

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
Christina Barker, Planning and Zoning Coordinator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
November 27, 2023
7:00 P.M.**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on September 25, 2023.

PUBLIC HEARING

5. Consideration of the Fayette County Zoning Board of Appeals 2024 Calendar.
6. Petition No. A-844-23 - Variance to Sec. 110-93, requesting to reduce the setback for septic drain field lines.
7. Petition No. A-845-23 - Variance to Sec. 110-149 (d) (6) (c), requesting to reduce the setback for side yard from 15 feet to 13'2". Reduce side yard by 1'10" to allow for new construction to remain.
8. Petition No. A-846-23 - Variance to Sec. 110-125 (d)(6) requesting to reduce the setback for building from 50' to 30' to allow a 26 x 50 garage to be built on the south side of the property. Variance amount of 40%.
9. Petition No. A-847-23 - Variance to Sec. 110-137 (d)(5), requesting to reduce the setback for rear yard from 30' to 5'.
10. Petition No. A-848-23 - Variance to Sec. 110-142. O-I, (f) (6), to reduce the side yard buffer, required when an O-I zoning district abuts a Residential or A-R zoning district, from 30 feet to 15 feet.

Meeting Minutes 9/25/23

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on September 25th, 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: Debbie Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney

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

Bill Beckwith made a motion to approve the agenda. Brian Haren seconded the motion. The motion carried 5-0.

4. Consideration of the Minutes of the Meeting held on August 28, 2023.

Brian Haren made a motion to approve the minutes of the meeting held on August 28, 2023. Anita Davis seconded the motion. The motion carried 5-0.

5. Discussion of the Fayette County Zoning Board of Appeals 2024 Calendar.

Debbie Bell noted the regularly scheduled meetings for November and December fell on holiday weeks. Staff is recommending the November meeting be moved from the 25th to the 18th and moving December from the 23rd to the 16th. If the board agrees, staff will formally advertise the calendar and bring it back for a vote at the next meeting.

Bill Beckwith asked it that would allow the appropriate amount of time between the application and the meeting.

Debbie Bell stated staff will shift the application date appropriately to allow adequate time for review. This does not need a vote at this time.

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 7th District and fronts on Sims Road.**

Debbie Bell, Planning and Zoning Director, explained this property was the subject of a prior variance No. A-815-23 to reduce the setback because the property does have a significant amount floodplain and buffers from an adjacent stream. A concept was used for the initial variance. When the pool and deck were poured, the pool doesn't encroach any further into the setback but the concrete of pool deck was poured a little bit further. The variance should read to reduce the setback from 29' on the side setback to 22.6'. The request is rounded up to 23' and it should have been rounded down. Staff is recommending approval.

Cheryl Turner from 231 Sims Rd stated they did not understand they needed to request a variance for the concrete in addition to the water's edge of the pool. There is grass, landscaping, and a fence. The side property line is Peachtree City.

Brian Haren asked if anyone knew what the side setbacks were on the Peachtree City side. They did not.

Cheryl Turner explained that the driveway was closer to the property line than the pool deck and she was unaware the same provisions that apply driveways did not apply to pools.

Debbie Bell stated driveways are allowed as close as two (2) feet of the property line, but pool decks were considered structures and subject to established setbacks.

Brian Haren asked if staff did not catch this when the original application was made.

Debbie Bell stated the prior variance was prepared and approved based upon the concept plan submitted.

John Tate made a motion to approve Petition No. A-842-23, Variance to Sec. 110-125. A-R (d)(6) to reduce the side yard setback from 29' to 22.6' to allow the swimming pool deck to remain. Marsha Hopkins seconded the motion. The motion passed 5-0.

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 7:17 pm.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

DEBORAH BELL, PLANNING & ZONING DIRECTOR



2024 ZBA MEETING DATES

FAYETTE COUNTY, GA

(Dates are subject to change with notice. If a hearing falls on a holiday, a different hearing date will be scheduled.)

The public hearing is held at the Fayette County Administrative Complex at 140 Stonewall Ave. W., Fayetteville, GA 30214 (located at the southwest corner of SR 54 and SR 85 in downtown Fayetteville), on the first floor in the Public Meeting Room (near the fountain) and hearings begin at 7:00 p.m.

PUBLIC HEARING

January 22, 2024

February 26, 2024

March 25, 2024

April 22, 2024

May 28, 2024

June 24, 2024

July 22, 2024

August 26, 2024

September 23, 2024

October 28, 2024

November 25, 2024

December 16, 2024

*Meetings may be cancelled if there are no agenda items. Special called meetings may be added if necessary. These will be advertised and posted, as required.

ZONING BOARD OF APPEALS
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, No-
vember 27, 2023 at 7:00 P.M., Fay-
ette County Administrative Com-
plex, Public Meeting Room, 140
Stonewall Avenue West, first floor.
Consideration of the Fayette Coun-
ty Zoning Board of Appeals 2024
Calendar.

A copy of the above is available
in the office of the Fayette County
Planning and Zoning Department,
140 Stonewall Avenue West, Suite
202, Fayetteville, Georgia.

This 25th day of October, 2023.

Deborah L. Bell, RLA

Planning & Zoning Director

10/25

PETITION NO: A-844-23

Requested Action: To reduce the required setback for septic tanks and drain fields as required in Sec. 100-93, from 25' to 5' for the location of septic drain lines.

Location: 1552 Hwy 85 S Fayetteville, GA 30215

Parcel(s): 0450 070

District/Land Lot(s): 4th District, Land Lot(s) 253

Zoning: C-H

Lot Size: 2.712 Acres

Owner(s): W & W Realty Co. LLP

Agent: John M. Cook, Green Oil Co.

Zoning Board of Appeal Public Hearing: November 27, 2023

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-93, requesting to reduce the setback for septic drain field lines.

STAFF RECOMMENDATION

It is staff's opinion that the history of the parcel creates some unique and difficult environmental constraints. The property was developed as a truck stop and gas station during the 1960s. The long history of development and commercial uses has left the site with limited soils suitable for the septic system.

Staff recommends **CONDITIONAL APPROVAL** of the request to reduce the setback for the septic drain field lines, subject to the following:

1. The approved buffer plantings shall be planted between the back of curb and the septic drain field area to provide the buffer required by Sec. 110-144.(d)(6), per revised landscape plan, attached. Any areas where existing vegetation was proposed to provide the buffer shall also be planted, if disturbed. Staff will coordinate with Environmental Health to ensure no conflict with the septic system.

HISTORY

C-H zoning appears on the 1971 Official Zoning Map. Staff has been unsuccessful in finding the petition and files for the zoning. Tax Assessor's records indicate that the convenience store with gas station was built in 1960 and the applicant purchased the property in 2012. However, the development is not in existence in historic aerial photography from 1962.

- February 23, 1988 - the Zoning Board of Appeals approved a variance (A-284-88) to remove certain portions of required landscape strips for the construction of a building addition. *[Staff note: The referenced building has been demolished as part of the redevelopment so this variance no longer applies.]*
- January 25, 2021 - the Zoning Board of Appeals approved a variance (A-745-20) to Section 110-144, C-H (d) (3)(a)(1), to reduce the front yard setback from 75 feet to 35 feet to allow the construction of a fuel island canopy.
- April 26, 2021 - the Zoning Board of Appeals approved a variance (A-754-21) to Section 110-173, (3)(d)(1), to allow a flat roof with parapet walls instead of a gabled roof with a minimum pitch of 4.5 inches in one foot.
- March 28, 2022 - the Zoning Board of Appeals approved a variance to Section 110-173. Transportation corridor overlay, to increase the percentage of parking allowed in the front yard from 50% to 57%.

ZONING REQUIREMENTS

Sec. 110-93. – Septic tank and septic drain field line setbacks.

Septic tanks shall be set back a minimum of ten feet from the property line. Septic drain field lines shall be set back a minimum of five feet from the property line. In the case where a buffer is required, septic tanks and septic drain field lines shall be set back a minimum of 25 feet from the property line (see section 110-94).

Sec. 110-144. - C-H, Highway Commercial District.

(d)Dimensional requirements. (6)Buffer. If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 50 feet adjacent to the lot line shall be provided in addition to the required setback and the setback shall be measured from the buffer.

Sec. 110-94. - Buffer.

A buffer shall provide a separation of uses from abutting properties and a visual screen through the use of natural vegetation or other means, including, replanting or supplemental plantings (see chapter 104, development regulations, for planting requirements). Other visual screening elements or noise attenuation devices, such as walls or berms, may be utilized in addition to the vegetation in the buffer. Stormwater retention and detention facilities may be located in a buffer but shall be set back a minimum of 25 feet from the property line. Said 25 feet, as measured from the property line, shall be for the aforementioned required natural vegetation, landscape plantings, and other visual screening elements or noise attenuation devices only. Multi-use path connections and utilities (including underground stormwater piping) may be located anywhere within the buffer (see section 110-93). A buffer shall not be required along the common boundary where the side or rear yard abuts property owned by the board of commissioners, the board of education, a municipality, the state or federal government that is in a residential or A-R zoning district. This provision shall apply to all buffers required by the zoning.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the following variance.
- Public Works** – No objections.
- Environmental Management** – Buffer planting can move along curb where soils will not function as a drain field.
- Environmental Health Department** – No objections.
- Department of Building Safety** – DBS has no issues; if granted, the distance of any structures must meet the structure-to-septic distances set by Environmental Health.
- Fire** – No objections.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

Please refer to the application form for the applicant's justification of 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.

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

The parcel is an unusual shape.

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

The parcel has a long history of development as a commercial site. This predates nearly all current regulations governing site development, including pavement, septic system & soil suitability analyses and landscape requirements.

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

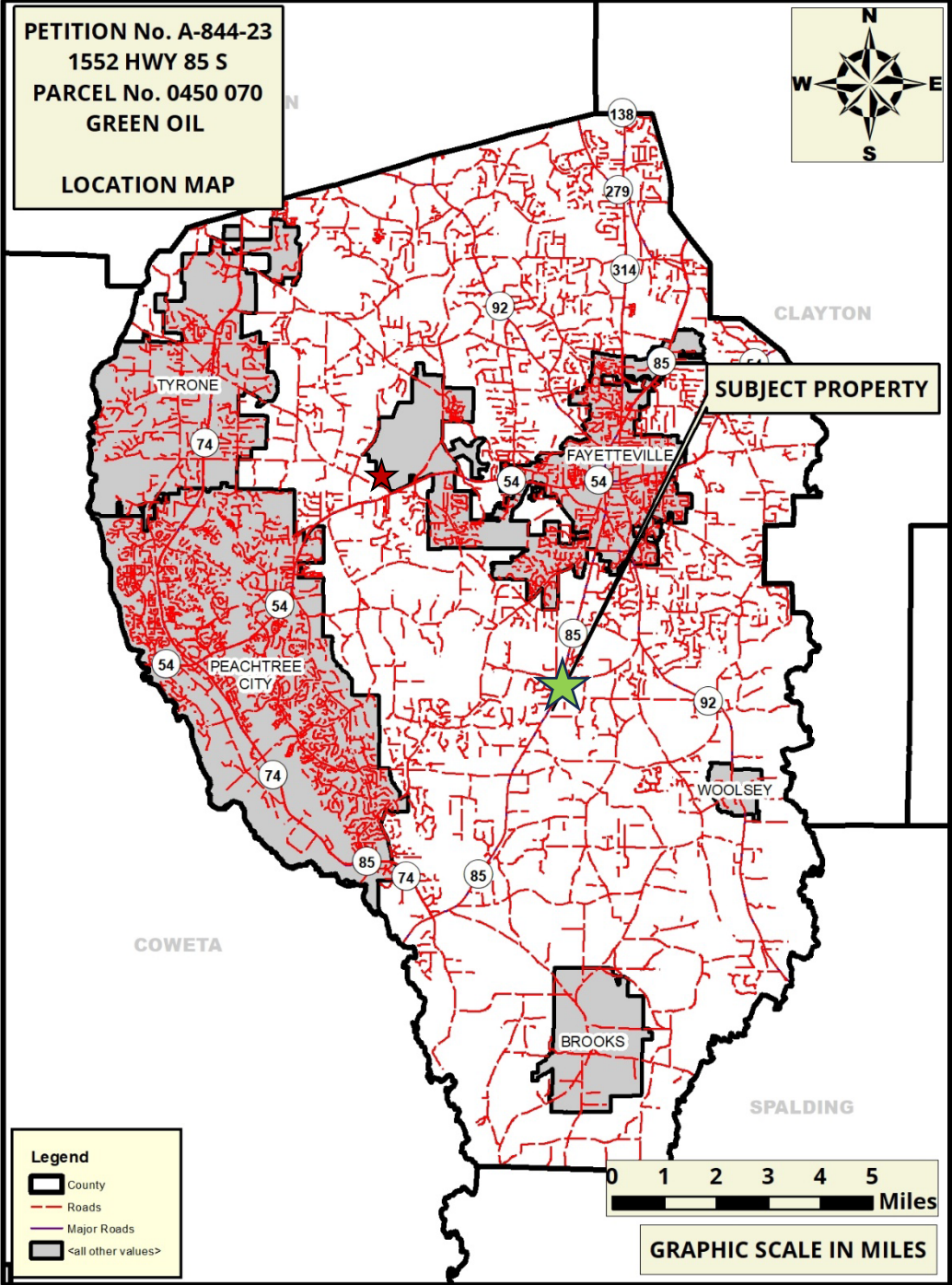
The property is unique in that it was developed as a truck stop in the late 1960s, prior to the completion of the Interstate Highway System, when State Routes were a primary route for commercial traffic. The parking lot was designed to accommodate trucks of all sizes so an extensive area was paved.

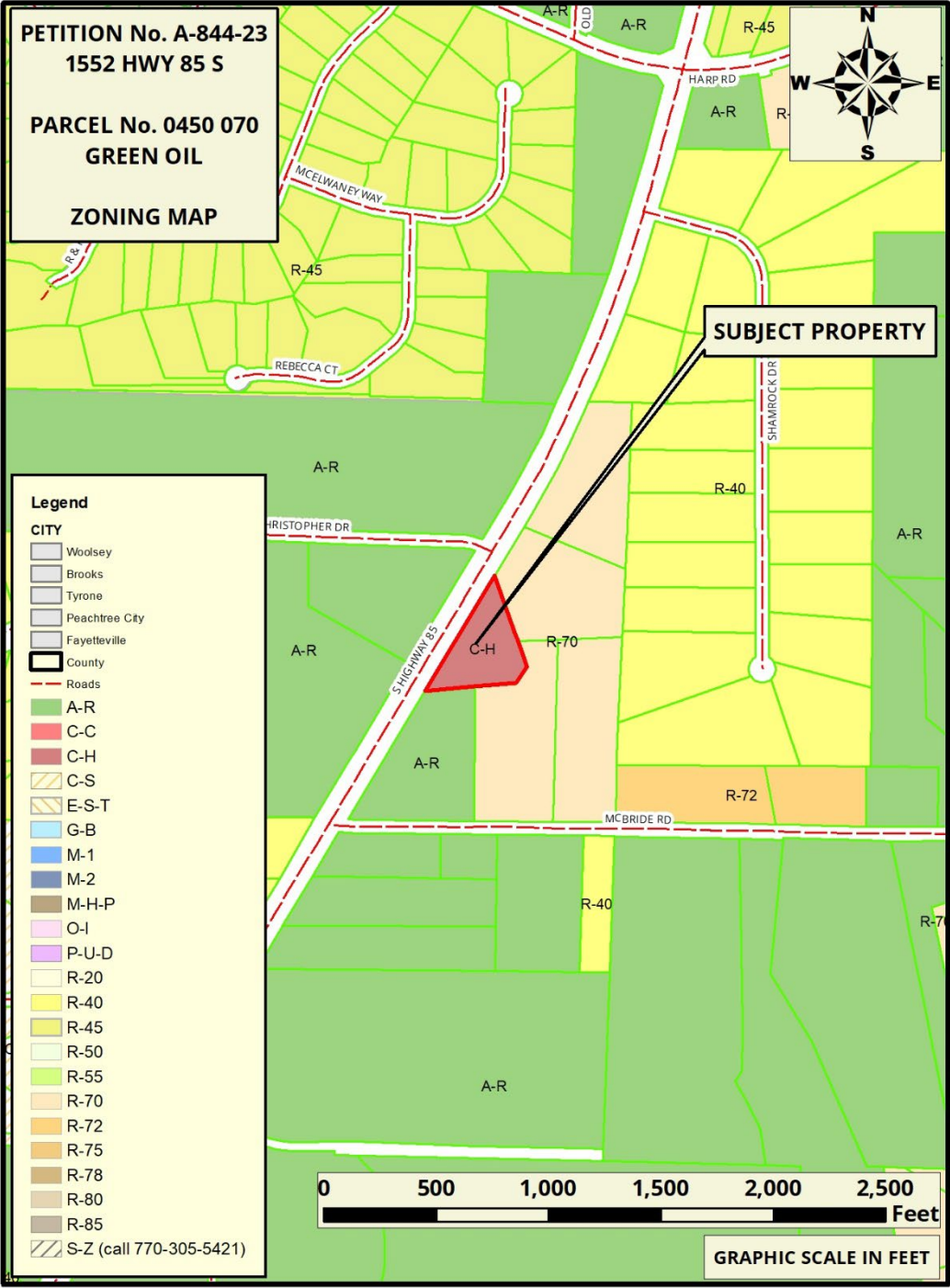
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

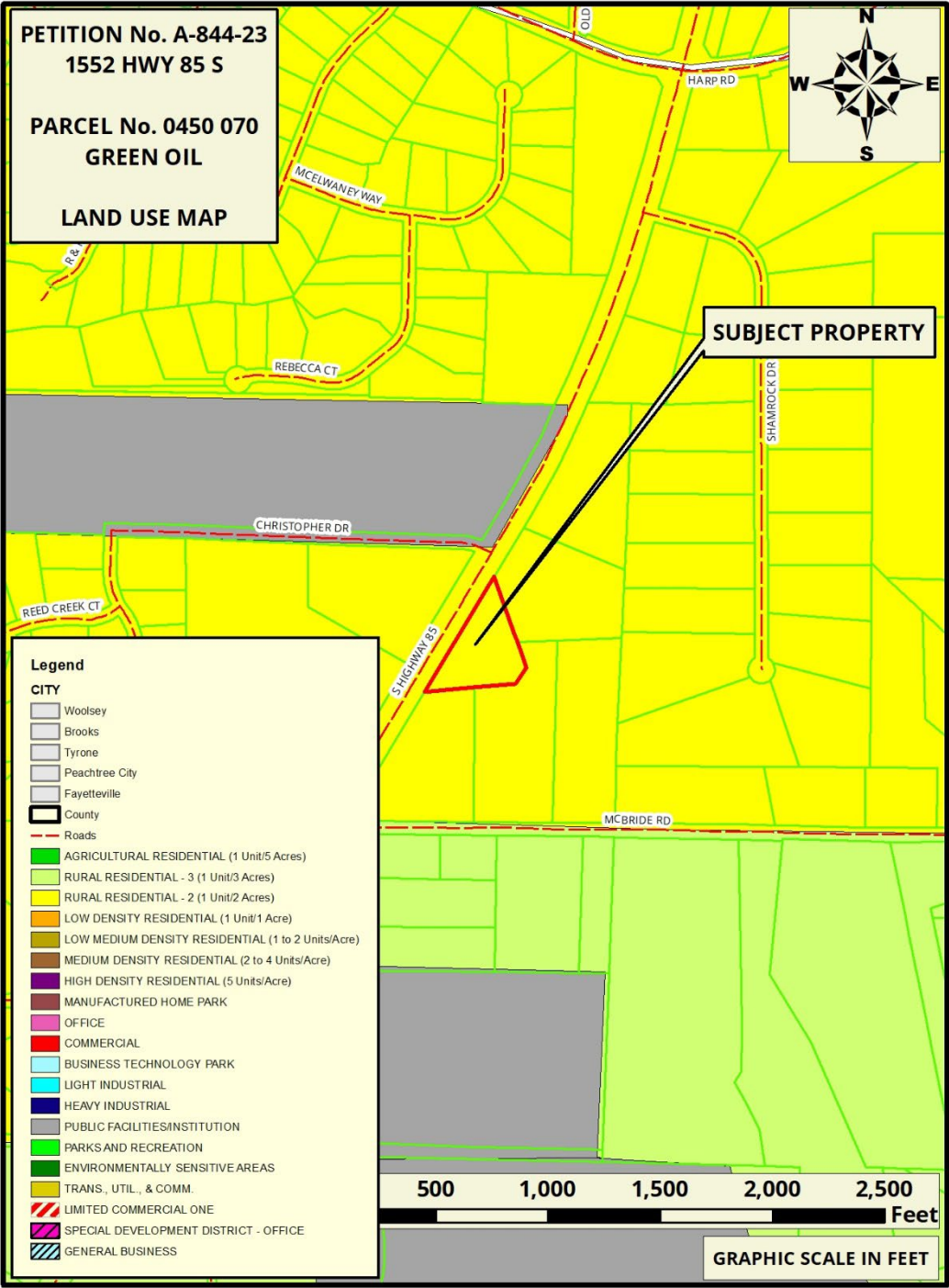
Relief would reduce the zoning buffer adjacent to a A-R & residentially zoned parcels. The owner of the commercial project also owns the parcel immediately north of the site so there is minimal impact to outside-owned parcels on the north side. Additionally, staff is recommending that a vegetated buffer still be planted, so a visual screen will still be provided on both sides.

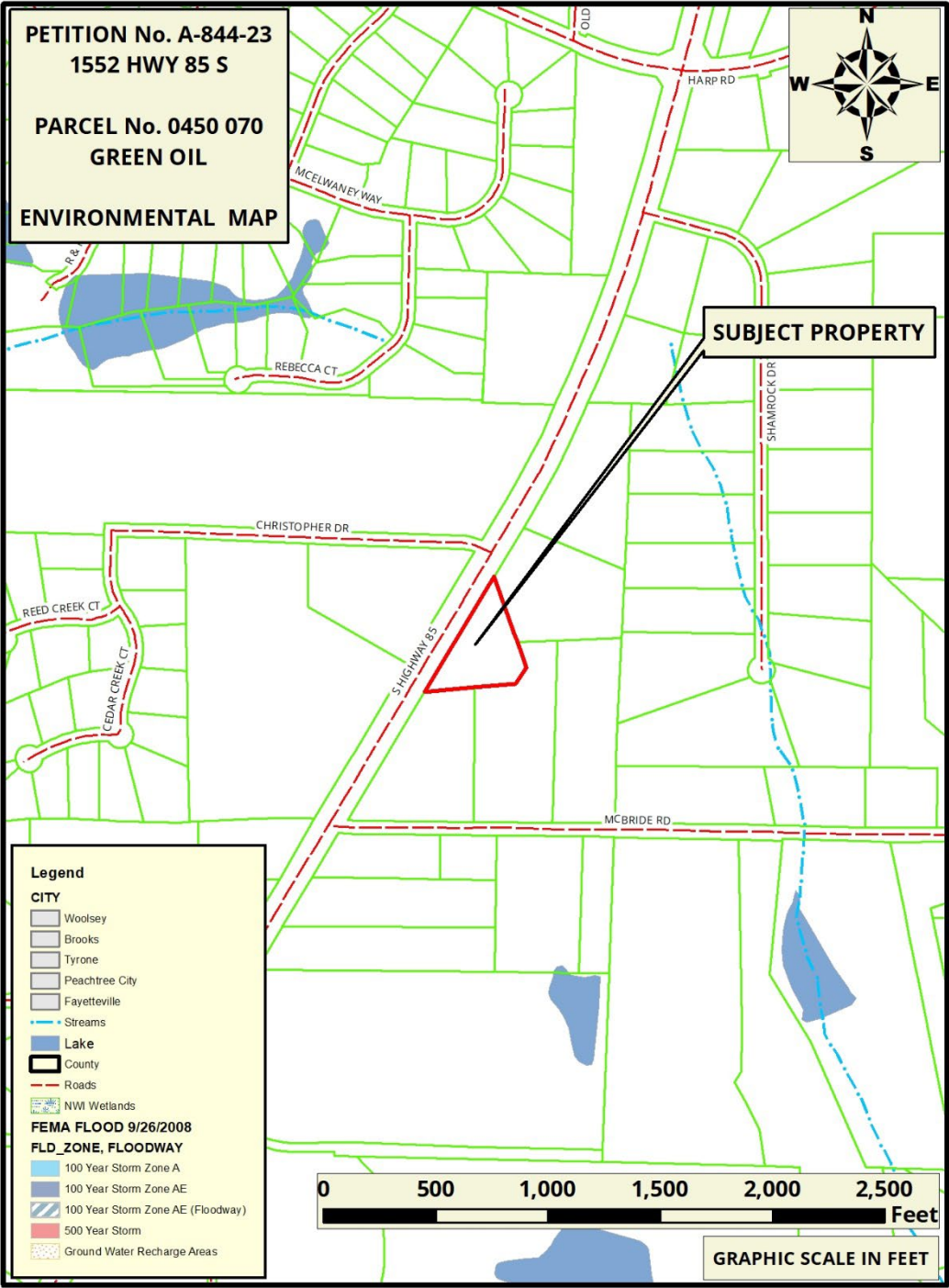
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

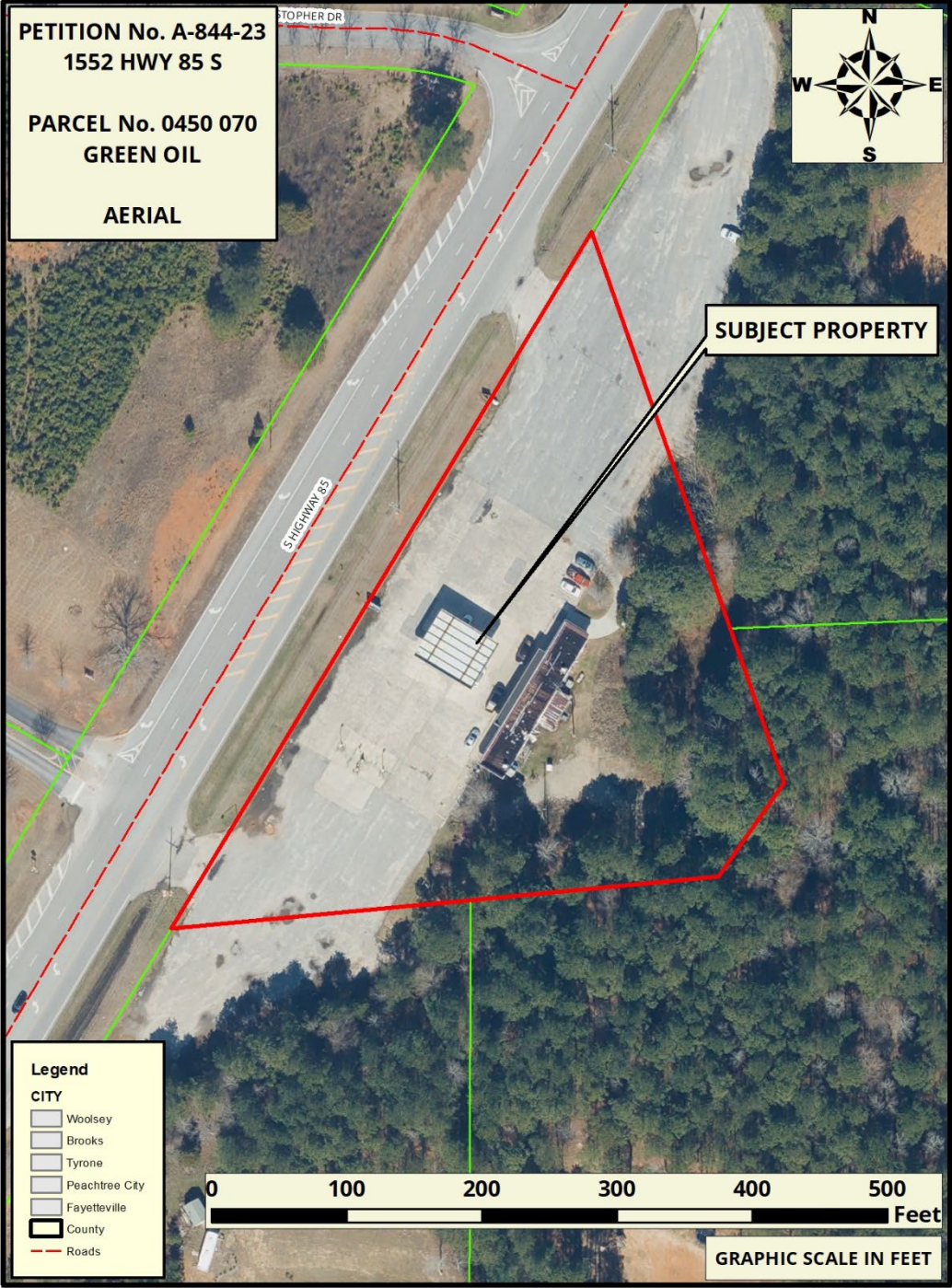
The applicant may not be able to develop the property according to the regulations if the variance is not granted.

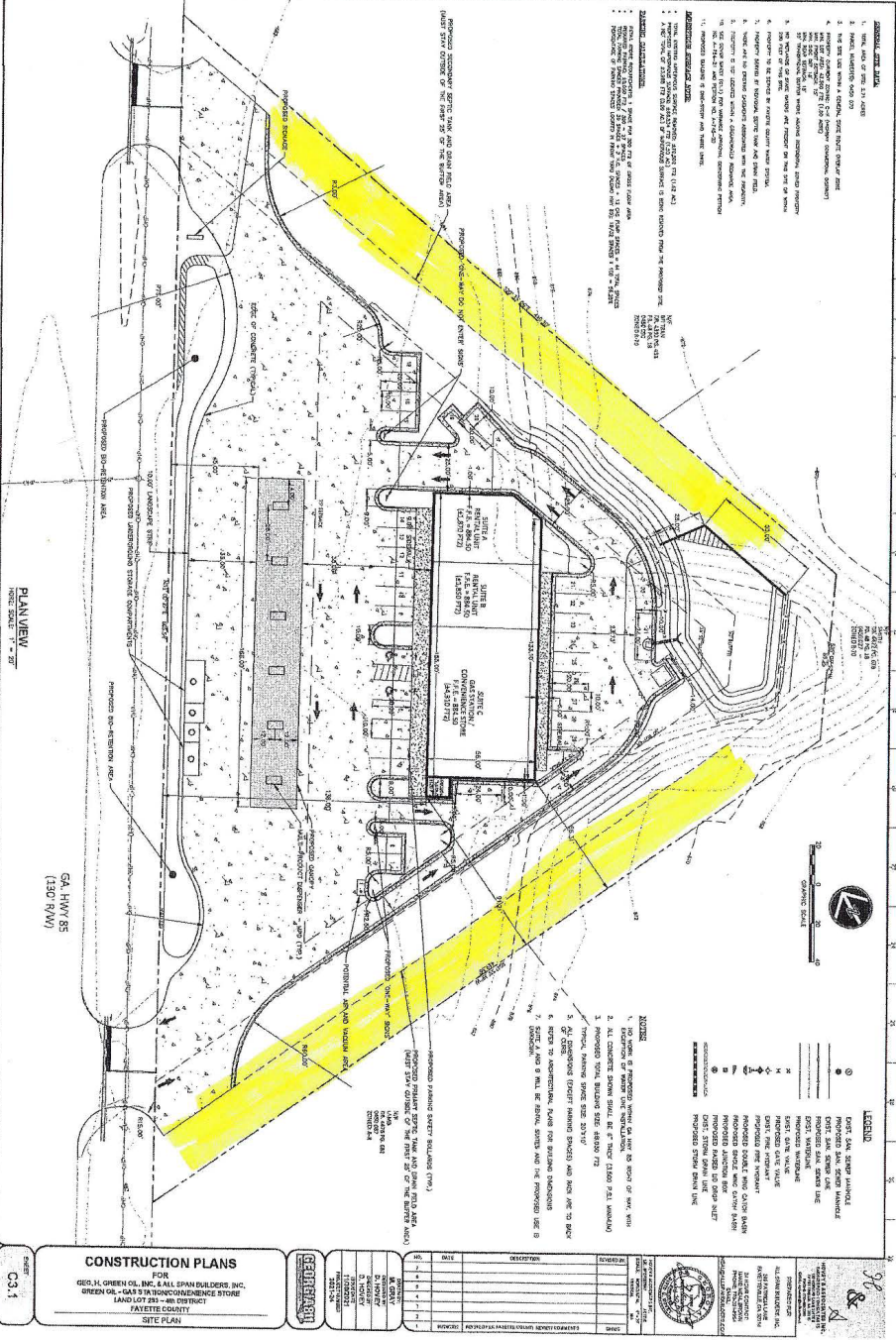




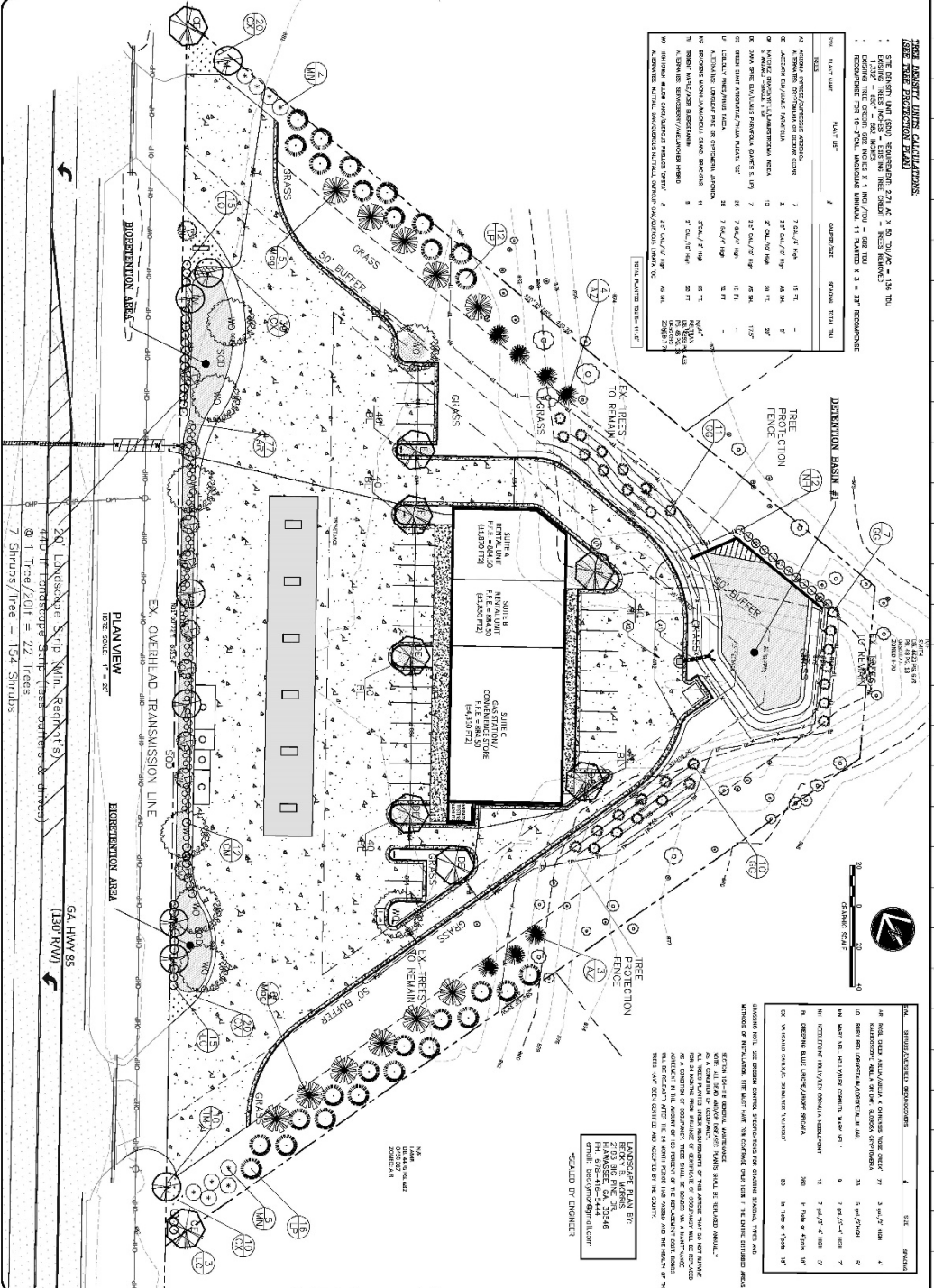








<p>CONSTRUCTION PLANS FOR GEO. H. GREEN CO., INC. & ALL SPAN BUILDERS, INC. GREEN CO. & ALL SPAN BUILDERS, INC. & ALL SPAN BUILDERS, INC. LAND LOT 1422-301 DISTRICT FAVETTE COUNTY SITE PLAN</p>		<p>REVISIONS</p> <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td>1</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>2</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>3</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>4</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>5</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>6</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>7</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>8</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>9</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> <tr><td>10</td><td>11/11/09</td><td>ISSUED FOR PERMIT</td></tr> </table>	NO.	DATE	DESCRIPTION	1	11/11/09	ISSUED FOR PERMIT	2	11/11/09	ISSUED FOR PERMIT	3	11/11/09	ISSUED FOR PERMIT	4	11/11/09	ISSUED FOR PERMIT	5	11/11/09	ISSUED FOR PERMIT	6	11/11/09	ISSUED FOR PERMIT	7	11/11/09	ISSUED FOR PERMIT	8	11/11/09	ISSUED FOR PERMIT	9	11/11/09	ISSUED FOR PERMIT	10	11/11/09	ISSUED FOR PERMIT	<p>LEGEND</p> <ul style="list-style-type: none"> ○ EXIST. GAS STATION BUILDING ○ PROPOSED GAS STATION BUILDING ○ EXIST. SIDEWALK ○ PROPOSED SIDEWALK ○ EXIST. DRIVEWAY ○ PROPOSED DRIVEWAY ○ EXIST. FUEL ISLAND ○ PROPOSED FUEL ISLAND ○ EXIST. CANOPY ○ PROPOSED CANOPY ○ EXIST. PARKING SPACE ○ PROPOSED PARKING SPACE ○ EXIST. DRIVEWAY ○ PROPOSED DRIVEWAY ○ EXIST. SIDEWALK ○ PROPOSED SIDEWALK
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PLANT SCHEDULE

NO.	PLANT NAME	PLANT USE	QUANTITY	SPACING	SPACING	SPACING
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NOTES:

1. ALL PLANTINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING SPECIFICATIONS:
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<p>CONSTRUCTION PLANS</p> <p>FOR</p> <p>GREEN OIL COMPANY, INC. & ALL SPAN BUILDERS, INC.</p> <p>GREEN OIL - GAS STATION CONVENIENCE STORE</p> <p>LAND LOT 251 - 4th DISTRICT</p> <p>FAYETTE COUNTY</p> <p>LANDSCAPE PLAN</p>		<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHKD.</th> </tr> </thead> <tbody> <tr> <td>1</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>2</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>3</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>4</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>5</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>6</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>7</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>8</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>9</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>10</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		NO.	DATE	DESCRIPTION	BY	CHKD.	1					2					3					4					5					6					7					8					9					10					<p>SCALE</p> <p>LANDSCAPE PLAN BY</p> <p>2" = 50' (SEE PLAN)</p> <p>DATE: 04/24/2022</p> <p>PROJECT: GREEN OIL - GAS STATION CONVENIENCE STORE</p> <p>DESIGNED BY: [Name]</p> <p>DRAWN BY: [Name]</p> <p>CHECKED BY: [Name]</p> <p>APPROVED BY: [Name]</p> <p>SCALED BY: ENGINEER</p>		<p>PROJECT INFORMATION</p> <p>PROJECT NO.:</p> <p>DATE:</p> <p>SCALE:</p> <p>PROJECT:</p> <p>DESIGNED BY:</p> <p>DRAWN BY:</p> <p>CHECKED BY:</p> <p>APPROVED BY:</p> <p>SCALED BY:</p>	
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PETITION NUMBER: A-844-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0450 070 Acreage: 2.712

Land Lot: 253 Land District: 4TH

Address: 1552 HIGHWAY 85 FAYETTEVILLE GA

Existing Zoning: CH Requested Zoning: SAME

Zoning of Surrounding Properties: AR / R70

Existing Use: C-STORE GAS Proposed Use: SAME

PROPERTY OWNER INFORMATION

Name WKW REALTY Co. LLP

Email JDAVIS@GREENOILCO.COM

Address 41 DODD ST.

City FAIRBURN

State GEORGIA Zip 30213

Phone 770 964 4125

AGENT/DEVELOPER INFORMATION

(If not owner)

Name JOHN M COOK

Email JMCOOK@GREENOILCO.COM

Address 41 DODD ST

City FAIRBURN

State GA Zip 30213

Phone 770 231-0168

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-844-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Delora M Sims Date: 9/29/2023

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2023

Received from Geo H. Green Oil, Inc. a check in the amount of \$ 175.00 +

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

Date Paid: 9/29/2023 Receipt Number: _____

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:

W&W REALTY Co, LLC - EDWARD WYATT & WILLIAM WYATT
Please Print Names

Property Tax Identification Number(s) of Subject Property: 0450 070

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 4TH District, and (if applicable to more than one land district) Land Lot(s) 253 of the District, and said property consists of a total of 2.712 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to JOHN M COOK 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.

Edward C Wyatt
Signature of Property Owner 1

41 DODD ST FAIRBURN GA
Address

W Wyatt
Signature of Property Owner 2

41 DODD ST FAIRBURN GA
Address

John Cook
Signature of Authorized Agent

41 DODD ST FAIRBURN GA
Address

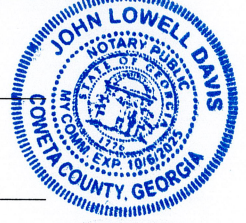
[Signature]
Signature of Notary Public

9/27/23
Date



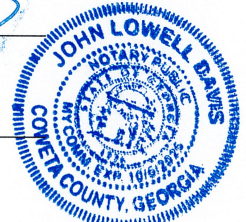
[Signature]
Signature of Notary Public

9/27/23
Date



[Signature]
Signature of Notary Public

9/27/23
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
110-93	IF BUFFER REQUIRED 25' SETBACK FOR SEPTIC DRAIN FIELD LINES	Remove 20' OF THE SETBACK FOR SEPTIC DRAIN FIELD LINES.	20 Feet

VARIANCE SUMMARY

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

Requesting a 20' VARIANCE in BUFFER AREA in order to
 be ABLE to INSTALL the proper septic system.
 The VARIANCE will be located on the NORTH and
 south property lines. (Highlighted)

JUSTIFICATION OF REQUEST

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

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

YES, ISSUES WITH SHAPE, THE PROPERTY NARROWS IN THE REAR

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

YES, THE PROPERTY SHAPE DOES NOT ALLOW ROOM TO DESIGN THE SEPTIC OTHER THAN SHOWN IN THE ATTACHED PLAN

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

YES, BECAUSE OF SHAPE OF PROPERTY

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.

THESE WOULD BE NO DETRIMENT TO THE PUBLIC GOOD.

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

YES

A-745-20
Decl A-754-21

Doc ID: 00896910001 Type: WD
Recorded: 08/07/2012 at 09:06:00 AM
Fee Amt: \$350.00 Page 1 of 1
Transfer Tax: \$340.00
Fayette, Ga. Clerk Superior Court
Shaila Studdard Clerk of Court
BK 3927 PG 640

Record and Return to:
Glover & Davis, P.A.
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
12P22018 Co.

STATE OF GEORGIA
COUNTY OF FAYETTE
WARRANTY DEED

THIS INDENTURE, made the 30th day of July, 2012, between T & D Grocery & Gas, Inc., a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and W & W Realty Co., LLP, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows:

BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon.

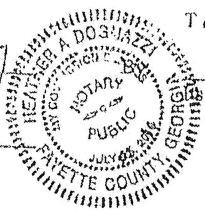
SUBJECT to restrictive covenants and general utility easements of record.

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

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

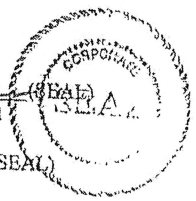
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered
in the presence of:
Jean H. Pope
Witness
[Signature]
Notary Public



T & D Grocery & Gas, Inc.

Dean H. Pope
Dean H. Pope, President



(CORPORATE SEAL)

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. Location of exits/entrances to the subject property.
 - d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. Location of all utilities, including well or water lines.
 - f. Location of septic tank, drainfield, and drainfield replacement area.
 - g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. Location of landscaped areas, buffers, or tree save areas (if applicable).
- Application filing fee.

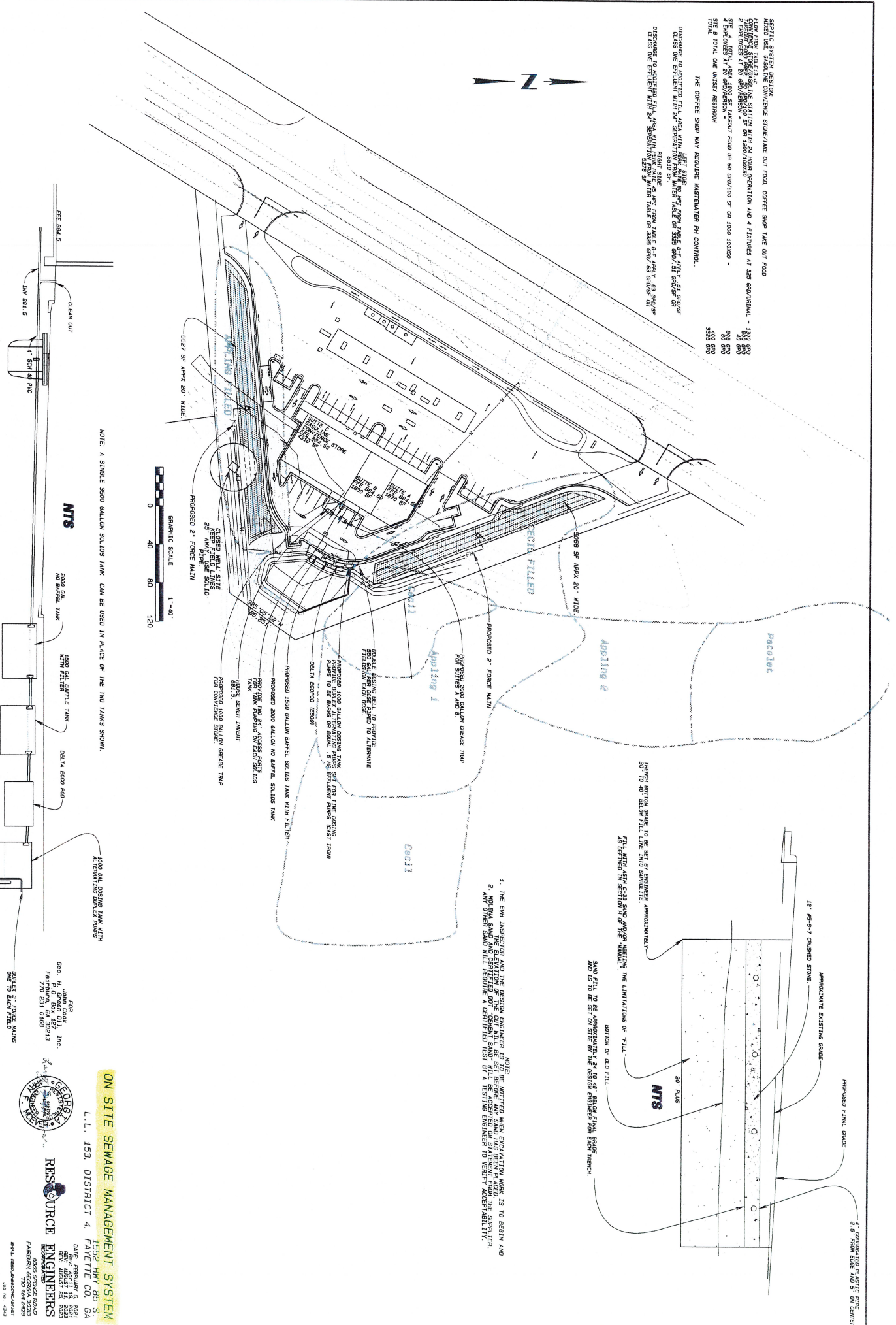
PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed by:	Requirements	Proposed
Name: <u>Debbie Bell</u>	Lot Size: <u>2.71</u>	
Lot#	Width:	
Zoning: <u>C-H</u>	Front Setback: <u>100' var. 35'</u>	
Flood: Yes/ <u>No</u> MFEE: <u>n/a</u>	Side Setback: <u>15' buffer 50'</u>	<u>buffer 5'</u>
Stream Buffers: <u>none</u>	Rear Setback: <u>15' buffer 50'</u>	
Number of Frontages: <u>1</u>	House Size: <u>n/a</u>	

SEPTIC SYSTEM DESIGN:
 HORIZONTAL SOLIDIFICATION STORAGE/TANK OUT FLOOD. COFFEE SHOP TAKE OUT FLOOD.
 FROM THE DRAINAGE SYSTEM. THE SYSTEM WITH 24 HOUR OPERATION AND 4 FIXTURES AT 200 GPD/INDUAL - 1200 GPD
 2 OPERATORS AT 50 GPD/PERSON OR ON 1200/100000
 3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
 3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
 3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
 TOTAL
 3600 GPD

THE COFFEE SHOP MAY REQUIRE MASTERMETER PH CONTROL.

LEFT SIDE:
 DISCHARGE TO ADJUSTED FILL AREA WITH FLOOD AT 100' FROM 100' TO 150' GPD/100 SF
 CLASS ONE EFFLUENT WITH 24 HOURS OPERATION FROM WATER TANK ON 3500 GPD/100 SF OR
 CLASS ONE EFFLUENT WITH 24 HOURS OPERATION FROM WATER TANK ON 3500 GPD/100 SF OR
 CLASS ONE EFFLUENT WITH 24 HOURS OPERATION FROM WATER TANK ON 3500 GPD/100 SF OR
 CLASS ONE EFFLUENT WITH 24 HOURS OPERATION FROM WATER TANK ON 3500 GPD/100 SF OR



DESCRIPTION	AREA	DEPTH	TYPE	REMARKS
1500 GALLON SOLIDS TANK WITH FILTER	1500 GPD	10'	CONCRETE	2 OPERATORS AT 50 GPD/PERSON OR ON 1200/100000
DELTA ECOD POD	1800	10'	CONCRETE	3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
1500 GALLON TANK WITH ALTERNATING DRAINER PUMPS	3600	10'	CONCRETE	3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
TOTAL	3600 GPD			

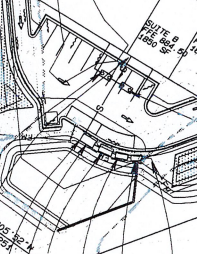
CIVIL ENGINEER'S NOTE:
 1. THE ERM INSPECTOR AND THE DESIGN ENGINEER IS TO BE NOTIFIED WITH EXCAVATION WORK IS TO BEGIN AND
 2. ANY OTHER SAND FILL REQUIRE A CERTIFIED TEST BY A TESTING ENGINEER TO VERIFY ACCEPTABILITY.

SEPTIC SYSTEM DESIGN:
 HORIZONTAL SOLIDIFICATION STORAGE/TANK OUT FLOOD. COFFEE SHOP TAKE OUT FLOOD.
 FROM THE DRAINAGE SYSTEM. THE SYSTEM WITH 24 HOUR OPERATION AND 4 FIXTURES AT 200 GPD/INDUAL - 1200 GPD
 2 OPERATORS AT 50 GPD/PERSON OR ON 1200/100000
 3 FIVE A. HOTEL, AREA ABOVE SE. TAKEOUT FLOOD ON 50 GPD/100 SF OR 1800 100000 -
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 TOTAL
 3600 GPD

THE COFFEE SHOP MAY REQUIRE MASTERMETER PH CONTROL.

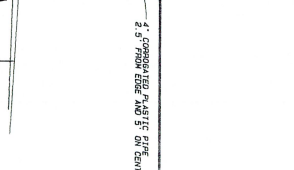
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 CLASS ONE EFFLUENT WITH 24 HOURS OPERATION FROM WATER TANK ON 3500 GPD/100 SF OR

NOTE:
 A SINGLE 3900 GALLON SOLIDS TANK CAN BE USED IN PLACE OF THE TWO TANKS SHOWN.



FOR:
 GEN. H. HERRING
 P.O. BOX 1213
 FALLS CHURCH, VA
 703 231 0188
 DATE OF 2\"/>

ON SITE SEWAGE MANAGEMENT SYSTEM
 L.L. 153, DISTRICT 4, PALMETTO CO, GA
 1502 HWY 85 S.
 1952 HWY 85 S.
 DATE: 11/18/2011
 DRAWN BY: J.W. HARRIS
 CHECKED BY: J.W. HARRIS
 REVISIONS:
 REVISION NO. 1: 11/18/2011
 REVISION NO. 2: 11/18/2011
 REVISION NO. 3: 11/18/2011
 PROJECT NO.: 11-118
 PROJECT NAME: 1502 HWY 85 S.



FAYETTE COUNTY

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

floor. Petition No.: A-846-23 Owner(s)/Agent(s): Thomas Lee Adkins II and Zinnia U. Zamora-Adkins, Owner Barnard & Associates Remodeling, Agent Property Address: 130 Winn Way, Fayetteville GA 30215 Parcel:044206004 Zoning District: A-R Area of Property: 5.084 acres Land Lot(s): 291 District: 4th Road Frontage: Winn Way Request: Variance to Sec. 110-125 (d)(6) requesting to reduce the setback for building from 50' to 30' to allow a 26 x 50 garage to be built on the south side of the property. Variance amount of 40%. Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 201 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 33, OF JACKSON ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 32, PAGES 161-165, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE. THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-844-23 Owner(s)/Agent(s): W&W Realty Co. LLP, Owner John M. Cook, Agent Property Address: 1552 Highway 85, Fayetteville GA 30215 Parcel:0450-070 Zoning District: C-H Area of Property: 2.712 acres Land Lot(s): 253 District: 4th Road Frontage: Highway 85 S Request: Variance to Sec. 110-93, requesting to reduce the setback for septic drain field lines.

Legal Description: ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows: BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-845-23 Owner(s)/Agent(s): Jim Bennett, Owner Nick McCullough, Agent Property Address: 125 Monarch Drive, Peachtree City, GA 30269 Parcel: 060308005 Zoning District: PUD-PRD Area of Property: 1.004 acres Land Lot(s): 19 District: 6th Road Frontage: Monarch Drive Request: Variance to Sec. 110-149 (d) (6) (c), requesting to reduce the setback for side yard from 15 feet to 13'2". Reduce side yard by 1'10" to allow for new construction to remain. Legal Description: ALL THAT TRACT OR PARCEL OF LAND Lying and being in Land Lot 19 of the 6th District of Fayette County, Georgia and being Lot 146, JEFFERSON WOODS, SUBDIVISION, Unit Four, as per plat recorded in Plat Book 27, Page 85, Fayette County, Georgia records; which plat is hereby incorporated herein and by reference made a part hereof. 10/18

Doc ID: 008896910001 Type: WD
Recorded: 08/07/2012 at 09:05:00 AM
Fee Amt: \$350.00 Page 1 of 1
Transfer Tax: \$340.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3927 PG 640

Record and Return to:
Glover & Davis, P.A.
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
12P22018 Co.

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 30th day of July, 2012, between **T & D Grocery & Gas, Inc.**, a Georgia Corporation, as party or parties of the first part, hereinafter called Grantor, and **W & W Realty Co., LLP**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 (\$10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, and for other valuable consideration, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

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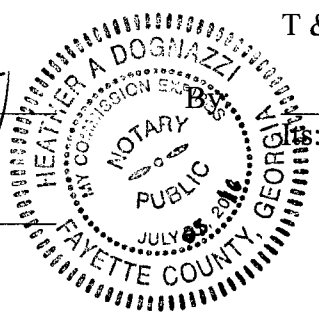
SUBJECT to restrictive covenants and general utility easements of record.

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

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

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

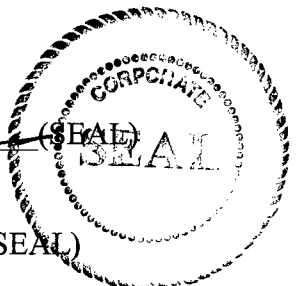
Signed, sealed and delivered
in the presence of:
[Signature]
Witness
[Signature]
Notary Public



T & D Grocery & Gas, Inc.

[Signature]
Dean H. Pope, President

(CORPORATE SEAL)



PETITION NO: A-845-23

Requested Action: To reduce the required side building setback from 15' to 13'-2" to allow a newly constructed addition to remain.

Location: 125 Monarch Drive, Peachtree City, Georgia 30269

Parcel(s): 0603 08005

District/Land Lot(s): 6th District, Land Lot(s) 19

Zoning: PUD-PRD

Lot Size: 1.004 Acres

Owner(s): James Bennett & Janice Bennett

Agent: Nick McCullough

Zoning Board of Appeal Public Hearing: November 27, 2023

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-149(d)(6)(c), requesting to reduce the side yard building setback in the PUD-PRD zoning district from 15' to 13'-2".

STAFF RECOMMENDATION

It is staff's opinion that the parcel does not have unique or limiting factors. However, the encroachment is not very large and unlikely to have a negative impact on the adjoining property.

HISTORY

This property is part of the Jefferson Woods Subdivision and was rezoned to PUD-PRD on April 22, 1993. The builder obtained a building permit for the addition. However, it appears that the foundation was formed and poured in such a way that it encroaches into the side yard setback. The encroachment is at a slight angle, being 8" over the setback and the front and approximately 20" over in the back.

ZONING REQUIREMENTS

Sec. 110-149. - Planned unit development.

(d) Planned residential development.

(6) Minimum dimensional and other requirements. The minimum dimensional requirements in the PRD shall be as follows:

- a. Development size: 100 contiguous acres located within the A-R and/or residential zoning districts.
- b. Each single-family dwelling shall be placed on a separate lot.
- c. Side yard setback: 15 feet.
- d. Rear yard setback: 30 feet.
- e. Maximum density: Four units per acre (single-family attached); and one unit per acre (single-family detached). For purposes of this section, density shall be interpreted as the number of dwelling units per net acre devoted to residential development.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the following variance.
- Public Works** – No objections.
- Environmental Management** – Buffer planting can move along curb where soils will not function as a drain field.
- Environmental Health Department** – No objections.
- Department of Building Safety** – DBS has no issues; if granted, the distance of any structures must meet the structure-to-septic distances set by Environmental Health.
- Fire** – No objections.

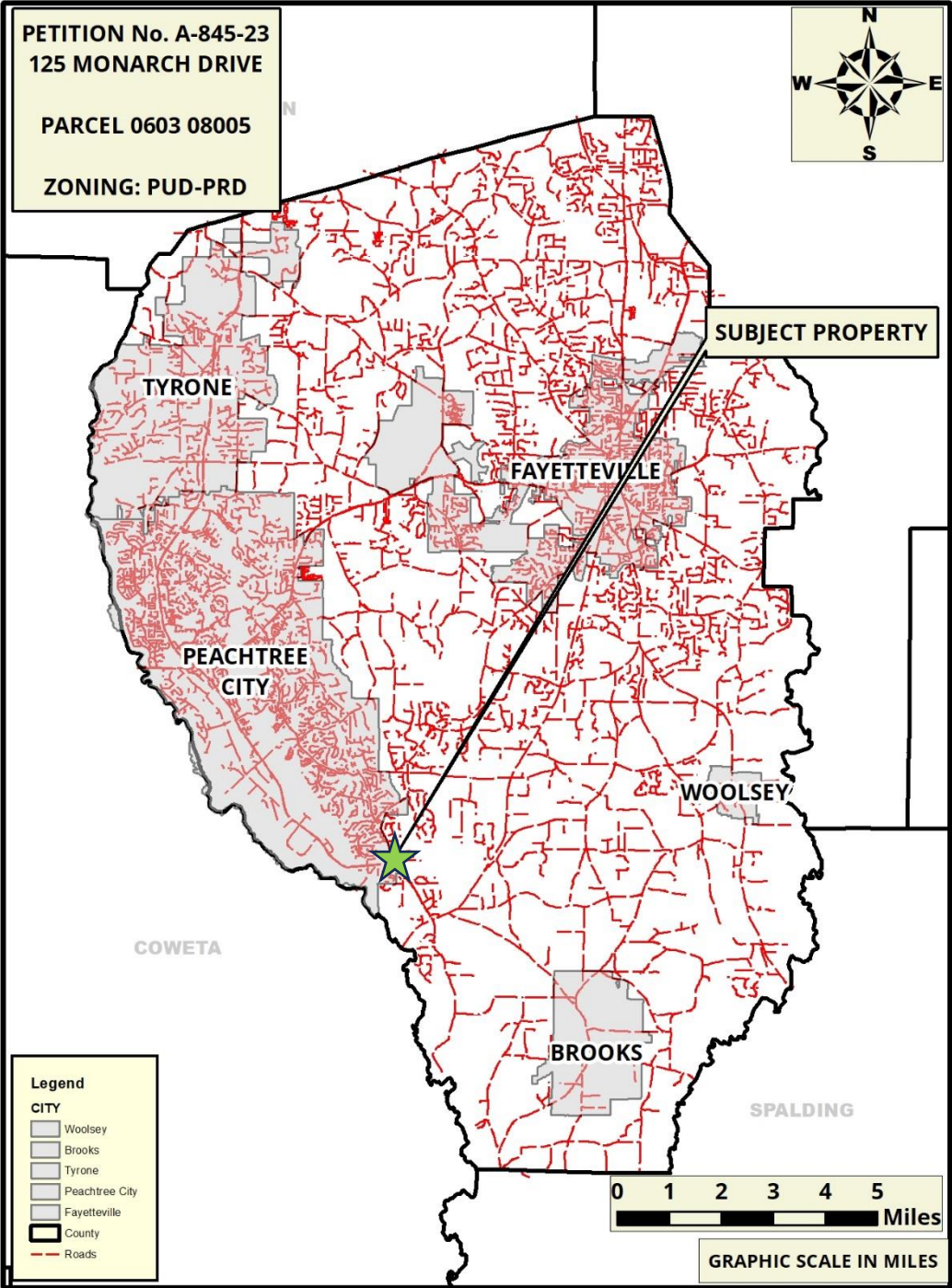
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

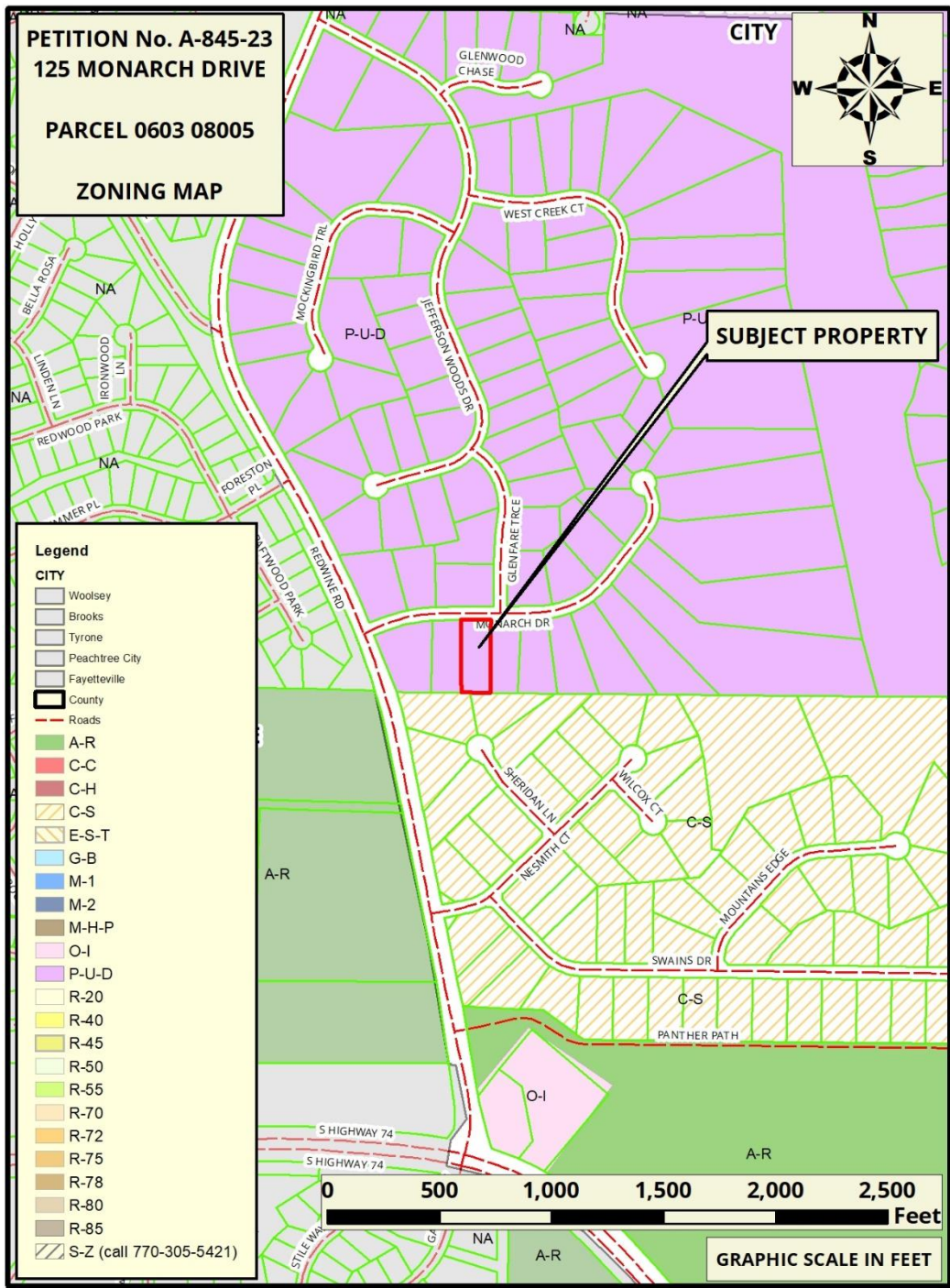
Staff Assessment

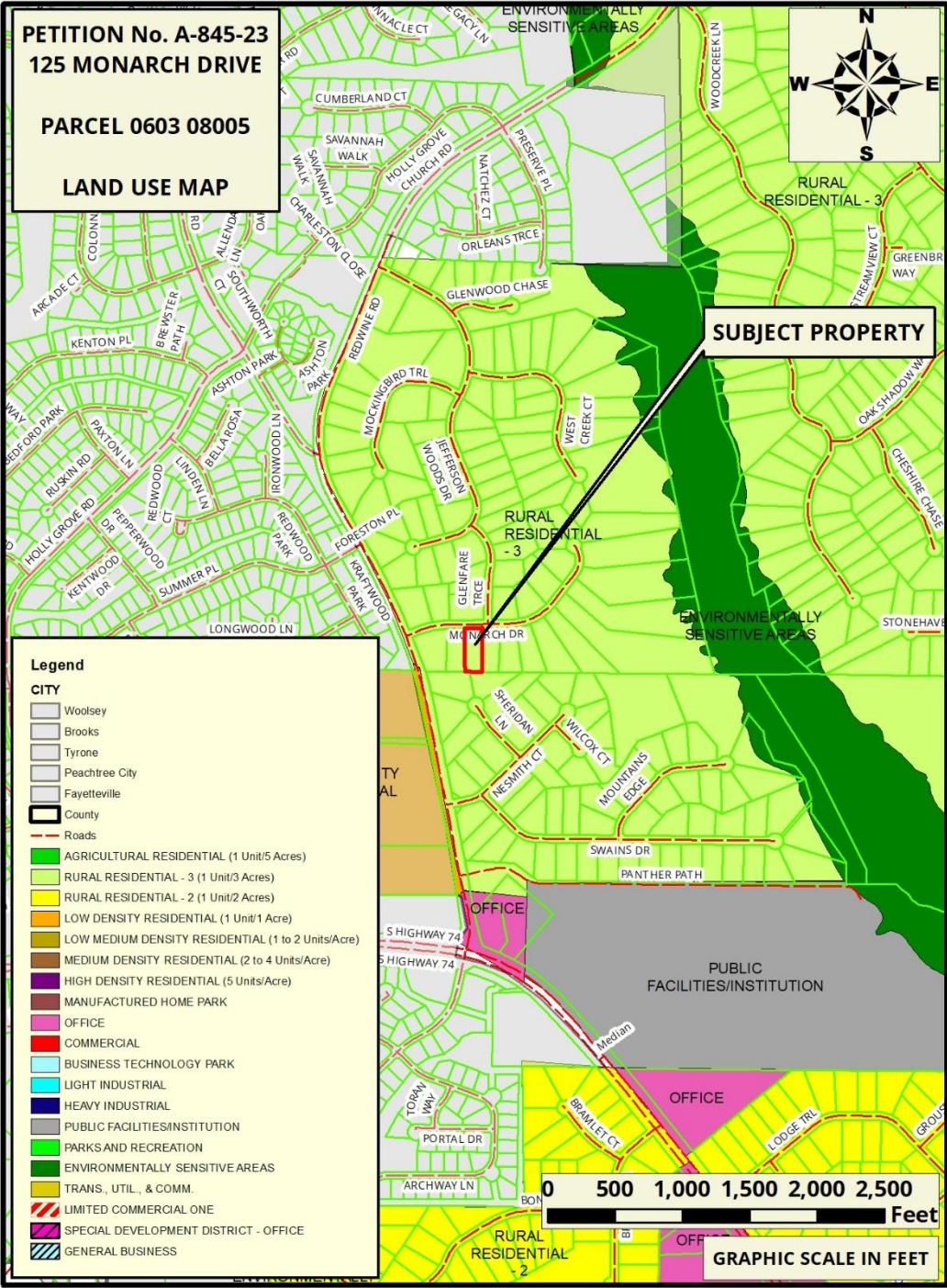
Please refer to the application form for the applicant's justification of criteria.

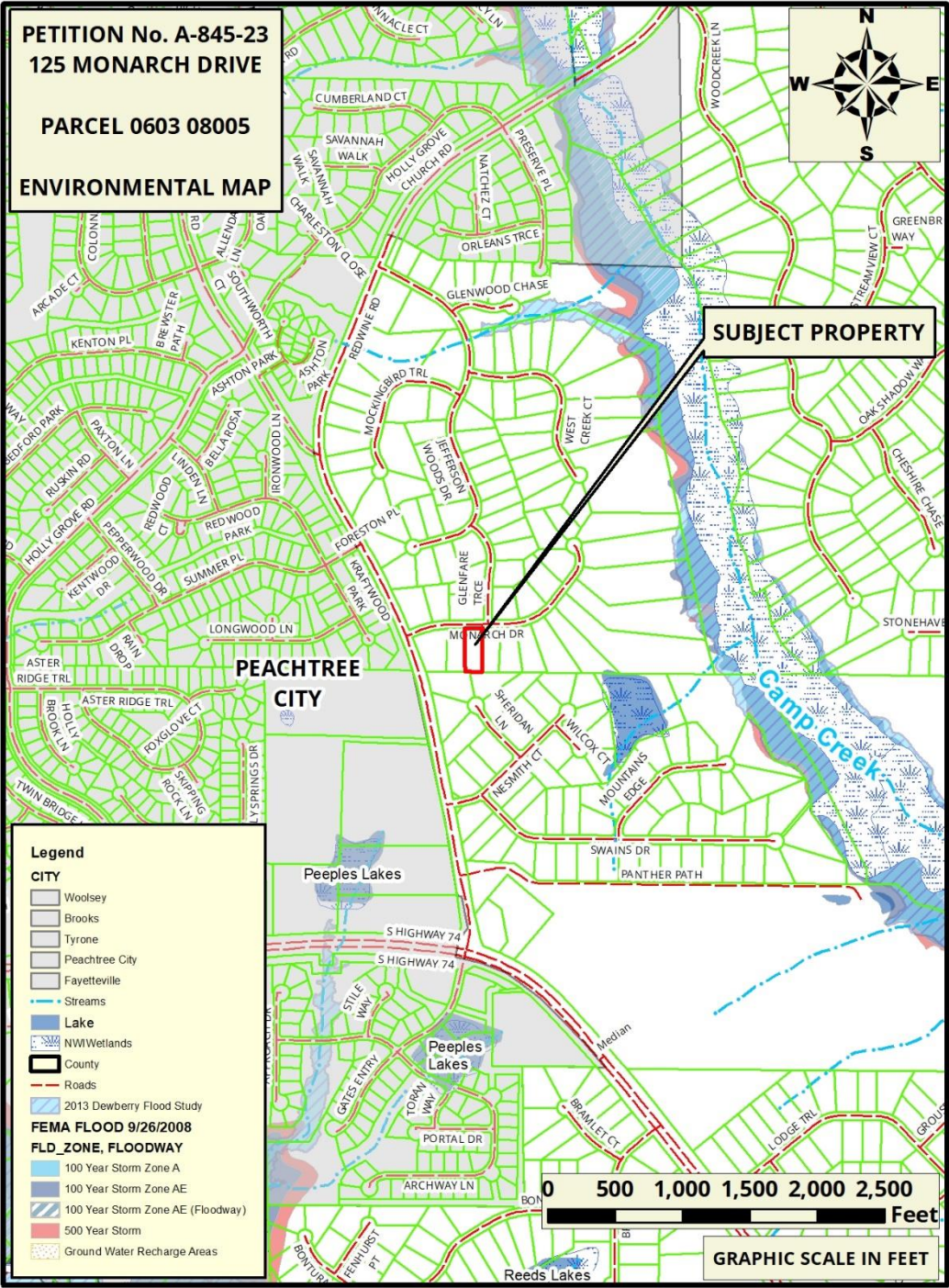
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

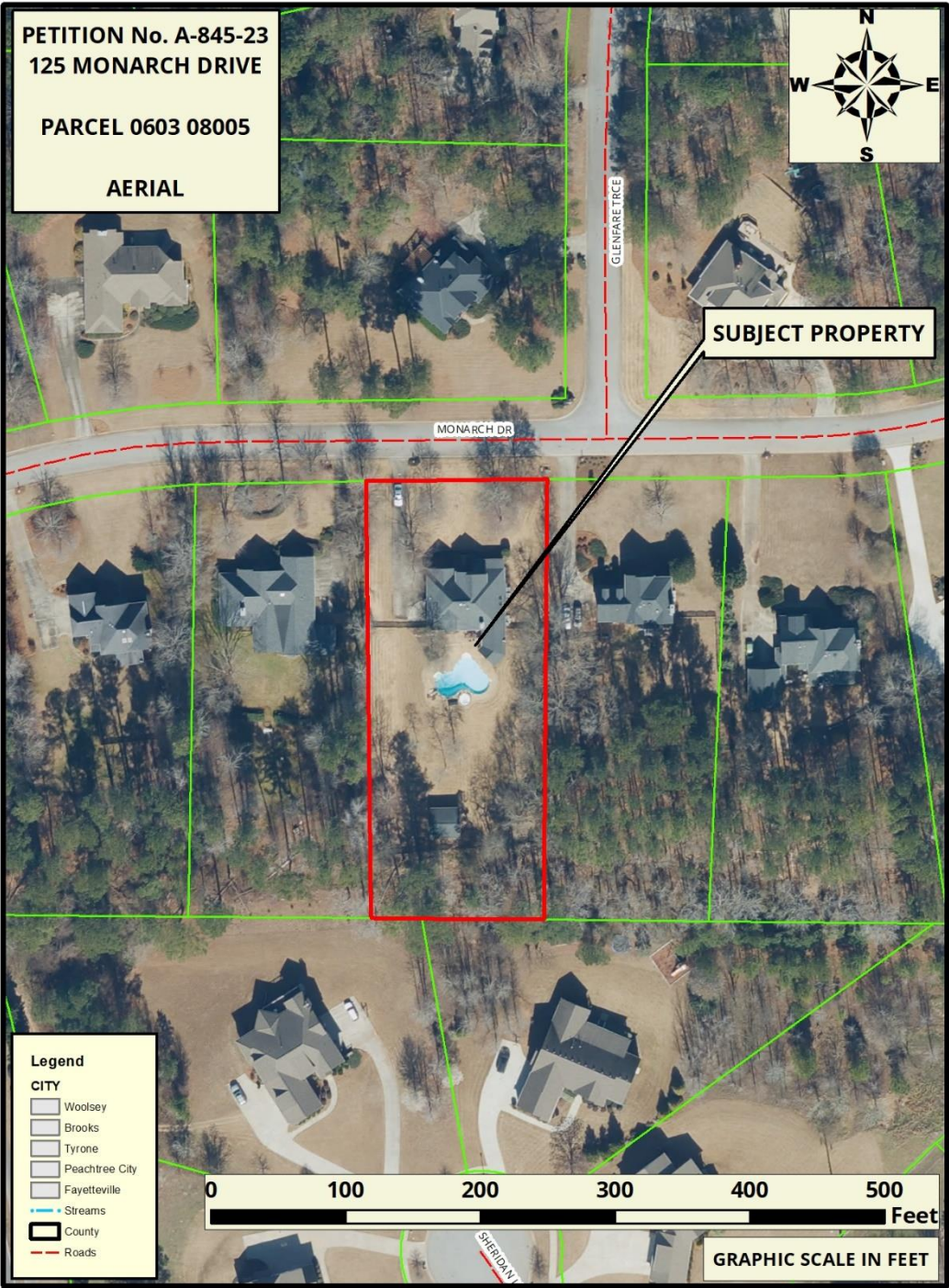
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel does not have unusual configuration or topographic conditions.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
The parcel is subject to the same requirements as all other properties in the neighborhood.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
Most structures are built within the buildable area.
- 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**
The encroachment is relatively small and not likely to have an adverse impact on the adjoining property.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant is still able to develop the property according to the regulations if the variance is not granted.

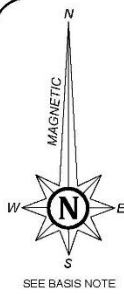






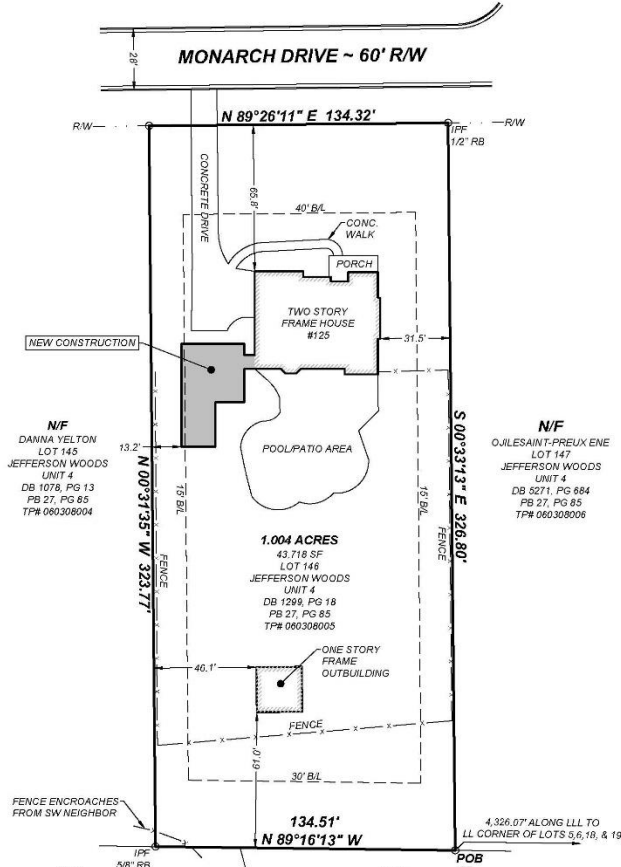






CLOSURE STATEMENT:
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 142,762 FEET.
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,935 FEET AND USING THE NO ADJUST METHOD.
 LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON GTS 313 INSTRUMENT.

NOTES:
 1. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TOPCON GTS 313 INSTRUMENT.
 2. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS MAGNETIC NORTH. REFERENCE: PLAT BOOK 27, PAGE 85 OF FAYETTE COUNTY RECORDS.
 3. THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. MAP No. 13113C0132E, DATED 9/26/2008.
 4. LAST DATE OF FIELD WORK IS 9/22/2023.



N/F
 DANNA YELTON
 LOT 145
 JEFFERSON WOODS
 UNIT 4
 DB 1078, PG 13
 PB 27, PG 85
 TPN# 060308004

N/F
 OJILESAIN-PREUX ENE
 LOT 147
 JEFFERSON WOODS
 UNIT 4
 DB 5271, PG 884
 PB 27, PG 85
 TPN# 060309006

N/F
 NATHAN KEARNS
 LOT 5 - MOUNTBROOK
 DB 5123, PG 465
 PB 44, PGS 148-158
 TPN# 060325003

N/F
 JOHN HICKS
 LOT 6 - MOUNTBROOK
 DB 4042, PG 606
 PB 44, PGS 148-158
 TPN# 060325003

LEGEND

- PL = PROPERTY LINE
- R/W = RIGHT OF WAY
- IFF = IRON PIN FOUND
- PB = REBAR
- N/F = NOW OR FORMERLY
- LL = LAND LOT
- LLL = LAND LOT LINE
- DB = DEED BOOK
- PB = PLAT BOOK
- POB = POINT OF BEGINNING



DATE:	ISSUE	
SCALE: 1"=40'	No.	DESCRIPTION
9/25/2023		
ACREAGE: 1.004		
CITY:		
DRAWN: MWR		
CHECKED: WLS		
SHEET #: 1 of 1		
PROJECT: 125 MONARCH		

FOUNDATION SURVEY FOR:
NICHOLAS MCCULLOUGH & JAMES BENNET
 LOT 146, KENTON PLACE
 LAND LOT 19, 6th DISTRICT

SHEET
1
 OF
1



Residential Addition

PETITION NUMBER: A-845-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 060308005 Acreage: 1.004

Land Lot: ~~146~~ 19 Land District: 6

Address: 125 MONARCH DR. PEACHTREE CITY, GA 30269

Existing Zoning: PUD-PRD Requested Zoning: N/A

Zoning of Surrounding Properties: PUD-PRD / CS

Existing Use: residential Proposed Use: residential

PROPERTY OWNER INFORMATION

Name JIM BENNETT

Email jblogic125@gmail.com

Address 125 MONARCH DR.

City PEACHTREE CITY

State GA Zip 30269

Phone 678 677 3030

AGENT/DEVELOPER INFORMATION

(If not owner)

Name NICK McCULLOUGH

Email VIKINGHILL@MSN.COM

Address 413 ROBINSON RD.

City PEACHTREE CITY

State GA Zip 30269

Phone 678 858 220 2120

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-845-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Deborah Sims Date: 10/5/2023

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2023

Received from Nick McCullough a check in the amount of \$ 175

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

Date Paid: 10/5/2023 Receipt Number: _____

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:

Please Print Names

Property Tax Identification Number(s) of Subject Property: 125 Monarch Dr. PTC, GA

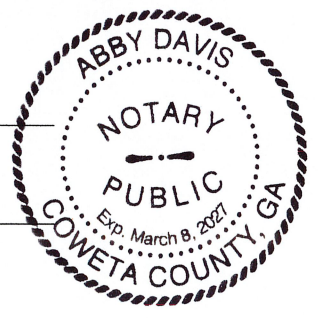
(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the _____ District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.004 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Nick McCullough 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
125 Monarch Trail, PTC GA 30204
Address

[Signature]
Signature of Notary Public
10/5/2023
Date



Signature of Property Owner 2

Address

Signature of Notary Public

Date

[Signature]
Signature of Authorized Agent
413 Robinson Rd
Address

[Signature]
Signature of Notary Public
10/5/2023
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. 110-149 (d)(6)(a)	15' side yard setback	13.2'	Reduce side yard by 1' 10" to allow
			new construction to remain

VARIANCE SUMMARY

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

Building is built and dried in. Stakes were marked and appears to have not been seen or adhered to by concrete pour. Addition now encroaches into side yard setback.

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 right side building line was accidentally crossed by foundation company.

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

The new addition is built and dried in and roofed and siding.

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

The right side property line is on the other side of fence. Set back was marked at 15' but foundation company accidently passed over building set back line.

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.

The foundation company accidentally poured slab over the building line set back of 15 feet. It is over about 8" on front corner and about 20" on back corner. The property line we were shown was not correct when foundation was installed. It was an accidental mistake.

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

Addition is already almost completed.

FAYETTE COUNTY

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

floor. Petition No.: A-846-23 Owner(s)/Agent(s): Thomas Lee Adkins II and Zinnia U. Zamora-Adkins, Owner Barnard & Associates Remodeling, Agent Property Address: 130 Winn Way, Fayetteville GA 30215 Parcel:044206004 Zoning District: A-R Area of Property: 5.084 acres Land Lot(s): 291 District: 4th Road Frontage: Winn Way Request: Variance to Sec. 110-125 (d)(6) requesting to reduce the setback for building from 50' to 30' to allow a 26 x 50 garage to be built on the south side of the property. Variance amount of 40%. Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 201 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 33, OF JACKSON ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 32, PAGES 161-165, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE. THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-844-23 Owner(s)/Agent(s): W&W Realty Co. LLP, Owner John M. Cook, Agent Property Address: 1552 Highway 85, Fayetteville GA 30215 Parcel:0450-070 Zoning District: C-H Area of Property: 2.712 acres Land Lot(s): 253 District: 4th Road Frontage: Highway 85 S Request: Variance to Sec. 110-93, requesting to reduce the setback for septic drain field lines.

Legal Description: ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows: BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-845-23 Owner(s)/Agent(s): Jim Bennett, Owner Nick McCullough, Agent Property Address: 125 Monarch Drive, Peachtree City, GA 30269 Parcel: 060308005 Zoning District: PUD-PRD Area of Property: 1.004 acres Land Lot(s): 19 District: 6th Road Frontage: Monarch Drive Request: Variance to Sec. 110-149 (d) (6) (c), requesting to reduce the setback for side yard from 15 feet to 13'2". Reduce side yard by 1'10" to allow for new construction to remain. Legal Description: ALL THAT TRACT OR PARCEL OF LAND Lying and being in Land Lot 19 of the 6th District of Fayette County, Georgia and being Lot 146, JEFFERSON WOODS, SUBDIVISION, Unit Four, as per plat recorded in Plat Book 27, Page 85, Fayette County, Georgia records; which plat is hereby incorporated herein and by reference made a part hereof. 10/18

BOOK 1299 PAGE 018
FILED & RECORDED
FAYETTE COUNTY, GA.

'98 SEP 29 AM 11 30

W.A. BALLARD, CLERK

Return Recorded Document to:
McNally, Fox & Cameron, P.C.

Fayetteville, Georgia 30214

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

STATE OF GEORGIA,

COUNTY OF FAYETTE

File #: 9808066

This Indenture made this 17th day of September, 1998 between Terry LaVoie and Teresa LaVoie, of the County of Fayette, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and James Bennett and Janice Bennett, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 19 of the 6th District of Fayette County, Georgia and being Lot 146, JEFFERSON WOODS, SUBDIVISION, Unit Four, as per plat recorded in Plat Book 27, Page 85, Fayette County, Georgia records; which plat is hereby incorporated herein and by reference made a part hereof.

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

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-8-19, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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

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

Signed, sealed and delivered in the presence of:

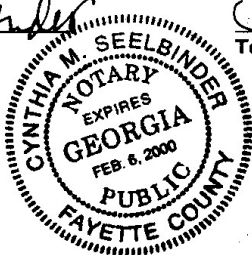
FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 219.00
DATE 9-29-98
W.A. Ballard
CLERK OF SUPERIOR COURT

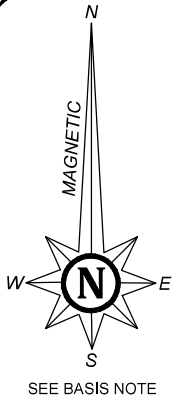
Witness

Cynthia M. Seelbinder
Notary Public

Terry LaVoie (Seal)
Teresa LaVoie (Seal)
Teresa LaVoie

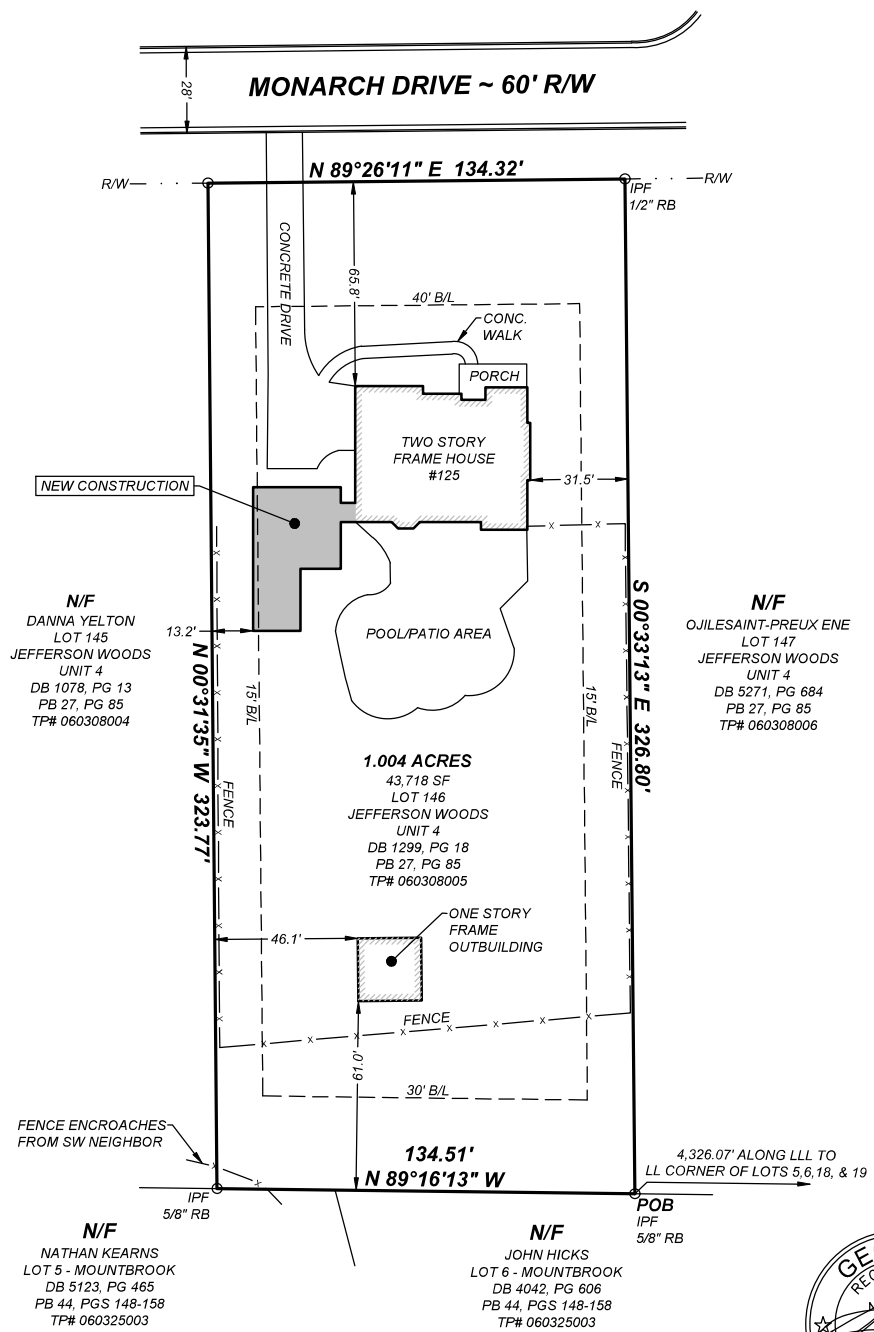
My commission expires:





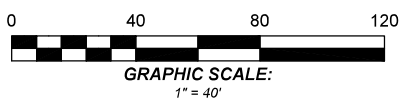
CLOSURE STATEMENT:
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT 142,762 FEET.
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 23,935 FEET AND USING THE NO ADJUST METHOD.
 LINEAR AND ANGULAR MEASUREMENTS WERE OBTAINED USING A TOPCON GTS 313 INSTRUMENT.

NOTES:
 1. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY FIELD SURVEY USING A TOPCON GTS 313 INSTRUMENT.
 2. THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS MAGNETIC NORTH. REFERENCE: PLAT BOOK 27, PAGE 85 OF FAYETTE COUNTY RECORDS.
 3. THE PROPERTY AS SHOWN ON THIS PLAT DOES NOT LIE WITHIN A SPECIFIC FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. MAP No. 13113C0132E, DATED 9/26/2008.
 4. LAST DATE OF FIELD WORK IS 9/22/2023.



LEGEND

P/L	=	PROPERTY LINE
R/W	=	RIGHT OF WAY
IPF	=	IRON PIN FOUND
RB	=	REBAR
N/F	=	NOW OR FORMERLY
LL	=	LAND LOT
LLL	=	LAND LOT LINE
DB	=	DEED BOOK
PB	=	PLAT BOOK
POB	=	POINT OF BEGINNING



DATE: 9/25/2023	ISSUE		
SCALE: 1" = 40'	No.	DESCRIPTION	DATE
ACREAGE: 1.004			
CITY:			
DRAWN: MWR			
CHECKED: WLS			
SHEET #: 1 of 1			
PROJECT: 125 MONARCH			

FOUNDATION SURVEY FOR:
NICHOLAS MCCULLOUGH & JAMES BENNET
 LOT 146, KENTON PLACE
 LAND LOT 19, 6th DISTRICT

SHEET
1
 OF
1

PETITION NO: A-846-23

Requested Action: Variance to reduce side building setback from 50' to 30' in the A-R (Agriculture-Residential) District, to allow the construction of new detached garage.

Location: 130 Winn Way, Fayetteville, GA 30215

Parcel(s): 0442 06004

District/Land Lot(s): 4th District, Land Lot(s) 291

Zoning: A-R

Owner(s): Thomas Lee Adkins II and Zinnia U. Zamora-Adkins

Agent: Bob Barnard, Barnard & Associates Remodeling, Inc.

Zoning Board of Appeal Public Hearing: November 27, 2023

REQUEST

Applicant is requesting the following variance to construct a new detached garage:

1. Variance to Sec. 110-125(d)(6).- Side yard setback requirement, to reduce the side yard setback from 50 feet to 30 feet in the A-R zoning district.

STAFF RECOMMENDATION

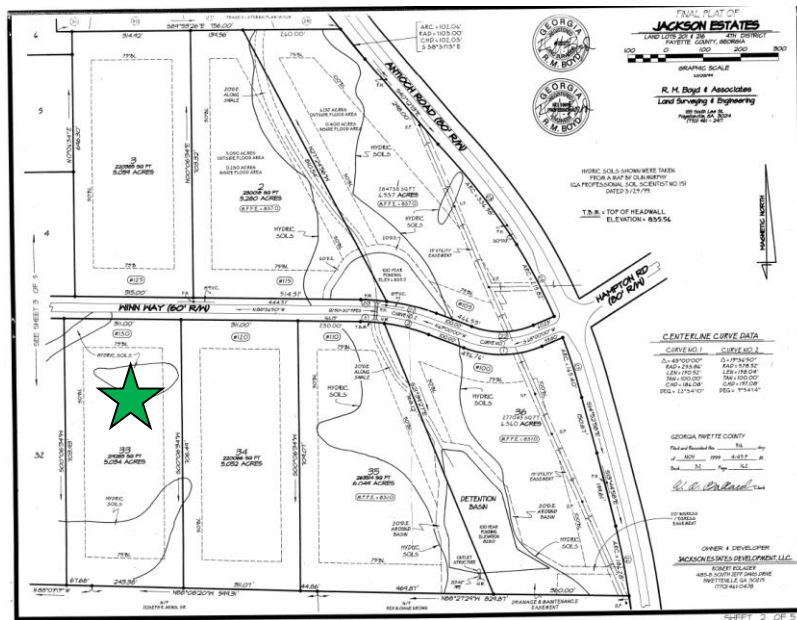
It is staff's opinion that the property presents a unique situation. The septic system is located off the end of the driveway and southward into the back yard. Also, the lot has a 6% slope downhill toward the back; building in the proposed location requires the least amount of clearing and grading and provides the most reasonable access to a garage.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

Staff recommends **APPROVAL** of the request to reduce the side yard setback from 50 feet to 30 feet.

HISTORY

The subject property is a legal lot of record in the Jackson Estates S/D, with a plat recorded November 9, 1999. It is a 5.034-acre lot and is a legal, conforming lot in the A-R zoning district.



ZONING REQUIREMENTS

Sec. 110-125. A-R – Agriculture-Residential district.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

- (6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No objection to the variance request.
- Environmental Health Department** – This office has no objection to the proposed variance. However, approval of the variance is not approval for the construction of the detached garage. The owner/authorized agent must complete the required application process through our department for final approval of the addition to the property.
- Fire** – No objections.
- Building Safety** – No objections. A building permit is required for new garage.

CRITERIA FOR CONSIDERATION OF A VARIANCE

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.

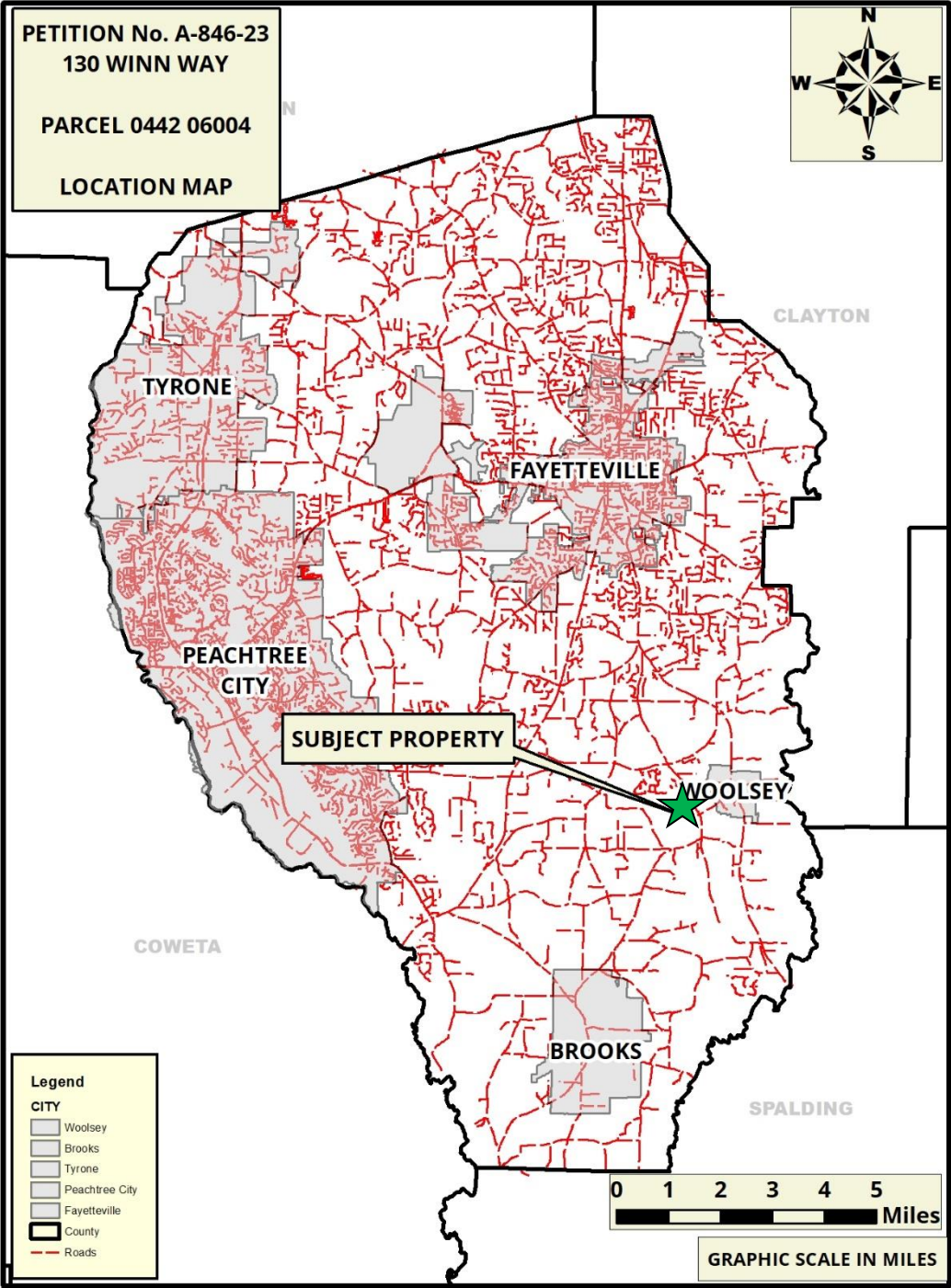
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The size and topography do present some unique conditions.*
 - *The septic system is located on the south side of the yard.*
 - *The lot slopes downhill on the west and south side.*
 - *The owner would like to utilize the existing driveway, avoid extra grading, and retain mature trees.*

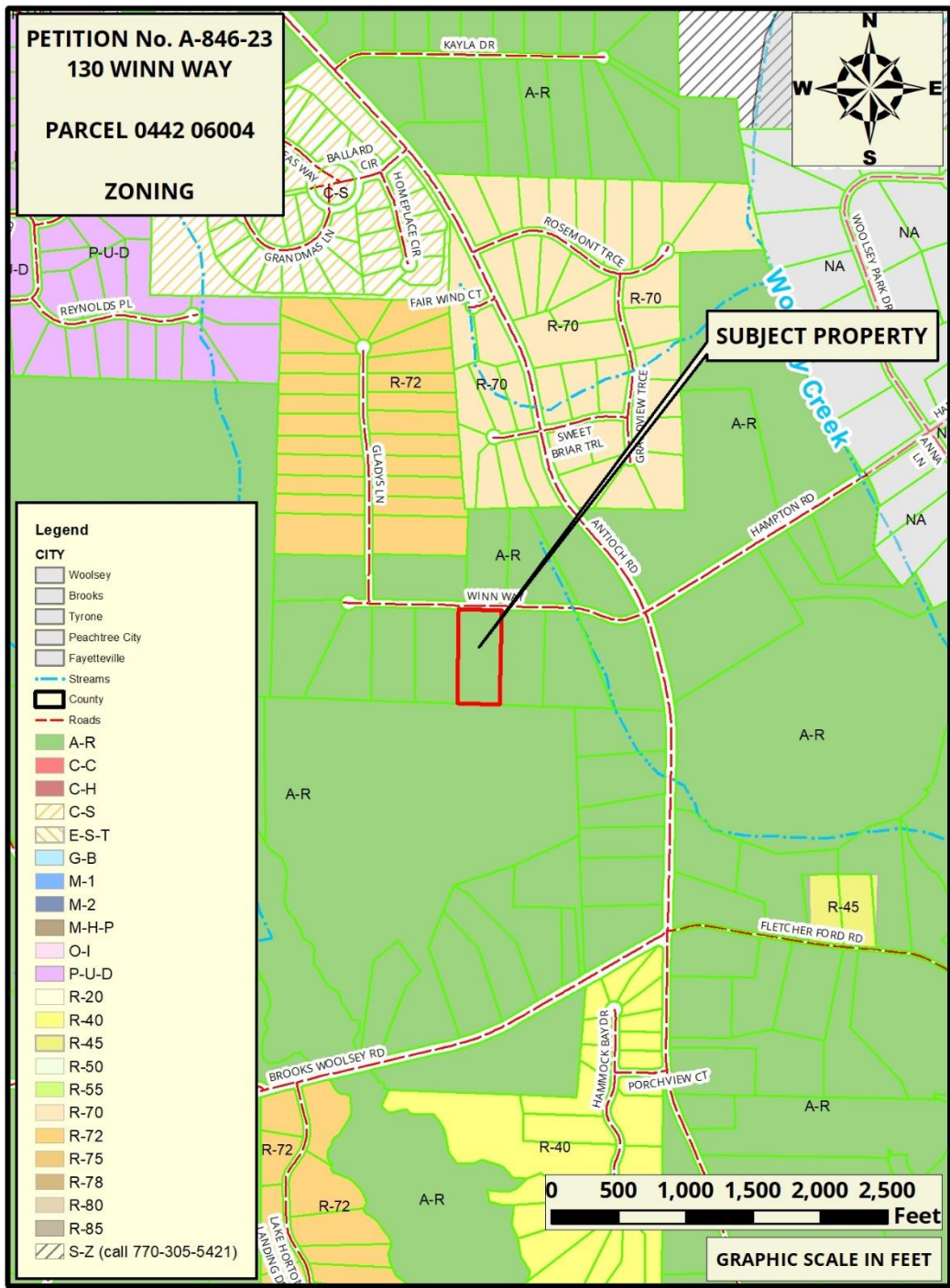
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *It would require additional grading to shift the structure location farther south, resulting in loss of trees. Constructing a driveway around the septic field may prove difficult.*

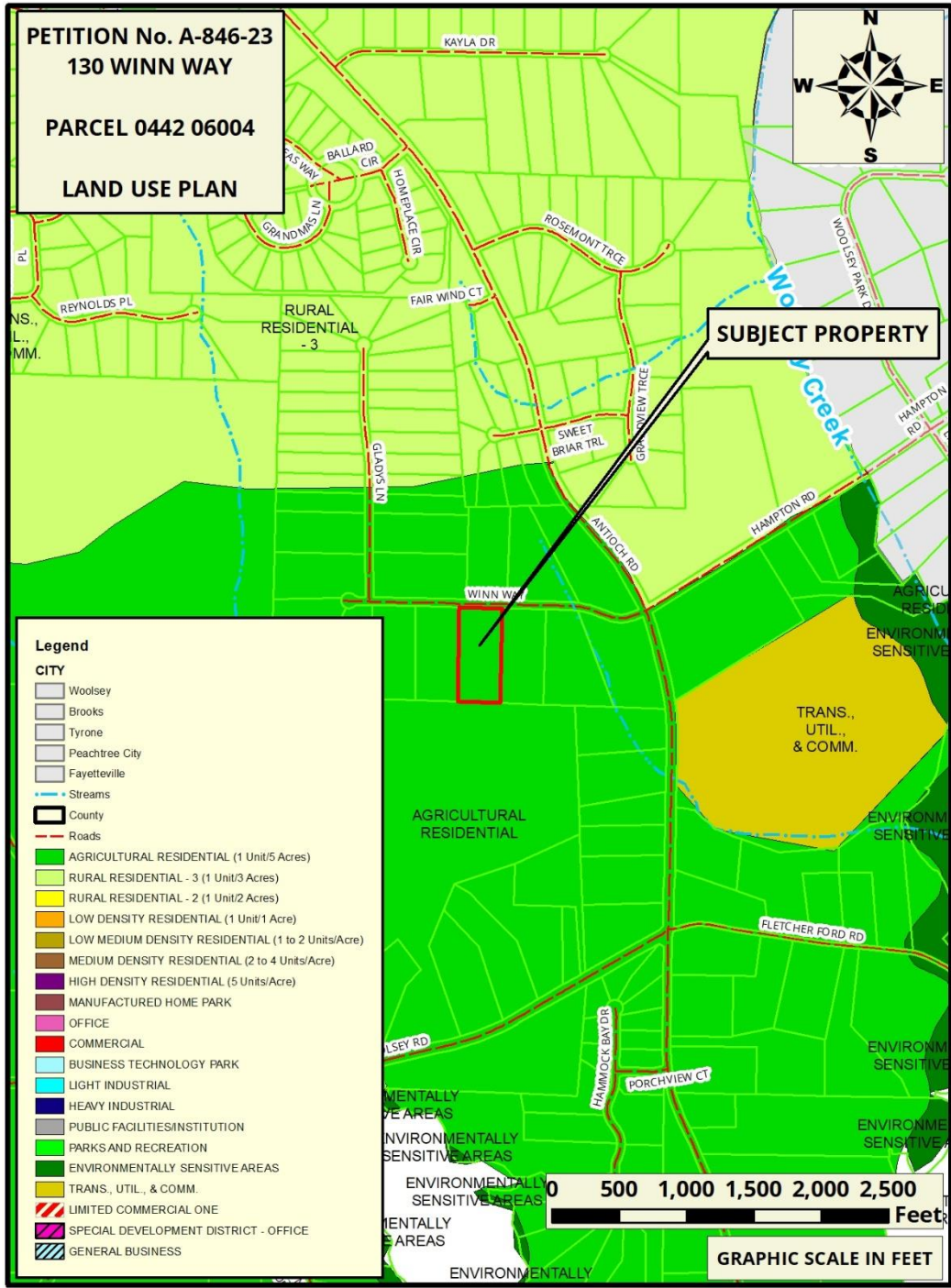
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There conditions on this parcel that limit use and development are specific to the parcel.*

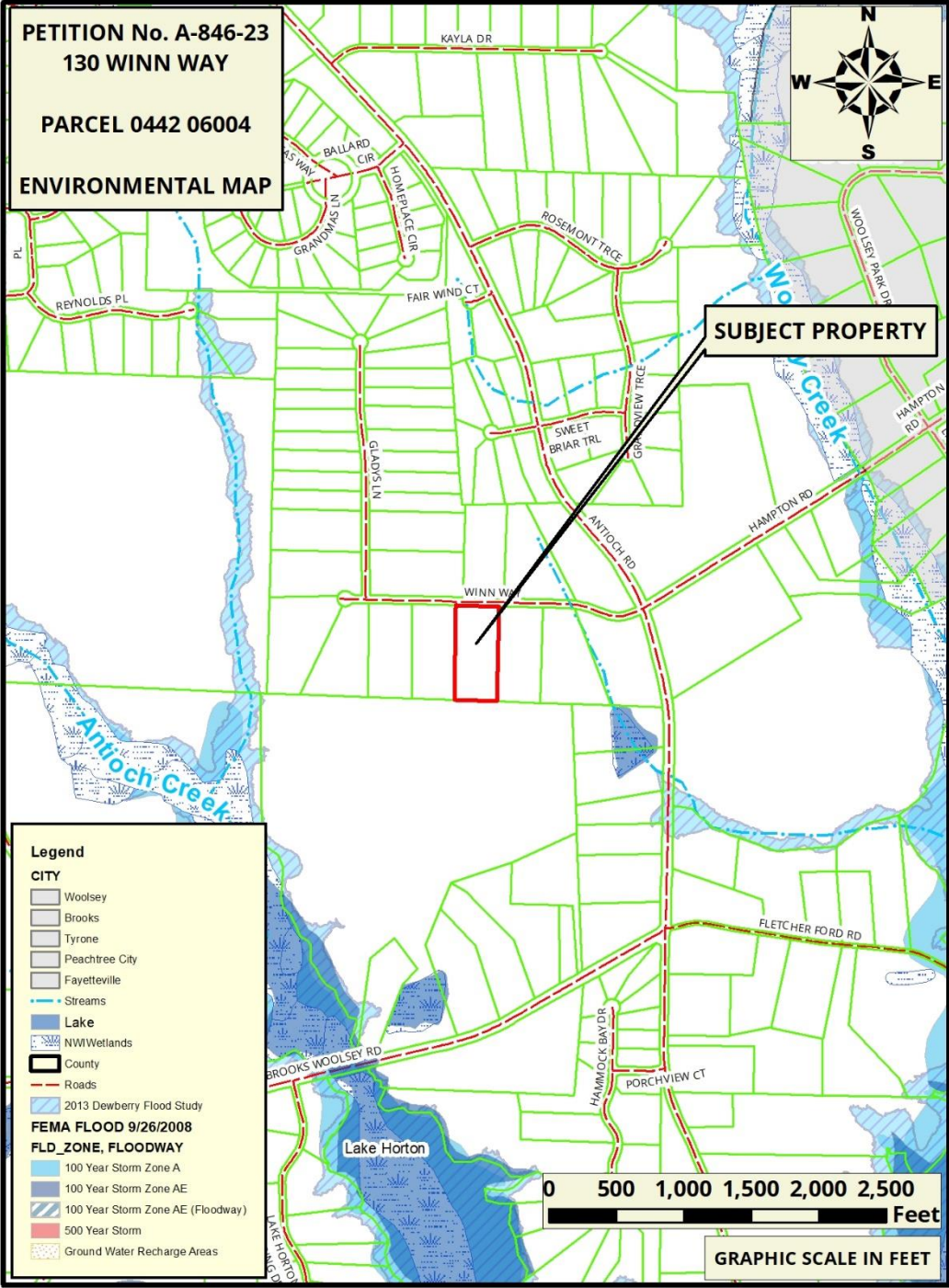
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *Relief, if granted, is not likely to be a detriment to the adjacent property. The property is well-landscaped, which provides an effective visual screen.*

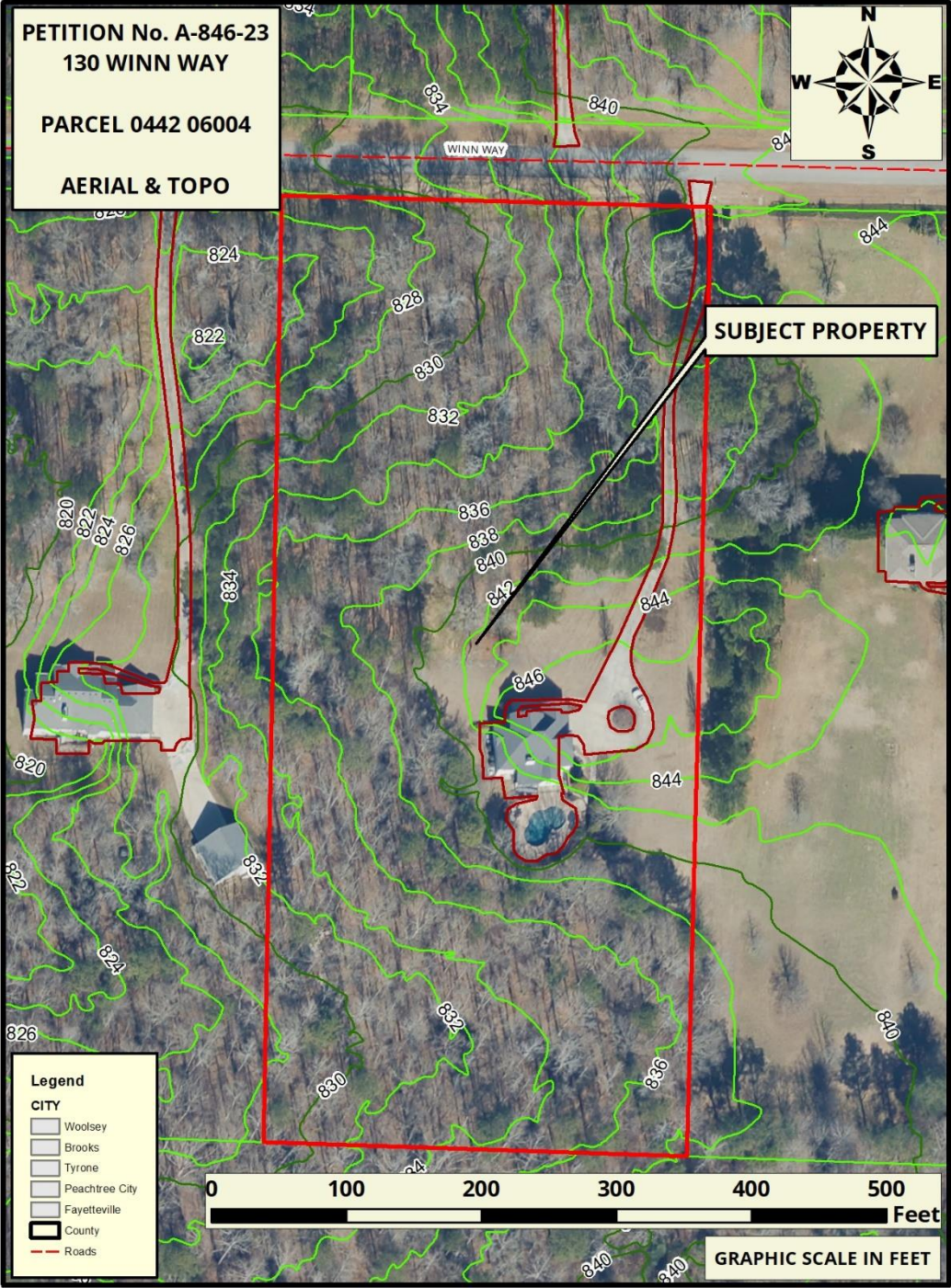
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would deprive the applicant of the ability to construct a garage on this parcel.*

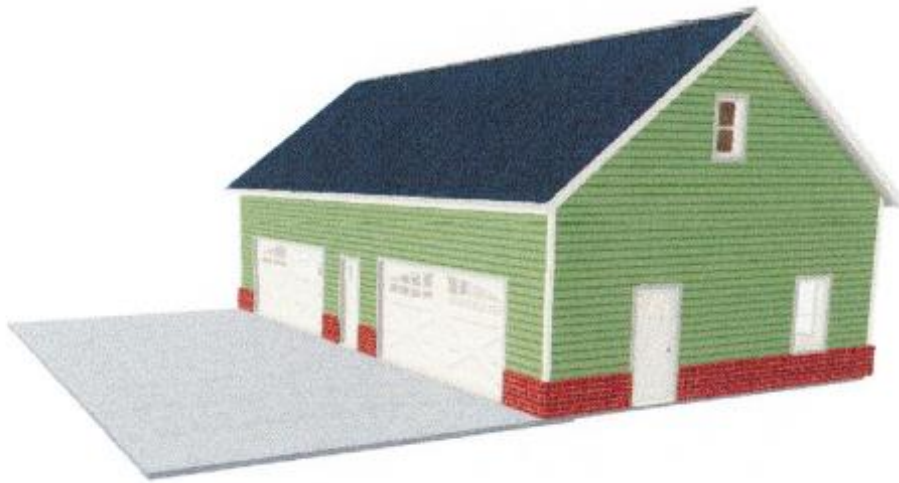








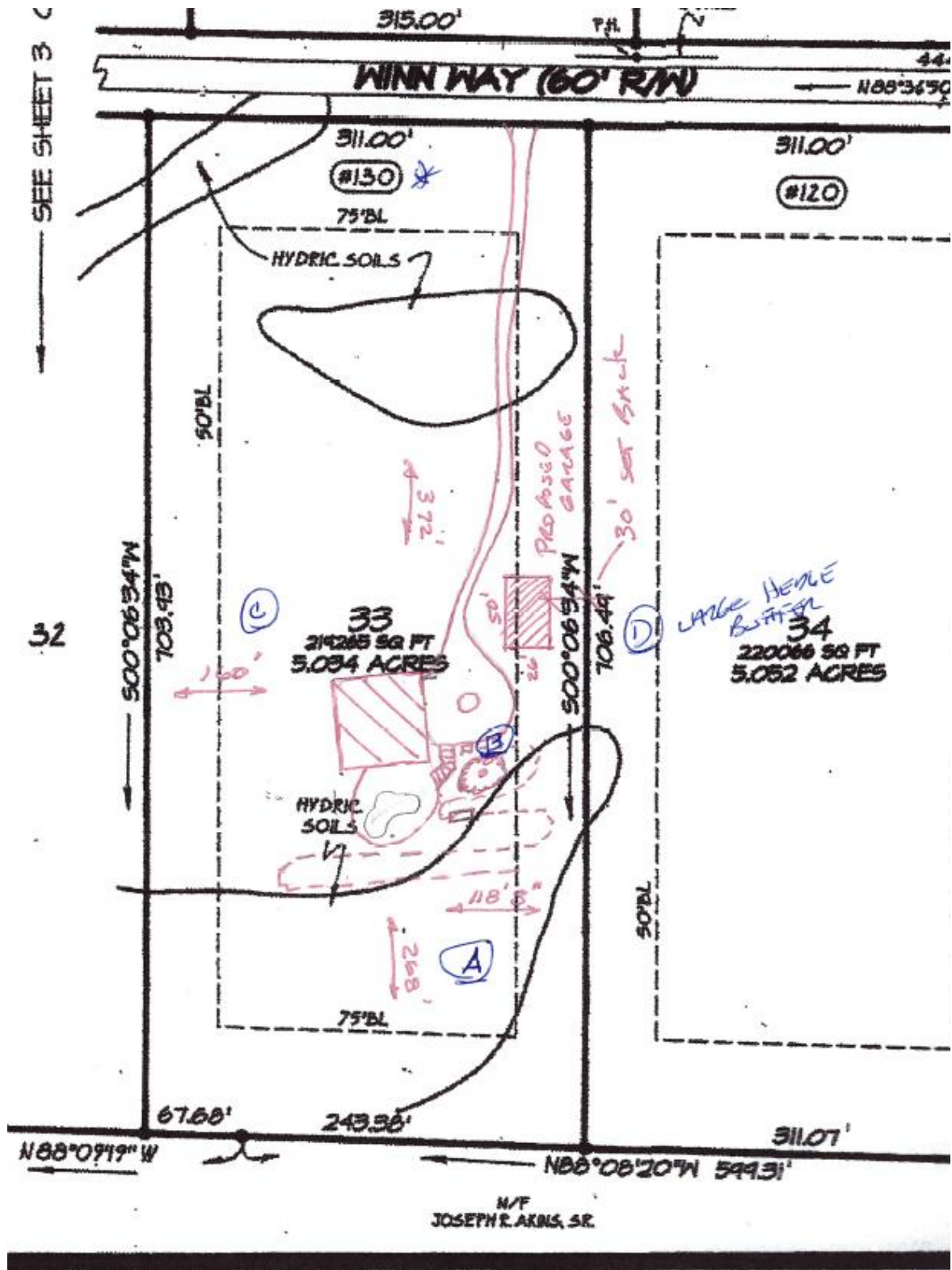




Proposed garage



View from street



- A. Back yard slopes downhill.
- B. Septic tank & drain field.
- C. Area with limited access & would require additional grading and tree removal.
- D. Side yard is well-vegetated.

PETITION NUMBER: A-846-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 044206004 Acreage: 5.084

Land Lot: 291 Land District: 4th

Address: 130 Winn Way

Existing Zoning: A-R Requested Zoning: _____

Zoning of Surrounding Properties: A-R

Existing Use: _____ Proposed Use: _____

PROPERTY OWNER INFORMATION

Name ADKINS THOMAS LEE II
ZAMORA-ADKINS ZINNIA U

Email _____

Address 130 Winn Way

City Fayetteville

State GA Zip 30215

Phone 808-282-1813

AGENT/DEVELOPER INFORMATION

(If not owner)

Name Barnard & Associates Remodeling, Inc

Email Bob@remodelingdreams.com

Address PO Box 398

State Brooks, GA Zip 30205

Phone 770-527-7835

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A 846-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Debbie Bell Date: 10/06/2023

DATE OF ZONING BOARD OF APPEALS HEARING: 11/27/2023

Received from Barnard & Assoc. a check in the amount of \$ _____

for application filing fee, and \$ 225⁰⁰ for deposit on frame for public hearing sign(s).

Date Paid: 10/06/2023 Receipt Number: _____

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 (d)(6)	50' side set back for building	30' side set back	40%

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 side set back from 50' to 30' to allow a 26 x 50 garage to be built on the south side of the property. It is a perfect fit with how the driveway curves as you approach the home. It is an area that does not affect the septic field, the poor soil conditions on the lower property and is convenient to the owners current garage and driveway. Has easy access to the home and does minimal damage to the yard tree cover. It also has an established buffer between the neighbor to the south. _____

JUSTIFICATION OF REQUEST

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

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

see the attached answer sheet _____

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

see the attached answer sheet _____

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

see the attached answer sheet _____

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

_____ see the attached answer sheet _____

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

_____ see the attached answer sheet _____



P.O. BOX 398, Brooks, GA 30205 (770) 461-8418
Website – remodelingdreams.com

October 3, 2023

Variance Request:

ADKINS THOMAS LEE II and ZAMORA-ADKINS ZINNIA U
130 Winn Way
Fayetteville, GA 30215

Requesting side set back for a garage from 50' to 30', on southside of property.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of size, shape or topography? There are multiple issues with the lot. Each letter corresponds to a letter on the map to show its location.

- A. This is the lower side of the lot. Even though there is no flood plain shown by FEMA maps there are indications of bad soils. The soils report shows it, the plant growth is also an indication of bad soils. We would also have to cross the septic fields which creates solid piping where the driveway would cross and adding field lines to the septic tank that is already in the bad soils area.
- B. This is the septic tank and leach field. I have attached the environmental health department records showing the location of the current septic tank. It is located right behind the end of the driveway going down the hill. We would have to move the system to the front yard and use a pump to move the waste up hill. \$20k cost at minimum.
- C. Placing the new garage to the north of the house would not be logical as the main garage is on the south side of the home. Also, there is very limited access from the home to get to garage on the north side.
- D. On the property line where we propose to place the new garage is a 30' tall x 10' existing landscaped buffer as to protect any view from the neighbor.

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

The difficulty with the scenarios of A, B and C would be very costly in foundation work in A, moving the septic tank in B or having to do a lot of clearing and have the driveway pass in front of the home and then not good access to the garage.

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

- A. Soils would be a big factor in A. It would require special engineering to place In the lower area.
- B. Septic location – moving a major cost
- C. Inconvenience of the location.

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 do not believe it will be a detriment to neighbors or public.

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

I am not aware of any other zonings in this neighborhood that have requested a side set back variance.

SEE SHEET 3 OF

(#125)

315.00'

8" PVC
V

P.H.

WINN WAY (60' R/W)

444

N88°36'50"

311.00'

(#130)

75'BL

311.00'

(#120)

HYDRIC SOILS

50'BL

500°06'34"W

703.93'

32

(C)

33

219265 SQ FT
5.034 ACRES

PROPOSED GARAGE

30' SET BACK

LARGE HEDGE BUFFER

34

220066 SQ FT
5.052 ACRES

(D)

160'

HYDRIC SOILS

(A)

268'

118'8"

50'BL

67.60'

243.56'

N88°09'19"W

N88°08'20"W 5993'

311.07'

N/P
JOSEPH R. AKINS, SR.

9/16" = 1'

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. Location of exits/entrances to the subject property.
 - d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. Location of all utilities, including well or water lines.
 - f. Location of septic tank, drainfield, and drainfield replacement area.
 - g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable). *n/a*
 - h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable). *n/a*
 - i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable). *n/a*
 - j. Location of landscaped areas, buffers, or tree save areas (if applicable). *n/a*
- Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed by:	Requirements	Proposed
Name: <i>Debbie Bell</i>	Lot Size: <i>5.084 acres</i>	
Lot# <i>33 LL 291 Dist 4</i>	Width: <i>311'</i>	
Zoning:	Front Setback: <i>75'</i>	
Flood: Yes/ <input checked="" type="checkbox"/> No MFFE: <i>n/a</i>	Side Setback: <i>50'</i>	
Stream Buffers: <i>n/a</i>	Rear Setback: <i>75'</i>	
Number of Frontages: <i>1</i>	House Size:	

FAYETTE COUNTY

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

floor. Petition No.: A-846-23 Owner(s)/Agent(s): Thomas Lee Adkins II and Zinnia U. Zamora-Adkins, Owner Barnard & Associates Remodeling, Agent Property Address: 130 Winn Way, Fayetteville GA 30215 Parcel:044206004 Zoning District: A-R Area of Property: 5.084 acres Land Lot(s): 291 District: 4th Road Frontage: Winn Way Request: Variance to Sec. 110-125 (d)(6) requesting to reduce the setback for building from 50' to 30' to allow a 26 x 50 garage to be built on the south side of the property. Variance amount of 40%. Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 201 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 33, OF JACKSON ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 32, PAGES 161-165, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE. THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-844-23 Owner(s)/Agent(s): W&W Realty Co. LLP, Owner John M. Cook, Agent Property Address: 1552 Highway 85, Fayetteville GA 30215 Parcel:0450-070 Zoning District: C-H Area of Property: 2.712 acres Land Lot(s): 253 District: 4th Road Frontage: Highway 85 S Request: Variance to Sec. 110-93, requesting to reduce the setback for septic drain field lines.

Legal Description: ALL THAT TRACT or parcel of land lying and being in Land Lot 253 of the 4th District of Fayette County, Georgia, being more particularly described as follows: BEGINNING AT A POINT on the southeasterly right-of-way of Georgia Highway 85 (130-foot right-of-way) which said point is located 881.22 feet Southwesterly, as measured along the Southeasterly right-of-way of said Georgia Highway 85, from the intersection of the southeasterly right-of-way of said Georgia Highway 85 with the North line of said Land Lot 253, said District, thence South 21 degrees 13 minutes 05 seconds East a distance of 440.05 feet to a point; thence South 29 degrees 15 minutes 51 seconds West a distance of 85 feet to a point; thence South 84 degrees 56 minutes 03 seconds West a distance of 411.27 feet to a point on the Southeasterly right-of-way of said Georgia Highway 85; thence North 29 degrees 15 minutes 51 seconds East along the southeasterly right-of-way of said Georgia Highway 85 a distance of 596.89 feet to the Point of Beginning, being improved property with a retail store and gasoline station located thereon. 10/18

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S)/ ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Petition No.: A-845-23 Owner(s)/Agent(s): Jim Bennett, Owner Nick McCullough, Agent Property Address: 125 Monarch Drive, Peachtree City, GA 30269 Parcel: 060308005 Zoning District: PUD-PRD Area of Property: 1.004 acres Land Lot(s): 19 District: 6th Road Frontage: Monarch Drive Request: Variance to Sec. 110-149 (d) (6) (c), requesting to reduce the setback for side yard from 15 feet to 13'2". Reduce side yard by 1'10" to allow for new construction to remain. Legal Description: ALL THAT TRACT OR PARCEL OF LAND Lying and being in Land Lot 19 of the 6th District of Fayette County, Georgia and being Lot 146, JEFFERSON WOODS, SUBDIVISION, Unit Four, as per plat recorded in Plat Book 27, Page 85, Fayette County, Georgia records; which plat is hereby incorporated herein and by reference made a part hereof. 10/18



Doc ID: 009519800001 Type: WD
Recorded: 12/02/2014 at 09:25:00 AM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **4259** PG **145**

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
14-1494CA/CINDY

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this **21st day of November, 2014**, by and between **THOMAS LEE ADKINS, II**, as party or parties of the first part, hereinafter referred to as "Grantor," and **THOMAS LEE ADKINS, II and ZINNIA U. ZAMORA-ADKINS**, as Joint Tenants with Right of Survivorship, as party or parties of the second part, hereinafter referred to as "Grantee";

WITNESSETH:

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 201 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 33, OF JACKSON ESTATES SUBDIVISION, AS PER PLAT RECORDED AT PLAT BOOK 32, PAGES 161-165, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

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

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

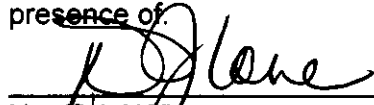
AND THE GRANTOR will warrant and forever defend the right and title to the above-described property unto the Grantee, their heirs, successors and assigns, against the claims of all persons claiming by, through or under Grantor, subject only to the Permitted Exceptions.

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

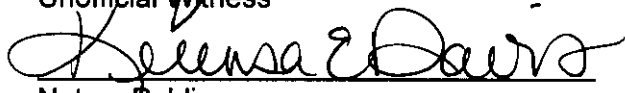
Signed, sealed and delivered in the presence of:



THOMAS LEE ADKINS, II

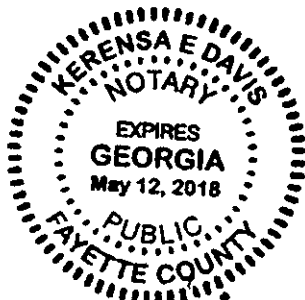


Unofficial Witness



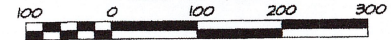
Notary Public
My Commission Expires:

[Notary Seal]



FINAL PLAT OF
JACKSON ESTATES

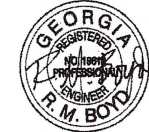
LAND LOTS 201 & 216 4TH DISTRICT
FAYETTE COUNTY, GEORGIA



GRAPHIC SCALE
10/05/99

R. M. Boyd & Associates
Land Surveying & Engineering

185 South Lee St.
Fayetteville, GA 30214
(770) 461-2411



HYDRIC SOILS SHOWN WERE TAKEN
FROM A MAP BY OLIN MURPHY
(GA PROFESSIONAL SOIL SCIENTIST NO. 15)
DATED 3/29/97.

T.B.M. = TOP OF HEADWALL
ELEVATION = 835.56



CENTERLINE CURVE DATA

CURVE NO. 1	CURVE NO. 2
$\Delta = 43^{\circ}00'00''$	$\Delta = 19^{\circ}34'50''$
RAD = 253.86'	RAD = 978.52'
LEN = 190.52'	LEN = 198.04'
TAN = 100.00'	TAN = 100.00'
CHD = 184.08'	CHD = 197.08'
DEG = 22^{\circ}54'10''	DEG = 9^{\circ}54'14''

GEORGIA, FAYETTE COUNTY

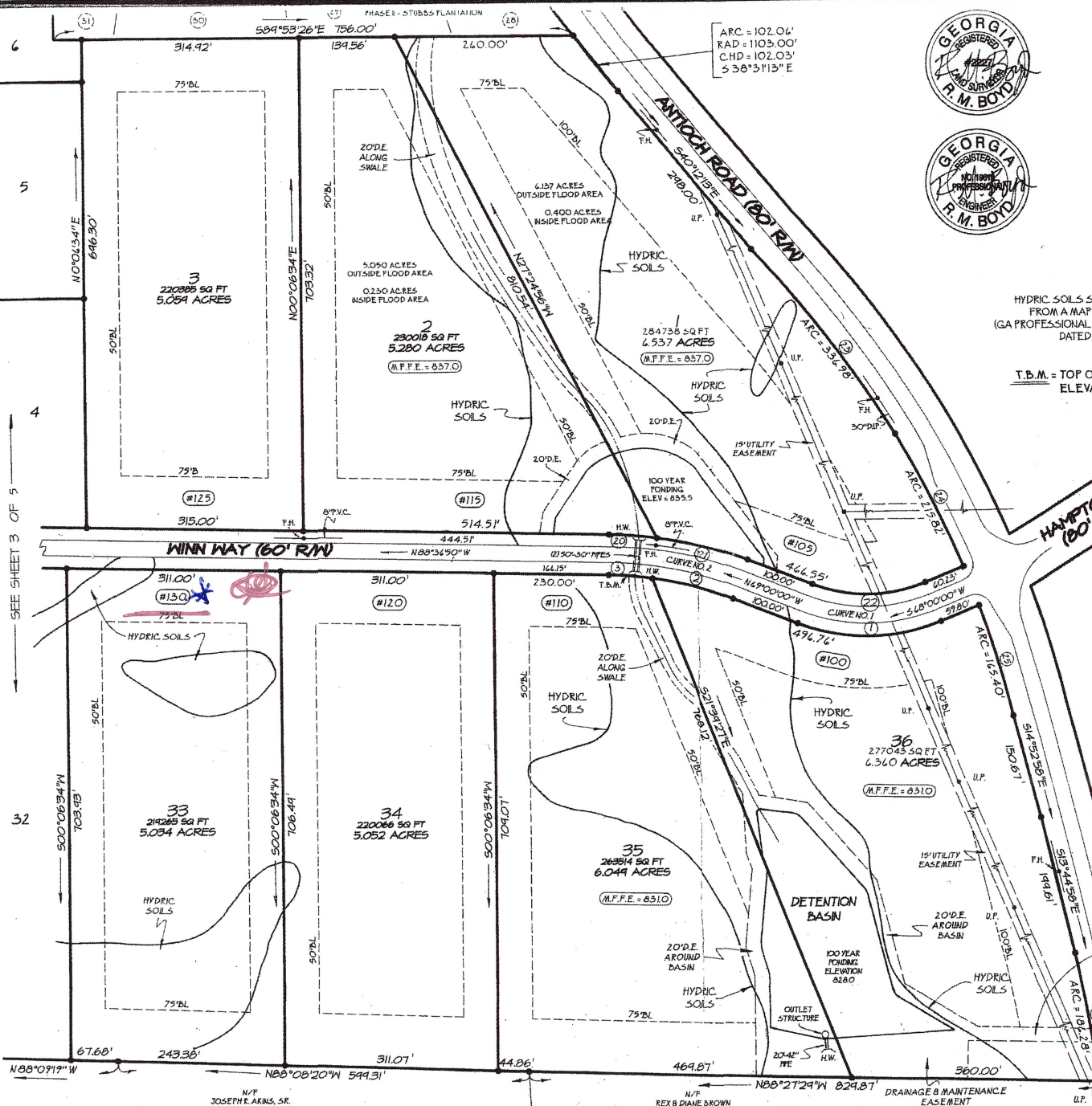
Filed and Recorded this 9th day
of NOV 1997 4:45 P. M.
Book 32 Page 162

W. C. Ballard Clerk

OWNER & DEVELOPER
JACKSON ESTATES DEVELOPMENT, LLC.

ROBERT ROLADER
485-B SOUTH JEFF DAVIS DRIVE
FAYETTEVILLE, GA 30215
(770) 461-0478

10' INGRESS / EGRESS EASEMENT



SEE SHEET 3 OF 5

32

N/P JOSEPH E. ARNS, SR.

N/P REX B. DIANE, BROWN

DRAINAGE & MAINTENANCE EASEMENT

PETITION NO: A-847-23

Requested Action: Variance to reduce rear building setback from 30' to 5' in the R-40 (Single-Family Residential) District, to allow the construction of new in-ground swimming pool.

Location: 104 Hammock Bay Drive, Fayetteville, GA 30215

Parcel(s): 0442 06004

District/Land Lot(s): 4th District, Land Lot(s) 169

Zoning: R-40

Owner(s): Kimberly Waldrop

Agent: N/A

Zoning Board of Appeal Public Hearing: November 27, 2023

REQUEST

Applicant is requesting the following variance to construct a new in-ground swimming pool:

1. Variance to Sec. 110-137(d)(6).- Rear yard setback requirement, to reduce the rear yard setback from 30 feet to 5 feet in the A-R zoning district.

STAFF RECOMMENDATION

It is staff's opinion that the property presents a unique situation. The shallow depth of the cul-de-sac lot, combined with the topography, create a challenge. Locating the pool on the north side of the lot would create practical difficulties in terms of access and proximity to the house. The existing topography between the residence and the church will continue to provide a visual barrier between the two properties.

NOTE: Per Sec. 102-286(9), a survey of the lot and foundation shall be required as part of the construction and inspection process.

Staff recommends **APPROVAL** of the request to reduce the rear yard setback from 30 feet to 5 feet for the construction of an in-ground swimming pool.

HISTORY

The subject property is a legal lot of record in the Hammock Bay S/D, with a plat recorded February 13, 2007. It is a 1.000-acre lot and is a legal, conforming lot in the R-40 zoning district.

ZONING REQUIREMENTS

Sec. 110-137. R-40 – Single-family residential district.

(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

(5) Rear yard setback: 30 feet.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No objection to the variance request.
- Environmental Health Department** – This office has no objection to the proposed variance. However, approval of the variance is not approval for the construction of the pool. The owner/authorized agent must complete the required application process through our department for final approval of the pool.
- Fire** – No objections.
- Building Safety** – No objections. A building permit is required for new pool.

CRITERIA FOR CONSIDERATION OF A VARIANCE

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.

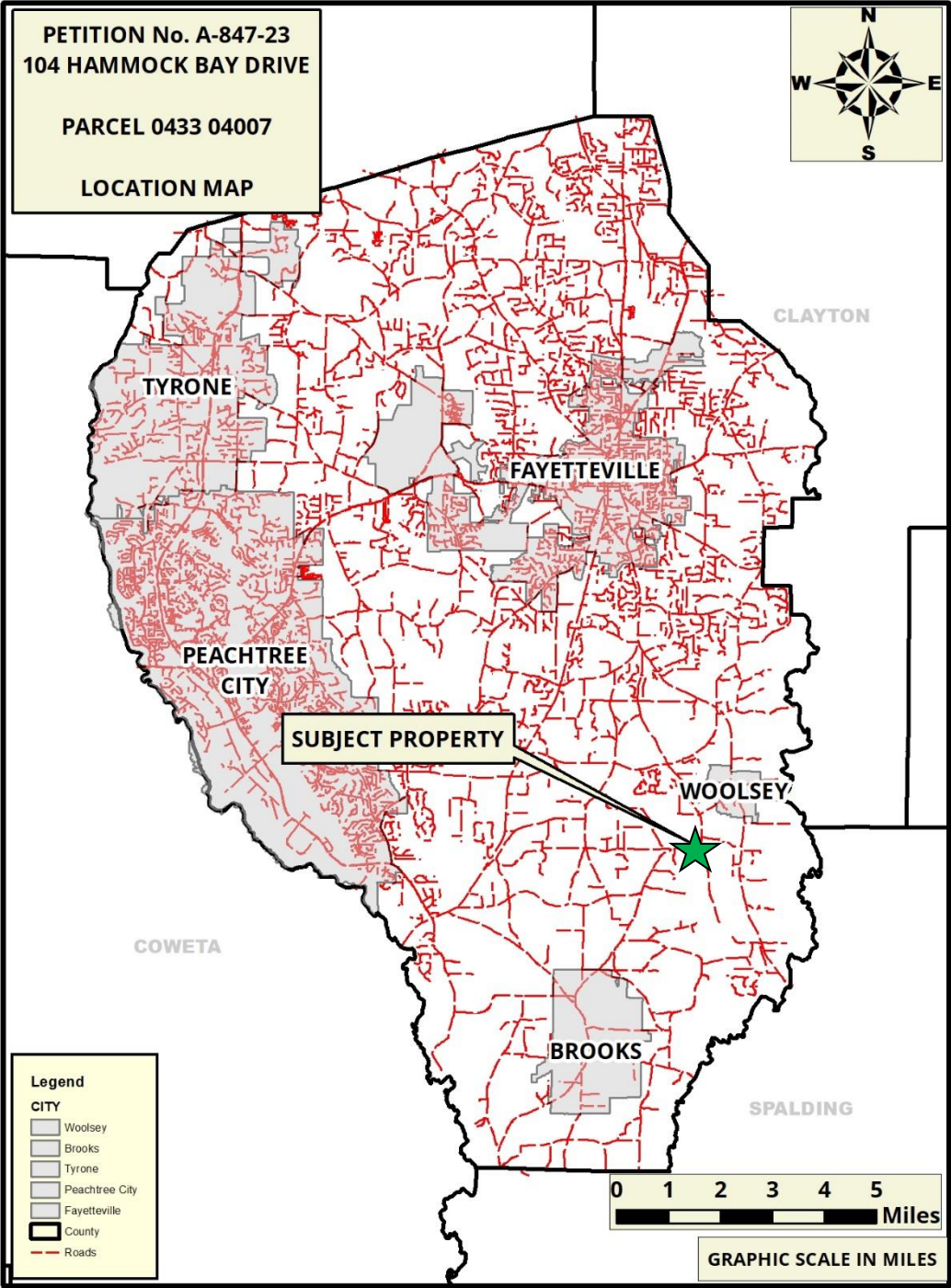
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
 - *The size and topography do present some unique conditions.*
 - *The septic system is located on the south side of the yard.*
 - *The lot slopes downhill on the west and south side.*
 - *The owner would like to utilize the existing driveway, avoid extra grading, and retain mature trees.*

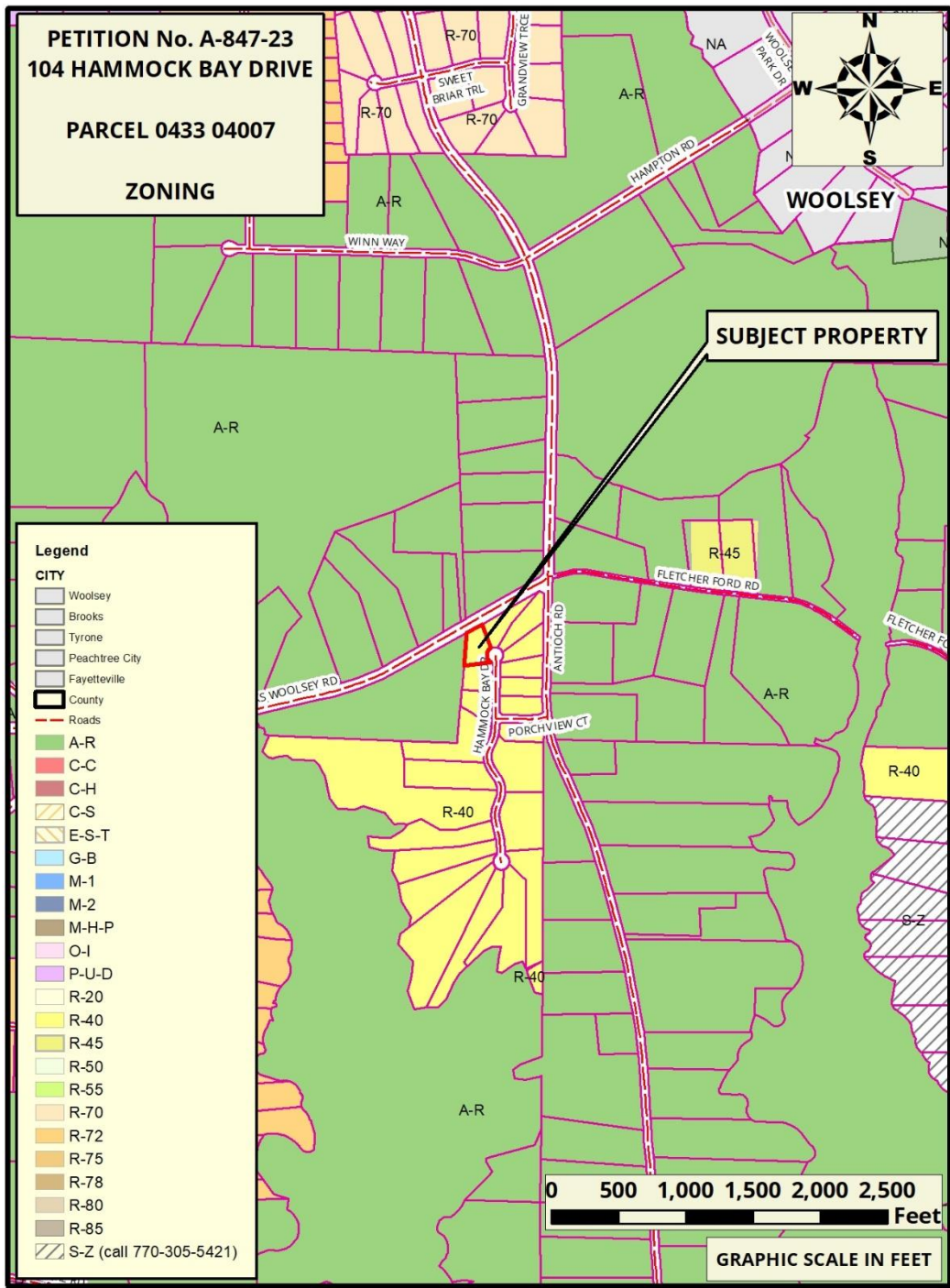
- 2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and,**
 - *The lot is relatively shallow because it is on a cul de sac. Locating the pool on the north part of the lot would require siting it away from the house and would reduce visibility of the pool from the house.*

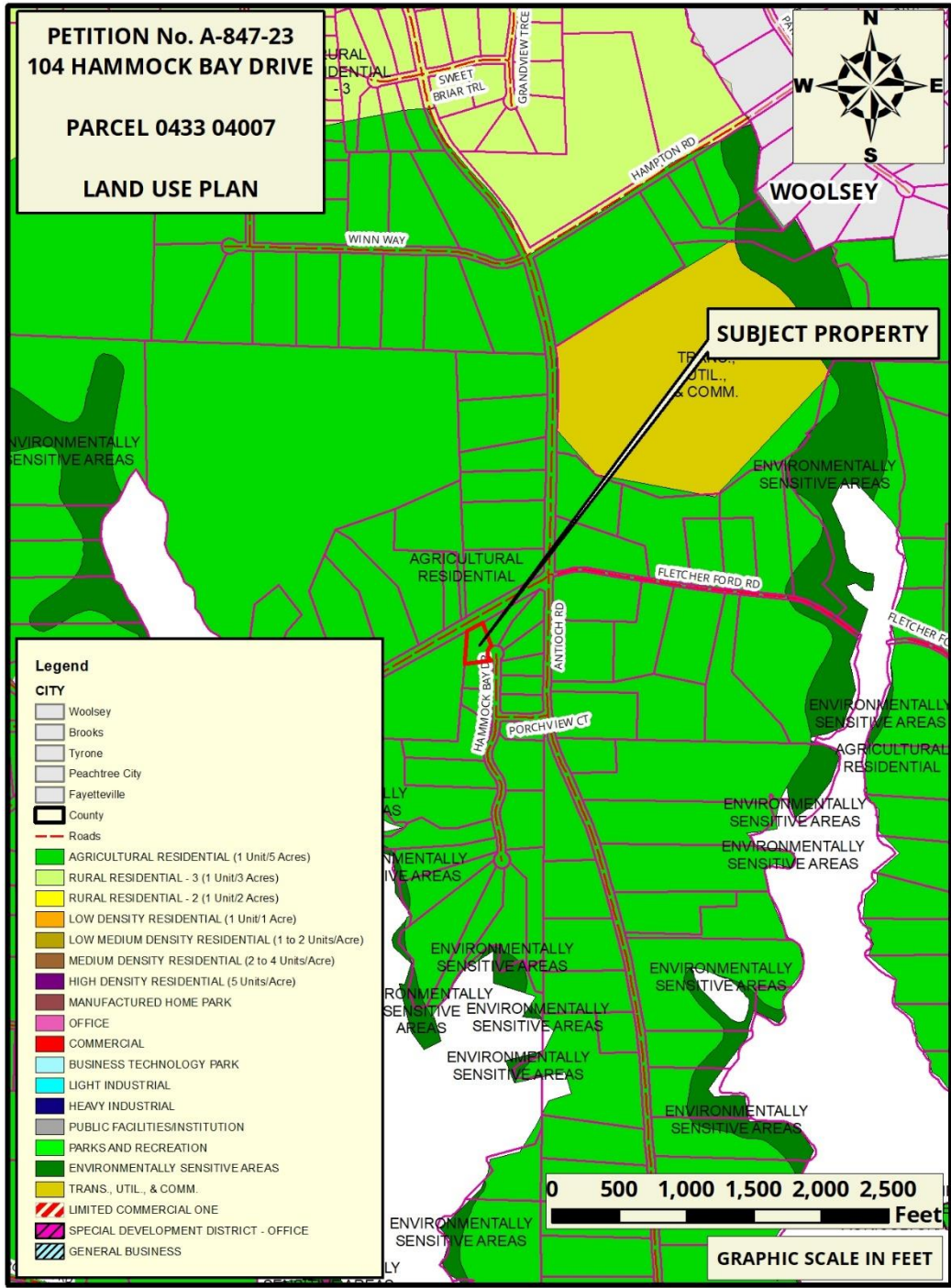
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
 - *There conditions on this parcel that limit use and development that are specific to the parcel.*

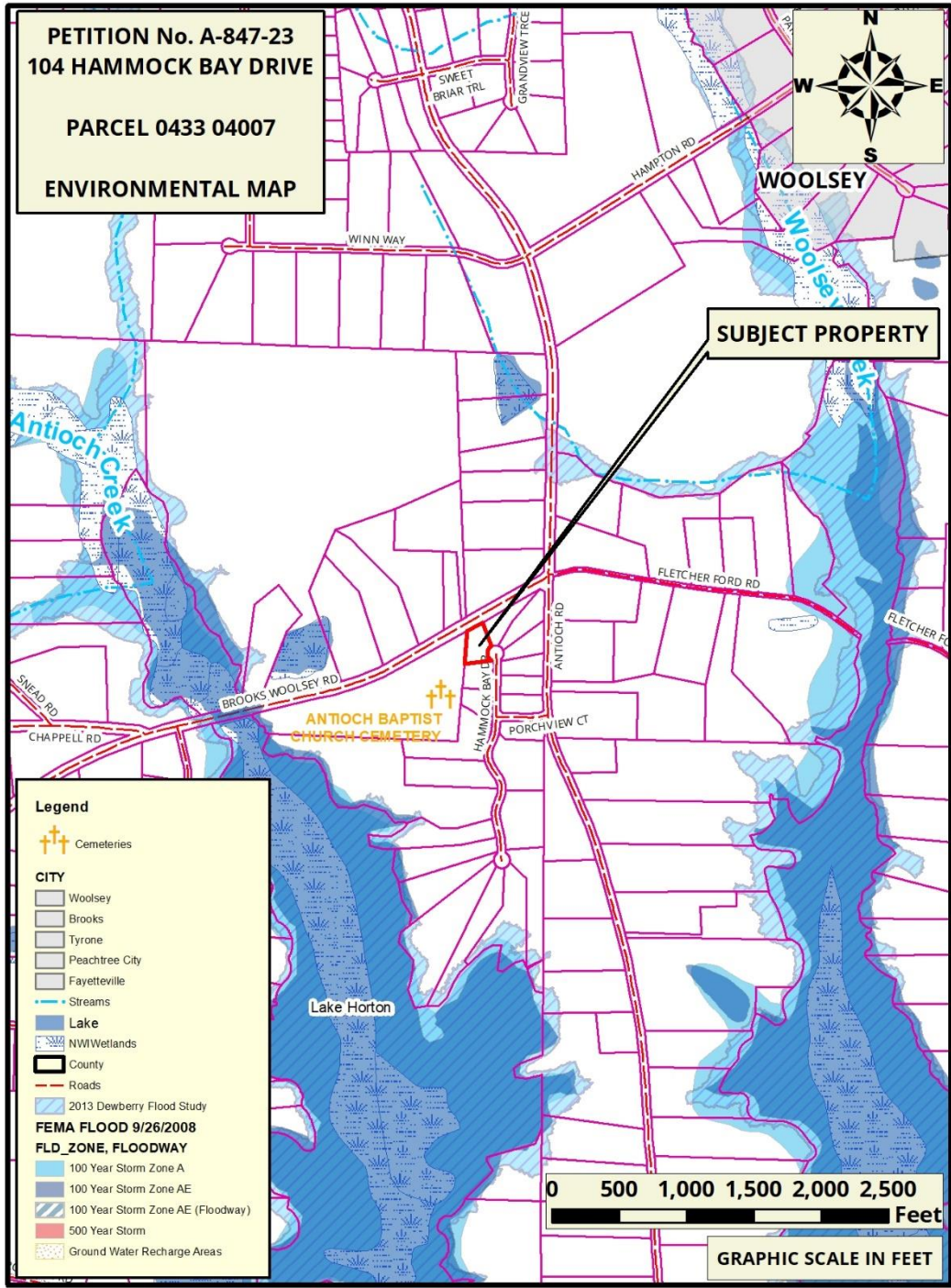
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,**
 - *Relief, if granted, is not likely to be a detriment to the adjacent property. The existing topography between the two parcels will continue to provide an effective screen.*

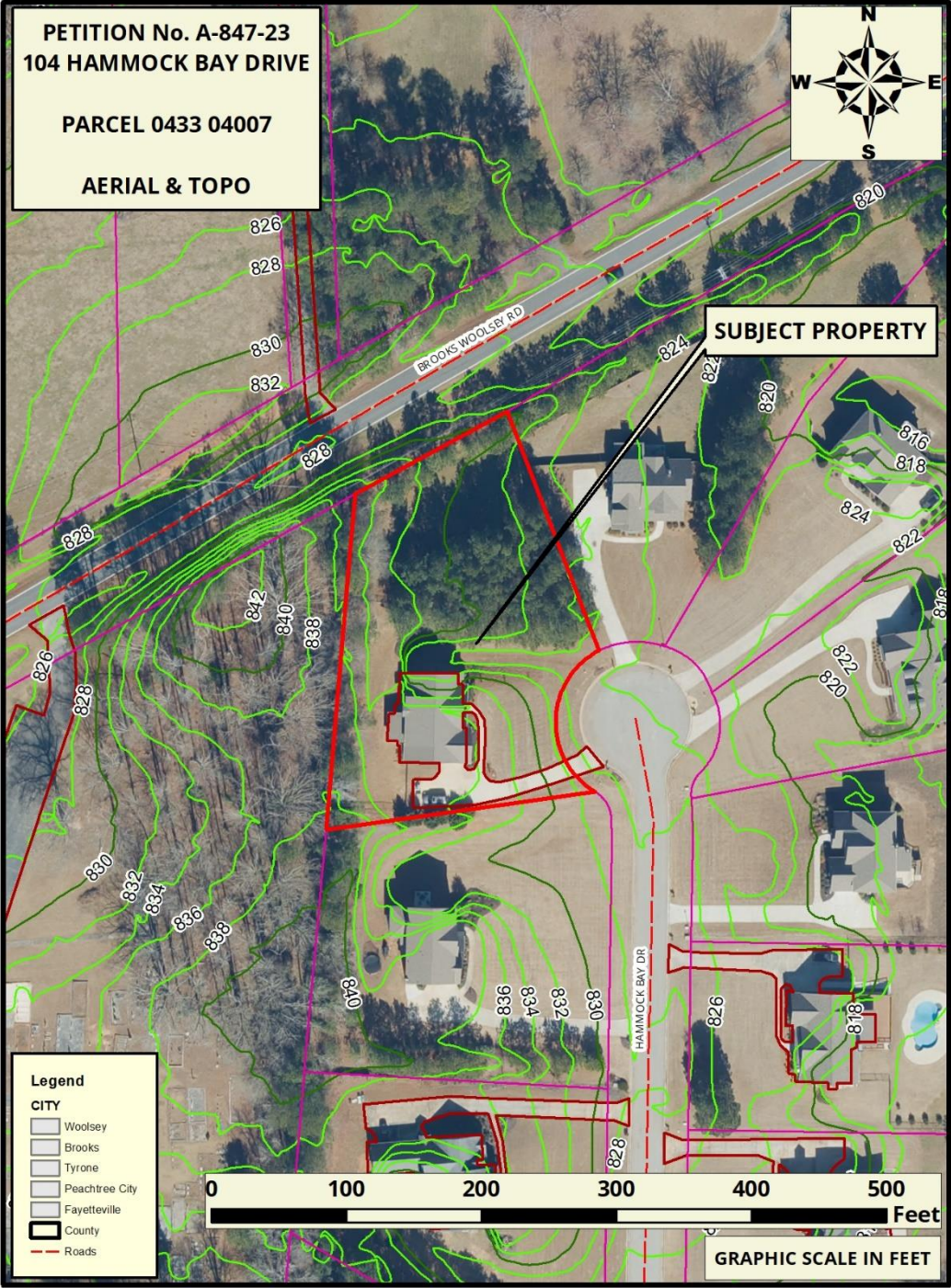
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
 - *A literal interpretation of this Ordinance would not deprive the applicant of the right to construct a pool, but it would be located in an area of the yard that is not readily visible from the house.*











VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 043304007 Acreage: 1 acre

Land Lot: 169 Land District: 4

Address: 104 Hammock Bay Dr. Fayetteville Ga 30215

Existing Zoning: R-40 Requested Zoning: _____

Zoning of Surrounding Properties: R3 & Church

Existing Use: Back B/L 30' Proposed Use: Back B/L ~~X~~5' Amended to 5'

PROPERTY OWNER INFORMATION

Name Kimberly Waldrop

Email kimberly.waldrop1@gmail

Address 104 Hammock Bay Dr

City Fayetteville

State GA Zip 30215

Phone 678 414 9297

AGENT/DEVELOPER INFORMATION

(If not owner)

Name _____

Email _____

Address _____

City _____

State _____ Zip _____

Phone _____

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-847-23

[] Application Insufficient due to lack of:

by Staff: _____ Date: _____

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

by Staff: Debra M. Sime Date: 10/6/2023

DATE OF ZONING BOARD OF APPEALS HEARING: November 27, 2023

Received from Kimberly Waldrop a check in the amount of \$ 175

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

Date Paid: 10/6/2023 Receipt Number: _____

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:

Kimberly N. Waldrop
Please Print Names

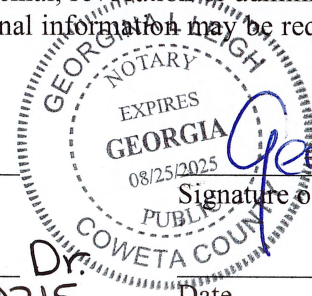
Property Tax Identification Number(s) of Subject Property: 043304007

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 1st District, and (if applicable to more than one land district) Land Lot(s) 169 of the District, and said property consists of a total of 1.00 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.

Kimberly N. Waldrop
Signature of Property Owner 1



Georgina K. Keefe
Signature of Notary Public

104 Hammock Bay Dr.
Address Fayetteville GA 30215

10/5/2023
Date

Signature of Property Owner 2

Signature of Notary Public

Address

Date

Signature of Authorized Agent

Signature of Notary Public

Address

Date

VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-137 (d) (5)	30' rear yard setback	15' rear yard setback	30' Amended to 5'

VARIANCE SUMMARY

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

Request that the rear building line of 30' to be changed to a 15' building line.

Request amended to 5'. Please refer to revised concept plan.

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 topography of this property is not conducive to place the pool in any other area than requested location.

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

Placing the pool in any other area than requested would create a practical hardship due to the house placement and topo of the property.

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

The house placement on this property does not allow optimal usage of the entire lot area.

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

If granted, it would not cause substantial detriment to anyone. The subject property line is shared with the cemetery of Antioch Baptist Church. There is a large tree buffer that separates us from the church.

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

The 30' building line is the only restraint that is not allowing the pool placement.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - _____ a. Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - _____ b. Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - _____ c. Location of exits/entrances to the subject property.
 - _____ d. Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - _____ e. Location of all utilities, including well or water lines.
 - _____ f. Location of septic tank, drainfield, and drainfield replacement area.
 - _____ g. Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - _____ h. Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - _____ i. Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - _____ j. Location of landscaped areas, buffers, or tree save areas (if applicable).
- Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

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

Kimberly Waldrop
104 Hammock Bay Drive
Fayetteville, Ga. 30215

Variance request to change the back
building line

View from the cul-de-sac



View of side yard



View of side yard (2)



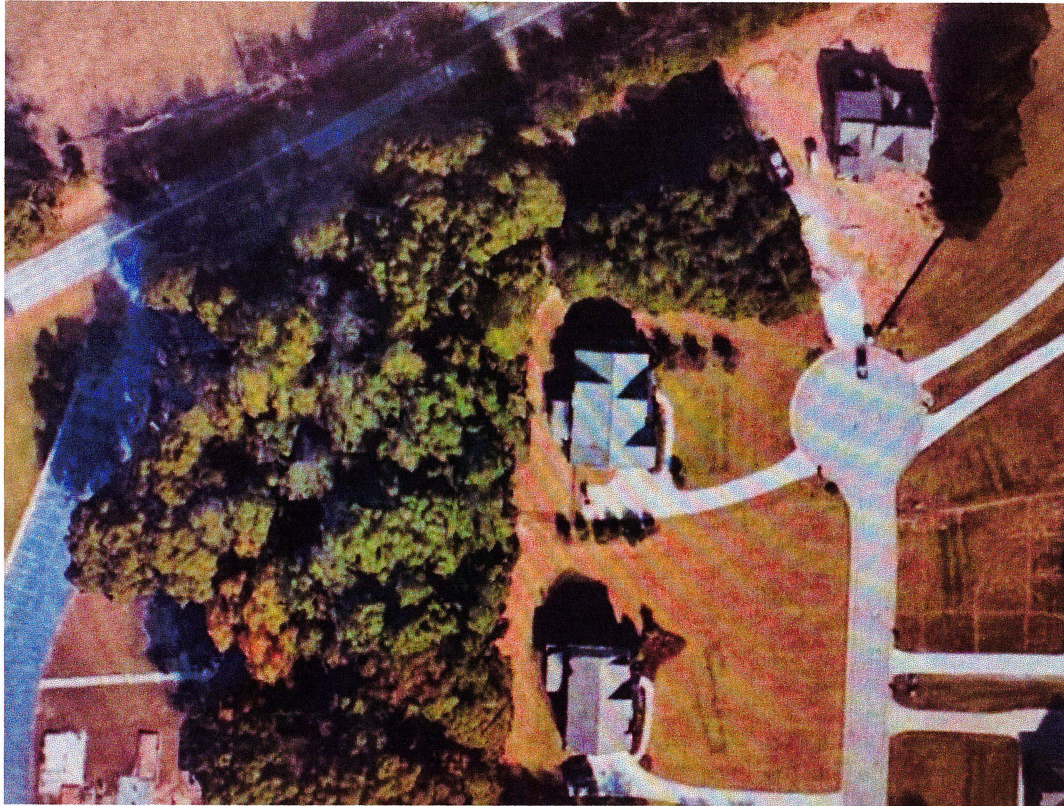
The wooded area that buffers the property lines in the back (church side).



The wooded area that buffers the property lines in the back (Brooks Woosley Road side).



Aerial Photo of property:



This is the area that we would like to install the pool



Doc ID: 008287830001 Type: GLR
Filed: 04/01/2010 at 12:16:00 PM
Fee Amt: \$340.00 Page 1 of 1
Transfer Tax: \$330.00
Fayette, Ga, Clerk Superior Court
Shelia Studdard Clerk of Court
BK 3627 PG 425

Return Recorded Document to:
WALDROP & TRITE, LLC
Attorneys at Law
195 N. JEFF DAVIS DRIVE
Fayetteville, GA 30214

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF Fayette

File #: 10-1010

This Indenture made this 29th day of March, 2010 between FIRST NATIONAL BANK OF GRIFFIN, of the County of SPALDING, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and KIMBERLY N. WALDROP, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 184 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 16 OF HAMMOCK BAY AT LAKE HORNTON, AS PER PLAT OF SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 43, PAGES 159-163, FAYETTE COUNTY, GEORGIA RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

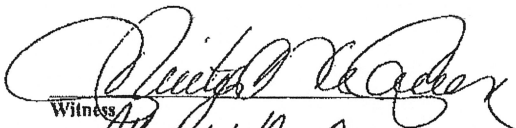
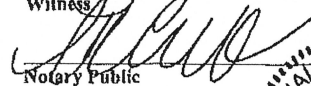
This Deed is given subject to all easements and restrictions of record, if any.

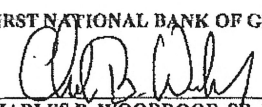
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

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

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

Signed, sealed and delivered in the presence of:


Witness

Notary Public

FIRST NATIONAL BANK OF GRIFFIN
 (Seal)
CHARLES B. WOODROOF, SR. VICE PRESIDENT



2023 Property Tax Statement

Kristie King
 Fayette County Tax Commissioner
 P. O. Box 70
 Fayetteville, GA 30214
 Phone: (770) 461-3652, Fax: (770) 461-8443

Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
2023-43517	11/30/2023	\$5,367.99	\$0.00	\$0.00	\$5,367.99

Map: 043304007

Payment Good through: 11/30/2023
 Printed: 10/04/2023

Location: 104 HAMMOCK BAY DR

WALDROP KIMBERLY N
 104 HAMMOCK BAY DRIVE
 FAYETTEVILLE, GA 30215

- THERE WILL BE A FEE OF 2.5% FOR MOST CARDS IF PAID ONLINE.
- YOUR NET MILLAGE RATE IS EQUAL TO YOUR COUNTY SCHOOL OR CITY MILLAGE RATE LESS THE APPLICABLE SALES TAX CREDIT. REFER TO THE REVERSE OF YOUR TAX BILL FOR INFORMATION ABOUT STATE AND LOCAL EXEMPTIONS.
- IF THIS BILL IS MARKED "APPEAL" IT IS CALCULATED AT 85% VALUE. AN ADJUSTED BILL WILL BE ISSUED WHEN YOUR APPEAL IS FINALIZED.

RETURN THIS PORTION WITH PAYMENT

(Interest will be added per month if not paid by due date)

Kristie King
 Fayette County Tax Commissioner
 P. O. Box 70
 Fayetteville, GA 30214
 Phone: (770) 461-3652, Fax: (770) 461-8443



Tax Payer: WALDROP KIMBERLY N
Map Code: 043304007 Real
Description: LOT 16 HAMMOCK BAY
Location: 104 HAMMOCK BAY DR
Bill No: 2023-43517
District: 01

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good through	Exemptions		
551,400.00	105,000.00	0.0000	\$656,400.00	11/30/2023		11/30/2023	L1 L7		
Entity	Adjusted FMV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax	
911 SERVICES	\$656,400	\$262,560	\$5,000	\$257,560	0.210000	\$54.09	\$0.00	\$54.09	
CO INS PREM ROLL BACK	\$656,400	\$262,560	\$0	\$262,560	0.000000	\$0.00	\$0.00	\$0.00	
COUNTY FIRE	\$656,400	\$262,560	\$5,000	\$257,560	3.070000	\$790.71	\$0.00	\$790.71	
COUNTY M&O	\$656,400	\$262,560	\$5,000	\$257,560	5.843000	\$1,504.92	\$0.00	\$1,504.92	
COUNTY SALES TAX CREDIT	\$656,400	\$262,560	\$5,000	\$257,560	-1.809000	\$0.00	-\$465.93	-\$465.93	
COUNTY SCHOOL BOND	\$656,400	\$262,560	\$0	\$262,560	0.800000	\$210.05	\$0.00	\$210.05	
COUNTY SCHOOL M&O	\$656,400	\$262,560	\$80,769	\$181,791	19.250000	\$3,499.48	\$0.00	\$3,499.48	
EMERGENCY MEDICAL SERVICE	\$656,400	\$262,560	\$5,000	\$257,560	0.500000	\$128.78	\$0.00	\$128.78	
HTRG CREDIT SCHOOLS	\$656,400	\$18,000	\$0	\$18,000	0.000000	\$0.00	-\$346.50	-\$346.50	
HTRG CREDIT COUNTY	\$656,400	\$18,000	\$0	\$18,000	0.000000	\$0.00	-\$72.61	-\$72.61	
STATE TAX	\$656,400	\$262,560	\$2,000	\$260,560	0.000000	\$0.00	\$0.00	\$0.00	
STREET LIGHTS	\$656,400	\$0	\$0	\$0	0.000000	\$65.00	\$0.00	\$65.00	
TOTALS					27.864000	\$6,253.03	-\$885.04	\$5,367.99	

PAY BY DUE DATE TO AVOID PENALTY AND INTEREST CHARGES:

- INTEREST WILL ACCRUE EACH MONTH AT AN ANNUAL RATE EQUAL TO 3% PLUS THE FEDERAL PRIME RATE PUBLISHED AS OF JANUARY 1, EACH YEAR.
- A 5% PENALTY WILL BE ADDED 120 DAYS AFTER THE DUE DATE AND AT EACH 120 DAY MARK UNTIL A 20% CAP IS REACHED.

Current Due	\$5,367.99
Penalty	\$0.00
Interest	\$0.00
Other Fees	\$0.00
Previous Payments	\$0.00
Back Taxes	\$0.00
Total Due	\$5,367.99

Wednesday, October 25, 2023

Wednesday, October 25, 2

Continued from page B4

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

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

Petition No.: A-847-23
 Owner(s)/Agent(s): Kimberly Waldrop, Owner
 Property Address: 104 Hammock Bay Drive, Fayetteville GA 30215
 Parcel: 043304007
 Zoning District: R-40
 Area of Property: 1 acre
 Land Lot(s): 169
 District: 4th
 Road Frontage: Hammock Bay Drive

Request: Variance to Sec. 110-137 (d)(5), requesting to reduce the setback for rear yard from 30' to 5'.
 Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 184 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 16 OF HAMMOCK BAY AT LAKE HORTON, AS PER PLAT OF SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 43, PAGES 159-163, FAYETTE COUNTY, GEORGIA RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

ZONING BOARD OF APPEALS FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023 at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Consideration of the Fayette County Zoning Board of Appeals 2024 Calendar.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 40 Stonewall Avenue West, Suite 202, Fayetteville, Georgia. This is the 25th day of October, 2023. Deborah L. Bell, RLA Planning & Zoning Director 10/25

Request: Variance to Sec. 110-142. O-I, (f) (6), to reduce the side yard buffer, required when an O-I zoning district abuts a Residential or A-R zoning district, from 30 feet to 15 feet.
 Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 97; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 1,421.29 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 1017.63 FEET TO A 5/8 INCH REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 381.88 FEET TO A 5/8-INCH REBAR SET. THENCE NORTH 66 DEGREES 02 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 46.57 FEET TO A POINT; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 91.16 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 87.97 FEET TO A POINT; THENCE NORTH 69 DEGREES 46 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 81.42 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS 18.60 FEET AND AN ARC LENGTH OF 19.11 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING

SOUTH 06 DEGREES 36 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 18.28 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 77.04 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 53.53 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 19 DEGREES 17 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 52.53 FEET TO A POINT; THENCE SOUTH 00 DEGREES 07 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 370.46 TO A 5/8-INCH REBAR SET; THENCE NORTH 89 DEGREES 52 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 222.19 FEET TO AN AFOREMENTIONED 5/8-INCH REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2.243 ACRES, OR 97,700 SQUARE FEET, MORE OR LESS; AND IS FURTHER DESCRIBED IN THAT CERTAIN AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM BY HIGHWAY 54 DEVELOPMENT, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED JANUARY 27, 2007, FILED FOR RECORD JANUARY 29, 2007, AND RECORDED IN DEED BOOK 3171, PAGE 1, AFORESAID RECORDS, AS AMENDED BY FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM, FILED ON MAY 8, 2012 AND RECORDED IN DEED BOOK 3890, PAGE 605, AFORESAID RECORDS, AND AS FURTHER AMENDED BY SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM RECORDED IN DEED BOOK 4504, PAGE 274, AFORESAID RECORDS (THE "DECLARATION") AND DEPICTED ON THAT CERTAIN AMENDED PLAT RECORDED IN PLAT BOOK 1, PAGES 150-152, CLERK'S OFFICE, FAYETTE COUNTY SUPERIOR COURT (THE "CONDOMINIUM PLAT"). LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 97; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 1421.29 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 1399.51 FEET TO A 5/8 INCH REBAR SET; THENCE NORTH 66 DEGREES 02 MINUTES 29 SECONDS EAST, A DISTANCE OF 46.57 FEET TO A POINT; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST, A DISTANCE OF 55.33 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 35.83 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 84.08 FEET TO A POINT; THENCE SOUTH 36 DEGREES 26 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 57.97 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST, A DISTANCE OF 4.48 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 8.25 FEET, BEING SUBTENDED BY A CHORD BEARING SOUTH 35 DEGREES 30 MINUTES 16 SECONDS WEST, A DISTANCE OF 8.24 FEET TO A POINT; THENCE SOUTH 77 DEGREES 40 MINUTES 56 SECONDS WEST, A DISTANCE OF 121.93 FEET TO A POINT; THENCE NORTH 26 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 40.78 FEET TO AN AFOREMENTIONED POINT, SAID POINT BEING THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINS 0.151 ACRES, OR 6,575 SQUARE FEET, MORE OR LESS, AND IS FURTHER DESCRIBED IN THE DECLARATION AND DEPICTED ON THE CONDOMINIUM PLAT. TOGETHER WITH THE APPURTENANT PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS AND LIMITED COMMON ELEMENTS APPURTENANT TO CONVERTIBLE SPACE #1, AS SET FORTH IN THE DECLARATION AND CONDOMINIUM PLAT, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SUBJECT TO THE PROVISIONS SET FORTH THEREIN.

10/25

Doc ID: 008287630001 Type: GLR
Filed: 04/01/2010 at 12:15:00 PM
Fee Amt: \$340.00 Page 1 of 1
Transfer Tax: \$330.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 3627 PG 425

Return Recorded Document to:
WALDROP & TRITE, LLC
Attorneys at Law
195 N. JEFF DAVIS DRIVE
Fayetteville, GA 30214

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Fayette

File #: 10-1010

This Indenture made this 29th day of March, 2010 between FIRST NATIONAL BANK OF GRIFFIN, of the County of SPALDING, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and KIMBERLY N. WALDROP, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 184 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 16 OF HAMMOCK BAY AT LAKE HORNTON, AS PER PLAT OF SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 43, PAGES 159-163, FAYETTE COUNTY, GEORGIA RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

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

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

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

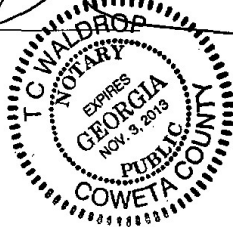
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

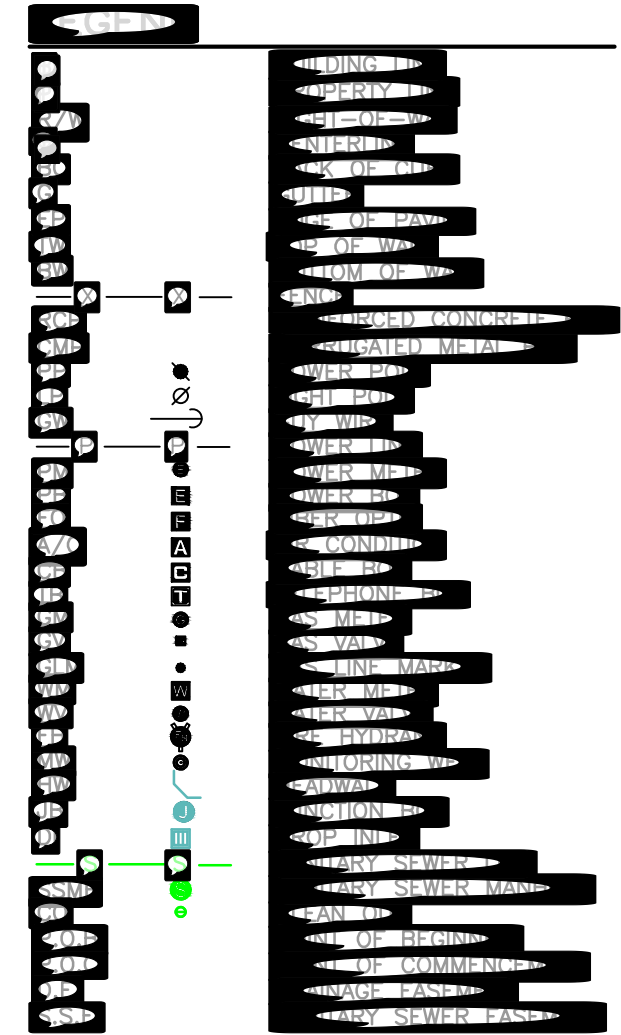
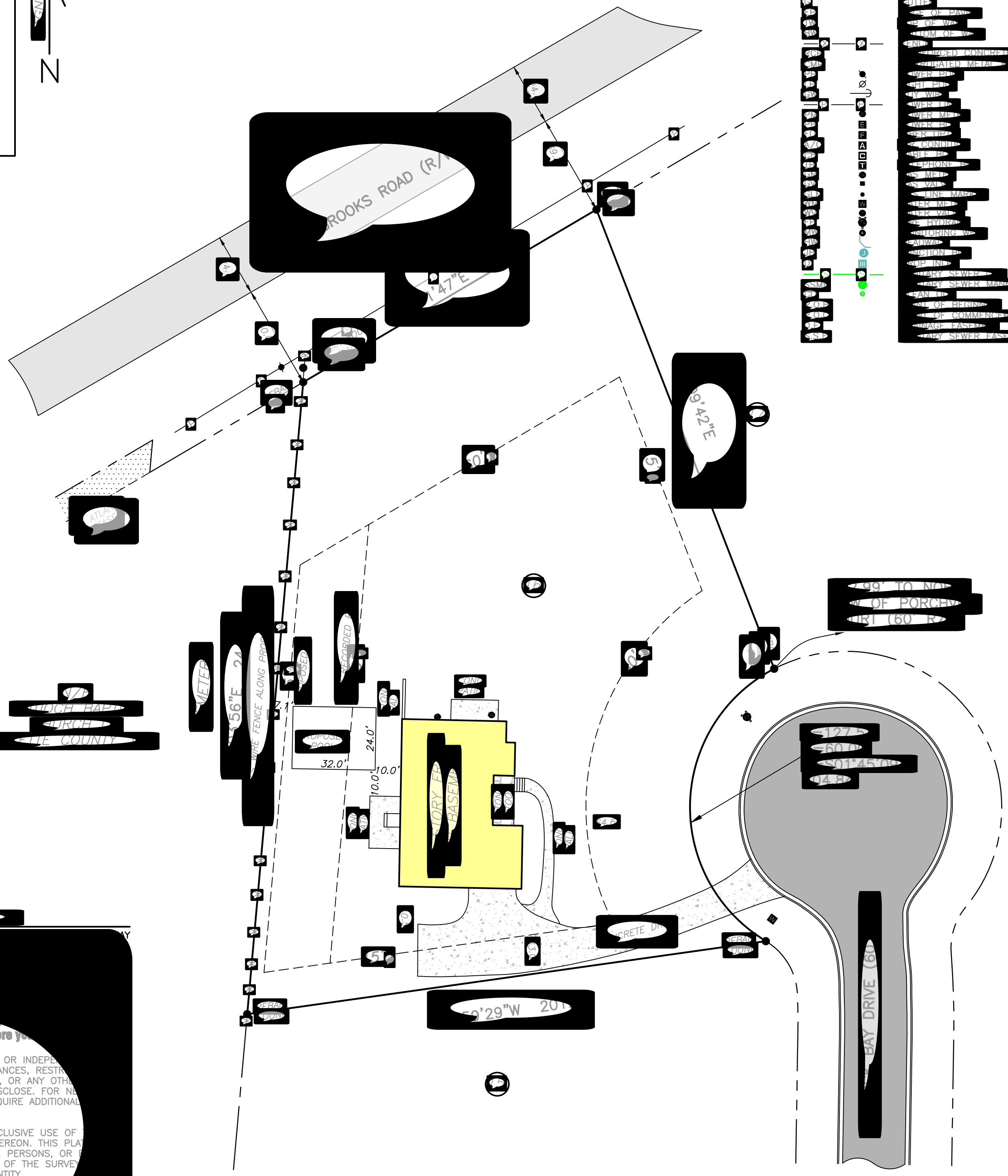
Signed, sealed and delivered in the presence of:

[Handwritten Signature]
Witness
[Handwritten Signature]
Notary Public

FIRST NATIONAL BANK OF GRIFFIN
[Handwritten Signature] (Seal)
CHARLES B. WOODROOF, SR. VICE PRESIDENT

[Handwritten Signature] (Seal)
FIRST NATIONAL BANK OF GRIFFIN
SEAL
Book 3627 Page: 425 Seq: 1
GRIFFIN, GEORGIA





Know what you are buying? Call before you buy!

THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT VERIFICATION OF RECORDS, ENCUMBRANCES, RESTRICTIONS, EASEMENTS, OR ANY OTHER MATTERS AFFECTING THE TITLE. THE BUYER IS ADVISED THAT THE CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEAREST TITLE SEARCH INFORMATION, CONTACT THE LOCAL ISSUING AUTHORITY. LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL INVESTIGATION. ENCUMBRANCES NOT SHOWN.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT INTEND TO AFFECT THE RIGHTS OF ANY UNNAMED PERSON, PERSONS, OR ENTITY. THE BUYER ACCEPTS THIS PLAT AT THE EXPRESS RECERTIFICATION OF THE SURVEYOR FOR SUCH PERSON, PERSONS OR ENTITY.

THE DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY TRAVERSE AND HAS A CALCULATED PERCENTAGE OF ERROR OF 0.03 FEET. THIS PLAT HAS BEEN CHECKED AND FOUND TO BE ACCURATE WITHIN THE TOLERANCES OF THE GEOMAX ZOOM 90 SERIES TOTAL STATION. THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY.

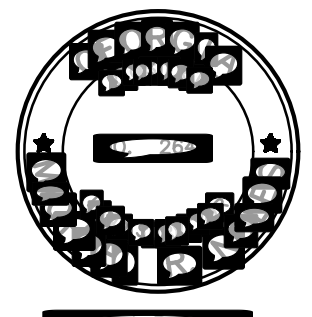
NOTES:

PROPERTY NOTES:

1. PROPERTY LOCATED IN A FEDERAL FLOOD HAZARD AREA AS SHOWN ON THE APPLICABLE FLOOD HAZARD AREA MAP. FOR FURTHER INFORMATION, A SECOND OPINION FROM A LICENSED FLOOD HAZARD AREA IS RECOMMENDED. FOR MORE INFORMATION CONTACT THE LOCAL FLOOD HAZARD AREA MAPING CORPS OF ENGINEERS, AN INSURANCE AGENT, OR THE SURVEYOR'S APPRAISER.

REFERENCE MAP:

1. PROPERTY DEED IN FAVOR OF THE NATIONAL BANK OF GEORGIA, BOOK 4444 PAGE 100, DECEMBER 15, 1988, DEKALB COUNTY, GEORGIA.



VEYOR'S CERTIFICATE

I, the undersigned, being duly licensed and qualified as a Surveyor in the State of Georgia, do hereby certify that the recording information on the other instruments which created the parcel shown hereon, and the recording of this plat does not imply any warranty, legal jurisdiction, availability of permits, compliance with applicable laws, regulations or requirements, or suitability for any particular use of the land. Furthermore, the undersigned has conducted a visual inspection of the land and the plat complies with the minimum requirements of the Georgia Surveying Act of 1967, as amended.

Michael Niles

Surveyor Georgia RLS No. 2646

McCLUNG SURVEYING

Surveying Services
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 434-3333
 Fax: (404) 434-3334
 Email: mcclungsurveying@gmail.com
 State of Authorization #1527

PROPERTY INFORMATION

1. PROPERTY LOCATED IN A FEDERAL FLOOD HAZARD AREA AS SHOWN ON THE APPLICABLE FLOOD HAZARD AREA MAP. FOR FURTHER INFORMATION, A SECOND OPINION FROM A LICENSED FLOOD HAZARD AREA IS RECOMMENDED. FOR MORE INFORMATION CONTACT THE LOCAL FLOOD HAZARD AREA MAPING CORPS OF ENGINEERS, AN INSURANCE AGENT, OR THE SURVEYOR'S APPRAISER.

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3. DEED TO THE PROPERTY, BOOK 4444 PAGE 100, DECEMBER 15, 1988, DEKALB COUNTY, GEORGIA.

4. DEED TO THE PROPERTY, BOOK 4444 PAGE 100, DECEMBER 15, 1988, DEKALB COUNTY, GEORGIA.

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10. DEED TO THE PROPERTY, BOOK 4444 PAGE 100, DECEMBER 15, 1988, DEKALB COUNTY, GEORGIA.

PROPERTY INFORMATION

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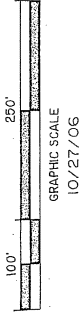
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HAMMOCK BAY AT LAKE HORTON

L.L. 169 & 184 4th DISTRICT
FAYETTE COUNTY, GA



R.M. BOYD & ASSOCIATES

LAND SURVEYING & ENGINEERING, INC.
325 SOUTH LEE STREET
FAYETTEVILLE, GA. 30214
(770) 461-2417



NOTE

100 YEAR PONDING ELEVATIONS PROVIDED BY W.A. BRUNDAGE, REGISTERED PROFESSIONAL ENGINEER NO. 18705. (LOTS 2 & 22)

CENTERLINE CURVE DATA

CURVE NO. 3 CURVE NO. 4
 $\Delta = 23^{\circ}04'26''$ $\Delta = 58^{\circ}00'35''$
 RAD = 200.00' RAD = 172.00'
 LEN = 91.03' LEN = 94.25'
 TAN = 31.03'

T.B.M.

TOP OF C.B. A-4
ELEV = 809.45

TOP OF C.B. D-4
ELEV = 799.12



CENTERLINE CURVE DATA

CURVE NO. 1 CURVE NO. 2
 $\Delta = 9^{\circ}01'58''$ $\Delta = 16^{\circ}53'25''$
 RAD = 300.00' RAD = 300.00'
 LEN = 70.10' LEN = 44.34'
 TAN = 35.11'

TANGENT DATA

DISTANCE	BEARING
A 10.00'	S 10°40'36" E
B 43.02'	S 79°19'24" W
C 10.23'	S 1°27'13" W
D 40.87'	N 79°19'24" E
E 36.83'	S 79°19'24" W
F 14.78'	S 36°49'43" W

1000' WATERSHED IMPACT AREA AS SHOWN ON THE PRELIMINARY PLAT PREPARED BY W.A. BRUNDAGE, P.E. NO. 18705 DATED 1/23/06

N/F ANTIPOCH BAPTIST CHURCH OF FAYETTE COUNTY, INC.
 D.B. 676, PG 306 - 307
 P.B. 1, PG 193
 P.B. 43, PG 120

10' ATLANTA CONCRETE EASEMENT
 D.B. 1006, PG 71-75

100 YR PONDING
ELEV = 809.00

100 YR PONDING
ELEV = 809.00

100 YR PONDING
ELEV = 809.00

100 YR PONDING
ELEV = 809.00

COMMON AREA
0.010 AC.
419.50 FT

COMMON AREA
0.010 AC.
419.50 FT

COMMON AREA
0.010 AC.
419.50 FT

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

LOT 1 - WURSTER ACRES
P.B. 35, PG 155

PETITION NO: A-848-23

Requested Action: Variance to reduce the required side yard zoning buffer adjacent to A-R zoned property from 30' to 15' for a new medical office building.

Location: 1336 Hwy 54 W, Fayetteville, GA 30214

Parcel(s): 0704 010

District/Land Lot(s): 7th District, Land Lot(s) 8

Owner(s): Fayetteville 1336 Land Rik MP, LLC

Agent: Darrell Phillips & Gregg Graines, Remedy Medical Properties, Inc.

Zoning Board of Appeal Public Hearing: November 27, 2023

REQUEST

Applicant is requesting the following variance for the construction of a principal structure:

1. Variance to reduce the required side yard buffer from 30' to 15' per Sec. 110-142.(f)(6). Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.

STAFF RECOMMENDATION

It is staff's opinion that the property does present unique topographic constraints. Topography, overhead and underground utilities, and site design requirements in the State Route Overlay create challenging design constraints. The developer has agreed to enhance the plantings in the building setback area to meet the intent of the 30' buffer requirement.

It should be noted that reducing the zoning buffer may make it difficult for the project to meet the tree density/landscaping requirements.

Staff recommends **CONDITIONAL APPROVAL** of the request to reduce the side yard zoning buffer for the building from 30 feet to 15 feet.

CONDITIONS:

1. The reduction of the buffer is only in the area adjacent to building, as illustrated in the site plan dated 09/19/2023 (see site plan on Page 2).
2. Granting this variance **does not** reduce the requirements for landscaping, tree density, stormwater treatment, water quality or any other requirement in the development regulations.
3. Any trees within the remaining zoning buffers and/or landscape strip areas whose critical root zone is damaged or impacted in any way shall be replaced and shall not be counted toward existing site density units.

4. The balance of the buffer and setback area behind the building and rear sidewalk shall be planted with evergreen trees and shrubs to provide a visual screen.

HISTORY

The subject property is part of the Fayette Professional Park, which was rezoned from A-R to O-I and approved by the Board of Commissioners on September 22, 2005. It is partially developed with medical office buildings. The interior road is a private street.

ZONING REQUIREMENTS

Sec. 110-142. Office-Institutional District.

(f) – Dimensional requirements.

(6) Buffer: If the rear or side yard abuts a residential or A-R zoning district, a minimum buffer of 30 feet adjacent to such lot line shall be provided in addition to the required setback, and the setback shall be measured from the buffer. Additional buffer and setback requirements may be established as a condition of zoning approval.

DEPARTMENTAL COMMENTS

- Water System** – FCWS has no objection to the proposed variance.
- Public Works/Environmental Management** – No objections. Reduction of buffer area may make it difficult for the project to meet tree density requirements.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Fire** – No objections.
- GDOT** – Not applicable.
- Building Safety** – No objections. A building permit will be required.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

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

Please refer to the application form for the applicant's justification of 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.

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

No, there are extraordinary issues related to the parcel shape or topography. In particular, the slope of entrance drives and internal turning radii need to accommodate emergency vehicles and two-way traffic flow. Underground utilities further restrict where facilities may be located.

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

The application of the full buffer & setback distances will make it difficult to provide best vehicular circulation patterns.

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

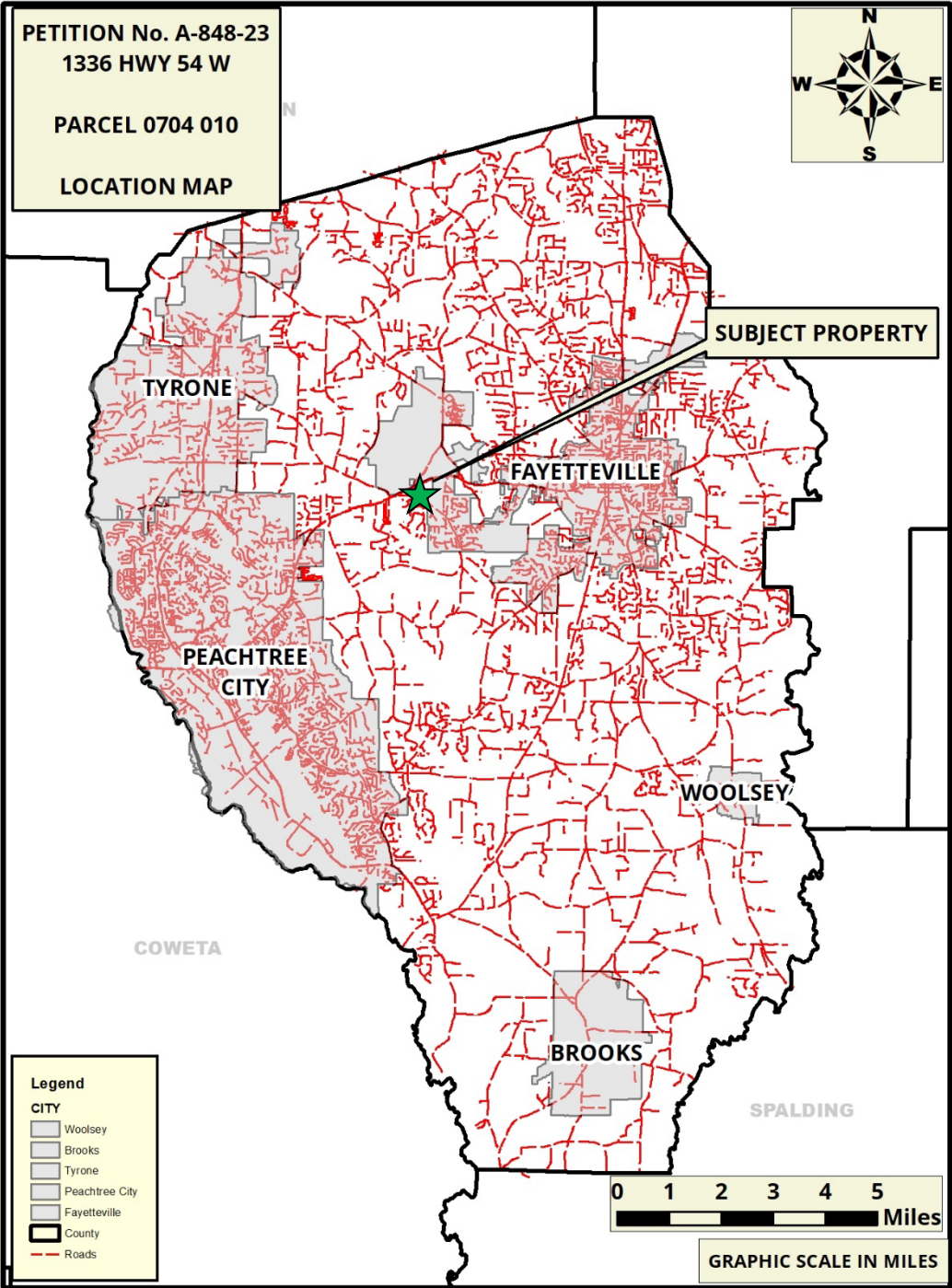
The combination of topographic issues and overhead & underground utilities is unique to the site.

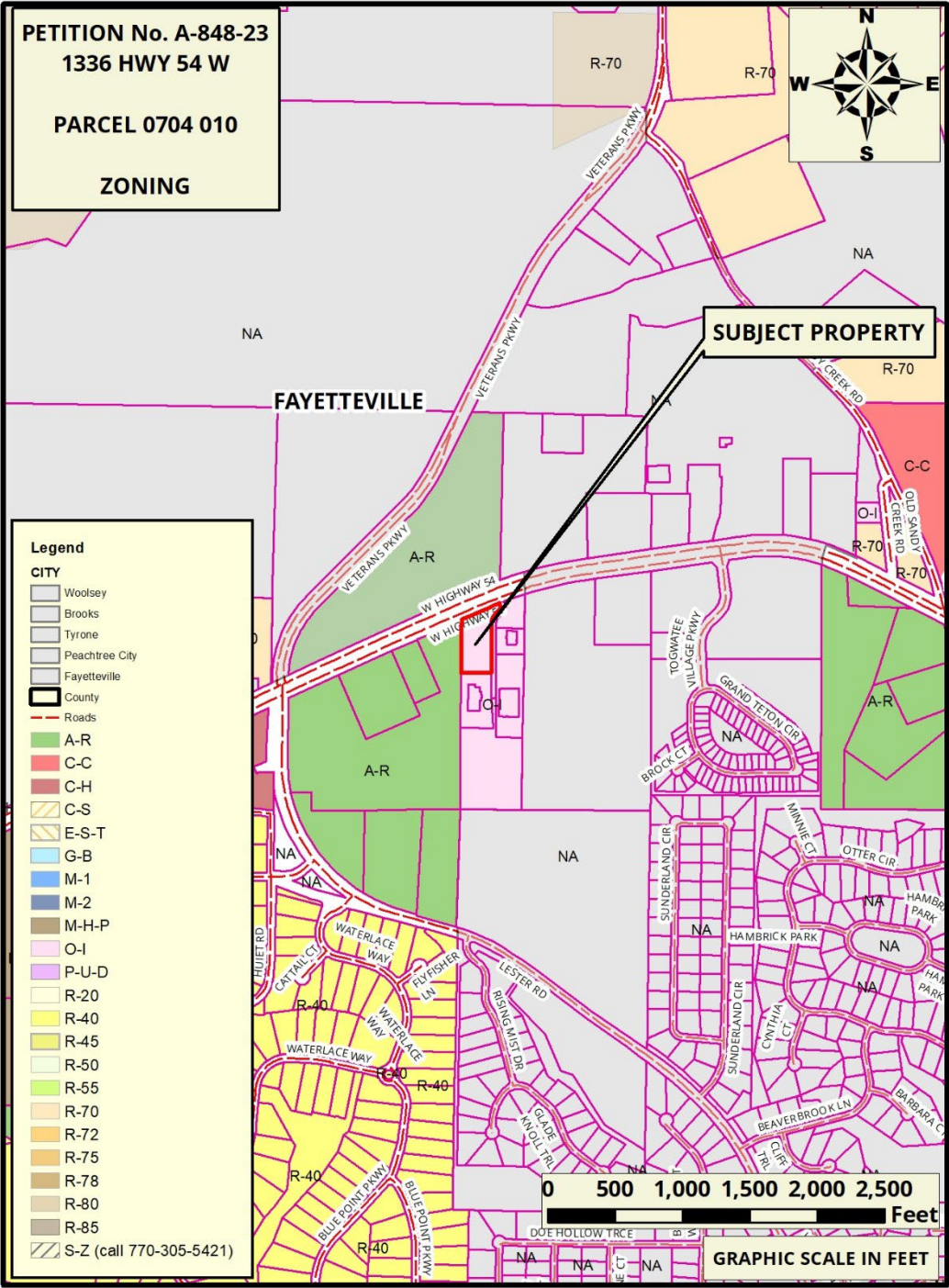
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and,

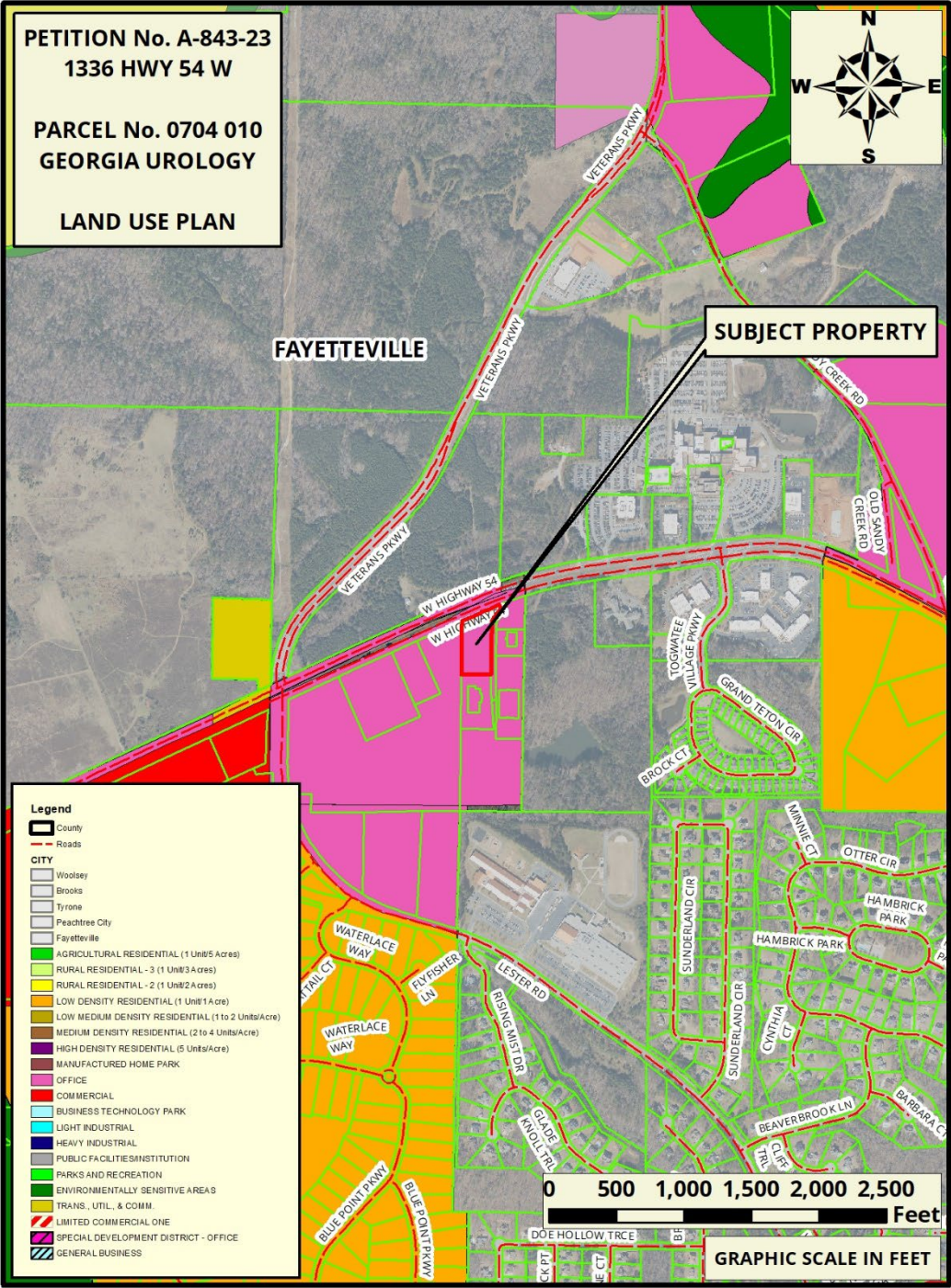
Relief would reduce the zoning buffer adjacent to an A-R zoned parcel. Developer has agreed to enhance the plantings in the buffer and setback area on the west side to mitigate impacts.

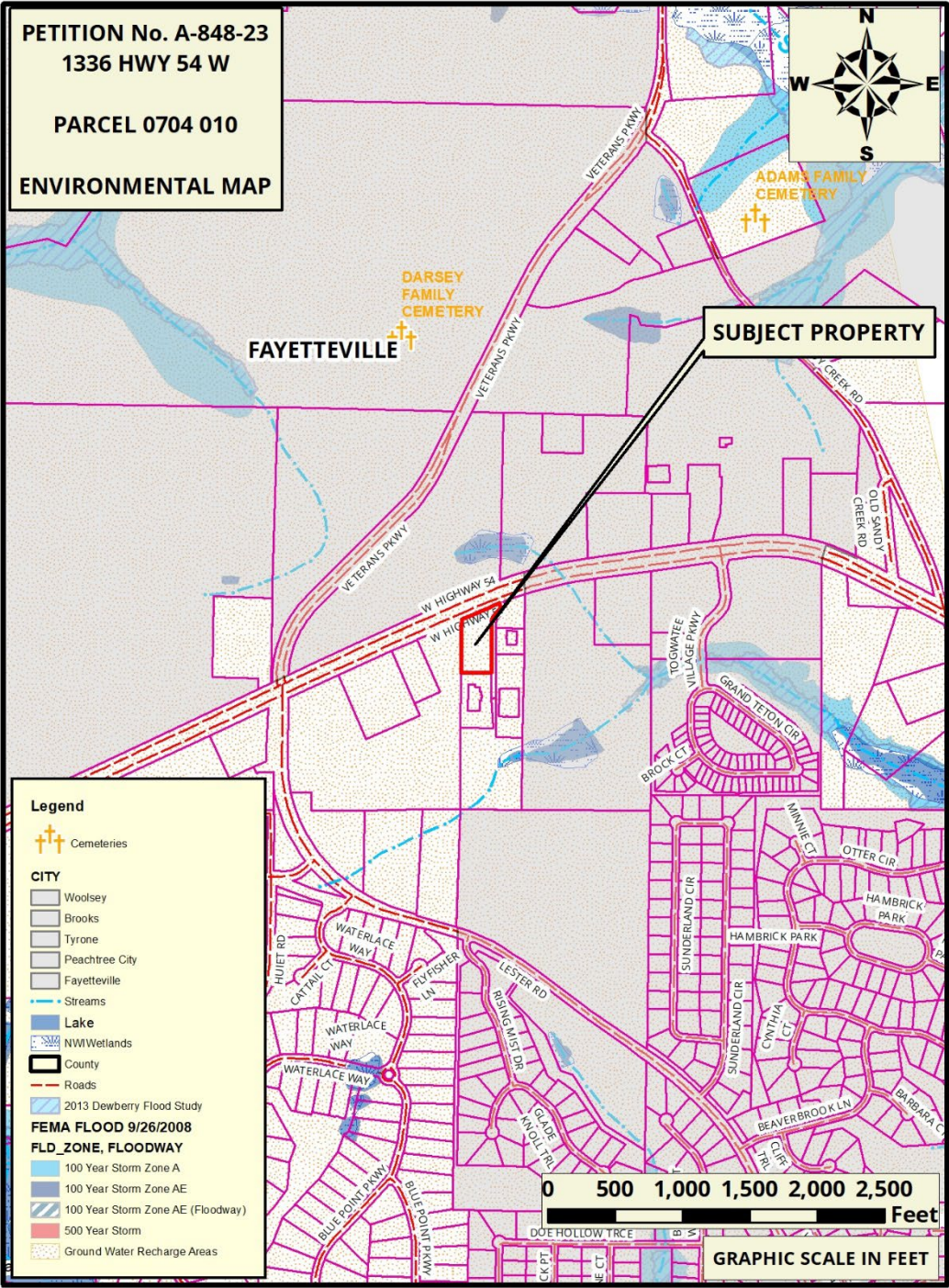
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,

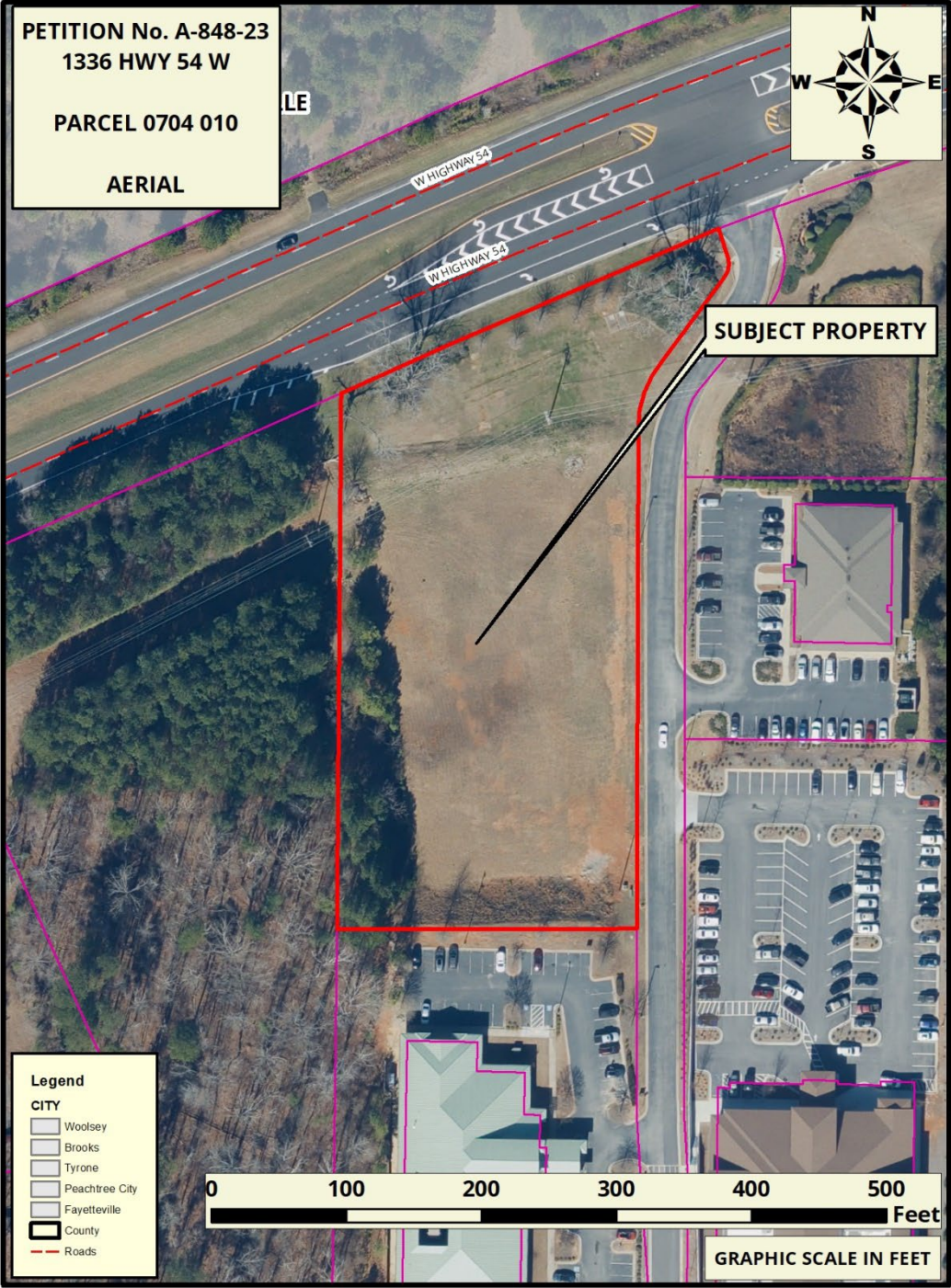
The applicant may still develop the property according to the regulations but the building would not provide the same level of service.







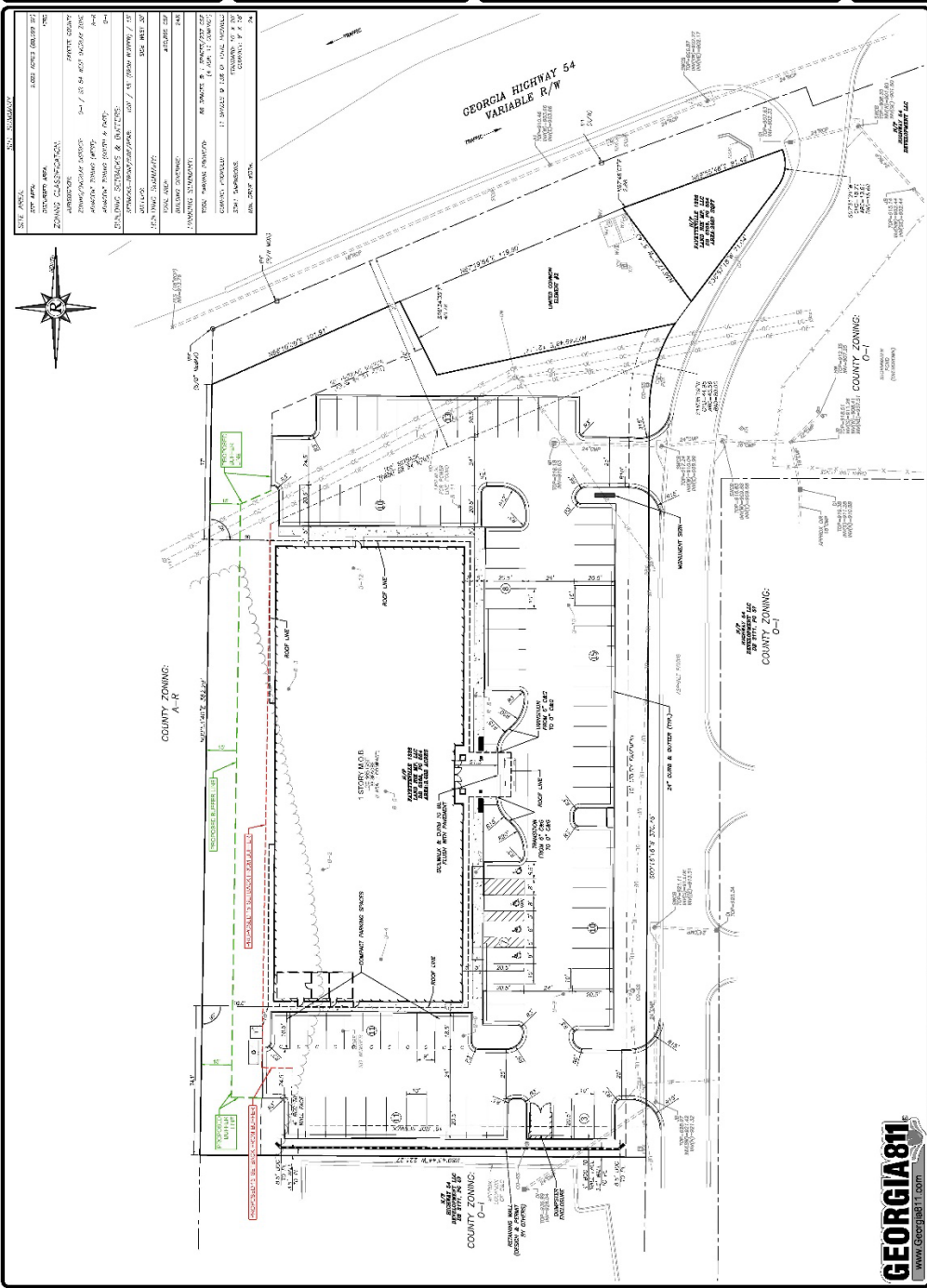




NO.	DATE	DESCRIPTION	REVISIONS



DATE	1
SCALE	1" = 20'
PROJECT	RESURGENTS PARK
OWNER	GEORGIA UROLOGY CENTER
DESIGNER	REGHESTER DCCM



VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0704 010 Acreage: approx. 2.022 acres

Land Lot: 8 Land District: 7th

Address: 1336 Highway 54 West, Fayetteville, GA 30214

Existing Zoning: O-I (Office Institutional) Requested Zoning: O-I (Office Institutional) with variance

Zoning of Surrounding Properties: O-I (Office Institutional) and A-R (Agricultural-Residential)

Existing Use: undeveloped lot in a medical office park Proposed Use: medical office and ambulatory surgery center

PROPERTY OWNER INFORMATION

AGENT/DEVELOPER INFORMATION

(If not owner)

Name Fayetteville 1336 Lank Rik MP, LLC

Name William Woodson Galloway

Email ggraines@remedymed.com

Email woody@glawgp.com, jordan@glawgp.com

Address 800 W. Madison Street, Suite 400

Address 4062 Peachtree Road NE, Suite A330

City Chicago

City Atlanta

State IL Zip 60607

State GA Zip 30319

Phone (317) 489-6648

Phone (404) 965-3681

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: _____

Application Insufficient due to lack of:

by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received from _____ a check in the amount of \$ _____

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

Date Paid: _____ Receipt Number: _____

Received from ROCHESTER ASSOCIATES, LLC a check in the amount of \$ 225.00

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

Date Paid: SEPT. 1, 2023 Receipt Number: 018981

PAID \$ 225.00 TOTAL . \$ 50 SIGN DEPOSIT

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:

Fayetteville 1336 Land Rik MP, LLC

Please Print Names

Property Tax Identification Number(s) of Subject Property: 0704 010

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 7th District, and (if applicable to more than one land district) Land Lot(s) 8 of the District, and said property consists of a total of 2.022 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Remedy Medical Properties, Inc. 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.

Fayetteville 1336 Land Rik MP, LLC

By: [Signature]
Name: Gregg Orwell, Authorized Signatory

800 W. Madison Street, Suite 400, Chicago, IL 60607
Address

Signature of Property Owner 2

Address

Remedy Medical Properties, Inc.

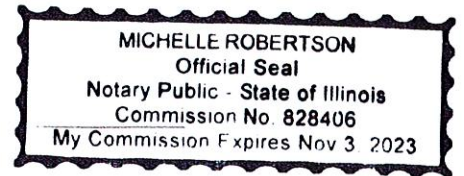
By: [Signature]
Signature of Authorized Agent:
Name: Gregg Orwell, authorized signatory

800 W Madison, Suite 400, Chicago, IL 60607
Address

[Signature]

Signature of Notary Public

9/11/2023
Date



Signature of Notary Public

Date

[Signature]

Signature of Notary Public

9/11/2023
Date



VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Section 110-142(f)(6)	30' buffer adjacent to an A-R zoning district	15' buffer adjacent to A-R district with additional 15' setback	Reduce buffer from 30' to 15'

VARIANCE SUMMARY

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

The Applicant requests a Variance from Section 110-142(f)(6) to reduce the required buffer adjacent to

 the neighboring undeveloped A-R district from 30 feet to 15 feet to allow the development of a medical

 office building in a medical office park. As shown on the enclosed Site Plan and Landscape Plan, the

 Applicant will still provide vegetative plantings in the buffer as well as the full 15-foot side yard setback.

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.

Please see enclosed 'Criteria Analysis'.

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

Please see enclosed 'Criteria Analysis'.

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

Please see enclosed 'Criteria Analysis'.

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.

Please see enclosed 'Criteria Analysis'.

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

Please see enclosed 'Criteria Analysis'.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

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

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

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

- Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

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

CRITERIA ANALYSIS
APPLICATION FOR VARIANCE
FAYETTE COUNTY, GEORGIA

Remedy Medical Properties, Inc., (the “Applicant”) on behalf of Fayetteville 1336 Land Rik MP, LLC, (the “Owner”) requests a Variance from Section 110-142(f)(6) of the Fayette County Zoning Ordinance to reduce the required buffer along the western property line of the property located at 1336 Highway 54 West (Parcel Number 0704 010) (the “Property”) from 30 feet to 15 feet for the purpose of developing a medical office building. The Property is zoned to the Office-Institutional (O-I) district and is part of Resurgens Park, a medical office park in which three medical office buildings are already developed. To the west the Property is adjacent to undeveloped land zoned to the Agricultural-Residential (A-R) district. Consequently, the O-I district requires a 30-foot buffer plus an additional 15-foot building setback along the Property’s western lot line. The Applicant requests to reduce the required buffer to 15 feet but would commit to adding the landscape improvements to the buffer shown on the enclosed Landscape Plan to achieve the visual screening requirements for all zoning buffer areas.

Because it is located within a medical office park, for all practical purposes the Property is useable for a medical office building and virtually nothing else. However, the Property has several physical characteristics that, in combination, necessitate developing any such building closer to the Property’s western lot line. First, the Property’s narrow shape restricts its buildable area, and the SR 54 West Overlay Zone’s parking requirements limit site design options by requiring both a large front yard and allowing no more than 50% of provided parking between a building and the highway. Second, an overhead electric power transmission line easement crossing the northern end of the Property further restricts the buildable area. Third, the topographic grade along the Property’s eastern lot line and the preference to provide two-way drive aisles for improved circulation and safety requires situating the development’s parking areas further from the office park’s internal driveway due to accepted standards for maximum slopes within vehicle maneuvering areas. Fourth, the topographic conditions limit the acceptable locations of curb cuts providing access to the Property. Finally, if the development is not situated further west, the Property’s narrow shape would likely require the encroachment of utility

easements along the internal driveway and would reduce the ability to meet landscaping requirements between the office park's driveway and the proposed parking area.

For these numerous reasons, substantial grounds exist for approving the requested Variance. Accordingly, and because the Variance is consistent with the criteria for approving variances established at Section 110-242(b) of the Zoning Ordinance, as described below, the Applicant respectfully asks that the Fayette County Zoning Board of Appeals approve the Variance as requested.

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

The Property is roughly rectangular in shape, with Highway 54 adjacent to the north and the Resurgens Park internal driveway adjacent to the east. The Property is relatively narrow, however, and an overhead electric power transmission line easement crossing the north end of the Property restricts the buildable area. Additionally, the topography along the Property's eastern lot line limits the possible locations of access points, and the topographic grade change between the internal driveway and the proposed parking areas requires the proposed parking area to be located further away from the eastern lot line. The SR 54 West Overlay Zone prohibits more than half of the provided parking to be located between a building and the highway, though, requiring significant parking to be located instead between the building and the eastern lot line. Moreover, the parking area's drive aisles need to be wide enough to allow maneuvering access for emergency vehicles. All of these factors constrain the location of the proposed medical office building, necessitating it to be located further west on the Property. This combination of narrow shape, powerline easement, and topographical grade change, and other difficult site characteristics, is an extraordinary and exceptional condition pertaining to the Property that supports approval of the Variance.

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

Section 110-142(f)(6) of the Fayette County Zoning Ordinance requires a 30-foot buffer along the Property's western lot line, interior to which an additional 15-foot setback is required. Combined, these requirements push the Property's buildable area eastwards by 45 feet. The Applicant is requesting only a 50% reduction to the buffer, such that the proposed development

would provide a 15-foot buffer and the 15-foot setback. While the actual difference between the combined 45-foot requirement and the Applicant's combined 30-foot proposal may be small, the practical effect is huge. Due to the engineering standards for parking areas and vehicle circulation, operational requirements for medical facilities, economic constraints, and other site development requirements of the Zoning Ordinance, strict application of Section 110-142(f)(6) could prevent or greatly hamper the proposed development. And because the Property is part of a medical office park, failure to use it for a medical office building would render the Property virtually unusable for productive purposes, obviously creating a practical difficulty and unnecessary hardship for the Owner and the Applicant.

(3) Such conditions are peculiar to the particular piece of property involved; and

The combination of narrow shape, the presence of overhead electrical power transmission lines, topographical challenges at the Property's access points on the internal driveway, and location in a medical office park are peculiar to the Property.

(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; and

As described above, the Applicant is proposing to provide a 15-foot buffer and a 15-foot setback along the western lot line, and would commit to landscaping the buffer in accordance with the Landscape Plan enclosed with the Application. Because the requested relief is slight and the proposed landscaping would mitigate the reduction of the buffer's width, the Variance, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance.

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


The Property is zoned to the O-I district, in which medical office uses are allowed by right. The Property is also located in a medical office park, in which three medical office buildings are already developed. The Applicant seeks to develop the Property for a medical office building, but cannot practically do so due to Section 110-142(b)(6)'s 30-foot buffer

requirement and the physical characteristics of the Property. Consequently, a literal interpretation of the Zoning Ordinance in this case would deprive the Applicant of rights that others in the same zoning district are allowed.

As described above, the requested Variance is consistent with the criteria for approving variances established in the Fayette County Zoning Ordinance. Accordingly, the Applicant respectfully asks that the Zoning Board of Appeals approve the Variance as requested.

Sincerely,

THE GALLOWAY LAW GROUP, LLC



William Woodson Galloway
Attorney for the Applicant

4062 Peachtree Road NE, Suite A330
Atlanta, Georgia 30319



Doc ID: 011347240007 Type: WD
Recorded: 09/20/2021 at 09:05:00 AM
Fee Amt: \$445.90 Page 1 of 7
Transfer Tax: \$420.90
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK **5368** PG **554-560**

Tax Parcel No. 0704-010 & 0704-046

UPON RECORDING RETURN TO:

Fayetteville 1336 Land RIK MP, LLC
c/o Remedy Medical Properties, Inc.,
800 W Madison Street, Suite 400
Chicago, IL 60607
Attention: Gregg Graines

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made as of August 13, 2021, between **FAYETTEVILLE 1336 LAND MEDICAL PROPERTIES, LLC**, a Delaware limited liability company (herein called "Grantor"), and **FAYETTEVILLE 1336 LAND RIK MP, LLC**, a Delaware limited liability company (herein called "Grantee").

WITNESSETH: That Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land described on **Exhibit A**, attached hereto and made a part hereof.

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

This Deed and the warranty of title contained herein are made expressly subject to the items set forth on **Exhibit B** attached hereto and made a part hereof.

First American Title Insurance
National Commercial Services
NCS-9990016ASL.CO I

Book: 5368 Page: Land 554 Seq: 1

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

(The words "Grantor" and "Grantee" include all genders, plural and singular, and their respective heirs, successors and assigns where the context requires or permits.)

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

Signed, sealed and delivered in the presence of:

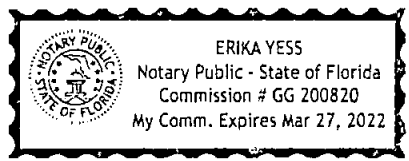
[Signature]
Unofficial Witness Ryenne Bentley

[Signature]
Notary Public

(NOTARY SEAL)

My Commission Expires:

MAY 27, 2022



GRANTOR:

FAYETTEVILLE 1336 LAND
MEDICAL PROPERTIES, LLC,
a Delaware limited liability company

By: [Signature]

Name: Russell M. Reiter

Title: Authorized Signatory

EXHIBIT A
REAL PROPERTY

Tax Parcel No.: 0704-010 & 0704-046

Address: 1336 Highway 54, Fayetteville, GA 30214

CONVERTIBLE SPACE #1
FAYETTE PROFESSIONAL CONDOMINIUM

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 97; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 1,421.29 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 1017.63 FEET TO A 5/8 INCH REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST, A DISTANCE OF 381.88 FEET TO A 5/8-INCH REBAR SET. THENCE NORTH 66 DEGREES 02 MINUTES 29 SECONDS EAST FOR A DISTANCE OF 46.57 FEET TO A POINT; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 91.16 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 87.97 FEET TO A POINT; THENCE NORTH 69 DEGREES 46 MINUTES 56 SECONDS EAST FOR A DISTANCE OF 81.42 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS 18.60 FEET AND AN ARC LENGTH OF 19.11 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 06 DEGREES 36 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 18.28 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 77.04 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 53.53 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 19 DEGREES 17 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 52.53 FEET TO A POINT; THENCE SOUTH 00 DEGREES 07 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 370.46 TO A 5/8-INCH REBAR SET; THENCE NORTH 89 DEGREES 52 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 222.19 FEET TO AN AFOREMENTIONED 5/8-INCH REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2.243 ACRES, OR 97,700 SQUARE FEET, MORE OR LESS, AND IS FURTHER DESCRIBED IN THAT CERTAIN AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM BY HIGHWAY 54 DEVELOPMENT, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED JANUARY 27, 2007, FILED FOR RECORD JANUARY 29, 2007, AND RECORDED IN DEED BOOK 3171, PAGE 1, AFORESAID RECORDS, AS AMENDED BY FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION

OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM, FILED ON MAY 8, 2012 AND RECORDED IN DEED BOOK 3890, PAGE 605, AFORESAID RECORDS, AND AS FURTHER AMENDED BY SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM RECORDED IN DEED BOOK 4504, PAGE 274, AFORESAID RECORDS (THE "DECLARATION") AND DEPICTED ON THAT CERTAIN AMENDED PLAT RECORDED IN PLAT BOOK 1, PAGES 150-152, CLERK'S OFFICE, FAYETTE COUNTY SUPERIOR COURT (THE "CONDOMINIUM PLAT").

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 97; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST, A DISTANCE OF 1421.29 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 1399.51 FEET TO A 5/8 INCH REBAR SET; THENCE NORTH 66 DEGREES 02 MINUTES 29 SECONDS EAST, A DISTANCE OF 46.57 FEET TO A POINT; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST, A DISTANCE OF 55.33 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 35.83 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 84.08 FEET TO A POINT; THENCE SOUTH 36 DEGREES 26 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 57.97 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST, A DISTANCE OF 4.48 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 8.25 FEET, BEING SUBTENDED BY A CHORD BEARING SOUTH 35 DEGREES 30 MINUTES 16 SECONDS WEST, A DISTANCE OF 8.24 FEET TO A POINT; THENCE SOUTH 77 DEGREES 40 MINUTES 56 SECONDS WEST, A DISTANCE OF 121.93 FEET TO A POINT; THENCE NORTH 26 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 40.78 FEET TO AN AFOREMENTIONED POINT, SAID POINT BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 0.151 ACRES, OR 6,575 SQUARE FEET, MORE OR LESS, AND IS FURTHER DESCRIBED IN THE DECLARATION AND DEPICTED ON THE CONDOMINIUM PLAT.

TOGETHER WITH THE APPURTENANT PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS AND LIMITED COMMON ELEMENTS APPURTENANT TO CONVERTIBLE SPACE #1, AS SET FORTH IN THE DECLARATION AND CONDOMINIUM PLAT, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SUBJECT TO THE PROVISIONS SET FORTH THEREIN.

CONVERTIBLE SPACE #2
FAYETTE PROFESSIONAL CONDOMINIUM

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 97; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 948.81 FEET TO A ½-INCH REBAR FOUND, SAID REBAR BEING THE POINT OF BEGINNING. THENCE ALONG SAID LAND LOT LINE NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST FOR A DISTANCE OF 472.48 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 614.45 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 88 DEGREES 52 MINUTES 15 SECONDS EAST FOR A DISTANCE OF 226.81 FEET TO A 5/8-INCH REBAR SET; THENCE SOUTH 00 DEGREES 56 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 65.72 FEET TO A POINT; THENCE SOUTH 89 DEGREES 03 MINUTES 39 SECONDS EAST FOR A DISTANCE OF 247.67 FEET TO A POINT; THENCE SOUTH 00 DEGREES 56 MINUTES 13 SECONDS WEST FOR A DISTANCE OF 543.86 FEET TO THE AFOREMENTIONED ½-INCH REBAR FOUND ON THE LAND LOT LINE DIVIDING LAND LOTS 7 & 8, SAID REBAR BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 6.277 ACRES, OR 273,404 SQUARE FEET, MORE OR LESS AND IS FURTHER DESCRIBED IN THE DECLARATION AND DEPICTED ON THE CONDOMINIUM PLAT.

TOGETHER WITH THE APPURTENANT PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS AND LIMITED COMMON ELEMENTS APPURTENANT TO CONVERTIBLE SPACE #2, AS SET FORTH IN THE DECLARATION AND CONDOMINIUM PLAT, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SUBJECT TO THE PROVISIONS SET FORTH THEREIN.

TOGETHER WITH NON-EXCLUSIVE EASEMENTS OF PEDESTRIAN AND VEHICULAR INGRESS AND EGRESS OVER THOSE PORTIONS OF THE COMMON ELEMENTS THAT ARE STREETS AND PARKING AREAS AS SET FORTH IN THE DECLARATION AND DEPICTED ON THE CONDOMINIUM PLAT, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SUBJECT TO THE PROVISIONS SET FORTH THEREIN.

EXHIBIT B

PERMITTED TITLE EXCEPTIONS

1. Taxes and assessments for the year 2021 and all subsequent years, which are not yet due and payable.
2. Rights of upper and lower riparian owners in and to the waters of the stream that traverses the Land, free from increase, decrease or pollution.
3. Rights of tenants, as tenants only, with no options to purchase or rights of first refusal, under unrecorded leases as of the date hereof.
4. Rights of way, utility lines, and construction/slope easements as shown on that certain plat recorded in Plat Book 35, Page 141, Fayette County, Georgia records.
5. Buffers, setback lines, utility lines, and rights of way as shown on that certain plat recorded in Condominium Plat Book 1, Page 150, aforesaid records.
6. Easements as conveyed in Right-of-Way Deed from J. W. Adams to Highway Board of Georgia, and their successor, dated December 12, 1936, filed for record January 14, 1937 and recorded in Deed Book Z, Page 79, aforesaid records.
7. Easements as conveyed in Right-of-Way Deed from Ernest M. Adams and Marilyn Mayfield Adams to Department of Transportation, dated May 1, 1989, filed for record May 1, 1989 and recorded in Deed Book 551, Page 190, aforesaid records.
8. Conveyance of access rights as contained in that certain Right of Way Deed from Ernest Milton Adams and Marilyn Mayfield Adams to Department of Transportation, dated August 3, 1989, filed for record August 4, 1989, and recorded in Deed Book 564, Page 58, aforesaid records.
9. Terms and provisions of that certain Amended and Restated Declaration of Condominium for Fayette Professional Condominium, by Highway 54 Development, LLC, a Georgia limited liability company, dated January 26, 2007, filed for record January 29, 2007, and recorded in Deed Book 3171, Page 1, aforesaid records; as amended by that certain First Amendment to the Amended and Restated Declaration of Condominium for Fayette Professional Condominium, dated April 26, 2012, filed for record May 8, 2012, and recorded in Deed Book 3890, Page 605, aforesaid records; and as amended by that certain Second Amendment to the Amended and Restated Declaration of Condominium for Fayette Professional Condominium, dated August 30, 2016, filed for record August 31, 2016, and recorded in Deed Book 4504, Page 274, aforesaid records; and as affected by Assignment of Declarant's Rights dated February 16, 2018, filed for record March 1, 2018 and recorded in Deed Book 4713, Page 601, aforesaid records.
10. Matters that would be disclosed by an accurate and complete land survey of the Property.

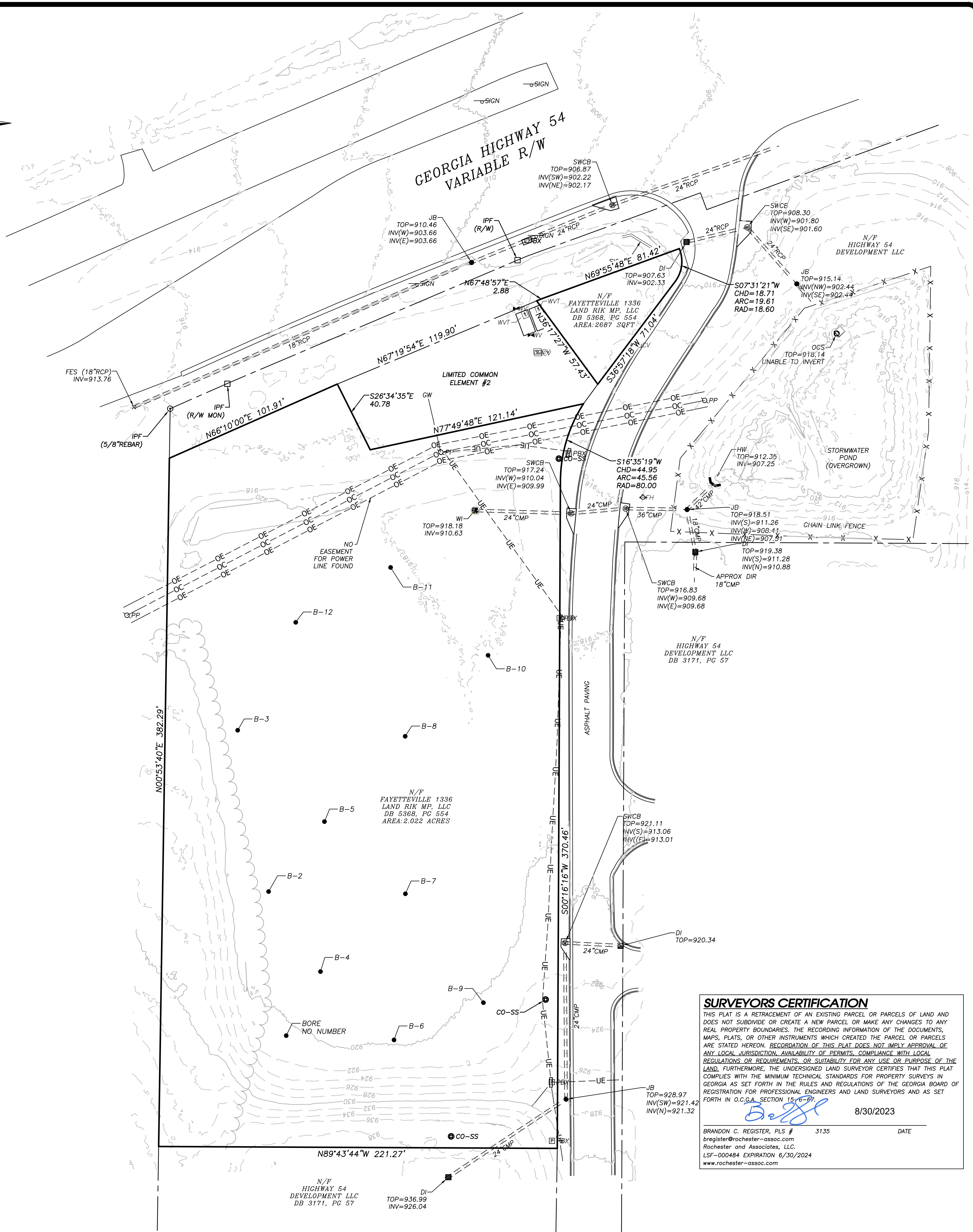
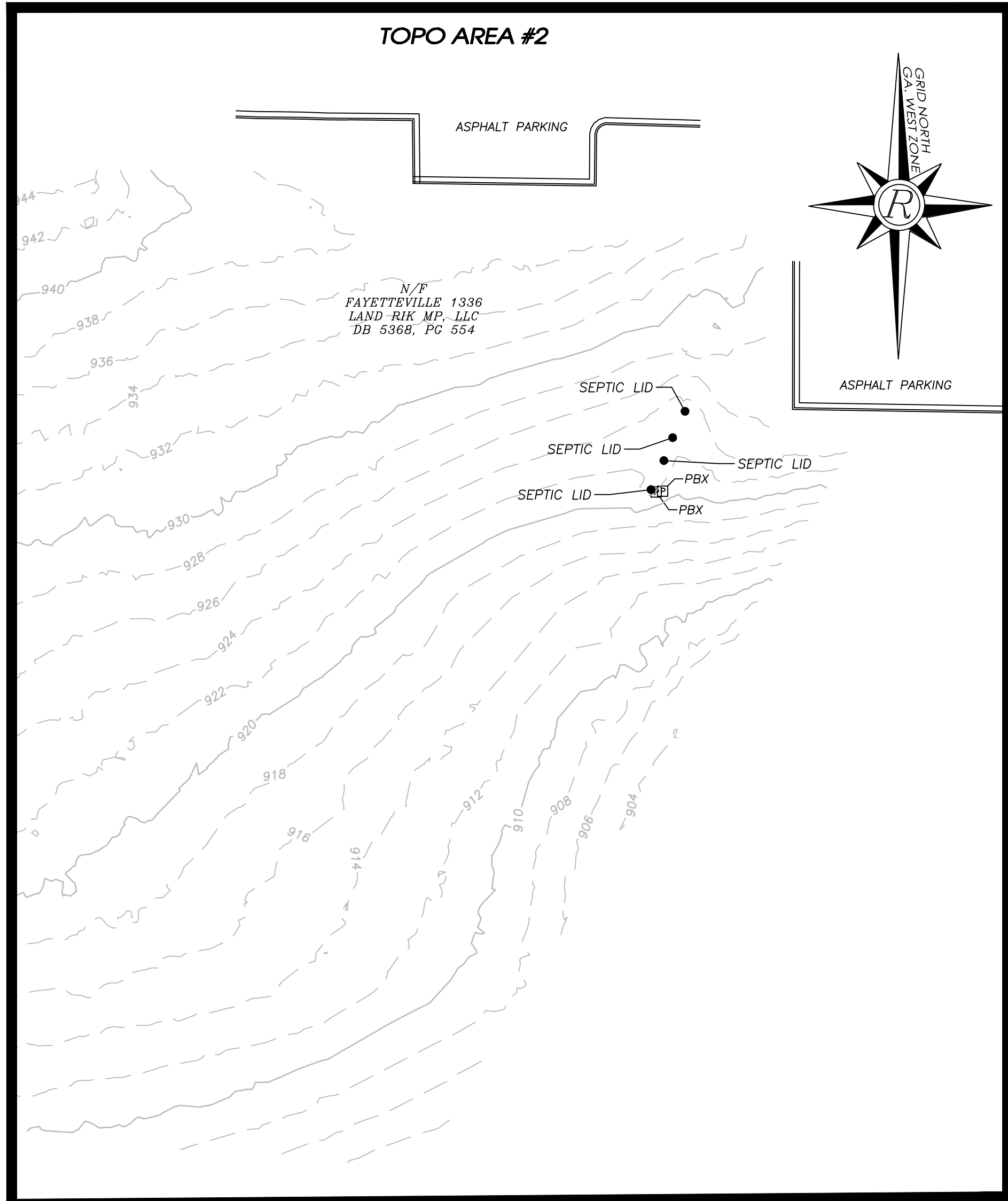
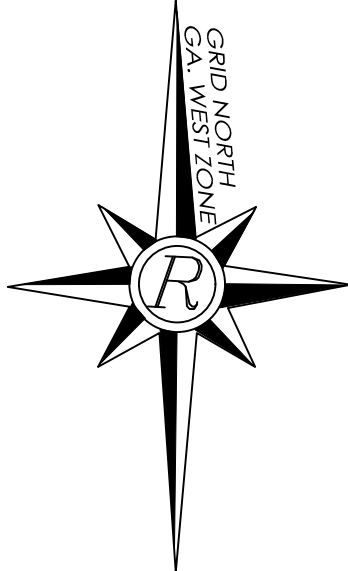
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

LEGEND

- AIF - ANGLE IRON FOUND
- AKA - ALSO KNOWN AS
- BC - BRICK OF CURB
- BL - BUILDING SETBACK LINE
- BLDG - BUILDING
- BWF - BARBED WIRE FENCE
- C&G - CURB & GUTTER
- CBX - CABLE BOX
- CCN - CONCRETE NAIL
- CTP - CRIMP TOP PIPE
- CI - CURB INLET
- CL - CENTER LINE
- CLF - CHAIN LINK FENCE
- CMF - CONCRETE MONUMENT FOUND
- CMP - CORRUGATED METAL PIPE
- CO - CLEANOUT
- CONC - CONCRETE
- CTF - CRIMP TOP PIPE FOUND
- DBPG - DEED BOOK, PAGE
- DE - DRAINAGE EASEMENT
- DI - DROP INLET
- DIP - DUCTILE IRON PIPE
- DIR - DIRECTION
- DWCB - DOUBLE-WING CATCH BASIN
- EP - EDGE OF PAVEMENT
- FES - FLARED END SECTION
- FTE - FINISHED FLOOR ELEVATION
- FI - FIRE HYDRANT
- G- GAS LINE
- GM - GAS METER
- GP - GUY POLE
- GT - GREASE TRAP
- GV - GAS VALVE
- GW - GUY WIRE
- HC - HATCH PARKING SPACE
- HW - HEADWALL
- INV - INVERT
- IPF - IRON PIN FOUND
- IPS - IRON PIN SET (1/2" REBAR)
- JB - JUNCTION BOX
- LL - LAND LOT
- LLL - LAND LOT LINE
- LP - LIGHT POLE
- MH - MANHOLE
- MON - MONUMENT
- N/F - NOW OR FORMERLY
- OC- OVERHEAD COMMUNICATION LINE
- OCS - OUTLET CONTROL STRUCTURE
- OE- OVERHEAD POWER LINE
- OTF - OPEN TOP PIPE
- P- POWER LINE
- PT- POWER & TELEPHONE LINE
- PBX - POWER BOX
- PF - PIPE FOUND
- P/L - PROPERTY LINE
- PM - POWER METER
- POB - POINT OF BEGINNING
- PP - POWER POLE
- PS - PARKING SPACES
- PLP - POWER & LIGHT POLE
- PTP - POWER & TELEPHONE POLE
- FVC - POLYVINYLCHLORIDE PIPE
- PVMT - PAVEMENT
- RB - REBAR
- RCP - REINFORCED CONCRETE PIPE
- RET - RETAINING
- R/W - RIGHT OF WAY
- S- SANITARY SEWER LINE
- SE - SANITARY SEWER EASEMENT
- S/W - SIDEWALK
- SWCB - SINGLE-WING CATCH BASIN
- TBM - TEMPORARY BENCHMARK
- TBX - TELEPHONE BOX
- TFR - TRANSFORMER
- TMH - TELEPHONE MANHOLE
- TP - TELEPHONE POLE
- TPOB - TRAFFIC SIGNAL POLE
- TSP - TELEPHONE LINE
- UC- UNDERGROUND COMMUNICATION
- UE- UNDERGROUND ELECTRIC
- UP- UNDERGROUND POWER
- UT- UNDERGROUND TELEPHONE
- WI - WEIR INLET
- WL - WATER LINE
- WFL - WETLAND FLAG
- WM - WATER METER
- WMH - WATER MANHOLE
- WV - WATER VALVE
- Ⓟ - PARKING SPACE NUMBER

SURVEY NOTES

1. THE FIELD DATA DATED 08/15/2023 UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,224 FEET AND AN ANGULAR ERROR OF 06" SECONDS PER ANGLE AND WAS ADJUSTED USING LEAST SQUARES. A TRIMBLE S-SERIES ROBOTIC TOTAL STATION WAS USED FOR ANGULAR AND LINEAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 102,473 FEET.
3. THE HORIZONTAL DATUM FOR THIS SURVEY IS THE NORTH AMERICAN DATUM OF 1983 (NAD 83 GEORGIA WEST ZONE) AND THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVOD88) AS DETERMINED BY UTILIZING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A DUAL FREQUENCY TRIMBLE R10 GNSS GPS RECEIVER WITH A TRIMBLE TSC7 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A WIRELESS NETWORK FROM BASE STATIONS OPERATED BY TRIMBLE NAVIGATION. THE AVERAGE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POSITIONS UTILIZED IN THIS SURVEY WAS 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL. THESE VALUES WERE DERIVED FROM GPS PROCESSING SOFTWARE. THE REMAINDER OF THE FIELD WORK WAS PERFORMED WITH CONVENTIONAL EQUIPMENT AS DESCRIBED ABOVE.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD, WHICH MAY EXIST. FURTHERMORE, THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY, OR RESTRICTIONS, WHICH ARE NOT RECORDED OR NOT DISCLOSED BY THE TITLE COMMITMENT OR OTHERWISE UNKNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
5. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE AT THE TIME OF THE SURVEY. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
6. THIS PROPERTY MAY OR MAY NOT CONTAIN WETLAND AREAS. NO EFFORTS HAVE BEEN MADE BY THIS SURVEYOR TO IDENTIFY OR LOCATE ANY WETLAND AREAS ON THIS PROPERTY. A QUALIFIED WETLAND SPECIALIST OR BIOLOGIST, PRIOR TO ANY LAND DISTURBANCE, SHOULD PERFORM WETLAND IDENTIFICATION AND DELINEATION.
7. THIS PROPERTY IS LOCATED IN A FLOOD ZONE "X" AS PER F.E.M.A. INSURANCE RATE MAP OF FAYETTE COUNTY, GEORGIA. MAP NO. 13113C0084E, EFFECTIVE DATE SEPTEMBER 26, 2008.
8. DURING THE FIELD SURVEY PERFORMED ON THIS SITE THERE WERE NO VISIBLE ABOVE GROUND EVIDENCE OF A HUMAN BURIAL AREA OR CEMETERY OBSERVED. HOWEVER, THIS SURVEYOR DID NOT PERFORM A THOROUGH INSPECTION OF THE INTERIOR OF THIS SITE. THEREFORE EXCEPTION IS MADE HEREIN TO ANY HUMAN AREAS OR CEMETERIES THAT MAY EXIST WITHIN THE BOUNDARIES OF THIS SITE.
9. ALL PROPERTY CORNERS REFERENCED AS "IPS" INDICATES A 1/2" REBAR PLACED WITH A YELLOW PLASTIC CAP STAMPED "ROCHESTER-LSF000484", UNLESS OTHERWISE NOTED.
10. THIS PLAT IS FOR THE EXCLUSIVE USE OF THE ENTITIES SHOWN HEREON; ANY USE BY THIRD PARTIES IS AT THEIR OWN RISK.
11. ALL DISTANCES AS SHOWN ARE HORIZONTAL GROUND DISTANCES IN U.S. SURVEY FEET (39.37 INCHES = 1 METER)
12. CONTOUR INTERVAL IS 1 FOOT.

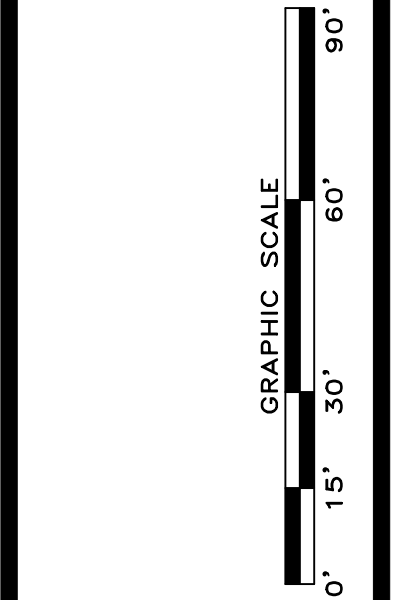


SURVEYORS CERTIFICATION
 THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-1-67.
 BRANDON C. REGISTER, PLS # 3135 DATE 8/30/2023
 bregister@rochester-assoc.com
 Rochester and Associates, LLC.
 LSF-000484 EXPIRATION 8/30/2024
 www.rochester-assoc.com

Rochester BCCM
 Rochester and Associates, LLC
 286 Highway 314, Suite A, Fayetteville, GA 30214
 770.718.0600 p | www.rochester-assoc.com

RETRACEMENT AND TOPOGRAPHIC SURVEY FOR
GA UROLOGY RESURGENS PARK
 LAND LOT B - 7TH DISTRICT
 FAYETTE COUNTY
 GEORGIA

NO.	DATE	DESCRIPTION

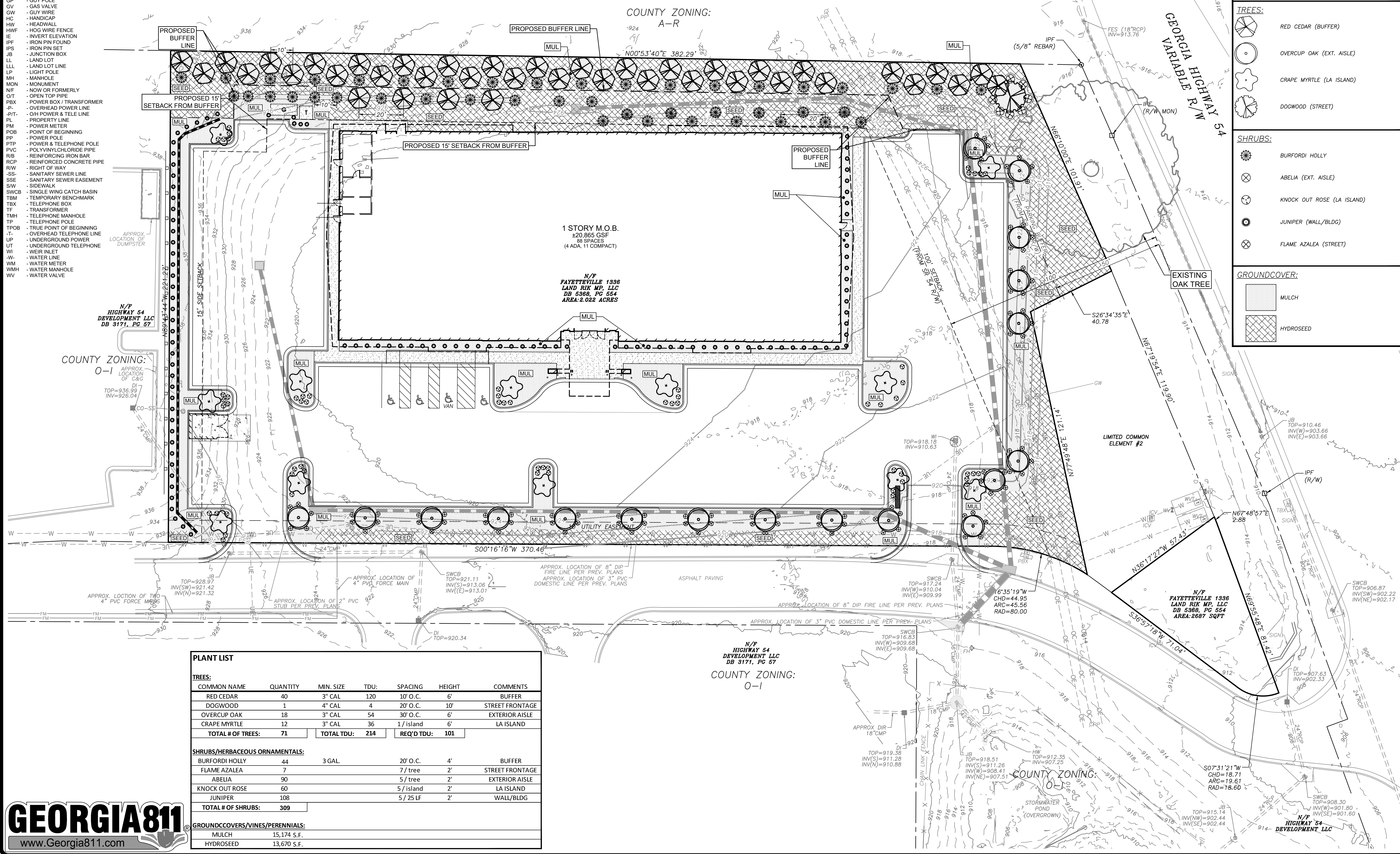


SHEET 1 OF 1
 DATE: 8/23/2023
 SCALE: 1" = 30'
 JOB NO.: F223017.MOB
 DRAWN BY: BCR
 DWG NO.: TOPO

- LEGEND:**
- AIF - ANGLE IRON FOUND
 - ANA - ALSO KNOWN AS
 - AZCSP - ALUMINUM TYPE CORRUGATED STEEL PIPE
 - BC - BACK OF CURB
 - BL - BUILDING SETBACK LINE
 - BWF - BARS WIRE FENCE
 - C&G - CURB & GUTTER
 - C/T - CRIMP TOP PIPE
 - CI - CURB INLET
 - CL - CENTER LINE
 - CLF - CHAIN LINK FENCE
 - CMF - CONCRETE MONUMENT FOUND
 - CMP - CORRUGATED METAL PIPE
 - CO - CLEAN OUT
 - CONC - CONCRETE
 - CORPUS - ARMY CORPS OF ENGINEERS
 - DB-BO - DEED BOOK, PAGE
 - DI - DROP INLET
 - DIP - DUCTILE IRON PIPE
 - DS - DOWN SPOUT
 - DWCB - DOUBLE WING CATCH BASIN
 - EP - EDGE OF PAVEMENT
 - FFE - FINISH FLOOR ELEVATION
 - FH - FIRE HYDRANT
 - G- - GAS LINE
 - GM - GAS METER
 - GP - GUY POLE
 - GV - GAS VALVE
 - GW - GUY WIRE
 - HC - HANDICAP
 - HW - HEADWALL
 - HWF - HOG WIRE FENCE
 - IE - INVERT ELEVATION
 - IPF - IRON PIN FOUND
 - IPS - IRON PIN SET
 - JB - JUNCTION BOX
 - LL - LAND LOT
 - LL - LAND LOT LINE
 - LP - LIGHT POLE
 - MH - MANHOLE
 - MON - MONUMENT
 - NIF - NOW OR FORMERLY
 - OIT - OPEN TOP PIPE
 - PBX - POWER BOX / TRANSFORMER
 - P- - OVERHEAD POWER LINE
 - PT- - OH POWER & TELE LINE
 - PL - PROPERTY LINE
 - PM - POWER METER
 - POB - POINT OF BEGINNING
 - PP - POWER POLE
 - PTP - POWER & TELEPHONE POLE
 - PVC - POLYVINYLCHLORIDE PIPE
 - R/B - REINFORCING IRON BAR
 - RCP - REINFORCED CONCRETE PIPE
 - R/W - RIGHT OF WAY
 - SS- - SANITARY SEWER LINE
 - SSE - SANITARY SEWER EASEMENT
 - SW - SIDEWALK
 - SWCB - SINGLE WING CATCH BASIN
 - TBM - TEMPORARY BENCHMARK
 - TBX - TELEPHONE BOX
 - TF - TRANSFORMER
 - TMH - TELEPHONE MANHOLE
 - TP - TELEPHONE POLE
 - TPOB - TRUE POINT OF BEGINNING
 - T- - OVERHEAD TELEPHONE LINE
 - UP - UNDERGROUND POWER
 - UT - UNDERGROUND TELEPHONE
 - WI - WEIR INLET
 - WL - WATER LINE
 - WM - WATER METER
 - WMH - WATER MANHOLE
 - WV - WATER VALVE

- GENERAL LANDSCAPE NOTES:**
1. ANY DEVIATIONS FROM THE APPROVED LANDSCAPE PLAN MUST BE APPROVED BY THE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT PRIOR TO INSTALLATION.
 2. A FINAL INSPECTION AND APPROVAL BY THE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT IS REQUIRED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 3. TREES SHALL HAVE MINIMUM CALIPER REQUIREMENTS OF 2 1/2 INCHES MEASURED AT SIX INCHES ABOVE GROUND AT TIME OF PLANTING.
 4. PLANTS WITH WOODRUS ROOT SYSTEMS SHALL NOT BE PLANTED WITHIN THE DRIPLINE AREA OF SAID PLANT NEXT TO ANY NITRIFICATION FIELD, SANITARY SEWER, OR PUBLIC WATER EASEMENT INCLUDING BUT NOT LIMITED TO THE EASTERN COTTONWOOD, WILLOW, AND LOMBARDY POPLAR.
 5. ALLOW AT LEAST 200 SQUARE FEET OF CONTIGUOUS SOIL SPACE PER OVERSTORY TREE. NO PARKING SPACE SHALL BE MORE THAN 40 FEET FROM A TREE.
 6. GROUND COVERS, FLOWERS, STONES, AND MULCH SHALL BE UTILIZED AS NEEDED TO MEET VEGETATIVE GROUND COVER REQUIREMENTS.
- LANDSCAPE MAINTENANCE NOTE:**
- THE OWNER IS RESPONSIBLE FOR ENSURING THAT PLANTINGS ARE ATTRACTIVELY MAINTAINED. ALL DEAD AND/OR DISEASED PLANTS SHALL BE REPLACED ANNUALLY AS A CONDITION OF OCCUPANCY.

- LEGEND:**
- TREES:**
- RED CEDAR (BUFFER)
 - OVERCUP OAK (EXT. AISLE)
 - CRAPE MYRTLE (LA ISLAND)
 - DOGWOOD (STREET)
- SHRUBS:**
- BURFORDI HOLLY
 - ABELIA (EXT. AISLE)
 - KNOCK OUT ROSE (LA ISLAND)
 - JUNIPER (WALL/BLDG)
 - FLAME AZALEA (STREET)
- GROUNDCOVER:**
- MULCH
 - HYDROSEED



PLANT LIST

TREES:	COMMON NAME	QUANTITY	MIN. SIZE	TDU:	SPACING	HEIGHT	COMMENTS
	RED CEDAR	40	3" CAL	120	10' O.C.	6'	BUFFER
	DOGWOOD	1	4" CAL	4	20' O.C.	10'	STREET FRONTAGE
	OVERCUP OAK	18	3" CAL	54	30' O.C.	6'	EXTERIOR AISLE
	CRAPE MYRTLE	12	3" CAL	36	1/ Island	6'	LA ISLAND
	TOTAL # OF TREES:	71		TOTAL TDU: 214	REQ'D TDU: 101		

SHRUBS/HERBACEOUS ORNAMENTALS:	COMMON NAME	QUANTITY	MIN. SIZE	TDU:	SPACING	HEIGHT	COMMENTS
	BURFORDI HOLLY	44	3 GAL.	20' O.C.	4'		BUFFER
	FLAME AZALEA	7	7' tree	2'			STREET FRONTAGE
	ABELIA	90	5' tree	2'			EXTERIOR AISLE
	KNOCK OUT ROSE	60	5' Island	2'			LA ISLAND
	JUNIPER	108	5' 25 LF	2'			WALL/BLDG
	TOTAL # OF SHRUBS:	309					

GROUNDCOVERS/VINES/PERENNIALS:	COMMON NAME	QUANTITY
	MULCH	15,174 S.F.
	HYDROSEED	13,670 S.F.

Rochester BCCM
286 Highway 314, Suite A, Fayetteville, GA 30214
770.718.0600 P | www.rochester-assoc.com

LANDSCAPE PLAN
GEORGIA UROLOGY CENTER
RESURGENS PARK
LAND LOT 6, 7TH DISTRICT
FAYETTE COUNTY
GEORGIA

NO.	DATE	DESCRIPTION	REVISIONS

ANY CHANGES OR ALTERATIONS MADE TO THESE CONSTRUCTION DRAWINGS WITHOUT THE WRITTEN APPROVAL OF ROCHESTER & HERON AND ANY LIABILITY ASSOCIATED WITH THIS PROJECT, ORIGINAL DRAWINGS ARE KEPT IN FILE FOR VERIFICATION OF ANY CHANGES.

GRAPHIC SCALE: 0' 10' 20' 40' 60'

REVIEW ONLY
(NOT FOR CONSTRUCTION)
11/09/2023

SHEET 1 OF 1
DATE: 11/09/2023
SCALE: 1" = 20'
JOB NO.: F223017.MOB.00
DRAWN BY: FDE
DWG NO.: LNSC.DWG



Wednesday, October 25, 2023

Wednesday, October 25, 2

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

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

Petition No.: A-847-23
 Owner(s)/Agent(s): Kimberly Waldrop, Owner
 Property Address: 104 Hammock Bay Drive, Fayetteville GA 30215
 Parcel: 043304007
 Zoning District: R-40
 Area of Property: 1 acre
 Land Lot(s): 169
 District: 4th
 Road Frontage: Hammock Bay Drive

Request: Variance to Sec. 110-137 (d)(5), requesting to reduce the setback for rear yard from 30' to 5'.
 Legal Description: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 184 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 16 OF HAMMOCK BAY AT LAKE HORTON, AS PER PLAT OF SAID SUBDIVISION FILED FOR RECORD IN PLAT BOOK 43, PAGES 159-163, FAYETTE COUNTY, GEORGIA RECORDS. THE DESCRIPTION OF SAID PROPERTY AS CONTAINED ON SAID PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

ZONING BOARD OF APPEALS FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, November 27, 2023 at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor. Consideration of the Fayette County Zoning Board of Appeals 2024 Calendar.

A copy of the above is available in the office of the Fayette County Planning and Zoning Department, 40 Stonewall Avenue West, Suite 202, Fayetteville, Georgia. This is the 25th day of October, 2023. Deborah L. Bell, RLA Planning & Zoning Director 10/25

SOUTH 06 DEGREES 36 MINUTES 39 SECONDS WEST FOR A DISTANCE OF 18.28 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST FOR A DISTANCE OF 77.04 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 53.53 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING SOUTH 19 DEGREES 17 MINUTES 27 SECONDS WEST FOR A DISTANCE OF 52.53 FEET TO A POINT; THENCE SOUTH 00 DEGREES 07 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 370.46 TO A 5/8-INCH REBAR SET; THENCE NORTH 89 DEGREES 52 MINUTES 36 SECONDS WEST FOR A DISTANCE OF 222.19 FEET TO AN AFOREMENTIONED 5/8-INCH REBAR SET, SAID REBAR BEING THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 2.243 ACRES, OR 97,700 SQUARE FEET, MORE OR LESS; AND IS FURTHER DESCRIBED IN THAT CERTAIN AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM BY HIGHWAY 54 DEVELOPMENT, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED JANUARY 27, 2007, FILED FOR RECORD JANUARY 29, 2007, AND RECORDED IN DEED BOOK 3171, PAGE 1, AFORESAID RECORDS, AS AMENDED BY FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM, FILED ON MAY 8, 2012 AND RECORDED IN DEED BOOK 3890, PAGE 605, AFORESAID RECORDS, AND AS FURTHER AMENDED BY SECOND AMENDMENT TO AMENDED AND RESTATED DECLARATION OF CONDOMINIUM FOR FAYETTE PROFESSIONAL CONDOMINIUM RECORDED IN DEED BOOK 4504, PAGE 274, AFORESAID RECORDS (THE "DECLARATION") AND DEPICTED ON THAT CERTAIN AMENDED PLAT RECORDED IN PLAT BOOK 1, PAGES 150-152, CLERK'S OFFICE, FAYETTE COUNTY SUPERIOR COURT (THE "CONDOMINIUM PLAT"). LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 8 OF THE 7TH DISTRICT, FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE AT THE LAND LOT INTERSECTION OF LAND LOTS 7, 8, AND 9; THENCE ALONG THE LAND LOT LINE DIVIDING LAND LOTS 7 AND 8 NORTH 89 DEGREES 7 MINUTES 33 SECONDS WEST, A DISTANCE OF 1421.29 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE NORTH 00 DEGREES 44 MINUTES 54 SECONDS EAST FOR A DISTANCE OF 1399.51 FEET TO A 5/8 INCH REBAR SET; THENCE NORTH 66 DEGREES 02 MINUTES 29 SECONDS EAST, A DISTANCE OF 46.57 FEET TO A POINT; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST, A DISTANCE OF 55.33 FEET TO A POINT, SAID POINT BEING THE POINT OF BEGINNING; THENCE NORTH 66 DEGREES 00 MINUTES 03 SECONDS EAST FOR A DISTANCE OF 35.83 FEET TO A POINT; THENCE NORTH 67 DEGREES 40 MINUTES 05 SECONDS EAST FOR A DISTANCE OF 84.08 FEET TO A POINT; THENCE SOUTH 36 DEGREES 26 MINUTES 19 SECONDS EAST FOR A DISTANCE OF 57.97 FEET TO A POINT; THENCE SOUTH 36 DEGREES 48 MINUTES 26 SECONDS WEST, A DISTANCE OF 4.48 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 80.00 FEET AND AN ARC LENGTH OF 8.25 FEET, BEING SUBTENDED BY A CHORD BEARING SOUTH 35 DEGREES 30 MINUTES 16 SECONDS WEST, A DISTANCE OF 8.24 FEET TO A POINT; THENCE SOUTH 77 DEGREES 40 MINUTES 56 SECONDS WEST, A DISTANCE OF 121.93 FEET TO A POINT; THENCE NORTH 26 DEGREES 43 MINUTES 27 SECONDS WEST, A DISTANCE OF 40.78 FEET TO AN AFOREMENTIONED POINT, SAID POINT BEING THE POINT OF BEGINNING. SAID TRACT OR PARCEL OF LAND CONTAINS 0.151 ACRES, OR 6,575 SQUARE FEET, MORE OR LESS, AND IS FURTHER DESCRIBED IN THE DECLARATION AND DEPICTED ON THE CONDOMINIUM PLAT. TOGETHER WITH THE APPURTENANT PERCENTAGE OF UNDIVIDED INTEREST IN THE COMMON ELEMENTS AND LIMITED COMMON ELEMENTS APPURTENANT TO CONVERTIBLE SPACE #1, AS SET FORTH IN THE DECLARATION AND CONDOMINIUM PLAT, AS THE SAME MAY BE AMENDED FROM TIME TO TIME, SUBJECT TO THE PROVISIONS SET FORTH THEREIN.

10/25