

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
November 24, 2025
7:00 P.M.**

***Please turn off or turn to mute all electronic devices during the
Zoning Board of Appeals Meetings**

1. Call to Order.
2. Pledge of Allegiance.
3. Approval of Agenda.
4. Consideration of the Minutes of the Meeting held on October 27, 2025.

PUBLIC HEARING

5. Consideration of Petition No. A-908-25 – Martha DeLeon and Juan Castillo Sanchez, Owners. Applicants are requesting the following: Variance to Sec. 110-137.(d)(b). – R-40, Requesting a variance to the minimum lot width for a legal nonconforming lot, to allow a lot that is 100' wide to be eligible for development. The subject property is located in Land Lots 70 of the 5th District and fronts Corner of Tributary Way and Price Road.
6. Consideration of Petition No. A-909-25 – James Zacheri Richardson and Louis R. Richardson. Applicants are requesting the following: Variance to Sec. 110- 136(d)(6), to reduce the side yard setback from 15 feet to 14 feet to allow a new accessory structure to encroach into the side yard setback. The subject property is located in Land Lots 189 of the 5th District and fronts Hickory Road.
7. Consideration of Petition A-910-25 - Amanda McFarlin Scarbrough, Owner, is requesting a Variance to Sec. 110-125(d)(1)- A-R., as allowed under Sec. 110-242(c)(1)- To the minimum lot size for a legal nonconforming lot, to allow a lot that is 4.10 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 247 of the 4th District and fronts Goza Road, Hills Bridge Road and South Highway 92.

8. Consideration of Petition A-911-25. - Donnese Cannady, Donnette Cannady, and Eddie Cannady Stokes F/K/A Eddie Mae Cannady. Applicants are requesting the following: Per Sec. 110-125(d)(1)- in the A-R zoning, as allowed under Sec. 110-242(c)(1)- A variance to the minimum lot size for a legal nonconforming lot, to allow a lot that is 1.4040 acres in the A-R zoning district to be eligible for development. The property is located in Land Lots 232 of the 5th District and fronts the Corner of Old Road and Butler Road.
9. Consideration of Petition A-912-25. – Michael Newman, Owner. Staff are requesting a motion to table Petition A-912-25 until January 26, 2026, pending the outcome of Petition No. A-907-25, which was tabled to the December 15, 2025.
10. Consideration of Petition A-913-25. - Lauri Kallen Culp Maselli, Vincent Michael Maselli, David Alana Albee Jr. and Patricia Marie Albee, Owners. Applicants are requesting a Variance to Sec. 110-125(d)(6).- A-R Zoning, to reduce the side yard setback from 50 feet to 31 feet to allow an accessory structure to be built. The property is located in Land Lots 94 and 95 of the 4th District and fronts Morgan Mill Road.
11. Consideration of Petition A-914-15. – Flat Creek Baptist Church Inc., Owner. Requesting a Variance to the Flat Creek Trail Overlay Zone requirement to omit the requirement for a pitched peaked or mansard roof. Per Sec. 110-173(6)(b)(1). - Architectural Standards, to be replaced by a parapet wall consistent with other buildings on the site.

Minutes 10/27/2025

THE FAYETTE COUNTY ZONING BOARD OF APPEALS met on October 27, 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 October 27, 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 September 22, 2025. *Vice - Chairman Marsha Hopkins made the motion to approve the minutes of the meeting held on September 22, 2025. Kyle McCormick seconded the motion. The motion passed unanimously.*

PUBLIC HEARING

5. **Consideration of Petition No. A-904-25** – Jose Ruiz, Maria Ruiz, and Jorge A. Ochoa Farias. Applicants are requesting the following: 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 2.9941 acres to be eligible for development. The subject property is located in Land Lots 235 of the 4th District and fronts Highway 92 South.

Ms. Debbie Bell stated that it's staff opinion the parcel meets the criteria to be eligible for the variance, being a legal nonconforming lot having less than the acreage requirement by A-R zoning (5 acres), but it meets the criteria for the lot size under Sec. 110-242. She explained that the variance is necessary for the owners to obtain a building permit for their house.

Chairman Tate asked if the petitioner was present.?

Mr. James Hodge, contractor/agent, spoke on behalf of the petitioner, stating they found out the acreage was not correct after the demolition of the house previously there, and came to the planning and zoning department with the new plans, and was advised to request a variance to the lot size.

Chairman Tate asked the audience if anyone else wanted to speak in support or in opposition of the petition, but no one responded. The chairman brought the item back to the Board for questions or comments.

Ms. Marsha Hopkings asked staff about the original warranty deed and commented on an easement or septic tank, and if it was still there.

Ms. Bell responded that they would need a new septic permit, and it will have to be permitted by Environmental Health and obtain a new permit if required.

Mr. Bill Beckwith asked staff if this lot was part of the blanket rezoning in place at that time?

Ms. Bell responded No, it would have been A-R when zoning was instituted, but no part of the blanket rezoning.

Mr. Beckwith asked when he looked at the surrounding properties and it seemed like it was subdivided from another lot.

Ms. Bell responded that it might have, but because it was in existence prior to the November 1980 date, it met the criteria to be classified as legal non-conforming.

Brian Haren made a motion to APPROVE Petition No. A-904- 25. Chairman John Tate seconded the motion. The motion carried 5-0.

6. **Consideration of Petition No. A-905-25** – Jean Allen Living Trust. Applicants are requesting the following: Variance to reduce the side yard setback from 50' to 20.0' to allow an existing home to remain. The subject property is located in Land Lots 249 and 250 of the 4th District and fronts Antioch Road.

Ms. Bell explained staff has recommended the applicant to withdraw the petition since the property must go through a rezoning first, and if approved, then it will come back to the planning commission for some variances that it's eligible for, and because it was advertised, it needs to be accepted as withdrawn.

No comments or questions were addressed by the board.

WITHDRAWN BY PETITIONER, Bill Beckwith made a motion to ACCEPT THE WITHDRAWAL BY THE PETITIONER of Petition A-905-25. Brian Haren seconded the motion. The motion passed unanimously.

7. **Consideration of Petition A-906-25-A-B-C – 5 Parcel Mills, LLC.** Applicant is requesting the following: **A-906-25-A:** Per Sec. 110-143(6).- Buffer. Reduce the side yard buffer on the north property line from 50 feet to 0 feet to accommodate the installation of the septic drain field. **A-906-25-B:** Per Sec. 110-93.- Reduce the septic tank and septic drain field line setback on the north property line from 25 feet to 6 feet to install the septic drain field. **A-906-25-C:** Per Sec. 110-174(5)a.- Street frontage landscape area: to reduce the septic system placement setback from 25 feet to 5 feet on the north side of the SR 74 entrance to install the septic drain field. The subject property is located in Land Lots 8 of the 6th District and fronts Antioch Road.

Ms. Bell explained that petition A-906-25-A-B-C has three components and being one project, it will require three separate votes. She read each request. It is staff's opinion that the history of the parcel creates some unique and difficult constraints. The property has a long history of development as a community crossroads area, with homes, local businesses, a church, and a school. It was bisected by the former route of Georgia State Route 85, as evidenced on a 1940 county map and a 1955 aerial photo. This combination of former uses created a property with limited suitable soils for a modern septic system. If the variances are approved as depicted on the accompanying site plan, staff feel that there will be minimal impact on the neighboring property. The area that is the subject of the requests is adjacent to the entry drive and detention pond of New Hope Baptist Church. The property was rezoned from A-R to C-C in 2022 by the BOC. She explained the zoning requirements per each: Sec 110-93 requires a ten foot setback for septic tank and drain field from the property line; Sec. 110-143 its require buffering in the C-C zoning and Sec 110-174 is part of the landscape requirement in the historic district overlay zone and Sec. 110-194 it's the general Buffer requirement. Ms. Bell showed on the maps the buffers and other requirements on the plans and maps.

Chairman John Tate asked if the petitioner was present.

Mr. Rick Lindsey, agent, spoke on behalf of the petitioner, stating that all of the variances requested involve the septic system that needs to be put into the property. He mentioned the property presents challenges to installing a workable septic system because the old Highway 85 bisected this property and stated Environmental Health did not allow them to do that because the soils were disturbed and covered by asphalt for a number of years, and in addition, the Stars Mill Historic Overlay district requires for the development to stay away from Highways 85 and 74 and more buffers by pushing the development to the back of the property. He stated the proposed septic drain fields will be in the northern part of the property, and on the other side, it's the detention pond for the New Hope Baptist church. Mr. Lindsey stated he has reached out to them and sent them a copy of the plans and has heard no objections, and he believes it meets the criteria for the variances to be approved. He stated wanted to empathized will be a coffee shop and a retail space too.

Chairman Tate asked if anyone else wanted to speak in support or in opposition of the petition? With no response, the chairman brought the item back to

the Board.

Mr. Bill Beckwith asked the petitioner if there were any structures remaining from past developments that might interfere with the new proposal.

Mr. Lindsey responded no to this property, and if there are any, they will be turned down. They had hired engineers and that's what they have left to work with and will try to minimize the impact on the other neighbors.

Mr. Kyle McCormick asked petitioner if the neighbors behind the property had been notified of the proposal.

Mr. Lindsey responded on the west side to the left and they have not been notified by him. He asked Ms. Bell if the county had notified them by any letter.

Ms. Bell responded that the county doesn't do that, and there are signs on each side of the road, but the variance request does not require any changes on that part of the property.

Chairman Tate asked petitioner if the property was located on the church street.

Ms. Bell and Mr. Lindsey responded no, Ms. Bell showed the map, providing the exact location.

Mr. Haren commented that the property looks cramped because the GADOT has made some improvements.

No further comments or questions were made by the Board.

A-906-25-A: Marsha Hopkins made a motion to APPROVE Petition No. A-906- 25-A. Brian Haren seconded the motion. The motion passed unanimously.

A-906-25-B: Brian Haren made a motion to APPROVE Petition No. A-906-25-B. Bill Beckwith seconded the motion. The motion passed unanimously.

A-906-25-C: Kyle McCormick made a motion to APPROVE Petition No. A-906-25-C. Brian Haren seconded the motion. The motion passed unanimously.

8. **Consideration of Petition A-907-25** – Michael E. Newman and Billie G. Newman, owners. Applicants are requesting the following: Per 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 4.995 acres in the A-R zoning district to be eligible for development. The subject property is located in Land Lots 31 of the 7th District and fronts Nelms Road.

Ms. Debbie Bell amended the agenda to correct the applicant's request Per Sec. 110-242(h), requesting an illegal lot to be deemed a non-conforming lot. It was advertised correctly, but it's incorrect on the agenda. Staff assessment considers that the subject property was made illegal by actions of a previous owner via a plat recorded on 29 April 1986, more than ten years ago. The plat was for Redwine Quarters, Phase I, and while it did not specifically include this parcel, it created this parcel as a remnant. The petitioner IS NOT a person, or an immediate family member of that person, who caused the subject property to be an illegal lot. As defined in Sec. 110-242(h)(3), there is no property available to add to this lot to transform it into a legal lot. The reduction in area of any of the adjacent lots would cause said lot(s) to be illegal in size, road frontage, or lot area. Environmental Management and Environmental Health had some comments regarding the floodplain and riparian buffers. Ms. Bell explained the configuration of the lot that was the parent parcel on the maps. If approved, the petitioner will have to come back and ask for a variance to the lot size.

Chairman asked if the petitioner was present.

Mr. Jason Newman, son of Michael and Billie Newman, stated he lives in the back of that subdivision and there were aware that the property was not the correct size and had flood plain. Mr. Newman stated that within one acre more or less they had available to build a workshop and not to place a principal residence; they knew less than five acres.

Chairman asked the audience if there was anyone to speak in favor of the petition. With no response, the Chairman asked if anyone wanted to speak in opposition.?

Mr. James Heighton, adjacent neighbor to the property in question, knowing that the property didn't have the correct acreage and had a stream running through the middle and was in the floodplain. He stated that he doesn't agree with someone changing the aesthetics of the area. Nelms Rd is a dirt road; they like the wildness of it and if people buy property that doesn't meet the requirements, like the other lots, why do it? Mr. Heighton stated he does not know what they are trying to do with the property and asked the Board for their consideration to deal with this properly and heard rumors that big buildings are planned to come; they were trying to refurbish cars.

Ms. Hope Winters spoke in opposition, saying that her parents purchased their home in 1977, and to main character of their neighborhood, she mentioned that zoning exists to protect the balance, safety and livability of their community. In this case, the applicant knowingly and willingly bought the parcel, knowing it was less than five acres and all of the restrictions that came with it, asking for a variance to appeal these regulations so they can build multiple structures on a lot that doesn't meet the requirements and the applicant also revealed to plan to a large car restoration without living on the property, having multiple structures since July 2025 including two RV's, shipping containers, a boat, the property reassembles a junk yard. Ms. Winters provided photos of the location with all of the structures to the Board.

Chairman Tate if anyone else was in opposition of the petition, with no response, the chairman brought the item back to the Board and asked the petitioner to come back for rebuttal.

Mr. Newman responded that there are two RV'S in the property, but no one is living on them. He stated that his kids will camp from time to time. The storage buildings are only temporary to store material until the building is done; the vehicles that are on the lot are a project he is restoring with his children; the greenhouse is being taken care of by his parents. Mr. Newman went to the adjacent neighbors with the proposal and his intentions. He mentioned that he came to planning and zoning to get all the information about the property before closing on it and was aware of the department with the acreage.

Ms. Allison Cox, county attorney, commented that, based on the information that has been released and what the applicant has stated is on the property, further investigation will need to be done.

Ms. Bell stated that planning and zoning has not been aware of any structures, vehicles, or RVs placed on the property and there are certain limitations on what can be placed on parcels that have not been developed or even when they are developed, and further investigation will have to be done. Ms. Bell proposed to table the petition to readvertise.

Mr. Newman asked if there was a benefit to doing that versus proceeding with the approval to proceed with that matter separately later.

Ms. Cox stated that because it is illegal, we cannot allow it to move forward to do anything until legal, so it would be better to be tabled.

Ms. Deborah Sims commented that two RVs are only allowed when you are zoned C-H (Highway Commercial) and a campground, and Mr. Newman's property can't have more than one recreational vehicle. She concluded to investigate the property and bring it into compliance.

Debbie Bell amended the agenda to correct the applicant's request, Per Sec. 110-242(h), requesting an illegal lot to be deemed a non-conforming lot. Chairman John Tate made a motion to TABLE Petition No. A-907-25 to December 15, 2025, Meeting. Bill Beckwith seconded the motion. The motion passed unanimously.

9. Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule.

Ms. Bell presented the last item for the night and pointed out the proposed meeting dates. She mentioned the only day was May changed because of the Memorial Day holiday, and the December meeting had been moved up to avoid the holiday week.

Bill Beckwith made a motion to TABLE the Consideration of the Fayette County Zoning Board of Appeals 2026 Calendar Schedule for the November 24, Meeting. Chairman John Tate seconded the motion. The motion passed unanimously.

Brian Haren moved to adjourn the October 27, 2025, Zoning Board of Appeals meeting. Chairman John Tate seconded the motion. The motion carried 5-0.

The meeting adjourned at 8:05 pm

**ZONING BOARD OF APPEALS
OF
FAYETTE COUNTY**

JOHN TATE, CHAIRMAN

**DEBORAH BELL
DIRECTOR, PLANNING & ZONING**

PETITION NO: A-908-25

Requested Actions: Variance to Sec. 110-137.(d)(2)(b). – R-40, as allowed under Sec. 110-242(c)(2) – Requesting a variance to reduce the minimum lot width for a legal nonconforming lot from 125' to 100', to allow a lot that is 43,600 square feet (1.0009 acres) to be eligible for development.

Location: Price Road, Fayetteville, Georgia 30215

Parcel(s): 0517 052

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

Zoning: R-40, Single-Family Residential

Lot Size: 43,600 SF (1.0009 acres)

Owner(s): Martha DeLeon and Juan Castillo Sanchez

Agent: Celia J. Castillo

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(2), the applicant is requesting a variance to Sec. 110-137.(d)(2)(b)., R-40, to reduce the minimum lot width at building line in the R-40 zoning district for a legal nonconforming lot, to allow a lot that is 100 feet wide to be eligible for development. The variance amount is 25' (20%), the maximum allowed.

STAFF ASSESSMENT

It is staff's opinion that this parcel meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The lot is a legal nonconforming lot. It is 100' wide at the front and the rear, which is less than the required 125' building width in the R-40 zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.
- The lot was created by plat recorded in Book 5, Page 89, on August 22, 1969.
- The variance is necessary for the owners to be able to obtain a building permit for their house.

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.**

This parcel was created by a plat recorded in Book 5, Page 89, which was recorded on August 22, 1969. It is unique in that it is a legal nonconforming lot that is less than the current R-40 requirement of 125' at building width.

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

The owners would not be able to get a building permit without a variance to the lot width.

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

The conditions are unique to this parcel, and the property meets the criteria to be considered for the variance.

- 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 variance will not be detrimental to the public good.

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

The applicant would not be able to build a home on this parcel without the variance.

HISTORY

This parcel is a legal lot of record documented in a deed and plat recorded in Deed Book 203 Page 430 on June 8, 1979. The property was zoned from A-R as part of the original county zoning ordinances.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

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

- (2) The owner of a nonconforming lot may request a variance to the minimum lot width for its zoning district. However, no nonconforming lot shall be eligible for a variance to the minimum lot width which would result in the nonconforming lot being less than 80% of the minimum lot width required in its zoning district.

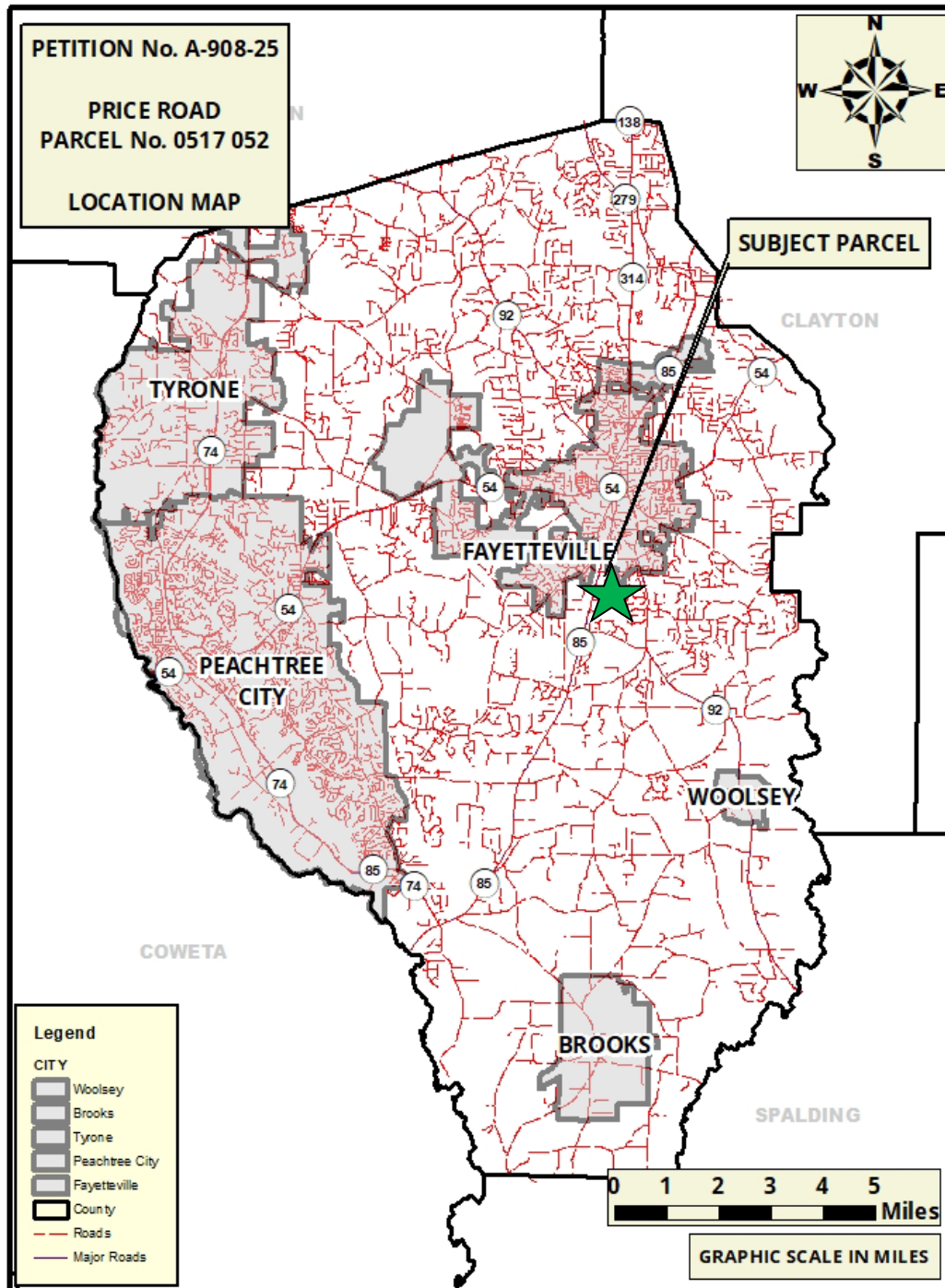
Sec. 110-137. – R-40, Single-Family Residential District.

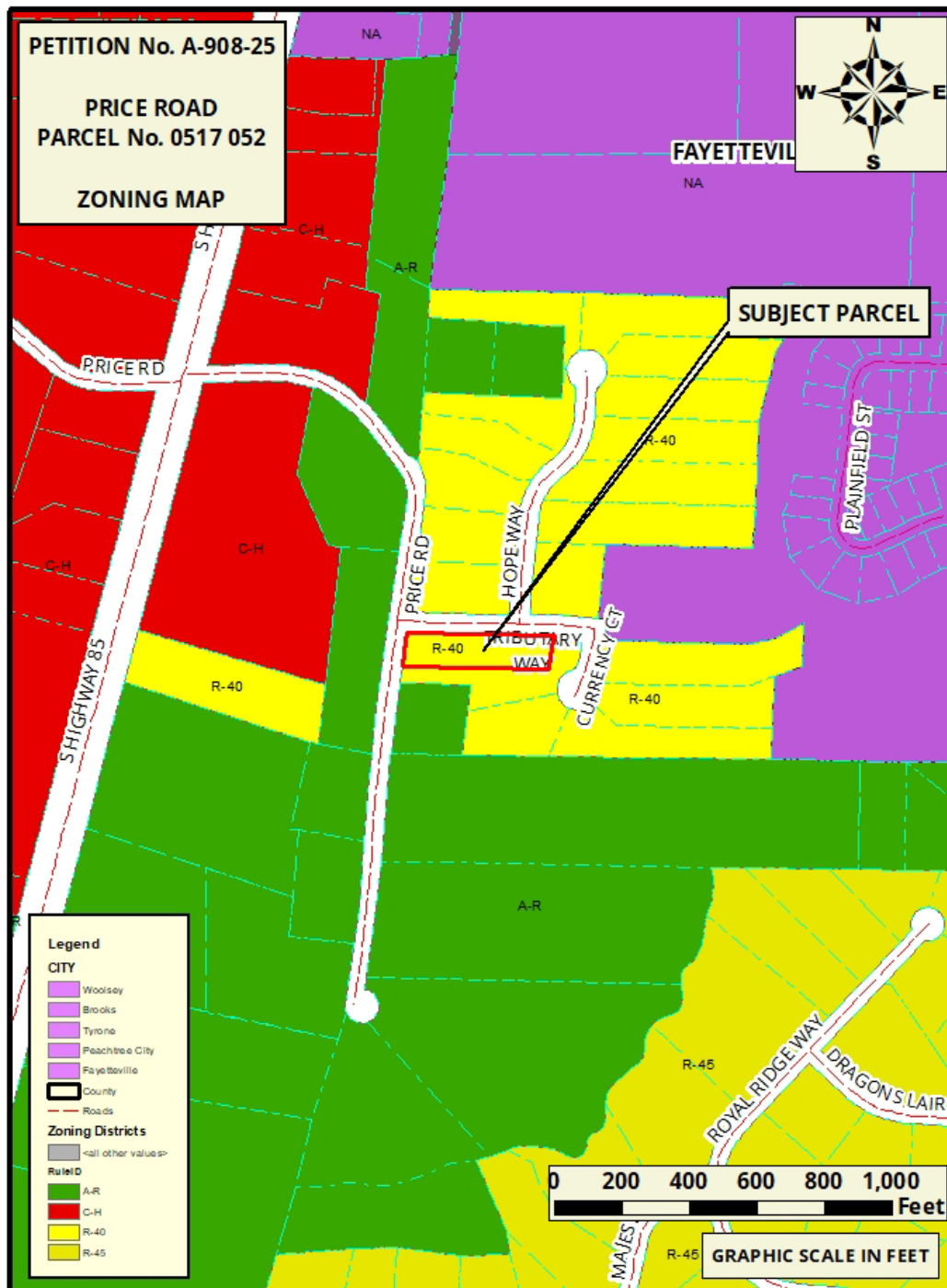
(d) Dimensional requirements. The minimum dimensional requirements in the R-40 zoning district shall be as follows:

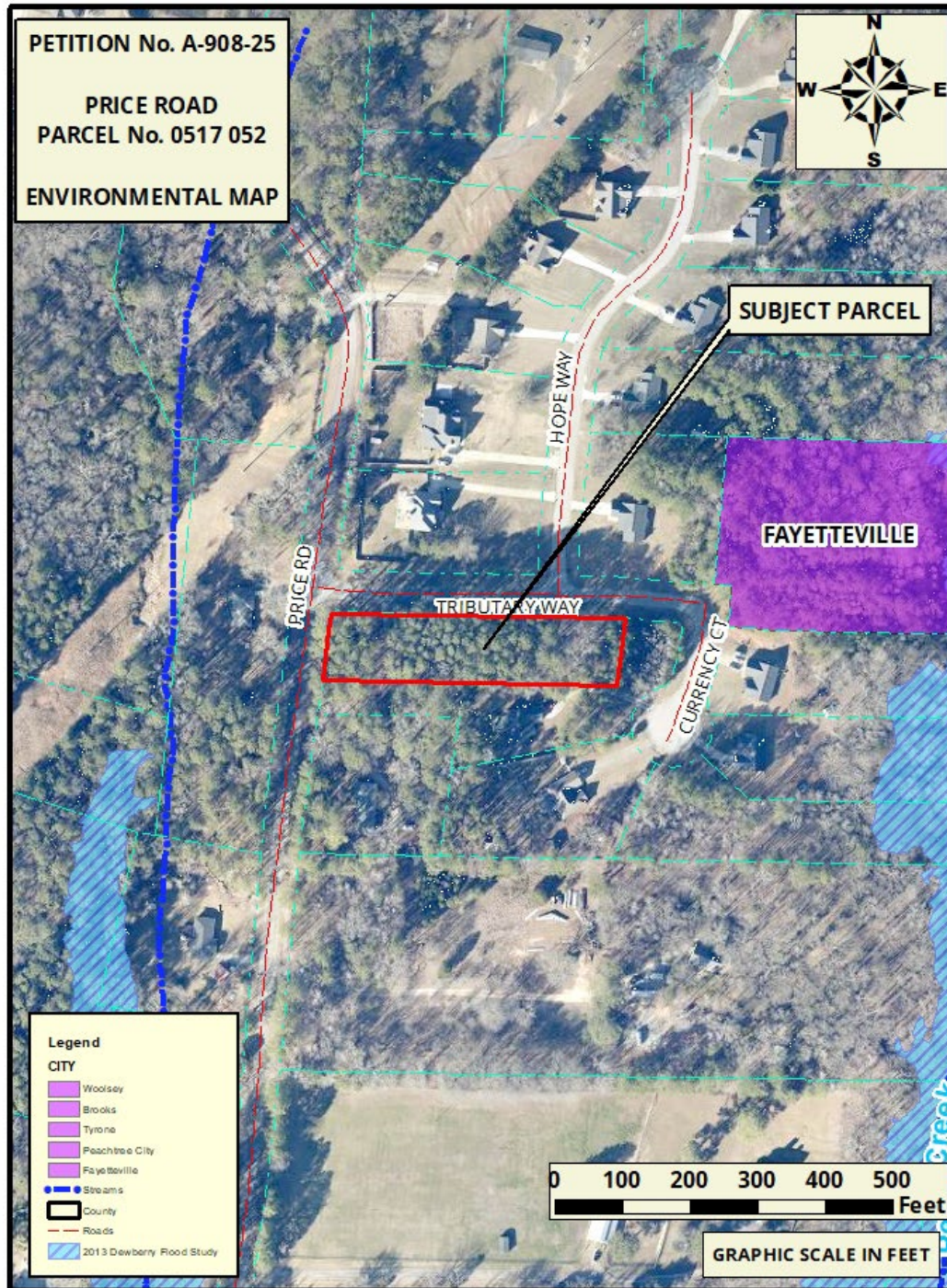
- (1) Lot area: 43,560 square feet (one acre).
- (2) Lot width: 125 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 - 1. Arterial: 60 feet.
 - 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.

DEPARTMENTAL COMMENTS

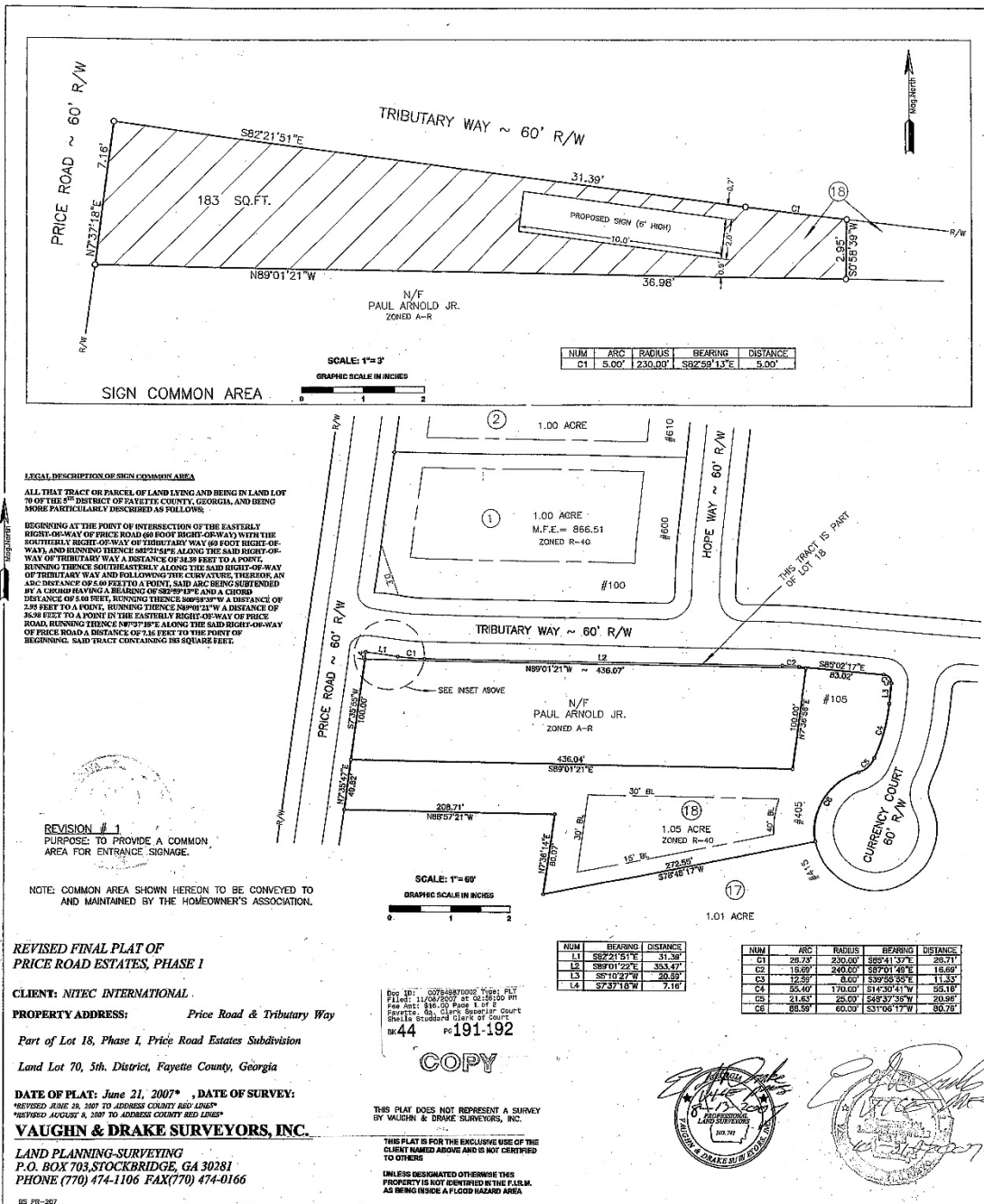
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No objections.
- ☐ **Engineering** – No objections.











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

PROPERTY INFORMATION:

Parcel No. 0517052 Acreage: 43,600 Land Lot: 70 Land District: 5
Address: O. Price rd
Zoning: r-40 Zoning of Surrounding Properties: Residential
Use: _____

PROPERTY OWNER INFORMATION

Name Martha De Leon
Email marthadeleon633@com
Address 204 Peartree Ln
City Riverdale
State Georgia Zip 30274
Phone 678 698 6893

AGENT/DEVELOPER INFORMATION (If not owner)

Name Celia Castillo
Email CeliaCastillo21@gmail.com
Address 204 Peartree Ln.
City Riverdale
State GA Zip 30274
Phone 678 698 6893

PETITION NUMBER: A-908-25 (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: Maria Binns Date: _____

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

Received payment from Martha De Leon 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 _____ Receipt Number: # 025377

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:

Martha De Leon and Juan Castillo

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0517052

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 70 of the 5th District, and (if applicable to more than one land district) Land Lot(s) _____ of the District, and said property consists of a total of 1 acre acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Signature Martha De Leon

Name: Martha De Leon

Address: 204 Peartree Ln

City/State/Zip: Riverdale Ga 30274

Date: 10-6-25

Owner/
Agent
One:

Notary:

Deborah M Sims (seal)

Commission Expires 1/5/2027

NOTARY PUBLIC

Coweta County, GEORGIA

My Commission Expires 01/05/2027

Signature Juan Castillo

Name: Juan Castillo

Address: 204 Peartree Ln

City/State/Zip: Riverdale Ga 30274

Date: 10-7-25

Owner/
Agent
Two:

Notary:

Maria Teresa Binns (seal)

Commission Expires: May 05, 2026

NOTARY PUBLIC

Coweta County, GEORGIA

Signature Celia J. Castillo

Name: Celia J. Castillo

Address: 204 Peartree Ln.

City/State/Zip: Riverdale, GA 30274

Date: 10/06/2025

Owner/
Agent
Three:

Notary:

Maria Teresa Binns (seal)

Commission Expires: May 05, 2026

NOTARY PUBLIC

Coweta County, GEORGIA

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	Variance to Sec. 110-137.R-40(d)(b) to
Requirement	reduce the lot width from 125 feet to
Proposed Change	100 feet to allowed a new house to be build.
Variance Amount	25 feet

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.

By reducing the lot width I will be able to build a home.

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.

It's a empty lot, if variance not approved will be not use for it.

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

IF the lot width reduction cannot be approved, we won't be able to build our house.

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

the lot was left by itself from the subdivision behind and we would like to have our primary home there.

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.

It will not, you will have a tax payer occupying that empty lot.

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

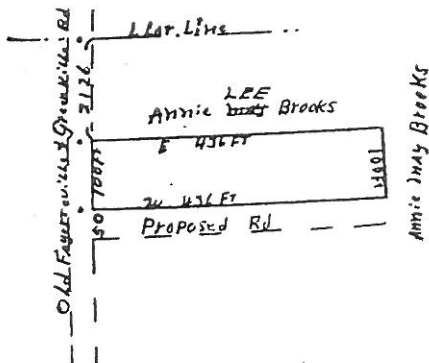
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. _____ Location and size of existing structures (principal and accessory) and improvements on the parcel, including type (residential or non-residential), floor area, and accessory uses. Structures proposed to be removed must be indicated and labeled as such.
 - b. _____ Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. _____ Location of exits/entrances to the subject property.
 - d. _____ Location of all existing and proposed easements and streets on or adjacent to the subject property, indicating width of existing and proposed easements, width of right-of-way, and centerline of streets.
 - e. _____ Location of all utilities, including well or water lines.
 - f. _____ Location of septic tank, drainfield, and drainfield replacement area.
 - g. _____ Location and elevation of the 100-year flood plain and watershed protection buffers and setbacks (if applicable).
 - h. _____ Location of on-site stormwater facilities to include detention or retention facilities (if applicable).
 - i. _____ Parking locations, number of parking spaces, and parking bay and aisle dimensions (if applicable).
 - j. _____ Location of landscaped areas, buffers, or tree save areas (if applicable).
- ☐ Application filing fee.

PLANNING AND ZONING STAFF INFORMATION BELOW

Staff Reviewed By	Requirements	Proposed
Name:	Lot Size:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



Lot width - 125'
 Front yard setback - 40'
 Side Yard - 15'
 Rear Yard - 30'

SECTION
 COUNTY FAYETTE
 CITY
 SURVEY FOR Joe + Ruby Thompson
 PROPERTY OF Annie May Brooks
 LAND DES. 5TH LAND LOT NO. 70
 SCALE 1" = 100 FT. DATE 8-19-1969
 LEE ENGINEERING CO.
 C. E. LEE, SURVEYOR, REG. 1073

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

Recorded 8-22-1969 by a. Ballard Clerk

A-R / rezone to R-40
 LOR - 1 Acre

Price Rd - Estates

ALTA OWNER'S POLICY OF TITLE INSURANCE

SCHEDULE C

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Name and Address of Title Insurance Company:
Stewart Title Guaranty Company
1980 Post Oak Blvd, Suite 800
Houston, TX 77056

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 70 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA ACCORDING TO PLAT OF SURVEY OF THE PROPERTY OF JOE AND RUBY THOMPSON DATED 8-19-69, PREPARED BY LEE ENGINEERING COMPANY, RECORDED IN PLAT BOOK 5, PAGE 89, FAYETTE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT A POINT OF BEGINNING HEREOF, START AT A POINT ON THE EAST SIDE OF THE OLD FAYETTEVILLE AND GREENVILLE ROAD AND THE NORTH LINE OF SAID LAND LOT 70, GO THENCE SOUTH ALONG THE EAST SIDE OF SAID OLD FAYETTEVILLE AND GREENVILLE ROAD A DISTANCE OF 2126 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING; THENCE RUNNING EAST A DISTANCE OF 436 FEET TO A POINT; THENCE RUNNING SOUTH 100 FEET TO A POINT; THENCE RUNNING WEST 436 FEET TO A POINT ON THE EAST SIDE OF THE SAID OLD FAYETTEVILLE-GREENVILLE ROAD; THENCE RUNNING NORTH ALONG THE EAST SIDE OF SAID OLD FAYETTEVILLE-GREENVILLE ROAD A DISTANCE OF 100 FEET BACK TO THE POINT OF BEGINNING.

File No.: 22-0436-JEN
ALTA Owner's Policy (6/17/06) -- Schedule C

OLD FAYETTEVILLE-GREENVILLE ROAD A DISTANCE OF 100 FEET BACK TO THE POINT OF BEGINNING.



Doc ID: 01151/390002 Type: ESTD
Recorded: 04/13/2022 at 09:20:00 AM
Fee Amt: \$62.00 Page 1 of 2
Transfer Tax: \$37.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK 5481 PG 114-115

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

TAX PARCEL ID: 0517 052

Order.No.: 22-0436-JEN

ADMINISTRATOR'S DEED

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made the 6th day of April, 2022, between **ELIZABETH RINGER ARNOLD**, as administrator of the estate of **PAUL ARNOLD, JR**, deceased, hereinafter called Grantor, and **MARTHA DELEON** and **JUAN CASTILLO SANCHEZ**, hereinafter called Grantee, as joint tenants with right of survivorship and not as tenants in common.

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 purchase price hereinafter set forth 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 70 OF THE 5TH DISTRICT OF FAYETTE COUNTY, GEORGIA ACCORDING TO PLAT OF SURVEY OF THE PROPERTY OF JOE AND RUBY THOMPSON DATED 8-19-69, PREPARED BY LEE ENGINEERING COMPANY, RECORDED IN PLAT BOOK 5, PAGE 89, FAYETTE COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO ARRIVE AT A POINT OF BEGINNING HEREOF, START AT A POINT ON THE EAST SIDE OF THE OLD FAYETTEVILLE AND GREENVILLE ROAD AND THE NORTH LINE OF SAID LAND LOT 70, GO THENCE SOUTH ALONG THE EAST SIDE OF SAID OLD FAYETTEVILLE AND GREENVILLE ROAD A DISTANCE OF 2126 FEET TO A POINT, WHICH IS THE POINT OF BEGINNING; THENCE RUNNING EAST A DISTANCE OF 436 FEET TO A POINT; THENCE RUNNING SOUTH 100 FEET TO A POINT; THENCE RUNNING WEST 436 FEET TO A POINT ON THE EAST SIDE OF THE SAID OLD FAYETTEVILLE-GREENVILLE ROAD; THENCE RUNNING NORTH ALONG THE EAST SIDE OF SAID OLD FAYETTEVILLE-GREENVILLE ROAD A DISTANCE OF 100 FEET BACK TO THE POINT OF BEGINNING.

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

TAX PARCEL ID: 0517 052

Order.No.: 22-0436-JEN

STATE OF GEORGIA
COUNTY OF FAYETTE



Doc ID: 011517400001 Type: OCD
Recorded: 04/13/2022 at 09:20:00 AM
Fee Amt: \$25.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **5481** PG **116**

QUIT CLAIM DEED

THIS INDENTURE, made the 6th day of April, 2022, by and between

ELIZABETH RINGER ARNOLD, AS ADMINISTRATOR OF THE ESTATE OF PAUL ARNOLD, JR.

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

MARTHA DELEON and JUAN CASTILLO SANCHEZ

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" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledge, by these presents does hereby remise, convey and forever QUITCLAIM unto each said grantee interest in and to the following property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 70 OF THE 5TH DISTRICT, FAYETTE COUNTY, GEORGIA, BEING THAT CERTAIN LOT SET OUT ON SAID SURVEY AS "N/F" PAUL ARNOLD, JR". PREPARED BY ED DRAKE, GEORGIA RLS NO. 741, OF VAUGHN & DRAKE SURVEYORS, INC. DATED JUNE 21, 2007 AND RECORDED IN PLAT BOOK 44, PAGE 192, FAYETTE COUNTY RECORDS, WHICH PLAT IS HEREBY INCORPORATED AND MADE A PART HEREOF BY REFERENCE.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

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

Signed this 6th day of April, 2022 in the presence of:

Unofficial Witness

Notary Public

My Commission Expires:

[Notary Seal]



Elizabeth Ringer Arnold (SEAL)
**ELIZABETH RINGER ARNOLD, AS
ADMINISTRATOR OF THE ESTATE OF PAUL
ARNOLD, JR.**

Wednesday, October 29, 2025

Continued from page B2

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, No-
vember 24, 2025, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-908-25

Owner: Martha DeLeon and Juan
Castillo Sanchez

Agent: Celia Castillo

Property Address: Corner of Tribu-
tary Way and Price Road

Parcel: 0517 052

Zoning District: R-40

Area of Property: 1 acre

Land Lot(s): 70

District: 5th

Road Frontage: Corner of Tribu-
tary Way and Price Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
137, In

the R-40 zoning, to reduce the lot
width from 125 feet to 100 feet
to allow a primary residence to be
built.

Legal Description

ALL THAT TRACT OR PARCEL
OF LAND LYING AND BEING IN
LAND LOT 70 OF THE 5TH DIS-
TRICT OF FAYETTE COUNTY,
GEORGIA ACCORDING TO PLAT
OF SURVEY OF THE PROPERTY
OF JOE AND RUBY THOMPSON
DATED 8-19-69, PREPARED BY
LEE ENGINEERING COMPA-
NY, RECORDED IN PLAT BOOK
5, PAGE 89, FAYETTE COUNTY
RECORDS AND BEING MORE
PARTICULARLY DESCRIBED
AS FOLLOWS: TO ARRIVE AT A
POINT OF BEGINNING HERE-
OF, START AT A POINT ON THE
EAST SIDE OF THE OLD FAY-
ETTEVILLE AND GREENVILLE
ROAD AND THE NORTH LINE OF
SAID LAND LOT 70, GO THENCE
SOUTH ALONG THE EAST SIDE
OF SAID OLD FAYETTEVILLE
AND GREENVILLE ROAD A

Legals continued page B4

Fayette County News B3

Continued from page B3

DISTANCE OF 2126 FEET TO A
POINT, WHICH IS THE POINT
OF BEGINNING; THENCE RUN-
NING EAST A DISTANCE OF
436 FEET TO A POINT; THENCE
RUNNING SOUTH 100 FEET TO
A POINT; THENCE RUNNING
WEST 436 FEET TO A POINT ON
THE EAST SIDE OF THE SAID
OLD FAYETTEVILLE-GREEN-
VILLE ROAD; THENCE RUN-
NING NORTH ALONG THE EAST
SIDE OF SAID OLD FAYETTE-
VILLE-GREENVILLE ROAD A
DISTANCE OF 100 FEET BACK
TO THE POINT OF BEGINNING.

10/22/29

AD RAN DIGITALLY ONLINE
AND GPN 10/22/25 AND PRINT/
DIGITAL

10/29/25

PETITION NO: A-909-25

Requested Actions: Variance to Sec. 110-137.(d)(6). – R-40 Requesting a variance to reduce the side yard setback from 15' to 14.6', to allow an existing structure to remain.

Location: 163 Hickory Rd., Fayetteville, Georgia 30214

Parcel(s): 053603021

District/Land Lot(s): 5th District, Land Lot 189

Zoning: R-40, Single-Family Residential

Lot Size: 1.185 acres

Owner(s): Zackeri James Richardson and Louis R. Richardson

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137.(d)(6), Side yard setback in the R-40 Zoning District is required to be 15 feet. The applicant requests to reduce the setback to 14.6 feet, to allow an existing accessory structure to remain.

STAFF ASSESSMENT

The structure is an 1800 square foot garage constructed on a slab at the end of the construction process. The resulting encroachment was determined when the surveyor prepared a foundation survey. The encroachment is minor and it seems unlikely that it will pose any problems for neighboring properties.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

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;**
The request is due to a minor error in measurement.
- 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; provided, however, no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance; and**
The encroachment of the building is not likely to have an adverse impact on the neighbors.
- 5. A literal interpretation of this Ordinance would deprive the applicant of any rights that others in the same District are allowed; and,**
The applicant will continue to have the same rights as all other residents in this zoning district.

HISTORY

This parcel is a legal lot of record documented on a plat recorded in Plat Book 7, Page 106 in 1973. The property was zoned R-40 as part of the original county zoning ordinances.

ZONING REQUIREMENTS

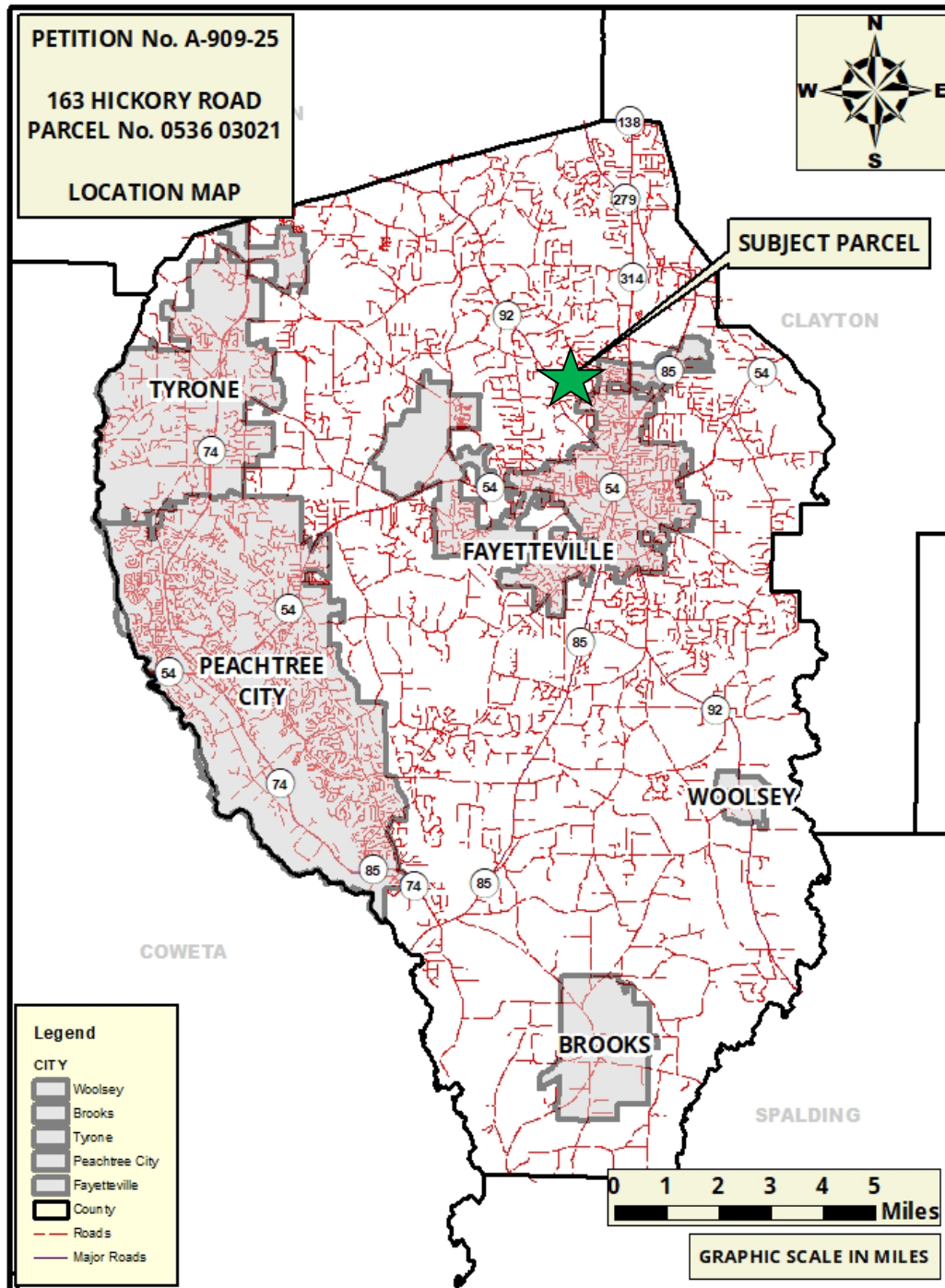
Sec. 110-137. – R-40, Single-Family Residential District.

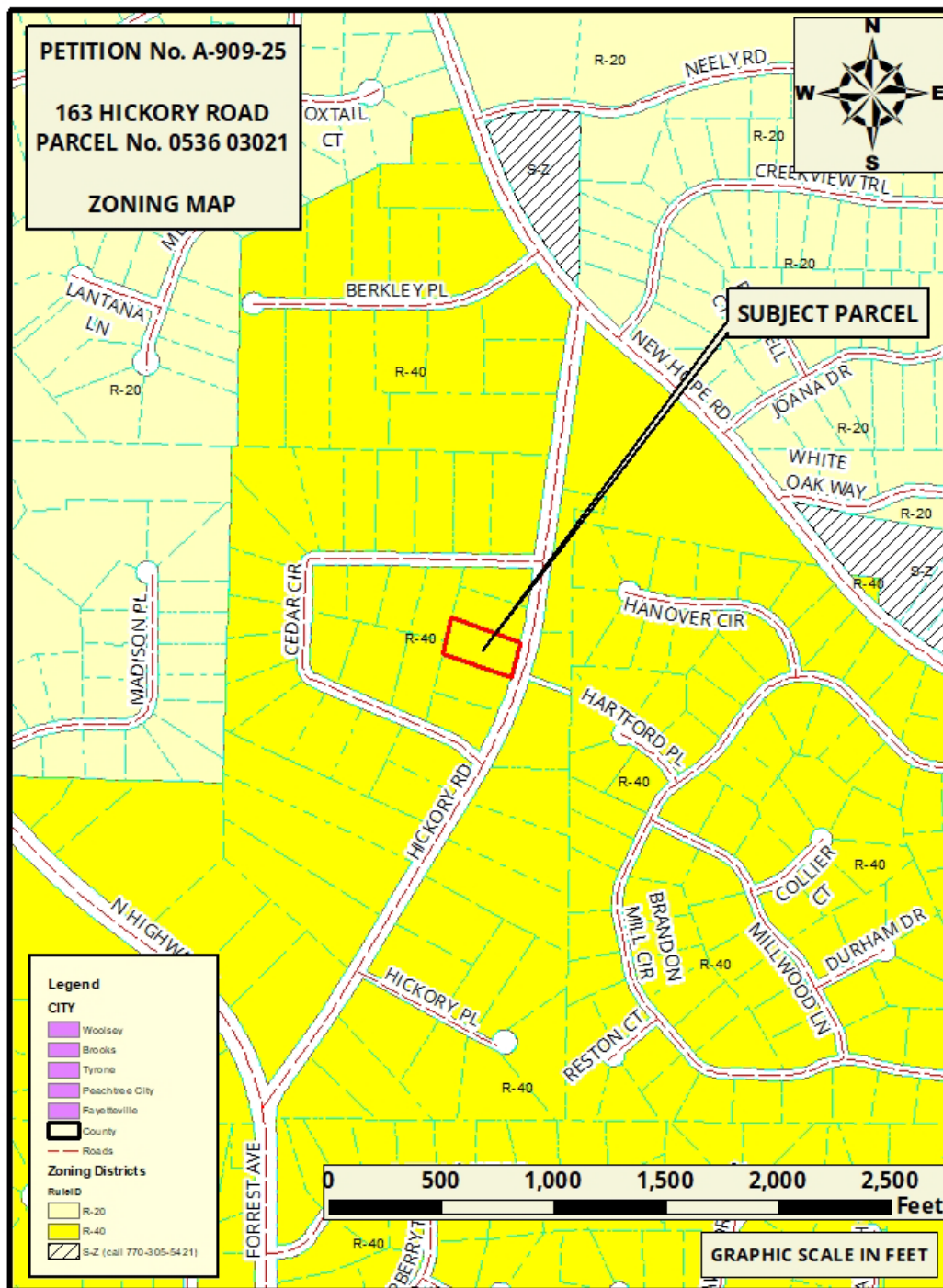
(d) Dimensional requirements. The minimum dimensional requirements in the R-40 zoning district shall be as follows:

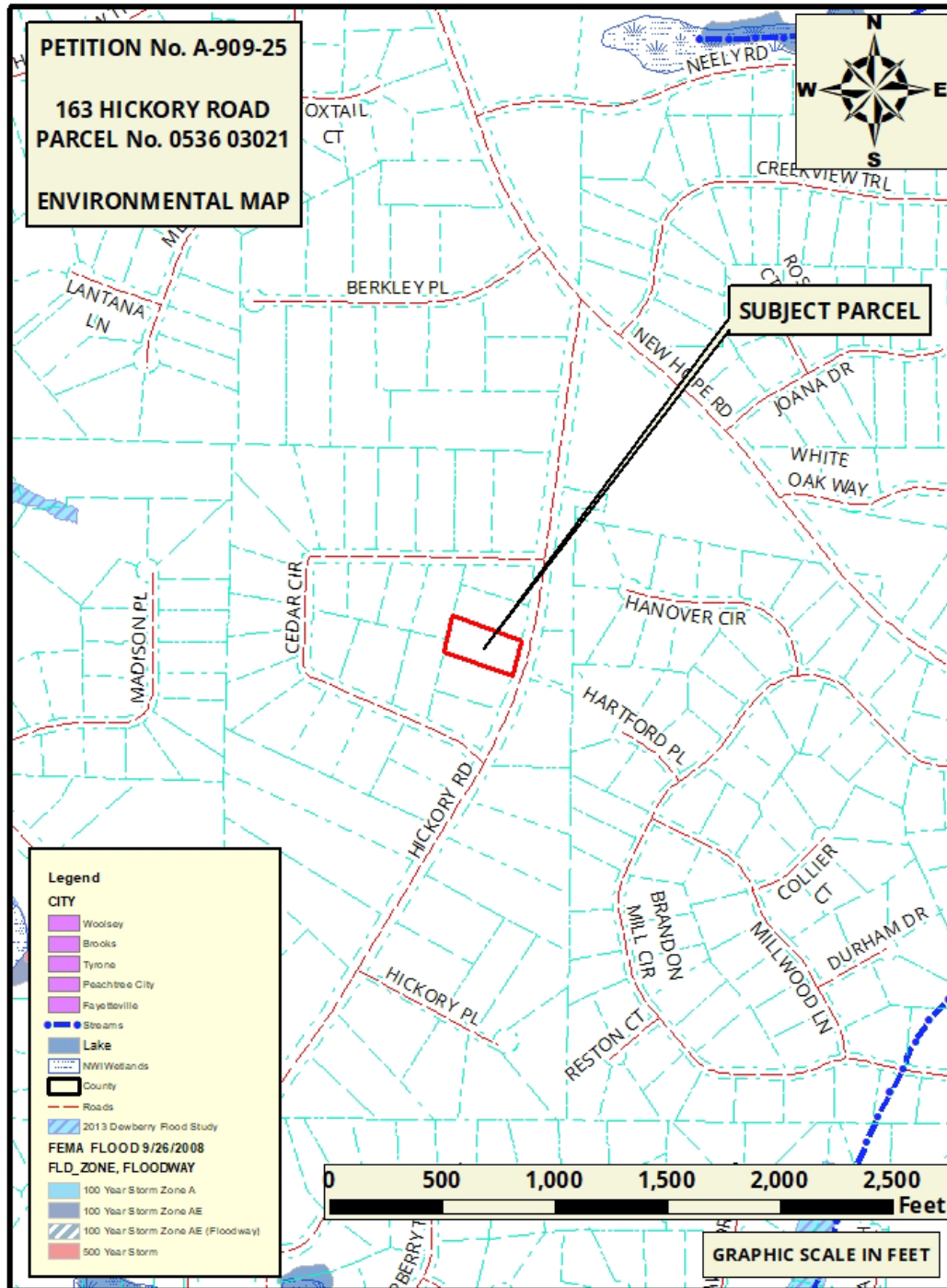
- (1) Lot area: 43,560 square feet (one acre).
- (2) Lot width: 125 feet.
- (3) Floor area: 1,500 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 60 feet.
 2. Collector: 60 feet.
 - b. Minor thoroughfare: 40 feet.
- (5) Rear yard setback: 30 feet.
- (6) Side yard setback: 15 feet.

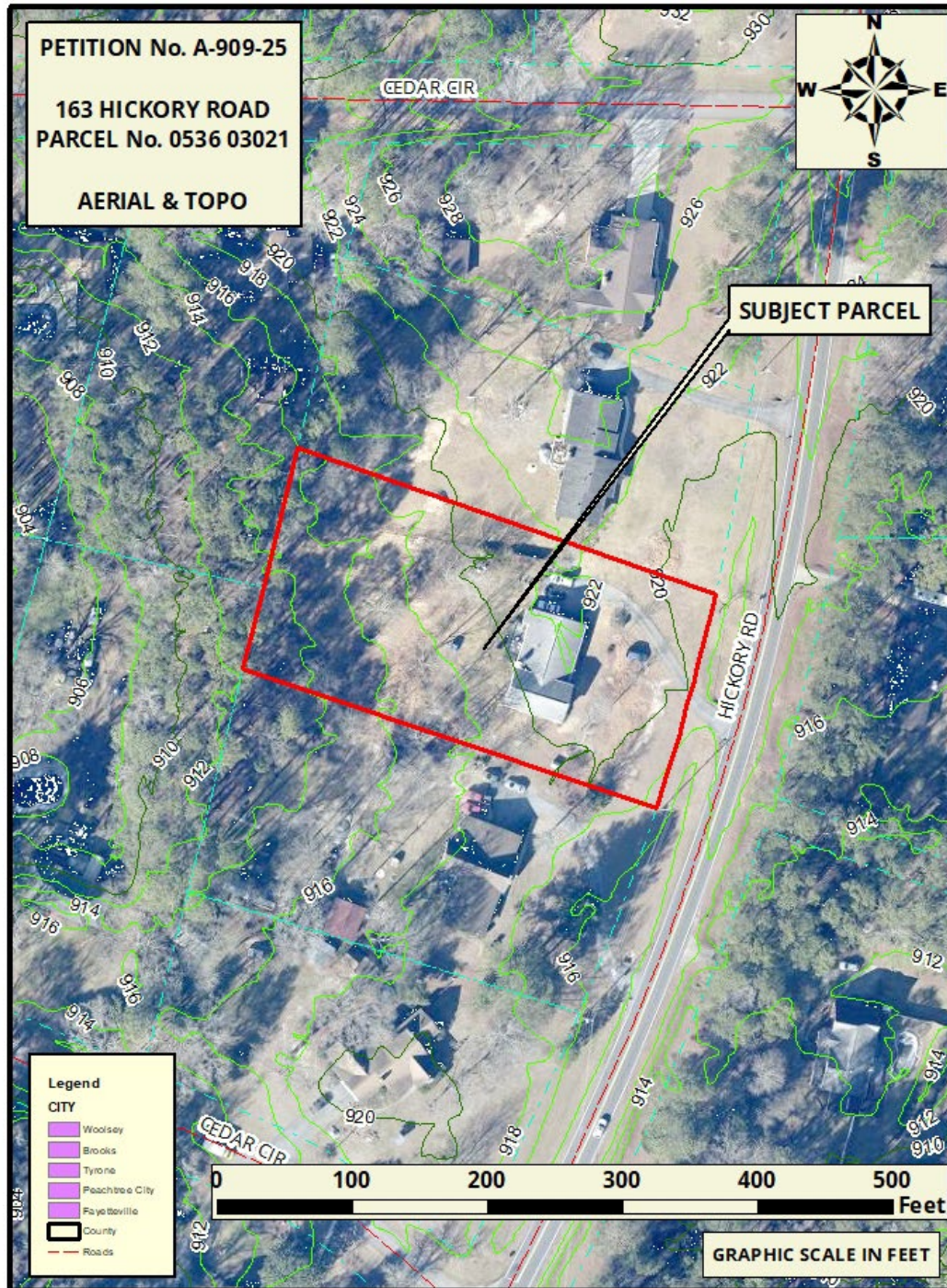
DEPARTMENTAL COMMENTS

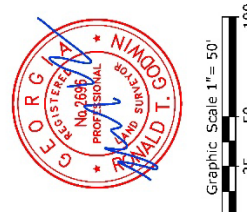
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No comment.











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

PROPERTY INFORMATION:

Parcel No. 053603021 Acreage: 1.185 Land Lot: 189 Land District: 5th
Address: 163 Hickory Road, Fayetteville, GA 30214
Zoning: R-40 Zoning of Surrounding Properties: R-40
Use: Single Family Residence

PROPERTY OWNER INFORMATION

Name Zackeri James Richardson & Louis R. Richardson
Email Swertiej19332@gmail.com
Address 163 Hickory Rd.
City Fayetteville
State GA Zip 30214
Phone (917)215-0466

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-909-25

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: _____ Date: _____

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from Zackeri James ^{cc} ~~a check~~ in the amount of \$ ~~1900~~ 175⁰⁰

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

Date Paid 9/18/2025

Receipt Number: _____

Miscpz - 09-2025-090363

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:

Zackeri James and Louis Richardson

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: ~~053663021~~ 053663021

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 109 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 1.185 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

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

SIGNATURES

Owner/

Agent

One:

Signature Zackeri James

Name: Zackeri James

Address: 163 Hickory Rd.

City/State/Zip: Fayetteville, GA 30214

Date: 9-18-25

Phone: 917-215-0464

Email: SWERTICJ19332@gmail.com

Signature Zackeri James

Name: L. Richardson

Address: 163 Hickory Rd.

City/State/Zip: Fayetteville, GA 30214

Date: 9-18-25

Phone: 917-215-0464

Email: SWERTICJ19332@gmail.com

Signature L. Richardson

Name: _____

Address: _____

City/State/Zip: _____

Date: _____

Phone: _____

Email: _____

Notary: Maria Teresa Binns

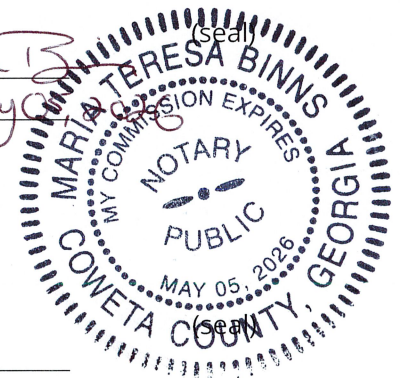
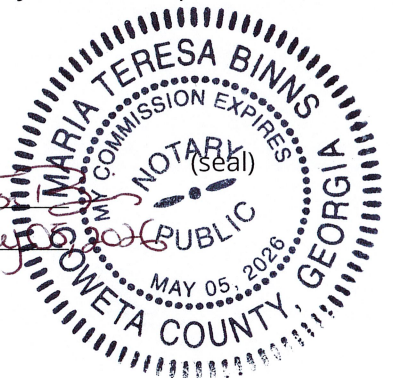
Commission Exp.: May 05, 2026

Notary: Maria Teresa Binns

Commission Exp.: May 05, 2026

Notary: _____

Commission Exp.: _____



VARIANCE INFORMATION

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

Ordinance/Section	Sec. 110-137(d)(6)
Requirement	Side yard setback: 15 feet
Proposed Change	Side yard setback: 14.6 feet
Variance Amount	0.4'

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

JUSTIFICATION OF REQUEST

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

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

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

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

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

Minor encroachment into setback

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
- ☐ A letter from the ownership of the homeowners' association (HOA) in a residential subdivision, or a property owner's association (POA) or developer/property management entity in a nonresidential subdivision, approving the petition application
- ☐ 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. 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: Deborah Sims	Lot Size: 1.185	
Lot: 3	Width at Building Line: 125'	
Zoning: R-40	Front Setback: 50' per plat	
Flood: Yes/ No MFFE:	Side Setback: 15'	14.6'
Stream Buffers:	Rear Setback: 30'	
Number of Frontages 1	House Size: 1,500 square feet	

Type: WD
Recorded: 10/15/2021 4:48:00 PM
Fee Amt: \$365.00 Page 1 of 3
Transfer Tax: \$340.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

Record and Return to:

Weissman PC
5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

Participant ID: 2979894615

BK 5385 PG 238 - 240

File No.: W-23153-21-PC

Parcel ID: 053603021

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 12th day of October, 2021 by and between **Nour M. Rabai**, as party or parties of the first part, hereinafter called Grantor, and **Zackeri James**, 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 DOLLARS AND NO/100 (\$10.00) AND OTHER 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, the following described property, to-wit:

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

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said 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, only to the 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 claiming by, through, or under Grantor herein.

IN WITNESS WHEREOF, the Grantor has signed and sealed this Deed, on the date and year above written.

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Nour M. Rabai

(Seal)

Notary Public

My Commission Expires:

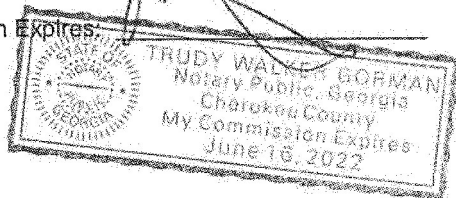


EXHIBIT "A"

File No.: W-23153-21-PC

All that tract or parcel of land lying and being in Land Lot 189 of the 5th District, Fayette County, Georgia, being Lot 3, Block 201 of Hickory Acres Subdivision, as per plat thereof recorded in Plat Book 7, Page 106, Fayette County, Georgia Records. which recorded plat is incorporated herein by reference and made a part of this description.

Minimum Dimensional Zoning Requirements:

R-40 Zoning district

- Minimum lot width at front setback line = 150' (Arterial & Collector) - 125' (Minor)
- Minimum floor area of house = 1,500 Sq. Ft.
- Minimum lot size = (1 Acres) 43,560 Sq. Ft.
- Front yard = 60' (Arterial) - 60' (Collector) - 40' (Local)
- Side yard = 15'
- Rear yard = 30'
- Maximum height of structure = 35'

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	166.28'	1538.19'	S15° 23' 41"W	166.20'

Grid North

Legend

- OTP=Open Top Pipe
- RBF=Rebar Found
- RBS=Rebar Set
- $\frac{3}{4}$ "=Right of Way
- CTP= Crimped Top Pipe
- P.O.B.=Point of Beginning
- P.O.C.=Point of Commencement
- $\frac{5}{8}$ "=Edge of Pavement
- $\frac{1}{4}$ "=Centerline
- B/L=Building Line
- D.E.=Drainage Easement
- N/F=Now or Formerly
- F.W.P.D.=Field Work Performed Date
- X =Gas Valve
- O =Water Meter
- U =Utility Pole
- G =Guy Wire
- D =Drop Inlet
- F =Fire Hydrant
- L =Light Pole
- X —=Fence
- O =Drainage Manhole
- S =Sanitary Sewer Manhole
- OHE=Over Head Electric Line
- Δ = Benchmark
- Δ = Calculated Corner
- $\square$ = Concrete Monument
- $\bigcirc$ = Property Corner

Closure Data

- Field Closure = N/A
- Angle Point Error = N/A
- Equipment Used = Carlson BRx7 GPS System
- Adjustment Method = N/A
- Plat Closure = 1' in 233,554+

- In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0101E.

- The field data upon which this survey was performed is based upon GPS observations which were established using Carlson BRx7 multi-frequency receiver using real time kinematic observations. The relative positional accuracy achieved is better than 0.07 feet per observation point.

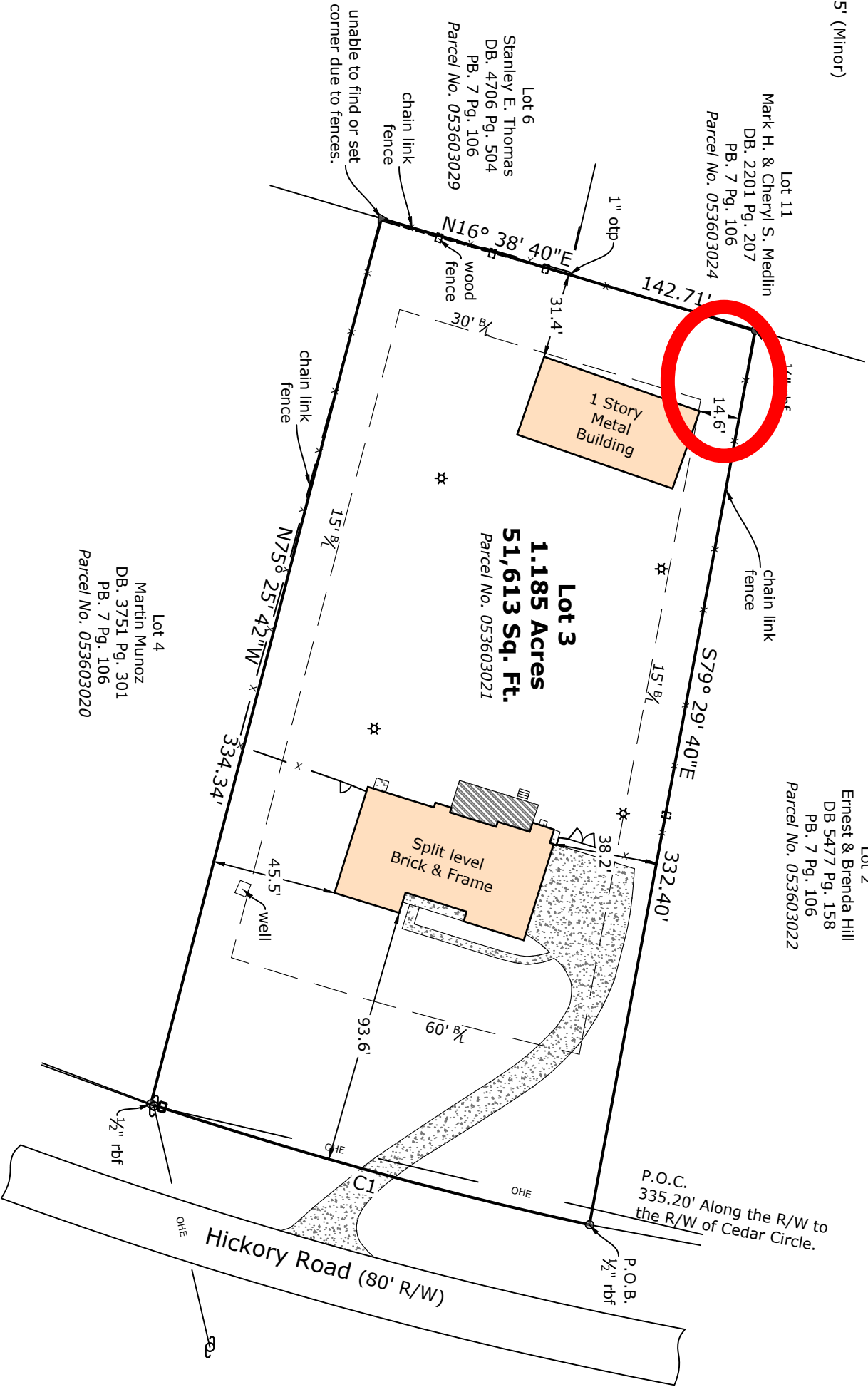
- This survey basis for directions shown hereon are Grid North as defined by NAD 83 and NAVD 88, Georgia West Zone and determined through RTK-GPS methods utilizing eGPS Solutions VRS Network

- This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded.

- Integrated Science & Engineering has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Integrated Science & Engineering assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.

- There was nothing on adjoiners property located because permission was not given or obtained. Georgia DOES NOT have a Right of Entry Law for Surveyors.

- Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.



The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and(11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

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 RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67

By:  License NO. 2696 Date 09/16/2025

GA R.L.S. Ronald T. Godwin

2696

09/16/2025



Prepared For:

Zackeri & Louis E. Richardson

Subdivision: Hickory Acres

Address: 163 Hickory Road

Lot: 3 Land Lot: 189 District: 5th County: Fayette County, Georgia

Scale: 1" = 50' F.W.P.D.: 09/08/25 Date: 09/16/2025 Drawn By: JCB Job No: 1752.25-106

Plat/Deed Book DB. 5385 PB. 7

Page:

255-257 106



INTEGRATED
Science &
Engineering

1039 Sullivan Road
Suite 200
Newnan, GA 30265
678.552.2106
COA No. LSF000136
Exp. 06/30/2026

Wednesday, October 29, 2025

Continued from page B2

**PETITIONS FOR
VARIANCE(S)/ADMINIS-
TRATIVE APPEAL(S)/
ON CERTAIN PROPERTIES IN
UNINCORPORATED
AREA OF
FAYETTE COUNTY, GEOR-
GIA**

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

Petition No.: A-909-25
Owner: Zackeri James
Property Address: 163 Hickory Road

Parcel: 0053603 021
Zoning District: R-40
Area of Property: 1.185 acres
Land Lot(s): 189

District: 5th
Road Frontage: Hickory Road
Request: Applicant is requesting the following: Variance to Sec. 110- 136(d)(6), to reduce the side yard setback from 15 feet to 14 feet to allow a new accessory structure to encroach into the side yard setback.

Exhibit "A"

File No.: W-23153-21-PC
All that tract or parcel of land lying and being in Land Lot 189 of the 5th District, Fayette County, Georgia, being Lot 3, Block 201 of Hickory Acres Subdivision, as per plat thereof recorded in Plat Book 7, Page 106, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description.

10/22

Fayette County News **B3**

**PETITIONS FOR
VARIANCE(S)/ADMINIS-
TRATIVE APPEAL(S)/
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10/22,29

AD RAN DIGITALLY 10/22/25
and PRINT AND DIGITALLY
10/29/25

PETITION NO: A-910-25

Requested Actions: 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 3.94 acres to be eligible for development.

Location: 101 Hills Bridge Rd, Fayetteville, Georgia 30215

Parcel(s): 0447 005

District/Land Lot(s): 4th District, Land Lot(s) 247

Zoning: A-R, Agricultural-Residential

Lot Size: 3.94 Acres

Owner(s): Amanda McFarlin Scarbrough

Agent: Sean J. Murphy

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125.(d)(1), A-R, to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 3.94 acres to be eligible for development. The variance amount is 1.06 acres.

STAFF ASSESSMENT

It is staff's opinion that this parcel meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The lot is a legal nonconforming lot. It has 3.94 acres, which is less than the required 5.0 acres in the A-R zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The 4.2 acre lot was created by a survey recorded in Plat Book 10, Pages 68, on October 26, 1977, and a deed recorded in Deed Book 456, Page 341 on July 8, 1987.
- The lot was reduced to 3.94 acres following right-of-way dedication dated April 30, 1998, recorded in Deed Book 1244, Page 256.
- The original house was demolished in 2019, making this an undeveloped, nonconforming lot.
- The variance is necessary for the owners to be able to obtain a building permit for their house.

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 4.2 acre lot was created by a survey recorded in Plat Book 10, Pages 68, on October 26, 1977 and a deed recorded in Deed Book 456, Page 341 on July 8, 1987. The lot size was reduced in 1998 following dedication of right-of-way in Deed Book 1244, Page 246. The original house was demolished in 1998 making this an undeveloped, nonconforming lot.

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

The owners would not be able to get a building permit without a variance to the lot size or rezoning.

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

The conditions are unique to this parcel, and the property meets the criteria to be considered for the variance.

- 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 variance will not be detrimental to the public good.

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

The applicant would not be able to build a home on this parcel without the variance or rezoning.

HISTORY

This parcel is a legal lot of record documented in a survey recorded in Plat Book 10, Page 68, recorded October 26, 1977 and deed recorded in Deed Book 456 Page 341 on July 8, 1987.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

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

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

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

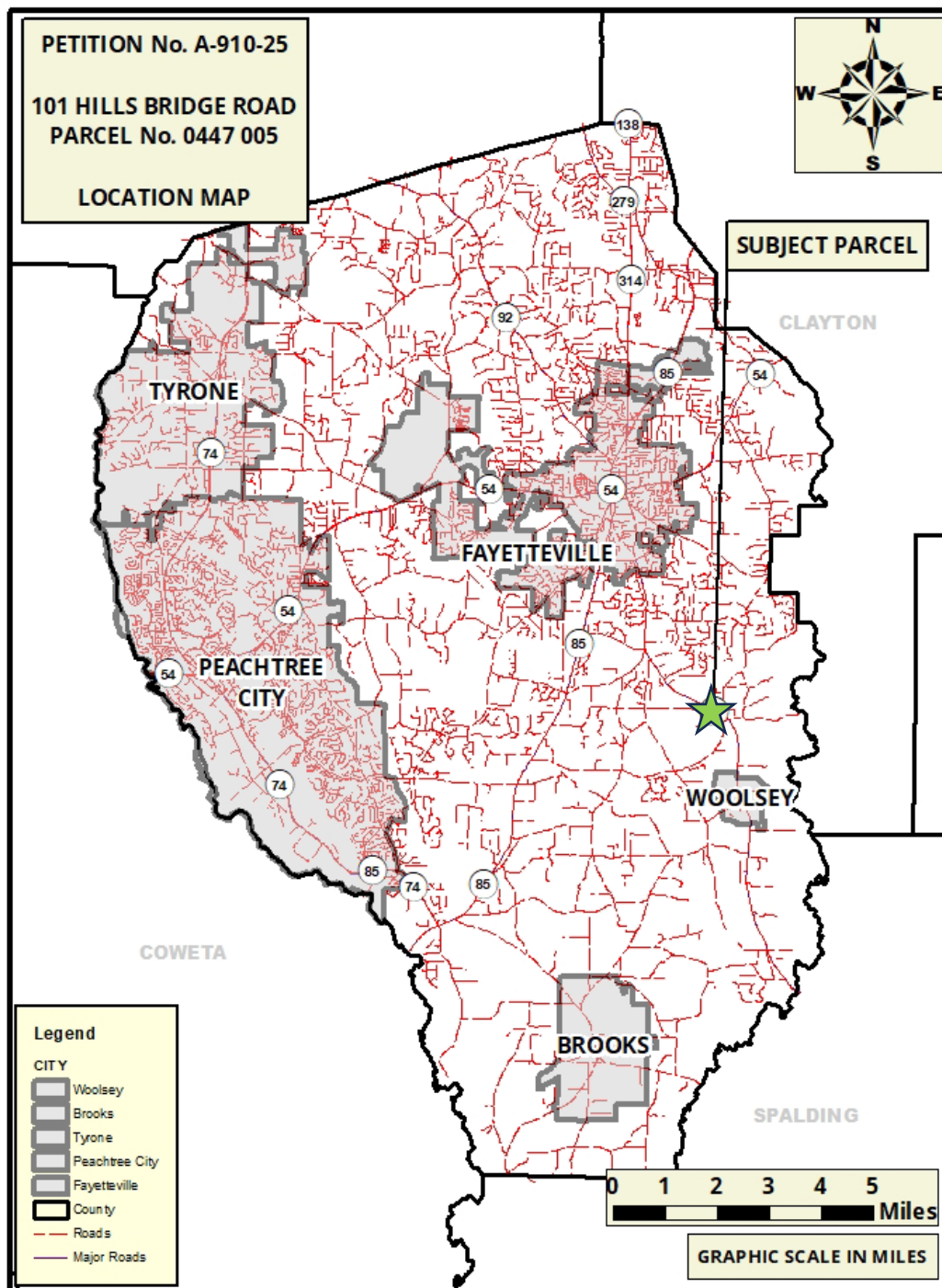
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

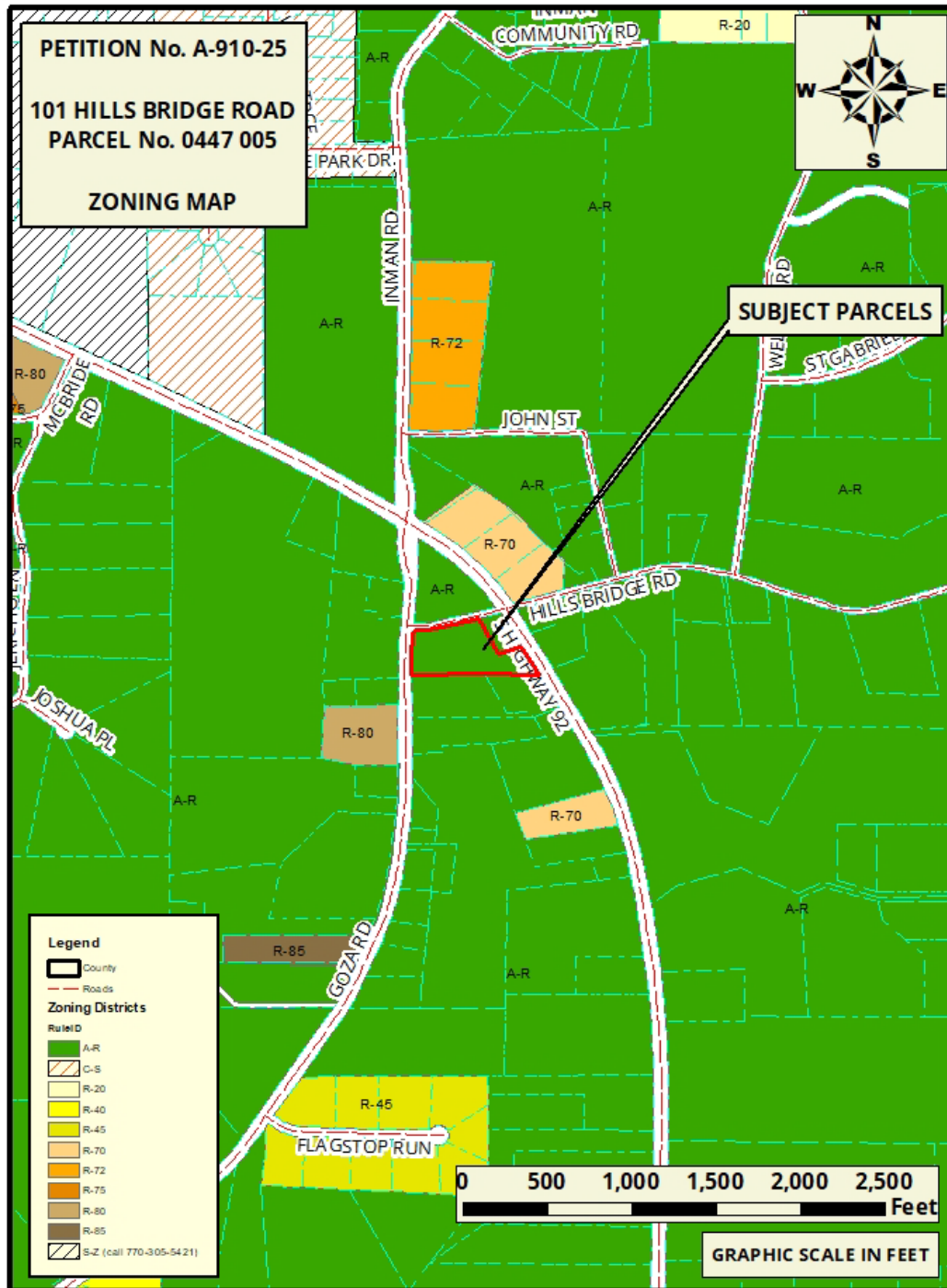
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.

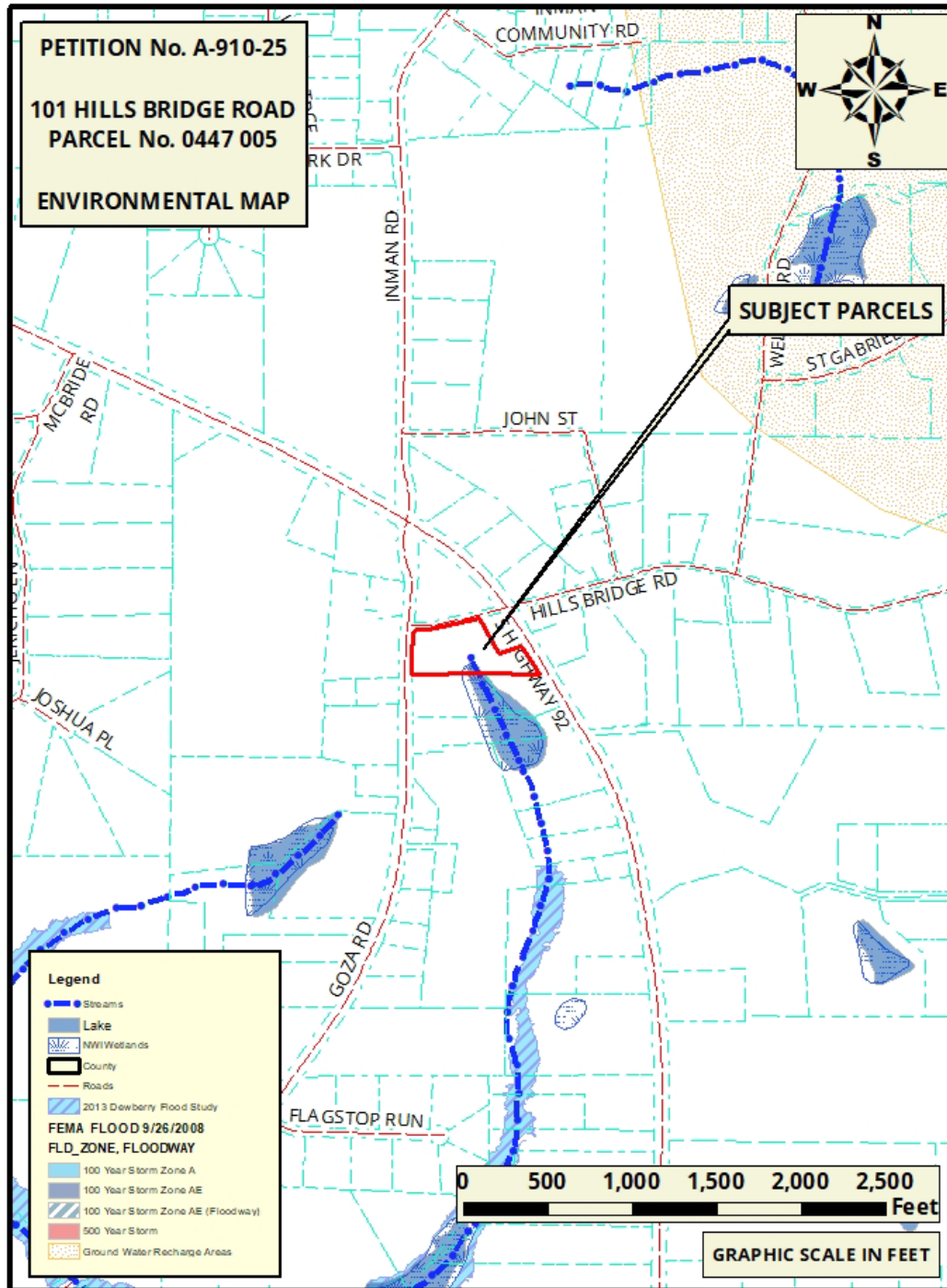
(6) Side yard setback: 50 feet.

DEPARTMENTAL COMMENTS

- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections. State waters determination required.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No comment.









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

PROPERTY INFORMATION:

Parcel No. 0447 005 Acreage: 3.94 Land Lot: 4-247 Land District: 4th
Address: 101 Hills Bridge Rd. Fayetteville, GA 30215
Zoning: A-R Zoning of Surrounding Properties: A-R
Use: Single Family Residential - Vacant

PROPERTY OWNER INFORMATION

Name Amanda McFarlin Scarbrough
Email Amanda@fsscاربrough.com
Address 754 Lawshe Rd.
City Senoia
State Georgia Zip 30276
Phone 678-878-0505

AGENT/DEVELOPER INFORMATION (If not owner)

Name Sean J Murphy
Email smurphy@fsscاربrough.com
Address 3282 Lee St SE
City Smyrna
State Georgia Zip 30080
Phone 770-630-9205

PETITION NUMBER: A-910-25 (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: November 24, 2025

Received payment from Amanda Scarbrough a check in the amount of \$ 175

for application filing fee, and \$ 60.00 for deposit on frame for public hearing sign(s).

Date Paid 09/29/2025 Receipt Number: M15P2-09-25-090423

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:

Amanda McFarlin Scarbrough

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0447 005

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 4-247 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 +/- 3.94 ac acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Sean J Murphy 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.

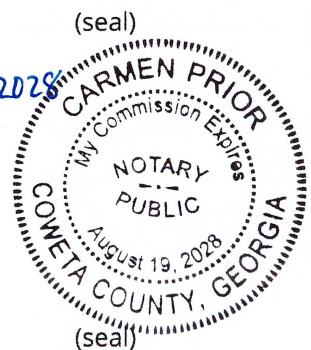
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees 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 *Amanda M. Scarbrough*
Name: Amanda M. Scarbrough
Address: 754 Lawshe Rd
City/State/Zip: Fayetteville / Georgia / 30276
Date: 9/26/2025

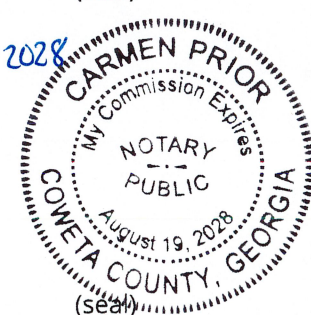
Notary: *Carmen Prior*
Commission Exp.: August 19, 2028



**Owner/
Agent
Two:**

Signature *Sean J. Murphy*
Name: Sean J. Murphy
Address: 3282 Lee St SE
City/State/Zip: Smyrna / Georgia / 30080
Date: 9/26/2025

Notary: *Carmen Prior*
Commission Exp.: August 19, 2028



**Owner/
Agent
Three:**

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

Notary: _____
Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	Article IV District Requirements Sec. 110-125 (d) (1) Lot Area
Requirement	The minimum dimensional requirements in the A-R zoning district shall be as follows: (1) Lot area: 217,800 square feet (five acres).
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.

The applicant requests a variance from Article IV, District Requirements, Section 110-125(d)(1) of the Fayette County Zoning Ordinance, which requires a minimum lot area of 217,800 square feet (five acres) in the A-R (Agricultural-Residential) District. The subject property is approximately 3.94 acres in size and was legally platted and recorded prior to the adoption of the current zoning ordinance. The parcel historically contained a single-family residence, which was recently demolished due to safety and liability concerns. No reduction in lot size has occurred, and the lot remains in its original configuration.

Strict application of the five-acre minimum requirement would prohibit any future residential development on this property, effectively rendering the parcel unusable for its intended residential purpose and resulting in an unconstitutional taking without just compensation. The variance is therefore requested to allow the property owner, or subsequent purchaser, to construct a single-family dwelling on the existing 3.94-acre lot.

JUSTIFICATION OF REQUEST

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

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

The subject property was created and recorded prior to the adoption of the current five-acre minimum lot size requirement in the A-R District. At 3.94 acres, the parcel is unusually constrained compared to surrounding parcels solely because the zoning regulations were applied retroactively. The lot size is not the result of any action by the applicant but rather a condition beyond their control. This unique circumstance creates an extraordinary condition, as the property cannot conform to present-day standards despite being legally established and historically used for residential purposes.

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

Strict application of the five-acre requirement would prevent the construction of a single-family residence on this lot. This outcome would effectively deprive the property of any reasonable economic use, creating an unnecessary hardship for the owner. The property was previously occupied by a dwelling, and absent relief, the owner would be unable to use or sell the lot for its intended and customary residential purpose. This denial of use constitutes a practical difficulty and rises to the level of an unconstitutional taking.

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

The hardship is specific to this property because of its unique history and legal status. It is not a self-created hardship. The lot has always been 3.94 acres, smaller than the five-acre minimum, and has functioned as a single-family residential property in the past. Other parcels in the A-R district generally meet the minimum acreage requirement; however, this property's long-standing substandard size creates a condition peculiar to it.

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.

Granting the variance will not cause detriment to the public good, as the requested use is consistent with the established and intended use of property in the A-R district—single-family residential. The proposed relief does not introduce a prohibited land use, but rather allows continuation of the traditional residential use historically present on this parcel. The variance would not impair the intent of the zoning ordinance, which is to preserve rural residential character and maintain compatible land uses. The construction of a single-family residence on a 3.94-acre tract is consistent with these purposes and would have no adverse impacts on adjoining properties.

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

Literal enforcement of the ordinance would deprive the applicant of the fundamental right to build a single-family home, a right enjoyed by all other property owners in the A-R district who possess lots conforming to the five-acre minimum. This denial would be inequitable and inconsistent with the intent of the ordinance to provide for residential use of property within the district. Approval of this variance ensures that the applicant may enjoy the same residential rights afforded to similarly situated landowners.

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. NA 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. YES Minimum setbacks and buffers from all property lines of subject property required in the zoning district.
 - c. YES Location of exits/entrances to the subject property.
 - d. YES 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. NA Location of all utilities, including well or water lines.
 - f. NA 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:	
Lot:	Width at Building Line:	
Zoning:	Front Setback:	
Flood: Yes/ No MFFE:	Side Setback:	
Stream Buffers:	Rear Setback:	
Number of Frontages	House Size:	



Doc ID: 007220780002 Type: GLR
 Filed: 08/18/2006 at 10:00:00 AM
 Fee Amt: \$132.00 Page 1 of 2
 Transfer Tax: \$120.00
 Fayette, Ga. Clerk Superior Court
 Sheila Studdard Clerk of Court

BK 3076 PG 526-527

Return Recorded Document to:
 SHUPING, MORSE & ROSS, LLP
 ATTORNEYS AT LAW
 6259 RIVERDALE ROAD
 RIVERDALE, GA 30274-1698

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF CLAYTON
 SCARBROUGH

File #: 06-54658 AMANDA McFARLIN

This Indenture made this 10th day of August, 2006 between W.A. WOODRUFF, of the County of FAYETTE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and AMANDA McFARLIN SCARBROUGH, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00) Dollars** and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 247 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING DESIGNATED TRACT "A" BY PLAT OF KENNETH E. PRESLEY ENTITLED, "PROPERTY SURVEY FOR IRENE BALLARD," DATED SEPTEMBER 30, 1977 AND IN ACCORDANCE WITH SAID PLAT BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

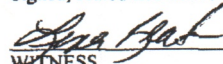
This Deed is given subject to all easements and restrictions of record, if any.

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

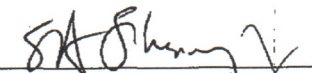
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:


 WITNESS

 (SEAL)
 W.A. WOODRUFF


 NOTARY PUBLIC



____ (SEAL)

____ (SEAL)

____ (SEAL)

Initial
kjInitial
ME08/31/25
11:29 AM CEST
dotloop verified**EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 247 OF THE 4TH DISTRICT OF FAYETTE COUNTY, GEORGIA, BEING DESIGNATED TRACT "A" BY PLAT OF KENNETH E. PRESLEY ENTITLED, "PROPERTY SURVEY FOR IRENE BALLARD," DATED SEPTEMBER 30, 1977 AND IN ACCORDANCE WITH SAID PLAT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED 250.9 FEET SOUTHEASTWARDLY, AS MEASURED ALONG AND FOLLOWING THE CURVATURE OF THE SOUTHWESTERLY MARGIN 100 FEET IN WIDTH, OF THE RIGHT-OF-WAY FOR GEORGIA HIGHWAY 92, FROM THE CENTERLINE OF A PUBLIC ROAD KNOWN AS HILL BRIDGE ROAD; RUNNING THENCE SOUTH 32 DEGREES 46 MINUTES 40 SECONDS EAST, CONTINUING ALONG THE SOUTHWESTERLY MARGIN OF SAID RIGHT-OF-WAY FOR GEORGIA HIGHWAY 92, A DISTANCE OF 220.23 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 14 MINUTES 6 SECONDS WEST, 786.88 FEET TO AN IRON PIN ON THE SOUTHEASTERLY MARGIN OF THE RIGHT-OF-WAY FOR A PUBLIC ROAD KNOWN AS REST ROAD; THENCE NORTH 2 DEGREES 59 MINUTES 31 SECONDS EAST, CONTINUING ALONG SAID RIGHT-OF-WAY 149.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 5 DEGREES 57 SECONDS WEST 81.04 FEET TO AN IRON PIN AT THE SOUTHEASTERLY MARGIN OF RIGHT-OF-WAY FOR THE AFORESAID PUBLIC ROAD KNOWN AS HILL BRIDGE ROAD; THENCE NORTH 59 DEGREES 47 MINUTES 50 SECONDS EAST, 83.8 FEET TO AN IRON PIN ON THE LAST-MENTIONED RIGHT-OF-WAY; THENCE NORTH 84 DEGREES 17 MINUTES 4 SECONDS EAST, 99.69 FEET TO AN IRON PIN ON SAID RIGHT-OF-WAY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY NORTH 73 DEGREES 30 MINUTES 11 SECONDS EAST, 231.08 FEET TO AN IRON PIN; THENCE LEAVING SAID RIGHT-OF-WAY SOUTH 33 DEGREES 26 MINUTES 11 SECONDS EAST, 250 FEET TO AN IRON PIN AT A CORNER; THENCE NORTH 75 DEGREES 4 MINUTES 16 SECONDS EAST, 140.36 FEET BACK TO THE IRON PIN AT THE POINT OF BEGINNING.

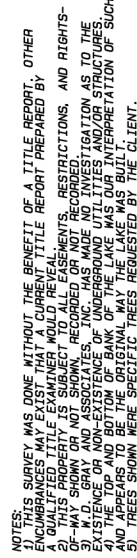
THIS CONVEYANCE IS SUBJECT WITHOUT LIMITATION TO THAT RIGHT-OF-WAY DEED TO FAYETTE COUNTY FROM IRENE LAMB BALLARD, DATED APRIL 30, 1998, RECORDED IN DEED BOOK 1244, PAGE 256, FAYETTE COUNTY, GEORGIA RECORDS, AND TO THAT EASEMENT FROM IRENE BALLARD TO BELL SOUTH TELECOMMUNICATIONS, INC. DATED OCTOBER 13, 2000, RECORDED IN DEED BOOK 1548, PAGE 521, AFORESAID RECORDS.

**REFERENCE WARRANTY DEED FROM W.A. WOODRUFF TO AMANDA McFARLIN
SCARBROUGH RECORDED IN DEED BOOK 3076, PAGES 526-527 AND FLAT
BOOK 10, PAGE 68**

~~100.00~~ = SPOT SHOT AND ELEVATION (ASSUMED)
 N/F = NOW OR FORMERLY
 R/W = RIGHT-OF-WAY
 CMP = CORRUGATED METAL PIPE
 B/L = BUILDING LINE
 LEGEND:

LEGEND:
N/F = NOW OR FORMERLY
SHOT AND ELEVATION (ASSUMED)
R/W = RIGHT-OF-WAY
- CORRUGATED METAL PIPE
B/L - BUILDING LINE

LINE	ARC	CHORD BEARING	RADIUS	CHORD	TANGENT
C1	185.77'	N00°27'47"E	1715.28'	185.68'	92.98'
C2	124.47'	N82°49'44"E	632.10'	124.27'	62.44'



NOTE:
BUILDING LINES SHOWN PER PHONE CONVERSATION WITH THE
FAYETTE COUNTY PLANNING AND ZONING DEPARTMENT. SETBACKS
SHOULD BE VERIFIED BEFORE ANY CONSTRUCTION ACTIVITY BEGINS.

REVISED 11/12/2014 TO SHOW CURRENT LAKE
LOCATION, LOCATION OF DITCH, LOCATION OF
SPECIFIC TREES, AND SPOT ELEVATIONS
AS REQUESTED.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED THEREON. SAID PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT THE WRITTEN CONSENT OF THE PERSON, PERSONS OR ENTITY NAMED THEREON.

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE MAP DATED SEPTEMBER 28, 2008

CLOSURE DATA:
FIELD CLOSURE = 4' - 32.240
ANGLE POINT ERROR < 1"
EQUIPMENT USED: TOPCON 301
PLAT CLOSURE = 1' - 398.084

THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67

land surveyors – planners
160 Greencastle Road Suite B
Tyrone, GA 30290
(770) 486-7552 Fax (770) 486-0496

LAND LOT: 247	DATE OF SURVEY: 04-11-2006
DISTRICT: 4TH	DATE OF DRAWING: 04/19/2006
FAVETTE COUNTY, GA	REV. 9/26/2025 (Setbacks Only)
S&M F: 1" = 50'	FOR NO: 0603102

**W.D. Gray and
Associates, Inc.**

LSF000701

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, No-
vember 24, 2025, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first

floor.

Petition No.: A-910-25

Owner: Amanda McFarlin Scar-
brough

Agent: Sean J. Murphy

Property Address: 101 Hills Bridge
Road

Parcel: 0447 005

Zoning District: A-R

Area of Property: 4.10 acres

Land Lot(s): 247

District: 4th

Road Frontage: Goza Road, Hills
Bridge Road and South Highway
92

Request: Applicant is requesting
the following: 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 4.10 acres in the
A-R zoning district to be eligible for
development.

Legal Description

ALL THAT TACT OR PARCEL
OF LAND LYING AND BEING
IN LAND LOT 247 OF THE 4TH
DISTRICT OF FAYETTE COUN-
TY, GEORGIA AND BEING MORE
PARTICULARLY DESCRIBED
AS FOLLOWS: BEGINNING AT
A 1/2" REBAR FOUND AT THE
SOUTHWESTERLY CORNER OF
THE MITERED RIGHT-OF-WAY
INTERSECTION OF THE EAST-
ERLY RIGHT-OF-WAY OF GOZA
ROAD (80' RIGHT-OF-WAY)
{ALSO KNOWN AS REST ROAD}
AND THE SOUTHERLY LIMIT
OF MAINTENANCE OF HILL
BRIDGE ROAD (APPROXIMATE
40' LIMIT OF COUNTY MAINTE-
NANCE); THENCE ALONG THE
MITERED RIGHT-OF-WAY IN-
TERSECTION NORTH 59°55'01"
EAST A DISTANCE OF 54.49
FEET TO A 1/2" REBAR FOUND;
THENCE ALONG THE LIMIT
OF MAINTENANCE OF HILL
BRIDGE ROAD FOLLOWING A
CURVE TO THE LEFT HAVING
A RADIUS OF 632.10 FEET; AN
ARC LENGTH OF 124.47 FEET, A
CHORD WHICH BEARS NORTH
82°49'44" EAST, AND A CHORD
LENGTH OF 124.27 FEET TO A
POINT; THENCE CONTINUE
ALONG SAID LIMIT OF MAIN-
TENANCE NORTH 75°04'50"
EAST A DISTANCE OF 212.66
FEET TO A 1/2" REBAR FOUND;
THENCE LEAVING THE LIM-
IT OF MAINTENANCE OF HILL
BRIDGE ROAD SOUTH 33°34'03"
EAST A DISTANCE OF 241.50
FEET TO A 3/4" REBAR FOUND;
THENCE NORTH 75°03'04" EAST

A DISTANCE OF 139.91 FEET TO
A 5/8" REBAR FOUND ON THE
SOUTHWESTERLY RIGHT-OF-
WAY OF STATE HIGHWAY 92
(100' RIGHT-OF-WAY); THENCE
ALONG SAID RIGHT-OF-WAY
SOUTH 32°45'44" EAST A DIS-
TANCE OF 220.70 FEET TO A
1/2" ROD FOUND; THENCE
LEAVING SAID RIGHT-OF-WAY
NORTH 89°14'06" WEST A DIS-
TANCE OF 767.29 FEET TO A 1/2"
REBAR FOUND ON THE EAST-
ERLY RIGHT-OF-WAY OF GOZA
ROAD (80' RIGHT-OF-WAY)
{ALSO KNOWN AS REST ROAD};
THENCE ALONG SAID RIGHT-
OF-WAY NORTH 01°55'01" WEST
A DISTANCE OF 29.69 FEET TO
A 1/2" REBAR FOUND; THENCE
CONTINUE ALONG SAID RIGHT
-OF-WAY FOLLOWING A CURVE
TO THE RIGHT HAVING A RA-
DIUS OF 1715.28 FEET, AN ARC
LENGTH OF 185.77 FEET, A
CHORD WHICH BEARS NORTH
00°27'47" EAST, AND A CHORD
LENGTH OF 185.68 FEET TO A
POINT; THENCE CONTINUE
ALONG SAID RIGHT-OF-WAY
NORTH 05°27'21" EAST A DIS-
TANCE OF 27.68 FEET TO A 1/2"
REBAR FOUND AND THE POINT
OF BEGINNING; SAID TRACT
CONTAINING 4.10 ACRES MORE
OR LESS AND BEING SHOWN
ON A RETRACEMENT SUR-
VEY OF TRACT "A" PREPARED
FOR FRANK AND AMANDA
SCARBROUGH BY W.D. GRAY
AND ASSOCIATES, INC. DATED
04/19/2006 AND LAST REVISED
11/12/2014.
10/22

PETITION NO: A-911-25

Requested Actions: 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 1.22 acres to be eligible for development.

Location: Butler Rd., Fayetteville, Georgia 30214

Parcel(s): 0551 071

District/Land Lot(s): 5th District, Land Lot(s) 232

Zoning: A-R, Agricultural-Residential

Lot Size: 1.22 Acres

Owner(s): Donnese Cannady

Agent: Donnette Cannady

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-242(c)(1), the applicant is requesting a variance to Sec. 110-125.(d)(1), A-R, to reduce the minimum lot size in the A-R zoning district for a legal nonconforming lot, to allow a lot that is 1.22 acres to be eligible for development. The variance amount is 3.78 acres.

STAFF ASSESSMENT

It is staff's opinion that this parcel meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The lot is a legal nonconforming lot. It has 1.22 acres, which is less than the required 5.0 acres in the A-R zoning district. However, it meets the criteria to be eligible for a variance to the minimum lot size under Sec. 110-242.

- The property is depicted as a 1.5 acre lot with A-R zoning on the 1976 tax plat.
- Right-of-way dedication to Fayette County along Butler Rd was granted in 1987 per Deed Book 444, Pages 322 - 324. This brought the lot to the 1.4040 acre lot depicted on a survey recorded in Plat Book 23, Page 65, on October 8, 1992.
- The property owner dedicated 0.188 acres of right-of-way per deed recorded October 5, 2006 in deed book 3107, pages 126-127 bringing the lot to its current configuration.
- The variance is necessary for the owners to be able to obtain a building permit for their house.

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 1.5 acre lot was reduced to the current 1.2 acre lot configuration due to right-of-way dedications to Fayette County.

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

The owners would not be able to get a building permit without a variance to the lot size or rezoning.

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

The conditions are unique to this parcel, and the property meets the criteria to be considered for the variance.

- 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 variance will not be detrimental to the public good.

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

The applicant would not be able to build a home on this parcel without the variance or rezoning.

HISTORY

This parcel is a legal lot of record documented on the 1976 Fayette County Tax Maps.

ZONING REQUIREMENTS

Sec. 110-242. Powers and duties.

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

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

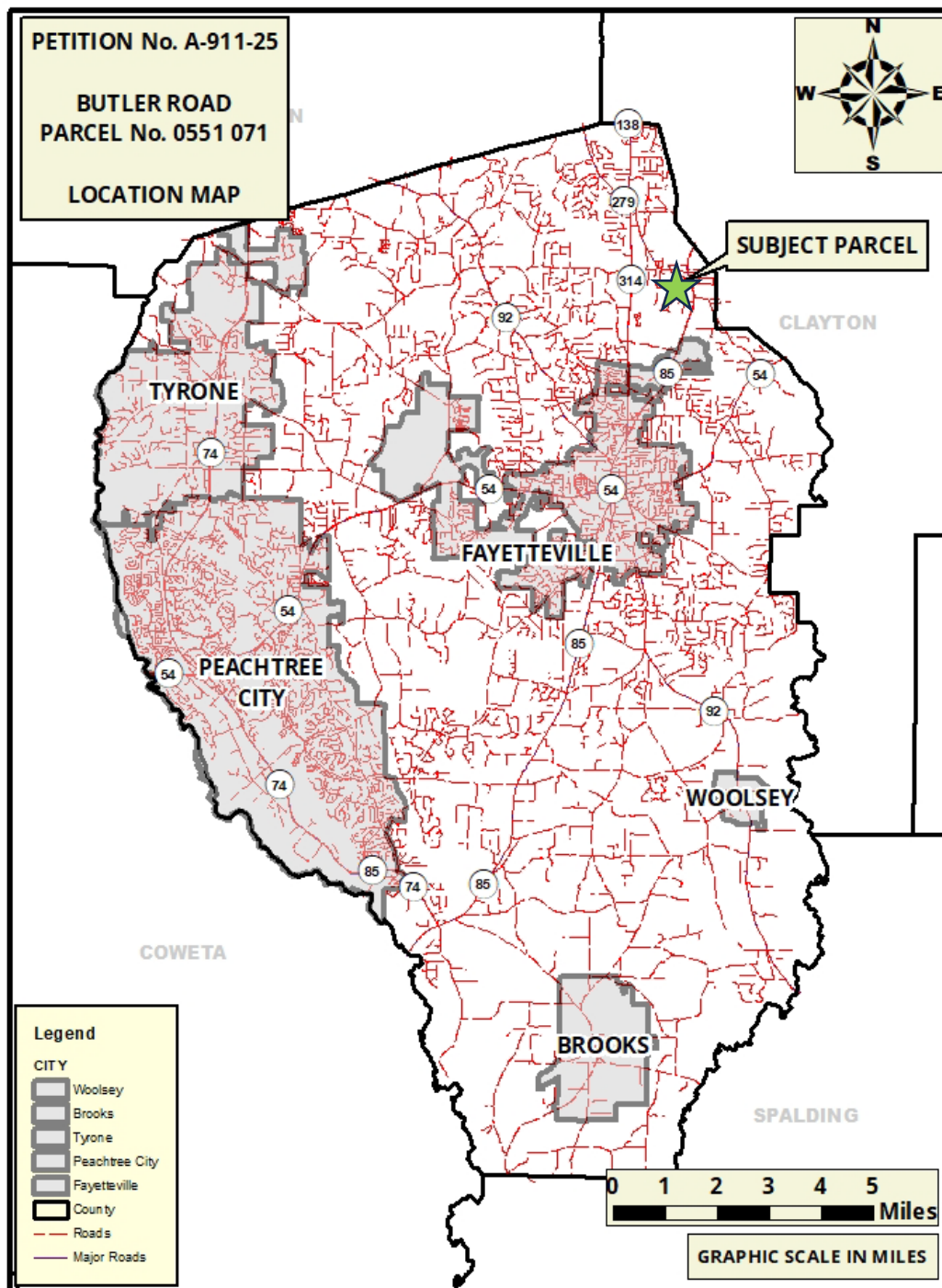
Sec. 110-125. – A-R, Agricultural-Residential District.

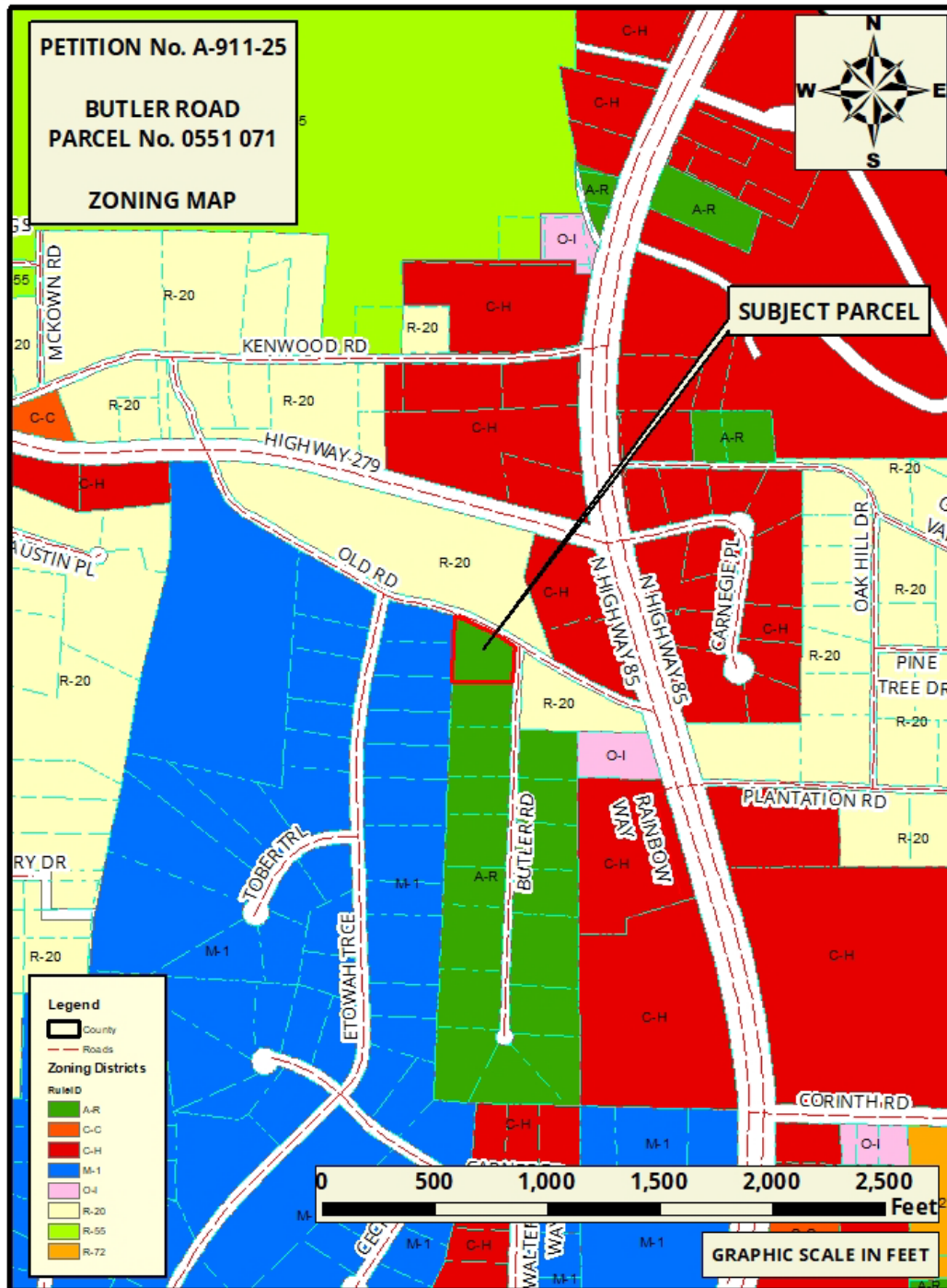
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

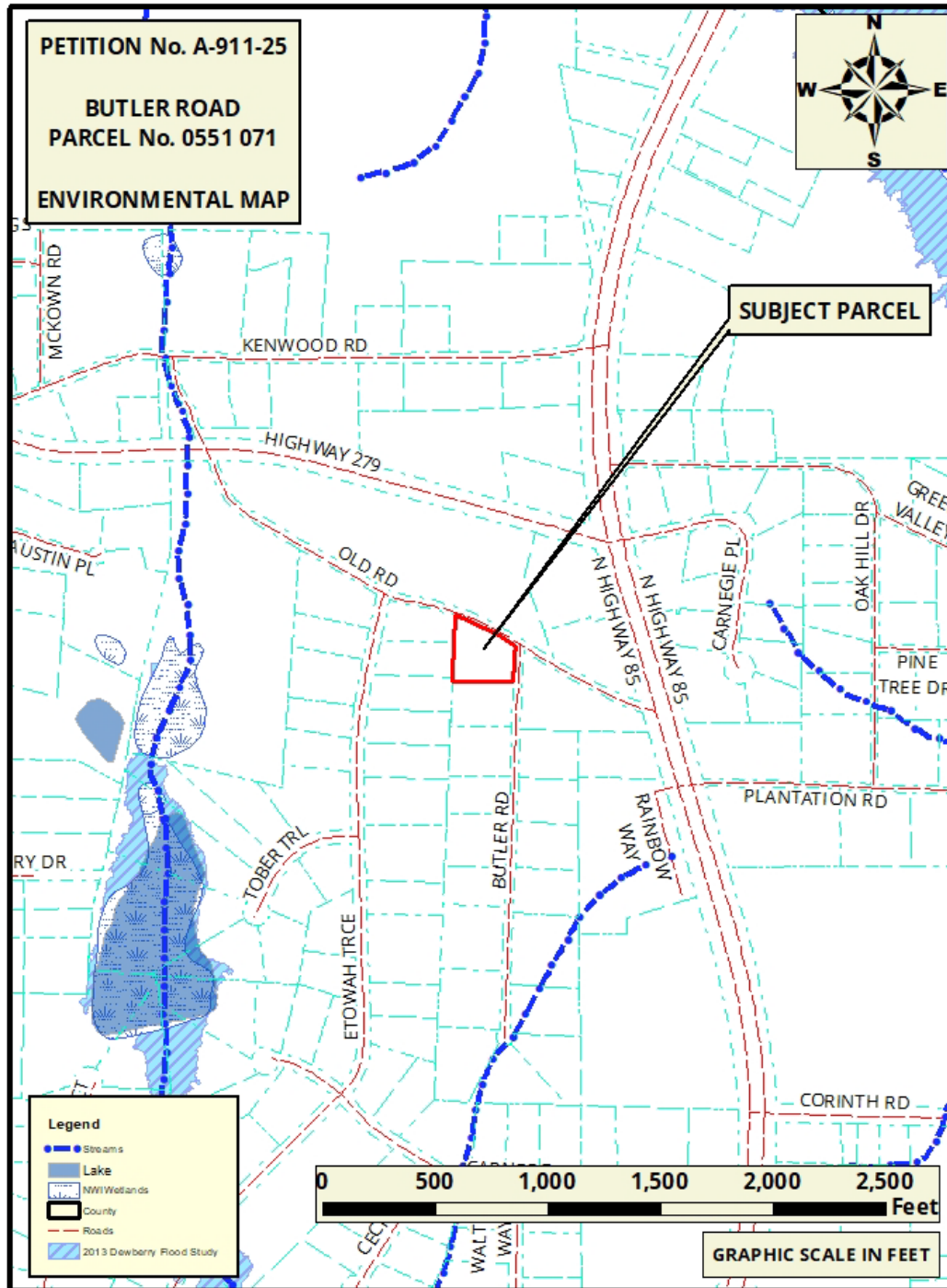
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

DEPARTMENTAL COMMENTS

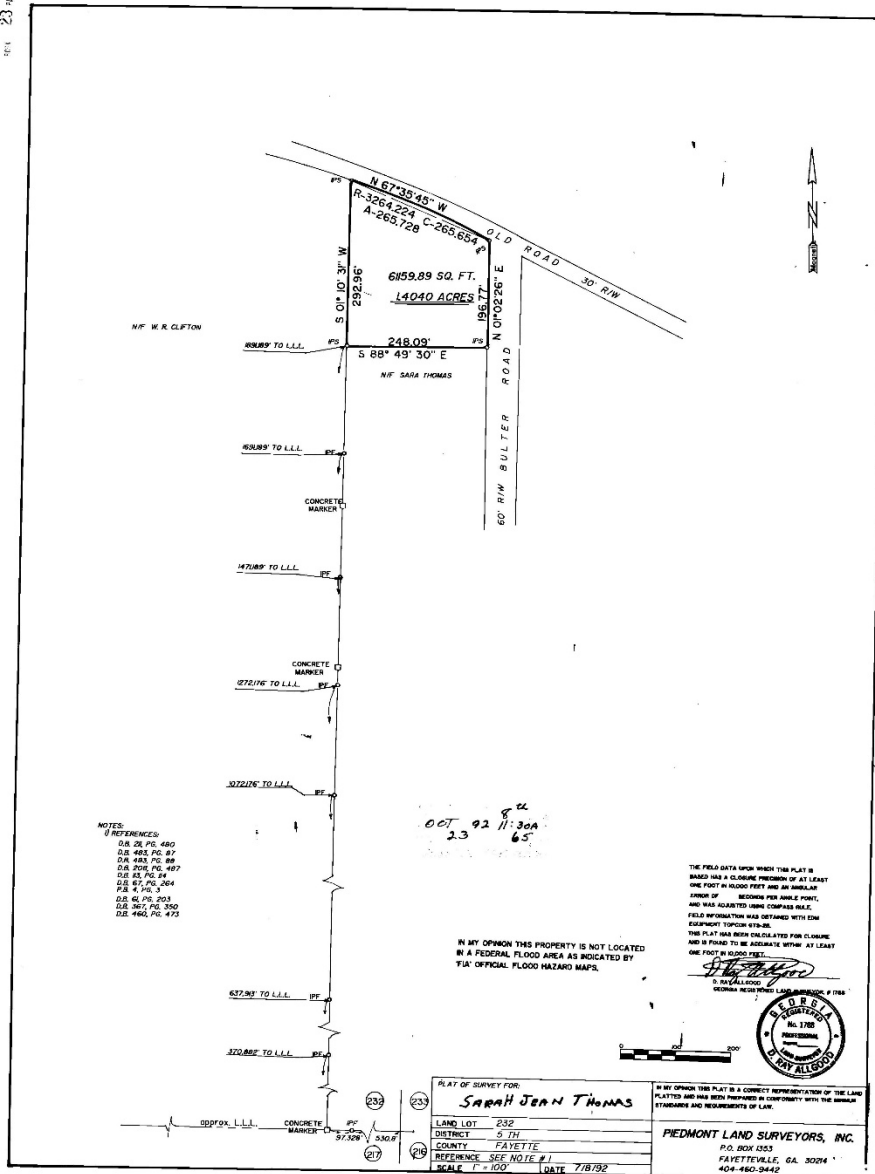
- ☐ **Water System** –No objections.
- ☐ **Public Works** – Updated survey is required.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No comments.
- ☐ **Fire** – No comment.











SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0551-071 Acreage: 1.22 Land Lot: 232 Land District: 5
Address: _____
Zoning: AR Zoning of Surrounding Properties: _____
Use: RESIDENTIAL

PROPERTY OWNER INFORMATION

Name DONNESE CANNADY
Email CDONNESE@ATT.NET
Address 133 BUTLER ROAD FAYETTEVILLE GA
City FAYETTEVILLE, GA 30214
State GA Zip 30214
Phone 404 218-5978

PROPERTY OWNER
AGENT/DEVELOPER INFORMATION (If not owner)

Name DONNETTE CANNADY
Email CDONNETTE@ATT.NET
Address 133 BUTLER ROAD
City FAYETTEVILLE, GA 30214
State _____ Zip _____
Phone 404 218 7303

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-911-25

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☐ Application and all required supporting documentation is Sufficient and Complete

by Staff: Maria Binns Date: 09/30/25

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

Received payment from Donnese Cannady a check in the amount of \$ 175.00

for application filing fee, and \$ 40.00 (2) for deposit on frame for public hearing sign(s).

Date Paid 09/30/2025 Receipt Number: 025331

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:

DORRICE CANNADY DONNETTE CANNADY
Please Print Owners' Names

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

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

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

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

SIGNATURES

Signature Dorrie Cannady
Name: DORRICE CANNADY
Address: 133 BUTLER ROAD
City/State/Zip: FAYETTEVILLE, GA 30214
Date: 9/30/2025

Notary: Sharon Robinson
Commission Exp.: 07/13/2029



Owner/
Agent
One:

Signature Donnette Cannady
Name: DONNETTE CANNADY
Address: 133 BUTLER ROAD
City/State/Zip: FAYETTEVILLE GA 30214
Date: 9/30/2025

Notary: Sharon Robinson
Commission Exp.: 07/13/2029

Owner/
Agent
Two:

Sharon Robinson
Notary Public
Newton County Georgia
Commission # W-00709061
Commission Expires July 13, 2029

Signature Eddie Mae Stokes
Name: EDDIE MAE STOKES
Address: 133 BUTLER ROAD
City/State/Zip: FAYETTEVILLE GA 30214
Date: 10/6/2025

Notary: Sharon Robinson
Commission Exp.: 07/13/2029

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	SEC. 110-042(C)(1) VARIANCE TO SEC. 110-125(D)(1)
Requirement	
Proposed Change	APR TO REDUCE THE MINIMUM LOT SIZE IN THE AR ZONING FOR A LEGAL NON-CONFORMING LOT TO ALLOW
Variance Amount	A LOT THAT IS 1.22 ACRES TO BE DEVELOPED

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.

BUILDING A HOUSE.

JUSTIFICATION OF REQUEST

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

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

THE LOT IS THE SIZE BECAUSE IN 2006 MY MOTHER GAVE
AN EASEMENT TO THE COUNTY TO EXTEND OLD ROAD.

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

WOULD NOT BE ABLE TO BUILD MY HOUSE.

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

LESS THAN THE AMOUNT REQUIRED.

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.

IT WOULD CAUSE NO HARM TO ANYONE.

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

WE WOULD NOT BE ALLOWED TO BUILD A HOUSE.

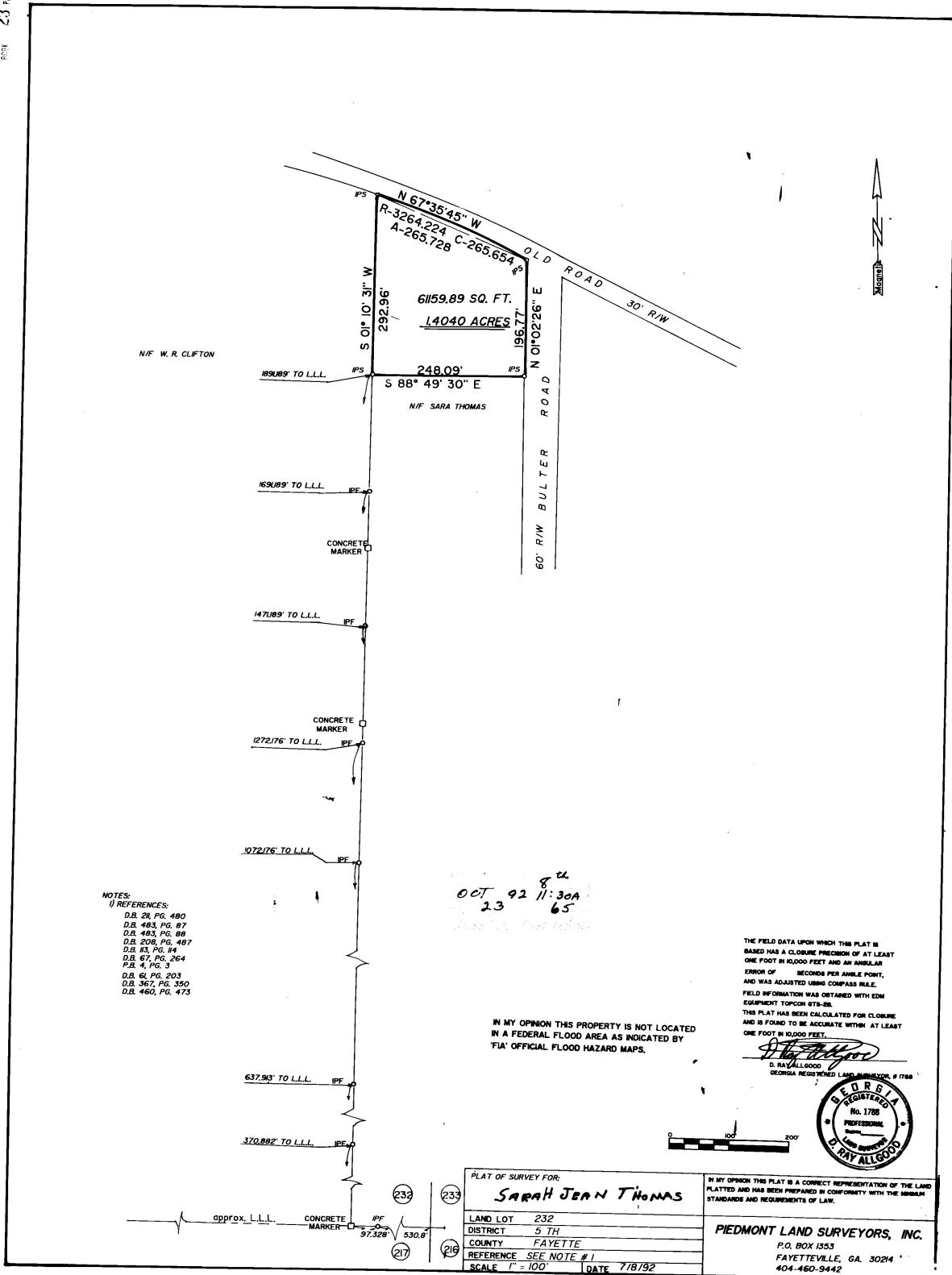
CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

(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:	



Tax Parcel Identification Number: 0551 071

BK 5841 PG 9 - 11

After recording, return to:
Christina Cason Bishop
Hodges, McEachern & King, Attys.
2002 Commerce Drive North
Suite 300
Peachtree City, Georgia 30269

WARRANTY DEED
Draw Deed- No Title Search Performed

STATE OF GEORGIA
COUNTY OF FAYETTE

THIS INDENTURE, made this 11th day of June, 2025, between **EDDIE CANNADY STOKES F/K/A EDDIE MAE CANNADY**, as party of the first part (hereinafter called "Grantor"), and **EDDIE CANNADY STOKES, DONNETTE CANNADY, and DONNESE CANNADY**, as **Joint Tenants with Right of Survivorship**, as party or parties of the second part (hereinafter called "Grantees"), the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns, where the context requires or permits).

WITNESSETH: That the said Grantor, for and in consideration of Ten 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 and conveyed, and does remise, release and forever quit-claim to the said Grantees, all the right, title, interest, claim or demand which the said Grantor has or may have had in and to:

All that tract or parcel of land lying and being in Land Lot 232 of the 5th Land District of Fayette County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the Southeast corner of Land Lot 232; running thence West along the land lot line 530.8 feet to an iron pin found; continuing West along the land lot line 97.328 feet to a concrete marker; running thence North 01 degree 10 minutes 31 seconds East a distance of 1891.189 feet to an iron pin set and the TRUE POINT OF BEGINNING; running thence South 88 degrees 49 minutes 30 seconds East a distance of 248.09 feet to an iron pin set on Butler Road (60 foot right-of-way); running thence North 01 degrees 02 minutes 26 seconds East along Butler Road a distance of 197.77 feet to an iron pin set at the corner of Butler Road and Old Road (30 foot right-of-way); running thence North 67 degrees 35 minutes 45 seconds West along said Old Road a chord distance of 265.654 feet to an iron pin set (an arc distance of 265.728 feet); running thence South 01 degrees 10 minutes 31 seconds West a distance of 292.96 feet to the iron pin set at the TRUE POINT OF BEGINNING; being 1.4040 acres as per plat of survey by D. Ray Allgood, Georgia Registered Land Surveyor, #1788, dated July 18, 1992, recorded in Plat Book 23, Page 65, Fayette County Records.

Subject to restrictive covenants and general utility easements of record, recorded in Deed Book 800, page 275, Fayette County, Georgia records, as amended from time to time, Tax Identification Number: 0551 071. The tax parcel identification number listed is provided solely for informational purposes.

GRANTEES shall hold title as tenants in common, for and during their joint lives, and upon the death of any of them, then to the survivor(s) of them in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor(s).

TO HAVE AND TO HOLD the said described premises unto the said Grantees, so that neither said Grantor nor any other person claiming under said Grantor shall at any time claim or demand any right, title or interest to the aforesaid premises or its appurtenances.

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal the day of year first above written.

[signature on the following page]

Signed, sealed, delivered and notarized.

Eddie Mae Stokes (seal)
EDDIE CANNADY STOKES
F/K/A (formerly known as)
EDDIE MAE CANNADY

on the 11 day of JUNE, 2025,
in the presence of:

Christina Caren Bishop
Unofficial Witness

Phyllis Peterkin
Notary Public, State of Georgia
My Commission expires:

9/24/2026

[NOTARY SEAL]

Phyllis Peterkin
NOTARY PUBLIC
Clayton County, GEORGIA
My Comm. Expires
September 24, 2026

Wednesday, October 22, 2025

Continued from page B2

Fayette County News B3

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, No-
vember 24, 2025, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-911-25

Owner: Donnese Cannady, Don-
nette Cannady, and Eddie Cannady
Stokes F/K/A Eddie Mae Cannady
Property Address: Old Road and
Butler Road

Parcel: 0551 071

Zoning District: A-R

Area of Property: 1.4040 acres

Land Lot(s): 232

District: 5th

Road Frontage: Corner of Old Road
and Butler Road

Request: Applicant is requesting
the following: 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 al-
low a lot that is 1.4040 acres in the
A-R zoning district to be eligible for
development.

Legal Description

All that tract or parcel of land ly-
ing and being in Land Lot 232 of
the 5th Land District of Fayette
County, Georgia, and being more
particularly described as follows:
TO FIND THE TRUE POINT OF
BEGINNING, begin at the South-
east corner of Land Lot 232; run-
ning thence West along the land lot
line 530.8 feet to an iron pin found;
continuing West along the land lot
line 97.328 feet to a concrete mark-
er; running thence North 01 degree
10 minutes 31 seconds East a dis-
tance of 1891.189 feet to an iron pin
set and the TRUE POINT OF BE-
GINNING; running thence South
88 degrees 49 minutes 30 seconds
East a distance of 248.09 feet to
an iron pin set on Butler Road (60

foot right-of-way); running thence
North 01 degrees 02 minutes 26
seconds East along Butler Road a
distance of 197.77 feet to an iron
pin set at the corner of Butler Road
and Old Road (30 foot right-of-
way); running thence North 67
degrees 35 minutes 45 seconds
West along said Old Road a chord
distance of 265.654 feet to an iron
pin set (an arc distance of 265.728
feet); running thence South 01 de-
grees 10 minutes 31 seconds West
a distance of 292.96 feet to the
iron pin set at the TRUE POINT
OF BEGINNING; being 1.4040
acres as per plat of survey by D.
Ray Allgood, Georgia Registered
Land Surveyor, #1788, dated July
18, 1992, recorded in Plat Book 23,
Page 65, Fayette County Records.
10/22

PETITION NO: A-913-25

Requested Actions: Variance to Sec. 110-125.(d)(6). – A-R - Requesting a variance to reduce the side yard setback from 50' to 31', to allow an addition to the primary structure to remain.

Location: 438 Morgan Mill Rd., Brooks, Georgia 30205

Parcel(s): 0412 028

District/Land Lot(s): 4th District, Land Lots 94 & 95

Zoning: A-R, Agriculture-Residential District

Lot Size: 5.00 acres

Owner(s): Lauri Kalleen Maselli, Vincent Michael Maselli, David Alan Albee, Jr., & Patricia Marie Albee

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting the following:

Per Sec. 110-137.(d)(6), Side yard setback in the A-R Zoning District is required to be 50 feet. The applicant requests to reduce the setback to 31 feet, to allow an existing addition to the primary structure to remain.

STAFF ASSESSMENT

The addition is 1,332 square feet connected by a hallway to the primary residence that includes heated space, a carport, a porch and a wooden deck. The encroachment came to the property owner's attention when they submitted a permit for a new detached garage. The resulting encroachment was determined when the surveyor prepared a foundation survey. The encroachment has existed since 1997 and it is unlikely that it will pose any problems for neighboring properties.

VARIANCE SUMMARY & CRITERIA FOR CONSIDERATION

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.**

Floodplain is identified behind the house per Fayette County's 2013 Limited Detail Study.

- 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;**

The encroachment has existed for almost thirty (30) years. Additional encroachment is not proposed.

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

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

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

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

HISTORY

The existing parcel was recorded in plat book 23 page 145 on March 16, 1993, the same year the home was constructed. The addition was permitted in 1997. Both permits were prior to foundation survey requirements and prior to the current owners.

ZONING REQUIREMENTS

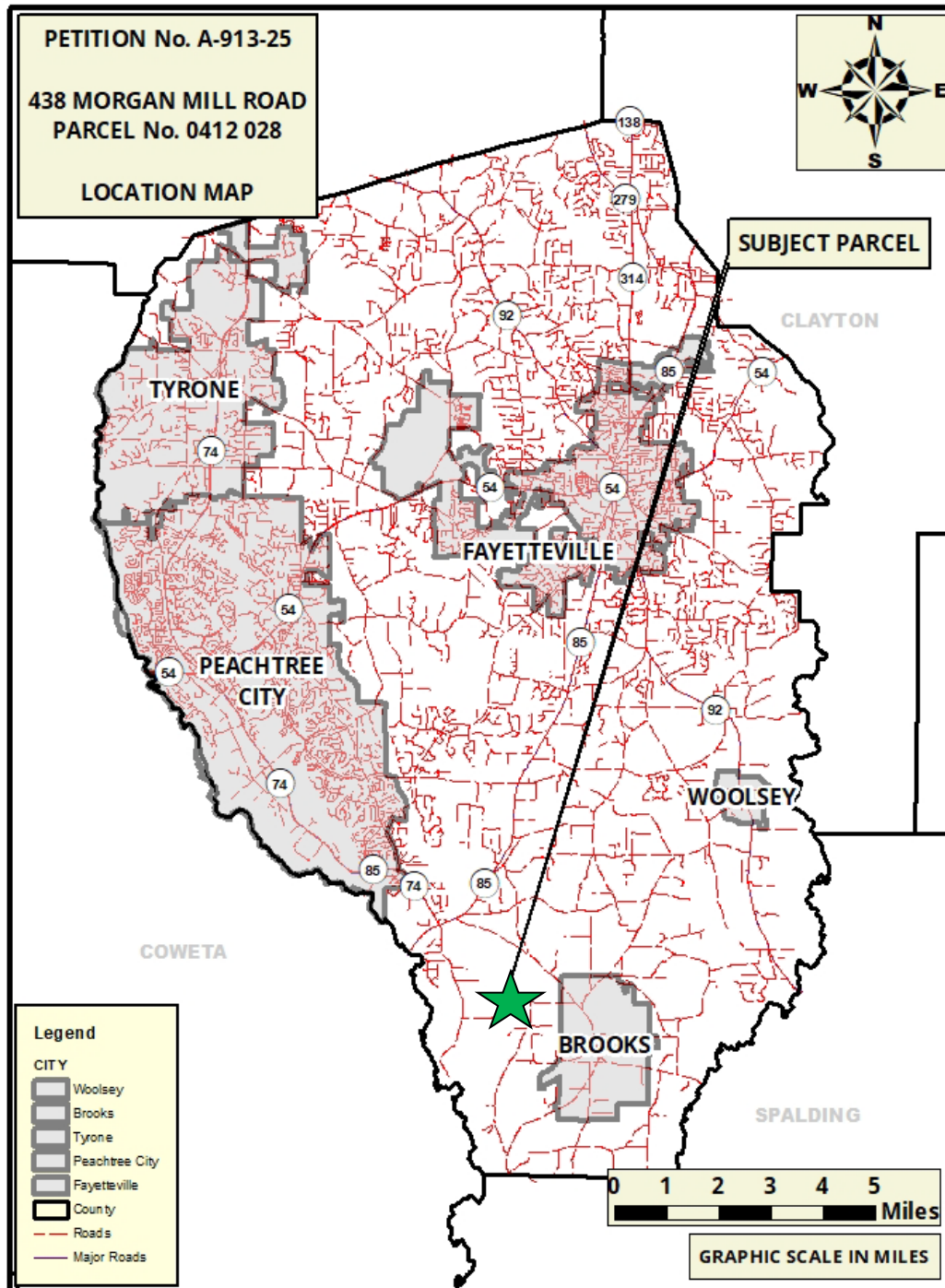
Sec. 110-125. – A-R, Agriculture-Residential District.

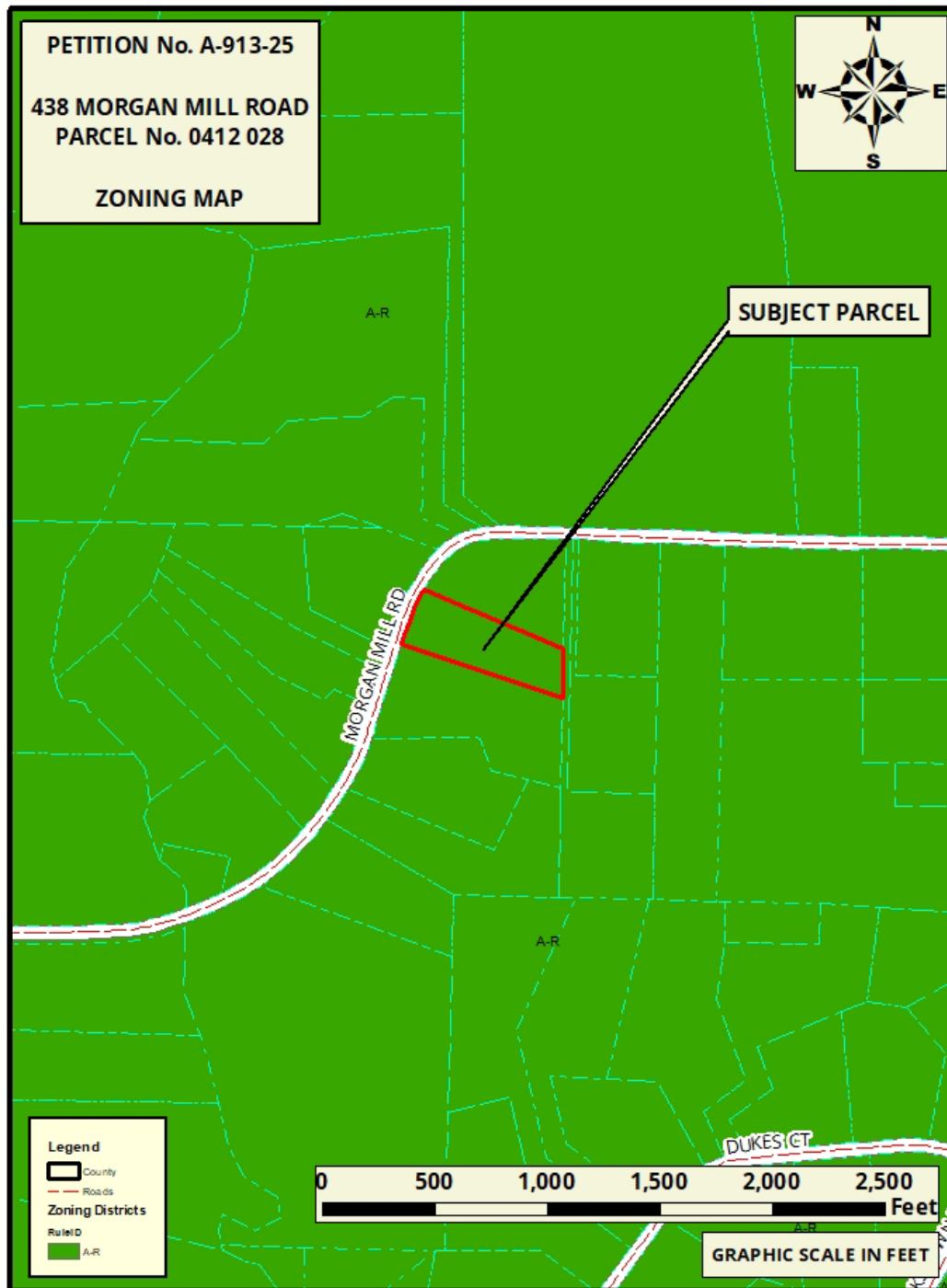
(d) Dimensional requirements. The minimum dimensional requirements in the A-R zoning district shall be as follows:

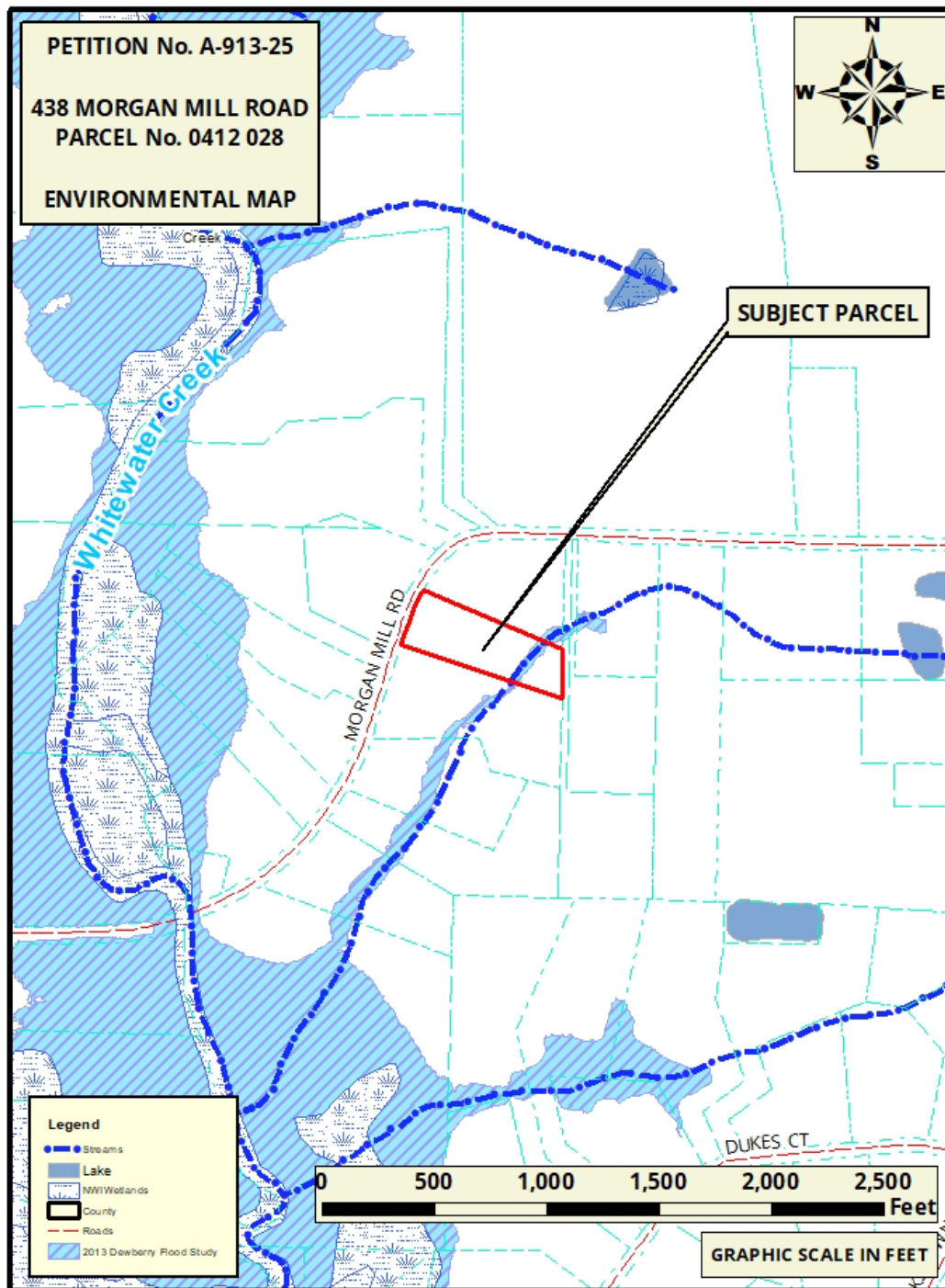
- (1) Lot area: 217,800 square feet (five acres).
- (2) Lot width: 250 feet.
- (3) Floor area: 1,200 square feet.
- (4) Front yard setback:
 - a. Major thoroughfare:
 1. Arterial: 100 feet.
 2. Collector: 100 feet.
 - b. Minor thoroughfare: 75 feet.
- (5) Rear yard setback: 75 feet.
- (6) Side yard setback: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

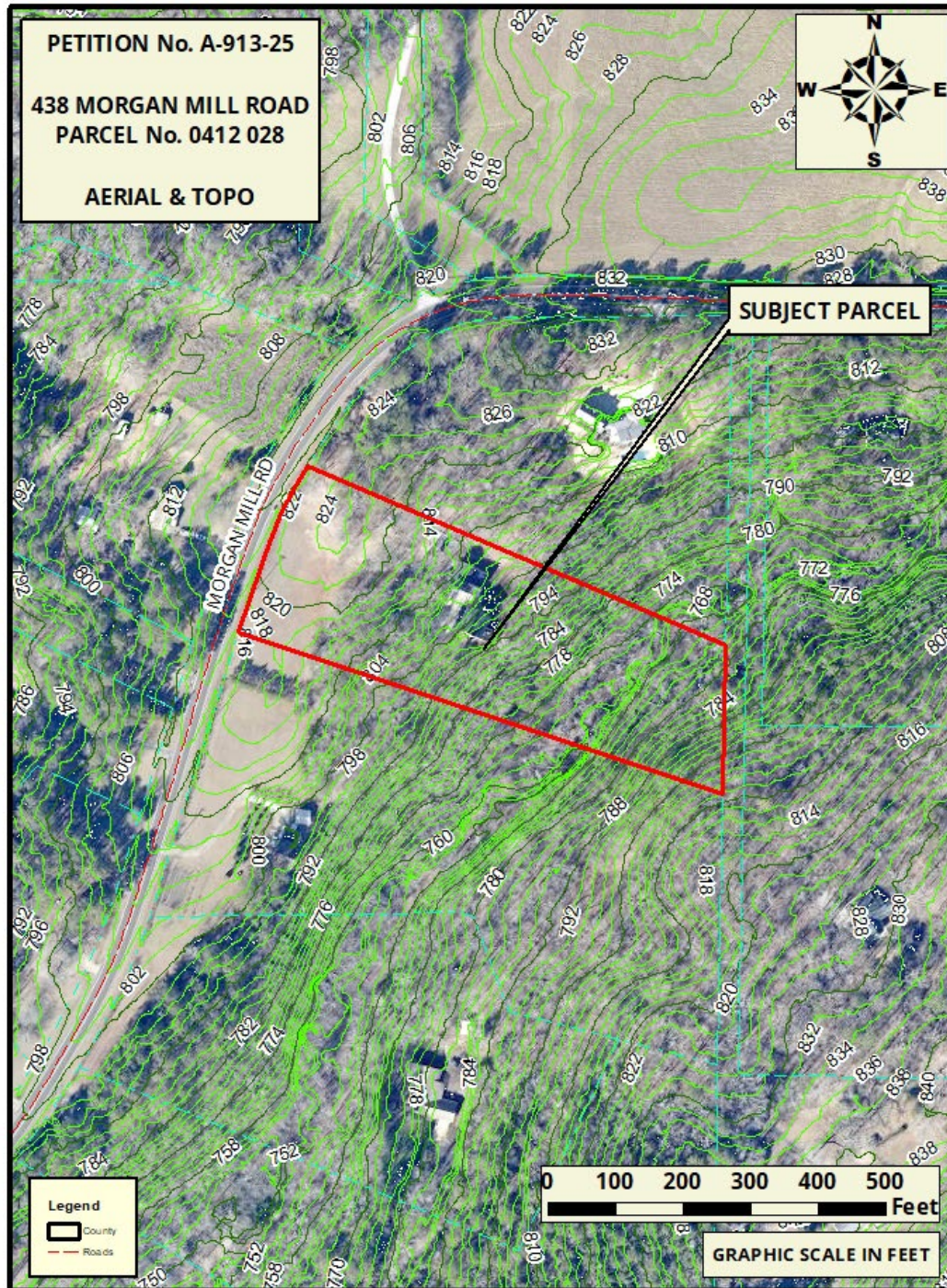
DEPARTMENTAL COMMENTS

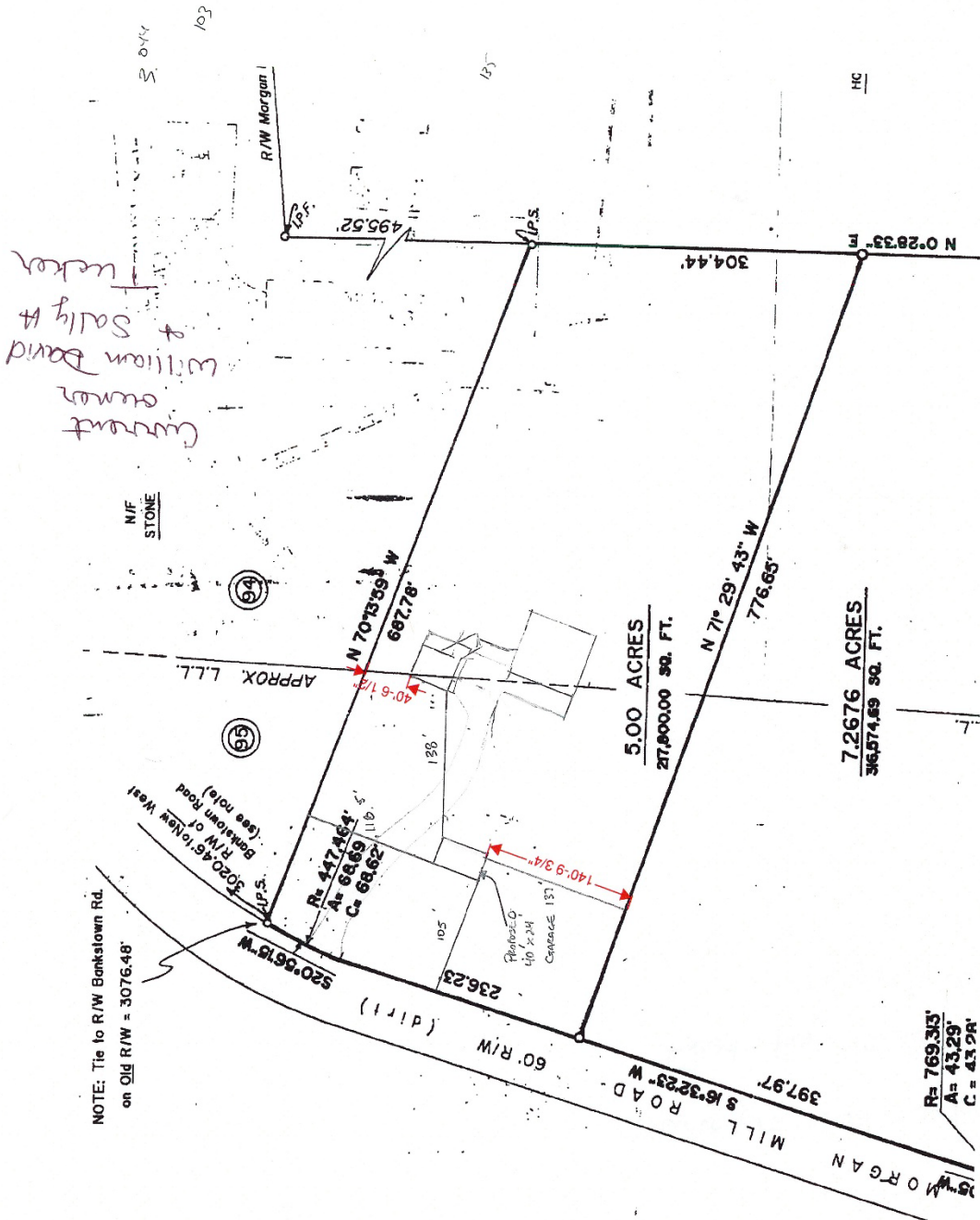
- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Department of Building Safety** – No objections.
- ☐ **Fire** – No comment.











SURVEY

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

PROPERTY INFORMATION:

Parcel No. 0412-028 Acreage: 5.0 Land Lot: 094 Land District: 01
Address: 438 Morgan Mill Road
Zoning: AI Zoning of Surrounding Properties: _____
Use: Residential

PROPERTY OWNER INFORMATION

Name Lauri Culp Maselli
Email lauriculp@yahoo.com
Address 438 Morgan Mill Road
City Brooks
State GA Zip 30205
Phone 321-586-6202

AGENT/DEVELOPER INFORMATION (If not owner)

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

PETITION NUMBER: A-913-25 **(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: Maria Binns Date: 10/01/2025

DATE OF ZONING BOARD OF APPEALS HEARING: November 24th, 2025

Received payment from Lauri Culp 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 10/01/2025

Receipt Number: 025346

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:

Lauri Culp Maselli, Vincent Maselli, David Albee, Patricia Albee
Please Print Owners' Names

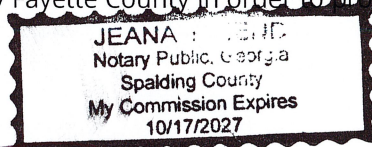
Property Tax Identification Number(s) of Subject Property: 0412028

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 094 of the 01 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 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Lauri &/or Vincent Maselli 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 Lauri Culp Maselli
Name: Lauri Culp Maselli
Address: 438 Morgan Mill Road
City/State/Zip: Brooks, GA 30205
Date: 9/28/2025

Notary: Jeana Friend (seal)
Commission Exp.: 10/17/27

Owner/
Agent
Two:

Signature Vincent Maselli
Name: Vincent Maselli
Address: 438 Morgan Mill Road
City/State/Zip: Brooks GA 30205
Date: 9/28/2025

Notary: Jeana Friend (seal)
Commission Exp.: 10/17/27

Owner/
Agent
Three:

Signature Patricia Albee
Name: PATRICIA ALBEE
Address: 438 MORGAN MILL RD
City/State/Zip: BROOKS GA 30205
Date: 9/28/25

Notary: Jeana Friend (seal)
Commission Exp.: 10/17/27

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:

Lauri Culp Maselli, Vincent Maselli, David Albee, Patricia Albee
Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: 0412028

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 094 of the 01 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 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

(I) (We) hereby delegate authority to Lauri +/or Vincent Maselli 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 David Albee
Name: DAVID ALBEE
Address: 438 Morgan Mill Rd.
City/State/Zip: Brooks, GA 30205
Date: 9/28/2025

Notary: Jeana Friend (seal)
Commission Exp.: 10/17/27

Owner/
Agent
Two:

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

Notary: _____ (seal)
Commission Exp.: _____

Owner/
Agent
Three:

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

Notary: _____ (seal)
Commission Exp.: _____

VARIANCE INFORMATION

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

Ordinance/Section	Sec 110 - 125 (d)(6) - A-R to reduce the side yard setback from 50 feet to 31 feet to allow an accessory structure to remain
Requirement	50 Feet
Proposed Change	Side set back to be reduced from 50 feet to 31 feet
Variance Amount	19 Feet

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

Ordinance/Section	
Requirement	
Proposed Change	
Variance Amount	

VARIANCE SUMMARY

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

We are requesting a variance for the side yard setback to keep our existing structure built in 1993 and sold to us in 2021. We are requesting a reduction to a 31 foot side setback on the North side of our property to allow an existing Carport to remain.

JUSTIFICATION OF REQUEST

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

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

Our property is constrained by a significant slope from front to back. Our home was built in 1993 & the owner told us all permits were obtained and he did not have any knowledge of set back issues. This request is necessary to legalize an existing structure.

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

Strict application of current zoning ordinance would create an unnecessary hardship by requiring the removal of an existing structure. The hardship was not self created, building was permitted by previous owner in 1993 and structure was on property when purchased in 2021.

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

Property / structure was built in 1993. We purchased this home in 2021 and trusted that all necessary permits and set backs were correct.

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.

Approval of this Variance would not cause substantial detriment to the public good or impair the purposes and intent of the regulations. This home has been in this location since 1993 & there is ample distance from adjacent structure. Adequate space for drainage & access.

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

This is unknown to me. We were unaware of the set back side violation until we recently applied for a permit for another structure on our property.

CHECKLIST OF ITEMS REQUIRED TO BE SUBMITTED FOR ZBA REQUESTS

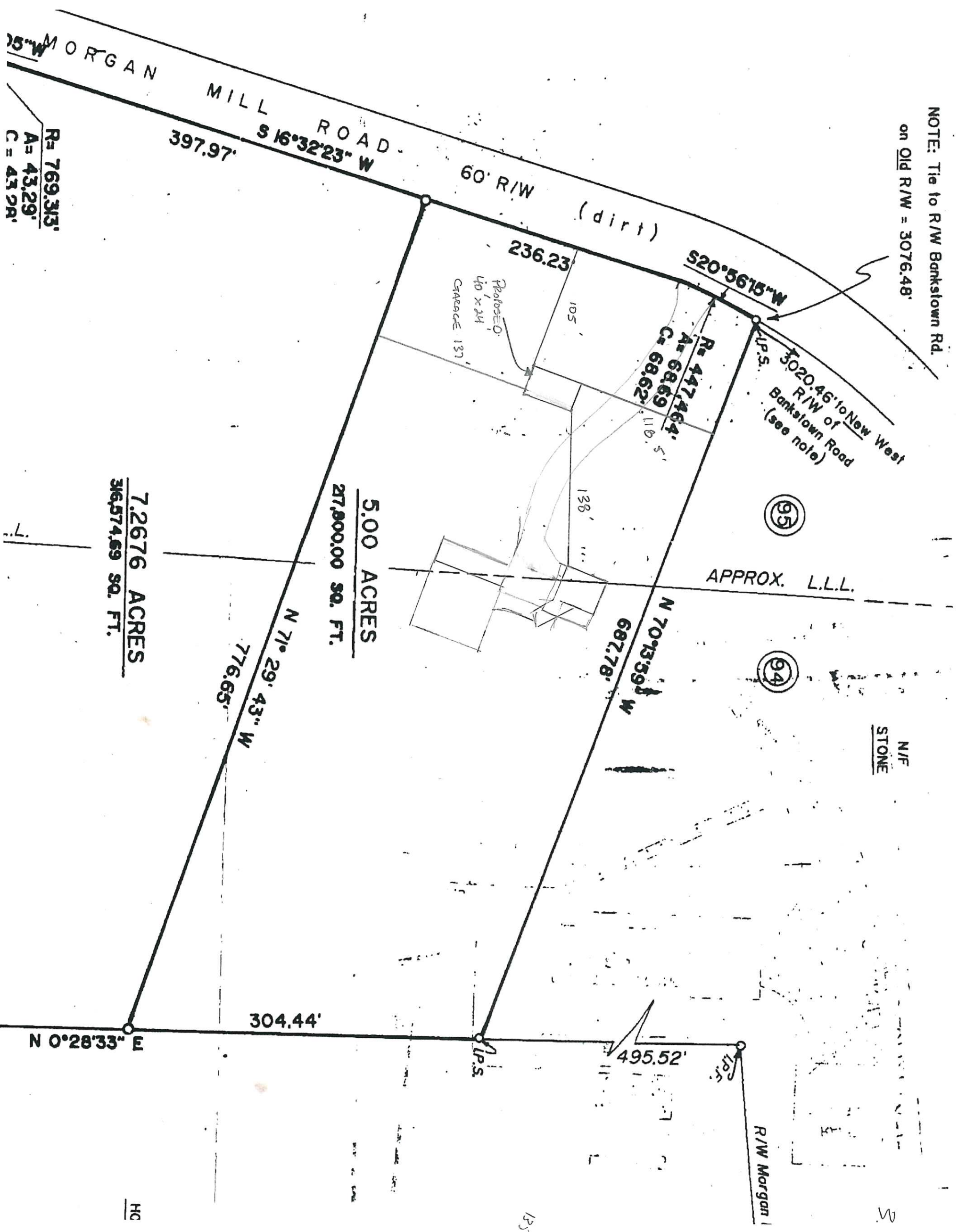
(All applications/documentation must be complete at the time of submittal, or the application will not be accepted)

- ☒ Application form and all required attachments, completed, signed, and notarized (if applicable).
- ☒ Copy of latest recorded deed, including legal description of the boundaries of the subject property, including total acreage.
- ☒ One copy of the survey plat of the property, drawn to scale with accurate dimensions, with the following indicated:
 - a. _____ Location and size of 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:	

NOTE: Tie to R/W Banksstown Rd.
on Old R/W = 3076.48'



R= 769.343'
A= 43.29'
C= 43.29'

7.2676 ACRES
316,574.69 SQ. FT.

HC

Record and Return to:

Weissman PC

5909 Peachtree Dunwoody Road, Suite 100
Atlanta, GA 30328

File No.: W-C-01441-21-PC

Parcel ID: 0412 028

WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 5th day of March, 2021, between **Lauri Kalleen Culp Maselli**, as party or parties of the first part, hereinafter called Grantor, and **Lauri Kalleen Culp Maselli and Vincent Michael Maselli and David Alan Albee, Jr. and Patricia Marie Albee**, 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 LOVE AND AFFECTION in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, liened, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to-wit:

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

DEED PREPARATION ONLY - THIS INSTRUMENT PREPARED BY INSTRUCTION OF THE PARTIES HEREIN.

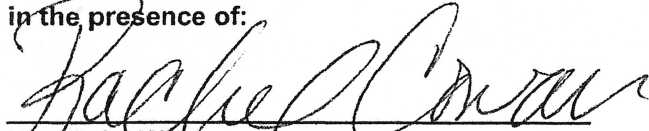
THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said described property.

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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them IN FEE SIMPLE together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

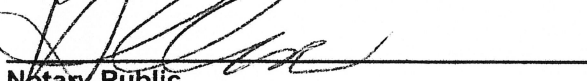
AND THE SAID Grantor will warrant and forever defend the right and title to the above-described property unto the said Grantees against the claims of all persons whomsoever.

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

Signed, sealed and delivered
in the presence of:


Unofficial Witness

 (Seal)
Lauri Kalleen Culp Maselli


Notary Public
My commission expires: _____
(Notary Seal)

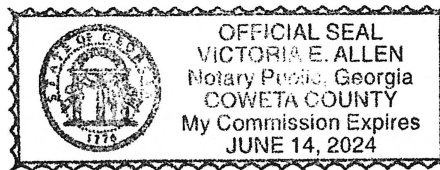


EXHIBIT "A"

File No.: W-C-01441-21-PC

All that tract or parcel of land lying and being in Land Lots 94 and 95 of the 4th District, Fayette County, Georgia, being containing in 5.00 Acres (more or less) of Survey for David R. Piper and Heidi H. Piper Subdivision, as per plat thereof recorded in Plat Book 23, Page 145, Fayette County, Georgia Records, which recorded plat is incorporated herein by reference and made a part of this description. Said property being known as 438 Morgan Mill Road, according to the present system of numbering property in Fayette County, Georgia.



981 Camp Ground Road

Griffin, Georgia, 30223

678-618-5067

sagaskins55@gmail.com

Date: 10/01/2025

Re: 438 Morgan Mill Road Brooks, Ga.

To: Whom it may concern.

On 09/30/25 we determined that the structure at the address referenced above is 31' from the left property line based on the front and rear property corners recovered.

Sincerely,

Al Gaskins

Owner, S.A. Gaskins & Associates, LLC

Land Surveyors

S.A. Gaskins, Sr. RLS # 1620

A handwritten signature in black ink, appearing to read "Al Gaskins", written over a horizontal line.

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, No-
vember 24, 2025, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-913-25

Owner: Lauri Kallen Culp Maselli,
Vincent Michael Maselli, David
Alana Albee Jr. and Patricia Marie
Albee

Property Address: 438 Morgan Mill
Road

Parcel: 0701 063

Zoning District: A-R

Area of Property: 5.00 acres

Land Lot(s): 94 and 95

District: 4th

Road Frontage: Morgan Mill Road

Request: Applicant is requesting
the following: Variance to Sec. 110-
125(d)(6).- A-R, Zoning to reduce
the side yard setback from 50 feet
to 31 feet to allow an accessory
structure to be built.

EXHIBIT "A"

File No.: W-C-01441-21-PC

All that tract or parcel of land lying
and being in Land Lots 94 and 95
of the 4th District, Fayette County,
Georgia, being containing in 5.00
Acres (more or less) of Survey for
David R. Piper and Heidi H. Piper
Subdivision, as per plat thereof re-
corded in Plat Book 23, Page 145,
Fayette County, Georgia Records,
which recorded plat is incorporat-
ed herein by reference and made a
part of this description. Said prop-
erty being known as 438 Morgan
Mill Road, according to the present
system of numbering property in
Fayette County, Georgia.

10/22

PETITION NO: A-914-25

Requested Actions: Applicant is requesting a variance to Flat Creek Trail Overlay District's requirement for a pitched peaked (gable or hip) roof with a minimum pitch of 4.5 inches in one (1) foot, including accessory structures and shall be a type and construction complimentary to the façade.

Location: 161 Flat Creek Trail, Fayetteville, Georgia 30214

Parcel(s): 0713 104

District/Land Lot(s): 7th District, Land Lot(s) 39, 40, 57, & 58

Zoning: A-R, Agricultural-Residential

Lot Size: 25.593 Acres

Owner(s): Flat Creek Baptist Church, Inc.

Agent: Bill Entrekin

Zoning Board of Appeal Public Hearing: November 24, 2025

REQUEST

Applicant is requesting a variance to Sec. 110-173 (6)(b)(1) requirement for a pitched peak (gable or hip) roof with a minimum pitch of 4.5 inches in one foot, including accessory structures, to allow construction of a new building with architectural features compatible with the existing structures on the property. Applicant proposes a parapet to compliment the existing building design on the south side of the campus.

STAFF ASSESSMENT

Flat Creek Baptist Church recently acquired and incorporated an addition 8.613 acres into the property line with the goal of new building construction to expand their outreach capabilities. The church desires to construct future buildings to match the architectural façade of the existing building to create a cohesiveness throughout the property.

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.**

This property was originally developed in 1910, prior to the establishment of the Flat Creek Trail Overlay District or Fayette County Zoning. With the incorporation of an additional 8.6 acres, this property is inside the Flat Creek Trail Overlay District and the SR 54 W Overlay Zone. The church desires to develop future buildings with architectural features complimenting the existing structures, but compliance with the ordinance would cause additional structures to be out of character with the existing structures.

- 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, requiring new architectural standards would adversely impact the aesthetics of the existing structures on the campus.

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

This is a growing development that seeks to merge the old with the new.

- 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 amending the architectural requirements for future buildings 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 properties in the area.

HISTORY

The church was constituted in 1836 and moved to its current location in 1910. The recent addition of acreage was approved by staff and was recorded in Plat Book 102, Page 142 on June 13, 2025.

ZONING REQUIREMENTS

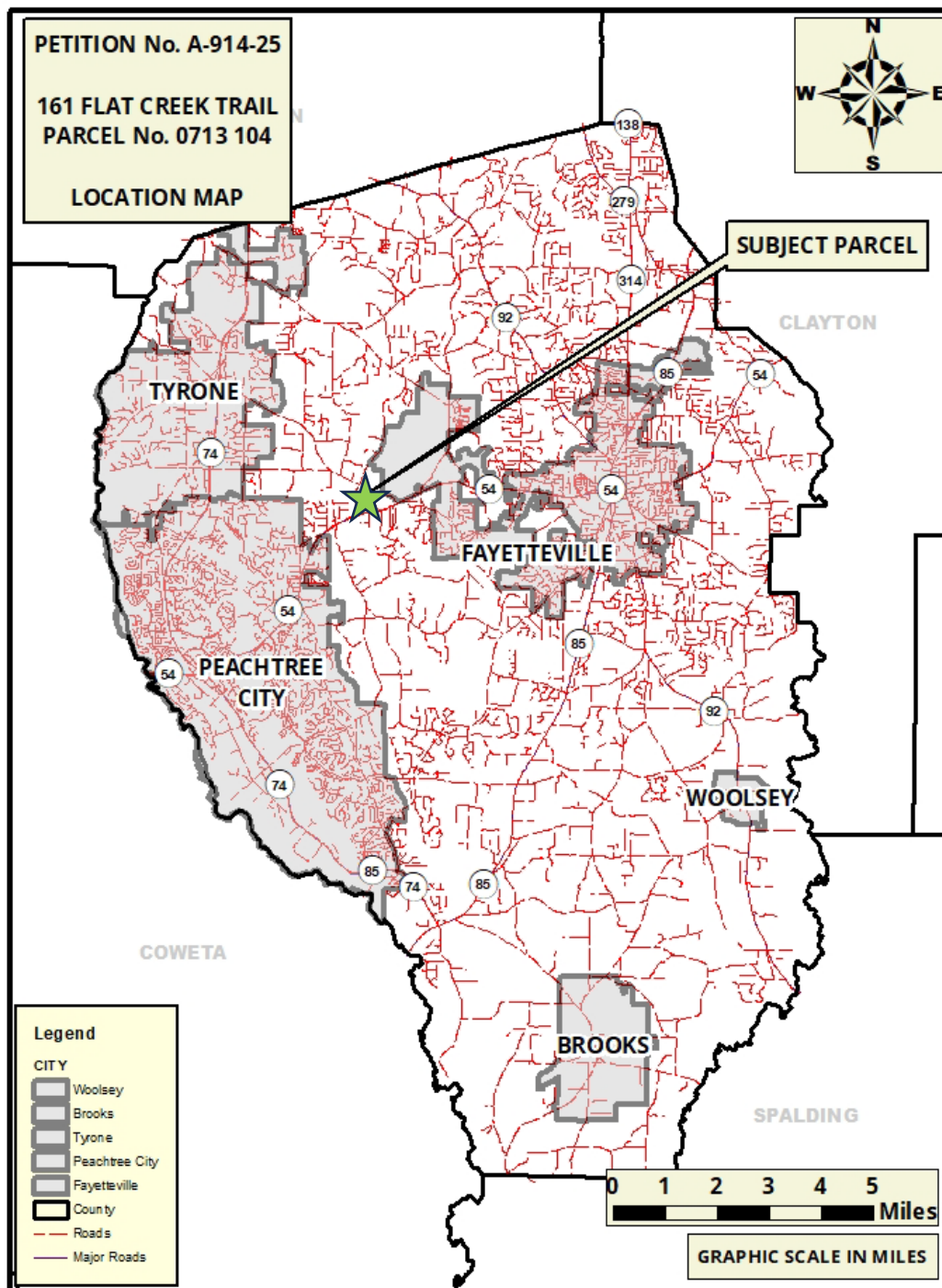
Sec. 110-169.(2) n. – Church and/or other place of worship

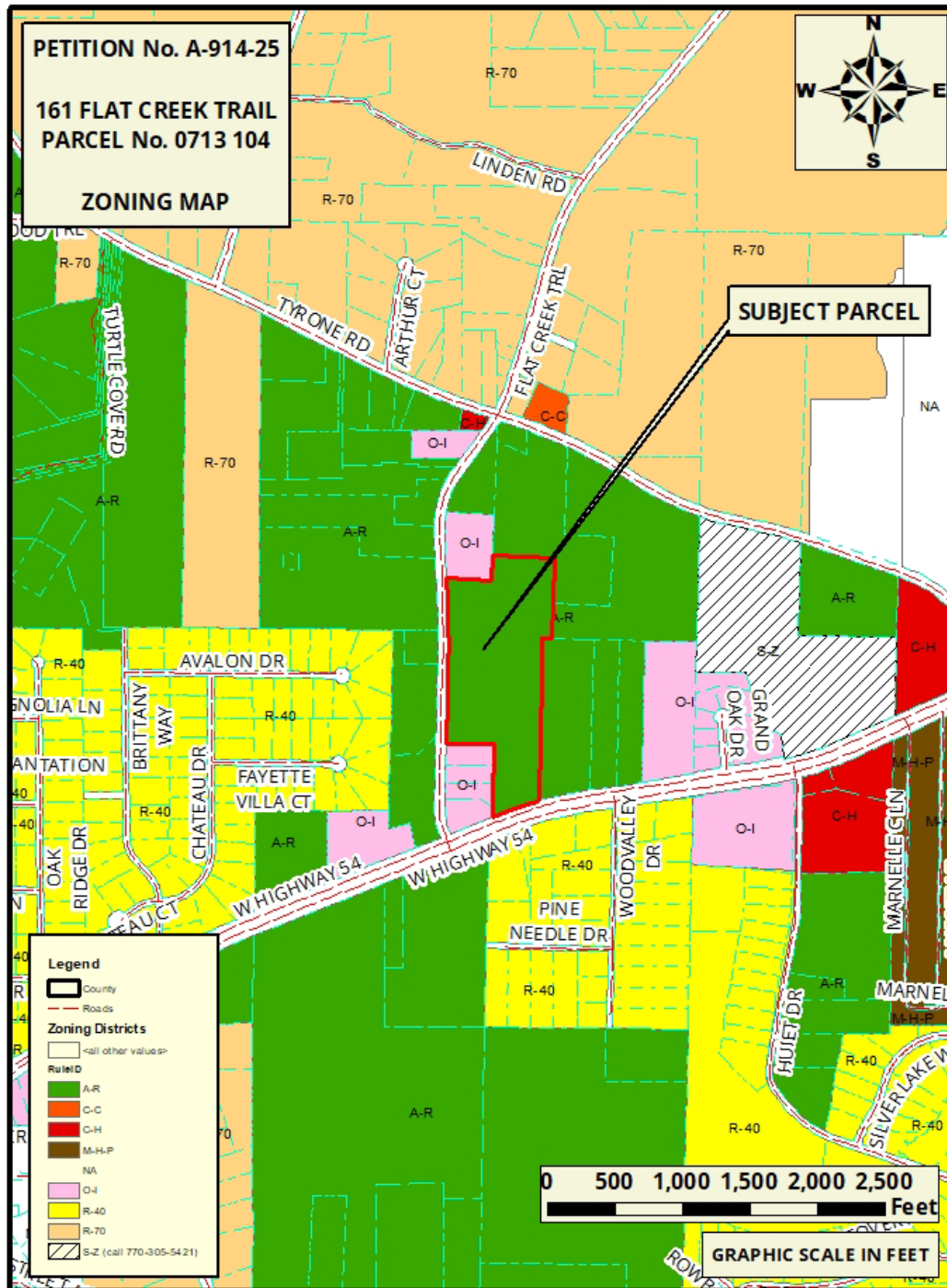
(4) Minimum setbacks for structures and use areas (excluding parking areas and tot lots as defined herein).

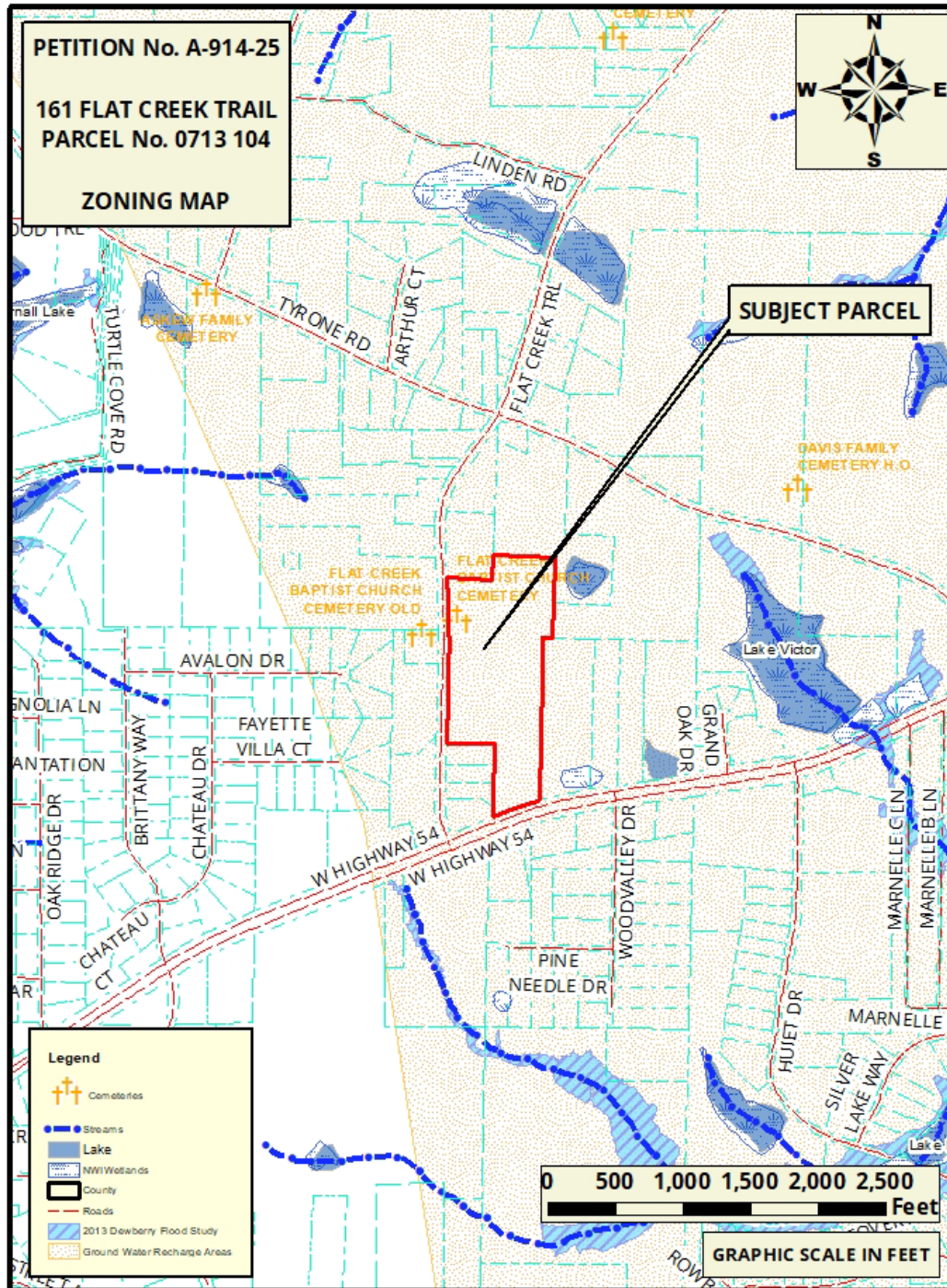
- (i) Front yard setback: 100 feet
- (ii) Side yard: 50 feet
- (iii) Rear yard: 75 feet

DEPARTMENTAL COMMENTS

- ☐ **Water System** –No objections.
- ☐ **Public Works** – No objections.
- ☐ **Environmental Management** – No objections.
- ☐ **Environmental Health Department** – No objections.
- ☐ **Fire** – No comment.
- ☐ **Department of Building Safety** - No objections.









FINAL PLAT

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

PROPERTY INFORMATION:

Parcel No. 0713 039 & 0713 104 Acreage: 25.593 Land Lot: 7-39, 7-40
7-57, 7-58 Land District: District 01
Address: 161 Flat Creek Trail, Fayetteville, GA 30214
Zoning: A-R Zoning of Surrounding Properties: A-R; O&I
Use: Church/ Place of Worship

PROPERTY OWNER INFORMATION

Name Flat Creek Baptist Church INC (c/o James Stewart)
Email james@flatcreekbaptist.org
Address 161 Flat Creek Trail
City Fayetteville
State GA Zip 30214
Phone 678-634-4591

AGENT/DEVELOPER INFORMATION (If not owner)

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

(THIS AREA TO BE COMPLETED BY STAFF):

PETITION NUMBER: A-914-25

☐ Application Insufficient due to lack of: _____

by Staff: _____ Date: _____

☒ Application and all required supporting documentation is Sufficient and Complete

by Staff: Deborah LeBell Date: 09/30/2025

DATE OF ZONING BOARD OF APPEALS HEARING: _____

Received payment from William Entekin Jr. a check in the amount of \$ 175.00

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

Date Paid 09/30/25 Receipt Number: 025341

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:

Flat Creek Baptist Church INC

Please Print Owners' Names

Property Tax Identification Number(s) of Subject Property: E2- Exempt

(I am) (we are) the sole owner(s) of the above-referenced property. Subject property is located in Land Lot(s) 39,40,57,58 of the 01 District, and (if applicable to more than one land district) Land Lot(s) of the District, and said property consists of a total of 25.593 acres (legal description corresponding to most recent recorded plat for the subject property is attached herewith).

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

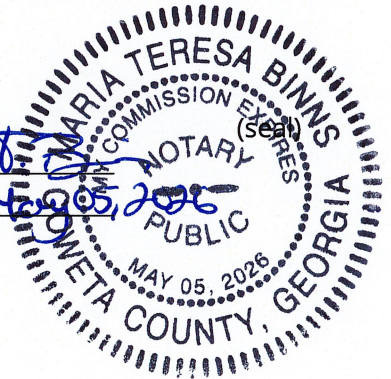
(I) (We) certify that all of the information filed with this application including written statements or showings made in any paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (I) (We) understand that this application, attachments and fees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

SIGNATURES

Signature Bruce Entekin
Name: Bruce Entekin
Address: 53 Forest Berry Court
City/State/Zip: NEWNA, GA. 30265
Date: 09/30/25

Notary:

Commission Exp.: May 05, 2026



Owner/
Agent
One:

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

Notary:

(seal)

Commission Exp.: _____

Owner/
Agent
Two:

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

Notary:

(seal)

Commission Exp.: _____

Owner/
Agent
Three:

VARIANCE INFORMATION

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

Ordinance/Section	Flat Creek Trail Overlay Zone
Requirement	6.b.1 Provide " A pitched peak roof....A pitched Mansard roof facade with a minimum pitch of 4.5 in one foot and a minimum height of eight feet around entire perimeter of the structure
Proposed Change	Omit requirement of Pitched roof and Mansard roof and replace with a parapet to compliment existing building design on south side of campus
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.

Requesting variance to omit 4.5 in one foot mansard requirement for roof. We propose utilizing a parapet to hide all

rooftop equipment the same as the church building on the south side of the Sanctuary (See attached Renderings)

JUSTIFICATION OF REQUEST

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

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

The church building on this property is a larger structure than the typical structures in this area. Adding a mansard roof would increase the height of the building, making it larger than necessary as compared to adjacent properties

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

The application would not a unnecessary hardship. However the addition of Mansard roof is not required to hide roof top equipment because the planned parapets are tall enough to hide any roof top equipment from public view.

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

There aren't any existing Mansard roofs on the property. The South Building utilized parapet walls in lieu of mansards

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, if granted, would allow this portion of the campus to match the south side of the campus, giving a harmonious appearance.

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

A literal interpretation of the ordnance would not deprive the applicant of any rights.

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:
Per email conversations with Deborah Bell the attached Site plan provides site sufficient information based on th
Variance to remove the requirement for a Mansard roof. (Since no variance for site modifications
are being requested)
 - 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:	

Type: PLAT EFILED
Recorded: 6/13/2025 10:37:00 AM
Fee Amt: \$10.00 Page 1 of 1
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court
BK 102 PG 142

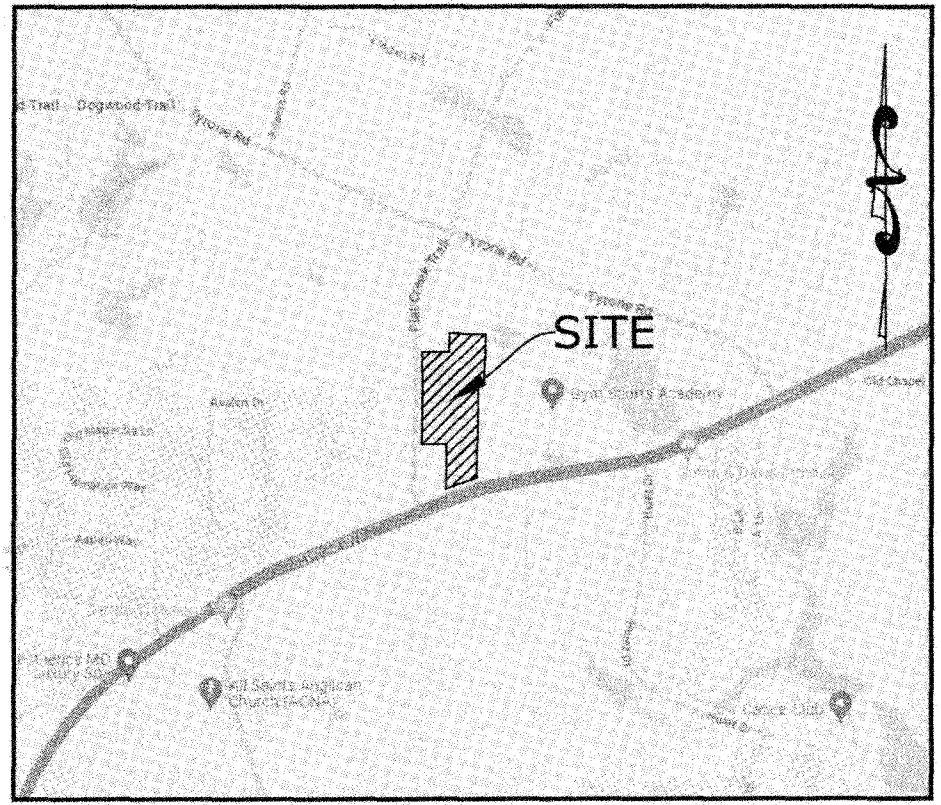
Grid North

This Box reserved for the Clerk of the Superior Courts.

Curve Table				
Curve #	Length	Radius	Bearing	Chord
C1	321.33'	5593.81'	N00° 01' 59"W	321.29'
C2	226.05'	2371.83'	S70° 22' 32"W	225.96'

Line Table		
Line #	Direction	Length
L1	N01° 36' 53"E	174.89'
L2	N01° 26' 33"E	319.51'
L3	N00° 24' 36"E	87.52'
L4	N01° 47' 09"W	250.28'

Minor Final Plat of Flat Creek Baptist Church Land Lot 39, 40, 57 & 58 of the 4th District Fayette County, Georgia



Vicinity Map
(NOT TO SCALE)

FLAT CREEK TRAIL
(80' R/W)

Approved by Fayette County Environmental Health Department

5/15/25
Date
Bonnie Lunn
Environmental Health Specialist

Approved by Fayette County Environmental Management Department

5/28/25
Date
B. Lunn
Environmental Management Director

Approved by Fayette County Engineer

5/32/25
Date
P. Mallow
County Engineer/Designee

Approved by Fayette County Planning Commission

06/05/2025
Date
Deborah L. Bell
Secretary/Designee

Approved by Fayette County Zoning Administrator

5/28/25
Date
Daron M. Smith
Zoning Administrator/Designee

Approved by Fayette County Fire Marshal

5/11/25
Date
V. P. Smith
Fire Marshal/Designee

- A-297-88 approved July 26, 1988 to reduce the front yard setback from a minimum of 100 feet to a minimum of 50 feet (50' variance) to allow construction of a 1200 set sanctuary to the front of an existing building.
- A-336-90 approved June 26, 1990 to reduce a required setback from a minimum of ten (10) feet to minimum of four (4) feet to construct parking facilities for an existing church.
- A-863-24 approved July 22, 2024 to reduce the minimum front yard setback for structures from 100' to 50'.

GENERAL NOTES:

- OWNER/DEVELOPER:
Flat Creek Baptist Church, Inc.
161 Flat Creek Trail
Fayetteville, GA 30214
Office: (770) 487-4890
- SURVEYOR:
Integrated Science & Engineering
1039 Sullivan Road
Newman, GA 30255
678-552-2106
rgodwin@intse.com
- CLOSURE DATA:
Field Closure = N/A
Angle Point Error = N/A
Equipment Used = Carlson BRX7 GPS System
Adjustment Method = N/A
Plat Closure = 406,270"
- SITE DEVELOPMENT DATA:
Location: Land Lot 39, 40, 57 & 58 of the 4th District, Fayette County, Georgia
Site Data = 1 Lot
Total area of project = 25.593 Acres 1,114,858 Sq. Ft.
- Tax Parcel No. 0713 104 & 0713 039
- MINIMUM DIMENSIONAL ZONING REQUIREMENTS:
A-R Zoning district
Minimum lot width at front setback line = 400'
Minimum floor area of house = 1,200 Sq. Ft.
Minimum lot size = (5 Acres) 217,800 Sq. Ft.
Front yard = 100' (Church)
Side yard = 50'
Rear yard = 75'
- The field data upon which this survey was performed is based upon GPS observations which were established using Carlson BRX7 multi-frequency receiver using real time kinematic observations. The relative positional accuracy achieved is better than 0.07 feet per observation point.
- This survey basis for directions shown hereon are Grid North as defined by NAD 83 and NAVD 88, Georgia West Zone and determined through RTK-GPS methods utilizing eGPS Solutions VRS Network
- All deed book references shown hereon are recorded in the Clerk of Superior Court's office of Fayette County, Georgia.
- Capped 1/2" re-bar to be set at all lot corners unless otherwise noted.
- In my opinion this property appears not to lie within a Special Flood Hazard Area, according to FEMA Flood Insurance Rate Map for Fayette County unincorporated areas dated September 26, 2008 Map #13113C0083E.
- This property is located in a groundwater recharge area.
- There are no state waters on this property.
- In my opinion there are no jurisdictional wetlands on this property as per the U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper. All jurisdictional wetlands are under the jurisdiction of the U.S. Army Corps of Engineers and/or the state of Georgia Department of Natural Resources. Property owners may be subject to penalty by law for disturbance to these protected areas without the proper permit application and approval.
- Sewer service is provided by individual septic systems.
- Water service is provided by Fayette County Water System.
- All distances shown are horizontal ground distance. No conversion factor used.
- All existing structures, buildings, or improvements on the property to remain.
- Fayette County does not accept the ownership maintenance or responsibility for any drainage easement or overall drainage plan or the lack of one indicated by this plat.
- Declaration is made to original purchaser of the survey. Any use by third parties is at their own risk. Survey is valid only if print has original seal and original signature of surveyor.
- No new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required.
- Each residential building lot has a minimum contiguous area of 0.6 Acres that is free and clear of zoning buffers setbacks, watershed protection buffers and setbacks, jurisdictional wetlands, and easements of any kind.
- There was nothing on adjoining property located because permission was not given or obtained. Georgia DOES NOT have a Right of Entry Law for Surveyors.
- This survey does not constitute a title search by surveyor. The property is subject to all information regarding easements, restrictions, covenants, zoning ordinances, environmental restrictions, buffers, right-of-ways, adjoiners, and other documents that might affect the tract shown or not shown, recorded or not recorded. There are no recorded easements found associated with the property.
- Integrated Science & Engineering has made no investigation as to the existence or non-existence of underground utilities and/or structures. Before any land disturbance activity begins, underground utilities should be identified and located. Integrated Science & Engineering assumes no liability for loss or damages caused by the discovery of or disturbance of underground utilities and/or structures.
- Sec. 110-169(n)(13) When a property containing legal structures (conforming or nonconforming), under the current zoning is utilized as a church and/or place of worship under this section, the setback requirements shall be reduced to the extent of, but only at the location of, any encroachment by the structures and said structures shall be considered legally nonconforming structures. The use of these structures shall be limited to administration, parsonage/residence, storage building, or detached garage.

Legend

- OTP=Open Top Pipe
- RBF=Rebar Found
- RBS=Rebar Set
- 1/4"=Right of Way
- CTP=Crimped Top Pipe
- P.O.B.=Point of Beginning
- P.O.C.=Point of Commencement
- 1/4"=Edge of Pavement
- 1/4"=Centerline
- B/L=Building Line
- D.E.=Drainage Easement
- N/F=Now or Formerly
- F.W.P.D.=Field Work Performed Date
- 1/4"=Gas Valve
- 1/4"=Water Meter
- 1/4"=Utility Pole
- 1/4"=Guy Wire
- 1/4"=Drop Inlet
- 1/4"=Fire Hydrant
- 1/4"=Light Pole
- 1/4"=Fence
- 1/4"=Drainage Manhole
- 1/4"=Sanitary Sewer Manhole
- 1/4"=Over Head Electric Line
- 1/4"=Benchmark
- 1/4"=Calculated Corner
- 1/4"=Concrete Monument
- 1/4"=Property Corner

Owner's Certificate:

I/we, the undersigned, certify that as the legal owner/owners of the subject property, I/we hereby authorize the submission of this Final Plat for the subdivision of my/our property.

Owner/Mortgagee
Date

Owner/Mortgagee
Date

(If property dedication is required provide the following statements on the face of the plat.)
We, the undersigned owner(s) and/or mortgagee(s) of the _____ Subdivision, hereby offer to dedicate and/or reserve for public use the rights-of-way, easements and other ground shown on this plat.

Owner/Agent
Date

Owner/Agent
Date

All property contained within the right-of-way of all new streets and all existing streets adjacent to the subdivision as indicated hereon, are hereby deeded to Fayette County, a political subdivision of the State of Georgia, at no costs to Fayette County upon recordation of said Minor Final Plat with the Fayette County Clerk of Superior Court.

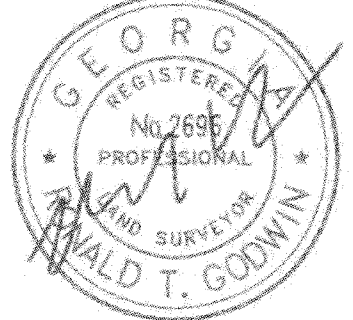
The term "Certification" as used in Rule "180-6-.09(2) and (3)" and relating to professional engineering or land surveying services, as defined in O.C.G.A. 43-15-2(6) and (11), shall mean a signed statement based upon facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied.

This survey complies with both the rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and the Official Code of Georgia Annotated (OCGA) 15-6-67, in that where a conflict exists between those two sets of specifications, the requirements of law prevail.

Surveyor's Certificate:

As required by subsection (4) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

BY: GA R.L.S. Ronald T. Godwin
2696
License No.
05/15/2025
Date



Graphic Scale 1" = 100'
0 50 100 200

Job #:	1714.2301
Drawn By:	AJP
Reviewed By:	RTG
Date:	05/15/2025
F.W.P.D.:	04/10/2024
Scale:	1" = 100'
Sheet:	1 of 1

Prepared For:

Flat Creek Baptist Church, Inc.

Flat Creek Trail and Highway 54

Land Lot 39, 40, 57 & 58 of the 4th Land District
Fayette County, Georgia

Plat/Deed Book

Page:

Date

Revisions

02/03/2025
04/24/2025
05/15/2025

Address comments from Fayette County
Address comments from Fayette County
Address comments from Fayette County

**INTEGRATED
Science & Engineering**

1039 SULLIVAN ROAD, SUITE 200, NEWMAN, GEORGIA 30255
PH 678.552.2106 | 678.552.2107
CMA No. 159-000138 | 159-067-367/2025

CORRECTIVE
WARRANTY DEED

STATE OF GEORGIA

COUNTY OF FAYETTE

THIS INDENTURE, Made the
one thousand nine hundred 87day of
, between

, in the year

FLAT CREEK BAPTIST CHURCH, an unincorporated
association acting by and through its TRUSTEES
of the County of FAYETTE, and State of Georgia, as party or parties of the
first part, hereinafter called Grantor, and

FLAT CREEK BAPTIST CHURCH, INC

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

(\$1000) DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby
acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents
does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

All that tract or parcel of land lying and being in LAND LOTS
39, 57, and 58 of the 7th District of FAYETTE COUNTY, GEORGIA
and being more particularly described as follows:

BEGINNING at the southeast corner of LAND LOT 57, being the
common corners of LAND LOTS 39, 40, 57 and 58; running thence N 0°
18' 49" E 347.00 feet to an iron pin; thence S 89° 00' W 335.47
feet to an iron pin; thence S 3° 29' 35" E 347.30 feet to an iron
pin; thence S 1° 21' 13" E 212.21 feet to an iron pin; thence S
1° 52' 48" E 100.00 feet to an iron pin; thence N 86° 53' E 326.8
feet to an iron pin; thence N 86° 53' E 364.4 feet to an iron pin
thence N 1° 8' W 303.9 feet to an iron pin; thence S 89° 0' W
380.0 feet to an iron pin and the point of beginning.

This deed is to correct the legal in deed book 133 page 681

GEORGIA, Fayette County
Clerk's Office Superior Court

Filed for record July 18, 1988

9:30 A. M.

Recorded in Book 509 Page 467

This 18 day of July 19 88

W. A. Ballard

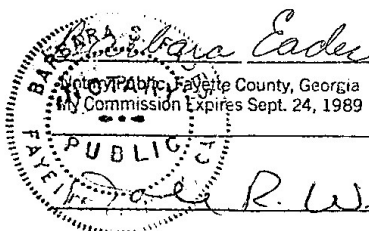
Clerk

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

AND THE SAID Grantor will warrant and forever defend the right and title to the above
described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in presence of:



James M. Hays (Seal)

Claude R. Lacy (Seal)

Howard H. Gibbs (Seal)

FORM 509

RURAL POST ROADS

RIGHT OF WAY DEED

GEORGIA Fayette COUNTY PROJECT NO. PR 4463 (1)

THIS INDENTURE made this day of , 19 , between the undersigned Grantor (Grantors)
 Party(ies) of the first part, and Fayette County, a political sub-
 division of the State of Georgia, party of the second part.

WITNESSETH

That for and in consideration of the sum of One Dollar (\$1.00) in hand paid, and the benefits
 flowing the Grantor (Grantors) from the project hereinafter described, party(ies) of the first part
 does grant and convey unto party of the second part, its successors and assigns, the following property,
 to-wit:

That tract of land, lying and being in the 624 District G.M. of
 said county, along and on either side of the center line of a Rural Post Road which has been surveyed
 and laid out by the State Highway Department of Georgia as a Rural Post Road, known as Project No.
PR 4463 (1) Between State Route 54 and S 846
 of sufficient width for a right of way 80 feet in width, together with sufficient land on
 either side thereof for slopes, fills and drainage necessary for the construction and maintenance of
 said road; and for the same consideration also release said County, and State Highway Department from
 any claim of damage arising on account of construction of said roads or fills and embankments, ditches
 or culverts or bridges, on account of back waters, changing of courses of streams or in any other manner.
 The land herein granted is more particularly described on the map and drawing of said Project which is on
 file in the office of the State Highway Department, and reference is made thereto for a more complete
 description.

To have and to hold the bargained premises unto grantee, its successors and assigns forever in fee
 simple.

Party(ies) of the first part will forever warrant and defend the title to the bargained premises unto
 party of the second part, its successors and assigns against the claims of all persons whomsoever.

IN WITNESS WHEREOF party(ies) of the first part have hereunto set their hand(s) and seal(s) the day
 and year above written.

FLAT CREEK BAPTIST CHURCH:

BY E. L. Adams (L.S.)
C. R. King (L.S.)
J. A. Griffith (L.S.)
M. W. Calmer (L.S.)
 Trustees of said Church
Lincoln Parrott (L.S.)
Alice Thomas (L.S.)
W. H. Ciskew (L.S.)
Howard Ciskew (L.S.)
A. B. Hopson (L.S.)
 _____ (L.S.)
 _____ (L.S.)
 _____ (L.S.)
 _____ (L.S.)
 _____ (L.S.)

Signed, Sealed and Delivered in the
 presence of:

Mrs. H. C. Howell, Jr.
 Notary Public

Sheet of

RECORDED THIS 23 DAY OF 4 1963

CLERK

Wednesday, October 22, 2025

Continued from page B2

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, No-
vember 24, 2025, at 7:00 P.M.,
Fayette County Administrative
Complex, Public Meeting Room,
140 Stonewall Avenue West, first
floor.

Petition No.: A-914-25

Owner: Flat Creek Baptist Church
Inc

Agent: Bill Entrekin

Property Address: 161 Flat Creek
Trail

Parcel: 0713 104

Zoning District: A-R

Area of Property: 25.593 acres

Land Lot(s): 39, 40, 57, and 58

District: 7th

Road Frontage: Flat Creek Trail and
Highway 54 West

Request: Applicant is requesting
the following: Applicant is request-
ing to omit the requirement for a
pitched peaked or mansard roof.

Per Sec. 110-173(6)(b)(1).- Archi-
tectural Standards, to be replaced
by a parapet wall consistent with
other buildings on the site.

Legal Description

All that tract or parcel of land lying
and being in LAND LOTS 39, 57,

Legals continued page B4

Fayette County News B3

B4 Fayette County News

Continued from page B3

and 58 of the 7th District of FAY-
ETTE COUNTY, GEORGIA and
being more particularly described
as follows:

BEGINNING at the southeast cor-
ner of LAND LOT 57, being the
common corners of LAND LOTS
39, 40, 57 and 58; running thence N
0° 18' 49" E 347.00 feet to an iron
pin; thence S 89° 00' W 335.47 feet
to an iron pin; thence S 3° 29' 35"
E 347.30 feet to an iron pin; thence
S 1° 21' 13" E 212.21 feet to an iron
pin; thence S 1° 52' 48" E 100.00
feet to an iron pin; thence N 86°
53' E 326.8 feet to an iron; thence
N 86° 53' E 364.4 feet to an iron
pin thence N 1° 8' W 303.9 feet
to an iron pin; thence S 89° 0' W
380.0 feet to an iron pin and the
point of beginning.

This deed is to correct the legal in
deed book 133 page 681.

10/22