

**BOARD OF APPEALS**

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

**STAFF**

Pete Frisina, Director  
Chanelle Blaine, Zoning Administrator  
Howard Johnson, P & Z Coordinator

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
January 25, 2021  
7:00 P.M.**

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1. Election of the Chairman.
2. Election of the Vice-Chairman.
3. Election of the Secretary.
4. Consideration of the Minutes of the Meeting held on October 26, 2020
5. Consideration of the Minutes of the Meeting held on November 23, 2020.

**PUBLIC HEARING**

6. Petition No. A-745-20, W&W Realty Co., LLP, Owner, and All Span Builders Inc/S. Neal Brown, Agent, request the following:
  - 1) Variance to Section 110-144. C-H (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 35 feet to allow the construction of a fuel island canopy.
  - 2) Variance to Section 110-173. Transportation corridor overlay zone (3) (c) (2), to reduce the front yard setback from 100 feet to 35 feet to allow the construction of a fuel island canopy.The subject property is located in Land Lot 253 of the 4<sup>th</sup> District and fronts on Highway 85 South.
7. Petition No. A-746-20, Terry and Lisa Ensor, Owners, request the following:  
Variance to Sec. 110-79 Accessory structures and uses, (g) Architectural standards, to allow for the construction of a metal accessory structure with vertical pattern siding, as opposed to the required horizontal pattern. The subject property is located in Land Lot 23 of the 6<sup>th</sup> District and fronts on Quarters Road.
8. Petition No. A-747-20, Estate of Norma R. Simmons, Owner, and Nancy S. Lindsey, Agent, request the following:
  - 1) Variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.

- 2) Variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the combined total footprint of residential accessory structures per individual lot from 1,800 square feet to 2,200 square feet.
- 3) Variance to Sec. 110-70 Residential accessory structure and uses, (d) Location on lot, to allow a well-house to remain encroached in the side setback.
- 4) Variance to Sec. 110-131 R-75, (d) (4) (2), to reduce the front yard setback from 75 feet to 64 feet to allow an existing shed/workshop to remain.
- 5) Variance to Sec. 110-131 R-75, (d) (4) (2), to reduce the front yard setback from 75 feet to 69 feet to allow an existing barn to remain.

The subject property is located in Land Lot 9 of the 5<sup>th</sup> District and fronts on Highway 92 South and McBride Road.

This Public Hearing will be live-streamed at:

<https://livestream.com/accounts/4819394?query=fayette%20county&cat=account>.

The call-in number of 770-305-5277 is provided for those who would like to make public comment during this Public Hearing.

**PETITION NO. A-745-20**  
**W&W Realty Co., LLP**  
**1552 Highway 85 South**  
**Fayetteville, GA 30215**  
**Public Hearing Date January 25, 2020**

The subject property is located at 1552 Highway 85 South, Fayetteville, GA 30215 and is zoned C-H. The applicant is requesting a Variance as follows:

- 1) Variance to Section 110-144. C-H (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 35 feet to allow the construction of a fuel island canopy.
- 2) Variance to Section 110-173. Transportation corridor overlay zone (3) (c) (2), to reduce the front yard setback from 100 feet to 35 feet to allow the construction of a fuel island canopy.

**History:** C-H zoning appears on the 1971 Zoning Map. Staff has been unsuccessful in finding the petition and files for the zoning. Tax Assessor's records indicate that the convenience store with gas station was built in 1960 and the applicant purchased the property in 2012.

Several meetings were held with the agent over the past two (2) years to discuss with staff potential concerns for the convenience store and gas station. During these meetings staff addressed the agent's concerns and informed him of the current ordinances. After the last meeting the agent decided to request variances for the proposed fuel canopy potential encroachment of the front setback.

**DEPARTMENTAL COMMENTS**

**GA DEPARTMENT OF TRANSPORTATION:** There are no comments concerning this variance from GDOT; however if the existing accesses are modified in any form a GDOT special encroachment will need to be obtained, the applicant should be made aware of this.

**ENVIRONMENTAL HEALTH:** This department has no objection to proposed variance.

**ENVIRONMENTAL MANAGEMENT:** No comment.

**FIRE MARSHAL:** Approved.

**WATER SYSTEM:** No comment.

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.**

110-144 C-H (3)(a)(1) Request for reduction of 75' setback to 35' setback which will allow room to flow traffic to gas pumps.

110-73 Transportation Corridor Overlay Zone (3)(c)(2) request for reduction of 100' setback to 35' setback which will allow room to flow traffic to gas pumps.

## 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.**

Yes, the shape of this property is triangular.

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

Yes, the shape of this property will not allow enough room from the front setback for the proper spacing of cars from the curb to the gas dispensers and then to the store front parking.

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

Yes, because of the shape of the property.

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

There would be no detriment to the public good.

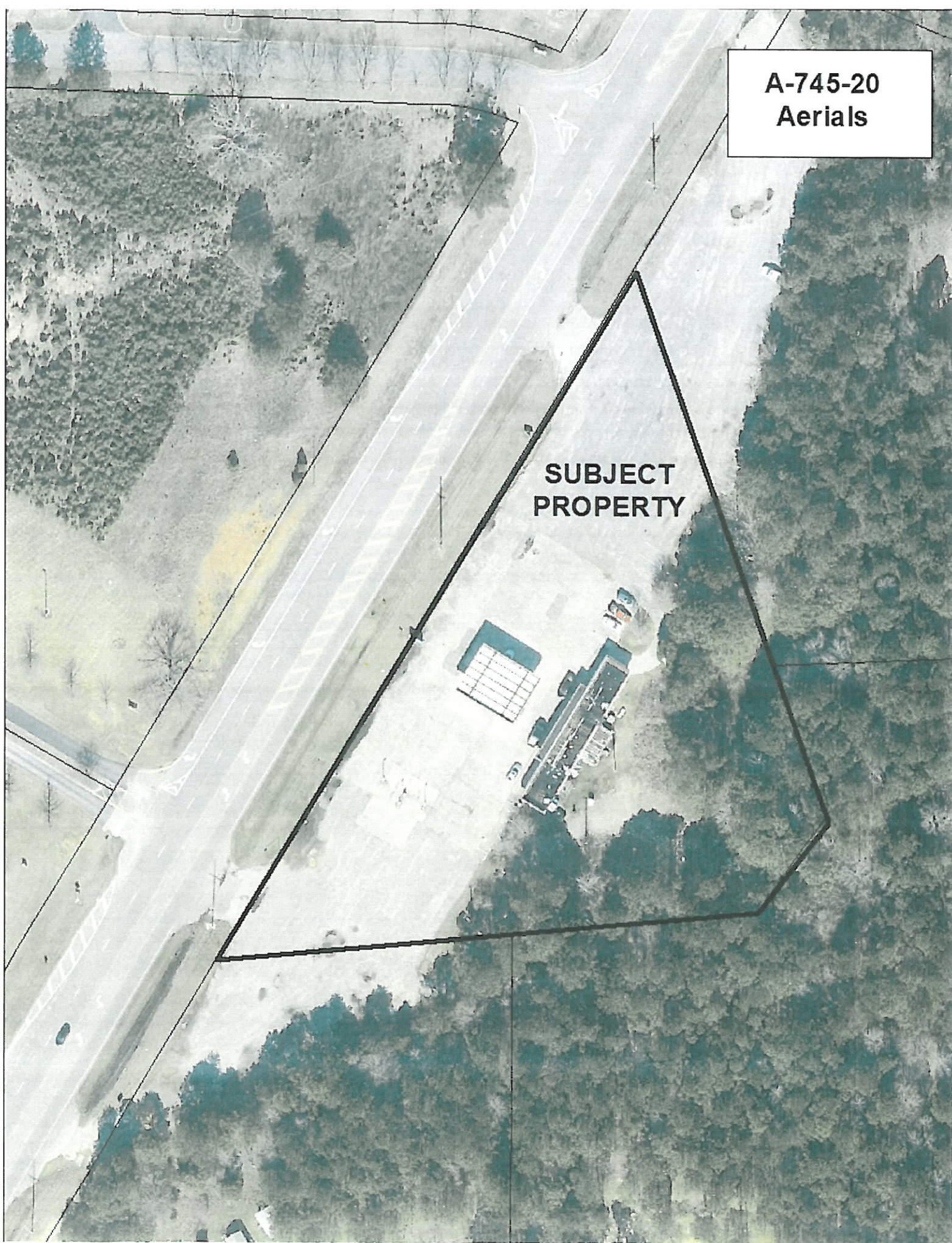
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed.**

Yes.



**A-745-20  
Aerials**

**SUBJECT  
PROPERTY**





LEGEND	
WOODEN POWER POLE -----○	HANDICAP PARKING = Ⓢ
EX. OVERHEAD POWER LINES -----E	EX. FIRE HYDRANT -----⊕
LIGHT POLE -----⊕	EX. WATER METER -----⊕
POB = POINT OF BEGINNING	EX. WATER VALVE -----⊕
OTP = OPEN TOP PIPE	EX. BUILDING -----
IPS = IRON PIN SET (#4 REBAR)	EX. ASPHALT -----
DB. = DEED BOOK	EX. CONCRETE -----
PB. = PLAT BOOK	EX. GRAVEL -----
PG. = PAGE	
N/F = NOW OR FORMERLY	
EX. = EXISTING	
RCP = REINFORCED CONCRETE PIPE	
EX. SEPTIC TANK LID -----Ⓢ	

AS PER OFFICIAL FLOOD INSURANCE MAPS BY THE F.E.M.A. THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA  
AS PER COMMUNITY - PANEL NUMBER 13113G0113E  
DATED: SEPTEMBER 26, 2008.

THIS PROPERTY IS SUBJECT TO ALL RIGHT OF WAYS AND EASEMENTS SHOWN OR NOT SHOWN, RECORDED OR UNRECORDED.

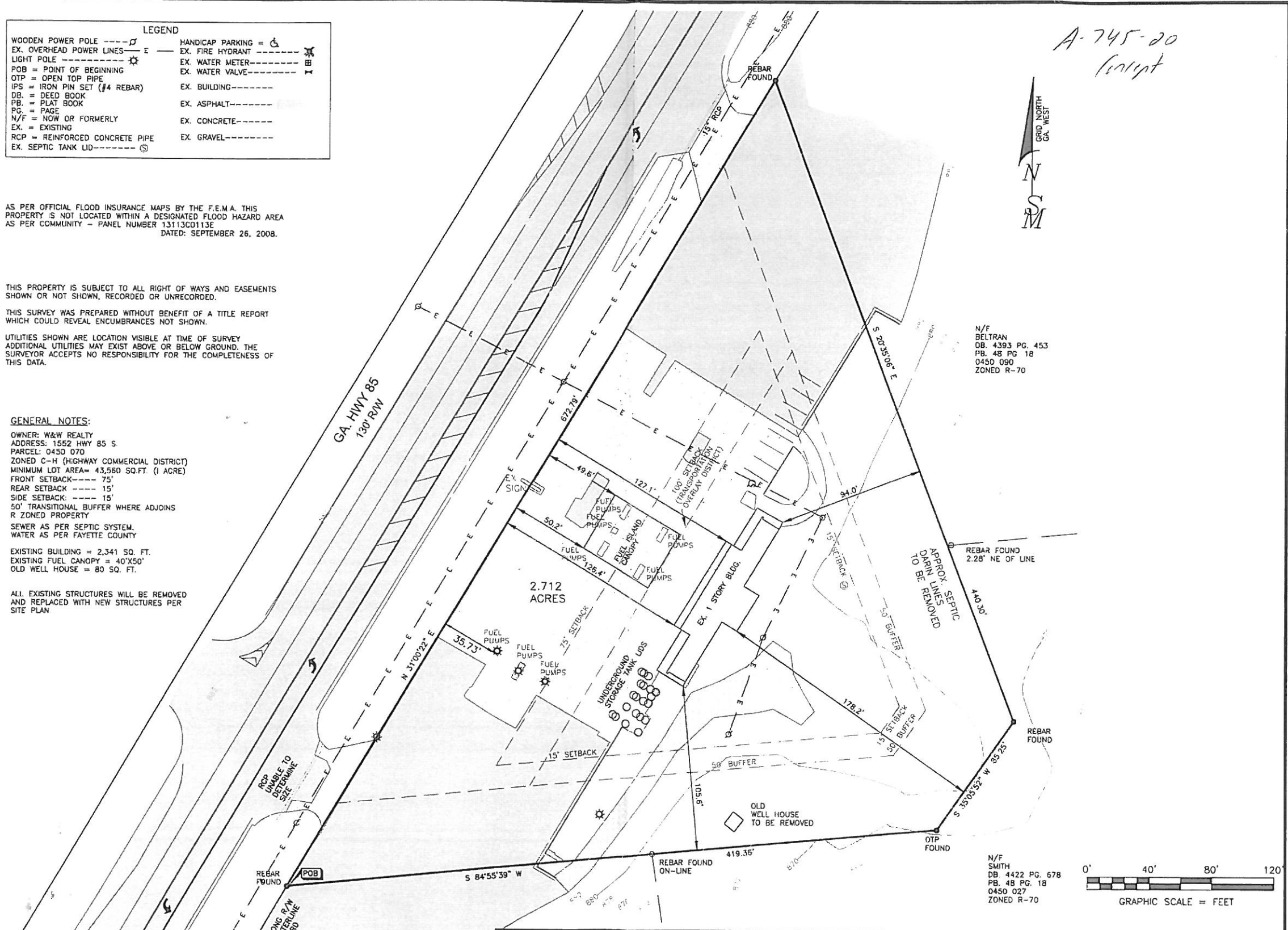
THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF A TITLE REPORT WHICH COULD REVEAL ENCUMBRANCES NOT SHOWN.

UTILITIES SHOWN ARE LOCATION VISIBLE AT TIME OF SURVEY  
ADDITIONAL UTILITIES MAY EXIST ABOVE OR BELOW GROUND. THE SURVEYOR ACCEPTS NO RESPONSIBILITY FOR THE COMPLETENESS OF THIS DATA.

**GENERAL NOTES:**

OWNER: W&W REALTY  
ADDRESS: 1552 HWY 85 S.  
PARCEL: 0450 070  
ZONED C-H (HIGHWAY COMMERCIAL DISTRICT)  
MINIMUM LOT AREA= 43,560 SQ.FT. (1 ACRE)  
FRONT SETBACK----- 75'  
REAR SETBACK----- 15'  
SIDE SETBACK----- 15'  
50' TRANSITIONAL BUFFER WHERE ADJOINS R ZONED PROPERTY  
SEWER AS PER SEPTIC SYSTEM.  
WATER AS PER FAYETTE COUNTY  
EXISTING BUILDING = 2,341 SQ. FT.  
EXISTING FUEL CANOPY = 40'X50'  
OLD WELL HOUSE = 80 SQ. FT.

ALL EXISTING STRUCTURES WILL BE REMOVED AND REPLACED WITH NEW STRUCTURES PER SITE PLAN

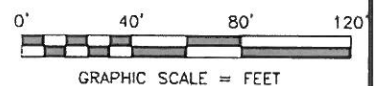


A-745-20  
6/14/17



N/F  
BELTRAN  
DB. 4393 PG. 453  
PB. 48 PG. 18  
0450 090  
ZONED R-70

N/F  
SMITH  
DB. 4422 PG. 678  
PB. 48 PG. 18  
0450 027  
ZONED R-70



PROJECT #:	B19028
EXISTING CONDITION	
DRAWN BY:	PWF
SCALE:	1" = 40'
DATE:	10/23/2020
SHEET:	1 OF 1



**EXISTING CONDITION SURVEY**  
  
**W&W REALTY**  
**2.712 ACRES**  
**LAND LOT 253, 4th DISTRICT**  
**FAYETTE COUNTY, GEORGIA**

**SIBLEY-MILLER**  
**SURVEYING & PLANNING INC.**  
  
212 WEST CAMPGROUND RD  
McDONOUGH, GA. 30253  
PHONE: (770) 320-7555  
FAX: (770) 320-7333  
www.sibleysurveying.com

\*TOPOGRAPHICAL SURVEYS  
\*LAND SURVEYING  
\*LAND PLANNING  
\*CONSTRUCTION LAYOUT  
\*LAND DEVELOPMENT DESIGN  
\*CIVIL ENGINEERING

A-745-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: W & W REALTY Co., LLP.

MAILING ADDRESS: PO BOX 127 FAIRBURN GA 30213

PHONE: 770 964 4125 E-MAIL: JDAVIS@GREENHILLCO.COM

AGENT FOR OWNERS: All Span Builders Inc / S. Neal Brown

MAILING ADDRESS: 240 Patricia Lane Fayetteville GA

PHONE: 770 461 5548 E-MAIL: Neal@AllSpanBuilders.com

PROPERTY LOCATION: LAND LOT 253 LAND DISTRICT 4TH PARCEL 0450070

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.712

ZONING DISTRICT: C-H

ZONING OF SURROUNDING PROPERTIES: A-R / R70

PRESENT USE OF SUBJECT PROPERTY: CONVENIENCE STORE WITH GAS

PROPOSED USE OF SUBJECT PROPERTY: SAME

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-745-20

[ ] Application Insufficient due to lack of:

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

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

by Staff: [Signature] Date: 12/2/2020

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

Received from John Davis a check in the amount of \$ ~~2000~~ 2000 \$2000

for application filing fee, and \$ 2000 for deposit on frame for public hearing sign(s).

Date Paid: 12/2/2020 Receipt Number: 009172



A-745-20

# 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:

W+W REALTY Co., LLP  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0450 070

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4TH District, and (if applicable to more than one land district) Land Lot(s) 253 of the District, and said property consists of a total of 2.712 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to S. Neal Brown Jr. / AHSR Builders Inc. 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.

Eduardo Lopez  
Signature of Property Owner 1

Address

Signature of Property Owner 2

Address

[Signature]  
Signature of Authorized Agent

2410 Patricia Lane  
Address Fayetteville GA  
30214

[Signature]  
Signature of Notary Public

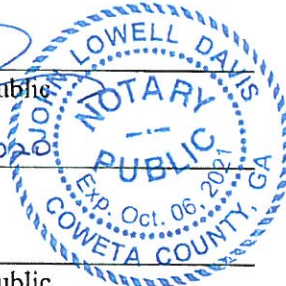
Date

Signature of Notary Public

Date

[Signature]  
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
110-144 C-H (3)(A)(1)	75' SETBACK	35' SETBACK	40'
110-73 TRANSPORTATION CORRIDOR OVERLAY ZONE (3)(C)(2)	100' SETBACK	35' SETBACK	65'

## VARIANCE SUMMARY

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

110-144 C-H(3)(A)(1) REQUEST FOR REDUCTION OF 75' SETBACK TO 35' SETBACK WHICH WILL ALLOW ROOM TO FLOW TRAFFIC TO GAS PUMPS.

110-73 TRANSPORTATION CORRIDOR OVERLAY ZONE (3)(C)(2) REQUEST FOR REDUCTION OF 100' SETBACK TO 35' SETBACK WHICH WILL ALLOW ROOM TO FLOW TRAFFIC TO GAS PUMPS

### 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.

YES. THE SHAPE OF THIS PROPERTY IS TRIANGULAR.

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

YES. THE SHAPE OF THIS PROPERTY WILL NOT ALLOW  
ENOUGH ROOM FROM THE FRONT SETBACK FOR THE PROPER SPACING  
OF CARS FROM THE CURB TO THE GAS DISPENSERS AND THEN TO THE STORE  
FRONT PARKING

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

YES. BECAUSE OF THE SHAPE OF THE PROPERTY.

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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.

THERE WOULD BE NO DETRIMENT TO THE PUBLIC GOOD

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

YES

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A-745-20

Doc ID: 008896910001 Type: WD  
Recorded: 08/07/2012 at 09:05:00 AM  
Fee Amt: \$350.00 Page 1 of 1  
Transfer Tax: \$340.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 3927 PG 640

Record and Return to:  
Glover & Davis, P.A.  
1125 Commerce Drive, Suite 300  
Peachtree City, GA 30269  
12P22018 Co.

### WARRANTY DEED

STATE OF GEORGIA  
COUNTY OF FAYETTE

THIS INDENTURE, made the 30th day of July, 2012, between T & D Grocery & Gas, Inc., a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and W & W Realty Co., LLP, 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 AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon.

SUBJECT to restrictive covenants and general utility easements of record.

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

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

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

Signed, sealed and delivered  
in the presence of:

Witness

Notary Public

T & D Grocery & Gas, Inc.

Dean H. Pope, President

(CORPORATE SEAL)



**PETITION NO. A-746-20**  
**Terry & Lisa Ensor**  
**311 Quarters Road**  
**Fayetteville, GA 30215**  
**Public Hearing Date January 25, 2021**

The subject property is located at 311 Quarters Road, Fayetteville, GA 30215 and is zoned PUD-PRD. The applicant is requesting a Variance as follows:

Variance to Sec. 110-79 Residential accessory structures and their uses. (g) *Architectural standards*, to allow for the construction of a metal accessory structure with **vertical pattern siding**, as opposed to the required horizontal pattern.

**History:** The Revised Final Plat of The Downs at Whitewater Creek Lot 56 C Phase 3, Lot 57 C Phase 2, and 58 C was recorded on August 6, 2004 in Book 39 and Page 176 - 177. Tax Assessor's records indicate that the house was built in 1996 and according to the deed the applicant purchased the property in 2017.

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.**

My wife and I are in the process of building an accessory structure on our private 5 acre residence at 311 Quarters Road, Fayetteville, GA. Our property does not currently have a garage of any kind, attached nor detached. While working with the county zoning department to get the accessory structure permitted, we gave the County a preliminary set of drawings and got approval for the size, location, and style of building. With this approval we then put an \$8000 deposit down with the building manufacture so they could began the process of designing a detailed set of drawings, as well as the fabrication of the structure. We have a delivery week set for the first week of March.

We received a phone call from Howard Johnson on December 15<sup>th</sup>. Mr. Johnson said his supervisor reviewed his approval and pointed out that the metal siding on the sides of the building would have to be in a horizontal pattern. He proceeded to apologize as he knew he had given us verbal approval and admittedly completely missed that detail.

I took this information to our building manufacture who said they have never designed a metal building with metal siding. The only buildings that have horizontal metal siding are unattractive and cheap looking car ports/car with garage doors.

We are asking for a variance to be granted and allow us to stick with industry standard, and keep the vertical metal siding instead of changing to horizontal.

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

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

The size of our property allows for the square footage, style, and type of building that has already been approved. The size of lot, foliage and typography of the land makes it that no roads or houses would be able to tell which way our wall panels are ran. The only neighbor that can see it from his driveway has written and signed an attached letter with his approval. He doesn't care if the exterior wall panels are ran horizontal or vertically.

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

This application of the horizontal metal panel clause would certainly cause us hardship. First, Mr. Johnson at the County office has already approved our drawings and site plans. Second, we have already paid over \$8,000 to a metal manufacture that has not only never designed or manufactured horizontal siding panels, they certainly don't recommend it and go as so far to say they wouldn't be interested in trying to design it. They do not do horizontal siding manufacturing.

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

We are building our garage on a flag lot. The front of the building would be over a hill and approximately 889 feet from the closest road. Not even our mailman/mailwoman would be able to see what direction our side panels run, let alone the buildings, itself.

- 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 construction of this building with vertically ran walls panels would meet the industries standards. This building would bring great value to the property. This will be a brand new building that will in no way negatively impact the neighborhood or the general public. Having this structure on the property will increase property values, add indoor parking (we currently have none) and increase the overall aesthetics of our property. Again, our closet neighbor wrote and signed a letter stating his approval.

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

In my zoning district, I have the right to install this accessory structure, the same right as any of my neighbors with the same size lot or larger. Granting this variance would have no negative impact to the neighborhood or community. This building will meet the full building code requirements just like anyone else in our neighborhood. We are simply asking to go with the industry standard and to approve our metal siding to be switched to the vertical panel orientation.

#### **DEPARTMENTAL COMMENTS**

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

**ENVIRONMENTAL MANAGEMENT:** No comment.

**FIRE MARSHAL:** Not applicable.

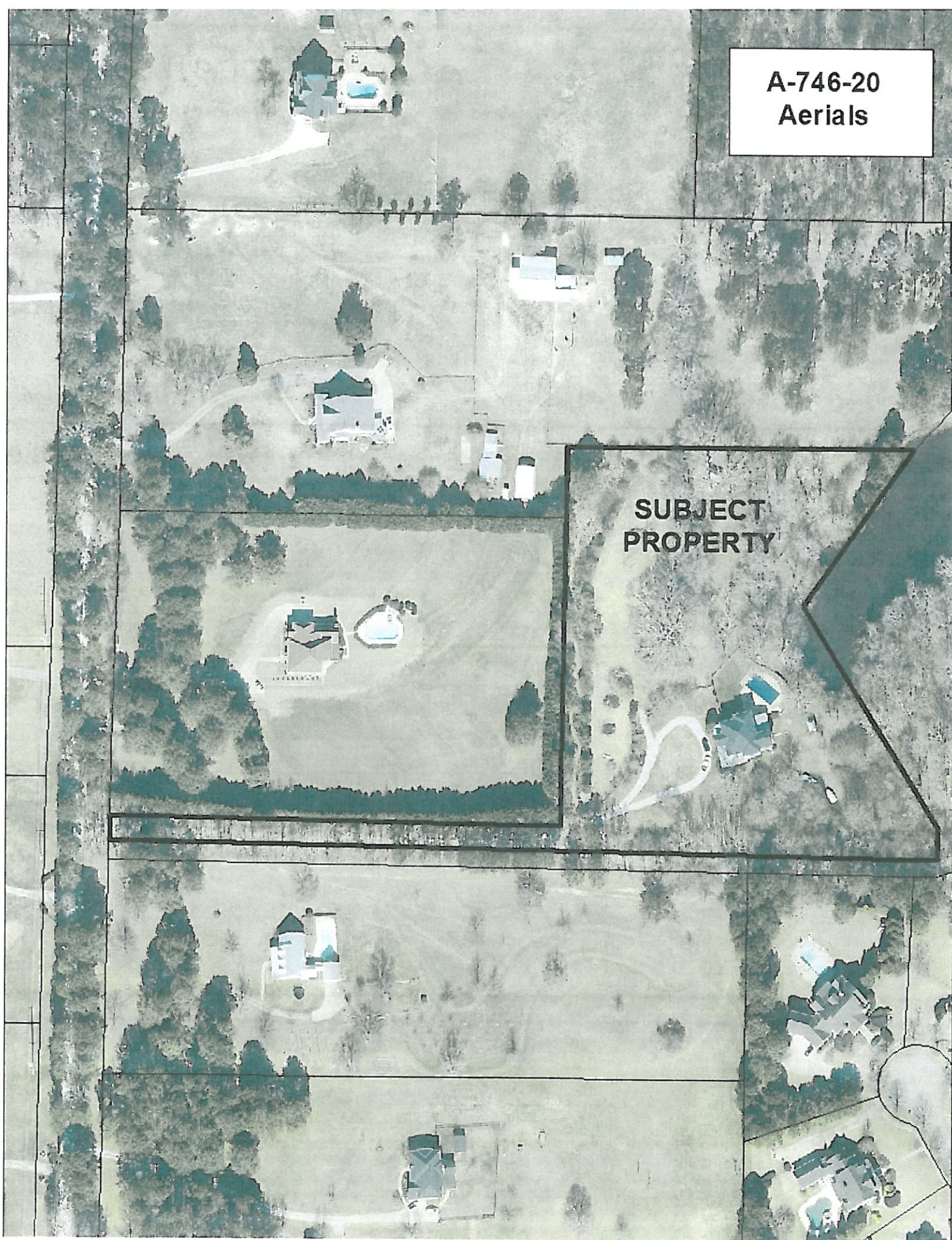
**PUBLIC WORKS/ENGINEERING:** No Public Works/Engineering issues.

**WATER SYSTEM:** No comment.



**A-746-20  
Aerials**

**SUBJECT  
PROPERTY**





NO OTHER  
PAGE FIVE  
URGENT  
ALY PAGE FIVE  
P. 000.00



## PIPE CHART

DATE/TIME	WINDEN	WIND DIR.	TEMP. ELV.
			827.25
			843.91
NOV 8:00	150° 150°	150° 150°	
			857.01
NOV 8:00	150° 150°	150° 150°	

P#2  
NEW GARAGE (60'X50')  
LOCATION APPROVED PER  
PLANNING & ZONING  
H. JOHNSON 10-23-2020

GEORGIA, FAYETTE COUNTY

Filed and Recorded this

of 1704 2810 of 1704 2810  
Page 177

2023-2024

GRAPHIC SCALE

1-10

OWNER/DEVELOPER

OWNER/DEVELOPER:  
 QUINCY COURTNEY L. & MELBA BETH ANN COURTNEY (LOT  
 10) & JAMES ALBERT FREEMAN (LOT 11)

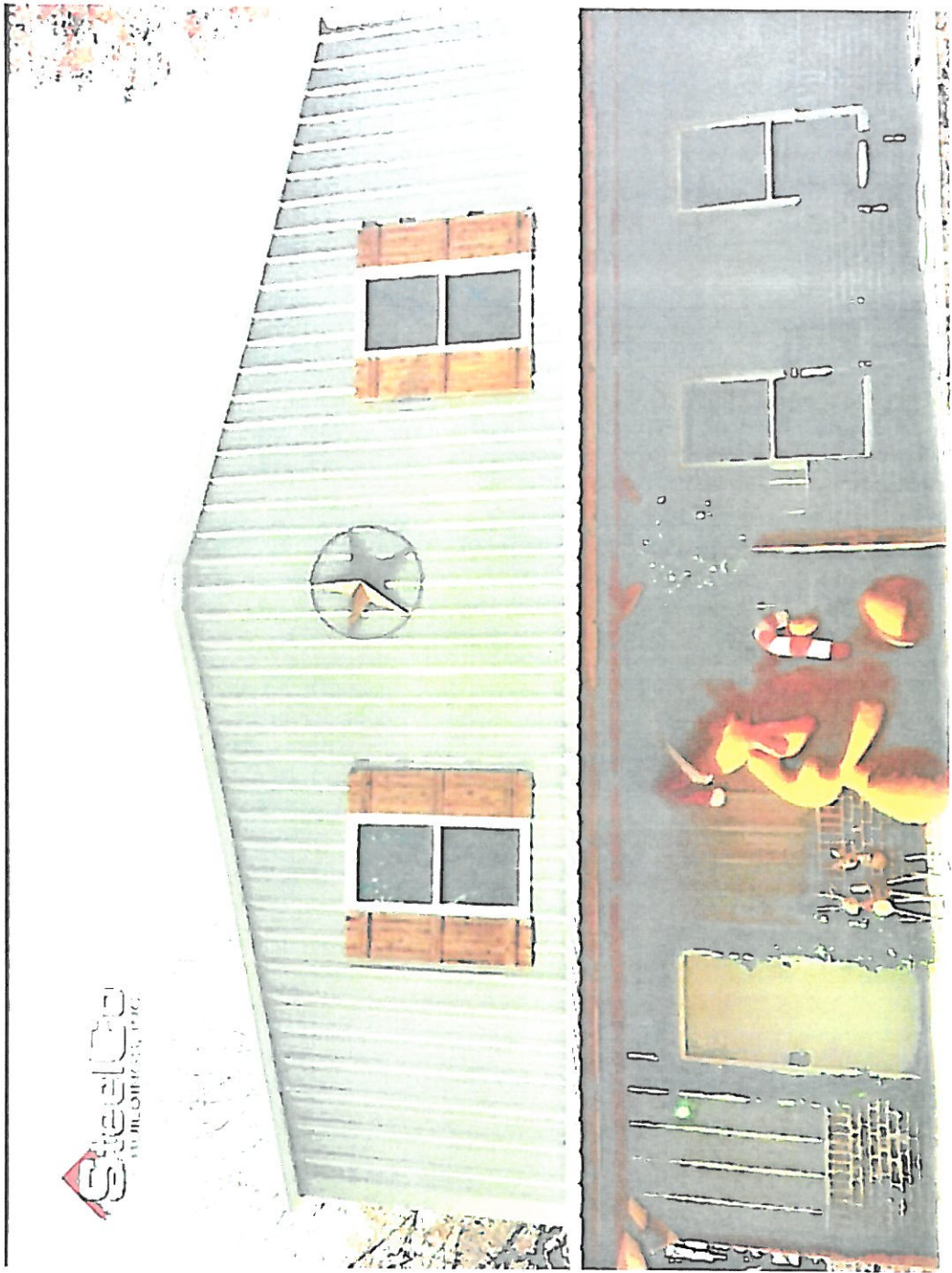
BA. 100693







20 246 A







2016 9/16





746 20





A 746 20



A 746-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Terry & Lisa Ensor

MAILING ADDRESS: 311 Quarters Rd. Fayetteville, GA 30215

PHONE: (402) 239-7783 E-MAIL: terry.ensor.8953@gmail.com

AGENT FOR OWNERS: Same

MAILING ADDRESS: Same

PHONE: Same E-MAIL: Same

PROPERTY LOCATION: LAND LOT 23 LAND DISTRICT 6th PARCEL 060104004

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 5 ACRES

ZONING DISTRICT: PUD

ZONING OF SURROUNDING PROPERTIES: PUD, A-R

PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

PROPOSED USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-746-20

[ ] Application Insufficient due to lack of:

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

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

by Staff: [Signature] Date: 12/5/20

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 25, 2021

Received from TERRY ENSOR a check in the amount of \$ 175<sup>00</sup>

for application filing fee, and \$ 20<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 12/16/2020 Receipt Number: 9374

A 746 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:

Terry L. Ensor, Lisa K. Ensor

Please Print Names

Property Tax Identification Number(s) of Subject Property: 060104009

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 6<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) 23 of the District, and said property consists of a total of 5 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Terry Ensor 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

311 Quarters Rd  
Address Fayetteville, GA 30215

[Signature]  
Signature of Property Owner 2

311 QUARTERS RD.  
Address FAYETTEVILLE, GA 30215

Signature of Authorized Agent

Address

Date



Signature of Notary Public

2/16/2020  
Date

Signature of Notary Public

12/18/2020  
Date

Signature of Notary Public

PLEASE SEE ATTACHED.

**JUSTIFICATION OF REQUEST**

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

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

PLEASE SEE ATTACHED.

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

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED

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.

PLEASE SEE ATTACHED

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

PLEASE SEE ATTACHED.



## **Variance Summary**

**Dec. 16<sup>th</sup> 2020**

My wife and I are in the process of building an accessory structure on our private 5 acre residence at 311 Quarters Road, Fayetteville, GA. Our property does not currently have a garage of any kind, attached nor detached. While working with the county zoning department to get the accessory structure permitted, we gave the county a preliminary set of drawings and got approval for the size, location, and style of building. With this approval we then put an \$8,000 deposit down with the building manufacture so they could begin the process of designing a detailed set of drawings, as well as the fabrication of the structure. We have a delivery week set for the first week of March.

We received a phone call from Howard Johnson on December 15<sup>th</sup>. Mr. Johnson said his supervisor reviewed his approval and pointed out that the metal siding on the sides of the building would have to be in a horizontal pattern. He proceeded to apologize as he knew he had given us verbal approval and admittedly completely missed that detail.

I took this information to our building manufacture who said they have never designed a metal building with metal horizontal siding as their machines/processes are not capable of such.

There are a few similar and attractive looking metal buildings in our neighborhood with vertical metal siding. The only buildings that have horizontal metal siding are unattractive and cheap looking car ports/car ports with garage doors.

We are asking for a variance to be granted and allow us to stick with the industry standard, and keep the vertical metal siding instead of changing to horizontal.



## Justification of Request

1. The size of our property allows for the square footage, style, and type of building that has already been approved. The size of lot, foulage and typography of the land makes it that no roads or houses would be able to tell which way our wall panels are ran. The only neighbor that can see it from his driveway has written and signed an attached letter with his approval. He doesn't care if the exterior wall panels are ran horizontal or vertically.
2. This application of the horizontal metal panel clause would certainly cause us hardship. First, Mr. Johnson at the county office has already approved our drawings and site plans. Second, we have already paid over \$8,000 to a metal manufacture that has not only never designed or manufactured horizontal siding panels, they certainly don't recommend it and go as so far to say they wouldn't be interested in trying to design it. They do not do horizontal siding manufacturing.
3. We are building our garage on a flag lot. The front of the building would be over a hill and approximately 889 feet from the closest road. Not even our mailman/mailwoman would be able to see what direction our side panels run, let alone the building, itself.
4. The construction of this building with vertically ran walls panels would meet the industries standards. This building would bring great value to the property. This will be a brand new building that will in no way negatively impact the neighborhood or the general public. Having this structure on the property will increase property values, add indoor parking (we currently have none) and increase the overall aesthetics of our property. Again, our closest neighbor wrote and signed a letter stating his approval.
5. In my zoning district, I have the right to install this accessory structure, the same right as any of my neighbors with the same size lot or larger. Granting this variance would have no negative impact to the neighborhood or community. This building will meet the full building code requirements just like anyone else in our neighborhood. We are simply asking to go with the industry standard and to approve our metal siding to be switched to the vertical panel orientation.

A-746-20



Doc ID: 010251790001 Type: WD  
 Recorded: 10/18/2017 at 09:50:00 AM  
 Fee Amt: \$585.00 Page 1 of 1  
 Transfer Tax: \$575.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

BK 4666 PG 749

Please return to:  
 Lawson & Beck, LLC  
 1125 Commerce Drive, Suite 300  
 Peachtree City, GA 30269  
 File # 17-LAW-2483

STATE OF GEORGIA  
 COUNTY OF FAYETTE

## LIMITED WARRANTY DEED

THIS INDENTURE made this 29th day of September, 2017 between

Gregory S. Nelson and Kimberly L. Nelson

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

Terry L. Ensor and Lisa R. Ensor 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 23 of the 6th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at a 5/8" rebar on the East side of Quarters Road (80' Right of Way) that is 760.00 feet South of the intersection of the East right of way of Quarters Road and the North line of Land Lot 23; thence North 89 degrees 36 minutes 18 seconds East a distance of 573.25 feet to a 5/8" rebar for corner; thence North 00 degrees 30 minutes 04 seconds East a distance of 470.12 feet to a point for corner; thence North 89 degrees 36 minutes 18 seconds East a distance of 447.89 feet to a point for corner; thence South 33 degrees 24 minutes 55 seconds West a distance of 243.25 feet to a point for corner; thence South 33 degrees 31 minutes 55 seconds East a distance of 320.00 feet to a 1/2" rebar for corner; thence South 00 degrees 23 minutes 42 seconds East a distance of 30.00 feet to a 1/2" rebar for corner; thence South 89 degrees 36 minutes 18 seconds West a distance of 1068.53 feet to a 1/2" rebar for corner; thence North 00 degrees 30 minutes 04 seconds East a distance of 30.00 feet to the POINT OF BEGINNING, and containing 217,800 square feet or 5.00 acres of land, more or less.

Subject to restrictive covenants and easements of record.

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

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

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

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

Gregory S. Nelson

Kimberly L. Nelson



**PETITION NO. A-747-20**  
**Estate of Norma R. Simmons**  
**1473 Highway 92 South**  
**Fayetteville, GA 30215**  
**Public Hearing Date January 25, 2021**

The subject property is located at 1473 Highway 92 South, Fayetteville, GA 30215 and is zoned R-75. The applicant is requesting a Variance as follows:

- 1) Variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the amount of residential accessory structures per individual lot from 2 to 3.
- 2) Variance to Sec. 110-70 Residential accessory structures and uses, (c) Number and size, (1) (a), to increase the combined total footprint of residential accessory structures per individual lot from 1,800 square feet to 2,200 square feet.
- 3) Variance to Sec. 110-70 Residential accessory structure and uses, (d) Location on lot, to allow a well-house to remain encroached in the side setback.
- 4) Variance to Sec. 110-131 R-75, (d) (4) (2), to reduce the front yard setback from 75 feet to 64 feet to allow an existing shed/workshop to remain.
- 5) Variance to Sec. 110-131 R-75, (d) (4) (2), to reduce the front yard setback from 75 feet to 69 feet to allow an existing barn to remain.

**History:** Rezoning Petition 1297-20, A-R to R-75, was approved by the Board of Commissioners on December 10, 2020. The rezoning Resolution and Board minutes indicate that before a Minor Final Plat can be approved by staff the homeowner must bring the accessory structures (i.e. barn, well-house, and shed) into compliance either through variances or by removal.

The survey for 1473 Highway 92 was recorded on July 7, 1967 in Book 3 and Page 194. Tax Assessor's records indicate that the house was built in 1970 and according to the deed the applicant purchased the property in 2009.

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.**

Related to Zoning Request 197-20, to rezone 5.651 acres from A-R to R-75 to develop 2 residential lots. The rezoning request was made for Estate purposes. Based on the rezoning, there are variances related to these structures.

1. Increasing the number of allowed structures from 2 to 3.
2. Increasing the allowed square footage 2200.
3. Setback variance for the barn.
4. Setback variance for the workshop.
5. Setback variance for the well-house.

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

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

The property fronts on 2 roads; Highway 92 South and McBride Road, resulting in additional setback requirements.

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

The structure are long-standing; two of the structures were present when the property was purchased 1977. Removal would present a hardship.

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

Same as #1.

- 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 been no complaints related to the existing structures.

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

There are similar structures on many of the properties in the surrounding area.

## **DEPARTMENTAL COMMENTS**

**ENVIRONMENTAL HEALTH:** No objections to proposal.

**ENVIRONMENTAL MANAGEMENT:** No comments.

**FIRE MARSHAL:** Approved.

**PUBLIC WORKS/ENGINEERING:** No Public Works issues with the variance request.

**WATER SYSTEM:** No comment.



**A-747-20  
Aerials**

**SUBJECT  
PROPERTY**

An aerial photograph showing a large, irregularly shaped property outlined in black. The property is mostly covered in trees and some smaller structures. To the left of the property is a large, light-colored area that appears to be a parking lot or a cleared field. To the right is a residential area with a large house and a driveway. A road runs along the top edge of the property. The text "SUBJECT PROPERTY" is overlaid in the center of the outlined area.



Concept  
A-747-20

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

SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS

P.O. BOX 321 Brooks, Ga. 30205

sagaskins@bellsouth.net

770-460-9342

JOHN 3 16

**REZONING PLAT FOR 1473  
HIGHWAY 92 S. FAYETTEVILLE, GA.**

CURRENT ZONING - AR  
PROPOSED ZONING - R-75  
McBRIDE RD. CLASSIFICATION - COLLECTOR

TOTAL AREA  
5.651 Acres  
246152.9 S.F.

THIS BLOCK RESERVED FOR THE CLERK  
OF THE SUPERIOR COURT.

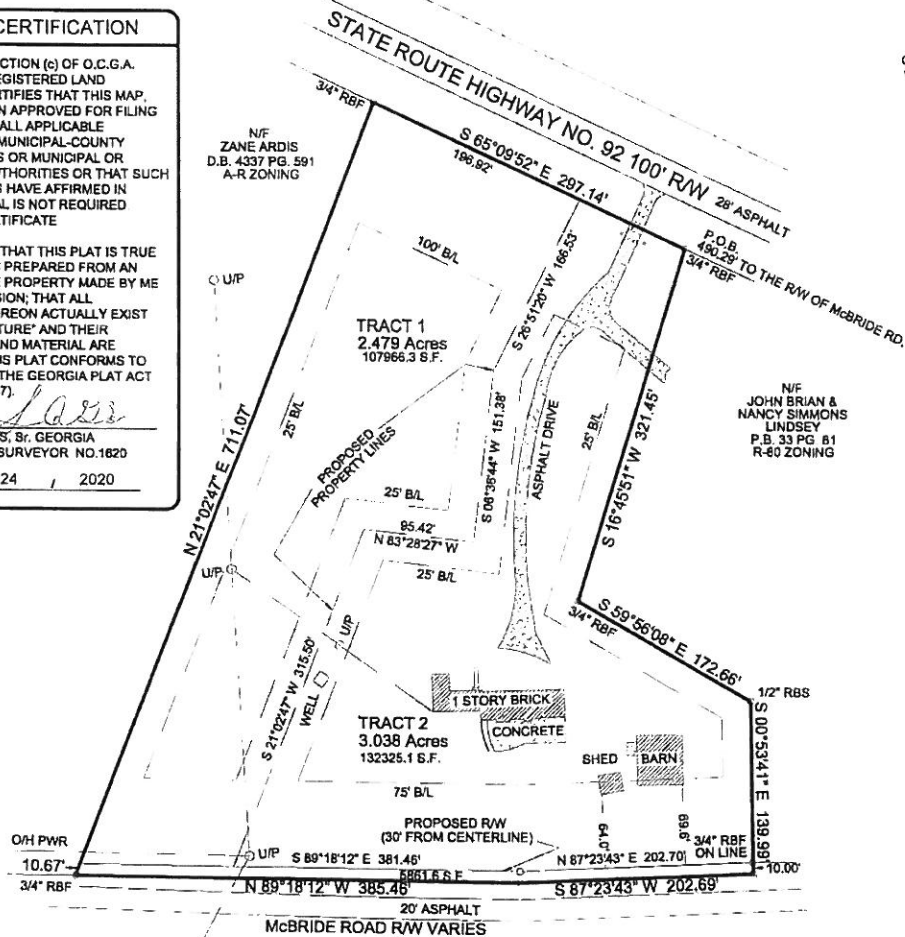
**SURVEYORS CERTIFICATION**

AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED 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 08 / 24 / 2020



**FLOOD STATEMENT**  
ACCORDING TO FEMA FLOOD  
INSURANCE RATE MAP OF FAYETTE  
COUNTY AND UNINCORPORATED  
AREAS DATED SEPTEMBER 26, 2008  
MAP NUMBER 13113C0113E, NO  
PORTION OF THIS PROPERTY LIES  
WITHIN A SPECIAL FLOOD HAZARD  
AREA

**CLOSURE STATEMENT**  
THE FIELD DATA UPON WHICH THIS PLAT IS  
BASED HAS A CLOSURE PRECISION OF ONE  
FOOT IN 29,242 FEET AND AN ANGULAR ERROR  
OF 00° 00' 01" 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 TS02 TOTAL STATION  
& GEOMAX CHAMPION PRO GPS ON THE  
TRIMBLE NETWORK

**LEGEND**

B/L=BUILDING LINE  
C/L=CENTERLINE  
CTP=CRIMP TOP PIPE  
D.B.=DEED BOOK  
D.E.=DRAINAGE EASEMENT  
ESMT.=EASEMENT  
EP=EDGE OF PAVEMENT  
F.W.P.D.=FIELD WORK  
PERFORMED DATE  
L.L.=LAND LOT  
L.L.L.=LAND LOT LINE  
N/F=NOW OR FORMERLY  
P.B.=PLAT BOOK  
P.G.=PAGE  
P.O.B.=POINT OF BEGINNING  
P/P=POWER POLE  
RBF=REBAR FOUND  
RBS=REBAR SET  
RW=RIGHT OF WAY  
U/P=UTILITY POLE  
OH=OVER HEAD

Prepared For:  
**NANCY LINDSEY**

F.W.P.D.	08/14/20	Date	08/24/20
Scale	1" = 100'	Job No.	SA20-106A
County.	FAYETTE, GA	Land Lot	9
		District	5TH

A 747-20

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Estate of Norma R. Simmons

MAILING ADDRESS: 1473 Hwy 92 South Fayetteville, Ga 30215

PHONE: 770-310-5193 5 E-MAIL: brian-nancy@mindspring.com

AGENT FOR OWNERS: Nancy J. Lindsey (Executor)

MAILING ADDRESS: 1475 Hwy 92 South Fayetteville Ga 30215

PHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

PROPERTY LOCATION: LAND LOT 9 LAND DISTRICT 5th PARCEL 0505026

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 3.038 Acres

ZONING DISTRICT: R75

ZONING OF SURROUNDING PROPERTIES: A-R, R-80

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-747-20

[ ] Application Insufficient due to lack of:

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

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

by Staff: [Signature] Date: 12/18/2020

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

Received from Estate of Norma Simmons / Nancy Lindsey a check in the amount of \$ 375.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s). Total \$315.00

Date Paid: 12.17.2020 Receipt Number: 009376



A-747-20

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:

Estate of Norma R. Simmons Nancy S. Lindsey Agent  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0505026

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the \_\_\_\_\_ 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 Nancy S. Lindsey 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.

Nancy S. Lindsey, Agent  
Signature of Property Owner 1

1475 Hwy 92 South  
Address Fayetteville, GA 30215

Howard L. [Signature]  
Signature of Notary Public

12/11/2020  
Date

\_\_\_\_\_  
Signature of Property Owner 2

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
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

**VARIANCE SUMMARY**

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

*See attached.*

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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.

See attached

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

See attached

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

See attached



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

*See attached*

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

*See attached*

A 741-20

Variance Application

December 17, 2020

Related to Zoning Request 1297-20, to rezone 5.651 acres from A-R to R-75 to develop 2 residential lots.

**Variance Summary:**

The rezoning request was made for Estate purposes. Based on the rezoning, there are variances related to these structures.

1. Increasing the number of allowed structures from 2 to 3
2. Increasing the allowed square footage to 2200
3. Setback variance for the Barn
4. Setback variance for the Workshop
5. Setback variance for the Well-house

**Justification of Request:**


1. The property fronts on 2 roads; Highway 92 South and McBride Road, resulting in additional setback requirements.
2. The structures are long-standing; two of the structures were present when the property was purchased in 1977. Removal would present a hardship.
3. Same as #1
4. There have been no complaints related to the existing structures.
5. There are similar structures on many of the properties in the surrounding area.

Respectfully Submitted,

Nancy S. Lindsey, Agent

Probate Court Return Mailing Address:  
Fayette County Probate Court  
1 Center Drive  
Fayetteville, Georgia 30214

1251-20



Doc ID: 008212430002 Type: GLR  
 Filed: 12/18/2008 at 11:50:00 AM  
 Fee Amt: \$14.00 Page 1 of 2  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court  
 BK **3599** PG **24-25**

### CERTIFICATE OF ORDER OF YEAR'S SUPPORT

(Pursuant to Ga. Code Ann. §53-3-11)

GEORGIA, Fayette COUNTY

DATE ORDER GRANTED: Dec. 7, 2009

GRANTOR: (NAME OF DECEDENT) EDD LEWIS SIMMONS, SR.

GRANTEE: (FULL NAME OF SURVIVING SPOUSE, AND EACH MINOR CHILD, AND DATE OF BIRTH OF EACH MINOR)

NORMA R. SIMMONS

ADDRESS OF GRANTEE: 1473 Highway 92 S, Fayetteville, Georgia 30215

#### Legal Description of Real Property and Interest Therein:

All that tract, lot or parcel of land situate, lying and being in Land Lot 9 of the Fifth Land District of Fayette County, Georgia, containing 10.76 acres, more or less, as shown on plat of survey of Property of W. W. Mask, Jr., dated May 29, 1967, made by Lee Engineering Co., and recorded in Plat Book 3, page 194, in the Office of the Clerk of the Superior Court of Fayette County, Georgia, and, by reference, said plat of survey is incorporated herein and made a part of this description, and according to said plat of survey said real property is more particularly described as follows:

BEGINNING at a point in the center of a dirt road on the south line of Land Lot 9, same being the district line separating the Fifth Land District from the Fourth Land District, said point of beginning being 1521 feet east of the southwest corner of Land Lot 9; thence, east along the center line of a county dirt road and along the south line of Land Lot 9, 843 feet; thence, in a northeasterly direction 406 feet to the south margin of Georgia State Highway 92; thence, in a Northwesterly direction along the south margin of said Georgia State Highway No. 92, 829 feet; thence, in a southwesterly direction 740 feet to point of beginning, and bounded on the north by Georgia State Highway 92; on the east by a dirt road; on the south by a dirt road, and on the west by property of W. W. Mask.

#### LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot 9, Fifth District, Fayette County, Georgia and being more particularly described as follows:

BEGINNING at a point where the southerly right-of-way of State Route 92 (100' R/W) intersects the westerly right-of-way of McBride Road (50' R/W, 30' west of centerline at this point and 20' east of centerline at this point). THENCE South 22 degrees 19 minutes 49 seconds West for a distance of 243.92 feet along the westerly R/W of McBride Road (50' R/W, 30' west of the centerline) to an



iron pin set. THENCE along a curve to the right having a radius of 164.11 feet and an arc length of 182.76 feet, being subtended by a chord of South 54 degrees 14 minutes 03 seconds West for a distance of 173.46 feet along the R/W of McBride Road (same R/W as stated above) to an iron pin set. THENCE South 86 degrees 08 minutes 13 seconds West for a distance of 145.73 feet along the R/W of McBride Road (same R/W as stated above) to an iron pin set. THENCE North 02 degrees 08 minutes 30 seconds West for a distance of 139.99 feet leaving the R/W of McBride Road to an iron pin set. THENCE North 61 degrees 11 minutes 17 seconds West for a distance of 172.66 feet to an iron pin set. THENCE North 15 degrees 30 minutes 21 seconds East for a distance of 321.40 feet to an iron pin set. THENCE South 66 degrees 26 minutes 22 seconds East for a distance of 490.29 feet along the southerly R/W of State Route 92 (100' R/W) to an iron pin set and the TRUE POINT OF BEGINNING. Together with and subject to covenants, easements, and restrictions of record. Said property contains 3.9712 acres more or less.

Also land in \_\_\_\_\_, Count(y)(ies).

Original Certificate delivered or mailed to Clerk of Superior Court of Superior Court, Fayette County on Dec. 18, 2009.

Certificate prepared by:

[Signature]  
SIGNATURE OF ATTORNEY

State Bar #: 002890

I do hereby certify that the above information is based on the order of the Probate Court issued on the date set out above and that the above information is true and correct.

By: [Signature]  
PROBATE CLERK/DEPUTY CLERK

