

**BOARD OF APPEALS**

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

**STAFF**

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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
March 23, 2026  
7:00 P.M.**

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

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1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on February 23, 2026.

**PUBLIC HEARING**

5. Consideration of Petition No. A-930-26 – James and Kimberly Dugger, Owners. Applicants are requesting the following: Variance to Sec. 110-242(c)(1), requesting to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.90 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lot 56 of the 4<sup>th</sup> District and fronts McIntosh Road.
6. Consideration of Petition No. A-931-26 – Matthew and Kimberly Brown, Owners. Applicants are requesting the following: Per Sec. 110-125(d)(1), 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 3.024 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 3 of the 4<sup>th</sup> District and fronts Mask Road.

7. Consideration of Petition No. **A-932-26-A** – Michael and Christine Fenton, Owners. Applicants are requesting the following: A) Requesting a variance to reduce the secondary front yard setback from 100 feet to 60 feet to allow an existing swimming pool and a pool deck in the secondary front yard to remain. The Subject property is located in Land Lots 18 of the 6<sup>th</sup> District and fronts Redwine Road, Nesmith Court, and Swain’s Drive.
  
8. Consideration of Petition No. **A-932-26-B** – Michael and Christine Fenton, Owners. Applicants are requesting the following: B) Per Sec. 110-126(f)(4)a.1., Requesting a variance to the secondary front yard setback, to reduce the setback from 100’ to 70 feet to allow a spa/hot tub to be constructed in the area adjacent to the swimming pool.

# Minutes 02/23/2026

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on February 23, 2026, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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

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1. Call to Order. *Chairman Marsha Hopkins called the February 23, 2026, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman Marsha Hopkins offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Brian Haren made the motion to approve the agenda. John Tate seconded the motion. The motion carried 5-0.*
4. Amendment of the Minutes of the Meeting held on January 26, 2026. *Ms. Latisha Roebuck amended the January 26, 2026, minutes for item number 9, motion for petition A-912-26 was 4-0 instead of 5-0.*

## **PUBLIC HEARING**

5. Consideration of Petition No. A-923-26 – Keith Harris, Owner. Applicant is requesting the following: Variance to Sec. 110-79(c)(1)(b), requesting to increase the square footage for an accessory structure on a lot less than five (5) acres from 1,800 square feet to 2,606 square feet to allow an existing accessory structure with three (3) lean-tos to remain in its existing configuration and location. The subject property is located in Land Lot 3 of the 5<sup>th</sup> District and fronts Harris Road.

Ms. Bell stated that a variance was not in need, and the accessory structure could be brought into compliance. The property was subject to a rezoning where part of it is A-R and part of it is R-70. Ms. Bell explained the barn with multiple lean-tos located within the setbacks is located in Tract 1 and exceeds the allowable 1,800 square feet allowed in the R-70 zoning.

Chairman Marsha Hopkins asked if the applicant was present.

Mr. Keith Harris stated that he has lived on the property for 25 years and that it has been in the family since the 1930s. His father built the shop in 1973 and added sheds for the family farm. His sister moved back to the parents' house, used the space for tool storage, and for the farm equipment that had helped his neighbors with other projects. Mr. Harris provided letters of support from his surrounding neighbors for the board and some photographs of the location of the barn and stated that it will incur a lot of expenses to move it or replace it.

Connie Reed's applicant sister spoke in support and stated that she stayed in the house once her parents passed away, and it had been in the family for a long time, hasn't had any complaints from the neighbors, it's a very well built structure, and has been maintained and asked the board to keep it as it sits to continue helping her neighbor's.

With any other support or opposition comments, the chairman brought the item back to the Board for questions or a motion.

Mr. John Tate asked the applicant what the use of the building on the front is.

Mr. Harris responded that once his sister moved in, there was some stuff from the move.

Ms. Latisha Roebuck asked applicants if the request is not granted it will lose part of their inheritance. She asked if she was referring to the shed or the items in it.

Ms. Reed responded that she would not lose part of her inheritance, but they would not have a place to store the equipment.

Chairman Hopkins asked staff what triggered the request and whether the zoning had changed.

Ms. Bell responded that the property was already rezoned and that when they submitted the plat, the property's configuration changed.

Brian Haren asked applicant if he was willing to take down a combination of two lean-tos, which would put him a little above the limit.

Mr. Harris responded that he wanted to keep the one in the back to keep his tractor cover.

Ms. Bell added that by doing that it will bring it to a total of 1,848 by taking off the two small ones in the front.

Chairman Hopkins and Commissioner Tate agreed that it's hard to bring the property into compliance and create a hardship to the applicant by removing it and moved for a motion.

***John Tate made a motion to APPROVED Petition No. A-923-26. Brian Haren seconded the motion. The motion passed 4-1. Ms. Latisha Roebuck opposed.***

6. Consideration of Petition No. **A-924-26-A** –. Tony and Lisa Huggins, Owners. Applicants are requesting the following: A) Variance Sec. 110-125(d)(2), A-R zoning, to reduce the lot width from 250 feet to 229 feet to allow a new primary residence to be built on the same location as the previous one. The subject property is located in Land Lots 117 of the 4<sup>th</sup> District and fronts Lowery Road.

Ms. Bell explained that the following case has three petitions, and it will explain all together, but will need three separate votes. After reviewing the layout of the lot, staff did not find support for this. She showed the location of the lot on the maps; the previous house was destroyed by fire in 1987, and the requirements to recommend a variance to expand the encroachment for reconstruction in the setbacks have not been met.

Chairman Hopkins asked if the applicant was present.

Mr. Randy Boyd, authorized agent, brought a detailed survey of the property and explained the board they wanted to removed petition A-924-26-C asking to located the barn and keep “A” to allow the lot width to be reduced at 229 feet and “B” to amend the petition by reducing it to 41 feet and be built where the original house was located since the lot its very particular and the septic tank and drain fields will not be suitable elsewhere, he showed on the survey there is a tree line cutting through it and an big oak tree where the lot width could be meet.

Tony Huggins stated they moved from Texas to be closer to family and found the property they liked, and would it be easier to rebuild it in the same place it was before. He stated it’s a very particular lot and had a driveway ready to be used and kept the oak tree.

No one else spoke in support or opposition of the petition. Chairman Hopkins brought the item back to the board for questions.

Chairman Hopkins asked staff for clarification on the 0.58 acres of buildable area that will not be required to be reduced at building line.

Ms. Bell explained on the survey that, generally speaking, they will consider the buildable area of the property for the house, anything that is 250 feet, the width of the lot over to the streams and buffers, that area will be what is measured to be the buildable area of the lot by just looking at the geometry.

Mr. Bryan Haren asked petitioner if rebuilding the house in the same location would they use the same slab.

Mr. Boyd responded that everything was gone, and there was no slab. A slob is aligned with the tree line, and nothing can be put there. He would like to know where the drain fields were.

Mr. Haren asked if they would have to put the drain fields in front of the property?

Mr. Boyd responded yes, the soil test showed they cannot put a septic tank in the front of the property, and he is not sure if they will be putting the same square footage of the house.

Ms. Latisha Roebuck asked staff if the buildable area doesn't take into account the placement of the oak tree.

Ms. Bell responded no, they looked at the geography of the area and any setbacks of the lot within the 250 width, which determined the location of the principal structure.

Mr. Haren asked staff if drain fields can go into setbacks.

Ms. Bell responded yes, within five feet of the property line, as long as there is not a setback line with the adjacent property, Environmental Health determines that.

Mr. Haren asked why they can build the structure south on the other side of the tree?

Mr. Boyd responded that he is not sure if the soils will be usable and will cover a lot of areas where the drainage field line should be and having the one hundred foot radius for the well will place the construction of the house very tight and there is not county water. He asked the board if, on the safe side, would like to place it in the same spot where it was previously.

Mr. Huggins added that they had a professional test it and it will be functional.

Mr. Haren asked the county attorney, what portion of the structure has to meet the lot width at building line.?

Ms. Alisson Cox, County Attorney responded that there is not a variance for that; you have to be 250 feet wide at building line.

Ms. Bell explained that the lot width is required for the primary home; any accessory structures can be placed on the narrowed portion of the lot as long as they meet the zoning setbacks.

***Brian Haren made a motion to APPROVED Petition No. A-924-26-A. John Tate seconded the motion. The motion passed 5-0.***

7. Consideration of Petition No. **A-924-26-B** –. Tony and Lisa Huggins, Owners. Applicants are requesting the following: B) Variance to Sec.110-125(d)(6), A-R zoning, to reduce the side yard setback from 50 feet to 29 feet to allow a new primary residence to be built in the same location as the previous one. The subject property is located in Land Lots 117 of the 4<sup>th</sup> District and fronts Lowery Road.

Chairman Hopkins asked the petitioner if he would like to speak for part "B" of the request.

Mr. Boyd, agent, asked the board to reduce the side yard setback from 50 feet to 41 feet to allow the house to be built.

The board did not have any other questions and Commissioner Haren moved for a motion.

**Brian Haren made a motion to APPROVED Petition No. A-924-26-B, Variance to Sec. 110-125(d)(6), A-R zoning, to reduce the side yard setback from 50 feet to 41 feet to allow a new primary resident to be built in the same location as the previous one. John Tate seconded the motion. The motion passed 5-0.**

8. Consideration Petition No. **A-924-26-C** – Tony and Lisa Huggins, Owners. Applicants are requesting the following: C) Variance Sec. 110-125(d)(6), in A-R zoning, to reduce the side yard setback from 50 feet to 29 feet to allow an accessory structure to be built behind the new proposed new home. The subject property is located in Land Lots 117 of the 4<sup>th</sup> District and fronts Lowery Road.

Ms. Bell stated that the Board does not have to have a hearing on part “C”, just a motion to approve the withdrawal.

**WITHDRAWN BY PETITIONER, Joh Tate made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-924-26-C. Vice-Chair Kyle McCormick seconded the motion. The motion carried 5-0.**

9. Consideration of Petition No. A-925-26 – Natalie G. Jones, Owner. Applicants are requesting a variance to Sec. 110-125.(d)(4)b. – A-R - To reduce the front yard setback from 75’ to 13’11”, to allow the original 1925 home to remain in the existing location as an uninhabitable accessory/auxiliary structure. The subject property is located in Land Lots 195 of the 4<sup>th</sup> District and fronts Jones Circle. .

Ms. Bell stated that the request is not eligible for a variance, and since it has been advertised staff are requesting a motion to approve the removal.

**Removed by Staff, this case is not eligible for a variance. Chairman Marsha Hopkins made a motion to APPROVE THE REMOVAL of Petition No. A-925-26. Latisha Roebuck seconded the motion. The motion passed 5-0.**

10. Consideration of Petition No. **A-927-26-A** – Jerome Allen, Owner. Applicant is requesting a Variance to Sec. 110-129(d)3, Variance to reduce the minimum square footage from 2,500 to 1,730 to allow an existing home to remain. The subject property is located in Land Lots 249 and 250 of the 4<sup>th</sup> District and fronts Antioch Road.

Ms. Bell stated that items 10 and 11 are petitioned by the same applicant and will need a separate hearing. Staff explained that the applicant has taken multiple steps to reduce the nonconformity of the nonconforming structure by obtaining land and rezoning it from A-R to R-80, making the minimum house side of 2,500 square feet, and the current home being 1,730 square feet, as well as the encroachment of the carport.

Chairman Marsha Hopkins asked if the petitioner was present.

Mr. Jerome Allen explained that the family living in the house s family and they cannot move the house to bring it into compliance.

No one spoke in favor or opposition of the petition and the item was brought to the board.

M. Kyle McCormick asked staff if any variances were granted to the structure when it was A-R?

Ms. Bell responded no, it was a legal non-conforming structure in A-R.

Mr. Bryan Haren commented that now it's a legal non-conforming structure in R-80, and no less out of compliance in R-80.

Ms. Bell responded that the setback was out of compliance in A-R, the house was not; the side yard setback had a greater encroachment under A-R.

Ms. Latisha Roebuck asked if part of the one and a half acres was to bring it to the six acres.

Ms. Bell responded yes.

***Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-927-26-A. John Tate seconded the motion. The motion passed 5-0.***

11. Consideration of Petition No. **A-927-26-B** – Jerome Allen, Owner. Applicant is requesting a Variance to Sec. 110-129(d)6, to reduce the side yard setback from 30 feet to 21.88 feet to allow a home constructed in 1965 to remain. The subject property is located in Land Lots 249 and 250 of the 4<sup>th</sup> District and fronts Antioch Road.

Mr. Allen requests the board to approve the petition since we could not move the house.

No one spoke in support or opposition.

Chairman Hopkins stated that, with the previous discussions, she wanted to move for a motion.

***Chairman Marsha Hopkins made a motion to APPROVED Petition No. A-927-26-B. Brian Haren seconded the motion. The motion passed 5-0.***

12. Consideration of Petition No. **A-928-26-A** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a variance to Sec.110-137(d)(5), R-40 zoning, to reduce the rear yard setback from 30 feet to 4.5 feet to allow two (2) accessory structures to remain. The subject property is located in Land Lots 219 and 220 of the 13<sup>th</sup> District and fronts Lafayette Drive.

Ms. Bell stated staff has been working with the petitioner and has requested a survey for more accurate information and is asking the board to table the petitions "A" and "B" to the April 27<sup>th</sup>, 2026.

***Chairman Marsha Hopkins made a motion to APPROVED TO TABLE Petition***

***No. A-928-26-A to April 27<sup>th</sup>, 2026. John Tate seconded the motion. The motion passed 5-0.***

13. Consideration of Petition No. **A-928-26-B** – Dr. Camille Rose St. Alma Feanny Living Trust. Applicant is requesting a variance to Sec.110-79(c)(1)a., to allow one (1) additional accessory structure (448 square feet) for a total of three (3) in an R-40 zoning. The subject property is located in Land Lots 219 and 220 of the 13<sup>th</sup> District and fronts Lafayette Drive.

***Chairman Marsha Hopkins made a motion to APPROVED TO TABLE Petition No. A-928-26-B to April 27<sup>th</sup>, 2026. John Tate seconded the motion. The motion passed 5-0.***

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*John Tate moved to adjourn the February 23, 2026, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion passed 5-0.*

*The meeting adjourned at 8:16 pm.*

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

**Respectfully Submitted by:**

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**MARSHA HOPKINS, CHAIRMAN**

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**MARIA BINNS  
ZONING SECRETARY**

**PETITION NO: A-930-26**

**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 213,444.0 square feet in area (4.90 acres) to be eligible for development.

**Location:** Roger Gillam Estate, Lot 3, McIntosh Rd., Brooks, Georgia 30205

**Parcel(s):** 0406 002

**District/Land Lot(s):** 4<sup>th</sup> District, Land Lot(s) 56

**Zoning:** A-R, Agricultural-Residential

**Lot Size:** 213,444.0 square feet (4.90 Acres)

**Owner(s):** James and Kimberly Dugger

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** March 23, 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 213,444.0 square feet in area (4.90 acres) to be eligible for development. The variance amount is 4,356 square feet.

**STAFF ASSESSMENT**

- The lot is a legal nonconforming lot. It has 213,444.0 square feet in area (4.90 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 final plat for Roger Gillam Estate was approved by staff and recorded with Superior Court on April 21, 2022.
- Sec. 110-65. Reduction of lot area. No lot shall be reduced in size, width, depth, setback, or other requirement of this chapter is not maintained. This restriction shall not apply when a portion of a lot is acquired for a public purpose.
- The lots are less than 217,800 square feet because each lot donated right-of-way along McIntosh Rd. Lot 3 donated 0.10 acres.
- 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 is on an approved, recorded final plat. It is less than the minimum square footage required because it donated right-of-way.*
- 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.

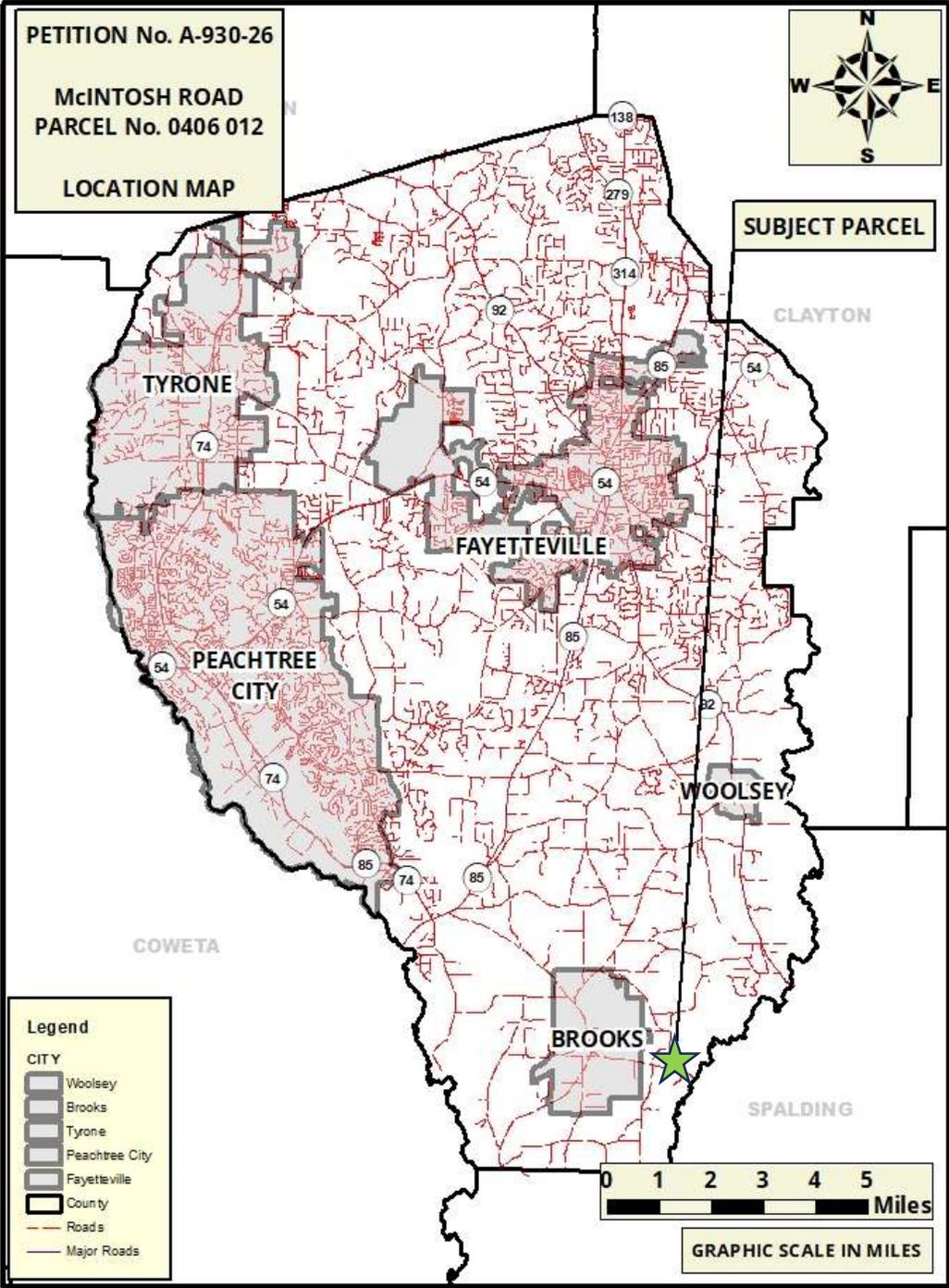
### **Sec. 110-125. – A-R, Agricultural-Residential District.**

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

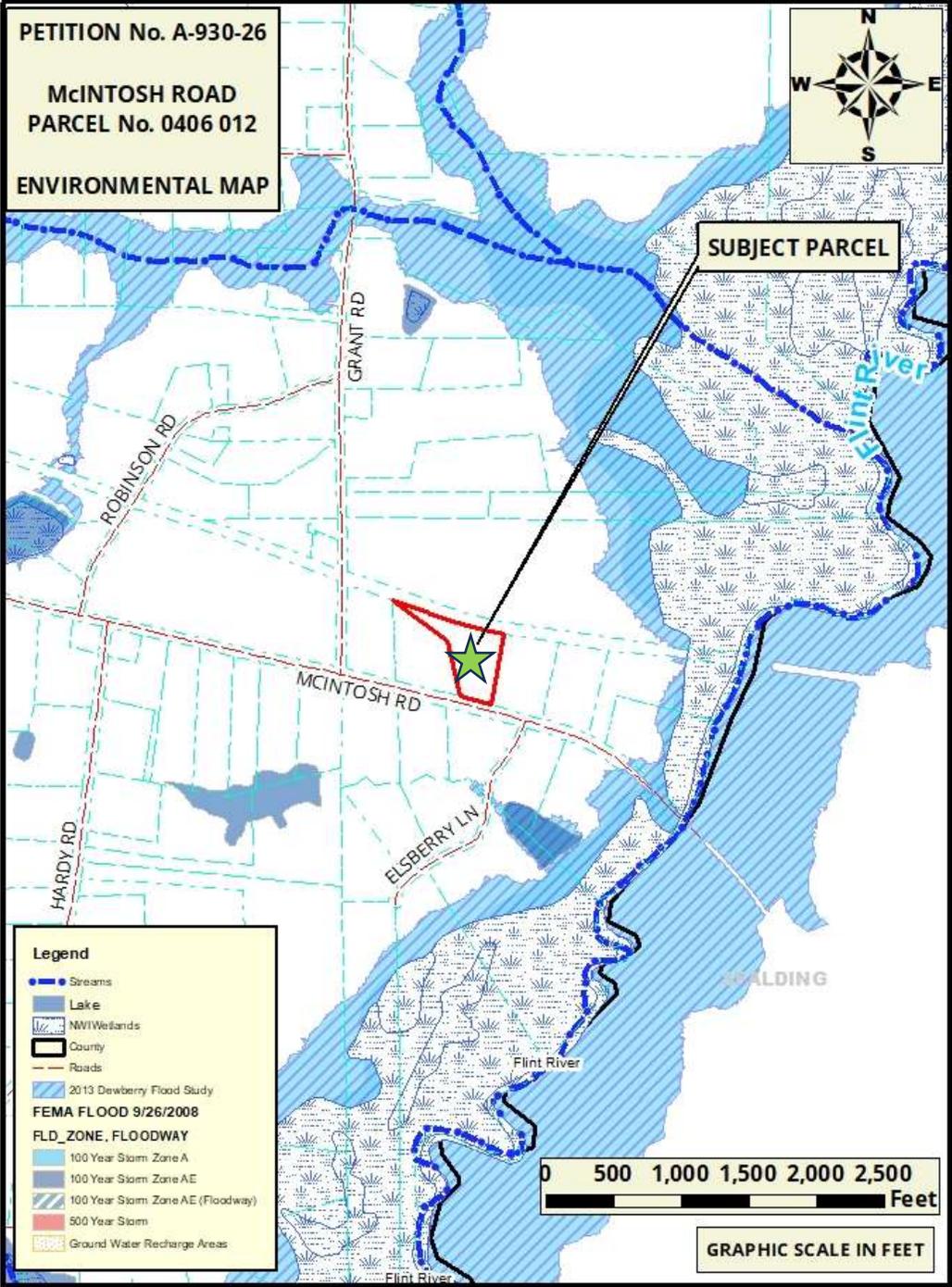
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 100 feet.
  - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side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

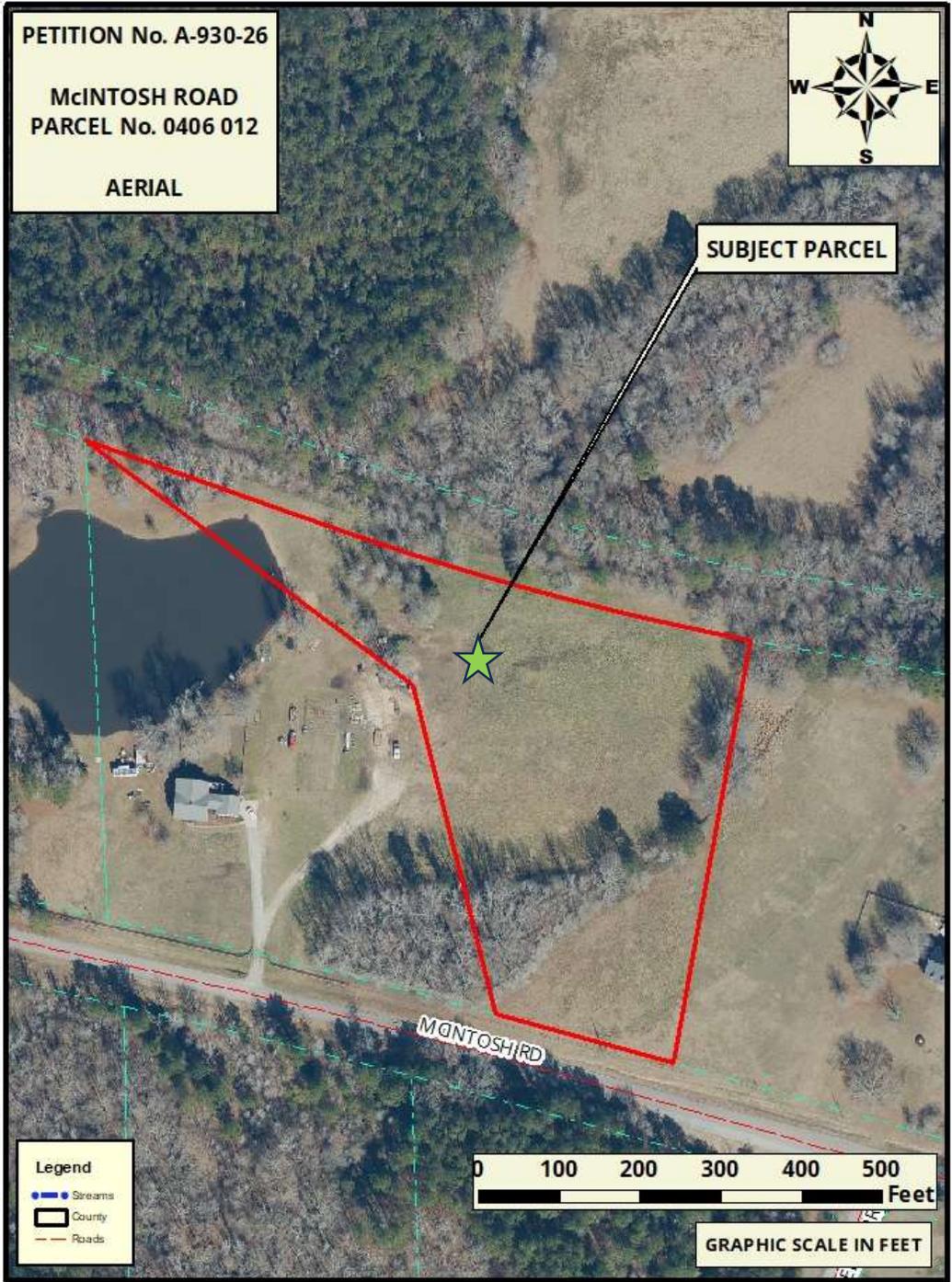
## **DEPARTMENTAL COMMENTS**

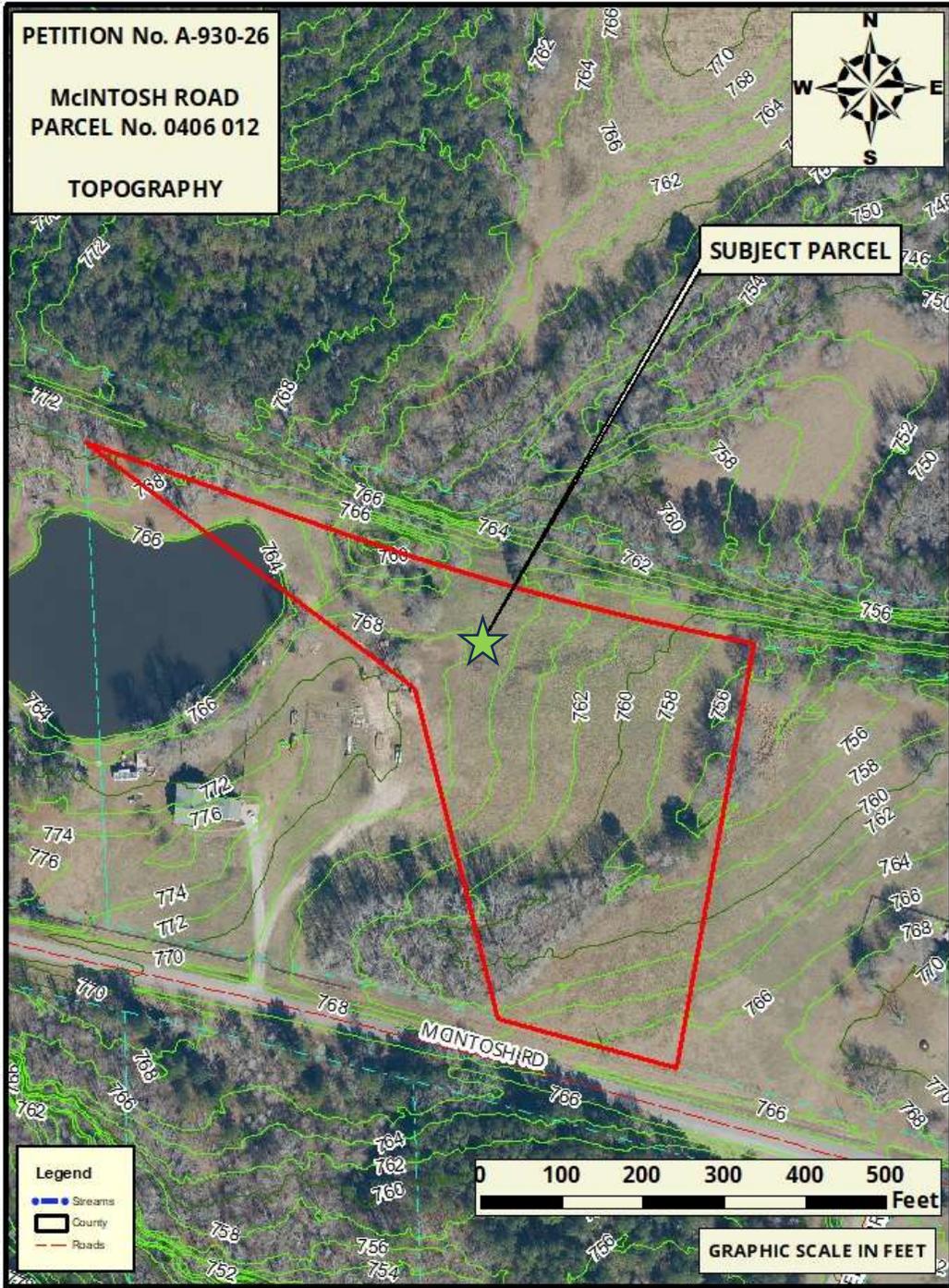
- Water System** –No objections.
- Public Works** – No comments.
- Environmental Management** – No comments since the variance deals with zoning.
- Environmental Health Department** – This office has no objection to the proposed variance. However, this office does not guarantee there is sufficient suitable soils for an onsite sewage management system.
- Fire** – N/A





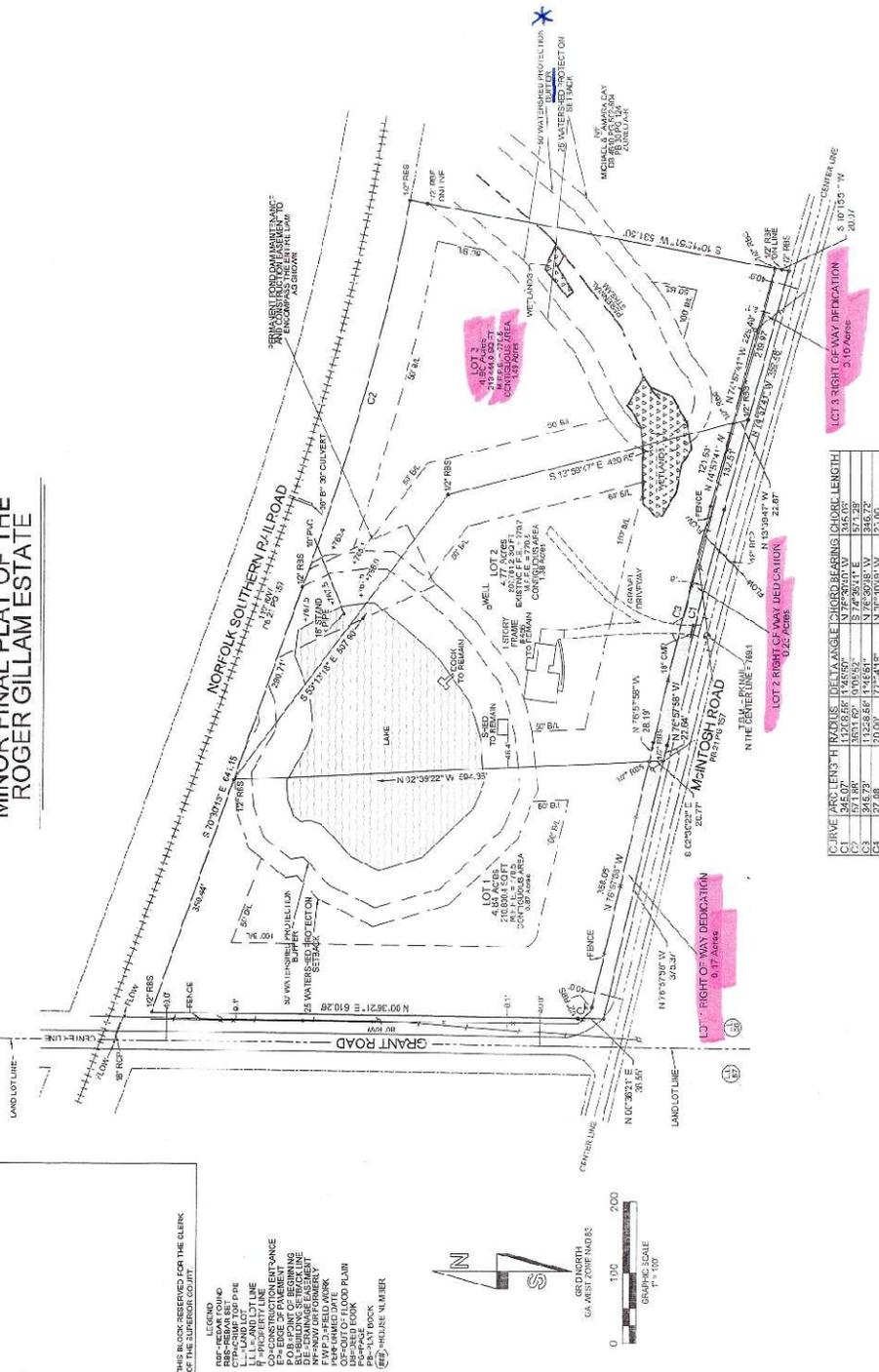








# MINOR FINAL PLAT OF THE ROGER GILLAM ESTATE



CLOSURE STATEMENT:  
THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED WAS OBTAINED BY THE SURVEYOR  
FROM A 20' BY 40' EFT AND AN ANGLE AS PER  
STANDARD SURVEYING PRACTICES AND IS  
ADMITTED USING THE COMPARISON  
METHOD.  
THIS PLAT HAS BEEN CALCULATED FOR  
CLOSURE AND IS FOUND TO BE ACCURATE  
AND VALID IN ACCORDANCE WITH THE  
OBTAINED US AND A LEGAL CIVIL TOTAL  
STATION

**S.A. GASKINS &  
ASSOCIATES, LLC**  
SURVEYING, PLANNING, DEVELOPMENT CONSULTANTS  
98 COLLEGE CIRCLE, SUITE 100, GAITHERSBURG, MD 20878  
410.487.3654  
rgaskins7@gmail.com

**Property Location**  
Lot 1 & 2 of the 4th Land District  
Fairfax County, Georgia

Prepared For  
**ROGER L. GILLAM**



Job No: 21-154  
Drawn By: [Name]  
Reviewed By: [Name]  
Issue Date: 08/20/21  
F.W.P.D.: 01/07/21  
Date: 02/21/22  
County Comments: 08/18/22  
Page 2 of 2

Final Plat

A-930-26

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

**PROPERTY INFORMATION:**

Parcel No. 0406 012 Acreage: 4.9 Land Lot: 3 Land District: 1

Address: 0 W McIntosh Rd., Brooks GA

Zoning: R4-Residential Zoning of Surrounding Properties: AR and R4

Use: Build a single family home

**PROPERTY OWNER INFORMATION**

Name James and Kimberly Dugger

Email [REDACTED]

Address [REDACTED]

City [REDACTED]

State GA Zip [REDACTED]

Phone [REDACTED]

**AGENT/DEVELOPER INFORMATION (If not owner)**

Name \_\_\_\_\_

Email \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

PETITION NUMBER: A-930-26 (THIS AREA TO BE COMPLETED BY STAFF):

Application Insufficient due to lack of: \_\_\_\_\_

by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 01/21/2026

DATE OF ZONING BOARD OF APPEALS HEARING: March 23, 2026

Received payment from Kimberly Dugger 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 01/21/2026 Receipt Number #026318

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**

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

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:  
**JAMES E. DUGGER III AND KIMBERLY DUGGER**

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0406 012

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 3 of the 1ST District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 4.9 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

**SIGNATURES**

Signature James E Dugger III  
Name: James E DUGGER III  
Owner/ Agent One: Address: [Redacted]  
City/State/Zip: [Redacted]  
Date: 21-JUN-26  
Phone: [Redacted]  
Email: [Redacted]

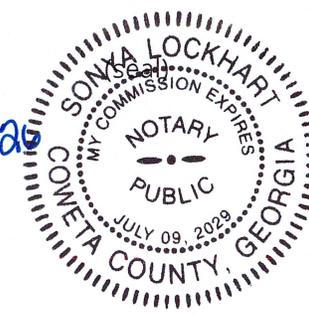
Signature Kimberly E Dugger  
Name: Kimberly E Dugger  
Owner/ Agent Two: Address: [Redacted]  
City/State/Zip: [Redacted]  
Date: 1-21-26  
Phone: [Redacted]  
Email: [Redacted]

Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Owner/ Agent Three: Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Date: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Notary: Sonya Lockhart  
Commission Exp.: 7/09/2029



Notary: Sonya Lockhart  
Commission Exp.: 7/09/2029



Notary: \_\_\_\_\_ (seal)  
Commission Exp.: \_\_\_\_\_

## VARIANCE INFORMATION

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

Ordinance/Section	110-125(d)(1) for lot area less than 5 acres in accordance with section 110-242(c)(1)
Requirement	5 acres is required; property is 4.9 acres because of right of way dedicated to Fayette County.
Proposed Change	We are requesting that the lot be approved for the building of a single family residence on this lot zoned as residential on recorded plat. Acreage was changed as a result of the right away.
Variance Amount	Variance amount is .1.

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.

Property was subdivided into 3 lots. Lot 3 is 4.9 acres. Prior to purchase we, along with our agent completed our due diligence, which included communicating with Planning and Zoning. We also followed up with scheduling three contractors, a civil engineer and a surveyor come out, prior to purchasing the property. We were told that the property is a beautiful lot to build a single family home. We were not informed about the variance until much later, after purchasing the lot.

## JUSTIFICATION OF REQUEST

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

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

Prior to purchasing the lot, we confirmed with planning and zoning that the land is fit to build a house.

At no point were we ever told otherwise. We would not have purchased the lot without completing the

due diligence process. Our agent assisted us with making sure the land was suitable for building a house.

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

Yes, without the variance approval, a hardship will occur. We will have wasted quite a bit of money and

would not be able to build a house on or sell the lot. The lot was subdivided into three lots. There

was already a house on lot 2 and a new home is being built on lot 1. We purchased the bigger of the 3 lots.

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

The conditions are not unique to this property. The other two lots are under 5 acres as well. One has a

house on it and the other has been approved for building.

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

Granting this variance will have no negative impact on the public good. The requested relief is minor in nature and maintains the spirit and intent of the zoning regulations. The proposed use remains consistent with what is permitted in this zone—we are simply seeking relief from specific dimensional or technical

requirements, not requesting a prohibited use.

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

Due to the unique characteristics of this property, a strict application of the ordinance creates an

unequal situation. While neighboring properties in the same zoning district, with smaller properties, can

enjoy standard property rights and reasonable use, this property would be unfairly restricted without the requested variance.

# 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
- N/A A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
  - a. N/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. N/A 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. N/A Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
  - i. N/A Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
  - j.  Location of landscaped areas, buffers, or tree save areas (if applicable).
- Application filing fee.

## PLANNING AND ZONING STAFF INFORMATION BELOW

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

Type: WD  
Recorded: 11/29/2022 1:55:00 PM  
Fee Amt: \$200.00 Page 1 of 2  
Transfer Tax: \$175.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 0191905517

**BK 5564 PG 267 - 268**

Return Recorded Document to:  
RS Johnson Legal, PC  
101 Beckett Lane, Ste. 102  
Fayetteville, GA 30214

LIMITED WARRANTY DEED  
Joint Tenants with Rights of Survivorship

STATE OF GEORGIA  
COUNTY OF FAYETTE

THIS INDENTURE made this **29th day of November, 2022** between the following parties:

**Roger L. Gillam**

As party of the first part, hereinafter called Grantor; and

**James E. Dugger III and Kimberly Dugger**

As *Joint Tenants with Rights of Survivorship*, as party of the second part, hereinafter called Grantee

(the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS and other good and valuable consideration 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 property more further described in Exhibit "A" attached hereto and incorporated herein by this reference, commonly known as follows:

**456 McIntosh Road (Lot 3), Brooks, GA 30205**

**As presently described in the current system of numbering by the jurisdiction governing the address of the subject 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, his heirs and assigns, 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 Grantees against the claims of all persons whomsoever.

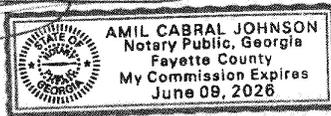
IN WITNESS WHEREOF, the said Grantor have hereunto set their hands and affixed their seal the day and year first above written.

Signed, sealed and delivered in the presence of:

  
Witness

  
Roger L. Gillam

  
Notary Public



**Exhibit A - Property Description**

**Closing Date: November 29, 2022**

**Borrower(s): James E. Dugger III and Kimberly Dugger**

**Property Address: 456 McIntosh Road (Lot 3), Brooks, GA 30205**

All that tract or parcel of land lying and being in Land Lot 56 of the 4th District, Fayette County, Georgia, being Lot 3, Roger Gillam Estate Subdivision , as per plat recorded in Plat Book 101, Page 263, Fayette County, Georgia Records, which plat is incorporated herein by reference and made a part of this description.

Tax ID#: 0406-002 (Mother Parcel)

Subject to any Easements or Restrictions of Record

Continued from page B4

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, March  
23, 2026, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.:A-930-26

Owner:James E. Dugger III and  
Kimberly Dugger

Property Address:West of McIn-  
tosh Road

Parcel:0406 012

Zoning District:A-R

Area of Property:4.90 acres

Land Lot(s):56

District:4th

Road Frontage:McIntosh Road

Request:Applicant is requesting  
the following: Per Sec. 110-125(d)  
(1), 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 4.90 acres in the A-R zoning  
district to be eligible for develop-  
ment.

Legal Description

Exhibit "A"

All that tract or parcel of land lying  
and being in Land Lot 56 of the 4th  
District, Fayette County, Georgia,  
being Lot 3, Roger Gillam Estate  
Subdivision, as per plat recorded  
in Plat Book 101, Page 263, Fayette  
County, Georgia Records, which  
plat is incorporated herein by ref-  
erence and made a part of this de-  
scription.

02/18

**PETITION NO: A-931-26**

**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 131,713 square feet in area (3.02 acres) to be eligible for development.

**Location:** Mask Rd. & Tri-County Rd., Brooks, Georgia 30205

**Parcel(s):** 0402 094

**District/Land Lot(s):** 4<sup>th</sup> District, Land Lot(s) 3

**Zoning:** A-R, Agricultural-Residential

**Lot Size:** 131,713 square feet (3.02 Acres)

**Owner(s):** Matthew D. Brown & Kimberly A. Brown

**Agent:** Joe Cook, JDC Homes, LLC

**Zoning Board of Appeal Public Hearing:** March 23, 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 131,713 square feet in area (3.02 acres) to be eligible for development. The variance amount is 86,087 square feet.

**STAFF ASSESSMENT**

- The lot is a legal nonconforming lot. It has 131,713 square feet in area (3.02 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 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 is a legal, nonconforming lot. It was assigned A-R zoning when Fayette County adopted zoning regulations. The future land use plan supports this property remaining A-R zoning.*
- 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.

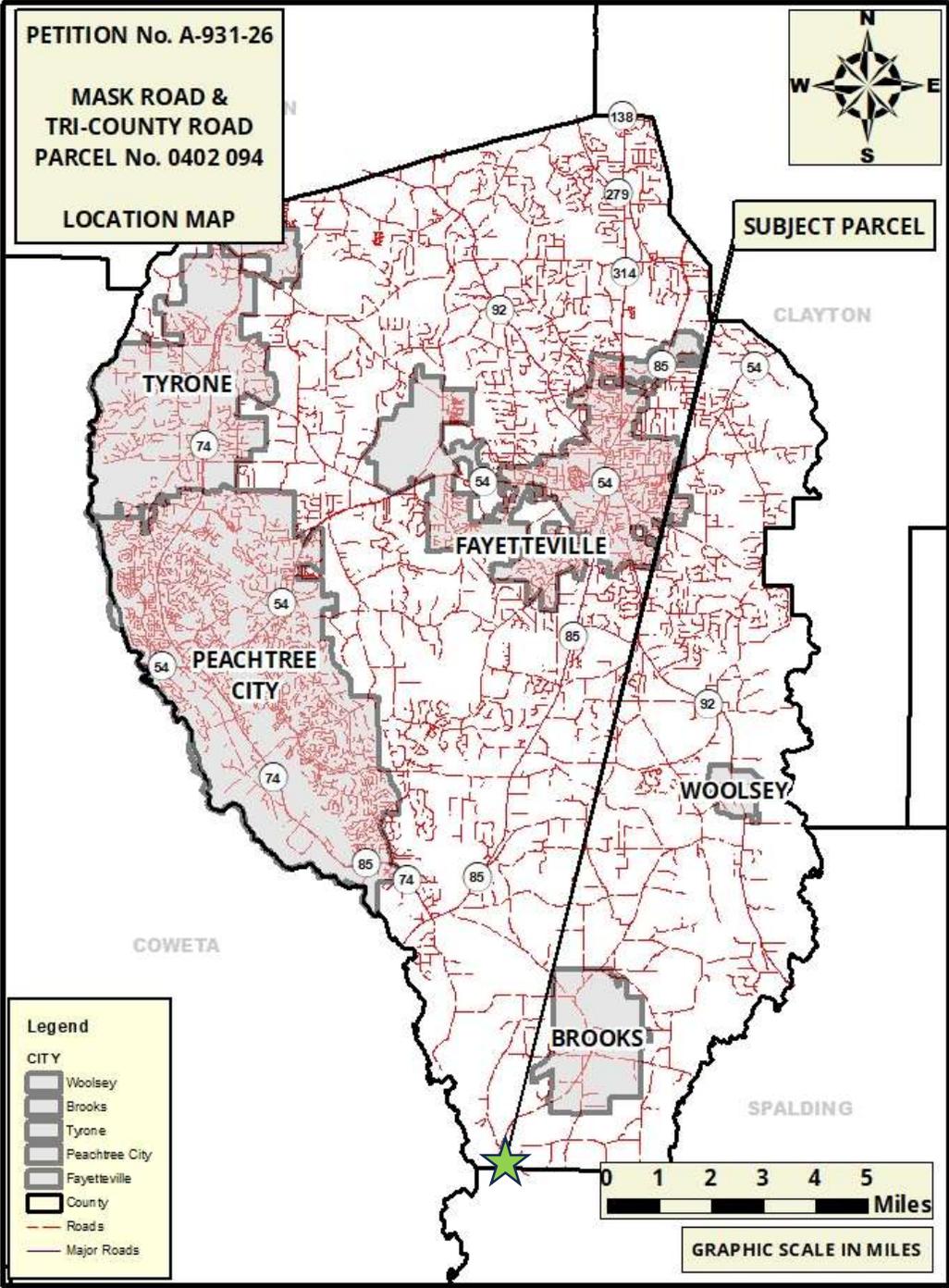
### **Sec. 110-125. – A-R, Agricultural-Residential District.**

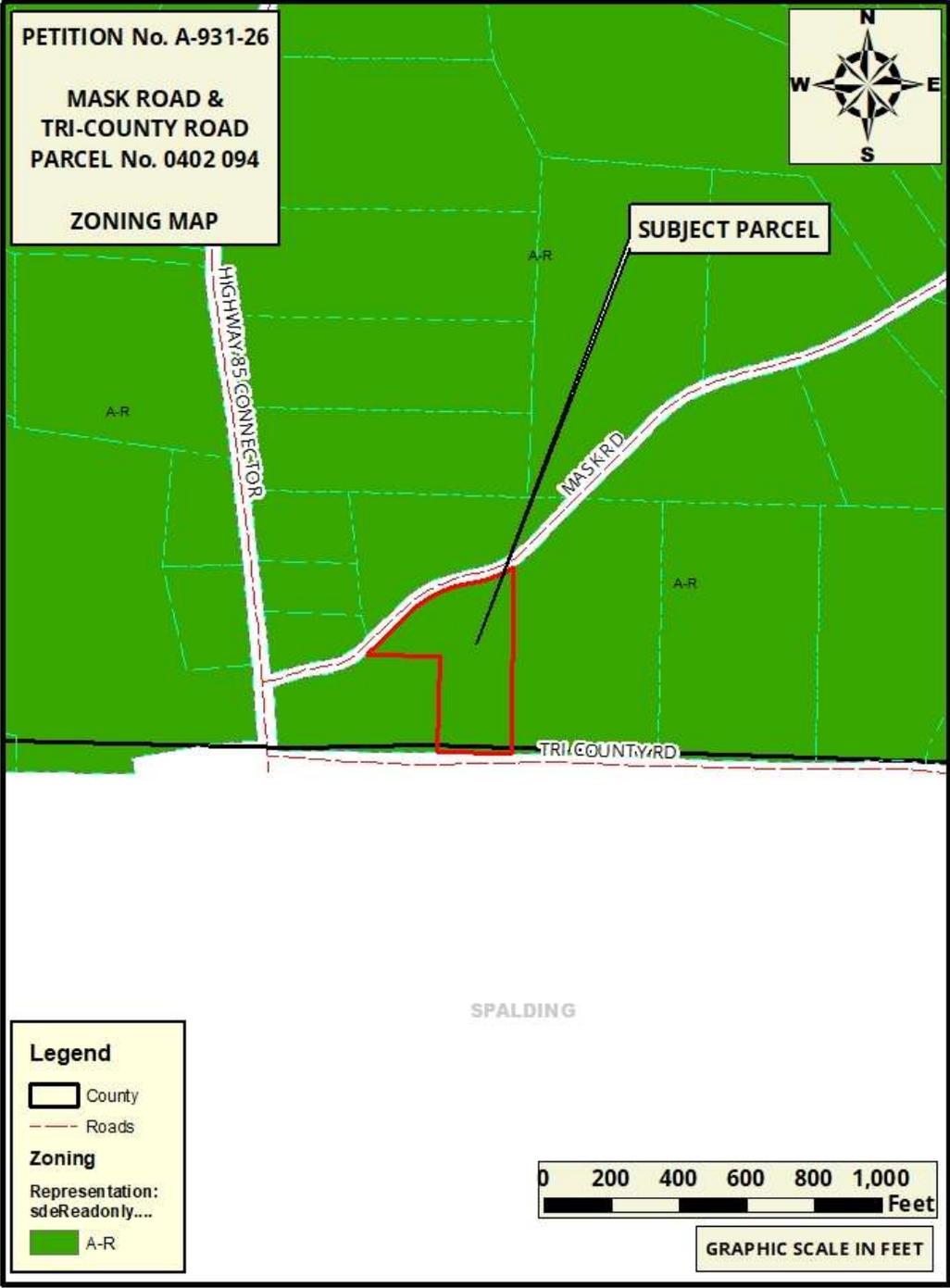
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

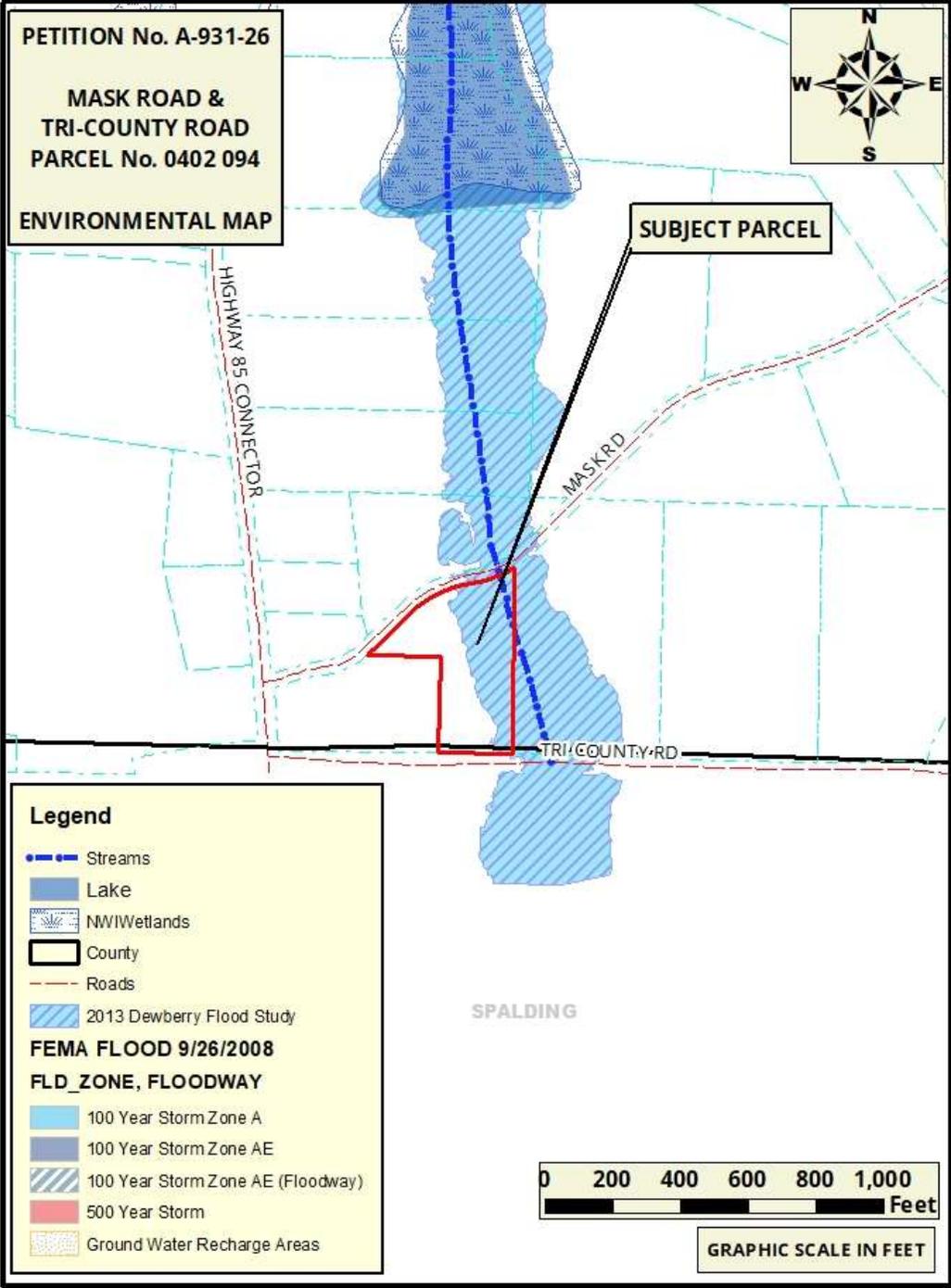
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 100 feet.
  - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side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

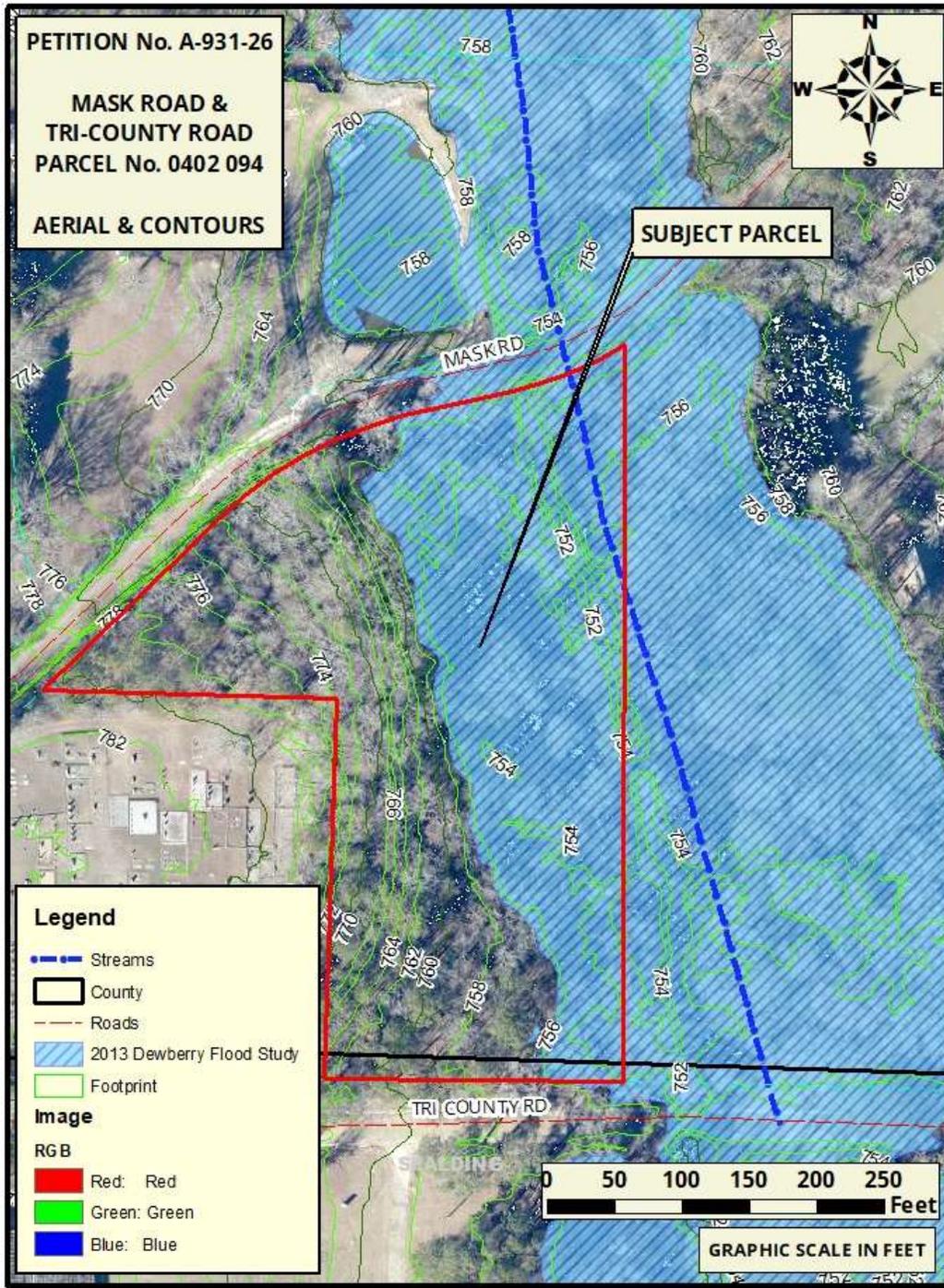
## **DEPARTMENTAL COMMENTS**

- Water System** –No objections.
- Public Works** – No objections.
- Environmental Management** – Mask Road is maintained as a prescriptive easement gravel roadway in Fayette County. Environmental Management has reviewed the zoning request and if the zoning is approved, a driveway permit will be needed if a building permit is applied for.
- Environmental Health Department** – This office has no objection to the proposed variance. This office does not guarantee suitable area for the installation of a septic system.
- Fire** – No comment.







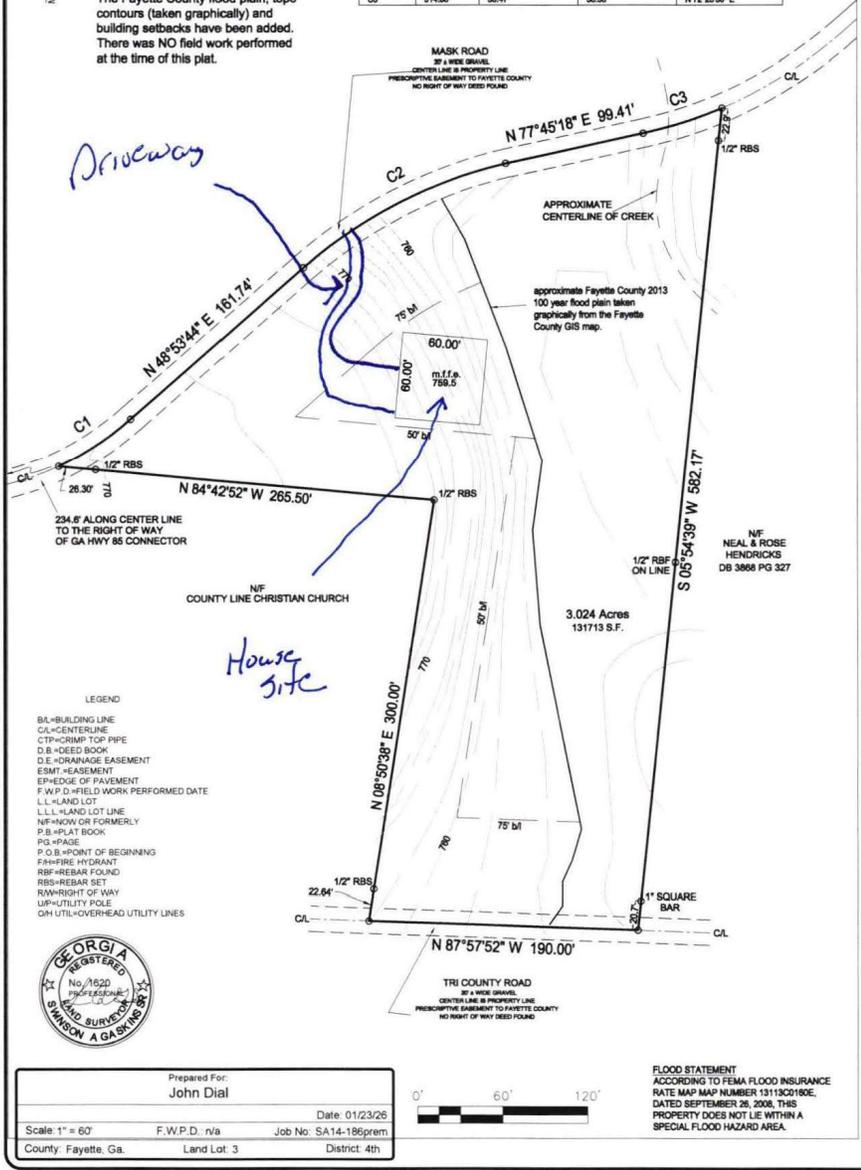


**S.A. GASKINS & ASSOCIATES, LLC.**  
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS  
 981 Camp Ground Road Griffin Ga. 30223  
 sagaskins55@gmail.com 678-618-5067 JOHN 3.16



This is a preliminary plat taken from a field run survey dated 10/08/2014 by this office.  
 The Fayette County flood plain, top contours (taken graphically) and building setbacks have been added.  
 There was NO field work performed at the time of this plat.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	203.75	80.93	80.79	N 58°42' E
C2	332.72	161.86	160.27	N 82°49'58" E
C3	314.88	58.47	58.38	N 72°29'58" E



**SURVEY**

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

**PROPERTY INFORMATION:**

Parcel No. 0402 094 Acreage: 3.0200 Land Lot: 3 Land District: 4<sup>th</sup>  
Address: 0 Mask Rd, Brooks GA 30205  
Zoning: A-R Zoning of Surrounding Properties: \_\_\_\_\_  
Use: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name Matthew D Brown + Kimberly A. Brown  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State GA Zip \_\_\_\_\_  
Phone \_\_\_\_\_

**AGENT/DEVELOPER INFORMATION (If not owner)**

Name JDC Homes, LLC  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State GA Zip \_\_\_\_\_  
Phone \_\_\_\_\_

**(THIS AREA TO BE COMPLETED BY STAFF):**

PETITION NUMBER: \_\_\_\_\_  
 Application Insufficient due to lack of: \_\_\_\_\_  
by Staff: \_\_\_\_\_ Date: \_\_\_\_\_  
 Application and all required supporting documentation is Sufficient and Complete  
by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

**DATE OF ZONING BOARD OF APPEALS HEARING:** \_\_\_\_\_

Received payment from \_\_\_\_\_ a check in the amount of \$ \_\_\_\_\_  
for application filing fee, and \$ \_\_\_\_\_ for deposit on frame for public hearing sign(s).  
Date Paid \_\_\_\_\_ Receipt Number: \_\_\_\_\_

**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:

Matthew D. Brown + Kimberly A. Brown  
*Please Print Owners' Names*

Property Tax Identification Number(s) of Subject Property: 0402 094

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 3 of the 4<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 3.0200 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

**SIGNATURES**

Signature [Signature]  
 Name: Matthew Brown  
 Address: [Redacted]  
 City/State: [Redacted]  
 Date: 02/02/26  
 Phone: [Redacted]  
 Email: [Redacted]

Signature [Signature]  
 Name: Kimberly Brown  
 Address: [Redacted]  
 City/State: [Redacted]  
 Date: 2/2/2026  
 Phone: [Redacted]  
 Email: [Redacted]

Signature [Signature]  
 Name: Joe D. Cook  
 Address: [Redacted]  
 City/State: [Redacted]  
 Date: 2-06-26  
 Phone: [Redacted]  
 Email: [Redacted]

Notary: [Signature]  
 Commission Exp.: 11/04/2029

Notary: [Signature]  
 Commission Exp.: 11/04/2029

Notary: [Signature] (seal)  
 Commission Exp.: 6-18-28



Debra

### 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	Per Sec. 110-125(d)(1)., as allowed under Sec. 110-242(c)(1)-Requesting
Requirement	a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 3.024 acres in the A-R zoning district to be eligible for development.
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.

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## 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.

*Not Conforming Lot*

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

*Unbuildable Lot*

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

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.

*Unbuildable Lot*

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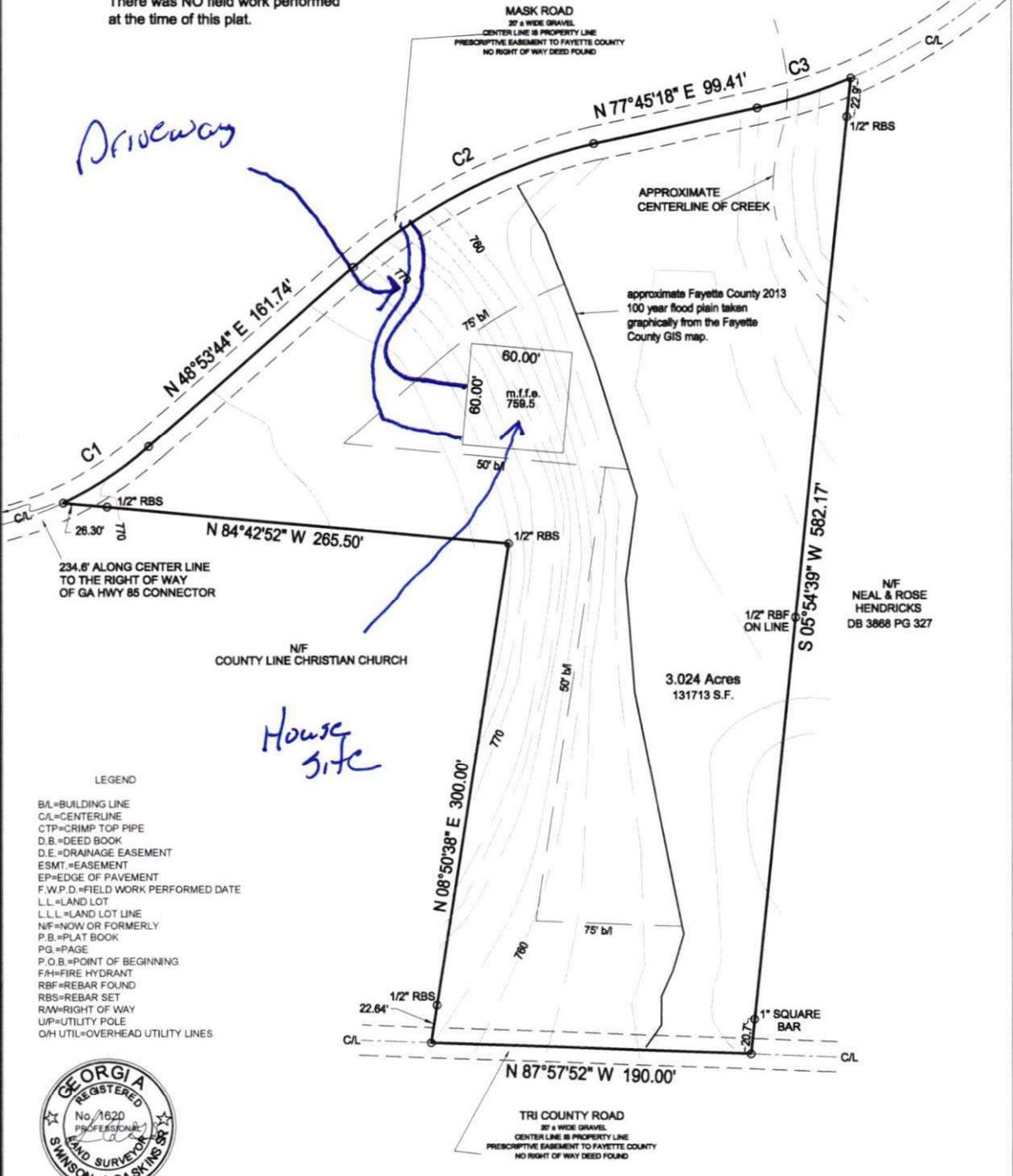
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This is a preliminary plat taken from a field run survey dated 10/08/2014 by this office. The Fayette County flood plain, topo contours (taken graphically) and building setbacks have been added. There was NO field work performed at the time of this plat.

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	203.75'	60.93'	60.70'	N 56°48'12" E
C2	332.72'	161.86'	160.27'	N 62°49'55" E
C3	314.86'	58.47'	58.38'	N 72°25'56" E



Prepared For:  
**John Dial**

Date: 01/23/26

Scale: 1" = 60' F.W.P.D.: n/a Job No: SA14-186prem

County: Fayette, Ga. Land Lot: 3 District: 4th



**FLOOD STATEMENT**  
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP MAP NUMBER 13113C0180E, DATED SEPTEMBER 26, 2006, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

EXHIBIT "A"  
LEGAL DESCRIPTION

TRACT 1

ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4<sup>th</sup> District of Fayette County, Georgia, as per plat of survey prepared by W.R. Franks, Registered Land Surveyor, dated 3/28/1972, and being more particularly described as follows:

BEGINNING at a point on the centerline of Mask Road and on the East side of the right of way for Georgia Highway 74; running thence Northwesterly along the East right of way of Georgia Highway 74, a distance of 207.0 feet to an iron pin; running thence Easterly a distance of 290.0 feet to an iron pin; running thence Northwesterly a distance of 357.5 feet to an iron pin; running thence Southeasterly along a fence a distance of 657.2 feet to a point in the center of Mask Road; running thence Southwesterly along the and following the curvature thereof a distance of 264.0 feet to a point; running thence Southerly 580.0 feet to a point in the center of the former location of State Highway 16; thence Southwesterly along the center of the former location of Old State Highway 16 a distance of 190.0 feet to a point; running thence Northerly a distance of 300.0 feet to an iron pin; running thence Westerly a distance of 266.0 feet to a point on the centerline of Mask Road; running thence Southwesterly along the centerline of Mask Road a distance of 234.6 feet to the POINT OF BEGINNING. Said tract containing 8.89 acres (more or less) according to survey described above.

LESS AND EXCEPT:

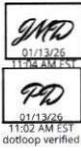
ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4<sup>th</sup> District of Fayette County, Georgia, as per survey prepared by W.R. Franks, Registered Land Surveyor, dated 3/28/1972. and being more particularly described as follows:

BEGINNING at a point on the centerline of Mask Road with the intersection thereof with the East right of way of Georgia Highway 74; thence running in a northeasterly direction, along the centerline of Mask Road, a distance of 300.60 feet to a point, said point being the POINT OF BEGINNING; running thence in a northwesterly direction a distance of 452.5 feet to an iron pin placed; thence running Southeasterly along a fence 657.2 feet to a point on the centerline of Mask Road; thence running Southwesterly along the centerline of Mask Road and following the curvature thereof a distance of 747.0 feet to a point located on the centerline of Mask Road, said point being the original POINT OF BEGINNING.

Said tract contains 4.12 acres, more or less, and is bounded as follows: Westerly and Southwesterly by the centerline of Mask Road; Northerly by lands now or formerly owned by Maurice Harbin and Easterly by lands owned by Mary L. Woodie. This property is conveyed by Mary L. Woodie to William Fred Huckaby by Warranty Deed dated January 31, 1984, filed February 6, 1984, recorded in Deed Book 299, Page 791, Fayette County Records.

Tract 2

ALL THAT TRACT or parcel of land lying and being in Land Lot 3 of the 4<sup>th</sup> District of Fayette County, Georgia, as per plat of survey prepared by Swinson A. Gaskins, Sr., Registered Georgia Land Surveyor No. 1620, dated 10/08/2014, and recorded in Plat Book 48, Page 28, records of the Clerk of Superior Court of Fayette County.



Doc ID: 010166840002 Type: WD  
Recorded: 06/20/2017 at 09:05:00 AM  
Fee Amt: \$175.00 Page 1 of 2  
Transfer Tax: \$163.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4619 PG 261-262

**SLEPIAN SCHWARTZ & LANDGAARD**  
42 EASTBROOK BEND  
PEACHTREE CITY, GEORGIA 30269  
(770) 486-1220  
17-0720J/RACHEL

STATE OF GEORGIA  
COUNTY OF FAYETTE

**LIMITED WARRANTY DEED**

THIS INDENTURE made this **15th day of June, 2017**, by and between **PETER Z. ACKERSON and KERRY B. ACKERSON**, as party or parties of the first part, hereinafter referred to as "Grantor," and **MATTHEW D. BROWN and KIMBERLY A. BROWN**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, as party or parties of the second part, hereinafter referred to as "Grantee";

**WITNESSETH:**

That Grantor for and in consideration of the sum of TEN DOLLARS, in hand paid, at or before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, and conveyed, and by these presents does hereby grant, bargain, and convey unto Grantee, their heirs, successors and assigns, the following described property:

**SEE ATTACHED EXHIBIT "A".**

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

TO HAVE AND TO HOLD the Property, 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, their heirs, successors and assigns forever, in Fee Simple.

AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

Signed this 15th day of June, 2017 in the presence of:

\_\_\_\_\_  
Unofficial Witness

\_\_\_\_\_  
Notary Public  
My Commission Expires:

[Notary Seal]



\_\_\_\_\_  
PETER Z. ACKERSON  
  
\_\_\_\_\_  
KERRY B. ACKERSON

Wednesday, February 18, 2026

Continued from page B4

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, March  
23, 2026, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-931-26

Owner: Matthew D. Brown and  
Kimberly A. Brown

Property Address: Mask Road

Parcel: 0402 094

Zoning District: A-R

Area of Property: 3.024 acres

Land Lot(s): 3

District: 4th

Road Frontage: Mask Road

Request: Applicant is requesting  
the following: Per Sec. 110-125(d)  
(1), 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 3.024 acres in the A-R zon-  
ing district to be eligible for devel-  
opment.

Legal Description

Exhibit "A"

TRACT 1

All THAT TRACT or parcel of land  
lying and being in Land Lot 3 of  
the 4th District of Fayette County,  
Georgia, as per plat of survey pre-  
pared by W.R. Frank, Registered  
Land Surveyor, dated 3/28/1972,  
and being more particularly de-  
scribed as follows:

BEGINNING at a point on the center-  
line of Mask Road and on the East  
side of the right of way for Georgia  
Highway 74 running thence North-  
westerly along the East right of way  
of Georgia Highway 74, a distance  
of 207.0 feet to an iron pin; run-  
ning thence Easterly a distance of  
290.0 feet to an iron pin running;  
thence Northwesterly a distance of  
357.5 feet to an iron pin; running  
thence Southeasterly along a fence  
a distance of 657.2 feet to a point in  
the center of Mask Road; running  
thence Southwesterly along the  
and following the curvature thereof  
a distance of 264.0 feet to a point;  
running thence Southerly 580.0  
feet to a point in the center of the  
former location of State Highway  
16; thence Southwesterly along the  
center of the former location of Old  
State Highway a distance of 190.0  
feet to a point; running thence  
Northerly a distance of 300.0 feet  
to an iron pin; running thence  
westerly a distance of 266.0 feet to  
a point on the centerline of Mask  
Road; running thence southwester-  
ly along the centerline of Mask  
Road a distance of 234.6 feet to the  
POINT OF BEGINNING. Said tract  
containing 8.89 acres (more or  
less) according to survey described  
above.

LESS AND EXCEPT:

ALL THAT TRACT or parcel of  
land lying and being in Land Lot 3  
of the 4th District of Fayette Coun-  
ty, Georgia, as per survey prepared  
by W.R. Frank, Registered Land

Fayette County News B5

Surveyor, dated 3/28/1972. and  
being more particularly described  
as follows:

BEGINNING at a point on the  
centerline of Mask Road with the  
intersection thereof with the East  
right of way of Georgia Highway  
74; thence running in a northeast-  
erly direction, along the centerline  
of Mask Road, a distance of 300.60  
feet to a point, said point being the  
POINT OF BEGINNING; running  
thence in a northwesterly direction  
a distance of 452.5 feet to an iron  
pin placed; thence running South-  
easterly along a fence 657.2 feet to  
a point on the centerline of Mask  
Road; thence running Southwest-  
erly along the centerline of Mask  
Road and following the curvature  
thereof a distance of 747.0 feet to  
a point located on the centerline  
of Mask Road, and point being the  
original POINT OF BEGINNING.

Said tract containing 4.12 acres,  
more or less, and is bounded as fol-  
lows: Westerly and Southwesterly  
by the centerline of Mask Road;  
Northerly by lands now or former-  
ly owned by Maurice Harbin and  
Easterly by lands owned by Mary L.  
Woodie. This property is conveyed  
by Mary L. Woodie to William Fred  
Huckaby by Warranty Deed dated  
January 31, 1984, filed February 6,  
1984, recorded in Deed Book 299,  
Page 791, Fayette County Records.

TRACT 2

ALL THAT TRACT or parcel of  
land lying and being in Land Lot 3  
of the 4th District of Fayette Coun-  
ty, Georgia, as per plat of survey  
prepared by Swinson A. Gaskins,  
Sr., Registered Georgia Land Sur-  
veyor No. 1620, dated 10/08/2014,  
and recorded in Plat Book 48, Page  
28, records of the Clerk of Superior  
Court of Fayette County.

02/18

**PETITION NO: A-932-26**

**Requested Actions:** Variance to Sec. 110-126(f)a.1. - To allow a variance to reduce the front yard setback from 100 feet to 60 feet to allow an existing pool and pool deck to remain.

**Location:** 305 Swain's Dr., Peachtree City, GA 30269

**Parcel(s):** 060324007

**District/Land Lot(s):** 6<sup>th</sup> District, Land Lot(s) 18

**Zoning:** C-S, Single-Family Residential

**Lot Size:** 1.07 Acres

**Owner(s):** Michael & Christine Fenton

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** March 23, 2026

**REQUEST**

Applicant is requesting the following:

Per Sec. 110-126(f)(4) a.1., the front yard setback on an Arterial in the C-S Zoning District is required to be 100 feet. The applicant requests to reduce the setback by 40 feet, to 60 feet, to allow an existing swimming pool and pool deck to remain.

**STAFF ASSESSMENT**

- The rezoning for Mountbrook requires no lot to have immediate vehicular access to Redwine Rd., but the front yard setbacks are still applied per the Zoning Ordinance.
- The foundation survey prepared by S.A. Gaskins indicates there is a 50' landscape easement along Redwine Rd. Site inspection has confirmed there is a non-deciduous vegetative screen that obscures view to this pool from Redwine Road and Nesmith Court.

## **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 property has three (3) front yards per the Fayette County Zoning Ordinance. Two front are along local roads and one is along an arterial road. The front yard setback for the house is 50' along Nesmith Ct. and Swain's Dr. and 100' along Redwine Rd. The setback for accessory structures, including pools, pool decks, and pool equipment is an additional 20' on Nesmith Ct. The buildable area is further reduced by the overhead powerlines.*

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

*Approximately 35% of the homes in Mountbrook have a swimming pool, but most only have one front yard. The property owners originally requested and received a variance to reduce the setback from Redwine Rd. to 70', but unfortunately, a foundation survey was not required to confirm the pool, deck, and equipment adhered to the limitations afforded. The property owners have applied for a permit for a cosmetic remodel of the existing pool (waterline tile, coping, interior finish, and pool deck) and to add a new 15" spa to the existing swimming pool.*

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

*Most lots do not have three (3) front yards and overhead power lines.*

**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**

*There have not been any complaints from neighbors concerning the encroachment of the pool and pool deck. There is a 50' landscape easement along Redwine Rd. that obscures the pool from view.*

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

*The applicant will continue to have the same rights as all other residents in this zoning district.*

## **HISTORY**

The property owners obtained variance A-607-14 on May 19, 2014, to reduce the setback from Redwine Road from 100' to 70', prior to construction of the swimming pool. The pool was permitted soon after the Zoning Board of Appeals approval, but a foundation survey was not required or submitted. Innovative Pool and Spa applied for a cosmetic remodel of the existing swimming pool and to add an 80 square foot heated spa. Staff then required a foundation survey to verify the encroachment had not exceeded 70'. The surveyor determined the pool deck was 64.1' from the property line on Redwine Rd. There is no additional encroachment proposed.

## **ZONING REQUIREMENTS**

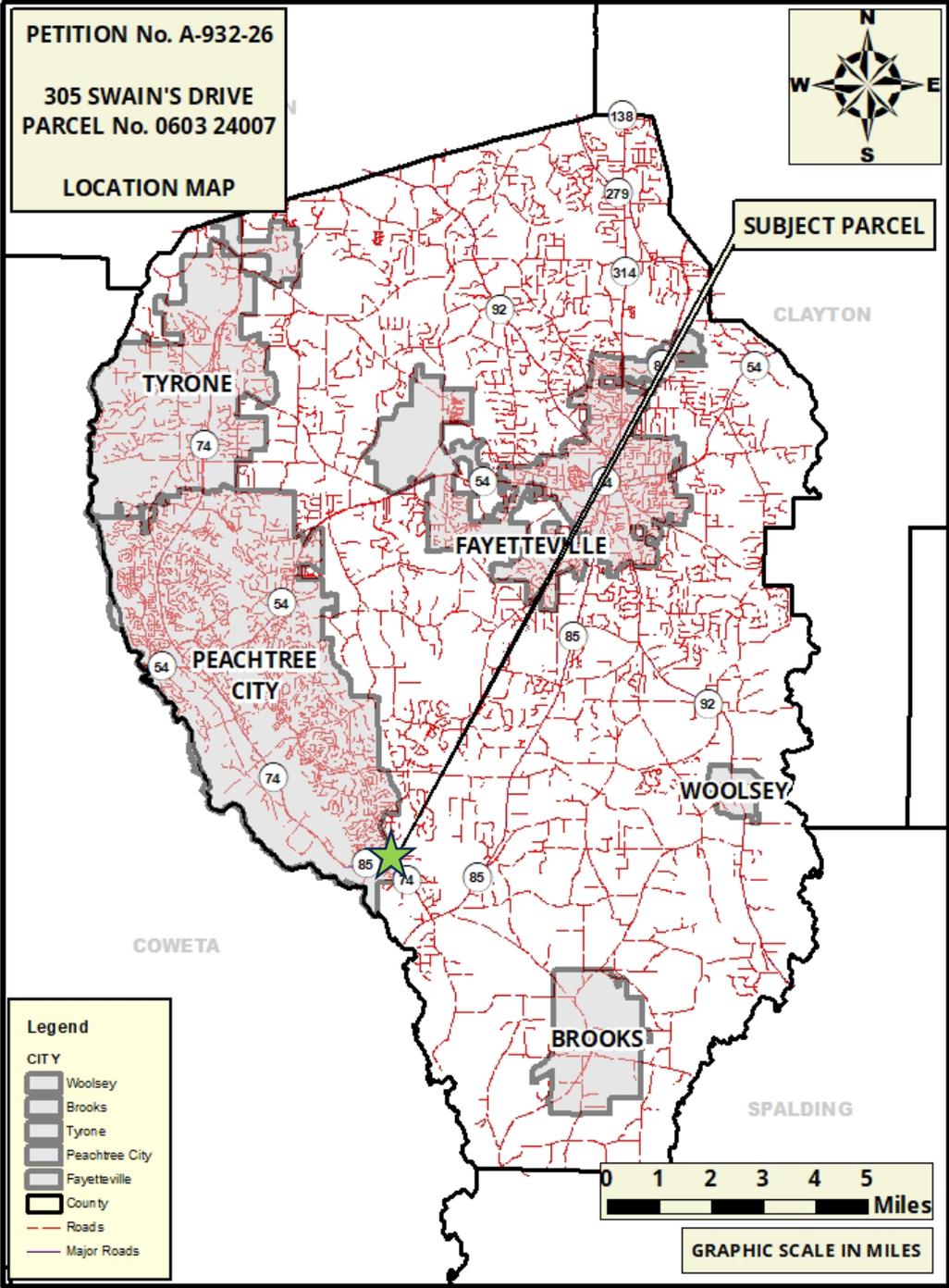
### **Sec. 110-126. C-S, Conservation Subdivision District.**

(f) *Dimensional requirements.* The minimum dimensional requirements in the C-S zoning district shall be as follows:

- (1) Lot area per dwelling unit:
  - a. Where central sanitary sewage or central water distribution system is provided: 43,560 square feet (one acre) only within an area designated low density residential or rural residential - 2.
  - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres) only within an area designated low density residential or rural residential - 2.
  - c. Within an area designated Rural Residential - 3: 65,340 square feet (1.5 acres)
- (2) Lot width per dwelling unit:
  - a. Major thoroughfare:
    1. Arterial: 150 feet.
    2. Collector: 150 feet.
  - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 2,100 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 75 feet.
  - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 20 feet.

## **DEPARTMENTAL COMMENTS**

- Water System** –No objections.
- Public Works** – No comment.
- Environmental Management** – No comment.
- Environmental Health Department** – This office has no objection to the proposed variance. This office does not guarantee the ability to construct swimming pool and deck. An evaluation must be conducted by this office prior to construction.
- Department of Building Safety** – Per the 2024 adopted electrical code, overhead conductors must maintain a minimum clearance of 22' 6" above the maximum level of a pool and may not be located within 10' horizontally of the inside wall of the pool unless those clearances are met. Based upon the information reviewed, the pool location does not appear to conflict with these requirements. If granted, a building permit is required.
- Fire** – N/A

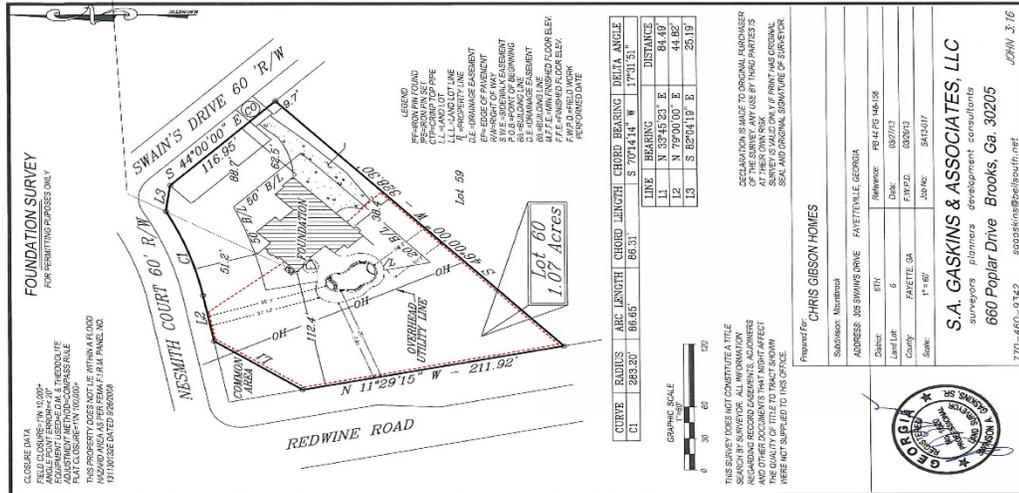




Fenton Res  
305 Swains Drive  
Peachtree City, GA.  
30269



Existing swimming pool, deck and fence location.



Existing pool equipment, electric, GFCI & gas line per code

Existing conditions



Existing conditions

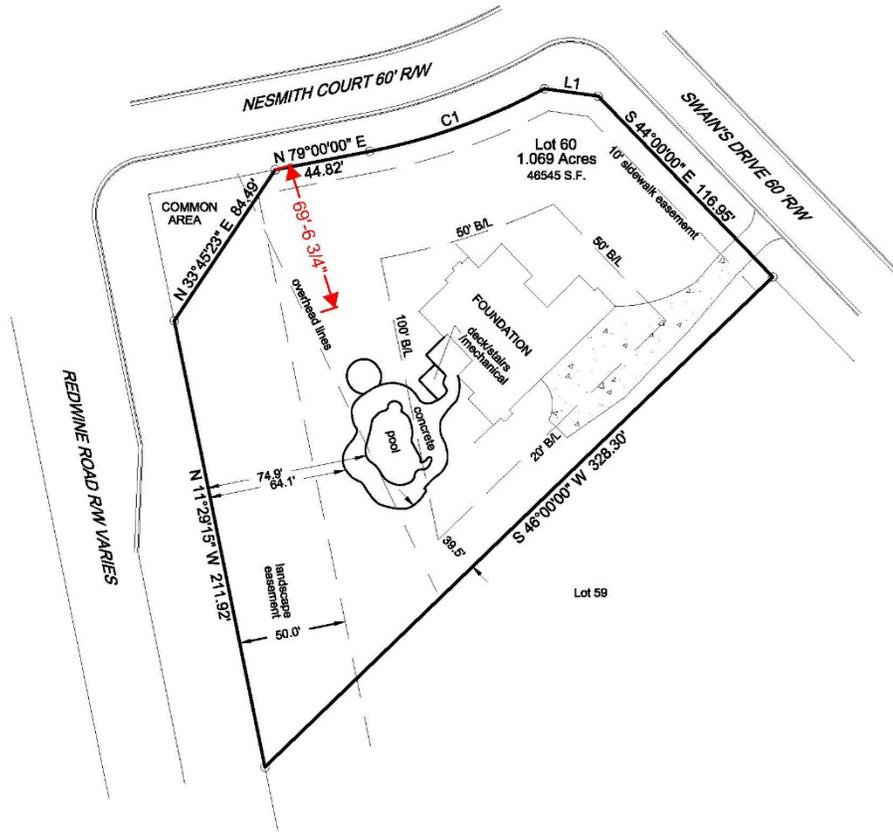


Pool/Mechanical Location for permitting use only

**S.A. GASKINS & ASSOCIATES, LLC.**  
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS  
 981 Camp Ground Road Griffin Ga. 30223  
 sagaskins55@gmail.com 678-618-5067 JOHN 3:16

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	86.65'	283.20'	86.31'	N 70°14'14" E

LINE	BEARING	DISTANCE
L1	S 82°04'19" E	25.19'



**CLOSURE STATEMENT**  
 THE FIELD DATA UPON WHICH THIS SURVEY WAS PERFORMED IS BASED UPON GPS OBSERVATIONS WHICH WERE ESTABLISHED USING CHC NAV 189 AND CHC NAV IBASE MULTI-FREQUENCY RECEIVERS USING REAL TIME KINEMATIC OBSERVATIONS. THE RELATIVE POSITIONAL ACCURACY ACHIEVED IS BETTER THAN 0.07 FEET PER OBSERVATION POINT.

THIS SURVEY BASIS FOR DIRECTIONS SHOWN HEREON ARE GRID NORTH AS DEFINED BY NAD 83 AND NAD 89, WEST GEORGIA ZONE AND DETERMINED THROUGH RTK-GPS METHODS UTILIZING EGPS SOLUTIONS VRS NETWORK.

FIELD CLOSURE = N/A  
 ANGLE POINT ERROR = N/A  
 EQUIPMENT USED = CHC NAV 189 AND OR CHC NAV IBASE  
 ADJUSTMENT METHOD = N/A  
 PLAT CLOSURE = 1" IN 100,000 +



Prepared For: <b>Mike Fenton</b>		
Subdivision: Mountbrook	F.W.P.D.: 01/29/26	Date: 02/02/26
Scale: 1" = 50'	Job No: Lot 60 MB	
County: Fayette, Ga.	Land Lot: 18	District: 6th



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

**PROPERTY INFORMATION:** 060324 007.  
Parcel No. Lot 60 Mount Brack Acreage: 1.07 Land Lot: 18 Land District: 6th  
Address: 305 Swains Drive, Peachtree City, GA 30269  
Zoning: Residential C-S Zoning of Surrounding Properties: Residential  
Use: \_\_\_\_\_

**PROPERTY OWNER INFORMATION**

Name Michael + Christine Fenton  
Email [REDACTED]  
Address 305 Swains Drive  
City Peachtree City  
State GA Zip 30269  
Phone [REDACTED]

**AGENT/DEVELOPER INFORMATION (If not owner)**

Name \_\_\_\_\_  
Email \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_

**PETITION NUMBER:** A-93226 **(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: 02/05/2026

**DATE OF ZONING BOARD OF APPEALS HEARING:** March 23, 2026

Received payment from Michael Fenton a check in the amount of \$ 175.00

for application filing fee, and \$ 60.00 for deposit on frame for public hearing sign(s). (3)

Date Paid 02/05/2026 Receipt Number: 026466

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**

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

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

Michael Rhea Fenton and Christine Anne Fenton

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 060324007

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 18 of the 6th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of \_\_\_\_\_ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

**SIGNATURES**

Signature: [Handwritten Signature]  
Name: Michael R. Fenton  
Address: 305 Swains Drive  
City/State/Zip: Peachtree City  
Date: 2/5/2026  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

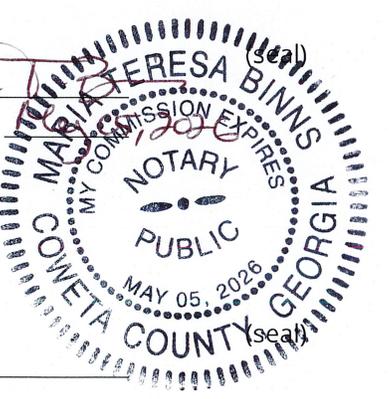
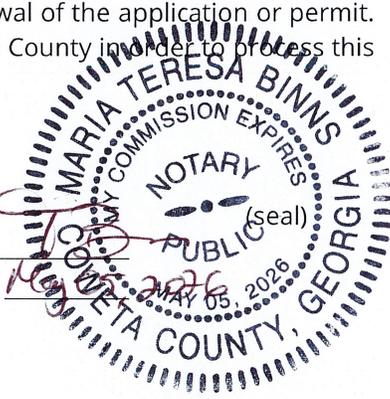
Signature: [Handwritten Signature]  
Name: Christine Anne Fenton  
Address: 305 Swains Drive  
City/State/Zip: Peachtree City GA. 30269  
Date: 2/5/26  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

Signature: \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Date: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

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

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

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	<del>5-20, Accessory Structures and Uses.</del>
Requirement	<del>Location on Lot to allow an accessory on front yard and a variance to sec. 6-2, C-S Conservation Subdivision, F. Dimensional</del>
Proposed Change	<del>Requirements 4. Front yard setback: Arterial: 100 ft. to reduce the front yard setback from the previously approved</del>
Variance Amount	<del>70 ft to 64 ft to refurbish the existing pool and deck installed in 2014</del>

Ordinance/Section	<a href="#">Sec. 110-126(f)(4)a.1.- C-S, Conservation Subdivision District. A variance to</a>
Requirement	<a href="#">reduce the front yard setback from 70 feet to 60 feet to allow a swimming pool and pool deck in the front yard (Arterial) to remain</a>
Proposed Change	<a href="#">Front yard - Arterial 100 feet Proposed change: 60 feet</a>
Variance Amount	<a href="#">40 feet</a>

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.

I would like to refurbish my swimming pool and deck and leave them at the same distance to Redwine Road as built in 2014. In the process of permitting for the refurbishment it was discovered that the pool met the 70 ft setback but the pool deck was surveyed at 64 ft 1 in - 5 ft 11 inches closer to Redwine Road

## 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 house faces Swains Drive and it is rare for a lot to have three frontages. The variance will not have an adverse effect on any surrounding property. The lot has a berm Magnolia Trees and a fence rendering the pool & deck as not visible along Redwine Road*

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

*Not approving only creates additional design, construction, and installation work. This only results in loss of time and money without any added benefit.*

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

*A 3 frontage lot. Petition no. A-607-14 was unanimously approved 5-0 March 24, 2014. The pool itself is and will remain in compliance. The surrounding concrete deck has the issue but with no detriment*

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.

*12 years the pool & concrete deck have been in place. All inspections passed and a certificate of occupancy issued. No detriment has been identified*

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

## CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

### PLANNING AND ZONING STAFF INFORMATION BELOW

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

158

Please return to: MCMANAMY MCLEOD HELLER, LLC  
3520 PIEDMONT ROAD, STE 110  
ATLANTA, GA 30305  
File # 13-10-1647

Doc ID: 009199780001 Type: WD  
Recorded: 08/16/2013 at 03:00:00 PM  
Fee Amt: \$613.10 Page 1 of 1  
Transfer Tax: \$603.10  
Fayette, Ga. Clerk Superior Court  
Shella Studdard Clerk of Court  
BK 4104 PG 285

STATE OF GEORGIA  
COUNTY OF FULTON

**WARRANTY DEED**

THIS INDENTURE made this 12th day of August, 2013 between

**AA HOMES, LLC, A Georgia Limited Liability Company**

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

**MICHAEL RHEA FENTON and CHRISTINE ANNE FENTON**  
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 18 of the 6th District of Fayette County, Georgia, being Lot 60 of Mountbrook Subdivision, as shown on that certain subdivision plat recorded in Plat Book 44, Pages 148-158, Fayette County, Georgia records, which plat is, by reference thereto, specifically incorporated herein; being improved real property known as 305 Swain's Drive according to the present system of numbering in Fayette County, Georgia. (Tax Parcel No. 060324007)

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

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

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:

*Carolyn Johnson*  
Witness

*Terresa Winkler*  
Notary Public  
My commission expires



AA HOMES, LLC, A Georgia Limited Liability Company  
*[Signature]*

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, March  
23, 2026, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-932-26-A-B

Owner: Michael Rhea Fenton and  
Christine Anne Fenton  
Property Address: 305 Swains  
Drive

Parcel: 060324 007

Zoning District: C-S

Area of Property: 1.069 acres

Land Lot(s): 18

District: 6th

Road Frontage: Redwine Road, Ne-  
smith Court and Swain's Drive

Request: Applicant is requesting  
the following:

A) Requesting a variance to reduce  
the secondary front yard setback  
from 100 feet to 60 feet to allow an  
existing swimming pool and a pool  
deck in the secondary front yard to  
remain.

B) Per Sec. 110-126(f)(4)a.1., Re-  
questing a variance to the second-  
ary front yard setback, to reduce  
the setback from 100' to 70 feet to  
allow a spa/hot tub of 80 Square  
Feet to be constructed in the area  
adjacent to the swimming pool.

Legal Description

All that tract or parcel of land lying  
and being in Land Lot 18 of the 6th  
District of Fayette County, Georgia,  
being Lot 60 of Mountbrook Sub-  
division, as shown on that certain  
subdivision plat recorded in Plat  
Book 44, Pages 148-158, Fayette  
County, Georgia records, which  
plat is, by reference thereto, spe-  
cifically incorporated herein; be-  
ing improved real property known  
as 305 Swain's Drive according to  
the present system of numbering in  
Fayette County, Georgia. (Tax Par-  
cel No. 060324007)

02/18