

**BOARD OF APPEALS**

Marsha A. Hopkins, Chair  
Tom Waller, Vice-Chair  
Therol Brown  
John Tate  
Bill Beckwith

**STAFF**

Pete Frisina, Director of Community Services  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, Planning and Zoning Coordinator

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**AGENDA**  
**Fayette County Zoning Board of Appeals**  
**Fayette County Administrative Complex**  
**Public Meeting Room**  
**February 24, 2020**  
**7:00 P.M.**

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1. Consideration of the Minutes of the Meeting held on January 27, 2020.

**PUBLIC HEARING**

2. Petition No. A-717-20, Sagon Family Trust: 1) Variance to Sec.110-125. A-R, (d) (6), to reduce the northern side yard setback from: a) 50 feet to 10 feet to allow a residential accessory structure to remain, and b) 50 feet to 40 feet to allow a tennis court to remain on the proposed lot. 2) Variance to Sec. 110-125. A-R, (d) (6), to reduce the southern side yard setback from 50 feet to 34 feet to allow an existing tennis court to remain on the proposed lot. 3) Variance to Sec. 110-79. Residential accessory structures and their uses, (b) Structure limitations, to allow a residential accessory structure to remain without a principal structure on the proposed lot. The subject property is located in Land Lots 39, 40, and 57 of the 5<sup>th</sup> District and fronts on Georgia State Highway 92.

**PETITION NO. A-717-20**  
**Sagon Family Trust**  
**Parcel # 0511-019 (Between 1076 and 1044 Highway 92 S)**  
**Fayetteville, GA 30215**  
**Public Hearing Date February 24, 2020**

The subject property is located between 1076 and 1044 Highway 92 South, Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting three (3) Variances as follows:

1. Variance to Sec.110-125. A-R, (d) (6), to reduce the northern side yard setback from: a) 50 feet to 10 feet to allow a residential accessory structure to remain, and b) 50 feet to 40 feet to allow a tennis court to remain on the proposed lot.
2. Variance to Sec. 110-125. A-R, (d) (6), to reduce the southern side yard setback from 50 feet to 34 feet to allow an existing tennis court to remain on the proposed lot.
3. Variance to Sec. 110-79. Residential accessory structures and their uses, (b) Structure limitations, to allow a residential accessory structure to remain without a principal structure on the proposed lot.

**Section 110-3. Definitions**

*Lot, landlocked,* means a lot having no frontage on a street.

**History:** The subject property's survey dated April 4, 1972 and the Tax Assessor's record indicated that the applicant was deeded the property in 2011.

As part of the subdivision process to bring the landlocked lot (Lot 2) into compliance, staff discovered the violations on Lot 3. The survey given shows the existing residential structure and tennis court without a primary structure. It also shows the existing residential structure 10 feet from the property line and the tennis court 34 feet from the property line.

**DEPARTMENTAL COMMENTS**

**ENGINEERING:** No Engineering issues with proposed side yard setback variance.

**ENVIRONMENTAL HEALTH:** No objections to proposed variance.

## **ENVIRONMENTAL MANAGEMENT:**

**Floodplain** The property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0112E dated Sept 26, 2008. The property **DOES NOT** contain additional floodplain delineated in the FC 2013 Future Conditions Flood Study.

**Wetlands** The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. Per Section 8-4 of Fayette County Development Regulations, the applicant must obtain all required permits from the U.S. Army Corps of Engineers prior to issuance of any permits from Fayette County for any phase of development affecting wetlands.

**Watershed** The lake and stream on the property **IS NOT** subject to a Watershed Protection buffer requirement and the state buffer 25 foot **DOES** apply. The tennis court shown in the buffer may remain, since it was constructed sometime in the 1970's.

**Groundwater** The property **IS NOT** within a groundwater recharge area.

**Stormwater** This development **IS NOT** subject to the Post-Development Stormwater Management Ordinance.

**FIRE MARSHAL** Approved.

**WATER SYSTEM:** No conflict.

The applicant provides the following information

## **VARIANCE SUMMARY**

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

Lot 2 is illegal and needs to be reconfigured. While reconfiguring this lot we found that certain structures were not in compliance. To bring these structures into compliance we must request a variance.

## JUSTIFICATION OF REQUEST

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

The extraordinary and exceptional conditions are that we are trying to bring the lots into compliance.

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

Due to the fact that these are existing structures for the last 40 plus years. Removing them would be a hardship.

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

The property is not peculiar we just want to bring the structures and the lot into compliance.

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,**

These structures would not be a detriment to the public because they have been in existence for over 40 years.

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

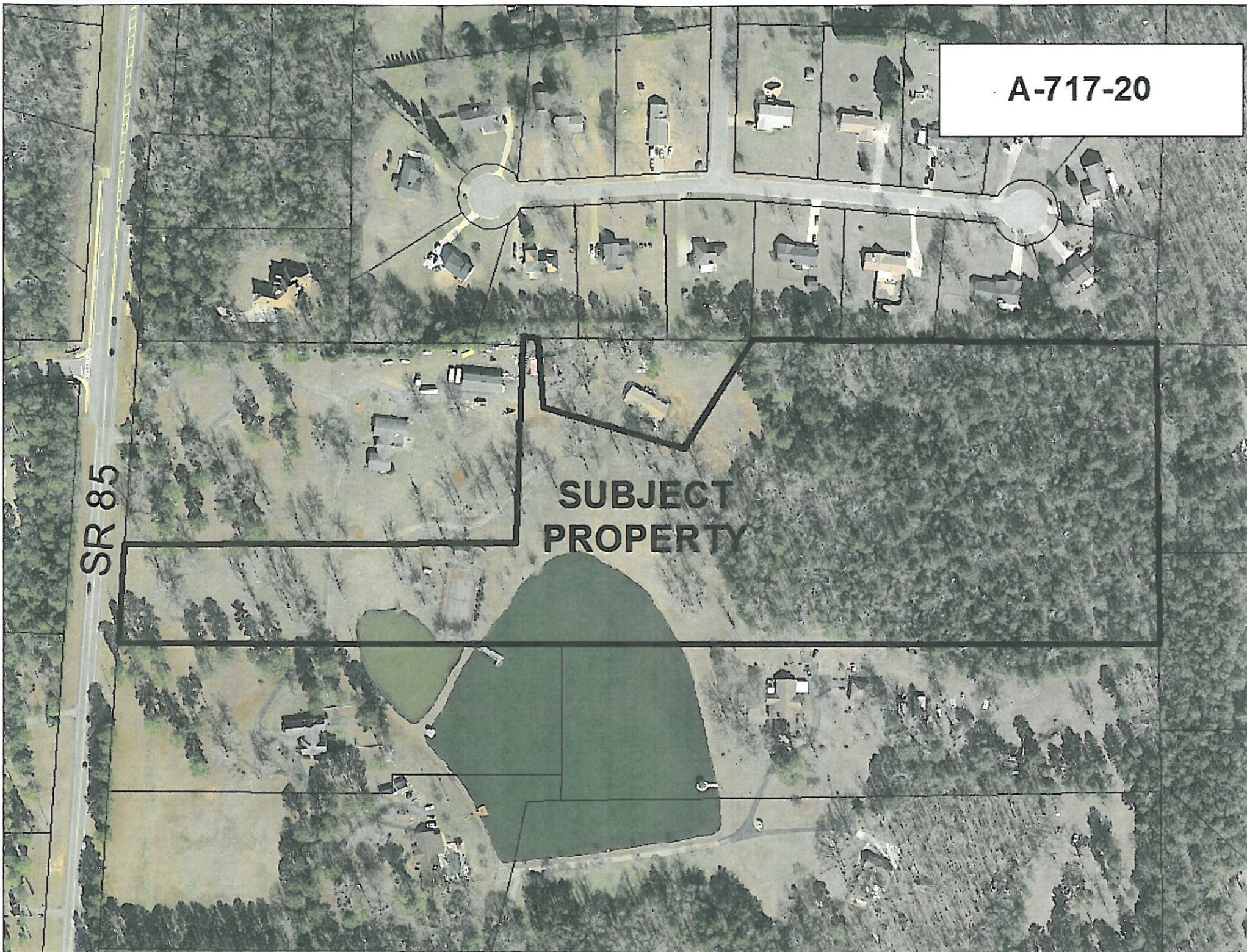
Yes, my neighbors are allowed to have tennis courts and an accessory structures on their lots.



A-717-20

**SUBJECT  
PROPERTY**

SR 85





# CONCEPT PLAN

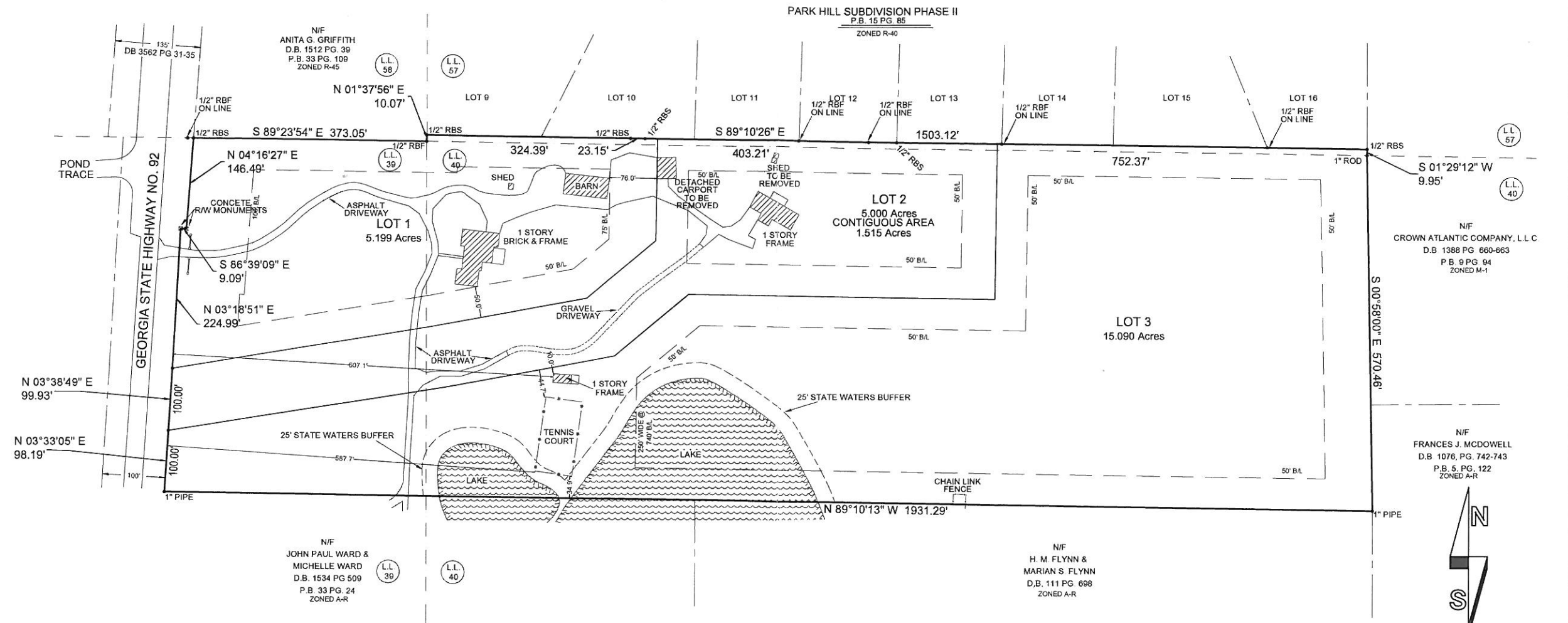
LEGEND  
RBF=REBAR FOUND  
RBS=REBAR SET  
CTP=CRIMP TOP PIPE  
L.L.=LAND LOT  
L.L.L.=LAND LOT LINE  
P.L.=PROPERTY LINE  
CO=CONSTRUCTION ENTRANCE  
EP=EDGE OF PAVEMENT  
P.O.B.=POINT OF BEGINNING  
B/L=BUILDING SETBACK LINE  
D.E.=DRAINAGE EASEMENT  
N/F=NOW OR FORMERLY  
F.W.P.D.=FIELD WORK  
PERFORMED DATE  
O/F=OUT OF FLOOD PLAIN  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
###=HOUSE NUMBER

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

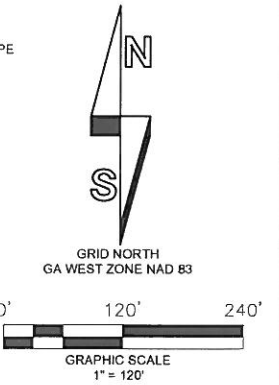
OWNERS: THE SAGON FAMILY TRUST, CRAIG SAGON, HEATH SAGON  
TRUSTEES & PAUL RUSSELL SAGON & CAROLYN JOYCE SAGON  
AGENT: RANDY M. BOYD  
P.O. BOX 64  
ZEBULON, GA. 30295  
SITE AREA = 19.5+ ACRES  
TAX PARCEL NO. 0511 039, 0511 043 & 0511 019  
LAND USE PLAN DESIGNATION: LOW DENSITY RESIDENTIAL - 1 UNIT/1  
ACRE  
EXISTING ZONING: AR - AGRICULTURAL RESIDENTIAL  
PROPOSED ZONING: R - 70 - SINGLE FAMILY RESIDENTIAL  
MINIMUM LOT SIZE = 2.00 ACRES  
SETBACKS: FRONT - 75' ARTERIAL  
SIDE - 25'  
REAR - 50'  
MINIMUM HOUSE SIZE 1500 SQ. FT.  
MINIMUM LOT WIDTH AT BUILDING LINE: 175' ARTERIAL  
EXISTING WATERLINE LOCATED ALONG THE WEST SIDE OF GEORGIA  
STATE HIGHWAY NO. 92.  
SOIL DELINEATION AND TOPOGRAPHICAL INFORMATION TAKEN FROM  
QPUBLIC.NET FAYETTE COUNTY, GA. WEBSITE

BOUNDARY SURVEY INFORMATION TAKEN FROM PLAT PREPARED BY S.  
A. GASKINS & ASSOCIATES ON 6/24/19.  
GEORGIA STATE HIGHWAY NO. 92 IS CLASSIFIED AS A MAJOR ARTERIAL  
ROAD ON THE FAYETTE COUNTY THOROUGHFARE PLAN. PURSUANT TO  
CHAPTER 104, ARTICLE III, SECTION 104-52(b) OF THE CODE OF FAYETTE  
COUNTY, GA. A MINIMUM RIGHT-OF-WAY OF 100 FEET IS REQUIRED  
FOR A MAJOR ARTERIAL ROAD.  
POSTED SPEED LIMIT IS 55MPH IN BOTH DIRECTIONS  
THE FINAL DESIGN WILL BE BASED ON A CURRENT BOUNDARY SURVEY,  
A LEVEL III SOILS ANALYSIS AND A 2 FOOT CONTOUR TOPOGRAPHICAL  
SURVEY.

A-717-20



FLOOD STATEMENT  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13113C0112E, DATED SEPTEMBER 26,  
2008, THIS PROPERTY DOES NOT LIE  
WITHIN A SPECIAL FLOOD HAZARD  
AREA



Job No. 19-063	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 12/02/19	
F.W.P.D.: 06/05/19	
Revisions	Date



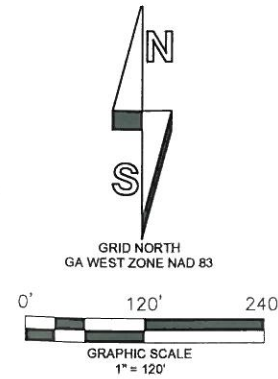
Concept Plat For:  
**THE SAGON FAMILY TRUST**

Property Location  
Land Lot 39, 40 & 57 Of The 5th Land District  
Fayette County, Georgia

**S.A. GASKINS & ASSOCIATES, LLC**  
surveyors planners development consultants  
P.O. BOX 303 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT

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RBS=REBAR SET  
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PERFORMED DATE  
O/F=OUT OF FLOOD PLAIN  
DB=DEED BOOK  
PG=PAGE  
PB=PLAT BOOK  
###=HOUSE NUMBER



#### SURVEYORS CERTIFICATION:

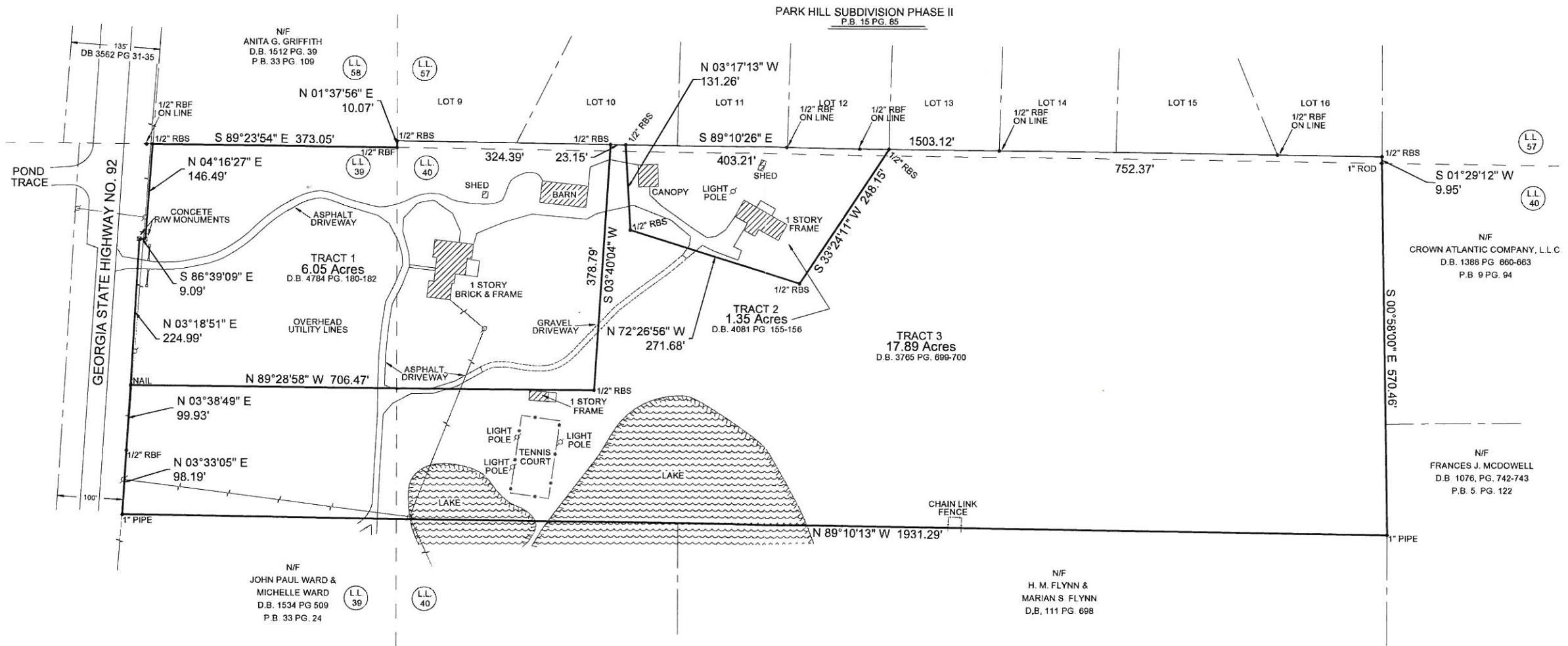
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

#### FINAL SURVEYOR'S CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO.1620  
DATE: 06/24/19

*A-717-20*  
*Current Conditions*



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ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP NUMBER  
13113C0112E, DATED SEPTEMBER 26,  
2008, THIS PROPERTY DOES NOT LIE  
WITHIN A SPECIAL FLOOD HAZARD  
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Job No. 19-063

Drawn By: R.D.G. Reviewed By: R.M.B.  
Issue Date: 06/24/19  
F.W.P.D.: 06/05/19  
Revisions: Date



Prepared For:

THE SAGON FAMILY TRUST

#### Property Location

Land Lot 39, 40 & 57 Of The 5th Land District  
Fayette County, Georgia

#### S.A. GASKINS & ASSOCIATES, LLC

surveyors planners development consultants  
P.O. BOX 303 BROOKS, GA 30205  
678-571-3054  
rdgaskins79@gmail.com

CLOSURE STATEMENT  
THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 42,167 FEET AND AN ANGULAR ERROR  
OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN  
ADJUSTED USING THE COMPASS RULE  
METHOD

THIS PLAT HAS BEEN CALCULATED FOR  
CLOSURE AND IS FOUND TO BE ACCURATE  
WITHIN ONE FOOT IN 100,000+ FEET

ANGULAR & LINEAR MEASUREMENTS WERE  
OBTAINED USING A LIECA 403 TCR TOTAL  
STATION



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: SAGON FAMILY TRUST <sup>Property is</sup> (Near 1044 Hwy 92 S)

MAILING ADDRESS: 8871 TARA BLVD JONESBORO GA 30236

PHONE: 678-873-9428 E-MAIL: hsagon@gmail.com

AGENT FOR OWNERS: RANDY BOYD

MAILING ADDRESS: P.O. Box 64 ZEBULON GA 30295

PHONE: 404-275-1677 E-MAIL: boyd2227@gmail.com

PROPERTY LOCATION: LAND LOT 3940 E 57 LAND DISTRICT 5TH PARCEL 0511019  
0511-039, 043, & 019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 25.289

ZONING DISTRICT: 5TH AR

ZONING OF SURROUNDING PROPERTIES: A-R, M-1, R-40, R-45

PRESENT USE OF SUBJECT PROPERTY: RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL

\*(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-717-20

[ ] Application Insufficient due to lack of:

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

[✓] Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: 1/28/2020

DATE OF ZONING BOARD OF APPEALS HEARING: February 24, 2020

Received from Craig Sagon a check in the amount of \$ 200.00

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

Date Paid: 1/17/2020 Receipt Number: 7135083-sign  
7135059-application



A-717-20

## 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:

SAGON FAMILY TRUST, CRAIG SAGON, HEATH SAGON TRUSTEES, PAUL SAGON &  
Please Print Names JOYCE SAGON

Property Tax Identification Number(s) of Subject Property: 0511 019

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5TH District, and (if applicable to more than one land district) Land Lot(s) 39, 40 & 57 of the District, and said property consists of a total of 25.289 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to RANDY BOYD 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.

[Signature]  
Signature of Property Owner 1

404 OLD SENIOR RD FAYETTEVILLE GA  
Address 30215

[Signature]  
Signature of Property Owner 2

165 GLAYS LN FAYETTEVILLE GA  
Address 30215

\_\_\_\_\_  
Signature of Authorized Agent

\_\_\_\_\_  
Address

[Signature]  
Signature of Notary Public

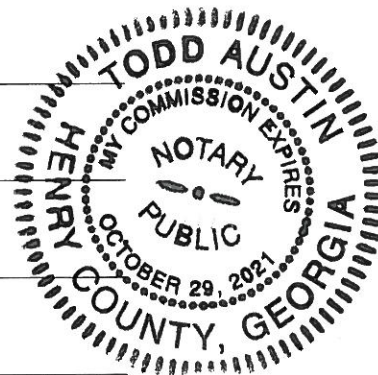
1-15-2020  
Date

[Signature]  
Signature of Notary Public

1-15-2020  
Date

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec 110-125 A.R. (d)(6)	50' side yard setback on north side	a) 10 ft set back for accessory structure b) 40 ft set back for Harris Court	a) 40 ft b) 10 ft
Sec 110-125 A.R. (d)(6)	50' side yard setback on south side	34 ft set back for Harris Court	16 ft
Sec 110-79 (b) <del>6</del> Res. Accessory Structures, Structure Limitations	Construction of an acc. structure shall occur concurrently with/after construction of the principal structure.	Allow an accessory structure to remain on lot w/out a primary structure.	

### VARIANCE SUMMARY

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

LOT #2 IS ILLEGAL AND NEEDS TO BE RECONFIGURED.  
WHILE RECONFIGURING THE LOT WE FOUND THAT CERTAIN  
STRUCTURES WERE NOT IN COMPLIANCE. TO BRING THESE  
STRUCTURES INTO COMPLIANCE WE MUST REQUEST A  
VARIANCE.

**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 EXTRAORDINARY AND EXCEPTIONAL CONDITIONS ARE  
THAT WE ARE TRYING TO BRING THE LOTS INTO  
COMPLIANCE.

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

DUE TO THE FACT THAT THESE ARE EXISTING  
STRUCTURES FOR THE LAST 40 PLUS YEARS. REMOVING  
THEM WOULD BE A HARDSHIP.

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

THE PROPERTY IS NOT PECULIAR, WE JUST WANT  
TO BRING THE STRUCTURES AND THE LOT INTO  
COMPLIANCE.



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.

THESE STRUCTURES WOULD NOT BE A DETRIMENT TO  
THE PUBLIC BECAUSE THEY HAVE BEEN IN EXISTANCE  
FOR OVER 40 YEARS

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

YES, MY NEIGHBORS ARE ALLOWED TO HAVE TENNIS  
COURT AND A ACCESSORY STRUCTURE ON THEIR  
LOTS.

A-717-20

**Legal Description**

**Tract 3**

**TAX PARCEL NUMBER 0511 019**

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 39 AND 40 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**TO FIND THE POINT OF BEGINNING, COMMENCE AT A POINT AT THE INTERSECTION OF THE EASTERN RIGHT-OF-WAY OF GEORGIA STATE HIGHWAY NO. 92 AND THE NORTH LINE OF LAND LOT 39; THENCE ALONG SAID RIGHT-OF-WAY SOUTH 04° 16' 27" WEST FOR 146.49 FEET; THENCE NORTH 86° 39' 09" WEST FOR 9.09 FEET; THENCE SOUTH 03° 18' 51" WEST FOR 224.99 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 89° 28' 58" EAST FOR 706.47 FEET, THENCE NORTH 03° 40' 04" EAST FOR 378.79 FEET, THENCE SOUTH 89° 10' 26" EAST FOR 23.15 FEET, THENCE SOUTH 03° 17' 13" EAST FOR 131.26 FEET; THENCE SOUTH 72° 26' 56" EAST FOR 271.68 FEET; THENCE NORTH 33° 24' 11" EAST FOR 248.15 FEET; THENCE SOUTH 89° 10' 26" EAST FOR 752.37 FEET; THENCE SOUTH 01° 29' 12" WEST FOR 9.95 FEET, THENCE SOUTH 00° 58' 00" EAST FOR 570.46 FEET; THENCE NORTH 89° 10' 13" WEST FOR 1931.29 FEET TO THE EASTERN RIGHT-OF-WAY OF GEORGIA STATE HIGHWAY NO. 92; THENCE ALONG SAID RIGHT-OF-WAY NORTH 03° 33' 05" EAST FOR 98.19 FEET; THENCE NORTH 03° 38' 49" EAST FOR 99.93 TO THE POINT OF BEGINNING.**

**SAID TRACT CONTAINING 17.89 ACRES.**