

**BOARD OF APPEALS**

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

**STAFF**

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

---

**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
January 23, 2023  
7:00 P.M.**

---

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on December 19, 2022.

**PUBLIC HEARING**

5. Petition No. A-815-23, Howell & Cheryl Turner, Owner, request the following: Variance to Sec. 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 29 feet to allow construction of a residential accessory structure (i.e. swimming pool). The subject property is located in Land Lot 89 of the 7<sup>th</sup> District and fronts on Sims Road.
6. Petition No. A-816-23, Apremier Properties Group, Inc, Owner, and Darrell Baker/ Principle/ Randolph Williams, LLC, Agent, request the following: Variance to Sec. 110-170. Nonconformances, (l) Nonconforming structures. Request enlargement of a nonconforming structure: To allow an unpermitted addition to primary structure to remain. The subject property is located in Land Lot 26 of the 7<sup>th</sup> District and fronts on Highway 54W and Tyrone Road.
7. Petition No. A-817-23A, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7<sup>th</sup> District and fronts on Highway 54 W and Tyrone Road.

8. Petition No. A-817-23B, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7<sup>th</sup> District and fronts on Highway 54 W and Tyrone Road.
9. Petition No. A-817-23C, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7<sup>th</sup> District and fronts on Highway 54 W and Tyrone Road.
10. Petition No. A-817-23D, Tyrone 54, LLC and BBWJ, LLC, Owners, and DG Development Partners, LLC, Agent, request the following: Variance to Sec. 110-144. C-H. (d) (3) (a) (1) Major thoroughfare: Arterial to reduce the front yard setback from 75 feet to 50 feet to allow for construction of a convenience store, car wash, interior access self-storage & quick serve restaurant with drive through. The subject property is located in Land Lot 25 and 26 of the 7<sup>th</sup> District and fronts on Highway 54 W and Tyrone Road.
11. Petition No. A-818-23, Baby Bird and Company Automotives, LLC, Owner, and Mark Schaeffer, Esq, Glasser and Schaeffer, PC, Agent, request the following: Variance to Sec. 110-146. M-1, (d) (5) to reduce side yard setback from 25 feet to 15 feet to allow existing primary structure to remain. The subject property is located in Land Lot 217 of the 5<sup>th</sup> District and fronts on Carnes Drive and Walter Way.
12. Petition No. A-819-23, Johnnie K. Holland, Owner, and Randy Boyd Agent, request the following: Variance to Sec. 110-79. Residential accessory structures and their uses (f) Guesthouses. To increase the maximum allowed square footage from 700 to 768 square feet, to allow existing structure to remain. The subject property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on Kenwood Road and South Kite Lake Road.

**PETITION NO: A-815-23**

**Requested Action:** Variance to side building setback in the A-R (Agriculture- Residential) District to allow the construction of an accessory structure (swimming pool).

**Location:** 231 Sims Road, Tyrone, GA 30290

**Parcel(s):** 0720 039

**District/Land Lot(s):** 7<sup>th</sup> District, Land Lot(s) 89

**Owner(s):** Cheryl Turner and Howell Turner

**Agent:** n/a

**Zoning Board of Appeal Public Hearing:** January 23, 2023

**REQUEST**

Applicant is requesting the following variances for an existing principal structure:

1. Variance to Sec. 110-125.(d)(6). Side yard setback – to reduce the side yard setback from 50 feet to 29 feet to allow the construction of an accessory structure (swimming pool).

**STAFF RECOMMENDATION**

It is staff's opinion that the property presents unique situation. The parcel is bisected by a significant area of wetlands and floodplain, with typical soils that are unsuitable for construction.

Staff recommends **APPROVAL** of the request to reduce the side setback from 50 feet to 29 feet.

## **HISTORY**

The subject property is part of a subdivision of property recorded October 3, 2006. The house was built in 2006, under the current owner/applicant.

Staff confirmed that the original building permit proposed the location of the house in an appropriate position. However, the house was built before foundation surveys were required. The encroachment into the setbacks was identified as part of a building permit application for a new accessory structure.

## **DEPARTMENTAL COMMENTS**

- Water System** – FCWS has no objection to the proposed variance. This property is currently outside our service area.
- Public Works/Environmental Management** – No objections
- Environmental Health Department** – This office has no objection to the proposed variance. However, the owner must submit an application for an existing onsite evaluation prior to installation of the pool.
- Fire** – No objections.

**VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

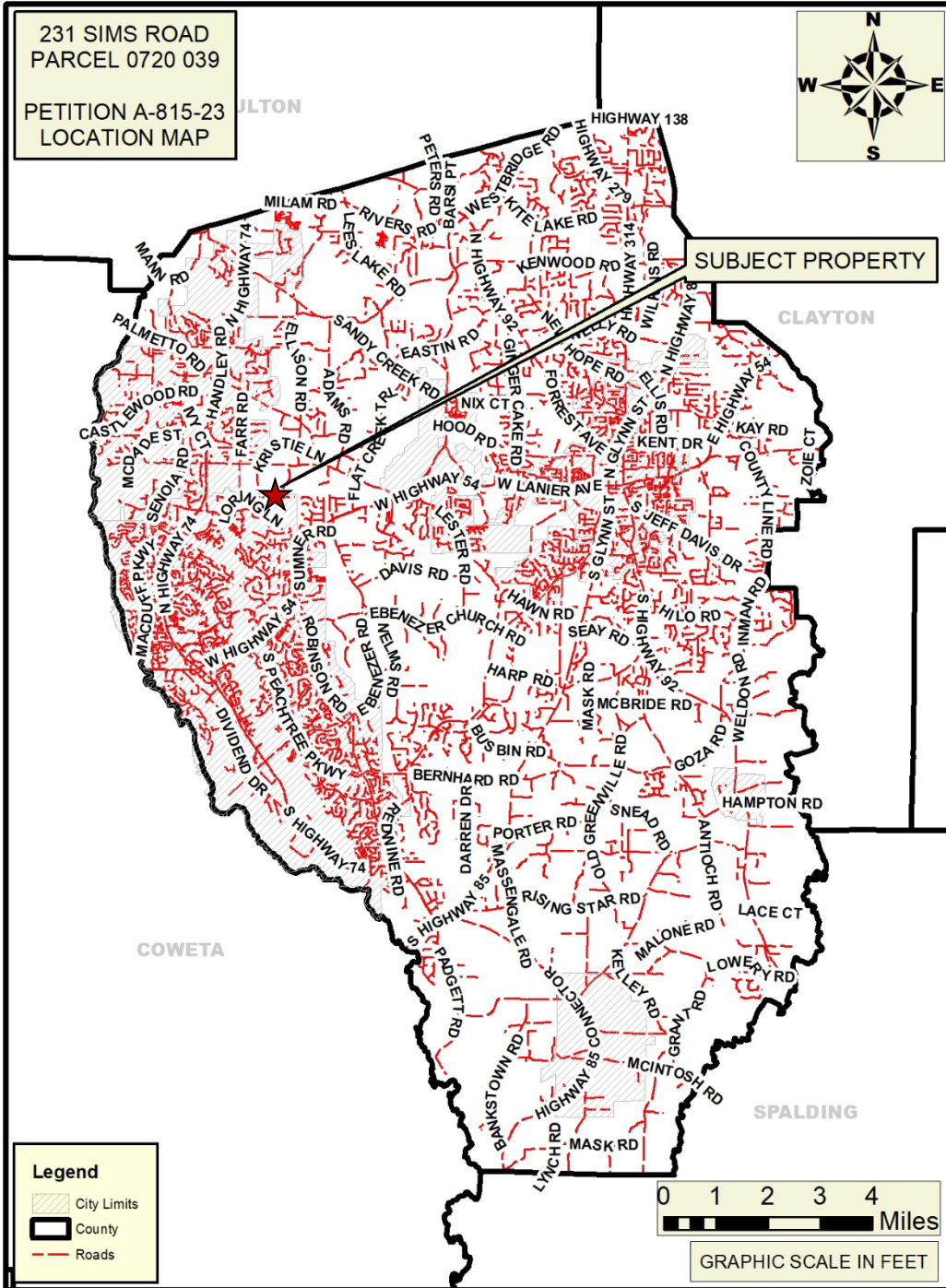
*The applicant provides the following information*

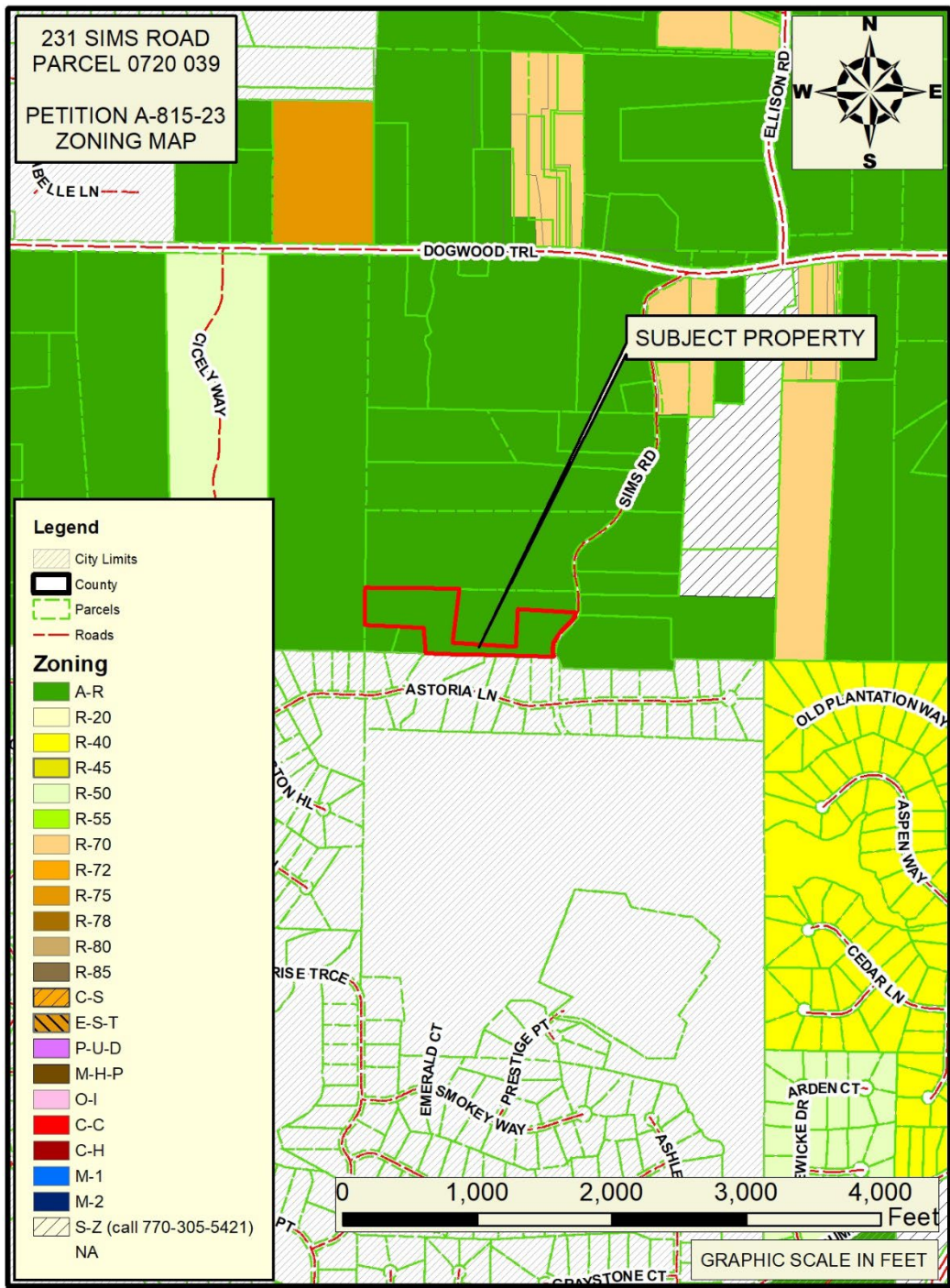
**Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.**

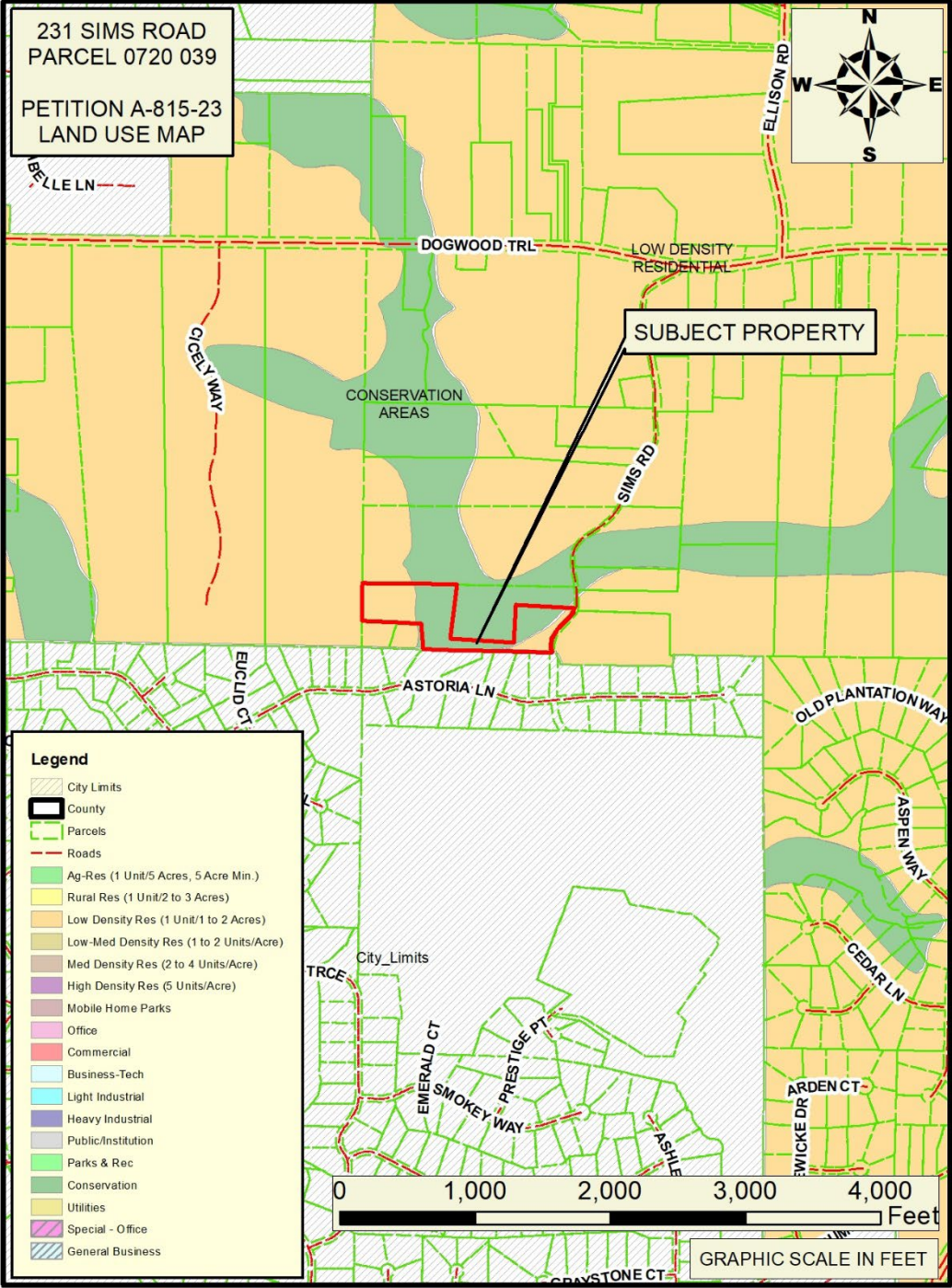
*We are seeking variances to build a pool 29 ft from side property line so that pool is behind the house but at highest elevation due to flood plan and buffer restrictions on property/topography.*

**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.**

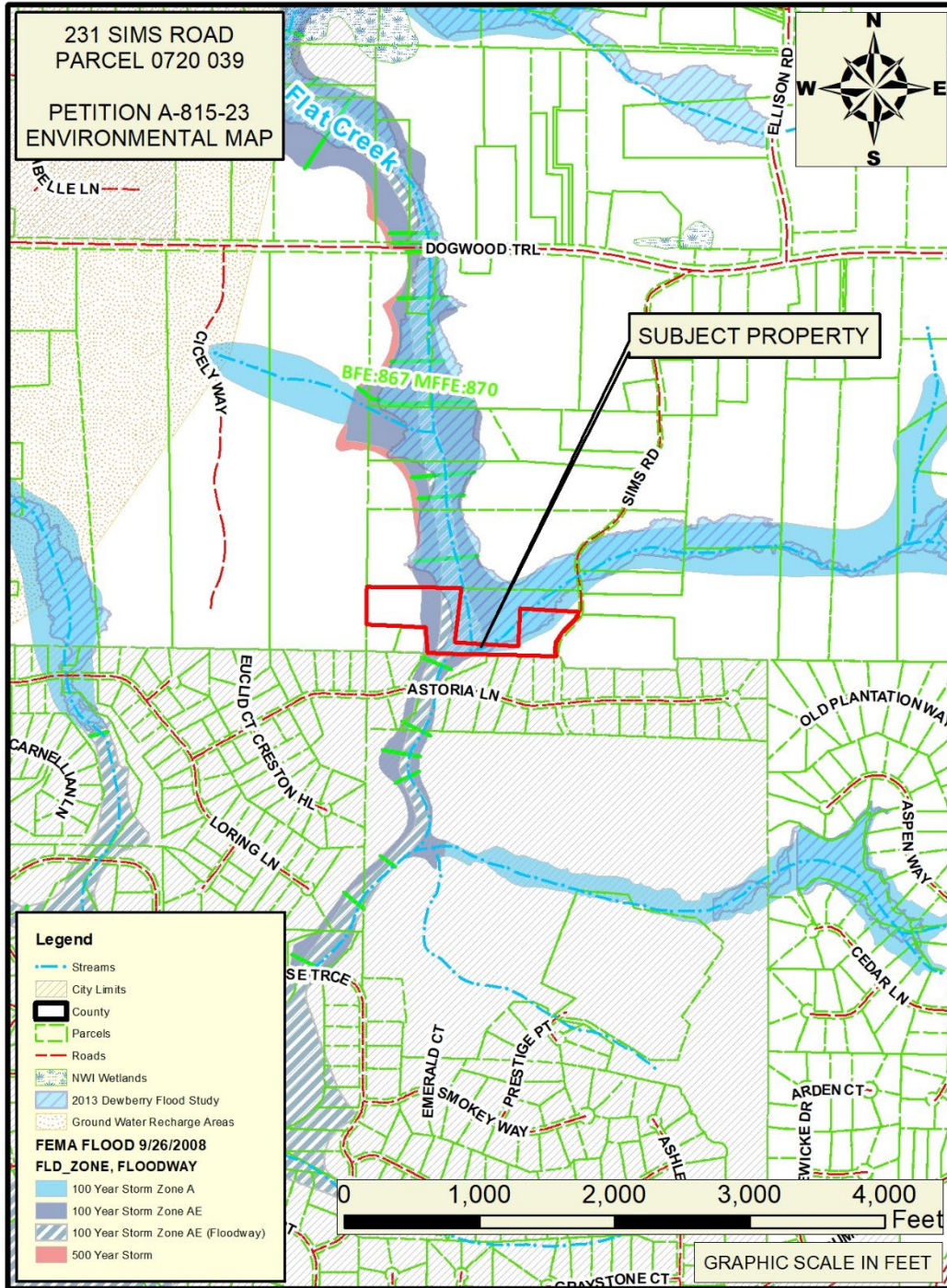
1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*Yes – Topography of property limits location of pool, thus variance needed to go closer to side property line.*
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
*Location of pool is restricted by wetlands, restrictions/buffers, topography.*
3. **Such conditions are peculiar to the particular piece of property involved; and,**  
*Same as above – location of pool is restricted due to buffers and wetlands.*
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,**  
*Will not harm any part of public or harm any other property.*
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
*No others will be affected.*

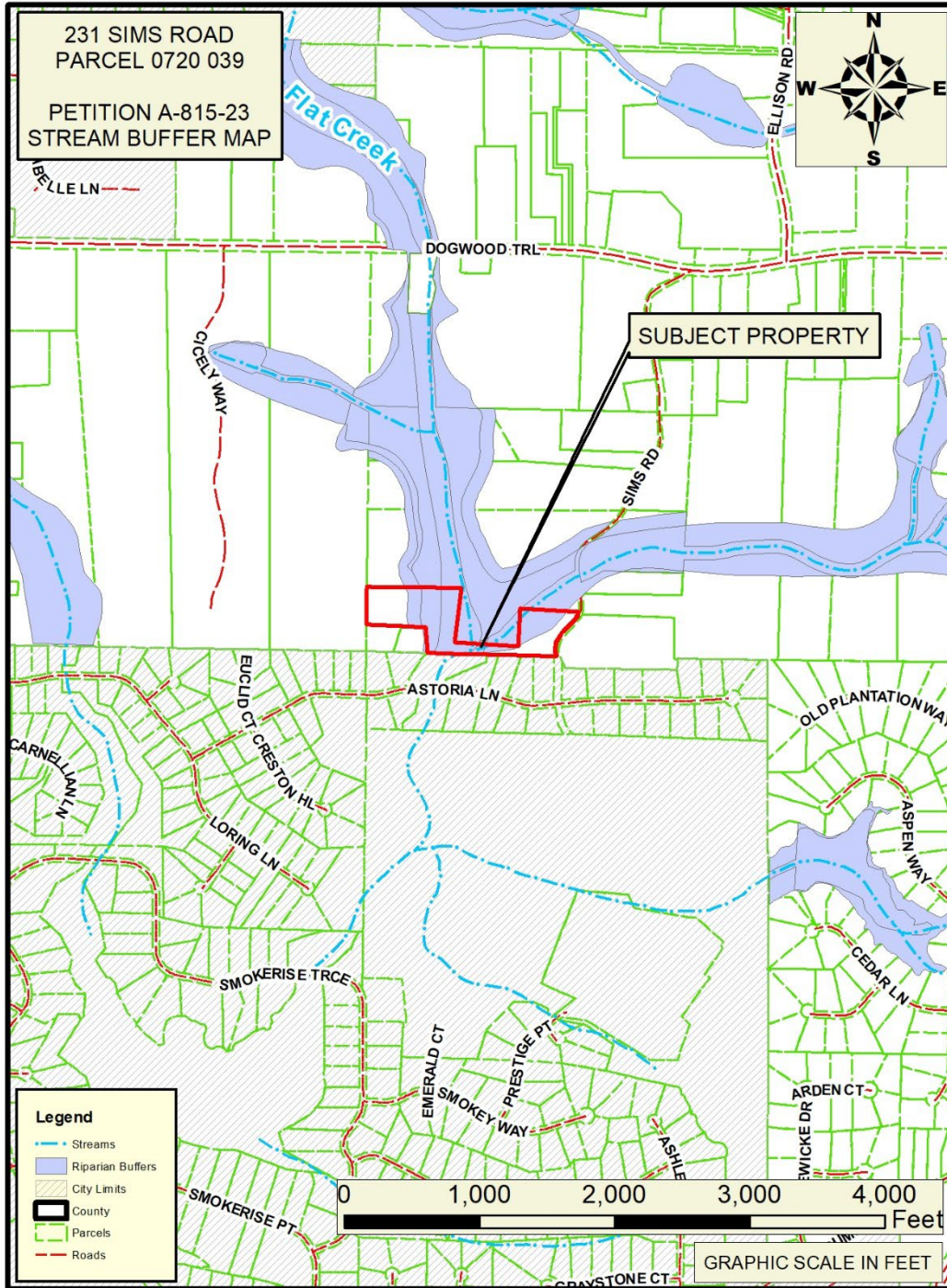


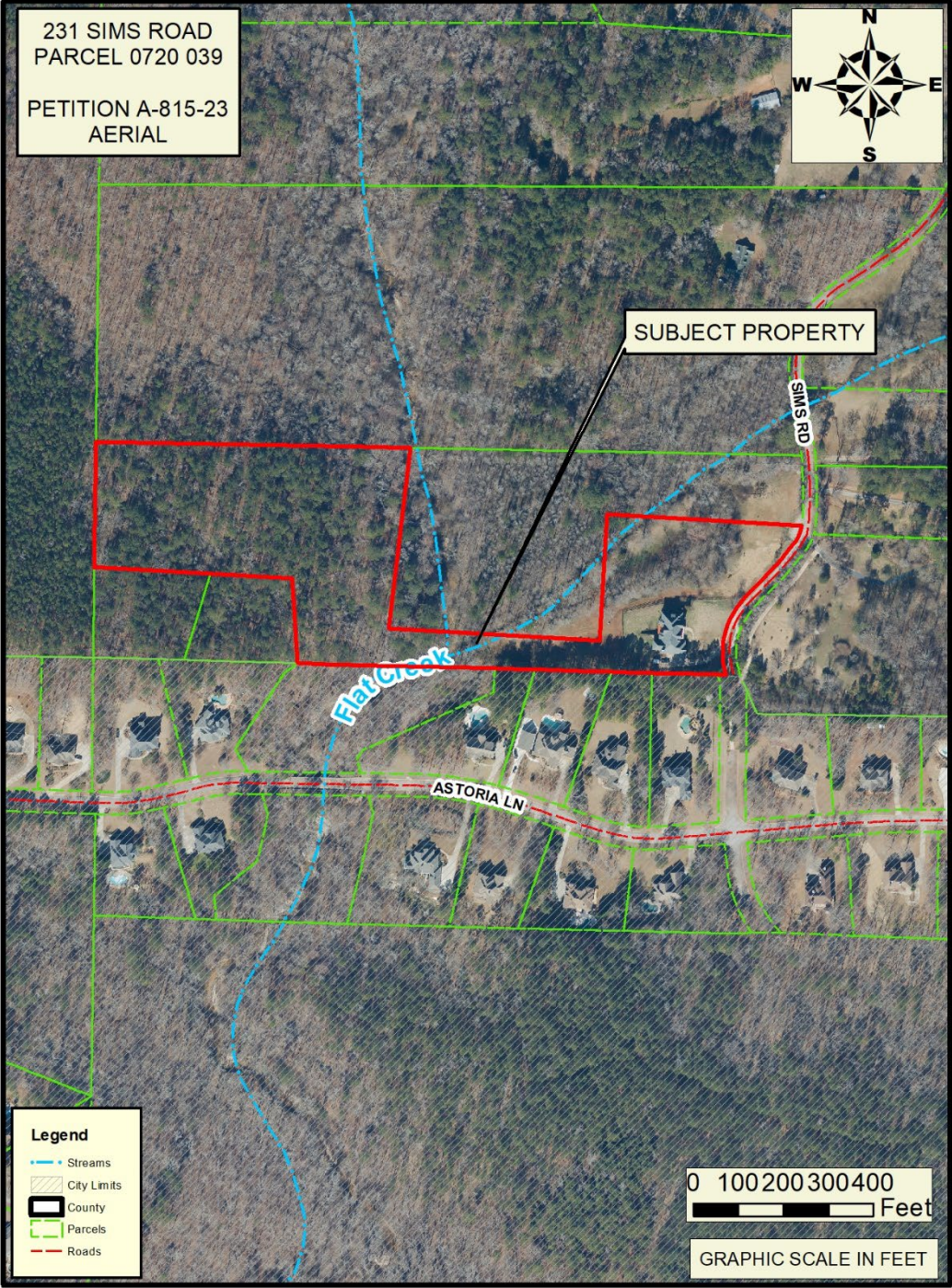


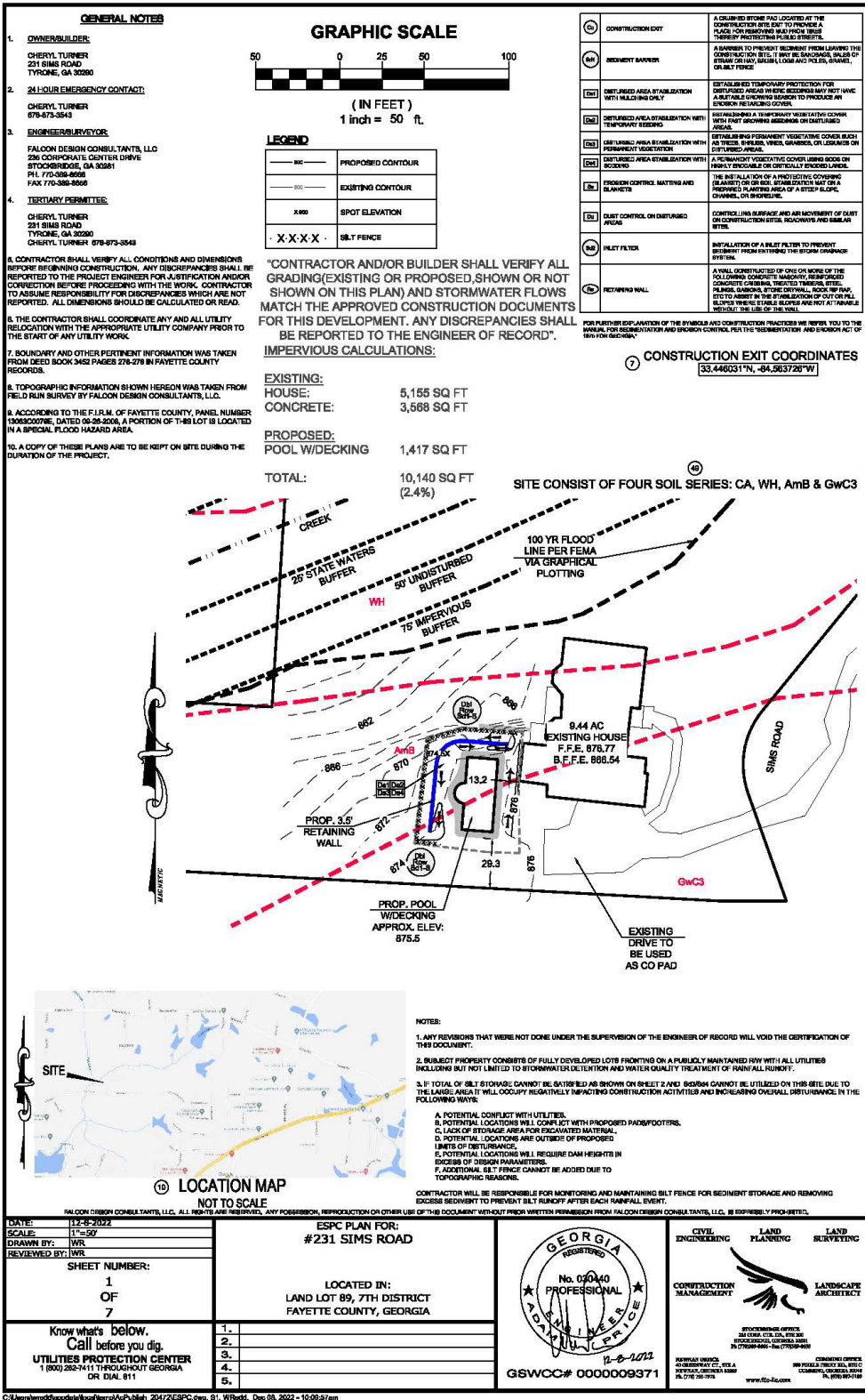












SITE PLAN SHOWING REQUESTED SETBACK FOR POOL



231 Tyrone Road



231 Tyrone Road

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Howell and Cheryl Turner

MAILING ADDRESS: 231 Sims Road Tyrone, GA 30290

PHONE: 678-873-1760/678-873-3543 E-MAIL: howell.tandhtighting@gmail.com

AGENT FOR OWNERS: Howell Cheryl Tallman Pools hhcturner@gmail.com

MAILING ADDRESS: \_\_\_\_\_

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

PROPERTY LOCATION: LAND LOT 89 LAND DISTRICT 779 PARCEL 0720.039

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 9.44

ZONING DISTRICT: A-R

ZONING OF SURROUNDING PROPERTIES: A-R

PRESENT USE OF SUBJECT PROPERTY: A-R

PROPOSED USE OF SUBJECT PROPERTY: Pool w/ decking & fence

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-815-23

[ ] Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: Dec. 8, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 23, 2023

Received from Howell & Cheryl Turner a check in the amount of \$ 225.00

for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: Dec 8, 2022 Receipt Number: 016669

**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:

Howell Bust Turner & Cheryl Turner

Please Print Names

Property Tax Identification Number(s) of Subject Property: 231 Sims Road

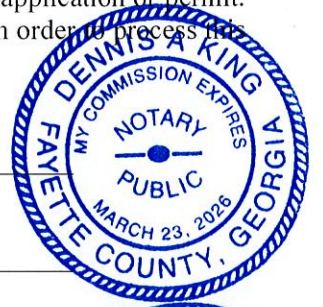
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 773 District, and (if applicable to more than one land district) Land Lot(s) 89 of the District, and said property consists of a total of 9.44 acres (legal description corresponding to 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.

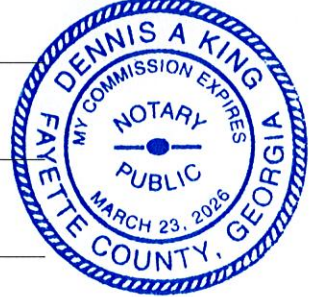
Howell Bust Turner Jr.  
Signature of Property Owner 1  
231 Sims Rd Tyrone GA 30290  
Address

[Signature]  
Signature of Notary Public  
Dec. 8, 2022  
Date



Cheryl Turner  
Signature of Property Owner 2  
231 Sims Rd Tyrone GA 30290  
Address

[Signature]  
Signature of Notary Public  
Dec. 8, 2022  
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. A-R (d)(6) SIDE YARD SETBACK	SIDE YARD SETBACK 50 FT	SIDE YARD SETBACK 29'	SIDE YARD SETBACK 21 FT

### VARIANCE SUMMARY

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

Seeking a variance to build a pool 29ft from side property line so that pool is behind house but at highest elevation due to flood plan and buffer restrictions on property / topography.



## JUSTIFICATION OF REQUEST

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

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

Yes - Topography of property limits location of pool, thus variance needed to go closer to side property line.

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

Location of pool is restricted by wetlands, restrictions/buffers, topography.

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

Same as above - location of pool is restricted due to buffers and wetlands.

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.

Will not impair any part of public  
or harm any other property.

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

No others will be affected.

24 HOUR CONTACT:  
**HOWELL-TURNER**  
 401 Robinson Rd  
 Peachtree City GA, 30269  
 PHONE 770-487-6748

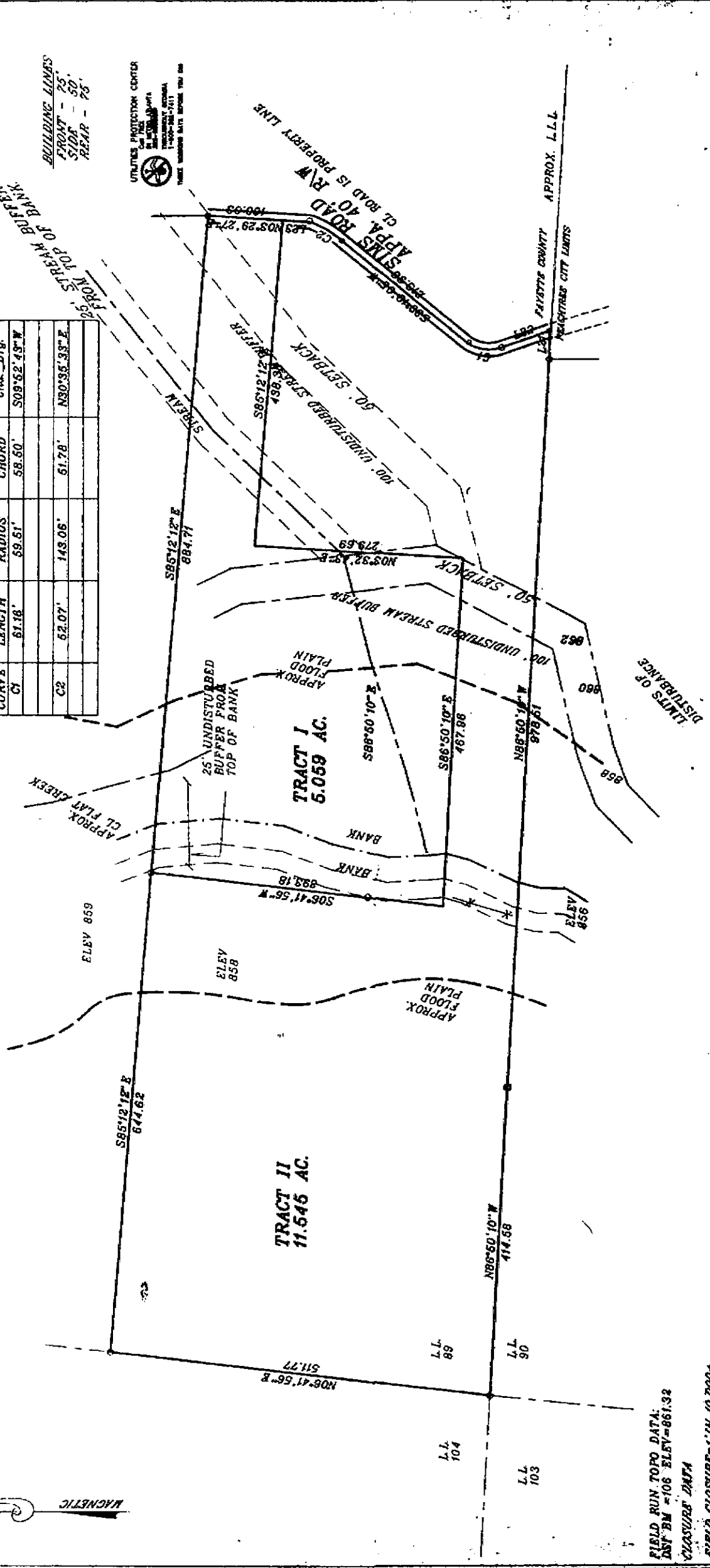
THIS PLAN AS SHOWN SHALL BE CONSIDERED  
 A MINIMUM AND MAY BE MODIFIED ON FIELD  
 INSPECTION BY COUNTY MAPS

BUILDING LINES  
 FRONT - 25'  
 SIDE - 50'  
 REAR - 75'



LINE	LENGTH	BEARING
L1	36.23	S89°55'27"W
L2	98.23	S89°55'27"W
L22	67.69	N19°33'40"W
L23	67.69	N19°33'40"W
L24	37.45	N09°29'27"E

CURVE	LENGTH	RADIUS	CHORD	CHORD BEG.	CHORD END.
C1	61.16'	59.51'	58.60'	S09°52'49"W	
C2	62.07'	148.06'	61.78'	N80°36'33"E	



**LEGEND**  
 1/2" IRON PIN FOUND  
 1/2" IRON PIN SET  
 R/W = RIGHT OF WAY  
 MAG = MAGNETIC  
 P.O.B. = POINT OF BEGINNING  
 B/L = BUILDING LINE  
 D/L = DRAINAGE easement  
 N/P = NOW OR FORMERLY  
 F.W.P.D. = FIELD WORK  
 PERFORMED DATE

THIS PROPERTY DOES LIE WITHIN  
 A 100 YEAR FLOOD PLAIN ACCORDING  
 TO REFERENCE PLAN.  
 13113C 0080D

**HOWELL TURNER**

SUBDIVISION: N/A P.B. 87 P. 1

LAND LOT: 89 DATE: 09/18/09

BOOK: 43 PAGE: 72 INSTRUMENT: 746

COUNTY: Fayette, GA JOB NO.: 89-0140

**DELTA SURVEYORS, INC.**

REG. JOB 577 FAYETTEVILLE, GA 30214 JOHN S. AS

77014601532 FILE #P014601714

EX 43 PG 72

Doc ID: 00726570201  
 Filed: 10/03/2008 at 10:12:00 AM  
 Fee Amt: \$5.00 Page 1 of 1  
 Sheila Studdard Clerk of Court  
 Shelia Studdard Clerk of Court



Doc ID: 007919900003 Type: GLR  
Filed: 10/29/2008 at 08:45:00 AM  
Fee Amt: \$14.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 3452 PG 276-278

**RETURN TO:**  
PLESKA & DOUGLAS, LLC  
900 CIRCLE 75 PKWY, SUITE 210  
ATLANTA, GA 30339

STATE OF GEORGIA  
COUNTY OF FAYETTE

08-332

**WARRANTY DEED**

\*Grantor and Grantee are one and the same persons.

This indenture, made the 17<sup>th</sup> day of **OCTOBER**, the year two thousand eight **(2008)**

**CHERYL R. TURNER AND HOWELL B. TURNER, JR.**

as party or parties of the first part, hereafter called Grantor

**CHERYL TURNER AND HOWELL TURNER,  
AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP**

as party or parties of the second part, hereafter called Grantees (the word's 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 dollars 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 grantees

**SEE EXHIBIT "A" ATTACHED HERETO**

TO HAVE AND TO HOLD the said tract or parcel of land, with all 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 Grantees forever in FEE SIMPLE.

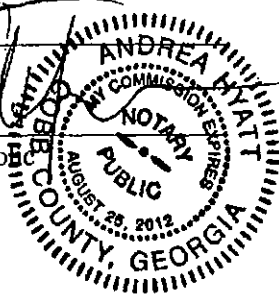
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantees against the claims or all persons whomsoever.

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

Signed, sealed and delivered  
In presence of:

Witness

Notary Public



*Cheryl R. Turner*  
CHERYL R. TURNER, GRANTOR

*Howell B. Turner Jr.*  
HOWELL B. TURNER, JR., GRANTOR

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 89 of the 7th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at the common corner of Land Lots 89, 90, 103 and 104 of the 7th District of Fayette County, Georgia and running thence along the line dividing Land Lots 89 & 104, aforesaid and following the bearing of North 06 degrees 41 minutes 56 seconds East, a distance of 511.77 feet to a point; running thence easterly and following the bearing of South 85 degrees 12 minutes 12 seconds East, a distance of 644.62 feet to a point; running thence southerly and following the bearing of South 06 degrees 41 minutes 56 seconds West, a distance of 393.18 feet to a point; running thence easterly and following the bearing of South 86 degrees 50 minutes 10 seconds East, a distance of 467.96 feet, to a point; running thence and following the bearing of North 03 degrees 32 minutes 43 seconds East, a distance of 279.69 feet, to a point; running thence and following the bearing of South 85 degrees 12 minutes 12 seconds East, a distance of 438.38 feet, to a point located on the centerline of Sims Road aforesaid; running thence southerly and following the bearing of South 05 degrees 29 minutes 27 seconds West, a distance of 37.45 feet, to a point; running thence southerly and southwesterly along the centerline of the aforesaid road, and following an arc having a radius of 134.06 feet, a chord distance of 48.53 feet, a chord bearing of South 30 degrees 35 minutes 33 seconds West, an arc distance of 48.80 feet in length, to a point; running thence southwesterly along the centerline of Sims Road aforesaid and following the bearing of South 39 degrees 19 minutes 05 seconds West, a distance of 213.96 feet, to a point; running thence and following a curve of an arc, said arc having a radius of 50.51 feet, a chord distance of 15.65 feet, along a chord bearing of South 30 degrees 24 minutes 30 seconds West, an arc distance of 15.71 feet to a point on the centerline of Sims Road aforesaid to a point; running thence southeasterly along the center of Sims Road aforesaid, and following the curve of an arc having a radius of 50.51 feet, a chord distance 35.43 feet, along a chord bearing of South 00 degrees 58 minutes 07 seconds West, along an arc, having an arc distance of 36.20 feet to a point; running thence along the centerline of Sims Road aforesaid and following the bearing of South 19 degrees 33 minutes 40 seconds East, a distance of 67.69 feet to a point; running thence westerly and following the bearing of South 89 degrees 55 minutes 27 seconds West, a distance of 38.23 feet, to a point located on the common boundary line dividing Land Lots 89 & 90 of the aforesaid District of Fayette County, Georgia; and running thence westerly along said line, following the bearing of North 86 degrees 50 minutes 10 seconds West, a distance of 1,393.07 feet, to THE POINT OF BEGINNING, the same being the common corner of Land Lots 89, 90, 103 and 104 of the 7th District of Fayette County, Georgia, all according to a plat and survey prepared by Delta Surveyors, Inc. originally dated September 18, 2003 and last revised August 21, 2006, and comprising 13.905 acres more or less.

EXHIBIT "A"

( continued to next page )

**Less and Except**

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lot 89 of the 7th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at common corner of Land Lots 89, 90, 103 and 104 of the 7th District of Fayette County, Georgia; running thence North along the line dividing Land Lots 89 and 104 and following a bearing of North 06 degrees 41 minutes 56 seconds East, a distance of 200.00 feet to a point; running thence and following a bearing of South 86 degrees 50 minutes 10 seconds East, a distance of 237.26 feet to a point; running thence and following a bearing of South 17 degrees 06 minutes 57 seconds West, a distance of 205.69 feet to a point on the South line of Land Lot 89 and being the North line of Lot 2 of Kedron Estates Subdivision, Phase II, now or formerly owned by Howell B. Turner, Jr., and Cheryl R. Turner; running thence westerly along the South line of Land 89 and following a bearing of North 86 degrees 50 minutes 10 seconds West, a distance of 200.00 feet to the POINT OF BEGINNING.

SAID TRACT being a four-sided parcel comprising 1.00 acre all according to a plat of survey prepared by Delta Surveyors, shown on a plat of survey for Howell Turner of 231 Sims Road, Tyrone, Georgia, said plat and survey being dated October 16, 2007.

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

**Less and Except**

ALL OF THE TRACT OR PARCEL OF LAND lying and being in Land Lot 89 of the 7th District of Fayette County, Georgia and being more particularly described as follows:

BEGINNING at the common corner of Land Lots 89, 90, 103 and 104 of the 7th Land District of Fayette County, Georgia; running thence easterly along the line dividing Land Lots 89 and 90 aforesaid of the 7th District of Fayette County, Georgia, a distance of 200 feet to a point and THE POINT OF BEGINNING; running thence and following a bearing of North 17 degrees 06 minutes 57 seconds East, a distance of 205.69 feet to a point; running thence and following a bearing of South 86 degrees 50 minutes 10 seconds East, a distance of 180.79 feet to a point; running thence and following a bearing of South 03 degrees 58 minutes 19 seconds East, a distance of 201.18 feet to a point located on the line dividing Land Lots 89 and 90 aforesaid; running thence westerly along the line dividing Land Lots 89 and 90 aforesaid and following a bearing of North 86 degrees 50 minutes 10 seconds West, a distance of 255.37 feet to a point and the POINT OF BEGINNING.

SAID TRACT being Tract Four comprising 1.00 acre according to a plat of survey prepared by Delta Surveyors for Howell Turner, 231 Sims Road, Tyrone, Georgia, said plat of survey being dated October 16, 2007.

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

**EXHIBIT "A"**

**PETITION NO: A-817-23 A**

**REQUESTED ACTION:** Requesting a variance to reduce the front yard setback from 75 feet to 50 feet.

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road – Parcel 0704-001

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** DG Development Partners, LLC; Richard Lindsey, Attorney

**ZONING BOARD OF APPEALS PUBLIC HEARING:** January 23, 2023

---

**REQUEST**

Applicant is requesting a variance to the following section(s):

1. Sec. 110-144(d)(3) a.1. – to reduce the front yard setback on a major thoroughfare from 75 feet to 50 feet in the C-H (Highway Commercial) zoning district.

**STAFF RECOMMENDATION**

It is Staff's opinion that reducing the front yard building setback is inconsistent with the County's goals and vision as outlined in the Comprehensive Plan and that the property does not present a peculiar hardship.

Staff recommends **DENIAL** of the request to reduce the front yard setback.

## **HISTORY**

The subject property is made up of 4 parcels totaling 9.887 acres:

- A-817-23 A is Parcel #0704-001, which is a 5.615-acre tract
- A-817-23 B is Parcel #0704-007, which is a 0.331-acre tract
- A-817-23 C is Parcel #0704-028, which is a 1.948-acre tract
- A-817-23 D is Parcel #0704-018, which is a 1.993-acre tract.

The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

The area is designated for *Commercial* uses in the Land Use Plan, Fayette County Comprehensive Plan. All parcels were zoned *C-C, Community Commercial (Case #1110-03)*. All 4 parcels were rezoned to *C-H, Highway Commercial, with Conditions (Case #1324-22 A-B-C-D)*, by the Board of Commissioners on December 8, 2022.

## **CONDITIONS OF ZONING**

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 50' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

The project has not currently completed any of the conditions.

## **ASSESSMENT**

The 2022 approval by the Board of Commissioners to rezone the parcels from C-C to C-H was not an approval of the conceptual site plan. It was solely an approval of the change in zoning districts to allow those uses permitted in the C-H zoning district.

The requirement for the dedication of right of way is applied to all residential and commercial developments and land subdivisions where the existing right of way is insufficient. This is a common occurrence applied to everything from small residential minor subdivision plats to large industrial developments.

Tyrone Road is designated as a *minor arterial* on the County's Thoroughfare Plan and, as such, meets the definition of Major Thoroughfare. The front yard setback requirement is predicated on this road use classification.

*Excerpt from Sec. 110-3. Definitions:*

*Thoroughfare, major*, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

## **FAYETTE COUNTY COMPREHENSIVE PLAN**

The Comprehensive Plan provides a framework for defining the County's goals and vision for its future. An excerpt from the Comprehensive Plan General Vision Statement describes the County's rural character as a key asset:



*Rural Character: Fayette County's rural character is a large part of its appeal. The protection and preservation of this rural character is significant to the citizens of Fayette County.*

The City of Fayetteville recently annexed and rezoned the property across Tyrone Road for a data center development; they required, at the County's request, a 100-foot undisturbed buffer along Tyrone Road to protect the rural character of the area.

#### **DEPARTMENTAL COMMENTS**

- Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- Fire Marshal** – Fire Marshal has no objections to the request.
- Public Works/Environmental Management** - EMD has reviewed the setback variance, and this will not affect any of the development regulations pertaining to the site.
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008, and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance.
  - **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** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of the proposed space for listed uses. Approval of use of the property will be based on the conditions of the soil and will be reviewed prior to any construction.

## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

*The applicant provides the following information*

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

*Applicant requests a variance in the length of front yard setback from 75 feet to 50 feet due to the large floodplain located on the subject property. The flood plain takes about 1/3 of the entire site. With the dedication to Fayette County of the increase ROW for Tyrone Road, the applicant is not able to develop the property as approved by the Board of Commissioners.*

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

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

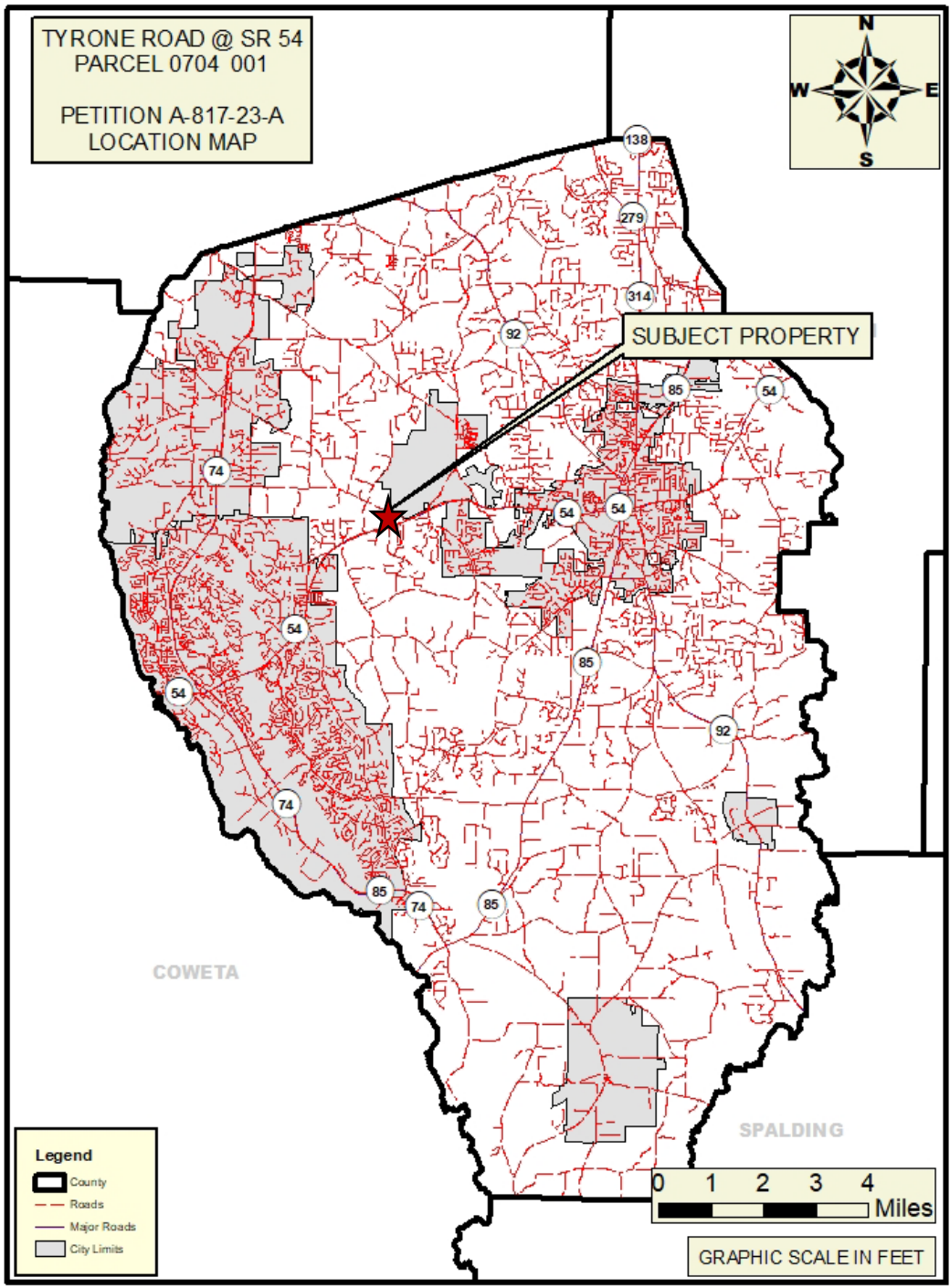
*This property is impacted by a large area of flood plain that takes about 1/3 of the entire parcel.*

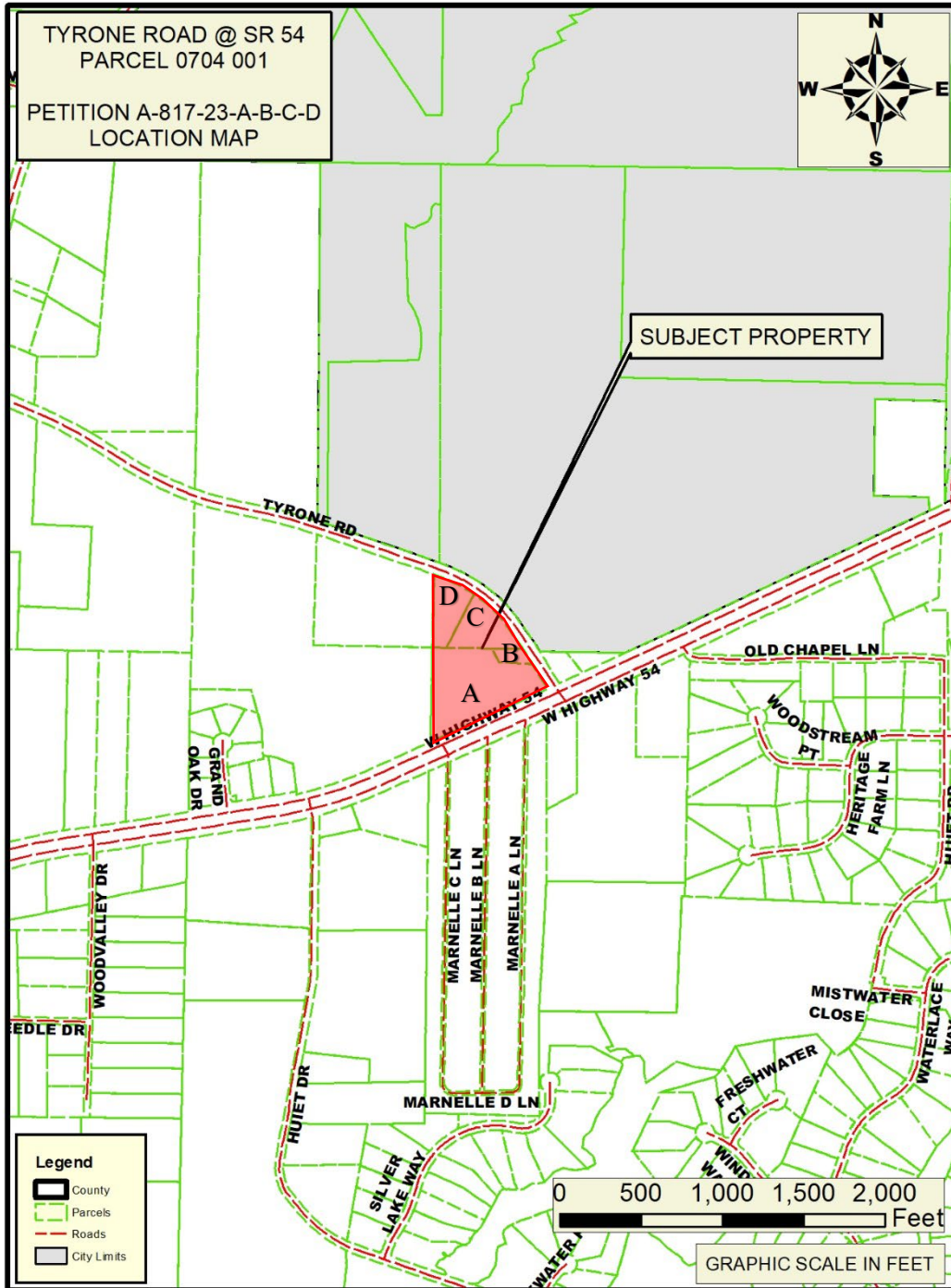
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

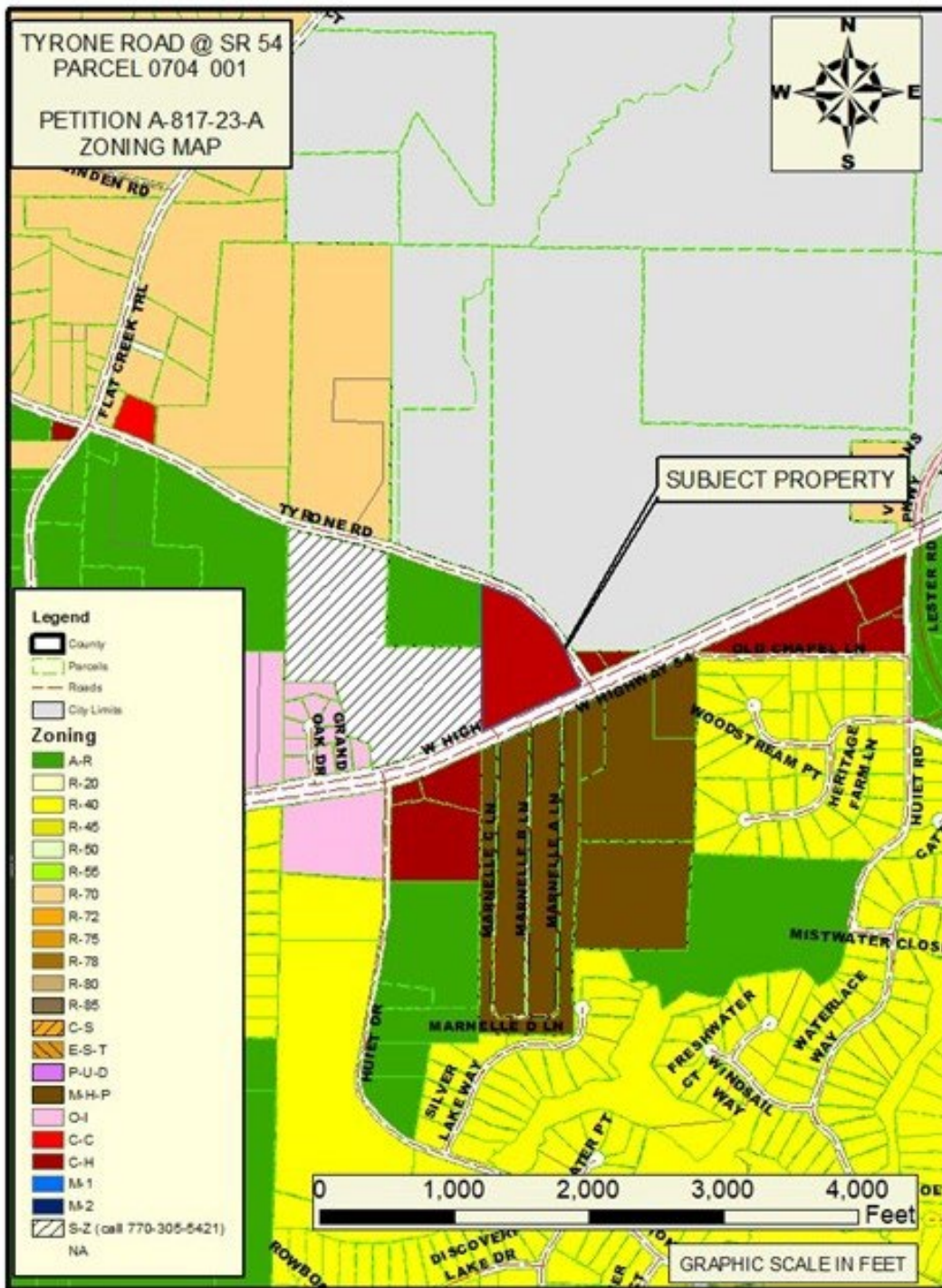
*A reduction in setback from Tyrone Road across from an existing convenience store and the future data center will not cause a substantial detriment to the public or impair the purpose and intent of the ordinance.*

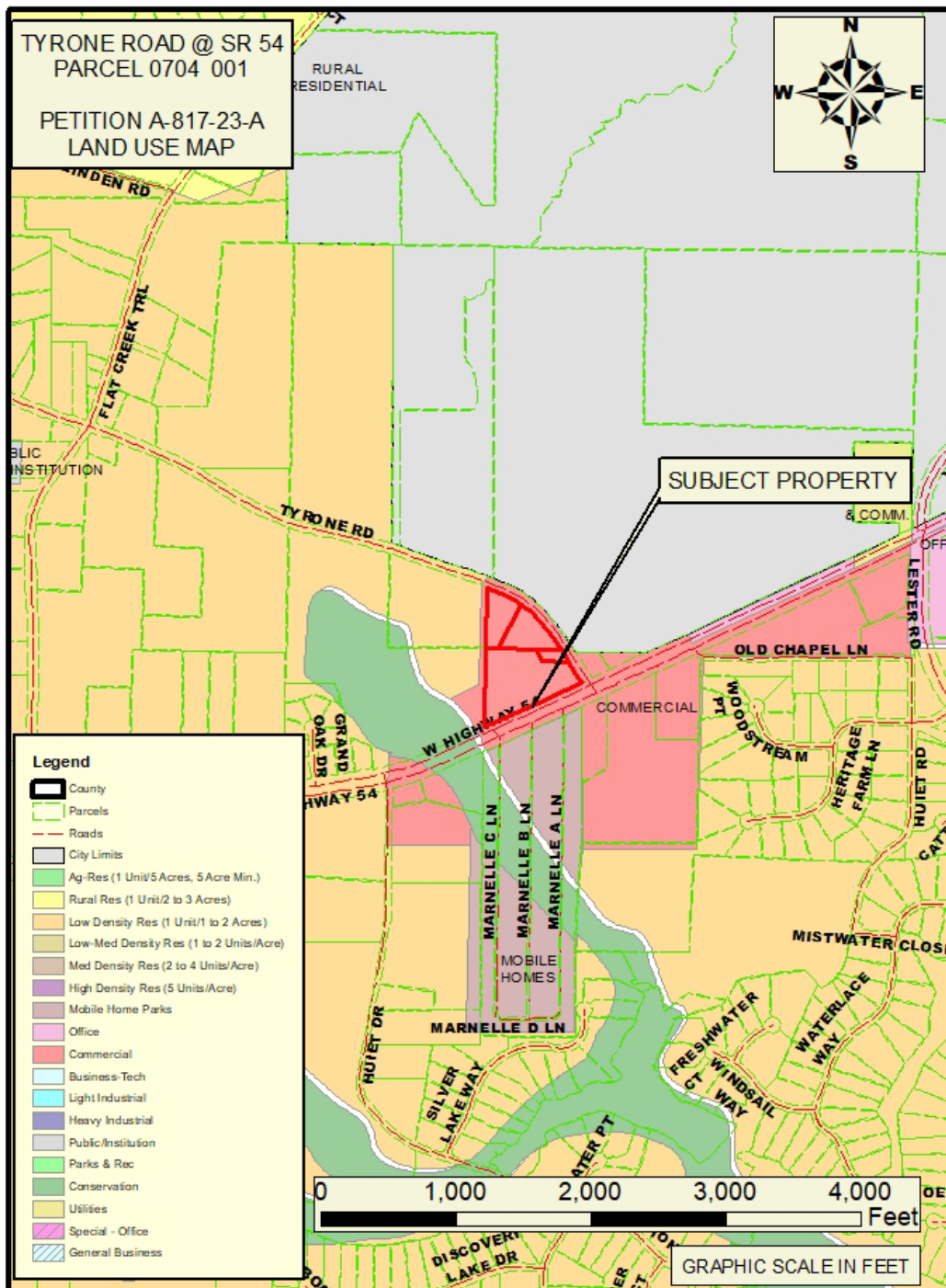
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

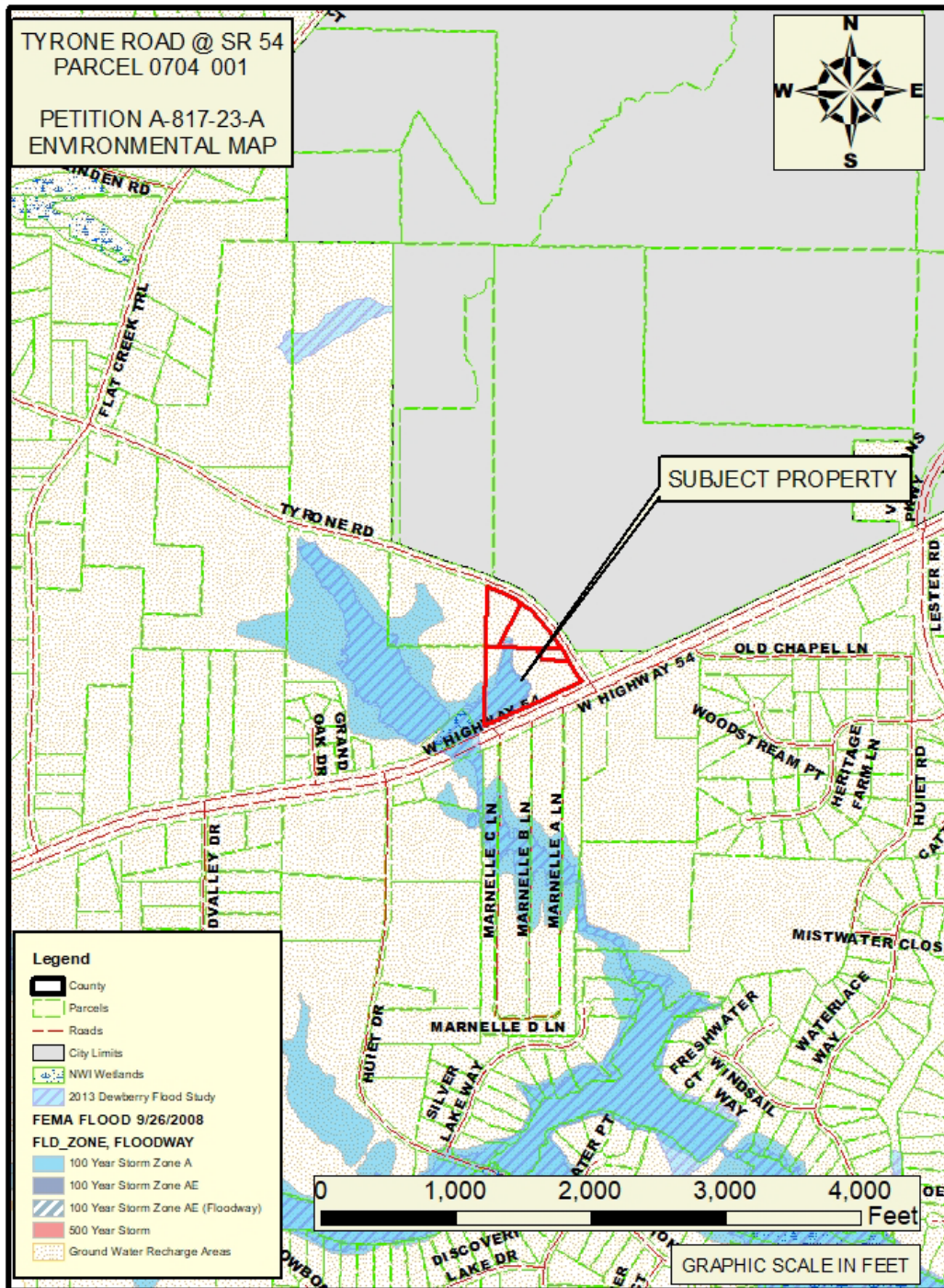
*The large area of flood plain significantly reduces the buildable area of the property. The need to protect the flood plain coupled with the increased ROW results in the loss of one of four lots and a reduction in the size of the remaining buildings. The applicant is requesting a reduction in setback which is needed due to the increased ROW that the applicant has agreed to dedicate to Fayette County at no cost to the public.*

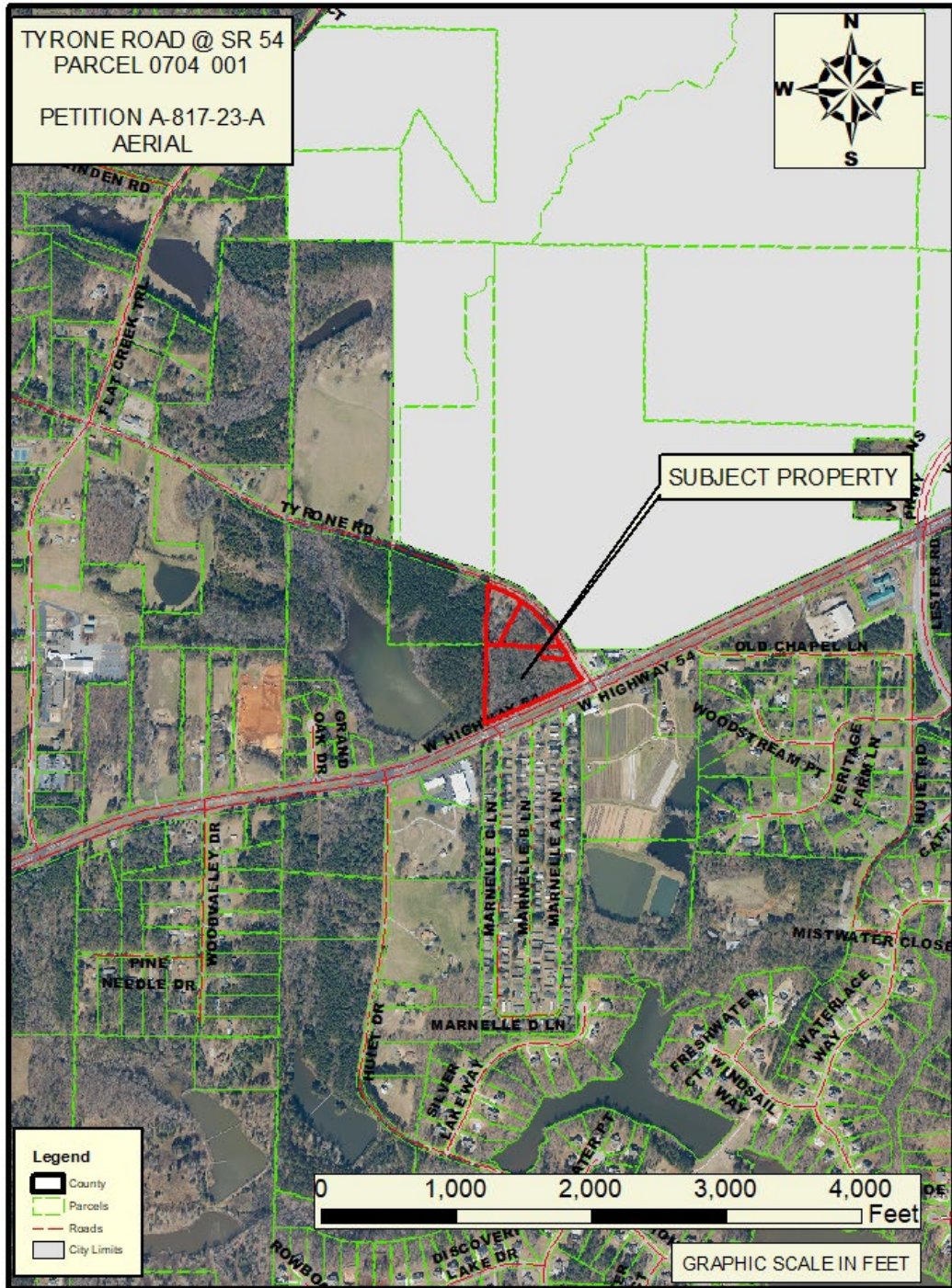


















CONCEPTUAL RENDERING – SELF-STORAGE BUILDING



A-817-23A Tyrone Road



A-817-23A Hwy 54

**PETITION NO: A-817-23 B**

**REQUESTED ACTION:** Requesting a variance to reduce the front yard setback from 75 feet to 50 feet.

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road – Parcel 0704-007

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** DG Development Partners, LLC; Richard Lindsey, Attorney

**ZONING BOARD OF APPEALS PUBLIC HEARING:** January 23, 2023

---

**REQUEST**

Applicant is requesting a variance to the following section(s):

1. Sec. 110-144(d)(3) a.1. – to reduce the front yard setback on a major thoroughfare from 75 feet to 50 feet in the C-H (Highway Commercial) zoning district.

**STAFF RECOMMENDATION**

It is Staff's opinion that reducing the front yard building setback is inconsistent with the County's goals and vision as outlined in the Comprehensive Plan and that the property does not present a peculiar hardship.

Staff recommends **DENIAL** of the request to reduce the front yard setback.

## **HISTORY**

The subject property is made up of 4 parcels totaling 9.887 acres:

- A-817-23 A is Parcel #0704-001, which is a 5.615-acre tract
- A-817-23 B is Parcel #0704-007, which is a 0.331-acre tract
- A-817-23 C is Parcel #0704-028, which is a 1.948-acre tract
- A-817-23 D is Parcel #0704-018, which is a 1.993-acre tract.

The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

The area is designated for *Commercial* uses in the Land Use Plan, Fayette County Comprehensive Plan. All parcels were zoned *C-C, Community Commercial (Case #1110-03)*. All 4 parcels were rezoned to *C-H, Highway Commercial, with Conditions (Case #1324-22 A-B-C-D)*, by the Board of Commissioners on December 8, 2022.

## **CONDITIONS OF ZONING**

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 50' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

The project has not currently completed any of the conditions.

## **ASSESSMENT**

The 2022 approval by the Board of Commissioners to rezone the parcels from C-C to C-H was not an approval of the conceptual site plan. It was solely an approval of the change in zoning districts.

The requirement for the dedication of right of way is applied to all residential and commercial developments and land subdivisions where the existing right of way is insufficient. This is a common occurrence applied to everything from small residential minor subdivision plats to large industrial developments.

Tyrone Road is designated as a *minor arterial* on the County's Thoroughfare Plan and, as such, meets the definition of Major Thoroughfare. The front yard setback requirement is predicated on this road use classification.

### *Excerpt from Sec. 110-3. Definitions:*

*Thoroughfare, major*, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

## **FAYETTE COUNTY COMPREHENSIVE PLAN**

The Comprehensive Plan provides a framework for defining the County's goals and vision for its future. An excerpt from the Comprehensive Plan General Vision Statement describes the County's rural character as a key asset:

*Rural Character: Fayette County's rural character is a large part of its appeal. The protection and preservation of this rural character is significant to the citizens of Fayette County.*

The City of Fayetteville recently annexed and rezoned the property across Tyrone Road for a data center development; they required, at the County's request, a 100-foot undisturbed buffer along Tyrone Road to protect the rural character of the area.

#### **DEPARTMENTAL COMMENTS**

- Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- Fire Marshal** – Fire Marshal has no objections to the request.
- Public Works/Environmental Management** - EMD has reviewed the setback variance, and this will not affect any of the development regulations pertaining to the site.
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance.
  - **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** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of the proposed space for listed uses. Approval of use of the property will be based on the conditions of the soil and will be reviewed prior to any construction.

## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

*The applicant provides the following information*

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

*Applicant requests a variance in the length of front yard setback from 75 feet to 50 feet due to the large floodplain located on the subject property. The flood plain takes about 1/3 of the entire site. With the dedication to Fayette County of the increase ROW for Tyrone Road, the applicant is not able to develop the property as approved by the Board of Commissioners.*

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

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

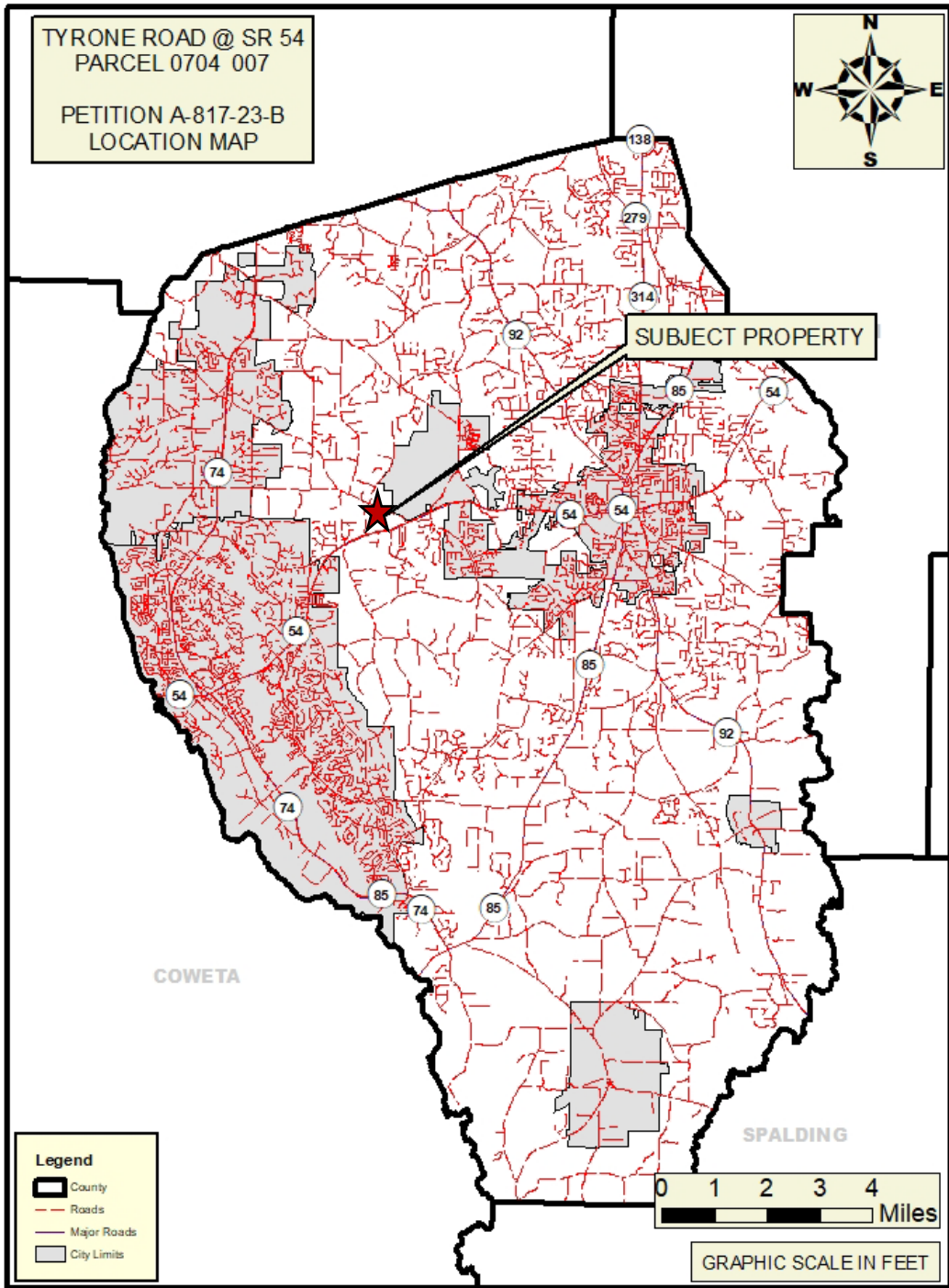
*This property is impacted by a large area of flood plain that takes about 1/3 of the entire parcel.*

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

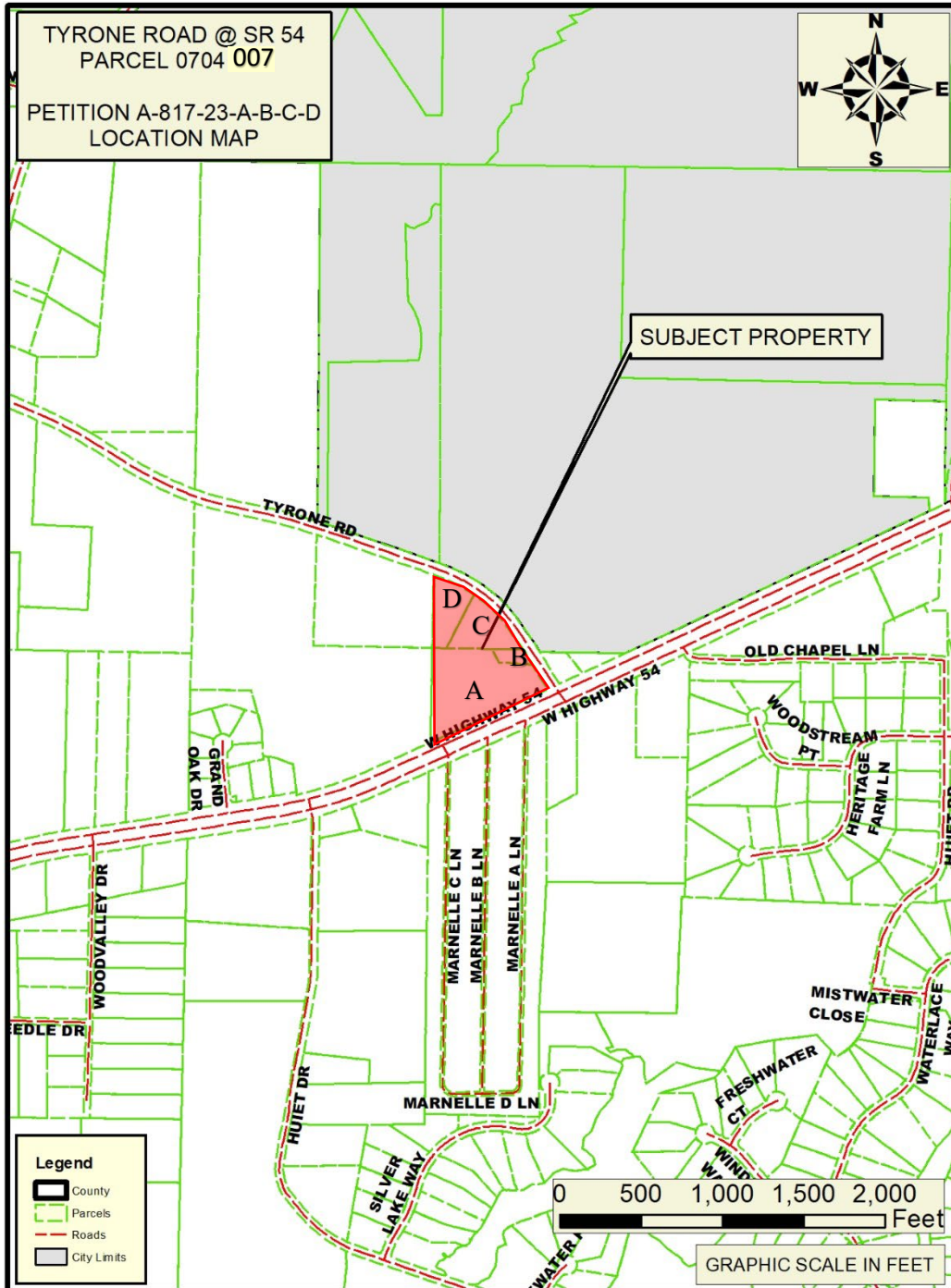
*A reduction in setback from Tyrone Road across from an existing convenience store and the future data center will not cause a substantial detriment to the public or impair the purpose and intent of the ordinance.*

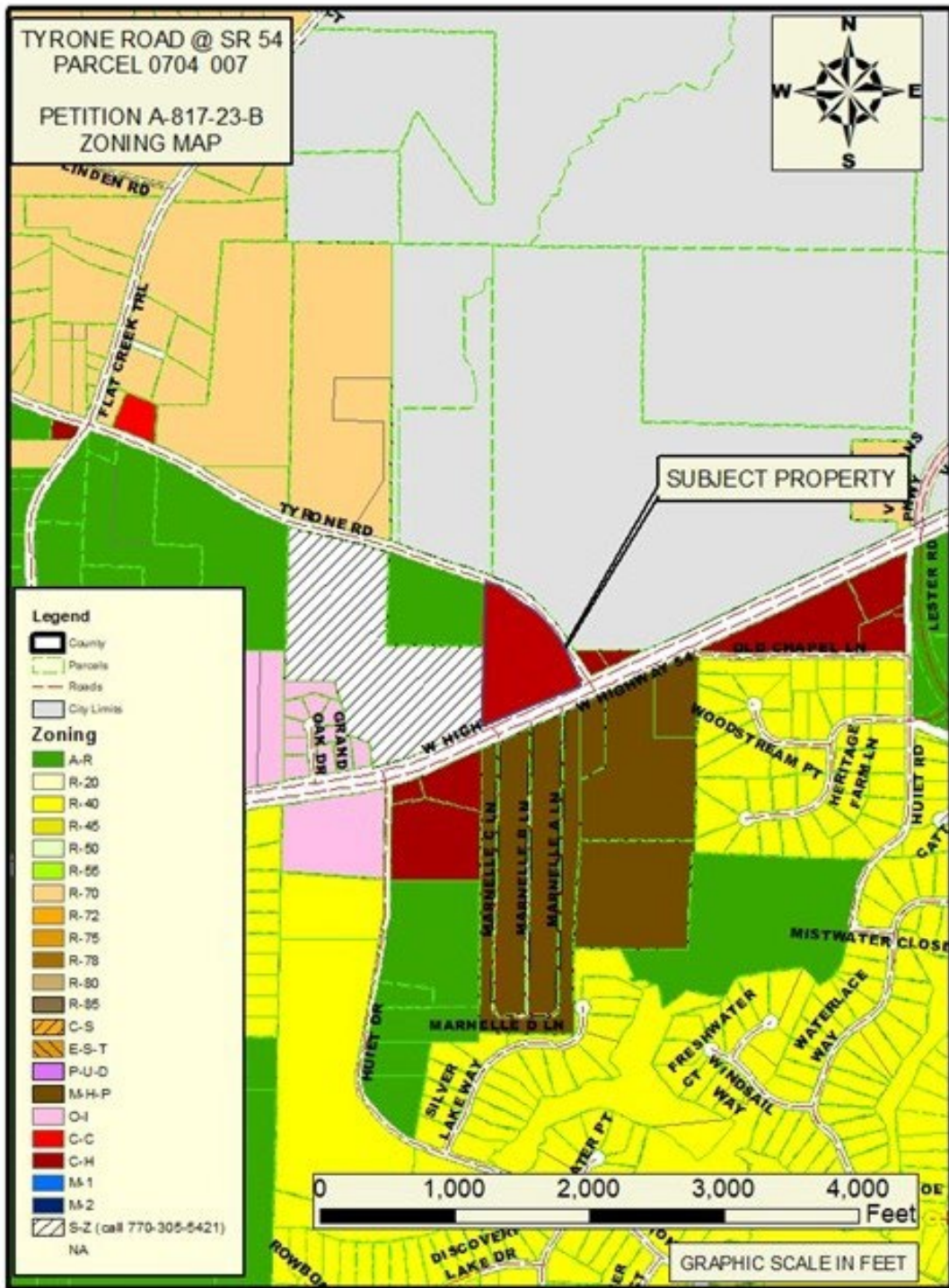
**5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

*The large area of flood plain significantly reduces the buildable area of the property. The need to protect the flood plain coupled with the increased ROW results in the loss of one of four lots and a reduction in the size of the remaining buildings. The applicant is requesting a reduction in setback which is needed due to the increased ROW that the applicant has agreed to dedicate to Fayette County at no cost to the public.*





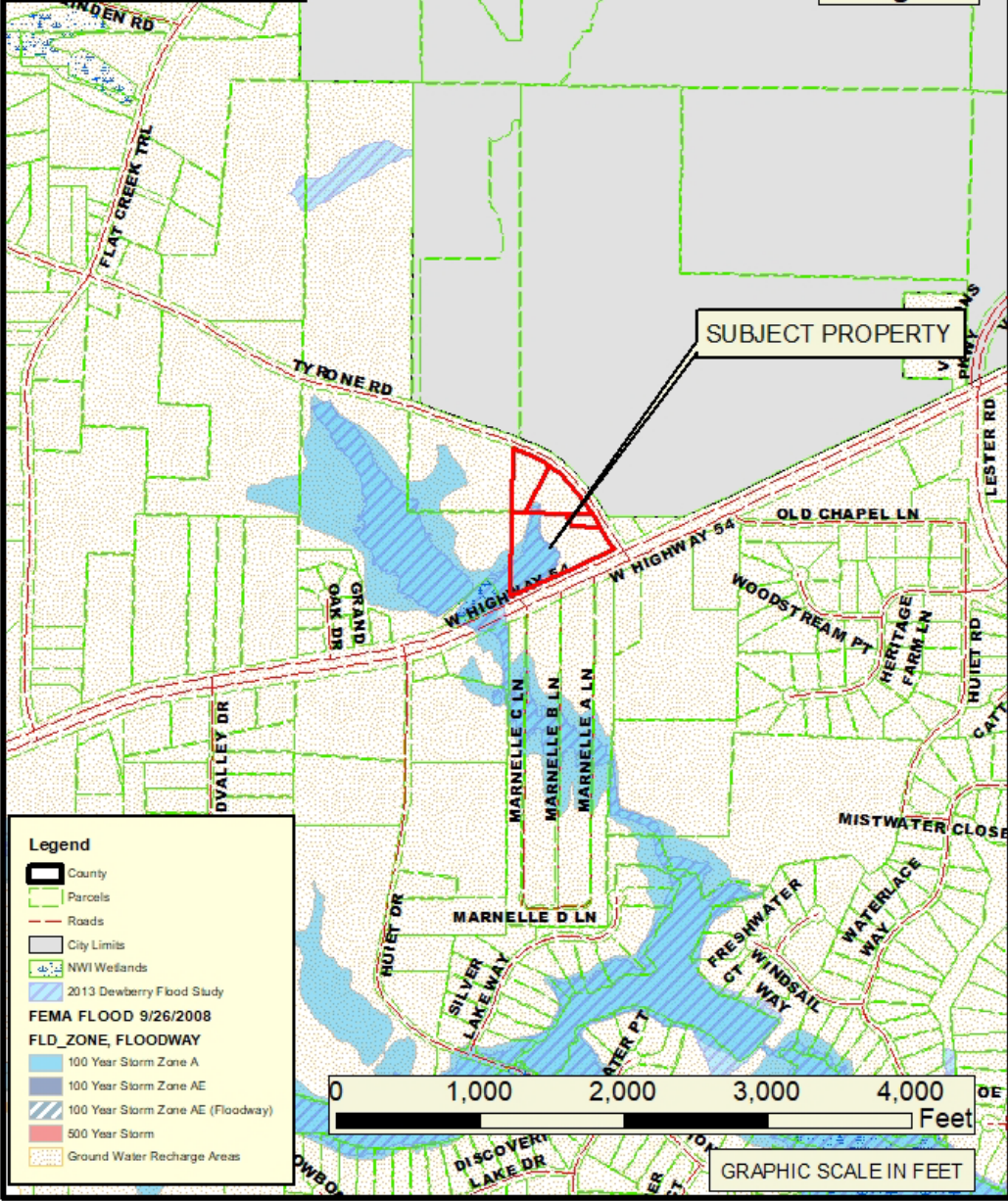


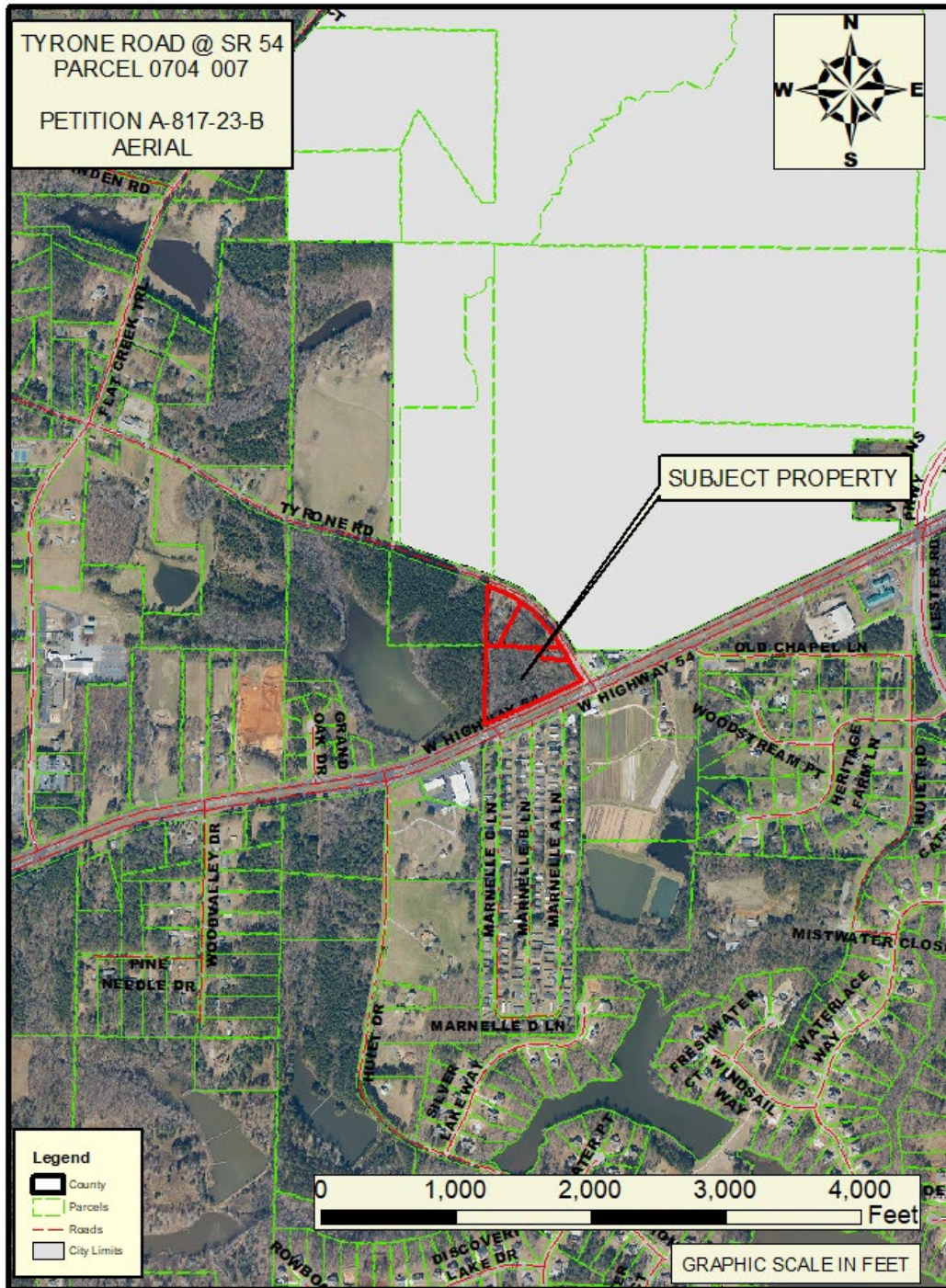




TYRONE ROAD @ SR 54  
 PARCEL 0704 007

PETITION A-817-23-B  
 ENVIRONMENTAL MAP









CONCEPTUAL RENDERING – SELF-STORAGE BUILDING



A-817-23B Tyrone Road



A-817-23B Tyrone Road



**PETITION NO: A-817-23 C**

**REQUESTED ACTION:** Requesting a variance to reduce the front yard setback from 75 feet to 50 feet.

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26 – Parcel 0704-028

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** DG Development Partners, LLC; Richard Lindsey, Attorney

**ZONING BOARD OF APPEALS PUBLIC HEARING:** January 23, 2023

---

**REQUEST**

Applicant is requesting a variance to the following section(s):

1. Sec. 110-144(d)(3) a.1. – to reduce the front yard setback on a major thoroughfare from 75 feet to 50 feet in the C-H (Highway Commercial) zoning district.

**STAFF RECOMMENDATION**

It is Staff's opinion that reducing the front yard building setback is inconsistent with the County's goals and vision as outlined in the Comprehensive Plan and that the property does not present a peculiar hardship.

Staff recommends **DENIAL** of the request to reduce the front yard setback.

## **HISTORY**

The subject property is made up of 4 parcels totaling 9.887 acres:

- A-817-23 A is Parcel #0704-001, which is a 5.615-acre tract
- A-817-23 B is Parcel #0704-007, which is a 0.331-acre tract
- A-817-23 C is Parcel #0704-028, which is a 1.948-acre tract
- A-817-23 D is Parcel #0704-018, which is a 1.993-acre tract.

The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

The area is designated for *Commercial* uses in the Land Use Plan, Fayette County Comprehensive Plan. All parcels were zoned *C-C, Community Commercial (Case #1110-03)*. All 4 parcels were rezoned to *C-H, Highway Commercial, with Conditions (Case #1324-22 A-B-C-D)*, by the Board of Commissioners on December 8, 2022.

## **CONDITIONS OF ZONING**

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 50' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

The project has not currently completed any of the conditions.

## **ASSESSMENT**

The 2022 approval by the Board of Commissioners to rezone the parcels from C-C to C-H was not an approval of the conceptual site plan. It was solely an approval of the change in zoning districts.

The requirement for the dedication of right of way is applied to all residential and commercial developments and land subdivisions where the existing right of way is insufficient. This is a common occurrence applied to everything from small residential minor subdivision plats to large industrial developments.

Tyrone Road is designated as a *minor arterial* on the County's Thoroughfare Plan and, as such, meets the definition of Major Thoroughfare. The front yard setback requirement is predicated on this road use classification.

### *Excerpt from Sec. 110-3. Definitions:*

*Thoroughfare, major*, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

## **FAYETTE COUNTY COMPREHENSIVE PLAN**

The Comprehensive Plan provides a framework for defining the County's goals and vision for its future. An excerpt from the Comprehensive Plan General Vision Statement describes the County's rural character as a key asset:

*Rural Character: Fayette County's rural character is a large part of its appeal. The protection and preservation of this rural character is significant to the citizens of Fayette County.*

The City of Fayetteville recently annexed and rezoned the property across Tyrone Road for a data center development; they required, at the County's request, a 100-foot undisturbed buffer along Tyrone Road to protect the rural character of the area.

#### **DEPARTMENTAL COMMENTS**

- Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- Fire Marshal** – Fire Marshal has no objections to the request.
- Public Works/Environmental Management** - EMD has reviewed the setback variance, and this will not affect any of the development regulations pertaining to the site.
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance.
  - **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** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of the proposed space for listed uses. Approval of use of the property will be based on the conditions of the soil and will be reviewed prior to any construction.

## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

*The applicant provides the following information*

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

*Applicant requests a variance in the length of front yard setback from 75 feet to 50 feet due to the large floodplain located on the subject property. The flood plain takes about 1/3 of the entire site. With the dedication to Fayette County of the increase ROW for Tyrone Road, the applicant is not able to develop the property as approved by the Board of Commissioners.*

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

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

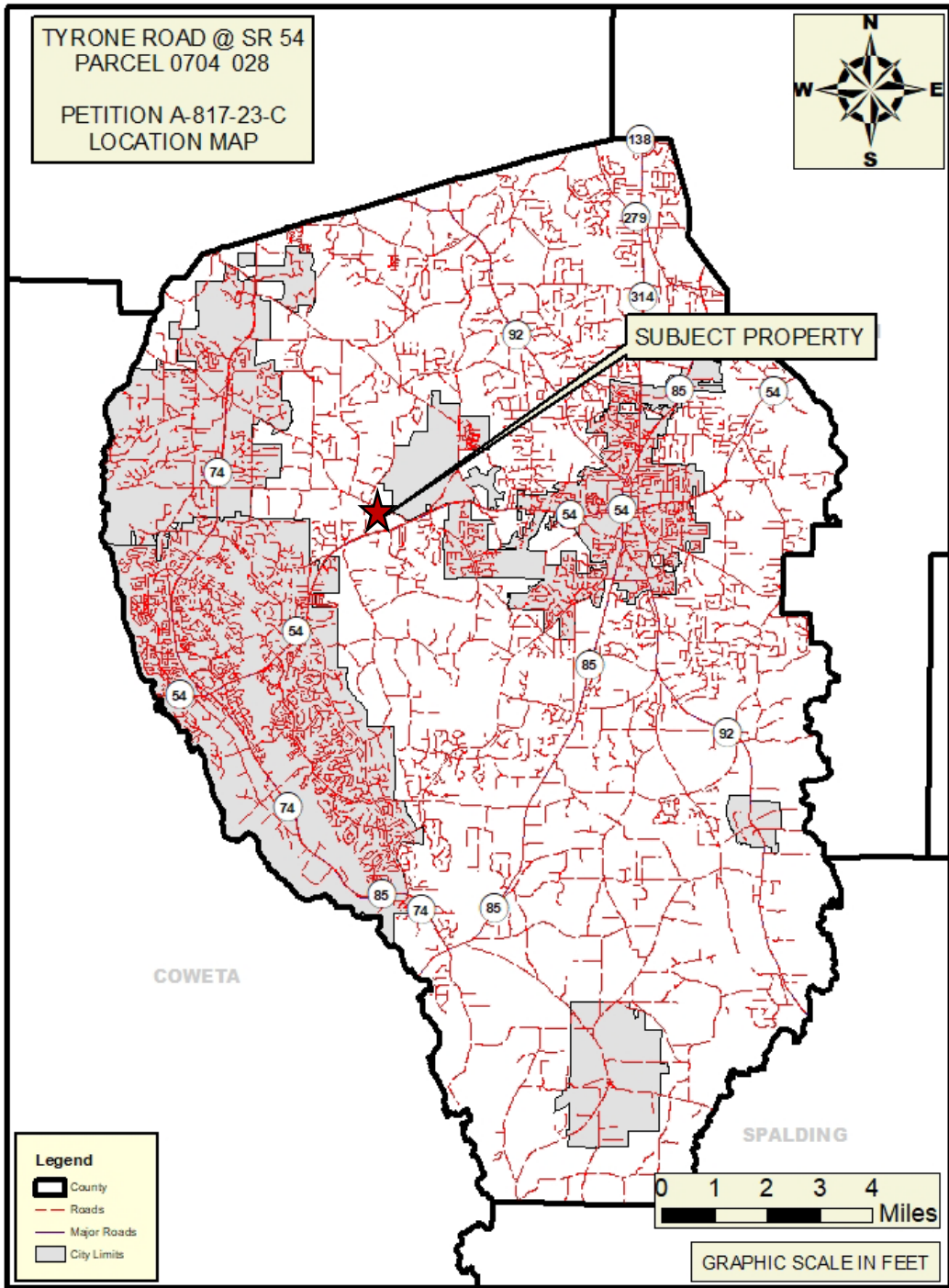
*This property is impacted by a large area of flood plain that takes about 1/3 of the entire parcel.*

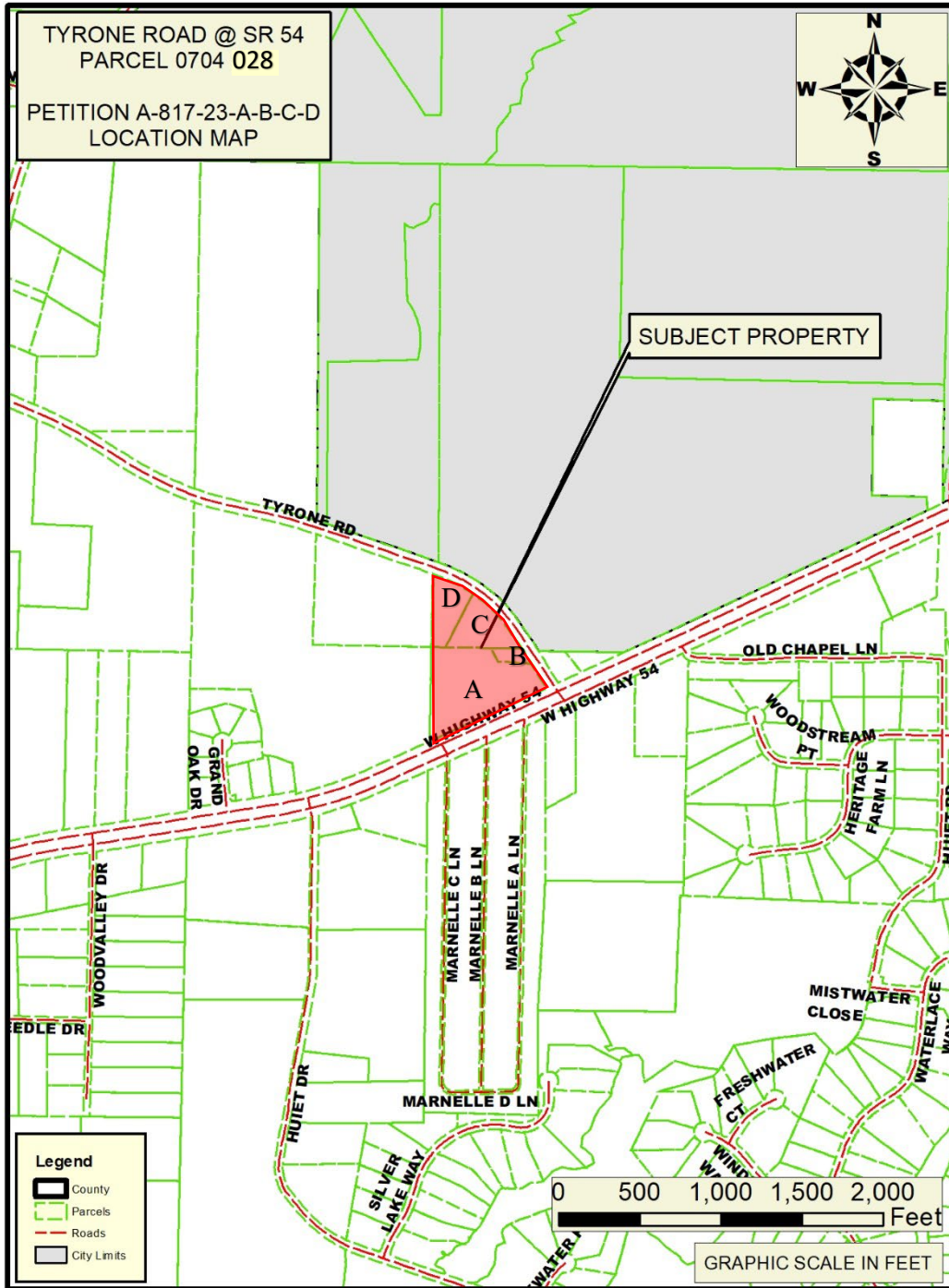
**4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

*A reduction in setback from Tyrone Road across from an existing convenience store and the future data center will not cause a substantial detriment to the public or impair the purpose and intent of the ordinance.*

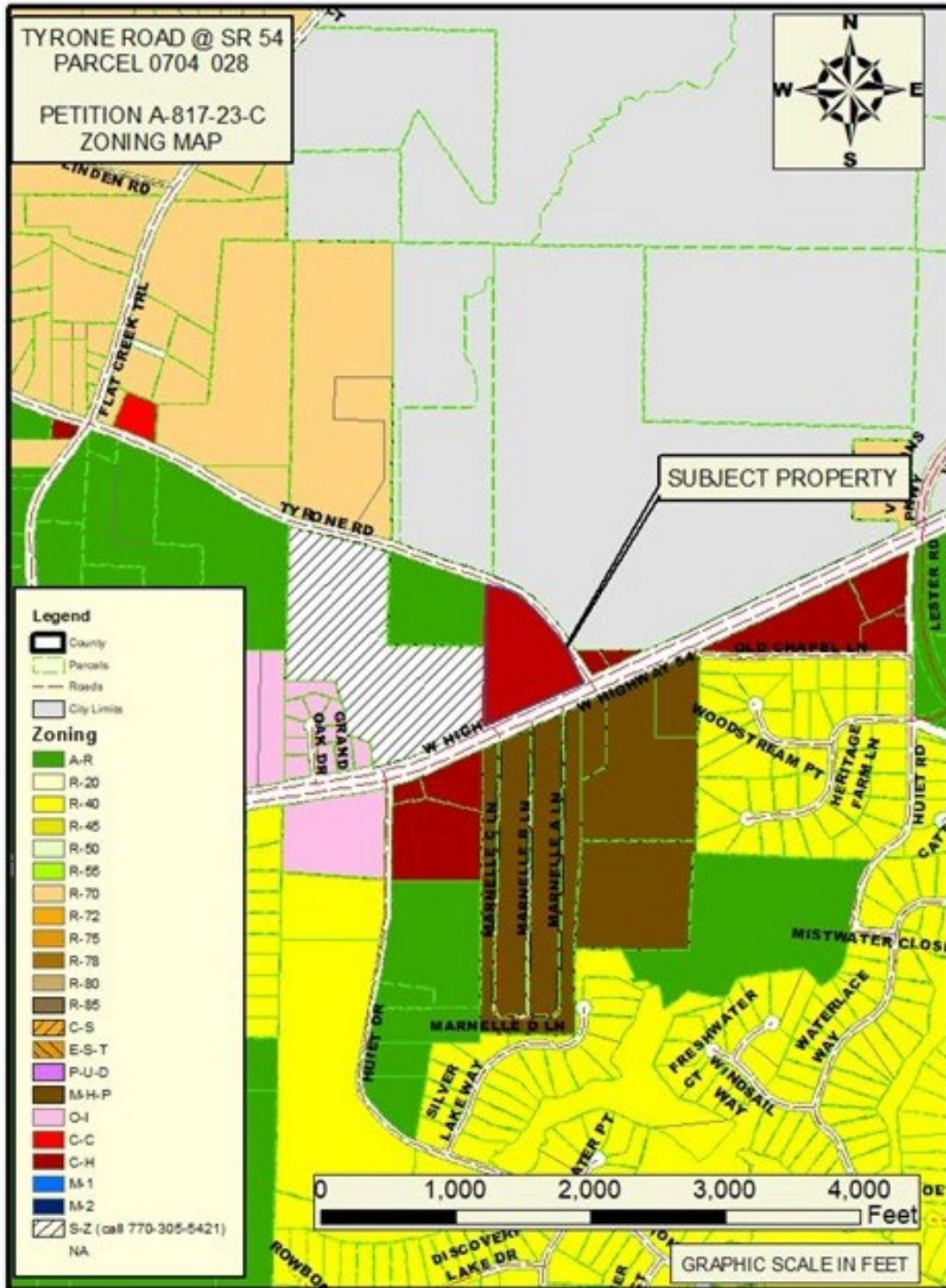
**5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

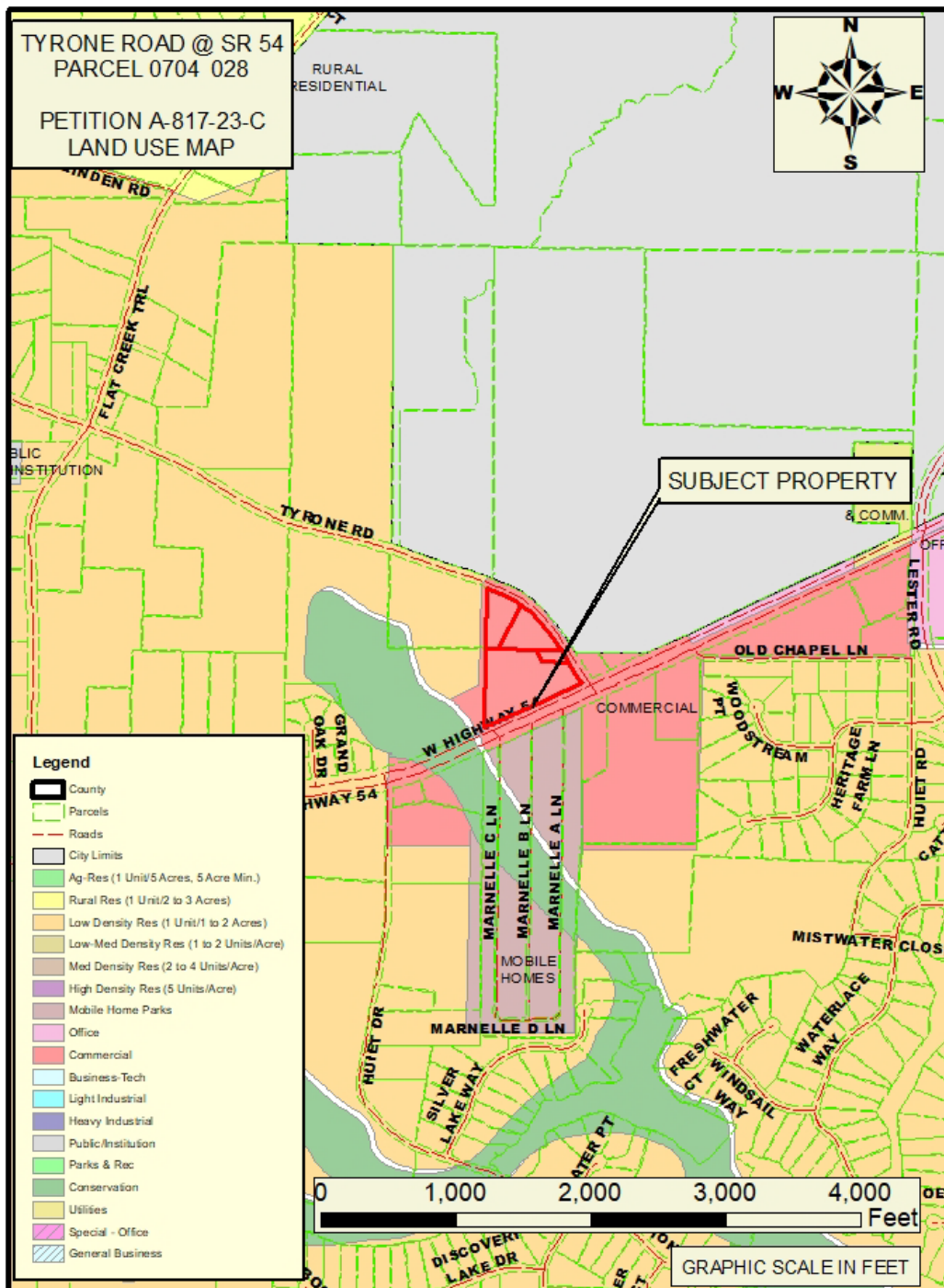
*The large area of flood plain significantly reduces the buildable area of the property. The need to protect the flood plain coupled with the increased ROW results in the loss of one of four lots and a reduction in the size of the remaining buildings. The applicant is requesting a reduction in setback which is needed due to the increased ROW that the applicant has agreed to dedicate to Fayette County at no cost to the public.*



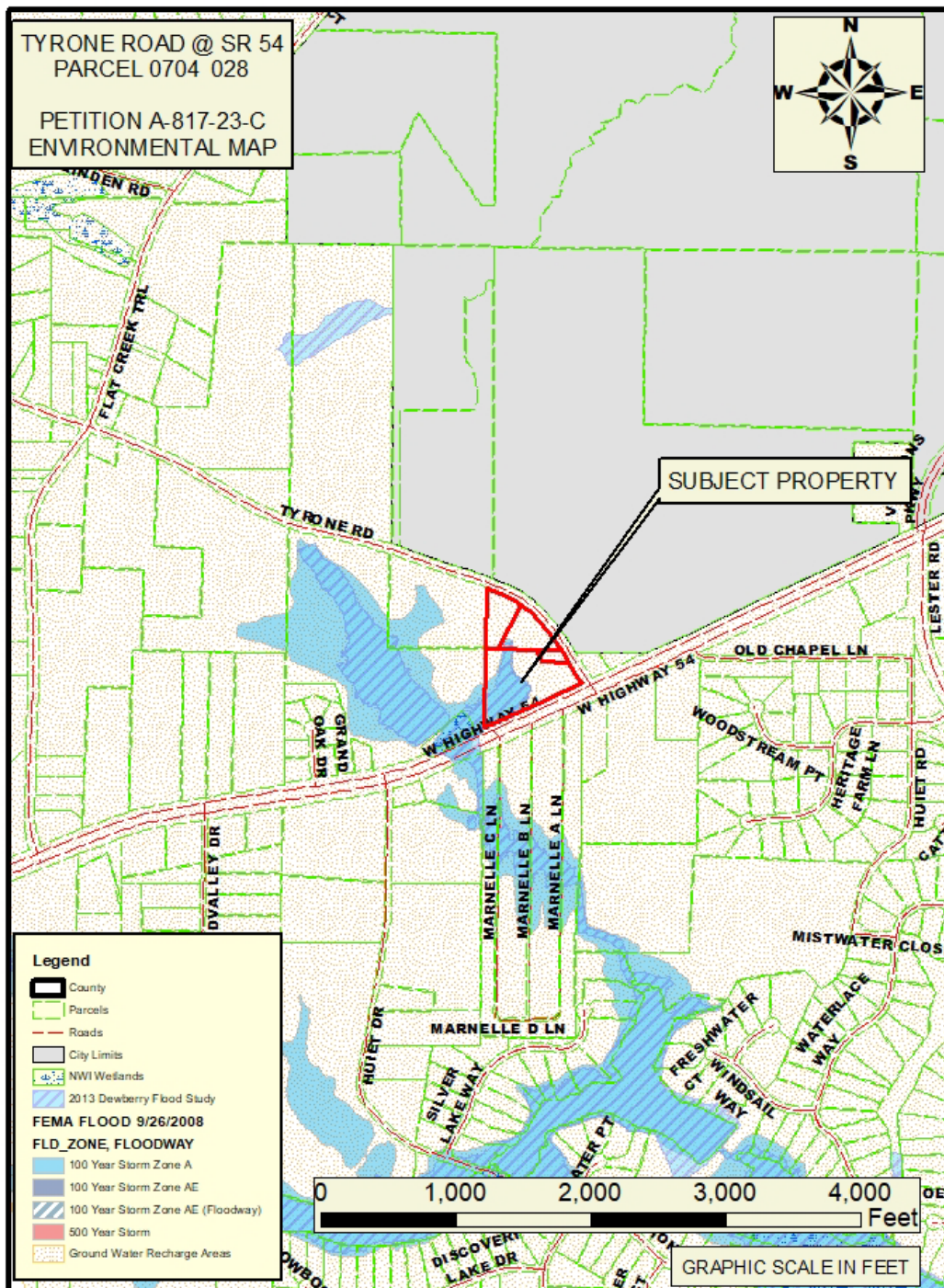


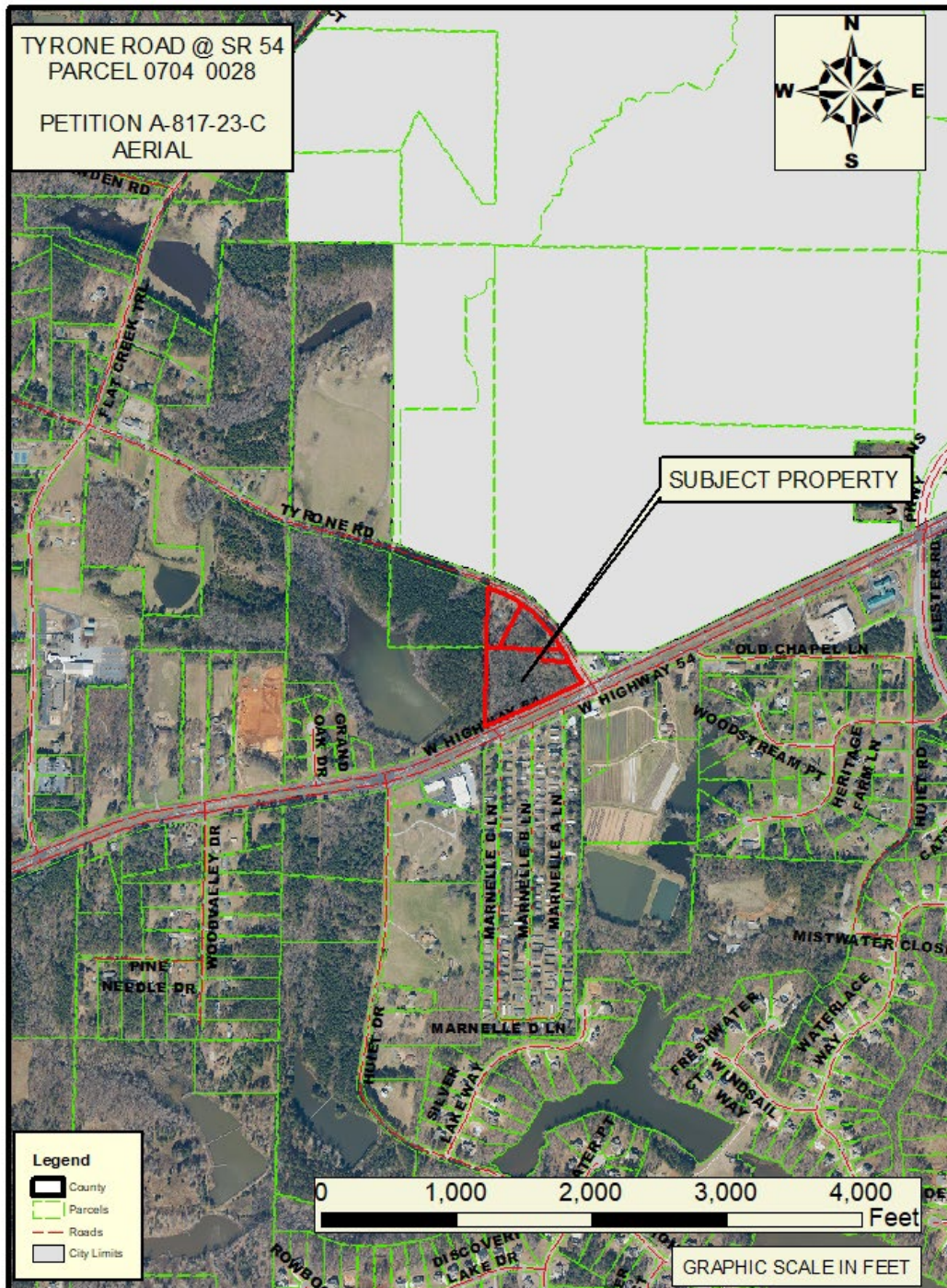
map

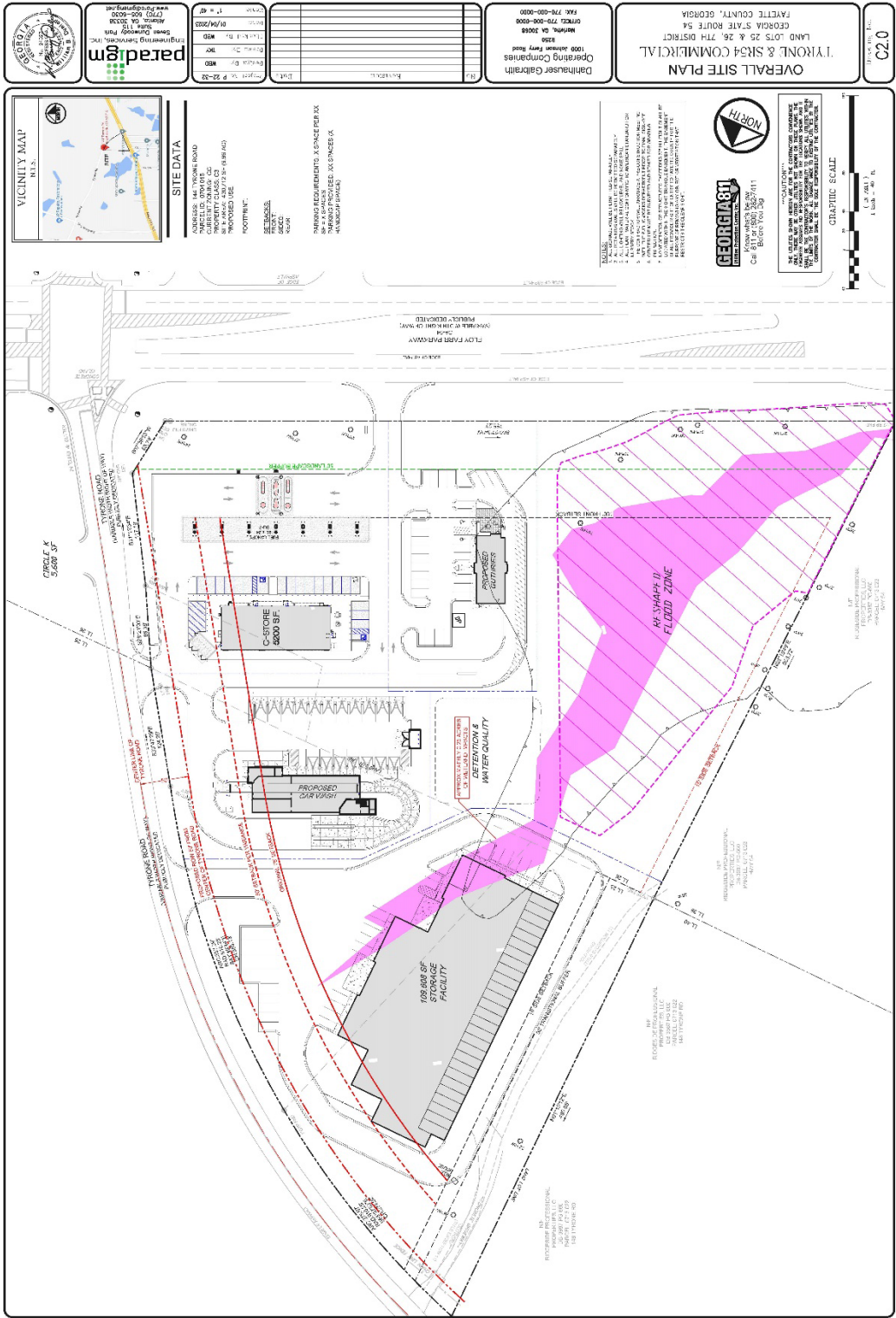












**paradigm**  
Engineering Services, Inc.  
1000 Peachtree Street, N.E.  
Atlanta, GA 30309  
www.paradigmga.com  
(770) 962-8008

DATE	DESCRIPTION
04/2023	PRELIMINARY DESIGN
04/2023	FINAL DESIGN
04/2023	CONSTRUCTION PERMITS

**OWNER:** DANAUSER GARBRIN  
**PROJECT:** LYNONE & SR54 COMMERCIAL  
**LOCATION:** LAND LOTS 25 & 26, 7TH DISTRICT  
**SCALE:** AS SHOWN

**DANAUSER Garbrin**  
Planning Companies  
1000 Peachtree Street, N.E.  
Atlanta, GA 30309  
Phone: 770-962-8008  
Fax: 770-962-8000

**OVERALL SITE PLAN**  
LAND LOTS 25 & 26, 7TH DISTRICT  
GEORGIA STATE ROUTE 54  
FACILITY COUNTY, GEORGIA

0.750  
1" = 30.00' (1")  
GRAPHIC SCALE



**SITE DATA**  
**PROPERTY:** LAND LOTS 25 & 26, 7TH DISTRICT  
**PROJECT:** LYNONE & SR54 COMMERCIAL  
**SCALE:** AS SHOWN

**REMARKS:**  
1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CONSTRUCTION.

**NOTES:**  
1. THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF DANAUSER GARBRIN PLANNING COMPANIES.  
2. THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT.  
3. THE INFORMATION CONTAINED HEREIN IS NOT TO 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 DANAUSER GARBRIN PLANNING COMPANIES.  
4. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF DANAUSER GARBRIN PLANNING COMPANIES.  
5. THE INFORMATION CONTAINED HEREIN IS NOT TO BE USED FOR ANY OTHER PROJECT OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF DANAUSER GARBRIN PLANNING COMPANIES.

**CAUTION:**  
THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION WITHOUT THE WRITTEN PERMISSION OF DANAUSER GARBRIN PLANNING COMPANIES. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY DANAUSER GARBRIN PLANNING COMPANIES.

**GEORGIA811**  
Call 811 or 800.252.2711  
Before You Dig

1" = 30.00' (1")  
GRAPHIC SCALE

CONCEPTUAL SITE PLAN with EXISTING and REQUESTED SETBACKS



CONCEPTUAL RENDERING – SELF-STORAGE BUILDING



A-817-23C Tyrone Road



A-817-23C Tyrone Road

**PETITION NO: A-817-23 D**

**REQUESTED ACTION:** Requesting a variance to reduce the front yard setback from 75 feet to 50 feet.

**PROPOSED USE:** Convenience Store with Fuel; Tunnel Car Wash; Interior-Access Self Storage; Quick-Serve Restaurant with Drive-Thru

**EXISTING USE:** Vacant Land & 2 vacant single-family homes

**LOCATION:** S.R. Highway 54 & Tyrone Road – Parcel 0704-018

**DISTRICT/LAND LOT(S):** 7<sup>th</sup> District, Land Lot 26

**OWNERS:** Tyrone 54, LLC and BBWJ, LLC

**AGENT:** DG Development Partners, LLC; Richard Lindsey, Attorney

**ZONING BOARD OF APPEALS PUBLIC HEARING:** January 23, 2023

---

**REQUEST**

Applicant is requesting a variance to the following section(s):

1. Sec. 110-144(d)(3) a.1. – to reduce the front yard setback on a major thoroughfare from 75 feet to 50 feet in the C-H (Highway Commercial) zoning district.

**STAFF RECOMMENDATION**

It is Staff's opinion that reducing the front yard building setback is inconsistent with the County's goals and vision as outlined in the Comprehensive Plan and that the property does not present a peculiar hardship.

Staff recommends **DENIAL** of the request to reduce the front yard setback.

## **HISTORY**

The subject property is made up of 4 parcels totaling 9.887 acres:

- A-817-23 A is Parcel #0704-001, which is a 5.615-acre tract
- A-817-23 B is Parcel #0704-007, which is a 0.331-acre tract
- A-817-23 C is Parcel #0704-028, which is a 1.948-acre tract
- A-817-23 D is Parcel #0704-018, which is a 1.993-acre tract.

The tracts front on S.R. 54 and Tyrone Road in Land Lots 25 & 26 of the 7<sup>th</sup> District. S.R. 54 is classified as a Major Arterial roads on the Fayette County Thoroughfare Plan and Tyrone Road is classified as a Minor Arterial. Two of the parcels are undeveloped; two parcels have vacant single-family homes on them.

The area is designated for *Commercial* uses in the Land Use Plan, Fayette County Comprehensive Plan. All parcels were zoned *C-C, Community Commercial (Case #1110-03)*. All 4 parcels were rezoned to *C-H, Highway Commercial, with Conditions (Case #1324-22 A-B-C-D)*, by the Board of Commissioners on December 8, 2022.

## **CONDITIONS OF ZONING**

1. Tyrone Road is a Minor Arterial per the Fayette County Thoroughfare Plan. The owner/developer shall dedicate right-of-way, as needed, to provide 50 feet as measured from the existing centerline of Tyrone Road.
2. All exterior site lighting, including building mounted lighting, shall be full-cutoff type fixtures that allow no light above the horizontal plane of the fixture.
3. A 50' vegetated buffer shall be provided adjacent to residentially zoned parcel(s) in unincorporated Fayette County to the west of the project. No encroachment of stormwater detention or other uses shall be allowed in the buffer.
4. All parcels that are a subject of this rezoning shall be combined by a recorded plat into a single parcel within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.
5. The required right-of-way donation shall be provided to the County within 365 days, or prior to the submission of the Land Disturbance Permit application, whichever comes first.

The project has not currently completed any of the conditions.

## **ASSESSMENT**

The 2022 approval by the Board of Commissioners to rezone the parcels from C-C to C-H was not an approval of the conceptual site plan. It was solely an approval of the change in zoning districts.

The requirement for the dedication of right of way is applied to all residential and commercial developments and land subdivisions where the existing right of way is insufficient. This is a common occurrence applied to everything from small residential minor subdivision plats to large industrial developments.

Tyrone Road is designated as a *minor arterial* on the County's Thoroughfare Plan and, as such, meets the definition of Major Thoroughfare. The front yard setback requirement is predicated on this road use classification.

### *Excerpt from Sec. 110-3. Definitions:*

*Thoroughfare, major*, means a street designated on the thoroughfare plan as a major arterial, minor arterial, proposed minor arterial, collector, and proposed collector.

## **FAYETTE COUNTY COMPREHENSIVE PLAN**

The Comprehensive Plan provides a framework for defining the County's goals and vision for its future. An excerpt from the Comprehensive Plan General Vision Statement describes the County's rural character as a key asset:

*Rural Character: Fayette County's rural character is a large part of its appeal. The protection and preservation of this rural character is significant to the citizens of Fayette County.*

The City of Fayetteville recently annexed and rezoned the property across Tyrone Road for a data center development; they required, at the County's request, a 100-foot undisturbed buffer along Tyrone Road to protect the rural character of the area.

### **DEPARTMENTAL COMMENTS**

- Water System** - FCWS has no objection to this rezoning. Water is available in a 8" PVC water main along west side of Tyrone Rd and in a 16" DIP water main along southside of SR 54. Connection to Fayette County Water System will be required within the county right-of-way or in a developer provided deeded easement as necessary.
- Fire Marshal** – Fire Marshal has no objections to the request.
- Public Works/Environmental Management** - EMD has reviewed the setback variance, and this will not affect any of the development regulations pertaining to the site.
  - **Transportation** - Any proposed modifications to the site entrance and exit on **SR 54** will be permitted through GDOT. As part of the plan review and approval process, Public Works may require a Traffic Impact Study for the development. Driveways shall meet spacing and alignment standards per Sec. 104-55. Right-of-way dedication on Tyrone Road is required to meet minimum right-of-way standards, per Sec. 104-52.
  - **Floodplain Management** - The subject property **DOES** contain floodplain per FEMA FIRM panel 13113C0084E dated September 26, 2008 and per the FC 2013 Future Conditions Flood Study. All development shall be subject to the requirements of the Floodplain Management Ordinance.
  - **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** known state waters located on the subject property.
  - **Groundwater** - A small portion of the property **IS** within a groundwater recharge area.
  - **Stormwater Management** – The detention pond shall be on a standalone parcel. A maintenance agreement signed by all property owners is required.
- Environmental Health Department** – This office has no objection to the proposed variance. This does not constitute approval of the proposed space for listed uses. Approval of use of the property will be based on the conditions of the soil and will be reviewed prior to any construction.



## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

*The applicant provides the following information*

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

*Applicant requests a variance in the length of front yard setback from 75 feet to 50 feet due to the large floodplain located on the subject property. The flood plain takes about 1/3 of the entire site. With the dedication to Fayette County of the increase ROW for Tyrone Road, the applicant is not able to develop the property as approved by the Board of Commissioners.*

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

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

*The property is impacted by a large area of flood zone that takes about 1/3 of the total site. The dedication to Fayette County of the increased ROW, coupled with the large flood zone, prevent the development of the property as presented to and approved by the Board of Commissioners. The decrease in usable area will cause the loss of one of four lots and a reduction in the size of the remaining buildings.*

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

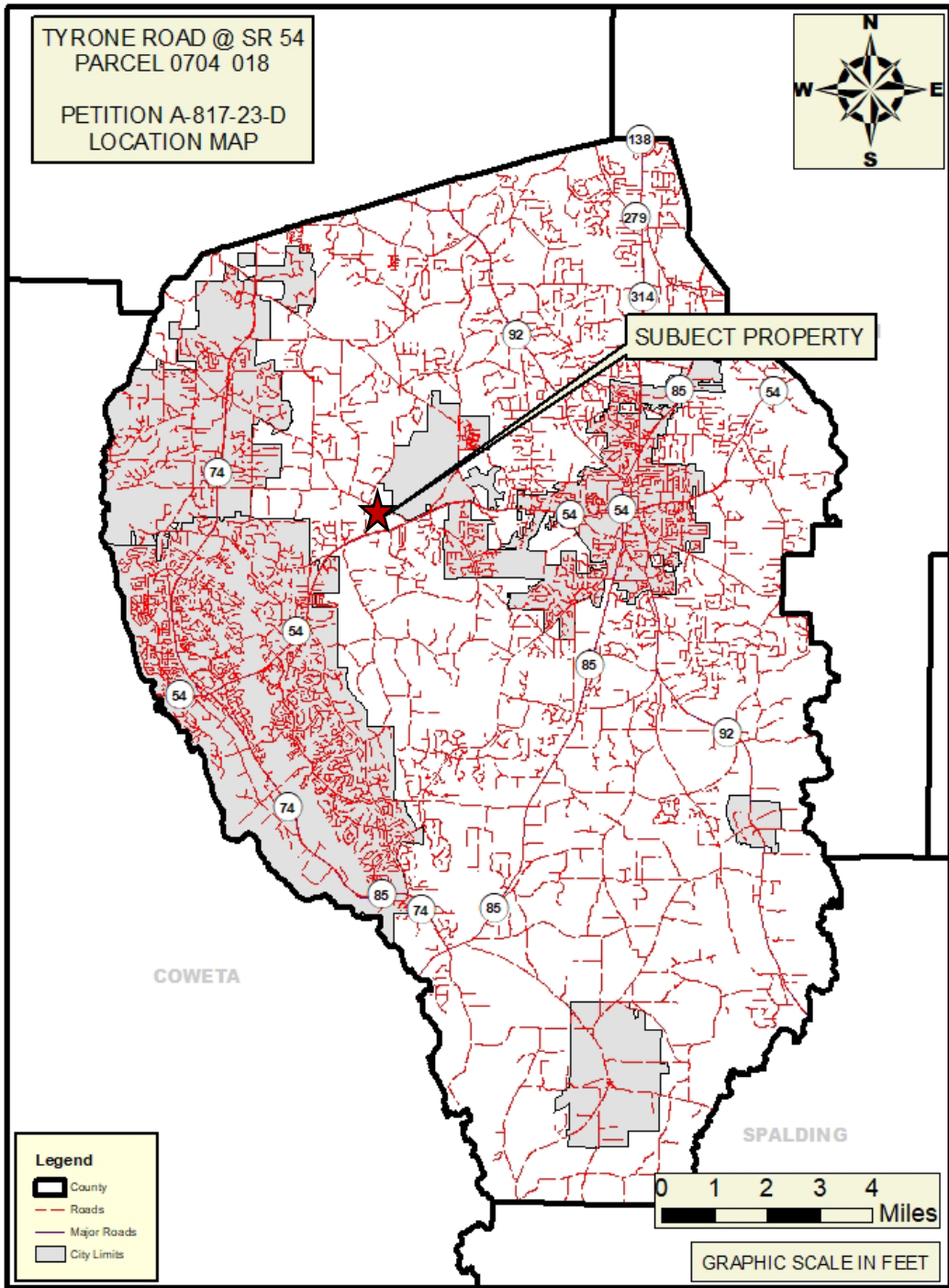
*This property is impacted by a large area of flood plain that takes about 1/3 of the entire parcel.*

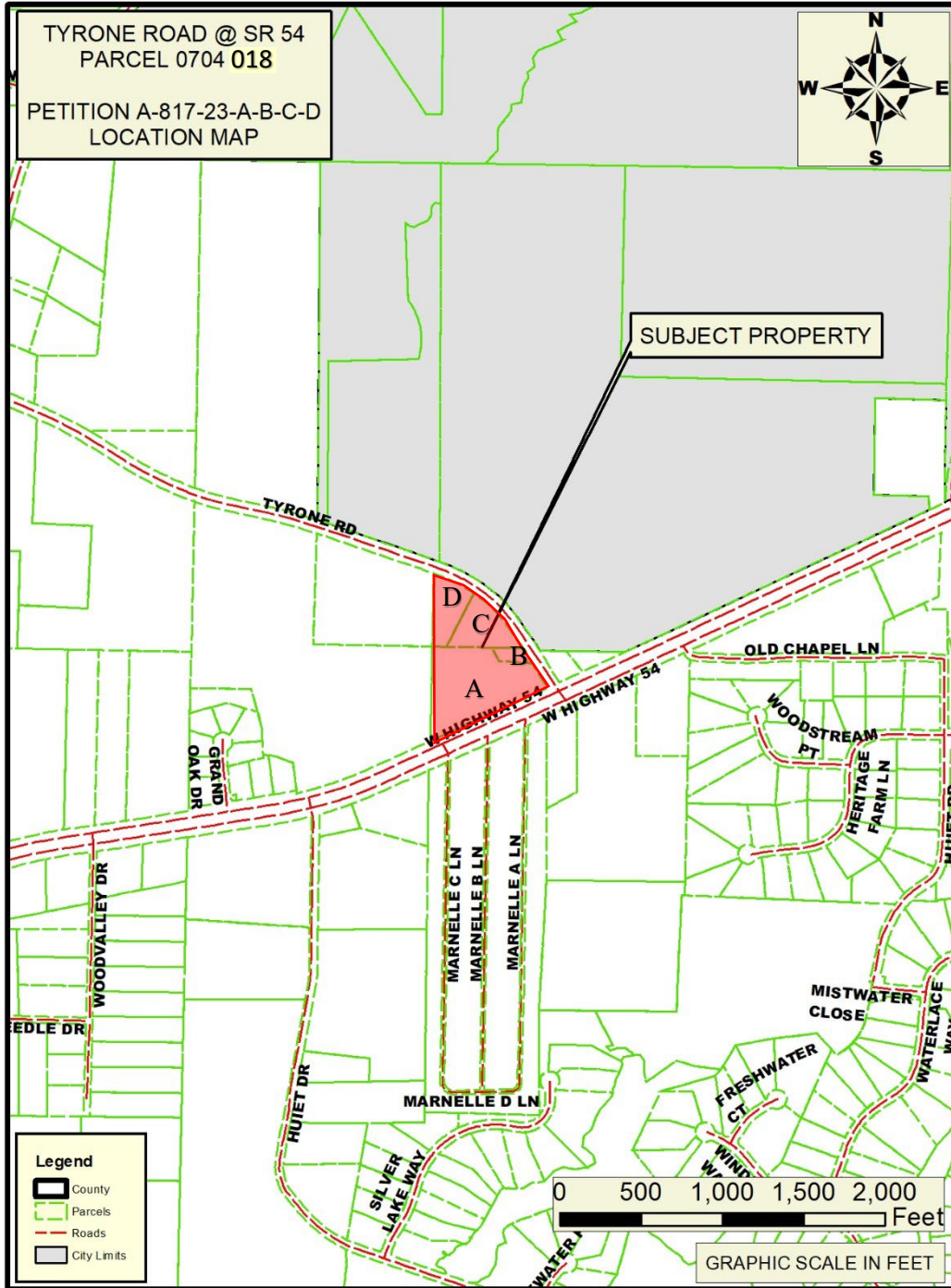
**4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**

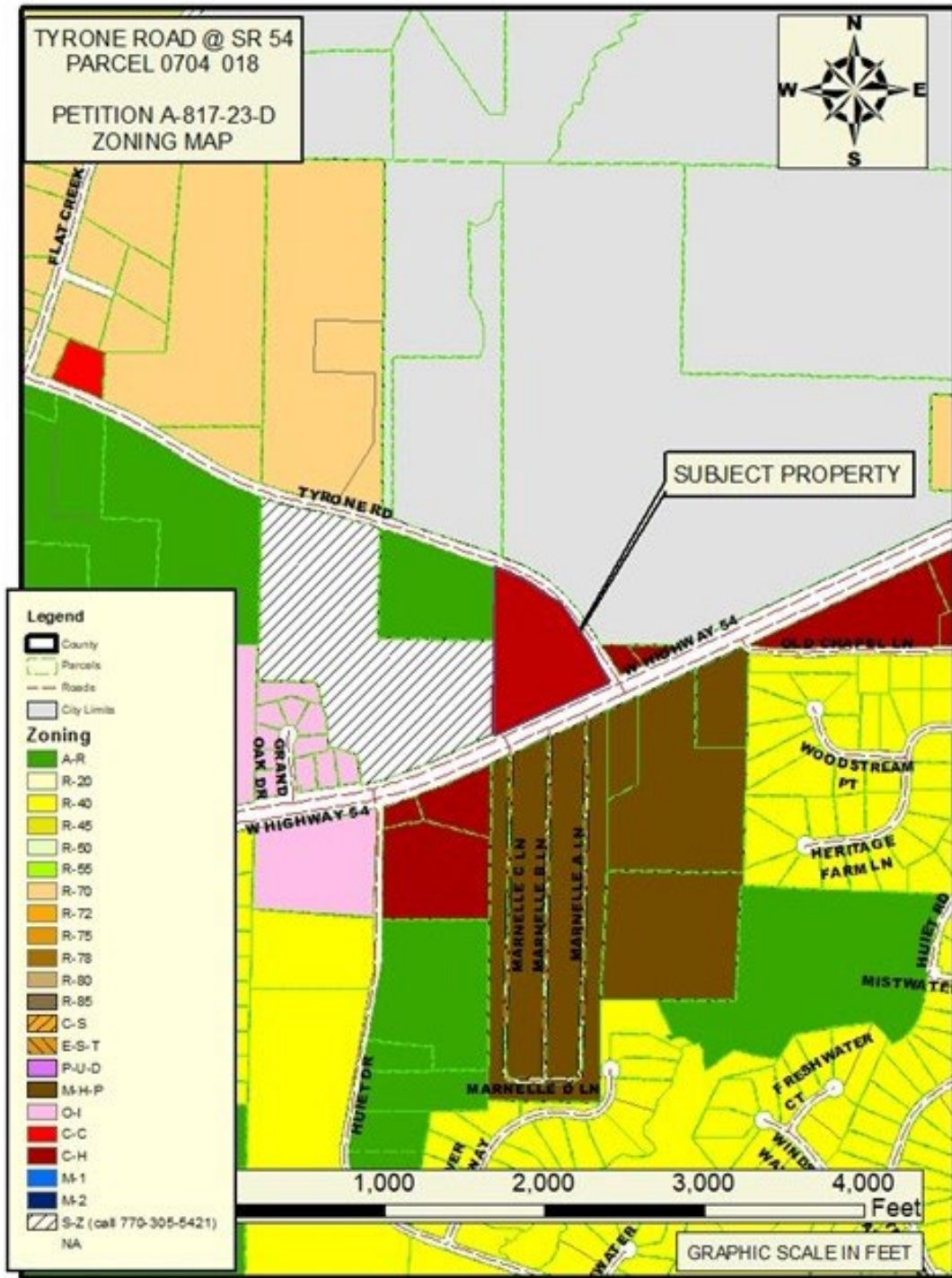
*A reduction in setback from Tyrone Road across from an existing convenience store and the future data center will not cause a substantial detriment to the public or impair the purpose and intent of the ordinance.*

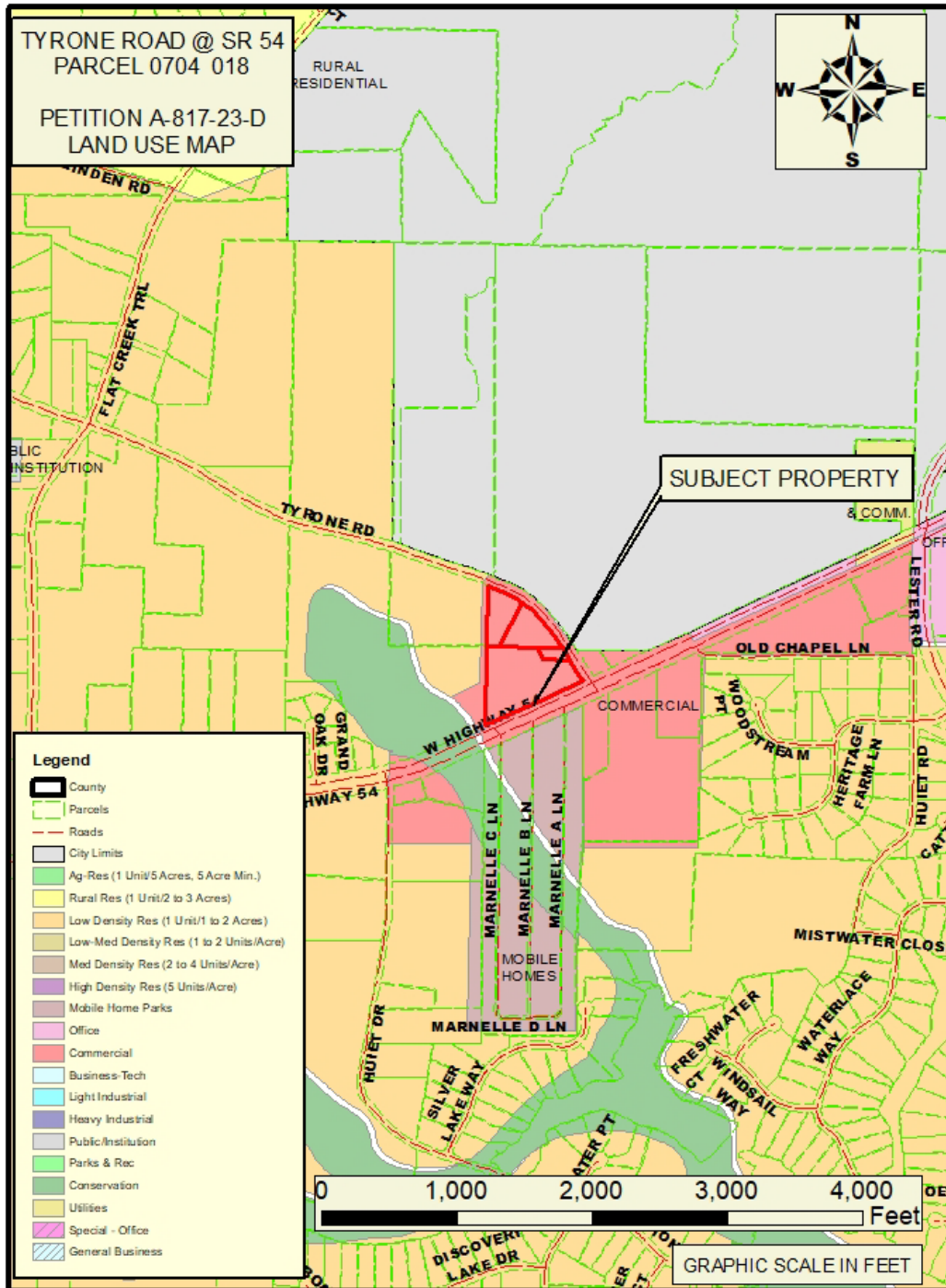
**5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

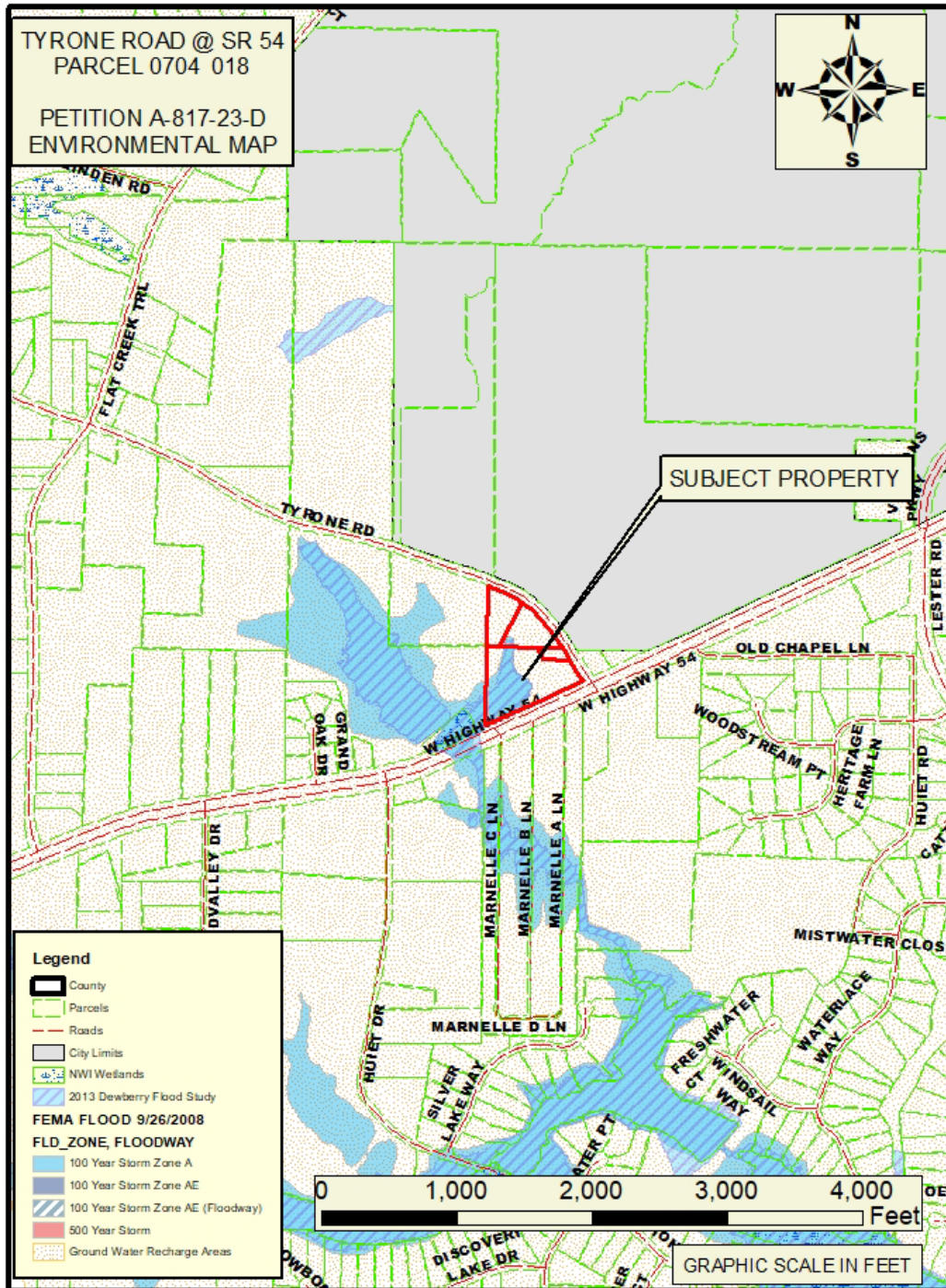
*The large area of flood plain significantly reduces the buildable area of the property. The need to protect the flood plain coupled with the increased ROW results in the loss of one of four lots and a reduction in the size of the remaining buildings. The applicant is requesting a reduction in setback which is needed due to the increased ROW that the applicant has agreed to dedicate to Fayette County at no cost to the public.*

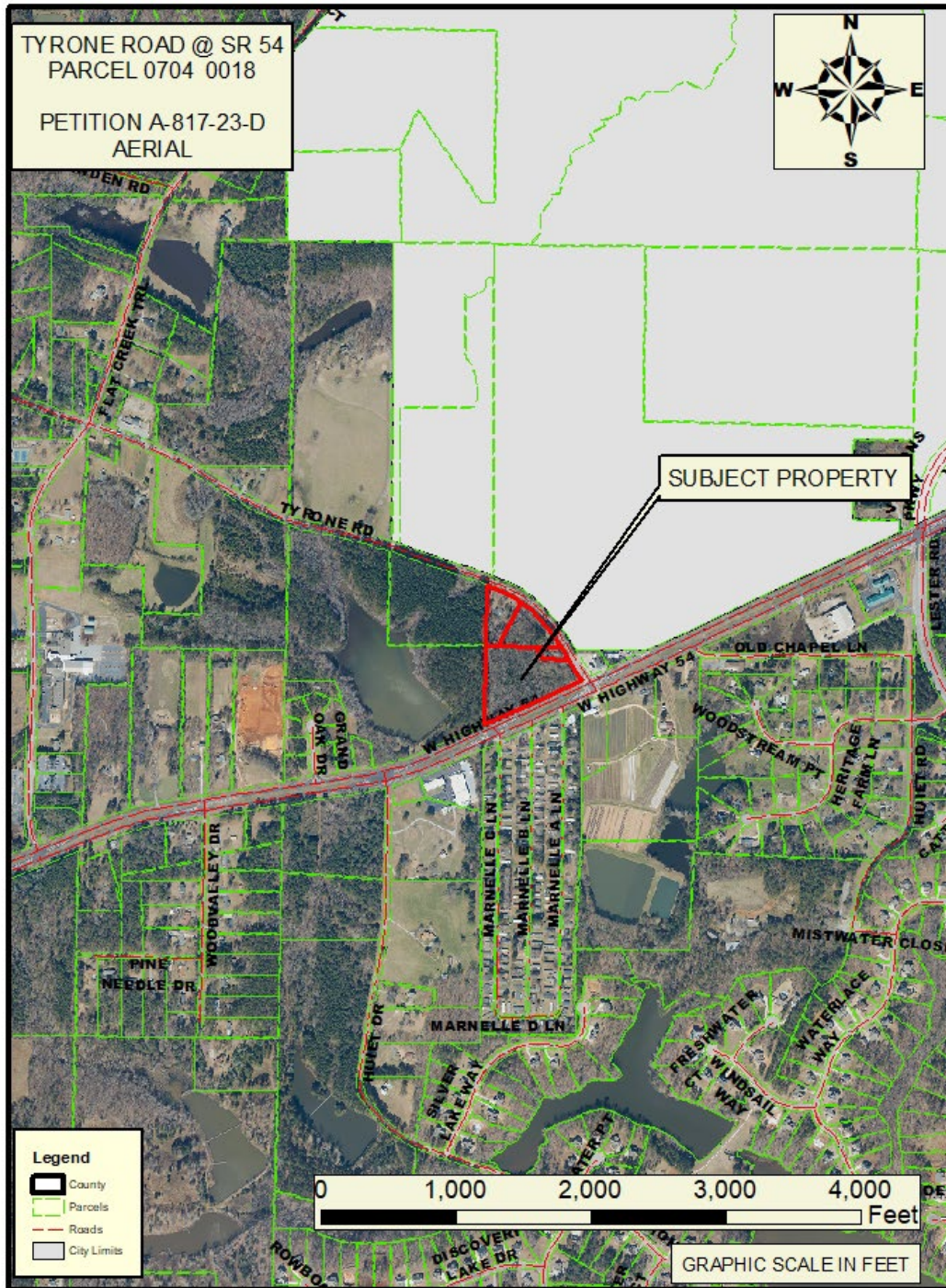














CONCEPTUAL SITE PLAN with EXISTING and REQUESTED SETBACKS

 <b>GEORGIA 811</b> STATE WIDESPREAD SERVICE Call Before You Dig	<b>NOTES:</b> 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 2. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE OWNER SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS. 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS.	<b>OPERATING COMPANIES</b> Debrauser Galbraith 1000 Peachtree Dunwoody Road Atlanta, GA 30308 PHONE: 770-400-0000 FAX: 770-400-0000	<b>OVERALL SITE PLAN</b> TYRONC & SR4 COMMERCIAL LAND LOTS 25 & 26, 7TH DISTRICT GEORGIA STATE ROUTE 54 FAYETTE COUNTY, GEORGIA	<b>SCALE:</b> 1" = 50' <b>GRAPHIC SCALE</b>
---	---	--	---	---

<b>VICINITY MAP</b> 1/2" S. 	<b>SITE DATA</b> ADDRESS: [REDACTED] PARCEL ID: [REDACTED] PROPERTY CLASS: [REDACTED] PREPARED: [REDACTED] HOD: [REDACTED] SETBACKS: FRONT: [REDACTED] SIDE: [REDACTED] REAR: [REDACTED]	PARCEL: [REDACTED] SUBDIVISION: [REDACTED] LOT: [REDACTED]
------------------------------------	---	--

 <b>paradigm</b> Engineering Services, Inc. 1400 Peachtree Dunwoody Road, Suite 1000 Atlanta, GA 30308 PHONE: 770-253-2200 FAX: 770-253-2200	<b>DATE:</b> 11/14/2023 <b>PROJECT:</b> TYRONC & SR4 COMMERCIAL <b>SCALE:</b> 1" = 50' <b>DATE:</b> 11/14/2023
--	---





CONCEPTUAL RENDERING – SELF-STORAGE BUILDING



A-817-23D Tyrone Road



A-817-23D Tyrone Road

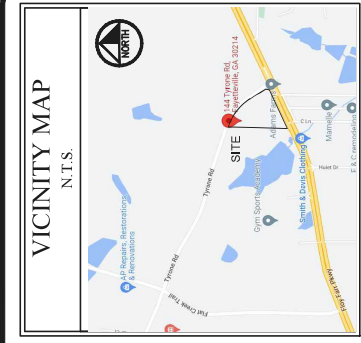


Project No. P-22-32	Design By: WBD
Drawn By: TKY	Checked By: WBD
Date: 01/04/2023	Scale: 1" = 40'

Dahhausser Galbraith  
Operating Companies  
1000 Johnson Ferry Road  
B250  
Marietta, GA 30068  
OFFICE: 770-000-0000  
FAX: 770-000-0000

**OVERALL SITE PLAN**  
TYRONE & SR54 COMMERCIAL  
LAND LOTS 25 & 26, 7TH DISTRICT  
FAYETTE COUNTY, GEORGIA

Drawing No. **C2.0**



**SITE DATA**  
ADDRESS: 144 TYRONE ROAD  
PARCEL ID: 0704 018  
CURRENT ZONING: CC  
PROPERTY CLASS: C3  
SITE AREA: 430,712 SF (9.89 AC)  
PROPOSED USE:  
FOOTPRINT:  
SETBACKS:  
FRONT:  
SIDES:  
REAR:

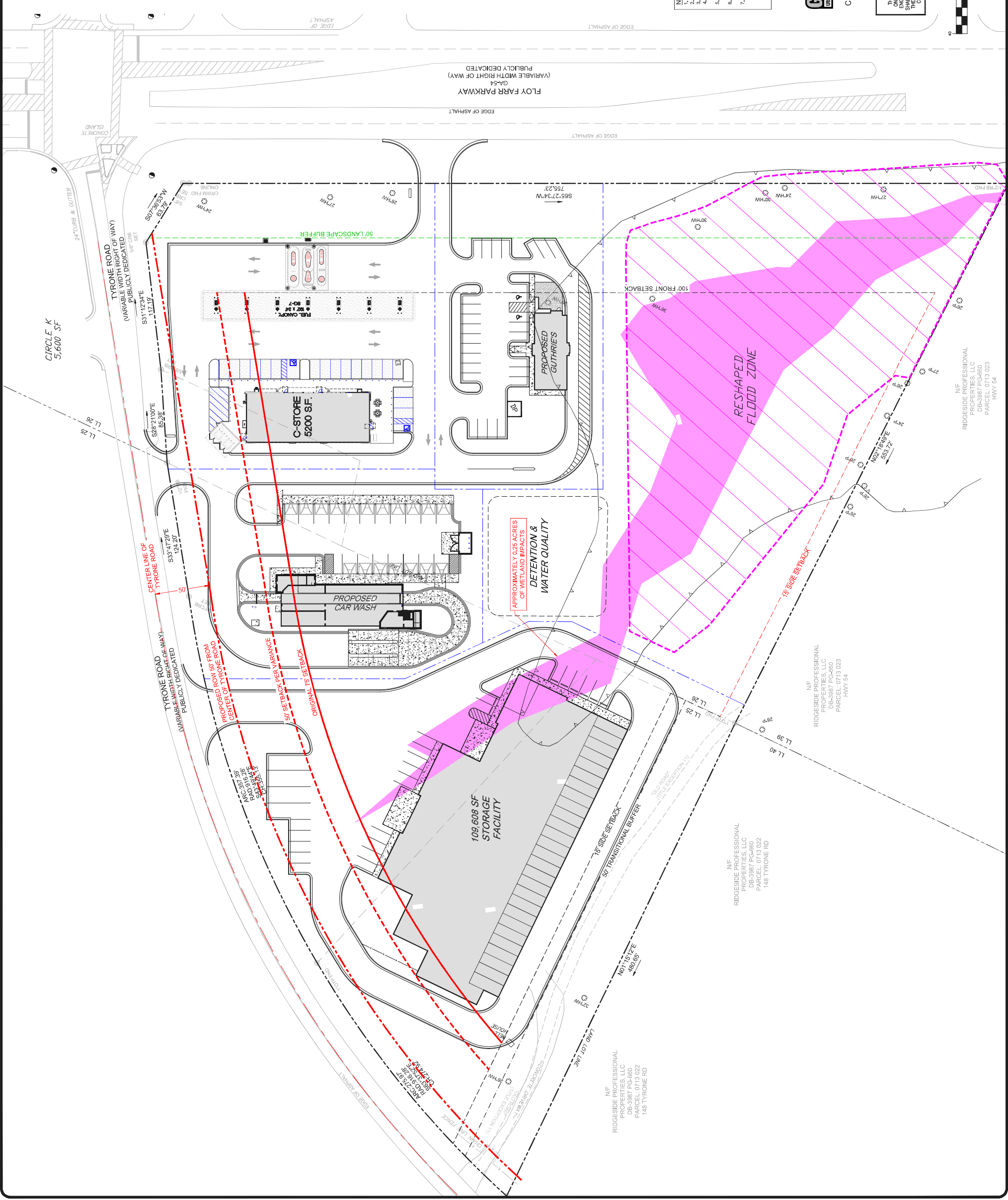
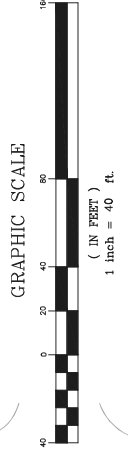
PARKING REQUIREMENTS: X SPACE PER XX  
SF = Y SPACES  
PARKING PROVIDED: XX SPACES (X  
HANDICAP SPACE)

- NOTES:**
1. ALL GRASSAGE WILL BE PERMITTED SEPARATELY
  2. ALL RETAINING WALLS WILL BE PERMITTED SEPARATELY
  3. ALL LIGHTING WILL BE LOW LEVEL AND NONE SPILL
  4. ALL MATERIALS SHALL CONFORM TO AMERICAN STANDARD FOR NURSERY STOCK
  5. THE CONTRACTOR WILL ARRANGE A PRE-CONSTRUCTION MEETING WITH THE PUBLIC WORKS DEPARTMENT PRIOR TO FINAL SIGN-OFF.
  6. ALL UTILITIES MUST BE SURVEYED AND STAKED FOR GRAVING.
  7. NO VEGETATION OR STRUCTURES EXCEEDING 30' IN HEIGHT SHALL BE LOCATED WITHIN THE SIGHT TRIANGLE EASEMENT. THE EASEMENT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR FOR THE PURPOSE OF REMOVING ANY OBSTACLE OR VEGETATION THAT RESTRICTS THE CLEAR SIGHT.



**GEORGIA811**  
Utilities Protection Center, Inc.  
Know what's below  
Call 811 or (800) 282-7411  
Before You Dig

\*\*\*CAUTION\*\*\*  
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES. THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



NIF  
RIDGESIDE PROFESSIONAL  
PROPERTIES, LLC  
DB-3887 PG-660  
PARCEL 0713 023  
HWY 54

NIF  
RIDGESIDE PROFESSIONAL  
PROPERTIES, LLC  
DB-3887 PG-660  
PARCEL 0713 023  
HWY 54

NIF  
RIDGESIDE PROFESSIONAL  
PROPERTIES, LLC  
DB-3887 PG-660  
PARCEL 0713 022  
148 TYRONE RD

NIF  
RIDGESIDE PROFESSIONAL  
PROPERTIES, LLC  
DB-3887 PG-660  
PARCEL 0713 022  
148 TYRONE RD

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: TYRONE 54, LLC; BBWJ, LLC

MAILING ADDRESS: 382 SENOIA RD, STE A, TYRONE, GA 30290
PO BOX 1387, FAYETTEVILLE, GA 30214

PHONE: (770) 460-7093 E-MAIL: BILL@SOUTHEASTPROPERTIES.COM

AGENT FOR OWNERS: DG DEVELOPMENT PARTNERS, LLC (RICHARD LINDSEY, ATTORNEY)

MAILING ADDRESS: 1000 JOHNSON FERRY RD., STE B250, MARIETTA, GA 30068
PHONE: (404) 414-6200 E-MAIL: PETRAS.JOEY@GMAIL.COM

PROPERTY LOCATION: LAND LOT 25 & 26 LAND DISTRICT 7TH PARCELS 0704-001; 0704-007; 0704-018; 0704-028
1.948 1.993 Total 9.887 Acres A 5.615 B .331

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 9.89

ZONING DISTRICT: CH

ZONING OF SURROUNDING PROPERTIES: COUNTY - CH; AR; MHP;
FAYETTEVILLE - BUSINESS PARK

PRESENT USE OF SUBJECT PROPERTY: VACANT LAND

PROPOSED USE OF SUBJECT PROPERTY: CONVENIENCE STORE, CAR WASH, INTERIOR ACCESS SELF STORAGE; QUICKSERVE RESTAURNAT WITH DRIVE THROUGH

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-817-23 A, B, C, D.

[ ] Application Insufficient due to lack of:

by Staff: Date:

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

by Staff: Deborah L. Bell Date: 12/14/2022

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 23, 2022

Received from Lindsey + Laey, PC a check in the amount of \$ 750.00 700.00
for application filing fee, and \$ 250.00 for deposit on frames for public hearing sign(s).

Date Paid: 12/14/2022 Receipt Number: 016725, 016726, 016728, 016727, 016730

**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:

TYRONE 54, LLC; BBWJ, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0704-001; 0704-001; 0704-007; 0704-018; 0704-028

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 25 & 26 of the 7th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 9.89 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to DG DEVELOPMENT PARTNERS, LLC 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.

TYRONE 54, LLC

By: *J.M. Bonner*  
Signature of Property Owner 1

382 SENOIA RD., STE A, TYRONE, GA 30290  
Address

BBWJ, LLC

By: *J.M. Bonner*  
Signature of Property Owner 2

PO BOX 1387, FAYETTEVILLE, GA 30214  
Address

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

\_\_\_\_\_  
Address

*Carrie Cowart*  
Signature of Notary Public

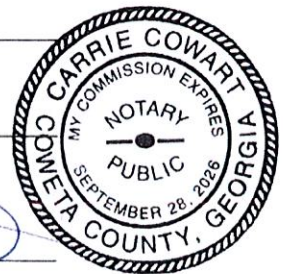
12/13/2022  
Date

*Carrie Cowart*  
Signature of Notary Public

12/13/2022  
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. 110-144(d)(3)(b) (a)(1)	75-foot setback MAJOR THOROUGHFARE ARTERIAL	50-foot setback MAJOR THOROUGHFARE ARTERIAL	25 feet MAJOR THOROUGHFARE ARTERIAL

### VARIANCE SUMMARY

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

Applicant requests a variance in the length of front yard setback from 75 feet to 50 feet due to the large flood plain located on the subject property. The flood plain takes about 1/3 of the entire site. With the dedication to Fayette County of the increased ROW for Tyrone Road, the applicant is not able to develop the property as approved by the Board of Commissioners.

---

## 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 property is impacted by a large area of flood zone that takes about 1/3 of the total site.

The dedication to Fayette County of the increased ROW, coupled with the large flood zone,  
prevent the development of the property as presented to and approved by the Board of  
Commissioners. The decrease in usable area will cause the loss of one of the four lots and a  
reduction in the size of the remaining buildings

---

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

---

The property is impacted by a large area of flood zone that takes about 1/3 of the total site.

The dedication to Fayette County of the increased ROW, coupled with the large flood zone,  
prevent the development of the property as presented to and approved by the Board of  
Commissioners. The decrease in usable area will cause the loss of one of the four lots and a  
reduction in the size of the remaining buildings

---

---

---

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

This property is impacted by a large area of flood plain that takes about 1/3 of the  
the entire parcel.

---

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

---

A reduction in the setback from Tyrone Road across from an existing convenience store and the future data center will not cause a substantial detriment to the public or impair the purpose and intent of the ordinance.

---

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

The large area of flood plain significantly reduces the buildable area of the property.

The need to protect the flood plain coupled with the increased ROW results in the loss of one of four lots and a reduction in the size of the remaining buildings. The applicant is requesting a reduction in the setback which is needed due to the increased ROW that the applicant has agreed to dedicate to Fayette County at no cost to the public.

---

---

---



**OVERALL SITE PLAN**  
 TYRONE & SR24 COMMERCIAL  
 LAND LOTS 25 & 26, 7TH DISTRICT  
 GEORGIA STATE ROUTE 54  
 FAYETTE COUNTY, GEORGIA

Dalhousier Gabraith  
 Operating Companies  
 1000 Johnson Ferry Road  
 Atlanta, GA 30308  
 OFFICE: 770-000-0000  
 FAX: 770-000-0000

**paradigm**  
 Engineering Services, Inc.  
 2100 Peachtree Dunwoody Park  
 Atlanta, GA 30328  
 (770) 663-6030  
 www.paradigmga.net



**CAUTION**  
 Know what's below  
 Call Before You Dig

GRAPHIC SCALE  
 1 inch = 40 ft.

- NOTES:**
1. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  2. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  3. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  4. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  5. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  6. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  7. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  8. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  9. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.
  10. ALL SWIMMING POOLS SHALL BE PERMITTED SEPARATELY.

**PARKING REQUIREMENTS:** X SPACES PER XX  
 P PARKING PROVIDED: XX SPACES (X)  
 HANDICAP SPACE:

**SETBACKS:**  
 FRONT: XX FT.  
 SIDE: XX FT.  
 REAR: XX FT.

**FOOTPRINT:**

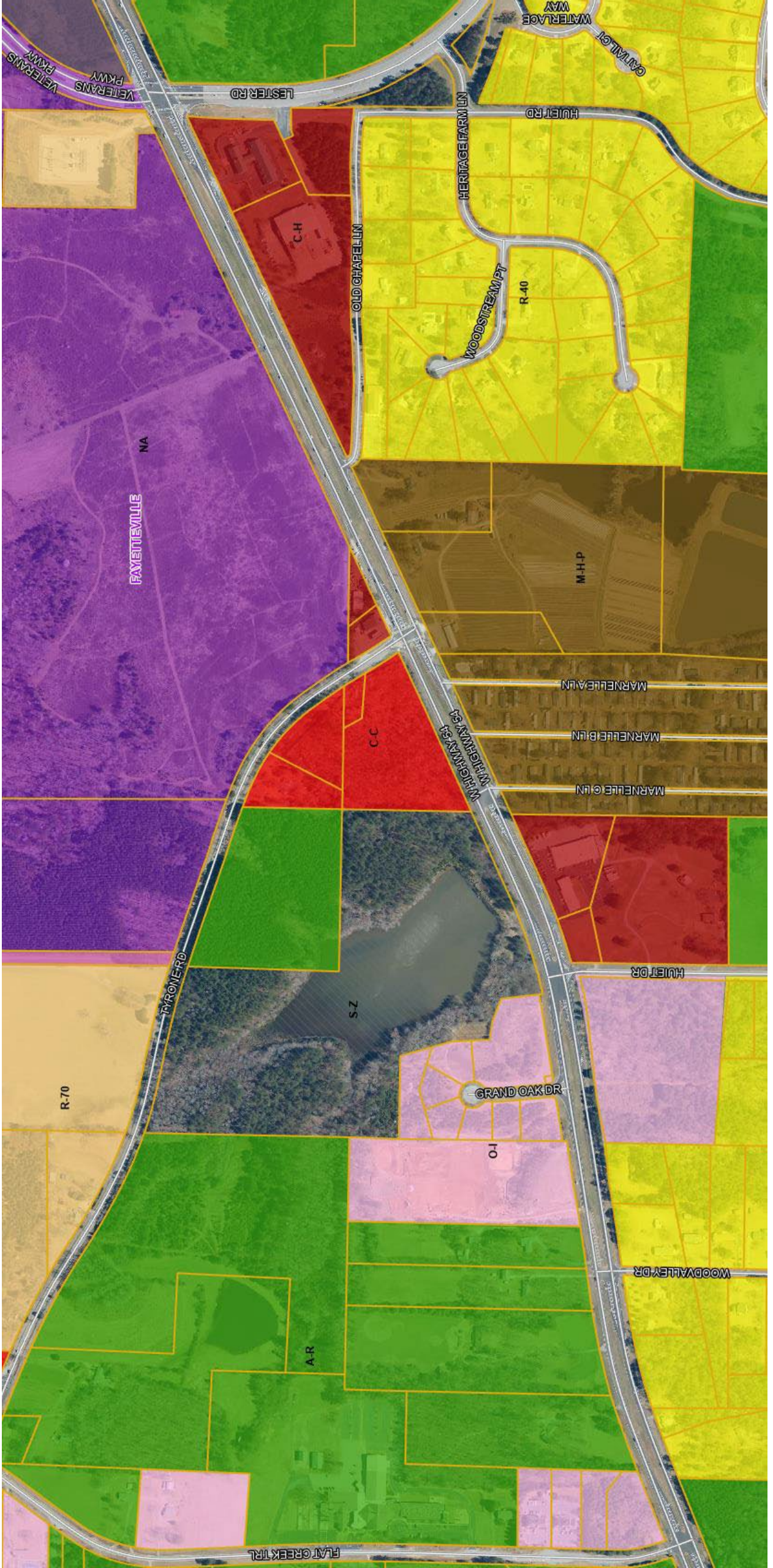
**SITE DATA**  
 ADDRESS: TYRONE AND TYRONE ROAD  
 PARCEL ID: 07M 018  
 CURRENT ZONING: CC  
 SITE AREA: 430,773.27 (0.99 AC)  
 PROPOSED USE:

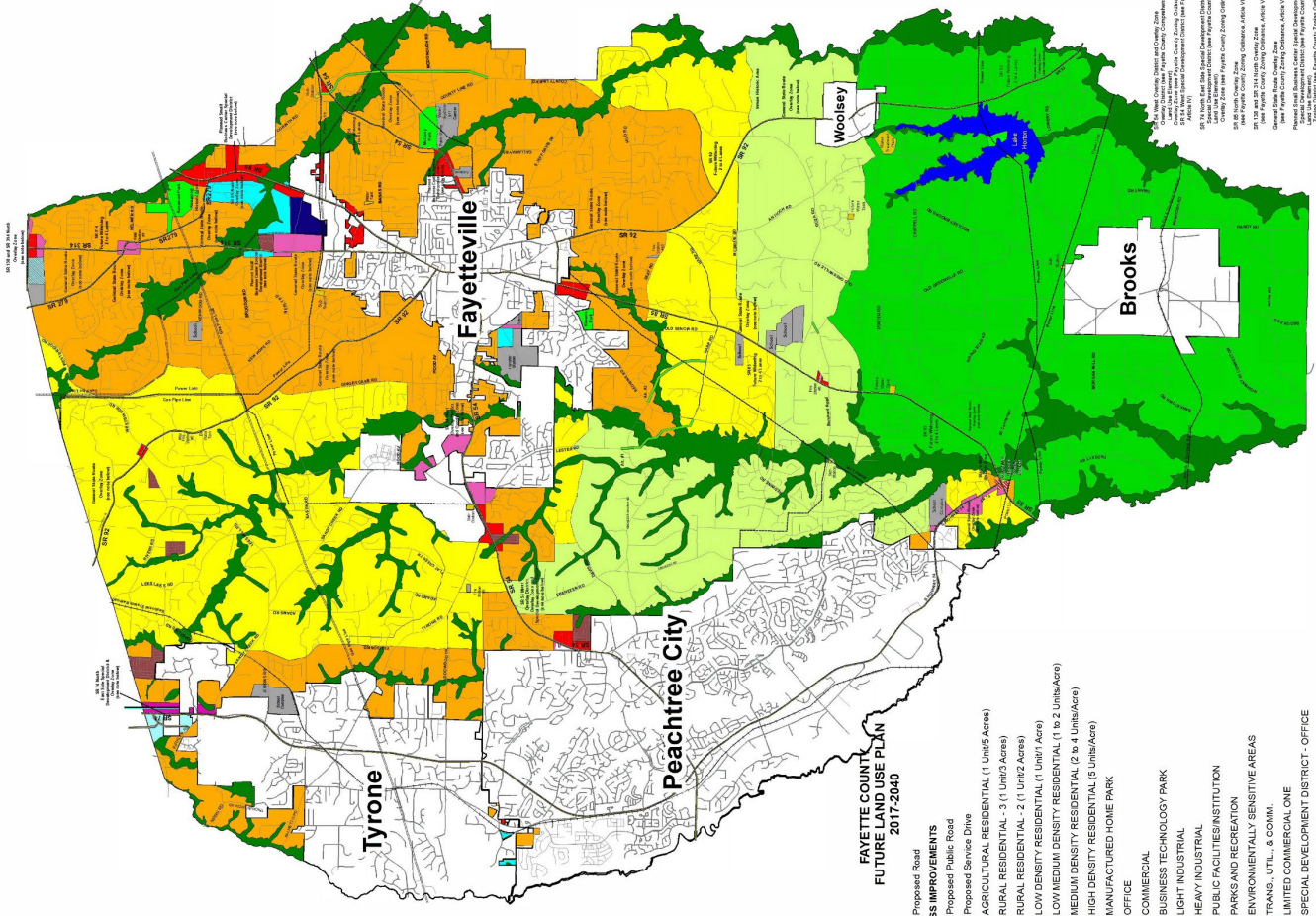


RODGERS PROFESSIONAL  
 PROFESSIONAL ENGINEER  
 PARCEL: 07T1023  
 10/17/14

RODGERS PROFESSIONAL  
 PROFESSIONAL ENGINEER  
 PARCEL: 07T1023  
 10/17/14

RODGERS PROFESSIONAL  
 PROFESSIONAL ENGINEER  
 PARCEL: 07T1023  
 10/17/14





FAYETTE COUNTY  
 FUTURE LAND USE PLAN  
 2017-2040

- Proposed Road
- Proposed Public Road
- Proposed Service Drive
- AGRICULTURAL RESIDENTIAL (1 Unit/5 Acres)
- RURAL RESIDENTIAL - 3 (1 Unit/3 Acres)
- RURAL RESIDENTIAL - 2 (1 Unit/2 Acres)
- LOW DENSITY RESIDENTIAL (1 Unit/1 Acre)
- LOW MEDIUM DENSITY RESIDENTIAL (1 to 2 Units/Acre)
- MEDIUM DENSITY RESIDENTIAL (2 to 4 Units/Acre)
- HIGH DENSITY RESIDENTIAL (5 Units/Acre)
- MANUFACTURED HOME PARK
- OFFICE
- COMMERCIAL
- BUSINESS TECHNOLOGY PARK
- LIGHT INDUSTRIAL
- HEAVY INDUSTRIAL
- PUBLIC FACILITIES/INSTITUTION
- PARKS AND RECREATION
- ENVIRONMENTALLY SENSITIVE AREAS
- TRANS., UTIL., & COMM.
- LIMITED COMMERCIAL ONE
- SPECIAL DEVELOPMENT DISTRICT - OFFICE
- GENERAL BUSINESS

Approved June 29, 2017  
 Adopted July 20, 2017

This map was prepared by the Planning Department of Fayette County, Georgia. The map is a representation of the future land use plan for Fayette County, Georgia, for the period 2017-2040. The map is based on the Fayette County Comprehensive Plan, which was adopted by the Board of Commissioners on June 29, 2017. The map is subject to change without notice. The map is not a guarantee of any future land use. The map is for informational purposes only. The map is not to be used as a basis for any legal action. The map is the property of Fayette County, Georgia. All rights reserved. Fayette County, Georgia. 2017. All rights reserved.





Doc ID: 011377890002 Type: WD  
 Recorded: 10/21/2021 at 04:55:00 PM  
 Fee Amt: \$25.00 Page 1 of 2  
 Transfer Tax: \$0.00  
 Fayette, Ga. Clerk Superior Court  
 Sheila Studdard Clerk of Court

# WARRANTY DEED

BK **5389** PG **33-34**

STATE OF GEORGIA  
 COUNTY OF FAYETTE

After filing please return to:  
 Southeast Properties  
 P.O. Box 1387  
 Fayetteville, Georgia 30214

THIS INDENTURE made this 9th day of December, 2019, between **TYRONE 54, LLC** (hereinafter called the "Grantor") and **BBWJ, LLC** (hereinafter called the "Grantee"). The words "Grantor" and "Grantee" include their respective heirs, executors, administrators, successors, and assigns.

WITNESSETH: That 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 whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey its **ONE-HALF UNDIVIDED INTEREST** in the following property to Grantee,

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 26 of the 7<sup>th</sup> District of Fayette County, Georgia, containing 5.594 acres and being more particularly described on the attached Exhibit "A" and incorporated herein by this reference hereto for a more complete and particular description.

This conveyance is subject to any and all easements and restrictions of record.

TO HAVE AND TO HOLD said bargained premises, 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, and benefit of Grantee, forever, **IN FEE SIMPLE**.

AND subject to the title matters expressly set forth hereinabove, if any, GRANTOR will **WARRANT** and forever defend the right and title to the above referenced property unto Grantee against the lawful claims of all persons whomsoever.

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

Signed, sealed, and delivered  
 in the presence of:

**TYRONE 54, LLC:**

  
 UNOFFICIAL WITNESS

  
 John W. Bonner, Managing Member


  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES  
 12/17/22



EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 25 & 28 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40, RUNNING THENCE SOUTH 89 DEGREES 51 MINUTES 32 SECONDS EAST A DISTANCE OF 139.97 FEET TO A POINT RUNNING THENCE SOUTH 89 DEGREES 30 MINUTES 14 SECONDS EAST A DISTANCE OF 254.82 FEET TO A ONE INCH OPEN TOP PIPE; RUNNING THENCE SOUTH 11 DEGREES 45 MINUTES 60 SECONDS EAST A DISTANCE OF 79.91 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 28 MINUTES 38 SECONDS EAST A DISTANCE OF 200.00 FEET TO A POINT ON THE WESTERN RIGHT OF WAY LINE OF TYRONE ROAD (80 FOOT RIGHT OF WAY) RUNNING THENCE ALONG SAID RIGHT OF WAY SOUTH 33 DEGREES 35 MINUTES 00 SECONDS EAST A DISTANCE OF 117.19 FEET TO A RIGHT OF WAY MONUMENT AT THE INTERSECTION OF TYRONE ROAD AND STATE ROUTE 54; RUNNING THENCE SOUTH 10 DEGREES 55 MINUTES 27 SECONDS WEST A DISTANCE OF 63.75 FEET TO A RIGHT OF WAY MONUMENT; RUNNING ALONG RIGHT OF WAY OF STATE ROUTE 54 (A VARIABLE WIDTH RIGHT OF WAY) RUNNING THENCE ALONG SAID RIGHT OF WAY OF STATE ROUTE 54 SOUTH 65 DEGREES 25 MINUTES 00 SECONDS WEST A DISTANCE OF 755.30 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 23 MINUTES 10 SECONDS EAST A DISTANCE OF 553.12 FEET TO AN IRON PIN FOUND AT THE COMMON LAND LOT LINES OF LAND LOTS 25, 26, 39 AND 40 AND THE POINT OF BEGINNING. SAID TRACT BEING KNOWN AS TRACT 4 CONTAINING 6.6940 ACRES AS PER PLAT PREPARED FOR SOUTHEAST PROPERTIES BY SITE DESIGN SERVICES, INC. DATED 2/24/03 .

PARCEL ID NUMBER: 07-04-001

PARCEL ID NUMBER: 07-04-001F

Return to:  
**EDGE & KIMBELL LAW, LLC**  
503 Commerce Drive  
Peachtree City, GA 30269

File No.: PTC-21-2384  
Parcel ID: 07-04-00-007

Type: WD  
Recorded: 7/20/2021 3:22:00 PM  
Fee Amt: \$25.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 9035938284

**BK 5327 PG 303 - 305**

## **WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 14th day of July, 2021 between

**Tyrone 54, LLC, a Georgia Limited Liability Company,**

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

**BBWJ, LLC, a Georgia Limited Liability Company,**

as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of **Ten 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, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **112 Acres Tyrone Rd., Fayetteville, GA 30214**

**SUBJECT** to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

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

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

Signed, sealed and delivered in the presence of:

Elise Kimbell  
UNOFFICIAL WITNESS

[Signature]  
Notary Public  
My Commission Expires: 2-23-2025  
SEAL:

Tyrone 54, LLC

By: [Signature] (SEAL)  
John W. Bonner, Member

By: [Signature] (SEAL)  
Carter W. Johnson, Member





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

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

**BEGINNING** on the Westerly side of the old Tyrone Public Road, now a Post Road, and from thence running in a Westerly direction two hundred (200) feet; and from thence in a Northerly direction eighty (80) feet; and from thence in an Easterly direction two hundred (200) feet; and from thence in a Southerly direction eighty (80) feet to the point of **BEGINNING**; upon which is situate a frame dwelling house . Said property being bounded as follows: On the North by lands formerly known as the Beulah Smith property, now owned by John A. Lester and others; on the south and West by lands of Grady Crews. and on the East by the Tyrone Post Road.

This being the property described in a Warranty Deed from Earl Brown to James A. Griffin dated March 27, 1953, and recorded April 4, 1953, in Book 36, pages 196-197, Fayette County Deed records; and being the same property described in a Warranty Deed from James A. Griffin to Grantor, dated July 13, 1968. and recorded in Deed Book 75, Page 223, in the office of the Clerk of Superior Court of Fayette County, Georgia.

Return to:  
**EDGE & KIMBELL LAW, LLC**  
503 Commerce Drive  
Peachtree City, GA 30269

File No.: PTC-21-2384  
Parcel ID: 0704 018 & 0704 028

Type: WD  
Recorded: 7/20/2021 3:22:00 PM  
Fee Amt: \$25.00 Page 1 of 3  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 9035938284

**BK 5327 PG 300 - 302**

## **WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 14th day of July, 2021 between

**John W. Bonner, Carter W. Johnson and CBW Investments, LLC,**

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

**BBWJ, LLC, a Georgia Limited Liability Company,**

as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH** that: Grantor, for and in consideration of the sum of **Ten 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, have granted, bargained, sold, aliened, conveyed and confirmed, and by these presents do grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **3.94 Acres Tyrone Rd., Fayetteville, GA 30214**

**SUBJECT** to the **Permitted Exceptions** contained in Exhibit "B" hereto, and all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

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

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

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

Signed, sealed and delivered in the presence of:

Elise Kimbell  
UNOFFICIAL WITNESS

[Signature]  
Notary Public  
My Commission Expires: 2-23-2025  
SEAL:



CBW Investments, LLC

By: [Signature] (SEAL)  
John W. Bonner, Managing Member

[Signature] (SEAL)  
Carter W. Johnson, Individually

[Signature] (SEAL)  
John W. Bonner, Individually

**EXHIBIT "A"**  
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 25 OF THE 7th LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED ON THE SOUTHERLY BOUNDARY OF LAND LOT 25, SUCH IRON PIN BEING LOCATED 140.00 FEET FROM THE COMMON INTERSECTION OF LAND LOTS 25, 26, 39, AND 40, AS MEASURED FROM SUCH POINT OF INTERSECTION IN AN EASTERLY DIRECTION ALONG THE SOUTHERN BOUNDARY OF LAND LOT 25; THENCE PROCEED NORTH 16 DEGREES 23 MINUTES 23 SECONDS EAST A DISTANCE OF 376.11 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD (ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD - A 60 FOOT RIGHT OF WAY); THENCE PROCEED IN A SOUTHEASTERLY DIRECTION ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD AN ARC DISTANCE OF 356.88 FEET, SUCH ARC HAVING A RADIUS OF 916.73 FEET AND BEING SUBTENDED BY A CHORD BEARING OF SOUTH 45 DEGREES 33 MINUTES 42 SECONDS EAST FOR A DISTANCE OF 354.63 FEET TO A POINT; THENCE PROCEED SOUTH 35 DEGREES 30 MINUTES 05 SECONDS EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY OF TYRONE ROAD A DISTANCE OF 124.00 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES 08 MINUTES 52 SECONDS WEST A DISTANCE OF 176.73 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 87 DEGREES 59 MINUTES 06 SECONDS WEST A DISTANCE OF 254.79 FEET TO AN IRON PIN AND THE ORIGINAL POINT OF BEGINNING.

THE SUBJECT TRACT OR PARCEL OF LAND CONTAINS A TOTAL OF 1.94 ACRES, AND IS FULLY DEPICTED ON A PLAT OF SURVEY PREPARED FOR J.A. LESTER BY LARRY J. SEABOLT, REGISTERED LAND SURVEYOR, DATED OCTOBER 27, 1986. SUCH PLAT OF SURVEY IS, BY THIS REFERENCE INCORPORATED IN AND MADE A PART HEREOF.

ALL THAT TRACT AND PARCEL OF LAND, WITH HOUSE AND ALL OTHER IMPROVEMENTS THEREON, LYING AND BEING IN LAND LOT 25 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 1.983 ACRES AND SHOWN ON PLAT OF SURVEY FOR HANK T. TEW AND REBECCA ANN TEW BY AB. VAUGHN, GEORGIA REGISTERED LAND SURVEYOR NO. 1629, DATED APRIL 30, 1993 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON COMER OF LAND LOT 25, 26, 39 AND 40 IN SAID DISTRICT AND RUNNING THENCE NORTH 00 DEGREES 30 MINUTES 00 SECONDS WEST 480.58 FEET TO AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF THE ROAD WHICH RUNS FROM STATE ROUTE 54 TO STATE ROUTE 74, COMMONLY KNOWN AS TYRONE ROAD AND ALSO KNOWN AS PALMETTO-FAYETTEVILLE ROAD; THENCE RUNNING SOUTHEASTERLY ALONG SAID RIGHT OF WAY 276.0 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 16 DEGREES 22 MINUTES 19 SECONDS WEST 376.11 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 88 DEGREES 07 MINUTES 34 SECONDS WEST 140.0 FEET TO THE POINT OF BEGINNING, BEING THE SAME PROPERTY AS THAT CONVEYED TO JOHN W. BONNER, SR. AND CARTER W. JOHNSON BY VIRTUE OF WARRANTY DEED FROM CLYDE H. AVERY, DATED DECEMBER 31, 2006, FILED AND RECORDED IN DEED BOOK 3327, PAGES 25-26, FAYETTE COUNTY, GEORGIA RECORDS AND CURRENTLY KNOWN AS 144 TYRONE ROAD.



**CITY OF FAYETTEVILLE**

**COUNTY OF FAYETTE**

**STATE OF GEORGIA**

I AM THE DULY APPOINTED CITY CLERK OF THE CITY OF FAYETTEVILLE, AND AS SUCH, I HAVE WITHIN MY CUSTODY AND CONTROL, AS REQUIRED BY LAW, THE OFFICIAL DOCUMENTS, RECORDS, MINUTES, ORDINANCES, CITY CHARTER AND RESOLUTIONS OF THE CITY OF FAYETTEVILLE. I HEREBY CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND CORRECT COPY AS IT APPEARS IN THE RECORDS OF THE CITY OF FAYETTEVILLE THAT ARE UNDER MY CUSTODY AND CONTROL.

A handwritten signature in blue ink that reads 'Anne Barksdale'. The signature is written in a cursive style and is positioned above a horizontal line.

ANNE BARKSDALE, CITY CLERK  
CITY OF FAYETTEVILLE

DATE: \_\_\_\_\_

7/6/22

**Proposed Ordinance: #0-14-22**  
**Subject Matter: Annexation Request - West Fayetteville tracts**  
**Parcel Numbers: 0705 003, 0712 015, 0712 074 and 0713 020**  
**Date of Published Notice of Public Hearing: June 2, 2022**  
**Date of Planning Commission Public Hearing: April 24, 2022**  
**Date of City Council Public Hearing and Adoption: June 30, 2022**

**CITY OF FAYETTEVILLE**  
**COUNTY OF FAYETTE**  
**STATE OF GEORGIA**

**ORDINANCE NUMBER #0-14-22**

**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS OF FACT**

The City of Fayetteville (the "City"), has received an application for annexation pursuant to O.C.G.A. § 36-36-21 from the Fayette County Development Authority ("FCDA") for the properties described in **EXHIBIT "A"** (hereinafter referred to as "the subject parcels"). The subject parcels are contiguous with the city limits of the City of Fayetteville as defined by O.C.G.A. § 36-36-20. The City has given notice of this proposed annexation to the Fayette County Board of Commissioners as required by O.C.G.A. § 36-36-6; and said annexation request has been advertised in the *FAYETTE COUNTY NEWS* as shown above.

**ORDINANCE**

IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:

**ARTICLE I**

Pursuant to the authority granted to the City of Fayetteville by the Georgia Legislature by O.C.G.A. § 36-36-21, the City of Fayetteville does hereby annex Parcel Numbers 0705 003, 0712 015, 0712 074 and 0713 020 of real estate into the city limits of the City of Fayetteville, and said lands and property shall, pursuant to the terms of this ordinance, become a part of and be within the jurisdictional limits of the City of Fayetteville as if originally a part of the City's Charter. The Legal Description of the subject parcels is attached hereto as **EXHIBIT "A"** and incorporated herein by reference.

**ARTICLE II**

All annexations shall become effective for ad valorem tax purposes on December 31 of the year during which such annexation occurred and for all other purposes shall become effective on the first day of the month following the month during which the requirements of Articles 1 and 2 of Chapter 36, of Title 36 of the Official Code of Georgia Annotated have been met.

**ARTICLE III**

After the adoption of this annexation ordinance, the City Clerk shall file with the Department of Community Affairs and with the Fayette County governing authority an identification of the property hereby annexed, pursuant to the requirements of O.C.G.A. § 36-36-3.

**ARTICLE IV**

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

**ARTICLE V**

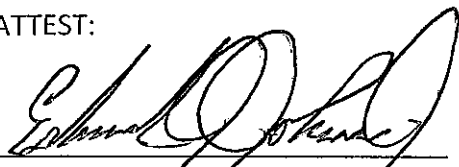
If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

**ARTICLE VI**


Understandings and conditions related to this annexation are identified in **EXHIBIT "B"** and include those contained in the minutes of the City Council meeting, which are part of this ordinance, and any representations submitted by the applicant to the City Council, and accepted by the City Council, and reflected in the minutes of the City Council, which representations shall be an amendment to the rezoning application and a part of this ordinance.

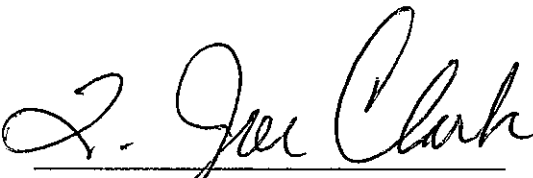
**APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF FAYETTEVILLE** at a regular meeting of the Mayor and Council on the 30<sup>th</sup> day of June, 2022, by the following voting for adoption:

ATTEST:

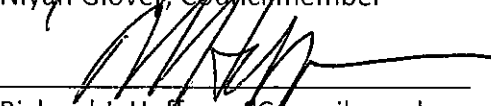
  
Edward J. Johnson, Jr., Mayor

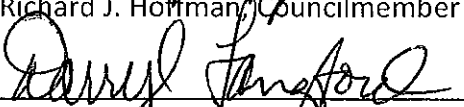
Attest:

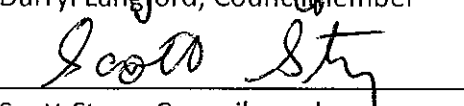
  
Anne Barksdale, City Clerk

  
T. Joe Clark, Mayor Pro Tem

  
Niyah Glover, Councilmember

  
Richard J. Hoffman, Councilmember

  
Darryl Langford, Councilmember

  
Scott Stacy, Councilmember

**Exhibit "A"**  
Legal Descriptions

---

**PARCEL NO. 0705 003**

---

**TRACT A:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING 30.115 ACRES, MORE OR LESS, AS PER PLAT DATED SEPTEMBER 18, 1984, AND PREPARED BY KENNETH EDWARD PRESLEY, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 41, SAID POINT BEING A DISTANCE OF 25 FEET SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST FROM THE NORTHEASTERLY CORNER OF SAID LAND LOT, AND SAID POINT FURTHER BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF FIELD ROAD; FROM SAID POINT OF BEGINNING, RUNNING THENCE SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 41, A DISTANCE OF 1381.33 FEET TO A POINT; RUNNING THENCE IN A DUE WESTERLY DIRECTION A DISTANCE OF 1382.72 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY); RUNNING THENCE IN A NORTHEASTERLY DIRECTION, AND FOLLOWING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL; THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 40 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF 270.36 FEET, NORTH 39 DEGREES 24 MINUTES 14 SECONDS EAST A DISTANCE OF 264.70 FEET, NORTH 35 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 99.37 FEET, NORTH 26 DEGREES 05 MINUTES 47 SECONDS EAST A DISTANCE OF 103.63 FEET, NORTH 21 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 436.56 FEET, AND NORTH 19 DEGREES 05 MINUTES 55 SECONDS EAST A DISTANCE OF 410.18 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL WITH THE SOUTHEASTERLY RIGHT-OF-WAY OF FIELD ROAD; RUNNING THENCE IN A NORTHEASTERLY AND SOUTHEASTERLY DIRECTION AND FOLLOWING ALONG THE RIGHT-OF-WAY OF FIELD ROAD, THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 70 DEGREES 16 MINUTES 38 SECONDS EAST A DISTANCE OF 82.55 FEET, SOUTH 88 DEGREES 51 MINUTES 26 SECONDS EAST A DISTANCE OF 377.81 FEET, AND SOUTH 85 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 204.30 FEET TO A POINT AND, THE POINT OF BEGINNING.

**TRACT B:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 250 ACRES, MORE OR LESS, AND BEING 150 ACRES, MORE OR LESS, OF LAND LOT NO. 23 AND THE NORTH HALF OF LOT OF LAND NO, 24, CONTAINING 100 ACRES, MORE OR LESS, ALL IN SAID DISTRICT AND COUNTY, LYING IN A BODY AND BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF KIRBY AND LANDS NOW OR FORMERLY OWNED BY B. W. ADAMS ESTATE, EAST BY LANDS NOW OR FORMERLY OF THE ESTATE OF B. W. ADAMS, SOUTH BY LANDS NOW OR FORMERLY OF B. W. ADAMS ESTATE AND WEST BY LANDS OF ESTESE ADAMS ESTATE, FORMERLY AIKEN LANDS, SAID TRACT OF LAND BEING KNOWN AS THE HARDAWAY SMITH PLACE. THIS BEING THE SAME LANDS CONVEYED BY WARRANTY DEED FROM MRS. J. A. LESTER, ET AL TO ESTESE ADAMS, DATED DECEMBER 31, 1947, AND RECORDED IN DEED BOOK 31, PAGE 547-48, FAYETTE COUNTY DEED RECORDS.

**TRACT C:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT AND IN THE 49TH DISTRICT G.M., OF FAYETTE COUNTY, GEORGIA, AND CONTAINING THIRTY-SEVEN AND ONE-FOURTH ACRE, MORE OR LESS, ON THE WEST SIDE OF LAND LOT NUMBER 23, AND BEING BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF D. F. KIRBY, AND ON THE EAST, SOUTH AND WEST BY LANDS OF THE ESTESE ADAMS ESTATE. THIS BEING THE SAME PROPERTY THAT MRS. CORA LEE DAVIS CONVEYED TO LOY D. FARR AND JOHN A. THOMPSON, BY WARRANTY DEED, APPEARING IN DEED BOOK 37, AT PAGE 465, FAYETTE COUNTY RECORDS.

---

**PARCEL NO. 0712 015**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 41 AND 42 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 241.45 ACRES, MORE OR LESS, AND BEING BOUNDED NOW OR FORMERLY AS FOLLOWS:

ON THE NORTH BY LANDS OF WILLIARD NEAL; EAST BY LANDS OF MRS. JAN ADAMS TRAMMELL; SOUTH BY LANDS OF MRS. JAN ADAMS TRAMMELL, LANDS OF MRS. D.W. MCEACHERN, LANDS OF A.B. HOOPER AND LANDS OF RALPH C. DANIELL AND ON THE WEST BY LANDS OF RALPH C. DANIELL, LANDS OF SAMUEL J. WHITE AND LANDS OF J.H. RUTLEDGE; SAID TRACT BEING ALL OF THE LANDS ASSIGNED BATTY ADAMS THOMAS (NEE: BETTY ADAMS AND A/K/A BETTY ADAMS MASK) BY OEDER OF THE FAYETTE COUNTY COURT OF ORDINARY ALLOWING A DIVISION IN KIND AMONG THE HEIRS-AT-LAW OF ESTESE ADAMS, AS RENDERED MARCH 5, 1956 AND RECORDED IN 1937 MINUTES AT PAGE 539, RECORDS OF SAID COURT, EXCEPTING THOSE LANDS CONVEYED A.B. HOOPER BY DEED DATED JUNE 15, 1957 AND RECORDED IN DEED BOOK 40 AT PAGE 494, RECORDS OF FAYETTE COUNTY, GEORGIA AND ALSO EXCEPTING SUCH LANDS IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AS WERE CONVEYED RALPH C. DANIEL BY DEED DATED APRIL 21, 1964 AND RECORDED IN DEED BOOK 52 AT PAGE 954, SAID RECORDS, VALUED AT 8225.00 PER ACRE.



**PARCEL NO. 0712 074**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING 13.207 ACRES OF LAND AS PER PLAT OF SURVEY PREPARED FOR JAN TRAMMELL BY FOUR CORNERS SURVEYING, R.L.S., DATED MAY 9, 2012, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE TRUE POINT OF BEGINNING PROCEED FROM THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD WITH THE EASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY), AND RUNNING THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD IN AN EASTERLY DIRECTION, A DISTANCE OF 495.37 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 45 MINUTES 05 SECONDS EAST, AND DEPARTING FROM SAID RIGHT-OF-WAY, A DISTANCE OF 302.70 FEET TO A POINT; RUNNING THENCE SOUTH 88 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 384.27 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 12 MINUTES 00 SECONDS EAST A DISTANCE OF 1243.77 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 31 MINUTES 55 SECONDS EAST A DISTANCE OF 474.94 FEET TO A POINT AND ME TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING BEING THUS DETERMINED, RUNNING THENCE NORTH 00 DEGREES 40 MINUTES 56 SECONDS WEST A DISTANCE OF 260.11 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 15 MINUTES 17 SECONDS EAST A DISTANCE OF 414.17 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 45 MINUTES 58 SECONDS EAST A DISTANCE OF 862.95 FEET TO A POINT; THENCE SOUTH 01 DEGREE 55 MINUTES 36 SECONDS WEST A DISTANCE OF 676.16 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF SAID LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 38 MINUTES 59 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 747.36 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 42 MINUTES 17 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 91.60 FEET TO A POINT AND BEING THE TRUE POINT OF BEGINNING.

**PARCEL 0713 020**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AN BEING IN LAND LOT 40 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AS PER PLAT OF SURVEY DATED FEBRUARY 26, 1985, PREPARED BY J. R. WOOD, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED IN THE NORTHEASTERLY ORIGINAL CORNER OF LAND LOT 40 OF THE AFORESAID DISTRICT AND RUN THENCE SOUTH 01 DEGREES 36 MINUTES 01 SECONDS EAST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 248.68 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID LAND LOT LINE WITH THE NORTHERLY BANK OF A BRANCH; RUNNING THENCE IN A SOUTHWESTERLY, NORTHWESTERLY, AND SOUTHWESTERLY DIRECTION, AND FOLLOWING THE MEANDERING NORTHERLY BORDER OF SAID BRANCH A DISTANCE OF 312.80 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 24 MINUTES 24 SECONDS EAST A DISTANCE OF 475.0 FEET TO A POINT, WHICH POINT IS LOCATED AT THE NORTHERLY END OF A ROCK WALL; RUNNING THENCE IN A SOUTHERLY, SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY DIRECTION, AND FOLLOWING ALONG SAID ROCK WALL, A TOTAL DISTANCE OF 399.02 FEET TO A POINT LOCATED AT THE SOUTHERLY END OF SAID ROCK WALL; RUNNING THENCE SOUTH 88 DEGREES 45 MINUTES 28 SECONDS WEST A DISTANCE OF 497.33 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 08 MINUTES 05 SECONDS EAST A DISTANCE OF 992.69 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY OF TYRONE ROAD (80-FOOT RIGHT-OF-WAY); RUNNING THENCE NORTH 74 DEGREES 12 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG SAID ROAD, A DISTANCE OF 62.72 FEET TO A POINT; RUNNING THENCE, NORTH 01 DEGREES 08 MINUTES 05 SECONDS WEST A DISTANCE OF 974.32 FEET TO A POINT; RUNNING THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 1243.46 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY LAND LOT LINE OF LAND LOT 40; RUNNING THENCE NORTH 88 DEGREES 58 MINUTES 16 SECONDS EAST, AND FOLLOWING ALONG THE NORTHERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 734.34 FEET TO A POINT AND THE POINT OF BEGINNING.

**Exhibit "B"**

Understandings and Conditions of Approval

### Staff Recommendation - Annexation

After careful review of the goals and objectives adopted as a part of the 2017 Comprehensive Plan, the character areas established and adopted as a part of the Future Land Use Map, and the findings and recommendations adopted as a part of the Economic Development Strategy, City Staff supports the annexation request and recommends that it be forwarded to City Council with a recommendation that it be approved.

### Staff Recommendation - Rezoning

Should the annexation request be approved, and in consideration of the standards and factors adopted within Section 94-92 of the city's Zoning Ordinance, Staff recommends that the request to rezone Parcel Nos. 0705 003, 0712 015, 0712 074 and 0713 020 to BP Business Park be forwarded to City Council with a recommendation of approval subject to the following understandings and conditions:

1. The subject parcels shall be designated as ~~Business Park~~ Suburban Office on the Future Land Use Map.
2. No less than a one hundred (100) foot undisturbed buffer shall be established where the subject tracts abut property within unincorporated Fayette County and/or the rights-of-way of Highway 54, Tyrone Road and Flat Creek Trail. Clearing or grading within the undisturbed buffer shall not be permitted except for the installation of utilities ~~and/or driveways~~, which shall be constructed perpendicular to the property line to the greatest extent practicable. Stormwater facilities shall not be permitted within the undisturbed buffer. It is understood the 100' undisturbed buffer is not intended to be interpreted as a "clear to" or "grade to" line and the Applicant shall make every effort to preserve as much existing topography and natural vegetation as possible between the proposed development and the areas identified above to provide a natural buffer. It is further understood additional plantings, walls, fences and/or other devices may be required in some to enhance existing vegetation and/or screen views into the property.
3. The site plan shall be designed such that buildings with service courts, loading and unloading functions, truck parking, etc. are oriented with these functions facing away from residentially-zoned property and/or Highway 54, Tyrone Road and Flat Creek Trail. To the greatest extent practicable all exterior utility pods, generators, mechanical units, etc. shall be located within an enclosed building and/or designed to direct sound emission away from adjoining properties or rights-of-way.
4. In accordance with the Fayette County Thoroughfare Plan, the site plan shall designate property to accommodate the rights-of-way associated with future improvements to adjoining roadways. No less than 40' shall be provided along Flat Creek Trail and no less than 100' shall be provided along Tyrone Road. These distances shall be measured from the centerline of the existing roadway. All buffers identified above shall be measured from these future rights-of-way.
5. In accordance with the Fayette County Comprehensive Transportation Plan, the Applicant shall provide a 20' (minimum) easement through the property for a future multi-use path connection. The path connection is intended to support bicycle, pedestrian and golf cart

traffic parallel to Highway 54. The Applicant shall work with City and County Staff to determine a suitable location for the easement with the intent of connecting Veterans Parkway with Tyrone Road.

6. The site plan shall provide for a future access point to the east as that land develops. The intent is to allow for ingress and egress off Veterans Parkway. Ideally this would be a public road connecting Veterans Parkway with Tyrone Road, although private drives would be an option, the goal being to reduce the traffic load on Flat Creek Trail.
7. The site plan shall provide for interconnectivity of all areas of the development with public or private drives or roads to assist in reducing additional traffic burden on ~~Flat Creek Trail~~ adjoining roadways.
8. Truck traffic shall be prohibited from Flat Creek Trail, as this road is a county collector and serves as the primary access to several subdivisions. The site plan shall be designed such that trucks and service vehicles (FHWA Class 6 vehicles or greater) are limited to ingress/egress points on Highway 54, Tyrone Road or a future connection to Veterans Parkway.
- ~~9. The Applicant shall prepare a Traffic Impact Study to assess construction impacts as well as 100 percent build out of the development. Mitigation should be provided for areas of significant impact to the County's Transportation System, consistent with Fayette County's Development Regulations. Fayette County has allocated funding for intersection improvements at the HWY 54/Tyrone Road and Tyrone Road/Flat Creek Trail intersections. The envisioned improvements, current only concepts, may need to be revised based on the development's traffic impacts.~~
- ~~10.~~9.        New driveways and access points shall meet applicable requirements with respect to auxiliary turn lanes, sight distance, offsets, etc.
- ~~11.~~10.        The Applicant shall work with City Staff and the Fayette County Environmental Health Department to determine if the current culvert systems under Veterans Parkway will meet the minimal Georgia Stormwater Management Manual standard of passing the 100-year flood based on the proposed development. Any modifications to the existing culverts and/or downstream drainage systems shall be the sole responsibility of the Applicant.
- ~~12.~~11.        The Applicant shall submit a Floodplain Management Plan demonstrating there is no increase in current and future conditions flood hazard areas of properties downstream.
12. The proposed development shall meet all current Georgia Stormwater Management Manual criteria for water quality, channel, overbank flood and extreme flood protection including the runoff reduction standard retaining the first inch of rainfall on site. The Applicant shall coordinate with City and County Staff to review and approve all hydrology and stormwater management plans prior to any development.
13. Unless deemed necessary by the Fire Marshal, it is understood there shall be no access from the annexed property to Flat Creek Trail. Should access be required, it shall be limited to emergency access only. No construction traffic shall utilize Flat Creek Trail to access the property.
14. Prior to issuance of the Land Disturbance Permit, the Applicant shall submit a construction traffic management plan to the city for review and approval. Said construction traffic

management plan shall be reviewed and approved by the Director of Community and Economic Development, the City Engineer, the Development Inspector and the Director of Public Services.

15. As a part of the conceptual and final site plan review process the Applicant shall provide noise generation data anticipated for the various components of the development and identify measures to ensure noise generation be kept to a minimum.
16. It is understood that building elevations and exterior building materials shall be reviewed and approved by the Planning and Zoning Commission as a part of the conceptual site plan submittal process. It is also understood that approval of the building elevations for the initial building shall be contingent on review and approval by City Council, and that City Council may waive this requirement if there are no substantive changes to future buildings on the property.
17. While it is understood a freestanding facility dedicated to crypto, bitcoin or similar data mining operations shall not be located within the development, it is also understood components of this type of mining operation may be located in portions of the overall development.
18. A Traffic Study shall be prepared as a part of the DRI process which may identify intersection, roadway and other transportation-related improvements required to accommodate the development as proposed. It is understood the recommendations from this study along with additional conditions imposed by the City Engineer and/or the Georgia Department of Transportation (GDOT) shall be the basis of the required transportation improvements to be implemented by the developer as part of this project. Said conditions shall be incorporated into the conceptual and final site plan review process.



**CITY OF FAYETTEVILLE**

**COUNTY OF FAYETTE**

**STATE OF GEORGIA**

I AM THE DULY APPOINTED CITY CLERK OF THE CITY OF FAYETTEVILLE, AND AS SUCH, I HAVE WITHIN MY CUSTODY AND CONTROL, AS REQUIRED BY LAW, THE OFFICIAL DOCUMENTS, RECORDS, MINUTES, ORDINANCES, CITY CHARTER AND RESOLUTIONS OF THE CITY OF FAYETTEVILLE. I HEREBY CERTIFY THAT THE ATTACHED DOCUMENT IS A TRUE AND CORRECT COPY AS IT APPEARS IN THE RECORDS OF THE CITY OF FAYETTEVILLE THAT ARE UNDER MY CUSTODY AND CONTROL.

A handwritten signature in blue ink, which appears to read 'Anne Barksdale', is written over a horizontal line.

ANNE BARKSDALE, CITY CLERK  
CITY OF FAYETTEVILLE

DATE: 7/6/22

**Proposed Ordinance: #0-15-22**  
**Subject Matter: Rezoning Request - West Fayetteville tracts**  
**Parcel Numbers: 0705 003, 0712 015, 0712 074 and 0713 020**  
**Zoning Request: R70 (Fayette County) – BP Business Park (city)**  
**Date of Published Notice of Public Hearing: June 2, 2022**  
**Date of Planning Commission Public Hearing: April 24, 2022**  
**Date of City Council Public Hearing and Adoption: June 30, 2022**

**CITY OF FAYETTEVILLE**  
**COUNTY OF FAYETTE**  
**STATE OF GEORGIA**

**ORDINANCE NUMBER #0-15-22**  
**CITY OF FAYETTEVILLE, GEORGIA**

**PREAMBLE AND FINDINGS**

The City of Fayetteville (the "City") has received an application for rezoning from the Fayette County Development Authority ("FCDA") for the properties described in EXHIBIT "A" (hereinafter referred to as "the subject parcels"). Under separate application FCDA is requesting that the subject parcels be annexed into the city limits. Should the annexation be approved FCDA is requesting a zoning designation of BP Business Park.

The City has given notice to the public of this proposed rezoning as required by law and public hearings have been conducted as required by law. The City complied with the requirements of O.C.G.A. § 36-36-4 and § 36-36-5 prior to the adoption of this Ordinance.

**ORDINANCE**

**IT IS HEREBY ADOPTED AND ORDAINED BY THE CITY OF FAYETTEVILLE AS FOLLOWS:**

**ARTICLE I**

The zoning classification of the property described in Exhibit "A" attached hereto and incorporated herein, shall be, and is hereby established as BP Business Park pursuant to the City of Fayetteville's Comprehensive Zoning Ordinance and in accordance with the understandings and conditions imposed by the Mayor and City Council and incorporated into the annexation ordinance (#0-14-22).

The City's new ordinance classification upon the described property shall become immediately effective. The City's Comprehensive Zoning Map is hereby amended to reflect this rezoning.

**ARTICLE II**

Any ordinance or part of any ordinance in conflict herewith is hereby repealed.

**ARTICLE III**

If any section, subsection, sentence, clause, phrase, or other portion of this ordinance for any reason is held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

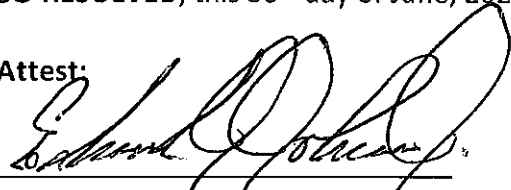
**ARTICLE IV**

This ordinance shall become immediately effective upon its adoption, subject to the any conditions contained in the minutes of the City Council, which are part of this ordinance; any representations submitted by the applicant to the City Council, accepted by the City Council, and reflected in the minutes of the City Council; all of which representations shall be an amendment to the rezoning application and a part of this ordinance.


**BE IT RESOLVED**, that the Mayor and Council of the City of Fayetteville, Georgia do hereby adopt the attached City of Fayetteville ordinance.

**SO RESOLVED**, this 30<sup>th</sup> day of June, 2022.

Attest:

  
\_\_\_\_\_  
Edward J. Johnson, Jr., Mayor


Attest:

  
\_\_\_\_\_  
Anne Barksdale, City Clerk

  
\_\_\_\_\_  
T. Joe Clark, Mayor Pro Tem

  
\_\_\_\_\_  
Niyah Glover, Councilmember

  
\_\_\_\_\_  
Richard J. Hoffman, Councilmember

  
\_\_\_\_\_  
Darryl Langford, Councilmember

  
\_\_\_\_\_  
Scott Stacy, Councilmember



**Exhibit "A"**  
Legal Descriptions

**PARCEL NO. 0705 003**

---

**TRACT A:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING 30.115 ACRES, MORE OR LESS, AS PER PLAT DATED SEPTEMBER 18, 1984, AND PREPARED BY KENNETH EDWARD PRESLEY, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE EASTERLY LAND LOT LINE OF LAND LOT 41, SAID POINT BEING A DISTANCE OF 25 FEET SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST FROM THE NORTHEASTERLY CORNER OF SAID LAND LOT, AND SAID POINT FURTHER BEING LOCATED ON THE SOUTHERLY RIGHT-OF-WAY OF FIELD ROAD; FROM SAID POINT OF BEGINNING, RUNNING THENCE SOUTH 0 DEGREES 48 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF LAND LOT 41, A DISTANCE OF 1381.33 FEET TO A POINT; RUNNING THENCE IN A DUE WESTERLY DIRECTION A DISTANCE OF 1382.72 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY); RUNNING THENCE IN A NORTHEASTERLY DIRECTION, AND FOLLOWING ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL; THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 40 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF 270.36 FEET, NORTH 39 DEGREES 24 MINUTES 14 SECONDS EAST A DISTANCE OF 264.70 FEET, NORTH 35 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 99.37 FEET, NORTH 26 DEGREES 05 MINUTES 47 SECONDS EAST A DISTANCE OF 103.63 FEET, NORTH 21 DEGREES 36 MINUTES 17 SECONDS EAST A DISTANCE OF 436.56 FEET, AND NORTH 19 DEGREES 05 MINUTES 55 SECONDS EAST A DISTANCE OF 410.18 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL WITH THE SOUTHEASTERLY RIGHT-OF-WAY OF FIELD ROAD; RUNNING THENCE IN A NORTHEASTERLY AND SOUTHEASTERLY DIRECTION AND FOLLOWING ALONG THE RIGHT-OF-WAY OF FIELD ROAD, THE FOLLOWING COURSES AND DISTANCES, TO-WIT: NORTH 70 DEGREES 16 MINUTES 38 SECONDS EAST A DISTANCE OF 82.55 FEET, SOUTH 88 DEGREES 51 MINUTES 26 SECONDS EAST A DISTANCE OF 377.81 FEET, AND SOUTH 85 DEGREES 36 MINUTES 26 SECONDS EAST A DISTANCE OF 204.30 FEET TO A POINT AND, THE POINT OF BEGINNING.

**TRACT B:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 250 ACRES, MORE OR LESS, AND BEING 150 ACRES, MORE OR LESS, OF LAND LOT NO. 23 AND THE NORTH HALF OF LOT OF LAND NO, 24, CONTAINING 100 ACRES, MORE OR LESS, ALL IN SAID DISTRICT AND COUNTY, LYING IN A BODY AND BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF KIRBY AND LANDS NOW OR FORMERLY OWNED BY B. W. ADAMS ESTATE, EAST BY LANDS NOW OR FORMERLY OF THE ESTATE OF B. W. ADAMS, SOUTH BY LANDS NOW OR FORMERLY OF B. W. ADAMS ESTATE AND WEST BY LANDS OF ESTESE ADAMS ESTATE, FORMERLY AIKEN LANDS, SAID TRACT OF LAND BEING KNOWN AS THE HARDAWAY SMITH PLACE. THIS BEING THE SAME LANDS CONVEYED BY WARRANTY DEED FROM MRS. J. A. LESTER, ET AL TO ESTESE ADAMS, DATED DECEMBER 31, 1947, AND RECORDED IN DEED BOOK 31, PAGE 547-48, FAYETTE COUNTY DEED RECORDS.

**TRACT C:**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 7TH LAND DISTRICT AND IN THE 49TH DISTRICT G.M., OF FAYETTE COUNTY, GEORGIA, AND CONTAINING THIRTY-SEVEN AND ONE-FOURTH ACRE, MORE OR LESS, ON THE WEST SIDE OF LAND LOT NUMBER 23, AND BEING BOUNDED AS FOLLOWS: ON THE NORTH BY LANDS OF D. F. KIRBY, AND ON THE EAST, SOUTH AND WEST BY LANDS OF THE ESTESE ADAMS ESTATE. THIS BEING THE SAME PROPERTY THAT MRS. CORA LEE DAVIS CONVEYED TO LOY D. FARR AND JOHN A. THOMPSON, BY WARRANTY DEED, APPEARING IN DEED BOOK 37, AT PAGE 465, FAYETTE COUNTY RECORDS.

**PARCEL NO. 0712 015**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 41 AND 42 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, CONTAINING 241.45 ACRES, MORE OR LESS, AND BEING BOUNDED NOW OR FORMERLY AS FOLLOWS:

ON THE NORTH BY LANDS OF WILLIARD NEAL; EAST BY LANDS OF MRS. JAN ADAMS TRAMMELL; SOUTH BY LANDS OF MRS. JAN ADAMS TRAMMELL, LANDS OF MRS. D.W. MCEACHERN, LANDS OF A.B. HOOPER AND LANDS OF RALPH C. DANIELL AND ON THE WEST BY LANDS OF RALPH C. DANIELL, LANDS OF SAMUEL J. WHITE AND LANDS OF J.H. RUTLEDGE; SAID TRACT BEING ALL OF THE LANDS ASSIGNED BATTY ADAMS THOMAS (NEE: BETTY ADAMS AND A/K/A BETTY ADAMS MASK) BY ORDER OF THE FAYETTE COUNTY COURT OF ORDINARY ALLOWING A DIVISION IN KIND AMONG THE HEIRS-AT-LAW OF ESTESE ADAMS, AS RENDERED MARCH 5, 1956 AND RECORDED IN 1937 MINUTES AT PAGE 539, RECORDS OF SAID COURT, EXCEPTING THOSE LANDS CONVEYED A.B. HOOPER BY DEED DATED JUNE 15, 1957 AND RECORDED IN DEED BOOK 40 AT PAGE 494, RECORDS OF FAYETTE COUNTY, GEORGIA AND ALSO EXCEPTING SUCH LANDS IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AS WERE CONVEYED RALPH C. DANIEL BY DEED DATED APRIL 21, 1964 AND RECORDED IN DEED BOOK 52 AT PAGE 954, SAID RECORDS, VALUED AT 8225.00 PER ACRE.

**PARCEL NO. 0712 074**

---

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 41 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING 13.207 ACRES OF LAND AS PER PLAT OF SURVEY PREPARED FOR JAN TRAMMELL BY FOUR CORNERS SURVEYING, R.L.S., DATED MAY 9, 2012, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT THE TRUE POINT OF BEGINNING PROCEED FROM THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD WITH THE EASTERLY RIGHT-OF-WAY OF FLAT CREEK TRAIL (60 FOOT RIGHT-OF-WAY), AND RUNNING THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY OF TYRONE ROAD IN AN EASTERLY DIRECTION, A DISTANCE OF 495.37 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 45 MINUTES 05 SECONDS EAST, AND DEPARTING FROM SAID RIGHT-OF-WAY, A DISTANCE OF 302.70 FEET TO A POINT; RUNNING THENCE SOUTH 88 DEGREES 34 MINUTES 30 SECONDS EAST A DISTANCE OF 384.27 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 12 MINUTES 00 SECONDS EAST A DISTANCE OF 1243.77 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 31 MINUTES 55 SECONDS EAST A DISTANCE OF 474.94 FEET TO A POINT AND BE THE TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING BEING THUS DETERMINED, RUNNING THENCE NORTH 00 DEGREES 40 MINUTES 56 SECONDS WEST A DISTANCE OF 260.11 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 15 MINUTES 17 SECONDS EAST A DISTANCE OF 414.17 FEET TO A POINT; RUNNING THENCE SOUTH 89 DEGREES 45 MINUTES 58 SECONDS EAST A DISTANCE OF 862.95 FEET TO A POINT; THENCE SOUTH 01 DEGREE 55 MINUTES 36 SECONDS WEST A DISTANCE OF 676.16 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SOUTHERLY LAND LOT LINE OF SAID LAND LOT 41; RUNNING THENCE NORTH 89 DEGREES 38 MINUTES 59 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 747.36 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 42 MINUTES 17 SECONDS WEST, AND FOLLOWING ALONG SAID LAND LOT LINE, A DISTANCE OF 91.60 FEET TO A POINT AND BEING THE TRUE POINT OF BEGINNING.

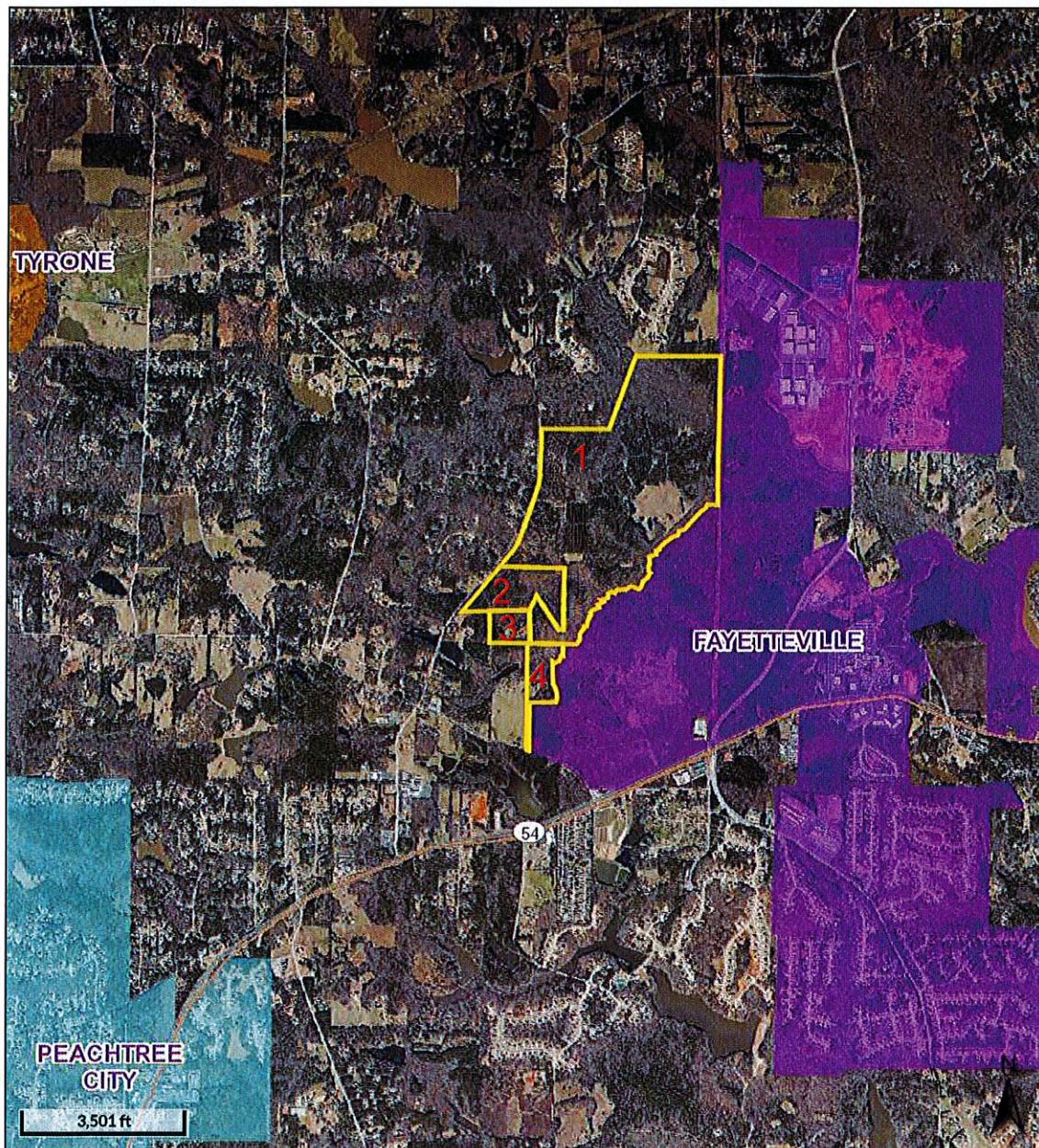
**PARCEL 0713 020**

---

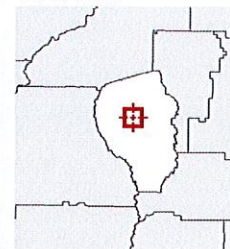
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 40 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AS PER PLAT OF SURVEY DATED FEBRUARY 26, 1985, PREPARED BY J. R. WOOD, REGISTERED LAND SURVEYOR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED IN THE NORTHEASTERLY ORIGINAL CORNER OF LAND LOT 40 OF THE AFORESAID DISTRICT AND RUN THENCE SOUTH 01 DEGREES 36 MINUTES 01 SECONDS EAST, AND FOLLOWING ALONG THE EASTERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 248.68 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID LAND LOT LINE WITH THE NORTHERLY BANK OF A BRANCH; RUNNING THENCE IN A

SOUTHWESTERLY, NORTHWESTERLY, AND SOUTHWESTERLY DIRECTION, AND FOLLOWING THE MEANDERING NORTHERLY BORDER OF SAID BRANCH A DISTANCE OF 312.80 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 24 MINUTES 24 SECONDS EAST A DISTANCE OF 475.0 FEET TO A POINT, WHICH POINT IS LOCATED AT THE NORTHERLY END OF A ROCK WALL; RUNNING THENCE IN A SOUTHERLY, SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY DIRECTION, AND FOLLOWING ALONG SAID ROCK WALL, A TOTAL DISTANCE OF 399.02 FEET TO A POINT LOCATED AT THE SOUTHERLY END OF SAID ROCK WALL; RUNNING THENCE SOUTH 88 DEGREES 45 MINUTES 28 SECONDS WEST A DISTANCE OF 497.33 FEET TO A POINT; RUNNING THENCE SOUTH 01 DEGREES 08 MINUTES 05 SECONDS EAST A DISTANCE OF 992.69 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHEASTERLY RIGHT-OF-WAY OF TYRONE ROAD (80-FOOT RIGHT-OF-WAY); RUNNING THENCE NORTH 74 DEGREES 12 MINUTES 40 SECONDS WEST, AND FOLLOWING ALONG SAID ROAD, A DISTANCE OF 62.72 FEET TO A POINT; RUNNING THENCE, NORTH 01 DEGREES 08 MINUTES 05 SECONDS WEST A DISTANCE OF 974.32 FEET TO A POINT; RUNNING THENCE NORTH 01 DEGREES 00 MINUTES 00 SECONDS WEST A DISTANCE OF 1243.46 FEET TO A POINT, WHICH POINT IS LOCATED ON THE NORTHERLY LAND LOT LINE OF LAND LOT 40; RUNNING THENCE NORTH 88 DEGREES 58 MINUTES 16 SECONDS EAST, AND FOLLOWING ALONG THE NORTHERLY LAND LOT LINE OF SAID LAND LOT, A DISTANCE OF 734.34 FEET TO A POINT AND THE POINT OF BEGINNING.



Overview



Legend

USA Major Highways

- Limited Access
- Highway
- Major Road
- Local Road
- Minor Road
- Other Road
- Ramp
- Ferry
- Pedestrian Way

City Limits

- BROOKS
- FAYETTEVILLE
- PEACHTREE CITY
- TYRONE
- WOOLSEY

Date created: 7/7/2022  
Last Data Uploaded: 7/7/2022 6:07:12 AM

Developed by  Schneider  
GEOSPATIAL

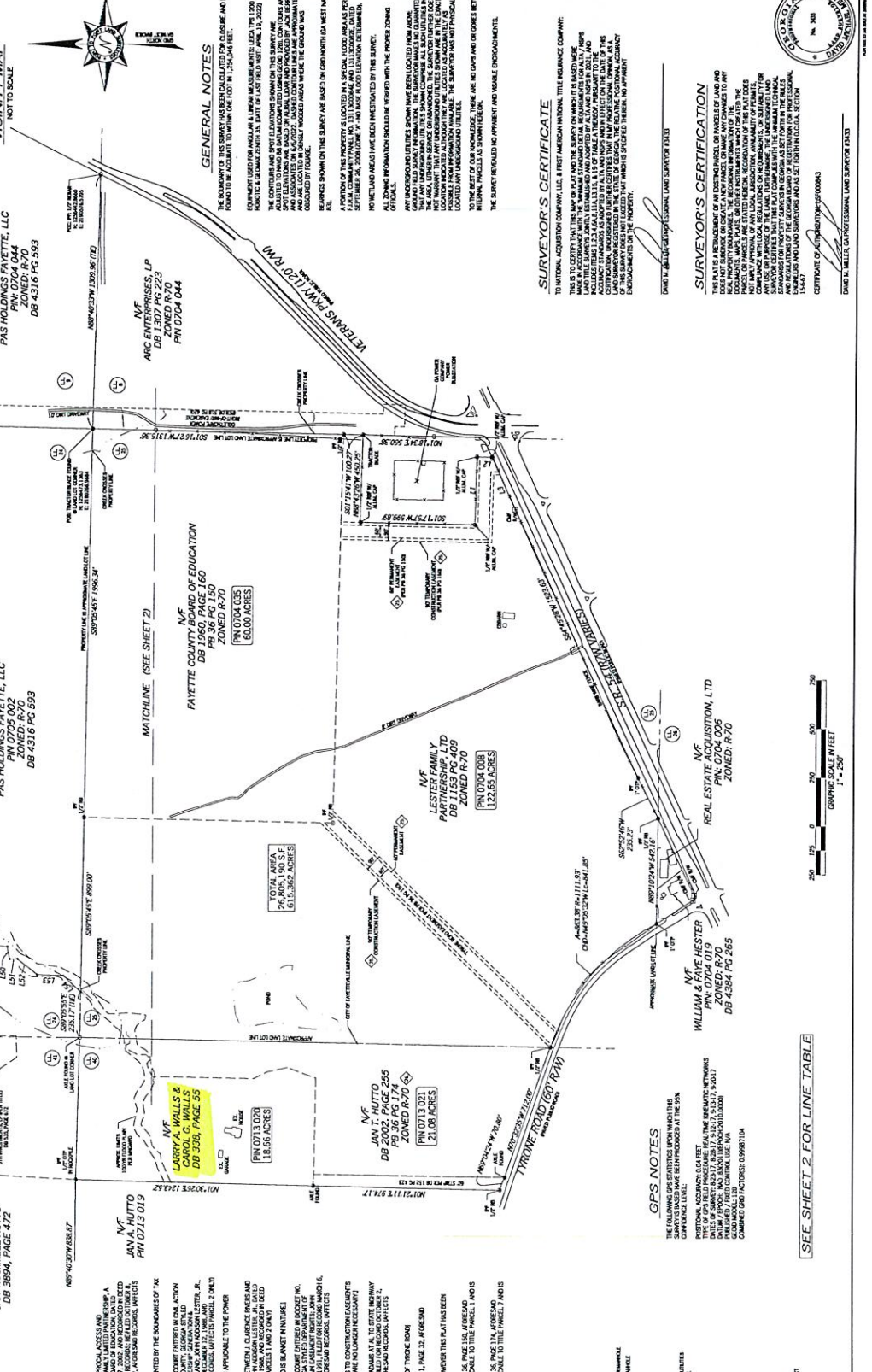
1. Parcel no. 0705 003
2. Parcel no. 0712 015
3. Parcel no. 0712 074
4. Parcel no. 0713 020

DATE:	6/27/22
COMMENTS:	
RELEASE DESCRIPTION:	

PREPARED FOR:  
**MORNING HORNET**  
KIMLEY HORN AND ASSOCIATES

POINT TO POINT  
LAND SURVEYORS  
1010 Governors Track, Suite 103, Piedmont City, GA 30069  
(678) 565-4440 | (678) 565-4497 | pto@pointtosurvey.com

POINT TO POINT LAND SURVEYORS  
COUNTY: FAYETTE  
CITY: FAYETTEVILLE  
STATE: GEORGIA  
DATE: JUNE 14, 2022  
DRAWN BY: CAD  
CADD BY: DAM  
APPROVED BY: D. MILLER  
JOB #: 2206070A  
FILE #: 17D-154  
SHEET NUMBER: 1  
OF 7 SHEETS



**TITLE PARCEL 1**  
PARCEL 0704 035  
OWNER: FAYETTE COUNTY BOARD OF EDUCATION  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 65.09 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 36, PAGE 150  
ACCESS: DIRECT ACCESS TO TRONE ROAD

**TITLE PARCEL 2**  
PARCEL 0704 008  
OWNER: LESTER FAMILY PARTNERSHIP, LTD  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 122.05 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 113, PAGE 409  
ACCESS: DIRECT ACCESS TO TRONE ROAD

**TITLE PARCEL 3**  
PARCEL 0705 003  
OWNER: JAN A. TRAMMELL, PERMITS ASSESSOR  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 34.03 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 328, PAGE 072  
ACCESS: DIRECT ACCESS TO BLAT CREEK TRAIL

**TITLE PARCEL 4**  
PARCEL 0712 015  
OWNER: PAS HOLDINGS FAYETTE, LLC  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 31.14 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 309, PAGE 172  
ACCESS: DIRECT ACCESS TO BLAT CREEK TRAIL

**TITLE PARCEL 5**  
PARCEL 0712 074  
OWNER: JAN TRAMMELL HUITO  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 11.66 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 309, PAGE 172  
ACCESS: NO ACCESS PROVIDED

**TITLE PARCEL 6**  
PARCEL 0713 020  
OWNER: LARRY A. WALLIS & WALLIS  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 14.66 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 309, PAGE 172  
ACCESS: DIRECT ACCESS TO TRONE ROAD

**TITLE PARCEL 7**  
PARCEL 0713 021  
OWNER: JAY HUITO  
SITE ADDRESS: 1111 TRONE ROAD, FAYETTEVILLE, GA 30214  
CITY OF FAYETTEVILLE  
AREA: 21.08 ACRES  
ZONED: R-70 (SINGLE FAMILY RESIDENTIAL)  
REFERENCE: DEED BOOK 309, PAGE 174  
ACCESS: DIRECT ACCESS TO TRONE ROAD

**PAS HOLDINGS FAYETTE, LLC**  
PIN: 0704 044  
ZONED: R-70  
DB 431 B PG 593

**ARC ENTERPRISES, LP**  
DB 2002, PAGE 295  
ZONED: R-70  
PIN 0704 044

**FAYETTE COUNTY BOARD OF EDUCATION**  
DB 1960, PAGE 160  
ZONED: R-70  
PIN 0704 035  
60.00 ACRES

**LARRY A. WALLIS & WALLIS**  
DB 338, PAGE 55  
ZONED: R-70  
PIN 0713 020  
14.66 ACRES

**JAN HUITO**  
DB 2002, PAGE 295  
ZONED: R-70  
PIN 0713 021  
21.08 ACRES

**WILLIAM & FAYE HESTER**  
DB 4384, PAGE 265  
ZONED: R-70  
PIN 0704 019  
122.05 ACRES

**REAL ESTATE ACQUISITION, LTD**  
ZONED: R-70  
PIN 0704 008

**GENERAL NOTES**  
THE BOUNDARY OF THIS SURVEY HAS BEEN CALCULATED FOR RECORD AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 125,000 FEET.  
COMPARISON USED FOR LOCAL MEASUREMENTS WERE MADE IN 1920.  
MAGNETIC DECLINATION IN DATE OF LAST FIELD SURVEY WAS 13.222 DEGREES.  
THE CONTIGUOUS AND SPURious LOTS SHOWN ON THIS SURVEY ARE NOT NECESSARILY THE SAME AS THOSE SHOWN ON PREVIOUS SURVEYS.  
SPURIOUS LOTS ARE BASED ON LOCAL MEASUREMENTS AND PROVIDED BY LOCAL SURVEYORS.  
LOCAL SURVEYS ARE BASED ON LOCAL MEASUREMENTS AND PROVIDED BY LOCAL SURVEYORS.  
LOCAL SURVEYS ARE BASED ON LOCAL MEASUREMENTS AND PROVIDED BY LOCAL SURVEYORS.  
LOCAL SURVEYS ARE BASED ON LOCAL MEASUREMENTS AND PROVIDED BY LOCAL SURVEYORS.

**GPS NOTES**  
THE FOLLOWING GPS STATION DATA FROM THE SURVEY IS PROVIDED FOR YOUR RECORDING IN THE DEED.  
STATION NAME: 17D-154  
ELEVATION: 1111.197  
UTM X: 17T 154 000  
UTM Y: 154 000 000  
UTM ZONE: 17T 154  
UTM DATUM: NAD 83  
UTM PROJECTION: UTM  
UTM SCALE FACTOR: 0.9996012717  
UTM FALSE EASTING: 500000  
UTM FALSE NORTHING: 0  
UTM CENTRE LINE EASTING: 1000000  
UTM CENTRE LINE NORTHING: 0  
UTM EASTING AT POINT: 1740000  
UTM NORTHING AT POINT: 1540000  
UTM POINT ID: 1740000 1540000  
UTM POINT ELEVATION: 1111.197  
UTM POINT DESCRIPTION: GPS CONTROL POINT  
UTM POINT TYPE: CONTROL POINT  
UTM POINT STATUS: CONTROL POINT  
UTM POINT USE: CONTROL POINT  
UTM POINT DATE: 06/14/2022

**TITLE EXCEPTIONS**  
THIS SURVEY WAS COMPLETED WITH THE AID OF THE SURVEYING INSTRUMENTS AND METHODS CURRENTLY IN USE.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

**GPS NOTES**  
THE FOLLOWING GPS STATION DATA FROM THE SURVEY IS PROVIDED FOR YOUR RECORDING IN THE DEED.  
STATION NAME: 17D-154  
ELEVATION: 1111.197  
UTM X: 17T 154 000  
UTM Y: 154 000 000  
UTM ZONE: 17T 154  
UTM DATUM: NAD 83  
UTM PROJECTION: UTM  
UTM SCALE FACTOR: 0.9996012717  
UTM FALSE EASTING: 500000  
UTM FALSE NORTHING: 0  
UTM CENTRE LINE EASTING: 1000000  
UTM CENTRE LINE NORTHING: 0  
UTM EASTING AT POINT: 1740000  
UTM NORTHING AT POINT: 1540000  
UTM POINT ID: 1740000 1540000  
UTM POINT ELEVATION: 1111.197  
UTM POINT DESCRIPTION: GPS CONTROL POINT  
UTM POINT TYPE: CONTROL POINT  
UTM POINT STATUS: CONTROL POINT  
UTM POINT USE: CONTROL POINT  
UTM POINT DATE: 06/14/2022

**GPS NOTES**  
THE FOLLOWING GPS STATION DATA FROM THE SURVEY IS PROVIDED FOR YOUR RECORDING IN THE DEED.  
STATION NAME: 17D-154  
ELEVATION: 1111.197  
UTM X: 17T 154 000  
UTM Y: 154 000 000  
UTM ZONE: 17T 154  
UTM DATUM: NAD 83  
UTM PROJECTION: UTM  
UTM SCALE FACTOR: 0.9996012717  
UTM FALSE EASTING: 500000  
UTM FALSE NORTHING: 0  
UTM CENTRE LINE EASTING: 1000000  
UTM CENTRE LINE NORTHING: 0  
UTM EASTING AT POINT: 1740000  
UTM NORTHING AT POINT: 1540000  
UTM POINT ID: 1740000 1540000  
UTM POINT ELEVATION: 1111.197  
UTM POINT DESCRIPTION: GPS CONTROL POINT  
UTM POINT TYPE: CONTROL POINT  
UTM POINT STATUS: CONTROL POINT  
UTM POINT USE: CONTROL POINT  
UTM POINT DATE: 06/14/2022

**GPS NOTES**  
THE FOLLOWING GPS STATION DATA FROM THE SURVEY IS PROVIDED FOR YOUR RECORDING IN THE DEED.  
STATION NAME: 17D-154  
ELEVATION: 1111.197  
UTM X: 17T 154 000  
UTM Y: 154 000 000  
UTM ZONE: 17T 154  
UTM DATUM: NAD 83  
UTM PROJECTION: UTM  
UTM SCALE FACTOR: 0.9996012717  
UTM FALSE EASTING: 500000  
UTM FALSE NORTHING: 0  
UTM CENTRE LINE EASTING: 1000000  
UTM CENTRE LINE NORTHING: 0  
UTM EASTING AT POINT: 1740000  
UTM NORTHING AT POINT: 1540000  
UTM POINT ID: 1740000 1540000  
UTM POINT ELEVATION: 1111.197  
UTM POINT DESCRIPTION: GPS CONTROL POINT  
UTM POINT TYPE: CONTROL POINT  
UTM POINT STATUS: CONTROL POINT  
UTM POINT USE: CONTROL POINT  
UTM POINT DATE: 06/14/2022

**GPS NOTES**  
THE FOLLOWING GPS STATION DATA FROM THE SURVEY IS PROVIDED FOR YOUR RECORDING IN THE DEED.  
STATION NAME: 17D-154  
ELEVATION: 1111.197  
UTM X: 17T 154 000  
UTM Y: 154 000 000  
UTM ZONE: 17T 154  
UTM DATUM: NAD 83  
UTM PROJECTION: UTM  
UTM SCALE FACTOR: 0.9996012717  
UTM FALSE EASTING: 500000  
UTM FALSE NORTHING: 0  
UTM CENTRE LINE EASTING: 1000000  
UTM CENTRE LINE NORTHING: 0  
UTM EASTING AT POINT: 1740000  
UTM NORTHING AT POINT: 1540000  
UTM POINT ID: 1740000 1540000  
UTM POINT ELEVATION: 1111.197  
UTM POINT DESCRIPTION: GPS CONTROL POINT  
UTM POINT TYPE: CONTROL POINT  
UTM POINT STATUS: CONTROL POINT  
UTM POINT USE: CONTROL POINT  
UTM POINT DATE: 06/14/2022

**SURVEYOR'S CERTIFICATE**  
TO WHOMSOEVER IT MAY CONCERN:  
I, THE SURVEYOR, DO HEREBY CERTIFY THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE PROFESSIONAL STANDARDS AND ETHICS OF THE SURVEYING PROFESSION.  
I HAVE CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAVE FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.  
I HAVE CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAVE FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

**SURVEYOR'S CERTIFICATION**  
THIS IS A CERTIFICATION OF THE SURVEYOR'S PROFESSIONAL STANDARDS AND ETHICS. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE LAND AND HAS FOUND NO EVIDENCE OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS THAT WOULD AFFECT THE SURVEY.

**SEE SHEET 2 FOR LINE TABLE**

**SEE SHEET 2 FOR LINE TABLE**

**SEE SHEET 2 FOR LINE TABLE**

**SEE SHEET 2 FOR LINE TABLE**

**SEE SHEET 2 FOR LINE TABLE**

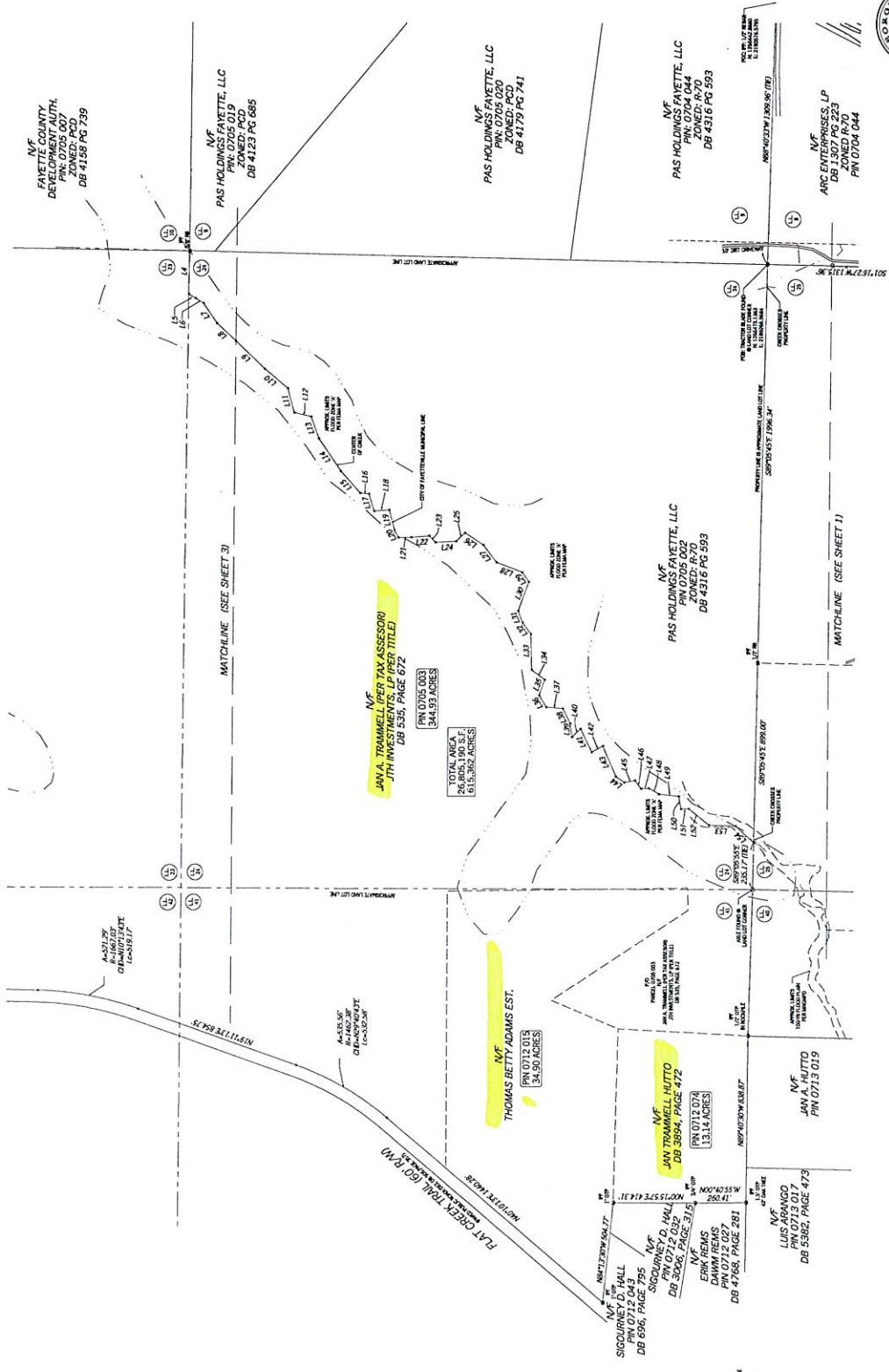
POINT TO POINT LAND SURVEYORS  
 PREPARED FOR  
**MORNING HORNET**  
 KIMLEY HORN AND ASSOCIATES

AN ATLANTA'S LAND TITLE SURVEY PREPARED BY:  
 1010 Governors Trace, Suite 103, Peachtree City, GA 30029  
 (678) 565-4440 (678) 565-4497 (w) pdk@pointtosurvey.com



LAND LOTS: 2325 & 4043  
 SECTION: 7N1  
 CITY: FAYETTEVILLE  
 COUNTY: FAYETTE  
 STATE: GEORGIA  
 DATE: JUNE 14, 2023  
 DRAWN BY: CAD  
 APPROVED BY: D. MILLER  
 JOB #: 220887CA  
 FILE #: 1703154  
 SHEET NUMBER:  
**2**

DATE: 6/22/23  
 COMMENTS:  
 RELEASE DESCRIPTION:  
 07 SHEETS



LINE TABLE

LINE	BEARING	DISTANCE
1	S 89° 58' 00" W	10.00
2	S 89° 58' 00" W	10.00
3	S 89° 58' 00" W	10.00
4	S 89° 58' 00" W	10.00
5	S 89° 58' 00" W	10.00
6	S 89° 58' 00" W	10.00
7	S 89° 58' 00" W	10.00
8	S 89° 58' 00" W	10.00
9	S 89° 58' 00" W	10.00
10	S 89° 58' 00" W	10.00
11	S 89° 58' 00" W	10.00
12	S 89° 58' 00" W	10.00
13	S 89° 58' 00" W	10.00
14	S 89° 58' 00" W	10.00
15	S 89° 58' 00" W	10.00
16	S 89° 58' 00" W	10.00
17	S 89° 58' 00" W	10.00
18	S 89° 58' 00" W	10.00
19	S 89° 58' 00" W	10.00
20	S 89° 58' 00" W	10.00
21	S 89° 58' 00" W	10.00
22	S 89° 58' 00" W	10.00
23	S 89° 58' 00" W	10.00
24	S 89° 58' 00" W	10.00
25	S 89° 58' 00" W	10.00
26	S 89° 58' 00" W	10.00
27	S 89° 58' 00" W	10.00
28	S 89° 58' 00" W	10.00
29	S 89° 58' 00" W	10.00
30	S 89° 58' 00" W	10.00
31	S 89° 58' 00" W	10.00
32	S 89° 58' 00" W	10.00
33	S 89° 58' 00" W	10.00
34	S 89° 58' 00" W	10.00
35	S 89° 58' 00" W	10.00
36	S 89° 58' 00" W	10.00
37	S 89° 58' 00" W	10.00
38	S 89° 58' 00" W	10.00
39	S 89° 58' 00" W	10.00
40	S 89° 58' 00" W	10.00
41	S 89° 58' 00" W	10.00
42	S 89° 58' 00" W	10.00
43	S 89° 58' 00" W	10.00
44	S 89° 58' 00" W	10.00
45	S 89° 58' 00" W	10.00
46	S 89° 58' 00" W	10.00
47	S 89° 58' 00" W	10.00
48	S 89° 58' 00" W	10.00
49	S 89° 58' 00" W	10.00
50	S 89° 58' 00" W	10.00
51	S 89° 58' 00" W	10.00
52	S 89° 58' 00" W	10.00
53	S 89° 58' 00" W	10.00
54	S 89° 58' 00" W	10.00
55	S 89° 58' 00" W	10.00
56	S 89° 58' 00" W	10.00
57	S 89° 58' 00" W	10.00
58	S 89° 58' 00" W	10.00
59	S 89° 58' 00" W	10.00
60	S 89° 58' 00" W	10.00
61	S 89° 58' 00" W	10.00
62	S 89° 58' 00" W	10.00
63	S 89° 58' 00" W	10.00
64	S 89° 58' 00" W	10.00
65	S 89° 58' 00" W	10.00
66	S 89° 58' 00" W	10.00
67	S 89° 58' 00" W	10.00
68	S 89° 58' 00" W	10.00
69	S 89° 58' 00" W	10.00
70	S 89° 58' 00" W	10.00
71	S 89° 58' 00" W	10.00
72	S 89° 58' 00" W	10.00
73	S 89° 58' 00" W	10.00
74	S 89° 58' 00" W	10.00
75	S 89° 58' 00" W	10.00
76	S 89° 58' 00" W	10.00
77	S 89° 58' 00" W	10.00
78	S 89° 58' 00" W	10.00
79	S 89° 58' 00" W	10.00
80	S 89° 58' 00" W	10.00
81	S 89° 58' 00" W	10.00
82	S 89° 58' 00" W	10.00
83	S 89° 58' 00" W	10.00
84	S 89° 58' 00" W	10.00
85	S 89° 58' 00" W	10.00
86	S 89° 58' 00" W	10.00
87	S 89° 58' 00" W	10.00
88	S 89° 58' 00" W	10.00
89	S 89° 58' 00" W	10.00
90	S 89° 58' 00" W	10.00
91	S 89° 58' 00" W	10.00
92	S 89° 58' 00" W	10.00
93	S 89° 58' 00" W	10.00
94	S 89° 58' 00" W	10.00
95	S 89° 58' 00" W	10.00
96	S 89° 58' 00" W	10.00
97	S 89° 58' 00" W	10.00
98	S 89° 58' 00" W	10.00
99	S 89° 58' 00" W	10.00
100	S 89° 58' 00" W	10.00



LEGEND  
 ① BOUNDARY CORNER MARKER  
 ② BOUNDARY CORNER MARKER  
 ③ BOUNDARY CORNER MARKER  
 ④ BOUNDARY CORNER MARKER  
 ⑤ BOUNDARY CORNER MARKER  
 ⑥ BOUNDARY CORNER MARKER  
 ⑦ BOUNDARY CORNER MARKER  
 ⑧ BOUNDARY CORNER MARKER  
 ⑨ BOUNDARY CORNER MARKER  
 ⑩ BOUNDARY CORNER MARKER  
 ⑪ BOUNDARY CORNER MARKER  
 ⑫ BOUNDARY CORNER MARKER  
 ⑬ BOUNDARY CORNER MARKER  
 ⑭ BOUNDARY CORNER MARKER  
 ⑮ BOUNDARY CORNER MARKER  
 ⑯ BOUNDARY CORNER MARKER  
 ⑰ BOUNDARY CORNER MARKER  
 ⑱ BOUNDARY CORNER MARKER  
 ⑲ BOUNDARY CORNER MARKER  
 ⑳ BOUNDARY CORNER MARKER  
 ㉑ BOUNDARY CORNER MARKER  
 ㉒ BOUNDARY CORNER MARKER  
 ㉓ BOUNDARY CORNER MARKER  
 ㉔ BOUNDARY CORNER MARKER  
 ㉕ BOUNDARY CORNER MARKER  
 ㉖ BOUNDARY CORNER MARKER  
 ㉗ BOUNDARY CORNER MARKER  
 ㉘ BOUNDARY CORNER MARKER  
 ㉙ BOUNDARY CORNER MARKER  
 ㉚ BOUNDARY CORNER MARKER  
 ㉛ BOUNDARY CORNER MARKER  
 ㉜ BOUNDARY CORNER MARKER  
 ㉝ BOUNDARY CORNER MARKER  
 ㉞ BOUNDARY CORNER MARKER  
 ㉟ BOUNDARY CORNER MARKER  
 ㊱ BOUNDARY CORNER MARKER  
 ㊲ BOUNDARY CORNER MARKER  
 ㊳ BOUNDARY CORNER MARKER  
 ㊴ BOUNDARY CORNER MARKER  
 ㊵ BOUNDARY CORNER MARKER  
 ㊶ BOUNDARY CORNER MARKER  
 ㊷ BOUNDARY CORNER MARKER  
 ㊸ BOUNDARY CORNER MARKER  
 ㊹ BOUNDARY CORNER MARKER  
 ㊺ BOUNDARY CORNER MARKER  
 ㊻ BOUNDARY CORNER MARKER  
 ㊼ BOUNDARY CORNER MARKER  
 ㊽ BOUNDARY CORNER MARKER  
 ㊾ BOUNDARY CORNER MARKER  
 ㊿ BOUNDARY CORNER MARKER  
 1. BOUNDARY CORNER MARKER  
 2. BOUNDARY CORNER MARKER  
 3. BOUNDARY CORNER MARKER  
 4. BOUNDARY CORNER MARKER  
 5. BOUNDARY CORNER MARKER  
 6. BOUNDARY CORNER MARKER  
 7. BOUNDARY CORNER MARKER  
 8. BOUNDARY CORNER MARKER  
 9. BOUNDARY CORNER MARKER  
 10. BOUNDARY CORNER MARKER  
 11. BOUNDARY CORNER MARKER  
 12. BOUNDARY CORNER MARKER  
 13. BOUNDARY CORNER MARKER  
 14. BOUNDARY CORNER MARKER  
 15. BOUNDARY CORNER MARKER  
 16. BOUNDARY CORNER MARKER  
 17. BOUNDARY CORNER MARKER  
 18. BOUNDARY CORNER MARKER  
 19. BOUNDARY CORNER MARKER  
 20. BOUNDARY CORNER MARKER  
 21. BOUNDARY CORNER MARKER  
 22. BOUNDARY CORNER MARKER  
 23. BOUNDARY CORNER MARKER  
 24. BOUNDARY CORNER MARKER  
 25. BOUNDARY CORNER MARKER  
 26. BOUNDARY CORNER MARKER  
 27. BOUNDARY CORNER MARKER  
 28. BOUNDARY CORNER MARKER  
 29. BOUNDARY CORNER MARKER  
 30. BOUNDARY CORNER MARKER  
 31. BOUNDARY CORNER MARKER  
 32. BOUNDARY CORNER MARKER  
 33. BOUNDARY CORNER MARKER  
 34. BOUNDARY CORNER MARKER  
 35. BOUNDARY CORNER MARKER  
 36. BOUNDARY CORNER MARKER  
 37. BOUNDARY CORNER MARKER  
 38. BOUNDARY CORNER MARKER  
 39. BOUNDARY CORNER MARKER  
 40. BOUNDARY CORNER MARKER  
 41. BOUNDARY CORNER MARKER  
 42. BOUNDARY CORNER MARKER  
 43. BOUNDARY CORNER MARKER  
 44. BOUNDARY CORNER MARKER  
 45. BOUNDARY CORNER MARKER  
 46. BOUNDARY CORNER MARKER  
 47. BOUNDARY CORNER MARKER  
 48. BOUNDARY CORNER MARKER  
 49. BOUNDARY CORNER MARKER  
 50. BOUNDARY CORNER MARKER  
 51. BOUNDARY CORNER MARKER  
 52. BOUNDARY CORNER MARKER  
 53. BOUNDARY CORNER MARKER  
 54. BOUNDARY CORNER MARKER  
 55. BOUNDARY CORNER MARKER  
 56. BOUNDARY CORNER MARKER  
 57. BOUNDARY CORNER MARKER  
 58. BOUNDARY CORNER MARKER  
 59. BOUNDARY CORNER MARKER  
 60. BOUNDARY CORNER MARKER  
 61. BOUNDARY CORNER MARKER  
 62. BOUNDARY CORNER MARKER  
 63. BOUNDARY CORNER MARKER  
 64. BOUNDARY CORNER MARKER  
 65. BOUNDARY CORNER MARKER  
 66. BOUNDARY CORNER MARKER  
 67. BOUNDARY CORNER MARKER  
 68. BOUNDARY CORNER MARKER  
 69. BOUNDARY CORNER MARKER  
 70. BOUNDARY CORNER MARKER  
 71. BOUNDARY CORNER MARKER  
 72. BOUNDARY CORNER MARKER  
 73. BOUNDARY CORNER MARKER  
 74. BOUNDARY CORNER MARKER  
 75. BOUNDARY CORNER MARKER  
 76. BOUNDARY CORNER MARKER  
 77. BOUNDARY CORNER MARKER  
 78. BOUNDARY CORNER MARKER  
 79. BOUNDARY CORNER MARKER  
 80. BOUNDARY CORNER MARKER  
 81. BOUNDARY CORNER MARKER  
 82. BOUNDARY CORNER MARKER  
 83. BOUNDARY CORNER MARKER  
 84. BOUNDARY CORNER MARKER  
 85. BOUNDARY CORNER MARKER  
 86. BOUNDARY CORNER MARKER  
 87. BOUNDARY CORNER MARKER  
 88. BOUNDARY CORNER MARKER  
 89. BOUNDARY CORNER MARKER  
 90. BOUNDARY CORNER MARKER  
 91. BOUNDARY CORNER MARKER  
 92. BOUNDARY CORNER MARKER  
 93. BOUNDARY CORNER MARKER  
 94. BOUNDARY CORNER MARKER  
 95. BOUNDARY CORNER MARKER  
 96. BOUNDARY CORNER MARKER  
 97. BOUNDARY CORNER MARKER  
 98. BOUNDARY CORNER MARKER  
 99. BOUNDARY CORNER MARKER  
 100. BOUNDARY CORNER MARKER

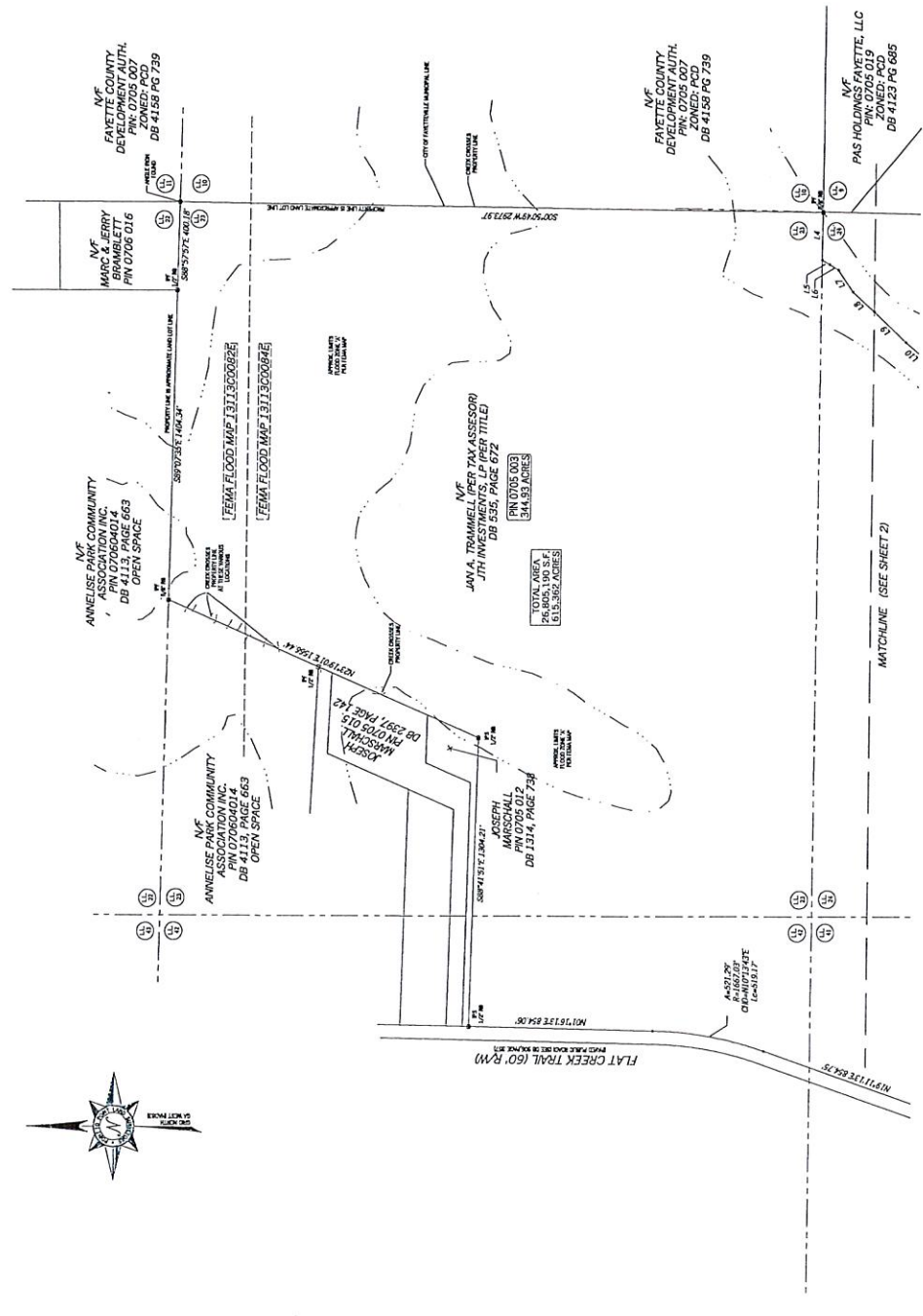
DATE:	6/22/22
COMMENTS:	
RELEASE DESCRIPTION:	

MORNING HORNET  
 PREPARED FOR:  
 KIMLEY HORN AND ASSOCIATES

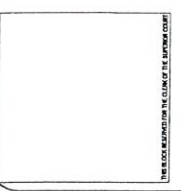
POINT TO POINT  
 LAND SURVEYORS  
 1010 Governors Trace, Suite 103, Peachtree City, GA 30269  
 (678) 555-4440 (678) 555-4497 (w) pointtopointsurvey.com



AN ALTA'S L&T SURVEY PREPARED BY:  
 LAND LOTS: 2325 & 4042  
 SECTION: 7th  
 DISTRICT: 7th  
 COUNTY: FAYETTE  
 COUNTY: FAYETTE  
 STATE: GEORGIA  
 DATE: JUNE 14, 2022  
 DRAWN BY: CAD  
 CHECKED BY: D.M.A.  
 APPROVED BY: D. MALLER  
 JOB #: 220801CA  
 FILE #: 1745-154  
 SHEET NUMBER:  
 3  
 OF 7 SHEETS



SEE SHEET 2 FOR LINE TABLE



THIS IS A PRELIMINARY SURVEY. THE CLIENT IS THE SURVEYOR'S CLIENT.  
 LEGEND:  
 1. BOUNDARY POINT MARKERS  
 2. BOUNDARY LINE  
 3. EASEMENT BOUNDARY  
 4. EASEMENT LINE  
 5. EASEMENT AREA  
 6. EASEMENT POINT  
 7. EASEMENT POINT MARKER  
 8. EASEMENT POINT MARKER  
 9. EASEMENT POINT MARKER  
 10. EASEMENT POINT MARKER  
 11. EASEMENT POINT MARKER  
 12. EASEMENT POINT MARKER  
 13. EASEMENT POINT MARKER  
 14. EASEMENT POINT MARKER  
 15. EASEMENT POINT MARKER  
 16. EASEMENT POINT MARKER  
 17. EASEMENT POINT MARKER  
 18. EASEMENT POINT MARKER  
 19. EASEMENT POINT MARKER  
 20. EASEMENT POINT MARKER  
 21. EASEMENT POINT MARKER  
 22. EASEMENT POINT MARKER  
 23. EASEMENT POINT MARKER  
 24. EASEMENT POINT MARKER  
 25. EASEMENT POINT MARKER  
 26. EASEMENT POINT MARKER  
 27. EASEMENT POINT MARKER  
 28. EASEMENT POINT MARKER  
 29. EASEMENT POINT MARKER  
 30. EASEMENT POINT MARKER  
 31. EASEMENT POINT MARKER  
 32. EASEMENT POINT MARKER  
 33. EASEMENT POINT MARKER  
 34. EASEMENT POINT MARKER  
 35. EASEMENT POINT MARKER  
 36. EASEMENT POINT MARKER  
 37. EASEMENT POINT MARKER  
 38. EASEMENT POINT MARKER  
 39. EASEMENT POINT MARKER  
 40. EASEMENT POINT MARKER  
 41. EASEMENT POINT MARKER  
 42. EASEMENT POINT MARKER  
 43. EASEMENT POINT MARKER  
 44. EASEMENT POINT MARKER  
 45. EASEMENT POINT MARKER  
 46. EASEMENT POINT MARKER  
 47. EASEMENT POINT MARKER  
 48. EASEMENT POINT MARKER  
 49. EASEMENT POINT MARKER  
 50. EASEMENT POINT MARKER  
 51. EASEMENT POINT MARKER  
 52. EASEMENT POINT MARKER  
 53. EASEMENT POINT MARKER  
 54. EASEMENT POINT MARKER  
 55. EASEMENT POINT MARKER  
 56. EASEMENT POINT MARKER  
 57. EASEMENT POINT MARKER  
 58. EASEMENT POINT MARKER  
 59. EASEMENT POINT MARKER  
 60. EASEMENT POINT MARKER  
 61. EASEMENT POINT MARKER  
 62. EASEMENT POINT MARKER  
 63. EASEMENT POINT MARKER  
 64. EASEMENT POINT MARKER  
 65. EASEMENT POINT MARKER  
 66. EASEMENT POINT MARKER  
 67. EASEMENT POINT MARKER  
 68. EASEMENT POINT MARKER  
 69. EASEMENT POINT MARKER  
 70. EASEMENT POINT MARKER  
 71. EASEMENT POINT MARKER  
 72. EASEMENT POINT MARKER  
 73. EASEMENT POINT MARKER  
 74. EASEMENT POINT MARKER  
 75. EASEMENT POINT MARKER  
 76. EASEMENT POINT MARKER  
 77. EASEMENT POINT MARKER  
 78. EASEMENT POINT MARKER  
 79. EASEMENT POINT MARKER  
 80. EASEMENT POINT MARKER  
 81. EASEMENT POINT MARKER  
 82. EASEMENT POINT MARKER  
 83. EASEMENT POINT MARKER  
 84. EASEMENT POINT MARKER  
 85. EASEMENT POINT MARKER  
 86. EASEMENT POINT MARKER  
 87. EASEMENT POINT MARKER  
 88. EASEMENT POINT MARKER  
 89. EASEMENT POINT MARKER  
 90. EASEMENT POINT MARKER  
 91. EASEMENT POINT MARKER  
 92. EASEMENT POINT MARKER  
 93. EASEMENT POINT MARKER  
 94. EASEMENT POINT MARKER  
 95. EASEMENT POINT MARKER  
 96. EASEMENT POINT MARKER  
 97. EASEMENT POINT MARKER  
 98. EASEMENT POINT MARKER  
 99. EASEMENT POINT MARKER  
 100. EASEMENT POINT MARKER





**PETITION NO: A-818-23**

**Requested Action:** Variance to side building setback in the M-1 (Light-Industrial) District to allow the existing primary structure to remain.

**Location:** 130 Carnes Road, Fayetteville, GA 30214

**Parcel(s):** 054501021

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 217

**Owner(s):** Baby Bird and Company Automotives, LLC

**Agent:** Mark Schaeffer, Esq., Glosser & Schaeffer, P.C.

**Zoning Board of Appeal Public Hearing:** January 23, 2023

**REQUEST**

Applicant is requesting the following variances for an existing principal structure:

1. Variance to Sec. 110-146.(d)(5). Side yard setback – to reduce the side yard setback from 25 feet to 10 feet to allow an existing principal structure to remain.

**STAFF RECOMMENDATION**

The principal structure was constructed in accordance with the zoning requirements of C-H which is a 15' setback. The property was rezoned from C-H to M-1 on December 8, 2022 with the intent to operate an automotive paint and body shop. M-1 zoning has a side yard setback of 25'. Rezoning the property to M-1 created the nonconformity.

Regarding variance request A-818-23, requesting to reduce the side building setback for an existing principal structure to remain, staff recommends **APPROVAL**.

## HISTORY

The subject property is part of Kenwood Business Park, Phase II subdivision, recorded June 18, 1990. The structure was built in 1991, complying with C-H requirements. The applicants purchased the property in 2022 with the existing structure that is the subject of the request.

The structure was built in conformance with C-H zoning requirements. The building became encroachment into the setbacks was identified as part of a building permit application for a new accessory structure.

## DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to this proposed variance. Water is available along the northside of Carnes Dr. in an 8" PVC water main and an 8" water main on the westside of Walter Way.
- Public Works/Environmental Management** – No objections
  - **Transportation** – Public Works/Engineering has reviewed the request and has no comments concerning the variance.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0043E dated September 26, 2008, nor per the FC 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 NO** known state waters located on the subject property.
  - **Groundwater** – The property **IS NOT** within a groundwater recharge area.
- Environmental Health Department** – No objections.
- Fire** – No objections.

**VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

*The applicant provides the following information*

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

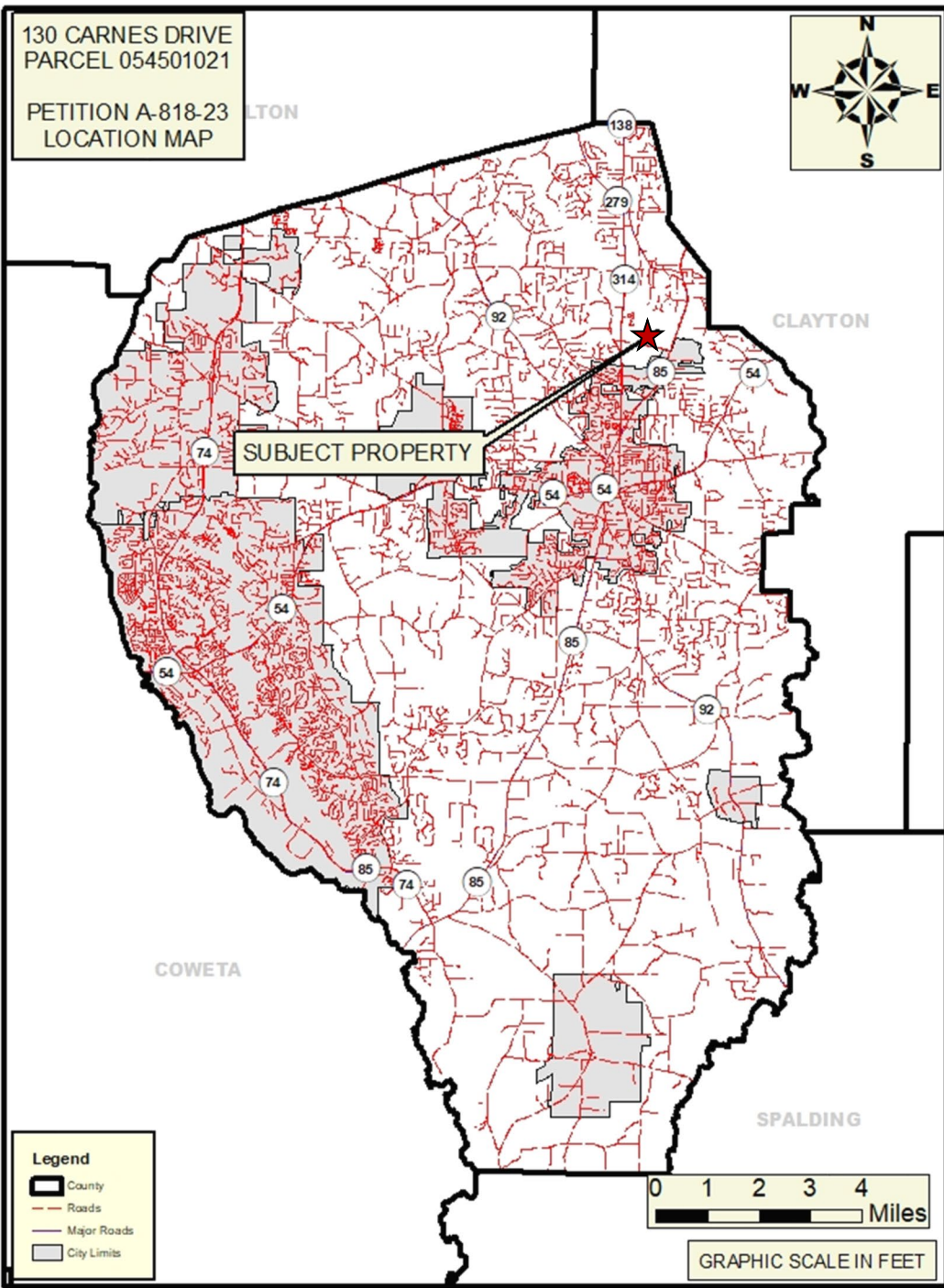
*Petition No. 1327-22 was approved by the Fayette County Board of Commissioners rezoning parcel 0545021021, 130 Carnes Dr., from C-H to M-1 so the property could be used to operate an auto body and paint facility. The existing building complied with C-H zoning setback because the rear position of the building is 15.3 feet from the property line and 19.3 feet from the side property line. A variance is requested so the property as is sits is legally conforming according to M-1 Zoning.*

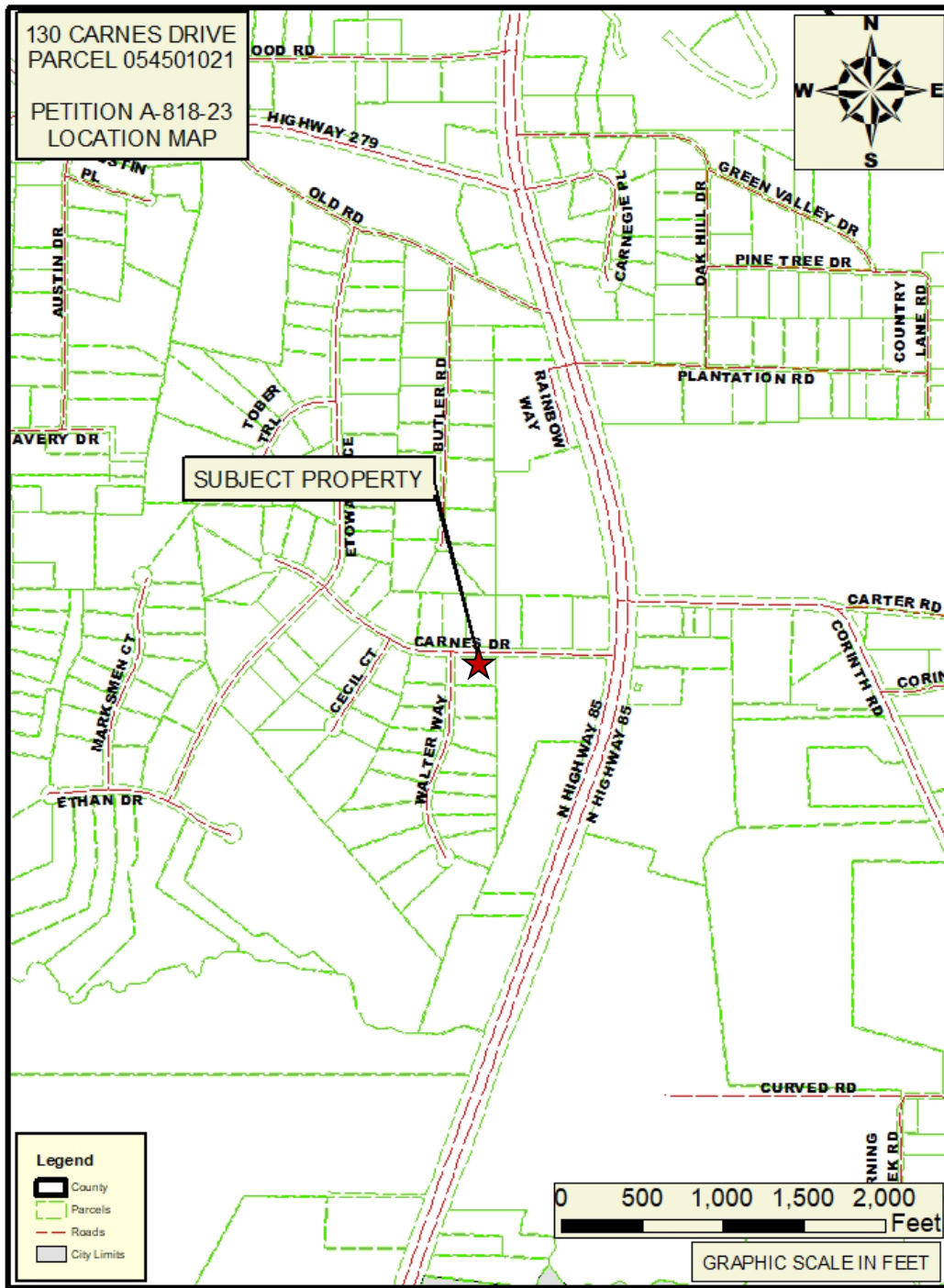
**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

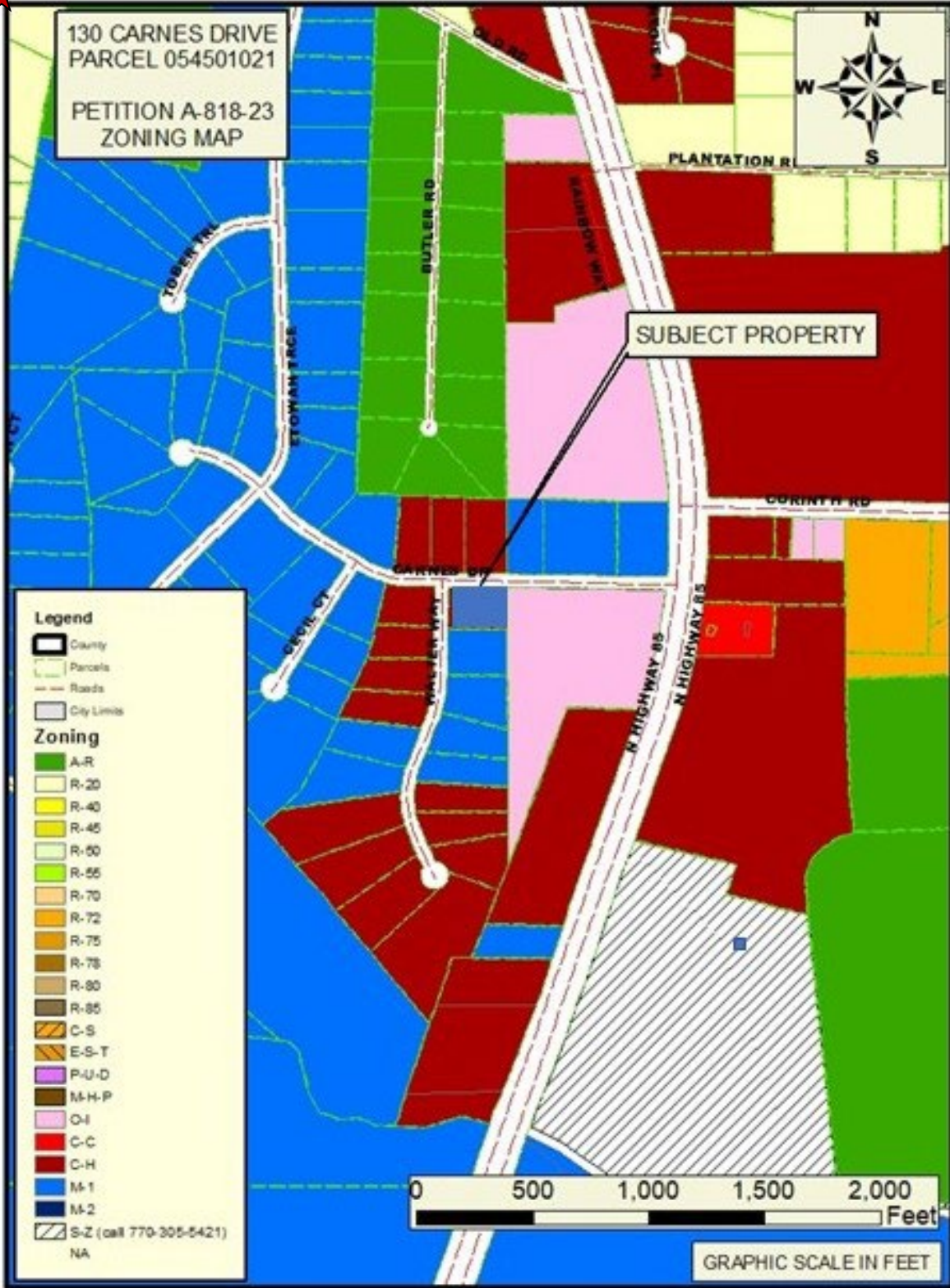
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*Property rezoned from C-H to M-1.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
*Property rezoned from C-H to M-1.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**  
*Property rezoned from C-H to M-1.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**  
*Property rezoned from C-H to M-1.*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
*Property rezoned from C-H to M-1.*

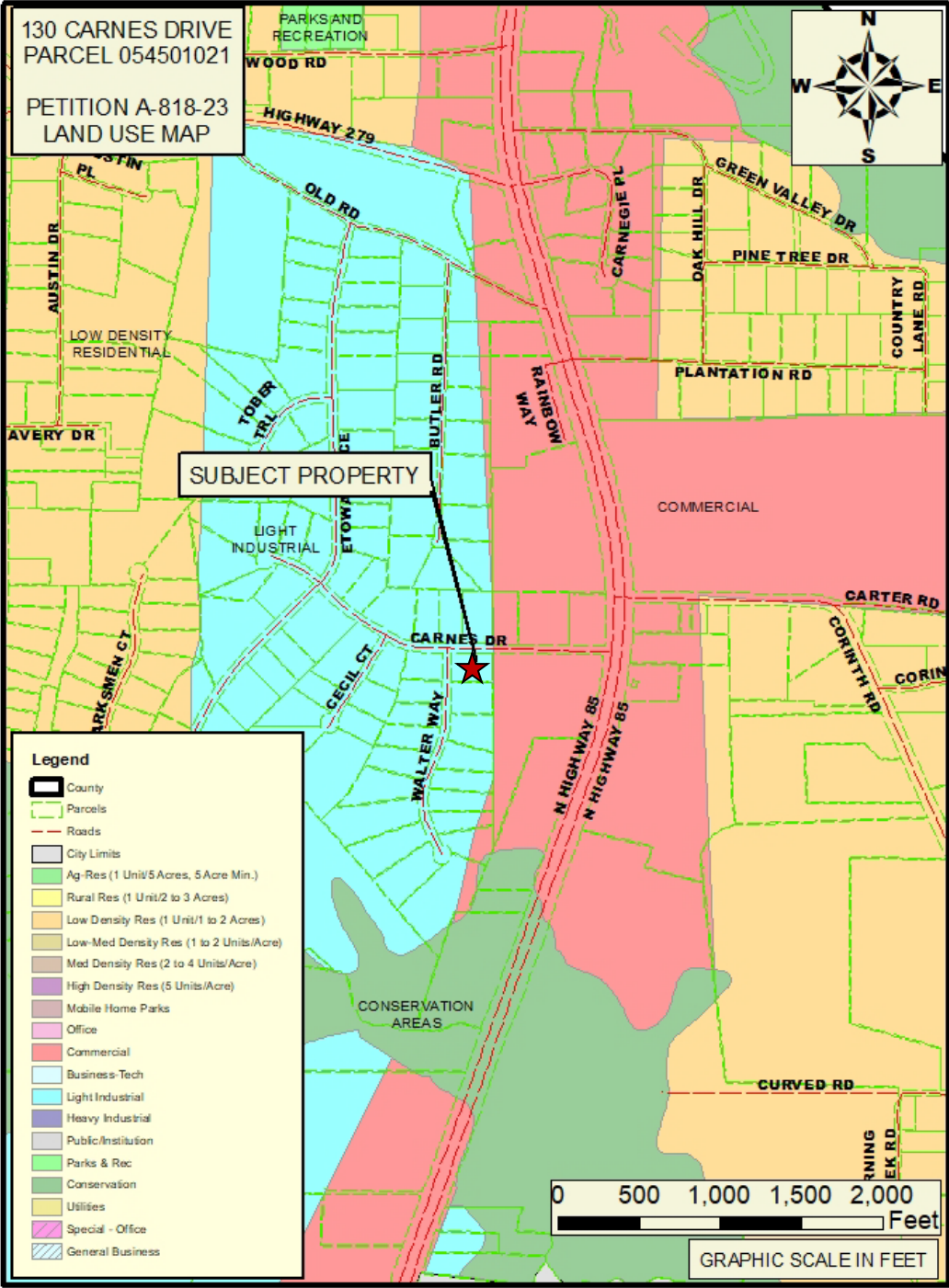
130 CARNES DRIVE  
PARCEL 054501021

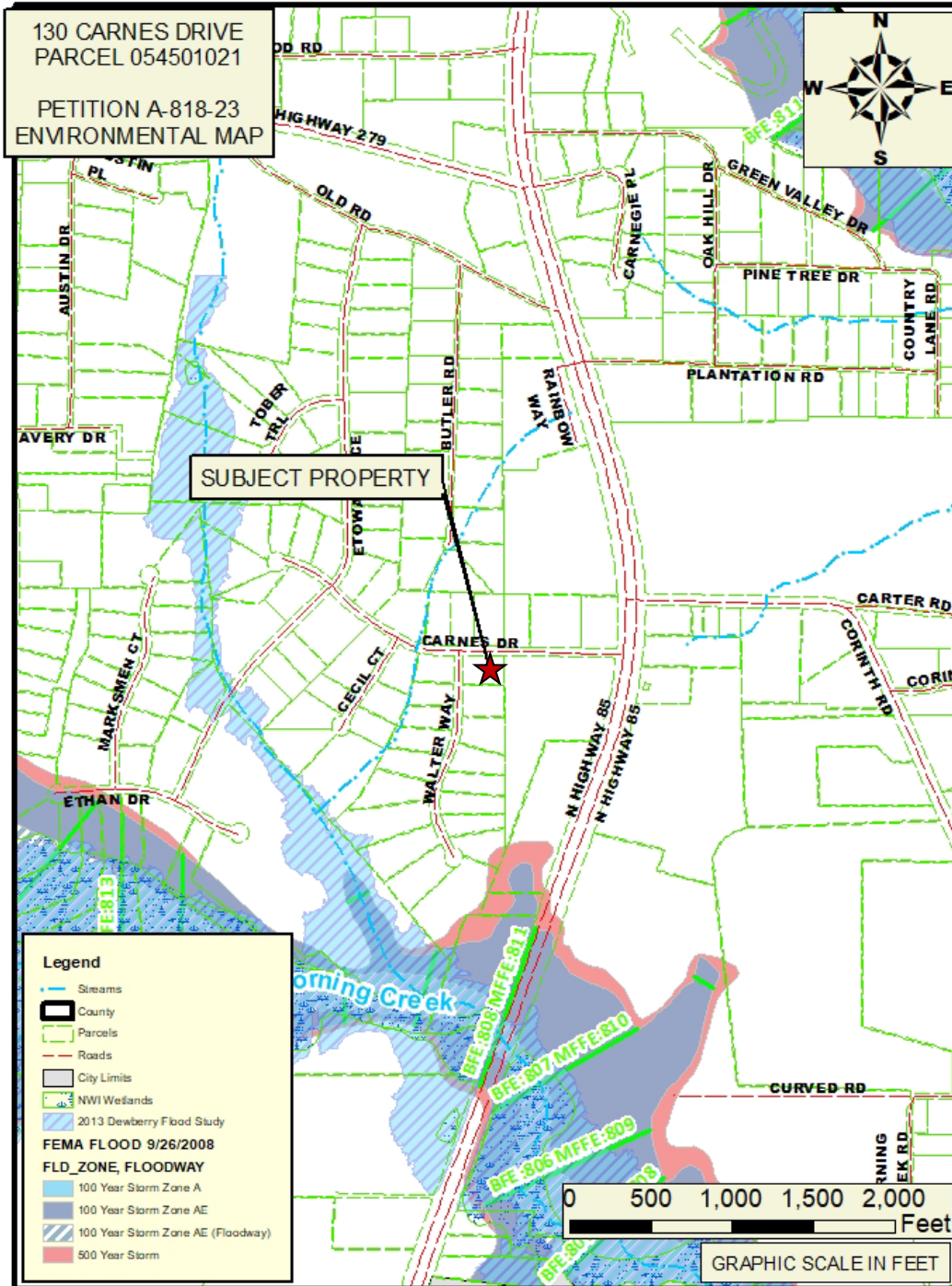
PETITION A-818-23  
LOCATION MAP





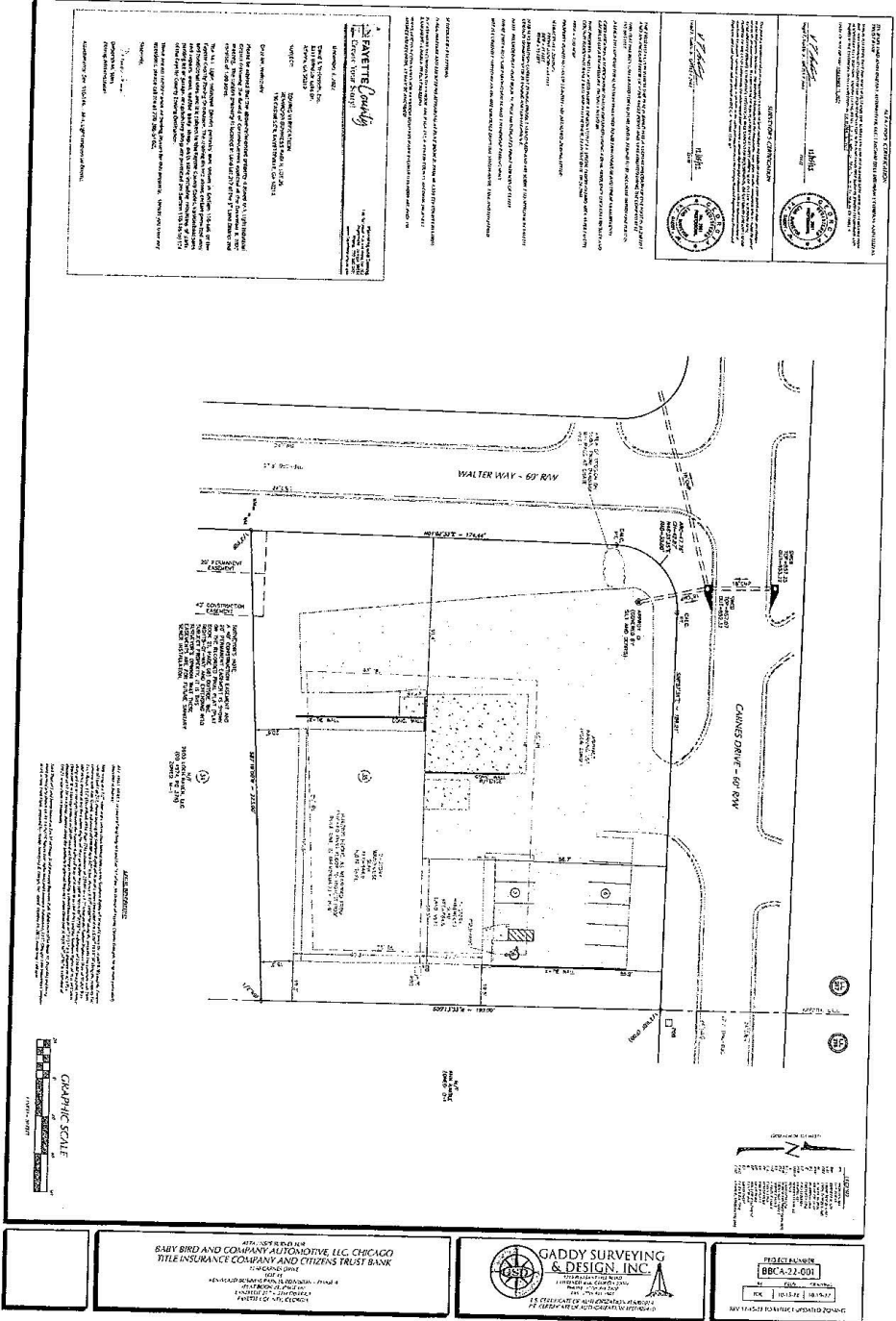














A-818-23 Carnes Road



A-818-23 Walter Way

130 CAWES DRIVE  
FAYETTEVILLE, GA

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: Baby Birdau Company Automotives, LLC

MAILING ADDRESS: 298 Corine Court, Lawrenceville GA 30045

PHONE: 678-457-6708 E-MAIL: Karlous miller@gmail.com

AGENT FOR OWNERS: Mark Schaeffer, Esq., Glasser & Schaeffer PC

MAILING ADDRESS: 56 Perimeter Center East, suite 450, Atlanta GA 30346

PHONE: 678-428-5743 E-MAIL: mark@mylawusa.com

PROPERTY LOCATION: LAND LOT 217 LAND DISTRICT 5<sup>th</sup> PARCEL 054501021

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 1

ZONING DISTRICT: M-1

ZONING OF SURROUNDING PROPERTIES: M-1

PRESENT USE OF SUBJECT PROPERTY: Mechanic Shop

PROPOSED USE OF SUBJECT PROPERTY: Auto Body Shop

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A 818-23

[ ] Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: Dec 20, 2022

DATE OF ZONING BOARD OF APPEALS HEARING: JANUARY 23, 2023

Received from GLASSER & SCHAEFFER, P.C. a check in the amount of \$ 225.00

for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: Dec 20, 2022 Receipt Number: 016780

Total Paid \$225.00  
Paid For 1 Sign \$50.00  
3

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:

Baby Bird and Company Automobiles, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 054501021

(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) 217 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 Mark Schaeffer 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.

Baby Bird and Company Automobiles, LLC

by Baby B. O. Automobiles, LLC
Signature of Property Owner 1

by X Karlos Miller
Address Karlos Miller Member
130 Carnes Drive, Fayetteville, GA

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address

X Ginamarie Cassata
Signature of Notary Public

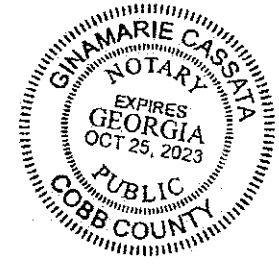
(December 19, 2022)
Date

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
110-146(d)(5) REDUCED SIDE YARD SETBACK	<del>25' Side</del> 25' Rear SIDE	<del>19.3' side</del> 15.3' SIDE	<del>5.7'</del> 9.7' 10'

### VARIANCE SUMMARY

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

Petition No 1327-22, was approved by the Fayette County Board of Commissioners regarding Parcel 054501021 130 Carnes Drive from C-H to M-1 so the property could be used to operate an auto body & paint facility. The existing building complied with the CH zoning set backs however the rear portion of the building is 15.3' from the Property line & 19.3 feet from the side Property line. A variance is requested so the property as it sits is legally conforming according to M-1 Zoning.

### 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.

Property Rezoned from C-H to M-1

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

Property Rezoned from C-H to M-1

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

Property Rezoned from C-H to M-1

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

Property Rezoned from C-H to M-1

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

Property Rezoned from C-H to M-1



Restrictions Recorded  
Book 663 pg. 158

RECORDED IN THE  
PUBLIC RECORDS OF  
FAVETTE COUNTY, MISSISSIPPI  
ON 6-13-90 AT 10:15 AM  
BY CLERK J. L. BROWN

MARKER	LENGTH	SIZE	STRUCTURE
1	24.17	24" ALUM	CR 10 CB
2	40.17	24" ALUM	CR 10 CB
3	42.17	24" ALUM	30" PIPE
4	24.17	18" ALUM	CR 10 CB
5	100.17	18" ALUM	CR 10 CB
6	24.17	18" ALUM	CR 10 CB
7	40.17	18" ALUM	CR 10 CB
8	40.17	18" ALUM	CR 10 CB
9	24.17	18" ALUM	CR 10 CB
10	40.17	18" ALUM	CR 10 CB
11	124.17	18" ALUM	CR 10 CB
12	40.17	18" ALUM	72" PIPE

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, FAVETTE COUNTY, MISSISSIPPI

THIS PLAN HAS BEEN REVIEWED BY A REPRESENTATIVE OF THE HEALTH DEPARTMENT AND APPROVED FOR THE PURPOSES OF THE HEALTH DEPARTMENT. THIS PLAN APPEARS TO BE IN ACCORDANCE WITH THE HEALTH DEPARTMENT REGULATIONS. THE HEALTH DEPARTMENT DOES NOT GUARANTEE THE ACCURACY OF THE BUILDING, STYLE OF BUILDING, ETC. BEFORE FINAL APPROVAL CAN BE GIVEN.

DATE 6-13-90 TIME 10:15 AM SIGNED [Signature]  
Specialist II

SURVEYOR'S ATTORNEYS

I CERTIFY THAT ALL INSTRUMENTS OF SURVEY AND VESTED INTERESTS IN REAL ESTATE HAVE BEEN RECORDED IN THE PUBLIC RECORDS OF FAVETTE COUNTY, MISSISSIPPI, AND THAT THE PROPERTY WILL BE CONVEYED TO THE PARTIES NAMED HEREIN AS SHOWN. INSTRUMENTS ARE SHOWN BY BOOK, PAGE, AND OTHER DATA.

[Signature]  
CLERK

[Signature]  
COUNTY CLERK

DATE 6-13-90

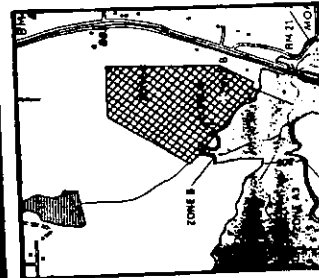
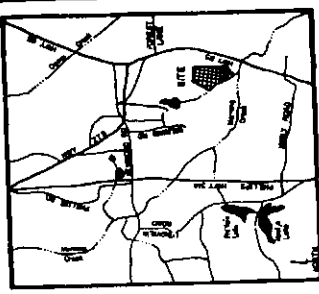
FINAL PLAN APPROVED BY COUNTY ENGINEER OF FAVETTE COUNTY.

ALL INSTRUMENTS OF SURVEY AND VESTED INTERESTS IN REAL ESTATE HAVE BEEN RECORDED IN THE PUBLIC RECORDS OF FAVETTE COUNTY, MISSISSIPPI, AND THAT THE PROPERTY WILL BE CONVEYED TO THE PARTIES NAMED HEREIN AS SHOWN. INSTRUMENTS ARE SHOWN BY BOOK, PAGE, AND OTHER DATA.

[Signature]  
COUNTY ENGINEER

APPROVED BY FAVETTEVILLE - FAVETTE COUNTY PUBLIC COMMISSION

DATE 6-13-90 STORED [Signature]  
SECRETARY



GENERAL NOTES:

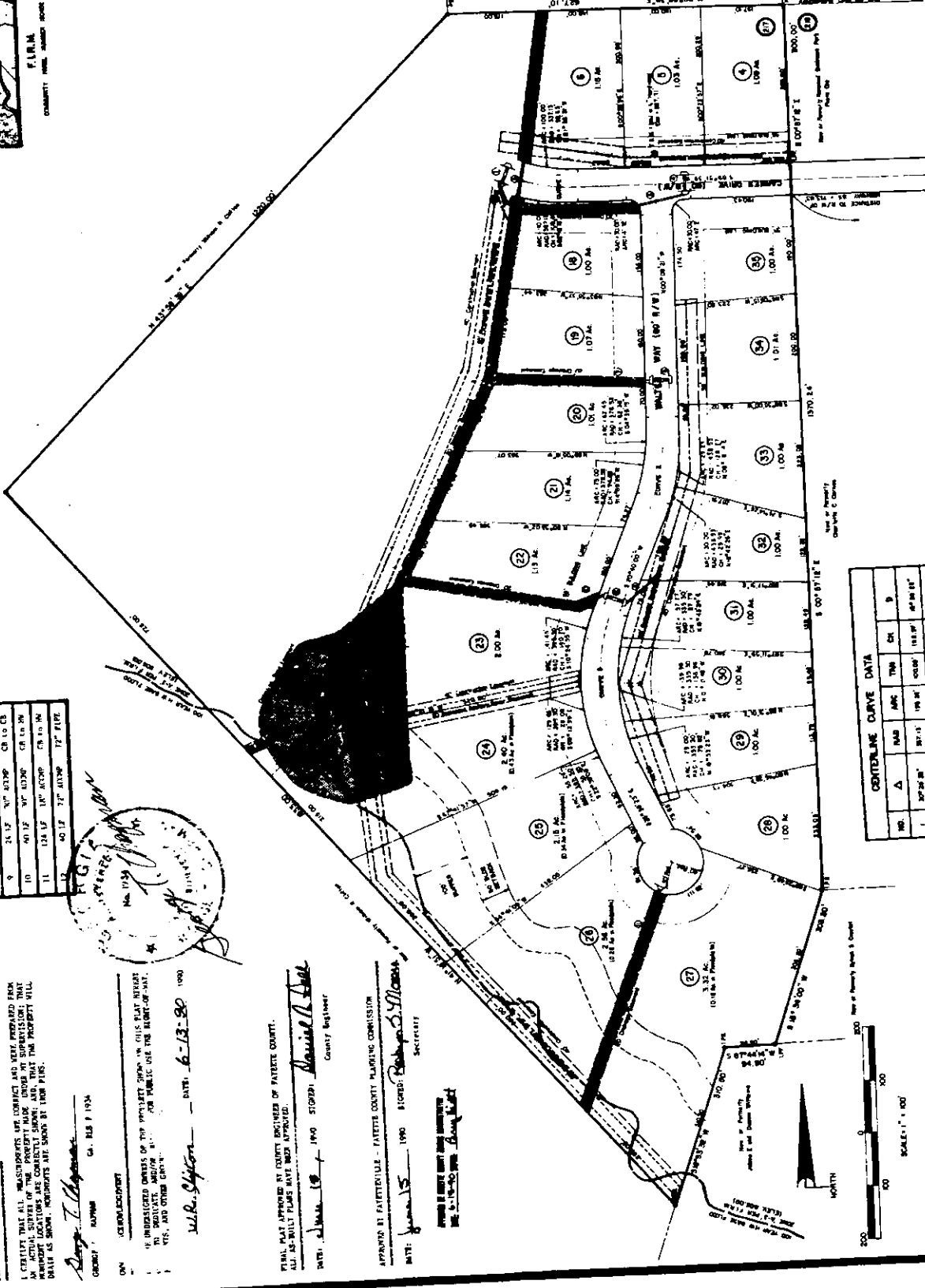
- Owner/Developer: Mr. William R. Clifton, 688 South Jeff Davis Drive, (404) 730-8773, Atlanta, Georgia 30329
- Engineer: Chapman Land Ventures, Inc., 688 South Jeff Davis Drive, (404) 730-8773, Atlanta, Georgia 30329
- Boundary information taken from plat prepared for William R. Clifton, Plat prepared by Delta Surveyors, dated October 11, 1989
- Notes:
  - 1. Conditional
  - 2. Maximum Lot Size - 1.00 Acre
  - 3. Front Building Lines - 15 Feet
  - 4. Rear Building Lines - 15 Feet
  - 5. Total Area of Tract - 48 Lots (17 Lots in Phase III)
  - 6. All lots to be approved by subdivision, zoning, and other applicable laws.
  - 7. T.E.N. - Marked by the owner.
  - 8. Portions of this property are located in Flood Hazard Zone "A-1" and "A-2" as per F.E.C. Flood Hazard Map of Fayette County, Mississippi, dated July 3, 1983.
  - 9. That the structure of all structures shall be constructed in accordance with the requirements of the Mississippi Building Code as per subsection of zoning.

FAVETTE COUNTY DOES NOT ACCEPT THE LIABILITY OR RESPONSIBILITY FOR ANY DAMAGE TO THE PROPERTY OR TO THE PERSONS OR PROPERTY LOCATED ON THE LAND OR ON THE ADJACENT LANDS CAUSED BY THIS PLAN.

THE FIELD AREA UNDER WHICH THIS PLAN WAS SUBMITTED WAS CALCULATED FOR AT LEAST ONE FOOT IN ALL DIMENSIONS AS SHOWN ON THIS PLAN. ADJUSTED DIMENSIONS WILL BE USED TO ACCURATELY SHOW THE CORNER POINTS. THE FIELD INFORMATION WAS OBTAINED WITH THE FOLLOWING INSTRUMENTS: STEEL TAPE, AND TOTAL STATION.

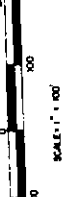
THIS PLAN WAS CALCULATED FOR AT LEAST ONE FOOT IN ALL DIMENSIONS AS SHOWN ON THIS PLAN. ADJUSTED DIMENSIONS WILL BE USED TO ACCURATELY SHOW THE CORNER POINTS. THE FIELD INFORMATION WAS OBTAINED WITH THE FOLLOWING INSTRUMENTS: STEEL TAPE, AND TOTAL STATION.

NOTE: ALL WATER SERVICE IS LOCATED 8 FEET BEHIND THE CURB.



CURVE DATA

NO.	Δ	INAD	ARC	TAN	CR	B
1	30° 28' 28"	397.15	198.34	608.88	118.18	497.81'
2	30° 28' 28"	483.98	241.98	753.98	147.98	605.98'
3	41° 28' 28"	488.30	244.15	758.30	150.15	609.30'



Chapman Land Ventures, Inc.  
CIVIL ENGINEERING - SURVEYING - LAND ACQUISITION  
404 730-8773  
Atlanta, Georgia 30329

MR. W. R. CLIFTON  
LAND LOT 27  
9TH DISTRICT  
FAVETTE COUNTY, MS

FINAL PLAN  
KENWOOD BUSINESS PARK  
(PHASE TWO)

Job No: 54  
Scale: 1" = 100'  
Date: 06/12/90

Sheet  
1 of 1

Type: WD  
Recorded: 12/16/2022 2:47:00 PM  
Fee Amt: \$750.00 Page 1 of 3  
Transfer Tax: \$725.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID(s): 5531560118,  
7067927936

**BK 5570 PG 439 - 441**

RETURN RECORDED DOCUMENT TO:  
WHARTON LAW, L.C.

3350 RIVERWOOD PARKWAY SE  
SUITE 1900  
ATLANTA, GEORGIA 30339  
ATTN: MARIKA BURNETT  
FILE #: 22-1952-1  
PARCEL ID #: 054501021

**STATE OF GEORGIA  
COUNTY OF FULTON**

**LIMITED WARRANTY DEED**

THIS INDENTURE made this 15<sup>th</sup> day of December, 2022 between **130 Carnes Drive, LLC** as party or parties of the first part, hereinafter called Grantor, and **Baby Bird and Company Automotives, LLC** 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 DOLLARS (\$10.00) 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,

**SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE**

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, 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, for its successors and assigns, will warrant and forever defend the right and title to the above described property unto the said party of the second part, and assigns, against the lawful claims of all persons claiming by, through or under the party of the first part, but not otherwise, and subject to all matters of record.

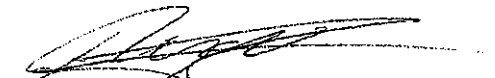



IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

**GRANTOR:**

Sworn to and subscribed before me this  
15<sup>th</sup> day of December, 2022.

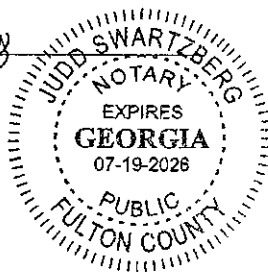
130 Carnes Drive, LLC  
a Georgia limited liability company

  
Unofficial Witness

By:   
David Weinstein, Manager

[SEAL]

  
Notary Public





**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

ALL THAT TRACT or parcel of land lying and being in Land Lot 217 of the 5th District of Fayette County, Georgia, being Lot 35 of Kenwood Business Park Subdivision, Phase Two, as shown on that certain plat of said subdivision recorded in Plat Book 21, Page 66, Fayette County, Georgia records, said plat being incorporated herein and made a part hereof by reference.

Subject to restrictive covenants and easements of record.

PARCEL ID#: 054501021



**PETITION NO: A-819-23**

**Requested Action:** Variance to maximum square footage of a guest house to allow an existing structure to remain.

**Location:** 735 Kenwood Road, Fayetteville, GA 30214

**Parcel(s):** 0549 019

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 254

**Owner(s):** Johnnie K. Holland

**Agent:** Randy M. Boyd

**Zoning Board of Appeal Public Hearing:** January 23, 2023

**REQUEST**

Applicant is requesting the following variances for an existing accessory structure:

1. Variance to Sec. 110-79(f). Guesthouses – to increase the maximum square footage of heated and finished floor area of a guesthouse from 700 square feet to 768 square feet to allow an existing accessory structure to remain.

**STAFF RECOMMENDATION**

It is staff's opinion that the property presents a unique situation. The nonconformity was brought to staff's attention when the property was rezoned from A-R to R-45.

Regarding variance request A-819-23, requesting to increase the maximum square footage from 700 to 768 to allow an existing guesthouse to remain, staff recommends **APPROVAL**.

## HISTORY

The primary residence was constructed in 1978 and the guesthouse in 1987. The nonconformity was brought to staff's attention when the property applied to rezone from A-R to R-45.

## CONDITIONS OF ZONING

1. The applicant must apply for a variance for the size of the guest house on Lot 1, to allow a guest house that is 768 heated square feet to remain, prior to approval of the Final Plat of the proposed minor subdivision. If the requested variance is not approved, the guest house must be modified to meet zoning requirements or must be removed.
2. The applicant shall meet all Environmental Health Department requirements and verify that the proposed new property lines do not interfere with the existing drain field lines.

## DEPARTMENTAL COMMENTS

- Water System** - FCWS has no objection to this proposed variance. Water is available along the northside of Kenwood Rd. in 10" DIP water main.
- Public Works/Environmental Management** – No objections
  - **Transportation** – Public Works/Engineering has reviewed the request and has no comments concerning the variance.
  - **Floodplain Management** - The subject property **DOES NOT** contain floodplain per FEMA FIRM panel 13113C0038E dated September 26, 2008, nor per the FC 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 NO** known state waters located on the subject property.
  - **Groundwater** – The property **IS** within a groundwater recharge area.
- Environmental Health Department** – No objections.
- Fire** – No objections.

## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

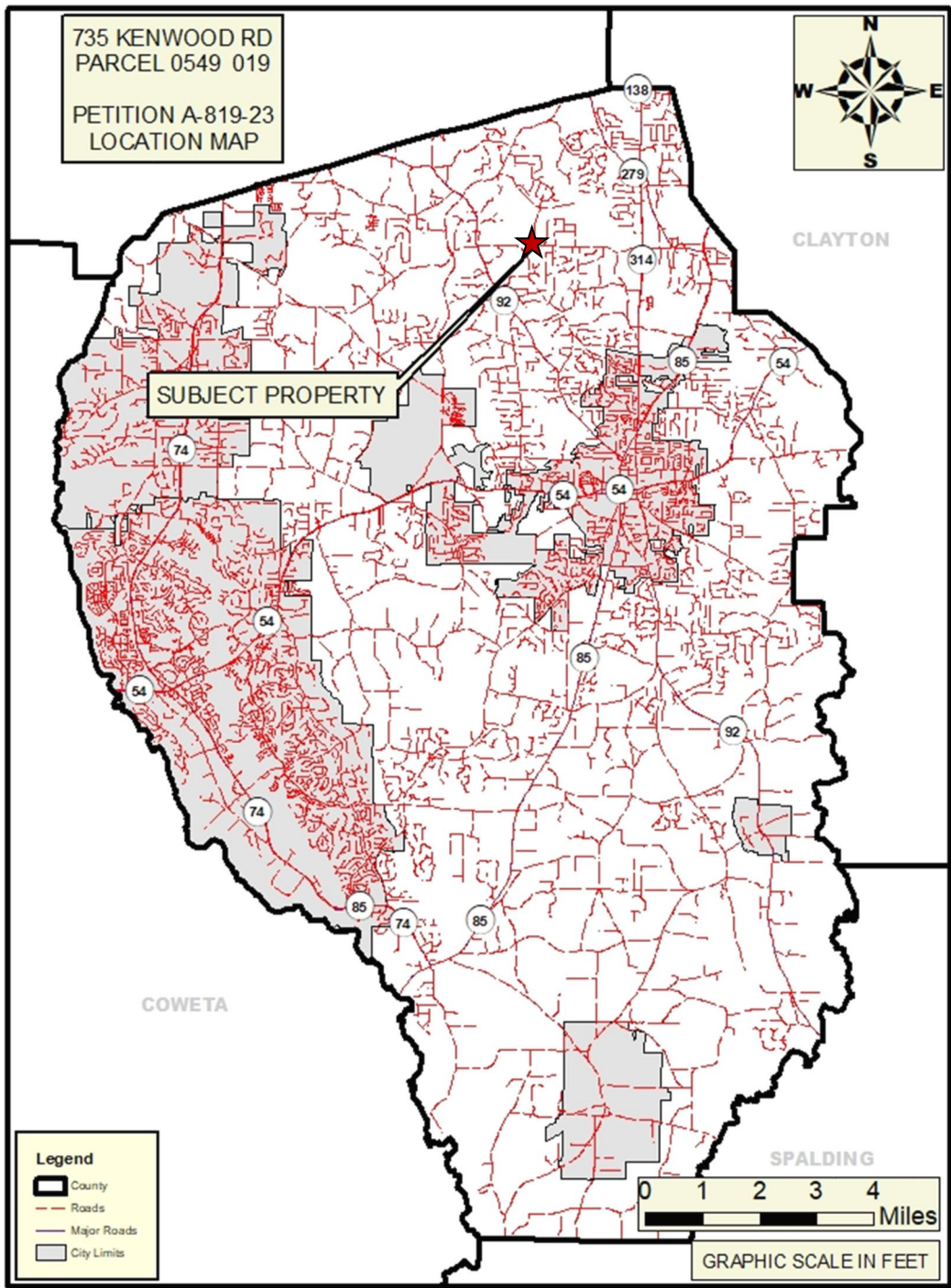
*The applicant provides the following information*

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

*A guesthouse was constructed on this site in 1987, the square footage of the guesthouse is 768. This exceeds the maximum size by 68 sq. ft. We are requesting that the guesthouse would be allowed to remain by granting a variance for the 68 sq. ft. the maximum size of a guest house under the current ordinance is 700 sq. ft.*

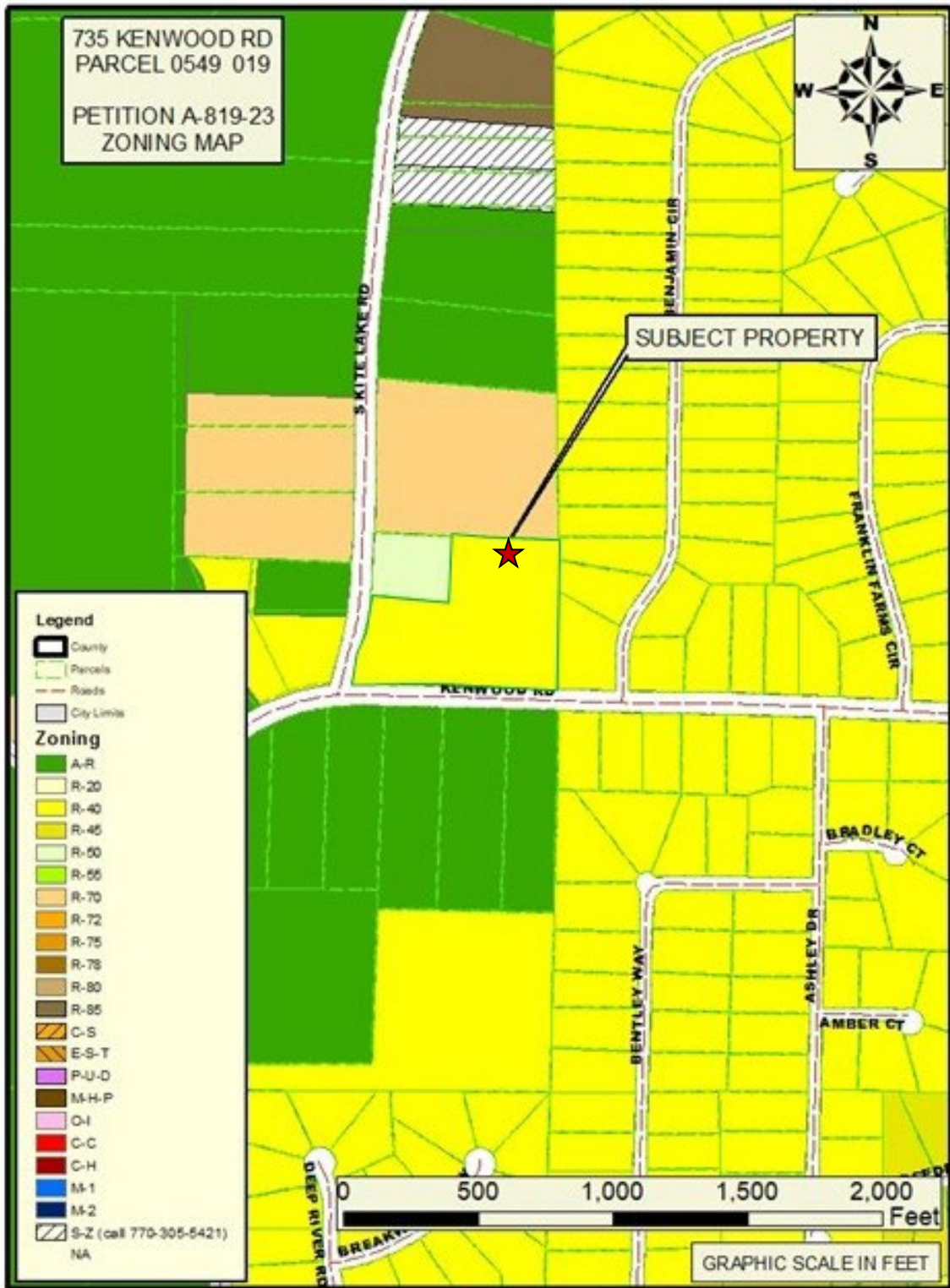
**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

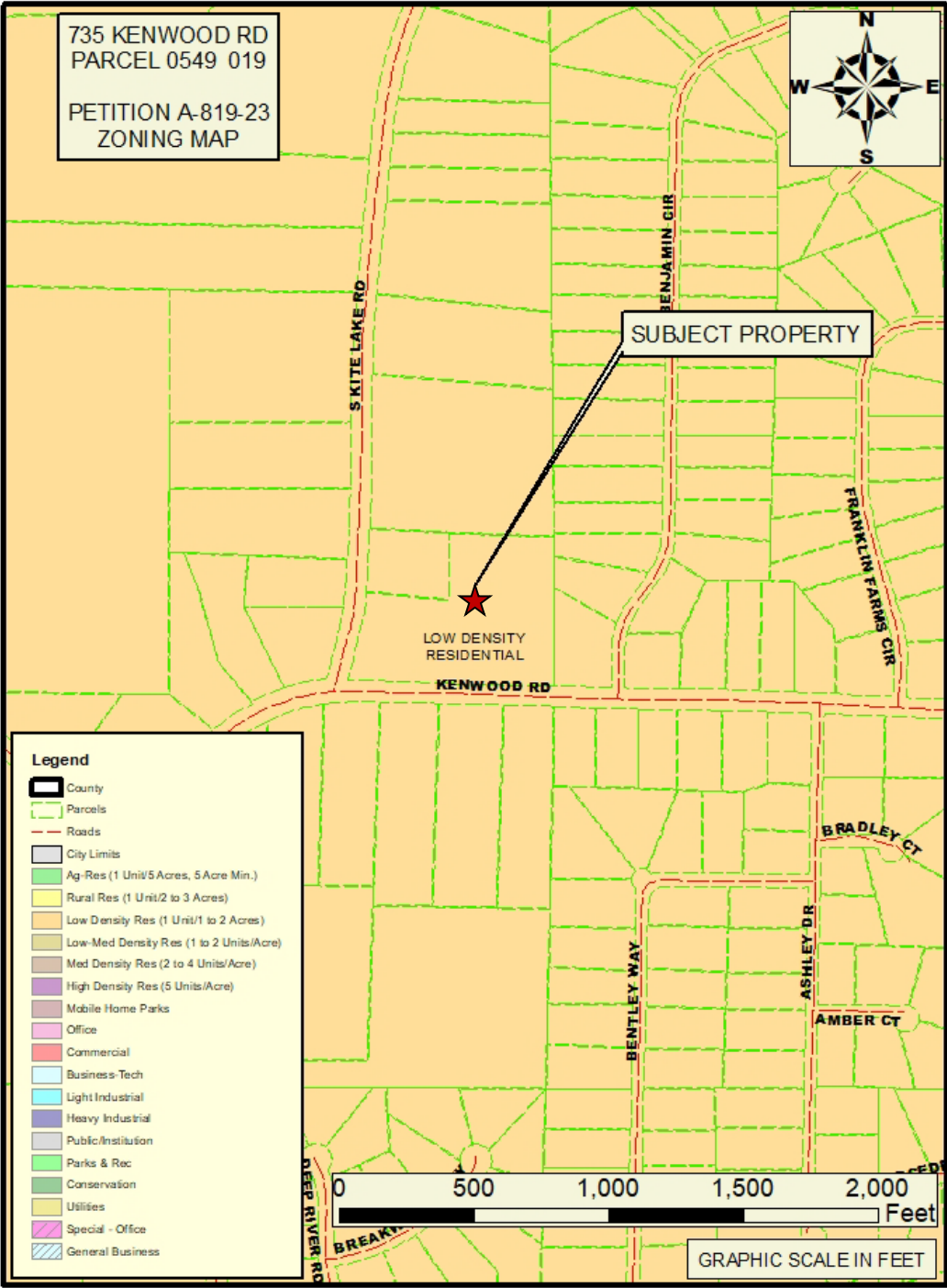
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*The existing house was constructed so that the front of the house faces Kenwood Rd. The guesthouse was constructed so that the front was facing South Kite Lake Rd. This was dictated by the topography of the western portion of the property.*
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
*If this variance is not granted, the existing guesthouse would need to be structurally modified and load bearing walls moved to achieve the 700 sq. ft. If this could not be accomplished, then the guesthouse would have to be demolished.*
- 3. Such conditions are peculiar to the particular piece of property involved; and,**  
*The guesthouse was constructed in 1987. As per the owner's son, who built the guesthouse, the permits for the structure and septic tank were obtained. Clearly, Fayette County allowed this size structure when the guesthouse was built in 1987.*
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**  
*There would not be any substantial detriment to the public good as nothing would be changed to the guesthouse that has existed for 35 years (since 1987).*
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
*The maximum size of a guest house is 700 sq. ft. Over the years, ordinances change and what was allowed 35 years ago might not be allowed now. Other property owners with guesthouses that exceed the maximum of 700 square feet have been granted variances. We request that this variance of 68 sq. ft. be granted for this guesthouse.*

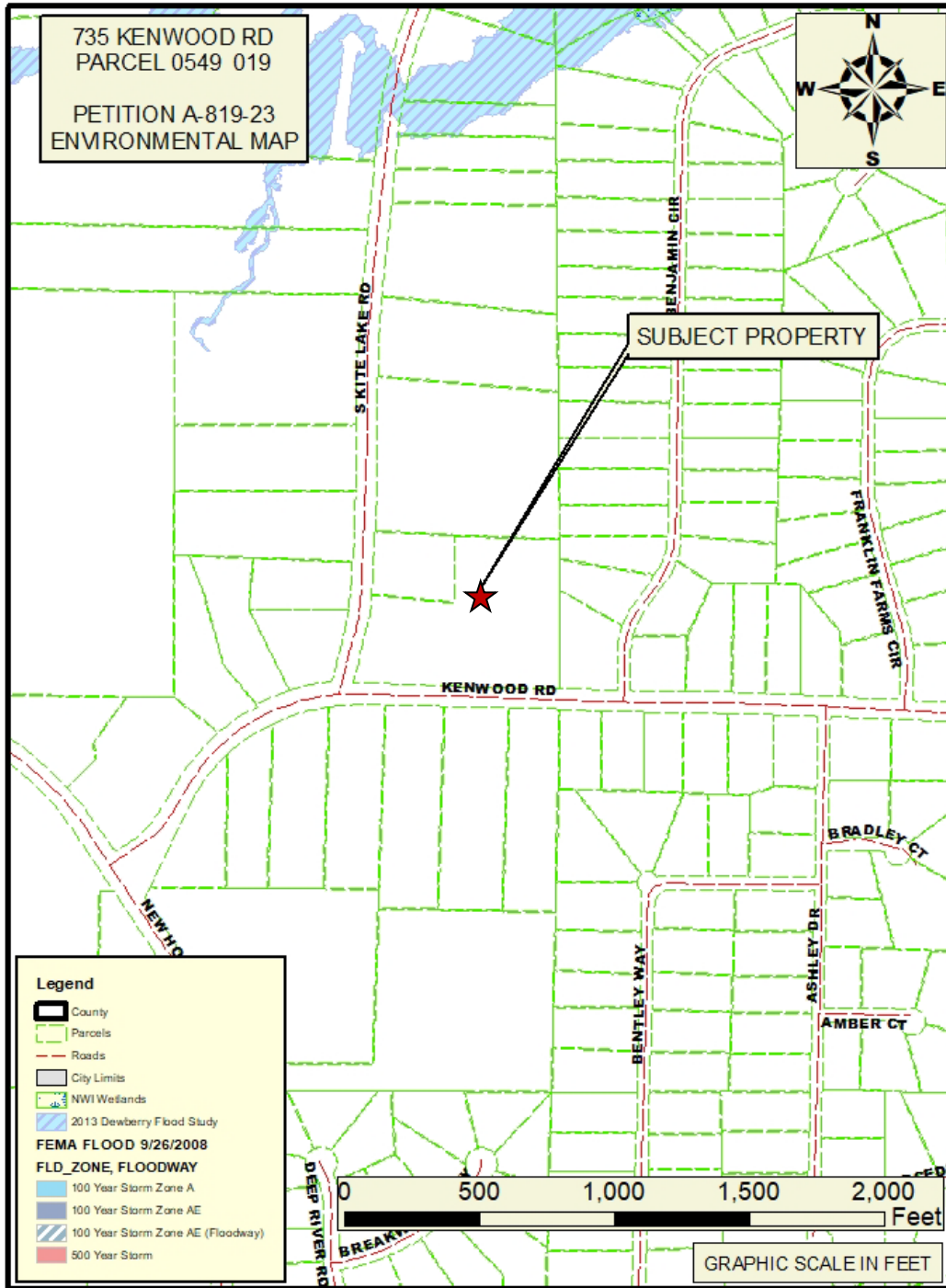


















A-819-23 Kenwood Road



A-819-23 South Kite Lake Road

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: JOHNNIE K. HOLLAND

MAILING ADDRESS: 735 KENWOOD RD., FAYETTEVILLE, GA. 30214

PHONE: 404-775-1677 E-MAIL: boyd2221@gmail.com

AGENT FOR OWNERS: RANDY M. BOYD

MAILING ADDRESS: P.O. Box 64, ZEPHURUS, GA. 30295

PHONE: 404-775-1677 E-MAIL: boyd2221@gmail.com

PROPERTY LOCATION: LAND LOT 254 LAND DISTRICT 5th PARCEL 0549-019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 8.056 ACRES

ZONING DISTRICT: R-45

ZONING OF SURROUNDING PROPERTIES: R-10, AR & R-40 (WEST)  
R-50 & R-70 (NORTH), R-40 (EAST) - AR (SOUTH)

PRESENT USE OF SUBJECT PROPERTY: PRIVATE RESIDENCE

PROPOSED USE OF SUBJECT PROPERTY: PRIVATE RESIDENCE

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-819-23

[ ] Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: Debbie Bell Date: 12/16/2022

DATE OF ZONING BOARD OF APPEALS HEARING: January 23, 2023

Received from RM Boyd + Associates, Inc. a check in the amount of \$ 275<sup>00</sup>

for application filing fee, and \$ 100<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid: 12/16/2022 ck# 12084 Receipt Number: 016763



**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:

JOHNNIE K. HOWARD

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0549-019

(I am) (we ~~are~~) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5th District, and (if applicable to more than one land district) Land Lot(s) 254 of the District, and said property consists of a total of 8.056 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.

Johnnie K. Howard  
Signature of Property Owner 1

735 KERWOOD RD.  
Address  
FAYETTEVILLE, GA - 30214

Signature of Property Owner 2

Address

Randolph M. Boynton  
Signature of Authorized Agent

P.O. Box 64  
Address

FAYETTEVILLE, GA.

Sandra K. Exline  
Signature of Notary Public

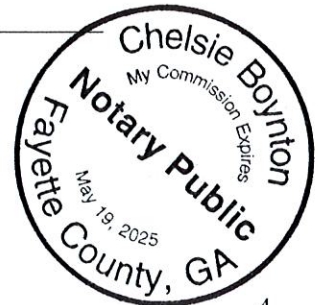
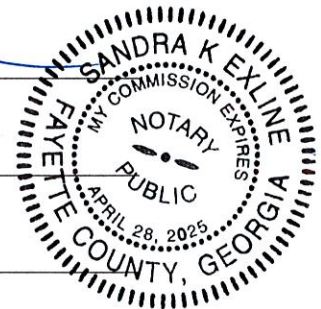
12-15-2022  
Date

Signature of Notary Public

Date

Chelsie Boynton  
Signature of Notary Public

12/14/22  
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
110-79 (F.)	MAXIMUM GUESTHOUSE SIZE IS 700 SQ. FT.	EXISTING SIZE IS 768 SQ. FT.	68 SQ. FT.

### VARIANCE SUMMARY

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

A GUEST HOUSE WAS CONSTRUCTED ON THIS SITE IN 1987, THE SQUARE FOOTAGE OF THE GUEST HOUSE IS 768. THIS EXCEEDS THE MAXIMUM SIZE BY 68 SQ. FT. WE ARE REQUESTING THAT THE GUEST HOUSE WOULD BE ALLOWED TO REMAIN BY GRANTING A VARIANCE FOR THE 68 SQ. FT. THE MAXIMUM SIZE OF A GUEST HOUSE UNDER THE CURRENT ORDINANCE IS 700 SQ. FT.

## 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 EXISTING HOUSE WAS CONSTRUCTED SO THAT  
THE FRONT OF THE HOUSE FACES KENWOOD RD.  
THE GUEST HOUSE WAS CONSTRUCTED SO THAT THE FRONT  
WAS FACING SOUTH KITE LAKE RD. THIS WAS DICTATED  
BY THE TOPOGRAPHY OF THE WESTERN PORTION OF THE PROPERTY.

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

IF THIS VARIANCE IS NOT GRANTED, THE  
EXISTING GUEST HOUSE WOULD NEED TO BE  
STRUCTURALLY MODIFIED AND LOAD BEARING WALLS  
ADDED TO ACHIEVE THE 700 SQ. FT. IF THIS COULD  
NOT BE ACCOMPLISHED, THEN THE GUEST HOUSE  
WOULD HAVE TO BE DEMOLISHED.

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

THE GUEST HOUSE WAS CONSTRUCTED IN 1987.  
AS PER THE OWNERS SON, WHO BUILT THE GUEST  
HOUSE, THE PERMITS FOR THE STRUCTURE AND SEPTIC  
TANK WERE OBTAINED. CLEARLY, FAYETTE COUNTY  
ALLOWED THIS SIZE STRUCTURE WHEN THE  
GUEST HOUSE WAS BUILT IN 1987.

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

THERE WOULD NOT BE ANY SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AS NOTHING WOULD BE CHANGED TO THE GUEST HOUSE THAT HAS EXISTED FOR 35 YEARS (SINCE 1987).

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

THE MAXIMUM SIZE OF A GUEST HOUSE IS 700 SQ.FT. OVER THE YEARS, ORDINANCES CHANGE AND WHAT WAS ALLOWED 35 YEARS AGO MIGHT NOT BE ALLOWED NOW. OTHER PROPERTY OWNERS WITH GUEST HOUSES THAT EXCEED THE MAXIMUM OF 700 SQ.FT. HAVE BEEN GRANTED VARIANCES. WE REQUEST THAT THIS VARIANCE OF 68 SQ.FT. BE GRANTED FOR THIS GUESTHOUSE.

WARRANTY DEED

BOOK 316 PAGE 150

STATE OF GEORGIA COUNTY OF FAYETTE

THIS INDENTURE, Made the 9th day of July, in the year one thousand nine hundred eighty-four, between

Gerald Holland

of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

Gerald Holland and Johnnie K. Holland, as joint tenants with the 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 Love and Affection (\$0.00) DOLLARS 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,

ALL THAT TRACT or parcel of land lying and being in Land Lot 254 of the 5th District of Fayette County, Georgia, and by plat of C. E. Lee entitled "Survey for Gerald Holland", dated March 27, 1969 and recorded in Plat Book 5, Page 34, Fayette County Records, being more particularly described as follows:

BEGINNING at a point on the east line of Land Lot 254 aforesaid and on the northerly side of the right-of-way for an unimproved public road; running thence westerly, along the northerly side of the right-of-way for said unimproved public road, 925 feet to a corner within the right-of-way for another unimproved public road; thence north, 24 degrees 13 minutes east, 322 feet to a point in said latter-named unimproved public road; thence north .2 1/2 degrees east, 300 feet to a corner in said latter-mentioned public road; thence north 88 1/2 degrees east, 767 feet to a corner on the east line of Land Lot 254 aforesaid; thence south, 1 1/2 degrees east, along the east line of Land Lot 254 aforesaid, 590 feet back to the point of beginning; said tract containing 11 acres, more or less.

This deed is made subject to a loan in favor of Georgia Federal Bank, FSB Formerly Georgia Federal Savings and Loan Association in the original amount of \$40,000.00.

Fayette County, Georgia
Real Estate Transfer Tax
Paid 1100.00 Date 7-19-84
Clark of Superior Court

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

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

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

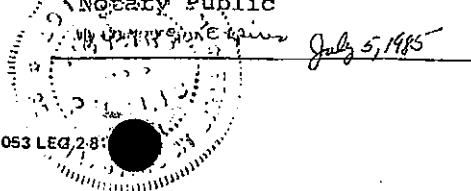
Signed, sealed and delivered in presence of:

Witness signature: Ben L. Ford

Gerald Holland (Seal)

Nobary Public signature: Louis H. Evans

Georgia, Fayette County Clerk's Office Superior Court (Seal)



Filed for record 7-19-84 10:00 AM

Recorded in Book 316 Page 150

This 19th day of July 1984

# STATE OF GEORGIA FAYETTE County.

THIS INDENTURE, Made this 29<sup>th</sup> day of April in the year of our Lord One Thousand, Nine Hundred and Sixty-Nine, between Lee W. Bolton

of the County of Fayette and State of Georgia of the first part, and Gerald Holland of the County of Fulton and State of Georgia, of the second part.

WITNESSETH, That the said part y of the first part, for and in consideration of the sum of Ten 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, and conveyed, and by these presents does grant, bargain, sell and convey unto the said part y of the second part, his heirs and assigns, all that tract or parcel of land lying and being in Land Lot 254 of the 5th District of Fayette County, Georgia, and by plat of C. E. Lee entitled "Survey for Gerald Holland", dated March 27, 1969 and recorded in Plat Book 5 at Page 34, records of Fayette County, Georgia, being more particularly described as follows:

BEGINNING at a point on the East line of Land Lot 254 aforesaid and on the northerly side of the right-of-way for an unimproved public road; running thence westerly, along the northerly side of the right-of-way for said unimproved public road, 925 feet to a corner within the right-of-way for another unimproved public road; thence North, 24 degrees and 13 minutes East, 322 feet to a point in said latter-named unimproved public road; thence North, 2½ degrees East, 300 feet to a corner in said latter-mentioned public road; thence North, 88½ degrees East, 767 feet to a corner on the East line of Land Lot 254 aforesaid; thence South, 1½ degrees East, along the East line of Land Lot 254 aforesaid, 590 feet back to the POINT OF BEGINNING; said tract containing 11 acres, more or less.

Grantor shall pay 1969 State, County and School taxes on the above-described realty.

Fayette County, Georgia  
Real Estate Transfer Tax  
Paid 8.80 Date 5-1-69  
Clerk of Superior Court  
*J. Burch*

FILED 5-1-1969  
RECORDED 5-2-1969  
*J. Burch* 9:30 AM  
CLERK SUPERIOR COURT

TO HAVE AND TO HOLD the said bargained premises, 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 Gerald Holland the said part y of the second part, his heirs and assigns, forever, in fee simple.

And the said part y of the first part, his heirs, executors, and administrators, will warrant and forever defend the right and title of the above described property unto the said part y of the second part, his heirs and assigns, against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of

*[Signature]* Lee W. Bolton (Seal.)  
*[Signature]* (Seal.)

Notary Public for the State of Georgia  
My Comm. Expires April 5, 1971

FILED & RECORDED  
FAYETTE COUNTY, GA.

'00 FEB 3 PM 2 39

W.A. BALLARD, CLERK

BOOK 1470 PAGE 506

WARRANTY DEED (FORM 36A)

Return to:  
Wehunt, Granata and Hampton, P.C.  
245 Country Club Drive, Bldg. 200, #C  
Stockbridge, Georgia 30281

**WARRANTY DEED**

**STATE OF GEORGIA**  
**Henry COUNTY**

**THIS INDENTURE**, made the 1st day of February, in the year two thousand, between Gregory W. Holland and Teri E. Holland

of the County of Fayette, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

CORINNA E. BRANNON

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 "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

FAYETTE COUNTY, GEORGIA  
LOCAL GOV'T TRANSFER TAX 171.30  
PAID  
DATE 2-3-00  
*W.A. Ballard*  
CLERK OF SUPERIOR COURT

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

**TO HAVE AND TO HOLD** the said described 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 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:

*[Signature]*  
 \_\_\_\_\_  
 Witness

*[Signature]*  
 \_\_\_\_\_  
 Notary Public

My Commission Expires  
 \_\_\_\_\_

*[Signature]* (Seal)  
 Gregory W. Holland

*[Signature]* (Seal)  
 Teri E. Holland

\_\_\_\_\_  
 (Seal)

\_\_\_\_\_  
 (Seal)

BOOK 1470 PAGE 507



EXHIBIT "A"      BOOK 1470 PAGE 508

All that tract or parcel of land lying and being in Land Lot 254 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

To arrive at the TRUE POINT OF BEGINNING commence at the land lot corner of Land Lots 253, 254, 227 and 228; thence North 1°30' West for a distance of 590.0 feet to an iron pin; thence South 88°30' West a distance of 399.96 feet to an iron pin and the TRUE POINT OF BEGINNING; thence South 00°10' plus 15" West a distance of 230.08 feet to an iron pin; thence North 86°54' West a distance of 364.39 feet to a point in the center of Kite Lake Road; thence North 00°10' plus 15" East, 200.842 feet along the center line of Kite Lake Road to a point; thence North 88°30' East a distance of 364.07 feet to the POINT OF BEGINNING. Said parcel contains 1.80 acres and is part of the property owned by Gerald Holland and Johnnie K. Holland, recorded in Deed Book 316, page 150, filed for record 7/19/84, Fayette County Records.

Being known as 117 South Kite Lake Road, Fayetteville, GA 30214 according to the present system of numbering houses in Fayette County, GA.