

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
September 22, 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 August 25, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-902-25 – William M. Massengale Disclaimer Trust. Applicant is requesting the following: Per Sec. 110-125(d)(4)a.2., front yard setback on a collector in the A-R Zoning District is required to be 100 feet. The applicant requests to reduce the setback by 76.3 feet, to a setback of 23.7 feet, to allow an existing accessory structure to remain. The subject property is located in Land Lots 132 and 157 of the 4th District and fronts Rising Star Road.
6. Consideration of Petition No. A-903-25 – Jorge and Aimee Veronica Lopez. Applicants are requesting the following: Variance to Sec. 110-136(d)(5), to reduce the rear yard setback from 30 feet to 27 feet to allow an accessory structure to remain. The subject property is located in Land Lots 36 of the 5th District and fronts Respired Road.

Minutes 08/25/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on August 25, 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 John Tate called the August 25, 2025, meeting to order at 7:00 pm.*
 2. Pledge of Allegiance. *Chairman John Tate offered the invocation and led the audience in the Pledge of Allegiance.*
 3. Approval of Agenda. *Brian Haren made a motion to approve the agenda. Bill Beckwith seconded the motion. The motion passed unanimously.*
 4. Consideration of the Minutes of the Meeting held on July 28, 2025. *Bill Beckwith made the motion to approve the minutes of the meeting held on July 28, 2025. Kyle McCormick seconded the motion. The motion carried 5-0.*

PUBLIC HEARING

5. **Consideration of Petition No. A-900-25** – Tashia Finney, Owner. Variance to Sec. 110-125(d)(1)- A-R., as allowed under Sec. 110-242(c)(1)- Requesting a variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.793 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lot 11 of the 5th District and fronts Weldon Road. *Chairman John Tate made a motion to APPROVE Petition No. A-900- 25. Brian Haren seconded the motion. The motion carried 5-0.*

Ms. Bell explained the description of the petition above and stated that it was staff's opinion that the parcel met the criteria to be eligible for a variance to the minimum lot size under Section 110-242 and was necessary for the owners to be able to obtain a building permit for their house. She mentioned the lot was created by deed and plat recorded on June 8, 1979.

Chairman Joh Tate asked if anyone was there to speak on behalf of petition

A-900-25?

Mrs. Tashia Finney presented herself and stated that the lot was inherited by her grandfather, and she wanted to build a new home. She mentioned the preliminary survey was around five point one acres, but a mistake was made with the land across the street, which complemented the acreage of the lot.

Chairman Tate asked the audience if anyone else wanted to speak in favor of or in opposition to the petition. No one responded. He brought the item back to the board for questions.

Ms. Marsha Hopkins asked the petitioner if she had inherited the lot back in 2006? And if there was a vacant lot, or are there any structures now?

Mrs. Finney responded that it was yes to the year she inherited, and there was an old barn on the property.

Ms. Hopkins asked if the petitioner had paid taxes since she inherited the property?

Mrs. Finney responded that she has.

Chairman Tate asked the petitioner if they were planning to build on the property?

Mrs. Finney responded Yes.

Mr. Bill Beckwith asked Staff who mentioned that there is another part of the ordinance that allows a smaller lot to be approved? Asked to clarify more.

Ms. Bell responded that the land use plan will allow the rezoning of property in that area to two acre lots, a lot less than five acres will not be an anomaly in the area, but because it's a legal nonconforming lot, they are eligible to request this variance.

Chairman John Tate made a motion to APPROVE Petition No. A-900- 25. Brian Haren seconded the motion. The motion carried 5-0.

6. **Consideration of Petition No. A-901-25-A** – Coppolino Living Trust, Applicants are requesting A-901-25-A. Variance Per Sec. 110-125(d)(6) – Request to reduce the side yard setback from 50 feet to 14.4 feet to allow an accessory structure to remain. The subject property is located in Land Lots 227 of the 4th District and fronts Busbin Road.

Ms. Bell explained that items six and seven were related to the same parcel (A-901-25-A and A-901-25-B and A-901-25-B). She presented comprehensive information but would need it to undergo two separate hearings and votes. Ms. Bell explained the differences

between each petition. For “A”, the structure is a barn with a lean-to roof on the sides and rear, constructed in 1974, and an additional metal shed behind the barn. Ms. Bell mentioned that in the 1971 zoning ordinance, the minimum side yard was 10 feet. This was amended in July 1974 to 20 feet, and it was possible that the barn was built before that amendment; staff didn’t know the exact date of construction. Staff added that it will not pose any problems for neighboring properties since it’s been in this location with no complaints.

Ms. Bell added that item “B” is for the small carport behind it that is next to the barn and is also in the setback.

Mr. Brian Haren asked if the carport was a separate structure from the barn.

Ms. Bell responded Yes.

Chairman John Tate asked the audience if anyone would like to speak in favor of petition A-901-25-A?

Mr. Mark McCullough stated that he is the agent representing the parties for the variances. He thanked the staff great work and the summary reports and introduced Trent Foster as a potential buyer for the property and planning to subdivide it into three parcels, a five acre parcel with the house already on it, a second five acre parcel to the east, and a twelve acre tract in the rear with a strip down the center for accessibility. He was doing the new survey and found out the buildings within the setbacks. Before they can record the plat they will need this variance to be approved.

Mr. Trent Foster explained that he is a local person and explained that they did an updated survey to make sure no Right-Of-Way was taken, or by putting in utilities, changes the size of the lot. He added it the barn has been there for a long time and asked if the board had any questions to ask him.

Chairman Tate asked if anyone else would like to speak in favor of or in opposition to the petition?

Mr. John Hemphill spoke in opposition by stating that he lives on the adjacent property, and the barn is extremely close to his property. The main structure of the barn is 20x30 structure and the lean is 115 feet from his house. He added that he is okay with the main structure of the barn staying, but he is opposed to the lean on his side and the metal carport in the back being removed.

With no one else speaking in favor or opposition, Chairman Tate brought the item back to the board for questions.

Mr. Bill Beckwith asked the new owners whether they would use all those facilities.

Mr. Foster responded that he is not sure he will remodel the house, but it’s a solid barn and looks like it has been used a lot.

Mr. Beckwith commented that the owner of the property, Mr. McCullough, and the next-door neighbor should be talking about what was there and can be used.

Mr. McCullough responded that the current owners, Coppolino's, have passed away but they are selling the property, and when Mr. Foster purchases it, he will make changes. Whoever purchases it, we don't know who that user might be.

Mr. Beckwith commented that the board can't make a deal between the present owner and the future owner about that question; all we do is decide if a variance should be given.

Mr. Foster responded that they understood, and he agreed.

Mr. Hemphill asked the board if they could grant a smaller variance by removing the lean-to and the carport behind the barn.

Chairman Tate asked staff about the two separate petitions, and they are deciding just about the barn. Is that correct?

Ms. Bell responded that the barn is a single structure, and they would be contemplating removing part of the barn as a structure. The metal carport has a separate structure. Currently, it is a legal nonconforming structure, and they want to subdivide the property, which is the reason they are requesting the variance, so it can remain in place.

Mr. Kyle McCormick asked for staff clarification on the variances A and B.

Ms. Bell responded, "A" is for the Barn and "B" is for the Carport, as she showed the location on the survey.

Mr. Foster added that as a potential buyer, he will have no problem removing the metal carport.

Chairman Tate asked staff for clarification on the pictures shared with the board and asked about the carport being close to a fence.?

Ms. Bell showed the Board the lean roof photos of encroachment.

Mr. Brian Haren asked staff, if they would deny the variance for the pole barn; would that stop the process of subdividing the property?

Ms. Bell responded No, sir, if they don't have a variance for the barn, they will have to remove it before the plat can be approved.

Mr. Haren commented on the opposition that the structure has been there for almost fifty years, and when it was built, it was most likely a legal structure at the time, and setbacks, the Board tends not to punish homeowners because of changes that occurred to the zoning laws that occurred after a structure was built, being a legal structure.

Mr. Hemphill, from the opposition party, asked the Board to allow him to respond to Mr. Haren's comment; Chairman Tate granted it.

Mr. Hemphill responded with his opinion that there is no record of when the barn was exactly built, and the lean roof was an original part of the structure and was added at a later time.

Mr. Haren responded okay, and Mr. Beckwith commented, but we don't know.

Mr. Haren added that it was presented to the Board as a single structure, and it will be considered as presented.

Chairman Tate agreed with Mr. Haren and asked for any more questions from the Board.

Mr. Beckwith asked Ms. Bell for the staff assessment information; the minimum side yard setback was 10 feet in 1971 and was amended in July 1974 to 20 feet.

Ms. Bell responded that she did not document the dates when the change of 50 feet was made, probably 1980, when there were major changes to the zoning ordinances.

Mr. Haren asked if there was no record of a building permit for that barn?

Ms. Bell stated we wouldn't have building permits prior to 1983 because of the courthouse fire.

Mr. McCormick asked the owner, and the proposed buyer agreed to demo the carport and portions of the barn.

Ms. Bell responded that the entire barn is a single structure, and the carport will be considered in part "B".

Chairman Tate asked for a motion for petition A-901-25-A?

Brian Haren made a motion to APPROVE Petition No. A-901- 25-A. Bill Beckwith seconded the motion. The motion carried 5-0.

7. **Consideration of Petition No. A-901-25-B** – Coppolino Living Trust, Applicants are requesting A-901-25-B. Variance Per Sec. 110-125(d)(6) – Request to reduce the side yard setback from 50 feet to 32.1 feet to allow an accessory structure to remain. The subject property is located in Land Lots 227 of the 4th District and fronts Busbin Road.

Ms. Bell read the petition presented above.

Chairman Tate asked for anyone in support of the petition in the previous petition

“A”.

Mr. Mark McCullough stated he and the potential buyer had explained their decisions previously and if the structure needed to be removed, they would do it.

Chairman Tate asked for anyone in opposition.

Mr. Hemphill added that he wanted the carport removed.

Mr. Beckwith asked if they were to deny petition “B”, the owner would have a certain time to have that removed.

Ms. Bell responded that they would have to remove it before he submits a plat to subdivide the property or gets any other permits.

Chairman Tate commented that the petitioner has no issue with removing the carport and that, in coordination with the opposition, might satisfy that decision.

Ms. Marsha Hopkin commented that the structures were in place before the zoning regulations were changed, and the Board does not consider punishing the homeowner by not being consistent with past decisions that they had made, and she acknowledged the opposition comments.

Chairman Tate asked staff if the barn was constructed and the carport later.?

Ms. Bell responded that she doesn’t know when the carport was constructed, but the barn was there by 1978.

Ms. Hopkins asked Ali Cox, County Attorney, when a case is uncertain like this, would that be in favor of the petitioner? We don’t know, we can presume.

Ms. Cox responded to line up your decisions, since we don’t have answers on either one of these structures on any date, but you want your decisions to line up with each other and need to precisely follow this in line.

Mr. Haren added that regardless of the way the Board votes the structure will come down, assuming the purchase goes through, either we approve or disapprove the variance.

Ms. Ali Cox commented at certain point that the structure will have to be renovated to the point that it will be gone, and it will have to be placed back within the setbacks in the right place. It won’t retain the variance once the structure is taken to the ground for either of the structures.

Brian Haren made a motion to APPROVE Petition No. A-901- 25-B. Vice-Chairman Marsha Hopkins seconded the motion. The motion carried 5-0.

Chairman John Tate moved to adjourn the August 25, 2025, Zoning Board of Appeals meeting. Brian Haren seconded the motion. The motion carried 5-0.

The meeting adjourned at 7:53 p.m.

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-902-25

Requested Actions: Applicant is requesting a variance to reduce the front yard setback from 100 feet to 23.7 feet to allow an existing accessory structure to remain.

Location: 574 Rising Star Road, Fayetteville, Georgia 30215

Parcel(s): 0425 006

District/Land Lot(s): 4th District, Land Lot(s) 132 and 157

Zoning: A-R, Agricultural-Residential

Lot Size: 59.13 Acres

Owner(s): William M. Massengale Disclaimer Trust

Agent: Rick Massengale

Zoning Board of Appeal Public Hearing: September 22, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-125(d)(4)a.2., front yard setback on a collector in the A-R Zoning District is required to be 100 feet. The applicant requests to reduce the setback by 76.3 feet, to a setback of 23.7 feet, to allow an existing accessory structure (barn) to remain.

STAFF ASSESSMENT

The structure is a barn. According to the Tax Assessor's data, the barn was constructed prior to 1955. There was no zoning ordinance in effect at that time, so the barn is considered a legal nonconforming structure. Although we do not know the exact date of construction of the barn, staff has documented its presence in a 1955 aerial photograph. The owner desires to subdivide the property, which necessitates a variance in order for the barn to remain.

It seems unlikely that it will 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 are riparian features and buffers on the property, so the barn could not be moved backward.
- 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. However, the construction of the barn appears to predate the ordinances that now make it nonconforming.
- 3. Such conditions are peculiar to the particular piece of property involved; and,**
The conditions are unique to this property. The barn was constructed prior to the implementation of Zoning Ordinances, so it is a legal nonconforming structure.
- 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**
It is staff's opinion that 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 a survey in Plat Book 13 Page 4 recorded on June 3, 1981.

ZONING REQUIREMENTS

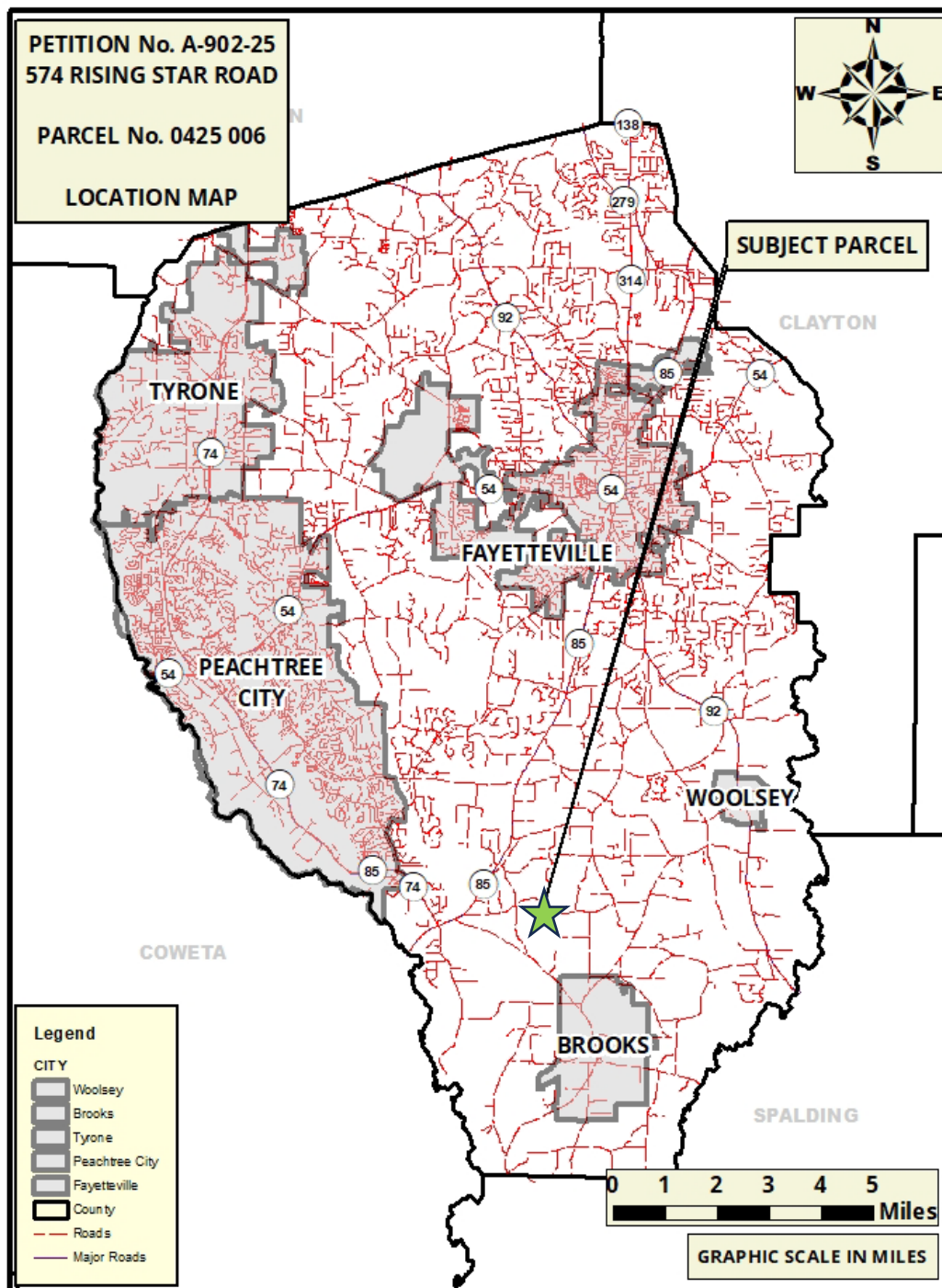
Sec. 110-125. - A-R, Agricultural-Residential District

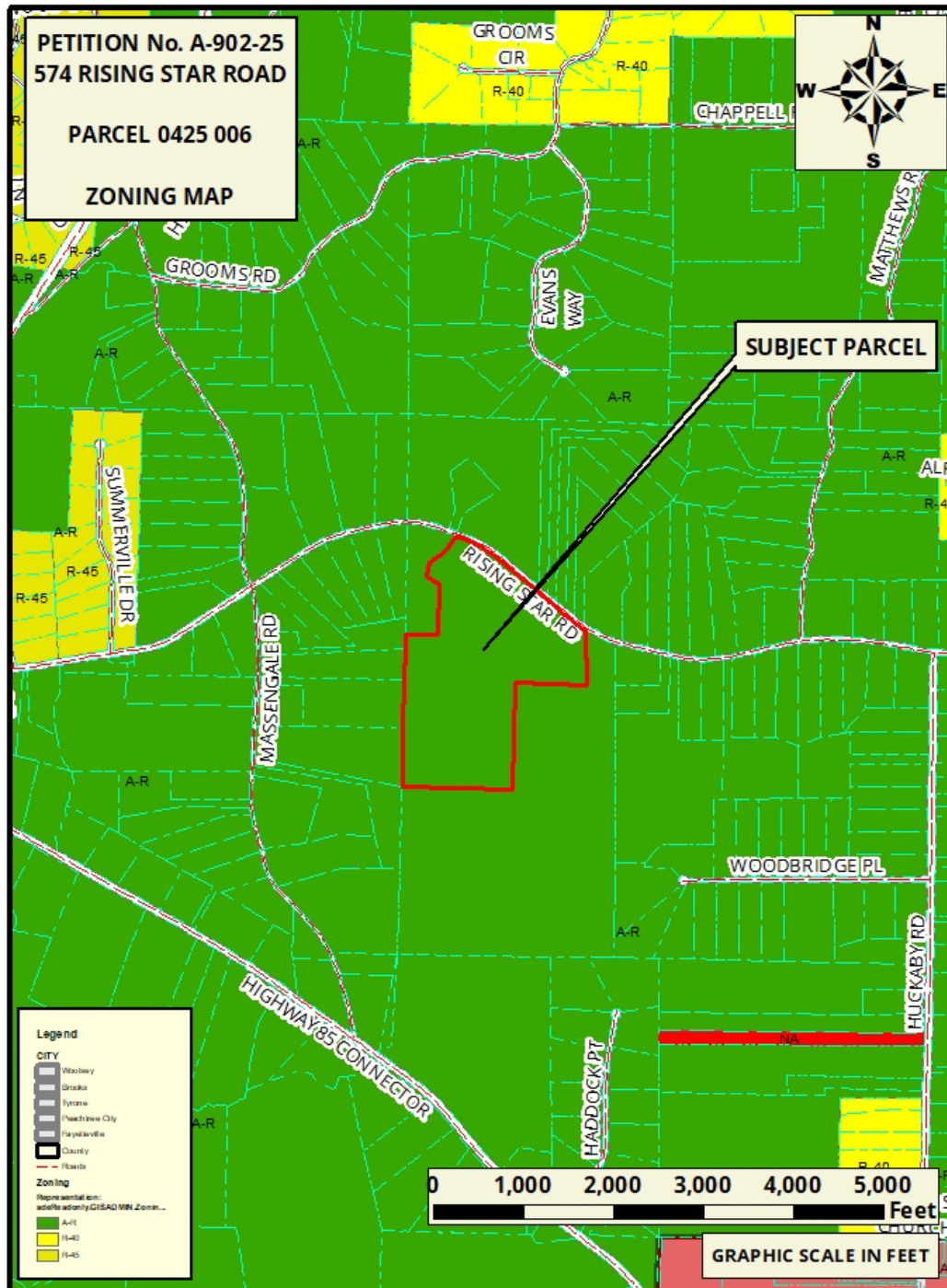
(d) *Dimensional requirements.* The minimum dimensional requirements in the A-R zoning district shall be as follows:

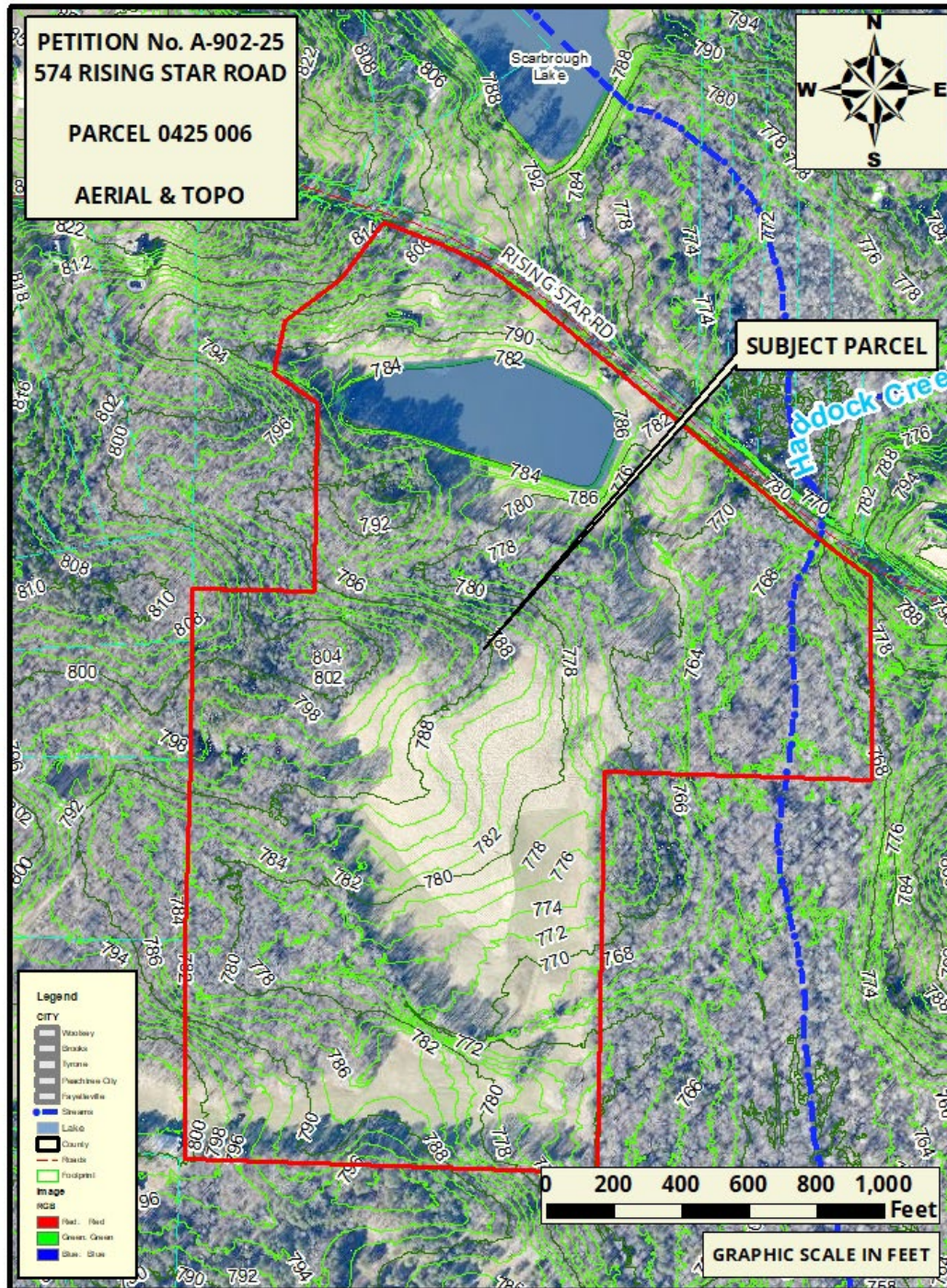
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 100 feet.
 - 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.

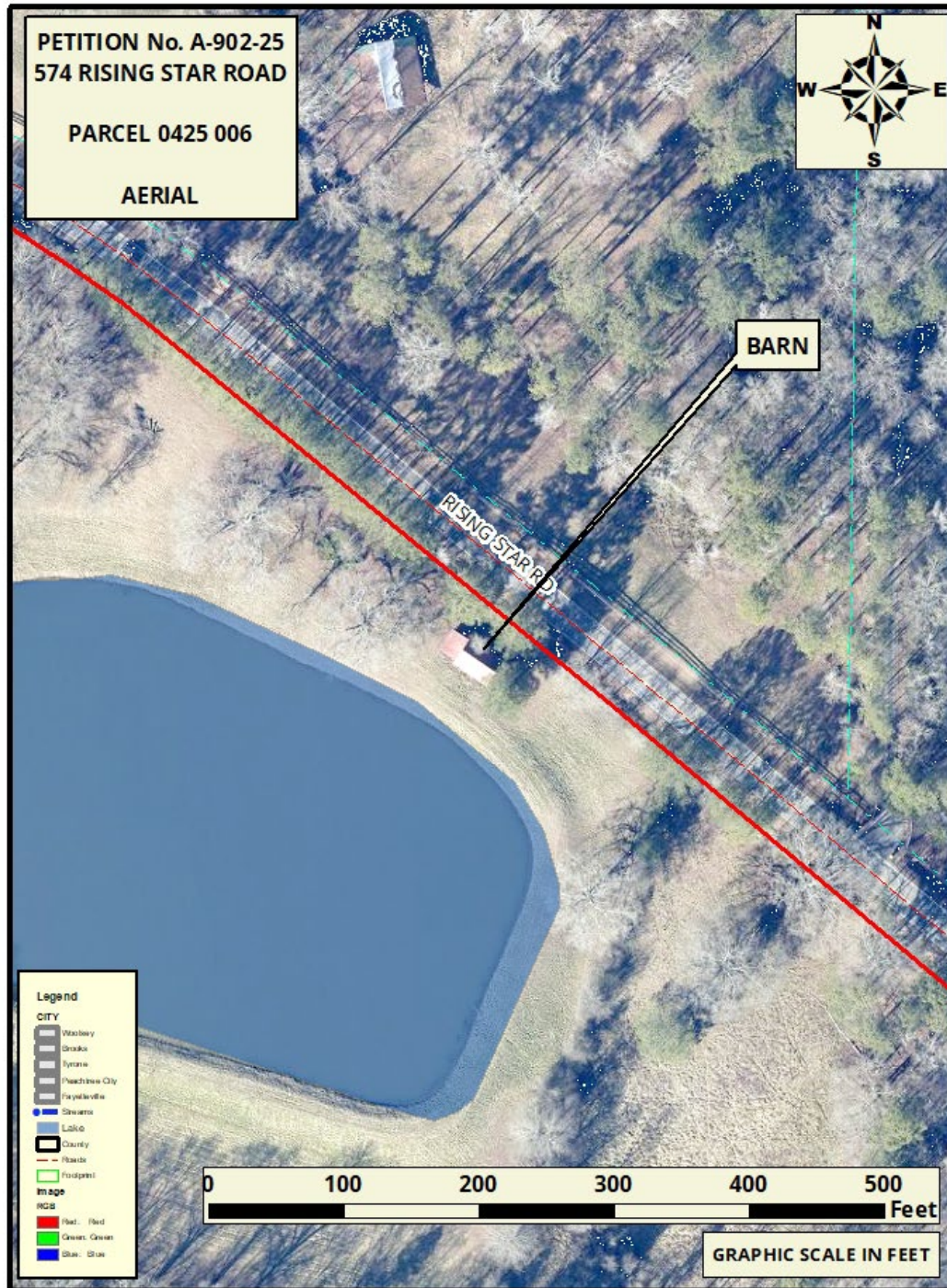
DEPARTMENTAL COMMENTS

- ☐ **Water System** –No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Fire** – No objections.

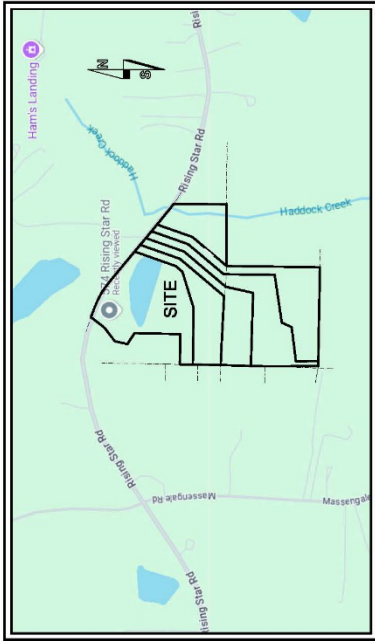








MINOR FINAL PLAT
FOR THE
WILLIAM MERCER MASSENGALE
DISCLAIMER BY-PASS TRUST



VICINITY MAP
NOT TO SCALE

SURVEYORS CERTIFICATION

AS REQUIRED BY SUBSECTION (6) OF D.C.G.A. SECTION 16-6-47, THE REGISTERED LAND SURVEYOR HAS CONDUCTED A SURVEY OF THE PROPERTY AND HAS DETERMINED THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR OTHER INTERESTS THAT WOULD AFFECT THE PLAT. THE SURVEYOR HAS ALSO DETERMINED THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR OTHER INTERESTS THAT WOULD AFFECT THE PLAT. THE SURVEYOR HAS ALSO DETERMINED THAT THE PROPERTY IS NOT SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, OR OTHER INTERESTS THAT WOULD AFFECT THE PLAT.

FINAL SURVEYORS CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA PLAT ACT (D.C.G.A. SECTION 16-6-47).

BY: BRANCON MILES, DOHERTY / 03 / 21 / 2025

DATE: 03 / 21 / 2025

OWNER'S CERTIFICATION

I, THE UNDERSIGNED TRUSTEE OF THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST, HEREBY OFFER TO DEDICATE, DEED AND/OR RESERVE FOR PUBLIC USE THE RIGHT-OF-WAY OF ALL EXISTING STREETS ADJACENT TO THE PROPERTY SHOWN ON THIS PLAT. ALL PROPERTY CONTAINED WITHIN THE RIGHT-OF-WAY OF ALL EXISTING STREETS ADJACENT TO THE PROPERTY SHOWN ON THIS PLAT SHALL BE CONVEYED TO THE STATE OF GEORGIA UPON RECORDEATION OF THIS FINAL PLAT WITH THE FAYETTE COUNTY CLERK OF SUPERIOR COURT.

TRUSTEE: _____ DATE: _____

I, THE UNDERSIGNED, CERTIFY THAT AS THE TRUSTEE OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT FOR THE SUBDIVISION OF THE PROPERTY.

TRUSTEE: _____ DATE: _____

S.A. GASKINS & ASSOCIATES, LLC
surveyors/planners/development consultants
981 CAMP GROUND ROAD GRIFFIN, GA 30223
SAGASKINS55@gmail.com

Property Location
Land Lots 132 & 137 Of The 4th Land District
Fayette County, Georgia

Prepared For:
**THE WILLIAM MERCER MASSENGALE
DISCLAIMER BY-PASS TRUST**



SA25-033AMSP
Drawn By: _____
Reviewed By: _____
Issue Date: 03/21/25
F.W.P.D.: 021525
Revisions: _____
County Commission: 07/10/25
PAGE 1 OF 2

WETLANDS DELINEATION
I, BRANCON MILES, DOHERTY, CERTIFY THAT I HAVE FIELD SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND DETERMINED THAT THE PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS.

SIGNATURE OF WETLAND DELINEATOR: _____
DATE: _____
REGISTRATION NO. 160
APPLIED ENVIRONMENTAL SCIENCES, INC.
NEWNAY, GA 30265 670-262-4020

GENERAL NOTES

- OWNER: THE WILLIAM MERCER MASSENGALE
JAMES RICHARD MASSENGALE TRUSTEE
1110 N. COLUMBIA AVE.
NEWNAY, GA 30265
404-278-7281
- SURVEYOR: S.A. GASKINS & ASSOCIATES, LLC
1110 N. COLUMBIA AVE.
NEWNAY, GA 30265
678-615-5987
sagaskins@gmail.com
- TOTAL ACRES: 81.672 ACRES D.B. 3023 PG. 065-009
4.075 ACRES PAR
MINIMUM DIMENSIONAL REQUIREMENTS FOR A ZONING DISTRICT:
LOT AREA: 5 ACRES
LOT WIDTH: 250 FEET
FLOOD AREA: 100 SQ. FT.
FRONT YARD SETBACK: MINOR THROUGHFARE
ATRIAL: 100 FEET
MINOR THROUGHFARE: 75 FEET
REAR YARD SETBACK: 15 FT
SIDE YARD SETBACK: 5 FT
4. SEWER: TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
5. WATER: TO BE PROVIDED BY WELL.
6. FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE, EASEMENT, OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
7. THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
8. THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
9. THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
10. 1/2" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
11. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 131500102E, THE SUBJECT PROPERTY IS LOCATED WITHIN AN UNDESIGNATED FLOOD HAZARD AREA.
12. THE SUBJECT PROPERTY IS LOCATED WITHIN AN UNDESIGNATED FLOOD HAZARD AREA.
13. THERE IS NO VERBIE CENTER OR BURIAL GROUNDS ON THIS PROPERTY.
14. THERE ARE STATE WATERS ON THIS PROPERTY.
15. THE LOT OTHER CONTAINING IS ADJACENT TO A SPECIAL FLOOD HAZARD AREA IDENTIFIED IN THE FAYETTE COUNTY 2013 UNDESIGNATED FLOOD HAZARD MAP. AS REQUIRED BY ARTICLE IV OF THE FAYETTE COUNTY RESOLUTIONS, A FLOOD HAZARD STUDY SHALL BE CONDUCTED BY THE FAYETTE COUNTY ENGINEER. THE FLOOD ELEVATION, INCLUDING A RAINFALL OF 1.0 INCH PER HOUR, SHALL BE A MINIMUM OF 12 FEET ABOVE THE FLOOD ELEVATION.
16. THE WIDTH OF THE SHARED DRIVEWAY SHALL BE A MINIMUM OF 12 FEET.
17. THE DRIVEWAY SHALL BE A MINIMUM CLEAR ZONE OF 20 FEET THAT EXTENDS CONTINUOUS FROM THE CENTERLINE OF THE DRIVEWAY TO THE DRIVEWAY RIGHT-OF-WAY.
18. THE STREET ADDRESS OF EACH LOT SHALL BE CLEARLY MARKED AT THE LOT CORNER.
19. ANY STRUCTURE SHALL BE MARKED WITH 100 FEET TYPICAL SPACING.
20. HIGHER INSURANCE PREMIUMS FOR THE PROPERTY OWNERS MAY RESULT FROM THE PLAT.
21. ANY JURISDICTIONAL WETLANDS ON THE SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. THESE JURISDICTIONAL WETLANDS AND AREAS WITHOUT PROPER PERMITS MAY BE SUBJECT TO PENALTY BY LAW FOR DISOBEYANCE TO THESE ORDINANCES.
22. BASIS THAT ARE EXISTING MAY REMAIN IN THE NEW OFFERS. NO NEW STRUCTURES MAY ENCRUCH INTO BUFFERS.

SHEET INDEX		
SHEET NO.	DESCRIPTION	
1	COVER	
2	FINAL PLAT	

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

PROPERTY INFORMATION:

Parcel No. 0425006 Acreage: 59.13 Land Lot: 132+157 Land District: 4th
Address: 574 Rising Star Rd Brooks, GA 30205
Zoning: A-R Zoning of Surrounding Properties: AC
Use: HOME

PROPERTY OWNER INFORMATION

Name William M Massengale Disclaimers Trust
Email rickmassengale@gmail.com
Address 574 Rising Star Rd
City Brooks
State GA Zip 30205
Phone 404-578-7241

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-902-25

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

☒ Application and all required supporting documentation is Sufficient and Complete
by Staff: [Signature] Date: 07/28/2025

DATE OF ZONING BOARD OF APPEALS HEARING: September 22, 2025

Received payment from Rick Massengale 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 07/28/25 Receipt Number: 024743

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:

William M Massey GALE DISCLAIMER TRUST

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 1570

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 320157 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 69.13 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

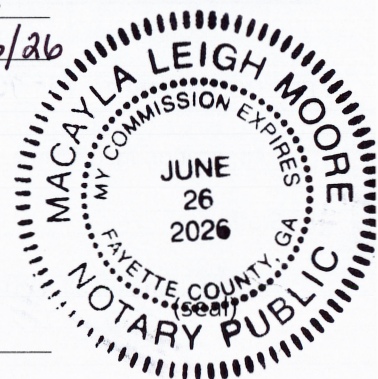
Owner/
Agent
One:

Signature James R. Massey
Name: JAMES R. MASSENGALE
Address: 123 BIL HORN DR
City/State/Zip: NEWNAN, GA 30265
Date: _____

Notary:

Macayla Leigh Moore
Commission Exp.: 06/26/26

(seal)



Owner/
Agent
Two:

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

Notary:

Commission Exp.: _____

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	110-125(d)(4)(2)-A-R
Requirement	
Proposed Change	TO REDUCE FRONT YARD SETBACK FROM 100 FT TO 45 FT 23.7 ^{Per Survey} TO ALLOW EXISTING 1200 SQ FT BARN TO REMAIN
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.

BARN HAS BEEN IN PLACE OVER 125 YEARS. PART OF HOMESTEAD FOR GRANDFATHER'S birthplace - WILLIAM KENDRICK MASSENGALE
BARN WAS NOT AT ISSUE UNTIL COUNTY PAVED RD

JUSTIFICATION OF REQUEST

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

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

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

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

GRANDFATHER'S birthplace HOMESTEAD

OVER 125 yrs old

COUNTY PAVED Rd MOVED BARN CLOSER TO Rd

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. 1200 FT 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. 100' Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. Driveway Location of exits/entrances to the subject property.
 - d. Rising Star 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. 6 Location of all utilities, including well or water lines.
 - f. 6 Location of septic tank, drainfield, and drainfield replacement area.
 - g. 6 Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. 6 Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. 6 Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. 6 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:	

WARNER, HOOPER & RAMSEY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

900 WESTPARK DRIVE - SUITE 210
PEACHTREE CITY, GEORGIA 30269

DOUGLAS B. WARNER
MALYNDA C. HOOPER
MATTHEW L. RAMSEY

TELEPHONE 770 487-4494
TELECOPIER 770 631-7593
EMAIL WARNER@WARNERLAWFIRM.NET

February 12, 2009

Mr. James R. Massengale
310 Horizon Hill
Newnan, Georgia 30265

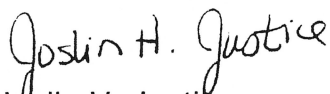
Re: Executor's Deed from James Richard Massengale, as Executor under the Last Will and Testament of William Mercer Massengale to James Richard Massengale, Trustee of the William Mercer Massengale Disclaimer By-Pass Trust; recorded at Deed Book 3473, Pages 406-408; Fayette County, Georgia records

Dear Rick:

Enclosed herewith please find the above-referenced deed. This is an original document and should be kept along with your other important papers. Also enclosed is a copy of the filed Qualified Disclaimer and Renunciation.

If you have any questions, please contact this office.

Yours truly,


Joslin H. Justice
Legal Assistant

jhj

Enclosures



Doc ID: 007969170003 Type: GLR
Filed: 01/26/2009 at 10:00:00 AM
Fee Amt: \$14.00 Page 1 of 3
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **3473** PG **406-408**

STATE OF GEORGIA

COUNTY OF FAYETTE

Return to:
Warner, Hooper & Ramsey
900 Westpark Drive - Suite 210
Peachtree City, Georgia 30269

EXECUTOR'S DEED

THIS INDENTURE, made this the 23rd day of January, 2009, between JAMES RICHARD MASSENGALE, as Executor under the Last Will and Testament of WILLIAM MERCER MASSENGALE, late of the State of Georgia, and County of Fayette, of the First Part, (hereinafter called "Grantor") and JAMES RICHARD MASSENGALE, TRUSTEE OF THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST, under Will dated March 21, 2006, 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 the said Grantor, acting under and by virtue of the power and authority contained in the said Will, the same having been duly probated and recorded in the Probate Court of Fayette County, Georgia, to assent to the devise in said Will, has granted, transferred and conveyed, and by these presents does grant, transfer, and convey unto the said Grantee, all of Decedent's interest in the following described property:

SEE EXHIBIT "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE.

Pursuant to the terms and provisions of the Last Will and Testament of William Mercer Massengale, he bequeathed and devised his entire estate to his wife, Willie Ruth Massengale. Willie Ruth Massengale executed and delivered a Qualified Disclaimer and Renunciation, pursuant to O.C.G.A. §53-2-115 and Section 2518 of the Internal Revenue Code of the United States; thus the interest in the above-described property passed into the Disclaimer By-Pass Trust, established in the Last Will and Testament of William Mercer Massengale, which is of record in the Probate Court of Fayette County, Georgia.

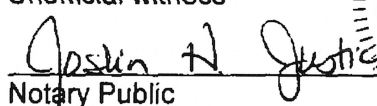
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever, IN FEE SIMPLE, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed by the said deceased.

IN WITNESS WHEREOF, Grantor herein has hereunto set his hand and seal, the day and year first above written.

 (SEAL)
James Richard Massengale, Executor
under the Last Will and Testament of
William Mercer Massengale

Signed, sealed and delivered
in the presence of:


Unofficial witness


Notary Public

Date: 1-23-09

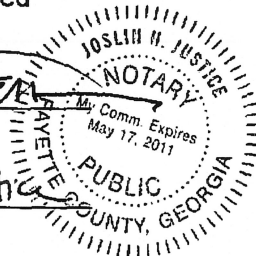


EXHIBIT "A"

Legal Description

Any and all real property, or any interest therein, owned by W. M. Massengale a/k/a William M. Massengale located in Land Lots 131, 132, 157 and 158 of the 4th Land District of Fayette County, Georgia, specifically including, without limitation, that certain 31.5 acre tract, more or less, of land located at 574 Rising Star Road, Brooks, Fayette County, Georgia, and that certain 56.5 acre tract, more or less, of land located on the east side of Massengale Road, Brooks, Fayette County, Georgia, which properties include, without limitation, the real property shown on that certain plat of survey filed in Plat Book 13, Page 4, on the records of the Clerk of the Superior Court of Fayette County, Georgia, less and except any portions thereof conveyed to other parties prior to the death of William M. Massengale.

MINOR FINAL PLAT
FOR THE
WILLIAM MERCER MASSENGALE
DISCLAIMER BY-PASS TRUST

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT.

FINAL PLAT APPROVAL CERTIFICATION

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

DATE _____ SIGNED _____

APPROVED BY FAYETTE COUNTY ENVIRONMENTAL MANAGEMENT DEPARTMENT

DATE _____ SIGNED _____

APPROVED BY FAYETTE COUNTY ENGINEER

DATE _____ SIGNED _____

APPROVED BY THE FAYETTE COUNTY PLANNING COMMISSION

DATE _____ SIGNED _____

APPROVED BY FAYETTE COUNTY ZONING ADMINISTRATION

DATE _____ SIGNED _____

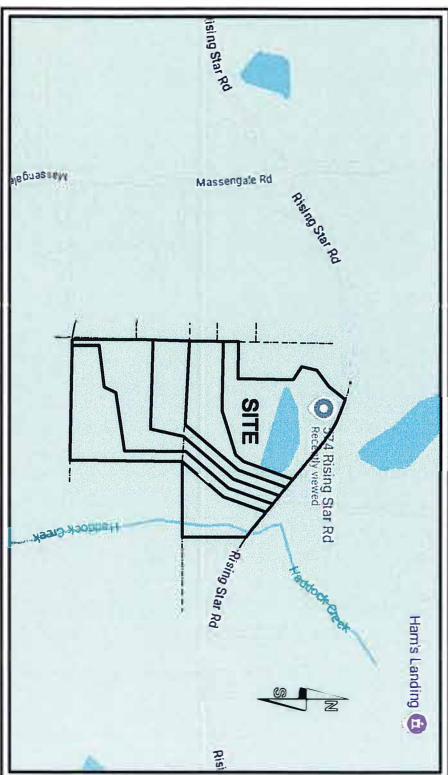
APPROVED BY FAYETTE COUNTY FIRE MARSHAL

DATE _____ SIGNED _____

WETLANDS DELINEATION

I, BRADYAN MILES, DO HEREBY CERTIFY THAT I HAVE FIELD INSPECTED THE PROPERTY KNOWN AS THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST ON FEBRUARY 6, 2025 AND DETERMINED THAT THE PROPERTY CONTAINS JURISDICTIONAL WETLANDS AS DENIED BY THE U.S. ARMY CORPS OF ENGINEERS.

SIGNATURE OF WETLAND DELINEATOR _____
DATE _____
REGISTRATION NO. 196
FAYETTE COUNTY ENVIRONMENTAL SCIENCES, INC.
907 CLINTON TRACE SUITE 227
NEWMAN, GA 30565 (678)-282-4020



PROPERTY MAP
NOT TO SCALE

SURVEYOR'S CERTIFICATION

AS REQUIRED BY PARAGRAPH (b) OF O.G.A. SECTION 15-4-47, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAT HAS BEEN APPROVED FOR FILING IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-4-47) AND THAT THE SURVEYOR HAS REVIEWED THE PLAT AND IS SATISFIED THAT THE PLAT CONFORMS TO ALL REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-4-47).

FINAL SURVEYOR CERTIFICATE
IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE GEORGIA PLAT ACT (O.C.G.A. SECTION 15-4-47).
BY: William A. Gaskins, Sr. GEORGIA REGISTERED LAND SURVEYOR NO. 11600
DATE: 03 / 21 / 2025

OWNER'S CERTIFICATION

I, THE UNDERSIGNED TRUSTEE OF THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST SUBDIVISION, HEREBY OFFER TO DEDICATE, DEED AND/OR RESERVE FOR PUBLIC USE THE RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUNDS SHOWN ON THIS PLAT. ALL PROPERTY CONTAINED WITHIN THE REQUIRED RIGHTS-OF-WAY, EASEMENTS AND OTHER GROUNDS SHOWN ON THIS PLAT SHALL BE CONVEYED TO THE PUBLIC USE OF THE STATE OF GEORGIA, COUNTY OF FAYETTE, CITY OF COLUMBIA, AND SHALL BE CONVEYED AT NO COST TO FAYETTE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF GEORGIA, UPON RECDICATION OF CONVEYANCE OF THE PROPERTY TO THE PUBLIC USE OF THE SUPERIOR COURT.

TRUSTEE _____ DATE _____
I, THE UNDERSIGNED, CERTIFY THAT AS THE TRUSTEE OF THE SUBJECT PROPERTY, I HEREBY AUTHORIZE THE SUBMITTAL OF THIS FINAL PLAT FOR THE SUBDIVISION OF THIS PROPERTY.
TRUSTEE _____ DATE _____

GENERAL NOTES

- OWNER: THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST, TRUSTEE JAMES RICHARD MASSENGALE, 310 HORIZON HILL, NEWMAN, GA 30265, 404-578-7241
- SURVEYOR: S. A. GASKINS & ASSOCIATES, LLC, 981 CAMP GROUND ROAD, NEWMAN, GA 30265, 678-671-5000, sagaskins5@gmail.com
- TOTAL ACRES: 81.612 ACRES, D.B. 3412, PG. 498-499
5 LOTS 3-ZONED ARI
MINIMUM DIMENSIONAL REQUIREMENTS FOR A-R ZONING DISTRICT:
LOT AREA: 5 ACRES
LOT WIDTH: 250 FT
FLOOR AREA: 1,200 SQ. FT.
FRONT YARD SETBACK: 100 FT
MINOR THOROUGHFARE: 75 FEET
MAJOR THOROUGHFARE: 100 FEET
SIDE YARD SETBACK: 50 FT
SEWER TO BE AN ON-SITE SEWAGE DISPOSAL SYSTEM.
WATER TO BE PROVIDED BY WELL.
FAYETTE COUNTY DOES NOT ACCEPT THE OWNERSHIP, MAINTENANCE, OR RESPONSIBILITY FOR ANY DRAINAGE, EASEMENT, OR OVERALL DRAINAGE PLAN OR THE LACK OF ONE INDICATED ON THIS PLAT.
THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.
THERE ARE NO RECORDED EASEMENTS FOUND ASSOCIATED WITH THIS PROPERTY.
THERE IS NO GROUNDWATER RECHARGE AREA ON THIS PROPERTY.
10, 12" REINFORCING RODS SET AT ALL LOT CORNERS UNLESS NOTED OTHERWISE.
11. ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 131130150E, DATED SEPTEMBER 26, 2009, MAP A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
12. EACH REPRESENTATIVE LOT HAS A CONTIGUOUS AREA OF 6.6 ACRES THAT IS FREE AND CLEAR OF ZONING, BARRIERS AND SETBACKS, JURISDICTIONAL WETLANDS, AND PROTECTION BUFFERS AND SETBACKS.
13. THERE IS NO VISIBLE CEMETERY OR BURIAL GROUNDS ON THIS PROPERTY.
14. THERE ARE STATE WATERS ON THIS PROPERTY.
15. THE LOT EITHER CONTAINS OR IS ADJACENT TO A SPECIAL FLOOD HAZARD AREA, AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP NUMBER 131130150E, DATED SEPTEMBER 26, 2009, MAP A PORTION OF THIS PROPERTY DOES LIE WITHIN A SPECIAL FLOOD HAZARD AREA.
16. THE WIDTH OF THE SHARED DRIVEWAY SHALL BE A MINIMUM OF 12 FEET.
17. THE DRIVEWAY SHALL BE A MINIMUM CLEAR ZONE OF 20 FEET THAT EXTENDS CONTINUOUS FROM THE RIGHT-OF-WAY TO ALL HOMES SERVED BY THE DRIVEWAY. THE PURPOSE OF THE CLEAR ZONE IS TO ENSURE UNOBSTRUCTED EMERGENCY ACCESS TO THE HOMES.
18. THE STREET ADDRESSES OF EACH LOT SHALL BE CLEARLY MARKED AT THE INTERSECTION OF THE LOT AND THE STREET.
19. ANY STRUCTURE BUILT MORE THAN 100 FEET FROM A FIRE HYDRANT WILL LIKELY PLACE THE STRUCTURE IN A LOW CLASS 2V AND MAY RESULT IN HIGHER INSURANCE PREMIUMS FOR THE PROPERTY OWNERS.
20. ANY ACCESS ROAD, BRIDGE, CULVERT, ETC. WILL NEED TO BE BUILT TO WITHSTAND THE WEIGHT OF A FIRE APPARATUS WEIGHING UP TO 60,000 POUNDS AND BEING 12 FEET WIDE. THE CLEARANCE SHALL BE 12 FEET 6 INCHES AND A CLEAR WIDTH OF 12 FEET. THIS INCLUDES ANY GATES, POSTS, FENCES, ETC.
21. ANY JURISDICTIONAL WETLANDS ON THIS SITE ARE UNDER THE JURISDICTION OF THE U.S. ARMY CORPS OF ENGINEERS. PROPERTY OWNERS MAY BE SUBJECT TO PENALTIES BY LAW FOR OBSTRUCTION TO THE CONDUCT OF SURVEYING AND MAPPING WITHOUT PROPER AUTHORIZATION.
22. BARRIERS THAT ARE EXISTING MAY REMAIN IN THE NEW BUFFERS. NO NEW STRUCTURES MAY ENCROACH INTO BUFFERS.

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER
2	FINAL PLAT

Prepared For:

THE WILLIAM MERCER MASSENGALE
DISCLAIMER BY-PASS TRUST

Property Location

Land Lot 12.3 & 157 of The 4th Land District
Fayette County, Georgia

S. A. GASKINS &
ASSOCIATES, LLC

Surveyors, Planners, Development Consultants
881 CAMP GROUND ROAD, NEWMAN, GA 30265
678-671-5000
sagaskins5@gmail.com

SA25-039AMSP

Drawn By: [Signature]

Revised By: [Signature]

Issue Date: 03/21/25

F.W.P.: 02/19/25

Signature: [Signature]

Date: 03/21/25

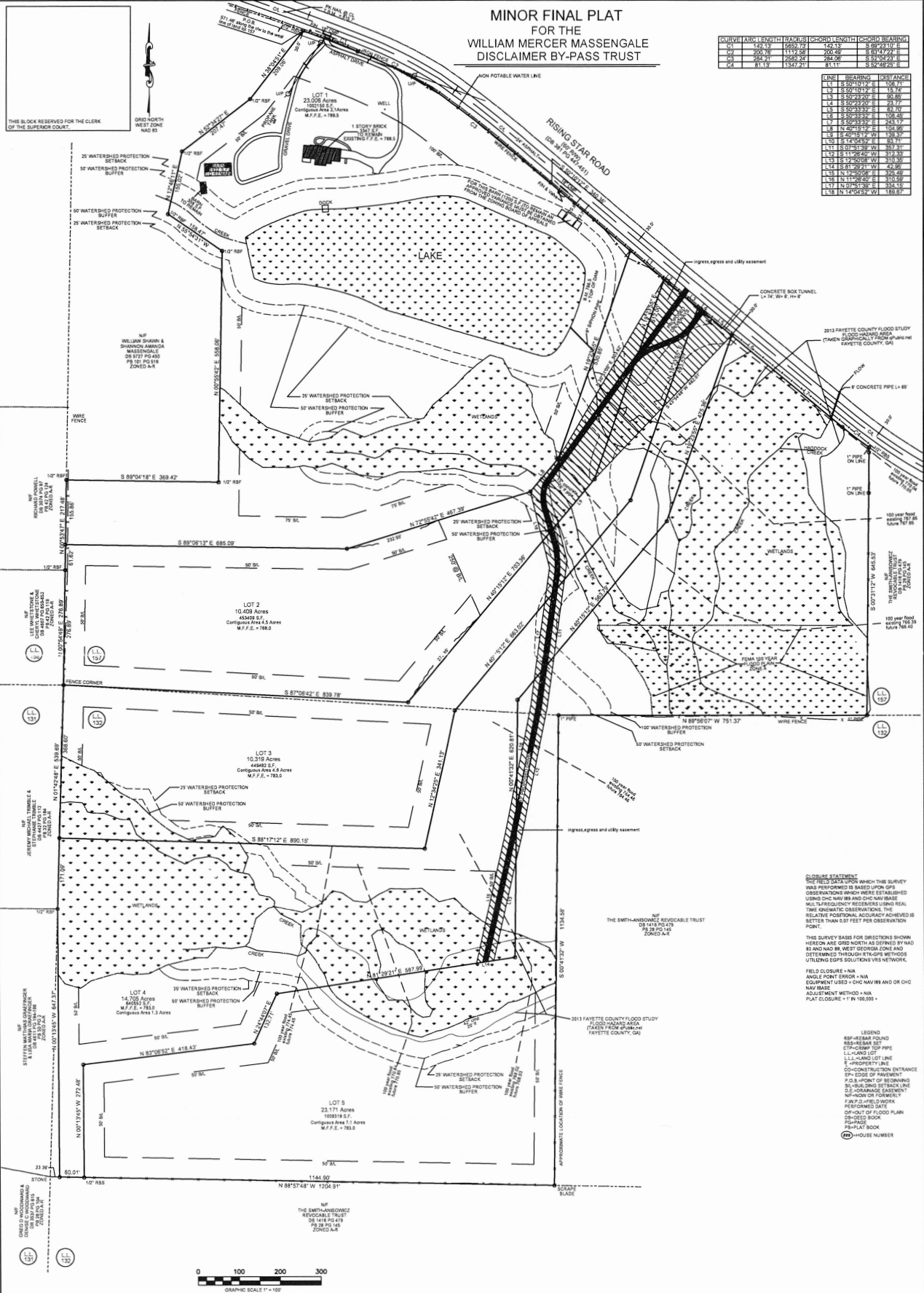
County Comment: 07/10/25

PAGE 1 OF 2

MINOR FINAL PLAT FOR THE WILLIAM MERCER MASSENGALE DISCLAIMER BY-PASS TRUST

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
1	141.13	1059.73	141.13	S 81°47'27" E
2	200.78	1117.58	200.78	S 52°42'42" E
3	284.21	2862.24	284.21	S 23°42'42" E
4	81.13	1327.21	81.13	S 30°58'52" E

LINE	BEARING	DISTANCE
1	S 50°19'12" E	108.71
2	S 50°19'12" E	117.74
3	S 50°43'20" E	93.89
4	S 50°19'12" E	93.89
5	S 50°43'20" E	93.89
6	S 50°43'20" E	93.89
7	S 50°43'20" E	93.89
8	S 50°43'20" E	93.89
9	S 50°43'20" E	93.89
10	S 50°43'20" E	93.89
11	S 50°43'20" E	93.89
12	S 50°43'20" E	93.89
13	S 50°43'20" E	93.89
14	S 50°43'20" E	93.89
15	S 50°43'20" E	93.89
16	S 50°43'20" E	93.89
17	S 50°43'20" E	93.89
18	S 50°43'20" E	93.89
19	S 50°43'20" E	93.89
20	S 50°43'20" E	93.89
21	S 50°43'20" E	93.89
22	S 50°43'20" E	93.89
23	S 50°43'20" E	93.89
24	S 50°43'20" E	93.89
25	S 50°43'20" E	93.89
26	S 50°43'20" E	93.89
27	S 50°43'20" E	93.89
28	S 50°43'20" E	93.89
29	S 50°43'20" E	93.89
30	S 50°43'20" E	93.89
31	S 50°43'20" E	93.89
32	S 50°43'20" E	93.89
33	S 50°43'20" E	93.89
34	S 50°43'20" E	93.89
35	S 50°43'20" E	93.89
36	S 50°43'20" E	93.89
37	S 50°43'20" E	93.89
38	S 50°43'20" E	93.89
39	S 50°43'20" E	93.89
40	S 50°43'20" E	93.89
41	S 50°43'20" E	93.89
42	S 50°43'20" E	93.89
43	S 50°43'20" E	93.89
44	S 50°43'20" E	93.89
45	S 50°43'20" E	93.89
46	S 50°43'20" E	93.89
47	S 50°43'20" E	93.89
48	S 50°43'20" E	93.89
49	S 50°43'20" E	93.89
50	S 50°43'20" E	93.89
51	S 50°43'20" E	93.89
52	S 50°43'20" E	93.89
53	S 50°43'20" E	93.89
54	S 50°43'20" E	93.89
55	S 50°43'20" E	93.89
56	S 50°43'20" E	93.89
57	S 50°43'20" E	93.89
58	S 50°43'20" E	93.89
59	S 50°43'20" E	93.89
60	S 50°43'20" E	93.89
61	S 50°43'20" E	93.89
62	S 50°43'20" E	93.89
63	S 50°43'20" E	93.89
64	S 50°43'20" E	93.89
65	S 50°43'20" E	93.89
66	S 50°43'20" E	93.89
67	S 50°43'20" E	93.89
68	S 50°43'20" E	93.89
69	S 50°43'20" E	93.89
70	S 50°43'20" E	93.89
71	S 50°43'20" E	93.89
72	S 50°43'20" E	93.89
73	S 50°43'20" E	93.89
74	S 50°43'20" E	93.89
75	S 50°43'20" E	93.89
76	S 50°43'20" E	93.89
77	S 50°43'20" E	93.89
78	S 50°43'20" E	93.89
79	S 50°43'20" E	93.89
80	S 50°43'20" E	93.89
81	S 50°43'20" E	93.89
82	S 50°43'20" E	93.89
83	S 50°43'20" E	93.89
84	S 50°43'20" E	93.89
85	S 50°43'20" E	93.89
86	S 50°43'20" E	93.89
87	S 50°43'20" E	93.89
88	S 50°43'20" E	93.89
89	S 50°43'20" E	93.89
90	S 50°43'20" E	93.89
91	S 50°43'20" E	93.89
92	S 50°43'20" E	93.89
93	S 50°43'20" E	93.89
94	S 50°43'20" E	93.89
95	S 50°43'20" E	93.89
96	S 50°43'20" E	93.89
97	S 50°43'20" E	93.89
98	S 50°43'20" E	93.89
99	S 50°43'20" E	93.89
100	S 50°43'20" E	93.89
101	S 50°43'20" E	93.89
102	S 50°43'20" E	93.89
103	S 50°43'20" E	93.89
104	S 50°43'20" E	93.89
105	S 50°43'20" E	93.89
106	S 50°43'20" E	93.89
107	S 50°43'20" E	93.89
108	S 50°43'20" E	93.89
109	S 50°43'20" E	93.89
110	S 50°43'20" E	93.89
111	S 50°43'20" E	93.89
112	S 50°43'20" E	93.89
113	S 50°43'20" E	93.89
114	S 50°43'20" E	93.89
115	S 50°43'20" E	93.89
116	S 50°43'20" E	93.89
117	S 50°43'20" E	93.89
118	S 50°43'20" E	93.89
119	S 50°43'20" E	93.89
120	S 50°43'20" E	93.89
121	S 50°43'20" E	93.89
122	S 50°43'20" E	93.89
123	S 50°43'20" E	93.89
124	S 50°43'20" E	93.89
125	S 50°43'20" E	93.89
126	S 50°43'20" E	93.89
127	S 50°43'20" E	93.89
128	S 50°43'20" E	93.89
129	S 50°43'20" E	93.89
130	S 50°43'20" E	93.89
131	S 50°43'20" E	93.89
132	S 50°43'20" E	93.89
133	S 50°43'20" E	93.89
134	S 50°43'20" E	93.89
135	S 50°43'20" E	93.89
136	S 50°43'20" E	93.89
137	S 50°43'20" E	93.89
138	S 50°43'20" E	93.89
139	S 50°43'20" E	93.89
140	S 50°43'20" E	93.89
141	S 50°43'20" E	93.89
142	S 50°43'20" E	93.89
143	S 50°43'20" E	93.89
144	S 50°43'20" E	93.89
145	S 50°43'20" E	93.89
146	S 50°43'20" E	93.89
147	S 50°43'20" E	93.89
148	S 50°43'20" E	93.89
149	S 50°43'20" E	93.89
150	S 50°43'20" E	93.89
151	S 50°43'20" E	93.89
152	S 50°43'20" E	93.89
153	S 50°43'20" E	93.89
154	S 50°43'20" E	93.89
155	S 50°43'20" E	93.89
156	S 50°43'20" E	93.89
157	S 50°43'20" E	93.89
158	S 50°43'20" E	93.89
159	S 50°43'20" E	93.89
160	S 50°43'20" E	93.89
161	S 50°43'20" E	93.89
162	S 50°43'20" E	93.89
163	S 50°43'20" E	93.89
164	S 50°43'20" E	93.89
165	S 50°43'20" E	93.89
166	S 50°43'20" E	93.89
167	S 50°43'20" E	93.89
168	S 50°43'20" E	93.89
169	S 50°43'20" E	93.89
170	S 50°43'20" E	93.89
171	S 50°43'20" E	93.89
172	S 50°43'20" E	93.89
173	S 50°43'20" E	93.89
174	S 50°43'20" E	93.89
175	S 50°43'20" E	93.89
176	S 50°43'20" E	93.89
177	S 50°43'20" E	93.89
178	S 50°43'20" E	93.89
179	S 50°43'20" E	93.89
180	S 50°43'20" E	93.89
181	S 50°43'20" E	93.89
182	S 50°43'20" E	93.89
183	S 50°43'20" E	93.89
184	S 50°43'20" E	93.89
185	S 50°43'20" E	93.89
186	S 50°43'20" E	93.89
187	S 50°43'20" E	93.89
188	S 50°43'20" E	93.89
189	S 50°43'20" E	93.89
190	S 50°43'20" E	93.89
191	S 50°43'20" E	93.89
192	S 50°43'20" E	93.89
193	S 50°43'20" E	93.89
194	S 50°43'20" E	93.89
195	S 50°43'20" E	93.89
196	S 50°43'20" E	93.89
197	S 50°43'20" E	93.89
198	S 50°43'20" E	93.89
199	S 50°43'20" E	93.89
200	S 50°43'20" E	93.89



Job No. SA25-030A
Drawn By: [Signature]
Checked By: [Signature]
Issue Date: 08/01/25
P.W.P.D.: 08/01/25
Drawing: [Signature]
Date: 08/01/25



Prepared For:
THE WILLIAM MERCER MASSENGALE
DISCLAIMER BY-PASS TRUST

Property Location
Land Lots 132 & 157 Of The 4 In Land District
Fayette County, Georgia

S.A. GASKINS &
ASSOCIATES, LLC
Survey Planning & Development
101 CHAP CROW ROAD, SUITE 100
GAYLARD, GA 30225
404-814-8337
SAGASKINS@aol.com

**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, September 22, 2025, at 7:00 P.M., Fayette County Administrative Complex, Public Meeting Room, 140 Stonewall Avenue West, first floor.

Petition No.: A-902-25

Owner: William M. Massengale
Disclaimer Trust

Agent: Rick Massengale

Property Address: 574 Rising Star Road

Parcel: 0425 006

Zoning District: A-R

Area of Property: 59.13 acres

Land Lot(s): 132 and 157

District: 4th

Road Frontage: Rising Star Road

Request: Applicant is requesting the following: Per Sec. 110-125(d) (4)a.2., to reduce the front yard

setback on a collector from 100 feet to 23.7 feet to allow an existing accessory structure to remain.

EXHIBIT "A"

Legal Description

Any and all real property, or any interest therein, owned by W. M. Massengale a/k/a William M. Massengale located in Land Lots 131, 132, 157 and 158 of the 4th Land District of Fayette County, Georgia, specifically including, without limitation, that certain 31.5 acre tract, more or less, of land located at 574 Rising Star Road, Brooks, Fayette County, Georgia, and that certain 56.5 acre tract, more or less, of land located on the east side of Massengale Road, Brooks, Fayette County, Georgia, which properties include, without limitation, the real property shown on that certain plat of survey filed in Plat Book -13, Page 4, on the records of the Clerk of the Superior Court of Fayette County, Georgia, less and except any portions thereof conveyed to other parties prior to the death of William M. Massengale.

08/13

PETITION NO: A-903-25

Requested Actions: Applicant is requesting a variance to reduce the rear yard setback R-45 zoning district from 30 feet to 27 feet to allow a new accessory structure to be constructed on a newly poured foundation.

Location: 195 Redspire Lane, Fayetteville, Georgia 30215

Parcel(s): 0509 0511

District/Land Lot(s): 5th District, Land Lot(s) 36

Zoning: R-45, Single-Family Residential

Lot Size: 1.34 Acres

Owner(s): Jorge Lopez

Agent: Josh Woods

Zoning Board of Appeal Public Hearing: September 22, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-136(d)(5) Rear yard setback in the R-45 Zoning District is required to be 30 feet'. The applicant requests to reduce the setback by 3 feet, to a setback of 27 feet, to allow an accessory structure to remain.

STAFF ASSESSMENT

The structure is a detached garage that is part way through the construction process. There was an error in staking the property line and setback. The resulting encroachment was determined when the surveyor prepared a foundation survey of the slab. The encroachment is minor and it seems unlikely that it will 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,**
The request is due to an error in location when the garage slab was poured.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the building is not likely to have an adverse impact on the neighbors.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in the R-45 zoning district.

HISTORY

This parcel is a legal lot of record documented in the Final Plat for Stillwood Village. It is Lot 12, as depicted in Plat Book 23 Page 170, recorded on May 23, 1993.

ZONING REQUIREMENTS

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

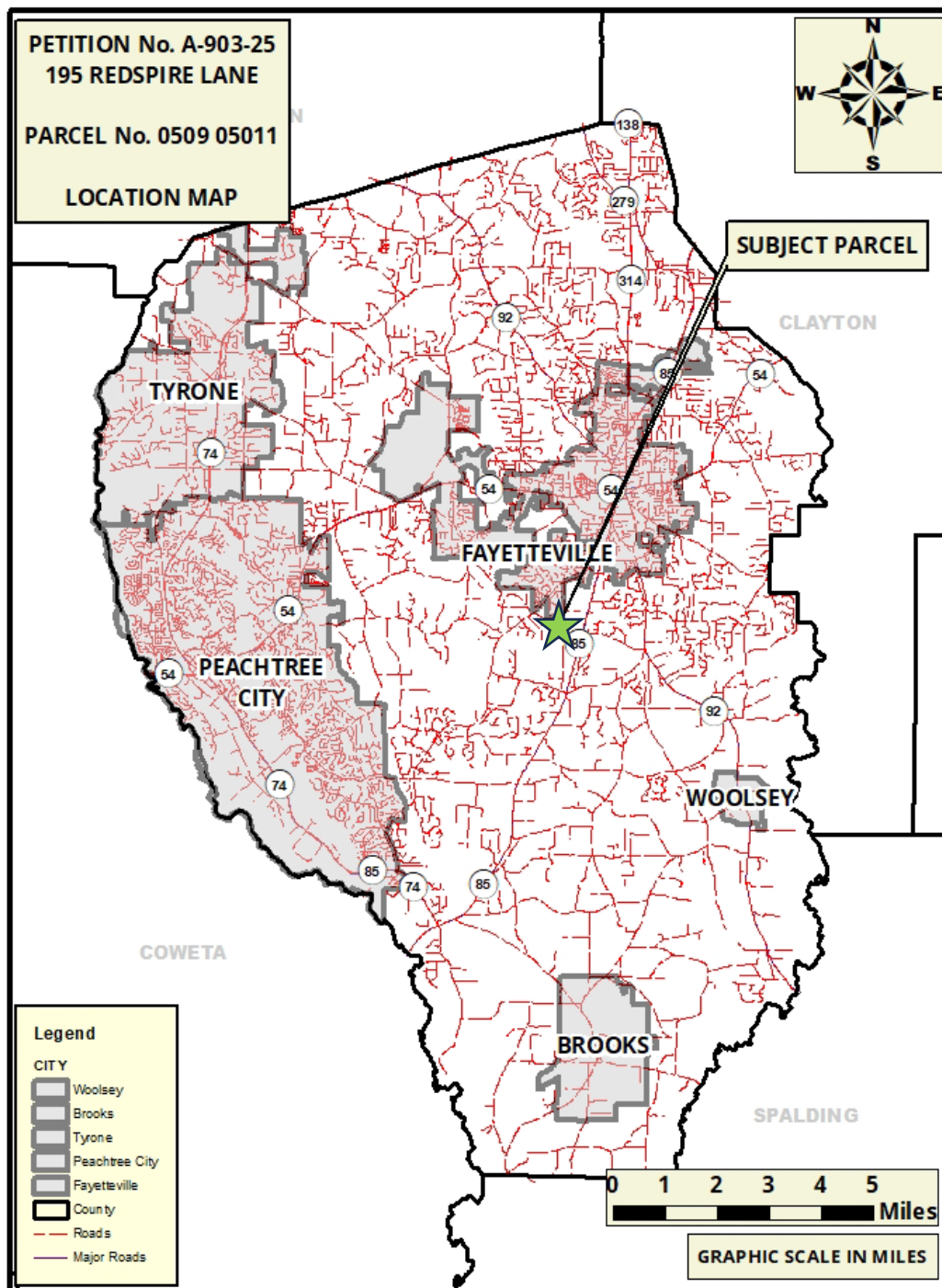
NOTE: Although the current requirement in R-45 is for a rear yard setback to be 40', at the time this subdivision plat was recorded, the rear yard setback requirement was 30'. This is illustrated in the approved, recorded Final Plat of Stillwood Village.

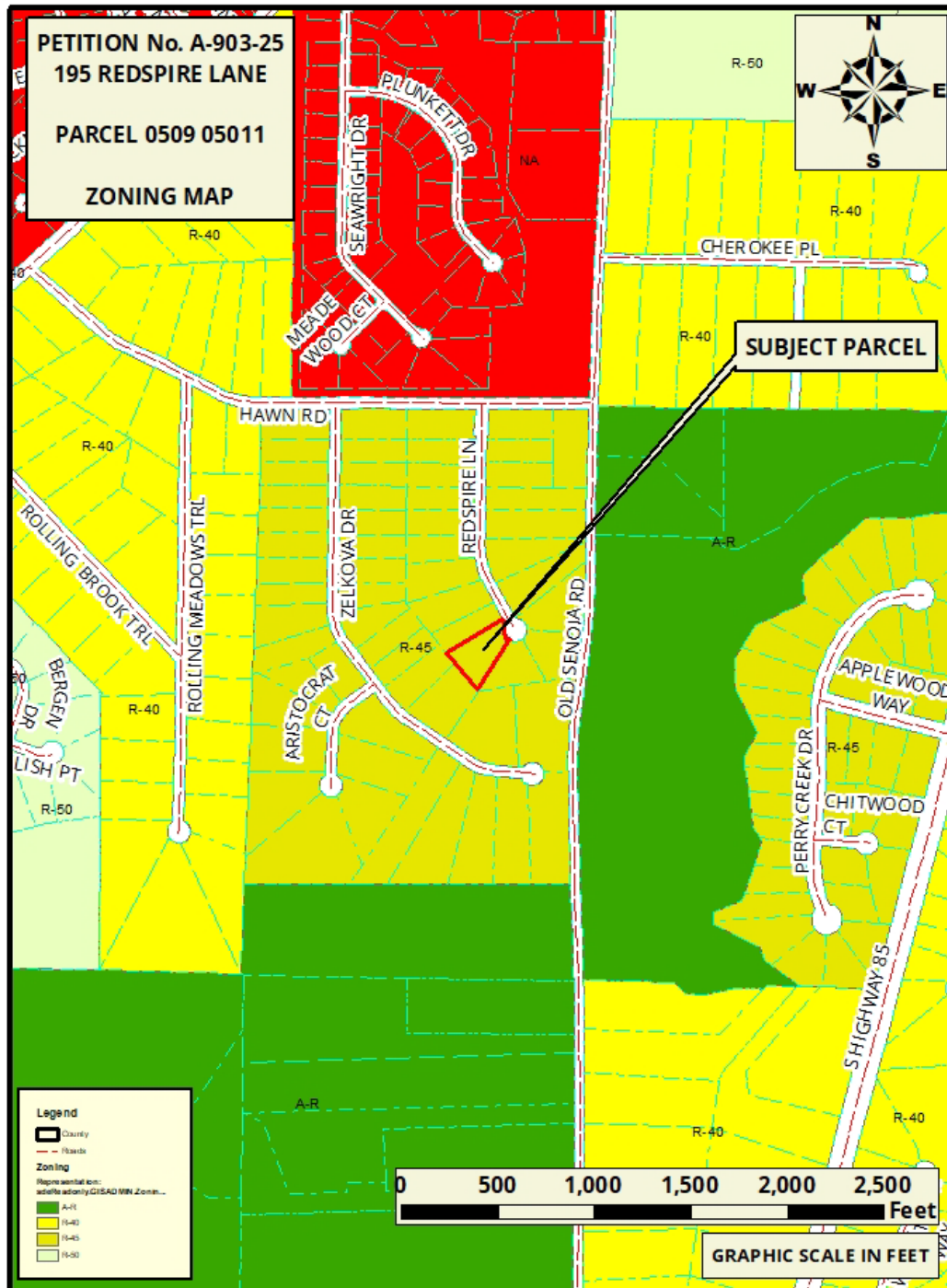
(d) *Dimensional requirements.* The minimum dimensional requirements in the R-45 zoning district shall be as follows:

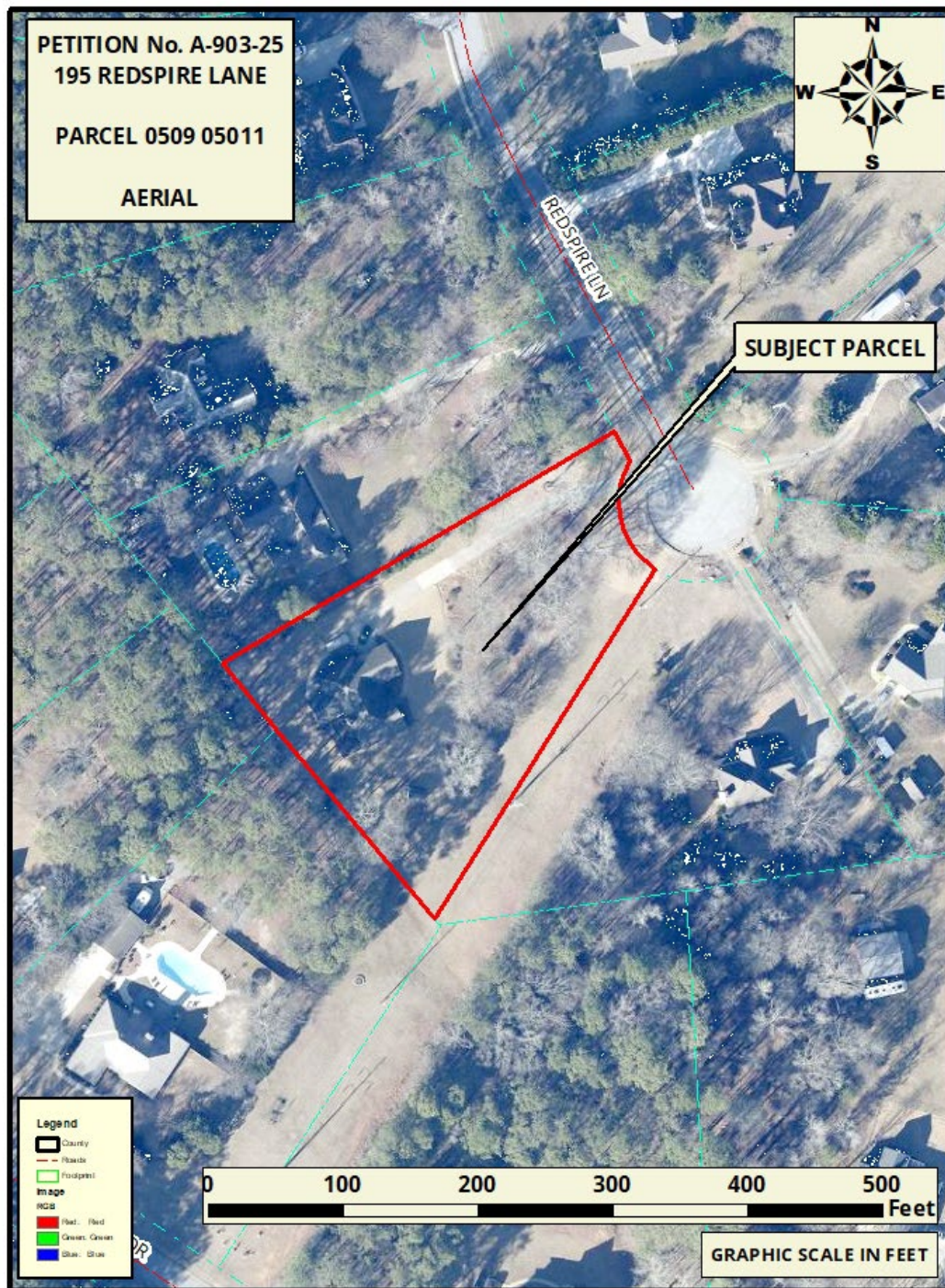
(5) Rear yard setback: 40 feet.

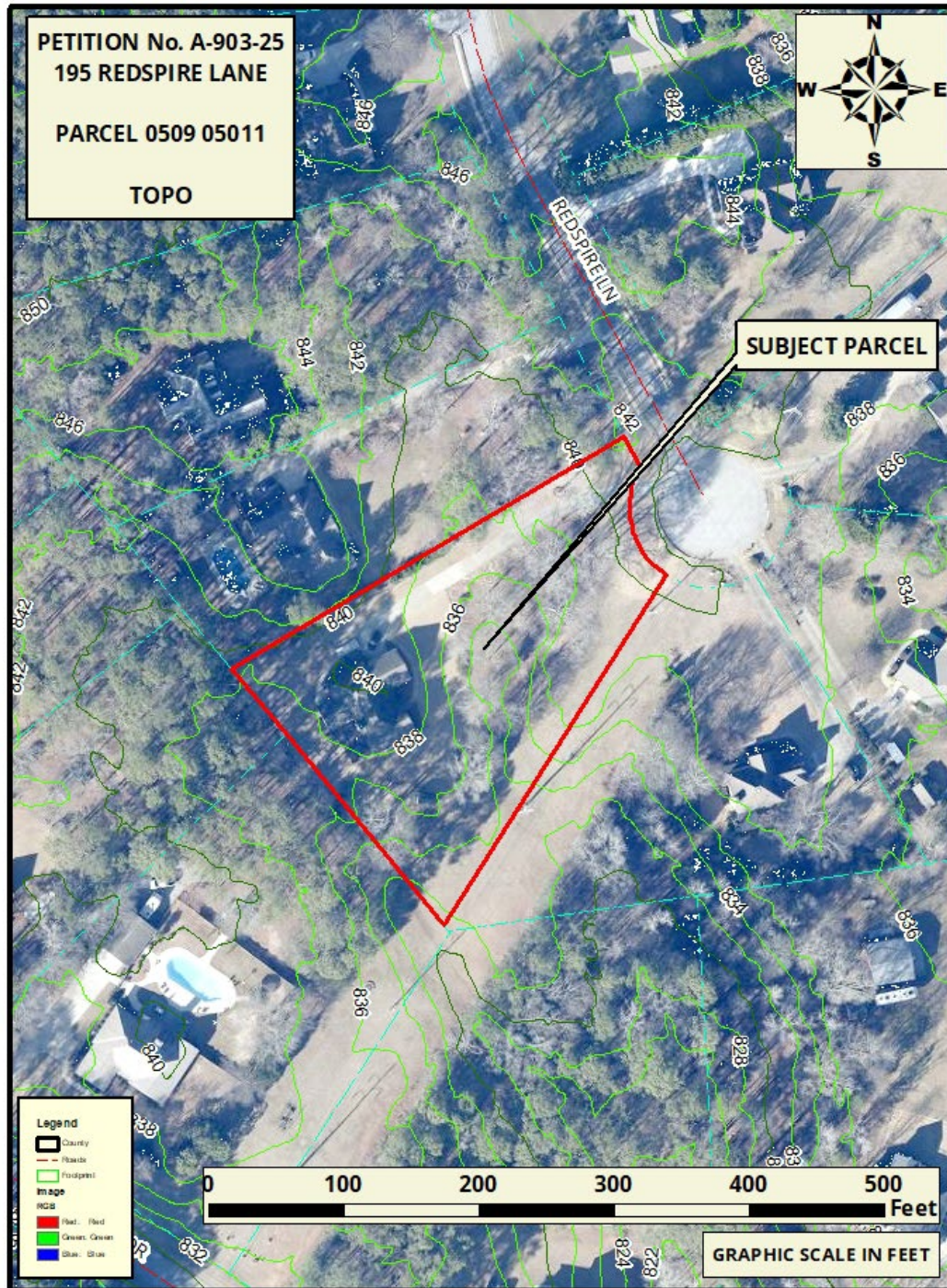
DEPARTMENTAL COMMENTS

- ☐ **Water System** –No comments.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Fire** – No objections.



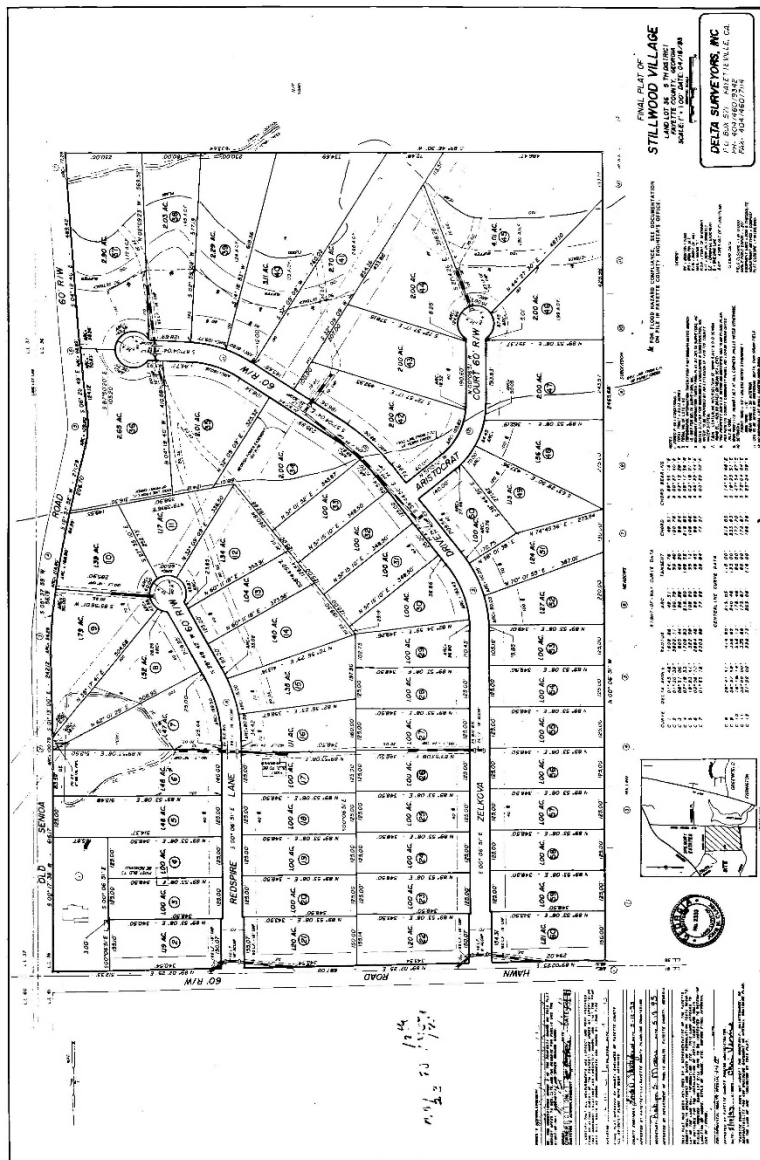






✓ Leucostictus. 3000 ~~810~~ 810-771
✓ Leucostictus. 3000 810-771

23 PAGE 170



FINAL PLAT

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

PROPERTY INFORMATION:

Parcel No. 05090511 Acreage: 1.34 Land Lot: 36 Land District: 5th
Address: 195 Redspire Ln. Fayetteville, Ga. 30215
Zoning: R45 Zoning of Surrounding Properties: R45
Use: Residential

PROPERTY OWNER INFORMATION

Name Jorge Lopez
Email abcj@sbcglobal.net
Address 195 Redspire Ln
City Fayetteville
State Ga Zip 30215
Phone (770) 376-1175

AGENT/DEVELOPER INFORMATION (If not owner)

Name Josh Woods
Email betterbiltbuildings@comcast.net
Address 42 Wood Rd.
City Griffin
State Ga Zip 30223
Phone (770) 229-4957 cell (678) 967-1010

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-903-25

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 07/29/2025

DATE OF ZONING BOARD OF APPEALS HEARING: September 22, 2025

Received payment from Josh Woods 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 07/29/2025 Receipt Number: 024752

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:

Jorge Lopez and Aimee Lopez

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 050905011

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in LandLot(s) 36 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 1.34 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Josh Woods 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.

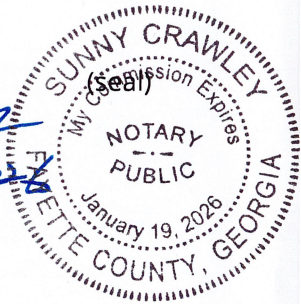
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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: JORGE LOPEZ
Address: 195 REDSPINE LANE
City/State/Zip: FAYETTEVILLE GA 30215
Date: 07-17-2025

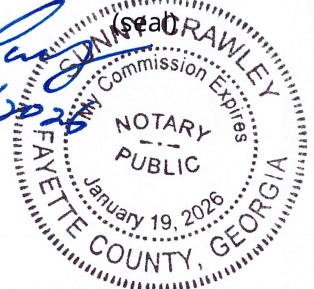
Notary: [Signature]
Commission Exp.: 01/19/2026



Owner/
Agent
Two:

Signature: [Signature]
Name: Aimee Lopez
Address: 195 Redspine Lane
City/State/Zip: Fayetteville GA 30215
Date: 07.17.2025

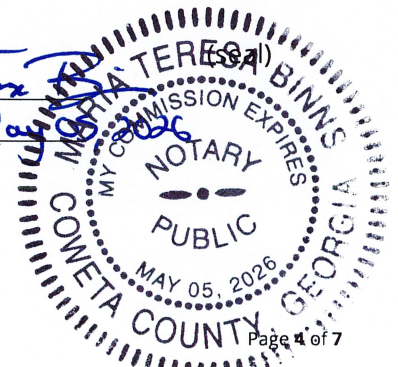
Notary: [Signature]
Commission Exp.: 01/19/2026



Owner/
Agent
Three:

Signature: [Signature]
Name: JOSH WOODS
Address: 362 KILGORE RD.
City/State/Zip: GRIFFIN, GA. 30223
Date: 7/29/2025

Notary: [Signature]
Commission Exp.: MAY 05, 2026



VARIANCE INFORMATION

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

Ordinance/Section	Rear Property Line Setback
Requirement	30'
Proposed Change	Exception to reduce to 27' to accommodate concrete foundation poured with incorrect survey information.
Variance Amount	10% or accomodation of approximately 15 sq ft of concrete of existing slab.

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.

In preparation to cast the slab for active permit RNEW-05-25-075390 my company requested a form board survey to ensure compliance with setback requirements. Our surveyor informed us we needed to move the form placement by 18" to be compliant. We repositioned the foundation prep 2' further away from the setback, received inspection approval and poured. When the foundation survey was completed we were informed the surveyor "measured from the wrong location" and a portion of the foundation encroached on the set back line. Our request is to decrease rear set back by 3' to accommodate this error.

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 property is unique in its topography. It has a mid property drainage easement that forced the home construction at the rear of the property ,significantly limiting the rear and side yard available for this type of project. The property also houses a utility easement for an electrical transmission line.

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

Should the application be denied, this foundation will need to be modified from its design and not be suitable for the use the homeowner intends.

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

The peculiar conditions in this situation involve a misstatement of the distances related to our form board survey. Please see attached statement from surveyor.

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 to this request would not encroach on any easements or interfere negatively with any other property.

The rear view of this property is heavily wooded and is obscured from view of any affected parcel.

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

The literal interpretation of these requirements would deprive the applicant the use of the only remaining location available for such a project.

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:	

BURTON AND ASSOCIATES
404-569-9195 / JAKE7295@GMAIL.COM

JULY 22 2025

To whom it may concern,

In reference to a poured foundation located at 195 Redspire Lane Fayetteville, Ga 30215. Burton and Associates was asked by Better-Bilt Buildings to stake the rear property line of said property adjacent to the location of the new foundation for a detached garage. Our crew placed a stake on the property line at the approximate middle of the form boarded foundation. We advised that the form boards be moved approximately 2 feet toward the front of the property to accommodate the 30ft setback. Better-Bilt did move the Foundation layout forward to reach the 30ft setback requirement. However, due to the stake placement and the unusual angle of the rear property line in relation to the main dwellings position on it; what was missed was that the back left corner of the newly formed foundation even with the move forward was still over the set back by 2ft+/- . It was an oversight with the stake placement as well as not having a foundation layout survey completed at the time to verify all corners of the new foundation were going to be in compliance.

JAKE CARVER
FIELD DIRECTOR
JAKE7295@GMAIL.COM
404-569-9115

2

Doc ID: 011670040002 Type: WD
Recorded: 10/25/2022 at 09:45:00 AM
Fee Amt: \$440.00 Page 1 of 2
Transfer Tax: \$415.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 5554 Pg 487-488

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

TAX PARCEL ID: 050905011

Order.No.: 22-1618-JEN

LIMITED WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, made this 21st day of October, 2022, between **LINDA L. JONES**, as party or parties of the first part, hereinafter called Grantor, and **JORGE LOPEZ and AIMEE VERONICA LOPEZ**, 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 36 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING LOT 12, STILLWATER VILLAGE, AS PER PLAT RECORDED IN PLAT BOOK 23, PAGE 170, FAYETTE COUNTY RECORDS, WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY THIS REFERENCE.

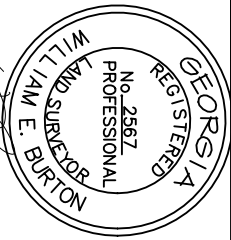
THIS BEING THE SAME PROPERTY CONVEYED TO GRANTOR BY THAT CERTAIN WARRANTY DEED DATED OCTOBER 24, 1994, AND RECORDED OCTOBER 28, 1994, IN DEED BOOK 949, PAGE 642, FAYETTT COUNTY, GEORGIA RECORDS.

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.



GSWCC LEVEL II - 0000011202

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON.

RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND

FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67

THIS BLOCK RESERVED FOR THE CLERK
OF THE SUPERIOR COURT

N/F
ROSE E HUMPHREY
DB 3115 PG 67

REDSPIRE LANE
60' R/W

BURTON & ASSOCIATES
1740 Hudson Bridge Rd
Box 1226
Stockbridge, GA. 30281
TEL (404)867-8332
bdainc@bellsouth.net

RETRACEMENT / FOUNDATION
LOCATION SURVEY
195 REDSPIRE LANE
PARCEL ID # 050905011
PROPERTY OF
JORGE LOPEZ

LAND LOT	36	COUNTY	FAYETTE	DATE	7-07-2025
DISTRICT	5	SCALE	1"=50'	JOB NO.	70225RL

REFERENCE:
LOT 12 STILLWOOD VILLAGE
PB 23 PG 170 SBL'S PER RECORDED PLAT

SUBJECT TO ALL EASEMENTS AND RESTRICTIONS
OF RECORD BOTH WRITTEN AND UNWRITTEN.

PLAT ERROR OF CLOSURE = $1' \text{ IN } 285,583'$
FIELD ERROR OF CLOSURE = $1' \text{ IN } 73,500'$
EQUIPMENT USED TOPCON-GTS
FIELD WORK COMPLETED 7-02-2025

AS PER FLOOD INSURANCE RATE MAP OF FAYETTE
COUNTY, GA. COMMUNITY PANEL NO. 13113C0111E
THIS PROPERTY IS NOT LOCATED IN A FLOOD
HAZARD ZONE, DATED 9-26-2008

N/F
MACK & SUSANNE JOHNSON
DB 3714 PG 587

N/F
PATRICK & ROBIN SHARP
DB 4906 PG 523

N/F
PETER & MARCIA MEIKLE
DB 900 PG 587

N/F
STEVE YOUNG
DB 5547 PG 178

LEGEND

- IPF IRON PIN FOUND
- IPS IRON PIN SET
- N/F NOW OR FORMERLY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- R/W RIGHT OF WAY
- WDF WOOD FENCE
- WM WATER METER
- UP UTILITY POLE
- CB CATCH BASIN
- DE DRAINAGE EASEMENT
- SBL SET BACK LINE



GRAPHIC SCALE (IN FEET)

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, Sep-
tember 22, 2025, at 7:00 P.M., Fay-
ette County Administrative Com-
plex, Public Meeting Room, 140
Stonewall Avenue West, first floor.

Petition No.: A-903-25

Owner: Jorge Lopez and Aimee Ve-
ronica Lopez

Agent: Josh Woods

Property Address: 195 Redspire
Lane

Parcel: 050905 011

Zoning District: R-45

Area of Property: 1.34 acres

Land Lot(s): 36

District: 5th

Road Frontage: Redspire Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
136(d)(5), to reduce the rear yard
setback from 30 feet to 27.4 feet
to allow a new accessory structure
to encroach into the rear yard set-
back.

LIMITED WARRANTY DEED

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 36 OF THE 5TH
DISTRICT, FAYETTE COUNTY,
GEORGIA, BEING LOT 12, STILL-
WATER VILLAGE, AS PER PLAT
RECORDED IN PLAT BOOK 23,
PAGE 170, FAYETTE COUNTY
RECORDS, WHICH PLAT IS IN-
CORPORATED HEREIN AND
MADE A PART HEREOF BY THIS
REFERENCE. THIS BEING THE
SAME PROPERTY CONVEYED
TO GRANTOR BY THAT CERTAIN
WARRANTY DEED DATED OC-
TOBER 24, 1994, AND RECORD-
ED OCTOBER 28, 1994, IN DEED
BOOK 949, PAGE 642, FAYETTT
COUNTY, GEORGIA RECORDS.

08/13