

BOARD OF APPEALS

Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Anita Davis
Marsha Hopkins
John Tate

STAFF

Deborah L. Bell, Planning and Zoning Director
Deborah Sims, Zoning Administrator
E. Allison Ivey Cox, County Attorney

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
May 28, 2024
7:00 P.M.**

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

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on February 26, 2024.

PUBLIC HEARING

5. Consideration of Petition No. A-858-24 – Jason Ridlehoover and Caleigh Ridlehoover, Owner, and Revive Contracting, LLC, Agent, request a variance to Sec. 110-125(d)(6), requesting to reduce the side yard building setback in the A-R zoning district from 50’ to 26’ to allow the existing house to remain. The subject property is located in Land Lot 31 of the 7th District and fronts on Nelms Road.
6. Consideration of Petition No. A-859-24 – Earold Anthony Brown, Owner, requests a variance to Sec. 110-144(d)(5), requesting to reduce the side yard building setback in the C-H zoning district from 15’ to 3.3’ to allow the existing house to remain. The required 50’ zoning buffer will remain. 2. Per Sec. 110-144(d)(3)(b), requesting to reduce the front yard setback from 65’ to 62.1’ to allow the new house to remain. The subject property is located in Land Lot 199 of the 13th District and fronts on Highland Hills Rd. and Highland Drive.
7. Consideration of Petition No. A-860-24 – Jerry Battle, Jr. and Melissa Battle, Owner, and Randy Boyd, Agent, request a variance to Sec. 110-242 (h) request for an illegal lot to be deemed a nonconforming lot. The subject property is located in Land Lot 252 of the 4th District and fronts on McBride Road.

Minutes 02/26/2024

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 26, 2024, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

MEMBERS PRESENT: Bill Beckwith, Chairman
Brian Haren, Vice-Chairman
Anita Davis
Marsha Hopkins
John Tate

STAFF PRESENT: Debbie 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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1. Call to Order.
 2. Pledge of Allegiance.
 3. Approval of Agenda. Bill Beckwith asked if *Petition No. A-852-23 had been withdrawn or resubmitted. Deb Sims stated they had not resubmitted their application.*
 4. Consideration of the Minutes of the Meeting held on January 22, 2024. *John Tate made a motion to approve the Minutes of the Meeting on January 22, 2024. Anita Davis seconded the motion. The motion passed 4-0. Marsha Hopkins abstained from voting as she was absent from the January 22, 2024, meeting.*

Bill Beckwith discussed the functions of the ZBA for those who had not attended a ZBA meeting before. The ZBA considers the petition of property owners looking for a variance to do or build something on their property that would violate a county ordinance, basically breaking the law. The ordinance has been officially adopted as the law. The ZBA will hear statements for the variance and in opposition to the variance and then we make a decision to approve or deny that request. Other boards, especially the Planning Commission, make a recommendation to the Board of Commissioners, but we are the decision-making body, so our decision stands and does not have to go to the Board of Commissioners.

PUBLIC HEARING

5. Consideration of Petition No. A-854-24 – Max Good and Jean Shepherd Good, Owners, request a variance to Sec. 110-67 (b) to reduce the 100’ of road frontage to 20’ and in accordance with Section 110-242 (h) the illegal lot be deemed a nonconforming lot by the Zoning Board of Appeals. The subject property is located in Land Lot 198 and 219 of the 5th District and fronts on Neely Road.

Debbie Bell reviews the staff report and states that this is an unusual case and will require a little bit longer explanation. Debbie states she would like to give the board a little history on this property. In 1970 this was recorded as a single land-locked parcel. At that time, it was accessed by a 15-foot easement across land owned by Kozisek. That is the large quadrangle you see at the top of the page. The smaller corner lot is a 1-acre lot that was cut out. They used the same parcel and homes were built on both parcels. At that time, that was considered a legal lot of record. In 1980, land was purchased from Kozisek to pour a 20-foot strip to create a flag lot instead of having only an access easement. So, there is a 20-foot owned strip that goes with this parcel. At that time, the 1-acre parcel was slightly reconfigured apparently it has an easement across that 20-feet, and perhaps that reconfiguration helped to provide a little better access to that easement. In 2007, the owner at the time was Mr. Yancey. He was advised by zoning staff that they could not create an additional parcel. They reconfigured the lot to line up with the easement, but it was still considered a legal non-conforming lot. In 2020, the previous owner sold a portion of that parent tract to this other. So, this orangish section is about 1-acre and it was sold and cut off from the blue section and sold to the corner tract. Which led to the blue tract having 4-acres. This still meets the zoning standard and has the 20-foot road frontage at the end of this strip, but that had the result of causing the parcel to lose its status as a legal non-conforming lot. And now it is considered an illegal lot. In 2023, Mr. and Mrs. Good purchased the 4-acre parcel and had no idea that the previous owner's actions had created an illegal non-conforming parcel. That gives you the background of what happened, and again, this is an unusual case. A non-conforming lot is a legal lot that was made non-conforming typically by some action of the county. Sometimes, you will see it when someone has to dedicate the road right of way. Sometimes, it is because the regulations in the county changed. At a point in November 1980, it was established as a cut-off date, such that lots that existed in their configuration at that date were considered legal non-conforming lots even if they didn't meet the zoning requirements. Like even if they don't have enough acreage for whatever their zoning district is. So, when Mr. Yancey cut off that acre from the blue parcel, that is when it lost that status. Section 110-242 under Powers and Duties of the Zoning Board of Appeals provides for a request (on page 4 of the staff report and directly from the ordinance) for an illegal lot to be a non-conforming lot.

Ms. Bell reads the following from the staff report.
Sec. 110-242.-Powers and duties.

(h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if

the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;

(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, stepchild, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece, or nephew of the person who caused the subject property to be an illegal lot; and

(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved, and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

There were not any objections from staff for this property. The property is located in the north part of the county near Longview. Here you can see the prior configuration of the subject property. There is a lake nearby, but it doesn't have a significant impact on the property or the request. Here is a survey and you can see the lots.

It is the staff's opinion that this parcel does have some unique or limiting factors. The former reduction in road frontage is unlikely to have a negative impact on the adjoining properties as the lot has been configured this way for many years. A recent re-subdivision of the parcel by the previous owner resulted in the loss of the previous legal non-conforming status and the request is to restore that status for the current owners.

Mrs. Good spoke as the petitioner. We are thankful for our 4-acres. We were so excited. We are from Ohio and to see this beautiful property and to drive up our driveway. We have never seen so much land before. It had a small house on it. It was just kind of a mess when we got there. We spent \$60,000 on trees and taking out old buildings, and old dog houses. So, we were so excited about the property and then we were thinking we could add a small guest house on the property because the house there is not really big. We contacted a builder and went through all the due diligence with contacting the different boards. Spend about \$4,000-6,000 leading up to getting the building permit. So, we just want you to know that we are thankful to be here in Fayetteville and anywhere we are we try to improve. We are on our way to making it much better. Thank you.

Hi, I am Max Good, and I want to thank our builder, Levi is here. I want to thank Debbie as well as she has helped us to understand this. When we bought this property in May of 2023, we really didn't have any inkling that this was going to be a problem. We worked with an experienced realtor in the area so this kind of thing wouldn't happen. Levi tried to do as much research as possible, but we found we had to go through the soil test, the site plan, the erosion plan, and the septic permit. So, we got all that in order just to find out that when we submitted for the building permit, we discovered this issue, so we are hoping that you can help us move forward on this. Thank you!

Bill Beckwith thanks them and asks them to sit in front in case there are some questions. Is there anyone else in favor of this petition? I am seeing none. Or in opposition? I am seeing none. The board may have some questions.

Marsha Hopkins asks if the owner in 2007 is the same as the 2020 owner. Debbie Bell states that the owner in 2020 was Mr. Yancey and the owner in 2007 was Kozisek. This current owner did not cause this configuration and they purchased the property in this configuration.

Deborah Sims states that Yancey was the owner in 2007 and he is also the owner who subdivided the property after he was told not to. This had no impact on the Goods at all. They bought the property this way.

Marsha Hopkins asks how the lots are taxed. Did Mr. Yancey pay all the taxes, and if he couldn't subdivide?

Deborah Sims says they can subdivide by deed. They can record things without our approval. Unfortunately, when they do, it is at their own peril. Mr. Yancey was very well warned that if he did that, this is exactly what would happen. The tax assessor simply takes what is recorded and they assess the taxes on what is recorded. It in no way means it is what is recorded is a buildable lot a legal lot. It just means that you own that piece of property.

John Tate asks for clarification. What I am looking at the powers and duties of ZBA when making a decision. In our way of thinking, in the first section (1) The transaction giving the appellant/petitioner ownership if the subject property was more than five years from the date of the appeal/petition, or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition. And in my way of thinking, the lot was made illegal more than 10 years ago and it was made illegal in 2020.

Debbie Bell states that is correct.

In regard to the conditions must we find that all three of these must apply or do we simply use these as a basis for our decision?

Ali Cox states that is the basis for the decision that all three factors should be present.

Bill Beckwith says, “Any other questions to the Goods or to the staff? To me, this reminds me of another case where the Zoning or Planning Commission didn't know about it. The new owners found out about it when they went to develop and improve the property they just bought. It is unfortunate when this occurs. And we have had this happen before. Through no fault of their own, they found out that they couldn't do what they wanted to do. Is anyone ready to make a motion?”

Brian Haren, we are considering both the reduction of the 100-foot road frontage and identifying this as a non-conforming lot. All in the same motion?

Ali Cox states it would be two different motions. First, the lot needs to be deemed non-conforming vs. illegal and then there would be the motion for the variance.

Brian Haren made a motion to approve Petition No. A-854-24 Section 110-242 (h) that the illegal lot be deemed to be a nonconforming lot. Marsha Hopkins seconded. The motion passed 4-1. John Tate voted in opposition.

Brian Haren made a motion to approve Petition No. A-854-24 Sec. 110-67 (b) variance. John Tate seconded the motion. The motion passed 5-0.

6. Consideration of Petition No. A-855-24 – Melanie N. Green, Owner, and Bill Hayfer, Agent, request a variance to Sec. 110-125(d)(4)a.2 to reduce the front yard setback from 100' to 52' to allow an existing block home to remain as a guest house. The subject property is located in Land Lot 62 of the 4th District and fronts on Price Rd.

Debbie Bell reviews the staff report for Petition A-855-24. This parcel is zoned A-R and is about 14.5 acres in size. The staff's opinion of the situation is unique because of the age of the house. The applicant estimates the home was built in the 1930s and staff has verified its presence at least as far back as 1955. Historically, at the time, homes were built close to the road for any number of practical reasons. Also, the zoning code existed in the county at that time, so the location of the home was acceptable at that time of construction. There are no staff objections from the different departments. Environmental health does have some standard requirements for approving a septic system. The property is just west of Brooks. This property and those around it are zoned A-R. The tax assessor parcel configuration does not reflect the most current parcel configuration. The land use map is also A-R. There are no environmental factors that impact this part of the property. You can see that it sits rather close to the road and that was common at the time. You can see it under some big oak trees. Here is a survey that shows the current configuration of the parcel, showing the house here and the guest house located towards the front of the property.

Bill Beckwith, “You all did note that the size of the house does meet the criteria for the guest house.”

Debbie Bell, “Yes, sir it does.”

Bill Beckwith asks if Ms. Green or Mr. Hayfer are available. They are not in attendance. Ok, in absentia. This is an interesting situation; can we legally go ahead and discuss this?

Ali Cox, County Attorney, states, “Yes, open the floor for the hearing and if no one is here and no one is opposed, take a vote.”

Ok, well no one is here in support of it. Not even the owner said Mr. Beckwith. Is there anyone in support of this petition? Is there anyone in opposition?

Bill Beckwith, "I think the information provided by the staff that it is an older house, and the size of the house does meet the criteria for the guest house. And indeed, there were no zoning code requirements at the time the home was built. So, at the time of construction, it was an acceptable house. So, do I hear any other comments from the board? Would you like to discuss anything or even make a motion?"

Brian Haren, “I have a question. Are the property owners planning to do something with this? How did it come to the staff’s attention?”

Debbie Bell said, “Initially the first time I saw this there was a different subdivision plat and we had put a note in there that the structure did not meet the setbacks and that it needed to be removed. They then revised the plat to this configuration, and they decided to submit a request to retain the house as the guesthouse.”

Bill Beckwith asked if we are ok to contact them with the results of the findings today.

Debbie Bell says, yes, we will email them. We will send out a follow-up letter. I imagine Mr. Hayfer will inquire.

Brian Haren, “He has to return the sign.”

Bill Beckwith, “Anyone else?”

John Tate, “Mr. Chairman, I don’t have any problem with this, and I vote that we approve the petition.”

John Tate made a motion to approve Petition No. A-855-24. Brian Haren seconded the motion. The motion passed 5-0.

7. Consideration of Petition No. A-856-24 – Melinda C. Owen, Owner, and Veda Ann Creighton, Agent, request a variance to Sec. 110-79(e)(1)(d) requiring the detached garage in the front yard to be attached to the primary structure by either an attached or detached breezeway, an attached raised deck, or an attached or detached pergola. The subject property is located in Land Lot 159 of the 4th District and fronts on Blanche Dr. and Rising Star Rd.

Debbie Bell reviews the staff report for Petition No. A-856-24 requiring the detached garage in the front yard to be attached to the primary structure by either an attached or detached breezeway, an attached raised deck, or an attached or detached pergola. It is the staff’s opinion that the property does present some unique characteristics. The topography of the lot and the location of the existing house would make it difficult to locate the garage in another area where a breezeway would be better suited. The owner has made an application to relocate part of the septic system to accommodate the garage. It is allowed in the front yard, but a connecting structure would be difficult to tie into the house in an architecturally or spatially appropriate manner. The proposed location will not encroach on any building setbacks. If this were approved, there would be no required conditions.

There were no staff objections. This is located a little bit northwest of Brooks. This is a small subdivision here. R-45 is the current zoning. There is still a lot of A-R zoning in the immediate area. The land use is all rural residential. There is a stream in the back so there are some floodplains and buffers further back that affect the lot. They would not be impacted by the requested location. Here is an aerial and a closer view and a site plan will explain a little further. According to their site plan, here is their existing house. The driveway comes in on this side with a retaining wall. They are looking to put a detached garage over on this side of the home within the building setbacks, but there is not a very good opportunity to create the attachment point. I have no further information.

Bill Beckwith, thank you is Ms. Owen available tonight?

Yes, hello I am Ms. Owen, and I brought some pictures if you want to see them. We want the house not to be attached as that is the side of the living room and that is my husband's office, and it doesn't really make sense to put an archway on that side of the house. And the line where they are referring to the front of the house is really the side of the house as you can see. Like I said, a breezeway wouldn't look good on that side. Also, if we did attach which doesn't make sense. Well, that's my husband's office so we don't want people in and out on that side. We have 4 kids and that is about the only place on our lot we can put an extra garage.

Hello, I am Rod Owen, and I am Melinda's husband. The consideration of the front line of the house. When the document says the garage is in front of the house, it is in front of the house line but as you can see it is to the side. We have worked with an architect to aesthetically coordinate the look of the garage to the house. So, they would look alike. There is also a tree line that will block this from Rising Star. So, we ask that the board approve the variance so we can proceed with the building of this detached garage.

Bill Beckwith says thank you. Is there anyone else who wishes to speak in favor of this request? Is there anyone who would like to speak in opposition?

Ok, so back to the board then for comments or questions.

Anita Davis asked for clarification, "You didn't want to have any sort of attachment to the garage to your house because it doesn't make sense. You also explained it is close to your husband's office. Could you elaborate a little bit as to why there was an attachment built if your architect could make it work other than there is not a door specifically there? Is there any other reason why you wouldn't want the attachment so that you are in conformance with the statute?"

Ms. Owen, "Well personally, I just couldn't architecturally see how it would look right. When we built our house, we built the house with the garage attached. We have a deck on the back and then a breezeway. With that side of the house, we have my husband's office in the house. So, we don't want any.... I am sorry I am not answering your question very well, but visually it just wouldn't look right.

Anita Davis, "So for clarification would this disturb your husband's use of his office?"

Ms. Owen, "Well, it could, yes. We don't want people or kids in and out on that side because his office is right there. So, if we did find a way to do it, we don't need traffic on that side of the house.

Ms. Davis, "Got you."

Ms. Owen, we won't need traffic on the side of the house where he is working.

Ms. Davis, "Well, wouldn't there be traffic because how are the people driving the cars going to get in and out?"

Ms. Owen, "We are not using that garage for cars. We have a 2-car garage on the other side. We bought a boat, and it is getting weathered in the driveway and starting to look really bad. So, we would like to put our boat in the garage, and additional storage. Not cars. I should have clarified in the beginning that the garage is not for vehicles, no."

Brian Haren asked Ms. Owen to show him the diagram of where the septic field is located.

Mr. Owen states that the septic lines are going to go out behind the house and the garage and snake out behind the garage back. Between the garage and the waterline. They are obviously set back to be in compliance with the water line, but they go back towards the lake.

Brian Haren asks if the open area below the house has a septic system there.

Mr. Owen states that the field lines go out through their back towards the lake.

Ok, Brian Haren. You said you were making some alterations to the septic drain field.

Mr. Owen, yes, that is correct. I believe we have to extend it. Yes sir.

Bill Beckwith states, "I have a question for staff. We have 2 fronts of the house because of the corner lot. If the walkway or connection could be made, could that be an improved location for the garage?"

Debbie Bell, yes, the garage structure is acceptable under zoning regulations.

Bill Beckwith, as long as it has the connection. One of the things that we like to do is make a suggestion as to an alternate location for the development. Mr. Owen said that moving the garage in the open area by the lake would be an option but that is where the drain field is. Another thing is I see that it is about 17 feet from the corner of the garage to the porch as a walkway might be something you want to consider. That is an option to get the situation resolved in an equitable manner.

Ms. Owen, "To attach the garage to the house?"

Bill Beckwith, "I am just looking at this layout if there was a connection through a front porch through a walkway into the house. That would meet the criterion for having the garage where it is."

Ali Cox, "Yes, it would, and I think the location is not problematic at all. I think the variance request itself is to do away with the covered walkway. This provision in our ordinance requires that walkway and I think that they are trying to say that it is problematic, and it won't work, and they are trying to do away with the walkway. So, I think their request today is to do away with that requirement."

Just because it is difficult doesn't mean it is not possible. I am just saying that if you were to do that, you might solve your situation. Going from the garage into your porch instead of your office.

Mr. Owen, "Your recommendation is duly noted, and with all due respect, the flow of the house and the entrance is on the other end, and we really don't see any reason to put a walkway when the natural flow and the entrance are at the opposite end."

Ms. Owen, "When you mean walkway, what do you mean by walkway?"

Mr. Beckwith asks what are the options.

Debbie Bell states an attached or detached breezeway, an attached or detached raised deck, or an attached or detached pergola.

Ms. Owen, "Well our front porch is up here. We wouldn't be able to ...we have a deck on the back. As far as the deck, it wouldn't make sense to put another deck on the front or the side. The walkway that you are referring to..."

Bill Beckwith.... or covered walkway, with steps up to the porch. You could have a walkway, a covered walkway up to your front porch. You don't go out there because it is just for boats.

Ms. Owen, "Like my husband said, we do all of our activity on the other side of the home."

Bill Beckwith, what activity?

Ms. Owen, the entrance from the garage into the house.

Ms. Beckwith, "I understand that but all you want that garage for is to put some boats in and not for cars?"

Ms. Owen, "Correct."

Bill Beckwith, "So I am just saying if you were to have a covered walkway from the garage to the front porch, that would satisfy the ordinance as it exists. That would allow you to have your garage with a walkway."

Ms. Owen, "Did you see my pictures? It's not going to look right. I don't know the right terms but a breezeway to the garage is not going to look architecturally good. Did you see the pictures? I mean a breezeway..."

Bill Beckwith, "Yes, it says an attached breezeway or attached raised deck, or attached ...I think there are good options to incorporate either of those into what you are trying to do here. It's clear we don't have an issue with the placement of the garage, it is really how do we get you in compliance with current zoning regulations? And I understand that all the living activities take place on the other side of the house, but still, we have a responsibility to make sure there is a reason other than, hey, I don't want to. We still have a responsibility to uphold the county zoning ordinance. This ordinance requires a raised attached deck, breezeway, or pergola. Ok, it is what it is..."

Bill Beckwith, So, basically there is an option to do something differently than what you want to do. Are there any other comments?

May I speak on their behalf? I am going to be their contractor.

Mr. Beckwith, "Excuse me, sir, are you involved in this situation?"

"Yes, sir, I would be the contractor for this job."

Bill Beckwith, "Ok. Are you here to support? OK, come on up and let us hear what you have to say."

Yes, my name is Greg Creighton and I have been doing these types of projects for almost 50 years. Always, one of the biggest concerns is aesthetics. When we do these projects, from my end one of the biggest challenges, is when people look at this property, they don't look at it and say, what the heck were they thinking? I am telling you my opinion if we try to connect these two as they are situated with the elevations. We will have a situation where you will have people come onto this property and say what the heck were they thinking? And I know we are concerned about the brick, the siding, and everything matching. Huge concerns that we have addressed. From my perspective, it won't look right! We have looked at it. That's my perspective on this.

Brian Haren, "So, what are the foundation elevation differences between the two structures?"

Greg Creighton, "I can't tell you the exact. I would venture to guess from that 16-foot span right there, it probably drops about 4 to 5 feet. And yes, we could add a series of steps, but in my opinion, you wouldn't want it. You all would not want it. Now, what's on paper and what the laws are I know is what you look at and refer to, but from the aesthetics point of view, I think it is a mistake."

John Tate, "So, sir, this is the kind of work you normally do, correct?"

Greg Creighton, "It is all I do, sir."

John Tate, "You have built detached garages and you have also connected them to the house."

Mr. Creighton, "Yes, I have sir. The most recent one I did and connected was off Fisher Road. There is a handicap situation so the level of the house, and the garage, and the breezeway is the same level."

Mr. Tate, "But you still have to put a structure and from what I am hearing, there is no structure that would fit in with what is already there."

Mr. Creighton, "That is my opinion, yes."

Mr. Tate, "I don't see how that correlates to the deck itself. I find this a little confusing."

Mr. Creighton, "I am confused by what you just said."

Mr. Tate, "I think what you are saying is because of the elevation, and in jobs you may have done in the past, the elevation was level so there really wasn't an issue."

Mr. Creighton, "Yes, that is correct."

Mr. Tate, "This one, I am hearing because the elevations are uneven to put a structure there like those that are required, it is not going to fit aesthetically. And this is still where I am a little confused, what does the elevation have to do with the aesthetics of it?"

Mr. Creighton, "Well, as far as the elevation is concerned, you would have to have a series of steps. You would also have to have some type of rail system. Going from the proposed garage to the house, I just can't visualize that and maybe you just have to see it. Maybe we should have had something with elevations and such up here."

Anita Davis, "Would changing the grading in the front to smooth it out a bit, is that an option?"

Mr. Creighton, "That is a great question. Between the corner of the house and the corner of the garage, there is a pretty severe fall right there. With steps that go back around the AC units. That would require some type of retaining wall coming off the corner of the house, which would cut off the steps that are going down and around the AC units. Going down around this side of the house. A retaining wall would do that, but it would cut off access to the side of the house and to the AC units."

Anita Davis, "And to those who have acknowledged that they don't use that path to get to the back. All the traffic is on the other side. So, it truly might not be so much of an issue."

Mr. Creighton, "Laughingly, hence not needing that walkway."

Anita Davis, "Just trying to figure out a way to make that conform."

Bill Beckwith, "Any other comments? Hope you understand we are trying to help you get what you want, without having you break the law."

Mr. Owen, "Yes, sir. We all understand that laws are made but there are always exceptions to every rule and in this case, we are requesting an exception."

Beckwith, "That is why we are here to take a look and a listen and see what we can do. But then again, we also have to consider options. Any other comments?"

Brian Haren, "So if you do the calculation. Let's assume that there is a 5-foot elevation difference over that 16.9 feet. That is a pretty severe slope, that is about a 30 percent slope. From that perspective, I can understand not wanting to do the attached walkway. If this were a new construction property, it would require the builder to go in and bring everything up to grade to do this. Although, I am really on the fence with this from an elevation level difference, understand that this could cause some issues. I am inclined to support this petition, but only barely."

Bill Beckwith, "I went over there today to see where this garage would go, and it does drop down. I did see that, but until Mr. Haren mentioned the elevation difference and tried to understand what Mr. Creighton said it was going to look like. I am on the same page, but I think I am going to fall on the same page as Mr. Haren did and second the motion."

Brian Haren, "One more comment to the petitioner and the developer. One thing that would've helped us to make a decision on this would have been if we saw a topo for this site. So, we could get an idea of the slope issues. We have had similar petitions come before us. Seeing the contour lines and breaks really helps us to make a decision, because not all of us have an opportunity to get out and take a look at the petitioner's locations. For future reference, especially if you are a developer, bring us a topo."

Brian Haren made a motion to approve Petition No. A-856-24. Bill Beckwith seconded the motion. The motion passed 5-0.

8. Consideration of Petition No. A-857-24 - Michael D. Robinson and Jennifer L. Robinson, Owners, and Eric Brooks, Agent, request a variance to Sec. 110-125(d)(6) reducing the side yard setback from 50' to 35' to allow for the construction of a pool. The subject property is located in Land Lot 62 of the 4th District and fronts on Price Rd.

Debbie Bell reviews the staff report for Petition No. A-857-24 to reduce the side yard setback from 50' to 35' to allow for the construction of a pool. The proposed location is not likely to be detrimental to the neighbors. The current owner of the adjacent lot is the applicant's relative, and they have provided a written letter of support. Several other neighbors have also provided letters of support. If this is approved, there are no recommended conditions. There were no staff objections. Proper permitting and environmental health permits will be required. This is also near Brooks. This property is zoned A-R, and the land use plan is rural residential. Here is an aerial of the site. Here is a survey. The reason for the request is that the house sits far back on the lot. That is where the lot gets wider and meets the lot width at building line requirements. The zoning buildable area of the lot is only near the back and this is a close-up view of the location of the house and the proposed location of the pool equipment. So, the pool and pool equipment would be here, and the well is here, and the utilities. So, they will have to move the pool to the back where all these utilities are, so they are just requesting a variance to the side setback. Any questions?

Hello, I am Jennifer Robinson. We are the ones requesting the variance. We are requesting it on the side of the house because as Ms. Bell already stated, our house

was by the prior requirements we had to put it all the way in the back of the property, which leaves us very little area and would already infringe on the setbacks on the back of the property. Additionally, we have our utilities and well house, and our water runs through the backyard.

Bill Beckwith asked, "Where is your septic tank drain field?"

Ms. Robinson states, "It is out in front. It goes out from the middle of the porch to the front of the property. Additionally, we would impact fewer neighbors on this side. It is just my parents on this side of my property. Of course, we would have two neighbors who would see our pool, but where we are located, it would be my mom and dad who could see our pool. We provided the letters of support from the surrounding neighbors."

Bill Beckwith, "Is there anyone else who wished to speak in favor of this?"

Hello, my name is Eric Brooks, owner of Innovative Pool and Spa. The builder. When I first met and came out to look at the property, we thought it was a slam dunk to put this thing in the backyard. You can see from the survey, that the house is pushed all the way to the back. Putting the pool on the other side, there are drainage issues because it falls off in that direction. In the back, running the power meter is here where it says the electric line, and her water, and well. So, we tried to come up with the best solution to putting it on the side of the house. Her mother lives on this side on the backside. In normal situations, a pool is at the rear of the house. We tried everything to make it work and the side was the best solution.

Bill Beckwith, "Anyone else like to speak in favor?"

Yes, I am her mom and I own the property next to her.

Bill Beckwith, "You need to come up and speak, and put your name and address down for the record."

Hi, I am Laura Maxwell and I want the pool too.

Do you have a gate in her fence?

"Yeah!"

Bill Beckwith, is there anyone else to speak for or in opposition to this petition? I will bring it back to the board.

Brian Haren says, "First of all, sir, I want to thank you for showing up. Usually, when we have issues like this, the pool contractor does not show up. Thank you for showing up to defend your design."

Bill Beckwith, "Is the minimum distance to the pool deck from the property line. Is that where it is?"

Eric Brooks, "Yes, sir right there at the 35 feet."

Bill Beckwith any other questions or comments?

John Tate, "I don't have a problem with it."

Anita Davis made a motion to approve Petition No. A-857-24. Marsha Hopkins seconded the motion. The motion passed 5-0.

ZBA Meeting

2/26/2024

Page 13

John Tate made a motion to adjourn. Anita Davis seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:11 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

BILL BECKWITH, CHAIRMAN

CHRISTINA BARKER, ZBA SECRETARY

PETITION NO: A-858-24

Requested Action: To reduce the required side building setback from 50' to 26' to allow the existing house to remain.

Location: 297 Nelms Road, Fayetteville, Georgia 30215

Parcel(s): 0701 039

District/Land Lot(s): 7th District, Land Lot(s) 31

Zoning: A-R, Agriculture-Residential

Lot Size: 9.50 Acres

Owner(s): Jason Ridlehoover and Caleigh E. Ridlehoover

Agent: N/A

Zoning Board of Appeal Public Hearing: May 28, 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 26' to allow the existing house to remain.

STAFF ASSESSMENT

It is staff's opinion that the parcel does have unique or limiting factors. The most significant factor is the 100-year flood plain. The house was built by a prior owner and the current owner was not aware of the encroachment until they applied for a permit to replace the deck. The encroachment is unlikely to have a negative impact on the adjoining property.

HISTORY

This parcel is a legal lot of record. The house meets or exceeds minimum house size for the A-R zoning district. The house was properly permitted in 1985. It encroaches on the side yard setback on the north side; this was discovered when the current owner applied for a building permit. Foundation surveys of new homes were not required before 2012.

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 comments.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – No objections.
- Department of Building Safety** – A permit is required for the deck renovation should this be approved. A separate permit was allowed for the demolition of an existing unsafe fireplace.
- 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. The presence of 100-year flood zone precludes locating the house farther from the property line. In addition, the house was built by a prior owner, so the applicant is not responsible for the location error.

- 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,**

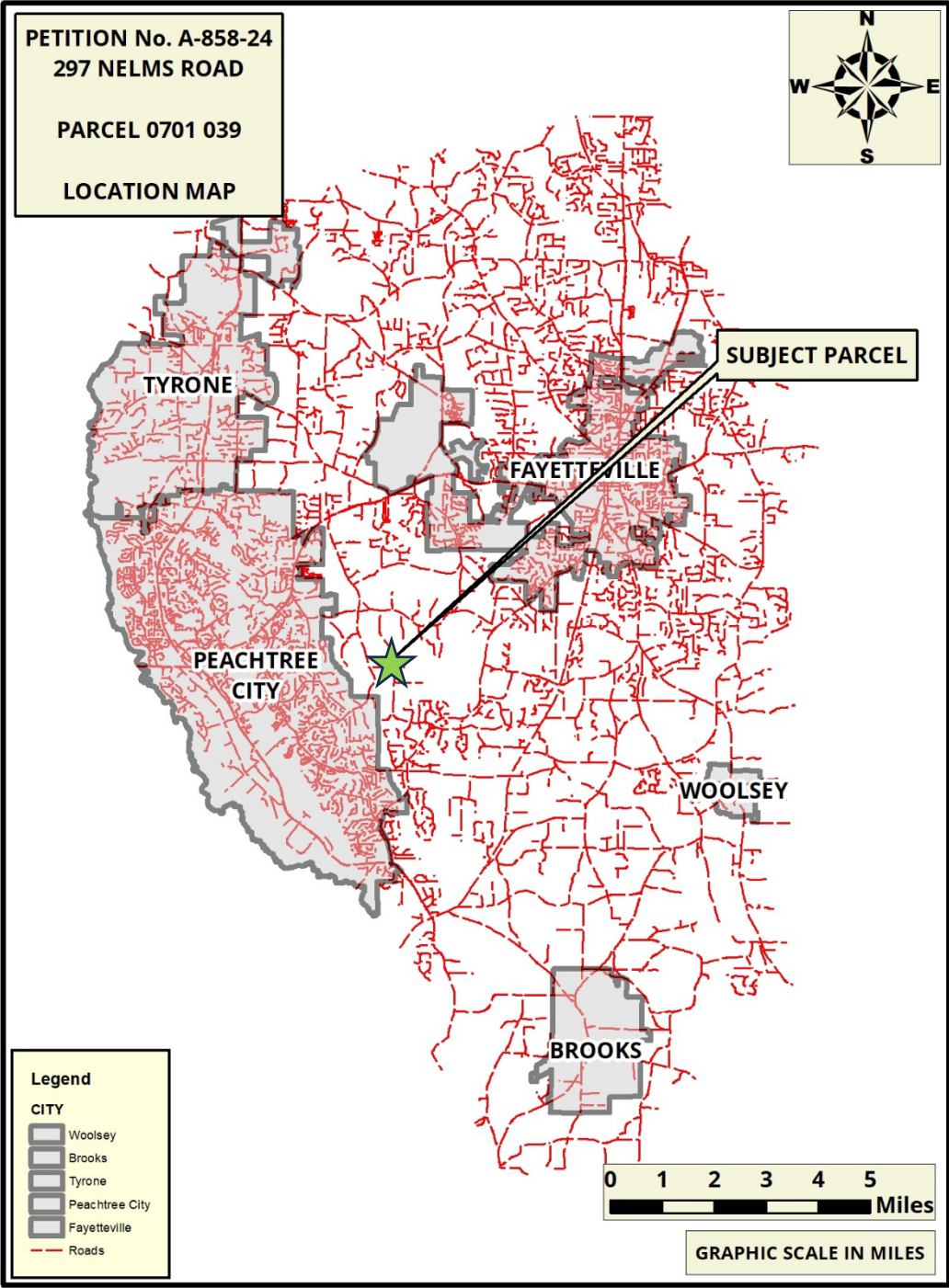
The floodplain configuration on each parcel is unique.

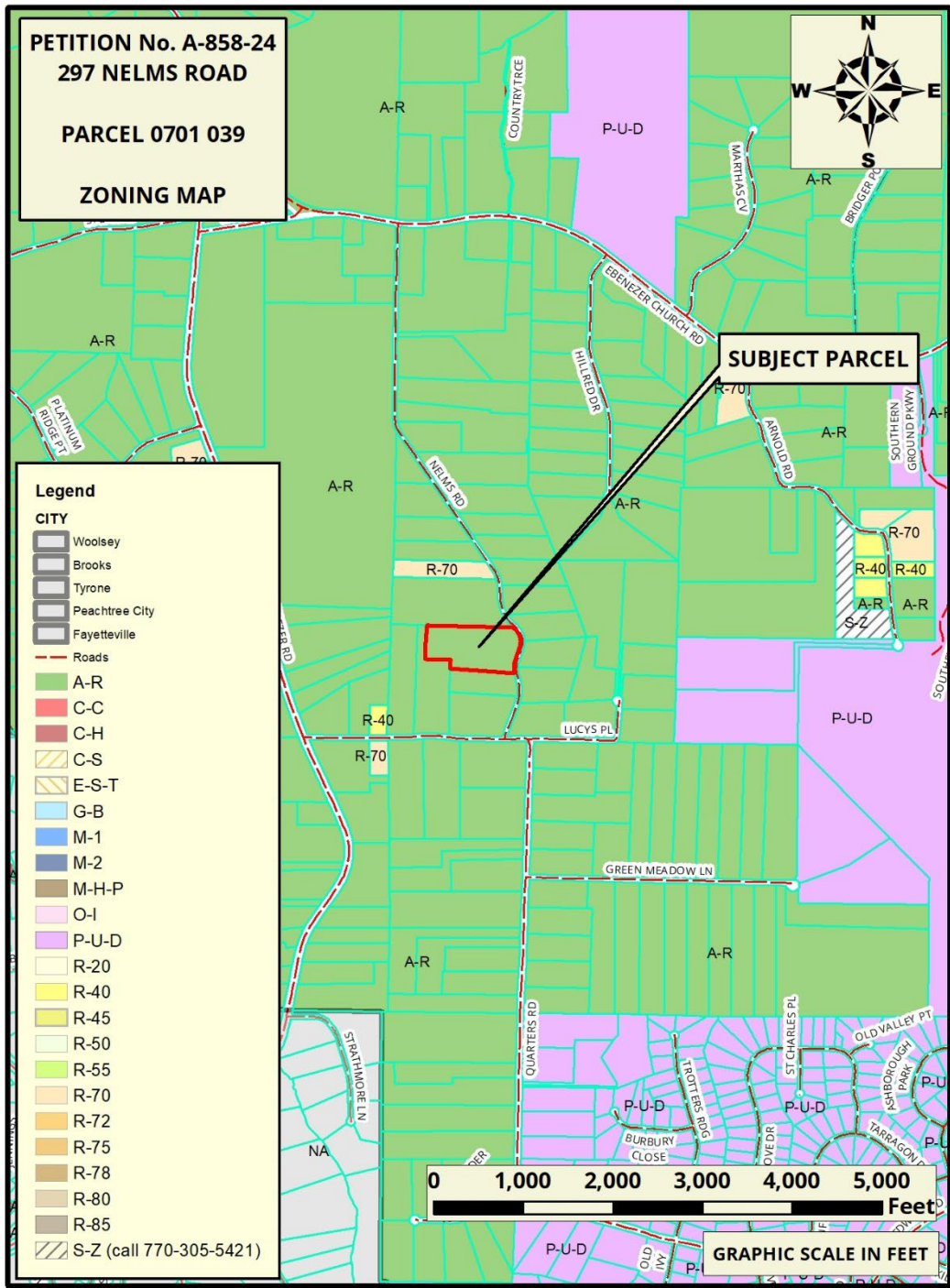
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

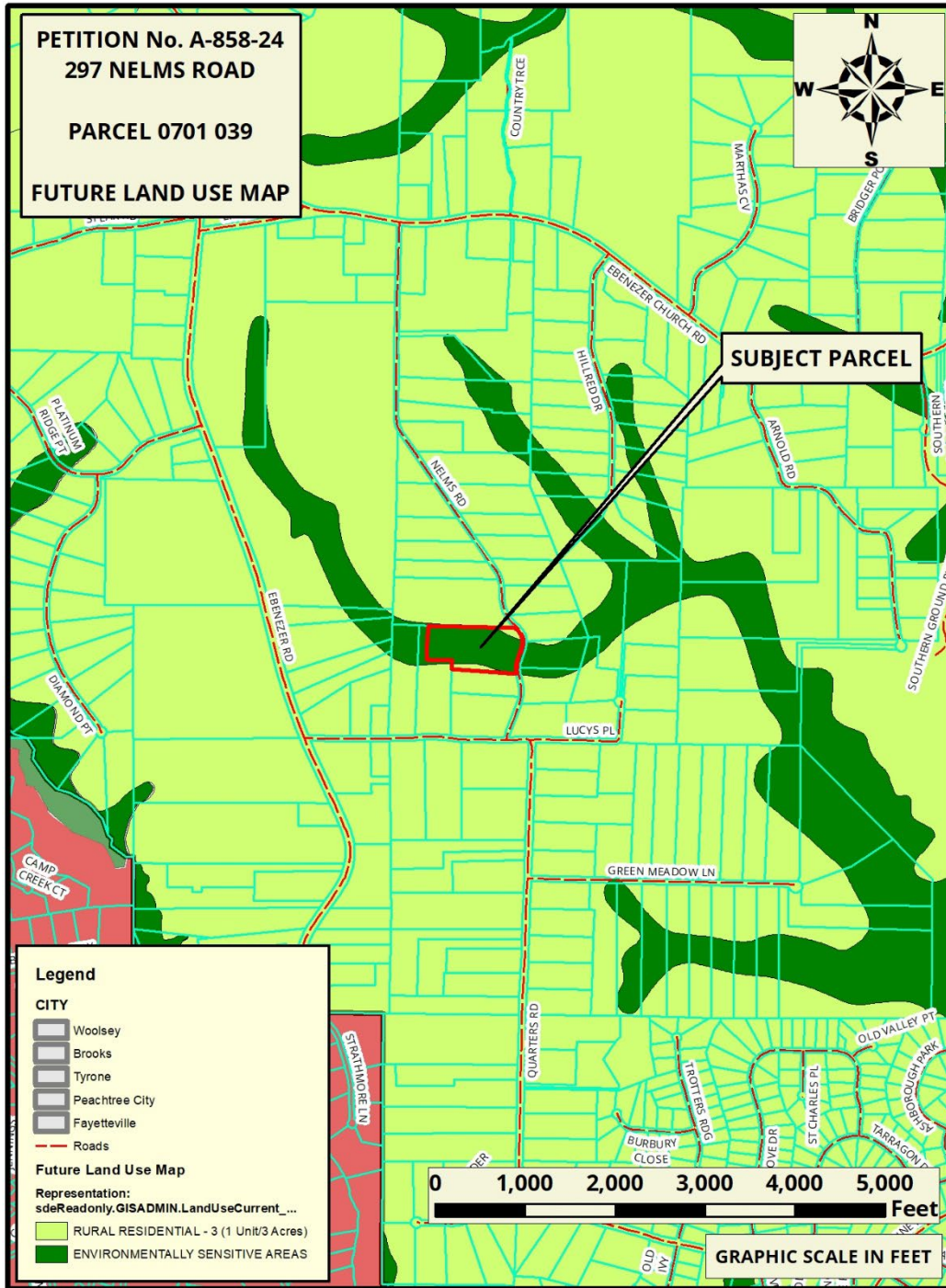
The encroachment is not likely to have an adverse impact on the adjoining property. It has existed since the house was built in 1985.

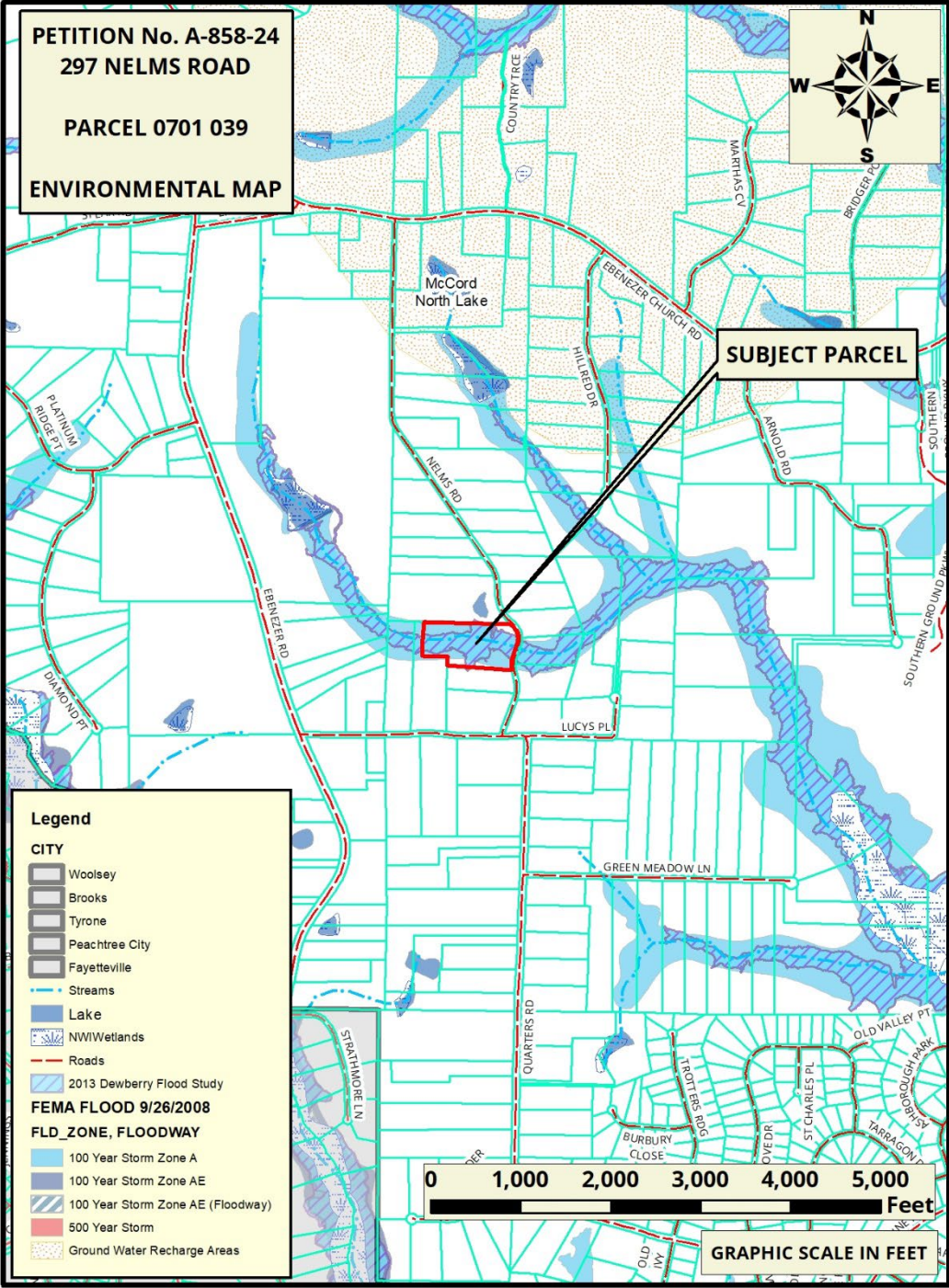
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

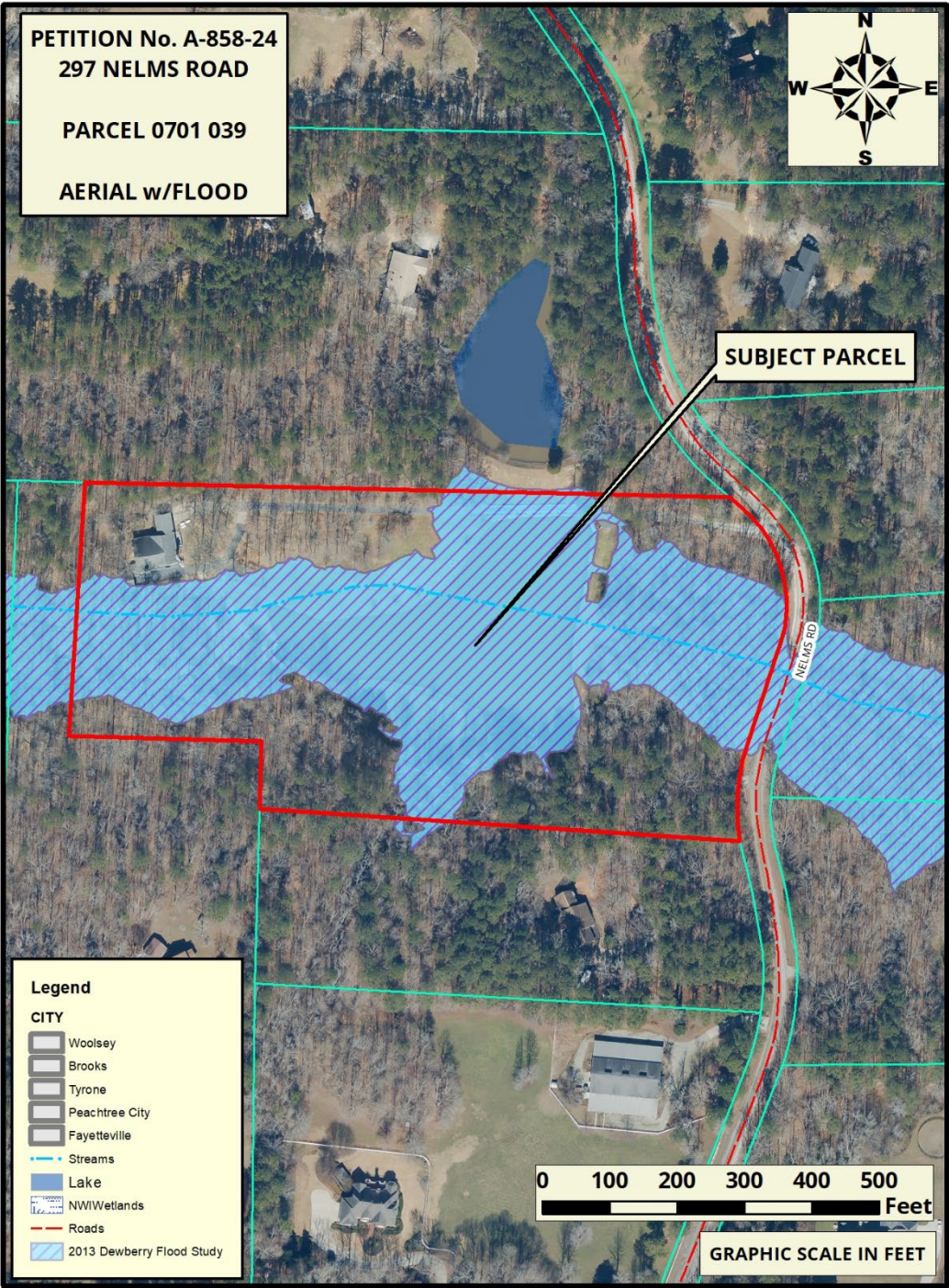
The applicant will not be able to obtain building permits to repair the structure if the variance is not granted.

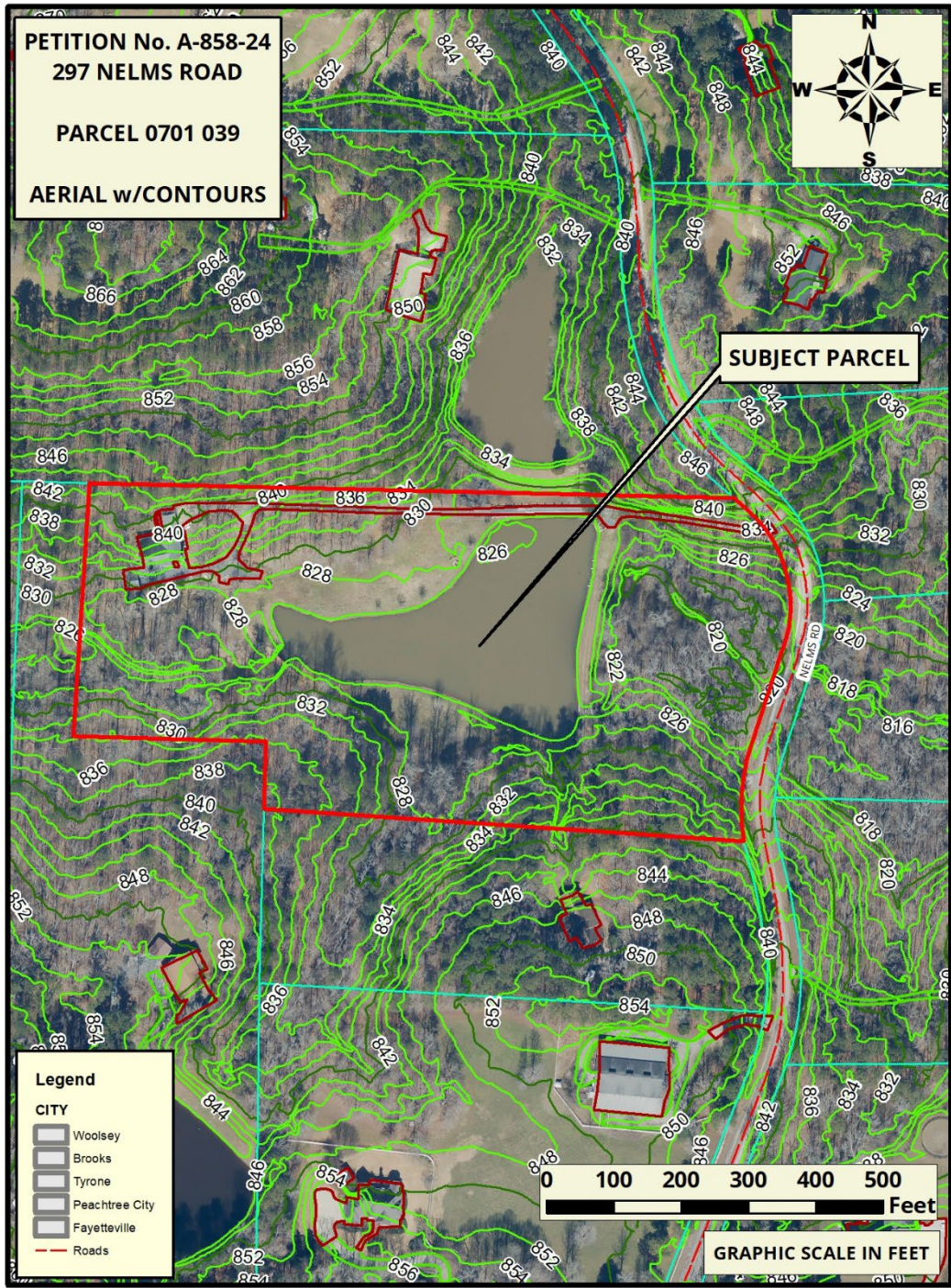


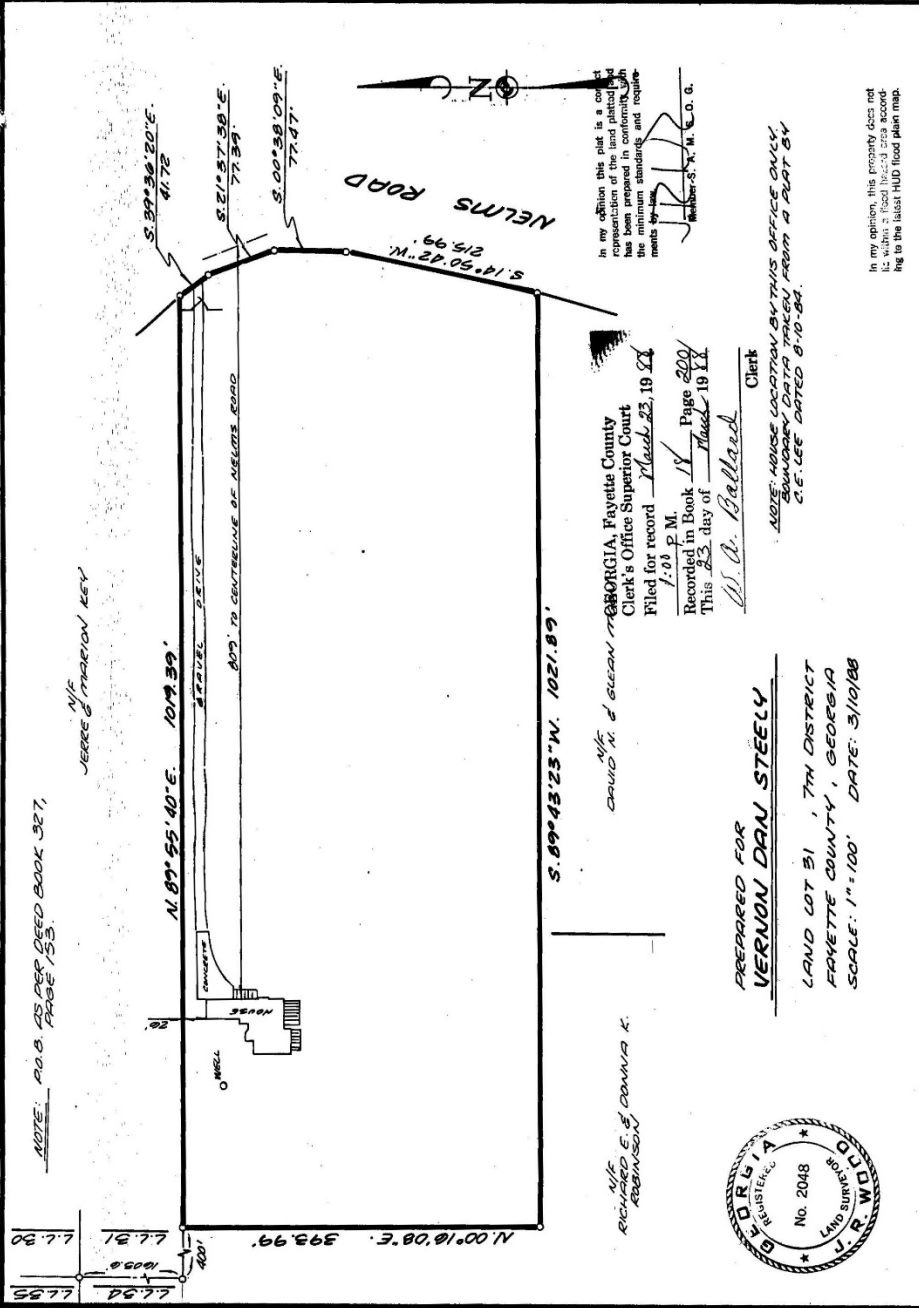












NOTE: P.O.B. AS PER DEED BOOK 327, PAGE 153.

MIF JERRE G. MARION KEY

55.77 08.77 18.77 0.600 400 66.865 398.99 N. 00° 16' 08\"/>

NELMS ROAD
66.812
N. 1° 05' 21\"/>

In my opinion this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements for such a plat.
W. A. Ballard
Member S. W. C. G.

MIF DAVID N. & GLEAN M. BORGIA, Fayette County Clerk's Office Superior Court
Filed for record March 23, 19 88
1:03 p. M. Page 200
This 23 day of March 19 88

Prepared for
VERNON DAN STEELY
LAND LOT 51, 7TH DISTRICT
FAYETTE COUNTY, GEORGIA
SCALE: 1"=100' DATE: 3/10/88



In my opinion, this property does not lie within a flood hazard area according to the latest HUD flood plain map.

koons wood moore shimshick consulting engineers • surveyors • planners

P.O. BOX 2627 PEACHTREE CITY
487-9805 GEORGIA 30269 487-9220

SURVEY

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0701 039 Acreage: 9.5 Land Lot: 31 Land District: 07
Address: 297 NELMS RD, FAYETTEVILLE GA 30215
Existing Zoning: AR RESIDENTIAL-HOMESTEAD Requested Zoning: NO CHANGE
Zoning of Surrounding Properties: RESIDENTIAL - HOMESTEAD (AR)
Existing Use: HOMESTEAD - SINGLE FAMILY RESIDENCE
Proposed Use: HOMESTEAD - SINGLE FAMILY RESIDENCE

PROPERTY OWNER INFORMATION

Name JASON + CALEIGH RIDLEHOVER
Email 297FAM@GMAIL.COM
Address 297 NELMS RD
City FAYETTEVILLE
State GA Zip 30215
Phone 864-360-0615

AGENT/DEVELOPER INFORMATION (If not owner)

Name REVIVE CONTRACTING LLC
Email REVIVE4GA@GMAIL.COM
Address PO BOX 3863
City LAGRANGE
State GA Zip 30241
Phone 678-675-5559

PETITION NUMBER: A-858-24

(THIS AREA TO BE COMPLETED BY STAFF):

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 payment from Caleigh Ridlehoover a ^{cc} 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 4/2/2024 Receipt Number: 20640

Project 86552

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:

JASON + CALEIGH RIDLETTOWER

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 07-01-039

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 31 of the ~~UNINCORPORATED~~ 7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 9.49 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.

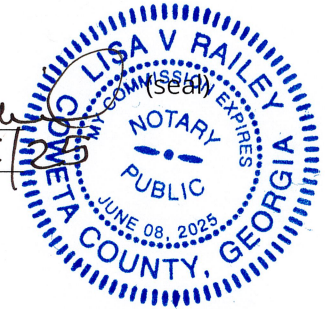
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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.

SIGNATURES

**Owner/
Agent
One:**

Signature [Handwritten Signature]
Name: JASON RIDLETTOWER
Address: 297 NEMS RD
City/State/Zip: FAYETTEVILLE GA 30215
Date: 3/20/2024

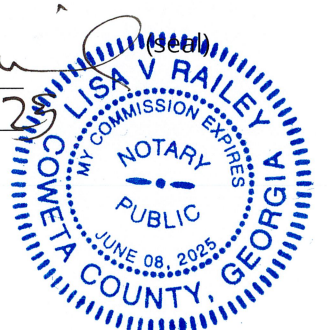
Notary: [Handwritten Signature]
Commission Exp.: 6/8/25



**Owner/
Agent
Two:**

Signature [Handwritten Signature]
Name: CALEIGH RIDLETTOWER
Address: 297 NEMS RD
City/State/Zip: FAYETTEVILLE GA 30215
Date: 3/20/2024

Notary: [Handwritten Signature]
Commission Exp.: 6/8/25



**Owner/
Agent
Three:**

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary: _____ (seal)
Commission Exp.: _____

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	LEGAL NONCONFORMING STRUCTURE
Requirement	HOME NOT WITHIN 50' OF PROPERTY LINE
Proposed Change	HOME NOT WITHIN 25' OF PROPERTY LINE
Variance Amount	25'

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

HOME, BUILT IN 1985, LIES WITHIN 50' OF PROPERTY LINE. REQUESTING VARIANCE TO ALLOW IMPROVEMENTS TO DECK AND FOR HOME TO REMAIN IN SETBACK. I AM NOT REQUESTING ADDITIONAL ENCROACHMENT

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.

HOME WAS BUILT IN 1985 AND ~~IS~~ SITS WITHIN 50' SETBACK. IN AN EFFORT TO MAINTAIN STRUCTURE, A VARIANCE IS NEEDED. DUE TO TOPOGRAPHY OF PROPERTY, HOME IS POSITIONED IN AREA BEST SUITED AWAY FROM FLOOD PLAIN. LIMITED IN POSITIONING OF HOME DUE TO SEPTIC + FLOOD PLAN POSITIONING.

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

MITIGATING THIS ISSUE WOULD REQUIRE HOME TO BE COMPLETELY DEMOLISHED OR RELOCATED. THIS IS NOT FINANCIALLY VIABLE. PROPERTY PURCHASED IN GOOD FAITH AND SURVEY DID NOT SHOW PROPERTY SETBACK.

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

HOME WAS ORIGINALLY CONSTRUCTED IN 1985, SETBACK WAS NOT DRAWN ON SURVEY ON FILE.

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~~ THE NEED FOR VARIANCE WAS IDENTIFIED DURING PERMITTING PROCESS FOR DECK REBUILD. NO ADDITIONAL STRUCTURES BEING ADDED. NEIGHBORING PROPERTY OWNER (JERE KEY) HAS BEEN INFORMED AND IS SUPPORTIVE.

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

THE CURRENT ZONING CODE RESTRICTS ANY IMPROVEMENTS TO EXISTING HOME AND WOULD CREATE SIGNIFICANT HARDSHIP IF NOT APPROVED

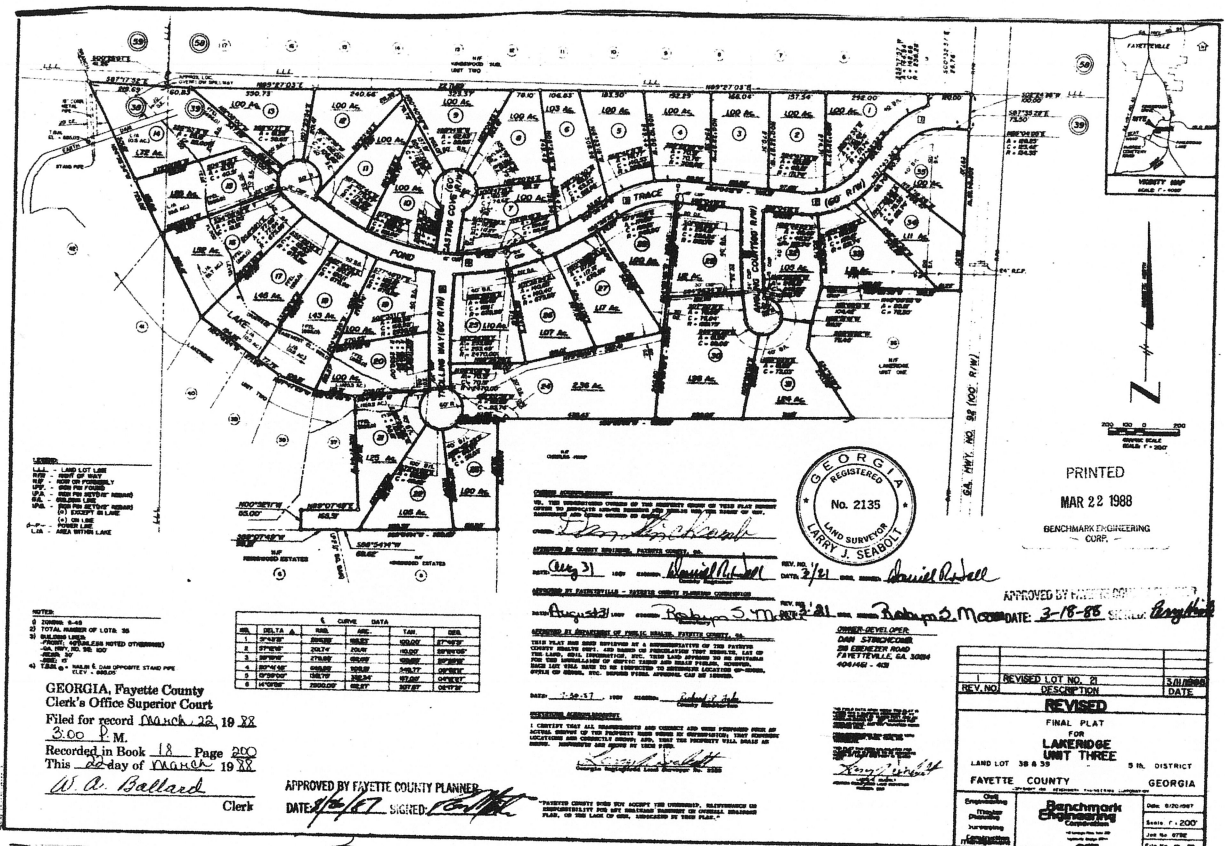
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of 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. N/A Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. N/A Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. N/A Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. N/A 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 MFPE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



NOTES:
 1. ALL LOTS ARE TO BE 100 ACRES.
 2. TOTAL NUMBER OF LOTS IS 100.
 3. ALL LOTS ARE TO BE 100 ACRES.
 4. THE TOTAL AREA OF THE TRACT IS 10,000 ACRES.

NO.	SECTION	ACRES	TAX	REMARKS
1	SECTION 1	100.00	100.00	SECTION 1
2	SECTION 2	100.00	100.00	SECTION 2
3	SECTION 3	100.00	100.00	SECTION 3
4	SECTION 4	100.00	100.00	SECTION 4
5	SECTION 5	100.00	100.00	SECTION 5
6	SECTION 6	100.00	100.00	SECTION 6
7	SECTION 7	100.00	100.00	SECTION 7
8	SECTION 8	100.00	100.00	SECTION 8
9	SECTION 9	100.00	100.00	SECTION 9
10	SECTION 10	100.00	100.00	SECTION 10

GEORGIA, Fayette County
 Clerk's Office Superior Court
 Filed for record March 22, 19 22
 3:00 P.M.
 Recorded in Book 18 Page 200
 This 22 day of March 19 22
 W. A. Ballard
 Clerk

APPROVED BY FAYETTE COUNTY PLANNER
 DATE 3/17/22 SIGNED [Signature]

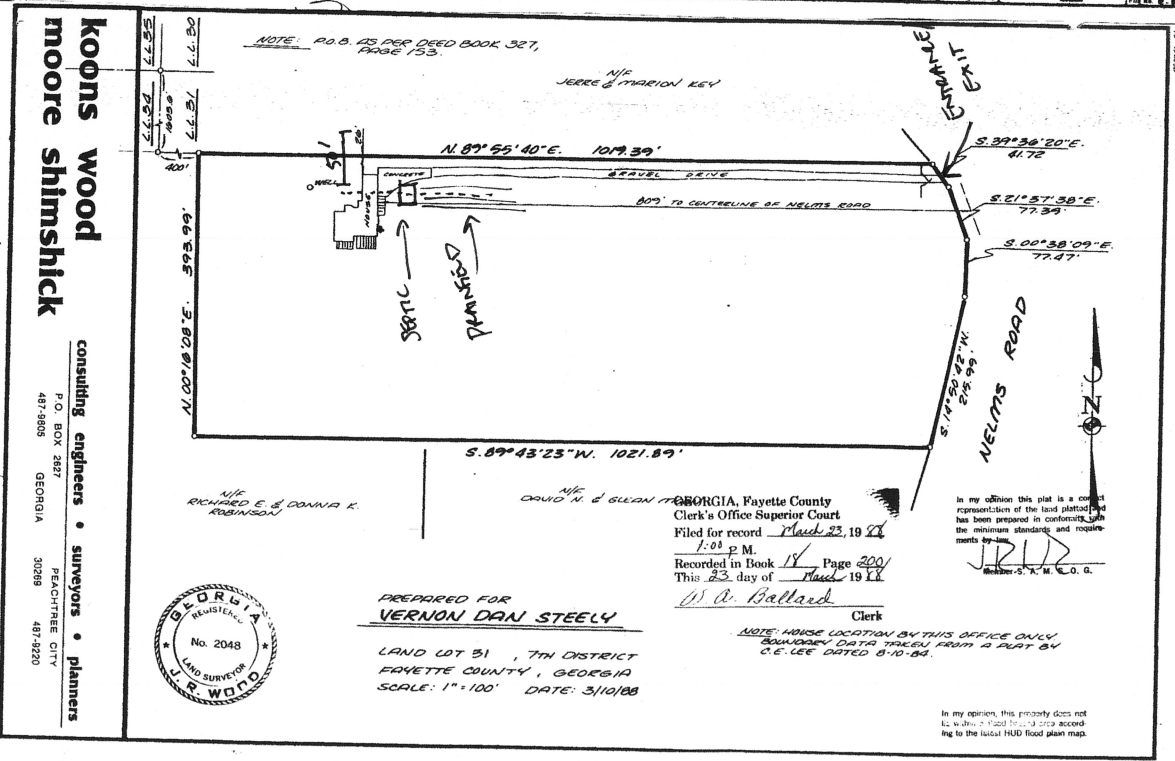


PRINTED
 MAR 22 1988
 BENCHMARK ENGINEERING
 CORP.

REVISED LOT NO.	DESCRIPTION	S.D. AREA	DATE
1	REVISED		
2	REVISED		
3	REVISED		

FINAL PLAT FOR LAKEVIEW UNIT THREE
 LAND LOT 38 & 39 5th DISTRICT
 FAYETTE COUNTY GEORGIA

Prepared by: [Signature]
 Checked by: [Signature]
 Plotted by: [Signature]
 Date: 3/22/88



koons wood
 moore shimshick

consulting engineers • surveyors • planners
 P. O. BOX 3827
 487-8805 GEORGIA 30288
 PEACHTREE CITY 487-8220

NOTE: A.D. 8. 25 PER DEED BOOK 327, PAGE 153.

N/4 JERRY & MARION KEY

N. 89° 55' 40" E. 1019.39'

S. 89° 43' 23" W. 1021.89'

S. 29° 36' 20" E. 41.72'

S. 21° 57' 58" E. 77.34'

S. 00° 38' 09" E. 77.47'

S. 14° 50' 42" W. 275.99'

LAKEVIEW ROAD

NELMS ROAD

GRAVEL DRIVE

807' TO CENTERLINE OF NELMS ROAD

SEPTIC

DRIVEWAY

N/4 RICHARD E. & DONNA K. ROBINSON

N/4 DAVID N. & SUEAN STEELY



PREPARED FOR
 VERNON DAN STEELY
 LAND LOT 31, 7TH DISTRICT
 FAYETTE COUNTY, GEORGIA
 SCALE: 1"=100' DATE: 3/10/88

GEORGIA, Fayette County
 Clerk's Office Superior Court
 Filed for record March 23, 19 22
 1:00 P.M.
 Recorded in Book 18 Page 200
 This 23 day of March 19 22
 W. A. Ballard
 Clerk

NOTE: HOUSE LOCATION BY THIS OFFICE ONLY.
 BOUNDARY DATA TAKEN FROM A PLAT BY
 C.E. LEE DATED 8-10-84.

In my opinion this plat is a correct
 representation of the land plat and
 has been prepared in accordance with
 the minimum standards and require-
 ments by:
 [Signature]
 M. S. A. M. C. O. G.

In my opinion, this property does not
 lie within a flood hazard area accord-
 ing to the latest HUD flood plan map.

ERR 1

3



Doc ID: 011357210001 Type: WD
Recorded: 09/30/2021 at 10:10:00 AM
Fee Amt: \$25.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5375 PG 341

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
21-1958Y/

TAX PARCEL ID: 0701 039

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 27th day of September, 2021, by and between **JASON RIDLEHOOVER**, as party or parties of the first part, hereinafter referred to as "Grantor," and **JASON RIDLEHOOVER and CALEIGH E. RIDLEHOOVER**, 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 AND PARCEL OF LAND LYING AND BEING IN LAND LOT 31 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING ALL THE PROPERTY SHOWN ON THAT CERTAIN PLAT OF SURVEY AS PREPARED FOR VERNON DAN STEELY, DATED MARCH 23, 1988 AND AS PREPARED BY KOONS, WOOD MOORE AND SHIMSHICK, CONSULTING, ENGINEERING AND SURVEYORS, J.W. WOOD, R.L.S. NO.2048 AND WHICH PLAT IS RECORDED IN PLAT BOOK 18, PAGE 200, FAYETTE COUNTY, GEORGIA RECORDS AND WHICH PLAT IS INCORPORATED FULLY HEREIN BY THIS REFERENCE. THIS BEING THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED, DATED OCTOBER 1, 1984 AND AS RECORDED IN DEED BOOK 327, PAGE 153, FAYETTE COUNTY, GEORGIA RECORDS.

THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES, EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID BARGAINED PREMISES.

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 this 27th day of September, 2021 in the presence of:

Jason Ridlehoover

JASON RIDLEHOOVER

Michelle Rotts

Unofficial Witness



[Signature]

Notary Public
My Commission Expires:
[Notary Seal]



Doc ID: 011357190002 Type: WD
Recorded: 09/30/2021 at 10:10:00 AM
Fee Amt: \$675.00 Page 1 of 2
Transfer Tax: \$650.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5375 PG 324-325

SLEPIAN SCHWARTZ & LANDGAARD
42 EASTBROOK BEND
PEACHTREE CITY, GEORGIA 30269
(770) 486-1220
21-1958Y/

TAX PARCEL ID: 0701 039

STATE OF GEORGIA
COUNTY OF FAYETTE

LIMITED WARRANTY DEED

THIS INDENTURE made this 27th day of September, 2021, by and between LINDA SEVERINO, as party or parties of the first part, hereinafter referred to as "Grantor," and JASON RIDLEHOOVER, 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 AND PARCEL OF LAND LYING AND BEING IN LAND LOT 31 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING ALL THE PROPERTY SHOWN ON THAT CERTAIN PLAT OF SURVEY AS PREPARED FOR VERNON DAN STEELY, DATED MARCH 23, 1988 AND AS PREPARED BY KOONS, WOOD MOORE AND SHIMSHICK, CONSULTING, ENGINEERING AND SURVEYORS, J.W. WOOD, R.L.S. NO.2048 AND WHICH PLAT IS RECORDED IN PLAT BOOK 18, PAGE 200, FAYETTE COUNTY, GEORGIA RECORDS AND WHICH PLAT IS INCORPORATED FULLY HEREIN BY THIS REFERENCE. THIS BEING THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED, DATED OCTOBER 1, 1984 AND AS RECORDED IN DEED BOOK 327, PAGE 153, FAYETTE COUNTY, GEORGIA RECORDS.

THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES, EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID BARGAINED PREMISES.

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

**The Grantor herein acquired interest and title to the above described property as a joint tenant with JOSEPH SEVERINO A/K/A JOSEPH JOHN SEVERINO JR, by way of that certain Warranty Deed recorded in Deed Book 5302, Page 194; further the entire interest of the Grantor was the result of the death of JOSEPH SEVERINO A/K/A JOSEPH JOHN SEVERINO JR on 7/30/2021 as more fully shown on that certain death certificate attached as Exhibit "A".

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.

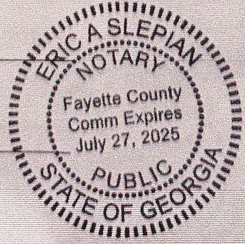
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the day and year first above written.

Signed this 27th day of September, 2021 in the presence of:

Linda Severino
LINDA SEVERINO

[Signature]
Unofficial Witness

[Signature]
Notary Public
My Commission Expires:



[Notary Seal]

A-858-24

FAYETTE COUNTY

Wednesday, April 24, 2024

Fayette County News **B5**

**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 Tuesday, May 28, 2024, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-858-24

Owner(s)/Agent(s): Jason and Ca-
leigh Ridlehoover

Property Address: 297 Nelms
Road

Parcel: 0701039

Zoning District: A-R

Area of Property: 9.5 acres

Land Lot(s): 31

District: 7th

Road Frontage: Nelms

Request: Variance to Sec. 110-125 (d)(6) requesting the side yard setback to be 26' instead of the required 50' to allow home built in 1985 to remain.

Legal Description:

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOT 31 OF THE 7TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING ALL THE PROPERTY SHOWN ON THAT CERTAIN PLAT OF SURVEY AS PREPARED FOR VERNON DAN STEELY, DATED MARCH 23, 1988 AND AS PREPARED BY KOONS, WOOD MOORE AND SHIMSHICK, CONSULTING, ENGINEERING AND SURVEYORS, J.W. WOOD, R.L.S. NO. 2048 AND WHICH PLAT IS RECORDED IN PLAT BOOK 18, PAGE 200, FAYETTE COUNTY, GEORGIA RECORDS AND WHICH PLAT IS INCORPORATED FULLY HEREIN BY THIS REFERENCE. THIS BEING THE SAME PROPERTY AS CONVEYED BY WARRANTY DEED, DATED OCTOBER 1, 1984 AND AS RECORDED IN DEED BOOK 327, PAGE 153, FAYETTE COUNTY, GEORGIA RECORDS. THIS CONVEYANCE IS MADE SUBJECT TO ALL ZONING ORDINANCES, EASEMENTS AND RESTRICTIONS OF RECORD AFFECTING SAID BARGAINED PREMISES.

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

PETITION NO: A-859-24

Requested Action:

1. To reduce the required side building setback from 15' to 3.3' to allow the new house to remain.
2. To reduce the front yard setback from 65' to 62.1' to allow the new house to remain.

Location: 131 Highland Hills Road, Fayetteville, Georgia 30214

Parcel(s): 1305 01032

District/Land Lot(s): 13th District, Land Lot(s) 199

Zoning: C-H, Highway Commercial

Lot Size: 0.827 Acres

Owner(s): Earold Anthony Brown

Agent: N/A

Zoning Board of Appeal Public Hearing: May 28, 2024

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-144(d)(5), requesting to reduce the side yard building setback in the C-H zoning district from 15' to 3.3' to allow the existing house to remain. The required 50' zoning buffer will remain.
2. Per Sec. 110-144(d)(3)(b), requesting to reduce the front yard setback from 65' to 62.1' to allow the new house to remain.

STAFF ASSESSMENT

It is staff's opinion that the lot size causes some limitations. Environmental Health noted that the current location of the home is the best location for placement of the onsite sewage system and replacement area based on the soil report.

HISTORY

This parcel is a legal lot of record. The construction & use of a single-family residential dwelling in the C-H district is a conditional use.

ZONING REQUIREMENTS

Sec. 110-169. – Conditional use approval.

ss. Single-family residence and residential accessory structures and/or uses. Allowed in the C-C, C-H, L-C-1, L-C-2, M-1, M-2, O-I, G-B, and BTP zoning districts.

1. Said residence shall be a single-family detached residence.
2. Said residence shall not be less than 1,200 square feet, and said residence shall not be allowed in subdivision developments as defined in chapter 104, article XV.
3. All residential accessory structures shall comply with Sec. 110-79, pertaining to "Residential accessory structures and their uses".

DEPARTMENTAL COMMENTS

- Water System** – No comments.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – This office has no objection to the proposed variances. The location of the home is better suited for placement of the onsite sewage system and replacement area based on the soil report.
- Department of Building Safety** – No objections.
- 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 smaller than today's zoning standards allow, but it is a legal lot of record. Additionally, Environmental Health Department noted that the location of the house does provide for a better use of the lot as related to soils suitable for the septic system.

- 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,**

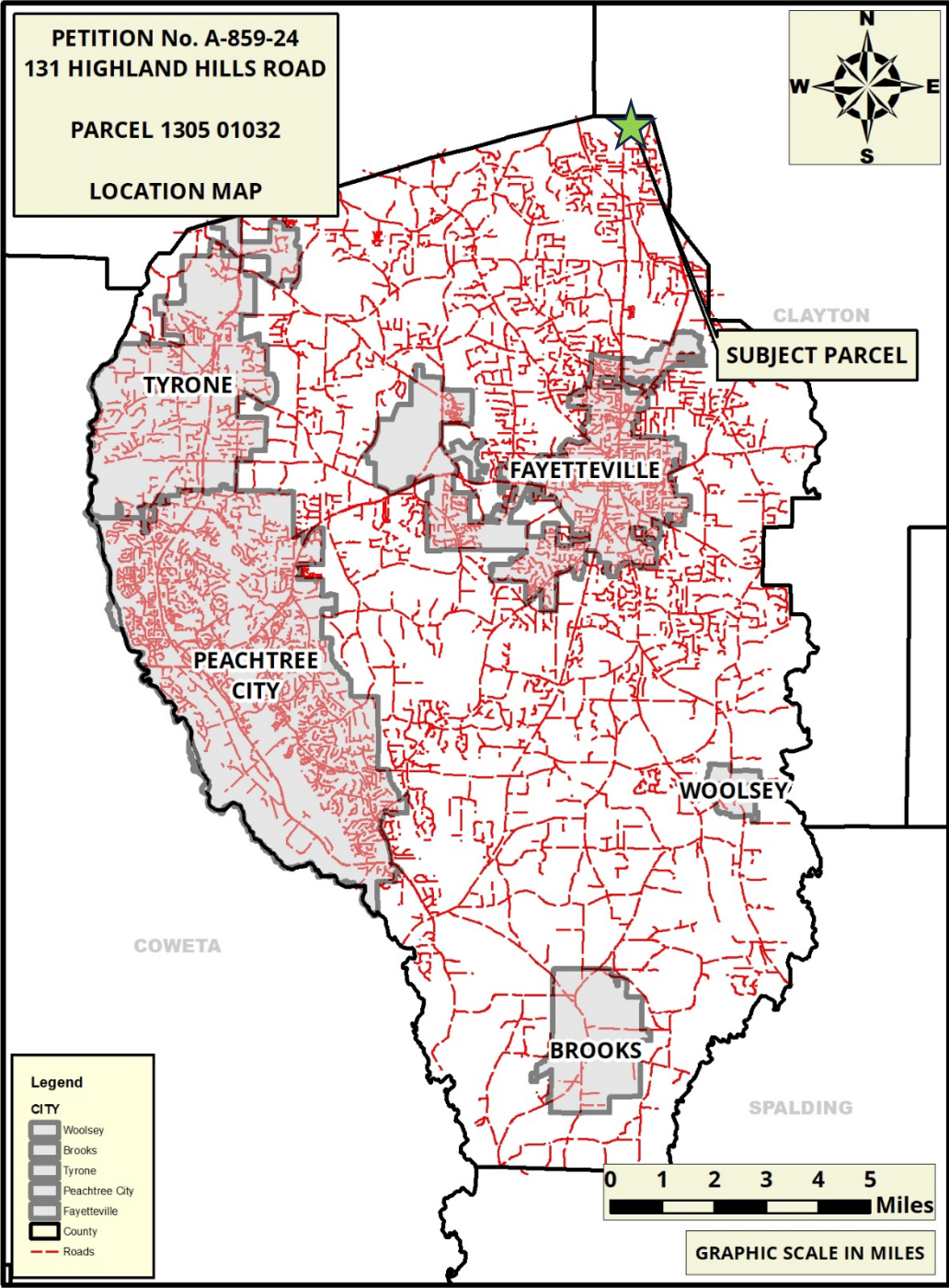
The configuration of the parcel is unique.

- 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**

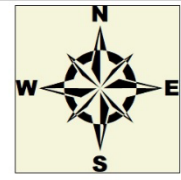
The encroachment is not likely to have an adverse impact on the adjoining property.

- 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 will not be able to complete the structure if the variance is not granted without major demolition and modification of the structure.



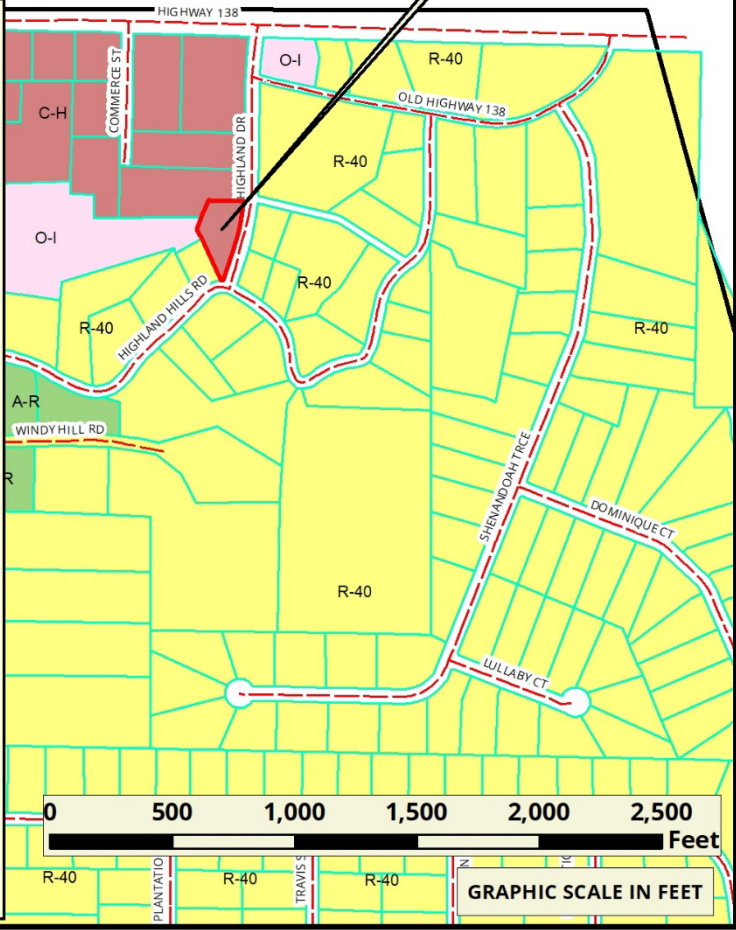
PETITION No. A-859-24
131 HIGHLAND HILLS ROAD
PARCEL 1305 01032
ZONING MAP

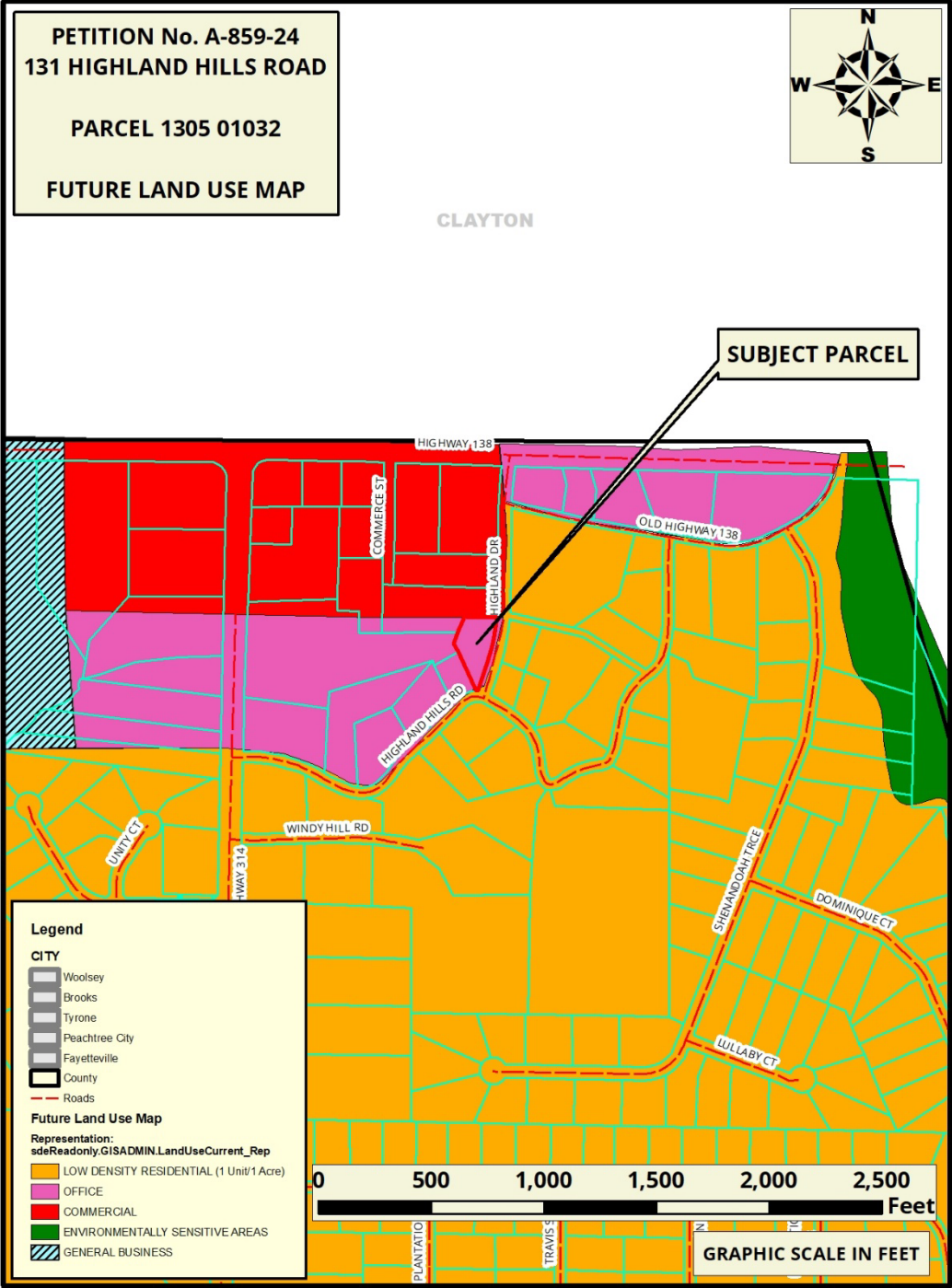


CLAYTON

SUBJECT PARCEL

- Legend**
- CITY**
- Woolsey
 - Brooks
 - Tyrone
 - Peachtree City
 - Fayetteville
 - County
- Roads**
- A-R
 - C-C
 - C-H
 - C-S
 - E-S-T
 - G-B
 - M-1
 - M-2
 - M-H-P
 - 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 (call 770-305-5421)

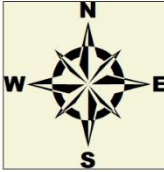




PETITION No. A-859-24
131 HIGHLAND HILLS ROAD

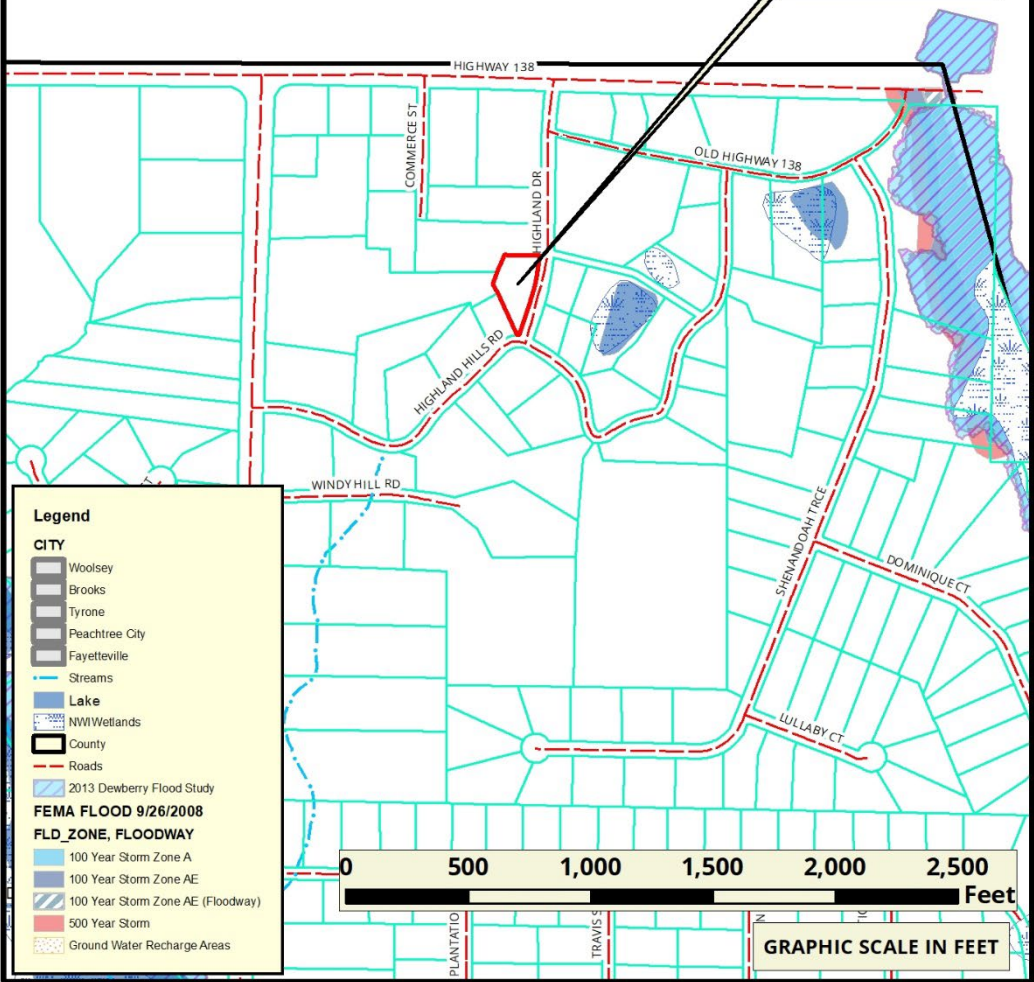
PARCEL 1305 01032

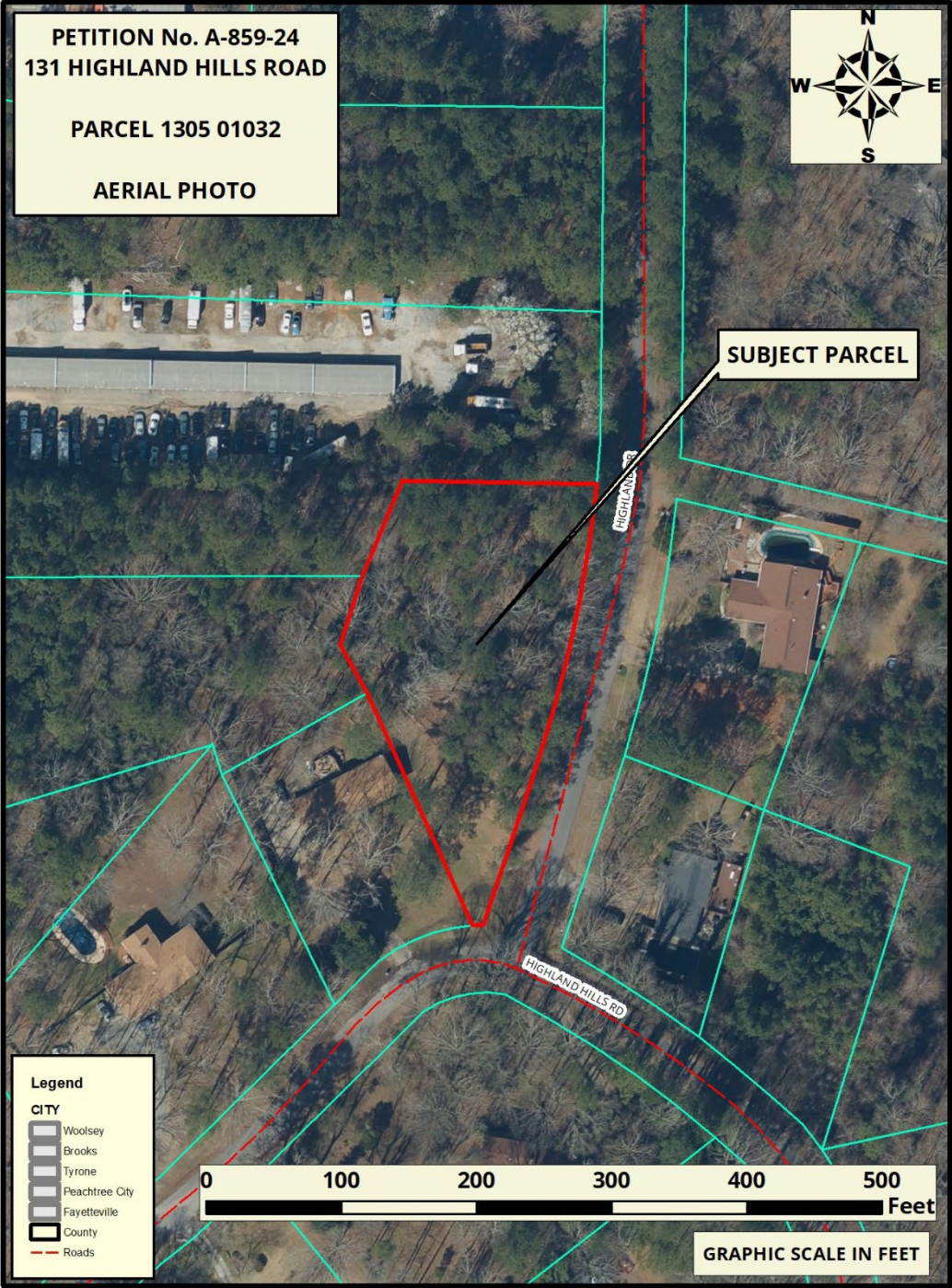
ENVIRONMENTAL MAP

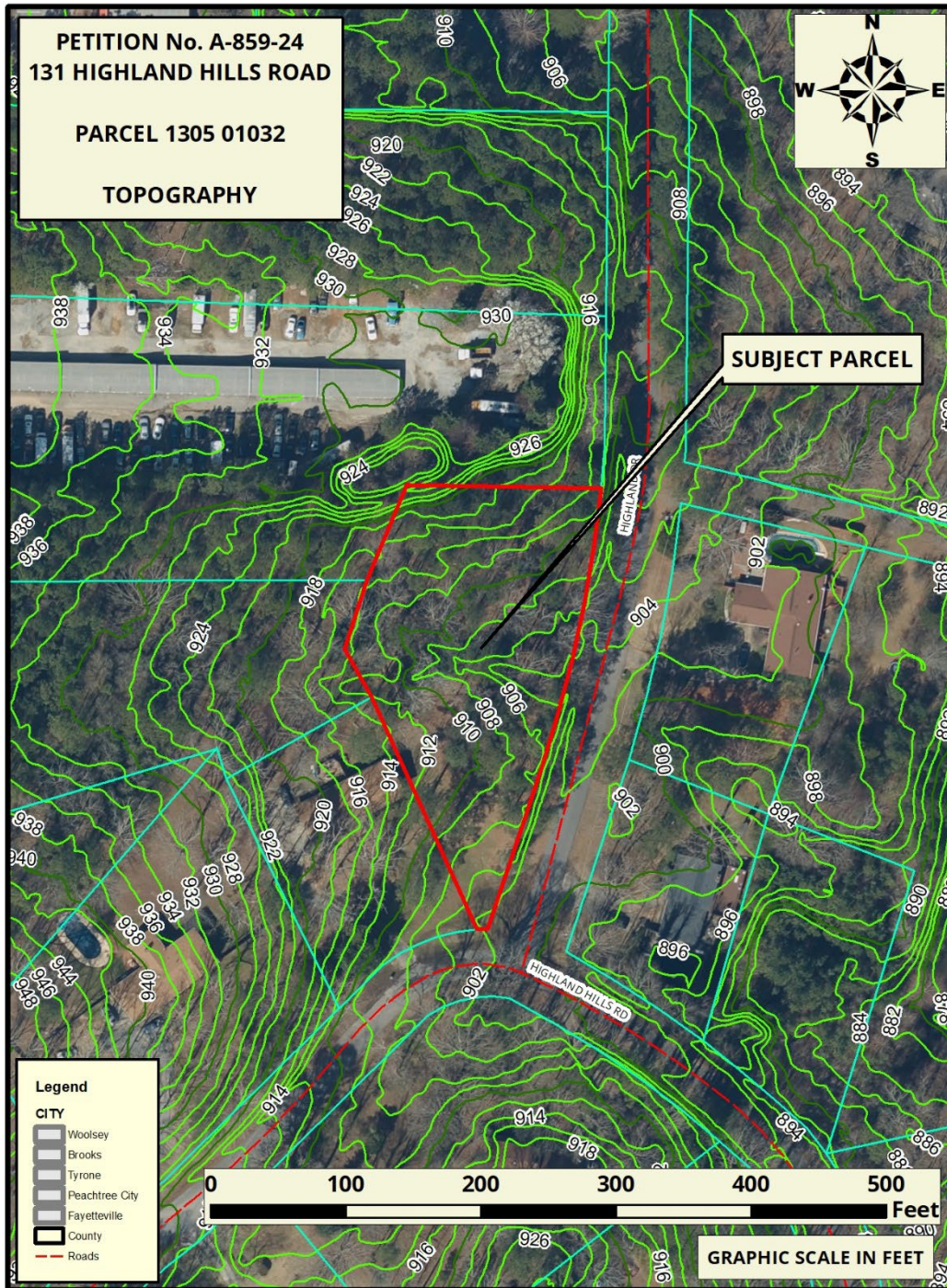


CLAYTON

SUBJECT PARCEL







CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,150 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,101 FEET.

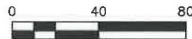
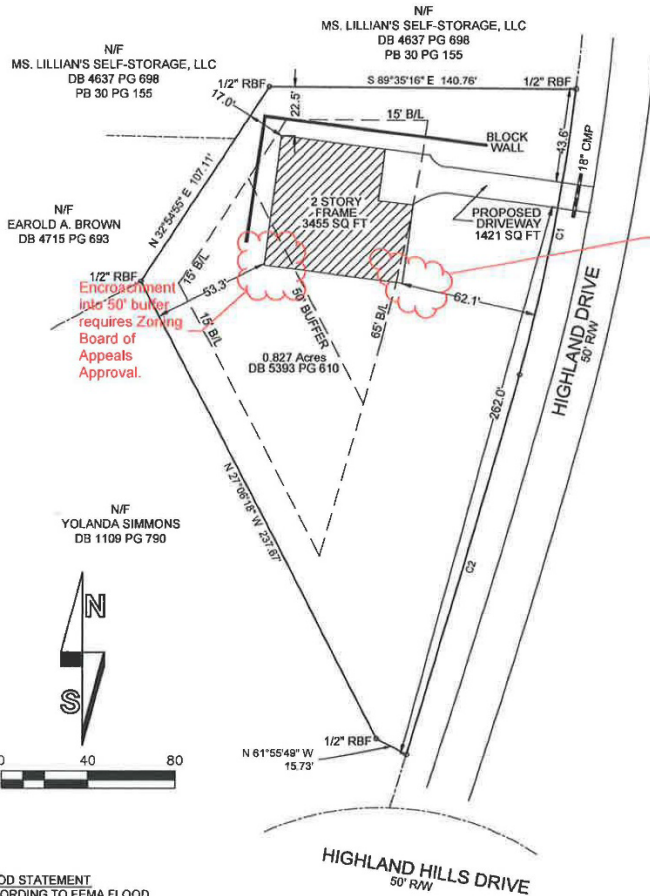
ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION

FOUNDATION SURVEY

FOR
 Parcel ID - 130501032
 (PB 5393 PG 610)
 (PB 6 PG 136)

S.A. GASKINS & ASSOCIATES, LLC.
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
 P.O. BOX 321 Brooks, Ga. 30205
 rdgaskins79@gmail.com 770-460-9342 JOHN 3:16

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	134.66'	972.51'	7°56'01"	S 10°59'06" W	134.56'
C2	183.08'	7480.86'	1°24'08"	S 16°13'32" W	183.08'



FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF COWETA COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0037E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

Prepared For:
EAROLD A. BROWN

F.W.P.D. = 04/01/24	Land Lot: 199	District: 13th
Scale: 1" = 40'		
County: Fayette	Date: 04/02/24	Job No: 24-030



- LEGEND**
- RBF=REBAR FOUND
 - RBS=REBAR SET
 - CTP=CRIMP TOP PIPE
 - LL=LAND LOT
 - LL=LAND LOT LINE
 - PL=PROPERTY LINE
 - CO=CONSTRUCTION ENTRANCE
 - EP=EDGE OF PAVEMENT
 - P.O.B.=POINT OF BEGINNING
 - BL=BUILDING SETBACK LINE
 - DE=DRAINAGE EASEMENT
 - NIF=NOW OR FORMERLY
 - F.W.P.D.=FIELD WORK PERFORMED DATE
 - OF=OUT OF FLOOD PLAIN
 - DB=DEED BOOK
 - PG=PAGE
 - PB=PLAT BOOK

SURVEY

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of 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:	

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:

ANTHONY EARLUD MARK BROWN

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: #130501032

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 199 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 0.82 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to ANTHONY EARLUD MARK BROWN 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.

SIGNATURES

**Owner/
Agent
One:**

Signature [Handwritten Signature]
Name: ANTHONY E. BROWN
Address: 8033 SUNSET Blvd #971
City/State/Zip: LOS ANGELES CA 90048
Date: APRIL 4th 2024

Notary: _____

Commission Exp.: _____

SEE ATTACHED CERTIFICATE
(seal)

**Owner/
Agent
Two:**

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary: _____

(seal)

Commission Exp.: _____

**Owner/
Agent
Three:**

Signature _____
Name: _____
Address: _____
City/State/Zip: _____
Date: _____

Notary: _____

(seal)

Commission Exp.: _____

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], *not* Notary)

1 _____

2 _____

3 _____

4 _____

5 _____

6 _____

Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
 County of Los Angeles

Subscribed and sworn to (or affirmed) before me
 on this 3rd day of April, 2024,
 by Anthony E. Brown
 (1) Anthony E. Brown
 (and (2) _____),
 Name(s) of Signer(s)



Place Notary Seal Above

proved to me on the basis of satisfactory evidence
 to be the person(s) who appeared before me.

Signature Nathalie Gutierrez
 Signature of Notary Public

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Property owner consent & Agent ^{Authorization Form} Document Date: 04-03-24

Number of Pages: _____ Signer(s) Other Than Named Above: _____

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 130501032 Acreage: 0.827 Land Lot: 199 Land District: 13th district
Address: 131 HIGHLAND HILLS ROAD
Existing Zoning: CH Requested Zoning: SET BACK VARIANCE
Zoning of Surrounding Properties: CH / RESIDENTIAL
Existing Use: RESIDENTIAL
Proposed Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

AGENT/DEVELOPER INFORMATION (If not owner)

Name EAROLD ANTHONY BROWN Name _____
Email CONTACT MARK A BROWN @ GMAIL.COM Email _____
Address 8033 SUNSET BLVD #971 Address _____
City LOS ANGELES CA City _____
State CA Zip 90046 State _____ Zip _____
Phone 323-974-8249 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: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment 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: _____

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	FIFTY FOOT BUFFER ON RIGHT SIDE BY RESIDENTIAL
Proposed Change	FOURTY FEET BUFFER ON RIGHT SIDE BY RESIDENTIAL
Variance Amount	

Ordinance/Section	
Requirement	65 FOOT FRONT YARD SET BACK
Proposed Change	60 FOOT FRONT YARD SET BACK
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

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 APPROVAL TO ENCR OACH
10 FOOT INTO THE BUFFER AND 5 FOOT IN THE FRONT
SET BACK. THE BUILDING IS ALREADY ERECTED
AND THIS WOULD CAUSE SEVERE HARSHIP IF NOT GRANTED.
THIS DOES NOT AFFECT MATERIALLY THE NEIGHBORS
AND FALLS WITHIN THE SPIRIT OF THE ORDINANCE.
THANK YOU KINDLY.

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.

GIVEN THE NARROW SIZE AND SHAPE OF THE LAND IT IS DIFFICULT TO PERFECTLY COMPLY WITH THE ORDINANCE. WE ARE ONLY 5 FOOT INTO THE 65 FOOT SET BACK AND 9 FOOT INTO THE 50 FOOT SIDE BUFFER BUT 53.3 FOOT FROM THE NEIGHBORS PROPERTY LINE. THIS DOES NOT MATERIALLY AFFECT THE NEIGHBORS AND THIS REQUEST FALLS WITHIN THE SPIRIT OF THE ORDINANCE.

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

THIS WOULD CREATE ENORMOUS HARDSHIP SINCE THE BUILDING ROOF AND INTERIOR HAS ALREADY BEEN ERECTED. THIS LAND WAS AN EYE SORE BUT NOW IT FITS IN AND ENHANCES THE NEIGHBORHOOD.

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

THE SHAPE OF THE LAND IS AN ODD TRIANGLE THAT IS UNIQUE TO THIS LOT. SO TO HAVE A 65 FOOT SET BACK AND 50 FOOT BUFFER WOULD MAKE BUILDING PROHIBITIVE. ALLOWING A VARIANCE WOULD FALL WITHIN THE SPIRIT OF THE ORDINANCE.

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 RELIEF WAS GRANTED IT WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC OR IMPAIR THE PURPOSES AND INTENT OF THE REGULATION AND ORDINANCES. IT WOULD ADD OR IMPROVE THE APPEARANCE OF THE NEIGHBORHOOD, WHOLES AS BEFORE THE LAND WAS OFTEN USED FOR DUMPING TRASH.

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

A LITERAL INTERPRETATION OF THE ORDINANCE WOULD MAKE BUILDING COST PROHIBITIVE, AND ALLOW AREA DUE TO THE 50 FOOT BUFFER AND THE 65 FOOT FRONT SET BACK. OTHER RESIDENTIAL USE HAVE SMALLER SET BACKS AND SMALLER BUFFERS. THIS REQUEST WILL BE SIMILAR TO THE NEIGHBORS.

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

Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 2979894615

BK 5393 PG 610 - 612

File No.: W-C-25821-21-PC

Parcel ID: 130501032

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 25th day of October, 2021 by and between Eugene C. Liu, as party or parties of the first part, hereinafter called Grantor, and Earold A. Brown, 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, forever IN FEE SIMPLE.

EXHIBIT "A"

File No.: W-C-25821-21-PC


All that tract or parcel of land lying and being in Land Lot 199 of the 13th District of Fayette County, Georgia, said tract containing 0.8 acres, more or less, according to Survey for Dico Corp., prepared by Lee Engineering Co., Registered Surveyor, dated September 24, 1971, recorded in Plat Book 6, Page 136, Fayette, County records, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found on the South right-of-way line of State Highway 138, the same having a 100 foot right-of-way, said iron pin being 400 feet East of the Southeast intersection of State Highway 138 and State Highway 314; running thence South 0 degrees 44 minutes East 200 feet to an iron pin found; running thence South 89 degrees 36 minutes East 200.1 feet to an iron pin found; running thence North 0 degrees 13 minutes East 200.1 feet to an iron pin found at said South right-of-way of State Highway 138; running thence North 89 degrees 52 minutes East 79.6 feet to an iron pin found; running thence South 0 degrees 45 minutes West 399.7 feet to an iron pin found; running thence South 89 degrees 46 minutes East 450.3 feet to a point on the West right-of-way line of a 50 foot unnamed street (n/k/a Highland Hills Road); running thence South 0 degrees 34 minutes West along the West side, of said 50 foot unnamed street 273.2 feet to an iron pin found at the TRUE POINT OF BEGINNING, and from said true point of beginning running thence South 89 degrees 26 minutes West 140.8 feet to an iron pin found; running thence South 31 degrees 2 minutes West 107.1 feet to an iron pin found; running thence South 28 degrees 58 minutes East 238.2 feet to a point on the North right-of-way line of Highland Drive; running thence Southeasterly and following the curvature of the North right-of-way line of Highland Drive 17.5 feet to a point at the Northwest corner of the intersection of Highland Drive and said 50 foot unnamed street; running thence North 11 degrees 43 minutes East along the West right-of-way line of said 50 foot unnamed street, 317 feet to an iron pin found and the TRUE POINT OF BEGINNING.

Layer List Legend

Quick Links:
Property Search
View Map

Layers:
Tax Parcels
Parcels
Addresses
Parcel Numbers
Fire Hydrants
Sirens
Fire Stations
Yearly Sales
Schools
Land Lots
Roads
USA Major Highways
Impervious Surface
Gravel Surface
Zip Codes
Subdivisions
Voting
County Zoning



Results:
Parcel ID - 130501032
Address - HIGHLAND HILLS RD
Owner - BROWN EAROLD A
View Results | Google Maps

esri 220954937, 129171928 ID

Type here to search | 56°F | 11:20 AM 2/11/2022

CLOSURE STATEMENT
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 32,150 FEET AND AN ANGULAR ERROR OF 00° 00' 02" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

FOUNDATION SURVEY

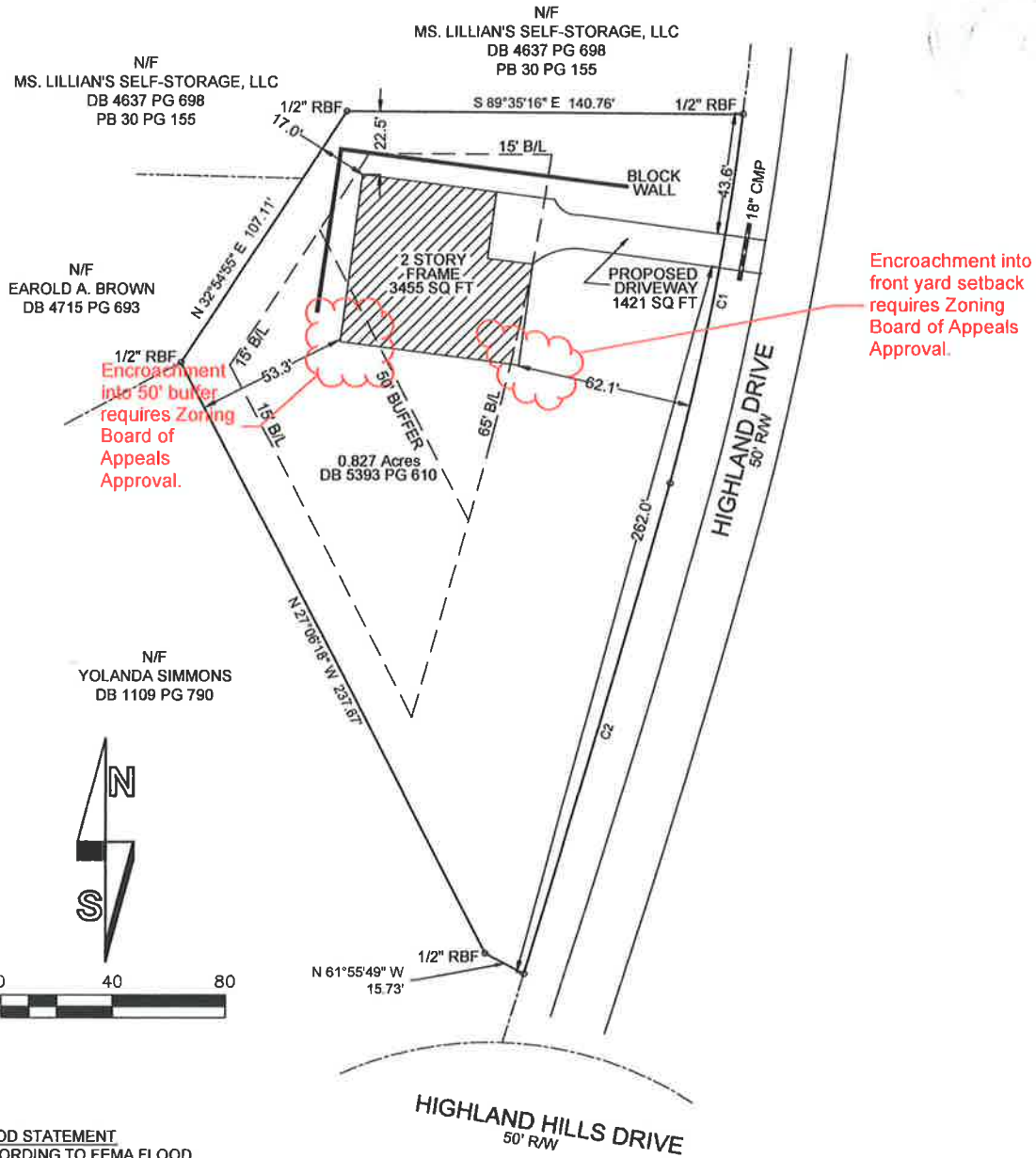
FOR
Parcel ID - 130501032
 (PB 5393 PG 610)
 (PB 6 PG 136)

S.A. GASKINS & ASSOCIATES, LLC.
 SURVEYORS PLANNERS DEVELOPMENT CONSULTANTS
 P.O. BOX 321 Brooks, Ga. 30205
 rdgaskins79@gmail.com 770-460-9342 JOHN 3:16

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,101 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A IEICA 403 TCR TOTAL STATION

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	134.66'	972.51'	7°56'01"	S 10°59'06" W	134.56'
C2	183.08'	7480.86'	1°24'08"	S 16°13'32" W	183.08'



Encroachment into front yard setback requires Zoning Board of Appeals Approval.

1/2" RBF Encroachment into 50' buffer requires Zoning Board of Appeals Approval.

FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP OF COWETA COUNTY AND UNINCORPORATED AREAS DATED SEPTEMBER 26, 2008 MAP NUMBER 13113C0037E, NO PORTION OF THIS PROPERTY LIES WITHIN A SPECIAL FLOOD HAZARD AREA.

Prepared For:
EAROLD A. BROWN

F.W.P.D. = 04/01/24 Land Lot: 199 District: 13th
 Scale: 1" = 40'
 County: Fayette Date: 04/02/24 Job No: 24-030



- LEGEND**
- RBF=REBAR FOUND
 - RBS=REBAR SET
 - CTP=CRIMP TOP PIPE
 - L.L.=LAND LOT
 - LL.L.=LAND LOT LINE
 - P.=PROPERTY LINE
 - CO=CONSTRUCTION ENTRANCE
 - EP=EDGE OF PAVEMENT
 - P.O.B.=POINT OF BEGINNING
 - B/L=BUILDING SETBACK LINE
 - D.E.=DRAINAGE EASEMENT
 - N/F=NOW OR FORMERLY
 - F.W.P.D.=FIELD WORK PERFORMED DATE
 - O/F=OUT OF FLOOD PLAIN
 - DB=DEED BOOK
 - PG=PAGE
 - PB=PLAT BOOK

A-859-24

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 Tuesday, May
28, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-859-24

Owner(s)/Agent(s): Earold Antho-
ny Brown

Property Address: 131 Highland
Hills Road

Parcel: 130501032

Zoning District: C-H

Area of Property: .827 acres

Land Lot(s): 199

District: 13th

Road Frontage: Highland Hills
Road & Highland Drive

Request: 1. Variance to Sec. 110-
144 (d)(3)(b) to reduce the front
yard setback from 65' to 62.1' to al-
low a single family residence under
construction to remain.

2. Variance to Sec. 110-144 (d)(6)
to reduce the 50' buffer in addition
to the 15' setback (65' total) where
the side property abuts a residen-
tial or A-R zoning district to 53.3'
to allow a single family residence
under construction to remain.

Legal Description:

EXHIBIT "A"

File No.: W-C-25821-21-PC

All that tract or parcel of land ly-
ing and being in Land Lot 199 of
the 13th District of Fayette Coun-
ty, Georgia, said tract containing
0.8 acres, more or less, according
to Survey for Dico Corp., prepared
by Lee Engineering Co., Registered
Surveyor, dated September 24,
1971, recorded in Plat Book 6, Page
136, Fayette, County records, and
being more particularly described
as follows:

TO FIND THE TRUE POINT OF
BEGINNING, begin at an iron pin
found on the South right-of-way
line of State Highway 138, the same
having a 100 foot right-of-way, said
iron pin being 400 feet East of the
Southeast intersection of State

Highway 138 and State Highway
314; running thence South 0 de-
grees 44 minutes East 200 feet to
an iron pin found; running thence
South 89 degrees 36 minutes East
200.1 feet to an iron pin found;
running thence North 0 degrees 13
minutes East 200.1 feet to an iron
pin found at said South right-of-
way of State Highway 138; running
thence North 89 degrees 52 min-
utes East 79.6 feet to an iron pin
found; running thence South 0 de-
grees 45 minutes West 399.7 feet to
an iron pin found; running thence
South 89 degrees 46 minutes East
450.3 feet to a point on the West
right-of-way line of a 50 foot un-
named street (n/k/a Highland
Hills Road); running thence South
0 degrees 34 minutes West along
the West side, of said 50 foot un-
named street 273.2 feet to an iron
pin found at the TRUE POINT OF
BEGINNING, and from said true
point of beginning running thence
South 89 degrees 26 minutes West
140.8 feet to an iron pin found;
running thence South 31 degrees 2
minutes West 107.1 feet to an iron
pin found; running thence South
28 degrees 58 minutes East 238.2
feet to a point on the North right-
of-way line of Highland Drive; run-
ning thence Southeasterly and fol-
lowing the curvature of the North
right-of-way line of Highland Drive
17.5 feet to a point at the North-
west corner of the intersection of
Highland Drive and said 50 foot
unnamed street; running thence
North 11 degrees 43 minutes East
along the West right-of-way line of
said 50 foot unnamed street, 317
feet to an iron pin found and the
TRUE POINT OF BEGINNING.

04/24

PETITION NO: A-860-24

Requested Action: To approve an illegal lot to be deemed a legal, nonconforming lot, per Sec. 110-242(h).

Location: 689 McBride Road, Fayetteville, GA 30215

Parcel(s): 0449 061

District/Land Lot(s): 4th District, Land Lot(s) 252

Zoning: A-R, Agricultural-Residential

Lot Size: 2.082 Acres

Owner(s): Jerry Battle, Jr. & Melissa Battle

Agent: Randy M. Boyd

Zoning Board of Appeal Public Hearing: May 28, 2024

REQUEST

Applicant is requesting the following:

1. Per Sec. 110-242(h), requesting an illegal lot to be deemed a nonconforming lot.

STAFF ASSESSMENT

This parcel **DOES MEET** all the criteria outlined in Sec. 110-242(h). Please refer to criteria and justification on Page 3 for full details.

- (1) The subject property was made illegal by actions of a previous owner via a plat recorded 4 NOV 1987, which is more than 10 years ago.***
- (2) The petitioner is not the person, or an immediate family member of that person, who caused the subject property to be an illegal lot.***
- (3) As defined in Sec. 110-242(h)(3), there is no property available to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause those lots to be illegal in size, road frontage, or lot area.***

HISTORY

The property is an illegal lot because it is zoned A-R but has less than 5 acres and was created after Nov. 13, 1980. It is a remnant parcel from a subdivision plat by a previous owner; said plat was recorded 4 NOV 1987, Plat Book 18 Page 111.

Because it was built in 1901, the existing house does not meet current building setbacks or square footage requirements. This structure **DOES MEET** the criteria to be considered legal nonconforming:

Sec. 110-170. – Nonconformances.

(l) *Nonconforming structures; nonconforming structures.* Any legally existing structure, which fails to comply with the provisions herein, as of November 13, 1980, or as the result of subsequent amendments, or due to the acquisition of property for a public purpose, a rezoning prior to May 24, 2012, or a variance, shall be considered a legal nonconforming structure and shall be allowed to remain. The enlargement, expansion, or extension of a legal nonconforming structure which serves to increase the nonconformance, either vertical and/or horizontal, shall only be made with the authorization of the zoning board of appeals. Where the zoning board of appeals is required to determine whether a nonconforming structure may be enlarged, expanded, or extended, the provisions of a request for a variance (article IX of this chapter) shall be considered.

DEPARTMENTAL COMMENTS

- Water System** – No comments.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – No objections.
- Department of Building Safety** – No objections.
- Fire** – No comments.

ZONING REQUIREMENTS

Article VII.-Zoning Board of Appeals

Sec. 110-242. - Powers and duties.

(h) *Request for an illegal lot to be deemed a nonconforming lot.* The zoning board of appeals may deem, upon appeal in specific cases, an illegal lot which is smaller than the minimum lot size for its zoning district, more narrow than the minimum lot width for its zoning district, or has less road frontage than is required for its zoning to be a nonconforming lot. The zoning board of appeals shall employ the following factors for an illegal lot seeking to be deemed a nonconforming lot:

(1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;

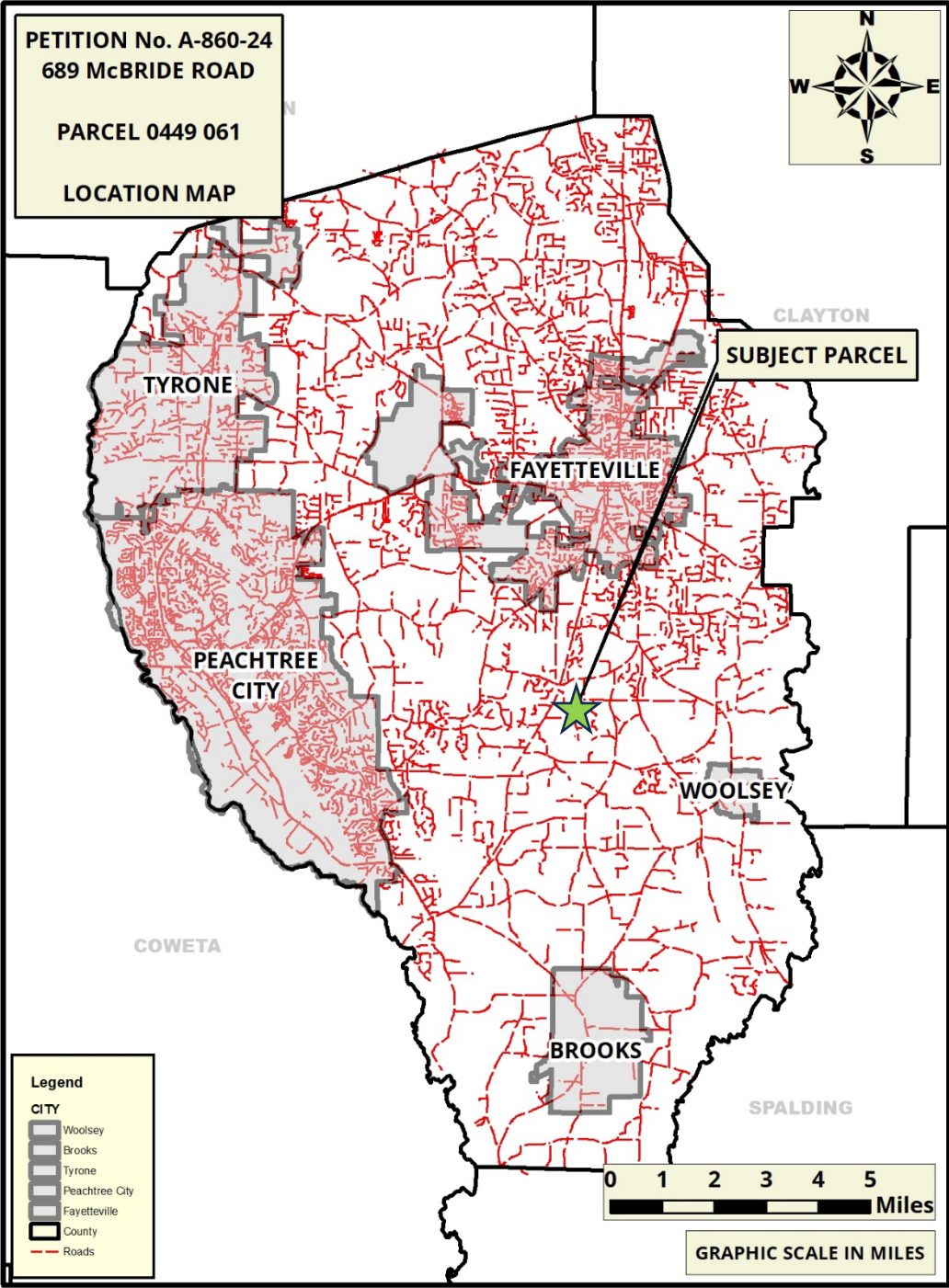
The subject property was made illegal by actions of a previous owner via a plat recorded 4 NOV 1987, which is more than 10 years ago.

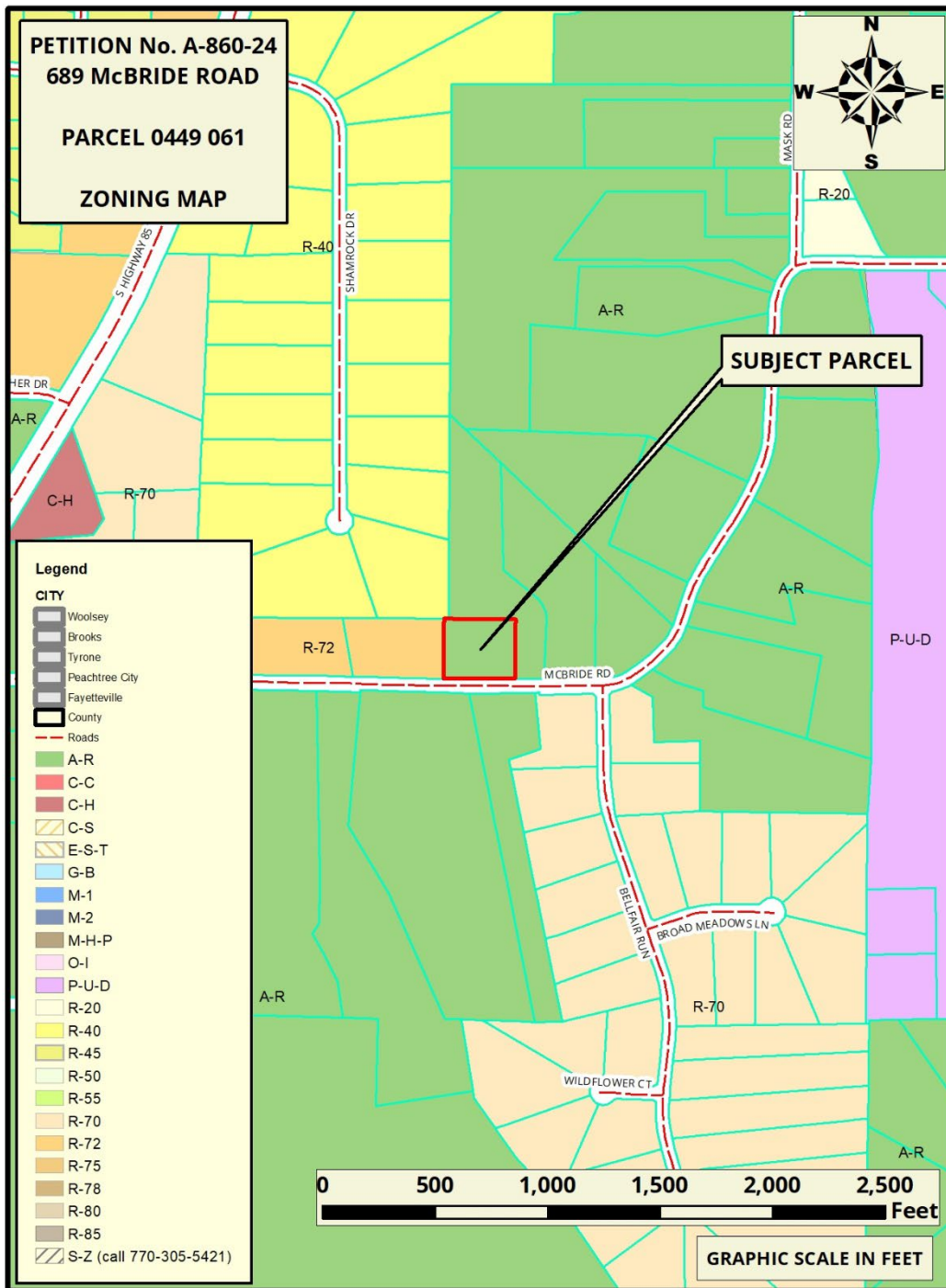
(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

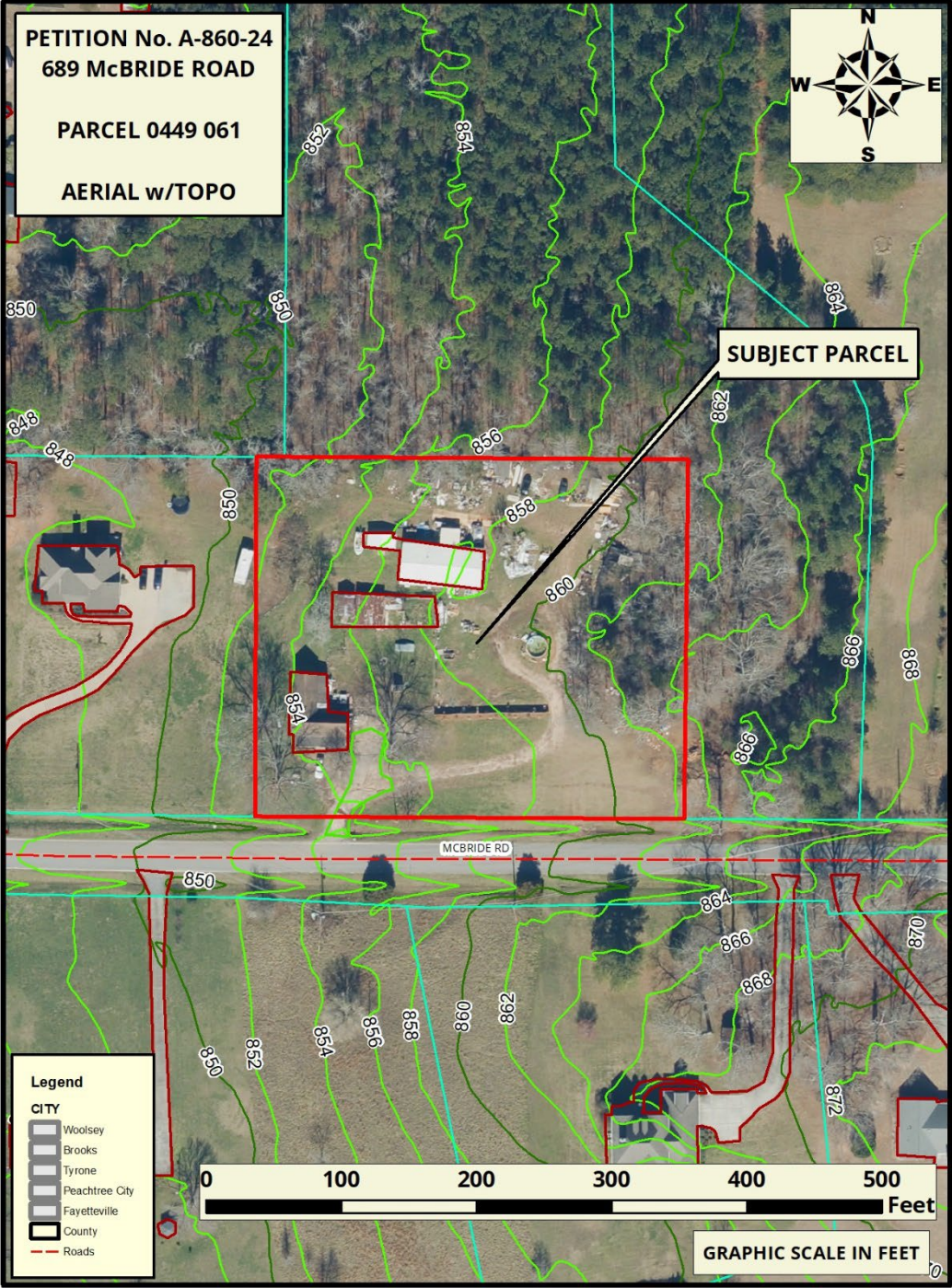
The petitioner is not the person, or an immediate family member, who caused the subject property to be an illegal lot.

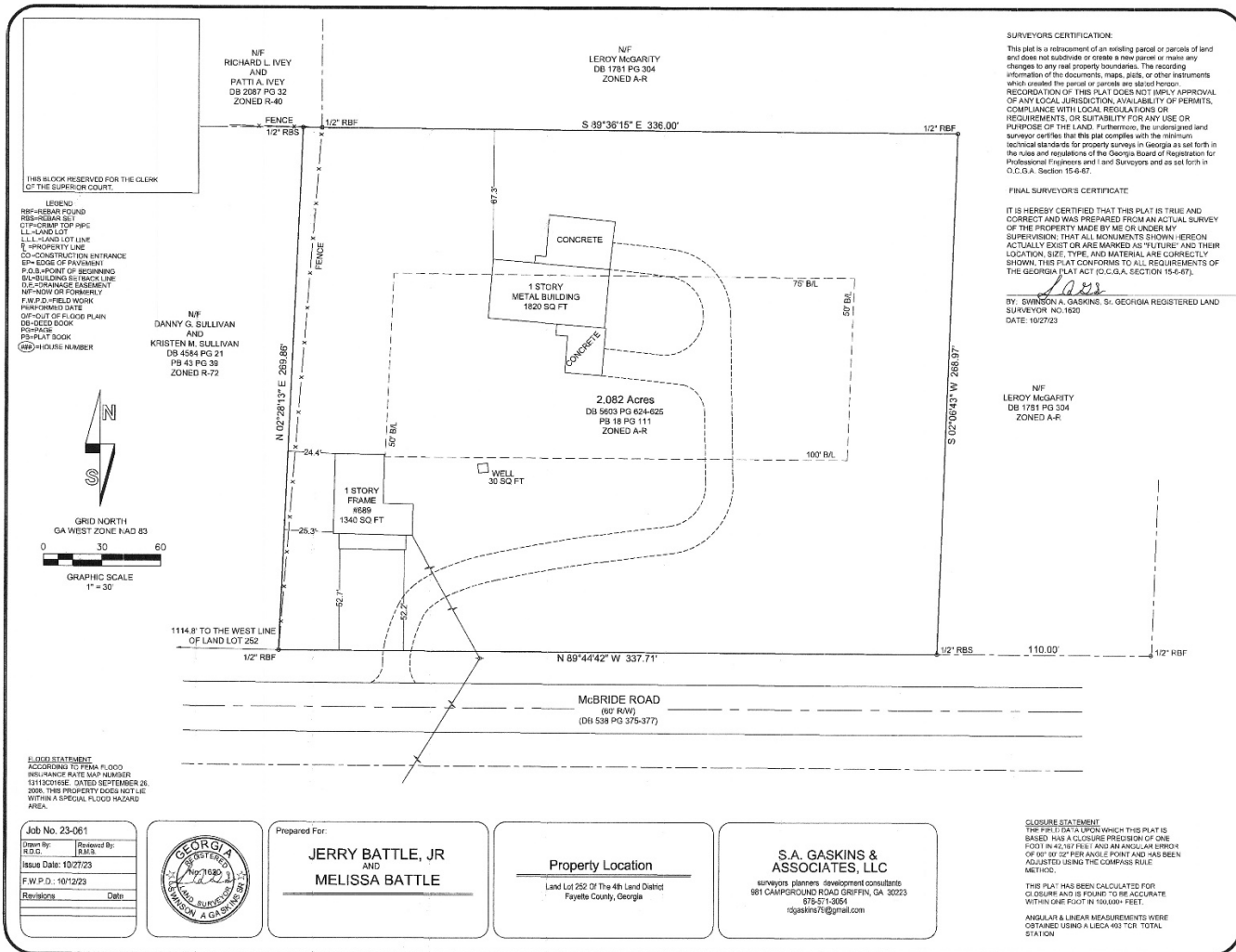
(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent property to meet the minimum requirements of the adjacent property's zoning district, then the adjacent property is not available. Additionally, any adjacent property which is part of an illegal lot shall not be deemed available for purposes of these variance procedures, unless the adjacent illegal lot is unimproved and the entirety of the adjacent illegal lot is combined with the subject property. If adjacent property is available, the cost of acquiring the adjacent property shall not be a factor in determining the availability of the adjacent property.

As defined above, there is no property available to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause those lots to be illegal in size, road frontage, or lot area.









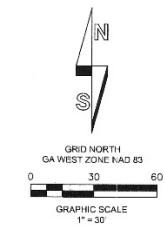
SURVEYORS CERTIFICATION
 This plat is a restatement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels 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 15-6-67.

FINAL SURVEYORS CERTIFICATE
 IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION. THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-67).

BY: *[Signature]*
 EMMERSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR, NO. 1502
 DATE: 10/27/23

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

LEGEND
 RRF=REBAR FOUND
 RBS=REBAR SURFACE
 CTR=CURB TOP PIPE
 LL=LAND LOT
 LLL=LAND LOT LINE
 F=PROPERTY LINE
 CD=CONSTRUCTION ENTRANCE
 EP=EDGE OF PAVEMENT
 P.O.B.=POINT OF BEGINNING
 S.B.=BUILDING SETBACK LINE
 T.C.=TRENCH EASEMENT
 NF=NOW OR FORMERLY
 F.W.P.D.=FIELD WORK
 H.C.=HOUR NUMBER



FLOOD STATEMENT
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13113C0166E, DATED SEPTEMBER 26, 2009, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

Job No. 23-061	Reviewed By: [Signature]
Drawn By: [Signature]	Issue Date: 10/27/23
F.W.P.D.: 10/12/23	Revisions: [Table]



Prepared For:
JERRY BATTLE, JR.
 AND
MELISSA BATTLE

Property Location
 Land Lot 252 Of The 4th Land District
 Fayette County, Georgia

S.A. GASKINS & ASSOCIATES, LLC
 Surveyors, planners, development consultants
 681 CHAMPGROUND ROAD, GRIFPIN, GA 30223
 878-571-3051
 rgaskins76@gmail.com

CLOSURE STATEMENT
 THE FIELD WORK WHICH THIS PLAT IS BASED UPON HAS A CLOSURE PRECISION OF ONE FOOT IN 400 FEET AND AN ANGULAR ERROR OF 60" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COCHRAN RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TCR TOTAL STATION.

SURVEY

FAYETTE COUNTY, GEORGIA
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

PROPERTY INFORMATION:

Parcel No. 0449-061 Acreage: 2.082 Land Lot: 252 Land District: 4TH
Address: 689 MCBRIDE ROAD FAYETTEVILLE, GA. 30215
Existing Zoning: AR Requested Zoning: AR
Zoning of Surrounding Properties: R-72 (WEST), AR NORTH & EAST
Existing Use: RESIDENTIAL
Proposed Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

Name JERRY BATTLE, JR. & MELISSA
Email policecarman@gmail. BATTLE
Address 455 MERRYPINE COM
City DRIVE FAYETTEVILLE
State GA. Zip 30215
Phone 770-776-9117

AGENT/DEVELOPER INFORMATION (If not owner)

Name RANDY M. BOYD
Email boyd2007@gmail.com
Address P.O. BOX 64
City ZEBULON
State GA. Zip 30295
Phone 404-275-1677

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-860-24

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 payment 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:

JERRY BATTLE, JR. & MEISSA BATTLE
Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0449 061

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 252 of the A7th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.082 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to RANDY M. BOYO 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.

SIGNATURES

Owner/
Agent
One:

Signature _____
Name: JERRY BATTLE, JR.
Address: 455 MERIDIAN DRIVE
City/State/Zip: FAYETTEVILLE, GA. 30215
Date: _____

Notary: _____ (seal)
Commission Exp.: _____

Owner/
Agent
Two:

Signature _____
Name: MEISSA BATTLE
Address: 455 MERIDIAN DRIVE
City/State/Zip: FAYETTEVILLE, GA. 30215
Date: _____

Notary: _____ (seal)
Commission Exp.: _____

Owner/
Agent
Three:

Signature Randy M. Boyo
Name: RANDY M. BOYO
Address: P.O. Box 64
City/State/Zip: ZEPHURON, GA. 30295
Date: 11/12/24

Notary: Deborah M Sims (seal)
NOTARY PUBLIC
Covington County, GEORGIA
Commission Exp.: 11/30/27
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	110-242(h)
Requirement	A LOT CREATED IN 1987 IS 2 ACRES IN AN AR ZONING DISTRICT WHICH REQUIRES 5 ACRES
Proposed Change	REQUEST FOR AN ILLEGAL LOT TO BE DEEMED A NONCONFORMING LOT
Variance Amount	AR ZONING REQUIRES 5 ACRES. EXISTING LOT IS 2 ACRES. VARIANCE AMOUNT = 3 ACRES

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

REQUEST FOR AN ILLEGAL LOT TO BE DEEMED A NON-CONFORMING LOT (SECTION 110-242)(h).

REAR YARD SETBACK: 75' (METAL BLDG.)

REDUCE SETBACK TO 67.3' TO ALLOW
METAL BLDG. TO REMAIN

1800 SQ. FT. METAL ACCESSORY BLDG.

INCREASE SQ. FOOTAGE TO 1820 SQ. FT. TO ALLOW
METAL BLDG. TO REMAIN

~~REAR YARD SETBACK (METAL BLDG.)~~

JUSTIFICATION OF REQUEST

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

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

THIS PARCEL DOES NOT HAVE UNUSUAL SIZE, SHAPE OR TOPOGRAPHY. HOWEVER THIS LOT WAS CREATED AS AN ILLEGAL LOT IN 1987. THE EXISTING HOUSE IS APPROXIMATELY 100 YEARS OLD. THE EXISTING UNPERMITTED METAL BUILDING WAS CONSTRUCTED IN 2002 (FROM HISTORICAL AERIAL PHOTOGRAPHS). JERRY & MELISSA BATTLE PURCHASED THIS LOT IN APRIL 2023.

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

IF THESE VARIANCES ARE NOT GRANTED, THE HOUSE (100 YEARS OLD) AND METAL BUILDING (22 YEARS OLD) WILL HAVE TO BE DEMOLISHED AND REMOVED.

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

THE HOUSE WAS CONSTRUCTED AT A TIME THAT PREDATES BUILDING & ZONING CODES. OLDER HOUSES WERE CONSTRUCTED CLOSER TO THE EXISTING DIRT ROADS AS CAN BE SEEN BY MULTIPLE EXAMPLES IN THE SOUTH FAYETTE COUNTY 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.

THE EXISTING HOUSE HAS EXISTED FOR APPROXIMATELY 100 YEARS AND THE EXISTING METAL BUILDING HAS EXISTED FOR APPROXIMATELY 22 YEARS. THEIR EXISTENCE HAS NOT CAUSED ANY SUBSTANTIAL DETRIMENT TO THE ADJOINING PROPERTIES.

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

IF THE VARIANCES ARE NOT GRANTED, A HISTORIC 100 YEAR OLD HOUSE AND A METAL BUILDING THAT HAS EXISTED FOR 22 YEARS WOULD HAVE TO BE DEMOLISHED.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of 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. N/A Location of septic tank, drainfield, and drainfield replacement area.
 - g. N/A Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. N/A Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. N/A Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. N/A 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:	

Type: WD
Recorded: 4/10/2023 12:18:00 PM
Fee Amt: \$230.00 Page 1 of 2
Transfer Tax: \$205.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Please return to:
Lawson, Beck & Sandlin, LLC
1125 Commerce Drive, Suite 300
Peachtree City, GA 30269
File # 23-LAW-0313

Participant ID(s): 1138094925,
7067927936

BK 5603 PG 624 - 625

STATE OF GEORGIA
COUNTY OF FAYETTE

3

LIMITED WARRANTY DEED

THIS INDENTURE made this 7th day of April, 2023 between

Janet C. Mask

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

Jerry Battle, Jr. and Melissa Battle as Joint Tenants With Right of Survivorship

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 other good and valuable consideration (\$10.00) 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:

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 227.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

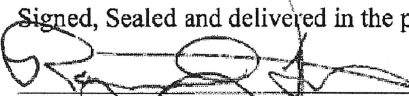
Subject to restrictive covenants and easements of record.

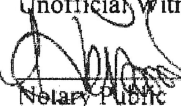
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

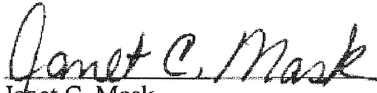
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

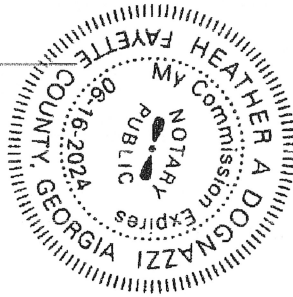
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

Signed, Sealed and delivered in the presence of:


Unofficial Witness


Notary Public


Janet C. Mask



AFTER RECORDING PLEASE RETURN TO:

**LAWSON, BECK & SANDLIN, LLC
1125 COMMERCE DRIVE, SUITE 300
PEACHTREE CITY, GEORGIA 30269
FILE NO. 23-LAW-02313**

Participant ID(s): 1138094925,
7067927936

BK 5626 PG 415 - 416

**Please Cross-Reference Deed Book 5603, page 624,
Fayette County, Georgia Records**

**Please Cross-Reference Deed Book 5603, page 626,
Fayette County, Georgia Records**

Space above to be used for recording purposes.

STATE OF GEORGIA
COUNTY OF FAYETTE

SCRIVENER'S AFFIDAVIT

BEFORE ME, the undersigned attesting authority in and for the said State and County, came the undersigned deponent, who being duly sworn deposes and says on oath that this Affidavit relates to the legal description contained in that certain *Limited Warranty Deed* between Janet C. Mask, on the one hand, and Jerry Battle, Jr. and Melissa Battle, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at the Deed Book 5603, page 624, Fayette County, Georgia Records, as well as the legal description contained in that certain *Security Deed* between Jerry Battle, Jr. and Melissa Battle, on the one hand, and Mortgage Electronic Registration Systems, Inc., as nominee for Rocket Mortgage LLC, on the other hand, dated April 7, 2023 and recorded April 10, 2023 at Deed Book 5603, page 626, Fayette County, Georgia Records.

1. I certify that I am an attorney licensed to practice law in the State of Georgia, and I give this Affidavit based upon my own personal knowledge.
2. I certify that I prepared the legal description set forth in the *Limited Warranty Deed* and the *Security Deed* referenced above, and a scrivener's error was made with regard to the legal description set forth therein. A distance call in the metes and bounds description erroneously referenced a distance of "227.17 feet." The call should have been listed as "277.17 feet."
3. The correct legal description for the *Limited Warranty Deed* and the *Security Deed* should be as follows:

All that tract or parcel of land lying and being in Land Lot 252 of the 4th Land District of Fayette County, Georgia, containing 2.140 acres, more or less, and being more particularly described as follows:

BEGINNING at an iron pin located 1,114.8 feet Eastwardly as measured along the Northerly margin of the right of way of a street or roadway known as

McBride Road, from the West line of Land Lot 252 aforesaid; running thence North 1 degree 9 minutes 22 seconds East 277.17 feet to an iron pin; thence North 89 degrees 27 minutes 42 seconds East 336.0 feet to an iron pin; thence South 1 degree 9 minutes 6 seconds West 277.93 feet to an iron pin on the Northerly margin of the right of way of said McBride Road; thence South 89 degrees 35 minutes 33 seconds West as measured along the Northerly margin of said McBride Road 336 feet back to the iron pin at the point of beginning hereof. (See Plat Book 18, Page 111).

The above described realty being the same realty described by that certain Warranty Deed from J.G. Mask to Colleen M. Jones, et.al., filed for record November 9, 1987 and recorded in Deed Book 475 at page 498, records of Fayette County, Georgia.

I give this Affidavit for the purpose of explaining and clarifying the scrivener's error contained within the referenced instrument and with the understanding that it will be relied on by prospective purchasers and lenders now dealing with the property owners and title insurance companies insuring title to the same.

Further, Affiant sayeth not this 15 day of June, 2023.

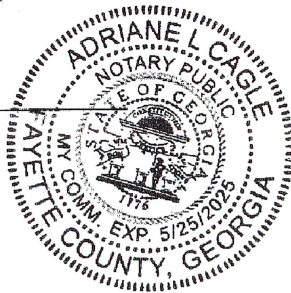
Sworn to and subscribed before me,

this 15 day of June, 2023.

Ashley Ambury
Witness

Heather Dognazzi (Seal)
Heather Dognazzi, Affiant

Adriane L. Cagle
Notary Public



BISCHOFF AND WHITE, P.C.
370 East Lanier Avenue
Fayetteville, Georgia 30214

BOOK 475 PAGE 498

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this _____ day of _____ in the year of our Lord One Thousand Nine Hundred and Eighty Seven between J. G. MASK of the State of GEORGIA and County of Fayette, herein Grantor and COLLEEN M. JONES, CHARLES H. MASK, CHARLOTTE M. TIDWELL and MARTHA M. RICHARDSON, As Joint Tenants of the State of GEORGIA and County of Fayette, herein Grantee.

WITNESSETH: That the said Grantor, for and in consideration of the sum of Ten and other good and valuable consideration _____ DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto the said Grantee, Grantee's transferees, heirs and assigns, all that tract or parcel of land lying and being in

Land Lot 252 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at a point where the south side of McBride Road intersects the west line of Land Lot 252; thence north 89° 33' 10.6" East along the south side of McBride Road a distance of 208.71 feet to a point; thence south 01° 06' 14.4" West a distance of 208.71 feet to a point; thence south 89° 33' 10.6" West a distance of 208.71 feet to a point on the west line of Land Lot 252; thence north 01° 06' 14.4" East a distance of 208.71 feet to the point of beginning. Said tract containing 1 acre

ALSO:

Fayette County, Georgia
Real Estate Transfer Tax
Paid 3.00 Date 11-9-87

All that tract or parcel of land lying and being in Land Lot 252 of the 4th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at a point on the north side of McBride Road, a distance of 1,114.8 feet East from the intersection of the north side of McBride Road with the west line of Land Lot 252; thence north 01° 09' 22.2" East a distance of 277.17 feet to a point; thence north 89° 27' 42" East a distance of 336 feet to a point; thence south 01° 09' 06" West a distance of 277.93 feet to a point on the north side of McBride Road; thence south 89° 35' 33" West a distance of 336 feet along the north side of McBride Road to the point of beginning.

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, Grantee's transferees', heirs and assigns forever, IN FEE SIMPLE.

And that said Grantor for Grantee's successors, heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said Grantee, Grantee's transferees, heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said Grantor has hereunto set his hand and affixed his seal the day and year above written.

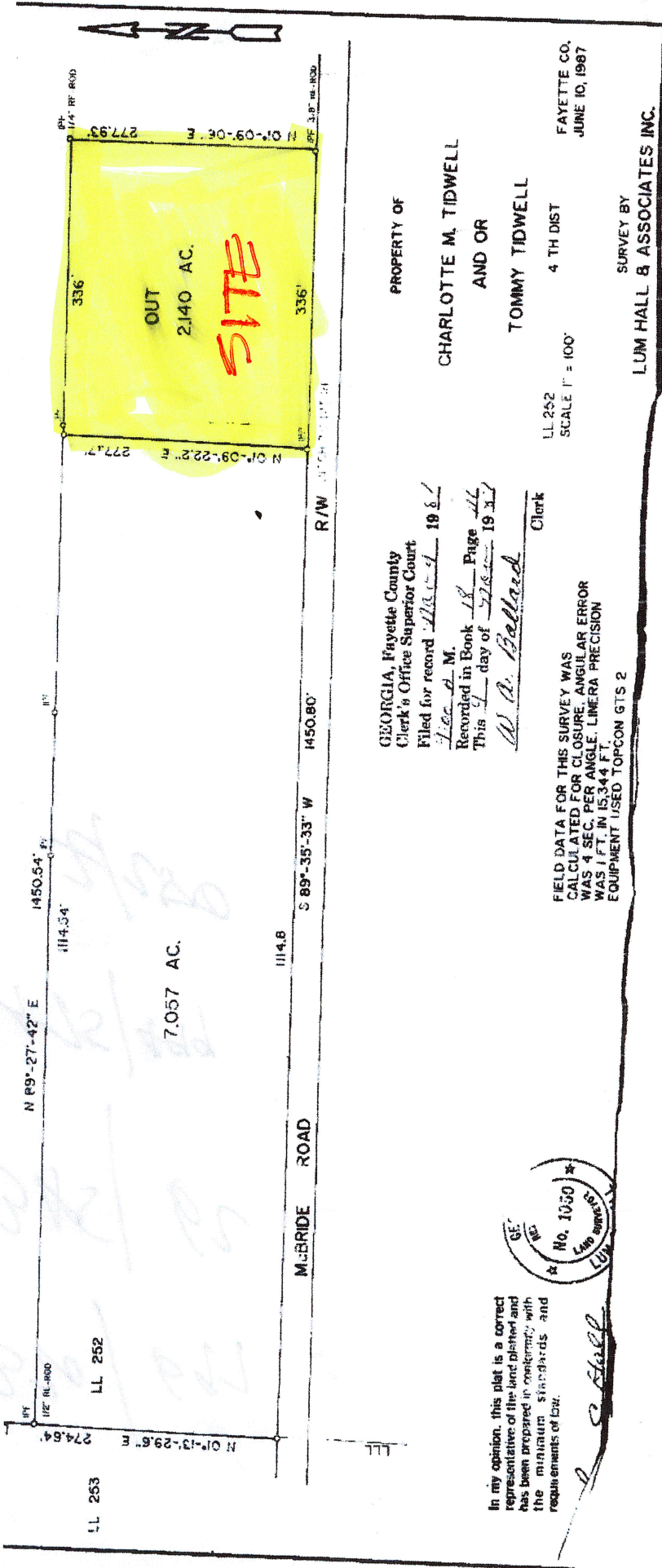
Charlotte M. Tidwell
WITNESS

J. G. Mask

(Seal)
J. G. MASK

NOTARY PUBLIC
FAYETTE COUNTY, GEORGIA
Date: *November 8, 1987*

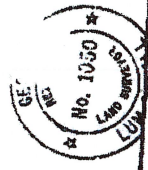
FILED *11-9-* 19 *87* *9:00 AM*
RECORDED *11-9-* 19 *87*
W. A. Ballard
CLERK SUPERIOR COURT



GEORGIA, Fayette County
 Clerk's Office Superior Court
 Filed for record March 19 87
 Recorded in Book 576 Page 44
 This 11 day of March 19 87
W. A. Ballard
 Clerk

FIELD DATA FOR THIS SURVEY WAS
 CALCULATED FOR CLOSURE. ANGULAR ERROR
 WAS 4 SEC. PER ANGLE. LINEAR PRECISION
 WAS 1 FT. IN 15,344 FT.
 EQUIPMENT USED TOPCON GTS 2

In my opinion, this plat is a correct
 representative of the land plotted and
 has been prepared in conformity with
 the minimum standards and
 requirements of Gov.



PROPERTY OF
 CHARLOTTE M. TIDWELL
 AND OR
 TOMMY TIDWELL
 LL 252
 SCALE 1" = 100'
 4 TH DIST
 FAYETTE CO.
 JUNE 10, 1987
 SURVEY BY
 LUM HALL & ASSOCIATES INC.

2018



Fayette County, GA

From public website



Parcel ID 0449 061
Sec/Twp/Rng --
Property Address 689 MCBRIDE RD

Alternate ID n/a
Class R3
Acreage 2.0

Owner Address BATTLE JERRY JR
BATTLE MELISSA
689 MCBRIDE ROAD
FAYETTEVILLE, GA 3021

District 01
Brief Tax Description MCBRIDE RD 2 AC

(Note: Not to be used on legal documents)

Date created: 4/4/2024
Last Data Uploaded: 4/4/2024 5:28:15 AM

A-860-24

FAYETTE COUNTY

Wednesday, April 24, 2024

Fayette County News B5

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 Tuesday, May
28, 2024, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-860-24

Owner(s)/Agent(s): Jerry Battle,
Jr. & Melissa Battle

Property Address: 689 McBride

Parcel: 0449 061

Zoning District: A-R

Area of Property: 2.140 acres

Land Lot(s): 252

District: 4th

Road Frontage: McBride Road

Request: Variance to Sec. 110-242

(h) Request for an illegal lot to be
deemed a nonconforming lot.

Legal Description:

All that tract or parcel of land lying
and being in Land Lot 252 of the
4th Land District of Fayette Coun-
ty, Georgia, containing 2.140 acres,
more or less, and being more par-
ticularly described as follows:

BEGINNING at an iron pin locat-
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sured along the Northerly margin
of the right of way of a street or
roadway known as McBride Road,
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aforesaid; running thence North 1
degree 9 minutes 22 seconds East
227.17 feet to an iron pin; thence
North 89 degrees 27 minutes 42
seconds East 336.0 feet to an iron
pin; thence South 1 degree 9 min-
utes 6 seconds West 277.93 feet to
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ty, Georgia.

Subject to restrictive covenants
and easements of record.

04/24

4-860-24