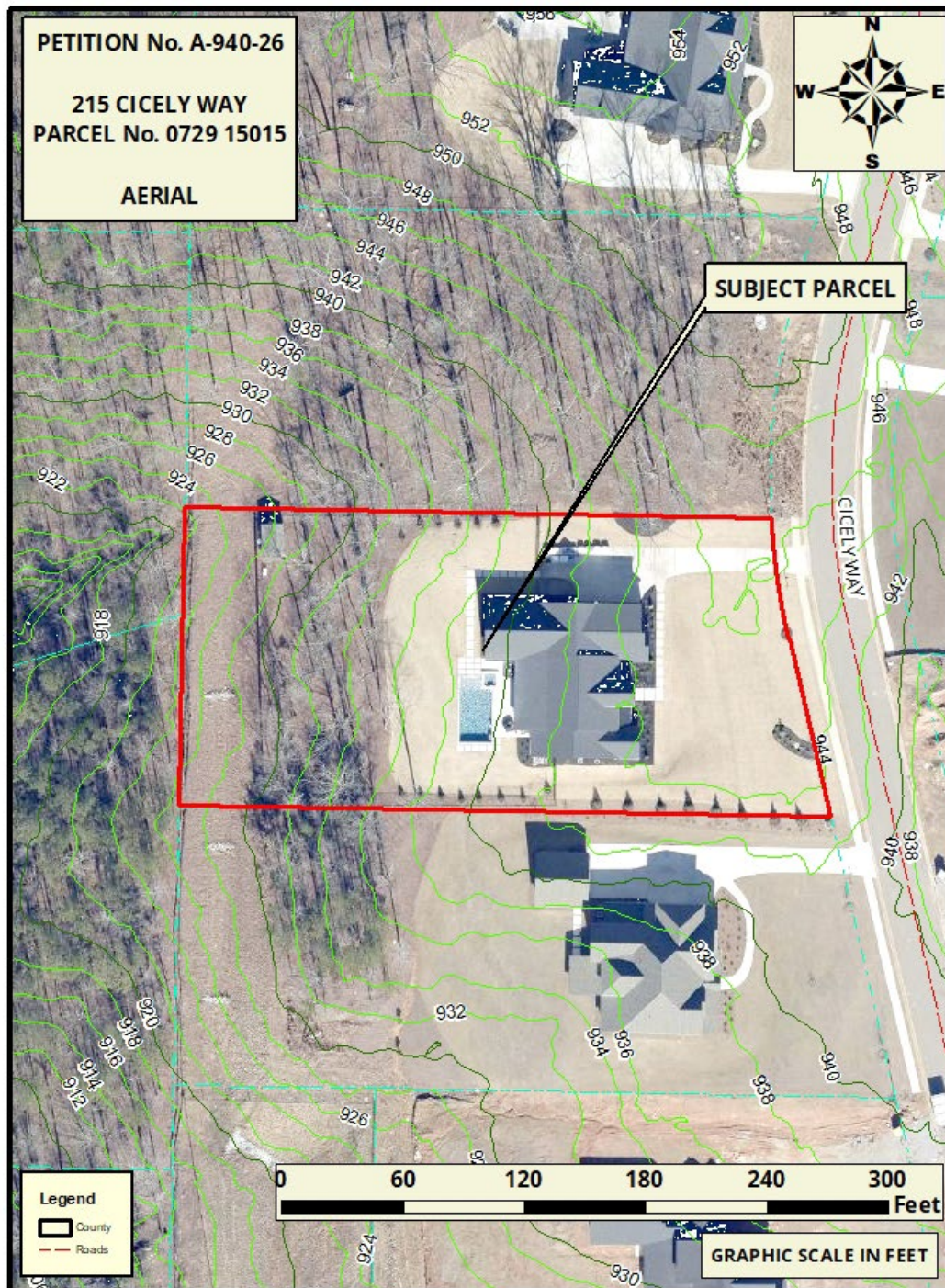
5/18/26

Date











LOT PHOTO

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

PROPERTY INFORMATION:

Parcel No. 072915015 Acreage: 1.03 Land Lot: 0104 Land District: 07
Address: 215 Cicely Way Tyrone GA 30290 United States
Zoning: R-50 Zoning of Surrounding Properties: R-50
Use: Single-Family Residential

PROPERTY OWNER INFORMATION

Name APRIL L PHILLIPS & ANTHONY C PHILLIPS LIVING TRUST
Email [REDACTED]
Address 215 Cicely Way
City Tyrone
State GA Zip 30290
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Jasmine Antoine (daughter)
Email [REDACTED]
Address 4350 Marigold Way
City Albany
State GA Zip 30214
Phone [REDACTED]

PETITION NUMBER: A-940-26 **(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: July 27th, 2026

Received payment from April Phillips 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 May 20, 2026 Receipt Number: 27552

RECEIVED
MAY 20 2026
BY: D.S.

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.

Sec. 110-135(d)(6)

Ordinance/Section	Side Yard Setback Requirement for Accessory Structure. To be confirmed by Zoning Staff — side yard setback requirement for accessory structure.
Requirement	<u>Side yard setback: 20'</u>
Proposed Change	<u>Reduce the side yard setback to 7.292 feet</u> <u>Allow the existing accessory structure/shed and foundation to remain in its current location within the required 20-foot side yard setback.</u>
Variance Amount	<u>12.708' / 63.5% Reduction</u>

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.

We respectfully request a variance to allow both the shed and the slab/foundation to remain in their current location. The rear yard is sloped, limiting safe and usable placement options. The other reasonably flat portion of the yard contains the septic system/tank area, making relocation impractical and potentially problematic. We were unaware that the shed and slab had been placed too close to the side yard setback. The adjacent property owners are aware that the existing shed and concrete slab/foundation are near our shared property line. They do not object to the shed and slab remaining in their current location.

JUSTIFICATION OF REQUEST

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

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

~~Yes. There are extraordinary and exceptional conditions pertaining to this property due to its topography, the location of the septic system/tank, and the presence of a 30-foot drainage easement on the property. The rear yard is significantly sloped, which limits safe, level, and usable locations for placing the shed. The other reasonably flat area of the rear yard contains the septic system/tank, and the property is also burdened by a 30-foot drainage easement, further limiting placement options. Because of these site-specific conditions, we respectfully request a variance to allow the existing shed and concrete slab/foundation to remain in their current location.~~

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

~~Applying the side yard setback requirement to this property would create a practical difficulty and unnecessary hardship because the rear yard's slope limits the safe, level areas where the shed can reasonably be located.~~

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

~~Yes. These conditions are specific to this property because of the rear yard's significant slope and the location of the septic system/tank area and easement. The slope limits the number of safe, level, and usable areas where the shed could reasonably be placed. In addition, the other reasonably flat portion of the yard contains the septic system/tank area, making relocation impractical and potentially disruptive. These conditions are specific to this property and create a unique limitation on where the shed and concrete slab/foundation can be located.~~

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.

~~Yes. Granting the requested variance would not substantially harm the public good or impair the purpose and intent of the zoning regulations. The request does not involve a prohibited use of the land, building, or structure. The shed is an accessory structure used in connection with the residential property.~~

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

~~Yes. A literal interpretation of the side yard setback requirement would deprive us of the reasonable residential use and enjoyment of an accessory structure that other property owners in the same zoning district are generally allowed to have. The issue is not the shed's use itself, but the limited placement options on this property due to the rear yard's slope, the septic system/tank area, and the 30-foot drainage easement.~~

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:

APRIL L. PHILLIPS AND ANTHONY C. PHILLIPS LIVING TRUST

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 072915015

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 25 of the 07 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.03 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Owner/
Agent
One:

Signature Anthony Phillips
Name: ANTHONY PHILLIPS
Address: 215 CIRCLE WAY
City/State/Zip: TYRONIA GA 30290
Date: 05-24-26
Phone: [REDACTED]
Email: [REDACTED]
Signature _____

Notary: Antonia Knight Scott
Commission Exp.: 09/21/2026



Notary: _____ (seal)

Commission Exp.: _____

Owner/
Agent
Two:

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

Notary: _____ (seal)

Commission Exp.: _____

Owner/
Agent
Three:

Name: _____
Address: _____
City/State/Zip: _____
Date: _____
Phone: _____
Email: _____

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:

APRIL L. PHILLIPS AND ANTHONY C. PHILLIPS LUNG TRUST

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 072915015

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 25 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.03 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Jasmine Antoine 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: April L. Phillips
Address: 215 Cicely Way
City/State/Zip: Tyone, GA 30290
Date: 5/20/26
Phone: [Redacted]
Email: [Redacted]

Notary: [Signature] (seal)
Commission Exp.: 1/5/2027

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

Owner/
Agent
Two:

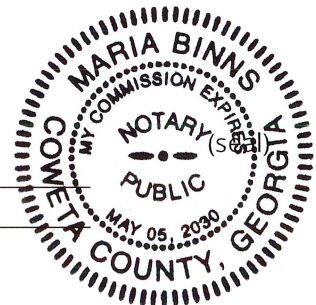
Signature: [Signature]
Name: Jasmine Antoine
Address: 4350 Merrigold Way
City/State/Zip: Farmington, GA 30213
Date: 6/24
Phone: [Redacted]
Email: [Redacted]

Notary: [Signature] (seal)
Commission Exp.: May 05, 2030

Owner/
Agent
Three:

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

Notary: _____
Commission Exp.: _____



Type: WD
Recorded: 10/30/2025 2:00:00 PM
Fee Amt: \$25.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5888 PG 670 - 672

Return to:

Edge & Kimbell Law, LLC

John Kimbell

503 Commerce Drive

Peachtree City, GA 30269

File No.: Pre-25-176

Parcel ID: 07-29-15-015

LIMITED WARRANTY DEED (Deed of Gift)

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 28th day of October, 2025 between

April L. Phillips and Anthony C. Phillips,

of the County of Fayette, State of Georgia, as parties of the first part, hereinafter called Grantors and

April L. Phillips and Anthony C. Phillips, Trustees of the April L. Phillips and Anthony C Phillips Living Trust dated October 28, 2025, and any amendments thereto.,

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

WITNESSETH that: Grantors, as a Gift for Love and Affection or other non monetary consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **215 Cicely Way, Tyrone, GA 30290**

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 behoove of the said Grantee forever in FEE SIMPLE.

EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 104 of the 7th District of Fayette County, Georgia, being Lot 25 of The Enclave at Stonecrest Preserve Subdivision, as shown on that certain plat of said subdivision recorded in Plat Book 101, Page 51- 59, Fayette County, Georgia Records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

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, July
27, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-940-26

Owner: April L. Phillips and Antony
C. Phillips Living Trust

Agent: April L. Phillips

Property Address: 215 Cicely Way

Parcel: 072915 015

Zoning District: R-50

Area of Property: 1.027 acres

Land Lot(s): 104

District: 7th

Road Frontage: Cicely Way

Request: Applicant is requesting
the following: Per Sec. 110-135(d)
(6), in the R-50 zoning, a variance
to reduce the side yard setback
from 20 feet to 8.2 feet to allow an

Wednesday, July 1, 2026

Continued from page B4

NOTICE OF PUBLIC HEARING ON-PREMISE CONSUMPTION OF ALCOHOL

Application has been made by the
undersigned requesting the issu-
ance of a license to sell Malt Bever-
ages, Wine and/or Distilled Spirits
for On Premise Consumption at the
following location:

Business Name: THIS IS A VIBE
LLC D/B/A POURVILLE

Business Address 397 GLYNN ST S
FAYETTEVILLE GA 30214

Applicant's Name: DEAN HEI-
STAND (Please Print)

The application will be considered
by the City Manager of the City of
Fayetteville, Georgia. Public com-
ments must be delivered to City
Hall addressed to "City Manager"
no later than 5 o'clock p.m. local
time on the 15th day of July 202

7/1

PETITION NO: A-941-26

Requested Action: Variance to reduce right side building setback from 15' to 2.1' in the R-20 (Single-Family Residential) District, to allow an existing garage to remain in its current location.

Location: 454 Hilo Rd., Fayetteville, GA 30215

Parcel(s): 051201060

District/Land Lot(s): 5th District, Land Lot(s) 55

Zoning: R-20

Owner(s): James R. & Michele L. Cleghorn

Agent: N/A

Zoning Board of Appeal Public Hearing: July 27, 2026

REQUEST

Applicant is requesting the following variance to allow an existing carport to remain:

1. Variance to Sec. 110-138(d)(6). Side yard setback requirement, to reduce the side yard setback from 15 feet to 2.1 feet in the R-20 zoning district.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the request to reduce the side yard setback from 15 feet to 2.1 feet to allow the detached garage to remain. The shape of the lot and the location of driveway make this the most reasonable place to locate a detached garage.

HISTORY

Tunis Trace subdivision was rezoned from A-R (Agricultural-Residential) to R-20 (Single-Family Residential) per Ordinance 360-78. While the lots were allowed to be a minimum of one (1) acre, developer Marvin Isenberg told the Planning Commission the minimum lot size would be three (3) acres. Restrictive covenants also increased the minimum house size from 1,200 square feet to 1,450 square feet of heated living area.

454 Hilo Road was originally a portion of lots 74 and 75 in Tunis Trace, an 8.97 acre tract of land. Michael and Joan Lee purchased the property in 1984 and created four (4) parcels of land, originally owned by family members.

The current property owner of 460 Hilo Rd. made application for a permit to renovate the detached garage into a guesthouse. Staff noted the proximity of the detached garage to 454 Hilo Rd. and required a foundation survey before the application could proceed. The foundation survey for 460 Hilo Rd. indicated the carport for 454 Hilo Rd. is in the side yard setback.

ZONING REQUIREMENTS

Sec. 110-138. R-20, Single-Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-20 zoning district shall be as follows:

(6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – Reviewed files. No objection.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. However, this office has no records of approval for the location or construction of any accessory structure, including the indicated detached garage.
- ☐ **Fire** – N/A.
- ☐ **Building Safety** – No issues – if the structure is unpermitted and falls within the parameters of a permit required, a permit must be applied for following the existing process.

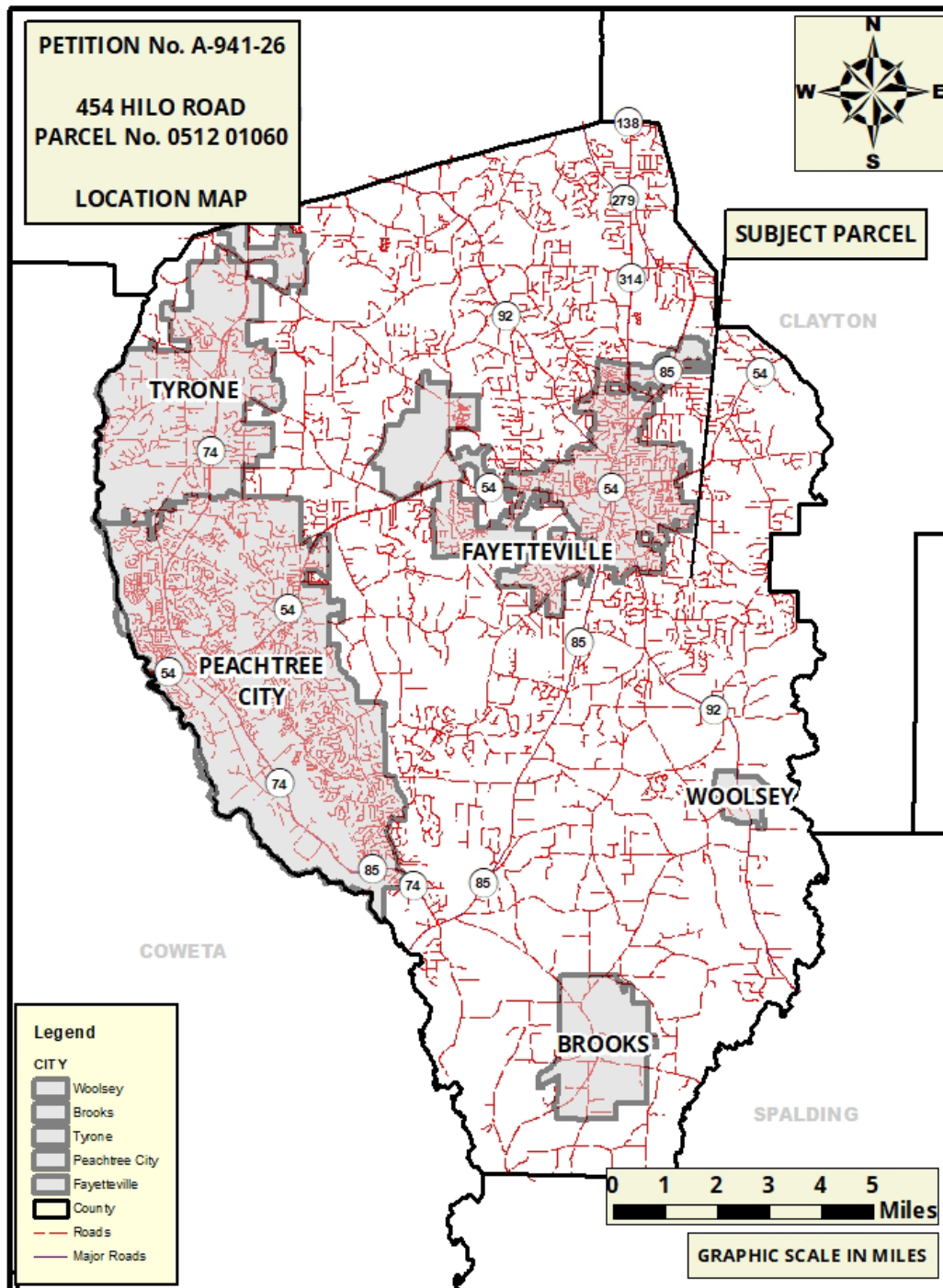
CRITERIA FOR CONSIDERATION OF A VARIANCE

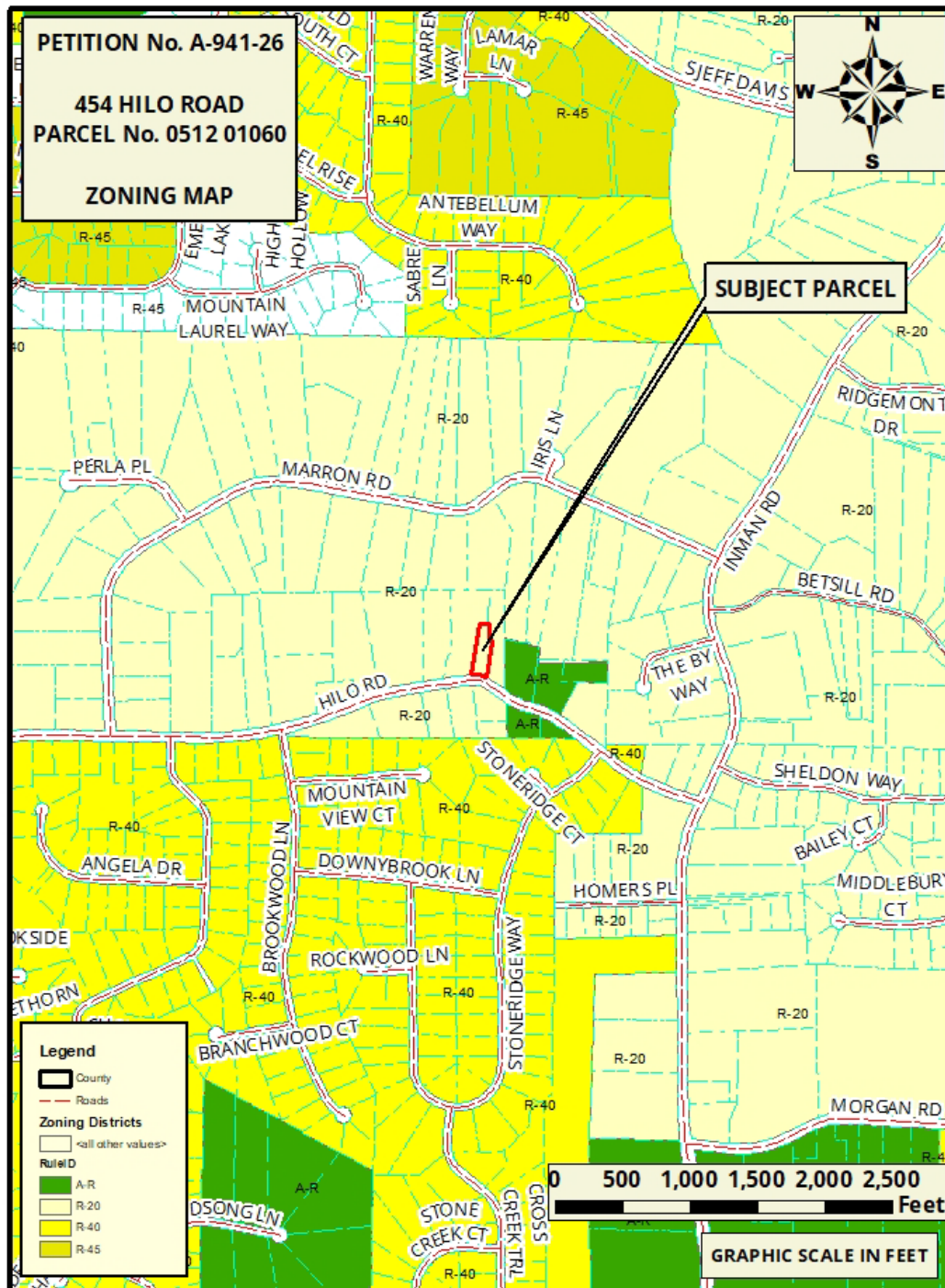
STAFF ASSESSMENT OF CRITERIA

(Please see the attached application package for the applicant's responses to the criteria.)

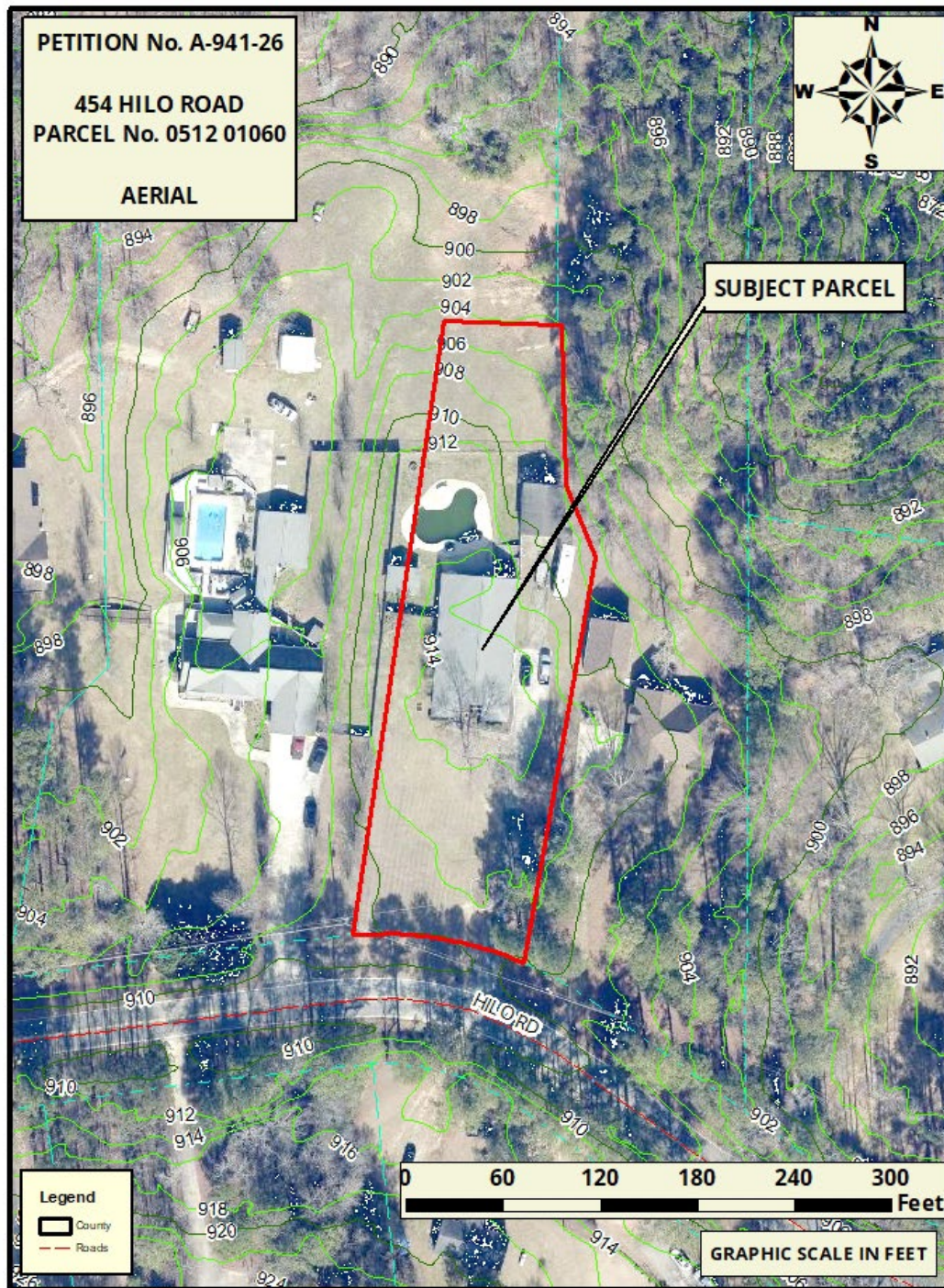
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

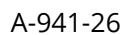
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The property line shared with 460 Hilo Rd changes directions four (4) times, rather than the straight line seen on most plats. The detached garage starts off more than 20' from the property line, but the change in direction causes the detached garage to come as close as 2.1' from the property line. If the property line was straight, property owners would have less difficulty following side yard setbacks.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The garage began as a pole barn in 2002. In 2006, the property owner constructed an addition to the home and improved the pole barn into a detached garage, matching the architectural style of the home. The side yard encroachment was identified when the neighbor applied to improve the detached garage at 460 Hilo Rd.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *This lot has a peculiar shape on the eastern side.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *The neighbor on the affected side of the property is aware of the encroachment and does not object.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to have a detached garage, but it could not be at the end of the existing driveway and meet the building setbacks.*













LOT PHOTO

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

PROPERTY INFORMATION:

Parcel No. 051201060 Acreage: 1 Land Lot: 55 Land District: 5th
Address: 454 Hilo Rd Fayetteville Ga 30215
Zoning: R-20 Zoning of Surrounding Properties: _____
Use: Residential.

PROPERTY OWNER INFORMATION

Name James & Michele Cleghorn
Email [REDACTED]
Address 454 Hilo Rd
City Fayetteville
State Ga Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-941-26 **(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: Maria Binns Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: July 27th, 2026

Received payment from James & Cleghorn 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 05/28/2026 Receipt Number: 02 7650

RECEIVED
MAY 28 2026
BY: MB

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

James & Michele Cleghorn

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 051201060

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 55 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Signature [Signature]

Name: James Cleghorn

Address: 454 Hilo Rd

City/State/Zip: Fayetteville GA 30215

Date: 5-28-20

Phone: [REDACTED]

Email: [REDACTED]

Signature [Signature]

Name: Michele L Cleghorn

Address: 454 Hilo Rd

City/State/Zip: Fayetteville GA 30215

Date: 5-28-20

Phone: [REDACTED]

Email: [REDACTED]

Signature _____

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Phone: _____

Email: _____

Notary: [Signature]

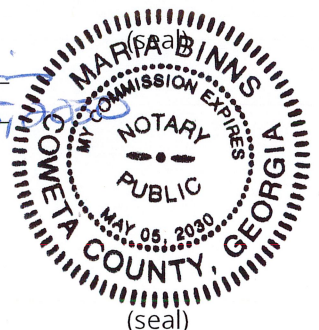
Commission Exp.: May 05, 2020

Notary: [Signature]

Commission Exp.: May 05, 2020

Notary: _____

Commission Exp.: _____



VARIANCE INFORMATION

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

Ordinance/Section	Sec. 110-138(d)(6)
Requirement	15' side yard setback
Proposed Change	2.1'
Variance Amount	This is a variance of 12.9' (86%) to current ordinance.

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

detached garage - request a setback waiver. see attached letter from neighbor.

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.

detached garage was built prior to 460 Hilo being built. In order for 460 to be built, we had to give road frontage to allow for driveway.

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

detached garage would have to be demolished, fence surrounding pool would have to be removed and partially replaced. And plumbing for pool pump moved.

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

limited building area, didn't realize we were in the setback

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

Neighbor has submitted a letter. Does not have a problem with it, found while she was doing a permit.

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

Would create a hardship to move building, fence, pool pump etc.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

QUITCLAIM DEED

11/14/18
156218

RETURN TO: MYRA ROYDH
JIM WALTER HOME INC.
P.O. Box 31801
Tampa, Florida 33631-3001

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made the 12th day of August, in the year One Thousand Nine Hundred and Ninety Four, between **MICHAEL C. LEE AND JOAN R. LEE**, of the County of Clayton and State of Georgia, as parties of the first part, hereinafter called Grantors, and **JAMES R. CLEGHORN AND MICHELE L. CLEGHORN**, as parties of the second part, hereinafter called Grantees.

WITNESSETH that: Grantors, for and in consideration of the sum of One (\$1.00) Dollar and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantees

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 55 of the 5th District of Fayette County, Georgia, consisting of 1.00 acre, and being more particularly described as follows:

BEGINNING at the intersection of the north right-of-way of Hilo Road and the west line of Land Lot 55; thence easterly along the north right-of-way of Hilo Road for a distance of 2020.66 feet to an iron pin at the true point of beginning; thence easterly along the north right-of-way of Hilo Road, following the curvature thereof for a distance of 136.24 feet to an iron pin; thence north 1 degree 14 minutes 26 seconds west for a distance of 381.40 feet to an iron pin; thence south 88 degrees 45 minutes 34 seconds west for a distance of 125.00 feet to an iron pin; thence south 1 degree 14 minutes 26 seconds east for a distance of 335.00 feet to an iron pin at the TRUE POINT OF BEGINNING.

TO HAVE AND TO HOLD the said described premises to Grantees, so that neither Grantors nor any person or persons claiming under Grantors 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, Grantors have signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Roy L. Turner
Unofficial Witness

Angie Elizabeth Eap
Notary Public
My Commission Expires: _____
(NOTARY PUBLIC SEAL)

Notary Public, Clayton County, Georgia
My Commission Expires May 5, 1998

Michael C. Lee (SEAL)
Joan R. Lee (SEAL)
MICHAEL C. LEE
JOAN R. LEE

This instrument was prepared by
Windham and Hodges, P.C.,
Attorneys at Law
3000 Corporate Center Drive, Suite 100
Morrow, Ga. 30260 from information
provided by Jim Walter Homes, Inc.
NO TITLE SEARCH WAS DONE AND NO
OPINION OF TITLE GIVEN BY SAID ATTORNEYS.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 10-3-94
DATE 10-3-94
W. D. Ballard
CLERK OF SUPERIOR COURT

FILED & RECORDED
FAYETTE COUNTY, GA.

'94 OCT 3 AM 11 57

CLERK OF SUPERIOR COURT

BOOK 944 PAGE 623
Book: 944 Page: 623 Seq: 1

Wednesday, June 24, 2026

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, July
27, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-941-26
Owner: James R. and Michele L.
Cleghorn
Property Address: 454 Hilo Road
Parcel: 051201 060
Zoning District: R-20
Area of Property: 1.00 acres
Land Lot(s): 55
District: 5th

Road Frontage: Hilo Road
Request: Applicant is requesting
the following: Variance to Sec.
110-138(d)(6). Side yard setback
requirement, to reduce the side
yard setback from 15 feet to 2.1 feet
in the R-20 zoning district to allow
an existing garage to remain in its
current location.

Legal Description
ALL THAT TRACT OR PARCEL of
land lying and being in Land Lot
55 of the 5th District of Fayette
County, Georgia, consisting of 1.00
acre, and being more particularly
described as follows: BEGINNING
at the intersection of the north
right-of-way of Hilo Road and the
west line of Land Lot 55; thence
easterly along the north right-of-
way of Hilo Road for a distance of
2020.66 feet to an iron pin at the
true point of beginning; thence
easterly along the north right-of-
way of Hilo Road, following the
curvature thereof for a distance of
136.24 feet to an iron pin; thence
north 1 degree 14 minutes 26 sec-
onds west for a distance of 381.40
feet to an iron pin; thence south
88 degrees 45 minutes 34 seconds
west for a distance of 125.00 feet to
an iron pin; thence south 1 degree
14 minutes 26 seconds east for a
distance of 335.00 feet to an iron
pin at the TRUE POINT OF BE-
GINNING.

6/24

PETITION NO: A-943-26-A-B-C

Requested Action: Applicant is requesting variances to reduce the side yard building setback in the R-72 (Single-Family Residential) District from 20' to 15.3' to allow an accessory structure to be built to the east of the property; reduce the side yard building setback in the R-72 (Single-Family Residential) District from 20' to 15' to allow a 240 square foot metal building to be relocated to the south of the property; reduce the side yard setback from 20' to 16' to allow the 240 square foot building to be relocated to the south of the property; and, a variance to increase the maximum number of accessory structures on a lot less than five (5) acres from two (2) to three (3) to allow two (2) detached garages and one (1) metal storage building.

Location: 105 Acton Drive, Fayetteville, GA 30215

Parcel(s): 043401001

District/Land Lot(s): 4th District, Land Lot(s) 168

Zoning: R-72

Owner(s): Melody Eubanks

Agent: Dallas Lester

Zoning Board of Appeal Public Hearing: July 27, 2026

REQUEST

Applicant is requesting the following variances to reduce the rear and side yard setbacks:

- A. Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15.3 feet in the R-72 zoning district to allow an accessory structure to be constructed to the east of the property.
- B. Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15 feet to allow 240 square foot metal building to be relocated to the south of the property.
- C. Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 16 feet to allow a 240 square foot metal building to be relocated to the south of the property.

STAFF RECOMMENDATION

- A. Staff is unable to recommend approval of the request to reduce the side yard setback from 20 feet to 15.3 feet to allow for construction of a 1,500 square foot proposed garage. The proposed garage could fit inside the buildable area of the property. The concrete drive could be moved into the front yard setback and allow for more buildable area.

- B. Staff is unable to recommend approval of the request to reduce the side yard setback from 20' to 15' to relocate the existing 240 square foot metal storage building to the southeast corner of the property. There is room inside the buildable area of the property to locate the shed. A permit is required to move/remove any structure that is 200 square feet or more. Department of Building Safety was unable to locate a permit for the 240 square foot metal storage building. Planning and Zoning is unable to locate a variance application for the existing encroachment.
- C. Staff is unable to recommend approval of the request to reduce the side yard setback from 20' to 16' to relocate the existing 240 square foot metal storage building to the southeast corner of the property. There is room inside the buildable area of the property to locate the shed. A permit is required to move/remove any structure that is 200 square feet or more.

HISTORY

Brooke Leigh Estates was rezoned to R-60 per Ordinance 631-87 on June 25, 1987. The final plat was recorded in 1988 and the house with a garage connected by a covered deck was constructed later that year as a singular structure. The R-60 district was removed from the Zoning Ordinance in 1998 and replaced with R-72.

ZONING REQUIREMENTS

Sec. 110-132. R-72 – Single-family residential district. (Formerly R-60)

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-72 zoning district shall be as follows:

- (1) Lot area per dwelling unit: 87, 120 square feet (two acres). This is the same for R-60 and R-72 - **105 Acton Dr. is 2.12 acres**
- (2) Lot width: 175 feet. Brooke Leigh Estates was platted as R-60 with a 150' width at building line requirement. **105 Acton Dr. is 584.3 feet wide along Brooks Woolsey Rd. The property does not reach lot width at building line from Acton Dr. for 170', reducing the buildable area.**
- (3) Floor area: 2,100 square feet. Brooke Leigh Estates was platted as R-60 with a 2,000 square foot requirement. **105 Acton Dr. is 2,676 square feet.**
- (4) Front yard setback:
Brooks Woolsey Rd - 100 feet as a condition of rezoning
Acton Dr. – 170 feet to meet the 150' lot width at building line requirement.
- (6) Side yard setback: 25 feet. Brooke Leigh Estates was platted as R-60 with a 20'. **105 Acton Dr. requests to reduce the setback to as little as 15'.**

DEPARTMENTAL COMMENTS

- ☐ **Water System** – FCWS has no objection to the proposed variance.
- ☐ **Public Works/Environmental Management** – Reviewed files. No objection.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variances. This is not approval of final location or construction of any structure. An evaluation must be completed by Environmental Health before any structure is relocated or constructed.
- ☐ **Fire** – No comment.
- ☐ **Building Safety** – No issues – if approved, this location has structures that require following the permitting process.

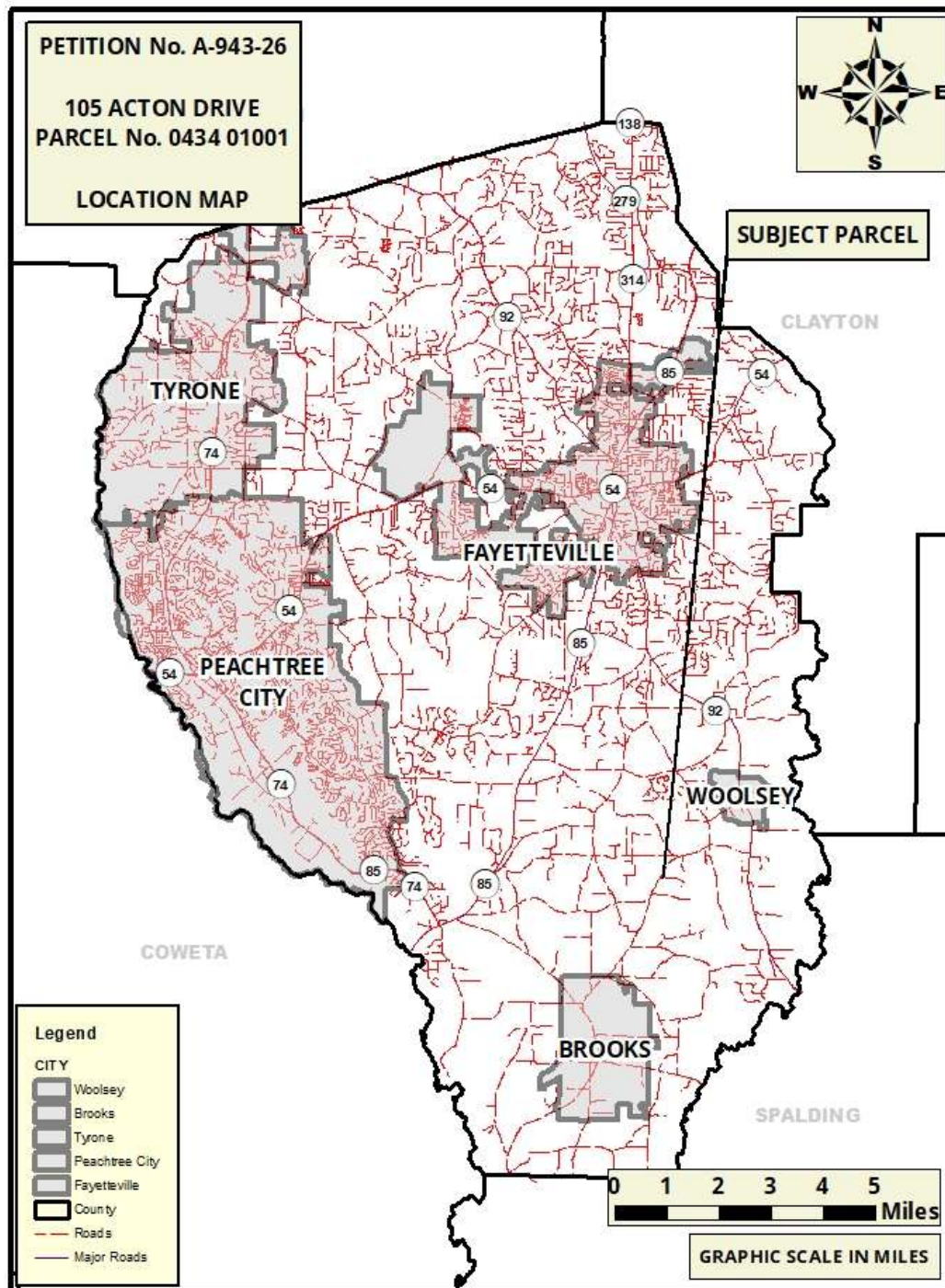
CRITERIA FOR CONSIDERATION OF A VARIANCE

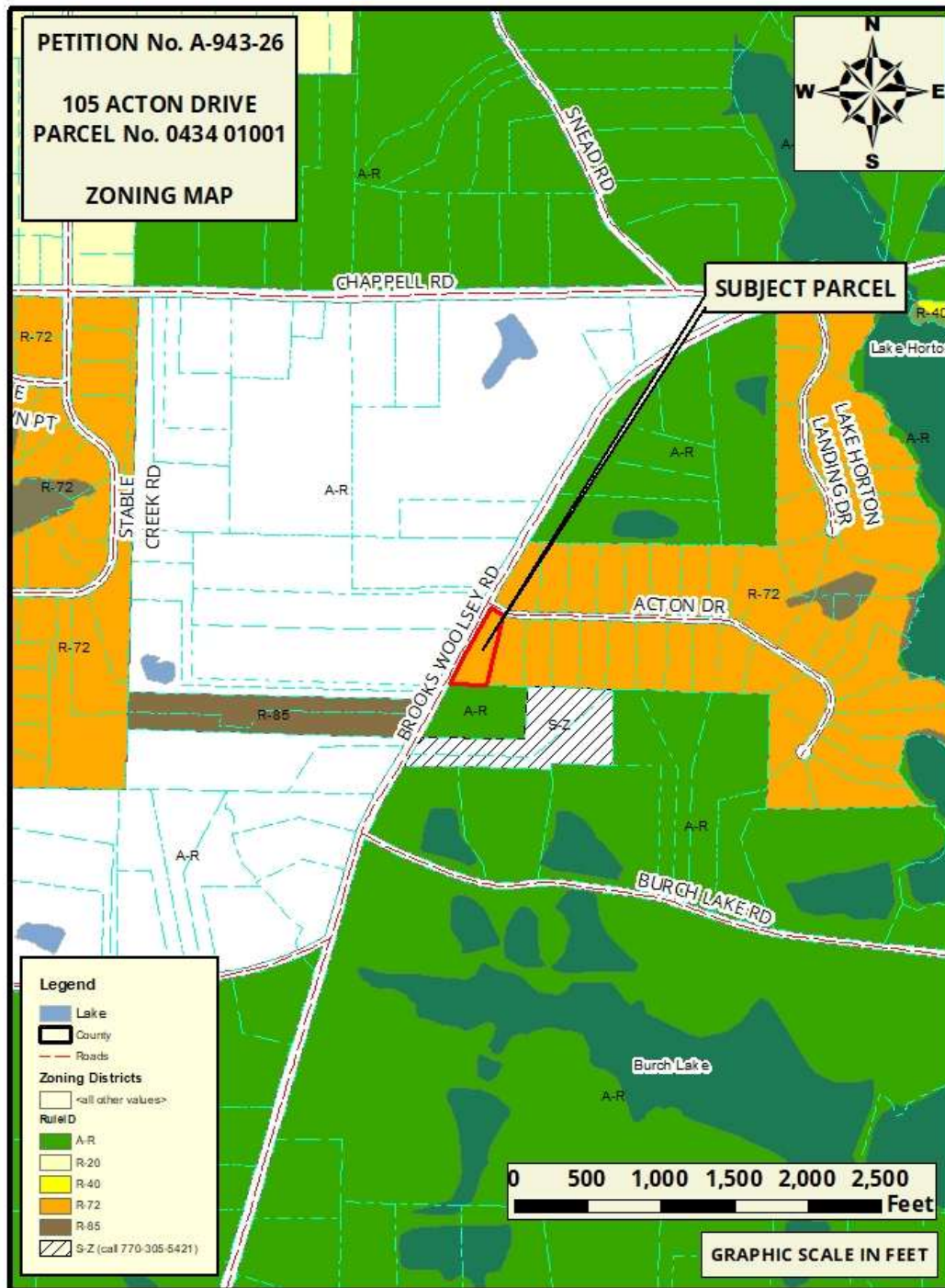
STAFF ASSESSMENT OF CRITERIA

(Please see the attached application package for the applicant's responses to the 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. 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.**
This property loses over 1,500 square feet of buildable area due to the lot width at building line requirement of 150'.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
Space remains to accommodate the additional structures inside the buildable area.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
This lot has similar conditions to the other lots inside Brooke Leigh Estates.
- 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,**
Staff has not received any complaints about the existing encroachment.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
This property would continue to have the same rights and privileges as other properties.







Georgia Department of Human Resources
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

County Code 2 3 4	Construction Permit 5 6 7 8	Case Number (FHA, VA, etc.) 9 10 11 12 13 14 15 16 17 18 19 20	Health Dist. 21 22	Day 1 4	Month 0 4	Year 8 9
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Property Location <i>Brook Leigh S/D</i> <i>105 Acton Drive lot 1</i>	Property Owner <i>Henry Crews</i>	County
Sewage Disposal Contractor		

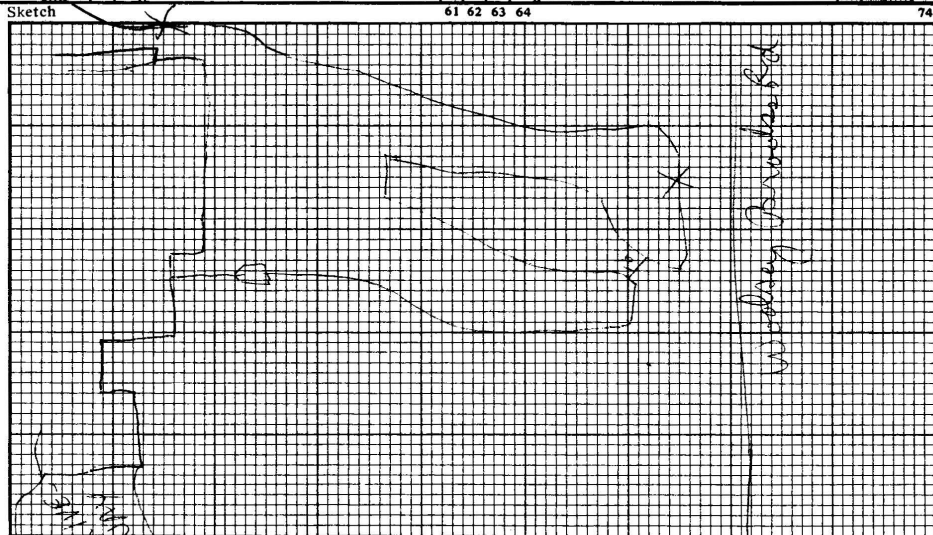
ALL ITEMS: Blank = Not Applicable; 0 = Unknown

*ITEMS: 1 = Yes; 2 = No

SECTION A - GENERAL		SECTION D - PRIMARY TREATMENT		SECTION E - SECONDARY TREATMENT	
1. Type Water Supply: (1) Public, (2) Community, (3) Indiv.		1. Sewage Disposal Method: (1) Septic Tank, (2) Construction Privy, (3) Pit Privy, (4) Aerobic Unit, (5) Other		b. Total Linear Feet	
2. Financial Assistance: (1) FHA, (2) VA, (3) Farmers Home, (4) Conventional, (5) Other		2. Septic Tank Capacity (gallons):		c. Length each Trench (feet)	
3. House Structure: (1) New, (2) Existing < 1 year, (3) Existing > 1 year		3. Unit 1 Tank/Compartment Capacity:		d. Width of Trenches (inches)	
4. Sewage Disposal Installation: (1) New, (2) Repair to existing sys.		4. Septic Tank Inside Length (feet):		e. Number of Trenches	
5. If Repair of Existing System - Years System Installed: (1) < 1 year, (2) 1 - 2, (3) 2 - 3, (4) 3 - 5, (5) 5 - 10, (6) > 10		5. Septic Tank Inside Width (feet):		f. Distance between Trenches	
6. Percolation Rate Min./In.:		6. Septic Tank Liquid Depth (feet):		g. Average Trench Depth (inches)	
7. *Is Property Part of a Subdivision:		7. Septic Tank Material: (1) Precast concrete, (2) Poured in place, (3) Other		h. * Aggregate Proper Size	
SECTION B - FACILITY		8. Dosing Tank Capacity (gallons):		i. * Aggregate Proper Depth	
1. **Type Facility: See Code Below		9. Grease Trap Capacity (gallons):		j. Distance from Building Foundation	
2. Water Usage Determined by: (1) No. Bedrooms, (2) No. Gallons		10. Distance Septic Tank from Well:		k. Nearest Property Line: (1) Front, (2) Rear, (3) R. Side, (4) L. Side	
3. Number Bedrooms or Gallons:		SECTION E - SECONDARY TREATMENT		l. Distance Nearest Property Line	
SECTION C - LOT SIZE		1. Field Layout Method: (1) Distribution Box, (2) Level Field, (3) Serial, (4) Mound, (5) Other		m. Distance Privy or Absorption Field from Well	
1. Lot Depth (Average):		2. Absorption Field:		SECTION F - HEALTH AGENCY TIME	
2. Lot Width (Average):		a. Total Square Feet		1. Total Inclusive Time (min.):	
3. Building Line (Feet):				SECTION G - SYSTEM APPROVED	
				1. * Yes	
				2. No	

1. **Type Facility
- (1) Residence
 - (2) Apartment
 - (3) Institution
 - (4) Service Station
 - (5) Restaurant
 - (6) Church
 - (7) Tourist Accommodation
 - (8) Laundrette
 - (9) Mobile Home Park
 - (10) Other (Specify)

RSE:
Roughscaped but
OK 7-25-89



Remarks:

Inspected By: <i>Richard F. M.</i>	Title: <i>E-15 TD</i>	Health Agency:
------------------------------------	-----------------------	----------------

Form 3884 (Rev. 5-84)



Site View from Brooks Woolsey Rd.



Site View on Brooks Woolsey Rd.



Site view from Acton Dr.

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

PROPERTY INFORMATION:

Parcel No. 043401001 Acreage: 2 Land Lot: 1 Land District: 01
Address: 105 Acton Dr Fayetteville GA 30215
Zoning: R-72 Zoning of Surrounding Properties: R-72 & AR
Use: _____

PROPERTY OWNER INFORMATION

Name Melody Eubanks
Email [REDACTED]
Address 105 Acton Dr
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Dallas Lester
Email [REDACTED]
Address 155 Sterling Way
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

PETITION NUMBER: A-943-26 (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: Maria Binns Date: 06/04/26

DATE OF ZONING BOARD OF APPEALS HEARING: July 27, 2026

Received payment from Melody Eubanks a check in the amount of \$ 200.00

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

Date Paid 06/04/26 Receipt Number: 027737 & 027739

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:

Melody Eubanks

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 043401 001

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 4th of the 168 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to _____ 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.

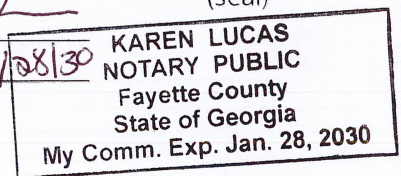
SIGNATURES

Owner/
Agent
One:

Signature Melody Eubanks
Name: Melody Eubanks
Address: 105 Acton Dr
City/State/Zip: Fayetteville GA 30215
Date: 6-3-26
Phone: [REDACTED]
Email: [REDACTED]

Notary: [Signature]

Commission Exp.: 1/08/30

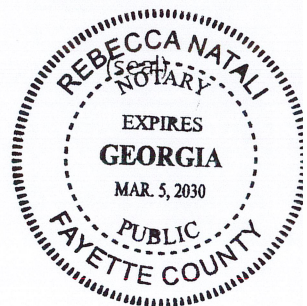


Owner/
Agent
Two:

Signature Dallas Lester
Name: DALLAS LESTER
Address: 155 Sterling Way
City/State/Zip: Fayetteville, GA 30215
Date: 5/20/2026
Phone: [REDACTED]
Email: [REDACTED]

Notary: [Signature]

Commission Exp.: 3/5/30



Owner/
Agent
Three:

Signature Dallas Lester
Name: _____
Address: _____
City/State/Zip: _____
Date: _____
Phone: _____
Email: _____

Notary: _____

Commission Exp.: _____

(seal)

VARIANCE INFORMATION

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

Ordinance/Section	Sec. 110-132(d)(6), R-72 (Single-Family Residential), To reduce the
Requirement	<u>Side Yard Setback from 20 feet to 15.3 feet to allow an accessory structure to be built to the east of the property.</u>
Proposed Change	<u>15.3'</u>
Variance Amount	<u>4.7'</u>

Ordinance/Section	Sec.110-132(d)(6), R-72 zoning, To reduce the side yard setback from
Requirement	<u>20 feet to 15.0 feet to allow a 20'x12' Metal Building to be relocated to the south of the property.</u>
Proposed Change	<u>15.0'</u>
Variance Amount	<u>5'</u>

Ordinance/Section	Sec.110-132(d)(6), R-72 zoning, To reduce the side yard setback from
Requirement	<u>20 feet to 16.0 feet to allow a 20'x12' Metal Building to be relocated to the south of the property.</u>
Proposed Change	<u>Sec. 110-79(c)(1)a - Two (2) Residential Accessory Structures, per individual lot, to increase the total number to three (3) accessory structures,</u>
Variance Amount	<u>Two (2) detached garage and one (1) Metal Storage Building, allowed on a lot less than five (5) acres.</u>

VARIANCE SUMMARY

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

SEE ATTACH

JUSTIFICATION OF REQUEST

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

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

See attached

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

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

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

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

June 4, 2026

Variance Application for 105 Acton Drive, Fayetteville, Georgia for a Detached Garage and Storage Building

Justification of Request

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

Strict application of the R-72 zoning requirements creates a hardship due to the unique physical characteristics of the property, including the lot's shape, existing home placement and natural topography. These conditions significantly limit the buildable area for accessory structures.

The new detached garage cannot be constructed with the required 25-foot setback without encroaching on other setbacks or natural site constraints. We are requesting a 15 foot setback for the proposed detached garage.

The existing structure (storage building) cannot be relocated elsewhere on the property without substantial grading, tree removal or interference with the primary residence. The back right corner is the only feasible location for the structure to be moved. We are requesting a 15 foot rear setback and a 16.0 side setback for this.

These conditions were not created by the property owner, and the strict enforcement of the ordinance would prevent reasonable use of the property.

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

It would not possible to add the additional garage or relocate the existing structure (storage building) because of the layout of the property

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

Because we have road frontage on two sides of our property on Acton Drive and Brooks Woolsey Road

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 the land, building or structure that is prohibited herein.

Granting the variances will **not harm adjacent properties:**

- The relocated existing structure is modest in height and residential in appearance, minimizing visual impact.
- The reduced setbacks will not obstruct neighboring views, access, or light.
- The new garage will be consistent with accessory structures commonly found in the R-72 district.
- No adverse impacts related to noise, traffic, drainage, or environmental conditions are anticipated.

The improvements will remain compatible with surrounding single-family homes. The structure will be constructed with materials and design features that complement the existing home and maintain the visual harmony of the neighborhood.

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

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Sharon I. Pierce, P.C.
110 Habersham Drive, Suite 151
Fayetteville, Georgia 30214-1381

Doc ID: 009250700001 Type: QCD
Recorded: 10/29/2013 at 01:00:00 PM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4135** Pg **461**

STATE OF GEORGIA
COUNTY OF FAYETTE

QUIT CLAIM DEED

THIS INDENTURE, made this 24th day of October
2013 between **ROBERT C. EUBANKS**, of the first part, and **MELODY A. EUBANKS**, of the second part,

WITNESSETH: That the said party of the first part for and in consideration of **LOVE AND AFFECTION** and other good and valuable consideration, does hereby give and convey, remise, release, and forever quit-claim to the said party of the second part, her heirs and assigns, his interest in and to:

ALL THAT TRACT or parcel of land lying and being in Land Lot 168 of the 4th District, Fayette County, Georgia, being Lot 1, Brooke Leigh Estate Subdivision, as per plat recorded in Plat Book 18, Page 178, Fayette County Records, which plat is incorporated herein and made a part hereof by this reference.

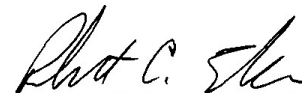
Deed only prepared. No title search conducted.

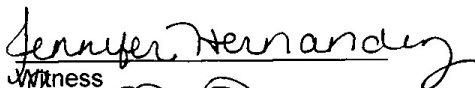
with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

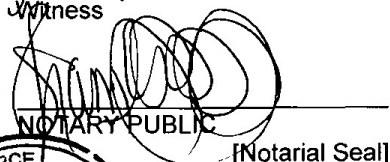
TO HAVE AND TO HOLD the said described premises unto the said party of the second part, her heirs and assigns, so that neither the said party of the first part nor his heirs, nor any other person or persons, claiming under him shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

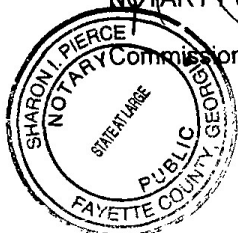
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal the day and year above written.

Signed sealed and delivered in the presence of:

 (SEAL)
ROBERT C. EUBANKS


Witness


NOTARY PUBLIC [Notarial Seal]



Commission Expires: 04/20/14

PETITIONS FOR
VARIANCE(S)/ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, July 27, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-943-26-A-B-C-D

Owner: Melody A. Eubanks

Agents: Dallas Lester

Property Address: 105 Acton Drive

Parcel: 043401 001

Zoning District: R-72

Area of Property: 2.12 acres

Land Lot(s): 168

District: 4th

Road Frontage: Brooks Woolsey Road and Acton Drive

Request: Applicant is requesting the following:

A) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15.3 feet in the R-72 zoning district to allow an accessory structure to be constructed to the east of the property.

B) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 15 feet to allow 240 square foot metal building to be relocated to the south of the property.

C) Variance to Sec. 110-132(d)(6). Side yard setback requirement, to reduce the side yard setback from 20 feet to 16 feet to allow a 240 square foot metal building to be relocated to the south of the property.

D) Variance to Sec. 110-79(c)(1)a. Increase the maximum number of accessory structures on a lot less than five (5) acres from two (2) to three (3) per individual lot, to allow two (2) detached garages and one (1) metal storage building.

Legal Description

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