

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
June 23, 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 May 27, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-897-25 – Amari Capital Investments, LLC, Owner.
Applicant is requesting a variance to Sec. 110-137(d)(5) to reduce the rear yard setback in the R-40 zoning from 30 feet to 12.7 feet to allow the construction of a new pool and pool deck.
6. Consideration of Petition No. A-898-25 – Toddman and Carolyn Ray, Owners,
Applicants are requesting a variance to Sec. 110-125(d)(6) to reduce the side yard setback in an A-R zoning from 50 feet to 38.6 feet to allow an accessory structure to remain.

PETITION NO: A-897 -25

Requested Actions: Variance to Sec. 110-137(d)(5) - To allow a variance to reduce the rear yard setback from 30 feet to 12.7 feet to allow the construction of a swimming pool and pool deck.

Location: 110 Ensley Point, Fayetteville, Georgia 30214

Parcel(s): 1305 07012

District/Land Lot(s): 13th District, Land Lot(s) 217 & 218

Zoning: R-40, Single-Family Residential

Lot Size: 1.1 Acres

Owner(s): Amari Capital Investments LLC

Agent: Premier Pools & Spas, Sherri McKelvey

Zoning Board of Appeal Public Hearing: June 23, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137(d)(5), the rear yard setback in the R-40 Zoning District is required to be 30 feet. The applicant requests to reduce the setback from 30 feet to 12.7 feet, which is a variance of 17.3 feet, to allow the construction of an inground pool and pool deck.

Staff Note: On the initial application, the applicant did not include the pool deck, which is an integral part of pool construction and must also be within the building setbacks. They resubmitted a revised site plan that shifted the pool and added the pool deck. This resulted in the request as described above. The legal advertisement reflected this revised request.

STAFF ASSESSMENT

- The encroachment is not likely to have an adverse impact on the neighbors or traffic.
- The lot contains a stormwater detention pond, which significantly limits the available area in the back yard.

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 presence of the stormwater detention pond in the back yard does 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,**
The stormwater pond and its associated easement does take up a large portion of the yard.
- 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 pool 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 plat recorded in Plat Book 34 Page 189-191 on July 27, 2001, as Legacy Hills, Phase Two.

ZONING REQUIREMENTS

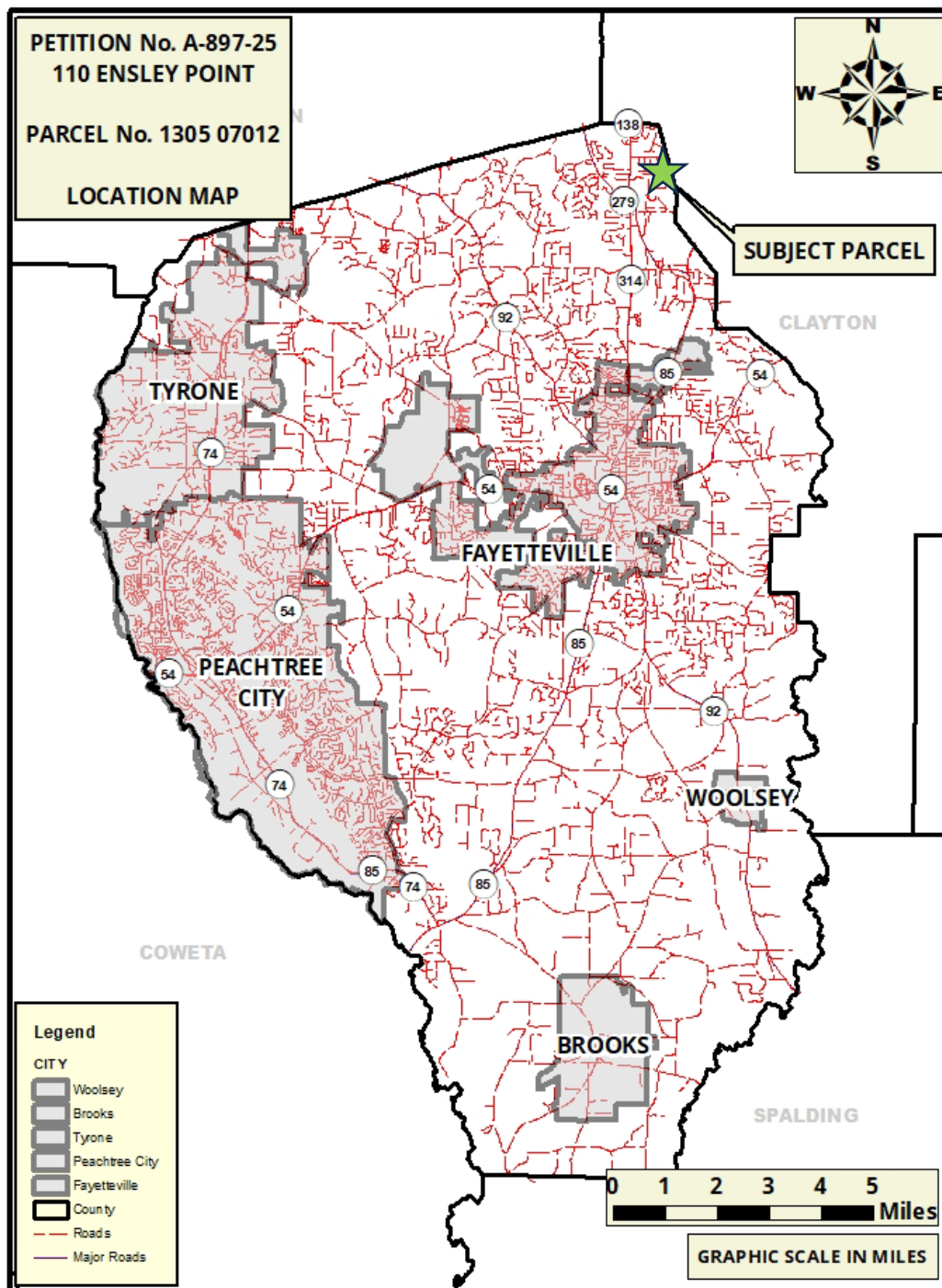
Sec. 110-137. – R-40, Single Family Residential District.

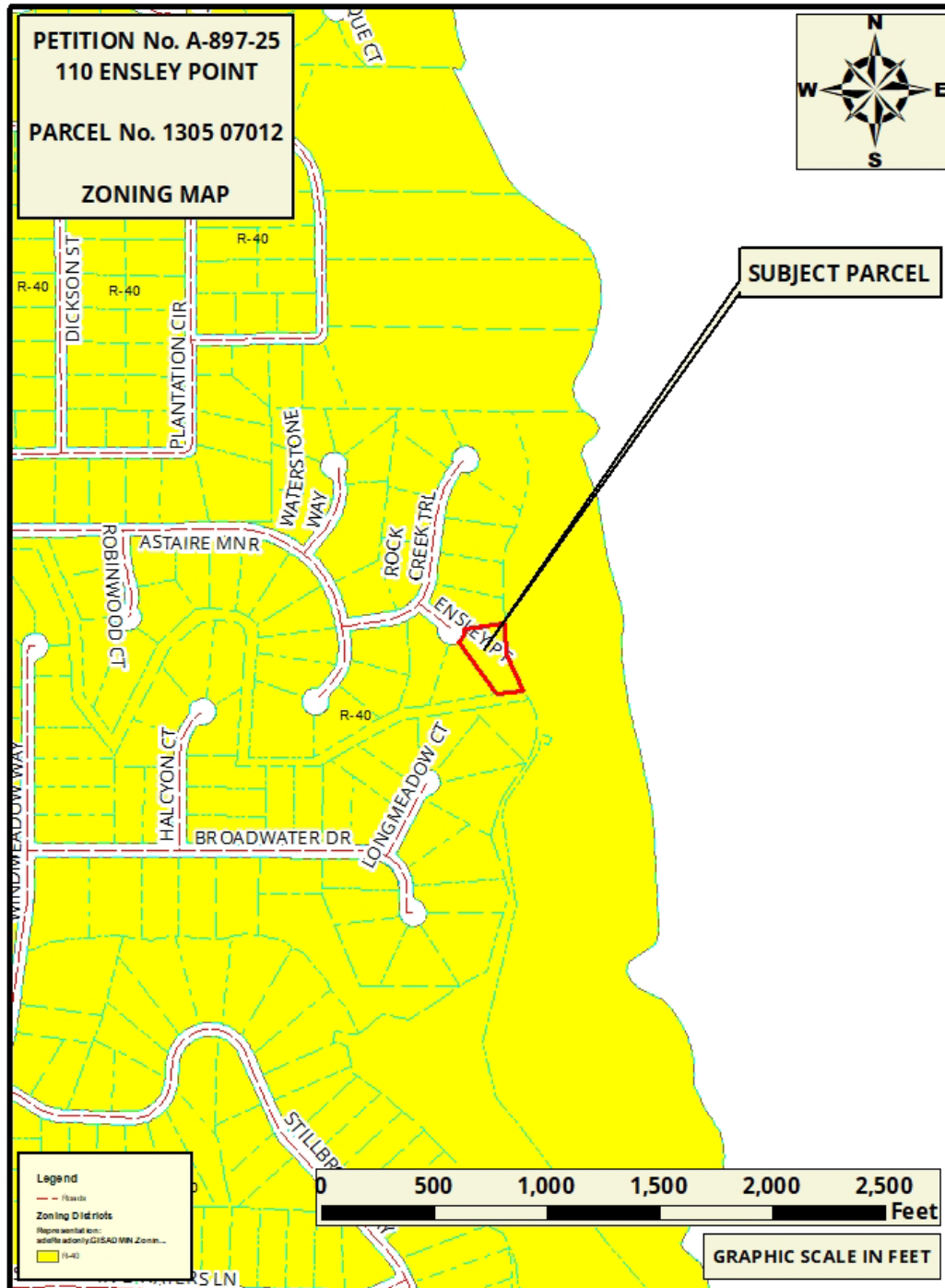
(d) *Dimensional requirements.* The minimum dimensional requirements within the R-40 zoning district shall be as follows:

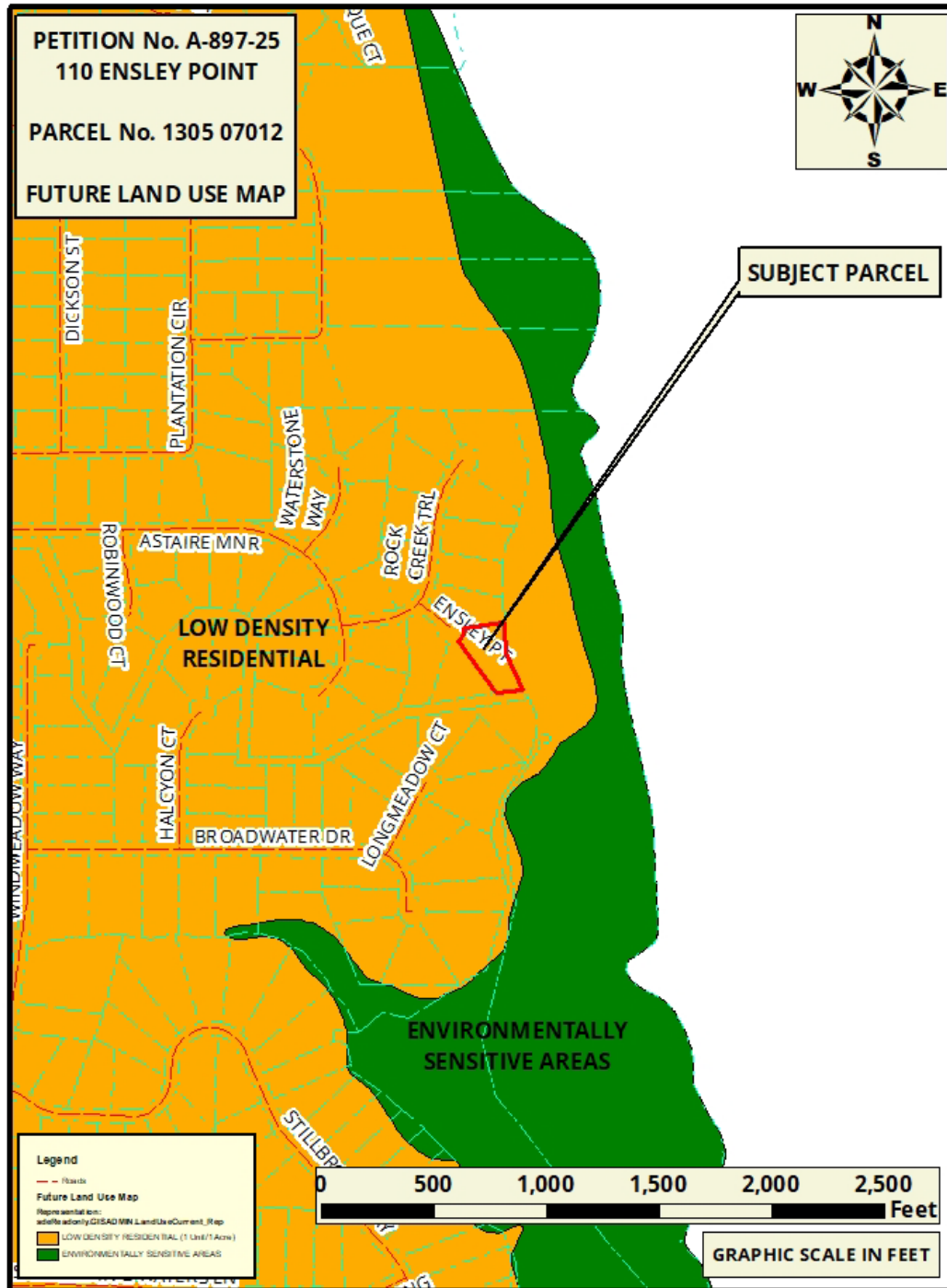
- (1) Lot area per dwelling unit:
 - a. Where central sanitary sewage or central water distribution systems are provided: 43,560 square feet (one acre).
 - b. Where neither a central sanitary sewage nor a central water distribution system is provided: 65,340 square feet (1.5 acres).
- (2) Lot width:
 - 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.

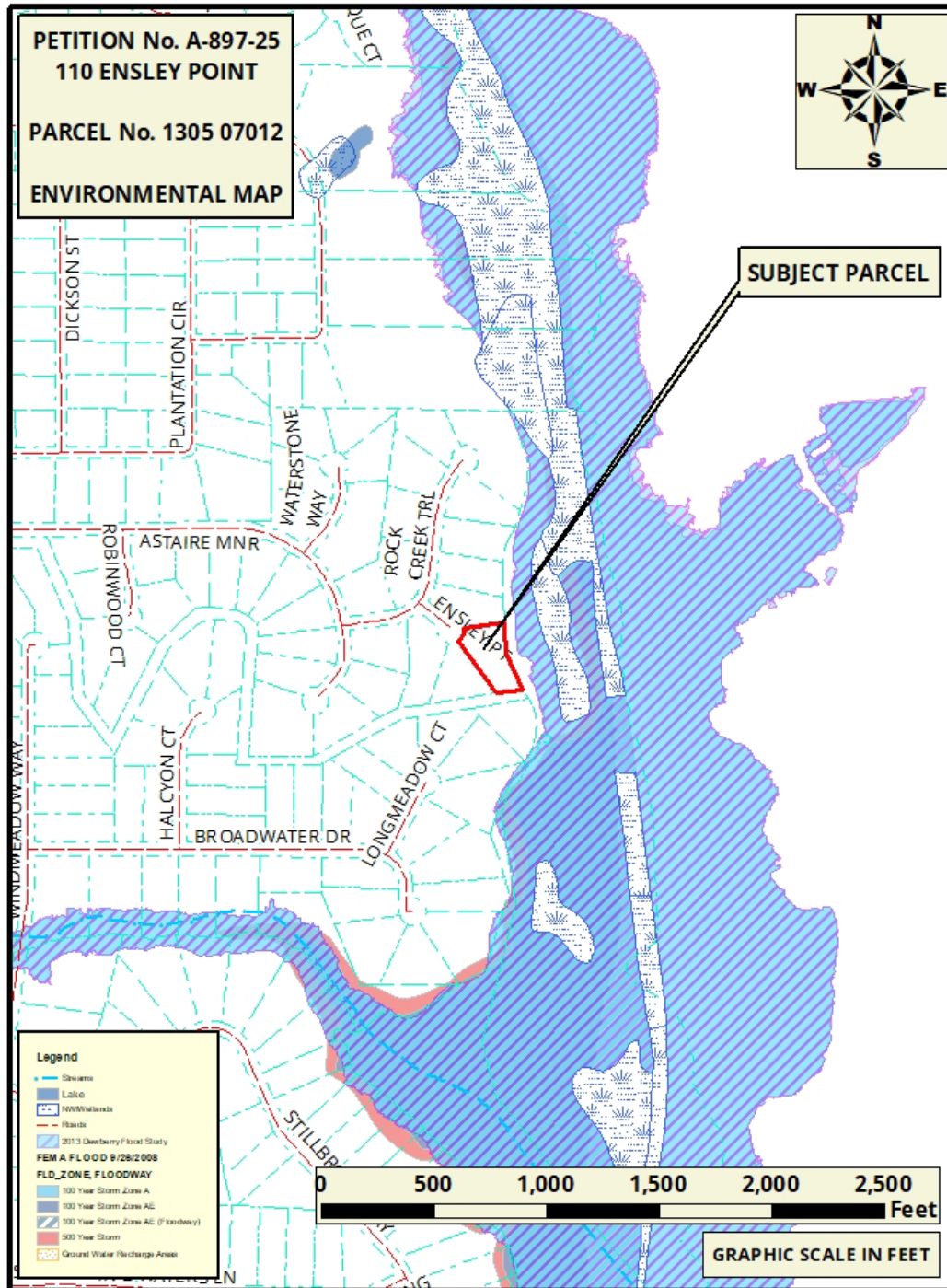
DEPARTMENTAL COMMENTS

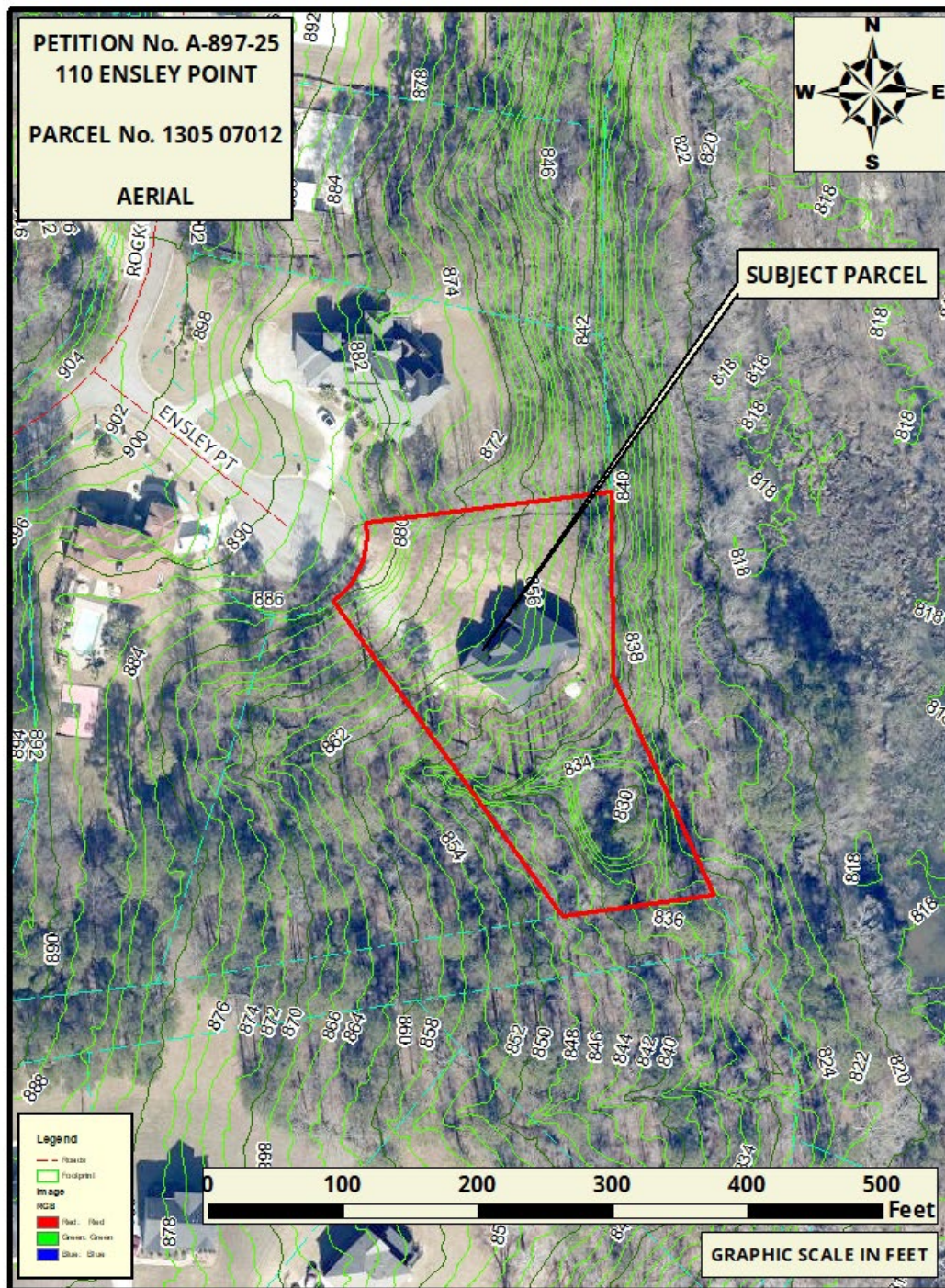
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No comment.
- ☐ **Environmental Management** – EMD has reviewed the final plat and site topography. Owner may not fill any portion of the detention pond or drainage easements without submitting engineering revisions to EMD. No comments on reducing the zoning setback limits.
- ☐ **Environmental Health Department** – This office has no objection to the proposed variance.
- ☐ **Department of Building Safety** – The permit application was received and is pending variance approval. If granted, the applicant must continue with the pool installation.
- ☐ **Fire** – No comments.





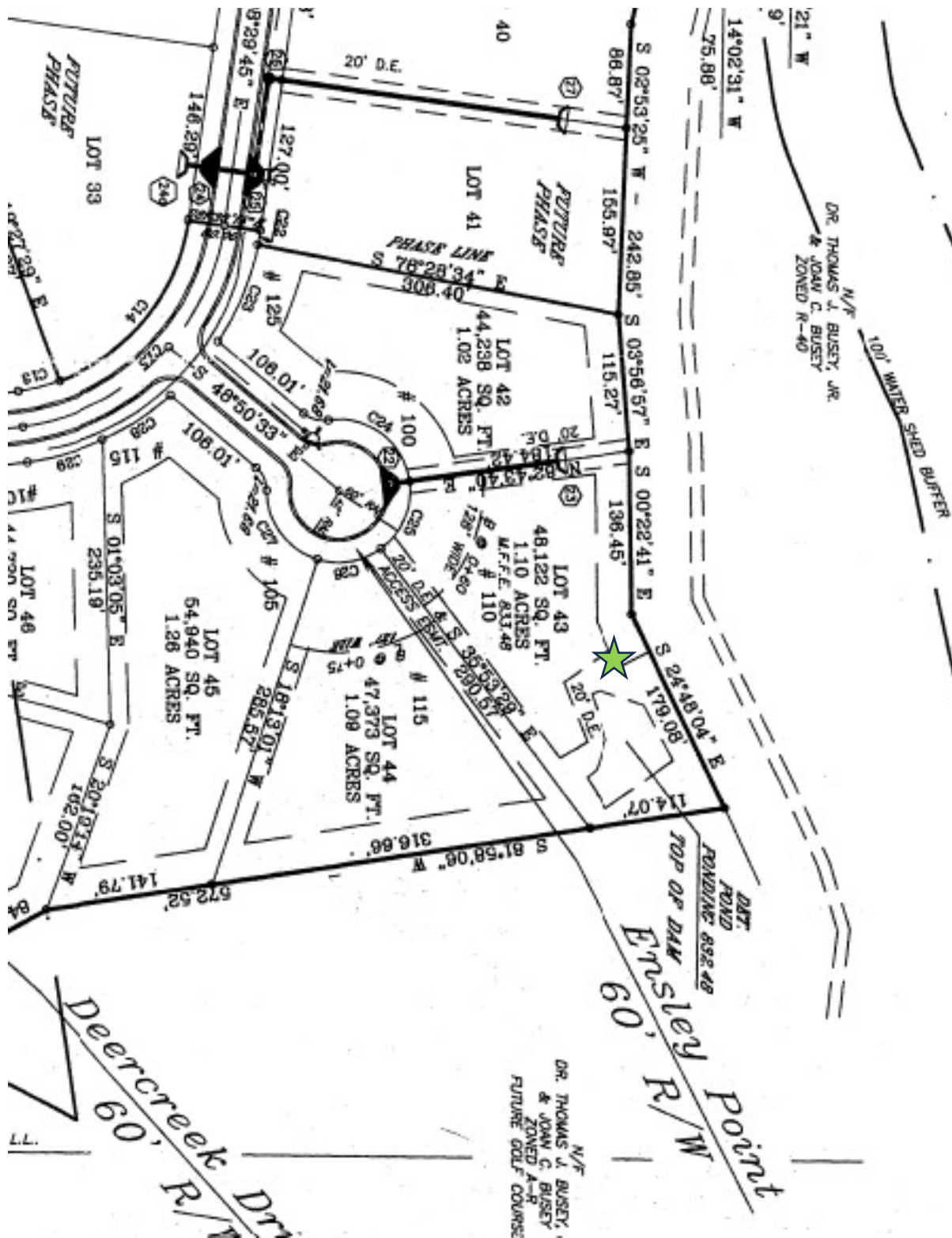






by third parties is at their own risk.

Graphic Scale: 1" = 100'



FINAL PLAT



A-897-25

Petition # A-897-25
(assigned by staff)

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

PROPERTY INFORMATION:

Parcel No. 130507012 Acreage: 1.10 Land Lot: 217 & 218 Land District: 13th
Address: 110 Ensley Pt
Zoning: ~~B-3~~ R-40 Zoning of Surrounding Properties: ~~B-3~~ R-40
Use: Residential Single family

PROPERTY OWNER INFORMATION

Name Amari Capital Investments LLC
Email [REDACTED]
Address 110 Ensley Point
City Fayetteville
State GA Zip 30214
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Premier Pools & Spas (Sherri McKelvey)
Email smckelvey@ppas.com
Address 9 Pine Grove Rd
City Locust Grove
State GA Zip 30248
Phone 678-782-6899

PETITION NUMBER: A-897-25 (THIS AREA TO BE COMPLETED BY STAFF):

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: ZBA JUNE 23, 2025

Received payment from Sherri McKelvey 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 5/1/2025 Receipt Number: MISCPZ-05-2025-089314
023933

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:

Aman Capital Investments, LLC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 130 507 012

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 217/218 of the 13th District, and (if applicable to more than one land district) Land Lot(s) _____ of the _____ District, and said property consists of a total of 1.10 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Sherri McKelvey 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.

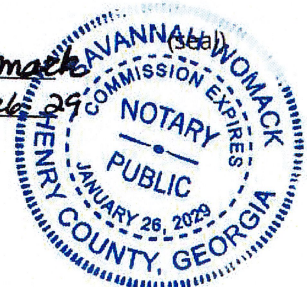
SIGNATURES

Owner/
Agent
One:

Signature [Signature]
Name: Valerie Cineus
Address: 110 Ensley Point
City/State/Zip: Fayetteville, GA 30214
Date: 5/1/25

Notary:

Savannah Womack
Commission Exp.: 1-26-29



Owner/
Agent
Two:

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

Notary:

(seal)

Commission Exp.: _____

Owner/
Agent
Three:

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

Notary:

(seal)

Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	Ch. 110-Zoning, Article III, Sec. 110-19 (a)(4); (K)
Requirement	shall comply with required setbacks (which is 30' at property line at issue) for swimming pool
Proposed Change	Allow corner of pool to encroach the building setback by 10'1", leaving 19'11" to the property line.
Variance Amount	10'1" or 94.6 sq. ft. (corner of pool)

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.

There is a 20' Drainage Easement directly behind the house. In order to keep the proposed pool out of the Drainage Easement, the proposed pool has been moved over towards the 30' Building Line Setback. The pool cannot move to another position because of the setback of 10' required from the house. We are requesting that one corner of the pool be allowed to encroach into the 30' Building Line Setback.

JUSTIFICATION OF REQUEST

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

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

There is a detention pond at the rear of the property with 20' Drainage Easements around the pond, limiting the area where a pool could be placed.

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

The 30' Building Line Setback would prevent the homeowner from being able to install the pool they have contracted for.

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

The property is odd shaped at end of a cul-de-sac and the location of the house does not allow much room behind it to place a pool.

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 pool will still be 19'11" from property line at closest corner; will be at present grade with no raised structure; and will be directly behind the house. The location of the pool should have no effect on neighboring property.

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

The property line with the 30' Building Line Setback acts as a side property line and not a true rear property line. We ask that consideration be given to the Request given the proximity to the Detention pond.

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

Type: WD
Recorded: 12/4/2023 3:32:00 PM
Fee Amt: \$25.00 Page 1 of 2
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

After Recording Return To:

McMichael & Gray, P.C.
120 Howard Lane
Fayetteville, GA 30215

Deed Prep Only

No Certification of Title

Order No.: ~~CON-231946-PUR~~
FAY - 230161-OTH

Parcel ID: 130507012

Attn: C. Hawthorne

Participant ID(s): 7339863107,
0848497841

BK 5675 PG 311 - 312

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 29th day of November, 2023, between

Valerie Cineus

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

Amari Capital Investments, LLC

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).

W I T N E S S E T H 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 Lots 217 and 218 of the 13th District of Fayette County, Georgia and being Lot 43 of Legacy Hills, Phase Two, as shown on a corrective Final Plat of Legacy Hills, Phase "Two", dated July 13, 2006, prepared by Delta Surveyors, Inc. certified by Ronald T. Godwin, Georgia Registered Land Surveyor No. 2696, and being recorded in Plat Book 43, Pages 10-12, in the Office of the Clerk of the Superior Court of Fayette County, Georgia, which plat is incorporated herein by reference thereto for a more complete and accurate description of the property.

SUBJECT to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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.

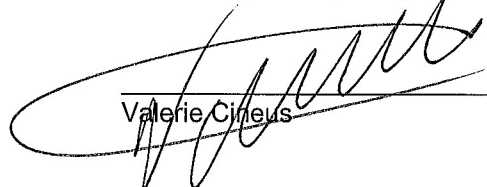
Book: 5675 Page: 311 Seq: 1

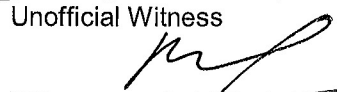
IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:



Unofficial Witness

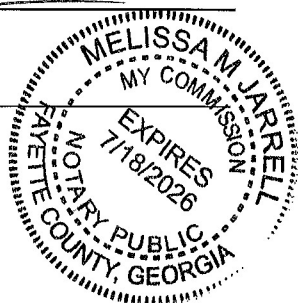

_____(SEAL)
Valerie C. Jones

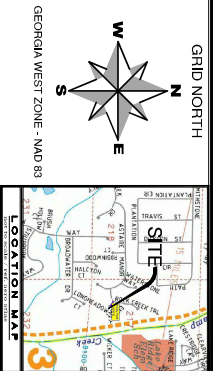
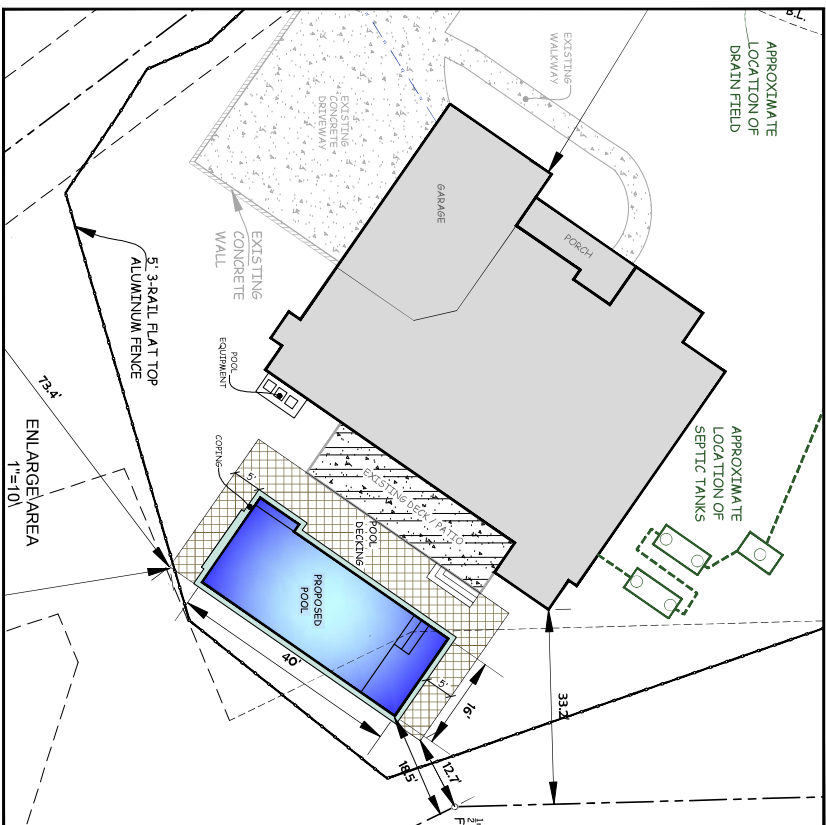
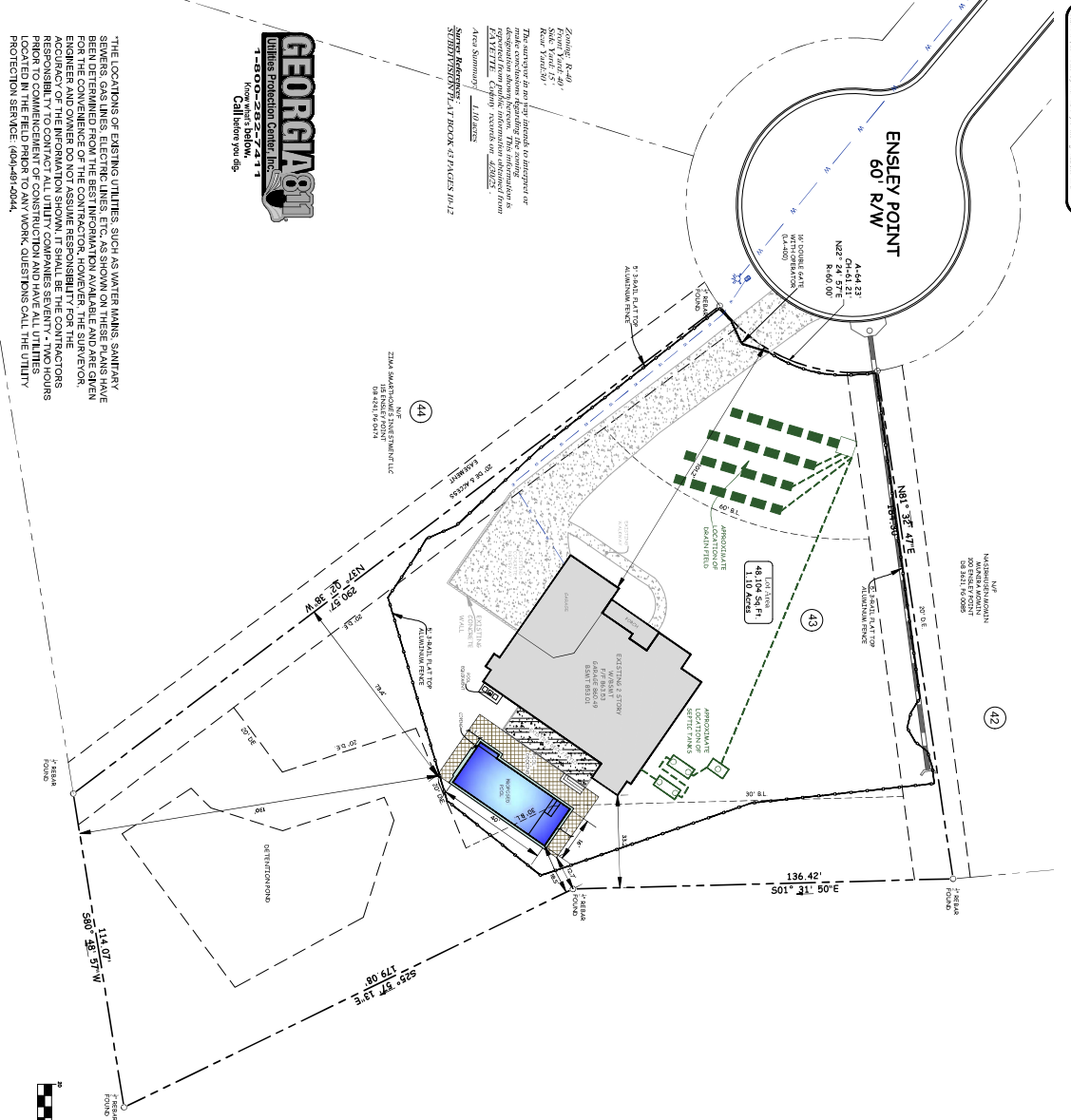


Notary Public

My Commission Expires: _____

[Notary Seal]





1 of C1.0

SHEET

GEORGIA
No. 2773
OFFICE OF THE
CLERK OF THE
SUPERIOR COURT
J. L. BROWN, JR.
CLERK

**SITE PLAN OF:
110 ENSLEY POINTS
FOR POOL ADDITION**

DATE		DESCRIPTION	
REVISIONS			
SHEET CREATED BY	FILE	DWG. SECTION	COUNTY
WS	NA	21	1591 NA
FIELDWORK	DRAWN BY	DATE	JOB NO.
			PANELITE
			APPROVED BY
			1-20

W.L.B. ASSOCIATES, INC.
349 CHERYL COURT
JONESBORO, GA 30238
LAND SURVEYORS • SITE PLANNING
LAND DEVELOPMENT
Office (678) 714-4665 Fax (678) 254-4671

[illegible]

PETITIONS FOR VARIANCE(S)/
ADMINISTRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED AREA OF
FAYETTE COUNTY, GEORGIA
PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, June
23, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.
Petition No.: A-897-25
Owner: Amari Capital Investments,
LLC
Property Address: 110 Ensley Point
Parcel: 130507 012
Zoning District: R-40

Area of Property: 1.10 acres
Land Lot(s): 217
District: 13th
Road Frontage: Ensley Point
Request: Applicant is requesting
the following: Variance to Sec. 110-
137(d)(5) to reduce the rear yard
setback in the R-40 zoning from
30 feet to 12.7 feet to allow the con-
struction of a new pool and pool
deck.

WARRANTY DEED

Legal Description

All that tract or parcel of land ly-
ing and being in Land Lots 217 and
218 of the 13th District of Fayette
County, Georgia and being Lot
43 of Legacy Hills, Phase Two, as
shown on a corrective Final Plat of
Legacy Hills, Phase "Two", dated
July 13, 2006, prepared by Delta
Surveyors, Inc. certified by Ron-
ald T. Godwin, Georgia Registered
Land Surveyor No. 2696, and being
recorded in Plat Book 43, Pages 10-
12, in the Office of the Clerk of the
Superior Court of Fayette County,
Georgia, which plat is incorporat-
ed herein by reference thereto for
a more complete and accurate de-
scription of the property.

05/14

PETITION NO: A-898-25

Requested Actions: Applicant is requesting a variance to reduce the side yard setback from 50' to 11.4' to allow an existing accessory structure to remain.

Location: 345 Ebenezer Road, Fayetteville, Georgia 30215

Parcel(s): 0714 047

District/Land Lot(s): 7th District, Land Lot(s) 60

Zoning: A-R, Agricultural-Residential

Lot Size: 5.3 Acres

Owner(s): Toddman & Carolyn Ray

Agent: Mark Jones

Zoning Board of Appeal Public Hearing: June 23, 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 38.6', to a setback of 11.4', to allow an existing accessory structure to remain.

STAFF ASSESSMENT

The structure is a detached garage that was constructed in 2012. It seems unlikely that it will pose any problems for neighboring properties: the immediately adjacent neighbor is a relative of the applicants and has expressed support for the variance request.

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,**
The request is due to an error in location when the garage was built in 2012.
- 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 Plat Book 16 Pages 119, recorded on January 21, 1986.

ZONING REQUIREMENTS

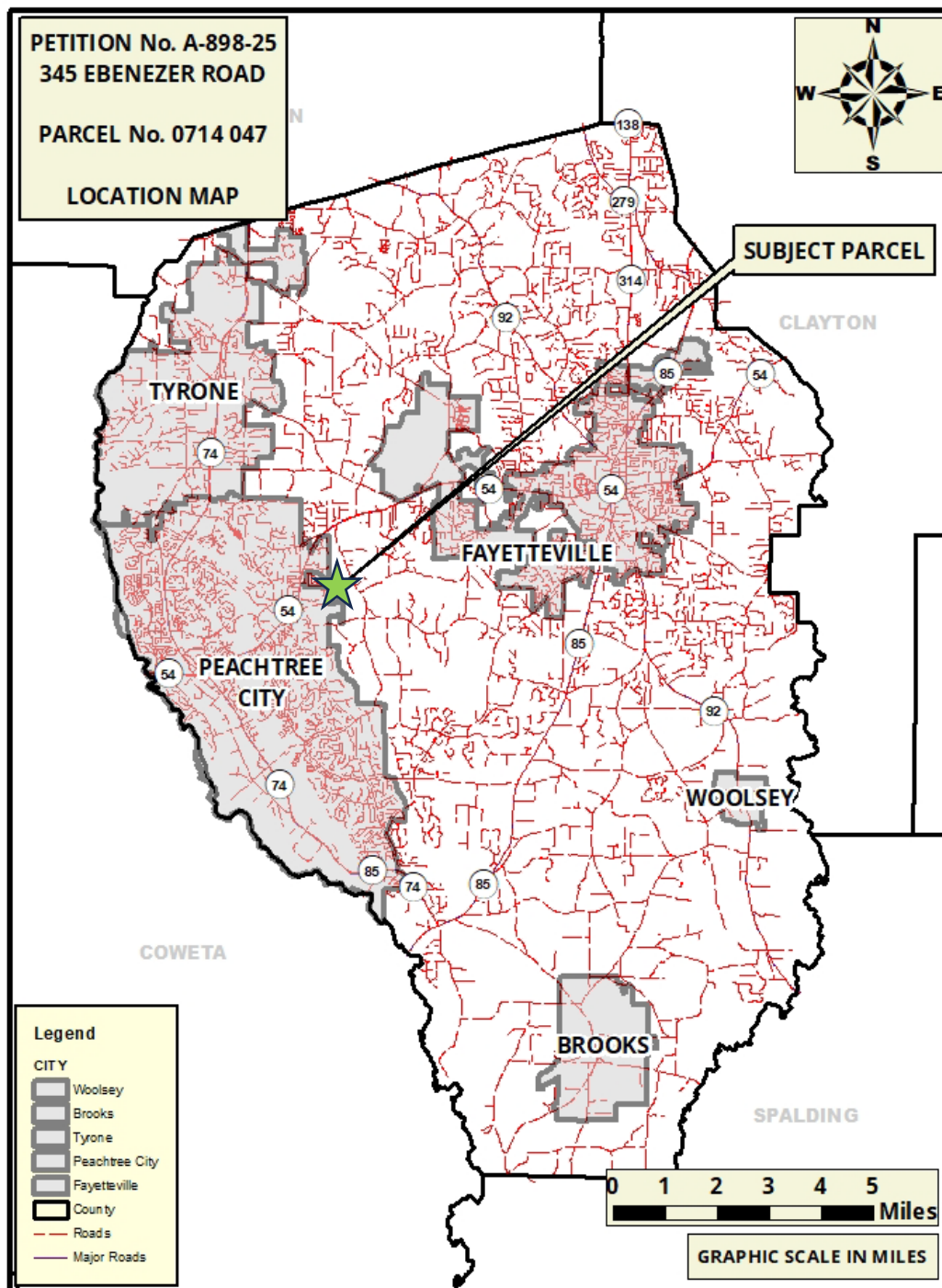
Sec. 110-125. - A-R, Agricultural-Residential District

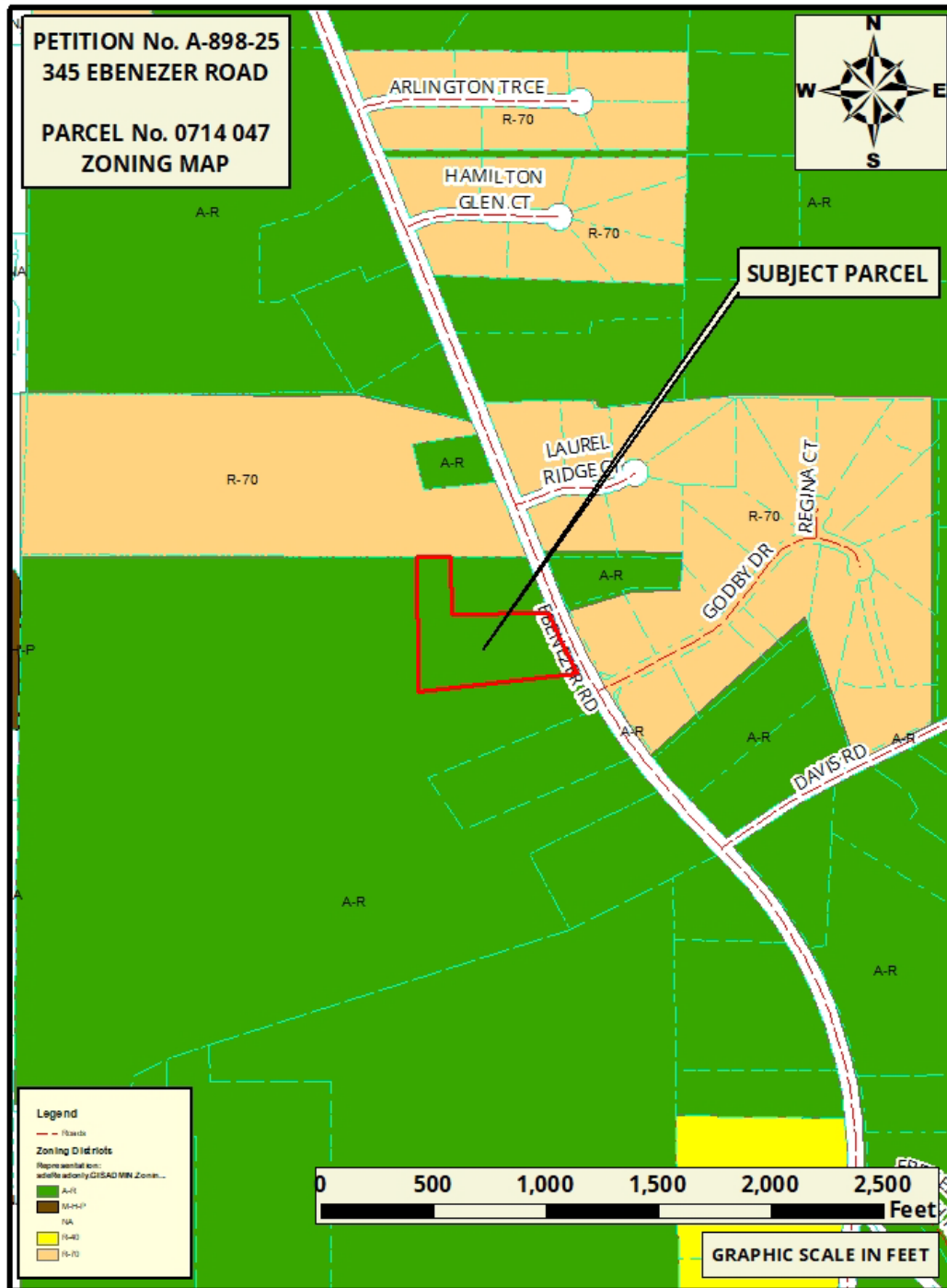
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

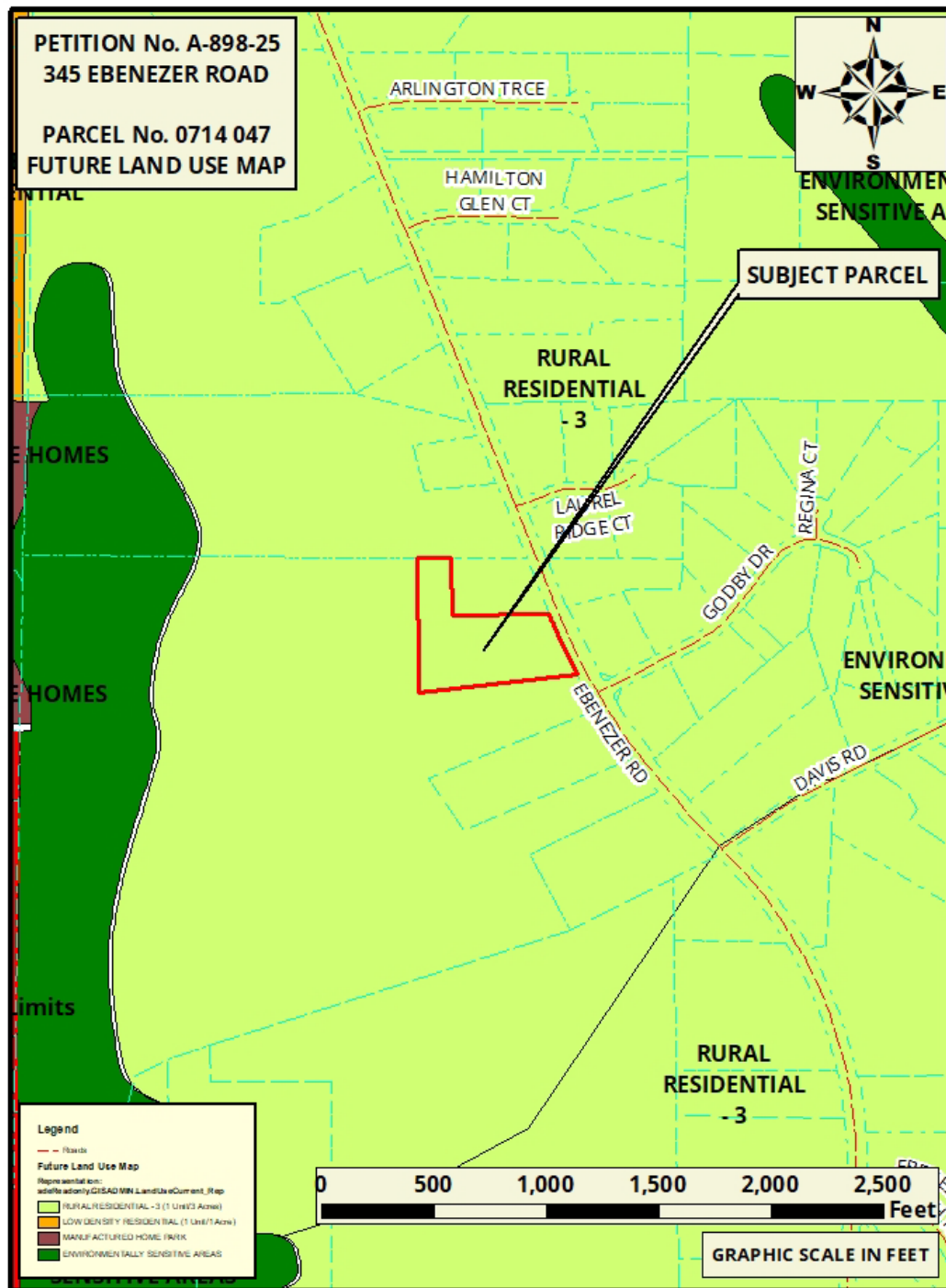
(6) Side yard setback: 50 feet.

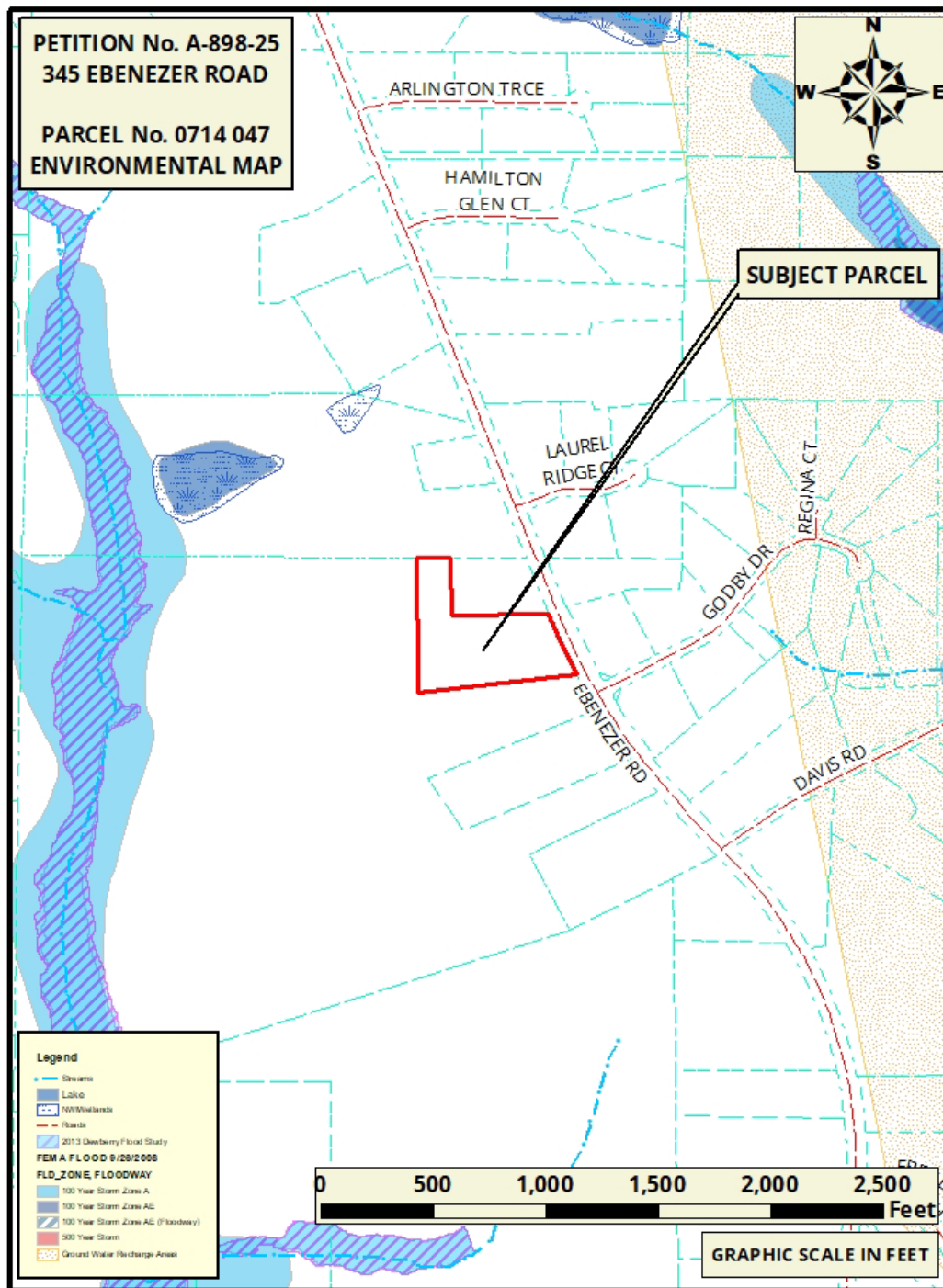
DEPARTMENTAL COMMENTS

- ☐ **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.

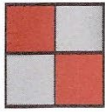












W.D. GRAY AND ASSOCIATES, INC.
Surveying and Land Planning
www.wdgraysurveying.com

160 Greencastle Road, Suite B, Tyrone, GA 30290
P.O. Box 3847, Peachtree City, GA 30269
Phone (770) 486-7552 • Fax (770) 486-0496

To: Mark Jones

Date: 05/05/2025

Re: 345 Ebenezer Road
Fayetteville, Ga. 30215

Mark,

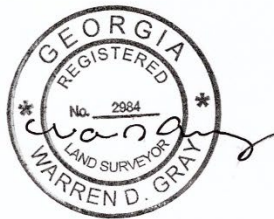
Per our conversation, the County is requiring that we provide you a letter stating the distances to the south property lines from an existing Garage located on the Southerly portion of the residential house at 345 Ebenezer Road in Fayetteville Georgia. Our survey crew did a closed loop survey of the property and located property corner pins in accordance with the current methods for land surveys in Georgia. A plat drawing was not requested so our field work was not geared towards producing a plat drawing. Our findings are as follows:

Rear Right Garage Corner to the Southern Property Line.....11.4 feet
Front Right Garage Corner to the Southern Property Line.....16.0 feet

A sketch is attached as a visual aid for this letter.

Please let me know if you have any questions.

Warren D. Gray, Ga. Registered Professional Land Surveyor.



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

PROPERTY INFORMATION:

Parcel No. 0714047 Acreage: 5.3 Land Lot: 60 Land District: 7
Address: 345 Ebenezer Rd, Fayetteville, GA 30215
Zoning: R4 AR Zoning of Surrounding Properties: R4 AR-R70
Use: Residence

PROPERTY OWNER INFORMATION

Name Toddman & Carolyn Ray
Email [REDACTED]
Address 345 Ebenezer Rd
City Fayetteville
State GA Zip 30215
Phone [REDACTED]

AGENT/DEVELOPER INFORMATION (If not owner)

Name Mark Jones
Email mjones.jcs@gmail.com
Address [REDACTED]
City [REDACTED]
State [REDACTED] Zip [REDACTED]
Phone [REDACTED]

PETITION NUMBER: A-898-25 **(THIS AREA TO BE COMPLETED BY STAFF):**

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: ZBA JUNE 23, 2025

Received payment from Beth Ray 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 5/1/2025 Receipt Number: 23938

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:

Toddman E. Ray Carolyn Maribeth Ray

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property:

0714047

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 40 of the 7 District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 5.3 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Mark Jones 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 Todd Ray
Name: Todd Ray
Address: 345 Ebenezer Rd
City/State/Zip: Fayetteville, GA 30215
Date: 5-1-25

Notary:

Commission Exp.:

(seal)

Owner/
Agent
Two:

Signature Carolyn M Ray
Name: Carolyn M Ray
Address: 345 Ebenezer Rd
City/State/Zip: Fayetteville, GA 30215
Date: 5-1-25

Notary:

Commission Exp.:

(seal)

Owner/
Agent
Three:

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

Notary:

Commission Exp.: _____

(seal)

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)(6)
Requirement	50' side yard setback
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.

Detached garage constructed in 2012 with proposed 78' from building to the property line. 1992 ~~map~~ survey of house indicates the house was 50.8' from the property line, thus the detached garage obviously encroaches into the side yard.

JUSTIFICATION OF REQUEST

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

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

There are not any extraordinary or exceptional conditions because of size, shape, or topography.

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

Applicant contracted with builder in good faith to construct the permitted detached garage. Builder did not employ a surveyor to confirm the location and resulting in the detached garage in the setback. Surveyor to provide exact extent of encroachment.

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

This is an older property without a metes and bounds legal description. Exact location of property lines are difficult to determine.

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.

Neighbor adjacent to ~~604~~ 345 Ebenezer is a family member and has no objection to the encroachment.

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

Encroachment not observed prior to property owner applying for another permit.

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:

Sending stamped letter of exact distance of encroachment

 - 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. NA Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. NA Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. NA Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. NA 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: <u>5</u>	
Lot:	Width at Building Line: <u>250'</u>	
Zoning: <u>A-R</u>	Front Setback: <u>100'</u>	
Flood: Yes/ No MFFE:	Side Setback: <u>50'</u>	
Stream Buffers:	Rear Setback: <u>75'</u>	
Number of Frontages <u>1</u>	House Size: <u>1200 SF</u>	

RECEIVE
 MAY 01 2025
 BY: dropped by *Owner*



Doc ID: 009302240001 Type: WD
 Recorded: 02/04/2014 at 09:30:00 AM
 Fee Amt: \$10.00 Page 1 of 1
 Transfer Tax: \$0.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 4164 PG 477

Return to:
 Morris/Hardwick/Schneider, LLC
 1933 Highway 34 East
 Newnan, GA 30265
 File #: NWN-131200871R

WARRANTY DEED

State of Georgia
County of Coweta

THIS INDENTURE made this 10th day of January, 2014, between

Carolyn Davis Ray fka Carolyn Davis Hyde aka Beth D. Hyde and Todd E. Ray

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

Toddman E Ray and Carolyn Maribeth Ray
 as Joint Tenants with Rights of Survivorship and not as Tenants in Common

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 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 to the survivor of them, forever in FEE SIMPLE, the following described property:

All that tract or parcel of land lying and being in Land Lot 60 of the 7th District, Fayette County, Georgia, and being 5.31 acres as shown on a plat by Claude Esric Lee dated 1/13/86, recorded in Plat Book 16, page 119, Fayette County, Georgia records, said plat being expressly incorporated herein and made a part of this description by reference; being presently known as 345 Ebenezer Road, Fayetteville, Georgia; and being more particularly shown on a survey for Carolyn Davis Ray f/k/a Carolyn Davis Hyde a/k/a Beth D. Hyde by Lee Engineering Co. dated 1/13/86, revised 3/31/92.

Parcel # 0714 047

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 behoof of the said Grantees, 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.

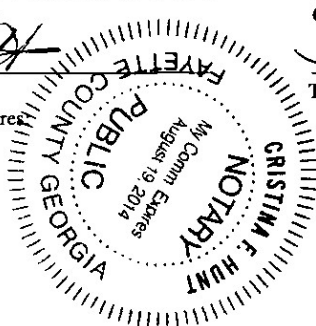
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

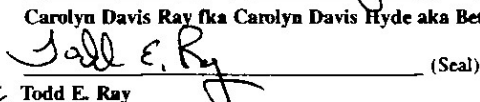

 Witness

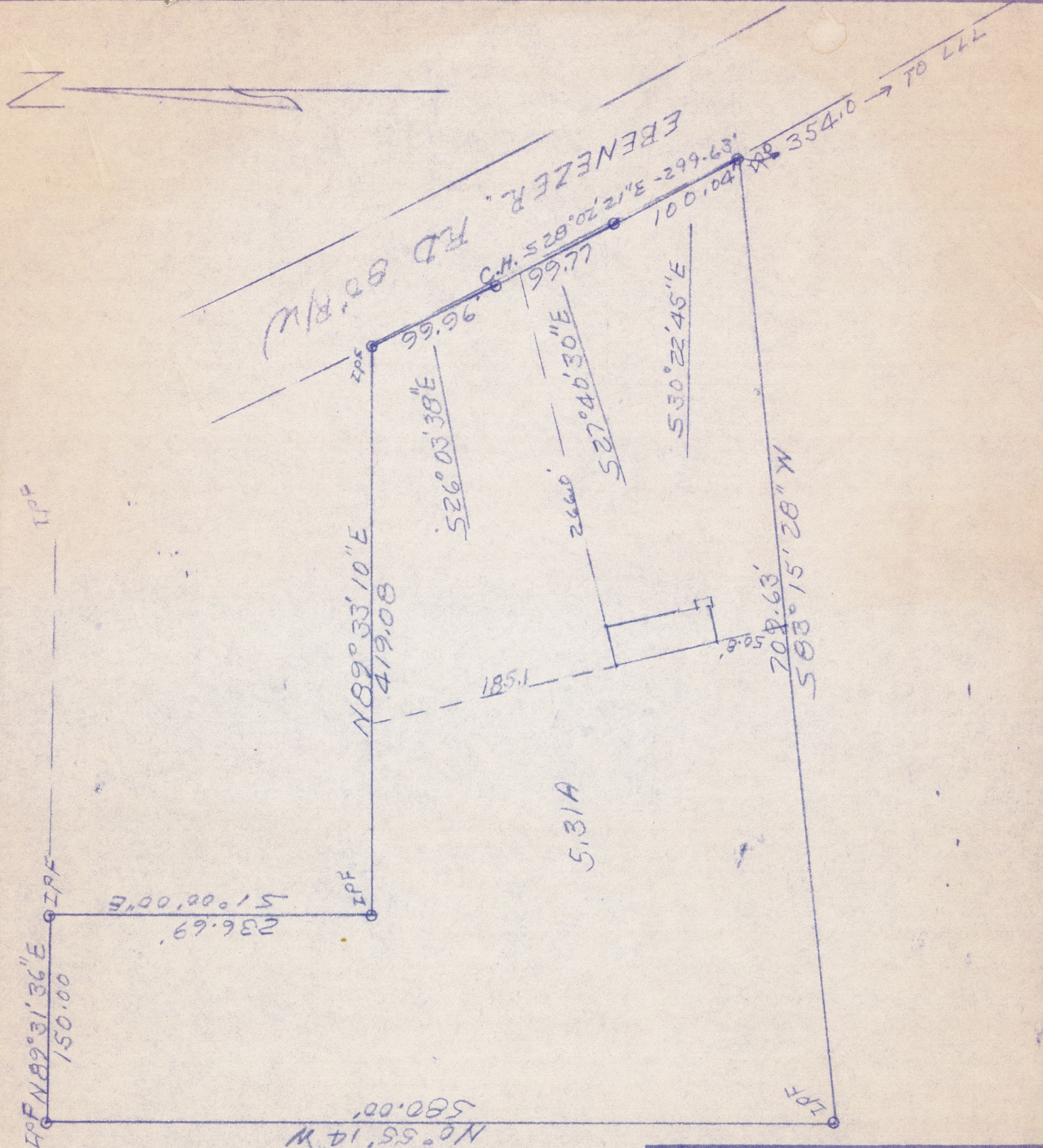
Notary Public

My Commission Expires



 (Seal)
 Carolyn Davis Ray fka Carolyn Davis Hyde aka Beth D. Hyde

 (Seal)
 Todd E. Ray



BASED ON THE INFORMATION SHOWN ON THE
FLOOD HAZARD BOUNDARY MAPS FURNISHED
BY THE DEPT OF H.U.D THROUGH THE FEDERAL IN-
SURANCE ADMINISTRATION IT IS MY OPINION THAT
THE PROPERTY SHOWN HEREON IS IS NOT IN
OF THE FLOOD HAZARD AREA



In my opinion, this plat is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.

GEORGIA
COUNTY FAYETTE
CITY
SURVEY FOR CAROLYN M. D. RAY
PROPERTY OF
LAND DIST. 7TH LAND LOT NO. 60
SCALE: 1" = 100 FT. DATE 12-28-91
LEE ENGINEERING CO.
C. E. LEE, SURVEYOR, REG. 1093

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

PUBLIC HEARING to be held by
the Zoning Board of Appeals of
Fayette County on Monday, June
23, 2025, at 7:00 P.M., Fayette
County Administrative Complex,
Public Meeting Room, 140 Stone-
wall Avenue West, first floor.

Petition No.: A-898-25

Owner: Toddman and Carolyn M.
Ray

Property Address: 345 Ebenezer
Rd

Parcel: 0714 047

Zoning District: A-R

Area of Property: 5.31 acres

Land Lot(s): 60

District: 7th

Road Frontage: Ebenezer Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
125(d)(6) to reduce the side yard
setback in an A-R zoning from 50
feet to 38.6 feet to allow an acces-
sory structure to remain.

WARRANTY DEED

Legal Description

All that tract or parcel or land lying
and being in Land Lot 60 of the 7th
District, Fayette County, Georgia,
and being 5.31 acres as shown on
a plat by Claude Esric Lee dated
1/13/86, recorded in Plat Book 16,
page 119, Fayette County, Georgia
records, said plat being expressly
incorporated herein and made a
part of this description by refer-
ence; being presently known as
345 Ebenezer Road, Fayetteville,
Georgia; and being more particu-
larly shown on a survey for Caro-
lyn Davis Ray f/k/a Carolyn Davis
Hyde a/k/a Beth D. Hyde by Lee
Engineering Co. dated 1/13/86, re-
vised 3/31/92.

Parcel # 0714 047

Subject to all easements and re-
strictions of record.

05/14