

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairman
Brian Haren
Kyle McCormick
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****January 26, 2026****7:00 P.M.**

***In the event of inclement weather or unsafe conditions, this meeting may be rescheduled. Any changes will be announced on the Fayette County Website (<https://fayettecountygagov>) as soon as possible.**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on December 15, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-912-25 – Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust. Applicants are requesting the following: Variance to Sec. 110-125(d)(1)- A-R., as allowed under Sec. 110-242(c)(1)-Requesting a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.995 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.
6. Consideration of Petition No. A-915-25 – Kimberly N. Waldrop, Owner. Applicant is requesting the following: Variance to Sec. 110-137(d)(6)- R-40., to reduce the side yard setback from 15 feet to 5 feet to allow the construction of a detached garage. The subject property is located in Land Lots 184 of the 4th District and fronts Hammock Bay Road.
7. Consideration of Petition No. A-916-25 – Ritchey Living Trust, Owner. Applicants are requesting a Variance to Sec. 110-149 (d)(6)(c)- PUD., to reduce the side yard setback from 15 feet to 12.63 feet to allow an existing attached garage to remain. The subject property is located in Land Lots 4 of the 6th District and fronts Wellborn Chase.

8. Consideration of Petition No. A-917-25 – Douglas John Williams, Owner. Applicant is requesting a variance to reduce the side yard setback in the R-40 zoning district from 15 feet to 7 feet to allow a new accessory structure to be constructed. The subject property is located in Land Lots 221 of the 5th District and fronts Bentley Way. *Staff will request a motion to withdraw by petitioner.*
9. Consideration of Petition No. A-918-25 – Kerr Firefly Properties, LLC, Owner. Applicant is requesting a variance to Sec. 110-179(c)(1)(b)-In the A-R zoning. - Request to approve an increase of an accessory structure maximum footprint from 700 SF to 1200 SF to allow an existing accessory structure to remain. The subject property is located in Land Lots 104 of the 7th District and fronts Dogwood Trail. *Staff will request a motion to withdraw by petitioner.*
10. Consideration of Petition No. **A-919-25-A** – Neil Orand and Tara Fogle Orand, Owner. Applicant is requesting the following: A) Variance to Sec. 110-137(d)(6)- R-40.- Requesting a variance to reduce the side yard setback from 15 feet to 7 feet to allow a new accessory structure to be built. The subject property is located in Land Lots 184 of the 4th District and fronts Hammock Way Drive and Brooks Woolsey Road.
11. Consideration of Petition No. **A-919-25-B** – Neil Orand and Tara Fogle Orand, Owner. Applicant is requesting B) Variance to Sec. 110-137(d)(4)- R-40.- Requesting a variance to reduce the front yard setback along Brooks Woolsey Road from 60 feet to 40 feet. The subject property is located in Land Lots 184 of the 4th District and fronts Hammock Way Drive and Brooks Woolsey Road.
12. Consideration of Petition No. A-920-25 – Neal W. McEwen and Patricia H. McEwen, Owners. Applicant is requesting a variance to Sec. 110-79(c)(1)(b) to increase the maximum square footage of a guest house from 700 square feet to 1,782 square feet to allow an existing and permitted guesthouse to remain. The subject property is located in Land Lots 98 of the 4th District and fronts Morgan Mill Road. *Removed by staff, this case is not eligible for a variance.*
13. Consideration of Petition No. **A-921-25-A** – Alexis Kirkbride, Owner. Applicant is requesting A) Variance to Sec. 110-79(e) to allow an accessory structure located in front yard to remain. The subject property is located in Land Lots 1 of the 9th District and fronts Rivers Road.
14. Consideration of Petition No. **A-921-25-B** – Alexis Kirkbride, Owner. Applicant is requesting B) Variance to Sec. 110-133(d)(5) to reduce the rear yard setback from 50 feet to 37.6 feet to allow an existing accessory structure to remain. The subject property is located in Land Lots 1 of the 9th District and fronts Rivers Road.
15. Consideration of Petition No. **A-921-25-C** – Alexis Kirkbride, Owner. Applicant is requesting C) Variance to Sec. 110-133(d)(5) to reduce the rear yard setback from 50 feet to 33.7 feet to allow the pool deck/equipment to remain as required in Sec. 110-79(k). The subject property is located in Land Lots 1 of the 9th District and fronts Rivers Road.
16. Consideration of Petition No. **A-922-25-A** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: A) Variance to

Sec. 110-79(e), to allow an accessory structure in the front yard. The subject property is located in Land Lots 65 of the 5th District and fronts Lester Road and Sherwood Road.

17. Consideration of Petition No. **A-922-25-B** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: B) Variance to Sec. 110-79(c)(1)(c), to exceed the allowable 3,600 square footage of an accessory structure in the R-40 zoning to a total of 7,407 square feet to allow the construction of an aircraft hangar. The subject property is located in Land Lots 65 of the 5th District and fronts Lester Road and Sherwood Road.
18. Consideration of Petition No. **A-922-25-C** – Tim A. Belcher and Ruth M. Belcher Revocable Living Trust, Owners. Applicants are requesting the following: C) Variance to Sec. 110-79 (c)(1)(a) to exceed the allowable quantity (three) total, to allow four accessory structures on a lot with a minimum of five acres. The subject property is located in Land Lots 65 of the 5th District and fronts Lester Road and Sherwood Road.

Minutes 12/15/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on December 15, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

1. Call to Order. *Chairman John Tate called the December 15, 2025, meeting to order at 7:02 pm.*
2. Pledge of Allegiance. *Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Bill Beckwith made a motion to approve the agenda. Brian Haren seconded the motion. The motion passed unanimously.*
4. Consideration of the Minutes of the Meeting held on November 24, 2025. *Brian Haren made the motion to approve the minutes of the meeting held on November 24, 2025. Bill Beckwith seconded the motion. The motion passed 5-0.*

PUBLIC HEARING

5. *Consideration of Petition No. A-907-25* – Michael Edward Newman and Billie Gail Newman, as Trustees of the Mike and Billie Newman Living Trust. Applicants are requesting the following: Variance to Sec. 110-242(h). – A-R, requesting an illegal lot to be deemed a legal nonconforming lot. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.

Ms. Debbie Bell read the description above and explained that this petition was tabled from the October 27, 2025 and it does meet all the criteria per Sec. 110-242(h), the lot is an illegal lot because it is zoned A-R but has less than five acres created after November 13, 1980 and was created illegal via plat by a previous owner recorded in April 1986 creating a remnant and Mr. Newman is not related to him/her and there is not property available to add to this lot to convert it to the legal statutory and the applicant had removed all the items caused the petition to be tabled, except for a small greenhouse and livestock that does not require a permit and were allowed to remain.

Chairman John Tate asked if the petitioner was present.

Mr. Jason Newman brought packets for the Board showing the pictures of the property that has brought into compliance and the concept plan of the structure building he would like to place on the property if approval of the petition, as to the letter he gave the neighboring properties, once he submits the petition. Mr. Newman also stated that he intends to create a family gathering property for his kids to work on. He met with the EMD Department, where they confirmed the floodplain assumptions and the procedural corrections.

Chairman Tate asked if anyone in the audience was in support of the petition, with no response, then he asked if anyone was in opposition to the petition.

Mr. James Heighton stated he has been on Nelms Road since 1984 and wasn't in opposition to someone living on the property in question, but they feel they don't have a lot of information on what is going to happen later, since they will not be the primary home on it and disregarding the rural setting they have, expressed his concern the property might become a dump or not knowing who is coming and going.

Ms. Hope Winters Colvin stated she resides next door to the property and that Mr. Newman has provided different narratives of his intentions, making it difficult for the neighbors to understand the real scope of what is being planned, changing it from a small workshop to an industrial (6,000 sq ft industrial commercial) building on a floodplain, impacting negatively the surrounding environment, and where septic is not archivable on that property.

Mr. Phillip Colvin explained that their home sits in front of the property in question, and they are concerned about the massive building proposed, along with automotive fluids, fertilizers, animal waste, and pollution. He asked the Board to deny the petition for the quiet they have now.

Mr. Newman returned for rebuttal and commented that the opposition statements had been mistaken about the size of the structure, where anything over 6,000 sq ft is not close to what they are proposing and would not be approved. They had septic approval from the Department of Health, and they have more than enough for the proper drainage and will not use any pesticides or pollute the water just wanted to teach their kids how to farm and will make sure there is no damage to the neighbors or do anything massive.

Chairman Tate brought the item back to the Board for questions.

Mr. Bill Beckwith asked staff if the property with an A-R zoning is to be a residence on the property before any accessory structures.

Ms. Bell responded, Not in A-R zoning, there are certain auxiliary structures, greenhouses, and other kinds of farm structures that are allowed before the primary residence is built.

Mr. Beckwith asked if buildings are put up on other zoning as accessory structures.

Ms. Bell responded that in any other residential zoning, any other building beyond the primary dwelling is considered an accessory structure, but in A-R zoning, a dual purpose zoning is agricultural and residential allowing a variety of non residential structures before the primary house is built.

Mr. Beckwith asked if there were square footage limits on those buildings.

Ms. Bell responded that it will be based on the square footage requirements based on the lot size.

Mr. Beckwith asked that the comments from the Department of Environmental Management stated that the approval of the petition does not guarantee the lot will be eligible for a building permit as buildable area is reduced due to floodplain and riparian buffers.

Ms. Bell responded anything over 200 sq ft requires a building permit, and a site plan will be reviewed by multiple departments.

Mr. Beckwith asked Whatever is approved tonight will still have to go through other building regulations within county departments and not do whatever they want?

Ms. Bell responded that this petition is only to convert from illegal to legal status and then take the next step.

Mr. Brian Haren asked staff if all of the unpermitted uses discussed on the last meeting were rectified.

Ms. Bell responded Yes.

Mr. Haren commented that tonight's decision is not an unusual action to create a non-conforming lot and happens all the time. Mr. Haren sympathized with all of the comments that were addressed, but those are not issues for the board now and said this petition has to do with the development face of the property if it is declared non-conforming.

Chairman John Tate stated agreed with Mr. Haren, and the board will be addressing bringing the lot into compliance per Sec. 110-242(h) and not by just placing the building on the property.

Brian Haren made a motion to APPROVE Petition No. A-907- 25. Vice-Chairman Marsha Hopkins seconded the motion. The motion passed unanimously.

6. Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule.

Ms. Bell presented the ZBA 2026 Calendar Schedule and asked the board for questions or changes they might have.

Chairman John Tate commented about changes discussed previously for memorial day meeting.

Ms. Bell responded they had 2 days in question May 26, 2026 and December 14, 2026 because of the holiday schedule.

Chairman asked the board for questions or comments.

Vice-Chairman Marsha Hopkins about the May 26, 2026, meeting being after the Memorial holiday and might be impacted by absences.

Ms. Bell responded that they could change it to May to see if they have a meeting space for that day and asked the board to approved the calendar as presented to publish the new hearing through April or change it to May 18 to fit everyone schedule.

Mr. Haren stated he would agree to change it to May 18, 2026.

Vice-Chairman Marsha Hopkins accepted the Amended Zoning Board of Appeals 2026 Calendar, with the May meeting scheduled for May 18, 2026. Brian Haren seconded the motion. The motion carried 4-1; Bill Beckwith abstained from voting.

Mr. Brian Haren thanked Mr. Bill Beckwith for his 30 years of service in the county within the Zoning Board of Appeals and Planning Commission. Mr. Haren congratulated him and mentioned it was a pleasure working with him.

Ms. Debbie Bell stated there will be a special recognition on January 22, 2026, at the Board of Commissioners Meeting

Mr. Beckwith responded that he would see if he could make it.

Staff commented that there were no more public hearings for the night, and the board moved to adjourn the meeting.

Chairman John Tate moved to adjourn the December 15, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 5-0.

The meeting adjourned at 7:49 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

Respectfully Submitted by:

JOHN TATE, CHAIRMAN

**MARIA BINNS
ZONING SECRETARY**

PETITION NO: A-912-25

Requested Actions: Variance to Sec. 110-125. – A-R, Agricultural-Residential (d)(1), as allowed under Sec. 110-242(c)(1) – Requesting a variance to the minimum lot size for an unimproved nonconforming lot, to allow a lot that is 208,216.8 square feet in area (4.78 acres) to be eligible for development.

Location: Nelms Road, Fayetteville, Georgia 30215

Parcel(s): 0701 063

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

Zoning: A-R, Agricultural-Residential

Lot Size: 208,216.8 square feet (4.78 Acres)

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

Agent: N/A

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125. – A-R, (d)(1), to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 208,216.8 square feet in area (4.78 acres) to be eligible for development. The variance amount is 9,583.2 square feet.

STAFF ASSESSMENT

- The lot is a legal nonconforming lot. It has 208,216.8 square feet in area (4.78 acres), which is less than the required 217,800 square feet (5.00 acres) in the A-R zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.
- The lot was deemed to be a nonconforming lot by the decision of the Zoning Board of Appeals on December 15, 2025.
- The variance is necessary for the owners to be able to obtain a building permit.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

This parcel was deemed to be a legal nonconforming lot by an affirmative vote of the Zoning Board of Appeals on December 15, 2025.

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

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

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

The conditions are unique to this parcel.

- 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 variance will not be detrimental to the public good.

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

The applicant would not be able to build a structure on this parcel without the variance.

HISTORY

This parcel is a legal nonconforming lot. It has not been rezoned.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

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

(1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size.

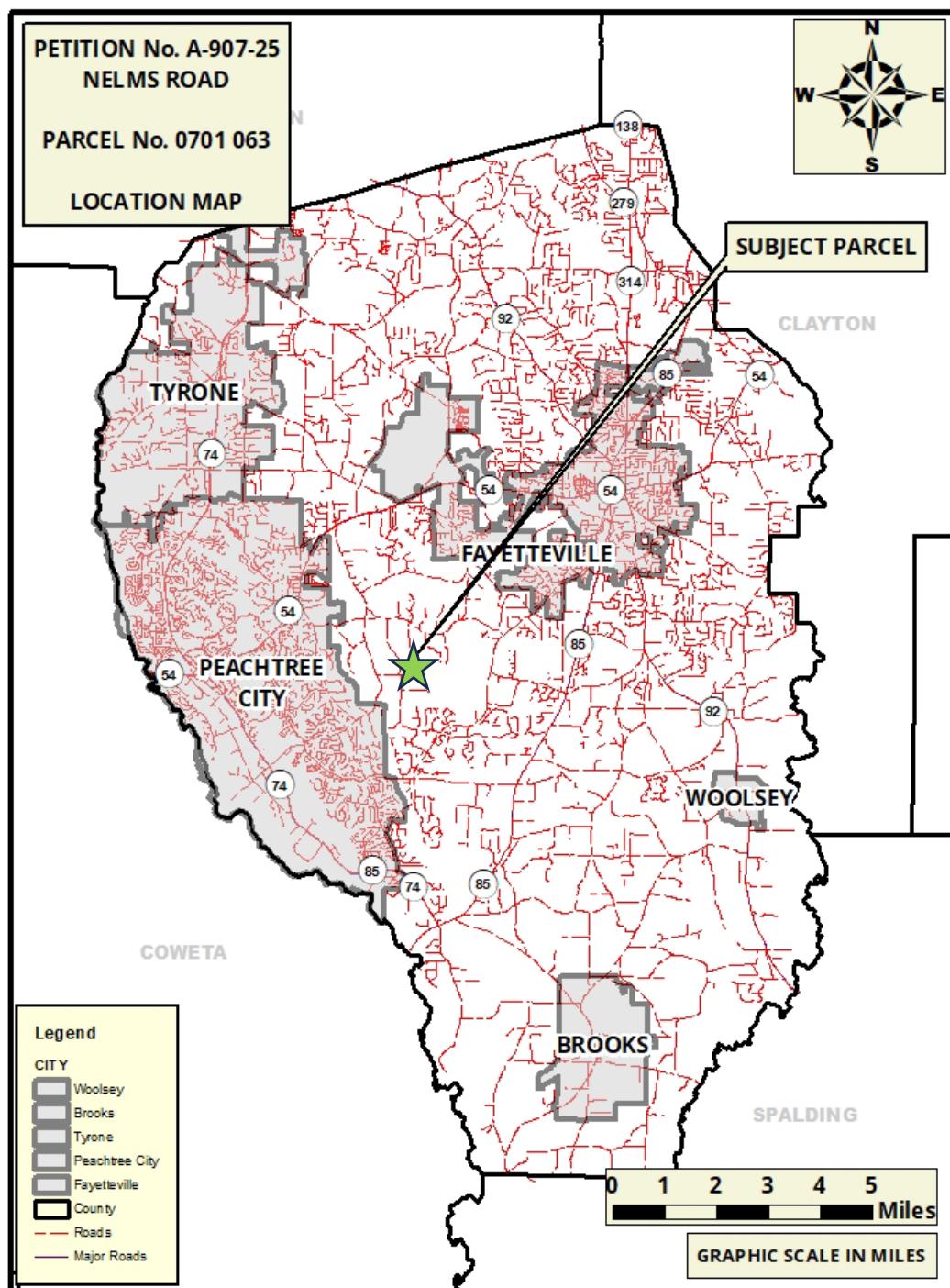
Sec. 110-125. – A-R, Agricultural-Residential District.

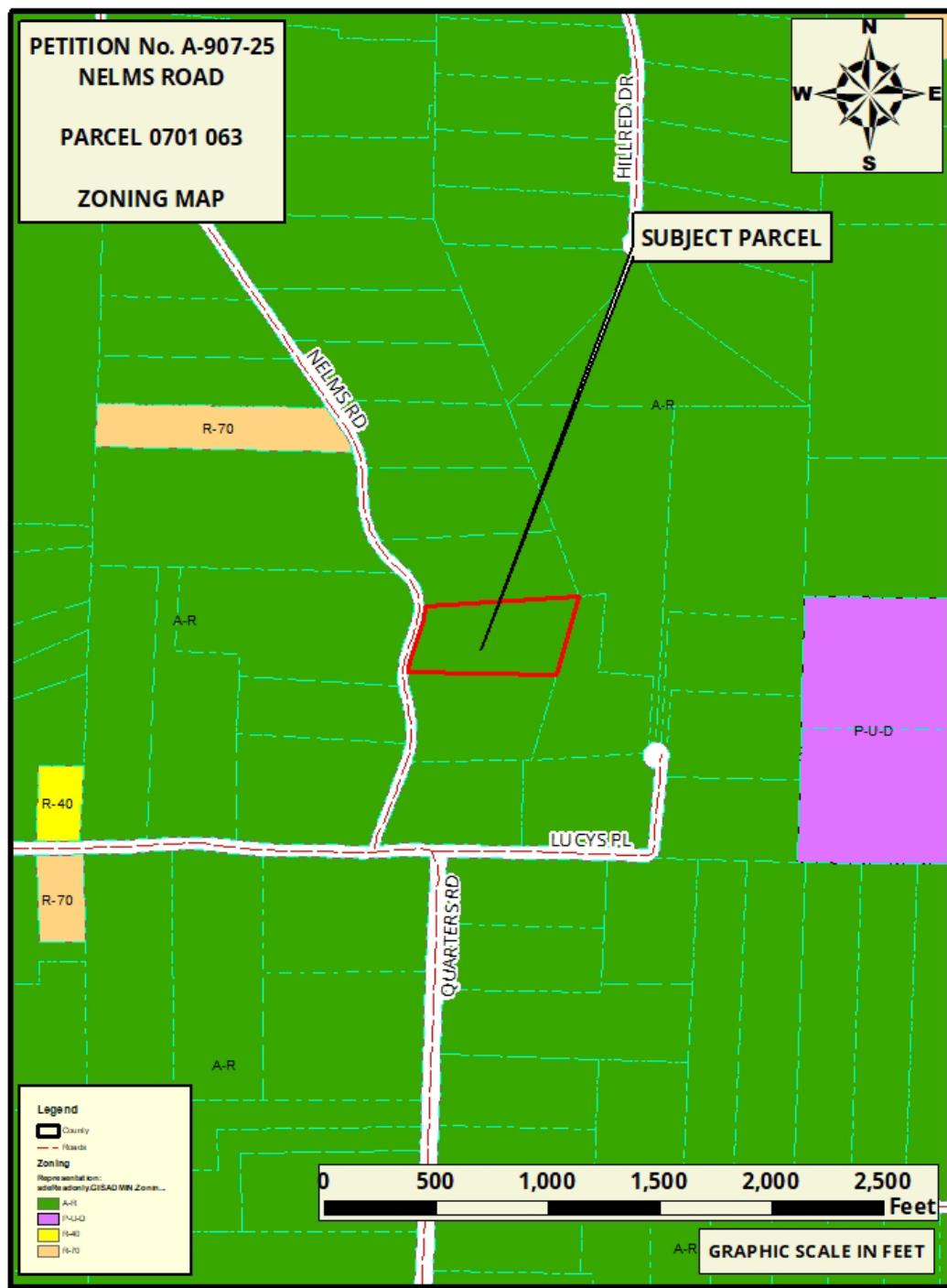
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

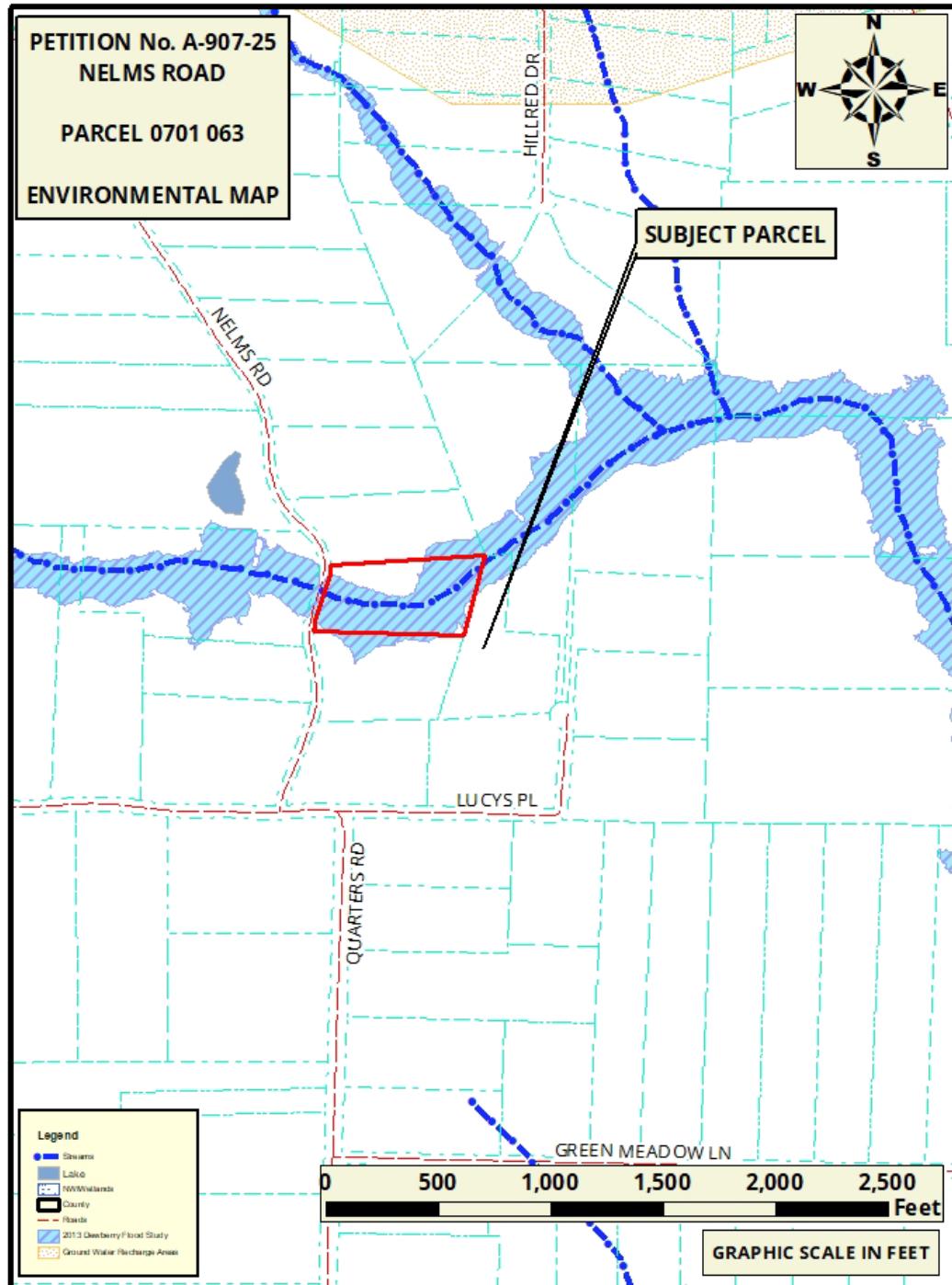
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

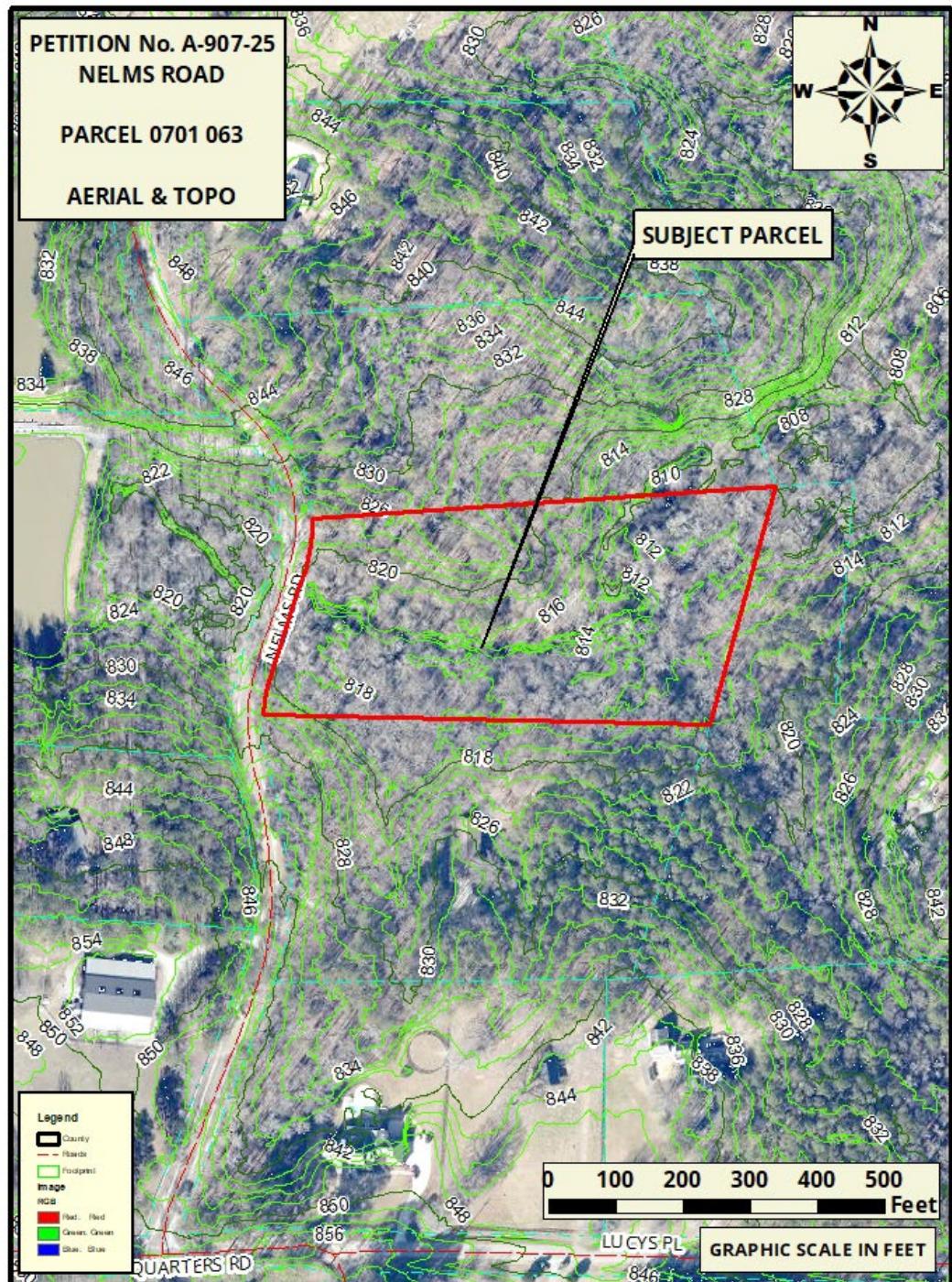
DEPARTMENTAL COMMENTS

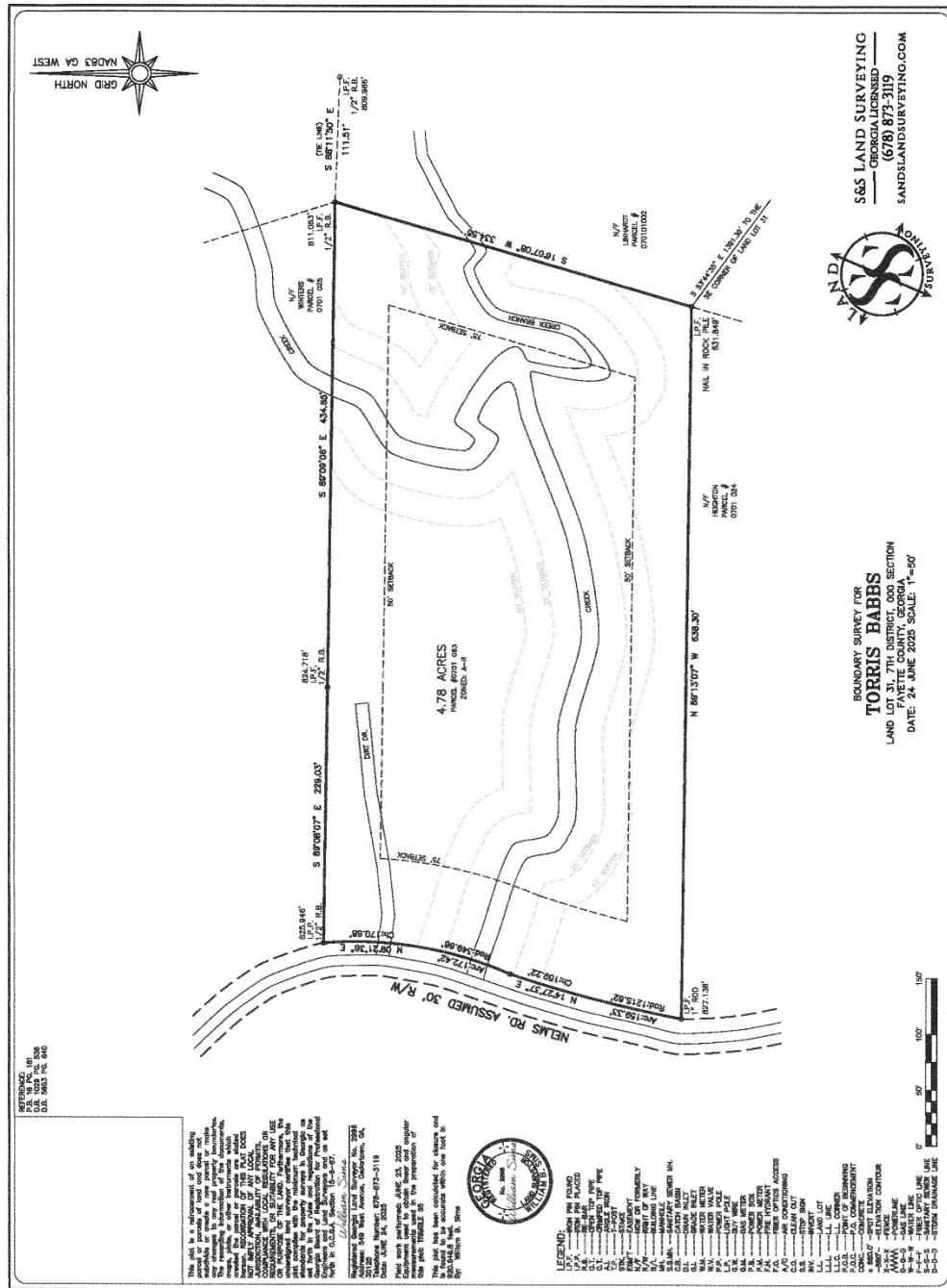
- Water System** -No objections.
- Public Works** - No objections.
- Environmental Management** - No objections. Prior to issuance of building permits, the owner may be required to locate wetlands, creeks, and produce a flood certificate.
- Environmental Health Department** - This office has no objection to the proposed variance. This does not constitute approval of future use, nor does it guarantee that the lot will have suitable soils for a septic system.
- Fire** - No objections.











SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0701-063 Acreage: 4.78 Land Lot: 31 Land District: 6
Address: Unassigned Nelms Rd
Zoning: A-R Zoning of Surrounding Properties: A-R
Use: Auxillary building / Private shop / Garage

PROPERTY OWNER INFORMATION

Name Michael Newman
Email ██████████
Address ██████████
City ██████████
State GA Zip ██████████
Phone ██████████

AGENT/DEVELOPER INFORMATION (If not owner)

Name Jason Newman
Email ██████████
Address ██████████
City Fayetteville
State GA Zip ██████████
Phone ██████████

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-912-25

Application Insufficient due to lack of: _____
by Staff: _____ Date: _____
 Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binus Date: 09/30/25

DATE OF ZONING BOARD OF APPEALS HEARING: November 24, 2025

Received payment from Michael Newman a check in the amount of \$ 175.00
for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid 09/30/2025 Receipt Number: # 025334

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:

Mike & Billie Newman Newman Living Trust - Michael Newman, Billie Newman
Please Print Owners' Names

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

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

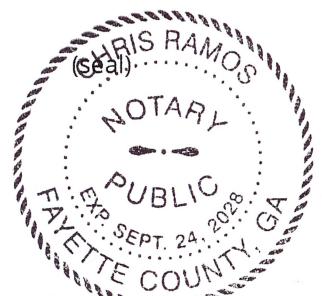
(I) (We) hereby delegate authority to Jason Newman (son) to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(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 Michael E. Newman
Name: Michael E. Newman
Address: ██████████
City/State/Zip: ██████████
Date: 9-29-25

Notary: Ch.R
Commission Exp.: 9/24/28



Owner/
Agent
One:

Signature Billie Newman
Name: Billie Newman
Address: ██████████
City/State/Zip: ██████████
Date: 9-29-25

Notary: Ch.R
Commission Exp.: 9/24/28



Owner/
Agent
Two:

Signature Jason Newman
Name: Jason Newman
Address: ██████████
City/State/Zip: ██████████
Date: 9/29/25

Notary: Ch.R
Commission Exp.: 9/24/28



VARIANCE INFORMATION

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

Ordinance/Section	110-125
Requirement	5.0 Acres (217,800SF) for A-R zoning
Proposed Change	Request for variance as non conforming for A-R zoning
Variance Amount	9,584 SF

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

See attached

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 applicant respectfully petitions the Zoning Board of Appeals for:

1. Variance to Minimum Lot Size Requirement under Sec. 110-125 to allow development consistent with permitted A-R uses, specifically a private recreational shop/barn.

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

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

- Parcel created in 1986, over ten years prior to this application.

- Deficiency in lot area was not caused by the applicant or immediate family.

- No adjoining property is available to bring the parcel into conformity.

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

- Extraordinary and exceptional conditions due to lot size and FEMA floodplain encumbrances.

- Strict application of lot size requirement imposes hardship preventing permitted A-R use.

- Lot conditions are peculiar - recorded as 4.99 acres, deficiency discovered via new survey.

- Relief will not cause public detriment or impair zoning intent.

- Literal interpretation deprives applicant of rights enjoyed by others in A-R district.

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.

- Zoning Administrator Determination Letter (Aug. 13, 2025)

- Environmental Management Property Evaluation (June 7, 2022)

- FEMA FIRM Panel 13113C0094E (Sept. 26, 2008)

- Updated Boundary & Topographic Survey (Newman Nelms Rd Plan)

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

The applicant requests that the Zoning Board of Appeals:

1. Approve a variance to the minimum lot size requirement under Sec. 110-125 to permit issuance building permits for a private recreational shop/barn.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Application for Variance and Nonconforming Status

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

Section 1 – Request

The applicant respectfully petitions the Zoning Board of Appeals for:

1. Variance to Minimum Lot Size Requirement under Sec. 110-125 to allow development consistent with permitted A-R uses, specifically a private recreational shop/barn.

Section 2 – Basis for Nonconforming Status

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

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

Section 3 – Variance Criteria Response

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

Section 4 – Supporting Documentation

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

Section 5 – Relief Requested

The applicant requests that the Zoning Board of Appeals:

1. Approve a variance to the minimum lot size requirement under Sec. 110-125 to permit issuance building permits for a private recreational shop/barn.



Doc ID: 012256190002 Type: WD
Recorded: 06/23/2025 at 09:50:00 AM
Fee Amt: \$145.00 Page 1 of 2
Transfer Tax: \$120.00

Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5844 PG 28-29

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

TAX PARCEL ID: 0701 063

Order No.: 25-0748-DEB

LIMITED WARRANTY DEED

TENNESSEE
STATE OF *GEORGIA* *PLB*
BLOUNT
COUNTY OF *FAYETTE* *PLB*

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

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

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

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

PARCEL ID NUMBER: 0701 063

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

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

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

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

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

Signed, sealed and delivered in the presence of:

Andrea Prozzo Andrea Prozzo
Unofficial Witness

William B. Morrison (SEAL)

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



This plan is a reversion 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 document is:

Field work performed: JUNE 23, 2005
Equipment used to obtain linear and angular measurements used in the preparation of
this plot: TRIMBLE 35.

This plot has been calculated for closure and is
found to be accurate within one foot in
200.48' feet.

By: William G. Stine

IN PIN FOUND
IN PIN PLACED

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



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

A compass rose graphic with a central circle and eight radiating lines. To the right of the rose, the words "GRID NORTH" are printed in a serif font. Below the rose, the text "NAD83 GA WEST" is printed in a sans-serif font.

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, January
26, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-912-25

Owner: Michael Newman

Agent: Jason Newman

Property Address: Nelms Road

Parcel: 0701 063

Zoning District: A-R

Area of Property: 4.995 acres

Land Lot(s): 31

District: 7th

Road Frontage: Nelms Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
125(d)(1)- A-R., as allowed under
Sec. 110-242(c)(1)-Requesting a
variance to the minimum lot size
for a legal nonconforming lot, to
allow a lot that is 4.995 acres in the
A-R zoning district to be eligible for
development.

Legal Description

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

PARCEL ID NUMBER: 0701 063

12/17

PETITION NO: A-915-25

Requested Action: Variance to reduce left side building setback from 15' to 5' in the R-40 (Single-Family Residential) District, to allow the construction of a detached garage.

Location: 104 Hammock Bay Drive, Fayetteville, GA 30215

Parcel(s): 044206004

District/Land Lot(s): 4th District, Land Lot(s) 169

Zoning: R-40

Owner(s): Kimberly Waldrop

Agent: Marion D. Waldrop, Jr.

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following variance to construct a new detached garage:

1. Variance to Sec. 110-137(d)(6).- Side yard setback requirement, to reduce the side yard setback from 15 feet to 5 feet in the R-40 zoning district.

STAFF RECOMMENDATION

It is staff's opinion that the property presents a unique situation. The shallow depth of the cul-de-sac lot, combined with five (5) setbacks (two front yards) and the topography, create a challenge. The adjacent neighbor sent a letter stating that they have no objection to the variance request.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

Staff recommends **APPROVAL** of the request to reduce the rear yard setback from 15 feet to 5 feet for the construction of a detached garage.

HISTORY

The subject property is a legal lot of record in the Hammock Bay S/D, with a plat recorded February 13, 2007. It is a 1.000-acre lot and is a legal, conforming lot in the R-40 zoning district.

ZONING REQUIREMENTS

Sec. 110-137. R-40 – Single-family residential district.

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

(6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No objection to the variance request.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Fire** – No objections.
- Building Safety** – No objections. A building permit is required for new garage.

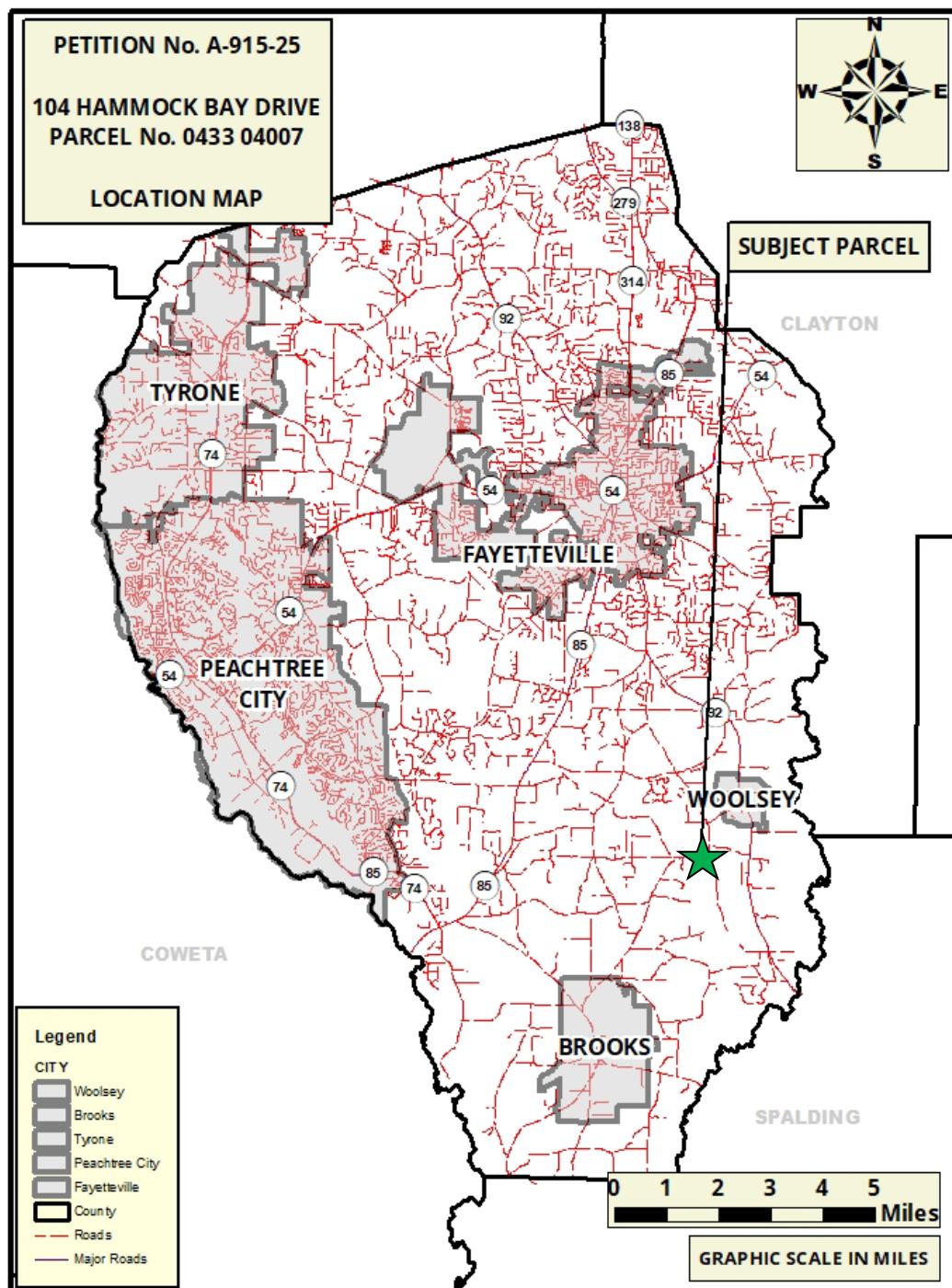
CRITERIA FOR CONSIDERATION OF A VARIANCE

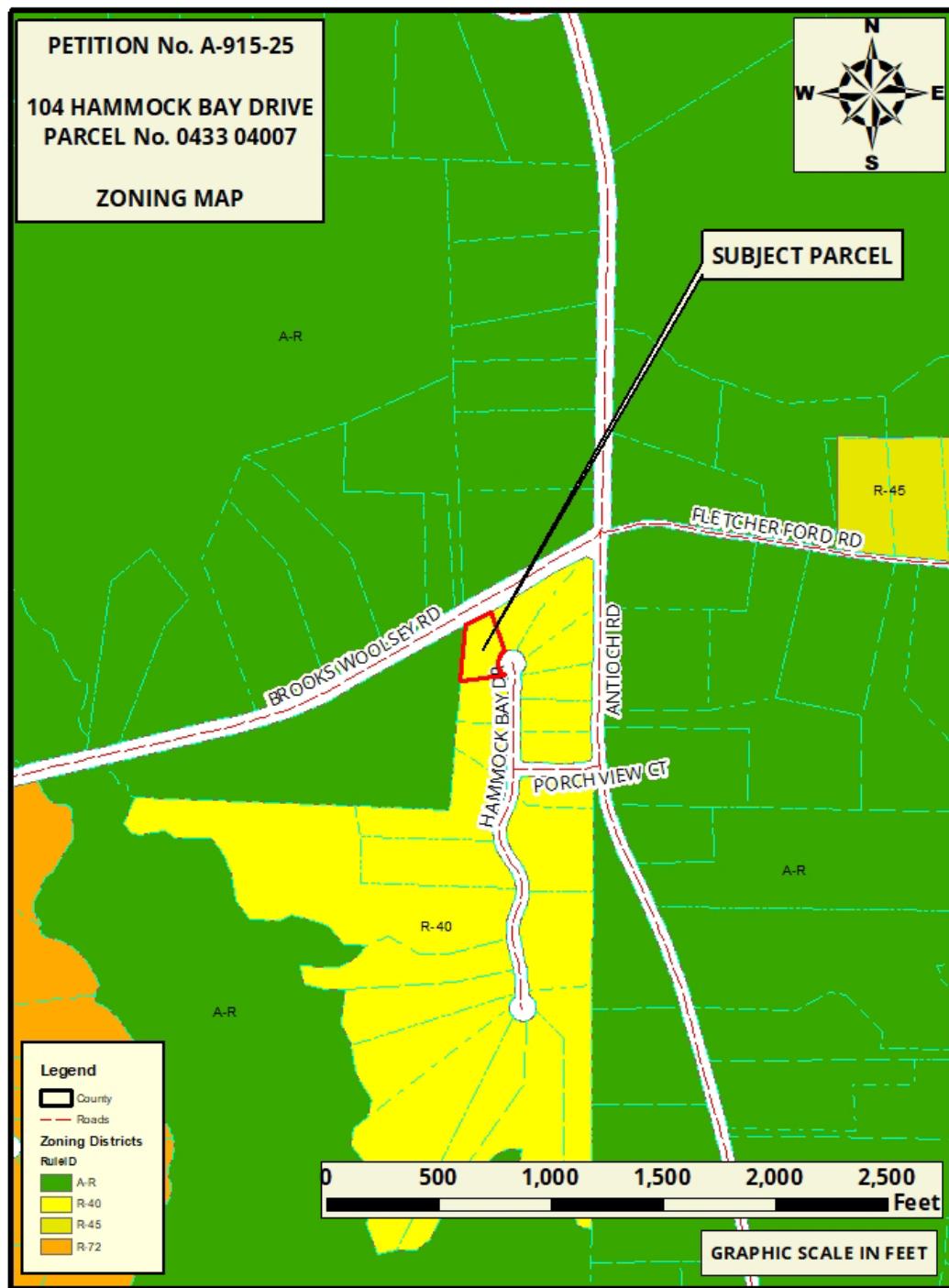
STAFF ASSESSMENT OF CRITERIA

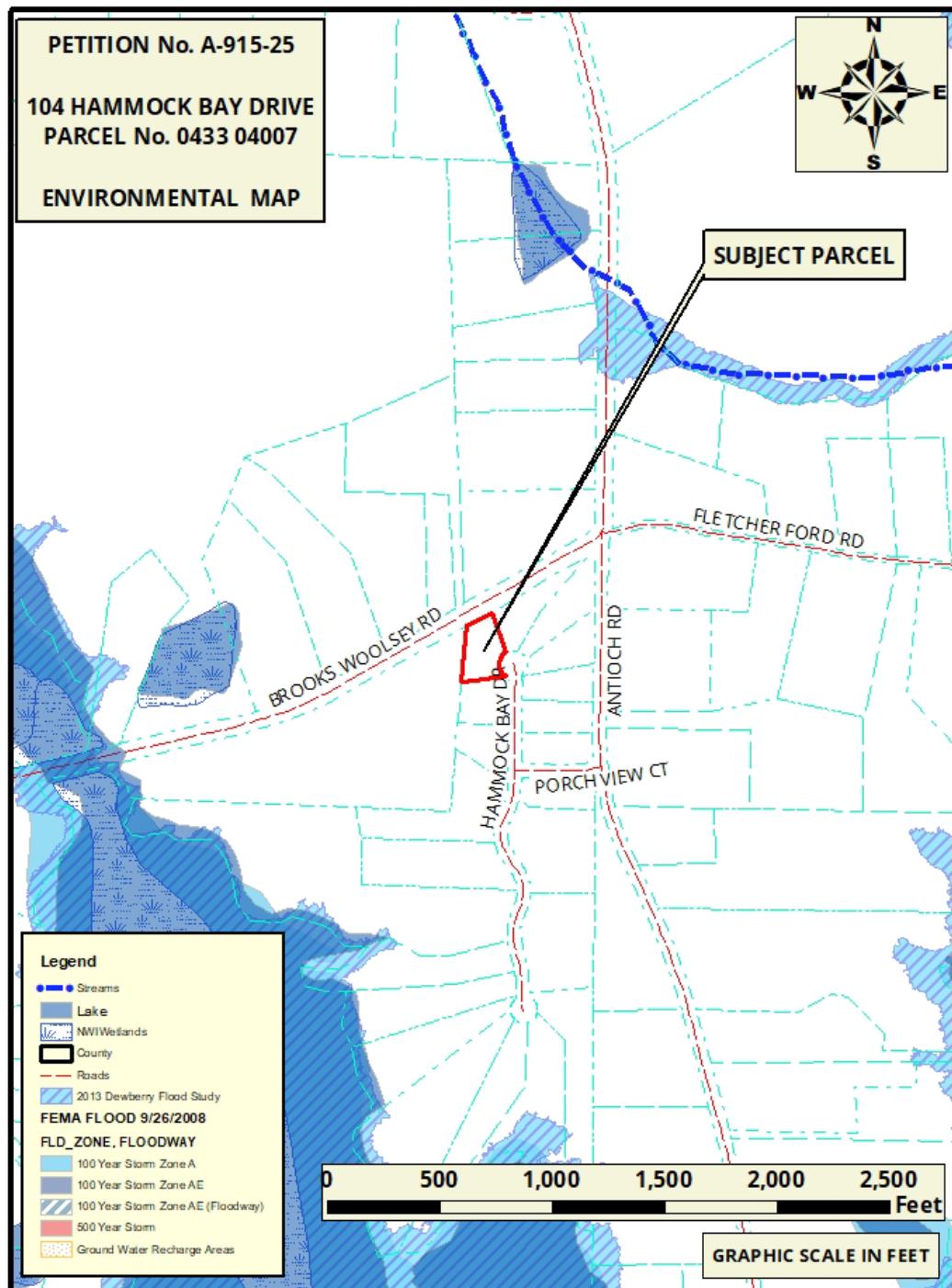
(Please see the attached application package for the applicant's responses to the criteria.)

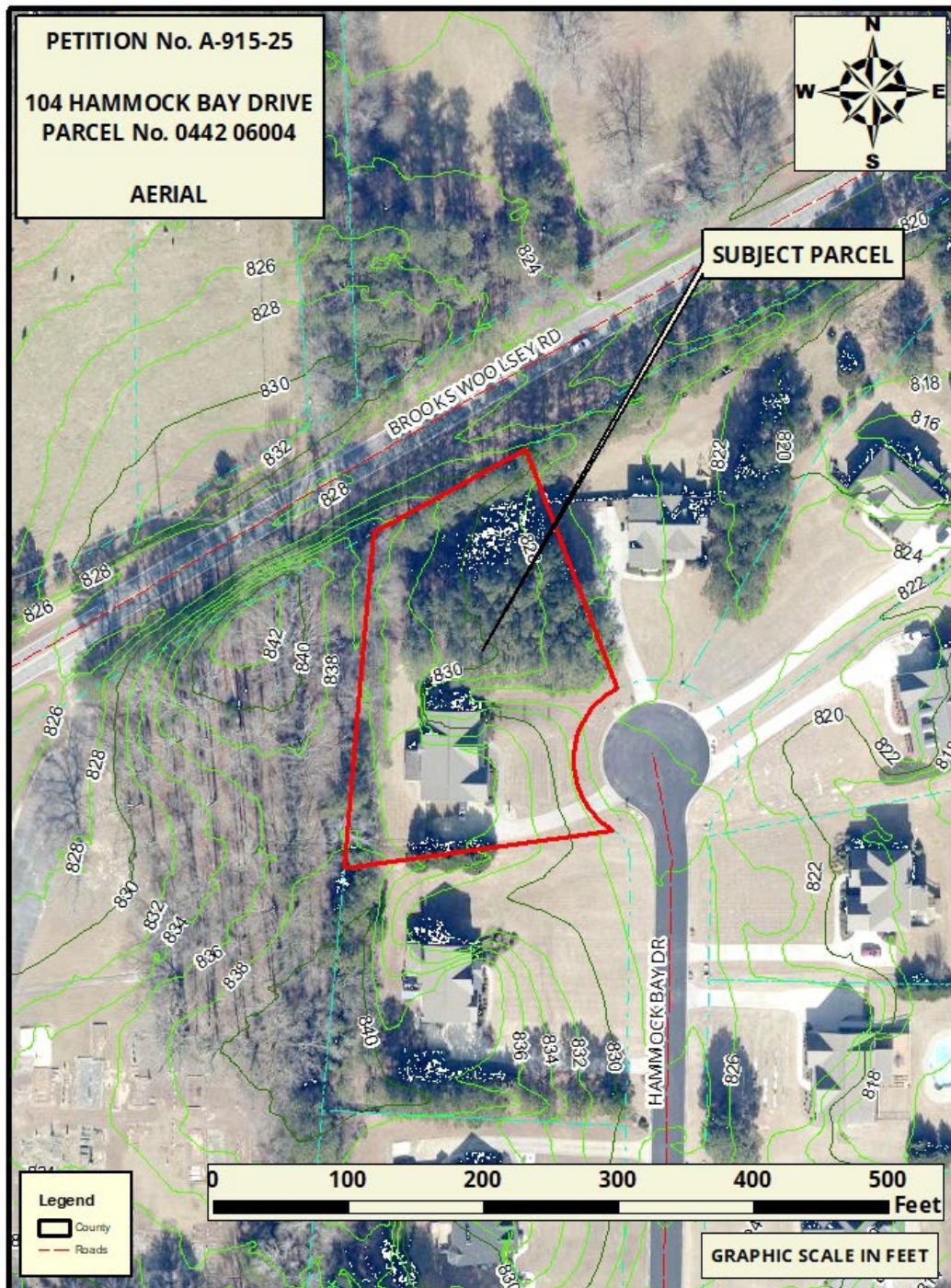
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

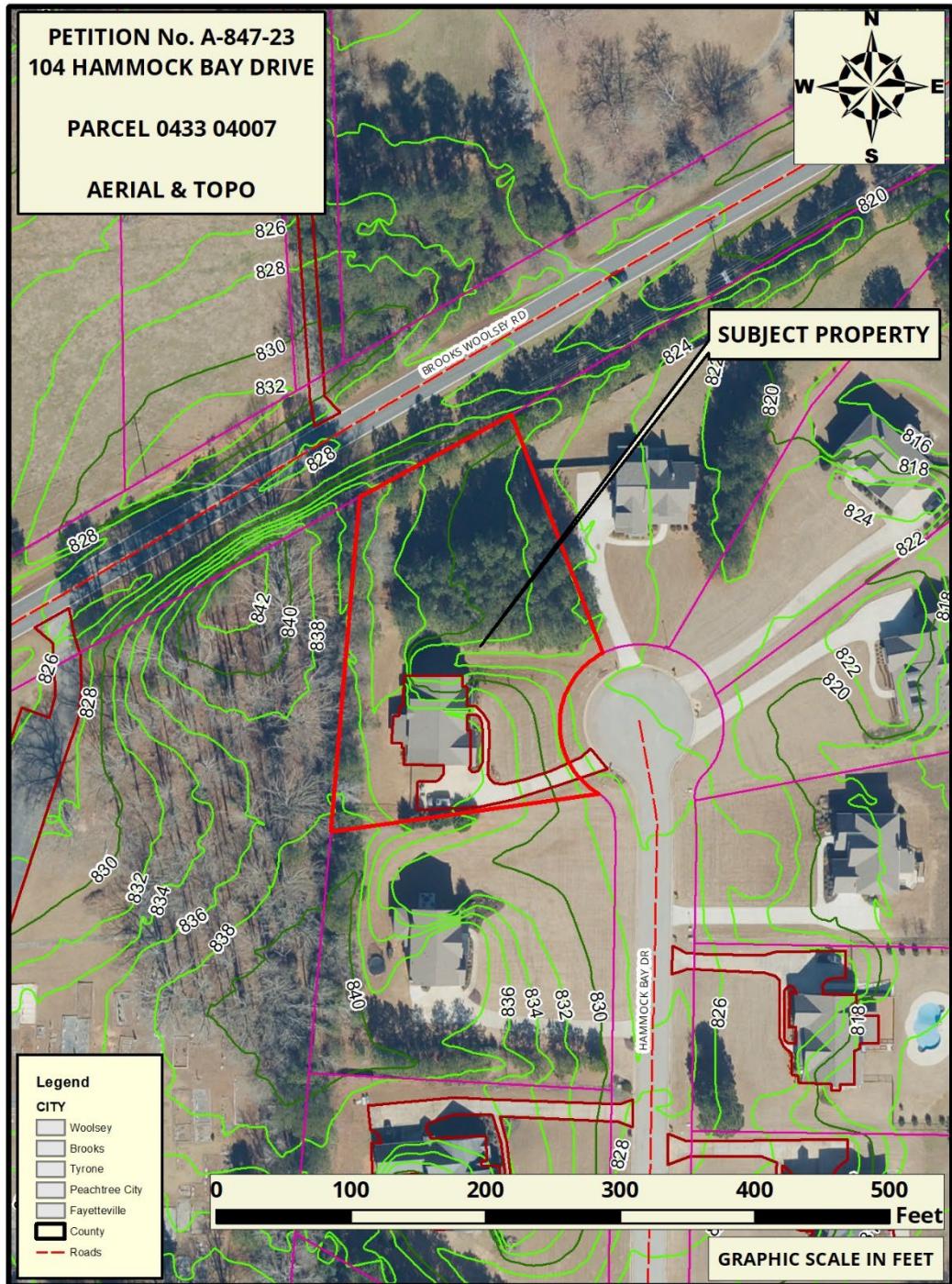
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The size and topography do present some unique conditions.*
 - *The parcel is a unique shape because it is located in a cul de sac and it has two road frontages.*
 - *The owner would like to utilize the existing driveway, avoid extra grading, and retain mature trees.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The lot is relatively shallow because it is on a cul de sac. Locating the garage on the north part of the lot would require siting it away from the house and the driveway. Utilities also interfere with such an alternative.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There are conditions on this parcel that limit use and development that are specific to the parcel.*
- 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 has stated that they have no objection to the setback reduction.*
- 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 construct a garage, but it would be located in an area of the yard that is not as easily accessible.*

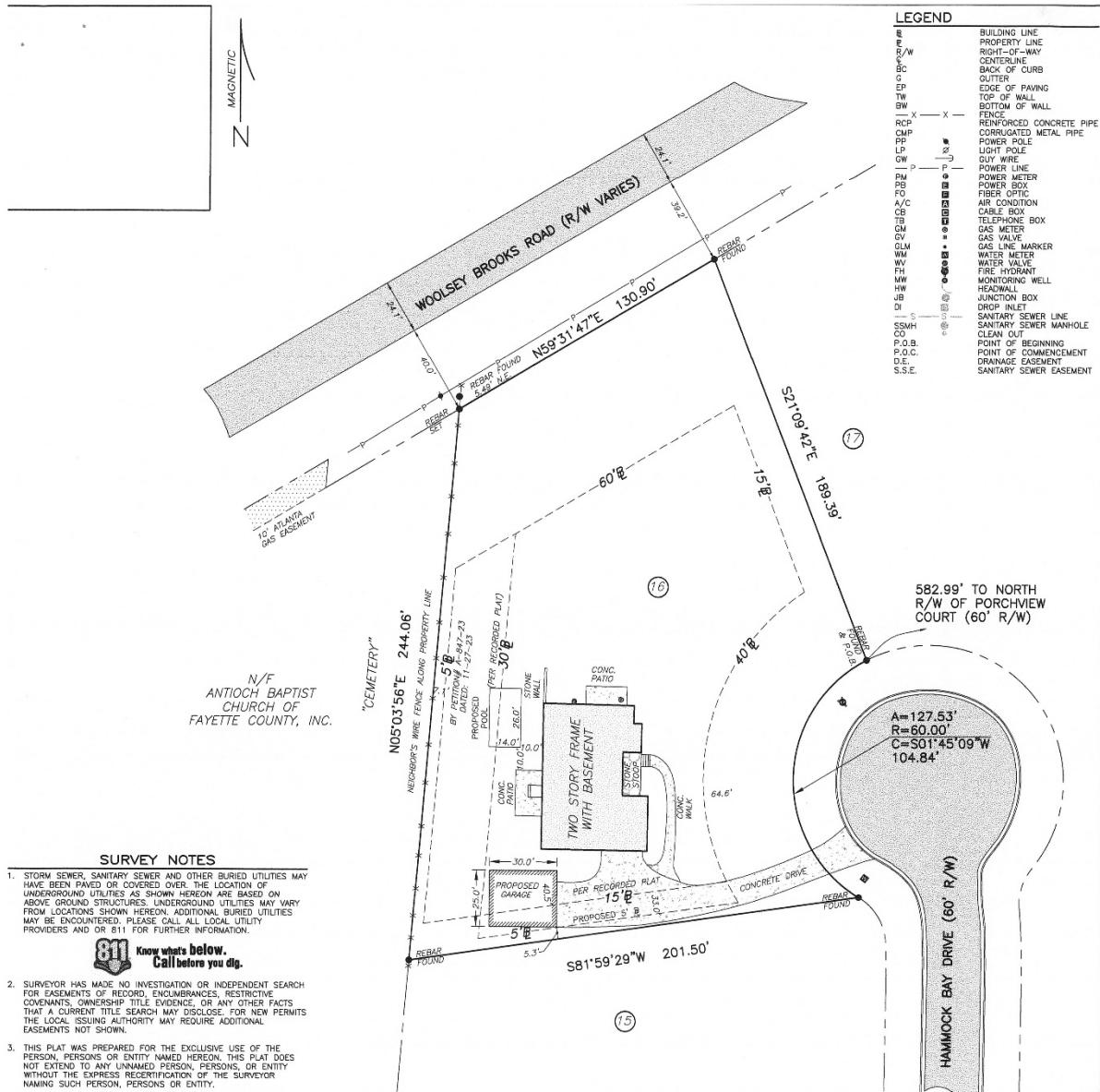












SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES, AS SHOWN HEREON, ARE BASED ON AERIAL GRID STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.

811 **Know what's below.**
Call before you dig.

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT COULD AFFECT A SEARCH. A SEARCH MAY DISCLOSE, FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.

3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHIN THE EXPRESS DECRIPTIONS OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.

4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS NOT TO BE USED FOR A SURVEY SPANNING UP TO 100,000 FEET. A GEOMAX ZUMA 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.

5. BASIS OF BEARINGS: PLAT BOOK 43 PAGES 159-163.

6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.

7. ALL REBAR SETS ARE 1/2" REBAR UNLESS OTHERWISE NOTED.

8. THE EXISTENCE, SIZE AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

10.	REVISIONS	DATE
1	ADD PROPOSED GARAGE	10-14-25
2	REVISE POOL DIMENSIONS	10-14-25
3	PROPOSED 5' BUILDING FOR VARIANCE	10-14-25



McClung Surveying Services, Inc.
4833 South Cobb Drive Suite 200
Smyrna, Georgia 30080 (770) 434-3383
www.mcclungsurveying.com Certificate of Authorization #LSF00075

FLOOD NOTE

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS.

THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

REFERENCE MATERIAL

1. WARRANTY DEED IN FAVOR OF
FIRST NATIONAL BANK OF GRIFFIN
DEED BOOK 3444 PAGE 435
FAYETTE COUNTY, GEORGIA RECORDS



Michael R. Noles
Georgia RLS #264
Member SAMSOG

SURVEYOR'S CERTIFICATE

This plot is a re-tracement 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, plots, or other instruments which created the parcel or parcels are stated herein. RECODATION OF THIS PLOT DOES NOT IMPLY APPROVAL OR ENDORSEMENT OF THE AVAILABILITY OF THE PROPERTY FOR LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plot complies with the minimum technical standards for property surveys as established by the Georgia Board of Registration and the Georgia Board of Regulation for Professional Engineers and Land Surveyors and as set forth in D.O.C.G.A. Article 15-6-67.

Michael R. Noles Georgia RLS No. 2646 10-18-23

 McCLUNG SURVEYING	SURVEY FOR KIMBERELY N. WALDROP	104 HAMMOCK BAY DRIVE FAYETTEVILLE, GEORGIA	LOT 16 HAMMOCK BAY AT LAKE HORTON
		TOTAL AREA= 1,000± ACRES OR 43,560± SQ. FT.	
		 SCALE IN FEET	LAND LOT 169 4TH DISTRICT FAYETTE COUNTY, GEORGIA PLAT PREPARED: 10-18-23 FIELD: 5-20-10 SCALE: 1' = 30' PB 43 PS 199-163

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

PROPERTY INFORMATION:

Parcel No. 04330400 7 Acreage: 1.00 Land Lot: 169 Land District: 4th
Address: 104 Hammock Bay Drive, Fayetteville, Ga. 30215
Zoning: R-40 Zoning of Surrounding Properties: R3 - Church
Use: Residential

PROPERTY OWNER INFORMATION

Name Kimberly N. Waldrop
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name [REDACTED]
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State [REDACTED] Zip [REDACTED]
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-915-25

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 11/25/2025

DATE OF ZONING BOARD OF APPEALS HEARING: January 26, 2026

Received payment from Kimberly Waldrop 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 11/25/2025 Receipt Number: 025860



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:

Kimberly N. Waldrop

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 043304007

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 169 of the 4th District, and (if applicable to more than one land district) Land Lot(s) NA of the District, and said property consists of a total of 1.00 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Marion D. Waldrop, Jr. 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 Kimberly N. Waldrop

Name: Kimberly N. Waldrop

Address: [REDACTED]

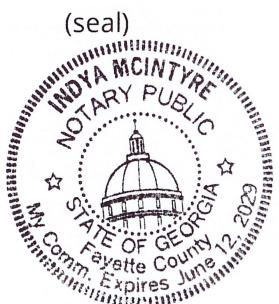
City/State/Zip: [REDACTED]

Date: 10/18/25

Owner/
Agent
One:

Notary:

Indya McIntyre
Commission Exp.: 16.12.2029



Signature _____

Notary:

(seal)

Name: _____

Commission Exp.: _____

Owner/
Agent
Two:

Address: _____

City/State/Zip: _____

Date: _____

Signature _____

Notary:

(seal)

Name: _____

Commission Exp.: _____

Owner/
Agent
Three:

Address: _____

City/State/Zip: _____

Date: _____

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	Section 110-137 (d) (6)
Requirement	15' side building line set back
Proposed Change	5' side building line set back on left side of property
Variance Amount	10' variance from original building line set back on left side of property

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.

Request that the left side building line of 15' to be modified to 5' building line set back for construction for a detached garage.

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 purpose of the variance request, is to allow construction of a detached garage incorporating the existing driveway location on the left side of the house. Due to the topography of the right of the house, the valley would be a challenge to install an entry drive.

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

The location of the purposed detached garage best fits by utilizing the existing driveway. The right side of the property has a fire hydrant where the driveway point of entry would be located. The septic system is also located on the front right side of the house, along with the gas and power line that service the property.

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

The current 15' building side set back, creates restraints on the construction of the detached garage. There is natural buffer on both sides of the subject property.

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

If granted, it would not cause substantial detriment.

The detached garage would be addition to the existing driveway, and would be incorporated to blend in with the existing house.

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

The 15' building line is the only restraint that is restricting the placement of the detached garage to be constructed on the left side of the subject property utilizing the existing drive.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Doc ID: 008287630001 Type: GLR
Filed: 04/01/2010 at 12:15:00 PM
Fee Amt: \$340.00 Page 1 of 1
Transfer Tax: \$330.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3627 PG 425

Return Recorded Document to:
WALDROP & TRITE, LLC
Attorneys at Law
195 N. JEFF DAVIS DRIVE
Fayetteville, GA 30214

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Fayette

File #: 10-1010

This Indenture made this 29th day of March, 2010 between **FIRST NATIONAL BANK OF GRIFFIN**, of the County of SPALDING, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **KIMBERLY N. WALDROP**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

W I T N E S S E T H that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00 Dollars)** 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 184 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 16 OF HAMMOCK BAY AT LAKE HORNTON, AS PER PLAT OF SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 43, PAGES 159-163, FAYETTE COUNTY, GEORGIA RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

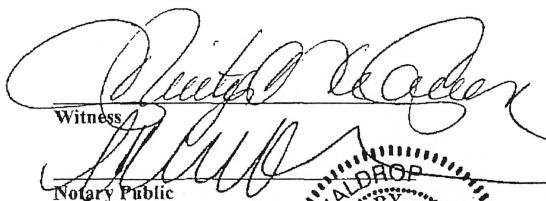
This Deed is given subject to all easements and restrictions of record, if any.

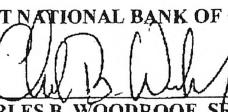
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in **FEES SIMPLE**.

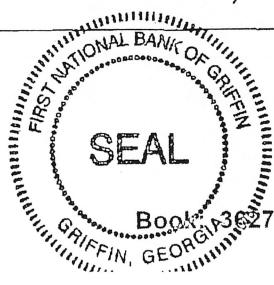
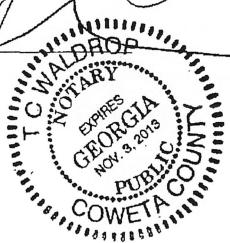
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:


Witness
Notary Public

FIRST NATIONAL BANK OF GRIFFIN

(Seal)
CHARLES B. WOODROOF, SR. VICE PRESIDENT



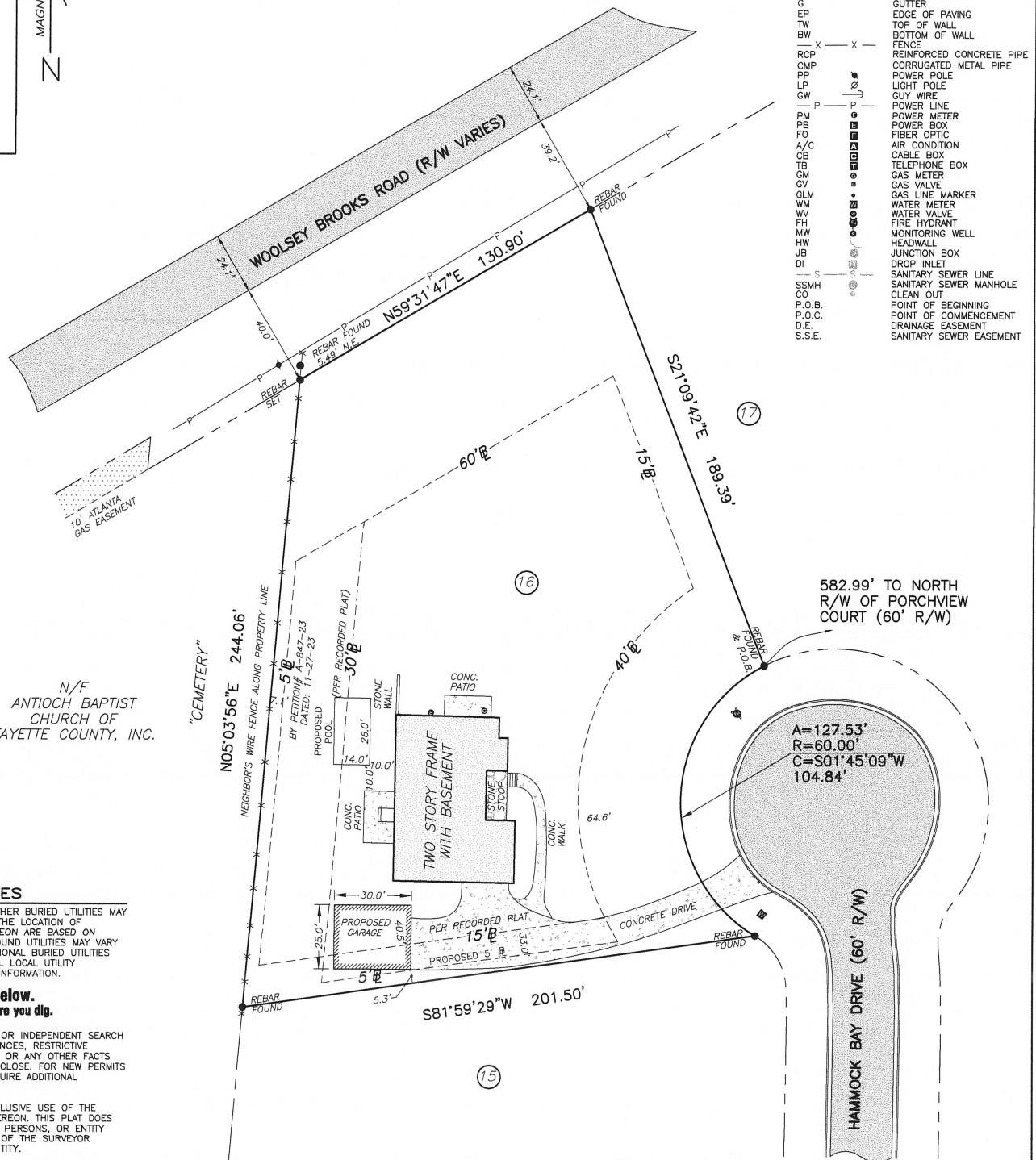
Description

104 Hammock Bay Drive

All that tract or parcel of land lying and being in Land Lot 184 of the 4th District of Fayette County, Georgia and being designated as Lot 16 Hammock Bay at Lake Horton as Recorded in Plat Book 43 Page 159-163 Fayette County, Georgia Records on a plat of survey for Kimberly N. Waldrop by McClung Surveying Services, Inc. dated 10-18-23, Last Revised 10-14-25 and being more fully described as follows;

To reach the Point of Beginning, start at a point located at the intersection of the Easterly Right-of-Way of Hammock Bay Drive (60' R/W) and the North Right-of-Way of Porchview Court (60' R/W). Thence running North, Northeasterly and Northwesterly along the Right-of-Way of Hammock Bay Drive a distance of 582.99 feet to a rebar found located along the Northwesterly Right-of-Way of Hammock Bay Drive and the Point of Beginning. Thence from the Point of Beginning and running Southwesterly along Right-of-Way and following the arc of a curve to the left an arc distance of 127.53 feet (said arc having a radius of 60.00 feet, a chord bearing of S01°45'09"W and a chord distance of 104.84 feet) to a rebar found located along the Southwesterly Right-of-Way of Hammock Bay Drive. Thence leaving Right-of-Way and running S81°59'29"W a distance of 201.50 feet to a rebar found. Thence running N05°03'56"E a distance of 244.06 feet to a rebar set located along the Southeasterly Right-of-Way of Woolsey Brooks Road (R/W Varies). Thence running N59°31'47"E along Right-of-Way a distance of 130.90 feet to a rebar found. Thence leaving Right-of-Way and running S21°09'42"E a distance of 189.39 feet to said rebar found located along Northwesterly Right-of-Way of Hammock Bay Drive and the Point of Beginning.

Said tract or parcel of land containing 1.000± acres or 43,560± square feet.



SURVEY NOTES

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.



Know what's below.
Call before you dig.

2. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
3. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
4. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.05 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSE-UP AND IS TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
5. BASIS OF BEARINGS: PLAT BOOK 43 PAGES 159-163.
6. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
7. ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
8. THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.

IO.	REVISIONS	DATE
1	ADD PROPOSED GARAGE	10-14-25
2	REVISE POOL DIMENSIONS	10-14-25
3	PROPOSED 5' BUILDING FOR VARIANCE	10-14-25

REFERENCE MATERIAL

REFERENCE MATERIAL



Michael R. Noles
Georgia RLS #2646
Member SAMSOG

SURVEYOR'S CERTIFICATE

This plot is a retrovement 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, plots, or other instruments which created the parcel or parcels are stated herein. **RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND.** Furthermore, the undersigned land surveyor certifies that this plot complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Nakall Endes

Georgia RLS No. 2646

10-18-23

SURVEY FOR KIMBERELY N. WALDROP	104 HAMMOCK BAY DRIVE FAYETTEVILLE, GEORGIA
TOTAL AREA = 1,000± ACRES OR 43,560± SQ. FT.	
30' 15' 0' 30' 60' 	
<small>SCALE IN FEET</small>	

LAND LOT 169
4TH DISTRICT
FAYETTE COUNTY, GEORGIA
PLAT PREPARED: 10-18-23
FIELD: 5-20-10 SCALE: 1"-30'

JOB#2285

PB 43
288-152-167



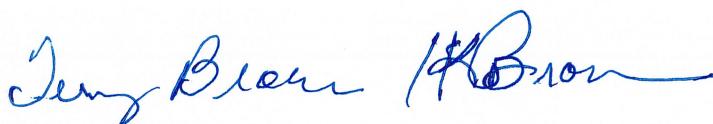
November 24, 2025

Subject: Variance Request
Kimberly Waldrop
104 Hammock Bay Drive
Fayetteville, Ga. 30215

Dear members of the Planning and Zoning Committee,

We are writing as the neighbor at 102 Hammock Bay Drive, regarding the variance request submitted by 104 Hammock Bay Drive seeking the variance to change the side building line to accommodate a detached garage. We understand the nature of the project and believe that it will not negatively affect our property in any way. We would like to express that we have no objection to the proposed variance.

Sincerely,

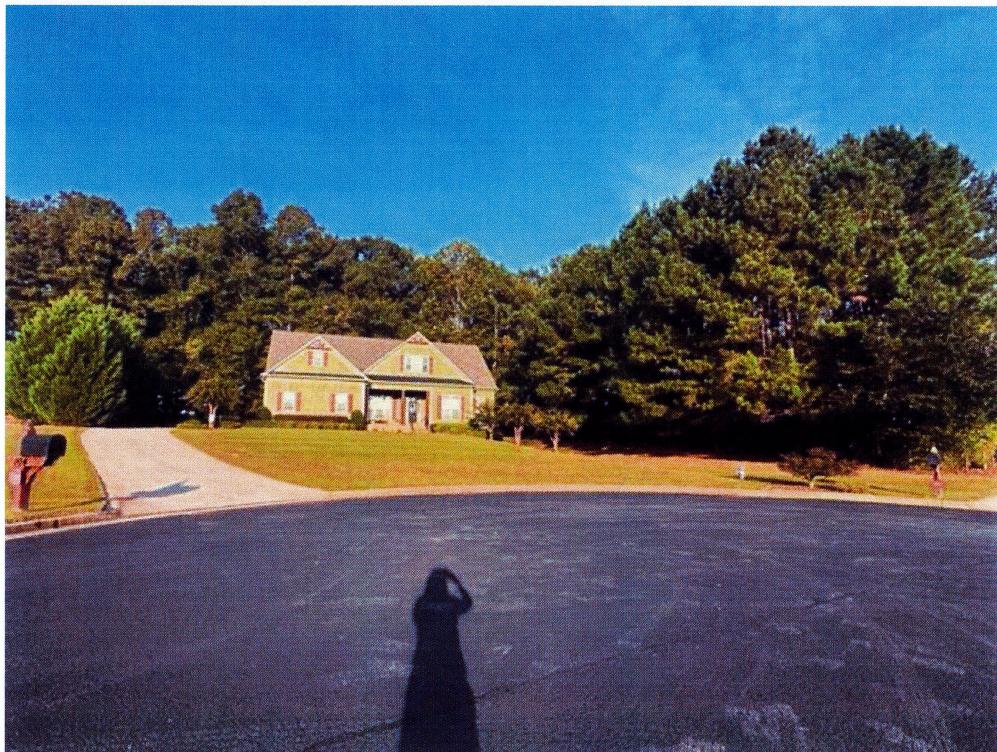
A handwritten signature in blue ink, appearing to read "Terry Brown & Kimberly Brown".

Terry & Kimberly Brown
102 Hammock Bay Drive
Fayetteville, Ga. 30215

Kimberly Waldrop
104 Hammock Bay Drive
Fayetteville, Ga. 30215

Variance request to change the left side
building line from 15' to 5'

View from the cul-de-sac



Top of the driveway



Neighbor's view on the left side of the subject property



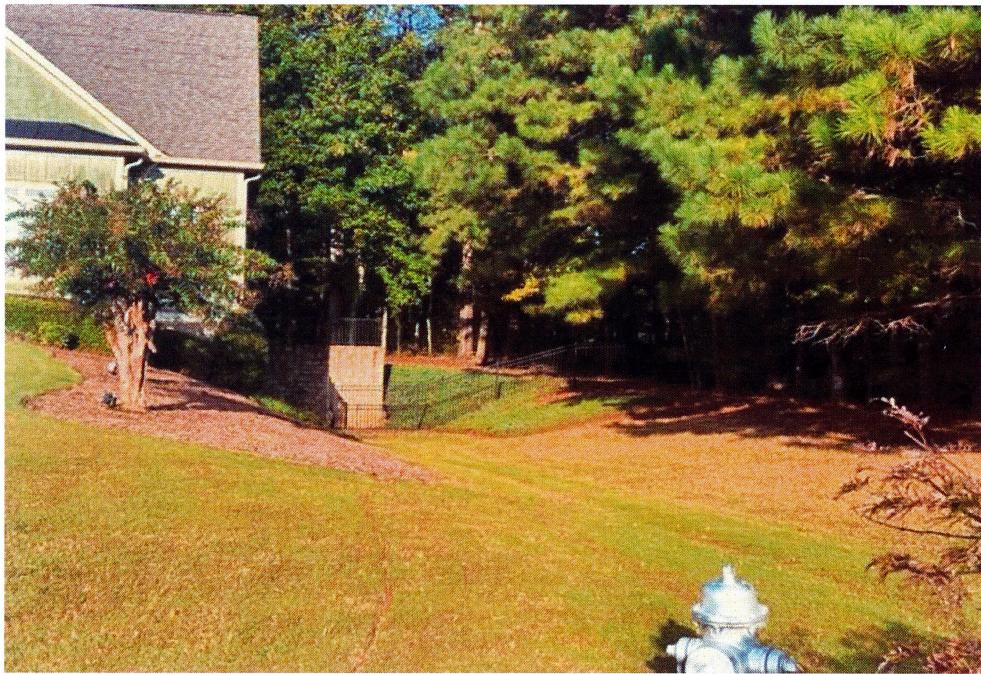
View from subject property to neighbor's property



Detached garage location



Right side of the house – Fire Hydrant



Aerial View of the property



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, January
26, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-915-25

Owner: Kimberly N. Waldrop

Property Address: 104 Hammock
Bay Drive

Parcel: 043304 007

Zoning District: R-40

Area of Property: 1.00 acre

Land Lot(s): 184

District: 4th

Road Frontage: Hammock Bay
Drive

Request: Applicant is requesting
the following: Variance to Sec. 110-
137(d)(6)-R-40., to reduce the side
yard setback from 15 feet to 5 feet
to allow a new detached garage to
encroach into the side yard set-
back.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 184 OF THE 4TH
DISTRICT, FAYETTE COUNTY,
GEORGIA, BEING LOT 16 OF
HAMMOCK BAY AT LAKE HORN-
TON, AS PER PLAT OF SAID SUB-
DIVISION FILED FOR RECORD
IN PLAT BOOK 43, PAGES 159-
163, FAYETTE COUNTY, GEOR-
GIA RECORDS. THE DESCRI-
PTION OF SAID PROPERTY AS
CONTAINED ON SAID PLAT IS
INCORPORATED HEREIN AND
MADE A PART HEREOF BY REF-
ERENCE.

This Deed is given subject to all
easements and restrictions of re-
cord, if an

12/17

PETITION NO: A-916-25

Requested Action: To reduce the side yard building setback from 15 feet to 12.3 feet to allow an existing attached garage to remain.

Location: 140 Wellborn Chase, Fayetteville, Georgia 30215

Parcel(s): 0602 05020

District/Land Lot(s): 4th District, Land Lot(s) 6

Zoning: PUD-PRD, Planned Residential Development

Lot Size: 1.014 Acres

Owner(s): Elizabeth Ritchey

Agent: N/A

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following:

Per Sec. 110-149(d)(6)(c), requesting to reduce the side yard setback in the PUD-PRD zoning district from 15' to 12.63' to allow the existing attached garage to remain.

STAFF ASSESSMENT

The variance is minor and unlikely to have a negative effect on any neighboring properties.

HISTORY

The house was constructed in 1994, prior to a requirement for foundation surveys. Staff noted the encroachment when the contractor applied for a building permit to reconstruct the house, after it was damaged by fire.

ZONING REQUIREMENTS

Sec. 110-149. - Planned unit development.

(d) Planned residential development.

(6) *Minimum dimensional requirements.* The minimum dimensional requirements in the PRD shall be as follows:

c. Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

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

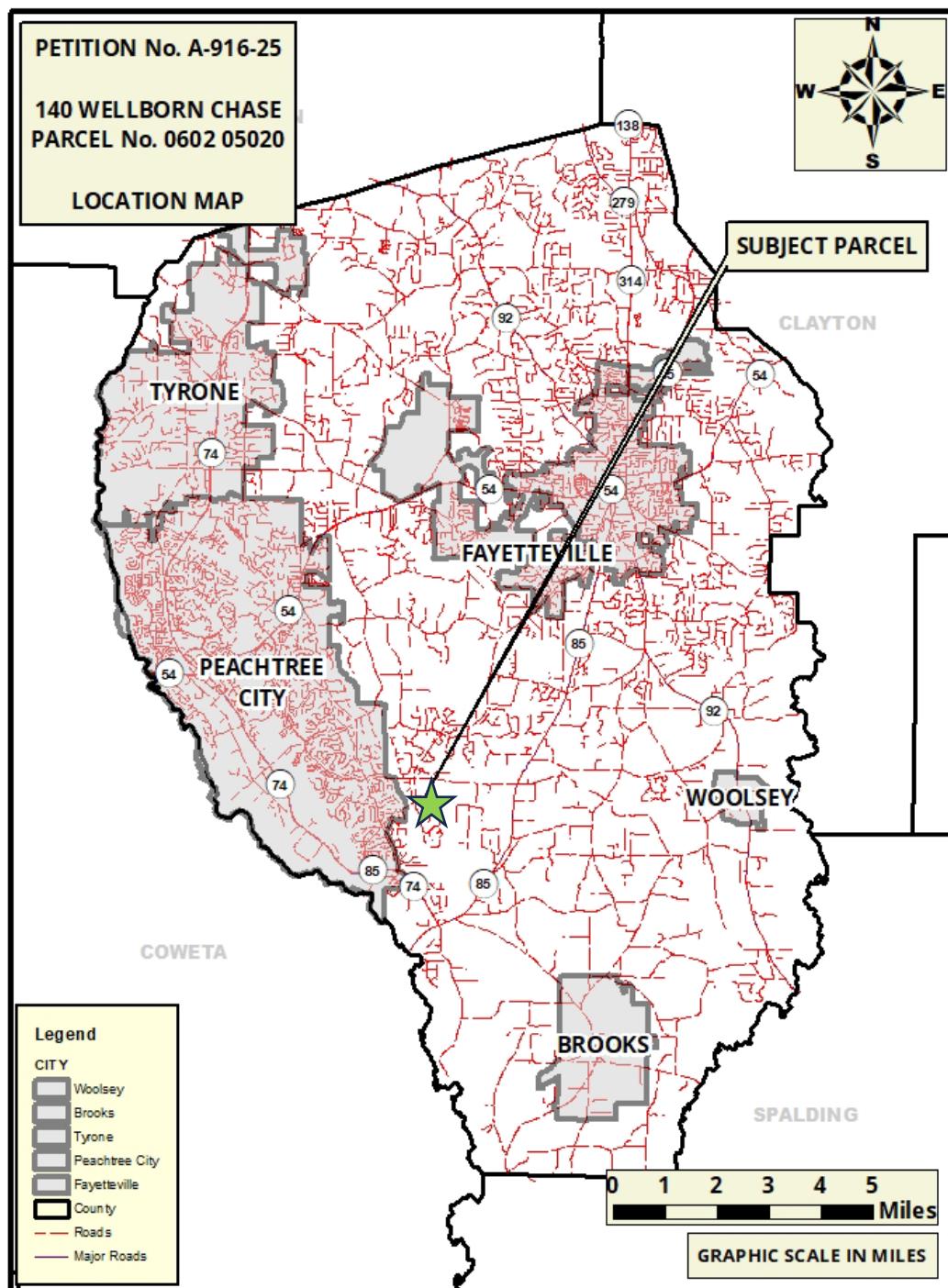
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

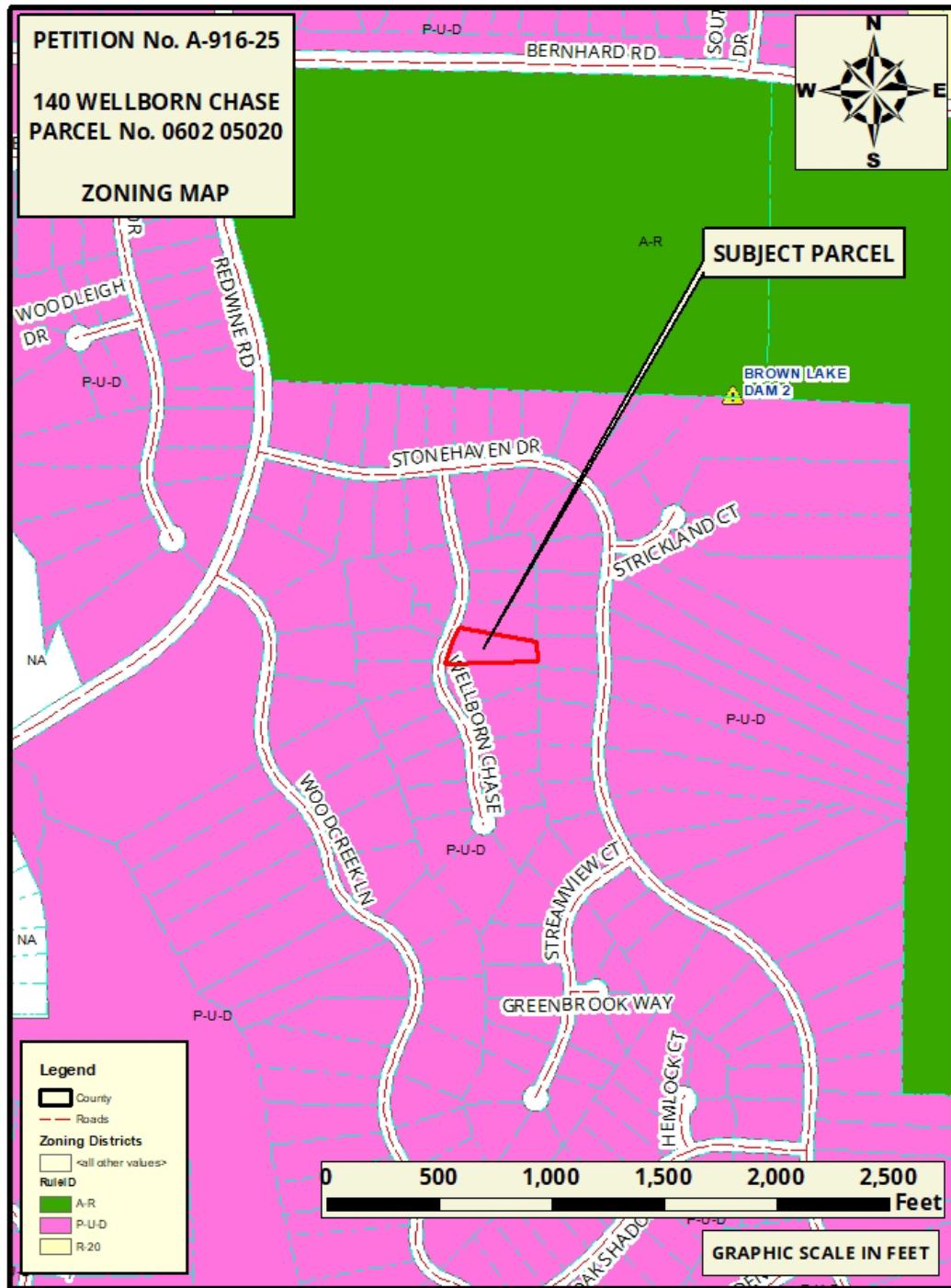
Staff Assessment

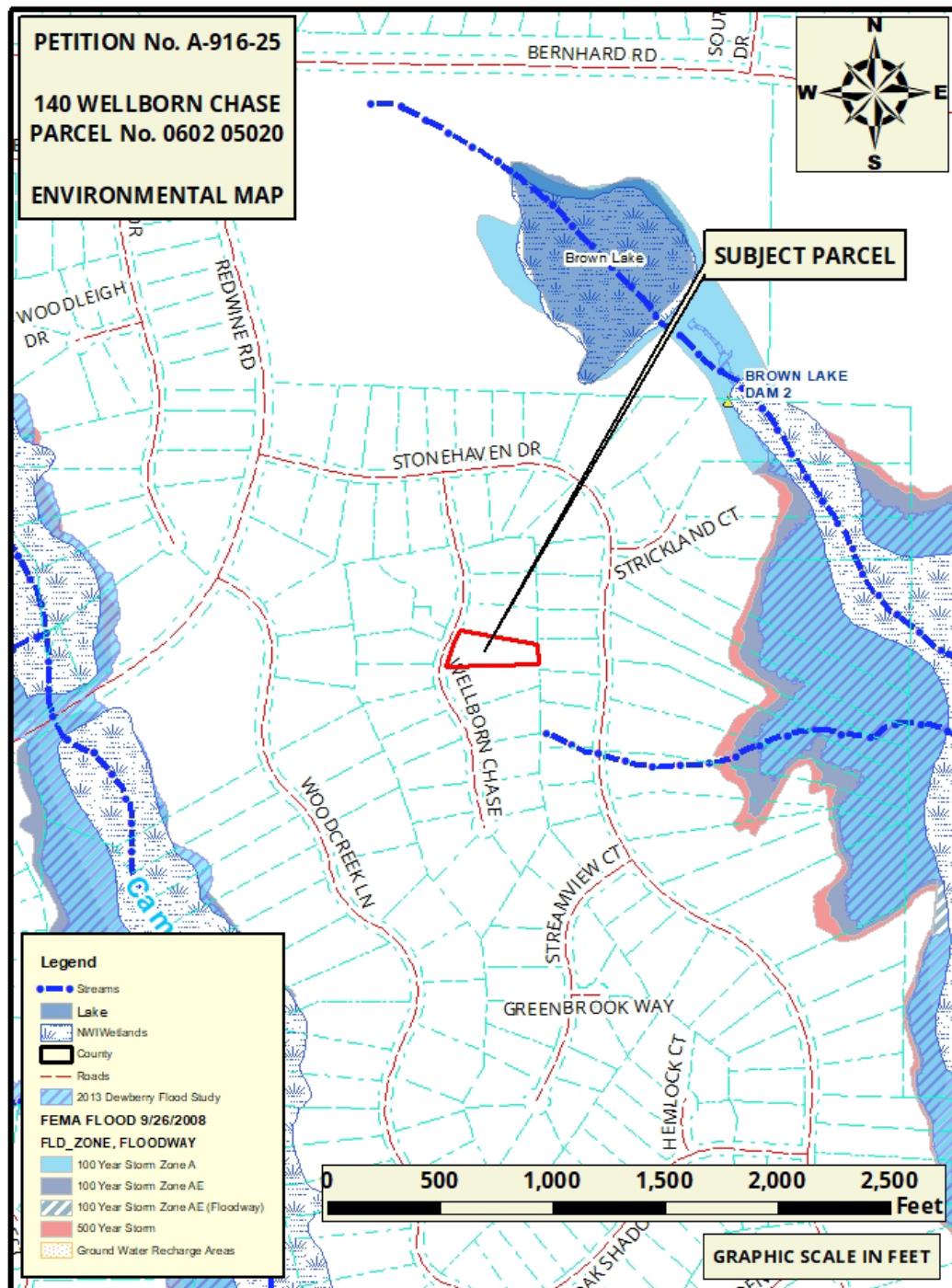
Please refer to the application form for the applicant's justification of criteria.

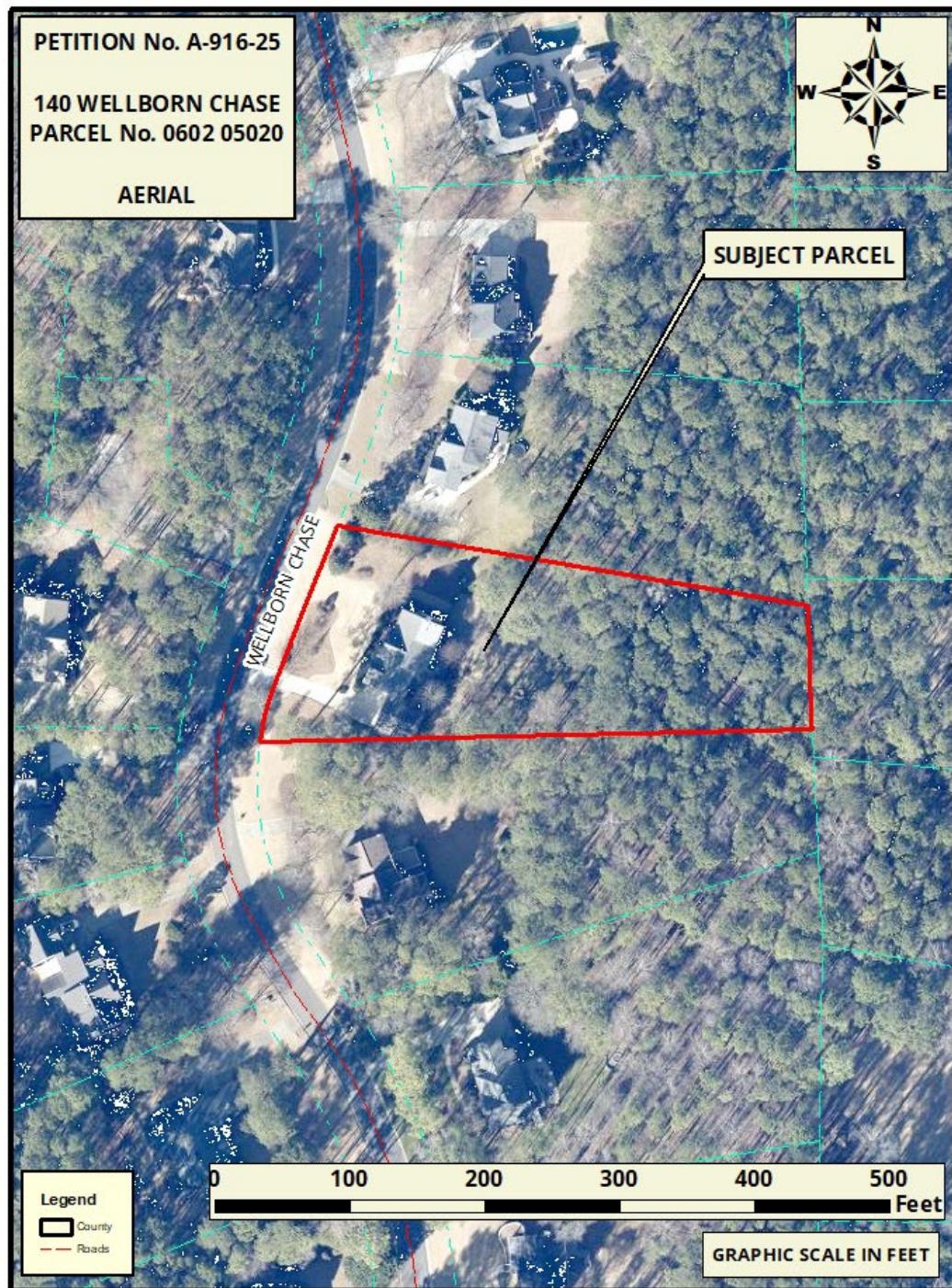
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

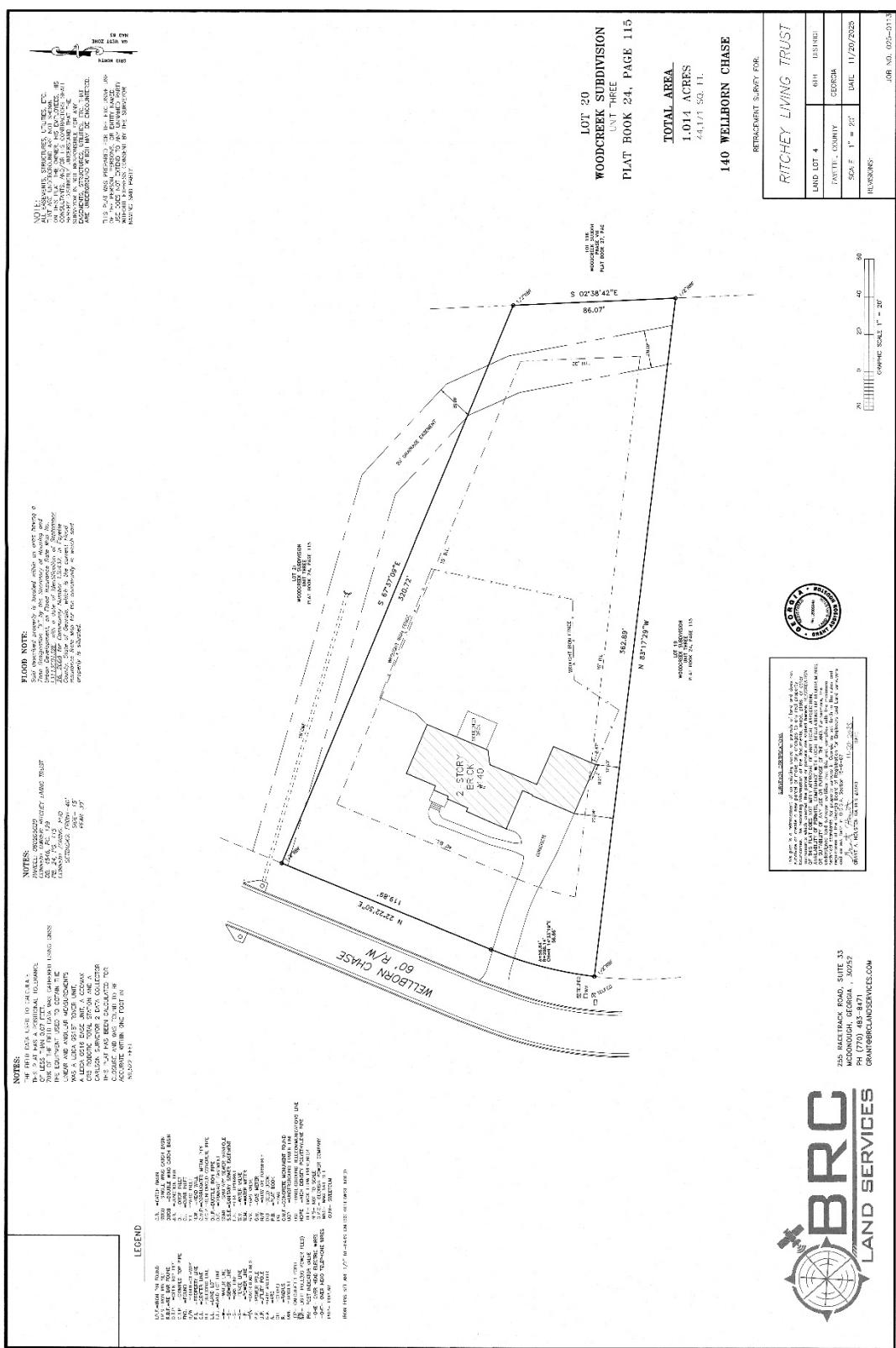
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The house was constructed in 1994; this is a minor encroachment that was not previously documented.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the County.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The situation is specific to this property.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment is not likely to have a detrimental impact on any other properties.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant is unable to complete a fire restoration permit until this issue is resolved. If the variance is not approved, demolition of part of the garage will be necessary.











FOUNDATION SURVEY

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

PROPERTY INFORMATION:

Parcel No. 060205020 Acreage: 1.014 Land Lot: 4 Land District: 6
Address: 140 WELLBORN CHASE FAYETTEVILLE GA 30215
Zoning: _____ Zoning of Surrounding Properties: _____
Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

Name ELIZABETH RITCHIEY
Email REDACTED
Address REDACTED
City REDACTED
State GA Zip 30215
Phone REDACTED

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-916-25 (THIS AREA TO BE COMPLETED BY STAFF):

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 11/25/2025

DATE OF ZONING BOARD OF APPEALS HEARING: January 26, 2026

Received payment from Elizabeth Ritchey 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 11/25/2025 Receipt Number: 025862

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:

ELIZABETH RITCHIEY TRUST (John Pitt + Elizabeth Ritchey
Please Print Owners' Names Guest)

Property Tax Identification Number(s) of Subject Property: 060205020

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 4 of the 6 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 Elizabeth Ritchey 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 Elizabeth Ritchey
Name: ELIZABETH RITCHIEY
Address: _____
City/State: _____
Date: 11/25/25



Owner/
Agent
One:

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

Notary: _____
(seal)
Commission Exp.: _____

Owner/
Agent
Two:

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

Notary: _____
(seal)
Commission Exp.: _____

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	110-149 (d) (6) (c) VARIANCE TO SIDE
Requirement	YARD SETBACK FROM 15' TO 12.63' TO ALLOW ATTACHED GARAGE TO REMAIN.
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

THE VARIANCE IS REQUESTED AS ONLY THE REAR RIGHT CORNER FAILS TO MEET THE 15' REQUIRED SETBACK BY ONLY 2.37'.

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 PERMITTED (2008) GARAGE ADDITION IS ACTUALLY JUST SHORT OF THE 15' SETBACK.

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

IT IS IMPOSSIBLE TO MOVE.

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

ONLY THE BACK RIGHT CORNER FAILS TO MEET THE 15' SETBACK REQUIREMENT.

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.

RELIEF RESULTS IN NO CHANGE TO CURRENT CIRCUMSTANCES.

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

N/A

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

DURHAM COUNTY

REGISTER OF DEEDS

DURHAM, NORTH CAROLINA

NORTH CAROLINA DEPARTMENT OF HEALTH AND HUMAN SERVICES
N.C. VITAL RECORDS
CERTIFICATE OF DEATH

REGISTRATION DISTRICT NO. [REDACTED]		LOCAL NO. [REDACTED]		COUNTY OF DEATH Durham		STATE FILE NO. [REDACTED]	
DECEASED'S LEGAL NAME: 1a. FIRST John		1b. MIDDLE [REDACTED]		1c. LAST [REDACTED]		1d. SUFFIX II 1e. LAST NAME PRIOR TO FIRST MARRIAGE [REDACTED]	
2. SEX M 3a. AGE- LAST BIRTHDAY (Yrs) 58		3b. UNDER 1 YEAR Months [REDACTED]		3c. UNDER 1 DAY Hours [REDACTED]		4. DATE OF BIRTH (Month/Day/Year) [REDACTED]	
5. PLACE OF DEATH (Check only one) 7a. FACILITY NAME: [REDACTED]		6. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL Inpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DGA <input type="checkbox"/> Hospice facility <input type="checkbox"/> Nursing home/Long term care facility <input type="checkbox"/> Decedent's home <input type="checkbox"/> Other (Specify) [REDACTED]		7d. CITY OR TOWN [REDACTED]		7e. COUNTY OF DEATH [REDACTED]	
8. MARITAL STATUS □ Married <input type="checkbox"/> Married, but separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input type="checkbox"/> Never married <input type="checkbox"/> Unknown <input type="checkbox"/>		9. SURVIVING SPOUSE (Give name prior to first marriage) Elizabeth Holbein		10. DECEASED'S USUAL OCCUPATION (Do not use retired) Officer		10b. KIND OF BUSINESS/INDUSTRY U.S. Army	
11. SOCIAL SECURITY NUMBER [REDACTED]		12a. RESIDENCE STATE OR FOREIGN COUNTRY [REDACTED]		12b. COUNTY Fayette		12c. CITY OR TOWN Fayetteville	
12d. STREET AND NUMBER [REDACTED]		12e. INSIDE CITY LIMITS □ Yes <input type="checkbox"/> No <input type="checkbox"/>		12f. ZIP CODE [REDACTED]		13. WAS DECEASED EVER IN U.S. ARMED FORCES? □ Yes <input type="checkbox"/> No <input type="checkbox"/>	
14. DECEASED'S EDUCATION (Check the box that best describes the highest degree or level of school completed at the time of death) □ 8th grade or less <input type="checkbox"/> □ 9th-12th grade; no diploma <input type="checkbox"/> □ High school graduate or GED completed <input type="checkbox"/> □ Some college credit, but no degree <input type="checkbox"/> □ Associate degree (e.g., AA, AS) <input type="checkbox"/> □ Bachelor's degree (e.g., BA, AB, BS) <input type="checkbox"/> □ Doctorate (e.g., PhD, EdD) <input type="checkbox"/> □ Professional degree (e.g., MD, DDS, DVM, LLB, JD) <input type="checkbox"/>		15. DECEASED OF HISPANIC ORIGIN? (Check the box that best describes whether the deceased is Spanish/Hispanic/Latino or not. Check the "No" box if deceased is not Spanish/Hispanic/Latino) □ No, not Spanish/Hispanic/Latino <input type="checkbox"/> □ Yes, Mexican, Mexican American, Chicano <input type="checkbox"/> □ Yes, Puerto Rican <input type="checkbox"/> □ Yes, Cuban <input type="checkbox"/> □ Yes, other Spanish/Hispanic/Latino (Specify) [REDACTED]		16. DECEASED'S RACE (Check one or more boxes to indicate what the deceased considered himself or herself to be) □ White <input type="checkbox"/> □ Black or African American <input type="checkbox"/> □ American Indian or Alaskan Native (Name of the enrolled or principal tribe) <input type="checkbox"/> □ Asian Indian <input type="checkbox"/> Japanese <input type="checkbox"/> □ Chinese <input type="checkbox"/> Korean <input type="checkbox"/> □ Filipino <input type="checkbox"/> Vietnamese <input type="checkbox"/> □ Other (Specify) [REDACTED]		17. FATHER'S NAME (First, Middle, Last) [REDACTED]	
18a. INFORMANT'S NAME [REDACTED]		18b. RELATIONSHIP TO DECEASED [REDACTED]		18c. MAILING ADDRESS (Street and Number, City, State, Zip Code) [REDACTED]		18d. LOCATION (City or Town and State) [REDACTED]	
20a. METHOD OF DISPOSITION <input type="checkbox"/> Burial <input type="checkbox"/> Cremation □ Donation <input type="checkbox"/> Embalming <input type="checkbox"/> Removal from State □ Other (Specify) [REDACTED]		20b. PLACE OF DISPOSITION (Name of cemetery, cemetery, other place) [REDACTED]		20c. LICENSE NUMBER [REDACTED]		21c. NAME OF EMBALMER not embalmed	
21a. SIGNATURE OF FUNERAL DIRECTOR Just R. Boone		21b. LICENSE NUMBER [REDACTED]		21c. NAME OF EMBALMER not embalmed		21d. LICENSE NUMBER [REDACTED]	
22. NAME AND ADDRESS OF FUNERAL HOME [REDACTED]		23. Part I. Enter the chain of events (diseases, injuries or complications) that directly caused the death: DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventricular fibrillation without showing the etiology on lines b, c and/or d. Enter only one cause on a line. DO NOT ABBREVIATE. IMMEDIATE CAUSE (First cause of death or condition resulting in death) → a. Hypoxemic respiratory failure Due to (or as a consequence of) [REDACTED] Approximate interval: Onset to death Days b. Idiopathic pulmonary fibrosis Due to (or as a consequence of) [REDACTED] Years c. [REDACTED] d. [REDACTED] PART II. Other significant conditions contributing to death but not resulting in the underlying cause given in PART I. [REDACTED]		24a. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input type="checkbox"/> No		24b. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> No	
25. MANNER OF DEATH <input type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Pending <input type="checkbox"/> <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Cannot be determined <input type="checkbox"/>		26a. WAS CASE REFERRED TO MEDICAL EXAMINER? <input type="checkbox"/> Yes <input type="checkbox"/> No 26b. BY <input type="checkbox"/> Medical Examiner <input type="checkbox"/> Declined by Medical Examiner		27. TIME OF DEATH (Approximate) 1050 am		28. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input type="checkbox"/> Unknown	
29. DATE PRONOUNCED (Month/Day/Year) [REDACTED]		31a. DATE OF INJURY (Month/Day/Year) [REDACTED]		31b. TIME OF INJURY <input type="checkbox"/> Yes <input type="checkbox"/> No		31c. INJURY AT WORK? <input type="checkbox"/> Yes <input type="checkbox"/> No	
31d. PLACE OF INJURY (at home, farm, street, factory, office, building, etc.) [REDACTED]		31e. LOCATION OF INJURY (Street/Number/City/State) [REDACTED]		31f. IF TRANSPORTATION INJURY SPECIFY: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify) [REDACTED]			
32. CERTIFIER (Check only one) □ Certifying physician/nurse practitioner/physician assistant – To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. □ Death Examiner – On the basis of examination, and/or investigation, in my opinion death occurred at the time, date, and place, and due to the cause(s) and manner stated.		33a. SIGNATURE AND TITLE OF CERTIFIER [REDACTED]		33b. LICENSE NUMBER [REDACTED]		33c. DATE SIGNED (Month/Day/Year) 9/14/2017	
34. FOR LOCAL REGISTRY (Name) [REDACTED]		35. DATE CORRECTED (Mo/Day/Yr) [REDACTED]		36. ITEM(S) CORRECTED: [REDACTED]		36. DATE REGISTERED BY STATE [REDACTED]	
37. DATE AMENDED (Mo/Day/Yr) [REDACTED]		38. ITEM(S) AMENDED: [REDACTED]					

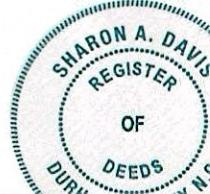
NORTH CAROLINA - Durham County

The foregoing is a true and accurate copy as recorded in the office of the Register of Deeds of Durham County, Durham, N.C.

Witness by my hand and official seal this date of September 15th 2017

SHARON A. DAVIS
Register of Deeds

By: 
Assistant/Deputy Register of Deeds



BUREAU CREATION PERMIT
Medical Examiner: Authorization for Disposition/Transportation
After the medical examiner certifies and signs this Bureau
Death certificate, transportation or removal from the state.
A copy of this form serves as a Bureau/Coroner/Death Panel.

DHHS 1672
(REVISED 04/15)
N.C. VITAL RECORDS

Return To:
Robert M. Goldberg & Associates
P.O. Box 294
Williamson, GA 30292

010043610001 Type: QCD
Recorded: 12/12/2016 at 10:00:00 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK4546 PG 129

Quitclaim Deed-No Title Check

Fayette County, Georgia

THIS INDENTURE made this 30th day of November, 2016 between
John Ritchey and Elizabeth Ritchey, Grantors, and John Phillip Ritchey II and
Elizabeth Holbein Ritchey, Trustees, or their successors in interest, of the John
Phillip Ritchey II and Elizabeth Holbein Ritchey Living Trust dated November 30,
2016, and any amendments thereto, Grantee.

WITNESSETH: Grantors for and in consideration of love and affection and other
valuable consideration, has bargained, sold and do by the presents bargain, sell, remise,
release and forever quit-claim to Grantee, and its assigns, all the right title, interest,
claim, or demand which Grantors have or may have had in and to:

All that tract or parcel of land lying and being in Land Lot 4 of the 6th
District, Fayette County, Georgia, being Lot 20, of Woodcreek
Subdivision, Unit Three, as per plat recorded at Plat Book 24, Page 115,
Fayette County, Georgia records, which plat is hereby incorporated and
made a part hereof by reference.

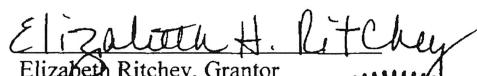
with all the rights, members, and appurtenances to the said described premises in anywise
appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee, and its
assigns, so that neither the Grantors nor their heirs, nor any other persons or persons
claiming under them shall at any time, claim or demand any right, title or interest to the
aforesaid described premises or its appurtenances.

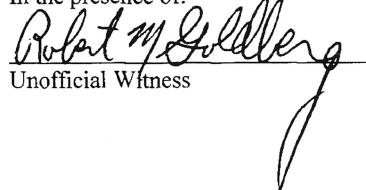
IN WITNESS WHEREOF, the Grantor has hereunto set her hand the day and
year above written.

BY:

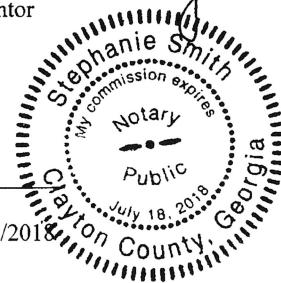

John Ritchey, Grantor


Elizabeth Ritchey, Grantor

Signed, sealed and delivered
In the presence of:


Robert M. Goldberg
Unofficial Witness


Stephanie Smith
Notary Public
My Commission Expires: 7/18/2018



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, January
26, 2026, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-916-25
Owner: John Phillip Ritchey II and
Elizabeth Holbein Ritchey Living
Trust

Property Address: 140 Wellborn
Chase

Parcel: 060205 020

Zoning District: PUD

Area of Property: 1.014 acres

Land Lot(s): 4

District: 6th

Road Frontage: Wellborn Chase
Request: Applicant is requesting
the following: Variance to Sec. 110-
149 (d)(6)(c)- PUD., to reduce the
side yard setback from 15 feet to
12.63 feet to allow a new attached
garage to encroach into the side
yard setback.

Legal Description
All that tract or parcel of land lying
and being in Land Lot 4 of the 6th
District, Fayette County, Georgia,
being Lot 20, of Woodcreek Sub-
division, Unit Three, as per plat
recorded at Plat Book 24, Page 115,
Fayette County, Georgia records,
which plat is hereby incorporated
and made a part hereof by refer-
ence.

12/17

PETITION NO: A-919-25-A-B

Requested Action:

- A. To reduce the side yard setback from 15' to 10' to allow construction of a detached garage at the end of the existing driveway. the maximum heated and finished floor area for a guesthouse from 700 square feet to 1,200 square feet.
- B. To reduce the front yard setback for the secondary front yard on Brooks Woolsey Road from 60' to 40' to allow construction of the detached garage.

Location: Hammock Bay at Lake Horton, Lot 17 - 106 Hammock Bay Dr.

Parcel(s): 043304008

District/Land Lot(s): 4th District, Land Lot(s) 184

Zoning: R-40, Single-Family Residential

Lot Size: 1.157 Acres

Owner(s): Neil and Tara Fogle Orand

Agent: N/A

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following:

- A. Per Sec. 110-137 (d) (6) requesting to reduce the side yard setback from 15' to 9' to allow construct of a detached garage at the end of the existing driveway.
- B. Per Sec. 110-137 (d) (4) (a) 1. Requesting to reduce the front yard setback on an arterial road from 60' to 40' to allow construction of a detached garage at the end of the existing driveway.

STAFF ASSESSMENT

It is staff's opinion that the property presents a unique situation. The shallow depth of the cul-de-sac lot, combined with two (2) front yard setbacks and the existing driveway location, create a unique challenge. The HOA sent a letter confirming they do not object to the variances.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

Staff recommends **APPROVAL** of the request to reduce the side yard setback from 15 feet to 9 feet and the request to reduce the front yard setback along an arterial road from 60' to 40' for the construction of a detached garage at the end of the existing driveway.

HISTORY

The subject property is a legal lot of record in the Hammock Bay S/D, with a plat recorded February 13, 2007. It is a 1.157-acre lot and is a legal, conforming lot in the R-40 zoning district.

ZONING REQUIREMENTS

Sec. 110-137. R-40 – Single-family residential district.

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

- (4) Front yard setback:
 - (a) Major thoroughfare:
 - 1. Arterial: 60 feet
 - 2. Collector: 60 feet
 - (b) Minor thoroughfare: 40 feet
- (6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

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

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

The size and shape do present some unique conditions.

- a. The parcel is a unique shape because it is located in a cul de sac and it has two road frontages.*
- b. The septic field, underground power and other underground utilities are located in the right side of the front yard, making construction in that area very difficult.*
- c. The owner would like to utilize the existing driveway, avoid extra grading, and retain mature trees.*

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

The lot is relatively shallow because it is on a cul de sac. Locating the garage on the northeast part of the lot would require siting it away from the attached garage entry and the driveway. Utilities/septic system are located in this area.

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

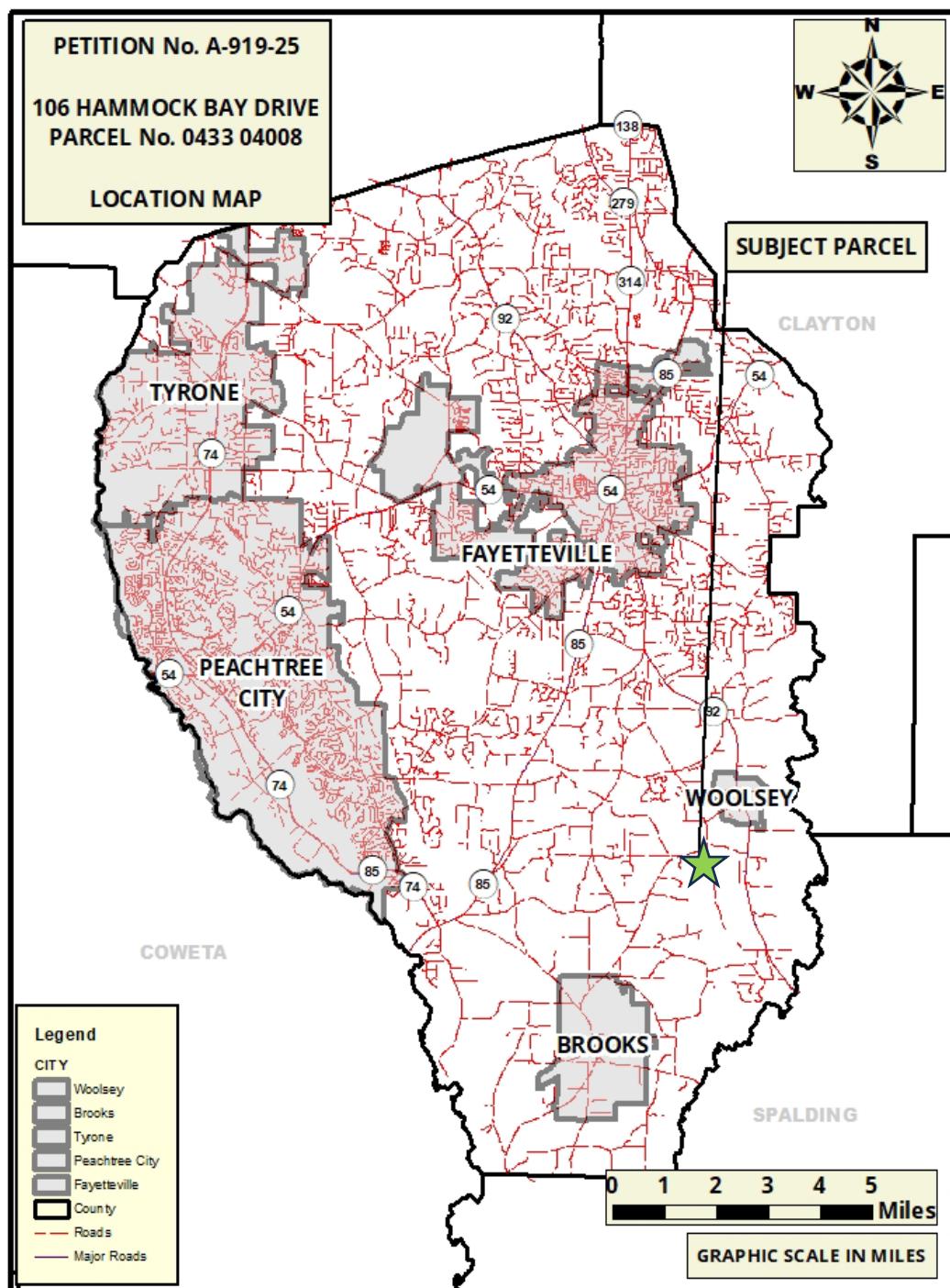
The situation is specific to this property.

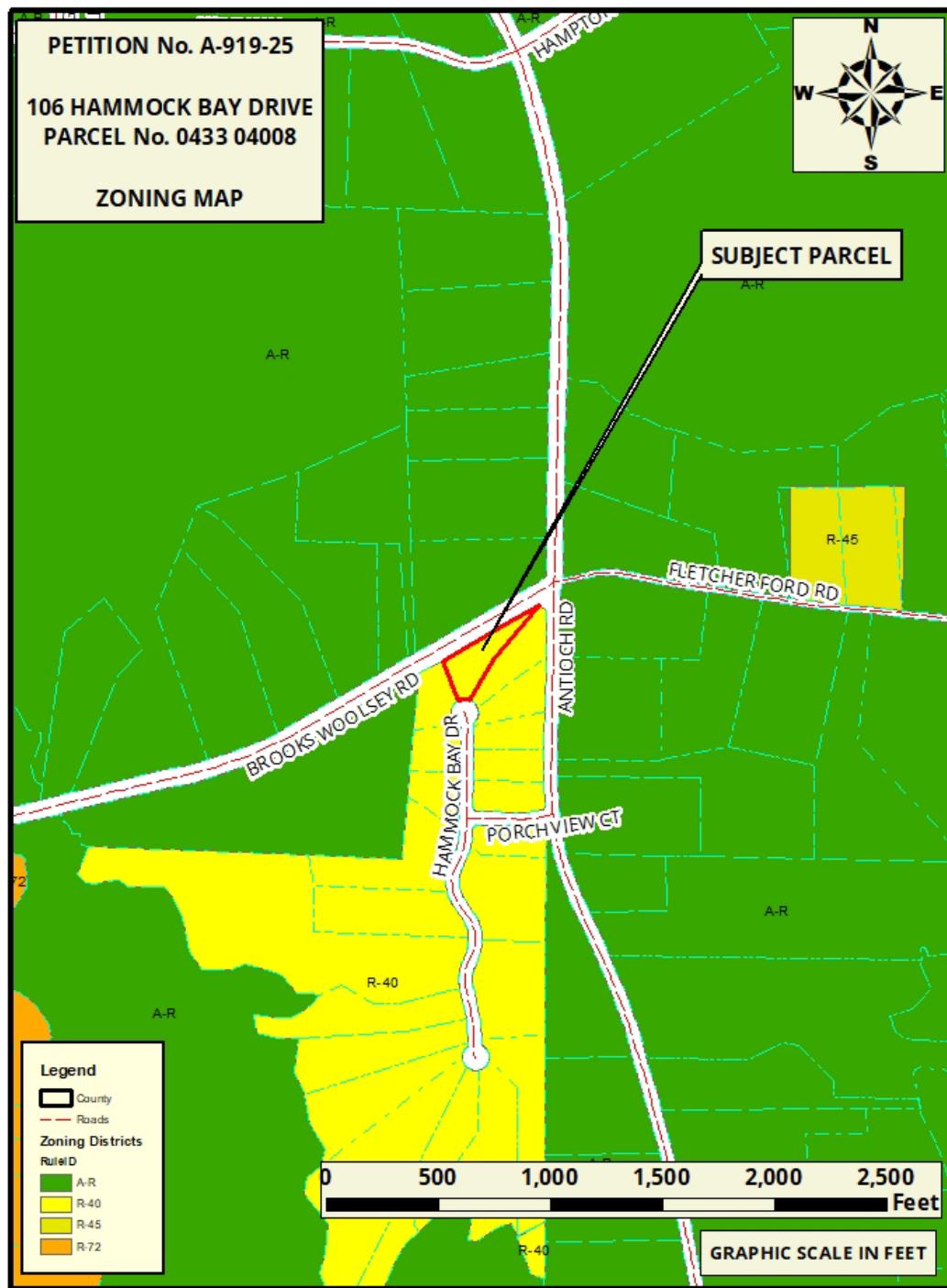
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

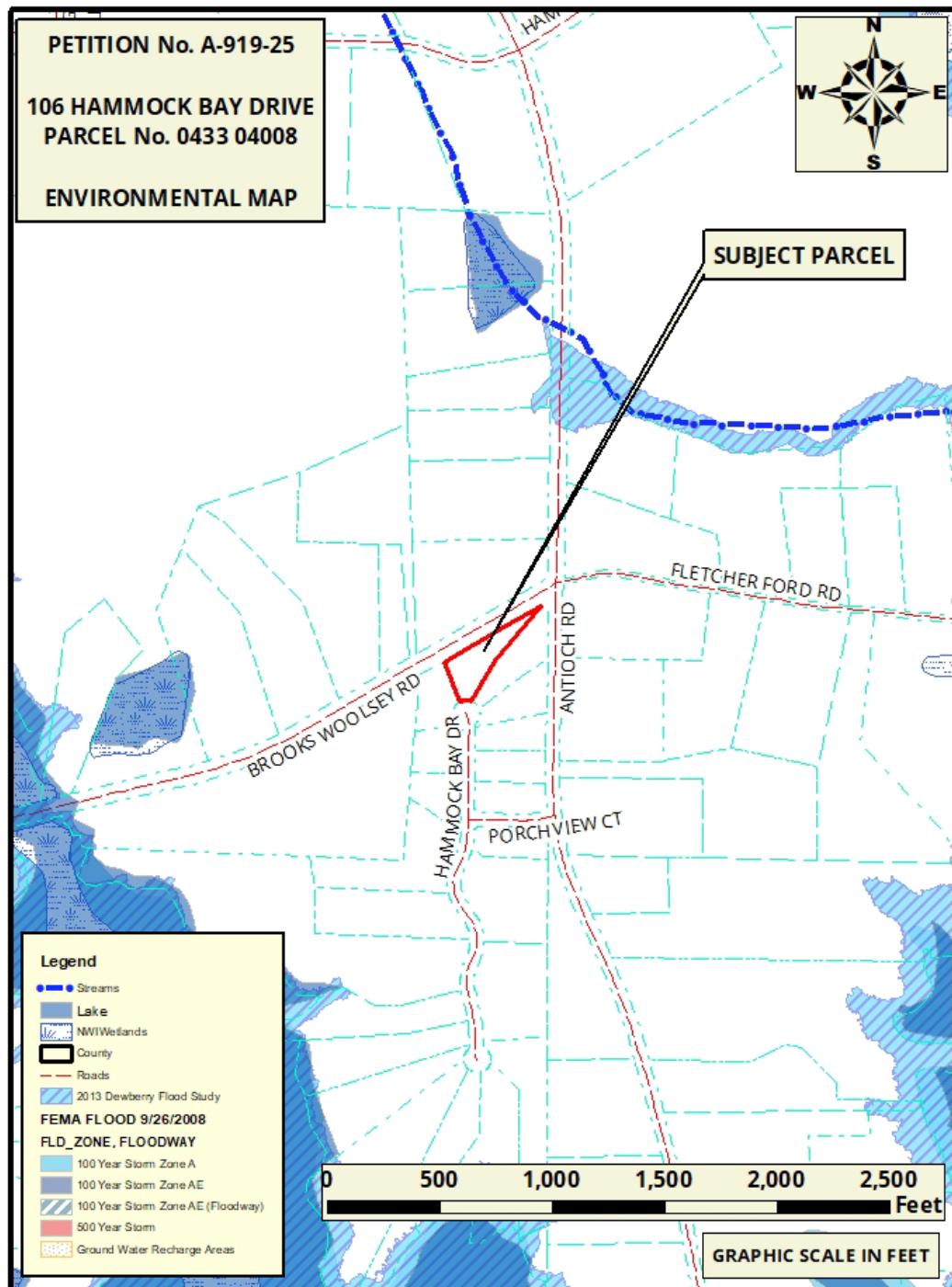
The encroachment is not likely to have a detrimental impact on any other properties and the HOA has submitted a letter of approval.

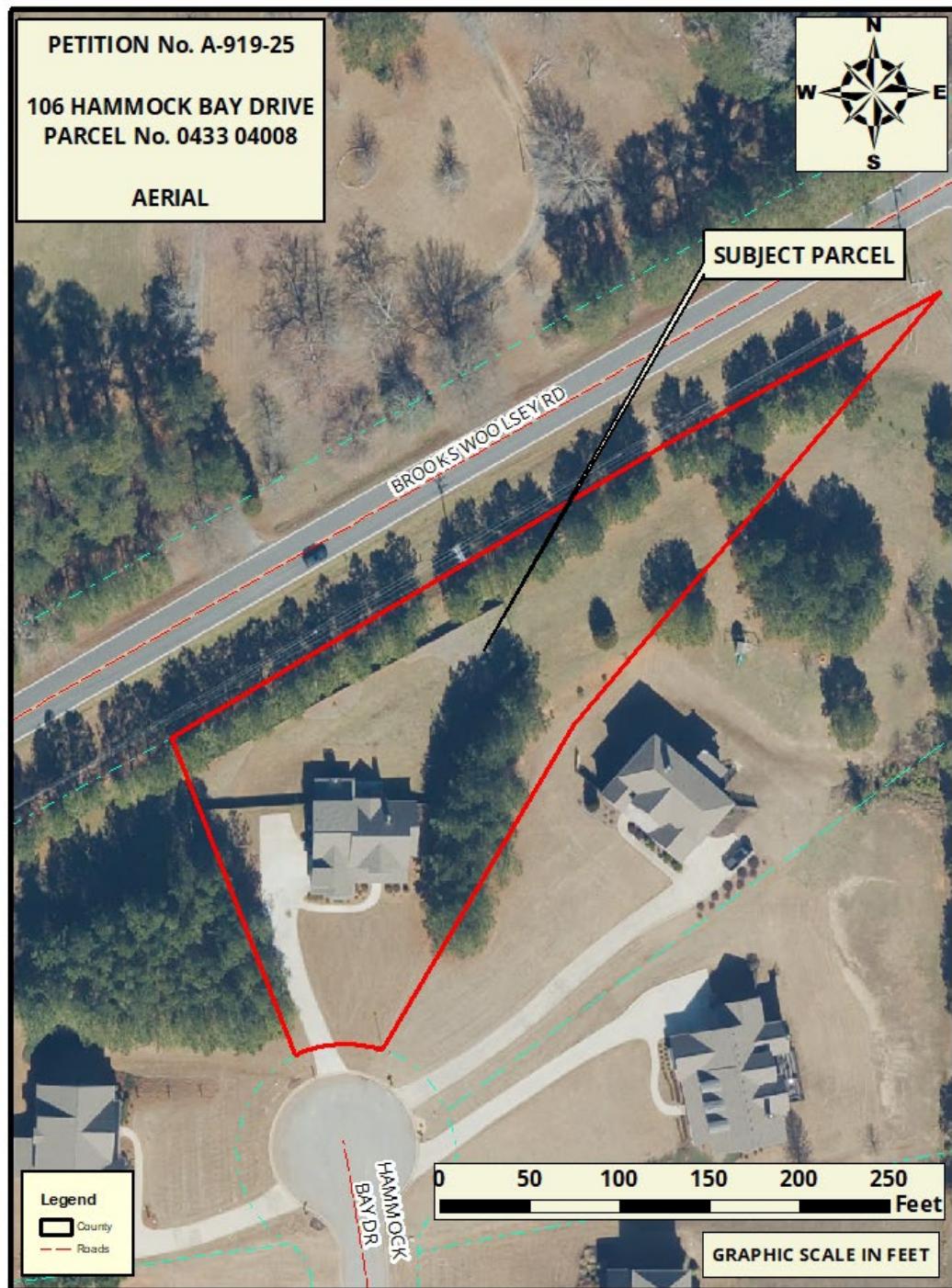
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

A literal interpretation of this Ordinance would not deprive the applicant of the right to construct a garage, but it would be located in an area of the yard that is not as easily accessible.









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

PROPERTY INFORMATION:

Parcel No. 043304008 Acreage: 1.1500 Land Lot: 184 Land District: 04
Address: 106 Hammock Bay Drive Fayetteville GA 30215
Zoning: R-40 Zoning of Surrounding Properties: R-40
Use: Residential

PROPERTY OWNER INFORMATION

Name Neil & Tara Orand
Email [REDACTED]
Address [REDACTED]
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name [REDACTED]
Email [REDACTED]
Address [REDACTED]
City [REDACTED]
State [REDACTED] Zip [REDACTED]
Phone [REDACTED]

PETITION NUMBER: A-919-25 **(THIS AREA TO BE COMPLETED BY STAFF):**

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: Stefanie Begun Date: 12/1/2025

DATE OF ZONING BOARD OF APPEALS HEARING: January 26, 2026

Received payment from Neil Orand a check in the amount of \$ 225.00

for application filing fee, and \$ 60.00 for deposit on frame for public hearing sign(s).

Date Paid 12/1/2025 Receipt Number: 025882

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:

Neil & Tara Orand

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 043304008

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 184 of the 4th District, and (if applicable to more than one land district) Land Lot(s) N/A of the District, and said property consists of a total of 1.1500 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

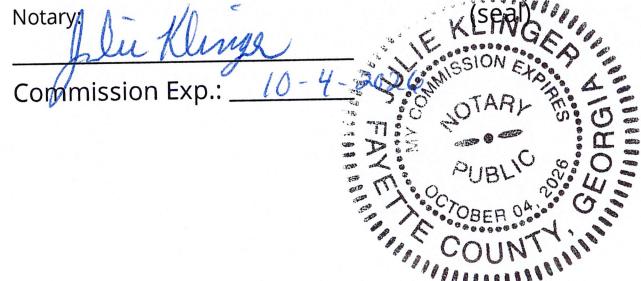
(I) (We) hereby delegate authority to N/A to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(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

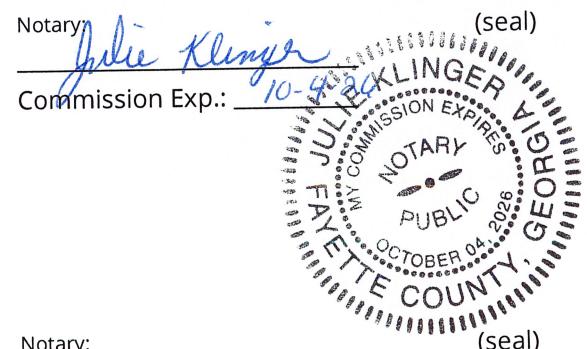
Owner/
Agent
One:

Signature 
Name: Neil Orand
Address: [REDACTED]
City/State: [REDACTED]
Date: 12/11/25



Owner/
Agent
Two:

Signature 
Name: Tara Orand
Address: [REDACTED]
City/State/Zip: [REDACTED]
Date: 12/11/25



Owner/
Agent
Three:

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

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, R-40 Residential Setbacks (Sec. 110-125 – Minimum Yard Requirements)
Requirement	15 ft minimum side yard setback
Proposed Change	Allow detached garage to be located 10 ft from the side property line
Variance Amount	5 ft reduction

Ordinance/Section	Recorded Subdivision Plat – Plat Book 52, Pages 133–134 (60-ft rear Building Line) Fayette County Zoning Ordinance, R-40 Residential Setbacks (rear yard minimum 30 ft, but overridden by plat)
Requirement	60 ft rear building line (per recorded plat)
Proposed Change	Reduce rear building line to 40 ft to allow construction of a detached garage approximately 45–50 ft from the rear property line.
Variance Amount	20 ft reduction

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 two variances to allow the construction of a detached garage at the end of the existing driveway. The first request is for a 5-foot reduction of the side yard setback, reducing the required setback from 15 ft to 10 ft. The second request is for a 20-foot reduction of the rear building line. The recorded subdivision plat for lot 17, Hammock Bay (PB 52, Pages 133-134) establishes a 60-ft rear building line because the lot backs up to a public road. The applicant is requesting to reduce this building line to 40 ft, which will allow placement of a

detached garage approximately 45-50 ft from the rear property line. These variances are necessary due to the lot's unique configuration, including a rear building line that is significantly more restrictive than the R-40 zoning setback, its non-parallel orientation relative to the home, and the limitations created by the existing driveway location. Approval of these variances will allow the garage to be built in a logical and functional location consistent with the neighborhood, without causing detriment to adjacent properties or the public good.

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.

See attached

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

See attached

property unique compared to others in the same zoning district.

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.

See attached

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

See attached

Justification of Request Statements (Page 6)

1. Extraordinary and exceptional conditions

The property has extraordinary and exceptional conditions due to its shape, orientation, and rear frontage on a public road. The recorded subdivision plat establishes a 60-ft rear building line that cuts diagonally across the rear of the lot and does not run parallel to the rear of the house. Because of this, the back of a detached garage cannot be aligned or placed parallel with the back wall of the home without crossing the building line. Furthermore, without the variance a practically sized structure would impend on the existing attached garage. Combined with the placement of the existing driveway, these conditions significantly limit where a detached garage can be located. These limitations are unique to this property and not typical of other lots within the subdivision or zoning district.

2. Practical difficulty or unnecessary hardship

Strict application of the zoning ordinance and the recorded 60-ft rear building line creates a practical difficulty. The diagonal orientation of the building line means there is no position where the garage can sit in alignment with the house while also meeting the 60-ft rear line. The buildable depth between the house and the building line is insufficient for a standard detached garage to be oriented parallel to the home. Without relief, the owners would be deprived of a functional and reasonable placement for an accessory structure that other similarly zoned properties can achieve. This hardship arises solely from the property's configuration.

3. Conditions are peculiar to this property

The conditions necessitating this variance are peculiar to this property. Lot 17 is one of the few lots in the subdivision that backs up to a public road and therefore has a 60-ft rear building line, rather than the standard 30-ft setback found on typical R-40 lots. Additionally, the building line does not run parallel with the rear of the house, creating a wedge-shaped buildable area that prevents any detached structure from being placed parallel to the home. Combined with the existing driveway alignment, these characteristics create a unique situation not shared by surrounding properties.

4. No detriment to the public good or impairment of zoning intent

Granting the requested variances will not cause substantial detriment to the public good nor impair the intent of the zoning ordinance. If the variances are granted, the proposed structure will still remain approximately 45-50 ft from the rear property line, preserving an ample buffer to the public road. The garage will not encroach into any right-of-way, obstruct visibility, or negatively affect adjacent properties. Immediate neighbors have expressed no objection and have agreed to provide written support. The variance simply allows logical use of the property where the plat-imposed diagonal building line prevents parallel placement.

5. Literal interpretation would deprive the applicant of rights enjoyed by others

A literal interpretation of the 60-ft rear building line would deprive the applicant of the same reasonable property rights enjoyed by other R-40 homeowners. Because the building line is diagonal and not parallel to the house, there is no possible location where the garage can be placed in line with the home without crossing the building line. Most properties in the zoning district have only the standard 30-ft rear setback and can place accessory structures parallel with their homes. Without the requested 5-ft side and 20-ft rear variances, the applicant would be unable to construct a detached garage in any functional or typical orientation, which constitutes a loss of a property right commonly available to others.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

PLANNING AND ZONING STAFF INFORMATION BELOW

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

November 24, 2025

Subject: Variance Request
106 Hammock Bay Drive
Fayetteville, Ga. 30215

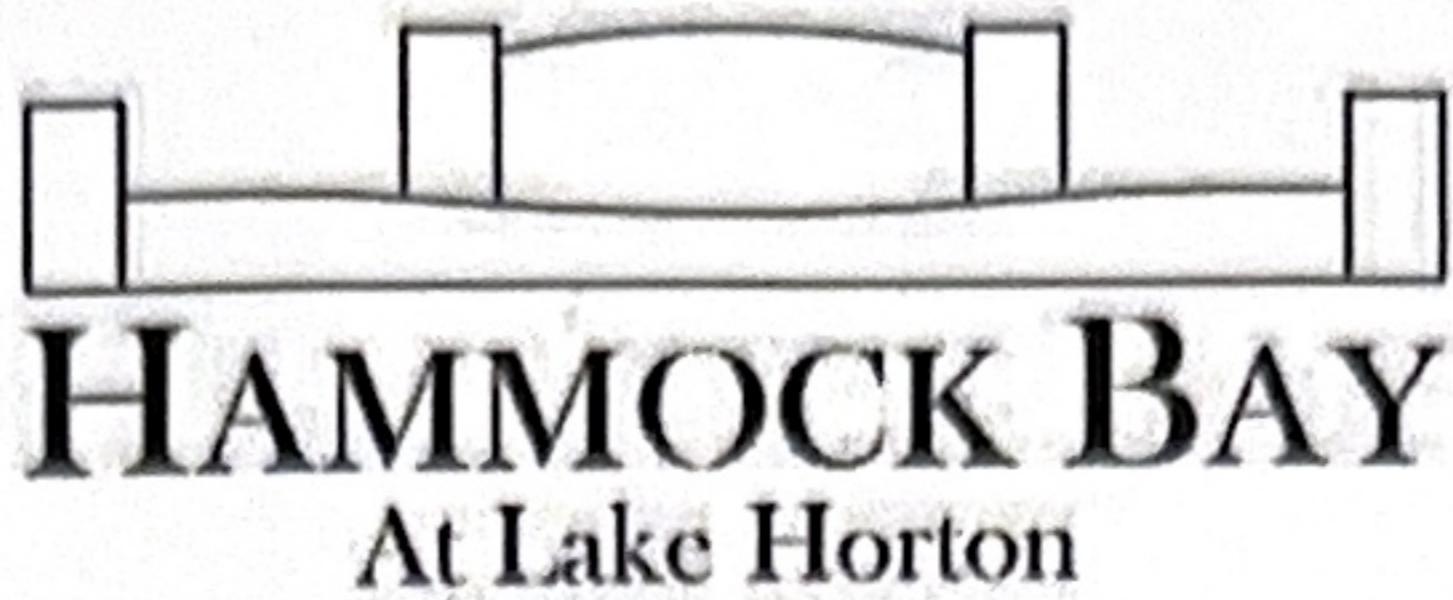
Dear members of the Planning and Zoning Committee,

We are writing as the neighbor at 104 Hammock Bay Drive, regarding the variance request submitted by 106 Hammock Bay Drive seeking the variance to change the side building line. We understand the nature of the project and believe that it will not negatively affect our property in any way. We would like to express that we have no objection to the propose variance.

Sincerely,



Kimberly Waldrop
104 Hammock Bay Drive
Fayetteville, Ga. 30215



December 2, 2025

To whom it may concern:

This memo is to confirm that the Hammock Bay Homeowners Association has **no objection** to the variance request submitted by the Orand family for the construction of a detached garage at the property located at **106 Hammock Bay Drive, Fayetteville, Georgia 30215**.

The Association understands that following the variance hearing, the Orand family will obtain a final set of construction plans for the proposed garage. Upon completion, the final plans will be formally submitted to the Hammock Bay Homeowners Association for review and architectural approval in accordance with HOA guidelines.

If you have any questions, please feel free to contact the Hammock Bay Homeowners Association secretary Donna Leicher at 770-630-9978.

Sincerely,
Hammock Bay at Lake Horton HOA

A handwritten signature in blue ink that reads "Donna Leicher". The signature is fluid and cursive, with "Donna" on the top line and "Leicher" on the bottom line.

P.O. Box 1011 • Fayetteville, Georgia • 30214-6011

Please return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 17-LAW-0360

Doc ID: 010104170001 Type: WD
Recorded: 03/20/2017 at 09:15:00 AM
Fee Amt: \$408.80 Page 1 of 1
Transfer Tax: \$398.80
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 4582 PG 608

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 10th day of March, 2017 between

Humber Construction, LLC

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

Neil Orand and Tara Fogle Orand as Joint Tenants With Right of Survivorship

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

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

ALL THAT TRACT or parcel of land lying and being in Land Lot 169 of the 4th District of Fayette County, Georgia, being Lot 17 of Hammock Bay at Lake Horton Subdivision, as shown on that certain plat of said subdivision recorded in Plat Book 43, Pages 159-163, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

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

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

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

Signed, Sealed and delivered in the presence of:

Adriane J. Cager

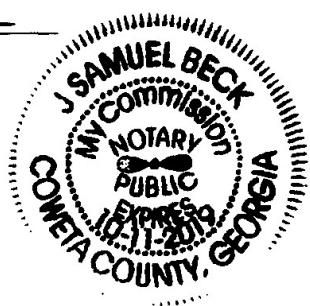
Unofficial Witness

Notary Public

Humber Construction, LLC

BY: *Brad J. Humber*

Brad J. Humber, Sole Member/Manager



AS BUILT SURVEY

FOR

LOT 17 HAMMOCK BAY AT LAKE HORTON
PB 52 PG 133-134

N 59°31'47" E 204.65'

N 60°15'59" E 288.77'

N/F
LOT 16
KIMBERLY N. WALDROP
DB 3627 PG 425
PB 43 PG 159-163
Parcel Number: 043304007

PROPOSED
GARAGE

LOT 17
1.157 Acres

60' B/L

S 40°23'06" N 314.61'

N/F
LOT 18
PAUL DENTON
& AMANDA K. ALLEN
DB 4240 PG 325
PB 43 PG 159-163
Parcel Number: 043304009

11.5'

N 21°09'42" W
189.39'

2 STORY
FRAME
#106

1.157 Acres

N/F
LOT 18
PAUL DENTON
& AMANDA K. ALLEN
DB 4240 PG 325
PB 43 PG 159-163
Parcel Number: 043304009

S 30°27'22" W 210.00'

22.0'

1.0'

5.8'

15' B/L

6.8'

15' B/L

7.0'

1.0'

5.8'

15' B/L

6.8'

15' B/L

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, January
26, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stonewall
Avenue West, first floor.

Petition No.: A-919-25-A-B
Owner: Neil Orand and Tara Fogle
Orand

Property Address: 106 Hammock
Bay Drive

Parcel: 043304 008

Zoning District: R-40

Area of Property: 1.157 acres

Land Lots(s): 184

District: 4th

Road Frontage: Hammock Way
Drive and Brooks Woolsey Road.

Request: Applicant is requesting
the following:

A) Variance to Sec. 110-137(d)(6)-
R-40.- Requesting a variance to
reduce the side yard setback from
15 feet to 7 feet to allow a new ac-
cessory structure to be built.

B) Variance to Sec. 110-137(d)(4)-
R-40.- Requesting a variance to
reduce the front yard setback along
Brooks Woolsey Road from 60 feet
to 40 feet.

Legal Description

ALL THAT TRACT or parcel of land
lying and being in Land Lot 169 of
the 4th District of Fayette County,
Georgia, being Lot 17 of Hammock
Bay at Lake Horton Subdivision, as
shown on that certain plat of said
subdivision recorded in Plat Book
43, Pages 159-163, Fayette County,
Georgia records, said plat being in-
corporated herein and made a part
hereof by reference

PETITION NO: A-921-25-A-B-C

Requested Action:

- A.** To allow an accessory structure in the front yard.
- B.** To reduce the rear yard setback from 50' to 37.6' to allow an existing accessory structure to be permitted and remain.
- C.** To reduce the rear yard setback from 50' to 33.7' to allow an existing concrete deck to remain.

Location: Charles & Brenda Davenport, Lot 1 – 223 Rivers Rd.

Parcel(s): 0901 053

District/Land Lot(s): 9th District, Land Lot(s) 1

Zoning: R-70, Single-Family Residential

Lot Size: 3.192 Acres

Owner(s): Alexis Kirkbride

Agent: Ann Kirkbride

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following:

- A. Per Sec. 110-79(e), requesting to allow an accessory structure in the front yard in order to allow an existing accessory structure located in the front yard to be permitted and remain.
- B. Per Sec. 110-133 (d) 5, requesting to reduce the rear yard setback from 50' to 37.6' to allow an existing accessory structure to be permitted and remain.
- C. Per Sec. 110-133 (d)5, requesting to reduce the rear yard setback from 50' to 33.7' to allow an existing concrete deck to remain.

STAFF ASSESSMENT

It is staff's opinion that the property presents a unique situation. The hexagonal shape of the lot creates five (5) setbacks. The zoning definition of rear yard placing the 50' rear yard setback along the property line shared with parcel 0901 072 rather than parcel 0901 090 creates a situation where the unpermitted accessory structure needs a variance to the rear yard setback and for being in front of the front line of the house. The septic system is located on the opposite side of the house, precluding placement of the accessory structure on the opposite side of the yard.

HISTORY

The current property owner purchased this property from the James Brinkerhoff Estate on June 17, 2025 with the existing violations and an open pavilion permit that has now expired.

The Zoning Board of Appeals heard a request A-799-22 to construct an 1,800 square foot detached garage within the rear yard setback on July 25, 2022. The request was tabled until August 22, 2022, and a request to withdraw the application was approved at the August 22, 2022, meeting.

Planning and Zoning staff left a memo for the record of a conversation with the property owner on August 31, 2022. Mr. Brinkerhoff visited the office and requested to place the accessory structure in the front yard but not within the rear yard setback. Deputy Marshal Brian Hitchcock and Zoning Technician Dennis King explained it could not be approved in this location without an approved variance. Mr. Brinkerhoff stated he would decide if he wanted to consider an accessory structure after the pool was installed.

A pool permit was issued to Tallman Pools for 223 Rivers Road on September 9, 2022 and the final inspection of the pool was approved on January 10, 2023. The approved site plan indicated the pool deck would be 60 feet from the rear property line. Foundation surveys are only required when the proposed construction is within two (2) feet of a setback.

The permit for an 800 square foot pool pavilion was issued on September 13, 2023. The last approved inspection was for an anchorbolt on October 27, 2023. The permit expired on April 16, 2025 and cannot be renewed because there is a new property owner and zoning cannot approve until the illegal accessory structure is resolved.

ZONING REQUIREMENTS

Sec. 110-3. Definitions.

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure of the street.

Yard, rear, means the area between the rear property line and the rear of the principal structure, extending the full width of the lot.

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

(c) (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 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 acres.

(e) ***Residential accessory structures located in a front yard.*** On a single frontage lot, the area between the front building line shall be treated as a front yard with regard to location of residential accessory structures.

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

(d) Dimensional Requirements

(5) *Rear yard setback:* 50 feet

DEPARTMENTAL COMMENTS

- Water System** – County water since 2004. No objections.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – No objections.
- Department of Building Safety** – If the variance is approved, the previously issued and now expired building permit, RNEW-09-23-071369, cannot be reinstated, and a new building permit reflecting the current property owner and the approved scope of work is required. All work shall be completed in accordance with the new permit, all required inspections shall be completed, and a Certificate of Occupancy shall be obtained to achieve compliance.
If the variance is disapproved, a demolition permit is required prior to the removal of any structures or improvements.
- Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

The hexagonal shape of the lot creates five (5) setbacks. The zoning definition of rear yard placing the 50' rear yard setback along the property line shared with parcel 0901 072 rather than parcel 0901 090 creates a situation where the unpermitted accessory structure needs a variance to the rear yard setback and for being in front of the front line of the house. The septic system is located on the opposite side of the house, precluding placement of the accessory structure on the opposite side of the yard.

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

The parcel is subject to the same requirements as all other properties in the County.

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

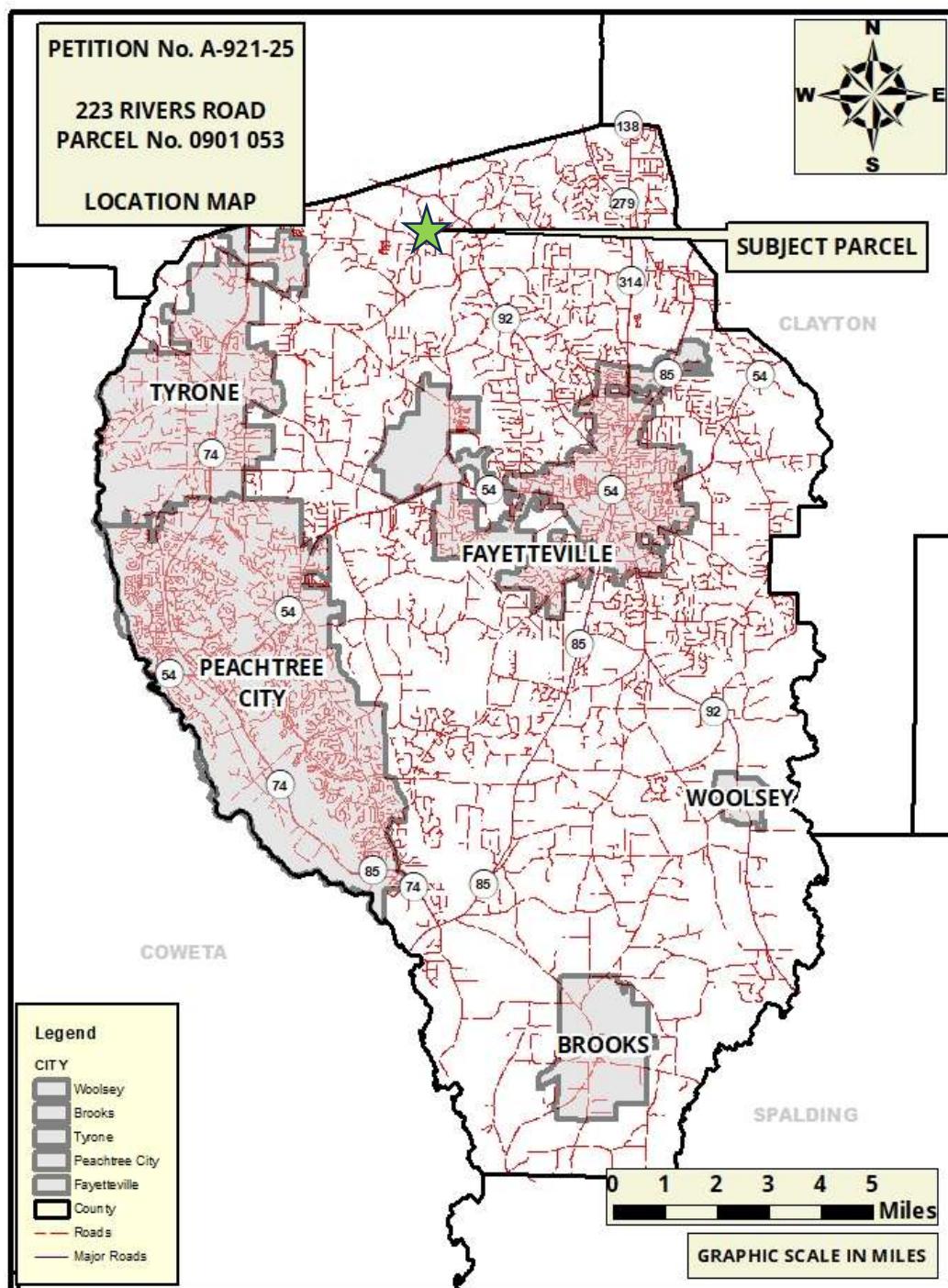
The situation is specific to this property.

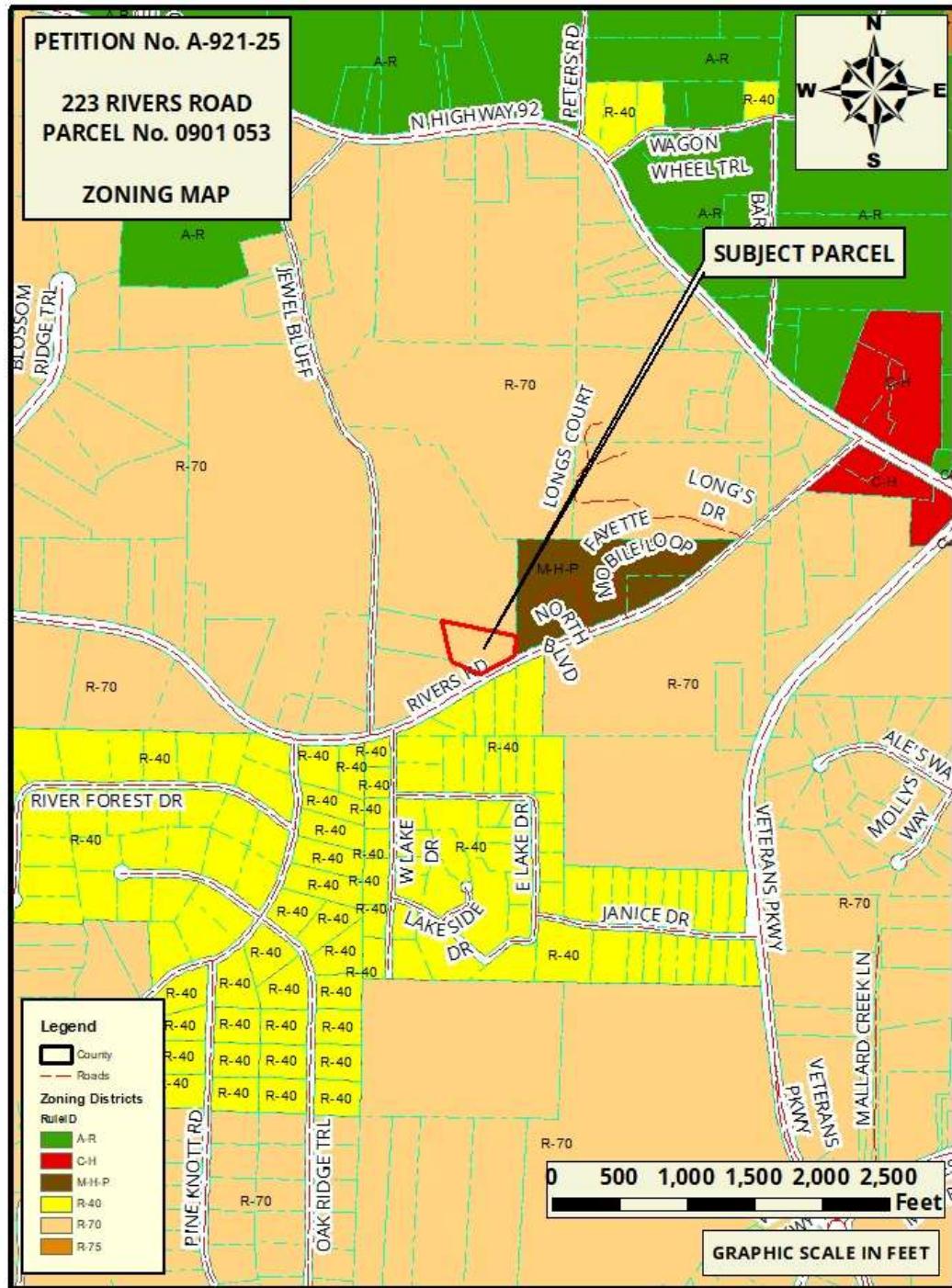
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

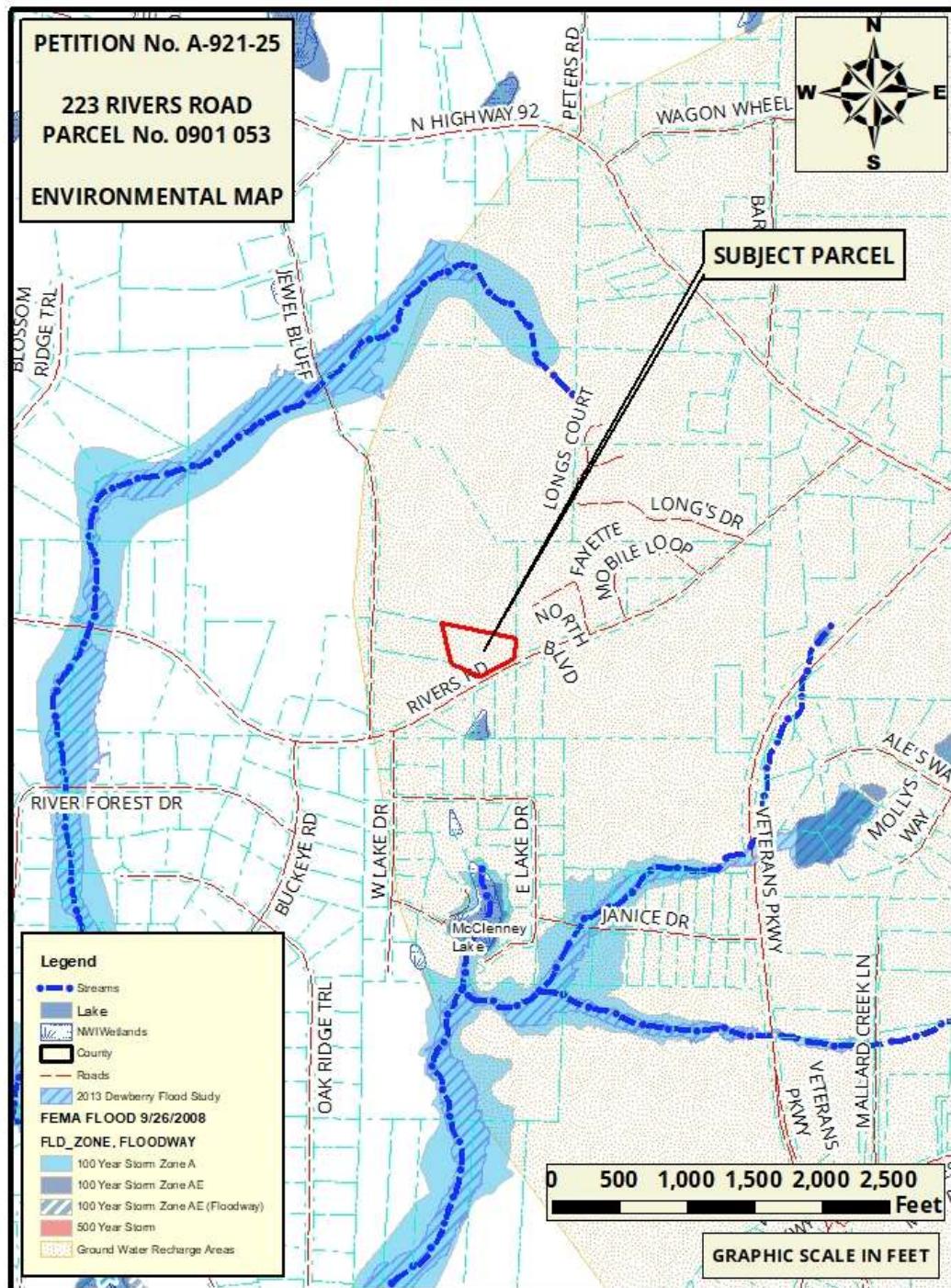
The encroachment is not likely to have a detrimental impact on any other properties.

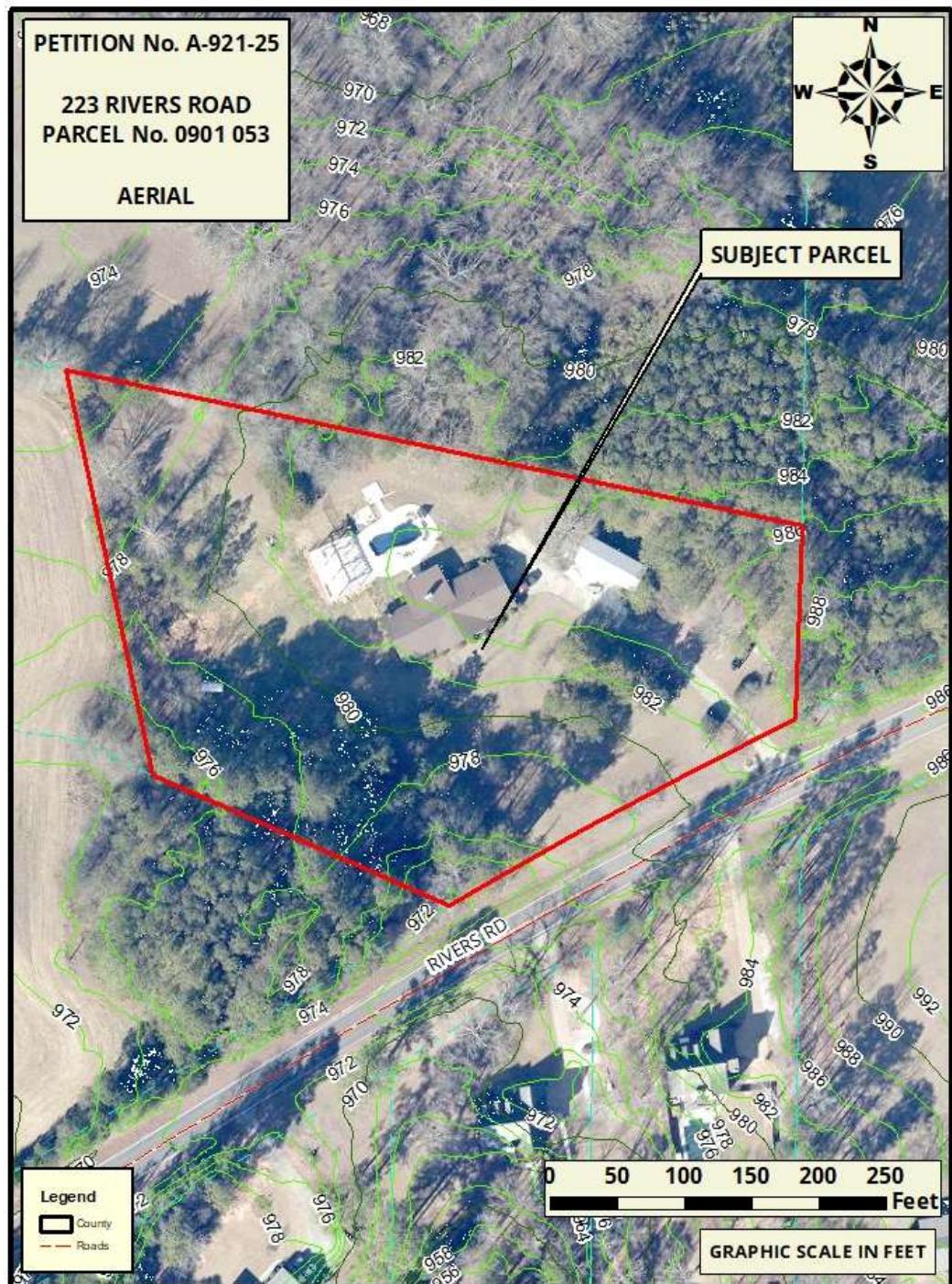
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

The applicant is unable to obtain a permit to complete the construction of the pool pavilion until this issue is resolved. If this variance is approved, an additional variance will be required if the accessory structure in the front yard is more than 1,000 square feet and the pool pavilion is 800 square feet. If the variance is not approved, demolition permit is required.









FOUNDATION SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0901 053 Acreage: 3.192 Land Lot: 1 Land District: 9
Address: 223 Rivers Rd., Fayetteville, GA 30214
Zoning: R-70 Zoning of Surrounding Properties: R-70 & MHP
Use: Single Family Residential

PROPERTY OWNER INFORMATION

Name Alexis Kirkbride
Email [REDACTED]
Address [REDACTED]
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Ann Kirkbride
Email [REDACTED]
Address [REDACTED]
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-921-25 A-C

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: January 26, 2026

Received payment from Ann F. Kirkbride _____ a check in the amount of \$ 225.00

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

Date Paid December 2, 2025

Receipt Number: MISCPZ-12-2025-090900 - 025899

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:

Alexis Kirkbride

Please Print Owners' Names

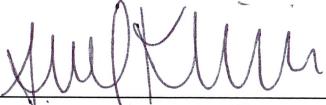
Property Tax Identification Number(s) of Subject Property: **0901 053**

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) **1** of the **9th** 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 **Ann Kirkbride** 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

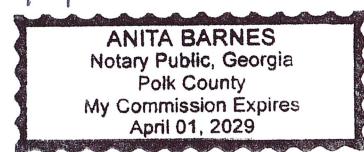
Signature 

Name: **ALEXIS KIRKBRIDE**

Notary:

(seal)

Commission Exp.: **04/01/2029**



Owner/
Agent
One:

Address: _____

City/State: _____

Date: **10/19/25**

Signature _____

Notary:

(seal)

Name: _____

Commission Exp.: _____

Owner/
Agent
Two:

Address: _____

City/State/Zip: _____

Date: _____

Signature _____

Notary:

(seal)

Name: _____

Commission Exp.: _____

Owner/
Agent
Three:

Address: _____

City/State/Zip: _____

Date: _____

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. 110-79 (e)
Requirement	No residential accessory structure shall be located in the front yard...
Proposed Change	Allow an existing accessory structure located in front of the existing house to remain.
Variance Amount	26.8'

Ordinance/Section	Sec. 110-133 (d) 5
Requirement	Rear yard setback: 50 feet
Proposed Change	Reduce the rear yard setback from 50' to 37.6' to allow an existing accessory structure to remain.
Variance Amount	12.4'

Ordinance/Section	Sec. 110-133 (d) 5
Requirement	Rear yard setback: 50 feet
Proposed Change	Reduce the rear yard setback from 50' to 33.7' to allow an existing concrete deck to remain as required in Sec. 110-79 (k)
Variance Amount	16.3'

VARIANCE SUMMARY

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

New owners are looking to reinstate the expired permit for Pool Pavilion and bring the property into compliance. Reducing the setbacks will allow pool concrete slab and storage to remain. The Pool Pavilion permit was in process when previous owner passed with 4 of 11 inspections completed. We are unable to cover trenches awaiting needed inspections making this area unsafe for my small grandchildren.

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 lot is an unusual 5-sided property angled toward the road. The rear yard property line acts more like a side yard property line, as one corner is very small the usable personal use space for pool and pool deck to be greatly limited. The septic tank and leech field are located on the south side of the house making that area unusable. The property is fully fenced and there is a treeline bordering the surrounding lots.

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

Yes, the cost to reduce the pool and storage building would be cost-prohibitive and leave the area unsightly. Due to the status of the expired permit we are unable to complete permit inspections until variances are remediated. There are unsafe trenches which need to be inspected for the sign off making the yard unsafe for use.

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

Yes the property shape, house location and angle compounded by septic tank and leech field location.

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.

There is no impact on the public good as the lot is completely fenced and treeline obstructs views of the building and pool.

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

Yes, it would. The 25' rear yard variance is common in Fayette County to expand personal use. Our Front yard greatly exceeds most homes is well within the 75' front yard setback, being located 139.5' from the road, obscured by trees.

44

Barcode

Doc ID: 012256030001 Type: ESTD
Recorded: 06/23/2025 at 09:00:00 AM
Fee Amt: \$475.00 Page 1 of 1
Transfer Tax: \$450.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5843 PG 663

SLEPIAN & SCHWARTZ, LLC
42 EASTBROOK BEND
PEACHTREE CITY, GA 30269
25-0666-DEB.
E. Slepian
TAX PARCEL ID: 0901 053

ADMINISTRATOR'S DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE is made as of June 17, 2025, between RUBY ANNE BRINKERHOFF, AS ADMINISTRATOR OF THE ESTATE OF JAMES DAVID BRINKERHOFF a/k/a JAMES BRINKERHOFF (hereinafter referred to as the "Deceased"), late of Fayette (hereinafter referred to as "Grantor") and ALEXIS KIRKBRIDE (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR (acting under and by virtue of the power and authority contained in the Letters of Administration from the probate of the Estate and recorded in the Court of Probate of Fayette, for and in consideration of the sum of 10.00 Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 1 OF THE 9TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 1, CONTAINING 3.192 ACRES, MORE OR LESS AS PER LAT PREPARED FOR CHARLES AND BRENDA DAVENPORT BY CHRISTOPHER BROTHERS LAND SURVEYING, LLC, DATED 6/8/2016 AND BEING OF RECORD IN PLAT BOOK 49, PAGE 65, FAYETTE COUNTY, GEORGIA RECORDS. REFERENCE TO SAID PLAT IS HEREBY MADE FOR A MORE COMPLETE ACCURATE DESCRIPTION OF THE PROPERTY HEREIN DESCRIBED.

PARCEL ID NUMBER: 0901 053

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

TO HAVE AND TO HOLD the 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 Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased. This document is executed under Seal.

Signed this 16 day of June, 2025 in the presence
of:

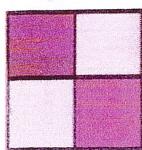
Elizabeth Caughlin
Unofficial Witness *Elizabeth Caughlin*

Rhumel Anderson
Notary Public
My Commission Expires: 7-15-27

[Notary Seal]

Ruby Anne Brinkerhoff (SEAL)
RUBY ANNE BRINKERHOFF, AS
ADMINISTRATOR OF THE ESTATE OF
JAMES DAVID BRINKERHOFF a/k/a JAMES
BRINKERHOFF

Rhumel Anderson
Notary Public
Durham County, NC
My commission expires 7-15-2027



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

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

To: Ann Kirkbride

Regarding: 223 Rivers Road,
Fayetteville, GA 30214

Date: September 29, 2025

Per our conversation, Fayette County has requested a letter stating the distances from certain structures on the above referenced property to certain boundary lines. Our survey crew completed a survey at 223 Rivers Road in Fayetteville, Georgia in order to determine these distances. The results of our survey are as follows. Please see the attached image of the Fayette County GIS with reference to each corner to be used as a visual aid.

Corner A – Accessory structure corner over front building line*: 26.8 feet

**a line running parallel to the street which touches the nearest point of the principal structure to the street (taken from Fayette County online zoning ordinance). Not the front building setback line.*

Corner B – Accessory structure corner to Northerly boundary line: 37.6 feet

Corner C – Concrete corner to Northerly boundary line: 33.7 feet

If you have any questions, please let me know.

Matthew J. Langley
Georgia Professional Land Surveyor # 3227



Job # 2508021



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, January
26, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.:A-921-25-A-B-C

Owner:Alexis Kirkbride

Agent:Ann Kirkbride

Property Address:223 Rivers Road

Parcel: 0901 053

Zoning District: R-70

Area of Property: 3.192 acres

Land Lot(s): 1

District: 9th

Road Frontage:Rivers Road

Request:Applicant is requesting
the following:

A) Variance to Sec. 110-79(e) to al-
low an accessory structure located
in front yard to remain.

B) Variance to Sec. 110-133(d)(5)
to reduce the rear yard setback
from 50 feet to 37.6 feet to allow
an existing accessory structure to
remain.

C) Variance to Sec. 110-133(d)(5) to
reduce the rear yard setback from
50 feet to 33.7 feet to allow the pool
deck/equipment to remain as re-
quired in Sec. 110-79(k).

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND LOT 1 OF THE 9TH LAND
DISTRICT OF FAYETTE COUNTY,
GEORGIA, BEING LOT 1, CON-
TAINING 3.192 ACRES, MORE
OR LESS AS PER LAT PREPARED
FOR CHARLES AND BRENDA
DAVENPORT BY CHRISTOPHER
BROTHERS LAND SURVEYING,
LLC, DATED 6/8/2016 AND BE-
ING OF RECORD IN PLAT BOOK
49, PAGE 65, FAYETTE COUNTY,
GEORGIA RECORDS. REFER-
ENCE TO SAID PLAT IS HEREBY
MADE FOR A MORE COMPLETE
ACCURATE DESCRIPTION OF
THE PROPERTY HEREIN DE-
SCRIBED.

PARCEL ID NUMBER: 0901 053
THIS CONVEYANCE is made sub-
ject to all zoning ordinances, eas-
ements and restrictions of record
affecting said bargained premises

PETITION NO: A-922-25-A-B-C

Requested Action:

- A.** To allow an accessory structure in the front yard.
- B.** To increase the maximum allowable 3,600 square feet of accessory structures to 7,407 square feet to allow the construction of a 4,800 square foot airplane hangar.
- C.** To increase the maximum number of accessory structures from three (3) to five (5) to allow the existing accessory structures to remain and construct an airplane hangar.

Location: Coventry Estates, Lot 73 - 428 Lester Road, Fayetteville, Georgia 30215

Parcel(s): 0515 023

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

Zoning: R-40, Single-Family Residential

Lot Size: 9.1 Acres

Owner(s): Timothy A. Belcher & Ruth M. Belcher Revocable Living Trust

Agent: N/A

Zoning Board of Appeal Public Hearing: January 26, 2026

REQUEST

Applicant is requesting the following:

- A. Per Sec. 110-79(e) requesting to allow an accessory structure (aircraft hangar) in the front yard.
- B. Per Sec. 110-79(c)(1)a., requesting to increase the maximum square footage of accessory structures allowed in a residential zoning with more than five (5) acres from 3,600 square feet to 7,407 square feet to allow the construction of a 4,800 square foot airplane hangar.
- C. Per Sec. 110-79(c)(1)a., requesting to increase the maximum number of accessory structures allowed in a residential zoning with more than five (5) acres from three (3) to five (5) to allow an existing structure to remain and the construction of an airplane hangar.

STAFF ASSESSMENT

Coventry Estates was developed as an aircraft community in R-40 zoning in the late 1960's. 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. This lot sits at the end of the aircraft landing area (Willow Pond Aviation) and has more than the minimum acreage required in A-R zoning, but it is part of the Coventry Estates development as R-40, thus rezoning is not an option.

This was originally two (2) lots in Coventry Estates that were combined some time prior to April 1975. The existing house sits on the lot originally known as 445 Sherwood Dr. The location of the existing house makes the front building line more than 400' from the right-of-way of Lester Rd., placing more than 6.68 acres of this property as in front of the front building line. If this lot was zoned A-R, this front building line would not apply.

The property currently has four (4) accessory structures:

1. Detached garage greenhouse (1,656 square feet)
2. Storage shed (192 square feet)
3. Old foundation (615 square feet) - *this would not count if the foundation was for a recreational court*
4. Wood shed (144 square feet)

The total existing number and square footage of accessory structures is four (4) totaling 2,607 square feet, three (3) totaling 1,992 square feet if you count the old foundation as a recreational court. Additionally, the proposed square footage and number would not count if this property was zoned A-R.

The proposed hangar meets all the requirements of the conditional use hangar allowed in A-R zoning except the A-R zoning. Coventry Estates was developed as an aircraft community and is a privilege enjoyed by many of its residents.

HISTORY

This parcel is a legal lot of record; it is indicated as Lot 73 in Coventry Estates subdivision on the April 1975 tax map. The original plat recorded on August 15, 1969, in Plat Book 5 Page 105 indicates the original two (2) lots that are now combined. The lot is located on Lester Road at the end of the Willow Pond Air Strip. It is zoned R-40 and all standard building setbacks apply.

ZONING REQUIREMENTS

Sec. 110-3. Definitions

Building line, front, means a line running parallel to the street which touches the nearest point of the principal structure to the street.

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.
- (e) **Residential accessory structures located in a front yard.** On a single frontage lot, the area between the street and the front building line shall be treated as a front yard with regard to the location of residential accessory structures.

No residential accessory structure shall be located in a front yard except: a well/pump house consisting of 70 square feet or less; a detached garage on a single frontage lot...; or a residential accessory structure on a lot in the A-R zoning district which consists of five (5) or more acres.

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** – Fayette County Water System does not provide water service to this parcel.
- Public Works** – No comments.
- Environmental Management** – No comments.
- 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** – This variance requests approval for a proposed hangar larger than permitted by the zoning ordinance. If the variance is approved, a building permit is required prior to the construction of the hangar. All work shall comply with the approved variance, applicable zoning regulations, adopted construction dofes, and county ordinances. Compliance shall be achieved only upon completion of all required inspections and issuance of the appropriate certificate of occupancy. The variance ruling shall be followed, and if the ruling includes a condition requiring removal of any accessory structures, a demolition permit may be required in order to complete the removal and update the property record.
- Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

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

This is a 9.1 acre parcel, 7.6 acres larger than the minimum requirement in R-40 zoning with well water. The existing house was built on what was a second lot, placing the entirety of the first lot in front of the front building line.

- 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,**

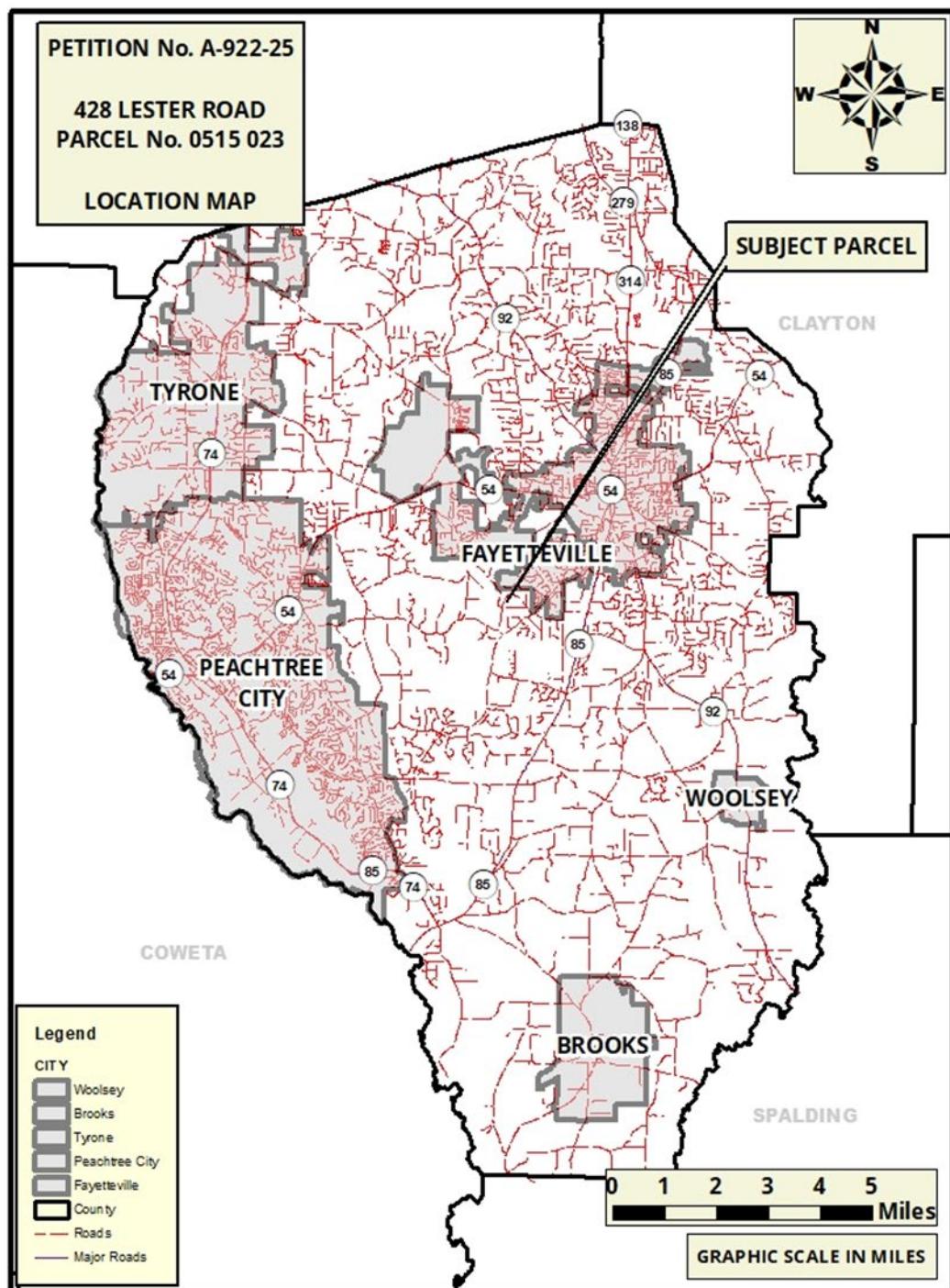
The house sitting on what would be the rear lot creates over 6 acres in front of the front building line. While existing accessory structures are allowed to remain and be rebuilt in front of the front building line because they were constructed prior to January 24, 2008, it limits the property owner's ability to improve the property to its fullest extent.

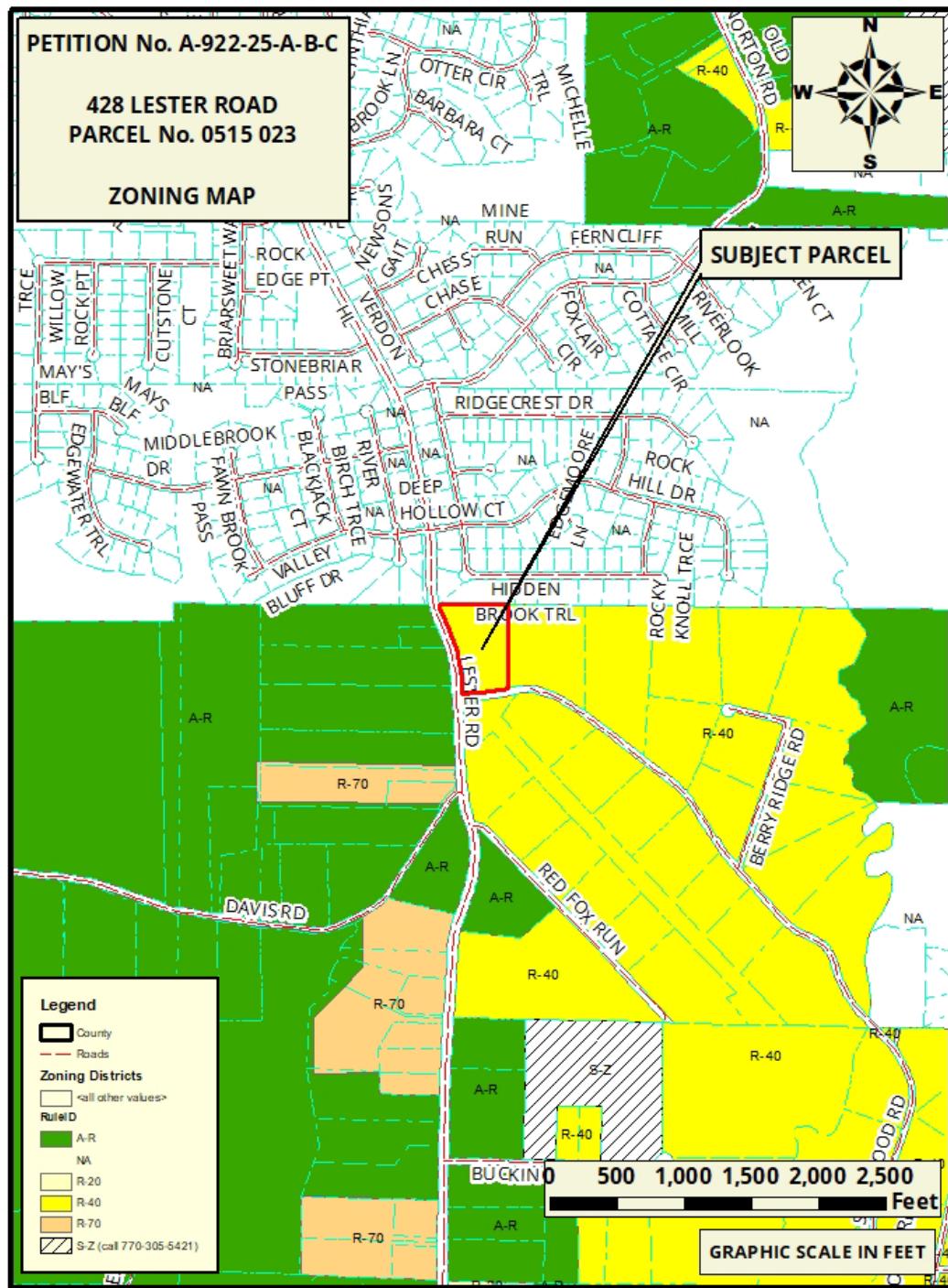
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

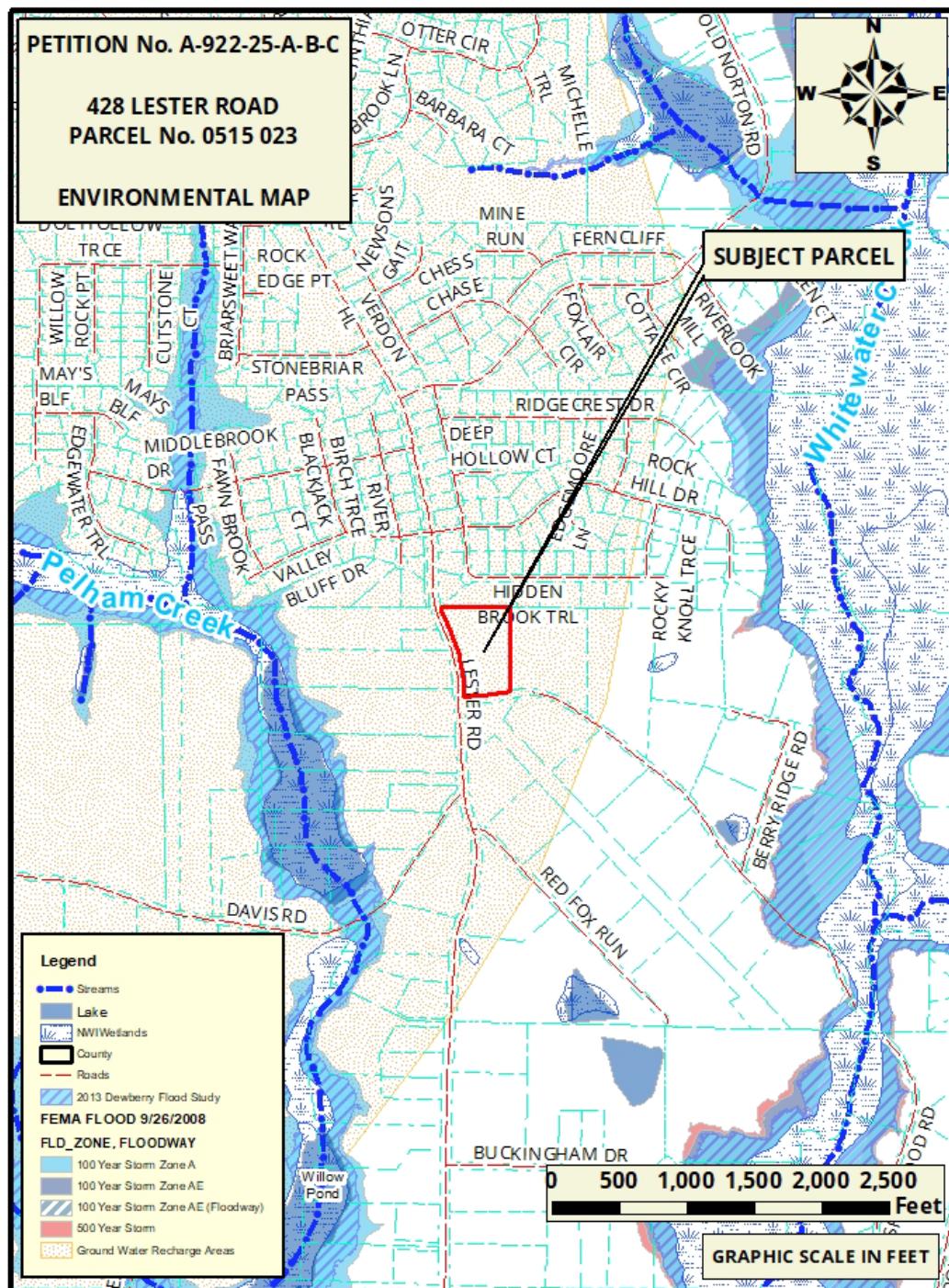
It is unlikely the construction of an aircraft hangar in the proposed location would cause substantial detriment to the public good. It is likely that construction of the aircraft hangar would increase the value of this property and the properties surrounding it.

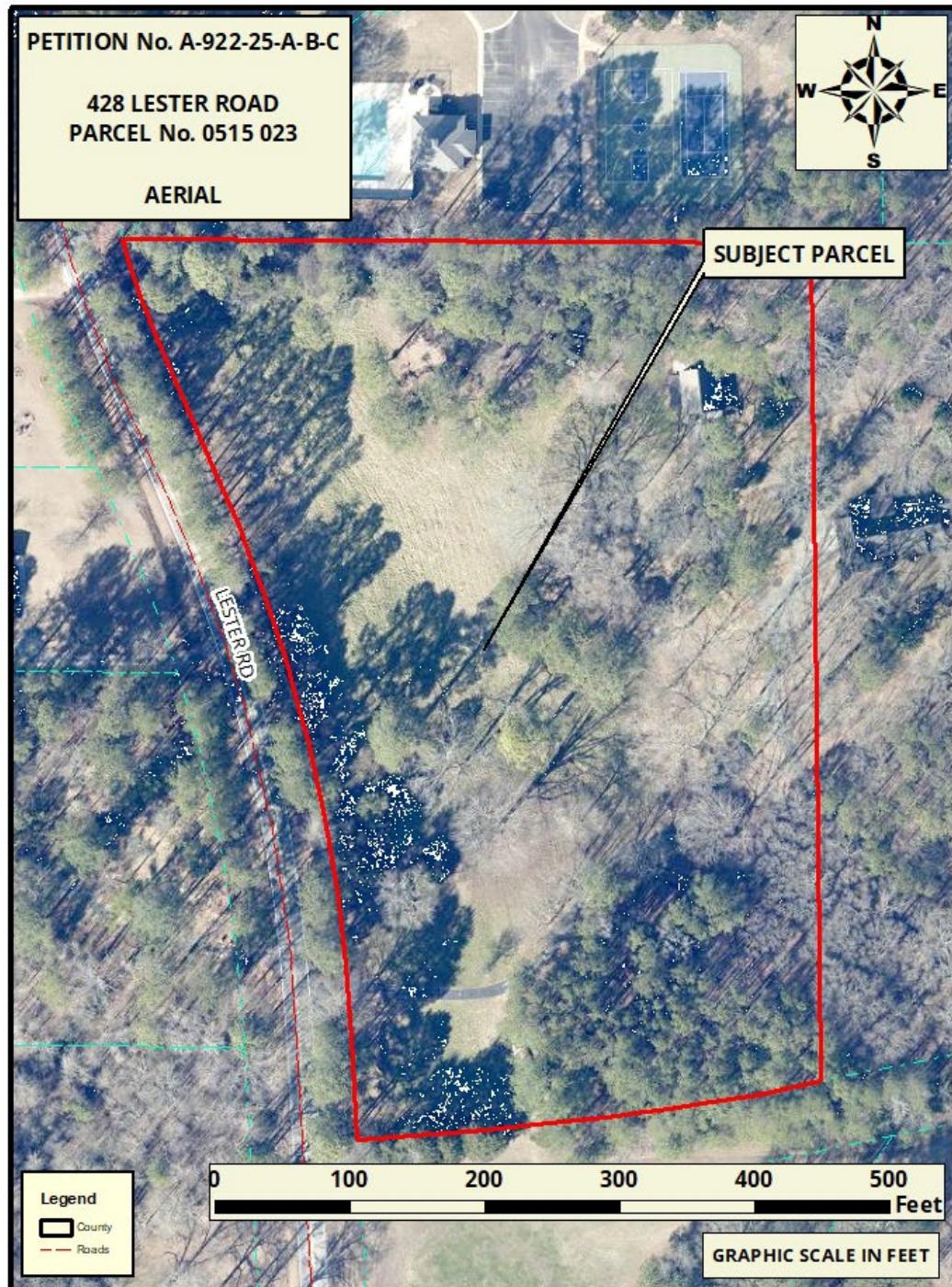
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

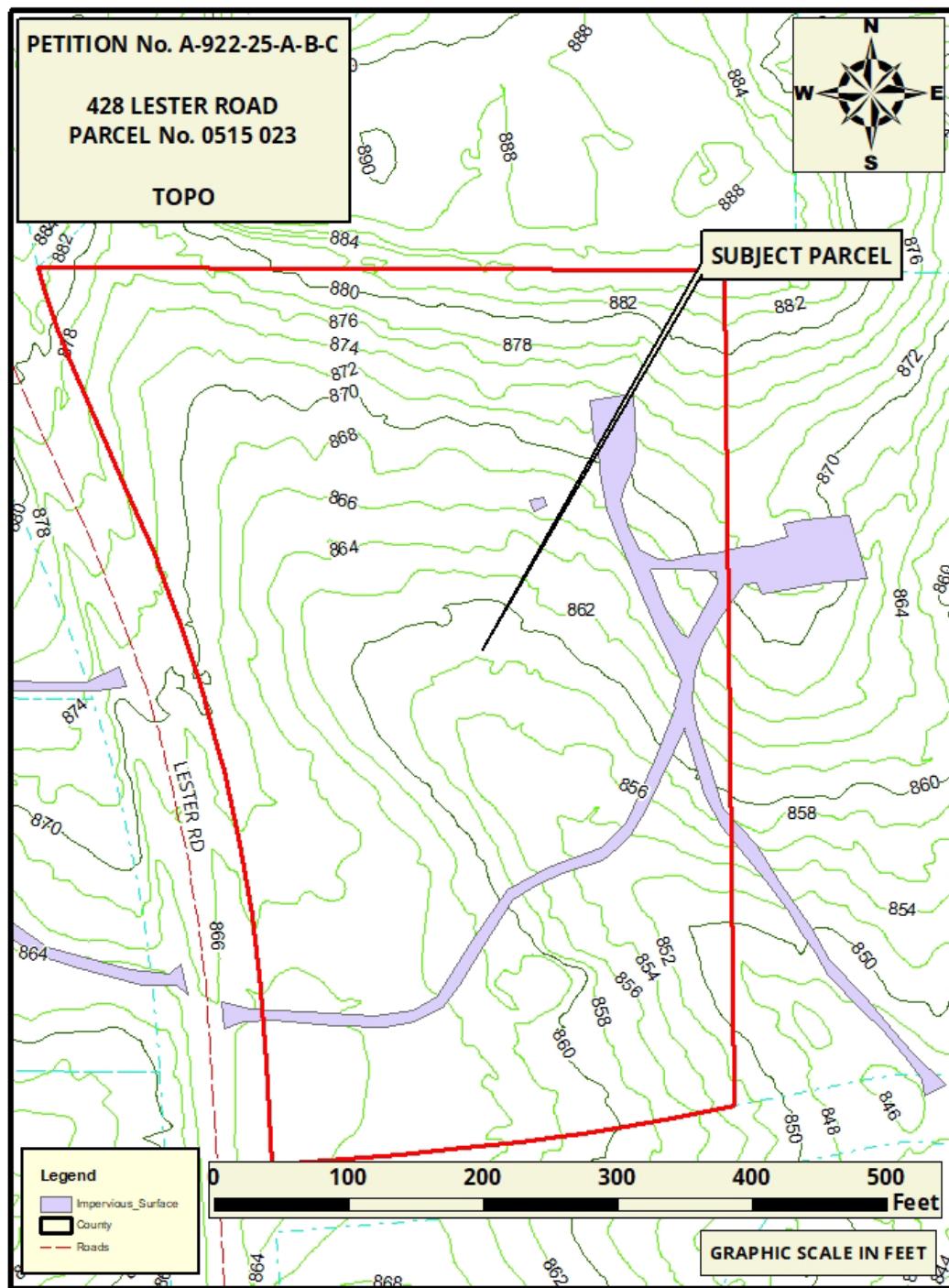
The applicant would not be allowed to have an aircraft hangar in a development designed for aircraft usage.





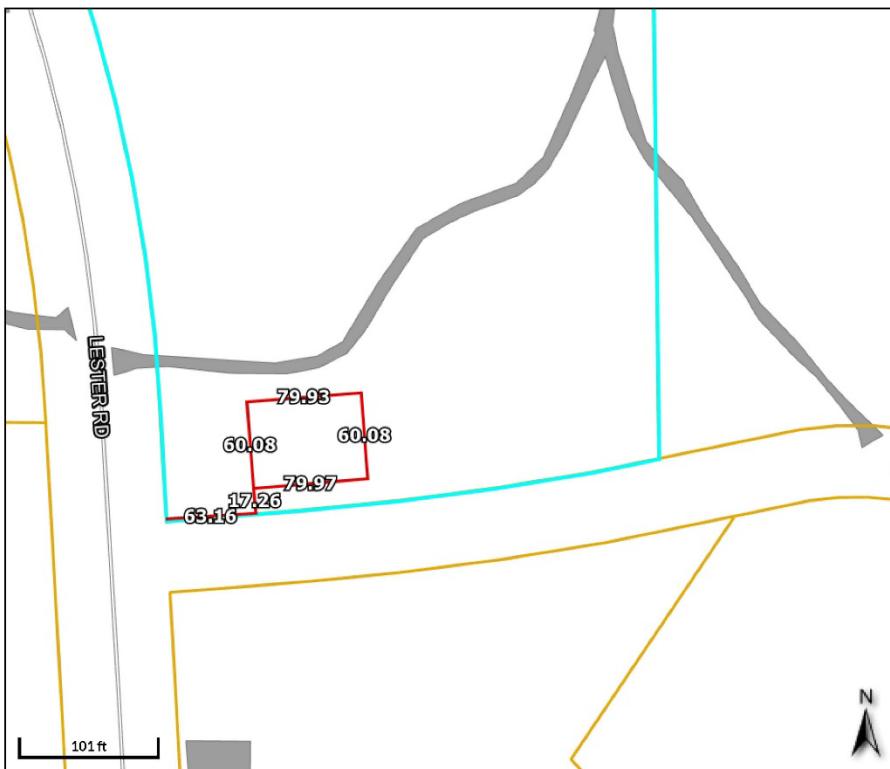




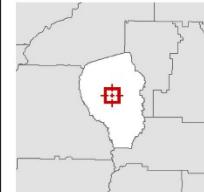




Fayette County, GA



Overview



Legend

- Parcels
- Roads
- Impervious Surface
- City Limits
- BROOKS
- FAYETTEVILLE
- PEACHTREE CITY
- TYRONE
- WOOLSEY

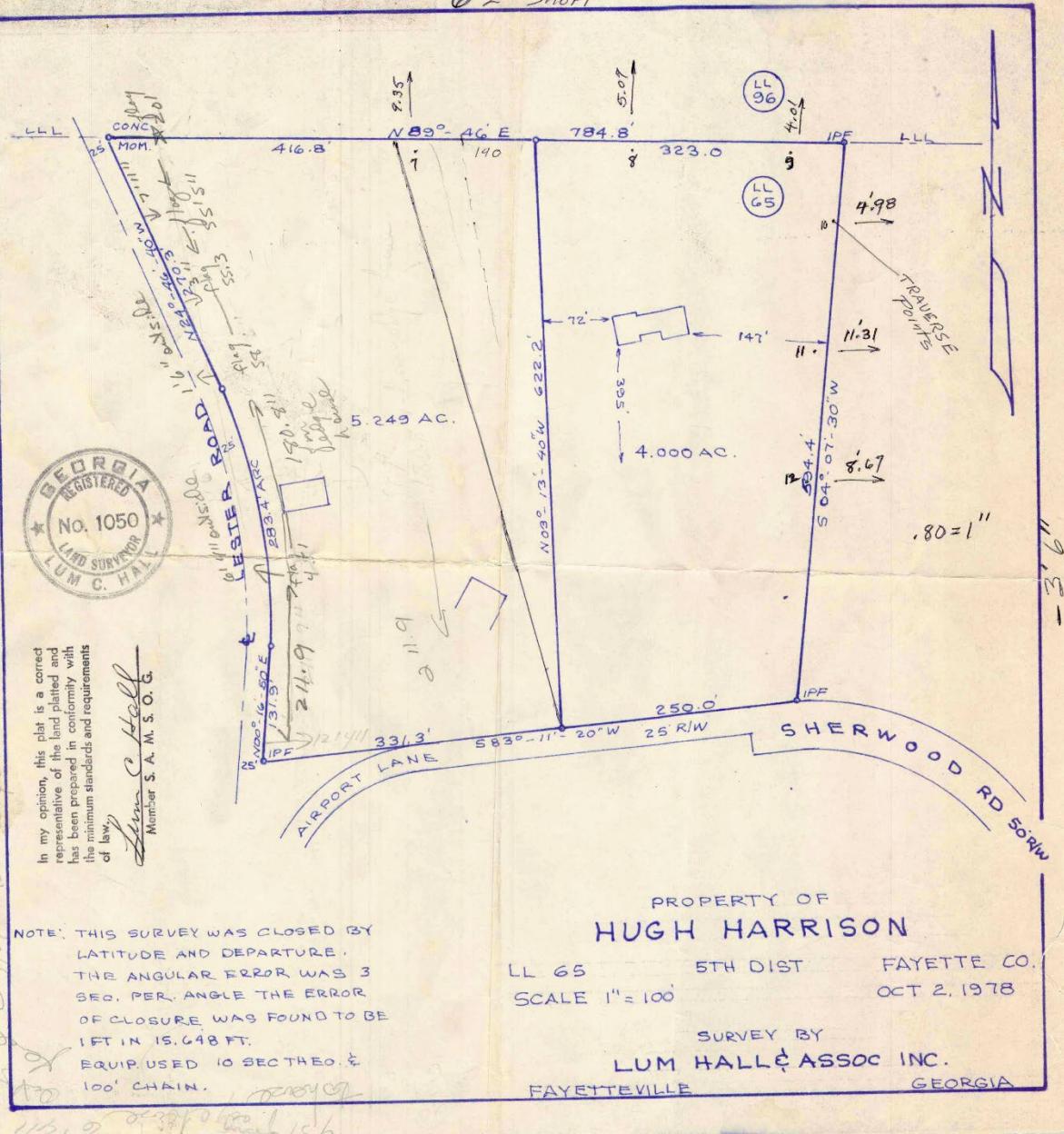
Parcel ID	0515 023	Alternate ID	7483	Owner Address	HARRISON HUGH B ESTATE
Sec/Twp/Rng	n/a	Class	Residential		428 LESTER ROAD
Property Address	428 LESTER RD	Acreage	9.1		FAYETTEVILLE, GA 30215
District	County Uninc				
Brief Tax Description	COVENTRY EST				

(Note: Not to be used on legal documents)

Date created: 12/3/2025
Last Data Uploaded: 12/3/2025 5:27:43 AM

Developed by  SCHNEIDER GEOSPATIAL

6' 2" Short



PLAT

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

PROPERTY INFORMATION:

Parcel No. 0515023 Acreage: 9.1 Land Lot: 65 Land District: 5
Address: 428 LESTER ROAD, FAYETTEVILLE GA 30215
Zoning: R 40 Zoning of Surrounding Properties: R 40
Use: RESIDENTIAL / AIRPARK

PROPERTY OWNER INFORMATION

Name Tim BELCHER
Email REDACTED
Address REDACTED
City REDACTED
State GA Zip 30215
Phone REDACTED

AGENT/DEVELOPER INFORMATION (If not owner)

Name REDACTED
Email REDACTED
Address REDACTED
City REDACTED
State REDACTED Zip REDACTED
Phone REDACTED

(THIS AREA TO BE COMPLETED BY STAFF):
PETITION NUMBER: A-922-25

Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: Deborah L Bell Date: Dec 1, 2025

DATE OF ZONING BOARD OF APPEALS HEARING: January 26, 2026

Received payment from Tim Belcher 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 12/03/2025 Receipt Number: 025917

175
20

\$195

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:

TIMOTHY A BELCHER + RUTH M BELCHER REVERABLE LIVING TRUST

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 05 15 023

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 65 of the 5 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 9.1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to N/A 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 

Name: TIMOTHY BELCHER

Address: 

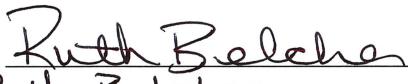
City/State/Zip: 

Date: 6/28 3 Dec 2025

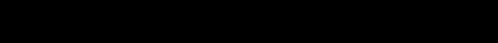
Notary: 

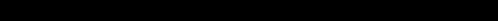
Commission Exp.: May 05, 2026



Signature 

Name: Ruth Belcher

Address: 

City/State: 

Date: Dec. 3, 2025

Notary: 

Commission Exp.: May 05, 2026



Signature _____

Notary: _____

(seal) _____

Name: _____

Commission Exp.: _____

Address: _____

City/State/Zip: _____

Date: _____

VARIANCE INFORMATION

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

Ordinance/Section	
Requirement	
Proposed Change	Allow An accessory structure in the front yard
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	Exceed the allowable 3600 SF of accessory structures, to allow 1 a total of 7407 SF
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	Exceed the allowable number of accessory structures, from 3 to 5 structures
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.

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.

Zoning Variance Request

Tim Belcher

428 Lester Road, Fayetteville, GA 30215

Request for variance for hangar construction at 428 Lester Road

Variance for Accessory Structure in Front Yard:

1. The dwelling is located in the rear of the property making most of the 9+ acre lot front yard. The hangar will be to the side and not in line of sight from the property entrance and drive and will be located approximately 360 feet away from the dwelling.
2. The property is located on an airpark, and the front of the house faces the runway.
3. The requested location is directly adjacent to the runway.
4. The property in general is not favorable for location of a hangar due to significant elevation changes throughout.
5. The requested location is the nearest and flattest site on the property.
6. Due to the setback, trees and shrubbery, the structure will not be unsightly from the road.

Variance for Square Footage of accessory structures.

1. In addition to the dwelling, there are currently three structures.
 - a. Detached garage/greenhouse $30 \times 48 = 1440$ sq ft / $9 \times 24 = 216$ sq ft 1656 sq ft total
 - b. Storage shed $12 \times 16 = 192$ sq ft
 - c. Old foundation $15 \times 41 = 615$ sq ft
 - d. Wood shed $6 \times 24 = 144$ sq ft
 - e. Total 2607 sq ft
2. The property was initially 2 separate properties that have been joined. (428 Lester Road and 445 Sherwood Road) The old house at 428 Lester was torn down unknown years ago.
3. This is an airpark established to encourage and provide easy access for general aviation. Hangars are an integral part of an airport. Hangars provide shelter and security to maintain aircraft in safe operating condition. Many of the houses have had hangars for decades and a similar hangar was recently completed. I am aware of 15 hangars currently in Coventry Est. The airpark is a grass strip suitable for small general aviation aircraft, but even small airplanes require significant area for storage.
4. The requested hangar is 80' x 60', 4800 sq. ft. and can provide space for 2-4 airplanes and equipment. This would improve usefulness and safety for the airpark community. My current situation makes access and maintenance of my airplane difficult.

2607
48
—
74 07

In Summary:

This property is on an airpark, but does not have a hangar to safely keep airplanes. It is a 9+ acre property with significant elevation changes, and the dwelling located in the rear of the property. The location by the runway as most of the other hangars are and is the only appropriate site. The storage and care of aircraft requires significant space.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

Application form and all required attachments, completed, signed, and notarized (if applicable).

Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.

One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

- a. _____ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
- b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
- c. _____ Location of exits/entrances to the subject property.
- d. _____ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
- e. _____ Location of all utilities, including well or water lines.
- f. _____ Location of septic tank, drainfield, and drainfield replacement area.
- g. _____ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
- h. _____ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
- i. _____ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
- j. _____ Location of landscaped areas, buffers, or tree save areas (if applicable).

Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Zoning Variance Request

Tim Belcher

428 Lester Road, Fayetteville, GA 30215

Request for variance for hangar construction at 428 Lester Road

Variance for Accessory Structure in Front Yard:

1. The dwelling is located in the rear of the property making most of the 9+ acre lot front yard. The hangar will be to the side and not in line of sight from the property entrance and drive and will be located approximately 360 feet away from the dwelling.
2. The property is located on an airpark, and the front of the house faces the runway.
3. The requested location is directly adjacent to the runway.
4. The property in general is not favorable for location of a hangar due to significant elevation changes throughout.
5. The requested location is the nearest and flattest site on the property.
6. Due to the setback, trees and shrubbery, the structure will not be unsightly from the road.

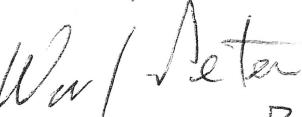
Variance for Square Footage of accessory structures.

1. In addition to the dwelling, there are currently ~~three~~⁴ structures.
 - a. Detached garage/greenhouse $30 \times 48 = 1440$ sq ft / $9 \times 24 = 126$ sq ft 1656 sq ft total
 - b. Storage shed $12 \times 16 = 192$ sq ft
 - c. Old foundation $15 \times 41 = 615$ sq ft
 - d. Wood shed $6 \times 24 = 144$ sq ft
 - e. Total 2607 sq ft
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In Summary:

This property is on an airpark, but does not have a hangar to safely keep airplanes. It is a 9+ acre property with significant elevation changes, and the dwelling located in the rear of the property. The location by the runway as most of the other hangars are and is the only appropriate site. The storage and care of aircraft require significant space.

I am a neighbor of Tim and Ruth Belcher who live at 428 Lester Road. They have shared their plan and their zoning variance request with me. My signature below indicates my support for the requested variance.

Signature: 

Date: 12/

Printed name: William PETERS

Address: 118 DAVIS RD, Fayetteville

Contact: B25PETERS@AOL.COM



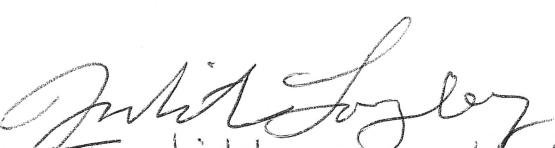
Signature: 

Date: 12-12-25

Printed name: Hector TITO

Address: 460 Sherwood RD Fayetteville GA 30215

Contact: 718-559-9989

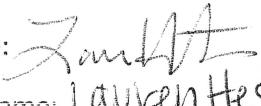
Signature: 

Date: 12-13-25

Printed name: Judith LongLEY

Address: 435 Sherwood Rd. Fayetteville, GA. 30215

Contact: 386-490-6151

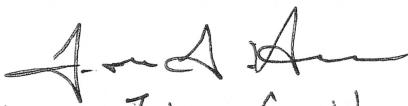
Signature: 

Date: 12/13/25

Printed name: Lauren Hester

Address: 440 Sherwood Rd Fayetteville, GA 30215

Contact: 803-351-5923

Signature: 

Date: 12/13/25

Printed name: John G. Hess

Address: 130 Red Fox Run

Contact: 678.592.8707

Signature: 

Date: 12/13/25

Printed name: Susan G. Berg

Address: 431 Lester Rd, Fayetteville, GA 30215

Contact: 678-435-5982

I am a neighbor of Tim and Ruth Belcher who live at 428 Lester Road. They have shared their plan and their zoning variance request with me. My signature below indicates my support for the requested variance.

Signature:  Date: 11 Dec 2025

Printed name: CHRIS LAMPE

Address: 456 LESTER RD
FAYETTEVILLE GA 30215

Contact: 850 687 9904

Signature:  Date: Dec 10, 2025

Printed name: David F Reuter

Address: 140 Red Fox Run
Lyetherville, Ga 30215
404-315-1270

Signature:  Date: 12/10/2025

Printed name: FREDERICK B PAYNE

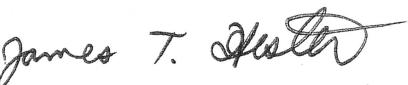
Address: 150 RED FOX RUN
FA YETTEVILLE GA 30215
Contact: 770 354 6744

Signature:  Date: 12/10/2025

Printed name: Norma B Buck

Address: 470 Sherwood Rd

Contact: 770 402-4521

Signature:  Date: 12/11/2025

Printed name: JAMES TIMOTHY HESTER

Address: 100 BERRY RIDGE ROAD

Contact: 404-247-4644

Signature:  Date: 12/11/2025

Printed name: Reuben Seth Harms

Address: 480 Sherwood Rd

Contact: 404 391 1452

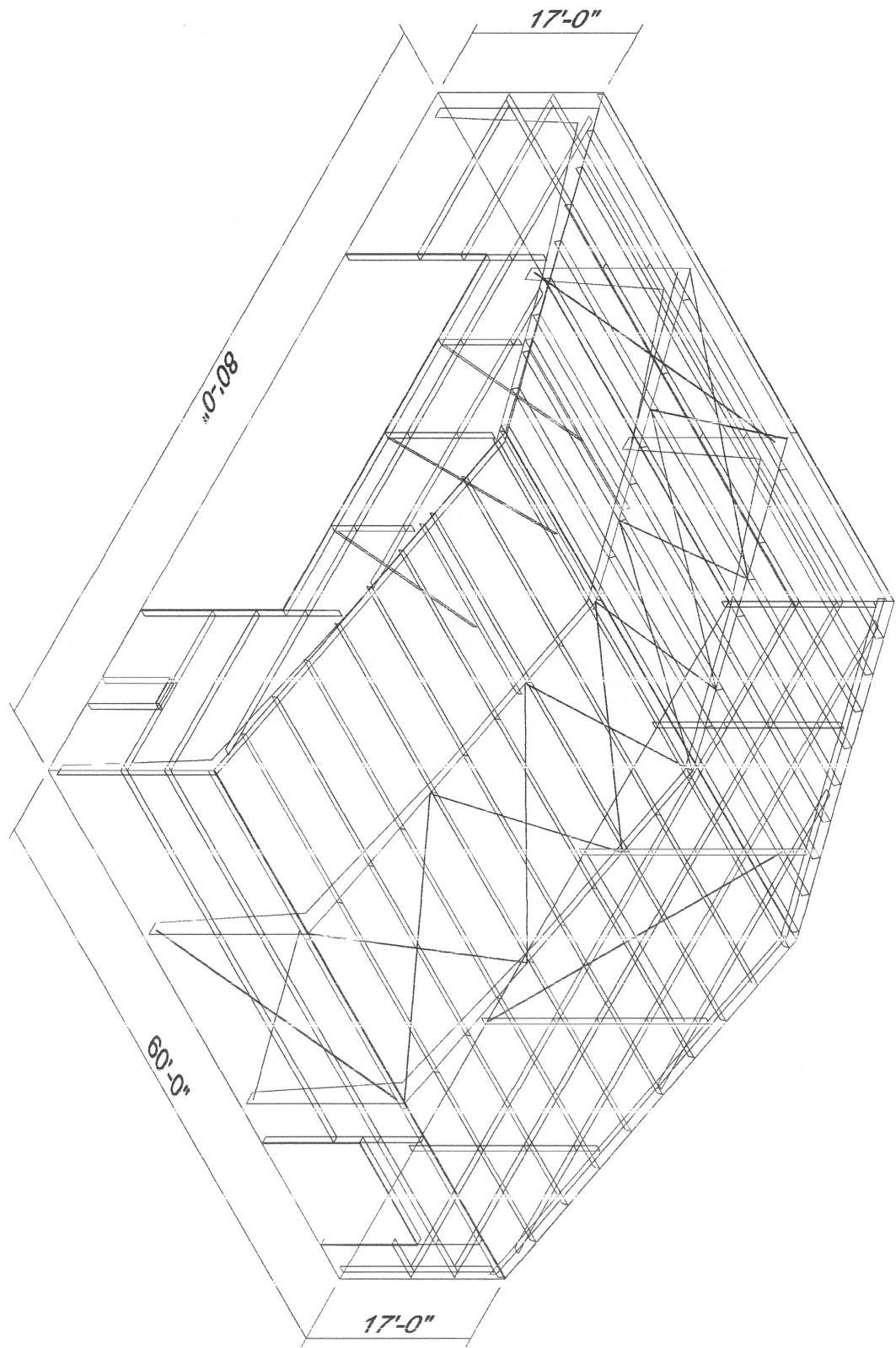
Signature: Joseph Shepherd

Date: 12/13/25

Printed Name: Joseph Shepherd

Address: 100 Red Fox Run Fayetteville, GA, 30215

Contact: 4078 481 4544



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, January 26, 2025, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-922-25-A-B-C

Owner: Tim A. Belcher and Ruth M. Belcher Revocable Living Trust.

Property Address: 428 Lester Road
Parcel: 0515 023

Zoning District: R-40

Area of Property: 9.1 acres

Land Lot(s): 65

District: 5th

Road Frontage: Lester Road and Sherwood Road

Request: Applicant is requesting the following:

A) Variance to Sec. 110-79(e), to allow an accessory structure in the front yard.

B) Variance to Sec. 110-79(c)(1)(c), to exceed the allowable 3,600 square footage of an accessory structure in the R-40 zoning to a total of 7,407 square feet to allow the construction of an aircraft hangar.

C) Variance to Sec. 110-79 (c)(1)(a) to exceed the allowable quantity (three) total, to allow four accessory structures on a lot with a minimum of five acres.

Legal Description

EXHIBIT "A"

ALL that tract or parcel of land lying and being in Land Lot 65 of the 5th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at the point formed by the intersection of the northern Land Lot line of Land Lot 65 with the eastern right-of-way line of Lester Road and running thence southeasterly along the eastern Land Lot line of Lester Road six hundred eighty feet (680) to an iron pin; running thence North 83 degrees east six hundred seventeen feet (617) along the northern side of Airport Lane to an iron pin; running thence North 4 degrees east five hundred ninety eight (598) feet to an iron pin; running thence in a westerly direction along the northern Land Lot line of Land Lot 65 seven hundred ninety one (791) feet to the point of beginning and containing 9.1 acres. Parcel No. 0515-023

LESS AND EXCEPT: ALL that property described in Quit Claim Deed recorded in Deed Book 407, Page 603, Fayette County records which conveys .0062 acres of land to the Board of Commissioners of Fayette County, Georgia for the purpose of widening the road.