

BOARD OF APPEALS

John Tate, Chairman
Marsha Hopkins, Vice-Chairman
Bill Beckwith
Brian Haren
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
March 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 February 24, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-885-25 – Matthew & Kristi Oates, Owners, Applicants are requesting a variance to Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 47.4 feet to allow an existing accessory structure to remain. The subject property is located in Land Lot 167 of the 4th District and fronts Chappell Road.
6. Consideration of Petition No. A-886-25 – Barbara & Roch LaRocca, Owners, Applicants are requesting a variance to Sec. 110-149(d)(6)(c), to reduce the side yard setback from 15 feet to 8.5 feet to allow the construction of a new accessory structure. The subject property is located in Land Lots 3 and 21 of the 6th District and fronts Longmead Drive and Redwine Road.
7. Consideration of Petition No. A-887-25 – Black Loyd Hall Jr. Estate, Owner, Applicant is requesting a variance to Sec. 110-125(d)(5), to reduce the rear yard setback from 75 feet to 60 feet to allow the existing house to remain. The subject property is located in Land Lot 93 of the 4th District and fronts Bankstown Road and Morgan Mill Road.

8. Consideration of Petition No. A-889-25 – Anthony Whitmore, Owner, Applicant is requesting A) Variance to Sec. 110-79(c)(1), to allow three existing accessory structures in the R-70 zoning to remain. B) Variance to Sec. 110-133(d)(4)(a)(2) to reduce the front yard setback from 75 feet to 63 feet to allow the primary structure to remain. The subject property is located in Land Lots 44 and 45 of the 7th District and fronts Sandy Creek Road.
9. Consideration of Petition No. A-890-25 – Iris Williams, Owner, Applicant is requesting a variance to Sec. 110-137(d)(4)(a), to reduce the side yard setback from 60 feet to 54 feet to allow construction of a Single-Family dwelling. The subject property is located in Land Lots 74 & 75 of the 5th District and fronts South Jeff Davis Drive.
10. Consideration of Petition No. A-891-25 – Taryn and Logan Moore, Owners, Applicants are requesting a variance to Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 36 feet to allow the primary structure to remain. The subject property is located in Land Lot 104 of the 4th District and fronts Kelley Road.

Minutes 02/24/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on February 24, 2025, at 7:00 P.M. in the Fayette County Administrative Complex, 140 Stonewall Avenue West, Fayetteville, Georgia.

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

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 February 24, 2025, meeting to order at 7:03 pm.*
2. Amendment of the Agenda. *Ms. Debbie Bell amended the agenda for the election of officers of the 2025 Fayette County Zoning Board of Appeals. Chairman Bill Beckwith made a motion to approve the amended agenda with the addition of items to elect new officers on the 2025 Fayette County Zoning Board of Appeals. Vice-Chairman Brian Haren seconded the motion. The motion passes 4-0. Anita Davis submitted a letter of resignation as a board member for the Zoning Board of Appeals on February 24, 2025, and therefore was not present.*
3. Oath of Office for Kyle McCormick. *E. Allison Ivey Cox, County Attorney, read the Oath of Office to Kyle McCormick, who was sworn in as a board member for the 2025 Fayette County Zoning Board of Appeals.*
4. Election of the Chairman. *Brian Haren nominated John Tate as the Chairman of the 2025 Fayette County Zoning Board of Appeals. Brian Haren made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination.*
5. Election of Vice-Chairman. *Brian Haren nominated Marsha Hopkins for the position of Vice-Chairman for the 2025 Fayette County Zoning Board of Appeals. John Tate made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination. The motion passes 5-0.*
6. Election of Secretary. *Bill Beckwith nominated Maria Binns for 2025 Fayette County Zoning Board of Appeals Secretary. Bill Beckwith made a motion to close the nomination. Nominations were closed, Bill Beckwith called for a vote. The board voted 5-0 to approve the nomination. The motion passes 5-0.*

7. Pledge of Allegiance. *Elected Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
8. Approval of Agenda in the order as presented. *Bill Beckwith made a motion to approve the agenda in the order as presented. Brian Haren seconded the motion. The motion passes 5-0.*
9. Consideration of the Minutes of the Meeting held on January 27, 2025. *Brian Haren made a motion to approve the minutes of the meeting held on January 27, 2025. Marsha Hopkins seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

10. 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 5th District and fronts Highway 85 South.

Ms. Debbie Bell introduced the petition details and explained the board it's a detached carport, the owners presented letters of agreement from immediate adjacent properties owners that would be affected by the variances with no objections.

Mr. Douglas Fields stated they inherited the property from his wife parents, around 1979 they built the structure for storage, they subdivide part of the lot on the northside and divided it between his son and daughter which has no objections for the petitions or so the neighbors on the southside. He showed the board pictures of the structure where is placed and asked the board if they have questions for him would be happy to answer them.

Chairman John Tate asked the audience if anyone would like to speak in favor of the petition, no one responded. He then asked if anyone was in opposition.? But no one responded. Chairman Tate brought the item back to the board and asked if they had any questions.

Mr. Kyle McCormick asked for clarification on the aerial showing the property line is different from the topo photo.

Ms. Bell responded the property lines that qpublic shows are rough estimates, we rely on the surveys when we have an issue like that.

Mr. Randy Boyd added that if you read their deed and looked at their survey they match perfectly.

Mr. Brian Haren asked staff, do we know what the setbacks requirements was back in 1979 when the structure was built?

Ms. Bell responded they were the same, they haven't change for A-R zoning.

Mr. Bill Beckwith made a comment about a similar case where someone wanted to build something on their property and Mr. Fields want to have the record corrected the issue to be complying.

Chairman Tate agreed with Mr. Beckwith comment and asked the board if they had any more questions, if not, he called for motion.

A-883-24-A. Brian Haren made a motion to approved Petition No. A-883-24-A. Bill Beckwith seconded the motion. The motion passed unanimously.

A-883-24-B. Brian Haren made a motion to approved Petition No. A-883-24-B. Marsha Hopkins seconded the motion. The motion passed unanimously.

11. 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 4th District and fronts Grant Road and McIntosh Road.

Ms. Bell explained the board staff was able to work with the property owner and discussed in review this with legal where was determined that we did not need a variance for what the owner want it to do, staff had already advertised the petition and they were requesting a withdraw for the petition.

WITHDRAWN BY PETITIONER, Bill Beckwith made a motion to ACCEPT THE WITHDRAWAL BY PETITIONER of Petition A-884-24. Brian Haren seconded the motion. The motion carried 5-0.

NEW BUSINESS

12. Discussion of Amendments to Chapter 110. Zoning Ordinance, regarding Article VII.-Zoning Board of Appeals. – Sec. 110-242 Powers and Duties. **No Actions were taken on this item.**

Ms. Bell stated back in December 2024 was an amendment to Section 110-242 Powers and Duties of the zoning board of appeals where some cases for parcels that were small and came in for variances and there were such items like lot width and lot side that were excluded from your powers and duties to grant variances to

certain things. After taking to the board of commissioner and legal, Legal drafted an amendment to 110-242 and where now allowed certain items for variance.

Ms. Bell pointed at the primary changes under item 110-242(b), also (c)(i). They asked the board to go over the new request and ask staff and Alli any questions they might have. She read Sec 110-242(c)(1)(2)(3) where the zoning board of appeals may authorize variances from these terms with some requirements. They will start seeing more cases with these requests.

Ms. Alli Cox pointed to a case back in October 2024 for a variance where she stated the zoning board of appeals didn't have the authority to grant a variance like that at that moment, now with the proposed changes the ZBA board will have the authority vote on, but limited for those lots that are impossible to work on or bring into compliance no matter what.

Mr. Haren asked in paragraph Sec 110-242 (c)(1), is there a reason we don't address septic in that also.?

Ms. Cox responded no everyone will need that one and half acre lot in size to fit the changes.

No Actions were taken on this item.

Brian Haren made a motion to adjourn the February 24, 2025, Zoning Board of Appeals meeting. Kyle McCormick seconded the motion. The motion passed 5-0.

The meeting adjourned at 7:40 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

BILL BECKWITH, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-885-25

Requested Actions: Applicant is requesting a variance to reduce the side yard setback from 50' to 47.4' to allow an existing accessory structure to remain.

Location: 238 Chappell Road, Fayetteville, Georgia 30215

Parcel(s): 0434 109

District/Land Lot(s): 4th District, Land Lot(s) 167

Zoning: A-R, Agricultural-Residential

Lot Size: 5.00 Acres

Owner(s): E. Matthew Oates, III and Kristi H. Oates

Agent: N/A

Zoning Board of Appeal Public Hearing: March 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-125(d)(6) Side yard setback in the A-R Zoning District is required to be 50'. The applicant requests to reduce the setback by 2.6', to a setback of 47.4', to allow an existing accessory structure to remain.

STAFF ASSESSMENT

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

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.**
There do not appear to be any environmental or topographical constraints on the parcel.
- 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,**
- 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 A-R zoning district.

HISTORY

This parcel is a legal lot of record documented in Deed Book 3668 Pages 48-50.

ZONING REQUIREMENTS

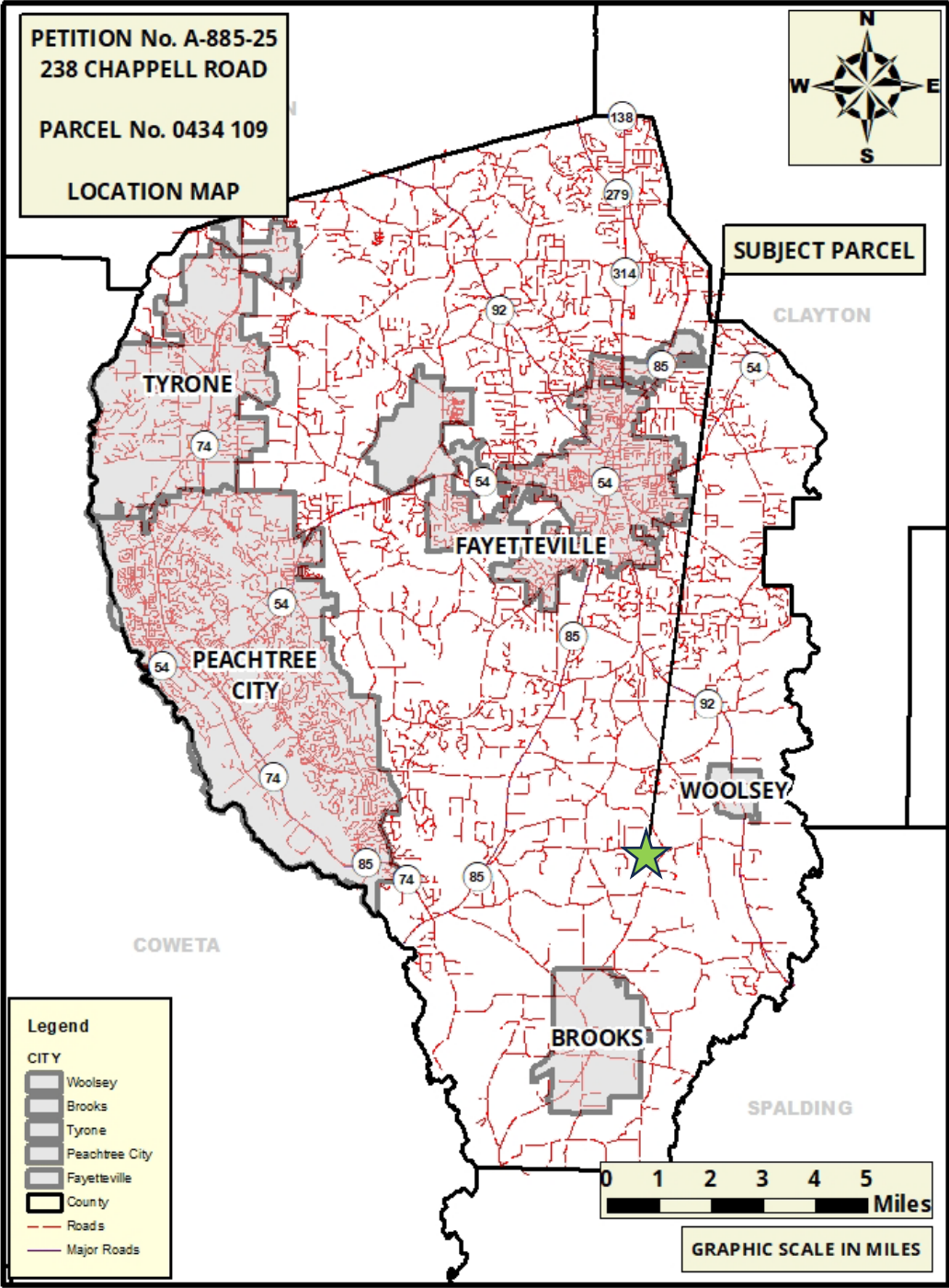
Sec. 110-125. - A-R, Agricultural-Residential District

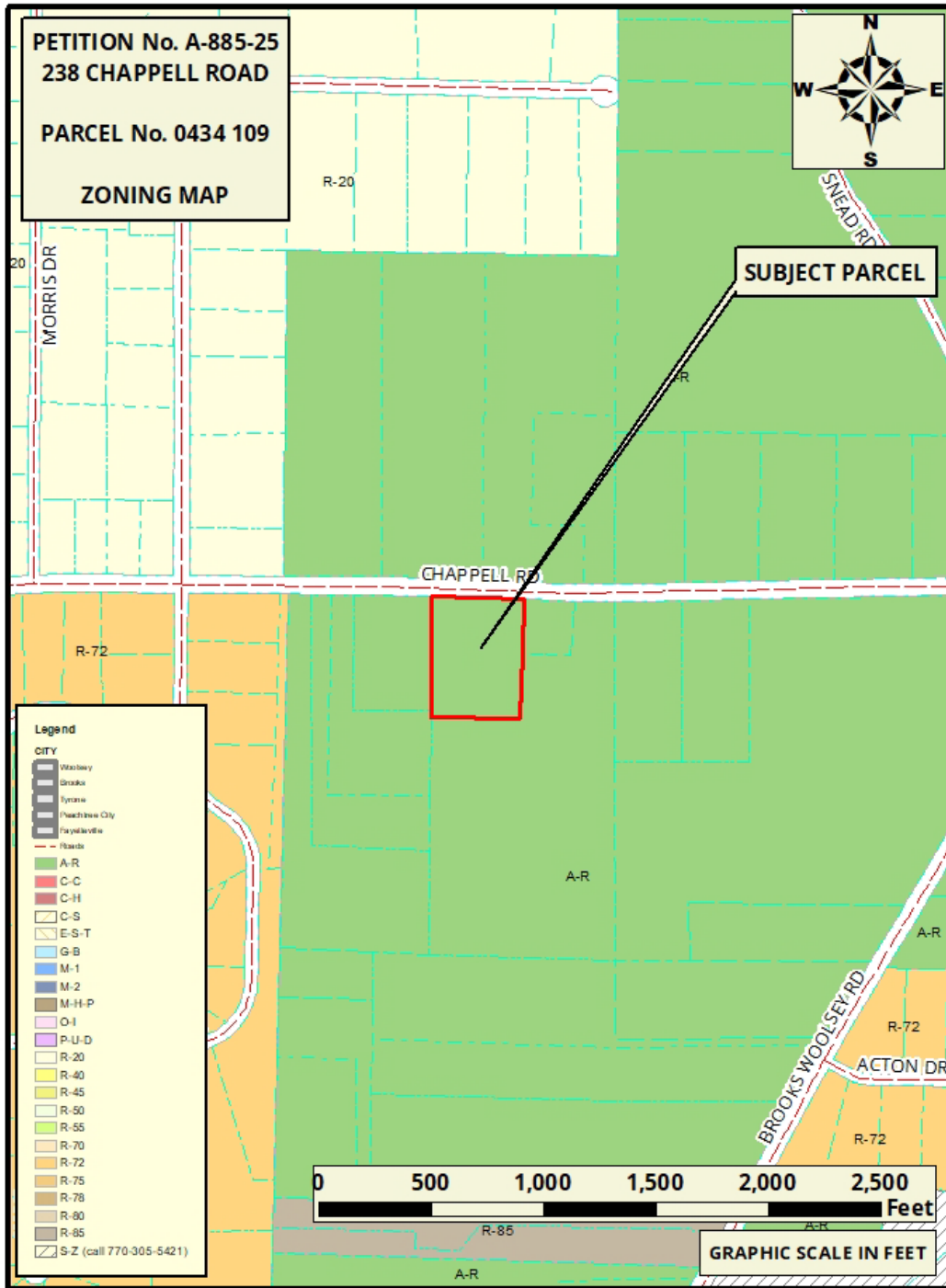
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

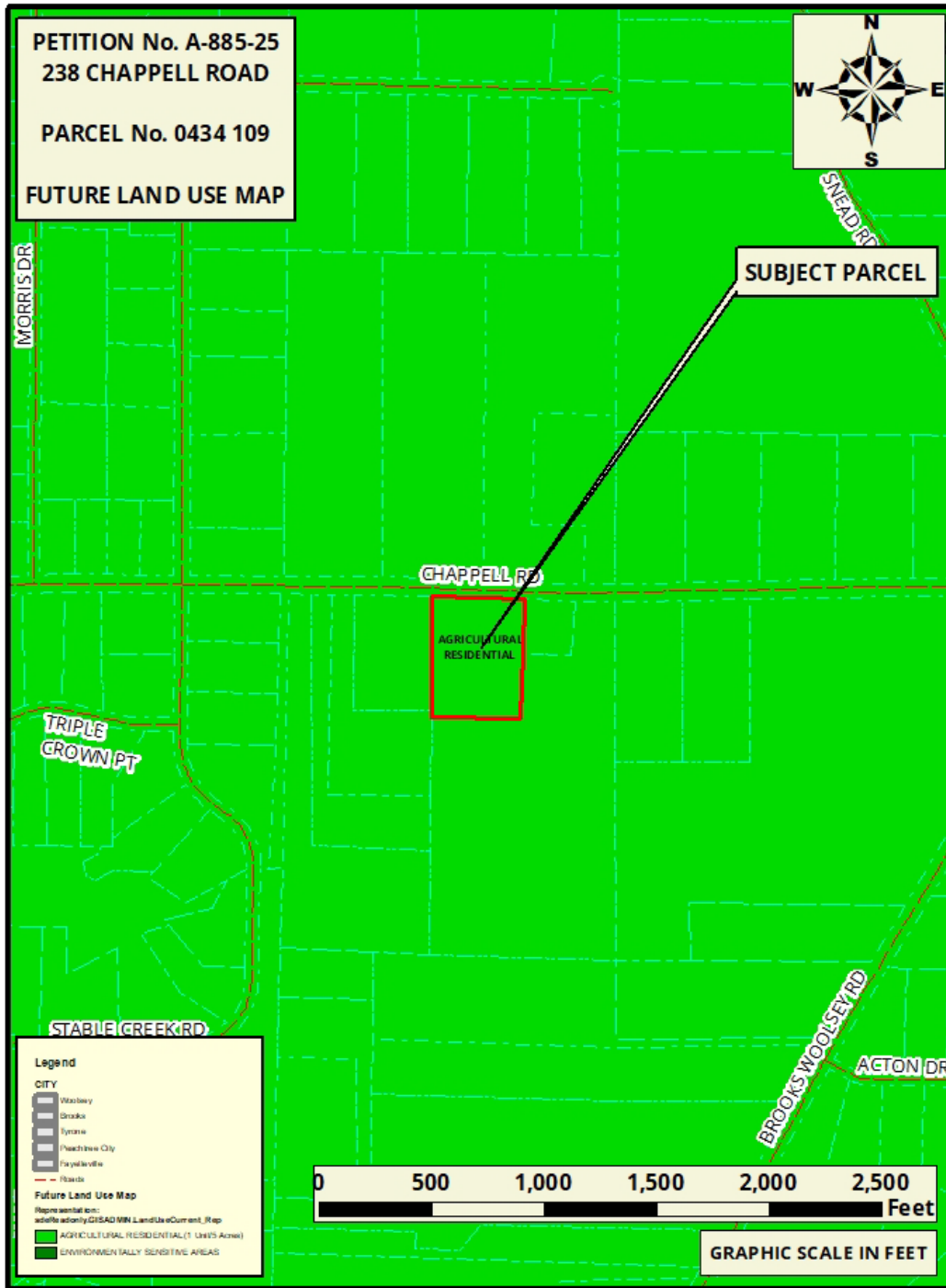
(6) Side yard setback: 50 feet.

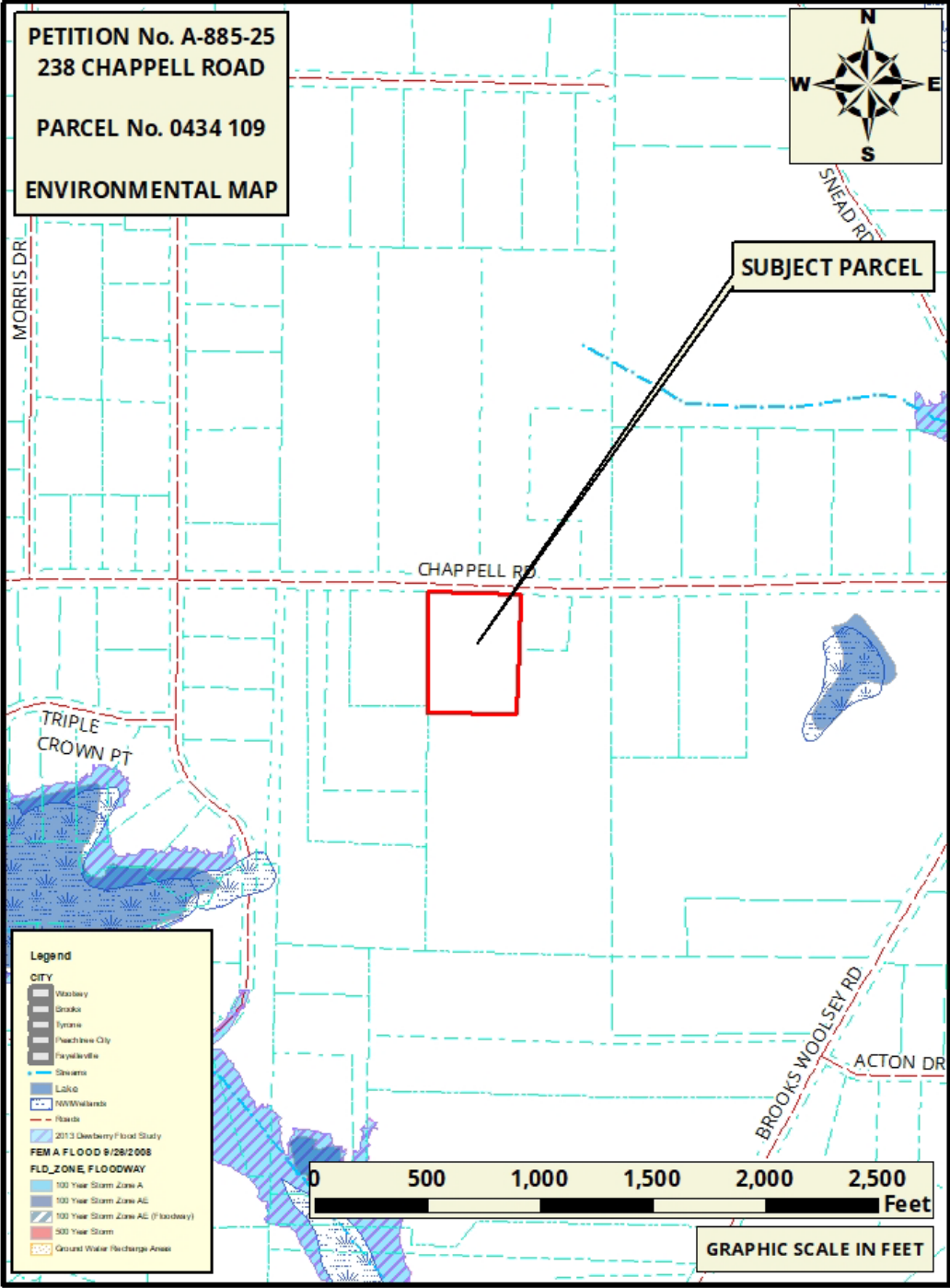
DEPARTMENTAL COMMENTS

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

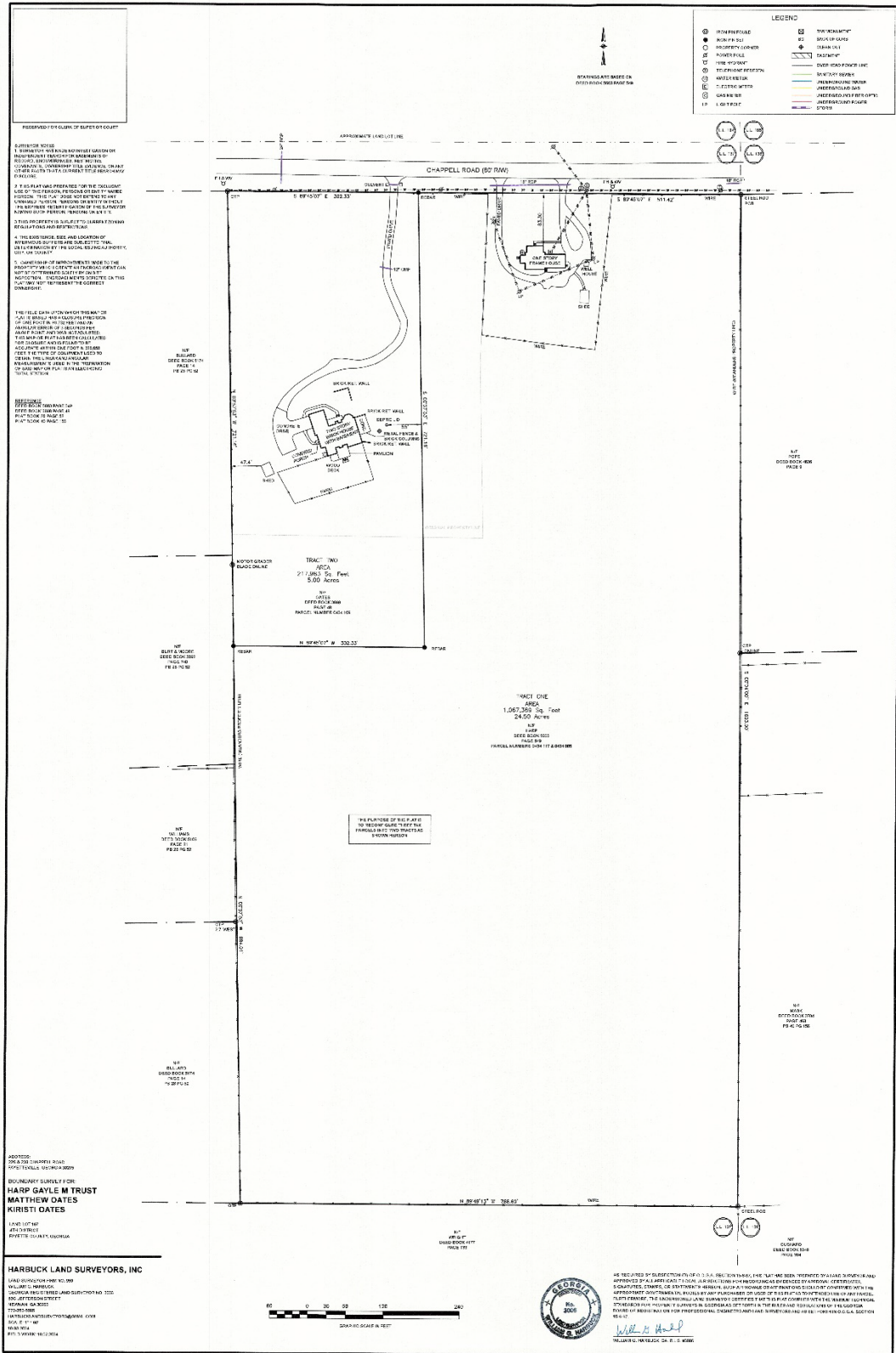












RESERVED BY DEEDS OF SUPERIOR COURT

1. SUPERIOR COURT
 2. EVIDENCE FOR THE BASIS FOR THE SURVEY IS THE ORIGINAL RECORDS OF THE SUPERIOR COURT IN THE MATTER OF THE ESTATE OF MATTHEW GAYLE M. OATES, JUDGE JOHN D. WALKER, JR., DATE OF ENTRY OF DECISION, 12/13/2017. THE SURVEY IS BASED UPON THE ORIGINAL RECORDS OF THE SUPERIOR COURT IN THE MATTER OF THE ESTATE OF MATTHEW GAYLE M. OATES, JUDGE JOHN D. WALKER, JR., DATE OF ENTRY OF DECISION, 12/13/2017. THE SURVEY IS BASED UPON THE ORIGINAL RECORDS OF THE SUPERIOR COURT IN THE MATTER OF THE ESTATE OF MATTHEW GAYLE M. OATES, JUDGE JOHN D. WALKER, JR., DATE OF ENTRY OF DECISION, 12/13/2017. THE SURVEY IS BASED UPON THE ORIGINAL RECORDS OF THE SUPERIOR COURT IN THE MATTER OF THE ESTATE OF MATTHEW GAYLE M. OATES, JUDGE JOHN D. WALKER, JR., DATE OF ENTRY OF DECISION, 12/13/2017.

3. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.

4. THE BOUNDARIES, EASEMENTS, AND LOCATIONS OF UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

5. CORNER MARKERS WERE SET FOR THE BOUNDARIES OF THIS SURVEY AND THE LOCATIONS OF THE CORNERS ARE SHOWN ON THIS SURVEY.

6. THE LOCAL RECORDS DEPARTMENT HAS PROVIDED A CERTIFICATE OF CORNER MARKERS AND THIS SURVEY IS BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF THIRD PARTIES WHICH ARE NOT SHOWN ON THIS SURVEY.

8. THE LOCAL RECORDS DEPARTMENT HAS PROVIDED A CERTIFICATE OF CORNER MARKERS AND THIS SURVEY IS BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

9. THE LOCAL RECORDS DEPARTMENT HAS PROVIDED A CERTIFICATE OF CORNER MARKERS AND THIS SURVEY IS BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

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14. THE LOCAL RECORDS DEPARTMENT HAS PROVIDED A CERTIFICATE OF CORNER MARKERS AND THIS SURVEY IS BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

15. THE LOCAL RECORDS DEPARTMENT HAS PROVIDED A CERTIFICATE OF CORNER MARKERS AND THIS SURVEY IS BASED UPON THE INFORMATION PROVIDED BY THE LOCAL RECORDS DEPARTMENT FOR THE LOCAL JURISDICTION.

HARBUCK LAND SURVEYORS, INC.
 LAND SURVEYORS #5901-1339
 1000 W. 1000 S.
 CLOVERDALE, IOWA 50245
 CONTACT: HARVEY T. HARBUCK, PLS.
 TOLL FREE: 1-800-445-1339
 PHONE: 563-885-1339
 FAX: 563-885-1339
 HARVEY.T.HARBUCK@HARBUCKSURVEYORS.COM
 563.885.1339
 12/13/2017

SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0434 109 Acreage: 5.00 Land Lot: 167 Land District: 4
Address: 238 Chappell Rd.
Zoning: A-R Zoning of Surrounding Properties: A-R
Use: Single family residence

PROPERTY OWNER INFORMATION

AGENT/DEVELOPER INFORMATION (If not owner)

Name <u>Matthew Oates / Kristi Oates</u>	Name _____
Email _____	Email _____
Address <u>238 Chappell Rd.</u>	Address _____
City <u>Fayetteville</u>	City _____
State <u>GA</u> Zip <u>30215</u>	State _____ Zip _____
Phone _____	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: March 24, 2025

Received payment from Gayle Harp 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 1/23/2025 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:

Matthew Oates / Kristi Oates
Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 043A 109

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 107 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 5.0 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.

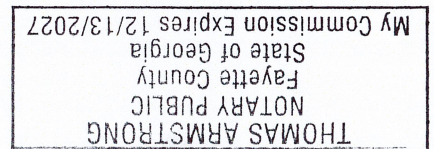
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: [Signature]
Name: Matthew Oates
Address: 238 Chappell Rd
City/State/Zip: Fayetteville GA 30215
Date: 1-27-2025

Notary: [Signature] (seal)
Commission Exp.: 12-13-27



**Owner/
Agent
Two:**

Signature: [Signature]
Name: Kristi Oates
Address: 238 Chappell Rd
City/State/Zip: Fayetteville, GA 30215
Date: 1/31/25

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

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

**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	Section 110-125(d)(6)
Requirement	50' side yard setback
Proposed Change	Reduce the side yard setback to 47.4' (2.6') to allow existing accessory structure to remain.
Variance Amount	2.6'

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.

Reduce the side yard setback from 50' to 47.4' to allow an existing accessory structure to remain

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.

Property owner believed the shed to be inside the buildable area.

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

The accessory structure is in very good shape. It would be a shame to demolish the structure. Property owner demolished structure that was too close, then the surveyor said this shed was also too close.

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.

Property owner is an upstanding member of the community. The goal is to get the various parcels into compliance with county zoning regulations.

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

Applicant thought removing the previous structure would bring the property into compliance. Applicant has worked diligently to bring the property into compliance.

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 at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

①



Doc ID: 008380910003 Type: GLR
Filed: 08/20/2010 at 02:00:00 PM
Fee Amt: \$16.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **3668** PG **48-50**

Return to:
B. D. Murphy, III, P. C.
370 W. Stonewall Avenue
Fayetteville, GA 30214
10-220

CORRECTIVE TRUSTEE'S DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS DEED is made this 12th day of AUGUST, 2010, between **DAVID AND GAYLE HARP, TRUSTEES FOR THE HERMAN L. AND KATHERINE M. CHAPPELL LIVING TRUST DATED APRIL 8, 1994** (hereinafter referred to as "Grantor") and **E. MATTHEW OATES, III AND KRISTI H. OATES** (hereinafter referred to as "Grantee");

WITNESSETH:

Grantor, acting under and by virtue of the power and authority contained in the **DAVID AND GAYLE HARP, TRUSTEES FOR THE HERMAN L. AND KATHERINE M. CHAPPELL LIVING TRUST DATED APRIL 8, 1994, AS AMENDED AND RESTATED MAY 25, 1998** and for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee, and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, the following described property, to-wit:

Tract 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD (80-FOOT RIGHT-OF-WAY) AND THE LAND LOT LINE COMMON TO LAND LOTS 168 AND 167 AND RUN IN A WESTERLY DIRECTION ALONG

THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD A DISTANCE OF 401.61 FEET TO AN IRON PIN, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND LEAVING THE AFORESAID RIGHT-OF-WAY LINE, RUN SOUTH 02 DEGREES 21 MINUTES 51 SECONDS EAST A DISTANCE OF 269.47 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 12 MINUTES 21 SECONDS WEST A DISTANCE OF 396.47 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 57 MINUTES 33 SECONDS WEST A DISTANCE OF 269.47 FEET TO A PIPE FOUND ON THE AFORESAID SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD; THENCE ALONG THE AFORESAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES 12 MINUTES 20 SECONDS EAST A DISTANCE OF 412.10 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINING 2.5 ACRES, ALL AS SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR HERMAN CHAPPELL DATED SEPTEMBER 23, 1998, BY ROLAND MCCANN, GEORGIA REGISTERED LAND SURVEYOR NO. 1752.

Tract 2:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

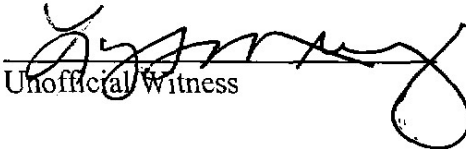
TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD (80-FOOT RIGHT-OF-WAY) AND THE LAND LOT LINE COMMON TO LAND LOTS 168 AND 167 AND RUN IN A WESTERLY DIRECTION ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD A DISTANCE OF 401.61 FEET TO AN IRON PIN; THENCE LEAVING THE AFORESAID RIGHT-OF-WAY LINE, RUN SOUTH 02 DEGREES 21 MINUTES 51 SECONDS EAST A DISTANCE OF 269.47 FEET TO AN ION PIN, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, RUN SOUTH 00 DEGREES 57 MINUTES 33 SECONDS EAST A DISTANCE OF 274.80 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 12 MINUTES 20 SECONDS WEST A DISTANCE OF 397.37 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 36 MINUTES 03 SECONDS WEST A DISTANCE OF 144.22 FEET TO A PIPE FOUND; THENCE NORTH 00 DEGREES 57 SECONDS 33 MINUTES WEST A DISTANCE OF 130.58 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 12 MINUTES 21 SECONDS EAST A DISTANCE OF 396.47 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINING 2.5 ACRES, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR HERMAN CHAPPELL DATED SEPTEMBER 23, 1998, BY ROLAND MCCANN, GEORGIA REGISTERED LAND SURVEYOR NO. 1752.

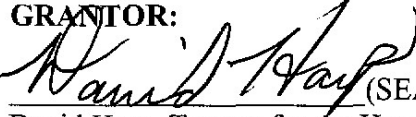
This deed is given to correct the legal descriptions of the second tracts only described in those two deeds recorded in Deed Book 1323, page 334, and Deed Book 1338, page 574, Fayette County, Georgia Records.

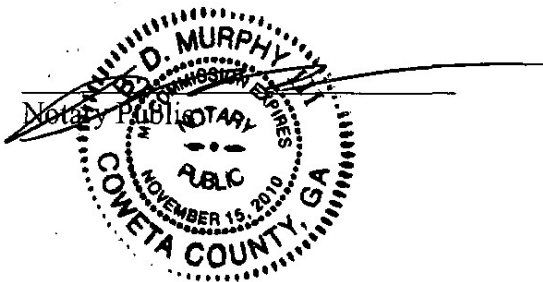
To have and to hold said tract or parcel of land, together with any and all improvements located thereon, and any and all of the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee and the heirs, legal representatives, successors, successors-in-title and assigns of Grantee, forever, in fee simple.

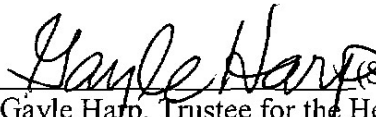
IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this deed the day and year first above written.

Signed, sealed and delivered in the presence of:


Unofficial Witness

GRANTOR:
 (SEAL)
David Harp, Trustee for the Herman L. and Katherine M. Chappell Living Trust dated April 8, 1994, as amended and restated May 25, 1998



 (SEAL)
Gayle Harp, Trustee for the Herman L. and Katherine M. Chappell Living Trust dated April 8, 1994, as amended and restated May 25, 1998

LEGEND

- ⊙ IRON PIN FOUND
- ⊙ IRON PIN SET
- ⊙ PROPERTY CORNER
- ⊙ POWER POLE
- ⊙ FIRE HYDRANT
- ⊙ TELEPHONE PEDESTAL
- ⊙ WATER METER
- ⊙ ELECTRIC METER
- ⊙ GAS METER
- LP LIGHT POLE
- ⊠ R/W MONUMENT
- ⊠ BACK OF CURB
- ⊠ CLEANOUT
- ⊠ EASEMENT
- ⊠ OVERHEAD POWER LINE
- SANITARY SFWIR
- UNDERGROUND WATER
- UNDERGROUND GAS
- UNDERGROUND FIBER OPTIC
- UNDERGROUND POWER



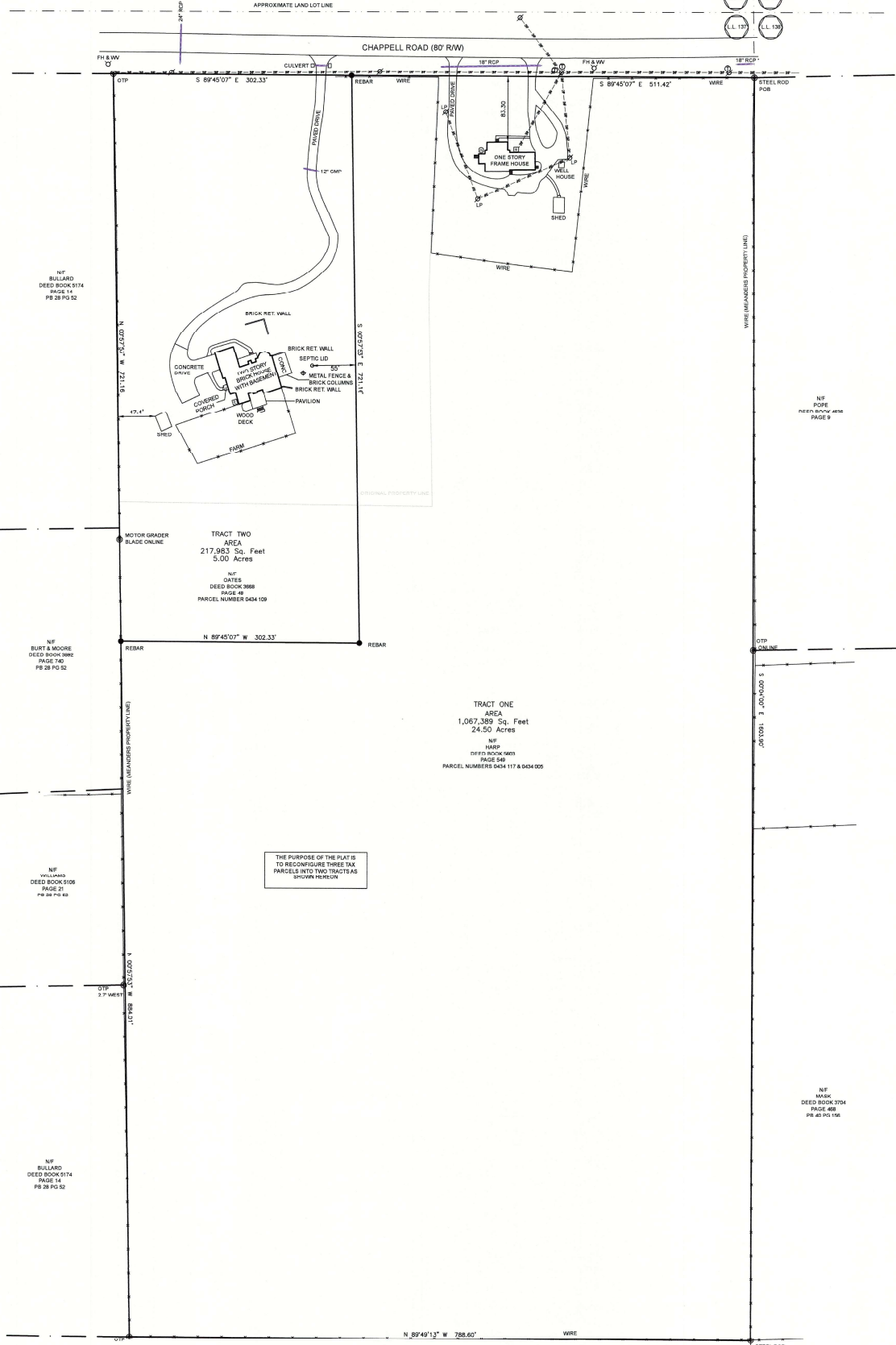
RESERVED FOR CLERK OF SUPERIOR COURT

SURVEYOR NOTES

1. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
2. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
3. THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
4. THE EXISTENCE, SIZE, AND LOCATION OF WEREROUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY OR COUNTY.
5. OWNERSHIP OF IMPROVEMENTS MADE TO THE PROPERTY WHICH CREATE AN ENCROACHMENT CAN NOT BE DETERMINED SOLELY BY ON-SITE INSPECTION. ENCROACHMENTS DEPICTED ON THIS PLAT MAY NOT REPRESENT THE CORRECT OWNERSHIP.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 83,792 FEET AND AN ANGULAR ERROR OF 3 SECONDS PER ANGLE POINT AND WAS NOT ADJUSTED. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 28,888 FEET. THE TYPE OF EQUIPMENT USED TO OBTAIN THE LINEAR AND ANGULAR MEASUREMENTS USED IN THE PREPARATION OF SAID MAP OR PLAT IS AN ELECTRONIC TOTAL STATION.

REFERENCE
 DEED BOOK 5823 PAGE 549
 DEED BOOK 3666 PAGE 48
 PLAT BOOK 28 PAGE 52
 PLAT BOOK 40 PAGE 158



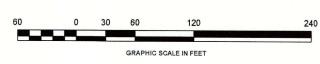
THE PURPOSE OF THE PLAT IS TO RECONFIGURE THREE TAX PARCELS INTO TWO TRACTS AS SHOWN HEREON

ADDRESS:
 208 S 230 CHAPPELL ROAD
 FAYETTEVILLE, GEORGIA 30215

BOUNDARY SURVEY FOR:
HARP GAYLE M TRUST
MATTHEW OATES
KIRISTI OATES

LAND LOT 167
 4TH DISTRICT
 FAYETTE COUNTY, GEORGIA

HARBUCK LAND SURVEYORS, INC
 LAND SURVEYOR FIRM NO. 959
 WILLIAM G. HARBUCK
 GEORGIA REGISTERED LAND SURVEYOR NO. 3008
 830 JEFFERSON STREET
 NEWMAN, GA 30061
 770-233-9960
 HARBUCK.LANDSURVEYORS@GMAIL.COM
 SCALE: 1" = 80'
 10.03.2024
 FIELD WORK: 10.02.2024



AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, JUDICIAL OPINIONS, ORDINANCES OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS INTENDED USE OF ANY PARCEL. 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 14-2-67.

William G. Harbuck
 WILLIAM G. HARBUCK, GA. R.L.S. #3008

NF
 MASK
 DEED BOOK 3704
 PAGE 469
 PB 46 PG 156

NF
 CUSHARD
 DEED BOOK 6346
 PAGE 04

NF
 WARD
 DEED BOOK 4177
 PAGE 133

NF
 BULLARD
 DEED BOOK 5174
 PAGE 14
 PB 28 PG 52

NF
 WILLIAMS
 DEED BOOK 9109
 PAGE 21
 PB 28 PG 43

NF
 BURT & MOORE
 DEED BOOK 3962
 PAGE 740
 PB 28 PG 52

NF
 BULLARD
 DEED BOOK 5174
 PAGE 14
 PB 28 PG 52

NF
 POPE
 DEED BOOK 4692
 PAGE 9

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, March 24, 2025, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.
Petition No.: A-885-25
Owner(s): Matthew E. III Oates & Kristi H. Oates Property Address: 238 Chappell Road, Fayetteville, GA 30215
Parcel: 0434 109
Zoning District: A-R
Area of Property: 5.00 acres
Land Lot(s): 167
District: 4th
Road Frontage: Chappell Road
Request: Applicant is requesting a variance to Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 47.4 feet to allow an existing accessory structure to remain.

Legal Description
Tract 1: Parcel # 0434 005
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS

FOLLOWS: TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD (80-FOOT RIGHT-OF-WAY) AND THE LAND LOT LINE COMMON TO LAND LOTS 168 AND 167 AND RUN IN A WESTERLY DIRECTION ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD A DISTANCE OF 401.61 FEET TO AN IRON PIN, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED AND LEAVING THE AFORESAID RIGHT-OF-WAY LINE, RUN SOUTH 02 DEGREES 21 MINUTES 51 SECONDS EAST A DISTANCE OF 269.47 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 12 MINUTES 21 SECONDS WEST A DISTANCE OF 396.47 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 57 MINUTES 33 SECONDS WEST A DISTANCE OF 269.47 FEET TO A PIPE FOUND ON THE AFORESAID SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD; THENCE ALONG THE AFORESAID RIGHT-OF-WAY LINE SOUTH 89 DEGREES 12 MINUTES 20 SECONDS EAST A DISTANCE OF 412.10 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINING 2.5 ACRES, ALL AS SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR HERMAN CHAPPELL DATED SEPTEMBER 23, 1998, BY ROLAND MCCANN, GEORGIA REGISTERED LAND SURVEYOR NO. 1752.

Tract 2: Parcel # 0434 109
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 167 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD (80-FOOT RIGHT-OF-WAY) AND THE LAND LOT LINE COMMON TO LAND LOTS 168 AND 167 AND RUN IN A WESTERLY DIRECTION ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF CHAPPELL ROAD A DISTANCE OF 401.61 FEET TO AN IRON PIN; THENCE LEAVING THE AFORESAID RIGHT-OF-WAY LINE, RUN SOUTH 02 DEGREES 21 MINUTES 51 SECONDS EAST A DISTANCE OF 269.47 FEET TO AN IRON PIN, SAID IRON PIN BEING THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, RUN SOUTH 00 DEGREES 57 MINUTES 33 SECONDS EAST A DISTANCE OF 274.80 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 12 MINUTES 20 SECONDS WEST A DISTANCE OF 397.37 FEET TO AN IRON PIN; THENCE NORTH 00 DEGREES 36 MINUTES 03 SECONDS WEST A DISTANCE OF 144.22 FEET TO A PIPE FOUND; THENCE NORTH 00 DEGREES 57 SECONDS 33 MINUTES WEST A DISTANCE OF 130.58 FEET TO AN IRON PIN; THENCE SOUTH 89 DEGREES 12 MINUTES 21 SECONDS EAST A DISTANCE OF 396.47 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINING 2.5 ACRES, AS SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR HERMAN CHAPPELL DATED SEPTEMBER 23, 1998, BY ROLAND MCCANN, GEORGIA REGISTERED LAND SURVEYOR NO. 1752.
02/12

PETITION NO: A-886-25

Requested Actions: Applicant is requesting a variance to reduce the side yard setback from 15' to 8.5' to allow the construction of an accessory structure.

Location: 180 Longmead Drive, Fayetteville, Georgia 30215

Parcel(s): 0602 16020

District/Land Lot(s): 6th District, Land Lot(s) 21

Zoning: PUD-PRD, Planned Residential Development

Lot Size: 1.17 Acres

Owner(s): Roch B. LaRocca and Barbara B. LaRocca

Agent: Daniel Undutch

Zoning Board of Appeal Public Hearing: March 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-149(d)(6)(c) Side yard setback in the PUD-PRD Zoning District is required to be 15'. The applicant requests to reduce the setback by 6.5', to a setback of 8.5', to allow the construction of a detached garage.

STAFF ASSESSMENT

The narrow width of the lot and the double frontage do present some practical difficulties in siting the garage. The encroachment is minor and is unlikely to pose any problems for neighboring properties.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

Staff Assessment

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

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

- 1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.**
The parcel is relatively narrow and has 2 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 location of the house on the parcel makes it difficult to locate the garage elsewhere and still
- 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 PRD zoning district. The garage might be sited elsewhere on the lot, but it would be farther from the house and not as easy to drive the car inside the structure.

HISTORY

This parcel is a legal lot of record documented in the Final Plat of Timber Lake, Phase II, recorded in Plat Book 30 Pages 103-105.

ZONING REQUIREMENTS

Sec. 110-149. - Planned unit development.

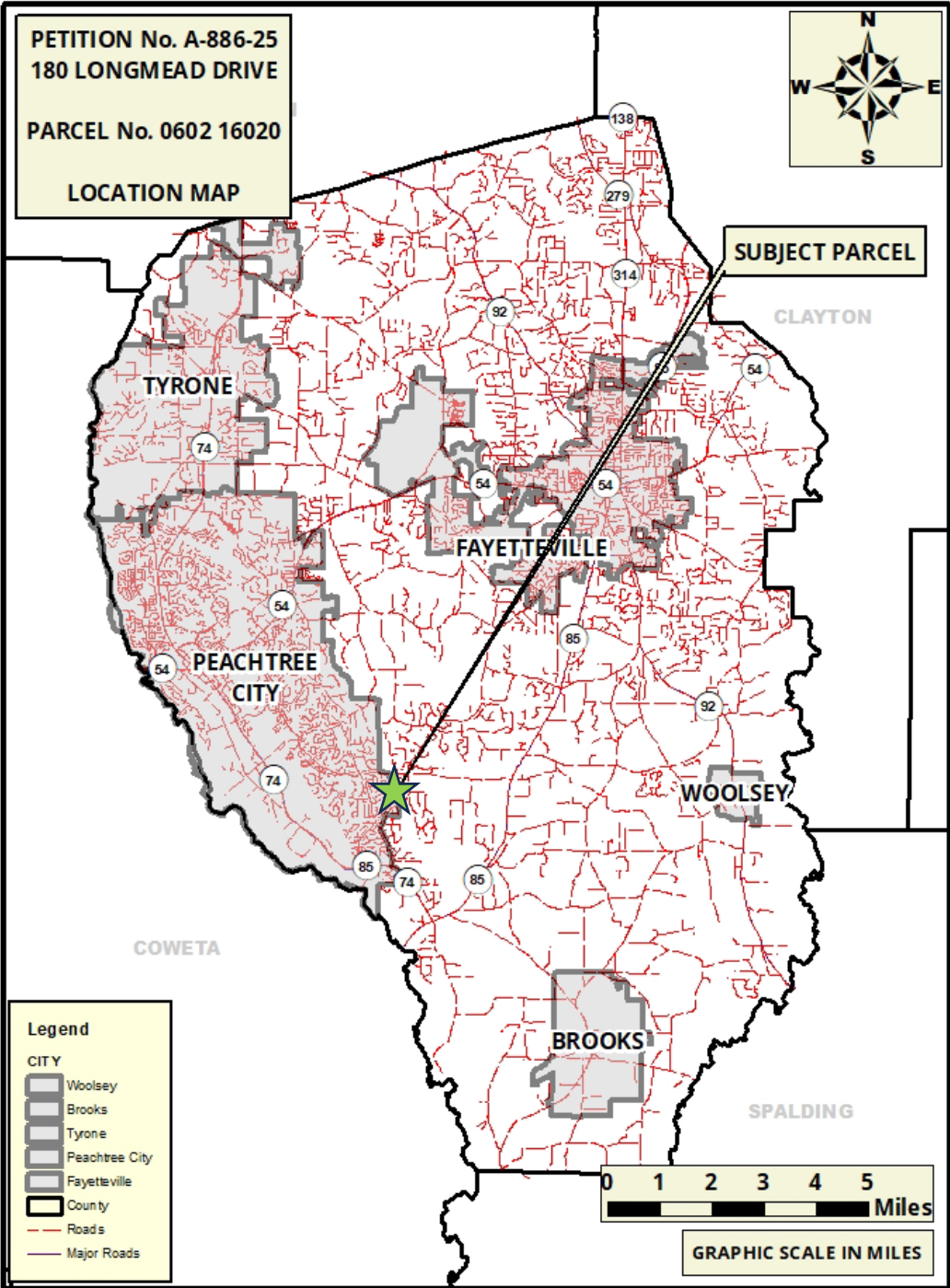
(d) *Planned residential development.*

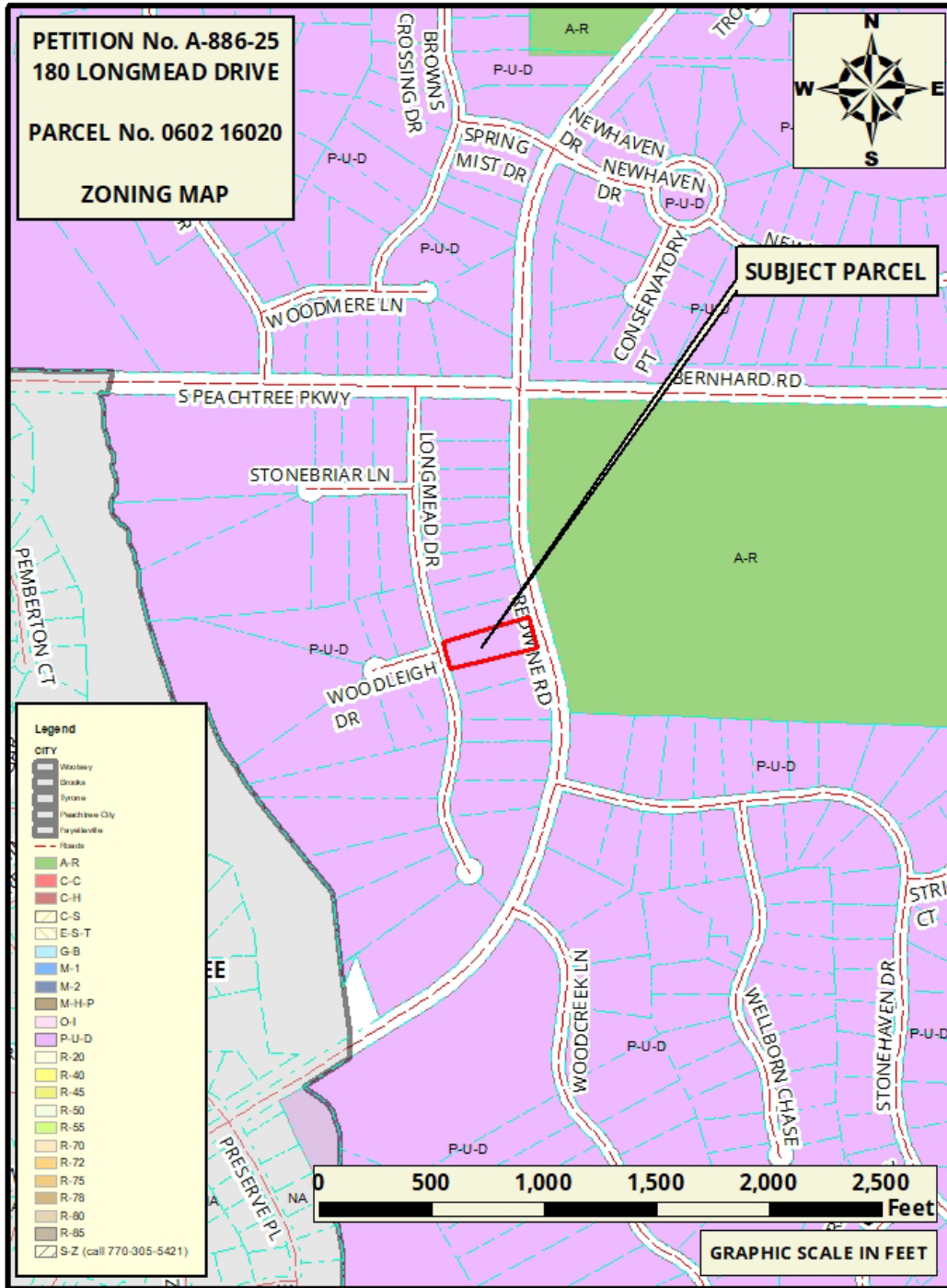
(6) *Minimum dimensional and other requirements.* The minimum dimensional requirements in the PRD shall be as follows:

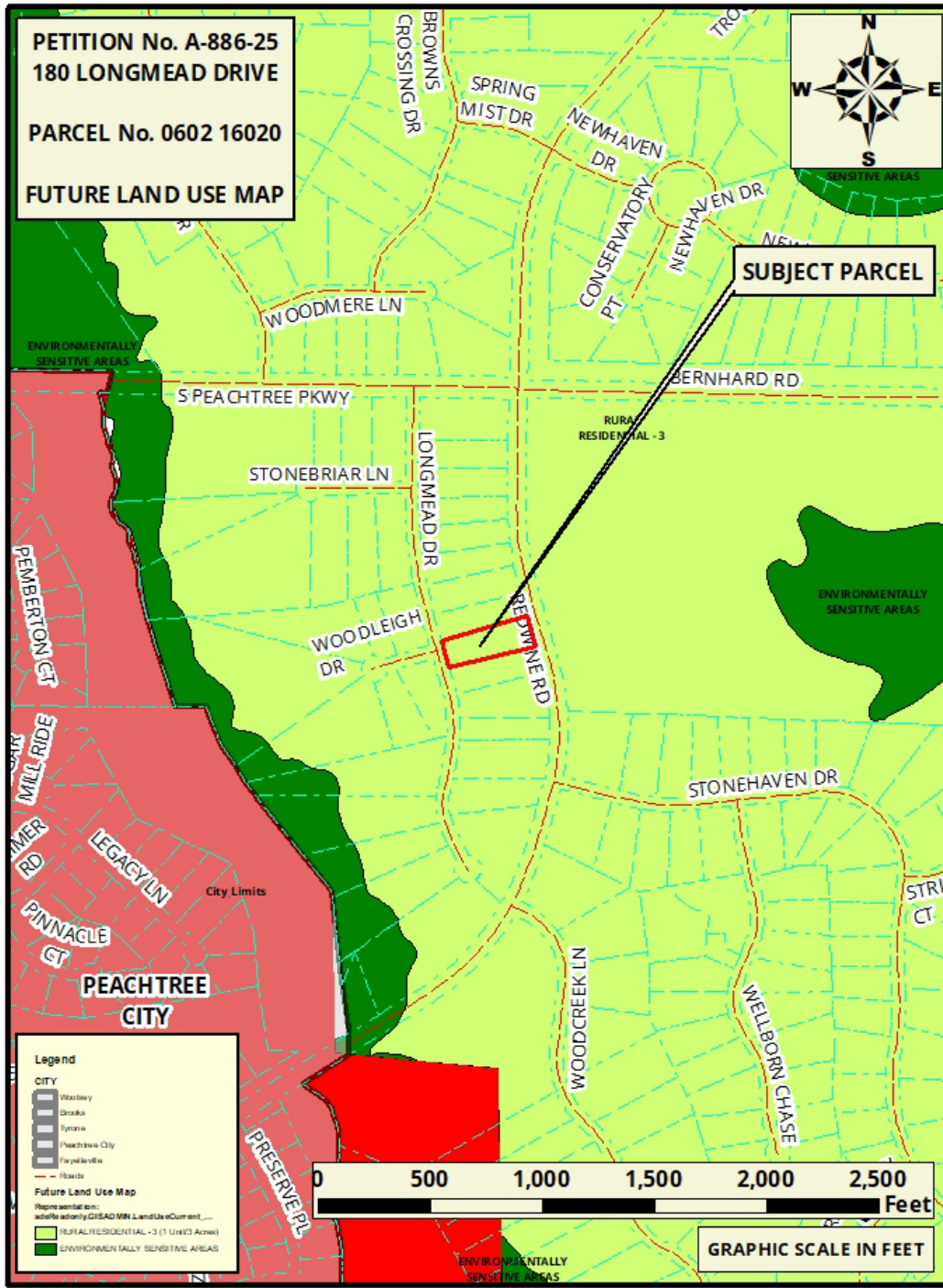
c. Side yard setback: 15 feet.

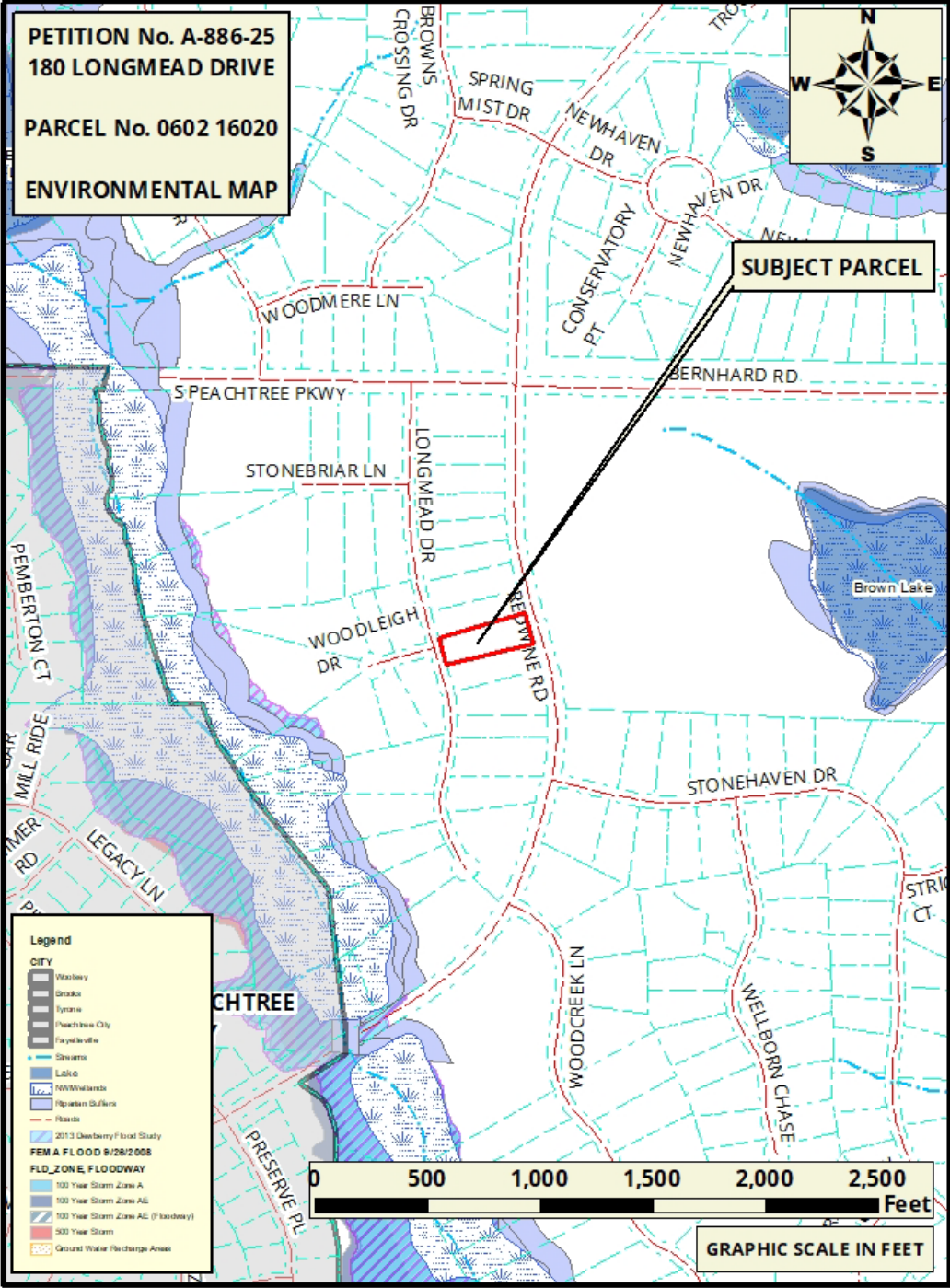
DEPARTMENTAL COMMENTS

- 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.











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

PROPERTY INFORMATION:

Parcel No. 060216020 Acreage: 1.17 Land Lot: 28 Land District: 01
Address: 180 longmead Dr Fayetteville GA 30215
Zoning: PUD Zoning of Surrounding Properties: PUD
Use: Single Family

PROPERTY OWNER INFORMATION

Name Barbara & Roch LaRocca
Email [REDACTED]
Address 180 Longmead Dr
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (if not owner)

Name Daniel Undutch
Email dan@garagesforatlanta.com
Address 3070 Chastain Park Ct
City Atlanta
State GA Zip 30342
Phone 404-509-5526

(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: 01/28/2025

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

Received payment from Daniel Undutch a check in the amount of \$ 175.⁰⁰

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

Date Paid 01/28/2025 Receipt Number: 022997

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:

Barbara B & Roch LaRocca

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: ID- 060216020

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land 28 Lot(s) of the 01st District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1.15 acres acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

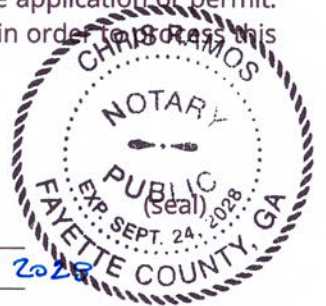
(I) (We) hereby delegate authority to Daniel Undutch to act as (my) (our) Agent in this request. As Agent, they have the authority to agree to any and all conditions of approval which may be imposed by the Board.

(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: Roch B LaRocca
Address: 180 Longmead Dr
City/State/Zip: Fayetteville, GA 30215
Date: _____

Notary [Signature]
Commission Exp.: Sep 24 2028



Owner/ Agent One:

Signature [Signature]
Name: Barbara B LaRocca
Address: 180 Longmead Dr
City/State/Zip: Fayetteville, GA 30215
Date: _____

Notary [Signature]
Commission Exp.: Sep 24 2028



Owner/ Agent Two:

Signature [Signature]
Name: Daniel Undutch
Address: 3070 Chastain Park Court
City/State/Zip: Atlanta, GA 30342
Date: _____

Notary [Signature]
Commission Exp.: May 05 2026



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	Sec 110-149. Planned Unit Development (d)
Requirement	(6)c. side yard setback: 15 feet
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.

Reduce the side yard setback from 15 feet to 8.5 feet

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.

Although these conditions are slight, 1. house placement on the lot is off centered resulting in less side yard available on the driveway side 2. the lot width is 4' less than the average of the 13 lots w/ comparable shape (average 129')

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

The LaRocca's have lived in their house since 2006. They desire to stay in their house/neighborhood going thru retirement. To fulfill their lifestyle going forward, creating this space, placed at this location will provide the aesthetic appropriate for the neighborhood and practical usage for their endeavors.

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

Condition per proximity of affected neighbor to the left: this location will allow the LaRocca's and their affected neighbor to maintain unobstructive views of the current open spaces and maintain the intent applied in zoning designation. The neighbor has given support and the HOA has given approval.

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.

Reducing the side setback at this location would not cause any detriment to the public good and maintains the intent of zoning ordinance/regulations

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

There are many other lots in the neighborhood due to the placement of the house on the lot in relation to the driveway, that would not require this reduction.

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. \$175

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 MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



Doc ID: 007897440003 Type: GLR
Filed: 09/22/2008 at 09:10:00 AM
Fee Amt: \$321.00 Page 1 of 3
Transfer Tax: \$307.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **3442** PG **743-745**

RETURN TO:
Slepian & Schwartz, LLC
42 Eastbrook Bend
Peachtree City, GA 30269

SPECIAL WARRANTY DEED

STATE OF TEXAS
COUNTY OF DALLAS

THIS INDENTURE made this 25 day of August, 2008, between

**Wells Fargo Bank, N.A. as Trustee for Option One Mortgage Loan Trust 2007-FXD1 Asset-Backed
Certificates, Series 2007-FXD1**

of the County of Dallas, State of Texas, as party or parties of the first part,
hereinafter called Grantor, and

**** Roch B. LaRocca and Barbara B. LaRocca**

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).

****AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP****

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS
(\$10.00) and other good and 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,

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

Reference: 180 Longmead Dr, Fayetteville, GA 30215

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and
appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and
behooof 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 lawful claims and demands of all persons claiming by, through or under the above
named Grantor, but against none other.

Reference: 180 Longmead Dr, Fayetteville, GA 30215
Servicer Loan Number: 0022439566

Doc: GA_WarrantyDeed_Special_2pgs_New.rdw
BW: DS/5/19/2008

GAR-050801354A
08/23/08 @ 03:20:45M

SPECIAL WARRANTY DEED
(Continued)

Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 3 and 21 of the 6th District of Fayette County, Georgia, being Lot 28 of Creekview at Timber Lake Subdivision, Phase 2, as shown on that certain plat of said subdivision recorded in Plat Book 30, Pages 103-105, Fayette County, Georgia records, reference to which plat is hereby made for a more accurate description of the metes and bounds of said Lot 28.

Reference: 180 Longmead Dr, Fayetteville, GA 30215
Servicer Loan Number: 0022439566

Deed_GA_WarrantyDeed_Special_2pgs_New.rlw
BW - DS / 5.19.2008

GAR-080801354A
08/23/08 @ 03:20 PM

STATEMENT OF CERTIFICATION

THIS IS TO CERTIFY THAT I, THE UNDERSIGNED, A LICENSED SURVEYOR IN THE STATE OF MISSISSIPPI, HAVE PERSONALLY CONDUCTED THE SURVEY HEREON, AND THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I, THE UNDERSIGNED, AM A LICENSED SURVEYOR IN THE STATE OF MISSISSIPPI, AND I HAVE PERSONALLY CONDUCTED THE SURVEY HEREON, AND I HAVE NOT BEEN DISCIPLINED OR SUSPENDED FROM PRACTICING AS A LICENSED SURVEYOR IN THE STATE OF MISSISSIPPI.

DATE OF SURVEY: 1/17/15
 DATE OF THIS CERTIFICATION: 1/17/15
 COUNTY: TALLAHASSEE
 STATE OF MISSISSIPPI

(Signature)

 SURVEYOR

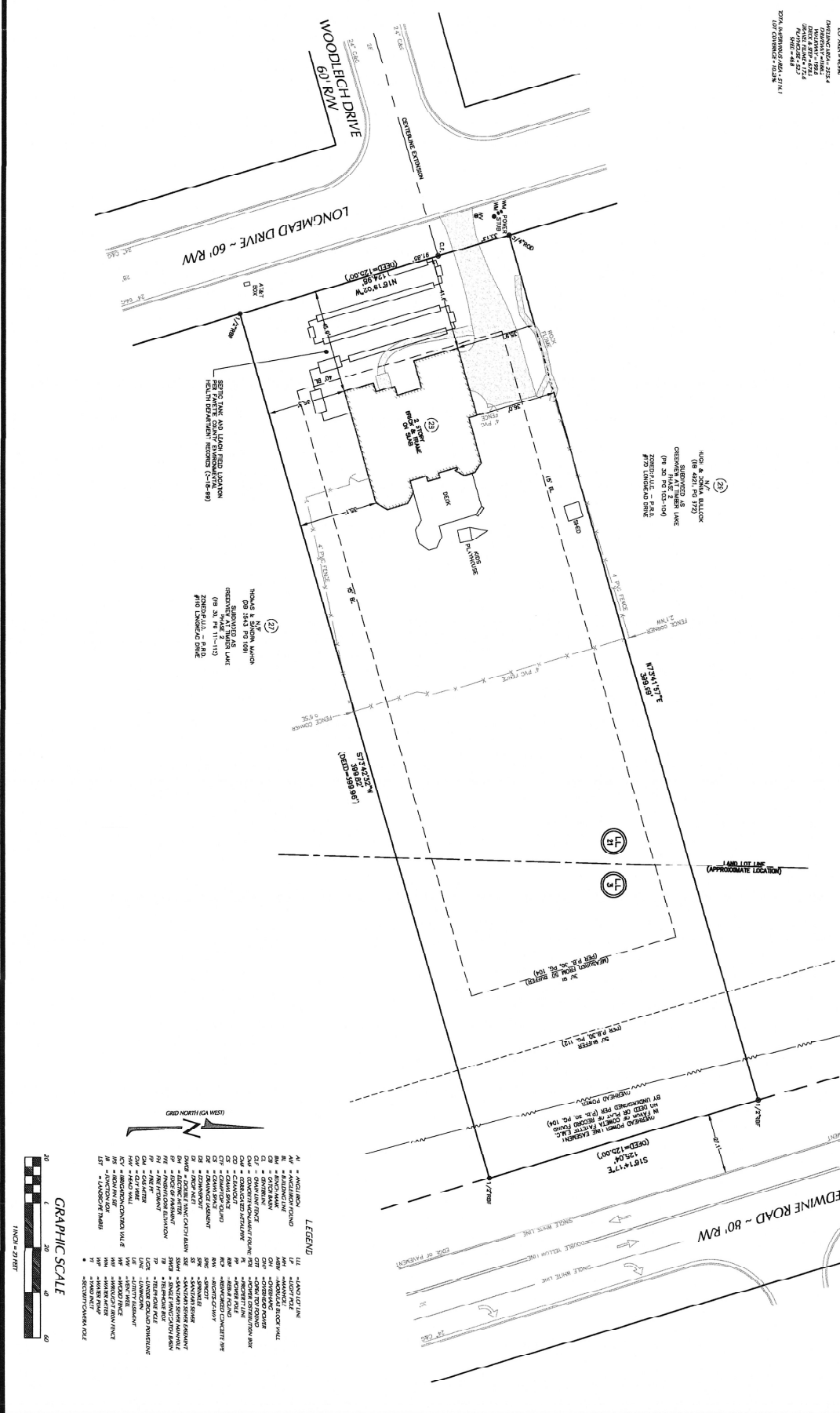
THIS SURVEY WAS CONDUCTED FOR THE PURPOSE OF THE LAYOUT OF THE SUBDIVISION SHOWN ON THIS PLAN, AND THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF SURVEY: 1/17/15
 DATE OF THIS CERTIFICATION: 1/17/15
 COUNTY: TALLAHASSEE
 STATE OF MISSISSIPPI

PROPERTY OWNER'S STATEMENT

I, THE UNDERSIGNED, OWNER OF THE ABOVE DESCRIBED PROPERTY, HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DATE OF SURVEY: 1/17/15
 DATE OF THIS CERTIFICATION: 1/17/15
 COUNTY: TALLAHASSEE
 STATE OF MISSISSIPPI



SURVEY FOR:
ROCH & BARBARA LARocca
 #180 LONGMEAD DRIVE
 LOT 20
 CREEKVIEW AT TIMBERLAKE SUBDIVISION, PHASE 2
 PLAT BOOK 30, PAGES 103-105
 LAND LOTS 1 & 21 - 611 LIND MIL. I
 YAVETTE COUNTY, GEORGIA

GADDY SURVEYING & DESIGN, INC.

1215 PLEASANT HILL ROAD
 LAWRENCEVILLE, GEORGIA 30044
 PHONE: 770-951-2600
 FAX: 770-951-9000

L.S. CERTIFICATE OF AUTHORIZATION #LS001014
 P.C. CERTIFICATE OF AUTHORIZATION #PC003130

PROJECT NUMBER		
GFA-25-023		
BY	FIELD	DRAWING
TDC	01-27-25	01-28-25

09:41

📶 99



Garage Addition Approval - 180 Longmead Dr

Dear Mr. LaRocca,

Your ARB request to add a detached garage and workshop with the same materials as your home that will be attached to the house by a breezeway was approved as proposed. You will receive a formal approval letter in the mail.

We encourage you to check with your local building department to ensure that your plans are in compliance with the respective requirements / zoning / codes, and that the appropriate permit(s) are obtained/posted on the site if applicable.

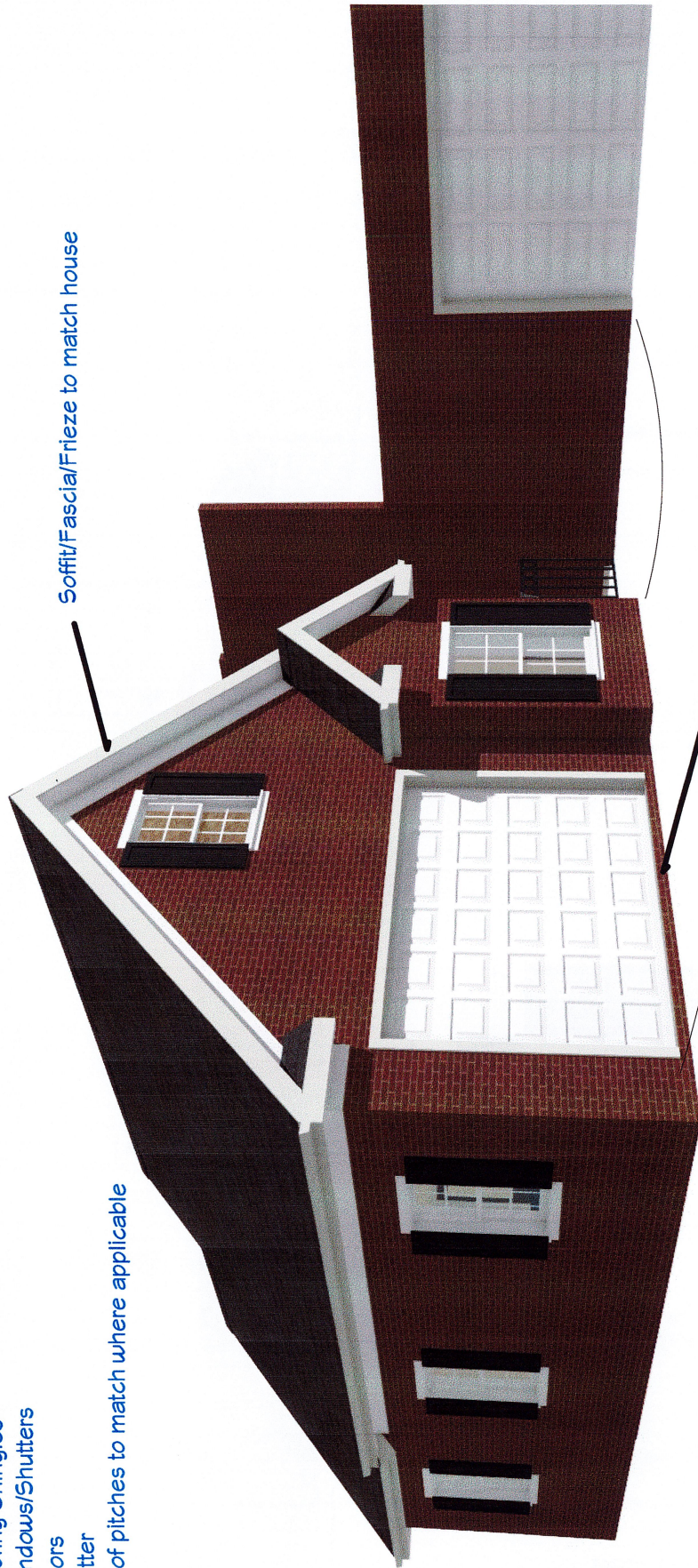
Please contact the two ARB members for an ARB approved sign. Email Diana Owens at diana_p_owens@hotmail.com or Dena Manino-Babcock at dmaninobabcock@gmail.com to obtain your ARB approval sign which needs to be placed on your property where it is visible from the street. Please allow them 48 hours to reply about your sign pickup. **This must be placed in the yard near the curb and street prior to work commencing.** A fine of \$100.00 dollars will be applied for commencing with work without an ARB approval sign in the yard.

Once work is completed, please return the sign within 7 days to one of the above individuals.

Thank you,



Notes:
 All materials and colors to match Existing House
 to include:
 Brick
 Siding
 Roofing Shingles
 Windows/Shutters
 Doors
 Gutter
 Roof pitches to match where applicable



Soffit/Fascia/Frieze to match house

Top of slab elevation approx. 3" above existing driveway

LaRocca Garage Concept

NUMBER	DATE	REVISOR	DESCRIPTION

180 Longmead Dr

LaRocca Residence
 Garage Project
 HOA Submittal

Drawings provided by:
 Garages for Atlanta
 Contact: Dan Undutch
 404-504-5526

DATE:
 1/19/25

SCALE:

SHEET:
 P-1

Elevation

NUMBER	DATE	REVISION	DESCRIPTION

180 Longmead Dr

LaRocca Residence
Garage Project
HOA Submittal

DRAWINGS PROVIDED BY:
Garages for Atlanta
Contact: Dan Undutch
404-509-5526

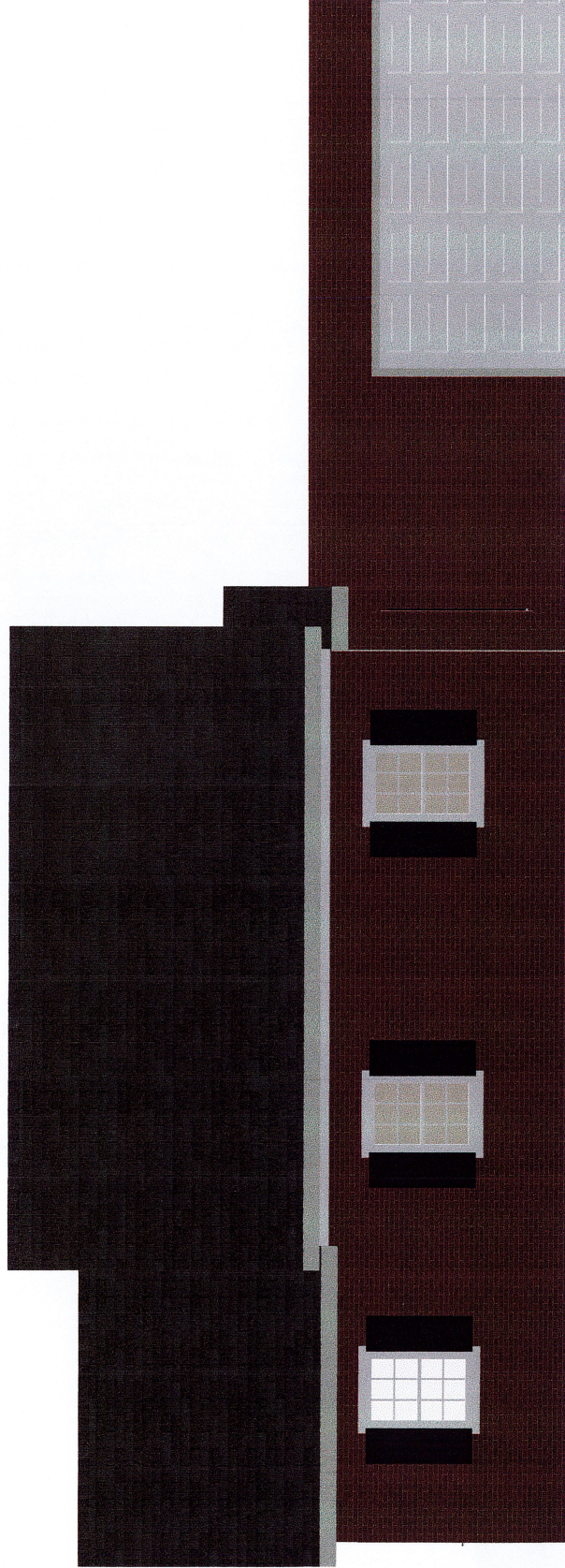
DATE:

1/19/25

SCALE:

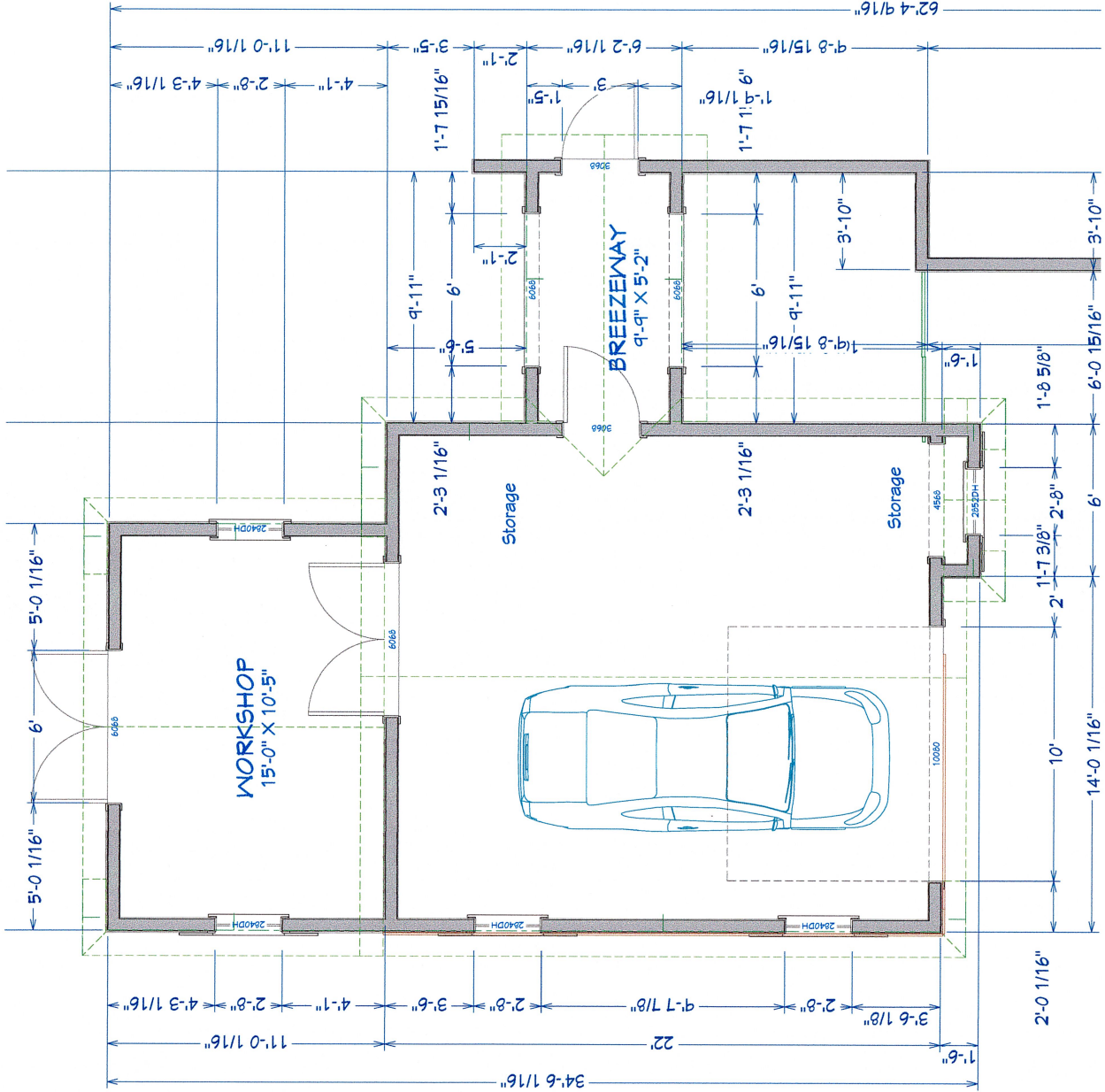
SHEET:

P-3



Left Side Elevation 1

REVISION TABLE	NUMBER	DATE	REVISOR	DESCRIPTION



Wednesday, February 12, 2025

Continued from page B4

Fayette County News **B5**

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

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, March
24, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-886-25

Owner(s): Barbara B. & Roch LaRoc-
cca

Property Address: 180 Longmead
Drive, Fayetteville, GA 30215

Parcel: 060216 020

Zoning District: PUD-PRD

Area of Property: 1.15 acres

Land Lot(s): 3 & 21

District: 6th

Road Frontage: Longmead Drive &
Redwine Road

Request: Applicant is requesting
a variance to Sec. 110-149 (d)(6)
(c), to reduce the side yard setback
from 15 feet to 8.5 feet to allow the
construction of a new accessory
structure.

EXHIBIT "A"

All that tract or parcel of land lying
and being in Land Lot 3 and 21 of
the 6th District of Fayette County,
Georgia, being Lot 28 of Creekview
at Timber Lake Subdivision, Phase
2, as shown on that certain plat of
said subdivision recorded in Plat
Book 30, Pages 103-105, Fayette
County, Georgia records, reference
to which plat is hereby made for a
more accurate description of the
metes and bounds of said Lot 28.

02/12

PETITION NO: A-887 -25

Requested Actions: Variance to Sec. 110-125(d)(5) - To allow a variance to reduce the rear yard setback from 75 feet to 60 feet.

Location: 296 Morgan Mill Road, Brooks, Georgia 30205

Parcel(s): 0412 023

District/Land Lot(s): 4th District, Land Lot(s) 93

Zoning: A-R, Agricultural-Residential

Lot Size: 16.82 Acres

Owner(s): Estate of Loyd Hall Black, Jr.

Agent: Christopher Charles Edwards, Executor

Zoning Board of Appeal Public Hearing: March 24, 2025

REQUEST

Applicant is requesting the following:

- a. 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 15 feet, to 60 feet, to allow an existing primary house to remain.

STAFF ASSESSMENT

Staff recommends that the variance, if granted, be the minimum needed to allow the existing house to remain. This would result in a motion to reduce the rear yard setback from 75 feet to 65.4 feet to allow an existing house to remain. This way, the entire rear yard setback is not compromised.

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.**
When this house was built in 1992, foundation surveys were not required, so the encroachment was not noted until the applicant ordered a survey to subdivide the property.
- 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,**
There is not an environmental or topographical constraint, but the construction of the house predates foundation survey requirements.
- 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.

HISTORY

This parcel is a legal lot of record documented in a deed recorded in Deed Book 935 Page 729 on August 18, 1994. The house was built in 1992. The applicant recently realized that the structure is too close to the property line and is requesting a variance for the structure to remain so there will not be any impediments to future permitting or subdivision of property.

ZONING REQUIREMENTS

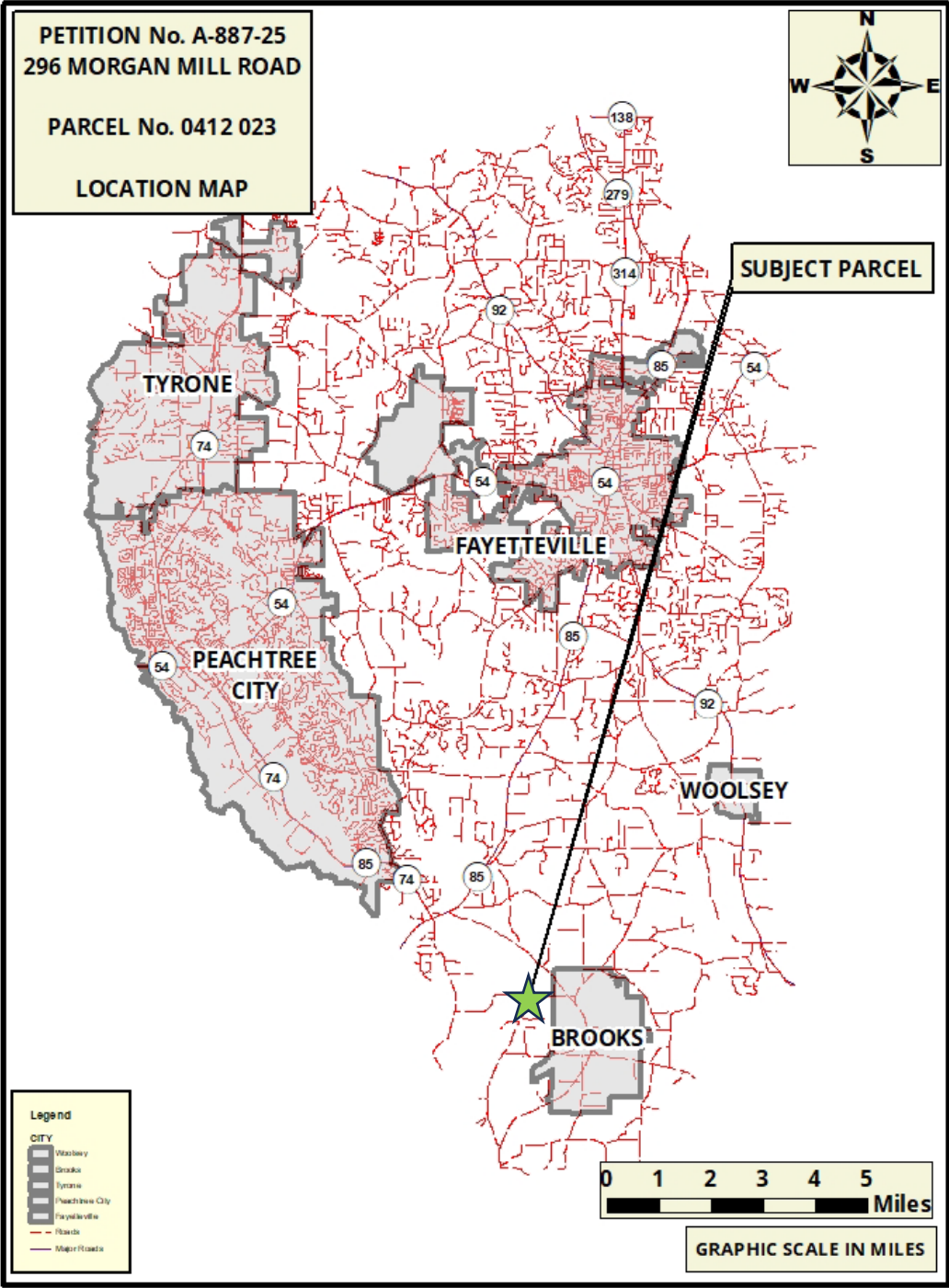
Sec. 110-125. – A-R, Agricultural-Residential District.

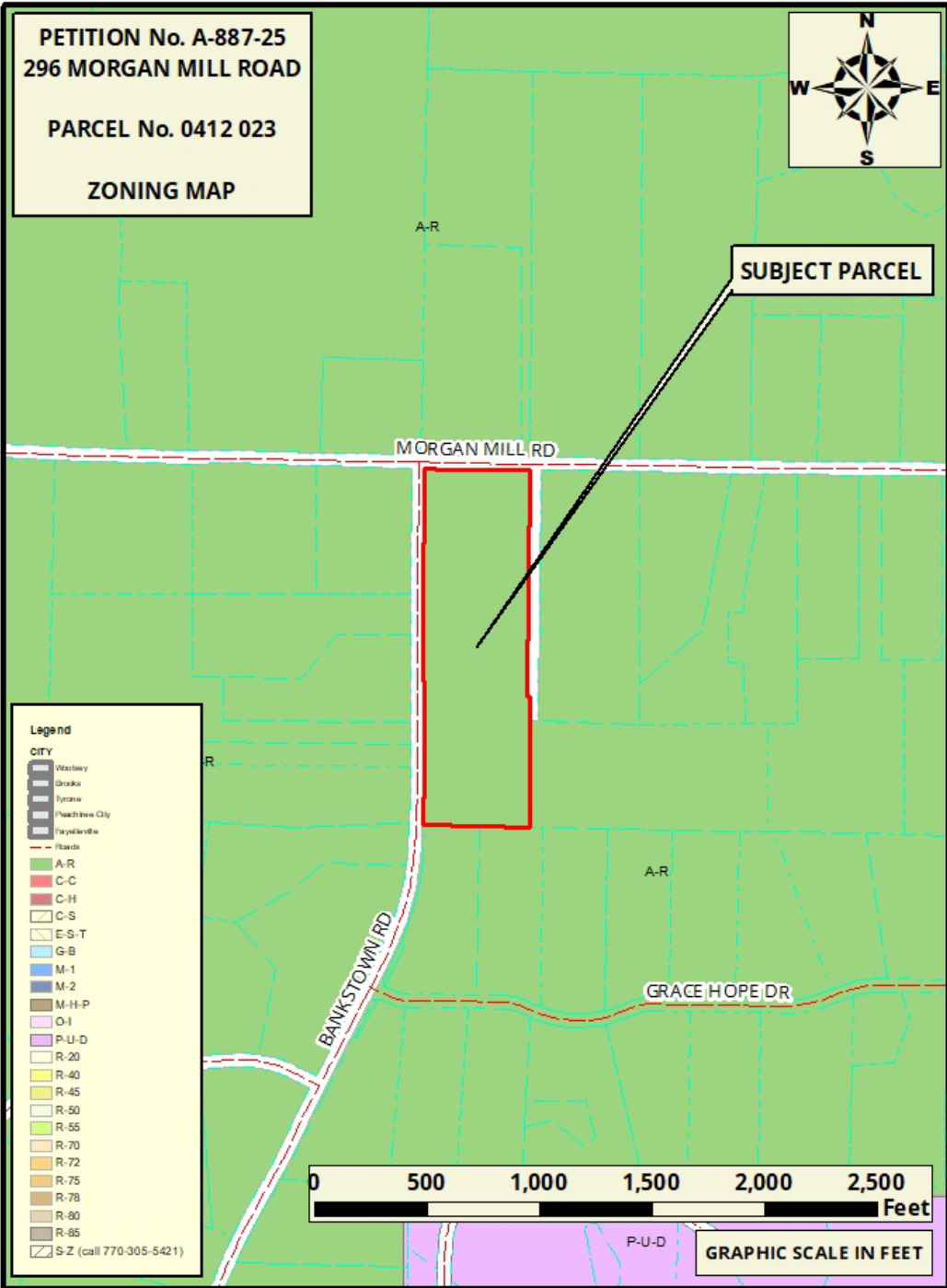
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

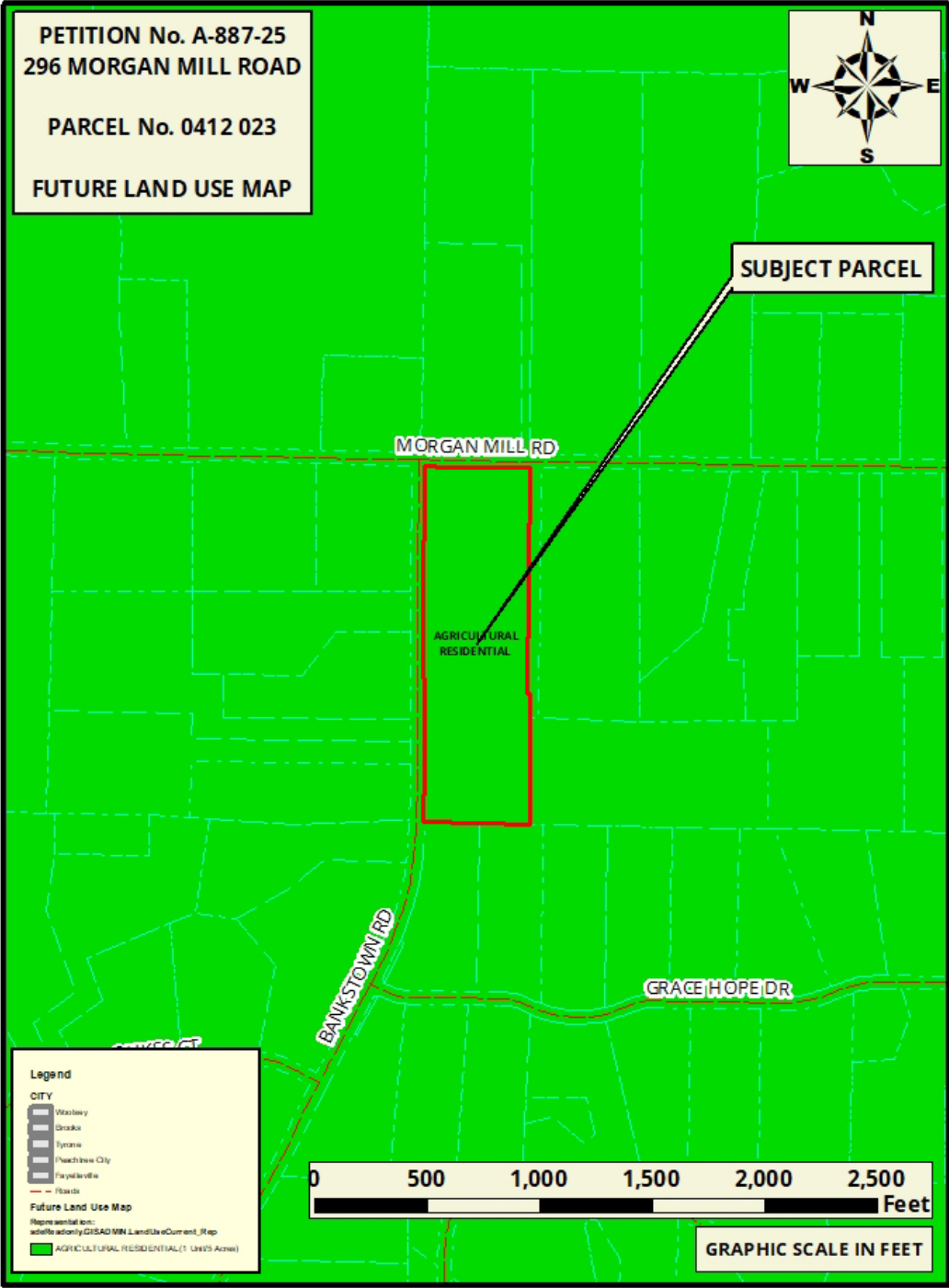
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

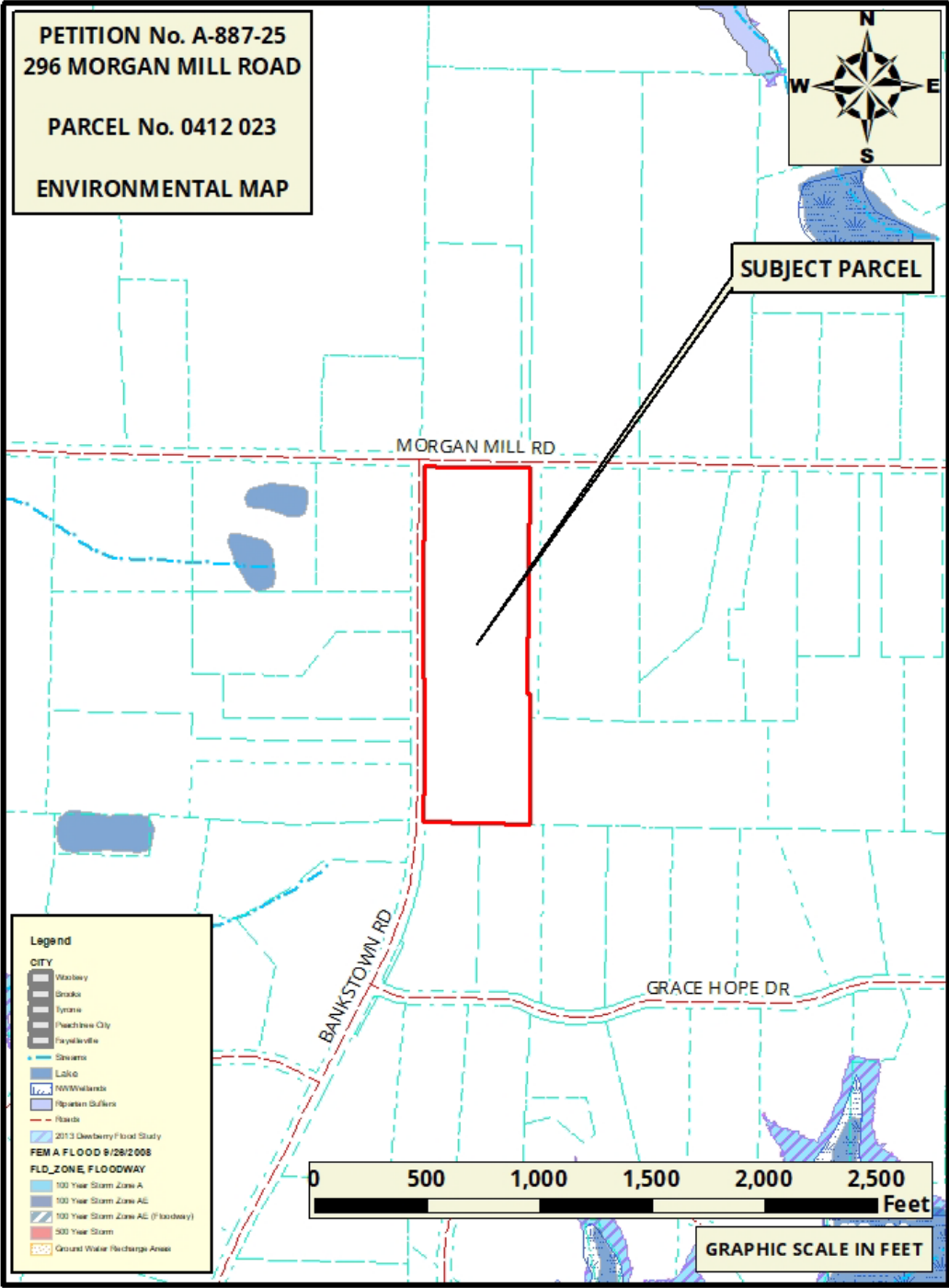
DEPARTMENTAL COMMENTS

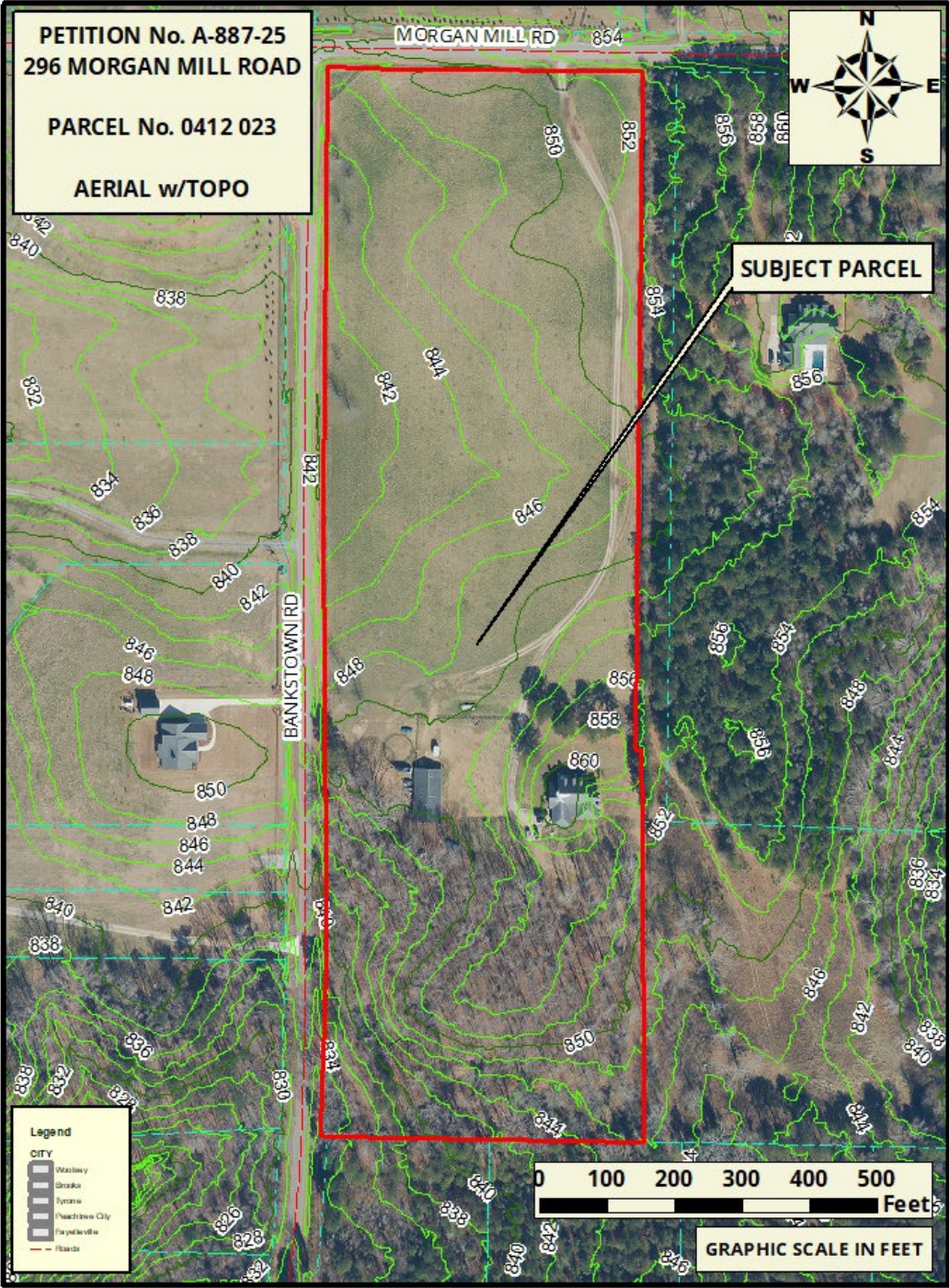
- Water System** –No objections.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Department of Building Safety** – No comments.
- Fire** – No comments.











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

PROPERTY INFORMATION:

Parcel No. 0412 023 Acreage: 6.82 Land Lot: 93 Land District: 4th
Address: 296 MORGAN MILL ROAD
Existing Zoning: AR Requested Zoning: N/A
Zoning of Surrounding Properties: AR
Existing Use: SINGLE FAMILY RESIDENTIAL
Proposed Use: SINGLE FAMILY RESIDENTIAL

PROPERTY OWNER INFORMATION

Name LOYD HALL BLACK JR.
Email _____
Address 296 MORGAN MILL RD
City BROOKS
State GA Zip 30205
Phone _____

AGENT/DEVELOPER INFORMATION (If not owner)

EXECUTOR
Name CHRIS EDWARDS
Email _____
Address 3317 FAYETTEVILLE RD
City GRIFFIN
State GA Zip 30223
Phone _____

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: _____
 Application Insufficient due to lack of: _____
by Staff: _____ Date: _____
 Application and all required supporting documentation is Sufficient and Complete
by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from _____ a check in the amount of \$ _____
for application filing fee, and \$ _____ for deposit on frame for public hearing sign(s).
Date Paid _____ Receipt Number: _____

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:

LOYD HALL BLACK JR.

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0412 023

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 93 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 6.82 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to CHRISTOPHER CHARLES EDWARDS 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: Christopher Charles Edwards
Address: 3317 Fayetteville Rd
City/State/Zip: Griffin GA 30223
Date: 12/16/24

Notary: [Handwritten Signature]
Commission Exp.: 01/19/2026



**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	SEC. 110-125 (d) (5)
Requirement	REAR YARD SETBACK: 75 FEET
Proposed Change	REAR YARD SETBACK: 60 FEET
Variance Amount	15 FOOT REDUCTION

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.

SUBDIVISION OF THE OVERALL PARCEL CHANGES THE ROAD FRONTAGE FROM MORGAN MILL ROAD TO BANKSTOWN ROAD WHICH MAKES THE CURRENT SIDE YARD OF THE PARCEL THE NEW REAR YARD OF THE PARCEL. THE EXISTING RESIDENCE IS CURRENTLY LOCATED APPROXIMATELY 62 FEET FROM THE NEW REAR BOUNDARY LINE.

JUSTIFICATION OF REQUEST

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

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

THIS DOES NOT APPLY TO THIS PARCEL.

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

THIS DOES NOT APPLY TO THIS PARCEL.

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

THE CURRENT SIDE YARD OF THE PARCEL BECOMING THE REAR YARD OF THE PARCEL DOES NOT CHANGE THE RELATIONSHIP OF THE EXISTING HOUSE TO THE CURRENT PROPERTY BOUNDARY.

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

RELIEF WOULD NOT CAUSE SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD OR IMPAIR THE PURPOSES AND INTENT OF THE REGULATIONS.

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

THIS DOES NOT APPLY TO THIS PARCEL.

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:	

IN THE PROBATE COURT OF FAYETTE COUNTY
STATE OF GEORGIA

IN RE: ESTATE OF

LOYD HALL BLACK, JR.,
DECEASED

)
)
)
)

ESTATE NO. 24-18268

LETTERS TESTAMENTARY
[Relieved of filing returns]

At a regular term of probate court, the last will and testament dated **JANUARY 20, 2009**, of the above-named decedent, who was domiciled in this county at the time of his or her death or was domiciled in another state but owned property in this county at the time of his or her death, was legally proven in solemn form to be the decedent's will and was admitted to record by order, and it was further ordered that **CHRISTOPHER CHARLES EDWARDS** named as executor in said will, be allowed to qualify, and that upon so doing, letters testamentary be issued to such executor.

THEREFORE, the executor, having taken the oath of office and complied with all necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all powers of executor under the will of said decedent, according to the decedent's will and the law.

Given under my hand and official seal, the 10th day of May, 2014.

Angela Landgaard

Angela Landgaard, Judge of the Probate

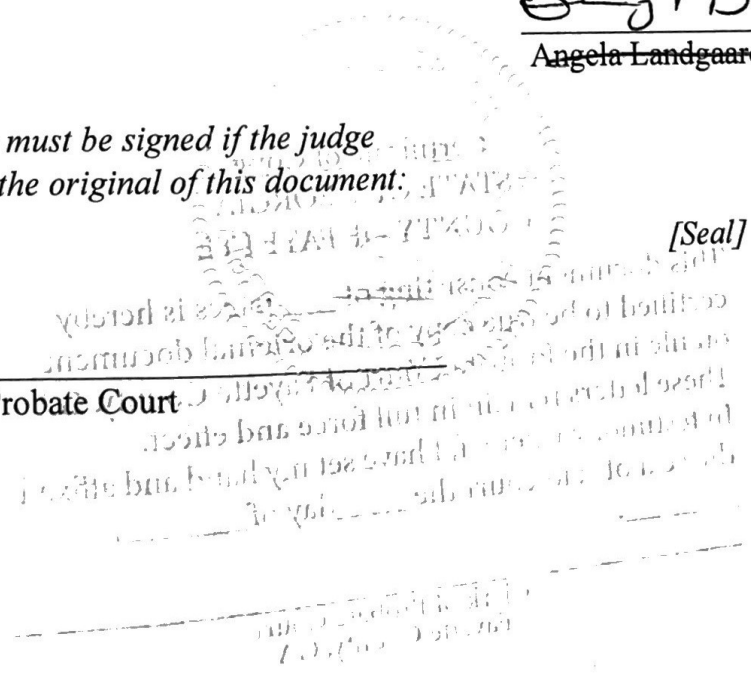
Court
The following must be signed if the judge does not sign the original of this document:

Issued by:

Clerk of the Probate Court

GINNY F. DUHON,
ASSOCIATE JUDGE
FAYETTE COUNTY PROBATE COURT

[Seal]



DF942319

AFTER RECORDING RETURN TO:
DODSON, FELDMAN & DOROUGH
6000 LAKE FORREST DRIVE, NW, SUITE 300
ATLANTA, GEORGIA 30328
ATTN: B. Dodson

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FULTON

This indenture made this 18th day of August, in the year One Thousand Nine Hundred Ninety-Four, between JAMES R. ARMSTRONG and KATHY ARMSTRONG, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and LOYD HALL BLACK, JR., 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 00/100'S (\$10.00) Dollars 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 93 of the 4th District of Fayette County, Georgia, being more particularly described on that Exhibit "A" attached hereto and incorporated herein by this reference.

This Deed is given subject to all easements and restrictions of record, if any.

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 whomsoever.

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

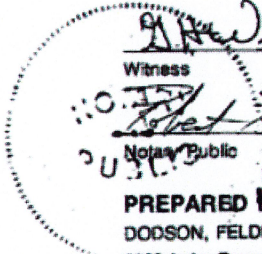
Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature] (Seal)
JAMES R. ARMSTRONG

[Signature]
Notary Public

[Signature] (Seal)
KATHY ARMSTRONG



PREPARED BY:
DODSON, FELDMAN & DOROUGH
6000 Lake Forrest Drive, Suite 300
Atlanta, Georgia 30328
(404) 250-9800

FILED & RECORDED
FAYETTE COUNTY, GA.

EXHIBIT " A "

All that tract or parcel of land lying and being in Land Lot 93 of the 4th District, Fayette County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin staked at the corner formed by the intersection of the south right of way of Morgan Mill Road (50' r/w) with the east right of way line of Banks Town Road (60' r/w); running thence south 89 degrees 10 minutes 25 seconds east along the south right of way line of Morgan Mill Road 471.46 feet to an iron pin staked; running thence south 00 degrees 10 minutes 45 seconds west 1092.12 feet to an iron pin staked; running thence south 89 degrees 13 minutes 00 seconds east 12.50 feet to an iron pin staked; running thence south 00 degrees 10 minutes 45 seconds west 499.00 feet to an iron pin staked; running thence north 89 degrees 11 minutes 18 seconds west 481.64 feet to an iron pin found; running thence westerly 5.7 feet to an iron pin staked on the east right of way line of Banks Town Road; running thence along the east right of way line of Banks Town Road the following courses and distances: north 02 degrees 03 minutes 56 seconds east 147.13 feet; north 00 degrees 03 minutes 56 seconds west 389.67 feet to an iron pin staked; north 00 degrees 41 minutes 47 seconds west 344.96 feet to an iron pin staked; and north 00 degrees 09 minutes 26 seconds east 709.64 feet to the iron pin staked at the corner formed by the intersection of the south right of way line of Morgan Mill Road with the east right of way line of Banks Town Road and the point of beginning; containing 17.267 acres, more or less, and being more particularly shown on plat of survey prepared by Roland McCann, Georgia Registered Land Surveyor, dated June 20, 1990.

B

BOOK 935 PAGE 737

935-730

EXHIBIT "A"

That tract or parcel of land lying and being in Land Lot 93 of the 4th District, Yvette County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin staked at the corner formed by the intersection of the south right of way of Morgan Mill Road (50' r/w) with the east right of way line of Banks Town Road (60' r/w); running thence south 89 degrees 10 minutes 25 seconds east along the south right of way line of Morgan Mill Road 471.46 feet to an iron pin staked; running thence south 00 degrees 10 minutes 45 seconds west 1092.12 feet to an iron pin staked; running thence south 89 degrees 13 minutes 00 seconds east 12.50 feet to an iron pin staked; running thence south 00 degrees 10 minutes 00 seconds west 499.00 feet to an iron pin staked; running thence north 89 degrees 00 minutes 18 seconds west 481.64 feet to an iron pin found; running thence westerly 7 feet to an iron pin staked on the east right of way line of Banks Town Road; running thence along the east right of way line of Banks Town Road the following courses and distances: north 02 degrees 03 minutes 56 seconds east 147.13 feet; north 00 degrees 03 minutes 56 seconds west 389.67 feet to an iron pin staked; north 00 degrees 41 minutes 47 seconds west 344.96 feet to an iron pin staked; and north 00 degrees 09 minutes 26 seconds east 709.64 feet to the iron pin staked at the corner formed by the intersection of the south right of way line of Morgan Mill Road with the east right of way line of Banks Town Road and the point of beginning; containing 17.267 acres, more or less, and being more particularly shown on plat of survey prepared by Roland McCann, Georgia Registered Land Surveyor, dated June 1, 1990.

[Handwritten signature]
 2/18/94
 1/15/2014

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

Petition No.: A-887-25

Owner(s): Black Loyd Hall Jr. Es-
tate

Executor: Chris Edwards

Property Address: 296 Morgan
Mill Road, Brooks, Ga 30205

Parcel: 0412 023

Zoning District: A-R

Area of Property: 6.82 acres

Land Lot(s): 93

District: 4th

Road Frontage: Bankstown Road
and Morgan Mill Road

Request: Applicant is requesting a
variance to Sec. 110-125(d)(5), to
reduce the rear yard setback from
75 feet to 60 feet to allow the exist-
ing house to remain.

EXHIBIT "A"

All that tract or parcel of land ly-
ing and being in Land Lot 93 of
the 4th District, Fayette County,
Georgia, being more particularly
described as follows: BEGINNING
at an iron pin staked at the corner
formed by the intersection of the
south right of way of Morgan Mill
Road (50' r/w) with the east right
of way line of Banks Town Road
(60' r/w); running thence south
89 degrees 10 minutes 25 seconds
east along the south right of way
line of Morgan Mill Road 471.46
feet to an iron pin staked; run-
ning thence south 00 degrees 10
minutes 45 seconds west 1092.12
feet to an iron pin staked; running
thence south 89 degrees 13 min-
utes 00 seconds east 12.50 feet to
an iron pin staked; running thence
south 00 degrees 10 minutes 45
seconds west 499.00 feet to an
iron pin staked; running thence
north 89 degrees 11 minutes 18
seconds west 481.64 feet to an iron
pin found; running thence wester-
ly 5.7 feet to an iron pin staked on
the east right of way line of Banks
Town Road; running thence along
the east right of way line of Banks
Town Road the following courses
and distances: north 02 degrees
03 minutes 56 seconds east 147.13
feet; north 00 degrees 03 minutes
56 seconds west 389.67 feet to an
iron pin staked: north 00 degrees
41 minutes 47 seconds west 344.96
feet to an iron pin staked: and
north 00 degrees 09 minutes 26
seconds east 709.64 feet to the iron
pin staked at the corner formed by
the intersection of the south right
of way line of Morgan Mill Road
with the east right of way line of
Banks Town Road and the point
of beginning; containing 17.267
acres, more or less, and being more
particularly shown on plat of sur-
vey prepared by Roland McCann,
Georgia Registered Land Surveyor,
dated June 20, 1990.

02/12

REV. # 2024.43	DATE:	DESCRIPTION:
MINOR FINAL PLAT OF:		
BANKSTOWN MEADOW		
LAND LOT 43	4TH DISTRICT	FAYETTE COUNTY
DATE OF FIELD WORK:	09/13/2024	DATE OF SURVEY PLAT:
01/12/2025		
SCALE:	1" = 120'	DRAWN BY:
		JRD

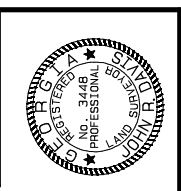
TERRA SERVICES

Company, LLC

Georgia Registered Professional Land Surveyor # 3448

1480 SCOTT ROAD WILLIAMSBURG, VA 20292

770-468-4938

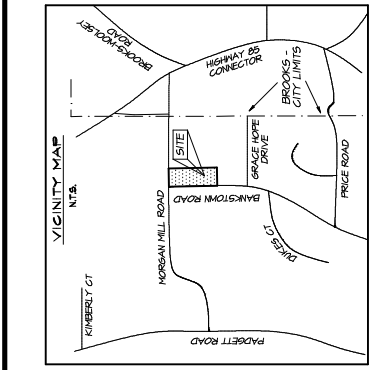
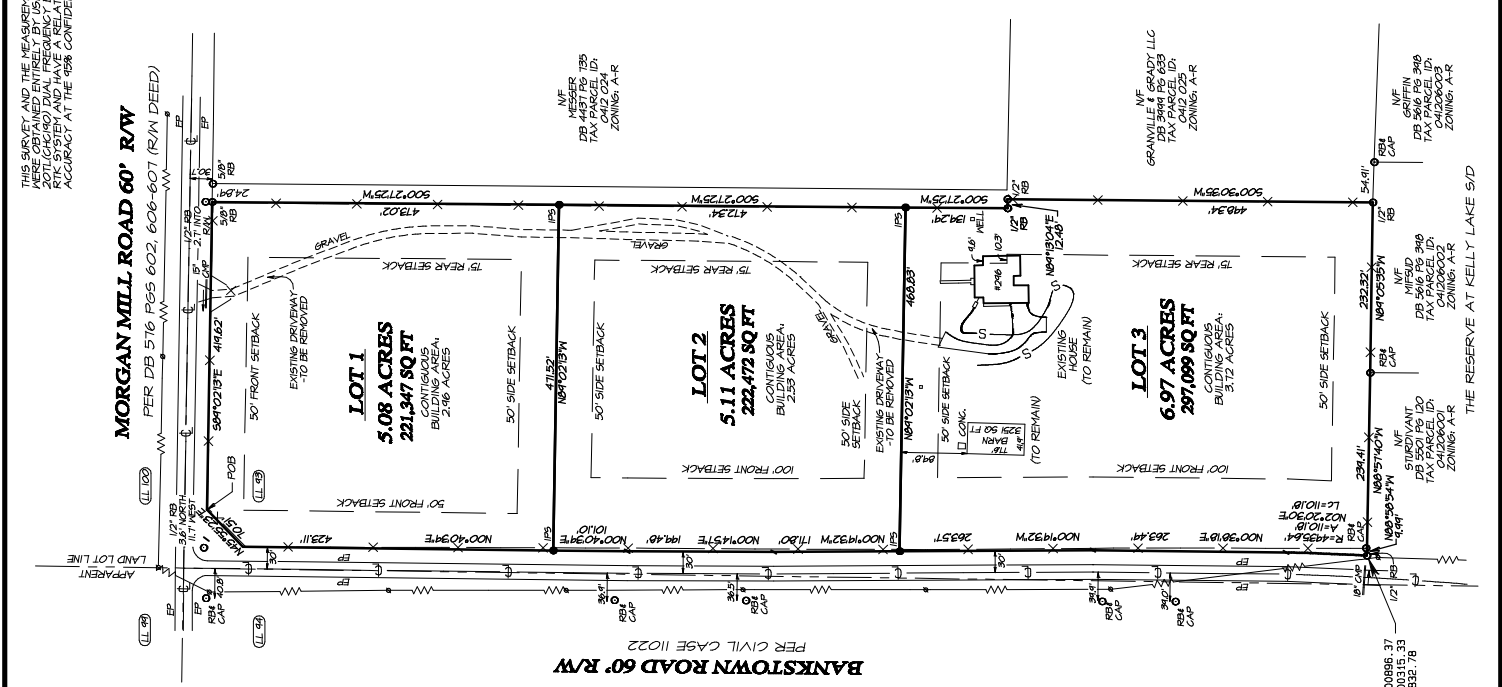



LEGEND

- IPS
- IFF
- CORNER MONUMENT FOUND
- CORNER MONUMENT SET
- RIGHT-OF-WAY
- LAND LOT
- PLAT CORNER
- PLAT BOOK
- DEEP BOOK
- PAGE
- REBAR
- POINT OF BEGINNING
- EDGE OF PAYMENT
- BACK OF CURB
- C/L
- CENTERLINE
- PROPERTY LINE
- CONG.
- CONC.
- FH
- FIRE HYDRANT
- WATER METER
- X
- FENCE
- CENTERLINE OF ROAD
- OVERHEAD UTILITY LINE
- S
- SEPTIC LINE
- ○
- UTILITY POLE



THIS SURVEY AND THE MEASUREMENTS SHOWN HEREON WERE OBTAINED ENTIRELY BY USING AN GPS SURVEYING SYSTEM AND HAVE A RELATIVE POSITIONAL ACCURACY AT THE 95% CONFIDENCE LEVEL.



FOR CLERK OF SUPERIOR COURT

FINAL PLAT APPROVAL CERTIFICATIONS.

APPROVED BY FAYETTE COUNTY FIRE MARSHALL

DATE: _____ SIGNED: FIRE MARSHALL _____

APPROVED BY FAYETTE PLANNING COMMISSION SECRETARY

DATE: _____ SIGNED: PLANNING COMMISSION SECRETARY _____

APPROVED BY FAYETTE COUNTY ENGINEER

DATE: _____ SIGNED: COUNTY ENGINEER _____

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE: _____ SIGNED: ENVIRONMENTAL HEALTH SPECIALIST _____

APPROVED BY FAYETTE COUNTY STORMWATER MANAGEMENT DEPARTMENT

DATE: _____ SIGNED: ENVIRONMENTAL MANAGEMENT DIRECTOR _____

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATOR

DATE: _____ SIGNED: ZONING ADMINISTRATOR _____

FOR THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 120-6-.04 (THE TERRA SERVICES ACT) AND RELATING TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BY THE REGISTERED PROFESSIONAL ENGINEER OR LAND SURVEYOR, EITHER EXPRESS OR IMPLIED.

SURVEYOR'S CERTIFICATE

I hereby certify that this plat is true and correct and was prepared from monuments and infrastructure shown hereon actually exist or are marked as (future) and their location, size, type and material are correctly shown.

By: Randy Davis Date: 01/12/2025

JOHN RANDALL DAVIS GA PLS 15448 Date: 01/12/2025
GA Registered Land Surveyor

As required by subsection (d) of O.C.G.A. Section 15-6-61, this plat has been approved by a landowner and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this survey in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers (15-6-51) and as set forth in O.C.G.A. Section 15-6-51.

By: Randy Davis Date: 01/12/2025

JOHN RANDALL DAVIS GA PLS 15448 Date: 01/12/2025

GRAPHIC SCALE 1" = 120'

0 120 240 360

- NOTES**
- EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE EASEMENTS OR OTHER RIGHTS OR INTERESTS THAT WERE VISIBLE AT THE TIME OF MAKING THIS SURVEY: (1) EASEMENTS, RIGHTS, OR INTERESTS CLAIMED FROM A COMPLETE AND ACCURATE TITLE REPORT; (2) BUILDING SETBACKS; (3) OTHER LAND USE REGULATIONS; (4) OTHER RIGHTS OR INTERESTS.
 - EXCEPT AS MAY BE EXPRESSLY INDICATED ON THIS PLAT, LOCATIONS OF ENVIRONMENTAL, GEOLOGIC, AND UNDERGROUND FEATURES AND UTILITIES ARE NOT SHOWN AND ARE NOT TO BE RELIED UPON. THEY MAY RELATE TO BUFFERS AND SETBACKS IS BEYOND THE SCOPE OF THIS PLAT.
 - SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SIGNATURE OF SURVEYOR.
 - THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS, AND INTERESTS OF RECORD BOTH WRITTEN AND UNWRITTEN.
 - SURVEY REFERENCES: DB 612 PG 319, DB 495 PG 124, DB 576 PGS 602, 606-607, FB 23 PG 145, FB 44 PG 186, FB 100 PG 154.
 - TAX PARCEL ID: 0412 023
 - PRIOR TO DEVELOPMENT OF THIS LOT ALL SETBACK INFORMATION AND DEVELOPMENT STANDARDS SHALL BE DETERMINED BY THE LOCAL PLANNING & ZONING.
 - THIS SURVEYOR HAS FOUND NO EVIDENCE OF EXISTING EASEMENTS.
 - CURRENT ZONING: A-R (AGRICULTURAL RESIDENTIAL) MIN. LOT WIDTH: 200' (TWO ACRES) MIN. LOT AREA: 1200 SQ FT MIN. FLOOR AREA: 1200 SQ FT (MINOR THROUGH-ROAD) REAR SETBACK: 15' SIDE SETBACK: 15'
 - NUMBER OF LOTS: 3, TOTAL AREA: 16.82 ACRES
 - THIS PROPERTY IS NOT ON THE FAYETTE COUNTY SANITARY SEWER SYSTEM, ON-SITE SEPTIC IS REQUIRED.
 - THIS PROPERTY IS NOT ON THE COUNTY WATER SYSTEM, PRIVATE ON-SITE WELLS TO SERVE EACH LOT.
 - THERE ARE NO STATE WATERS WITHIN THESE LOTS.
 - FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE OR RESPONSIBILITY FOR ANY DRAINAGE EASEMENT OR OVERALL DRAINAGE PLAN ON THE LACK OF ONE, INDICATED ON THIS PLAT.
 - THERE ARE NO GROUNDWATER RECHARGE AREAS ON THIS PROPERTY.
 - THIS PROPERTY IS PARTIALLY ON THE RIGHT-OF-WAY OF A PAVED COUNTY ROAD.
 - BE AWARE THAT THE ALIASED FOR C1, C2 ARE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 444,439 FEET.
 - BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AND BY GRAPHIC DEPICTION ONLY, HAZARDOUS AREA AS PER INSURANCE RATE MAP NUMBER 1915 COIDGE WITH AN EFFECTIVE DATE OF SEPTEMBER 26, 2008. NO FIELD VERIFICATION WAS PERFORMED TO DETERMINE THIS.
 - PER THE NATIONAL METLANDS INVENTORY THE SITE DOES NOT CONTAIN METLANDS. METLANDS ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO FEDERAL METLANDS JURISDICTION AND ARE ADVISED TO THESE AUTHORIZATION.

OWNER'S CERTIFICATE

I, THE UNDERSIGNED, CERTIFY THAT AS THE LEGAL OWNER OF THE PROPERTY SHOWN ON THIS PLAT, I HEREBY AUTHORIZE THE SUBMITTAL OF THIS MINOR FINAL PLAT FOR OUR PROPERTY.

CHRIS EDWARDS (REGULATOR)
331 Peachtreeville, Georgia 30025
State Bar Member 240255
770-760-6940 cell

DATE _____

PETITION NO: A-889 -25

Requested Actions:

- a. Variance to Sec. 110-133(d)(4)a.2. - To allow a variance to reduce the front yard setback from 75 feet to 63 feet to allow the primary structure to remain.
- b. Variance to Sec. 110-69(c)(1) – To allow three accessory structures to remain on a lot less than 5 acres.

Location: 813 Sandy Creek Road, Fayetteville, Georgia 30214

Parcel(s): 0710 027

District/Land Lot(s): 7th District, Land Lot(s) 44 & 45

Zoning: R-70, Single-Family Residential

Lot Size: 10.56 Acres

Owner(s): Anthony Whitmore

Agent: James Quattlebaum

Zoning Board of Appeal Public Hearing: March 24, 2025

REQUEST

Applicant is requesting the following:

- a. Per Sec. 110-133(d)(4) a.2., the front yard setback on a Collector in the R-70 Zoning District is required to be 75 feet. The applicant requests to reduce the setback by 12 feet, to 63 feet, to allow an existing primary house to remain.
- b. Per Sec. 110-79(c)(1) – Number and size of accessory structures, requires that lots less than 5 acres be limited to two (2) accessory structures. Applicant is subdividing the property and requesting that 3 accessory structures be allowed to remain on a lot less than 5 acres.

STAFF ASSESSMENT

- Staff notes that the house was built in 1980. At that time, foundation surveys were not required, so the encroachment was not noted until the applicant ordered a survey to subdivide the property. The encroachment is not likely to have an adverse impact.
- However, there is nothing to establish a hardship regarding the retention of additional accessory structure. The subdivision of the property is what will change the status regarding the number of accessory structures.
- A minor final plat will not be accepted unless it is accompanied by documentation from a licensed well contractor that the old well has been properly closed.

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.**
 - *When this house was built in 1980, foundation surveys were not required, so the encroachment was not noted until the applicant ordered a survey to subdivide the property.*
 - *There is no hardship justification for the retention of the third structure.*

- 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,**

There is not an environmental or topographical constraint, but the construction of the house predates foundation survey requirements.

- 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 house is not likely to have an adverse impact on the neighbors or on traffic.

- 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.

HISTORY

This parcel is a legal lot of record documented in a plat recorded in Plat Book 29 Page 131 on August 1, 1997. The house was built in 1980. The current survey revealed that the structure encroaches on the front yard setback and the owner is requesting a variance for the structure to remain so there will not be any impediments to future permitting or subdivision of property.

ZONING REQUIREMENTS

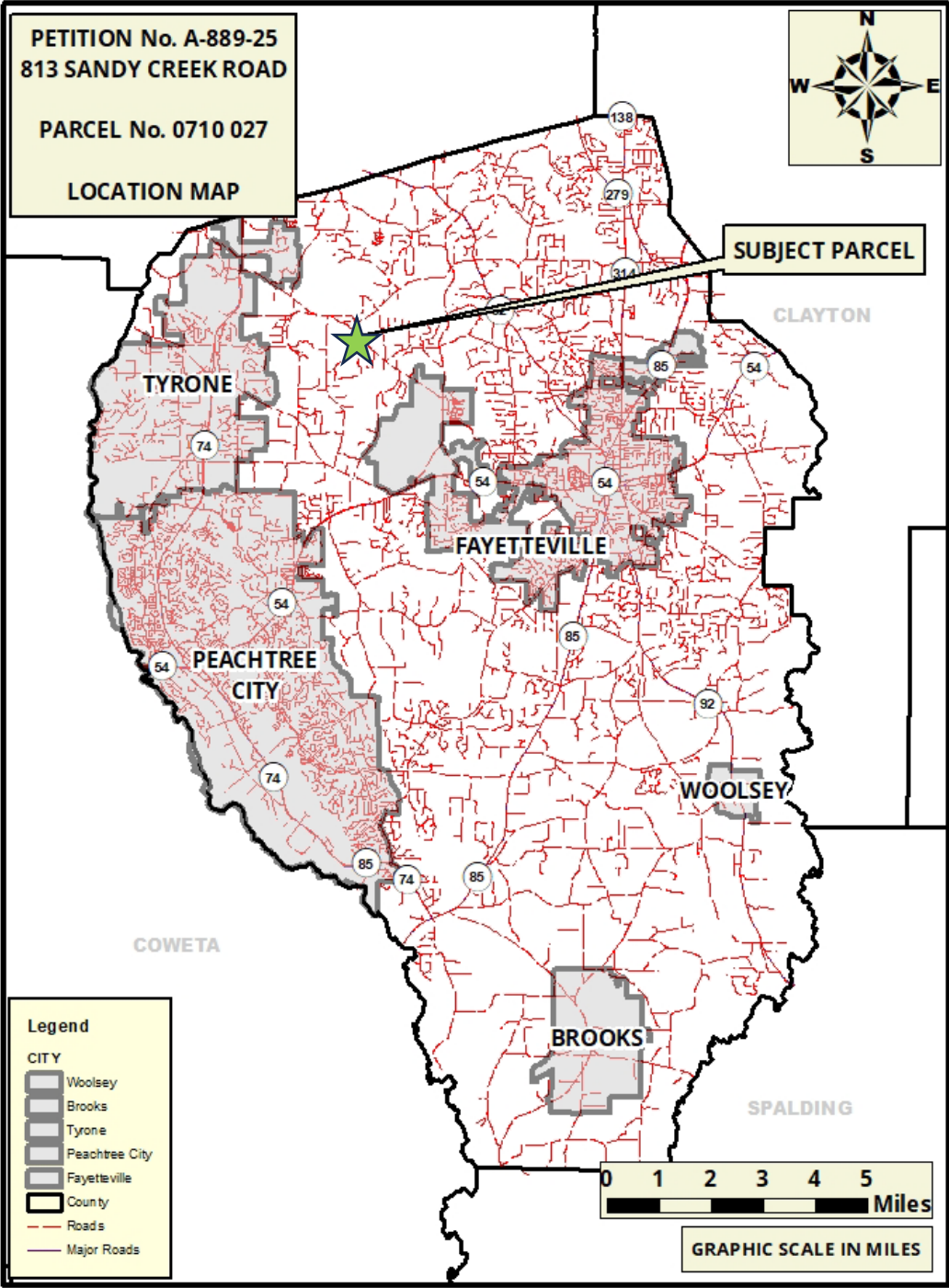
Sec. 110-133. – R-70, Single Family Residential District.

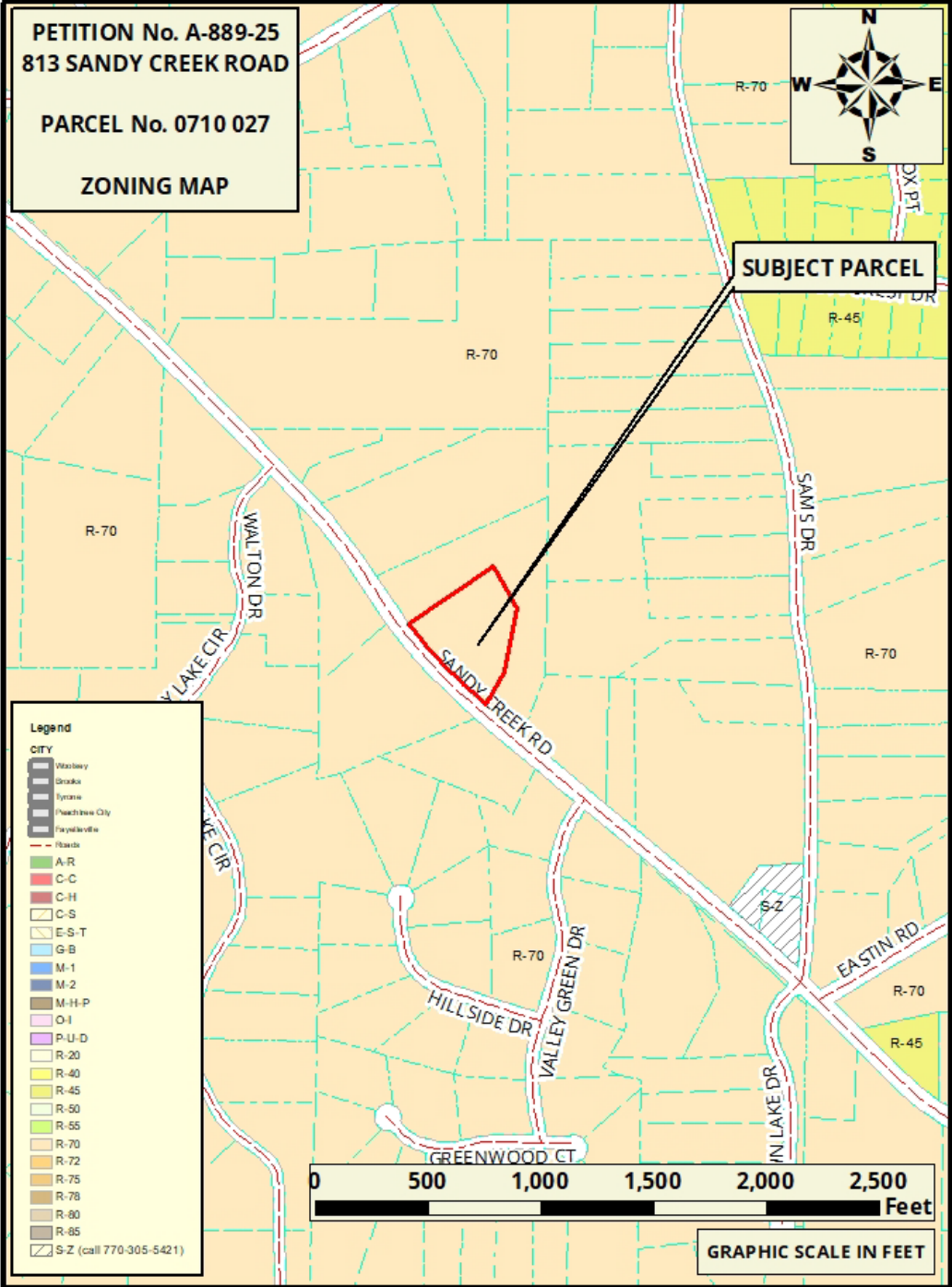
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-70 zoning district shall be as follows:

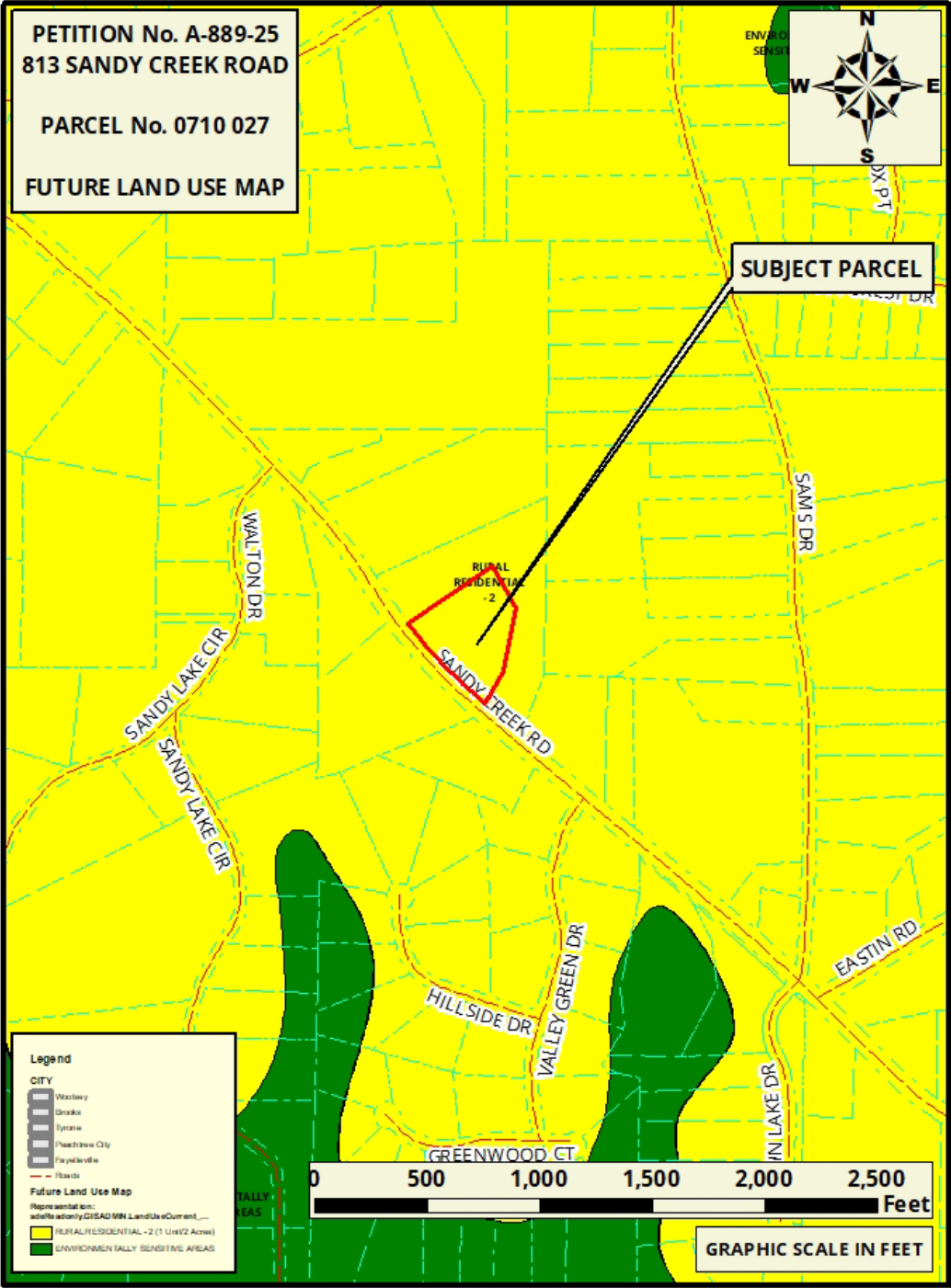
- (1) Lot area per dwelling unit: 87,120 square feet (two acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 175 feet.
 2. Collector: 175 feet.
 - b. Minor thoroughfare: 150 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 75 feet.
 2. Collector: 75 feet.
 - b. Minor thoroughfare: 50 feet.
- (5) Rear yard setback: 50 feet.
- (6) Side yard setback: 25 feet.

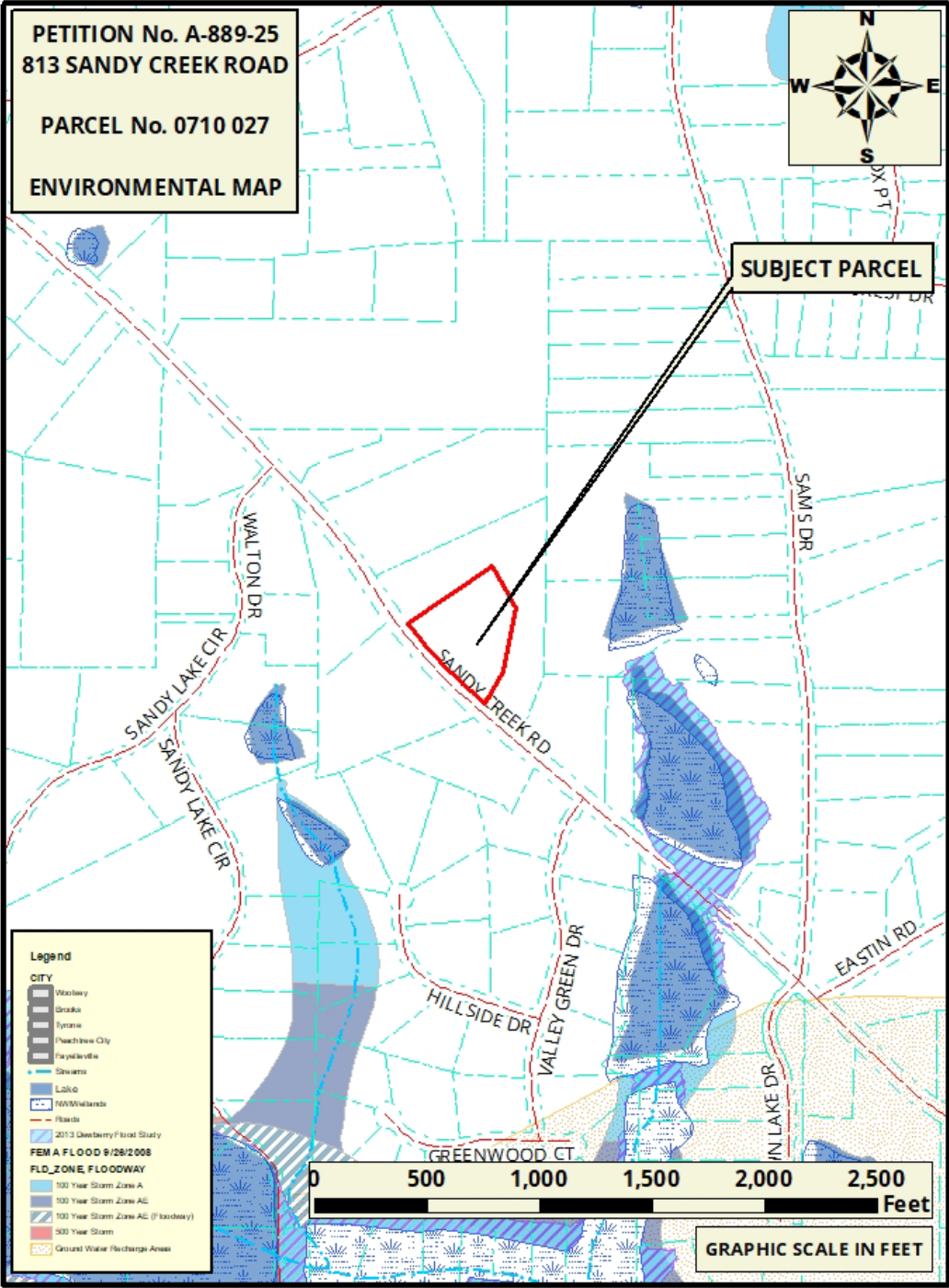
DEPARTMENTAL COMMENTS

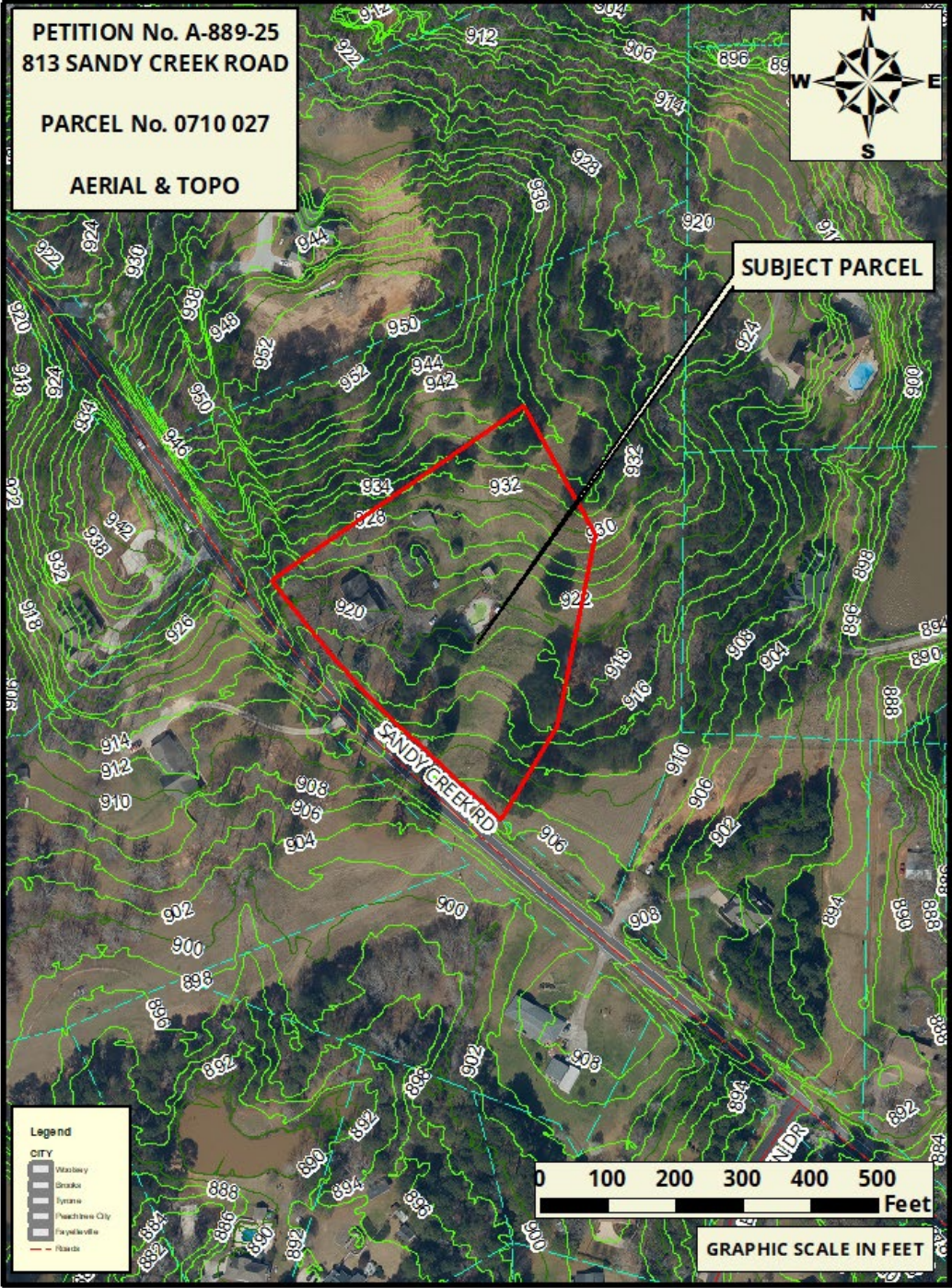
- Water System** –No objections.
- Public Works** – No objections.
- Environmental Management** – No objections.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Department of Building Safety** – No comments.
- Fire** – No comments.

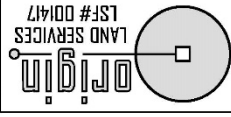




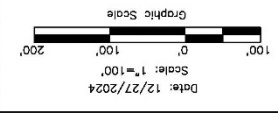








REV.	DESCRIPTION	DATE:

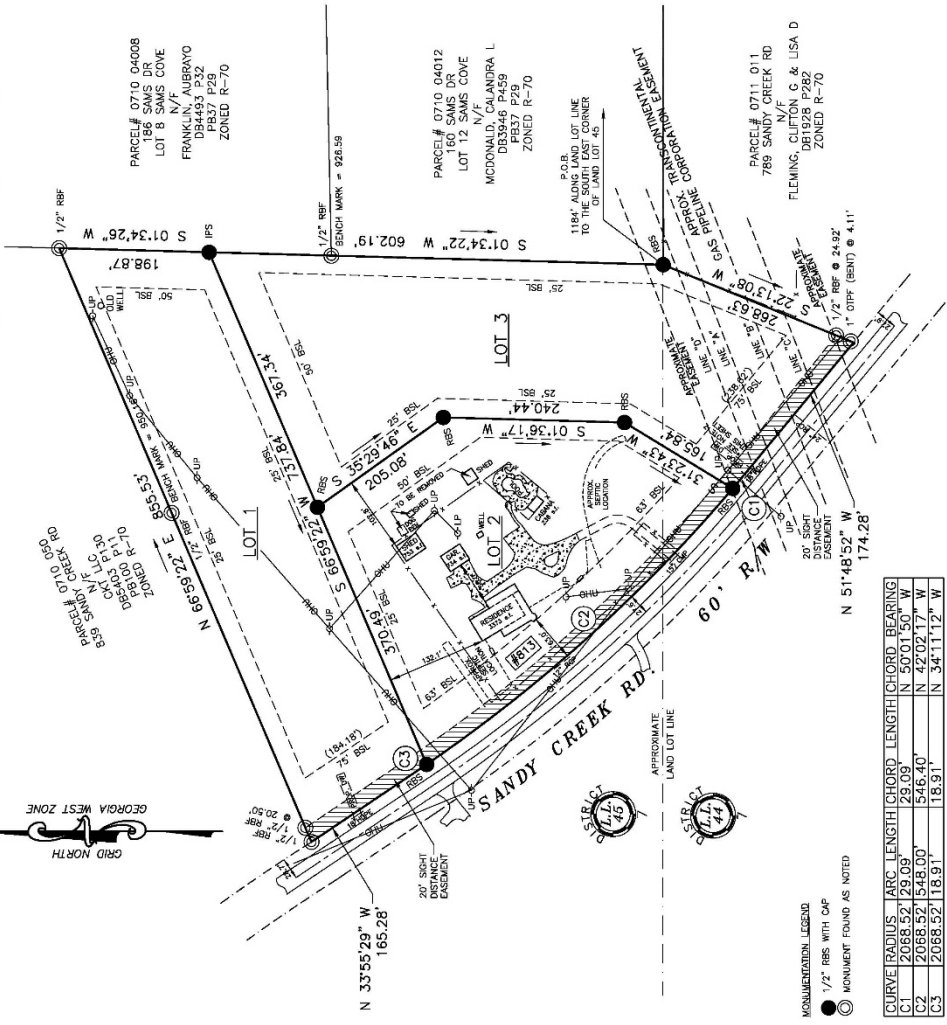
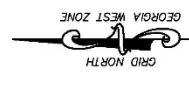


Revised Minor Final Plat of:
CASE ESTATES
 (Previously Recorded in
 Plat Book 100 Page 368)
 Land Lots 44 & 45
 7th District
 Fayette County, Georgia

Subject Property:
 Tax Parcels - 0710 027 & 0710 087
 813 Sandy Creek Rd
 Fayetteville, GA 30214
 Zoned: R70
 DB5783 P518
 FB100 P368

Survey Ordered By:
 Anthony Whitmore
 304 Trenton Circle
 Jonesboro, GA 30236
 (303) 321-6301

Survey Prepared By:
 Origin Land Services LLC
 James Quattlebaum
 220 Glen Echo Drive
 Jackson, GA 30233
 (678) 603 6655



MONUMENTATION LEGEND
 ● 1/2" REB WITH CAP
 ○ MONUMENT FOUND AS NOTED

CURVE RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2068.52'	29.09'	N 50°01'50" W
C2	2068.52'	548.00'	N 42°02'17" W
C3	2068.52'	118.91'	N 34°11'12" W

This block reserved for the
 Clerk of the Superior Court

Lot #	Total Area	Contiguous Area
1	3.31 Ac	2.00 Ac
2	3.28 Ac	1.94 Ac
3	4.03 Ac	2.15 Ac

Driveway Sight Distance @ Proposed DW
Lot 1 L: 500' R: 500'
Lot 3 L: 500' R: 500'

Speed Limit = 45 MPH/SD = 500'

- Site Notes:**
- 20' Sight Distance Easement to be cleared and graded as necessary to provide required sight distance for each lot.
 - Lot 1: The old well on Lot 1 to be properly abandoned before a building permit will be issued.
 - Lot 1: Site plan will require elements to meet the design specifications for Driveway Sight Distance as noted above.
 - Lot 2: Variance _____ allows the structures shown to remain.
 - Lot 3: Requires approval from Transcontinental Gas Pipeline Corp. to install a driveway across their pipelines and easement before any building permits will be issued.
 - Lot 3: Site plan will require elements to meet the design specifications for Driveway Sight Distance as noted above.

SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0710 027 Acreage: 10.56 Land Lot: 44 & 45 Land District: 7
Address: 813 Sandy Creek Rd
Zoning: R-70 Zoning of Surrounding Properties: R-70
Use: Single Family Residential

PROPERTY OWNER INFORMATION

Name Anthony Whitmore
Email [REDACTED]
Address 304 Trenton Circle
City Jonesboro
State Ga Zip 30236
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (if not owner)

Name James Quattlebaum
Email jamesquattlebaum@originlandservices.com
Address 220 Glen Echo Drive
City Jackson
State Ga Zip 30233
Phone 678-603-6655

(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: March 24, 2025

Received payment from James Quattlebaum a check in the amount of \$ 200.⁰⁰

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

Date Paid 01/31/2025

Receipt Number: # 023028

PROPERTY OWNER CONSENT AND AGENT AUTHORIZATION FORM

(Applications require authorization by ALL property owners of subject property)

Name(s) of All Property Owners of Record found on the latest recorded deed for the subject property:

Anthony Whitmore

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 00710 027 & 0710 087

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 44 of the 7th District, and (if applicable to more than one land district) Land Lot(s) 45 of the District, and said property consists of a total of 10.56 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to James Quattlebaum 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.

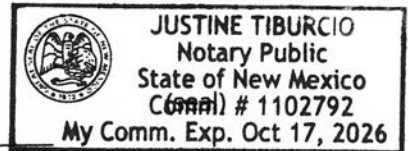
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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 *Anthony Whitmore*
Name: Anthony Whitmore
Address: 304 Trenton Circle
City/State/Zip: Jonesboro, GA 30236
Date: 1-22-25

**Owner/
Agent
One:**

Notary: *Justin Tiburcio*
Commission Exp.: 10/17/2026



Signature *James Quattlebaum*
Name: James Quattlebaum
Address: 220 Glen Echo Drive
City/State/Zip: Jackson, GA 30233
Date: 1/29/2025

**Owner/
Agent
Two:**

Notary: *Shannon M Herren* (seal)
Commission Exp.: _____

Shannon M Herren
NOTARY PUBLIC
Spalding County, GEORGIA
My Commission Expires 03/08/2027

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 110-79(c)(1) Number and Size of Accessory Structures
Requirement	Two accessory structures per lot for lots less than 5 acres, area not to exceed a total of 1800 Sq.Ft.
Proposed Change	Allow three existing structures (shed, detached garage and pool cabana) to remain.
Variance Amount	1 additional accessory structure

Ordinance/Section	^{(a)(2)} Sec 110-133(d)(4) R-70 Front Yard Setback
Requirement	Front Yard Setback - 75 Feet
Proposed Change	Reduce setback to 63 feet to allow primary structure to remain.
Variance Amount	12 feet

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.

First Request: Currently there are three existing accessory structures on Lot 2 of Case Estates. The code only allows for two accessory structures on lots less than five acres. The property owner is requesting a variance to allow the three existing structures to remain.

Second Request: Reduce the Front Setback on Lot 2 to 63 feet so that the existing primary structure can remain and be in compliance with the zoning ordinance.

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.

Both of the variances requested deal with existing structures that existed prior to the current owners purchase of the property. The previous survey shows the structures and states that all structures will remain. I found no evidence that a variance was required when this plat was approved and recorded. The current owner purchased the property not realizing that any of the existing structures did not comply with county ordinances. Bringing the structures into compliance would create a financial hardship for the property owner.
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

If these regulations are enforced, it will mean that some of the existing structures will have to be removed or remodeled causing an unnecessary financial hardship for the property owner.
3. Such conditions are peculiar to the particular piece of property involved.

The primary structure on this site was built in 1980. The three existing accessory structures were apparently approved to remain as per the plat recorded in PB100 P368. The shed was built prior to 1/1999, the cabana was built prior to 1/2002 and the garage was built between 2002 and 2005 according to google earth imagery.
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 structures that the variances would include are all allowed structures. As these structures currently exist, relief, if granted, would not cause any detriment to the public good or impair the purpose and intent of these regulations. If granted, it would allow for the continued use and enjoyment of the property as it exist currently.
5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same zoning district are allowed.

This is not the first request of this nature to arise nor will it be the last. The property was purchased with the belief and understanding that the structures were usable and allowed only to find out that they do not comply with current code requirements. A literal interpretation of this Ordinance would deprive the applicant of any rights to use the property as it has been used since the last accessory structure was built some 20 years ago.

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. X 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. X Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. X Location of exits/entrances to the subject property.
 - d. X 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. X Location of all utilities, including well or water lines.
 - f. X Location of septic tank, drainfield, and drainfield replacement area.
 - g. X Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. X Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. X Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. X 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 MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	

1

Doc ID 012126750002 Type WD
 Recorded 11/27/2024 at 10 30 00 AM
 Fee Amt \$870 00 Page 1 of 2
 Transfer Tax \$845 00
 Fayette, Ga Clerk Superior Court
 Sheila Studdard Clerk of Court
BK 5783 pg 518-519

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

TAX PARCEL ID: 0710 027 and 0710 087

Order No 24-1278-ATE

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 25th day of November, 2024, between **WANDA CHARLENE CASE**, as party or parties of the first part, hereinafter called Grantor, and **ANTHONY WHITMORE**, 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,

LOT 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 44 & 45 OF THE 7TH LAND DISTRICT, FAYETTE COUNTY, GEORGIA BEING DESIGNATED AS "LOT 1" CONTAINING 3.670 ACRES (159,847 SQUARE FEET) AND BEING SHOWN WITH A 2-STORY FRAME HOUSE, A SHED, WELL, POOL, AND CONCRETE DRIVE ON THAT CERTAIN SURVEY TITLED "CASE ESTATES" AND PREPARED FOR WANDA C CASE BY RONALD T. GODWIN, GA RLS NO. 2695 OF FOUR CORNERS SURVEYING. SAID SURVEY IS RECORDED IN PLAT BOOK 100, PAGE 368, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF.

PARCEL ID NUMBER. 0710 027

TOGETHER WITH

LOT 2:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 44 & 45 OF THE 7TH LAND DISTRICT, FAYETTE COUNTY, GEORGIA BEING DESIGNATED AS "LOT 2" CONTAINING 8.959 ACRES (303,127 SQUARE FEET) ON THAT CERTAIN SURVEY TITLED "CASE ESTATES" AND PREPARED FOR WANDA C. CASE BY RONALD T. GODWIN, GA RLS NO. 2695 OF FOUR CORNERS SURVEYING. SAID SURVEY IS RECORDED IN PLAT BOOK 100, PAGE 368, FAYETTE COUNTY, GEORGIA RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF

PARCEL ID NUMBER: 0710 087

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

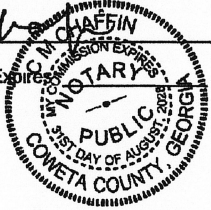
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the said Grantor

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 25th day of November, 2024

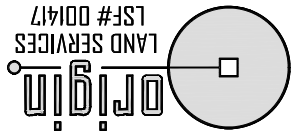
Signed, sealed and delivered in the presence of

Unofficial Witness

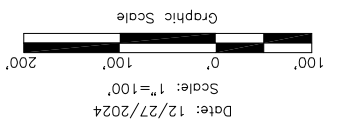
Notary Public
My Commission Expires



Wanda Charlene Case (SEAL)
WANDA CHARLENE CASE



REV.	DESCRIPTION	DATE:

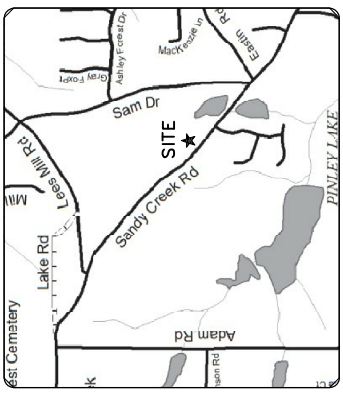


Revised Minor Final Plat of:
CASE ESTATES
 (Previously Recorded in
 Plat Book 100 Page 368)
 Land Lots 44 & 45
 7th District
 Fayette County, Georgia

Sheet Index
 Sheet 1 – Cover Sheet
 Sheet 2 – Property Configuration
 Sheet 3 – Soils Survey Map

This Plat has been approved for recording by the following county departments:

Environmental Health	Date:
Environmental Management	Date:
County Engineer/Designee	Date:
Planning Commission Secretary/Designee	Date:
Zoning Administrator/Designee	Date:
Fire Marshal/Designee	Date:



LOCATION MAP N.T.S.

SURVEYORS CERTIFICATION

(I) As required by subsection (d) of O.C.G.A., Section 15-6-67, this plat is hereby certified to be correct by the applicable local jurisdictions for recording as indicated by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any portion of the property shown hereon. The surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A., Section 15-6-67.

Signature: _____ Date: _____

This block reserved for the Clerk of the Superior Court

FLOOD HAZARD NOTE

This property is in Zone "X", an area of minimal flood hazard, as shown on Fayette County, GA F.I.R.M. Panel No. 13113C0081E Dated 9/26/2008.

Owner's Certification:
 I, the undersigned, certify that as the legal owner of the subject property, I hereby authorize the submittal of this Final Plat for the subdivision of my property.

Owner: Anthony Whitmore Date: _____

Surveyors Certification:
 I hereby certify that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments and infrastructure shown hereon actually exist or are marked as "future"; and their location, size, type and material are correctly shown.

James Quattlebaum, PLS#2970 Date: _____

LEGEND

- HW HEADWALL
- SWCB SINGLE WALL CATCH BASIN
- DCWB DOUBLE WALL CATCH BASIN
- OS OUTLET STRUCTURE (RISER)
- DI DROP INLET
- WM WATER METER
- W WATER LINE
- S SANITARY SEWER LINE
- OHU OVERHEAD UTILITY LINE
- UFO UNDERGROUND FIBER OPTICS
- LS LANDSCAPING
- PKS (F) PK NAIL SET (FOUND)
- EX-MH EXISTING SANITARY SEWER MANHOLE
- SSMH SANITARY SEWER MANHOLE
- S.S.E. SANITARY EASEMENT
- C/O CLEAN-OUT
- GW GUY WIRE
- JB EXISTING JUNCTION BOX
- FW EXISTING WATER VALVE
- FFH EXISTING FIRE HYDRANT
- T.B.M. TEMPORARY BENCH MARK
- B.F.E. BENCHMARK ELEVATION
- M.F.E. MINIMUM FLOOR ELEVATION

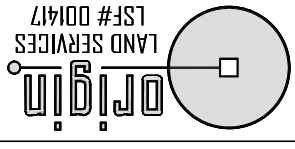
General Notes:

- All linear distances shown on plat are horizontal.
- Information regarding the presence, size, and location of underground utilities is shown hereon. The information is based on the location of above ground appurtenances. Together with all easements recorded or unrecorded. The PLS who signed this plat does not certify to the correctness or accuracy of the underground utilities shown or not shown hereon. Contact the utility protection center (800-282-7411) prior to any form of digging.
- This survey was prepared without benefit of a title report which may reveal additional conveyances, easements or rights-of-way not shown hereon. No guarantee, either stated or implied is made that this property is not subject to easements, claims, prescriptions, restrictions, sub-surface conditions, or any other matters of title that are not visible, not disclosed, or that would be discovered by a title examination.
- All bearings are based on Grid North – GA West Zone and angles turned in the field.
- No N.G.S. Monument found within 500 feet of any point on the subject properties.
- This survey does not address any wetland or environmental issues.
- This plat was prepared for the exclusive use of the parties or entities named hereon and the certification does not extend to any others without re-certification by the PLS who signed this plat.
- A Leica 1200 (robotic total station) and Leica GS15 (Network GPS Rover) were used to obtain the angular and linear measurements and grid coordinates on this survey.
- The field data upon which this plat is based has a closure precision of one foot in 11,409 feet, an angular error of 0.2 second(s) per angle point, was adjusted using the compass rule, and was completed on 12/20/2024.
- All pins set are 1/2" Rebar with cap unless otherwise noted.
- Fayette County does not accept ownership, maintenance or responsibility for any drainage easement or overall drainage plan, or the lack of one, indicated by this plat.

Site Notes:

- Owner/Developer: Anthony Whitmore, 304 Trenton Circle, Jonesboro, GA 30236 (303) 521-8301
- Surveyor: James Quattlebaum, PLS#2970, Origin Land Services, LLC LSF#001417, 220 Glen Echo Drive, Jackson, GA 30233 (678) 603-6655
- Current Tax Parcel ID's: 0710 027 & 0710 087
- Current Zoning: R70
 Minimum Lot Width at Building Line: 175'
 Minimum Floor Area of House: 1,500 Sq.Ft.
 Minimum Front Setback: 75'
 Minimum Side Setback: 25'
 Minimum Rear Setback: 50'
 Maximum Height: 35'
- Site Development Data:
 Total No. of Lots: 3
 Total Area: 480,105 Sq.Ft. / 10.56 Acres

** Pursuant to Rule 180-6.09 of the Georgia State Board of registration for professional engineers and land surveyors, the term "certify" or "certification" means to declare a professional opinion regarding those facts or findings and does not constitute a warranty or guarantee, either expressed or implied.



REV.	DESCRIPTION	DATE:

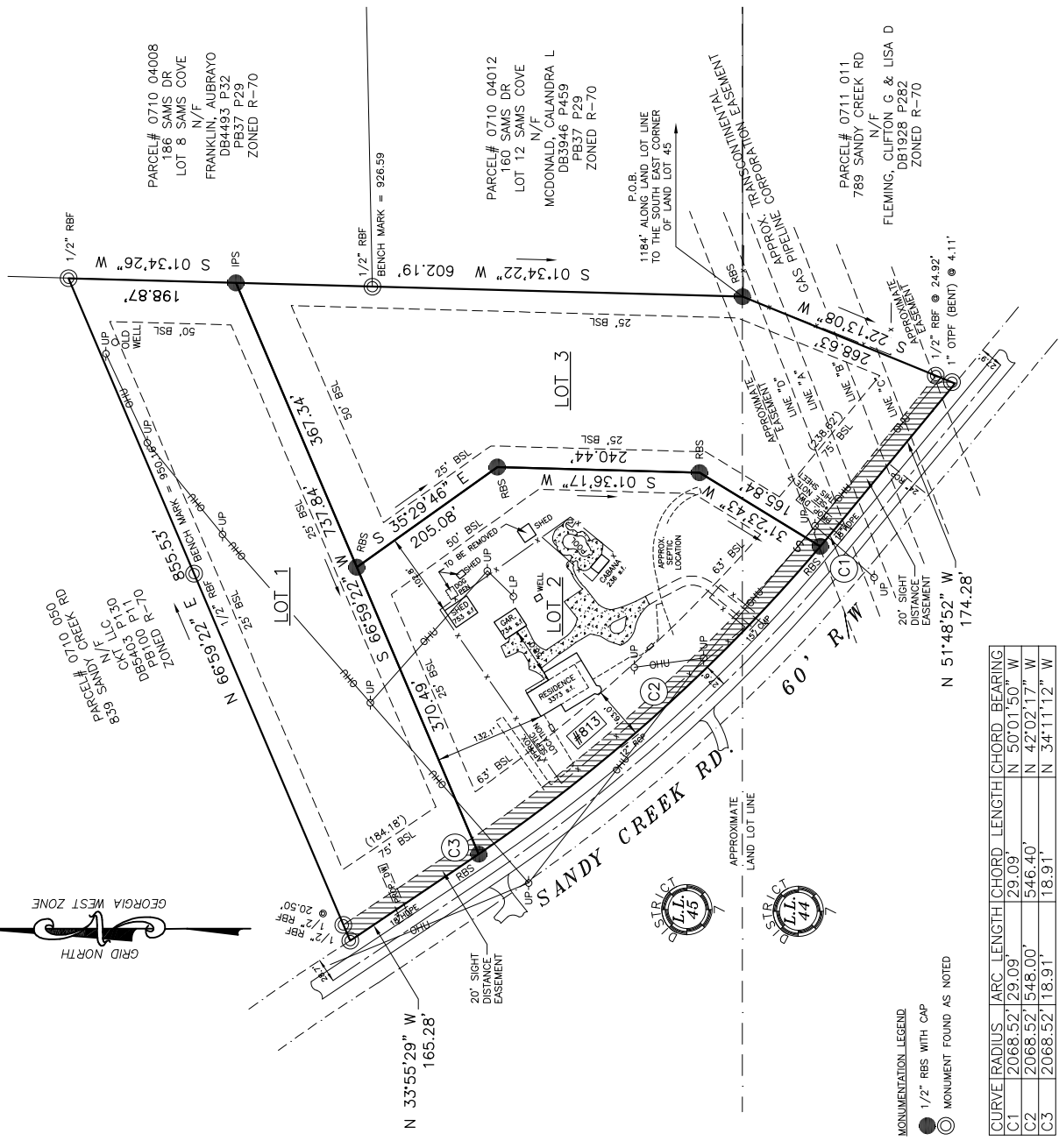
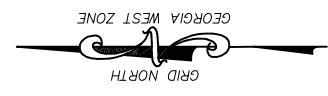
Date: 12/27/2024
 Scale: 1"=100'
 0' 100' 200'
 Graphic Scale

Revised Minor Final Plat of:
CASE ESTATES
 (Previously Recorded in
 Plat Book 100 Page 368)
 Land Lots 44 & 45
 7th District
 Fayette County, Georgia

Subject Property:
 Tax Parcels - 0710 027 & 0710 087
 813 Sandy Creek Rd
 Fayetteville, GA 30214
 Zoned: R70
 DB5783 P518
 PB100 P368

Survey Ordered By:
 Anthony Whitmore
 304 Trenton Circle
 Jonesboro, GA 30236
 (303) 521-8301

Survey Prepared By:
 Origin Land Services LLC
 James Quattlebaum
 220 Glen Echo Drive
 Jackson, GA 30233
 (678) 603 6655



Lot #	Area by Lot	
	Total Area	Contiguous Area
1	3.31 Ac	2.00 Ac
2	3.28 Ac	1.94 Ac
3	4.03 Ac	2.15 Ac

Driveway Sight Distance @ Proposed DW	
Lot 1	L: 500' R: 500'
Lot 3	L: 500' R: 500'

Speed Limit = 45 MPH/ISD = 500'

Site Notes:

- 20' Sight Distance Easement to be cleared and graded as necessary to provide required sight distance for each lot.
- Lot 1: The old well on Lot 1 to be properly abandoned before a building permit will be issued.
- Lot 1: Site plan will require elements to meet the design specifications for Driveway Sight Distance as noted above.
- Lot 2: Variance _____ allows the structures shown to remain.
- Lot 3: Requires approval from Transcontinental Gas Pipeline Corp. to install a driveway across their pipelines and easement before any building permits will be issued.
- Lot 3: Site plan will require elements to meet the design specifications for Driveway Sight Distance as noted above.

MONUMENTATION LEGEND
 ● 1/2" RBS WITH CAP
 ⊙ MONUMENT FOUND AS NOTED

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	2068.52'	29.09'	29.09'	N 50°01'50" W
C2	2068.52'	548.00'	546.40'	N 42°02'17" W
C3	2068.52'	18.91'	18.91'	N 34°11'12" W

This block reserved for the Clerk of the Superior Court

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Revised Minor Final Plat of: **CASE ESTATES**

(Previously Recorded in
Plat Book 100 Page 368)
Land Lots 44 & 45
7th District
Fayette County, Georgia

Survey Prepared By:
Origin Land Services LLC
James Quattlebaum
220 Glen Echo Drive
Jackson, GA 30233
(678) 603 6655

Survey Ordered By:
Anthony Whitmore
304 Trenton Circle
Jonesboro, GA 30236
(303) 521-8301

Subject Property:
Tax Parcels - 0710 027 & 0710 087
813 Sandy Creek Rd
Fayetteville, GA 30214
Zoned: R70
DB5783 P518
PB100 P368

Soil Interpretive Data

Soil Series	Depth to Bedrock (ft)	Perch Water Table Indication (ft)	Class Gradient (%)	Recommended Trench Depth (ft)	Estimated Perch Rate (in/hr)	Soil Suitability Code
CECIL	3-72	2-72	4-11	30-48	0	A1
CECIL VARIANT	3-72	18-30	2-8	48-60	75	P2

Soil Suitability Code
A1. Soils are generally suitable for conventional absorption fields with proper design, installation, and maintenance.

P2. Soils have evidence of a slight drainage problem in the upper portion of the soil profile. Conventional absorption field trenches installed below this somewhat restrictive horizon should function effectively with proper design, installation, and maintenance.

Soil Report Notes:

- The purpose of this level 3 soil study is to determine soil specific suitability to support potential new residential development and the function of a proposed reconfiguration of parcel 0710 027 and 0710 087 into 3 separate lots.
- Property boundary information was extracted from survey plat (PB00 P988) by Four Corners Surveying dated 6/29/2020. No property corners were found in the field. Property boundary information was extracted from the survey plat to establish accurate property boundaries. It is recommended to consult with a Georgia Registered Land Surveyor (RLS). Proposed property boundaries were confirmed from topography by Origin Land Services.
- 2-dimensions were derived from USGS 300P program field data and should be considered approximate.
- Soil observations were made on the study areas. Soils were identified as CECIL and SAVANNAH. Soils were found to be suitable for on-site wastewater disposal. Soils were found to be suitable for on-site wastewater disposal. Soils were found to be suitable for on-site wastewater disposal.
- Absorption field areas should be protected from excess surface water by diverting stormwater runoff away (including house gutters) from the absorption field. Stormwater runoff should be allowed to infiltrate into the ground. Stormwater runoff should be allowed to infiltrate into the ground.

Level 3 Soil Report (Page 1 of 2)

REAGAN GEOSCIENCES
Soil Mapping for Septic Drilling
(678) 809-3032 | reagan@reagangeosciences@gmail.com
reagan-geosciences.com

Project Information
Site Location: 813 Sandy Creek Rd
Fayetteville, GA 30214
County: Fayette
Parcel ID: 0710 027 & 0710 087
Job Number: 2688

Soil Interpretive Data

Soil Series	Depth to High Water Table Indication (ft)	Slope Gradient (%)	Recommended Trench Depth (ft)	Estimated Perch Rate (in/hr)	Soil Suitability Code
SAVANNAH	30-42	2-2	30-48	0	A1
CECIL	4-13	4-11	8-13	0	I1

Soil Suitability Code
A1. Soils are generally suitable for conventional absorption fields with proper design, installation, and maintenance.

I1. Soils are unsuitable for on-site wastewater disposal due to shallow bedrock. Excavation of observation pits with a backhoe may allow these soils to be reclassified in a different suitability category.

I2. Soils are unsuitable for conventional absorption fields due to shallow bedrock. Excavation of observation pits with a backhoe may allow these soils to be reclassified in a different suitability category. These soils may be suitable for alternative absorption fields with treatment system providing Class 1 effluent.

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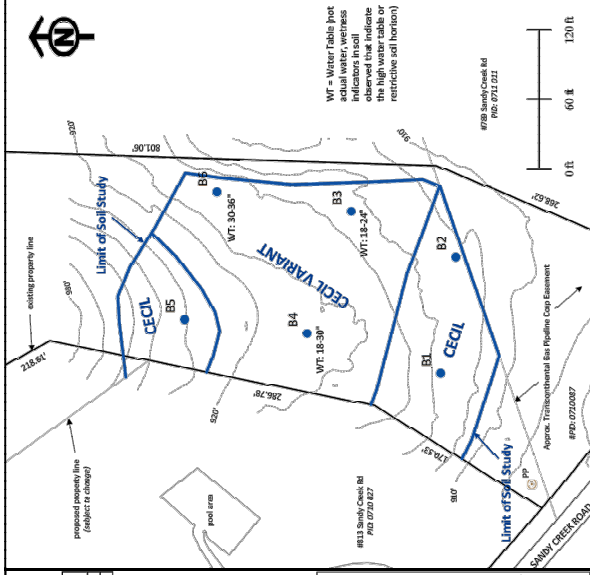
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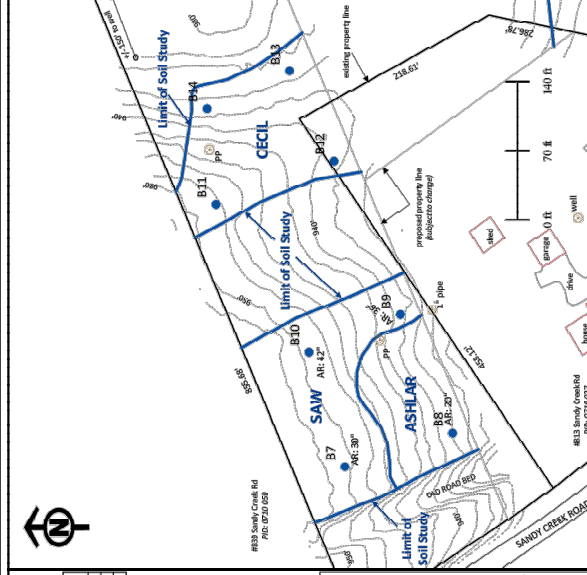


Map Legend

- Soil Series
- Soil boundary
- parcel
- structure
- road
- driveway
- topography

Client Information
Name: Anthony Whitmore
Phone: 303-521-8301

Field Work | Report
Field Work Date: completed by: 11/10/2024 | CA
Location Method: Eos Arrow 100 GNSS
Report Date: completed by: 11/11/2024 | CR

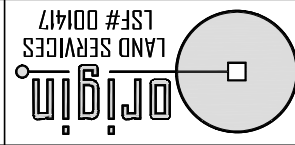


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Field Work | Report
Field Work Date: completed by: 11/10/2024 | CA
Location Method: Eos Arrow 100 GNSS
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Continued from page B4

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

Petition No.: A-889-25

Owner: Anthony Whitmore

Agent: James Quattlebaum

Property Address: 813 Sandy Creek
Road, Fayetteville, Ga 30214

Parcel: 0710 027

Zoning District: R-70

Area of Property: 10.56 acres

Land Lot(s): 44 & 45

District: 7th

Road Frontage: Sandy Creek Road

Request: Applicant is requesting
the following:

A) Variance to Sec. 110-79(c)(1)
To allow three existing accessory
structures in the R-70 zoning to
remain.

B) Variance to Sec. 110-133(d)(4)
(a)(2) to reduce the front yard set-
back from 75 feet to 63 feet to allow
the primary structure to remain.

Legal Description

LOT 1: Parcel # 0710 027

ALL THAT TRACT OR PAR-
CEL OF LAND LYING AND BE-
ING IN LAND LOTS 44 & 45
OF THE 7th LAND DISTRICT,
FAYETTE COUNTY, GEORGIA
BEING DESIGNATED AS "LOT
1" CONTAINING 3.670 ACRES
(159,847 SQUARE FEET) AND
BEING SHOWN WITH A 2-STORY
FRAME HOUSE, A SHED, WELL,
POOL, AND CONCRETE DRIVE
ON THAT CERTAIN SURVEY
TITLED "CASE ESTATES" AND
PREPARED FOR WANDA C CASE
BY RONALD T- GODWIN, GA RLS
NO. 2695 OF FOUR CORNERS
SURVEYING. SAID SURVEY IS
RECORDED IN PLAT BOOK 100,
PAGE 368, FAYETTE COUNTY,
GEORGIA RECORDS, WHICH
PLAT IS HEREBY INCORPORAT-
ED AND MADE A PART HEREOF.
PARCEL ID NUMBER 0710 027
TOGETHER WITH

LOT 2: Parcel #0710 087
ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOTS 44 & 45 OF THE
7TH LAND DISTRICT, FAYETTE
COUNTY, GEORGIA BEING
DESIGNATED AS "LOT 2" CON-
TAINING 6.959 ACRES (303,127
SQUARE FEET) ON THAT CER-
TAIN SURVEY TITLED "CASE
ESTATES" AND PREPARED FOR
WANDA C. CASE BY RONALD T,
GODWIN, GA RLS NO. 2695 OF
FOUR CORNERS SURVEYING.
SAID SURVEY RECORDED IN
PLAT BOOK 100, PAGE 368, FAY-
ETTE COUNTY, GEORGIA RE-
CORDS, WHICH PLAT IS HERE-
BY INCORPORATED AND MADE
A PART
HEREOF
PARCEL ID NUMBER 0710 087
02/12

PETITION NO: A-890 -25

Requested Actions: Variance to Sec. 110-137(d)(4)a.(1) - To allow a variance to reduce the front yard setback from 60 feet to 54 feet to allow the primary structure to remain.

Location: S. Jeff Davis Drive Road, Fayetteville, Georgia 30215

Parcel(s): 0519 094

District/Land Lot(s): 5th District, Land Lot(s) 74 & 75

Zoning: R-40, Single-Family Residential

Lot Size: 1.747 Acres

Owner(s): Iris Williams

Agent: Brandon Larry

Zoning Board of Appeal Public Hearing: March 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137(d)(4) a.(1)., the front yard setback on an Arterial in the R-40 Zoning District is required to be 60 feet. The applicant requests to reduce the setback by 6 feet, to 54 feet, to allow the construction of a primary house.

STAFF ASSESSMENT

- The encroachment is not likely to have an adverse impact on the neighbors or traffic.
- The watershed protection buffers and setbacks do limit the buildable area of the lot.

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 watershed protection buffers and setbacks do limit the buildable area 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,**
There is an environmental or topographical constraint.

- 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 house is not likely to have an adverse impact on the neighbors or on traffic.

- 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.

HISTORY

This parcel is a legal lot of record documented in a plat recorded in Plat Book 52 Page 117 on November 17, 2022. The right-of-way dedication documents have been submitted.

ZONING REQUIREMENTS

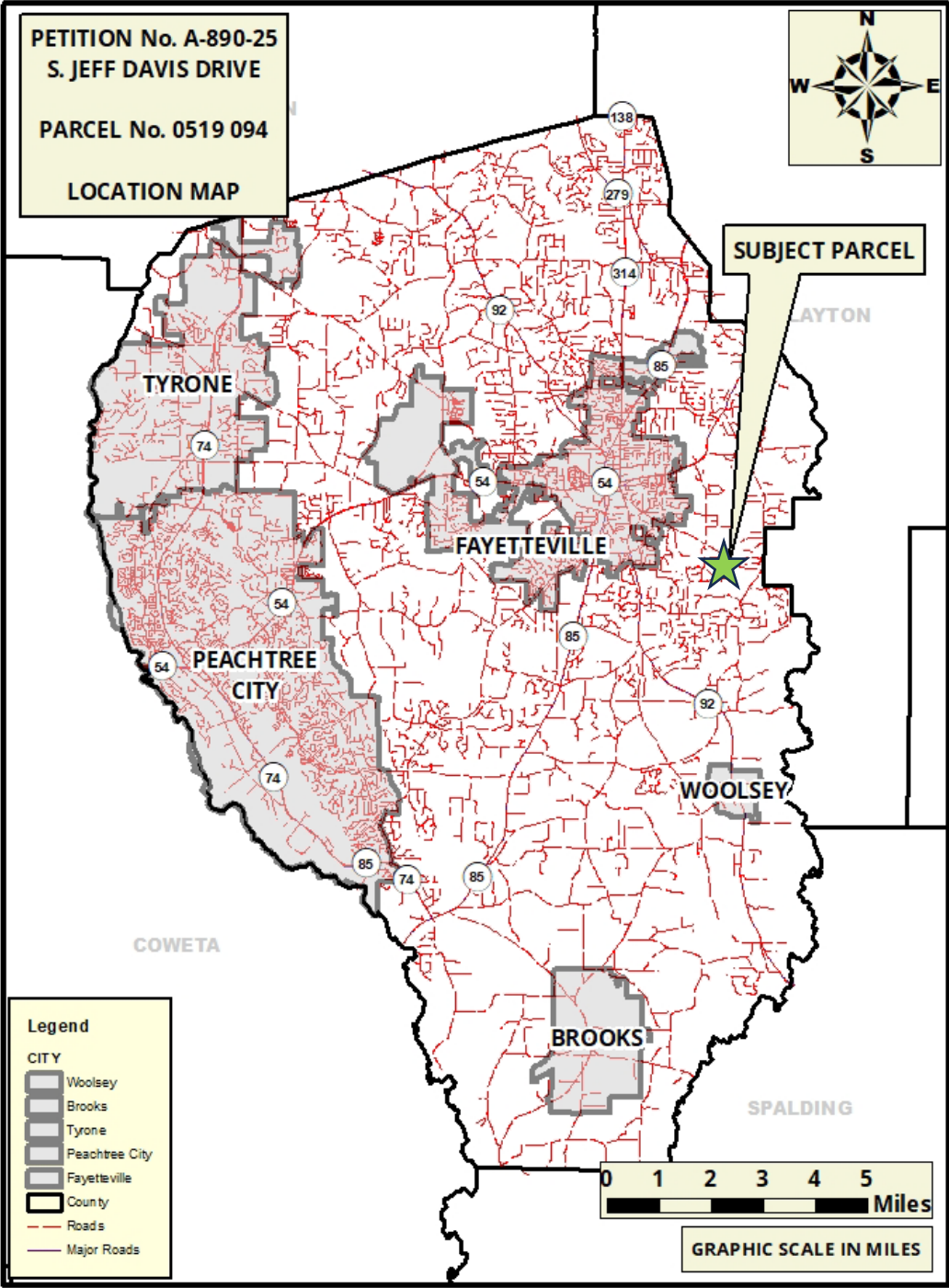
Sec. 110-137. – R-40, Single Family Residential District.

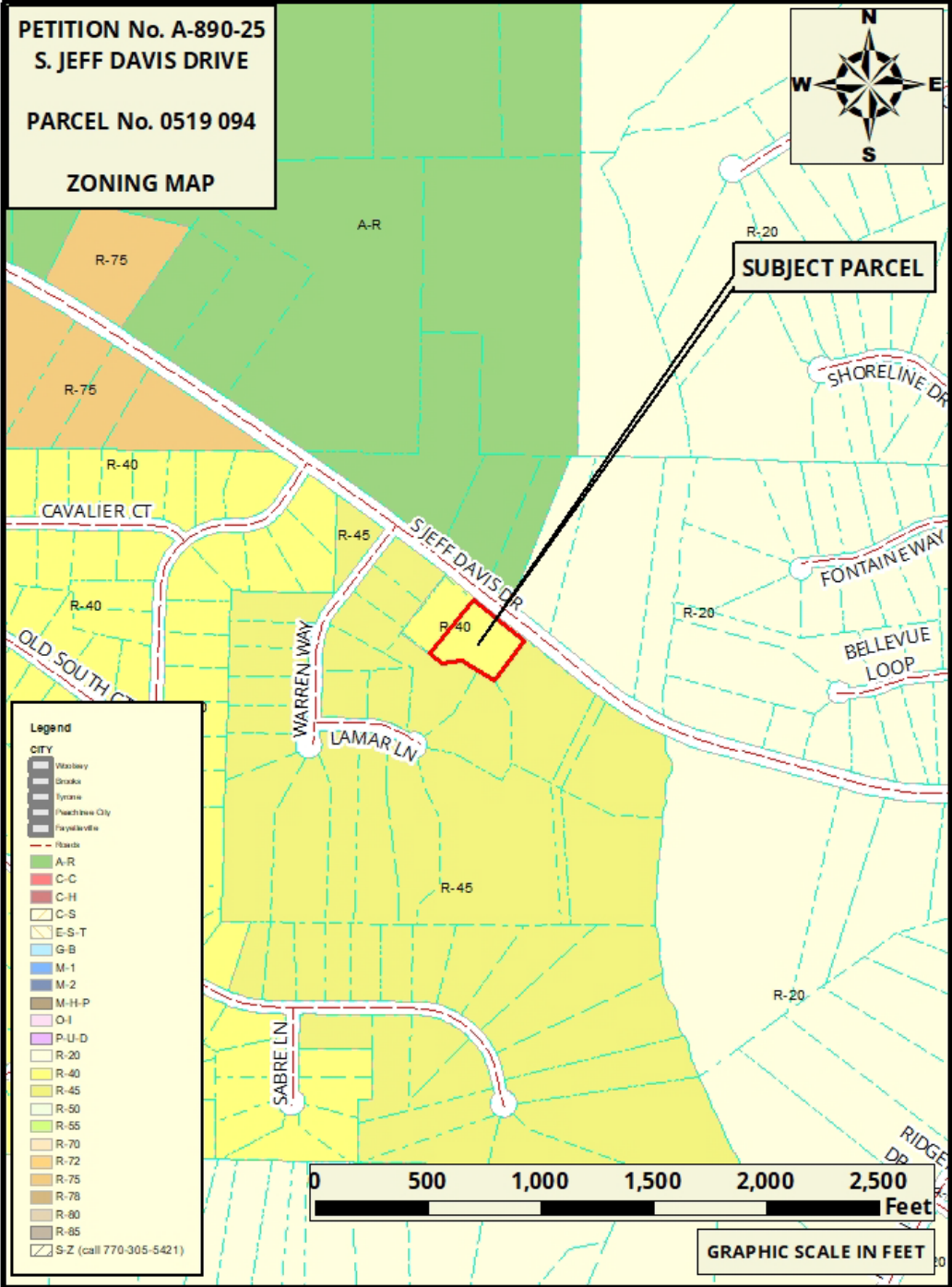
(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

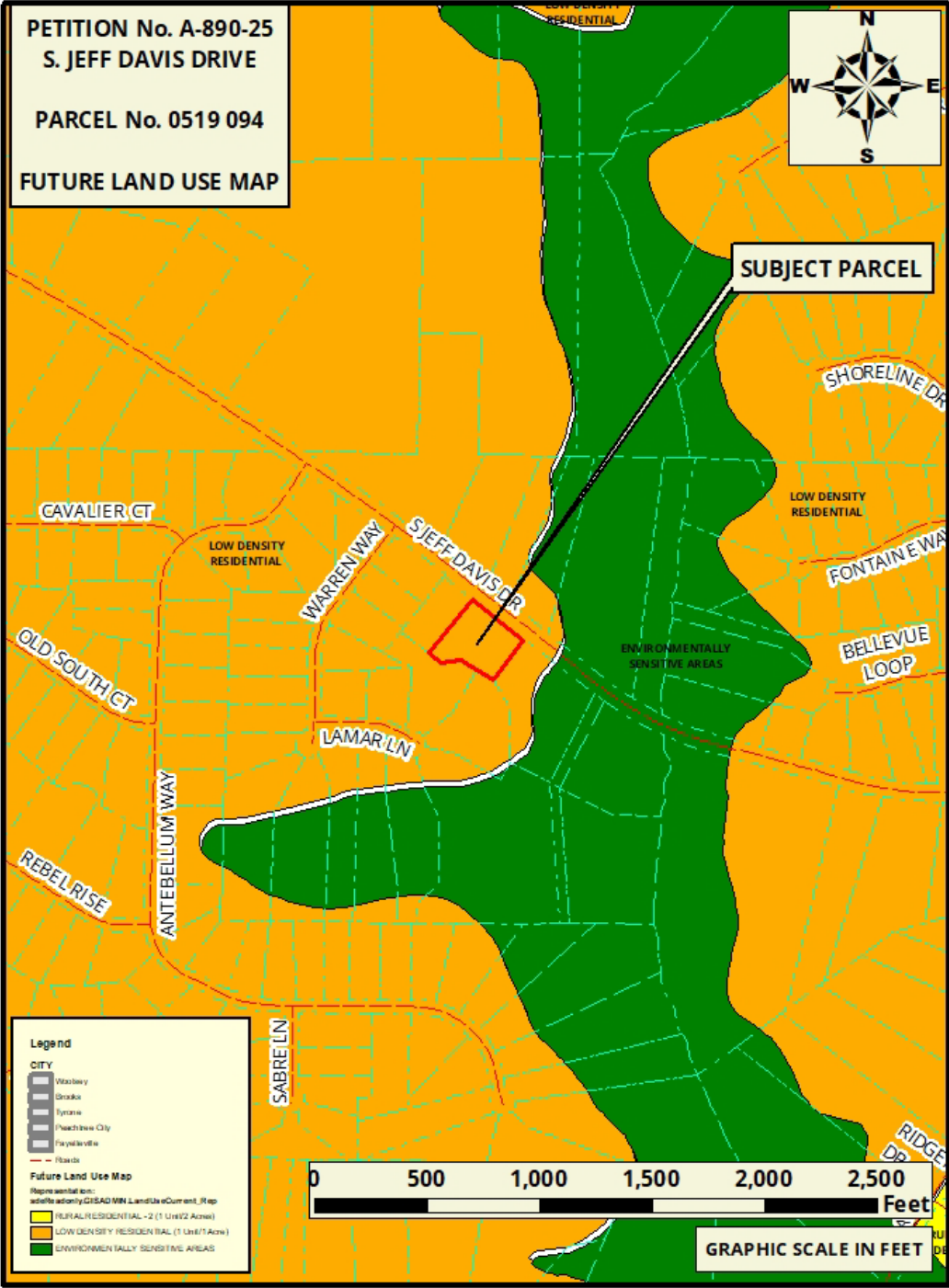
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
 - a. Major thoroughfare:
 1. Arterial: 150 feet.
 2. Collector: 150 feet.
 - b. Minor thoroughfare: 125 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.
- (7) Height limit: 35 feet.

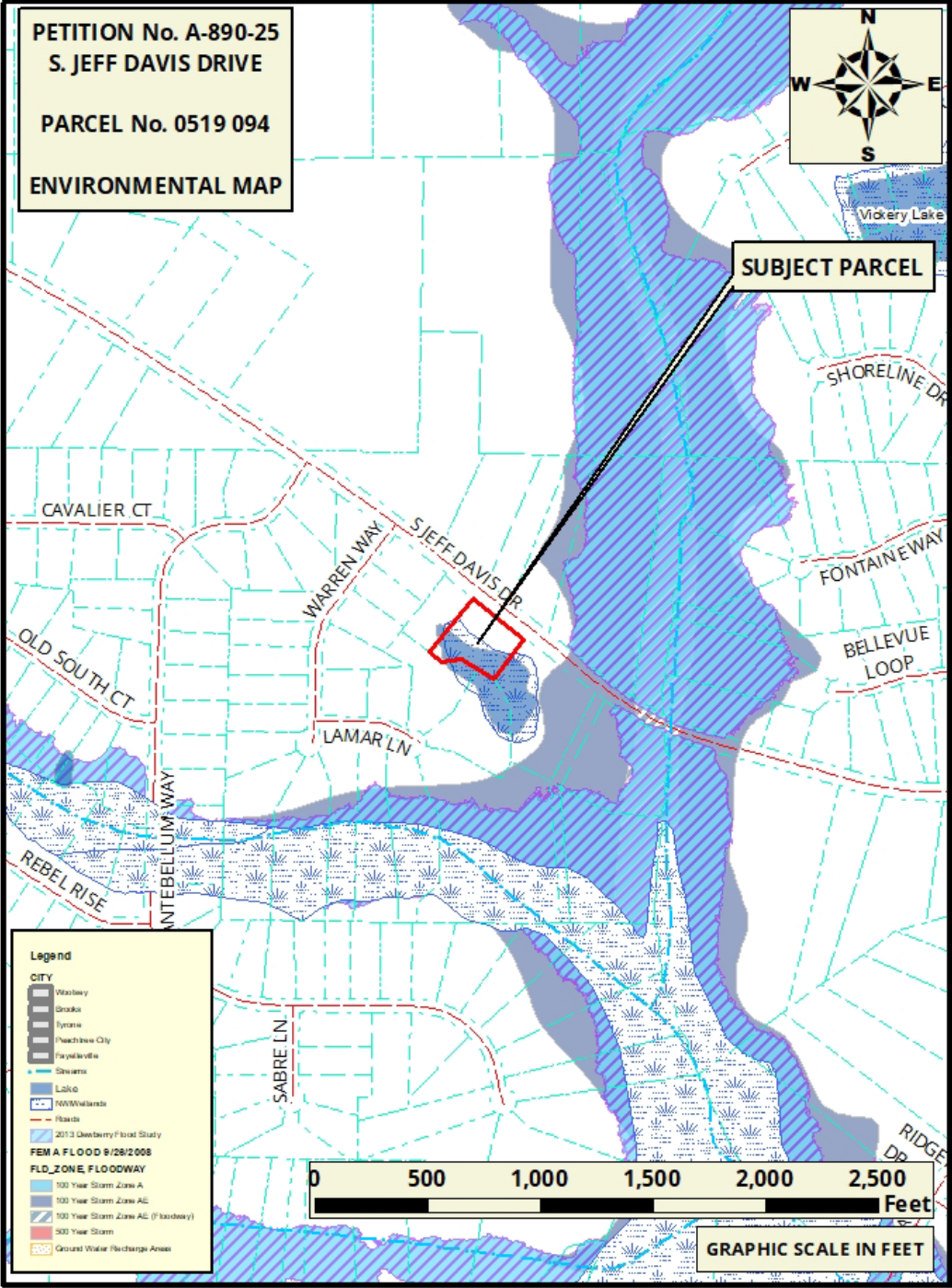
DEPARTMENTAL COMMENTS

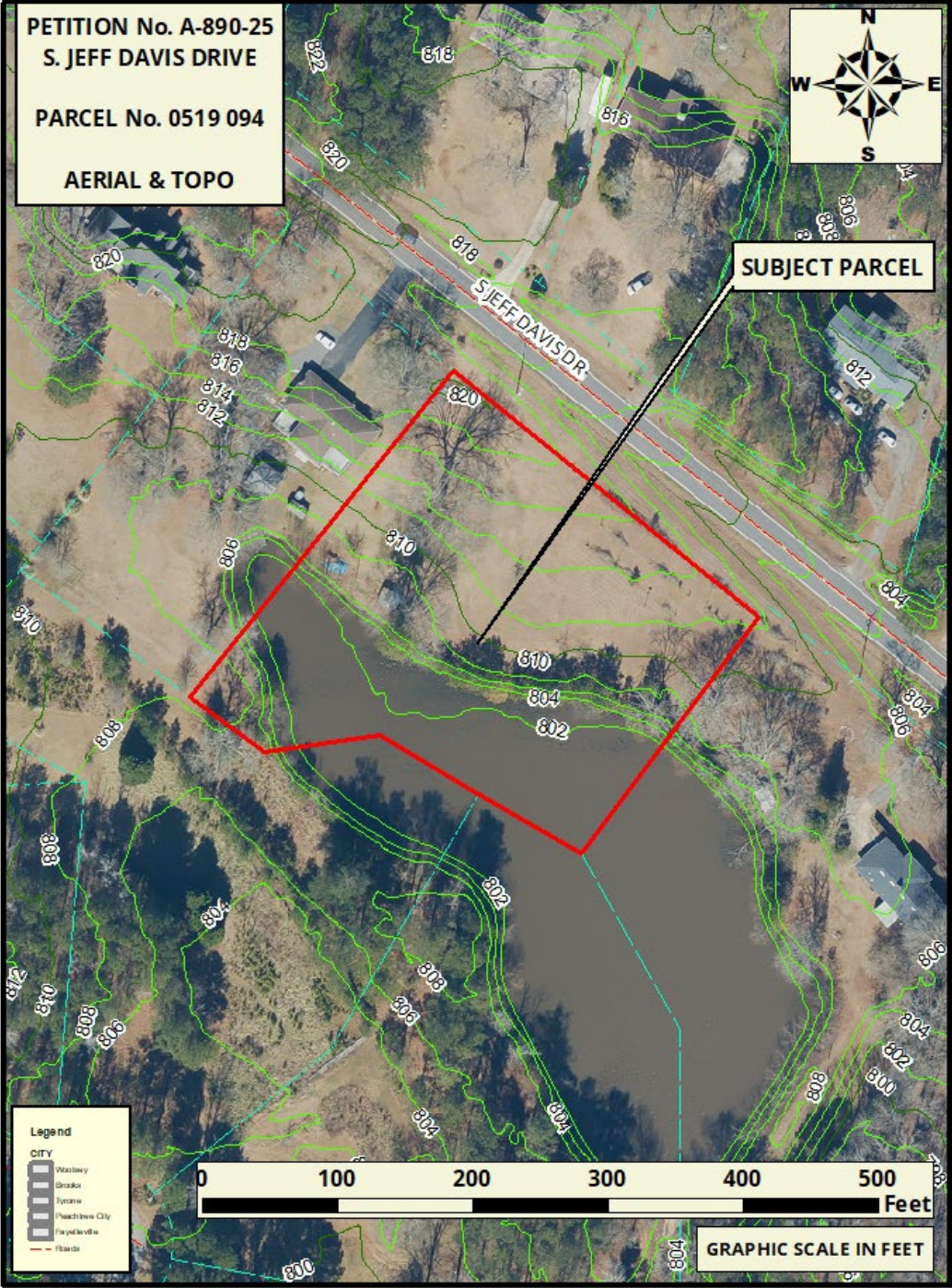
- Water System** –No objections.
- Public Works** – No comment.
- Environmental Management** – No comment.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Department of Building Safety** – No comments.
- Fire**– No comments.

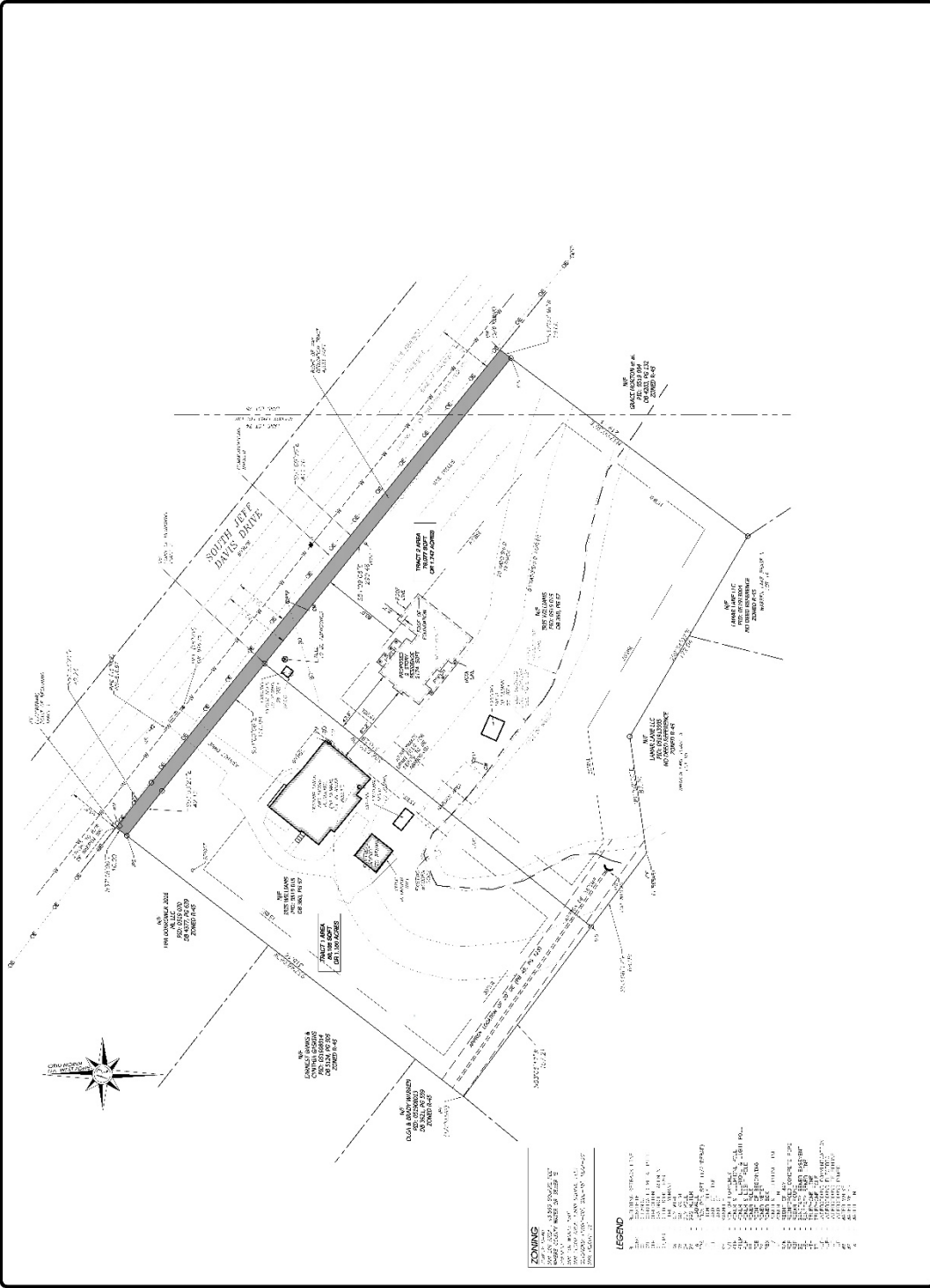












SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0519 094 Acreage: 1.747 Land Lot: 74 + 75 Land District: 5th
Address: S Jeff Davis DR
Existing Zoning: R-40 Requested Zoning: N/A
Zoning of Surrounding Properties: R-45
Existing Use: Single family home / vacant lot
Proposed Use: Single family home

PROPERTY OWNER INFORMATION

Name Iris Williams
Email [REDACTED]
Address 1019 S. Jeff Davis Dr
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Brandon Larry
Email brandon@chiselmill.com
Address 160 Whitney St.
City Fayetteville
State GA Zip 30214
Phone 706-672-5400

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-890-25

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: March 24, 2025

Received payment from Brandon Larry a check in the amount of \$ 175.00

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

Date Paid 02/03/2025 Receipt Number: 023056

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:

Iris Williams

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0519 094

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 74+75 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 1.75 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Brandon Larry 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.

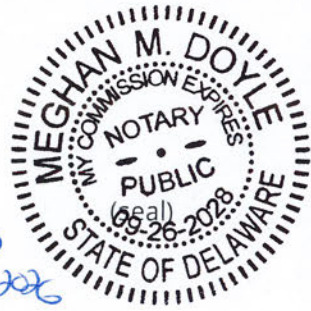
SIGNATURES

Owner/
Agent
One:

Signature *Iris Williams*
Name: Iris L. Williams
Address: ~~512 Cypress Dr 1019 S. Jeff Davis Dr,~~
City/State/Zip: Fayetteville GA 30215
Date: 1-23-25

Notary: *Meghan M Doyle*
Commission Exp.: 9/29/2028

(seal)



Owner/
Agent
Two:

Signature *Brandon Larry*
Name: Brandon Larry
Address: 160 Whitney St.
City/State/Zip: Fayetteville, GA 30214
Date: 2/3/25

Notary: *Maria T. Binns*
Commission Exp.: May 05, 2026



Owner/
Agent
Three:

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

Notary: _____
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	Article IV Sec. 110-137(d)(4)(a)
Requirement	Front Yard Setback : 60 feet
Proposed Change	Requesting a 10% Front yard setback Reduction
Variance Amount	6 feet (2.7ft is needed to build - see site plan)

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.

We are requesting a 10% reduction of the front setback required by R-40 zoning.

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.

Our lot is rectangular in shape, much wider than it is deep. There is water present on the back half of the lot and with a total of 75 feet in protective buffers, it becomes difficult to build a 1500 sqft min structure within the building envelope.

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

Not at all.

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

The lot is wide rather than square or deep, the back of the lot is a pond with 75' of buffers, and the front setback is 60' from the Row.

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.

Correct. We are only asking for a 6ft Reduction.

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

The combination of lot shape, ordinance requirements, and water buffers makes this lot much more difficult to build on than others. We are only asking for 6 feet in order to build a beautiful home that the whole community will enjoy!

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:	

Type: WD
Recorded: 1/27/2023 11:54:00 AM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Participant ID: 7446660550

BK 5583 PG 3 - 4

After recording, return to:
MR. IRIS WILLIAMS
1019 SOUTH JEFF DAVIS DRIVE
FAYETTEVILLE, GEORGIA 30215

TAX PARCEL ID#: 0519015

STATE OF GEORGIA
COUNTY OF FAYETTE

WARRANTY DEED
(Draw Deed Only)

THIS INDENTURE is made as of January 23, 2023, between IRIS L. WILLIAMS (hereinafter referred to as "Grantor") and IRIS WILLIAMS, as Trustee, or his successors in trust, under the WILLIAMS LIVING TRUST, dated January 23, 2023 and any amendments thereto (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR, in consideration of the sum of Zero and No/100 Dollars (\$0.00) and love and affection, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee all that tract or parcel of land lying and being in Fayette County, Georgia (herein referred to as the "Land") as more particularly described in Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the 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 Grantee forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Land unto Grantee against the claims of all persons whomsoever.

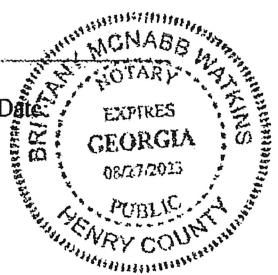
Preparer has not performed a title examination or confirmed the legal description, and as such makes no representation with regard to the same.

EXECUTED under seal as of the date above.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public
Commission Expiration Date
(NOTARY SEAL)



GRANTOR:

IRIS L. WILLIAMS

EXHIBIT A

(Land more commonly referred to as: 1019 South Jeff Davis Drive, Fayetteville, Georgia 30215
Tax Parcel ID #: 0519015)

All that tract or parcel of land lying and being in Land Lots 74 and 75 of the 5th District, Fayette county, Georgia, containing 3.00 acres, more or less, and being more particularly described as follows:

Beginning at an iron pin found on the Southern right of way line of South Jeff Davis Drive (an 80 foot right of way), said pin being located 279.99 feet Southeast from the intersection formed by the meeting of the Eastern right of way line of Warren Way (a 60 foot right of way) and the southern right of way line of South Jeff Davis Drive (an 80 foot right of way), thence continuing along the Southern right of way of South Jeff Davis Drive run South 52 degrees 16 minutes 24 seconds East a distance of 42.24 feet to an iron pin set, thence continuing along the Southern right of way of South Jeff Davis Drive South 51 degrees 32 minutes 09 seconds East a distance of 411.33 feet to an iron pin set, thence leaving the said Southern right of way line of South Jeff Davis Drive run South 36 degrees 37 minutes 50 seconds West a distance of 230.20 feet to a point, thence run North 59 degrees 54 minutes 19 seconds West a distance of 172.04 feet to a point, thence run South 81 degrees 31 minutes 48 seconds West a distance of 87.20 feet to an iron pin set, thence run North 53 degrees 26 minutes 29 seconds West a distance of 225.00 feet to an iron pin set, thence run North 37 degrees 23 minutes 50 seconds East a distance of 325.03 feet to an iron pin found and the point of beginning.

All as more fully described on that certain plat of survey prepared by CornerStone Engineering & Land Surveying Inc., for Marvin Griffin, dated 5-31-05. Said property being shown as Tract 1, containing 3.00 acres, more or less. Said plat of survey is hereby incorporated by reference and made a part hereof for a more accurate description.

Subject to all easements and 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, March
24, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-890-25
Owner: Iris L. Williams
Agent: Brandon Larry
Property Address: 1019 S Jeff Davis
Drive, Fayetteville, GA 30215
Parcel: 0519 094
Zoning District: R-40
Area of Property: 1.747 acres

Land Lot(s): 74 & 75
District: 5th
Road Frontage: S Jeff Davis Drive
Request: Applicant is requesting
a variance to Sec. 110-137(d)(4)
(a), to reduce the side yard setback
from 60 feet to 54 feet to allow con-
struction of a Single-Family dwell-
ing.

EXHIBIT "A"

(Land more commonly referred to
as: 1019 South Jeff Davis Drive,
Fayetteville, Georgia 30215 Tax
Parcel ID#: 0S19015)

All that tract or parcel of land lying
and being in Land Lots 74 and 75
of the 5th District, Fayette Coun-
ty, Georgia, containing 3.00 acres,
more or less, and being more par-
ticularly described as follows:

Beginning at an iron pin forward
on the Southern right of way line of
South Jeff Davis Drive (an 80-foot
right of way), said pin being locat-
ed 279.99 feet Southeast from the
intersection formed by the meet-
ing of the Eastern right of way lies
of Warren Wat (a 60 foot right of
way) and the southern line of South
Jeff Davis Drive (as 80 foot right of
way), thence continuing along the
Southern right of way of South Jeff
Davis Drive for South 52 degrees
16 minutes 24 seconds East a dis-
tance of 42.24 feet to an iron pin
set, thence continuing along the
Southern right of way of South Jeff
Davis Drive South 51 degrees 32
minutes 09 seconds East a distance
of 411.33 feet to an iron pin set,
thence leaving the said Southern
right of way line of South Jeff Davis
Drive run South 36 degrees 37 min-
utes 50 seconds West a distance of
230.20 feet to a point, thence run
North 59 degrees 34 minutes 19
seconds West a distance of 172.04
feet to a point, thence run South
81 degrees 31 minutes 48 seconds
West a distance of 87.20 feet to a
iron pin set. Thence run North 53
degrees 26 minutes 29 seconds
West a distance of 225.00 feet to
an iron pin set, thence run North
37 degrees 23 minutes 50 seconds
East a distance of 325.03 feet to an
iron pin found and the point of be-
ginning.

All as more fully described on that
certain plat of survey prepared by
CornerStone Engineering & Land
Surveying Inc, for Marvin Griffin,
dated 5-31-05, Said property being
shown as Tract 1, containing 3.00
acres, more or less. Said plat of sur-
vey is hereby Incorporated by ref-
erence and made a part hereof for a
more accurate description.

Subject to all easements and res-
trictions of record.

PETITION NO: A-891 -25

Requested Actions: Variance to Sec. 110-125(d)(6) - To allow a variance to reduce the side yard setback from 50 feet to 36 feet.

Location: 330 Kelley Road, Brooks, Georgia 30205

Parcel(s): 0420 005

District/Land Lot(s): 4th District, Land Lot(s) 104

Zoning: A-R, Agricultural-Residential

Lot Size: 5.720 Acres

Owner(s): Taryn Moore

Agent: Brad Craven

Zoning Board of Appeal Public Hearing: March 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 14 feet, to 36 feet, to allow an existing primary house to remain.

STAFF ASSESSMENT

Staff recommends that the variance, if granted, be the minimum needed to allow the existing house to remain. This would result in a motion to reduce the side yard setback from 50 feet to 36 feet to allow an existing house to remain. This way, the entire side yard setback is not compromised.

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.**
When this house was built in 1986, foundation surveys were not required, so the encroachment was not noted until the applicant ordered a survey to build an addition.
- 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,**
There is not an environmental or topographical constraint, but the construction of the house predates foundation survey requirements.
- 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.

HISTORY

This parcel is a legal lot of record documented in a deed recorded in Deed Book 768 Page 372 on November 19, 1992. The house was built in 1986. The applicant had a survey prepared for a building permit and it was evident that the structure is too close to the property line. Therefore, they are requesting a variance for the structure to remain so they can obtain the building permit. The addition will not increase the encroachment.

Note about the road frontage: At the time this lot was created, parcels in residential and A-R zoning districts were required to have 25 feet of frontage. The requirement for a 100-foot frontage was not in place until March 11, 1993. Therefore, it is a legal, nonconforming parcel.

ZONING REQUIREMENTS

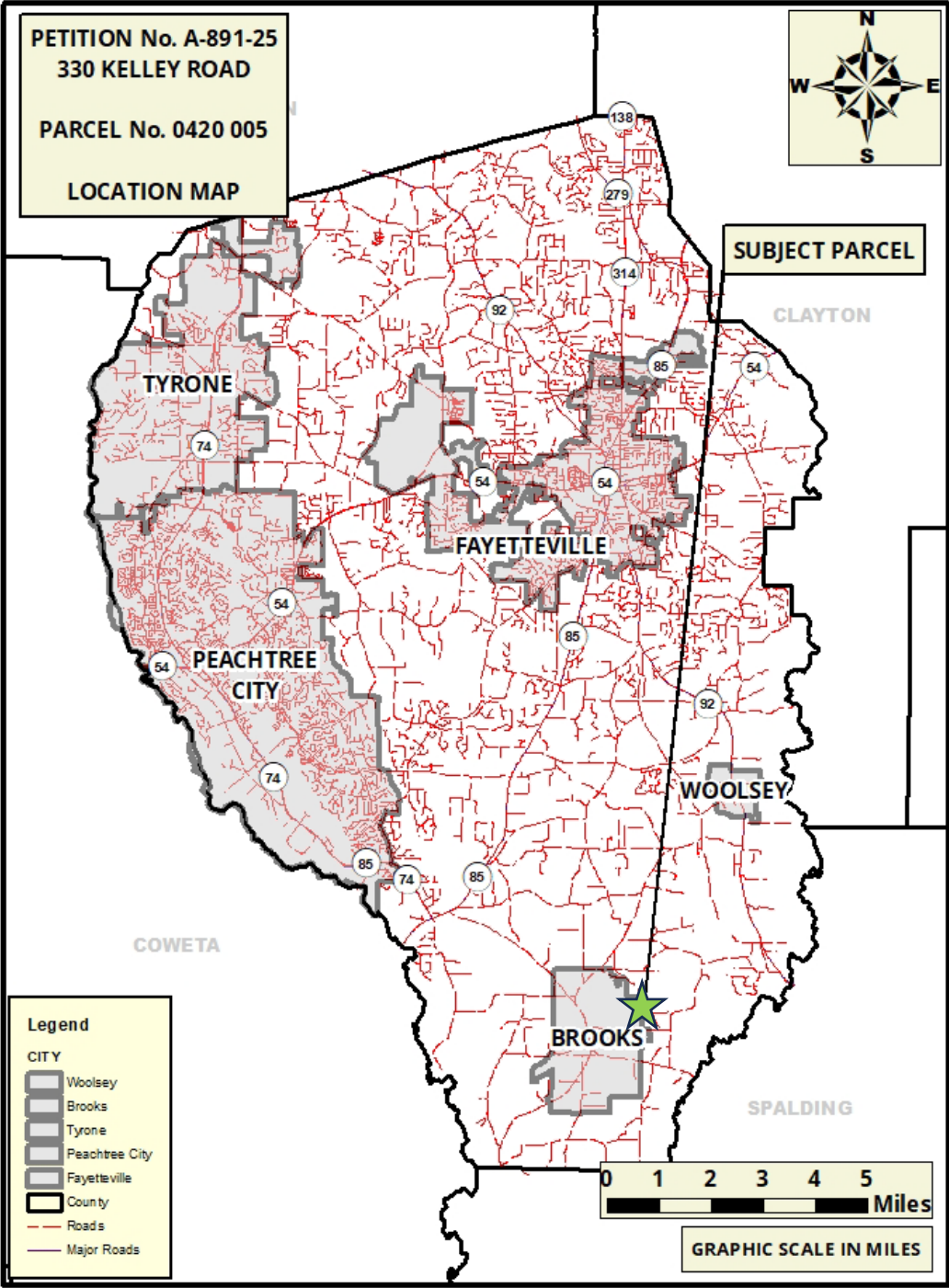
Sec. 110-125. – A-R, Agricultural-Residential District.

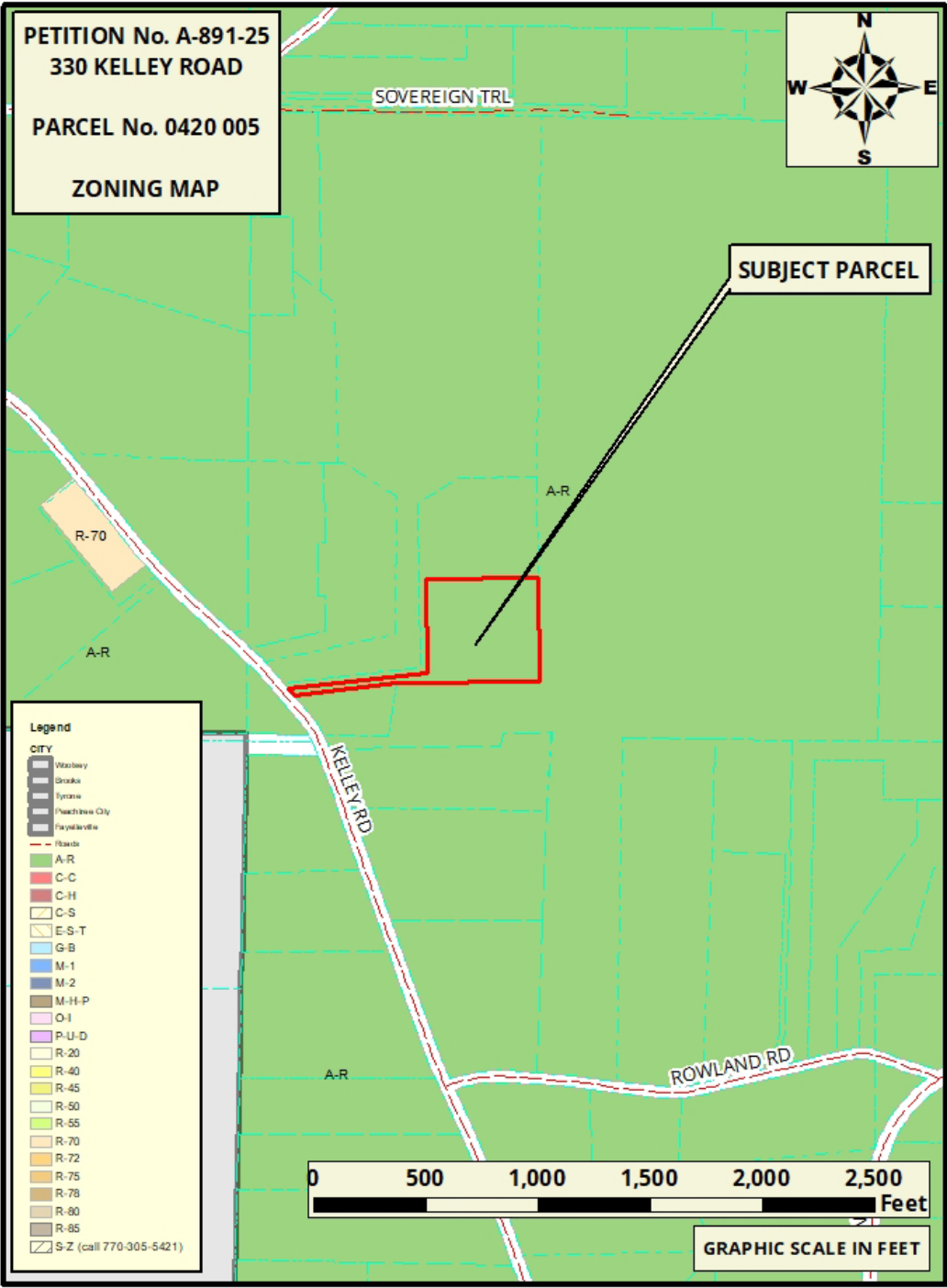
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

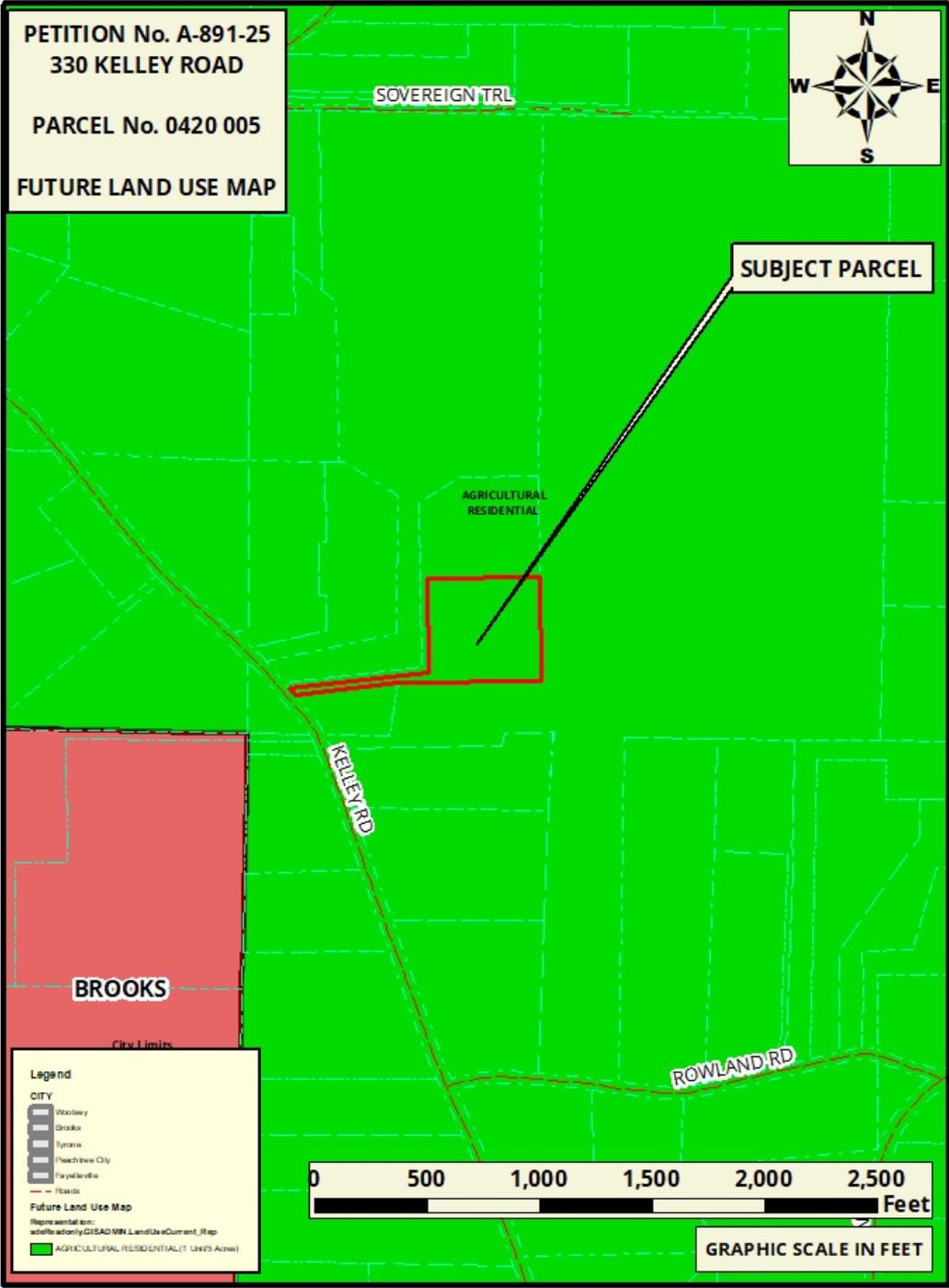
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

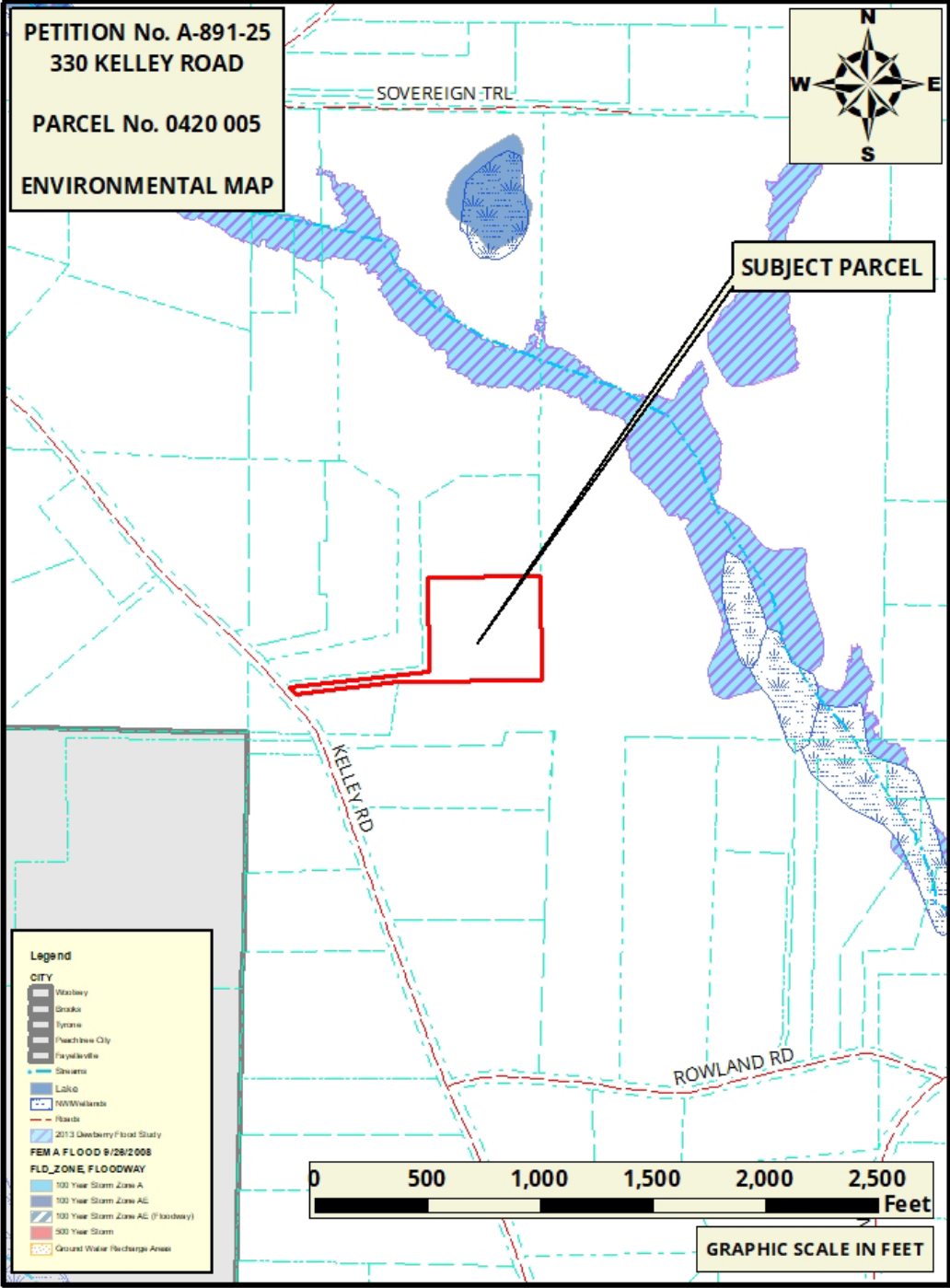
DEPARTMENTAL COMMENTS

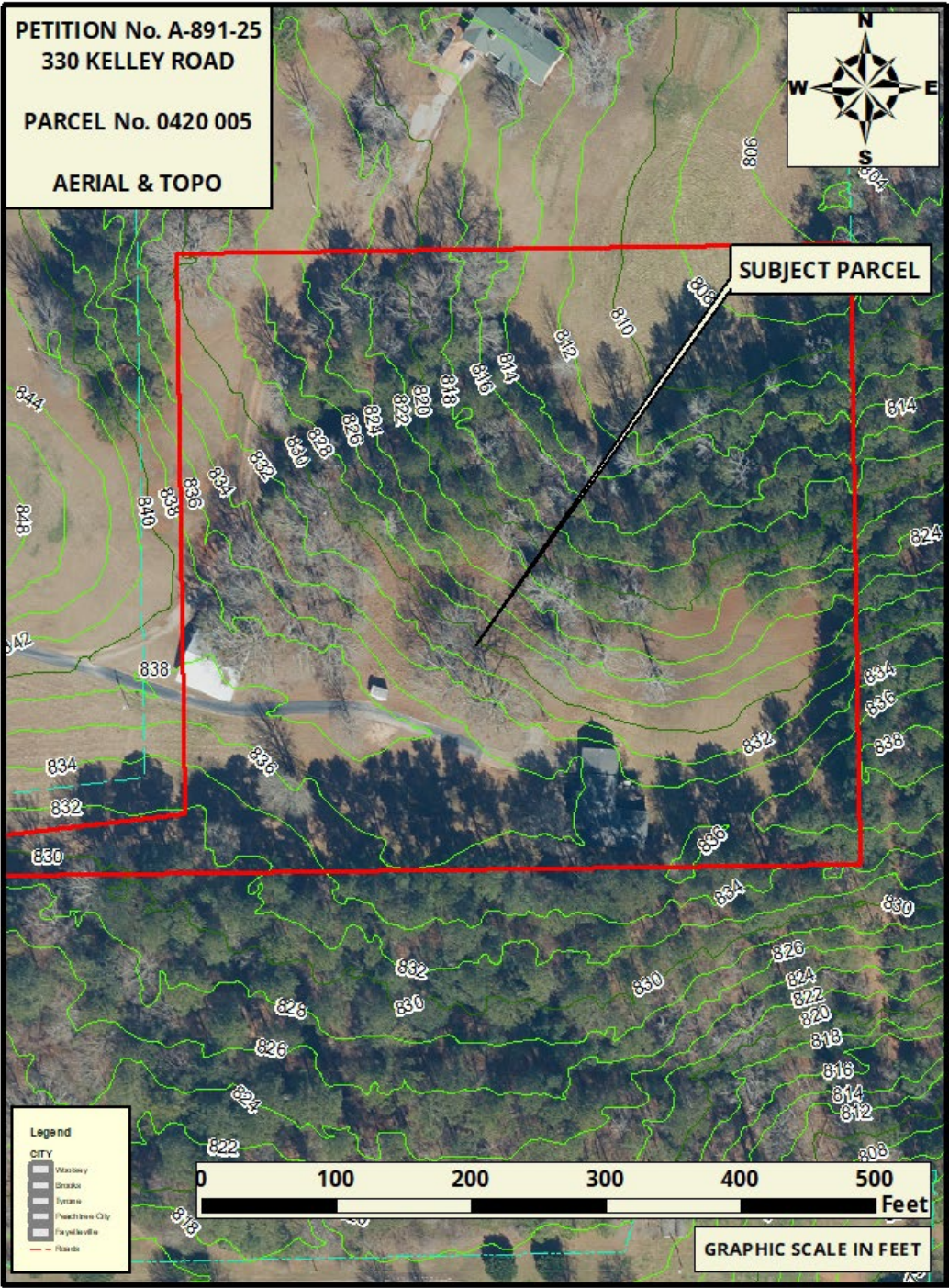
- Water System** –No objections.
- Public Works** – No comment.
- Environmental Management** – No comment.
- Environmental Health Department** – This office has no objection to the proposed variance.
- Department of Building Safety** – No comments.
- Fire** – No comments.











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

PROPERTY INFORMATION:

Parcel No. 0420005 Acreage: 5.720 Land Lot: 104 Land District: 4th

Address: 330 Kelley Rd. Brooks, GA 30205

Existing Zoning: _____ Requested Zoning: _____

Zoning of Surrounding Properties: _____

Existing Use: Primary Residence

Proposed Use: Primary Residence

PROPERTY OWNER INFORMATION

Name Taryn Moore

Email [REDACTED]

Address 330 Kelley Rd.

City Brooks

State GA Zip 30205

Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Brad Crover

Email bradcroverconstruction@gmail.com

Address 140 Cooper Way

City Brooks

State _____ Zip _____

Phone 74805425

(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: Maria Bin Date: _____

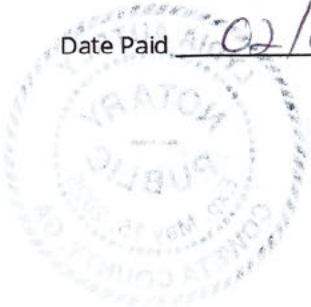
DATE OF ZONING BOARD OF APPEALS HEARING: March 24, 2025

Received payment from Logan/Taryn Moore a check in the amount of \$ 175.00

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

Date Paid 02/07/2025

Receipt Number: 023106



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:

Taryn and Logan Moore

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

0420-005

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 104 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 5.720 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Brad Craven 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.

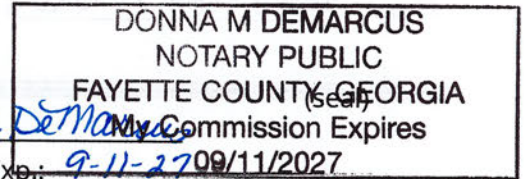
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: Taryn Moore
Address: 330 Kelley Rd.
City/State/Zip: Brooks, GA 30205
Date: 1/29/2025

Owner/
Agent
One:

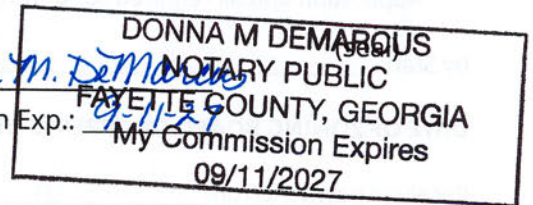
Notary: Donna M. Demarcus
Commission Expires: 9-11-27



Signature [Signature]
Name: Logan Moore
Address: 330 Kelley Rd
City/State/Zip: Brooks, GA 30205
Date: 1/29/2025

Owner/
Agent
Two:

Notary: Donna M. Demarcus
Commission Expires: 9-11-27



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

Owner/
Agent
Three:

Notary: Lydia Autrey
Commission Expires: May 15, 2025



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)(6)
Requirement	50'
Proposed Change	36'
Variance Amount	14'

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.

Barn on the property was built in 1965.
 Home was built inspected + approved in 1986
 I am wanting to put a addition on the
 home that will have nothing to do with
 current setbacks. All of the above should
 be grandfathered in.

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.

All issues are pertaining to a home
built 38 year ago.

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.

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

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:	

①



Doc ID: 011977850002 Type: WD
Recorded: 04/02/2024 at 10:30:00 AM
Fee Amt: \$300.00 Page 1 of 2
Transfer Tax: \$275.00
Fayette, Ga., Clerk Superior Court
Sheila Studdard Clerk of Court

BK **5709** PG **377-378**

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

TAX PARCEL ID: 0420 005

Order.No.: 23-0739-BEC

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 21st day of February, 2024, between **CURTIS F. HURT**, as party or parties of the first part, hereinafter called Grantor, and **TARYN MOORE and LOGAN MOORE**, 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 104 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT FOUND AT THE INTERSECTION OF THE WEST LINE OF LAND LOT 104 AND THE NORTHERN RIGHT-OF-WAY OF KELLEY ROAD (UNPAVED) (PRESCRIPTIVE RIGHT-OF-WAY), RUN THENCE IN A SOUTHERLY DIRECTION 247.77 FEET ALONG THE NORTHERN RIGHT-OF-WAY OF KELLEY ROAD TO A ½ INCH REBAR SET AND THE TRUE POINT OF BEGINNING. FROM THE **TRUE POINT OF BEGINNING**, RUN THENCE NORTH 83 DEGREES 20 MINUTES 28 SECONDS EAST A DISTANCE OF 619.75 FEET TO A ½ INCH REBAR SET; RUN THENCE NORTH 00 DEGREES 49 MINUTES 55 SECONDS WEST A DISTANCE OF 415.94 FEET TO A ½ REBAR SET; RUN THENCE NORTH 89 DEGREES 14 MINUTES 02 SECONDS EAST A DISTANCE OF 500.00 FEET TO A ½ INCH REBAR SET; RUN THENCE SOUTH 00 DEGREES 49 MINUTES 55 SECONDS EAST A DISTANCE OF 460.00 FEET TO A 1 INCH PIPE FOUND; RUN THENCE SOUTH 89 DEGREES 14 MINUTES 01 SECOND WEST A DISTANCE OF 634.70 FEET TO A 1 INCH PIPE FOUND; RUN THENCE SOUTH 83 DEGREES 20 MINUTES 28 SECONDS WEST A DISTANCE OF 459.66 FEET TO A 1 INCH PIN FOUND; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 36.97 FEET TO A 1/2 INCH REBAR SET, SAID ARC HAVING A CHORD BEARING NORTH 24 DEGREES 24 MINUTES 33 SECONDS WEST A CORD DISTANCE OF 36.96 FEET AND A RADIUS OF 3,114.24 FEET AND THE **TRUE POINT OF BEGINNING**.

SAID TRACT CONTAINING 5.720 ACRES BEING DESIGNATED AS 330 KELLEY ROAD AND HAVING AN EXISTING GRAVEL DRIVE AND HOUSE LOCATED THEREON AS PER PLAT OF SURVEY PREPARED BY KENNETH EDWARD PRESLEY RLS #1327 OF PRESLEY, FARR & ASSOCIATES,

INC., FOR CURTIS F HURT, DATED 9/24/1991, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A-1" AND INCORPORATED HEREIN 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.

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.

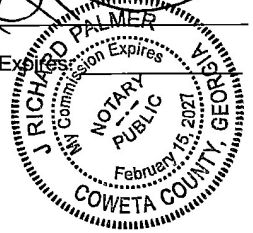
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, this 21st day of February, 2024.

Signed, sealed and delivered in the presence of:

Unofficial Witness

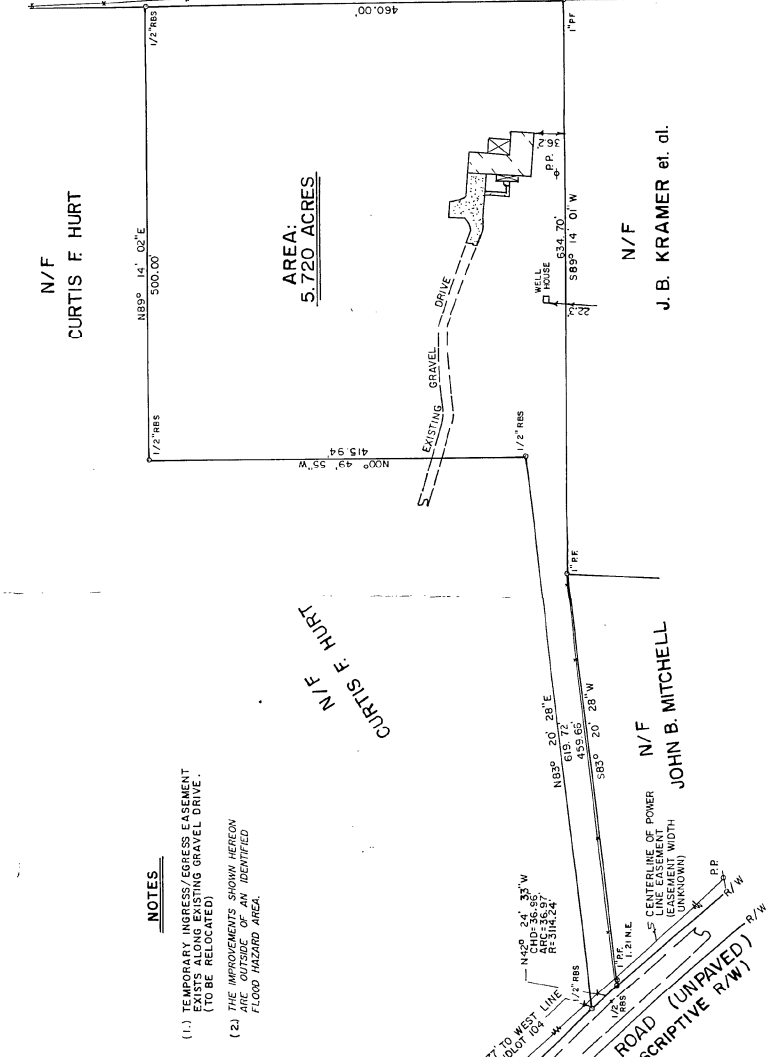
Notary Public
My Commission Expires _____

Curtis F. Hurt (SEAL)
CURTIS F. HURT



LEGEND

○	IRON PIN FOUND OR SET	⊖	WATER OR GAS VALVE
□	CALCULATED POINT	⊖	WATER OR GAS METER
⊙	CONCRETE MONUMENT	⊖	REINFORCED CONCRETE PIPE
⊕	UTILITY MONUMENT	⊖	REINFORCED CONCRETE PIPE
◊	BENCHMARK ELEVATION	⊖	REINFORCED CONCRETE PIPE
⊕	POWER POLE	⊖	REINFORCED CONCRETE PIPE
⊕	POLE	⊖	REINFORCED CONCRETE PIPE
⊕	POLE	⊖	REINFORCED CONCRETE PIPE
⊕	POLE	⊖	REINFORCED CONCRETE PIPE



The field data upon which this plat is based has a closure precision of one foot in 25,455 feet and an angular error of 15 seconds. The plat was adjusted using LEAST SQUARES method.

This plat has been calculated for closure and is found to be accurate within one foot in 235,214 feet.

Equipment used for measurements:

Angular	TOPCON GTS 2-B
Linear	SAME



PRESLEY, FARR & ASSOCIATES
 121 South Sixth Street - P.O. Box 283 - Griffin, Georgia 30224
 Griffin: (404) 227-0820 - Fax: (404) 227-6247
 Barnesville: (404) 358-0591 - Fayetteville: (404) 461-7720
 Jackson: (404) 775-4855

Continued from page B3

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

Petition No.: A-891-25

Owner: Taryn & Logan Moore

Agent: Brad Croven

Property Address: 330 Kelly Road, Brooks, GA 30205

Parcel: 0420 005

Zoning District: A-R

Area of Property: 5.720 acres

Land Lot(s): 104

District: 4th

Road Frontage: Kelly Road

Request: Applicant is requesting a variance to Sec. 110-125(d)(6), to reduce the side yard setback from 50 feet to 36 feet to allow the primary structure to remain.

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 104 OF THE 4TH DISTRICT, FAYETTE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT FOUND AT THE INTERSECTION OF THE WEST LINE OF LAND LOT 104 AND THE NORTHERN RIGHT-OF-WAY OF KELLEY ROAD (UNPAVED) (PRESCRIPTIVE RIGHT-OF-WAY), RUN THENCE IN A SOUTHERLY DIRECTION 247.77 FEET ALONG THE NORTHERN

RIGHT-OF-WAY OF KELLEY ROAD TO A 1/2 INCH REBAR SET AND THE TRUE POINT OF BEGINNING. FROM THE TRUE POINT OF BEGINNING, RUN THENCE NORTH 83 DEGREES 20 MINUTES 28 SECONDS EAST A DISTANCE OF 619.75 FEET TO A 1/2 INCH REBAR SET; RUN THENCE NORTH 00 DEGREES 49 MINUTES 55 SECONDS WEST A DISTANCE OF 415.94 FEET TO A 1/2 REBAR SET; RUN THENCE NORTH 89 DEGREES 14 MINUTES 02 SECONDS EAST A DISTANCE OF 500.00 FEET TO A 1/2 INCH REBAR SET; RUN THENCE SOUTH 00 DEGREES 49 MINUTES 55 SECONDS EAST A DISTANCE OF 460.00 FEET TO A 1 INCH PIPE FOUND; RUN THENCE SOUTH 89 DEGREES 14 MINUTES 01 SECOND WEST A DISTANCE OF 634.70 FEET TO A 1 INCH PIPE FOUND; RUN THENCE SOUTH 83 DEGREES 20 MINUTES 28 SECONDS WEST A DISTANCE OF 459.66 FEET TO A 1 INCH PIN FOUND; RUN THENCE IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A CURVE TO THE RIGHT AN ARC DISTANCE OF 36.97 FEET TO A 1/2 INCH REBAR SET, SAID ARC HAVING A CHORD BEARING NORTH 24 DEGREES 24 MINUTES 33 SECONDS WEST A CORD DISTANCE OF 36.96 FEET AND A RADIUS OF 3,114.24 FEET AND THE TRUE POINT OF BEGINNING.

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02/19