

**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  
Maria Binns, Zoning Coordinator  
E. Allison Ivey Cox, County Attorney

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**AGENDA**

**Fayette County Zoning Board of Appeals  
Fayette County Administrative Complex  
Public Meeting Room  
June 24, 2024  
7:00 P.M.**

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

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1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on May 28, 2024.

**PUBLIC HEARING**

6. Consideration of Petition No. A-861-24-A – Jerry Battle, Jr. and Melissa Battle, Owner, and Randy Boyd, Agent, request a variance to Sec. 110-125(d)(5), request to reduce the rear yard setback from 75’ to 67.3’ to allow an existing accessory structure to remain.
7. Consideration of Petition No. A-861-24-B - Jerry Battle, Jr. and Melissa Battle, Owner, and Randy Boyd, Agent, request a variance to Sec. 110-79(c)(1)b., to approve an increase in accessory structure maximum footprint from 1800 SF to 1820 SF, to allow an existing accessory structure to remain.
8. Consideration of Petition No. A-862-24 – Harold Hunt, Owner, and Mark McCullough, Agent, per Sec. 110-242 (h), request for an illegal lot to be deemed a nonconforming lot. The subject property is located in Land Lot 165 of the 4<sup>th</sup> District and fronts on Matthews Road.

# Minutes 05/28/2024

**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  
Marsha Hopkins  
Anita Davis & John Tate were absent

**STAFF PRESENT:** Debbie Bell, Planning and Zoning Director  
Maria Binns, Secretary  
E. Allison Ivey Cox, County Attorney  
Deborah Sims, Zoning Administrator (absent)

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1. Call to Order.

2. Pledge of Allegiance.

Staff requested to amend the Agenda to add the Election of the Secretary. ***Brian Haren made a motion to amend the agenda to add the Election of the Secretary. Marsha Hopkins seconded the motion. Motion carried 3-0. Anita Davis and John Tate were absent.***

3. Approval of Agenda. ***Marsha Hopkins made a motion to approve the amended agenda with the addition of Election of the Secretary as item 5. Brian Haren seconded the motion. The motion carried 3-0.***

4. Consideration of the Minutes of the Meeting held on February 26, 2024. ***Brian Haren made a motion to approve the Minutes of the Meeting on February 26, 2024. Marsha Hopkins seconded the motion. The motion carried 3-0.***

5. Election of the Secretary. ***Bill Beckwith nominated Maria Binns as the Secretary to the Zoning Board of Appeals. Marsha Hopkins seconded the nomination, there were no other nominations. The board voted and the vote to elect Maria Binns carried 3-0.***

## **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 7<sup>th</sup> District and fronts on Nelms Road.

Debbie Bell introduced petition A-858-24 and review staff report by stating 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.

Mr. Riddlehoover states the house was built in 1985. He hired Revive Contracting, they recommended to rebuild the deck since was not up to code since the first time, went through the permitting process and they found out the chimney was rotten on the inside. While working with Leslie and the permitting department we submitted everything that was required, after that I was notify about the zoning issue, I worked mainly with Debra Sims in the zoning office. He requested the board consideration for the variance to allow the safety of the house and his family. Contacted next door neighbor to advise the issues he was having with his property and to make sure he didn't have a problem with it and/or to let him know.

Brian Haren asked if the map represented the 100-year flood plain, Ms. Bell responded yes, that was the 2013 Fayette County limited detail study and that it was a little different from the FEMA flood plane, which is older. He also asked if we had the permit from the house was built in 1985? Ms. Bell replied no because we did not get foundation surveys until 2012.

Marsha Hopkins commented the way the property was position within the flood plain, doesn't leave much of an option, she didn't see any issues.

***Brian Haren made a motion to approve Petition No. A-858-24. Marsha Hopkins seconded the motion. The motion carried 3-0.***

Debbie Bell introduced petition A-859-24. – Earold Anthony Brown, Owner, requests a variance to 1. 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 13<sup>th</sup> District and fronts on Highland Hills Rd. and Highland Drive.

Ms. Bell explained this is an unusual because it is a C-H property, is up in the north part of the county just south highway 138, it's been zoned commercial for quite some time, but a residential home is allowed and provided that it meets certain criteria. However, there is not provision for the buffer to go away, the setback is what is allowed on C-H with the buffer because the property is next to a residential property on the south side. She pointed at the encroachment on the map. The house will not encroach in a 50-foot buffer along the property line there is also a 15-foot setback where the house encroaches in that building setback and at the front yard setback.

Mr. Brown states he bought this property as a commercial lot but being in a residential neighborhood he wanted to opt for a residential home for his family. He explained he is aware of the encroachment on the property, he states the property was full of debris where people will dump trash and he clean it up. He asked the board to consider his petition in order to remain on this property for his forever home.

Irma Harris states the building of this home will be facing her house across the street, her others neighbors' homes are facing opposite sites. She states there was not enough land for this structure size or to have a yard.

Yolanda Simmons states that a septic tank pipe is exposed on the side of her home and there is a tree and if it falls, the pipe will bust, she explained the builder was aware the setbacks.

Marcia Dunbar states if this zoning is allowed, would this open the door for someone else to build a house without all the right setbacks? Bill Beckwith responded not necessarily. Also, will this variance affect the drainage on Highland Drive? Bill Beckwith responded it might improve it. We don't know until the house is completed and it has to be the proper drainage around the construction site.

Bill Beckwith asked if you look at the layout on the west side of the structure, is that Mr. Brown's property too? Ms. Bell responded yes, I believe it is, that parcel that backs up is also his. Mr. Beckwith asked Ms. Bell if we knew the size of that lot? Ms. Bell responded I don't, but the lot is a legal lot of record in its configuration and in terms of lot size.

Mr. Brown states when he bought the lot, he worked with the county to make sure he submitted all the required documentation. He states he doesn't have a well and have paid the county every time, he states he will not use a well and he will use blinds in his windows for privacy. He states he is a good neighbor and asked the board to consider his petition.

Brian Haren asked where is the front of the house? Mr. Brown responded is face onto Highland Dr. Mr. Haren asked Ms. Bell if it was a foundation survey and Ms. Bell responded that was the foundation survey on the map displayed, she explained the process and zoning department has met with other departments including building safety and there isn't another way for the placing of the foundation of the house, but the way is showing on the map.

Marsha Hopkins added that we have had several other cases where we ran into the same issues. However, to the petitioners point, if the storage units bought that it would be more storage units. This project will be an improvement to the area, and she will be supporting it.

Bill Beckwith asked if the size of the lot is approved for a septic system? Ms. Bell

responded yes.

Brian Haren states that for those to spoke against the project, since the lot is zoned C-H (Commercial Highway) you could have a gas station or another storage unit instead. He mentions he will support this petition.

***Marsha Hopkins made a motion to approve Petition No. A-859-24, part 1, to reduce the side yard setback. Bill Beckwith seconded the motion. The motion carried 3-0. Bill Beckwith made a motion to approve Petition No. A-859-24, part 2, to reduce the front yard setback. Brian Haren seconded the motion. The motion carried 3-0.***

Debbie Bell introduced petition 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 4<sup>th</sup> District and fronts on McBride Road.

Ms. Bell explained the staff assessment under this request meets all the criteria outlined in Sec 110-242(h) refer to the following criteria and justification:

- (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 cause 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 transform 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.

This is located on McBride Rd just south of the US Station, it's zoned A-R, she shows the aerial map on the screen and notes that a lot of trash and debris has been cleaned up. There is an older house from the early 1900's on the lot and a workshop, she also shows an actual survey that shows the older accessory structures removed and what is left is the remaining shop and a well house, which is an allowable accessory structure.

Randy Boyd states he is a local surveyor and engineer he's representing Mr. Battle & Melissa since April 7, 2023. He explains the property zoning, acreage and explains the lots around it. He states wasn't aware of Sec 110- 242(h) but it gives you the board the opportunity to make it legal nonconforming lot again since it's not much you can do in its present form, the Battles are not relate it with the people that created this lot, you cannot add it to the lot to the west where it belonged before, the acreage will not be sufficient for the A-R zoning requirements, the neighbor in the back is not interested in selling or purchasing this lot, he asked the board to consider the approval of this petition.

Bill Beckwith asked if anyone in the audience wanted to speak in favor of the petition or in opposition? No one responded, he brought the matter to the board for questions.

Marsha Hopkins asked the reason you want it to make other improvements on the property and in order to do that you found out it was an illegal lot.? Mr. Boyd responded yes, back in April 2023 all the problems came out and the process to fix it you have to make it from illegal to legal and you will have more latitude to continue, they are going to try to keep the old house there but till now we can't do anything until the illegality of the lot out. Mr. Beckwith want it to ask that question too.

Brian Haren questioned why not do a rezoning request. Mr. Boyd responded you can't go directly to rezoning until the illegality of the lot is taken out fist. Ms. Cox confirmed they can't do that, it's illegal. Mr. Haren mention has no objections after that.

***Brian Haren made a motion to approve Petition No. A-860-24, to deem an illegal lot a nonconforming lot. Marsha Hopkins seconded the motion. The motion carried 3-0.***

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The meeting adjourned at 8:15 p.m.

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

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**BILL BECKWITH, CHAIRMAN**

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**MARIA BINNS, ZBA SECRETARY**

**PETITION NO: A-861-24 -A-B**

**Requested Action(s):**

**A-861-24-A.** - Variance to Sec. 110-125(d)(5), request to reduce the rear yard setback from 75' to 67.3' to allow an existing accessory structure to remain.

**A-861-24-B.** - Variance to Sec. 110-79(c)(1)b., request to approve an increase in accessory structure maximum footprint from 1800 SF to 1820 SF, to allow an existing accessory structure to remain.

**Location:** 689 McBride Road, Fayetteville, GA 30215

**Parcel(s):** 0449 061

**District/Land Lot(s):** 4<sup>th</sup> 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:** June 24, 2024

**STAFF ASSESSMENT & PARCEL HISTORY**

It is staff's opinion that the parcel does present some exceptional circumstances. Although the property is zoned A-R, it is smaller than the lot size required by zoning. This configuration was created by a previous owner, which created an illegal lot. The accessory structure was built in approximately 2002, by the previous owner. The Battles were unaware of these issues when they purchased the property. On May 28, 2024, the Battles were granted approval from this Board to have the illegal lot deemed a nonconforming [legal] lot.

The house on the property is a legal nonconforming structure, in that it existed prior to November 13, 1980. It was built in the early 1900s, so it does not meet building setbacks. This nonconformance does not require any variances to remain. There were some additional unpermitted and dilapidated structures on the property that the applicants have removed.

## **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**

### **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:

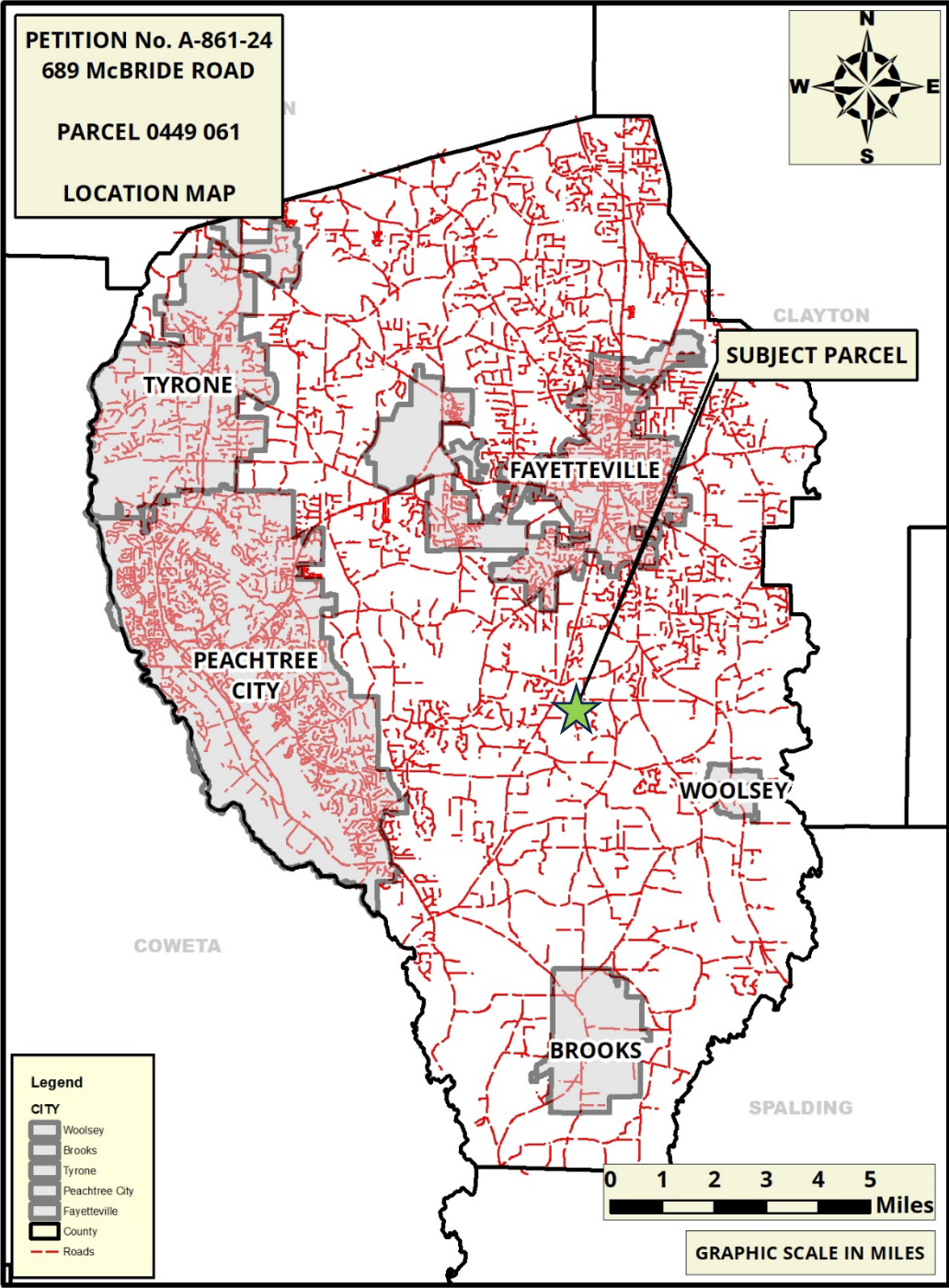
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
  - a. Major thoroughfare:
    1. Arterial: 100 feet.
    2. Collector: 100 feet.
  - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side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

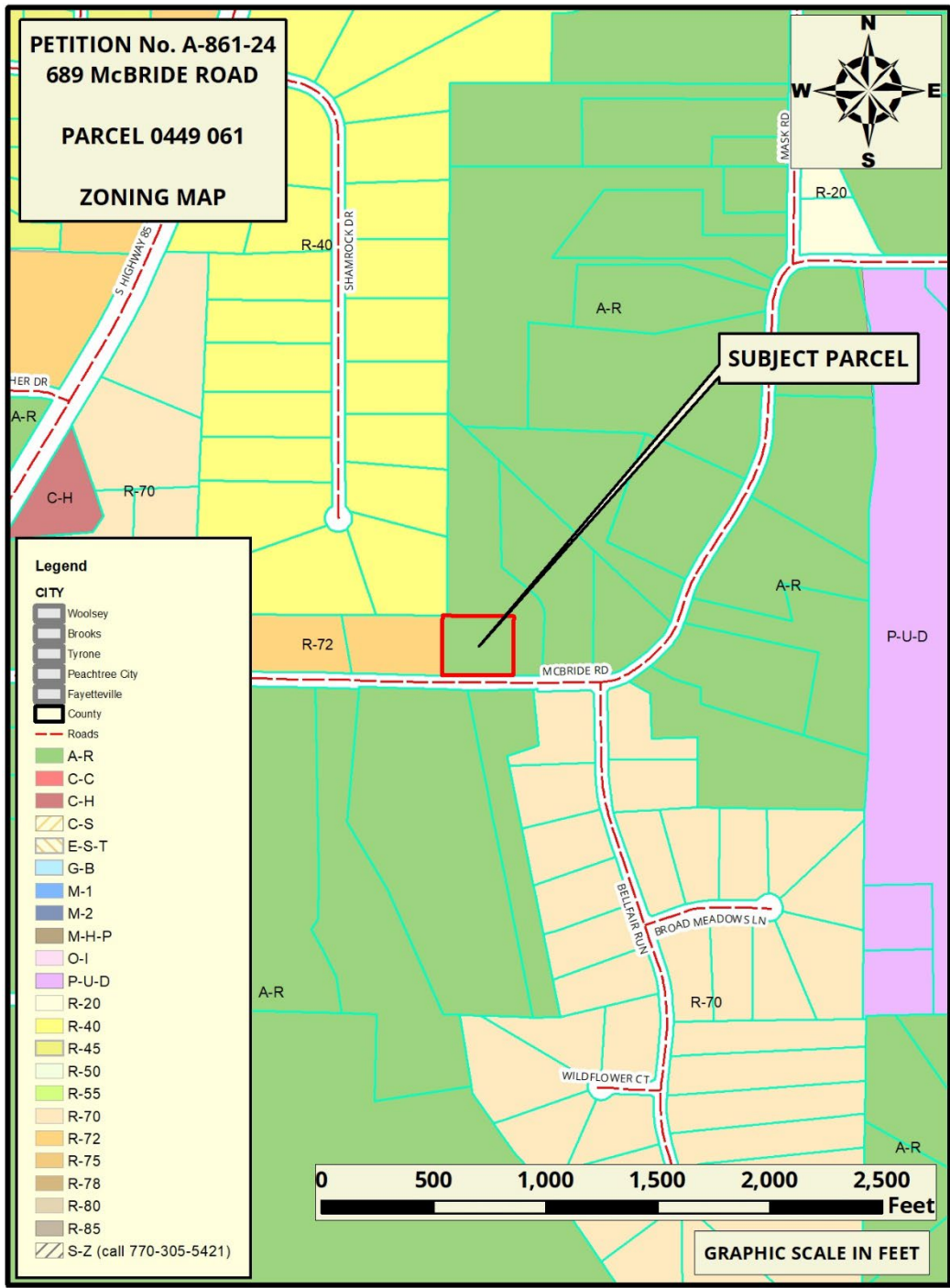
### **Sec. 110-79. - Residential accessory structures and their uses.**

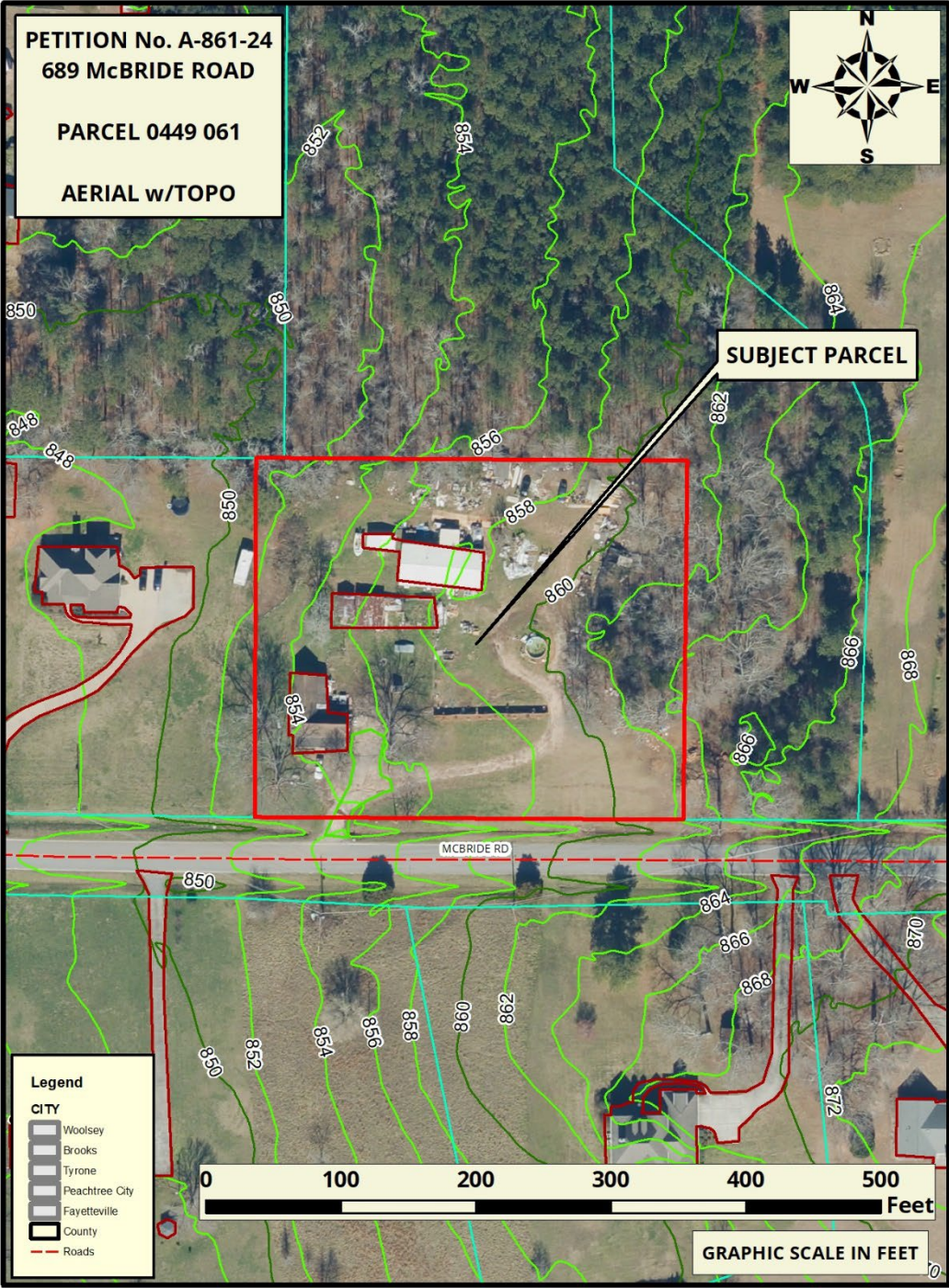
(c) *Number and size.* The number and size of residential accessory structures shall conform to the requirements described herein.

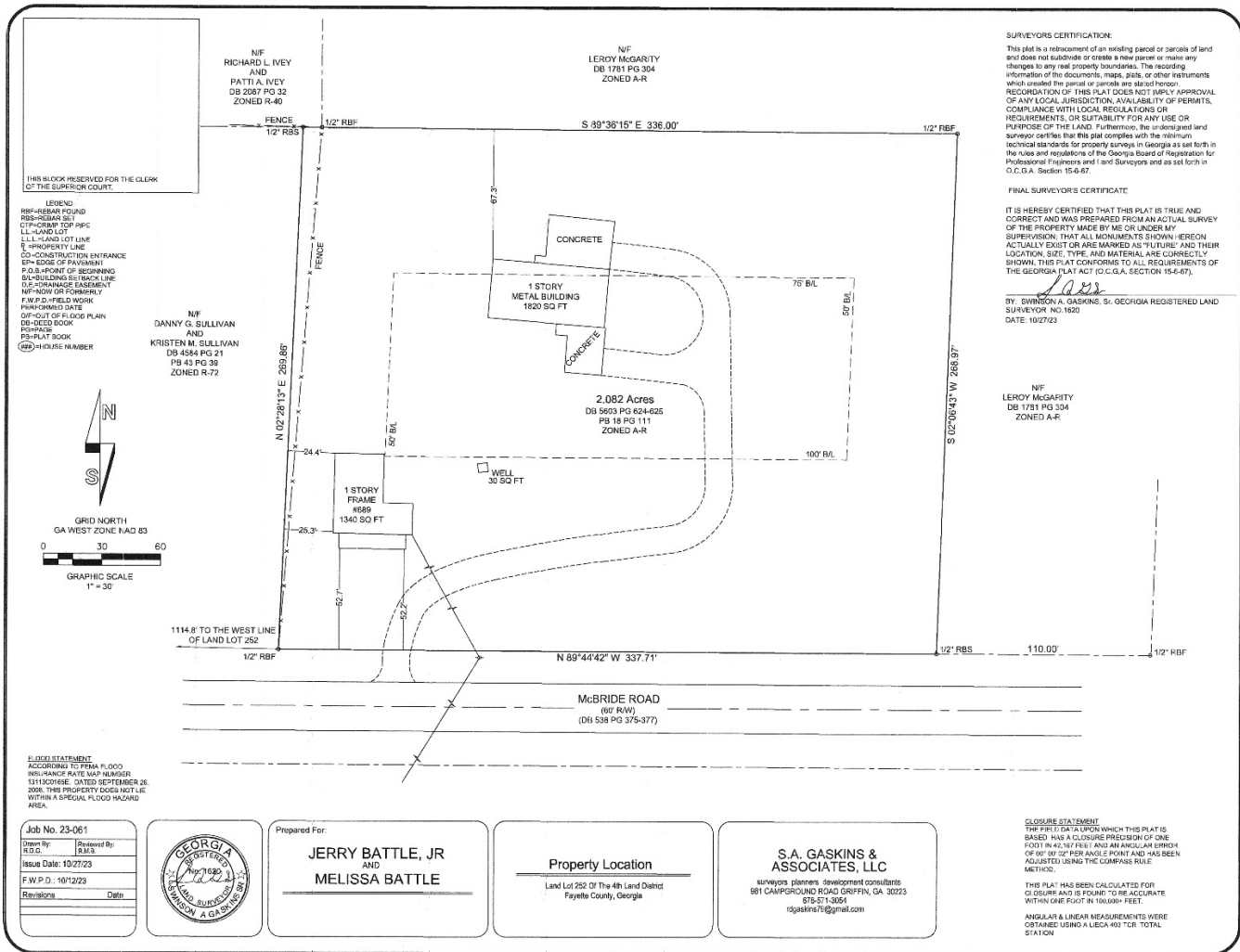
(1) Residential accessory structures shall be limited to one of the following options:

- a. Two residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 1,800 square feet or three residential accessory structures, per individual lot, that shall not exceed a combined total footprint of 3,600 square feet on a lot with a minimum of five acres. One of these residential accessory structures may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure;
- b. One residential accessory structure, per individual lot, footprint not to exceed 1,800 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure; or
- c. One residential accessory structure, per individual lot with a minimum of five acres, footprint not to exceed 3,600 square feet. This residential accessory structure may include up to 700 square feet of heated and finished floor area to be utilized as a guesthouse. A residential accessory structure combined with a guesthouse, under this option, shall be deemed as one residential accessory structure.









**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 MERRYPARK COM  
City DRIVE FAYETTEVILLE  
State GA. Zip 30215  
Phone 770-716-917

**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

PETITION NUMBER: A-860-24 (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 \_\_\_\_\_ 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. & MELISSA 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 4th 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. Boyd 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: MELISSA BATTLE Address: 455 MERIDIAN DRIVE City/State/Zip: FAYETTEVILLE, GA. 30215 Date:

Notary: (seal) Commission Exp.:

Owner/ Agent Three:

Signature Name: Randy M. Boyd Address: P.O. Box 64 City/State/Zip: ZEPHURON, GA. 30295 Date: 11/1/24

Notary: Deborah M Sims (seal) NOTARY PUBLIC Coweta County, GEORGIA My Commission Expires 01/05/2027

## VARIANCE INFORMATION

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

Ordinance/Section	110-242
Requirement	
Proposed Change	Deem illegal lot a nonconforming lot
Variance Amount	

Ordinance/Section	110.125
Requirement	Side yard setback: 50' (House)
Proposed Change	Reduce setback to 24.4' to allow existing house to remain
Variance Amount	

Ordinance/Section	
Requirement	FRONT YARD SETBACK = 100' (House)
Proposed Change	REDUCE SETBACK TO 52.2' TO ALLOW EXISTING HOUSE TO REMAIN
Variance Amount	

(OVER)

### 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 (CREATED ON NOVEMBER 9, 1981 AS RECORDED IN DEED BOOK 475, PAGE 498) TO BE DEEMED A NON-CONFORMING LOT PURSUANT TO SEC. 110-242(h).
  - REQUEST FOR A REDUCTION ON THE FRONT & SIDE BUILDING LINES FOR A EXISTING HOUSE THAT IS APPROXIMATELY 100 YEARS OLD.
  - REQUEST FOR A REAR BUILDING LINE REDUCTION OF A METAL BUILDING THAT WAS CONSTRUCTED WITHOUT A PERMIT.
  - REQUEST FOR INCREASING THE MAXIMUM SQUARE FOOTAGE FROM 1800 SQ.FT. TO 1820 SQ.FT. TO ALLOW EXISTING METAL BUILDING TO REMAIN.
- THE METAL BUILDING WAS CONSTRUCTED IN 2002.



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

# 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

Participant ID(s): 1138094925,  
7067927936

**BK 5603 PG 624 - 625**

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

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.

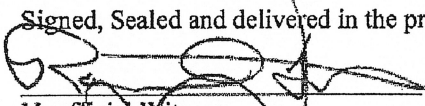
Subject to restrictive covenants and easements of record.

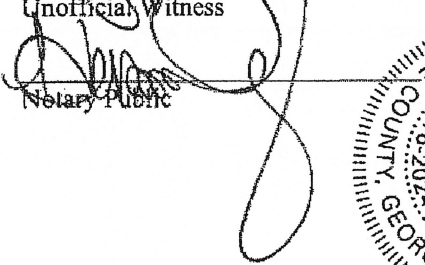
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

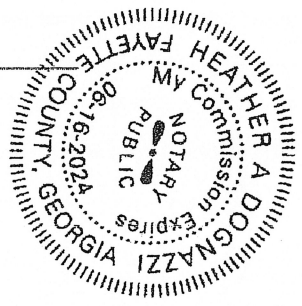
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by through or under Grantor.

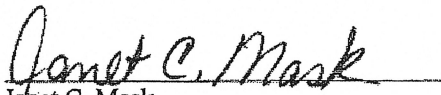
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this first day and year first above written.

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.

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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.

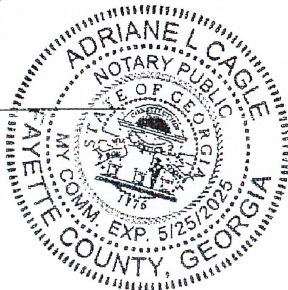
Sworn to and subscribed before me,

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

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

ALSO:

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:

Clerk of Superior Court

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.

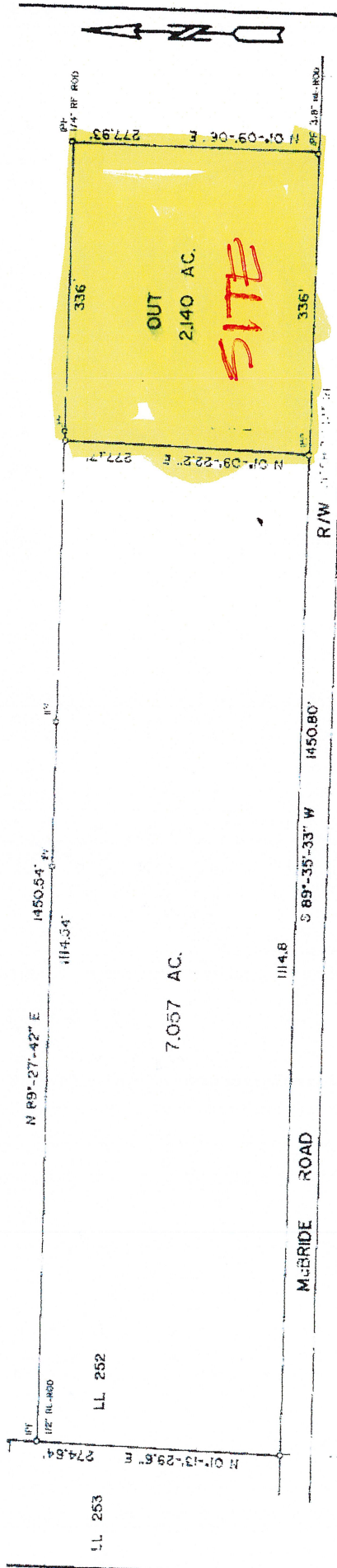
And that said Grantor for Grantee's successors, heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said Grantee, Grantee's transferees, heirs and assigns, against the lawful claims of all persons whomsoever.

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

*J. G. Mask*  
\_\_\_\_\_  
J. G. MASK (Seal)

WITNESS  
*William T. Tidwell*  
\_\_\_\_\_  
WITNESS  
*W. A. Ballard*  
\_\_\_\_\_  
NOTARY PUBLIC  
FAYETTE COUNTY, GEORGIA  
Date: *November 8, 1987*

FILED *11-9-* 1987 *9:00 AM*  
RECORDED *11-9-* 1987  
*W. A. Ballard*  
CLERK SUPERIOR COURT



GEORGIA, Fayette County  
 Clerk's Office Superior Court

Filed for record 11/18/19 19 87  
 This 4 day of November 19 87  
 Re-recorded in Book 18 Page 111  
W. A. Ballard Clerk

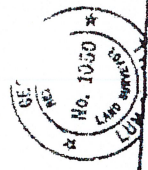
PROPERTY OF  
 CHARLOTTE M. TIDWELL  
 AND OR  
 TOMMY TIDWELL

LL 252  
 SCALE 1" = 100'  
 4 TH DIST  
 FAYETTE CO.  
 JUNE 10, 1987

SURVEY BY  
 LUM HALL & ASSOCIATES INC.

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 described and  
 has been prepared in conformity with  
 the minimum standards and  
 requirements of law.



W. A. Ballard



2018



Fayette County, GA

From a public website



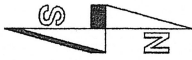
Parcel ID	0449 061	Alternate ID	n/a	Owner Address	BATTLE JERRY JR
Sec/Twp/Rng	--	Class	R3		BATTLE MELISSA
Property Address	689 MCBRIDE RD	Acreage	2.0		689 MCBRIDE ROAD
					FAYETTEVILLE, GA 3021
District	01				
Brief Tax Description	MCBRIDE RD 2 AC				
	(Note: Not to be used on legal documents)				

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

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

LEGEND:

- RRB-REAR BOUND
- RRB-REAR RIGHT BOUND
- RRB-REAR LEFT BOUND
- OTF-CRAMP TOP PIPE
- LL-LAND LOT
- FL-FOUNDATION LINE
- R-ROAD RIGHT LINE
- L-ROAD LEFT LINE
- CO-CONSTRUCTION ENTRANCE
- EP-EDGE OF PAVEMENT
- POB-POINT OF BEGINNING
- PL-POINT OF LATERAL
- DE-DRAINAGE EASEMENT
- NIF-NOW OR FORMERLY
- F.M.P.D.-FIELD WORK
- OFF-OUT OF PLAN
- DB-DEED BOOK
- PG-PAGE
- PS-PAGE
- PL-PLAN BOOK
- HH-HOUSE NUMBER



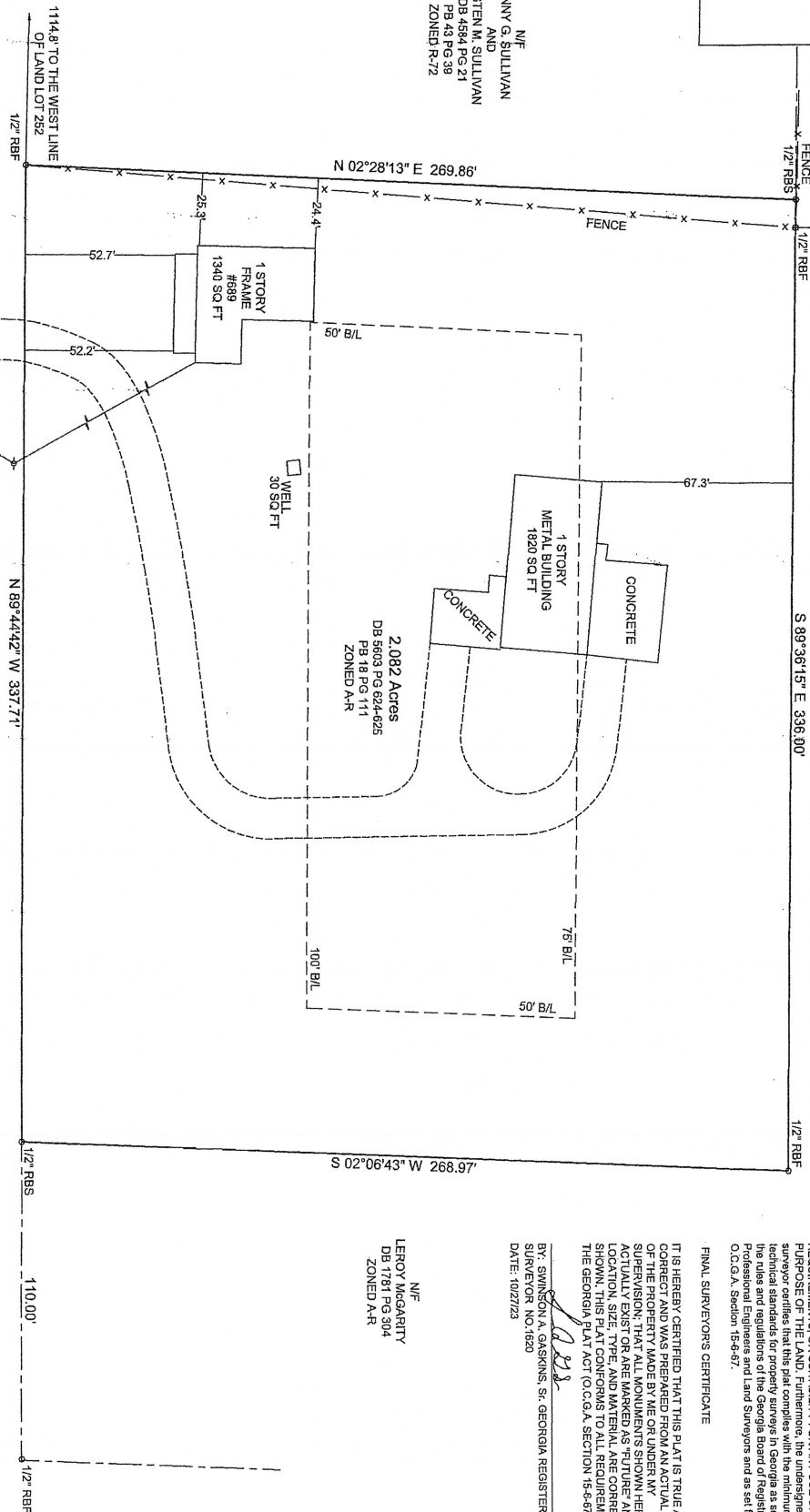
GRID NORTH  
GA WEST ZONE NAD 83



NIF  
RICHARD L. WEY  
AND  
PATTI A. WEY  
DB 2087 PG 32  
ZONED R-40

NIF  
LEROY MCGARITY  
DB 1781 PG 304  
ZONED A-R

NIF  
DANNY G. SULLIVAN  
AND  
KRISTEN M. SULLIVAN  
DB 4684 PG 21  
PB 43 PG 38  
ZONED R-72



**SURVEYORS CERTIFICATION:**  
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created this parcel or parcels are stated herein, and the 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 15-4-57.

**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 15-4-57).

NIF  
BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1620  
DATE: 10/27/23

NIF  
LEROY MCGARITY  
DB 1781 PG 304  
ZONED A-R

**FLOOD STATEMENT**  
ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13180C022E, DATED SEPTEMBER 28, 2019, THIS PROPERTY IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA.

Job No. 23-061	Drawn By: R.M.S.
Issue Date: 10/27/23	Reviewed By: R.M.S.
F.W.P.D.: 10/12/23	Date:
Revisions:	



Prepared For:

**JERRY BATTLE, JR  
AND  
MELISSA BATTLE**

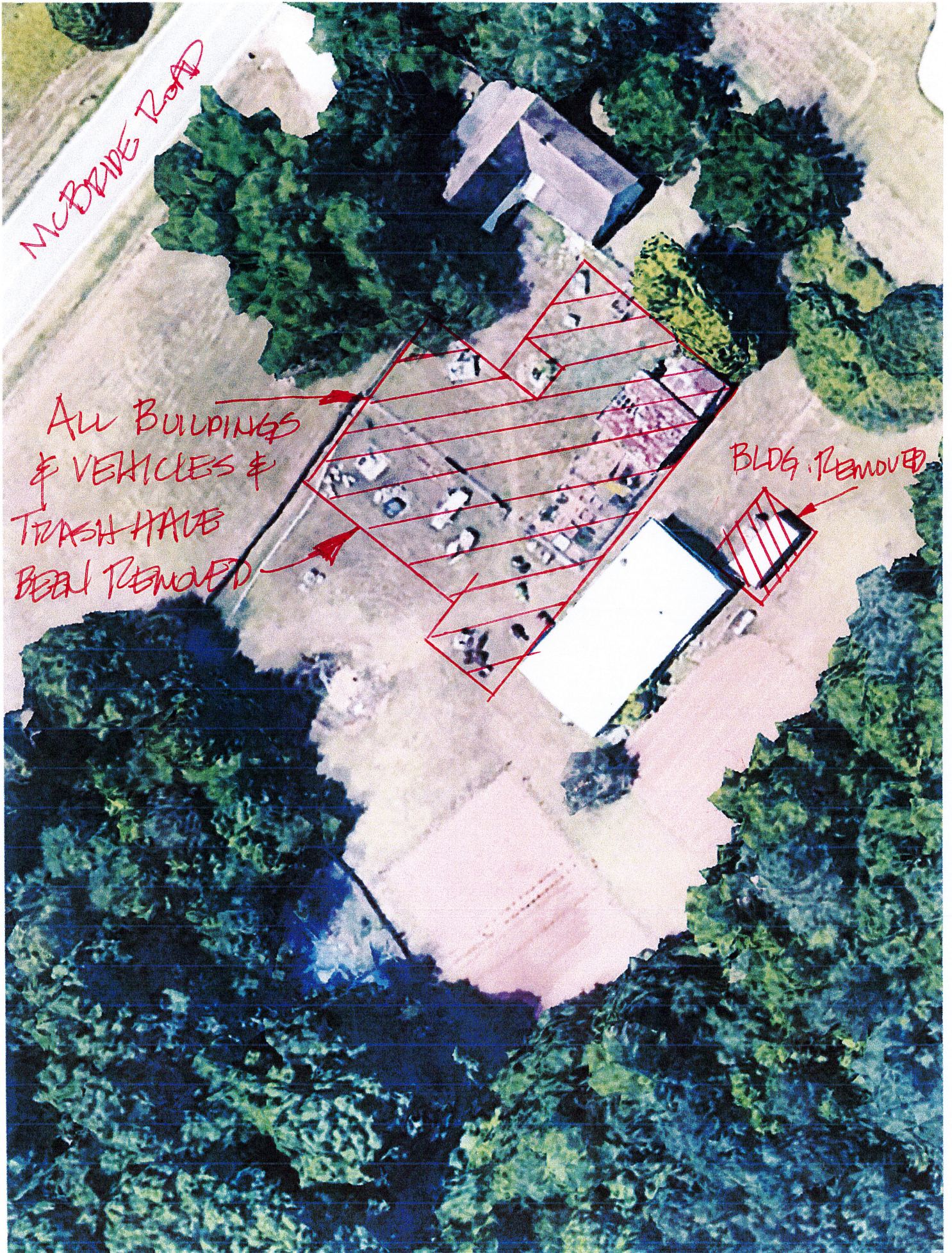
**Property Location**

Land Lot 252 OF The 4th Land District  
Fayette County, Georgia

**S.A. GASKINS &  
ASSOCIATES, LLC**

surveyors/planners/development consultants  
8611 CAMPBELL ROAD GRIFFIN, GA 30223  
678-521-5304  
rdgaskins@gsa.com

**CLOSURE STATEMENT**  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 42,167 FEET AND AN ANGULAR ERROR OF 1.42 SECONDS OF AN ARC. ALL ANGLES HAVE BEEN ADJUSTED USING THE COMPASS RULE METHOD.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 180,189 FEET.  
ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 403 TOR TOTAL STATION



McBRIDE ROAD

ALL BUILDINGS  
& VEHICLES &  
TRASH HAVE  
BEEN REMOVED

BLDG. REMOVED

**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. & MEUSSA 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 4th 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. BOYD 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: [Signature]  
Name: JERRY BATTLE, JR.  
Address: 455 MERRYDALE DRIVE  
City/State/Zip: FAYETTEVILLE, GA. 30215  
Date: 4/4/24

Owner/  
Agent  
Two:

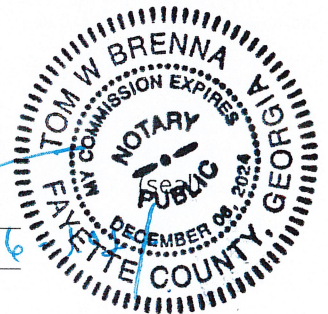
Signature: [Signature]  
Name: MEUSSA BATTLE  
Address: 455 MERRYDALE DRIVE  
City/State/Zip: FAYETTEVILLE, GA. 30215  
Date: 4-05-24

Owner/  
Agent  
Three:

Signature: [Signature]  
Name: RANDY M. BOYD  
Address: P.O. Box 64  
City/State/Zip: ZEPHURUS, GA. 30295  
Date: 4/4/24

Notary: [Signature]  
Deborah M Sims  
NOTARY PUBLIC  
Fayette County, GEORGIA  
Commission Exp.: 1/5/27 My Commission Expires 01/05/2027

Notary: [Signature]  
Commission Exp.: 12-06



Notary: [Signature]  
Deborah M Sims  
NOTARY PUBLIC  
Fayette County, GEORGIA  
Commission Exp.: 1/5/2027 My Commission Expires 01/05/2027

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. & MELISSA 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 4th 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. BOYD 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

Signature [Handwritten Signature]
Name: JERRY BATTLE, JR.
Address: 455 MERYDALE DRIVE
City/State/Zip: FAYETTEVILLE, GA. 30215
Date: 4/4/24

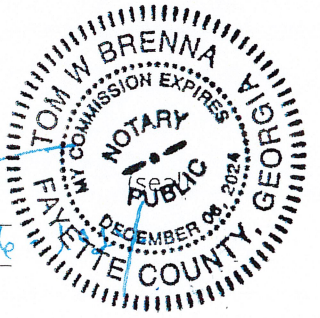
Owner/Agent One:

Notary: Deborah M Sims
NOTARY PUBLIC
COWETA COUNTY, GEORGIA
Commission Exp.: 1/8/27
My Commission Expires 01/05/2027

Signature [Handwritten Signature]
Name: MELISSA BATTLE
Address: 455 MERYDALE DRIVE
City/State/Zip: FAYETTEVILLE, GA. 30215
Date: 4-05-24

Owner/Agent Two:

Notary: [Handwritten Signature]
Commission Exp.: 12-06



Signature [Handwritten Signature]
Name: RANDY M. BOYD
Address: P.O. Box 64
City/State/Zip: ZEPHURUS, GA. 30295
Date: 4/4/24

Owner/Agent Three:

Notary: Deborah M Sims (seal)
NOTARY PUBLIC
COWETA COUNTY, GEORGIA
Commission Exp.: 1/8/27
My Commission Expires 01/05/2027

## FAYETTE COUNTY

PETITIONS FOR VARIANCE(S)/  
ADMINISTRATIVE APPEAL(S)/  
ON CERTAIN PROPERTIES IN  
UNINCORPORATED AREA OF  
FAYETTE COUNTY, GEORGIA

PUBLIC HEARING to be held by  
the Zoning Board of Appeals of  
Fayette County on Monday, June  
24, 2024, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-861-24-A-B

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: A-861-24-A. Variance  
to Sec. 110-125(d)(5), to reduce  
the rear yard setback from 75' to  
67.3' to allow an existing accessory  
structure to remain.

A-861-24-B. Variance to Sec. 110-  
79(c)(1)b., to approve an increase  
in accessory structure maximum  
footprint from 1800 SF to 1820  
SF, to allow an existing accessory  
structure to remain.

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-  
ed 1,114.8 feet Eastwardly as mea-  
sured 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 min-  
utes 6 seconds West 277.93 feet to  
an iron pin on the Northerly mar-  
gin of the right of way of said Mc-  
Bride Road; thence South 89 de-  
grees 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 Coun-  
ty, Georgia.

Subject to restrictive covenants  
and easements of record.

05/22

### PUBLIC NOTICE:

Please be advised that a Public  
Hearing will be held by the Fayette  
County Board of Commissioners  
on June 27, 2024, at 5:00 P.M. in  
the Fayette County Administrative  
Complex, 140 Stonewall Avenue  
West, Public Meeting Room, First  
Floor, Fayetteville, Georgia, to con-  
sider the following:

B4

Wednesday, May 22, 2024

Deadline: Each Friday by 10 a.m.

770-461-6317

legals@fayette-news.com

**PETITION NO: A-862-24**

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

**Location:** Matthews Road, Brooks, GA 30205

**Parcel(s):** 0435 111

**District/Land Lot(s):** 4<sup>th</sup> District, Land Lot(s) 165

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

**Lot Size:** 4.000 Acres

**Owner(s):** Harold Hunt

**Agent:** Mark McCullough

**Zoning Board of Appeal Public Hearing:** June 24, 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 NOT 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 13 DEC 2001, Plat Book 35, Page 112, which was MORE THAN 10 YEARS AGO.***
- (2) The petitioner IS a 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 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 not cause said lot(s) 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 the previous owner, who then deeded it to the current owner; said plat was recorded 13 DEC 2001, Plat Book 35 Page 112.

## **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 variance. This is not approval or guarantee that the lot will be suitable for an onsite sewage system.
- 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;

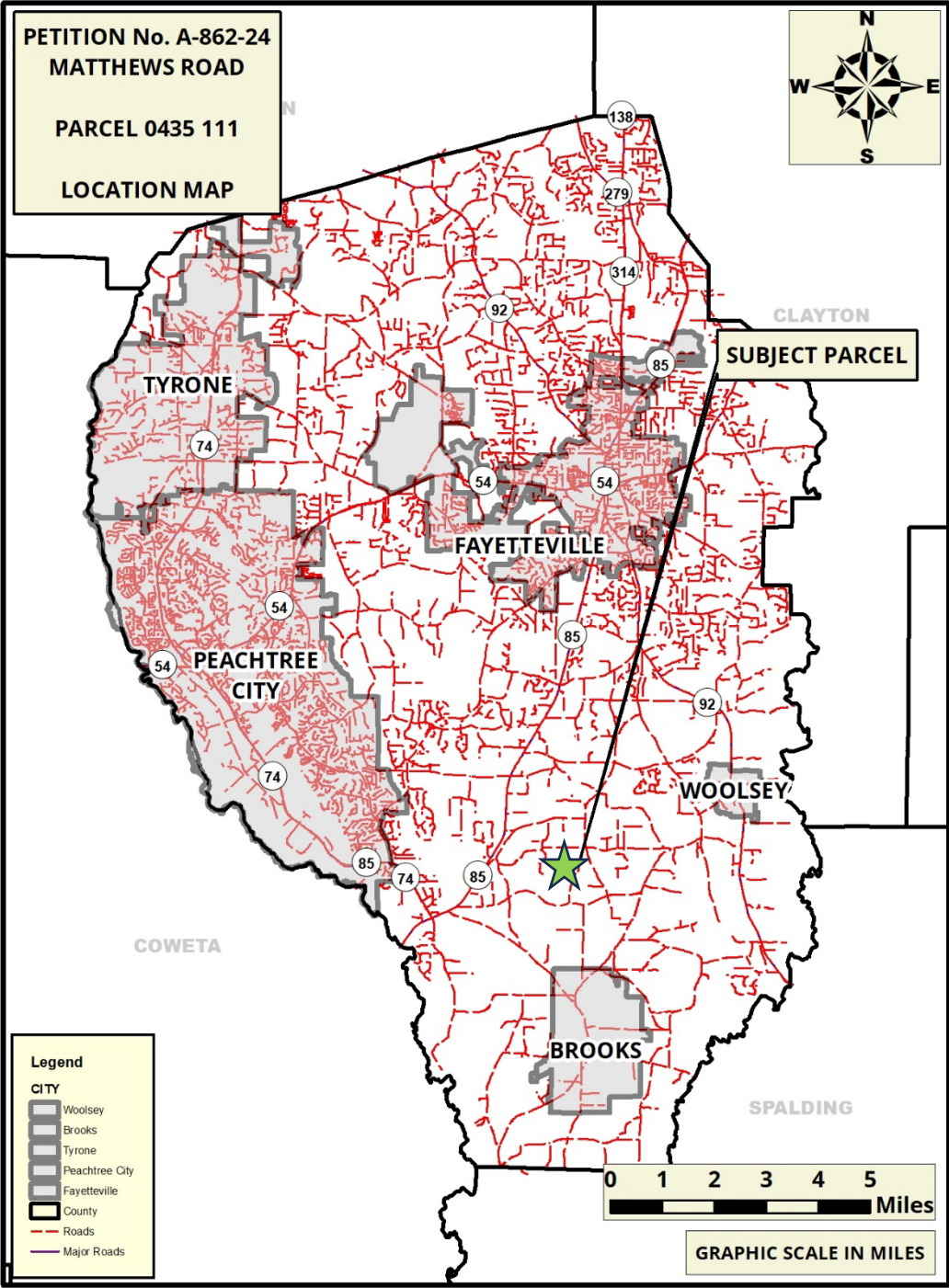
***The subject property was made illegal by actions of a previous owner via a plat recorded 13 DEC 2001, Plat Book 35 Page 112, which is more than 10 years ago.***

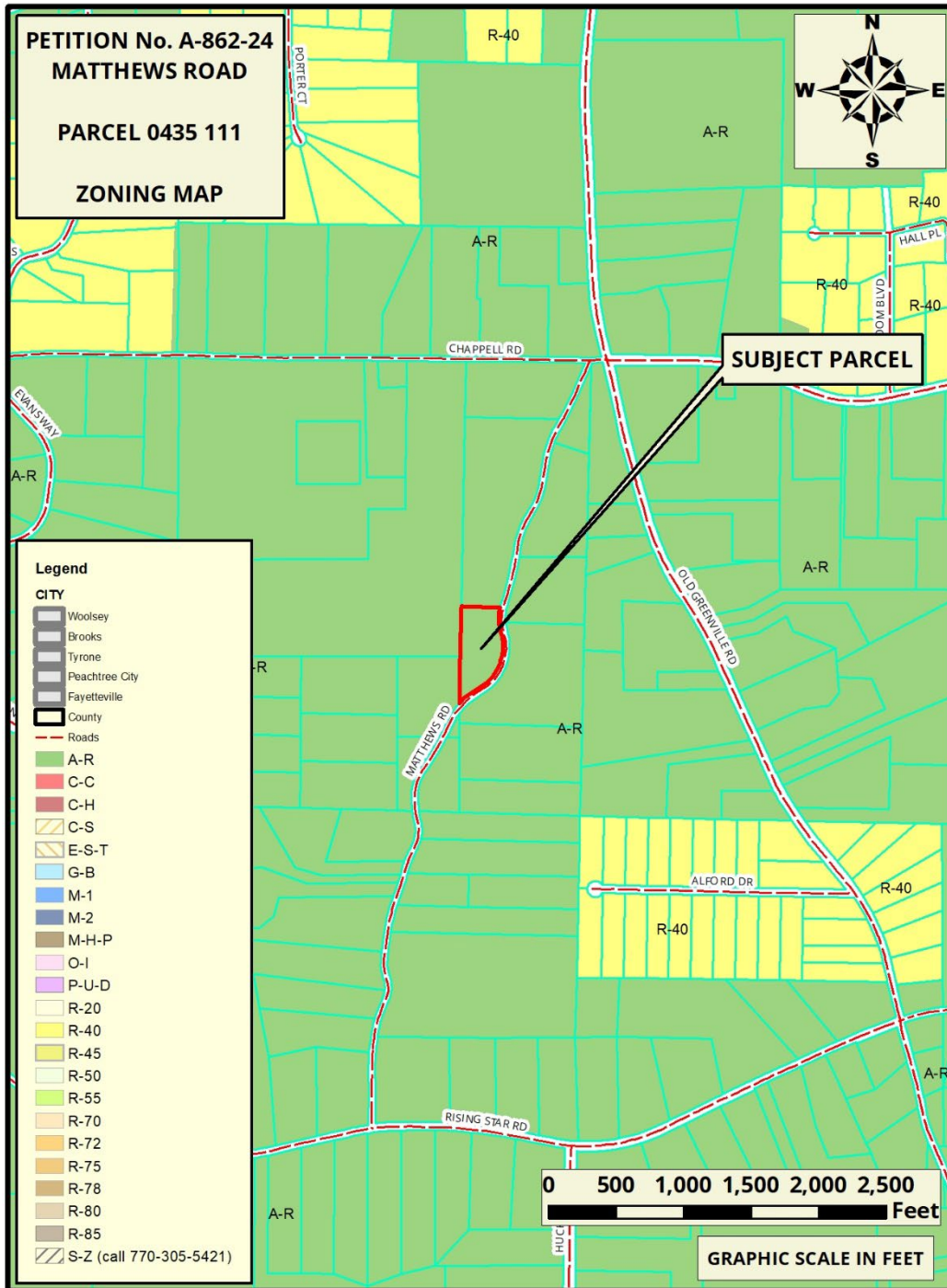
(2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent,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

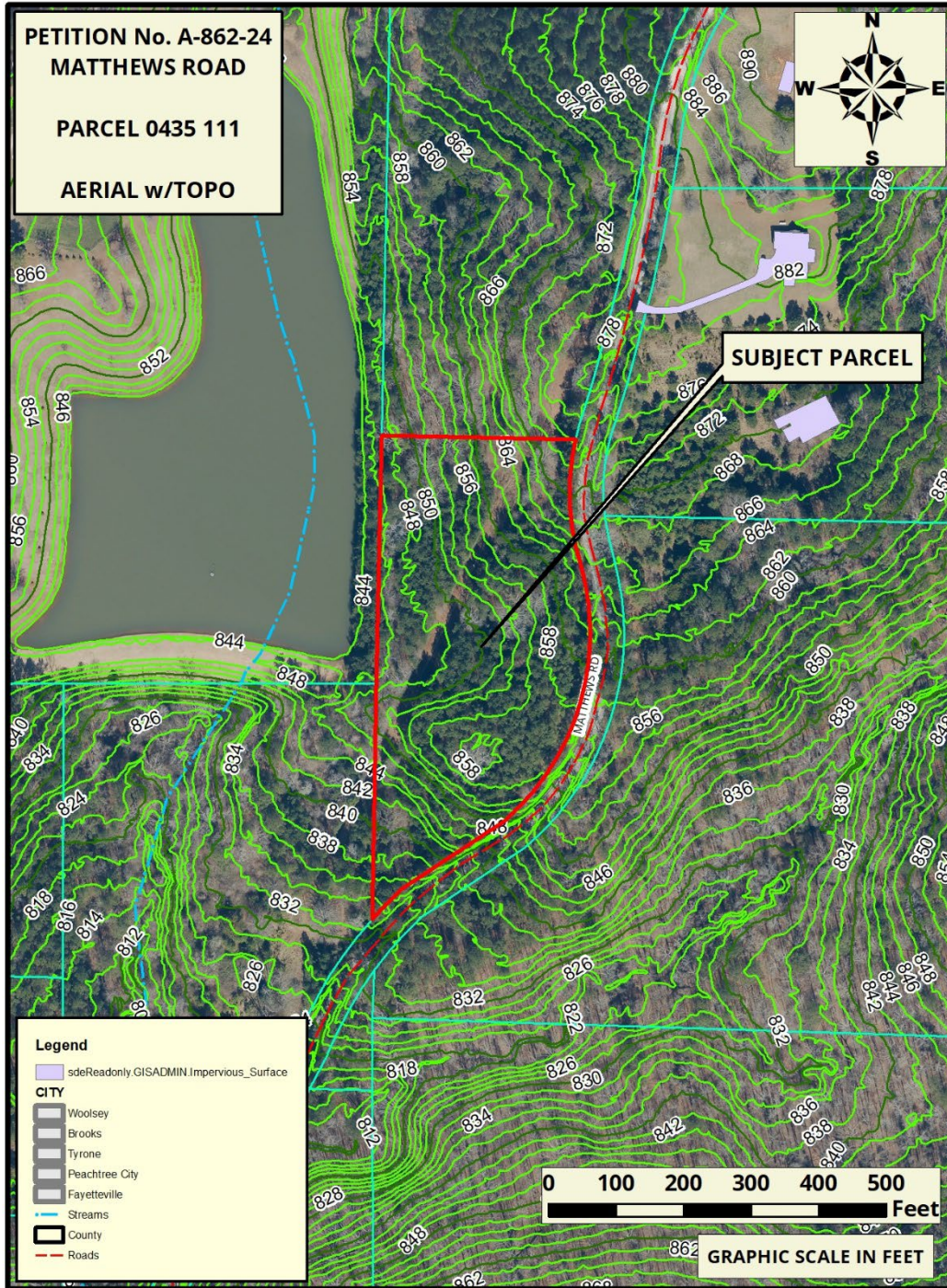
***As defined above, the petitioner is the person, or an immediate family member of the person, who caused the subject property to be an illegal lot.***

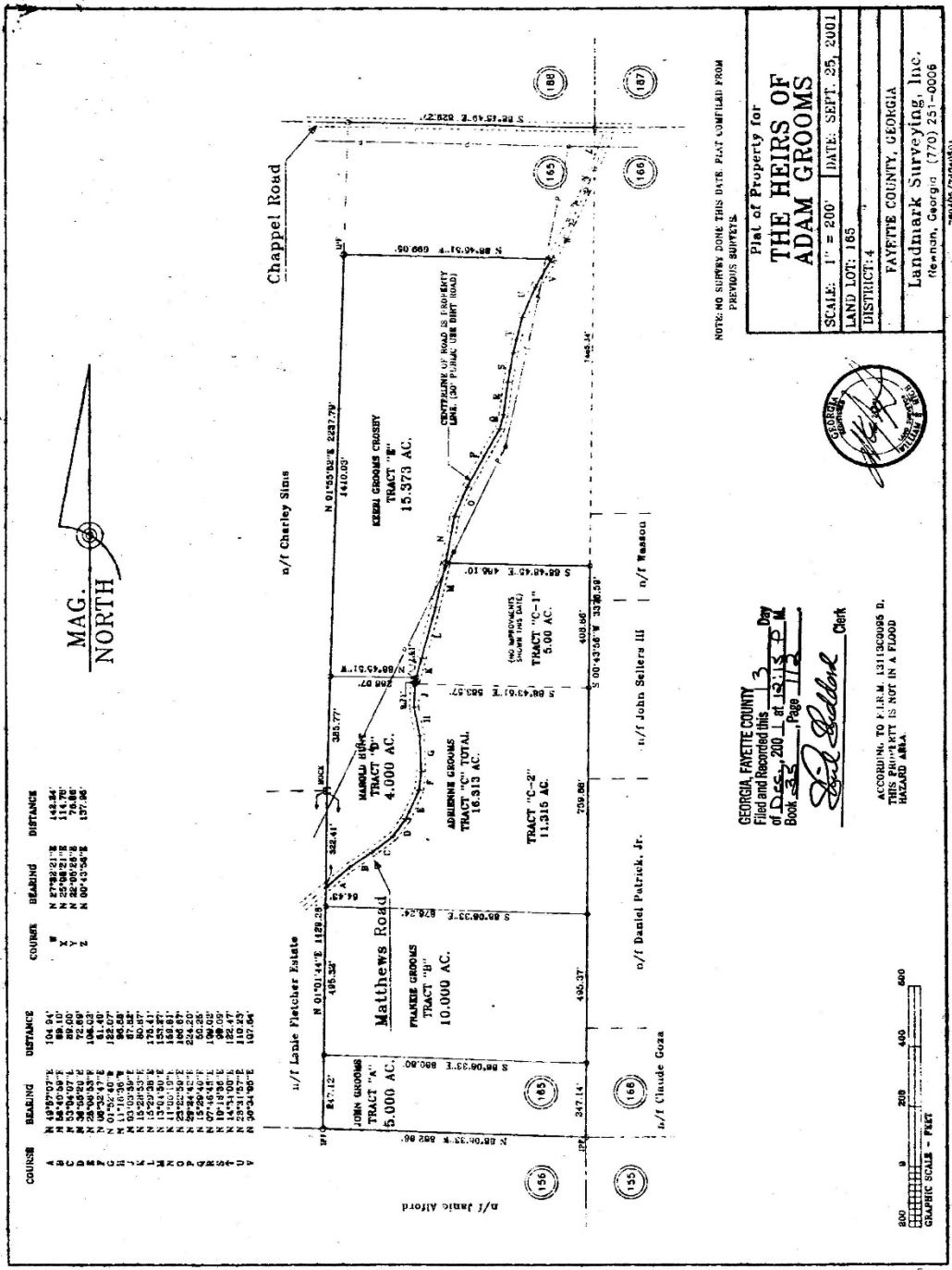
(3) No adjacent property is available to add to the subject property to allow the subject property to meet the minimum requirements for its zoning district. In determining whether adjacent property is available, if adding any adjacent property to the subject property would no longer allow the adjacent 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 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 not cause that lot to be illegal in size, road frontage, or lot area.***

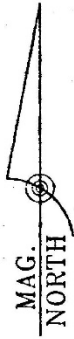








COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
A	N 87° 12' 00" W	104.54'	W	N 87° 32' 11" E	144.84'
B	N 88° 09' 33" E	89.10'	X	N 82° 09' 53" E	74.88'
C	N 53° 04' 07" E	89.60'	Y	N 00° 43' 56" E	137.96'
D	N 00° 35' 33" E	104.03'	Z	N 00° 43' 56" E	137.96'
E	N 00° 35' 33" E	81.48'			
F	N 01° 17' 40" E	124.56'			
G	N 03° 00' 35" E	87.58'			
H	N 15° 29' 35" E	90.97'			
I	N 31° 02' 03" E	139.87'			
J	N 51° 02' 03" E	157.87'			
K	N 57° 34' 42" E	224.20'			
L	N 05° 29' 44" E	150.35'			
M	N 19° 19' 56" E	208.59'			
N	N 15° 31' 00" E	182.47'			
O	N 50° 34' 06" E	107.84'			



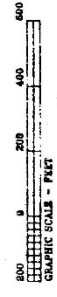
NOTE: NO SURVEY DONE THIS DATE. PLAT COMPILED FROM PREVIOUS SURVEYS.

Plat of Property for  
**THE HEIRS OF  
 ADAM GROOMS**  
 SCALE: 1" = 200' DATE: SEPT. 25, 2001  
 LAND LOT: 165 DISTRICT: 4  
 FAYETTE COUNTY, GEORGIA  
 Landmark Surveying, Inc.  
 Re-nan, Georgia (770) 251-0006  
 784067780401



GEORGIA, FAYETTE COUNTY  
 Filed and Recorded this 3<sup>rd</sup> Day  
 of OCTOBER, 2001 at 12:13 P.M.  
 Book 33, Page 113  
*John G. Giddens* Clerk

ACCORDING TO F.I.R.M. LISTINGS D.  
 THIS PLAT IS NOT IN A FLOOD  
 HAZARD AREA.



**SURVEY**

Permit # A-862-24

FAYETTE COUNTY, GEORGIA VARIANCE - 04-24-086795  
VARIANCE APPLICATION TO THE ZONING BOARD OF APPEALS

**PROPERTY INFORMATION:**

Parcel No. 0435 111 Acreage: 4 Land Lot: 165 Land District: 4th  
Address: East Side of Matthews Rd, Brooks, GA 30205  
Existing Zoning: A-R Requested Zoning: A-R  
Zoning of Surrounding Properties: A-R  
Existing Use: Unimproved land  
Proposed Use: Single Family residential

**PROPERTY OWNER INFORMATION**

Name Harold Hunt  
Email \_\_\_\_\_  
Address 368 Bernhard Rd  
City Fayetteville  
State GA Zip 30215  
Phone 770-757-1135

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

Name C Mark McCullough  
Email cmarkmccullough@gmail.com  
Address 100 Meeting House Rd  
City Fayetteville  
State GA Zip 30215  
Phone 678-878-7935

**(THIS AREA TO BE COMPLETED BY STAFF):**

PETITION NUMBER: A-862-24

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: June 24, 2024

Received payment from Christopher M McCullough a check in the amount of \$ 175.00

for application filing fee, and \$ 20.00 for deposit on frame for public hearing sign(s).

Date Paid 161

Receipt Number: 20879

**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:  
Harold Hunt

*Please Print Owners' Names*

Property Tax Identification Number(s) of Subject Property: 0435 111

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 165 of the 4th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 4 - (Four) acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

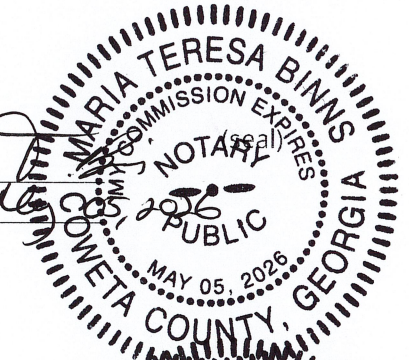
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees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

**SIGNATURES**

Signature HAROLD HUNT  
Name: Harold Hunt  
Address: 368 Bernhard Rd  
City/State/Zip: Fayetteville, Ga 30215  
Date: 4/29/2024

**Owner/  
Agent  
One:**

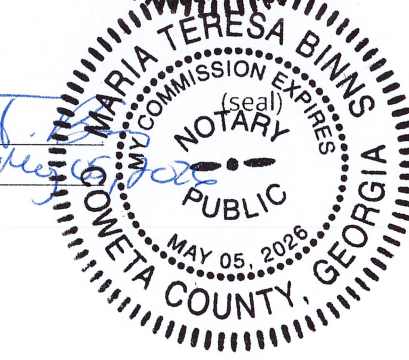
Notary: Maia J. [Signature]  
Commission Exp.: 12/31/2026



Signature [Signature]  
Name: C Mark McCullough  
Address: 100 Meeting House Rd.  
City/State/Zip: Fayetteville, Ga. 30215  
Date: 5/2/2024

**Owner/  
Agent  
Two:**

Notary: Maia J. [Signature]  
Commission Exp.: 12/31/2026



Signature \_\_\_\_\_  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Date: \_\_\_\_\_

**Owner/  
Agent  
Three:**

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	<del>Sec. 110-125/- A-R, Agricultural-Residential District.</del>
Requirement	<del>(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).</del>
Proposed Change	<del>Lot area = 4 acres</del>
Variance Amount	<del>One Acre</del>

Ordinance/Section	110-242. Zoning Board of Appeals. Powers & Duties.
Requirement	
<del>Proposed Change</del> Request	Request an illegal lot be deemed nonconforming.
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.

Current owner inherited this property December 18, 2001 as it currently exist. The current zoning does not allow for a single famly home to be built because the tract does not meet the minimum lot size requirement of 5 acres.

There is no opporuntiy to increase the size, from 4 acres, to meet the ordinance requirements.



## 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.

~~Circumstances exist that are unique to this particular piece of property.~~

The owner inherited the property, as recorded, in 2001.

He did not have any input regarding the size and shape.

~~The adjacent property owners are not willing to sell any portion of their property.~~

Therefore, current lot size cannot be increased.

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

The dimensional variance is requested to cure a practical difficulty...

A Variance is the only known solution. No alternative exist therefore strict compliance to the ordinance would be unnecessarily burdensome and granting the variance would do substantial justice to the owner.

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

The lot size condition is peculiar to this particular piece of property. The difficulty was not self-created.

Mr Hunt inherited the property therefore the practical difficulty was not created as a result of any action taken by the applicant which was unlawful, or which could have been reasonably foreseen to create difficulty in complying with the ordinance for future development.

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.

Relief would not cause substantial detriment...any structural improvements on the property would meet current setback requirements.

There are many homes built, within a one mile radius, on lots that do not meet the five acre requirement.

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

Strict compliance with the ordinance would totally prevent improvement of the property in a manner which is reasonable, customary and consistent with other properties in the area.

## CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

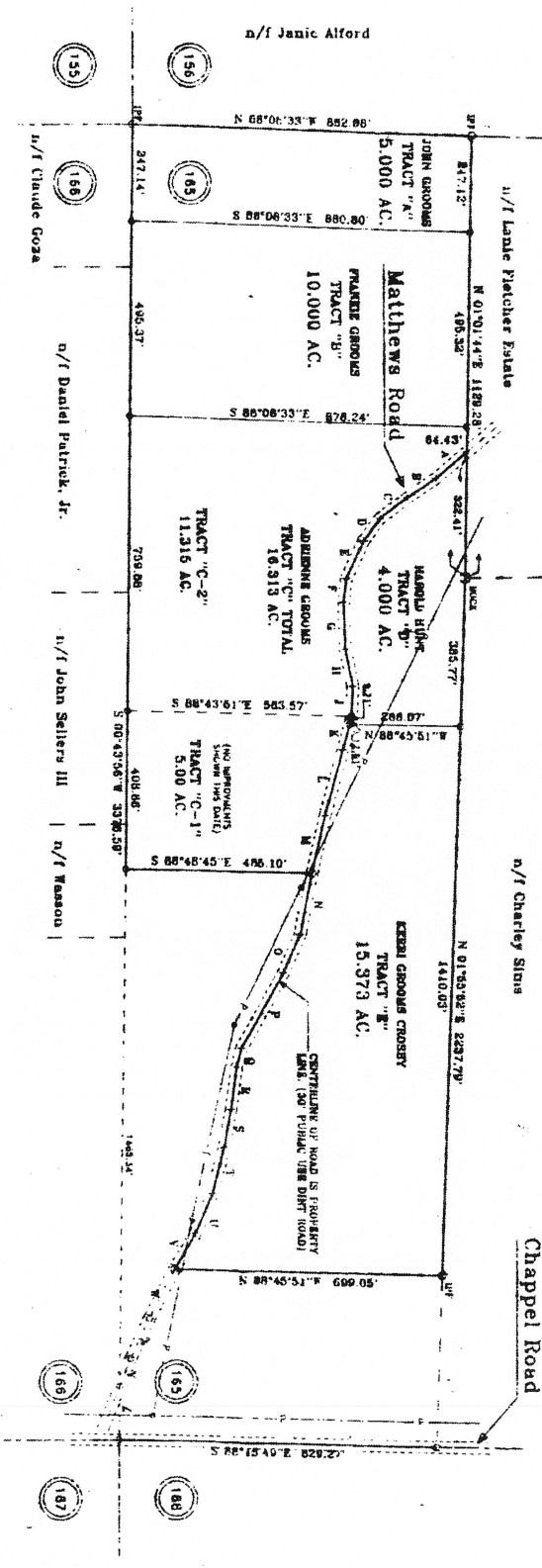
*(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)*

- 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:	

COURSE	BEARING	DISTANCE	COURSE	BEARING	DISTANCE
A	N 43° 37' 07" E	104.94	M	N 27° 42' 31" E	148.84
B	N 84° 40' 59" E	88.10	N	N 25° 08' 21" E	114.70
C	N 24° 48' 20" E	72.85	X	N 25° 00' 25" E	72.85
D	N 25° 00' 25" E	106.02	Y	N 00° 43' 58" E	157.95
E	N 08° 32' 47" E	61.48	Z	N 00° 43' 58" E	157.95
F	N 01° 52' 40" E	90.28			
G	N 11° 18' 38" E	90.28			
H	N 11° 18' 38" E	90.28			
I	N 15° 29' 28" E	176.41			
J	N 13° 04' 30" E	153.87			
K	N 11° 00' 13" E	158.81			
L	N 15° 29' 28" E	80.47			
M	N 07° 46' 45" E	224.20			
N	N 15° 29' 28" E	50.25			
O	N 07° 46' 45" E	109.02			
P	N 17° 18' 05" E	98.05			
Q	N 25° 00' 25" E	157.95			
R	N 25° 00' 25" E	157.95			
S	N 25° 00' 25" E	157.95			
T	N 25° 00' 25" E	157.95			
V	N 20° 31' 06" E	107.84			



GEORGIA, FAYETTE COUNTY  
 Filed and Recorded this 3<sup>rd</sup> Day  
 of Dec. 2001 at 12:13 P.M.  
 Book 35, Page 112

*Paul S. Seldner*  
 Clerk

ACCORDING TO P.L.R.N. 1211300005 D,  
 THIS INSTRUMENT IS NOT IN A FLOOD  
 HAZARD AREA.



NOTE: NO SURVEY DONE THIS DATE PLAT COMPILED FROM PREVIOUS SURVEYS.

Plat of Property for  
**THE HEIRS OF  
 ADAM GROOMS**

SCALE: 1" = 200' DATE: SEPT. 25, 2001  
 LAND LOT: 165 DISTRICT: 4  
 FAYETTE COUNTY, GEORGIA  
 Landmark Surveying, Inc.  
 Newton, Georgia (770) 251-0006  
 784/dbs/784dbs01

BOOK 1769 PAGE 676

FILED  
FAYETTE COUNTY, GA.

'01 DEC 19 PM 4 41

DEED OF ASSENT

SHEILA STUDDARD, CLERK

Please return filed deed to:  
Joseph T. Brasher, Esq.  
Hamilton, Westby, Antonowich  
& Anderson, LLC  
600 West Peachtree Street, NW  
Suite 2400  
Atlanta, GA 30308

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS DEED OF ASSENT, made this 18<sup>th</sup> day of December, 2001 between Kerri Grooms Crosby as Executor of the Estate of Adam Grooms, deceased, of Fulton County, Georgia, as Grantor, Harold Hunt, of Fayette County, Georgia, as Grantee; and

WITNESSETH THAT WHEREAS Adam Grooms died on January 28, 2000, and Grantor has been appointed Executor of the Estate of Adam Grooms by virtue of Letters Testamentary issued by the Fulton County Probate Court on May 23, 2000; and

WHEREAS, all debts of the deceased and his Estate have been paid in full and it is in order to assent to the inheritance of the heirs;

NOW, THEREFORE, in consideration of the premises and for the purpose of assenting to the aforesaid inheritance and to carry out the desire of Adam Grooms as set forth in his last Will and Testament properly proven in solemn form before the Probate Court of Fulton County as is set forth above, and Grantor, being named as Executor and appointed by issuance of Letters of Testamentary by the Probate Court of Fulton County, Grantor does hereby release and convey to

FAYETTE COUNTY, GEORGIA  
REAL ESTATE TRANSFER TAX  
PAID 0  
DATE 12-17-01  
SHEILA STUDDARD  
CLERK OF SUPERIOR COURT

Grantee, his heirs and assigns, the following described property to wit:

All that tract or parcel lying and being in land lot 165 of the 4th district of Fayette County, Georgia being more particularly described as follows:

To find the "True Point of Beginning", commence at the common land lot corner of land lots 155, 156, 165, and 166 of the 4th land district of Fayette County, Georgia;

Thence North 88 degrees 08 minutes 33 seconds West for a distance of 882.08 to an iron pin found;

Thence North 01 degrees 01 minutes 44 seconds East for a distance of 806.87 feet to a point being "Point of Beginning;"

Thence North 01 degrees 01 minutes 44 seconds East for a distance of 322.41 feet to a rock found;

Thence North 01 degrees 55 minutes 52 seconds East for a distance of 385.77 feet to an iron pin set;

Thence South 88 degrees 45 minutes 51 seconds East for a distance of 288.07 feet to an iron pin set;

Thence South 15 degrees 28 minutes 53 seconds East for a distance of 12.61 feet to a point;

Thence South 03 degrees 03 minutes 59 seconds East for a distance of 87.82 feet to a point;

Thence South 11 degrees 18 minutes 36 seconds East for a distance of 96.88 feet to a point;

Thence South 01 degrees 52 minutes 40 seconds East for a distance of 122.07 feet to a point;

Thence South 06 degrees 32 minutes 47 seconds East for a distance of 61.40 feet to a point;

Thence South 25 degrees 06 minutes 53 seconds East for a distance of 106.02 feet to a point;

Thence South 36 degrees 55 minutes 20 seconds East for a distance of 72.69 feet to a point;

Thence South 53 degrees 04 minutes 07 seconds East for a distance of 89.00 feet to a point;

Thence South 56 degrees 49 minutes 59 seconds East for a distance of 89.10 feet to a point;

Thence South 49 degrees 57 minutes 07 seconds East for a distance of 104.94 feet to a point being the "Point of Beginning."

BOOK 1769 PAGE 677

This tract contains 4.000 acres, more or less, and is more particularly described as Tract "D" for Harold Hunt on a plat for "The Heirs of Adam Grooms" by William E. High dated September 25, 2001, as recorded in Plat Book 35, page 112 of the Clerk of Superior Court's Office of Fayette County, Georgia.

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 any wise appertaining, to the only the proper use, benefit and behoof of the Grantee, his heirs and assigns, in as full and ample manner as the way same was held by the deceased, to wit, in fee simple.

IN WITNESS WHEREOF, the Grantor, acting in her representative capacity as Executor aforesaid, has hereunto said her hand and seal, all as of the date and year first written above.

*Kerri Grooms Crosby*  
KERRI GROOMS CROSBY  
As Executor of the Estate of  
Adam Grooms

Signed, Sealed and Delivered  
in the presence of:

*Shonda L. Burke*  
Witness

*Bonnie y. Baggett*  
Notary Public

GEORGIA  
Notary Public, DeKalb County, Georgia  
My Commission Expires Sept 7, 2002

PETITIONS FOR VARIANCE(S)/  
ADMINISTRATIVE APPEAL(S)/  
ON CERTAIN PROPERTIES IN  
UNINCORPORATED AREA OF  
FAYETTE COUNTY, GEORGIA  
PUBLIC HEARING to be held by  
the Zoning Board of Appeals of  
Fayette County on Monday, June  
24, 2024, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-862-24  
Owner(s): Harold Hunt  
Agent: Mark McCullough Property  
Address: Matthews  
Road Parcel: 0435 111  
Zoning District: A-R  
Area of Property: 4.00 acres  
Land Lot(s): 165  
District: 4th

Road Frontage: Matthews Road  
Request: Per Sec. 110-242 (h) Re-  
quest for an illegal lot to be deemed  
a nonconforming lot.

Legal Description:  
Extracted from Deed of Assent,  
Deed Book 1769 Pages 676-678  
All that tract or parcel lying and  
being in land lot 165 of the 4th  
district of Fayette County, Georgia  
being more particularly described  
as follows:

To find the "True Point of Begin-  
ning", commence at the common  
land lot corner of land lots 155, 156,  
165, and 166 of the 4th land district  
of Fayette County, Georgia; Thence  
North 88 degrees 08 minutes 33  
seconds West for a distance of  
882.08 to an iron pin found;  
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of 806.87 feet to a point being  
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01 degrees 01 minutes 44 seconds  
East for a distance of 322.41 feet to  
a rock found;  
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of 385.77 feet to an iron pin set;  
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South 03 degrees 03 minutes 59  
seconds East for a distance of  
87.82 feet to a point; Thence South  
11 degrees 18 minutes 36 seconds  
East for a distance of 96.88 feet  
to a point; Thence South 01 de-  
grees 52 minutes 40 seconds East  
for a distance of 122.07 feet to a  
point; Thence South 06 degrees  
32 minutes 47 seconds East for a  
distance of 61.40 feet to a point;  
Thence South 25 degrees 06 min-  
utes 53 seconds East for a distance  
of 106.02 feet to a point; Thence  
South 36 degrees 55 minutes 20  
seconds East for a distance of 72.69  
feet to a point; Thence South 53  
degrees 04 minutes 07 seconds  
East for a distance of 89.00 feet to  
a point; Thence South 56 degrees  
49 minutes 59 seconds East for a  
distance of 89.10 feet to a point;  
Thence South 49 degrees 57 min-  
utes 07 seconds East for a distance  
of 104.94 feet to a point being the  
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This tract contains 4.000 acres,  
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Harold Hunt on a plat for "The  
Heirs of Adam Grooms" by William  
E. High dated September 25, 2001,  
as recorded in Plat Book 35, page  
112 of the Clerk of Superior Court's  
Office of Fayette County, Georgia.

05/22

Wednesday, May 22, 2024

Fayette County News B5