

**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  
E. Allison Ivey Cox, County Attorney

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
September 25, 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 August 28, 2023.
5. Discussion of the Fayette County Zoning Board of Appeals 2024 Calendar.

**PUBLIC HEARING**

6. Petition No. A-842-23, Howell & Cheryl Turner, Owner, request the following:  
Variance to Sec. 110-125. A-R (d) (6) to reduce the side yard setback from 50 feet to 23 feet to allow construction of a residential accessory structure (i.e. swimming pool) to remain. The subject property is located in Land Lot 89 of the 7<sup>th</sup> District and fronts on Sims Road.

# Meeting Minutes 8/28/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 28<sup>th</sup>, 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.

*Brian Haren made a motion to approve the agenda. Anita Davis seconded the motion. The motion carried 5-0.*

4. Consideration of the Minutes of the Meeting held on June 26, 2023.

*John Tate made a motion to approve the minutes of the meeting held on June 26, 2023. Bill Beckwith seconded the motion. The motion passed 5-0.*

## PUBLIC HEARING

5. **Petition No. A-841-23, Normer M. and Pamela L. Adams, Owner, and Barnard & Associates Remodeling, Inc., Agent, request the following: Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 10 feet allow for construction of a residential accessory structure. The subject property is located in Land Lot 195 of the 5<sup>th</sup> District and fronts on Riley Avenue.**

Deborah Sims, Zoning Administrator, stated staff recommends approval of the variance. She stated the topography of the land minimizes where he can put the structure.

Bob Barnard stated he is the contractor for the job. He stated the Adams would like to build a garage to cover their camper. He stated without the variance the placement of the garage would be right up against the house or if pushed back, it would go into a hill. He stated they are requesting to be ten feet from the property line, and it will give them six (6) feet from the house to allow a pass through. This will also allow them to place it at the base of the hill and avoid the expense of hauling dirt and placing retaining walls. He stated the other side of the

house has a very large ravine and a lot of trees would have to be removed to get over to that side of the house.

Chairman Tate asked if there were any comments in support or opposition. There were none. He brought the discussion back to the Board.

Bill Beckwith stated he drove in the driveway with the pickup truck and doesn't know how Mr. Adams was able to get the camper in there. He stated he saw the situation and it is a tight space.

John Tate stated the case seemed straightforward and the request of a variance is justified based on the hill and the being able to utilize the property.

Bill Beckwith asked if Mr. Adams has communicated with his neighbor?

Mr. Adams stated yes and provided a letter of support from his neighbor.

John Tate asked if there were any additional comments or questions. There were none. He then asked for a motion.

*Marsha Hopkins made a motion to approve Petition No. A-841-23. Variance to Sec. 110-137. R-40, (d) (6) to reduce side yard setback from 15 feet to 10 feet allow for construction of a residential accessory structure. Brian Haren seconded the motion. The motion passed 5-0.*

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Chairman Tate asked is there a motion to adjourn?

*Brian Haren made a motion to adjourn. Anita Davis seconded the motion. The motion passed 5-0.*

The meeting adjourned at 7:12 pm.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

\_\_\_\_\_  
**JOHN TATE, CHAIRMAN**

\_\_\_\_\_  
**DEBORAH BELL, PLANNING & ZONING DIRECTOR**

**PETITION NO: A-842-23**

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

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

**Parcel(s):** 0720 039

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

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

**Agent:** n/a

**Zoning Board of Appeal Public Hearing:** September 25, 2023

**REQUEST**

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

1. Variance to Sec. 110-125.(d)(6). Side yard setback – to reduce the side yard setback from 50 feet to 23 feet to allow the construction of an accessory structure (swimming pool).

**STAFF RECOMMENDATION**

It is staff's opinion that the property presents unique situation due to the floodplain and stream buffers. The pool itself does not encroach into the setback any farther than it did in the original petition; only a portion of the pool deck extends approximately 6 additional feet into the setback.

Staff recommends **APPROVAL** of the request to reduce the side setback from 50 feet to 23 feet.

## **HISTORY**

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

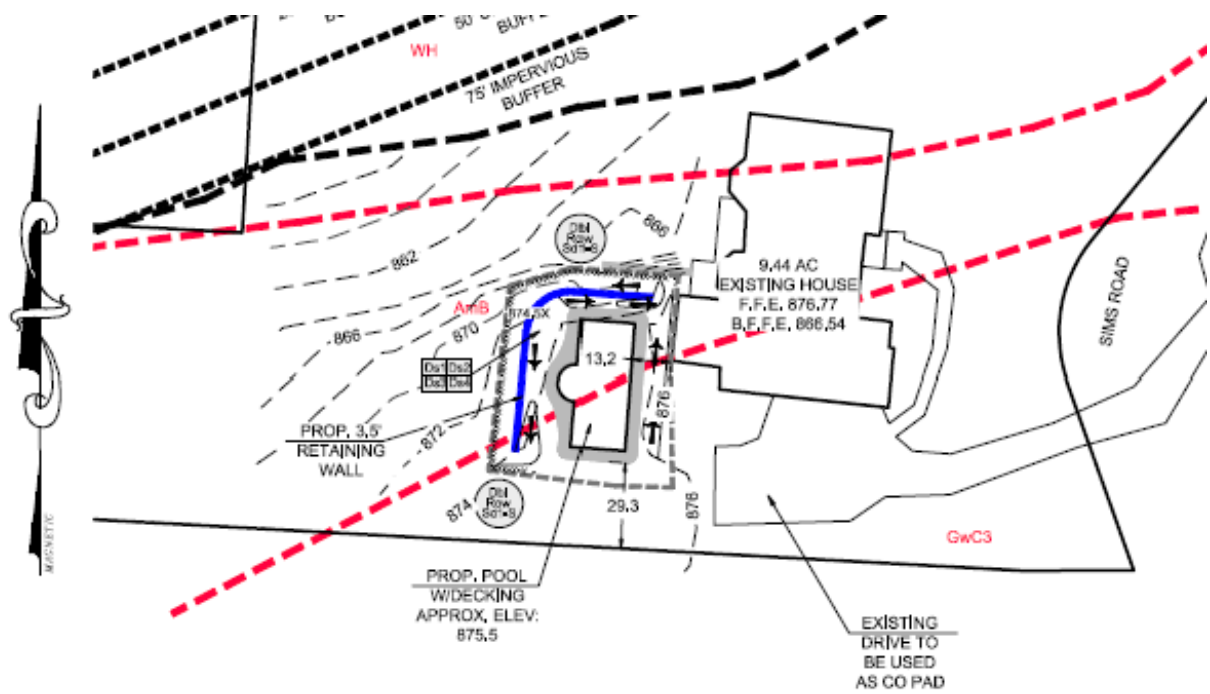
Staff confirmed that the original building permit proposed the location of the house in an appropriate position. However, the house was built before foundation surveys were required. The encroachment into the setbacks was identified as part of a building permit application for a new accessory structure.

This property is the subject of a prior variance request, Petition No. A- 815-23. A variance to the side setback for construction of the pool was granted, reducing the side yard setback from 50' to 29'.

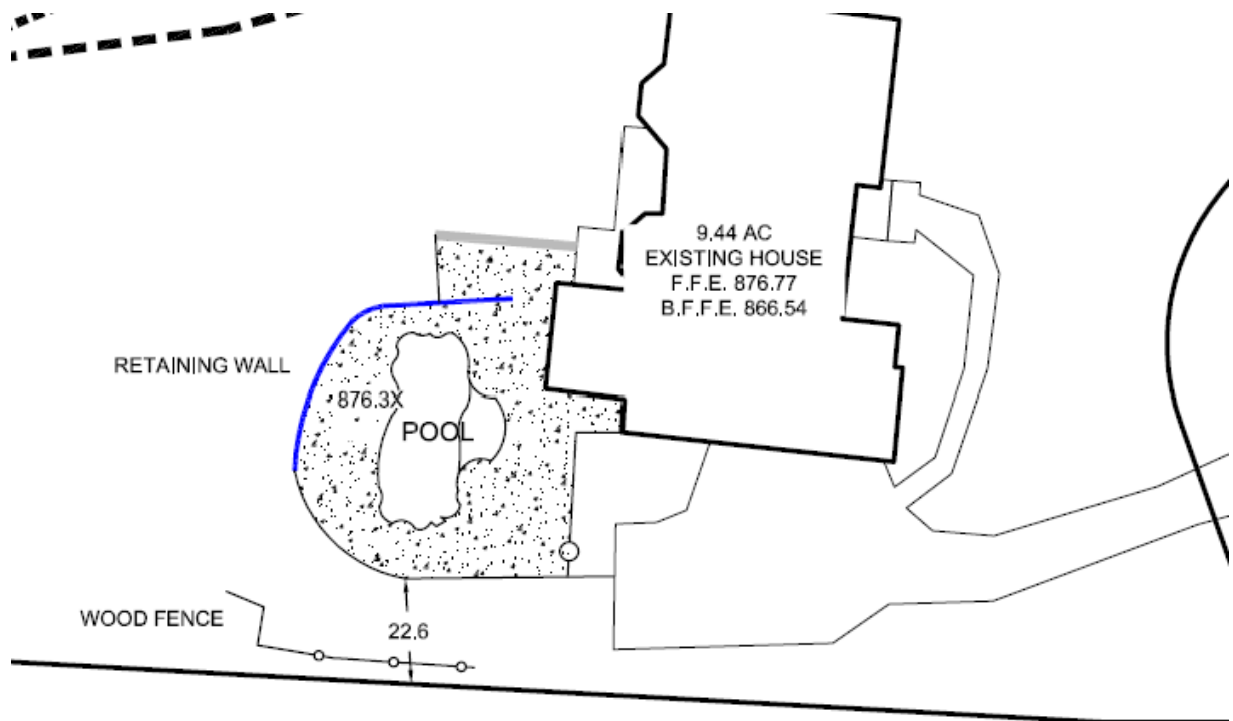
This variance was approved by the Planning Commission on January 23, 2023.

The layout of the pool deck was modified and extended closer to the property line than previously anticipated.

Please refer to site plans on next page.



SITE PLAN FOR VARIANCE PETITION No. A-815-23



FOUNDATION SURVEY SHOWING ACTUAL LOCATION OF POOL AND POOL DECK

## DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance. This property is currently outside our service area.
- Public Works/Environmental Management** – No objections
- Environmental Health Department** – This office has no objection to the proposed variance.
- Fire** – No objections.

## VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

*The applicant provides the following information*

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

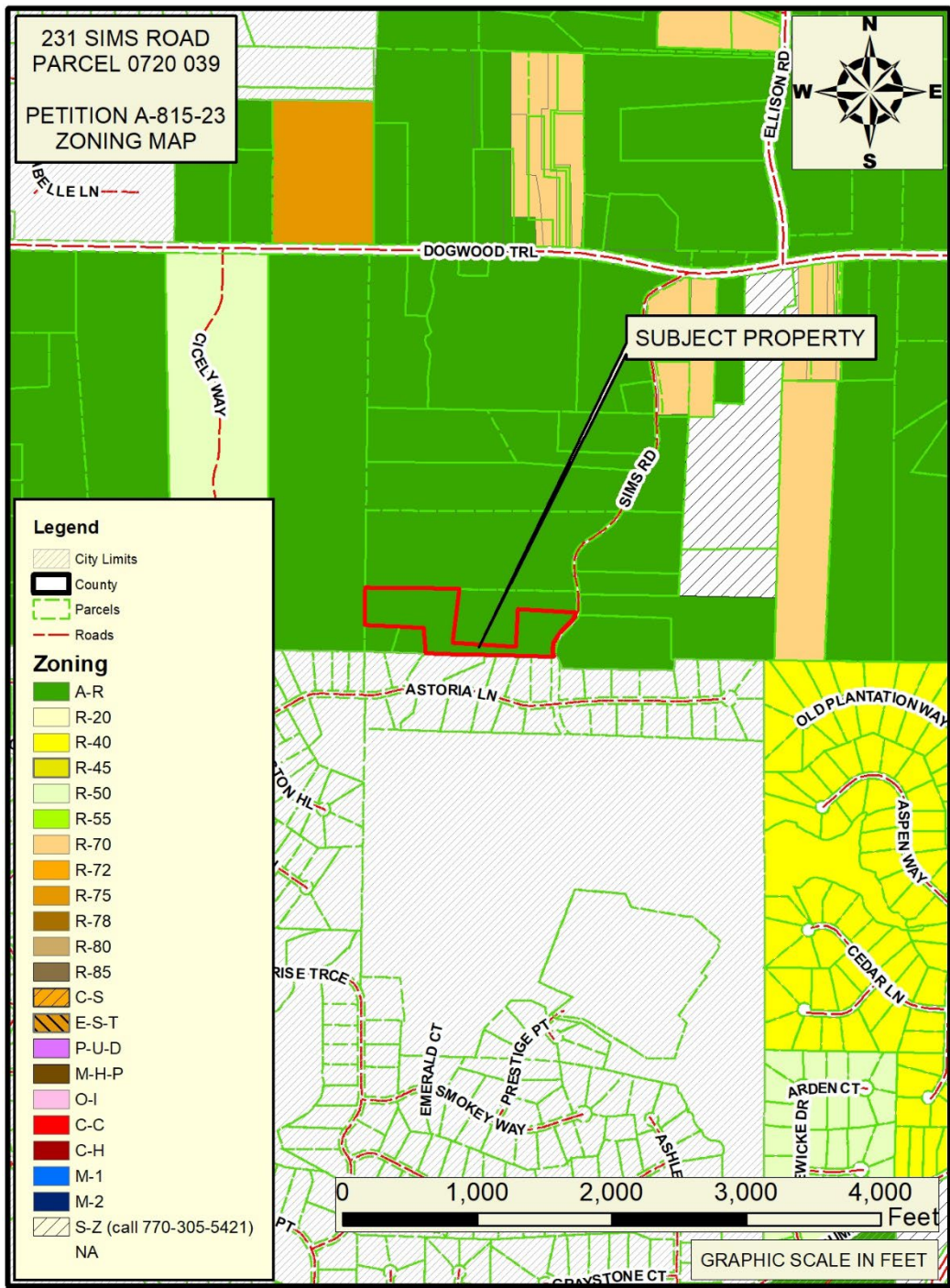
*We are seeking variances to build a pool 29 ft from side property line so that pool is behind the house but at highest elevation due to flood plan and buffer restrictions on property/topography.*

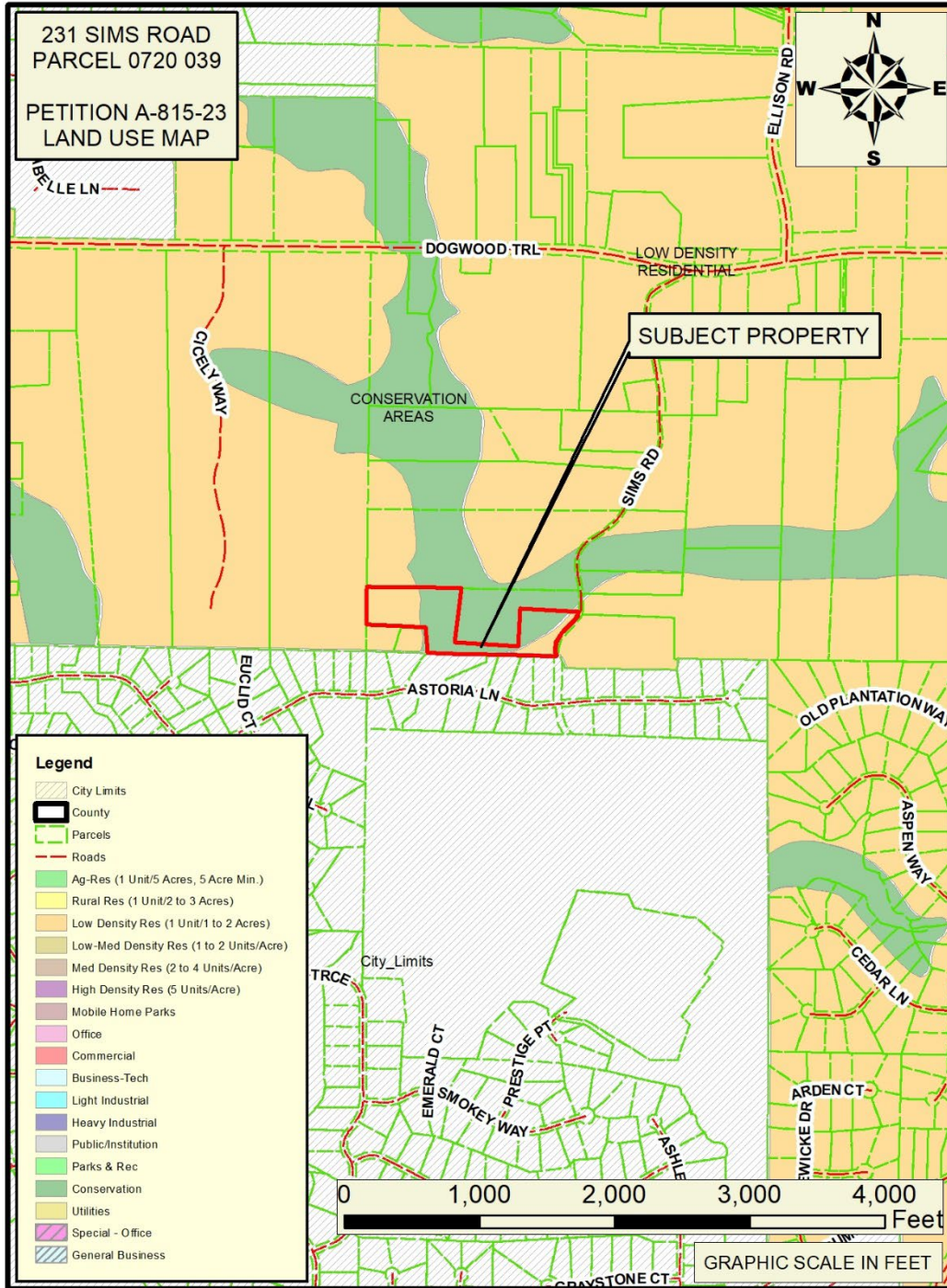
**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist. Please read each standard below and then address each standard with a detailed response. Attach additional information/documentation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

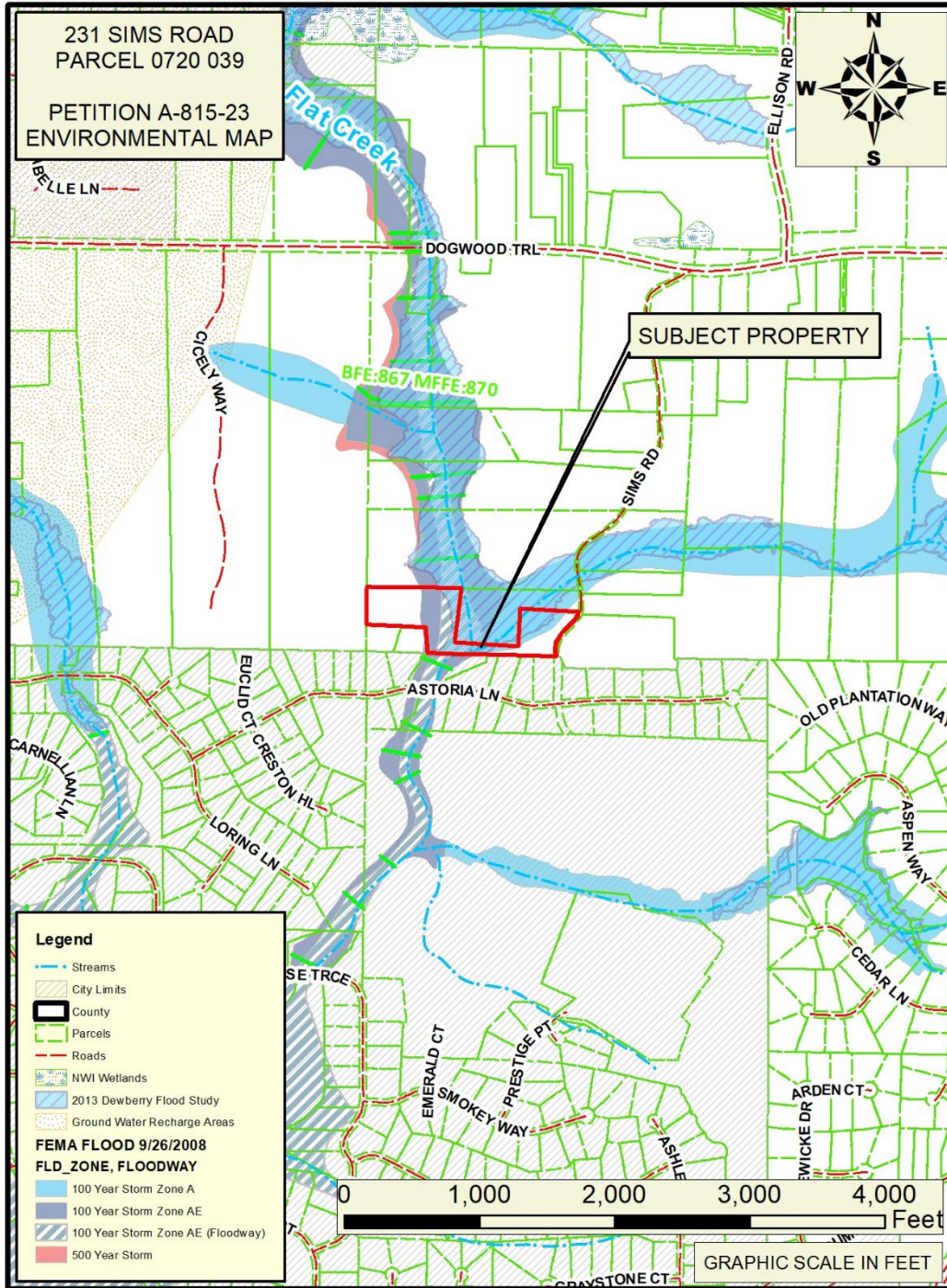
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*Yes – Topography of property limits location of pool, thus variance needed to go closer to side property line.*
- 2. The application of these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

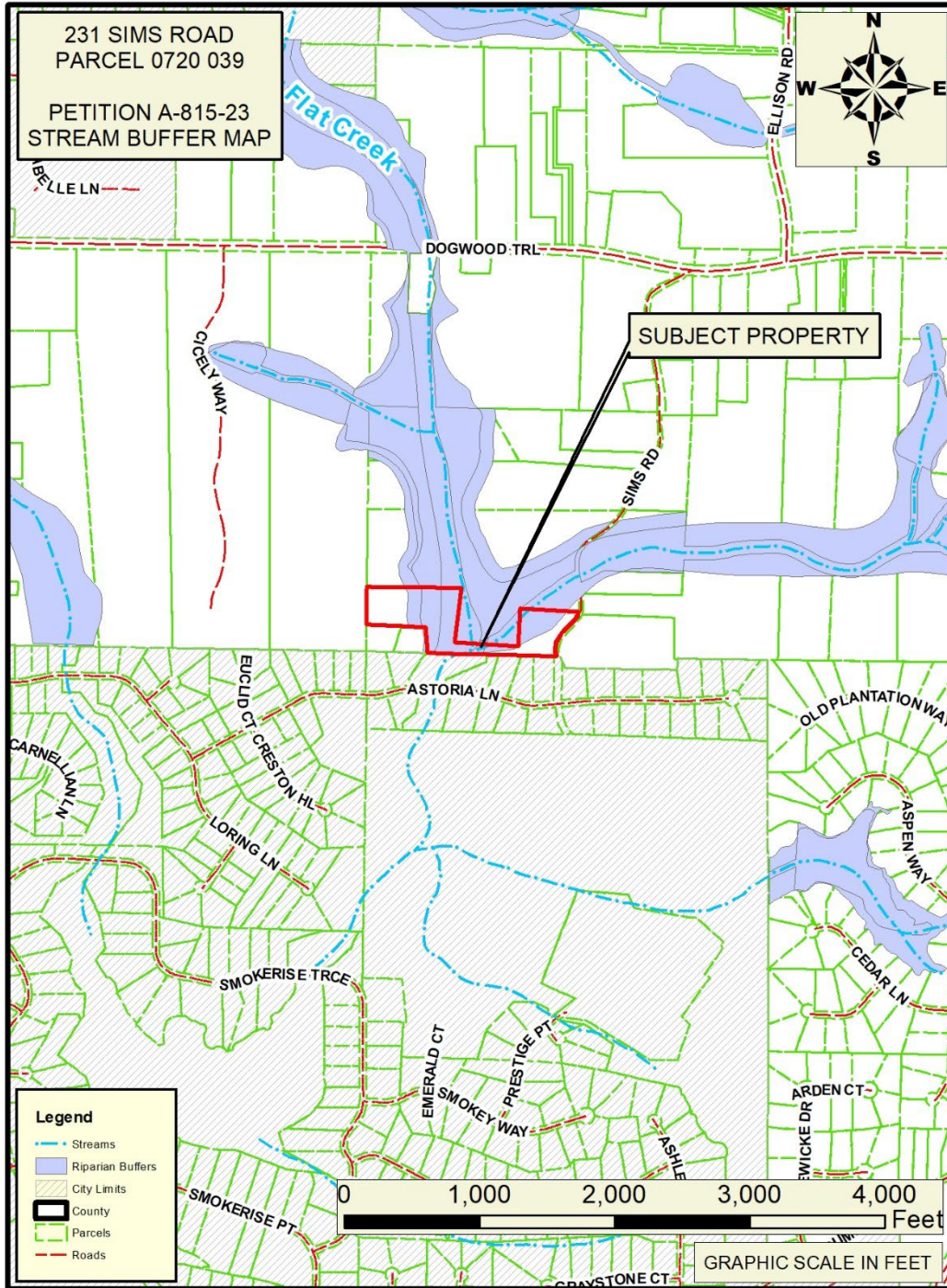


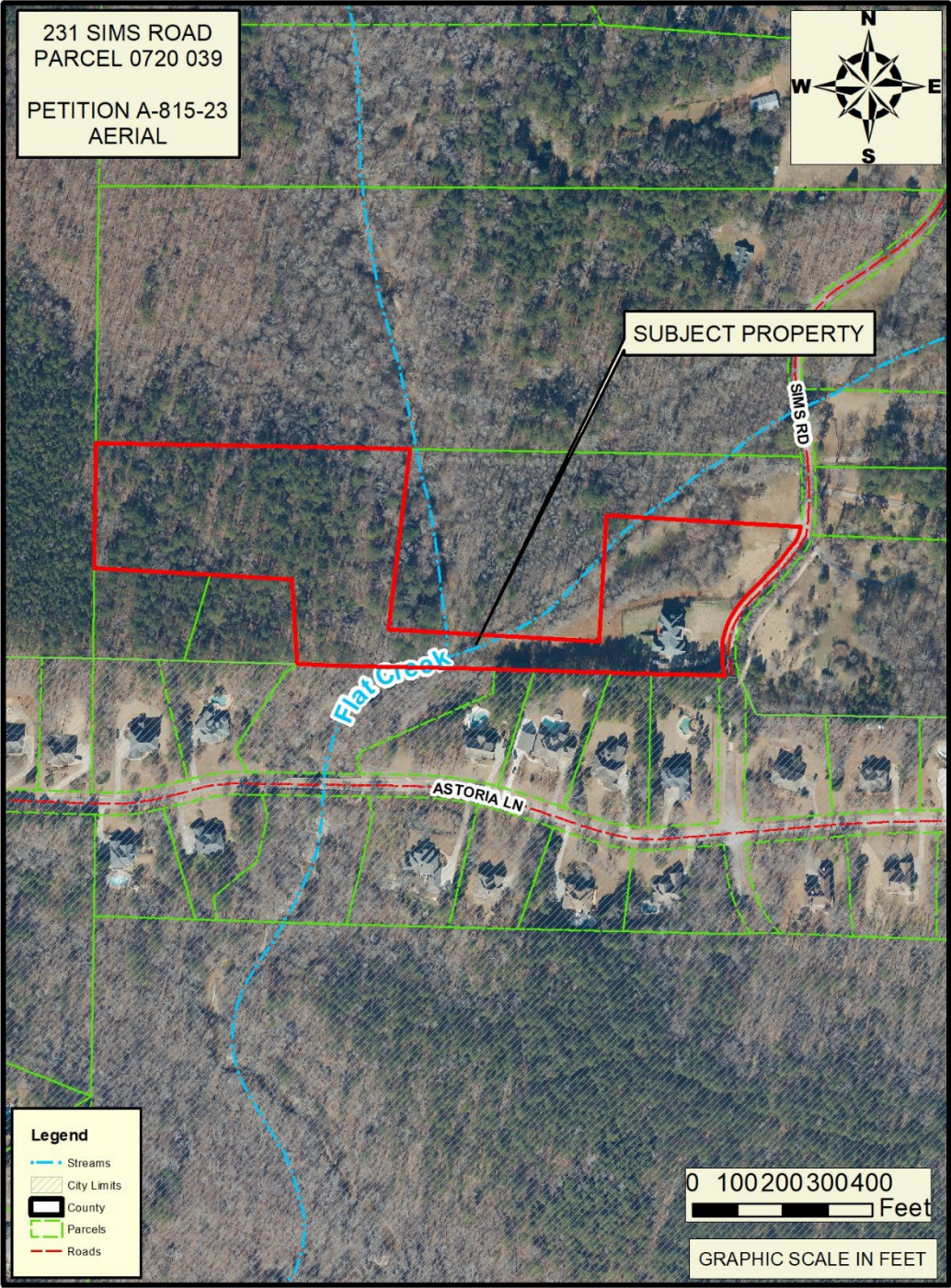


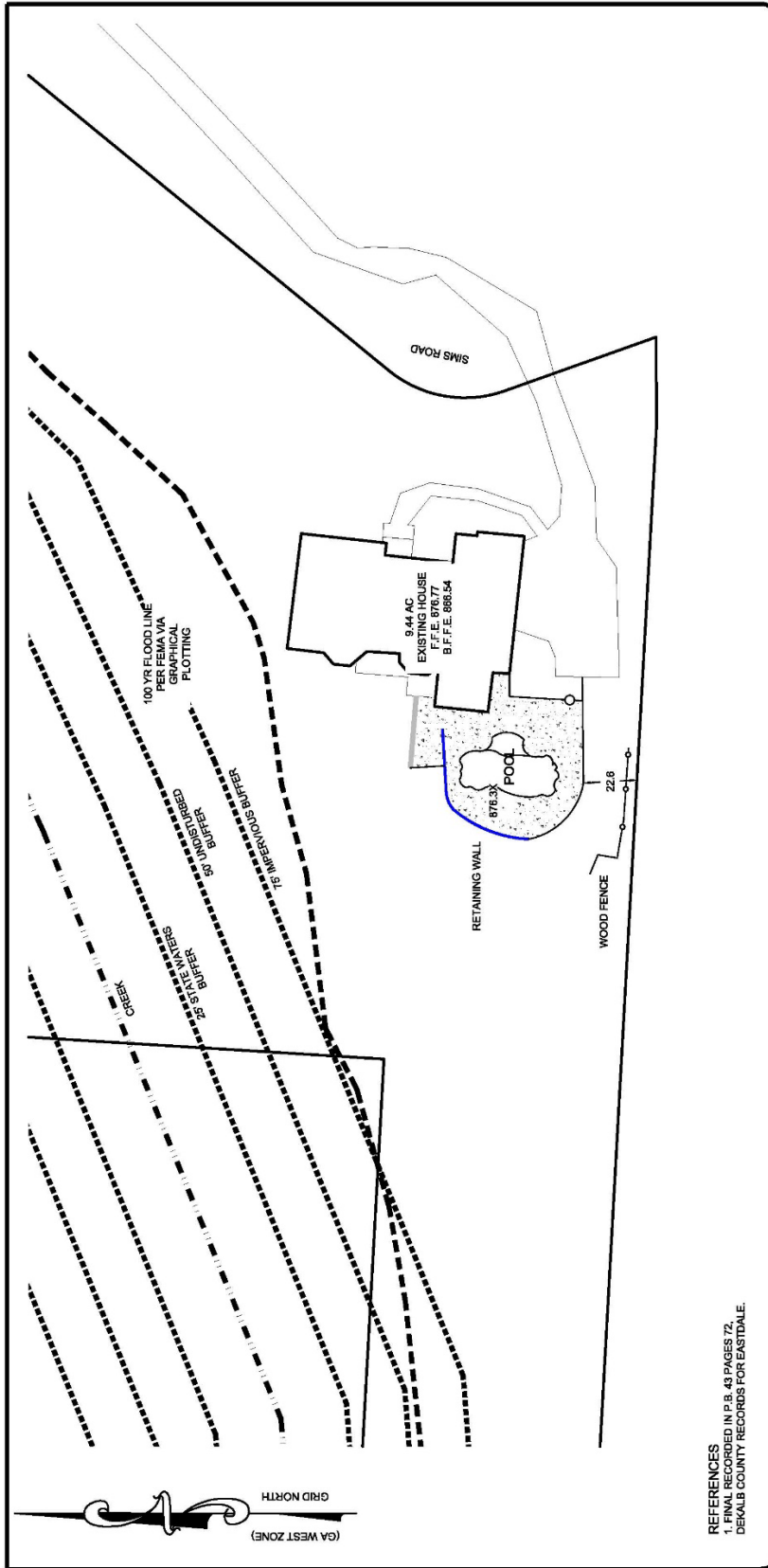












REFERENCES  
 1. FINAL RECORDED IN P.B. 43 PAGES 72,  
 DEKALB COUNTY RECORDS FOR EASTDALE.

CIVIL ENGINEERING LAND PLANNING SURVEYING  FALCON DESIGN CONSULTANTS, LLC 2000 W. MARKET STREET SUITE 100 FAYETTEVILLE, GA 30215 (770) 426-1000 WWW.FDCON.COM	PPOL ASBUILT FOR <b>231 SIMS ROAD</b> LOCATED IN: LAND LOT 89, 7th DISTRICT FAYETTE COUNTY, GEORGIA		<p>Know what's below.          Call before you dig.          UTILITIES PROTECTION CENTER          (800) 485-5849          OR DIAL 811</p>								
	REVISIONS <table border="1"> <tr><td>1.</td><td>DATE: 7-20-23</td></tr> <tr><td>2.</td><td>SCALE: 1" = 40'</td></tr> <tr><td>3.</td><td>DRAWN BY: JHILL</td></tr> <tr><td>4.</td><td>REVIEWED BY: JBPATWAKER</td></tr> <tr><td>5.</td><td></td></tr> </table>	1.	DATE: 7-20-23	2.	SCALE: 1" = 40'	3.	DRAWN BY: JHILL	4.	REVIEWED BY: JBPATWAKER	5.	
1.	DATE: 7-20-23										
2.	SCALE: 1" = 40'										
3.	DRAWN BY: JHILL										
4.	REVIEWED BY: JBPATWAKER										
5.											
SHEET NUMBER: <b>1</b>	Z:\BUILDER SERVICE PROJECT\INDIVIDUAL HOMEOWNERS\HURP201 SIMS ROAD\31 SIMS ROAD - 1800.dwg, LOT 1 ASBUILT.dwg, JUL 21, 2023 - 4:22:46pm										

SITE PLAN SHOWING REQUESTED SETBACK FOR POOL



A-842-23 – 231 Sims Road



A-842-23 – 231 Sims Road



A-842-23 – 231 Sims Road



A-842-23 – 231 Sims Road



PETITION NUMBER: A-842-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0720 039 Acreage: 9.44  
Land Lot: 89 Land District: 7M  
Address: 231 Sims Road Tyrone, GA 30290  
Existing Zoning: A-R Requested Zoning: A-R.  
Zoning of Surrounding Properties: A.R.  
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

Name Howell & Cheryl Turner  
Email howell.tandflighting@gmail.com  
hhcturner@gmail.com  
Address 231 Sims Rd  
City Tyrone  
State GA Zip 30290  
Phone 678-873-1760 (Howell)  
678-873-3543 (Cheryl)

AGENT/DEVELOPER INFORMATION

(If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-842-23

[ ] Application Insufficient due to lack of:

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

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

by Staff: Chelsea Bapton Date: 7/24/23

DATE OF ZONING BOARD OF APPEALS HEARING: Sept. 25<sup>th</sup> 2023

Received from Howell and Cheryl Turner a check in the amount of \$ 225 175

for application filing fee, and \$ 50 for deposit on frame for public hearing sign(s).

Date Paid: 7/27/23 Receipt Number: 018687

**PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM**

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

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

Howell B. Turner & Cherie R. Turner  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0720 039

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 89 of the 7<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 9.44 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

Howell Turner  
Signature of Property Owner 1

231 Sims Rd. Tyrone GA  
Address

Cherie Turner  
Signature of Property Owner 2

231 Sims Rd Tyrone  
Address

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

\_\_\_\_\_  
Address

[Signature]  
Signature of Notary Public

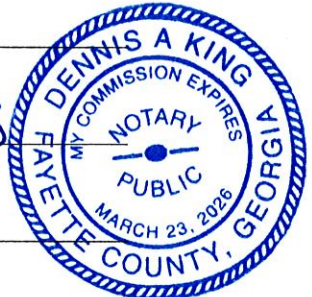
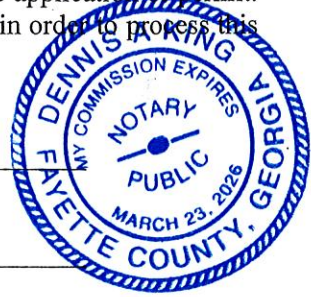
July 27, 2023  
Date

[Signature]  
Signature of Notary Public

July 27, 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
Sec. 110-125. A.R. (d)(6)	50'	<del>22.6</del> 23.0	27'

### VARIANCE SUMMARY

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

Requesting variance on distance from side property line to concrete surrounding existing swimming pool

- we received approval on variance for distance to pool. Didn't know concrete counted in the pool structure so need approval for concrete to side property line.

## 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 location of the pool was necessary to be closer to side property line because of other restrictions to creeks, flood plain & dry bed.

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

No

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

Same as #1

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

Concrete around our pool would not cause harm to any neighbor on our side property line. There is a grass area after the concrete (leading to side property line and the property line is in a wooded area which has not been disturbed at all.

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

The concrete surrounding the pool is basically an extension of the driveway outside our garage. This driveway has been in place for 16 years (since 2006).

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

**RESOLUTION  
PETITION NO. A-815-23**

**WHEREAS**, Howell & Cheryl Turner, Owner, having come before the Fayette County Zoning Board of Appeals on the January 23rd, 2023, requests a variance pursuant to "The Zoning Ordinance of Fayette County, Georgia, 1980"; and

**WHEREAS**, said request being as follows: Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 29 feet to allow for construction of a residential accessory structure (i.e. swimming pool). This property is located in Land Lot 89 of the 7th District, fronts on Sims Road, and is zoned A-R; and

**WHEREAS**, the Fayette County Zoning Board of Appeals having convened, and considered said request; now


**BE IT RESOLVED** that based on the decision of the Fayette County Board of Appeals, said request was **APPROVED**.


The decision is based on the following reasons:

Relief would not be contrary to the public interest and, without relief; a literal enforcement of the Ordinance would result in a practical difficulty and/or unnecessary hardship.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

**Respectfully submitted by:**

  
\_\_\_\_\_  
**CHELSIE BOYNTON  
ZBA SECRETARY**

  
\_\_\_\_\_  
**JOHN TATE  
CHAIRMAN**



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


**ZONING BOARD OF APPEALS DECISIONS**

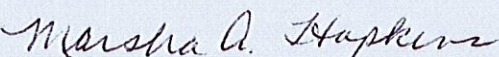
**DATE:** January 23, 2023


**PETITION NUMBER:** A-815-23


**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** has approved  
the application of Howell & Cheryl Turner this for the purpose of:


Variance to Sec. 110-125. A-R, (d) (6) to reduce the side yard setback from 50 feet to 29 feet to allow for construction of a residential accessory structure (i.e. swimming pool).

  
John Tate, Chairman

  
Marsha A. Hopkins, Vice-Chairwoman

  
Anita Davis

  
Bill Beckwith

  
Tom Waller

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

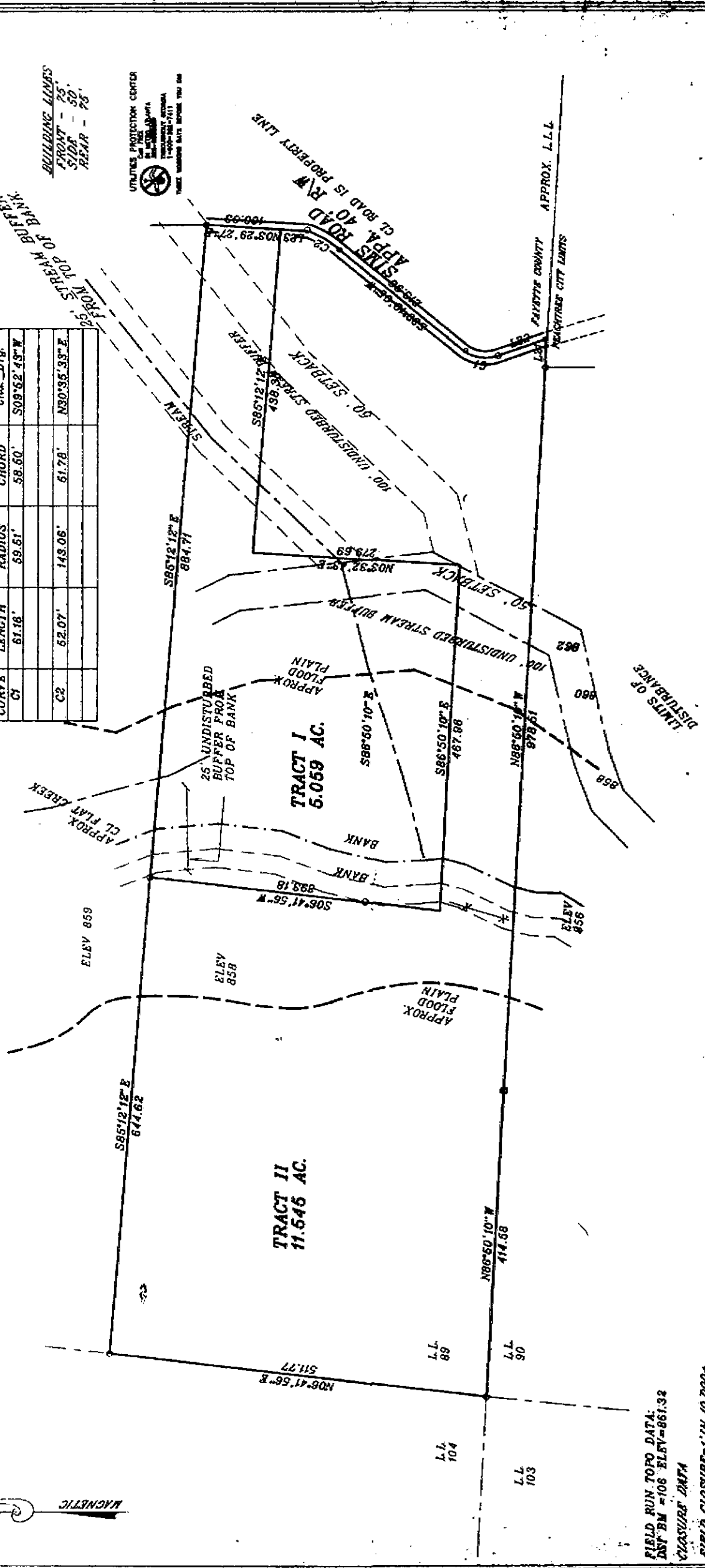
THIS PLAN AS SHOWN SHALL BE CONSIDERED  
 A MINIMUM AND MAY BE MODIFIED ON FIELD  
 INSPECTION BY COUNTY MAPS

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



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

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



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

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

<b>HOWELL TURNER</b>	
SUBDIVISION: N/A	P.L. 87
LAND LOT: 89	DATE: 09/18/09
INSTRUMENT: 746	APPROVED BY: [Signature]
COUNTY: Fayette, GA	JOB NO.: 89-0140
<b>DELTA SURVEYORS, INC.</b>	
FAYETTEVILLE, GA 30214	
770-487-6748	

Doc ID: 00760570001  
 Filed: 10/03/2008 at 10:12:00 AM  
 Fee Amt: \$5.00  
 Fee Rec: 1 of 1  
 Sheila Studdard, Clerk of Court  
 bk 43 pg 72





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

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

STATE OF GEORGIA  
COUNTY OF FAYETTE

08-332

**WARRANTY DEED**

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

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

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

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

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

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

Witnesseth: that Grantor for and in consideration of the sum of dollars in hand  
paid at and before the sealing and delivery of these presents, the receipt whereof is hereby  
acknowledged, has granted bargained sold aliened conveyed and confirmed and by these  
presents does grant, bargain, sell alien convey and  
confirm unto the said grantees

**SEE EXHIBIT "A" ATTACHED HERETO**

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

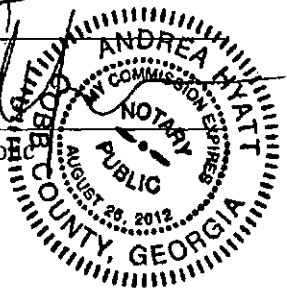
AND THE SAID Grantor will warrant and forever defend the right and title to the  
above-described property unto the said Grantees against the claims or all persons  
whomsoever.

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

Signed, sealed and delivered  
In presence of:

Witness

Notary Public



*Cheryl R. Turner*  
CHERYL R. TURNER, GRANTOR  
*Howell B. Turner Jr.*  
HOWELL B. TURNER, JR., GRANTOR

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

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

EXHIBIT "A"

( continued to next page )

**Less and Except**

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

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

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

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

**Less and Except**

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

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

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

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

**EXHIBIT "A"**