

**BOARD OF APPEALS**

Bill Beckwith, Chairman  
Brian Haren, Vice-Chairman  
Marsha Hopkins  
John Tate  
Kyle McCormick

**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  
February 24, 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 January 27, 2024.

**PUBLIC HEARING**

5. Consideration of Petition No. A-883-24 – Douglas Fields & Lucille Fields, Owners, per A. Per Sec. 110-125(d)(5), Reduce the rear yard setback from 75’ to 67.5’ to allow an existing accessory structure to remain. B. Per Sec. 110-125(d)(6), Reduce the side yard setback from 50’ to 12.1’ to allow an existing accessory structure to remain. The subject property is located in Land Lot 59 & 70 of the 5<sup>th</sup> District and fronts Highway 85 South.
6. Consideration of Petition No. A-884-24 – Steven Sappington, Owner, Applicant is requesting a variance to Sec. 110-125(d)(1), to reduce the minimum lot area from five (5) to 4.84 acres to allow for the construction of a single-family residence. Per Sec. 110-242(c)(1), the lot is eligible for a request for a variance to the minimum lot size. The subject property is located in Land Lot 56 of the 4<sup>th</sup> District and fronts Grant Road and McIntosh Road.

**NEW BUSINESS**

7. Discussion of Amendments to Chapter 110. Zoning Ordinance, regarding Article VII.-Zoning Board of Appeals. – Sec. 110-242 Powers and Duties.

# Minutes 01/27/2025

**THE FAYETTE COUNTY ZONING BOARD OF APPEALS** met on January 27, 2025, 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 [Absent]  
Anita Davis

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

---

1. Call to Order. **Chairman Bill Beckwith called the January 27, 2025, 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. **Brian Haren made a motion to approve the agenda. Anita Davis seconded the motion. The motion carried 4-0. John Tate was absent.**
4. Consideration of the Minutes of the Meeting held on September 23, 2024. **Marsha Hopkins made a motion to approve the minutes of the meeting held on December 16, 2024. Brian Haren seconded the motion. The motion carried 4-0.**

## **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 5<sup>th</sup> District and fronts Highway 85 S and Price Road.

Ms. Deborah Sims asked the petitioner if would like to proceed without a full board present. The petitioner agreed and she explained to the board the request, showed the map location of the property, and added that GDOT prefers the access off Price Road instead of Highway 85.

Mr. Noah Chapman with Gasking LeCraw, a civil engineering firm spoke in representation of Christian Brother Automotive and stated they were proposing a ten bay automotive repair facility, they had spoken with GDOT for access on Price Road instead since it is limited trips per day around 200 and asked the board to approve the variance for the development.

Chairman Bill Beckwith asked if anyone would like to speak in favor of petition A-879-24.?

Mr. Matt Kennemore gave his support for this development to obtain his approval from the board.

Chairman Bill Beckwith asked if anyone would like to speak in favor or opposition of petition A-879-24.? No one responded, he brought the item back to the board and asked if they had any questions.?

Chairman Beckwith asked Mr. Chapman, if the idea will be a safety issue, is that your point/GDOT point.?

Mr. Chapman responded they have very limited frontage on State Route, it doesn't meet GDOT standards for spacing and will create conflicts to turn out coming Highway 85, he stated they have been working with all departments in the county.

Vice-Chairman Brian Haren asked staff if we had something in writing from GDOT that they would prefer this option.?

Ms. Sims believes they have something from GDOT and due to the closed road frontage along Hwy 85 and Price Road will put two access close together. Staff has reviewed the proposal, and they agree with it.

Chairman Beckwith commented Price Road is not too wide; do you have to plan to have a turn-in that is off the actual pavement without creating conflicts with cars going up and down Price Road.?

Mr. Chapman responded it appears there will be a few trips per day and haven't been required that, if necessary, staff can require of us and any type of delivering truck will not have problems maneuvering the site, the radius is around twenty-five or thirty-five.

Chairman Beckwith asked if anyone else had any questions.?

Ms. Sims added that it was also part of the rezoning they dedicated right of way, and they have been working on it throughout the process.

Mr. Chapman pointed at the screen map and explained that GDOT eventually will take more right of way, so we plan the detention pond doesn't have to be moved.

Chairman Beckwith asked if no one else had any questions to move for a motion.

***Brian Haren made a motion to Approve Petition No. A-879-24. Marsha Hopkins seconded the motion. The motion passed 4-0.***

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 5<sup>th</sup> District and fronts Berry Ridge Road and Sherwood Road.

Ms. Deborah Sims asked petitioner Tim Hester if he would like to proceed without a full board present. Mr. Hester replied yes. Ms. Sims explained to the board the petitioner got an approved variance for a new hanger that constructed slide offset when the placement from 40 feet from the front yard setback came back to 37.7 feet, he is asking for a variance to continually complete the construction of that hanger.

Chairman Beckwith asked the petitioner if he would like to speak.

Mr. Tim Hester explained when the concrete company completed the job it had the incorrect measurements, the northeast corner was twisted inside the setback. He spoke to his neighbors about it, and they had no problem with this request.

Chairman Beckwith asked the audience if anyone was in support of the petition. With no response, he asked if anyone opposed it, again nobody objected. He brought the item back to the board and asked if anyone had any questions.

Ms. Anita Davis asked the petitioner if the foundation had been poured or had constructed the walls for the hanger.?

Mr. Hester responded that in the middle of September, the concrete was poured and in October was framed in. I started to contact the county staff and we stopped the work.

Vice-Chairman Bryan Haren asked staff how we measure to the edge of the Right of way. From the center line of the road.?

Ms. Sims responded the ROW should be measured from the center line of the road, typically if you going to do it without a surveyor and if it gets too close, we request a foundation survey. The proposal showed he was going to be within two feet of a setback, and it showed he was too close.

Chairman Beckwith asked staff to show where the petitioner property line stars on the map/survey.

Ms. Sims pointed out the survey, showing the forty foot built line and the closest part is 37.7 feet to where the property lines begin.

Chairman Beckwith stated drove by the property and mentioned to the petitioner had quit steel and asked the board if no further questions or comments someone would like to make a motion.

***Anita Davis made a motion to Approve Petition No. A-880-24 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. Brian Haren seconded the motion, The motion passed 4-0.***

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 5<sup>th</sup> District and fronts Lake Circle Drive.

Ms. Sims asked the petitioner if they would like to proceed without a full board present, the applicant replied yes, and she commenced with the staff report of the petition.

Mr. Jay Davis stated his address and mentioned the issue came out when they wanted to build a swimming pool, the building in question was built in 2007 and had the certificate of occupancy, and knows it was some type of issue with the setback once we were talking to purchase it from my wife's relative.

Chairman Beckwith asked if anyone in the audience would like to speak in favor of the petition.?

Ms. Fe Williams stated she lives in Mitchell Estates, as a neighbor. She mentioned the shed it been there for a long time, it does sit on the property line but is in a buffer to another neighborhood which doesn't affect anyone, and she asked the board to grant the petition.

Chairman Beckwith asked the audience if there was anyone else to speak in favor of the petition.? No one responded, then he asked if there was anyone to speak in opposition.? But no one responded. He brought the item back to the board and asked if anyone had any comments or questions.

Vice-Chairman Haren asked the petitioner if the shed had a poured foundation and if was there when you purchased the property.?

Mr. Davis responded it does, had power, and would be very expensive to remove it.

Vice-Chairman Haren also asked if it was there when he purchased the property.?

Mr. Davis responded yes, was built back in 2007.

Chairman Beckwith asked the board if they had any more comments, if not he asked for a motion to be made.

***Brian Haren made a motion to Approve Petition No. A-881-24 requesting to reduce the rear yard setback from 30' to 28' to allow an existing garage (Storage Building) to remain. Marsha Hopkins seconded the motion. The motion passed 4-0.***

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 5<sup>th</sup> District and fronts Sweetwater Drive.

Ms. Sims asked the petitioner if they would like to proceed since there wasn't a full board present.? The petitioner agreed to proceed with the petition. She stated this was a new variance to build a detached garage, but it was complicated by the small side yard setback and before they do a property swap and reduce it to five feet will require a foundation survey when the detached garage is built to ensure there will no encroach any further to reduce the side yard setback five feet once the property line is moved.

Mr. Walter Finn stated they purchased the house back in October because of storage space they wanted to build a detached garage, the driveway is parallel to each other, which is really the only place where we could build it and shouldn't affect anything. He stated his present neighbor agreed to do the swap, so everyone can have one acre lot and there won't be any other changes than the property lines.

Chairman Beckwith mentioned this was the first time he witnessed neighbors try to help each other in a request like that. And asked the audience if anyone would like to speak in favor of the petition.

Mr. Matt Kennemore stated is a perfect plan and he has no problem supporting his neighbor.

Chairman Beckwith asked the audience if anyone would like to speak in opposition.? With no response, the Chairman brought the item back to the board and asked if anyone had questions.

Vice-Chairman Haren asked the petitioner if the house had currently a garage, correct.? And there was no way you could make it fit on the other side of the property which seems to have plenty of space.

Mr. Finn responded yes and would have to build a second driveway which would be paralleled to their other neighbor too. The house will have two driveways.

Vice-Chairman responded he understood but it would be within the rules if it was done that way.

Mr. Finn explained he hadn't measured, to be honest.

Vice-Chairman Haren asked about this land swap your driveway will encroach into what will become his property.?

Mr. Finn explained on the survey the way would be traced once they did the property swap.

Ms. Sims commented there would be a slope problem if they were to put the detached garage over on that side.

Vice-Chairman asked where is the drain field on the property.? Are you on septic.?

Ms. Sims responded yes on septic and the drain field is in the back yard it would be a no go; she showed the board on the map where was located.

Mr. Finn added they would have to move the septic tank anyway.

Vice-Chairman added the issue he saw was a lot of contortion to make something fit, on the other hand, as Mr. Beckwith pointed out is the first time we've seen two neighbors communicate and cooperate, and from that perspective, I'm inclined to support it.

Mr. Kennemore commented if you saw their property on paper, it looks more complicated than in person, what he is requesting from me I will never use what is going to give me back in return is part of a backyard that slopes down.

Vice-Chairman responded he understood but it was a large variance to ask for.

Chairman Beckwith said they normally the board does ask to find a reasonable or different placement for something like this when there is a case of an almost inaccessible request and not sure if there is none. He stated would support Mr. Haren thought to make this the first one. He asked for a motion.

Vice-Chairman Haren asked do we approve it tonight.?

Ms. Sims responded she would recommend approving the variance and the final plat can be revised and approved, then he can apply for a building permit. After the final plat is revised to change the property lines as stands now, he will be building on his neighbor's property and there is nothing we can do with that. He is asking preventively to approve changing the property lines and an encroachment up to five feet of the property line instead of the fifteen-foot building setback so he could build the detached garage.

*Vice-Chairman Brian Haren made a motion to **CONDITIONAL APPROVAL** for Petition No. A-882-24. Bill Beckwith seconded the motion. The motion passed 4-0.*

**CONDITIONS:**

1. *Final Plat be revised before applying for a building permit.*

\*\*\*\*\*

*Vice-Chairman Brian Haren made a motion to adjourn. Anita Davis seconded the motion. The motion passed 4-0.*

*The meeting adjourned at 7:44 p.m.*

**ZONING BOARD OF APPEALS  
OF  
FAYETTE COUNTY**

---

**BILL BECKWITH, CHAIRMAN**

---

**DEBORAH BELL  
DIRECTOR, PLANNING & ZONING**



**PETITION NO: A-883 -24**

**Requested Actions:**

- a. Variance to Sec. 110-125(d)(6) - To allow a variance to reduce the side yard setback from 50 feet to 12.1 feet to allow an accessory structure to remain.
- b. Variance to Sec. 110-125(d)(5) - To allow a variance to reduce the rear yard setback from 75 feet to 67.5 feet to allow an existing accessory structure to remain.

**Location:** 1004 Hwy. 85 S, Fayetteville, Georgia 30215

**Parcel(s):** 0517 069

**District/Land Lot(s):** 5<sup>th</sup> District, Land Lot(s) 59 & 70

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

**Lot Size:** 4.316 Acres

**Owner(s):** Douglas F. & Lucille Fields, Trustees

**Agent:** N/A

**Zoning Board of Appeal Public Hearing:** February 24, 2025

**REQUEST**

Applicant is requesting the following:

- a. Per Sec. 110-125(d)(6) Side yard setback in the A-R Zoning District is required to be 50 feet. The applicant requests to reduce the setback by 37.9 feet, to a distance of 12.1 feet, to allow an existing accessory structure to remain.
- b. Per Sec. 110-125(d)(5) Rear yard setback in the A-R Zoning District is required to be 75 feet. The applicant requests to reduce the setback by 7.5 feet, to a distance of 67.5 feet, to allow an existing accessory structure to remain.

**STAFF ASSESSMENT**

The encroachment is minor and is unlikely to pose any problems for neighboring properties. Both of the immediately adjacent neighbors who would be affected by the variances have submitted letters stating that they have no objections to the variances.

## **HISTORY**

This parcel is a legal lot of record documented in a deed recorded in Deed Book 186 Page 174 on August 22, 1978. The house and accessory structure were built shortly thereafter. The owner recently realized that the accessory structure is too close to the property lines and is requesting a variance for the structure to remain so there will not be any impediments to future permitting, etc.

## **ZONING REQUIREMENTS**

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

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

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

## **DEPARTMENTAL COMMENTS**

- Water System** –No objections.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – This office has no objection to the proposed variance. However, approval for the shed was not obtained through our office. Therefore, any damage done to the current septic system or replacement septic area is solely the responsibility of the owner.
- Department of Building Safety** – No comments.
- Fire** – No comments.

## **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.**

*Because the house is located relatively far back on the lot, it would be difficult to fit the structure behind the house. Due to the age of the buildings, copies of the building permits are not available.*

- 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,**

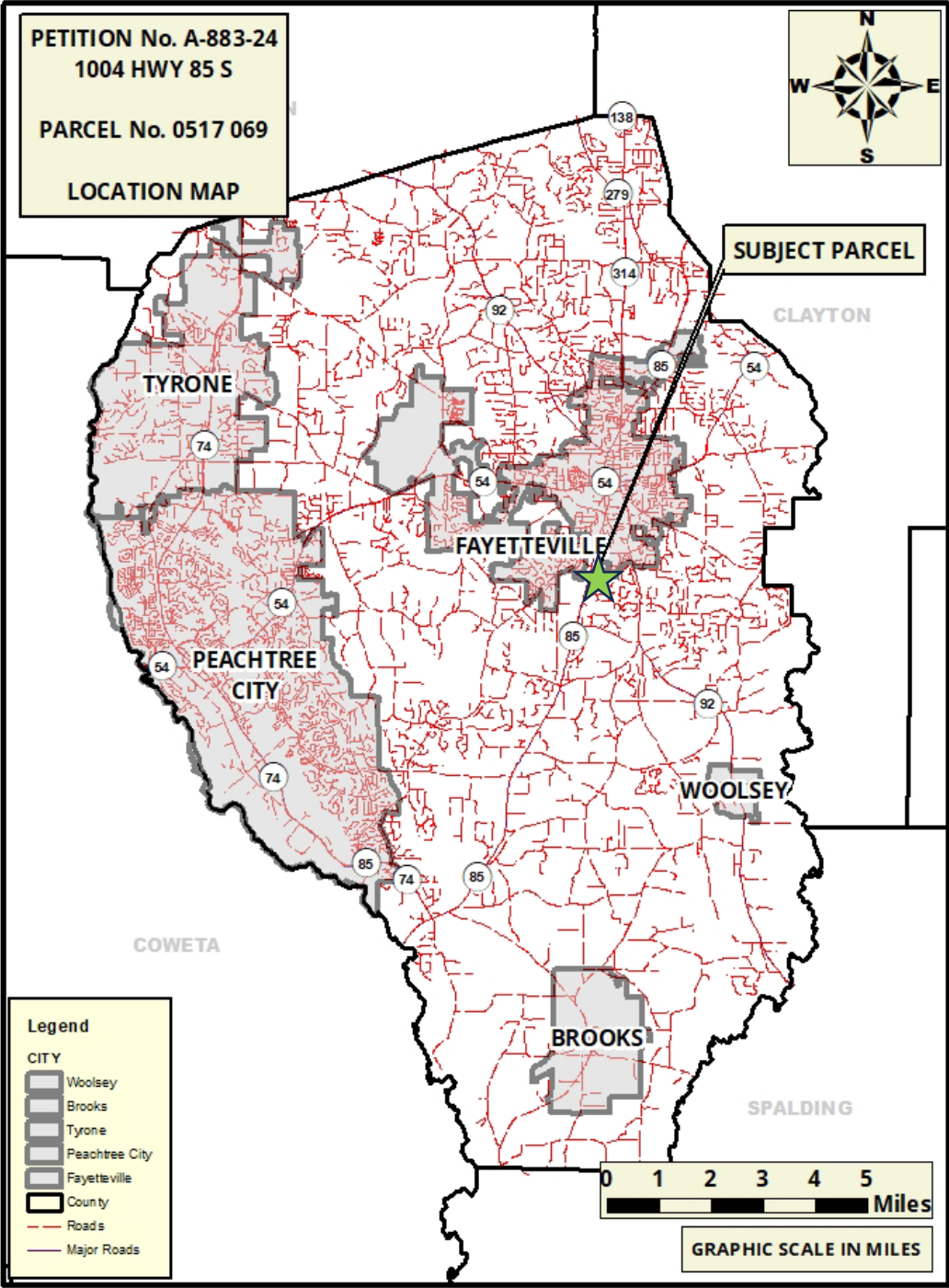
*The locations of the house on the lot, and the location of the septic system, create a unique situation on the lot.*

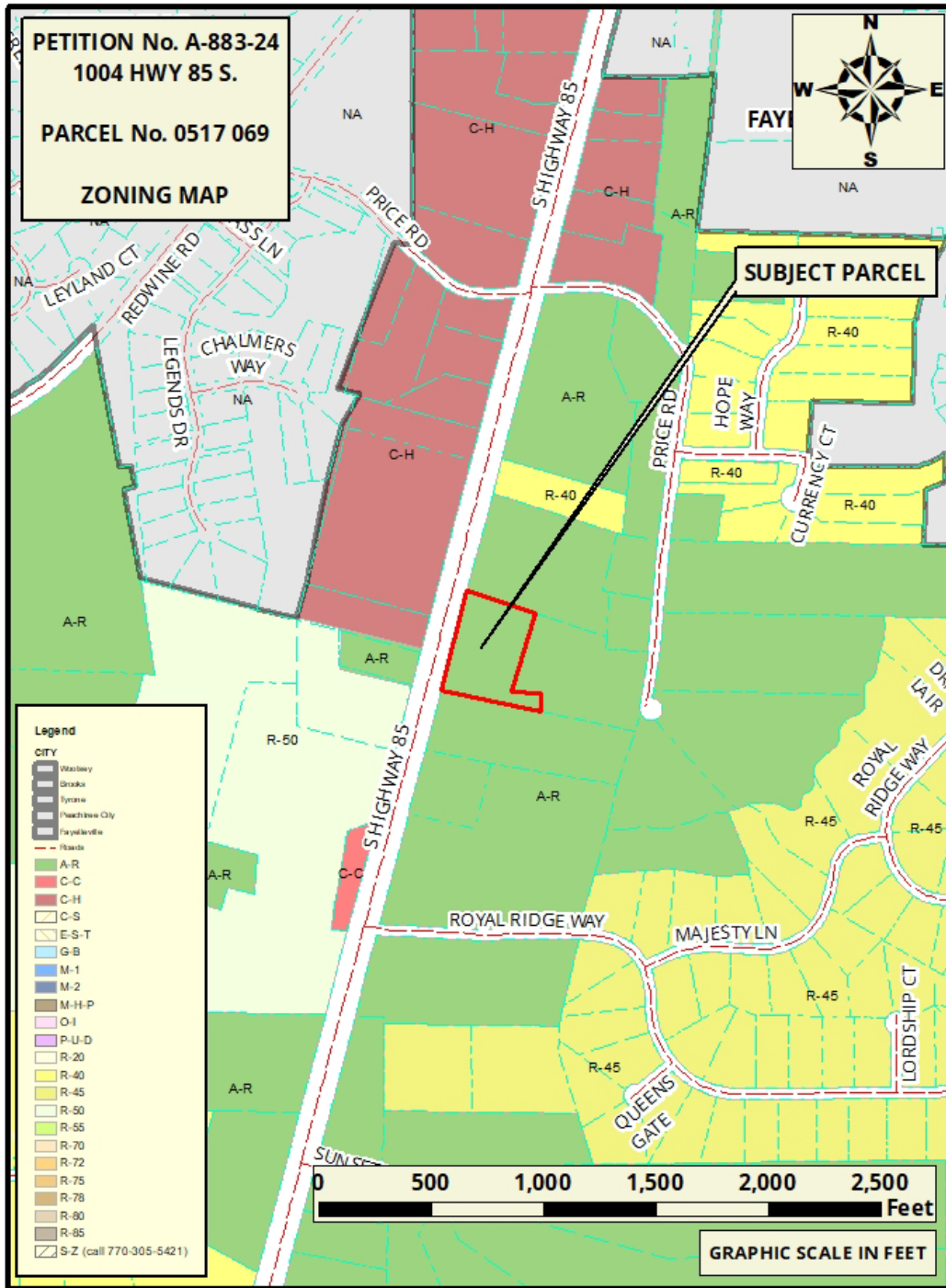
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**

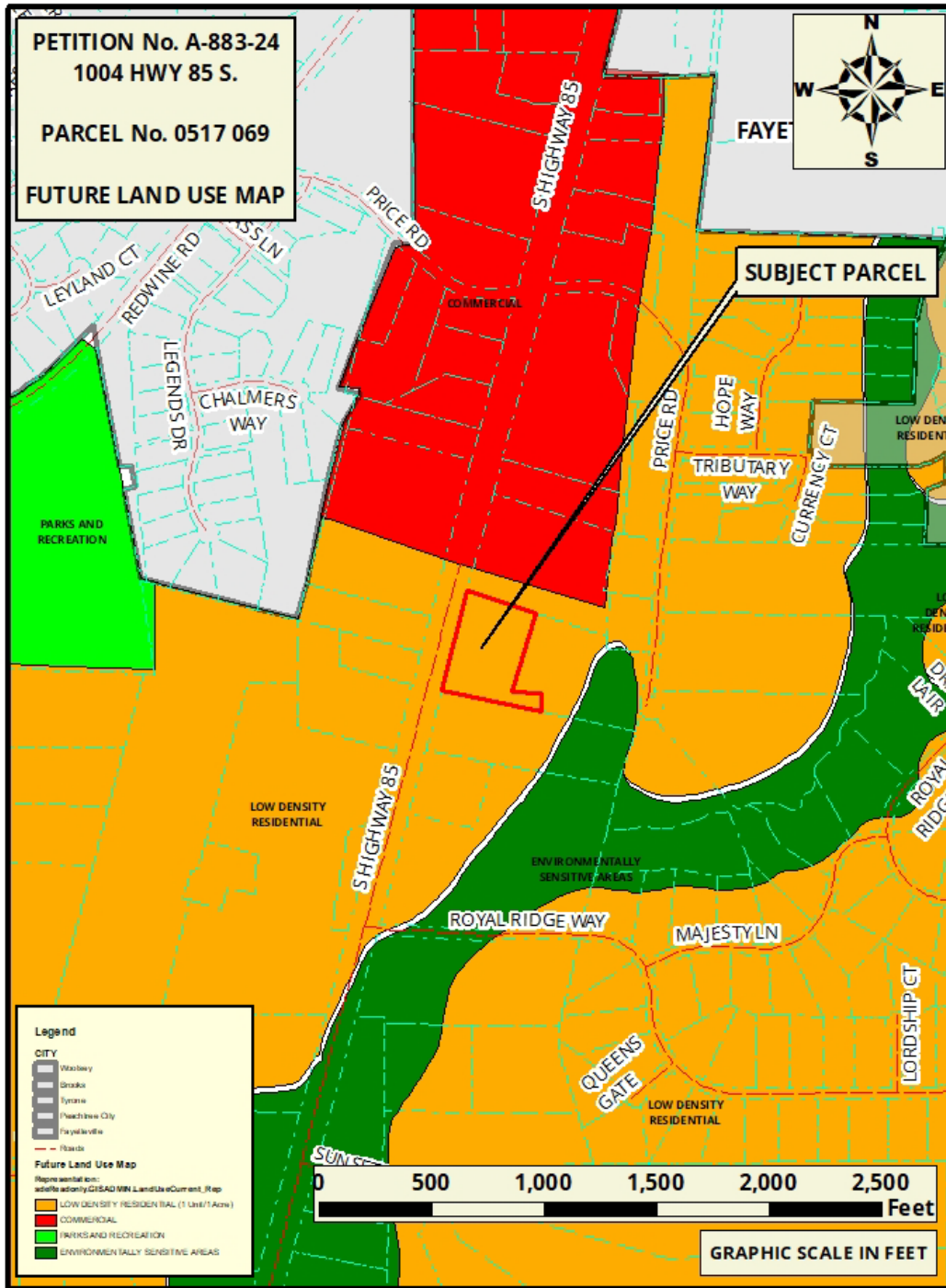
*The encroachment of the building is not likely to have an adverse impact on the neighbors.*

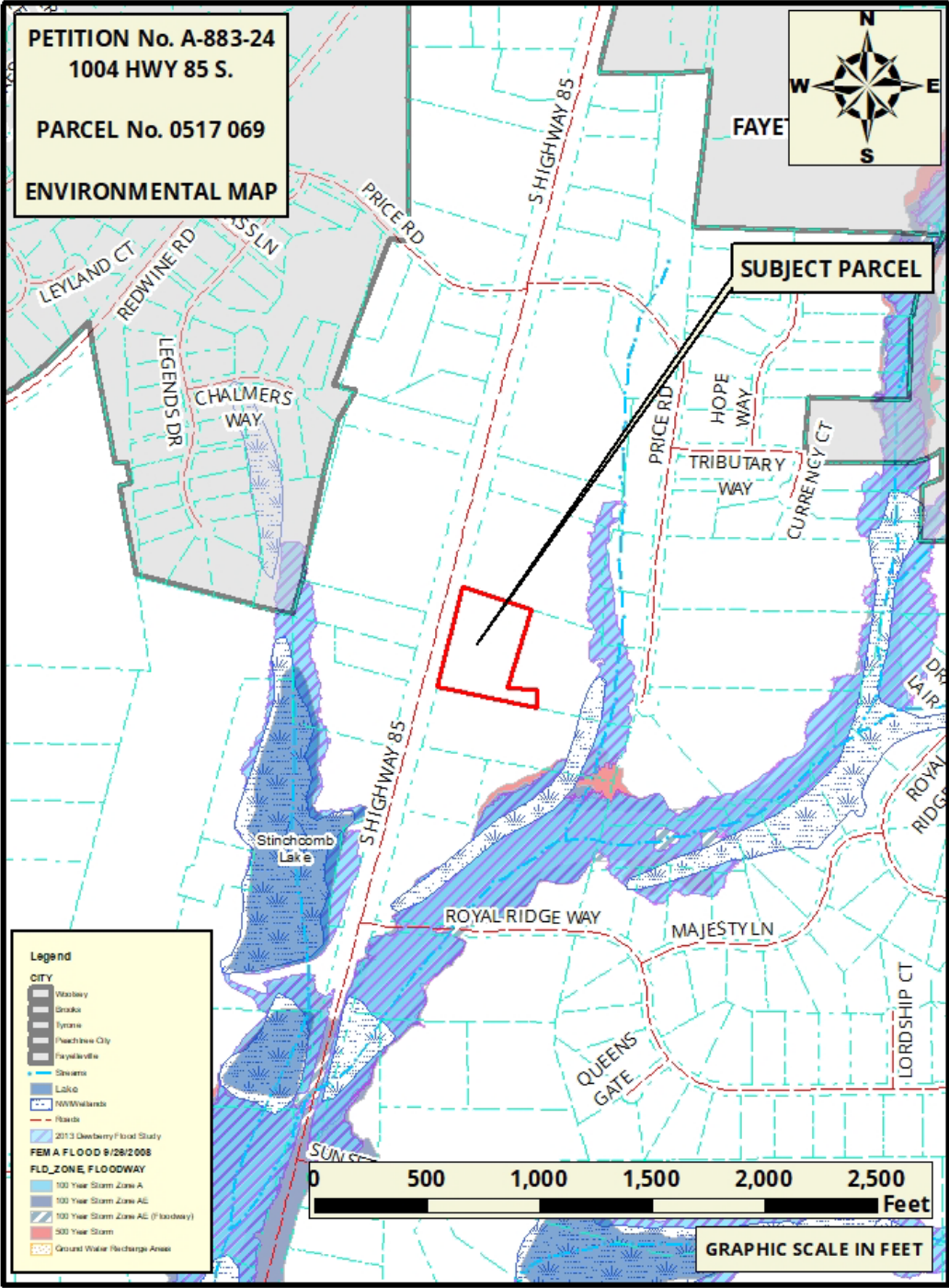
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**

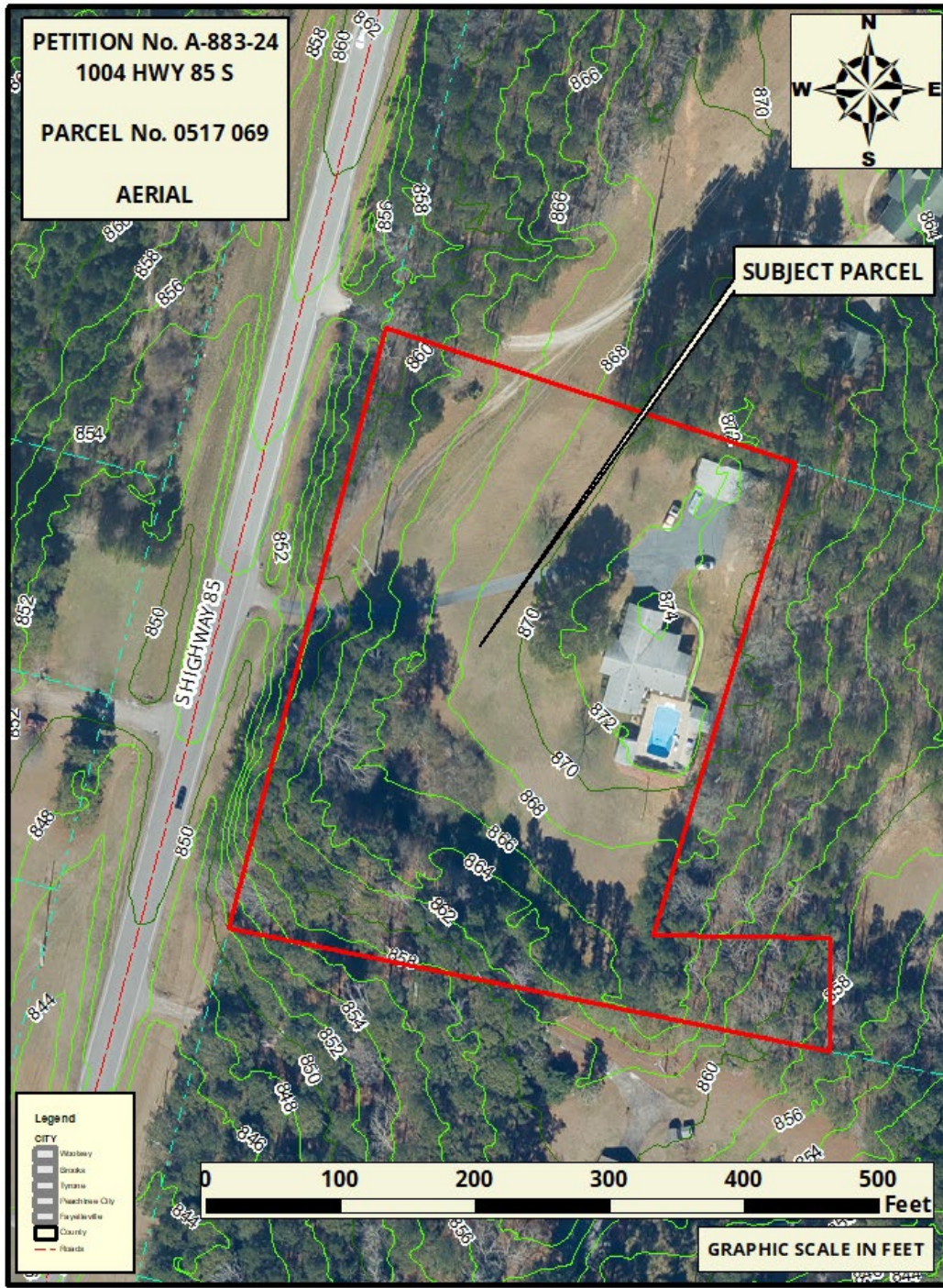
*The applicant will continue to have the same rights as all other residents in this zoning district.*













THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

- LEGEND
- REF=REBAR FOUND
  - RES=REBAR SET
  - CTP=COMP TOP PIPE
  - LL=LAND LOT
  - L=LAND LOT LINE
  - F=PROPERTY LINE
  - CO=CONSTRUCTION ENTRANCE
  - EP=EDGE OF PAVEMENT
  - P.O.B=POINT OF BEGINNING
  - BL=BUILDING SETBACK LINE
  - E=ENCLOSURE EASEMENT
  - NF=NOW OR FORMERLY
  - F.W.F=FIELD WORK
  - PERFORMED DATE
  - OF=OUT OF FLOOD PLAIN
  - DB=DEED BOOK
  - PG=PAGE
  - PS=PLAT BOOK
  - TH=HOUSE NUMBER

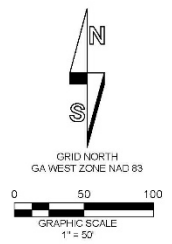
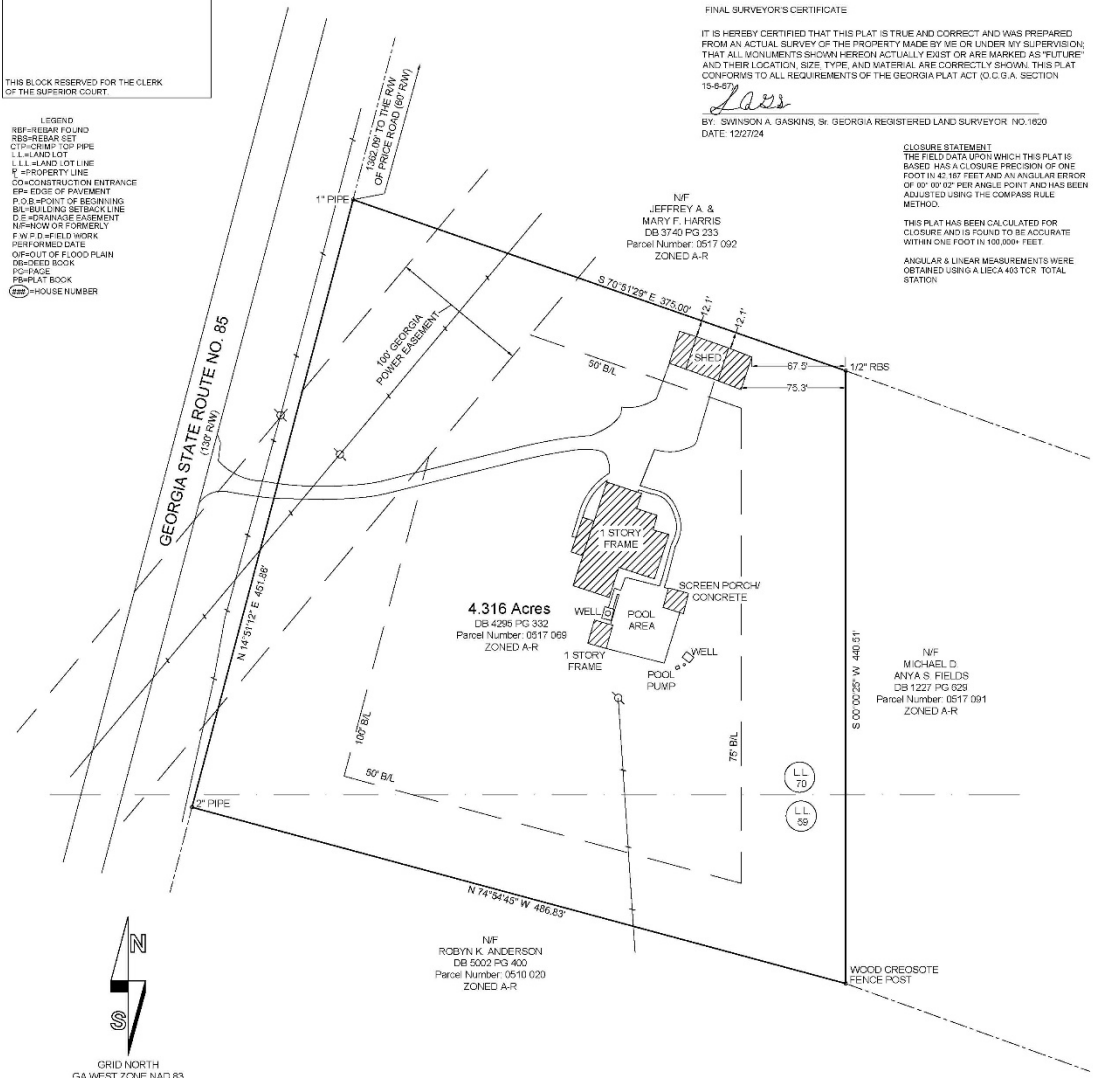
**SURVEYOR'S CERTIFICATION**  
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

**FINAL SURVEYOR'S CERTIFICATE**  
 IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY SUPERVISION; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST OR ARE MARKED AS "FUTURE" AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN; THIS PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-6-87).

*S. Gaskins*  
 BY: SWINSON A. GASKINS, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 1602  
 DATE: 12/27/24

**CLOSURE STATEMENT**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 40,167 FEET AND AN ANGULAR ERROR OF 07' 00" PER ANGLE POINT AND HAS BEEN ADJUSTED USING THE COMPASS RULE METHOD.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. ANGULAR & LINEAR MEASUREMENTS WERE OBTAINED USING A LEICA 405 TCR TOTAL STATION.



Job No. 24-097	
Drawn By: R.D.G.	Reviewed By: R.M.B.
Issue Date: 12/27/24	
F.W.P.D.: 12/26/24	
Revisions	Date



Prepared For:  
**DOUGLAS & LUCILLE FIELDS  
 LIVING TRUST**

**1004 Highway 85 South  
 Fayetteville, Ga 30215**  
 Land Lot 69 & 70 Of The 5th Land District  
 Fayette County, Georgia

**S. A. GASKINS &  
 ASSOCIATES, LLC**  
 surveyors planners development consultants  
 961 CAMPGROUND ROAD GRIFFIN, GA 30223  
 678-571-3654  
 rdgaskins78@gmail.com

**FLOOD STATEMENT**  
 ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 131502112E, DATED SEPTEMBER 28, 2008, THIS PROPERTY DOES NOT LIE WITHIN A SPECIAL FLOOD HAZARD AREA.

**SURVEY**

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

**PROPERTY INFORMATION:**

Parcel No. 0517069 Acreage: 4.4 Land Lot: 70 & 59 Land District: 05  
Address: 1004 Hwy. 85, South, Fayetteville, GA 30215  
Existing Zoning: AR Requested Zoning: AR (no change)  
Zoning of Surrounding Properties: AR  
Existing Use: Residential  
Proposed Use: Residential

**PROPERTY OWNER INFORMATION**

Name Fields, Douglas F. & Lucille, Trustees  
Email douglucyf@gmail.com  
Address 1004 Hwy. 85, South  
City Fayetteville  
State GA Zip 30215  
Phone 678-233-4758

**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: \_\_\_\_\_ Date: \_\_\_\_\_

DATE OF ZONING BOARD OF APPEALS HEARING: February 24, 2025

Received payment from Douglas Fields a check in the amount of \$ 175.<sup>00</sup>

for application filing fee, and \$ 20.<sup>00</sup> for deposit on frame for public hearing sign(s).

Date Paid 12/30/24

Receipt Number: 03025R

**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:  
**Douglas F. and Lucille C. Fields as trustees for**

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0517069

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 70 & 59 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 4.4 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Randy Boyd, PE, RLS, Boyd and Associates 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.

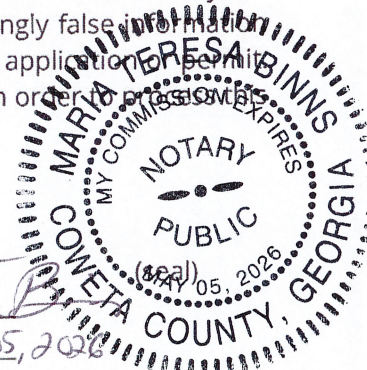
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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. (I) (We) further acknowledge that additional information may be required by Fayette County in order to process this application.

**SIGNATURES**

Owner/  
Agent  
One:

Signature Douglas F. Fields  
Name: Douglas F. Fields  
Address: 1007 Hwy 85, S.  
City/State/Zip: Fayetteville GA 30215  
Date: 12/30/2024

Notary: Maria Teresa Binns  
Commission Exp.: May 05, 2026



Owner/  
Agent  
Two:

Signature Lucille C. Fields  
Name: Lucille C. Fields  
Address: 1004 Hwy 85 South  
City/State/Zip: Fayetteville, GA 30215  
Date: 12/30/24

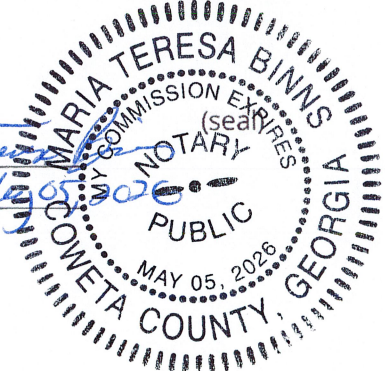
Notary: Maria Teresa Binns  
Commission Exp.: May 05, 2026



Owner/  
Agent  
Three:

Signature Randy M. Boyd  
Name: Randy M. Boyd  
Address: P.O. Box 64  
City/State/Zip: 223ULOV, GA 30295  
Date: 12/30/2024

Notary: Maria Teresa Binns  
Commission Exp.: May 05, 2026



## VARIANCE INFORMATION

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

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

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.

**See attached addendum**

---



---



---



---



---

# Variance Summary

## Addendum

In late 1970s, we owned 2 adjacent parcels in Fayette County, our home, Parcel #0517069 and Parcel #0517092 which was a vacant 6+ acre tract. While owning both parcels, we contracted with a builder to pour a concrete slab and build a 24' X24' detached garage which was within approximately 25' of the dividing property line between the 2 parcels.

Subsequently, in 1996, the 6+ acre Parcel #0517092 was given to our daughter and son-in-law, Jeffrey A. Harris and Mary F. Harris on which they built their personal residence. As the Harris' family plan to sell their parcel in 2025, we need to obtain a variance regarding the detached garage being less than the required setback from the property line between the two parcels. This variance would prevent an issue from coming up regarding the garage with future owners of Parcel #0517092. None of the property owners of these 2 parcels object to this variance and no other area property owners will be affected by the granting of this variance. Property owners of Parcel #0517092, Jeffrey A. Harris and Mary F Harris, have provided a signed letter explaining that they have no objection to this variance. Their letter is attached to this application.

Further, Michael D. Fields and Anya S. Fields, owners of adjacent Parcel #0517091, which is improved with their personal residence, have provided a letter explaining that they have no objection to the granting of this variance.

## 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.

---

---

---

---

---

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

---

---

---

---

---

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

---

---

---

---

---

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 proximity of the structure to the property line has not presented a problem to the neighboring property for the past 40 plus years and will not have any detrimental effect on neighboring properties in the future.**

---

---

---

---

---

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

---

---

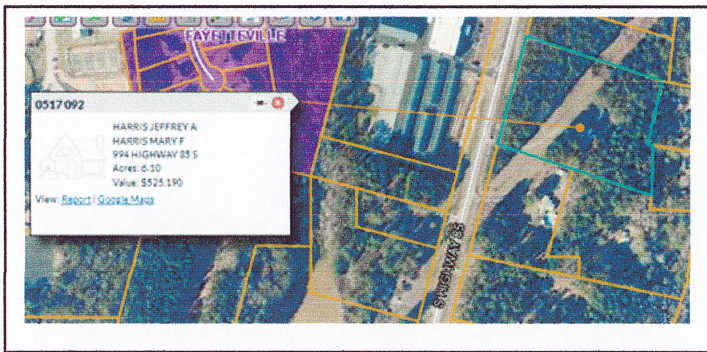
---

---

---



Subject property, Parcel #0517069, Owned by Douglas F. and Lucille as Trustees



Adjacent property Parcel #0517092 owned by Jeffrey A. and Mary F. Harris  
See letter stating “No Objection to this Variance”



Neighboring property, Parcel #0517091 owned by Michael D. and Anya S. Fields  
See letter stating “No Objection to this Variance”

Return To:  
Robert M. Goldberg & Associates  
P.O. Box 294  
Williamson, GA 30292

  
Doc ID: 009612510002 Type: QCD  
Recorded: 03/25/2015 at 10:00:00 AM  
Fee Amt: \$12.00 Page 1 of 2  
Transfer Tax: \$0.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court  
BK 4295 Pg 332-333

**Quitclaim Deed-No Title Check**

**Fayette County, Georgia**

THIS INDENTURE made this 11<sup>th</sup> day of March, 2015 between  
**Douglas F. Fields and Lucille C. Fields, Grantors, and Douglas F. Fields and Lucille  
C. Fields, Trustees, or their successors in interest, of the Douglas F. Fields and  
Lucille C. Fields Living Trust dated March 11, 2015, and any amendments thereto,  
Grantee.**

WITNESSETH: Grantors for and in consideration of love and affection and other  
valuable consideration, has bargained, sold and do by the presents bargain, sell, remise,  
release and forever quit-claim to Grantee, and its assigns, all the right title, interest,  
claim, or demand which Grantors have or may have had in and to:

All that tract or parcel of land lying and being in Land Lot 70 of the 5<sup>th</sup>  
District of Fayette County, Georgia, and being more particularly described  
as follows:

BEGINNING at an iron pin on the Southeasterly side of State Highway  
85, said pin located 1364 feet Southwesterly from the intersection of the  
Southeasterly side of State Highway 85 with the center line of Ramah  
Road, as measured along the Southeasterly side of State Highway 85;  
running thence South 71° 45' East, 375 feet to an iron pin; thence South  
01° 00' East, 440 feet to a cresoted post; thence North 74° 00' West, 488  
feet to an iron pin found on the Southeasterly side of State Highway 85;  
thence Northeasterly along the Southeasterly side of State Highway 85,  
451 feet to an iron pin at the point of beginning; being improved property  
known as No. 1004 Highway 85 South, Fayette County, Georgia.

with all the rights, members, and appurtenances to the said described premises in anywise  
appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the Grantee, and its  
assigns, so that neither the Grantors nor their heirs, nor any other persons or persons  
claiming under them shall at any time, claim or demand any right, title or interest to the  
aforesaid described premises or its appurtenances.



IN WITNESS WHEREOF, the Grantors have hereunto set their hand the day and year above written.

BY: Douglas F. Fields  
Douglas F. Fields, Grantor

BY: Lucille C. Fields  
Lucille C. Fields, Grantor

Signed, sealed and delivered  
In the presence of:

Ashley  
Unofficial Witness

Steph  
Notary Public  
My Commission Expires: 07/18/2018



Continued from page B4

## 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, Febru-  
ary 24, 2025, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-883-24

Owner(s): Douglas Fields & Lucille  
Fields

Property Address: 1004 Hwy 85 S.

Parcel: 0517069

Zoning District: A-R

Area of Property: 4.316 acres

Land Lot(s): 59 & 70

District: 5th

Road Frontage: Highway 85 S.

Request: Applicant is requesting  
the following:

A. Per Sec. 110-125(d)(5), Reduce  
the rear yard setback from 75' to  
67.5' to allow an existing accessory  
structure to remain.

B. Per Sec. 110-125(d)(6), Reduce  
the side yard setback from 50' to  
12.1' to allow an existing accessory  
structure to remain.

Legal Description

All that tract or parcel of land lying  
and being in Land Lot 70 of the 5th  
District of Fayette County, Georgia,  
and being more particularly de-  
scribed as follows:

BEGINNING at an iron pin on the  
Southeasterly side of State High-  
way 85, said pin located 1364 feet  
Southwesterly from the intersec-  
tion of the Southeasterly side of  
State Highway 85 with the center  
line of Ramah Road, as measured  
along the Southeasterly side of  
State Highway 85; running thence  
South 71° 45' East, 375 feet to an  
iron pin; thence South 01° 00'  
East, 440 feet to a crosoted post;  
thence North 74° 00' West, 488  
feet to an iron pin found on the  
Southeasterly side of State High-  
way 85; thence Northeasterly along  
the Southeasterly side of State  
Highway 85, 451 feet to an iron  
pin at the point of beginning; being  
improved property known as No.  
1004 Highway 85 South, Fayette  
County, Georgia.

01/15

**A-884-24**

**REQUESTED ACTION:** Applicant requests to withdraw the petition.

**PARCEL NUMBER:** 0406 011

**ZONING:** A-R

**EXISTING USE:** Residential

**LOCATION:** 946 Grant Road

**LOT SIZE:** 4.84 Acres

**DISTRICT/LAND LOT(S):** 4<sup>th</sup> District, Land Lots 56

**OWNER(S):** Steven R. Sappington

**AGENTS:** N/A

**ZONING BOARD OF APPEALS PUBLIC HEARING:** February 24, 2025, at 7:00 PM

---

**REQUEST**

The applicant has withdrawn the request for a variance. Staff recommends withdrawal of the petition. We were able to develop a resolution to the problem that removed the need for a variance request. Since the case had already been advertised, we must present this at the hearing.

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

**PROPERTY INFORMATION:**

Parcel No. 0406 011 Acreage: 4.84 Land Lot: 56 Land District: 4  
Address: 946 Grant Road aka 456 McIntosh Road, Lot 1  
Zoning: AR Zoning of Surrounding Properties: AR  
Use: Personal residence, single family development

**PROPERTY OWNER INFORMATION**

Name Steven R. Sappington  
Email ESafetyProsLLC@gmail.com  
Address 175 Cutstone Court  
City Fayetteville  
State Georgia Zip 30215  
Phone (cell) 404-272-8036

**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: \_\_\_\_\_ Date: \_\_\_\_\_

**DATE OF ZONING BOARD OF APPEALS HEARING:** February 24, 2025

Received payment from Steven Sappington a check in the amount of \$ 175.00

for application filing fee, and \$ 40.00 for deposit on frame for public hearing sign(s).

Date Paid 12/31/24

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:

Steven R. Sappington

*Please Print Owners' Names*

Property Tax Identification Number(s) of Subject Property: 0406 011

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 56 of the 4th District, and (if applicable to more than one land district) Land Lot(s) \_\_\_\_\_ of the District, and said property consists of a total of 4.84 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Steven R. Sappington 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: Steven R. Sappington  
Address: 175 Cutstone Court  
City/State/Zip: Fayetteville, GA 30215  
Date: December 31, 2024

Notary: [Handwritten Signature] (seal)  
Commission Exp.: 1/5/2027

**Deborah M Sims**  
**NOTARY PUBLIC**  
**Coweta County, GEORGIA**  
**My Commission Expires 01/05/2027**

**Owner/  
Agent  
One:**

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

Notary: \_\_\_\_\_ (seal)  
Commission Exp.: \_\_\_\_\_

**Owner/  
Agent  
Two:**

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

Notary: \_\_\_\_\_ (seal)  
Commission Exp.: \_\_\_\_\_

**Owner/  
Agent  
Three:**

## 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	110-125 (d)(1) for lot area less than 5.0 acres in accordance with Section 110-242 (c)(1)
Requirement	5.0 acres required and property is 4.84 acres because right of way was dedicated to Fayette County.
Proposed Change	Please approve building single family residence on this lot zoned AR on recorded plat. Lot is less than 5.0 acres because of right of way dedication. See note 19.
Variance Amount	0.16 acres

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

## VARIANCE SUMMARY

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

Property was subdivided into three lots. Lot 1 is 4.84 acres. Before purchasing the lot in December, 2022, I performed due diligence with Planning and Zoning and was told I could build a single family dwelling and auxiliary structure on the property. Now, with a building plan submittal package in Sages intake, I'm told a variance is needed. We are planning to pour concrete in January, 2025, and will appreciate this application receiving immediate attention and action.

## 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.  
Before purchasing the lot in December, 2022, I performed due diligence and was told by Planning and Zoning that I could build a single family dwelling and auxiliary building on the property. Now, with a building plan submittal package in Sages intake, I'm told a variance is required. We've planned to pour concrete in January, 2025. Applicant respectfully requests immediate attention and action.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.  
Because I was told I could build on the property, I've already been permitted to construct and have constructed an auxiliary building on the property. I've performed additional due diligence by pre-excavating to detect any underground springs or water veins.
3. Such conditions are peculiar to the particular piece of property involved.  
The property was subdivided, zoned AR, and recorded as 5.0 acres. Page 2 of the plat does indicate 4.84 acres. Lot 2 on which a single family dwelling (original 15 acre dwelling) exists indicates 4.77 acres. Lot 3 indicates 4.90 acres. Right of way was designated to Fayette County, thus property is less than 5.0 acres. See note 19 on page 1 of recorded plat.
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 would be no detriment to the public good, nor would the intended purposes of these regulations be impaired. In fact, land development thus far has greatly enhanced the property and it receives many compliments from Fayette County employees and citizens. This lot is less than 5.0 acres because land was given to Fayette County. No variances or fees for legally permissible purposes should be imposed now or in the future.
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.  
Yes. Lot 2, an apparently smaller property, already has a single family dwelling on it. Because land was given to Fayette County, property owner should not have to apply for variances for legally permissible improvements, nor should property owner be responsible for associated fees. With this application, property owner respectfully requests full refund of all associated fees and that ordinance be changed specific to this property.

## 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)*

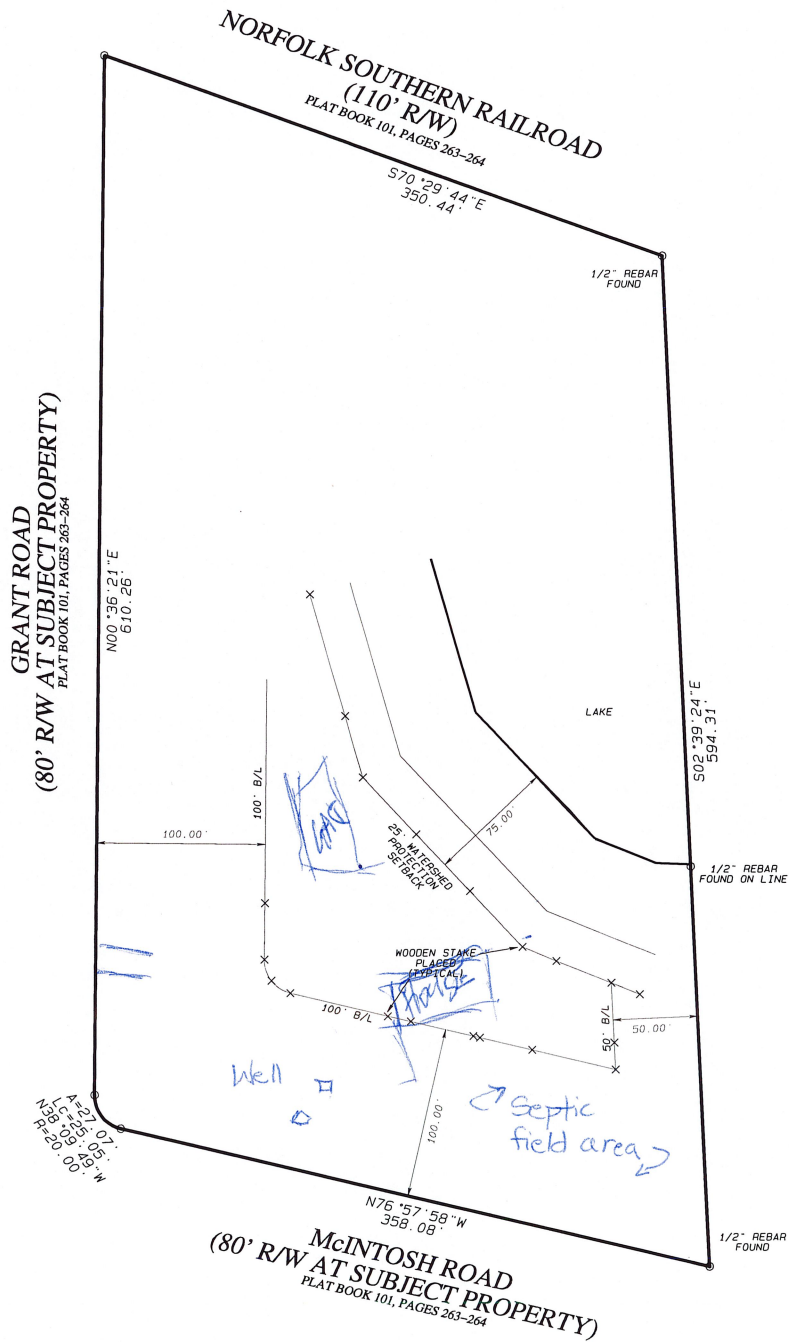
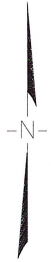
- Application form and all required attachments, completed, signed, and notarized (if applicable).
- Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
  - a. \_\_\_\_\_ Location and size of shop 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. 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 at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No    MFPE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



STAKING SKETCH/REPORT  
 LOT 1  
 ROGER GILLAM ESTATE  
 ALL SETBACKS AND RIGHTS-OF-WAY  
 TAKEN FROM PLAT BOOK 101, PAGES 263-264

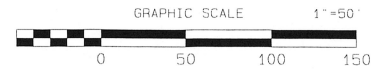
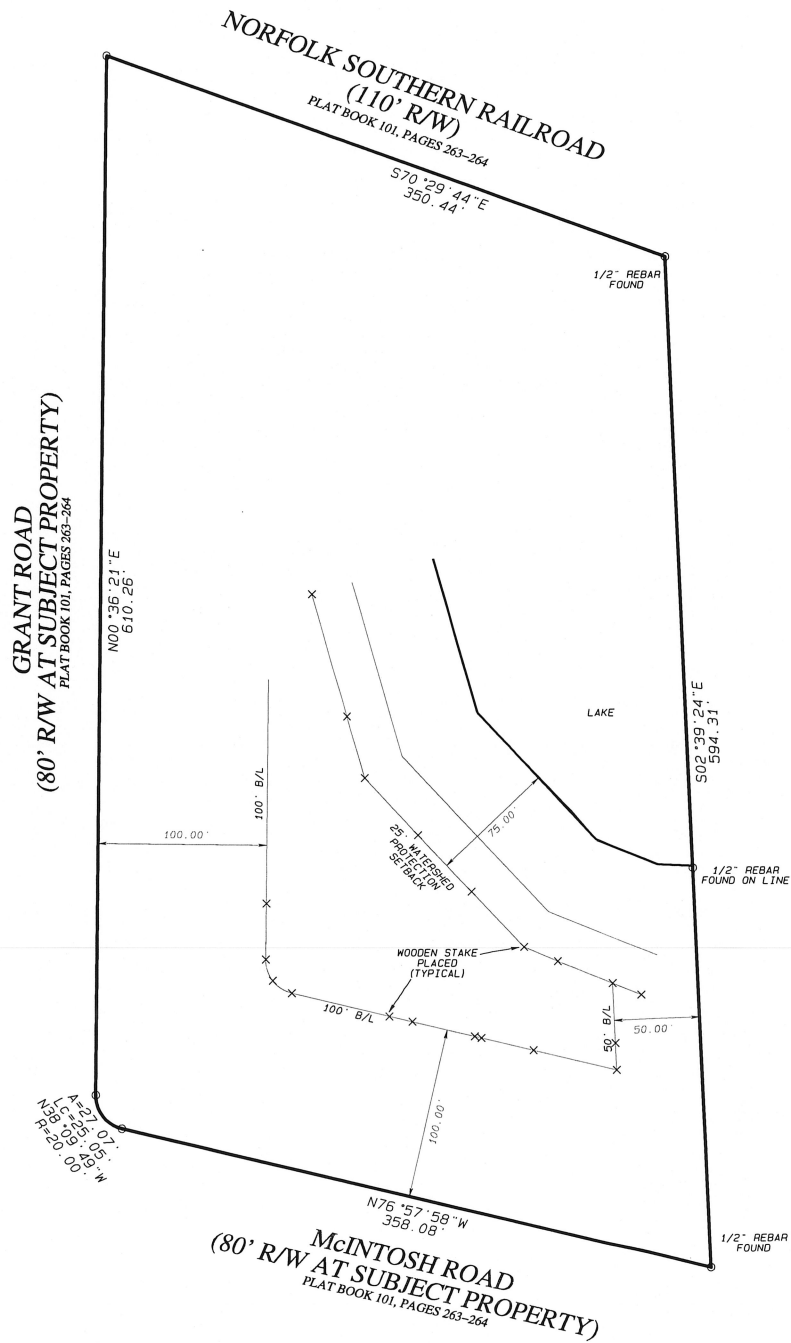
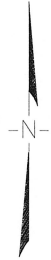


**W.D. Gray and Associates, Inc.**  
 land surveyors - planners  
 P.O. Box 3847 Peachtree City, GA 30269  
 (770) 486-7552 Fax (770) 486-0496  
 LSF000701

PREPARED FOR:  
**STEVE SAPPINGTON**

	DATE OF DRAWING: 10/15/2024
	REV.
SCALE: 1" = 100'	JOB NO: 2409002

STAKING SKETCH/REPORT  
 LOT 1  
 ROGER GILLAM ESTATE  
 ALL SETBACKS AND RIGHTS-OF-WAY  
 TAKEN FROM PLAT BOOK 101, PAGES 263-264



**W.D. Gray and Associates, Inc.**  
 land surveyors - planners  
 P.O. Box 3847 Peachtree City, GA 30269  
 (770) 486-7552 Fax (770) 486-0496  
 LSF000701

PREPARED FOR:  
**STEVE SAPPINGTON**

	DATE OF DRAWING: 10/15/2024
	REV.
SCALE: 1" = 100'	JOB NO: 2409002

Type: WD  
Recorded: 12/12/2022 1:12:00 PM  
Fee Amt: \$200.00 Page 1 of 3  
Transfer Tax: \$175.00  
Fayette, Ga. Clerk Superior Court  
Sheila Studdard Clerk of Court

Return to:  
**Edge & Kimbell Law, LLC**  
503 Commerce Drive  
Peachtree City, GA 30269

Participant ID(s): 9035938284,  
7067927936

**BK 5568 PG 599 - 601**

File No.: PTC-22-3070  
Parcel ID: 0406-002-(Mother-Parcel)

### **LIMITED WARRANTY DEED**

STATE OF GEORGIA, COUNTY OF FAYETTE

**THIS INDENTURE**, Made the 9th day of December, 2022 between

**Roger L. Gillam,**

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

**Steven Robert Sappington,**

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 **ONE HUNDRED SEVENTY FIVE THOUSAND AND 00/100 Dollars (\$175,000.00)** 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 **0 McIntosh Rd, Lot 1, Brooks, GA 30205**

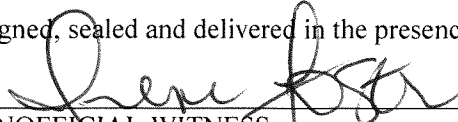
SUBJECT to all zoning ordinances, easements, and restrictions of record insofar as the same may lawfully affect the above-described property.

**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.

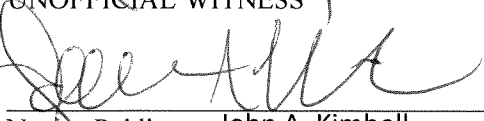
**AND THE SAID** Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor.

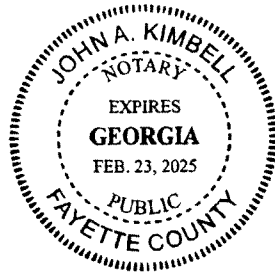
**IN WITNESS WHEREOF**, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

  
UNOFFICIAL WITNESS

 (SEAL)  
Roger L. Gillam

  
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 56 of the 4th District, Fayette County, GA, being Lot 1, as depicted on the survey Prepared For: Roger Gillam Estate, as per plat recorded in Plat Book 101, Pages 263-264, Fayette County, GA Records, which plat is incorporated herein by reference and made a part of this description.

Tax ID#: 0406-002-(Parent Parcel)

Subject to any Easements or Restrictions of Record

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, Febru-  
ary 24, 2025, at 7:00 P.M., Fayette  
County Administrative Complex,  
Public Meeting Room, 140 Stone-  
wall Avenue West, first floor.

Petition No.: A-884-24

Owner(s): Steven R. Sapping-  
ton

Property Address: 946 Grant  
Road, Brooks, Ga 30205

Parcel: 0406 011

Zoning District: A-R

Area of Property: 4.84 acres

Land Lot(s): 56

District: 4th

Road Frontage: Grant Road and  
McIntosh Road

Request: Applicant is requesting  
a variance to Sec. 110-125(d)(1),  
to reduce the minimum lot area  
from five (5) acres to 4.84 acres  
to allow for the construction of a  
single-family residence. Per Sec.  
110-242 (c)(1), the lot is eligible for  
a request for a variance to the min-  
imum lot size.

EXHIBIT "A"

Legal Description

All that tract or parcel of land lying  
and being in Land Lot 56 of the 4th  
District, Fayette County, GA, being  
Lot 1, as depicted on the survey Pre-  
pared For: Roger Gillam Estate, as  
per plat recorded in Plat Book 101,  
Pages 263-264, Fayette County, GA  
Records, which plat is incorporat-  
ed herein by reference and made a  
part of this description.

Tax 0406-002-(Parent Par-  
cel)

Subject to any Easements or Re-  
strictions of Record

01/15

---

**Sec. 110-242. Powers and duties.**

- (a) *Appeals from actions of the zoning administrator.* The zoning board of appeals shall hear and decide upon appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of these regulations.
- (1) *Who may appeal.* Appeals to the zoning board of appeals may be taken by any person aggrieved by any decision of the zoning administrator. Such appeals, specifying the grounds thereof shall be filed with the planning and zoning department no later than 30 calendar days after the date of notification of the zoning administrator's decision. The zoning administrator shall forthwith transmit to the zoning board of appeals all the papers constituting the record upon which the action appealed from was taken.
  - (2) *Legal proceedings stayed.* An appeal stays all legal proceedings in furtherance of the action appealed from, unless the zoning administrator certifies to the zoning board of appeals that by reason of facts stated in the certificate a stay would, in the zoning administrator's opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed otherwise than by a restraining order from a court of competent jurisdiction.
  - (3) *Extent of the zoning board of appeals' power.* The zoning board of appeals may, in conformity with the provisions of these regulations, reverse or affirm the order, requirement, decision, or determination of the zoning administrator. The zoning board of appeals may direct the issuance of a permit. It shall be the duty of the zoning administrator to carry out the decisions of the zoning board of appeals.
- (b) *Request for a variance.* The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. However, no lot is eligible for a variance for reduction in lot size, lot width, or road frontage, unless the variance request is for: an unimproved nonconforming lot pursuant to paragraph (c), below; or an improved illegal lot pursuant to paragraph (i), below. A variance shall not be granted for any requirements of a conditional use with the exception of a legal nonconforming conditional use (see article V of this chapter), or a use of land, building, or structure that is prohibited in the zoning district at issue, except as otherwise provided herein. In exercising the powers described in this subsection, the zoning board of appeals shall not consider any nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures, or buildings in other zoning districts as grounds for the issuance of a variance. A variance may be granted in an individual case upon a finding by the zoning board of appeals that all of the following criteria exist:
- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and

- 
- (2) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship; and
  - (3) Such conditions are peculiar to the particular piece of property involved; and
  - (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land, building, or structure that is prohibited herein; and
  - (5) A literal interpretation of this chapter would deprive the applicant of any rights that others in the same zoning district are allowed.

(c) Request for a variance: Nonconforming Lots. The zoning board of appeals may authorize, upon appeal in specific cases, a variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.

- (1) The owner of a nonconforming lot may request a variance to the minimum lot size for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot size which would result in the nonconforming lot being less than one acre in size. Should the subject nonconforming lot require a well for its water supply, no such nonconforming lot shall be eligible for a variance to the minimum lot size which would result in such nonconforming lot being less than one and one-half acres in size.
- (2) The owner of a nonconforming lot may request a variance to the minimum lot width for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot width which would result in the nonconforming lot being less than 80% of the minimum lot width required in its zoning district.
- (3) The owner of a nonconforming lot may request a variance to the minimum road frontage for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum road frontage which would result in the nonconforming lot containing less than 20 feet of road frontage required in its zoning district.

~~(e)~~(d) *Compliance with standards.* Where an appeal/petition to the board is initiated due to an existing violation of this chapter and said appeal/petition is denied, the violation shall be required to be corrected within 30 calendar days of such denial, or as specified by the board, if a greater time period is necessary. The maximum extension of the time shall not exceed 60 calendar days.

~~(d)~~(e) *Forms.* Appeals, requests for variances, or any other matter within the zoning board of appeals' purview shall be made on forms, as applicable, provided by the planning and zoning department; and all information requested on the forms shall be provided by the appellant/petitioner. Forms shall be filed with the planning and zoning department along with the necessary fees. No form shall be accepted by the planning and zoning department unless it contains all pertinent information and is accompanied by the required fee.



---

(e)(f) *Request for a change of the legal nonconforming use of a structure.* The zoning board of appeals may authorize, upon appeal in specific cases, a change in the legal nonconforming use of a structure in accordance with the provisions herein.

(f)(g) *Request for an extension or enlargement of a legal nonconforming use.* The zoning board of appeals may authorize upon appeal in specific cases an extension or enlargement of an existing legal nonconforming use which the board is specifically authorized to consider under the terms herein. Said extensions may be granted in an individual case upon a finding by the board that all of the following criteria are present:

- (1) The use is a legal nonconforming use as defined in these regulations; and
- (2) The legal nonconforming use is in full compliance with all requirements of these regulations applicable to nonconformances; and
- (3) The extension of said legal nonconforming use will not further injure a permitted use on adjacent property.

(g)(h) *Request for a continuance of a legal nonconforming use.* The zoning board of appeals may allow, upon appeal in specific cases, a legal nonconforming use to be re-established after discontinuance for six consecutive months where it is deemed by the zoning board of appeals that all of the following criteria are present:

- (1) The design, construction, and character of the land, building, or structure is not suitable for uses permitted in the zoning district in which the legal nonconforming use is situated; and
- (2) Undue hardship to the property owner would result in not allowing the continuance of a legal nonconforming use; and
- (3) Adjacent property would not be unduly damaged by such continuance; and
- (4) The use is to be identical to the prior legal nonconforming use.

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

- (1) The transaction giving the appellant/petitioner ownership in the subject property was more than five years from the date of the appeal/petition or if the period of ownership is less than five years the subject property was made illegal more than ten years from the date of the appeal/petition;
- (2) The appellant/petitioner is not the person, or an immediate family member of the person, who caused the subject property to be an illegal lot. For purposes of these procedures, "immediate family" is defined as the spouse, child, sibling, parent, step-child, step-sibling, step-parent, grandparent, grandchild, aunt, uncle, niece or nephew of the person who caused the subject property to be an illegal lot; and

---

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

| ~~(j)~~(i) *Conditions on approval.* The zoning board of appeals may impose or require conditions, as may be necessary, to protect the health and safety of workers and residents in the community; to protect the value and use of property in the general neighborhoods; and provided that wherever the board shall find, in the case of any approval, that any of the conditions upon which such approval was granted are not being complied with, said zoning board of appeals shall rescind and revoke such approval after giving due notice to all parties concerned and granting full opportunity for a hearing.

| ~~(k)~~ *Limitation on re-applying.* If the decision of the zoning board of appeals is to deny, an application which seeks the same relief in regard to the same property shall not be accepted for a period of 180 calendar days following the date of the decision from the zoning board of appeals.

(Ord. No. 2015-06, § 1, 3-26-2015; Ord. No. 2016-08, § 1, 5-12-2016; Ord. No. 2017-11, §§ 2, 3, 6-22-2017; Ord. No. 2020-02, § 22, 5-28-2020)