

BOARD OF APPEALS

John Tate
Marsha Hopkins
Brian Haren
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
February 27, 2023
7:00 P.M.**

1. Call to Order.
2. Pledge of Allegiance.
3. Oath of Office for Brian Haren.
4. Approval of Agenda.
5. Consideration of the Minutes of the Meeting held on January 23, 2023.
6. Election of the Chairman.
7. Election of the Vice-Chairman.
8. Election of the Secretary.

PUBLIC HEARING

9. Petition No. A-816-23, Apremier Properties Group, Inc, Owner, and Darrell Baker/ Principle/ Randolph Williams, LLC, Agent, request the following: 1. 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. 2. Variance to Sec. 110-173. Transportation Corridor Overlay Zone, (2) S.R. 54 West (c) (2), to reduce the front yard setbacks from 100 feet to 30 feet for expansion to remain. The subject property is located in Land Lot 26 of the 7th District and fronts on Highway 54W and Tyrone Road.
10. Petition No. A-823-23, Amazing Grace Evangelical International Ministries, INC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 199 of the 13th District and fronts on Highway 138, Highland Drive and Old Highway 138.

11. Petition No. A-824-23, Thomas M. Suggs, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lots 248 and 249 of the 5th District and fronts on Hwy 85 N.
12. Petition No. A-825-23, Carnegie Place Holding, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 233 of the 5th District and fronts on Carnegie Place and Hwy 85 N.
13. Petition No. A-826-23, MJE Properties, LLLP, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 233 of the 5th District and fronts on Hwy 85 N and Plantation Road.
14. Petition No. A-827-23, Donald Scarbrough, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 170 and 171 of the 5th District and fronts on Hwy 54 E.
15. Petition No. A-828-23, G & I Equities, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.
16. Petition No. A-829-23, Ronald V. Wormuth, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.
17. Petition No. A-830-23, 355 Group, LLC, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 137 of the 5th District and fronts on Hwy 54 E.
18. Petition No. A-831-23, Michael Mehio and Crystal Mehio, Owner, and Atlantic Billboards, LLC (Mike Fitzgerald), Agent, request the following: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. The subject property is located in Land Lot 170 of the 5th District and fronts on Hwy 85 S.

Meeting Minutes 1/23/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on January 23rd, 2023, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: John Tate, Chairman
Marsha Hopkins, Vice Chairwoman
Anita Davis
Bill Beckwith
Tom Waller

STAFF PRESENT: Deborah Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
Chelsie Boynton, Planning & Zoning Coordinator
E. Allison Ivey Cox, County Attorney

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.

Bill Beckwith made a motion to amend the agenda and table item number six (6) until the February 27th meeting. Marsha Hopkins seconded the motion. The motion passed 5-0.

4. Consideration of the Minutes of the Meeting held on December 19, 2022.

Marsha Hopkins made a motion to approve the minutes of the meeting held on December 19th, 2022. Anita Davis seconded the motion. The motion passed 5-0.

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 7th District and fronts on Sims Road.**

Deborah Bell stated the property is bounded by a significant amount of floodplain and watershed protection buffers. She continued staff recommends approval due the property presenting a unique situation, with typical soils that are unsuitable for construction.

Howell and Cheryl Turner presented their case. Mr. Turner stated the accessory structure will be in the backyard, behind the house. He continued it must be placed on the left backside of the house due to the floodplain on the other side of the house.

No one spoke in opposition or in support.

Chairman Tate brought the discussion back to the Board.

Bill Beckwith stated he visited the property and saw the flat creek running through the back of the property. He continued he understood how the soil is not conducive to building something there and having to move to the highest level even though it has to be closer to the side.

Bill Beckwith made a motion to approve Petition No. A-815-23, 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). John Tate seconded the motion. The motion passed 5-0.

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 7th District and fronts on Highway 54W and Tyrone Road.**

Bill Beckwith made a motion to table Petition No. A-816-23, 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. Marsha Hopkins seconded the motion. The motion passed 5-0. The petition is tabled until the February 27th meeting.

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 7th District and fronts on Highway 54 W and Tyrone Road.**

Deborah Bell stated items seven (7) thru ten are four (4) separate parcels that she would like to present as one case because they are all a part of the same project. She continued these parcels were recently rezoned from C-C to C-H. She added the applicant had to dedicate right of way. She stated this is because when a project is rezoned, and the parcels will change the County has a requirement that any property that doesn't provide the standard right-of-way per the County's thoroughfare plan is required dedicate right-of-way. She stated they have to dedicate approximately a ten (10) foot strip along Tyrone Road at the Highway 54 intersection. She stated the applicant is seeking a reduction to the front yard setback along Tyrone Road. She continued staff recommends denial, stating 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. Ms. Bell displayed the submitted site plan and pointed out the existing property line, new property line once the right-of-way is dedicated, the setback, and the requested setback.

Richard Lindsey represented the applicant and stated they are seeking a variance to reduce the front yard setback along Tyrone Road. He stated the property was rezoned from C-C to C-H in December of 2022. He stated his client wants to develop a small commercial node consisting of a convenience store, a quick serve restaurant, a high-end automated car wash, and a self-storage facility. He stated though the property is just shy of ten acres, a third of it is taken up by a floodplain. He continued the western side of the property is unbuildable. He added without the variance, the commercial node cannot be developed as was presented in December. He stated instead what will happen is his client will lose one of the four lots. He will be restricted to three lots and the buildings on the lots will have to be smaller. Mr. Lindsey stated there are five (5) conditions that must be met for a variance. He stated it is his opinion that all five (5) have been met. He continued the first condition is there are extraordinary and exceptional conditions. He stated there are such conditions on the property since one third of it is unbuildable. He continued the second condition is met due to the increased right-of-way will result in a loss of one of the lots and a reduction of size of the remaining buildings therefore the 75-foot buffer creates a difficulty and unnecessary hardship. The third condition is met by the large area of floodplain is a peculiar condition not seen on other similar sized properties in the County. He stated for the fourth condition, the variance will not cause a detriment to the public or impair the intent of the development regulations since one third of the property cannot be built on. He continued even when the property is developed will have areas of trees, forest lands, and undisturbed natural areas which will help to maintain the rural character of the County. He stated for the fifth condition, his client dedicated right-of-way at no cost. This increased right-of-way with the floodplain squeezes the buildable area. He stated there are other ways for the County to mitigate the requested variance. He continued, additional landscaping could be added to the buffer area that would soften the approach, the additional right-of-way saves the County money when they want to widen or improve the intersection. He stated the variance would be a win-win, it would save the County money and allow his client to develop the property as shown to the Board of Commissioners. He concluded, his client is seeking a setback reduction and is willing to increase landscaping along Tyrone Road to mitigate the impact. Mr. Lindsey further stated that Georgia law changed in July of 2022 and prior to that time, anytime an applicant was seeking rezoning to a property you had to preserve your constitutional rights in order to appeal an indicative decision rendered by a Board of Commissioners or a city council. He continued; the Georgia legislature changed the definition of a zoning decisions to include variances. He stated he believes applicants must now preserve their constitutional rights when presenting a variance request. He asked that the Board not take offense. He stated if there was a denial it would be an unconstitutional taking of his client's property, it would violate the due process requirement of the federal and state constitution, it would violate the taking without just inadequate compensation, and it would violate the equal protection requirements of the constitution.

There was no one to speak in opposition or support.

Chairman Tate brought the discussion back to the Board.

Bill Beckwith stated the Board tries to accommodate as much as possible and they like to look at other alternatives. He asked if the client had a site plan if they were to be denied?

Mr. Lindsey stated they would lose the car wash or the self-storage which were the only reasons they sought the rezoning. He continued the C-C zoning permitted the convenience store and the restaurant. The C-H was needed for the car wash and self-storage.

Joey Petros stated he is with DG Development Partners. He referenced the displayed site plan and pointed out the floodplain running in front of the storage facility. He stated if they come 75 feet off the new right-of-way designation, the back piece becomes an unusable piece of land. He continued; it turns into a situation where they would have to eliminate the use altogether. He stated they would have to shift the storage family somewhere else, eliminating one of the other uses. He added he is trying to get back to the point where he would be with the buildings had he not had to provide the right-of-way designation. He stated according to his civil engineer, the County is taking 25 feet of his property which is why he's requesting the 25-foot setback reduction. He continued the right-of-way is 50 feet from the center of Tyrone Road which is 25 feet of his property. He stated if this issue had never come up, he would be able to put his buildings where he'd like to put them. He added the right-of-way is being provided for free at no cost to the County or taxpayers.

Bill Beckwith asked Deborah Bell for clarity about the requirement of providing additional right-of-way?

Deborah Bell stated it is a requirement for a property that is subject to rezoning or subdivides a property, they must dedicate whatever right-of-way is needed to meet the County's Throughfare Plan's requirements. The County has roads classified as Major Arterials, Minor Arterials, Collectors, and Local Roads. She continued they each have a different amount of right of way, as the roads gets lighter in use, the right of way gets smaller. She stated on the older roads, they may not provide that much right of way so when someone comes in to do this type of development it's a requirement. She added the requirement here is to provide a total of 50 feet of right of way from centerline and it was probably about a 30 foot right of way to begin with from centerline of Tyrone to their property line. She stated the total requirement of Tyrone Road is 100 feet, 50 feet coming from each side of the centerline.

Bill Beckwith asked if the right of way dedication was in dispute?

Deborah Bell stated no, the right of way dedication has already been agreed to. The dedication has not been made yet as it is one of the conditions of the rezoning along with replating this property.

Joey Petros stated he doesn't own the property yet, he's under contract. He asked what would happen if he doesn't buy the property and the current owner does nothing with the land, if the County wants to widen Tyrone Road, what will happen? He asked if the property would have to be condemned?

Deborah Bell stated if the conditions of the rezoning are not met then the zoning would revert to its prior zoning.

Joey Petros stated he understands it would revert to C-C. He continued if he doesn't buy the property and the County decided to widen Tyrone Road, the County would have to condemn his property and pay him for that.

Deborah Bell stated presumably yes.

Bill Beckwith asked for a site plan.

Joey Petros provided a site plan to the Board. He stated this is essentially what could happen if they don't receive the variance. He continued it shows the elimination of one of the four (4) uses, the self-storage shifted to where the car wash is and the car wash shifted up to where the restaurant is.

Bill Beckwith asked which use would he lose?

Joey Petros stated the quick serve restaurant would go away.

Anita Davis asked if the variance is denied is this the only option? She asked if it was possible to turn one of the buildings another way?

Joey Petros stated yes this is the only option due to the floodplain. He stated according to his civil engineer, they don't want to impact the floodplain. He spoke about needing to retain walls to keep them out of the floodplain. He added it very difficult to develop the property in the manner they'd like to due to the floodplain.

Chairman Tate stated he saw the revised site plan which moves the storage facility and asked about the possibility of reducing the square footage of the storage facility and moving the other structures back 25 feet? He stated those seem to be past the boundaries.

Joey Petros referenced the displayed site plan. He stated the storage facility is already encroaching the floodplain, if he shifts it and/or shrinks it, it doesn't make economic sense to develop that property. He stated the other buildings get cut down to a size that doesn't work, especially the car wash. He then pointed out the detention. He stated it eliminates the back site and reduces the size of the other buildings. He continued he could move the storage facility down but then he would lose the quick serve restaurant. He stated he is seeking this variance because of the right of way dedication because of the County planning to widen the road at

some point. He added he is not seeking it because he doesn't want to be closer to the road, he just wants to sit his buildings where they would've sat had he not had to dedicate right of way. He is proposing that his buildings sit 75 feet off the property line, ignoring the right of way dedication.

Bill Beckwith asked about the displayed site plan. He asked about the line that encompasses all his buildings.

Joey Petros stated that line is 75 feet off his original property line and 50 feet off the right of way designation. He stated he's losing 25 feet as a result of the right of way designation and seeking the variance to get the 25 feet back.

Chairman Tate stated he understood the Board of Commissioners approved the rezoning; however, the Zoning Board of Appeals are tasked with the County ordinance that states there must be 75-foot setback. He added they look at the stipulations upon which they may override the ordinance. He continued they must look closely and seriously at those conditions. He stated he has not heard any statements that would be a basis for approval.

Bill Beckwith stated in the past they've recognized the fact when a rezoning takes place, and some land is lost, and they've let the applicant's building be closer to the road because of a county situation. He continued that Mr. Lindsey and his team have made a compelling argument about the 25 feet that the ordinance had to be given up. He stated he cannot support the denial of the variance.

John Tate made a motion to deny Petition No. A-817-23A, 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. Tom Waller seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

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 7th District and fronts on Highway 54 W and Tyrone Road.**

Richard Lindsey waived the Public Hearing.

Anita Davis made a motion to deny Petition No. A-817-23B, 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. Marsha Hopkins seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

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 7th District and fronts on Highway 54 W and Tyrone Road.**

Richard Lindsey waived the Public Hearing.

Marsha Hopkins stated she supports denial because the petition goes against the satisfaction of the five (5) elements.

Marsha Hopkins made a motion to deny Petition No. A-817-23C, 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. John Tate seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

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 7th District and fronts on Highway 54 W and Tyrone Road.**

Richard Lindsey waived the Public Hearing.

Marsha Hopkins made a motion to deny Petition No. A-817-23D, 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. Tom Waller seconded the motion. The motion passed 4-1. Bill Beckwith was in opposition of the denial.

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 5th District and fronts on Carnes Drive and Walter Way.**

Deborah Bell stated 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. She

added staff recommends approval. She stated the basis of the approval comes from Section 110-170 of the County Ordinance. She read ‘as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning, or a variance, shall be considered a legal nonconforming lot and may be utilized for the establishment of uses or the placement of structures and improvements, as long as, all applicable regulations can be met. Where the dimensional requirements of the zoning district cannot be met in terms of the placement of structures and improvements, a variance authorized by the zoning board of appeals shall be required.’ Ms. Bell continued this is a formality to set everything right with the new zoning district.

Mark Schaeffer stated he represents Baby Bird and Company, and they purchased this property to run a vehicle restoration facility. He stated part of the process is to paint the cars and the C-H zoning was iffy. He continued they had numerous discussions with Ms. Bell, and she stated they would be allowed to have a paint shop if the property is consistent with the area. He stated moving the building would be an extreme cost and impact the current septic system. He stated they are just trying to get back into conformity with the new zoning.

There was no one to speak in opposition or in support of the petition.

Chairman Tate brought the discussion back to the Board.

Bill Beckwith stated this seemed similar to the previous items they just reviewed.

Bill Beckwith made a motion to approve Petition No. A-818-23, 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. Tom Waller seconded the motion. The motion passed 5-0.

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 5th District and fronts on Kenwood Road and South Kite Lake Road.**

Deborah Bell stated this property is the subject of a recent rezoning. She stated one of the conditions of rezoning was for the applicant to resolve the question of the guesthouse that exceeds the 700 square feet allowance by obtaining a variance or do some other modifications if the variance was denied. She stated staff recommends approval.

Randy Boyd stated he is representing the Ms. Holland. He stated the Hollands purchased the property in 1969, built their primary house in 1978, and built the guest house in 1987. He stated the property was rezoned from A-R to R-45 in December of 2022. He stated Planning and Zoning staff realized the house was 768 square feet when the Hollands were in the process of subdividing. He continued they are asking for a variance to maintain the guesthouse.

There was no one to speak in opposition or support of the petition.

Chairman Tate brought the discussion back to the Board.

Bill Beckwith asked if that was one of the few A-R zoned properties on the north side of the County?

Randy Boyd stated they are dwindling pretty quickly.

Bill Beckwith asked how large was the main piece of property?

Randy Boyd stated where the house and guest house are sitting is about 2.7 acres and the other lots vary based on topography and there are three additional lots zoned R-45.

Chairman Tate stated one of the factors that goes into the consideration of a variance is whether the structure was put up in violation in any of the ordinances or whether because of circumstances such as a change in zoning that would cause the structure to become a nonconformity of what the statute calls for. He added he doesn't see any basis, aside from its overage, to deny the petition or say it must be brought down to the 700 square feet when it's been in that position for years.

John Tate made a motion to approve Petition No. A-819-23, 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 Marsha Hopkins seconded the motion. The motion passed 5-0.

Chairman Tate asked is there a motion to adjourn?

Marsha Hopkins made a motion to adjourn. Anita Davis seconded the motion. The motion passed 5-0.

The meeting adjourned at 8:00 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

CHELSIE BOYNTON, ZBA SECRETARY

PETITION NO: A-816-23

Requested Action: Per Sec. 110-170(d)(1), requesting the enlargement of a nonconforming structure, to allow an unpermitted building addition to remain. Per

Location: 1499 Hwy 54 W, Fayetteville, GA 30214

Parcel(s): 0704 019

District/Land Lot(s): 7th District, Land Lot(s) 89

Owner(s): APremier Properties Group, LLC

Agent: Darrell Baker, Principal, Randolph Williams, LLC

Zoning Board of Appeal Public Hearing: January 23, 2023

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-170(d)(1), requesting the enlargement of a nonconforming structure, to allow an unpermitted addition to remain.
2. Per Sec. 110-173(2)c.2, requesting to reduce the front yard setback in a transportation overlay zone from 100 feet to 30 feet.

Sec. 110-170. - Nonconformances.

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

Sec. 110-173.-Transportation Corridor Overlay Zone

Sec. 110-173(2)c.2. Dimensional Requirements. Front yard setbacks on SR 54 West for all structures, including gasoline canopies, shall be 100 feet.

STAFF RECOMMENDATION

It is staff's opinion that, while the applicant should have obtained the appropriate building permits, because the expansion is contained under the existing roof of the structure, it is not a significant increase in the nonconformity. However, there are outstanding issues with other unpermitted work and with the permitting of the septic system that the owner has failed to address. Environmental Health has advised that requested information has not been submitted and a building permit for the addition will not be approved until the septic system issues have been addressed. At the time of preparation of this report, Building Safety advised that they are proceeding with citations regarding the unpermitted work.

Staff recommends **DENIAL** of the request to expand a nonconforming structure.

HISTORY

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

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

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

It was brought to staff's attention that the property owner began building renovations without a building permit or site plan. Staff informed the property owner's contractor that they would need to go through the proper procedures before construction can commence. The Department of Building Safety is working with the owner and owner's agent to obtain the appropriate building permits. However, no building permits will be issued without the approval of the Environmental Health Department.

Timeline of Recent Activities:

October 23, 2019 – Stop Work Order for unpermitted Emissions Shed issued.

November 3, 2020 – Site Plan for Emissions Shed submitted for review.

November 17, 2020 – Site Plan disapproved and returned for corrections.

April 28, 2021 – Site Plan for Emissions Shed resubmitted.

May 11, 2021 – Site Plan approved with notes requiring field verification of septic drain lines.

February 21, 2022 – Stop Work Order issued for unpermitted addition to primary structure.

May 17, 2022 – Applicant requested to abandon the Emissions Shed Site Development permit because they intended to proceed with a different contractor. Permits are not transferrable because each contractor has his/her own license.

June 27, 2022 - The applicant obtained variances to allow the expansion & reconstruction of gas pumps and gasoline canopy, and to allow a reduction in setbacks for the canopy & pumps.

December 29, 2022 – A building permit application for the addition to the primary structure was submitted.

January 3, 2023 – The application was rejected because several required documents (i.e., signatures, affidavits, licenses) were missing.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the following variance. The property is served off the 16" water main along southside of Hwy 54
- Public Works/Environmental Management** – EMD has no comment after review of the existing site for this unpermitted building variance.
- Environmental Health Department** – As previously noted in variance request 05-22-081280 and variance request 07-22-081764, spacing for any additions to this property are in question. Our office approved the addition of Emission shed in October 2021. However, notes for site indicate a continued question and issue with shed off corner area interfering with the septic drain lines. Prior to approving any variance, this office must receive a Level 3 soil report to ensure sufficient area and soils suitable for replacement of the septic system. It is the sole responsibility of the property owner to ensure the septic tank and drain lines are always

protected from potential damage. Additional requirements/ documents may be requested upon submission of the soil report.

- No soil report has been received. This office will not approve variance request; the owner/applicant must complete the existing evaluation application and process through this office. There is no guarantee that any structure will be approved.
- Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

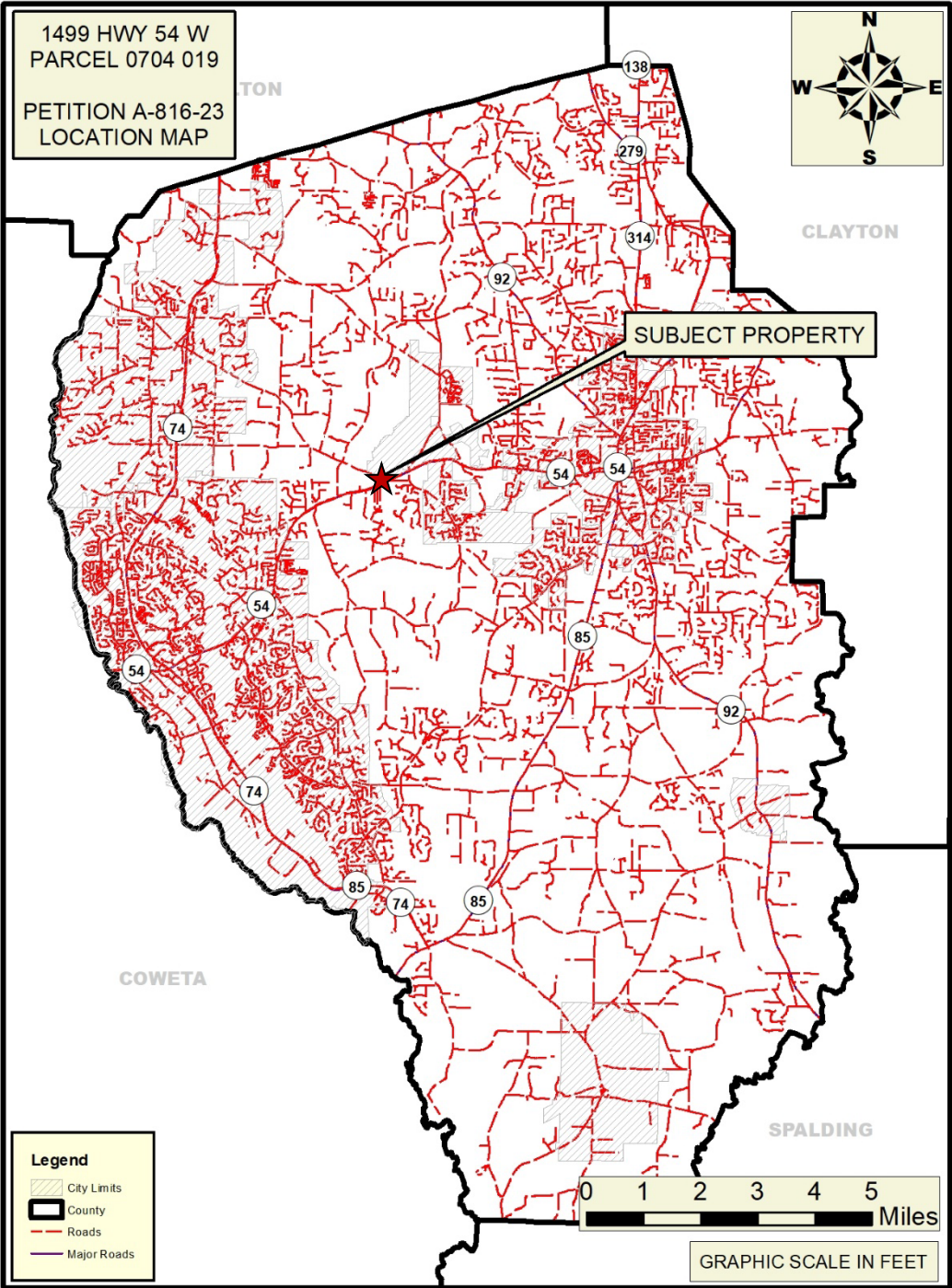
The applicant provides the following information

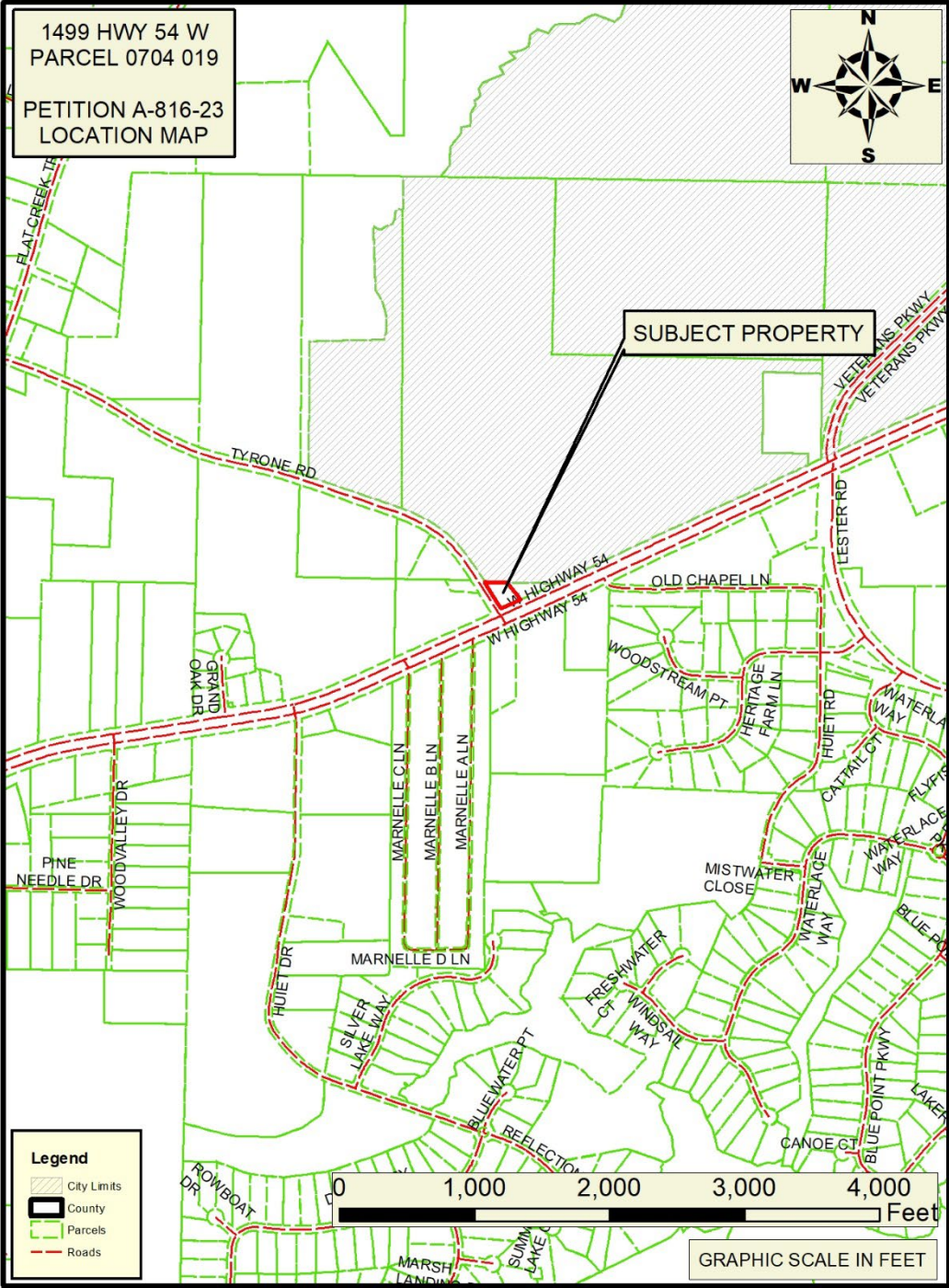
Provide a detailed and specific summary of each request. If additional space is needed, please attach a separate sheet of paper.

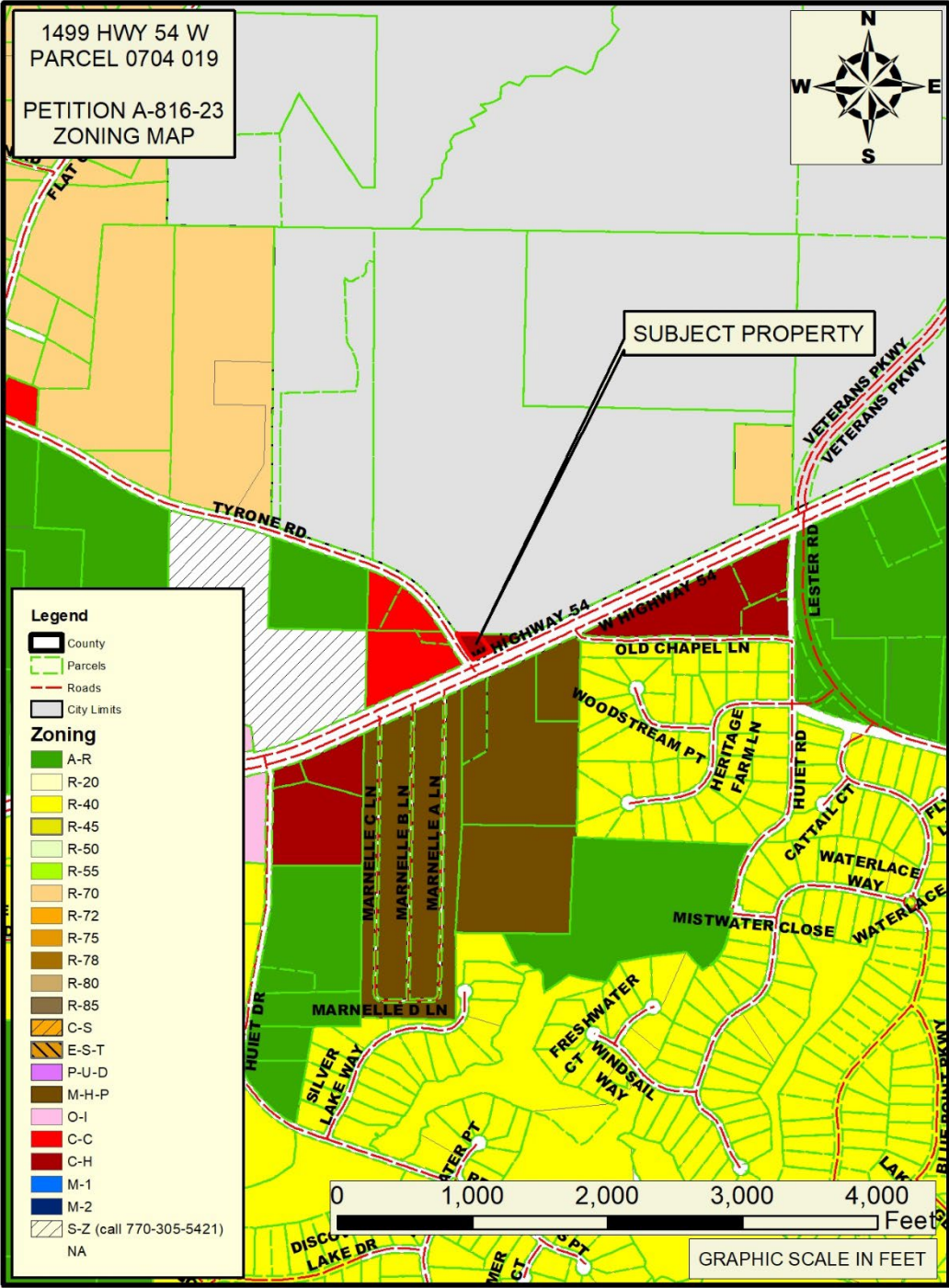
The owner extended front road side store area an additional 6'. The expansion was built out to the existing roof/column area for the front porch. The building/roof footprint was not enlarged.

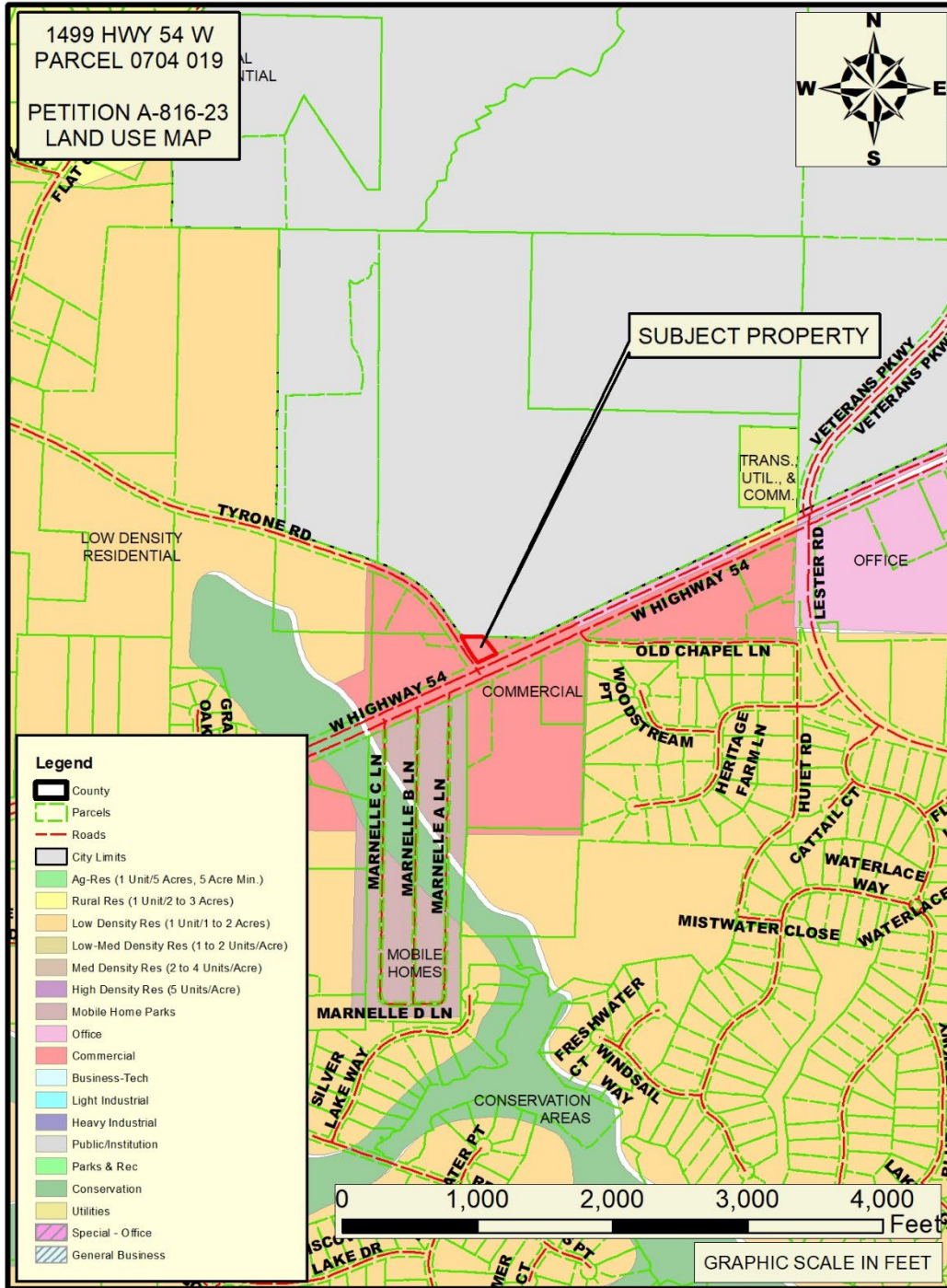
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

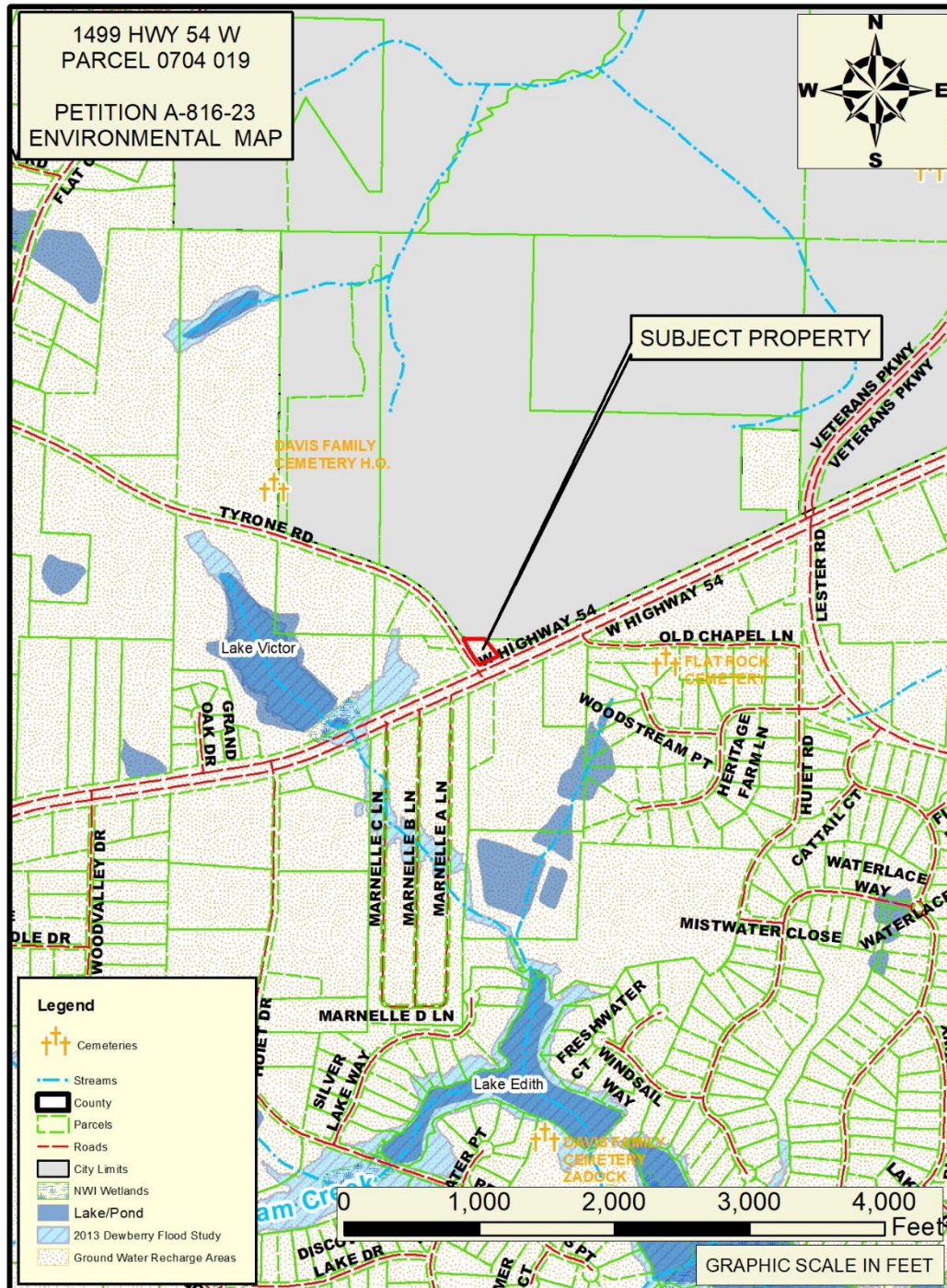
1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
Size and location of the property presents ongoing challenges with the current code and the site has become a nonconforming structure due to code/ordinance changes over the years since the store was built.
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
Site will still be nonconforming, and improvements do not extend the current roof/building structure.
3. **Such conditions are peculiar to the particular piece of property involved; and,**
Current conditions are peculiar in that the original site has become restrictive due to growth in the area and increased customer traffic. The adjacent tracts under new development will only increase this traffic.
4. **Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
Use/changes will not cause any detriment, substantial or otherwise and the structure already exists under the original footprint.
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The ordinance allows for a variance for this nonconforming site. Use remains the same with the improvements. Site will remain nonconforming regardless of the change.

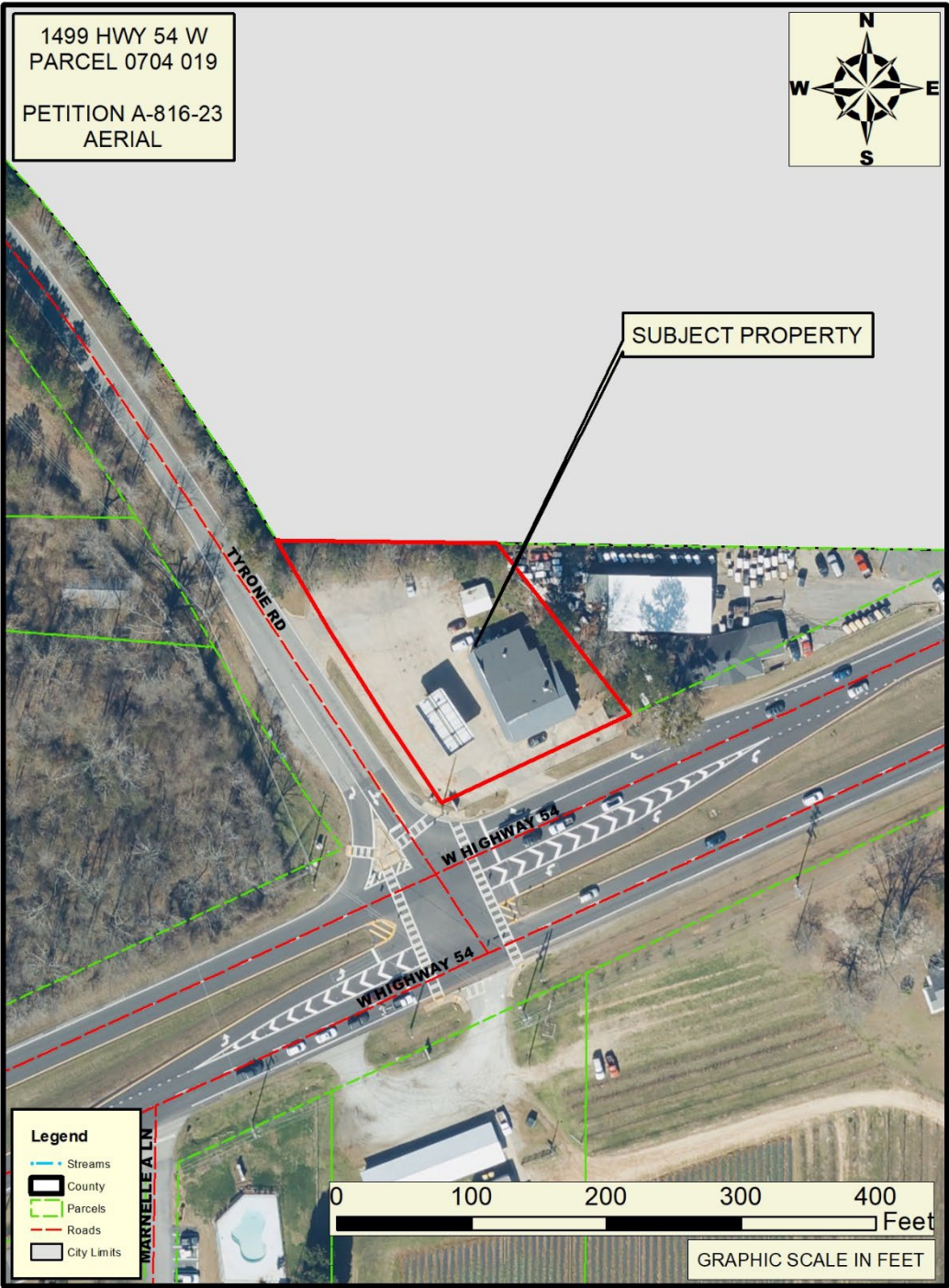












SIBLEY-MILLER SURVEYING & PLANNING INC.
 CIVIL ENGINEERING
 TOPOGRAPHICAL SURVEYS
 LAND DEVELOPMENT DESIGN
 LAND PLANNING
 LAND SURVEYING
 212 WEST CAMPGROUND RD
 MCDONOUGH, GA. 30253
 PHONE: (770) 320-7555
 FAX: (770) 320-7333
 www.sibleysurveying.com

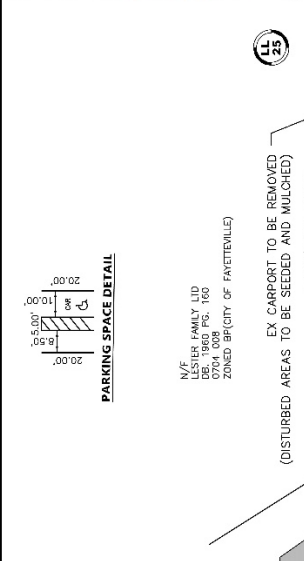
SITE PLAN
 APREMIER PROPERTIES GROUP LLC
 LAND LOT26, 7th. DISTRICT
 FAYETTE COUNTY, GEORGIA

PROFESSIONAL SEAL
 STATE OF GEORGIA
 PROFESSIONAL SURVEYOR
 No. 10185
 SIBLEY-MILLER SURVEYING & PLANNING INC.

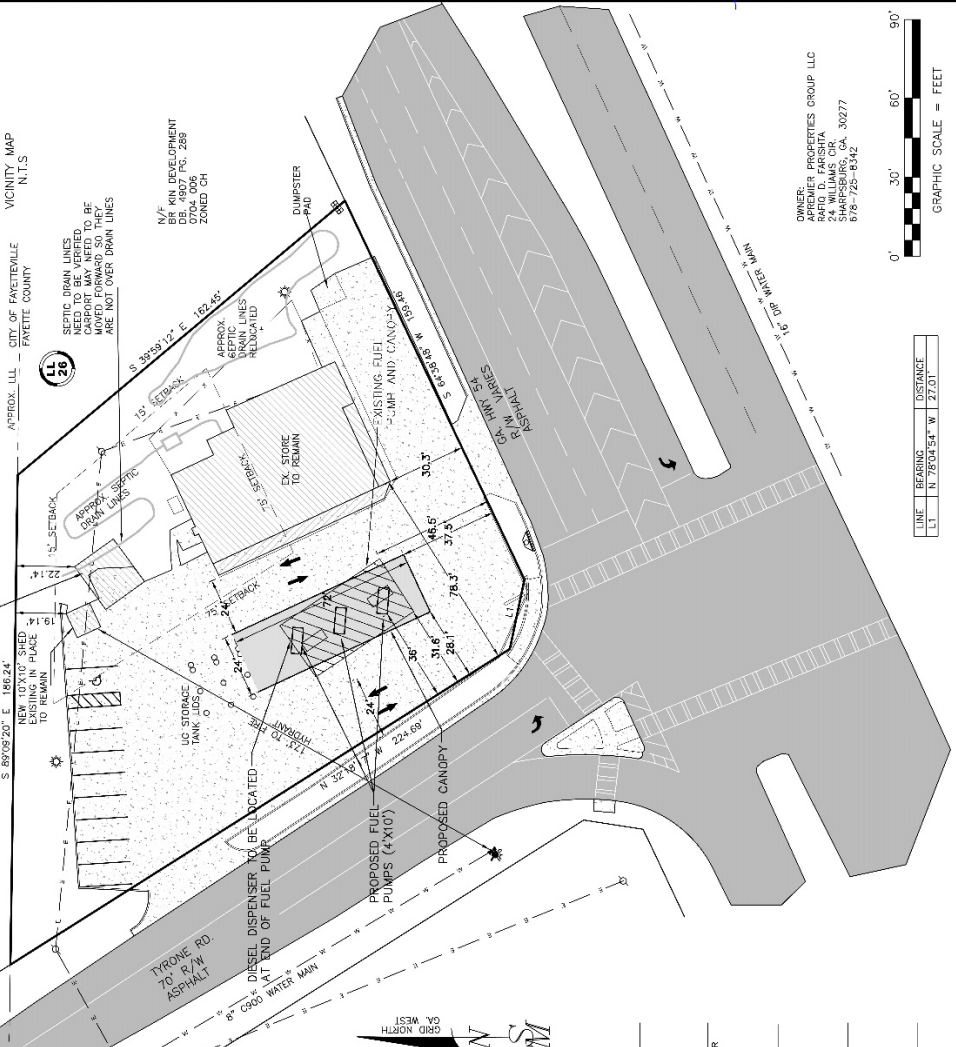
PROJECT #: L2021033
SITE PLAN

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

SHEET: 1 OF 1



GENERAL NOTES:
 AREA: 0.75 ACRES
 PARCEL: 0704 019
 ADDRESS: 1489 HWY 34 W
 REZONED FROM A-R TO C-H
 1-1-1974
 MINIMUM LOT AREA= 43,580 SQ.FT. (1 ACRE)
 ARTERIAL 75' FRONT SETBACK
 COLLECTOR-70'
 DEAR SETBACK: 15'
 SIZE SETBACK: 15'
 SEWER AS PER PRIVATE SEPTIC SYSTEM
 WATER AS PER FAYETTE COUNTY
 NO EASEMENTS OF RECORD FOUND
 NO FLOOD ON PROPERTY AS PER FEMA PANEL# 131130004E DATED: SEPTEMBER 26, 2008
 NOTE: THIS REPRESENTS A SITE PLAN ONLY. THEREFORE IS NOT TO BE RECORDED.
 SITE AREA 32,670 SQ. FT.
 IMPERVIOUS 22,763 SQ. FT. @ 69.67%



LEGEND
 WOODEN POWER POLE ---○---
 EX. OVERHEAD POWER LINES ---○---
 LIGHT POLE ---○---
 EX. FENCE ---x---
 EX. BUILDING ---[hatched]---
 EX. ASPHALT ---[diagonal lines]---
 EX. CONCRETE ---[dotted]---
 EX. WALL ---[dashed]---
 EX. FIRE HYDRANT ---[circle with cross]---
 EX. WATER METER ---[circle with M]---
 EX. WATER VALVE ---[circle with V]---
 HANDICAP PARKING ---[wheelchair symbol]---
 EX. DOUBLING CATCH BASIN ---[circle with X]---
 EX. ASPHALT ---[diagonal lines]---
 EX. CONCRETE ---[dotted]---
 EX. WALL ---[dashed]---
 EX. FIRE HYDRANT ---[circle with cross]---
 EX. WATER METER ---[circle with M]---
 EX. WATER VALVE ---[circle with V]---

NOTE:
 SEPTIC SYSTEM SHOWN HEREON IS BY INFORMATION SUPPLIED BY FAYETTE COUNTY HEALTH DEPARTMENT. FAYETTE COUNTY CONTRACTOR SHALL VERIFY LOCATION BEFORE COMMENCING CONSTRUCTION. RESPONSIBILITY FOR THE LOCATION OF SEWER SYSTEM.

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

OWNER: APREMIER PROPERTIES GROUP LLC
APPROVER: APREMIER PROPERTIES GROUP LLC
 24 WILLIAMS CIR
 SHARPSBURG, GA 30277
 678-725-6342

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

LINE BEGINS | DISTANCE
 LN N 78°04'54" W 27.01'



A-816-23 Hwy 54



A-816-23 Tyrone Road

1499 Highway 54W
Fayetteville, GA.
30214

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY OWNERS: APREMIER PROPERTIES GROUP, LLC

MAILING ADDRESS: 24 Williams Circle, Sharpsburg, GA 30277

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

AGENT FOR OWNERS: Darrell Baker / Principal / Randolph Williams, LLC

MAILING ADDRESS: 900 Westpark Dr, Ste 210, Peachtree City, GA 30269

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

PROPERTY LOCATION: LAND LOT 26 LAND DISTRICT 7th PARCEL 0704019

TOTAL NUMBER OF ACRES OF SUBJECT PROPERTY: 0.74

ZONING DISTRICT: C-H Highway Commercial

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

PRESENT USE OF SUBJECT PROPERTY: Convenience Market / Gas

PROPOSED USE OF SUBJECT PROPERTY: Same

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-816-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: [Signature] Date: Dec 14, 2022

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

Received from RAFIQ FARISHTA a check in the amount of \$ 275.00

for application filing fee, and \$ 100.00 for deposit on frame for public hearing sign(s).

Date Paid: DECEMBER 14, 2022 Receipt Number: 016762

1 VARIANCE
2 SIGNS (\$50 EACH)
= 275.00

PAID WITH CHECK # 204205.

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

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

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

APREMIER PROPERTIES GROUP, LLC


Please Print Names

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

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 26 / 0704 019 of the District, and said property consists of a total of 0.74 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

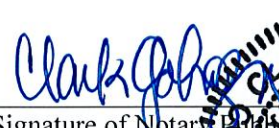


Signature of Property Owner 1
24 Williams Circle, Sharpsburg, GA 30277
Address

Signature of Property Owner 2

Address

Signature of Authorized Agent

Address


Signature of Notary Public
12/14/22
Date


Signature of Notary Public

Date

Signature of Notary Public

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
VAR. 110-170(L). NONCONFORMANCES	Nonconforming Structure(s)	Expansion Area Under Existing Roof Line / Column Area	TO ALLOW AN UNPERMITTED ADDITION TO A PRIMARY STRUCTURE TO REMAIN.
VARIANCE TO SEC. 110-173(2)(c)(2)	TRANSPORTATION CORRIDOR OVERLAY ZONE S.R. 54 W 100 FT.	30 FT.	70 FT.

VARIANCE SUMMARY

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

Owner extended front road side store area an additional 6'. The expansion was built out to the existing roof / column area for the front porch. The building / roof footprint was not enlarged.

JUSTIFICATION OF REQUEST

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

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

Size and location of the property presents ongoing challenges with the current code and the site has become a nonconforming structure due to code / ordinance changes over the years since the store was developed / built.

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

Site will still be non conforming and improvement do not extend the current roof / building structure

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

Current conditions are peculiar in that the original site has become restrictive due to growth in the area and increased customer traffic. The adjacent tracts under new development will only increase this traffic.

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

Use / changes will not cause any detriment, substantial or otherwise and the structure already exists
under the original footprint.

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

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

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of application submittal or the application will not be accepted)

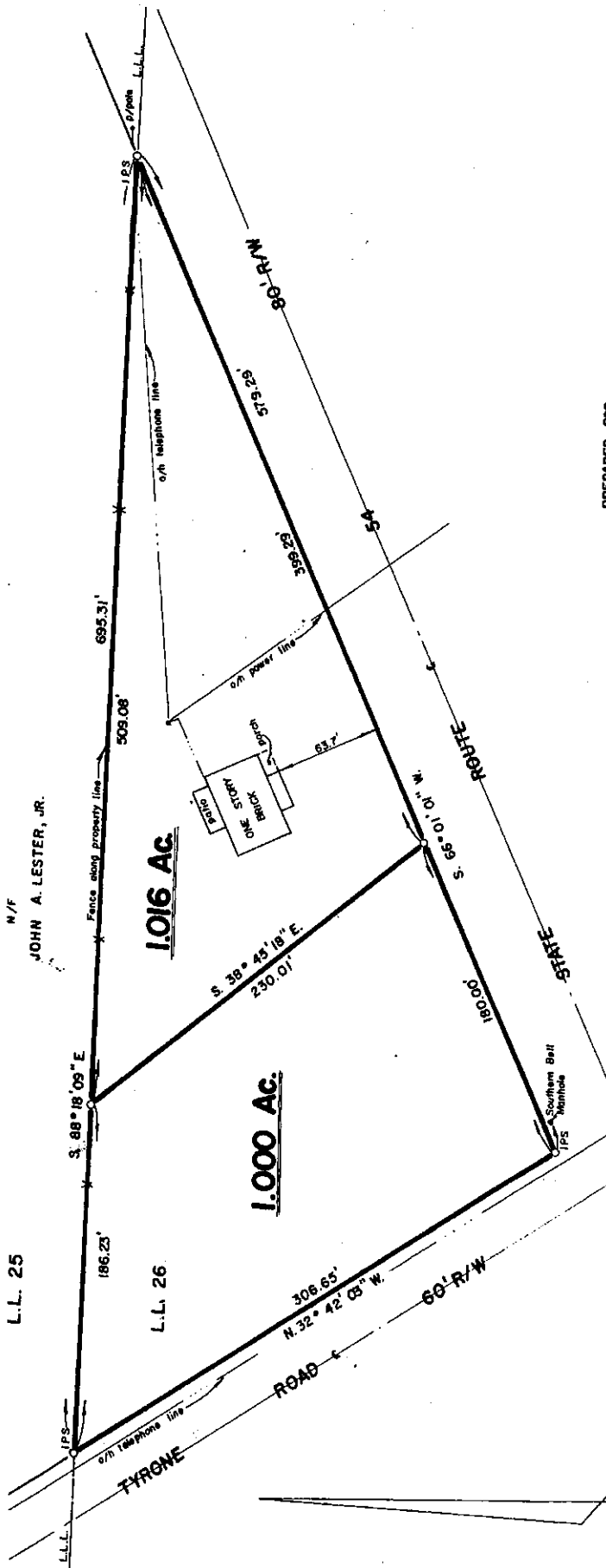
- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:

- _____ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
- _____ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
- _____ c. Location of exits/entrances to the subject property.
- _____ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
- _____ e. Location of all utilities, including well or water lines.
- _____ f. Location of septic tank, drainfield, and drainfield replacement area.
- _____ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
- _____ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
- _____ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
- _____ j. Location of landscaped areas, buffers, or tree save areas (if applicable).

- Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed by:	Requirements	Proposed
Name:	Lot Size:	
Lot#	Width:	
Zoning:	Front Setback:	
Flood: Yes/No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages:	House Size:	

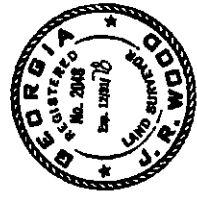


PREPARED FOR:

ALTON D. BROWN

7th DISTRICT
 GEORGIA
 5/5/78


LAND LOT 26
 FAYETTE COUNTY
 SCALE: 1"=50'



In my opinion this plat is a correct representation of the land plotted and has been prepared in conformity with the standards prescribed by the Georgia Surveying Act of 1967.

Return To:

Calloway Title and Escrow, LLC
4170 Ashford Dunwoody Road
Suite 525 2-35987
Atlanta, GA 30319


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

STATE OF GEORGIA

COUNTY OF FAYETTE

QUITCLAIM DEED

This indenture made this 10th day of September, 2018, between W. E. Hester a/k/a William E. Hester and Faye E. Hester, as Joint Tenants with Right of Survivorship, a Georgia resident (hereinafter collectively referred to as "Grantor"), and Apremier Properties Group, LLC, a Georgia limited liability company, (hereinafter referred to as "Grantee") (the words Grantor and Grantee to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee the following described property:

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

Beginning at a 3/4" open top pipe found at the intersection of the north land lot line of Land Lot 26, said county and district, and the easterly right-of-way of Tyrone Road (70' right-of-way); thence leaving said right-of-way and along said northerly land lot line South 87 degrees 24 minutes 27 seconds East for a distance of 186.24 feet to an iron pin set; thence leaving said land lot line South 38 degrees 14 minutes 19 seconds East for a distance of 162.45 feet to an iron pin set on the northerly right-of-way of GA. State Route No. 54 (Right-of-way varies); thence along said northerly right-of-way South 66 degrees 23 minutes 41 seconds West for a distance of 159.46 feet to a R/W monument; thence North 76 degrees 20 minutes 01 seconds West for a distance of 27.01 feet to a R/W monument on the aforementioned easterly right-of-way of Tyrone Road; thence along said right-of-way North 30 degrees 33 minutes 26 seconds West for a distance of 224.69 feet to the Point of Beginning.

Said tract contains .74 acres more or less.

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

[SIGNATURES ON FOLLOWING PAGE]

Book: 4790 Page: 5 Seq: 1

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

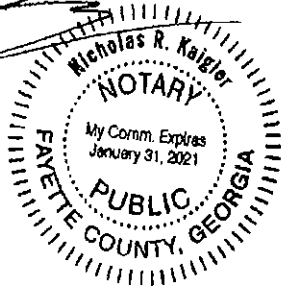
GRANTOR:

Signed, sealed and delivered
In the presence of

[Handwritten Signature]
Witness

[Handwritten Signature]
Notary Public

(NOTARY SEAL)



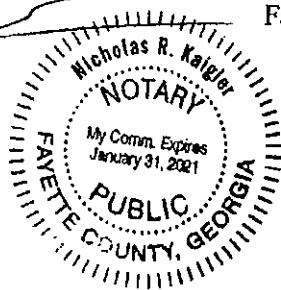
[Handwritten Signature]
W. E. Hester a/k/a William E. Hester

Signed, sealed and delivered
In the presence of

[Handwritten Signature]
Witness

[Handwritten Signature]
Notary Public

(NOTARY SEAL)



[Handwritten Signature]
Faye E. Hester

Return to:

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

**Prepared By: Amanda Rose



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

BK 5419 PG 273-277

SPECIAL PURPOSE LEASE

STATE OF GEORGIA
COUNTY OF FAYETTE

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

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

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

WITNESSETH

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

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

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

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

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

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

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

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

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

SPL/PPI-M2-1/22/2019

[Handwritten Signature]
11/29

[Handwritten Signature]
11-29-21

Book: 5419 Page: 273 Seq: 1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SPL/PPI-M2-1/22/2019

[Handwritten signature]
11/29

[Handwritten initials]
11-29-21

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

LESSEE: PETROLEUM PURCHASING, INC.,
a Georgia corporation

Rafiq Farishta (SEAL)
PRINT: RAFIO FARISHTA

BY: Amanda Rose (SEAL)
PRINT: AMANDA ROSE

TITLE: OWNER

TITLE: SENIOR VICE PRESIDENT

SS#:

Witness: A

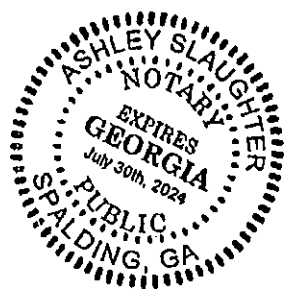
Witness: Elizabeth Moore

THE FOREGOING INSTRUMENT WAS
ACKNOWLEDGED, SWORN AND SUBSCRIBED
BEFORE ME THIS 29 DAY OF Nov,
2021, by Rafiq Farishta (Print Name), as
owner (Title) of Apremier Properties
Group, LLC (Print Entity Name), who is personally known to me or has
produced drivers license as identification.

THE FOREGOING INSTRUMENT WAS
ACKNOWLEDGED, SWORN AND SUBSCRIBED
BEFORE ME THIS 29 DAY OF Nov,
2021, by Amanda Rose (Print Name), as
Sr. VP (Title) of PPI, Inc.
(Print Entity Name), who is personally known to me or has
produced _____ as identification.

Ashley Slaughter
Notary Public
My Commission expires: 7/30/24

Ashley Slaughter
Notary Public
My Commission expires: 7/30/24



SPL/PPI-M2-1/22/2019

Exhibit "A"

[Legal Description]

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

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

Handwritten signature

Handwritten initials and date: 11-29-21

SPL/PPL-M2-1/22/2019

Book: 5419 Page: 273 Seq: 4

Exhibit "B"

(PPI'S Equipment)

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

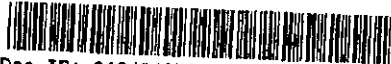
Gitler

(AW)
11-29-21

SPL/PPI-M2-1/22/2019

Book: 5419 Page: 273 Seq: 5

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


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

After recording return to:
Calloway Title & Escrow, LLC
David W. Dudley 2-35987
4170 Ashford Dunwoody Rd. Ste. 525
Atlanta, Georgia 30319

LIMITED WARRANTY DEED

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

WITNESSETH:

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

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


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

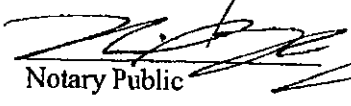
AND GRANTOR SHALL WARRANT and forever defend the title to said Property, unto the Grantee, its successors and assigns, against the claims of any persons claiming by, through or under Grantor, except for claims arising under or by virtue of the Permitted Exceptions.

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

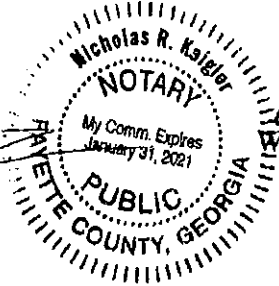
GRANTOR:


Signed, sealed and delivered
In the presence of


Witness

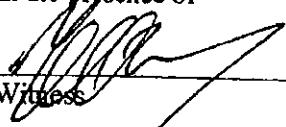

Notary Public

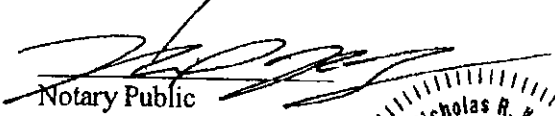
(NOTARY SEAL)



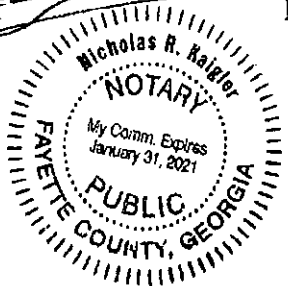

William E. Hester


Signed, sealed and delivered
In the presence of


Witness


Notary Public

(NOTARY SEAL)




Faye E. Hester

4
3

EXHIBIT "A"

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

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

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

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

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

EXHIBIT B
PERMITTED EXCEPTIONS

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

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

PETITION NO: A-823-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Amazing Grace Evangelical International Ministries, Inc.

LOCATION: 3020 S.R. Highway 138 – Parcel 1305 01004

DISTRICT/LAND LOT(S): 13th District, Land Lot 199

ZONING: O-I, Office-Institutional

EXISTING USE: Resource Center for Religious Institution

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

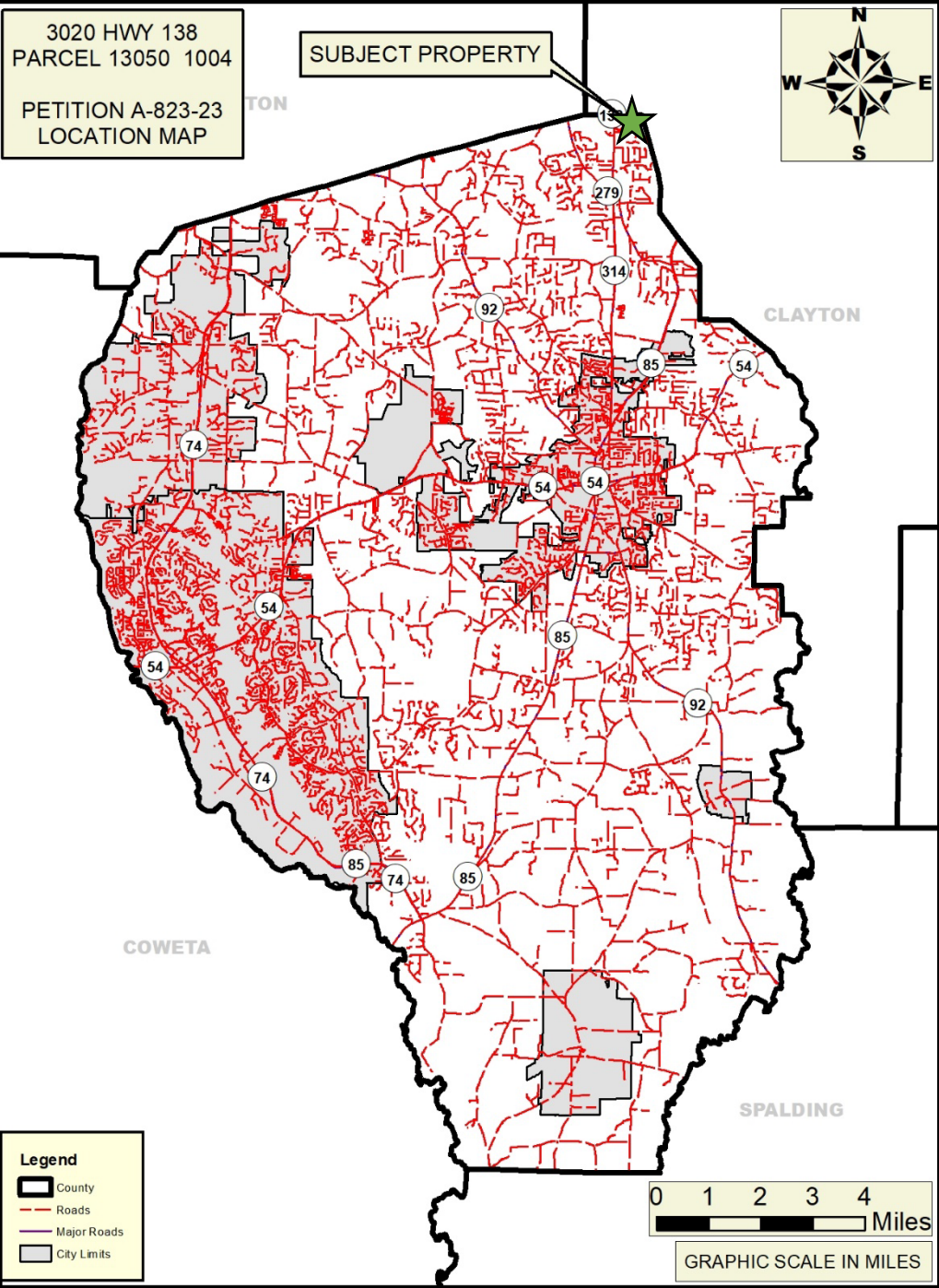
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

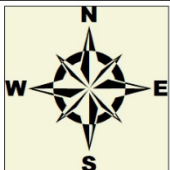
November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.

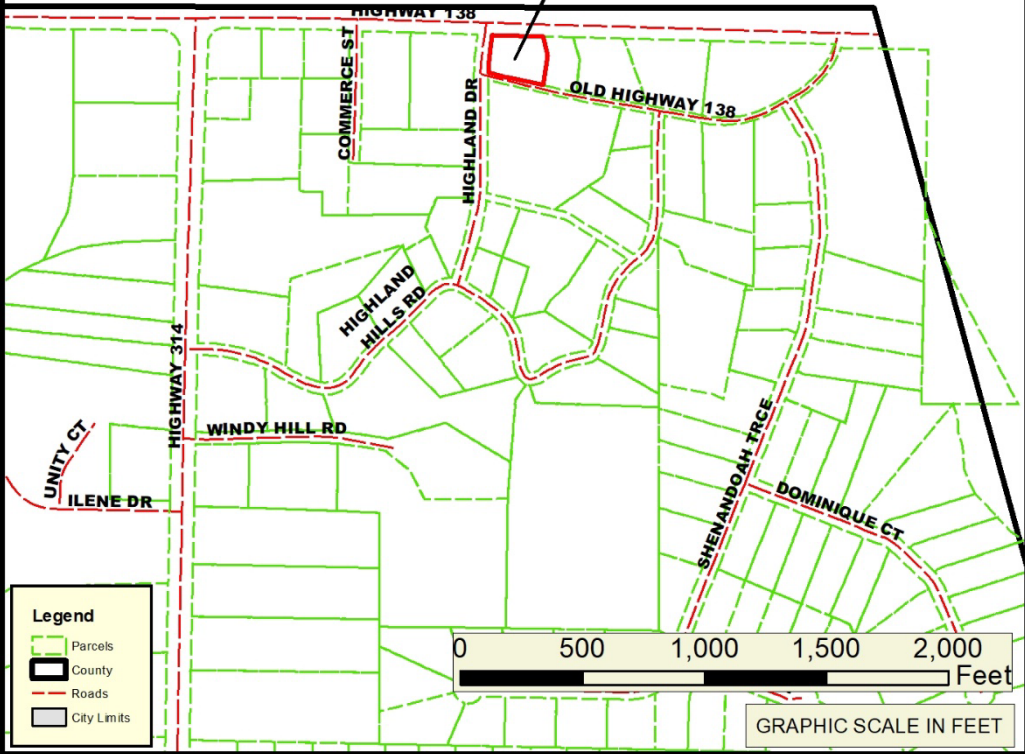


3020 HWY 138
PARCEL 1305 01004
PETITION A-823-23
LOCATION MAP



SUBJECT PROPERTY

CLAYTON





Oct 26, 2022 at 9:25:31 AM
3020 SR-138
Fayetteville, GA 30214
United States

3020 SR 138



Oct 26, 2022 at 9:25:29 AM
3020 SR-138
Fayetteville, GA 30214
United States

3020 SR 138

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: AMAZING GRACE EVANGELICAL INTERNATIONAL MINISTRIES, INC. PHONE: 404-749-8058 (MARTHA HARLEY)
ADDRESS/CITY/STATE/ZIP CODE: 949 SOUTH POINT PKWY, JONESBORO, GA 30238
APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)
FAX NO: 678-276-8700
ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON PERRY RD, STE 260-441, MARIETTA, GA 30062
LAND DISTRICT: 13TH LAND LOT(S): 199 ZONING DISTRICT: 01
SIGN LOCATION/ADDRESS: 3020 HIGHWAY 138, FAYETTEVILLE GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 50'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1200 SF

LIGHTING: Internal Illumination Only _____ External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES
FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

Local Government Certification for Outdoor Advertising

To be completed by Applicant:

Name of Applicant or Company: Atlantic Billboards, LLC

Sign is: existing proposed

County: Fayette Municipality (if applicable): _____

State Route Name & Number: Highway 138 (Jonesboro Rd)

Parcel Number: 130501004

3020 Highway 138, Fayetteville, GA 30214

To be completed by appropriate Zoning Official:

Part 1.

I hereby certify that the (City of) (County of) _____
(Check all that apply):

- Has a zoning plan and ordinance. Original adoption date: _____.
- Date of last amendment (revision) to zoning plan: _____.
- Does not have a zoning plan and ordinances.
- Has other land use controls or ordinance. Please specify _____.
- Has a sign ordinance dated _____ separate from any zoning or land use plan.
- Has a sign ordinance which requires sign spacing of more than 500', size or height limits, or includes the "I-95 plan". Please specify _____
- _____
- Has no sign controls of any kind.

Part 2.

(MUST BE FILLED OUT COMPLETELY)

Current zoning of the parcel where the sign is to be located: _____

Approved uses for this zoning type: _____

Date of MOST RECENT zoning of this parcel: _____

Previous zoning of this parcel: _____

I _____, a duly qualified official of the City/County of _____, do hereby certify that I have reviewed the location and description of the outdoor advertising structure described on the attached application and find the sign is to be located in an area appropriate for such structures and is in compliance with all local laws, ordinances or regulations. I further understand that in evaluating any application for an Outdoor Advertising permit GDOT does not review for compliance with local ordinances and that any such permit issued by GDOT is not a building permit.

This the _____ day of _____, 20____.

Authorized Official Signature

Printed Name and Title

Phone #: _____ Email: _____

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application

GDOT Permit Number

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Atlantic Billboards, LLC

Corporate Name: Michael B. Fitzgerald, Managing Member
Name of Applicant (agent): 3162 Johnson Ferry Rd, Ste 260-441
Address: Marietta, GA 30062
City: Marietta, State: GA, Zip: 30062
Phone #: (678) 571-8889
Email: Mike@AtlanticBillboards.com

Property Owner Information

Amazing Grace Evangelical International Ministries

Corporate Name: Martha Harley, Executive Director
Name of Landowner: 949 South Point Pkwy
Address: Jonesboro, GA 30238
City: Jonesboro, State: GA, Zip: 30238
Phone #: (404) 749-8058
Email: ageiminc@gmail.com

Sign Location Information

County: Fayette City: State Route #: 138 on the N E S W side
of the roadway and 4,329 feet N E S W of milepost number 0
Latitude: 33.55063811538758 Longitude: -84.44469788841418 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? Yes No
Multiple Message Sign (MMS) Type: Mechanical Electronic Number of existing faces:

Number of faces to be Multiple Message: 2

Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS

Type of Construction (circle all that apply): Single Face Back-to-Back Double Face Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) Title Authorized Official Signature
City of Fayette, County of Fayette, Date:

After Hours Contact Person

Name: Michael Fitzgerald

Phone #: (678) 571-8889

Email: Mike@AtlanticBillboards.com

Applicant / Agent Signature

Managing Member
Corporate Title

Note: This is not a building permit. Nothing in this permit shall be construed to abrogate or affect any lawful ordinance, regulation or resolution which is more restrictive than State Law as it pertains to the structure permitted. (O.C.G.A §32-6-97) In the event this multiple message application is approved, all work must be completed within twelve (12) months from the date of approval, and the underlying outdoor advertising permit must also be kept in good standing during the entire twelve (12) month period.

Department Approval for Multiple Message Sign [FOR GDOT USE ONLY]

Effective Date: _____

Permit #: _____

Outdoor Advertising Control Manager

State Maintenance Engineer

Required Attachments: The following attachments (if applicable) are required for a complete application.

- a. A Copy of your W-9 Form.
- b. A detailed Shop Drawing of the sign indicating the plan, elevation, and side views of the sign.
- c. For corporate entities or Trusts who are the Applicant and/or Landowner: A signed statement from a corporate officer or executor, on company letterhead, authorizing the Agent(s) to sign this application on their behalf.
- d. A photograph of the existing sign or proposed sign site showing the location markings. A photograph showing the permit identification tag and where it is affixed to the structure.
- e. The correct permit fee. (fee amounts are available on the Outdoor Advertising webpage)

Sign Installation Notification

The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction of Multiple Message revision to the sign. The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted.

Submission of Application:

Submit the application and all required attachments to the Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street N.W, 10th Floor, Atlanta, Georgia 30308, Attn: Outdoor Advertising Office

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.



New Sign Site Plan

Project Address
3020 Highway 138
Fayetteville, GA 30214

Project Contact
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com



qPublic.net™ Fayette County, GA

Summary

Parcel Number 130501004
 Location Address 3020 HIGHWAY 138
 Legal Description HWY 138
 Property Class E2 - Exempt - Churches
 Neighborhood 01
 Tax District 01
 Zoning C OI
 Acres 1
 Homestead N
 Exemptions

[View Map](#)



Owner

AMAZING GRACE EVANGELICAL INTERNATIONAL
 MINISTRIES INC
 949 POINT SOUTH PARKWAY
 JONESBORO GA 30238

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	105	105	105	105	105
Class	E2	C3	C3	C3	C3
+ Land Value	\$65,340	\$65,340	\$65,340	\$65,340	\$65,340
+ Building Value	\$120,800	\$96,700	\$88,200	\$87,700	\$82,500
= Total Value	\$186,140	\$162,040	\$153,540	\$153,040	\$147,840
Assessed Value	\$0	\$64,816	\$61,416	\$61,216	\$59,136

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	43,560	1.0000	\$65,340

Total Acres:
1.0000
 Total Land-Value:
\$65,340

Commercial Improvement Information

Card 1
 Building No 1
 Structure MIX RES/COM
 Units 0
 Year Built 1965
 Total Sq Footage 4368

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	B1	B1	15	344	Office Building	D	1965	0	924	122	7	91,880	1,190	93,070	20	0	\$18,610
2	1	01	01	15	344	Office Building	D	1965	0	3444	262	8	406,910	0	406,910	20	0	\$81,380

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
GARAGE	1965	900		\$9,270
PAVE ASPH	1965	3,780		\$6,540

Other Features

Card 1

Ln	Code	Descr	Meas 1	Meas 2	Stops	IU	Value
1	OPP	OPEN PORCH	50	0	0	1	\$450
2	WDD	DECK	93	0	0	1	\$740

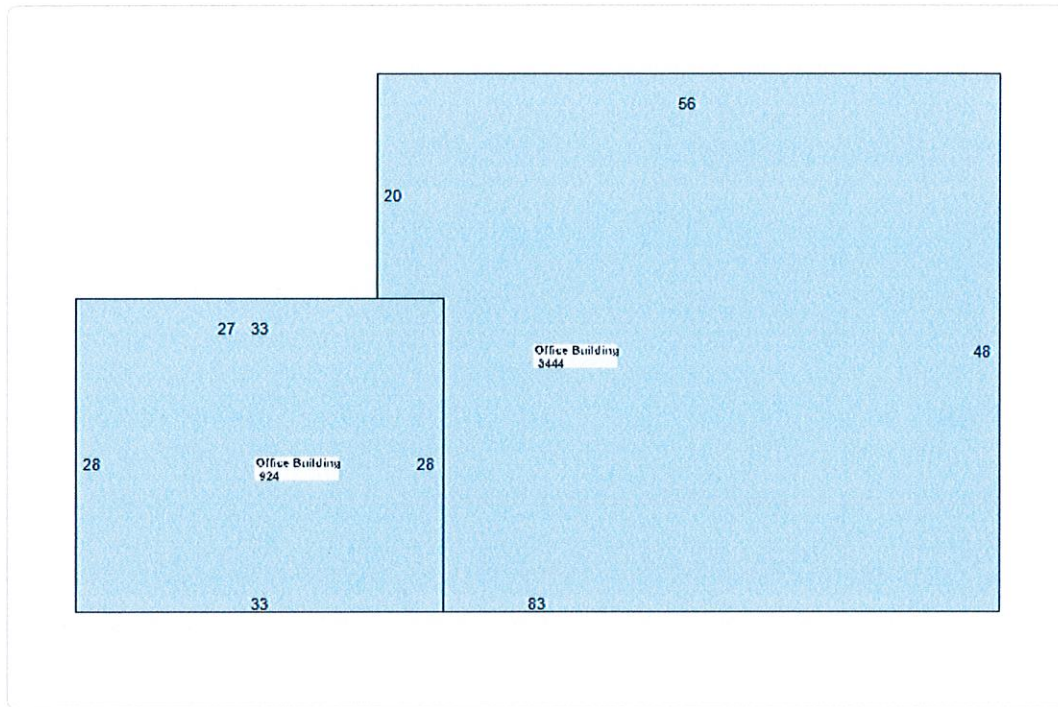
Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
4/14/2021	\$265,000		5263	0287	FAIR MARKET VALUE	AMAZING GRACE EVANGELICAL INTERNATIONAL	J.P.M.C., INC.		5263 0287
11/6/2015	\$0		4390	0134	RELATIVE SALE	J P M C INC	CHRISPIN JEAN P		4390 0134
10/16/2015	\$145,000		4384	0315	BANK SALE	CHRISPIN JEAN P.	THE BANK OF NEW YORK MELLON AS TRUSTEE S		4384 0315
4/1/2014	\$247,500		4234	0088	FORECLOSURE SALE	THE BANK OF NEW YORK MELLON AS TRUSTEE	MAY SUSAN H.		4234 0088
12/6/2004	\$210,000		2666	296	FAIR MARKET VALUE	MAY SUSAN H	BISHOP WILLIAM B		2666 296

Photos



Sketches



No data available for the following modules: Assessment Notices, Residential Improvement Information, Additions.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

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Last Data Upload: 8/26/2022, 7:09:55 AM

Version 2.3.214

Developed by
 Schneider
GEO SPATIAL



Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between AMAZING GRACE EVANGELICAL INTERNATIONAL MINISTRIES, INC hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of ten (10) fifteen (15) years the premises known and described as follows:

Street Address: 3020 Hwy 138, Fayetteville, GA

Tax Parcel No. 130501004

Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, and relocation of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the premises. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate), and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount Twenty Percent (20%) of gross advertising receipts for any static face and Twelve and a Half Percent (12.5%) for any digital face.** Reports of quarterly income will be sent along with payment each quarter.

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed, (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.

Any taxes assessed on the advertising display(s) or any increase in the property tax on the premises shall be paid by Grantee.

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity. Grantee shall not post any advertisements that are not in keeping with the standards of the community or that contradict the values and faith of the Amazing Grace Evangelical International Ministries, Inc.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement or within 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Grantee shall allow Grantor to use any digital faces on the signs to promote Grantor's message, such messages will be added to the ad rotation and will run only when vacant space is available. This space will be made available on digital LED faces only.

Notice:

If to Grantor:

AMAZING GRACE EVANGELICAL
INTERNATIONAL MINISTRIES, INC
949 South Point Pkwy
Jonesboro, GA 30238

If to Grantee:

Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 21 day of APRIL, 2022.

Grantee: **Atlantic Billboards, LLC**

[Signature]
Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 21st day of April, ~~2015~~ 2022

[Signature]
Notary Public [Seal]
My commission expires on August 28, 2025

TIFFANY JOHNSON
NOTARY PUBLIC
Henry County
State of Georgia
My Comm. Expires Aug. 28, 2025

[Signature]
Unofficial Witness

Grantor: **AMAZING GRACE EVANGELICAL INTERNATIONAL MINISTRIES, INC**

Signed: [Signature]
Print Name: Martha Harley
Its: Executive Director

Sworn and subscribed before me this 21st day of April, ~~2015~~ 2022

[Signature]
Notary Public [Seal]
My commission expires on August 28, 2025

TIFFANY JOHNSON
NOTARY PUBLIC
Henry County
State of Georgia
My Comm. Expires Aug. 28, 2025

[Signature]
Unofficial Witness

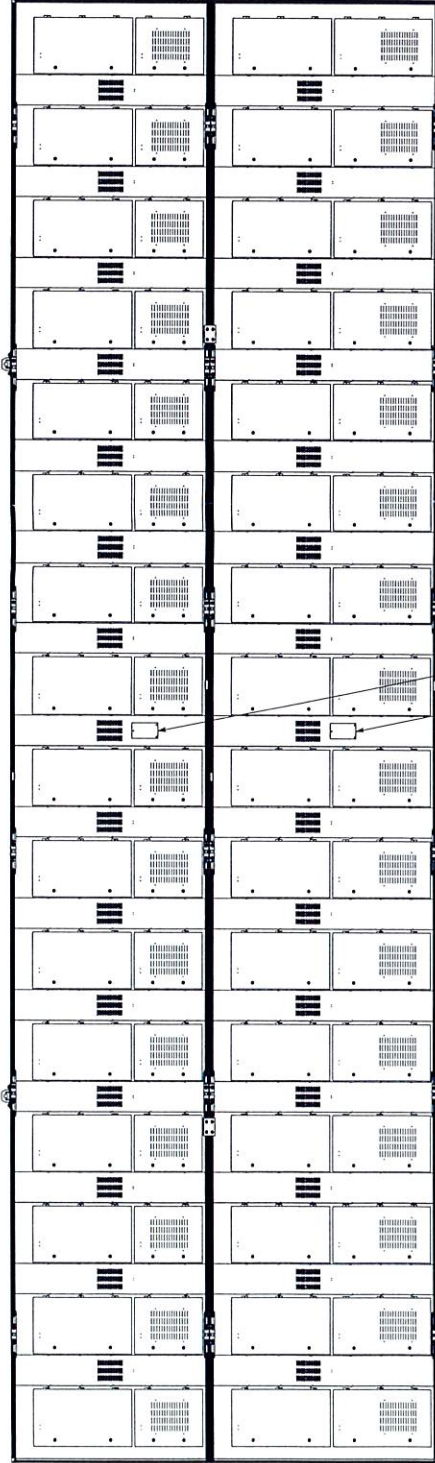
Exhibit A
Legal Description

All that tract or parcel of land lying and being in Land Lot 199 of the 13th District of Fayette County, Georgia, and being more particularly described as follows: Beginning at an iron pin located on the Southeastern side of Jonesboro and Fairburn Road (also known as Highway No. 138) a distance of 96 feet easterly from the eastern side of Old Highway No. 138 (unpaved), as measured along the Southeastern side of said Jonesboro and Fairburn Road, running thence Easterly along the Southeastern side of said Jonesboro and Fairburn Road, 112.3 feet to an iron pin; thence Southwesterly along a line forming an interior angle of 107 degrees 26 minutes with the proceeding line, 205.8 feet to an iron pin on the North side of Old Highway No. 138 (unpaved); thence Westerly along the Northeastern side of Old Highway No. 138 (unpaved), 191.4 feet to an iron pin; thence Northeasterly, 163.5 feet to the iron pin at the point of beginning, being improved property according to a plat of this and other property made by William W. DeLoach, Reg. Land Surveyor, for W.S. Bishop on March 27, 1971.

Proposed Pole

Location

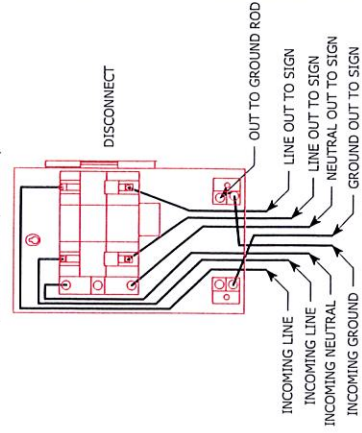




DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
23 AMP DRAW (MAX)

DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
24 AMP DRAW (MAX)

MAIN 240V SERVICE
(L1, L2, NEUTRAL, GROUND)

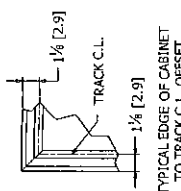
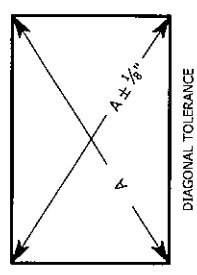


INSTALLATION NOTES:

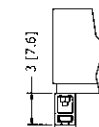
1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, 4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT. ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED. BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
4. UL CERTIFICATE NUMBER: E721802 (UL-48)

<p>THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.</p> <p>ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.</p>		<p>DIMENSION STYLE</p> <p>INCHES (CENTIMETERS)</p> <p>ALL DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE SPECIFIED. STALLINGS TOLERANCES APPLY TO ALL DIMS UNLESS OTHERWISE SPECIFIED. (SEE REFERENCE DRAWING XXX-XX) TO REFERENCE DRAWING XXX-XX.)</p>	<p>TOLERANCES</p> <p>OVERALL SIGN DIMENSION..... ± 1/4"</p> <p>LINEAR DIMENSION..... ± 1/16"</p> <p>ANGULAR DIMENSION..... ± 1°</p> <p>STRAIGHTNESS..... ± .002" TL</p>	<p>THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL PROVISIONS OF OTHER SPECIFICATIONS WILL BE GUARANTEED ABOUT THE SUITABILITY OF THE PROVIDED RELATIVE TO THE SIGN STRUCTURE IS FOR ILLUSTRATIVE PURPOSES ONLY.</p>	<p>MODEL REV (DRAWG REV) THIRD ANGLE PROJECTION DESCRIPTION</p> <p>1 0 2 OF 2 SHEET</p>	<p>DATE ISSUED: 09/20/18</p> <p>DRAWN BY: J. Prachtler</p> <p>PART NUMBER: 1410480_C_N_13047_R</p> <p>VAULT LOCATION: Design11 Customer Drawings\Track Sign\Rear Service\1410480_C_N_13047_R.rdw</p>
--	--	--	--	--	--	--

IBC2009 AND ASCE7-05
 150 MPH 3 SECOND WIND GUST
 IBC2012 AND ASCE7-10
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX



- NOTES:
- ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 - DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 - I-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.



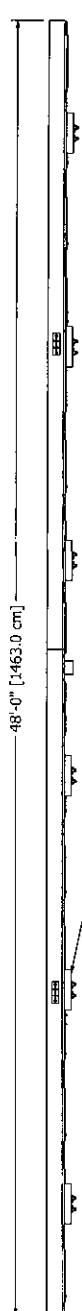
I-BEAM CLAMP DETAIL

REQUIREMENTS TO MEET THE ABOVE WIND LOAD
 UPRIGHT QTY: 5.0 MINIMUM
 SPACING: 115 3/16 [292.6] MAXIMUM
 CANTILEVER: 57 5/8 [146.3] MAXIMUM

THESE CALCULATIONS ASSUME THE SUPPORTING
 STRUCTURE (DESIGNED BY OTHERS) ALSO MEETS
 ALL APPLICABLE CODES AND REQUIREMENTS
 APPROVED BY THE MANUFACTURER'S
 PROVIDED MOUNTING SYSTEM

SIGN WEIGHT FOR 10mm, 16mm, 19mm, & 25mm MODELS
 6048.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)

SIGN WEIGHT FOR 12mm MODEL
 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)

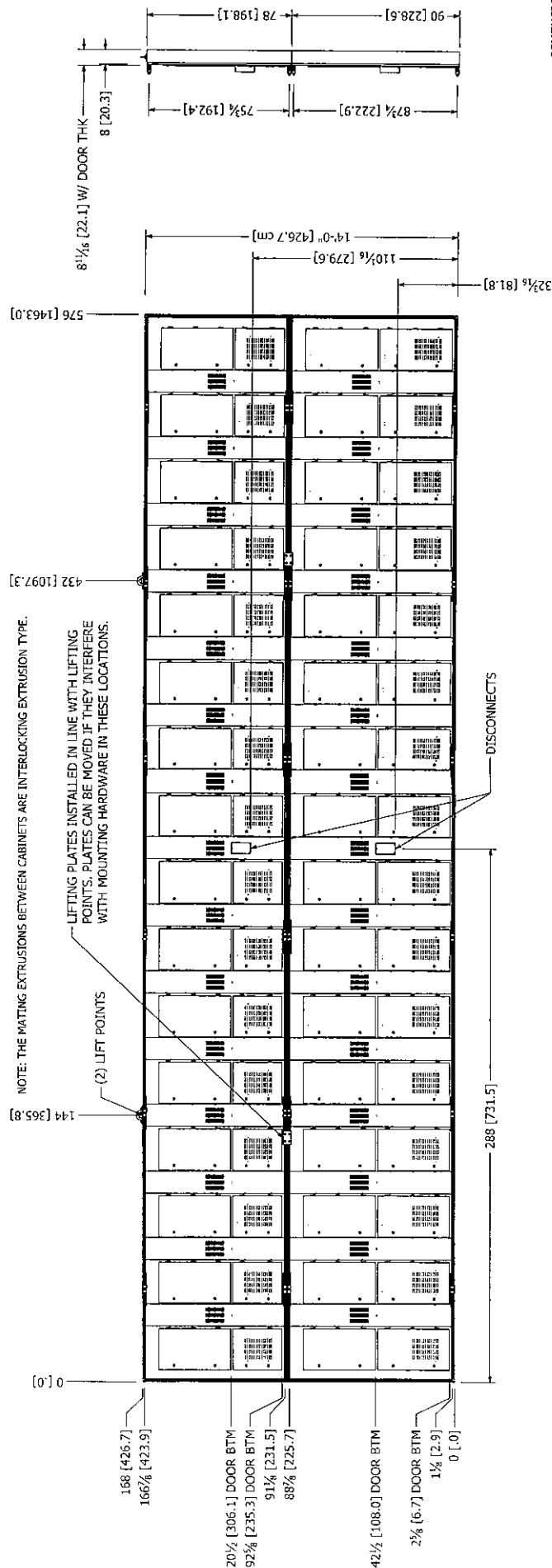


HORIZONTAL LOCATION OF CLAMPS IS ADJUSTABLE

NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.

LIFTING PLATES INSTALLED IN LINE WITH LIFTING POINTS CAN BE MOVED IF THEY INTERFERE WITH MOUNTING HARDWARE IN THESE LOCATIONS.

(2) LIFT POINTS



VIEWABLE AREA = 13 ft. X 47 ft.



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 ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED

DIMENSION STYLE	
INCHES [CENTIMETERS]	TOLERANCES
OVERALL SIGN DIMENSION..... ± 1/4"	OVERALL SIGN DIMENSION..... ± 1/4"
LINEAR DIMENSION..... ± 1/16"	LINEAR DIMENSION..... ± 1/16"
ANGULAR DIMENSION..... ± 1°	ANGULAR DIMENSION..... ± 1°
OTHER DIMENSIONS APPLY TO ALL UNLESS OTHERWISE SPECIFIED (SEE STANDARD TOLERANCES) (SEE DIM 002.2)	STRAIGHTNESS..... ± 0.010"/ft.

THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL DIMENSIONS ON OTHER STRUCTURES WILL BE PROVIDED BY OTHERS AND WATCHFIRE WILL NOT GUARANTEE ABOUT THE SUITABILITY OF THE PROVIDED DIMENSIONS TO THE SIGN STRUCTURE FOR ILLUSTRATIVE PURPOSES ONLY.

MODEL REV	DRAWING REV	THIRD ANGLE PROJECTION	DESCRIPTION
1	0		NATURAL
1		1	OF 2

DIMENSION STYLE:	
INCHES [CENTIMETERS]	REAR SERVICE - 13 X 47 VIEWABLE - DIMENSIONS 168" X 576"
DATE CREATED	DRAWN BY
3/9/2018	P. Pather
PART NUMBER	VAULT LOCATION
1410x480_C_M_13047_R	Design1 Customer Drawing/Track Sign/Vault Service/VAULT_C_M_13047_R.dwg

November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Re Sign Application for Parcel #13050 1004
3020 Hwy 138
Fayetteville, GA 30214
Land Lot(s) 199 of the 13th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot 199 of the 13th Land District and consists of approximately 1.0 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned O-I, Office and Institutional District. The O-I, Office-Institutional District permits uses shown in Section 110-142 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (5) SR 138 and North SR 314 Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing Amazing Grace Ministries sign located on parcel

WEBB, KLASE & LEMOND, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC (“Atlantic”). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals (“Board”) at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia’s Zoning Procedures Law and is therefore void; and (4) the County’s restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: “Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant.” The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County “shall issue” the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Amazing Grace Evangelical International Ministries, INC
949 Point South Parkway
Jonesboro, Georgia, 30238

RE: Petition No. A-823-23

Dear: Amazing Grace Evangelical International Ministries, INC

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-823-23 (Parcel 13050 1004)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A-823-23 - A-831-23

COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Webb, Klase & Lemond, LLC
Attn: Mr. E. Adam Webb
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

9590 9402 7493 2055 9980 21

2. Article Number (Transfer from service label)
7018 1130 0001 9954 5097

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name) *Webb*

C. Date of Delivery *2-2-23*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

A-823-23 - A-831-23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

9590 9402 7493 2055 9979 87

2. Article Number (Transfer from service label)
7018 1130 0001 9955 0152

COMPLETE THIS SECTION ON DELIVERY

A. Signature *[Signature]* Agent Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery
 Certified Mail®
 Certified Mail Restricted Delivery
 Collect on Delivery
 Collect on Delivery Restricted Delivery
 Insured Mail
 Insured Mail Restricted Delivery (over \$500)

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total Postage and Fees \$

Webb, Klase & Lemond, LLC
Attn: Mr. E. Adam Webb
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

A-823-23 - A-831-23
 Blue Stamp
 DATE LETTER
 MAILED
 25 JAN 23

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total \$

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MAILED
 25 JAN 23
 A-823-23 - A-831-23

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
 Domestic Mail Only

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Postage \$

Total \$

AMAZING GRACE EVANGELICAL INTERNATIONAL
MINISTRIES, INC
949 POINT SOUTH PARKWAY
JONESBORO GA 30238

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

MAILED
 25 JAN 23
 A-823-23

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #13050 1004
3020 Hwy 138
Fayetteville, GA 30214
Land Lot(s) 199 of the 13th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

Tracking Number:

[Remove X](#)

70181130000199545097

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 10:49 am on February 2, 2023 in ATLANTA, GA 30339.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Feedback

Delivered

Delivered, Front Desk/Reception/Mail Room

ATLANTA, GA 30339

February 2, 2023, 10:49 am

Departed USPS Regional Facility

ATLANTA GA DISTRIBUTION CENTER

February 2, 2023, 1:36 am

Arrived at USPS Regional Facility

ATLANTA GA DISTRIBUTION CENTER

February 1, 2023, 10:33 am

Departed USPS Regional Facility

ATLANTA NORTH METRO DISTRIBUTION CENTER

January 31, 2023, 2:40 pm

Arrived at USPS Regional Facility

ATLANTA NORTH METRO DISTRIBUTION CENTER

January 31, 2023, 1:42 am

● **Hide Tracking History**

Text & Email Updates



USPS Tracking Plus®



Product Information



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Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

A-823-23
Rw Date
Feb 1, 2023

1
**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.
Petition No.: A-823-23
Owner(s)/Agent(s): Owners: Amazing
Grace Evangelical International
Ministries, INC Agent: Atlantic Bill-
boards, LLC (Mike Fitzgerald)
Property Address: 3020 Hwy 138
Zoning District: O-I
Area of Property: 1.0 acres
Parcel # 13050 1004
Land Lot(s): 199
District: 13th
Road Frontage: Hwy 138, Highland
Drive & Old Highway 138
Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.
02/01
1

POSTING OF PROPERTY

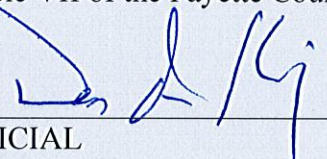
PETITION NO: A-823-23

OWNER: Amazing Grace Evangelical International Ministries, INC
949 Point South Parkway
Jonesboro, Georgia, 30238

LOCATION: Land Lot 199 of the 13th District
Fronts on Hwy 138, Highland Drive and Old Hwy 138.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

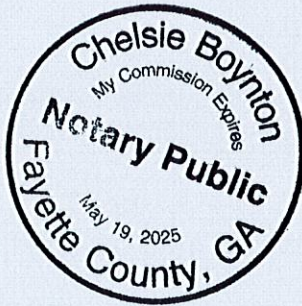
31 JAN 23

DATE

Sworn to and subscribed before me this
31TH day of JAN, 2023.



NOTARY



Number of signs posted 3.

Date sign posted 31 JAN 2023



A-823-23



A-823-23



A-823-23

Type: WD
Recorded: 4/16/2021 2:40:00 PM
Fee Amt: \$290.00 Page 1 of 4
Transfer Tax: \$265.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 8932392878

BK 5263 PG 287 - 290

After recording, return to:

Faber Mabe, LLC
3615 Braselton Hwy
Suite 203
Dacula, Georgia 30019
File: 54-00007
Parcel: 13-05-01-004

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF GWINNETT

THIS INDENTURE, made between

J.P.M.C., INC., a Georgia corporation

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

AMAZING GRACE EVANGELICAL INTERNATIONAL MINISTRIES INC, a Georgia non-profit corporation

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

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described real property:

All that tract or parcel of land lying and being in Land Lot 199 of the 13th District of Fayette County, Georgia, and being more particularly described as follows: Beginning at an iron pin located on the Southeastern side of Jonesboro and Fairburn Road (also known as Highway No. 138) a distance of 96 feet easterly from the eastern side of Old Highway No. 138 (unpaved), as measured along the Southeastern side of said Jonesboro and Fairburn Road, running thence Easterly along the Southeastern side of said Jonesboro and Fairburn Road, 112.3 feet to an iron pin; thence Southwesterly along a line forming an interior angle of 107 degrees 26 minutes with the proceeding line, 205.8 feet to an iron pin on the North side of Old Highway No. 138 (unpaved); thence Westerly along the Northeastern side of Old Highway No. 138 (unpaved), 191.4 feet to an iron pin; thence Northeasterly, 163.5 feet to the iron pin at the point of beginning, being improved property according to a plat of this and other property made by William W. DeLoach, Reg. Land Surveyor, for W.S. Bishop on March 27, 1971.

TOGETHER WITH any and all the rights, privileges, easements, improvements and appurtenances to the same belonging.

Said property is conveyed subject to those permitted title exceptions set forth on Exhibit "B" attached hereto and made a part hereof by this reference.

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 Grantor and all others claiming by, through or under Grantor.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the 14th day of April, 2021.

Signed, sealed and delivered
in the presence of:

GRANTOR
J.P.M.C., INC., a Georgia corporation

Kelley R McDaniel
Unofficial Witness

By: Jean P. Chrispin
Jean P. Chrispin, President/CEO

[CORPORATE SEAL]

Kelley Faber
Notary Public

Kelley Faber
Name of Notary Typed, Stamped, or Printed
Notary Public, State of Georgia

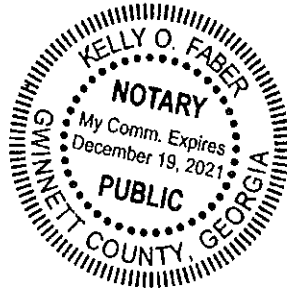


EXHIBIT "B"

Permitted Title Exceptions

1. All taxes for the year 2021 and subsequent years, not yet due and payable.
2. Right of Way Deed from W. B. Bishop to Department of Transportation dated April 1, 1975, recorded in Deed Book 138, Page 47, Fayette County, Georgia Records.
3. Driveway Easement from William B. Bishop to Department of Transportation dated April 11, 1986, recorded in Deed Book 385, Page 48, aforesaid Records.

PETITION NO: A-824-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Thomas M. Suggs

LOCATION: 1934 N Highway 85 – Parcel 0552 035

DISTRICT/LAND LOT(S): 5th District, Land Lot 248 & 249

ZONING: C-H, Highway Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

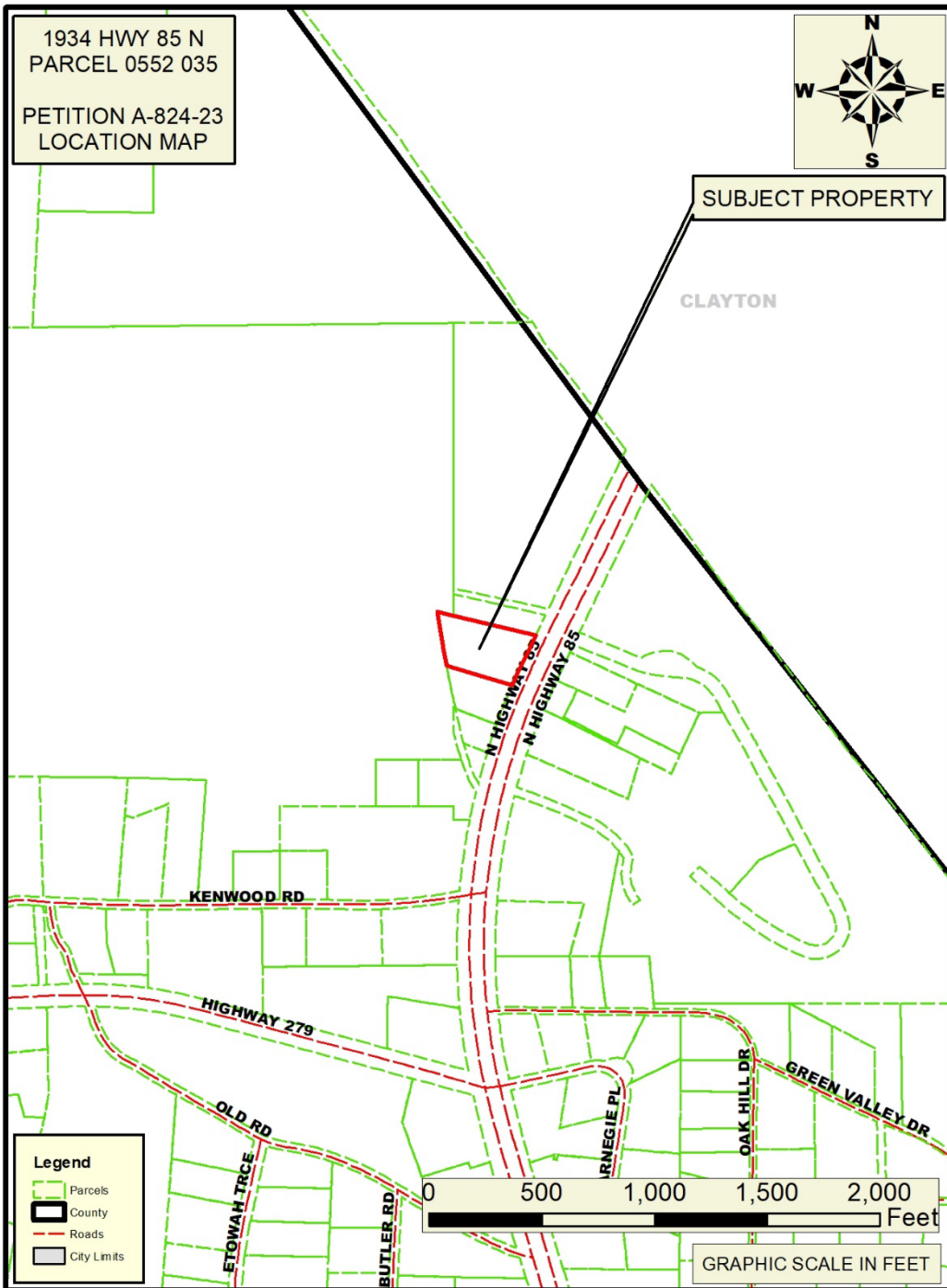
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.





Oct 26, 2022 at 9:35:47 AM
1940 SR-85 S
Fayetteville GA 30238
United States

1940 SR 85 S



Oct 26, 2022 at 9:35:49 AM
1940 SR-85 S
Fayetteville GA 30238
United States

1940 SR-85 S

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: THOMAS M. SUBBS PHONE: 678-898-8030

ADDRESS/CITY/STATE/ZIP CODE: 195 BEL AIRE LOOP, FAYETTEVILLE, GA 30214

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)

FAX NO. 678-276-8700
ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON FERRY RD, STE 260-441, MARIETTA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 248 ZONING DISTRICT: CH

SIGN LOCATION/ADDRESS: 1934 HIGHWAY 85N, FAYETTEVILLE, GA 30215

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 1,128'

Wall/Monument (less-than 36 s.f.): (more-than 36 s.f.): Banner: # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only External Illumination Only No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES, FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.



Proposed Sign
(10' front powerline setback and
10' side powerline setback)
See sign plans for sign dimensions

New Sign Site Plan

Project Address
1934 Highway 85 N
Fayetteville, GA 30215

Project Contact
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com





Summary

Parcel Number 0552 035
 Location Address 1934 HIGHWAY 85 N
 Legal Description HWY 85 2A
 Property Class C3 - Commercial Lots
 Neighborhood 01
 Tax District 01
 Zoning C CH
 Acres 1.94
 Homestead N
 Exemptions

[View Map](#)

Owner

[THOMAS M. SUGGS](#)
 195 BEL AIRE LOOP
 FAYETTEVILLE GA 30214

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	332	332	332	332	332
Class	C3	C3	C3	C3	C3
+ Land Value	\$422,530	\$435,600	\$435,600	\$435,600	\$435,600
+ Building Value	\$312,800	\$283,500	\$293,400	\$320,300	\$309,000
= Total Value	\$735,330	\$719,100	\$729,000	\$755,900	\$744,600
Assessed Value	\$294,132	\$287,640	\$291,600	\$302,360	\$297,840

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	84,506	1.9400	\$422,530

Total Acres:
1.9400
 Total Land-Value:
\$422,530

Commercial Improvement Information

Card 1 Units 0
 Building No 1 Year Built 1982
 Structure AUTO SRV GAR Total Sq Footage 23139

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	528	Service Repair Garage	S	1982	1992	23139	796	12	1,249,970	0	1,249,970	22	0	\$274,990

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
PAVE ASPH	1982	18,000		\$37,820

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
4/6/2021	\$0		5285	0107	PART OR OTHER INTEREST	GEORGIA DEPARTMENT OF TRANSPORTATION	SUGGS THOMAS M		5285 0107
4/27/2007	\$885,000		3229	181	FAIR MARKET VALUE	SUGGS THOMAS M	1934 HWY 85 N LLC		3229 181
10/13/2005	\$1,000,000		2883	398	FAIR MARKET VALUE	1934 HWY 85 N LLC	POWELL JAMES W		2883 398
6/8/1993	\$395,000		817	627	FAIR MARKET VALUE	BODY MOTION COLLISION CENTER	ZAKARIA M S ETAL		817 627
4/30/1993	\$395,000		806	390	RELATIVE SALE	BODY MOTION COLLISION CENTER	ZAKARIA M S ETAL		806 390

No data available for the following modules: Residential Improvement Information, Additions, Other Features, Photos, Sketches.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

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Last Data Upload: 8/26/2022 7:09:55 AM

Version 2.3.214

Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between Thomas M. Suggs hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of fifteen (15) years the premises known and described as follows:

Street Address: 1934 Hwy 85 N

Tax Parcel No. 0552 035 Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and to be located within the area shown on Exhibit A-1 and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, and relocation of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the premises. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate); and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount of Two Thousand Dollars (\$2,000 USD).**

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed; (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement.

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises, is not in keeping with the standards of the community, relates to politicized social issues such as abortion, racial and sexual identity without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement but no later than 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Notice:

If to Grantor:
Thomas M. Suggs
195 Bel Aire Loop
Fayetteville, GA 30214

If to Grantee:
Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 23rd day of MAY, 2022.

Grantee: **Atlantic Billboards, LLC**

Michael B. Fitzgerald

Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 23rd day of MAY, 2022, 2015.

Derrick Robinson

Notary Public [Seal]
My commission expires on 10/5/2025



Carter Mason

Unofficial Witness

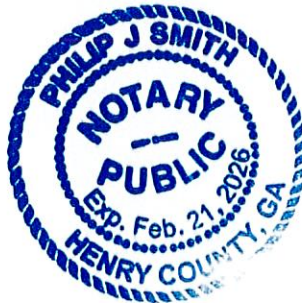
Grantor: **Thomas M. Suggs**

Signed: *Thomas M. Suggs*

Sworn and subscribed before me this 23 day of MAY, 2022, 2015.

Philip J. Smith

Notary Public [Seal]
My commission expires on 02/21/2026



Samuel [Signature]

Unofficial Witness

Exhibit A-1

Sign to be located inside red box on aerial below:



Exhibit A
"Legal Description"

All that tract or parcel of land lying and being in Land Lot 248 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the westerly right-of-way line of Georgia State Route 85 (170 foot right-of-way), a distance of 942.9 feet northeasterly, as measured along the westerly right-of-way line of said Georgia State Route 85, from its intersection with the northerly right-of-way line of Kenwood Road; thence leaving said westerly right-of-way line of Georgia State Route 85 and running North 79 degrees 20 minutes 17 seconds West a distance of 294.38 feet to an iron pin found; thence North 10 degrees 10 minutes 08 seconds West a distance of 52 feet to an iron pin found; thence North 01 degree 55 minutes 09 seconds West a distance of 199 feet to an iron pin found; thence South 79 degrees 21 minutes 39 seconds East a distance of 417.2 feet to an iron pin found located on the westerly right-of-way line of said Georgia State Route 85, said iron pin being located 896.6 feet southerly, as measured along the westerly right-of-way line of Georgia State Route 85, from its intersection with the center line of Camp Creek; thence running southerly along the westerly right-of-way line of Georgia State Route 85, an arc distance of 250.50 feet to the iron pin found at the POINT OF BEGINNING (said arc being subtended by a chord bearing South 24 degrees 45 minutes 01 seconds West, a distance of 250.48 feet); said tract contains 2.0 acres as shown on plat of survey for Body Motion Collision Center, Inc., prepared by Lum Hall & Associates, Inc., Lum C. Hall, GA R.L.S. #1050, dated May 12, 1993.

Being the same property conveyed to John Mark Gamble by Warranty Deed dated June 11, 1982, and recorded in Deed Book 257, Page 146, Fayette County, Georgia records.

November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Sign Application for Parcel #0552 035
1934 Hwy 85 N
Fayetteville, GA 30214
Land Lot(s) 248 & 249 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot(s) 248 & 249 of the 5th Land District and consists of approximately 1.94 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-H, Highway Commercial District. The C-H, Highway Commercial District permits uses shown in Section 110-144 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (3) SR 85 North Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in*

the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing ECR sign located on parcel

WEBB, KLAUSE & LEMOND, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC (“Atlantic”). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals (“Board”) at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia’s Zoning Procedures Law and is therefore void; and (4) the County’s restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: “Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant.” The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County “shall issue” the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Thomas M. Suggs
195 Bel Aire Loop
Fayetteville, Georgia 30214

RE: Petition No. A-824-23

Dear: Thomas M. Suggs

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-824-23 (Parcel 0552 035)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A-824-23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Thomas M. Suggs
195 Bel Aire Loop
Fayetteville, Georgia 30214



9590 9402 7493 2055 9979 63

2. Article Number (Transfer from service label)

7018 1130 0001 9955 0336

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

Thomas Suggs

C. Date of Delivery

2-7-23

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

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Certified Mail Fee

\$

Extra Services & Fees (check box, add fee as appropriate)

- Return Receipt (hardcopy) \$
- Return Receipt (electronic) \$
- Certified Mail Restricted Delivery \$
- Adult Signature Required \$
- Adult Signature Restricted Delivery \$

Postage

\$

Total Postage and

\$

Sent To

Street and Apt. No.

City, State, ZIP+4

Thomas M. Suggs
195 Bel Aire Loop
Fayetteville, Georgia 30214

Marked
25 Jan 23
Postmark Here
A-824-23

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0552 035
1934 Hwy 85 N
Fayetteville, GA 30214
Land Lot(s) 248 & 249 of the 5th District


Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 12538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible
 for Returns, Refunds or Exchanges.

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 VISA CREDIT XXXXXXXXXXXX5270
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 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 12538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

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[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



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 11/22/2022 02:43 PM Pacific Time P

The UPS Store

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Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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A-824-23
Row Date
1 FEB 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.

Petition No.: A-824-23

Owner(s)/Agent(s): Owners: Thomas
M. Suggs Agent: Atlantic Billboards,
LLC (Mike Fitzgerald)

Property Address: 1934 Hwy 85 N

Zoning District: C-H

Area of Property: 1.94 acres

Parcel # 0552 035

Land Lot (s): 248 & 249

District: 5th

Road Frontage: Hwy 85 N

Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.

02/01

POSTING OF PROPERTY

PETITION NO: A-824-23

OWNER: Thomas M. Suggs
195 Bel Aire Loop
Fayetteville, Georgia 30214

LOCATION: Land Lots 248 & 249 of the 5th District
Fronts on Hwy 85 N.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 JAN 23

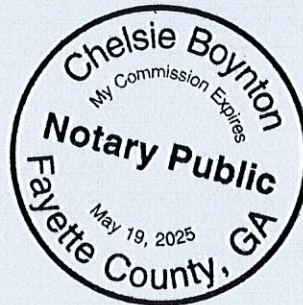
DATE

Sworn to and subscribed before me this

31TH day of JAN, 2023.



NOTARY



Number of signs posted 1.

Date sign posted 31 JAN 23.



A-824-23



A-824-23

Return to:
Cooper, Barton & Cooper, LLC
ATTN: STN
170 College Street
Macon, GA 31201

Type: RWD
Recorded: 5/18/2021 3:45:00 PM
Fee Amt: \$25.00 Page 1 of 6
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 6257307462

BK 5285 PG 107 - 112

**GEORGIA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY DEED**

GEORGIA, CLAYTON COUNTY

PROJECT NO. STP00-0074-02-(021)
P.I. NO. 721290

THIS CONVEYANCE made and executed the 6th day of April, 2021.

WITNESSETH that **THOMAS M. SUGGS**, the undersigned, (hereinafter referred to as 'Grantor'), is the owner of a tract of land in FAYETTE County through which WIDENING SR85 from SR279 in Fayette County to CR 820 (Roberts Drive) in Clayton County, known as Project No. STP00-0074-02 (021), has been laid out by the Department of Transportation being more particularly described in a map and drawing of said road in the office of the Department of Transportation, 600 West Peachtree St., Atlanta, Georgia, to which reference is hereby made.

NOW, THEREFORE, in consideration of the benefit to said property by the construction and maintenance of said road, and in consideration of ONE DOLLAR (\$1.00), in hand paid, the receipt whereof is hereby acknowledged, Grantor does hereby grant, sell and convey to said Department of Transportation, and their successors in office so much land as to make a right of way for said road as surveyed, being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 248 of the 5th Land District of FAYETTE County, Georgia, and being more particularly described on Exhibit "A" attached hereto and made a part hereto by this reference.

Said right of way is hereby conveyed, consisting of 0.059 acres, more or less, as shown colored yellow on the plat of the property prepared by the Department of Transportation, dated April 27, 2018; revised October 28, 2020, said plat attached hereto and made a part of this deed as Exhibit "B". This conveyance also includes a Temporary Driveway Easement containing 0.017 acres more or less as shown colored pink on the plat attached hereto and made part of this deed as Exhibit "B".


For the same consideration Grantor hereby conveys and relinquishes to the Department of Transportation all rights of access between the limited access highway and approaches thereto on the above numbered highway project and Grantor's remaining real property from which said right of way is taken except at such points as designated and shown on the attached plat prepared by the Department of Transportation said right being 0 linear feet.

PARCEL 15

TO HAVE AND TO HOLD the said conveyed premises in fee simple and any rights Grantor has or may have in and to existing public rights of way are hereby quitclaimed and conveyed unto the Department of Transportation. Grantor hereby warrants that Grantor has the right to sell and convey said land and bind himself, his heirs, executors and administrators forever to defend by virtue of these presents.

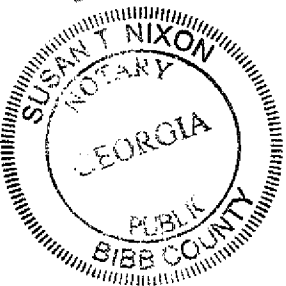
IN WITNESSETH WHEREOF, Grantor has hereunto set his hand and seal the day above written.

Signed, Sealed and Delivered
this 10th day of April,
2021, in the presence of:


Thomas M. Suggs, Owner (L.S.)

M. Santiago
Witness

Susan Nixon
Notary Public
My Commission expires: 10.23.23



DOT118
Revised

EXHIBIT "A"


PROJECT NO.: STP00-0074-02(021)
 P. I. NO.: 721290
 PARCEL NO.: 15 (Right of Way)
 COUNTY: Fayette
 DATE OF RAW PLANS: April 27, 2018
 REVISION DATE: October 28, 2020

All that tract or parcel of land lying and being in Land Lot 248 of the 5th Land District of Fayette County, Georgia, being more particularly described as follows:

Beginning at a point 87.69 feet left of and opposite Station 59+90.54 on the construction centerline of SR 85 on Georgia Highway Project No. STP00-0074-02(021); running thence N 79°13'11.7" W a distance of 14.63 feet to a point 102.00 feet left of and opposite station 59+87.58 on said construction centerline laid out for SR 85; thence northeasterly 64.62 feet along the arc of a curve (said curve having a radius of 3002.00 feet and a chord distance of 64.61 feet on a bearing of N 23°26'03.5" E) to the point 102.00 feet left of and opposite station 60+50.00 on said construction centerline laid out for SR 85; thence S 65°56'56.7" E a distance of 6.00 feet to a point 96.00 feet left of and opposite station 60+50.00 on said construction centerline laid out for SR 85; thence northeasterly 111.75 feet along the arc of a curve (said curve having a radius of 2996.00 feet and a chord distance of 111.75 feet on a bearing of N 25°07'10.3" E) to the point 96.00 feet left of and opposite station 61+58.17 on said construction centerline laid out for SR 85; thence N 26°11'17.3" E a distance of 61.83 feet to a point 96.00 feet left of and opposite station 62+20.00 on said construction centerline laid out for SR 85; thence N 63°48'42.7" W a distance of 12.00 feet to a point 108.00 feet left of and opposite station 62+20.00 on said construction centerline laid out for SR 85; thence N 26°11'17.3" E a distance of 3.59 feet to a point 108.00 feet left of and opposite station 62+23.59 on said construction centerline laid out for SR 85; thence S 78°41'11.4" E a distance of 21.61 feet to a point 87.12 feet left of and opposite station 62+29.14 on said construction centerline laid out for SR 85; thence S 26°09'21.4" W a distance of 85.02 feet to a point 87.10 feet left of and opposite station 61+44.53 on said construction centerline laid out for SR 85; thence southwesterly 158.63 feet along the arc of a curve (said curve having a radius of 2940.33 feet and a chord distance of 158.61 feet on a bearing of S 24°36'37.4" W) back to the point of beginning. Containing 0.059 acres more or less.

Parcel No. 15

DOT118
 Revised 1/00
 Page 1 of 2



Book: 5285 Page: 107 Seq: 3

EXHIBIT "A"

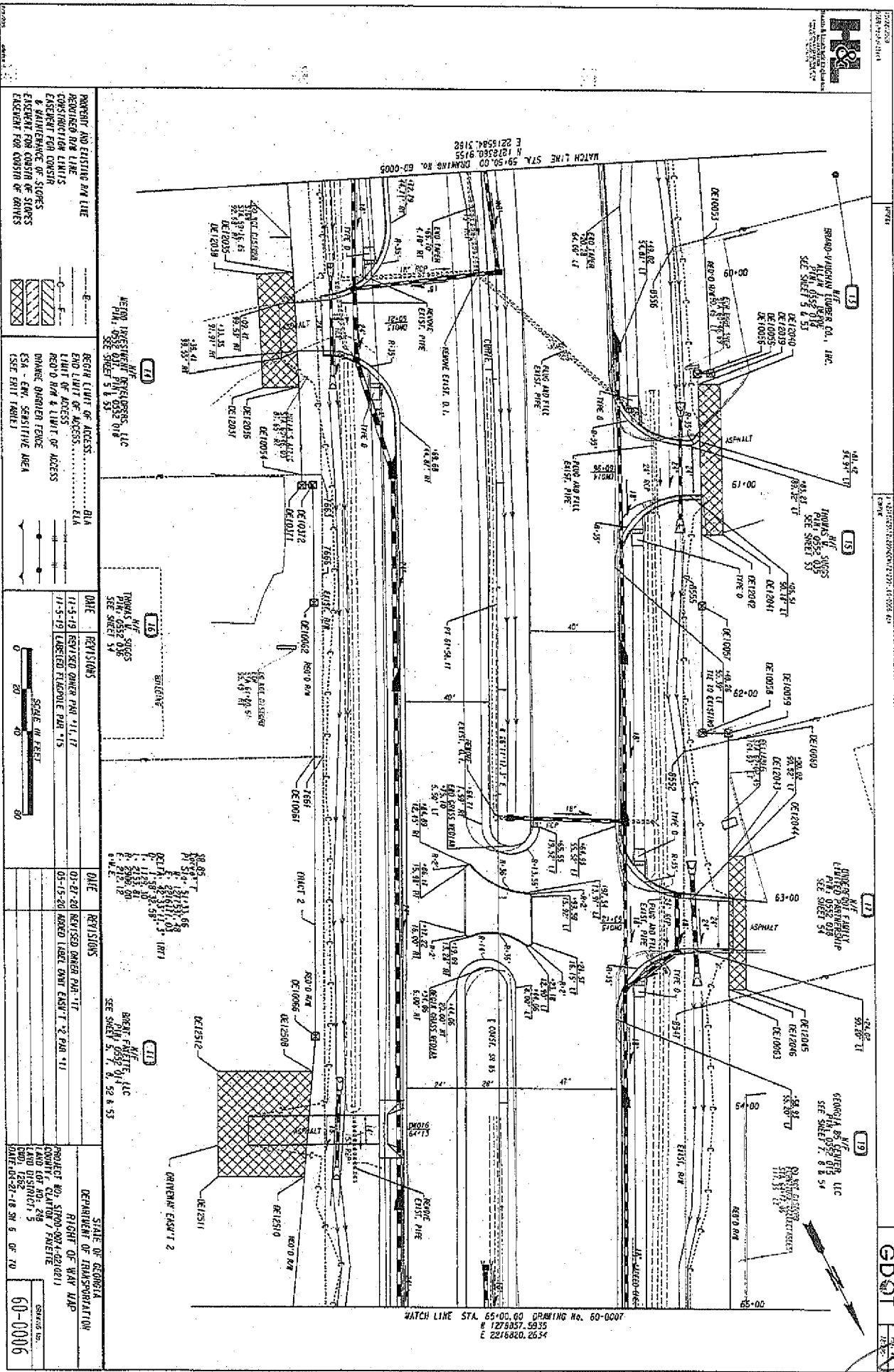
PROJECT NO.: STP00-0074-02(021)
 P. I. NO.: 721290
 PARCEL NO.: 15 (Temporary Driveway Easement)
 COUNTY: Fayette
 DATE OF R/W PLANS: April 27, 2018
 REVISION DATE: October 28, 2020

All that tract or parcel of land lying and being in Land Lot 248 of the 5th Land District of Fayette County, Georgia, being more particularly described as follows:

Also, granted is the right to an easement for the construction of a driveway as shown colored pink on the attached plat.

Said easement expires upon completion and final acceptance of said project by the Department of Transportation.

Beginning at a point 96.00 feet left of and opposite Station 60+55.00 on the construction centerline of SR 85 on Georgia Highway Project No. STP00-0074-02(021); running thence N 65°51'01.0" W a distance of 10.00 feet to a point 106.00 feet left of and opposite station 60+55.00 on said construction centerline laid out for SR 85; thence northeasterly 72.56 feet along the arc of a curve (said curve having a radius of 3036.58 feet and a chord distance of 72.56 feet on a bearing of N 24°50'28.4" E) to the point 106.00 feet left of and opposite station 61+25.00 on said construction centerline laid out for SR 85; thence S 64°28'02.2" E a distance of 10.00 feet to a point 96.00 feet left of and opposite station 61+25.00 on said construction centerline laid out for SR 85; thence southwesterly 72.32 feet along the arc of a curve (said curve having a radius of 2996.00 feet and a chord distance of 72.32 feet on a bearing of S 24°50'28.4" W) back to the point of beginning. Containing 0.017 acres more or less.



PROJECT AND EXISTING R/W LINE
 PROPOSED R/W LINE
 CONSTRUCTION LIMITS
 EXISTING FOR CONSTRUCTION
 & MAINTENANCE OF STOPS
 EXISTING FOR CONSTRUCTION OF STOPS
 EXISTING FOR CONSTRUCTION OF STOPS

REGION INVESTMENT CONSULTANTS, LLC
 P.M., 5555 OIL PALM CIRCLE
 SEE SHEET 5 & 53

REGIONAL INVESTMENT CONSULTANTS, LLC
 P.M., 5555 OIL PALM CIRCLE
 SEE SHEET 5 & 53

DATE REVISIONS
 11-5-19 REVISED OWNER P.M. 11.17
 11-5-19 LUBBERD FIDUCIARY P.M. 11.5
 SCALE IN FEET
 0 20 40 80

DATE REVISIONS
 01-27-20 REVISED OWNER P.M. 11.17
 05-15-20 ADDED LABEL DWT EAST T-2 P.M. 11
 BRANFLETTER, LLC
 P.M., 5555 OIL PALM CIRCLE
 SEE SHEET 5, 7, 8, 52 & 53

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP
 PROJECT NO. S100-097-02(0811)
 COUNTY: CLAYTON / FANNING
 ROAD DESIGNATION: 5
 DATE: 05-27-18 SR 5 OF 10
 60-0006

ATCH LINE STA. 59+50.00 DRAWING NO. 60-0005
 E 2215584.3182
 N 1278350.9155

ATCH LINE STA. 65+00.00 DRAWING NO. 60-0007
 E 2216820.2634
 N 1279357.5935

GDOT

DATE	REVISIONS	DATE	REVISIONS
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		

DATE	REVISIONS	DATE	REVISIONS
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		

DATE	REVISIONS	DATE	REVISIONS
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
5-15-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		
10-28-20	REVISED DATE EAST T. OF 2 PAR. 11		



Doc ID: 007489600003 Type: GLR
Filed: 05/14/2007 at 10:00:00 AM
Fee Amt: \$899.00 Page 1 of 3
Transfer Tax: \$885.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **3229** PG **181-183**

RETURN TO:
SMITH, WELCH & BRITTAIN
280 Country Club Drive, Ste. 200
Stockbridge, Georgia 30281
#07-5181

LIMITED WARRANTY DEED

STATE OF GEORGIA,

FAYETTE COUNTY.

THIS INDENTURE made this the 27th day of April, 2007, between 1934 HWY 85 N, LLC, a Georgia limited liability company, as Party of the First Part (hereinafter called "Grantor"), and THOMAS M. SUGGS, 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).

W I T N E S S E T H:

THAT, for and in consideration of the sum of One Dollar and other considerations (\$1.00) in hand paid to the Grantor by the Grantee at and before the execution, sealing and delivery of these presents, and other good and valuable considerations, the receipt, adequacy and sufficiency of which are hereby acknowledged, the Grantor, by these presents, does grant, bargain, sell, alien, convey and confirm unto the Grantee the following described real property and agreements (collectively the "Property"), to-wit:

All that tract or parcel of land lying and being in Land Lot 248 of the 5th District of Fayette County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the westerly right-of-way line of Georgia State Route 85 (170 foot right-of-way), a distance of 942.9 feet northeasterly, as measured along the westerly right-of-way line of said Georgia State Route 85, from its intersection with the northerly right-of-way line of Kenwood Road; thence leaving said westerly right-of-way line of Georgia State Route 85 and running North 79 degrees 20 minutes 17 seconds West a distance of 294.38 feet to an iron pin found; thence North 10 degrees 10 minutes 08 seconds West a distance of 52 feet to an iron pin found; thence North 01 degree 55 minutes 09 seconds West a distance of 199 feet to an iron pin found; thence South 79 degrees 21 minutes 39 seconds East a distance of 417.2 feet to an iron pin found located on the westerly right-of-way line of said Georgia State Route 85, said iron pin being located 896.6 feet southerly, as measured along the westerly right-of-way line of Georgia State Route 85, from its intersection with the center line of Camp Creek; thence running southerly along the westerly right-of-way line of Georgia State Route 85, an arc distance of 250.50 feet to the iron pin found at the POINT OF BEGINNING (said arc being subtended by a chord bearing South 24 degrees 45 minutes 01 seconds West, a distance of 250.48 feet); said tract contains 2.0 acres as shown on plat of survey for Body Motion Collision Center, Inc., prepared by Lum Hall & Associates, Inc., Lum C. Hall, GA R.L.S. #1050, dated May 12, 1993.

Being the same property conveyed to John Mark Gamble by Warranty Deed dated June 11, 1982, and recorded in Deed Book 257, Page 146, Fayette County, Georgia records.

THE ABOVE-DESCRIBED PROPERTY IS BEING CONVEYED SUBJECT TO THOSE PERMITTED EXCEPTIONS SET FORTH UNDER EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

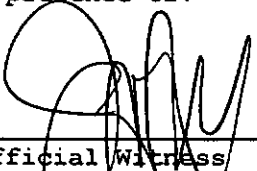
TO HAVE AND TO HOLD the property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the Grantee, its successors and assigns forever in fee simple.

GRANTOR FOR THEIRSELVES, THEIR HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS shall warrant and forever defend the right and title to the property unto the Grantee, its successors and assigns, against the claims of all persons whomsoever claiming by, through or under Grantor.

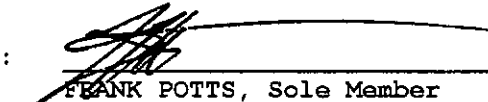
IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be executed in the manner provided by law as of the day and year first above written.

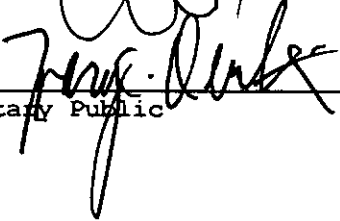
Signed, sealed and delivered in the presence of:

1934 HWY 85 N, LLC
A Georgia Limited Liability Company



Unofficial Witness

BY:  (SEAL)
FRANK POTTS, Sole Member



Notary Public

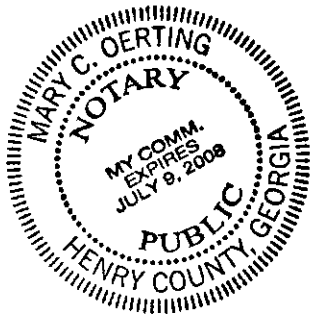


EXHIBIT "A"
PERMITTED EXCEPTIONS:

1. State, County and School taxes for the year 2007 and subsequent years, not yet due and payable. Any additional taxes, interest and/or penalties which may be assessed for prior tax years by virtue of adjustment, re-appraisal, re-assessment appeal or other amendments to the tax records of the city or county in which the subject property is located.
2. Any facts, rights, interests or claims which are not shown by the public record but which could be ascertained by an accurate survey of the land or by making inquiry of persons in possession thereof.
4. Any roadway or easement, similar or dissimilar, on, under, over, or across said property, or any part thereof not shown by the public records.
5. Encroachments, overlaps, boundary line disputes, shortages in area, and any other matters which would be disclosed by an accurate survey and inspection of the premises.
6. Easements or claims of easements, not shown by the public records.
7. Easement to Georgia Power Company of record at Deed Book 116, Page 86, Fayette County, Georgia records.
8. Easement to Georgia Power Company of record at Deed Book 70, Page 92, Fayette County, Georgia records.
9. Any of the subject property which is located in a Flood Hazard Area as determined by HUD/FIA Flood Map.
10. Rights of upper and lower riparian owners in and to any waters located on or crossing the subject property and the natural flow thereof free from diminution and pollution.
11. Any and all rights in the United States of America and the State of Georgia and into any navigable waters or filled in land formerly within navigable waters and any conditions contained in any permits authorizing the filling in of such land.

PETITION NO: A-825-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Carnegie Place Holding, LLC

LOCATION: 165 Carnegie Place – Parcel 0552 02013

DISTRICT/LAND LOT(S): 5th District, Land Lot 233

ZONING: C-H, Highway Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

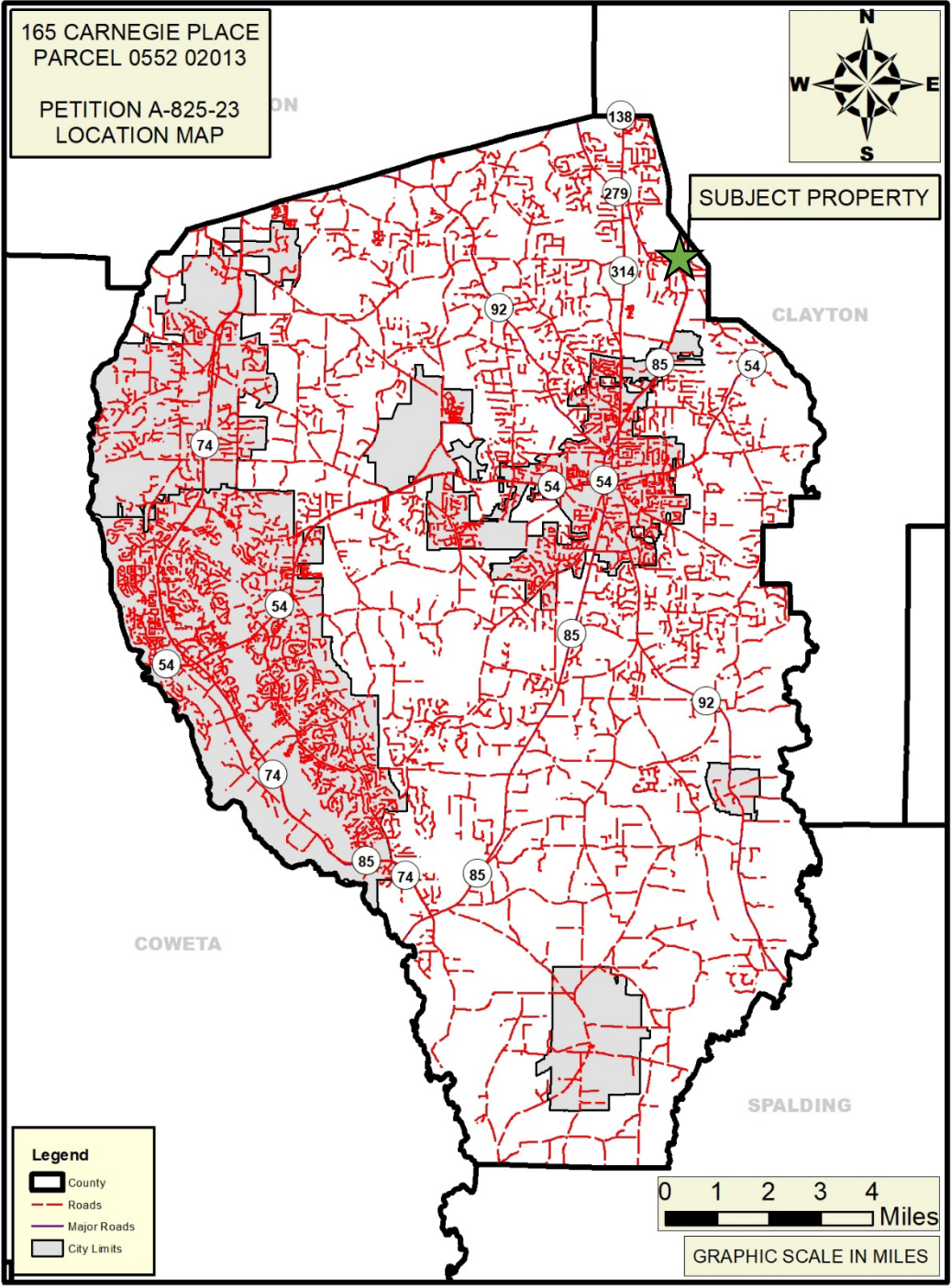
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

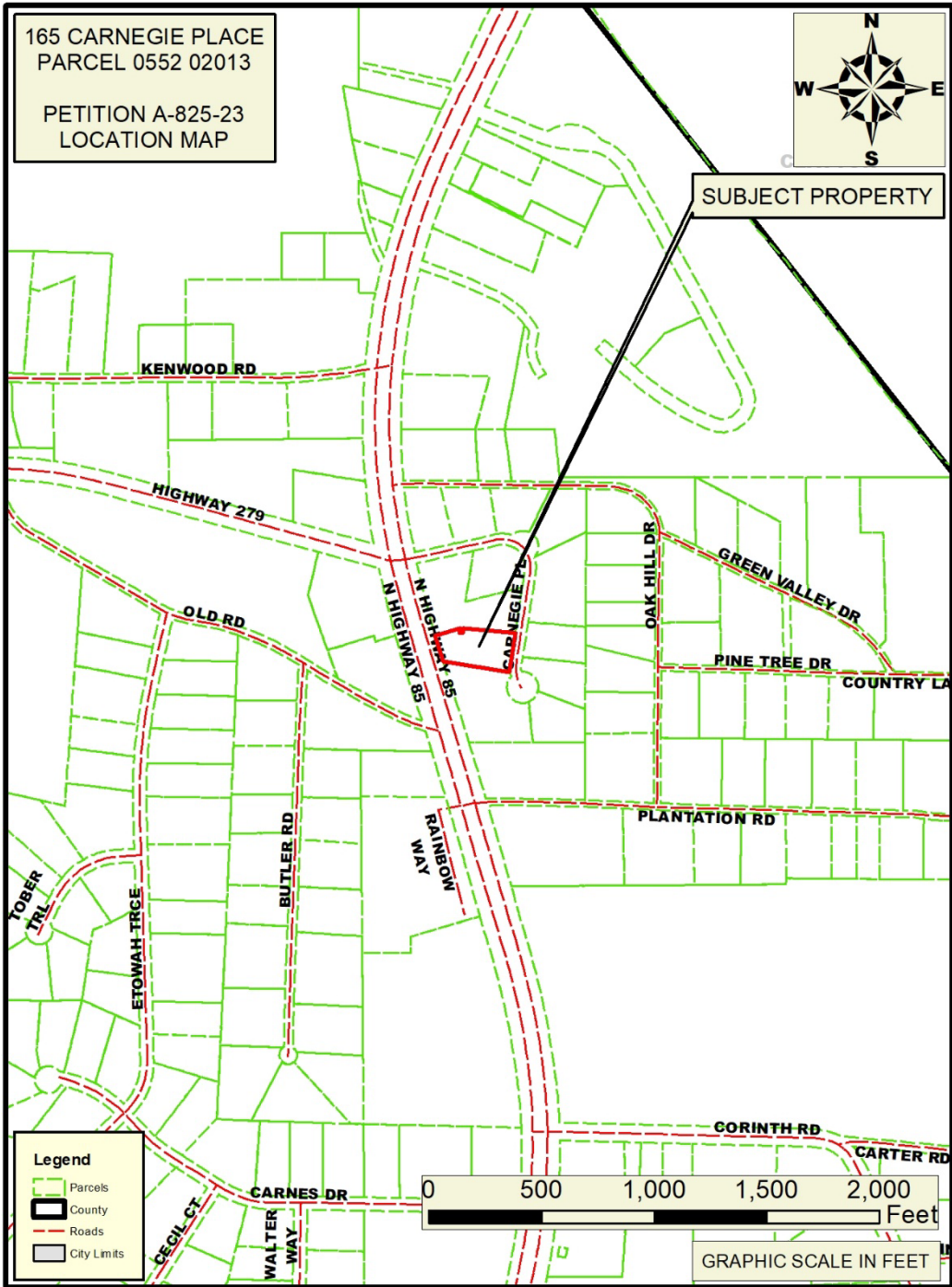
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

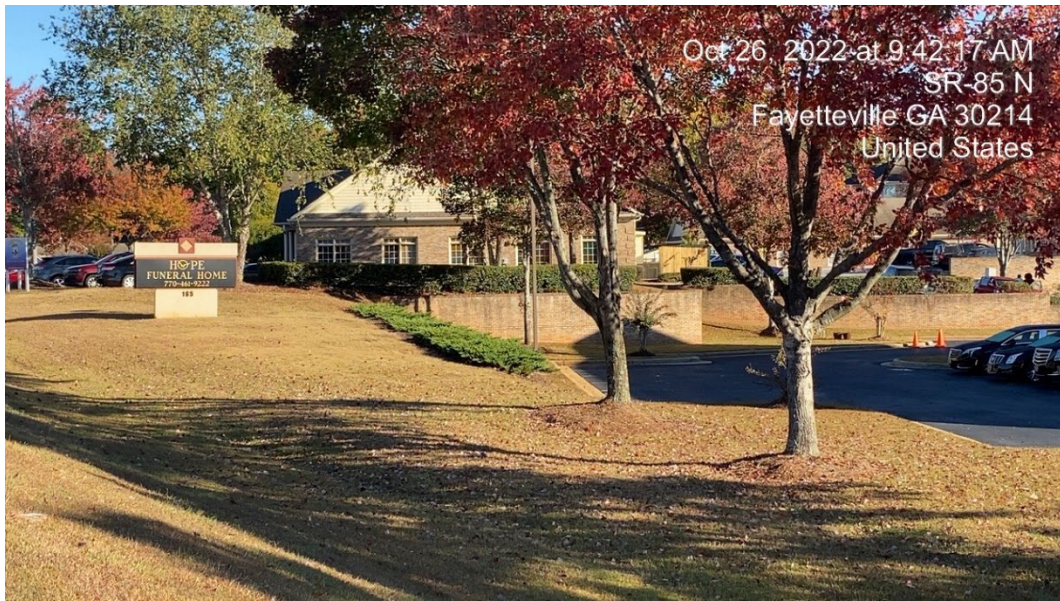
November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







SR-85N

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: CARNEGIE PLACE HOLDINGS, LLC PHONE: 770-461-7661
(MARK WURSTER)
ADDRESS/CITY/STATE/ZIP CODE: 10311 ANTIOCH RD, FAYETTEVILLE, GA 30215
APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)
FAX NO. 678-276-8700
ADDRESS/CITY/STATE/ZIP CODE: 3142 JOHNSON PERRY RD STE 260-441, MARIETTA, GA 30062
LAND DISTRICT: 5TH LAND LOT(S): 233 ZONING DISTRICT: CH
SIGN LOCATION/ADDRESS: 165 CARNEGIE PL, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 422'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only _____ External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES, FIRST MESSAGE TO BE VBA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

**Carnegie Place Holdings, LLC
1034 Antioch Rd
Fayetteville, GA 30215**

August 15, 2022

RE: 165 Carnegie Pl (Hwy 85 S Adjacent)
PROPERTY PARCEL ID #055202013

Dear Sir / Madam,

I own the above referenced parcel and am authorized to sign this document and other related documents.

The purpose of this letter is to advise you that Atlantic Billboards, LLC has my express permission to apply to Fayette County, Georgia and the Georgia Department of Transportation for all required permits to erect and maintain an outdoor advertising sign on the above referenced parcel.

Sincerely,

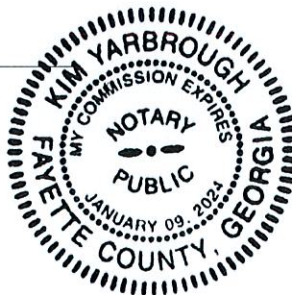


Managing Member

Sworn and subscribed before me this 15th day of August,
2022.



Notary Public [Seal]
My commission expires on 1/9/24



COBB COUNTY OCCUPATION TAX CERTIFICATE

P.O. BOX 649 MARIETTA, GEORGIA 30061-0649
(770) 528-8410

BUSINESS LOCATION

3162 JOHNSON FERRY RD, SUITE 260-441

DATE ISSUED

08/29/2022

**D/B/A ATLANTIC BILLBOARDS, LLC
ATTN: MICHAEL FITZGERALD
ATLANTIC BILLBOARDS, LLC
3162 JOHNSON FERRY RD, 260-441
MARIETTA, GA 30062**

NOT TRANSFERABLE

CERTIFICATE NUMBER

OCC034923

FOR YEAR

2022

CERTIFICATE EXPIRES

12-31-2022

TYPE **GENERAL**



CERTIFICATE MUST BE DISPLAYED
THIS CERTIFICATE IS NOT VALID IF OWNERSHIP OR BUSINESS LOCATION CHANGES
PROFESSIONALS & ATTORNEYS AT LAW ARE NOT REQUIRED TO DISPLAY

BUSINESS DESCRIPTION

CLASSIFICATION CODE	CLASSIFICATION NAME	AMOUNT
731200	ADVERTISING - OUTDOOR - PREPARATION, REPAIR, & MAINTAIN	112.00

						PAYMENT DATE	08-30-2022						
4332	112.00	4312	0.00	4314	0.00	4316	0.00	4318	0.00	SUB TOTAL	\$	112.00	
4545	0.00										PENALTY	\$	0.00
											INTEREST	\$	0.00
											TOTAL	\$	112.00

CD - Bus License Certificate, OCC034923, 2022, ATLANTIC BILLBOARDS, LLC

E. Lisa Wells

BUSINESS LICENSE DIVISION MANAGER

CG

AUTHORIZED INITIALS

IMPORTANT NOTICE

1. Interest as provided by law will be imposed for failure to renew certificate prior to expiration date.
2. Please document to Cobb County Business License Office when business goes out of business.
3. Please provide written notification of any change in address or ownership change. A fee of \$10 will be charged to reprint certificate.
4. Please contact the business license office if you have not received a renewal notice two weeks prior to expiration of certificate.
5. Interest can not be waived despite failure to receive renewal notice. Contact the business license office for fee information.

PLACE ON DISPLAY

Local Government Certification for Outdoor Advertising

To be completed by Applicant:

Name of Applicant or Company: Atlantic Billboards, LLC

Sign is: existing proposed

County: Fayette Municipality (if applicable): _____

State Route Name & Number: Highway 85 S

Parcel Number: 055202013

165 Carnegie Pl, Fayetteville, GA 30214

To be completed by appropriate Zoning Official:

Part 1.

I hereby certify that the (City of) (County of) _____

(Check all that apply):

- Has a zoning plan and ordinance. Original adoption date: _____.
- Date of last amendment (revision) to zoning plan: _____.
- Does not have a zoning plan and ordinances.
- Has other land use controls or ordinance. Please specify _____.
- Has a sign ordinance dated _____ separate from any zoning or land use plan.
- Has a sign ordinance which requires sign spacing of more than 500', size or height limits, or includes the "I-95 plan". Please specify _____.
- Has no sign controls of any kind.

Part 2.

(MUST BE FILLED OUT COMPLETELY)

Current zoning of the parcel where the sign is to be located: _____

Approved uses for this zoning type: _____

Date of MOST RECENT zoning of this parcel: _____

Previous zoning of this parcel: _____

I _____, a duly qualified official of the City/County of _____, do hereby certify that I have reviewed the location and description of the outdoor advertising structure described on the attached application and find the sign is to be located in an area appropriate for such structures and is in compliance with all local laws, ordinances or regulations. I further understand that in evaluating any application for an Outdoor Advertising permit GDOT does not review for compliance with local ordinances and that any such permit issued by GDOT is not a building permit.

This the _____ day of _____, 20____.

Authorized Official Signature

Printed Name and Title

Phone #: _____ Email: _____

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION
One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application

GDOT Permit Number

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Atlantic Billboards, LLC

Corporate Name: Michael B. Fitzgerald, Managing Member
Name of Applicant (agent): 3162 Johnson Ferry Rd, Ste 260-441
Address: Marietta, GA 30062
City: Marietta, State: GA, Zip: 30062
Phone #: (678) 571-8889
Email: Mike@AtlanticBillboards.com

Property Owner Information

Carnegie Place Holdings, LLC

Corporate Name: Mark Wurster, Managing Member
Name of Landowner: 180 Walter Way, Ste 114
Address: Fayetteville, GA 30214
City: Fayetteville, State: GA, Zip: 30214
Phone #: (770) 461-7661
Email: kyarbrough@marksmenproperties.com

Sign Location Information

County: Fayette City: State Route #: 85 on the N E S W side
of the roadway and 2,673 feet N E S W of milepost number 15
Latitude: 33.50824778023137 Longitude: -84.4288123439841 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? Yes No
Multiple Message Sign (MMS) Type: Mechanical Electronic Number of existing faces:

Number of faces to be Multiple Message: 2

Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS

Type of Construction (circle all that apply): Single Face Back-to-Back Double Face Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) Title Authorized Official Signature

City of County of Fayette Date:

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.

qPublic.net™ Fayette County, GA

Summary

Parcel Number 055202013
 Location Address 165 CARNEGIE PL
 Legal Description LOT 13 CARNEGIE PLACE CARNEGIE PLACE
 Property Class C3 - Commercial Lots
 Neighborhood 01
 Tax District 01
 Zoning C CH
 Acres 1.17
 Homestead N
 Exemptions

[View Map](#)



Owner

[CARNEGIE PLACE HOLDING, LLC](#)
 1034 ANTIOCH ROAD
 FAYETTEVILLE GA 30215

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	353	353	353	353	353
Class	C3	C3	C3	C3	C3
+ Land Value	\$152,900	\$152,900	\$152,900	\$152,900	\$152,900
+ Building Value	\$622,100	\$622,100	\$622,100	\$603,000	\$498,180
= Total Value	\$775,000	\$775,000	\$775,000	\$755,900	\$651,080
Assessed Value	\$310,000	\$310,000	\$310,000	\$302,360	\$260,432

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	50,965	1.1700	\$152,900

Total Acres:
1.1700
 Total Land-Value:
\$152,900

Commercial Improvement Information

Card 1
 Building No 1
 Structure OFIC BLD L/R
 Units 0
 Year Built 1993
 Total Sq Footage 15870

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	15	344	Office Building	D	1993	0	6220	2	10	737,750	0	737,750	60	0	\$442,650
2	1	02	02	15	344	Office Building	D	1993	0	5900	2	10	702,220	0	702,220	60	0	\$421,330
3	2	01	01	14	406	Storage Warehouse	D	1993	0	3750	2	20	227,060	0	227,060	48	0	\$108,990

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
PAVE ASPH	1993	14,361		\$33,730

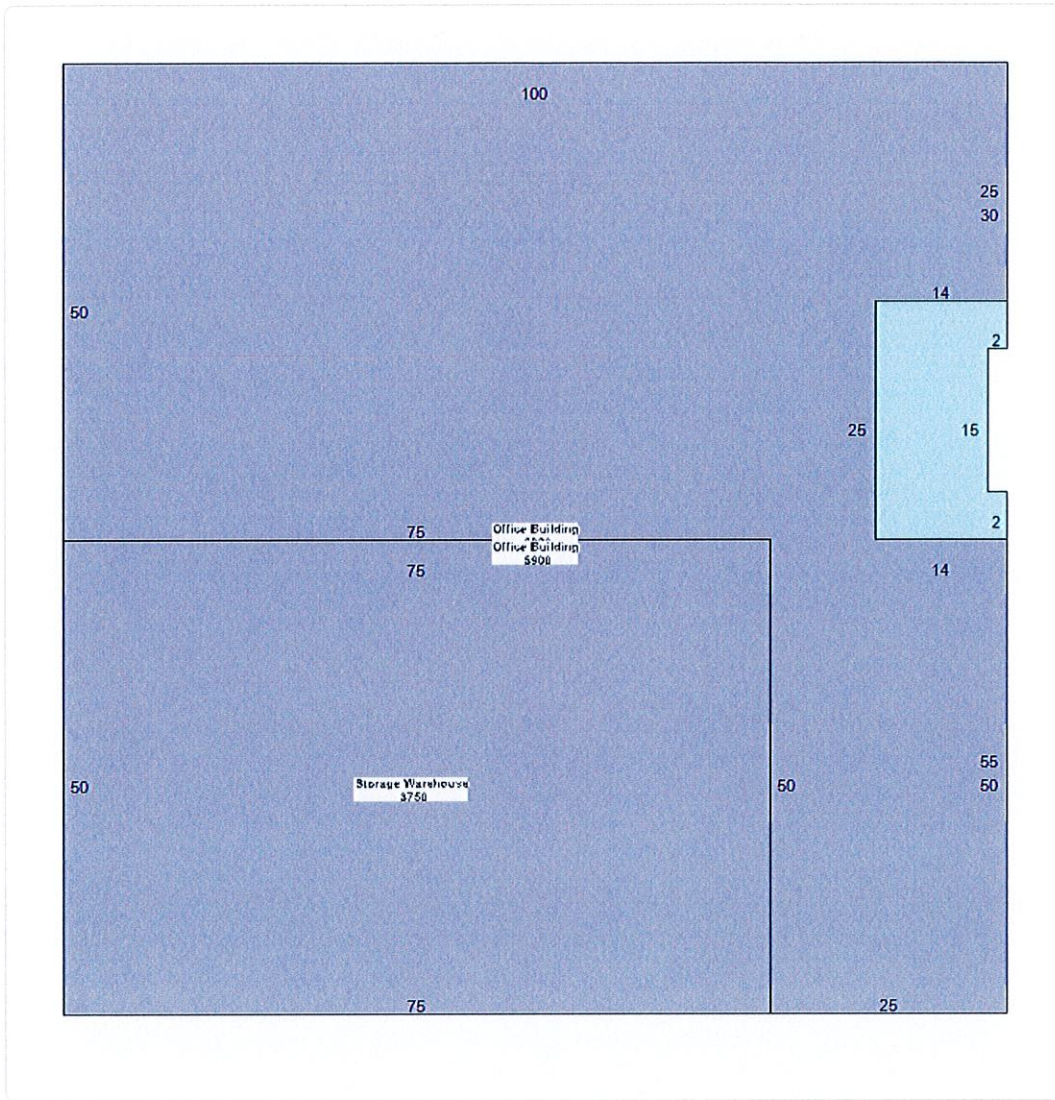
Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
3/21/2014	\$650,000		4177	0367	FAIR MARKET VALUE	CARNEGIE PLACE HOLDING, LLC	ST PROPERTIES, INC.		4177 0367
4/8/1993	\$75,375		805	203	MORE THAN 1 LOT/PROPERTY	ST PROPERTIES INC	WURSTER MARK		805 203

Photos



Sketches



No data available for the following modules: Residential Improvement Information, Additions, Other Features.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/24/2022, 6:09:38 AM

Version 2.3.214





New Sign Site Plan

Project Address

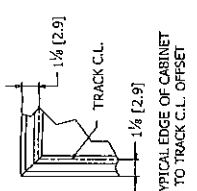
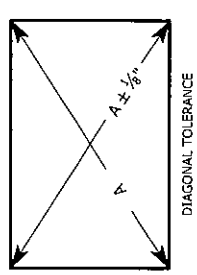
165 Carnegie Pl
Fayetteville, GA 30214

Project Contact

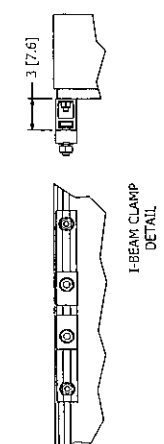
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com



IBC2009 AND ASCE7-05
 150 MPH 3 SECOND WIND GUST
 IBC2012 AND ASCE7-10
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX



- NOTES:
- ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 - DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 - 1-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.



REQUIREMENTS TO MEET THE ABOVE WIND LOAD
 UPRIGHT QTY: 5.0 MINIMUM
 SPACING: 115 3/16 [292.6] MAXIMUM
 CANTILEVER: 57 5/8 [1463.3] MAXIMUM

THESE CALCULATIONS ASSUME THE SUPPORTING STRUCTURE IS RIGID. THE SIGN WEIGHT AND WIND LOADS ARE BASED ON THE USE OF THE MOST APPROPRIATE CORPS AND THE USE OF THE MOST APPROPRIATE MOUNTING SYSTEM.

SIGN WEIGHT FOR 10mm, 16mm, 19mm, & 25mm MODELS
 6048.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)

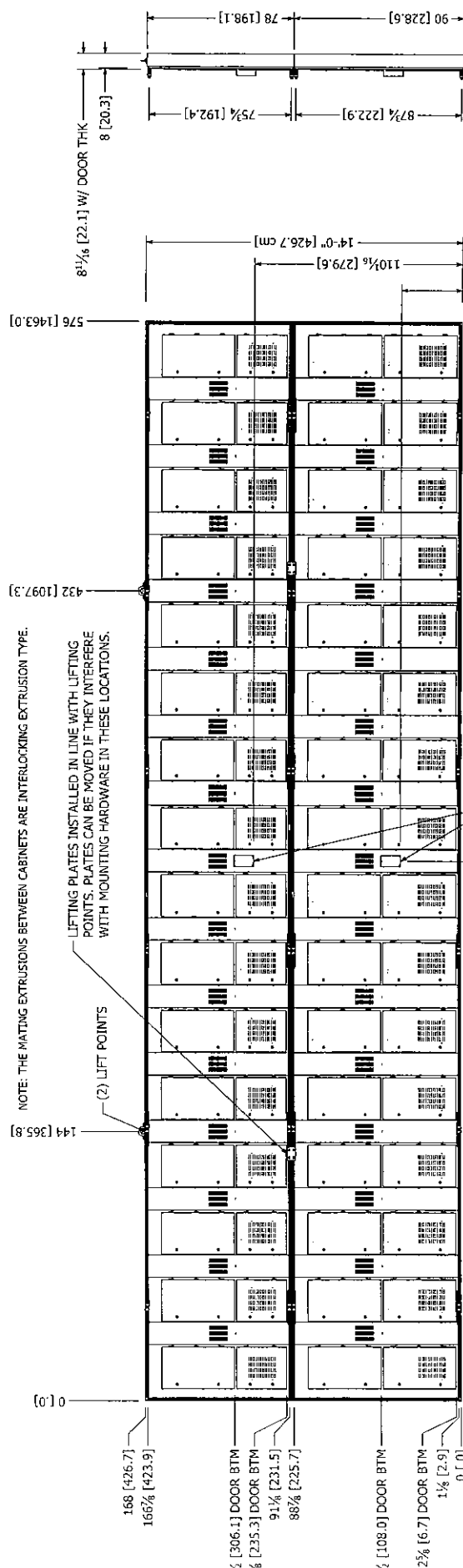
SIGN WEIGHT FOR 12mm MODEL
 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)



HORIZONTAL LOCATION OF CLAMPS IS ADJUSTABLE

NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.

LIFTING PLATES INSTALLED IN LINE WITH LIFTING POINTS. PLATES CAN BE MOVED IF THEY INTERFERE WITH MOUNTING HARDWARE IN THESE LOCATIONS.

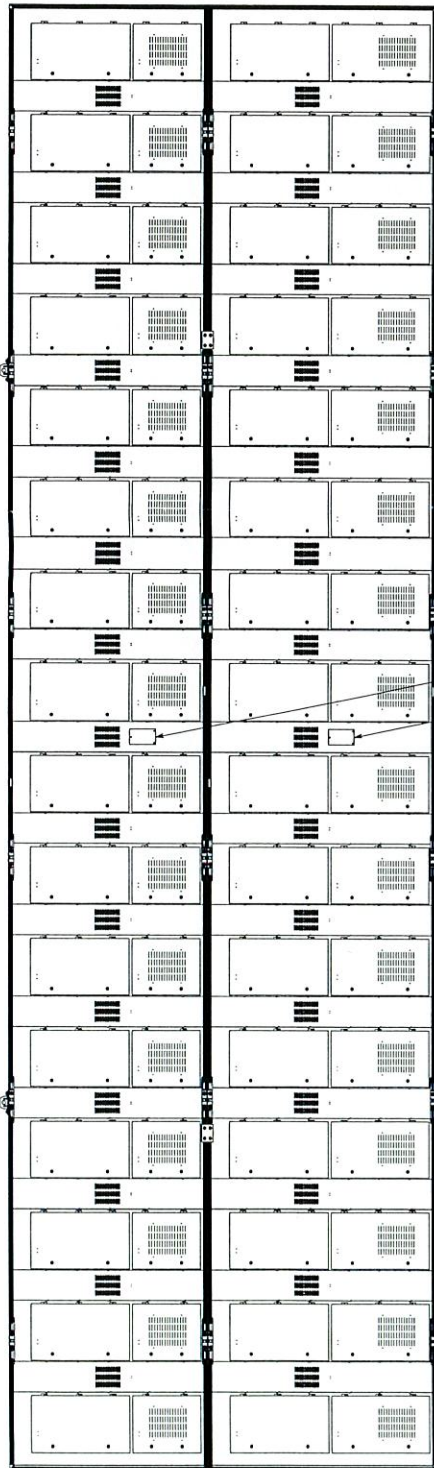


DISCONNECTS

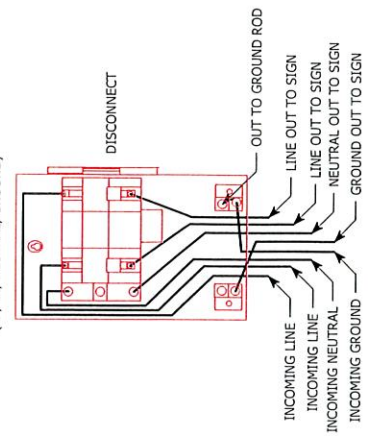
VIEWABLE AREA = 13 ft. X 47 ft.

DIMENSION STYLE: INCHES (CENTIMETERS)

		THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC. ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.	
DIMENSION STYLE INCHES (CENTIMETERS)		DIMENSION STYLE: INCHES (CENTIMETERS)	
TOLERANCES OVERALL SIGN DIMENSION: ± 1/8" LINEAR DIMENSION: ± 1/16" ANGLE DIMENSION: ± 1' STRAIGHTNESS: ± .012"/ft.		MODEL REV DRAWING REV THIRD ANGLE PROJECTION DESCRIPTION 1 0 1 0 SHEET	
REAR SERVICE - 13 X 47 VIEWABLE - DIMENSIONS 168" X 576"		DATE CREATED: 8/9/2018 DRAWN BY: J. Praetler PART NUMBER: 1404480_C_N_13047_LR VAULT LOCATION: Design\1 Customer Drawings\Track Signs\Year Service\1304480_C_N_13047_LR.dwg	



MAIN 240V SERVICE
(L1, L2, NEUTRAL, GROUND)



DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
23 AMP DRAW (MAX)

DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
24 AMP DRAW (MAX)

- INSTALLATION NOTES:**
1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, 4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
 2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
 3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT. ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED. BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
 4. UL CERTIFICATE NUMBER: E221802 (UL-48)

MODEL REV	DRAWING REV	THIRD ANGLE PROJECTION	DESCRIPTION
1	0	2 OF 2	MATERIAL
<p>THIS DRAWING IS FOR THE PURPOSE OF PROVIDING ELEMENTS OF THE SIGN STRUCTURE WILL BE PROVIDED FOR THE SIGN. PERFORMANCE FOR THE SIGN STRUCTURE WILL BE FOR ILLUSTRATIVE PURPOSES ONLY.</p>			
<p>OVERALL SIGN DIMENSION: ± 1/4"</p> <p>LINEAR DIMENSION: ± 1/16"</p> <p>ANGULAR DIMENSION: ± 1°</p> <p>STRAIGHTNESS: ± .020"/ft</p>		<p>REAR SERVICE - 13 X 47 VIEWABLE - 0A191.M - DIMENSIONS 168" X 576"</p>	
<p>DATE CREATED: 8/9/2018</p>		<p>PART NUMBER: 14104810_C.N_13047_R</p>	
<p>DRAWN BY: T. Prather</p>		<p>VAULT LOCATION: Design (Customer Drawing) Track Signs (Rear Service) 14104810_C.N_13047_RV.dwg</p>	

watchfire

ALL INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.

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November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Sign Application for Parcel #0552 02013
165 Carnegie Place
Fayetteville, GA 30214
Land Lot(s) 233 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot(s) 233 of the 5th Land District and consists of approximately 1.17 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-H, Highway Commercial District. The C-H, Highway Commercial District, permits uses shown in Section 110-144 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (3) SR 85 North Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

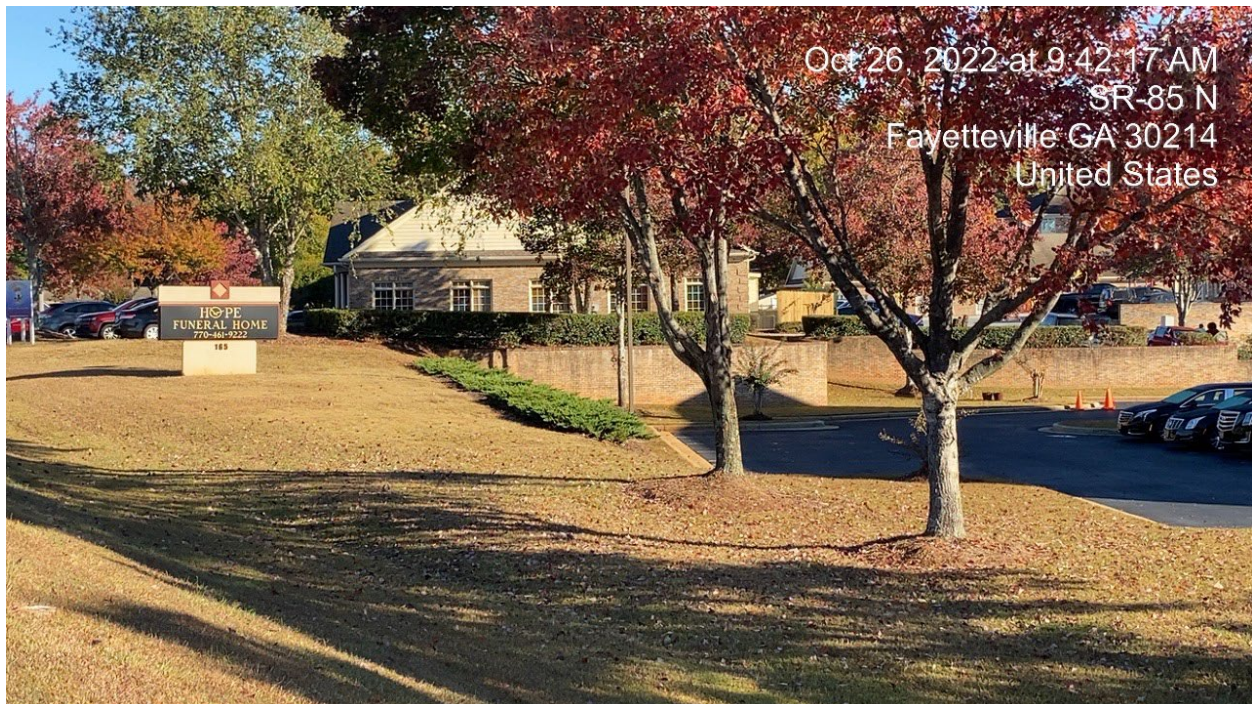
Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing HOPE Funeral Home sign located on parcel

WEBB, KLAUSE & LEMOND, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC (“Atlantic”). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals (“Board”) at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia’s Zoning Procedures Law and is therefore void; and (4) the County’s restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: “Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant.” The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County “shall issue” the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Carnegie Place Holding, LLC
1034 Antioch Road
Fayetteville, Georgia 30215

RE: Petition No. A-825-23

Dear: Carnegie Place Holding, LLC,

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-825-23 (Parcel 0552 02013)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A 825-23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p>
<p>1. Article Addressed to:</p> <p>Carnegie Place Holding, LLC 1034 Antioch Road Fayetteville, Georgia 30215</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>9590 9402 7493 2055 9979 56</p> <p>2. Article Number (Transfer from service label) 7018 1130 0001 9955 0343</p>	<p>3. Service Type</p> <ul style="list-style-type: none"> <input type="checkbox"/> Priority Mail Express® <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)
<p>PS Form 3811, July 2020 PSN 7530-02-000-9053</p>	<p>Domestic Return Receipt</p>

U.S. Postal Service™ CERTIFIED MAIL® RECEIPT Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
<p>Certified Mail Fee \$</p> <p>Extra Services & Fees (check box, add fee as appropriate)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Return Receipt (hardcopy) \$ <input type="checkbox"/> Return Receipt (electronic) \$ <input type="checkbox"/> Certified Mail Restricted Delivery \$ <input type="checkbox"/> Adult Signature Required \$ <input type="checkbox"/> Adult Signature Restricted Delivery \$ 	<p>A 825-23 MAILED JAN 25 23 Postmark Here</p>
<p>Postage \$</p> <p>Total Postage and \$</p>	
<p>Sent To</p> <p>Street and Apt. No.</p> <p>City, State, ZIP+4</p>	<p>Carnegie Place Holding, LLC 1034 Antioch Road Fayetteville, Georgia 30215</p>
<p>PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions</p>	

7018 1130 0001 9955 0343

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0552 02013
165 Carnegie Place
Fayetteville, GA 30214
Land Lot(s) 233 of the 5th District


Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,


Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 1Z538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

US Postal Rates Are Subject to Surcharge.



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<https://www.research.net/r/TheUPSStoreCSS100?Center=7368&Creative=PRNT>

NO PURCHASE NECESSARY. Void where prohibited.
 Ends 1/31/23. Must be US resident 18 years or older to enter. Limit (1) entry per person per month.
 For Official Rules visit
www.TheUPSStore.com/surveyrules2022

VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 1Z538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CNS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



Powered by iShipCr
 11/22/2022 02:43 PM Pacific Time P

The UPS Store

SEE NOTICE ON REVERSE regarding UPS Terms and Notice of Limitation of Liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes if reported from the U.S. shipper certifies that the destination technology or software were reported from the U.S. in accordance with the Export Administration Regulations. Customs control is the responsibility of the shipper.



Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

Want to see more? With UPS My Choice® you can see your full shipment progress. [Sign Up Now](#)

Already Enrolled? [Log in](#)

Close

A-825-23
Rw DAZE
Feb 1, 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA**

PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, February 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-825-23

Owner(s)/Agent(s): Owners: Carnegie Place Holding, LLC Agent: Atlantic Billboards, LLC (Mike Fitzgerald)

Property Address: 165 Carnegie Place
Zoning District: C-H

Area of Property: 1.17 acres

Parcel # 0552 02013

Land Lot(s): 233

District: 5th

Road Frontage: Carnegie Place and Hwy 85 N.

Request: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

02/01

POSTING OF PROPERTY

PETITION NO: A-825-23

OWNER: Carnegie Place Holding, LLC
1034 Antioch Road
Fayetteville, Georgia 30215

LOCATION: Land Lot 233 of the 5th District
Fronts on Carnegie Place and Hwy 85 N.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 JAN 23

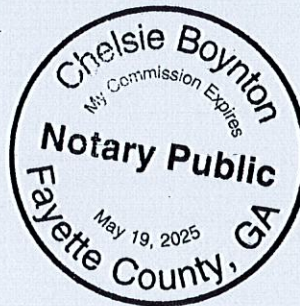
DATE

Sworn to and subscribed before me this

31st day of Jan, 20 23.



NOTARY



Number of signs posted 2.

Date sign posted 31 JAN 23.



A-825-23



A-825-23

Doc ID: 009329420001 Type: WD
Recorded: 03/21/2014 at 02:00:00 PM
Fee Amt: \$660.00 Page 1 of 1
Transfer Tax: \$650.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4177 PG 367

Return Recorded Document to:
B. D. MURPHY, III, P.C.
370 WEST STONEWALL AVENUE
FAYETTEVILLE, GA 30214

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF FAYETTE

FILE #: 14-1118

THIS INDENTURE made this 21st day of March, 2014, between **ST PROPERTIES, INC.** of the State of Georgia, as party or parties of the first part, hereinunder called Grantor, and **CARNEGIE PLACE HOLDING, 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 NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 233 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING LOTS 12 AND 13 OF CARNEGIE PLACE, AS PER PLAT RECORDED IN PLAT BOOK 15, PAGE 97, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF FAYETTE COUNTY, GEORGIA, SAID PLAT BEING MADE A PART HEREOF BY REFERENCE.

LESS AND EXCEPT THAT TRACT OR LAND CONVEYED IN A CORRECTIVE WARRANTY DEED RECORDED IN DEED BOOK 1674, PAGE 83, FAYETTE COUNTY RECORDS.

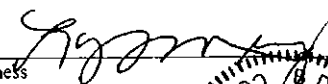
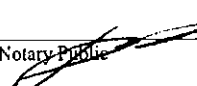
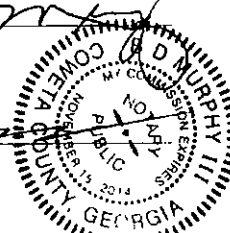
This Deed is given subject to all easements and restrictions of record.

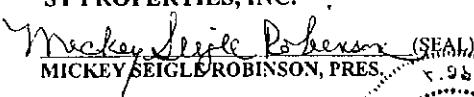
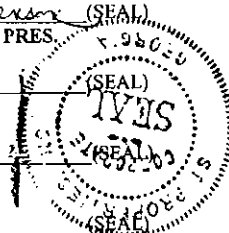
TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in **FEE SIMPLE**.

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 by, through and under the above named grantor.

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

Signed, sealed and delivered in presence of:

Witness 
Notary Public 


ST PROPERTIES, INC.
 (SEAL)
MICKEY SEIGLE ROBINSON, PRES.


PETITION NO: A-826-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): MJE Properties, LLLP

LOCATION: 1807 Hwy 85 N – Parcel 0552 003

DISTRICT/LAND LOT(S): 5th District, Land Lot 233

ZONING: C-H, Highway Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:*

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

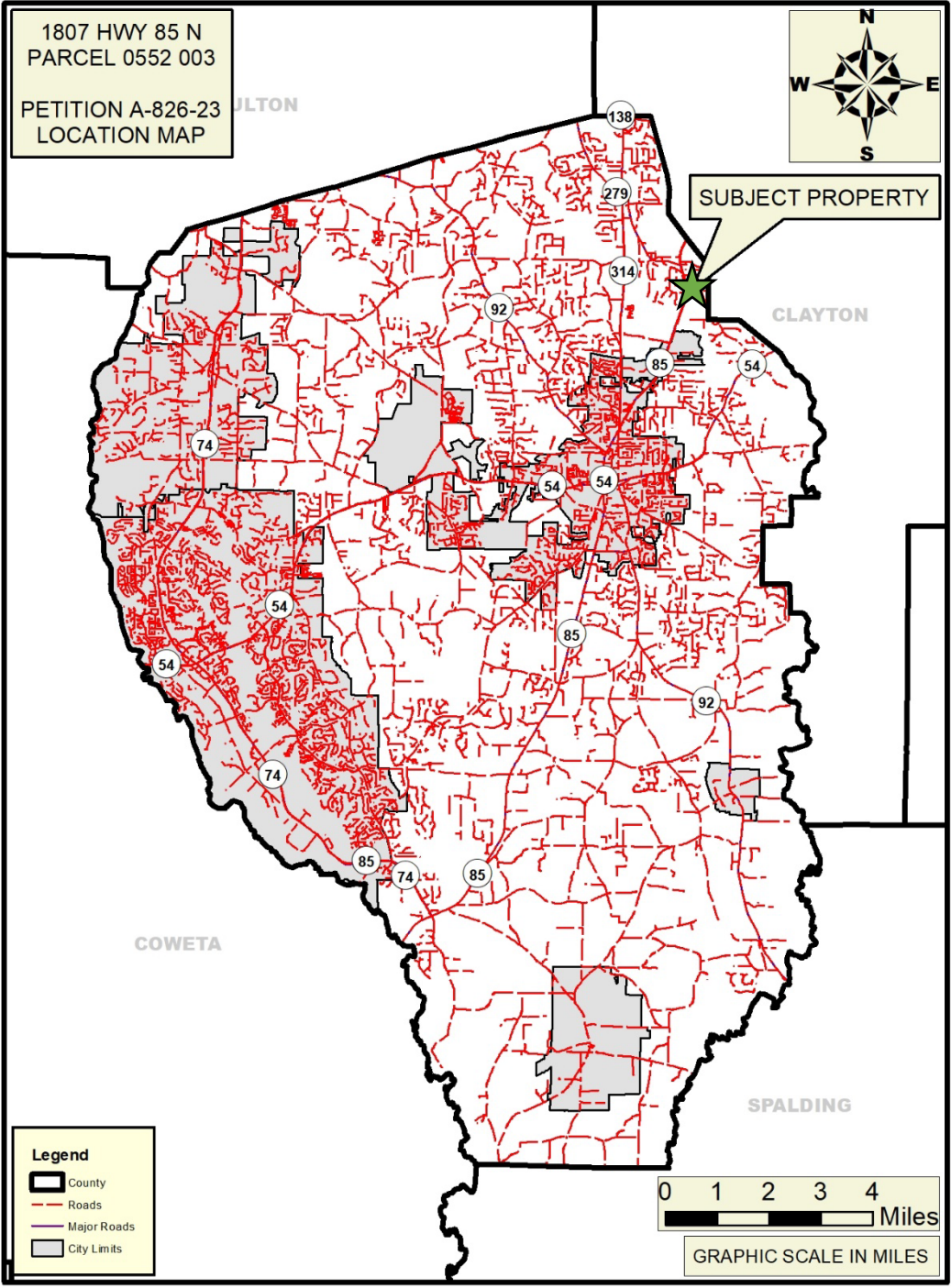
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

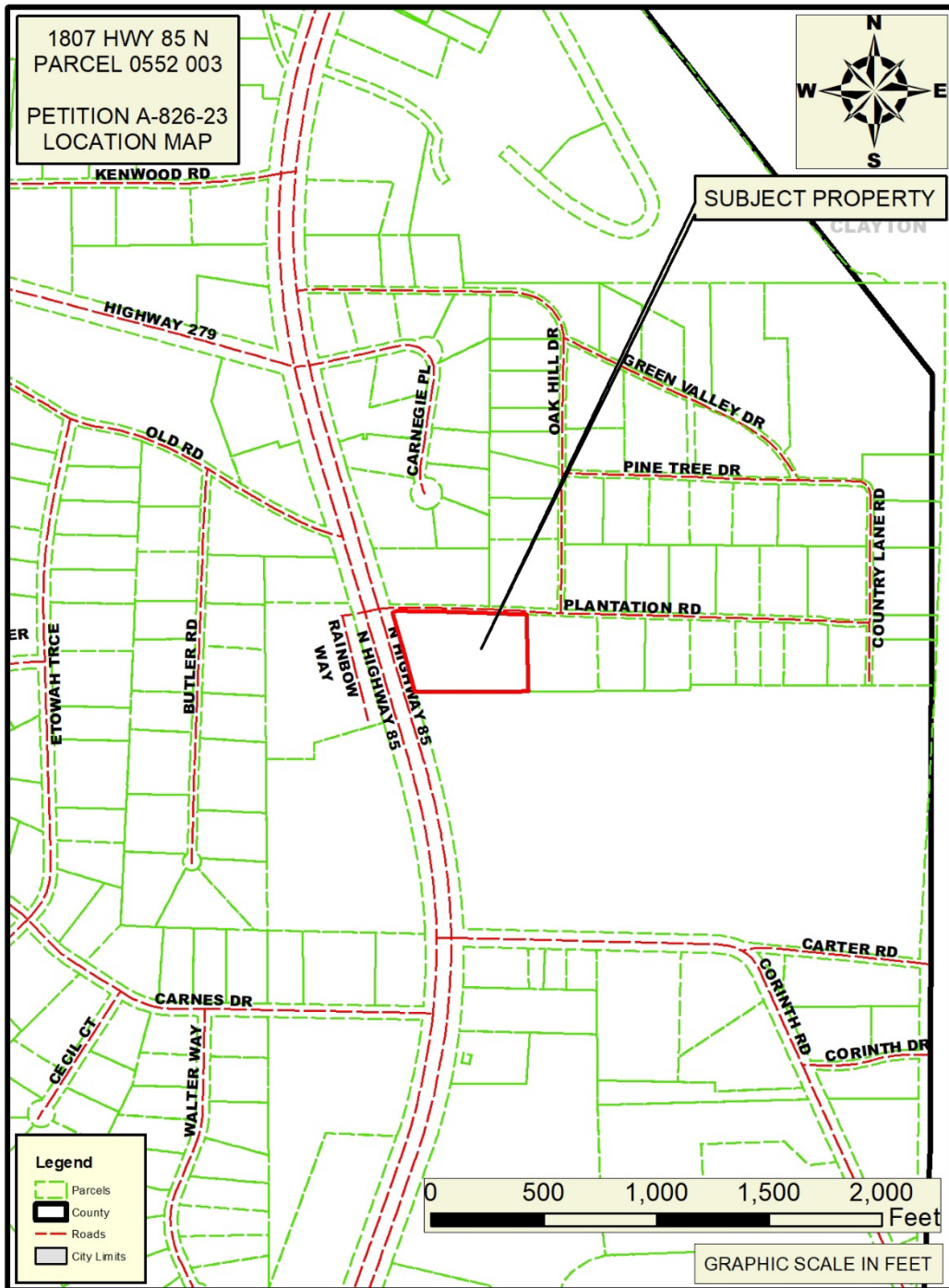
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







Oct 26, 2022 at 9:38:14 AM
Plantation Rd
Fayetteville GA 30214
United States

Plantation Road

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: MSE PROPERTIES, LLLP PHONE: 404-273-2923 (MICKEY EDWARDS)

ADDRESS/CITY/STATE/ZIP CODE: 210 COLONIAL CT, FAYETTEVILLE, GA 30214

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)
FAX NO. 678-276-8700

ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON PERRY RD, STE 260-441, MARIETTA, GA 30062

LAND DISTRICT: 15TH LAND LOT(S): 233 ZONING DISTRICT: CH

SIGN LOCATION/ADDRESS: 1807 HIGHWAY 85 N, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 51'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only _____ External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES,
FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

Mickey Edwards
MJE Properties, LLLP
210 Colonial Ct
Fayetteville, GA 30214

July 19, 2022

RE: 1807 Hwy 85 N
PROPERTY PARCEL ID # 0552 003

Dear Sir / Madam,

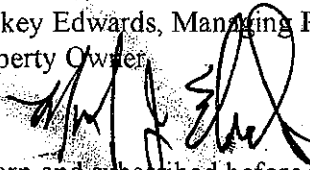
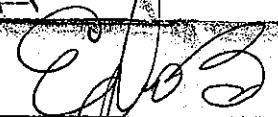
I own the above referenced parcel and am authorized to sign this document and other related documents.

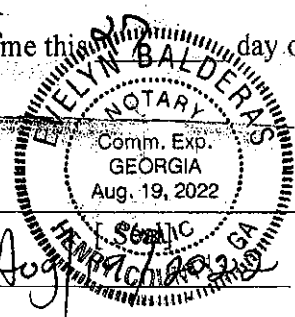
The purpose of this letter is to advise you that Atlantic Billboards, LLC has my express permission to apply to Fayette County, Georgia and the Georgia Department of Transportation for all required permits to erect and maintain an outdoor advertising sign on the above referenced parcel.

Sincerely,

Mickey Edwards, Managing Partner
Property Owner

Sworn and subscribed before me this 19th day of July,
2022



Notary Public
My commission expires on Aug 19, 2022



07/27/2022

Local Government Certification for Outdoor Advertising

To be completed by Applicant:

Name of Applicant or Company: Atlantic Billboards, LLC

Sign is: existing proposed

County: Fayette Municipality (if applicable): _____

State Route Name & Number: Highway 85 N

Parcel Number: 0552 003

1807 Highway 85 N, Fayetteville, GA 30214

To be completed by appropriate Zoning Official:

Part 1.

I hereby certify that the (City of) (County of) _____
(Check all that apply):

- Has a zoning plan and ordinance. Original adoption date: _____.
- Date of last amendment (revision) to zoning plan: _____.
- Does not have a zoning plan and ordinances.
- Has other land use controls or ordinance. Please specify _____.
- Has a sign ordinance dated _____ separate from any zoning or land use plan.
- Has a sign ordinance which requires sign spacing of more than 500', size or height limits, or includes the "I-95 plan". Please specify _____.
- Has no sign controls of any kind.

Part 2.

(MUST BE FILLED OUT COMPLETELY)

Current zoning of the parcel where the sign is to be located: _____

Approved uses for this zoning type: _____

Date of MOST RECENT zoning of this parcel: _____

Previous zoning of this parcel: _____

I _____, a duly qualified official of the City/County of _____, do hereby certify that I have reviewed the location and description of the outdoor advertising structure described on the attached application and find the sign is to be located in an area appropriate for such structures and is in compliance with all local laws, ordinances or regulations. I further understand that in evaluating any application for an Outdoor Advertising permit GDOT does not review for compliance with local ordinances and that any such permit issued by GDOT is not a building permit.

This the _____ day of _____, 20____.

Authorized Official Signature

Printed Name and Title

Phone #: _____ Email: _____

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application

GDOT Permit Number

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Atlantic Billboards, LLC

Corporate Name: Michael B. Fitzgerald, Managing Member
Name of Applicant (agent): 3162 Johnson Ferry Rd, Ste 260-441
Address: Marietta, GA 30062
City: Marietta, State: GA, Zip: 30062
Phone #: (678) 571-8889
Email: Mike@AtlanticBillboards.com

Property Owner Information

MJE Properties, LLLP

Corporate Name: Mickey Edwards, Managing Partner
Name of Landowner: 210 Colonial Ct
Address: Fayetteville, GA 30214
City: Fayetteville, State: GA, Zip: 30214
Phone #: (404) 273-2923
Email: usmc.1999@hotmail.com

Sign Location Information

County: Fayette City: State Route #: 85 on the [] N [x] E [] S [] W side
of the roadway and 2,172 feet [x] N [] E [] S [] W of milepost number 14
Latitude: 33.50630955742977 Longitude: -84.42813320038603 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? [] Yes [x] No
Multiple Message Sign (MMS) Type: [] Mechanical [x] Electronic Number of existing faces: _____

Number of faces to be Multiple Message: 2

Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from [x] N [] E [] S [] W Direction [x] MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from [] N [] E [x] S [] W Direction [x] MMS
Length: Height: Area: Sq. Ft. Viewed from [] N [] E [] S [] W Direction [] MMS
Length: Height: Area: Sq. Ft. Viewed from [] N [] E [] S [] W Direction [] MMS

Type of Construction (circle all that apply): [] Single Face [x] Back-to-Back [] Double Face [] Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) Title Authorized Official Signature
City of _____, County of Fayette, Date: _____

After Hours Contact Person

Name: Michael Fitzgerald

Phone #: (678) 571-8889

Email: Mike@AtlanticBillboards.com

Applicant / Agent Signature

Managing Member
Corporate Title

Note: This is not a building permit. Nothing in this permit shall be construed to abrogate or affect any lawful ordinance, regulation or resolution which is more restrictive than State Law as it pertains to the structure permitted. (O.C.G.A §32-6-97) In the event this multiple message application is approved, all work must be completed within twelve (12) months from the date of approval, and the underlying outdoor advertising permit must also be kept in good standing during the entire twelve (12) month period.

Department Approval for Multiple Message Sign [FOR GDOT USE ONLY]

Effective Date: _____

Permit #: _____

Outdoor Advertising Control Manager

State Maintenance Engineer

Required Attachments: The following attachments (if applicable) are required for a complete application.

- a. A Copy of your W-9 Form.
- b. A detailed Shop Drawing of the sign indicating the plan, elevation, and side views of the sign.
- c. For corporate entities or Trusts who are the Applicant and/or Landowner: A signed statement from a corporate officer or executor, on company letterhead, authorizing the Agent(s) to sign this application on their behalf.
- d. A photograph of the existing sign or proposed sign site showing the location markings. A photograph showing the permit identification tag and where it is affixed to the structure.
- e. The correct permit fee. (fee amounts are available on the Outdoor Advertising webpage)

Sign Installation Notification

The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction of Multiple Message revision to the sign. The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted.

Submission of Application:

Submit the application and all required attachments to the Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street N.W, 10th Floor, Atlanta, Georgia 30308, Attn: Outdoor Advertising Office

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

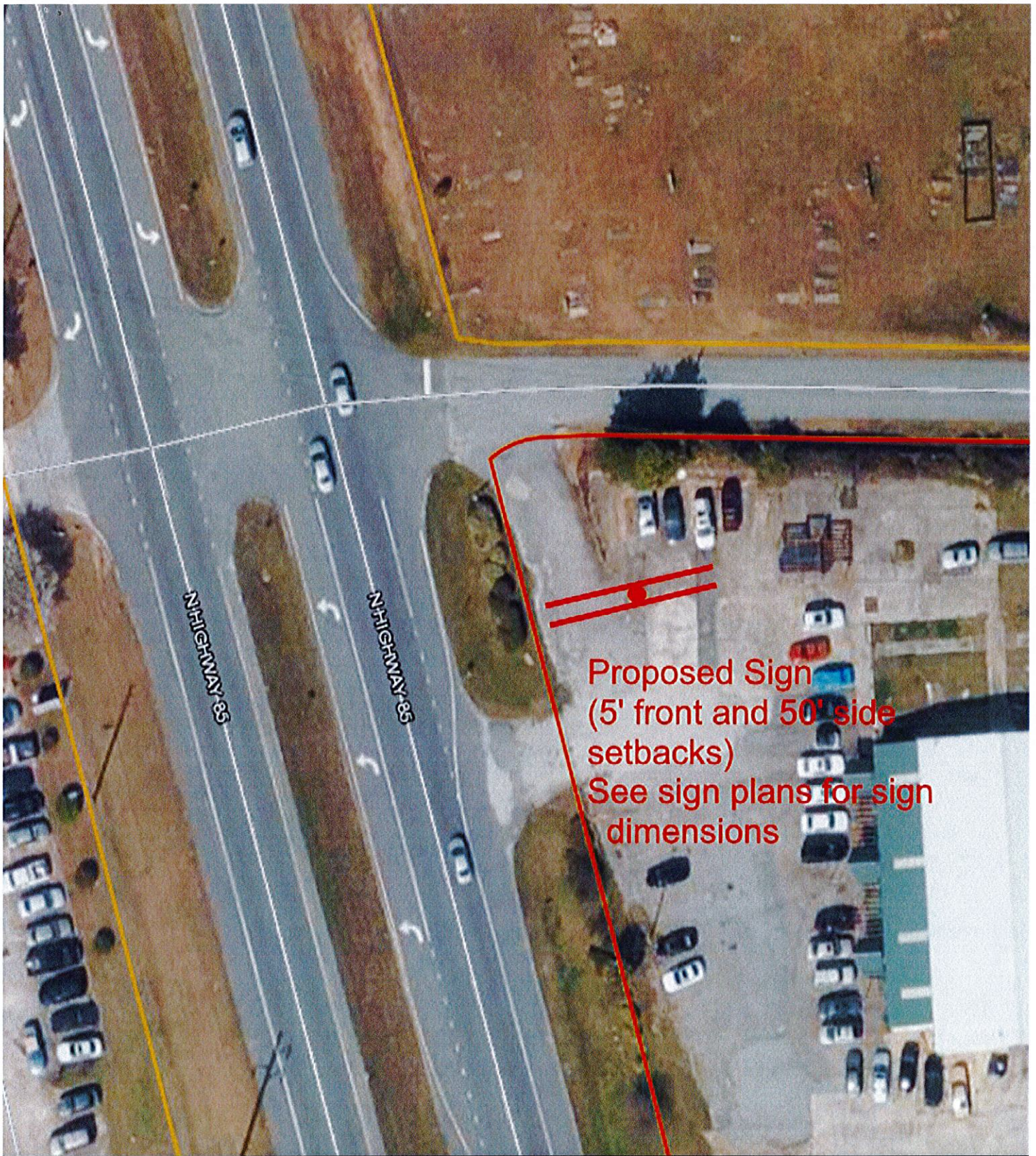
10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.



Proposed Sign
(5' front and 50' side setbacks)
See sign plans for sign dimensions

New Sign Site Plan

Project Address

1807 Highway 85 N
Fayetteville, GA 30214

Project Contact

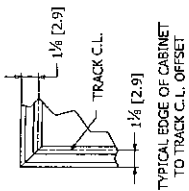
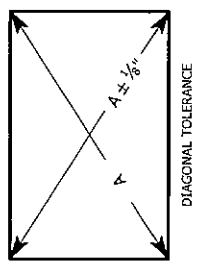
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com

ATLANTIC

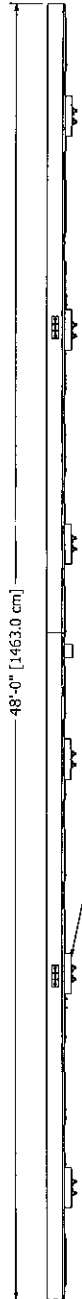
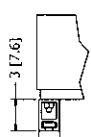
IBC2009 AND ASCE7-05
 150 MPH 3 SECOND WIND GUST
 IRC2012 AND ASCE7-10
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX

REQUIREMENTS TO MEET THE ABOVE WIND LOAD
 UPRIGHT QTY: 5.0 MINIMUM
 SPACING: 115 3/16 [292.6] MAXIMUM
 CANTILEVER: 57 5/8 [146.3] MAXIMUM

THESE CALCULATIONS ASSUME THE SUPPORTING
 STRUCTURE IS RIGID AND THE USE OF A WATERBURY
 APPROVED MOUNTING SYSTEM.
 PROVIDED MOUNTING HARDWARE
 SIGN WEIGHT FOR 10mm, 15mm, 19mm, & 25mm MODELS
 6048.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)
 SIGN WEIGHT FOR 12mm MODEL
 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)

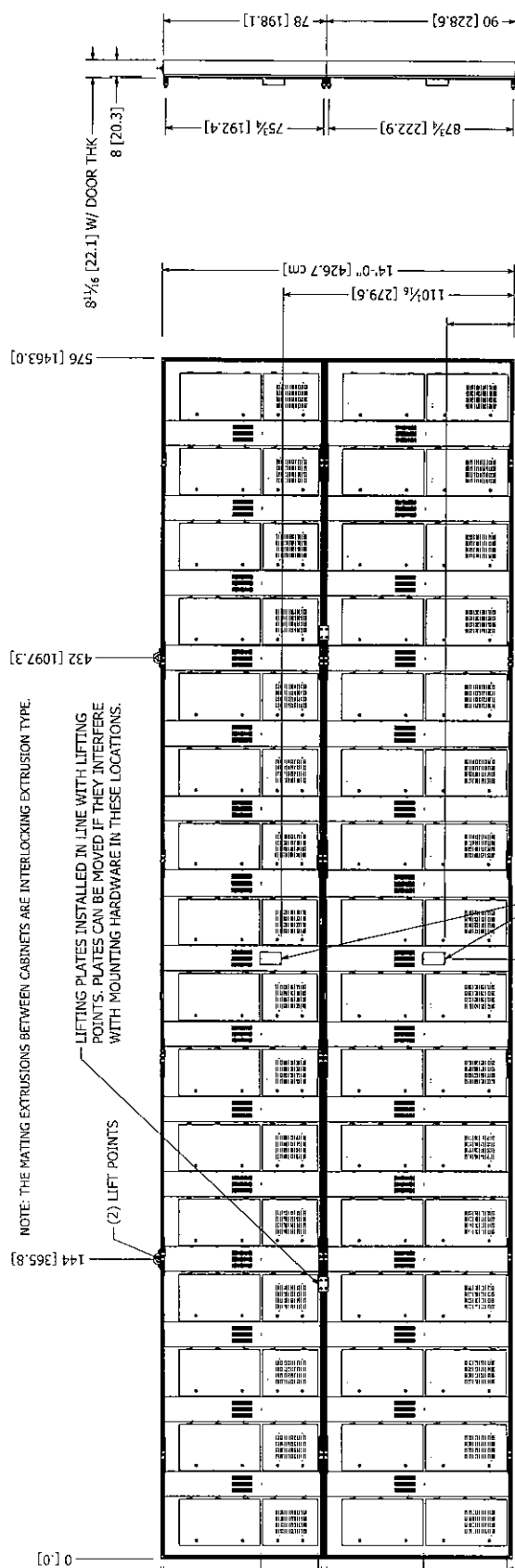


- NOTES:
- ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 - DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 - I-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.



HORIZONTAL LOCATION OF
 CLAMPS IS ADJUSTABLE

NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.
 LIFTING PLATES INSTALLED IN LINE WITH LIFTING POINTS CAN BE MOVED IF THEY INTERFERE WITH MOUNTING HARDWARE IN THESE LOCATIONS.



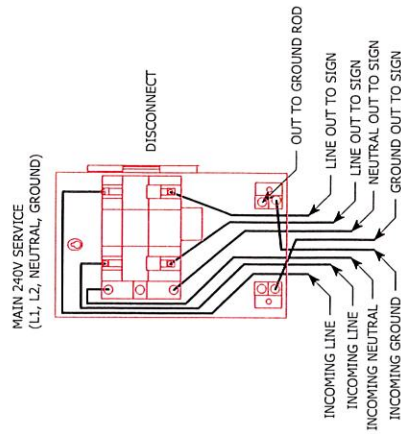
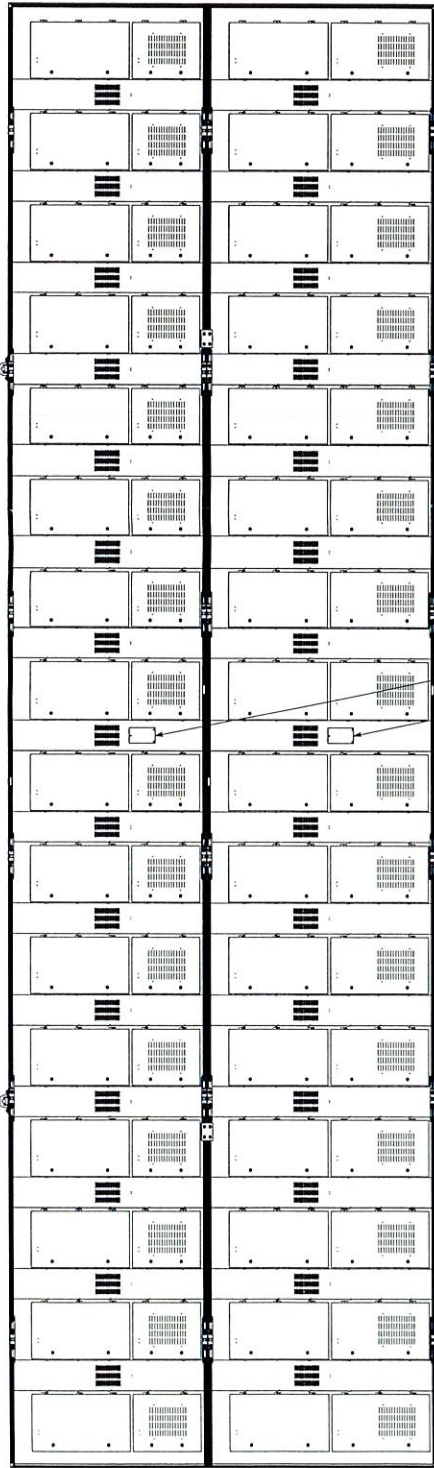
DIMENSION STYLE:
 INCHES [CENTIMETERS]

VIEWABLE AREA = 13 ft. X 47 ft.



THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.
 ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.

MODEL REV	DRAWING REV	THIRD ANGLE PROJECTION	DESCRIPTION
1	0	SHEET	1 OF 2
DIMENSION STYLE		INCHES [CENTIMETERS]	
TOLERANCES		OVERBALL SIGN DIMENSION..... ± 1/4" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± .020"/ft. (SEE GENERAL NOTES 10)	
THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL DIMENSIONS ARE TO UNLESS OTHERWISE SPECIFIED. WE DO NOT GUARANTEE ABOUT THE VARIABILITY OF THE PROVIDED DIMENSIONS TO THE EXISTING STRUCTURE OR FOR ILLUSTRATIVE PURPOSES ONLY.			
MATERIAL		REAR SERVICE - 13 X 47 VIEWABLE - DIMENSIONS 168" X 576"	
DATE COATED		DRAWN BY	
3/9/2018		T. Prater	
PART NUMBER		PART NUMBER	
140449 0_C_N_13047_R		140449 0_C_N_13047_R	
VAULT LOCATION: Design1 Customer Drawing Track Sign/Year Service Provider: C.N. 13047.RY/CM			



- INSTALLATION NOTES:**
1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, #4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
 2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
 3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT. ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED. BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
 4. UL CERTIFICATE NUMBER: E221802 (UL-48)

		THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC. ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.	
INCHES (CENTIMETERS) OVERALL SIGN DIMENSION..... ± 1/4" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± .020"/ft.	TOLERANCES OVERALL SIGN DIMENSION..... ± 1/4" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± .020"/ft.	THE DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY FOR WATCHFIRE PRODUCTS. ALL DIMENSIONS OF THE SIGN STRUCTURE WILL BE GUARANTEED ABOUT THE SUSTAINABILITY OF THE SIGN STRUCTURE. THIS DRAWING IS FOR ILLUSTRATIVE PURPOSES ONLY.	MODEL REV DRAWING REV THIRD ANGLE PROJECTION DESCRIPTION 1 0 2 OF 2 SHEET MATERIAL REAR SERVICE - 13 X 47 VENABLE - 0A19J.M - DIMENSIONS 168" X 576"
DATE CREATED 8/9/2018 DRAWN BY T. P. [signature] PART NUMBER 1410K480_C_N_13047_R VAULT LOCATION: Design1 Customer Drawing\Track Signs\rear Service\130480_C_N_13047_RY.dwg			

November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Sign Application for Parcel #0552 003
1807 Hwy 85 N
Fayetteville, GA 30214
Land Lot(s) 233 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot(s) 233 of the 5th Land District and consists of approximately 4.3 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-H, Highway Commercial District. The C-H, Highway Commercial District, permits uses shown in Section 110-144 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (3) SR 85 North Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There are no other freestanding signs located on this parcel, so a new sign is allowed. The new sign must meet the County's dimensional requirements:

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district

containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. Please resubmit a revised site plan and sign plans to Planning & Zoning. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of property



Existing commercial property

WEBB, KLASE & LEMON, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC ("Atlantic"). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals ("Board") at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia's Zoning Procedures Law and is therefore void; and (4) the County's restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: "Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant." The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County "shall issue" the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

MJE Properties, LLLP
210 Colonial Court
Fayetteville, Georgia 30214

RE: Petition No. A-826-23

Dear: MJE Properties, LLLP

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-826-23 (Parcel 0552 003)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary


A-826-23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**MJE Properties, LLLP
210 Colonial Court
Fayetteville, Georgia 30214**



9590 9402 7493 2055 9979 49

2. Article Number (Transfer from service label)
7018 1130 0001 9954 5011

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) _____ C. Date of Delivery _____

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

Domestic Return Receipt

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

OFFICIAL USE

Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$ _____

Total Postage and Fee \$ _____

Sent To _____

Street and Apt. No., or _____

City, State, ZIP+4® _____

**MJE Properties, LLLP
210 Colonial Court
Fayetteville, Georgia 30214**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Postmark Here
A-826-23
Jan 25, 23

7018 1130 0001 9954 5011

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0552 003
1807 Hwy 85 N
Fayetteville, GA 30214
Land Lot(s) 233 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 12538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

US Postal Rates Are Subject to Surcharge.



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<https://www.research.net/r/TheUPSStoreCSS100?Center=7368&Creative=PRNT>

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 Ends 1/31/23. Must be US resident 18 years or older to enter. Limit (1) entry per person per month.
 For Official Rules visit
www.TheUPSStore.com/surveyrules2022

VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 12538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



Powered by iShipCr
 11/22/2022 02:43 PM Pacific Time P

The UPS Store



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Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details Shipment Details **Shipment Progress** Shipment Progress

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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Close

A-826-23
Rev Date
Feb 1, 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.

Petition No.: A-826-23

Owner(s)/Agent(s): Owners: MJE
Properties, LLLP Agent: Atlantic Bill-
boards, LLC (Mike Fitzgerald)

Property Address: 1807 Hwy 85 N

Zoning District: C-H

Area of Property: 4.37 acres

Parcel # 0552 003

Land Lot(s): 233

District: 5th

Road Frontage: Hwy 85 N & Planta-
tion Road

Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.

02/01

POSTING OF PROPERTY

PETITION NO: A-826-23

OWNER: MJE Properties, LLLP
210 Colonial Court
Fayetteville, Georgia 30214

LOCATION: Land Lot 233 of the 5th District
Fronts on Hwy 85 N and Plantation Road

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 JAN 23

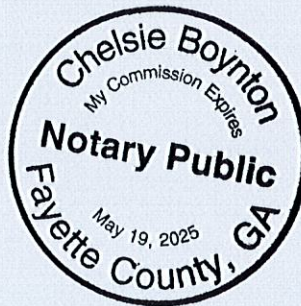
DATE

Sworn to and subscribed before me this

31TH day of JAN, 2023.

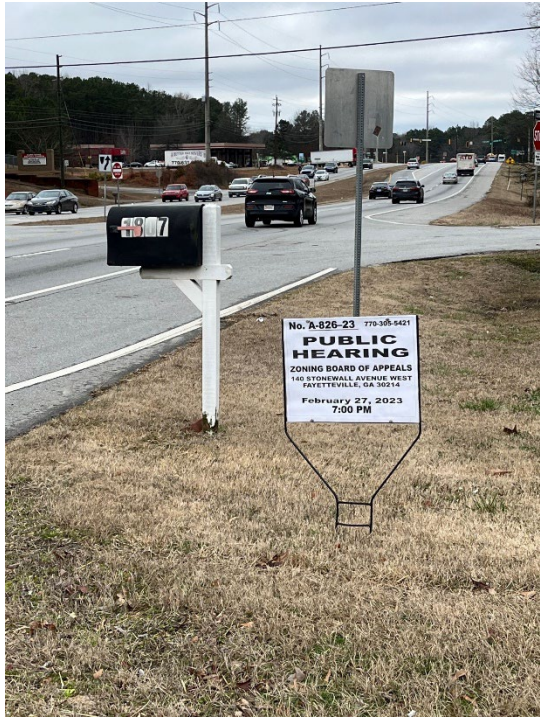


NOTARY



Number of signs posted 2.


Date sign posted 31 JAN 23.



A-826-23



A-826-23


Doc ID: 009906470003 Type: WD
Recorded: 08/03/2016 at 03:00:00 PM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4462 PG 227-229

RETURN TO:
G. William Thackston, Jr., PC
6100 Lake Forrest Drive
Suite 104
Sandy Springs, Georgia 30328

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made the 24th day of May in the year of our Lord Two Thousand Sixteen, between

MICKEY EDWARDS

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

MJE PROPERTIES, LLLP,
a Georgia Limited Liability Limited Partnership

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 no valuable consideration, but for the purpose of funding the Partnership of which Grantor is a Partner, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey and confirm unto the said Grantee all of Grantor's interest in and all of her right, title and interest in and to the following property:

Book: 4462 Page: 227 Seq: 1

All that tract or parcel of land lying and being in Land Lot 233 of the 15th District of Fayette County, Georgia and more particularly described on Exhibits A, which are incorporated by reference herein.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of 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 lawful claims of all persons owning, holding or claiming by, through or under the Grantor.

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

Signed, sealed and delivered
in the presence of:

Kimberly A. Williams
Witness

Mickey Edwards (SEAL)
MICKEY EDWARDS

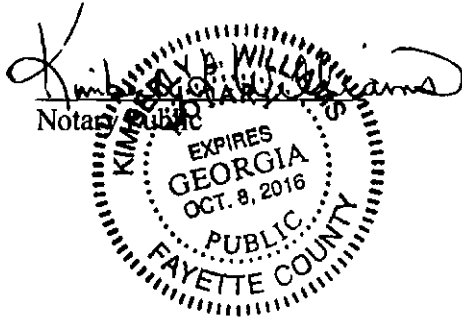


Exhibit "A"



All that tract or parcel of land lying and being in Land Lot 233 of the 5th District of Fayette County, Georgia, containing 4.37 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin at the intersection formed by the Northeasterly right-of-way line of Georgia State Highway 85, said highway having a 170-foot right-of-way, with the Southerly right-of-way line of Plantation Road, said road having a 30-foot right-of-way; and running thence south 88 degrees 53 minutes East along the Southerly line of Plantation Road a distance of 441.9 feet to an iron pin; continuing along the Southerly line of Plantation Road South 85 degrees 56 minutes East a distance of 197.6 feet to an iron pin; running thence south 0 degrees 35 minutes East a distance of 308.2 feet to an iron pin; running thence South 89 degrees 59 minutes West a distance of 541.5 feet to an iron pin on the Northeasterly right-of-way line of Georgia State Highway 85; running thence North 16 degrees 55 minutes West along the Northeasterly line of Georgia State Highway 85 a distance of 345.0 feet to the point of beginning, as per plat prepared for Andy Martin, dated October 24, 1972, by C. B. Lee, Registered Land Surveyor, and recorded in Plat Book 7, Page 77, in the Office of the Clerk of Superior Court of Fayette County, Georgia, with all rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

PETITION NO: A-827-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Donald Scarbrough

LOCATION: E of 1495 Hwy 54 E – Parcel 0540 007

DISTRICT/LAND LOT(S): 5th District, Land Lot 170 & 171

ZONING: M-2, Manufacturing and Heavy Industrial

EXISTING USE: Vacant Land

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel. (Sec. 108-27. – Permits required).
3. This property contains a significant amount of floodplain and floodway per FEMA FIRM Panel 13113C106E dated September 26, 2008. Fayette County’s Floodplain Management Ordinance applies. (Sec. 104-85 (b)).
4. The proposed sign qualifies as development per Fayette County’s Floodplain Management Ordinance (Sec. 104-84.)
5. The submitted site plan is insufficient to determine if there is floodplain encroachment. Floodplain encroachments must meet the *General Standards* for development (Sec. 104-86 (c)).

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

(1) Applications for signage. Applications for sign permits required by this article shall be filed with the county planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).

All applications for signage shall be on a form provided by the county planning and zoning.

Sec. 104-85(b) – Applicability.

This article (Floodplain Management) shall be applicable to all areas of special flood hazard and all areas “adjacent” to an area of special flood hazard, within the county as defined herein. A property shall be subject to the terms and conditions of this article whenever a permit or approval is required by the county or when other development is proposed.

Sec. 104-84 – Definitions

Development means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installing of impervious cover, excavation or drilling operations or storage of equipment or materials.

Sec. 104-86(c) – General standards.

- (1) No development shall be allowed within an area of special flood hazard or an area of future-conditions flood hazard that could result in any of the following:
- a. Raising the base flood elevation or future-conditions flood elevation equal to or more than one 0.01 foot;
 - b. Reducing the base-flood or future-conditions flood storage capacity;
 - c. Changing the flow characteristics as to depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

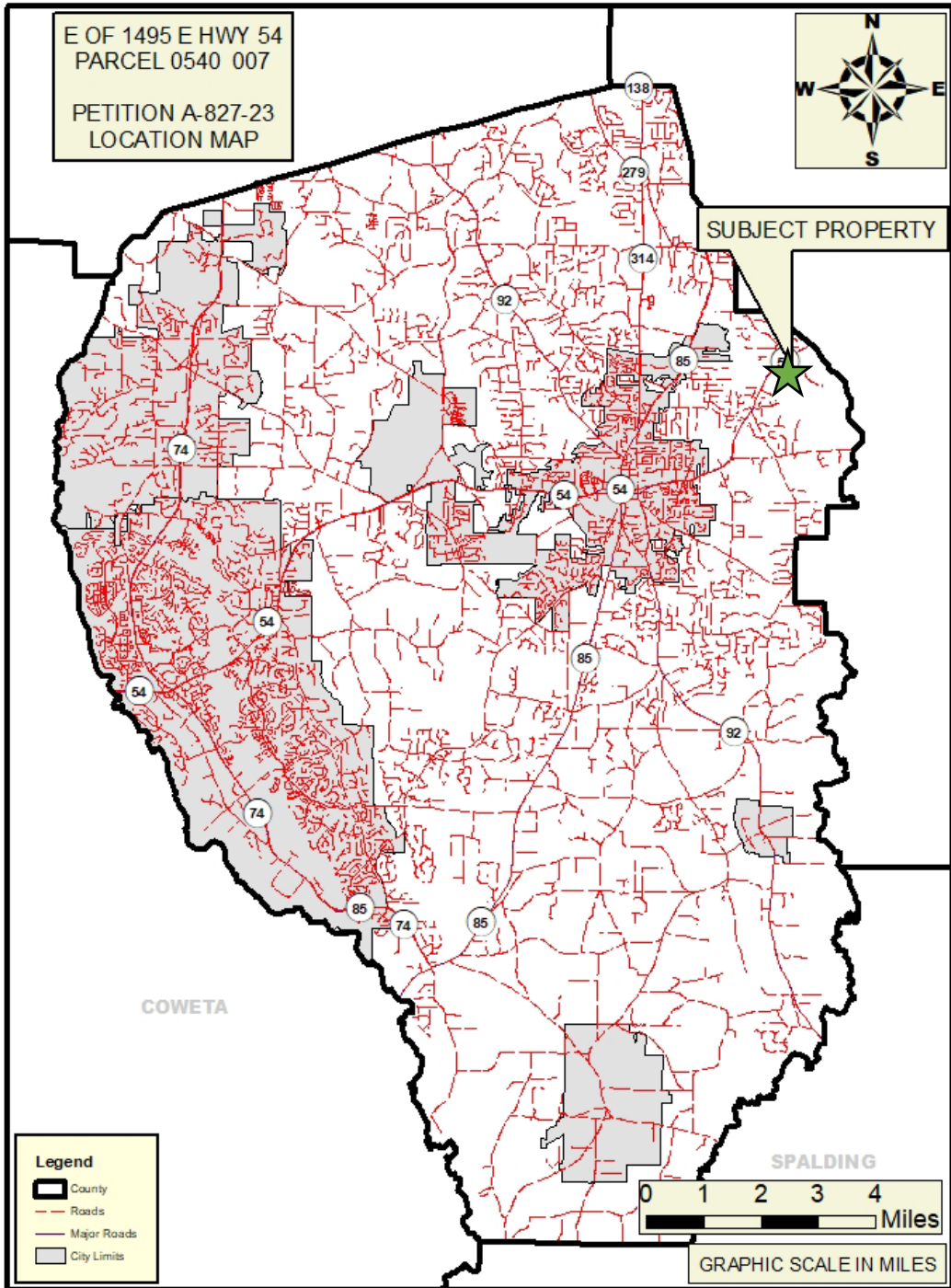
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

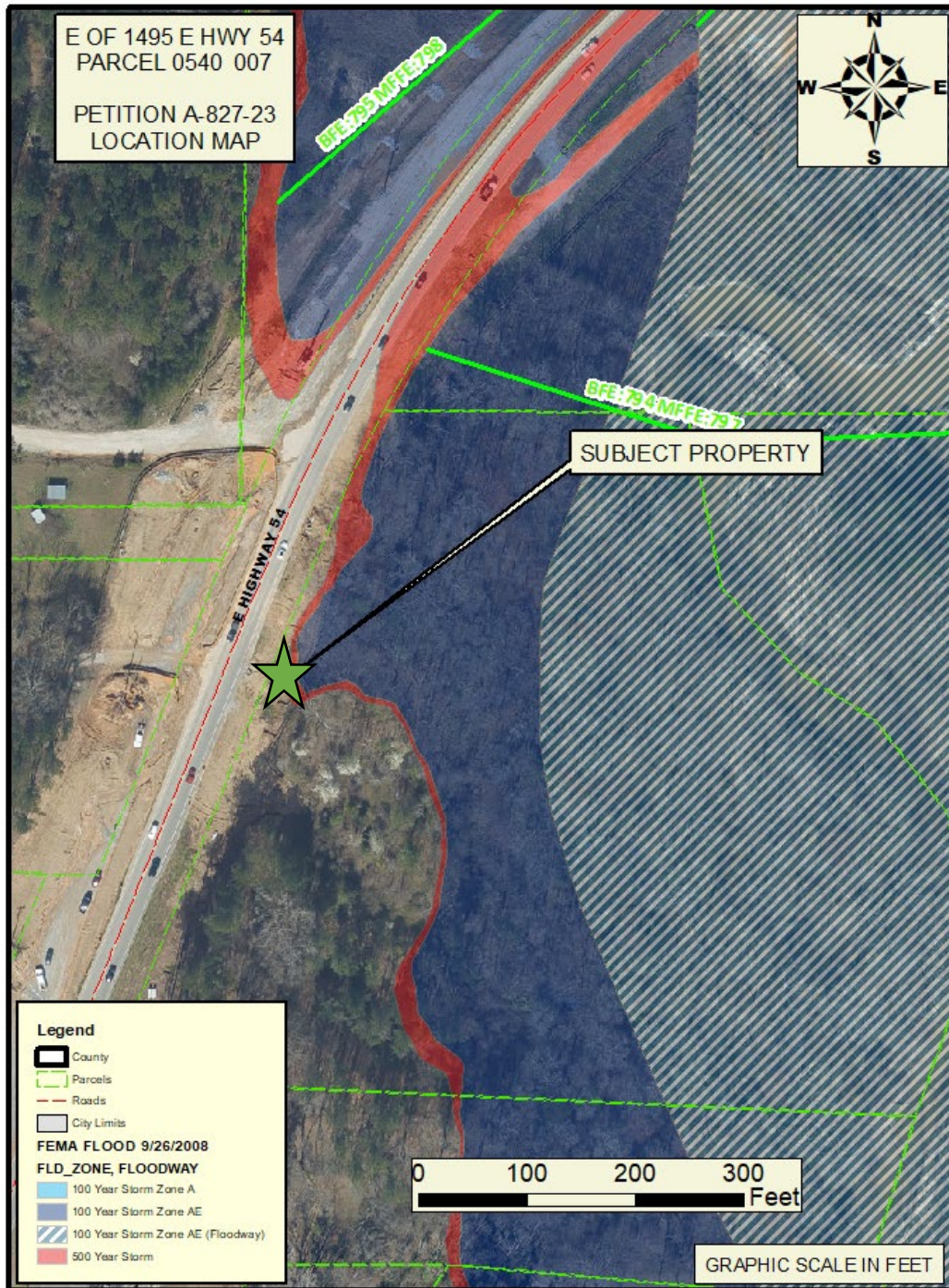
November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air,

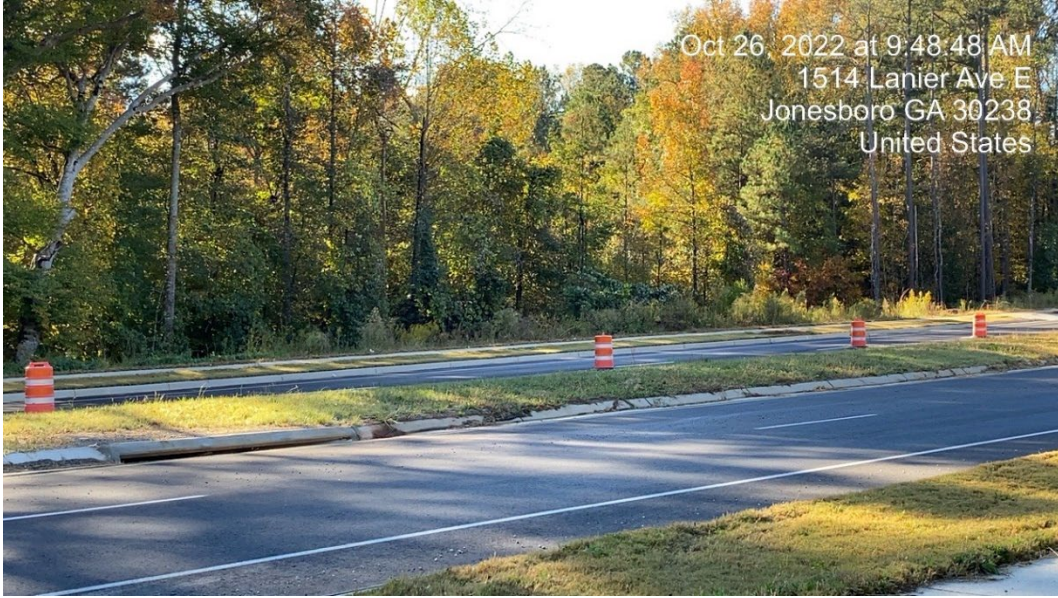
signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







1514 Lanier Ave E

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: DONALD SCARBROUGH PHONE: 770-827-8844

ADDRESS/CITY/STATE/ZIP CODE: 150 EAST GEORGIA AVE, FAYETTEVILLE, GA 30214

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)
FAX NO. 678-276-8700

ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON FERRY RD, STE 260-441, MARIETTA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 170, 171, 182 ZONING DISTRICT: GA 30062

SIGN LOCATION/ADDRESS: EAST OF 1495²¹⁸³ HIGHWAY 54 E, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 950'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only _____ External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES
FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

Local Government Certification for Outdoor Advertising

To be completed by Applicant:

Name of Applicant or Company: Atlantic Billboards, LLC

Sign is: existing proposed

County: Fayette Municipality (if applicable): _____

State Route Name & Number: Highway 54 E

Parcel Number: 0540 007

East of 1495 Highway 54 E, Fayetteville, GA 30214

To be completed by appropriate Zoning Official:

Part 1.

I hereby certify that the (City of) (County of) _____

(Check all that apply):

- Has a zoning plan and ordinance. Original adoption date: _____.
- Date of last amendment (revision) to zoning plan: _____.
- Does not have a zoning plan and ordinances.
- Has other land use controls or ordinance. Please specify _____.
- Has a sign ordinance dated _____ separate from any zoning or land use plan.
- Has a sign ordinance which requires sign spacing of more than 500', size or height limits, or includes the "I-95 plan". Please specify _____.
- Has no sign controls of any kind.

Part 2.

(MUST BE FILLED OUT COMPLETELY)

Current zoning of the parcel where the sign is to be located: _____

Approved uses for this zoning type: _____

Date of MOST RECENT zoning of this parcel: _____

Previous zoning of this parcel: _____

I _____, a duly qualified official of the City/County of _____, do hereby certify that I have reviewed the location and description of the outdoor advertising structure described on the attached application and find the sign is to be located in an area appropriate for such structures and is in compliance with all local laws, ordinances or regulations. I further understand that in evaluating any application for an Outdoor Advertising permit GDOT does not review for compliance with local ordinances and that any such permit issued by GDOT is not a building permit.

This the _____ day of _____, 20____.

Authorized Official Signature

Printed Name and Title

Phone #: _____ Email: _____

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application

GDOT Permit Number

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Atlantic Billboards, LLC

Corporate Name: Michael B. Fitzgerald, Managing Member
Name of Applicant (agent): 3162 Johnson Ferry Rd, Ste 260-441
Address: Marietta, GA 30062
City: Marietta, State: GA, Zip: 30062
Phone #: (678) 571-8889
Email: Mike@AtlanticBillboards.com

Property Owner Information

Corporate Name: Donald Scarbrough
Name of Landowner: 150 East Georgia Avenue
Address: Fayetteville, GA 30214
City: Fayetteville, State: GA, Zip: 30214
Phone #: (770) 827-8844
Email: dawndscarbrough@gmail.com

Sign Location Information

County: Fayette City: State Route #: 54 on the N E S W side
of the roadway and 1,630 feet N E S W of milepost number 14
Latitude: 33.476312755543034 Longitude: -84.41148575824431 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? Yes No
Multiple Message Sign (MMS) Type: Mechanical Electronic Number of existing faces:
Number of faces to be Multiple Message: 2

Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction MMS

Type of Construction (circle all that apply): Single Face Back-to-Back Double Face Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) Title Authorized Official Signature
City of Fayette, County of Fayette, Date:

After Hours Contact Person

Name: Michael Fitzgerald Phone #: (678) 571-8889 Email: Mike@AtlanticBillboards.com

Applicant / Agent Signature _____ Managing Member _____
Corporate Title _____

Note: This is not a building permit. Nothing in this permit shall be construed to abrogate or affect any lawful ordinance, regulation or resolution which is more restrictive than State Law as it pertains to the structure permitted. (O.C.G.A §32-6-97) In the event this multiple message application is approved, all work must be completed within twelve (12) months from the date of approval, and the underlying outdoor advertising permit must also be kept in good standing during the entire twelve (12) month period.

Department Approval for Multiple Message Sign [FOR GDOT USE ONLY]

Effective Date: _____ Permit #: _____

Outdoor Advertising Control Manager _____ State Maintenance Engineer _____

Required Attachments: The following attachments (if applicable) are required for a complete application.

- a. A Copy of your W-9 Form.
- b. A detailed Shop Drawing of the sign indicating the plan, elevation, and side views of the sign.
- c. For corporate entities or Trusts who are the Applicant and/or Landowner: A signed statement from a corporate officer or executor, on company letterhead, authorizing the Agent(s) to sign this application on their behalf.
- d. A photograph of the existing sign or proposed sign site showing the location markings. A photograph showing the permit identification tag and where it is affixed to the structure.
- e. The correct permit fee. (fee amounts are available on the Outdoor Advertising webpage)

Sign Installation Notification

The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction of Multiple Message revision to the sign. The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted.

Submission of Application:

Submit the application and all required attachments to the Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street N.W, 10th Floor, Atlanta, Georgia 30308, Attn: Outdoor Advertising Office

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.



New Sign Site Plan

Project Address

East of 1495 Hwy 54 E
Fayetteville, GA 30214

Project Contact

Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com



Donald Scarbrough
150 East Georgia Ave
Fayetteville, GA 30214

June 9, 2022

RE: East Of 1495 Highway 54 E
PROPERTY PARCEL ID #0540 007

Dear Sir / Madam,

I own the above referenced parcel and am authorized to sign this document and other related documents.

The purpose of this letter is to advise you that Atlantic Billboards, LLC has my express permission to apply to Fayette County, Georgia and the Georgia Department of Transportation for all required permits to erect and maintain an outdoor advertising sign on the above referenced parcel.

Sincerely,



Donald Scarbrough
Property Owner

Sworn and subscribed before me this 10 day of June,
2022



Notary Public [Seal]

My commission expires on 8-22-2025



qPublic.net™ Fayette County, GA

Summary

Parcel Number 0540 007
Location Address EAST OF 1495 HIGHWAY 54 E
Legal Description HWY 54
Property Class R4 - Residential Small Tracts
Neighborhood 05A05520
Tax District 01
Zoning
Acres 8.48
Homestead N
Exemptions

[View Map](#)

Owner

SCARBROUGH DONALD
 569 RISING STAR RD
 BROOKS GA 30205

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	100	100	100	100	100
Class	R4	R4	R4	R4	R4
+ Land Value	\$68,320	\$61,620	\$61,620	\$61,620	\$53,580
+ Building Value	\$0	\$0	\$0	\$0	\$0
= Total Value	\$68,320	\$61,620	\$61,620	\$61,620	\$53,580
Assessed Value	\$27,328	\$24,648	\$24,648	\$24,648	\$21,432

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
MARGINAL	A	MAR	238,709	5.4800	\$5,590
ROAD ACRES	A	RO1	130,680	3.0000	\$62,730

Total Acres:
 8.4800
Total Land-Value:
 \$68,320

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
11/14/2014	\$0		4256	0197	PART OR OTHER INTEREST	GEORGIA DEPARTMENT OF TRANSPORTATION	SCARBROUGH DONALD	4256 0197	

No data available for the following modules: Residential Improvement Information, Additions, Commercial Improvement Information, Interior/Exterior Information, Accessory Information, Other Features, Photos, Sketches.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/26/2022, 7:09:55 AM

Version 2.3.214

Developed by


COBB COUNTY OCCUPATION TAX CERTIFICATE

P.O. BOX 649 MARIETTA, GEORGIA 30061-0649
(770) 528-8410

BUSINESS LOCATION

NOT TRANSFERABLE

CERTIFICATE NUMBER

3162 JOHNSON FERRY RD, SUITE 260-441

OCC034923

DATE ISSUED

FOR YEAR

08/29/2022

2022

**D/B/A ATLANTIC BILLBOARDS, LLC
ATTN: MICHAEL FITZGERALD
ATLANTIC BILLBOARDS, LLC
3162 JOHNSON FERRY RD, 260-441
MARIETTA, GA 30062**

CERTIFICATE EXPIRES

12-31-2022

TYPE **GENERAL**



CERTIFICATE MUST BE DISPLAYED
THIS CERTIFICATE IS NOT VALID IF OWNERSHIP OR BUSINESS LOCATION CHANGES
PROFESSIONALS & ATTORNEYS AT LAW ARE NOT REQUIRED TO DISPLAY

BUSINESS DESCRIPTION

CLASSIFICATION CODE	CLASSIFICATION NAME	AMOUNT
731200	ADVERTISING - OUTDOOR - PREPARATION, REPAIR, & MAINTAIN	112.00

						PAYMENT DATE	08-30-2022				
4332	112.00	4312	0.00	4314	0.00	4316	0.00	4318	0.00	SUB TOTAL \$	112.00
4545	0.00									PENALTY \$	0.00
										INTEREST \$	0.00
										TOTAL \$	112.00

CD - Bus License Certificate, OCC034923, 2022, ATLANTIC BILLBOARDS, LLC

E. Lisa Webb

CG

BUSINESS LICENSE DIVISION MANAGER

AUTHORIZED INITIALS

IMPORTANT NOTICE

1. Interest as provided by law will be imposed for failure to renew certificate prior to expiration date.
2. Please document to Cobb County Business License Office when business goes out of business.
3. Please provide written notification of any change in address or ownership change. A fee of \$10 will be charged to reprint certificate.
4. Please contact the business license office if you have not received a renewal notice two weeks prior to expiration of certificate.
5. Interest can not be waived despite failure to receive renewal notice. Contact the business license office for fee information.

PLACE ON DISPLAY

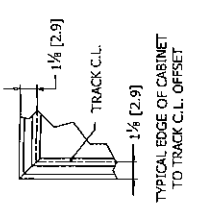
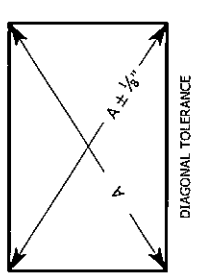
IBC2009 AND ASCE7-05
 150 MPH 3 SECOND WIND GUST
 IBC2012 AND ASCE7-10
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX

REQUIREMENTS TO MEET THE ABOVE WIND LOAD
 UPRIGHT QTY: 5.0 MINIMUM
 SPACING: 115 3/16 [292.6] MAXIMUM
 CANTILEVER: 57 5/8 [146.3] MAXIMUM

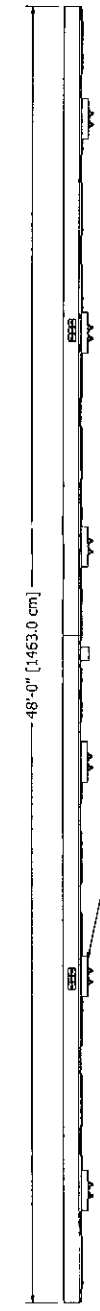
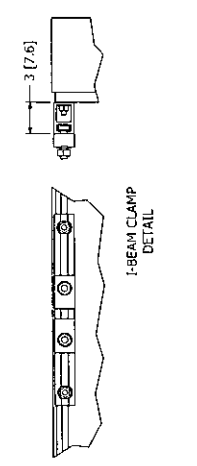
THESE CALCULATIONS ASSUME THE SUPPORTING
 STRUCTURE IS RIGID AND THE USE OF A WATCHFIRE
 APPROPRIATE CODES AND THE USE OF A WATCHFIRE
 PROVIDED MOUNTING SYSTEM.

SIGN WEIGHT FOR 10mm, 16mm, 19mm, & 25mm MODELS
 6048.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)

SIGN WEIGHT FOR 12mm MODEL
 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)



NOTES:
 1. ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 2. DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 3. I-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.



HORIZONTAL LOCATION OF
 CLAMPS IS ADJUSTABLE

NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.

LIFTING PLATES INSTALLED IN LINE WITH LIFTING
 POINTS CAN BE MOVED IF THEY INTERFERE
 WITH MOUNTING HARDWARE IN THESE LOCATIONS.

(2) LIFT POINTS

DISCONNECTS

144 [365.8]

432 [1097.3]

576 [1463.0]

0 [0]

168 [426.7]

166 1/2 [423.9]

120 1/2 [306.1] DOOR BTM

92 3/4 [235.3] DOOR BTM

9 1/4 [231.5]

88 3/4 [225.7]

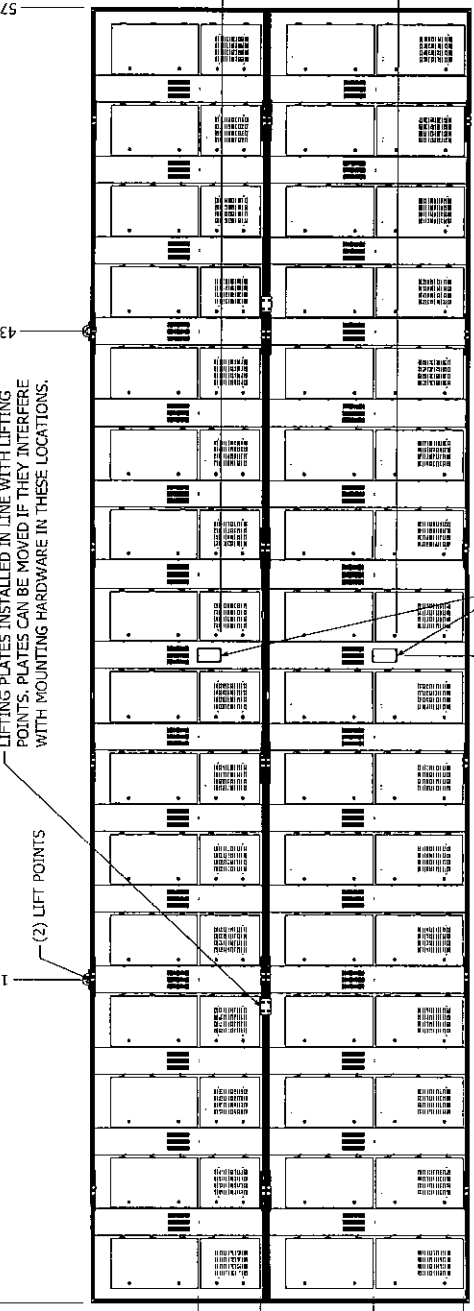
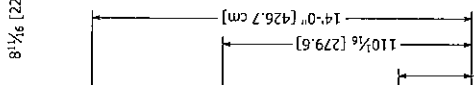
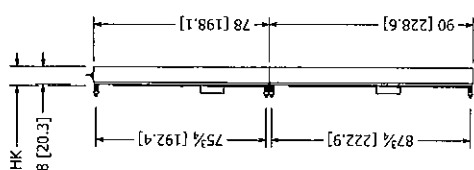
42 1/2 [108.0] DOOR BTM

2 1/2 [6.7] DOOR BTM

1 1/2 [2.9]

0 [0]

288 [731.5]



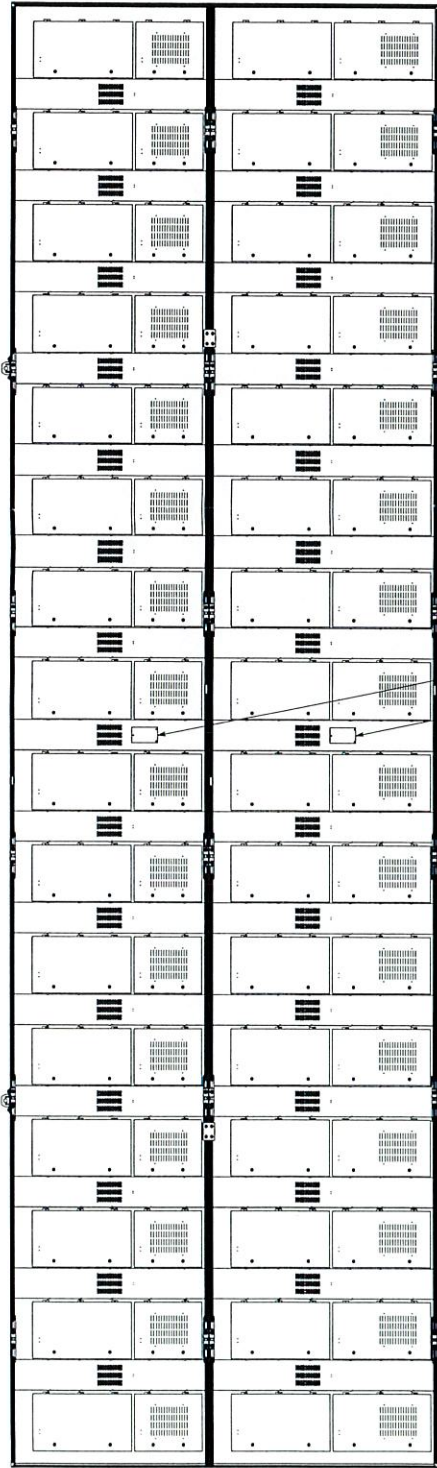
DIMENSION STYLE:
 INCHES [CENTIMETERS]

VIEWABLE AREA = 13 ft. X 47 ft.

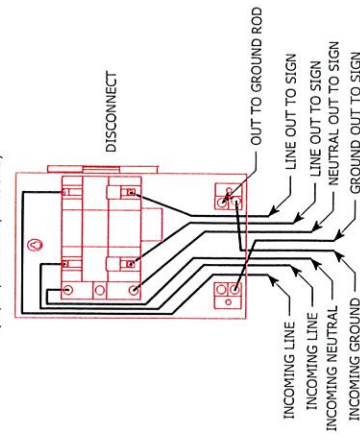


THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC. ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.

DIMENSION STYLE	TOLERANCES	THIRD ANGLE PROJECTION	DESCRIPTION
INCHES [CENTIMETERS]	OVERALL SIGN DIMENSION..... ± 1/4" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± 0.02 / ft.	1 0	REAR SERVICE - 13 X 47 VIEWABLE - DIMENSIONS 168" X 576"
ALL DIMENSIONS ARE U.S. CUSTOMARY UNITS. TOLERANCES APPLY TO ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED. STANDARD DIMENSIONS REFER TO REFERENCE DIMS (R001.XZ)		SHEET	MATERIAL
		1 OF 2	8/9/2018
			DESIGNED BY: T. Prather
			PART NUMBER: 14104810_C.N.13047_R
			PROJECT LOCATION: Design11 Customer (Design)Track Sign(Rear Service)Edwards,C.N.13047.RTY.dwg



MAIN 240V SERVICE
(L1, L2, NEUTRAL, GROUND)



DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
23 AMP DRAW (MAX)

DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
24 AMP DRAW (MAX)

- INSTALLATION NOTES:**
1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, 4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
 2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
 3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT. ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED. BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
 4. UL CERTIFICATE NUMBER: E221802 (UL-48)

		MODEL REV / DRAWING REV 1 0	SHEET 2 OF 2	DATE CREATED 8/9/2018	DRAWN BY T. Prather	PART NUMBER 1410x480_C_N_130472_R	REAR SERVICE - 13 X 47 VEVAABLE - 0A191.M - DIMENSIONS 168" X 576"
THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL DIMENSIONS OF THE SIGN STRUCTURE WILL BE PROVIDED AS SHOWN. WE DO NOT GUARANTEE ABOUT THE SUITABILITY OF THE PROVIDED DRAWING TO THE SIGN STRUCTURE OR FOR ILLUSTRATIVE PURPOSES ONLY.		DIMENSION STYLE INCHES [CENTIMETERS]	TOLERANCES OVERALL SIGN DIMENSION..... ± 1/8" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± .020"/ft.	MATERIAL			
THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC. ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.							



November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Sign Application for Parcel #0540 007
Hwy 54 E
Jonesboro, GA 30238
Land Lot(s) 170, 171, 182, 183 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot 170, 171, 182 and 183 of the 5th Land District and consists of approximately 8.48 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned M-2, Manufacturing and Heavy Industrial District. The M-2 District permits uses shown in Section 110-147 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (1) General State Route Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property does contain floodplain and floodway, which have specific development requirements and restrictions. The sign may not be located within the AE Studied Floodway and is subject to the requirements of the Fayette County Floodplain Management Ordinance. An elevation certificate and proof that the structure or its construction will not cause a rise in flood elevations will be required, and all electrical/mechanical equipment will need to meet minimum finished floor elevation requirements.

The property is located within the Flint River Watershed Protection District and is subject to the district's buffer and setback requirements. Please see the attached property evaluation for details and maps regarding floodplain and buffer areas.

There are no other freestanding signs located on this parcel, so a new sign is allowed. The new sign must meet the County's dimensional requirements:

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

The general location of the sign appears to be acceptable assuming floodplain management requirements are addressed, but we do require that site plans for accessory structures and signs be submitted on a survey that includes the 2013 Fayette County Limited Detail Flood Study data and structure MFFE, with setback dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. Please resubmit a revised site plan and sign plans to Planning & Zoning. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

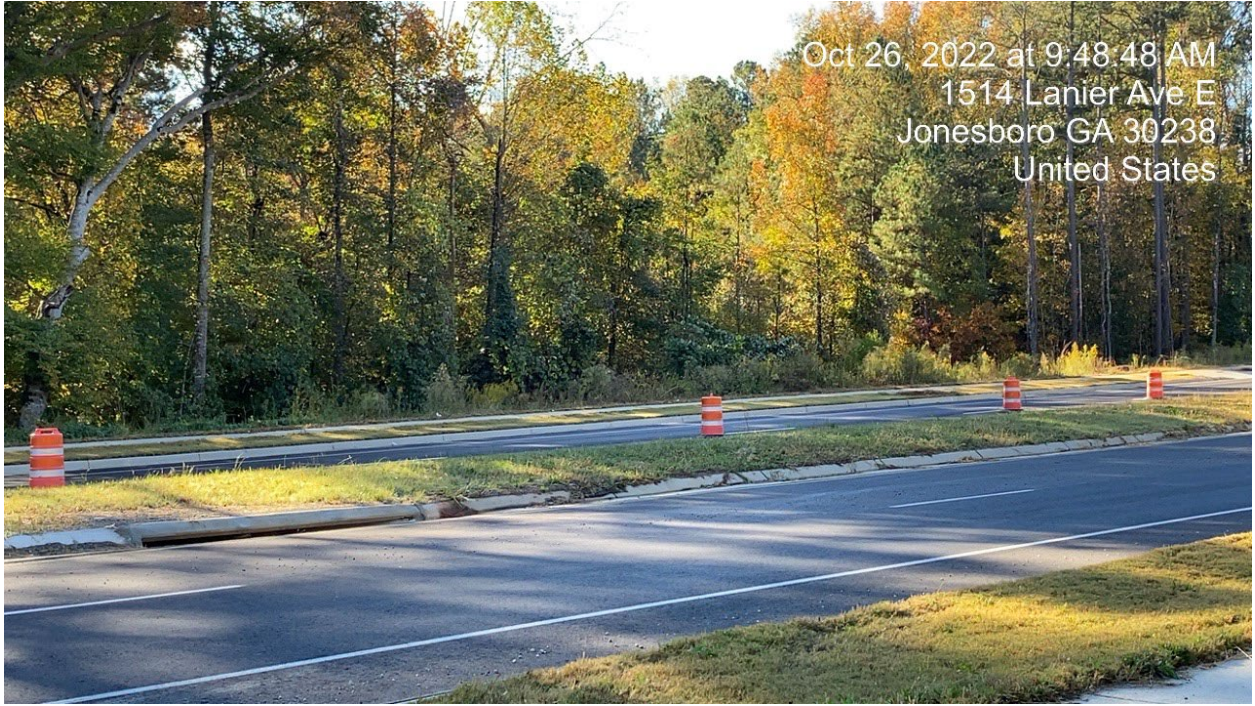
Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Property Evaluation
Photograph of property



Photograph of subject property

Parcel Number 0540 007
Location XXX Hwy 54 E
Reviewer Deborah Sims
Date 11/2/2022

Floodplain The property **DOES** contain Zone AE (studied) floodplain & Floodway per FEMA FIRM panel 13113C0106E dated September 26, 2008. Existing base flood elevation is 794. Minimum finished floor elevation is 797.

Floodway encroachments are prohibited. Floodplain Disturbance must comply with all applicable sections of [Floodplain Management Ordinance](#) including and not limited to:

- Floodplain Management Plan
- Verification the base flood elevation or future-conditions floodplain elevation has increased less than 0.01 foot
- Anchoring to prevent floatation, collapse, or lateral movement of the structure
- All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future conditions floodplain, whichever is higher.
- Constructed of flood-resistant materials and designed to provide adequate flood openings.

State Waters The 1965 USGS Quadrangle for Fayetteville, GA identifies the eastern property line as Morning Creek. There is a 25' undisturbed buffer and impervious setback from the wretched vegetation. Floodway disturbance is prohibited.

Soils

Per the Soil Survey of Clayton, Fayette, and Henry Counties, Georgia issued September 1979, the property has the following soil categories:

CeB – This soil has high potential for most urban uses. The subsoil percs slowly and is a limitation for septic tank absorption fields. This can commonly be overcome by good design and careful installation procedures.

CeC – This soil has high potential for most urban uses. The subsoil percs slowly and is a limitation for septic tank absorption fields. This can commonly be overcome by good design and careful installation procedures.

WH – This map unit has very low potential for farming, urban, and recreational uses. Wetness and flooding are the main limitations that could be overcome only by major flood control and drainage measures.

Email dated August 4, 2020 from Environmental Health states “ There are several areas even with suitable soil conditions that a septic system may not be installed in, including designated floodplains, watershed buffers, watershed setbacks, and easements.”

Consult Environmental Health for more information. (770)305-5415

Wetlands

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. An updated wetland delineation may be required. Wetlands are under the jurisdiction of the US Army Corps of Engineers.

Development

The property was rezoned to M-2 per Rezoning Application 297 in 1975. Nonresidential development must comply with [ARTICLE II. NONRESIDENTIAL CONSTRUCTION PERMIT AND COMPLIANCE PROCEDURES.pdf](#) (fayettecountyga.gov).

Environmental Management – Property Evaluation



Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the property evaluations are produced for informational purposes only, and are NOT surveys or legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

WEBB, KLASE & LEMOND, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC (“Atlantic”). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals (“Board”) at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia’s Zoning Procedures Law and is therefore void; and (4) the County’s restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: “Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant.” The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County “shall issue” the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Donald Scarbrough
569 Rising Star Road
Brooks, Georgia 30205

RE: Petition No. A-827-23

Dear: Donald Scarbrough,

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-827-23 (Parcel 0540 007)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A-827-23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> <i>Donald Scarbrough</i> <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery <i>D Scarbrough</i> <i>1/27/23</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No</p>																
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <p>Donald Scarbrough 569 Rising Star Road Brooks, Georgia 30205</p> </div> <p style="text-align: center;">9590 9402 7493 2055 9979 32</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input checked="" type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™																
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<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label)</p> <p>7018 1130 0001 9954 5028</p>	<p>Domestic Return Receipt</p>																

PS Form 3811, July 2020 PSN 7530-02-000-9053

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

7018 1130 0001 9954 5028

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent To
Street and Apt. No., or P.O. Box
City, State, ZIP+4®

Donald Scarbrough
569 Rising Star Road
Brooks, Georgia 30205

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

A-827-23
Postmark Here
MAILED
25 Jan 23

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0540 007
Hwy 54 E
Jonesboro, GA 30238
Land Lot(s) 170, 171, 182, 183 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 1Z538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

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<https://www.research.net/r/TheUPSStoreCSS100?Center=7368&Creative=PRNT>

NO PURCHASE NECESSARY. Void where prohibited.
 Ends 1/31/23. Must be US resident 18 years or older to enter. Limit (1) entry per person per month.
 For Official Rules visit
www.TheUPSStore.com/surveyrules2022

VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 1Z538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



Powered by iShipQR
 11/22/2022 02:43 PM Pacific Time P

The UPS Store

SEE NOTICE ON REVERSE regarding UPS Terms and Notice of Limitation of Liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes if reported from the U.S. shipper certifies that the destination technology or software herein reported from the U.S. is in accordance with the Export Administration Regulations. Customs control is the responsibility of the shipper.



Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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Close

A-827-23
Rw Date
Feb 1, 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.
Petition No.: A-827-23
Owner(s)/Agent(s): Owners: Donald
Scarborough Agent: Atlantic Bill-
boards, LLC (Mike Fitzgerald)
Property Address: Parcel 0540-007
Zoning District: M-2
Area of Property: 8.48 acres

NS

Parcel # 0540 007
Land Lot(s): 170 & 171
District: 5th
Road Frontage: Hwy 54 E
Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.
02/01

POSTING OF PROPERTY

PETITION NO: A-827-23

OWNER: Donald Scarbrough
569 Rising Star Road
Brooks, Georgia 30205

LOCATION: Land Lots 170, & 171 of the 5th District
Fronts on Hwy 54 E.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 JAN 23

DATE

Sworn to and subscribed before me this

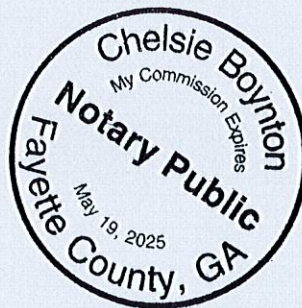
31st day of JAN, 2023.



NOTARY

Number of signs posted 1.

Date sign posted 31 JAN 23.





A-827-23



A-827-23

LIMITED WARRANTY DEED

Fayette County, Georgia
Real Estate Transfer Tax
Paid 10.00 Date 8-29-86
W. A. Ballard
Clerk of Superior Court

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, Made this 29th day of August, 19 86,
between NATIONAL BANK OF GEORGIA, formerly Clayton County Bank
of the State of Georgia and County of Fayette of the
First Part, and DONALD SCARBROUGH
of the State of Georgia and County of Fayette
of the Second Part,

WITNESSETH: That the said party of the First Part, for and in consideration
of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid,
at and before the sealing and delivery of these presents, the receipt of which is
hereby acknowledged, has granted, bargained, sold and conveyed, and by these pre-
sents does grant, bargain, sell and convey unto the said party of the Second Part,
his heirs and assigns,

All that tract or parcel of land lying and being in Land Lot 171 of the
5th District of Fayette County, Georgia, and being 4.35 acres, more or
less, as per plat of survey by Lum Hall & Associates, Inc. dated 8/24/80,
and being more particularly described as follows:

Beginning at the point of intersection of the Southeasterly right-of-way
of State Route 54 (80' right-of-way) with the Northerly land lot line of
Land Lot 171, and running thence North 89° 35' 25" East, and following
along said Northerly land lot line, a distance of 224 feet, more or less,
to a point located on the centerline of a stream or creek; running thence
in a Southwesterly, Southeasterly, and Southwesterly direction, as measured
along the acutely meandering centerline of said stream or creek for a
distance of 703.0 feet, more or less, to a point, which point is located
at the Northeasterly corner of a tract of land conveyed to Donald Scarbrough
and Alfred W. Whitten in Deed Book 341, page 185, Fayette County Records;
running thence North 70° 41' 09" West, and following along the Northerly
property line of the property now formerly owned by Donald Scarbrough and
Alfred W. Whitten, a distance of 672.0 feet to a point, which point is
located on the Southeasterly right-of-way of State Route 54; running thence
in a Northeasterly direction, and following along the Southeasterly right-
of-way of State Route 54, an arc distance of 428.53 feet (chord length
425.85 feet) to a point and the POINT OF BEGINNING.

FILED Aug. 29 1986 4:30 pm
RECORDED Aug. 29 1986
W. A. Ballard
CLERK 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 party
of the Second part, his heirs and assigns, forever, in Fee Simple.

AND THE SAID party of the First Part, for its heirs, executors and adminis-
trators, will warrant and forever defend the right and title to the above described
property, unto the said party of the Second Part, his heirs and assigns, against
the claims of all persons owning, holding or claiming by, through or under the said
party of the First Part.

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

Signed, sealed and delivered
in the presence of:

National Bank of Georgia, formerly
Clayton County Bank

by [Signature] (SEAL)
YANCEY L. SHAVER
SENIOR VICE PRESIDENT
BOOK 403 PAGE 299 (SEAL)

[Signature]
Witness
[Signature]
Notary Public
Commission Expires 7-15-89

PETITION NO: A-828-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): G & I Equities, LLC

LOCATION: 1202 E Hwy 54 – Parcel 0532 003

DISTRICT/LAND LOT(S): 5th District, Land Lot 137

ZONING: C-C, Community Commercial

EXISTING USE: Vacant Commercial (built as residential)

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel. (Sec. 108-27. – Permits required).
3. This property contains a significant amount of floodplain and floodway per FEMA FIRM Panel 13113C106E dated September 26, 2008. Fayette County’s Floodplain Management Ordinance applies. (Sec. 104-85 (b)).
4. The proposed sign qualifies as development per Fayette County’s Floodplain Management Ordinance (Sec. 104-84.)
5. The submitted site plan is insufficient to determine if there is floodplain encroachment. Floodplain encroachments must meet the *General Standards* for development (Sec. 104-86 (c)).

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

(1) Applications for signage. Applications for sign permits required by this article shall be filed with the county planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).

All applications for signage shall be on a form provided by the county planning and zoning.

Sec. 104-85(b) – Applicability.

This article (Floodplain Management) shall be applicable to all areas of special flood hazard and all areas “adjacent” to an area of special flood hazard, within the county as defined herein. A property shall be subject to the terms and conditions of this article whenever a permit or approval is required by the county or when other development is proposed.

Sec. 104-84 – Definitions

Development means any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installing of impervious cover, excavation or drilling operations or storage of equipment or materials.

Sec. 104-86(c) – General standards.

- (1) No development shall be allowed within an area of special flood hazard or an area of future-conditions flood hazard that could result in any of the following:
- a. Raising the base flood elevation or future-conditions flood elevation equal to or more than one 0.01 foot;
 - b. Reducing the base-flood or future-conditions flood storage capacity;
 - c. Changing the flow characteristics as to depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or
 - d. Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

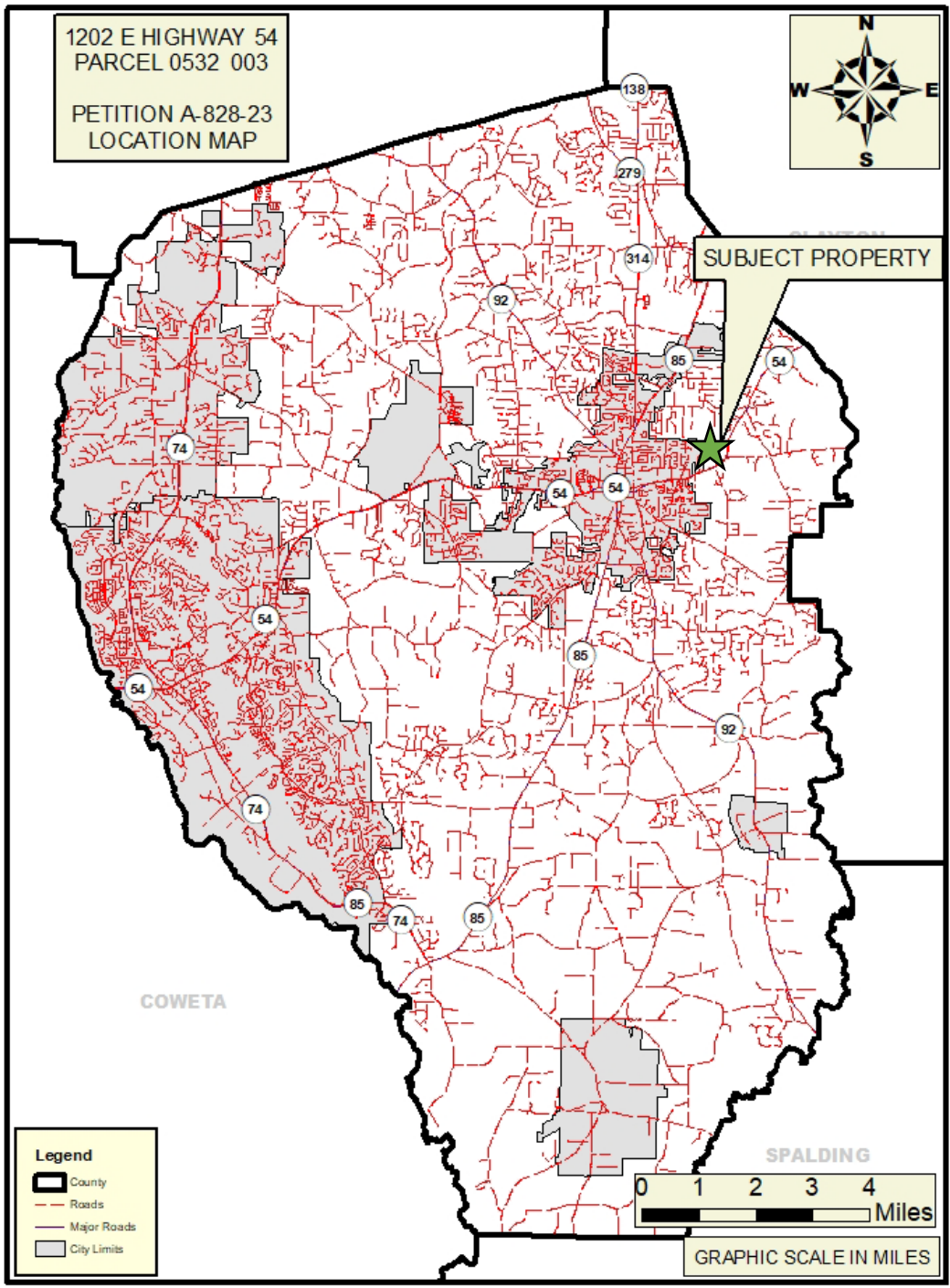
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

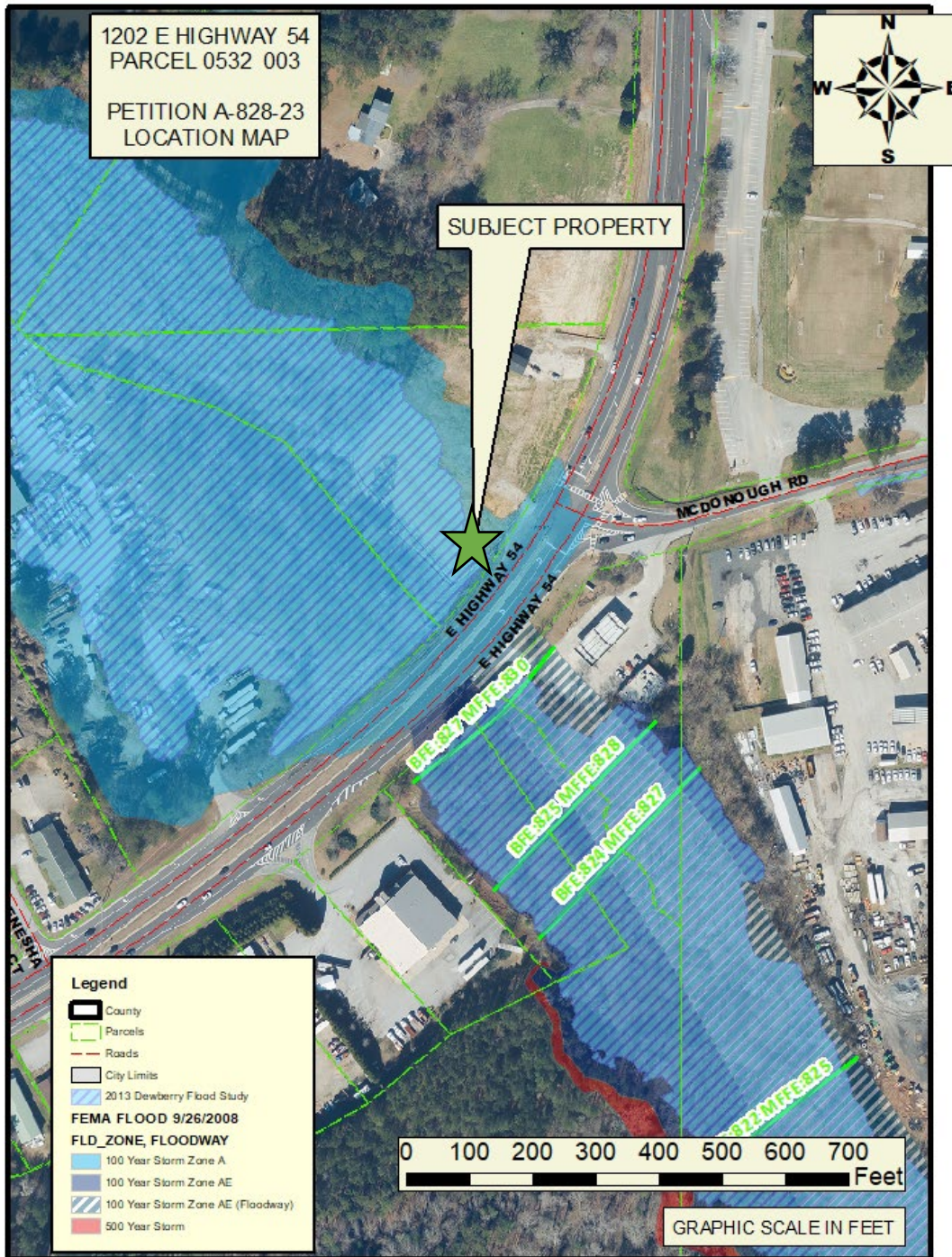
November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air,

signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







1210 – 1212 Lanier Ave E

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 102
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: G & I EQUITIES, LLC PHONE: 321-439-5040 (KELVIN LITTLE)

ADDRESS/CITY/STATE/ZIP CODE: 606 RIDGECLIFF DR, FLORENCE, AL 35634

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)
FAX NO. 678-276-8700

ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON FERRY RD, STE 260-441, MARIETTA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 137 ZONING DISTRICT: CH

SIGN LOCATION/ADDRESS: 1202 HIGHWAY 54 E, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 126'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: _____ Internal Illumination Only External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES, FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

ATLANTIC

Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between G & I Equities, LLC hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of fifteen (15) years the premises known and described as follows:

Street Address: 1202 Hwy 54 E. Fayetteville, GA

Tax Parcel No. 0532 003

Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, ~~and relocation~~ of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the premises. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate); and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount Twenty Percent (20%) of gross advertising receipts for any static face and Twelve and a Half Percent (12.5%) for any digital face.** Reports of quarterly income will be sent along with payment each quarter.

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed; (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement.

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

~~Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.~~

Any taxes assessed on the advertising display(s) or any increase in the property tax on the premises shall be paid by Grantee.

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement or within 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Special Stipulations:

1. Grantee acknowledges that the Premises are actively advertised for sale.

Notice:

If to Grantor:
G & I Equities, LLC
606 Ridgecliff Dr
Florence, AL 35634

If to Grantee:
Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 12 day of April, 2022.

Grantee: **Atlantic Billboards, LLC**

[Signature]
Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 12 day of April, 2015²².

[Signature]
Notary Public [Seal]
My commission expires on 7/14/2027



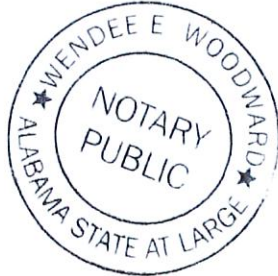
[Signature]
Unofficial Witness

Grantor: **G & I EQUITIES, LLC**

[Signature]
William Kelvin Little
Its Managing Member

Sworn and subscribed before me this 8th day of April, 2015²⁰²².

[Signature]
Notary Public [Seal]
My commission expires on MY COMMISSION EXPIRES AUG. 29, 2023



[Signature]
Unofficial Witness

Exhibit "A"

All that tract and parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia and being more particularly described in that certain Boundary & Topographical Survey for C.W. Golden & Company, dated 1/7/02, as revised on 7/31/02, showing Tract 1, being 1.646 acres, more or less and Tract 2, being 2.838 acres, more or less, and as prepared by Boswick, Duke, Harper & Worthy, Inc., by George M. Venable, Jr., G.R.L.S. no. 1331 and which property is more particularly described as follows:

BEGINNING at an iron pin set on the northwesterly margin of the right of way of Georgia Highway 54, a distance of 889.00 feet southerly and southwesterly along the northwesterly margin of the right of way of Georgia Highway 54; running thence, in a southwesterly direction following the curvature of the road, an arc distance of 210.00 feet to an iron pin set, said arc having a curve radius of 1198.28 feet and being subtended by a chord having a chord bearing of South 22 Degrees 49 Minutes 00 Seconds West and a chord distance of 210.33 feet; running thence, in a southwesterly direction following the curvature of the road to the right, an arc distance of 325.92 feet to point, said arc having a curve radius of 1198.28 feet and being subtended by a chord having a chord bearing of South 35 Degrees 38 Minutes 37 Seconds West, a chord distance of 324.92 feet; running thence, North 46 Degrees 33 Minutes 50 Seconds West, leaving the northwesterly margin of the right of way of Georgia Highway 54, a distance of 10.00 feet to a point; running thence, South 43 Degrees 38 Minutes 23 Seconds West, a distance of 8.15 feet to a point found in the center thread of a creek called Nash Creek; running thence, in a northwesterly direction following the meanderings of the center thread of Nash Creek (the center thread of the creek is the property line), a distance of 782.00 feet, more or less to a point in the center thread of Nash Creek; running thence, South 88 Degrees 37 Minutes 03 Seconds West, a distance of 883.06 feet to the Point of Beginning. The foregoing legal description describes the combined boundaries of both Tract 1 and Tract 2.



New Sign Site Plan

Project Address

1202 Highway 54 E
Fayetteville, GA 30214

Project Contact

Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com

ATLANTIC

qPublic.net™ Fayette County, GA

Summary

Parcel Number 0532 003
 Location Address 1202 HIGHWAY 54 E
 Legal Description HWY 54
 Property Class C3 - Commercial Lots
 Neighborhood 01
 Tax District 01
 Zoning C CH
 Acres 4.48
 Homestead N
 Exemptions

[View Map](#)



Owner

G & I EQUITIES LLC
 606 RIDGECLIFF DR
 FLORENCE AL 35634 2323

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	105	105	105	105	105
Class	C3	C3	C3	C3	C3
+ Land Value	\$260,530	\$260,530	\$260,530	\$260,530	\$260,530
+ Building Value	\$20,200	\$15,800	\$14,200	\$25,300	\$24,700
= Total Value	\$280,730	\$276,330	\$274,730	\$285,830	\$285,230
Assessed Value	\$112,292	\$110,532	\$109,892	\$114,332	\$114,092

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	123,275	2.8300	\$258,880
MARGINAL	A	MAR	71,874	1.6500	\$1,650

Total Acres:
 4.4800
 Total Land-Value:
 \$260,530

Commercial Improvement Information

Card 1
 Building No 1
 Structure MIX RES/COM
 Units 0
 Year Built 1957
 Total Sq Footage 1152

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	528	Service Repair Garage	C	1957	1975	1152	160	14	96,210	0	96,210	20	0	\$19,240

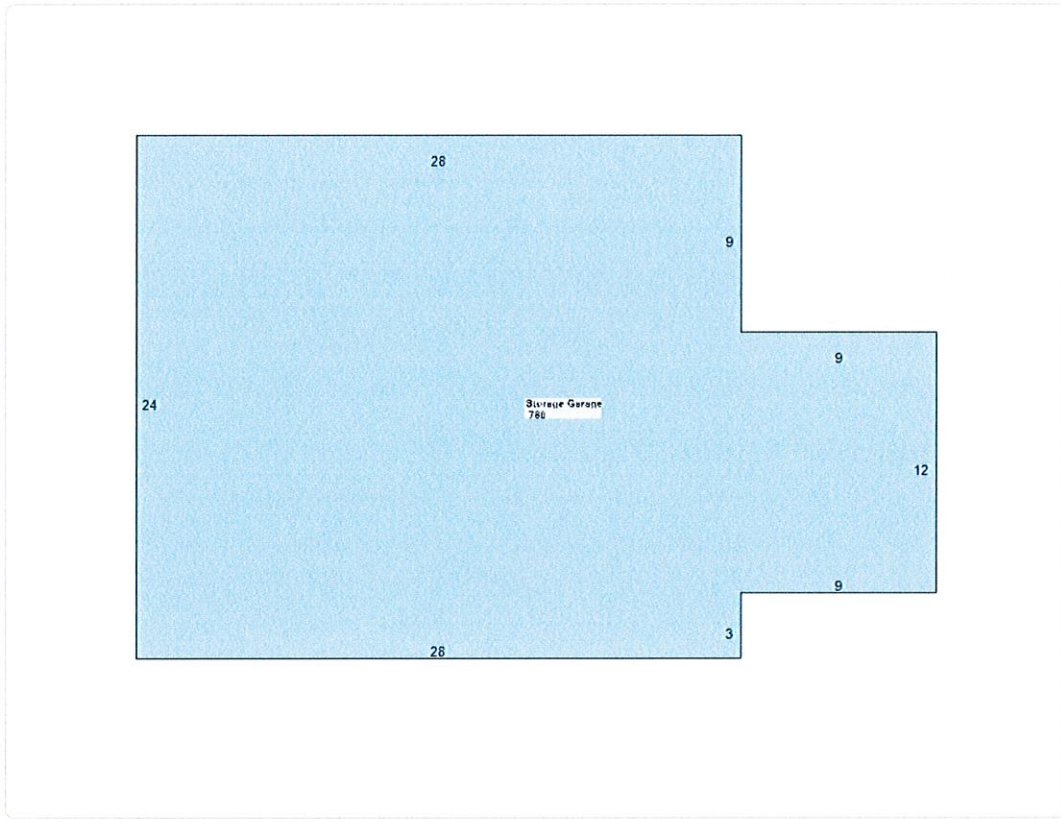
Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
12/14/2010	\$0		3740	0067	PART OR OTHER INTEREST	G & I EQUITIES LLC	G & I EQUITIES, LLC		3740 0067
7/2/2002	\$225,000		1927	699	FAIR MARKET VALUE	G & I EQUITIES LLC	LUNSFORD CHARLES T		1927 699

Photos



Sketches



No data available for the following modules: Residential Improvement Information, Additions, Accessory Information, Other Features.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/26/2022, 7:09:55 AM

Version 2.3.214



November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Sign Application for Parcel #0532 003
1202 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot(s) 137 of the 5th Land District and consists of approximately 4.48 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-C, Community Commercial District. The C-C, Community Commercial District, permits uses shown in Section 110-143 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (1) General State Route Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property does contain floodplain and floodway, which have specific development requirements and restrictions. The sign may not be located within the AE Studied Floodway and is subject to the requirements of the Fayette County Floodplain Management Ordinance. An elevation certificate and proof that the structure or its construction will not cause a rise in flood elevations will be required, and all electrical/mechanical equipment will need to meet minimum finished floor elevation requirements.

The property is located within the Flint River Watershed Protection District and is subject to the district's buffer and setback requirements. Please see the attached property evaluation for details and maps regarding floodplain and buffer areas.

There are no other freestanding signs located on this parcel, so a new sign is allowed. The new sign must meet the County's dimensional requirements:

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

The general location of the sign appears to be acceptable, although the location may need to be adjusted to meet Watershed Protection Buffers, and floodplain management requirements must be addressed. We require that site plans for accessory structures and signs be submitted on a survey that includes the 2013 Fayette County Limited Detail Flood Study data and structure MFFE, with setback dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. Please resubmit a revised site plan and sign plans to Planning & Zoning. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of property



Existing commercial property

Environmental Management – Property Evaluation



Parcel Number 0532 003
Location 1202 Hwy 54 E.
Reviewer Deborah Bell
Date 8/22/2020

Floodplain The property **DOES** contain Zone A (unstudied) floodplain per FEMA FIRM panel 13113C0108E dated September 26, 2008. Floodway disturbance is not allowed.

Existing base flood elevation is 830. Minimum finished floor elevation is 833. Please refer to the County's Floodplain Management Ordinance at https://fayettecountyga.gov/environmental_management/development_regulations.htm for information for development in the floodplain.

State Waters Two potential water courses have been identified on or adjacent to this property: Nash Creek, and an unnamed tributary which may be a perennial or intermittent stream. At the request of the property owner, Environmental Management can perform a state waters determination on the unnamed tributary to determine whether it is an intermittent or perennial stream.

Applicable riparian buffers will be determined at time of state waters evaluation.

Soils Per the Soil Survey of Clayton, Fayette, and Henry Counties, Georgia issued September 1979, the property has the following soil categories:

AmC – This soil has medium potential for most urban uses. The subsoil percs slowly and is a limitation for septic tank absorption fields, but this can be overcome by good design and construction.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the property evaluations are produced for informational purposes only, and are NOT surveys or legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

CfC2 - This soil has medium potential for most urban uses. The gullies are limitations, but the landscape can easily be smoothed or modified for most urban uses. The subsoil percs slowly and is a limitation for septic tank absorption fields.

WH – This map unit has very low potential for farming, urban, and recreational uses. Wetness and flooding are the main limitations that could be overcome only by major flood control and drainage measures.

Email dated August 4, 2020 from Environmental Health states “ There are several areas even with suitable soil conditions that a septic system may not be installed in, including designated floodplains, watershed buffers, watershed setbacks, and easements.”

Consult Environmental Health for more information. (770)305-5415

Wetlands

The property **DOES** contain wetlands per the U.S. Department of the Interior, Fish and Wildlife Service 1994 National Wetland Inventory Map. An updated wetland delineation may be required. Wetlands are under the jurisdiction of the US Army Corps of Engineers.

Drainage

Storm drains are identified through Fayette County inventory along the side of SR 54 E. to convey stormwater to Nash Creek.

Development

Development of this lot must be in accordance with Fayette County's Floodplain Management Ordinance.

If 0.95 acres or more is disturbed, or if there is disturbance within 200' of a perennial stream, an approved erosion control plan is required.

WEBB, KLASE & LEMOND, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC ("Atlantic"). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals ("Board") at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia's Zoning Procedures Law and is therefore void; and (4) the County's restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: "Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant." The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County "shall issue" the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

G & I Equities, LLC
606 Ridgecliff Drive
Florence, AL 35634

RE: Petition No. A-828-23

Dear: G & I Equities, LLC,

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-828-23 (Parcel 0532 003)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

Yard Si

Ariel Phot

1.

Agenda Pa

1.

2.

3.


After ZBA me

1. E

2. E

3. A

A 828-23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>[Signature]</i></p>	
1. Article Addressed to:	B. Received by (Printed Name)	C. Date of Delivery
<p>G & I Equities, LLC 606 Ridgecliff Drive Florence, AL 35634</p>  <p>9590 9402 7493 2055 9979 25</p>	<i>Renee Lester</i>	<i>1/31/23</i>
2. Article Number (Transfer from service label)	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
7018 1130 0001 9954 5035	<p>3. Service Type <input type="checkbox"/> Priority Mail Express® <input checked="" type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</p>	
PS Form 3811, July 2020 PSN 7530-02-000-9053		Domestic Return Receipt

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CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

5035 4544 1000 0001 1130 7018

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	
Street and Apt. No., or PO Box #	
City, State, ZIP+4®	

Mailed
 25 Jan 23
 Postmark Here
 A-828-23

G & I Equities, LLC
606 Ridgecliff Drive
Florence, AL 35634

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0532 003
1202 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 12538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

US Postal Rates Are Subject to Surcharge.



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<https://www.theupsstore.com/privacy-policy>

Win a \$100 gift card
 Tell us how we're doing for your chance to win a \$100 gift card. Scan the QR code or visit the URL below to take the survey.



<https://www.research.net/r/TheUPSStoreCSS100?Center=7368&Creative=PRNT>

NO PURCHASE NECESSARY. Void where prohibited.
 Ends 1/31/23. Must be US resident 18 years or older to enter. Limit (1) entry per person per month.
 For Official Rules visit
www.TheUPSStore.com/surveyrules2022

VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 12538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (710) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



Powered by iShipCr
 11/22/2022 02:43 PM Pacific Time P

The UPS Store

SEE NOTICE ON REVERSE regarding UPS Terms and Notice of Limitation of Liability. Where allowed by law, shipper authorizes UPS to act as forwarding agent for export control and customs purposes if reported from the U.S. shipper certifies that the destination technology or software when reported from the U.S. is in accordance with the Export Administration Regulations. Otherwise, carrier is not a certified.



Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

Want to see more? With UPS My Choice® you can see your full shipment progress. [Sign Up Now](#)

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Close

A-828-23
RWD DATE
Feb 1, 23

PETITIONS FOR VARIANCE(S)/ADMINISTRATIVE APPEAL(S)/ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, February 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.
Petition No.: A-828-23
Owner(s)/Agent(s): Owners: G & I Equities, LLC Agent: Atlantic Billboards, LLC (Mike Fitzgerald)
Property Address: 1202 Hwy 54 E
Zoning District: C-C
Area of Property: 4.48 acres
Parcel # 0532 003
Land Lot(s): 137
District: 5th
Road Frontage: Hwy 54 E
Request: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.
02/01
|

POSTING OF PROPERTY

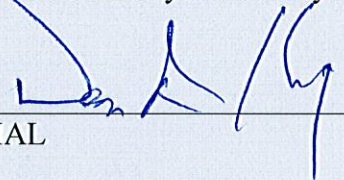
PETITION NO: A-828-23

OWNER: G & I Equities, LLC
606 Ridgecliff Drive
Florence, AL 35634

LOCATION: Land Lot 137 of the 5th District
Fronts on Hwy 54 E.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 Jan 23

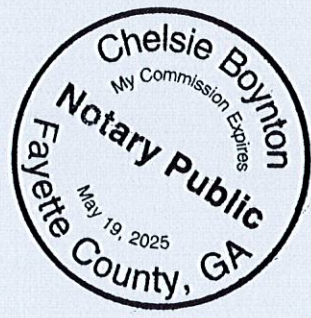
DATE

Sworn to and subscribed before me this

31TH day of Jan, 2023.



NOTARY



Number of signs posted 1.

Date sign posted 31 Jan 23.



A-828-23



A-828-23

Doc ID: 008532630002 Type: WD
Recorded: 03/15/2011 at 11:20:00 AM
Fee Amt: \$12.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3740 PG 67-68

Return Recorded Document to:
B. D. MURPHY, III, P.C.
370 WEST STONEWALL AVENUE
FAYETTEVILLE, GA 30214

DRAW DEED ONLY
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, Made the 14th day of December, in the year two thousand ten, between

G & I EQUITIES, LLC

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

G & I EQUITIES, 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 OTHER GOOD AND VALUABLE CONSIDERATION AND TEN AND NO/100 (\$10.00) 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 Grantee,

FOR A FULL AND COMPLETE LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREBIN BY REFERENCE.

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 property 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:

G & I EQUITIES, LLC

[Signature]
WITNESS

Charles W. Golden (SEAL)
BY: CHARLES W. GOLDEN, MANAGING MEMBER

Dale A. Fields
NOTARY PUBLIC



(SEAL)

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 137 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE NORTHWESTERLY RIGHT-OF-WAY OF STATE ROUTE 54, SAID POINT BEING LOCATED A DISTANCE OF 889.0 FEET SOUTHWESTERLY, AS MEASURED ALONG SAID RIGHT-OF-WAY, FROM THE INTERSECTION OF SAID RIGHT-OF-WAY WITH THE NORTHERLY LAND LOT LINE OF LAND LOT 137; RUNNING THENCE IN A SOUTHWESTERLY DIRECTION, AND FOLLOWING ALONG THE RIGHT-OF-WAY OF STATE ROUTE 54, AND ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE OF 210.60 FEET (CHORD BEARING SOUTH 22 DEGREES 49 MINUTES 00 SECONDS WEST AND A CHORD LENGTH OF 210.33 FEET) TO A POINT; CONTINUING THENCE ALONG SAID RIGHT-OF-WAY, AND FOLLOWING ALONG THE ARC OF A CURVE TO THE RIGHT, AN ARC DISTANCE OF 325.92 FEET (CHORD BEARING SOUTH 35 DEGREES 38 MINUTES 37 SECONDS WEST AND A CHORD LENGTH OF 324.92 FEET) TO A POINT; RUNNING THENCE NORTH 46 DEGREES 33 MINUTES 50 SECONDS WEST A DISTANCE OF 10.0 FEET TO A POINT; RUNNING THENCE SOUTH 43 DEGREES 38 MINUTES 23 SECONDS WEST A DISTANCE OF 8.15 FEET TO A POINT, WHICH POINT IS LOCATED IN THE CENTERLINE OF NASH CREEK; RUNNING THENCE IN A NORTHWESTERLY DIRECTION, AND FOLLOWING ALONG THE CENTERLINE OF NASH CREEK, A DISTANCE OF 782.0 FEET TO A POINT; RUNNING THENCE SOUTH 88 DEGREES 37 MINUTES 03 SECONDS WEST A DISTANCE OF 883.06 FEET TO A POINT AND THE POINT OF BEGINNING.

THE ABOVE PROPERTY CONTAINS A TOTAL OF 4.484 ACRES.

PETITION NO: A-829-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Ronald V. Wormuth

LOCATION: 1147 Hwy 54 E – Parcel 0532 063

DISTRICT/LAND LOT(S): 5th District, Land Lot 137

ZONING: C-H, Highway Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

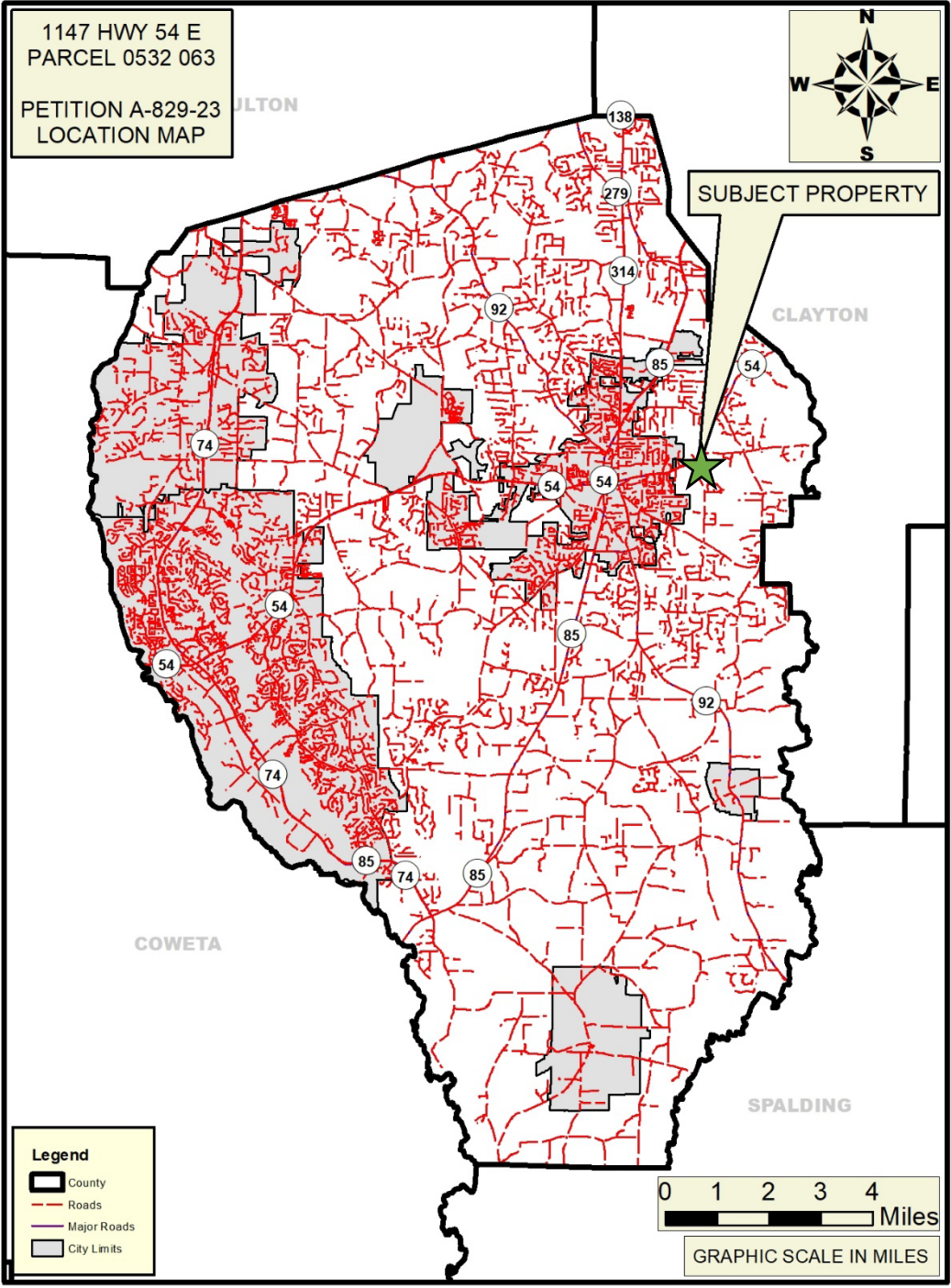
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

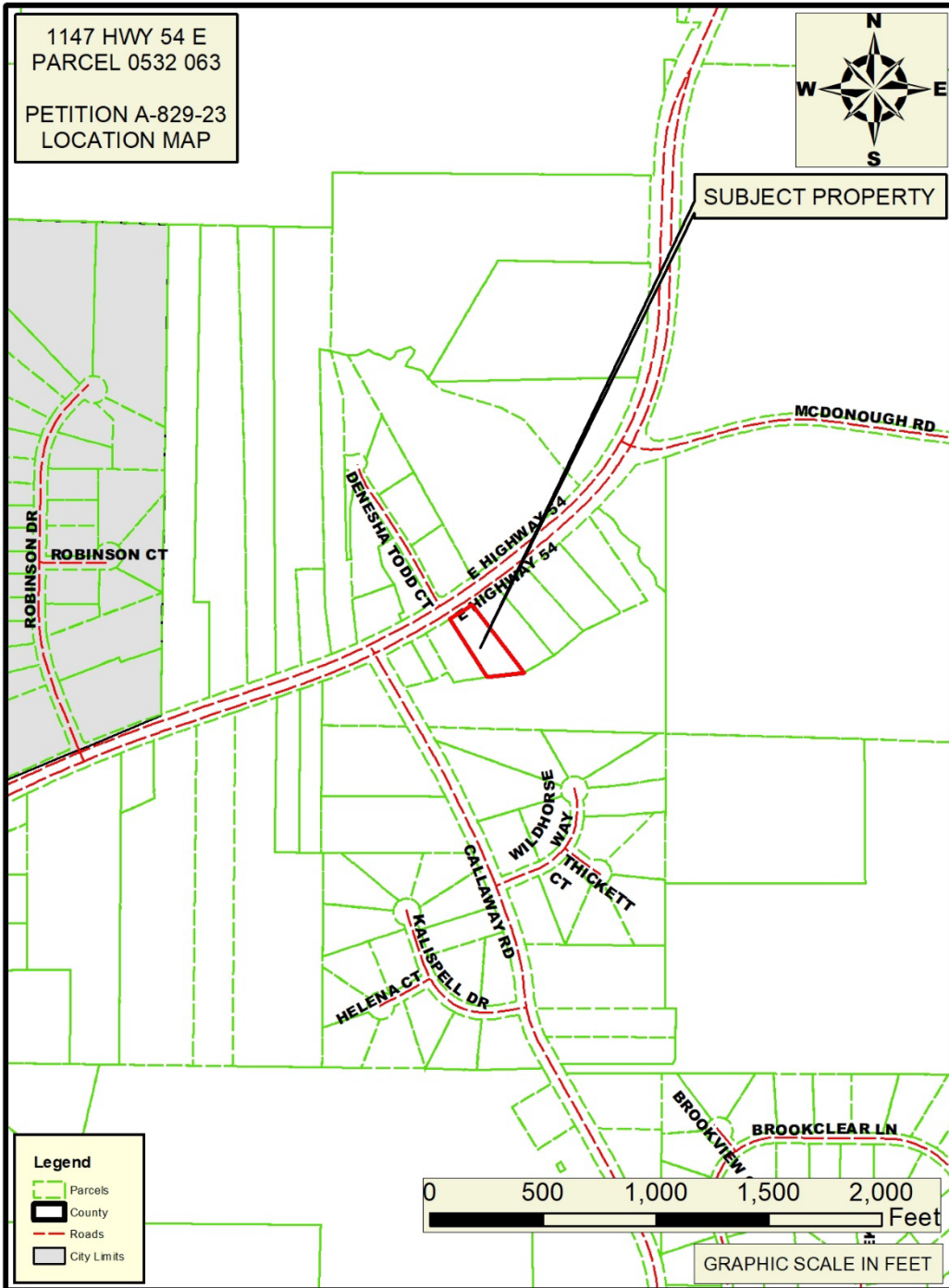
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







1162 Lanier Ave E



1162 Lanier Ave E

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: RONALD V. WORMUTH PHONE: 678-699-6063

ADDRESS/CITY/STATE/ZIPCODE: 1147 HIGHWAY 54 E, FAYETTEVILLE, GA 30214

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)

FAX NO. 678-276-8700
ADDRESS/CITY/STATE/ZIPCODE: 3162 JOHNSON FERRY RD, STE 260-441, MARIETTA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 137 ZONING DISTRICT: CH 30062

SIGN LOCATION/ADDRESS: 1147 HIGHWAY 54 E, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 440'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: _____ Internal Illumination Only External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES, FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

ATLANTIC

Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between Ronald V. Wormuth hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of fifteen (15) years the premises known and described as follows:

Street Address: 1147 Hwy 54 E, Fayetteville, GA

Tax Parcel No. 0532 063

Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, and relocation of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the part of the premises described in Exhibit A. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate); and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount Twenty Percent (20%) of gross advertising receipts for any static face and Twelve and a Half Percent (12.5%) for any digital face**. Reports of quarterly income will be sent along with payment each quarter.

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed; (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement.

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.

Any taxes assessed on the advertising display(s) or any increase in the property tax on the premises shall be paid by Grantee. Grantee shall pay all utility bills associated with the display(s).

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement or within 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Notice:

If to Grantor:

Ronald V. Wormuth
1147 Hwy 54 East
Fayetteville, GA 30214

If to Grantee:

Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 12th day of APRIL, 2022.

Grantee: **Atlantic Billboards, LLC**

[Signature]

Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 12 day of April, 2022.

[Signature]

Notary Public [Seal]
My commission expires on 7/14/2024



[Signature]

Unofficial Witness

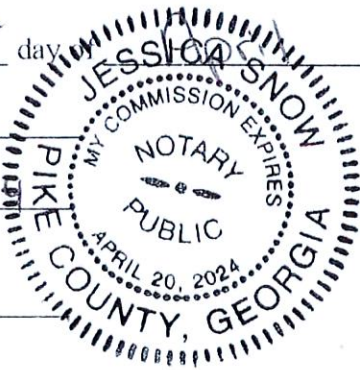
Grantor: **Ronald V. Wormuth**

Signed: *[Signature]*

Sworn and subscribed before me this 6th day of April, 2022.

[Signature]

Notary Public [Seal]
My commission expires on 4/20/2024



[Signature]

Unofficial Witness

Exhibit A

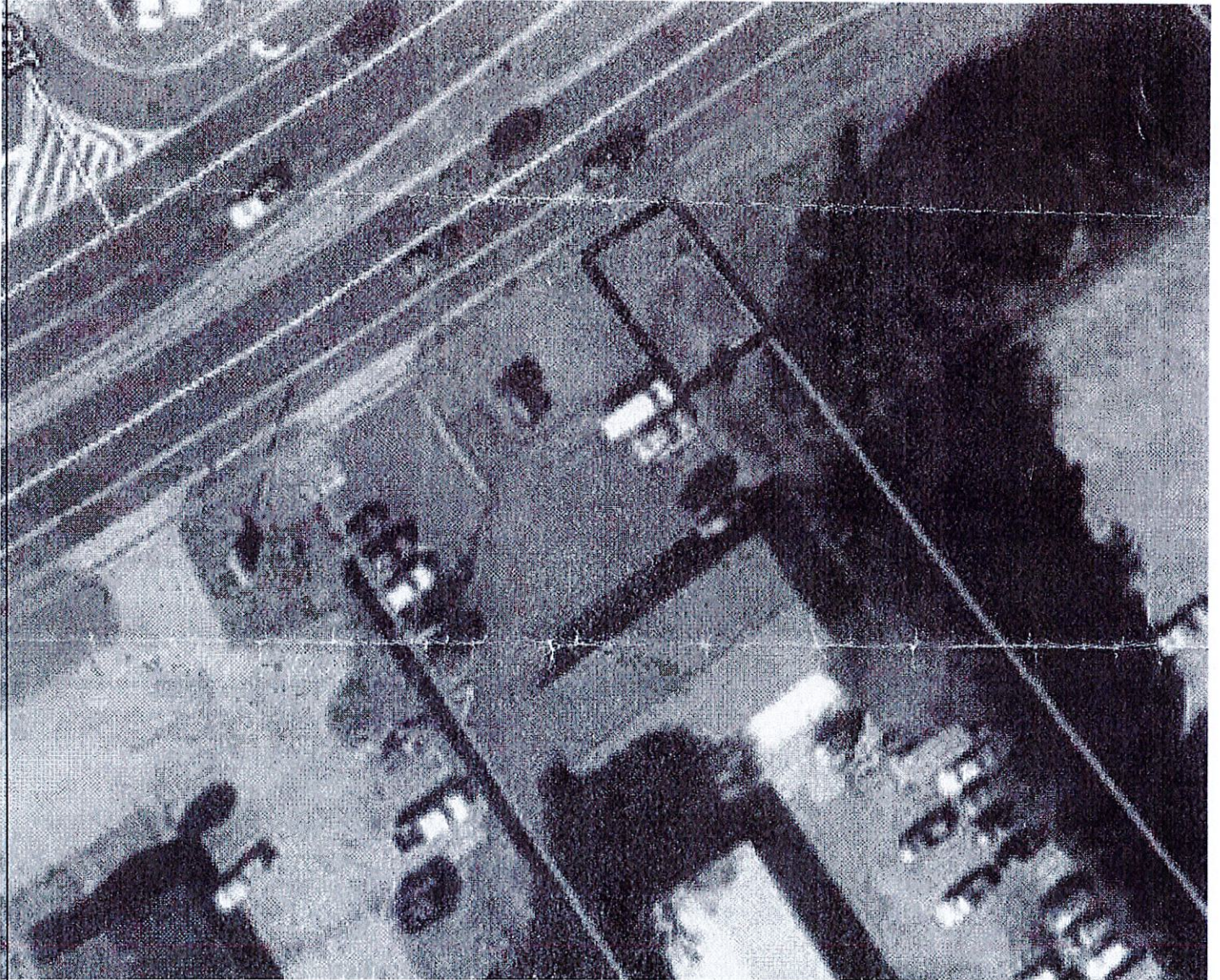


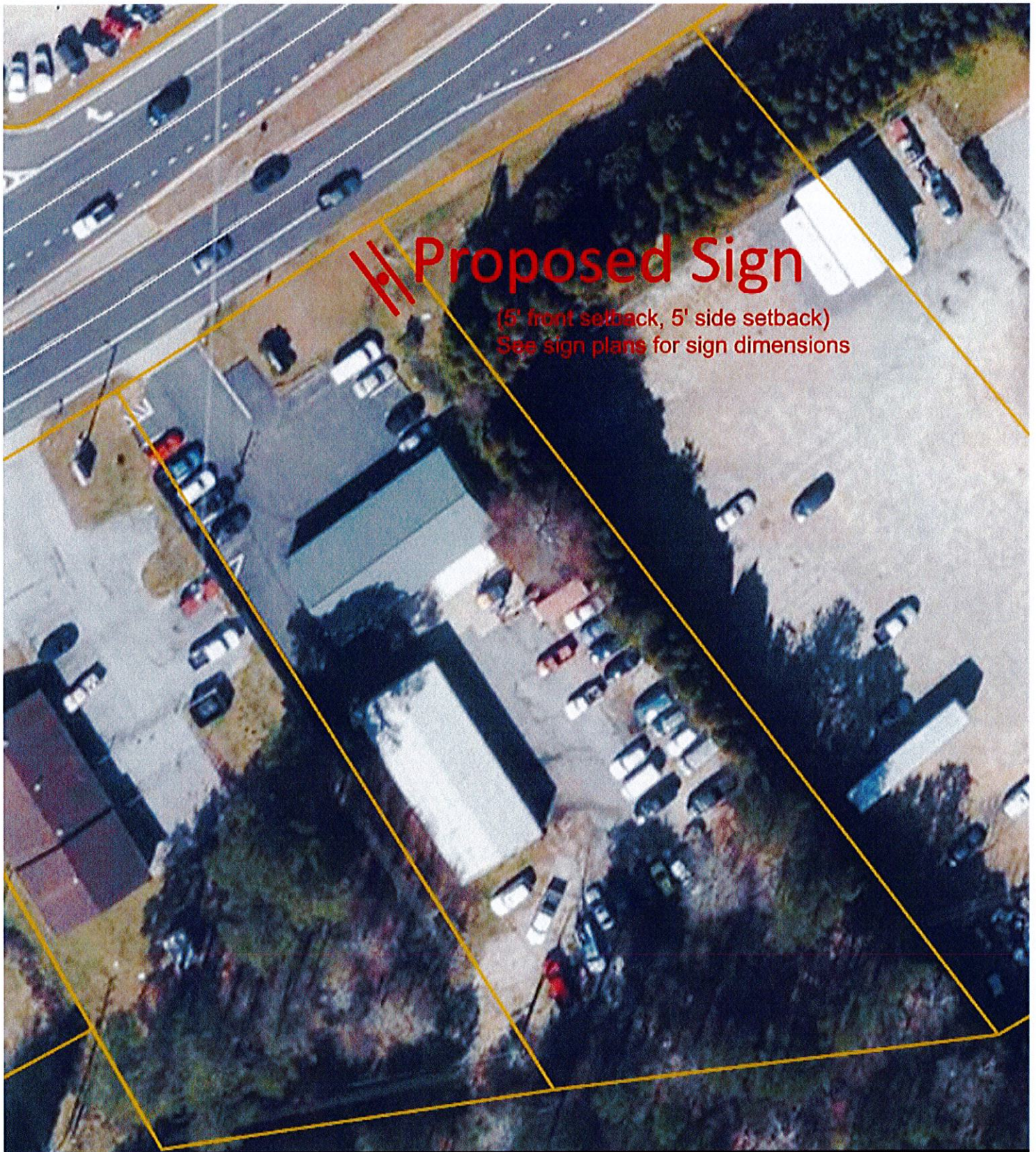
Exhibit "A"

All that tract and parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia and being that one (1) acre of land, more or less as shown on that certain plat of survey dated 1/26/1981 as prepared by Lum C. Hall, R.L.S. and being more particularly described as follows;

Beginning at a point located on the southeasterly right-of-way of State Route 54, a distance of 333.7 feet as measured northeasterly along the southeastern right of way of State Highway 54, from the intersection of the southeasterly right of way of State Route 54 and the easterly right of way of Callaway Road; running thence, North 54 Degrees 34 Minutes 15 Seconds East along the southeastern right of way of State Route 54, a distance of 100.00 feet to a point; running thence, South 40 Degrees 14 Minutes 07 Seconds East, a distance of 386.00 feet to a point; running thence, South 75 Degrees 30 Minutes West, a distance of 155.00 feet to a point; running thence, North 33 Degrees 16 Minutes West, a distance of 329.5 feet to a point and the Point of Beginning.

Less and except all that property which lies within the metes and bounds of State Route Hwy 54.

This being the same property as conveyed by Mickey J. Edwards to Bobby R. Mobley by warranty deed as recorded in Deed Book 1023, page 744, Fayette County, Georgia records.



New Sign Site Plan

Project Address

1147 Highway 54 East
Fayetteville, GA 30214

Project Contact

Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com

ATLANTIC



Summary

Parcel Number 0532 063
 Location Address 1147 HIGHWAY 54 E
 Legal Description HWY 54
 Property Class C3 - Commercial Lots
 Neighborhood 01
 Tax District 01
 Zoning C CH
 Acres 1
 Homestead N
 Exemptions

[View Map](#)

Owner

[WORMUTH RONALD V](#)
 1147 HWY 54 EAST
 FAYETTEVILLE GA 30214

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	332	332	332	332	332
Class	C3	C3	C3	C3	C3
+ Land Value	\$130,680	\$130,680	\$130,680	\$130,680	\$130,680
+ Building Value	\$87,900	\$84,300	\$88,000	\$94,200	\$91,900
= Total Value	\$218,580	\$214,980	\$218,680	\$224,880	\$222,580
Assessed Value	\$87,432	\$85,992	\$87,472	\$89,952	\$89,032

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	43,560	1.0000	\$130,680

Total Acres:
1.0000
 Total Land-Value:
\$130,680

Commercial Improvement Information

Card 1 Units 0
 Building No 1 Year Built 1982
 Structure AUTO SRV GAR Total Sq Footage 5142

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	325	Service Garage (Obsolete)	D	1982	1994	2592	216	12	181,130	0	181,130	25	0	\$45,280
2	2	01	01	14	526	Service Garage Shed	S	2002	1994	2550	218	12	77,320	0	77,320	36	0	\$27,840

Accessory Information

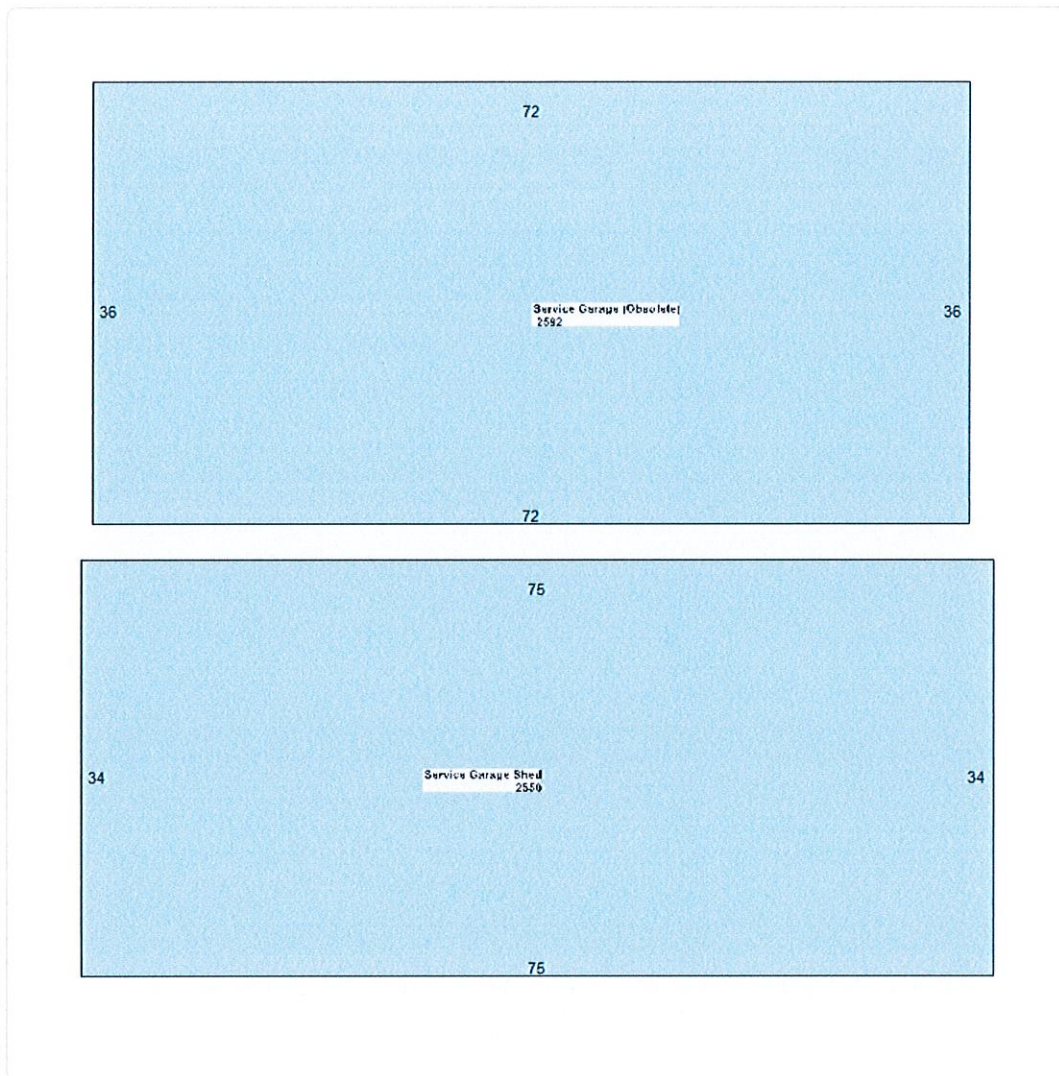
Card 1

Description	Year Built	Area	Grade	Value
PAVE ASPH	1982	7,040		\$14,790

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
12/22/2000	\$300,000		1576	306	FAIR MARKET VALUE	WORMUTH RONALD V.	MOBLEY BOBBY R		1576 306
11/9/1995	\$145,000		1023	744	FAIR MARKET VALUE	MOBLEY BOBBY R	EDWARDS MICKEY J		1023 744

Sketches



No data available for the following modules: Residential Improvement Information, Additions, Other Features, Photos.

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Version 2.3.214

Developed by
 **Schneider**
GEOSPATIAL

November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Re Sign Application for Parcel #0532 063
1147 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot 137 of the 5th Land District and consists of approximately 1.0 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-H, Highway Commercial District. The C-H, Highway Commercial District permits uses shown in Section 110-144 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (1) General State Route Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing Vic's Auto sign located on parcel

WEBB, KLASE & LEMON, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC ("Atlantic"). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals ("Board") at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia's Zoning Procedures Law and is therefore void; and (4) the County's restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: "Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant." The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County "shall issue" the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Ronald V. Wormuth
1147 Hwy 54 E.
Fayetteville, Georgia 30214

RE: Petition No. A-829-23

Dear: Ronald V. Wormuth

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettedcountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-829-23 (Parcel 0532 063)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A 829-23

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) _____ C. Date of Delivery _____</p>																
<p>Ronald V. Wormuth 1147 Hwy 54 E. Fayetteville, Georgia 30214</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>Barcode: 9590 9402 6788 1074 6428 07</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input checked="" type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																
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<input type="checkbox"/> Collect on Delivery Restricted Delivery																	
<input type="checkbox"/> Insured Mail																	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label) 7018 1130 0001 9954 5042</p>																	

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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2405 4564 5042
7018 1130 0001 9954 5042

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and I	\$
Sent To	Ronald V. Wormuth
Street and Apt. No.	1147 Hwy 54 E.
City, State, ZIP+4®	Fayetteville, Georgia 30214

MAILED
25 JAN 23
Postmark Here
A-829-23

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0532 063
1147 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 12538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

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VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

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Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 12538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
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The UPS Store



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Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

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Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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A-829-23
Row Date
Feb 1, 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.
Petition No.: A-829-23
Owner(s)/Agent(s): Owners: Ronald
V. Wormuth Agent: Atlantic Bill-
boards, LLC (Mike Fitzgerald)
Property Address: 1147 Hwy 54 E
Zoning District: C-H
Area of Property: 1.00 acres
Parcel # 0532 063
Land Lot(s): 137
District: 5th
Road Frontage: Hwy 54 E
Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.
02/01

POSTING OF PROPERTY

PETITION NO: A-829-23

OWNER: Ronald V. Wormuth
1147 Hwy 54 E
Fayetteville, Georgia 30214

LOCATION: Land Lot 137 of the 5th District
Fronts on Hwy 54 E.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 Jan 23

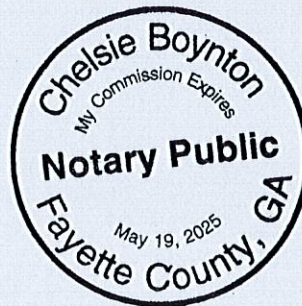
DATE

Sworn to and subscribed before me this

31st day of Jan, 2023.



NOTARY



Number of signs posted 1.

Date sign posted 31 Jan 23.



A-829-23



A-829-23

return to:
Morris & Schneider, P.C.
120 Howard Lane
Fayetteville, Ga. 30215

FILED & RECORDED
FAYETTE COUNTY GA

01 JAN 16 2001

SHEILA STUDDARD, CLERK

file no. Of1599

BOOK 1576 PAGE 306

WARRANTY DEED

STATE OF Georgia
COUNTY OF Fayette

THIS INDENTURE made this 22nd day of December, 2000 by and between BOBBY R. MOBLEY (hereinafter called the "Grantor") and RONALD V. WORMUTH (hereinafter called the "Grantee"), (the words "Grantor" and "Grantee" to 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 unto Grantee; the following property;

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

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 any wise appertaining, to the only proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

AND GRANTOR will WARRANT and forever defend the right and title to the above described property unto Grantee against the lawful claims of all persons whomsoever.

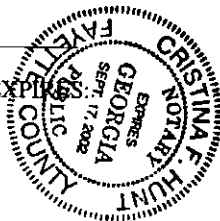
IN WITNESS WHEREOF, Grantor have hereunto set its hand through its duly authorized agent and has caused its respective seals to be affixed, the day and year set forth above.

Signed, sealed, and delivered
in the presence of:

Sheila Studdard
UNOFFICIAL WITNESS

Bobby R. Mobley
BOBBY R. MOBLEY (seal)

Cristina F. Hunt
NOTARY PUBLIC
MY COMMISSION EXPIRES
affix corporate seal



FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX PAID 300.00
DATE 1-16-01
Sheila Studdard
CLERK OF SUPERIOR COURT

Exhibit "A"

All that tract and parcel of land lying and being in Land Lot 137 of the 5th District of Fayette County, Georgia and being that one (1) acre of land, more or less as shown on that certain plat of survey dated 1/26/1981 as prepared by Lum C. Hall, R.L.S. and being more particularly described as follows;

Beginning at a point located on the southeasterly right-of-way of State Route 54, a distance of 333.7 feet as measured northeasterly along the southeastern right of way of State Highway 54, from the intersection of the southeasterly right of way of State Route 54 and the easterly right of way of Callaway Road; running thence, North 54 Degrees 34 Minutes 15 Seconds East along the southeastern right of way of State Route 54, a distance of 100.00 feet to a point; running thence, South 40 Degrees 14 Minutes 07 Seconds East, a distance of 386.00 feet to a point; running thence, South 75 Degrees 30 Minutes West, a distance of 155.00 feet to a point; running thence, North 33 Degrees 16 Minutes West, a distance of 329.5 feet to a point and the Point of Beginning.

Less and except all that property which lies within the metes and bounds of State Route Hwy 54.

This being the same property as conveyed by Mickey J. Edwards to Bobby R. Mobley by warranty deed as recorded in Deed Book 1023, page 744, Fayette County, Georgia records.

BOOK 1576 PAGE 307

PETITION NO: A-830-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): 355 Group, LLC

LOCATION: 1139 Hwy 54 E – Parcel 0532 042

DISTRICT/LAND LOT(S): 5th District, Land Lot 137

ZONING: C-C, Community Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

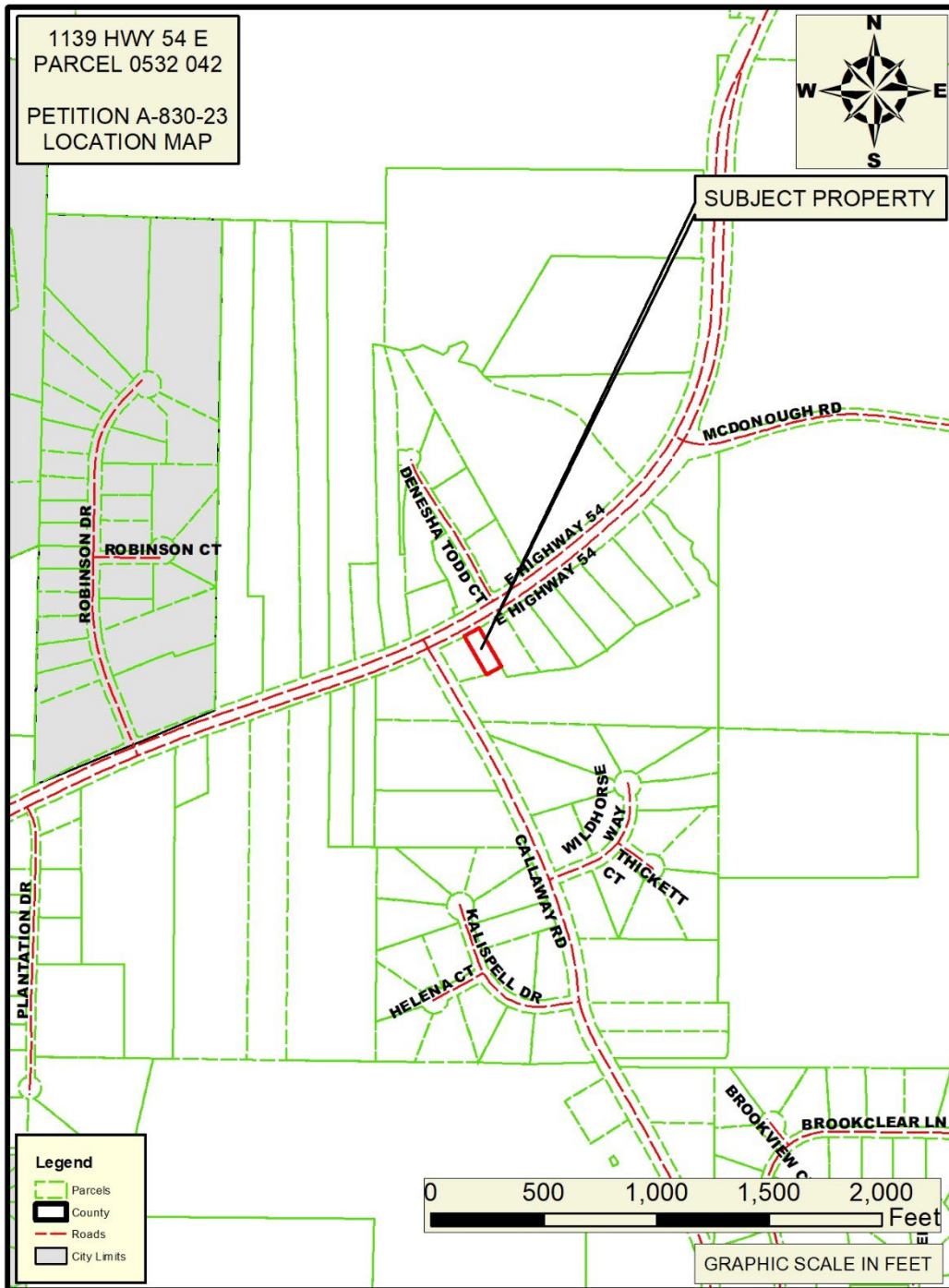
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

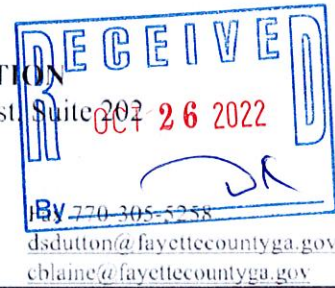
December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.





Hwy 54

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 207
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

PROPERTY OWNER: 355 GROUP, LLC PHONE: 678-283-8612
(CHARLES KIMBELL)

ADDRESS/CITY/STATE/ZIP CODE: 115 CLEARBROOK WAY, FAYETTEVILLE, GA 30215

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: (678) 571-8889 (MIKE FITZGERALD)

FAX NO. 678-276-8700
ADDRESS/CITY/STATE/ZIP CODE: 3162 JOHNSON FERRY RD, STE 260-441, MARIEITA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 137 ZONING DISTRICT: CC

SIGN LOCATION/ADDRESS: 1139 HIGHWAY 54 E, FAYETTEVILLE, GA 30214

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 120'

Wall/Monument (less-than 36 s.f.): _____ (more-than 36 s.f.): Banner: _____ # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only _____ External Illumination Only _____ No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES, FIRST MESSAGE TO BE USA FLAG AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

ATLANTIC

Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between 355 Group, LLC, hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of fifteen (15) years the premises known and described as follows:

Street Address: 1139 Highway 54 E, Fayetteville, GA

Tax Parcel No. 0532 042

Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, and relocation of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the premises. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate); and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount Twenty Percent (20%) of gross advertising receipts for any static face and Twelve and a Half Percent (12.5%) for any digital face.** Reports of quarterly income will be sent along with payment each quarter.

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed; (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement.

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.

Any taxes assessed on the advertising display(s) or any increase in the property tax on the premises shall be paid by Grantee.

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement or within 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Notice:

If to Grantor:
355 Group, LLC
115 Clearbrook Way
Fayetteville, GA 30215

If to Grantee:
Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

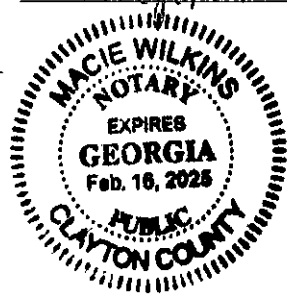
IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 18 day of AUGUST, 2022.

Grantee: **Atlantic Billboards, LLC**

[Signature]
Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 18th day of AUGUST, 2022

[Signature]
Notary Public [Seal]
My commission expires on Feb. 16th 2025



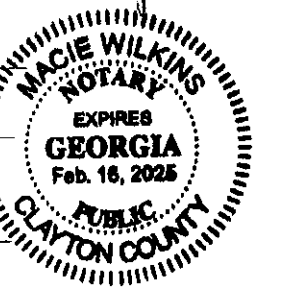
[Signature]
Unofficial Witness

Grantor: **355 Group, LLC**

Signed: [Signature]
Print Name: CHARLES KIMBLE
Its: Mginc PARTNER

Sworn and subscribed before me this 18th day of AUGUST, 2022

[Signature]
Notary Public [Seal]
My commission expires on Feb. 16th 2025



[Signature]
Unofficial Witness



SIUF

CONCOURS

DE

DE

DE

DE

EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 137 of the 5 District of Fayette County, Georgia, being 0.357 acres according to a survey for A. Edsel Martin by Lum Hall & Associates, dated 01-18-71, and being more particularly described as follows:

BEGINNING at a point on the southeasterly side of State Route 54 a distance of 133.7 feet northeasterly as measured along the southeasterly side of State Route 54 from the southeast corner of State Route 34 and Stubbs Road; thence northeasterly along the southeasterly side of State Route 54 a distance of 75 feet to an iron pin; thence south 26 degrees 00 minutes east 208.7 feet to an iron pin; thence south 65 degrees 13 minutes west 75 feet to an iron pin; thence north 26 degrees 00 minutes west 206.4 feet to an iron pin on the southeasterly side of State Route 54 at the point of beginning.

Tax ID#: 0532-042

Subject to any Easements or Restrictions of Record

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application

GDOT Permit Number

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Atlantic Billboards, LLC

Corporate Name: Michael B. Fitzgerald, Managing Member
Name of Applicant (agent): 3162 Johnson Ferry Rd, Ste 260-441
Address: Marietta, GA 30062
City: Marietta, State: GA, Zip: 30062
Phone #: (678) 571-8889
Phone #: Mike@AtlanticBillboards.com
Email:

Property Owner Information

355 Group, LLC

Corporate Name: Charles Kimbell, Managing Partner
Name of Landowner: 115 Clearbrook Way
Address: Fayetteville, GA 30215
City: Fayetteville, State: GA, Zip: 30215
Phone #: (678) 283-8612
Phone #: kimbellcr2@gmail.com
Email:

Sign Location Information

County: Fayette City: State Route #: 54 on the N E S W side
of the roadway and 2,885 feet N E S W of milepost number 12
Latitude: 33.45408402807582 Longitude: -84.42485132510507 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? Yes No
Multiple Message Sign (MMS) Type: Mechanical Electronic Number of existing faces:

Number of faces to be Multiple Message: 2

Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction: MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction: MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction: MMS
Length: Height: Area: Sq. Ft. Viewed from N E S W Direction: MMS

Type of Construction (circle all that apply): Single Face Back-to-Back Double Face Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) Title Authorized Official Signature
City of Fayette, County of Fayette, Date:

After Hours Contact Person

Name: Michael Fitzgerald

Phone #: (678) 571-8889

Email: Mike@AtlanticBillboards.com

Applicant / Agent Signature

Managing Member
Corporate Title

Note: This is not a building permit. Nothing in this permit shall be construed to abrogate or affect any lawful ordinance, regulation or resolution which is more restrictive than State Law as it pertains to the structure permitted. (O.C.G.A §32-6-97) In the event this multiple message application is approved, all work must be completed within twelve (12) months from the date of approval, and the underlying outdoor advertising permit must also be kept in good standing during the entire twelve (12) month period.

Department Approval for Multiple Message Sign [FOR GDOT USE ONLY]

Effective Date: _____

Permit #: _____

Outdoor Advertising Control Manager

State Maintenance Engineer

Required Attachments: The following attachments (if applicable) are required for a complete application.

- a. A Copy of your W-9 Form.
- b. A detailed Shop Drawing of the sign indicating the plan, elevation, and side views of the sign.
- c. For corporate entities or Trusts who are the Applicant and/or Landowner: A signed statement from a corporate officer or executor, on company letterhead, authorizing the Agent(s) to sign this application on their behalf.
- d. A photograph of the existing sign or proposed sign site showing the location markings. A photograph showing the permit identification tag and where it is affixed to the structure.
- e. The correct permit fee. (fee amounts are available on the Outdoor Advertising webpage)

Sign Installation Notification

The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction of Multiple Message revision to the sign. The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted.

Submission of Application:

Submit the application and all required attachments to the Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street N.W, 10th Floor, Atlanta, Georgia 30308, Attn: Outdoor Advertising Office

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.



Proposed Sign
(5' front and 5' side setbacks)
See sign plans for sign dimensions

Note: This →
Billboard was
removed and the state
permit is cancelled

New Sign Site Plan

Project Address
1139 Highway 54 E
Fayetteville, GA 30214

Project Contact
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com





Summary

Parcel Number 0532 042
 Location Address 1139 HIGHWAY 54 E
 Legal Description HWY 54
 Property Class C3 - Commercial Lots
 Neighborhood 01
 Tax District 01
 Zoning C CC
 Acres 0.36
 Homestead N
 Exemptions

[View Map](#)

Owner

[355 GROUP LLC](#)
 115 CLEARBROOK WAY
 FAYETTEVILLE GA 30215

Assessment

	2022 Working	2021 Certified	2020 Certified	2019 Certified	2018 Certified
LUC	398	398	398	398	398
Class	C3	C3	C3	C3	C3
+ Land Value	\$47,050	\$47,050	\$47,050	\$47,050	\$47,050
+ Building Value	\$150,600	\$133,100	\$128,800	\$118,900	\$99,500
= Total Value	\$197,650	\$180,150	\$175,850	\$165,950	\$146,550
Assessed Value	\$79,060	\$72,060	\$70,340	\$66,380	\$58,620

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	15,682	0.3600	\$47,050

Total Acres:
0.3600
 Total Land-Value:
\$47,050

Commercial Improvement Information

Card 1
 Building No 1
 Structure WAREHOUSE
 Units 0
 Year Built 1972
 Total Sq Footage 3072

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	406	Storage Warehouse	C	1972	2004	3072	26	12	159,710	0	159,710	82	0	\$130,960

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
11/9/2020	\$260,000		5148	0059	FAIR MARKET VALUE	355 GROUP LLC	BREYNE TIMOTHY R.		5148 0059
1/14/2000	\$176,997		1465	691	FAIR MARKET VALUE	BREYNE TIMOTHY R	LOGAN WILLIAM JR &		1465 691
10/29/1993	\$95,000		860	143	FAIR MARKET VALUE	LOGAN WILLIAM A JR &	JUDWAY ENTERPRISES INC		860 143

No data available for the following modules: Residential Improvement Information, Additions, Accessory Information, Other Features, Photos, Sketches.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

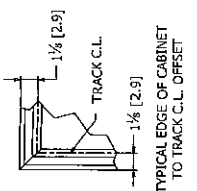
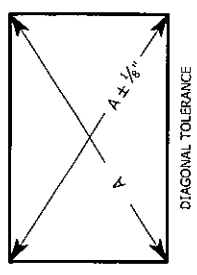
[User Privacy Policy](#)
[GDPR Privacy Notice](#)

[Last Data Upload: 8/26/2022, 7:09:55 AM](#)

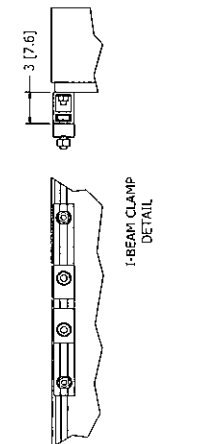


Version 2.3.214

IR2009 AND ASC705
 150 MPH 3 SECOND WIND GUST
 IR2012 AND ASC710
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX



NOTES:
 1. ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 2. DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 3. I-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.

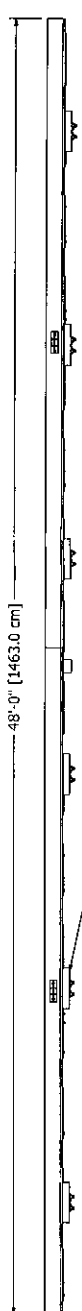


REQUIREMENTS TO MEET THE ABOVE WIND LOAD
 UPRIGHT QTY: 5.0 MINIMUM
 SPACING: 115 3/16 [292.6] MAXIMUM
 CANTILEVER: 57 5/8 [146.3] MAXIMUM

THESE CALCULATIONS ASSUME THE SUPPORTING STRUCTURE IS RIGID AND THE USE OF AN APPROPRIATE CABLE AND THE USE OF A WATCHFIRE PROVIDED MOUNTING SYSTEM.

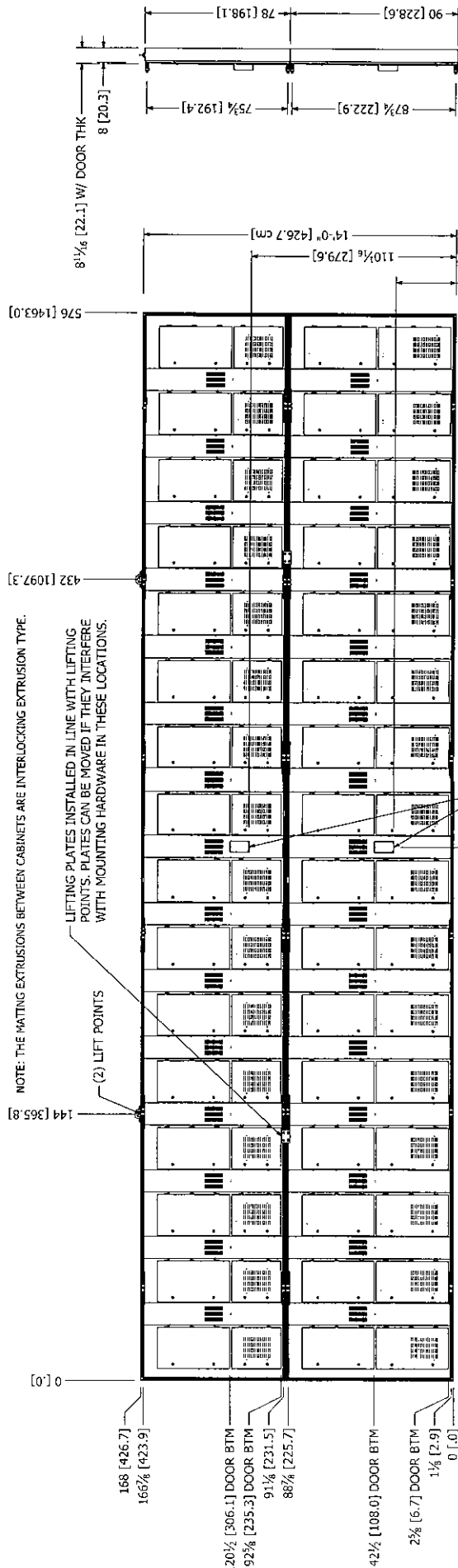
SIGN WEIGHT FOR 10mm, 16mm, 19mm, & 25mm MODELS
 6048.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)

SIGN WEIGHT FOR 12mm MODEL
 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)



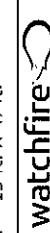
HORIZONTAL LOCATION OF CLAMPS IS ADJUSTABLE

NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.



DISCONNECTS

VIEWABLE AREA = 13 ft. x 47 ft.



THE INFORMATION, DATA AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.
 ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.

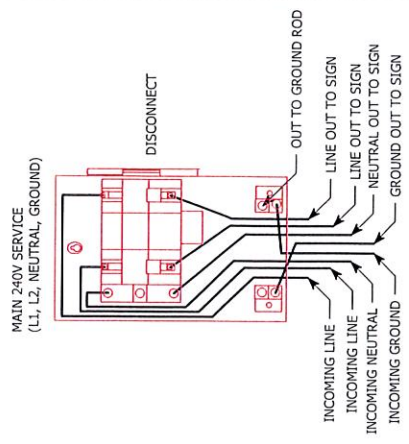
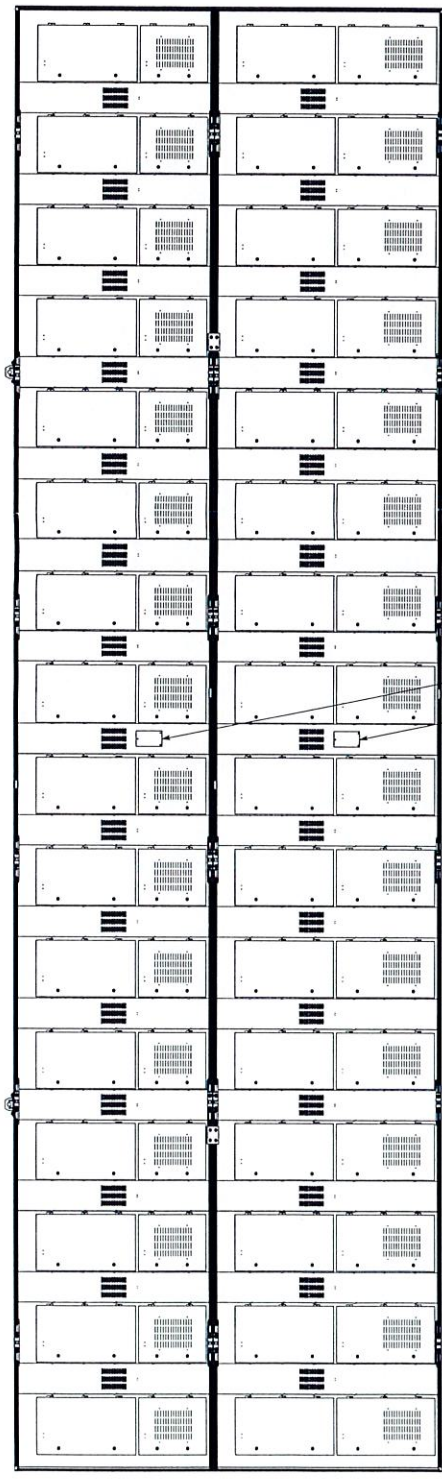
DIMENSION STYLE	TOLERANCES
INCHES (CENTIMETERS)	OVERALL SIGN DIMENSION..... ± 1/4"
	LINEAR DIMENSION..... ± 1/16"
	ANGULAR DIMENSION..... ± 15'
	STRAIGHTNESS..... ± .020 T/C

THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ON WATCHFIRE PRODUCTS. ALL DIMENSIONS ARE AS SHOWN UNLESS OTHERWISE SPECIFIED. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE DIMENSIONS AND THE SUITABILITY OF THE PRODUCTS FOR THE INTENDED APPLICATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE DIMENSIONS AND THE SUITABILITY OF THE PRODUCTS FOR THE INTENDED APPLICATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE DIMENSIONS AND THE SUITABILITY OF THE PRODUCTS FOR THE INTENDED APPLICATION.

MODEL REV (DRAWING REV)	THIRD ANGLE PROJECTION DESCRIPTION
1 0	MATERIAL
	SHEET 1 0 OF 2

DATE	DESIGNED BY	DRAWN BY	PART NUMBER	PROJECT LOCATION
8/9/2018	J. Prather	J. Prather	1470480_C_N_13047_R	Customer Drawing/Topic: Sign/Rear Service/4890_C_N_13047_R.rvt

DIMENSION STYLE:
 INCHES (CENTIMETERS)



DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
23 AMP DRAW (MAX)

DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
24 AMP DRAW (MAX)

INSTALLATION NOTES:

1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, 4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT. ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED. BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
4. UL CERTIFICATE NUMBER: E221802 (UL-48)

	<p>THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.</p> <p>ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.</p>	<p>INCHES (CENTIMETERS)</p> <p>OVERALL SIGN DIMENSION..... ± 1/4"</p> <p>LINEAR DIMENSION..... ± 1/16"</p> <p>ANGULAR DIMENSION..... ± 1°</p> <p>STRAIGHTNESS..... ± .020"/ft.</p>	<p>THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL PROVIDERS OF THIS SIGN STRUCTURE WILL BE RESPONSIBLE FOR VERIFYING THE DIMENSIONS AND GUARANTEEING THE SUITABILITY OF THE PROVIDED MATERIAL TO THE SIGN STRUCTURE IS FOR ILLUSTRATIVE PURPOSES ONLY.</p>	<p>MODEL REV DRAWING REV THIRD ANGLE PROJECTION DESCRIPTION</p> <p>1 0 2 OF 2 REAR SERVICE - 13 X 47 VEVALE - 0A191M - DIMENSIONS 168" X 576"</p>	<p>MATERIAL</p> <p>DATE CREATED: 8/9/2018</p> <p>DRAWN BY: J. P. Pflahter</p> <p>PART NUMBER: 1410x480_C_N_13047_R</p> <p>VAULT LOCATION: Design11 Customer Drawings\Track Signs\rear Service\1410x480_C_N_13047_R.rvt.dwg</p>
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November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Re Sign Application for Parcel #0532 042
1139 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot 137 of the 5th Land District and consists of approximately 1.0 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-C, Community Commercial District. The C-C, Community Commercial District permits uses shown in Section 110-143 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (1) General State Route Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing Penguin Embroidery sign located on parcel

WEBB, KLASE & LEMON, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC ("Atlantic"). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals ("Board") at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia's Zoning Procedures Law and is therefore void; and (4) the County's restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: "Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant." The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County "shall issue" the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

355 Group, LLC
115 Clearbrook Way
Fayetteville, Georgia 30215

RE: Petition No. A-830-23

Dear: 355 Group, LLC,

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-830-23 (Parcel 0532 042)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A-830-23

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**355 Group, LLC
115 Clearbrook Way
Fayetteville, Georgia 30215**



9590 9402 6788 1074 6427 91

Article Number (Transfer from service label)
7018 1130 0001 9954 5059

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
[Signature] Addressee

B. Received by (Printed Name) *Charles Kinchel* C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No



3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Insured Mail
 - Insured Mail Restricted Delivery (over \$500)
 - Priority Mail Express®
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

**U.S. Postal Service™
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Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage a	\$

Mailed 25 Jan 23
Postmark Here
A-830-23

Sent To **355 Group, LLC**
Street and Apt. # **115 Clearbrook Way**
City, State, ZIP+ **Fayetteville, Georgia 30215**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7018 1130 0001 9954 5059

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0532 042
1139 Hwy 54 E
Fayetteville, GA 30214
Land Lot(s) 137 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,



Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 1Z538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

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VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 1Z538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (770) 719-8820

TOTAL \$39.17

COMPLETE ONLINE TRACKING: ENTER THIS ADDRESS IN YOUR WEB BROWSER TO TRACK:
[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
 QUESTIONS? CONTACT SHIPPED THROUGH ABOVE.

SHIPMENT ID: MNC39UKFNFH7



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 11/22/2022 02:43 PM Pacific Time P

The UPS Store



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Your shipment
1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

Get Updates

[View Details](#)

Track Another Package

Track

Close

Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details **Shipment Details** **Shipment Progress** **Shipment Progress**

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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A-830-23
ROW DATE
Feb 1, 23

**PETITIONS FOR
VARIANCE(S)/ADMIN-
ISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA**
PUBLIC HEARING to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.

Petition No.: A-830-23

Owner(s)/Agent(s): Owners: 335
Group, LLC Agent: Atlantic Bill-
boards, LLC (Mike Fitzgerald)

Property Address: 1139 Hwy 54 E

Zoning District: C-C

Area of Property: 0.357 acres

Parcel # 0532 042

Land Lot(s): 137

District: 5th

Road Frontage: Hwy 54 E

Request: Appeal the decision of the
Zoning Director to deny an applica-
tion for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.

02/01

POSTING OF PROPERTY

PETITION NO: A-830-23

OWNER: 355 Group, LLC
115 Clearbrook Way
Fayetteville, Georgia 30215

LOCATION: Land Lot 137 of the 5th District
Fronts on Hwy 54 E.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

31 JAN 23

DATE

Sworn to and subscribed before me this

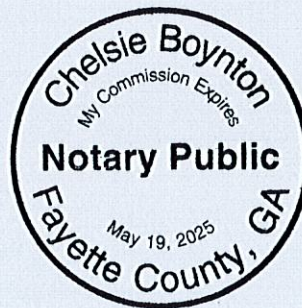
31st day of Jan, 2023.



NOTARY

Number of signs posted 1.

Date sign posted 31 JAN 23.





A-830-23



A-830-23

Type: WD
Recorded: 11/10/2020 11:23:00 AM
Fee Amt: \$285.00 Page 1 of 3
Transfer Tax: \$260.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Return to:
Edge & Kimbell Law, LLC
503 Commerce Drive
Peachtree City, GA 30269

Participant ID: 9035938284

BK 5148 PG 59 - 61

File No.: PTC-20-1959

LIMITED WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 9th day of November, 2020 between

Timothy Breyne,

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

355 Group 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 **TWO HUNDRED SIXTY THOUSAND AND 00/100 Dollars (\$260,000.00) 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 **1139 Georgia 54, Fayetteville, GA 30214**

SUBJECT to 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 owning, holding or claiming by, through or under the said Grantor.

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:

[Signature]
UNOFFICIAL WITNESS

[Signature] (SEAL)
Timothy Breyné

[Signature]
Notary Public John A. Kimbell
My Commission Expires: March 01, 2021
SEAL:

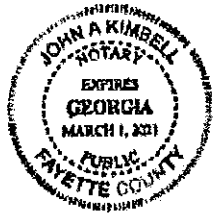


EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 137 of the 5 District of Fayette County, Georgia, being 0.357 acres according to a survey for A. Edsel Martin by Lum Hall & Associates, dated 01-18-71, and being more particularly described as follows:

BEGINNING at a point on the southeasterly side of State Route 54 a distance of 133.7 feet northeasterly as measured along the southeasterly side of State Route 54 from the southeast corner of State Route 34 and Stubbs Road; thence northeasterly along the southeasterly side of State Route 54 a distance of 75 feet to an iron pin; thence south 26 degrees 00 minutes east 208.7 feet to an iron pin; thence south 65 degrees 13 minutes west 75 feet to an iron pin; thence north 26 degrees 00 minutes west 206.4 feet to an iron pin on the southeasterly side of State Route 54 at the point of beginning.

Tax ID#: 0532-042

Subject to any Easements or Restrictions of Record

PETITION NO: A-831-23

APPEAL: An Appeal from the actions of the Zoning Director regarding the denial of a preliminary application request to place a freestanding sign on the property has been filed on December 6, 2022, by E. Adam Webb, Attorney for Mike Fitzgerald, Atlantic Billboards, LLC. (Sec. 108-28.-Denial, revocation, and suspension. (d) Appeals).

PROPERTY OWNER(S): Michael Mehio and Crystal Mehio

LOCATION: 907 Hwy 85 S – Parcel 0517 123

DISTRICT/LAND LOT(S): 5th District, Land Lot 70

ZONING: C-H, Highway Commercial

EXISTING USE: Commercial Business

ZONING BOARD OF APPEALS PUBLIC HEARING: February 27, 2023

SUMMARY

On October 26, 2022, Mr. Fitzgerald submitted an application to construct a freestanding sign on the subject property. Planning and Zoning did not approve the application due to the following factors:

1. The proposed sign exceeds the maximum allowable sign face area, maximum sign height and maximum structure height that are permitted in nonresidential districts (Sec. 108-161.(a)-Freestanding signs).
2. There is already a freestanding permanent sign on this parcel. Only one freestanding permanent sign is allowed on a single parcel (Sec. 108-161.(a)-Freestanding signs).
3. The process for sign permit applications requires that a site plan be submitted to Planning & Zoning to verify that the project meets zoning requirements. The application materials must include a survey or plat of the parcel showing the proposed location of the structure being permitted, and distances from property lines and other structures. The site plan submitted with the application was created on a screenshot of the qPublic parcel map, which does not provide an accurate enough depiction of the site and property lines to confirm that a proposed structure will be appropriately sited on a parcel.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

- (a) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.*
- (b) *Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.*

Sec. 108-27. - Permits required.

All signage listed herein requiring a permit must meet the requirements of subsection (1) of this section when applying for a permit.

- (1) *Applications for signage. Applications for sign permits required by this article shall be filed with the county*

planning and zoning office during normal business hours and shall include the following to be considered by the zoning administrator:

- a. The name, street address, and phone number of the owner of the property where the sign is to be installed along with a site plan showing the proposed location of the sign on the property.*
- b. If the applicant is not the owner of the property, a signed and notarized authorization by the property owner shall be included with the application.*
- c. A description of the type of sign to be erected which shall include a schematic drawing of the sign indicating overall dimensions (height, width, square footage, shape, and number of faces).*

All applications for signage shall be on a form provided by the county planning and zoning.

HISTORY

October 6, 2022, 4:02 PM – Mike Fitzgerald submitted an application for a mounted wall sign via the County’s online permitting program, SagesGov.

October 7, 2022, 2:19 PM – Bernadette Eaden, Permit Technician, rejected the intake process because the applicant had not obtained preliminary approvals from Planning & Zoning. The intake rejection email included the explanation that “Written approval from Planning & Zoning must be obtained for Billboard, once received, please contact our office.”

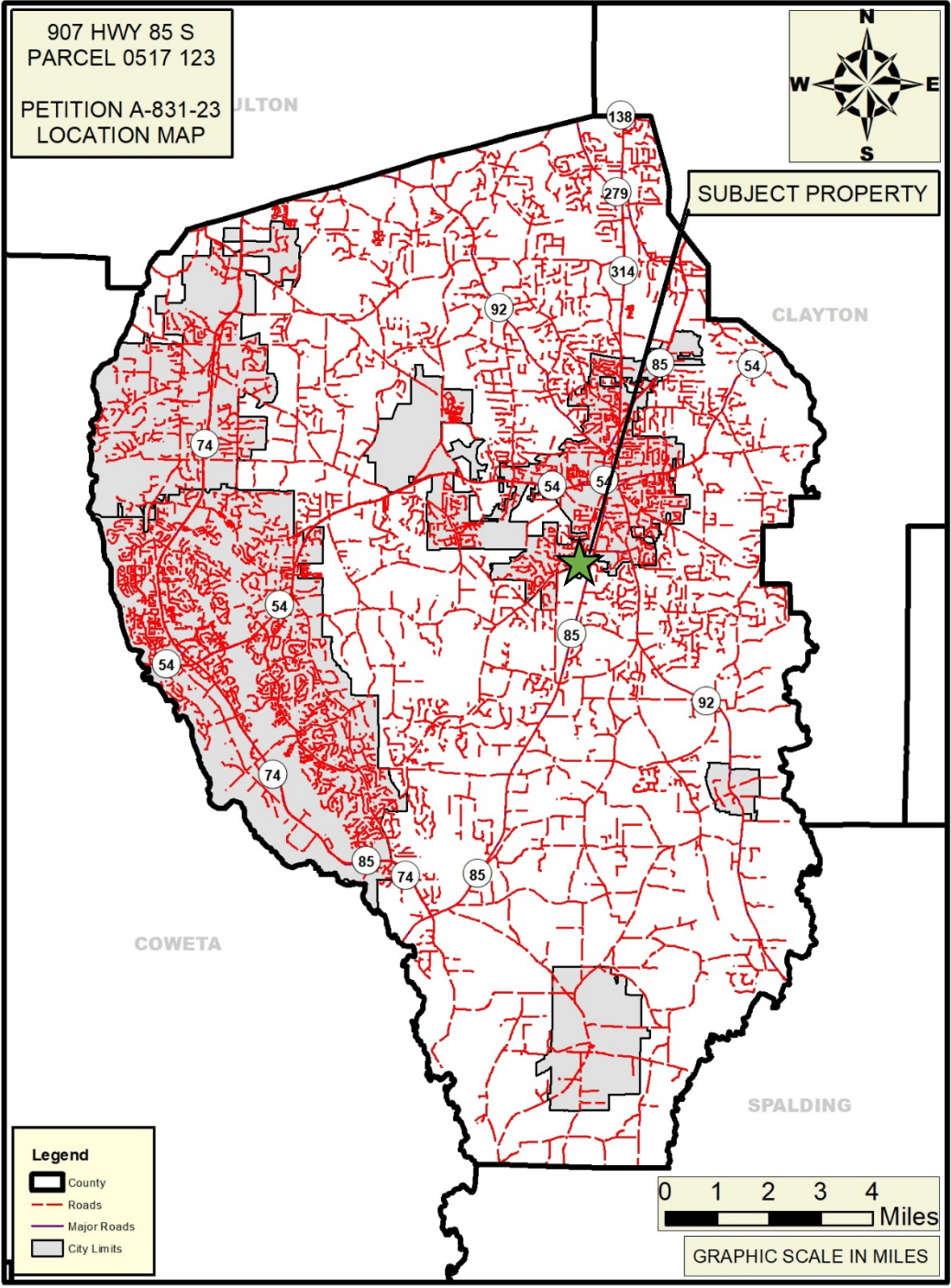
October 25, 2022, 12:03 PM – Since P & Z had not received the application from Mr. Fitzgerald, Ms. Bell sent him an email reiterating the requirement to submit plans to Planning & Zoning so he could proceed with the permit process.

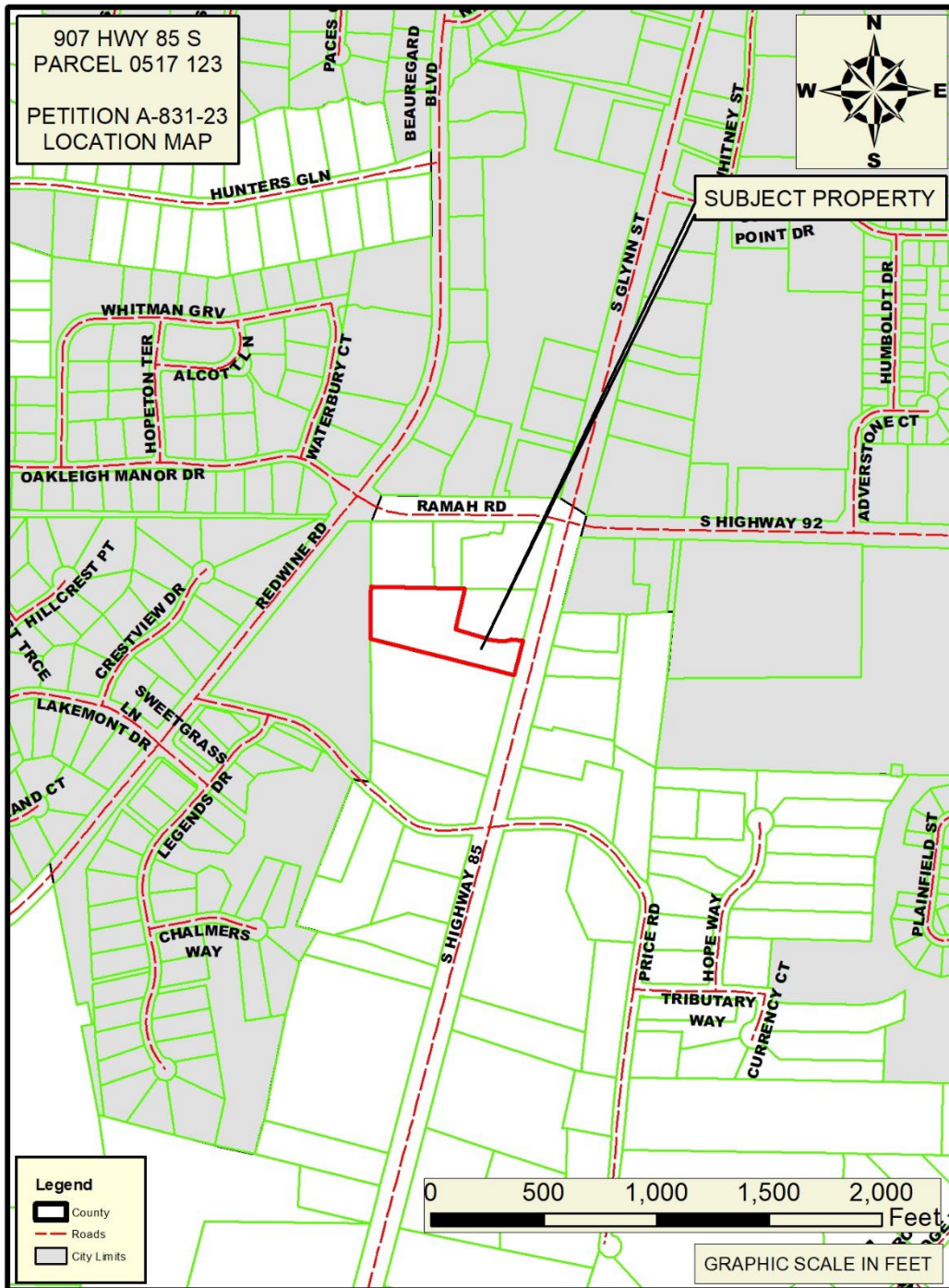
October 26, 2022, about 12:00 PM – Mr. Fitzgerald submitted sign application packet to the Planning & Zoning office.

November 22, 2022, 2:43 PM – The letters of permit disapproval were sent in a single envelope to Atlantic Billboards, LLC, Mike Fitzgerald, 3162 Johnson Ferry Road, Ste. 260-441, Marietta, GA 30062-7604 via UPS Next Day Air, signature required, with an expected delivery date and time of Wednesday, November 23, 2022, 10:30 AM.

November 23, 2022, 10:31 AM – the packet of letters was delivered to Atlantic Billboards, LLC, and signed for by Dean, at the front desk of the delivery address.

December 6, 2022, 1:22 PM – Mr. Adam Webb, Attorney for Atlantic Billboards, LLC, submitted a letter appealing the decision of County Staff regarding the sign application.







Oct 26, 2022 at 10:05:51 AM
908 SR-85
Fayetteville GA 30215
United States

907 SR-85

FAYETTE COUNTY SIGN PERMIT APPLICATION
Planning & Zoning Department, 140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214
770-305-5421



Pete Frisina, Director of Planning & Zoning
Dennis Dutton, Zoning Administrator
Chanelle Blaine, Planning & Zoning Coordinator

Fax 770-305-5258
dsdutton@fayettecountyga.gov
cblaine@fayettecountyga.gov

PROPERTY OWNER: MICHAEL & CRYSTAL MATHIO PHONE: 770-231-9629

ADDRESS/CITY/STATE/ZIP CODE: 262 BUSBIN RD, FAYETTEVILLE, GA 30215

APPLICANT: ATLANTIC BILLBOARDS, LLC PHONE: 678-571-8889 (MIKE FITZGERALD)

FAX NO. 678-276-8700 ADDRESS/CITY/STATE/ZIP CODE: 3162 DUNN FERRY RD, STE 200-441, MARIETTA, GA 30062

LAND DISTRICT: 5TH LAND LOT(S): 70 ZONING DISTRICT: CH

SIGN LOCATION/ADDRESS: 907 HIGHWAY 85 S, FAYETTEVILLE, GA 30215

Sign Height from Grade or Road (if applicable): 50' Setback from Intersection: 694'

Wall/Monument (less-than 36 s.f.): (more-than 36 s.f.): Banner: # Days: 14 / 28 / 42

(No sign or part thereof, except authorized traffic signs, shall be located in any state or county right-of-way. No sign may be located any closer than 20 feet from an intersection as measured from the intersection of the two (2) rights-of-way.)

Sign Face Area Proposed: 672 SF Maximum Sign Face Area Allowed: PER STATE LAW 1,200 SF

LIGHTING: Internal Illumination Only External Illumination Only No Lighting

APPLICANT COMMENTS/ADDITIONAL INFORMATION: ADVERTISING SIGN, VARIOUS MESSAGES
FIRST MESSAGE TO BE US FLAL AND "SUPPORT OUR TROOPS"

APPLICANT'S COVENANT

As the applicant for a Sign Permit on the property hereon described, I do hereby covenant that the information supplied with this application is true and correct and I do hereby agree to comply with the ordinances of Fayette County pertaining to zoning, signs, and subdivisions. It is understood and agreed by me that any error, misstatement, or misrepresentation of fact, either with or without intention on my part, such as might, if known, cause a refusal of this application or any alteration or change in plans made without approval of the Zoning Administrator subsequent to the issuance of a Sign Permit, shall constitute sufficient grounds for revocation of said Sign Permit and any Electrical Permit resulting therefrom. I am aware that approval by Fayette County does not relieve me from applicable State regulations for any sign placed on a State Highway and said sign placement/location must also be permitted by Georgia DOT, Thomaston, Georgia if site fronts a State Road.

ATLANTIC

Ground Lease Agreement

County of FAYETTE
State of GEORGIA

THIS AGREEMENT made and entered by and between Michael & Crystal Mehio hereinafter referred to as "Grantor", and ATLANTIC BILLBOARDS, LLC hereinafter referred to as "Grantee." Grantor hereby leases for an initial term of fifteen (15) years the premises known and described as follows:

Street Address: 907 Hwy 85S, Fayetteville, GA

Tax Parcel No. 0517 123 Jurisdiction: FAYETTE COUNTY

and more particularly described in the legal description attached as Exhibit A and made a part of this Agreement. This lease is granted for the purpose of construction, operation, maintenance, and relocation of an outdoor advertising structure. Grantee is herewith granted the sole and exclusive right to display advertising copy on the premises. Grantee is granted the right to ingress and egress over the said premises for the term or an extension hereof for the purpose of constructing, maintaining, operating, relocating, removing, or replacing said structure and all related parts and equipment.

As consideration, Grantee agrees as follows: (a) it will pay Grantor one hundred dollars (\$100.00) upon acceptance of this Agreement; (b) it will promptly apply for needed permits (with which Grantor shall fully cooperate); and (c) upon completion of construction of Grantee's outdoor advertising display(s), **quarterly payments shall be paid in the amount Twenty Percent (20%) of gross advertising receipts for any static face and Twelve and a Half Percent (12.5%) for any digital face.** Reports of quarterly income will be sent along with payment each quarter.

If at any time (a) Grantee's sign becomes entirely or partially obscured or destroyed; (b) the premises become unsafe for the maintenance of the Grantee's signs thereon; (c) the value of the premises for advertising purposes diminishes; (d) there is a diversion or change in directional flow of traffic from the street or streets adjacent to, or leading to or past the premises; (e) Grantee is unable to obtain necessary permits for the erection or maintenance of such signs as the Grantee may desire to construct or maintain; or (f) Grantee is prevented by governmental authority from constructing or maintaining such signs as the Grantee may so desire to construct or maintain-then, and in such event, at the option of the Grantee, this Agreement shall terminate on fifteen (15) days written notice to Grantor.

Grantor warrants he/she/it has full authority to enter into this Agreement for the premises above described and covenants that he will not permit this or any adjoining premises owned or controlled by him to be used for advertising purposes or permit Grantee's signs to be obstructed in any way. Grantor will indemnify, defend and hold Grantee harmless from any claim or demand that Grantor does not have authority enter into this Agreement. Grantor hereby grants to Grantee an easement for above or below ground utility service for the purpose of powering the display(s). Grantor agrees to obtain subordination or non-disturbance agreement(s) with any and all parties with any claim related to the property, and will also notify the Grantee (10) days prior to Grantor granting any third party any secured position in the premises. Upon request, Grantee shall execute a memorandum of lease in recordable form reciting the terms and confirming the existence of this agreement.

Grantee does hereby indemnify and agree to hold Grantor harmless against all claims or damages to person or property by reason of accidents resulting from the negligence or willful acts of Grantee's agents, employees or workmen in the construction, maintenance, repair or removal of its signs.

Unless Grantee provides notice of its intention not to renew this Agreement before the expiration of the term, this lease shall be extended for another like term.

Any taxes assessed on the advertising display(s) or any increase in the property tax on the premises shall be paid by Grantee.

Grantee shall not allow any advertisement to be posted that competes with the current use of the premises without first obtaining written consent from the Grantor. Such consent may be withheld in Grantor's reasonable discretion. Grantee shall not post any advertisements that promote nicotine or vape products, nor any advertisements that are obscene or promote illegal activity.

In the event of any change of ownership of the leased premises, Grantor agrees to notify the Grantee promptly of such change and also agrees to give the new owner formal written notice of the existence of this Agreement and to deliver a copy thereof to the new owner.

All structures, materials, and displays placed upon the property by Grantee will remain Grantee's property, and Grantee may remove same at any time during the term or any renewal or extended term of this agreement or within 90 days after termination or cancellation of this agreement. Grantee's display(s) shall not be considered abandoned at any time and shall not become the property of Grantor except by express conveyance in writing.

Grantee, Grantor, and their assigns herein grant to the Georgia Department of Transportation (the, "GDOT") the right to enter the property described above for the purpose of inspecting the outdoor advertising structure or to remove any illegal sign. Grantee and Grantor also agree to hold the GDOT harmless and indemnify the GDOT for any damages caused either directly or indirectly by the erection and maintenance of said structure.

This Agreement is freely assignable and shall be binding upon the heirs, successors and assigns of both Grantor and Grantee and may not be modified in any respect except in writing signed by all parties hereto. Counterparts shall be deemed binding as are faxed, scanned, or copied signatures. Managing member of Grantee holds a Georgia Real Estate License. All notices sent under this agreement shall be by certified mail, return receipt requested.

Special Stipulation:

Grantee shall make available one slot on any digital face to Grantor free of charge. This free advertising shall only be available on the digital face(s).

Notice:

If to Grantor:

Michael & Crystal Mehio
262 Busbin Rd
Fayetteville, GA 30215

If to Grantee:

Atlantic Billboards, LLC
3162 Johnson Ferry Rd, Ste 260-441
Marietta, GA 30062

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this 26th day of APRIL, 2022.

Grantee: **Atlantic Billboards, LLC**

Michael B. Fitzgerald
Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this 28 day of April, 2022

Stephanie Cohen
Notary Public [Seal]
My commission expires on 7/14/2024



Jamari
Unofficial Witness

Grantor: **Michael Mehio**

Signed: _____

Sworn and subscribed before me this _____ day of _____, 20__

Notary Public [Seal]
My commission expires on _____

Unofficial Witness

Grantor: **Crystal Mehio**

Signed: _____

Sworn and subscribed before me this _____ day of _____, 20__

Notary Public [Seal]
My commission expires on _____

Unofficial Witness

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their respective officers duly authorized to do so this _____ day of _____, 2022.

Grantee: **Atlantic Billboards, LLC**

Print Name: Michael B. Fitzgerald
Its Managing Member

Sworn and subscribed before me this _____ day of _____, 20__.

Notary Public [Seal]
My commission expires on _____

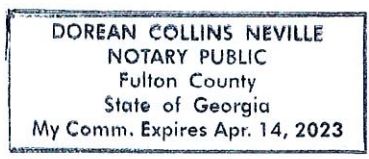
Unofficial Witness

Grantor: **Michael Mehio**

Signed: _____

Sworn and subscribed before me this 26 day of April, 2022

Doreen Collins Neville
Notary Public [Seal]
My commission expires on April 14, 2023



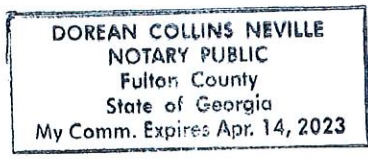
Steve Daffer
Unofficial Witness

Grantor: **Crystal Mehio**

Signed: Crystal Mehio

Sworn and subscribed before me this 26 day of April, 2022

Doreen Collins Neville
Notary Public [Seal]
My commission expires on April 14, 2023



Steve Daffer
Unofficial Witness

EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 70 of the 5th District of Fayette County, Georgia containing 3.402 acres according to a plat of survey for Thomas B. Chandler, dated April 18, 2019 made by S.A. Gaskins and Associates, LLC, Swinson A. Gaskins, Sr., GRLS No. 1620 of record in Plat Book 52, Page 26 in the offices of the Clerk of the Superior Court of Fayette County, Georgia records, reference to which plat is hereby made for a more particular and accurate description of the property herein conveyed.

Local Government Certification for Outdoor Advertising

To be completed by Applicant:

Name of Applicant or Company: Atlantic Billboards, LLC

Sign is: existing proposed

County: Fayette Municipality (if applicable): _____

State Route Name & Number: Highway 85 S

Parcel Number: 0517 123

907 Hwy 85 S, Fayetteville, GA 30215

To be completed by appropriate Zoning Official:

Part 1.

I hereby certify that the (City of) (County of) _____
(Check all that apply):

- Has a zoning plan and ordinance. Original adoption date: _____.
- Date of last amendment (revision) to zoning plan: _____.
- Does not have a zoning plan and ordinances.
- Has other land use controls or ordinance. Please specify _____.
- Has a sign ordinance dated _____ separate from any zoning or land use plan.
- Has a sign ordinance which requires sign spacing of more than 500', size or height limits, or includes the "I-95 plan". Please specify _____.
- _____
- Has no sign controls of any kind.

Part 2.

(MUST BE FILLED OUT COMPLETELY)

Current zoning of the parcel where the sign is to be located: _____

Approved uses for this zoning type: _____

Date of MOST RECENT zoning of this parcel: _____

Previous zoning of this parcel: _____

I _____, a duly qualified official of the City/County of _____, do hereby certify that I have reviewed the location and description of the outdoor advertising structure described on the attached application and find the sign is to be located in an area appropriate for such structures and is in compliance with all local laws, ordinances or regulations. I further understand that in evaluating any application for an Outdoor Advertising permit GDOT does not review for compliance with local ordinances and that any such permit issued by GDOT is not a building permit.

This the _____ day of _____, 20____.

Authorized Official Signature

Printed Name and Title

Phone #: _____ Email: _____

APPLICATION FOR MULTIPLE MESSAGE SIGN PERMIT

GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center
600 West Peachtree Street N.W., 10th Floor
Atlanta, Georgia 30308

TYPE OR PRINT LEGIBLY (Please sign original in blue ink- All Sections Must Be Completed)

Date of Application _____

GDOT Permit Number _____

"Multiple Message" sign means, a sign, display, or device, which changes the message or copy of the sign electronically or mechanically by movement or rotation of panels or slats. (O.C.G.A §32-6-71)

Applicant Information

Property Owner Information

Atlantic Billboards, LLC

Corporate Name Michael B. Fitzgerald Managing Member		
Name of Applicant (agent) 3162 Johnson Ferry Rd, Ste 260-441	Corporate Title	
Address Marietta	GA	30062
City (678) 571-8889	State	Zip
Phone # Mike@AtlanticBillboards.com	Email	

Corporate Name Michael & Crystal Mehio		
Name of Landowner 262 Busbin Rd	Corporate Title	
Address Fayetteville,	GA	30215
City (770) 231-9629	State	Zip
Phone # woodwudy1@gmail.com	Email	

Sign Location Information

County: Fayette City: _____ State Route #: 85 on the N E S W side
of the roadway and 3,108 feet N E S W of milepost number 8
Latitude: 33.42744768323984 Longitude: -84.45901527836861 (i.e. decimal degrees)

Sign Description

Is this application to change the multi-message type for an already permitted multiple message sign? Yes No
Multiple Message Sign (MMS) Type: Mechanical Electronic Number of existing faces: _____
Number of faces to be Multiple Message: 2
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: 48 Height: 14 Area: 672 Sq. Ft. Viewed from N E S W Direction MMS
Length: _____ Height: _____ Area: _____ Sq. Ft. Viewed from N E S W Direction MMS
Length: _____ Height: _____ Area: _____ Sq. Ft. Viewed from N E S W Direction MMS
Type of Construction (circle all that apply): Single Face Back-to-Back Double Face Type - V

Local Government Approval [FOR CITY OR COUNTY USE ONLY]

I hereby certify that the (City or County of) Fayette, allows the type of multiple message sign (mechanical or electronic), provided all zoning requirements are met at the time application for building permit is submitted.

Authorized Official Name (print) _____ Title _____ Authorized Official Signature _____
City of _____, County of Fayette, Date: _____

After Hours Contact Person

Name: Michael Fitzgerald

Phone #: (678) 571-8889

Email: Mike@AtlanticBillboards.com

Applicant / Agent Signature

Managing Member
Corporate Title

Note: This is not a building permit. Nothing in this permit shall be construed to abrogate or affect any lawful ordinance, regulation or resolution which is more restrictive than State Law as it pertains to the structure permitted. (O.C.G.A §32-6-97) In the event this multiple message application is approved, all work must be completed within twelve (12) months from the date of approval, and the underlying outdoor advertising permit must also be kept in good standing during the entire twelve (12) month period.

Department Approval for Multiple Message Sign [FOR GDOT USE ONLY]

Effective Date: _____

Permit #: _____

Outdoor Advertising Control Manager

State Maintenance Engineer

Required Attachments: The following attachments (if applicable) are required for a complete application.

- a. A Copy of your W-9 Form.
- b. A detailed Shop Drawing of the sign indicating the plan, elevation, and side views of the sign.
- c. For corporate entities or Trusts who are the Applicant and/or Landowner: A signed statement from a corporate officer or executor, on company letterhead, authorizing the Agent(s) to sign this application on their behalf.
- d. A photograph of the existing sign or proposed sign site showing the location markings. A photograph showing the permit identification tag and where it is affixed to the structure.
- e. The correct permit fee. (fee amounts are available on the Outdoor Advertising webpage)

Sign Installation Notification

The permit holder shall provide notice of completion to the Department within ten (10) days of completion of construction of Multiple Message revision to the sign. The notice shall include an electronic photograph of the sign as viewed from the main travelled way of the roadway from which the sign is permitted.

Submission of Application:

Submit the application and all required attachments to the Georgia Department of Transportation, One Georgia Center, 600 West Peachtree Street N.W, 10th Floor, Atlanta, Georgia 30308, Attn: Outdoor Advertising Office

Multiple Message Application Instructions

Applications must be typed or filled out in ink. Only completed applications will be reviewed. Incomplete applications will be returned to the applicant.

GDOT Permit Number

1. **Current Number:** Provide the current GDOT permit number for which you are requesting to revise to a multiple message status. Please leave this space blank if you are submitting a multi-message application concurrent with the outdoor advertising application.

Applicant / Property Owner Information

2. **Name of Applicant or Company:** Person, corporate entity, or Trust in whose name the permit is listed. The person or corporate entity name and F.E.I.# / Social Security # you provide on the application should match the name and F.E.I.# / Social Security # on the copy of the W-9 Form you provide.
3. **Name of Landowner:** Person, corporate entity, or Trust in whose name the Landowner is listed. This will be the name used by the Department for all correspondence to the landowner.

Sign Location Information

4. **County and Road Information:** Indicate the county and city (if applicable) in which the sign is or will be located. Indicate the state route number of the roadway the sign will be adjacent to. Some roads have two state route number designations. The Department uses the lower route number.
5. **Milepost Information:** Provide the distance in feet to the lower number milepost (not necessarily the closest milepost).
6. **Latitude / Longitude:** Provide the latitude/longitude coordinates of your proposed or existing sign location in decimal degrees. If you use *Google Earth* and it shows coordinates in degrees, minutes, seconds, you can change it to read in decimal degrees by clicking on "Tools" and choosing "Options". In the "Options" box you will see a "show Lat/long" section that allows you to select "decimal degrees".

Sign Description Information

7. **Mechanical or Electronic:** Indicate which type, mechanical or electronic (LED), of multiple message sign for which you are applying.
8. **Face Length, Width, and Area:** These measurements are taken to the nearest whole foot. The Area is the total square feet (length times the height). The area of a face cannot exceed 1,200 square feet. Indicate which faces will be multiple message (MMS).
9. **Types of Construction:** Select the configuration that best describes your sign.

Local Government Approval

10. **Local Government Certification:** An authorized official from the appropriate city or county signs the local government approval section certifying that their government entity allows the type of multiple message sign that the applicant is requesting to build at that designated location.

After Hours Contact

11. **Contact Name:** Provide the name and contact information of the person the Department should contact if there is a sign issue that needs immediate attention.

Applicant Signature

12. Provide Signature and corporate title.

qPublic.net™ Fayette County, GA

Summary

Parcel Number 0517 123
 Location Address 907 85 HWY 5
 Legal Description 85 HWY SOUTH 3.40 ACS
 Property Class C4 - Commercial Small Tracts
 Neighborhood 01
 Tax District 01
 Zoning C CH
 Acres 3.402
 Homestead N
 Exemptions

[View Map](#)



Owner

[MEHIO MICHAEL](#)
 MEHIO CRYSTAL
 262 BUSBIN ROAD
 FAYETTEVILLE GA 30215

Assessment

	2022 Working	2021 Certified	2020 Certified
LUC	398	398	398
Class	C4	C4	C4
+ Land Value	\$444,570	\$444,570	\$444,570
+ Building Value	\$514,400	\$477,900	\$488,200
= Total Value	\$958,970	\$922,470	\$932,770
Assessed Value	\$383,588	\$368,988	\$373,108

Assessment Notices

[2022 Assessment Notice \(PDF\)](#)

Land

Description	Land Type	Land Code	Square Feet	Acres	Price
COMMERCIAL	S	C	148,190	3.4020	\$444,570

Total Acres:
3.4020
 Total Land-Value:
\$444,570

Commercial Improvement Information

Card 1
 Building No 1
 Structure WAREHOUSE
 Units 0
 Year Built 1990
 Total Sq Footage 20200

Interior/Exterior Information

Card 1

Line	SC	From	To	Sec	Occ	Occ Descr	Class	Yr Built	Eff Year	Area	Perim	Height	Base RCN	Feat RCN	RCN	% Good	% Comp	RCNLD
1	1	01	01	14	406	Storage Warehouse	S	1990	0	20200	604	18	979,090	0	979,090	40	0	\$391,640

Accessory Information

Card 1

Description	Year Built	Area	Grade	Value
PAVE ASPH	1990	25,900		\$64,020

Sales

Sale Date	Sale Price	Instrument	Deed Book	Deed Page	Sales Validity	Owner	Previous Owner	Instrument Number	Recording
5/24/2019	\$1,000,000		4883	0384	FAIR MARKET VALUE	MEHIO MICHAEL	CHANDLER THOMAS B.		4883 0384

Photos



No data available for the following modules: Residential Improvement Information, Additions, Other Features, Sketches.

Fayette County makes every effort to produce and publish the most current and accurate information possible. However, the maps and data are produced for information purposes only, and are NOT surveys nor legal records. No warranties, expressed or implied, are provided for the data and information herein, their use, or their interpretation.

[User Privacy Policy](#)
[GDPR Privacy Notice](#)

Last Data Upload: 8/24/2022, 6:09:38 AM



Version 2.3.214



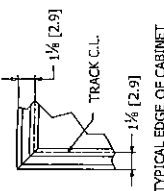
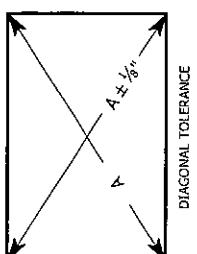
New Sign Site Plan

Project Address
907 Highway 85 S
Fayetteville, GA 30215

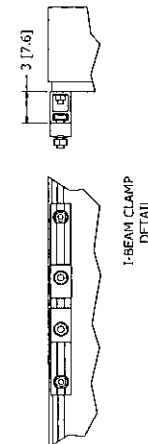
Project Contact
Mike Fitzgerald
(678) 571-8889
Mike@AtlanticBillboards.com



18CZ009 AND ASC7-05
 150 MPH 3 SECOND WIND GUST
 18CZ012 AND ASC7-10
 170 MPH 3 SECOND WIND GUST
 EXPOSURE C
 OCCUPANCY CATEGORY I
 SIGN HEIGHT ABOVE GRADE = FT MAX



- NOTES:
- ELEVATION DIMENSIONS ARE TO CENTER LINE OF TRACK.
 - DISCONNECT BOX SIZE MAY VARY DEPENDING ON AMPERAGE REQUIREMENTS.
 - I-BEAM CLAMPS ARE TO BE PLACED ON ALL TRACK LOCATIONS.

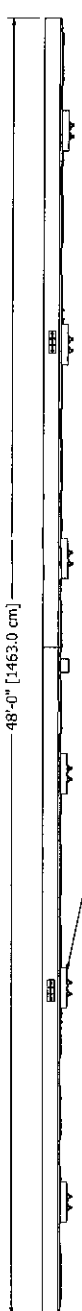


REQUIREMENTS TO MEET THE ABOVE WIND LOAD UPRIGHT QTY: 5.0 MINIMUM SPACING: 115 3/16 [292.6] MAXIMUM CANTILEVER: 57 5/8 [146.3] MAXIMUM

THESE CALCULATIONS ASSUME THE SUPPORTING STRUCTURE IS RIGID AND THE USE OF A WATCHFIRE APPROPRIATE CODES AND THE USE OF A WATCHFIRE PROVIDED MOUNTING SYSTEM.

SIGN WEIGHT FOR 10mm, 15mm, 19mm, & 25mm MODELS 6046.0 lbs. (6720.0 lbs. WITH MOUNTING HARDWARE)

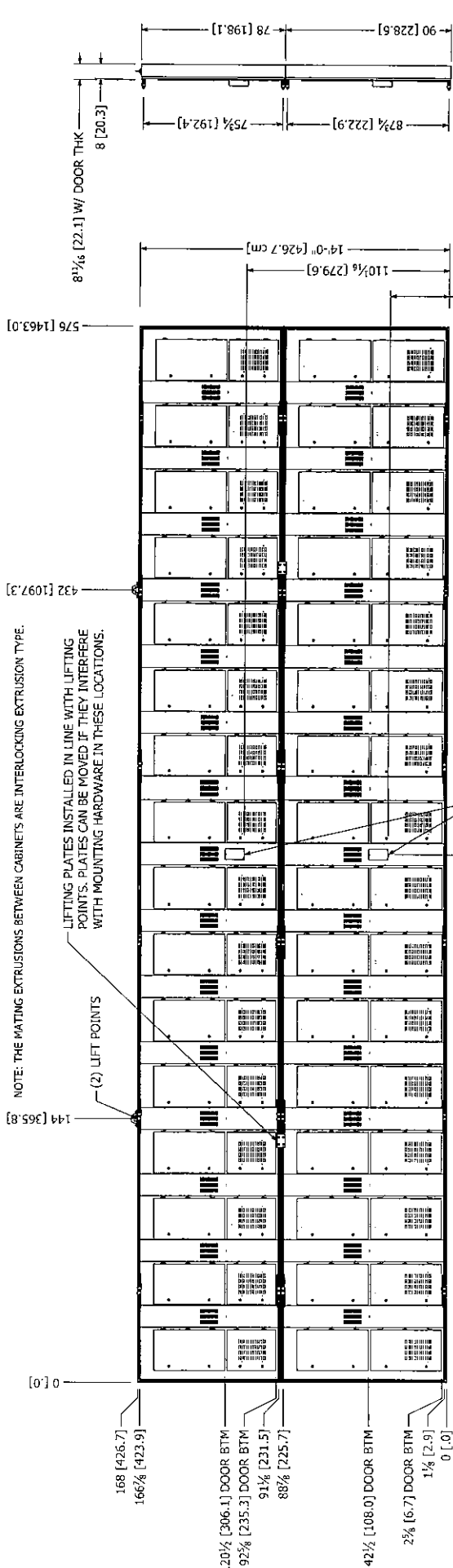
SIGN WEIGHT FOR 12mm MODEL 6720.0 lbs. (7392.0 lbs. WITH MOUNTING HARDWARE)



HORIZONTAL LOCATION OF CLAMPS IS ADJUSTABLE

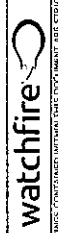
NOTE: THE MATING EXTRUSIONS BETWEEN CABINETS ARE INTERLOCKING EXTRUSION TYPE.

LIFTING PLATES INSTALLED IN LINE WITH LIFTING POINTS. PLATES CAN BE MOVED IF THEY INTERFERE WITH MOUNTING HARDWARE IN THESE LOCATIONS.



DIMENSION STYLE: INCHES (CENTIMETERS)

VIEWABLE AREA = 13 ft. X 47 ft.



THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC.

ALL WORK, INCLUDING PLOTTING, SCREENING, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC. ALL RIGHTS RESERVED.

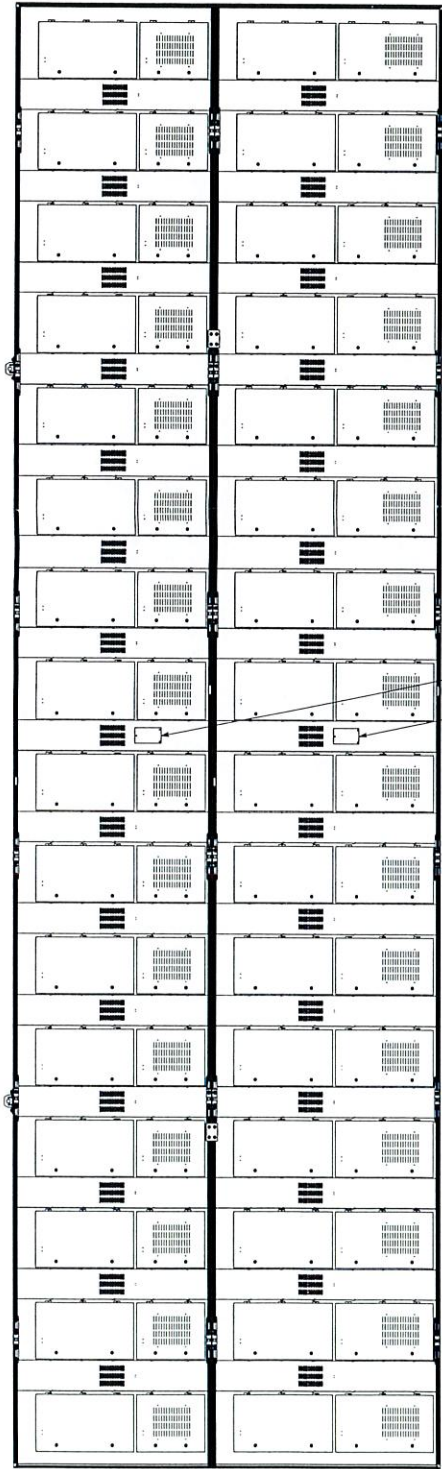
DIMENSION STYLE	TOLERANCES
INCHES (CENTIMETERS)	OVERALL SIGN DIMENSION ± 1/4"
	LINEAR DIMENSION ± 1/16"
	ANGULAR DIMENSION ± 1°
	STRAIGHTNESS ± .030" / ft.

ALL DIMENSIONS ARE U.S. IMPERIAL UNITS UNLESS OTHERWISE SPECIFICALLY STATED. TOLERANCES APPLY TO ALL DIMS UNLESS OTHERWISE SPECIFIED TO REFERENCE (SEE PAGES 400-430)

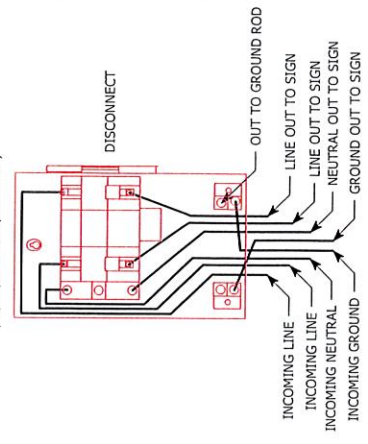
THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY FOR WATCHFIRE PRODUCTS. ALL DIMENSIONS ARE TO BE PROVIDED BY THE MANUFACTURER AND MATCH THE DIMENSIONS PROVIDED IN THE DRAWING. THE MANUFACTURER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DIMENSIONS AND THE STRAIGHTNESS OF THE STRUCTURE IS FOR ILLUSTRATIVE PURPOSES ONLY.

MODEL REV	DATE	DESCRIPTION
1	10	1

REAR SERVICE - 13 X 47 VIEWABLE - DIMENSIONS 168" X 576"
MATERIAL
DATE CREATED 8/9/2018
DRAWN BY J. P. B. / J. P. B.
PART NUMBER 1410x480_C_N_13047_R
VALVE LOCATION Design 13 (Customer Drawing) / Watchfire Sign Service / 13047_R.dwg



MAIN 240V SERVICE
(L1, L2, NEUTRAL, GROUND)



DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
23 AMP DRAW (MAX)

DISCONNECT
WATCHFIRE SUPPLIED
240 VOLT
24 AMP DRAW (MAX)

INSTALLATION NOTES:

1. ELECTRICAL REQUIREMENTS: 240 VOLTS, SINGLE PHASE, 47 TOTAL AMPS FOR SIGN, 4-WIRE, CURRENT CARRYING NEUTRAL 11.76 KW TOTAL FOR SIGN.
2. DISCONNECTS: 30 AMP UNFUSED DISCONNECT 240 VAC
3. GROUND: DRIVE A COPPER-CLAD GROUND ROD INTO THE GROUND NEAR THE SIGN. ATTACH A #6 GROUND WIRE TO THE GROUND ROD AND ROUTE AND CONNECT IT TO THE GROUND TERMINAL INSIDE THE DISCONNECT.
ENSURE ALL WIRING CONNECTING THE GROUND ROD TO THE SIGN IS SECURELY ATTACHED.
BE SURE TO FOLLOW ALL NATIONAL ELECTRICAL CODE REQUIREMENTS.
4. UL CERTIFICATE NUMBER: E221802 (UL-48)

		<p>THE INFORMATION, DATA, AND DRAWINGS CONTAINED WITHIN THIS DOCUMENT ARE STRICTLY CONFIDENTIAL AND ARE PROVIDED WITH THE UNDERSTANDING THAT THEY WILL NOT BE DISCLOSED TO THIRD PARTIES WITHOUT THE PRIOR WRITTEN CONSENT OF WATCHFIRE SIGNS, LLC. ALL INFORMATION, ILLUSTRATIONS, SCREEN SHOTS, DATA, AND DRAWINGS CONTAINED WITHIN COPYRIGHT © 2018 WATCHFIRE SIGNS, LLC, ALL RIGHTS RESERVED.</p>	
<p>INCHES (CENTIMETERS)</p> <p>ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE SPECIFIED. STANDARD TOLERANCES APPLY TO ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED. SEE DRAWING TO REFERENCE DIMS (XXX.XXX) TO REFERENCE DIMS (XXX.XXX)</p>	<p>TOLEANCES</p> <p>OVERALL SIGN DIMENSION..... ± 1/4" LINEAR DIMENSION..... ± 1/16" ANGULAR DIMENSION..... ± 1° STRAIGHTNESS..... ± .020" / ft.</p>	<p>THIS DRAWING IS FOR THE PURPOSE OF PROVIDING DIMENSIONS ONLY ON WATCHFIRE PRODUCTS. ALL DIMENSIONS ARE APPROXIMATE. WE MAKE NO GUARANTEES ABOUT THE SUITABILITY OF THE PRODUCTS FOR OTHERS AND WATCHFIRE MAKES NO REPRESENTATION OR WARRANTY OF ANY KIND, EITHER EXPRESSED OR IMPLIED, AS TO THE SUITABILITY OF THE PRODUCTS FOR OTHERS OR FOR ANY OTHER PURPOSES ONLY.</p>	<p>MODEL REV (DRAWN REV) THIRD ANGLE PROJECTION (DESCRIPTION) MATERIAL</p> <p>1 0 2 OF 2 SHEET</p>
<p>DATE CREATED 09/20/2018</p>	<p>DRAWN BY T. Prater</p>	<p>PART NUMBER 1410x480_C_N_13047_R</p>	<p>REAR SERVICE - 13 X 47 VIEWABLE - 0A191.M - DIMENSIONS 168" X 576"</p>
<p>VAULT LOCATION: DesignX1 Customer Drawing (Track Separator Service) L:\Projects\C_N_13047_R.dwg</p>			

November 22, 2022

Mike Fitzgerald

Atlantic Billboards, LLC
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

Subject: Re Sign Application for Parcel #0517 123
907 Hwy 85 S
Fayetteville, GA 30215
Land Lot(s) 70 of the 5th District

Dear Mr. Fitzgerald:

The subject property is located in Land Lot 70 of the 5th Land District and consists of approximately 3.402 acres. Based on my review of the Official Fayette County Zoning Map, the above-referenced property is zoned C-H, Highway Commercial District. The C-H, Highway Commercial District permits uses shown in Section 110-144 of the Fayette County Zoning Ordinance. The property is also subject to the Sec. 110-173.-Transportation Corridor Overlay Zone. (1) General State Route Overlay Zone. The zoning district allows certain permitted uses and conditional uses, and it is subject to the Fayette County Codes.

The property is located within the Flint River Watershed Protection District. There are no apparent State Waters or FEMA Floodplain on the property that require special setbacks or other considerations.

There is already a freestanding sign located on this parcel, so an additional sign is not allowed. Should the existing sign be removed, a new freestanding sign that meets dimensional requirements could be permitted.

Sec. 108-81. - Measurement of sign face area; freestanding sign.

The area of a sign face shall be computed as the entire area within the continuous perimeter, enclosing the limits of all writing, representation, emblem, or any figure or similar character. This shall also include any open spaces or colors, forming an integral part of the display or used to differentiate such.

Sec. 108-161. - Freestanding signs.

(a) Unless otherwise provided herein, lots located in a nonresidential zoning district containing a single business shall be allowed no more than one freestanding permanent sign. The sign face shall not exceed 50 square feet in area or six feet in height. Sign structures shall not exceed seven feet in height. A permit shall be required. Such sign may be internally or externally illuminated.

(b) Unless otherwise provided herein, lots located in a nonresidential zoning district containing multi-businesses shall be allowed no more than one permanent freestanding sign. The sign face shall not exceed 60 square feet in area or seven feet in height. Sign structure shall not exceed eight feet in height. Individual business names are included in the total square footage. A permit shall be required. Such signs may be internally or externally illuminated.

The general location of the sign appears to be acceptable, but we do require that site plans for accessory structures and signs be submitted on a survey, with the dimensions noted. The original submittal for the sign exceeds the allowable sign size & height. If you elect to remove the existing sign, please resubmit a revised site plan and sign plans to Planning & Zoning, noting the plan for removal. Once the preliminary review is approved, you will need to submit all documents through SAGES for the building permit.

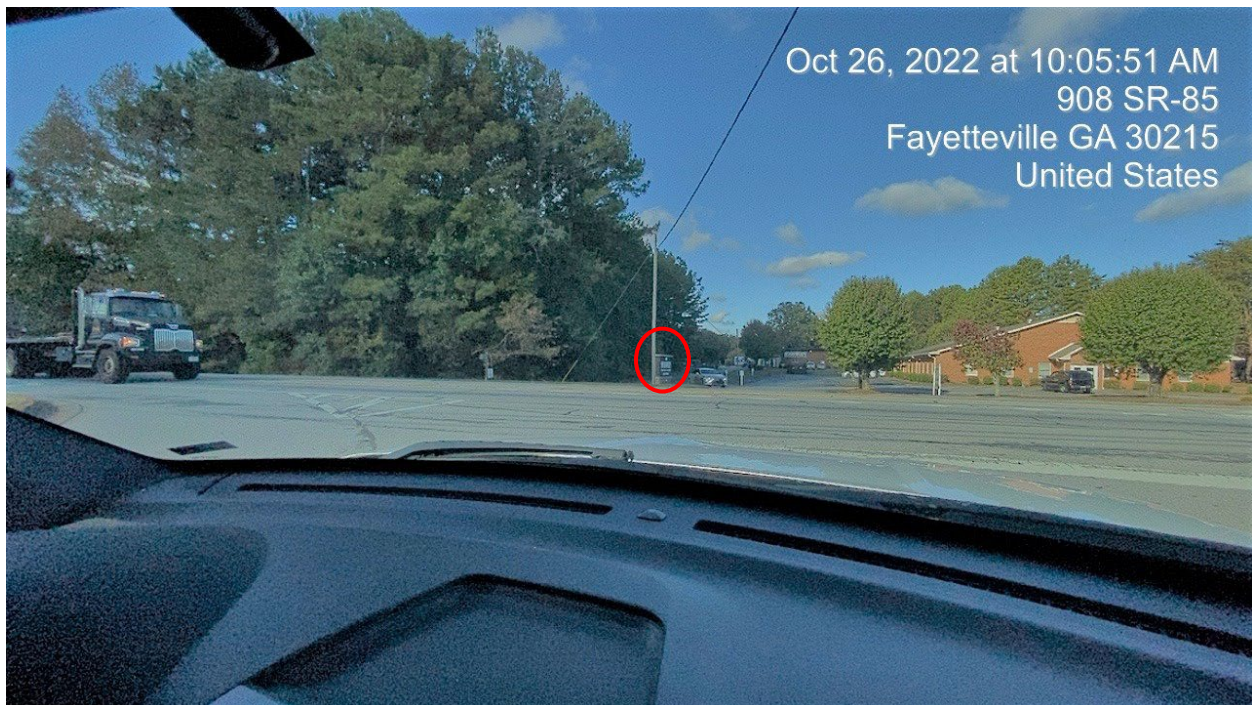
Should you have any questions, please call me at 770-305-5160.

Sincerely,

Deborah L. Bell

Deborah L. Bell, RLA
Director, Planning & Zoning

Attachments: Photograph of existing freestanding sign located on property



Existing Woodwudy sign located on parcel

WEBB, KLASE & LEMON, LLC

ATTORNEYS AT LAW

1900 THE EXCHANGE, S.E. · SUITE 480 · ATLANTA, GEORGIA 30339

(770) 444-9325 · (770) 217-9950 (facsimile)

Author's Direct Dial:
(770) 444-0773

Email Address:
Adam@WebbLLC.com

December 6, 2022

Via Email and U.S. Mail

Fayette County Zoning Board of Appeals
% Deborah Bell, RLA
Director, Fayette County Planning & Zoning
140 Stonewall Avenue West, Suite 202
Fayetteville, GA30214

Re: Appeal of Denial of Nine Sign Applications

Dear Ms. Bell:

Pursuant to Section 108-28(d) of the Fayette County Sign Ordinance, please accept this letter as the notice of appeal by my client Atlantic Billboards, LLC ("Atlantic"). On November 22, 2022, you sent letters denying nine sign applications from Atlantic. These denials were improper for at least four reasons addressed below. If County staff do not issue the requested permits promptly, then each of these denials should be reversed by the Zoning Board of Appeals ("Board") at their next meeting.

There are four independent reasons why each of the nine permits should now be issued: (1) the denials were untimely and therefore permits must issue in accordance with the plain terms of the Sign Ordinance; (2) the denials were not delivered in a permissible manner in accordance with the code; (3) the County Sign Ordinance was not adopted in accordance with the strict requirements of Georgia's Zoning Procedures Law and is therefore void; and (4) the County's restrictions on signs do not pass constitutional muster.

First, and most obviously, the permits must be issued because the County took longer than 45 days to process the applications. The Sign Ordinance states simply: "Should the process exceed 45 days, it shall be deemed that the application is approved and the zoning administrator shall issue a permit to the applicant." The applications were submitted on October 6, 2022 and the denials were not sent until over 45 days later. Thus, the County "shall issue" the permits. Georgia courts enforce permitting time limits because such limits are required for a sign code to be constitutional. E.g., The Lamar Co. v. City of College Park, Case No. 2013cv225619 (Fulton Cnty. Super. Ct. Jan. 28, 2015) (invalidating ordinance that failed to allow applicant right to operate if time limit is not met); Tinsley Media, Inc. v. City of Woodstock, Case No. 06cv2785

(Cherokee Cnty. Super. Ct. Mar. 20, 2009) (ordering issuance of permits where city failed to meet time limits contained in ordinance); also The Lamar Co. v. City of Marietta, 538 F. Supp. 2d 1366, 1375 (N.D. Ga. 2008).

Second, the denials were sent via UPS next day delivery. Such a delivery is not permitted pursuant to the plain terms of the Sign Ordinance:

Notification to the applicant can be made ***either by certified mail return receipt requested, by fax to the number provided on the application, or by hand delivery by the county marshal's office on or before the 30th day*** after the county planning and zoning department's receipt of the application.

Sign Ordinance, Section 108-27(2) (emphasis added). The denials did not occur in accordance with the code and thus the permits are due to be issued.

Third, the County failed to comply with mandatory provisions of the Georgia Zoning Procedures Law when it adopted the Sign Ordinance. The Sign Ordinance was adopted by the County Commission at its meeting on January 13, 2011. The minutes clearly show that this approval occurred as part of the ***consent agenda*** and that no public hearing was held:

Ordinance no. 2011-01 – Amendment of the Fayette County Code Sign Ordinance: 3. Approval of Ordinance No. 2011-01 which amends the Fayette County Code by adding the County's current Sign Ordinance, in its entirety, as Chapter 21 of the Code. A copy of the request, backup and Ordinance No. 2011-01, identified as "Attachment No. 6", follow these minutes and are made an official part hereof.

Without a public hearing, the Sign Ordinance was invalid from day one. E.g., Atlanta Bio-Med, Inc. v. DeKalb County, 261 Ga. 594, 595-96 (1991) (holding that procedures provided by Section 36-66-4(a) "*must be followed* when passing or rescinding a text amendment of general application") (emphasis added); McClure v. Davidson, 258 Ga. 706, 710 (1988) ("General Assembly intended noncompliance with the procedures to invalidate any zoning decision"). Because the code was not effective, the permits must now be issued. E.g., Tilley Properties, Inc. v. Bartow County, 261 Ga. 153, 165 (1991) (holding that "[w]here, as in this case, the zoning ordinance is invalid, there is no valid restriction on the property, and the appellant has the right under the law to use the property as it so desires"); Davidson Mineral Properties v. Monroe County, 257 Ga. 215, 216-17 (1987) (invalidating basis of denial and then mandating that applicant was authorized to proceed with proposed use); Cherokee County v. Martin, 253 Ga. App. 395, 396 (2002); Picadilly Place Condo. Ass'n v. Frantz, 210 Ga. App. 676, 678 (1993).

Last, the County's restrictions on signs cannot survive constitutional scrutiny. As the Georgia Supreme Court previously instructed Fayette County, the County is required to carefully calibrate its sign limits to restrict the least amount of speech possible. E.g., Coffey v. Fayette County, 279 Ga. 111, 111 (2005); also Statesboro Publ'g Co. v. City of Sylvania, 271 Ga. 92,

95-96 (1999). Under this standard, cities and counties must carry a heavy burden in order to justify their sign restrictions. Coffey v. Fayette County, 280 Ga. 656, 657-58 (2006). The County's sign restrictions – which, for example, completely ban billboards and content deemed “indecent” – are not the least restrictive means of achieving any legitimate purpose. E.g., State v. Cafe Erotica, Inc., 270 Ga. 97, 100 (1998) (“the absolute proscription against any form of off-site advertising . . . is an unconstitutional infringement on free speech as guaranteed by the First Amendment and the Georgia Bill of Rights”). Thus, for this independent reason as well, the permits should now be issued.

We certainly hope that, upon review of these matters, the County will reverse course and issue the requested permits. If not, please schedule this matter for the next possible Board meeting. Please let me know the time and place of such meeting as soon as possible. We will submit additional materials for the Board's consideration before or during the appeal hearing.

Please do not hesitate to contact us if a call or meeting would be beneficial. My client desires to work amicably with the County. If there are any specific issues of concern with any of the proposed signs, Atlantic is glad to consider adjustments to this project. Thank you and Happy Holidays!

Sincerely,

E. Adam Webb

E. Adam Webb

Attachment/Enclosure (nine denial letters)

cc: Mr. Dennis Davenport, Esq., County Attorney (via email only)
Mr. Mike Fitzgerald (via email only)



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Michael Mehio and Crystal Mehio
262 Busbin Road
Fayetteville, Georgia 30215

RE: Petition No. A-831-23

Dear: Michael and Crystal Mehio,

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary



Planning and Zoning
140 Stonewall Avenue West, Ste 202
Fayetteville, GA 30214
Phone: 770-305-5421
www.fayettecountyga.gov

CERTIFIED MAIL RETURN RECEIPT REQUESTED

January 25, 2023

Atlantic Billboards, LLC
Attn: Mike Fitzgerald
3162 Johnson Ferry Road, Ste. 260-441
Marietta, Georgia 30062

RE: Petition No. A-831-23 (Parcel 0517 123)

Dear: Mike Fitzgerald

This is to notify you of the hearing to be held before the Fayette County Zoning Board of Appeals on **MONDAY, February 27, 2023, at 7:00 p.m.** at the Fayette County Administrative Complex, First Floor. The purpose of this hearing is to consider the above-referenced request for an Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals. It is necessary that the applicant or the agent be present at this hearing.

Sincerely,

Chelsie Boynton
ZBA Secretary

A-831-23

SE

so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to: **Michael Mehio and or Crystal Mehio
 262 Busbin Road
 Fayetteville, Georgia 30215**

B. Received by (Printed Name) **ma/bos**

C. Date of Delivery **1/27**

Delivery address different from item 1? Yes
 ES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input checked="" type="checkbox"/> Registered Mail™
<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	
<input type="checkbox"/> Insured Mail	
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	

9590 9402 7493 2055 9979 94

2. Article Number (Transfer from service label)
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PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Sent To
 Street a.
 City, St

**Michael Mehio and or Crystal Mehio
 262 Busbin Road
 Fayetteville, Georgia 30215**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

*Mailed
 25 Jan 23
 Postmark Here
 A-831-23*

January 30, 2023

Mr. E. Adam Webb
Webb, Klase & Lemond, LLC
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Re: Letter of Appeal dated December 6, 2022
Sign Application for Parcel #0517 123
907 Hwy 85 S
Fayetteville, GA 30215
Land Lot(s) 70 of the 5th District

Dear Mr. Webb:

It has come to my attention that there was a typographic error in the earlier notification letter regarding the appeal. The correct date for the Zoning Board of Appeals meeting is Monday, February 27, 2023. Please accept my apologies for the error and update your calendar with this meeting date.

I am in receipt of your Letter of Appeal dated December 6, 2022. You seek to appeal the denial of nine sign permit applications that were submitted to the Planning and Zoning office on October 26, 2022. Pursuant to Sec. 108-28(d) of the Fayette County Zoning Ordinance, "Appeals. Any individual whose application has been denied or revoked may appeal the decision of the zoning administrator to the county zoning board of appeals within 30 days of notification of denial or revocation. Once an applicant has notified the county of their intent to appeal, a hearing will take place within 90 days of the appeal being filed with the zoning administrator. If a hearing cannot take place within the 90-day limit then the appeal is determined in favor of the applicant."

Your appeal will come before the Zoning Board of Appeals on Monday, February 27, 2023, at 7:00 p.m. Please contact me if you need any additional information.

Thank you,

Deborah L. Bell, RLA
Director, Planning & Zoning

The UPS Store #7368
 805 Glynn St S Ste 127
 Fayetteville, GA 30214-2077
 770-719-8820

Terminal....: PUS7366B Date.: 11/22/2022
 Employee....: 200827 Time.: 02:43 PM
 Cashier's Name Abigail

ITEM NAME	QTY	PRICE	TOTAL
NDA	1 @	\$39.17	\$39.17
Tax			\$0.00
MNC39UKFNFH7			
Tracking Number - 12538U5U2403952918			
Subtotal			\$39.17
Shipping/Other Charges			\$0.00
Total tax			\$0.00
Total			\$39.17
Cards			\$39.17

Items Designated NR are NOT eligible for Returns, Refunds or Exchanges.

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VISA *****5270 071131
 11/22/2022 02:43 PM
 TID 775371980002
 Purchase
 VISA CREDIT XXXXXXXXXXXX5270
 ENTRY METHOD CHIP
 CUM SIAN
 Invoice 0020010536
 Clerk 20082
 Response APPROVED
 Auth Code 071131
 ENV DETAILS
 MODE CHIP
 AID A0000000031010
 YUR 8080008000
 IAD 06011203A08000
 FSI 6800
 ARC Z3
 Amount USD \$39.17
 PLANNING/

*** CUSTOMER COPY ***

Shipment Receipt: Page #1 of 1

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SHIP DATE:
 TUES 22 NOV 2022
 EXPECTED DELIVERY DATE:
 WED 23 NOV 2022 10:30 AM
 SHIP FROM:
 DEBBIE BELL
 140 STONE WALL AVE WEST
 SUITE 202
 FAYETTEVILLE GA 30214
 (770) 305-5260

SHIPMENT INFORMATION:
 UPS NEXT DAY AIR COM
 0 lb 5.4 oz actual wt
 LTR Billed Weight
 CARRIER LETTER STORE PACKED
 SIG REQ (M/DELU CONFIRM)

TRACKING NUMBER: 12538U5U2403952918
 SHIPMENT ID: MNC39UKFNFH7
 SHIP REF 1: -
 SHIP REF 2: -

SHIP TO:
 ATLANTIC BILLBOARDS LLC
 MIKE FITZGERALD
 3162 JOHNSON FERRY RD
 STE 260-441
 MARIETTA GA 30062-7604
 BUSINESS

DESCRIPTION OF GOODS:
 DOC

SHIPMENT CHARGES:
 NEXT DAY AIR COM 26.76
 SERVICE OPTIONS 5.90
 FUEL SURCHARGE 6.29
 CMS PROCESSING FEE 0.22

SHIPPED THROUGH:
 THE UPS STORE #7368
 FAYETTEVILLE, GA 30214
 (710) 719-8820

TOTAL \$39.17

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[HTTP://THEUPSSTORE.COM](http://THEUPSSTORE.COM) (SELECT TRACKING: ENTER SHIPMENT ID #) SHIPMENT
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SHIPMENT ID: MNC39UKFNFH7



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The UPS Store

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1Z538V5V2403952918

Delivered On
Wednesday, November 23 at **10:31 A.M. at Front Desk**

Delivered To
MARIETTA, GA US

Received By:
DEAN

[Proof of Delivery](#)

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Track

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Last Updated: 11/23/2022 11:36 A.M. EST

Shipment Details Shipment Details **Shipment Progress** Shipment Progress

11/23/2022 10:31 A.M.	Delivered MARIETTA, GA, US
11/23/2022 9:32 A.M.	Out for Delivery Atlanta, GA, United States
11/23/2022 8:28 A.M.	On the Way Atlanta, GA, United States
11/22/2022 6:33 P.M.	Label Created United States

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PETITIONS FOR

LEGALS
Continued on Page 7B

A-831-23
RJJ DATE
Feb 1, 23

Fayette County New

LEGALS
Continued from Page 6B

**VARIANCE(S)/ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING** to be held by
the Zoning Board of Appeals of Fayette
County on Monday, February 27,
2023, at 7:00 P.M., Fayette County
Administrative Complex, Public
Meeting Room, 140 Stonewall Avenue
West, first floor.

Petition No.: A-831-23

Owner(s)/Agent(s): Owners: Michael
Mehio and Crystal Mehio Agent: Atlantic
Billboards, LLC (Mike Fitzgerald)

Property Address: 907 Hwy 85 S

Zoning District: C-H

Area of Property: 3.402 acres

Parcel # 0517 123

Land Lot(s): 70

District: 5th

Road Frontage: Hwy 85 S

Request: Appeal the decision of the
Zoning Director to deny an application
for a sign permit, per Sec. 108-
28. - Denial, revocation and
suspension. (d) Appeals.

02/01

POSTING OF PROPERTY

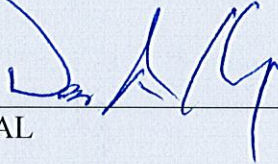
PETITION NO: A-831-23

OWNER: Michael Mehio and Crystal Mehio
262 Busbin Road
Fayetteville, Georgia 30215

LOCATION: Land Lot 70 of the 5th District
Fronts on Hwy 85 S.

REQUEST: Appeal the decision of the Zoning Director to deny an application for a sign permit, per Sec. 108-28. - Denial, revocation and suspension. (d) Appeals.

I hereby certify that a sign was posted for the above-referenced application in conformance with Article VII of the Fayette County Zoning Ordinance.



OFFICIAL

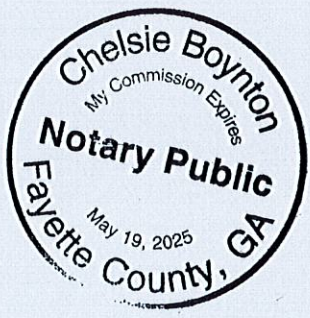
31 Jan 23

DATE

Sworn to and subscribed before me this
31st day of Jan, 2023.



NOTARY



Number of signs posted 1.

Date sign posted 31 Jan 23.



A-831-23



A-831-23



Doc ID: 010655730004 Type: WD
Recorded: 06/10/2019 at 09:55:00 AM
Fee Amt: \$1,016.00 Page 1 of 4
Transfer Tax: \$1,000.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **4883** PG **384-387**

After recording return to:
Lawson & Beck, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File No.: 19-NWN-0370

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into this 24th day of May, 2019 by and between **THOMAS B. CHANDLER**, a Georgia resident (herein referred to as "Grantor"), and **MICHAEL MEHIO AND CRYSTAL MEHIO** as joint tenants with the right of survivorship, each a Georgia resident (collectively, herein referred to as "Grantee").

WITNESSETH THAT, the said Grantor, for and in consideration of the sum of Ten and no/100 (\$10.00) Dollars, and other good and valuable consideration, in hand paid at or before the delivery of this deed, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does hereby grant, bargain, sell and convey to the said Grantee, and its successors and assigns, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 70 of the 5th Land District, Fayette County, Georgia being more particularly described on **Exhibit "A"** attached hereto and incorporated herein by this reference.

TOGETHER WITH all fixtures, structures and improvements located on such property and the easements, rights, members and appurtenances thereunto appertaining.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, privileges, easements, members and appurtenances belonging or thereunto appertaining, to the only proper use and benefit of the Grantee and its successors and assigns forever in FEE SIMPLE.

AND EXCEPT for those matters set forth on **Exhibit "B"** attached hereto and incorporated herein by reference, Grantor will warrant and defend the title to said premises against the claims of all persons claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be duly executed, sealed and delivered on the date above written.

Signed, sealed and delivered
in the presence of:

Adriane J. Cagle
Unofficial Witness

Thomas B. Chandler (Seal)
THOMAS B. CHANDLER

Michelle Rothmeier
Notary Public

My commission expires:

(Notary Seal)



EXHIBIT A

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 70 of the 5th District of Fayette County, Georgia containing 3.402 acres according to a plat of survey for Thomas B. Chandler, dated April 18, 2019 made by S.A. Gaskins and Associates, LLC, Swinson A. Gaskins, Sr., GRLS No. 1620 of record in Plat Book 52, Page 26 in the offices of the Clerk of the Superior Court of Fayette County, Georgia records, reference to which plat is hereby made for a more particular and accurate description of the property herein conveyed.

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the year 2019 and subsequent years not yet due and payable.
2. Affidavit filed at Deed Book 572, Page 570, Fayette County, Georgia records.
3. Affidavit filed at Deed Book 575, Page 403, aforesaid records.
4. Right of Way Deed filed at Deed Book 604, Page 448, aforesaid records.
5. All matters seen on that certain plat recorded at Plat Book 52, Page 26, aforesaid records.