

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
August 24, 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 July 27, 2026.

PUBLIC HEARING

5. Consideration of Petition No. **A-944-26** – Ross Alexander Berber and Meredith Leigh Wettach, owners. Applicants are requesting a variance to Sec. 110-79(c)(1)a., requesting to increase the maximum square footage of accessory structures allowed in the R-40 residential zoning from 1,800 square feet to 4,800 square feet to allow the construction of a 4,800 square foot airplane hangar. The subject property is located in Land Lots 65 and 66 of the 5th District and fronts Red Fox Run.
6. Consideration of Petition No. **A-945-26** – Amelia Rose and Anthony O. Rose, Owners. Applicants are requesting a variance to Sec. 110-137(d)(6), in the R-40 zoning, to reduce the side yard setback from 15 feet to 14 feet to allow an existing accessory structure to remain in its existing location. This property is located in Land Lot 38 of the 5th District and fronts on Greenfield Circle.

Minutes 07/27/2026

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on July 27, 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 July 27, 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. Chairman Marsha Hopkins seconded the motion. The motion carried 5-0.*
 4. Consideration of the Minutes of the Meeting held on June 22, 2026. *Chairman Marsha Hopkins made a motion to APPROVE the Minutes as presented for the June 22, 2026, meeting. Brian Haren seconded the motion. The motion passed 5-0.*

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.

Ms. Debbie Bell stated that the petition requests a variance to reduce the required side yard setback from 15 feet to 0.4 feet to allow an existing detached garage to remain. Staff explained that the detached garage was constructed when the home was originally built. Due to the lot's irregular configuration, relocating the garage would be impractical. Staff noted there were no objections from reviewing departments and recommended approval.

Chairman Marsha Hopkins asked if the petitioner was present.

Ms. Sarah Kagundu, Owner, stated the garage existed before she purchased the property. She explained that because of the shape of the lot, mature trees, and the existing driveway, relocating the garage is not feasible.

Mr. James Cleghorn, Neighbor, addressed the Board, explaining that the lot configuration resulted from a family subdivision completed years earlier to satisfy road frontage requirements. He noted that the garage has existed since approximately 1996 and that his own property has a similar setback issue because of the altered property lines.

No one spoke in opposition.

Board members agreed the request was straightforward and represented a hardship created by the unusual lot configuration rather than by the current property owner. They found no evidence that granting the variance would negatively impact neighboring properties.

Brian Haren made a motion to APPROVE Petition No. A-939-26. John Tate seconded the motion. The motion passed 5-0.

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.

Ms. Bell stated the applicant requests a variance to reduce the required side yard setback from 20 feet to 7.29 feet to allow an existing storage shed to remain. Staff explained the property owners had consulted Environmental Health regarding placement of the shed because of the septic system. Although the shed did not require a building permit due to its size, it was still required to meet zoning setbacks. Staff indicated there was technically buildable area elsewhere on the property but acknowledged that a misunderstanding occurred regarding placement.

Chairman Marsha Hopkins asked if the petitioner was present.

Ms. Jasmine Antoine, applicants' representative, explained that the rear yard contains significant slope, a septic system limits available placement, a drainage easement further reduces usable space, and that the adjacent property owners support the variance. The owners acted promptly after learning the shed did not comply with setback requirements.

The Board discussed the apparent misunderstanding between county agencies and the applicants regarding the proper placement of the shed. Members agreed the violation appeared unintentional and that requiring relocation would create unnecessary expense without providing a meaningful public benefit. The Board also noted there were no objections from neighboring property owners.

John Tate made a motion to APPROVE Petition No. A-940-26. Vice-Chair Kyle McCormick seconded the motion. The motion passed 5-0.

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.

Ms. Debbie Bell explained the applicant is requesting a variance to reduce the required side yard setback to allow an existing detached garage to remain, and the garage predates current foundation survey requirements. The setback issue was discovered during review of a neighboring property's permit application.

Mr. James Cleghorn explained that his garage was legally constructed before the property was subdivided. Years later, property lines were adjusted among family members to create sufficient road frontage for another parcel. The new property line ultimately placed the existing garage within the current setback.

Ms. Sarah Kagondou, Neighbor, stated she supported her neighbor's petition and had no objections.

No one spoke in opposition

Board members discussed the fact that the garage was properly located when originally built and that the hardship resulted from the later subdivision rather than intentional construction within the setback. Members agreed the circumstances justified granting the variance.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-941-26. Brian Haren seconded the motion. The motion passed 5-0.

8. Consideration of Petition No. **A-943-26-A-B-C** – Melody Eubanks, Owner, and Dallas Lester, Agent. The subject property is located in Land Lot 168 of the 4th District and fronts Acton Drive and Brooks Woolsey Road. Applicants are requesting the following:

The Board considered three separate variance requests relating to construction of a new garage and relocation of an existing storage building.

A-946-26-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.

Ms. Bell stated that the variance request is to reduce the required side yard setback from 20 feet to 15.3 feet to construct a new detached garage. Staff recommended approval,

noting the proposed location represented the most reasonable placement while maintaining access to the existing attached garage.

Mr. Dallas Lester, applicants' representative, explained the proposed garage was positioned to preserve driveway access to the existing garage. Moving the structure farther into compliance would interfere with vehicle access and require substantial redesign.

Board members discussed the unusual corner lot configuration and agreed the proposed location represented the most practical solution.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-A. John Tate seconded the motion. The motion passed 5-0.

A-946-26-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.

Staff explained item B is requesting to reduce the required side yard setback from 20 feet to 15 feet to relocate an existing 240-square-foot metal storage building. Staff did not recommend approval, stating that buildable area existed elsewhere on the property.

Ms. Melody Eubanks, Owner, explained the relocation would move the storage building out of public view and into an area with a more suitable grade. She stated the property's two road frontages, narrow buildable area, and sloping terrain significantly limited placement options.

Board members acknowledged staff's recommendation but concluded that relocating the structure as proposed represented the most practical use of the property. Several members commented that forcing placement elsewhere would likely create additional complications without improving the overall site.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-B. John Tate seconded the motion. The motion passed 4-1. Brian Haren Opposed.

A-946-26-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.

Ms. Bell presented item C requesting to reduce the required side yard setback from 20 feet to 16 feet to accommodate the relocated storage building. Staff again recommended denial based on available buildable area.

Ms. Eubanks reiterated that the proposed location best accommodated the property's topography while preserving access and improving the appearance of the property.

The Board continued discussion regarding available buildable area, driveway access, lot configuration, and practical limitations created by the property's shape. A majority concluded the requested variance represented a reasonable solution.

Chairman Marsha Hopkins made a motion to APPROVE Petition No. A-943-26-C. Vice-Chair Kyle McCormick seconded the motion. The motion passed 4-1. Brian Haren Opposed.

With no further business before the Board, a motion was made and seconded to adjourn.

Brian Haren moved to adjourn the July 27th, 2026, Zoning Board of Appeals meeting. Latisha Roebuck seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:06 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:

MARSHA HOPKINS, CHAIRMAN

**MARIA BINNS,
ZBA SECRETARY**

PETITION NO: A-944-26

Requested Action: To increase the maximum allowable 1,800 square feet of accessory structures by 3,000 square feet to allow the construction of a 4,800 square foot (60' x 80') airplane hangar.

Location: Coventry Estates, Lot 20 – 120 Red Fox Run, Fayetteville, Georgia 30215

Parcel(s): 0515 053

District/Land Lot(s): 5th District, Land Lot(s) 65 & 66

Zoning: R-40, Single-Family Residential

Lot Size: 4.4 Acres

Owner(s): Ross Alexander Berber and Meredith Leigh Wettach

Agent: N/A

Zoning Board of Appeal Public Hearing: August 24, 2026

REQUEST

Applicant is requesting the following:

Per Sec. 110-79(c)(1)a., requesting to increase the maximum square footage of accessory structures allowed in a residential zoning from 1,800 square feet to 4,800 square feet to allow the construction of a 4,800 square foot airplane hangar.

STAFF ASSESSMENT & RECOMMENDATION

Coventry Estates was developed as an aircraft community in R-40 zoning in the late 1960's, so many lots have aircraft hangars and this lot fronts on the airstrip. The existing zoning ordinance, developed 1992, allows an aircraft hangar as an accessory structure referencing it as a conditional use in A-R, M-1, and M-2 zoning districts. Currently there are no other accessory structures on the property that count toward the aggregate total.

Given the iunique nature and history of Coventry Estates as a fly-in community, staff recommends **APPROVAL** of the request to increase the allowable area for accessory structures.

HISTORY

This parcel is a legal lot of record; it is indicated as Lot 20 in Coventry Estates subdivision on the April 1975 tax map. The original plat was recorded on August 15, 1969, in Plat Book 5 Page 105. The lot is located next to the Willow Pond Air Strip. It is zoned R-40 and all standard building setbacks apply. The applicant is responsible for obtaining any necessary HOA approvals and for meeting all FAA standards related to structures in the proximity of an airstrip. The County does not have jurisdiction over these matters.

ZONING REQUIREMENTS

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

- (a) The following residential accessory structures are permitted in A-R, all residential zoning districts and properties regulated under Section 110-169, pertaining to "Conditional use approval – Single-family residence and residential accessory structures and/or uses."
- (1) Well/pump house; *(70 square feet or less does not count)*
 - (2) Guesthouse;
 - (3) Greenhouse, permanent or temporary;
 - (4) Swimming pool *(does not count)*, hot tub *(does not count)*; pool deck, pool equipment enclosure structure *(70 square feet or less does not count)*, and pool screen enclosure;
 - (5) Garage;
 - (6) Recreational court; *(does not count)*
 - (7) Gazebo;
 - (8) Cabana/pool house, boat house, detached covered patio, and detached covered deck;
 - (9) Storage building;
 - (10) Carport;
 - (11) Solar Panel (ground-mounted) *(under 200 square feet does not count)*;
 - (12) Wind turbine/windmill (ground-mounted) *(under 200 square feet does not count)*;
 - (13) Aircraft hangar, detached (see article V of this chapter); *(does not count in A-R)*;
 - (14) Dog house *(70 square feet or less does not count)* and dog pen/run *(does not count)*;
 - (15) Playhouse/treehouse; *(70 square feet or less does not count)*
 - (16) Outdoor kitchen and/or fireplace *(does not count)*;
 - (17) Patio; and
 - (18) Underground storm shelter *(does not count)*.
- (c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.
- (1) Residential accessory structures shall be limited to one of the following options:
 - a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined

total footprint of 3,600 square feet on a lot with a minimum of five (5) acres.

- (3) A well/pump house, pool equipment enclosure, dog house, or playhouse/treehouse consisting of 70 square feet or less; a dog pen/run, swimming pool, hot tub, or recreational court; aircraft hangar, farm outbuilding, greenhouse, horse stable, or auxiliary structure or one semi-trailer/box truck (as regulated under section 110-125, pertaining to "A-R, Agricultural-Residential District" and section 110-169, pertaining to "Conditional Use approval"); ground/pole-mounted solar panel consisting of less than 200 square feet or ground-mounted wind turbine/windmill; uncovered outdoor kitchen, fireplace; patio; underground storm shelter; horse quarters (as regulated under section 110-169, pertaining to "Conditional use approval"), temporary greenhouse or beehive shall not be included in determining the number of residential accessory structures provided herein.

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

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

- (1) Lot area: 65,340 square feet (1.5 acres)
- (2) Lot width: 150 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 60 feet.**
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.

Sec. 110-169. Conditional use approval.

(2) *Conditional uses allowed.*

- b. *Aircraft landing area. Allowed in the A-R, M-1, and M-2 zoning districts.* The intent of these rules and regulations is to provide a safer environment for the operation of aircraft.
 1. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 2. For any newly developed landing area for fixed wing aircraft a 1,000-foot clear zone as defined by FAA extending from the end of all runways shall be maintained through ownership or easement, and in no case, shall the end of the runway be closer than 200 feet from the property line.
 3. Any newly developed landing area for fixed wing aircraft shall be located at least 300 feet, as measured from the centerline of the runway, from all property lines.

4. Any on-site roofed structures shall be set back at least 200 feet from the nearest point on the centerline of the runway.
5. Heliport. These regulations shall not apply to a hospital which maintains a heliport for medical purposes.
 - i. FAA air space clearance approval for visual flying flight operations and landing areas shall be required, where applicable.
 - ii. A site plan, as prepared by a registered land surveyor, indicating the heliport landing area and center point on the lot and setbacks shall be required. The center point of the heliport landing area shall be indicated on the lot.
 - iii. A heliport shall be a minimum of 300 feet from all property lines as measured from the center point of the heliport landing area.
6. Aircraft hangar. Allowed in the A-R, M-1 and M-2 zoning districts.
 - i. An aircraft hangar shall comply with all of the criteria of subsection (2)b.1 through 5 of this section.
 - ii. Use of an aircraft hangar shall be limited to storage and maintenance of aircraft. Outdoor storage of aircraft parts is prohibited. An aircraft hangar shall not include any living quarters or be used for residential purposes.
 - iii. In the A-R zoning district, on lots less than ten (10) acres in size, there shall be a maximum of one detached hangar allowed.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works** – No access or engineering issues.
- ☐ **Environmental Management** – No environmental issues.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of final location and construction of structure.
- ☐ **Department of Building Safety** – No issues.
- ☐ **Fire** – N/A.

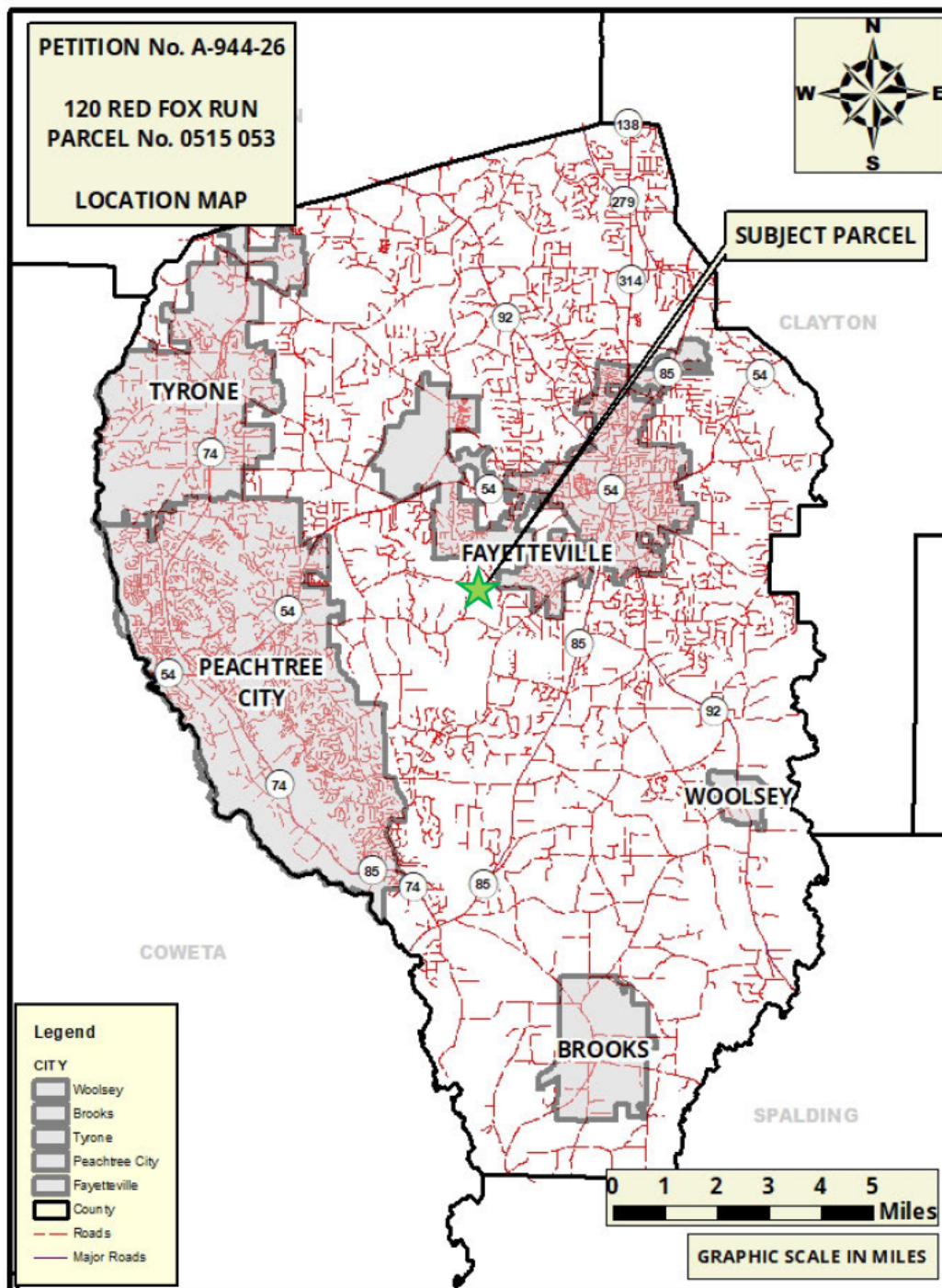
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

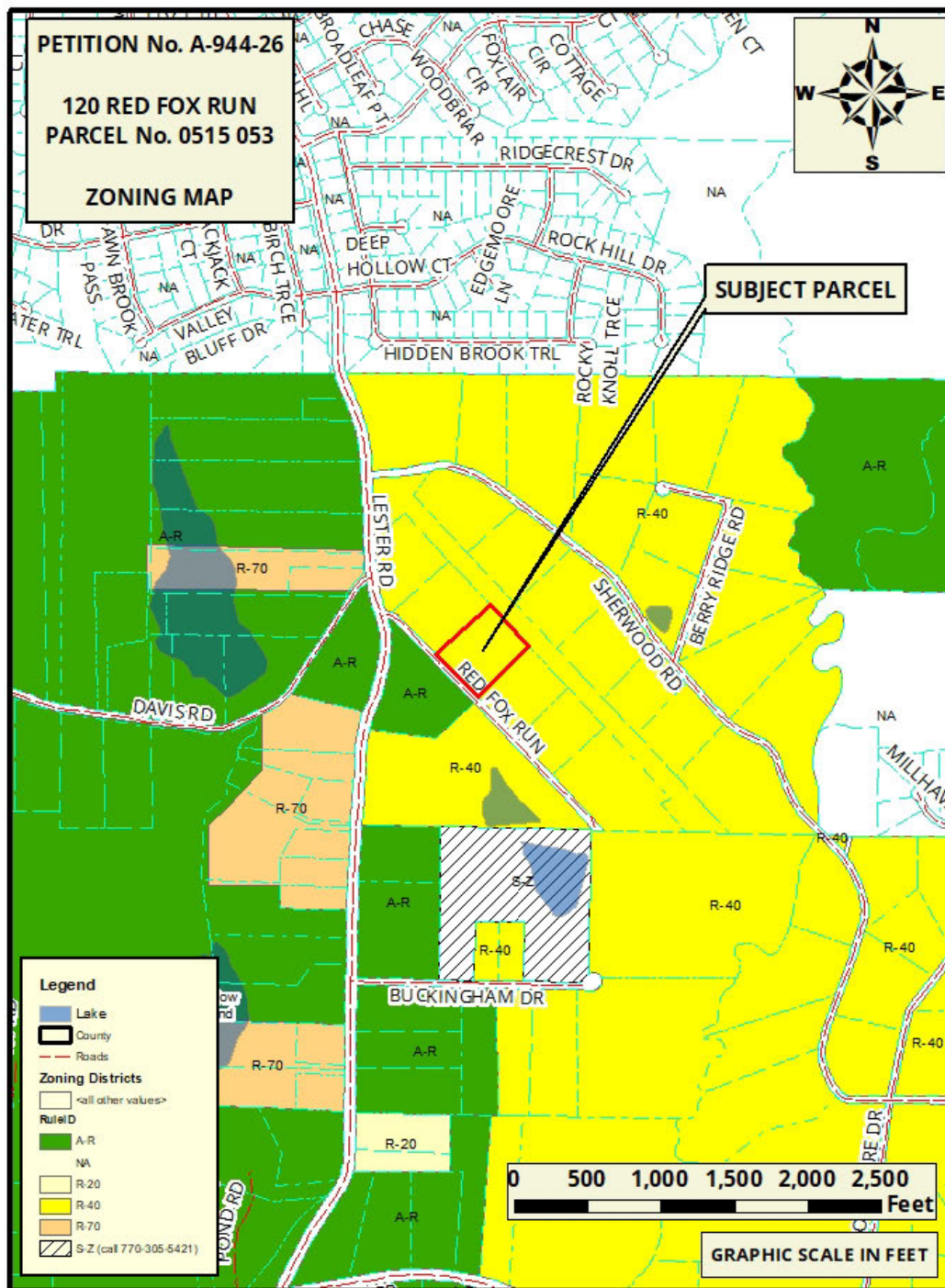
Staff Assessment

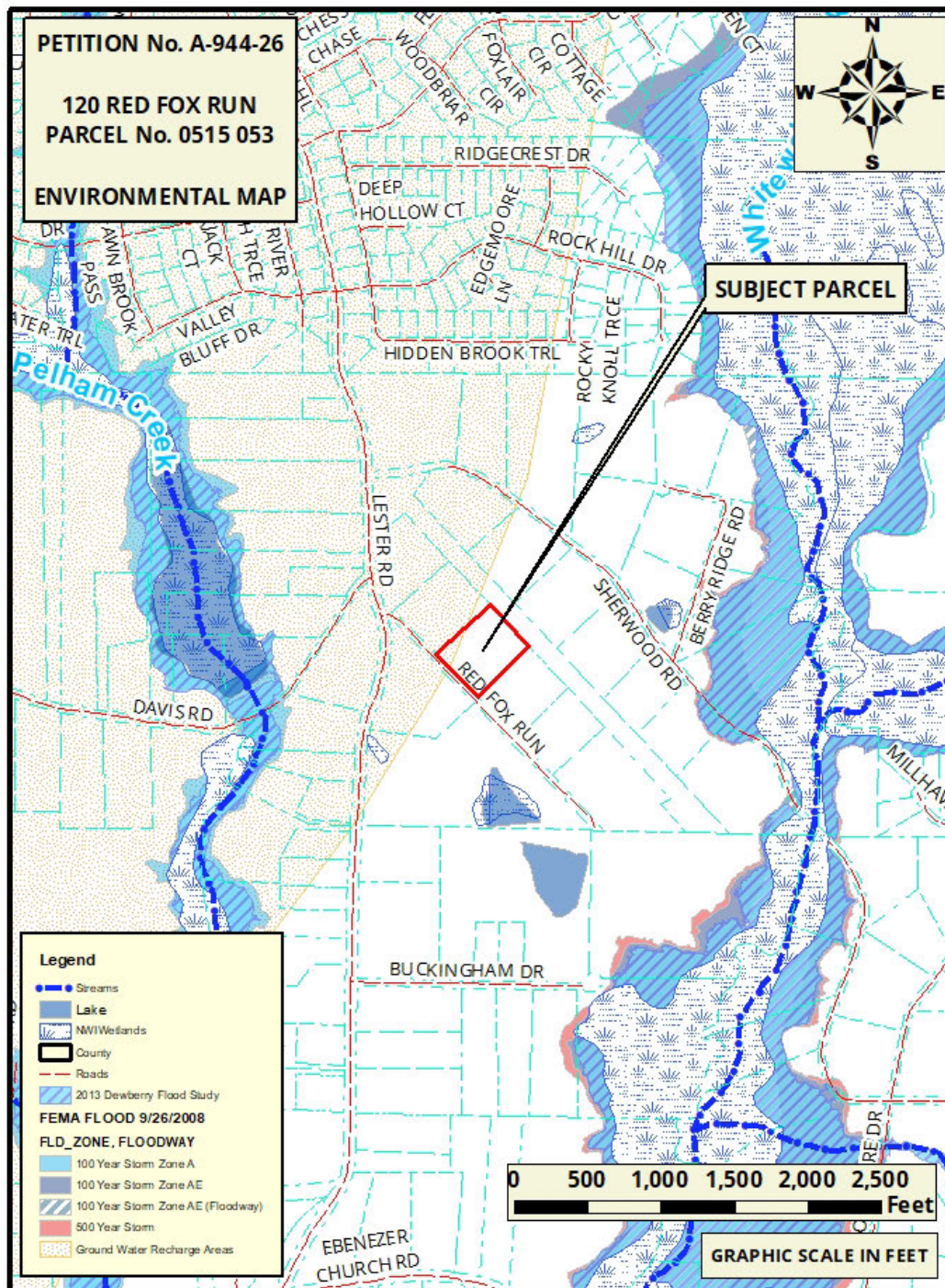
Please refer to the application form for the applicant's justification of criteria.

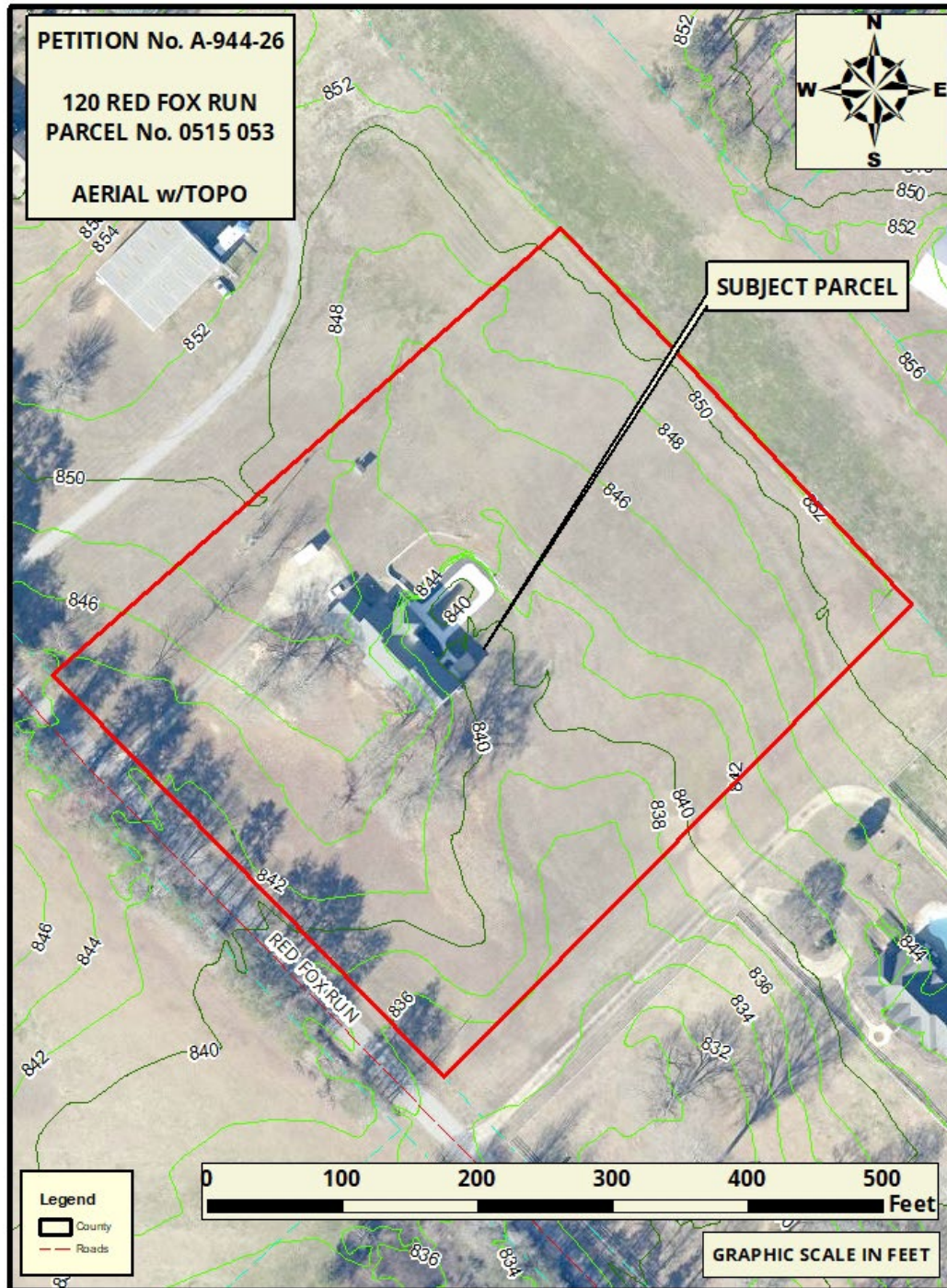
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

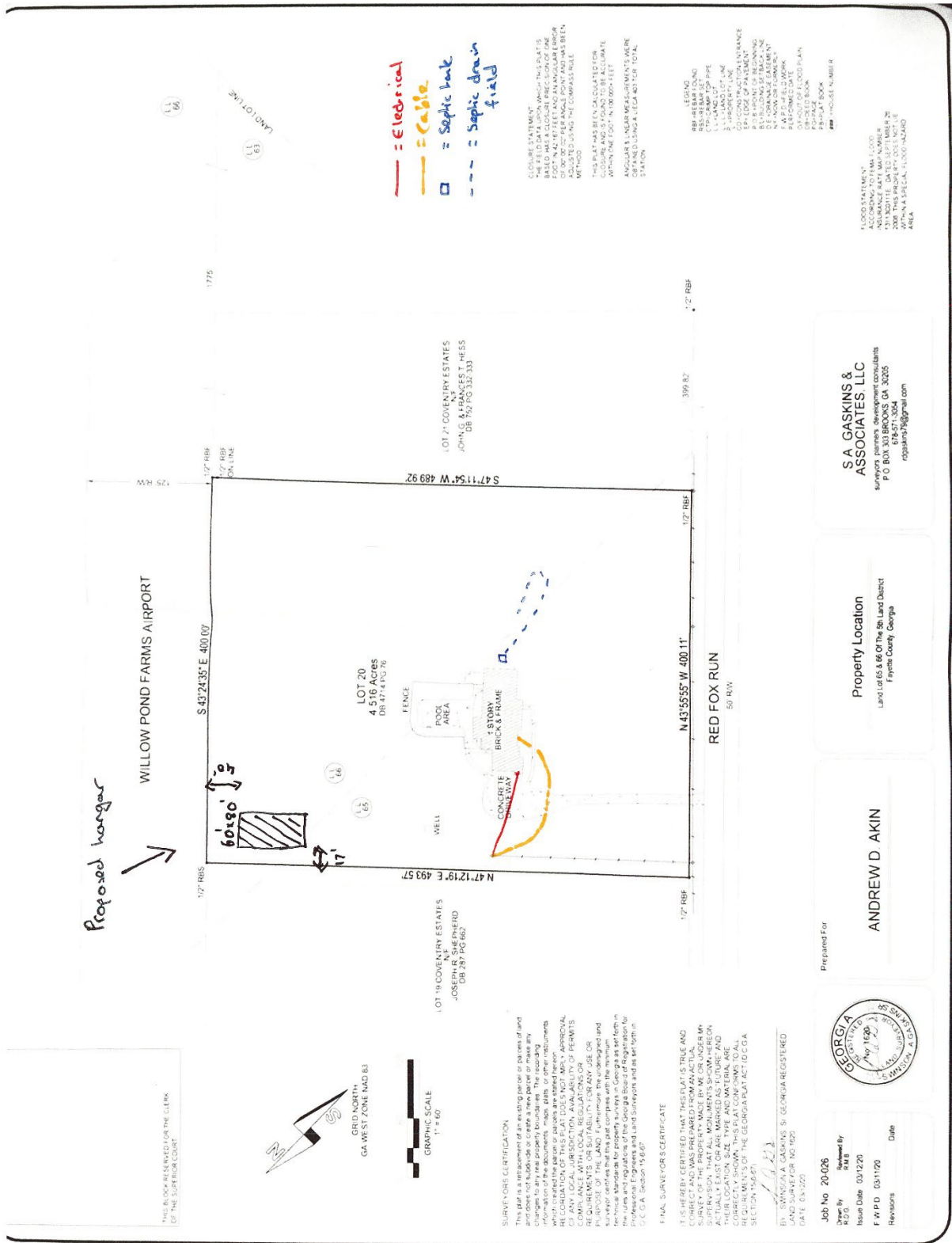
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
Coventry Estates is an older fly-in subdivision, which is unique in itself.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The development predates the hangar requirements in the zoning ordinance. Not allowing this property to have an aircraft hangar creates a hardship when the development is an aircraft community with access to the Willow Pond airstrip.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The aircraft community is unique and very few lots back onto an airstrip.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
It is unlikely the construction of an aircraft hangar in the proposed location would cause substantial detriment to the public good. It is likely that construction of the aircraft hangar would increase the value of this property and the properties surrounding it.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would not be allowed to have an aircraft hangar in a development designed for aircraft usage.











CONCEPT

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

PROPERTY INFORMATION:

Parcel No. 0515 053 Acreage: 4.4 Acres Land Lot: 65 + 66 Land District: 5th Land District
Address: 120 Red Fox Run, Fayetteville, Georgia 30215
Zoning: R40, Single Family Residential Zoning of Surrounding Properties: R40, Single Family Residential
Use: Residential - Willow Pond Association Aviation Community

PROPERTY OWNER INFORMATION

Name Ross Berber and Meredith Wettach
Email [REDACTED]
Address 120 Red Fox Run
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-944-26

☐ Application Insufficient due to lack of: _____
by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete
by Staff: Maria Binns Date: 06/30/2026

DATE OF ZONING BOARD OF APPEALS HEARING: AUGUST 24, 2026

Received payment from Ross Berber 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 06/30/2026 Receipt Number: 027983

RECEIVED
JUN 30 2026
BY: H.B.

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:

Ross Alexander Berber and Meredith Leigh Wettach

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0515 053

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 65 + 66 of the 5th District, and (if applicable to more than one land district) Land Lot(s) 20 of the District, and said property consists of a total of 4.4 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: [Redacted]
Name: Ross Alexander Berber
Address: 120 Red Fox Run
City/State/Zip: Fayetteville, Georgia 30215
Date: 06/30/2026
Phone: [Redacted]
Email: [Redacted]
Signature: [Redacted]

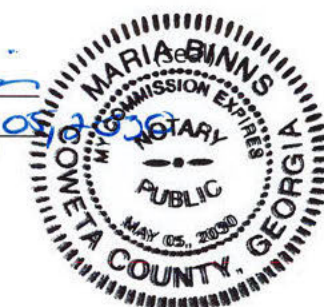
Notary: [Signature]
Commission Exp.: May 05, 2030



Owner/
Agent
Two:

Name: Meredith Leigh Wettach
Address: 120 Red Fox Run
City/State/Zip: Fayetteville, Georgia 30215
Date: 06/30/2026
Phone: [Redacted]
Email: [Redacted]

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



Owner/
Agent
Three:

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

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	Fayette County Zoning Ordinance § 110-79(c) (Residential accessory structures – maximum aggregate square footage)
Requirement	Maximum permitted accessory-structure square footage: 1,800 square feet
Proposed Change	Allow construction of a 60' x 80' aircraft hangar (4,800 square feet)
Variance Amount	Increase permitted accessory-structure square footage by 3,000 square feet (4,800 sq ft proposed less 1,800 sq ft permitted)

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

The applicant requests a variance to allow construction of a 60-foot by 80-foot (4,800 square foot) aircraft hangar on the subject property located at 120 Red Fox Run within an established residential aviation community. The proposed hangar size is consistent with the existing development pattern in the neighborhood: multiple nearby properties have 60' x 80' hangars, and there are approximately 17 other homes in the airport community, of which the majority have existing hangars.

The proposed hangar will comply with all applicable placement requirements. The requested size is necessary for safe and functional aircraft storage and movement. A hangar materially smaller than 60' x 80' would not be functional for typical aircraft in the community, as it must accommodate a wide hangar door to allow aircraft wingspan clearance. The applicant is also planning for more than one aircraft, and the requested dimensions reflect the practical space needs for aircraft storage, maneuvering clearance, and related aviation equipment typically associated with aircraft operation and maintenance.

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 subject property is constrained by several unique, site-specific conditions that significantly limit the ability to expand or construct an attached structure to the existing residence. The front yard contains mature, established trees that the applicant intends to preserve. The existing residence is positioned close to a neighboring property line, which restricts opportunities for further expansion of the house footprint. In addition, the septic system is located along the side of the property, further limiting available buildable area. The rear of the property is occupied by an existing swimming pool, which also constrains the remaining usable space on the lot. Due to these combined conditions, the applicant has no reasonable ability to further expand the existing residence to accommodate aviation-related storage needs. These constraints necessitate the use of a properly sized accessory structure to support aircraft storage and related uses customary within this residential aviation community.

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

A materially smaller hangar would not be usable for its intended purpose in this aviation setting. The applicant's aircraft and the aircraft typically housed in the community require adequate wingspan clearance and operational door width; the hangar requires a wide door for safe entry and exit. Reducing the building size below the requested 60' x 80' would render the hangar not functional for aircraft storage and would not reasonably accommodate the applicant's plan to store more than one aircraft and any related equipment for upkeep of the planes or property, which are sizeable investments themselves and easily damaged by the natural elements.

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

This property is situated in a flying community where hangars are a customary accessory structure and where the lot is intended to support aviation-related structures in a way that typical residential property is not. The need for a functional aircraft hangar—sized for aircraft clearance and safe maneuvering—is directly tied to the property's location and use within an airport community.

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

Granting the variance will not harm the public good or impair the intent of the zoning ordinance because the proposed hangar is consistent with the established character and development pattern of the surrounding properties, as evidenced by adjacent neighbors who have hangars of this size or greater. The request does not seek approval of any prohibited land use; it seeks dimensional relief only to allow a hangar that functions as intended in an aviation community.

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

The neighborhood has an established pattern of 60' x 80' aircraft hangars, within a community of 17 properties, the majority of which either have existing hangars or have received approval for hangars of comparable size in recent years.

Being part of the same flying community as the above mentioned, the applicant failing to achieve approval would not only bring financial harm to the applicant's assets but also make the experience of living in such a unique community different to the other community members, given that a usable aircraft hangar is a customary and expected feature within this residential aviation community.

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

June 17, 2026

Fayette County Zoning Board of Appeals
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214

Re: Variance Application - 120 Red Fox Run, Fayetteville, GA

Dear Members of the Zoning Board of Appeals:

I am writing in my capacity as President of the Willow Pond Aviation Association Homeowners Association (the "Association") in support of the variance application submitted by the owners of 120 Red Fox Run, Ross Berber and Meredith Wettach.

The subject property is located within Willow Pond, an established residential aviation community where aircraft hangars are a customary and integral component of the neighborhood. The requested variance, to allow for construction of a 60-foot by 80-foot aircraft hangar, is consistent with the existing development pattern within the community. A majority of properties within Willow Pond either have existing hangars or have received approval for hangars of similar size.

The Association has no objection to the request. The proposed structure supports the intended aviation use of the community and will not adversely impact neighboring properties.

Accordingly, the Willow Pond Aviation Association supports this variance request and respectfully requests favorable consideration by the Board.

Please feel free to contact me if any additional information is needed.

Sincerely,



Tim Hester
President, Willow Pond Aviation Association
100 Berry Ridge Road
Fayetteville, GA 30215





Doc ID: 012442400002 Type: WD
 Recorded: 03/02/2026 at 09:20:00 AM
 Fee Amt: \$700.00 Page 1 of 2
 Transfer Tax: \$675.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 5929 PG 26-27

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

TAX PARCEL ID: 0515 053

Order.No.: 26-0062-DEB

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 25th day of February, 2026, between **MARC ANDREW SCIZAK**, as party or parties of the first part, hereinafter called Grantor, and **MEREDITH LEIGH WETTACH and ROSS BERBER**, as party or parties of the second part, **as joint tenants with right of survivorship and not as tenants in common**, hereinafter called Grantee.

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

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 65 AND 66 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 20, COVENTRY ESTATES SUBDIVISION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET ON THE SOUTHWEST RIGHT-OF-WAY OF THE RUNWAY OF WILLOW POND FARMS AIRPORT A DISTANCE OF 1775 FEET FROM THE INTERSECTION OF THE SOUTHWEST RIGHT-OF-WAY OF SAID RUNWAY AND THE SOUTHERN LAND LOT LINE OF LAND LOT 66 (SAID INTERSECTION BEING MARKED BY A CONCRETE MONUMENT FOUND); THENCE RUNNING SOUTH 49 DEGREES 44 MINUTES 20 SECONDS WEST A DISTANCE OF 489.94 FEET TO AN IRON PIN SET ON THE NORTHEASTERN RIGHT-OF-WAY LINE OF RED FOX RUN (50 FOOT RIGHT-OF-WAY); THENCE RUNNING NORTH 41 DEGREES 25 MINUTES 08 SECONDS WEST ALONG THE RIGHT-OF-WAY LINE OF RED FOX RUN A DISTANCE OF 400 FEET TO AN IRON PIN SET; THENCE RUNNING NORTH 49 DEGREES 43 MINUTES 57 SECONDS EAST A DISTANCE OF 493.57 FEET TO AN IRON PIN SET ON THE SOUTHWESTERN RIGHT-OF-WAY LINE OF THE RUNWAY OF WILLOW POND FARMS AIRPORT; THENCE RUNNING SOUTH 40 DEGREES 53 MINUTES 54 SECONDS EAST ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF THE RUNWAY OF WILLOW POND FARMS AIRPORT A DISTANCE OF 400 FEET TO AN IRON PIN SET AND THE POINT OF BEGINNING, SAID TRACT OR PARCEL OF LAND CONTAINING 4.52 ACRES, MORE OR LESS, ALL IN ACCORDANCE WITH THE SURVEY PREPARED FOR JAN A. TRAMMELL AND TRAMMELL REAL ESTATE CORP. ON MAY 5, 1978 BY SOUTHEASTERN ENGINEERS AND SURVEYORS, INC., GEORGE T. CHAPMAN, REGISTERED LAND SURVEYOR NO. 1934, WHICH SURVEY IS INCORPORATED BY REFERENCE HEREIN AS A PART OF THIS LEGAL DESCRIPTION AND IS RECORDED IN PLAT BOOK 10, PAGE 134, FAYETTE COUNTY RECORDS.

PARCEL ID NUMBER: 0515 053

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

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

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

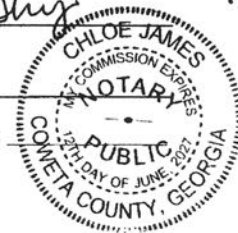
THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 25th day of February, 2026.

Signed, sealed and delivered in the presence of:

Ashley Embury
Unofficial Witness

[Signature]
Notary Public
My Commission Expires:



Marc Andrew Scizak *Paul Trunz* as Attorney in fact
(SEAL)
MARC ANDREW SCIZAK by PAUL TRUNZ as
ATTORNEY IN FACT

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

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, August
24, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-944-26

Owner: Ross A. Berber and Mere-
dith L. Wettach

Property Address: 120 Red Fox
Run

Parcel: 0515 053

Zoning District: R-40

Area of Property: 4.516 acres

Land Lot(s): 65 and 66

District: 5th

Road Frontage: Red Fox Run

Request: Applicant is requesting
the following: Variance to Sec. 110-
79(c)(1)a., requesting to increase
the maximum square footage of ac-
cessory structures allowed in a res-
idential zoning from 1,800 square
feet to 4,800 square feet to allow
the construction of a 4,800 square
foot airplane hangar.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND LOTS 65 AND 66 OF THE
5TH DISTRICT OF FAYETTE
COUNTY, GEORGIA, BEING LOT
20, COVENTRY ESTATES SUB-
DIVISION, AND BEING MORE
PARTICULARLY DESCRIBED AS
FOLLOWS:

BEGINNING AT AN IRON PIN
SET ON THE SOUTHWEST
RIGHT-OF-WAY OF THE RUN-
WAY OF WILLOW POND FARMS
AIRPORT A DISTANCE OF 1775
FEET FROM THE INTERSEC-
TION OF THE SOUTHWEST
RIGHT-OF-WAY OF SAID RUN-
WAY AND THE SOUTHERN
LAND LOT LINE OF LAND LOT

66 (SAID INTERSECTION BE-
ING MARKED BY A CONCRETE
MONUMENT FOUND); THENCE
RUNNING SOUTH 49 DEGREES
44 MINUTES 20 SECONDS WEST
A DISTANCE OF 489.94 FEET
TO AN IRON PIN SET ON THE
NORTHEASTERN RIGHT-OF-
WAY LINE OF RED FOX RUN
(50 FOOT RIGHT-OF-WAY);
THENCE RUNNING NORTH
41 DEGREES 25 MINUTES 08
SECONDS WEST ALONG THE
RIGHT-OF-WAY LINE OF RED
FOX RUN A DISTANCE OF 400
FEET TO AN IRON PIN SET;
THENCE RUNNING NORTH 49
DEGREES 43 MINUTES 57 SEC-
ONDS EAST A DISTANCE OF
493.57 FEET TO AN IRON PIN
SET ON THE SOUTHWESTERN
RIGHT-OF-WAY LINE OF THE
RUNWAY OF WILLOW POND
FARMS AIRPORT; THENCE
RUNNING SOUTH 40 DEGREES
53 MINUTES 54 SECONDS EAST
ALONG THE SOUTHWEST
RIGHT-OF-WAY LINE OF THE
RUNWAY OF WILLOW POND
FARMS AIRPORT A DISTANCE
OF 400 FEET TO AN IRON PIN
SET AND THE POINT OF BEGIN-
NING, SAID TRACT OR PARCEL
OF LAND CONTAINING 4.52
ACRES, MORE OR LESS, ALL IN
ACCORDANCE WITH THE SUR-
VEY PREPARED FOR JAN A.
TRAMMELL AND TRAMMELL
REAL ESTATE CORP. ON MAY 5,
1978 BY SOUTHEASTERN ENGI-
NEERS AND SURVEYORS, INC.,
GEORGE T. CHAPMAN, REGIS-
TERED LAND SURVEYOR NO.
1934, WHICH SURVEY IS IN-
CORPORATED BY REFERENCE
HEREIN AS A PART OF THIS
LEGAL DESCRIPTION AND IS
RECORDED IN PLAT BOOK 10.
PAGE 134, FAYETTE COUNTY
RECORDS.

PARCEL ID NUMBER: 0515 053
08/05

PETITION NO: A-945-26

Requested Action: To reduce the side yard setback from 15' to 14' to allow an existing accessory structure to remain in its existing location.

Location: Greenfield, Lot 23 – 195 Greenfield Circle, Fayetteville, Georgia 30215

Parcel(s): 051002023

District/Land Lot(s): 5th District, Land Lot(s) 38

Zoning: R-40, Single-Family Residential

Lot Size: 1.001 Acres

Owner(s): Amelia Rose and Anthony O. Rose

Agent: N/A

Zoning Board of Appeal Public Hearing: August 24, 2026

REQUEST

Applicant is requesting the following:

Per Sec. 110-137.(d)(6), requesting to decrease the side yard setback from 15' to 14' to allow an existing accessory structure to remain.

STAFF ASSESSMENT & RECOMMENDATION

The one-story metal building with more than 400 square feet was first brought to Department of Building Safety's attention as a complaint for construction without a permit. The foundation survey submitted indicates the unpermitted building encroaches one (1) foot inside the side yard setback. The foundation survey further indicates the property owner's fence and gravel area trespass onto the neighbor's property. There is no evidence of a hardship; it appears that all structures and other elements can be contained within their respective permitted areas.

Staff recommends **DENIAL** of the request for a reduction in the building setback.

HISTORY

This parcel is a legal lot of record; it is indicated as Lot 23 in Greenfield subdivision in Plat Book 15 Page 44 recorded July 16, 1984. It is zoned R-40 and all standard building setbacks apply.

ZONING REQUIREMENTS

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

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

- (1) Lot area: 43,560 square feet (1.0 acres)
- (2) Lot width: 125 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: **40 feet.**
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** – No objections.
- ☐ **Public Works** – No comment.
- ☐ **Environmental Management** – No environmental issues.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance. Environmental Health approved the detached garage in 2024.
- ☐ **Department of Building Safety** – Department of Building Safety inspected the metal building following a complaint of construction without a permit. A Notice of Violation was issued on March 2, 2026. Property owners began application for a building permit on March 3, 2026 which was accepted by Department of Building Safety on April 9, 2026, when it included a survey that did not depict the distance from the edge of the structure to the property line.
- ☐ **Fire** – N/A.

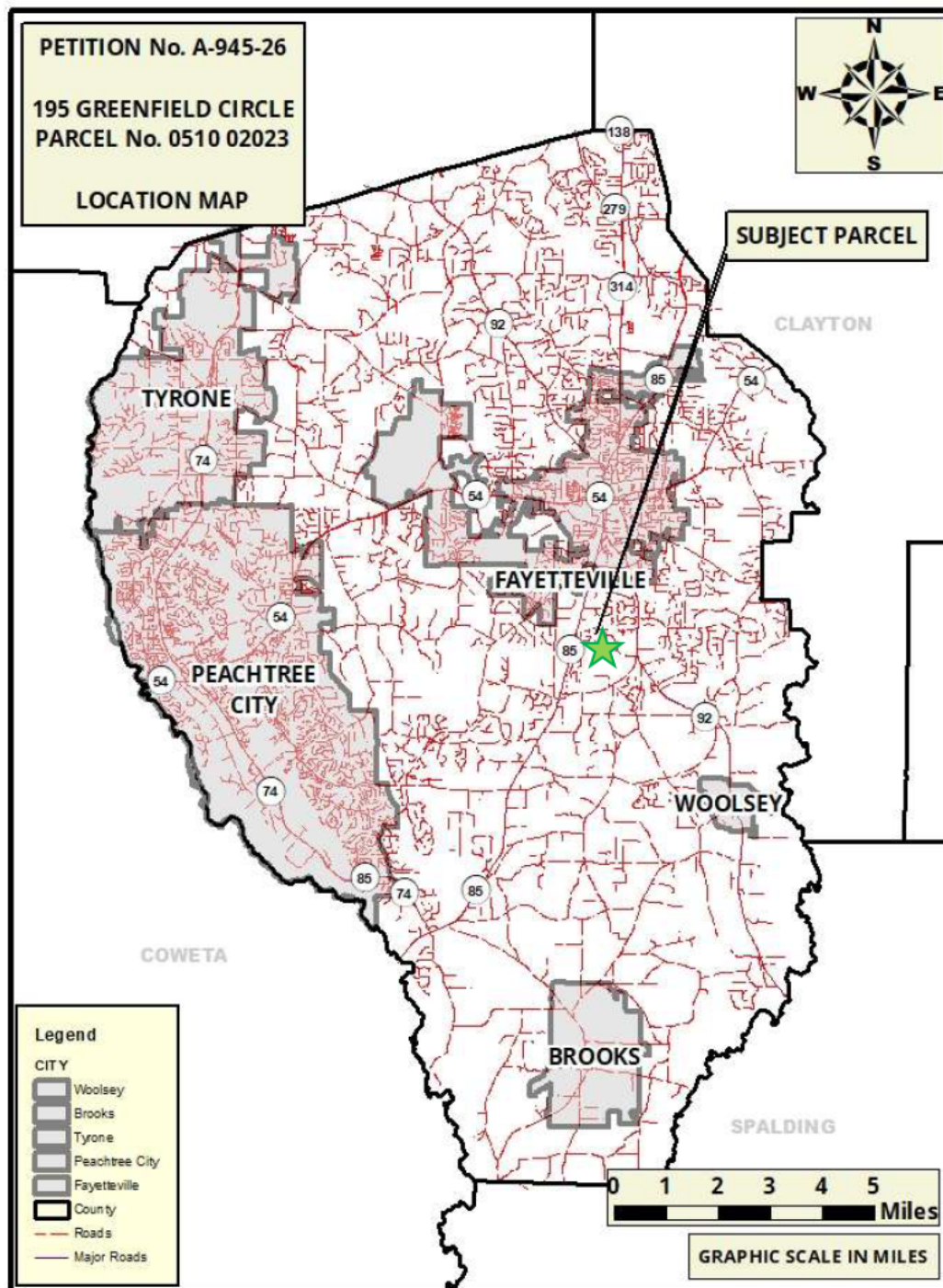
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

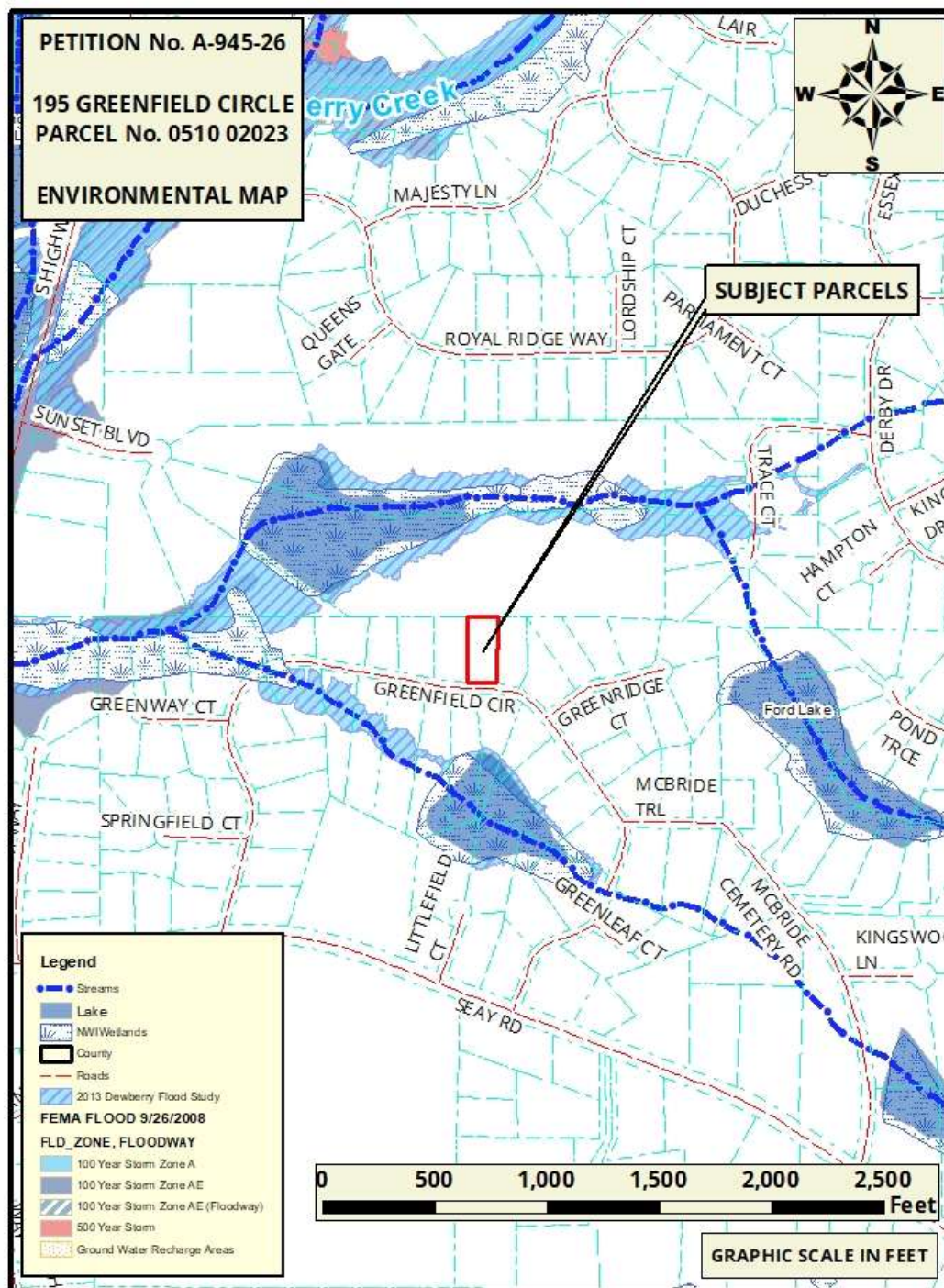
Please refer to the application form for the applicant's justification of criteria.

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

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
This lot is a typical lot without any exceptional conditions in size, shape or topography.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
There is sufficient area to locate the metal building inside the buildable area of the property.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
This lot is similar to the other lots in the Greenfield Community.
- 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 foundation survey submitted with the variance application indicates a pattern of encroachment and trespass toward the neighbor at 185 Greenfield Circle.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant would be afforded the same rights as other neighbors in the Greenfield Subdivision.









[illegible]

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

PROPERTY INFORMATION:

Parcel No. 0510 02023 Acreage: 1.001 Land Lot: 38 Land District: 5
Address: 195 Greenfield Circle Fayetteville GA 30215
Zoning: R-40 Zoning of Surrounding Properties: R-40 ; A-R
Use: Single-Family Residential

PROPERTY OWNER INFORMATION

Name Amelia Rose
Email [REDACTED]
Address 195 Greenfield Circle
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-945-26 **(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: 07/06/2026

DATE OF ZONING BOARD OF APPEALS HEARING: ZBA August 24th, 2026

Received payment from Amelia Rose 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 07/06/2026 Receipt Number: 028024

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:

Amelia Tanyal Rose Anthony Oneil Rose

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 05-1002-023

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 38 of the 5 District, and (if applicable to more than one land district) Land Lot(s) n/a of the District, and said property consists of a total of 1.001 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: [Redacted]
Name: Amelia Rose
Address: 195 Greenfield Cir
City/State/Zip: Fayetteville GA 30215
Date: 7/6/26
Phone: [Redacted]
Email: [Redacted]
Signature: [Redacted]

Notary: Andrew Schueffner (seal)

Commission Exp.: 3/11/30
ANDREW WILSON SCHUEFFNER
Notary Public - State of Georgia
Fayette County
My Commission Expires Mar 11, 2030

Owner/
Agent
Two:

Name: Anthony O Rose
Address: 195 Greenfield Cir
City/State/Zip: Fayetteville GA 30215
Date: 7-6-26
Phone: [Redacted]
Email: [Redacted]

Notary: Andrew Schueffner (seal)

Commission Exp.: 3/11/30
ANDREW WILSON SCHUEFFNER
Notary Public - State of Georgia
Fayette County
My Commission Expires Mar 11, 2030

Owner/
Agent
Three:

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

Notary: _____ (seal)

Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	110-137. (d)(6) Side yard setback
Requirement	15'
Proposed Change	14.0'
Variance Amount	1.0'

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

JUSTIFICATION OF REQUEST

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

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

The permitting process began approximately two years ago with the issuance of an environmental permit.

As the building was being constructed on our own property, we were unaware that additional zoning permits were required before installation.

Upon learning of the requirements, we acted promptly to address the issue. The rear of the building is one foot short of meeting the established setback requirement.

The structure was repositioned to achieve compliance with zoning guidelines; ; however, in order to preserve the existing entry and exit access points

to the backyard, a one-foot encroachment into the required setback remains.

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

Yes. Strict application of the setback regulations would create a practical difficulty and unnecessary hardship in this case.

The building was installed on February 25, and shortly thereafter we were informed of additional requirements and steps that should have been completed prior to installation.

Since learning of the issue, we have worked diligently to bring the project into compliance and have incurred significant unexpected expenses in the process.

Despite these efforts and expenses, the building remains one foot short of the required setback due to the need to maintain safe and practical access to the backyard.

Granting this minor variance would alleviate the hardship resulting from these unforeseen circumstances while having no adverse impact on neighboring properties or community.

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

The requested one-foot variance is minimal, necessary for the reasonable use of the property.

This minor variance allows the property to retain safe and practical access while having no adverse on neighboring properties.

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. The requested relief is minor in nature and will not cause any substantial detriment to the public good or impair the intent of the zoning regulations.

The building does not adversely affect neighboring properties,

obstruct visibility, create safety concerns, or alter the character of the surrounding neighborhood.

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

We have acted in good faith to address compliance issues by relocating the building and incurring significant costs for surveying, engineering, and site modifications.

Given that the remaining deficiency is only one-foot, strict enforcement of the ordinance would impose an unnecessary hardship that is disproportionate to any public benefit,

preventing us from making a reasonable use of the property that is otherwise permitted within the zoning district.

While granting the variance would have no adverse impact on neighboring properties or the character of the neighborhood.

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: <u>D Bell</u>	Lot Size: <u>1.001</u>	
Lot: <u>25</u>	Width at Building Line:	
Zoning: <u>R40</u>	Front Setback: <u>40</u>	
Flood: Yes/ <u>No</u> MFEE:	Side Setback: <u>15</u>	<u>14'</u>
Stream Buffers: <u>N/A</u>	Rear Setback: <u>30</u>	
Number of Frontages <u>1</u>	House Size: <u>n/a</u>	

2

Doc ID: 011661260001 Type: WD
 Recorded: 10/11/2022 at 10:20:00 AM
 Fee Amt: \$475.00 Page 1 of 1
 Transfer Tax: \$450.00
 Fayette, Ga., Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 5550 PG 33

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

TAX PARCEL ID: 051002023

Order.No.: 22-1498-JEN

LIMITED WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF FAYETTE

THIS INDENTURE, made this 7th day of October, 2022, between **JAMES LEE COWGILL**, as party or parties of the first part, hereinafter called Grantor, and **AMELIA T. ROSE and ANTHONY O. ROSE**, as party or parties of the second part, as joint tenants with right of survivorship and not as tenants in common, hereinafter called Grantee.

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

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 38 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 23 OF GREENFIELD SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 44, FAYETTE COUNTY, GEORGIA, RECORDS WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE FOR A MORE DETAILED DESCRIPTION; SAID PROPERTY BEING KNOWN AS 195 GREENFIELD CIRCLE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FAYETTE COUNTY, GEORGIA.

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

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

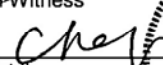
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

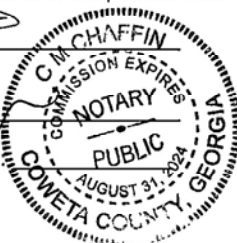
THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated § 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

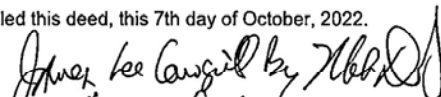
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 7th day of October, 2022.

Signed, sealed and delivered in the presence of:


 Unofficial Witness


 Notary Public
 My Commission Expires:




 (SEAL)
 JAMES LEE COWGILL BY MARK DARBY, AS
 ATTORNEY IN FACT

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

SES
ENGINEERING
PLANNING
SURVEYING

THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE REPRODUCED OR EXTENDED TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, WITHOUT THE WRITTEN AND APPROPRIATE COMPENSATION.



SURVEY NOTES:

1. This plot was prepared for the exclusive use of the person, persons, or entity named in the title block. Said use does not extend to any unnamed person without express permission by the surveyor naming said person.
2. Unless otherwise specified, all distances shown are horizontal ground distances.
3. The project horizontal datum is relative to the North American Datum 1983 (NAD83). 2011 adjustment, projected to the Georgia State Plane Coordinate System, West Zone. The vertical datum is relative to the North American Vertical Datum of 1988 (NAVD88) using the National Geodetic Survey (NGS) Geoid 12B.
4. By graphic plotting only this property does not lie within a 100 year flood hazard zone and is depicted as Zone X as defined by the F.E.M.A. Flood Insurance Rate Map of City of Peachtree City, Unincorporated Areas, Georgia Map Number 13113C0087E, effective date 09/26/2008.
5. Information regarding the marked presence, size, character and location of existing underground utilities and structure is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structure not shown may be encountered. The owner, his agents, and the surveyor shall be responsible for the accuracy of this information. The surveyor is not responsible for the correctness or sufficiency of this information.

FIELD WORK PERFORMED: 04/02/2026
DATE OF PLAT PREPARATION: 04/06/2026
EQUIPMENT UTILIZED: LEICA TS12 P-3, LEICA GS18I DUAL-FREQUENCY GPS BASE/ROVER ON THE EXON SMARTNET NETWORK (NETWORK ADJUSTED KINEMATIC). THE AVERAGE RELATIVE POSTIONAL ACCURACY IS 0.070 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSEST PRECISION OF ONE FOOT IN 32,000 FEET, AND AN ANGULAR ERROR OF 6" PER ANGLE POINT, AND WAS NOT ADJUSTED. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 115,000 FEET.

This plat is a representation of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDED INFORMATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS, OR SUITABILITY FOR ANY USE OR PURPOSE. The surveyor and the client agree that the surveyor's services are limited to the collection of field data and the preparation of this plat. The client agrees to obtain all necessary permits, approvals, and regulations from the appropriate authorities. The surveyor and the client agree that the surveyor is not responsible for the accuracy of this information. The surveyor is not responsible for the correctness or sufficiency of this information.

SCANLON ENGINEERING SERVICES, INC. LST700859 (EXP. 06/30/2026)
Jeffrey M. Wallis, PLS GA #3595
jeffw@scanloneg.com

SCANLON ENGINEERING SERVICES, INC.
221 EAST BANK STREET
GRIFFIN, GEORGIA 30223
PHONE: (678) 967-2051 www.scanloneg.com
LST 000859

Rev	Description	Date
1	Add schedule and delineate to property line	07/13/26
2		
3		

Project # S260422327
Drawn by JWS
Reviewed by JNW
Date 4/9/2026

RETRACEMENT SURVEY
FOR
AMELIA ROSE

LOCATED IN LAND LOT 38 OF THE 5th DISTRICT,
FAYETTE COUNTY, GEORGIA

GEORGIA
PLAT # 1595
APR 17 2026
JEFFREY M. WALLIS
P.L.S. GA #3595

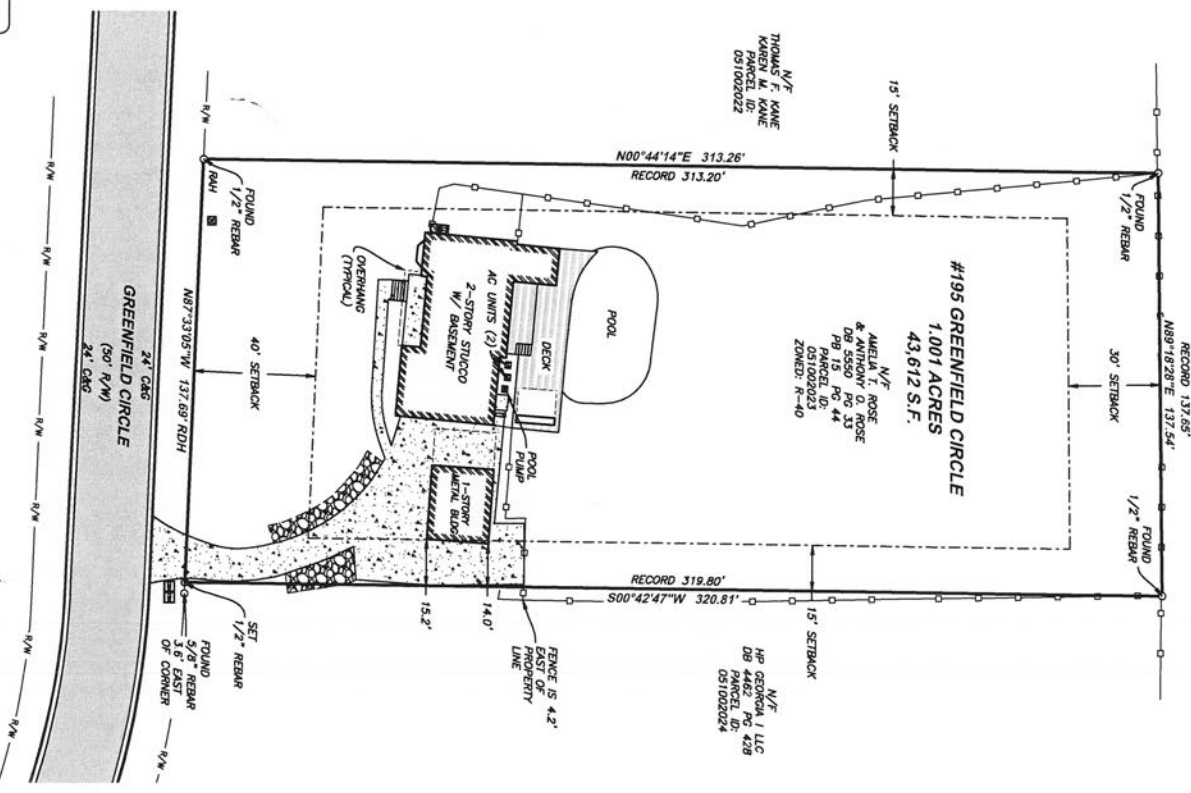
Scanlon Engineering Services, Inc.
For The Firm

SHEET DESCRIPTION
RETRACEMENT
SURVEY
SHEET NUMBER
1020C
SHEET 01 OF 01

LEGEND

- PROPERTY CORNER FOUND
- PROPERTY CORNER SET
- POWER POLE
- GUY WIRE
- ☆ LIGHT POLE
- WATER METER
- POWER METER
- GAS METER
- CABLE BOX
- TELEPHONE BOX
- SANITARY SEWER MANHOLE
- PROPERTY LINE
- ADJACENT LINE
- ADJACENT LINE
- SETBACK LINE
- OVERHEAD POWER LINE
- WOOD FENCE
- CONCRETE AREA
- GRAVEL AREA
- ASPHALT AREA

DB = DEED BOOK
R/W = RIGHT OF WAY
N/F = NOW OR FORMERLY
RDH = RECORD DISTANCE FIELD
CAG = CURB AND GUTTER



The term "Certification" as used in Rule "80-6-.08(2) and (3)" and "80-6-.08(4)" of the Official Code of Georgia Annotated (O.C.G.A.) means a statement of fact and knowledge known to the registrant and is not guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Surveying and Mapping and the rules of the Georgia Board of Professional Engineering or Land Surveying services, as defined in O.C.G.A. 80-6-.08(4) and (5). The surveyor does not warrant or guarantee the accuracy of the survey or the results of the survey, but only warrants that the survey was performed in accordance with the rules of the Georgia Board of Surveying and Mapping and the rules of the Georgia Board of Professional Engineering or Land Surveying services, as defined in O.C.G.A. 80-6-.08(4) and (5). The surveyor is not responsible for the accuracy of this information. The surveyor is not responsible for the correctness or sufficiency of this information.



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

ON CERTAIN PROPERTIES
IN UNINCORPORATED AREAS
OF FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, August 24, 2026, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-945-26

Owner: Amelia T. Rose and Anthony O. Rose

Property Address: 195 Greenfield Circle

Parcel: 051002 023

Zoning District: R-40

Area of Property: 1.001 acres

Land Lot(s): 38

District: 5th

Road Frontage: Greenfield Circle

Request: Applicant is requesting the following: Variance to Sec. 110-137(d)(6), to reduce the side yard setback in the R-40 zoning from 15 feet to 14.0 feet to allow an accessory structure to remain in its current location.

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 38 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 23 OF GREENFIELD SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 15, PAGE 44, FAYETTE COUNTY, GEORGIA, RECORDS WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE FOR A MORE DETAILED DESCRIPTION; SAID PROPERTY BEING KNOWN AS 195 GREENFIELD CIRCLE ACCORDING TO THE PRESENT SYSTEM OF NUMBERING PROPERTY IN FAYETTE COUNTY, GEORGIA