

**BOARD MEMBERS**

John Kruzan, Chairman  
Danny England, Vice-Chairman  
John H. Culbreth, Sr  
Jim Oliver  
Boris Thomas

**STAFF**

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

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**AGENDA  
FAYETTE COUNTY PLANNING COMMISSION MEETING  
140 STONEWALL AVENUE WEST  
September 4, 2025  
7:00 pm**

**\*Please turn off or turn to mute all electronic devices during the  
Planning Commission Meetings**

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**NEW BUSINESS**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the meeting held on August 7, 2025
5. Plats
  - a. Minor Plat of Anthony Park

**PUBLIC HEARING**

6. Consideration of Amendments to Chapter 110. Zoning Ordinance, regarding Article VII.- Zoning Board of Appeals. – Sec. 110-242. – Powers and Duties.

# Meeting Minutes 08/07/2025

**THE FAYETTE COUNTY PLANNING COMMISSION** met on August 7<sup>th</sup>, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

**MEMBERS PRESENT:** John Kruzan, Chairman  
Danny England, Vice-Chairman  
John H. Culbreth Sr  
Jim Oliver  
Boris Thomas

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

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## **NEW BUSINESS**

1. Call to Order. *Chairman John Kruzan called the August 7, 2025, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman John Kruzan offered the invocation and led the audience in the Pledge of Allegiance. County Attorney E. Allison Ivey Cox was absent.*
3. Approval of Agenda. *Danny England made a motion to approve the agenda. John Culbreth, Sr., seconded the motion. The motion carried 5-0.*
4. Consideration of the Minutes of the meeting held on July 7, 2025. *Danny England made a motion to approve the minutes of the meeting held on July 17, 2025. John Culbreth, Sr., seconded the motion. The motion carried 5-0.*
5. Plats

Ms. Debbie Bell confirmed the plat was reviewed and approved by staff, stating that the minor final plat creates additional lots but does not create new roads.

- a. Minor Final Plat for Morris Estates. *John Culbreth, Sr., made a motion to approve the Minor Final Plat for Morris Estates. Danny England seconded the motion. The motion passed 5-0.*

## **PUBLIC HEARING**

6. **Consideration of Petition 1364-25-A**, Applicant is requesting to rezone Parcel No. 1306 011 (45.412 acres) from R-40 (Single-Family Residential) to A-R (Agricultural-Residential). Property is located in Land Lot 219 of the 13th District and fronts Highway 314.

Ms. Debbie Bell stated the applicant is proposing to rezone the parcels above totaling 50.15 acres for the purposes of use as a single-family residence and for operating an A-R Wedding/Event Venue. She explained the staff recommendation for 1364-25-A (Parcel 1306-011), the future land use plan, is designated for Low Density Residential, and A-R zoning will be suitable. Parcel 1306-117 (smaller lot) does not meet the minimum lot size for A-R zoning, so a condition is recommended to combine it with a larger parcel. Based on the investigation and staff analysis, Planning & Zoning Staff recommends conditional approval. She showed the maps and added that any entrances and driveways will be reviewed and approved by GDOT. Before the Board voted on each petition separately, Ms. Bell read the staff recommendation conditions individually if the petitions were approved:

**1364-25-A:**

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.

**1364-25-B:**

1. All parcels that are the subject of this petition shall be combined by a recorded final plat within 180 days of the approval of the petition or prior to the submittal of a site development plan, whichever comes first.

Ms. Bell informed the public that they were going to hold two separate public hearings, being “A” the first one and “B” the second one, with opportunities to speak on either one and to remember to sign the sheet at the podium.

Chairman John Kruzan thanked Ms. Bell for the presentation and asked if the petitioner was present.

Mr. Xavier Hill, owner of the property, stated he purchased the property two years ago. He is a builder who was planning to build houses on the lot, but didn’t feel that it would help the community. He stated he would like to do small gatherings by reservation only, a licensed fishing wellness workshop, and book readings. He commented that the lake requires some updates and might cost him three hundred and fifty grants on repairs, and he started repairing the dam. He will also, in the future, like to develop the property. He mentioned this project will be a better option instead of a housing development.

Ms. Lucille Hill, the mother of the applicant, spoke in support of the petition, stating that there will be only small gatherings, nothing after ten thirty and nothing over seventy-five people, probably once a month.

Mr. Richard Winfrey, developer mentioned that the initial plan to build a subdivision is not compatible with the current economy and the area. He stated the location of the venue is going to be away from the street, the surrender sides of the property have good buffers.

In Opposition:

Mr. Larry Mapp stated his concern is the egress will be on Highway 314 and he opposed that it would create additional traffic and the definition of county's definition of A-R.

Ms. Gail Raby lived in the area for 31 years, moving from DeKalb County to a safe, quiet place. She stated this change can lead to establishment event venues with frequent parties, noise, safety concerns, and open floodgates for other properties to file suit, transforming a quiet residential area into a mixed commercial zone, where the values will go down and crime rates will go up. Ms. Gaby mentioned Mr. Hill sees this property as an investment, not as a residence, and asked the board for denial of the petition.

Ms. Heidi Anderson stated that respectfully urges to deny the request, which will introduce significant harm to a peaceful family environment, allowing commercial parties will change the nature of the neighborhood. She talked about public safety, traffic, loss of property values, and erosion of community character. Ms. Heidi stated if rezoned will erode the quiet, stable neighborhood and replace it with commercial activities that belong in appropriate zone areas.

Mr. Carlton Morse has been a resident for 30 years at Dix Lee On Subdivision mentioned that the people who are present tonight have been disturbed by noise on this property and will be affected by the special uses of A-R zoning. Mr. Morse stated that when there is a commercial motive, plans can change, and he brought a petition with signatures of members for the board. Ms. Debra Sims received the petition and handed it to the board.

Chairman John Kruzan asked the audience to have respect for people who are speaking and not to applaud to help us move the process moving.

Ms. Marcelle English from the Newton Plantation, improving the community is great, the house was bought as residential, the parcel should be sold and purchased elsewhere to do this type of business. Highway 314 is not a good location for an event center.

Mr. Isaac Logan, resident of the subdivision of Country Lakes, stated they don't need additional traffic, having delivering trucks going into people's yards, and adding the Liberty North subdivision will make an increase in that area.

Mr. Lawrence Patterson from the Newton Plantation subdivision stated that he doesn't personally know Mr. Hill, but he stated that he initially wanted to build homes, but those plans changed because of the economy, which would have had minimum traffic. Time ran off for petition "A", Ms. Bell and Chairman Kruzan informed Mr. Patterson, but Mr. Hill declined to speak and asked the board for Mr. Patterson to continue, and he will be next for petition "B". Mr. Patterson stated was a security before becoming a police officer and as Ms. Lucille Hill mentioned previously ten thirty was not going to be enough to stop the parties, he asked Mr. Hill if security would be security required for each gathering for extended hours? Security guards or police officers? mentioned they don't care, he was one before, they just want to get paid. He added his opposition to the petitions.

Mr. Harold Powell lives in Acorn Ridge, stating that growing up in a low income area he did everything he could to change the trajectory of his life, he worked very hard to make sure his family could feel protected and safe. Mr. Powell stated the zoning stays with the property, not the owner, and once he sells, who knows what's coming next? A recent party got out of control in Country Lake, due to lack of control the resources of Fayette County were stretched beyond capacity, trying to contain traffic, blocking residences. There is nothing you can do to stop them.

Ms. Denise Morse has been in Fayette County for thirty years, a side neighbor from the property, and has watched Fayette County continue to keep Marta and public transportation out, which is great to control who comes and goes, concerned about the large parties and noise.

Mr. Walter Metzger mentioned that he has no problem with a subdivision across from him, but anything classified as commercial would change the value of his property and the way he lives at his home.

Ms. Leslie Head lives in Lafayette Estates, mentioned Mr. Hill wanted to cut a road in the middle of the neighborhood about four months ago (RDP-017-24), he spoke about the infrastructure projects, water, sewage, power, and put a drainage 20 inch line to drain the lake and do other things to it. If he is allowed to do this, it will be major consequences.

Chairman John Kruzan asked if there was anyone else in opposition. With no response, he asked Mr. Hill to come back for rebuttal.

Mr. Hill that he wanted to address the last person's comment by stating that before purchasing the property in Lafayette Drive, and was told by the county in order to develop the backside of the lake he need it access on the other side of the dam to develop thirty acres in accordance with he county guidelines. Mr. Hill responded there

are a lot of assumptions and it's not his intention to put up a commercial building; he wants his neighbors to beautify the community, not to take away from the community. He presented a slide show of the property and what he had invested in. Ms. Bell presented it to the audience in general.

Chairman Kruzan brought the item back to the board for questions/comments.

John Culbreth, Sr., mentioned he understands as the owner of this property, he has good intentions and once a major rezoning takes place with other uses that can be placed on the property, that will open the door that will be contrariety to the community. Looking at some news in the Metro Atlanta area, within five years will be needed for housing, Mr. Culbreth adds that what is the greatest good for the community.

Mr. Boris Thomas mentioned would ignore everyone's comments, and will use what mistaken by Mr. Hill appointed that it will be modest gatherings, what modest? It will be private tastings, tastings of what? and what are the hours and limitations? Prohibit activities that were not mentioned, noted, didn't you say any control hours, stated something loosely, but that's not in writing, nor can it be controlled by Fayette County or the Board once it's zoned. By hiring traffic monitors if needed, who determines the need? Mr. Thomas added that he did not hear anything following any type of noise ordinance, parking limitations, or changes from the different uses this zoning allows.

Mr. Hill responded that most of Mr. Thomas' questions are addressed by the ordinances, and regarding the egress to the property, there are three entry and exit points.

Mr. Thomas asked if the Fayette County Sheriff has to use resources to enforce the complaints and noise monitored, or do you have any type of enforcement of it?

Mr. Hill responded that he will be the one enforcing it and mentioned this property has a joint easement and he will be fixing it and the state mandates for repairs.

Mr. Jim Oliver mentioned he understands EPD is classifying the dam as a Class one, the part of the property developing for the venue. How are you going to access the back side of the neighbors to access that part?

Mr. Hill stated he would do anything with that side of the property; everything will be on the Highway 314 side.

Mr. Danny England asked what is the layout of that house inside?

Mr. Hill responded with three bedrooms, two and a half baths, and a six-hundred-square-foot cover patio.

Mr. England mentioned it will be limited to an event center, either it will be added to it or renovated, or something else to accommodate.

Mr. Hill responded that it will not be used for that; he is just trying to use the property as it is currently. He is trying to keep it simple.

Mr. England added that mentioned by a couple of citizens commented previously that this will be a commercial use, even if it is a residential area and establishing a residential character and people committing to a property by purchasing it, and what they see is what they get. Conceptually, the community is not buying that.

Chairman Kruzan gave the petitioner the opportunity to withdraw the petitions before voting.

Mr. Hill decided to continue for the separate votes.

***John Culbreth, Sr., made the motion to DENY Petition 1364-25-A. Danny England seconded the motion. The motion passed 5-0.***

7. Consideration of Petition 1364-25-B, to rezone Parcel No. 1306 117, proposes to rezone 4.738 acres from R-40 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land lot 219 of the 13th District and fronts Highway 314.

Since there were two separate petitions and the hearing for each one of those was read and all comments were heard, the Planning Commission Board voted as follows:

***John Culbreth, Sr., made the motion to DENY Petition 1364-25-B. Danny England seconded the motion. The motion passed 5-0.***

8. Consideration of Petition 1365-25, Applicant proposes to rezone 53.81 acres from R-70 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lots 80 & 81 of the 7th District and fronts Coastline Road.

Ms. Debbie Bell explained the petition above and stated the applicant's intentions are to use the uses of the A-R zoning district and, in the long-range plan, apply for a PUD-PRL zoning for developing a retreat and training center for veterans and their service dogs. Staff recommendation approval of the request for A-R zoning (Agricultural-Residential), as defined by the Fayette County Land Use Future Comprehensive Plan, shows one unit per two acres for this area. The property contains environmentally sensitive areas and floodplain and will not be developed. It's surrounded by properties R-70, R-45, and a portion of this property was annexed from the Town of Tyrone. Ms. Bell showed the maps and stated in staff's opinion that the zoning proposal is not likely to have an adverse impact on nearby residential uses.

Chairman John Kruzan asked if the petitioner was present.

Ms. Piper Hill stated she is the owner of the property and bought it six or seven years ago, and an area large enough to create a respite area for veterans and to train dogs without disturbing people around them, she mentioned her intentions are to turn it into a PUD later, she mentioned doesn't want to make a large impact on the area and will be one building built for training and had the intent of doubling the walls for noise contained, will do a background check done called PCLM to everyone that comes to the program to see how are they doing know, because there are some veterans that she cannot help. Ms. Hill stated that when she got injured, she couldn't read, write or tie her shoes, she had a traumatic brain injury and when she asked the VA for help and claim she could obtain the help needed. She is alive because of her dog and throughout the eighteen years she is been running the program through healing for heroes, she knows that nature is very important for both veterans and people and the community and stated want to keep the natural habitat there, will try to keep whatever parking will be within that one acre along with the building. Ms. Hill stated they are the number one veteran nonprofit in the state of Georgia, providing services for brain health, service dogs, nutrition for both, and are the third nonprofit in the United States. She mentioned training 125 service dogs a year for veterans and it's going down significantly this year around 80 service dogs for veterans. They also train service dogs for civilian adults and for children. Since 2008, They have trained 425 service dogs for civilians in this community and 139 service dogs for children with disabilities.

Chairman Kruzan asked the audience if anyone was in support of the petition.

Mr. Charles Bennett came in for another hearing but said she is doing what best veterans.

Chairman Kruzan asked if anyone else was in support of the petition or opposition. With no response the chairman brought the item back to the board for questions/comments.

Mr. John Culbreth, Sr., asked the petitioner how long have you own this property?

Ms. Hill six or seven years.

Mr. Culbreth asked do you recalled submitting this petition to the planning commission and if it was withdrawn or did you own it at that time?

Ms. Hill responded it was originally going to be a neighborhood, but not by her, whoever owned it before her.

Ms. Bell commented she didn't remember the developer's name but that plan went away when the housing market crashed.



Mr. Culbreth stated that when Pete presented to the Ellen Ridge community association, which he is the president of, was withdrawn and the community was very vocal and what the impact would be on the adjacent neighborhoods.

Ms. Hill responded she did not submit anything to the county or to Pete.

Mr. Culbreth added it was discussed and was a meeting with Pete and a facility, and issues came out about the dogs' sounds, barking.

Ms. Hill responded honestly Sir, you have more to worry about those [wild] boars outside than my dogs. You haven't heard my dog at all, sitting here right under the chair.

Mr. Culbreth stated, just wanted to put into the records what the concerns were in the community for Ellen's Ridge and the Homeowners Association.

Mr. Boris Thomas asked, "Are you planning on housing any veterans and for how long"?

Ms. Hill responded that their classes are being discussed for a longer period, for her to train the trainer program from Sunday to Friday.

Mr. Thomas asked how many veterans there will be at one time.?

Mr. Hill responded they will have no house there but if they do it will be six, maybe ten at the most, they will stay in area hotels.

Mr. Thomas asked, "Would you allow weapons in the property"?

Ms. Hill responded, "We have the second amendment. I'm not going to ask them to bring their weapons, but I don't know how to answer that, but I carry my weapon almost everywhere I go.".

Mr. Thomas asked would you have any security for any unstable veterans incase venturing the surrender neighborhoods?

Mr. Hill responded she has been doing it this since 2008 and explained on one occasion she had to bring undercover police into the class for a veteran she was concern about and will have a new head trainer and he is a police officer.

Mr. Jim Oliver asked Ms. Bell in order to develop things they will have to come back to staff?

Ms. Bell responded that a PUD is a very specific rezoning they will come for two public hearings and will require specific rezoning and have to follow that development

very closely.

Ms. Hill added they do background checks for everyone enroll in their program and also they fill out a PCAL form that the VA and the psychiatrists use to check people's mental health and she stated had turned down some people for lying, and will not accept people on the sex offender list or killers, she will refer them to someone else that might can help them.

Mr. Culbreth asked what size facility the applicant is proposing?

Ms. Hill responded this might change because of money, but something around 50x50 training center, she states right now she is training in churches and American Legion building. She would like something bigger, around 22,000 square feet. Two story building to use the second story as storage.

Mr. Culbreth asked what is the timetable for development?

Ms. Hill responded she hadn't started with the architectural project just yet but the plan start building in a year and a half.

Mr. Culbreth asked staff if did we put up signs about this request.?

Ms. Bell responded yes.

Mr. Danny England asked the petitioner somewhere between 80 to 125 dogs a year, how many will you have in site at any giving time?

Ms. Hill responded to no more than 20.

Mr. England asked if any structure will have a kennel for 20 dogs and also a few spaces for housing, and if this will be a kind of mix use building.

Ms. Hill responded correct.

Mr. England commented he is an architect and the sound will be the most concerning part in this building and just make sure to think about the surrounding communities.

Mr. Culbreth asked where are you planning to ingress and egress to the property?

Ms. Hill responded will be probably on Coastline Road.

Ms. Bell added it will have to be on Coastline, it only has frontage on that road, and it is restricted to Coastline Road. When someone starts developing a property they will work with the engineering department to located the driveway or in an appropriate spot that has good sight distance in all directions.

Chairman Kruzan asked for any more questions from the board or to make a motion.

***Danny England made the motion to recommend APPROVAL of Petition 1365-25. Jim Oliver seconded the motion. The motion carried 3-1-1. John Culbreth, Sr., opposed, and Boris Thomas abstained from voting.***

9. Consideration of Petition 1366-25, Applicant is requesting to rezone 31.144 acres from R-45 (Single-Family Residential) to A-R Agricultural-Residential (Single-Family). Property is located in Land Lots 73 and 88 of the 5th District and fronts South Jeff Davis Drive and Dixon Circle.

Ms. Bell stated the lot is a legal record that meets or exceeds A-R zoning requirements. The Future Land Use Map designates it as Low-Density Residential, with a 1-acre minimum parcel size. A-R has a 5-acre minimum parcel size, making it less intensive zoning than R-45. Staff recommends conditional approval for rezone from R-45 to A-R as follows:

1. The existing house on the parcel does not meet the building setback requirements for A-R and shall be demolished within 180 days of approval of the rezoning or prior to application for any future rezonings or minor final plats, whichever comes first.
2. The owner/developer shall dedicate land to Fayette County as needed to provide a minimum 50-ft of right of way as measured from the existing centerline of South Jeff Davis Road for the full width of the parcel. This dedication shall be completed within 180 days of approval, or prior to the submittal of a final plat, whichever comes first.
3. No new parcels may be created unless and until a paved road, constructed to County Standards and with a 60' dedicated right-of-way, is constructed at the present end of Dixon Circle as shown on the survey provided with the application.

Staff have discussed these conditions with the applicant's agent, and they accept these conditions.

Ms. Bell also stated they were previous conditions associated with the property when they were part of the woodlands, the number of curb cuts that could be developed on this property. If it is zoned A-R, due to the shape of the property no more than 2 lots can be developed with frontage on South Jeff Davis. At the narrowest portion of the lot, about halfway between the north and south edges, the property is only 60' wide; a new parcel must have 100' of width all the way to the buildable portion of the lot. Therefore, no new 'flag lot' leading to the south portion of the property could be created here since it is less than 100'. Ms. Bell showed the maps and stated the house on the lot will not meet the A-R standards and will have to be demolished.

Chairman Kruzan asked if the petitioner was present.

Ms. Christine Flanigan spoke on behalf of the owner, the two major reason to change it to A-R is to create the driveway off Dixon Road we have to get some land from Mr. McCue maybe a half an acre and we are going to quitclaim him about 2 acres from the 19 acres parcel in order to keep his conservation status and his A-R zoning. And another reason for the rezoning is to protect the other landowners by keeping it at 5 acres parcels if the land is developed.

Chairman Kruzan asked if anyone was in support of the petition- NO one responded, then he asked for anyone in opposition.

Mr. Travis Bouwmeester started speaking with James McCue, and he hasn't agreed to anything yet, and they are trying to give him a piece of land swap that will be of no use for him. Mr. Travis added that Dixon circle is too narrow, you can't have two cars at one time. The increased flow of traffic will increase and not everyone has the best interest of the residents in mind.

Mrs. Emily Bennett stated they have been there 34 years, stating it is a narrow street, and there is a Methodist Pastor buried there, and they don't know how they will deal with this. She expressed her concerns about whether a developer will be brought to build a road on Dixon circle. They might need more property for construction, she stated she does not want to move due to this.

Mrs. Charles Bennett explained they moved from Lafayette sometime in 1991 and that in 1996 that Jerry's father refused to sell him 70 feet. Jack Dixon twin of Jack Dixon lived where the McCue's live now and said the swap was not going to be of any value. Mr. Bennett explained he had to cut trees encroaching into his property, he also commented he would like to see that property bought by the state and kept it as game preserve for the wildlife animals in specially the deer's and not an area for hunting.

Ms. Flanigan stated she understands the neighbors' concerns, but they are not going to make the road larger they are just going to make the driveway.

Mr. Danny England asked staff if the existing part of the road in Dixon circle is not being altered.?

Ms. Bell responded No, if they need to subdivide, they will have to construct at the end of Dixon circle enough road to county standards, but they will not be required to change, pay or clear the rest of Dixon Circle.

Mr. England asked staff, does the existing part of Dixon circle meets county standards now?

Ms. Bell responded No.

Mr. England added that it will be a big approach, they will have 100 feet of brand

new county standard road at the end of a road that it has been like this for a long time and does not meet county standards?

Ms. Bell responded that's correct.

Mr. England responded, "Why we would do that when we haven't done it in other places that I can think of?"

Ms. Bell explained in order to subdivide property every lot has to have sufficient frontage on a county road or a private road on a road that will be 100' of frontage unless is a cul-de-sac in which case you can put 4 lots on a cul-de-sac with the minimum of 50' of frontage and the only way they will be able to subdivide any of this property will be to build enough road at the end with a cul-de-sac to meet that standard, they can't separate the northern part of the property triangular piece unless they build a cul-de-sac at Dixon circle. That is a county requirement. The county will not require a developer to improve the balance of the road to develop another portion of the road.

Mr. England responded by the land swap, "We might get 3-5 acre lots?"

Ms. Bell responded at most you will get 4 or 3 tracts once you build a road.

Mr. England asked if this hasn't been platted yet, why are conditioning a property assuming the cul-de-sac is required but we haven't done the plating it and know if it is?

Ms. Bell responded that a cul-de-sac will be necessary to subdivide this property because it is the only way to provide road frontage at the Dixon circle end.

Mr. England asked staff, Dixon Circle owners are more concerned about the traffic and road but maybe there will be maybe 2-3 houses?

Ms. Bell responded That's correct, we don't know the exact but the existing right-of-way at Dixon circle is about 30 feet, and it's not enough to create this parcel.

Mr. Boris Thomas added they are also concerned about the trees being cut down.

Ms. Bell stated this will not remove any of the trees anywhere else on Dixon Circle except on this property and they are aware of the cemetery that it is included on the plat and will not be impacted.

***Jim Oliver made the motion to recommend CONDITIONAL APPROVAL of Petition 1366-25. Danny England seconded the motion. The motion carried 3-2. John Culbreth Sr. and Boris Thomas opposed.***

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*John Culbreth Sr. moved to adjourn the August 7, 2025, Planning Commission meeting.  
Jim Oliver seconded. The motion passed 5-0.*

*The meeting adjourned at 9:25 pm*

**ATTEST:**

**PLANNING COMMISSION  
OF  
FAYETTE COUNTY**

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**JOHN KRUZAN, CHAIRMAN**

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**DEBORAH BELL  
DIRECTOR, PLANNING & ZONING**

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HEREBY CERTIFY THAT THIS PLAN IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE ON THE GROUND BY ME OR UNDER MY SUPERVISION, THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE, AND THEIR LOCATIONS, SIZES, TYPE AND MATERIALS ARE CORRECTLY SHOWN.

*E. J. Miller* 3-29-25  
DATE: \_\_\_\_\_

TIME L. MILLER ON PLAT 3150

THIS SURVEY WAS COMPLETED USING A EIGHT 30% DIURNAL FREQUENCY  
STANDARD. ALL SAMPLES COLLECTED WITH GPS HAD A POSITIONAL  
TOLERANCE OF LESS THAN 600 RESIDUAL WITH 95% CONFIDENCE LEVEL.  
PLATE NO.: 195211

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT  
 DATE 8/19/05  
 ENVIRONMENTAL HEALTH

*P. Mallon*  
COUNTY ENGINEER/DESIGNEE

Debra M. Smith  
ZONING ADMINISTRATOR/DESIGNEE

DATE 8/13/2025

APPROVED BY THE PAVETTE COUNTY FIRE MARSHAL  
*[Signature]*  
 \_\_\_\_\_  
 PFC MARSHAL DISTRICT  
 DATE *6/13/2005*

1. THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZED THE SUBMITTAL OF THIS FINAL PLAN FOR THE SUBDIVISION OF MY PROPERTY.

*[Signature]* 8-13-2005  
DATE

As required by subsection (6) of O.C.G.A. Section 15-6-67, the poll has been recorded on evidence by approval certificates, signatures, stamps, or other means. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this poll as to intended use of the poll, and the poll should be used in accordance with the instructions and 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.

3-29-25  
Date: \_\_\_\_\_  
Tim L Miller CA, RLS # 3150

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED. THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN. UTILITIES SHOWN ARE LOCATIONS VISIBLE AT TIME OF SURVEY. ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

0° 40° 80° 120°

GRAPHIC SCALE = 1"=40 FEET




WSN  
GRID NORTH  
GA. WEST

SURVEY ORDERED BY: ALAN BELL.  
FIELDWORK COMPLETED ON: 03-13-25  
A SEARCH WAS MADE FOR NGS MONUMENTS  
AND NONE WERE FOUND WITHIN 500' OF SITE.

<p><b>OWNER / DEVELOPER</b></p> <p>ALAN BEIL          1410 W. BAYVIEW BLVD.          NANTUCKET, MA 02555          PHONE = (770) 556-7234</p> <p>24 HOUR CONTACT</p> <p>ALAN BEIL          1410 W. BAYVIEW BLVD.          NANTUCKET, MA 02555          PHONE = (770) 556-7234          ALANBEIL200@YAHOO.COM</p>	<p><b>SURETY</b></p> <p>SURETY MILLER SURVEYING &amp;          212 WEST CAMPOREDON ROAD          MCDONOUGH, GA 30253</p> <p>CONTACT: THE MILLER, F.L.S.          PHONE = (770) 556-7555</p>
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**LEGEND**

WOODEN POWER POLE .....  $\sigma$   
EX OVERHEAD POWER LINES ———  $\sigma$   
EX. PENCE .....  $\sigma$  .....  $\sigma$  .....  
PP = POWER POLE  
POB = POINT OF BEGINNING  
D.A. = DEED BOOK  
P.B. = PLAT BOOK  
N.C. = PAGE  
N/U = NOW OR FORMERLY  
EX. = EXISTING  
ROW = RIGHT OF WAY  
BPS = IRON PINS SET (44 REBAR)  
EX. ASPHALT ——— 

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MINOR PLAT

PROJECT #: B35018

MINOR PLAT

ANTHONY PARK

LAND LOT 153, 5th. DISTRICT

FAYETTE COUNTY, GEORGIA

DRAWN BY:	TLM
SCALE:	1" = 40'
DATE:	03/24/2025
SHEET 1 OF 1	

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**PETITION No:** TA-0008-25

**REQUESTED ACTION:** Amend Sec. 110-242. Powers and Duties.

Staff is presenting a recommendation to amend Sec. 110-242. Powers and Duties. This amendment addresses the powers and duties of the Zoning Board of Appeals. It provides criteria for variances for unimproved nonconforming lots and clarification regarding variances allowed for improved illegal lots. Please refer to the subsequent pages for details of the proposed amended language.

**PLANNING COMMISSION PUBLIC HEARING:** September 4, 2025

**BOARD OF COMMISSIONERS PUBLIC HEARING:** September 25, 2025

**STAFF ANALYSIS:** Staff prepared a graphic showing the required elements for a single-family home on a typical 1-acre lot. This includes the house, driveway, well with buffer, septic tank, primary septic field and backup septic field. There is still space for an accessory structure or a pool to be added to the property in most instances.

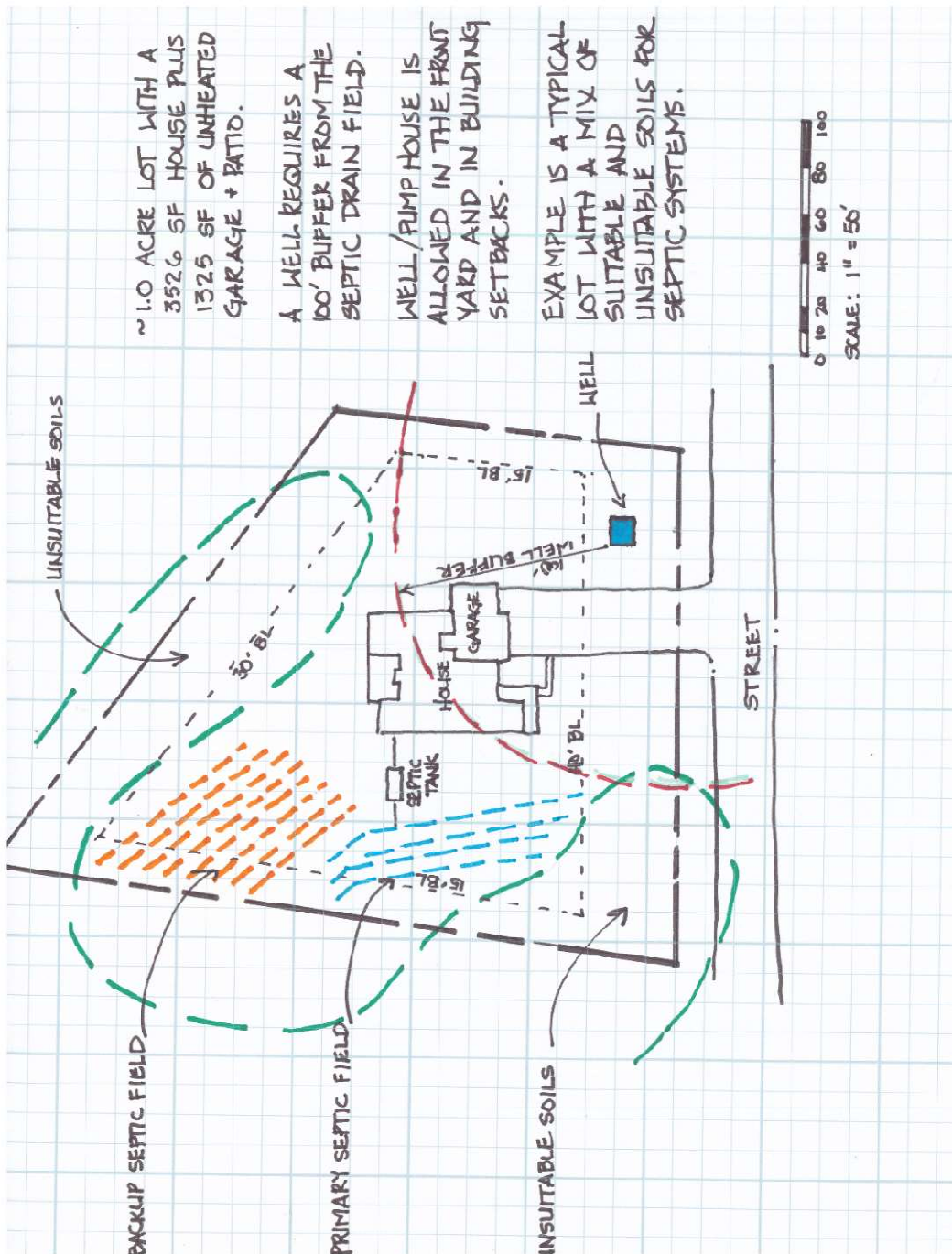
In addition, the State Department of Environmental Health has a 1-acre minimum lot size requirement for homes served by well and septic system. There are still other variables that affect the approval of a septic system, such as the size of the house and number of bedrooms, the presence or absence of suitable soils on the site, and the lot shape and topography. This amendment does not supersede the requirements of the Environmental Health Department, which may require additional area depending on the individual project's criteria.

Staff recommends the following amendment to Sec. 110-242.(c)(1):

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



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



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## Sec. 110-242. Powers and duties.

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
  - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance.* 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. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for: an unimproved nonconforming lot pursuant to paragraph (c), below; or an improved illegal lot pursuant to paragraph (i), below. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

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- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Such conditions are peculiar to the particular piece of property involved; and
  - (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; and
  - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.
- (c) *Request for a variance: Nonconforming Lots.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
- (1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. ~~Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.~~
  - (2) The owner of a nonconforming lot may request a variance to the minimum lot width for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot width which would result in the nonconforming lot being less than 80% of the minimum lot width required in its zoning district.
  - (3) The owner of a nonconforming lot may request a variance to the minimum road frontage for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum road frontage which would result in the nonconforming lot containing less than 20 feet of road frontage required in its zoning district.
- (d) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.
- (e) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.

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- (f) *Request for a change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.
- (g) *Request for an extension or enlargement of a legal nonconforming use.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:
- (1) The use is a legal nonconforming use as defined in these regulations; and
  - (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
  - (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.
- (h) *Request for a continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:
- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and
  - (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
  - (3) Adjacent property would not be unduly damaged by such continuance; and
  - (4) The use is to be identical to the prior legal nonconforming use.
- (i) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:
- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
  - (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

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- (3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.
- (j) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods; and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.
- (k) *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016; Ord. No. 2017-11, §§ 2, 3, 6-22-2017; Ord. No. 2020-02, § 22, 5-28-2020)

Wednesday, August 20, 2025

Continued from page A6

Fayette County News **A7**

NOTICE OF PUBLIC HEARING  
FOR AN AMENDMENT OF THE  
FAYETTE COUNTY CODE OF  
ORDINANCES, CHAPTER 110.  
ZONING ORDINANCE.

PUBLIC HEARING to be held before the Fayette County Planning Commission on September 4, 2025, at 7:00 P.M. and before the Fayette County Board of Commissioners on September 25, 2025, at 5:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Public Meeting Room, First Floor, Fayetteville, Georgia.

CONSIDERATION OF AMENDMENTS TO CHAPTER 110. ZONING ORDINANCE, REGARDING ARTICLE VII. - ZONING BOARD

**Legals continued page A8**

**Continued from page A7**

OF APPEALS. - SEC. 110-242. -  
POWERS AND DUTIES.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 140 Stonewall Avenue West, Suite 202, Fayetteville, Georgia.

This 15th day of August 2025.

Deborah Bell, Director  
Planning and Zoning

08/20