

**BOARD OF APPEALS**

John Tate, Chairman  
Marsha Hopkins, Vice-Chairwoman  
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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
June 26, 2023  
7:00 P.M.**

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1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on June 12, 2023.

**PUBLIC HEARING**

5. Petition No. A-821-23, Aura Lozada and Fenichel Perez, Owner, request the following: 1) Variance to Sec. 110-79. (c) (1) a. Number and size, to allow for the number of permitted residential accessory structures on the lot to be increased from two (2) to three (3), to allow three (3) existing accessory structures to remain. 2) Variance to Sec. 110-138. R-20, (d) (4) a. 1., to reduce front yard setback from 60 feet to 53.6 foot to allow an existing accessory structure to remain. The subject property is located in Land Lot 75 of the 5<sup>th</sup> District and fronts on Bonaventure Way, Bellevue Loop and County Line Road.
6. Petition No. A-820-23, Tanesha Butler, Demetrius Butler and the Co-Trustees, Meshia Bean and Demetrius Anthony Bulter, of the Sterling Brown, Jr Irrevocable Trust as Tenants in Common, Owner, request the following: 1) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 11 feet to allow existing swimming pool to remain. 2) Variance to Sec. 110-126. C-S, Conservation Subdivision District, (f) (6) to reduce the side yard setback from 20 feet to 18 feet to allow existing accessory structure (Pergola) to remain. The subject property is located in Land Lot 224 of the 5<sup>th</sup> District and fronts on Navarre Drive.

# Meeting Minutes 6/12/23

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on June 12, 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  
Bill Beckwith  
Brian Haren  
Anita Davis

**STAFF PRESENT:** 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.

*Marsha Hopkins made a motion to approve the agenda. Bill Beckwith seconded the motion. The motion passed 5-0.*

4. Consideration of the Minutes of the Meeting held on May 22, 2023.

*Brian Haren made a motion to approve the Minutes of the Meeting held on May 22, 2023. Anita Davis seconded the motion. The motion passed 5-0.*

## **PUBLIC HEARING**

5. Petition No. A-838-23, Willie Montgomery and Laquinta M. Montgomery, Owner, request the following: Variance to Section 110-137. R-40 (d) (6), to reduce the side yard setback from 30 feet to 14 feet to allow existing detached accessory structure (garage) to remain on flag lot per Sec. 110-106. The subject property is located in Land Lot 164 of the 5<sup>th</sup> District and fronts on Victoria Drive.

Debbie Bell, Planning and Zoning Director displayed the lot and stated that there are a number of constraints on the slab with respect to floodplain and buffer, which is what necessitates the variance. She then showed the survey and stated it shows the floodplain extrapolated with some corrections for the existing contours. She stated they had two options of a way to deal with this particular site. They could have gone through and revise the development plan. Because this was a case where the setbacks were increased by the developer. But the quicker option was simply to get a variance for the pool. And the garage is just a little smidgen of the

pool deck and the garage. Even if they had amended the setbacks, the garage, a small corner, about six centers of the garage would have still been in the amended setback. So they opted to request a variance in this situation. She continued it is staffs opinion that the property presents unique situation. This the original structure on the house was a house that did burn. And the current owners bought the property after the house had been burned and cleaned up. She stated the detached garage, and the swimming pool were existing and they rebuilt about 40 years ago. The fact that they encroach on the setback was not the current owners fault. They're simply seeking to get a variance so that they can get a building permit and build a new but they are constrained between where the septic system can be located and be outside the floodplain and where the house will fit. She stated staff recommends approval of the variance request. She concluded that there is a note that there's an outstanding stop work order dated from January based on some land disturbance that was done. This is through environmental management. The owners have been advised that and they're in touch with environmental management and they'll have all of that straightened out before they will get any building permits.

Chairman Tate asked if the petitioner was present.

Willie Montgomery introduced himself and stated they discovered this additional lot that was there. The private home was demolished so it was just a lot that had a detached, the driveway was there, all power, all the electricity was there. He stated it was an intriguing buy for them for their final family, which we thought was a fun process. He stated he did not know the detached did not meet the setback requirements. Nor was that disclosed during the close to closing applying property from the prior owner. He stated as they were made aware of these challenges, they became very familiar and accustomed with the County doing things the right way. He continued the existing conditions has been in place for 40 years and they had no idea, it was just important for them to have a detached garage and a pool. He stated as they found out more about setback violations, the builder made over \$40,000 and they had to terminate that contract. He stated they've been in touch with Planning and Zoning and the Environmental Departments to make sure they're checking all the required boxes.

Chairman Tate asked if there was anyone to speak in support or opposition. There were none.

Brian Haren asked if there is any record of permits for structures that are in setbacks?

Debbie Bell stated no, we could not find a record dogs I believe those were built before the courthouse fire.

Brian Haren asked if all of the activity surrounding that stop order represent any kind of condition?

Debbie Bell stated No, that's just something for you to be aware of as part of the review, they will not get any kind of permits until they resolve those issues and they're aware of that and talk with the EMD.

Brian Haren confirmed the approval is without conditions.

Debbie Bell stated yes.

*Anita Davis made a motion to approve Petition No. A-838-23 Variance to Section 110-137. R-40 (d) (6), to reduce the side yard setback from 30 feet to 14 feet to allow existing detached accessory structure (garage) to remain on flag lot per Sec. 110-106. Bill Beckwith seconded the motion. The motion passed 5-0.*

6. **Petition No. A-839-23, Parker Wright and Roxana Wright, Owner, request the following: 1) Variance to Sec. 110-125. A-R, (d) (4) a. 2., to reduce the front yard setback from 100 feet to 32 feet to allow existing accessory structure to remain. 2) Variance to Sec. 110-125. A-R, (d) (2) to reduce the lot width from 250 feet to 216 feet to allow for existing accessory structure to remain. 3) Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 25 feet to allow existing accessory structure (Conex). The subject property is located in Land Lot 3 of the 3<sup>rd</sup> District and fronts on Mask Road.**

Debbie Bell stated this is a similar situation where someone purchased a property and a previous owner had built, in this case a barn, without a permit. It's in the setbacks. It currently consists of two flag lots. She stated the barn straddles the two lots. She added one of the things that the owner is planning to do is combine these two lots so that the structure will be contained on one lot but that will reduce the amount of the variance requested for lot with that building line. She stated it will still only measure 216 feet across. She stated flag lots are always a little tricky to deal with. They have some steeper Topo down at the bottom of the lot and some buffers and setbacks related to the lake. She displayed the survey to show the measurements and distances. She stated Mask Road is currently an unpaved road. She pointed out the barn and the conex shipping container used for storage. She stated the request is to retain both structures in their present location. It is staff's opinion that the property does present a unique situation because of the shape and the topography. The barn was built about six years ago and a non conformance is not the result of the current property owners actions. She stated it is staff's opinion that the variances should be granted for the permanently constructed barn and that the shipping container which is a mobile structure by nature should not be the subject of a variance and can be relocated to a compliance site on a lot. She continued, staff recommends conditional approval as follows for the barn:

1. Variance to Sec. 110-125.(d)(2). Lot width – to reduce the lot width (at building line) from 250 feet to 216 feet to allow an existing accessory structure (a barn) to remain.
2. Variance to Sec. 110-125.(d)(4)a.2. Front yard setback – to reduce the front yard setback from 100 feet to 42 feet to allow existing an accessory structure (a barn) to remain.
3. Variance to Sec. 110-125.(d)(6). Side yard setback – to reduce the side yard setback from 50 feet to 47 feet to allow existing an accessory structure (a barn) to remain.

She stated, if this request is approved, staff recommends the following conditions of approval:

1. Lots 9 and 10 will be combined into a single parcel, within 90 days, as represented by the proposed recombination plat prepared by W.D. Gray, and submitted as part of the application package.
2. Obtain a building permit for the barn.
3. The conex/shipping container, which is allowed as a farm outbuilding in the A-R Zoning District, shall be moved within 90 days to an area of the lot that complies with all normal building setbacks and lot width requirements.

Chairman Tate asked if the petitioner was present.

Parker Wright introduced himself and stated he is the petitioner in this issue. He stated he submitted some papers, closing documents that indicate that the previous owner didn't properly disclose that this was not a permitted structure. He stated he started out just trying to get electricity into the structure so he can have a little shop. He stated he follows in the footsteps of the previous petition that a lot of these things were not disclosed properly. And he had no idea that he wasn't exercising due diligence by closing the real estate transaction a year and a half ago. He stated he appreciated the Board hearing this petition. He thanked the employees of the county who has have been categorically very helpful and supportive. He also thanked a neighbor who came to support this petition. He stated he appreciated the time and effort that has gone into this submittal.

Chairman Tate asked if there was anyone to speak in support of the petition.

Kevin McFarland spoke in support. He stated he's come to the Board before to get some permissions to keep our buildings and to get everything straight and get our permits and CO. He continued that he drives by this residence, sometimes two or three times a day. And he's never thought twice about it being too close to the road. He stated it's in very good taste what was done and what they've done since. He stated they've only improved the property. He applauded that Mr. Wright wants to improve even further with electricity. He asked that the Board support this property owner in their petition.

Chairman Tate asked if there were any other comments in support or in opposition. There were none.

Bill Beckwith asked if Mr. Wright agreed to the conditions?

Mr. Wright stated yes. He stated his neighbor has expressed interest in possibly buying guides, which would be fine with me. He stated he currently doesn't have much use for it. It was just there. He stated he's trying to reduce expenses as much as possible because he's retiring and that's my prediction just leave it there.

Chairman Tate asked if there were any further questions or comments. There were none. He asked for a motion.

***Brian Haren made a motion to approve Petition No. A-839-23:***

- 1. Variance to Sec. 110-125.(d)(2). Lot width – to reduce the lot width (at building line) from 250 feet to 216 feet to allow an existing accessory structure (a barn) to remain.***
- 2. Variance to Sec. 110-125.(d)(4)a.2. Front yard setback – to reduce the front yard setback from 100 feet to 42 feet to allow existing an accessory structure (a barn) to remain.***
- 3. Variance to Sec. 110-125.(d)(6). Side yard setback – to reduce the side yard setback from 50 feet to 47 feet to allow existing an accessory structure (a barn) to remain.***

***With Conditions:***

- 1. Lots 9 and 10 will be combined into a single parcel, within 90 days, as represented by the proposed recombination plat prepared by W.D. Gray, and submitted as part of the application package.***
- 2. Obtain a building permit for the barn.***
- 3. The conex/shipping container, which is allowed as a farm outbuilding in the A-R Zoning District, shall be moved within 90 days to an area of the lot that complies with all normal building setbacks and lot width requirements.***

***Bill Beckwith seconded the motion. The motion carried 5-0.***

- 7. Petition No. A-840-23, NWE18, LLC, Owner and Adam Kaye, Attorney/Agent, request the following: Appeal to Sec. 110-207. - Appeals. and Sec. 110-242. - Powers and duties. Appeal the decision of the Zoning administrator/director of Planning & Zoning with regard to interpretation, administration and enforcement. The subject property is located in Land Lot 126 of the 5<sup>th</sup> District and fronts on Georgia Highway 54 W.**

Debbie Bell stated this is an appeal of the email she sent to him in conjunction with the zoning verification letter. She stated when they send a zoning verification letter it's simply verifying verifying the zoning and they send along with that the chapter for that particular zoning district that lists the permitted uses and the conditional uses that are allowed in that zoning district. She stated it gives the dimensional requirements. She continued that's typically what they send with a zoning verification. She stated they are not approving a specific project, they're just stating that it is zoned O-I and they send that chapter with it. She stated the appeal is specific to her email to him. In that she said that she does not believe that this is listed as a permitted use in O-I. As a substance abuse detox facility. She stated that she said "a zoning verification letter is attached along with the sections for the O-I zoning district and the transportation corridor overlay. However, I think that a substance abuse treatment center is significantly different than a hospice use that was the previous use on the site, and that it is not listed as a permitted use in the O-I zoning district." She stated following that discussion, they're following up and they've

taken to Planning Commission, adding the definition for a substance abuse treatment facility or drug abuse treatment facility. She stated they've taken that definition to Planning Commission and it will be going to the Board of Commissioners on the 22<sup>nd</sup> of this month to add that as a specific listed use and then to follow up adding that as a conditional use in the O-I zoning district. She stated at this present time it is not specifically listed.

Chairman Tate asked if the petitioner was present.

Rick Lindsey introduced himself and stated he is representing the petitioner. He stated he's here along with two other attorneys, Adam Kay and Steven Jones. He stated Adam will be presenting some of the more technical parts of our petition this evening. He stated he heard Ms. Bell talk about the email. That is what we're here about this evening. He asked Attorney Cox, do I need to submit the email separately? He stated it's attached as part of the petition is exhibit a copy of the email?

Attorney Cox said she's obtained a copy of the email.

Mr. Lindsey continued, as Ms. Bell said, the appeal is from the email and not from the zoning verification letter. As Ms. Bell stated, she received a request from Adam Kaye for the zoning verification that the use of a substance abuse detox facility was appropriate for tax parcel property numbers 0522-007, which is the property we're here about this evening. And Ms. Bell's response was that she thought that the substance abuse treatment facilities center was significantly different from the hospice use, which was a very last use of the property. And so the words are very important here, we're talking about a substance abuse detox facility, which is an acute substance abuse facility, not a sub acute or some type of residential facility for drug treatment. So it's very, very important. He stated, the verification letter they don't have a problem with, it's the email and the kind of mixing of words that is problematic and the reason for our appeal. He stated he believes the evidence will show this evening that there really was either a miscommunication, or misunderstanding or maybe both that brings us here. While it appears to me that staff is trying to help out by adding the addition of this drug treatment facility or something. He stated when you read the definition, that is for a residential facility, and that is not what this is about. This is, as I said, a acute substance, medical detox treatment facility. He stated these are patients that are going to go in and they're going to stay for just a few days, two to five days, who are in severe medical problems. They've gotten to go into withdrawal and maybe an overdose. He stated, in this facility with doctors and nurses and other medically trained staff, it is not a residential facility. He stated the center will be staffed 24 hours a day by medically trained personnel. The patients will be in the facility only for a short period of time, like I said two to five days until they can be safely transferred to other facilities, the residential treatment facilities. The services provided by the medical detox center follow clearly within the current definition of hospital and of care homes that are included in the current zoning ordinance. He stated both hospitals and care homes are allowed in the O-I or office institutional zoning district. And the property in question is O-I. He stated he has certified copies of the county's zoning ordinance as recently amended. He stated he'll submit that at the end of the presentation. He continued, simple question here for the board is does an

acute medical detox facility meet the current definitions of hospital and of a care home? The evidence will show that it does. And as such it is an appropriate use for the property under the current O-I zoning. He stated, he'd like for Mr. Kaye to come up and talk more about the difference between a medical detox facility and residential facilities and ongoing matters and the treatment facilities that are available for addressing substance abuse. He stated he will go ahead and tender the certified copies of the ordinance as amended.

Adam Kaye introduced himself and stated he is a lifelong resident of Georgia. He stated, he's an attorney, husband, son, brother. He stated, hopefully in the next three to four weeks, he'll be a father. He added, most importantly, he is a man in long term recovery from a substance use disorder. He stated the reason he says most importantly before that last one is because without his recovery, he would have none of the other blessings in his life. He referenced his PowerPoint presentation and stated this is the property in question. Again, it's on highway 54. It's miles east of Piedmont Fayette hospital, it's about two tenths of a mile west of the Walgreens at the intersection of Gingercake Road. If you look at the picture on the left here, the entryway is to the left side of the picture on the left, there are offices, a large intake waiting room to the left side of the building and a kitchenette area as well. And then going towards the right there are 12 patient rooms, each with an interior handicap accessible bathroom. He stated, if you look at a picture on the right, that's an aerial view of the property to the south of the property is just about 18 acres of wooded area. He stated, across the street is about 30 acres of wooded area. And just about everything around the property is actually within the city limits of Fayetteville for whatever that's worth the property was carved out of the city limits. Property again is the proposed use of the facility. So again, this is for acute medical detox facility for people experiencing physical withdrawal from alcohol, prescription medication and illicit substances. And this is the very first step in getting a patient through the initial period of acute withdrawal symptoms which, depending on the substance use can be fatal if not monitored under medical supervision. He stated, the length of stay, as Rick mentioned, is dependent upon medical necessity, but it's typically two to five days. And this facility will be staffed by MDs, licensed nurses and other medical professionals. He continued, in terms of licensure, the facility will be licensed by the Georgia Department of Community Health and it will be recognized as what is referred to as a crisis stabilization unit or CSU. This is a type of hospital under state regulations. He continued, the way that CSU is are defined under state regulations, and you can see that at tab one in the binder but it's essentially a facility treating substance abuse and mental health crisis services 24 hours a day, seven days a week providing brief intensive services. The closest CSU to where we are now is actually to the southwest and Meriwether counties are about two counties over and it's just about an hour away, but the facilities very similar to about 10,000 square feet of a standalone facility. He stated, you may hear the county trying to refer to this facility as what the state refers to as a residential sub acute detox program. But there are actually two key differences between a crisis stabilization unit and a residential sub acute detox program, the first being the type of symptoms treated so crisis stabilization units treat acute symptoms, that's going to be everything from people at high risk of seizures, tremors, hallucinations, even rapid heart rate, hypertension, nausea and vomiting. Whereas subacute would be things like sleep disturbances, fatigue, prolonged muscle aches, those are sort of the lingering symptoms. And then the treatment setting is the second



key difference. He stated crisis stabilization takes place in a hospital setting or care home, like the picture suggests, whereas a residential subacute facility, as its name suggests, is more of a residential setting. And the county acknowledged that we are treating acute symptoms if you look at tab three of your binder. He stated, in the April 20th Planning Commission meeting, Ms. Cox recognized that the proposed facility is an acute care facility and she even recognized that the O-I district wouldn't be appropriate for this type of facility. In terms of the continuum of care, that's a term often used in the recovery industry that talks about when someone first comes in for treatment to the point where they are fully reintegrated back into society, which is certainly the goal. So medical detox is the first step. And again, that is the level of care that is being proposed for the facility in question. So again, two to five days staffed by medical professionals in a medical setting. He stated, these patients are medical inpatients so they're not doing much more than eating, sleeping, laying in bed, most of the day dreaming watching TV. From there, they would go on to residential treatment. That's where as Ms. Bell reference the proposed text amendment. This is for residential drug treatment. He continued, that's more of your typical when you hear of someone going off to rehab as the 30 to 90 day type of treatment facility. And that's more of a campus setting where they would have individual therapy, group therapy, some free time, recreational time and grid, they're going to be for a longer period of time. From there, they would hopefully go on to an outpatient program where they could go for a few hours a day, several days a week while they're hopefully going to school or work for the rest of the day. And while someone's in an outpatient program, they could be living in what's referred to as a sober living house where it could look like a regular house or apartment or with additional accountability measures in place. Maybe they have a curfew, you have random drug testing, put in additional type of accountability while they're going through this program. He stated he would show some pictures. He referenced his pictures and stated, these sorts of facilities. So medical detox facility. Again, it's a medical facility. He stated the two pictures at the top are pictures of medical detox facilities. The picture on the top right is actually the facility on highway 54. He stated, this picture was taken while it was hospice, and the rooms will look almost identical as a detox facility. The two pictures on the bottom are from Piedmont Fayette hospital. The picture on the bottom left is from the maternity wing. Just to give you an idea, you know, that's what a hospital room looks like if you're going to stay there for a few days. So to be a little bit more comfortable than the picture on the right, which is an emergency room bed which as we stand here currently today in Fayette County, the only place you can get detox services is the emergency room at Piedmont Fayette hospital. If you're detoxing and they refer to it as treat and street. He stated, you go in there for detox as soon as you're done, you're back on the street. And chances are you're going to be back in the emergency room if you need care again, because there's no as I mentioned continuum of care where there's a plan to get you to the next level. residential treatment. As you can see, it's more of a campus type of field. So the picture on the left is a facility in North Georgia. He stated, there are athletic fields, a basketball court, that's not something that a medical inpatient is going to be doing at a detox facility, but someone with sub acute symptoms, you know, muscle aches, sleep disturbances, it might be different person like that to run around. That's another key difference between acute symptoms sub acute symptoms. And then the picture on the right everything from the gymnasium on the left side of the picture to the dormitories on the top right, that's all part of the campus facility. And then outpatient facility. So this picture on the

left, this is McIntosh trail, it's about a mile south of here on Bradley Road. That's an outpatient facility. So people who go there during the day, maybe half an hour or a few hours of individual and group therapy is a picture on the right, that is not inside this building. But just to give you an idea of group therapy, therapy type of room that people would go to and this would be no different than if you go for like a psychiatry or therapist appointment. He concluded, it would be a facility like this, in sleeping here you go there during the day for outpatient services. He stated, and at this point, I'd like to turn it back to Rick who will take us through some of the legal nuances.

Rick Lindsey stated The Fayette County's zoning ordinance section 110-3 defines hospital as any institution receiving inpatients providing staff 24 hour emergency care facility and authorized under state law to render medical, surgical and neuropsychological care. The term hospital includes a sanitarium with an approved certificate of need from the state health claim agency for the treatment and care to respond to mental illness. He stated, describing what the medical detox is in hospital as defined in the current zoning ordinance. The medical detox center will receive patients and will provide medical staff 24 hours a day, will handle emergency care if you will be properly authorized under state law. He stated, the O-I district also permits a convalescent Center and the zoning ordinance doesn't define convalescent center but it does define a care home as a convalescent center nursing home rest home, home for the aged, assisted living facility or similar use established and operated on a profit or nonprofit basis to provide lodging and where meals and or domiciliary care for aged, infirm chronically ill or convalescent persons. The medical detox center will provide lodging and meals for a short period of time for those patients recovering from sickness. He stated there's no zoning decision or zoning action is going to be made by the county for this proposed use and medical detox center clearly falls within the definition of both hospital and care home. And both, as I said are permitted uses on the property as currently zoned. And since there is no zoning decision, the Zoning Procedures Act does not apply. Revisions dealing with the halfway houses roadway to the rehabilitation centers and facilities of treatment do not apply in this matter. If they did, then there would be a requirement for public hearings at a minimum of six month wait before the zoning decision could be made. Neither of those are required in the current request. He stated, Georgia law defines zoning decision as a final legislative action, which results in a.) new adoption of the zoning board. We're not requesting that. B.) the adoption of amendment to the zoning ordinance which changes the text of the zoning ordinance. We're not requesting that. The adoption as an amendment to the zoning ordinance which rezone the property from one zoning classification to another again, and that is not the request. The adoption of an amendment to a zoning ordinance by municipal local government which zones property to be annexed into the municipal. That's not here. And the grant of the permit relating to the special use property that is also not a request. He stated, the language of the Zoning Procedures Act and the definitions of zoning decisions are clear. And this matter not subject to interpretation has been said many times on the court, the legislature said what it meant and meant what it said and therefore the Zoning Procedures Act does not apply and the ordinances of a county are held to the same standard as they are written. He continued, in the definition of hospital and care home permit the proposed use. He concluded, to summarize, the property located at 1008 highway 54 West is currently zoned O-I.. Hospitals and convalescent centers

are permitted uses in that zoning district, the proposed acute medical detox facility that's warily within both definitions of hospital and care home. And then Zoning Procedures Act doesn't apply because no zoning decision is being made. In summary, again, the law supports this use. He stated he believes the commissioners are in support of this. We had emails from Eric Maxwell speaking very favorably with this. And I believe we have a number of people in the audience who came tonight wanted to be here to show support for our request. And if I may, those who are here in supporting this request, and since there's so many we have limited time today, just raise your hand, let us know. Honestly the community is in support of this and as Adam said, there's a need for this. Unfortunately, we have substance abuse problems in this country. Those are not going away. The pandemic proved to be a source of aggravation for substance abuse and to have a facility like this in our community where we can send individuals who need acute help at a time of crisis is something that we should be supporting. And again, we believe and leave this loss will support us that the current definitions occurrence of the ordinance of Fayette County minutes and allows this requested us.

Allison Cox introduced herself and stated she is representing the County's position and Debbie's decision for final determination and what's being appealed and frame what's going on today, because we're here only to decide whether to uphold or overturn the decision made by Ms. Bell, and her April 5, email and her April 6, zoning letter. And in order to make that decision, and she had only a very limited amount of information, most of what has come up here today was not available to her at the time the decisions made. So please bear that in mind as we work through this, and we'll introduce what she had to make her decision. And should we decide to overturn it, I would say that it would need to be remanded back to her for reconsideration. But that's the issue tonight, I did want to make a small rebuttal that my recognition that O-I the proper place for this use, doesn't mean it's there. It just means I agree that that's where it belongs. And currently, we are working on text amendments to include it. That would be the only change that we're talking about in the Zoning Procedures Act for any facility for the treatment of drug dependency, not just a residential facility. She stated, I would argue that Ms. Bell applied the provisions of our zoning ordinance properly to the information that she had available. And I'm going to call her up here and ask her what she had and how she went through the process to make her decision.

Attorney Cox swore in Deborah Bell.

Attorney Cox stated, I want to start with the actual letter of appeal that was filed on May 3<sup>rd</sup> by Mr. Kaye. And I will introduce a certified document, I'll introduce that into the record. Can you just read to me what we're appealing?

Deborah Bell stated, this letter shall serve as a notice of appeal on behalf of wolf acquisitions LLC, the appellant of your determination and your April 5, 2023, email and the zoning confirmation letter. The Fayette County tax parcel 0522-007 that a substance abuse treatment center is not listed as a permitted use in O-I zoning district.

Attorney Cox asked so what is your understanding of the proceedings? What are we here to do?

Debbie Bell stated this is an appeal to my statement that a substance abuse treatment center is not currently listed as a permitted use in the O-I district.

Attorney Cox stated she had a copy of the email thread and asked Debbie Bell if it was a copy of email certified?

Debbie Bell stated this is a copy of the email as well as the attachments that accompany the email which were the zoning verification letter, an information form, just like property evaluation, it restates the zoning, the zoning chapter for the that's applicable to the parcel and also the chapter four Section 110-142 for O-I office institutional and the Section 110-173, which is the transportation corridor overlay. Those are the pertinent chapters that apply to this parcel.

Attorney Cox stated she would hand Debbie a copy and introduce one into evidence. She then asked in the email thread can you tell me what the original request was? The March 21st request by Mr. Kaye?

Debbie Bell read the email sent to her. "Can you please let me know what is needed in order to get a zoning verification letter from Fayette County? I have a client looking for a zoning verification letter with regard to tax parcel number 0522 007. The client is looking to possibly use the property for substance abuse detox facility subject to the applicable licenses and approvals from the Georgia Department of Community Health." She continued, then the next day he followed up with one more thought. She read, "Ms. Bell as a follow up to my previous email based on my review of the zoning code, I believe that proposed use will be permissible as either a care home convalescent Center and or nursing home or hospital in accordance with section 110-169. But please confirm." We followed with some additional correspondence, I advised that I was researching his question and would reach back out to him and then I provided him with that zoning verification letter that you have in the package.

Attorney Cox asked did you provide them your verification letter?

Debbie Bell stated yes.

Attorney Cox stated the appeal is of an email. Did you just did you read that email? That's part of this email thread?

Debbie Bell stated yes with the letter in the attachment. She stated, I replied "Adam a zoning verification letter is attach along with the sections for the O-I zoning district and the transportation corridor overlay. However, I think that a substance abuse treatment center is significantly different than a hospice use and it is not listed as a permitted use in or zoning district.

Attorney Cox asked, can you tell me what a zoning verification letter does? What is the purpose?

Debbie Bell stated the purpose of the zoning verification letter is solely to verify what zoning district applies to a particular parcel. She stated, we typically send out that letter along with the relevant chapter that contains the uses permitted uses conditional uses and dimensional requirements from the zoning ordinance.

Attorney Cox stated, so this email thread that you just read into the record, was there anything outside of this that you use to make your decision as to your email?

Debbie Bell stated I did review the definitions for care home, which is as a convalescent center, typically for the infirm or aged. And then also for hospital, which is typically not somewhere where someone goes for detoxification, they might go to the emergency room and then they're transferred to a detox center and the definition. She read the definition of care home, a convalescent center nursing home rest home home for the ages, assisted aged, assisted living facility or similar use established operated on a profit or nonprofit basis to provide lodging and or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons. She stated, that to me implies a long term residential use, as opposed to a temporary detox facility to use.

Attorney Cox asked if there was any other information provided by Mr. Kaye?

Debbie Bell stated no, this was the only conversation was this email request that I had from him. He did not provide any additional information.

Attorney Cox stated when making your decision, we didn't have all of this documentation on the facility and the pictures. None of that was there?

Debbie Bell stated no.

Attorney Cox stated I am now going to introduce this is a certified copy of the code, but it's just O-I district. So is that okay, or do we just want to stick with what we have?

Rick Lindsey stated they have the whole thing.

Attorney Cox stated, I'm going to ask her is a substance abuse detox facility listed there as per permitted use in O-I?

Debbie Bell stated no.

Attorney Cox asked is it listed as a conditional use?

Debbie Bell stated no.

Attorney Cox stated, we had a suggestion that the facility is a hospital. Do you need to look at those conditional uses to tell me is a hospital permitted use in O-I?

Debbie Bell stated yes, a hospital is not a permitted use in O-I It is a conditional use in O-I, meaning that there's some special criteria attached to it.

Attorney Cox asked can you tell me the difference between a permitted and a conditional use?

Debbie Bell stated permitted uses are uses by right and so someone can come in and operate a business or conduct a use in that particular zoning district without having to meet any other criteria. And a conditional use has usually a few specific criteria that a property must meet. It might be setback or specific parking requirement or specific parcel size. Those are common conditions for a conditional use.

Attorney Cox stated so we know it's not permitted use. It's a conditional use in O-I to be a hospital. Can you read those conditions to me?

Debbie Bell stated a hospital allowed in C-C, C-H, O-I, and Z-R zoning districts the minimum lot size is 10 acres shall only set you shall only be permitted on a lot which runs on a major arterial.

Attorney Cox stated, I think I can stop you there. Can you tell me what the lot size of this parcel is?

Debbie Bell stated it's approximately 3.1 acres.

Attorney Cox asked can this exist as a conditional use?

Debbie Bell stated a hospital would not be allowed on this parcel because it doesn't meet the minimum lot size.

Attorney Cox stated so then we're going to need to the care home. And we've already said that the idea of a care home here it's a home with a list of several different kinds of homes, but home implies residency, lodging for permanent or semi permanent basis. All of those things require residency. We've heard this facility described as a maximum of two to five days any residency would be transferred off base once a patient is stabilized. So any idea that lodging or rooming is provided is only ancillary to the actual use or service on site, which is hospitalization and treatment for the weak withdrawal symptoms. She asked, is a personal care home a permitted use?

Debbie Bell stated it is not a permitted use in O-I.

Attorney Cox asked is it a conditional use?

Debbie Bell stated it is a conditional use in O-I.

Attorney Cox asked does this particular facility meet the conditions?

Debbie Bell stated at present this particular facility doesn't meet all of the conditional uses, it does meet the minimum lot size which the requirement is three acres and it fronts on a major thoroughfare. The current facility does not meet all of the buffer requirements. There is a side yard buffer requirement of 50 feet to which the 50 foot side or setback must be added. So it doesn't meet that requirement at present.

Attorney Cox asked so at present they can't operate?

Debbie Bell stated not without some further steps.

Attorney Cox stated nothing about Ms. Bell's decision was arbitrary or not informed by the code on point, she had very little information to go on. As my first, I believe it was an April 12 interaction that I had with counsel, that gave me an idea of what this facility really was. Ms. Bell didn't have the benefit of any of that at the time on her decision, which is under appeal today. This is not a hearing to decide whether or not this isn't a good use. Everyone agrees it's a good use. We're working as quickly as we can to get it into the code, because it is a detoxification facility. And under state law, it need only be a facility it has the element of being residential. It's not a portion of the Zoning Procedures Act that we're trying to remain compliant with. We are working as fast as we can to the make it happen. That's not an issue. In summary, we've gone over Ms. Bell's decision she strongly supported under the facts that she had available to her and the code sections that we have applicable here, strongly support the decision that she made. In addition, we've talked about whether it's a hospital which this parcel can never qualify as a hospital. It's three acres, not 10. That is not something that we would even very currently it can't even qualify as a personal care home. But Ms Bell's decision to say it isn't a care home hospice, or any of a number of other facilities in that use of homes was the idea it's not home. It's a service rendered during withdrawal. So the residency is only ancillary. Again, I would restate that we're only here to talk about whether she made a good decision, uphold her decision or overturn her decision. And if you do overturn her decision, perhaps you remand it back for her to consider with all of this new evidence. But at the time she made her decision, she didn't have most of what was presented to you tonight.

Adam Kaye stated I feel that the county is wordsmithing us a little bit, I just wanted to say that I have personally spoken with four of the five county commissioners who unequivocally support this use. And the use of this property for this to use. The prior use of the property was hospice, which is not a word used in the code, but the Ms. Bell can look and say, okay, it fits in this category, care home, whatever, and allows it to be used. And so if people can go to this property under medical supervision to die, I would hope that the board would think people can go to this property under medical supervision to get well.

Rick Lindsey stated I certainly don't want the board to believe that we're being critical of Ms. Bell that is not intended this is just the procedure. As I said very early on in my presentation, I do believe this is a result of in this understanding this communication. But under the current definitions, a medical detox facility is meets the definitions of hospital and care home, whether or not the variances would be needed. It's just like, if you did for the prior two matters that were for you, we could come before the board and ask for variance for the 50 feet or whatever. So again, we would submit that Ms. Bell interpretation was incorrect. And the code requires that the Board of Zoning Appeals either affirms or reverses it doesn't give the option of remand.

Marsha Hopkins had a couple of questions. She stated, this isn't to the merits of what you're proposing, it's really just to reconcile some language that I'm not too clear about. So in your initial presentation, you talked about this being a crisis stabilization unit, and subject to approval from the Department of Health, and also that it's a hospital. So I'm a little confused, because I actually thought that the DHDD, the Department of Developmental Health and Disabilities, that crisis stabilization units were under their Aegis. And if that so then I, I thought that they had some language in their regulations that clearly stated that a crisis stabilization unit is not a hospital, and couldn't hold itself out as one. The disconnect from me is whether or not that pertains only to maybe reimbursement with federal state funds. And if that's so, what are you proposing, that's different from that, that can align for me that notion of you can't hold yourself out as a hospital.

Adam Kaye stated, to start the definition of the hospital that Fayette County has a zoning code, and then the definition of a hospital that the Georgia regs have, are slightly different. If you go to the first tab of the binder, I will acknowledge that it's a little bit confusing, but on the second page where the first flag is, is where it's first highlighted, it says the term private facility means any hospital facility that's a proprietary hospital. He stated, so this would be privately in some proprietary hospital then there's the definition of crisis stabilization unit. And then if you go into the next page where it's highlighted, the department may designate as emergency receiving evaluatoin treatment facility, any private facility or any such portion of a community mental health and substance use program which complies with the standards for a CSU within the state of Georgia at the request of, or with the consent of the governing officers such facilities. So I acknowledge that it's a little bit confusing, but it's basically saying the department may designate an ERET, any private hospital that complies with the standards for crisis stabilization unit.

Marsha Hopkins asked would the permission is for that require certificate need?

Adam Kaye stated yes it does require a certificate of need.

Marsha Hopkins asked how so?



Adam Kaye stated in the appeal pack, and I apologize, I don't know which exhibit it is. But it makes clear that inpatient substance use treatment programs and treat acute symptoms require certificates of need.

Marsha Hopkins asked how many beds are you proposing?

Adam Kaye stated it's a 12 room facility. So that would be a maximum of 24 beds. And I know that there are some hospital regulations on hospitals have a minimum number of beds that's higher than 24. And that's where I noticed that the regulations are a little bit confusing. That refers to crisis stabilization units as hospitals in some instances. And certainly not all crisis stabilization units have 50 beds. He continued it's just one of those things where Fayette County's definition of a hospital and the state's definition of a hospital or a little bit different. I know that probably doesn't help you much.

Marsha Hopkins stated I'm trying to keep in mind what we're here to do, where it goes after that, is subject to approval and denial at the state level for whatever you're proposing, I was trying to get the notion of not holding yourself out as the hospital. When that's what you're saying you are, for purposes of this, and I get that.

Chairman Tate stated I think the rest of the board is clear on this, but just a clarification. The real purpose of this meeting tonight is to determine whether or not we would uphold the decision that was made by Deborah Bell or whether or not we would overrule and should we overrule, then that means that it would go back to her for reconsideration.

Attorney Cox stated I'm here in my capacity to represent Deborah so I'm going to refrain in my response out of an abundance of caution.

Chairman Tate asked Deborah Bell if she could say anything in regards to the clarification?

Deborah Bell stated it's my understanding your interpretation is the correct interpretation. This is not regarding a permit issuance or acceptance of an application or anything like that.

Steve Jones stated to your question about what the purpose of this meeting is. Purpose of this meeting is to review Ms. Bell's decision. You're not cabined to look at Ms Bell's decision at the time that she made it. That's why your code provides you with a public hearing. So that you can accept evidence and so you can hear everything that was proposed for you today. And then you can make the determination whether or not that decision was right, based on the evidence that you've heard, had the decision been cabined to or isolated to the facts that was before Ms. Bell when she made her decision. You would have a public hearing. Your decision here under your code is to affirm or reverse.

Attorney Cox stated Mr. Jones has entered an [inaudible] for the petitioner and to take everything with a grain of salt.

Mr. Jones continued your options today are to affirm or reverse, not to remand and not to look at it in isolation based on what Ms. Bell had in consideration at the time that she made the decision. I've worked a lot with Ms. Bell here and elsewhere. She has a lot on her plate and has a lot to consider. We're not speaking ill, what she did or how she did it. We're saying when you look at the totality of the evidence that's presented to you tonight, there's one clear decision as this use, under your definitions is a hospital or a convalescent center or care home as those terms are used. And you make that decision based on what you've heard tonight. Oh, that clarifies everything.

Chairman Tate stated they've received a lot of information and heard strong arguments from both sides.

Bill Beckwith asked if the Planning Commission has modified the ordinance and recommended to the Board of Commissioners?

Debbie Bell stated we presented a definition for substance abuse treatment facility to planning commission as a as a definition, and that they recommended approval and forwarded that to the Board of Commissioners. We're presenting that to the BOC on June 22. And then following that approval, that'll be followed by an amendment to add as a conditional use to the O-I zoning district.

Bill Beckwith asked is there another any other zoning category that allows subjects abuse or detox facility besides?

Debbie Bell stated not at present. It's not a defined use in the county as a standalone use. So it isn't listed in any of our zoning districts.

Marsha Hopkins stated she's still not clear on the conditional 10 acre piece of this. Is there anything else you can add?

Debbie Bell stated that's simply that if someone wants to build a hospital, assuming they have all the other approvals handled, that they would have to find a parcel that has 10 acres for a hospital. That's just the minimum lot size required for it. So this wouldn't meet the criteria for a conditional use as a hospital. So we did create that a use we haven't added a conditional use format, when we have it added as a conditional use it will have its own set of conditions. But I wouldn't anticipate that it would require 10 acres.

Steve Jones stated this is a textual interpretation of your zoning woodenness. Although we're looking at a specific parcel, this is about whether or not posed use meets the definition of hospital or care center slash convalescent center under your ordinance. It's not whether this parcel qualifies for that use although we are looking at a specific parcel. Your job tonight is to determine whether or not pose use meets one or both of those definitions. The subject property that the applicant is looking at if it does not comply with one of those conditional use requirements. Specifically to board member Hopkins pointed out the minimum acreage

requirement, it could seek a variance Alternatively, it could combine with the adjacent parcels to meet that minimum requirement.

Attorney Cox asked Mr. Jones if he was representing the petitioner?

Mr. Jones stated I am.

Attorney Cox asked does he have time reserved for further presentation.

Mr. Jones stated we do. But also you'll know that in our work objections follow the application, we objected to the time limitation, because this is a quasi-judicial hearing, in which the applicant needs to be afforded due process and the time limitation of 20 minutes does not afford that kind of opportunity to do so. Secondly, with the burden of proof here, entitles us to respond.

Attorney Cox stated please take note that Mr. Jones is here representing the petitioner. All he could say is representative that side, his framing of the issue, isn't what we're here to do tonight from the county's point of view.

Bill Beckwith stated it seems the petitioner has exceeded his allowed time with these two additional presentations from Mr. Jones.

Chairman Tate asked if there any apprehension on board members for us to be able to actually arrive at a decision now or something that you feel you would need additional time to consider?

Brian Haren stated I personally don't need any additional time. Regardless of everything that was said. I'm reading what brought us to this meeting this evening. That was to make a decision on whether or not the decision of Ms. Bell was proper at the time, given the information she had. I believe it was. He stated, we're just here to make a very narrow decision. Did she make the right decision based on the existing zoning? And with the information she had at her disposal at the time she made a decision. I believe she did. I think everybody understand we're kind of walking our way towards this facility being permitted. But tonight here as I see it, we're just making a decision on whether or not Ms. Bell made the correct decision at the time she made it with the information she had available. I think you're going to get what you want. I think you're going to get there. That's just my opinion. But I believe you are going to eventually see this. We just have to let the process work through. I came here off of the Planning Zoning Commission, and I understand how they work through things and they're going to make a decision and then they're going to make a recommendation yes or no to the county commissioners who are going to make their decision. I'd say let's let that process work its way out. That's why it exists. You know, this is again, we're here to make a very narrow decision. He stated, I would support denying this appeal.

*Brian Haren made a motion to affirm the decision of the Zoning administrator/director of Planning & Zoning with regard to interpretation, administration and enforcement. Bill Beckwith seconded the motion. The motion passed 5-0.*

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Chairman Tate asked is there a motion to adjourn?

*Marsha Hopkins made a motion to adjourn. Bill Beckwith seconded the motion. The motion passed 5-0.*

The meeting adjourned at 8:31 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

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**JOHN TATE, CHAIRMAN**

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**CHELSIE BOYNTON, ZBA SECRETARY**

**PETITION NO: A-821-23**

**Requested Action:** Per Sec. 110-138(d)(4)a.1, requesting to reduce the front yard setback from 60 feet to 53 feet to allow an existing accessory structure, a pool house, to remain; and per Sec. 110-79(c)(1)a., requesting a variance to allow a third accessory structure to remain.

**Location:** 105 Bonaventure Way, Fayetteville, GA 30215

**Parcel(s):** 0520 02001

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 75

**Zoning:** R-20, Single-Family Residential

**Lot Size:** 1.037 acres

**Owner(s):** Aura Lazada & Fenichel Perez

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** June 26, 2023

**REQUEST**

Applicant is requesting the following:

1. Per Sec. 110-138(d)(4)a.1, requesting to reduce the front yard setback from 60 feet to 53 feet to allow an existing accessory structure, a pool house, to remain; and
2. Per Sec. 110-79(c)(1)a., requesting a variance to allow a third accessory structure to remain.

**STAFF RECOMMENDATION**

It is staff's opinion that the lot does present some difficulties due to multiple road frontages, which require increased building setbacks. The encroachment of the pool house is not the fault of the current owner. The resident was unaware of the permitting requirements and is working to correct deficiencies. These permit applications are currently on hold pending the outcome of the variance requests.

Staff recommends **CONDITIONAL APPROVAL** of the request to reduce the side yard setback to allow the pergola and the pool to remain. If approved, recommended conditions are as follows:

1. Applicant is to complete the permitting process for any unpermitted structures that are approved to remain.
2. Applicant shall remove the unpermitted garden shed on the northwest corner of the property and the unpermitted metal carport near the gazebo.

## **HISTORY**

The house and pool were permitted and built in 1986. The pool house was built without a permit prior to the current owners' purchase of the home in 2017.

On December 21, 2022, Department of Building Safety received a complaint regarding construction without a permit. The Building Inspector noted that a deck addition and an accessory building were being built and issued a Stop Work Order. The homeowners have met with P & Z and Building Safety several times to work on the variance and building permit applications in order to bring all structures into compliance.

## **DEPARTMENTAL COMMENTS**

- Water System** – No objections to this variance.
- Public Works/Environmental Management** – No objections to the variance requests.
- Environmental Health Department** – No comments submitted.
- Fire** – No objections.
- Building Safety** – There are unpermitted structures that need to be properly permitted or removed.

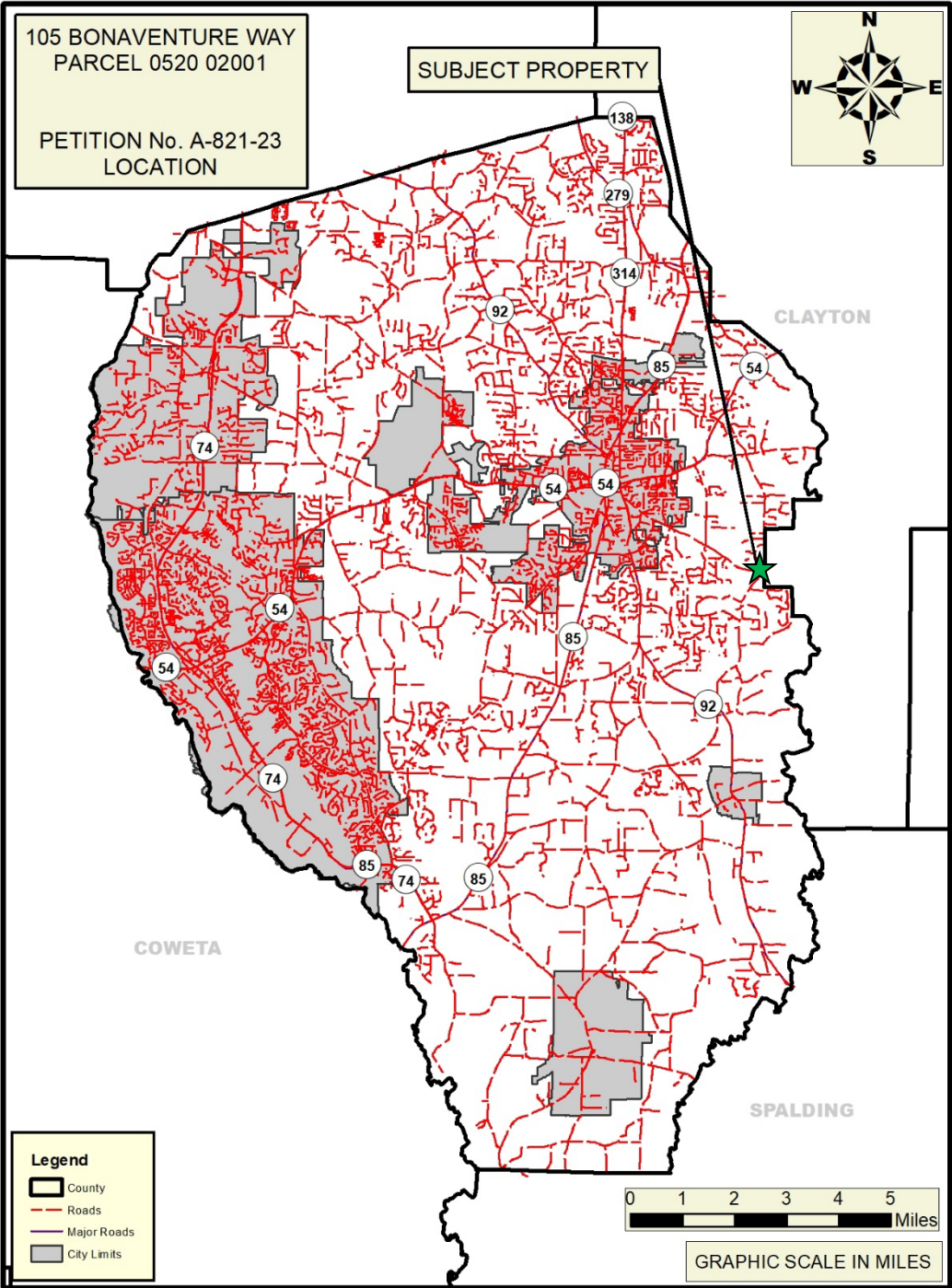
## VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

### **STAFF ASSESSMENT OF CRITERIA**

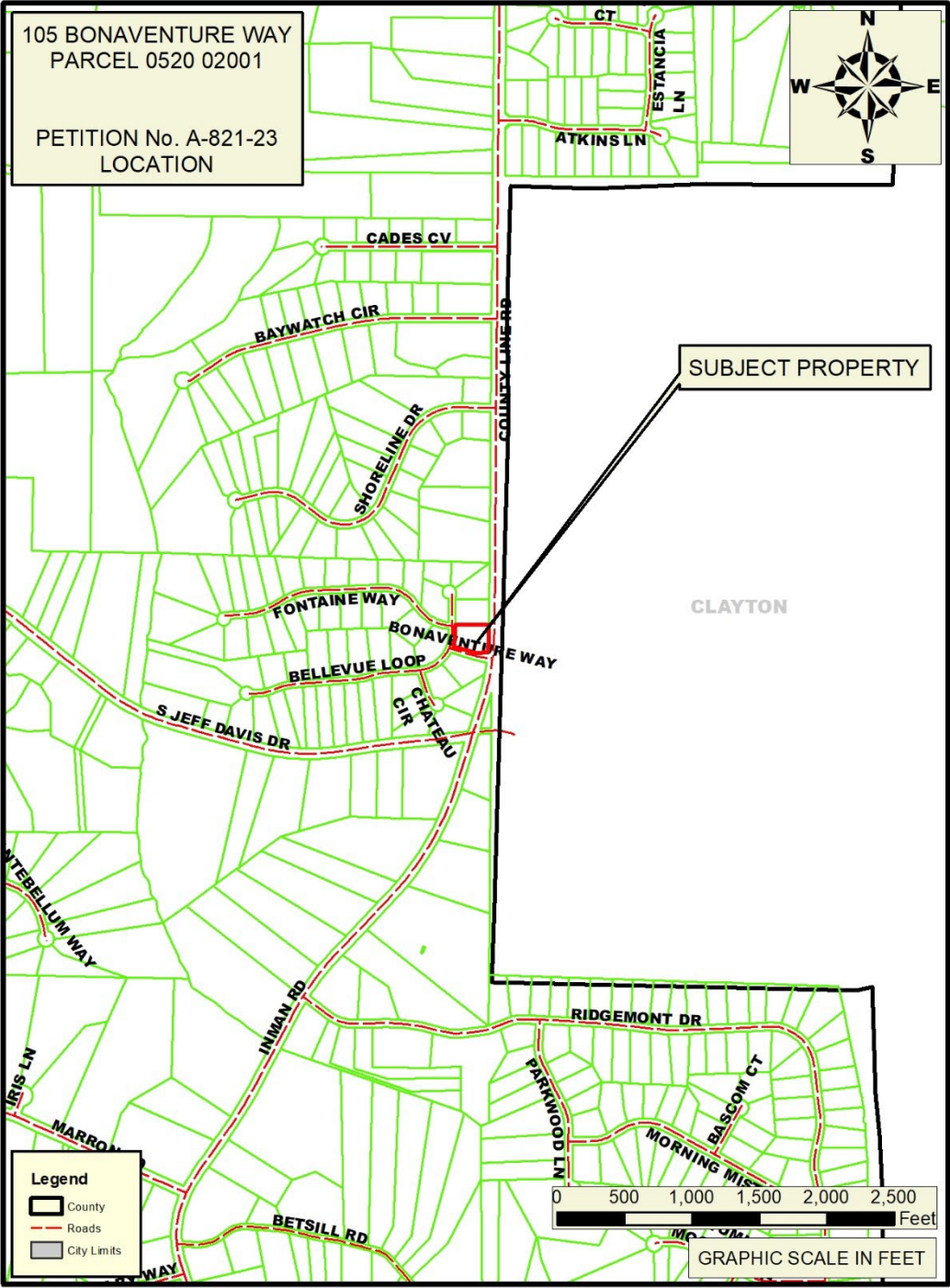
*(Please see the attached application package for the applicant's responses to the criteria.)*

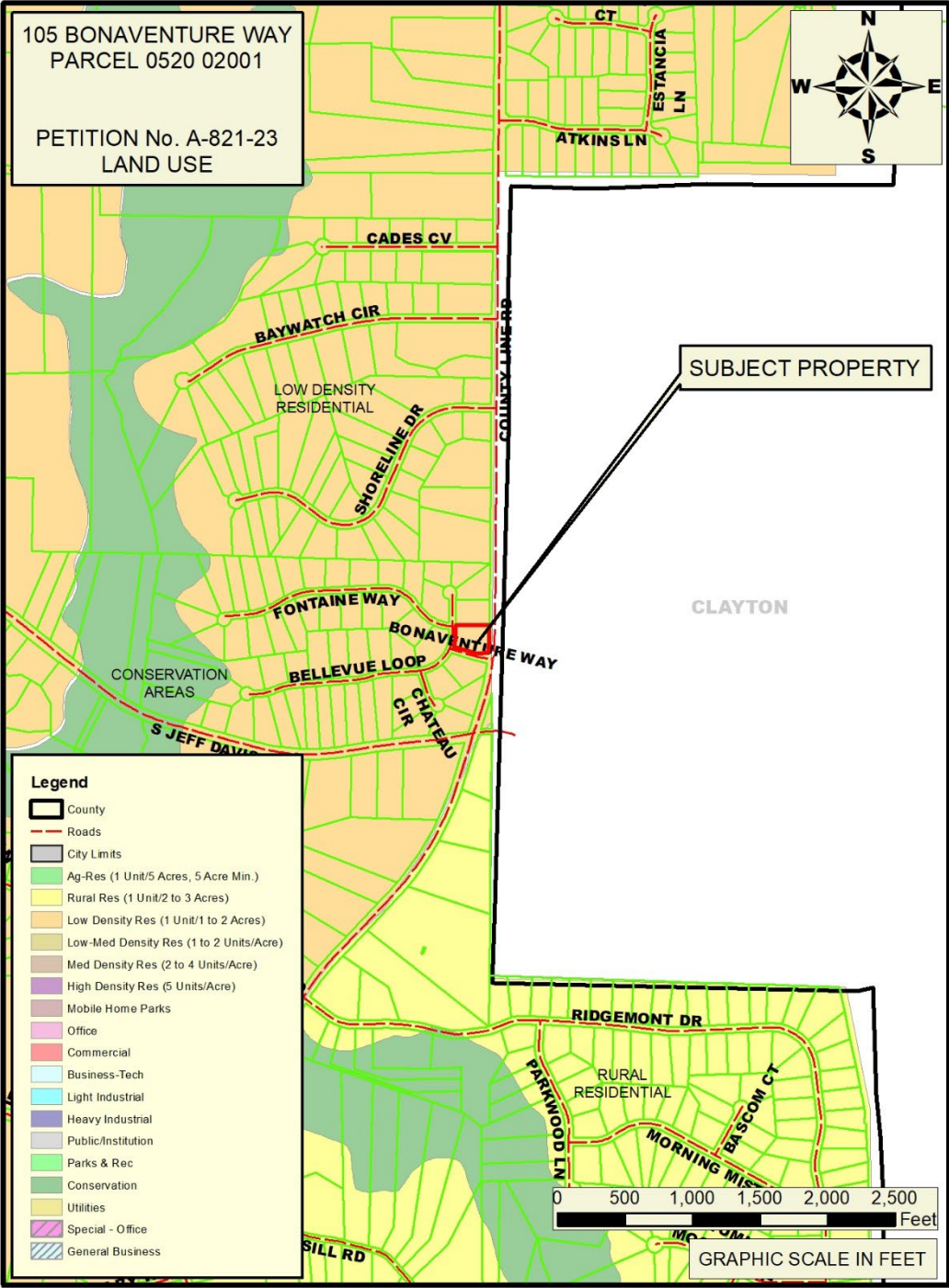
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

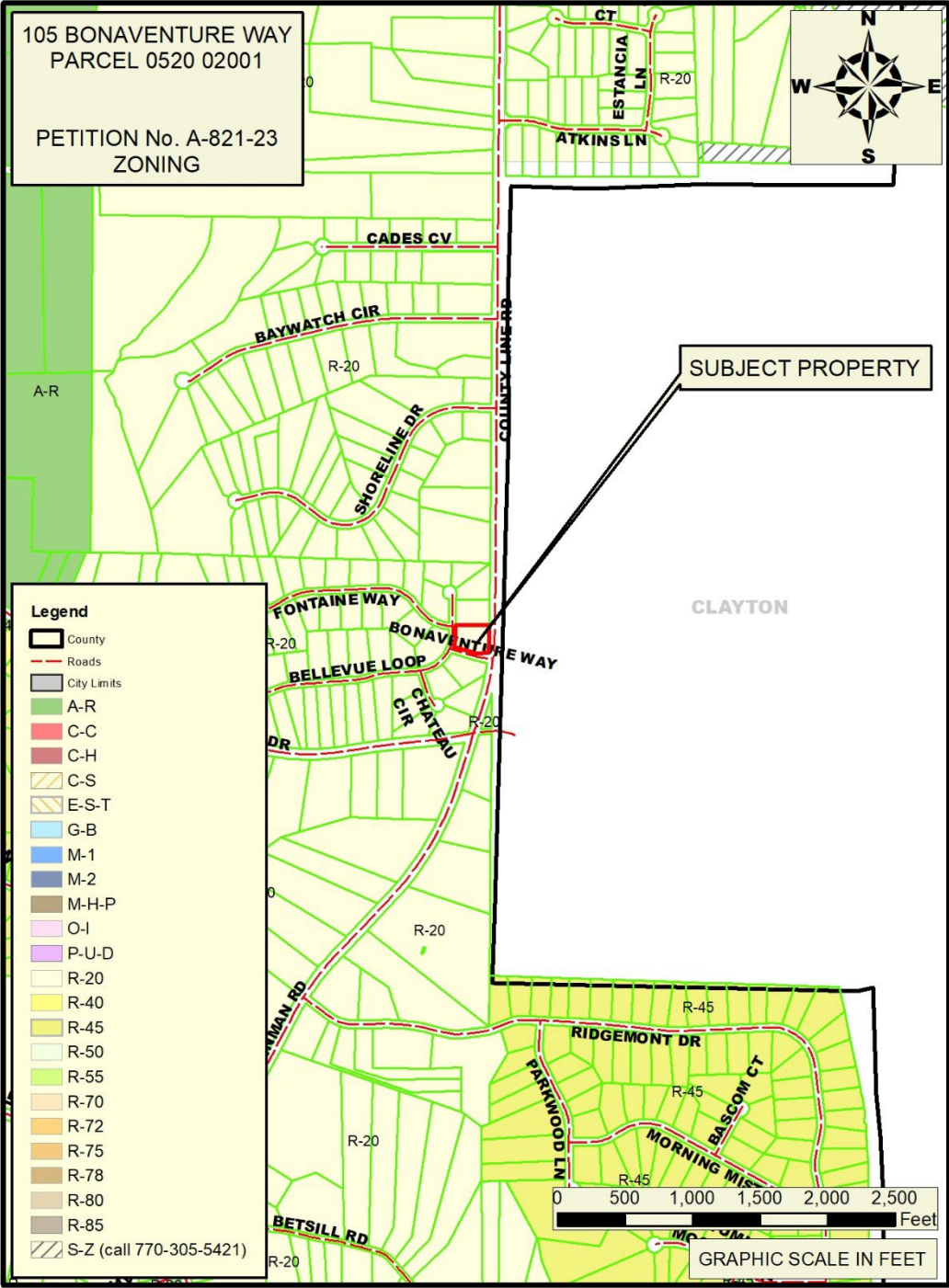
1. **There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*Size and location of the property presents some challenges due to multiple road frontages and their corresponding building setbacks.*
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
*Relocation of the poolhouse at this juncture would present a practical difficulty.*
3. **Such conditions are peculiar to the particular piece of property involved; and,**  
*Conditions are specific to this site. A residential lot with 3 frontages is uncommon.*
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,**  
*Allowing the structure to remain should not be detrimental to the neighboring properties.*
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
*The nonconforming location is not a result of the property owners' actions. A literal interpretation of the ordinance would deprive them of the use of the structures if removal were required.*

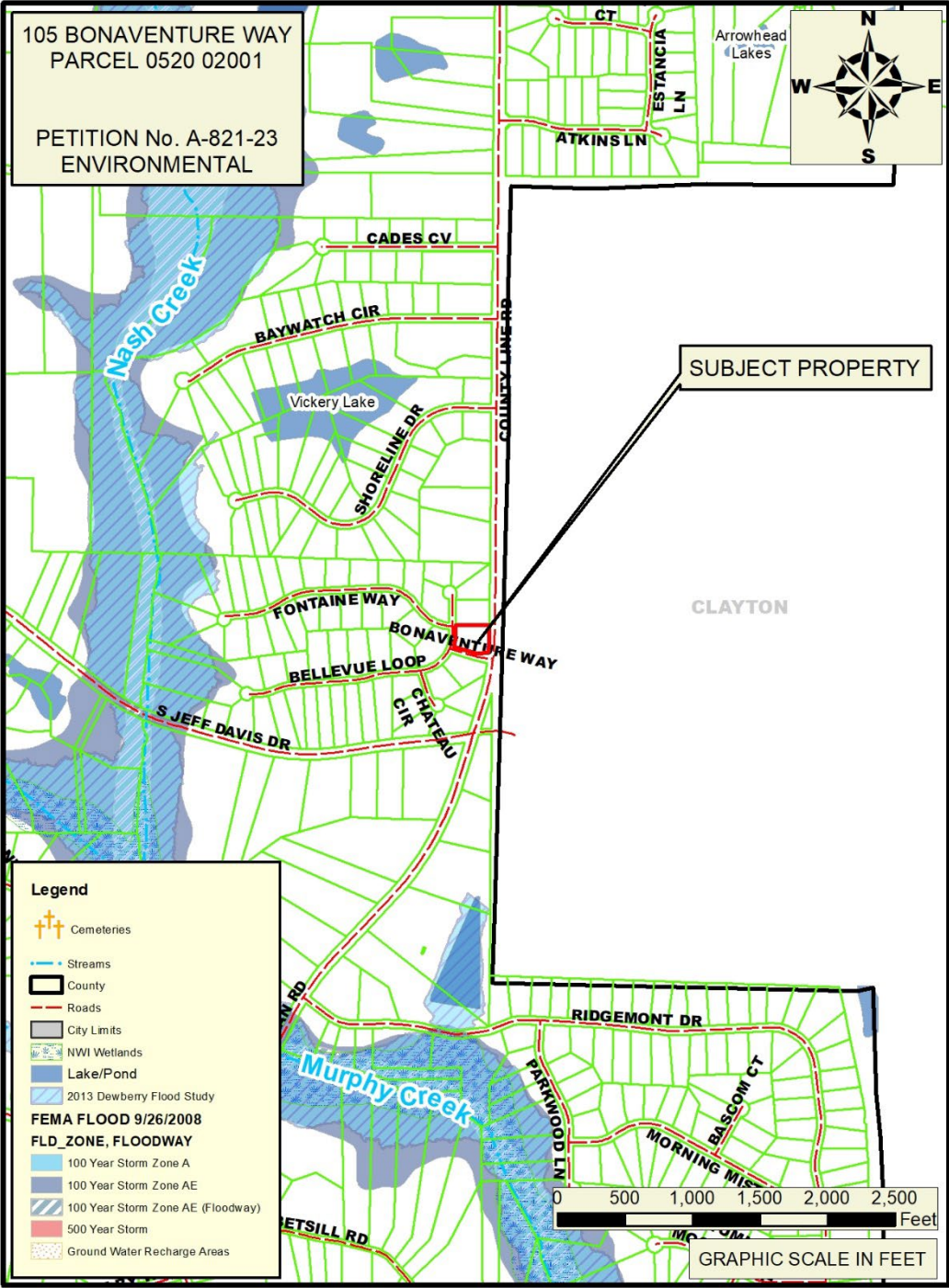








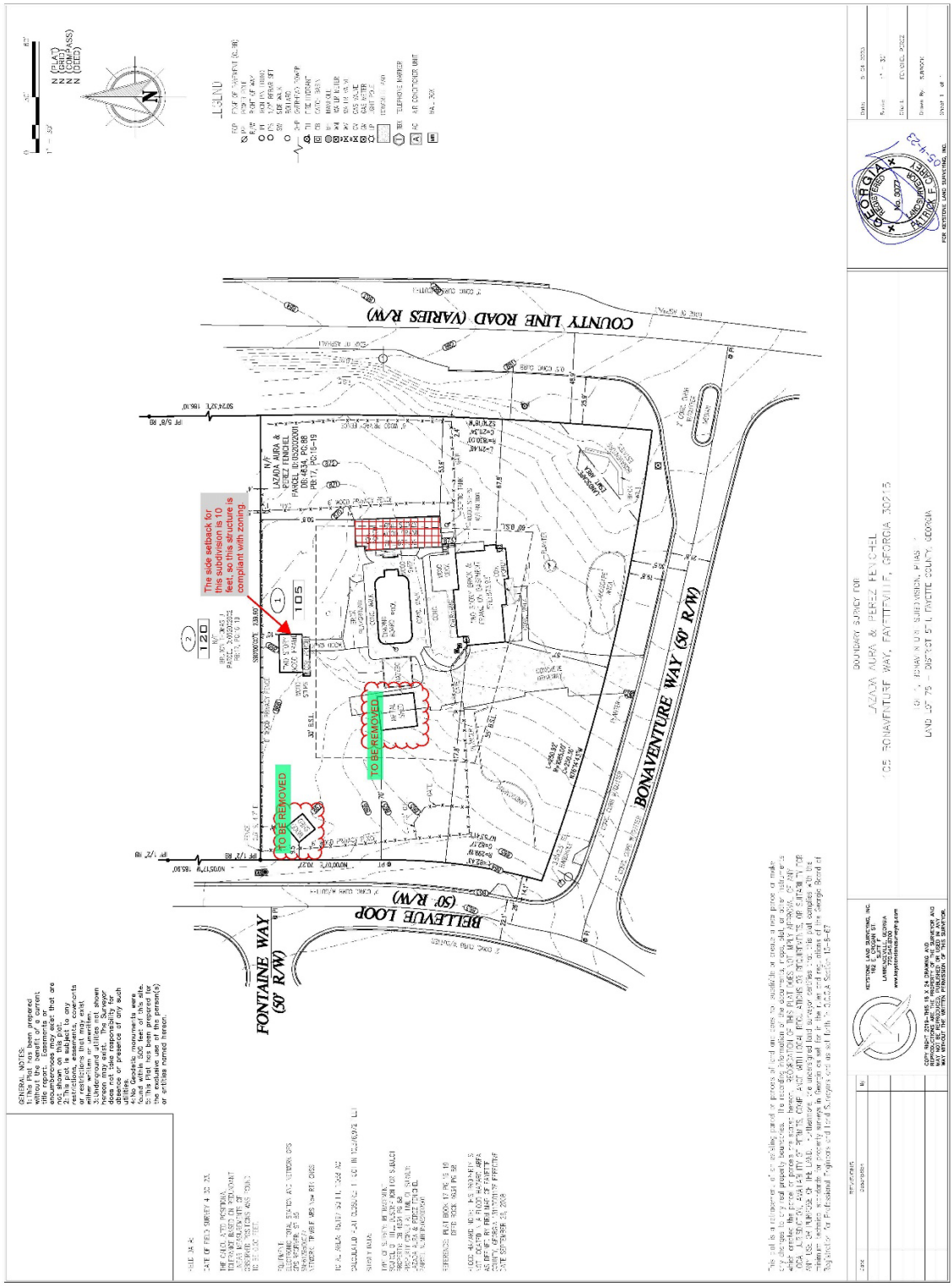






AERIAL PHOTO





GENERAL NOTES:  
 1. All dimensions shown are in feet and inches.  
 2. All dimensions shown are to the center of the structure unless otherwise noted.  
 3. All dimensions shown are to the outside of the structure unless otherwise noted.  
 4. All dimensions shown are to the center of the structure unless otherwise noted.  
 5. All dimensions shown are to the outside of the structure unless otherwise noted.  
 6. All dimensions shown are to the center of the structure unless otherwise noted.  
 7. All dimensions shown are to the outside of the structure unless otherwise noted.  
 8. All dimensions shown are to the center of the structure unless otherwise noted.  
 9. All dimensions shown are to the outside of the structure unless otherwise noted.  
 10. All dimensions shown are to the center of the structure unless otherwise noted.

SCALE: AS SHOWN  
 DATE OF FIELD SURVEY: 4/22/23  
 SURVEYOR: JASON R. HARRIS, L.S.  
 PROJECT: 2023-0000000000  
 PARCEL ID: 0020200000  
 COUNTY: FAYETTE COUNTY, GEORGIA  
 TOWN: FAYETTEVILLE, GEORGIA  
 ZONING: R-100  
 REFERENCE: PLAT BOOK 107, PAGE 10  
 DATE OF REFERENCE: 01/15/2020  
 REFERENCE: PLAT BOOK 107, PAGE 10  
 DATE OF REFERENCE: 01/15/2020  
 REFERENCE: PLAT BOOK 107, PAGE 10  
 DATE OF REFERENCE: 01/15/2020

### SURVEY WITH PROJECT NOTES

|                       |  |
|-----------------------|--|
| DATE:                 | 04/22/23   |
| PROJECT:              | BOUNDARY SURVEY FOR JAZARA AURA & PEREZ FENICHEL |
| CLIENT:               | 705 SCHWARTZ WAY, FAYETTEVILLE, GEORGIA 30215    |
| OWNER:                | 705 SCHWARTZ WAY, FAYETTEVILLE, GEORGIA 30215    |
| DATE OF SURVEY:       | 04/22/23   |
| DATE OF PLOTTING:     | 04/22/23   |
| DATE OF PRINTING:     | 04/22/23   |
| DATE OF FIELD SURVEY: | 04/22/23   |
| DATE OF PLOTTING:     | 04/22/23   |
| DATE OF PRINTING:     | 04/22/23   |
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| DATE OF PRINTING:     | 04/22/23   |





A-821-23 – 105 Bonaventure Way



A-821-23 – 105 Bonaventure Way





A-821-23 – 105 Bonaventure Way



A-821-23 – 105 Bonaventure Way

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

**PROPERTY INFORMATION:**

Parcel No. 052002 001 Acreage: 1.037  
 Land Lot: 75 Land District: 5<sup>TH</sup>  
 Address: 105 BONAVENTURE WAY  
 Existing Zoning: R-20 Requested Zoning: R-20  
 Zoning of Surrounding Properties: R-20  
 Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

**PROPERTY OWNER INFORMATION**

Name AURA LOZADA & FENICHEL PEREZ  
 Email Carifer98@gmail.com  
 Address 105 BONAVENTURE WAY  
 City FAYETTEVILLE  
 State GA. Zip 30215  
 Phone 4042195472

**AGENT/DEVELOPER INFORMATION**

(If not owner)

Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-821-23

[ ] Application Insufficient due to lack of:

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

Application and all required supporting documentation is Sufficient and Complete

by Staff: [Signature] Date: MAY 9, 2023

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 26, 2023

Received from AURA LOZADA & FENICHEL PEREZ a check in the amount of \$ 350.00

for application filing fee, and \$ 150.00 for deposit on frame for public hearing sign(s).

Date Paid: MAY 9, 2023 Receipt Number: 017985

**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:

AURA LOZADA AND FENICHEL PEREZ

Please Print Names

Property Tax Identification Number(s) of Subject Property: 052002 001

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 5<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) 75 of the District, and said property consists of a total of 1.037 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

[Signature]

Signature of Property Owner 1

105 BONAVENTURE WAY

Address

[Signature]

Signature of Property Owner 2

105 BONAVENTURE WAY

Address

Signature of Authorized Agent

Address

[Signature]

Signature of Notary Public

MAY 8, 2023

Date

[Signature]

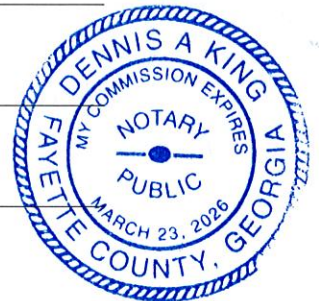
Signature of Notary Public

MAY 8, 2023

Date

Signature of Notary Public

Date



### VARIANCE INFORMATION

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

| Ordinance/Section        | Requirement            | Proposed                      | Variance Amount                  |
|--------------------------|------------------------|-------------------------------|----------------------------------|
| 110-79.(c)(1)a           | 2 accessory structures | 3 - requesting to keep Gazebo | 1 add'l structure for total of 3 |
| 110-138. R-20 (d)(4) a.1 | Front yard setback 60' | 53.6'<br><del>60'</del>       | 6.4'<br><del>60'</del>           |
|                          |                        |                               |                                  |

### VARIANCE SUMMARY

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

We are requesting a variance to the building setback for the pool house and requesting to be allowed to keep the gazebo as a third accessory structure.

## 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.

This lot has streets on 3 sides so the building setbacks are larger than most lots.

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

The pool house was already built when I bought the home.

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

A lot with 3 road frontages is very unusual

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.

My neighbor has no objections  
to the variances.

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

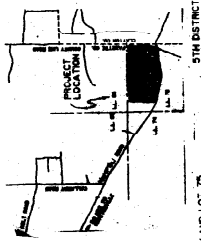
The extra building setbacks make it  
hard to build on this lot.

*Restriction recorded  
Book 396-777*

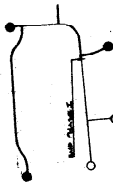
# FINAL PLAT

## BONAVENTURE ESTATES

GEORGIA, Fayette County  
 Clerk's Office Superior Court  
 Filed for record August 17, 19 88  
 M. Page 16  
 Recorded in Book 11 day of August, 19 88  
W. A. Beckard  
 Clerk



LAND LOT 75 VICINITY MAP



OWNER/DEVELOPER  
 FRENCH  
 II PETROL PLACE  
 SUITE 'B'  
 PEACH-TREE CITY, GA 30289

| SETBACKS |     |
|----------|-----|
| FRONT    | 60' |
| SIDE     | 30' |
| REAR     | 30' |

NOTE: NO LOTS SHALL HAVE DIRECT ACCESS TO JEFF CAVIS DRIVE OR COUNTRYLINE ROAD.

NOTE: FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAN.

The plat data were obtained from the...  
 A. R. Wood, P.L.S. No. 2 418  
 Mobile, Birmingham and Marietta  
 Survey of Georgia

Approved by Department of Public Health, Fayette County, Georgia.  
 Det. SAH Signed Richard P. [Signature]  
 County Sanitary Engineer  
 Approved by County Engineer, Fayette County, Georgia  
 Date 8/18/88 Signed Samuel [Signature]  
 Approved by the Fayetteville-Fayette County Planning Commission.  
 Date 6/16/88 Signed Robert S. [Signature]  
 Secretary



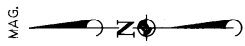
I certify that all measurements are correct and made independent from an actual survey of the property...  
 [Signature]  
 [Signature]  
 [Signature]

Owner Date  
 Mortgage  
 By [Signature] 8/18/88

**koons** consulting engineers • surveyors • planners  
**wood & associates**  
 19 EASTBROOK BEND PEACHTREE CITY  
 GEORGIA 30088 487-9805 487-9820

FINAL PLAT FOR:

|                      |        |
|----------------------|--------|
| LAND LOT: 75         | 5-2-85 |
| DISTRICT: 5th        |        |
| COUNTY: FAYETTE, GA. |        |
| SCALE: 1" = 100'     | 85714  |



GEORGIA, Fayette County  
 Clerk's Office Superior Court  
 Filed for record March 11 1984  
 Recorded in Book 17 Page 18  
 This 11 day of March 1984  
*A. O. Ballard*  
 Clerk

**loons consulting engineers • surveyors • planners**  
 206 OAK MANOR SUITE 4 PEACHTREE CITY  
 GEORGIA 30269 401-9220

FINAL PLAT OF  
**BONAVENTURE ESTATES  
 PHASE ONE**

|                      |                 |
|----------------------|-----------------|
| LAND LOT: 75         | DATE: 5-2-86    |
| DISTRICT: 5th        | REV:            |
| COUNTY: FAYETTE, GA. | REF:            |
| SCALE: 1"=100'       | JOB NO.: 8571.4 |



After recording, return to:  
McMichael & Gray, PC  
825 Fairways Ct., Ste. 100  
Stockbridge, GA 30281  
(678)373-0521

Doc ID: 010190100001 Type: QCD  
Recorded: 07/24/2017 at 09:00:00 AM  
Fee Amt: \$12.00 Page 1 of 1  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK **4634** PG **88**

(Above this line is reserved for recording)

Note to Clerk: Please cross reference with: Warranty Deed recorded August 20, 2013, in Deed Book 4105, Page 176, Clayton County Deed Records

STATE OF GEORGIA  
COUNTY OF HENRY

### QUIT CLAIM DEED

**THIS INDENTURE**, made this 24 day of May, 2017, between **Tex Reid Flippin** of Clayton County, Georgia, as party the first part, hereinafter called "Grantor", and **Aura Lazada and Fenichel Perez**, as **Joint Tenants with Rights of Survivorship**, as parties of the second part, hereinafter called "Grantees" (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where context requires or permits).

**WITNESSETH:** that Grantor, for and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration, has granted, bargained, sold, and conveyed and by these presents does quit claim, grant, bargain, sell, and forever convey unto Grantees, all of Grantor's interest in and to the following real property:

**All that tract or parcel of land lying and being in Land Lot 75 of the 5<sup>th</sup> District of Fayette County, Georgia, and being known as Lot 1 of Bonaventure Subdivision, Phase One, as per plat recorded in Plat Book 17, Pages 16-19, Fayette County Deed Records, said plat being incorporated herein by reference thereto.**

TO HAVE AND TO HOLD the above-described property unto the Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the above-described property or its appurtenances.

IN WITNESS WHEREOF, Grantor has executed this Deed under seal as the day and year first above written.

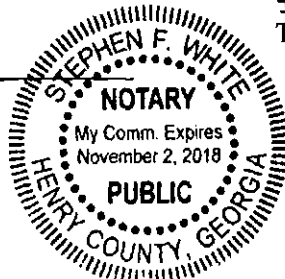
Signed, sealed and delivered in the presence of:

Grantor:

*Linda W. Sims*  
Unofficial Witness

*Tex Reid Flippin* (SEAL)  
Tex Reid Flippin

*Stephen F. White*  
Notary Public



**PETITION NO: A-820-23**

**Requested Action:** Per Sec. 110-126(f)(6), requesting to reduce the side yard setback from 20 feet to 18 feet to allow an existing accessory structure, a pergola, to remain; and per Sec. 110-126(f)(6), requesting to reduce the side yard setback from 20 feet to 11 feet to allow an existing accessory structure, a swimming pool, to remain.

**Location:** 335 Navarre Drive, Fayetteville, GA 30214

**Parcel(s):** 0542 17015

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 224

**Zoning:** C-S, Conservation Subdivision

**Lot Size:** 1.010 acres

**Owner(s):** Sterling Brown Jr. Irrevocable Trust, Tanesha Butler & Demetrius Butler, Co-Trustees

**Agent:** Tanesha Butler

**Zoning Board of Appeal Public Hearing:** June 26, 2023

**REQUEST**

Applicant is requesting the following:

1. Per Sec. 110-126(f)(6), requesting to reduce the side yard setback from 20 feet to 18 feet to allow an existing accessory structure, a pergola, to remain; and
2. Per Sec. 110-126(f)(6), requesting to reduce the side yard setback from 20 feet to 11 feet to allow an existing accessory structure, a swimming pool, to remain.

**STAFF RECOMMENDATION**

It is staff's opinion that the lot does present some difficulties in terms of the location of the septic tank. While the pool might have been properly sited elsewhere on the lot, relocation of the pool would cause a practical difficulty at this point in time. The encroachment of the pergola falls within the encroachment request area for the pool.

Staff recommends **CONDITIONAL APPROVAL** of the request to reduce the side yard setback to allow the pergola and the pool to remain. Conditions are as follows:

1. Applicant is to complete the permitting process for the pergola.
2. Applicant is to coordinate with the pool contractor and Building Safety to complete the permitting process for the pool.

## **HISTORY**

On January 5, 2021, a permit for the swimming pool was issued to Tallman Pools. Although the pool construction was completed, the contractor did not obtain final inspections.

On February 3, 2022, Building Safety received a complaint of an accessory structure (the pergola) being constructed without a permit. When researching the property, the lack of final pool inspections was discovered.

When accessory structures are built within 2 feet of a setback line, a foundation/as-built survey is required. This revealed that the pergola and the pool encroach on the side yard setback.

The pool contractor has renewed the building permit for the pool and the homeowner has applied for the building permit for the pergola. Both applications are on hold pending this variance request package.

## **DEPARTMENTAL COMMENTS**

- Water System** – FCWS has no objection to this variance.
- Public Works/Environmental Management** – No objections.
- Environmental Health Department** – No comments submitted.
- Fire** – No objections.
- Building Safety** – There are building permits that need to be completed and approved.

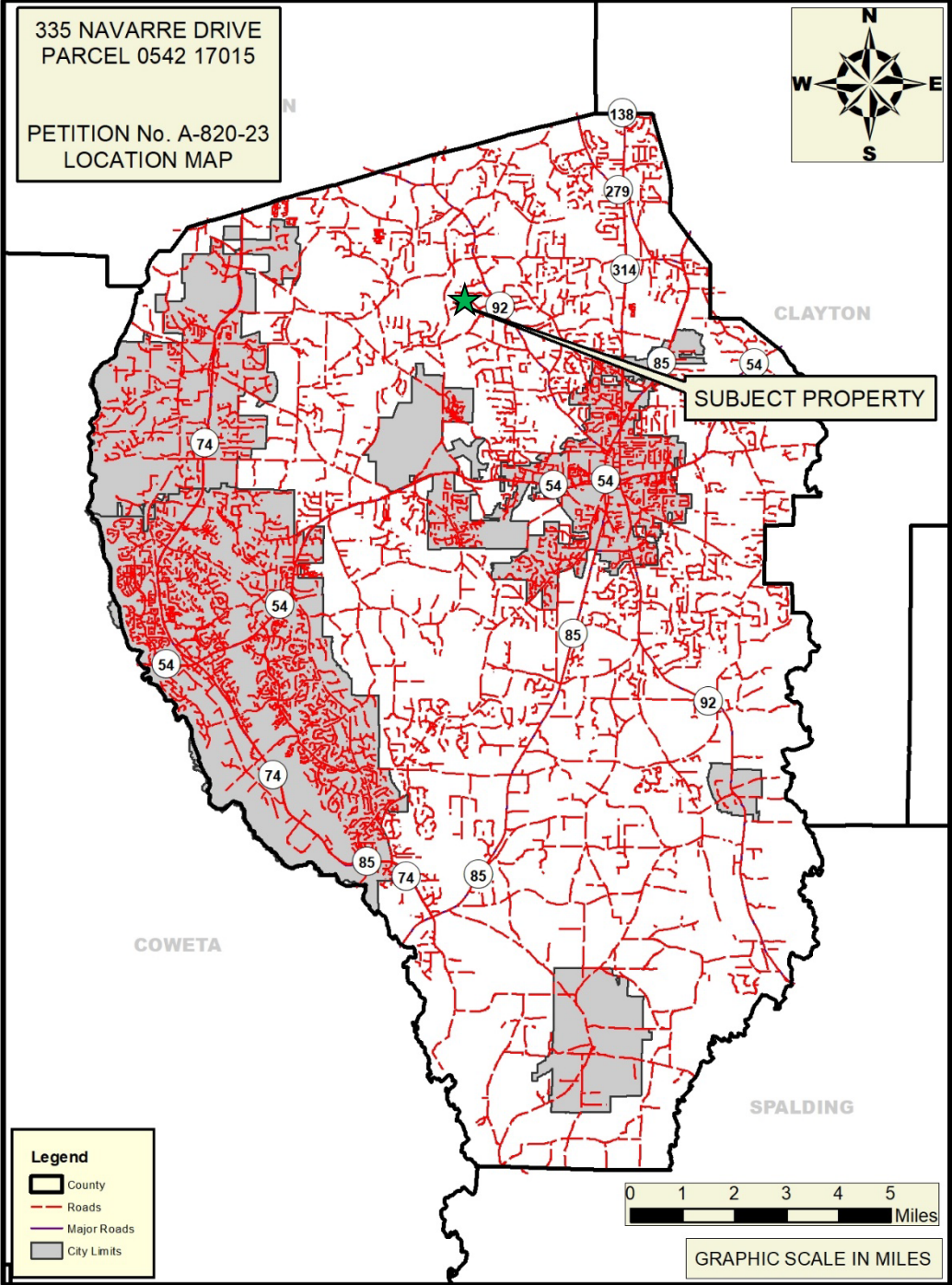
**VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

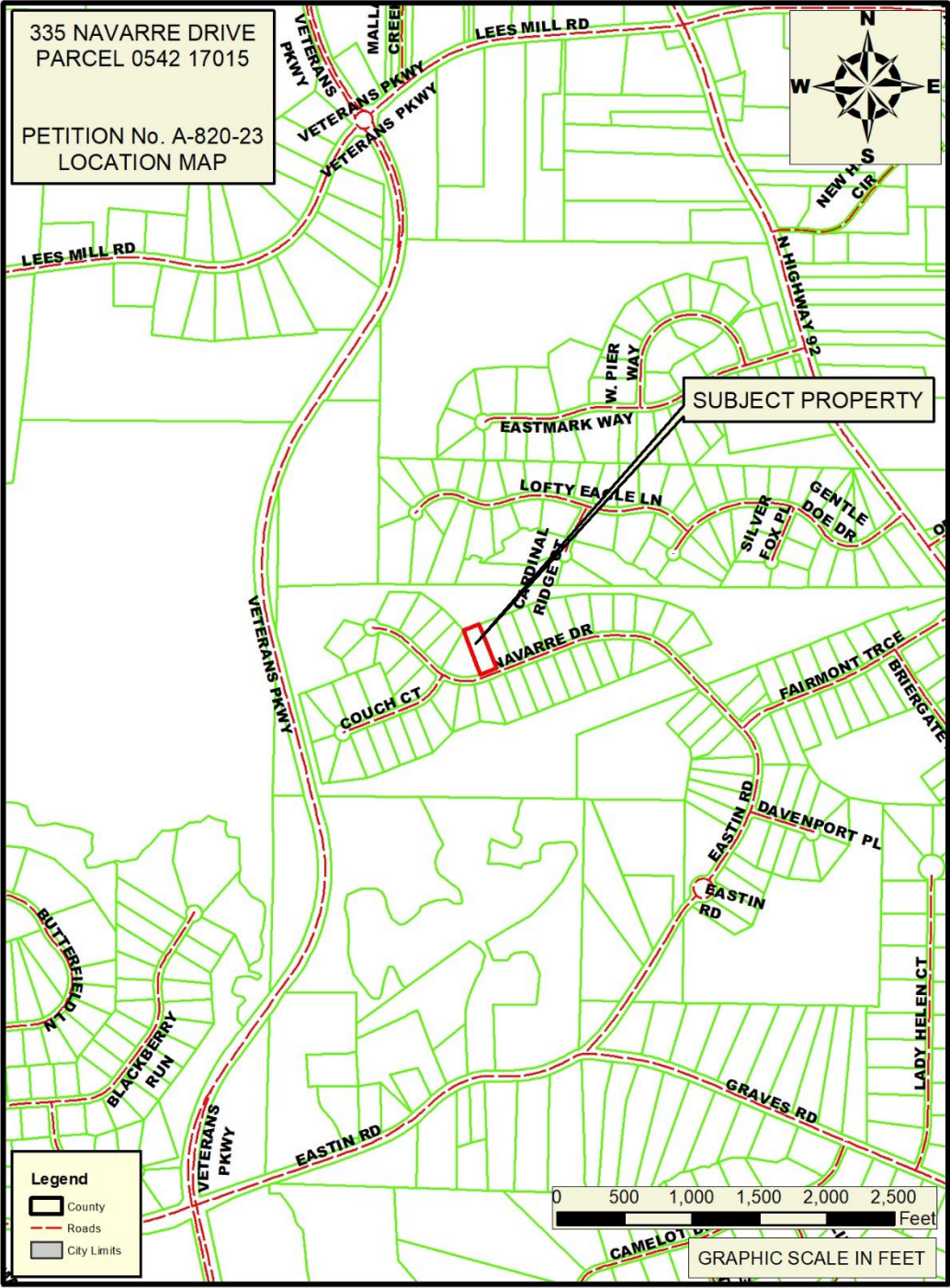
**STAFF ASSESSMENT OF CRITERIA**

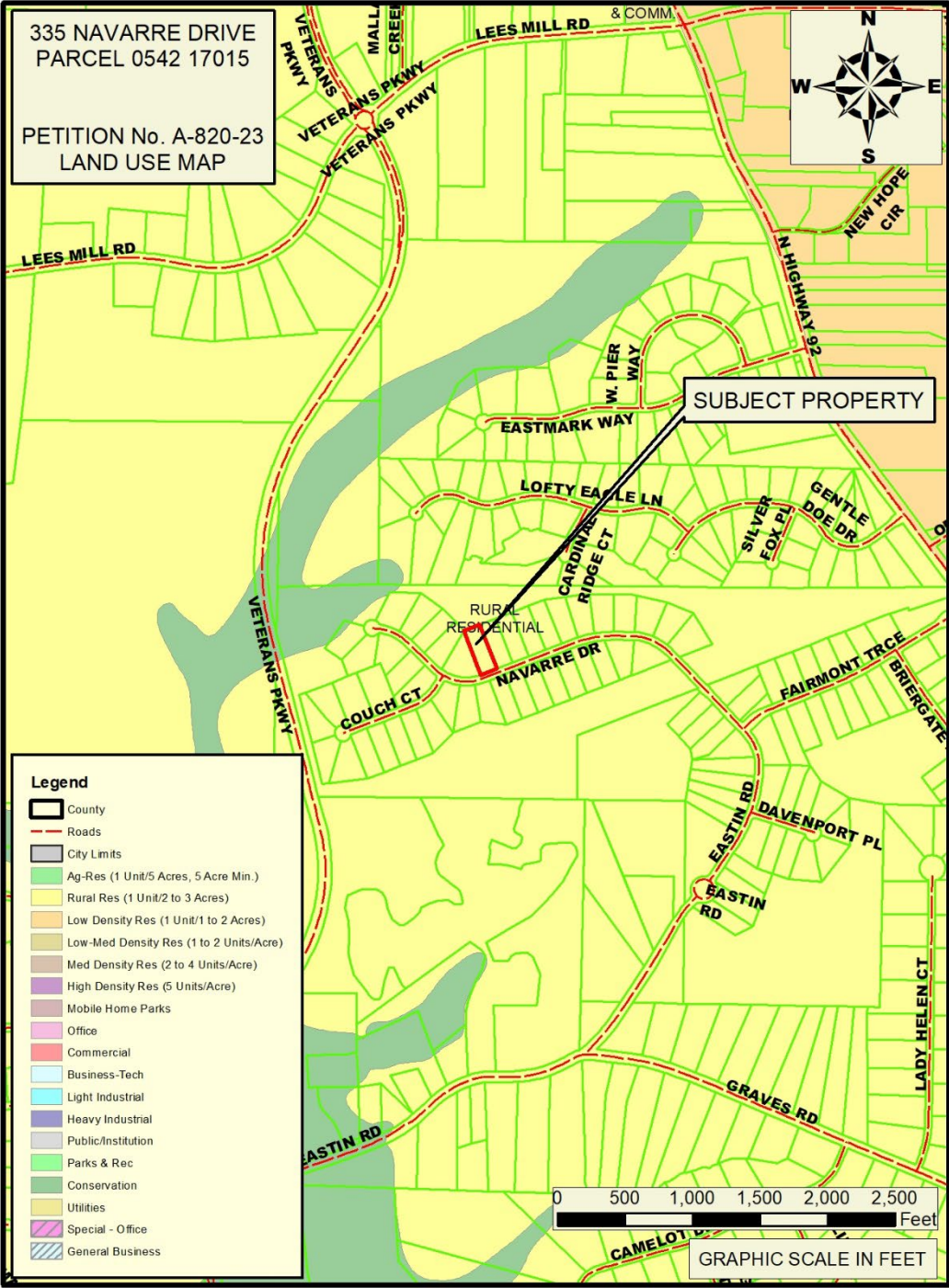
*(Please see the attached application package for the applicant's responses to the criteria.)*

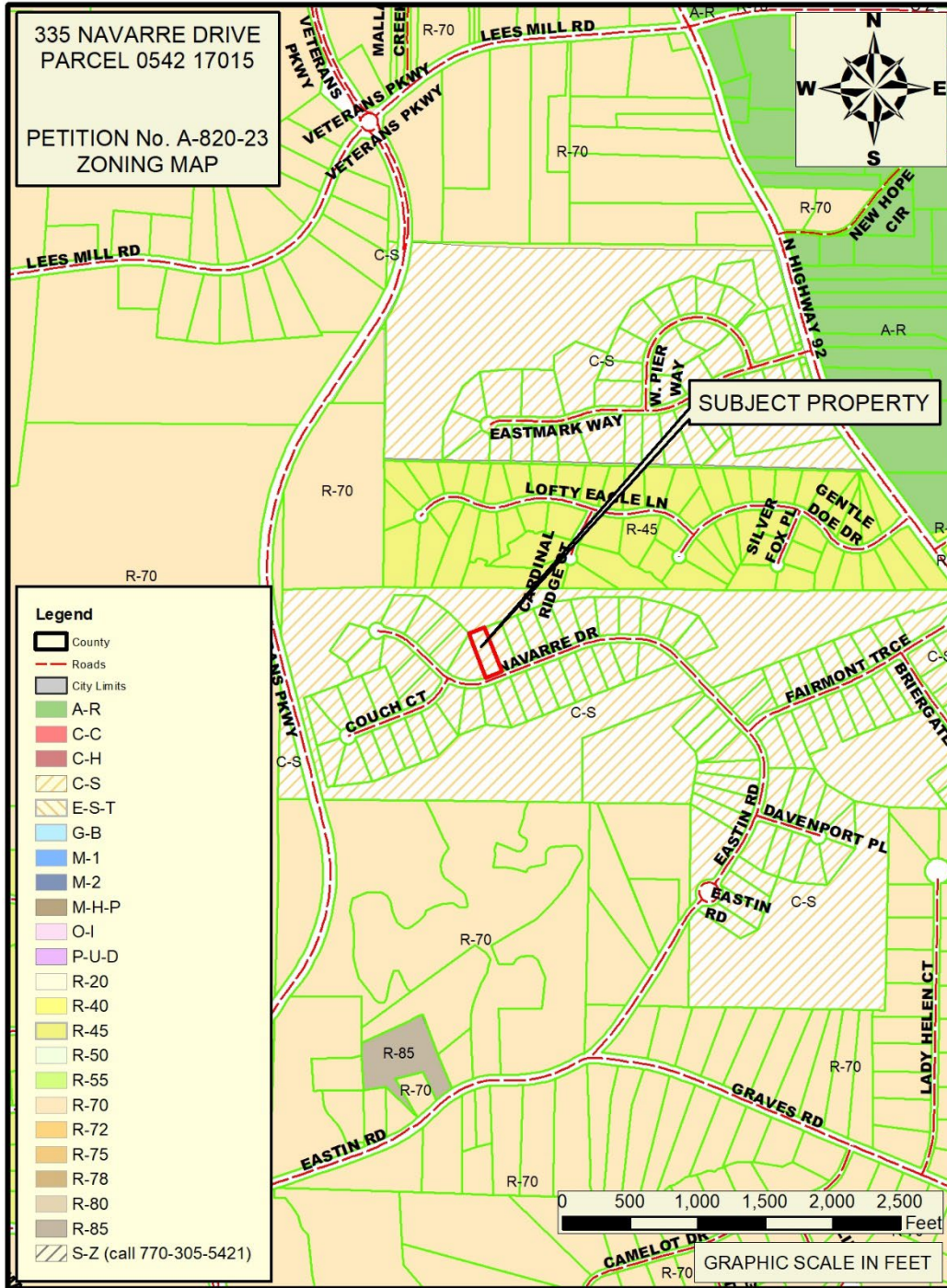
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation 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 some challenges in terms of the location of the septic system and topography.*
2. **The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**  
*Relocation of the pool at this juncture would present a practical difficulty.*
3. **Such conditions are peculiar to the particular piece of property involved; and,**  
*Conditions are specific to this site.*
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,**  
*Allowing the structures to remain should not be detrimental to the neighboring properties.*
5. **A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**  
*The nonconforming location is not a result of the property owners' actions. A literal interpretation of the ordinance would deprive them of the use of the structures if removal were required.*





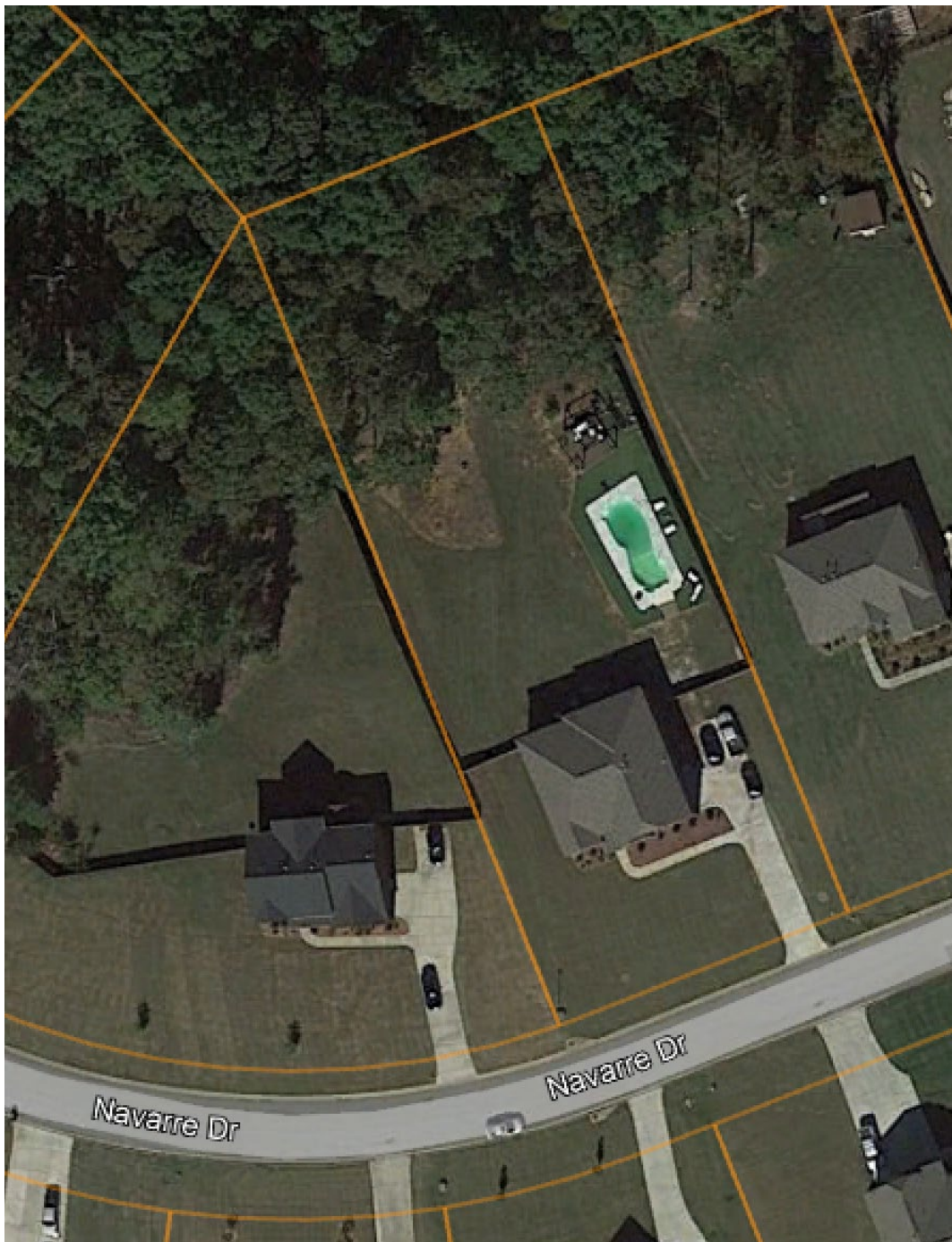












AERIAL PHOTO WITH POOL

In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0082E.

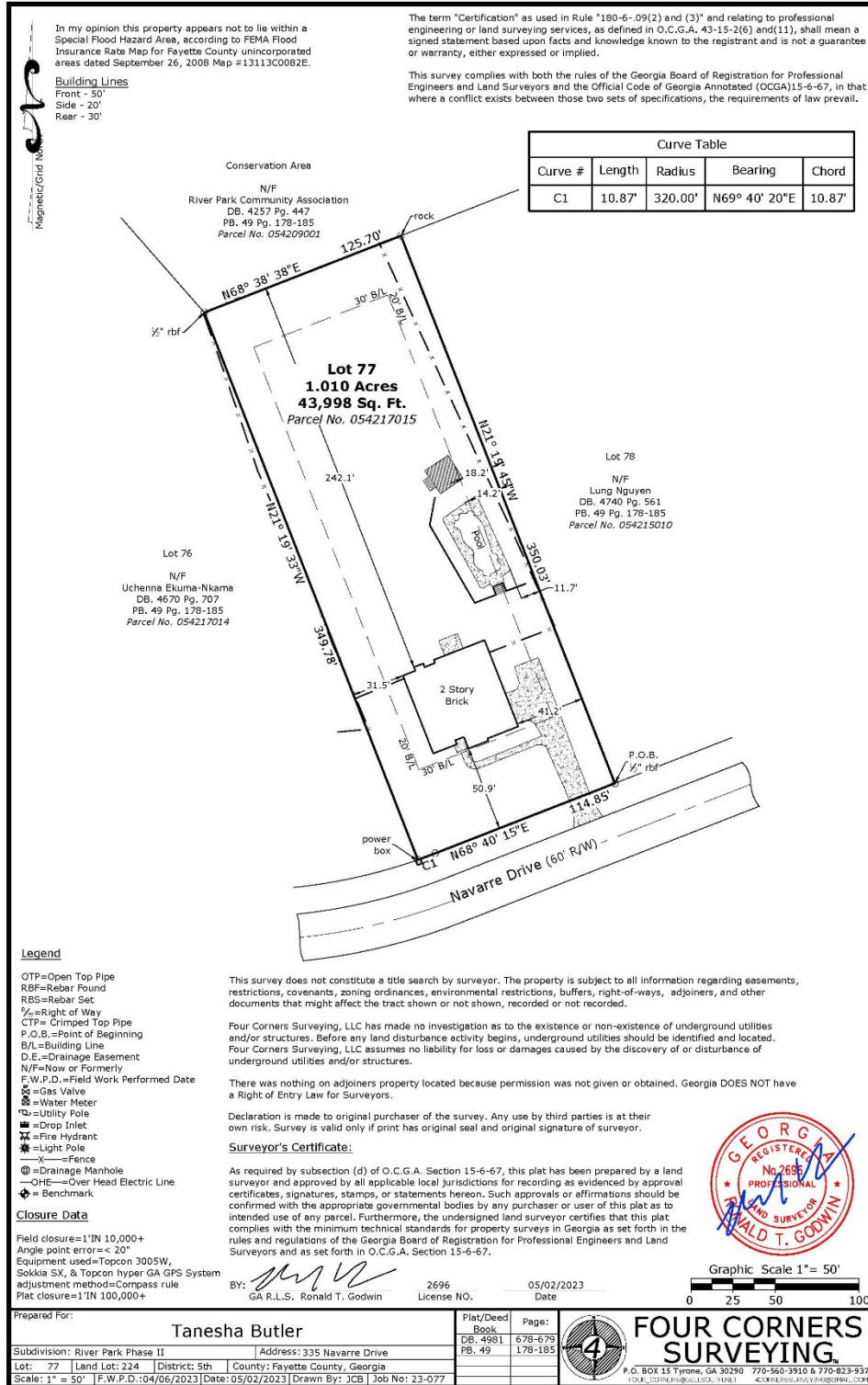
**Building Lines**

Front - 50'  
Side - 20'  
Rear - 30'

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

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

| Curve Table |        |         |               |        |
|-------------|--------|---------|---------------|--------|
| Curve #     | Length | Radius  | Bearing       | Chord  |
| C1          | 10.87' | 320.00' | N69° 40' 20"E | 10.87' |



**Legend**

- TP=Open Top Pipe
- BF=Rebar Found
- RS=Rebar Set
- RW=Right of Way
- CTP=Crimped Top Pipe
- P.O.B.=Point of Beginning
- B/L=Building Line
- D.E.=Drainage Easement
- N/F=Now or Formerly
- F.W.P.D.=Field Work Performed Date
- G=Gas Valve
- W=Water Meter
- U=Utility Pole
- DI=Drop Inlet
- FH=Fire Hydrant
- LP=Light Pole
- F=Fence
- DM=Drainage Manhole
- OHE=Over Head Electric Line
- B=Benchmark

**Closure Data**

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

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

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

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

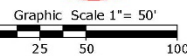
Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.

**Surveyor's Certificate:**

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BY: *[Signature]*  
GA R.L.S. Ronald T. Godwin

2696 License NO. 05/02/2023 Date



|   |               |                            |                                 |                |         |
|---|---------------|----------------------------|---------------------------------|----------------|---------|
| Prepared For:   |               | Tanesha Butler             |                                 | Plat/Deed Book | Page:   |
| Subdivision: River Park Phase II  |               | Address: 335 Navarre Drive |                                 | DB: 498L       | 678-679 |
| Lot: 77   | Land Lot: 224 | District: 5th              | County: Fayette County, Georgia | Pb: 49         | 178-185 |
| Scale: 1" = 50'   F.W.P.D.:04/06/2023   Date: 05/02/2023   Drawn By: JCB   Job No: 23-077 |               |                            |                                 |                |         |



**FOUR CORNERS SURVEYING**  
P.O. BOX 15 Tyrone, GA 30290 770-560-3910 & 770-823-9377  
P.E. & L.S. RONALD T. GODWIN, 2696 4310A S.S. 1700/1700/1700/1700

**SITE PLAN SHOWING REQUESTED SETBACK FOR POOL & PERGOLA**



A-820-23 – 335 Navarre Drive



A-820-23 – 335 Navarre Drive

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

**PROPERTY INFORMATION:**

Parcel No. 054217015 Acreage: 1.01  
 Land Lot: 224 Land District: 5  
 Address: 335 Navarre Dr.  
 Existing Zoning: C-S Requested Zoning: NIA  
 Zoning of Surrounding Properties: CS  
 Existing Use: Residential Proposed Use: RESIDENTIAL

**PROPERTY OWNER INFORMATION**

**AGENT/DEVELOPER INFORMATION**  
(If not owner)

Name Tanesha Butler  
 Email tanisha3800a@gmail.com  
 Address 335 Navarre Dr.  
 City Fayetteville  
 State GA Zip 30214  
 Phone 678 529 4541

Name \_\_\_\_\_  
 Email \_\_\_\_\_  
 Address \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-820-23

[ ] Application Insufficient due to lack of:  
 by Staff: \_\_\_\_\_ Date: \_\_\_\_\_

[X] Application and all required supporting documentation is Sufficient and Complete  
 by Staff: [Signature] Date: May 11, 2023

DATE OF ZONING BOARD OF APPEALS HEARING: JUNE 26, 2023

Received from TANESHA S. BUTLER a check in the amount of \$ 250.00  
 for application filing fee, and \$ 50.00 for deposit on frame for public hearing sign(s).

Date Paid: May 10, 2023 Receipt Number: 018012

**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:

TANESHA BUTLER AND DEMETRIUS BUTLER

Please Print Names

Property Tax Identification Number(s) of Subject Property: 054 217015

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 224 of the 5<sup>th</sup> District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 1.01 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Tanisha P  
Signature of Property Owner 1

335 Navarre Dr.  
Address

Demetrius B  
Signature of Property Owner 2

235 Navarre Dr  
Address

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

\_\_\_\_\_  
Address

Chelsie Boynton  
Signature of Notary Public

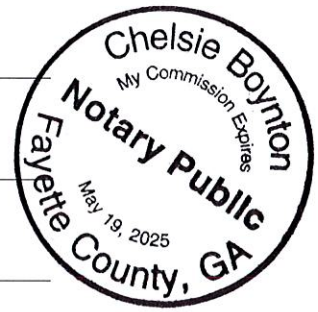
5-10-23  
Date

Deborah M Sims  
Signature of Notary Public

5-12-23  
Date

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

\_\_\_\_\_  
Date



**Deborah M Sims**  
**NOTARY PUBLIC**  
**Coweta County, GEORGIA**  
**My Commission Expires 01/05/2027**

### VARIANCE INFORMATION

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

| Ordinance/Section           | Requirement | Proposed | Variance Amount          |
|-----------------------------|-------------|----------|--------------------------|
| Sec. 110-26. C-5<br>(f) (6) | 20 Ft.      | 18 Ft.   | 2 Ft.<br>(PERGOLA)       |
| Sec. 110-26. C-5<br>(f) (6) | 20 Ft.      | 14 Ft.   | 6 Ft.<br>(Swimming Pool) |
|                             |             |          |                          |

### VARIANCE SUMMARY

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

I am requesting variance for a swimming pool and attached pergola.

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## JUSTIFICATION OF REQUEST

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

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

The original placement of the pool could not be utilized due to the septic lines running through the center of the yard. The pool was installed to the right of those septic lines. The pergola was built after placement of the pool.

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

The pool has been installed and operational for two years. There would be a significant charge to relocate the pool and pergola.

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

See Answer to Number 1.

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

I don't believe that any substantial detriment would be caused to my neighbors if relief was granted. We have not had any complaints so far.

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

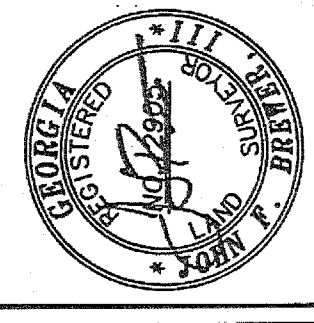
There are several neighbors within the neighborhood who have pools installed.

EMD

RIVER PARK PHASE II

STATE OF GEORGIA
COUNTY OF FAYETTE
LAND LOTS 223 + 224
5TH DISTRICT
DATE 8/27/2016
SCALE N/A
JOB NAME RIVERPARK
REVISED 7/28/2016
PER 1ST REVIEW COMMENTS
REVISED 9/22/2016
PER 2ND REVIEW COMMENTS
REVISED 10/14/2016
PER 3RD REVIEW COMMENTS

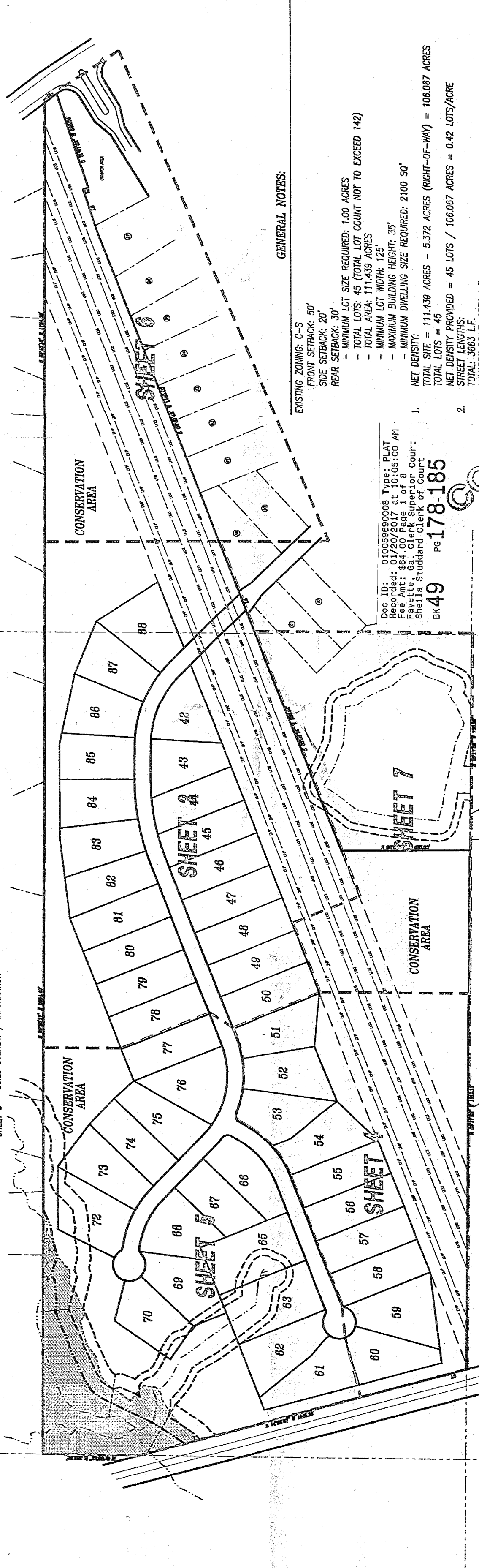
SURVEYOR'S CERTIFICATE
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSE PRECISION OF ONE FOOT AN ANGULAR ERROR OF 2 SECONDS PER ANGLE POINT.
2. THE DATA SHOWN HEREON HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 1,453.37 FEET AND WAS ADJUSTED BY USING THE COMPASS RULE.
3. ANGULAR AND LINEAR MEASUREMENTS OBTAINED BY USING A TOPCON GPT 3005...



SHEET 1 OF 8
JOHN F. BREWER & ASSOCIATES
LAND SURVEYING
LAND PLANNING
DEVELOPMENT SUPERVISOR
115 FORD STREET
MONROE, GEORGIA 30665
TEL. (770) 267-4703
EMAIL: INFO@GASURVEYING.COM

ZONING RESOLUTION NO. 1159-05:
POD B RESOLUTION NO. 1159-05: WHEREAS, Dan Fields representing John Wieland Homes, Agent for Owner Dorothy Q. Reeves of Georgia Limited Liability Company on the 12th day of January, 2006 requested an amendment to the Fayette County Zoning Map pursuant to 'The Zoning Ordinance of Fayette County, Georgia, 1980'; and WHEREAS, said request being as follows: To rezone 249.01 acres from R-70 to C-S to develop a Single-Family Residential Subdivision consisting of 97 lots. This property is located in Land Lots 223, 224, and 194 of the 5th District and fronts on S.R. 92 North and Easton Road; and WHEREAS, the Fayette County Board of Commissioners having duly convened and considered said request; and THEREFORE, be it resolved that the decision of the Fayette County Board of Commissioners on January 12, 2006 was that the request to rezone the subject property be approved with the following conditions:
1. This subdivision shall be bounded by a 50-foot wide buffer along S.R. 92.
2. This subdivision shall be bounded by a 50-foot wide buffer along S.R. 92 to another location. The applicant shall provide evidence for street width should that be required. (This condition is to ensure sufficient vegetative screening of the subdivision from S.R. 92. When sufficient vegetative screening materials are not present, new materials shall be planted)
3. SO RESOLVED, this 12th day of January, 2006. FAYETTE COUNTY BOARD OF COMMISSIONERS

RESOLUTION, WHEREAS, Bryan Lightweiss, Engineer and Agent, on behalf of River Park, Pod B, Owner, and Dan Fields, Agent having approval of a preliminary subdivision plat Commission on May 18, 2006; requesting approval of a preliminary subdivision plat pursuant to 'Subdivision Regulations and Commission Policy on Subdivision Development, Fayette County, Georgia, 1973'; and WHEREAS, said request being as follows: Approval of a preliminary plat of River Park, Pod B, a proposed subdivision consisting of approximately 248.74 acres with approximately 97 single-family dwelling lots, located on S.R. 92 North and Easton Road, Land Lots 194, 223, and 224 of the 5th District, zoned C-S, and WHEREAS, the Fayette County Planning Commission having duly convened, and considered said request; BE IT RESOLVED that the decision of the Fayette County Planning Commission, that said request be APPROVED. This decision is based on the following reasons: Said preliminary plat meets all the County's requirements. PLANNING COMMISSION OF FAYETTE COUNTY



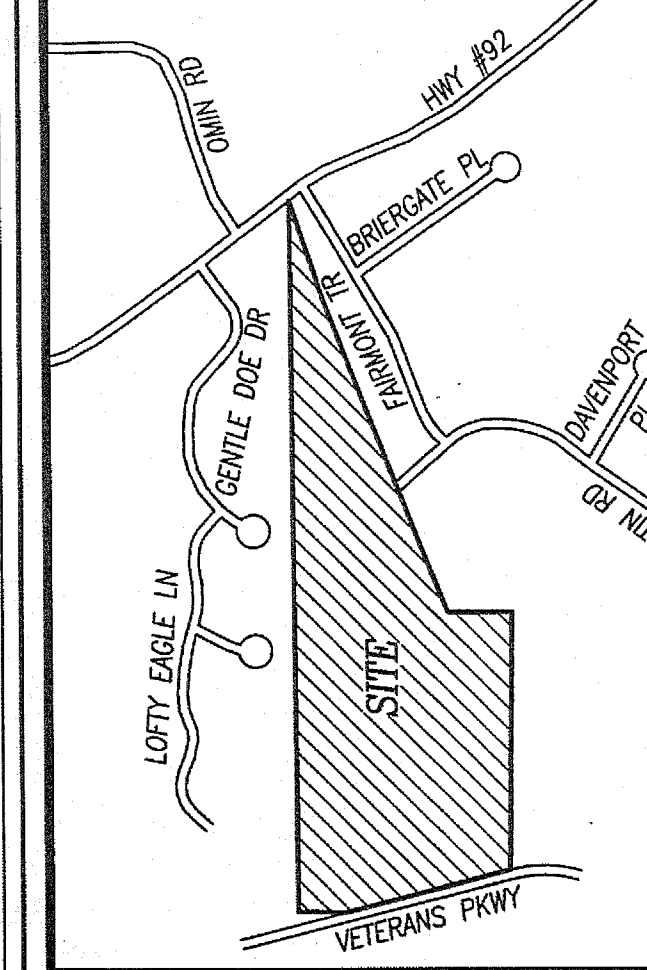
GENERAL NOTES:
EXISTING ZONING: C-S
FRONT SETBACK: 50'
SIDE SETBACK: 20'
REAR SETBACK: 30'
- MINIMUM LOT SIZE REQUIRED: 1.00 ACRES
- TOTAL LOTS: 45 (TOTAL LOT COUNT NOT TO EXCEED 142)
- TOTAL AREA: 111.439 ACRES
- MINIMUM LOT WIDTH: 125'
- MAXIMUM BUILDING HEIGHT: 35'
- MINIMUM DWELLING SIZE REQUIRED: 2100 SQ'
NET DENSITY:
TOTAL SITE = 111.439 ACRES - 5.372 ACRES (RIGHT-OF-WAY) = 106.067 ACRES
TOTAL LOTS = 45
NET DENSITY PROVIDED = 45 LOTS / 106.067 ACRES = 0.42 LOTS/ACRE
STREET LENGTHS:
TOTAL: 3663 L.F.
NAVARRE DRIVE: 2779 L.F.
COUCH COURT: 884 L.F.
WATER SERVICE TO PROVIDED BY FAYETTE COUNTY WATER SANITARY SERVICE WILL CONSIST OF A COMBINATION OF INDIVIDUAL CONVENTIONAL SEPTIC SYSTEMS ON RESIDENTIAL LOTS QUALIFYING FOR CONVENTIONAL SYSTEMS, AND ALTERNATIVE SEPTIC SYSTEMS ON OTHER INDIVIDUAL LOTS. ALL SEPTIC SYSTEM DESIGNS ARE SUBJECT TO THE APPROVAL OF THE FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT.
THERE ARE STATE WATERS PRESENT ON THIS SITE.
5/8" CAPPED REBAR SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
CONSERVATION AREAS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.
EACH BUILDABLE LOT HAS A MINIMUM CONTIGUOUS AREA OF 0.3 ACRES THAT IS FREE AND CLEAR OF ZONING SETBACKS, WATERSHED PROTECTION BUFFERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND EASEMENTS OF ANY KIND. (SEE CHART SHEET 2)
THE PRELIMINARY PLAT WAS APPROVED BY FAYETTE COUNTY ON 9/15/2011.
NO EXISTING STRUCTURES, BUILDINGS, OR IMPROVEMENTS ON THE SUBJECT PROPERTY. THERE ARE JURISDICTIONAL WETLANDS LOCATED ON SUBJECT PROPERTY PER SITE INSPECTION BY APPLIED ENVIRONMENTAL SCIENCES IN MAY 2015. WETLANDS SHOWN ON THIS PLAT ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTY BY LAW FOR DISTURBANCE TO THESE WETLAND AREAS WITHOUT PROPER AUTHORIZATION. SUBJECT PROPERTY IS IN A GROUNDWATER RECHARGE AREA.
THERE IS A TOTAL OF 4.71 ACRES USED FOR STORMWATER MANAGEMENT. ALL MAN-MADE SPECIAL FLOOD HAZARD AREAS AND STORMWATER MANAGEMENT DESIGN ARE AS PER DATA BY ASHORD ENGINEERS SOUTH, LLC DATED SEPTEMBER 2015. STORMWATER MANAGEMENT FACILITIES FOR THE STORMWATER COLLECTION AREAS AND 100 YEAR FLOODING ELEVATIONS PROVIDED BY THE ASBUILT HYDROLOGY DATED OCTOBER 2016 BY ASHORD ENGINEERS SOUTH, LLC PER ASBUILT TOPOGRAPHY BY JOHN F. BREWER & ASSOCIATES DATED APRIL 2016.
LOTS WITH SPECIFIED AREAS EITHER CONTAIN OR ARE ADJACENT TO A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 LIMITED DETAIL FLOOD STUDY AS REQUIRED BY ART. IV OF THE DEVELOPMENT REGULATIONS A MINIMUM FINISHED FLOOR ELEVATION IS ESTABLISHED FOR THE LOWEST FLOOR ELEVATION INCLUDING A BASEMENT BY THIS STUDY.
A FLOOD ELEVATION CERTIFICATE IS REQUIRED FOR ELEVATION COMPLIANCE DOCUMENTATION FOR LOTS 26, 72 & 73.

DRAINAGE DISCLAIMER:
FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN, OR THE LACK OF ONE, INDICATED BY THIS PLAT. (AMENDMENT TO ARTICLE 4-2.4 ADOPTED 7/9/81).
WETLAND DELINEATION:
I, Eric Imhoff of AFS, DO HEREBY CERTIFY THAT I HAVE FIELD INSPECTED THE PROPERTY KNOWN AS RIVER PARK PHASE II ON 08/25/16 AND DETERMINED THAT THE PROPERTY CONTAINS DOES NOT CONTAIN JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS.
SIGNATURE OF WETLAND DELINEATOR: Eric Imhoff
COMPANY, ADDRESS, PHONE NUMBER: AFS Newnan, GA 679.262.4020
ENGINEER'S CERTIFICATE:
I HEREBY CERTIFY THAT ACCEPTED ENGINEERING PRACTICES AND DESIGN METHODS WERE USED TO ESTABLISH THE LAYOUT OF THIS DEVELOPMENT, THAT THE STREETS, DRAINAGE STRUCTURES AND OTHER DESIGN FEATURES HAVE BEEN CONSTRUCTED ACCORDING TO THE DEVELOPMENT'S APPROVED CONSTRUCTION DRAWINGS, AND THAT ALL APPLICABLE REQUIREMENTS OF FAYETTE COUNTY'S DEVELOPMENT REGULATIONS AND SUBDIVISION REGULATIONS HAVE BEEN FULLY COMPLIED WITH.
BY: D.P.R. DATE 12.16.16
GA PROFESSIONAL ENGINEER NO. \_\_\_\_\_

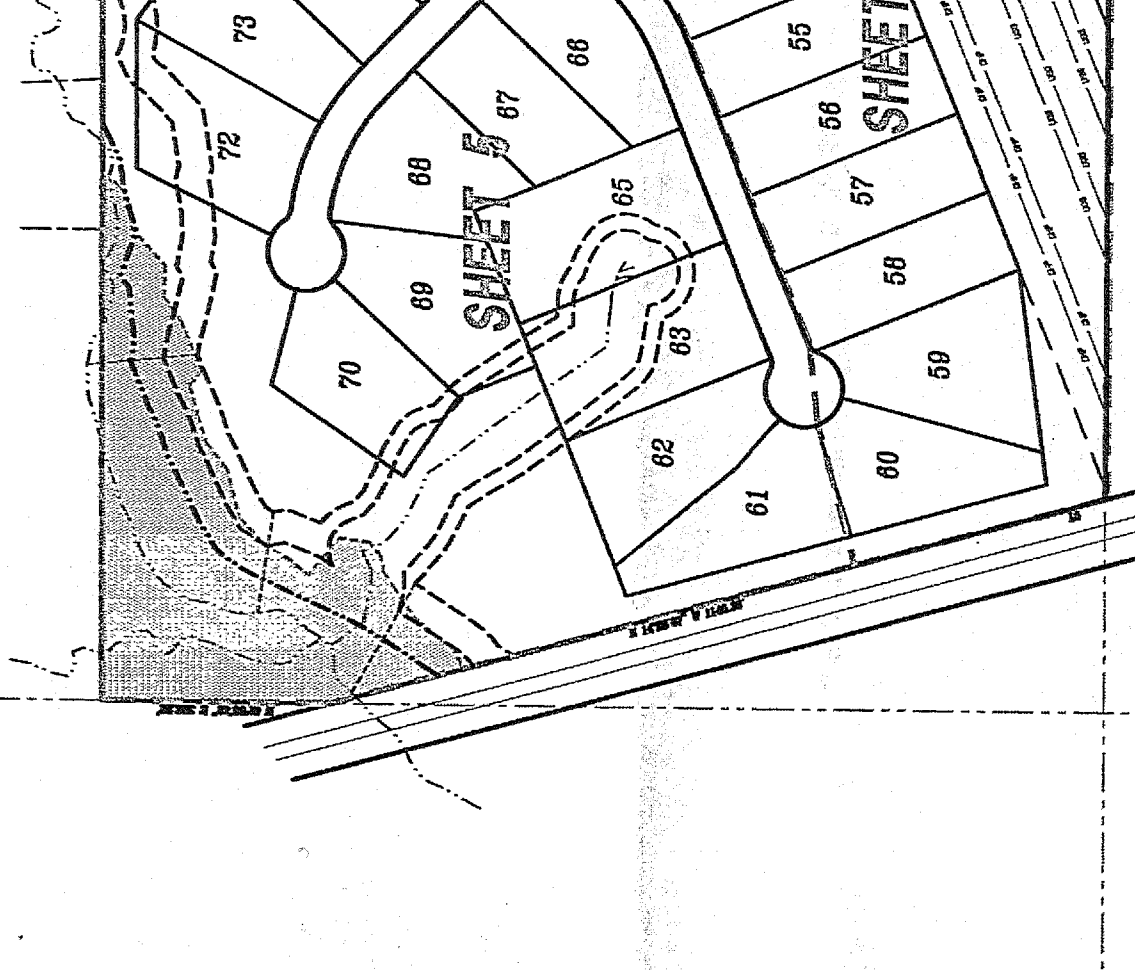
STORM WATER MANAGEMENT INSPECTION & MAINTENANCE:
THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE RESTRICTIVE COVENANTS OF THE RIVER PARK COMMUNITY HOME OWNERS ASSOCIATION AND AN INSPECTION AND MAINTENANCE AGREEMENT FOR STORM WATER MANAGEMENT CONTROLS RECORDED IN DEED BOOK 3875, PAGE 362-364. FAILURE TO SATISFY THE INSPECTION AND MAINTENANCE REQUIREMENTS OF THE ABOVE REFERENCE AGREEMENT MAY RESULT IN ENFORCEMENT ACTION BY THE COUNTY, INCLUDING BUT NOT LIMITED TO, JUDGMENT LIENS AGAINST THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION. THE INSPECTION AND MAINTENANCE AGREEMENT IS RECORDED WITH THE CLERK OF COURTS. A COPY OF THE AGREEMENT IS AVAILABLE AT THE FAYETTE COUNTY ENGINEERING DEPARTMENT.
SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.
BY: [Signature] DATE 12-14-2016
GA REGISTERED LAND SURVEYOR NO. 2905

STORM WATER MANAGEMENT INSPECTION & MAINTENANCE:
THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE RESTRICTIVE COVENANTS OF THE RIVER PARK COMMUNITY HOME OWNERS ASSOCIATION AND AN INSPECTION AND MAINTENANCE AGREEMENT FOR STORM WATER MANAGEMENT CONTROLS RECORDED IN DEED BOOK 3875, PAGE 362-364. FAILURE TO SATISFY THE INSPECTION AND MAINTENANCE REQUIREMENTS OF THE ABOVE REFERENCE AGREEMENT MAY RESULT IN ENFORCEMENT ACTION BY THE COUNTY, INCLUDING BUT NOT LIMITED TO, JUDGMENT LIENS AGAINST THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION. THE INSPECTION AND MAINTENANCE AGREEMENT IS RECORDED WITH THE CLERK OF COURTS. A COPY OF THE AGREEMENT IS AVAILABLE AT THE FAYETTE COUNTY ENGINEERING DEPARTMENT.
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I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.
BY: [Signature] DATE 12-14-2016
GA REGISTERED LAND SURVEYOR NO. 2905

STORM WATER MANAGEMENT INSPECTION & MAINTENANCE:
THE PROPERTY CONVEYED HEREIN IS SUBJECT TO THE RESTRICTIVE COVENANTS OF THE RIVER PARK COMMUNITY HOME OWNERS ASSOCIATION AND AN INSPECTION AND MAINTENANCE AGREEMENT FOR STORM WATER MANAGEMENT CONTROLS RECORDED IN DEED BOOK 3875, PAGE 362-364. FAILURE TO SATISFY THE INSPECTION AND MAINTENANCE REQUIREMENTS OF THE ABOVE REFERENCE AGREEMENT MAY RESULT IN ENFORCEMENT ACTION BY THE COUNTY, INCLUDING BUT NOT LIMITED TO, JUDGMENT LIENS AGAINST THE PROPERTY OWNERS AND/OR HOMEOWNERS ASSOCIATION. THE INSPECTION AND MAINTENANCE AGREEMENT IS RECORDED WITH THE CLERK OF COURTS. A COPY OF THE AGREEMENT IS AVAILABLE AT THE FAYETTE COUNTY ENGINEERING DEPARTMENT.
SURVEYOR'S CERTIFICATE:
I HEREBY CERTIFY THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS AND INFRASTRUCTURE SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE"; AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.
BY: [Signature] DATE 12-14-2016
GA REGISTERED LAND SURVEYOR NO. 2905



LOCATION SKETCH
NOT TO SCALE



APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT.
DATE 12/20/16 SIGNED [Signature] ENVIRONMENTAL HEALTH SPECIALIST
APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT.
DATE 1-18-17 SIGNED [Signature] ENVIRONMENTAL MANAGEMENT DEPARTMENT
OWNER'S CERTIFICATE:
WE, THE UNDERSIGNED OWNER(S) AND/OR MORTGAGEE(S) OF THE RIVER PARK PHASE II SUBDIVISION, HEREBY OFFER TO DEDICATE AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUND SHOWN ON THIS PLAT.
WE, THE UNDERSIGNED OWNER(S), UNDERSTAND THIS FINAL PLAT AND ANY MAINTENANCE BOND AND/OR IRREVOCABLE LETTER-OF-CREDIT SHALL EXPIRE AND THIS BECOME VOID IF THE FINAL PLAT IS NOT RECORDED INTO THE FAYETTE COUNTY CLERK OF SUPERIOR COURT RECORDS WITHIN 90 CALENDAR DAYS [ ] OF THE DATE OF THE APPROVAL BY THE PLANNING COMMISSION.
OWNER: [Signature] DATE 12/15/16
MORTGAGEE: [Signature] DATE 12/15/16
ALL PROPERTY CONTAINED WITHIN THE RIGHT-OF-WAY OF NAVARRE DRIVE AND COUCH COURT, SAID ROADS HAVING AT LEAST A MINIMUM OF 60 FOOT RIGHT-OF-WAY AS INDICATED HEREON, ARE HEREBY DEEDED TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, AT NO COSTS TO FAYETTE COUNTY, UPON RECORDED OF SAID FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT.

**FINAL PLAN OF  
RIVER PARK  
PHASE II**

STATE OF GEORGIA  
COUNTY OF FAYETTE  
LAND LOTS 223 + 224  
5TH DISTRICT  
DATE 5/27/2016  
SCALE 1"=100'  
JOB NAME: RIVPARK  
REVISED 7/28/2016  
PER 1ST REVIEW COMMENTS  
REVISED 9/2/2016  
PER 2ND REVIEW COMMENTS  
REVISED 10/19/2016  
PER 3RD REVIEW COMMENTS

THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF JOHN F. BREWER AND ASSOCIATES AND ARE NOT TO BE COPIED OR ALTERED BY OTHERS. IN ANY MANNER AND SHALL NOT BE REPRODUCED OR COPIED, IN WHOLE OR PART, WITHOUT THE WRITTEN PERMISSION.

THIS DRAWING WAS PREPARED FOR THE CLIENT AND SHOULD BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC PURPOSES. NO WARRANTIES OR LIABILITY ARE MADE HEREIN, AND NO WARRANTY IS EXTENDED TO ANY UNNAMED THIRD PARTY.

**SURVEYORS CERTIFICATE**

1. THE FIELD DATA UPON WHICH THIS PLAN IS BASED WAS A CLOSE REPRODUCTION OF ONE FOOT ANGULAR MEASUREMENTS OF 2 SECONDS PER ANGLE POINT.

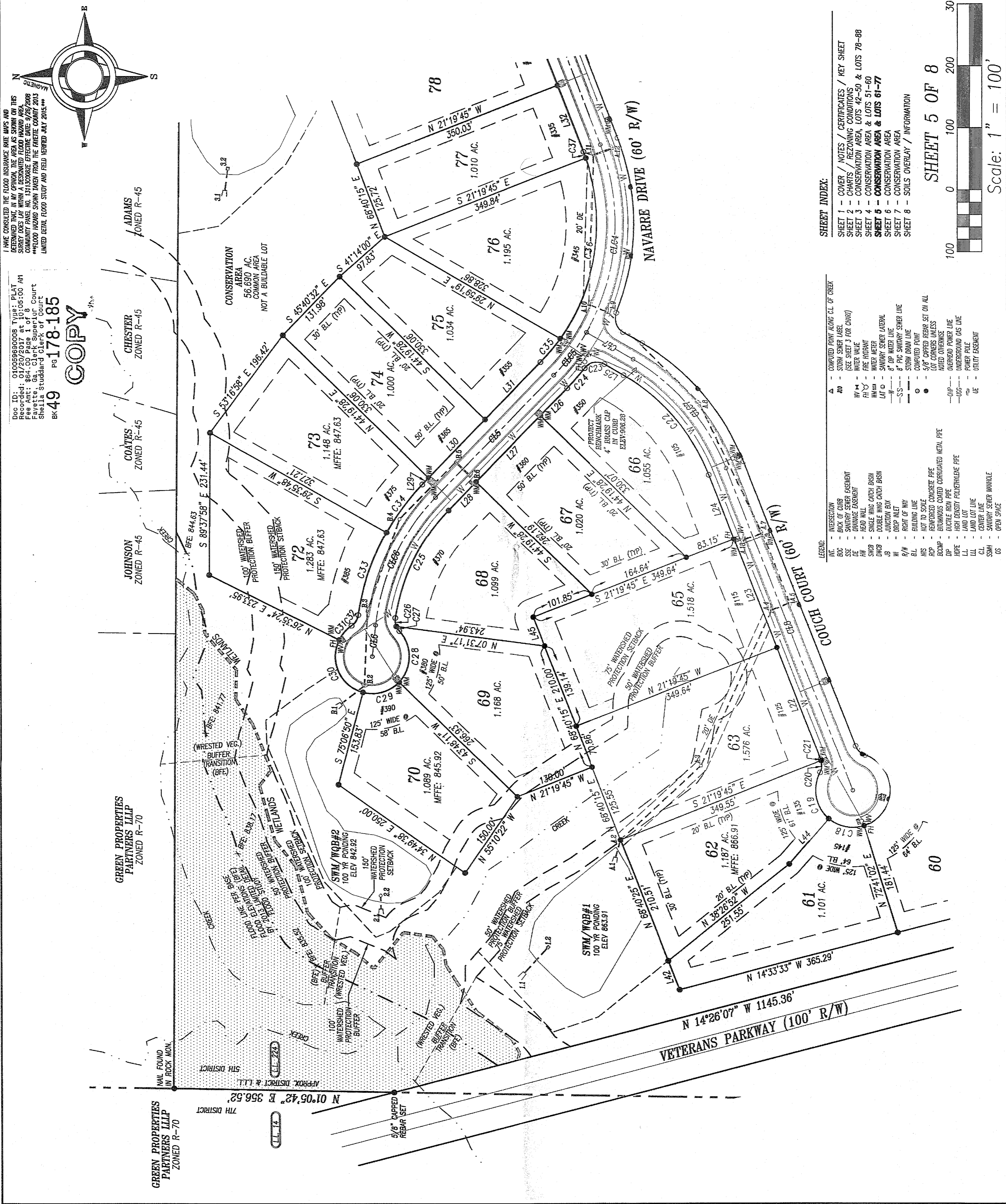
2. THE DATA SHOWN HEREON HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 1,451,337 FEET AND WAS ADJUSTED BY USING THE COMPASS RULE.

3. ANGULAR AND LINEAR MEASUREMENTS OBTAINED BY USING A TOPCON OPT 3005.



**JOHN F. BREWER  
&  
ASSOCIATES**

LAND SURVEYING  
LAND PLANNING  
DEVELOPMENT SUPERVISION  
116 FORD STREET  
MARIETTA, GEORGIA 30065  
TEL. (770) 267-4703  
EMAIL: INFO@GASURVEYING.COM



I HAVE CONSULTED THE FLOOD INSURANCE RATE MAPS AND DETERMINED THAT, IN MY OPINION, THE AREA AS SHOWN ON THIS SHEET DOES NOT WITHIN A DESIGNATED FLOOD HAZARD AREA. HOWEVER, FLOOD HAZARD SHOWN THEREON FROM THE FAYETTE COUNTY 2013 UNITED DETAIL FLOOD STUDY AND FIELD REVISIONS JULY 2015.

Doc ID: 010089890008 Type: PLAN  
Recorded: 01/20/2017 at 10:06:10 AM  
Fayette County Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK49 pg 178-185  
**COPY**

**SHEET INDEX:**

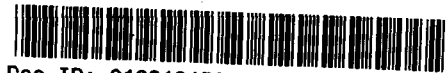
SHEET 1 - COVER / NOTES / CERTIFICATES / KEY SHEET  
SHEET 2 - CHARTS / REZONING CONDITIONS  
SHEET 3 - CONSERVATION AREA, LOTS 42-50 & LOTS 78-88  
SHEET 4 - CONSERVATION AREA & LOTS 51-60  
SHEET 5 - CONSERVATION AREA & LOTS 61-77  
SHEET 6 - CONSERVATION AREA  
SHEET 7 - CONSERVATION AREA  
SHEET 8 - SOILS OVERLAY / INFORMATION

**LEGEND:**

|      |                         |    |   |
|------|-------------------------|----|---|
| INT  | INTERSECTION            | ▲  | COMPUTED POINT ALONG C/L OF CREEK         |
| BOC  | BACK OF CURB            | ▲  | STORM SEWER LABEL (SEE SHEET 3 FOR CHART) |
| SSE  | SANITARY SEWER EASEMENT | W  | WATER MAIN                                |
| DE   | DRAINAGE EASEMENT       | FW | FIRE WATER                                |
| HW   | HEAD WALL               | WM | WATER METER                               |
| SNCR | SINGLE WING CATCH BASIN | W  | WATER MAIN                                |
| DNCR | DOUBLE WING CATCH BASIN | W  | WATER MAIN                                |
| JB   | JUNCTION BOX            | W  | WATER MAIN                                |
| W    | WATER MAIN              | W  | WATER MAIN                                |
| R/W  | RIGHT OF WAY            | SS | 8" PVC SANITARY SEWER LINE                |
| BL   | BUILDING LINE           | SS | 8" PVC SANITARY SEWER LINE                |
| N/S  | NOT TO SCALE            | SS | 8" PVC SANITARY SEWER LINE                |
| CCP  | CONCRETE CAP            | SS | 8" PVC SANITARY SEWER LINE                |
| CCM  | CONCRETE CURB           | SS | 8" PVC SANITARY SEWER LINE                |
| DP   | DRIVE PAVEMENT          | SS | 8" PVC SANITARY SEWER LINE                |
| HP   | HIGH PAVEMENT           | SS | 8" PVC SANITARY SEWER LINE                |
| LL   | LAND LOT                | SS | 8" PVC SANITARY SEWER LINE                |
| LS   | LAND LOT                | SS | 8" PVC SANITARY SEWER LINE                |
| CS   | CENTER LINE             | SS | 8" PVC SANITARY SEWER LINE                |
| SS   | SANITARY SEWER MANHOLE  | SS | 8" PVC SANITARY SEWER LINE                |
| OS   | OPEN SPACE              | SS | 8" PVC SANITARY SEWER LINE                |

**Scale: 1" = 100'**

**SHEET 5 OF 8**



Doc ID: 010813450002 Type: QCD  
Recorded: 01/17/2020 at 10:00:00 AM  
Fee Amt: \$25.00 Page 1 of 2  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK **4981** PG **678-679**

AFTER RECORDING RETURN TO:  
David A. Eastman  
The Eastman Law Firm, P.C.  
881 Piedmont Avenue  
Atlanta, GA 30309

**STATE OF GEORGIA  
COUNTY OF FULTON**

**QUITCLAIM DEED**

THIS INDENTURE, made the 4<sup>th</sup> day of December, 2019, between **TANESHA BUTLER and DEMETRIUS BUTLER** (hereinafter referred to as "Grantors") and **TANESHA BUTLER, DEMETRIUS BUTLER and the Co-Trustees, MESHIA BEAN and DEMETRIUS ANTHONY BULTER, of the STERLING BROWN, JR, IRREVOCABLE TRUST as TENANTS IN COMMON** (hereinafter referred to as "Grantees"), the words "Grantors" and "Grantees" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits;

WITNESSETH THAT Grantors, 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 of which is hereby acknowledged by Grantors, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantees a **ONE-THIRD INTEREST (1/3) TO TANESHA BUTLER, a ONE-THIRD (1/3) INTEREST TO DEMETRIUS BUTLER and a ONE-THIRD (1/3) INTEREST TO STERLING TYRON BROWN, JR.,** the following described property:

**ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 224, 5<sup>TH</sup> DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 77 OF RIVER PARK SUBDIVISION, PHASE II, AS PER PLAT RECORDED IN PLAT BOOK 49, PAGES 178-185, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT BY REFERENCE IS INCORPORATED HEREIN AND MADE A PART HEREOF.**

**Parcel Number: 054217015**  
**Property Address: 335 Navarre Drive, Fayetteville, Georgia**

TO HAVE AND TO HOLD the 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 to title to the Promises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered  
in the presence of:

*Melissa Hill*

Witness

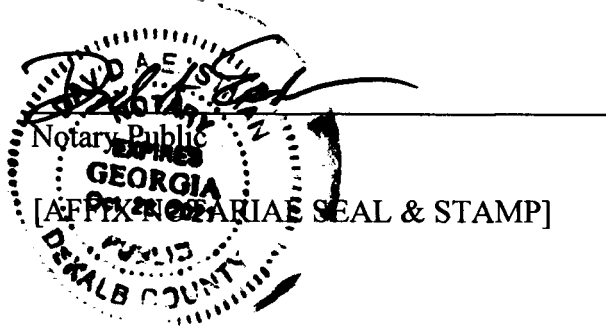
GRANTORS:

*Tanesha Butler*

TANESHA BUTLER

*Demetrius Butler*

DEMETRIUS BUTLER



Notary Public, DeKalb County, Georgia  
My Commission Expires Oct. 22, 2021