

**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

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
January 22, 2024  
7:00 P.M.**

**\*Please turn off or turn to mute all electronic devices during the  
Zoning Board of Appeals Meetings**

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1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on December 18, 2023.
5. Election of the Chairman.
6. Election of the Vice-Chairman.
7. Election of the Secretary.

**PUBLIC HEARING**

8. Consideration of Petition No. A-846-23 – Thomas Lee Adkins, II, Zinnia U. Zamora-Adkins, Owners, and Bob Barnard, Barnard & Associates Remodeling, Agent, request a variance to Sec. 110-125 (d)(6) to reduce the side yard setback for building from 50’ to 35’ to allow a 26 x 50 garage to be built on the south side of the property. The subject property is located in Land Lot 291 of the 4<sup>th</sup> District and fronts on Winn Way.
9. Consideration of Petition No. A-852-23 – Thomas L. Rogers, Virginia W., Rogers, Owners, and Nick McCullough, Agent, request a variance to Sec. 110-149(d)(6)(a) to reduce the side yard setback from 15’ to 2’ to allow a 30’ X 41’ (1,230 square foot) addition to the existing home. The subject property is located in Land Lot 157 of the 6<sup>th</sup> District and fronts on Monarch Dr.

10. Consideration of Petition No. A-853-23 – William E. Jerome and Jennifer R. Jerome, Owners, request a variance to Sec. 110-125(d) (6) to reduce the side yard setback from 50' to 29'8" to allow existing pool equipment and a fire pit to remain. The subject property is located in Land Lot 93 of the 4<sup>th</sup> District and fronts on Grace Hope Dr.

**PETITION NO: A-846-23**

**Requested Action:** Variance to reduce side building setback from 50' to 35' 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):** 4<sup>th</sup> 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 (tabled)  
January 22, 2024

**REQUEST**

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

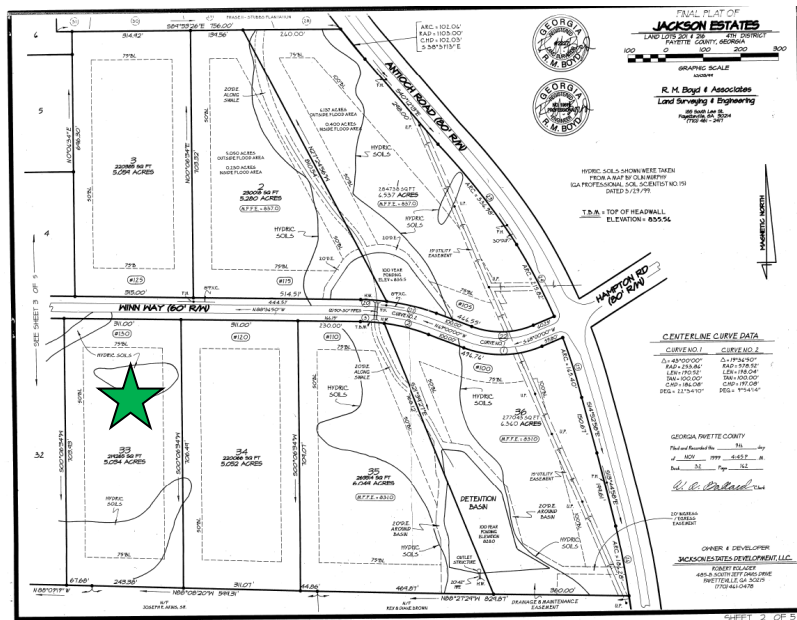
1. Variance to Sec. 110-125(d)(6).- Side yard setback requirement, to reduce the side yard setback from 50 feet to 35 feet in the A-R zoning district.

**STAFF ASSESSMENT**

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.

## 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 A-R 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.

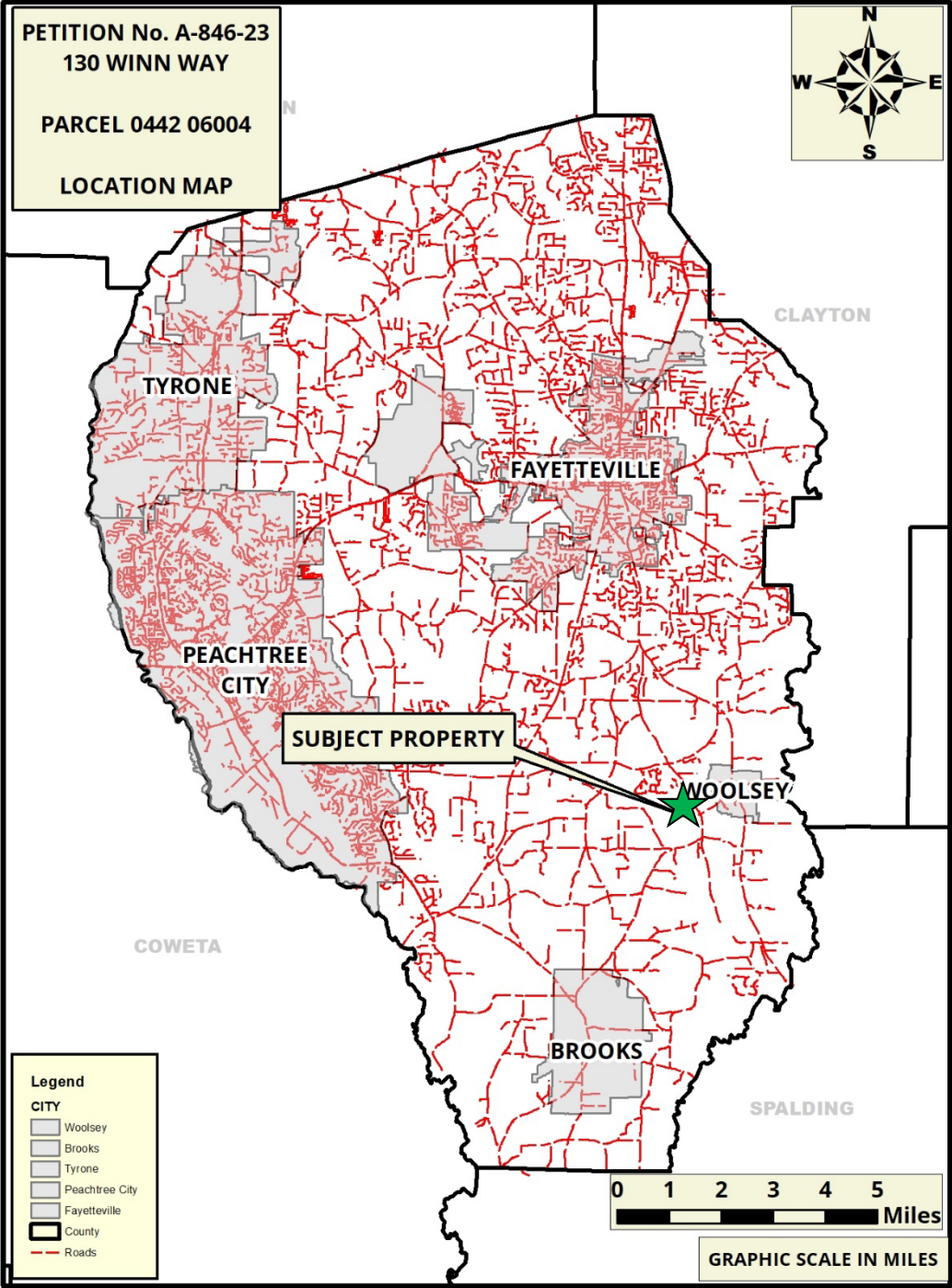
## **CRITERIA FOR CONSIDERATION OF A VARIANCE**

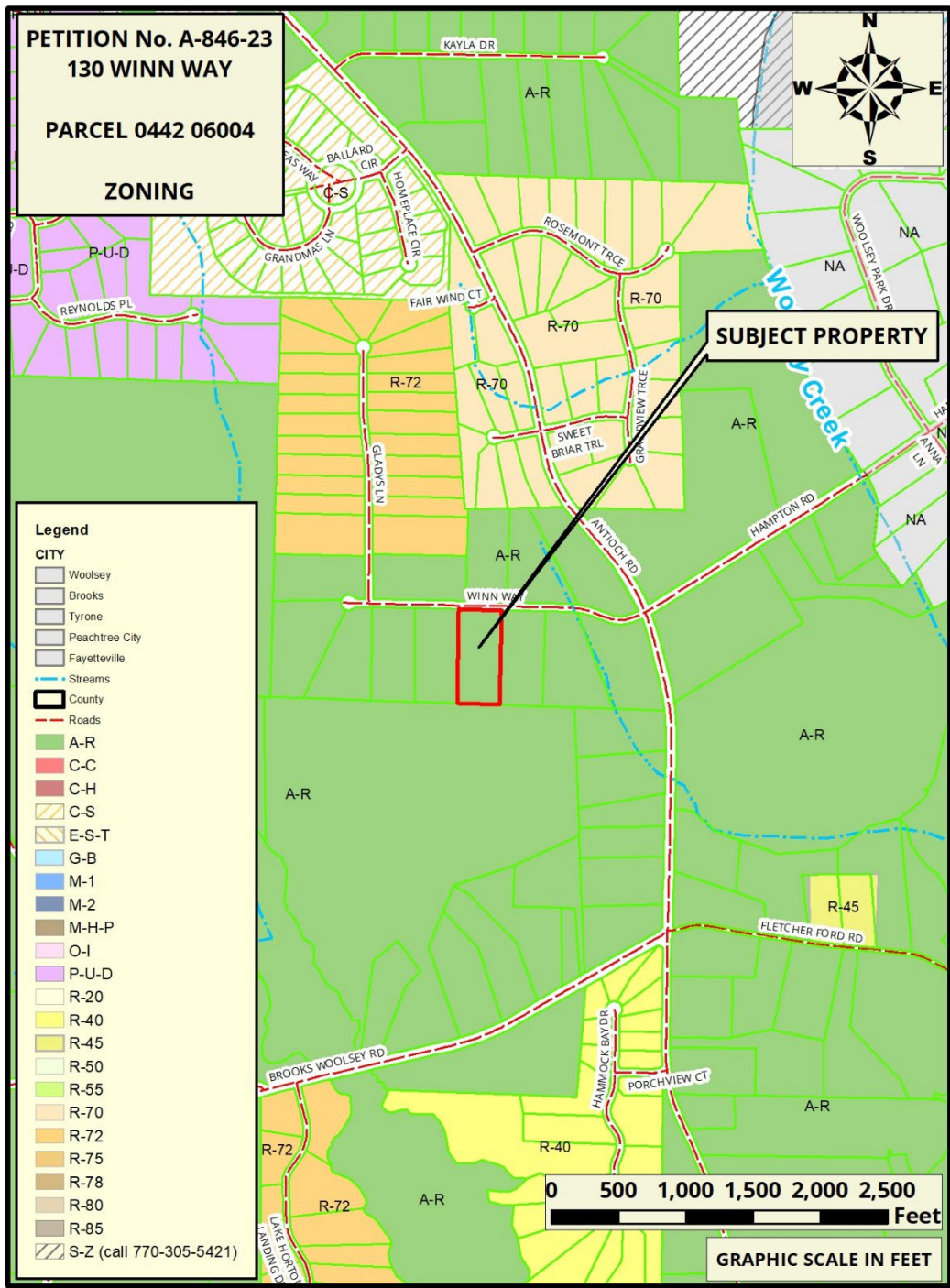
### **STAFF ASSESSMENT OF CRITERIA**

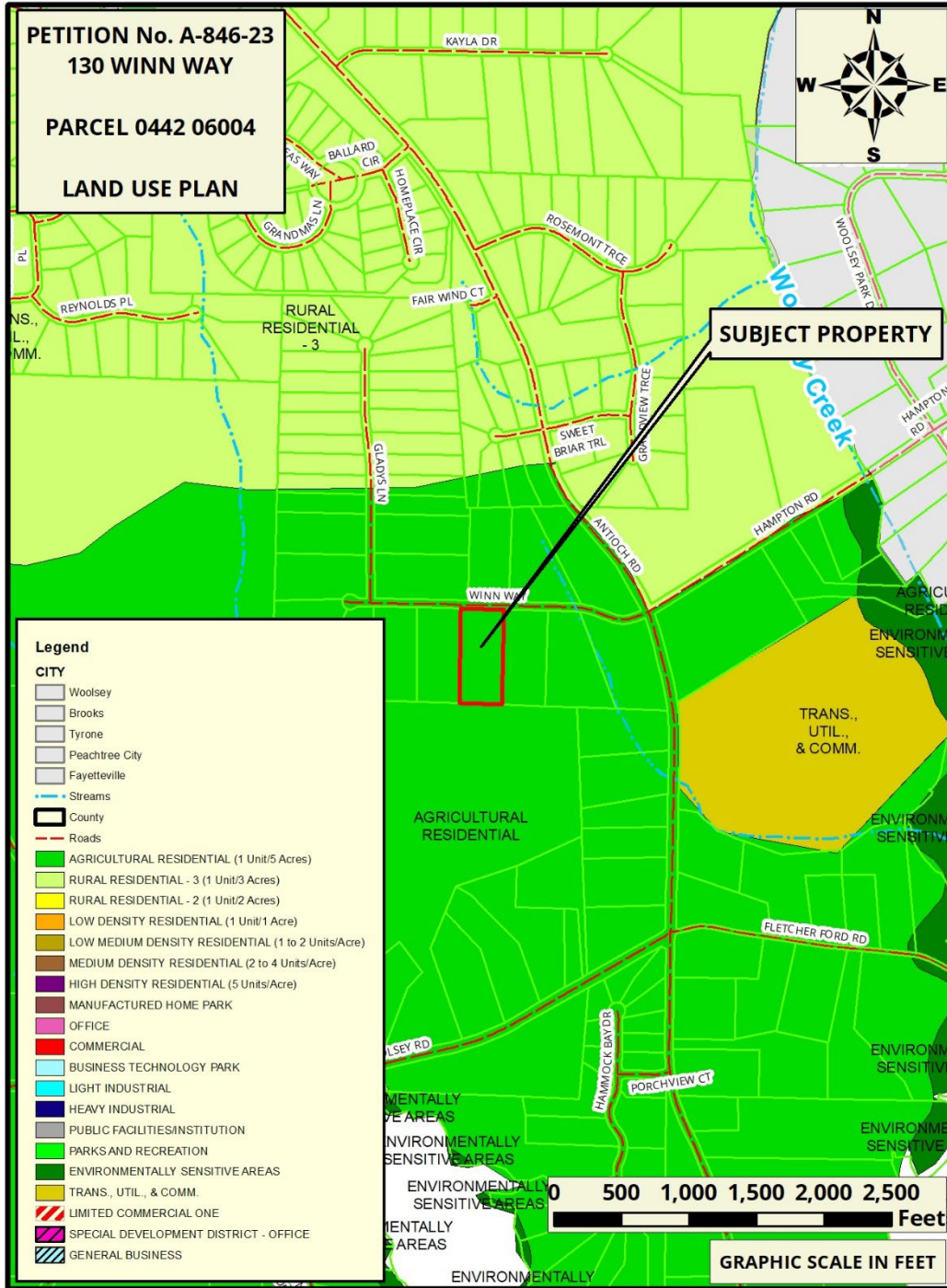
*(Please see the attached application package for the applicant's responses to the criteria.)*

**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.**

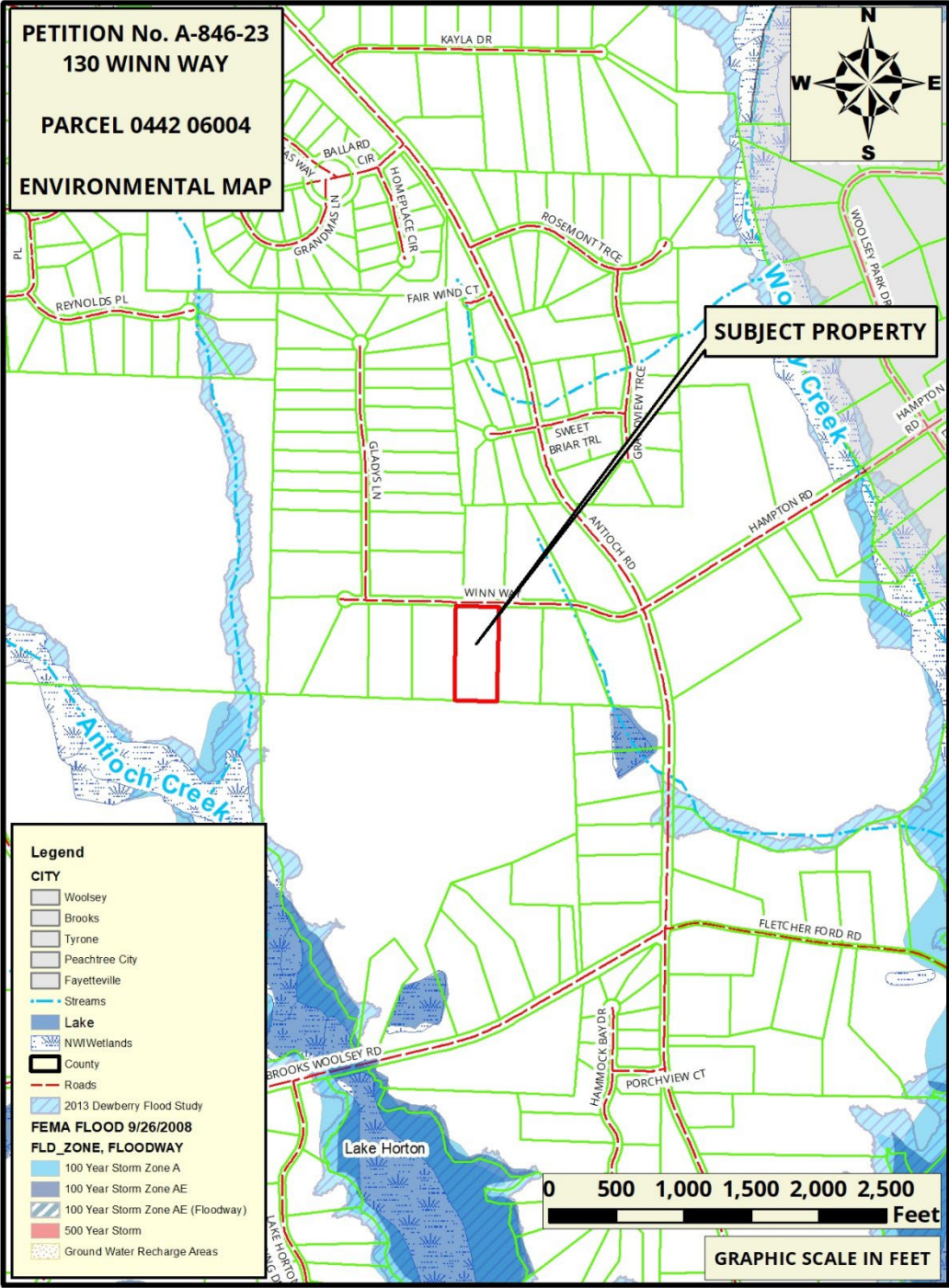
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
  - *The size and topography do present some unique conditions.*
    - *The septic system is located on the south side of the yard.*
    - *The 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 are 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 require extensive grading on the site.*

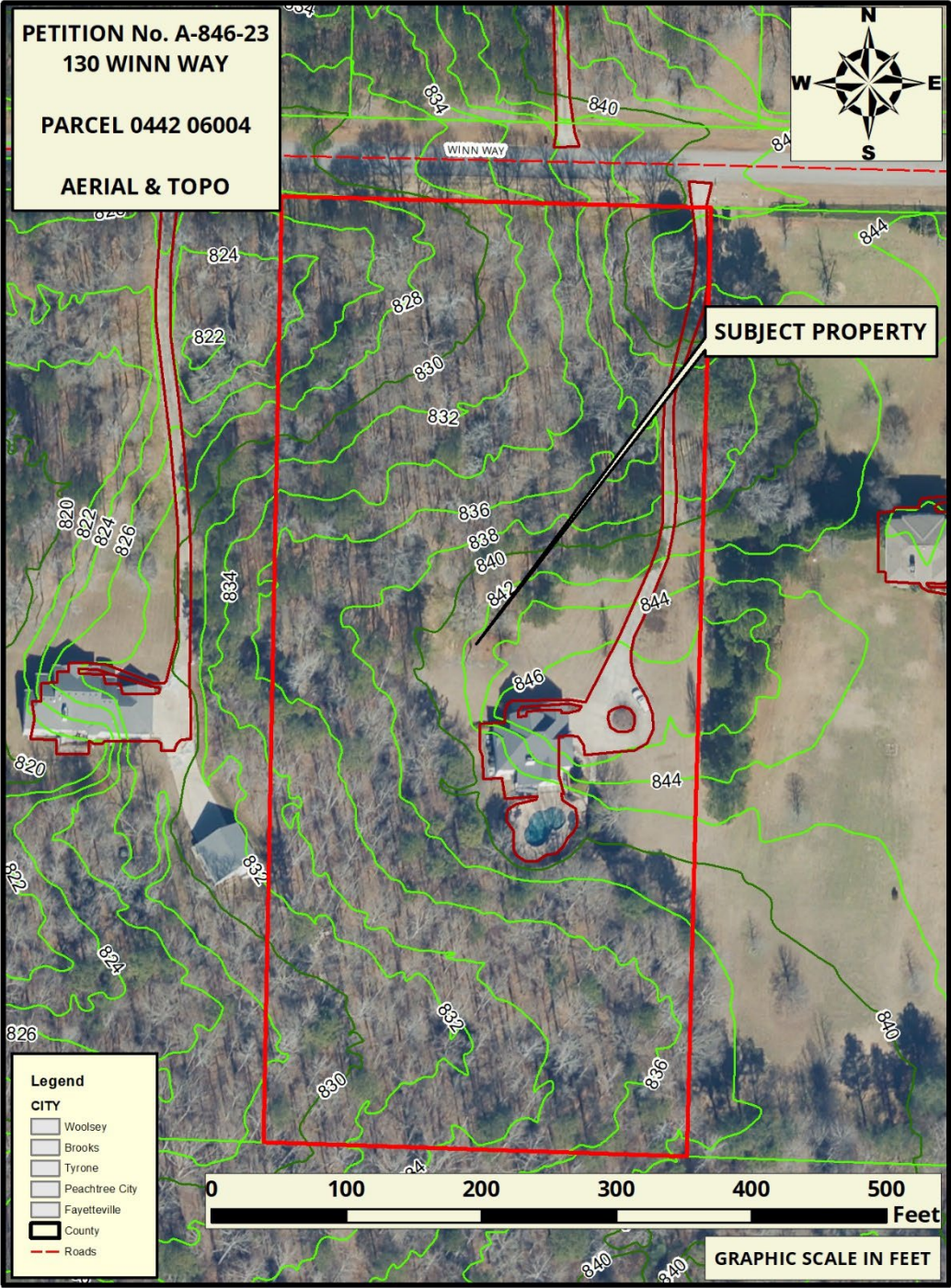


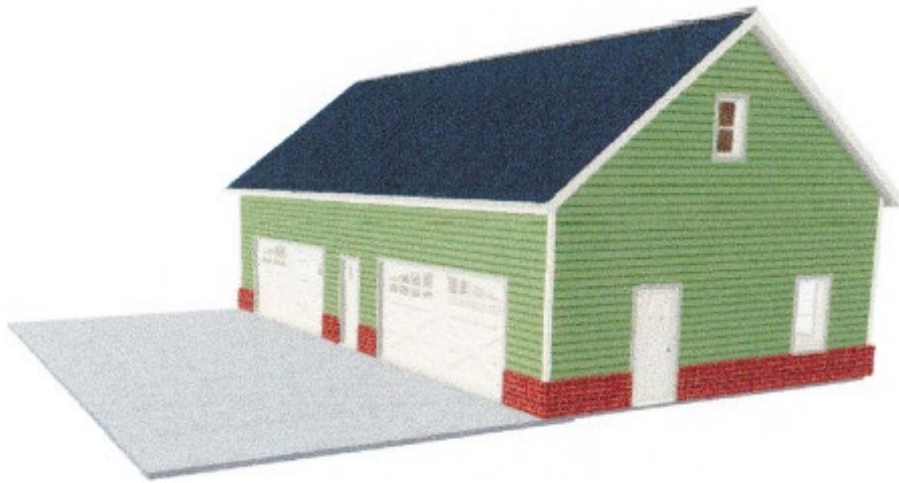










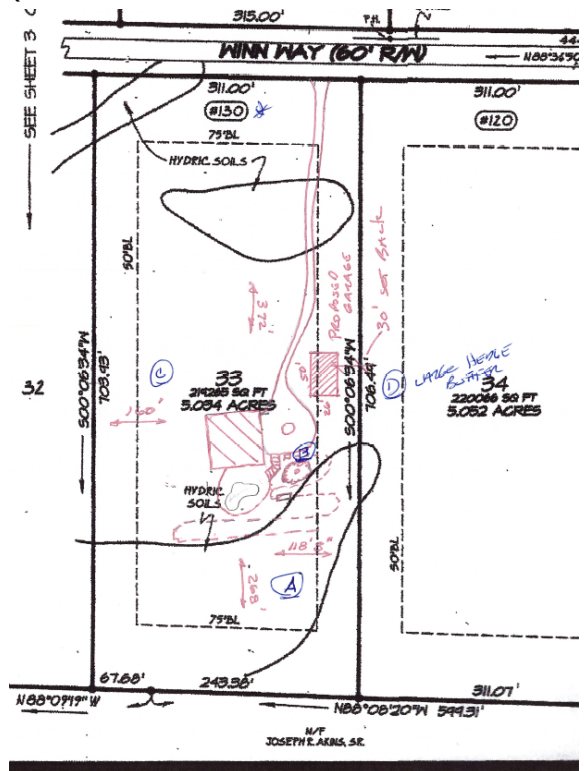


Proposed garage

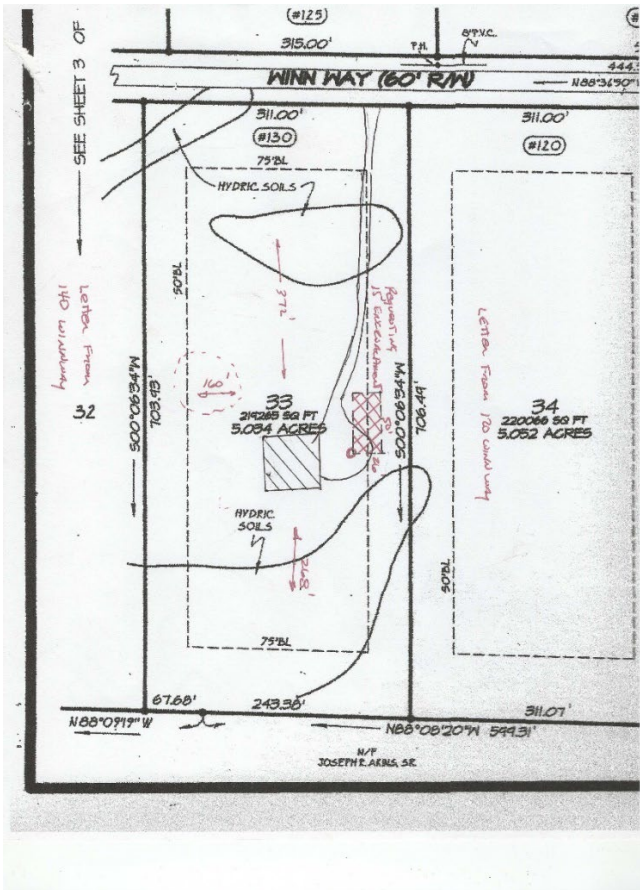


View from street

ORIGINAL REQUEST TO REDUCE SIDE YARD SETBACK TO 30'



REVISED REQUEST TO REDUCE SETBACK TO 35'



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 \$ 225<sup>00</sup> 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.

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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. \_\_\_\_\_

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## 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:	

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,  
January 22, 2024 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 set-  
back for

building from 50' to 30' to allow  
a 26 x 50 garage to be built on the  
southside 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 SUBDIVI-  
SION, AS PER PLAT RECORDED  
AT PLAT BOOK 32, PAGES 161-  
165, FAYETTE COUNTY, GEOR-  
GIA RECORDS, WHICH PLAT IS  
HEREBY INCORPORATED AND  
MADE A PART HEREOF BY REF-  
ERENCE.

THIS CONVEYANCE is made sub-  
ject to all zoning ordinances, ease-  
ments and restrictions of record  
affecting said bargained premises.





P.O. BOX 398, Brooks, GA 30205 (770) 461-8418  
Website – [remodelingdreams.com](http://remodelingdreams.com)

October 3, 2023  
December 18, 2023 updated request

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

### **2<sup>nd</sup> Hearing Request**

The new request is 15' encroachment on the east side of the property. Move it back to be more inline with the existing garage.

We were asked to go back and revisited another possible location. The second option has been enclosed with pictures, cost analysis and reasonable access to the home. The terrain would set the new structure considerably lower than the home. Would require a sub wall around the garage to raise it above grade to deal with water that would come across the front yard and into the structure. There is a topo of the property from the county maps showing the slope. There are also pictures showing the area.

The home is situated such that the west side of the home is the master wing. The front door opens into the foyer, dining room and family room in the rear. The garage and kitchen are on the south side of the home.

We would respectfully request a 15' encroachment to the side yard set back of 50'. We have spoken with the neighbors at 120 Winn Way (eastside of property) and 140 Winn Way (west side of property) about the setbacks, the structure and buffers being left in place. There are letters, signed by each family in agreement of what we are requesting.

### **1<sup>st</sup> Hearing Request - Tabled**

Requesting side setback 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'

B.P.V.C.

P.H.

444.3

WINN WAY (60' R/W)

N88°36'50"W

311.00'

(#130)

75'BL

311.00'

(#120)

HYDRIC SOILS

50'BL

372'

Requesting  
15' EXTENSION

Letter From  
140 Winway

500°06'34"W

103.43'

32

33  
219265 SQ FT  
5.034 ACRES

500°06'34"W

706.49'

Letter From 120 Winway

34  
220066 SQ FT  
5.052 ACRES

HYDRIC SOILS

268'

50'BL

75'BL

67.68'

243.38'

311.07'

N88°09'19"W

N88°08'20"W 599.31'

N/F  
JOSEPH R. AKINS, SR.

December 5, 2023

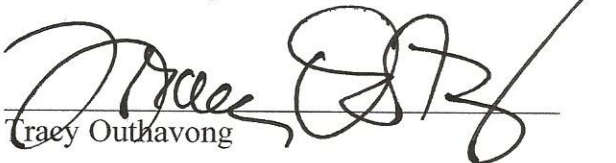
RE: Thomas and Zinnia Adkins  
130 Winn Way  
Fayetteville, GA 30215

To Whom It May Concern,

Thom and Zinnia Adkins provided and explained in person, the proposed plans for the detached garage for their property at 130 Winn Way, Fayetteville, GA 30215 which is adjacent to our property at 120 Winn Way, Fayetteville, GA 30215. We have no issues with a variance up to and including 20 feet, leaving a minimum of a 30 foot setback. We fully support the construction of their detached garage.

  
John Outhavong

12-05-2023  
Date

  
Tracy Outhavong


12/5/23  
Date

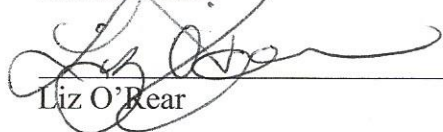
December 6, 2023

RE: Thomas and Zinnia Adkins  
130 Winn Way  
Fayetteville, GA 30215

To Whom It May Concern,

Thom and Zinnia Adkins provided and explained in person, the proposed plans for the detached garage for their property at 130 Winn Way, Fayetteville, GA 30215 which is adjacent to our property at 140 Winn Way, Fayetteville, GA 30215. We have no issues with a variance up to and including 20 feet, leaving a minimum of a 30 foot setback. We fully support the construction of their detached garage.

  
\_\_\_\_\_  
David O'Rear

  
\_\_\_\_\_  
Liz O'Rear

12-6-2023  
Date

12/6/2023  
Date

**PETITION NO: A-852-23**

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

**Location:** 185 Monarch Drive, Peachtree City, Georgia 30269

**Parcel(s):** 060309004

**District/Land Lot(s):** 6<sup>th</sup> District, Land Lot(s) 19

**Zoning:** PUD-PRD

**Lot Size:** 6.43 Acres

**Owner(s):** Thomas L. Rogers and Virginia W. Rogers

**Agent:** Nick McCullough

**Zoning Board of Appeal Public Hearing:** January 22, 2024

**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 2'.

**STAFF RECOMMENDATION**

It is staff's opinion that the parcel does have unique or limiting factors. There is a 100' Georgia Power Easement bisecting the front portion of the property from the larger rear portion. The existing septic drain lines push any additions to the home to the northeastern side of the property. Applicant desires to move an elderly family member into the addition to assist with care. The proposed square footage has been reduced to 1,230 square feet, the minimum of what applicant feels is necessary to accommodate the extended family member. The proposed addition increases the habitable area by 57% and is more than 75% larger than the 700 square feet that would be allowed as a separate guest house.

## **HISTORY**

This property is part of the Jefferson Woods Subdivision and was rezoned to PUD-PRD on April 22, 1993. The 2,139 square foot house was constructed in 1996.

## **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** – No objections.
- Environmental Health Department** – No objections. Applicant must contact Environmental Health for procedures to evaluate the property and septic system for the proposed addition.
- 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**

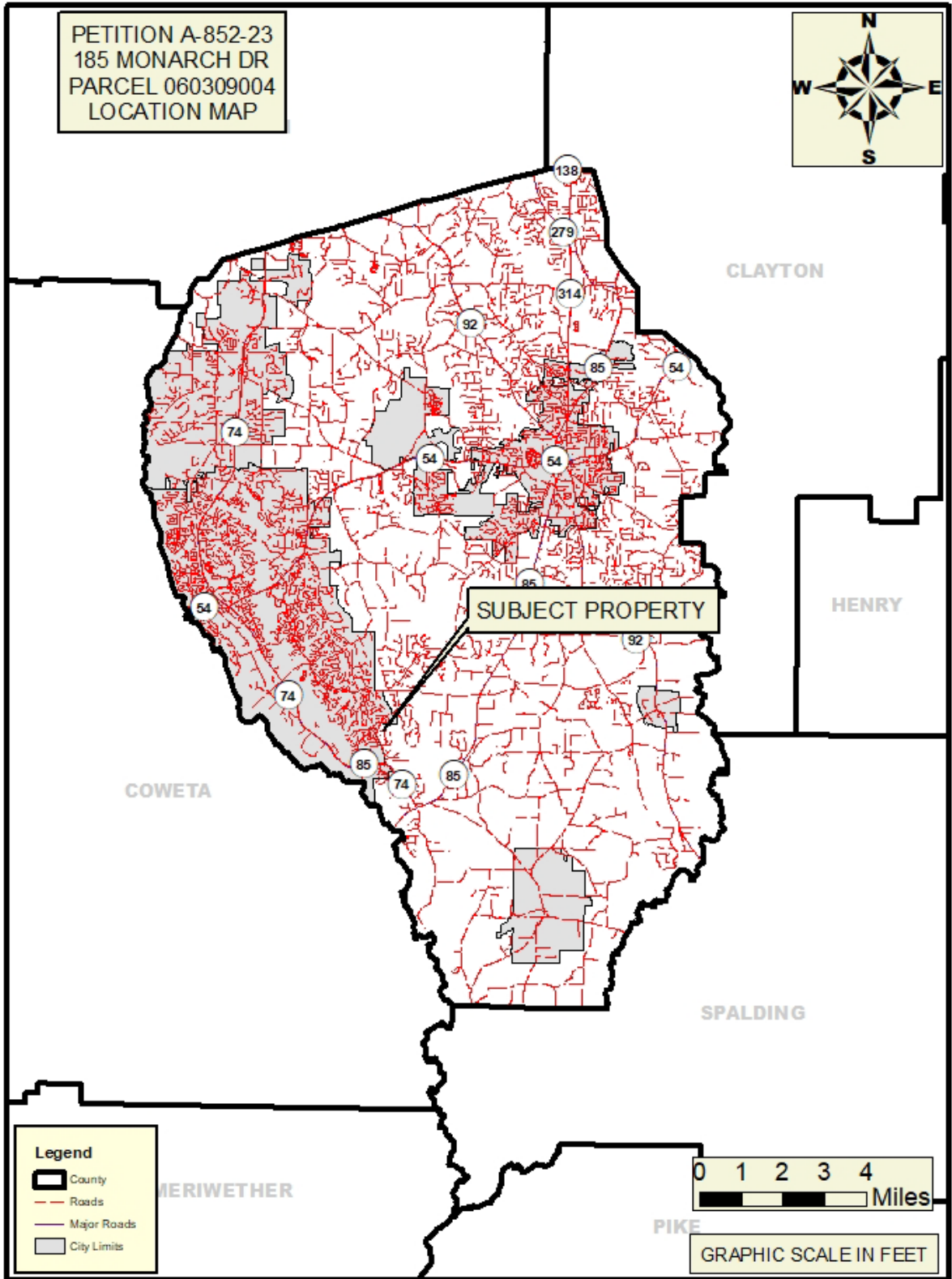
*Please refer to the application form for the applicant's justification of criteria.*

**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 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,**  
*The property is bisected by the Georgia Power Easement. The existing septic system encompasses the majority of the yard immediately behind the existing house.*
- 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 not likely to have an adverse impact on the adjoining property. A foundation survey will be required to insure compliance with any approved variance.*
- 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.*



PETITION A-852-23  
185 MONARCH DR  
PARCEL 060309004  
LOCATION MAP



COWETA

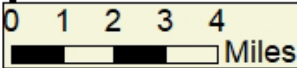
CLAYTON

HENRY

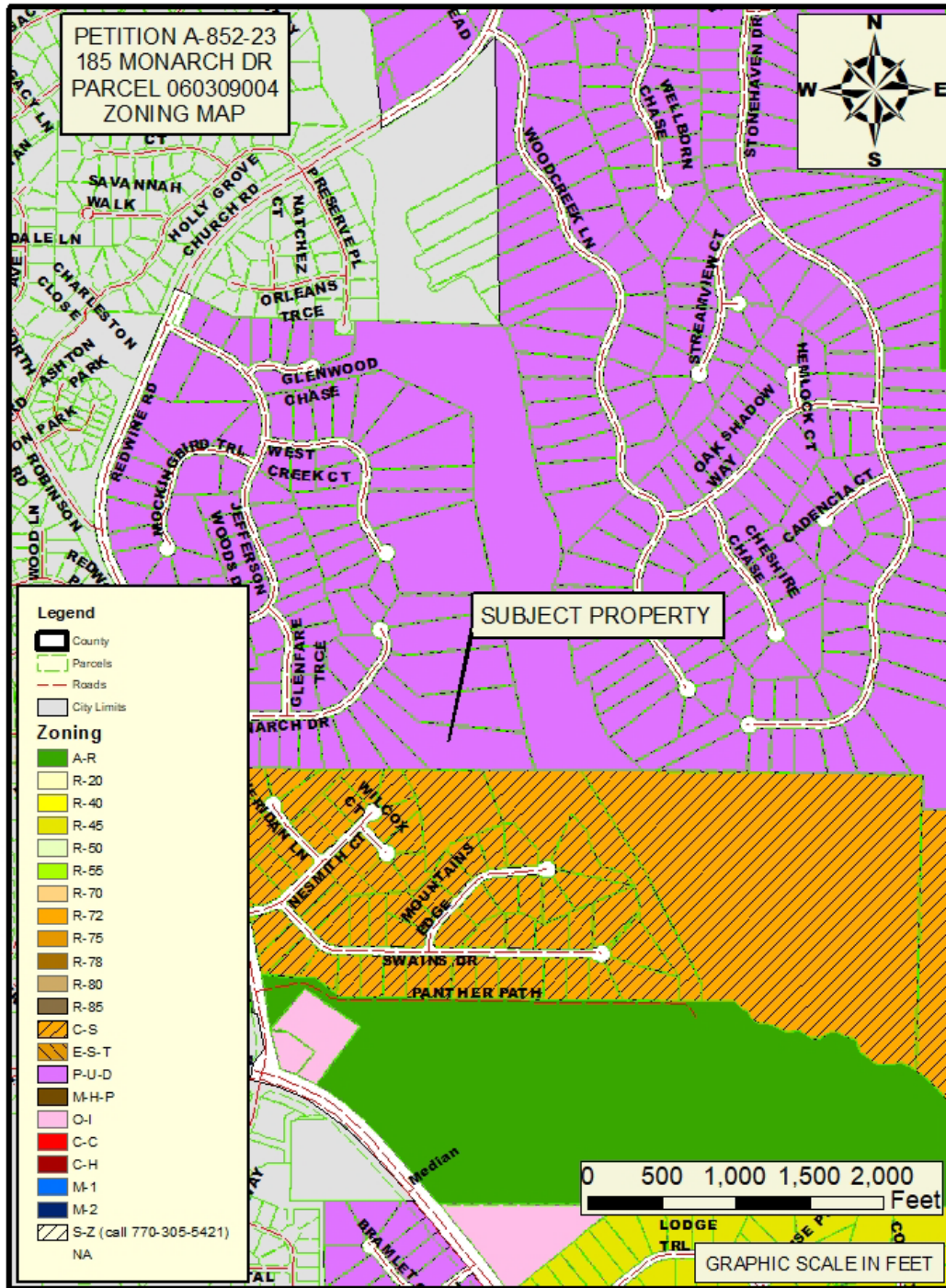
SPALDING

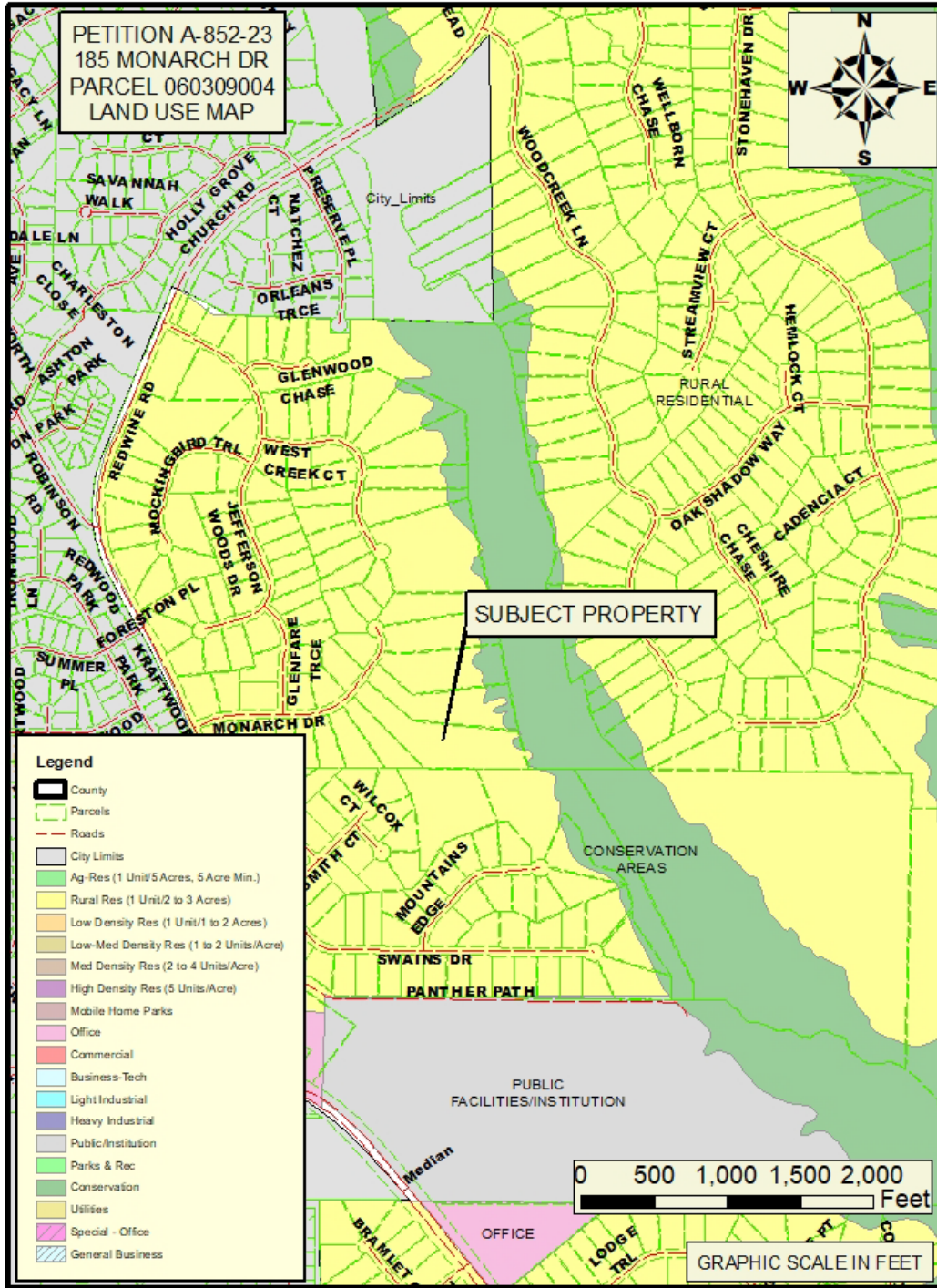
MERIWETHER

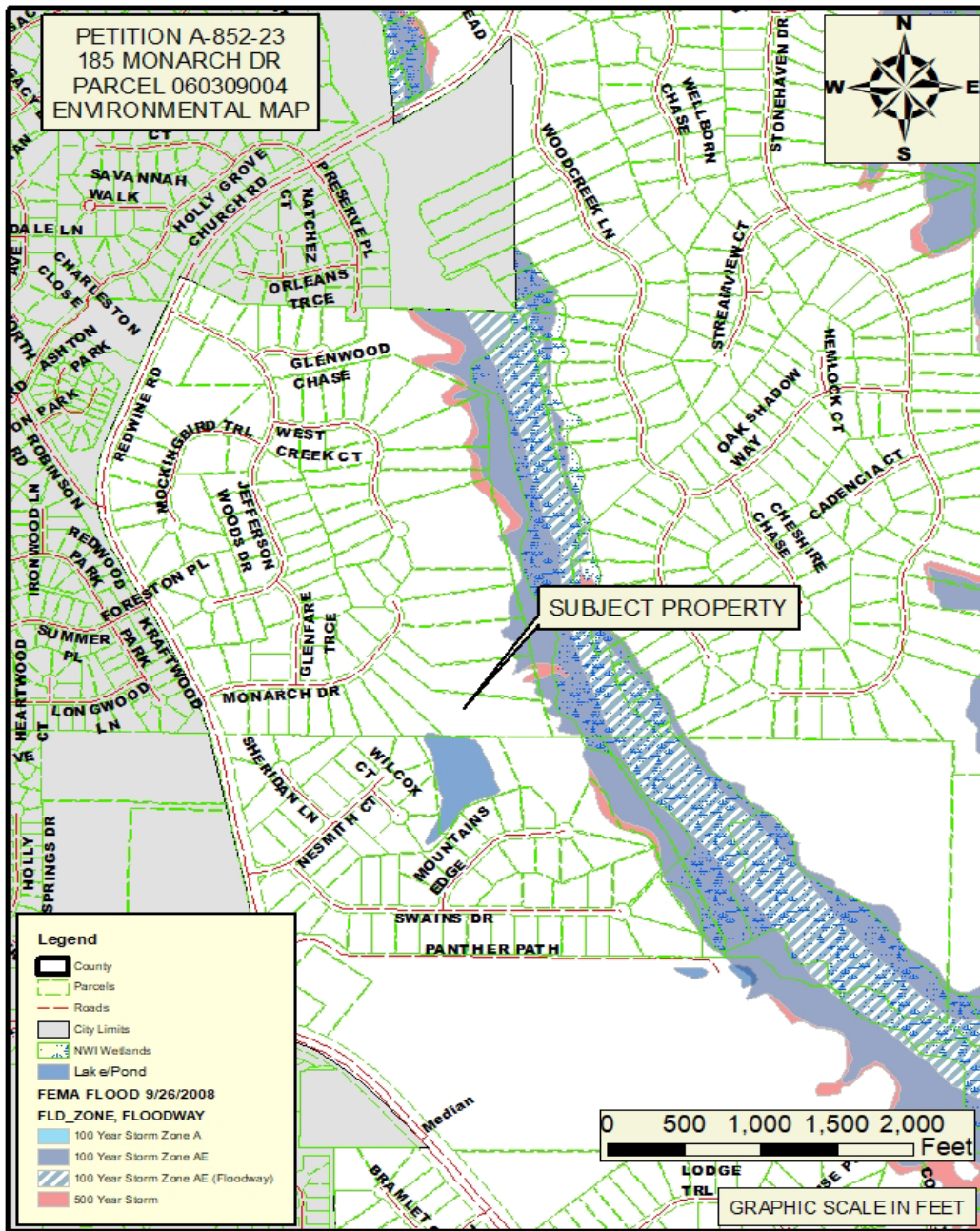
PIKE

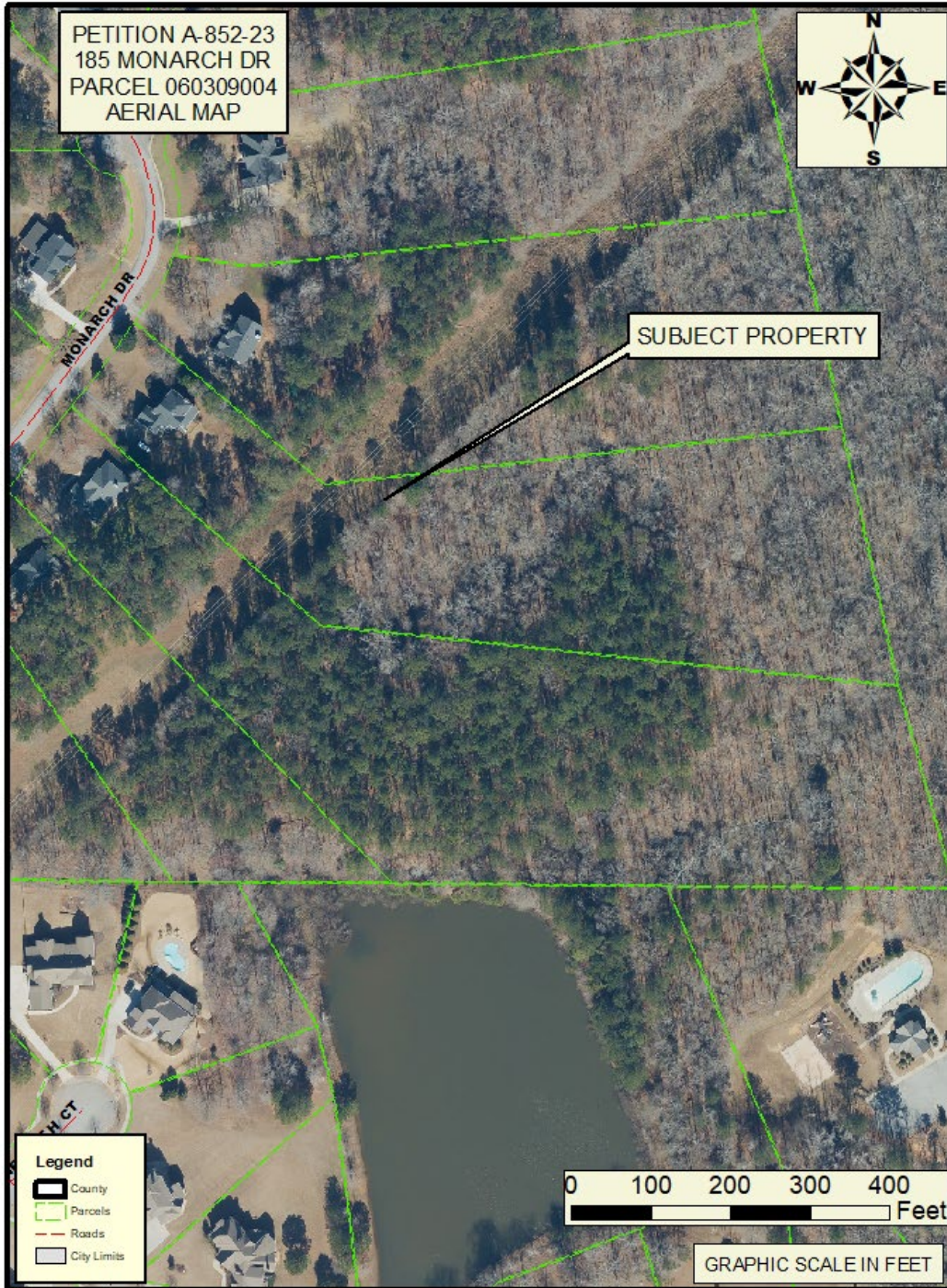


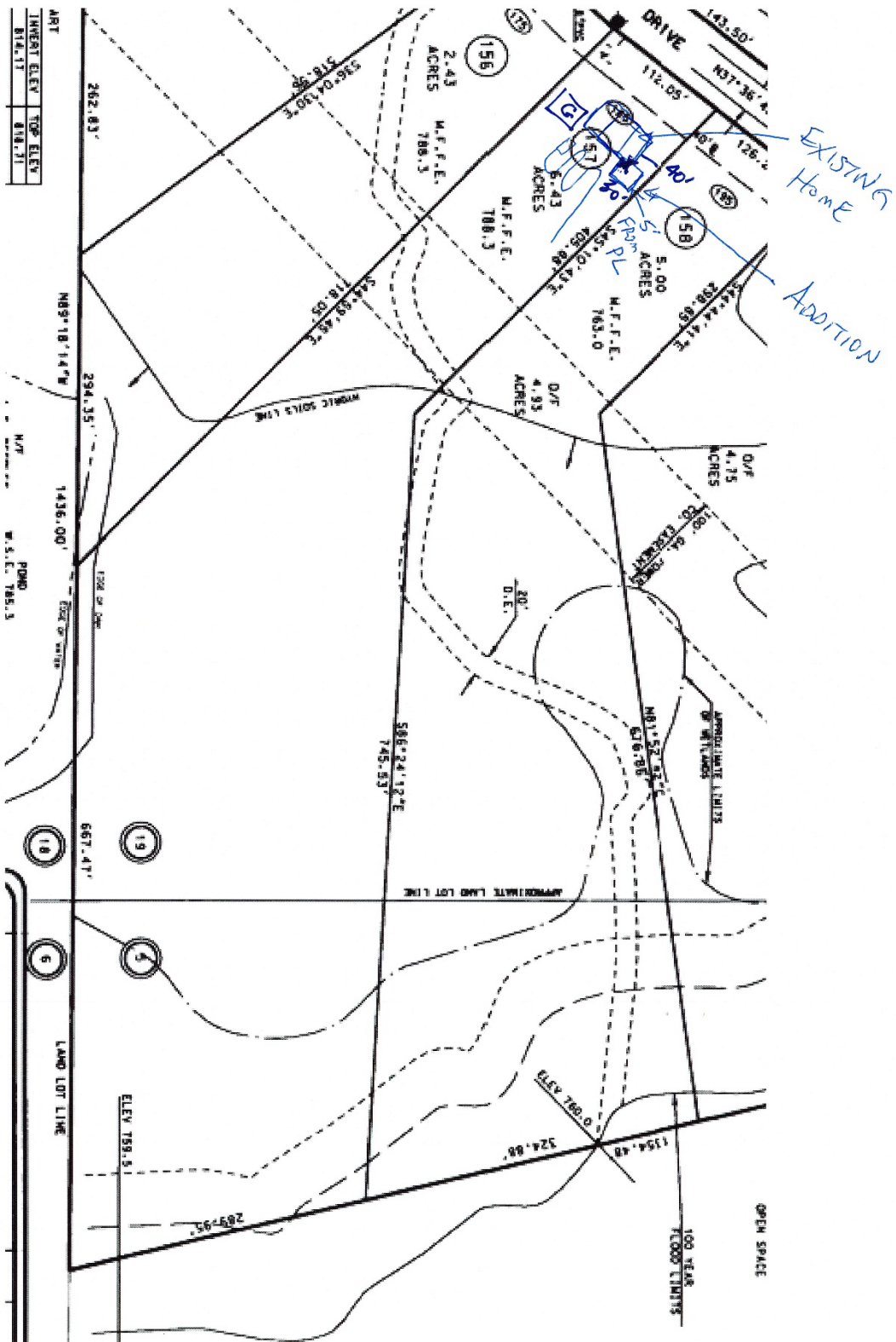
GRAPHIC SCALE IN FEET











Existing house = 50'

Addition = 30' X 41

PETITION NUMBER: A-852-23

VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 060309004 Acreage: 6.43

Land Lot: 157 Land District: \_\_\_\_\_

Address: 185 MONARCH DR. PEACHTREE CITY, GA 30269

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

Zoning of Surrounding Properties: PUD-PRD

Existing Use: PUD-PRD Proposed Use: \_\_\_\_\_

PROPERTY OWNER INFORMATION

Name Tom Rogers & Virginia W. Rogers

Email \_\_\_\_\_

Address 185 MONARCH DR.

City PEACHTREE CITY

State GA Zip 30269

Phone 229.942.3349

AGENT/DEVELOPER INFORMATION

(If not owner)

Name Nick McCullough

Email VIKINGBUILT@MSN.COM

Address 413 ROBINSON RD.

City PEACHTREE CITY

State GA Zip 30269

Phone 678 858 2120

(THIS AREA TO BE COMPLETED BY STAFF): PETITION NUMBER: A-852-23

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: \_\_\_\_\_

**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:

Thomas L. Rogers and Virginia W. Rogers  
Please Print Names

Property Tax Identification Number(s) of Subject Property: 185 MONARCH DR PEACHTREE CITY

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 19 of the 10th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of \_\_\_\_\_ 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.

Thomas Rogers  
Signature of Property Owner 1

185 Monarch Dr.  
Address

Virginia W. Rogers  
Signature of Property Owner 2

185 Monarch Drive  
Address

Nick McCullough  
Signature of Authorized Agent

483 Robinson Rd.  
Address

Christine Chafardon  
Signature of Notary Public

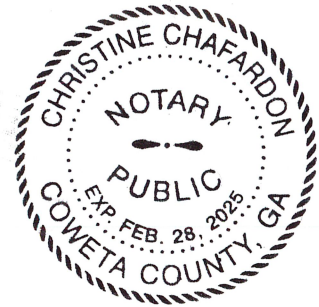
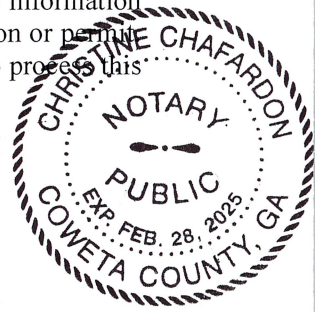
11/17/2023  
Date

Christine Chafardon  
Signature of Notary Public

11/17/2023  
Date

Deborah M Sims  
Signature of Notary Public

1/5/2027  
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 Setback	2' side Setback	13 FEET

### 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 asking for the 15' side setback to be reduced to 2' to allow for an addition to the home.

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**GEORGIA DEPARTMENT OF PUBLIC HEALTH  
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT**

CONSTRUCTION PERMIT NUMBER

OSC05602028

COUNTY	COUNTY CODE	HEALTH DISTRICT	MONTH	DAY	YEAR
Fayette	056	4	02	29	2016

SUBDIVISION: Jefferson Woods	LOT: 157	PROPERTY OWNER: William Watkins
PROPERTY LOCATION / ADDRESS: 185 MONARCH DR PEACHTREE CITY, GA 30269	SEWAGE CONTRACTOR: Terry Long	CONTRACTOR LICENSE: 13808

ALL ITEMS: (BLANK) = Not Applicable (0) = Unknown \*ITEMS (1) = Yes (2) = No

Section A - General	Section B - Primary / Pretreatment	Section C - Secondary Treatment
1. WATER SUPPLY: (1) Public (2) Private (3) Community	1. DISPOSAL METHOD: (1) Septic Tank (2) Privy (3) Aerobic Unit (4) Other:	1. ABSORPTION FIELD DESIGN (1) Level (2) Serial (3) Drip (4) Bed (5) Distribution box (6) Mound (7) Other:
2. ** TYPE OF STRUCTURE: (see below)	2. SEPTIC TANK: a. Capacity (gals):	2. ABSORPTION FIELD: a. Total square feet:
3. STRUCTURE AGE: (1) New (2) <1 year (3) >1 year	b. Material: (1) Concrete (2) Polyethylene (3) Fiberglass (4) Poured (5) Other:	b. Total linear feet:
4. SEWAGE SYSTEM: (1) New (2) Repair (3) Addition	c. Distance from (feet): (1) Well: (2) Building: (3) Lake/Stream: (4) Nearest property line:	c. Number of trenches:
5. AGE OF SYSTEM (repairs): (1) <1 (2) 1-5 (3) 6-10 (4) 11-20 (5) 21-30 (6) 31-40 (7) >40	d. Manufacturer: Cole Concrete Products, Inc.	d. Length trenches (feet):
6. * IN SUBDIVISION?:	3. FILTER MANUFACTURER/MODEL: No Filter Required / None	e. Distance between trenches (feet):
7. WATER USAGE BY: (1) Bedroom Numbers (2) Gallons per day	4. AEROBIC UNIT: a. Treatment capacity: b. Manufacturer/Model:	f. Depth of trenches (range in inches):
8. NO. OF BEDROOMS/ GALLONS PER DAY:	5. DOSING TANK CAP. (gals):	g. * Aggregate proper size:
9. LOT SIZE :	6. GREASE TRAP CAP.(gals):	h. * Aggregate proper depth:
10. PERCOLATION RATE/ LOADING RATE:		i. Distance from (feet): (1) Well: (2) Building: (3) Lake/Stream: (4) Nearest property line:
11. SOIL CLASSIFIER:		j. Nearest property line: Left
12. SOIL SERIES:		k. Product used:
		3. ABSORPTION LINE: EZflow 1303T

\*\* TYPE OF FACILITY  
(1) Single-Family Residence  
(2) Multi-Family Residence  
(3) Commercial <2000  
(4) Commercial ≥2000  
(5) Restaurant  
(6) Mobile Home Park  
(7) Other (specify)

REMARKS:  
See Addendum

Drawing not to scale

*See attached sketch.*

*See also original inspection  
dated 8/23/16*

Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the County Board of Health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.

ENVIRONMENTALIST  
Robert Kurbes

*[Signature]*

TITLE  
Environmental Health  
County Manager

\*SYSTEM APPROVED:  
(see Sect. A 7 & 8)

Y

County: Fayette

Permit Number: OSC05602028

Property Address: 185 MONARCH DR PEACHTREE CITY, GA 30269

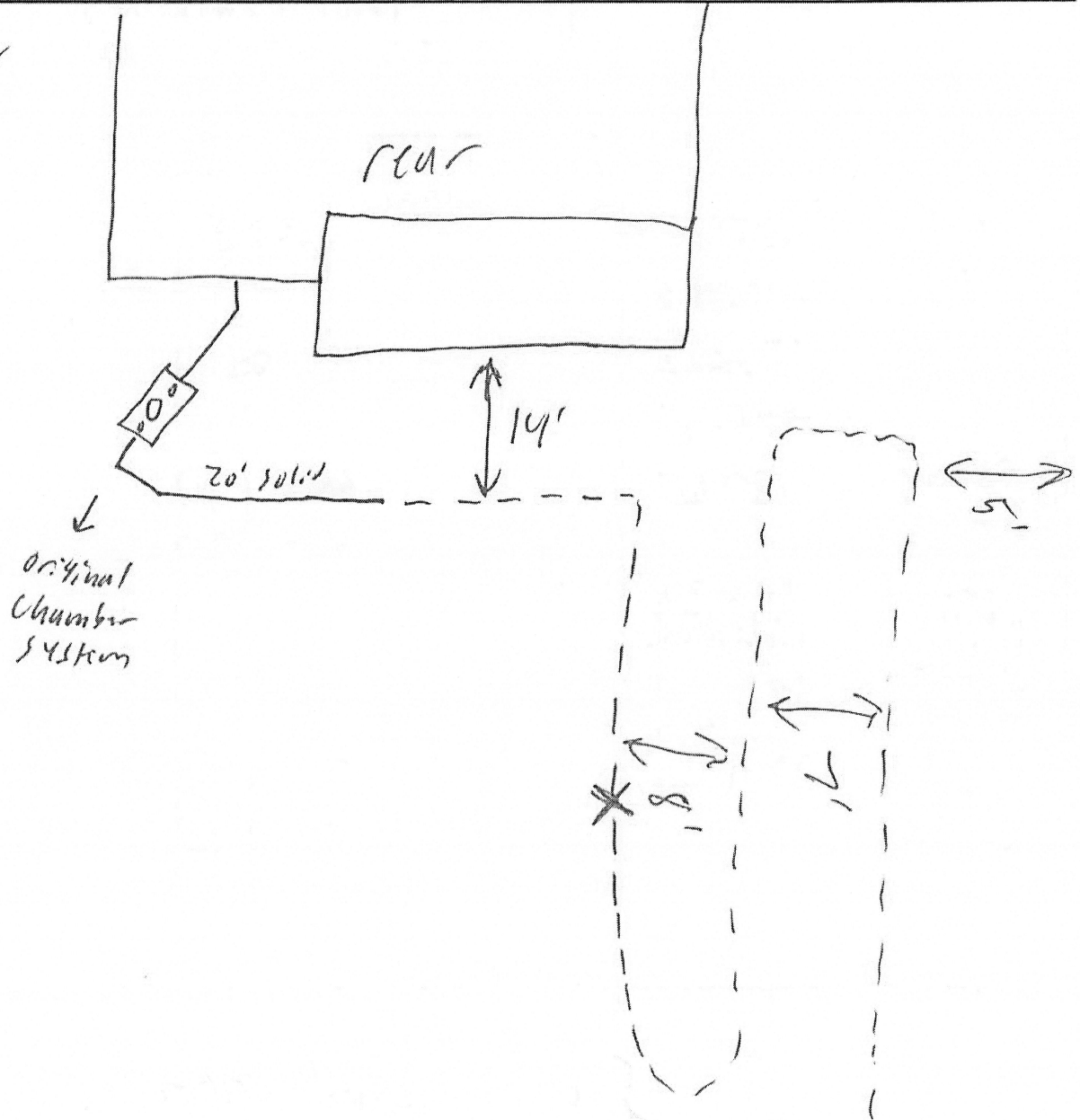
Property Owner: William Watkins

Remarks: System checked with level and rod.

1303T EZFLOW

5x

15 end.



## 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 size of the lot and placement of existing home will not allow for the addition unless we are allowed to change the side setback from 15' to 2'.

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

~~The need~~ The addition will require the setback to be changed in order for it to fit on the lot.

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

Septic System is in the way everywhere else.

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 set back change is allowed it will not negatively impact the lot or lot next door.

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

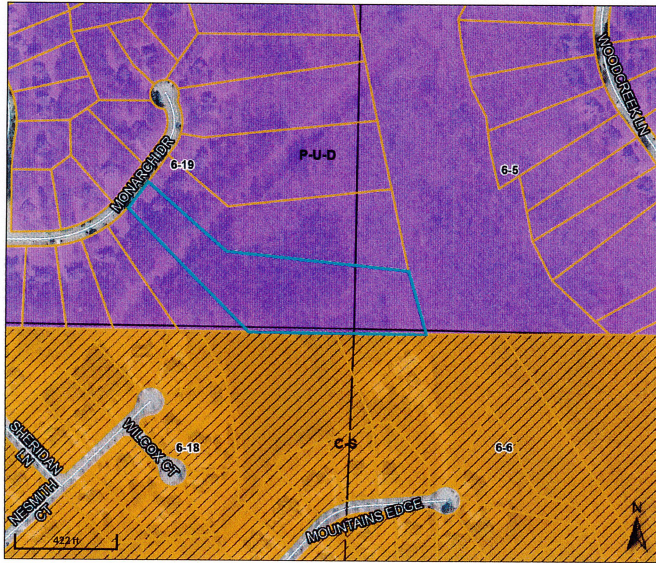


Fayette County, GA

District 01  
Brief Tax Description LOT 157 JEFFERSON WOODS V JEFFERSON WOODS V  
(Note: Not to be used on legal documents)

Date created: 11/15/2023  
Last Data Uploaded: 11/15/2023 7:11:28 AM

Developed by Schneider  
GEO SPATIAL



Overview



Legend

- Parcels
- Land Lots
- Roads
- County Zoning**
- A-R
- C-C
- C-H
- C-S
- E-S-T
- M-1
- M-2
- M-H-P
- NA
- O-I
- P-U-D
- R-20
- R-40
- R-45
- R-50
- R-55
- R-70
- R-72
- R-75
- R-78
- R-80
- R-85
- S-Z (Split Zoning)
- City Limits**
- BROOKS
- FAYETTEVILLE
- PEACHTREE CITY
- TYRONE
- WOOLSEY

Parcel ID 060309004  
Sec/Twp/Rng 27-144-  
Property Address 185 MONARCH DR

Alternate ID n/a  
Class R3  
Acreage n/a

Owner Address ROGERS THOMAS L JR  
ROGERS VIRGINIA W  
185 MONARCH DRIVE  
PEACHTREE CITY, GA 30269

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,  
January 22, 2024, at 7:00 P.M.,  
Fayette County Administrative  
Complex, Public Meeting Room,  
140 Stonewall Avenue West, first  
floor.

Petition No.: A-852-23  
Owner(s)/Agent(s): Tom & Virginia  
Rogers/Nick McCullough  
Property Address: 185 Monarch  
Drive

Parcel: 060309004  
Zoning District: PUD-PRD  
Area of Property: 6.43 acres  
Land Lot(s): 5 & 19  
District: 6th

Road Frontage: Monarch Drive  
Request: Variance to Sec. 110-149  
(d)(6)(c) requesting to reduce the  
setback for  
building from 15' to 2' to allow for  
an addition to the home.

Legal Description:

ALL THAT TRACT or parcel of  
land lying and being in Land Lot 5  
and 19 of  
the 6th District of Fayette County,  
Georgia, being Lot 157 of Jefferson  
Woods Subdivision, Unit Five, as  
shown on that certain plat of said  
subdivision recorded in Plat Book  
27, Pages 144-145, Fayette County,  
Georgia records,  
said plat being incorporated herein  
and made a part hereof by refer-  
ence. Subject to restrictive cove-  
nants and easements of record.

**PETITION NO: A-853-23**

**Requested Action:** To reduce the required side building setback from 50' to 29' to allow pool equipment to remain and to reduce the side building setback from 50' to 43' to allow a patio, seat wall & fire pit to remain.

**Location:** 175 Grace Hope Drive, Brooks, Georgia 30205

**Parcel(s):** 0412 07003

**District/Land Lot(s):** 4<sup>th</sup> District, Land Lot(s) 93

**Zoning:** A-R, Agriculture-Residential

**Lot Size:** 5.000 Acres

**Owner(s):** William E. Jerome & Jennifer R. Jerome

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** January 22, 2024

**REQUEST**

Applicant is requesting the following:

1. Per Sec. 110-125(d)(6), requesting to reduce the side yard building setback in the A-R zoning district from 50' to 29' to allow newly installed pool equipment to remain.
2. Per Sec. 110-125(d)(6), requesting to reduce the side yard building setback in the A-R zoning district from 50' to 43' to allow newly installed patio, seat wall and fire pit to remain.

**STAFF ASSESSMENT**

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 Reserve at Kelly Lake Subdivision and has not been rezoned. The contractor obtained a building permit for the pool. The site plan for the pool permit did not note a separate location for the pool equipment nor did include other outdoor hardscape areas.

The outdoor seating area does not require a building permit and was only noted when the required foundation survey for the pool was submitted. The pool equipment and patio area encroach into the side yard setback.

## **ZONING REQUIREMENTS**

### **Sec. 110-125. – A-R, Agricultural-Residential District.**

(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 100 feet.
  - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: 50 feet.

## **DEPARTMENTAL COMMENTS**

- Water System** – No objections.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – No objections.
- Department of Building Safety** – DBS has no issue with this request- should the request be denied- a revision will need to be made to the issued pool permit-RPOL-11-22-069062 to relocate the pool equipment, including any electrical, mechanical, and plumbing; additional inspections will be required. Changes to the fireplace would require a permit if any modifications include mechanical modifications, including a gas line.
- Fire** – No objections.

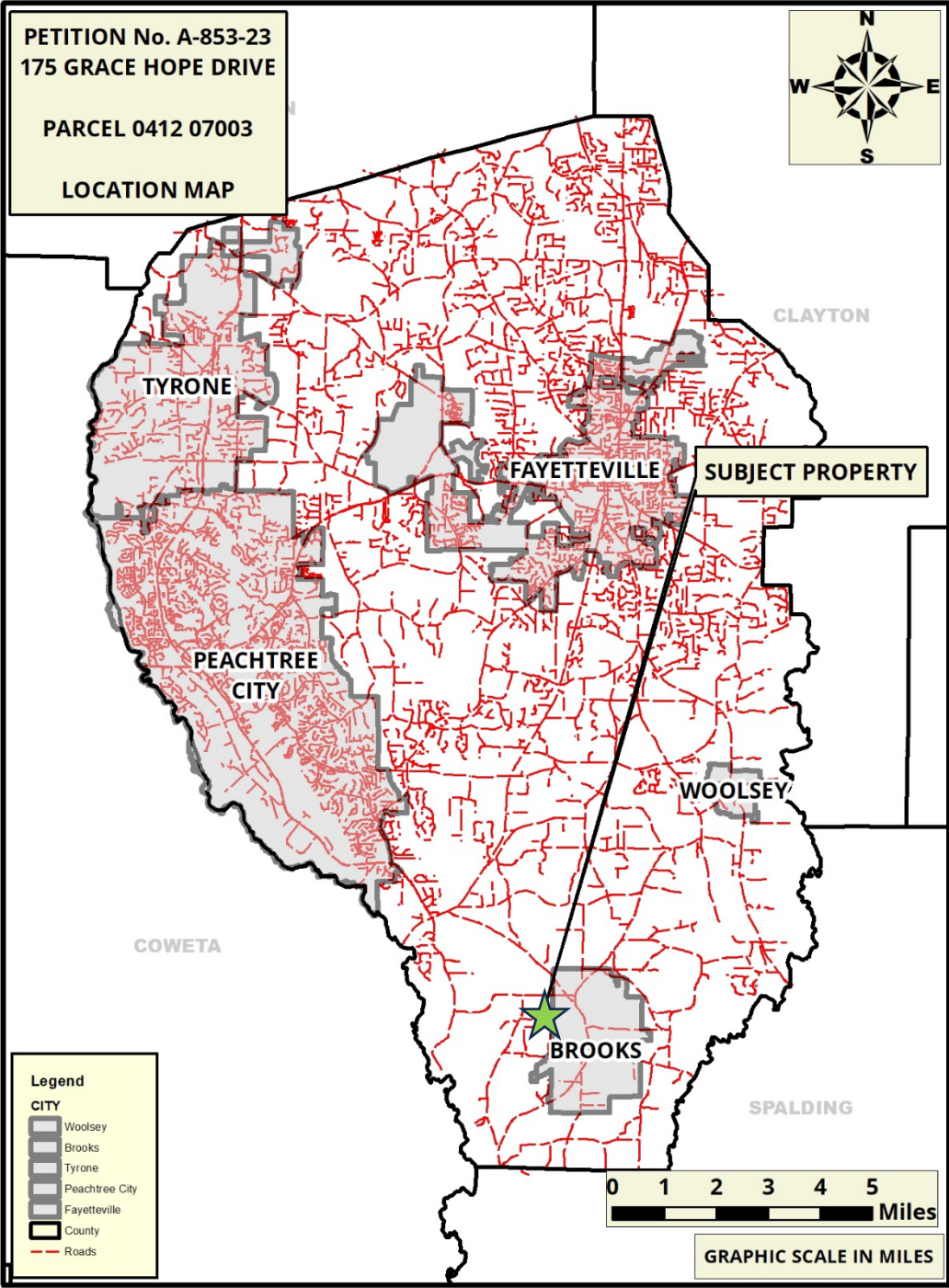
## **VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION**

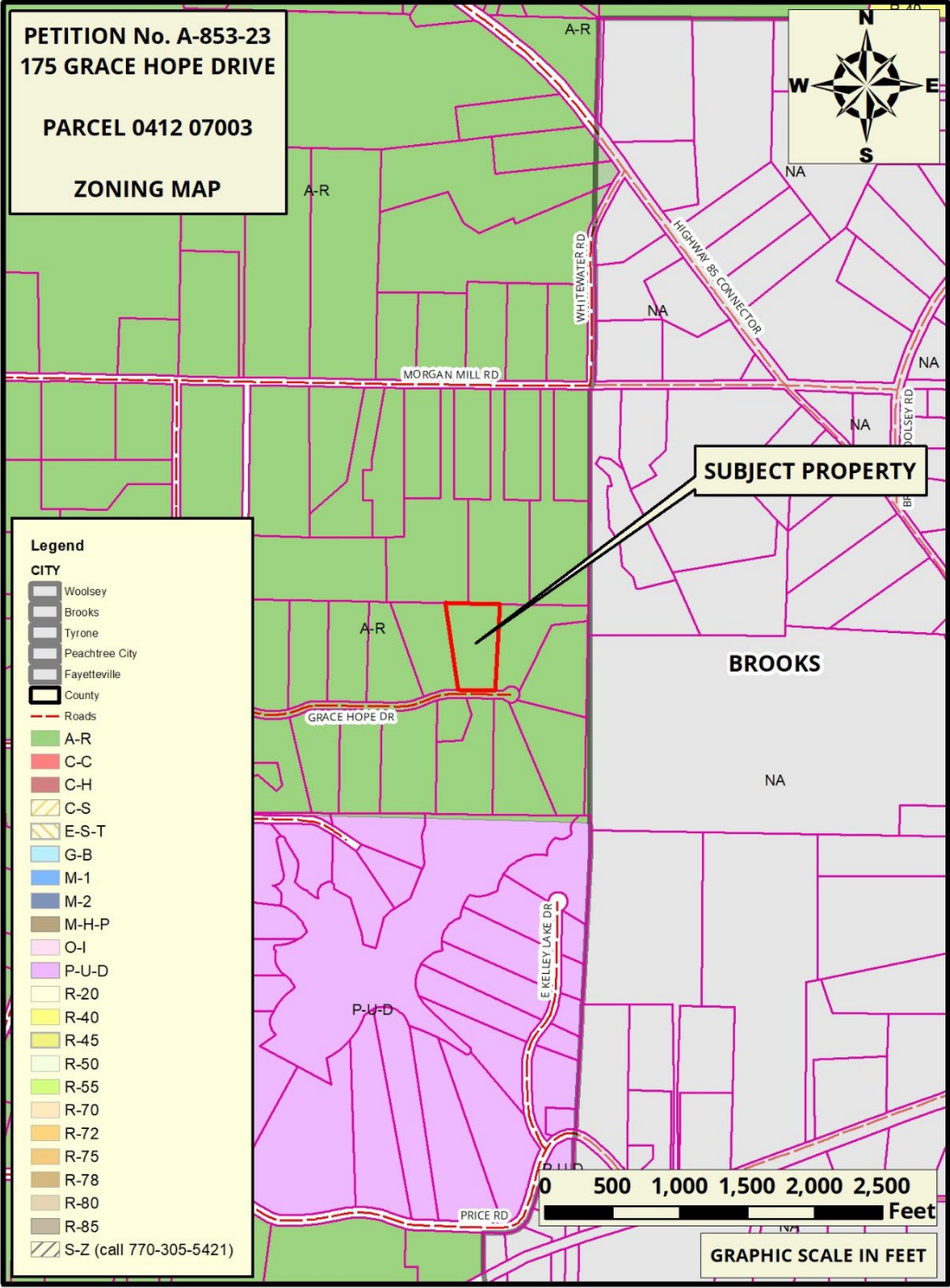
### **Staff Assessment**

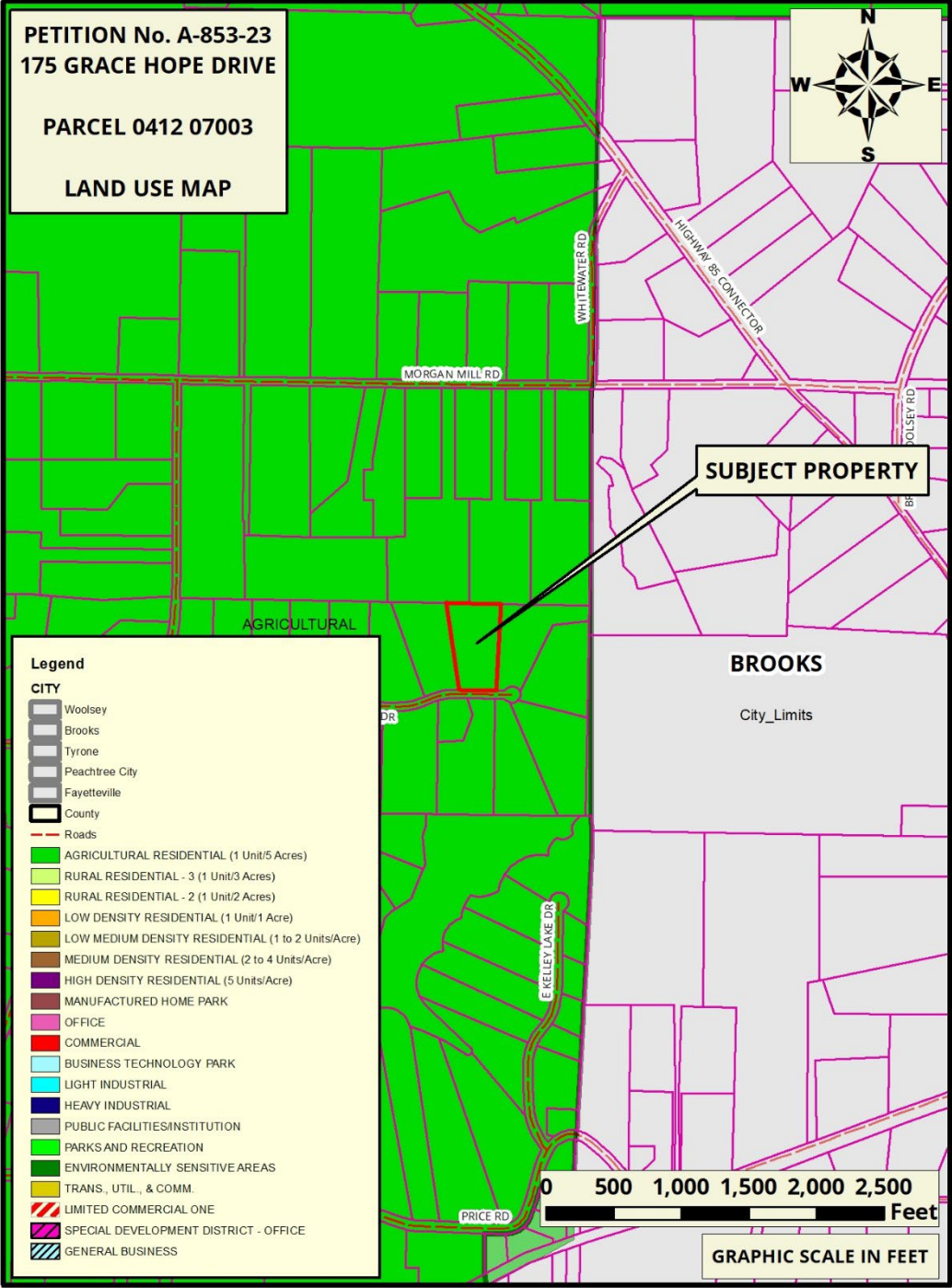
*Please refer to the application form for the applicant's justification of criteria.*

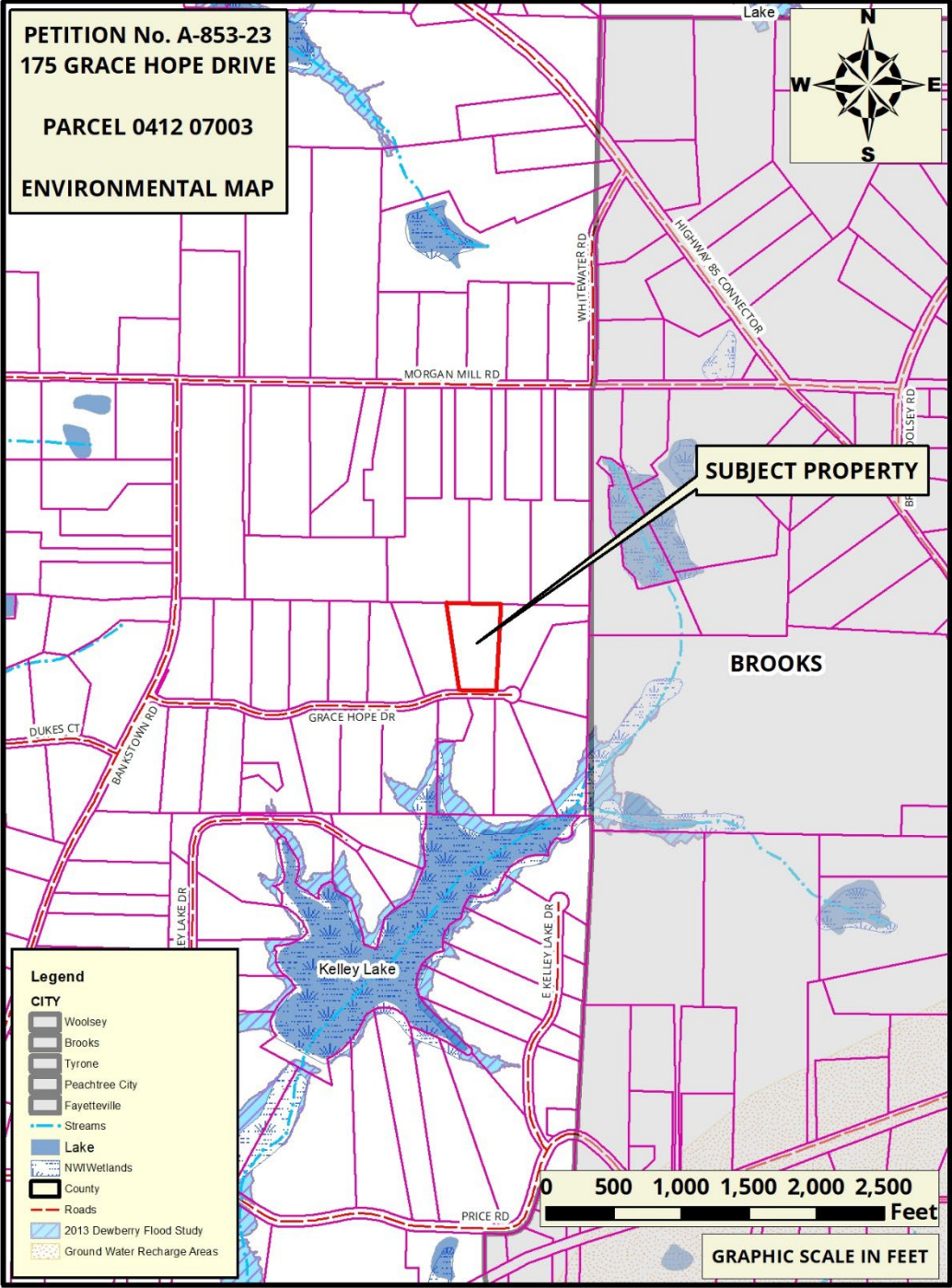
**The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.**

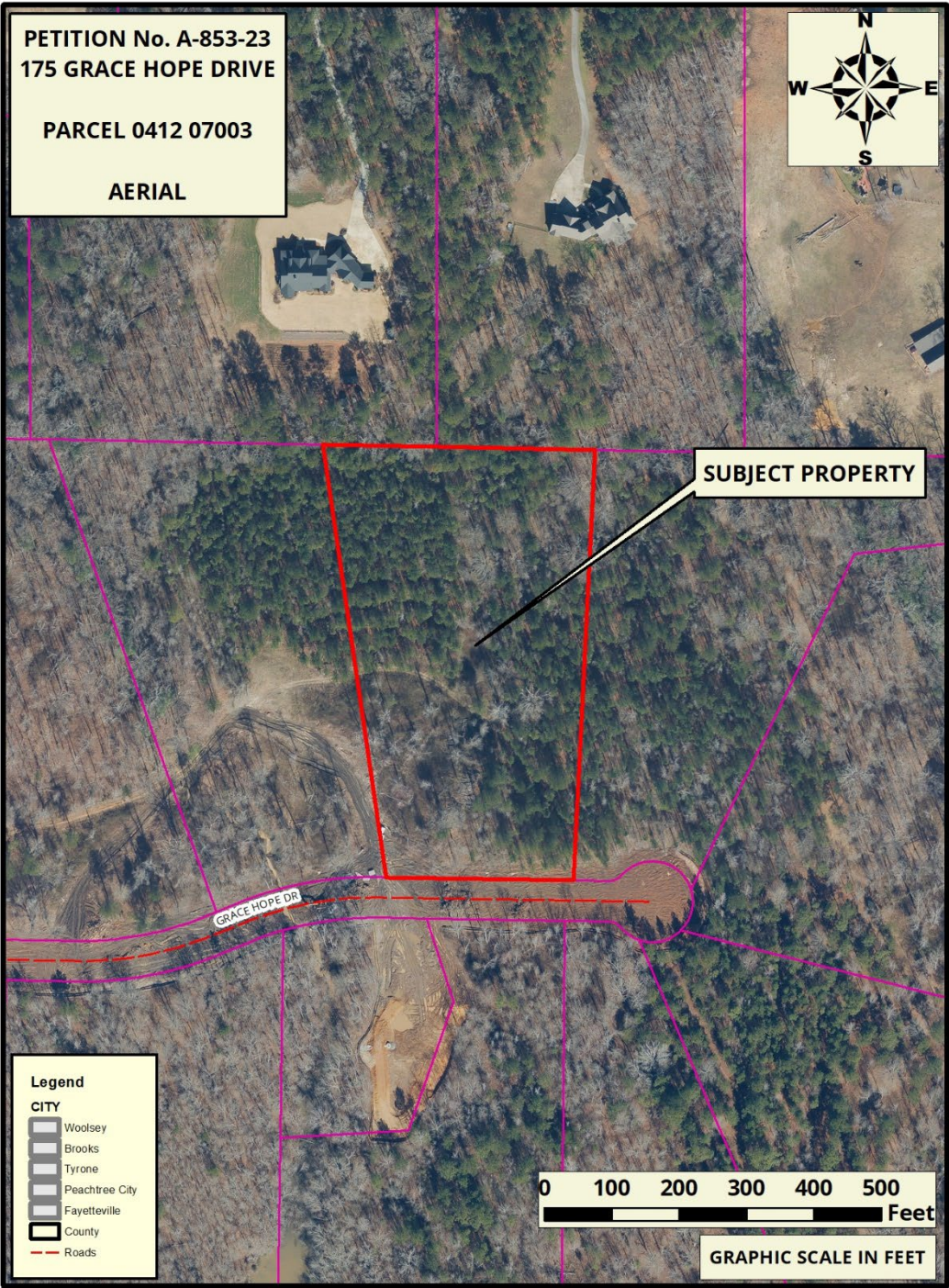
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**  
*The parcel does not have unusual configuration or topographic conditions.*
- 2. The application of these regulations to this particular piece 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.*



















VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 041207003 Acreage: 5.00

Land Lot: 8 - The Reserve at Kelly Lake Land District: 01 - County

Address: 175 Grace Hope Dr., Brooks, GA 30205

Existing Zoning: residential Requested Zoning: \_\_\_\_\_

Zoning of Surrounding Properties: residential

Existing Use: residential Proposed Use: \_\_\_\_\_

PROPERTY OWNER INFORMATION

AGENT/DEVELOPER INFORMATION  
(If not owner)

Name William E. & Jennifer R. Jerome

Name \_\_\_\_\_

Email bamafamily@comcast.net

Email \_\_\_\_\_

Address 175 Grace Hope Dr.

Address \_\_\_\_\_

City Brooks

City \_\_\_\_\_

State GA Zip 30205

State \_\_\_\_\_ Zip \_\_\_\_\_

Phone 770-337-1988

Phone \_\_\_\_\_

(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: Debra M. Sims Date: 12/1/2023

DATE OF ZONING BOARD OF APPEALS HEARING: January 23, 2024

Received from Jennifer R. Jerome a check in the amount of \$ 175<sup>00</sup>

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

Date Paid: 12/1/2023 Receipt Number: 19715

**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:

WILLIAM E. and JENNIFER R. JEROME

Please Print Names

Property Tax Identification Number(s) of Subject Property: 041207003

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) of the 01-County District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 5.00 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.

[Signature]

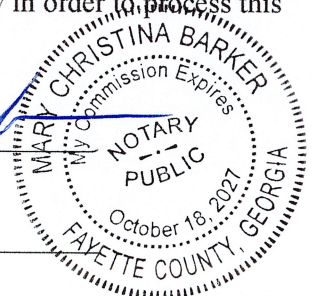
Signature of Property Owner 1

175 Grace Hope Dr., Brooks  
Address

Mary Ch Barker

Signature of Notary Public

12/11/2023  
Date



[Signature]

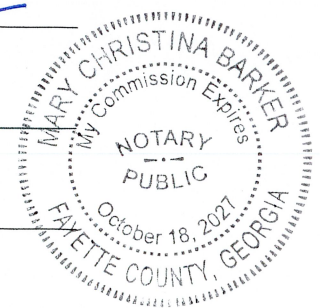
Signature of Property Owner 2

175 Grace Hope Dr., Brooks  
Address

Mary Ch Barker

Signature of Notary Public

12/11/2023  
Date



Signature of Authorized Agent

Address

Signature of Notary Public

Date

### VARIANCE INFORMATION

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

Ordinance/Section	Requirement	Proposed	Variance Amount
Sec. 110-125 (d)(6)	50' from property line for pool equipment	29'8"	20'4"

### VARIANCE SUMMARY

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

Pool contractor installed the pool equipment in a spot he deemed best. We relied on his expertise and did not question its location.

### 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
	50' from property line for fire pit	43'2"	6'10"

### 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 asking for grace on a landscaping project. In an effort to do our due diligence, we were told by the permitting office that the fence and seating wall did not require a permit. We were told to stay 15' from the property line. If we had known she said 50' rather than 15', we would have adjusted our landscaping plan.

(photos included to show the view from the adjacent lot)

## DECLARATION OF REQUEST

Yazette 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 pool equipment is installed and working properly.

The equipment is shielded by a privacy fence/screen.

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

As the equipment and surrounding landscape are already installed, moving it would require undoing what we've spent a lot of money to make the area look nice.

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

Our neighboring lot is vacant and the equipment is shielded by a privacy screen and vegetation.

## JUSTIFICATION OF REQUEST

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

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

The property is wooded and the adjoining lot has been vacant/unsold for quite some time.

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

This was a landscaping project that we spent over \$50K to create a peaceful area and to enhance the value of our home. The cost to remove it, and possibly install elsewhere, is prohibitive.

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

The firepit and landscaping is within our fenced backyard and shielded by 15 arborvitae trees planted to add a visual break between our property and the vacant lot adjacent to us.



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.

Visual breaks (fence, shrubbery, trees) have been installed to provide a break or privacy between our property and the vacant lot 7. The firepit seating wall is 15" high.

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

We purchased in Brooks to have a larger area to enjoy a peaceful lifestyle, and have spent a great deal of money to create a nice place with privacy too.

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.

As stated, the neighboring lot is vacant  
and the pool equipment is shielded.

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

The size of our lots and wooded nature  
afford a natural privacy not available to  
homes built much closer together.

Type: WD  
Recorded: 10/31/2021 11:23:00 AM  
Fee Amt: \$211.00 Page 1 of 3  
Transfer Tax: \$186.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Participant ID: 2979894615

**BK 5393 PG 509 - 511**

**Record and Return to:**  
Weissman PC  
5909 Peachtree Dunwoody Road, Suite 100  
Atlanta, GA 30328

**File No.: W-C-23405-21-PC**

**Parcel ID:** 041207003

### **LIMITED WARRANTY DEED**

**STATE OF GEORGIA  
COUNTY OF FAYETTE**

THIS INDENTURE, made this 21st day of October, 2021 by and between **Lewis W. Mobley and Dayna L. Mobley**, as party or parties of the first part, hereinafter called Grantor, and **William E. Jerome and Jennifer R. Jerome**, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND NO/100 (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

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

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

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

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 claiming by, through, or under Grantor herein.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and is the intention of the parties hereto to hereby create in Grantee a joint tenancy estate with right of survivorship and not as tenants in common.

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

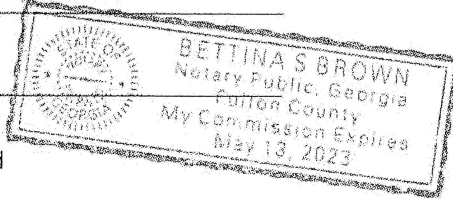
Signed, sealed and delivered  
in the presence of:

[Signature]  
Unofficial Witness

Lewis W. Mobley (Seal)  
Lewis W. Mobley

Notary Public

My Commission Expires:



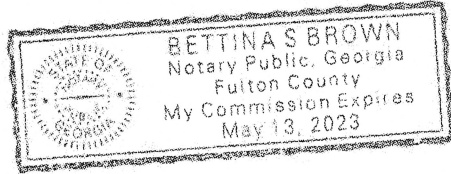
Signed, sealed and delivered  
in the presence of:

[Signature]  
Unofficial Witness

Dayna L. Mobley (Seal)  
Dayna L. Mobley

Notary Public

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



**EXHIBIT "A"**

**File No.: W-C-23405-21-PC**

All that tract or parcel of land lying and being in Land Lot 93 (having been cited previously in chain of title as "Land Lots 93 and 94") of the 4th District, Fayette County, Georgia, being Lot 8 of The Reserve at Kelly Lake, per Plat thereof recorded in Plat Book 100, Page 154, Fayette County, Georgia Records, which recorded Plat is incorporated herein by reference and made a part of this description; and being the same property conveyed by deed recorded in Deed Book 5098, Page 485, aforesaid records.

FOR INFORMATIONAL PURPOSES ONLY: Said property is known by address as 175 Grace Hope Drive, according to the present system of numbering property in Fayette County, Georgia.

DLM

Lwm

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,  
January 22, 2024 at 7:00 P.M.,  
Fayette County Administrative  
Complex, Public Meeting Room,  
140 Stonewall Avenue West, first  
floor.

Petition No.: A-853-23

Owner(s)/Agent(s): William &  
Jennifer Jerome

Property Address: 175 Grace Hope  
Drive, Brooks, GA 30205

Parcel: 041207003

Zoning District: A-R

Area of Property: 5 acres

Land Lot(s): 93

District: 4th

Road Frontage: Grace Hope

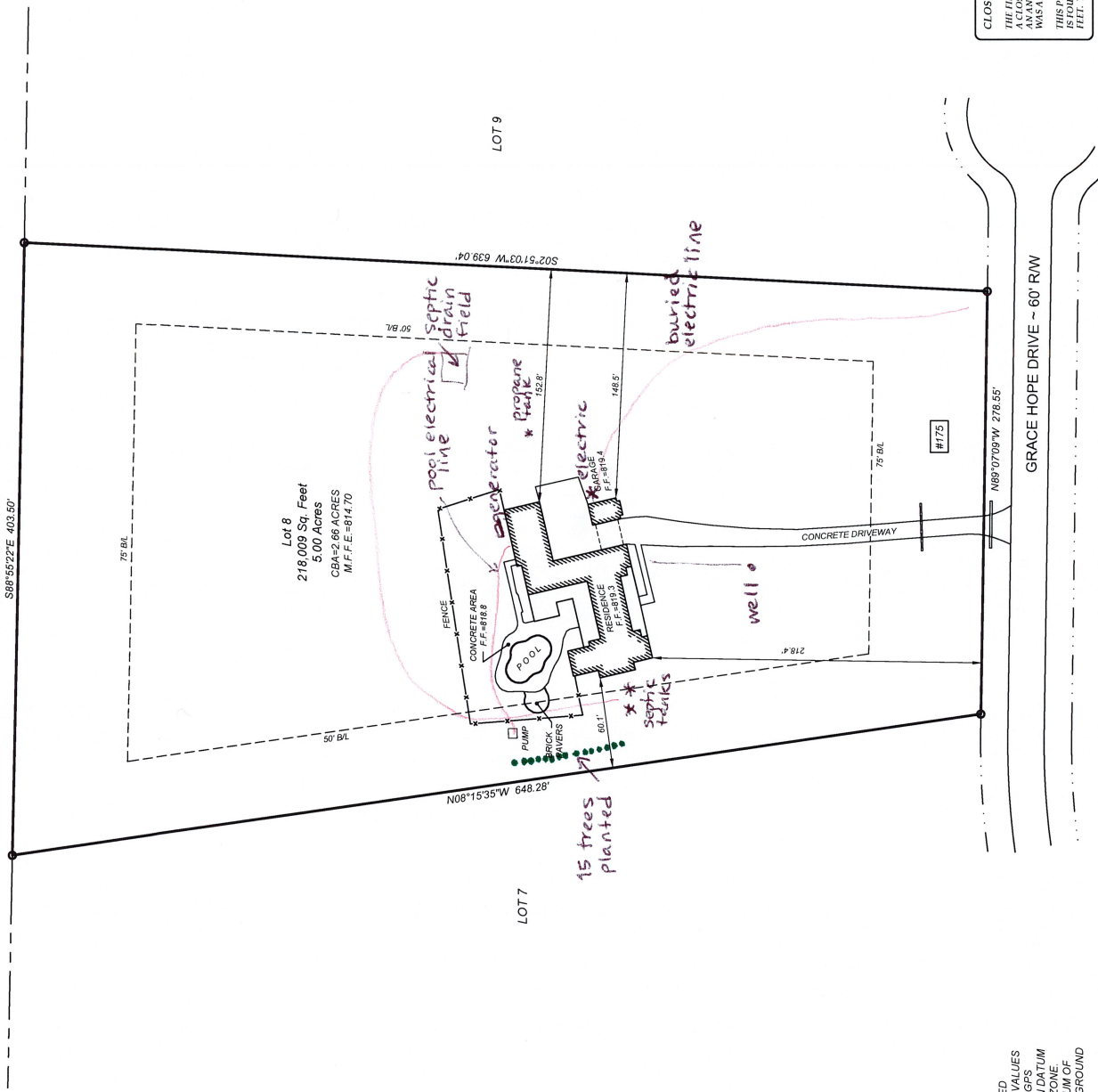
Request: Variance to Sec. 110-125  
(d)(6) requesting to reduce the set-  
back from

property line from 50' to 29'8" to  
allow for pool equipment installed  
by pool contractor and outdoor  
seating area.

Legal Description:

All that tract or parcel of land lying  
and being in Land Lot 93 (having  
been cited previously in chain of  
title as "Land Lots 93 and 94") of  
the 4th District, Fayette County,  
Georgia, being Lot 8 of The Reserve  
at Kelly Lake, per Plat thereof re-  
corded in Plat Book 100, Page 154,  
Fayette County, Georgia Records,  
which recorded Plat is incorporat-  
ed herein by reference and made a  
part of this description; and being  
the same property conveyed by  
deed recorded in Deed Book 5098,  
Page 485, aforesaid records.

FOR INFORMATIONAL PURPOS-  
ES ONLY: Said property is known  
by address as 175 Grace Hope  
Drive, according to the present



**CLOSURE STATEMENT:**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE FRACTION OF ONE FOOT IN 29,000 FEET AND AN ANGULAR ERROR OF 02" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES ADJUSTMENT.  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. TYPE OF EQUIPMENT USED: TOPCON 5500.

- NOTES:**
- TAX PARCEL 041207003.
  - REFERENCES FOR THE BOUNDARY/NOTES INFORMATION SHOWN HEREON WERE MADE TO PLAT BOOK 100, PAGES 154-164 FAYETTE COUNTY RECORDS.
  - DATE OF FIELDWORK: NOVEMBER 6, 2023.
  - THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0165E WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008.
  - THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ENGINEER'S EXAMINATION OF THE PROPERTY. MCLAIN SURVEYING, INC. MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, AGREEMENTS, RESERVATIONS AND OTHER SIMILAR MATTERS.

LEGEND	
E.O.P.	EDGE OF PAVEMENT
R/W	RIGHT OF WAY
I.P.	IRON PIN PLACED
I.P.P.	IRON PIN PLACED
C.T.	CRIMPED TOP PIPE
O.P.	OPEN TOP PIPE
O.P.B.	OPEN TOP PIPE BAR
N.F.	NOW OR FORMERLY
B.L.	BUILDING LINE
B.L.	BUILDING LINE
L.L.L.	LAND LOT LINE
D.B.	DEED BOOK
P.B.	PLAT BOOK
M.O.M.F.	MONUMENT FOUND
P.O.B.	POINT OF BEGINNING
A.K.A.	ALSO KNOWN AS
D.M.A.S.	DEED MARGINAL SURVEY
L.P.	LIGHT POLE
F.H.	FIRE HYDRANT
M.F.F.E.	MINIMUM FINISHED FLOOR ELEVATION
L.A.G.	LOWEST ADJACENT GRADE
D.I.G.	DRAINAGE
J.B.	JUNCTION BOX
F.I.	FIRE HYDRANT
W.M.	WATER METER
S.L.	SEWER LATERAL
S.S.M.	SANITARY SEWER MANHOLE
S.S.L.S.	STOP SIGN, SPEED LIMIT SIGN
L.P.	LIGHT POLE
A.	ADDRESS
W.V.	WATER VALVE
E.T.	ELECTRIC TRANSFORMER

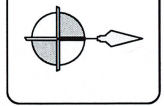
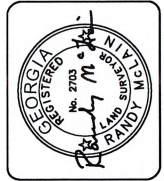


THE DATUM (BASE FOR THE BEARINGS) FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPMENT BY 6065 SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM 1983. THE VERTICAL REFERENCE FRAME IS THE GEORGIA WEST ZONE 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

IN MY OPINION, THIS IS A TRUE AND CORRECT REPRESENTATION OF THE PLATTED PROPERTY AND HAS BEEN PREPARED IN CONFORMITY WITH THE STANDARDS AND REQUIREMENTS OF LAW.

RANDY MCLAIN  
 GEORGIA R.L.S. #2703

**SURVEY FOR:**  
**DEPENDABLE POOLS**  
 LOT 8 THE RESERVE AT KELLY LAKE  
 LAND LOT 93 - 4TH, DISTRICT  
 FAYETTE COUNTY, GEORGIA



**MCLAIN SURVEYING, INC.**  
 LAND SURVEYING - LAND PLANNING - LAND DEVELOPMENT  
 6 MADISON STREET  
 NEWNAN, GEORGIA 30263  
 PHONE: 770-251-8523 - EMAIL: [randy@mclainsurveying.com](mailto:randy@mclainsurveying.com)

**From:** [Jennifer Jerome](#)  
**To:** [Deborah Sims](#)  
**Subject:** Variance Petition A-853-23  
**Date:** Tuesday, December 5, 2023 12:02:46 PM

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You don't often get email from bamafamily@comcast.net. [Learn why this is important](#)

**\*External Email\*** Be cautious of sender, content, and links

RE: Variance Petition A-853-23  
175 Grace Hope Dr., Brooks, GA  
William & Jennifer Jerome

Approval statement from representative of Brent Holdings

Begin forwarded message:

**From:** Dawn Wilson <dawn@brentholdings.net>  
**Subject: RE: Lot 7 - The Reserve at Kelly Lake**  
**Date:** December 5, 2023 at 11:49:59 AM EST  
**To:** Bill & Jennifer Jerome <bamafamily@comcast.net>

Jennifer- As I anticipated, we will grant approval of encroachment. I will have one of our attorney's draw up a legal document granting the allowance. Once complete I'll forward to you!

Have a great day.

Thank you,

Dawn

---

**From:** Bill & Jennifer Jerome <[bamafamily@comcast.net](mailto:bamafamily@comcast.net)>  
**Sent:** Monday, December 4, 2023 1:11 PM  
**To:** Dawn Wilson <[dawn@brentholdings.net](mailto:dawn@brentholdings.net)>  
**Subject:** Re: Lot 7 - The Reserve at Kelly Lake

Yes. I just sent them in a separate email.

Thank you,  
Jennifer Jerome

On Dec 4, 2023, at 1:14 PM, Dawn Wilson <[dawn@brentholdings.net](mailto:dawn@brentholdings.net)> wrote:

Jennifer - Can we get some kind of plat even if it's just hand drawn with where the fire pit and pool pump are located in relation to the two lots along with pictures?

Thank you!



-----Original Message-----

From: Jennifer Jerome <[bamafamily@comcast.net](mailto:bamafamily@comcast.net)>

Sent: Friday, December 1, 2023 12:30 PM

To: Dawn Wilson <[dawn@brentholdings.net](mailto:dawn@brentholdings.net)>

Subject: Lot 7 - The Reserve at Kelly Lake

Hi Dawn.

We hope all is well with your family.

We finally completed our pool and backyard landscaping, and have run into an issue we are hoping you can help with, or direct us to the correct people.

We had the landscape company install a firepit area and I misunderstood the zoning ordinance when I called to ask. I thought they said 15 feet from the property line, when in fact the ordinance is 50 feet. And our pool pump was not placed at 50 feet either.

So, we are asking the neighbors (you/Brent since Lot 7 is unsold) if there is a problem with the placement of the firepit and pool pump.

The firepit is within our backyard fence at 43 feet, and the pump is just outside the fence at almost 30 feet. We landscaped to include 15 arborvitae trees and privacy screening to grow into a natural visual break and privacy between the two properties.

Our options, per the Planning And Zoning Commission are to (1) seek written approval of the encroachment on the 50 foot side-property setback, and/or to (2) seek to purchase 0.05-0.10 acre of Lot 7 along that portion of the property line. Our variance hearing is scheduled for January 22, 2024.

Please let me know what you think. I am available for a call anytime, if needed (770-337-1988).

Thank you,  
Jennifer Jerome

### **Disclaimer**

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<Final Plat Recorded Book100Page154 Kelly Lake.pdf>

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