

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairwoman
Tom Waller
Bill Beckwith
Anita Davis

STAFF

Deborah Bell, Interim P&Z Director
Chelsie Boynton, Planning and Zoning Coordinator

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
August 22, 2022
7:00 P.M.**

1. Consideration of the Minutes of the Meeting held on July 25, 2022.

PUBLIC HEARING

2. Petition No. A-798-22, Apremier Properties Group, LLC, Owner, and Darrell Baker Agent, request the following:
 1. Variance to Sec. 110-170. Nonconformances, (l) Nonconforming structures. Request enlargement of a nonconforming structure: enlarge an existing fuel canopy structure from 960 square feet to 1,728 square feet and add an additional diesel fuel dispenser.
 2. Variance to Sec. 110-173. Transportation Corridor Overlay Zone, (2) S.R. 54 West (c) (2), to reduce the front yard setbacks from 100 feet to 37 feet for the gasoline canopy.
 3. Variance to Sec. 110-144. C-H (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 37 feet off SR 54 West for the gasoline canopy.
 4. Variance to Sec. 110-144. C-H (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 28 feet off Tyrone Road for the gasoline canopy.

The subject property is located in Land Lot 26 of the 7th District and fronts on GA. Highway 54 and Tyrone Road.

3. Petition No. A-801-22, Christopher and April Szopa, Owners, request the following: Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 20 feet to 5 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lots 163 and 190 of the 5th District and fronts on Ginger Cake Road.

4. Petition No. A-802-22, Shannon D. Williams, Owner, request the following: Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 16 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 222 of the 13th District and fronts on Westbridge Road.
5. Petition No. A-803-22, Timothy and Doreen Callahan, Owners, request the following: 1) Variance to Sec. 110-79. Residential accessory structures and their uses, (e) To allow construction of a residential accessory structure located in a front yard. 2) Variance to Sec. 110-133. R-70, (d) (5) to reduce the rear yard setback from 50 feet to 15 feet to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 77 of the 7th District and fronts on Adams Road.
6. Petition No. A-804-22, Effren and Melissa, Owners, request the following: Variance to Sec. 110-137. R-40, (d) (5) to reduce the rear yard setback from 30 feet to 1 foot to allow an existing residential accessory structure to remain. The subject property is located in Land Lot 127 of the 5th District and fronts on Nina Celeste Lane.
7. Petition No. A-805-22, Morgan C and Celia G Kendrick Jr, Owners, and Bob Barnard, Barnard & Associates Remodeling, Inc, Agent, request the following: Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 38 feet to allow construction of a residential accessory structure. The subject property is located in Land Lot 3 of the 5th District and fronts on Harris Road.
8. Petition No. A-806-22, Trogger Enterprises, Inc., Owners, and Michael Scanlon, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) to reduce the front yard setback from 75 feet to 50 feet to allow for construction of an internal self-storage facility. The subject property is located in Land Lot 25 of the 7th District and fronts on Lester Road/West Fayetteville Bypass.

PETITION NO. A-798-22

**Apremier Properties Group, LLC
1499 Highway 54 W
Fayetteville, GA 30214
Public Hearing Date June 27, 2022**

The subject property is located at 1499 Highway 54 West Fayetteville, GA 30215 and is zoned C-H. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-170. Nonconformances, (l) *Nonconforming structures; nonconforming structures*. Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered. *Request enlargement of a nonconforming structure: Replace & enlarge an existing fuel canopy structure from 960 square feet to 1,728 square feet and add 1 fuel pump.*
2. Variance to Sec. 100-173(c)(2). Front yard setbacks on all other state routes for all structures, including gasoline canopies, shall be 100 feet. *Request is to reduce the front yard setback on Hwy 54 from 100' to 37.5'*
3. Variance to Sec. 110-144(d)(3). Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 70 feet.

Request is to reduce the front yard setback on Tyrone Road from 75' to 37.5'.

Sec. 110-170. - Nonconformances.

- **Nonconforming lots.** A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. **Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.**

HISTORY

The subject property is a non-conforming lot of record and is 0.794 acres in size. The survey named Alton D. Brown was recorded on June 13, 1978 in Plat Book 10 and Page 149. Tax Assessors indicate the applicant purchased the property in September 2018.

On January 11, 1974, the Board of Commissioners approved rezoning petition 279-74 to rezone the property from A-R to C-H.

The Final Plat of 1499 Highway 54 West was recorded on June 13, 1978, in Plat Book 10 and Page(s) 149; the subject property is 0.75 acres. Tax Assessors indicate the applicant purchased the property in 2018.

It was brought to staff's attention that the property owner began building renovations without a building permit or site plan. Staff informed the property owner's contractor that they would need to go through the proper procedures before construction can commence. The Department of Building Safety is working with the owner and owner's agent to obtain the appropriate building permits.

The contractor then informed staff that he would like to install a new gasoline canopy that would be larger than the original gasoline canopy and would be adding additional pump. He also stated that the property owner would like to add a diesel pump 14 feet from the property line.

CRITERIA FOR CONSIDERATION

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.

The applicant provides the following information:

The site in question is a nonconforming site and has existed as a gas station since built in 1983. The current owner purchased in 2018 and is in the process of upgrading the property with a new canopy along with adding 1 additional pump. There will also be exterior painting and upgrades that are currently being designed by an architect to improve the appearance of the property and facilities. The new proposed canopy structure will stand in the same spot as the existing canopy. The new canopy will incorporate one additional pump and contain 1 additional ground column. The existing canopy and new pumps will be rotated to promote easier traffic flow in and out of the site. The existing canopy measures 24' wide by 40' in length. The new canopy will be 24' wide also and 80' long to incorporate the additional pump. An engineered site plan and canopy shop drawing are attached to this application.

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

Size and location of the property presents ongoing challenges with the current changes are seeking to solve as far as pump placement and traffic flow. The overall issue is the site is a nonconforming site.

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

Site will still be nonconforming, and improvements are intended to rectify current movement issues as well as upgrade the site.

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

Current conditions are peculiar in that the original site layout has become restrictive due to the growth in the area and increased customer traffic. The adjacent site, targeted for a national data center will only increase this traffic.

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,

Use will not cause any detriment, substantial or otherwise and an existing structure of the same kind already exists.

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

The ordinance allows for variance for this nonconforming site. Use remains the same with proposed improvements. Site will remain nonconforming regardless of the proposed changes.

DEPARTMENTAL COMMENTS

Environmental Health: Our office approved the addition of Emission shed in October 2021. However, notes for site indicate a continued question and issue with shed off corner area interfering with the septic drain lines. Prior to approving either variance, this office must receive a Level 3 soil report to ensure sufficient area and soils suitable for replacement of the septic system. It is the sole responsibility of the property owner to ensure the septic tank and drain lines are always protected from potential damage. Additional requirements/ documents may be requested upon submission of the soil report.

Fire Marshal: No objection.

Water System: FCWS has no objection to the proposed variance. The property is currently served by the FCWS along HWY 54 between the property and 1487 Hwy 54 W. There is water available along the southside of Hwy 54 in a 16" DIP watermain and along the west side of Tyrone Rd in a 8" PVC water main.

Public Works and EMD Staff comments:

Traffic

According to the GDOT on-line traffic data, the annual average daily traffic for State Route 54 approximately one-tenth (0.10) mile from the site is **29,900 vehicles per day** (2020), and the annual average daily traffic for Tyrone Road approximately 1 mile away is **9,120 vehicles per day** (2020). The owner has not submitted traffic data for the proposed additions; however, the proposed additions, with the expected expansion of commercial services (larger canopy & additional fuel dispensers), can be expected to increase the volume and impact existing traffic patterns on both roads.

Fayette County's Thoroughfare Plan shows Tyrone Road as a Minor Arterial, so a required R/W donation of 50-ft as measured from the road's centerline would be required if proposed development/improvements require a new or improved access to Tyrone Road and a site plan or Land Disturbance Permit. In addition, Fayette County has an intersection improvement planned for Tyrone Road and SR 54. This project may impact the parcel beyond the future R/W limit of 50-ft from centerline noted above.

Sight Distance

No new driveways are proposed. The sight distance for the existing driveway on Tyrone Road is acceptable, although left turns are impacted by traffic turning off SR 54.

Floodplain Management

The 0.75-acre site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008, or 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.

Watershed Protection

There **ARE NOT** state waters located on the subject property.

Groundwater

The property **IS** within a groundwater recharge area.

Post Construction Stormwater Management

This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if more than 5,000 square feet of impervious surfaces are added to the site.

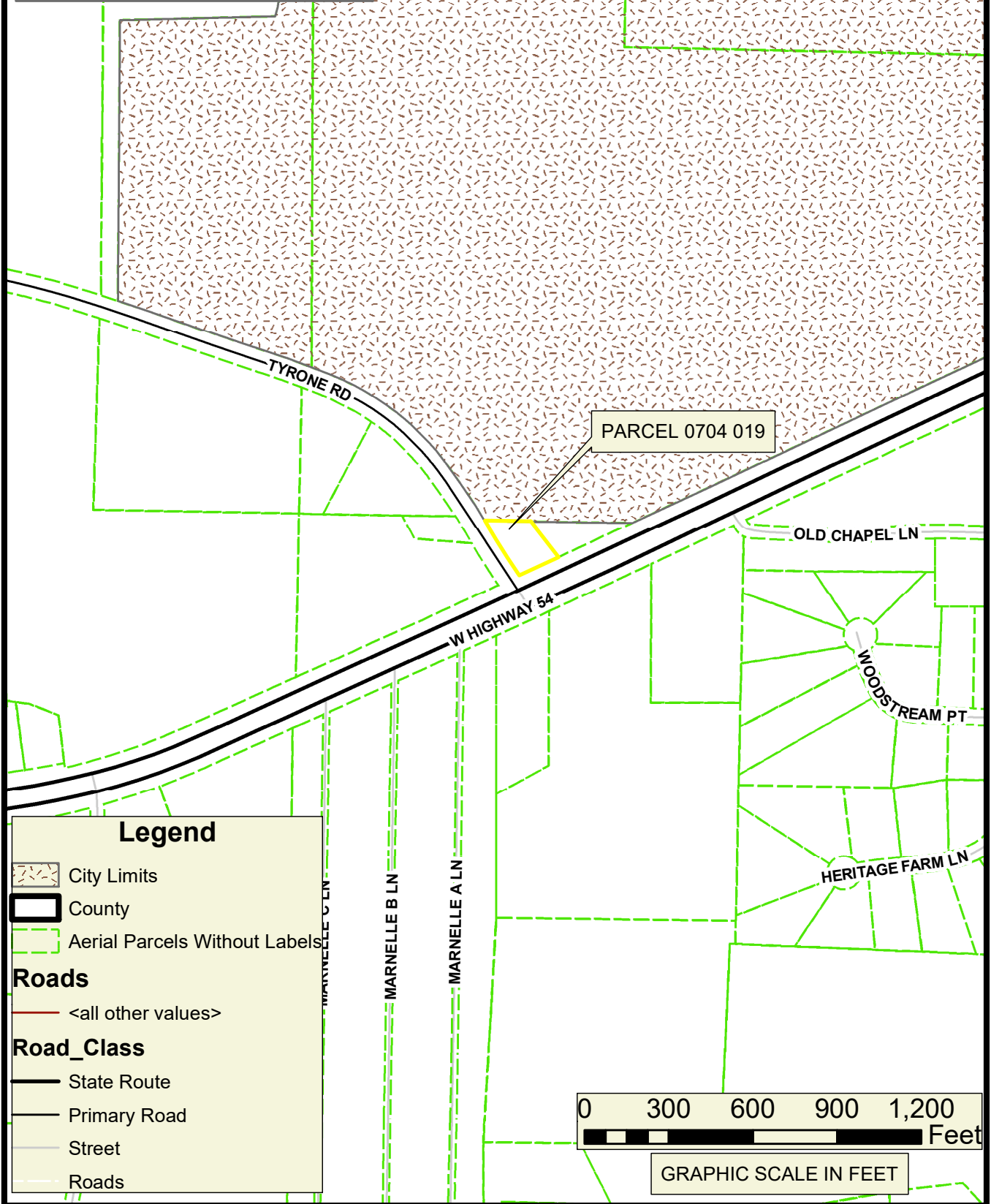
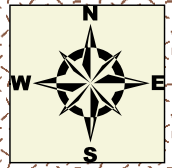
STAFF RECOMMENDATION

While Staff recognizes that aesthetic improvements to this facility are desirable, we are also aware that this is a very small parcel with limited space for additional improvements. After much discussion with Environmental Management and Public Works, it is Staff's recommendation that the request be **APPROVED** subject to the following condition(s):

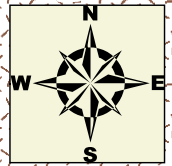
1. Vehicular circulation on the proposed site shall comply with Sec. 104-217. Design Standards, specifically 24' wide interior drives for two-way traffic. The circulation plan shall also account for the positioning of vehicles at the fuel pumps. This shall be demonstrated in a vehicle circulation plan subject to County review and approval.
2. All approved parking spaces, including the spaces approved in the site plan for the emissions facility, shall be striped to define each space.

For clarity, the applicant should be aware that no other structures or tanks will be allowed inside the 75' building setback.

A-798-22 LOCATION MAP



A-798-22 ZONING MAP



Legend

- City Limits
- County
- Aerial Parcels Without Labels
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z

Roads

<all other values>

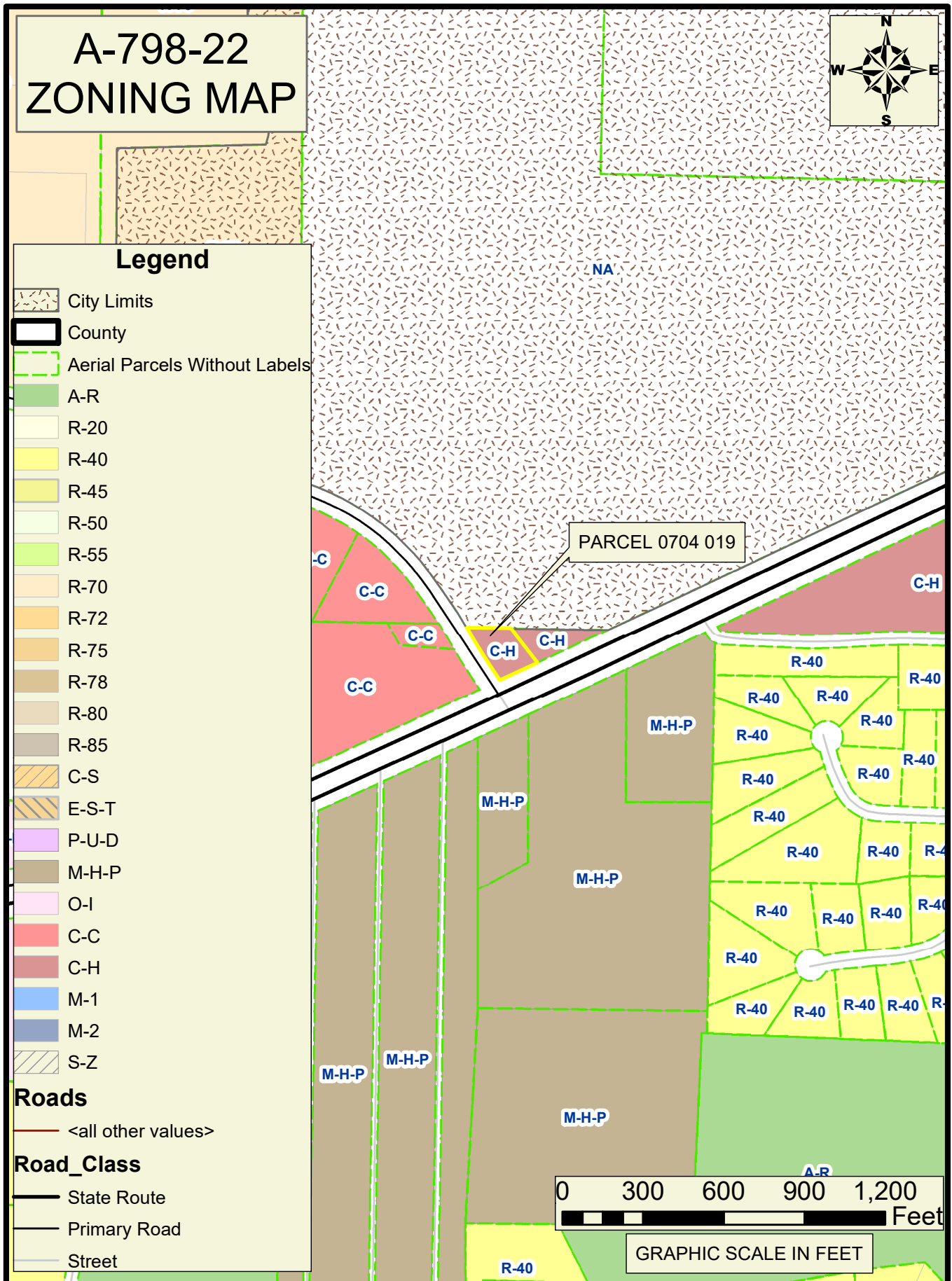
Road_Class

- State Route
- Primary Road
- Street

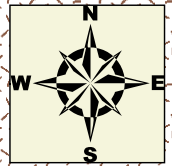
PARCEL 0704 019

0 300 600 900 1,200 Feet

GRAPHIC SCALE IN FEET



A-798-22 FLOODPLAIN MAP



PARCEL 0704 019

Ex 100yr Elv: 932.67 ExMFE: 935.67
FU 100yr Elv: 932.81 FUMFE: 933.81
Ex 100yr Elv: 932.45 ExMFE: 935.45
FU 100yr Elv: 932.58 FUMFE: 933.58
Ex 100yr Elv: 927.3 ExMFE: 930.3
FU 100yr Elv: 927.49 FUMFE: 928.49

Legend

- City Limits
- County
- Aerial Parcels Without Labels
- MNGWPD Cross Sections
- MNGWPD Floodplain Existing

Roads

<all other values>

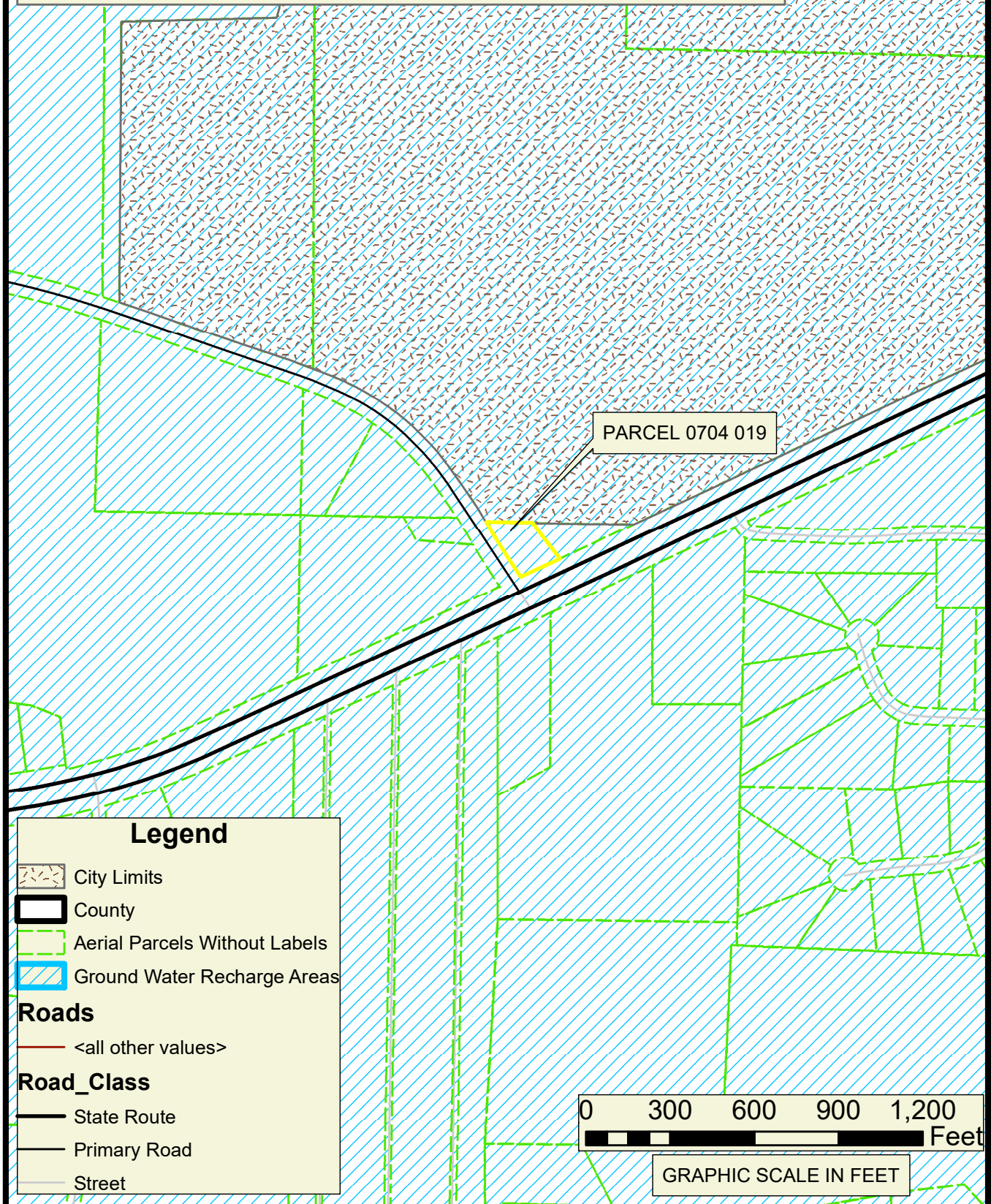
Road_Class

- State Route
- Primary Road
- Street

0 300 600 900 1,200 Feet

GRAPHIC SCALE IN FEET

A-798-22 GROUNDWATER RECHARGE MAP



A-798-22
AERIAL



PARCEL 0704 019

Legend

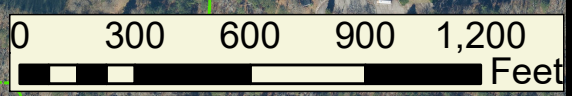
- City Limits
- County
- Aerial Parcels Without Labels

Roads

<all other values>

Road_Class

- State Route
- Primary Road
- Street






GRAPHIC SCALE IN FEET

A-798-22 AERIAL



PARCEL 0704 019



Legend

-  City Limits
-  County
-  Aerial Parcels Without Labels

Roads

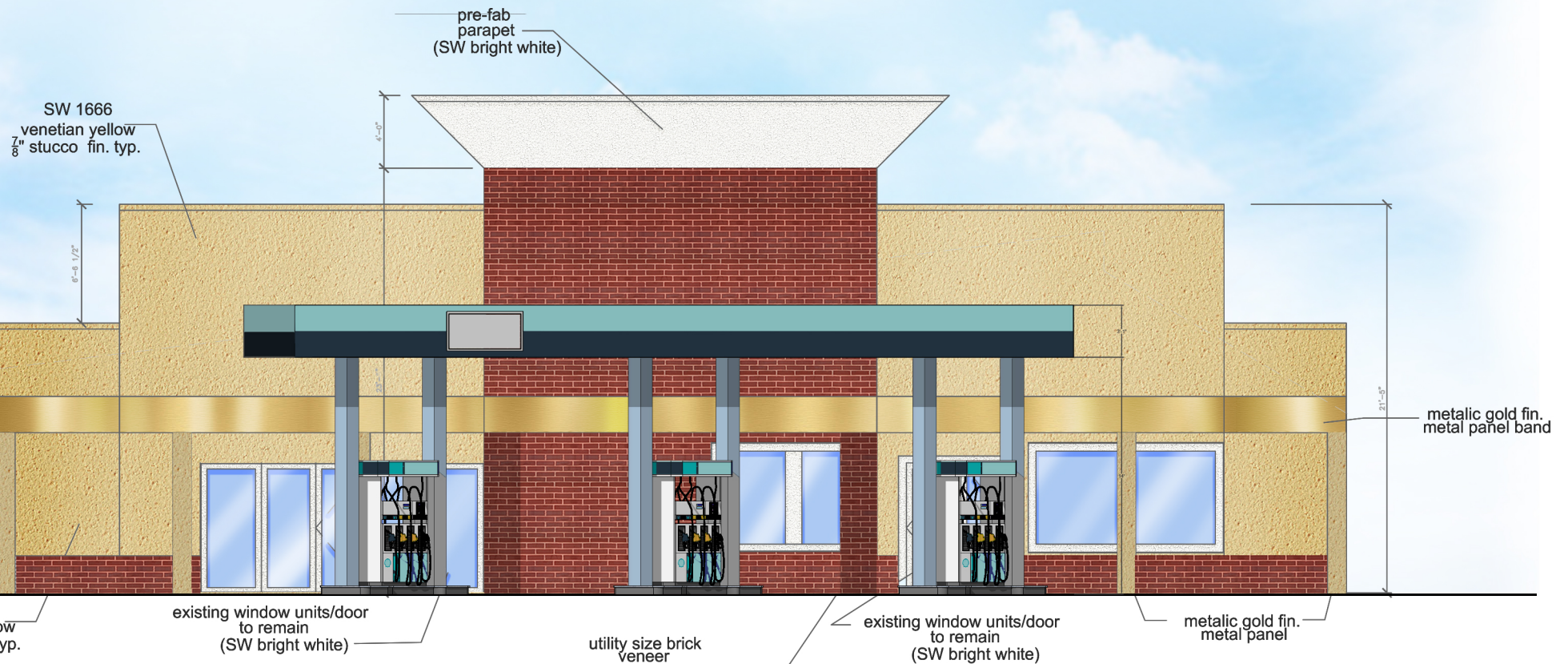
<all other values>

Road_Class

-  State Route
-  Primary Road
-  Street

0 50 100 150 200
Feet

GRAPHIC SCALE IN FEET



RENOVATION FRONT (TYRONE RD)

1 WEST ELEVATION

A2.00

scale 3/16" = 1'-0"



MICHAEL D. CLARK
ARCHITECTURE

LOCATION
1551 BEECH GROVE DRIVE
HAMPTON, GEORGIA 30228
PH/FAX: 404-717-6999
EMAIL: mclark@mdcarchitecture.com

REVISIONS:		
NO.	DESCRIPTION	DATE

PROJECT:

04-26-2022
RENOVATIONS TO
EXISTING
CONVENIENCE
STORE
1499 HWY 54 W
FAYETTE COUNTY,
GEORGIA
(CH HWY ZONING)

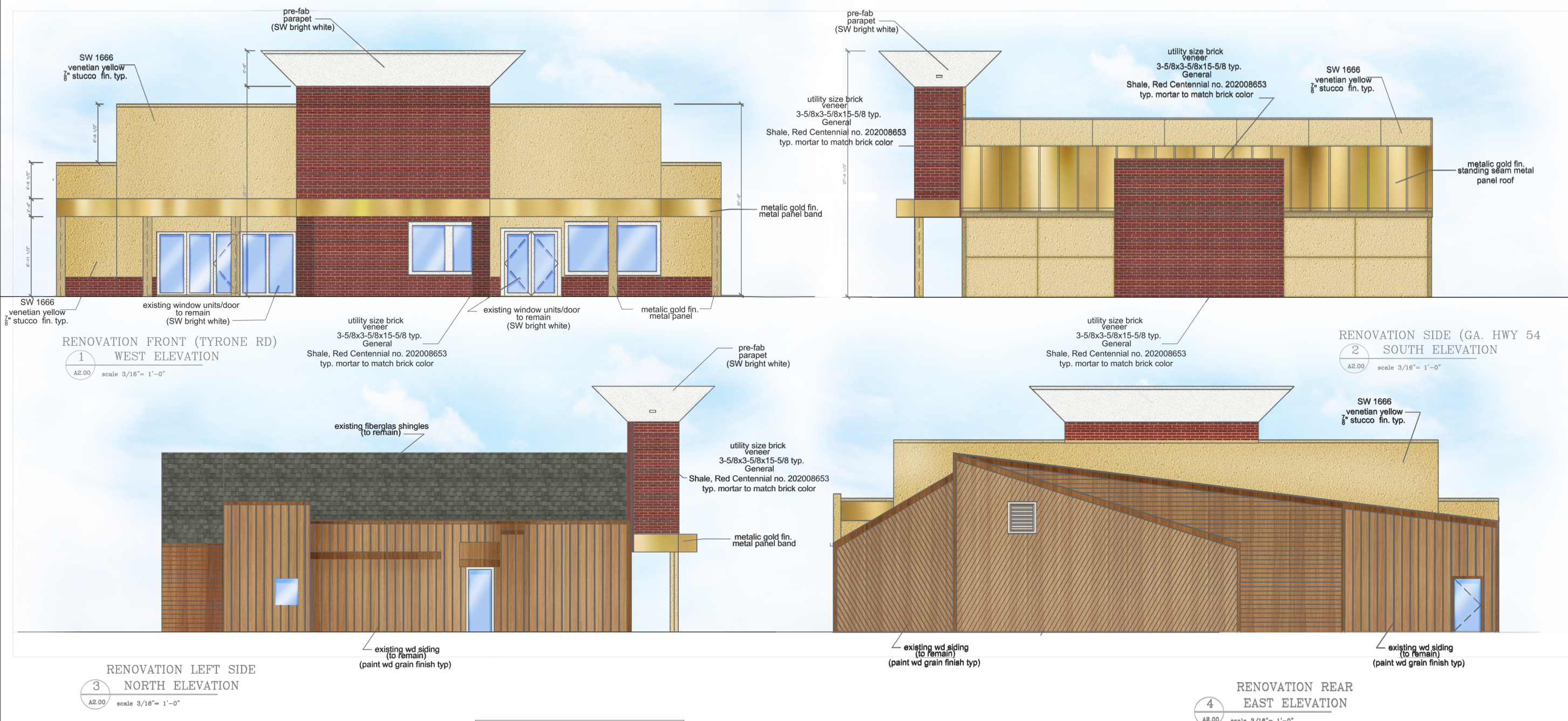
LEGAL DISCLAIMER
ALL DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS ARE THE PROPERTY OF MICHAEL D. CLARK AND ASSOCIATES ARCHITECTS LLP. THIS FIRM AND MICHAEL D. CLARK AND ASSOCIATES ARCHITECTS LLP SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. NO PART OF THIS PROJECT SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. MICHAEL D. CLARK AND ASSOCIATES ARCHITECTS LLP SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT IF THE CLIENT OR USER OF THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS HAS BEEN ADVISED BY THE ARCHITECT OF THE NECESSITY OF OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND HAS NOT DONE SO. THE CLIENT OR USER OF THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT IF THE CLIENT OR USER OF THE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS HAS BEEN ADVISED BY THE ARCHITECT OF THE NECESSITY OF OBTAINING THE NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND HAS NOT DONE SO.

"FOR GOD SO LOVED THE
WORLD THAT HE GAVE
HIS ONLY BEGOTTEN SON,
THAT WHOEVER
BELIEVETH IN HIM SHALL
NOT PERISH BUT HAVE
EVERLASTING LIFE." JOHN
3:16

SEAL

PROJECT DATA:	
FILE NAME:	H. CLARK
REVIEWED BY:	WDC
DRAWN BY:	H. CLARK
DATE:	07-04-2022
DESIGNER:	H. CLARK
PRINCIPAL:	H. CLARK
PROJECT PHASES:	
DATE	SHEET NO.
SCHEMATIC DESIGN	
DESIGN DEVELOPMENT	
DD CONSTRUCTION DOCUMENTS	
DD CONSTRUCTION DOCUMENTS	
DD CONSTRUCTION DOCUMENTS	
RELEASED FOR CONSTRUCTION	

A -2.20



ZONING REGULATIONS COMPLIANCE
40% maximum vertical wall surface glazing; 60% minimum vertical wall surface brick/stucco;
Front North Elevation - 3220 sf brick/stucco, 1042 sf glazing = 32% vertical glazing surface/ 68% vertical wall stucco/brick surface; Rear South Elevation - 1440 sf brick/stucco, 49 sf doors= 0.03% vertical opening/ 99.97% vertical wall stucco/brick surface; Rightside West Elevation - 2188 sf brick/stucco, 384 sf glazing= 0.18% vertical glazing/ 99.82% vertical wall stucco/brick surface; Leftside East Elevation - 2193.4 sf brick/stucco, 52 sf glazing= 0.023% vertical glazing/ 99.977% vertical wall stucco/brick surface;

GENERAL NOTE:.
TEMPERED GLASS IS REQUIRED IN THE FOLLOWING LOCATIONS:
1. Individual pane of glass is > 9 sq.ft.
2. Bottom edge is < 18" above the floor
3. Top edge is > 36" above the floor
4. Any window within a 24 inch arc of either side of a door and is < 60 inches above the floor are to be tempered glass
5. See ComCheck Energy Code Report for glazing U-value and Shading Coefficient, along with Roof, Wall, and other bldg systems.
6. Vertical glazing 13% ; Vertical Wall Plane brick/ stucco 87% ;

A Revised

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: APREMIER PROPERTIES GROUP, LLC

MAILING ADDRESS: 24 Williams Circle, Sharpsburg, GA 30277

PHONE: 678.725.8342 E-MAIL: b47company@gmail.com

AGENT FOR OWNERS: Darrell Baker / Principle / Pandolph Williams, LLC

MAILING ADDRESS: 900 Westpark Drive, Suite 210, Fayetteville, GA 30205

PHONE: 404.977.2470 E-MAIL: dbaker@rwcre.net

PROPERTY LOCATION: LAND LOT 26 LAND DISTRICT 7th PARCEL 0704 019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.74

ZONING DISTRICT: C-H Highway

ZONING OF SURROUNDING PROPERTIES: N-BP / E-CH / W-CC / S-MHP

PRESENT USE OF SUBJECT PROPERTY: Convenience Market / Gas

PROPOSED USE OF SUBJECT PROPERTY: Same

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-798-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: July 19, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: August 22, 2022

Received from ANAHITA RAMUDITHA a check in the amount of \$ 175.00

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

Date Paid: May 19, 2022 Receipt Number: 014860

July 14, 2022 Paid Application
\$25.00 for New Variance
Receipt # 015325

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:

APREMIER PROPERTIES GROUP, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 07-04-019

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 7th of the District, and said property consists of a total of 0.74 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Darrell Baker 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

Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

[Signature]
Signature of Notary Public

5/19/22

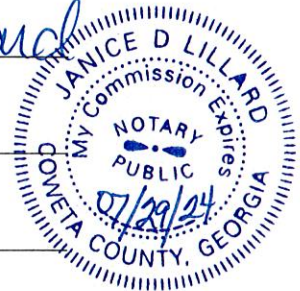
Date

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
110-173(c)(2)	Front yard setback 100' in Hwy 54 W Overlay	Reduction to 37.5' Nonconforming Site Currently	62.5'
110-144(d)(3)	Front yard setback 75' in C-H Zoning District	Reduction to 37.5'	37.5'
110-190(1)	Nonconforming Structure Enlargement	Current Canopy is 960 SF to 1728 SF Plus 1 Additional Fuel Pump	Additional 768 SF Canopy plus 1 new Fuel Pump

VARIANCE SUMMARY

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

See additional document attached.

VARIANCE SUMMARY

Parcel #: 0704 019

The Site in question is a nonconforming site and has existed as a gas station / convenience store since 1983. The current owner purchased the property in 2018 and is currently working on design to upgrade the store building, gas canopy, pumps and site. The variances requested are the first piece of this upgrade since the canopy is deteriorating. The request is to replace the current canopy measuring 24' wide x 40' long (960 SF) to a new structure of 24' wide x 72' long (1728 SF). The new proposed structure will stand in the same spot as the existing canopy. The new canopy will incorporate one additional pump and one additional ground column. The existing and new pump will be rotated to promote easier traffic flow in and out of the site. An engineered site plan and canopy shop drawing are attached to the application (shop drawing is an older rendition and shows an 80' long canopy which we changed due to comments from staff).

The Variance Requests are as follows:

Section 110-173(c)(2): The Hwy 54 W Overlay requires a 100" front yard setback. The current canopy sits at distance of 46.5' from the property line. The new canopy would sit at 37.5', or 9' closer. Based on the 100' requirement, we are asking for reduction of 62.5'

Section 110-144(d)(3): The C-H Zoning District requires a 75' front yard setback. Based on the 75' requirement, we are requesting a 37.5' reduction.

Section 110-190(1): This section requires a structure enlargement in a nonconforming area to request a variance. The current canopy measures 24' wide x 40' long (960 SF). The new canopy, which sits in the same area, will be 24' wide x 72' long (1728 SF). There will also be the addition of 1 pump and all pumps will be rotated to allow for better traffic movement within and ingress in and egress from the site.

The owner is also working with an architect and Staff to reskin the exterior and remodel the interior of the building, which will be submitted to the County for further approvals.

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.

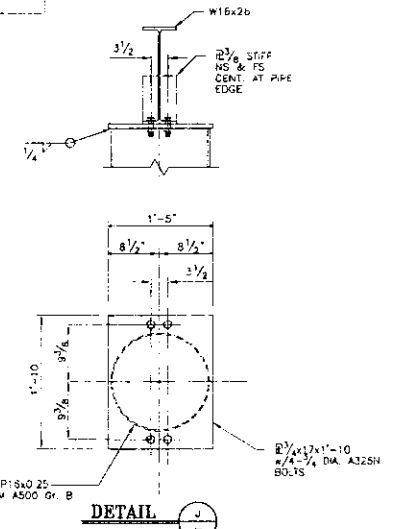
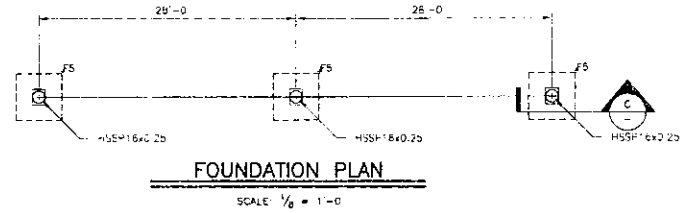
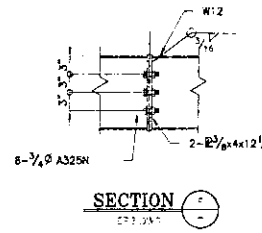
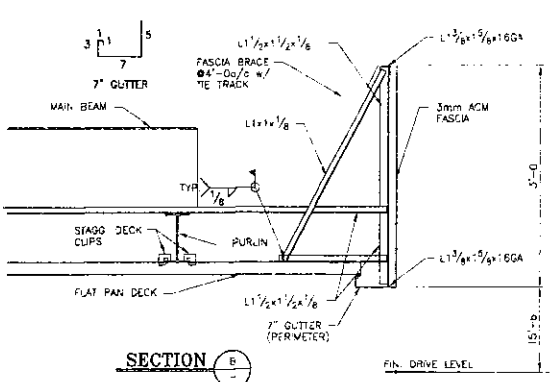
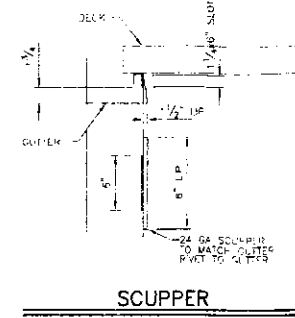
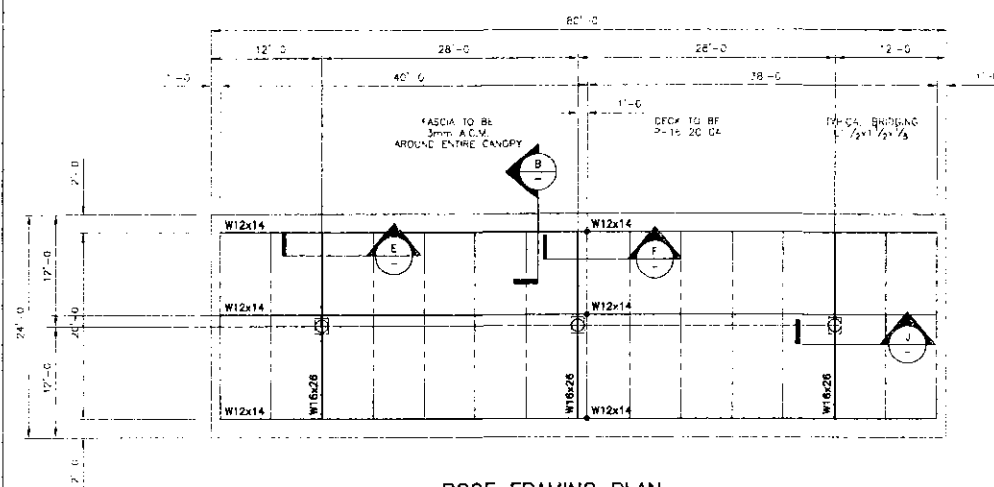
1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
Size and location of the property presents ongoing challenges with the
current changes to realign pump placement, add 1 additional pump and
enlarge the canopy structure to accommodate said addition. The turning of
the pumps aids in stacking and traffic flow through the site. This is a
nonconforming site.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
Site will still be nonconforming and improvements are intended to rectify
current movement issues as well as upgrade the site.
3. Such conditions are peculiar to the particular piece of property involved.
Current conditions are peculiar in that the original site layout has become
restrictive due to growth in the area and increased customer traffic. The
adjacent site, targeted for a national data center will only increase this traffic.

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.

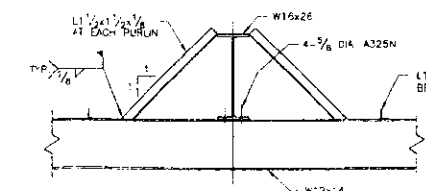
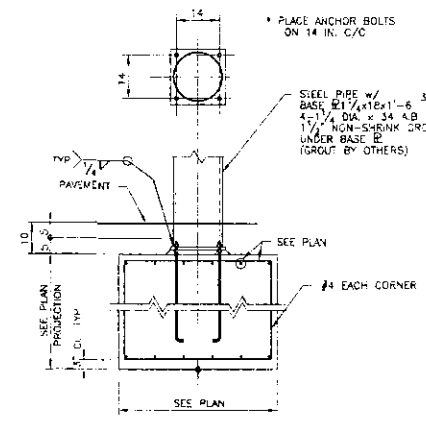
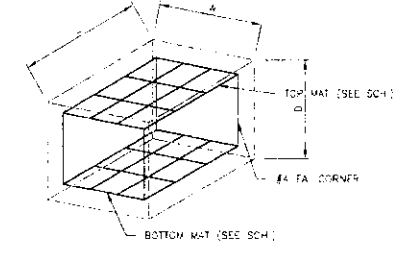
Use / changes will not cause any detriment, substantial or otherwise and an existing structure of the same kind already exists.

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

The ordinance allows for variance for this nonconforming site. Use remains the same proposed improvements. Site will remain nonconforming regardless of the proposed changes.



FOOTING SCHEDULE					
MARK	DIMENSIONS: LxWxH	#4 STEEL MAT TOP AND BOTTOM	#5 STEEL MAT TOP AND BOTTOM	#5 STEEL MAT TOP AND BOTTOM	REMARKS
F5	5'-0x5'-0x5'-0	#4@8x26 F.W.	#5@12x26 F.W.	#5@12x26 F.W.	#4, #5, AND #6 OPTIONS ALL STEEL SHOWN IS TO BE PLACED EACH WAY.



NOTE: THIS CANOPY IS DESIGNED PER ASCE 7-16 SEE FIG. 27.3-4, UNBALANCED WIND LOAD

CASE A	1.20(23.96)	30(5.99)
CASE B	-1.10(-21.96)	-10(-2.00)

* CLEAR WIND FLOW

NOTES:

1. THESE LOADS HAVE BEEN APPLIED TO STRUCTURE IN ACCORDANCE WITH ASCE 7-16, CHAPTER 2, 2.4.1 BASIC COMBINATIONS FOR ALLOWABLE STRESS
2. THESE STEEL MEMBERS HAVE BEEN SIZED BASED ON ASD, AISC 14TH EDITION.
3. ANALYSIS OF THIS STRUCTURE HAS BEEN ACCOMPLISHED USING THE LATEST GENERATION OF MATRIX BASED SOFTWARE
4. COLUMN SLENDerness FACTORS ARE BASED ON CHAPTER 5, DIRECT ANALYSIS METHOD.
5. BASES ARE FIXED.

STRUCTURE LOADS		PARAMETER		CODE REFERENCE
				IBC 2018 (w/AMENDMENTS)
DEAD LOAD	4.0 PSF (plus SELFWEIGHT)			1608.1
LIVE LOAD	20.0 PSF (4' AFF. RED.)			1607.12.2.1
SNOW LOAD	5.0 PSF + DRIFTS			ASCE 7-16, PART 7.0
WIND SPEED	Vult=106.0 Vps=82.1 mph 3s Gust qz=21.7 PSF			ASCE 7, PART 26-28
CATEGORY II				
VERT. ROOF PRESSURE				
Cone A, Cw, Cn				ASCE 7, FIG. 27.3-4
1.20(23.96)				
30(5.99)				
-1.10(-21.96)				
-10(-2.00)				
HORIZ. FASCIA PRESSURE				
Cone A & D, Cw				ASCE 7, FIG. 27.3-1
1.80(40.11)				
1.80(40.11)				
SEISMIC DATA				
2. SEC. SPECTRUM RESPONSE, S _a				ASCE 7-16
0.1610				FIG. 22.1
1. SEC. SPECTRUM RESPONSE, S ₁				FIG. 22.2
0.0810				
LONG PERIOD TRANSITION PERIOD, T _l				FIG. 22-14
12				
RISK CATEGORY				TAB. 1.5-1
I				
SEISMIC FACTOR, I _e				TAB. 1.5-2
1.00				
SITE COEFFICIENT, F _a				TAB. 11.4-1
1.60				
SITE COEFFICIENT, F _v				TAB. 11.4-2
2.40				
SITE CLASSIFICATION				TAB. 20.3-1
D				
SITE ADJUSTMENT COEFFICIENT, S _{ms}				EQ. 11.4-1
0.2575				
SITE ADJUSTMENT COEFFICIENT, S _{m1}				EQ. 11.4-2
0.1844				
DESIGN SPECTRAL RESPONSE, S _{DS}				EQ. 11.4-3
0.1718				
DESIGN SPECTRAL RESPONSE, S ₁				EQ. 11.4-4
0.1287				
W, Kips				EQ. 12.8-1
12.00				
SEISMIC RESPONSE COEFFICIENT, C _s				
0.1375				12.8.1.1
BASIC STRUCTURAL SYSTEM - SEISMIC RESISTING SYSTEM				
Ord. Conn. Gtd./Ord. Conn. Gtd.				
RESPONSE MODIFICATION FACTOR, R				TAB. 12.2-1
1.25				
METHOD OF ANALYSIS - EQUIVALENT LATERAL FORCE				
V=C _m				12.8
BASE SHEAR, Kips				EQ. 12.8-1
1.65				

PREPARED BY: CARTER-MILLER-SANSING, LTD., P.O. BOX 4324, MERIDIAN, MS 39304, 601-493-0601

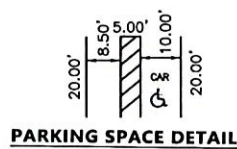
ORLANDO R. MILLER
GEORGIA (PEP 006820)
GA 55001120

A PLUS CANOPIES, INC.
3021 AL HWY. 183 / LAWLEY, AL 36793
PHONE: (205) 217-8050

NO.	DATE	BY:
1	12/17/2021	CARTER-MILLER-SANSING

CUSTOMER:	C & M EQUIPMENT
DATE:	12/17/2021
LOCATION:	1490 HWY 54, FAYETTEVILLE, GA
DRAWING NO:	21258-110

LEGEND	
WOODEN POWER POLE	---
EX. OVERHEAD POWER LINES	---
LIGHT POLE	---
EX. FENCE	---
DB. = DEED BOOK	
PB. = PLAT BOOK	
PG. = PAGE	
N/F = NOW OR FORMERLY	
EX. = EXISTING	
EX. FIRE HYDRANT	---
EX. WATER METER	---
EX. WATER VALVE	---
HANDICAP PARKING =	---
EX. DOUBLEWING CATCH BASIN	---
EX. BUILDING	---
EX. ASPHALT	---
EX. CONCRETE	---
EX. WALL	---



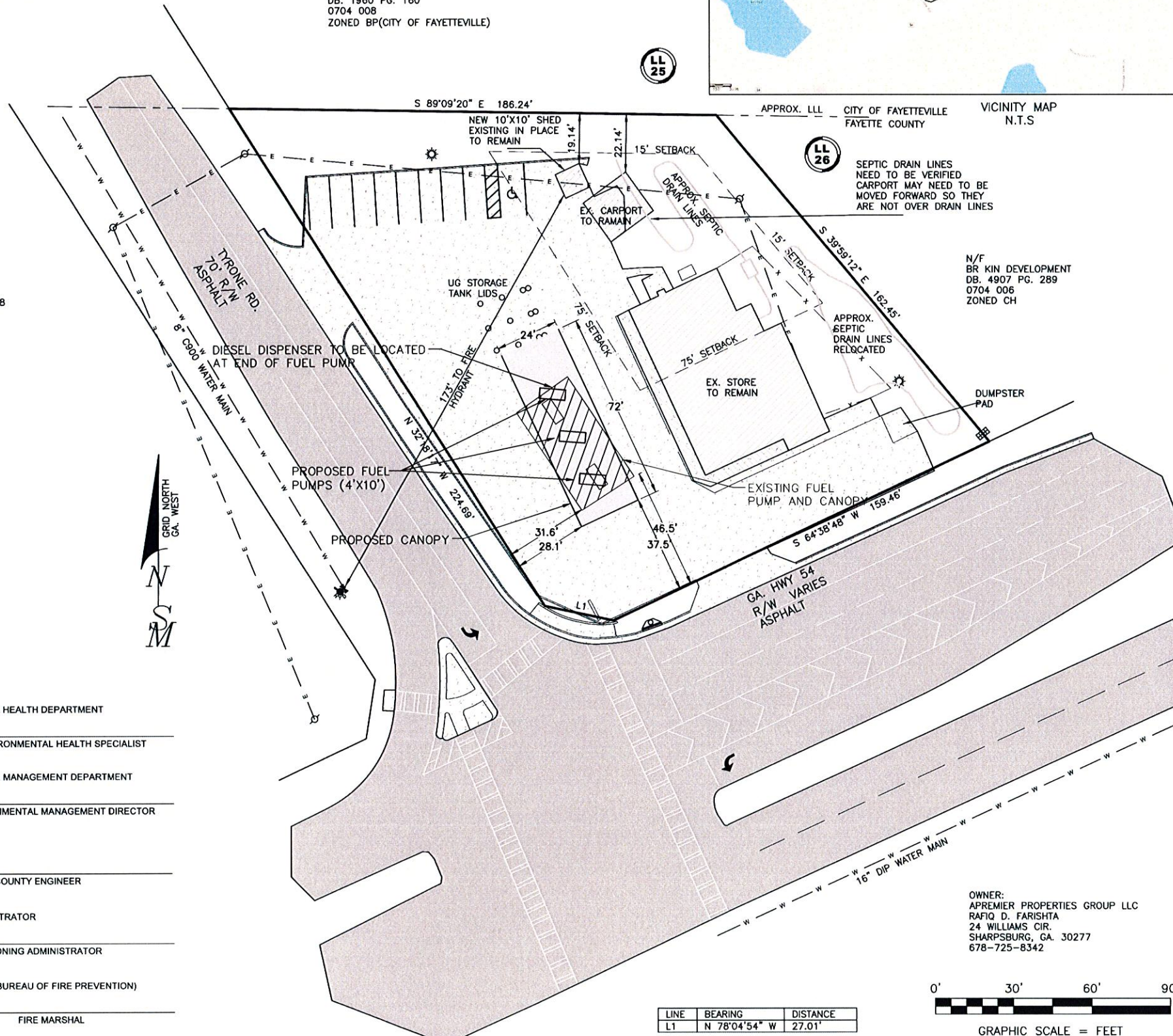
N/F
LESTER FAMILY LTD
DB. 1960 PG. 160
0704 008
ZONED BP(CITY OF FAYETTEVILLE)

GENERAL NOTES:
 AREA: 0.75 ACRES
 OWNER: APREMIER PROPERTIES
 ADDRESS: 1499 HWY 54 W
 PARCEL: 0704 019
 ZONED CH HIGHWAY
 REZONED FROM A-R TO C-H
 1-1-1974
 PETITION# 279-74
 MINIMUM LOT AREA= 43,560 SQ.FT. (1 ACRE)
 FRONT SETBACK----- ARTERIAL-75'
 COLLECTOR-70'
 REAR SETBACK ----- 15'
 SIDE SETBACK: ----- 15'
 SEWER AS PER PRIVATE SEPTIC SYSTEM.
 WATER AS PER FAYETTE COUNTY
 NO EASEMENTS OF RECORD FOUND
 NO FLOOD ON PROPERTY AS PER FEMA
 PANEL# 13113C0084E DATED: SEPTEMBER 26, 2008
 NOTE: THIS REPRESENTS A SITE PLAN ONLY,
 THEREFORE IS NOT TO BE RECORDED.
 SITE AREA 32,670 SQ. FT.
 IMPERVIOUS 22,763 SQ. FT. 69.67%

NOTE:
 SEPTIC SYSTEM SHOWN HEREON IS BY
 INFORMATION SUPPLIED BY FAYETTE COUNTY
 HEALTH DEPT. AND IS APPROXIMATE. OWNER
 CONTRACTOR SHALL VERIFY LOCATION BEFORE
 COMMENCING CONSTRUCTION.
 SIBLEY-MILLER ASSUMES NO RESPONSIBILITY
 FOR THE LOCATION OF SEWER SYSTEM.

FAYETTE COUNTY APPROVALS:

APPROVED BY THE FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
 DATE _____ SIGNED _____ ENVIRONMENTAL HEALTH SPECIALIST
 APPROVED BY THE FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT
 DATE _____ SIGNED _____ ENVIRONMENTAL MANAGEMENT DIRECTOR
 APPROVED BY FAYETTE COUNTY ENGINEER
 DATE _____ SIGNED _____ COUNTY ENGINEER
 APPROVED BY THE FAYETTE COUNTY ZONING ADMINISTRATOR
 DATE _____ SIGNED _____ ZONING ADMINISTRATOR
 APPROVED BY THE FAYETTE COUNTY FIRE MARSHAL (BUREAU OF FIRE PREVENTION)
 DATE _____ SIGNED _____ FIRE MARSHAL



LINE	BEARING	DISTANCE
L1	N 78°04'54" W	27.01'

0' 30' 60' 90'
 GRAPHIC SCALE = FEET

OWNER:
 APREMIER PROPERTIES GROUP LLC
 RAFIQ D. FARISHTA
 24 WILLIAMS CIR.
 SHARPSBURG, GA. 30277
 678-725-8342



**SIBLEY-MILLER
 SURVEYING & PLANNING INC.**

*CIVIL ENGINEERING
 *TOPOGRAPHICAL SURVEYS
 *LAND DEVELOPMENT DESIGN
 *CONSTRUCTION LAYOUT
 *LAND PLANNING
 *LAND SURVEYING
 212 WEST CAMPGROUND RD
 McDONOUGH, GA. 30253
 PHONE: (770) 320-7555
 FAX: (770) 320-7333
 www.sibleysurveying.com

SITE PLAN

APREMIER PROPERTIES GROUP LLC
 LAND LOT26, 7th DISTRICT
 FAYETTE COUNTY, GEORGIA




PROJECT #: L2021033
 SITE PLAN

DRAWN BY: TLM
 SCALE: 1" = 30'
 DATE: 03/18/2021
 SHEET: 1 OF 1

Return To:

Calloway Title and Escrow, LLC
4170 Ashford Dunwoody Road
Suite 525 2-35907
Atlanta, GA 30319


Doc ID: 010481280002 Type: QCD
Recorded: 09/13/2018 at 03:50:00 PM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4790 PG 5-6

STATE OF GEORGIA

COUNTY OF FAYETTE

QUITCLAIM DEED

This indenture made this 10th day of September, 2018, between W. E. Hester a/k/a William E. Hester and Faye E. Hester, as Joint Tenants with Right of Survivorship, a Georgia resident (hereinafter collectively referred to as "Grantor"), and Apremier Properties Group, LLC, a Georgia limited liability company, (hereinafter referred to as "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 (\$10.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee the following described property:

All that tract or parcel of land lying and being in Land Lot 26 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at a ¾" open top pipe found at the intersection of the north land lot line of Land Lot 26, said county and district, and the easterly right-of-way of Tyrone Road (70' right-of-way); thence leaving said right-of-way and along said northerly land lot line South 87 degrees 24 minutes 27 seconds East for a distance of 186.24 feet to an iron pin set; thence leaving said land lot line South 38 degrees 14 minutes 19 seconds East for a distance of 162.45 feet to an iron pin set on the northerly right-of-way of GA. State Route No. 54 (Right-of-way varies); thence along said northerly right-of-way South 66 degrees 23 minutes 41 seconds West for a distance of 159.46 feet to a R/W monument; thence North 76 degrees 20 minutes 01 seconds West for a distance of 27.01 feet to a R/W monument on the aforementioned easterly right-of-way of Tyrone Road; thence along said right-of-way North 30 degrees 33 minutes 26 seconds West for a distance of 224.69 feet to the Point of Beginning.

Said tract contains .74 acres more or less.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

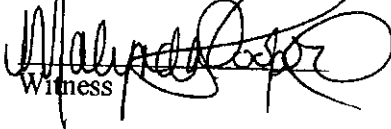
[SIGNATURES ON FOLLOWING PAGE]

Book: 4790 Page: 5 Seq: 1

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

GRANTOR:

Signed, sealed and delivered
In the presence of


Witness

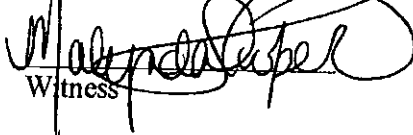

Notary Public

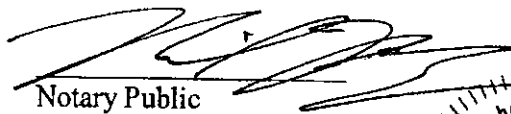
(NOTARY SEAL)



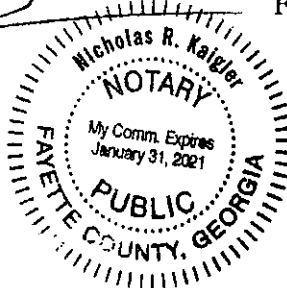

W. E. Hester a/k/a William E. Hester

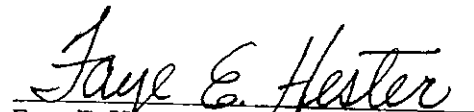
Signed, sealed and delivered
In the presence of


Witness


Notary Public

(NOTARY SEAL)




Faye E. Hester

After Recording, Return This Document to:
Mark E. Stowers
8595 Dunwoody Place
Atlanta, GA 30350

Doc ID: 010481270004 Type: WD
Recorded: 09/13/2018 at 03:50:00 PM
Fee Amt: \$1,011.00 Page 1 of 4
Transfer Tax: \$995.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4790 PG 1-4

After recording return to:
Calloway Title & Escrow, LLC
David W. Dudley 2-35987

4170 Ashford Dunwoody Rd. Ste. 525
Atlanta, Georgia 30319

LIMITED WARRANTY DEED

THIS INDENTURE, made this 10th day of Sept., 2018, by and between W. E. Hester a/k/a William E. Hester and Faye E. Hester, as Joint Tenants with Right of Survivorship, a Georgia resident (hereinafter referred to as "Grantor"), and Apremier Properties Group, LLC, a Georgia limited liability company (hereinafter referred to as "Grantee").

WITNESSETH:

That for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, Grantor has granted, bargained, sold, assigned, transferred and conveyed and does hereby grant, bargain, sell, assign, transfer and convey to Grantee, and Grantee's successors and assigns, the following property:

All that tract or parcel of land more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD said Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee and the successors and assigns of Grantee, forever, IN FEE SIMPLE; subject only to the matters (hereinafter referred to as the "Permitted Exceptions") set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

AND GRANTOR SHALL WARRANT and forever defend the title to said Property, unto the Grantee, its successors and assigns, against the claims of any persons claiming by, through or under Grantor, except for claims arising under or by virtue of the Permitted Exceptions.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal on the day, month and year first above written.

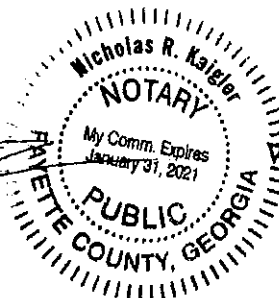
GRANTOR:

Signed, sealed and delivered
In the presence of

Witness

Notary Public

(NOTARY SEAL)



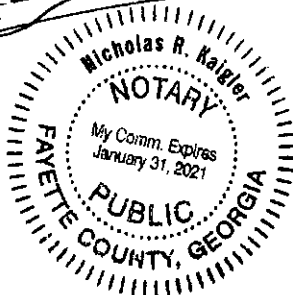
William E. Hester
William E. Hester

Signed, sealed and delivered
In the presence of

Witness

Notary Public

(NOTARY SEAL)



Faye E. Hester
Faye E. Hester

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 26 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING AT A POINT which is on the North Land Lot Line of Land Lot 26 at the point of intersection of said line with the Northeasterly right-of-way of Tyrone Road and running thence S 88°18'09" E a distance of 186.23 feet to a point; running thence S 38°45'18" E a distance of 230.01 feet to a point which is on the Northwesterly right-of-way of Georgia State Highway No. 54; running thence S 66°01'01" W along said right-of-way a distance of 180.00 feet to a point where it intersects with the Northeasterly right-of-way of Tyrone Road; running thence N 32°42'03" W along said right-of-way of Tyrone Road a distance of 306.65 feet and to THE POINT OF BEGINNING. Said tract containing 1 acre according to a plat of survey prepared for Alton D. Brown by J. R. Wood, Surveyor and Planners, Inc. on May 5, 1978.

LESS AND EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING PARCEL OF LAND:

All that tract or parcel of land lying and being in Land Lot 26 of the 7th Land District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at a point 90.00 feet left of and opposite Station 333+68.06 on the construction centerline of State Route 54 on Georgia Highway Project F-164-1(13); running thence S 64° 47' 53.8" E a distance of 26.21 feet to a point; thence N 65° 28' 7.3" E a distance of 159.46 feet to a point; thence S 39° 40' 26.0" E a distance of 65.66 feet to a point; thence S 65° 5' 53.1" W a distance of 180.10 feet to a point; thence N 33° 34' 36.5" W a distance of 85.61 feet back to the point of BEGINNING.

EXHIBIT B
PERMITTED EXCEPTIONS

- (a) All taxes for the year 2018 and subsequent years.
- (b) Any and all unpaid water bills associated with subject property.

NOTE: The above item may be removed or modified upon further examination.

- (c) No insurance is afforded as to the exact amount of acreage contained in the property described herein.
- (d) Riparian rights incident to the premises.
- (e) Rights of tenants in possession under unrecorded leases.
- (f) Any security interest created at closing.
- (g) Collateral Agreement as evidenced by that certain Deed by and between OK Oil, Incorporated, a Georgia corporation and H & H Operations, Inc., filed for record March 11, 1980 at 12:45 p.m., recorded in Deed Book 218, Page 381, Records of Fayette County, Georgia.
- (h) Right of Way Deed from W. E. Hester to Department of Transportation, dated June 3, 1991, filed for record June 10, 1991 at 4:30 p.m., recorded in Deed Book 656, Page 504, aforesaid Records; as affected by that certain QuitClaim Deed from O. K. Oil, Inc. to Georgia Department of Transportation, dated May 30, 1991, filed for record June 10, 1991 at 3:30 p.m., recorded in Deed Book 657, Page 131, aforesaid Records; as further affected by that certain QuitClaim Deed from Resolution Trust Corporation as Receiver for First Federal Savings Association, f/k/a First Federal Savings & Loan Association to Georgia Department of Transportation, dated May 31, 1991, filed for record June 10, 1991 at 3:30 p.m., recorded in Deed Book 657, Page 135, aforesaid Records.
- (i) Collateral Agreement as evidenced by that certain Deed by and between PetroSouth, Inc. and Hester's Corner, Inc., dated January 1, 1992, filed for record January 8, 1992 at 10:00 a.m., recorded in Deed Book 691, Page 343, aforesaid Records.
- (j) Lease as evidenced by that certain Assignment of Leases and Rents from Petrosouth, Inc., a Georgia corporation to Colonial Bank of Eufaula, Alabama, dated May 10, 2001, filed for record May 22, 2001 at 12:09 p.m., recorded in Deed Book 1638, Page 68, aforesaid Records.
- (k) Lease as evidenced by that certain Assignment of Leases, Rents, Issues, Profits and Revenues from Petrosouth, Inc. a Georgia corporation to Branch Banking and Trust Company, dated May 10, 2007, filed for record May 23, 2007 at 3:00 p.m., recorded in Deed Book 3234, Page 585, aforesaid Records.
- (l) All those matters as disclosed by that certain plat recorded in Plat Book 10, Page 149(A), aforesaid Records.

Return to:

Check # _____
 PetroSouth, Inc.
 Attn: Lisa Wallace
 P.O. Box 99
 Griffin, GA 30224

**Prepared By: Amanda Rose



Doc ID: 011421610005 Type: LEAS
 Recorded: 12/10/2021 at 10:00:00 AM
 Fee Amt: \$25.00 Page 1 of 5
 Fayette, Ga. Clerk Superior Court
 Shella Studdard Clerk of Court

BK 5419 PG 273-277

SPECIAL PURPOSE LEASE

STATE OF GEORGIA
 COUNTY OF FAYETTE

This Special Purpose Lease is made this the 1ST day of DECEMBER, 2021 by and between Petroleum Purchasing, Inc., a Georgia corporation, having its principal place of business in Spalding County, Georgia (hereinafter "Lessee" or "PPI"), and

APREMIER PROPERTIES GROUP, LLC (hereinafter "Lessor").

Hereafter, when referred to collectively the undersigned shall be designated as "Parties".

WITNESSETH

In consideration of mutual covenants hereinafter set forth, the Parties do hereby agree as follows:

1. PREMISES/PURPOSES: Lessor warrants that the undersigned persons designated as Lessor are sole and exclusive owners of fee simple title to that real property more specifically described in Exhibit A, attached hereto and incorporated herein by reference, (hereinafter "Premises"). Lessor hereby exclusively leases to PPI and PPI hereby leases from Lessor the Premises for the following special purposes (a) to sell or distribute in any manner diesel and gasoline fuels and any other alternative fuel used to power any vehicle of any type (hereinafter "Gasoline"), from the Premises.

2. TERM OF LEASE: The period of this lease shall commence on the date of execution of the same by both Parties and shall continue for 15 years. At any time during the term of this Agreement, if PPI, in its sole discretion, determines that it is not in PPI's best interest to continue operating under this Agreement, PPI may give Lessor ninety (90) days written notice of its intent to terminate this Agreement, and at the end of said ninety (90) day notice period, this Agreement shall terminate, and each party, pursuant to the terms of this Agreement, shall pay any funds due the other party, and PPI may in its discretion remove any petroleum equipment on the Premises owned by PPI.

3. RENTAL AMOUNT: As consideration for this contract PPI agrees to pay and Lessor agrees to accept \$10 and other good and valuable consideration in the form of improvements PPI will make during the term of this Lease (More specifically described in Exhibit B). Both parties, by their execution of this agreement, acknowledge the sufficiency of the aforesaid consideration.

4. RIGHT TO INSTALL: Lessor grants to PPI ingress and egress together with such right of use as may be reasonably necessary to install, maintain, operate and remove the Equipment enumerated in Exhibit B or subsequent equipment as PPI deems necessary.

5. BREACH OF AGREEMENT: All terms, conditions and covenants contained in this lease are essential and material to the relationship between the Parties. Time is of the essence.

6. TAXES AND LEGAL ASSESSMENTS: Lessor shall pay all state, county, city ad valorem tax and assessments on all equipment described in Exhibit B.

7. TITLE TO EQUIPMENT: Equipment installed shall not become a part of the real property designated as the Premises. PPI may not be required to do so but may at its option remove all or any part of its Equipment once installed at its own expense at any time during the term hereof or at the conclusion of this agreement without forfeiting any rights hereunder. If PPI decides to abandon all or any of the Equipment at any time during this Lease or at the conclusion of the lease term, PPI may convey title to such Equipment to Lessor and Lessor agrees to accept title to same and Lessor shall complete all required documents and comply with any and all regulations and laws such that the Lessor shall be registered as the owner of the Equipment with the appropriate governmental agency. Upon the request of PPI, Lessor shall execute a financing statement and/or a security agreement as appropriate in forms acceptable to PPI evidencing PPI's retention of title to said Equipment and any petroleum product belonging to PPI located on the Premises. For the duration of this lease Lessor shall not individually nor allow any third party to use, damage, remove or interfere with any Equipment placed on Premises by PPI without authorization from PPI.

8. OBLIGATIONS OF THE PARTIES: The exclusive rights herein granted to PPI shall not prohibit the use of the Premises by Lessor for any other lawful purposes other than those specifically granted unto PPI. During any time that the Premises are not used for the sale or distribution of Gasoline this agreement shall remain in effect and the terms hereof shall continue to run (shall not toll). This Lease does not prohibit the Lessor from leasing all or any portion of the Premises to a third party to operate a convenience food store or any other purpose excepting only that any and all rights to sell or distribute Gasoline or other petroleum products from the Premises are hereby vested in PPI for and during the term of the Lease. In the event that Lessor shall lease certain rights to the Premises to any third party and that third party shall enter into a separate agreement with PPI providing for the sale or distribution of petroleum products from the Premises the Lessor shall have no claim in or to proceeds from any such Gasoline sales.

SPL/PPI-M2-1/22/2019

[Signature]
 11/29

[Signature]
 11-29-21

Book: 5419 Page: 273 Seq: 1

9. REMEDIES: Except as may be otherwise provided herein, either party breaching the terms of this agreement shall, with or without notice from the other party, correct such breach within a reasonable time from the date thereof. The failure of the offended party to take action with respect to any breach of this agreement shall not constitute a waiver by such offended party of any rights or privileges to which it is entitled. If a dispute shall arise between the parties as to whether a breach has occurred or as to the status of this agreement or any portion hereof, the provisions of this lease shall bind and control the conduct of the Parties until either:

(A) The Parties resolve their differences by negotiations; or

(B) The appropriate legal proceedings complete a review of the questions so raised and resolve the same.

10. ASSIGNABILITY: This agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective heirs, assigns and successors in title. This Agreement is personal to Lessor, and Lessor shall not, without the prior written consent of PPI, which may be granted or denied in PPI's sole discretion: (a) assign, directly or indirectly, including by operation of law, mortgage, encumber, or transfer this Agreement or the interest hereby created; (b) permit any lien or encumbrance to be placed on the PPI-owned equipment enumerated in Exhibit B; (c) become associated with any other person, firm, entity or corporation as a partner or otherwise with respect to this Agreement; (d) permit any other person, firm, entity or corporation to occupy the Location or any part thereof, except as may otherwise be required by law. In the event PPI consents to any assignment by Lessor, Lessor shall pay a Two Thousand Five Hundred Dollar (\$2,500.00) assignment fee. PPI is authorized to assign this Agreement in its entirety without the consent of Lessor. Any such assignee shall be responsible for performance under this Agreement.

11. CONDEMNATION: In the event that all or any portion of the Premises are taken through condemnation, PPI shall then have the option of terminating this agreement upon the giving of thirty days written notice from the date of such taking. PPI shall be entitled to receive an economically appropriate portion of any compensation paid to Lessor as a result of said condemnation to compensate for the taking of its leasehold interest. Nothing in this agreement shall prevent PPI from proceeding directly against the condemning authority to recover damages.

12. SEVERABILITY: If any provision of this lease or the application hereof shall be held unenforceable as contrary to any valid law or regulation, such provision shall be deemed to be severable and stricken from this lease so as to conform the lease to existing law or regulation for so long as such law or regulation remains effective. Such invalidity shall not affect other provisions of this lease.

13. NOTICE: All notices given in connection with this agreement shall be regarded as adequate if posted by certified mail to the following addresses:

Lessee: President
Petroleum Purchasing, Inc.
P.O. Box 99
Griffin, GA 30224

Lessor: APREMIER PROPERTIES GROUP, LLC
ATTN: RAFIQ FARISHTA
3078 HWY 81 N.
OXFORD, GA 30054

14. COMPLETE AGREEMENT OF THE PARTIES: This writing contains the entire agreement between the parties hereto and no oral promises, agreements or warranties modifying or otherwise affecting it shall be binding unless reduced to writing and signed by both parties hereto. This lease is not part or parcel of any other agreement, whether contemporaneous or not, but stands alone as the sole expression of the agreement of the Parties as to the special purposes herein described.

15. NOTICE: Lessor shall notify all third parties with whom Lessor enters into any negotiations for the leasing or sale of the Premises of the rights herein acquired by PPI and further shall enter into no contractual or other legally binding transaction that infringes upon the rights herein granted to PPI or jeopardizes the ability of PPI to enforce the terms hereof.

16. WARRANTIES: PPI warrants that it shall perform no act and incur no liability that shall be or become a lien or encumbrance upon the Premises during the term hereof. Lessor warrants that Lessor is the exclusive owner of fee simple title to the Premises and further that the Premises are not subject to any liens, debts or other similar encumbrances except as specifically enumerated in Exhibit C attached hereto and incorporated herein by reference (if no Exhibit C is attached or no lien is listed the Lessor warrants that there are no such liens, etc. outstanding whatsoever). Further Lessor warrants that Lessor is not aware of any limitation on the rights of PPI, in conjunction with Lessor or any other third party, to sell or distribute petroleum products or Gasoline from the Premises nor is Lessor aware of any existing environmental pollution on or within a reasonable distance of the Premises involving petroleum products.

17. ENVIRONMENTAL COMPLIANCE: Lessor acknowledges that it is the owner and/or operator of the petroleum storage tank(s), lines, and any and all other petroleum or petroleum related equipment at the Location. Lessor agrees to become informed about and observe all valid laws, ordinances, and regulations pertaining to the handling, storage, and dispensing of petroleum products at the Location. Lessor shall comply with all local, state and federal laws, rules, regulations and/or ordinances applicable to the Equipment. Lessor shall comply strictly with all regulations relating to product purity, environmental protection, and self-service.

18. SPECIAL STIPULATIONS: In so far as the following stipulations conflict with any of the foregoing provisions, the following special stipulations shall control:

A. Lessor agrees that is location doesn't purchase 6,000,000 gallons from PPI, Inc. during the 15 years of this lease, the lease and store supply contract will extend.

B. Equipment listed in Exhibit B will belong to Lessor at the end of this agreement.

Agreed to by the Parties the day and year first above written.

SPL/PPI-M2-1/22/2019

G
11/29

AR
11-29-21

Book: 5419 Page: 273 Seq: 2

LESSOR: APREMIER PROPERTIES GROUP, LLC.
a GEORGIA LIMITED LIABILITY COMPANY
FEDERAL ID #:

Rafiq Farishta (SEAL)

PRINT: RAFIQ FARISHTA

TITLE: OWNER

SS#:

Witness: A

LESSEE: PETROLEUM PURCHASING, INC.,
a Georgia corporation

BY: Amanda Rose (SEAL)

PRINT: AMANDA ROSE

TITLE: SENIOR VICE PRESIDENT

Witness: Elizabeth Moore

THE FOREGOING INSTRUMENT WAS

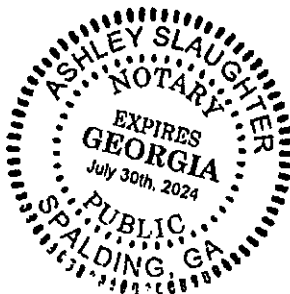
ACKNOWLEDGED, SWORN AND SUBSCRIBED

BEFORE ME THIS 29 DAY OF Nov,

2021, by Rafiq Farishta (Print Name), as
Owner (Title) of Apremier Properties Group, LLC
(Print Entity Name), who is personally known to me or has
produced driver's license as identification.

Ashley Slaughter
Notary Public

My Commission expires: 7/30/24



THE FOREGOING INSTRUMENT WAS

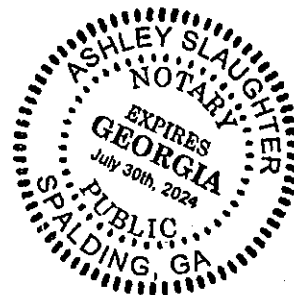
ACKNOWLEDGED, SWORN AND SUBSCRIBED

BEFORE ME THIS 29 DAY OF Nov.,

2021, by Amanda Rose (Print Name), as
Sr. VP (Title) of PPI, Inc.
(Print Entity Name), who is personally known to me or has
produced _____ as identification.

Ashley Slaughter
Notary Public

My Commission expires: 7/30/24



SPL/PPI-M2-1/22/2019

Book: 5419 Page: 273 Seq: 3

Exhibit "A"**[Legal Description]**

All that tract or parcel of land located in Landlot 25 of the 7th Land District of Fayette County, Georgia and more particularly described as follows.

Beginning at the point of intersection of the North right of way of Georgia State Route 54 and the East right of way of Tyrone Road; thence North 32 degrees 42 minutes 03 seconds West along the East right of way of Tyrone Road 71.0 feet \pm to the proposed North right of way of Georgia State Route 54 and the true point of beginning; thence continuing North 32 degrees 42 minutes 03 seconds West along the East right of way of Tyrone Road 235.65 feet \pm to a point; thence South 88 degrees 18 minutes 09 seconds East 186.23 feet \pm to a point; thence South 38 degrees 45 minutes 18 seconds East 158.81 feet \pm to a point on the proposed North right of way of Georgia State Route 54; thence South 66 degrees 01 minutes 01 seconds West 173.0 feet \pm along the proposed North right of way of Georgia State Route 54 to the true point of beginning.

6/11/29

11-29-21

SPL/PPI-M2-1/22/2019

Book: 5419 Page: 273 Seq: 4

Exhibit "B"

(PPI'S Equipment)

1 WAYNE OVATION DISPENSER 3+0
2 WAYNE OVATION DISPENSERS 3+1
1 WAYNE SELECT UHC SINGLE SIDED, SINGLE PRODUCT, DUAL PRICE DISPENSER
RUBY 2 COMMANDER SYSTEM *Dual*
24' X 80' 3 COLUMN CANOPY WITH 20 GAUGE DECKING
LED LIGHTS ON CANOPY

Gilly

At
11-29-21

SPL/PPI-M2-1/22/2019

Book: 5419 Page: 273 Seq: 5

PETITION NO. A-801-22
Christopher & April Szopa
532 Ginger Cake Road
Fayetteville, GA 30214
Public Hearing Date August 22, 2022

The subject property is located at 532 Ginger Cake Road Fayetteville, GA 30214 and is zoned R-70. The applicant is requesting a Variance as follows:

Variance to Sec. 110-133. R-70, (d) (6) to reduce the side yard setback from 20 feet to 5 feet to allow an existing residential accessory structure to remain.

History: The Final Plat of Beverly Manor Estates was recorded on June 11, 1963, the subject property is 2.00 acres. Tax Assessors indicate the applicant purchased the property in 2021. According to building permit records the house was built in 1983.

Property owner was informed that recreational court (i.e., basketball court) would require a building permit. As part of the building permit process for recreational court, a site plan is required. Through the review staff discovered the violation. The site plan shows the recreational court located 5 feet from the side yard property line.

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.

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.

We moved to Fayette County a little over a year ago from an unincorporated area outside of Houston, Texas. In that area there was no regulation over minor improvements that you could make to your property. We were able to build a pool and a sport court with no need for permits or addressing any setbacks. Unfortunately, we mistakenly assumed that would be the same here when we built a simple concrete pad to use at a basketball court for our 11-year-old son. We subsequently found out that we will need a permit for this pad. Additionally, we have now been educated about the side setback requirements of the County. We have found out that the code requires a side setback of 25' and the recorded plat (attached) notes a side setback of 20'. Regardless of which distance is used, a corner of the concrete pad (roughly 20% of the overall pad area) was built within that setback area. We understand that this is our own mistake. Given the significant cost and hardships

of tearing up part of the pad and re-building it outside the setback, we would like to request a variance of the setback requirement just for the portion of the pad that encroaches on the setback. I have attached a site plan that shows the encroachment. We have discussed with our neighbor on that property line, and he does not have any problem with the location of the pad within the setback by his property. Additionally, we plan on building a fence and landscaping in such a way to further screen the pad from the adjacent property. We appreciate your consideration and hope that you will see this variance as minor adjustment that would help us to avoid the significant cost of removal and rebuilding the pad.

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

Yes. Due to the significant amount of pine trees on our property as well the available greenspace after we build a pool, we were limited in the areas to place this pad. We were attempting preserve greenspace for our son (and family's) outdoor play. The area we placed the pad just fits within the trees while still giving our family the opportunity to have greenspace for other play.

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

Yes. Admittedly this is due to our own mistake, but the application of the setback regulations (whether 20' or 25') would cause us to incur significant expense and hardship in removing and relocating the concrete pad.

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

Yes. Similar to #2 above that condition being the presence of the pad within the setback.

- 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,**

Yes. The existence of the pad within the setback would cause absolutely no detriment at all to the public good as it is a simple concrete pad used as a basketball court. I am assuming that the intent of the setback requirements is to prevent nuisances and eyesores to adjacent neighbors and the public. This court is designed to blend in with surroundings. Additionally, only a small portion of it (a corner making up around 20% of the pad) is present within the setback area. Of note, our adjoining neighbor has no problem with the existence and location of the court. Given that, there is no impairment to the purposes and intent of the County regulations.

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

Yes. The literal interpretation of the ordinance would deprive us of our quiet use and enjoyment of our property. While that use and enjoyment would have no impact on any others in the zoning district.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variance.

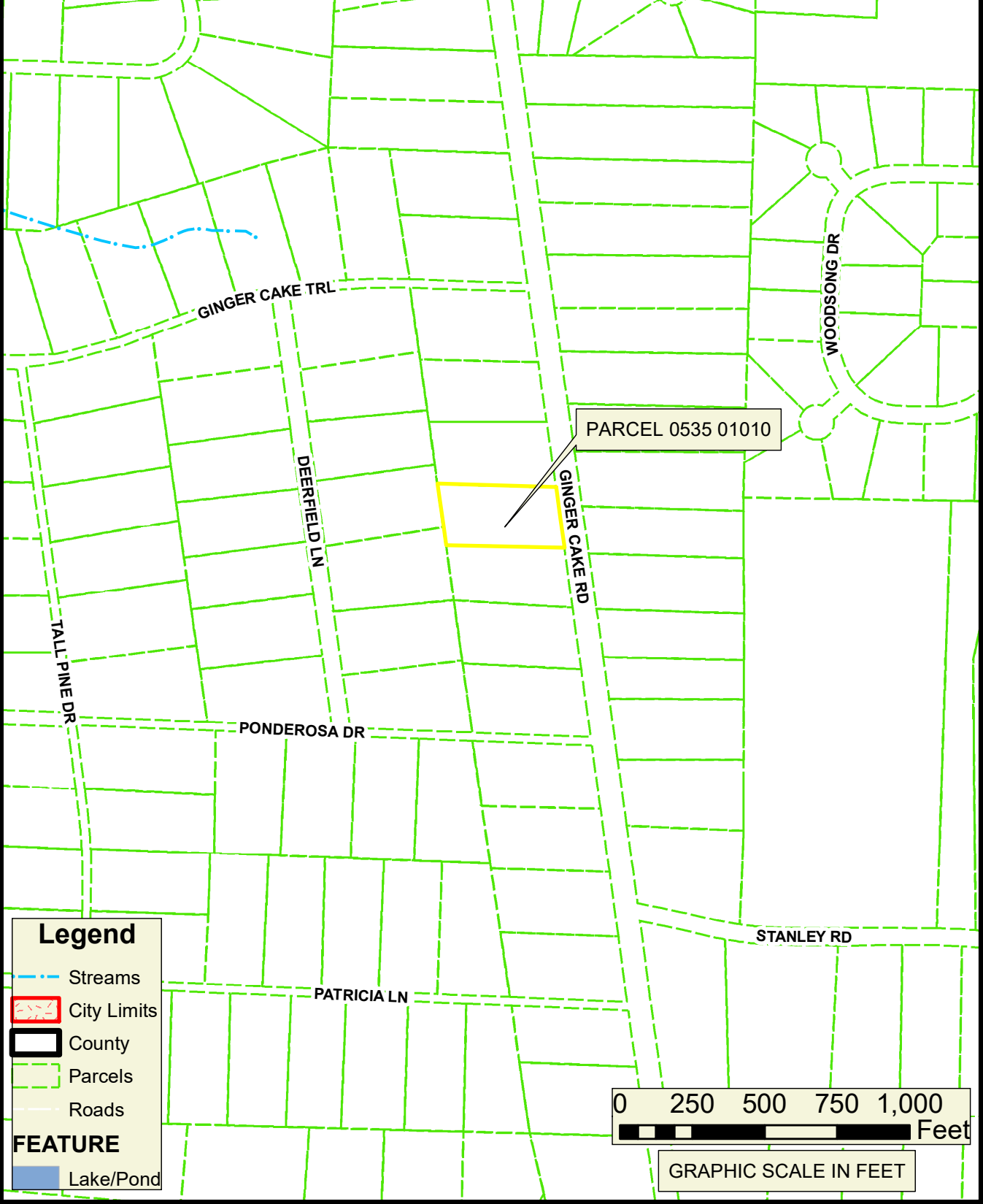
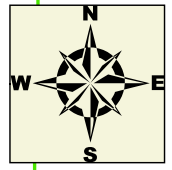
ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING: **Traffic Data** A traffic count was performed by the County on May 8, 2022; the 24-hour vehicle count was 4059. It is classified as an Internal Local and has an 80' ROW. The request would not impact traffic patterns or volume. **Sight Distance** No new driveways are proposed. **Floodplain Management** The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0101E dated September 26, 2008, or 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. **Watershed Protection** There **ARE NOT** state waters located on the subject property. **Groundwater** The property **IS NOT** within a groundwater recharge area. **Post Construction Stormwater Management** This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces.

Staff Recommendations: No comments.

FIRE MARSHAL: No objection from Fire Marshal's Office.

WATER SYSTEM: FCWS has no objection to the following variance. Water is available along Ginger Cake Rd in a 12" water main.

A-801-22 LOCATION MAP



Legend

- Streams
- City Limits
- County
- Parcels
- Roads

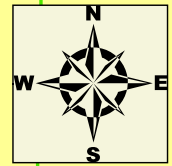
FEATURE

- Lake/Pond

0 250 500 750 1,000 Feet

GRAPHIC SCALE IN FEET

A-801-22 ZONING MAP



Legend

- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

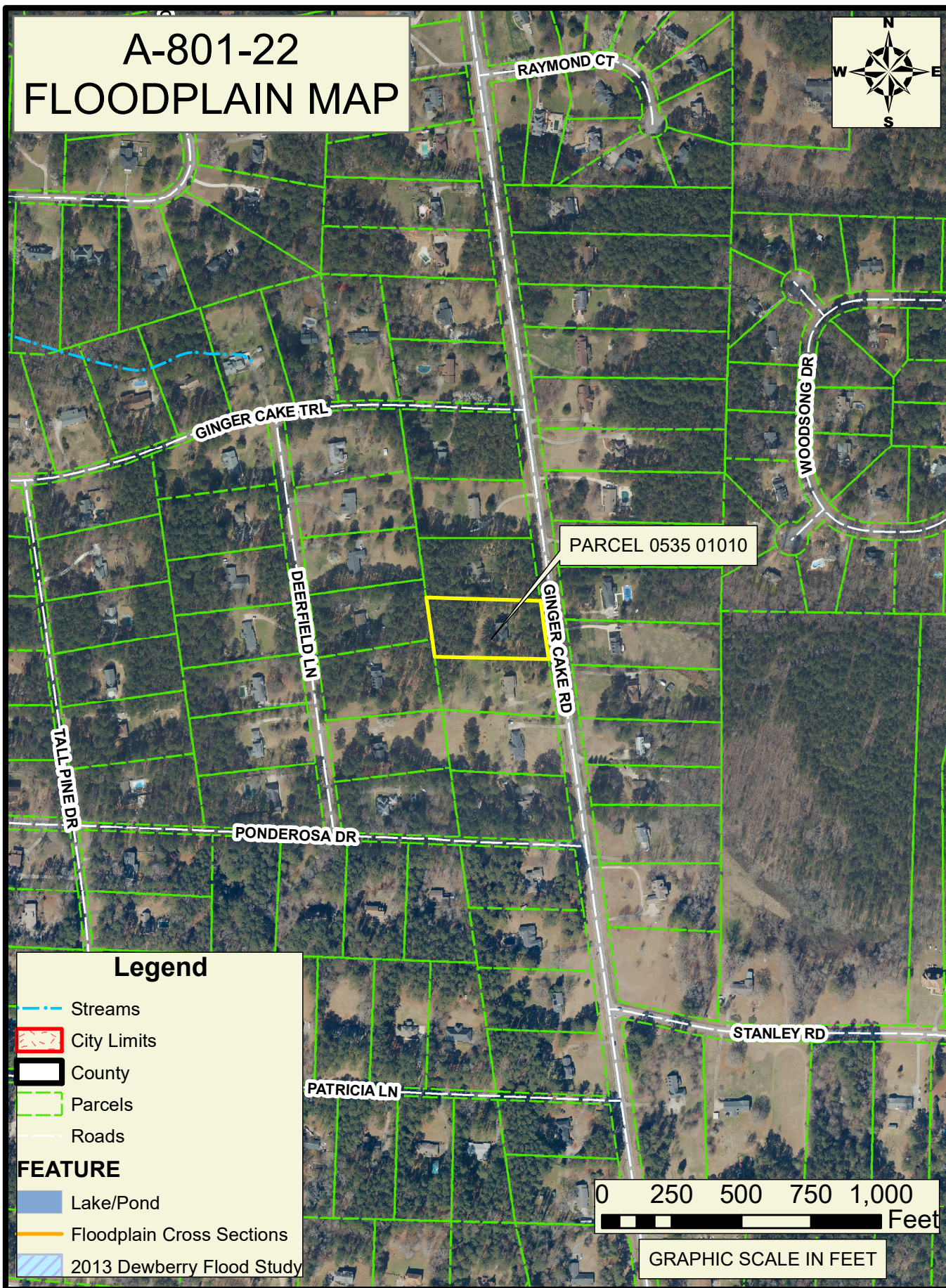
- Lake/Pond
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z

PARCEL 0535 01010

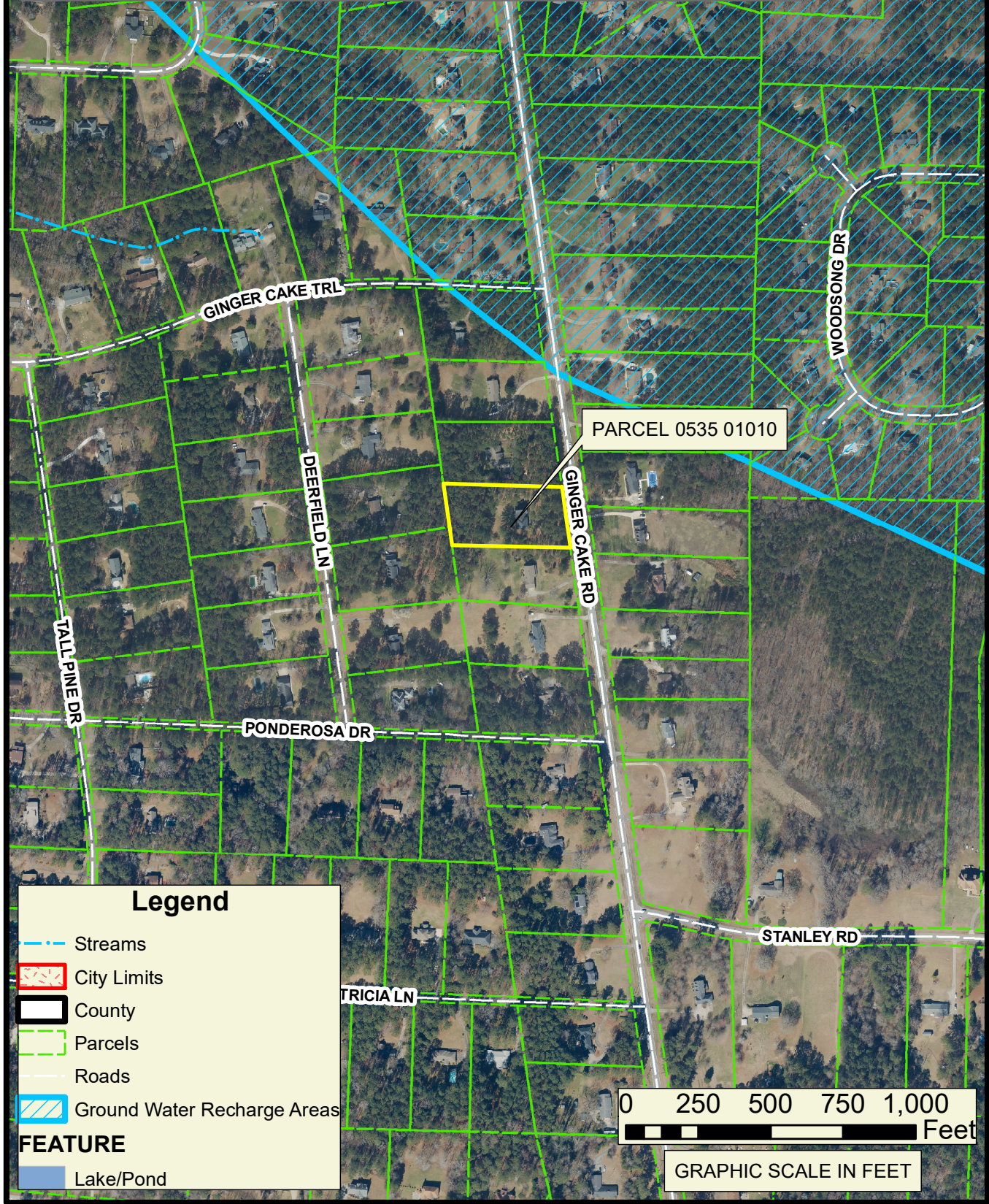
0 250 500 750 1,000
Feet

GRAPHIC SCALE IN FEET

A-801-22 FLOODPLAIN MAP

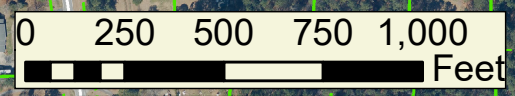


A-801-22 GROUNDWATER RECHARGE AREA



Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- Ground Water Recharge Areas
- FEATURE**
- Lake/Pond



GRAPHIC SCALE IN FEET





A-801-22
AERIAL



GINGER CAKE RD

PARCEL 0535 01010

Legend

-  City Limits
-  County
-  Parcels
-  Roads

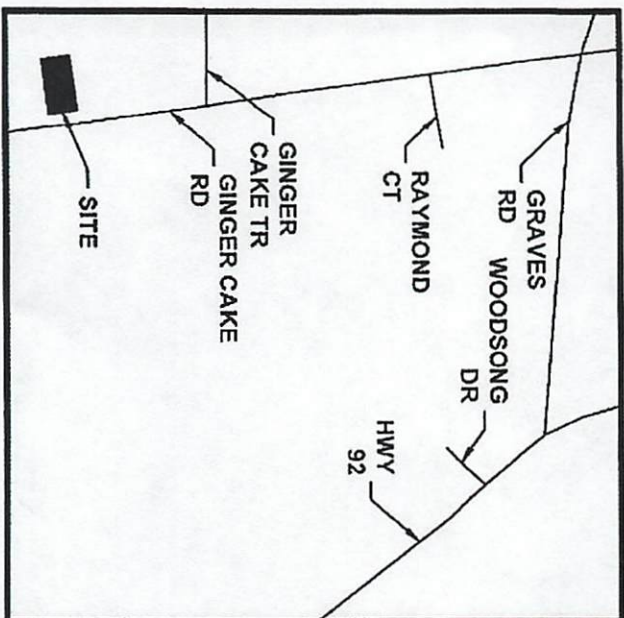
0 50 100 150 200
Feet

GRAPHIC SCALE IN FEET

PLOT PLAN

DRAINAGE IN REAR AND ALONG SIDES
OF RESIDENCE TO BE MAINTAINED

VICINITY MAP



PROPERTY INFORMATION

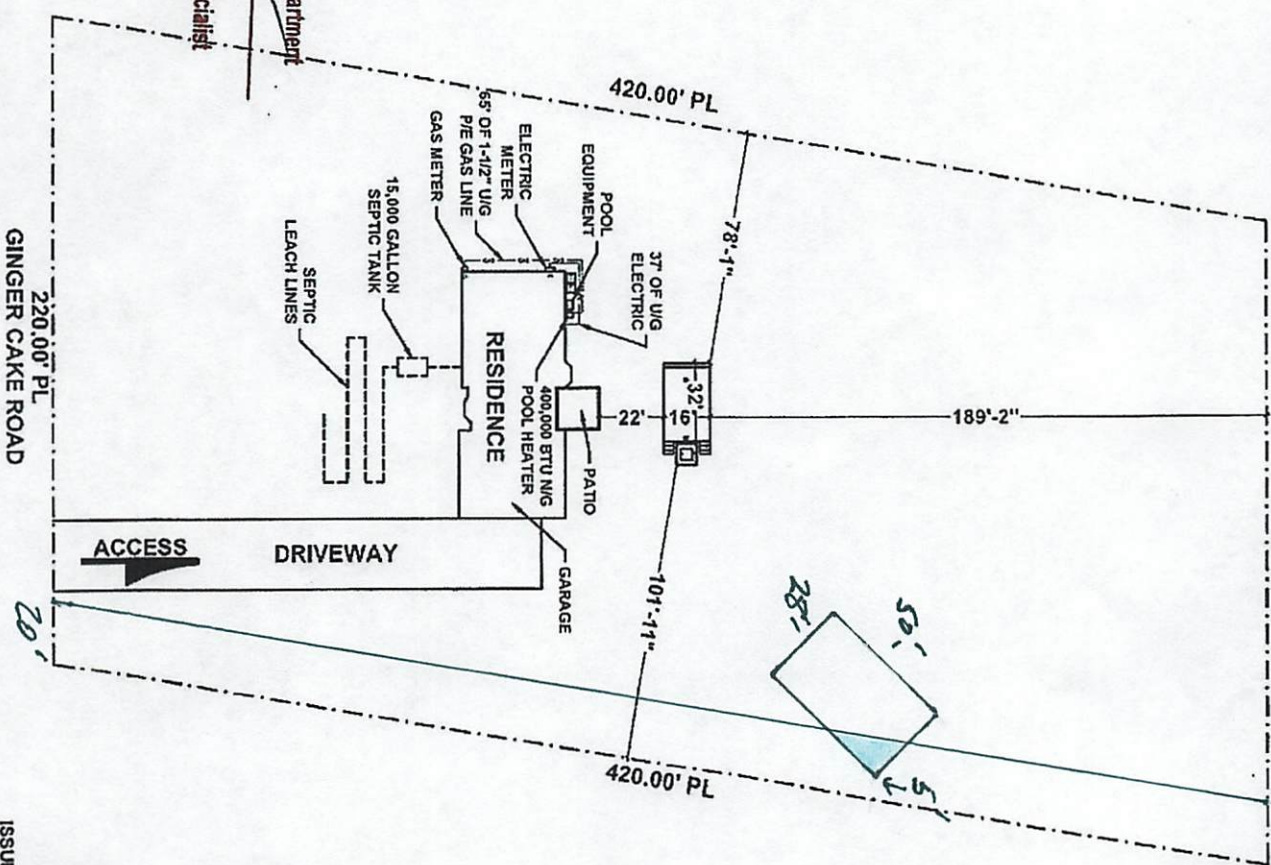
APN: 053501010
SUBDIVISION: BEVERLY MANOR III
LOT #: 24
JURISDICTION: FAYETTE COUNTY



Fayette County Health Department
Signed: *[Signature]*
Austin Kirkland
Environmental Health Specialist
5/16/2022

For approved - CUB 5/4/2022

**NOTE: PROPERTY LINE LENGTHS AND DIMENSIONS TO
PROPERTY LINES ARE APPROXIMATE.**



portion within SEE BACK

ISSUE DATE:
4-26-22
JOB #1296

NAME: SZOPA, APRIL
ADDRESS: 532 GINGER CAKE RD
PHONE 1: 949-813-0588
CONSULTANT: JEREMY WOMACK
SUPERVISOR: BOB GORDON
DRAFTSMAN: JTB
CITY: FAYETTEVILLE, GA 30214
PHONE 2:
PHONE: 404-326-7571
PHONE: 770-527-6791
CONTRACT DATE: 4-19-22

'POOL-A-PALOOZA SALE'



ATLANTA OFFICE:
8 PINE GROVE RD.
LOCUST GROVE, GA 30248
OFFICE: (770) 527-4791

CUSTOMER SIGNATURE:

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: CHRISTOPHER AND APRIL SZOJA
MAILING ADDRESS: 532 GINGER CAKE ROAD 30214
PHONE: 832.775.6287 E-MAIL: CSZOJA@GMAIL.COM
AGENT FOR OWNERS: NONE
MAILING ADDRESS: _____
PHONE: _____ E-MAIL: _____
PROPERTY LOCATION: LAND LOT 163 & 190 LAND DISTRICT 5th PARCEL 053501010
TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2
ZONING DISTRICT: R-70
ZONING OF SURROUNDING PROPERTIES: R-70
PRESENT USE OF SUBJECT PROPERTY: SINGLE FAMILY RESIDENCE
PROPOSED USE OF SUBJECT PROPERTY: NO CHANGE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-801-22

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: JUNE 21, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: JULY 25, 2022

Received from CHRISTOPHER J. SZOJA a check in the amount of \$ 175.00

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

Date Paid: JUNE 16, 2022 Receipt Number: 015104

TOTAL PAID \$195.00
CHECK # 4661

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:

CHRISTOPHER AND APRIL SZOJA

Please Print Names

Property Tax Identification Number(s) of Subject Property: 05-3501-010

(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) 163 & 190 of the District, and said property consists of a total of 2 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Signature of Property Owner 1

532 GINGER CAKE ROAD
Address FAYETTEVILLE, GA 30214

Signature of Property Owner 2

532 GINGER CAKE ROAD
Address FAYETTEVILLE, GA 30214

Signature of Authorized Agent

Address

Signature of Notary Public

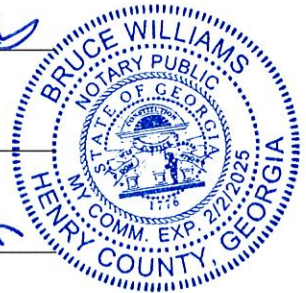
Date

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
SECTION 110-133 (d)(6) (SEE PLAN)	SIDE YARD SETBACK 20'	SIDE YARD SETBACK OF 5 FEET	15 FEET

VARIANCE SUMMARY

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

SEE ATTACHMENT

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 ATTACHMENT

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

SEE ATTACHMENT

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

SEE ATTACHMENT

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 ATTACHMENT

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

SEE ATTACHMENT

Variance Summary

We moved to Fayette County a little over a year ago from an unincorporated area outside of Houston, Texas. In that area there was no regulation over minor improvements that you could make to your property. We were able to build a pool and a sport court with no need for permits or addressing any setbacks. Unfortunately, we mistakenly assumed that would be the same here when we built a simple concrete pad to use at a basketball court for our 11-year-old son. We subsequently found out that we will need a permit for this pad. Additionally, we have now been educated about the side setback requirements of the County. We have found out that the code requires a side setback of 25' and the recorded plat (attached) notes a side setback of 20'. Regardless of which distance is used, a corner of the concrete pad (roughly 20% of the overall pad area) was built within that setback area. We understand that this is our own mistake. Given the significant cost and hardship of tearing up part of the pad and re-building it outside the setback, we would like to request a variance of the setback requirement just for the portion of the pad that encroaches on the setback. I have attached a site plan that shows the encroachment. We have discussed with our neighbor on that property line, and he does not have any problem with the location of the pad within the setback by his property. Additionally, we plan on building a fence and landscaping in such a way to further screen the pad from the adjacent property. We appreciate your consideration and hope that you will see this variance as minor adjustment that would help us to avoid the significant cost of removal and rebuilding the pad.

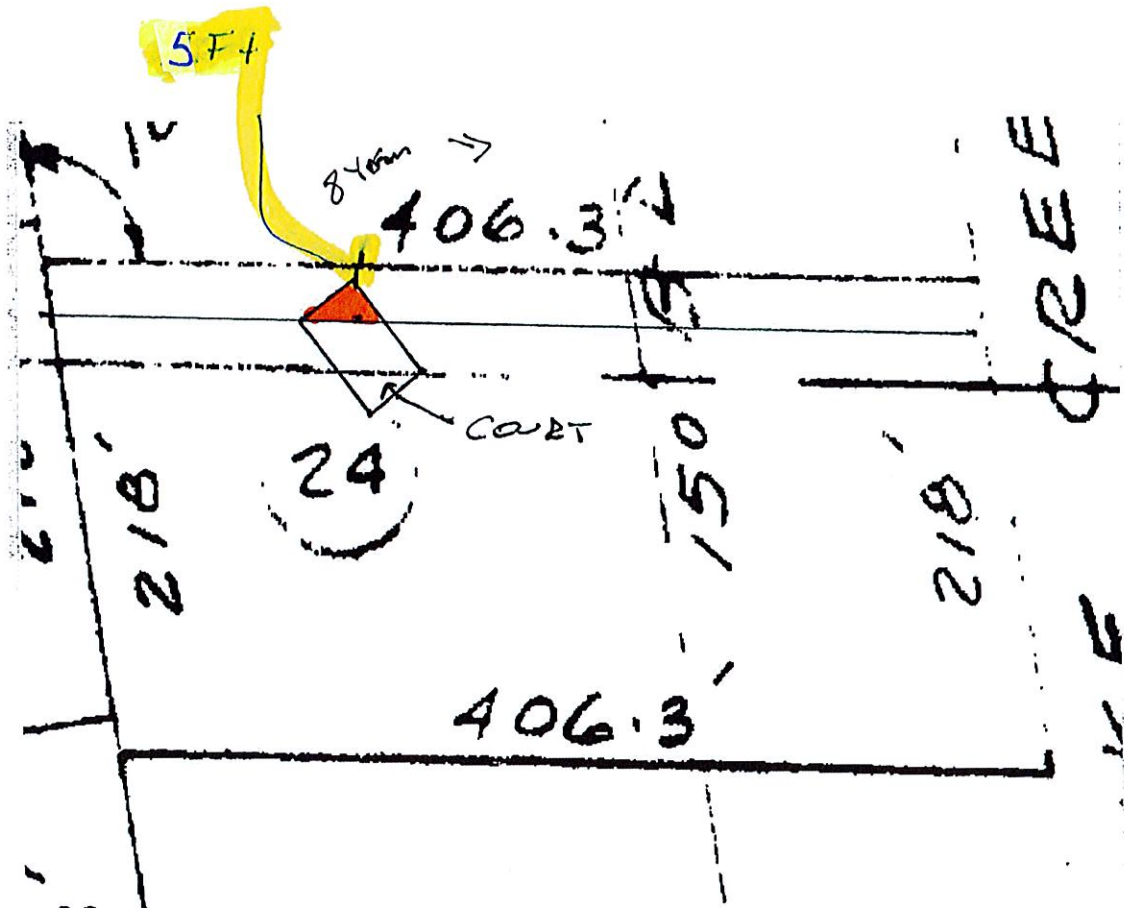
Justification for Request

1. Yes. Due to the significant amount of pine trees on our property as well the available greenspace after we build a pool, we were limited in the areas to place this pad. We were attempting preserve greenspace for our son (and family's) outdoor play. The area we placed the pad just fits within the trees while still giving our family the opportunity to have greenspace for other play.
2. Yes. Admittedly this is due to our own mistake, but the application of the setback regulations (whether 20' or 25') would cause us to incur significant expense and hardship in removing and relocating the concrete pad.
3. Yes. Similar to #2 above. that condition being the presence of the pad within the setback.
4. Yes. The existence of the pad within the setback would cause absolutely no detriment at all to the public good as it is a simple concrete pad used as a basketball court. I am assuming that the intent of the setback requirements is to prevent nuisances and eyesores to adjacent neighbors and the public. This court is designed to blend in with the surroundings. Additionally, only a small portion of it (a corner making up around 20% of the pad) is present within the setback area. Of note, our adjoining neighbor has no problem with the existence and location of the court. Given that, there is no impairment to the purposes and intent of the County regulations.
5. Yes. The literal interpretation of the ordinance would deprive us of our quiet use and enjoyment of our property. While that use and enjoyment would have no impact on any others in the zoning district.

1. Contour
2. Road & Survey Section
3. Drainage

BEVERLY MANOR ESTATES
(53-1 ON 3)
LAND LOTS 163, 190, 191, 167 5th DIST
FAYETTE COUNTY, GEORGIA
SCALE 1" = 200' DATE JUNE 1, 1973

↑ N



— PORTION OF COURT
W. IN 20' SET BACK

①

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
21-0441C/CASSI

Doc ID: 011172550001 Type: WD
Recorded: 03/25/2021 at 12:35:00 PM
Fee Amt: \$705.00 Page 1 of 1
Transfer Tax: \$680.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5247 Pg 557

TAX PARCEL ID: 053501010

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 23rd day of March, 2021, by and between EDMONDSON PROPERTIES, INC., as party or parties of the first part, hereinafter referred to as "Grantor," and CHRISTOPHER SZOPA and APRIL SZOPA, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, as party or parties of the second part, hereinafter referred to as "Grantee",

WITNESSETH

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 163 AND 190 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 24, BEVERLY MANOR ESTATES SUBDIVISION, SECTION 3, AS PER PLAT RECORDED IN PLAT BOOK 7, PAGE 184, FAYETTE COUNTY, GEORGIA RECORDS, SAID PLAT BEING EXPRESSLY INCORPORATED HEREIN AND MADE A PART OF THIS DESCRIPTION BY REFERENCE

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

TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple

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

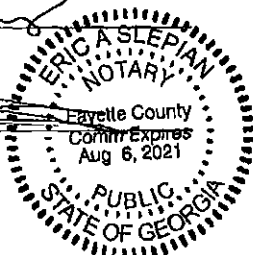
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written

Signed this 23rd day of March, 2021 in the presence of

William Ashby
Unofficial Witness

[Signature]
Notary Public
My Commission Expires

[Notary Seal]



EDMONDSON PROPERTIES, INC.

BY *Kenneth Sneed Edmondson*
KENNETH SNEAD EDMONDSON,
PRESIDENT



Brett Phillips
542 Ginger Cake Road
Fayetteville, Georgia 30214

June 21, 2022

Fayette County Planning and Zoning Department
140 Stonewall Avenue West
Suite 202
Fayetteville, GA 30214

RE: Application for Variance at 532 Ginger Cake Road

I reside at, and own, the property at 542 Ginger Cake Road, adjacent to the Szopa's property. We share the property line along which they are requesting the setback variance. The Szopas have discussed with me how they will be using the pad/court. Particularly using screening vegetation and locating the basketball goal on the side of the pad furthest away from the property line. Given that, I do not object to the placement of the pad as it is currently located and do not contest this request for a variance.

Best regards,

A handwritten signature in black ink, consisting of a stylized 'B' followed by a horizontal line extending to the right.

Brett Phillips

PETITION NO. A-802-22
Shannon D. Williams
438 Westbridge Road
Fayetteville, GA 30214
Public Hearing Date August 22, 2022

The subject property is located at 438 Westbridge Road, Fayetteville, GA 30214 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 16 feet to allow an existing residential structure to remain.

History: The survey for S.L. Phillips was recorded on June 28, 1976, the subject property is 8.52 acres. Tax Assessors indicate the house was built in 1960 and the applicant purchased the property in 2021. According to the Building Safety Department the garage was permitted in 2014.

A Stop Work Order was issued by the Building Safety Department on June 9, 2022 for building an addition without a permit. The homeowner was told by the Building Official to contact Planning & Zoning.

As part of the permitting process for an addition to the primary structure, a site plan is required. Through the review staff discovered the violation. The site plan shows the garage located 16 feet from the side yard property line.

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.

I purchased the house in September 2021 with the garage already on the property. Due to previous owners not properly submitting the changes for this variance, I am requesting that this variance from the distance of my current garage to the property line be approved. The current distance from the corner of my garage to the property line is 16.67 feet. I am currently in no financial position to tear it down and have a new one constructed.

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.**

According to prior records, the property on the side was bigger and at that time met the requirements for the 50 feet. When a portion of the property was sold and the line was pushed closer to the building, an official variance wasn't filed. I purchased the property As Is.

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

Unfortunately, I am not in a financial position to tear the garage down and rebuild. We are still bouncing back from COVID.

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

Approving the variance so that I can be in good standard with the ZBA.

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,**

Yes, if granted, all things can continue to flow as is without the financial stress of having to tear it down and rebuild.

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

Because I purchase the property as is within the last eight (8) months, I should not be liable for this error.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variance.

ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING:

Traffic Data According to a GDOT traffic count performed on February 8, 2022, the ADT for Westbridge Road is 4350. It is classified as a Minor Arterial and has an 80' ROW. The request would not impact traffic patterns or volume. **Sight Distance** No new driveways are proposed.

Floodplain Management The site **DOES** contain floodplain per FEMA FIRM panel 13113C0036E dated September 26, 2008, and the FC 2013 Future Conditions Flood Study. The area of setback encroachment does not include any portion of the floodplain. **Wetlands**

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife

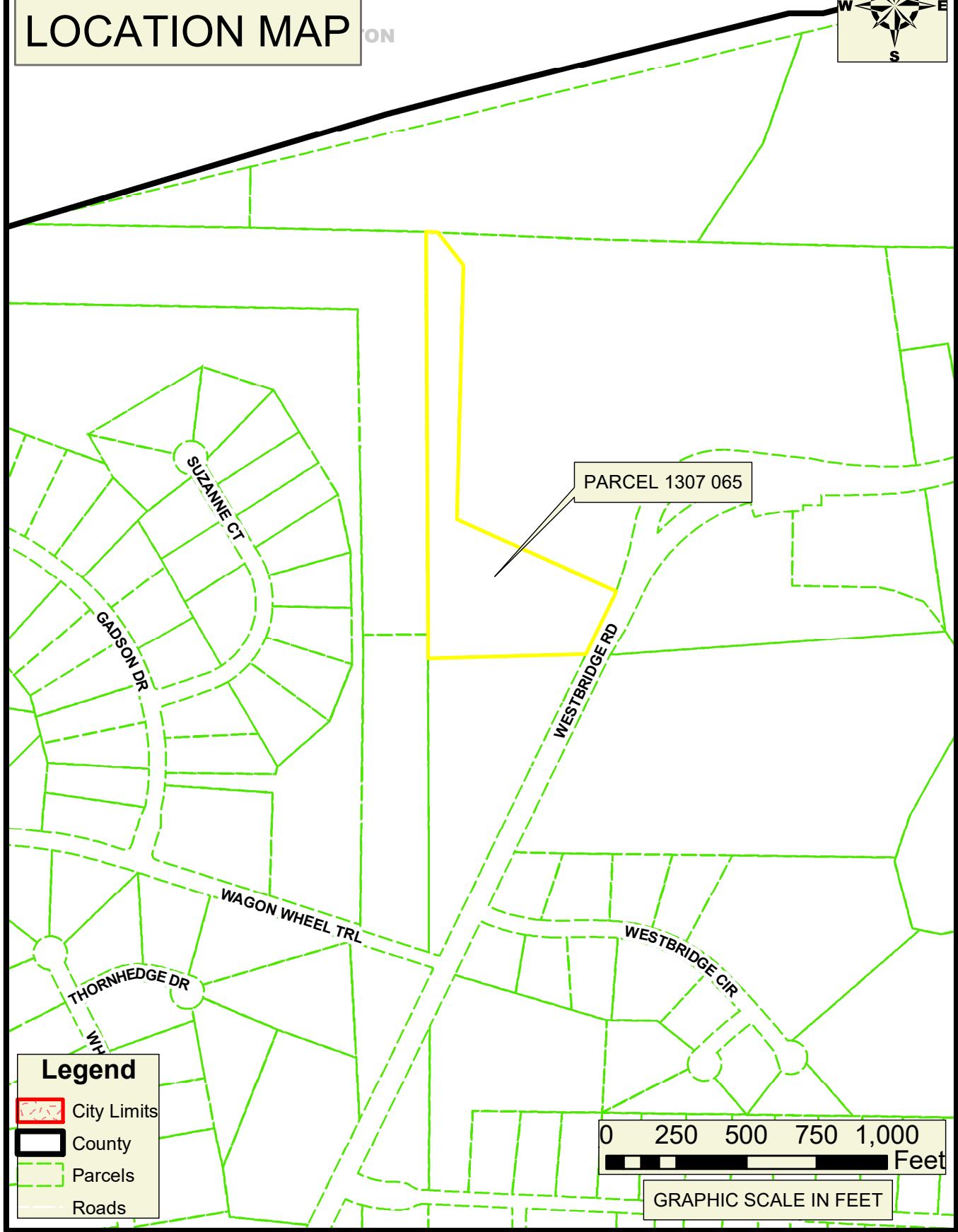
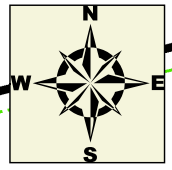
Service 1994 National Wetland Inventory Map. The area of setback encroachment does not include any wetlands. **Watershed Protection** There **ARE** state waters located on the subject property. The area of setback encroachment does not encroach on any riparian buffers.

Groundwater The property **IS NOT** within a groundwater recharge area. **Post Construction Stormwater Management** This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if re-zoned and developed with more than 5,000 square feet of impervious surfaces. **Staff Recommendations:** No comments.

FIRE MARSHAL: No objection from the Fire Marshal's Office.

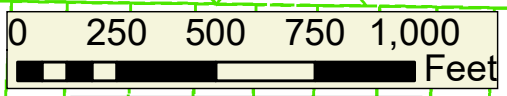
WATER SYSTEM: FCWS has no objection to the proposed variance. Water is available in a 16" water main along Westbridge Rd at this location.

A-802-22 LOCATION MAP



Legend

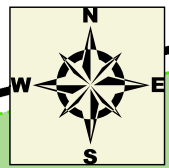
- City Limits
- County
- Parcels
- Roads



GRAPHIC SCALE IN FEET

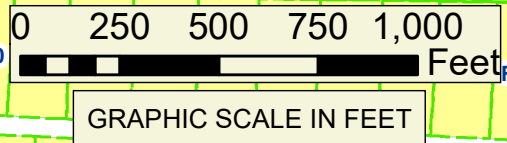
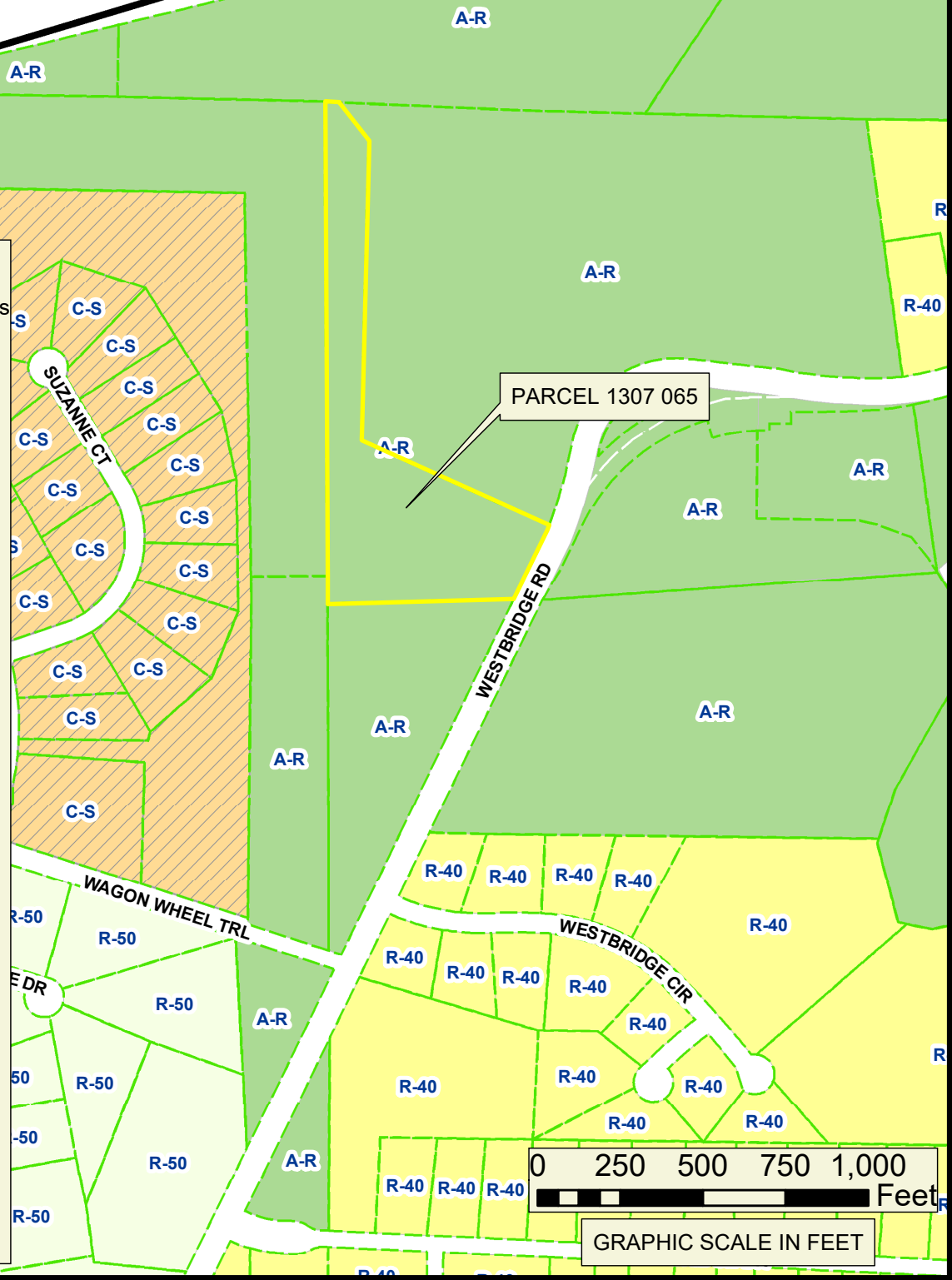
A-802-22 ZONING MAP

FULTON

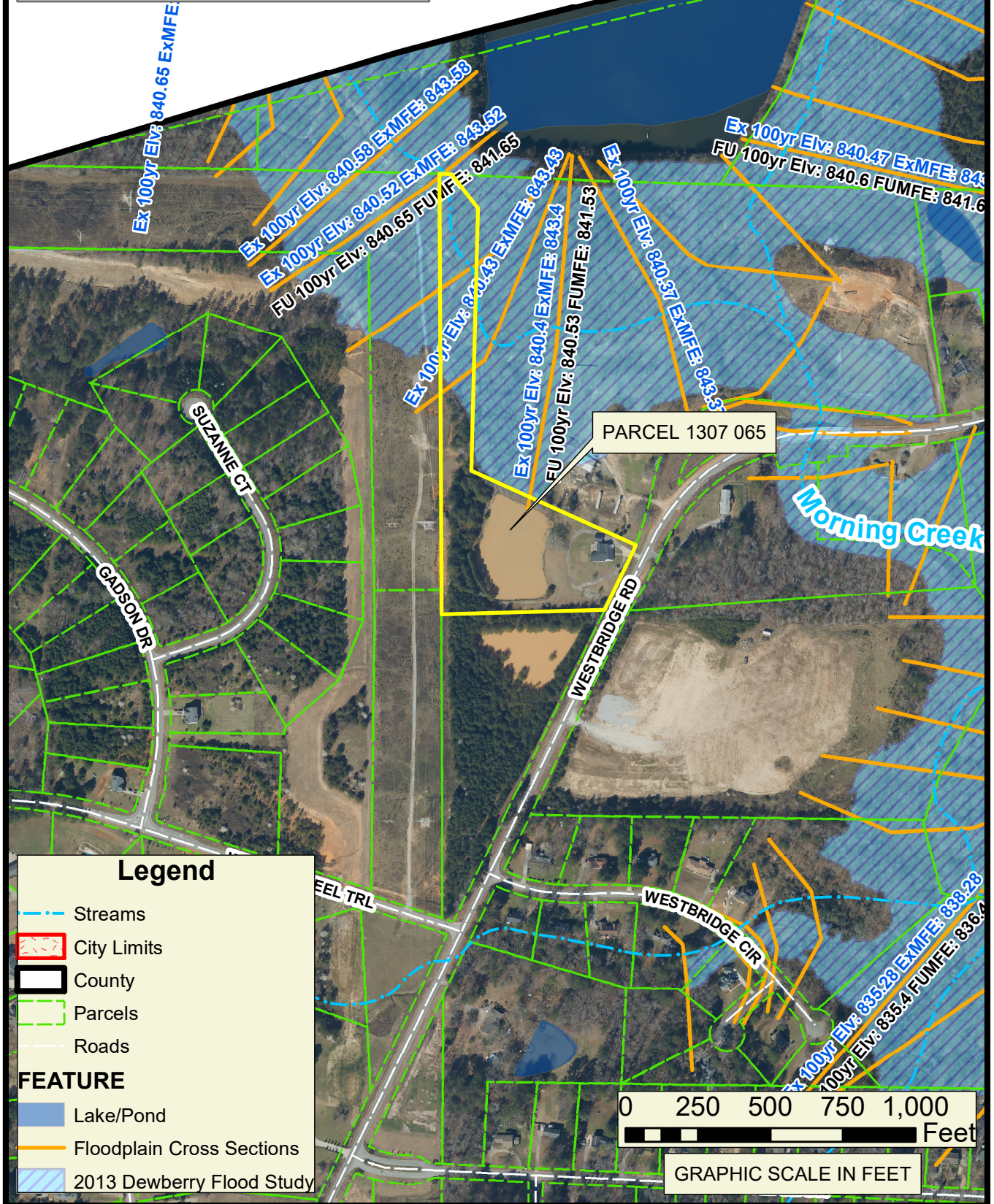


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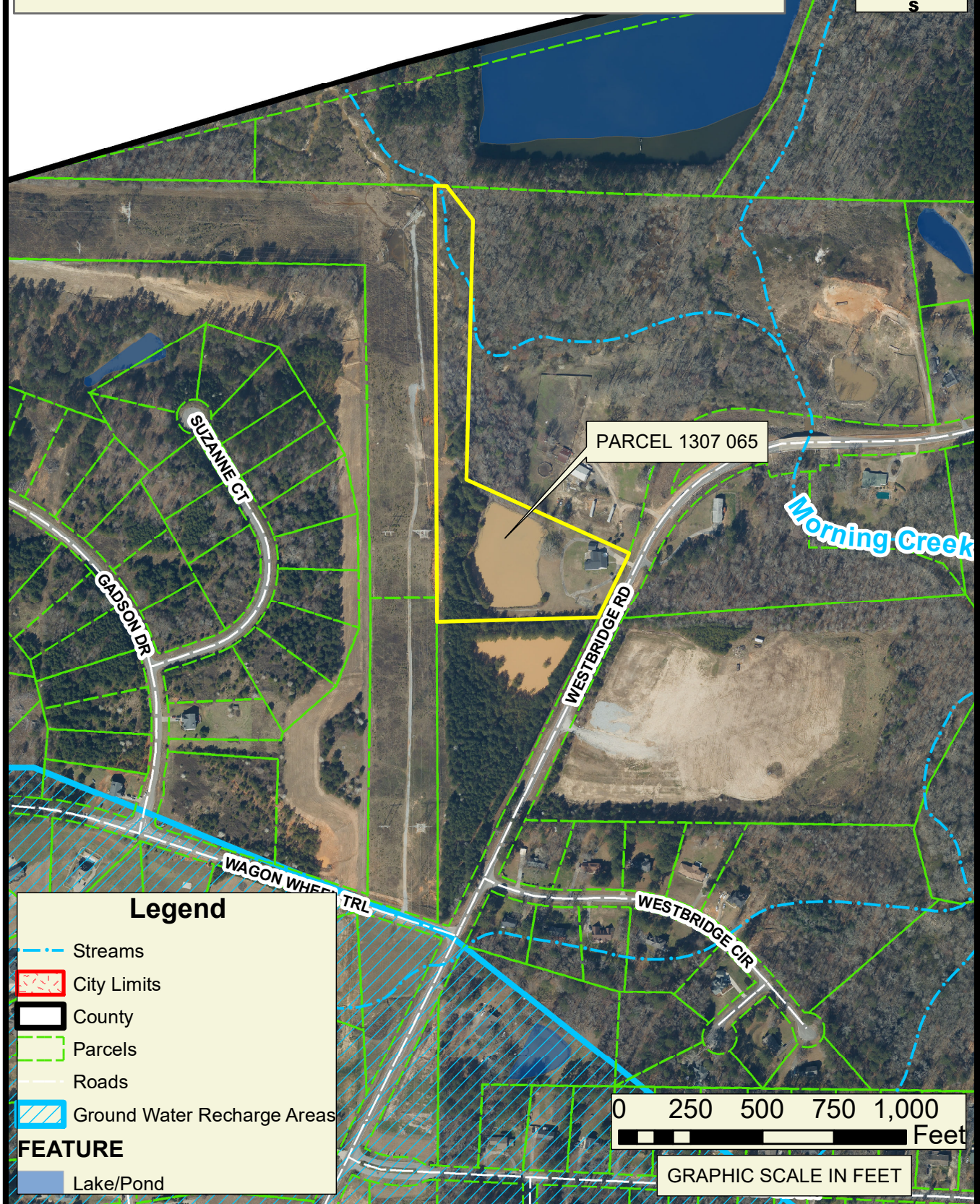
- City Limits
- County
- Parcels
- Roads
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z



A-802-22 FLOODPLAIN MAP



A-802-22 GROUNDWATER RECHARGE AREA



A-802-22 AERIAL



PARCEL 1307 065

WEST BRIDGE RD

Legend

Streams

City Limits

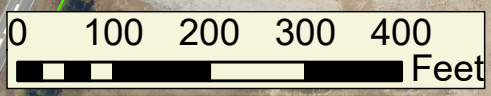
County

Parcels

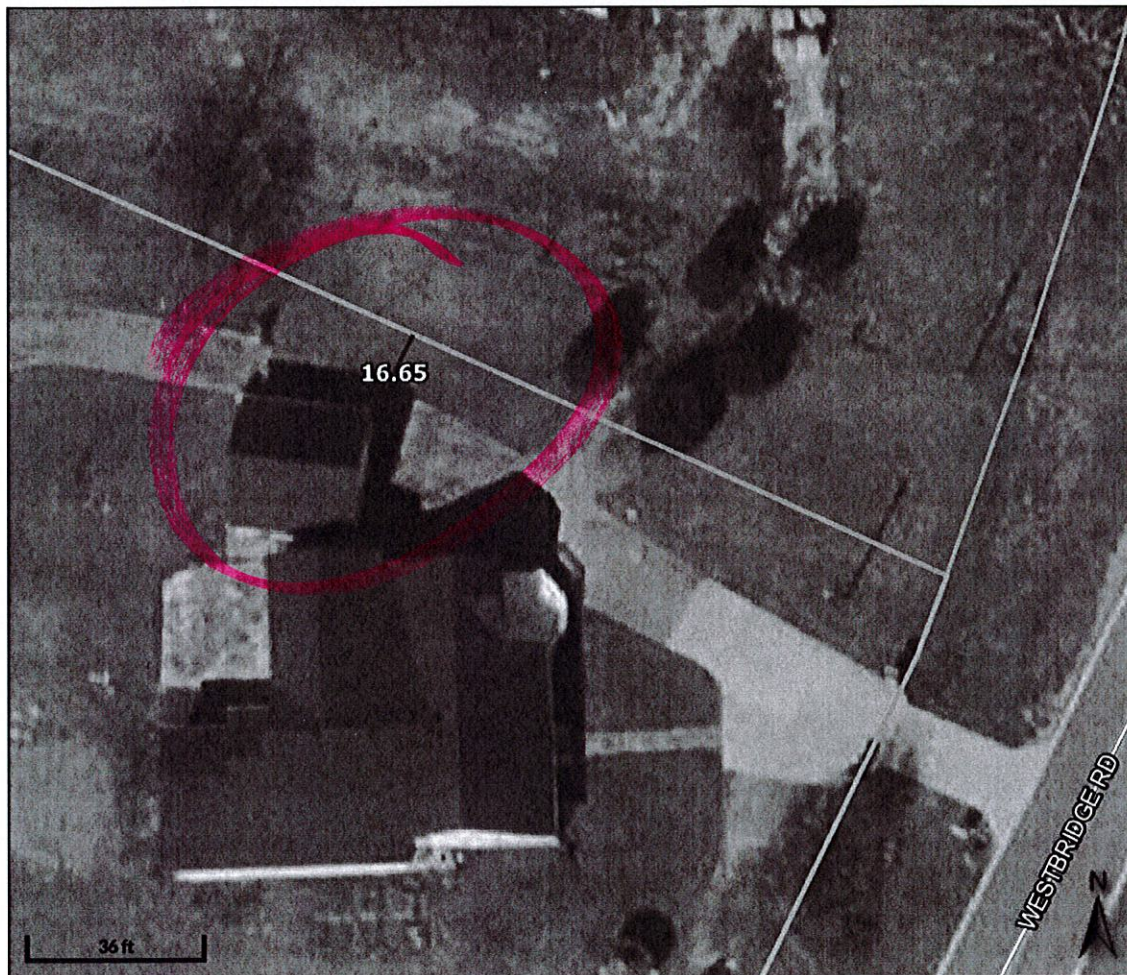
Roads

FEATURE

Lake/Pond



GRAPHIC SCALE IN FEET



Overview



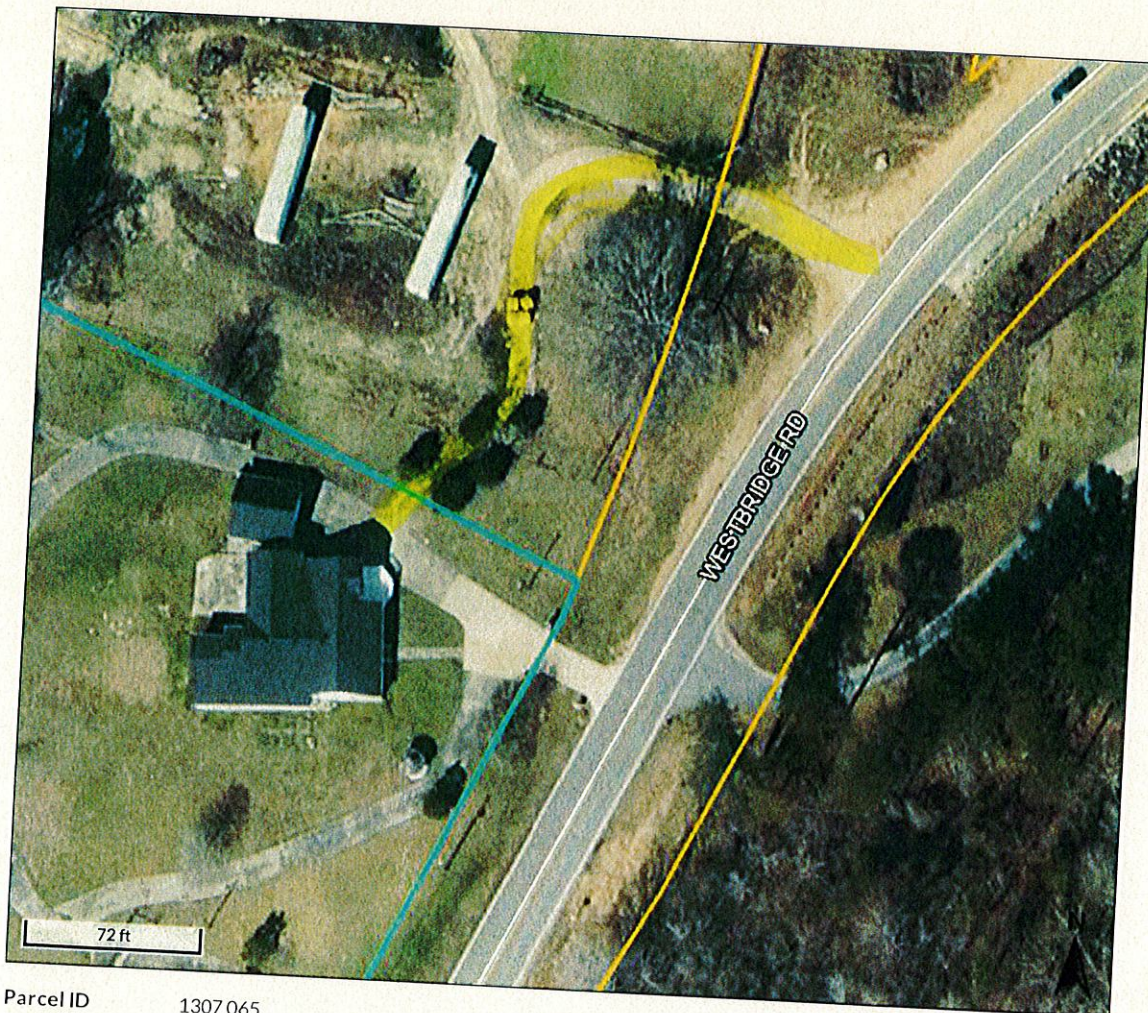
Legend

- ☐ Parcels
- ☐ Roads
- City Limits**
 - ☐ BROOKS
 - ☐ FAYETTEVILLE
 - ☐ PEACHTREE CITY
 - ☐ TYRONE
 - ☐ WOOLSEY

Parcel ID	1307065	Alternate ID	00004391	Owner Address	WILLIAMS SHANNON
Sec/Twp/Rng	0-0-	Class	R4		438 WESTBRIDGE ROAD
Property Address	438 WESTBRIDGE RD	Acreage	8.5		FAYETTEVILLE, GA 30214
District	01				
Brief Tax Description	WESTBRIDGE RD				
	(Note: Not to be used on legal documents)				

Date created: 6/22/2022
Last Data Uploaded: 6/22/2022 6:11:04 AM








Developed by  **Schneider**
GEOSPATIAL



Overview



Legend

-  Parcels
-  Roads
- City Limits**
 -  BROOKS
 -  FAYETTEVILLE
 -  PEACHTREE CITY
 -  TYRONE
 -  WOOLSEY

Parcel ID 1307065

Sec/Twp/Rng 0-0-

Property Address 438 WESTBRIDGE RD

District 01

Brief Tax Description WESTBRIDGE RD

Alternate ID 00004391

Class R4

Acreage 8.5

Owner Address WILLIAMS SHANNON
438 WESTBRIDGE ROAD
FAYETTEVILLE, GA 30214

(Note: Not to be used on legal documents)

Date created: 6/13/2022

Last Data Uploaded: 6/13/2022 6:08:03 AM

Developed by  **Schneider**
GEOSPATIAL

SH-1



438 Westbridge Rd

old driveway 2009



Image capture: Apr 2009 © 2022 Google

Fayetteville, Georgia

Google

Street View - Apr 2009

Westbridge



438 Westbridge Rd

old street view 2009



Image capture: Apr 2009 © 2022 Google

Fayetteville, Georgia

Google

Street View - Apr 2009

Westbridge
Avenue



438 Westbridge Rd
old driveway 2009 pic 2



Image capture: Apr 2009 © 2022 Google

Fayetteville, Georgia

Google

Street View - Apr 2009

estbridge

SHANNON D. WILLIAMS

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: 438 Westbridge Road, Fayetteville, GA 30214

MAILING ADDRESS: Same As Above

PHONE: 678-851-2973 E-MAIL: Marquairus@yahoo.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: N/A

PHONE: N/A E-MAIL: N/A

PROPERTY LOCATION: LAND LOT 222 LAND DISTRICT 13TH PARCEL 1307065

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 8.52 Acres

ZONING DISTRICT: AR

ZONING OF SURROUNDING PROPERTIES: AR

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-802-22

[] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Date: June 24, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: Aug 22, 2022

Received from SHANNON D. WILLIAMS a check in the amount of \$ 175.00

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

Date Paid: June 24, 2022 Receipt Number: 015142

TOTAL PAID \$ 195.00 CASH

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:

Shannon D. Williams

Please Print Names

Property Tax Identification Number(s) of Subject Property: 1307065

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 13th District, and (if applicable to more than one land district) Land Lot(s) 222 of the District, and said property consists of a total of 8.52 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

GA DCA
037835880

Comm Exp.
MAR 23, 2020

FAYETTEVILLE, GA

Signature of Property Owner 1

438 Westbridge Road
Address

Signature of Notary Public

JUN 24, 2022
Date

Signature of Property Owner 2

Address

Signature of Notary Public

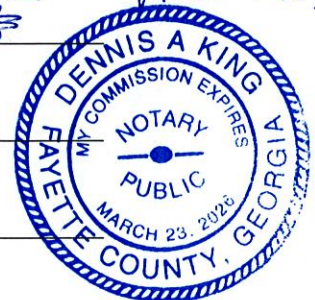
Date

Signature of Authorized Agent

Address

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(1)(6) D-116	50 ft SIDE YARD SETBACK	SIDE YARD SETBACK 16 ft	34 ft

VARIANCE SUMMARY

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

I purchased the house back in Sept. 2001 with the garage already on the property. Due to previous owners not properly submitting the changes for this variance, I am requesting that this variance from the distance of my current garage to the property line be approved. The current distance from the corner of my garage to the property line is 16.67 ft.

I am currently in NO financial position to tear it down and have a new one constructed.

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.

According to prior records, the property on that side was bigger and at that time met the requirements for the 50ft. When a portion of the property was sold and the line was pushed closer to the building, an official Variance wasn't filed. I purchased property AS IS.

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

Unfortunately, I am not in a financial position to tear the garage down and rebuild. We are still bouncing back from Covid.

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

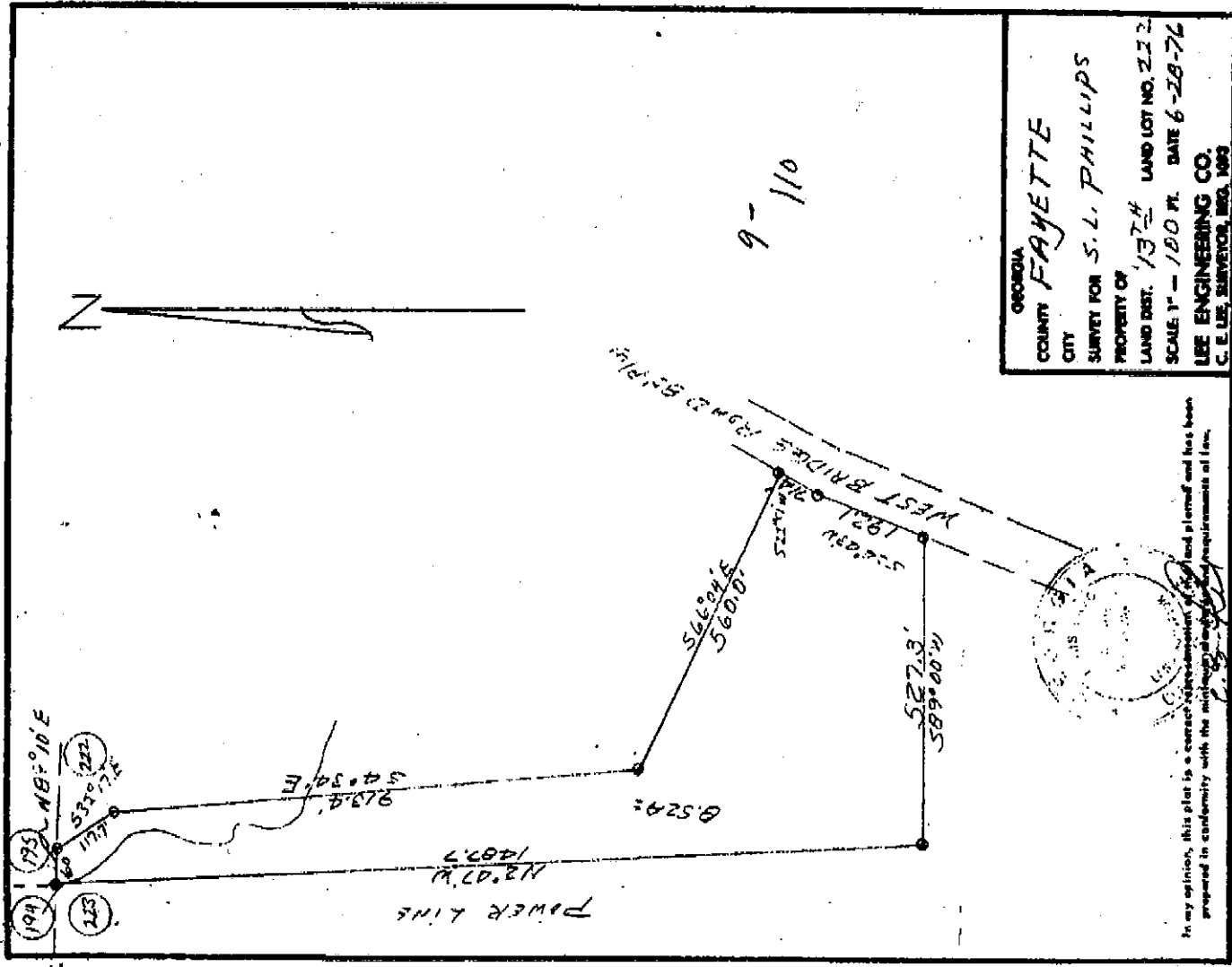
Approving the Variance so that I can be in good Standard with the ZBOA

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.

Yes, if granted, All things can continue to flow as is without the financial stress of having to tear it down & rebuild

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

Because I purchase the property as is within the last 8 months, I should not be liable for this error.



GEORGIA
 COUNTY *FAYETTE*
 CITY
 SURVEY FOR *S. L. PHILLIPS*
 PROPERTY OF
 LAND DIST. *13TH* LAND LOT NO. *212*
 SCALE *1" = 100 FT.* DATE *6-28-76*
 LEE ENGINEERING CO.
 C. E. LEE, SURVEYOR, REG. 1003

In my opinion, this plot is a correct representation of the land platted and has been prepared in conformity with the minimum legal requirements and requirements of law.

Recording requested by:
Sanders Robinson & Scott Title and Associates, LLC

After Recording Return To:
Sanders Robinson & Scott Title and Associates, LLC
4470 Chamblee Dunwoody Rd., Suite 250
Dunwoody, GA 30338

File Number: SRS-21-111
Parcel ID: 1307 065

Type: WD
Recorded: 12/14/2021 4:31:00 PM
Fee Amt: \$425.00 Page 1 of 2
Transfer Tax: \$400.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 8094726127

BK 5420 PG 289 - 290

Limited Warranty Deed

State of Georgia
County of

This Indenture made the 27th day of August, 2021, between **Marcus Whitehead**, party of the first part, henceforth referred to as "Grantor", and **Shannon Williams**, party of the second part, henceforth referred to as "Grantee."

WITNESSETH That: the said party of the first part, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (\$10.00)** and other goods and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part, his heirs and assigns,

All that tract or parcel of land lying and being in Land Lot 222 of the 13th District, Fayette County, Georgia, containing 8.52 acres, of Survey for S.L. Phillips, per plat thereof recorded in Plat Book 9, Page 110, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

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 party of the second part, his heirs and assigns, forever, in **FEE SIMPLE**.

AND THE SAID party of the first part, for his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, his heirs and assigns, against claims of all persons owning, holding or claiming by, through or under the said party of the first part.

WARRANTY DEED

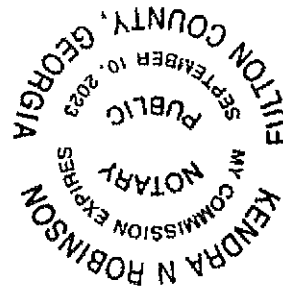
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year above written.

Signed, sealed and delivered in the presence of:

Marcus Whitehead
Marcus Whitehead

Cyril
Unofficial Witness

Kendra N Robinson
Notary



PETITION NO. A-803-22
Timothy and Doreen Callahan
660 Adams Road
Fayetteville, GA 30214
Public Hearing Date August 22, 2022

The subject property is located at 660 Adams Road Fayetteville, GA 30215 and is zoned R-70. The applicant is requesting a Variance as follows:

1. Variance to Section 110-79. Residential accessory structures and their uses, (e) To allow construction of a residential accessory structure (i.e., pavilion) located in a front yard.
2. Variance to Sec. 110-133. R-70, (d) (5) to reduce the rear yard setback from 50 feet to 15 feet to allow an existing residential accessory (i.e., garage) structure to remain.

Sec. 110-79. – Residential Accessory Structures Located in a Front Yard (e).

No residential accessory structure shall be located in a front yard.

History: The Minor Final Plat of 660 Adams Road was recorded on August 15, 1995, in Plat Book 4861 and Page 217. Tax Assessor's records indicate that the applicant purchased the property in April 2019 in Deed Book 4861 and Page 0217. The lot is 12 acres and fronts on Adams Road.

As part of the building permit process for a residential accessory structure (i.e., pavilion) permit, a site plan is required. Through the review staff discovered two violations. The site plan shows the pavilion located in the front yard and the garage 15 feet from the rear property line.

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.

1. Request for a variance to the requirement that residential accessory structures not be in the front yard. This is to build a prefabricated recreational pavilion near the lake on property located at 660 Adams Rd. The nature of the lot, the topography of the lot and the positioning of the house makes it impossible to build behind the house. Additionally, the lake is in front of the house. We purchased this house in April 2019 and have made many improvements to enhance the beauty of the property. The location of the pavilion will be approximately 300 ft from Adams Rd and 200 feet from the closest neighbor. Due to the distance and topography, it will not be readily visible from the road. We have a statement from the closest neighbor that they have no objection to this appeal or to the structure. 2. Request for a variance to the set back requirement on the side/back of the lot. There is an existing residential accessory structure that was on the property when we bought it built late 1970s/early 80s. It is approximately 15 ft from the property Line on the back/side portion of the lot. Current setback requirement is 25/50 ft. We own the lot (684 Adams Rd) that is adjacent to the area in question and have no objection to granting the

variance.

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.**

Pavilion: The shape of the 12-acre lot is abnormal; it is a dogleg to the right, where the house and structures are to the very back of the lot. The area behind the house could not accommodate the purpose of this request. The topography and soil conditions would not support construction and the purpose is to put a pavilion by the lake, which is in front/side of the house.

2. Set back request: The lot shape and the location of existing structures lend to this request. It is impossible to move the existing building. They were built long ago and likely in that location due to topography (extreme grade) and soil conditions.

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

Yes, due to the shape of the lot, the positioning of the house, and the location of the lake, the site selected is the only practical location for a recreational pavilion.

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

Yes. The shape of the lot, positioning of the house, and location of the lake make this unique to other lots in the district.

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

No, it is far from the road, out of sight, and would enhance the aesthetics of the lake property. The closest neighbor has signed a statement, attached herein, that there is no objection.

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

No known. Only the right to quiet enjoyment of property.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variances. Applicant is required to complete the required application process for this office for an on-site evaluation prior to construction of any accessory structure.

ENVIRONMENTAL MANAGEMENT/ENGINEERING:

Traffic Data

Adams Road is classified as a Collector and has an 80' ROW. The posted speed limit is 45 mph.

There is no traffic data for Adams Road. **Sight Distance**

No new driveways are proposed. The existing driveway has adequate sight distance for the road speed/classification.

Floodplain Management

The site **DOES** contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008. The total limits are shown more accurately on the Fayette County 2013 Dewberry Limited 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.

Watershed Protection

There **ARE** state waters located on the subject property. Sandy Creek flows through this parcel and a 25' state buffer applies.

Groundwater

The property **IS** within a groundwater recharge area.

Post Construction Stormwater Management

This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if a variance is granted at this time.

Staff Recommendations:

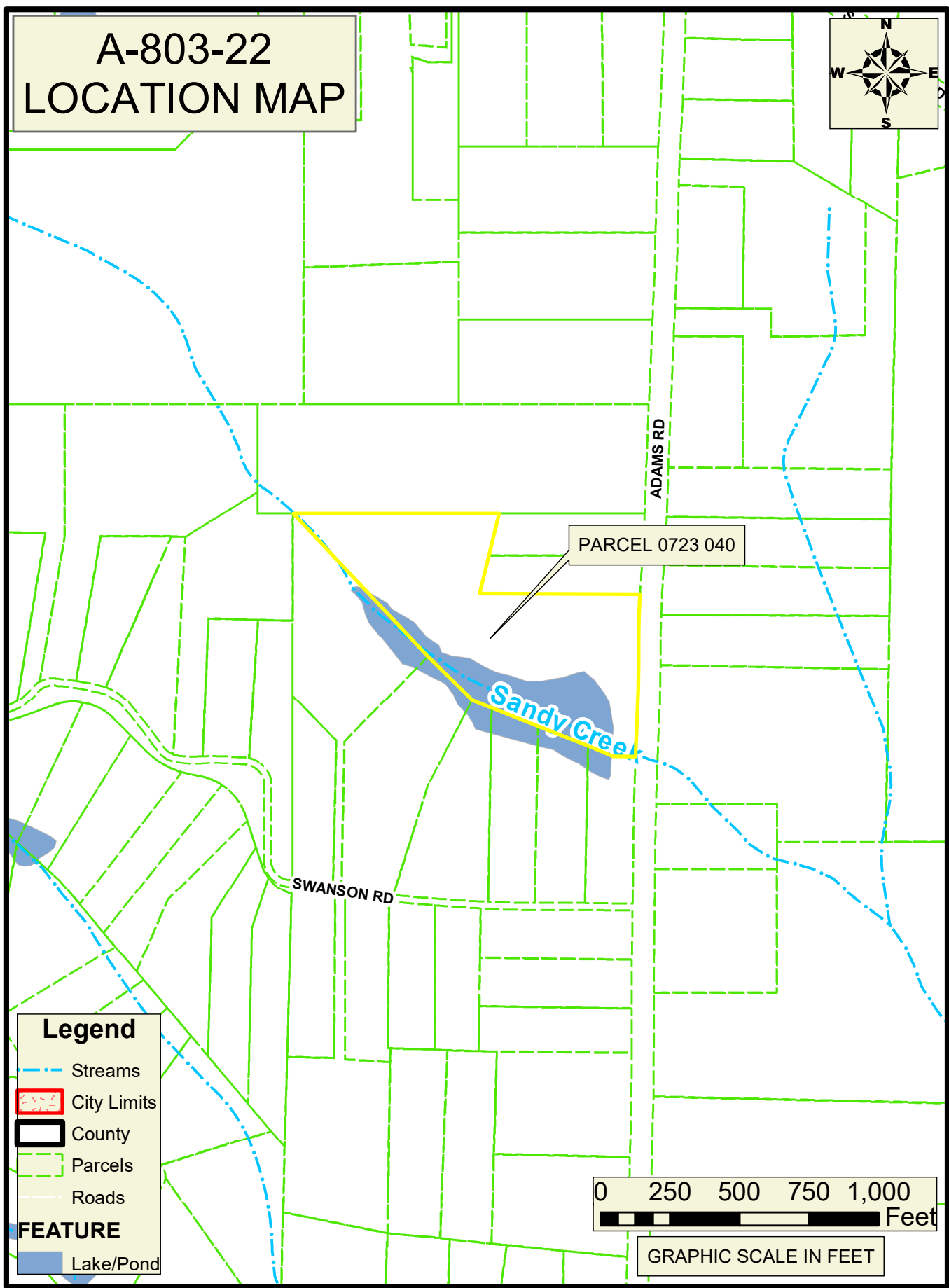
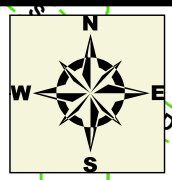
1. Any new construction shall adhere strictly to the 25' State Waters undisturbed buffer.
2. Any new construction shall adhere to the Flood Plain ordinance. The applicant/owner should refer to the Fayette County 2013 Dewberry Limited Flood Study for placement of structure.

EMD Staff called and discussed the flood plain and 25-foot buffer not shown on the site plan as submitted.

FIRE MARSHAL: No comments from Fire Marshal's Office.

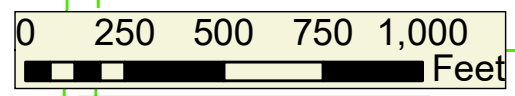
WATER SYSTEM: FCWS has no objection to the proposed variance. Water is not currently available to 660 Adams Rd. and an 8" water main terminates just before 660 Adams Rd.

A-803-22 LOCATION MAP



Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- FEATURE**
- Lake/Pond



GRAPHIC SCALE IN FEET

A-803-22 ZONING MAP



Legend

- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

- Lake/Pond
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z

PARCEL 0723 040

Sandy Creek

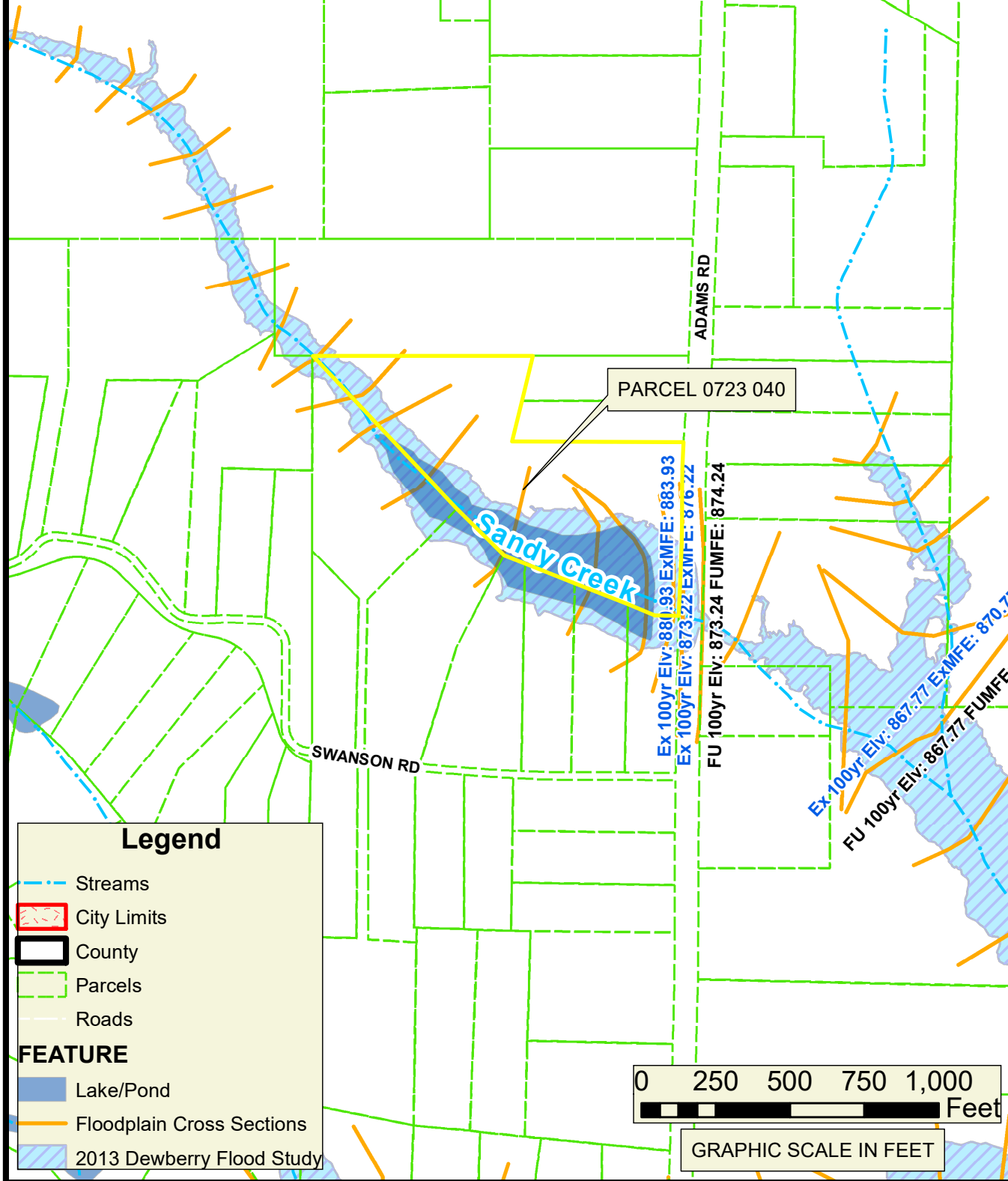
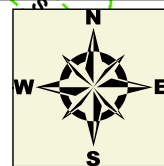
SWANSON RD

ADAMS RD

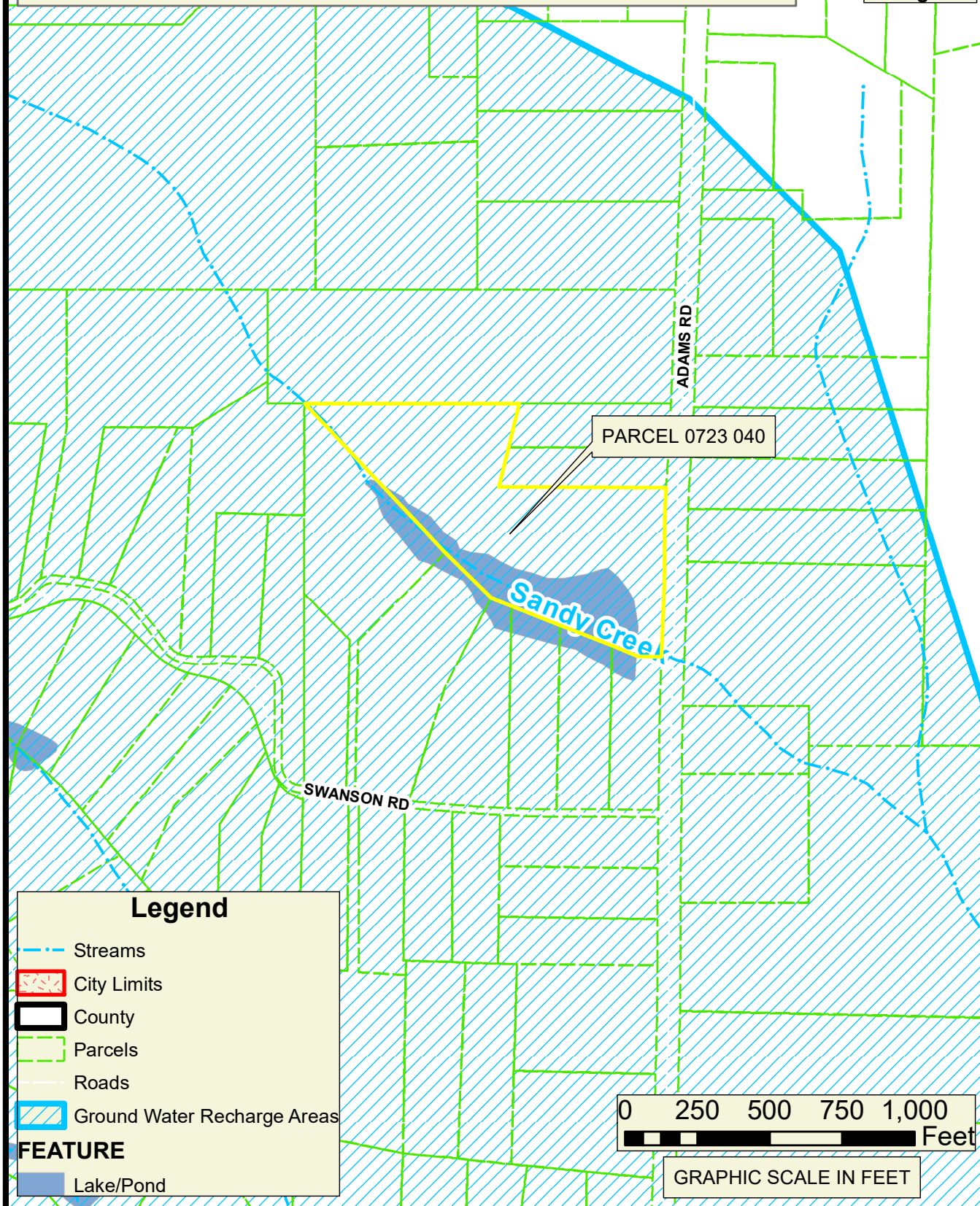
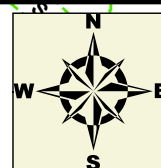
0 250 500 750 1,000 Feet

GRAPHIC SCALE IN FEET

A-803-22 FLOODPLAIN MAP



A-803-22 GROUNDWATER RECHARGE AREA



A-803-22
AERIAL



PARCEL 0723 040

Sandy Creek

ADAMS RD

SWANSON RD

Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- FEATURE**
- Lake/Pond

0 100 200 300 400
Feet

GRAPHIC SCALE IN FEET

12' x 20' WOOD GAZEBO

with ALUMINUM ROOF

Installation and Operating Instructions – YM12952



HEIGHT:
3.099 m / 10'2"

IMPORTANT, RETAIN FOR FUTURE REFERENCE: READ CAREFULLY



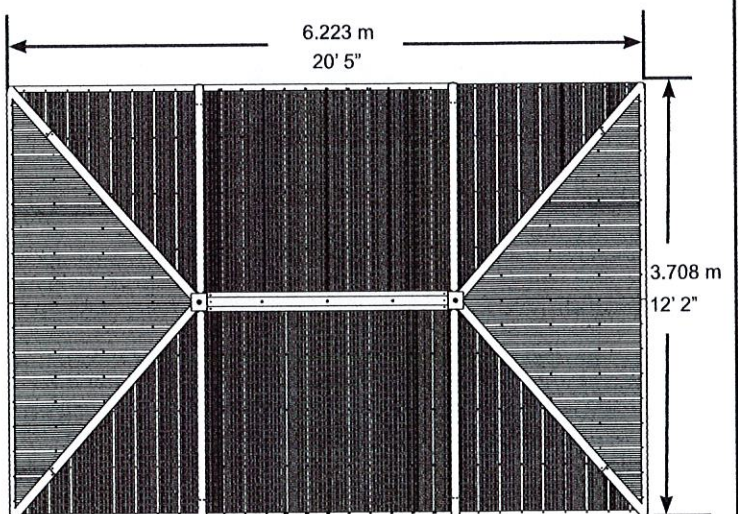
Revised 05-06-2021

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English and French Spoken

Patents Pending



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Timothy and Doreen Callahan

660 Adams Road
FAYETTEVILLE, GA 30214

MAILING ADDRESS: 684 Adams Rd Fayetteville GA 30214

PHONE: 770-301-0114

E-MAIL: tcallahan98@cs.com

AGENT FOR OWNERS: N/A

MAILING ADDRESS: _____

PHONE: _____

E-MAIL: _____

PROPERTY LOCATION: LAND LOT 77 LAND DISTRICT 77D PARCEL 0723040

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 12 Acres

660 Adams Road
FAYETTEVILLE, GA 30214

ZONING DISTRICT: R-70

ZONING OF SURROUNDING PROPERTIES: R-70

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: No Change - Residential

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-803-22

[] Application Insufficient due to lack of:

by Staff: _____

Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature]

Date: JULY 11, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: AUGUST 22, 2022

Received from TIMOTHY & DOREEN D. CALLAHAN 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: JULY 8, 2022

Receipt Number: _____

10746 \$220.00 (CHECK # 3525)

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

Timothy L and Doreen D Callahan

Please Print Names

Property Tax Identification Number(s) of Subject Property: 07-23-040

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7-77 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 12 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]
Signature of Property Owner 1

Address _____

[Signature]
Signature of Property Owner 2

Address _____

Signature of Authorized Agent

Address _____

[Signature]
Signature of Notary Public

7th of July, 2022
Date

[Signature]
Signature of Notary Public

8th of July, 2022
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. 110-79 (c)	NO RESIDENTIAL ACCESSORY STRUCTURES LOCATED IN FRONT YARD	ALLOW TO BUILD RESIDENTIAL ACCESSORY STRUCTURE IN FRONT YARD	ALLOW TO BUILD RESIDENTIAL ACCESSORY STRUCTURE IN FRONT YARD
SEC. 110-133 (d) (5) REAR YARD SETBACK	50 FT.	15 FT.	35 FT.

VARIANCE SUMMARY

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

1. Request for a variance to the requirement that residential accessory structures not be in the front yard. This is to build a prefabricated recreational pavilion near the lake on property located at 660 Adams Rd. The nature of the lot, the topography of the lot and the positioning of the house makes it impossible to build behind the house. Additionally, the lake is in front of the house. We purchased this house in April 2019 and have made many improvements to enhance the beauty of the property. The location of the pavilion will be approximately 300 ft from Adams Rd and 200 feet from the closest neighbor. Due to the distance and topography, it will not be readily visible from the road. We have a statement from the closest neighbor that they have no objection to this appeal or to the structure.
2. Request for a variance to the set back requirement on the side/back of the lot. There is an existing residential accessory structure that was on the property when we bought it built late 1970s/early 80s. It is approximately 15 ft from the property line on the back/side portion of the lot. Current setback requirement is 25/50 ft. We own the lot (684 Adams Rd) that is adjacent to the area in question and have no objection to granting the 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.**

1. Pavilion: The shape of the 12 acre lot is abnormal; it is a dogleg to the right, where the house and structures are to the very back of the lot. The area behind the house could not accommodate the purpose of this request. The topography and soil conditions would not support construction and the purpose is to put a pavilion by the lake, which is in front/side of the house.

2. Set back request: The lot shape and the location of existing structures lend to this request. It is impossible to move the existing building. They were built long ago and likely in that location due to topography (extreme grade) and soil conditions.

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

Yes, due to the shape of the lot, the positioning of the house, and the location of the lake, the site selected is the only practical location for a recreational pavilion.

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

Yes. The shape of the lot, positioning of the house, and location of the lake make this unique to other lots in the district.

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

No, it is far from the road, out of sight, and would enhance the aesthetics of the lake property.

The closest neighbor has signed a statement, attached herein, that there is no objection.

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

No known. Only the right to quiet enjoyment of property.

684 ADAM



Doc ID: 010815970002 Type: WD
 Recorded: 04/18/2019 at 09:55:00 AM
 Fee Amt: \$572.00 Page 1 of 2
 Transfer Tax: \$660.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 4861 PG 217-218

SLEPIAN SCHWARTZ & LANDGAARD
 42 EASTBROOK BEND
 PEACHTREE CITY, GEORGIA 30269
 (770) 486-1220
 19-0553A/JULIE

TAX PARCEL ID: 0723 040

STATE OF GEORGIA
 COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **16th day of April, 2019**, by and between **WILLIAM H. VANCIL and CAROL E. VANCIL**, as party or parties of the first part, hereinafter referred to as "Grantor," and **TIMOTHY L. CALLAHAN and DOREEN D. CALLAHAN**, as **JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP**, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 77 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AS MORE FULLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

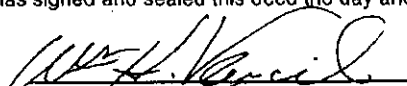
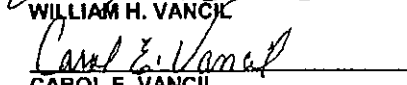
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

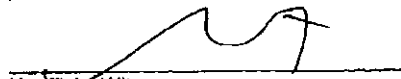
TO HAVE AND TO HOLD the Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee, their heirs, successors and assigns forever, in Fee Simple.

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

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

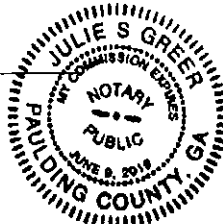
Signed this 16th day of April, 2019 in the presence of:

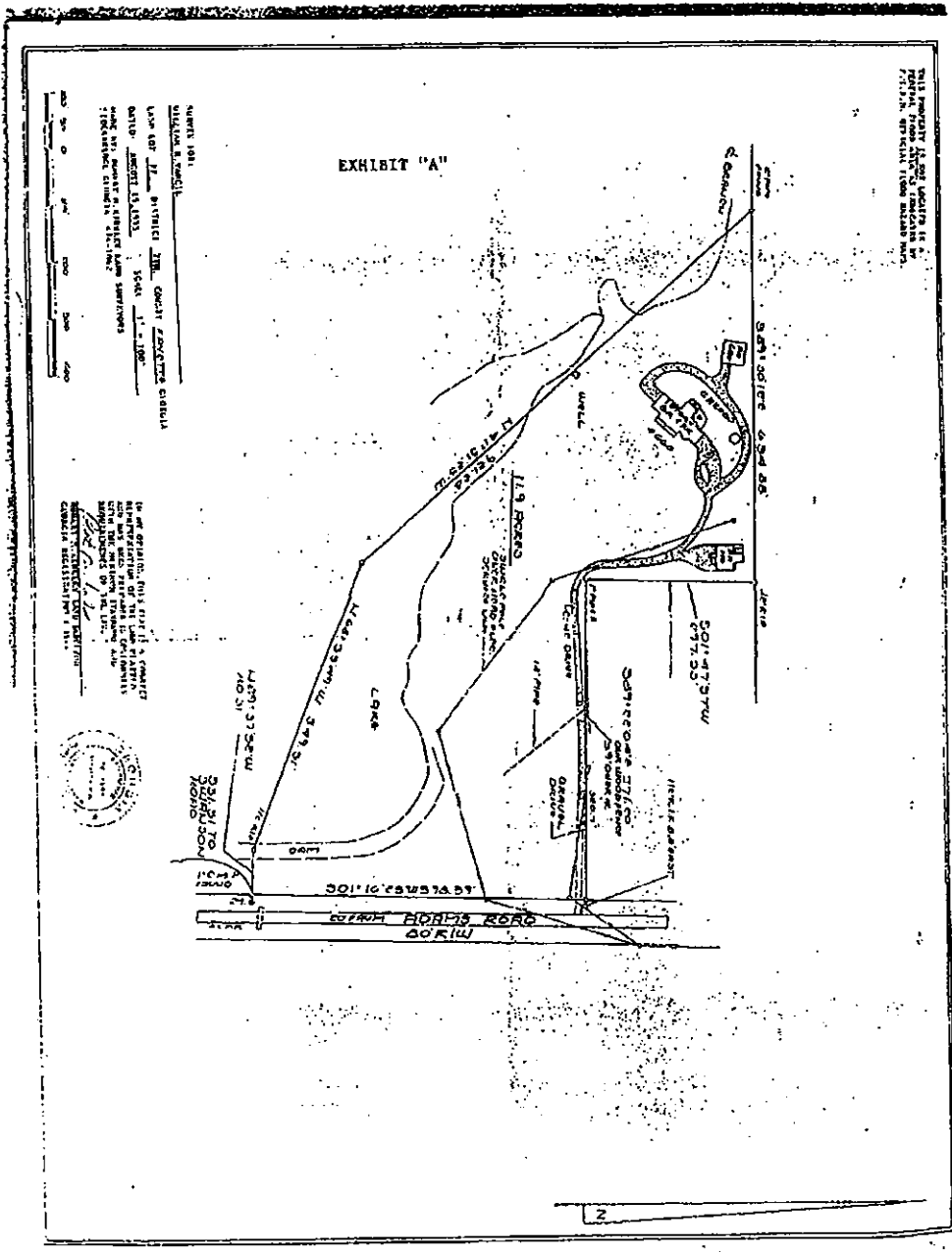

 WILLIAM H. VANCIL

 CAROL E. VANCIL


 Unofficial Witness


 Notary Public
 My Commission Expires: 6/15/19

[Notary Seal]





To: Fayette County Zoning Board of Appeals

The property owner of 660 Adams Road is requesting a variance to assemble a 12x20 foot prefabricated recreational pavilion next to the lake on the property. The pavilion will be on a concrete slab. Due to the size, shape of the 12 acre lot and the positioning of the existing house, the pavilion will be in front of the house. The lake is in front of the house thus requiring a variance.

The pavilion will be positioned approximately 300 ft from the road, 25 ft set back from the lake and approximately 200 ft from the nearest property line.

Due to the topography of the lot, existing trees, and the distance from Adams Rd, the structure will not be readily visible from the road.

The nearest neighbor is Richard and Rosemary Wright, 664 Adams Rd. This statement constitutes an agreement from the owners of 664 Adams Rd that they have no objection to placing a structure at the location in proximity to the Lake.

Richard Wright

R Wright

Rosemary Wright

Rosemary Wright

PETITION NO. A-804-22
Effren and Melissa Bigham
150 Nina Celeste Lane
Fayetteville, GA 30215
Public Hearing Date August 22, 2022

The subject property is located at 150 Nina Celeste Lane Fayetteville, GA 30215 and is zoned R-40. The applicant is requesting a Variance as follows:

1. Variance to Sec. 110-137. R-40, (d) (5) to reduce the rear yard setback from 30 feet to 1 foot to allow an existing residential accessory structure to remain.

History: The Minor Final Plat of Ledgewood was recorded on February 6, 1981 (Plat Book 12 and Page 176), the subject property is 0.981 acres. Tax Assessor's indicate that the applicant purchased the property in August 2005 (Deed Book 2832 and Page 259). According to building permit records the garage was built in 2009 without a permit (see attached) and was later permitted after a Stop Work Order was issued.

As part of the permitting process for a pool permit, a site plan is required. Through the review staff discovered the violation. The site plan shows the garage located 1 foot from the rear property line.

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.

We built a detached garage close to the property line. The corner pins that were used on the property at that time were not correct. That is the reason why the detached garage is out of the setback. We're petitioning for a variance to have the detached garage to remain where it is located. The detached garage is still on our property, it is just outside of the setbacks. The adjacent property to our property line backs up to Whitewater Creek. This property sits in a flood zone and is not buildable.

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.**

Detached garage is close to the property line and outside the property setbacks.

2. **The application of these regulations to this particular piece of property would create a**

practical difficulty or unnecessary hardship; and,

Removal of the detached garage would lessen our property value and would be very costly to remove or tear down. We're not financially able to do either or.

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

The subject detached garage sits on the property that is involved.

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

It would not cause any detriment to the public good or impair any of the regulations that are enforced.

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

No.

DEPARTMENTAL COMMENTS

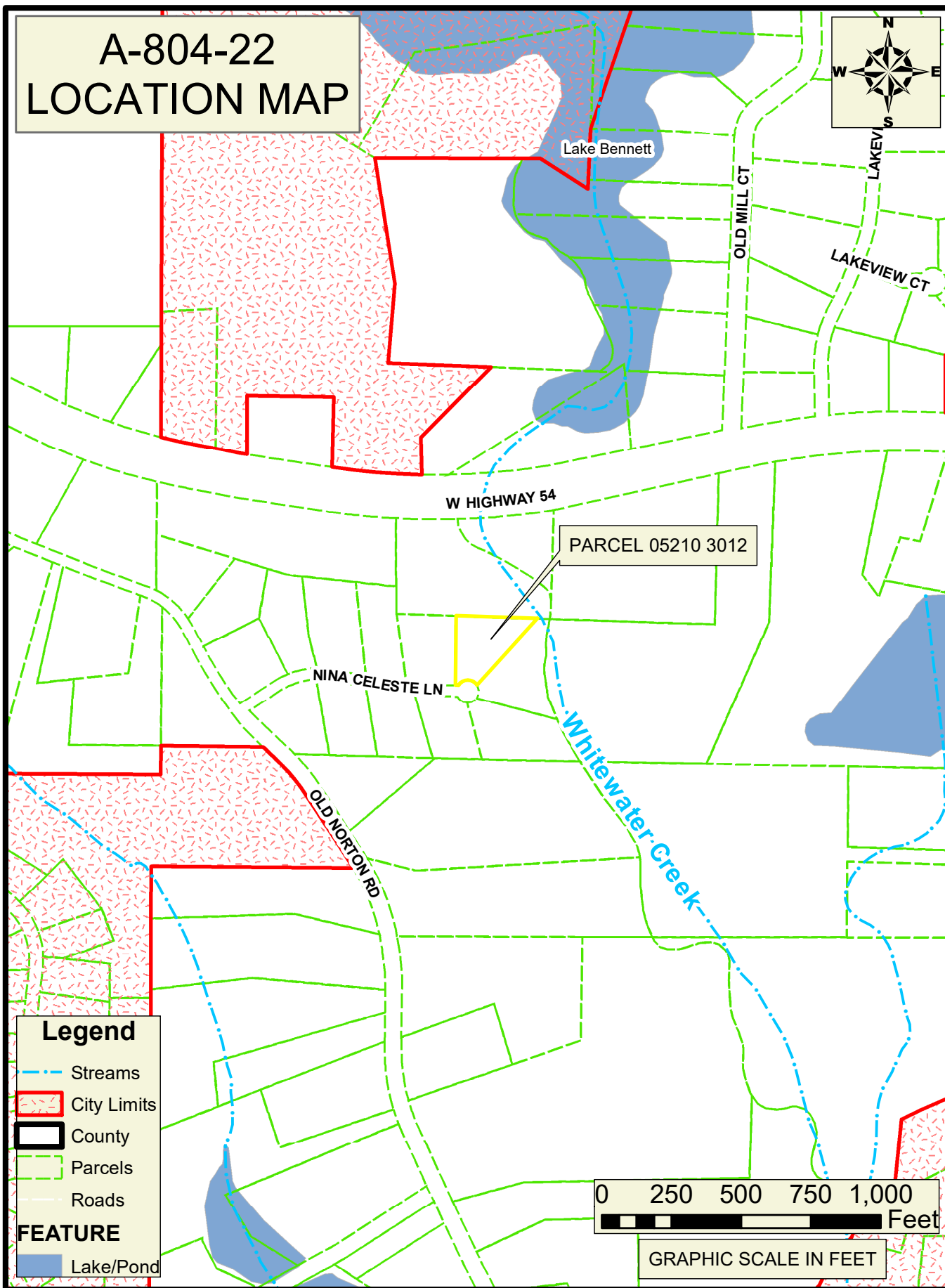
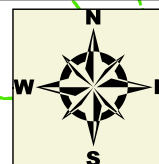
ENVIRONMENTAL HEALTH: No objection to proposed variance.

ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING: **Traffic Data** Nina Celeste Lane is classified as an Internal Local Road and has a 50' ROW. The posted speed limit is 25 mph. There is no traffic data for this road. **Sight Distance** No new driveways are proposed. The existing driveway has adequate sight distance for the road speed/classification. **Floodplain Management** The site **DOES** contain floodplain per FEMA FIRM panel 13113C0103E dated September 26, 2008, and according to the FC 2013 Limited 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. **Watershed Protection** There **ARE** state waters located on the subject property, Whitewater Creek flows through this parcel. **Groundwater** The property **IS NOT** within a groundwater recharge area. **Post Construction Stormwater Management** This development **WILL NOT BE** subject to the Post-Development Stormwater Management Ordinance if a variance is granted and developed with more than 5,000 square feet of impervious surfaces. **Staff Recommendations:** No comments.

FIRE MARSHAL: No comments from Fire Marshal's office.

WATER SYSTEM: FCWS has no objection to the proposed variance. Water is available in a 6" PVC water main at this location.

A-804-22 LOCATION MAP



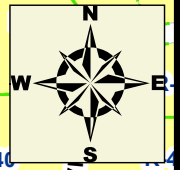
Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- FEATURE**
- Lake/Pond

0 250 500 750 1,000
Feet

GRAPHIC SCALE IN FEET

A-804-22 ZONING MAP

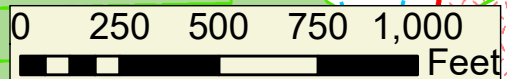
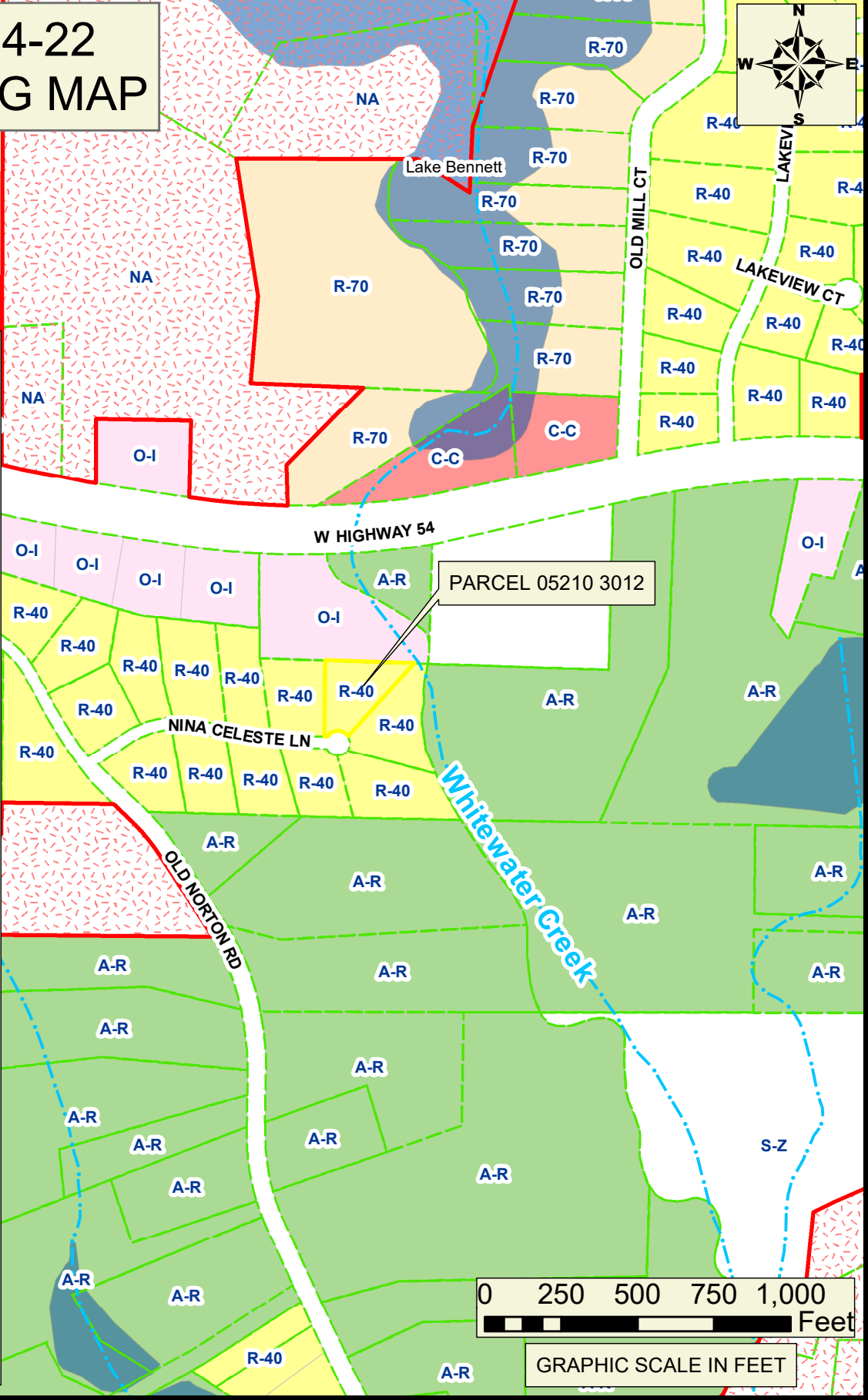


Legend

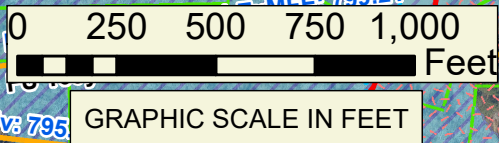
- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

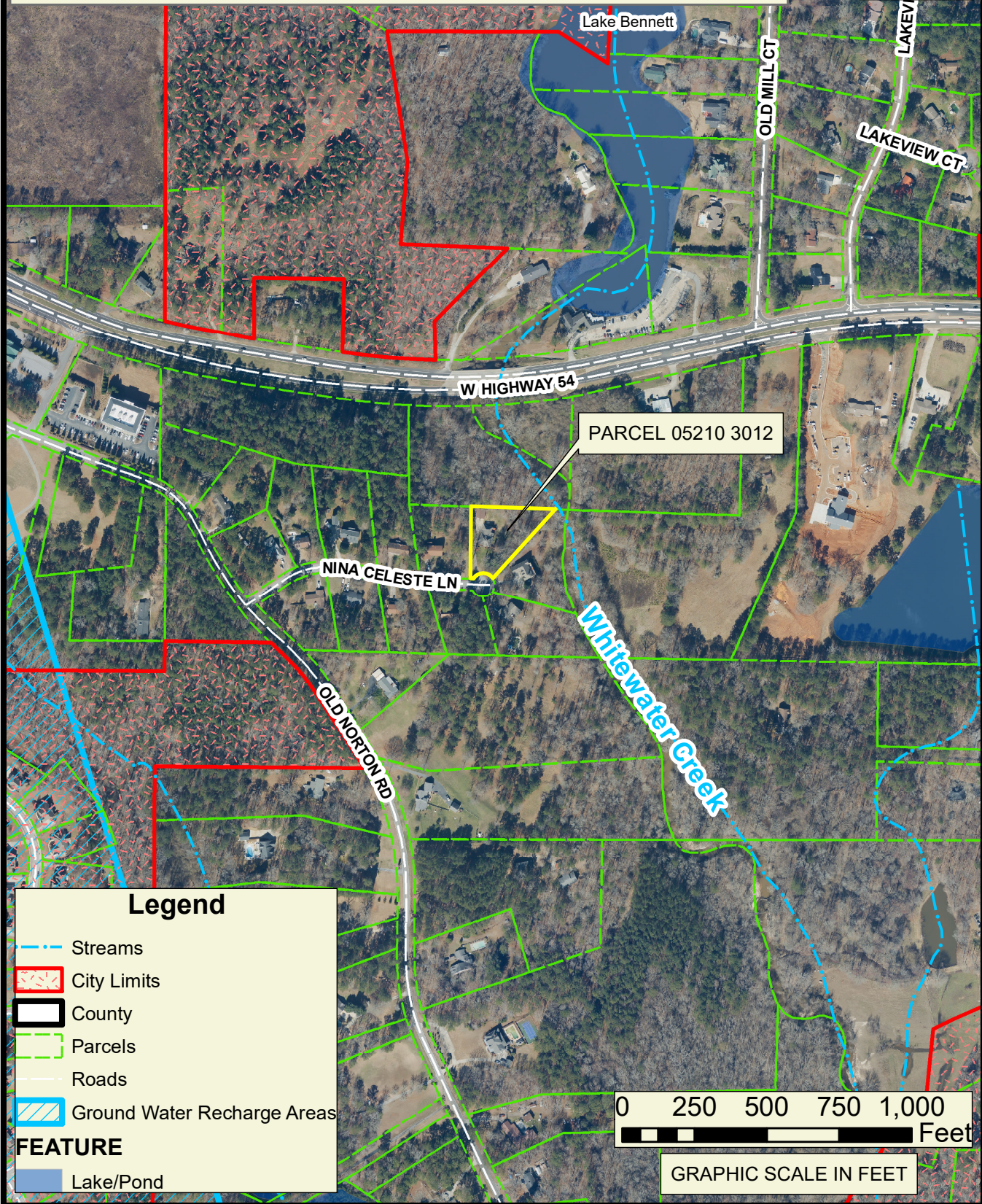
- Lake/Pond
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z



GRAPHIC SCALE IN FEET



A-804-22 GROUNDWATER RECHARGE AREA



A-804-22
AERIAL










Whitewater Creek

PARCEL 05210 3012

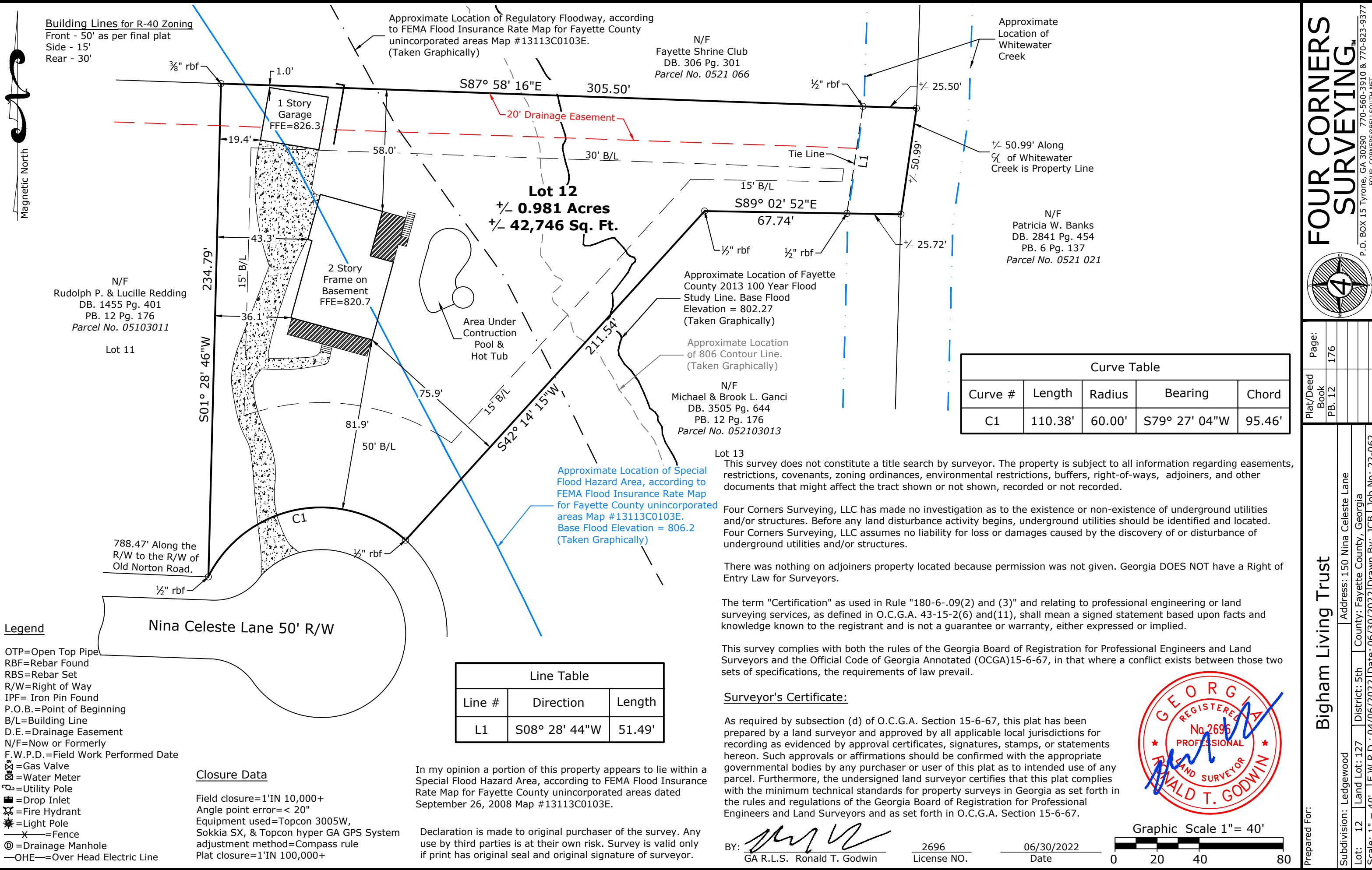
NINA CELESTE LN

Legend

-  Streams
 -  City Limits
 -  County
 -  Parcels
 -  Roads
 -  Lake/Pond
- FEATURE**
-  Lake/Pond

0 50 100 150 200
Feet

GRAPHIC SCALE IN FEET



- Legend**
- OTP=Open Top Pipe
 - RBF=Rebar Found
 - RBS=Rebar Set
 - R/W=Right of Way
 - IPF= Iron Pin Found
 - P.O.B.=Point of Beginning
 - B/L=Building Line
 - D.E.=Drainage Easement
 - N/F=Now or Formerly
 - F.W.P.D.=Field Work Performed Date
 - ⊗=Gas Valve
 - ⊕=Water Meter
 - ⊙=Utility Pole
 - ⊞=Drop Inlet
 - ⊗=Fire Hydrant
 - ⊙=Light Pole
 - ⊗=Fence
 - ⊙=Drainage Manhole
 - OHE—=Over Head Electric Line

Closure Data

Field closure=1"IN 10,000+
Angle point error=< 20"
Equipment used=Topcon 3005W,
Sokkia SX, & Topcon hyper GA GPS System
adjustment method=Compass rule
Plat closure=1"IN 100,000+

Line Table		
Line #	Direction	Length
L1	S08° 28' 44"W	51.49'

In my opinion a portion of this property appears to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0103E.

Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	110.38'	60.00'	S79° 27' 04"W	95.46'

Lot 13
This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded.

Four Corners Surveying, LLC has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Four Corners Surveying, LLC assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

There was nothing on adjoiners property located because permission was not given. Georgia DOES NOT have a Right of Entry Law for Surveyors.

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and(11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA)15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. 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.

BY: 2696 License NO. 06/30/2022 Date

Graphic Scale 1"= 40'

0 20 40 80



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Effren & Melissa Bigham

MAILING ADDRESS: 150 Nina Celeste Ln, Fayetteville, Ga. 30215

PHONE: 404-379-7605

E-MAIL: bighame@bellsouth.net

AGENT FOR OWNERS: _____

MAILING ADDRESS: _____

PHONE: _____ E-MAIL: _____

PROPERTY LOCATION: LAND LOT 127 LAND DISTRICT 5th PARCEL 052103012

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.981

ZONING DISTRICT: R-40

ZONING OF SURROUNDING PROPERTIES: Residential

PRESENT USE OF SUBJECT PROPERTY: Residential

PROPOSED USE OF SUBJECT PROPERTY: RESIDENTIAL

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-804-22

☐ Application Insufficient due to lack of:

by Staff: _____

Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature]

Date: July 11, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: AUGUST 22, 2022

Received from EFFREN BIGHAM a check in the amount of \$ 195.00

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

Date Paid: July 11, 2022

Receipt Number: A 015280

\$ 195.00 TOZAC 1 Vaz. SIGN

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:

Effren + Melissa Bigham

Please Print Names

Property Tax Identification Number(s) of Subject Property: 052103012

(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) 127 of the District, and said property consists of a total of 0.981 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

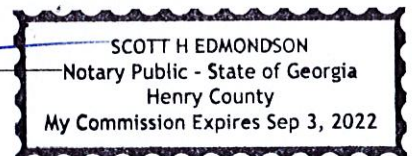
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees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

Effren Bigham
Signature of Property Owner 1

150 Nina Celeste Lane
Address

Scott H. Edmondson
Signature of Notary Public

07/11/2022
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
SEC. 110-137(d)(5) REAR 1/2 SETBACK 30 FEET.	30 FT. REAR SETBACK.	1 FOOT REAR SETBACK	29 FEET.

★ VARIANCE SUMMARY

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

We built a detached garage close to the property line. The corner pins that were used on the property at that time were not correct. That is the reason why the detached garage is out of the set back. We're petitioning for a variance to have the detached garage to remain where it is located. The detached garage is still on our property, it is just outside of the setbacks. The adjacent property to our property line backs up to White Water Creek. This property sits in a floodzone and is not buildable.

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.

Detached garage is close to the property line and outside the property setbacks.

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

Removal of the detached garage would lessen our property value and would be very costly to remove or tear down. We're not financially able to do either or.

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

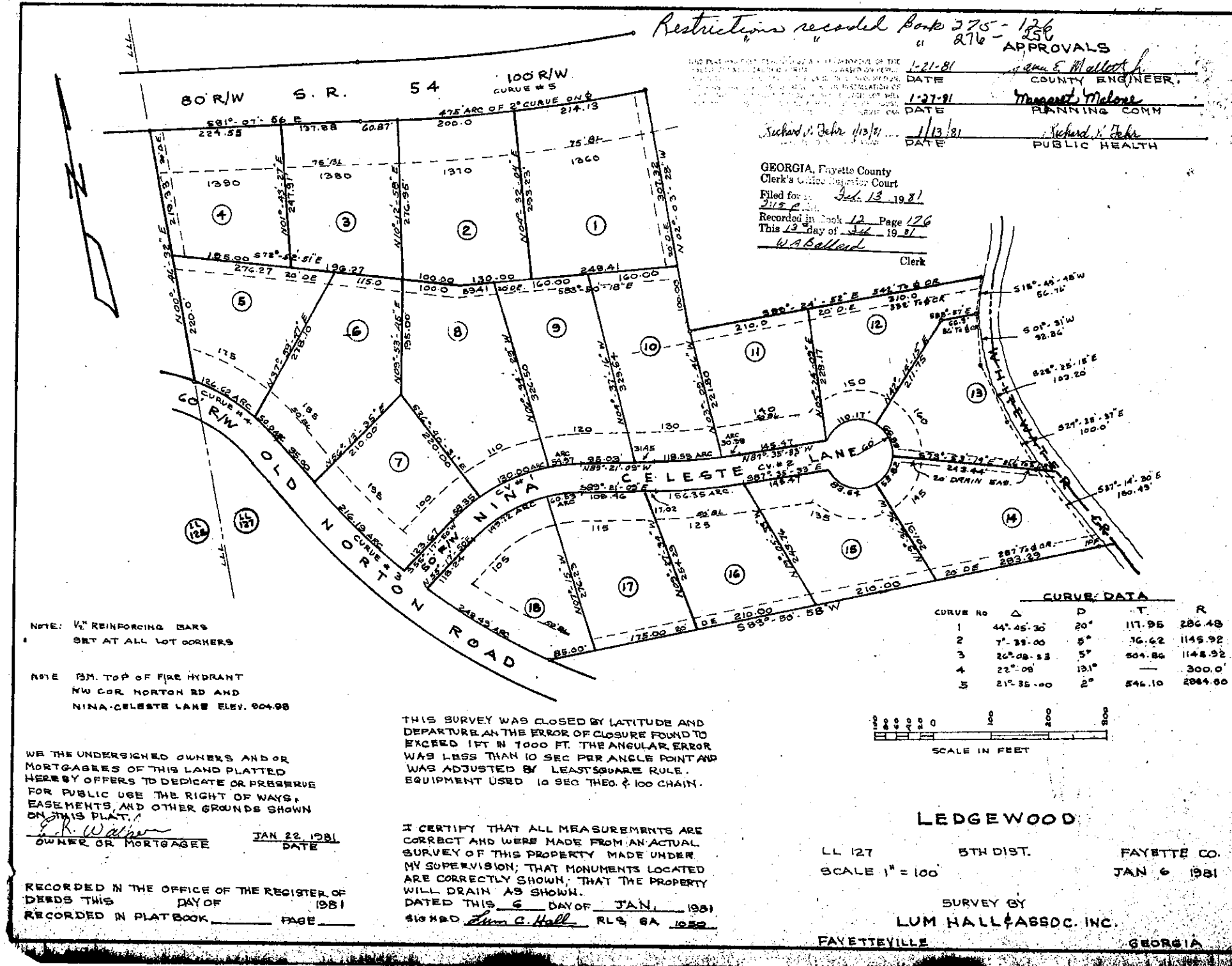
The subject detached garage sits on the property that is involved.

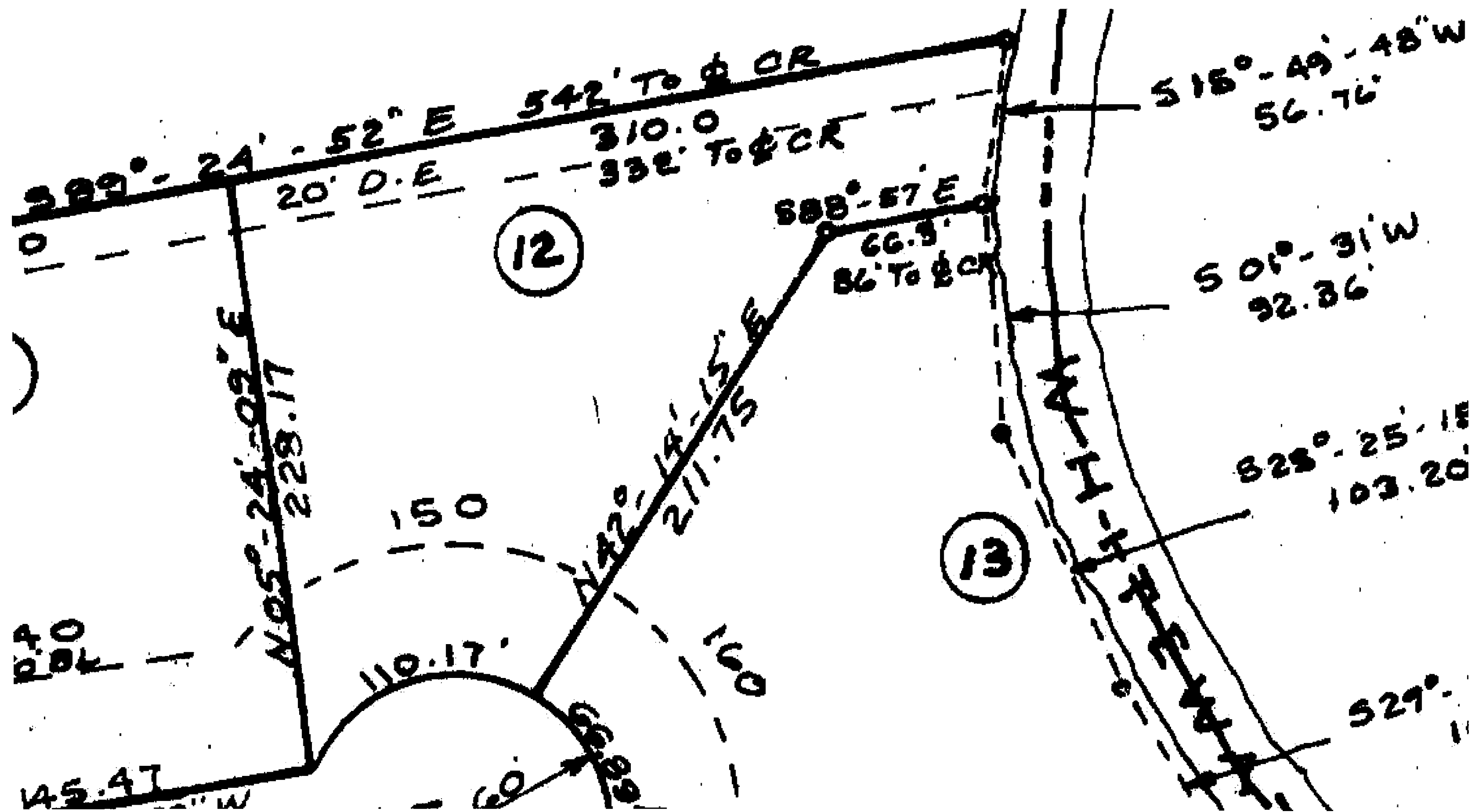
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein.

It would not cause any detriment to the public good or impair any of the regulations that are enforced.

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

NO.





After recording, return to:

MR. AND MRS. EFFREN Z. BIGHAM
150 NINA CELESTE LANE
FAYETTEVILLE, GEORGIA 30215

TAX PARCEL ID#: 052103012

STATE OF GEORGIA
COUNTY OF FAYETTE

Type: WD

Recorded: 7/1/2021 12:05:00 PM

Fee Amt: \$25.00 Page 1 of 2

Transfer Tax: \$0.00

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

Participant ID: 7446660550

BK 5314 PG 667 - 668

WARRANTY DEED
(Draw Deed Only)

THIS INDENTURE is made as of June 28, 2021, between EFFREN BIGHAM and MELISSA M. BIGHAM, as Joint Tenants with Rights of Survivorship (hereinafter referred to as "Grantor") and EFFREN Z. BIGHAM and MELISSA BIGHAM, as Trustees, or their successors in trust, under the BIGHAM LIVING TRUST, dated June 28, 2021 and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Zero and No/100 Dollars (\$0.00) and love and affection, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Fayette County, Georgia (herein referred to as the "Land") as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

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

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

Preparer has not performed a title examination or confirmed the legal description, and as such makes no representation with regard to the same.

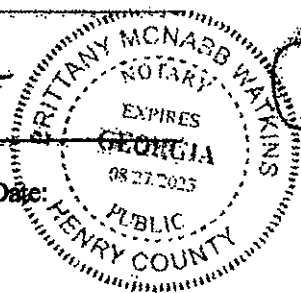
EXECUTED under seal as of the date above.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

Commission Expiration Date:
(NOTARY SEAL)



GRANTOR:

EFFREN BIGHAM

MELISSA M. BIGHAM

EXHIBIT A

**(Land more commonly referred to as: 150 Nina Celeste Lane, Fayetteville, Georgia 30215
Tax Parcel ID #: 052103012)**

All that tract or parcel of land lying and being is Land Lot 127 of the 5th District, Fayette County, Georgia, being Lot 12 of Ledgewood Subdivision, as per plat thereof recorded in Plat Book 12, page 176, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

Subject to all easements and restrictions of record.

PETITION NO. A-805-22
Morgan C and Celia G Kendrick Jr.
250 Harris Road
Fayetteville, GA 30215
Public Hearing Date August 22, 2022

The subject property is located at 250 Harris Road Fayetteville, GA 30215 and is zoned A-R. The applicant is requesting a Variance as follows:

Variance to Sec. 110-125. A-R, (d) (6), to reduce the side yard setback from 50 feet to 38 feet to allow for construction of a residential accessory structure.

Sec. 110-170. Nonconformances.

- (a) *Nonconforming lots.* A legally existing lot of record which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. **Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.** Any reduction in the land area of a legal nonconforming lot other than an acquisition for a public purpose which serves to make the lot more nonconforming shall result in a loss of the legal nonconforming lot status. However, any addition of property to a legal nonconforming lot which serves to make the lot more conforming shall not result in the loss of the legal nonconforming lot status.

History: A Warranty Deed was recorded on April 6, 1979 from Emory F. Harris to Frank J. Harris creating (subject property) one (1) acre lot (see attached deed). Tax Assessor's indicate that the house was built in 1971, and the applicant purchased the property in October 2003 (Deed Book 2351 and Page 354).

As part of the permitting process for a building permit, a site plan is required. Through the review staff discovered the violation. The site plan shows the carport located 38 feet from the side yard property line.

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.

The property is zoned A-R which has 75 feet front setbacks and 50 feet side setbacks. We are proposing a 24' X 24' carport next to the house. We encroach on the side setback. Requesting side variance of 38 feet.

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 lot is 1 acre. The existing home was built in 1971. There is no way to meet the current zoning setbacks.

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

The client would like to have a carport to park his cars and trucks under when at the home. There is no where on the property to create this carport due to a well, GA Power Easement and the size of the lot. Basically, cannot build anything on this property due to the A-R zoning.

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

One ace lot size with A-R zoning setbacks and power easement across the back basically renders any construction on the property impossible.

- 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,**

This would be an improvement to the property and surrounding neighbors as it provides a nice-looking carport to match the home and protection from the weather for the owner.

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

Yes it does deprive the applicant of rights others have due to larger properties that allow for the setbacks to be met.

DEPARTMENTAL COMMENTS

ENVIRONMENTAL HEALTH: This office has no objection to the proposed variance. However, the owner must complete the existing on- site evaluation process through this office by submitting application and paying applicable fees prior to construction.

ENVIRONMENTAL MANAGEMENT & PUBLIC WORKS/ENGINEERING:

Traffic Data: Harris Road is classified as a County Local Road and has a 60' ROW. The posted speed limit is 35 mph. There is no traffic data for this road.

Sight Distance: No new driveways are proposed. The existing driveway has adequate sight distance for the road speed/classification.

Floodplain Management: The site DOES NOT contain floodplain per FEMA FIRM panel 13113C0113E dated September 26, 2008, nor according to the FC 2013 Limited 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.

Watershed Protection: There ARE NO state waters located on the subject property.

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

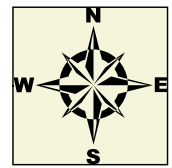
Post Construction Stormwater Management: This development WILL NOT BE subject to the Post-Development Stormwater Management Ordinance if a variance is granted and developed with more than 5,000 square feet of impervious surfaces.

Staff Recommendations: No comments.

FIRE MARSHAL: No comments from Fire Marshal's office.

WATER SYSTEM: FCWS has no objection to the proposed variance. Currently water is not available at this location.

A-805-22 LOCATION MAP



SURREY PARK DR

HARP RD

HARRIS RD

WHIPPOORWILL WAY

TURNBERRY CIR

PARCEL 0502 002

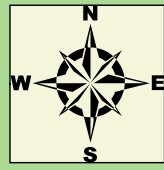
Legend

- Streams
- City Limits
- County
- Parcels
- Roads
- FEATURE**
- Lake/Pond

0 250 500 750 1,000 Feet

GRAPHIC SCALE IN FEET

A-805-22 ZONING MAP

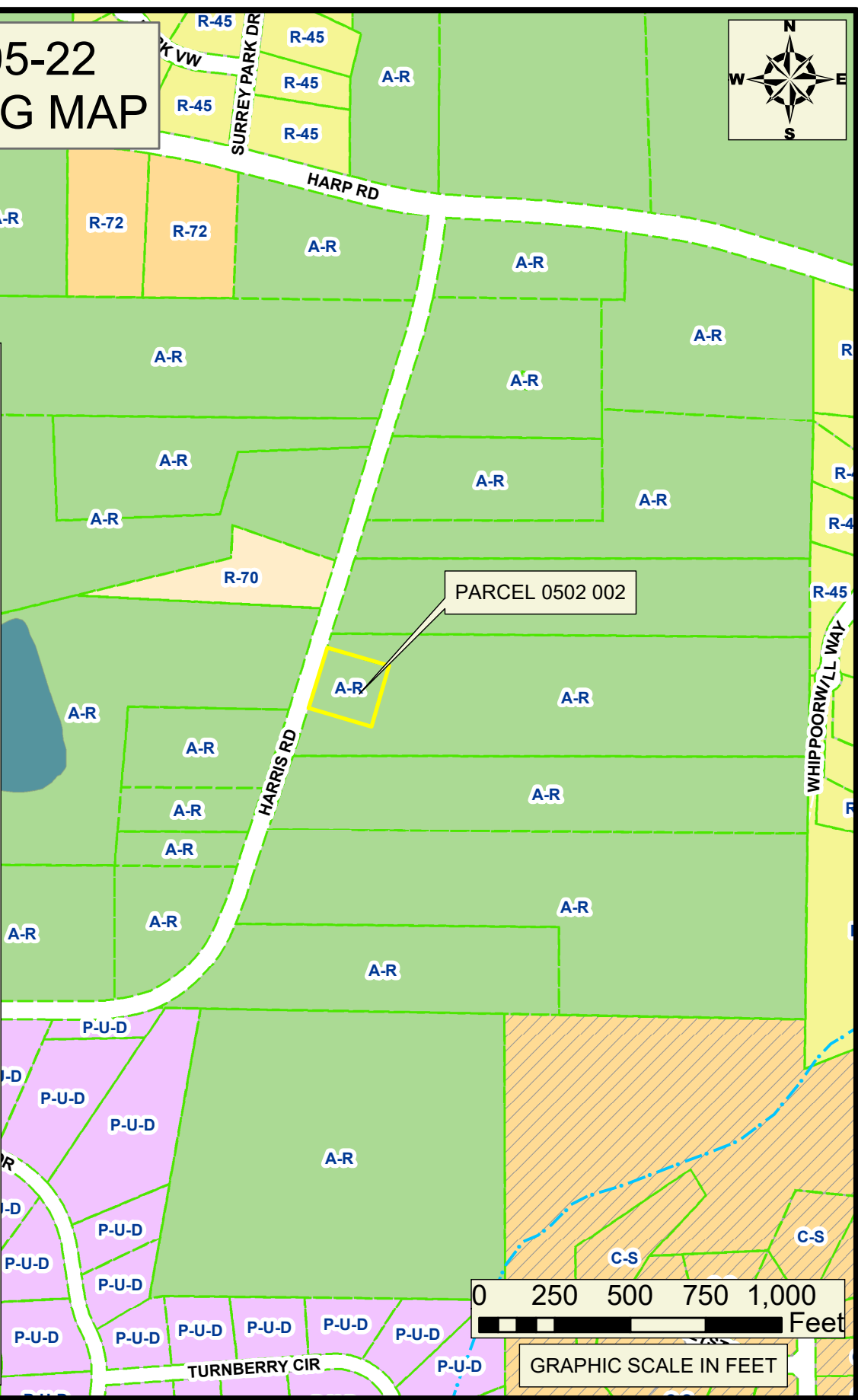


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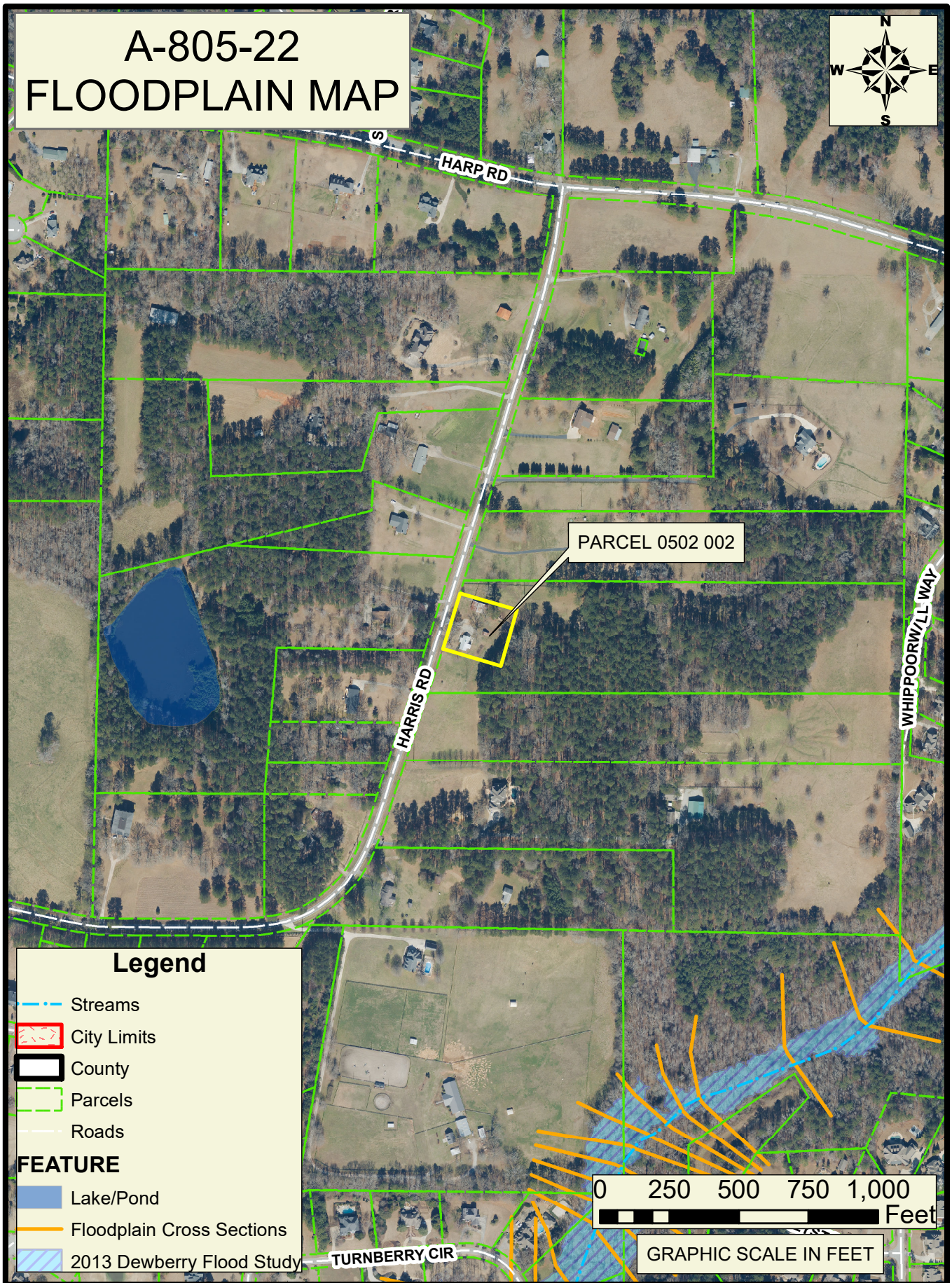
- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

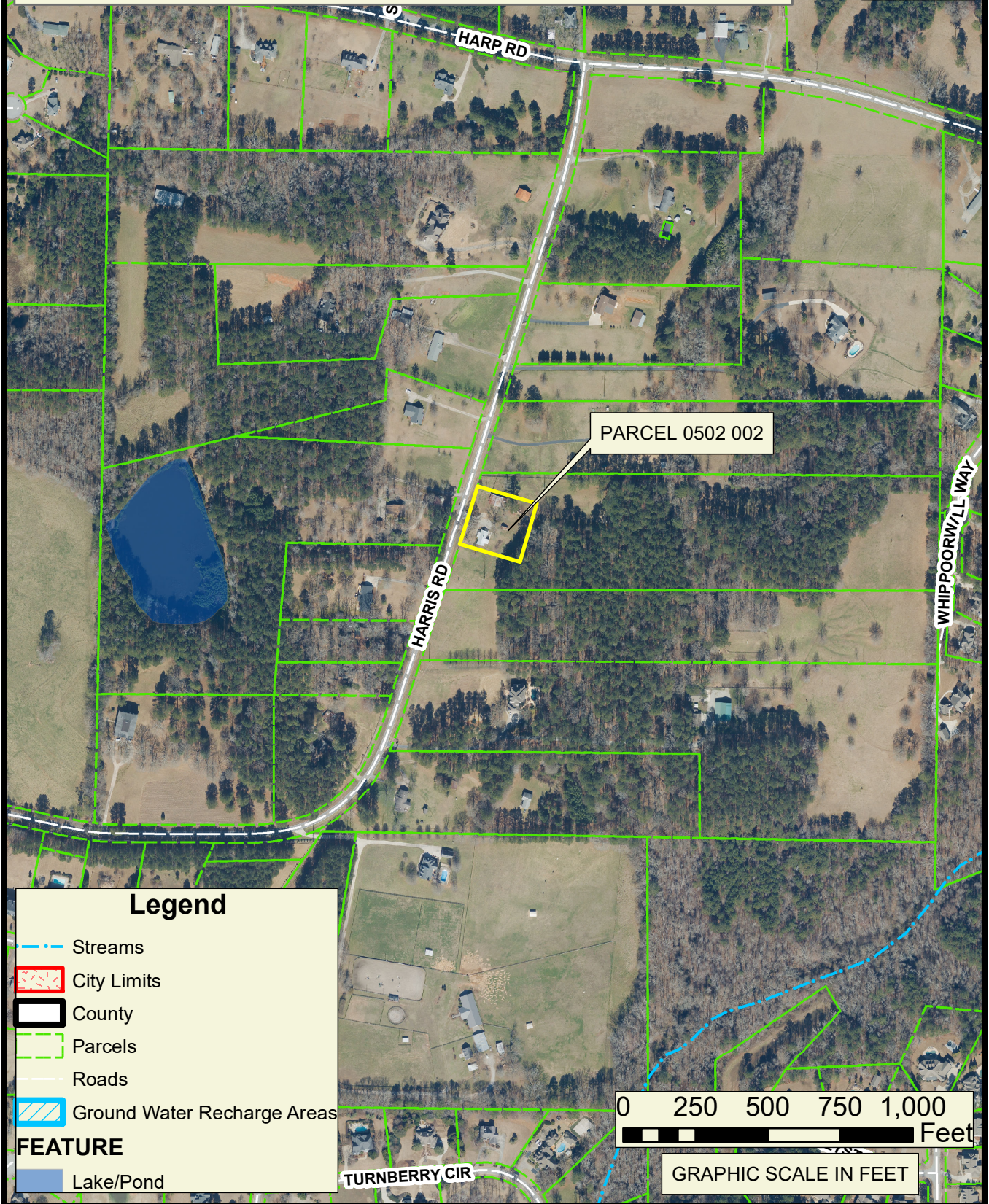
[Blue Swatch]	Lake/Pond
[Light Green Swatch]	A-R
[Yellow Swatch]	R-20
[Light Yellow Swatch]	R-40
[Yellow Swatch]	R-45
[Light Green Swatch]	R-50
[Light Green Swatch]	R-55
[Orange Swatch]	R-70
[Orange Swatch]	R-72
[Orange Swatch]	R-75
[Orange Swatch]	R-78
[Orange Swatch]	R-80
[Orange Swatch]	R-85
[Orange Swatch]	C-S
[Orange Swatch]	E-S-T
[Purple Swatch]	P-U-D
[Brown Swatch]	M-H-P
[Pink Swatch]	O-I
[Red Swatch]	C-C
[Red Swatch]	C-H
[Blue Swatch]	M-1
[Blue Swatch]	M-2
[Hatched Swatch]	S-Z



A-805-22 FLOODPLAIN MAP



A-805-22 GROUNDWATER RECHARGE AREA



A-805-22 AERIAL



HARRIS RD

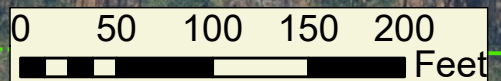
PARCEL 0502 002

Legend

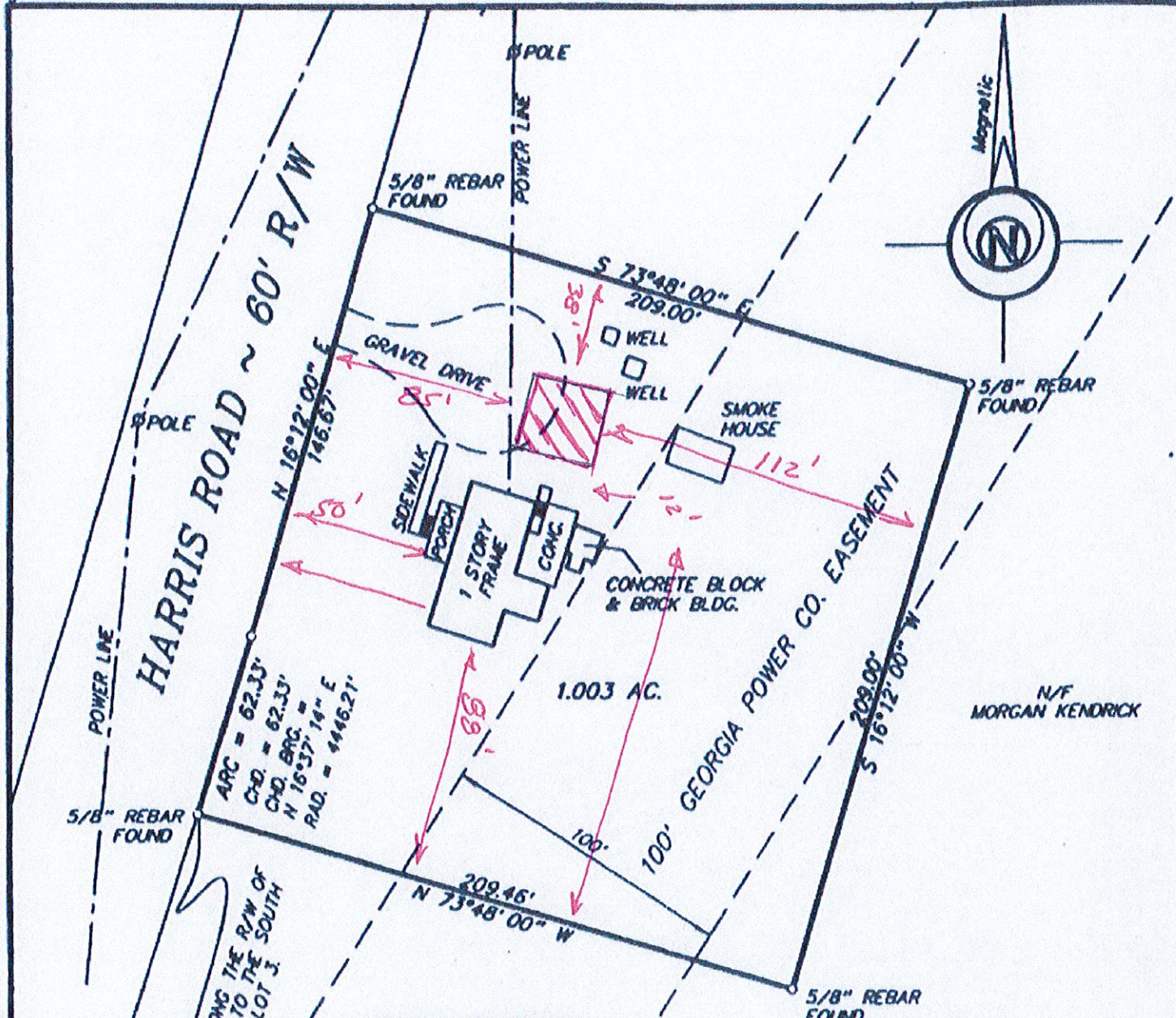
- Streams
- City Limits
- County
- Parcels
- Roads
- Ground Water Recharge Areas

FEATURE

- Lake/Pond

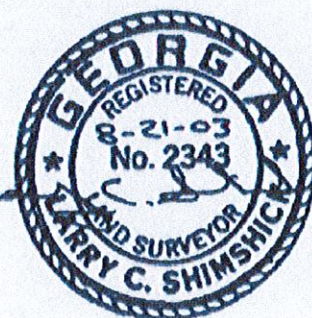


GRAPHIC SCALE IN FEET



GEORGIA, FAYETTE COUNTY
 Filed and Recorded this 26th Day
 of Sept, 2003 at 11:41 a.m.
 Book 38, Page 102

Paul Liddord Clerk



In my professional opinion, this plat is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements by law.

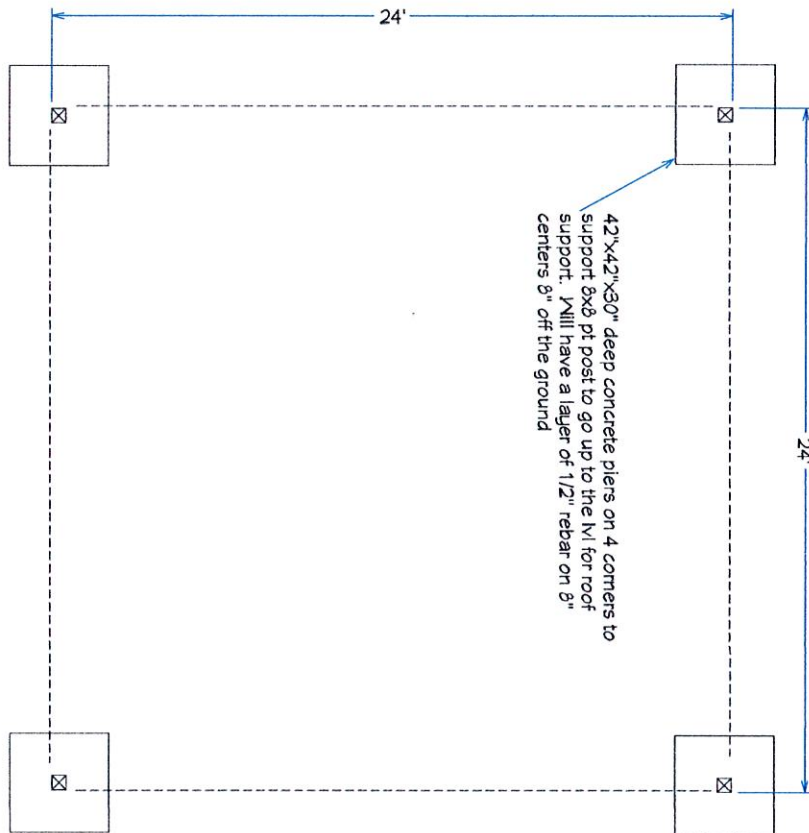
This plat was prepared for the exclusive use of the person, persons or entity named hereon. Said plat does not extend to any unnamed person, persons or entity without a recertification by the surveyor naming said person, persons or entity.

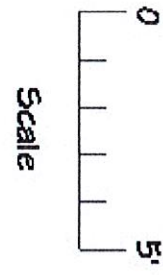
Graphic Scale: 1 inch = 50 feet



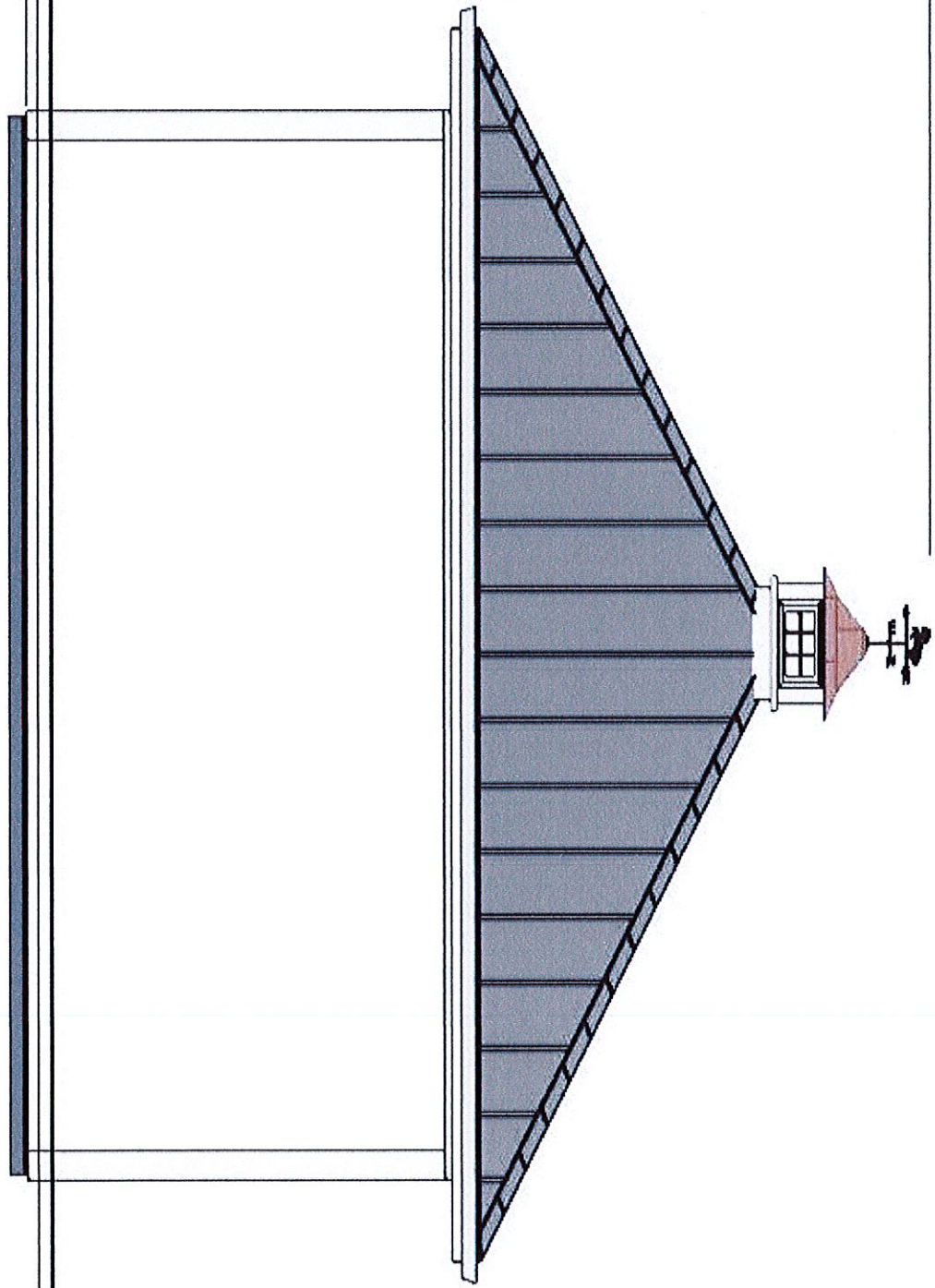
CLOSURE DATA
 FIELD CLOSURE = 1':10,000'+
 ANGLE POINT ERROR = < 10"
 EQUIPMENT USED: E.D.M. & THEODOLITE
 ADJUSTMENT METHOD: NONE
 PLAT CLOSURE = 1':24,300'+

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP. Community No.: 130432 0095 D
 Dated: MARCH 18, 1996





20'-9 5/8"



* 250 Harris Rd.
FATEVILLE, GA 30215

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Morgan C and Celia G Kendrick Jr

MAILING ADDRESS: 214 Hearn Rd, Lagrange, GA 30240

PHONE: 404-406-7476 E-MAIL: morgan.kendrick@anthem.com

AGENT FOR OWNERS: Bob Barnard, Barnard & Associates Remodeling, Inc

MAILING ADDRESS: PO Box 398, Brooks, GA 30205

PHONE: 770-527-7835 E-MAIL: bob@remodelingdreams.com

PROPERTY LOCATION: LAND LOT 3 LAND DISTRICT 5TH PARCEL 0502 002

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1.003 acre

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: home

PROPOSED USE OF SUBJECT PROPERTY: home

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-805-22

[] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Date: 7/14/2022

DATE OF ZONING BOARD OF APPEALS HEARING: August 22, 2022

Received from Bob Barnard a check in the amount of \$ 195.00

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

Date Paid: July 14, 2022 Receipt Number: 015313

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:

Morgan C and Celia G Kendrick JR

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0502 002

(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 1 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Bob Barnard, Barnard & Associates 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.

C. Morgan Kendrick Jr.
Signature of Property Owner 1

214 Hearn Rd, LaGrange, GA 30240

Address

Celia Kendrick
Signature of Property Owner 2

214 Hearn Rd, LaGrange, GA 30240

Address

Delmar Barnard
Signature of Authorized Agent

PO Box 398, Brooks, GA 30205

Address

Rhonda J Steele
Signature of Notary Public

7/12/2022

Date

Rhonda J Steele
Signature of Notary Public

7/12/2022

Date

Rhonda J Steele
Signature of Notary Public

7/12/2020

Date

RHONDA J STEELE
NOTARY PUBLIC

SPALDING COUNTY, GEORGIA

My Commission Expires March 7, 2023

RHONDA J STEELE
NOTARY PUBLIC

SPALDING COUNTY, GEORGIA

My Commission Expires March 7, 2023

RHONDA J STEELE
NOTARY PUBLIC

SPALDING COUNTY, GEORGIA

My Commission Expires March 7, 2023

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. 11b-125 AR (L)(6)	50'	38'	12'

VARIANCE SUMMARY

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

The property is zoned A-R which has ^{75'}~~100'~~ front set backs and 50' side set backs. We are proposing a 24'x24' carport next the house. We encroach on the ~~front and side set backs~~. Requesting ~~front variance of 80' and~~ side variance of 38'.

JUSTIFICATION OF REQUEST

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

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography. The lot is 1 acre. The existing home was built in 1971. There is no way to meet the current zoning set backs.

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

The client would like to have a carport to park his cars and trucks under when at the home. There is no where on the property to create this carport due to a well, ga power easement and the size of the lot. Basically cannot build anything on this property due to the A-R zoning.

3. Such conditions are peculiar to the particular piece of property involved. 1 acre lot size with A-R zoning set backs and power easement across the back basically renders any construction on the property impossible.

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. This would be an improvement to the property and surrounding neighbors as it provides a nice looking carport to match the home and protection from the weather for the owner.

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

Yes it does deprive the applicant of rights others have due to larger properties that allow for the set backs to be met.

2

FILED & RECORDED
FAYETTE COUNTY, GA.

'03 OCT 1 PM 1 48

SHEILA STUBBARD, CLERK

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX 80.00
PAID OCT 1, 2003
DATE Sheila Stubbard 10315
CLERK OF SUPERIOR COURT

BOOK 2351 PAGE 354

[Space Above This Line For Recording Data]

After recording return to:

George N. Sparrow, Jr., P.C.
719 West Lanier Ave., Suite B
Fayetteville, Ga. 30214
1290403STATE OF GEORGIA
FAYETTE COUNTY

WARRANTY DEED

This Indenture, made this 12TH day of September, 2003, between Emory F. Harris, James H. Harris and Wes Harris, of the County of Fayette in the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and C. Morgan Kendrick, Jr. and Celia G. Kendrick joint tenants with right of survivorship and not as tenants in common, 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 NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipts 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,

SEE EXHIBIT ATTACHED HERETO

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restriction of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members 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 said 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:

Dana D. Ginder
Witness

Emory F. Harris (Seal)
Emory F. Harris

[Signature]
NOTARY PUBLIC
My commission expires 10/31/03

James H. Harris (Seal)
James H. Harris
Wes Harris (Seal)
Wes Harris

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 3 of the 5th District, Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE POINT OF BEGINNING begin at a point marked by a 5/8" rebar marking the common corner of Land Lots 3 and 4 of the 5th District and Land Lot 254 of the 4th District of Fayette County, running thence north along the east line of Land Lot 3 aforesaid and following a bearing of N 00° 43' 00" W, a distance of 858.17 feet to a point marked by a 1/2" rebar; running thence westerly and following a bearing of S 89° 04' 11" W, a distance of 1,686.93 feet to a point on the east right of way line of Harris Road (60 foot right of way) marked by a 1/2" rebar; running thence northerly along the east line of Harris Road aforesaid and following a bearing of N 17° 31' 17" E, a distance of 5.92 feet to a point; running thence northerly along the east line of Harris Road aforesaid and following the curve of an arc having a radius of 4,446.21 feet, an arc distance of 94.53 feet, a cord distance of 94.53 feet along a bearing of N 17° 37' 53" E marked by a 5/8" rebar and the **TRUE POINT OF BEGINNING**; running thence southeasterly and following a bearing of S 73° 48' 00" E, a distance of 209.46 feet to a point marked by a 5/8" rebar; running thence northerly and following a bearing of N 16° 12' 00" E, a distance of 209.00 feet to a point marked by a 5/8" rebar; running thence northwesterly and following a bearing of N 73° 48' 00" W, a distance of 209.00 feet to a point on the east right of way line of Harris Road aforesaid marked by a 5/8" rebar; running thence southerly along the east line of Harris Road aforesaid and following a bearing of S 16° 12' 00" W, a distance of 146.67 feet to a point; running thence southerly along the east line of Harris Road aforesaid and following the curve of an arc having a radius of 4,446.21 feet, an arc distance of 62.33 feet, a cord distance of 62.33 feet along a bearing of S 16° 37' 14" W; to a point marked by a 5/8" rebar and the **TRUE POINT OF BEGINNING**.

Said parcel contains 1.003 acres according to a plat of survey prepared for Morgan Kendrick by Larry C. Shimshick, G.R.L.S. # 2343, dated March 12, 2003.

BOOK 2351 PAGE 355

PETITION NO. A-806-22

Trogger Enterprises, Inc
Parcel # 0704033
Fayetteville, GA 30215
Public Hearing Date August 22, 2022

The subject property is located on Lester Road (Parcel # 0704033) Fayetteville, GA 30215 and is zoned C-H. The applicant is requesting a Variance as follows:

Variance to Sec. 110-144. C-H, (d) (3) (a) (1), to reduce the front yard setback from 75 feet to 50 feet to allow for the construction of an internal self-storage facility.

HISTORY

On August 22, 2000, the Final Plat of Postal Commons was recorded. Resolution number 2010-21 was by the Board of Commissioners on December 9, 2010 (see attached). The Revised Final Plat of Postal Commons was recorded on September 26, 2011. The purposes of the revision were to change the property lines of tract 3 to reflect the land exchanged between Fayette County and Trogger Enterprises, Inc and to revise the building lines on tract 2 and 3 due to the construction of the West-Fayetteville Bypass.

On February 2, 2022, Joey Scanlon (engineer) and development team had a meeting with county departments to discuss their plans to construct an internal self-storage facility. After the meeting with staff, Mr. Scanlon kept in contact through email regarding site development and setbacks. On February 11, 2022, staff gave the approval through email for the 50-foot front yard setback listed on the site plan. The engineer applied for a site plan in June, and after further review staff discovered the violation and disapproved the site plan.

The petitioner applied for the variance on July 15, 2022. The site plan given shows the internal structure 50 feet from the front property line.

CRITERIA FOR CONSIDERATION

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.

The applicant provides the following information:

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
Due to the irregular shape of the property, we believe that the setback in question has been wrongly calculated. The portion of the setback in question is oriented towards the side yard of the property, not the frontage of Lester Road (West Fayetteville Bypass). The county's

right-of-way also juts into the property at the location of the variance request creating an irregular setback situation.

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

It was confirmed in a meeting with the county that the portion of the setback in question was in fact 50' not 75' measured from the county right-of-way. We based our site design and building footprint with the 50' setback in mind. As a result of this, we have unnecessarily spent significant funds in site and architectural design, as well as basing our financial models of the project on our current site and building layout. If the variance is not granted, this would pose a significant financial hardship for our project and directly effect the economic viability of our development.

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

The conditions are peculiar to the property involved due to its irregular shape and the comment made by the county wrongly confirming the setback limits in question.

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,

If granted, a reduction in the setback would not cause any substantial detriment to the public good. There would still be an ample setback to provide a buffer between the building and the county's right-of-way. The intent of the regulation would also remain intact and not be impaired.

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

If interpreted literally, the zoning ordinance should consider the portion of the setback in question a side yard as opposed to frontage. This would deprive us of the right to develop a portion of the property as others in the same zoning district.

DEPARTMENTAL COMMENTS

Environmental Health: This office has no objection to the proposed variance. However, applicant/owner must complete an evaluation application process through this office prior to construction. The septic system is in the front of the home.

Environmental Management/Public Works/Engineering:

County Road Frontage Right of Way Dedication - Lester Road is classified as a **Minor Arterial** roadway. The existing curb cut and private access drive to Lester Road serves the USPS building and a multi-tenant convenience center and gas station. Proposed modifications to the site entrance

and exit will be permitted through Fayette County Environmental Management.

Traffic Data

Fayette County does not currently have any traffic data for **Lester Road**. The posted speed limit is 45 mph. The owner has not submitted traffic data information for the proposed rezoning request.

Sight Distance

No new driveways are proposed. The existing driveway has adequate sight distance for the road speed/classification.

Floodplain Management - The site **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0081E dated September 26, 2008.

Wetlands - The property **DOES NOT** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map.

Watershed Protection - There **ARE NOT** state waters located on the subject property.

Groundwater - The property **IS** within a groundwater recharge area.

Post Construction Stormwater Management - This development **WILL BE** subject to the Post-Development Stormwater Management Ordinance if a variance is granted at this time.

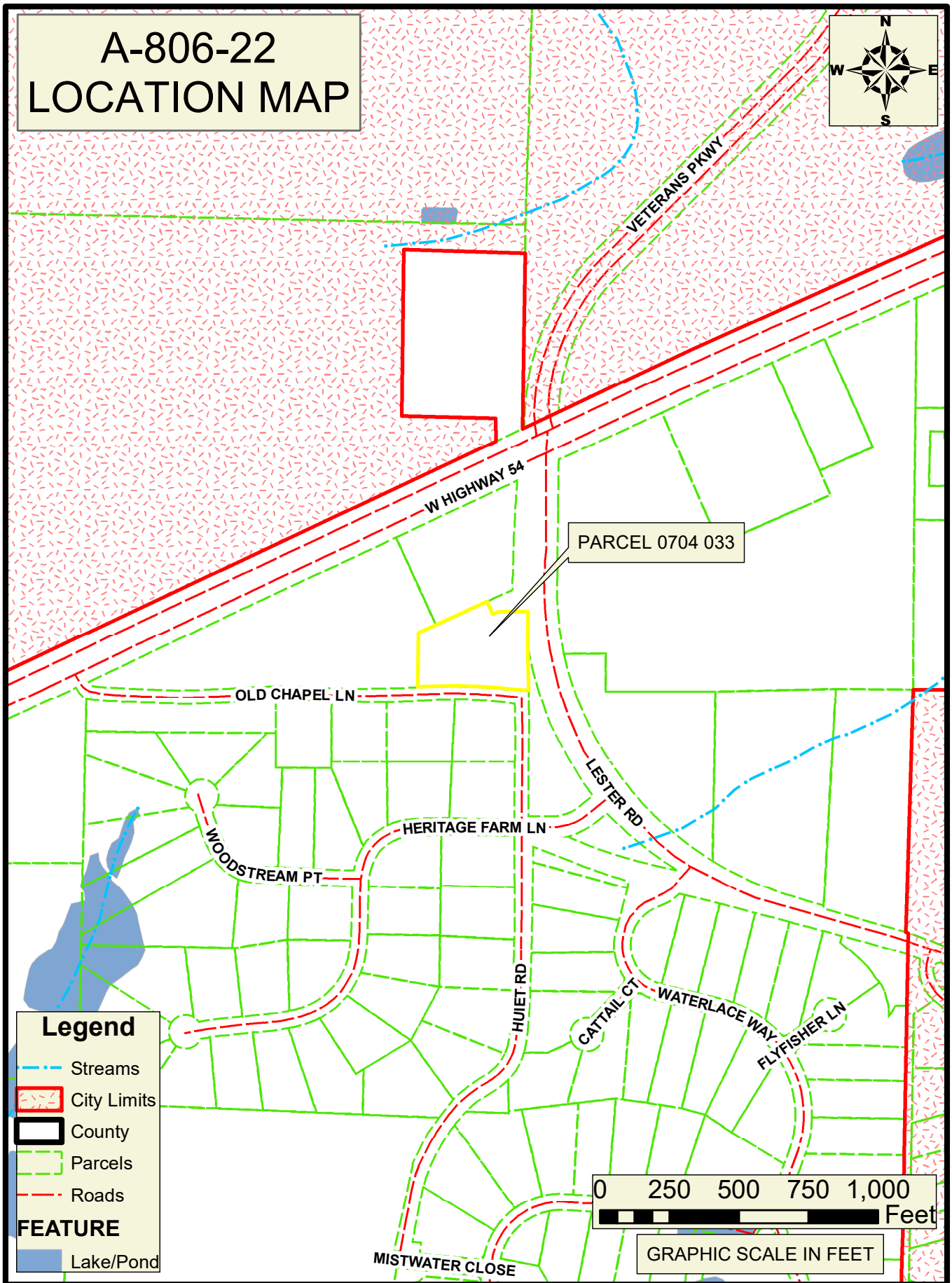
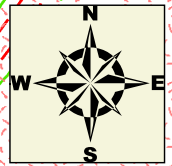
Fire Marshal: No comments from Fire Marshal's office.

Water System: FCWS has no objection to the proposed variance. Water is available at this location in a 10" PVC water main.

STAFF RECOMMENDATION

Due to the construction of Veterans' Parkway and improvements to Lester Road, the parcel shape and setbacks along the right-of-way at Lester Road are irregular and don't lend themselves to standard building construction. Therefore, staff recommends **APPROVAL** of the request to reduce the front building setback from 75' to 50'.

A-806-22 LOCATION MAP



A-806-22 ZONING MAP

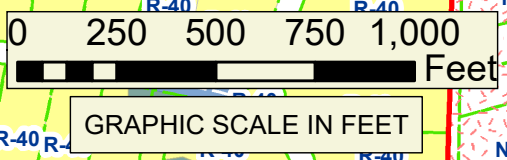
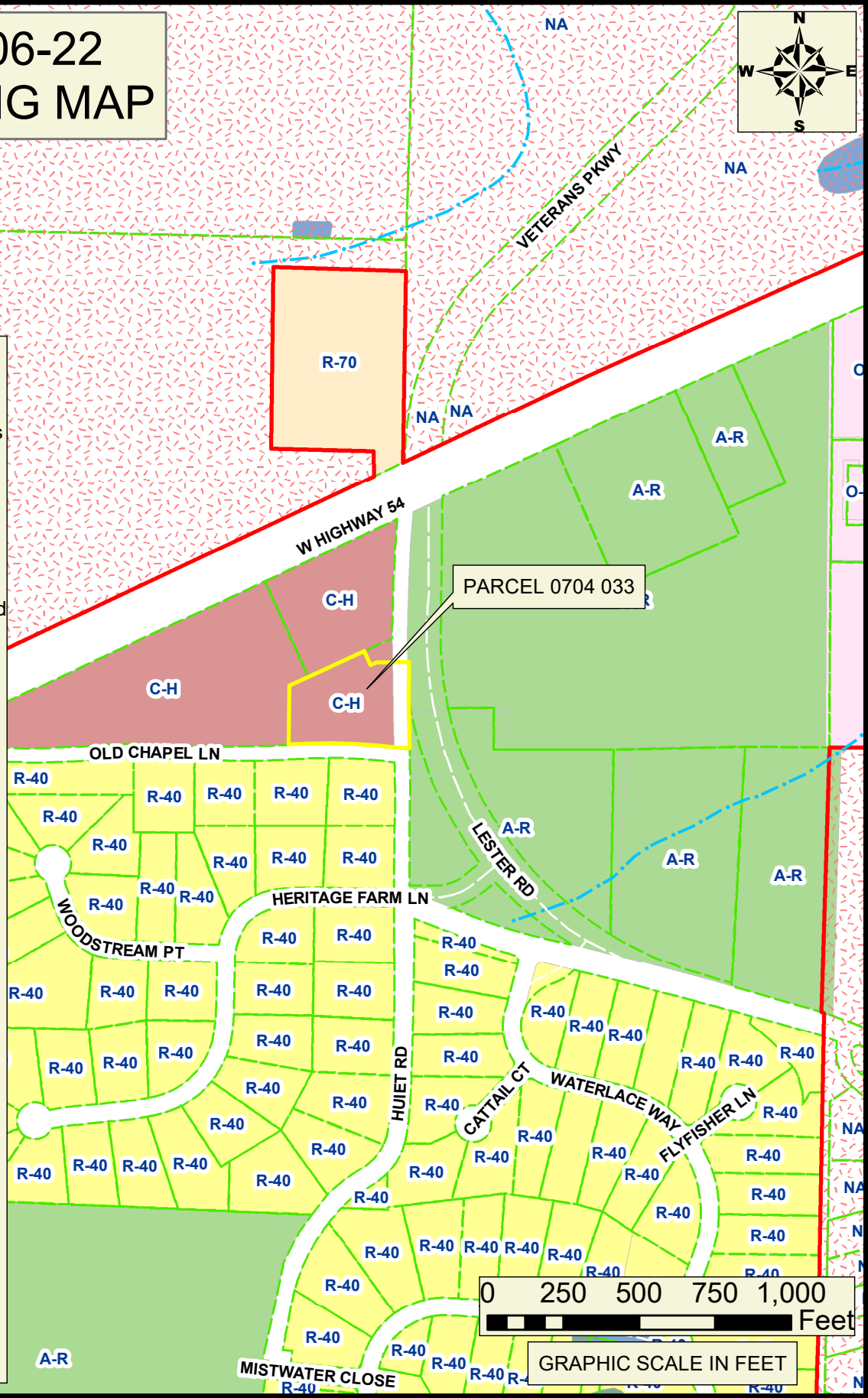


Legend

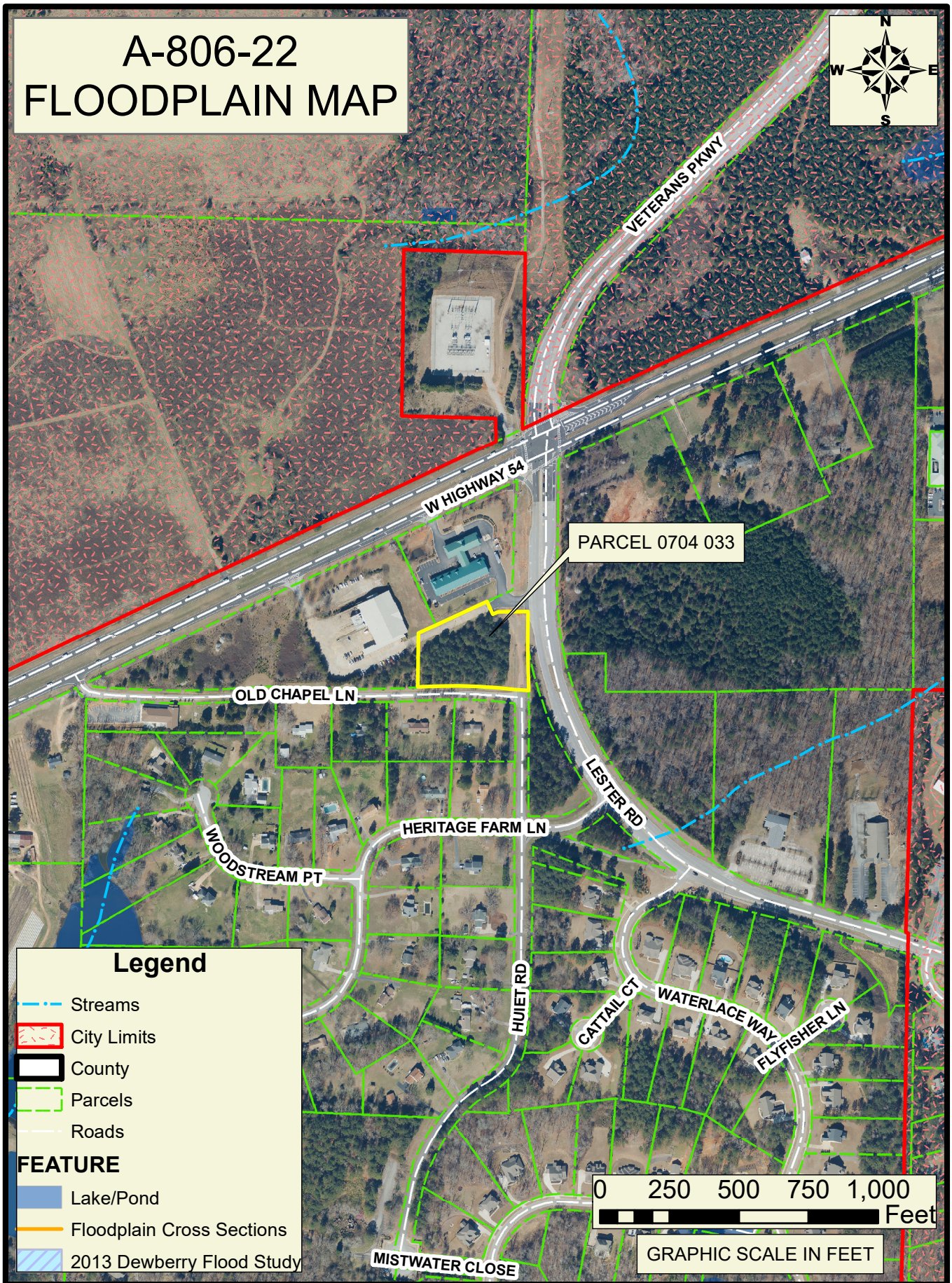
- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

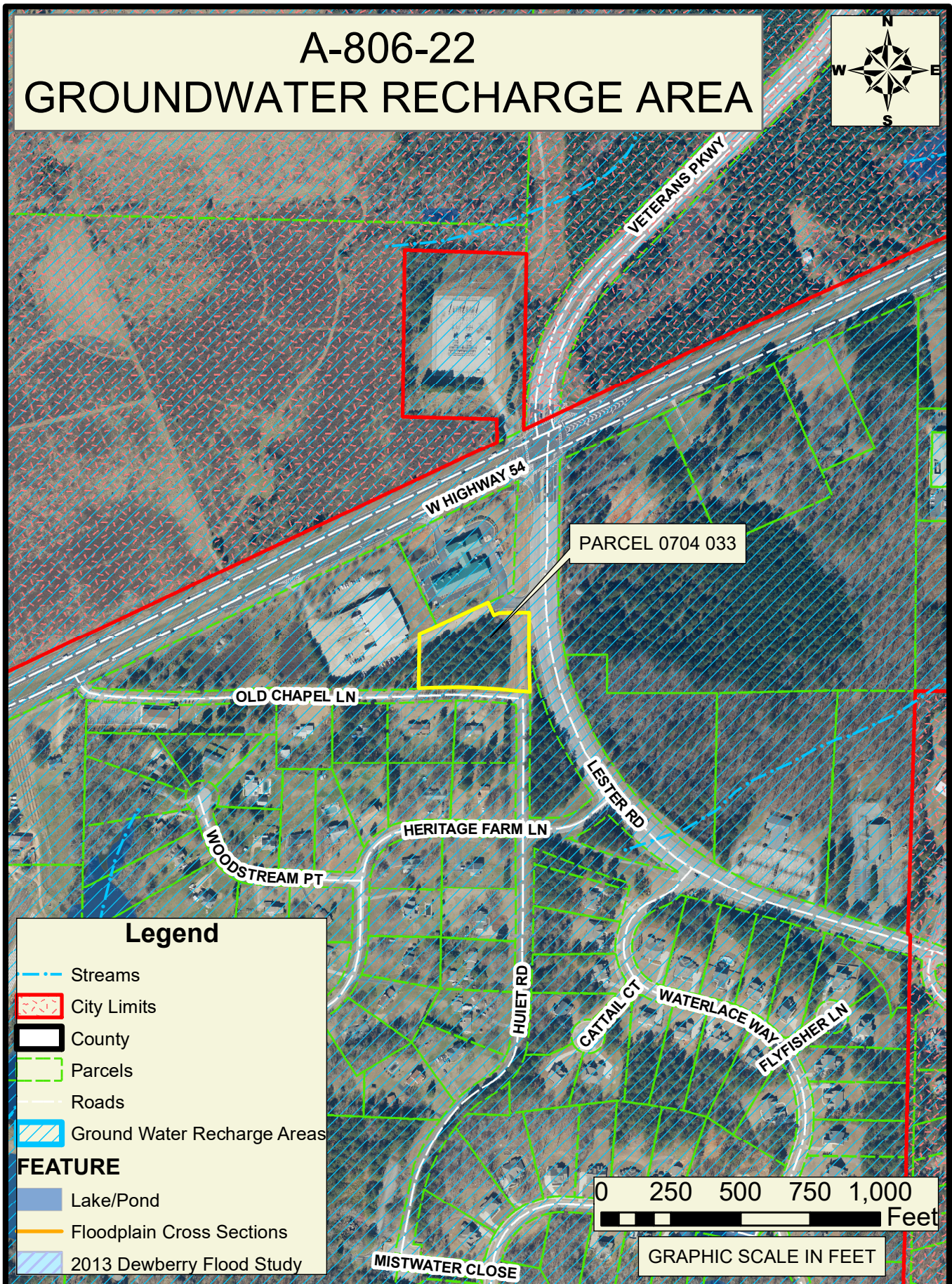
- Lake/Pond
- A-R
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- C-S
- E-S-T
- P-U-D
- M-H-P
- O-I
- C-C
- C-H
- M-1
- M-2
- S-Z



A-806-22 FLOODPLAIN MAP



A-806-22 GROUNDWATER RECHARGE AREA



A-806-22 AERIAL



PARCEL 0704 033

LESTER RD

OLD CHAPEL LN

HUIET RD

Legend

- Streams
- City Limits
- County
- Parcels
- Roads

FEATURE

- Lake/Pond
- Floodplain Cross Sections
- 2013 Dewberry Flood Study

0 50 100 150 200
Feet

GRAPHIC SCALE IN FEET

Parcel 0704033

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Trogger Enterprises, Inc

MAILING ADDRESS: 239 Nelms Rd Fayetteville, GA 30215

PHONE: 404-731-5187 E-MAIL: tlpent@gmail.com

AGENT FOR OWNERS: Michael "Joey" Scanlon

MAILING ADDRESS: 221 E. Bank Street, Griffin, GA 30223

PHONE: 678-967-2051 (w) E-MAIL: joey@scanloneng.com

PROPERTY LOCATION: LAND LOT 25 LAND DISTRICT 7th PARCEL 0704033

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 2.15

ZONING DISTRICT: C-H

ZONING OF SURROUNDING PROPERTIES: C-H, A-R, R-40

PRESENT USE OF SUBJECT PROPERTY: Vacant

PROPOSED USE OF SUBJECT PROPERTY: C-H

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-80622

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: July 18, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: August 22,

Received from Scanlon Engineering Services, Inc a check in the amount of \$ 195.00

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

Date Paid: July 15, 2022 Receipt Number: 015346

Total \$ 195.00

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:

Trogger Enterprises, Inc
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0704033

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 8 and 25 of the District, and said property consists of a total of 2.15 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Michael J. Scanlon 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.

Trogger Enterprises, Inc
JJ M (President/Ceo)
Signature of Property Owner 1

239 Nelms Rd Fayetteville, GA 30215
Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

Karen H Lequire
Signature of Notary Public

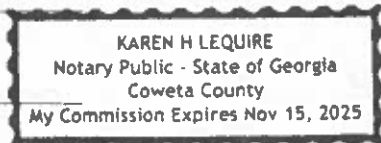
July 13, 2022
Date

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
SEC 110-144.(a) (3)(a)(i)	75 FT FRONT YARD SETBACK MAJOR THOROUGHFARE ARTERIAL	50 FT FRONT YARD SETBACK MAJOR THOROUGHFARE ARTERIAL	25 FT DIFFERENCE

VARIANCE SUMMARY

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

We are requesting that a variance be approved to reduce a portion of the 75' setback associated with the property to 50'. The 75' setback along the Northeast corner of the property is excessive since it is not bordering the front arterial (West Fayetteville) portion of the property.

The measurement of this setback was also wrongly confirmed to us by the County during a pre-application meeting. We are requesting that approximately 176.5 linear feet along the Northeast county right-of-way be reduced from 75' to 50'. The limits of the revised setback are shown on the survey submitted along with this application.

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.**

Due to the irregular shape of the property, we believe that the setback in question has been wrongly calculated. The portion of the setback in question is orientated towards the side yard of the property, not the frontage of Lester Road (West Fayetteville Bypass). The county's right-of-way also juts into the property at the location of the variance request creating an irregular setback situation. _____

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

It was confirmed in a meeting with the county that the portion of the setback in question was in fact 50', not 75' measured from the county right-of-way. We based our site design and building footprint with the 50' setback in mind. As a result of this, we have unnecessarily spent significant funds in site and architectural design, as well as basing our financial models of the project on our current site and building layout. If the variance is not granted, this would pose a significant financial hardship for our project and directly effect the economic viability of our development.

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

The conditions are peculiar to the property involved due to its irregular shape and the comment made by the county wrongly confirming the setback limits in question.

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

If granted, a reduction in the setback would not cause any substantial detriment to the public good. There would still be an ample setback to provide a buffer between the building and the county's right-of-way. The intent of the regulation would also remain intact and not be impaired.

5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed. If interpreted literally, the zoning ordinance should consider the portion of the setback in question a side yard as opposed to frontage. This would deprive us of the right to develop a portion of the property as others in the same zoning district.

Doc ID: 008620960003 Type: PLT
Recorded: 07/26/2011 at 12:38:00 PM
Fee Amt: \$24.00 Page 1 of 3
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 46 Pg 167-169

REVISED FINAL PLAT OF TRACTS 2 & 3 POSTAL COMMONS LAND LOT 8 AND 25 7TH DISTRICT - FAYETTE COUNTY, GA

THE PURPOSE OF THIS REVISED FINAL PLAT IS TO CHANGE THE PROPERTY LINES OF TRACT 3 TO REFLECT THE LAND EXCHANGED BETWEEN FAYETTE COUNTY AND TROGGER ENTERPRISES, INC. AUTHORIZED BY RESOLUTION NO. 2010-21 APPROVED BY THE FAYETTE COUNTY BOARD OF COMMISSIONERS ON DECEMBER 9TH, 2010 AND TO REVISE THE BUILDING LINES ON TRACT 2 AND 3 DUE TO THE CONSTRUCTION OF THE WEST FAYETTEVILLE BYPASS. THIS PROPERTY WAS PREVIOUSLY RECORDED IN PLAT BOOK 33, PAGE 160.

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type, and material are correctly shown.

W.D. Gray 7/13/11
GA REGISTERED LAND SURVEYOR # 2984 DATE



TRACT 2

WE, THE UNDERSIGNED OWNER(S) OF TRACT 2 POSTAL COMMONS, HEREBY DEDICATE THE RIGHTS-OF-WAY FOR PUBLIC USE, AND/OR RESERVE FOR PUBLIC USE THE EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

Shirley 7/19/11
OWNER
MR. SHIRAZ ALY
385 SWAINS DRIVE
FAYETTEVILLE, GA 30215
CONTACT # 678-358-4875

TRACT 3

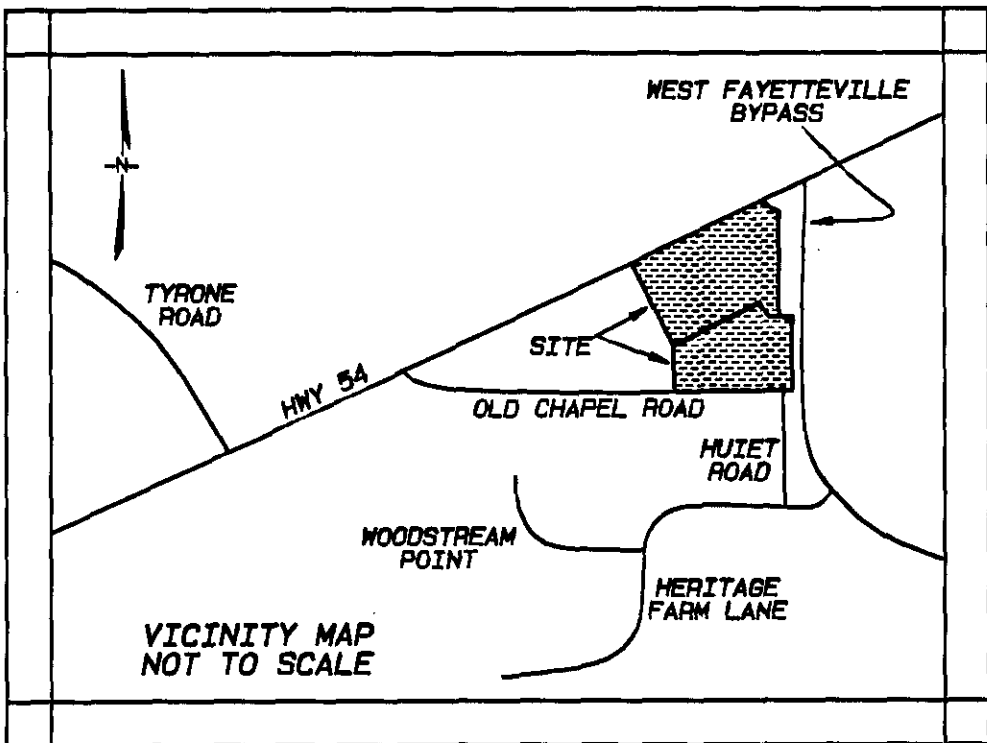
WE, THE UNDERSIGNED OWNER(S) OF TRACT 3 POSTAL COMMONS, HEREBY DEDICATE THE RIGHTS-OF-WAY FOR PUBLIC USE, AND/OR RESERVE FOR PUBLIC USE THE EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.

L. Powell 7-18-2011
OWNER
TROGGER ENTERPRISES, INC.
CONTACT: TROY POWELL
109 DOVE POINT
PEACHTREE CITY, GA 30269
CONTACT # 770-461-1558

CURRENT PARCEL OWNERS

TRACT 2:
PARCEL NUMBER 0704032
6 ELEVEN, LLC
DEED BOOK 2752, PAGE 616

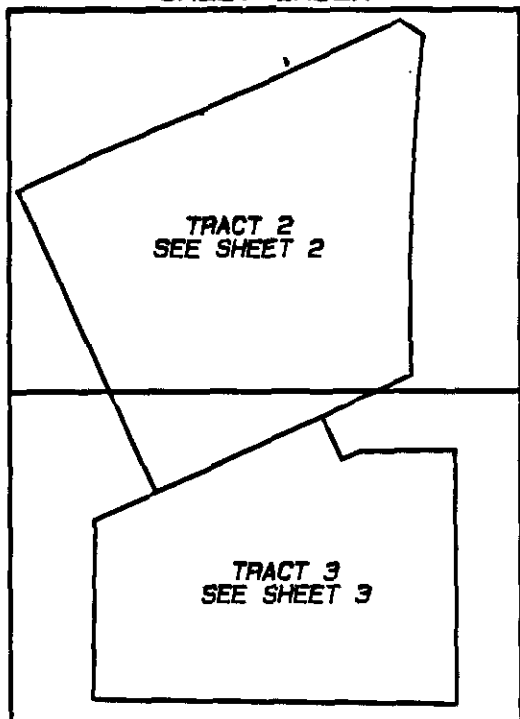
TRACT 3:
PARCEL NUMBER 0704033
TROGGER ENTERPRISES, INC.
DEED BOOK 2967, PAGE 253



GENERAL NOTES:

- 1) ZONED: C-H
- 2) SETBACKS:
FRONT: 75/100
SIDE: 15
REAR: 15
- 3) LOT WIDTH AT BUILDING LINE: 125
MINIMUM LOT SIZE: 1 ACRE
TOTAL NUMBER OF LOTS: 2
ACREAGE TRACT 2: 2.922 +/- ACRES
ORIGINAL ACREAGE OF TRACT 3: 2.019 +/- ACRES
NEW ACREAGE OF TRACT 3: 2.153 +/- ACRES
- 4) RAILROAD SPIKE FOUND IN POWERPOLE AT SOUTHWEST CORNER OF TRACT 1
ELEVATION PER SUBDIVISION PLAT = 960.67 (NGVD 1929)
CONVERTED TO NAVD 88 USING VERTCON - ELEVATION = 960.75
- 5) LOT TO BE SERVED BY INDIVIDUAL SEPTIC SYSTEM PER SUBDIVISION PLAT
- 6) LOTS TO BE SERVED BY COUNTY WATER PER SUBDIVISION PLAT
- 7) 1/2" REBARS SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED
- 8) FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAN
- 9) THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
- 10) NO TITLE PACKAGE WAS PROVIDED TO THE SURVEYOR DURING THE COURSE OF THIS SURVEY. OTHER ENCUMBRANCES MAY EXIST THAT A CURRENT TITLE REPORT PREPARED BY A QUALIFIED TITLE EXAMINER WOULD REVEAL.
- 11) ONLY ABOVE GROUND, VISIBLE UTILITIES AND STRUCTURES WERE LOCATED DURING THE COURSE OF THIS SURVEY. W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OR NON-EXISTENCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.
- 12) NO SOIL DATA WAS PROVIDED TO THE SURVEYOR DURING THE PREPARATION OF THIS PLAT.
- 13) NEW PROPERTY LINES SHOWN ARE PER PLAT PREPARED FOR FAYETTE COUNTY BY SURVEYS PLUS, INC. DATED 3-22-10, LAST REVISED 6-23-10
- 14) APPROXIMATE LAND LOT LINES SHOWN ARE PER PLAT PREPARED FOR FAYETTE COUNTY BY SURVEYS PLUS, INC. DATED 3-22-10, LAST REVISED 6-23-10
- 15) BUILDING SETBACKS ARE SHOWN PER MEETINGS AND INSTRUCTIONS BY THE FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT.
- 16) NO STATE WATERS WERE OBSERVED ON THIS SITE DURING THE COURSE OF THIS SURVEY.
- 17) APPROXIMATE RIGHT-OF-WAY OF THE WEST FAYETTEVILLE BYPASS SHOWN PER PLANS PROVIDED BY FAYETTE COUNTY PUBLIC WORKS DEPARTMENT. REFERENCE PLANS TITLED WEST FAYETTEVILLE BYPASS - PHASE I FOR FAYETTE COUNTY, GEORGIA PREPARED BY MALLETT CONSULTING, INC. SHEET 6 - LAST REVISED 06/11/2010
SHEET 7 - LAST REVISED 02/11/2010
- 18) THERE ARE NO WETLANDS LOCATED ON THIS SITE PER THE FAYETTE COUNTY 6.I.S.
- 19) THE RIGHT-OF-WAY OF THE WEST FAYETTEVILLE BYPASS IS BASED OFF OF MONUMENTS RECOVERED IN THE FIELD AND THE REFERENCED RIGHT-OF-WAY PLANS.
- 20) ALL EXISTING STRUCTURES AND IMPROVEMENTS TO REMAIN.
- 21) REQUIRED CONSTRUCTION EASEMENTS THAT AFFECT THESE PROPERTIES ARE SHOWN ON THE REFERENCED PLANS FOR THE WEST FAYETTEVILLE BYPASS. THESE EASEMENTS ARE NOT SHOWN AT THE REQUEST OF FAYETTE COUNTY. NO DEEDS GRANTING THESE EASEMENTS WERE RECOVERED BY OR PROVIDED TO THIS OFFICE DURING THE COURSE OF THIS SURVEY.
- 22) PER THE FAYETTE COUNTY PUBLIC WORKS DEPARTMENT, TRACT 2 AND 3 AS DESCRIBED IN THE ABOVE REFERENCED RESOLUTION WILL BE EXCHANGED FOR TRACT 1 AS DESCRIBED IN THE ABOVE REFERENCED RESOLUTION.
- 23) BLANKET ZONED C-H ON 11-13-1980. NO CONDITIONS

SHEET INDEX



APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT.

Date 7/2/11 Signed *[Signature]* [approved for plat recording purposes only] ENVIRONMENTAL HEALTH SPECIALIST

APPROVED BY FAYETTE COUNTY STORMWATER MANAGEMENT DEPARTMENT.

Date 7-19-2011 Signed *Vannerson Powell* STORMWATER DEPARTMENT

APPROVED BY FAYETTE COUNTY ENGINEER.

Date 7-25-11 Signed *P. Mallon* COUNTY ENGINEER

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

Date 7-21-2011 Signed *[Signature]* ZONING ADMINISTRATOR

APPROVED BY FAYETTE COUNTY FIRE MARSHAL. ALL FIRE HYDRANT(S) LOCATED AS SHOWN.

Date 7-25-2011 Signed *[Signature]* FIRE MARSHAL

NOTE:
EASEMENTS AND RIGHTS-OF-WAY SHOWN THAT WERE CREATED OR AFFECTED BY THE WEST FAYETTEVILLE BYPASS ARE TAKEN FROM PLATS AND/OR PLANS PREPARED BY OTHERS. NO DEEDS WERE RECOVERED BY OR PROVIDED TO THIS OFFICE THAT ADDRESS THESE RIGHTS-OF-WAY OR EASEMENTS.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP.
NO: 13113C0084E
DATED: SEPTEMBER 26, 2008

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHING 1 FOOT IN 100,000+ FEET.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 45,800+ AND AN ANGULAR ERROR OF < 5" PER ANGLE POINT AND IS UNADJUSTED.
EQUIPMENT USED: TOPCON GPT 3005W

W.D. Gray and Associates, Inc.

land surveyors - planners
160 Greencastle Road Suite B
Tyrone, GA 30290
(770) 486-7552 Fax (770) 486-0496

Prepared For:

FAYETTE COUNTY

LAND LOT: 8 & 25

DATE OF SURVEY: 03/21/2011

DISTRICT: 7TH

DATE OF DRAWING: 07/13/2011

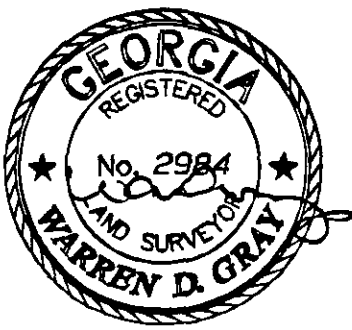
FAYETTE COUNTY, GA

SHEET 1 OF 3

SCALE: 1" = 30'

JOB NO: B140101446 Page: 167 Seq: 1

REVISED FINAL PLAT OF TRACTS 2 & 3
POSTAL COMMONS



LINE	BEARING	DISTANCE
L1	S01°01'39"E	44.80'
L2	S24°36'44"E	50.01'
L3	N65°19'04"E	20.67'
L4	N89°28'40"E	97.36'

- LEGEND:
R/W - RIGHT-OF-WAY
N/F - NOW OR FORMERLY
CP - COMPUTED POINT
UP - UTILITY POLE
(OHUL) - OVERHEAD UTILITY LINES
GW - GUY WIRE
B/L - BUILDING LINE
LP - LIGHT POLE
WV - WATER VALVE
C/D - CLEAN OUT
DI - DROP INLET
CI - CURB INLET
GW - GUY WIRE
OCS - OUTLET CONTROL STRUCTURE
HDPE - HIGH-DENSITY POLYETHYLENE
WS - WHEEL STOP
FOB - FACE OF BRICK
BTMH - GREASE TRAP MANHOLE
WM - WATER METER
OCS - OUTLET CONTROL STRUCTURE

GRID NORTH
GA WEST ZONE



GA HWY NO. 54
(R/W VARIES)

S64°59'16"W 1131.46' TO A 5/8" REBAR FOUND AT THE INTERSECTION OF THE R/W OF OLD CHAPEL LANE AND GA HWY NO. 54

Doc ID: 008620960003 Type: PLT
Recorded: 07/26/2011 at 12:38:00 PM
Fee Amt: \$24.00 Page 1 of 3
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 46 Pg 167-169

POSSIBLE DIRECTION OF STORM WATER PIPE (NO ABOVE GROUND EVIDENCE AT TIME OF SURVEY)

N/F TRACT 1
POSTAL COMMONS
ZONED C-H

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP.
NO: 13113C0084E
DATED: SEPTEMBER 26, 2008

POSSIBLE DIRECTION OF STORM WATER PIPE (NO ABOVE GROUND EVIDENCE AT TIME OF SURVEY)

GRAPHIC SCALE

1"=30'

SEE SHEET 3

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	310.53'	S02°34'39"W	2842.46'	310.37'

W.D. Gray and
Associates, Inc.

land surveyors - planners

160 Greencastle Road Suite B
Tyrone, GA 30290

(770) 486-7552 Fax (770) 486-0496

Prepared For:

FAYETTE COUNTY

LAND LOT: 8 & 25

DISTRICT: 7TH

FAYETTE COUNTY, GA

SCALE: 1" = 30'

DATE OF SURVEY: 03/21/2011

DATE OF DRAWING: 07/13/2011

SHEET 2 OF 3

JOB NO: 1101014

Doc ID: 007031950001 Type: GLA
 Filed: 03/02/2008 at 03:30:00 PM
 Fee Amt: \$150.00 Page 1 of 1
 Transfer Tax: \$140.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 2967 PG 253

B.D. Murphy, III, P.C.
 370 West Stonewall Avenue
 Fayetteville, GA 30214

FILE #06-085
 STATE OF GEORGIA

WARRANTY DEED

COUNTY OF FAYETTE

This Indenture made this 28th day of February, in the year 2008, between CHRISKELLY DEVELOPMENT COMPANY, LLC, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and TROGGER ENTERPRISES, INC., 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'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 25 of the 7th DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING TRACT 3 CONTAINING 2.019 ACRES, PER PLAT RECORDED IN PLAT BOOK 33, PAGE 160, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE.

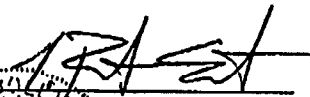

This Deed is given subject to all easements and restrictions of record, if any.

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

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

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

Signed, sealed and delivered in the presence of:



 William M. Bellmer

CHRISKELLY DEVELOPMENT COMPANY, LLC

By:  (Seal)
 BILL S. EVANS Manager

By: _____ (Seal)

(Corporate Seal)

Doc ID: 00888950003 Type: WD
Recorded: 11/02/2011 at 10:30:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3813 PG 244-246

----- [Space Above This Line For Recording Data] -----

Return to: Trogger Enterprises, Inc.
109 Dove Point
Peachtree City, Georgia 30269

STATE OF GEORGIA

COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE, made this 2nd day of November, in the year of our Lord Two Thousand and Eleven between **FAYETTE COUNTY, GEORGIA**, a political subdivision of the State of Georgia ("Grantor") and **TROGGER ENTERPRISES, INC.**, a Georgia Corporation ("Grantee"). The words "Grantor" and "Grantee" shall include their respective heirs, successors and assigns where the context requires or permits.

WITNESSETH: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does grant, bargain, sell, and convey unto Grantee a tract of land described as follows:

All that tract of land lying and being in Land Lot 25 of the 7th District of Fayette County, Georgia, being three parcels containing 11,048 square feet as more particularly described in Exhibit "A" attached hereto and by this reference incorporated herein (the "Property").

TO HAVE AND TO HOLD the above described property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of Grantee forever, **IN FEE SIMPLE**.

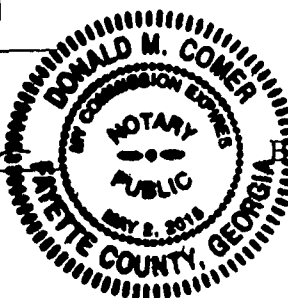
AND GRANTOR will warrant and forever defend the right and title to the above described property unto Grantee against the lawful claims of Grantor and all others claiming by, through, or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed by its duly elected Chairman, Fayette County Board of Commissioners, as of the day and year first above written

Signed, sealed and delivered in the presence of:

Carol Chandler
Witness

[Signature]
Notary Public



FAYETTE COUNTY, GEORGIA

Herbert E. Frady
Herbert E. Frady, Chairman
Fayette County Board of Commissioners



Book: 3813 Page: 244 Seq: 1

Exhibit "A" 1 of 2

Property Line Description Parcel 35 - Tract Two

All that tract or parcel of land lying and being in Land Lot 25 of the 7th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the northerly right-of-way of Old Chapel Road (50' R/W) and the westerly right-of-way of Hulet Road (80' R/W), said point being the TRUE POINT OF BEGINNING;

Thence North 01 degrees 01 minutes 39 seconds West along said westerly right-of-way of Hulet Road, 263.54 feet to a point

Thence leaving said westerly right-of-way North 89 degrees 29 minutes 25 seconds East, 19.60 feet to a point;

Thence South 01 degrees 01 minutes 32 seconds East, 264.00 feet to a point;

Thence North 89 degrees 10 minutes 12 seconds West, 19.60 feet to a point along said westerly right-of-way of Hulet Road, said point being the TRUE POINT OF BEGINNING;

Said tract or parcel of land contains 0.119 acres (5,168 square feet) and is more accurately depicted on attached plat with last revision date 6-23-10 by Surveys Plus, Inc. for Fayette County.

Exhibit "A" 2 of 2

Property Line Description Parcel 36 - Tract Three

All that tract or parcel of land lying and being in Land Lot 25 & 8 of the 7th District, Fayette County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the northerly right-of-way of Old Chapel Road (50' R/W) and the westerly right-of-way of Hulet Road (80' R/W); Thence leaving said westerly right-of-way South 89 degrees 10 minutes 12 seconds East, 19.60 feet to a point, said point being the TRUE POINT OF BEGINNING;

**Thence North 01 degrees 01 minutes 32 seconds West, 264.00 feet to a point;
Thence North 89 degrees 29 minutes 25 seconds East, 23.88 feet to a point;
Thence South 00 degrees 19 minutes 14 seconds East, 264.47 feet to a point;
Thence North 89 degrees 10 minutes 12 seconds West, 20.64 feet to a point, said point being the TRUE POINT OF BEGINNING;**

Said tract or parcel of land contains 0.135 acres (5,880 square feet) and is more accurately depicted on attached plat with last revision date 6-23-10 by Surveys Plus, Inc. for Fayette County.

THE UTILITIES SHOWN ON THIS PLAT WERE TAKEN FROM INFORMATION AVAILABLE AT THE TIME OF THE SURVEY AND MAY OR MAY NOT BE ACCURATE AS TO THE EXTENT AND OR LOCATION OF SAID UTILITIES.

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THIS PROPERTY ARE SHOWN.

The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

SYMBOL LEGEND

●	IRON PIN FOUND (RBF)
○	1/2" REBAR SET
■	CONCRETE MONUMENT FOUND (CMF)
○	UTILITY POLE
○	LIGHT POLE
○	FIRE HYDRANT
○	SANITARY SEWER MANHOLE (SSMH)
○	DROP INLET (DI)
○	JUNCTION BOX (JB)
○	WATER METER (WM)
○	POWER METER (PM)
○	GAS METER (GM)
○	CLEAN OUT (CO)
○	WATER VALVE
○	GUY WIRE
○	IRON FENCE LINE
○	CHAIN LINK FENCE LINE
○	WATER LINE
○	CTV
○	UNDERGROUND CABLE TV LINE
○	OVERHEAD POWER LINE
○	PROPERTY LINE
○	ADJACENT LOT LINE
○	LAND LOT LINE
○	ASPHALT AREA
○	CONCRETE AREA

EXCEPTIONS & EASEMENTS

First American Title Insurance Company
Commitment Number: NCS-1107855-DC72
Dated: January 15, 2022

12. Matters shown on plat recorded in Plat Book 33, Pages 160, Fayette County, Georgia records. (As noted on survey - ingress/egress esmt)

13. Matters shown on plat recorded in Plat Book 46, Page 167, aforesaid records. (As noted on survey - building setbacks, utility esmt. & ingress/egress esmt)

15. Right-of-Way Easement from John A. Lester Jr. to Coveta-Fayette Electric Membership Corporation, dated August 31, 1995, filed for record September 14, 1995, and recorded in Deed Book 1009 Page 723, aforesaid records. (Blanket easement - unable to determine location from record description)

16. Ingress-Egress Easement running along north lot line of subject property, as depicted on plat recorded in Plat Book 33, Page 160, aforesaid records. (As shown on survey)

UTILITY EASEMENT

The location and configuration of this easement is shown based on a Boundary Survey for Fayette County by Surveys Plus, Inc. dated 3-22-10, last revised 6-23-10 and further shown on plat recorded in Plat Book 46 Page 169.

LEGAL DESCRIPTION:

All that tract or parcel of land lying and being in Land Lots 8 & 25 of the 7th District, Fayette County, Georgia, and being more particularly described as follows:

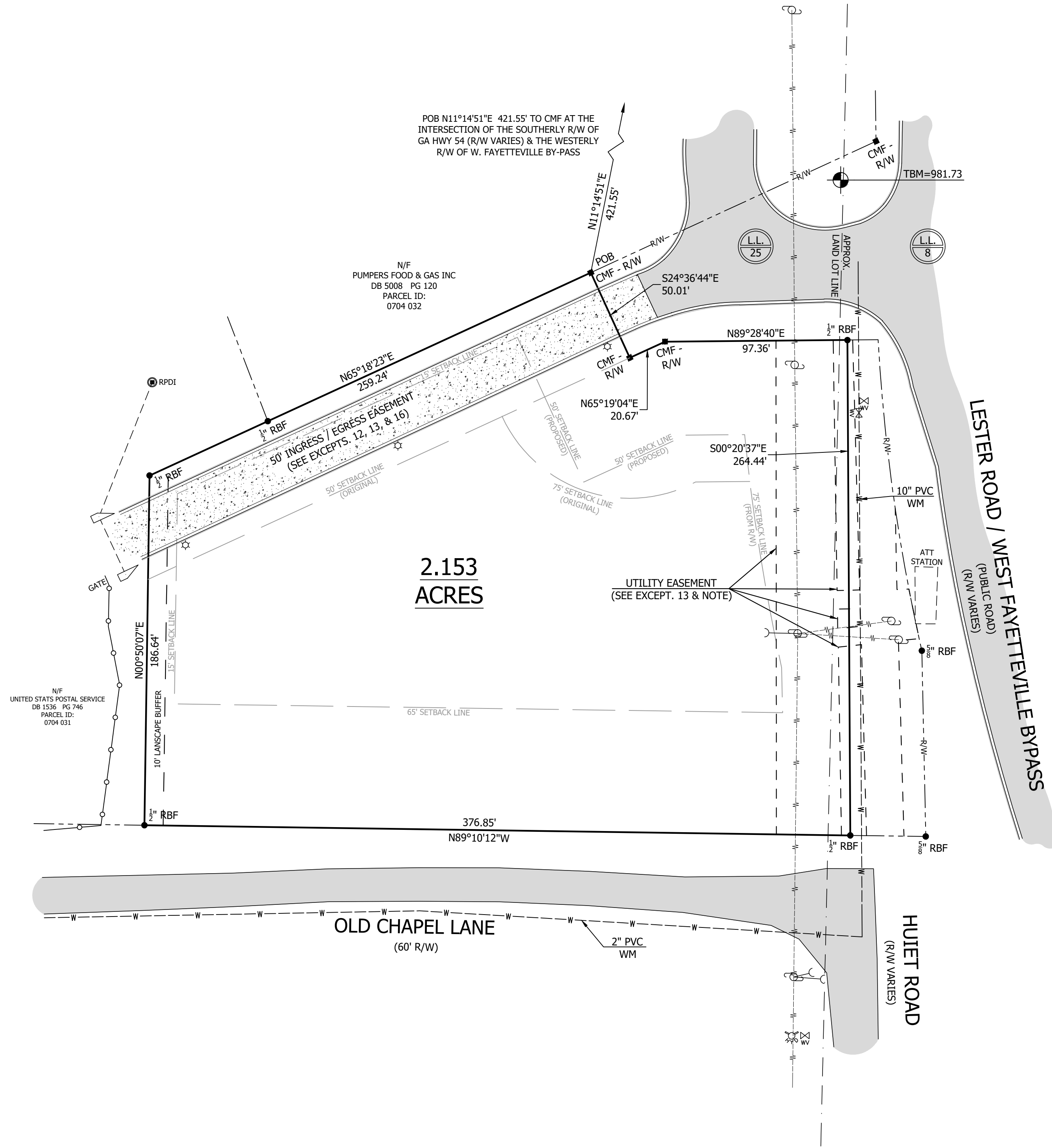
BEGINNING at concrete monument found on the westerly right-of-way of Lester Road/West Fayetteville By-Pass (R/W VARIES) South 11°14'51" West, a distance of 421.55 feet from a concrete monument found at the intersection of the southerly right-of-way of GA HWY 54 (R/W VARIES) and the westerly right-of-way of West Fayetteville By-Pass (R/W VARIES); thence along the westerly right-of-way of Lester Road/West Fayetteville By-Pass South 24°36'44" East, a distance of 50.01 feet to a concrete monument found; thence continuing along said right-of-way North 65°19'04" East, a distance of 20.67 feet to a concrete monument found; thence continuing along said right-of-way North 89°28'40" East, a distance of 97.36 feet to a 1/2 inch rebar found; thence leaving said right-of-way South 00°20'37" East, a distance of 264.44 feet to a 1/2 inch rebar found northerly right-of-way of Old Chapel Lane (60' R/W); thence along said right-of-way North 89°10'11" West, a distance of 376.85 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 00°50'07" East, a distance of 186.64 feet to a 1/2 inch rebar found; thence North 65°18'23" East, a distance of 259.24 feet to a concrete monument found, being the POINT OF BEGINNING.

Said tract contains 2.153 acres of land and as shown as Tract 3 on plat recorded in Plat Book 46 Pages 167-169.

PLAT CERTIFICATION:

The field data, completed on 2/16/22, upon which this plat is based has a closure precision of one foot in 73,522 feet and an angular error of 02" per angle point and was unadjusted. This plat has been calculated for closure and is found to be accurate within one foot in 245,903 feet.

The linear and angular measurements shown on this plat were obtained using a Geomax Robotic total station & Geomax Zenith 35 Man GPS.



VICINITY MAP (NTS)



REFERENCES & NOTES

CURRENT OWNER:
TROGGER ENTERPRISES INC

DEEDS:
DB 3813 PG 244

PLATS:
PB 46 PGS 167-169

PARCEL ID: 0704 033

THIS PROPERTY HAS NOT BEEN ASSIGNED AN ADDRESS BY FAYETTE COUNTY. NO BUILDINGS EXIST ON THE PROPERTY.

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD HAZARD AREA PER FEMA, FIRM MAP 13113C0084E, DATED 9/26/2008.

UNDERGROUND UTILITIES SHOWN ARE BASED ON MARKINGS BY GA811.

EASEMENTS SHOWN WITHIN SURVEY ARE BASED ON PUBLIC RECORDS AVAILABLE AS OF 2/28/22 AND ALTA COMMITMENT FOR TITLE INSURANCE ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NUMBER NCS-1107855-DC72.

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.

Mark A. Buckner GA RLS 2422 7/13/22 Date

SES

ENGINEERING
PLANNING
SURVEYING

"THIS DRAWING IS THE PROPERTY OF SCANLON ENGINEERING SERVICES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN, AND IS NOT TO BE USED ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT, OR REPRODUCED IN WHOLE OR IN PART, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION."

SCANLON ENGINEERING SERVICES, INC.

221 EAST BANK STREET
GRiffin, GEORGIA 30223
PHONE: (678) 967-2051 www.scanlonteng.com

★ LST 00089 ★

JOHNSON DEVELOPMENT ASSOCIATES, INC. &
FIRST AMERICAN TITLE INSURANCE COMPANY

LOCATED IN LAND LOTS 8 & 25 OF THE 7th DISTRICT,
FAYETTE COUNTY, GEORGIA

No.	Description	Date
1		
2		
3		
4		
5		
6		
7		
8		



REZONING PLAT

Review by: MAB
Project #: C22265001
Date: 7/13/2022

SHEET TITLE
465D
SHEET # 01 OF 01

[illegible]

LINE	BEARING	DISTANCE
L1	S01°01'39"E	44.80'
L2	S24°36'44"E	50.01'
L3	N55°19'04"E	20.67'
L4	N89°28'40"E	97.36'

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. SAID PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

IN MY OPINION, THIS PROPERTY DOES NOT
LIE WITHIN THE 100 YEAR FLOOD PLAIN AS
SHOWN ON THE FLOOD INSURANCE
RATE MAP.
NO. 13113C0084E
DATED: SEPTEMBER 26, 2008



**W.D. Gray and
Associates, Inc.**

land surveyors – planners

160 Greencastle Road Suite B
Tyrone, GA 30290

(770) 486-7552 Fax (770) 486-0496

Prepared For:

FAYETTE COUNTY

LAND LOT: 8 & 25

DISTRICT: 7TH

SHEET 3 OF 3

JOB NO: 1101014

Page 3 of 3

Book: 46 Page: 167 Seq: 3

STATE OF GEORGIA
COUNTY OF FAYETTE

RESOLUTION NO.: 2010 - 21

A RESOLUTION AUTHORIZING FAYETTE COUNTY TO ABANDON REMNANT PARCELS OF LAND TO TROGGER ENTERPRISES, INC. CONSISTING OF A PORTION OF HUIET ROAD WHICH IS NO LONGER A PART OF THE COUNTY'S SYSTEM OF ROADS AND, IN CONSIDERATION THEREFOR, TO ACQUIRE FROM TROGGER ENTERPRISES, INC. A PARCEL NEEDED TO COMPLETE A PORTION OF THE WEST FAYETTEVILLE BYPASS, PHASE I AT ITS INTERSECTION WITH STATE HIGHWAY 54; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE DEED OF CONVEYANCE TOGETHER WITH ANY OTHER DOCUMENT NECESSARY TO ACCOMPLISH THE INTENT AND PURPOSE OF THIS RESOLUTION; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, Fayette County (the "County") currently owns the right-of-way of Huiet Road, a portion of which (in close proximity to State Highway 54) is no longer a part of the County's system of roads; and

WHEREAS, the Trogger Enterprises, Inc. ("Trogger") owns a parcel of land located (also in close proximity to State Highway 54) which is needed to complete a portion of the West Fayetteville Bypass, Phase I; and

WHEREAS, the County and Trogger wish to convey to one another the described parcels of land to further their respective interests and otherwise accommodate the completion of the West Fayetteville Bypass, Phase I at the intersection of Huiet Road and State Highway 54.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS
OF FAYETTE COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

The Board of Commissioners hereby authorizes Fayette County to convey remnant parcels of land located in Land Lot 25 of the 7th District of Fayette County, which parcels are in close proximity to State Highway 54, and are no longer a part of the County's system of roads to Trogger for the purpose of furthering its use of the adjoining property. A plat showing the parcels to be conveyed (Tract Two, Tract Three and Tract Four) is attached hereto and by reference incorporated herein.

In consideration therefor, the Board of Commissioners hereby authorizes Fayette County to accept the conveyance from Trogger a parcel of land located in Land Lot 25 of the 7th District of Fayette County, which parcel is also in close proximity to State Highway 54, and is needed to complete a portion of the West Fayetteville Bypass, Phase I at the intersection of Huiet Road and State Highway 54. A plat showing the parcel to be acquired (Tract One and a temporary construction easement on Tract One-A) is attached hereto and by reference incorporated herein.

The Board of Commissioners hereby authorizes the Chairman to execute the deed of conveyance, upon compliance with all Georgia laws in regard thereto, together with any other document necessary to effectuate the intent of this resolution.

This Resolution shall be effective on the date of its approval by the Board of Commissioners.
SO RESOLVED, this the 9th day of December, 2010.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY



ATTEST:

Carol Chandler
Carol Chandler, County Clerk

By: _____

Jack R. Smith, Chairman

