

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

AGENDA

**Fayette County Zoning Board of Appeals
Fayette County Administrative Complex
Public Meeting Room
January 27, 2025
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 December 16, 2024.

PUBLIC HEARING

5. Consideration of Petition No. A-879-24 – Patel K. Hiren, Owner, per Sec. 110-173(1)(b), to allow commercial access onto Price Road (County Local) instead of commercial access onto State Route 85. The subject property is located in Land Lot 70 of the 5th District and fronts Highway 85 S and Price Road.
6. Consideration of Petition No. A-880-24 – Tim Hester, Owner, Applicant is requesting a variance to Sec. 110-137(d)(4)b, requesting to reduce the front yard setback on a minor thoroughfare from 40' to 37.7' to allow a newly constructed encroaching airplane hangar to remain. The subject property is located in Land Lot 66 of the 5th District and fronts Berry Ridge Road and Sherwood Road.
7. Consideration of Petition No. A-881-24 – Guyon J. Davis and Sherri A. Davis, Owners, applicants are requesting the following: Per Sec. 110-138(d)(5), requesting to reduce the rear yard setback from 30' to 28' to allow an existing garage (Storage Building) to remain. The subject property is located in Land Lot 90 of the 5th District and fronts Lake Circle Drive.

8. Consideration of Petition No. A-882-24 – Walter A. Finn, Owner, applicant is requesting to reduce the side yard setback from 20' to 5' to build a detached garage. The subject property is zoned R-45 (Single-Family Residential) and it is located in Land Lot 70 of the 5th District and fronts Highway 85 South.

Minutes 12/16/2024

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on December 16, 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
John Tate
Anita Davis

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

1. Call to Order. *Chairman Bill Beckwith called the December 16, 2024, meeting to order at 7:00 pm.*
2. Pledge of Allegiance. *Chairman Bill Beckwith offered the invocation and led the audience in the Pledge of Allegiance.*
3. Approval of Agenda. *Marsha Hopkins made a motion to approve the agenda. John Tate seconded it. The motion passed 5-0.*
4. Consideration of the Minutes of the Meeting held on September 23, 2024. *Brian Haren made a motion to approve the minutes of the meeting held on September 23, 2024. John Tate seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. Consideration of Petition No. A-874-24 – Jean Samples, Owner, per Sec. 110-242 (h), request for an illegal lot to be deemed a nonconforming lot. The subject property is located in Land Lot 1118 of the 4th District and fronts Antioch Road and Lowery Drive.

Ms. Bell explained the owner Ms. Jean Samples had requested to withdraw this application at this time and asked the board for a vote to withdraw.

Chairman Bill Beckwith asked the board for a motion.

WITHDRAWN BY PETITIONER. *Deborah Bell reported that Item #5, Petition No. A-874-24 on the agenda, had been withdrawn pursuant to the petitioner's request. Staff received an email withdrawing the petition and removing the agent authorization for Mr. Owen Miller on December 11, 2024. The petition was withdrawn from the agenda pursuant to the Petitioner's request, in an email*

dated December 11, 2024, from owner Jean Samples. John Tate made a motion to ALLOW THE WITHDRAWAL of Petition A-874-24, Anita Davis seconded the motion. The motion carried 5-0.

6. Consideration of Petition No. A-875-24 – Gayle M. Harp Trust, Owner, applicant is requesting a variance to reduce the front yard setback in the A-R zoning district from 100' to 83' per Sec. 110-125(d)(4)a.2. The subject property is located in Land Lot 167 of the 4th District and fronts Chappell Road.

Ms. Bell explained the house was built in 1948, prior to the paving of Chappell Road. There was no violation at the time of construction, so the structure is legal nonconforming. The variance is minor and unlikely to have a negative effect on any neighboring properties. Also stated the house is shown on a 1-acre parcel on the Tax Map, the 1-acre parcel was not created by deed or plat. The designation of the 1-acre area was simply drawn in by the Tax Assessor's Office when the property was placed under a Conservation Use Agreement. We have spoken with the Tax Assessor's Office, and the erroneous parcel lines will be removed so the house sits on nineteen acres. She explained the maps and said the house is currently setback 83 feet of right of way.

Ms. Harp mentioned they purchased the land and plan to use it for their family to build a home, so they don't run into difficulties in the future.

Chairman Beckwith asked if anyone in the public was in favor of the petition.? No one responded, also he asked if anyone was in opposition.? But no one came to oppose. The chairman brought the item back to the board for discussion.

Chairman Beckwith mentioned that there are a lot of roads in the county that are paved now that weren't back in 1948 and setbacks were not in place at that time.

John Tate made a motion to approve Petition No. A-875-24. Brian Haren seconded the motion, The motion passed 5-0.

7. Consideration of Petition No. A-876-24 – Sheila Marie Wall, Owner, applicant is requesting the following: Per Sec. 110-137(d)(6), requesting to reduce the side yard setback in the R-40 zoning district from 15' to 12.3' to allow the replacement of a damaged garage. The subject property is located in Land Lot 168 of the 5th District and fronts Fox Hunt Court.

Ms. Bell introduced petition A-876-24 and stated the staff assessment is that the variance is minor and unlikely to have a negative effect on any neighboring properties. The house was constructed in 1977, prior to a requirement for

foundation surveys. Staff noted the encroachment when the contractor applied for a building permit to reconstruct a damaged carport.

Chairman Bill Beckwith asked for the petitioner to come to the podium to speak.

Ms. Wall stated on April 10, the wind storm a large Pinetree slipped the entire carport in half, crashing her car and taking all the electricity out of the house, we had been in a hotel for seven months and we had moved to a temporary house until our house gets rebuild. This is the first home they had purchased.

Chairman Beckwith asked the audience if anyone was in favor of the petition.? Then he asked if anyone was in opposition.? With no responses, he brought the petition back to the board for discussion.

Chairman Beckwith asked the board if they had any questions if not to make a motion.

Brian Haren made a motion to approve Petition No. A-876-24. Anita Davis seconded the motion, The motion passed 5-0.

8. Consideration of Petition No. A-878-24 – Evans MT. Ventures, LLC, Owner, applicant is requesting an appeal to the decision of the Zoning Director regarding the legal status of Parcel 0517 119, per Sec. 110-242. – Powers and duties. (a) Appeals from the actions of the zoning administrator. The subject property is located in Land Lot 70 of the 5th District and fronts Highway 85 South.

Ms. Bell explained the petition A-878-24 and showed the maps where she explained the property was located just south of the Fayetteville city limits, at the intersection of Highway 85 and 92. This is the parcel south of Oreilly’s auto parts. In October 2022, Mr. McWhirter contacted Zoning Director Debbie Bell regarding development of the parcel. Ms. Bell had some initial discussions about how an auto repair shop could be developed on the site and how it would be affected by the General State Route Overlay. His engineering firm sent a concept plan, and Ms. Bell noted that the parcel did not meet the width at building line criterion. She researched the history of the parcel and found out the parcel had been subdivided in 2011, the parcel that was created by this plat did not meet the dimensional requirements at the time of its recordation and it does not meet the current dimensional requirements for the C-H (Highway Commercial) Zoning District. Ms. Bell advised Mr. McWhirter of these findings and had several conversations since. On October 10, 2024, Mr. Rothman contacted Ms. Bell and requested a written determination regarding her determination of the status of the parcel. Ms. Bell responded on October 11, 2024, explaining her assessment of the parcel and determined that the parcel was an illegal lot because it did not meet the zoning criteria for the highway commercial district in the state right overlay, at the time it

didn't meet the requirement for a lot with the building line of 125 feet in width at the building at the line.

Ms. Bell stated Mr. Rothman submitted an appeal of the decision of Ms. Bell, which is the case presented here. Mr. Rothman maintains that because the plat was recorded according to OCGA 15-6-67, also known as the Georgia Plat Act, this makes it a nonconforming lot.

Chairman Beckwith asked Ms. Bell if she made her decision based on the ordinances and effect at that time.

Ms. Bell responded yes; she reviewed what was in effect at that time.

Mr. Steve Rothman spoke in favor of the petition A-878-24 and handed over to the zoning coordinator documentation for the board, he stated he agreed with a lot of things Ms. Bell said and that his argument isn't simple that the lot is legal lot of record - grandfather lot as he called it. Are we a legal lot of record.? The current zoning ordinance says if you are a legal lot of record or grandfather then you can use the lot, in this case, the only concern raised is the lot width at the building line is not 125 feet; is it at the front but it narrows as you go back and so we can't get a variance to fix it and the land owner is stuck and cannot use.

Mr. Rothman mentioned that they are bringing this appeal because at the time that this was divided, they followed the county rules, he referred to the excerpts, hoping to drill in and not have to go into too many code sections. Ms. Bell and he looked at the zoning regulations – not the current ones as he stated because they didn't exist back in 2011.

Mr. Rothman explained that the reason where he is basing his appeal is the definition of legal lot of record where you have to be in compliance with the code, he read SEC. 8-502 County Subdivision Development Regulations, talked about (b) Recordation of Final or Minor S/D Plat- “No Final or Minor Subdivision Final plat should be recorded with the court of the superior court of Fayette county Georgia without that Plat first having been submitted to and approved by the Planning Commission” and then he referred to page five “The planning Commission approval is not required” for a plat or subdivision where no new streets or roads are created or no new utilities or no new sanitary sewer or approval of a septic tank is required, but it had to have a certification of a license surveyor. He states when this plat was recorded it did not require new stress, utilities improvements, septic or sewer approval.

Mr. Rothman stated when the plat was recorded, Sheila Studdard the clerk of the superior court put out a policy, she referred to the Plat Act but she said essentially “Now standing anything to the contrary above no approval should be required.” Mr. Rothman the owner did and followed the rules at the time then they should be allowed to go forward with the legal lot of record and all the rights to come with that.

Ms. Bell explained the List of all the Exhibits (from 1-23) found for this Petition A-878-24 which can all be found on the staff report for this petition. Ms. Bell stated regarding Per Sec. 8-502 Development Regulations, although the approval of the Planning Commission was not required of a plat that did not create new streets, roads, or that required utility or septic improvements, it also provides that no subdivision shall be approved which does not conform with the Zoning Ordinance applicable to the land for which it is proposed. It was never submitted to staff for review and approval, and it need it infrastructure improvements as a separate lot and their own septic system, and she referred Exhibit 23 in 2022 they applied for a septic permit and establish a new septic system for O'Reilly's on their current lot where it sits and this lot it need it's owns septic infrastructure as an independent lot. The fact that it was recorded with the Clerck of Court does not conform status as a legal non-conforming lot, they do not review plats for compliance with ordinances, they record it things at presented to them under that plat act. Ms. Bell explained more Exhibits and completed staff finds that this does not meet the status as a non-conforming lot because it was not a lot of record that meet the requirements for the zoning ordinance referring to Sec. 110- 170.

Mr. Rothman stated he agreed to nearly everything Ms. Bell said, he spoke about O'Reilly's septic system which he just found out about just now and referred back to his previous exhibits.

Chairman Beckwith asked Mr. Rothman would it be a building on this property and would that building have a septic tank connection to the septic tank.?

Mr. Rothman responded yes to the first question and said he didn't know if either sewer or septic connections would be made.

Chairman Beckwith asked Ms. Bell is she knew if does connection to an existing septic tank is that a definition of an extension of utilities.?

Ms. Bell responded yes; it will be an extension, but the approval of septic connections will require a separate permit and is on septic system from the Department of Environmental Health.

Mr. Brian Haren asked if there is sewer available.?

Ms. Bell responded there is no sewer available there at this time.

Mr. Haren asked where is the septic for this development going to go.? Where is O'Reilly's' septic going.? and this is the corridor covered by the state route overlay. He mentions past situations about setbacks for the Gym's building south of this and also the Gas Station and on both occasions in particular the Gym asked for a variance where they were trying to push their parking out fifteen feet away, and we said no. Also, the gas station was pushing its way around and want it to put our signage where we thought it should go, and we said no. If this particular

development for a couple of feet doesn't meet the same sticking requirement that we place in the other development requirements on this corridor in the immediate area whether is a legal or illegal lot, it does not matter, if it doesn't meet the standards for this Highway 85 corridor overlay and we ruled on other developments sticking to the setbacks and the lot widths, he stated will be established with the other petitions.

Mr. John Tate added that even if this was a legal lot would it still fit the requirements on the overlay zoned.? He thanked Mr. Brian Haren for clearing some of the questions he had.

Brian Haren made a motion to Uphold Petition No. A-878-24. Bill Beckwith seconded the motion, The motion passed 5-0.

9. Consideration of the Fayette County Zoning Board of Appeals 2025 Calendar Schedule.

Ms. Bell explained the different regular and holiday dates.

Chairman Beckwith asked the board if anyone had any questions regarding the 2025 Zoning Board of Appeals Calendar.?

Mr. John Tate mentioned he was not going to be able to attend the January 27, 2025.

John Tate made a motion to approve the 2025 Zoning Board of Appeals Calendar. Marsha Hopkins seconded the motion. The motion carried 5-0.

John Tate made a motion to adjourn. Brian Haren seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:54 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

BILL BECKWITH, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-879-24

Requested Action: Requesting a variance to Sec. 110-173 (1)b. – Access., to allow commercial access onto Price Road for the property located at 140 Price Road.

Location: 140 Price Road, Fayetteville, Georgia 30214

Parcel(s): 0517 064

District/Land Lot(s): 5th District, Land Lot(s) 70

Zoning: C-H, Highway Commercial

Lot Size: 2.6 Acres

Owner(s): Hiren K. Patel

Agent: Christian Brothers Automotive

Zoning Board of Appeal Public Hearing: January 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-173(1)b., General State Route Overlay, Access. Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.

Applicant is requesting a variance to this section, to be allowed to place the commercial driveway on the Price Road frontage of the property.

STAFF ASSESSMENT

Concurrent with GDOT, Public Works supports a curb cut on Price Road for this Development. Per comments from GDOT, a driveway on SR 85 does not meet the GDOT standards for distances from other driveways, or from the intersection of Price Road and SR 85. Staff is of the opinion that the Price Road location is a safer option.

HISTORY

This parcel is a legal lot of record, and the property is zoned C-H, Conditional, Highway Commercial. It was the subject of Petition No. 1143-05, approved by the Board of Commissioners on June 23, 2005. The Conditions of Zoning have been satisfied.

ZONING REQUIREMENTS

Sec. 110-173. - Transportation corridor overlay zone.

For the purposes of this section, a development shall be defined as the land where the construction of improvements to support nonresidential uses is proposed, including: a petition to rezone the land, the subdivision of property through a preliminary, final, and/or minor subdivision plat, and/or the submittal of a site plan.

- (1) General state route overlay zone. All property and/or development which have road frontage and/or access on state routes with nonresidential use or zoning shall be subject to the following regulations, in addition to the zoning district requirements and other development regulations which apply. This overlay zone specifically excludes SR 54 West Overlay Zone, SR 85 North Overlay Zone, SR 74 North Overlay Zone, SR 138 and North SR 314 Overlay Zone and the Starr's Mill Historic District Overlay Zone at the SR 74, SR 85, & Padgett Road Intersection. The architectural standards of this overlay zone specifically excludes the L-C zoning district, for which other architectural standards have been established.
 - a. Purpose. The purpose of the general state route overlay zone is to achieve the following:
 1. To promote and maintain orderly development and an efficient traffic flow in highway corridors;
 2. To protect existing and future residential areas near highway corridors; and
 3. To protect the aesthetics for existing and future residential areas in this highway corridor.
 - b. Access. Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan. All access points shall be required to comply with chapter 104.

DEPARTMENTAL COMMENTS

- Water System** - No objections.
- Public Works** - Supports request for drive access on Price Road.
- Environmental Management** - No objections.
- Environmental Health Department** - No objection.
- Department of Building Safety** - No objections.
- Fire** - No objections.
- GDOT** - Prefers that the property owner obtain their access off Price Road.

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 corner lot provides a unique situation. Although the State Route Overlay discourages commercial driveways on lower classification roads, this stretch of Price Road is unique in its level of service for a side street. In this instance GDOT and the County Engineer agree that an access point on Price Road will be a safer option in this congested area.

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

The property could still be developed, although it will probably require a special approval from GDOT to build the driveway onto SR 85.

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

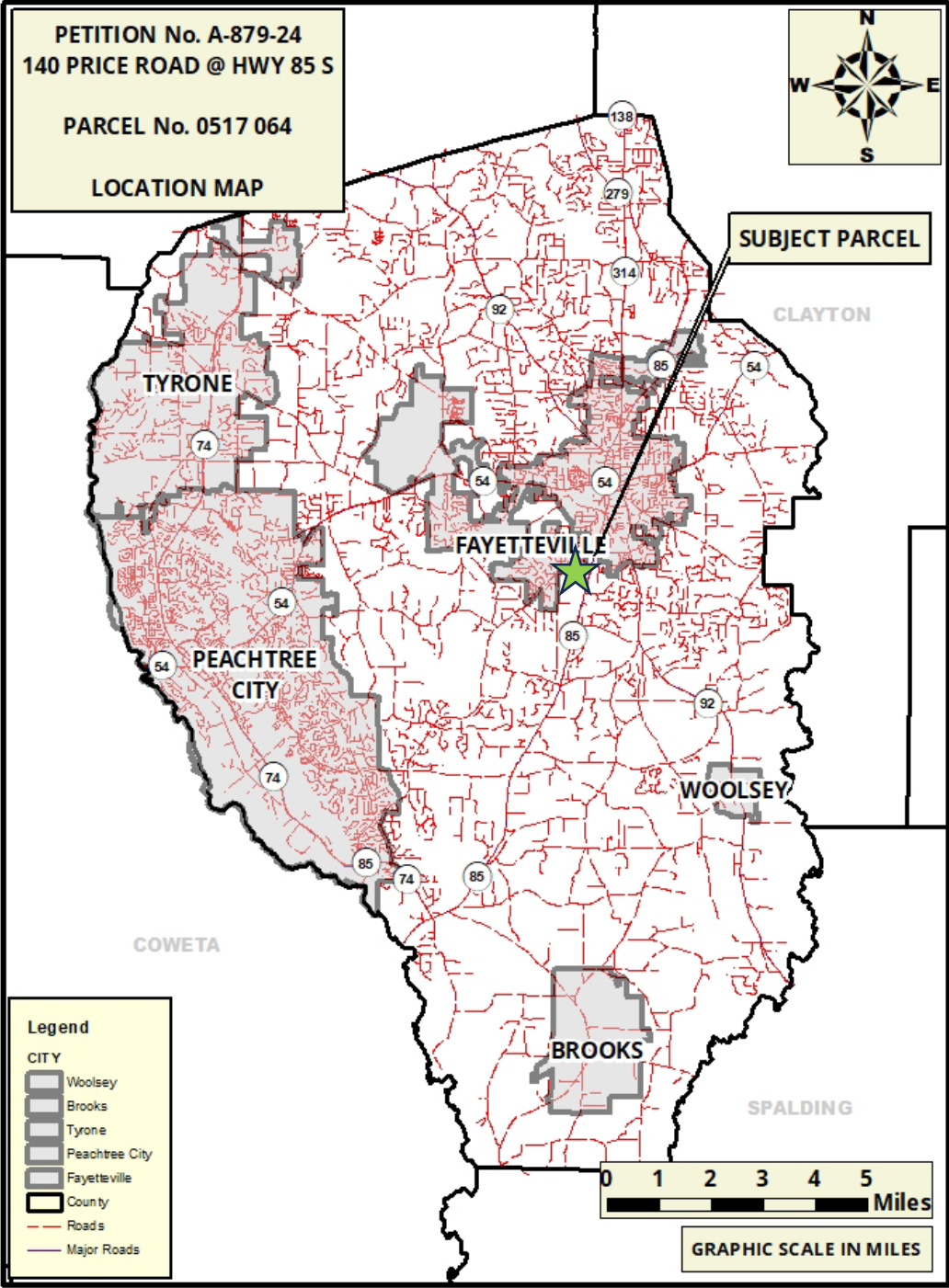
The situation is unique. Many other low-classification roads do not present the same situation as this one.

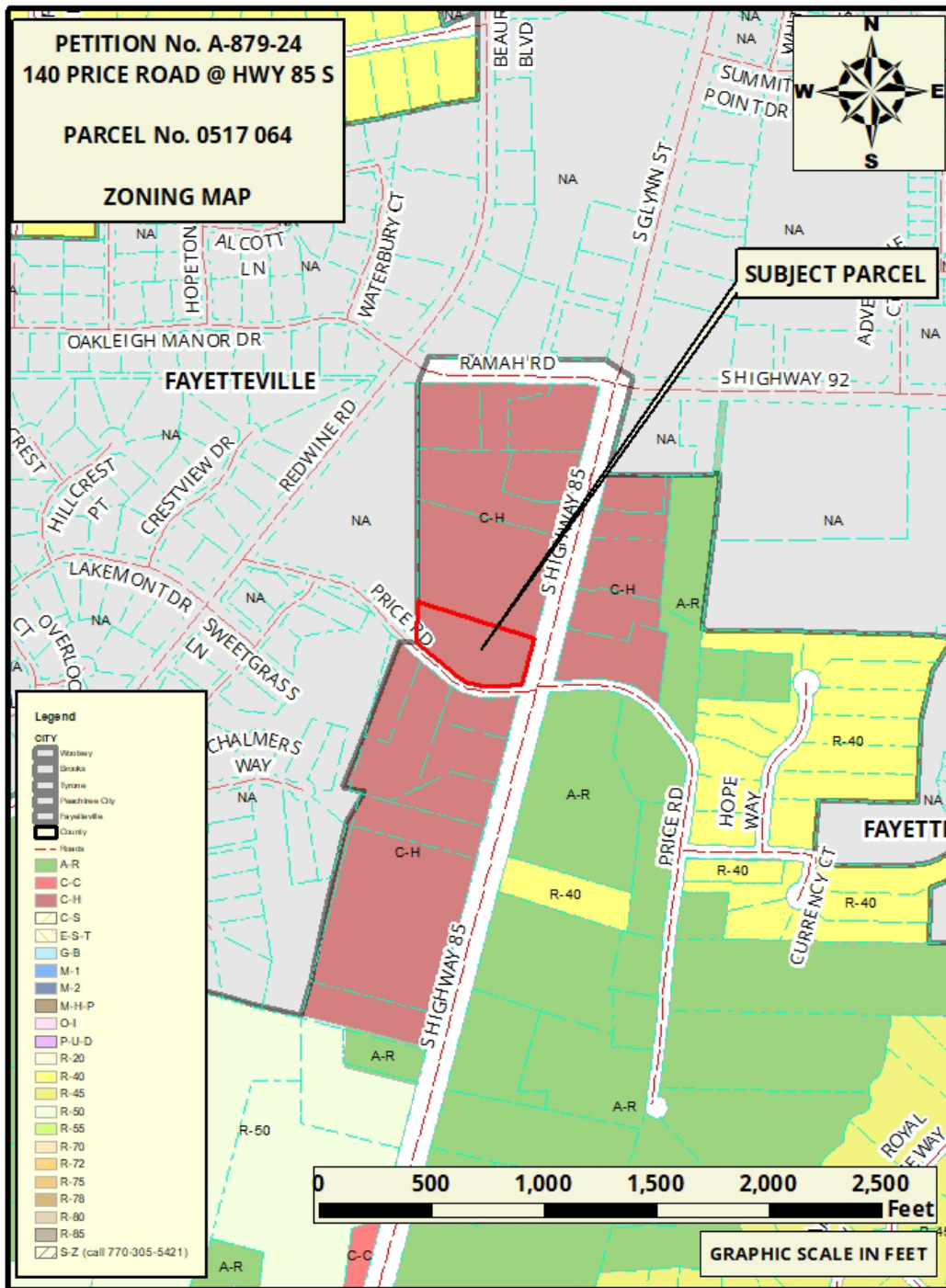
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and

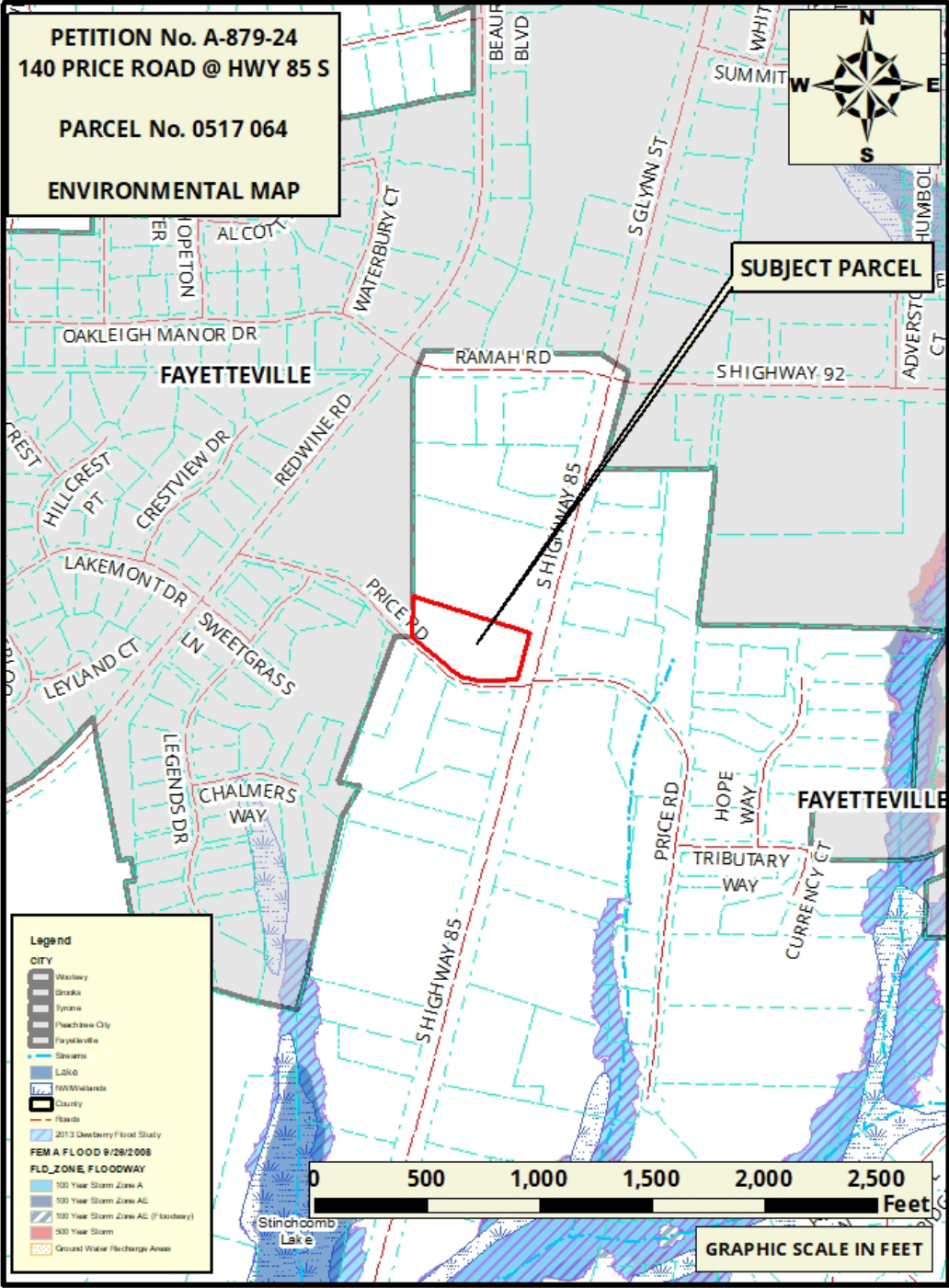
The variance is not likely to have an adverse impact on the community. The other adjacent uses are nonresidential in nature.

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

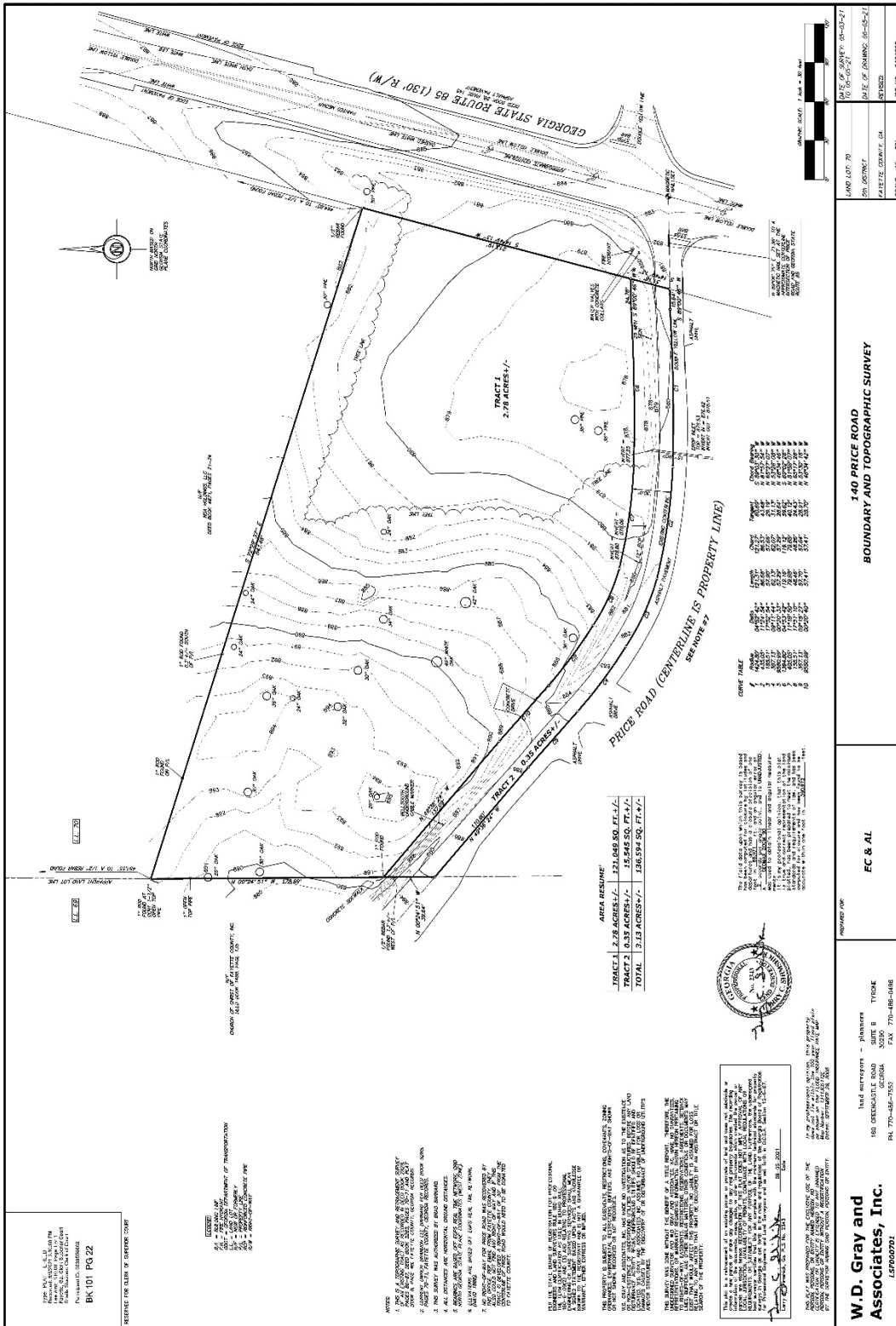
The applicant would be able to build the driveway in a different location, but it is the safest option to build it on the Price Road frontage.





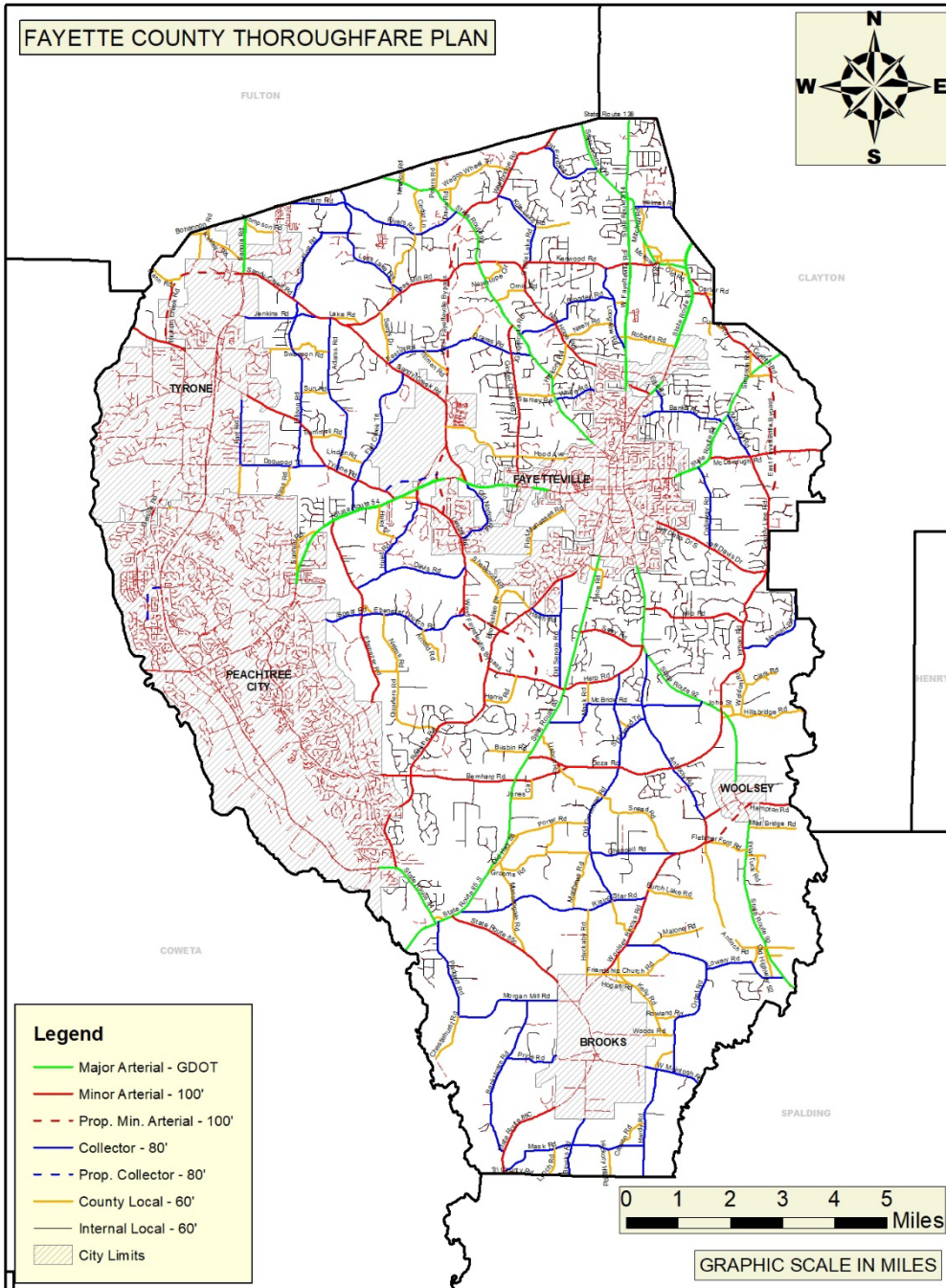
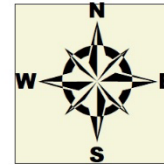






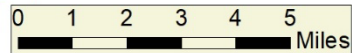
SURVEY

FAYETTE COUNTY THOROUGHFARE PLAN



Legend

- Major Arterial - GDOT
- Minor Arterial - 100'
- - Prop. Min. Arterial - 100'
- Collector - 80'
- - Prop. Collector - 80'
- County Local - 60'
- Internal Local - 60'
- ▨ City Limits



GRAPHIC SCALE IN MILES

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

PROPERTY INFORMATION:

Parcel No. 0517064 Acreage: 2.6 Land Lot: 70 Land District: 5
Address: 140 Price Road, Fayetteville, GA 30215
Existing Zoning: C-H (Highway Commercial) Requested Zoning: C-H (Highway Commercial)
Zoning of Surrounding Properties: OI and C-H
Existing Use: Undeveloped
Proposed Use: 10 Bay automotive repair facility

PROPERTY OWNER INFORMATION

Name Hiren K. Patel
Email HE2002@gmail.com
Address 108 Farmington Drive
City Peachtree City
State GA Zip 30269
Phone 404-849-5154

AGENT/DEVELOPER INFORMATION (If not owner)

Name CBH Properties Fayetteville GA, LLC
Email cynthia.murphy@cbac.com
Address 17725 Katy Freeway, Suite 200
City Houston
State TX Zip 77094
Phone 281-675-6178

(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: _____

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:

Hiren K. Patel

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0517064

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 70 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 2.78 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Christian Brothers Automotive Corporation 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.

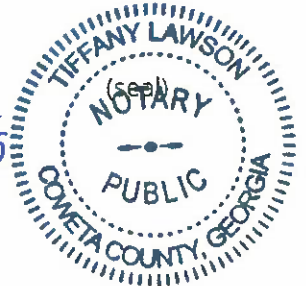
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: Hiren K. Patel
Address: 108 Katmington Dr
City/State/Zip: Peachtree City, GA 30269
Date: 4/12/2024

Notary: Tiffany Lawson
Commission Exp.: 4/6/25



**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.: _____

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	Sec. 110-173 (1)b
Requirement	Access to each nonresidential property and/or development shall be from a state route or an adjacent street designated as an arterial or collector on the county thoroughfare plan.
Proposed Change	Allow commercial access onto Price Road (County Local) for the property located at 140 Price Road within Fayette County, Georgia (Parcel # 0517 064).
Variance Amount	N/A

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.

Christian Brothers Automotive Corporation (CBA) is seeking a variance to Sec 110-173 (1)b to allow commercial access onto Price Road (County Local) which would allow them be able to provide access to their proposed automotive repair development located at 140 Price Road.

JUSTIFICATION OF REQUEST

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

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

The property has limited frontage along SR-85, and its proximity to driveways and intersections north and south along SR-85 complicates access. Due to these factors, the Georgia Department of Transportation (GDOT) has determined that access onto SR-85 will not be permitted from 140 Price Raod. Our only other roadway to gain access to the property is from Price Road.

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

Given the property's current zoning as C-H (Highway Commercial), the inability to secure access to SR-85 due to GDOT and County restrictions effectively prevents any viable commercial development. Without granting this variance, there would be no feasible means for the property to be developed or utilized for its intended commercial purposes.

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

This property is unique in that it lies within the State Route Overlay Zone but is denied access to SR-85 by GDOT. This restriction is due to the inability to meet the required driveway and intersection spacing standards along the State Route.

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 granting of this variance would not detract from the public good or undermine the purpose and intent of the regulations. The property is strategically located at the intersection of Price Road and SR-85, providing convenient access from the highway to the proposed commercial development. Additionally, there are existing nonresidential uses in the area, such as the *Fayetteville Church of Christ and Trailers For Less*, that already utilize access via Price Road.

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

Other properties within this zoning and overlay district are able to access their sites for their intended uses. However, a literal interpretation of this section of the Ordinance would render this commercially zoned property undevelopable, as it would prevent any feasible means of access for its intended commercial use.

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:	

Doc ID: 01178870002 Type: WD
Recorded: 03/06/2023 at 09:15:00 AM
Fee Amt: \$360.00 Page 1 of 2
Transfer Tax: \$335.00
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court
BK 5593 PG 88-89

5593 / 88

After Recording Return To:
SLEPIAN & SCHWARTZ, LLC
42 Eastbrook Bend
Peachtree City, GA 30269
(770)486-1220

TAX PARCEL ID: 0517 064

Order.No.: 23-0156-CAS

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 1st day of March, 2023, between **BRANDON LEE BARNARD**, as party or parties of the first part, hereinafter called Grantor, and **HIREN K. PATEL**, as party or parties of the second part, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND 70 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING SHOWN AS TRACT 1 ON PLAT OF SURVEY PREPARED FOR EC & AL BY LARRY C. SHIMSHICK, GEORGIA RLS # 2343 OF W.D. GRAY AND ASSOCIATES, INC. DATED 5/5/2021 AND RECORDED 6/6/21 IN PLAT BOOK 101, PAGE 22, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

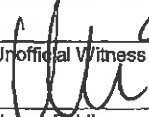
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in fee simple.


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 owning, holding or claiming by, through or under the said Grantor.

2

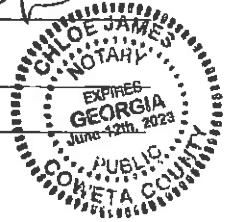
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 1st day of March, 2023.

Signed, sealed and delivered in the presence of:



Unofficial Witness


Notary Public
My Commission Expires: _____





BRANDON LEE BARNARD (SEAL)

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, Janu-
ary 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-879-24
Owner(s): Patel K. Hiren
Agent(s): CBH Properties Fayette-
ville GA, LLC

Property Address: 140 Price Road
Zoning District: C-H, Highway
Commercial

Area of Property: 2.7 acres

Parcel # 0517 064

Land Lot(s): 70

District: 5th

Road Frontage: Hwy 85 S and Price
Road

Request: Applicant is requesting
a variance to Sec. 110-173(1)(b). -
To allow commercial access onto
Price Road (County Local) instead
of commercial access onto State
Route 85.

Property Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND 70 OF THE 5TH DISTRICT,
FAYETTE COUNTY, GEORGIA,
BEING SHOWN AS TRACT 1 ON
PLAT OF SURVEY PREPARED
FOR EC & AL BY LARRY C. SHIM-
SHICK, GEORGIA RLS # 2343 OF
W.D. GRAY AND ASSOCIATES,
INC. DATED 5/5/2021 AND RE-
CORDED 6/6/21 IN PLAT BOOK
101, PAGE 22, FAYETTE COUN-
TY, GEORGIA RECORDS, WHICH
PLAT IS HEREBY INCORPORAT-
ED AND MADE A PART HEREOF
BY REFERENCE.

PETITION NO: A-880-24

Requested Actions: To allow a variance to reduce the front yard setback from 40' to 37.7' to allow an accessory structure to remain.

Location: 100 Berry Ridge Road, Fayetteville, Georgia 30215

Parcel(s): 0515 020

District/Land Lot(s): 5th District, Land Lot(s) 66

Zoning: R-40, Single-Family Residential

Lot Size: 4.2 Acres

Owner(s): Tim Hester

Agent: N/A

Zoning Board of Appeal Public Hearing: January 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137(d)(4) b. Front yard setback on a minor throughfare in the R-40 Zoning District is required to be 40'. The applicant requests to reduce the setback by 2.3', to a setback of 37.7', to allow an existing airplane hangar to remain.

STAFF ASSESSMENT

Coventry Estates is a fly-in/airplane community, so airplane hangars are standard accessory structures in this neighborhood. The encroachment is minor and will not pose any sight distance hazards.

HISTORY

This parcel is a legal lot of record documented in a final plat recorded in Plat Book 5 Page 105 on September 15, 1969. The house meets or exceeds minimum house size for the R-40 zoning district. The current owner applied for a permit to construct a new airplane hangar. When the foundation survey was submitted, it was found that the building was built with an encroachment into the front yard setback.

ZONING REQUIREMENTS

Sec. 110-137. - R-40, Single-Family Residential District.

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

- (4) Front yard setback:
 - b. Minor thoroughfare: 40 feet.

DEPARTMENTAL COMMENTS

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

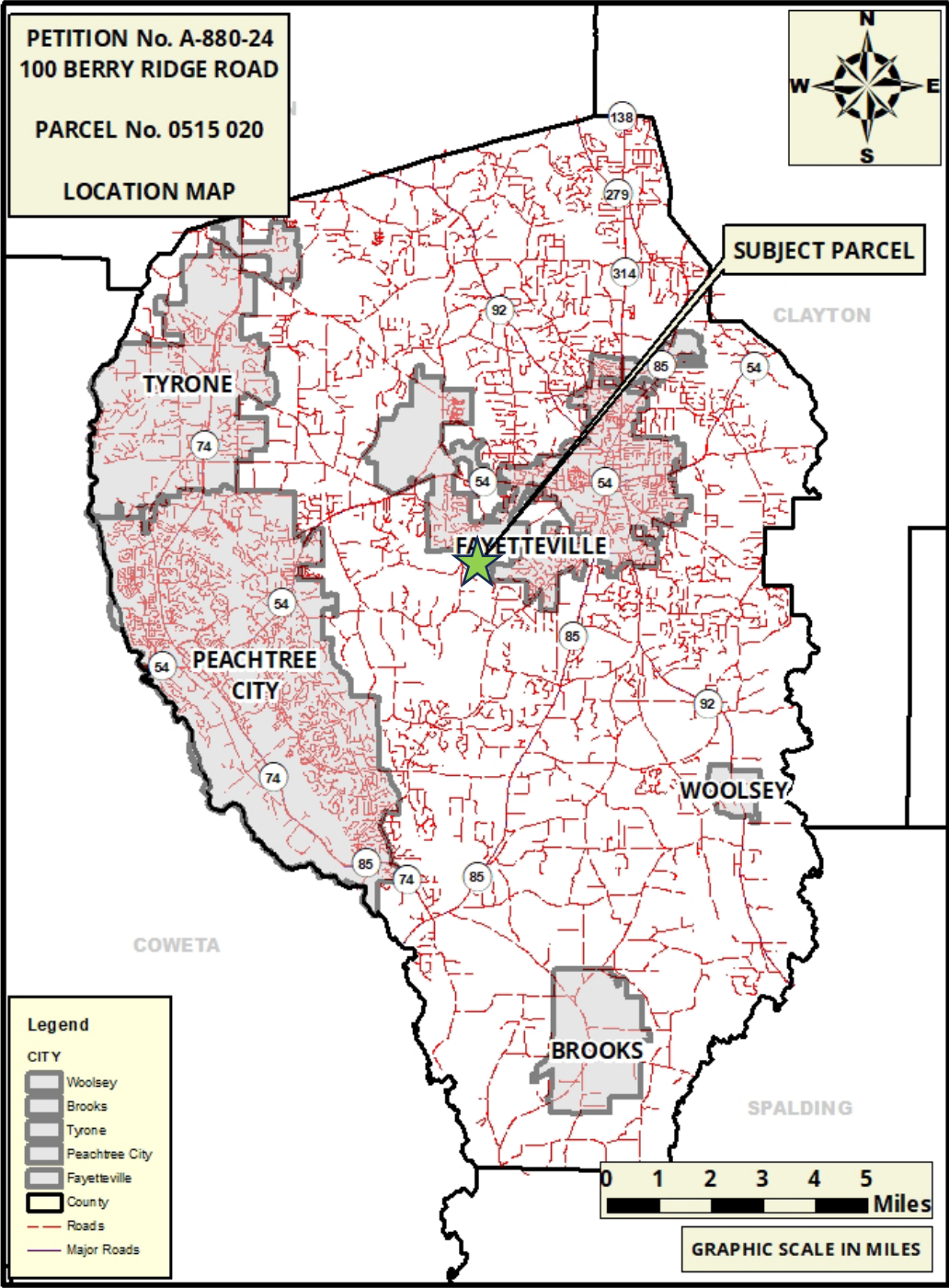
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

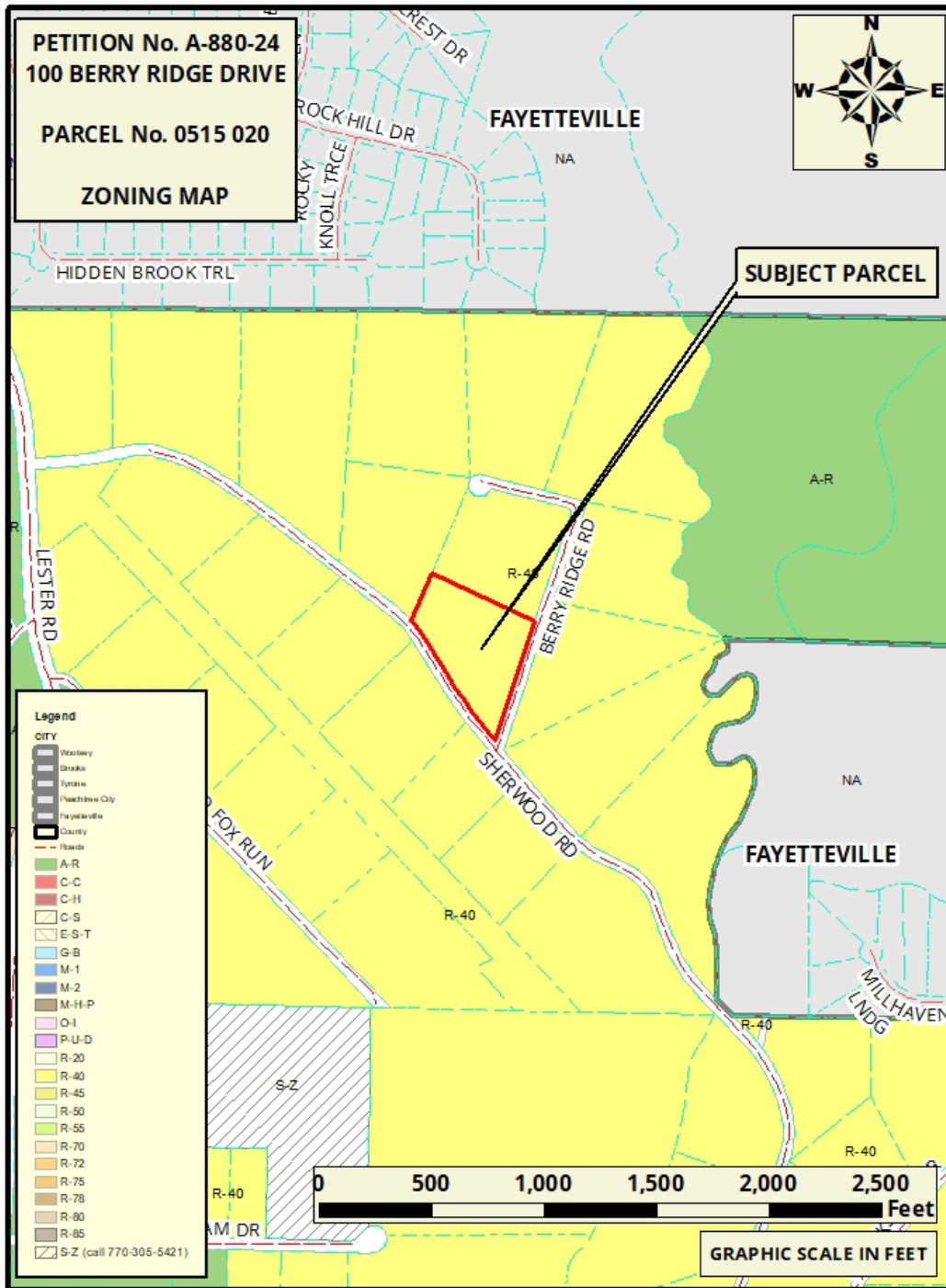
Staff Assessment

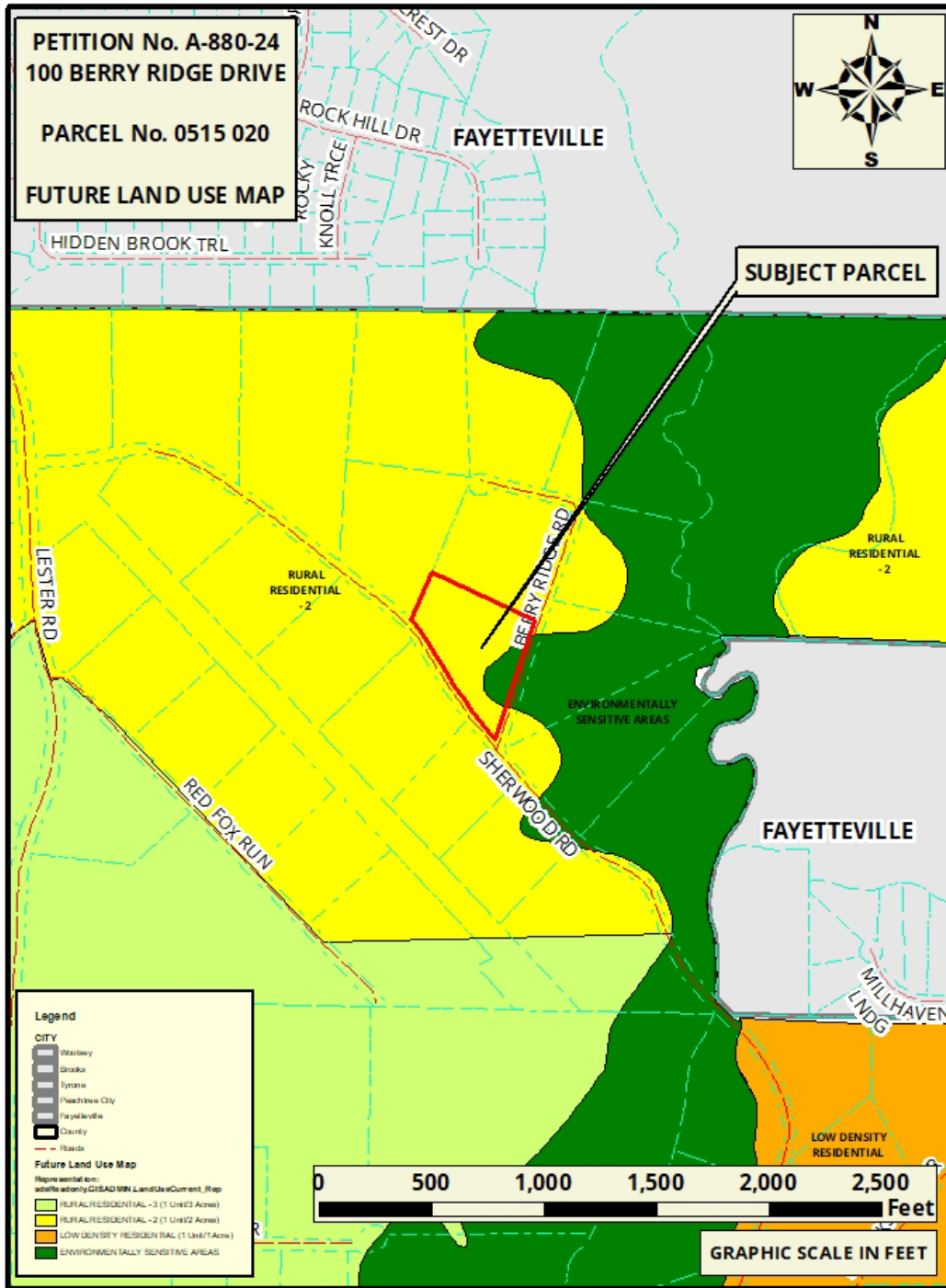
Please refer to the application form for the applicant's justification of criteria.

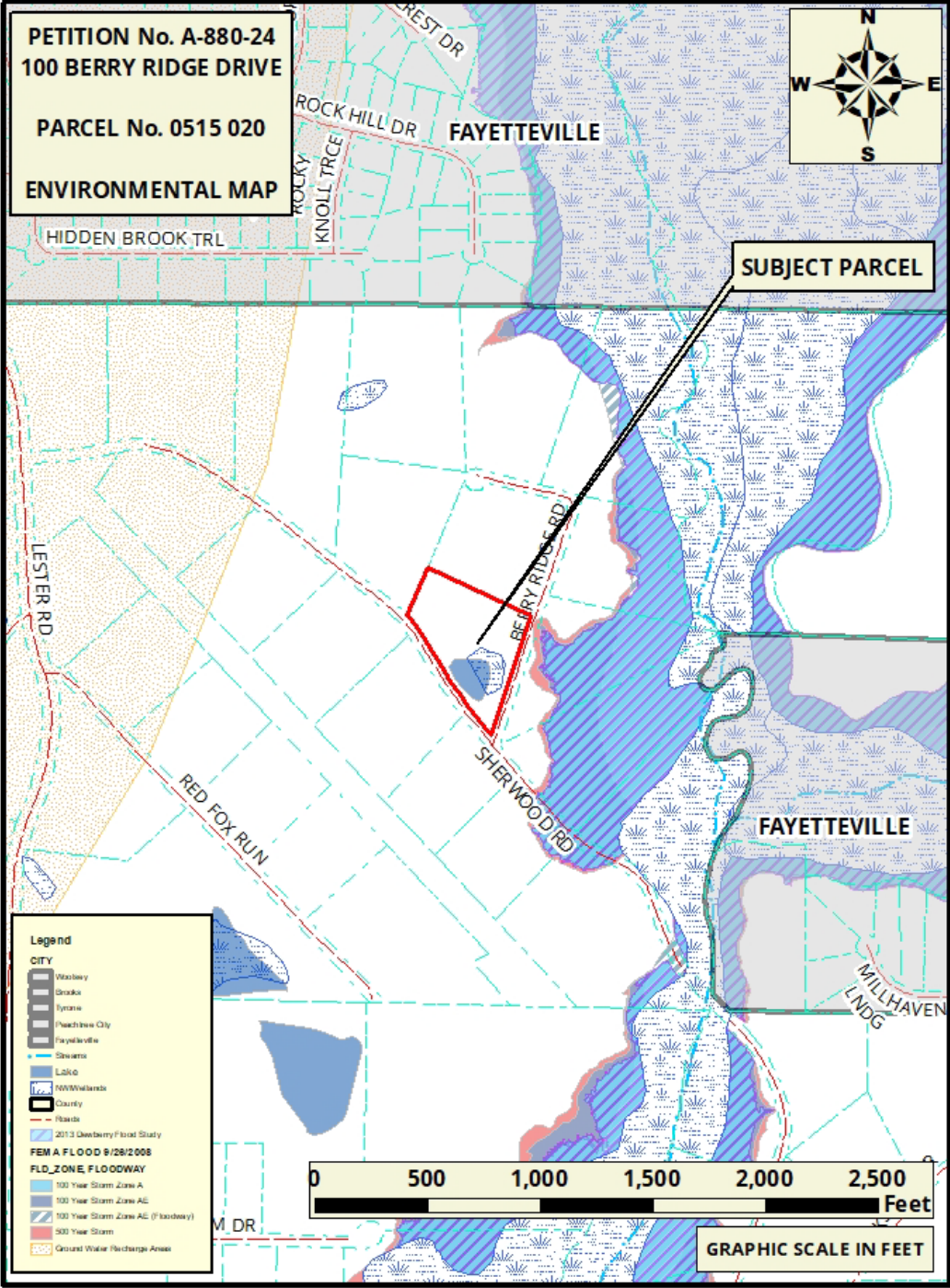
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

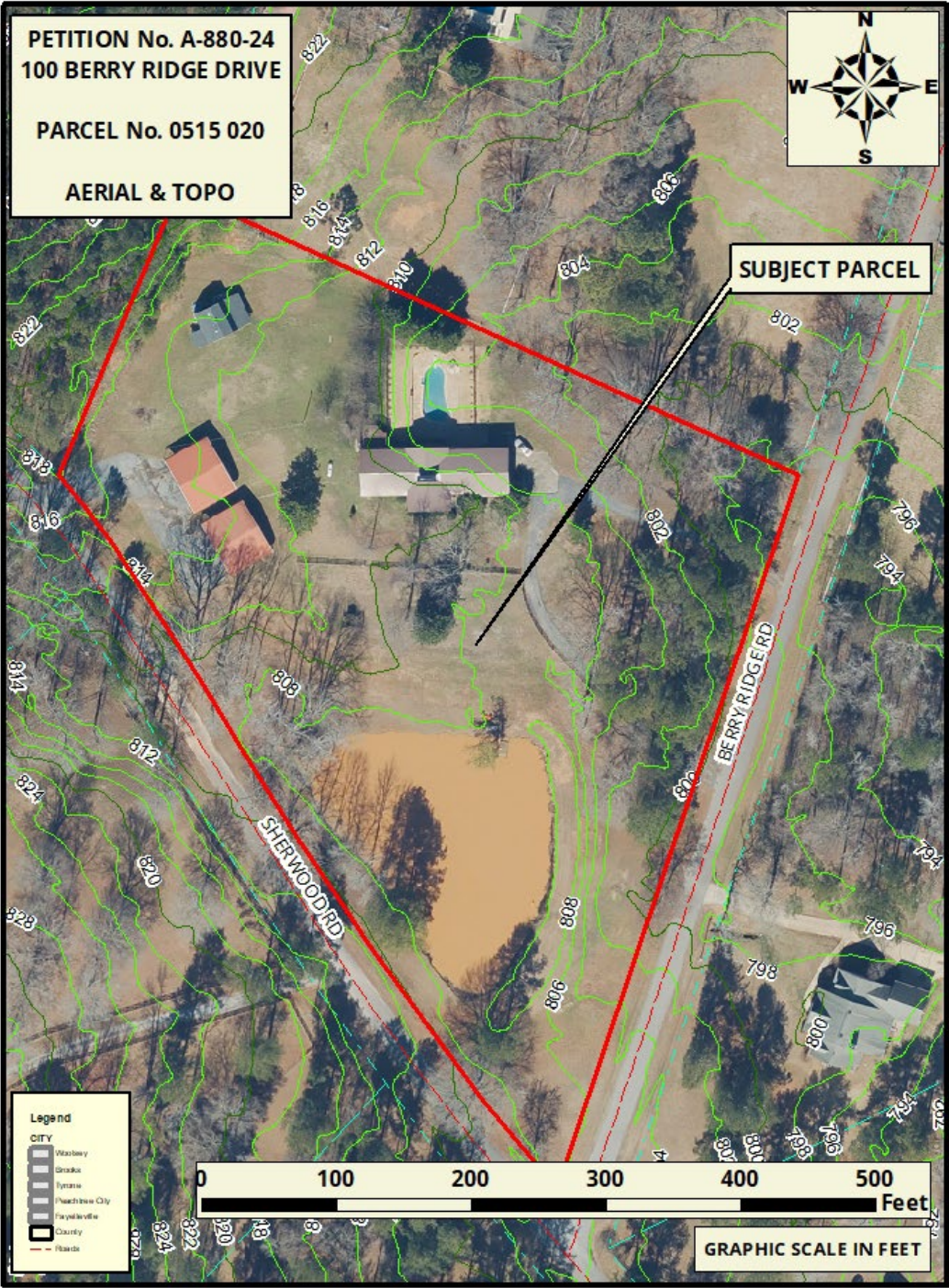
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel has two road frontages.
- 2. The application of these regulations to this particular piece of property would create a practical difficulty 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 house is set toward the back of the parcel, at an angle.
- 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 of the building is not likely to have an adverse impact on the neighbors.
- 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 continue to have the same rights as all other residents in the R-40 zoning district.











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

PROPERTY INFORMATION:

Parcel No. 0515020 Acreage: 4.2 acres Land Lot: 66 of the 5th DISTRICT Land District: _____
Address: 100 BERRY RIDGE ROAD, FAYETTEVILLE, GA 30215
Existing Zoning: R-40 Requested Zoning: _____
Zoning of Surrounding Properties: R-40
Existing Use: RESIDENTIAL
Proposed Use: _____

PROPERTY OWNER INFORMATION

Name TIM HESTER
Email timhester7@icloud.com
Address 100 BERRY RIDGE ROAD
City FAYETTEVILLE
State GA Zip 30215
Phone 404-247-4644

AGENT/DEVELOPER INFORMATION (If not owner)

Name _____
Email _____
Address _____
City _____
State _____ Zip _____
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: Debbie Bell Date: 11/13/2024

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: _____

ZBA Jan 27, 2025

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:

JAMES TIMOTHY HESTER
Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 050^{T.H.} 0515020

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 66 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 4.2 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.

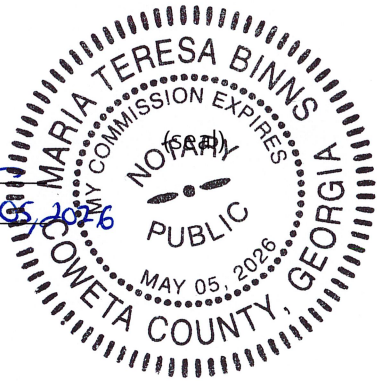
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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 James Timothy Hester
Name: JAMES TIMOTHY HESTER
Address: 100 BERRY RIDGE ROAD
City/State/Zip: FAYETTEVILLE, GA 30215
Date: _____

Notary: Maria Binns
Commission Exp.: May 5, 2026



**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.: _____

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	110-137 (d)(4) b. Front yard setback on a
Requirement	minor thoroughfare 40' setback
Proposed Change	37.7'
Variance Amount	2.3'

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.

JUSTIFICATION OF REQUEST

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

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

The request being made is to allow a variance to the requirement to have a 40' setback from the property line on the west side near Sherwood Road. I knew about the 40' setback and informed the concrete supervisor of it. He told me that the measurements are made from the edge of the road, never mentioning the 50' right of way.

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

I should have politely challenged him, but since this is his business, I did not challenge him. The result is that the southwest corner of the garage is 2.3' across the 40' setback line.

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

THE VARIANCE REQUEST IS DUE TO THE ERROR IN MEASURING WHERE THE PROPERTY LINE IS.

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

I do not believe, if the variance request is granted, that there would be a detriment to the public good.

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

The error in measuring would result in another substantial expense to relocate the shell of the building approximately 28" at the southwest corner.

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).
- MRS. BELL* 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. *n/a* 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: <i>n/a</i>	Side Setback:	
Stream Buffers: <i>n/a</i>	Rear Setback:	
Number of Frontages <i>2</i>	House Size:	

January 7, 2025

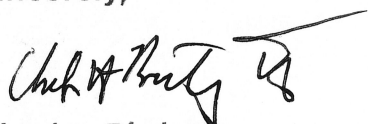
Fayette County Zoning Board of Appeals
140 Stonewall Avenue West
Fayetteville, GA 30214

RE: Petition No. A-880-24

Hello,

My neighbor Tim Hester asked if I would consider writing a note about the hangar he wished to construct. My property is across the road from his. He says that due to a mistake in measuring the 40' setback, the south half of the hangar is closer to Sherwood Road than it should be by just about 28". I have no problem with the hangar sitting as it is now.

Sincerely,



Charles Birdsong
450 Sherwood Road
Fayetteville, GA 30215

770 653-1685

January 7, 2025

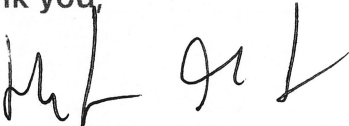
Fayette County Zoning Board of Appeals
140 Stonewall Avenue West
Fayetteville, GA 30214

RE: Petition No. A-880-24

Hello,

Tim Hester lives directly across the street from me. He told me that there was a mistake made when the concrete company measured the 40' setback, so that the southwest half of the building is progressively over the 40' setback beginning in the center of the west wall. At the south end of the wall it is approximately 28" past the line. This was not discovered until late October when it was time to ask the County to inspect the building shell for fittings and nuts and bolts. I have no issues with the hangar remaining as it is now.

Thank you,

A handwritten signature in black ink, appearing to read "Hector Tito", written over a light blue horizontal line.

Hector Tito
460 Sherwood Road
Fayetteville, GA 30215

Doc ID: 006237500002 Type: GLR
 Filed: 04/19/2004 at 10:26:26 AM
 Fee Amt: \$362.00 Page 1 of 2
 Transfer Tax: \$350.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court
 BK 2491 PG 190-191

This instrument prepared by:
 Smith & Tripp
 2160 Morningside Drive, Suite 150
 Buford, Georgia 30518

STATE OF GEORGIA
 GWINNETT COUNTY

Warranty Deed

This Indenture, Made 09/15/03, between **Julia Morrow Grens n/k/a Julia M. Wadsworth**, as party or parties of the first part, hereinafter called Grantor, and **Tim Hester**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

Witnesseth:

That Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

See Attached Exhibit "A"

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

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members 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 said described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Oliver R. Watkins
 Witness

Julia Morrow Grens
 Julia Morrow Grens

Sharon Lay

Julia Morrow Wadsworth
 Julia Morrow Wadsworth

NOTARY PUBLIC:
 My commission expires: 12/9/05



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 66 of the 5th District, Fayette County, Georgia; and being more particularly described as follows:

Beginning at an iron pin placed at the corner formed by the intersection of the northeasterly right of way of Sherwood Road (50 foot right of way) and the northwesterly right of way of Berry Ridge Road (50 foot right of way); running thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) and following the curvature thereof 252.022 feet to an iron pin placed; continuing thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) 163.456 feet to an iron pin placed; continuing thence northwesterly along the northeasterly right of way of Sherwood Road (50 foot right of way) and following the curvature thereof 234.192 feet to an iron pin placed and the southeast corner of property acquired by Normand L. Blain in Deed Book 131, page 174, Fayette County Records, running thence north 24 degrees 48 minutes 02.9 seconds east along said Blain property 222.637 feet to an iron pin found and the southwesterly line of Lot 62 of said subdivision; running thence south 67 degrees 10 minutes 02.2 seconds east along the line dividing Lots 62 and 63 of said subdivision 502.391 feet to an iron pin found on the northwesterly right of way of Berry Ridge Road (50 foot right of way); running thence south 19 degrees 19 minutes 16.5 seconds west along the northwesterly right of way of Berry Ridge Road (50 foot right of way) 574.5 feet to an iron pin placed on the northeasterly right of way of Sherwood Road (50 foot right of way) and the POINT OF BEGINNING; said property being improved property having a one story rock and brick house located thereon known as No. 100 Berry Ridge Road according to the present system of numbering houses in Fayette County, Georgia, and being more particularly shown on a survey prepared by Georgia Land Surveying Co., Inc. dated August 7, 1984, Josh L. Lewis, III, Registered Land Surveyor #1751; drawing #3357.

BOOK 2491 PAGE 191

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, Janu-
ary 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-880-24
Owner(s): Tim Hester
Property Address: 100 Berry Ridge
Road
Zoning District: R-40, Single-Fam-
ily Residential
Area of Property: 4.2 acres
Parcel # 0515 020
Land Lot(s): 66
District: 5th
Road Frontage: Berry Ridge and
Sherwood Road
Request: Applicant is requesting
a variance to Sec. 110-137(d)(4)b,
requesting to reduce the front yard
setback on a minor thoroughfare
from 40' to 37.7' to allow a newly
constructed encroaching airplane
hangar to remain.
Property Description
EXHIBIT "A"

All that tract or parcel of land lying
and being in Land Lot 66 of the 5th
District, Fayette County, Georgia;
and being more particularly de-
scribed as follows: Beginning at
an iron pin placed at the corner
formed by the intersection of the
northeasterly right of way of Sher-
wood Road (50 foot right of way)
and the northwesterly right of way
of Berry Ridge Road (50 foot right
of way); running thence northwest-
erly along the northeasterly right
of way of Sherwood Road (50 foot
right of way) and following the cur-
vature thereof ' 252.022 feet to an
iron pin placed; continuing thence
northwesterly along the northeast-
erly right of way of Sherwood Road
(50 foot right of way) 163.456 feet
to an iron pin placed; continuing
thence northwesterly along the
northeasterly right of way of Sher-
wood Road (50 right of way) and
following the curvature thereof
234.192 feet to an iron pin placed
and the southeast corner of prop-
erty acquired by Normand L. Blain
in Deed Book 131, page 174, Fayette
County Records, running thence
north 24 degrees 48 minutes 02.9
seconds east along said Blain prop-
erty 222.637 feet to an iron pin
found and the southwesterly line of
Lot 62 of said subdivision; running
thence south 67 degrees 10 minutes
02.2 seconds east along the line di-
viding Lots 62 and 63 of said sub-
division 502.391 feet to an iron pin
found on the northwesterly right of
way of Berry Ridge Road (50 foot
right of way); running thence south
19 degrees 19 minutes 16.5 seconds
west along the northwesterly right
of way of Berry Ridge Road (50 foot
right away) 574.5 feet to an iron pin
placed on the northeasterly right
of way of Sherwood Road (50 foot
right of way) and the POINT OF
BEGINNING; said property being
improved property having a one
story rock and brick house located
thereon known as No. 100 Berry
Ridge Road according to the pres-
ent system of numbering houses
in Fayette County, Georgia, and
being more particularly shown on
a survey prepared by Georgia Land
Surveying Co., Inc. dated August 7,
1984, Josh L. Lewis, III, Registered
Land Surveyor #1751; drawing
#3357.
12/25

PETITION NO: A-881-24

Requested Actions: To allow a variance to reduce the rear yard setback from 30' to 28' to allow an accessory structure to remain.

Location: 180 Lake Circle Drive, Fayetteville, Georgia 30215

Parcel(s): 0524 07207

District/Land Lot(s): 5th District, Land Lot(s) 90

Zoning: R-20, Single-Family Residential

Lot Size: 2.00 Acres

Owner(s): Guyon J. Davis and Sherri A. Davis

Agent: N/A

Zoning Board of Appeal Public Hearing: January 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-138(d)(5) Rear yard setback in the R-20 Zoning District is required to be 30'. The applicant requests to reduce the setback by 2', to a setback of 28, to allow an existing accessory structure to remain.

STAFF ASSESSMENT

The encroachment is minor and is unlikely to pose any problems for neighboring properties.

HISTORY

This parcel is a legal lot of record documented in a final plat recorded in Plat Book 7 Page 59 on September 22, 1972. Building Safety confirmed that the structure was properly permitted.

The owner owns both lots 20 and 21 and wishes to combine the lots to be a single parcel. The encroachment on the rear setback on Lot 21 was discovered when they submitted the plat to combine the parcels. The structure encroachment must be resolved before the Minor Final Plat can be approved and recorded.

ZONING REQUIREMENTS

Sec. 110-138. - R-20, Single-Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements in the R-20 zoning district shall be as follows:

(5) Rear yard setback: 30 feet.

DEPARTMENTAL COMMENTS

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

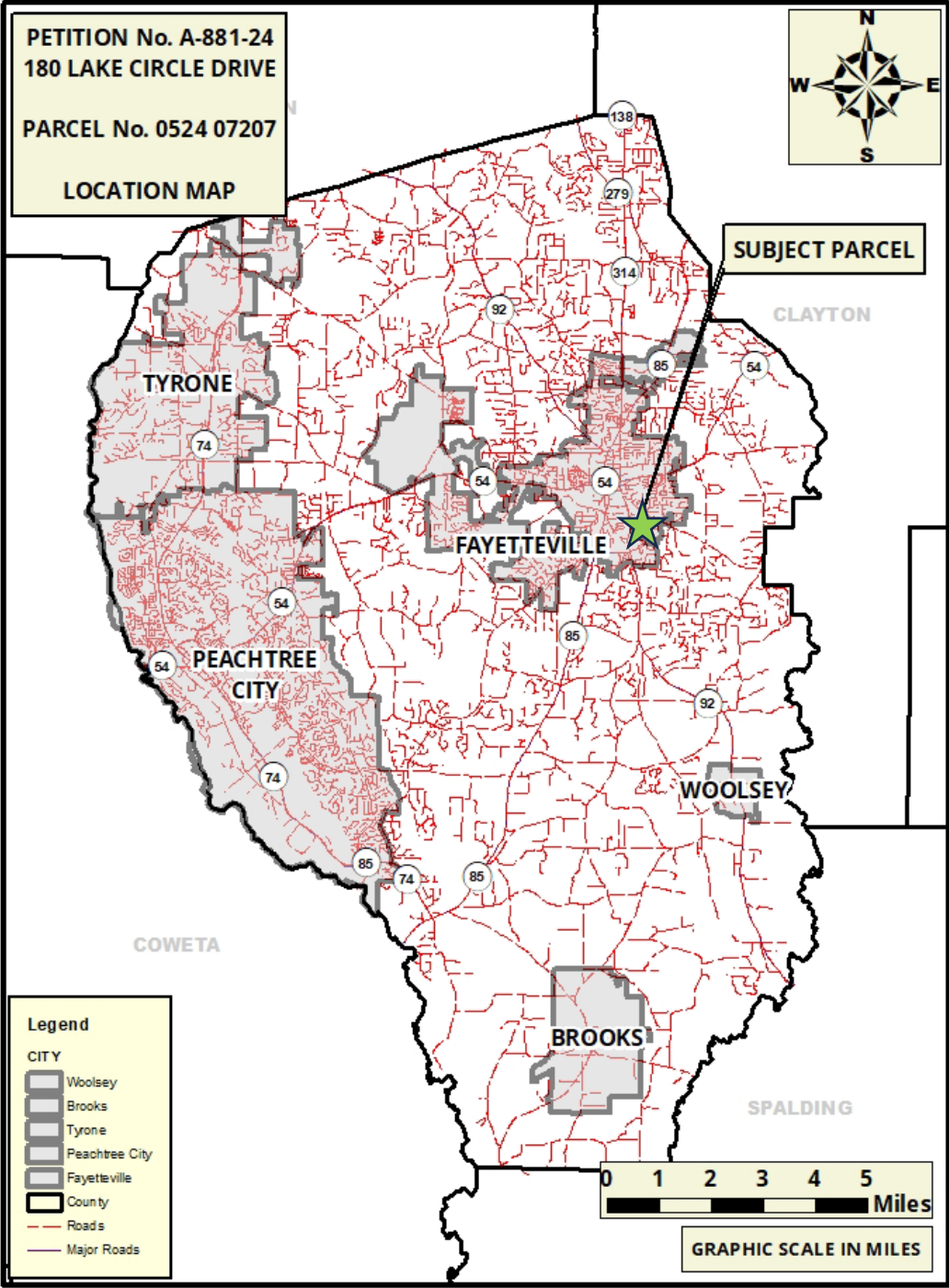
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

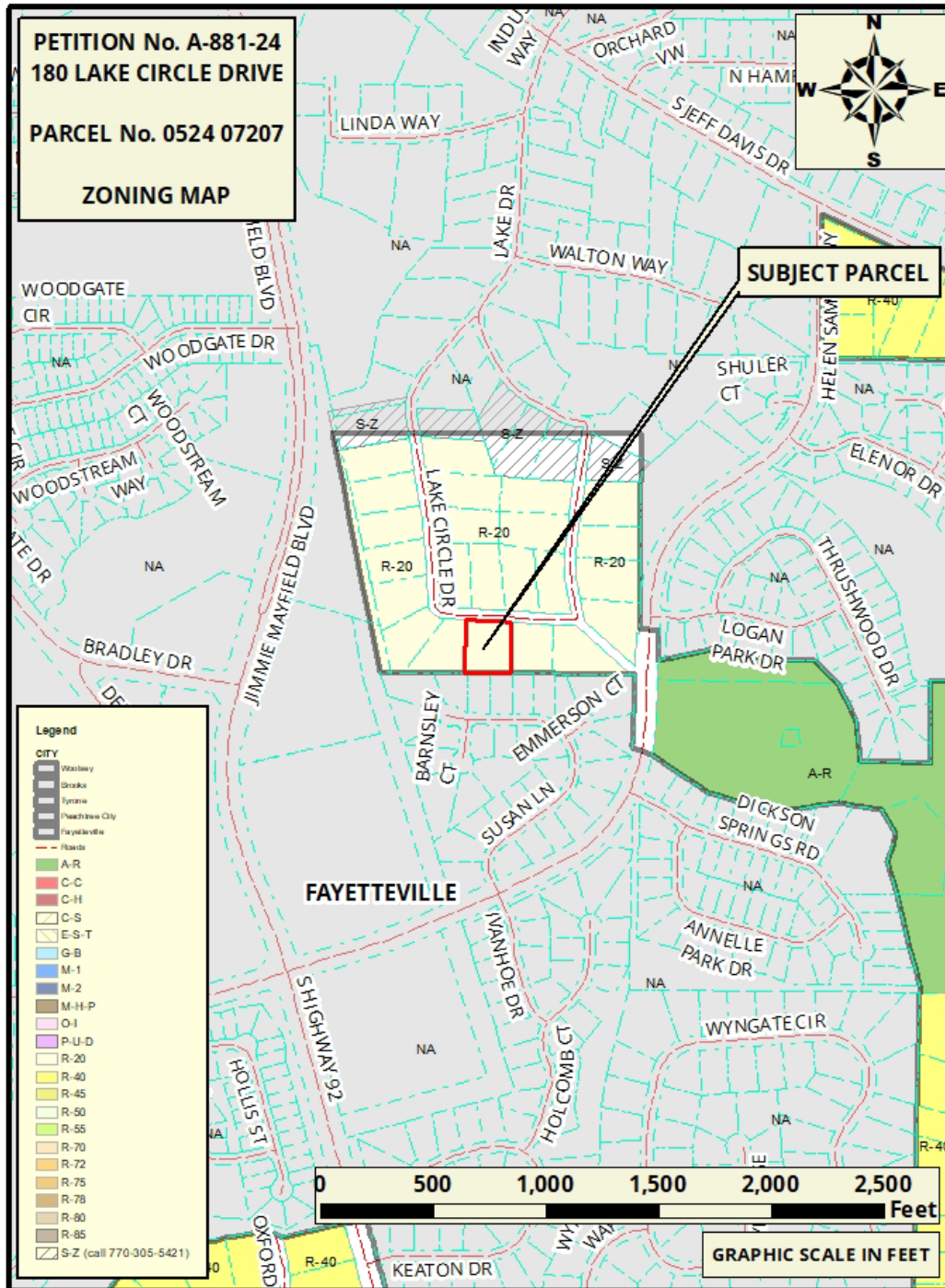
Staff Assessment

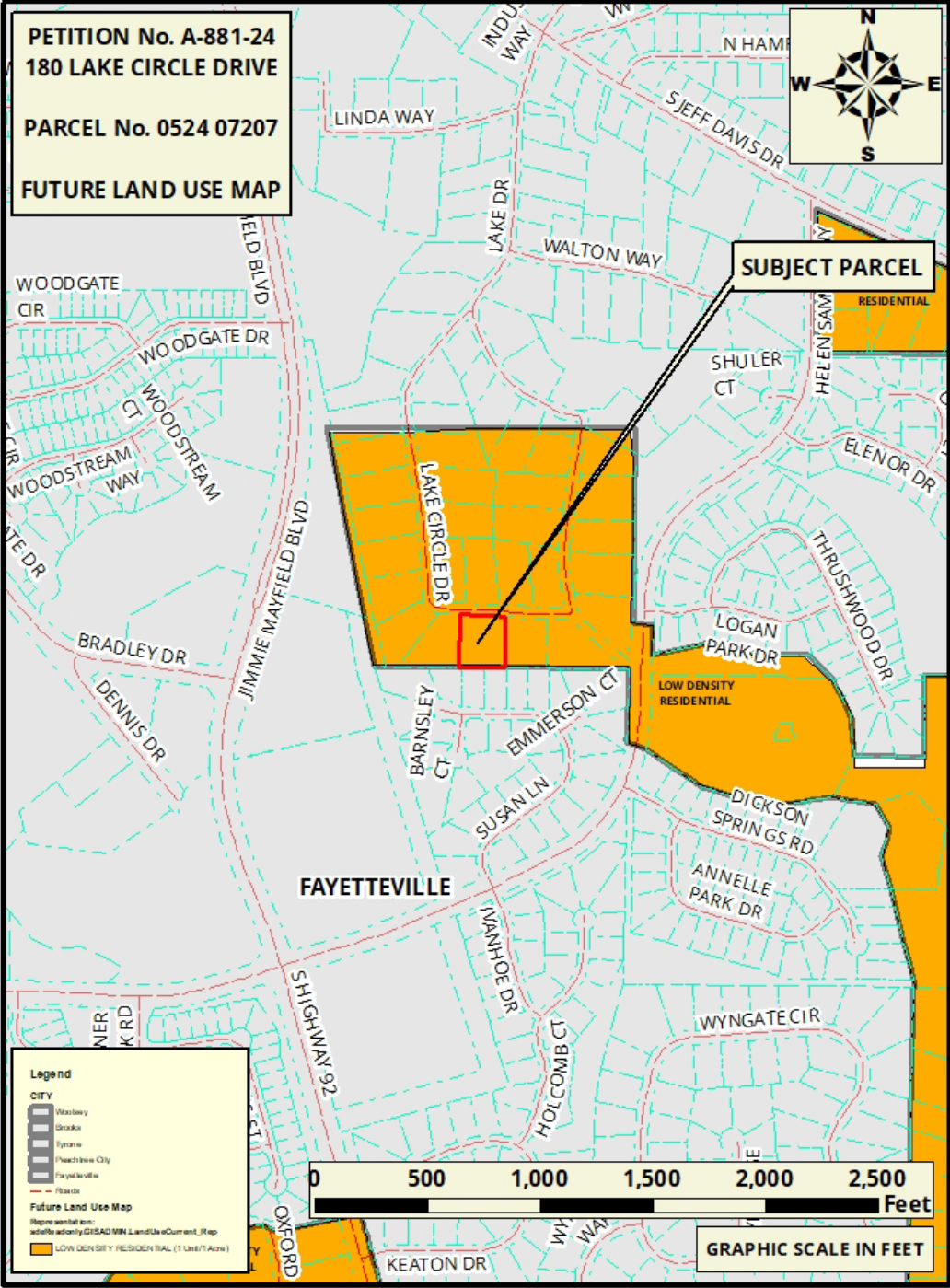
Please refer to the application form for the applicant's justification of criteria.

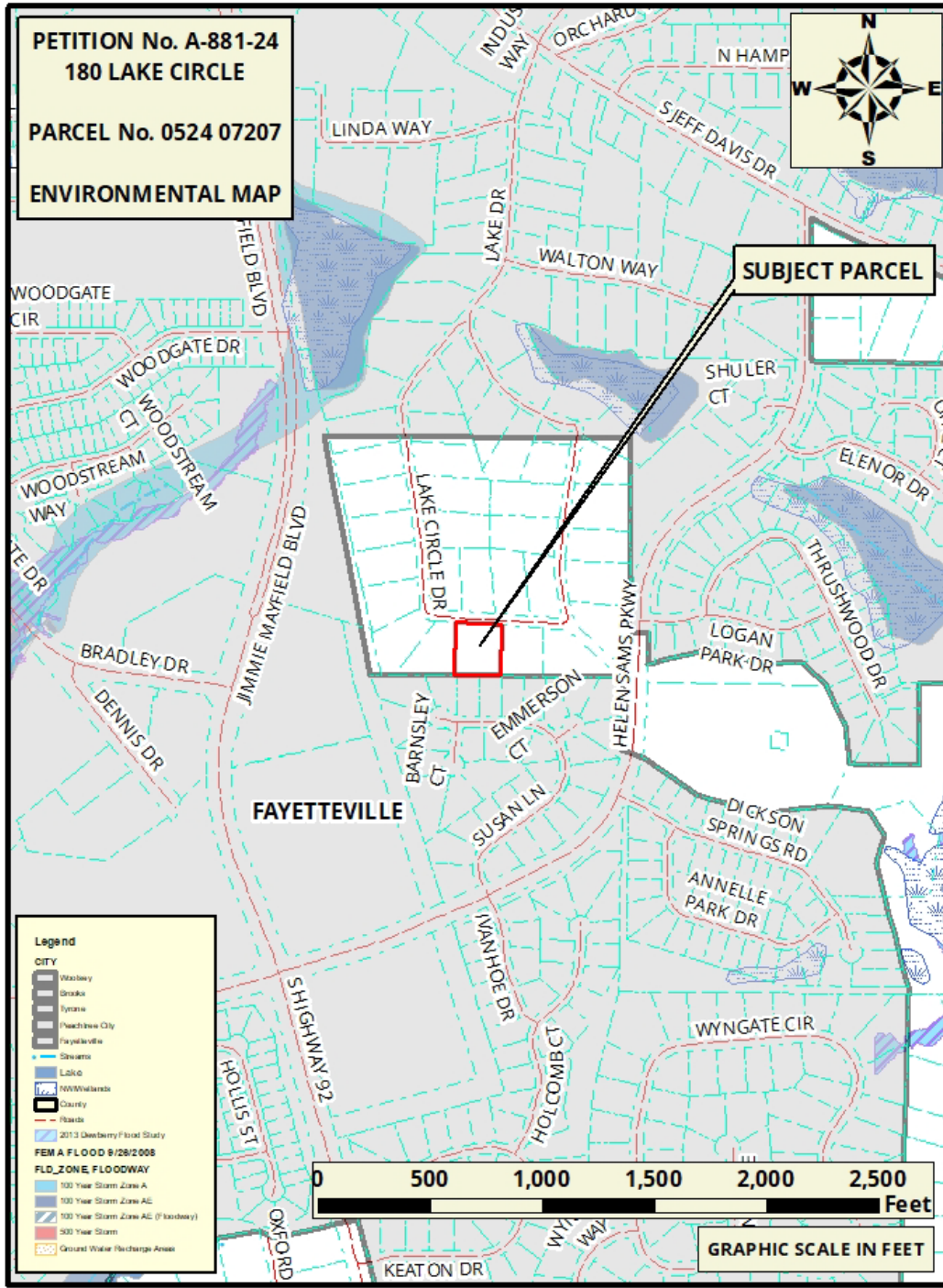
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

- 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 has a drainage easement in the side yard. The location of the building does respect the easement.
- 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,**
Although drainage easement and stormwater easements are fairly common, most parcels do not have a drainage easement within the parcel.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the building is not likely to have an adverse impact on the neighbors.
- 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 continue to have the same rights as all other residents in the R-20 zoning district.











Permit # 881-24

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

PROPERTY INFORMATION:

Parcel No. 052407207 Acreage: 1.0 Land Lot: 90 Land District: 5th
Address: 180 Lake Circle Drive
Existing Zoning: R-20 Requested Zoning: n/a
Zoning of Surrounding Properties: R-20
Existing Use: Single Family Residence
Proposed Use: -no change-

PROPERTY OWNER INFORMATION

Name Guyon J Davis & Sherri A Davis
Email hkhunter1@gmail.com
Address 180 Lake Circle Dr.
City Fayetteville
State GA Zip 30215
Phone 337-309-1849

AGENT/DEVELOPER INFORMATION (If not owner)

Name Sherri McKelvey
Email _____
Address _____
City _____
State _____ Zip _____
Phone _____

PETITION NUMBER: 881-24

(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: January 27, 2025

Received payment from Sherri McKelvey a check in the amount of \$ 175⁰⁰

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

Date Paid 12/4/2024 Receipt Number: MISCP2-12-24-088170

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:

Guyon J Davis, Sherri A Davis
Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 052 407 027

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 90 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of _____ acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

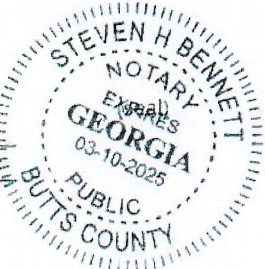
(I) (We) hereby delegate authority to _____ to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(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

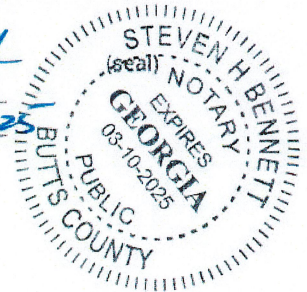
Signature: [Signature]
Name: Jay Davis
Address: 180 Lake Circle Drive
City/State/Zip: Fayetteville, GA 30215
Date: 11/7/2024
Owner/
Agent
One:

Notary: [Signature]
Commission Exp.: 3-10-25



Signature: [Signature]
Name: Sherri Davis
Address: 180 Lake Circle Drive
City/State/Zip: Fayetteville, GA 30215
Date: 11/21/2024
Owner/
Agent
Two:

Notary: [Signature]
Commission Exp.: 3-10-25



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	Ch. 110, Article 111, Sec 110-79
Requirement	30' Rear Setback
Proposed Change	Allow encroachment of 1'5" into rear building setback.
Variance Amount	1.5'

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.

Homeowner has a garage (storage building) that was existing when the property was acquired in 2022. A survey done in 2023 shows that storage building is over the rear building setback line by 1'5" at the greatest encroachment and 6" at the least. The building is approximately 23' x 26'6" and not moveable. A permit was issued in 2007 and subsequent Certificate of Occupancy granted for the building. The homeowner is seeking variance approval so that a building permit for an inground pool can be issued.

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.
There was an existing garage at the rear of the property when it was acquired in 2022. A building permit was issued to build the garage (storage building) and a Certificate of Occupancy was granted in 2007 (# 000183). According to survey performed in 2023, the storage building is up to 6" over rear setback at western most corner and 1'5" at the eastern most corner.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.
The application of the setback regulation of 30' prevents homeowner from obtaining a permit to install an inground pool. The cost to demolish the storage building and rebuild it would be prohibitive. An Electrical Permit was recently issued for homeowner to run power to the storage building without incident (10/1/24)
3. Such conditions are peculiar to the particular piece of property involved.
The storage building, according to a survey performed in 2023, after the current owner acquired the property, is 6" to 1'5" over the 30' Rear Setback. This was no fault of the current owner and the cost to remedy the error would cause undue hardship to the current owner.
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 storage building in no way obstructs the neighboring property from the full use of the property. The Storage building has one corner that extends 4.8% into the rear setback and another corner that extends 1.6% into rear setback.
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 owner of the property, acquired the property with a permitted storage building that passed all inspections and was granted a Certificate of Occupancy to the previous owner. The current owner is seeking a building permit to add a pool.

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. *- pay over phone or online?*

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:	

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Doc ID: 011535420003 Type: WD
Recorded: 05/06/2022 at 10:10:00 AM
Fee Amt: \$420.00 Page 1 of 3
Transfer Tax: \$395.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **5491** PG **609-611**

After Recording Return To:
SLEPIAN, SCHWARTZ & LANDGAARD
42 Eastbrook Bend
Peachtree City, GA 30269
(770)486-1220

TAX PARCEL ID: 052407027 and 052407026

Order.No.: 22-0195-DEB

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 2nd day of May, 2022, between HELEN LUCILLE KNOWLES, as party or parties of the first part, hereinafter called Grantor, and GUYON J. DAVIS and SHERRI A. DAVIS, as party or parties of the second part, as joint tenants with right of survivorship and not as tenants in common, hereinafter called Grantee.

The words "Grantor" and "Grantee" whenever used herein shall include all individuals, corporations, and any other persons or entities, and all the respective heirs, executors, administrators, legal representatives, successors and assigns of the parties hereto, and all those holding under either of them, and the pronouns used herein shall include, when appropriate, either gender and both singular and plural, and the grammatical construction of sentences shall conform thereto. If more than one party shall execute this deed each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein.

WITNESSETH that: Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE COMMON INTERSECTION OF LAND LOTS 89, 90, 103, AND 104 AND RUNNING SOUTH ALONG THE LINE DIVIDING LAND LOTS 89 AND 90 A DISTANCE OF 1,428.5 FEET TO A POINT; THENCE SOUTH 88° 28' WEST A DISTANCE OF 564.5 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 88° 28' WEST A DISTANCE OF 195.0 FEET TO AN IRON PIN; THENCE NORTH 1° 30' WEST A DISTANCE OF 235.4 FEET TO AN IRON PIN ON THE RIGHT-OF-WAY OF LAKE CIRCLE (50' RIGHT-OF-WAY); THENCE SOUTH 88° 27' EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 195.0 FEET TO AN IRON PIN; THENCE SOUTH 1° 34' EAST A DISTANCE OF 226.0 FEET TO THE TRUE POINT OF BEGINNING; SAID PROPERTY BEING DESCRIBED AS LOT 21, BLOCK B, SECTION II OF THE MITCHELL SUBDIVISION ON A PLAT OF SURVEY CONDUCTED BY C.E. LEE OF THE LEE ENGINEERING COMPANY FOR BILL MITCHELL ON AUGUST 10, 1972.

THIS DEED IS EXECUTED AND DELIVERED SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD APPLICABLE TO THE PROPERTY REFERRED TO ABOVE.

PARCEL ID#: 052407027

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 20, BLOCK B OF SECTION II MITCHELL SUBDIVISION AS SHOWN BY PLAT OF SURVEY BY W.D. GRAY AND ASSOCIATES, INC. DATED FEBRUARY 28, 2001, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH REBAR SET AT THE NORTHEAST CORNER OF LOT 21, SAID BLOCK, SECTION AND SUBDIVISION, AND ON THE SOUTHERN MARGIN OF THE RIGHT-OF-WAY 50 FEET IN WIDTH FOR AN IMPROVED PUBLIC STREET KNOWN AS LAKE CIRCLE; RUNNING

THENCE SOUTH 01 DEGREES 51 MINUTES 53 SECONDS EAST ALONG THE WEST LINE OF LOT 21 AFORESAID, 231.9 FEET TO A ONE-HALF INCH REBAR FOUND AT THE SOUTHWEST CORNER OF LOT 21 AFORESAID; THENCE SOUTH, 88 DEGREES 29 MINUTES 49 SECONDS WEST, 279.09 FEET TO A ONE-HALF INCH REBAR SET AT THE SOUTHWEST CORNER OF LOT 20 ABOVE REFERENCED (WHICH CORNER IS ALSO THE SOUTHEAST CORNER OF LOT 19, SAID BLOCK SECTION AND SUBDIVISION); RUNNING THENCE NORTH 36 DEGREES 21 MINUTES 05 SECONDS, 297.27 FEET TO A ONE-HALF INCH REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 20 (WHICH REBAR IS ALSO AT THE NORTHEAST CORNER OF LOT 19 AND THE SOUTHERLY SEGMENT OF THE RIGHT-OF-WAY FOR LAKE CIRCLE, SAID BLOCK, SECTION AND SUBDIVISION), THENCE SOUTH 89 DEGREES 17 MINUTES 17 SECONDS EAST, AS MEASURED ALONG A SOUTHERLY SEGMENT OF SAID RIGHT-OF-WAY FOR LAKE CIRCLE, 91.28 FEET TO A ONE-HALF INCH PIPE FOUND AT A CORNER ON A COMMON BOUNDARY OF LOTS 20 AND 21 AFORESAID AND THE POINT OF BEGINNING.

PARCEL ID#: 052407026

**The Grantor herein acquired interest and title to the above described property as a joint tenant with L.R. Knowles a/k/a Luther Ruben Knowles, by way of that certain Warranty Deed recorded in Fayette County, Georgia; further the entire interest of the Grantor was the result of the death of L.R. Knowles a/k/a Luther Ruben Knowles on September 13, 2016 as more fully shown on that certain death certificate attached as Exhibit "A".

SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-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, 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 owning, holding or claiming by, through or under the said Grantor.

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

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 2nd day of May, 2022.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness
[Signature]
Notary Public
My Commission Expires: _____

Helen Lucille Knowles
A/K/A Helen Knowles by Michael
Dennis Knowles, as Attorney in fact

(SEAL)
HELEN LUCILLE KNOWLES
A/K/A HELEN KNOWLES BY MICHAEL
DENNIS KNOWLES, AS ATTORNEY IN FACT

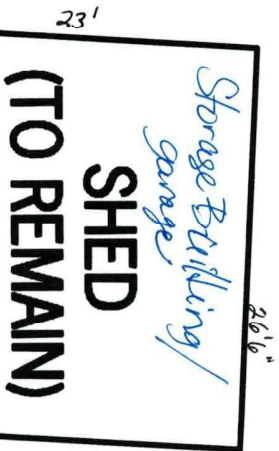


GEORGIA DEATH CERTIFICATE

State File Number **2016GA000058338**

1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last) LUTHER RUBEN KNOWLES		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX MALE	2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 09/13/2016
3. SOCIAL SECURITY NUMBER 1-9558	4a. AGE (Years) 89	4b. UNDER 1 YEAR Mox. Days Hours Mins.	4c. UNDER 1 DAY	5. DATE OF BIRTH (Mo., Day, Year) 04/14/1927	
6. BIRTHPLACE GEORGIA	7a. RESIDENCE - STATE GEORGIA	7b. COUNTY FAYETTE		7c. CITY, TOWN FAYETTEVILLE	
7d. STREET AND NUMBER 180 LAKE CIRCLE DRIVE		7e. ZIP CODE 30216	7f. INSIDE CITY LIMITS? NO	8. ARMED FORCES? YES	
8a. USUAL OCCUPATION WAREHOUSE MANAGER		8b. KIND OF INDUSTRY OR BUSINESS SCHOOL SYSTEM			
9. MARITAL STATUS MARRIED	10. SPOUSE NAME HELEN LUCILLE STANLEY		11. FATHER'S FULL NAME (First, Middle, Last) JAMES EDWARD KNOWLES		
12. MOTHER'S MAIDEN NAME (First, Middle, Last) MAE LILLIE HARRIS	13a. INFORMANT'S NAME (First, Middle, Last) HELEN KNOWLES		13b. RELATIONSHIP TO DECEDENT WIFE		
13c. MAILING ADDRESS 180 LAKE CIRCLE DRIVE FAYETTEVILLE GEORGIA 30216			14. DECEDENT'S EDUCATION 7TH GRADE COMPLETED		
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO		16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify) WHITE			
17a. IF DEATH OCCURRED IN HOSPITAL INPATIENT		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify)			
18. HOSPITAL OR OTHER INSTITUTION NAME (If not in either give street and no.) GRADY HEALTH SYSTEM			19. CITY, TOWN OR LOCATION OF DEATH ATLANTA		20. COUNTY OF DEATH FULTON
21. METHOD OF DISPOSITION (Specify) BURIAL	22. PLACE OF DISPOSITION CAMP MEMORIAL PARK 1095 HIGHWAY 84 E FAYETTEVILLE GEORGIA 30216		23. DISPOSITION DATE (Mo., Day, Year) 09/16/2016		
24a. EMBALMER'S NAME CLINT GILPIN		24b. EMBALMER LICENSE NO. 4936	25. FUNERAL HOME NAME CARL J MOWELL AND SON FUNL HM FV		
25a. FUNERAL HOME ADDRESS 180 N JEFF DAVIS DRIVE FAYETTEVILLE GEORGIA 30214					
26a. SIGNATURE OF FUNERAL DIRECTOR DAVID MOWELL		26b. FUN. DIR. LICENSE NO. 4232	AMENDMENTS		
27. DATE PRONOUNCED DEAD (Mo., Day, Year) 09/13/2016	28. HOUR PRONOUNCED DEAD 09:26 AM				
29a. PRONOUNCER'S NAME MEGAN BOISSONNEAULT		29b. LICENSE NUMBER 007746	29c. DATE SIGNED 09/13/2016		
30. TIME OF DEATH 09:26 AM		31. WAS CASE REFERRED TO MEDICAL EXAMINER YES			
32. Part I. Enter the chain of events-disease, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or vascular obstruction without showing the etiology. DO NOT ABBREVIATE.					Approximate Interval between onset and death
IMMEDIATE CAUSE (Final disease or condition resulting in death)					IMMEDIATE
A. CARDIAC ARREST Due to, or as a consequence of					
B. TRAUMATIC BRAIN INJURY Due to, or as a consequence of					5 DAYS
C. SUBDURAL HEMATOMA Due to, or as a consequence of					5 DAYS
D. GROUND LEVEL FALL Due to, or as a consequence of					5 DAYS
Part II. Enter significant conditions contributing to death but not related to cause given in Part I.A. If female, indicate if pregnant or birth occurred within 90 days of death.			33. WAS AUTOPSY PERFORMED? NO		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?
35. TOBACCO USE CONTRIBUTED TO DEATH UNKNOWN			36. IF FEMALE (range 10-54) PREGNANT NOT APPLICABLE		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) ACCIDENT
38. DATE OF INJURY (Mo., Day, Year) 09/09/2016	39. TIME OF INJURY 11:59 MILITARY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify) HOME		41. INJURY AT WORK? (Yes or No) NO	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County) 180 LAKE CIRCLE DRIVE FAYETTEVILLE GEORGIA 30216 FAYETTE					
43. DESCRIBE HOW INJURY OCCURRED PT FELL IN GARAGE FORM WALKING POSITION				44. IF TRANSPORTATION INJURY NO	
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.) /S/ WYNDOLYN MOULDER DP CORONER 9169541			46. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.) /S/ WYNDOLYN MOULDER DP CORONER 9169541		
46a. DATE SIGNED (Mo., Day, Year) 09/23/2016	46b. HOUR OF DEATH 08:26 AM	46c. DATE SIGNED (Mo., Day, Year) 09/23/2016	46d. HOUR OF DEATH 08:26 AM		
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH WYNDOLYN MOULDER 140 STONEWALL AVENUE W FAYETTEVILLE GEORGIA 30214					
48. REGISTRAR (Signature) /S/ DONNA L. MOORE			49. DATE FILED - REGISTRAR (Mo., Day, Year) 09/28/2016		

LINE



3° 14' 56" W 470.50'

1/2" SPINDLE
FOUND
0.52' N OF LINE

P.2

Continued from page B4

PETITIONS FOR VARIANCE(S)/ ADMINISTRATIVE APPEAL(S) ON CERTAIN PROPERTIES IN UNINCORPORATED AREA OF FAYETTE COUNTY, GEORGIA PUBLIC HEARING to be held by the Zoning Board of Appeals of Fayette County on Monday, January 27, 2025, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-881-24

Owner(s): Guyon J. Davis and Sherri A. Davis

Property Address: 180 Lake Circle Drive

Zoning District: R-20, Single-Family Residential

Area of Property: 1 acre

Parcel # 052407 027

Land Lot(s): 90

District: 5th

Road Frontage: Lake Circle Drive

Request: Applicant is requesting a variance to Sec. 110-138(d)(5), requesting to reduce the rear yard setback from 30' to 28' to allow an existing garage (storage building) to remain.

Property Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE COMMON INTERSECTION OF LAND LOTS 89, 90, 103, AND 104 AND RUNNING SOUTH ALONG THE LINE DIVIDING LAND LOTS 89 AND 90 A DISTANCE OF 1,428.5 FEET TO A POINT; THENCE SOUTH 88° 28' WEST A DISTANCE OF 564.5 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 88° 28' WEST A DISTANCE OF 195.0 FEET TO AN IRON PIN; THENCE NORTH 10° 30' WEST A DISTANCE OF 235.4 FEET TO AN IRON PIN ON THE RIGHT-OF-WAY OF LAKE CIRCLE (50' RIGHT-OF-WAY); THENCE SOUTH 88° 27' EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 195.0 FEET TO AN IRON PIN; THENCE SOUTH 10° 34' EAST A DISTANCE OF 226.0 FEET TO THE TRUE POINT OF BEGINNING; SAID PROPERTY BEING DESCRIBED AS LOT 21, BLOCK B, SECTION II OF THE MITCHELL SUBDIVISION ON A PLAT OF SURVEY CONDUCTED BY C.E. LEE OF THE LEE ENGINEERING COMPANY FOR BILL MITCHELL ON AUGUST 10, 1972. THIS DEED IS EXECUTED AND DELIVERED SUBJECT TO RESTRICTIONS AND EASEMENTS OF RECORD APPLICABLE TO THE PROPERTY REFERRED TO ABOVE.

PARCEL ID#: 052407027

TOGETHER WITH:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 90 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING LOT 20, BLOCK B OF SECTION II MITCHELL SUBDIVISION AS SHOWN BY PLAT OF SURVEY BY W.D. GRAY AND ASSOCIATES, INC. DATED FEBRUARY 28, 2001, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ONE-HALF INCH REBAR SET AT THE NORTHEAST CORNER OF LOT 21, SAID BLOCK, SECTION AND SUBDIVISION, AND ON THE SOUTHERN MARGIN OF THE RIGHT-OF-WAY 50 FEET IN WIDTH FOR AN IMPROVED PUBLIC STREET KNOWN AS LAKE CIRCLE; RUNNING THENCE SOUTH 01 DEGREES 51 MINUTES 53 SECONDS EAST ALONG THE WEST LINE OF LOT 21 AFORESAID, 231.9 FEET

TO A ONE-HALF INCH REBAR FOUND AT THE SOUTHWEST CORNER OF LOT 21 AFORESAID; THENCE SOUTH, 88 DEGREES 29 MINUTES 49 SECONDS WEST, 279.09 FEET TO A ONE-HALF INCH REBAR SET AT THE SOUTHWEST CORNER OF LOT 20 ABOVE REFERENCED (WHICH CORNER IS ALSO THE SOUTHEAST CORNER OF LOT 19, SAID BLOCK SECTION AND SUBDIVISION); RUNNING THENCE NORTH 36 DEGREES 21 MINUTES 05 SECONDS, 297.27 FEET TO A ONE-HALF INCH REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 20 (WHICH REBAR IS ALSO AT THE NORTHEAST CORNER OF LOT 19 AND THE SOUTHERLY SEGMENT OF THE RIGHT-OF-WAY FOR LAKE CIRCLE, SAID BLOCK, SECTION AND SUBDIVISION), THENCE SOUTH 89 DEGREES 17 MINUTES 17 SECONDS EAST, AS MEASURED ALONG A SOUTHERLY SEGMENT OF SAID RIGHT-OF-WAY FOR LAKE CIRCLE, 91.28 FEET TO A ONE-HALF INCH PIPE FOUND AT A CORNER ON A COMMON BOUNDARY OF LOTS 20 AND 21 AFORESAID AND THE POINT OF BEGINNING.

PARCEL ID#: 052407026

12/25

PETITION NO: A-882 -24

Requested Actions: To allow a variance to reduce the side yard setback from 20 feet to 5 feet to allow the construction of an accessory structure.

Location: 190 Sweetwater Drive, Fayetteville, Georgia 30214

Parcel(s): 0528 02004

District/Land Lot(s): 5th District, Land Lot(s) 130

Zoning: R-45, Single-Family Residential

Lot Size: 1.00 Acres

Owner(s): Walter A. Finn

Agent: N/A

Zoning Board of Appeal Public Hearing: January 27, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-136(d)(6) Side yard setback in the R-45 Zoning District is required to be 20 feet. The applicant requests to reduce the setback by 15 feet, to a setback of 5 feet, to allow a new accessory structure to be constructed. The applicant and the neighbor have agreed to a property exchange to facilitate this. A minor plat revision will be necessary to create the space to allow the construction of a detached garage, should this variance be approved. A concept plan illustrating this proposal is included in this report; approval of a revised plat is still subject to the approval of the appropriate county departments.

STAFF ASSESSMENT

The encroachment is minor and is unlikely to pose any problems for neighboring properties. The neighbor to the east is the primary affected lot and they have indicated their agreement with a revised plat and variance.

HISTORY

This parcel is a legal lot of record documented in a final plat recorded in Plat Book 31 Page 16-17 on September 14, 1998. It is Lot 17 in Dorsett Place, Phase IV.

ZONING REQUIREMENTS

Sec. 110-136. - R-45, Single-Family Residential District.

(d) *Dimensional requirements.* The minimum dimensional requirements in the R-45 zoning district shall be as follows:

(6) Side yard setback: 20 feet.

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 does not constitute approval of the change in property lines. The owner must complete an application for an existing system evaluation with our office to verify the placement of both septic systems do not cross the newly proposed property line. Please contact our office 770-305-5415 to obtain the application and get further details. Additionally, the proposed property lines must be marked for this evaluation. In lieu of evaluation with this office, the surveyor may indicate the exact location of the lines on the plat.
- Department of Building Safety** - No issues.
- Fire** - No objections.

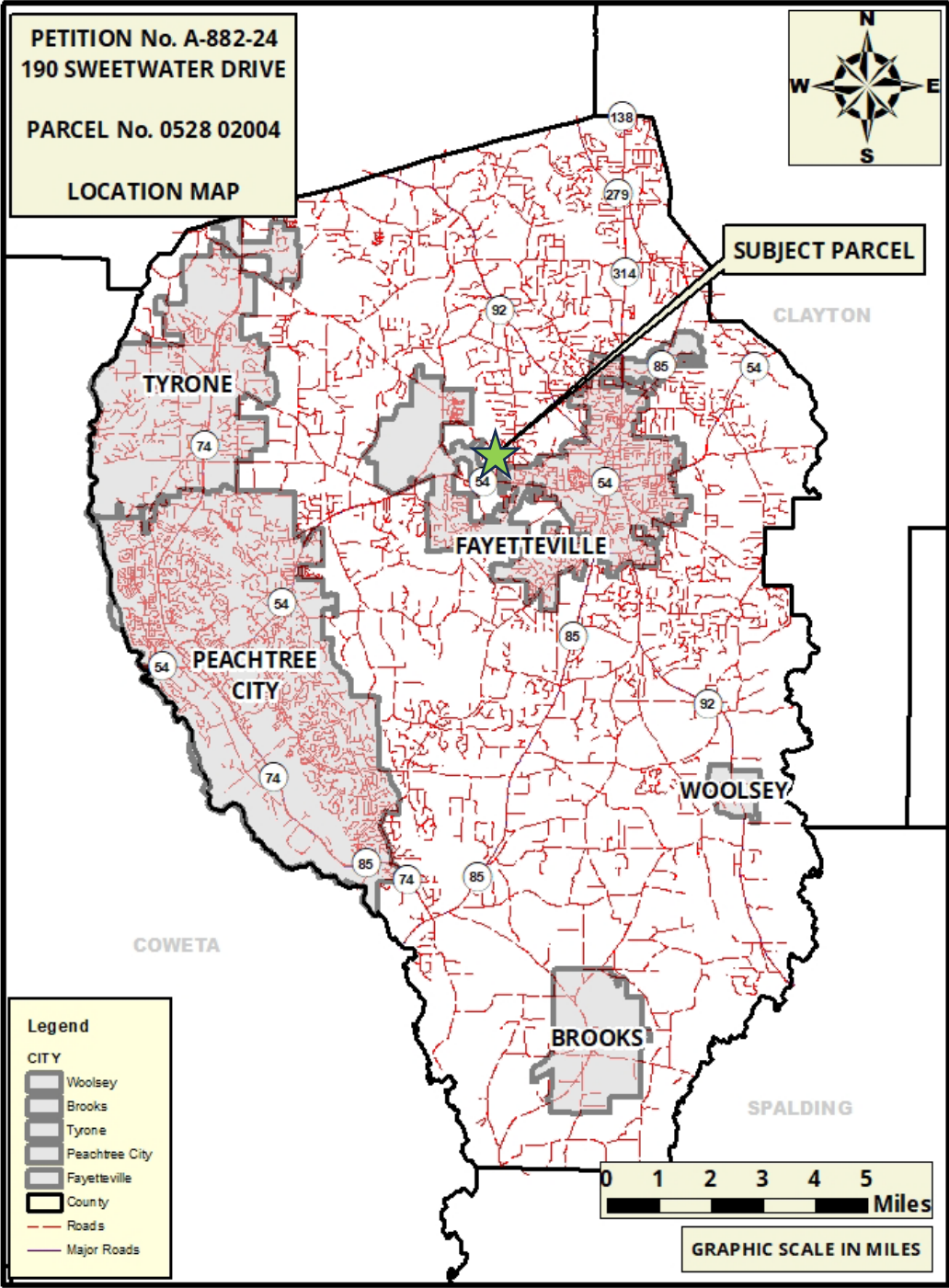
VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

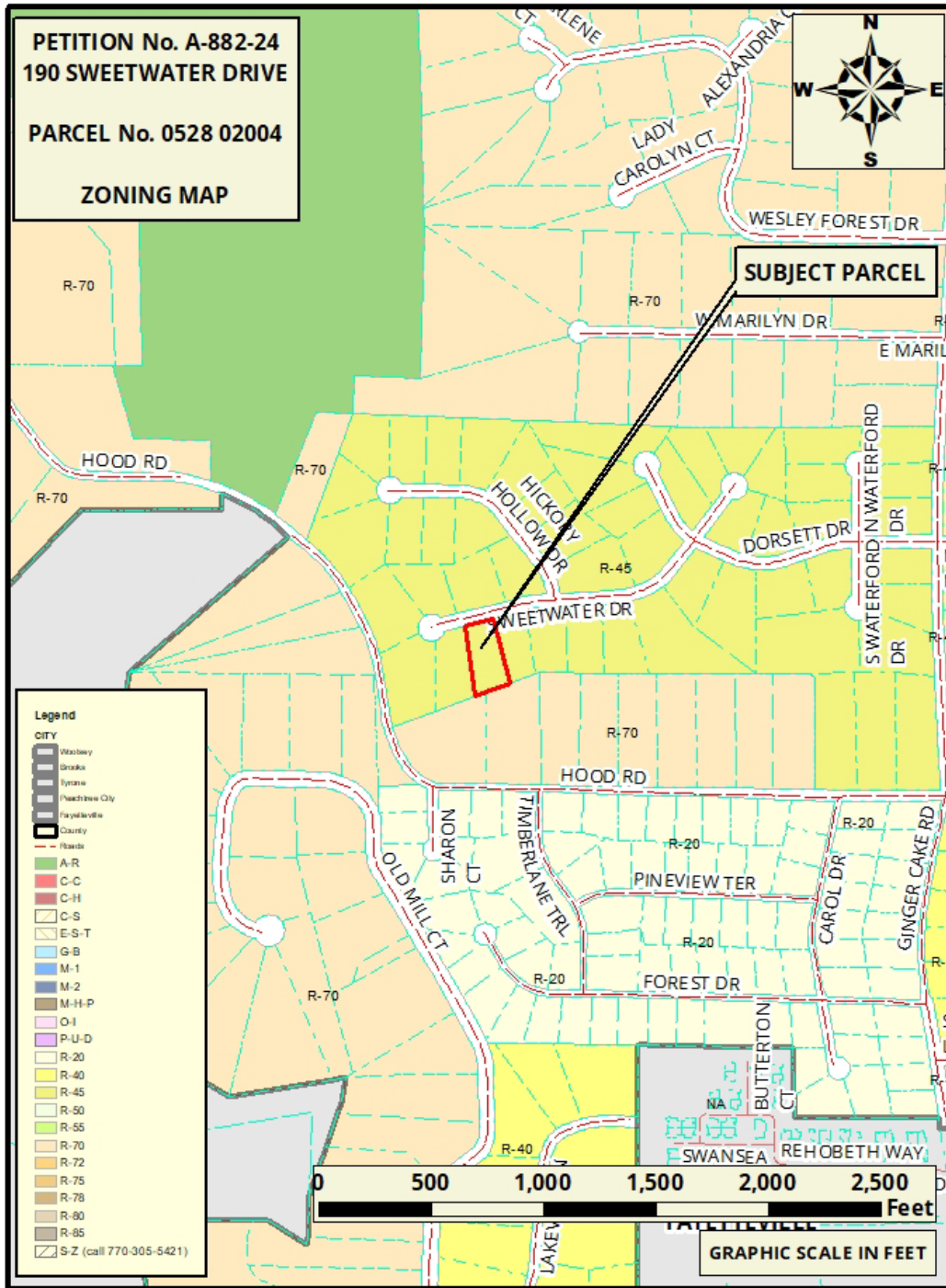
Staff Assessment

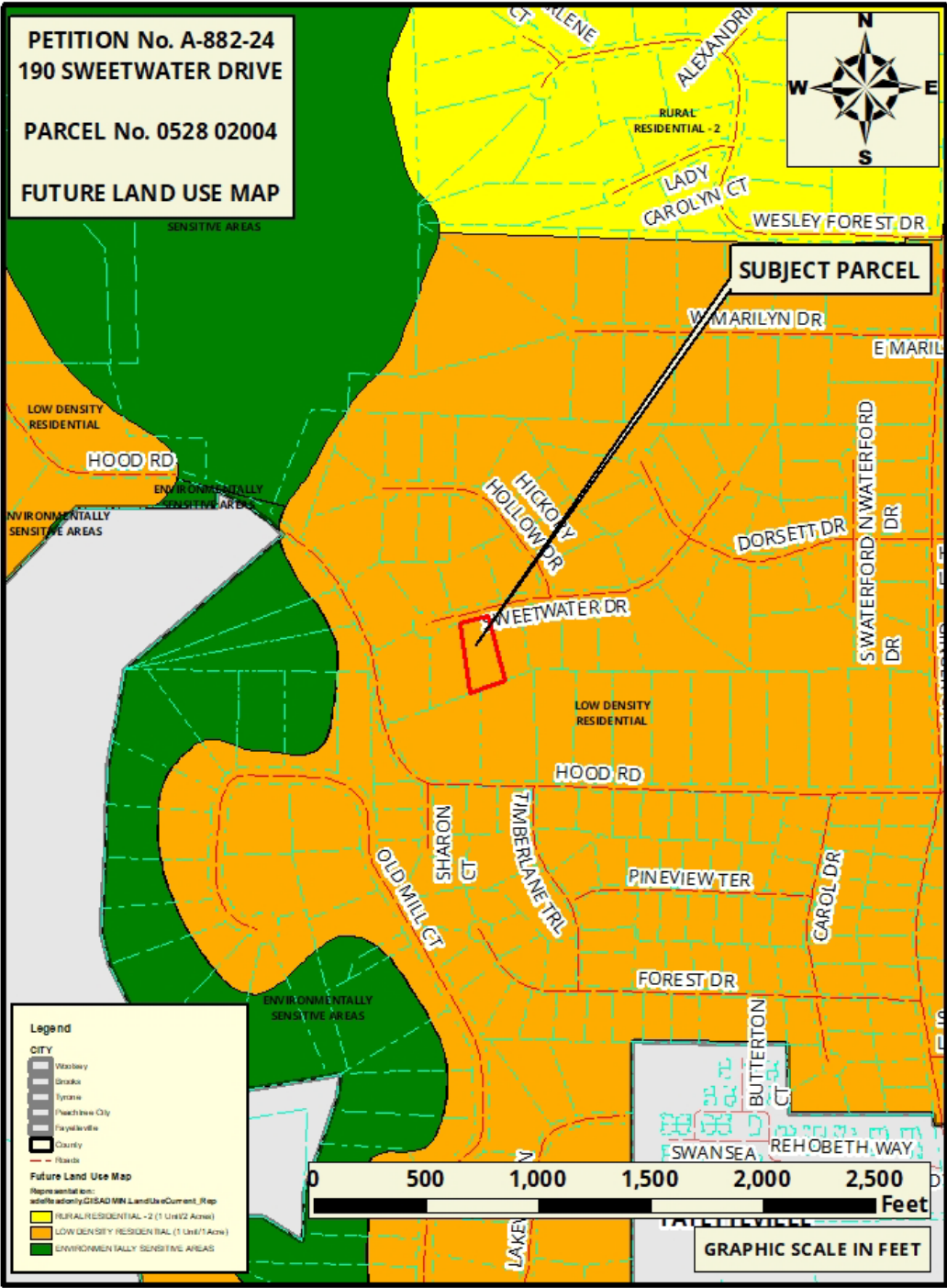
Please refer to the application form for the applicant's justification of criteria.

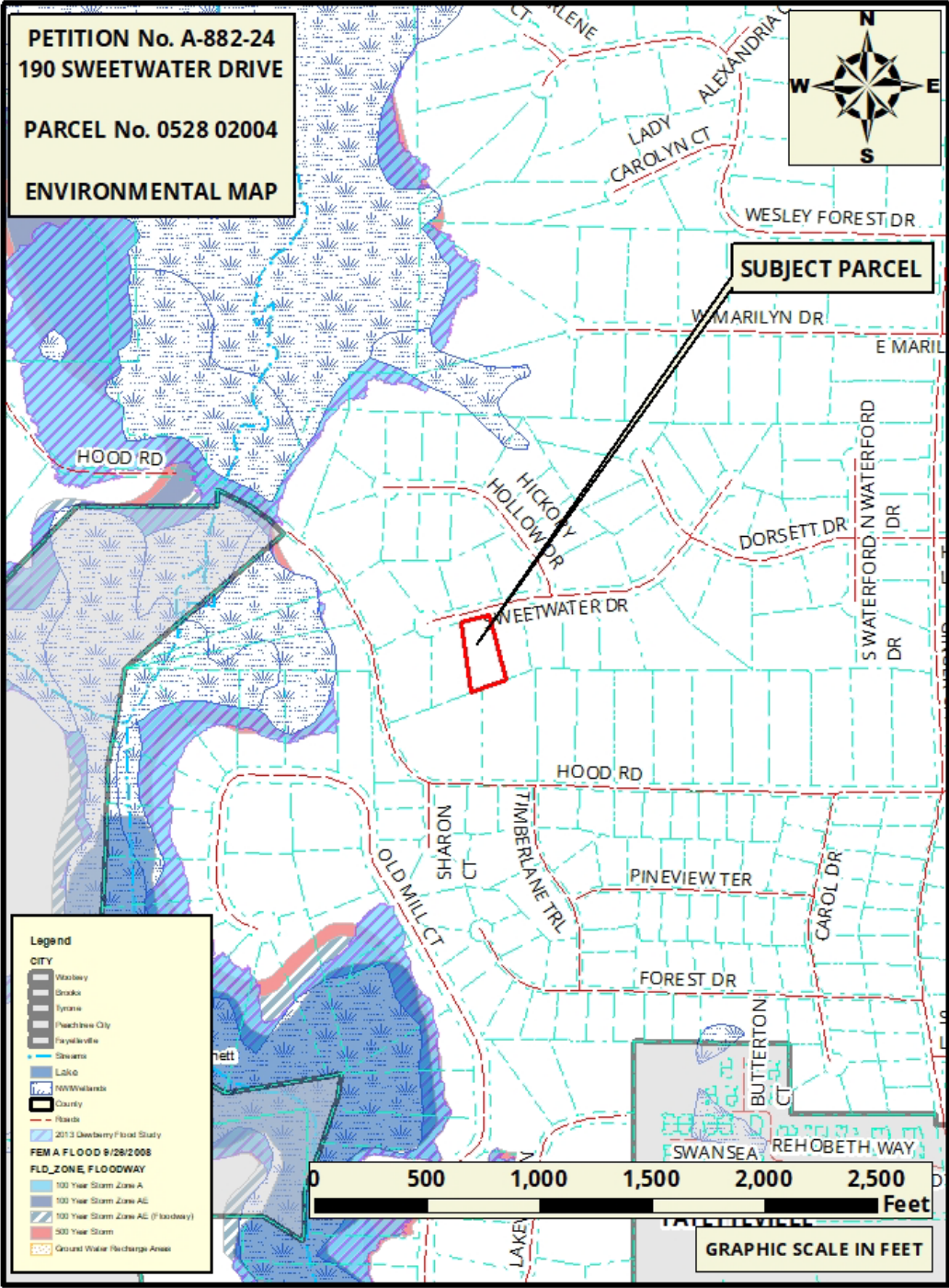
The Fayette County Zoning Ordinance, Sec. 110-242. (b) states that in order to grant a variance, the Zoning Board of Appeals shall and must find that all five (5) conditions below exist.

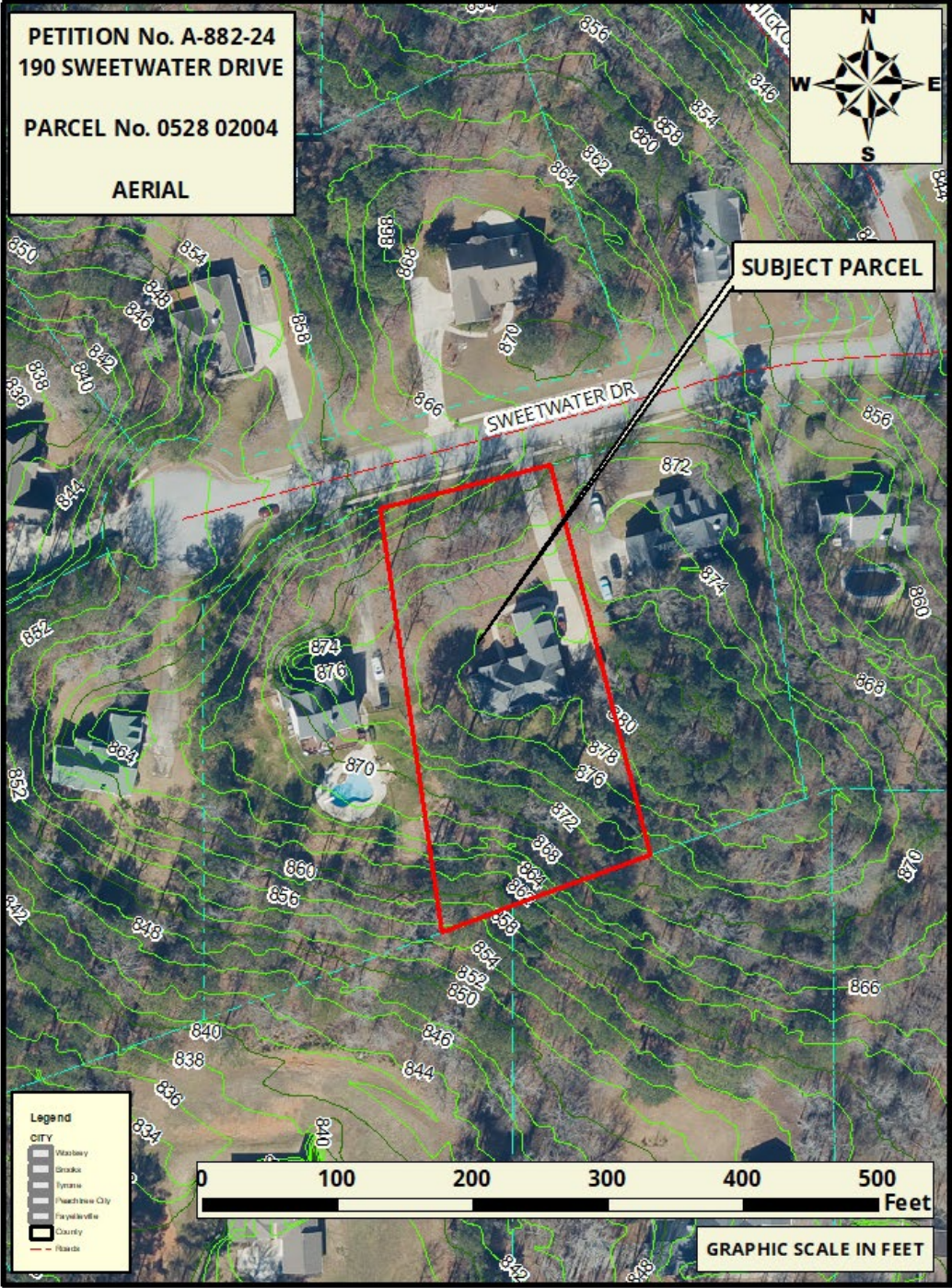
- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The location of the house and septic tank make it difficult to locate a detached garage elsewhere on the lot.
- 2. The application of these regulations 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 locations of the house and septic create a unique situation on the lot.
- 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 of the building is not likely to have an adverse impact on the neighbors.
- 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 continue to have the same rights as all other residents in this zoning district.











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

PROPERTY INFORMATION:

Parcel No. 052802004 Acreage: 1 Land Lot: 5 Land District: 130
Address: 190 SWEETWATER DRIVE
Existing Zoning: R-45 Requested Zoning: R-45
Zoning of Surrounding Properties: R-45
Existing Use: RESIDENTIAL
Proposed Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

Name WALTER A. FINN
Email WFINN0718@GMAIL.COM
Address 190 SWEETWATER DRIVE
City FAYETTEVILLE
State GA Zip 30214-1098
Phone (352) 476-8121

AGENT/DEVELOPER INFORMATION (If not owner)

Name _____
Email _____
Address _____
City _____
State _____ Zip _____
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-882-24

Application Insufficient due to lack of: _____
by Staff: _____ Date: _____

Application and all required supporting documentation is Sufficient and Complete
by Staff: Mania Bins Date: 12/6/24

DATE OF ZONING BOARD OF APPEALS HEARING: Jan. 27, 2025

Received payment from Walter Finn a ~~check~~^{cc} in the amount of \$ 175.00

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

Date Paid 11/27/24 Receipt Number: 02777R

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:

WALTER A. FINN

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0528 0200 4

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

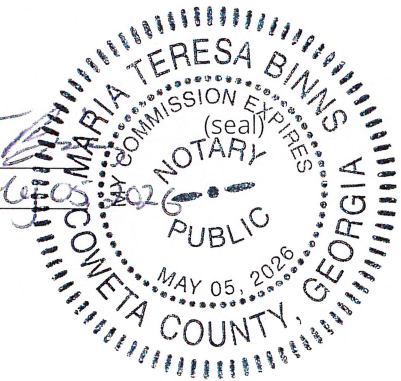
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees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

Signature [Handwritten Signature]
Name: WALTER A. FINN
Address: 190 SWEETWATER DRIVE
City/State/Zip: FAYETTEVILLE, GA 30214
Date: 11 / 27 / 24

Owner/
Agent
One:

Notary: [Handwritten Signature]
Commission Exp.: 05/05/2026



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

Owner/
Agent
Two:

Notary: _____ (seal)
Commission Exp.: _____

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	Sec. 110-136 (d)(6)
Requirement	20' side yard setback
Proposed Change	5' side yard setback + 2' OVERLAP INTO NEIGHBOR'S PROPERTY
Variance Amount	Reduce side yard setback by 15'

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.

JUSTIFICATION OF REQUEST

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

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

THE PROPOSED DETACHED GARAGE CAN ONLY BE BUILT IN THE LOCATION REQUESTED. IT WILL NOT FIT ON THE OTHER SIDE OF THE HOUSE. THERE IS A SEPTIC SYSTEM IN THE BACK, AND THERE IS A SLOPE TOWARDS THE FRONT.

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

THE HOME WAS RECENTLY PURCHASED AND THE OWNER IS INCURRING MORTGAGE AND OTHER EXPENSES. BUILDING THE STRUCTURE ELSEWHERE TO MEET REGULATIONS WOULD BE VERY COSTLY.

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

THE DRIVEWAYS OF THE TWO PROPERTIES INVOLVED HAVE THE PECULIARITY OF BEING ADJACENT UNLIKE MOST OTHER PROPERTIES IN THE SAME 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.

THERE IS NO DETRIMENT TO PUBLIC GOOD AND NO OTHER PARTIES AFFECTED. THE NEIGHBOR INVOLVED IN THE VARIANCE IS IN AGREEMENT AND HAS SIGNED LETTER CONSENTING TO PROPERTY SWAP.

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

WITHOUT REDUCTION OF SIDE YARD SETBACK (TO 5' SIDE + 3' OVERLAP INTO NEIGHBOR'S PROPERTY) IT WILL NOT BE POSSIBLE TO CONSTRUCT DETACHED GARAGE GIVEN THE SPACE REQUIRED.

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: <i>Maia Bims</i>	Lot Size: <i>1</i>	
Lot: <i>17</i>	Width:	
Zoning: <i>R-45</i>	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages <i>1</i>	House Size:	

December 4, 2024

Fayette County Planning and Zoning Department
Attn: Debbie Bell, Director
140 Stonewall Avenue West, Suite 202
Fayetteville, GA 30214

Re: Variance Application
Name: Walter A. Finn
Address: 190 Sweetwater Drive
Fayetteville, GA 30214
Parcel # 052802004
Zone: R-45

Dear Ms. Bell:

Thank you for assistance in sending the requirements needed in order for me to construct my detached garage. I have already requested an updated survey of my property, and will describe the variance I am requesting as follows:

I would like to build a 24' x 28' detached garage on the east side of my house where the driveway ends. Despite the septic tank being located behind this area, I do not foresee any issue with front to back setback. As previously discussed, the issue lies with the property line and side easement.

The building foundation will be 13' from the side of the current house already constructed. The concrete slab will be 24' wide. We will leave 5' fire separation between where my detached garage is built and where my neighbor Ernest Matthew Kennemore of 180 Sweetwater Drive (Parcel # 052802003) builds his detached garage in the near future.

In order to achieve the aforementioned, Matt and myself have agreed to reconfigure the property line on the side where the structure will be built via property swap, and I will replace the square footage used by reconfiguring my property line in the back corner of my lot.

Appreciate your time and assistance in helping with approval of our request with the board, thank you.

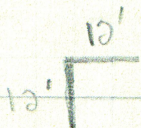
Sincerely,



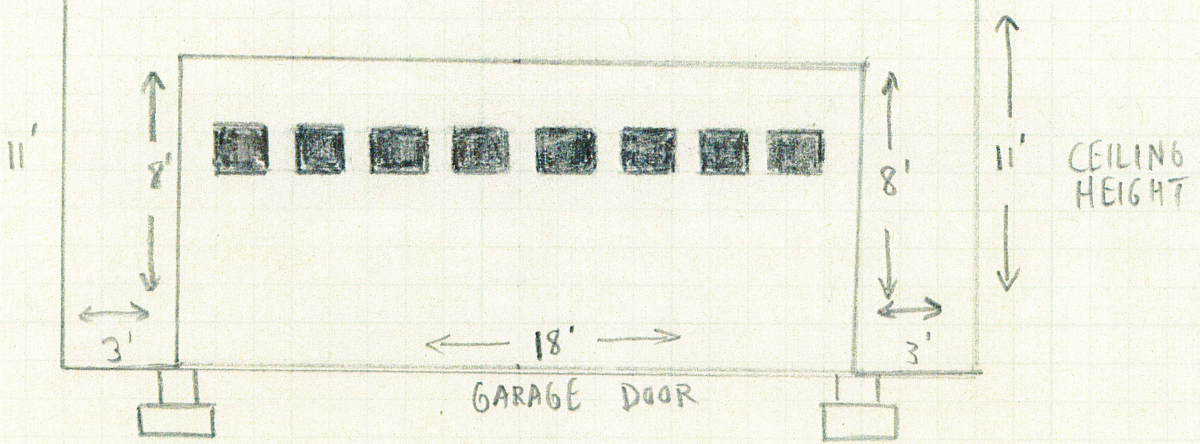
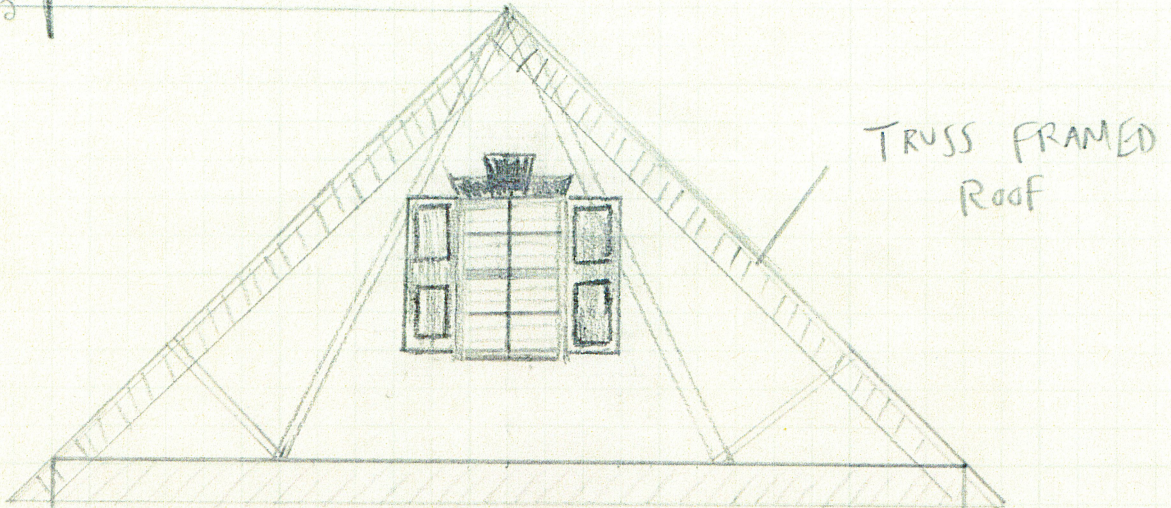
Walter A. Finn



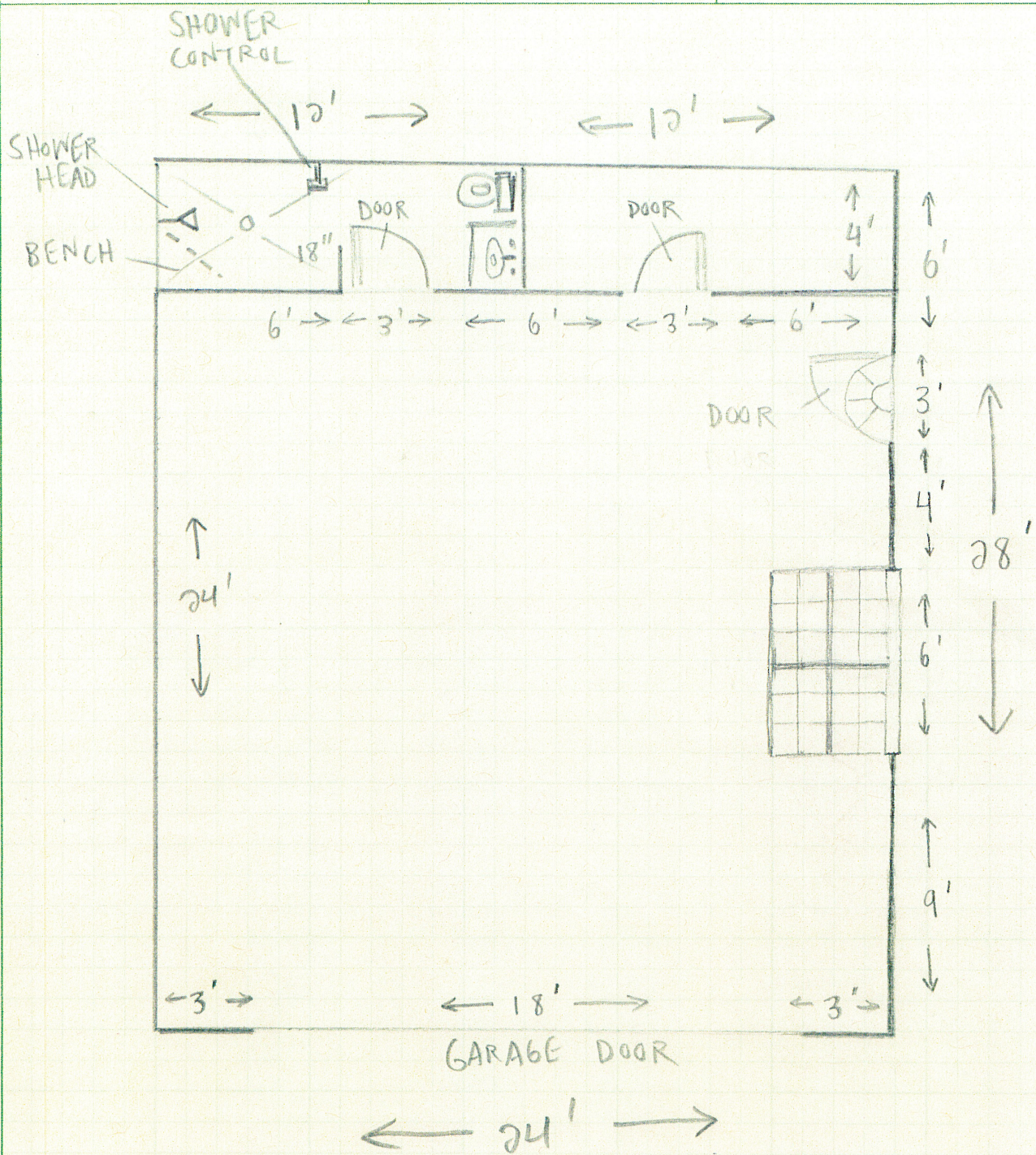
Ernest M. Kennemore



↑
23' GRADE
TO RIDGE
↓



CONCRETE SLAB FOUNDATION



EDGE & KIMBELL LAW, LLC

503 Commerce Drive
Peachtree City, GA 30269
678-962-0050 • ptc@eklawllc.com

October 21, 2024

Walter A. Finn
1345 West Diamond Shore Loop
Hernando, FL 34442

RE: 190 Sweetwater Drive, Fayetteville, GA 30214

Dear Sir or Madam:

In connection with your recent purchase of the above referenced property, enclosed are the following items:

Original Deed(s):

Original Deed conveying title to the property, recorded on October 17, 2024, in Fayette County, Georgia.

Original Owner's Policy

Owner's copy of the Title Insurance Policy Number OP05369375 issued by CATIC providing \$475,000.00 of owner's coverage. Note that if no policy is enclosed, the original policy was provided at the time of closing.

Now that this document has been recorded, you should file for any property tax exemptions to which you may be entitled. This includes homestead exemptions, senior exemptions, and veteran's exemptions amongst others. Thank you for letting us help you with your purchase. In addition to closings, we offer the following services:

Real Estate, including closings, titles, liens, boundary lines, commercial leases, mortgages and foreclosures, zoning issues, construction defects, title examinations, etc.

Estate Planning, including trusts, family limited partnerships, last wills and testaments, living wills, durable powers of attorney for health, general powers of attorney, etc.

Small Business Transactions and Formation, particularly asset purchases, Sales of Businesses, Stock and Membership transactions, setting up corporations and Limited Liability Companies (LLC's).

A Word on Title Theft / Fraud

Georgia now offers a free deed monitoring system through the Georgia Superior Court Clerk's Cooperative Authority. For more information visit <https://fans.gsccca.org>.

We appreciate the opportunity to be of service to you and hope that you will not hesitate to contact us should you require legal assistance in the future.

Sincerely,

Edge & Kimbell Law, LLC

Enclosures

Participant ID(s): 9035938284,
7067927936

BK 5770 PG 584 - 586

Return to:

Edge & Kimbell Law, LLC
Irene Foster
503 Commerce Drive
Peachtree City, GA 30269

File No.: PTC-24-3761
Parcel ID: 052802004

LIMITED WARRANTY DEED

STATE OF GEORGIA, COUNTY OF FAYETTE

THIS INDENTURE, Made the 15th day of October, 2024 between

Linda K. Lund,

of the State of Georgia, as party of the first part, hereinafter called Grantor and

Walter A. Finn,

as party 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 **FOUR HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$475,000.00)** AND OTHER VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all that tract or parcel of land:

See Exhibit "A" Attached Hereto and Made a Part Hereof

commonly known as **190 Sweetwater Drive, Fayetteville, GA 30214**

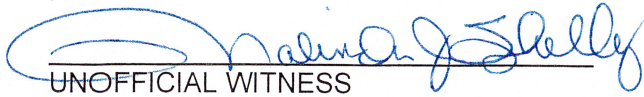
SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

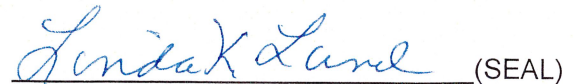
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantee forever in FEE SIMPLE.

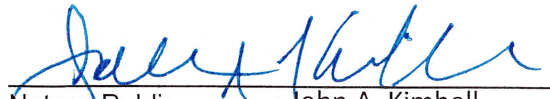
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

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

Signed, sealed and delivered in the presence of:


UNOFFICIAL WITNESS

 (SEAL)
Linda K. Lund


Notary Public John A. Kimbell
My Commission
Expires: February 23, 2025
SEAL:

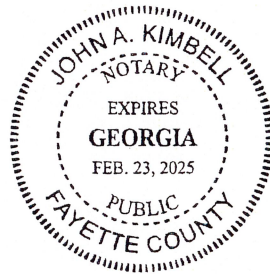


EXHIBIT "A"
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 103 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA AND BEING ALL OF LOT 17 OF DORSETT PLACE SUBDIVISION AND WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN THAT CERTAIN PLAT OF SUBDIVISION AS RECORDED IN PLAT BOOK 31, PAGES 16-17, FAYETTE COUNTY, GEORGIA RECORDS AND WHICH PLAT IS INCORPORATED FULLY HEREIN BY THIS REFERENCE HERETO.

PARCEL ID NUMBER: 052802004

COMMONLY KNOWN AS 190 SWEETWATER DRIVE, FAYETTEVILLE, GA 30214

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, Janu-
ary 27, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-882-24
Owner(s): Walter A. Finn
Property Address: 190 Sweetwater
Drive
Parcel: 052802 004
Zoning District: R-45
Area of Property: 1.0 acres
Land Lot(s): 130
District: 5th
Road Frontage: Sweetwater Drive
Request: Applicant is requesting
the following: Per Sec. 110-136(d)
(6), to reduce the side yard setback
from 20' to 5' to build a detached
garage.

EXHIBIT "A"

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 103 OF THE 5TH
DISTRICT OF FAYETTE COUN-
TY, GEORGIA AND BEING ALL
OF LOT 17 OF DORSETT PLACE
SUBDIVISION AND WHICH
PROPERTY IS MORE PARTIC-
ULARLY DESCRIBED IN THAT
CERTAIN PLAT OF SUBDIVI-
SION AS RECORDED IN PLAT
BOOK 31, PAGES 16-17, FAYETTE
COUNTY, GEORGIA RECORDS
AND WHICH PLAT IS INCORPO-
RATED FULLY HEREIN BY THIS
REFERENCE HERETO.

PARCELIDNUMBER: 052802004
COMMONLY KNOWN AS - 190
SWEETWATER DRIVE, FAY-
ETTEVILLE, GA 30214