



Tyrone Planning Commission

Agenda

August 12th, 2021

7:00 PM

Planning Commission

David Nebergall
Chairman

Dia Hunter
Vice-Chairman

Carl Schouw
Commissioner

Jeff Duncan
Commissioner

Scott Bousquet
Commissioner

Staff

Phillip Trocquet
Town Planner

Patrick Stough
Town Attorney

Meeting Information

2nd & 4th Thursday
of each month

950 Senoia Road
Tyrone, Ga 30290
770-487-4038
www.tyrone.org

I. Call to Order

II. Approval of Agenda

III. Approval of Minutes from *July 8th, 2021*

IV. Public Hearing

1. Consideration of a rezoning from applicant Yuet-Yuen Cushing of a 5.1-acre tract with parcel number 0729 006 from AR (Agricultural Residential) to R-12 (Residential 1200 s.f. min.) **Phillip Trocquet, Town Planner**
2. Consideration of a rezoning from applicant Douglas Pollard of a 3.1-acre tract with parcel number 0738 161 at property address 129 Palmetto Road from AR (Agricultural Residential) to R-12 (Residential 1200 s.f. min.) **Phillip Trocquet, Town Planner**
3. Consideration of a rezoning from applicant Douglas Pollard of a 6.4-acre tract with parcel number 0738 053 at property address 163 Palmetto Road from AR (Agricultural Residential) to R-12 (Residential 1200 s.f. min.) **Phillip Trocquet, Town Planner**
4. Consideration of a rezoning from applicant Teresa Shell of a 2-acre tract with parcel number 0736 021 at property address 458 Senoia Road from R-12 (Residential 1200 s.f. min.) to C-1 (Downtown Commercial) **Phillip Trocquet, Town Planner**
5. Consideration of a rezoning from applicants Zachary & Britney Eyster of a 8.4-acre tract with parcel number 0742 033 from AR (Agricultural Residential) to R-12 (Residential 1200 s.f. min.) **Phillip Trocquet, Town Planner**

V. New Business

VI. Staff Comments

VII. Commission Comments

VIII. Adjournment

Town of Tyrone
Planning Commission Meeting Minutes
July 8, 2021
7:00 PM

Present:

Chairman, David Nebergall
Vice-Chairman, Dia Hunter
Commission Member, Jeff Duncan
Commission Member, Carl Schouw
Town Attorney, Patrick Stough
Town Planner, Phillip Trocquet

Absent:

Commission Member, Scott Bousquet

Call to Order:

Chairman Nebergall called the meeting to order at 7:06 pm, the meeting was also available via YouTube Live.

Approval of Agenda:

Commissioner Duncan made a motion to approve the agenda.
Commissioner Schouw seconded the motion. Motion was approved 3-0.

Approval of Minutes:

Commissioner Schouw made a motion to approve the minutes from June 10, 2021 with the addition of including his name as being present at that meeting.
Commissioner Hunter seconded the motion. Motion carried 3-0.

New Business:

Consideration to approve a revised final plat for a 7.2-acre tract from applicant Jerry Crozier, parcel number 0725 039. **Phillip Trocquet, Town Planner**

Mr. Trocquet stated that Mr. Crozier has applied to subdivide his property into two separate tracts.

The intent was to construct two single-family homes. He added that the property was currently zoned Duplex-Residential (DR), with Conditions and originally part of the River Crest subdivision. It was zoned with the condition that single-family homes would be constructed. Mr. Trocquet share with the Commissioners that he had backing documentation regarding the zoning history. He recommended rezoning the properties to Agricultural Residential (AR) for consistency. He added that the lot split would be consistent with either AR or DR with conditions.

Mr. Trocquet shared that staff recommended approval, with the condition that any outstanding Technical Review Committee comments would be addressed. He shared that the property was compatible with the Future Land Use Map, Comprehensive Plan and the Zoning Ordinance.

Chairman Nebergall asked the applicant if he would be opposed to the Town recommending that he rezone these properties to AR (Agricultural Residential) at some point in the future. Mr. Crozier responded that he would not have an issue rezoning the properties if it did not affect his ability to build on the properties. Chairman Nebergall responded that he did not believe that the zoning change would affect the buildability of the lots, it would just be a more consistent zoning with surrounding properties.

Commissioner Schouw made a motion to approve the application with staff conditions. Commissioner Duncan Seconded the motion. Motion passed 3-0.

Staff Comments:

Mr. Trocquet mentioned that the final LCI Downtown Master Plan Public Input meeting would be hosted at the end of the month in Shamrock Park. He stated that it would be part of a market with food trucks and live music. Date pending.

Commission Comments:

Adjournment:

Commissioner Duncan made a motion to adjourn. Meeting adjourned at 7:08pm.

David Nebergall, Chairman

Phillip Trocquet, Town Planner

Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: August 12th, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-011

APPLICANT/PROPERTY OWNER

Applicant: Yuet-Yuen Cushing

PLANNING COMMISSION MEETING DATE

August 12th, 2021

TOWN COUNCIL MEETING DATE

August 19th, 2021

ADDRESS/LOCATION

Parcel: 0729 006

Summary

Applicant Yuet-Yuen Cushing has applied for the rezoning of parcel 0792 006 off of Greenwood Lane. The petition is from AR to R-12. This property exists on the border of Tyrone and Peachtree City with Peachtree City to the south. The property is served by an easement that runs south through four (4) Peachtree City parcels onto Greenwood Lane in the Kedron Hills subdivision.

The stated intent of this rezoning was to achieve more zoning flexibility with the land. It should be noted, however, that both Tyrone and Peachtree City ordinances permit a maximum of two homes to be served by a single driveway via an easement (Sec. 113-2). Since this easement traverses through Peachtree City's jurisdiction, any subsequent division of the land would need to be served by a secondary easement or driveway. The city of Peachtree City has submitted comment on this rezoning referencing Article II, Section 201(t) of their Land Development Ordinance (attached).

Although this zoning petition is consistent with the Town's comprehensive plan and surrounding Town of Tyrone zoning classifications, staff does not recommend that this property be subdivided after rezoning. A petition to split the lot under current access conditions would not be consistent with either Tyrone or Peachtree City subdivision regulations.



MAP SOURCE: Fayette County Tax Assessor

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
AR (Agricultural Residential)	Vacant	North: AR South: Peachtree City East: R-12 & AR West: EI	N/A	5.1 Acres
PROPOSED ZONING				
R-12 (Residential 1200 s.f. min.)				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to R-12 is consistent with the Future Development Map and Comprehensive Plan in general. This property lies within the Estate Residential character area which permits R-12 Zoning. The property is also located adjacent to other R-12 zoned properties. Specific site conditions, zoning considerations, and property history should be taken into account for this determination.	N/A

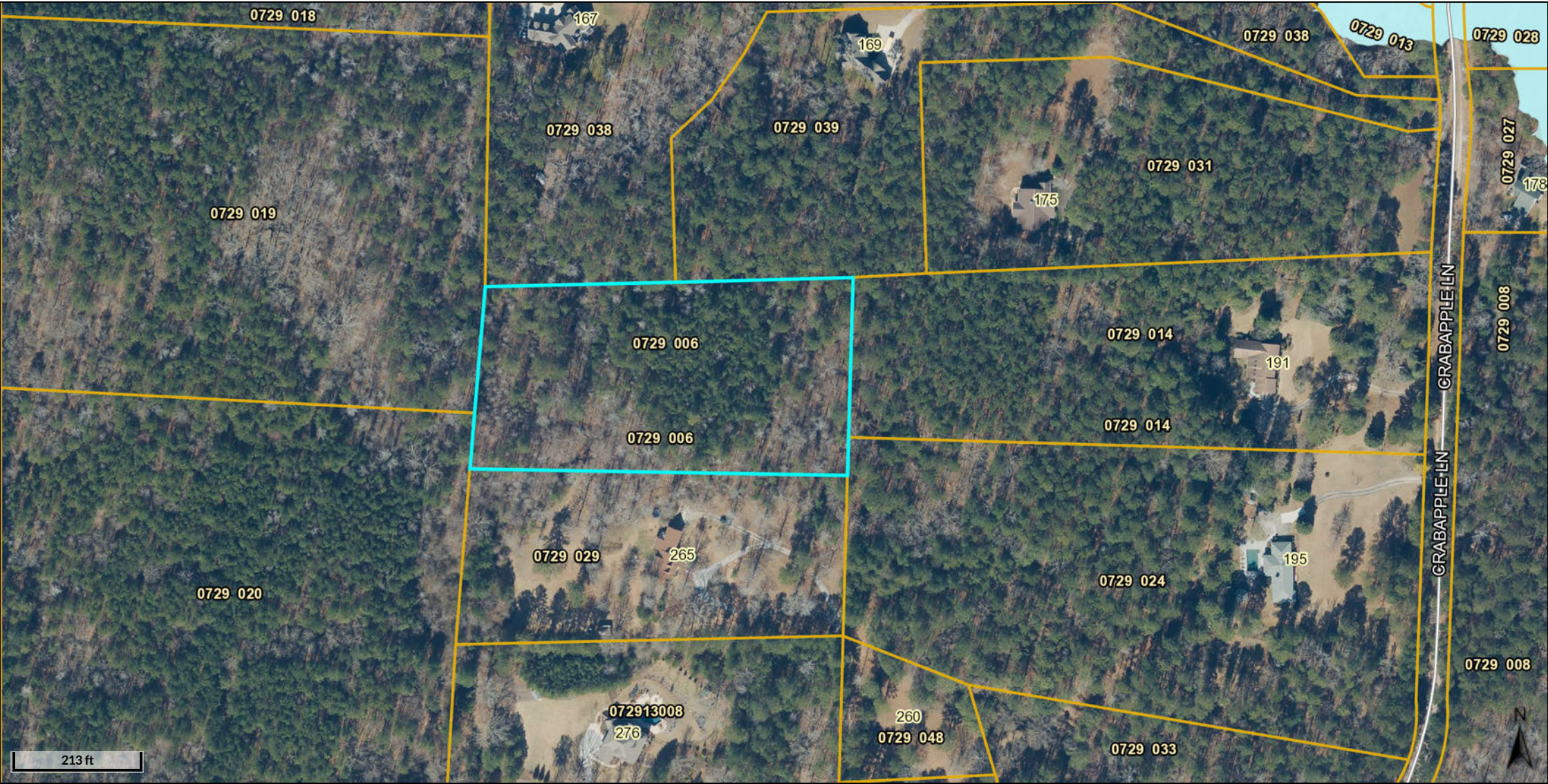
COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT
Will Zoning permit suitable uses with surrounding properties? <i>Yes, the proposed zoning will permit low density single-family development consistent with surrounding properties.</i> Will Zoning adversely affect adjacent properties? <i>No, staff does not believe the zoning will adversely affect adjacent properties. R-12 zoning exists to the east of this property with a low-density single-family development pattern. This zoning is compatible with this development pattern.</i> Does the property have reasonable economic use as currently zoned? <i>Yes, the property does have reasonable economic use as currently zoned. Given that this property has limited access, its current configuration as a single 5-acre estate residential tract is still suitable for the area.</i> Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? <i>No, under the property's current configuration, the proposed zoning would not result in a principle use different from that which is currently allowed. Further subdivision of the lot would need to conform to both the Town of Tyrone and Peachtree City subdivision regulations in order to gain legal access in a manner which is not burdensome on existing infrastructure or service delivery. In practice, only a limited number of lots should be permitted access without the construction of a public or private road to municipal standards.</i> <i>Staff Recommends approval of this petition.</i>

STAFF RECOMMENDATION

Deny

Approve

Approve w/ Conditions



Overview



Legend

- Parcels
- Addresses
- Roads
- 2013 Fayette Coun Flood Study Future 100-year
- 2013 Fayette Coun Flood Study Existing 100-year

Parcel ID 0729 006
Sec/Twp/Rng 0-0-
Property Address PINECREST DR

Alternate ID n/a
Class R4
Acreage 5.1

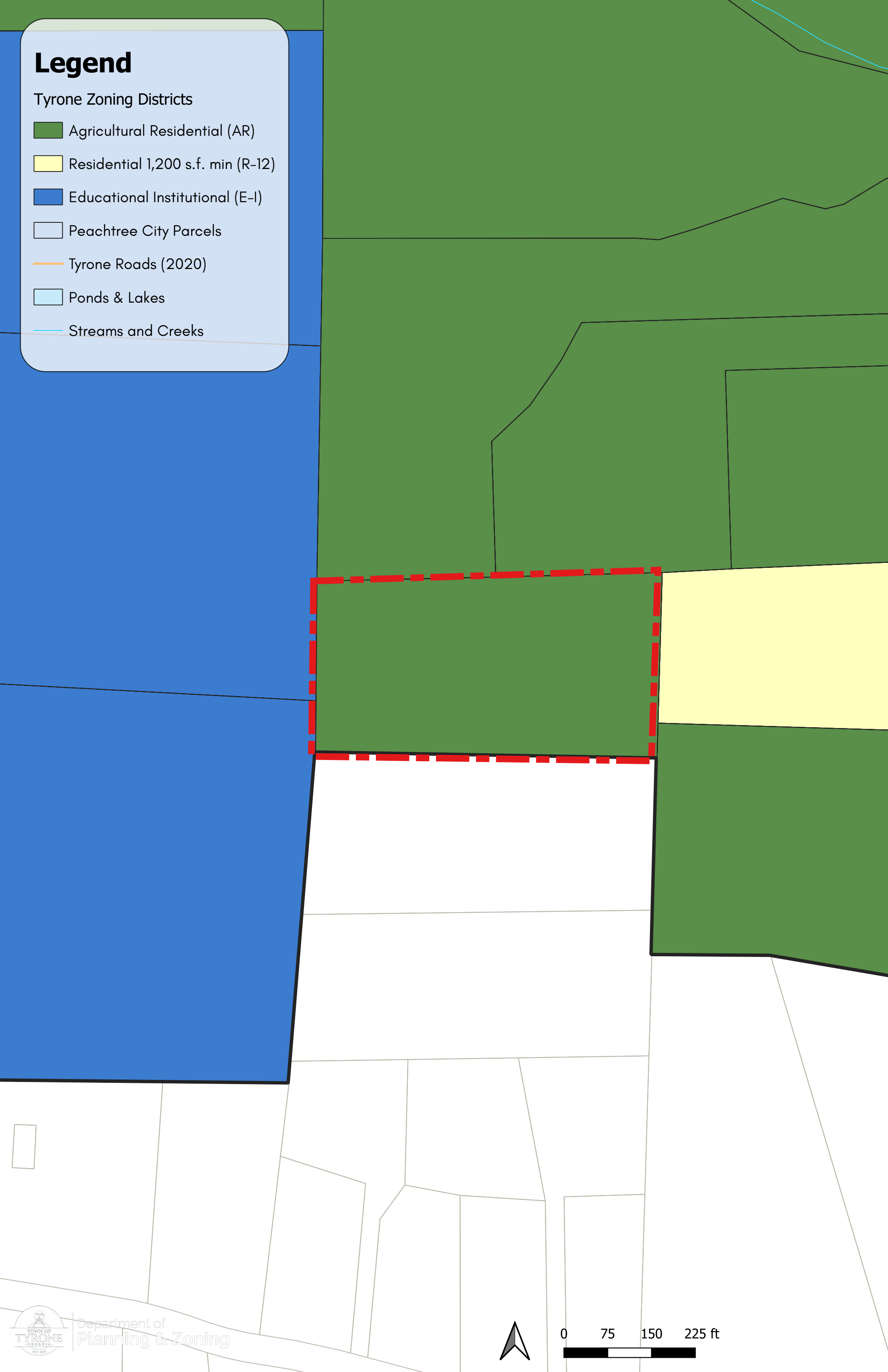
Owner Address CHAN YUET WAH &
OPAL Y
200 INVERNESS SHORE DR
FAYETTEVILLE, GA 30215

District 03
Brief Tax Description OFF OLD TYRONE RD
(Note: Not to be used on legal documents)

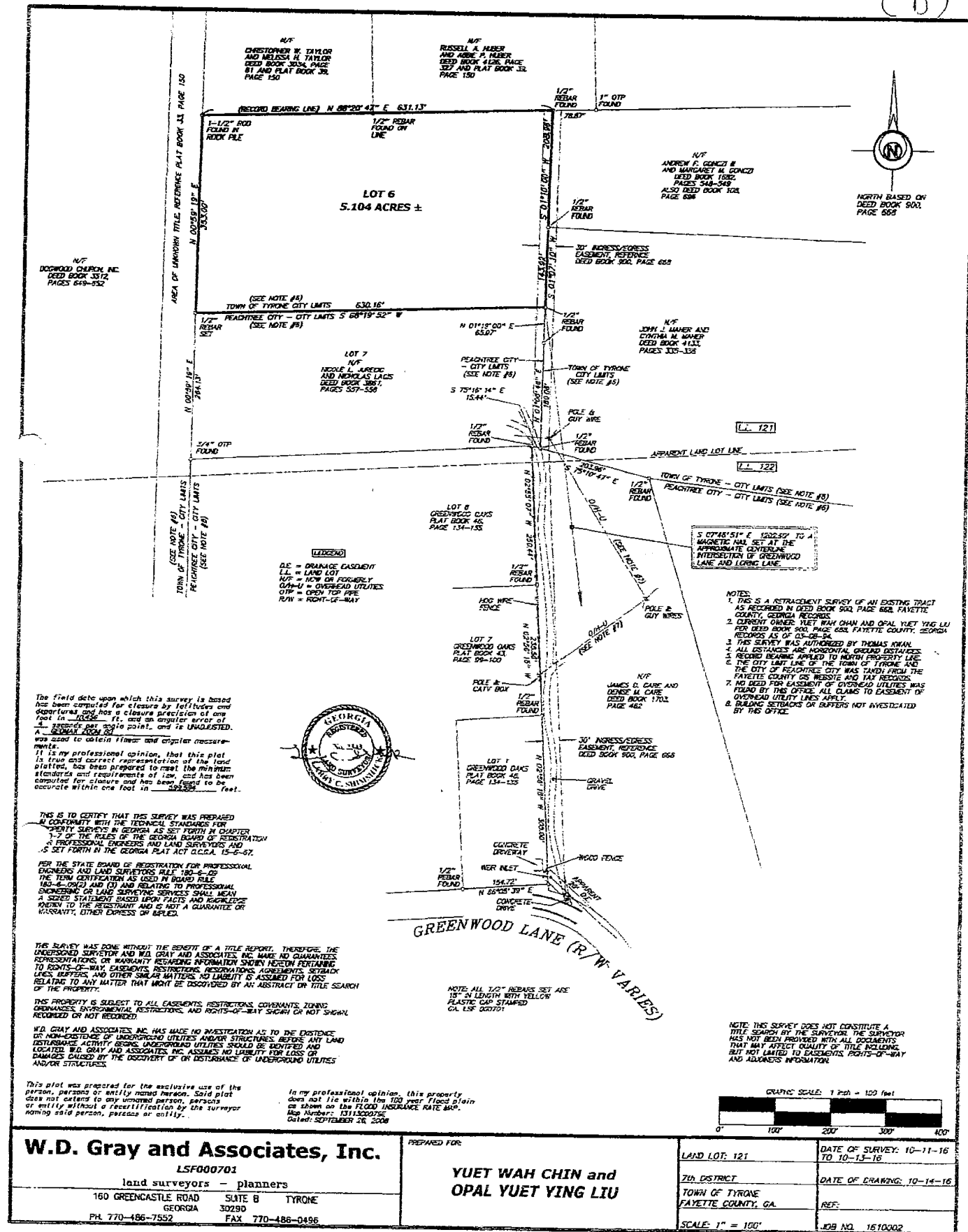
Legend

Tyrone Zoning Districts

-  Agricultural Residential (AR)
-  Residential 1,200 s.f. min (R-12)
-  Educational Institutional (E-I)
-  Peachtree City Parcels
-  Tyrone Roads (2020)
-  Ponds & Lakes
-  Streams and Creeks



(b)



From: [Robin Cailloux](#)
To: [Phillip Trocquet](#)
Subject: Rezoning lot with access to PTC
Date: Tuesday, July 6, 2021 11:59:25 AM

Phillip:

The City's attorney confirmed that, in his opinion, the access easement that the lot (parcel 0729 006) has currently is NOT transferrable to any future lots resulting from subdivision of this lot. The access easement is *only* for one lot.

In addition, Section 201 of the PTC Land Development Ordinance states that a "Residential driveways shall not serve more than two single-family residential lots."

Thank you for allowing the City to provide comment on the proposed rezoning of this lot.

Robin Bechtel Cailloux, AICP

Director
Planning & Development
City of Peachtree City
153 Willowbend Road
Peachtree City, GA 30269
770-487-5731 Ext. 1106
www.Peachtree-City.org



Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: August 12, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-012

APPLICANT/PROPERTY OWNER

Applicant: Douglas Pollard

PLANNING COMMISSION MEETING DATE

August 12, 2021

TOWN COUNCIL MEETING DATE

August 19th, 2021

ADDRESS/LOCATION

Parcel: 0738 161 - 129 Palmetto Road

Summary

Applicant Douglas Pollard has submitted a petition to rezone parcel 0738 161 located at 129 Palmetto Road from AR (Agricultural Residential) to R-12 (Residential Single-Family 1,200 s.f. min). The expressed intent is to rezone this property in tandem with the adjoining property to the north, 163 Palmetto Road, for the purposes of re-platting the two properties with greater flexibility on lot size.

In rezoning this particular property, R-12 development standards would not create a non-conforming situation based on the current configuration of the preexisting home. It should be noted, however, that the future land use character area for this property is currently Commercial Corridor which calls for commercial zoning. This area is currently within the LCI study area with current citizen input suggesting the area be Town Center for mixed use development or In-Town Residential for traditional walkable neighborhoods. Solidifying this direction would require a Comprehensive Plan Amendment to change the Future Development Map.

R-12 is a one-acre lot minimum single-family district most appropriately permitted in the Estate Residential Character area although a current rezoning to R-12 would not pose a negative impact to surrounding property owners.



MAP SOURCE: Fayette County Tax Assessor

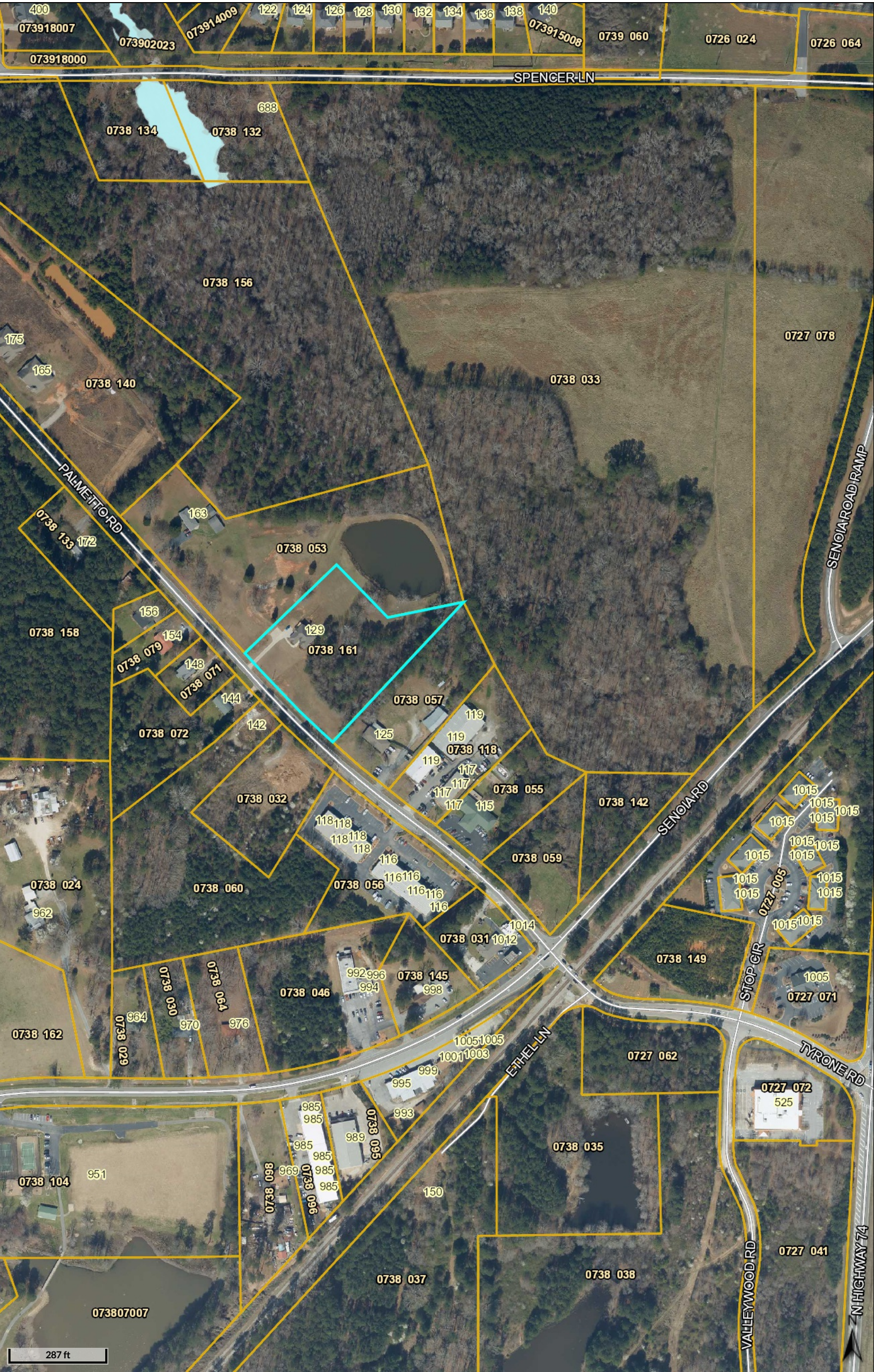
EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
AR (Agricultural Residential)	Estate Residential	North: AR South: C-1 East: C-1 West: AR	Single Family Dwelling Public Water	3.1 Acres
PROPOSED ZONING				
R-12 (Residential 1200 s.f. min)				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to R-12 is not consistent with the current Future Development Map or Comp Plan. These properties currently fall within the Commercial Corridor Character Area with commercial zoning surrounding most of the property. Preliminary LCI public input suggests that this area develop as mixed use or walkable residential which would most appropriately be the Town Center or In-Town Residential character areas.	NN/A

COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT
Will Zoning permit suitable uses with surrounding properties? <i>Surrounding uses are commercial which is normally not compatible with single-family development. The current lot configuration insulates the property from surrounding commercial properties and the use of the property will not change from what exists currently.</i> Will Zoning adversely affect adjacent properties? <i>No, R-12 zoning is a low-intensity residential zoning classification that would not typically adversely affect adjoining C-1 properties which have higher intensity uses.</i> Does the property have reasonable economic use as currently zoned? <i>No, AR is the lowest intensity zoning in the Town. Palmetto Road in this area is a light-commercial corridor for the Town with land values reflected accordingly; AR has the least development potential in these circumstances, thereby limiting its economic use as currently zoned.</i> Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? <i>No, Palmetto Road has been designated as a commercial corridor for the Town in this area. Single-family residential would assume a lower intensity and impact to infrastructure than what is planned.</i>

STAFF RECOMMENDATION

Staff concludes that this petition does not meet the criteria set forth by the Comprehensive Plan in keeping with the Future Development Map, however, the current LCI study suggests a change in the Future Development Map for this area. The petition does meet the impact assessment criteria set forth in our zoning ordinance and would not create a use that would adversely affect adjoining properties or create an excessively burdensome use. The proposed zoning would also not change the current use of the property which is single-family residential.



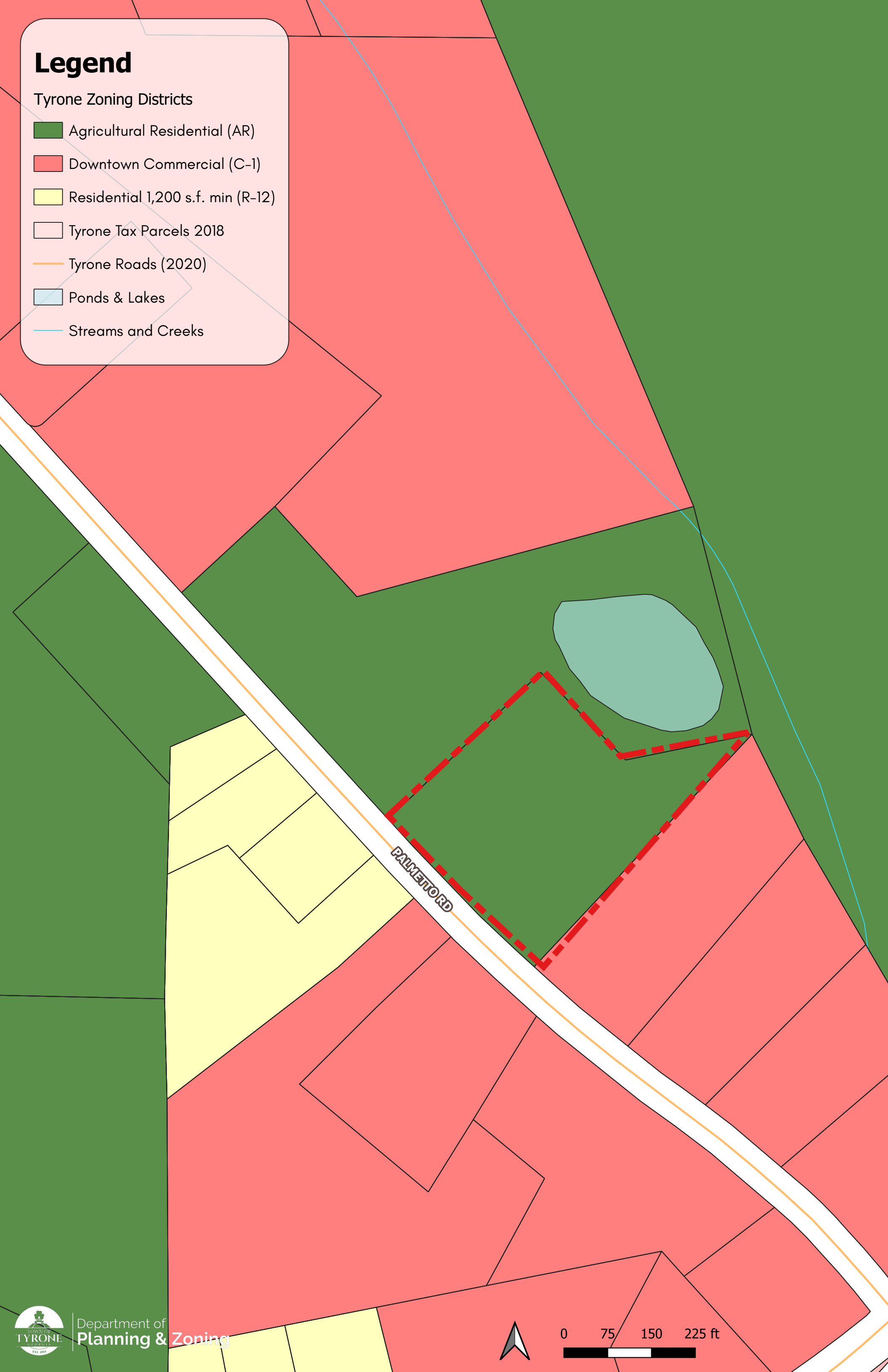
- Legend
- Parcels
 - Addresses
 - Roads
 - 2013 Fayette Coun Flood Study Future 100-year
 - 2013 Fayette Coun Flood Study Existing 100-year

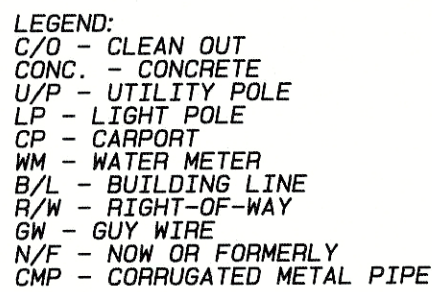
Parcel ID	0738 161	Alternate ID	00006804	Owner Address	POLLARD DOUGLAS E
Sec/Twp/Rng	47-83-	Class	R4		129 PALMETTO RD
Property Address	129 PALMETTO RD	Acreage	3.15		TYRONE, GA 30290
District	03				
Brief Tax Description	LOT 2 MCELWANEY POLLARD ESTATES				
	(Note: Not to be used on legal documents)				

Legend

Tyrone Zoning Districts

-  Agricultural Residential (AR)
-  Downtown Commercial (C-1)
-  Residential 1,200 s.f. min (R-12)
-  Tyrone Tax Parcels 2018
-  Tyrone Roads (2020)
-  Ponds & Lakes
-  Streams and Creeks



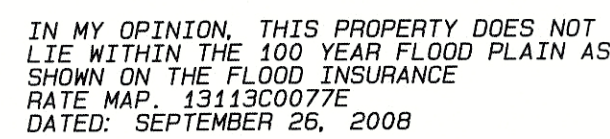


NOTE: THIS IS A CONCEPT PLAN ONLY. THE PURPOSE IS TO SHOW THE PROPOSED ZONING AND THE PROPOSED LOT DIVISION (CREATING/RECONFIGURING LOTS 1 AND 2). ALL BOUNDARY INFORMATION TAKEN FROM THE ABOVE REFERENCED FINAL PLAT. THIS DRAWING DOES NOT MEET THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS IN GEORGIA AND IS FOR REVIEW ONLY.



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

Fax: 770-486-0496



CURRENT ZONING: A-1
MINIMUM LOT AREA - 3 ACRES
MINIMUM LOT WIDTH - 250'
SETBACKS:
FROM ALL STREETS - 100'
SIDE YARD - 50'
REAR YARD - 50'
MAXIMUM HEIGHT OF STRUCTURES - 35'
MINIMUM SQUARE FOOTAGE OF PRINCIPAL
STRUCTURE - 1,200 SQUARE FEET
PROPOSED ZONING: R-12
MINIMUM LOT AREA - 2 ACRES
MINIMUM LOT WIDTH - 125'
SETBACKS:
FROM MAJOR OR MINOR THOROUGHFARE - 80'
FROM A RESIDENTIAL STREET - 55'
SIDE YARD - 15'
REAR YARD - 15'
MAXIMUM HEIGHT OF STRUCTURES - 35'
MINIMUM SQUARE FOOTAGE OF PRINCIPAL
STRUCTURE - 1,200 SQUARE FEET

LINE	BEARING	DISTANCE
L1	N46°00'14"W	14.07'

JOB NO: 1302003

Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: August 12, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-013

APPLICANT/PROPERTY OWNER

Applicant: Douglas Pollard

PLANNING COMMISSION MEETING DATE

August 12, 2021

TOWN COUNCIL MEETING DATE

August 19th, 2021

ADDRESS/LOCATION

Parcel: 0738 053 - 163 Palmetto Road

Summary

Applicant Douglas Pollard has submitted a petition to rezone parcel 0738 053 located at 163 Palmetto Road from AR (Agricultural Residential) to R-12 (Residential Single-Family 1,200 s.f. min). The expressed intent is to rezone this property in tandem with the adjoining property to the north, 129 Palmetto Road, for the purposes of re-platting the two properties with greater flexibility on lot size/configuration.

R-12 development standards reflect a 30' rear yard setback. The current configuration of accessory structures on the lot would be considered illegal under these development standards. These accessory structures would need to be moved or removed in order for the property to conform to R-12 development standards. The purchase of adjoining property owner land is another potential solution, but it is staff's understanding that this option has been exhausted by the applicant. If approval is considered by Planning Commission or Council, staff recommends conditional approval with a 120-day period to remove or move the accessory structures.

It should be noted that the future land use character area for this property is currently Commercial Corridor which calls for commercial zoning. This property falls within the LCI study area with current citizen input suggesting the area be Town Center for mixed use development or In-Town Residential for traditional walkable neighborhoods. Solidifying this direction would require a Comprehensive Plan Amendment to change the Future Development Map.



MAP SOURCE: Fayette County Tax Assessor

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
AR (Agricultural Residential)	Estate Residential	North: AR South: R-12 East: AR West: C-1	Single Family Dwelling Public Water	6.4 Acres
PROPOSED ZONING				
R-12 (Residential 1200 s.f. min)				

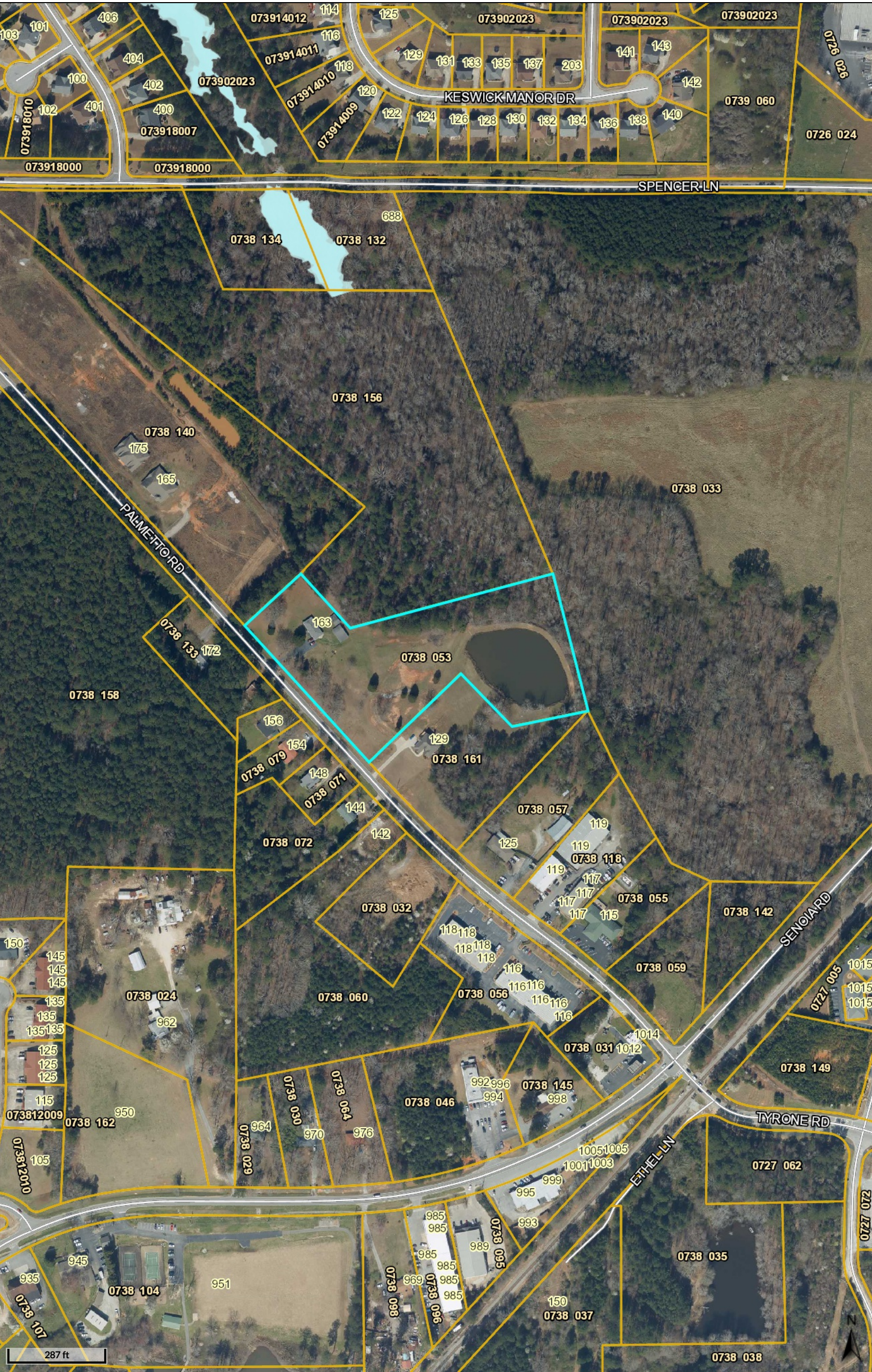
COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to R-12 is not consistent with the current Future Development Map or Comp Plan. These properties currently fall within the Commercial Corridor Character Area with commercial zoning surrounding most of the property. Preliminary LCI public input suggests that this area develop as mixed use or walkable residential which would most appropriately be the Town Center or In-Town Residential character areas.	NN/A

COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT
Will Zoning permit suitable uses with surrounding properties? <i>Surrounding uses are commercial which is normally not compatible with single-family development. The current lot configuration insulates the property from surrounding commercial properties and the use of the property will not change from what exists currently.</i> Will Zoning adversely affect adjacent properties? <i>The current configuration of the accessory structures encroaches on the setbacks required by R-12 intended to create separation from adjoining properties. If approved without the condition to move or remove these structures, this could adversely affect the adjacent property to the north. If conditionally approved, R-12 zoning is a low-intensity residential zoning classification that would not typically adversely affect adjoining C-1 properties which have higher intensity uses.</i> Does the property have reasonable economic use as currently zoned? <i>No, AR is the lowest intensity zoning in the Town. Palmetto Road in this area is a light-commercial corridor for the Town with land values reflected accordingly; AR has the least development potential in these circumstances, thereby limiting its economic use as currently zoned.</i> Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? <i>No, Palmetto Road has been designated as a commercial corridor for the Town in this area. Single-family residential would assume a lower intensity and impact to infrastructure than what is planned.</i>

STAFF RECOMMENDATION

Staff concludes that this petition does not meet the criteria set forth by the Comprehensive Plan in keeping with the Future Development Map, however, the current LCI study suggests a change in the Future Development Map for this area. The petition does meet the impact assessment criteria set forth in our zoning ordinance and would not create a use that would adversely affect adjoining properties or create an excessively burdensome use. The proposed zoning would also not change the current use of the property which is single-family residential.

If Planning Commission or Council should vote to approve the petition, staff recommends that a 120-day condition to move or remove the non-conforming accessory structures be located on the property.



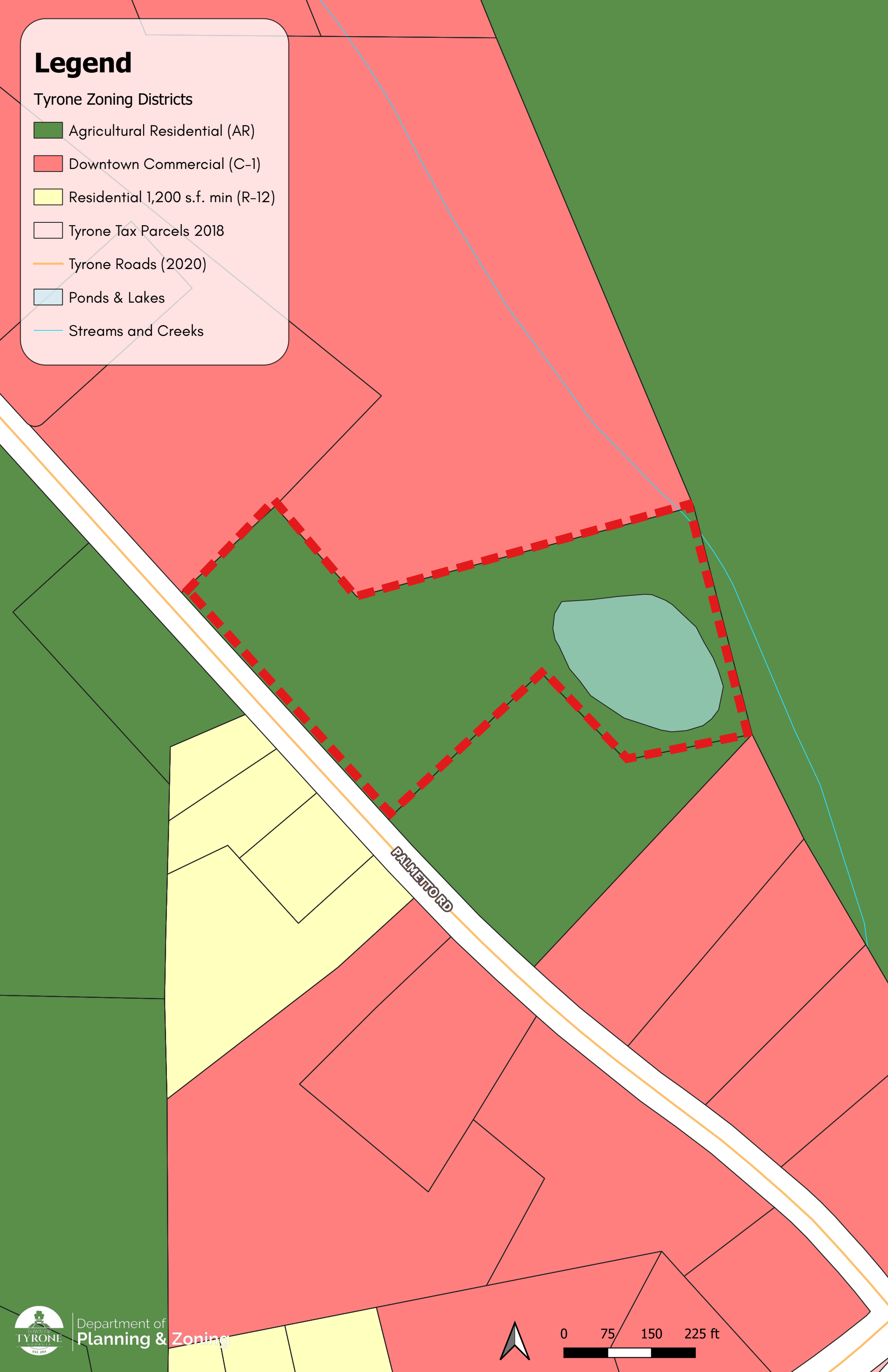
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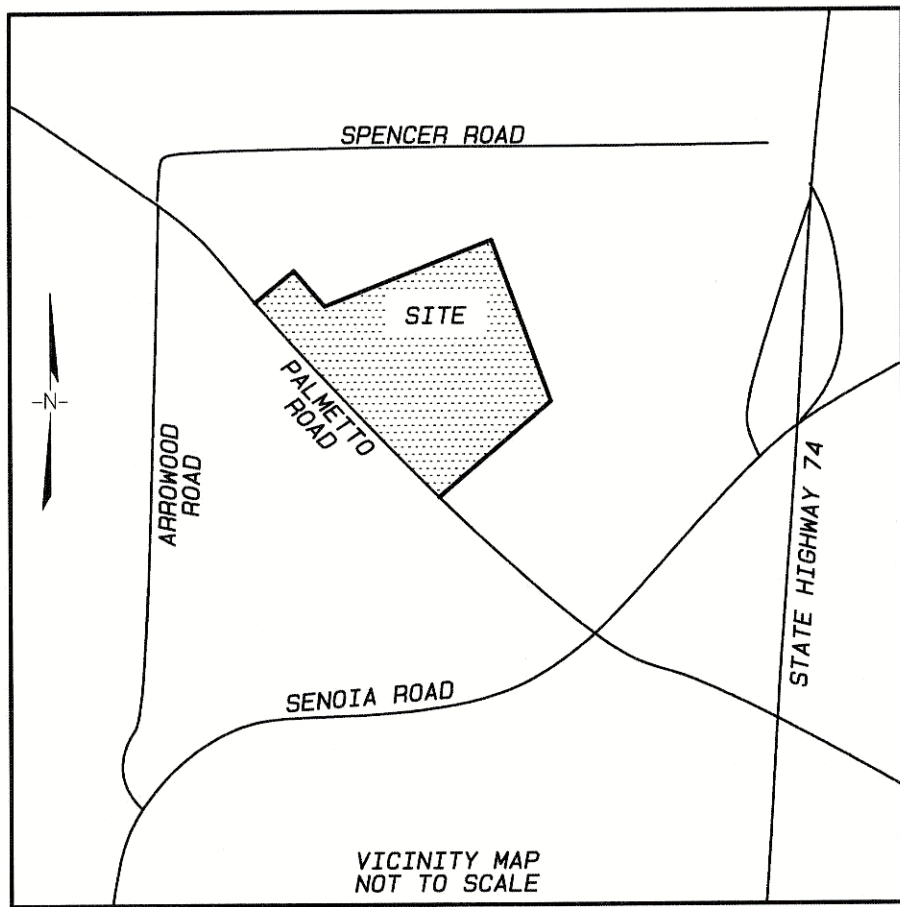
Parcel ID	0738 053	Alternate ID	n/a	Owner Address	POLLARD DOUGLAS EDWARD
Sec/Twp/Rng	47-83-	Class	R4		163 PALMETTO ROAD
Property Address	163 PALMETTO RD	Acreage	6.41		TYRONE, GA 30290
District	03				
Brief Tax Description	LOT 1 MCELWANEY POLLARD ESTATES				
	(Note: Not to be used on legal documents)				

Legend

Tyrone Zoning Districts

-  Agricultural Residential (AR)
-  Downtown Commercial (C-1)
-  Residential 1,200 s.f. min (R-12)
-  Tyrone Tax Parcels 2018
-  Tyrone Roads (2020)
-  Ponds & Lakes
-  Streams and Creeks





LEGEND:
C/O - CLEAN OUT
CONC. - CONCRETE
U/P - UTILITY POLE
LP - LIGHT POLE
CP - CARPORT
WM - WATER METER
B/L - BUILDING LINE
R/W - RIGHT-OF-WAY
GW - GUY WIRE
N/F - NON OR FORMERLY
CMP - CORRUGATED METAL PIPE

NORTH BASED ON
PLAT BOOK 2, PAGE 132

CONCEPT PLAN REFERENCE THE FINAL PLAT OF MCELWANEY POLLARD ESTATES RECORDED IN PLAT BOOK 47, PAGES 83-84

NOTE: THIS IS A CONCEPT PLAN ONLY. THE PURPOSE IS TO SHOW THE PROPOSED ZONING AND THE PROPOSED LOT DIVISION (CREATING/RECONFIGURING LOTS 1 AND 2) STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.

THE ABOVE REFERENCED FINAL PLAT. THIS DRAWING DOES NOT MEET THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYS IN GEORGIA AND IS FOR REVIEW ONLY.



SURVEYOR'S SEAL AND SIGNATURE INDICATE THIS CONCEPT PLAN WAS PREPARED BY THIS OFFICE. HOWEVER, THIS DRAWING DOES NOT CONSTITUTE A BOUNDARY SURVEY AND SHOULD NOT BE RECORDED OR USED FOR ANY OTHER PURPOSE. SOME BOUNDARY LINES SHOWN ARE PROPOSED.

PER THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS RULE 180-6-.09 THE TERM "CERTIFICATION RELATING TO LAND SURVEYING SERVICES," AS DEFINED IN O.C.G.A. 43-15-2(16) 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 PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. NO CERTIFICATION OR LIABILITY IS EXTENDED TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT A RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE UNDERSIGNED SURVEYOR AND W.D. GRAY AND ASSOCIATES, INC. MAKE NO GUARANTEES, REPRESENTATIONS, OR WARRANTY REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, AGREEMENTS, SETBACK LINES, BUFFERS, AND OTHER SIMILAR MATTERS. OTHER CONDITIONS OR DOCUMENTS MAY EXIST THAT WOULD AFFECT THIS PROPERTY. NO LIABILITY IS ASSUMED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

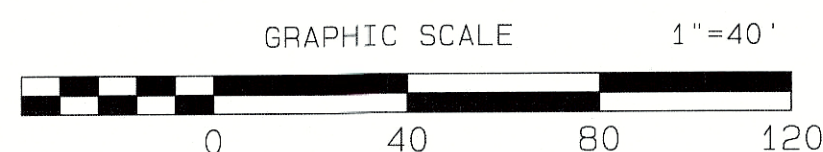
THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, ZONING ORDINANCES, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

W.D. GRAY AND ASSOCIATES, INC. 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. W.D. GRAY AND ASSOCIATES, INC. ASSUMES NO LIABILITY FOR LOSS OR DAMAGES CAUSED BY THE DISCOVERY OF OR DISTURBANCE OF UNDERGROUND UTILITIES AND/OR STRUCTURES.

PREPARED FOR:

DOUG POLLARD

LAND LOT 140, 7TH DISTRICT
FAYETTE COUNTY, GA.
TOWN OF TYRONE
SCALE: 1" = 40'
DATE: 06/30/2021



W.D. Gray and Associates, Inc.

Land Surveyors - Planners

160 Greencastle Road Suite B Tyrone, 30290

PH. 770-486-7552

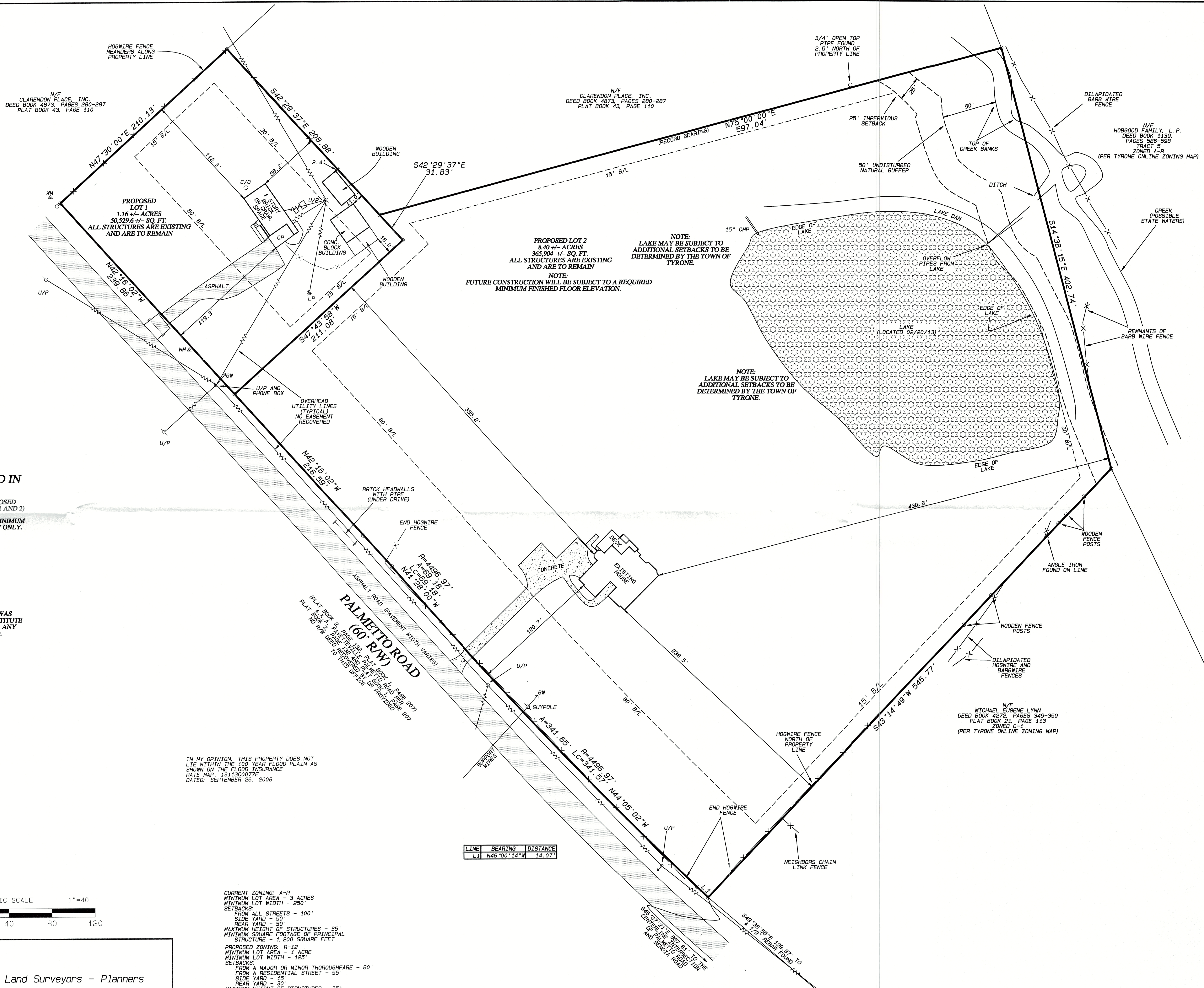
Fax: 770-486-0496

LSF000701

IN MY OPINION, THIS PROPERTY DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP. 1311300077E DATED: SEPTEMBER 26, 2008

CURRENT ZONING: A-R
MINIMUM LOT AREA - 3 ACRES
MINIMUM LOT WIDTH - 250'
SETBACKS:
FROM ALL STREETS - 100'
SIDE YARD - 50'
REAR YARD - 50'
MAXIMUM HEIGHT OF STRUCTURES - 35'
MINIMUM SQUARE FOOTAGE OF PRINCIPAL STRUCTURE - 1,200 SQUARE FEET
PROPOSED ZONING: R-12
MINIMUM LOT AREA - 1 ACRE
MINIMUM LOT WIDTH - 125'
SETBACKS:
FROM A MAJOR OR MINOR THOROUGHFARE - 80'
FROM A RESIDENTIAL STREET - 55'
SIDE YARD - 15'
REAR YARD - 30'
MAXIMUM HEIGHT OF STRUCTURES - 35'
MINIMUM SQUARE FOOTAGE OF PRINCIPAL STRUCTURE - 1,200 SQUARE FEET

LINE	BEARING	DISTANCE
L1	N46°00'14"W	14.07'



JOB NO: 1302003

Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: August 12, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-014

APPLICANT/PROPERTY OWNER

Applicant: Teresa Shell

PLANNING COMMISSION MEETING DATE

August 12, 2021

TOWN COUNCIL MEETING DATE

August 19, 2021

ADDRESS/LOCATION

Parcel: 0736 021 - 458 Senoia Road

Summary

Applicant Teresa Shell has applied for a rezoning of 458 Senoia Road from R-12 (Residential 1,200 s.f. min) to C-1 (Downtown Commercial). The stated intent of this rezoning is to accommodate a Montessori school/daycare at this property. The current configuration of structures on the property would accommodate C-1 development regulations and setback requirements without creating nonconformities. The barn on the north end of the property and the house on the south end of the property both lie outside of the setback and buffer requirements for adjoining residential for C-1.

The future land use designation for this area is Production & Employment which accommodates the C-1, C-2, M-1, and M-2 zoning districts. A lower-intensity zoning such as C-1 for this particular property is more appropriate given its proximity to residential homes across the street and the narrow / tapering nature of the lot.



MAP SOURCE: Fayette County Tax Assessor

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-12 (Residential 1,200 s.f. min)	Vacant Home and Barn	North: M-2 & R-12 South: C-1 East: R-12 & AR West: M-2 & AR	Public Water 1,800 s.f. home 1,200 s.f. barn	2 Acres
PROPOSED ZONING				
C-1 (Downtown Commercial)				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to C-1 is consistent with the Future Development Map and Comprehensive Plan. This property lies within the Production and Employment character area which permits C-1 Zoning. The property is also located adjacent to other C-1 Zoned properties. Specific site conditions, zoning considerations, and property history should be taken into account for this determination.	Property was previously used by the Farr family as a home. Home and barn have been vacant for a number of years until recently purchased.
COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT	
Will Zoning permit suitable uses with surrounding properties? <i>Yes, C-1 zoning is compatible with commercial properties to the south. Land to the north, although zoned residential, is likely too narrow for construction of a building. Commercial to residential buffers will be applied to the north end of the property.</i> Will Zoning adversely affect adjacent properties? <i>No, C-1 zoning is the lowest intensity zoning classification permitted in the Production and Employment character area. Commercial properties to the south will not be adversely affected. Property will be subject to residential buffers to the north and east.</i> Does the property have reasonable economic use as currently zoned? <i>Given that the future land use designation from the town is for commercial, the property has not realized its full economic use as currently zoned.</i> Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? <i>No, it is staff's determination that this zoning would not result in an excessive burden or existing infrastructure. Higher intensity commercial or industrial zoning was planned along the northwest border of Senoia Road in this area of Town. A resulting low-intensity commercial zoning is deemed appropriate as a result. Specific site considerations on traffic movement will be identified during the site planning portion of any further development for the property. Schools must provide a circular drive for pickup and drop-off which can be done easily on this property given the preexisting curb cuts.</i> <i>Staff Recommends approval of the zoning request.</i>	

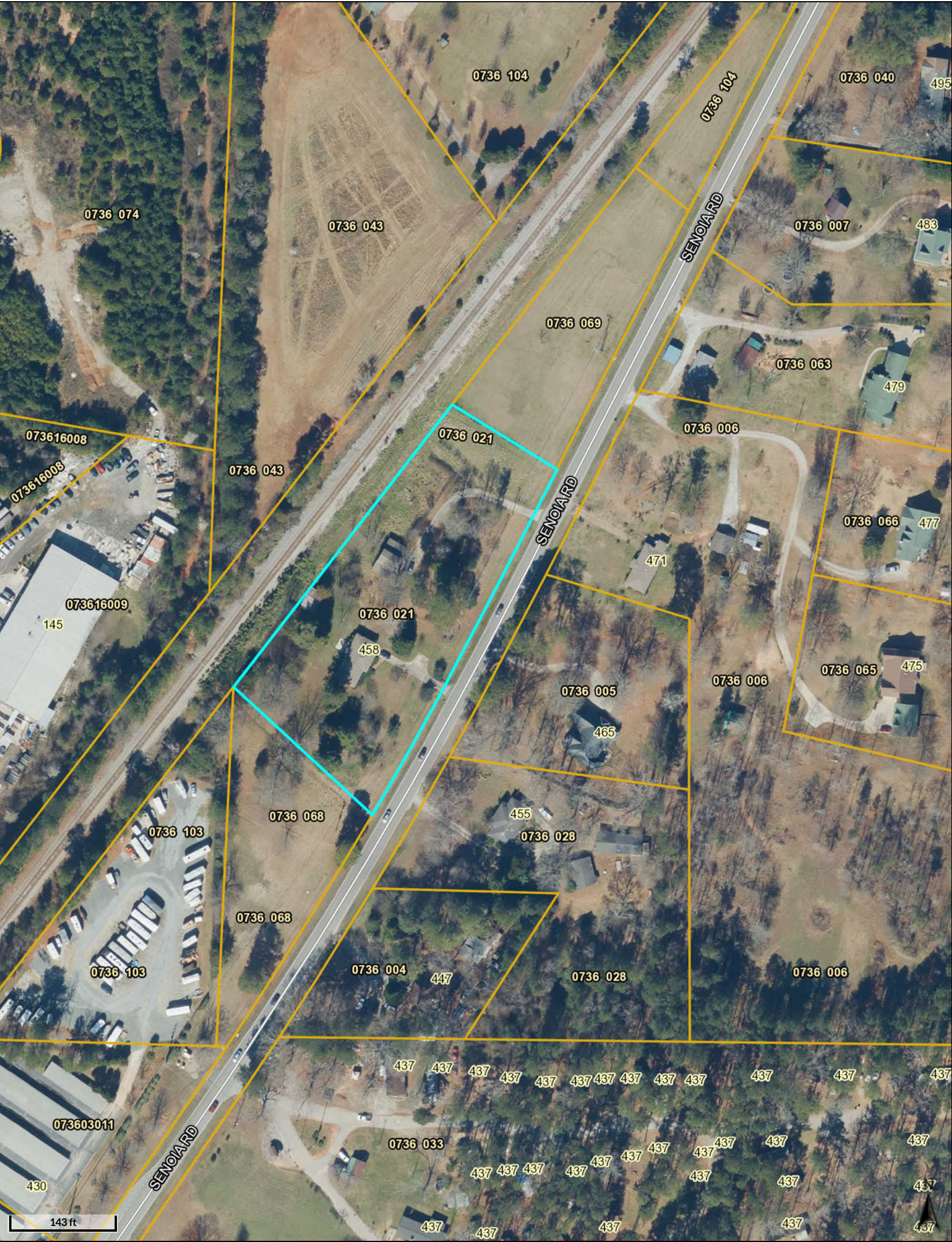
STAFF RECOMMENDATION

Deny

Approve

Approve w/ Conditions

458 Senoia Road



Overview



Legend

 Parcels

 Addresses

 Roads

 2013 Fayette Coun
Flood Study Future
100-year

 2013 Fayette Coun
Flood Study
Existing 100-year

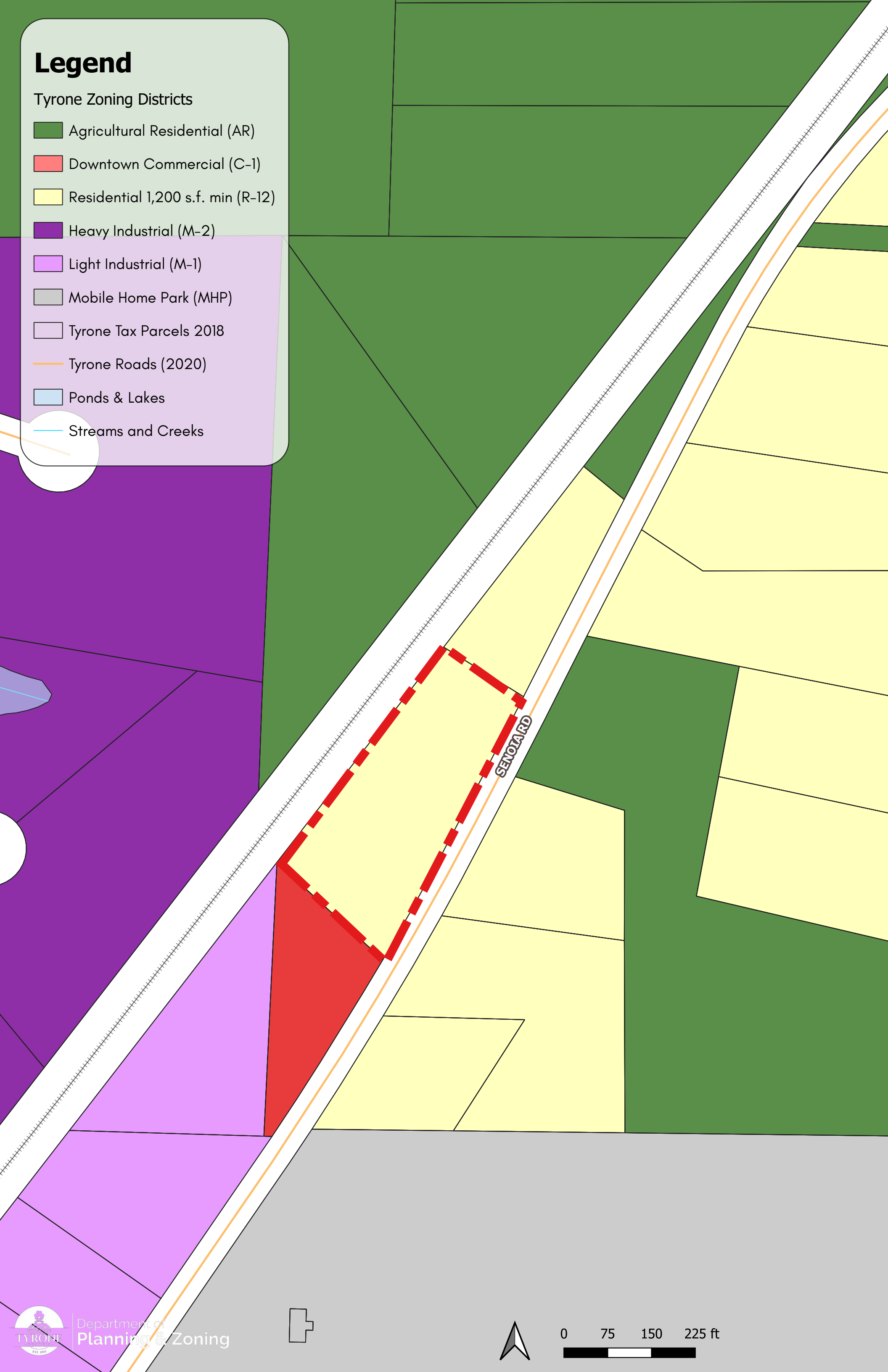
Parcel ID	0736 021	Alternate ID	00008760	Owner Address	HOOVER GARY
Sec/Twp/Rng	--	Class	R3		13739 RIVER FOREST DR
Property Address	458 SENOIA RD	Acreage	2		FORT MYERS, FL 33905
District	03				
Brief Tax Description	SENOIA ROAD				
	(Note: Not to be used on legal documents)				

Date created: 8/6/2021
Last Data Uploaded: 8/6/2021 7:09:22 AM

Legend

Tyrone Zoning Districts

-  Agricultural Residential (AR)
-  Downtown Commercial (C-1)
-  Residential 1,200 s.f. min (R-12)
-  Heavy Industrial (M-2)
-  Light Industrial (M-1)
-  Mobile Home Park (MHP)
-  Tyrone Tax Parcels 2018
-  Tyrone Roads (2020)
-  Ponds & Lakes
-  Streams and Creeks



AS PER F.I.R.M. FLOOD MAPS FOR FAYETTE COUNTY,
GEORGIA: MAP NUMBER 13113C0078E EFFECTIVE DATE SEPT. 26, 2008
THIS PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED FLOOD HAZARD AREA.

This block is reserved for the Clerk
of the Superior Court.

THE FIELD DATA UPON WHICH THIS PLAT
IS BASED HAS A CLOSURE PRECISION OF
ONE FOOT IN 32,485 FEET OR BETTER
AN ANGULAR ERROR OF .01 PER ANGLE
POINT, AND HAS BEEN ADJUSTED USING
THE LEAST SQUARES RULE.

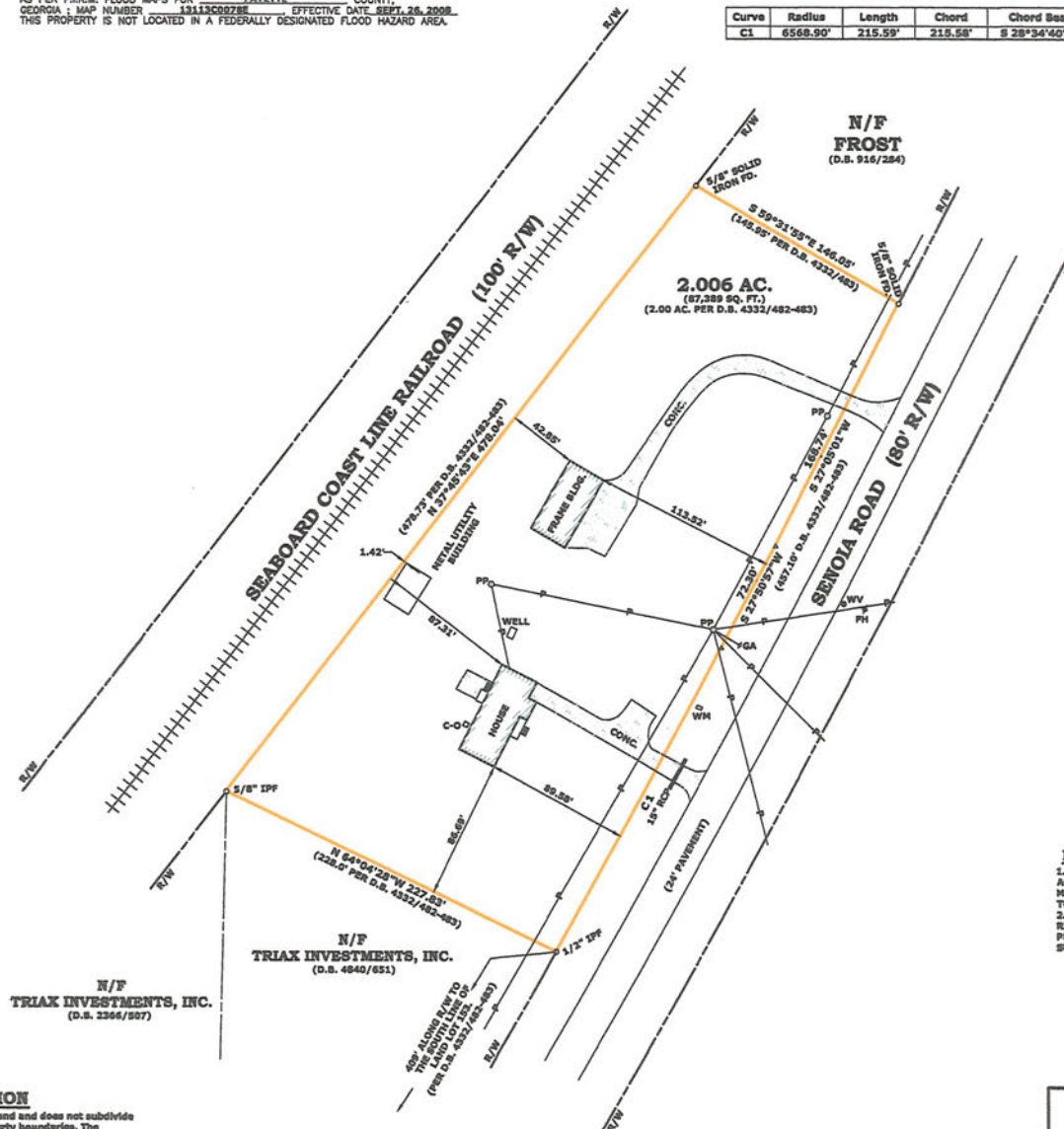
THIS PLAT HAS BEEN CALCULATED FOR
CLOSURE AND HAS BEEN FOUND TO BE
ACCURATE TO WITHIN ONE FOOT IN
310,041 FEET OR BETTER.

ANGULAR AND LINEAR MEASUREMENTS WERE
OBTAINED BY USING A GEDMAX ZOOM 35 PRO
TOTAL STATION.

BASIS OF ELEVATIONS AND NORTH ORIENTATION
OBTAINED BY USING A LEICA GS16 GPS BASE &
NETWORK ROVER UTILIZING THE EGPS SOLUTIONS,
INC. REFERENCE NETWORK.

CURVE TABLE

Curve	Radius	Length	Chord	Chord Bear.
C1	6568.90'	215.59'	215.58'	S 28°34'46" W



LEGEND:

IPF = IRON PIN FOUND
N/F = NOW OR FORMERLY
D.B. = DEED BOOK
P.B. = PLAT BOOK
R/W = RIGHT-OF-WAY
WH = WATER METER
WV = WATER VALVE
PH = FIRE HYDRANT
C-O = CLEAN OUT
RCP = REINFORCED CONCRETE PIPE
PP = POWER POLE
GA = GUY ANCHOR
— = OVERHEAD POWER LINE

LEGEND:

1. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT &
ACCURATE TITLE REPORT. EASEMENTS & OTHER ENCUMBRANCES OF RECORD
MAY EXIST BUT MAY NOT BE SHOWN BY THIS SURVEY. THIS PLAT IS SUBJECT
TO ANY FINDINGS THAT A TITLE REPORT MAY DISCLOSE.
2. NO RECORD RESEARCH PERFORMED BY THIS OFFICE RELATIVE TO
RIGHT-OF-WAY WIDTHS. RIGHT-OF-WAY WIDTHS TAKEN FROM VARIOUS
PLATS AND DEEDS ON RECORD FOR SURROUNDING PROPERTIES. THIS PLAT IS
SUBJECT TO ANY OTHER RIGHT-OF-WAY WIDTHS OTHER THAN THOSE SHOWN.



REVISED 06-16-2021 TO SHOW NAME CHANGE.

TURNER & ASSOCIATES LAND SURVEYORS, P.C.
10 SHACK HUNTER RD. SHARPSBURG, GEORGIA 30277
TELE: (770) 583-2300 EMAIL: turnerlandsurveyors@gmail.com
JASON D. TURNER GEORGIA REGISTERED LAND SURVEYOR NO. 2795

RETRACEMENT SURVEY FOR:

TERESA & SPENCER SHELL

TAX PARCEL ID: 0736 021
LOCATED IN LAND LOT 183 7th LAND DISTRICT
TOWN OF TYRONE FAYETTE COUNTY, GEORGIA

SCALE: 1" = 50'	PLAT DATE: 06-07-2021	REVISED: 06-16-2021
DATES OF FIELD WORK:	06-03-2021	DESK #: 2021
		DRAWING #: 2021051

SURVEYORS CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide
or create a new parcel or make any changes to any real property boundaries. The
recording information of the documents, maps, plats, or other instruments which
created the parcel or parcels are cited herein. RECORDATION OF THIS PLAT DOES NOT
IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS,
COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR
ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor
certifies that this plat complies with the minimum technical standards for property
surveys in Georgia as set forth in the rules and regulations of the Georgia Board of
Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A.
Section 15-9-57.



Jason D. Turner GA. R.L.S. # 2795

06-07-2021
Date

Staff Report

Town of Tyrone, Department of Planning & Zoning
950 Senoia Road, Tyrone GA 30290

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org (770) 487-4038 ex. 108

Date: August 12, 2021

DOCKET/CASE/APPLICATION NUMBER

RZ-2021-015

APPLICANT/PROPERTY OWNER

Applicant: Zachary & Britney Eyster

PLANNING COMMISSION MEETING DATE

August 12, 2021

TOWN COUNCIL MEETING DATE

August 19th, 2021

ADDRESS/LOCATION

Parcel: 0742 033 - 240 Briarwood Road

Summary

Applicants Zachary and Britney Eyster have submitted a petition to rezone 240 Briarwood Road from AR to R-12. The stated intent for this rezoning is to allow greater flexibility in being able to subdivide their lot in half.

Given the total gross acreage of the property, it could be split in keeping with AR lot size requirements, but there has been difficulty negotiating a buildable lot in keeping with other AR development requirements such as setbacks and minimum buildable lot with. This is in part due to the large floodplain area on the north end of the property which also carries significant 100' stream buffers.

R-12 zoning would allow greater flexibility on both lot size and development standards to carve out a secondary lot on the land. Rezoning to R-12 would not create a nonconforming situation on the lot and would comply with all R-12 development regulations.

Staff recommends approval.



MAP SOURCE: Fayette County Tax Assessor

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	SIZE OF PROPERTY
AR (Agricultural Residential)	Residential Estate	North: R-12 South: R-12 East: AR West: AR	Public Water Single-Family Home	8.4 Acres
PROPOSED ZONING				
R-12 (Residential 1,200 s.f. min)				

COMPATIBILITY WITH FUTURE DEVELOPMENT MAP & COMPREHENSIVE PLAN	PROPERTY HISTORY
The petition to R-12 is consistent with the Future Development Map and Comprehensive Plan in general. This property lies within the Estate Residential character area which permits R-12 Zoning. The property is also located adjacent to other R-12 Zoned properties. Specific site conditions, zoning considerations, and property history should be taken into account for this determination.	N/A

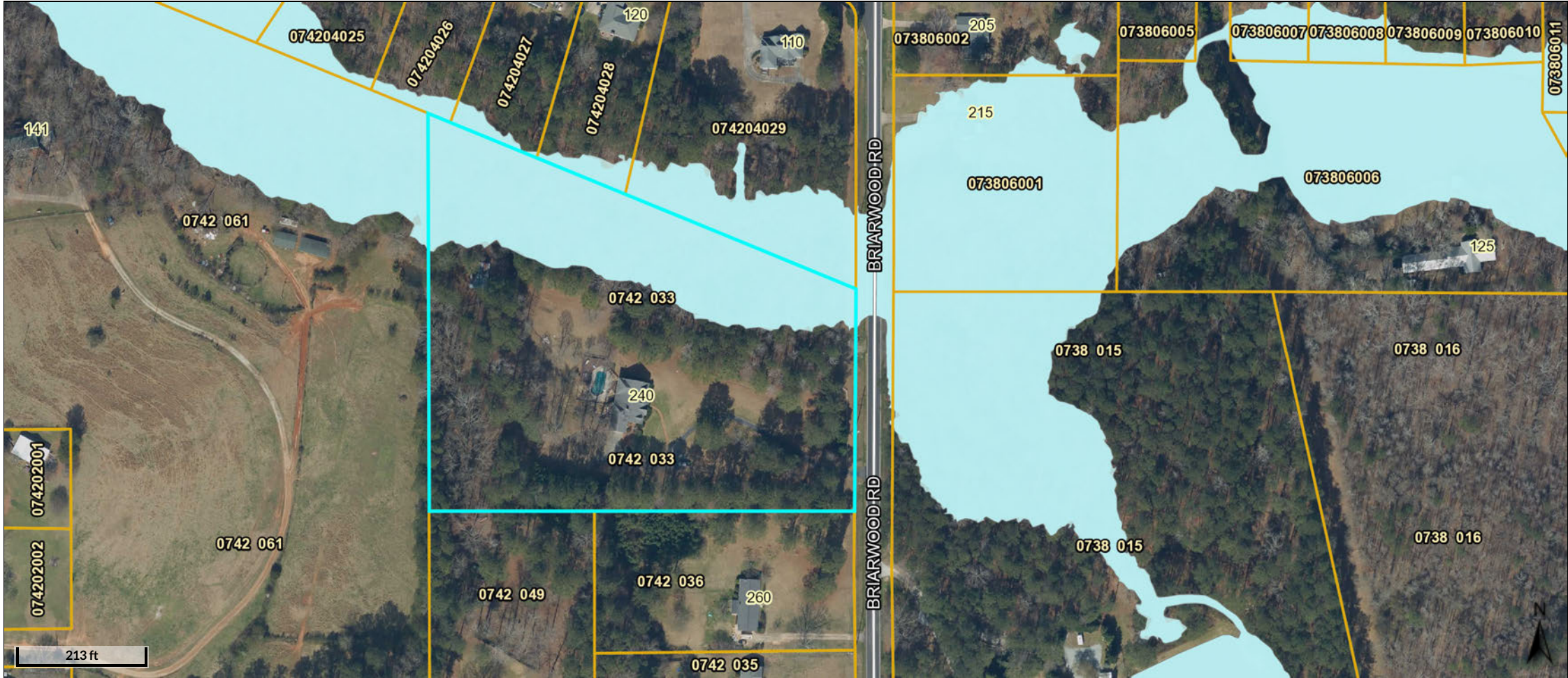
COMPATABILITY WITH ZONING ORDINANCE & IMPACT ASSESSMENT
Will Zoning permit suitable uses with surrounding properties? <i>Yes, R-12 Zoning will continue to allow single-family 1-acre development consistent with surrounding properties.</i> Will Zoning adversely affect adjacent properties? <i>No, R-12 zoning will match surrounding properties and not create any adverse conditions on surrounding properties.</i> Does the property have reasonable economic use as currently zoned? <i>Partially; the size of the lot is suitable for AR zoning, but the owner is deprived of utility and rights that other 8-acre AR property owners may enjoy due to the large amount of floodplain, stream buffers, and steep topography on site.</i> Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure? <i>No, R-12 zoning exists along Briarwood Road which was designed to handle residential traffic and water users at at least 1-unit per acre density. Any further subdivision of this property would still fall well below that threshold resulting in a much lower impact on the road and water system.</i> Staff recommends approval of the rezoning petition.

STAFF RECOMMENDATION

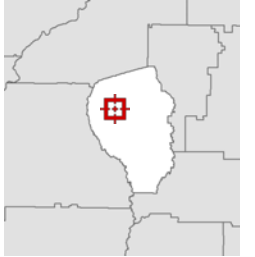
Deny

Approve

Approve w/ Conditions



Overview



Legend

-  Parcels
-  Addresses
-  Roads
-  2013 Fayette Coun Flood Study Future 100-year
-  2013 Fayette Coun Flood Study Existing 100-year

Parcel ID 0742 033
Sec/Twp/Rng 00000-000-
Property Address 240 BRIARWOOD RD

Alternate ID n/a
Class R4
Acreage 8.4

Owner Address EYSTER ZACHARY CARL
EYSTER BRITNEY ANNE
240 BRIARWOOD ROAD
TYRONE, GA 30290

District 03
Brief Tax Description BRIARWOOD RD
(Note: Not to be used on legal documents)

Legend

Tyrone Zoning Districts

- Agricultural Residential (AR)
- Downtown Commercial (C-1)
- Residential 1,200 s.f. min (R-12)
- Tyrone Tax Parcels 2018
- Tyrone Roads (2020)
- Ponds & Lakes
- Streams and Creeks



SUBJECT PROPERTY

OWNER: ZACHARY CARL & BRITNEY ANNE EYSTER (PER TAX ASSESSOR)

SITE ADDRESS: 240 BRIARWOOD ROAD, TYRONE, GA 30290

AREA: 7.95 ± ACRES

PARCEL #: 0742 033

ZONING: AR (AGRICULTURAL RESIDENTIAL)

REFERENCES:

- 1) DEED BOOK 5170 - PAGE 23
- 2) PLAT BOOK 18 - PAGE 167

GENERAL NOTES

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT TITLE; THEREFORE, THE UNDERSIGNED AND CHARLES D. MCCANN GAPLS #2245 MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN.

THE CERTIFICATION, AS SHOWN HEREON, IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION, BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. THE CERTIFICATION IS NOT AN EXPRESSED OR IMPLIED WARRANTY OR GUARANTEE.

THE FIELD DATA UPON WHICH THIS SURVEY IS BASED ON HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET HORIZONTAL AT THE 95% CONFIDENCE LEVEL.

EQUIPMENT USED FOR ANGULAR AND LINEAR MEASUREMENTS: GEOMAX ZENITH 35 PRO GNSS DUAL FREQUENCY RECEIVER, (DATE OF LAST FIELD VISIT: 07-09-21)

THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN 617,259 FEET.

THE BASIS FOR THE DIRECTIONS SHOWN HEREON IS: GRID NORTH AS DEFINED BY NAD 83 AND NAD 83 (GEOID 128) DATUM, GEORGIA WEST ZONE AND DETERMINED THROUGH RTK-GPS METHODS UTILIZING A GNSS REAL TIME NETWORK SOLUTION BY MCCANN LAND SURVEYORS.

A PORTION OF THIS SITE APPEARS TO BE IN A SPECIAL FLOOD AREA AS DEFINED BY THE FAYETTE COUNTY F.E.M.A. F.I.R.M. COMMUNITY PANEL NUMBER 1311300076 DATED 09/26/2008 (ZONE 'A' - NO BASE FLOOD ELEVATION DETERMINED), NOT FIELD LOCATED.

AREA BETWEEN WEST RIGHT-OF-WAY OF BRIARWOOD ROAD AND EASTERN LINE OF SUBJECT PROPERTY IS CALLED OUT AS A LESS AND EXCEPT PER DB 5170 PG 23.

SYMBOLS

IPF =  - AS SHOWN HEREON

IPS =  - CAPPED 1/2" REBAR TO BE SET

LEGEND

POC: POINT OF COMMENCEMENT

PGB: POINT OF BEGINNING

N/F: NOW OR FORMERLY

PIN: PARCEL IDENTIFICATION NUMBER

PB: PLAT BOOK

DB: DEED BOOK

PG: PAGE

OTF: OPEN TOP PIPE

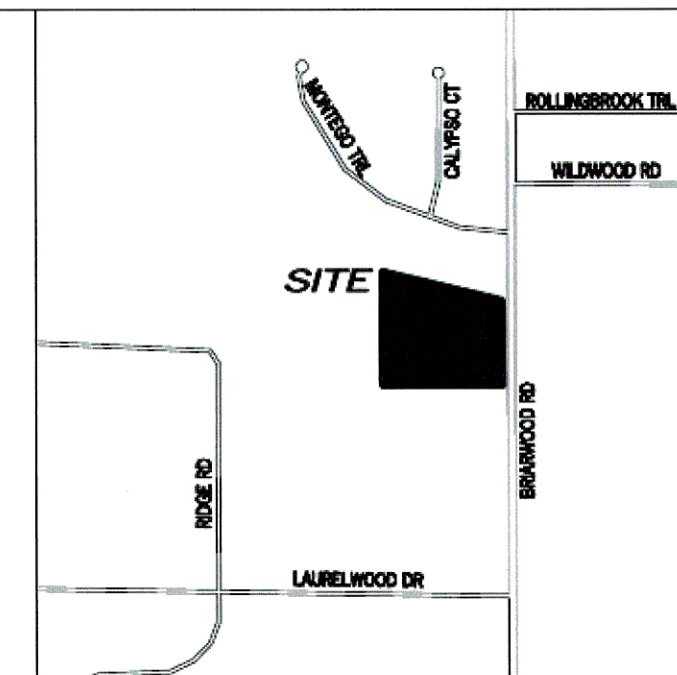
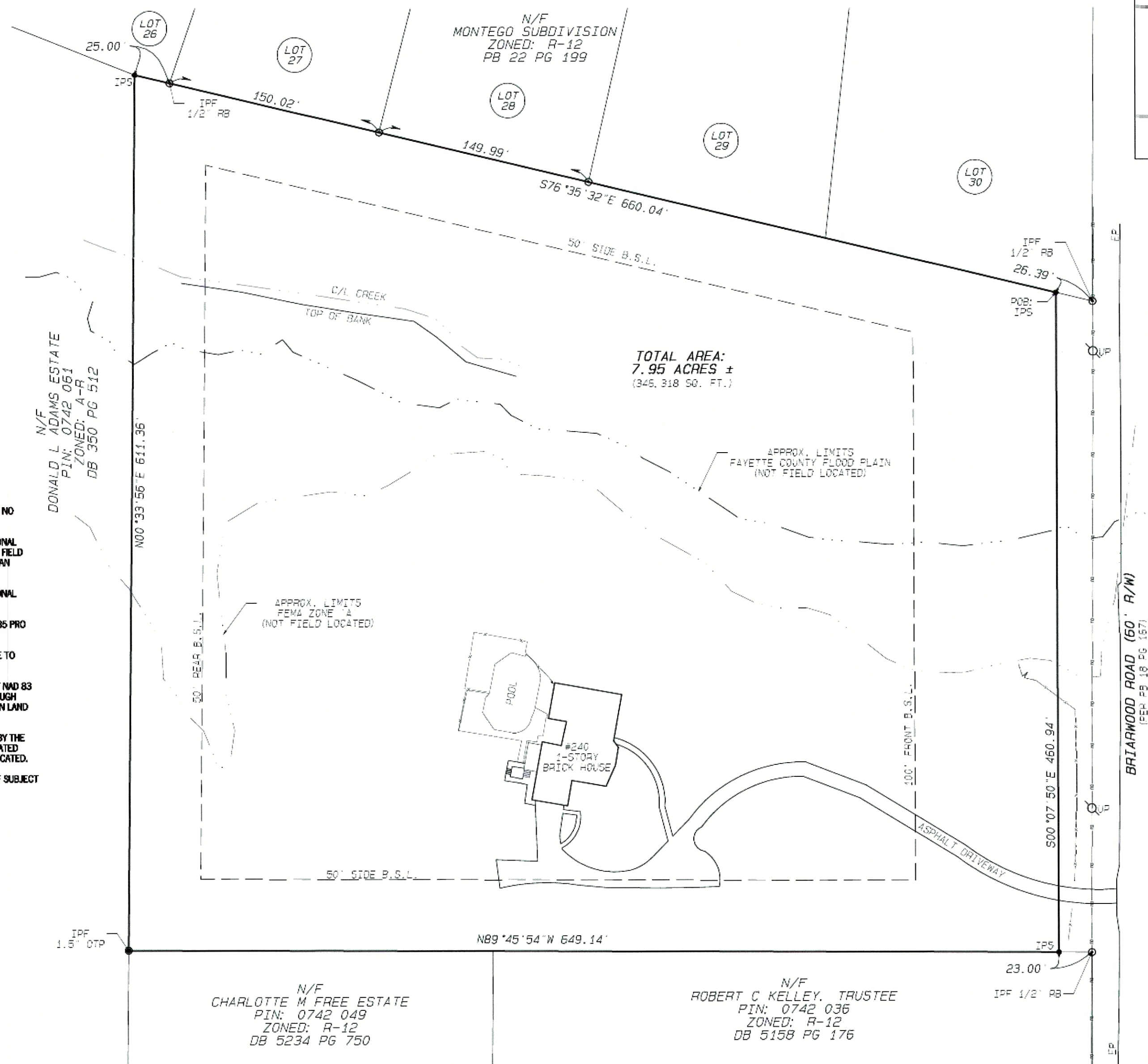
IPF: IRON PIN FOUND

IPS: IRON PIN TO BE SET (CAPPED 1/2" REBAR)

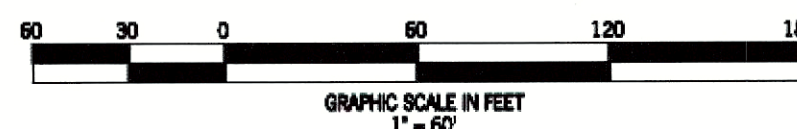
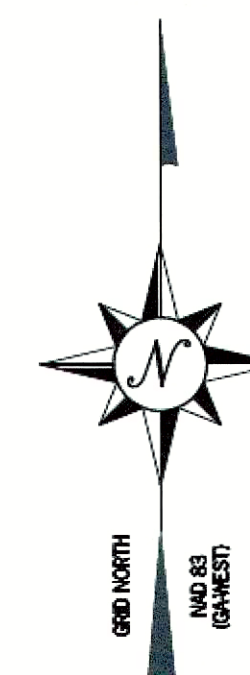
B.F.E.: BASE FLOOD ELEVATION

LL: LAND LOT

BSL: BUILDING SETBACK LINE



VICINITY MAP
N.T.S.



SURVEYOR CERTIFICATION

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


CHARLES D. MCCANN GAPLS #2245, DATE 07/29/2021

A BOUNDARY RETRACEMENT SURVEY FOR:

ZACHARY EYSTER

LAND LOT 173 7TH DISTRICT TOWN OF TYRONE FAYETTE COUNTY, GA

MCCANN LAND SURVEYORS
226 MERIWETHER STREET
GRIFFIN, GA 30224
mccannls.com
(o) (470) 204-7080

MCLS JOB
#21151

DRAWN BY
GSH

CHECKED BY
CDM & CAM

ISSUE DATE 07/29/2021

DRAWING NUMBER
1 OF 1



EXHIBIT 1

Cushing Application

RZ-2021-011



Rezoning Request Application

Petition#: RZ-2021-011

Applicant & Property Owner Information

Applicant Name: YUET-YUEN CHAN CUSHING Email: [REDACTED]

Applicant Address: 140 HOWARD STREET NE ATL GA 30317 Phone: [REDACTED]

Company Name: _____

Property YUET WAH CHAN
Owner Name: OPAL YUET YING LIU Email: _____

Property 200 INVERNESS SHORES DR. FAYETTEVILLE, GA. 30215
Owner Address: FLAT 2A VALIANT COURT, PRINCE EDWARD RD. NEW Phone: (____) _____
KOW LOON, HONG KONG

Property Details

Property
Address: LOT 006 OF LAND LOT 121 IN 7TH DISTRICT Lot# 006

Reason Requesting Rezoning: _____

Current Zoning of Property: AR Proposed Zoning of Property: R-12

Parcel #: 0729 006 Total Number of Acres to be Rezoned: 5.109 ACRES

Present Use of Subject Property: VACANT

Proposed Use of Subject Property: RESIDENTIAL

Land Use Plan Designation: Estate Residential

Name & Type of Access Road: GREENWOOD LANE & EASEMENT

Location of Nearest Water Line: UNKNOWN

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: _____

☒ Application & all required supporting documentation is sufficient and complete.

By Staff [Signature] Date _____

Received from _____ a check in the amount of \$ 1,000

Date of Planning Commission Hearing: 08/12/21 Date of Town Council Hearing: 08/19/21



Petition for Rezoning

Petition#: RZ-2021-011

Name: YUET-YUEN CHAN CASHING Email: [REDACTED]

Petition Number: RZ-2021-011

Address: 140 HOWARD ST. NE ATL GA 30317 Phone#: [REDACTED]

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

YUET-YUEN CHAN CASHING affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AR Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ \$1000 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to R-12

This property includes (Check one of the following):

- ☐ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:

By: [Signature]
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ 20____.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the 12th day of August, 2021 at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the 19th day of August, 2021 at 7:00 p.m.

NOTARY PUBLIC

APPLICANT'S SIGNATURE

Rcvd. 5/4/21 2:00 pm
DB



Rezoning Request Checklist

Petition#:

Map amendment application. A map amendment (rezoning) application shall include the following:

- ☒ A legal description of the tract to be rezoned.
- ☒ Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect, or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat.
- ☐ The present and proposed zoning district for the tract.
- ☐ Existing and intermediate regional flood plain and structures.
- ☐ The names and addresses of the owners of the land and their agents, if any, and abutting land owners.
- ☐ A written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties;
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - d. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan; and
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- ☐ Disclosures. The applicant shall file all disclosures required by the Conflict of Interest in Zoning Actions Act, O.C.G.A. Title 36, Chapter 67 A.
- ☐ One (1) original and eight (8) copies of completed application form.

APPLICATION FOR REZONING OF LOT 006
OF LAND LOT 121 IN 7TH DISTRICT

Legal Description of the tract to be rezoned:

ALL THAT TRACT or parcel of land lying and being in Land Lot 121 of the 7th District of Fayette County, Georgia, being known as Lot 6, containing 5.109 acres, as shown on a plat of survey entitled "Survey for Willian H. and Sibbie A. Couch" by C. W. Worthy, Registered Land Surveyor No. 1560, dated May 16, 1971, and being more particularly described as follows:

BEGINNING at a point located in the center of a non-exclusive easement for the purpose of ingress and egress as shown on that above-referenced plat of survey, which point is located as follows: Commence at the point of intersection of the east land lot line of Land Lot 121, and the center of a public road known as Crabapple Lane; run thence North 00 degrees 19 minutes 13 seconds West along said land lot line 775.11 feet; run thence South 88 degrees 20 minutes 47 seconds West 916.72 feet to the POINT OF BEGINNING; run then South 88 degrees 20 minutes 47 seconds West, 631.24 feet to a rock corner and an iron pin; running thence South 01 degree 08 minutes 51 seconds West 353.00 feet to a point; running thence North 88 degrees 20 minutes 57 seconds East 631.24 feet to a point; running thence North 01 degree 06 minutes 51 seconds East 353.00 feet to the POINT OF BEGINNING.

Together with all rights of ingress and egress over and upon that certain easement 30 feet in width as more fully shown on the above-referenced survey which provides access for the above-referenced property to Crabapple Lane, a public thoroughfare; and subject to the rights of all other parties for ingress and egress over and upon said easement area, as shown on said plat and as said easement area affects the above-referenced property.

together with all privileges and appurtenances thereto in anywise belonging in fee simple.

3 copies of Plat:

Attached

Present and Proposed zoning district:

Present: 7th District

Proposed: 7th District

Existing and intermediate regional flood plain and structures:

Existing and intermediate regional flood plain: Unknown

Structure: Nil

Names and address of owners of the land and their agents and abutting land owners:

Names and address of owners:

YUET WAH CHAN of 200 Inverness Shores Dr, Fayetteville GA30215

OPAL YUET YING LIU of Flat 2A Valiant Court, Prince Edward Road West, Kowloon, Hong Kong

Owners' agent:

YUET YUEN CHAN CUSHING of

Owners of abutting land:

Lot No. 7 of Land Lot 121 in 7th District: Nathan D Saville and Angela P Saville of address unknown

Analysis of Impact of proposed rezoning:

- (a) Adjacent and nearby properties are all residential. Proposed rezoning appears to be consistent with use and development of adjacent and nearby properties.
- (b) Rezoning may result in increased traffic over existing right of way and connecting public roads, but it is envisaged that such increased traffic will not adversely affect existing use and usability of adjacent and nearby properties.
- (c) The property proposed for rezoning is currently vacant land and has not been put to any economic use.

- (d) As stated above, there will be increased traffic over existing right of way and connecting public road. However, it is unlikely to cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.
- (e) Owners are not aware if there is any non-conformity with policy and intent of Comprehensive Land Use Plan
- (f) Owners are not aware of any other existing or changing conditions affecting the use and development of the property.

Disclosure:

Attached

Original and 8 copies of Application Form:

Attached.



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#: R2-2021-011

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Signature of Property Owner

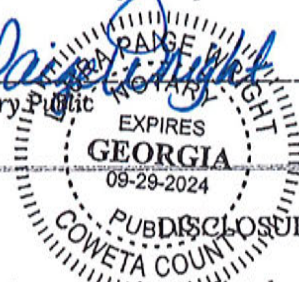
Type or Print Name and Title

Signature of Owner's Attorney or Representative

Type or Print Name and Title

Signature of Notary Public

Date



YUET-YUEN CHAN CHUNG
May 4, 2021

PUBLIC DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO

Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions

(a)

WARRANTY DEED

GEORGIA, Fayette COUNTY.

IN CONSIDERATION OF Ten Dollars (\$10.00) and other valuable consideration the receipt whereof is hereby acknowledged, BEAMON HOMES, INC., a Georgia corporation of the county of does State of Georgia do hereby give, grant, sell, alien and convey unto YIET WAH CHAN and OPAL YUET YING LIU of the county of Fayette State of Georgia, their heirs and assigns, the following property, to-wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 121 of the 7th District of Fayette County, Georgia, being known as Lot 6, containing 5.109 acres, as shown on a plat of survey entitled "Survey for William H. and Sibbie A. Couch" by C. W. Worthy, Registered Land Surveyor No. 1560, dated May 16, 1971, and being more particularly described as follows:

BEGINNING at a point located in the center of a non-exclusive easement for the purpose of ingress and egress as shown on that above-referenced plat of survey, which point is located as follows: Commence at the point of intersection of the east land lot line of Land Lot 121, and the center of a public road known as Crabapple Lane; run thence North 00 degrees 19 minutes 13 seconds West along said land lot line 775.11 feet; run thence South 88 degrees 20 minutes 47 seconds West 916.72 feet to the POINT OF BEGINNING; run thence South 88 degrees 20 minutes 47 seconds West, 631.24 feet to a rock corner and an iron pin; running thence South 01 degree 08 minutes 51 seconds West 353.00 feet to a point; running thence North 88 degrees 20 minutes 57 seconds East 631.24 feet to a point; running thence North 01 degree 06 minutes 51 seconds East 353.00 feet to the POINT OF BEGINNING.

Together with all rights of ingress and egress over and upon that certain easement 30 feet in width as more fully shown on the above-referenced survey which provides access for the above-referenced property to Crabapple Lane, a public thoroughfare; and subject to the rights of all other parties for ingress and egress over and upon said easement area, as shown on said plat and as said easement area affects the above-referenced property.

FAYETTE COUNTY, GEORGIA
REAL ESTATE TRANSFER TAX
PAID 38.40
DST. 38.40
CLERK OF SUPERIOR COURT

RECORDED
FEB 24 PM 4 51
FAYETTE COUNTY, GA.

together with all privileges and appurtenances thereto in anywise belonging in fee simple.

And the said vendor(s) will, and its heirs, executors, administrators, and assigns shall, the said property to the said vendee(s), their heirs, executors, administrators, and assigns, forever warrant and defend against the lawful demands of all persons whatsoever.

IN WITNESS WHEREOF, The said corporation, through its duly authorized officer has hereunto set its hand(s), affixed its seal(s) and delivered these presents this 24th day of February, 19 94.

Signed, sealed and delivered in presence of:

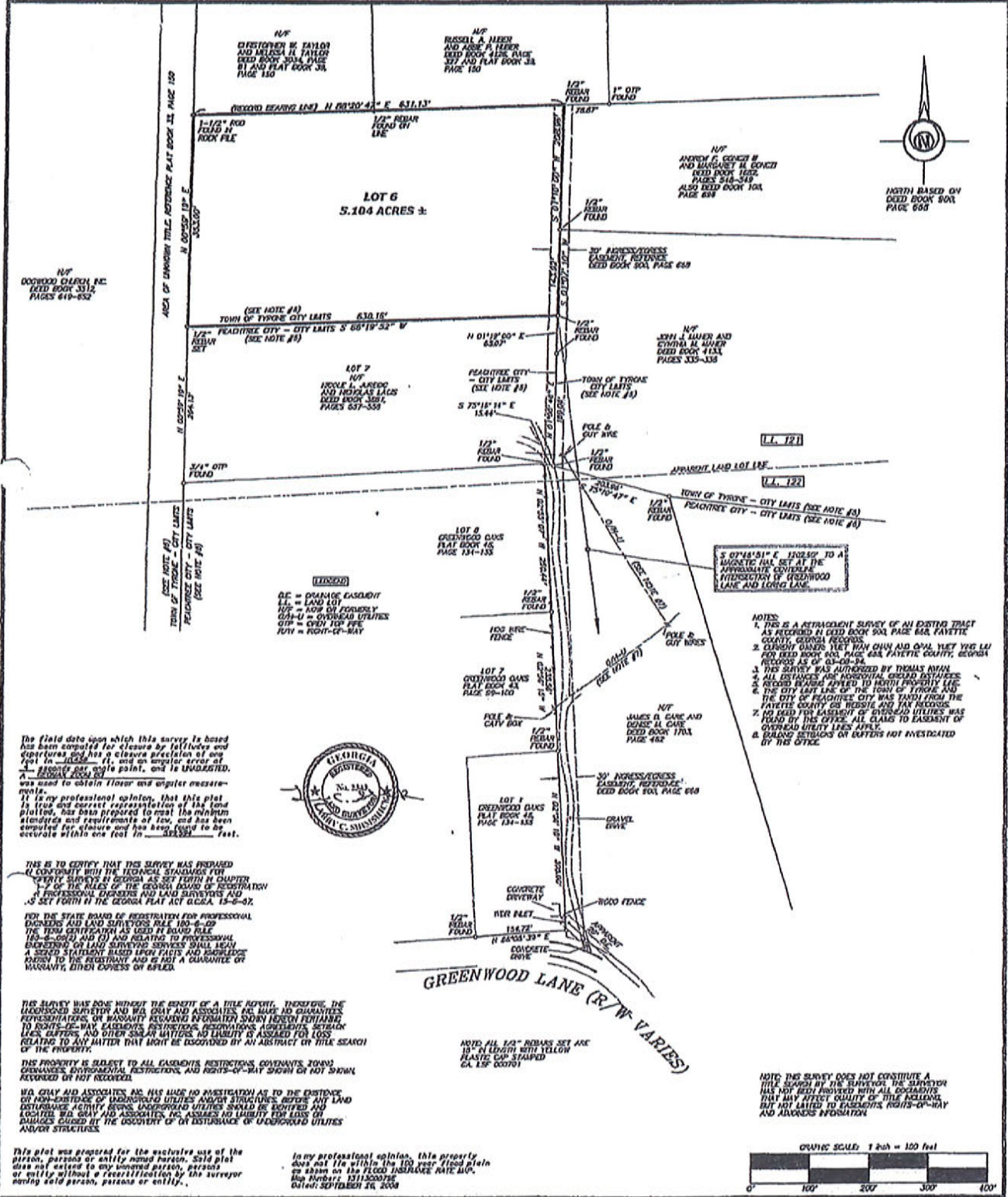
Lay Witness [Signature]
Notary Public, State of Georgia [Signature]

BEAMON HOMES, INC.

By: W. R. Beamon, President
(Corporate Seal)

My Commission Expires: 3/4/97
(SEAL)

(6)



The field data upon which this survey is based has been computed for closure by latitudes and departures and has a closure precision of one foot in 100,000. It is an angular survey and is unadjusted. A standard error of 1.0 foot was used to obtain floor and upper measurements.

It is my professional opinion, that this plat is true and correct representation of the land plat, and has been prepared to meet the minimum standards and requirements of law, and has been surveyed for closure and has been found to be accurate within one foot in 100,000.



THIS IS TO CERTIFY THAT THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1-2 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. 15-6-37.

FOR THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS: 100-6-09 THE TERM CERTIFICATION AS USED IN BOARD RULE 100-6-09(2) AND (3) AND RELATIVE TO PROFESSIONAL ENGINEERING OR LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OF WARRANTY, EITHER EXPRESS OR IMPLIED.

THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT. THEREFORE, THE SURVEYOR AND HIS ASSOCIATES DO NOT HAVE ANY GUARANTEES, REPRESENTATIONS, OR WARRANTIES REGARDING INFORMATION SHOWN HEREON PERTAINING TO RIGHTS-OF-WAY, EASEMENTS, RESTRICTIONS, RESERVATIONS, ENCUMBRANCES, SETBACK LINES, ETC., AND OTHER SURVEYING MATTERS. NO LIABILITY IS ASSURED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OF TITLE SEARCH OF THE PROPERTY.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS, JOINTS, COVENANTS, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

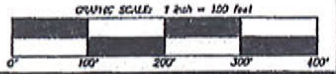
W.D. GRAY AND ASSOCIATES, INC. HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OF ANY EASEMENTS, RESTRICTIONS, COVENANTS, JOINTS, COVENANTS, ENVIRONMENTAL RESTRICTIONS, AND RIGHTS-OF-WAY SHOWN OR NOT SHOWN, RECORDED OR NOT RECORDED.

This plat was prepared for the exclusive use of the person, persons or entity named herein. Said plat does not extend to any unnamed person, persons or entity without a resurveyation by the surveyor naming said person, persons or entity.

In my professional opinion, this property does not lie within the 100 year flood plain as shown on the FLOOD INSURANCE RATE MAP, Map Number: 1311300075E dated: SEPTEMBER 26, 2008

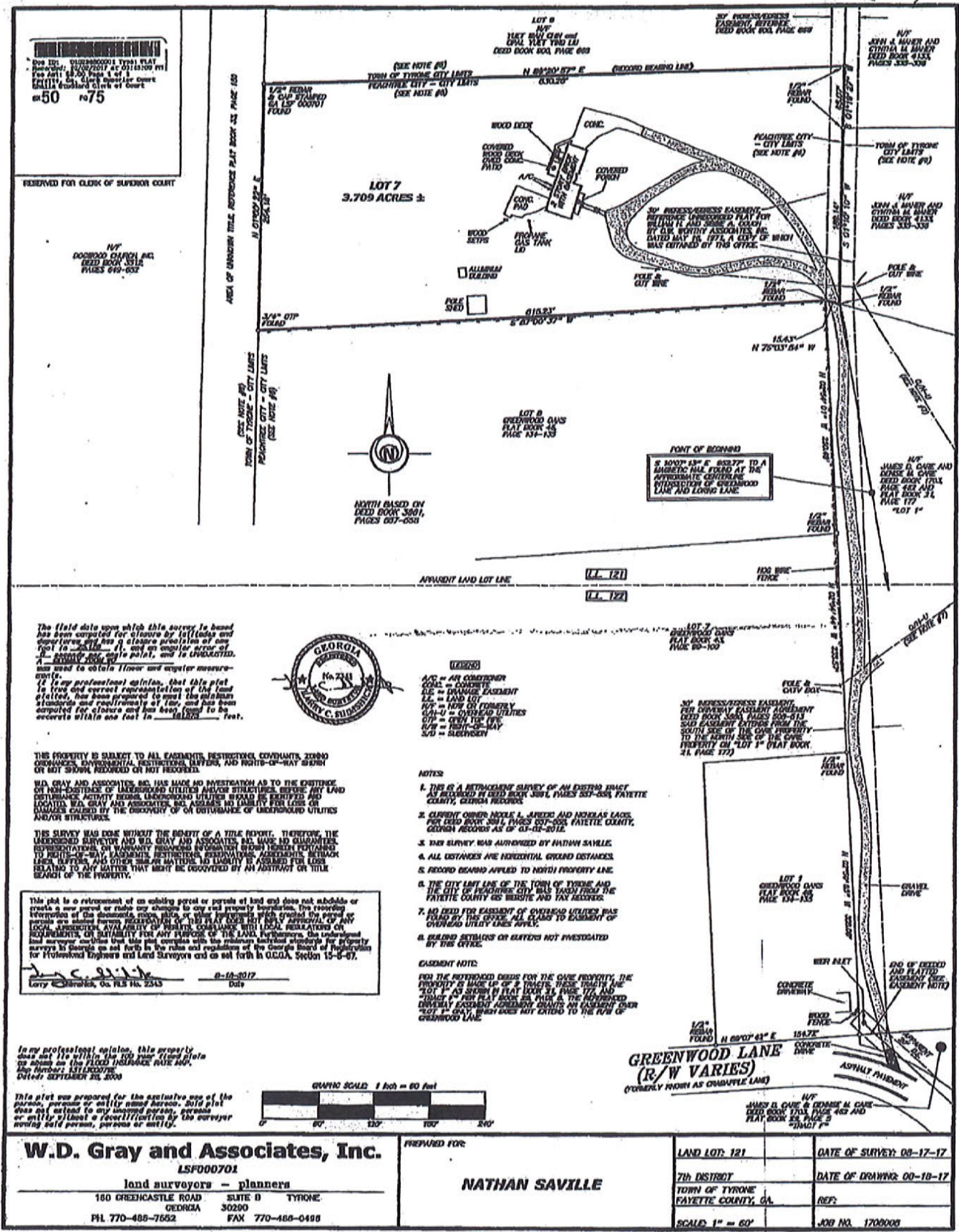
- NOTES:
1. THIS IS A RECONSTRUCTION SURVEY OF AN EXISTING TRACT AS RECORDED IN DEED BOOK 900, PAGE 688, FAYETTE COUNTY, GEORGIA RECORDS.
 2. CURRENT OWNERS YET HAN CHUN AND CHAN YET YUE LU FOR DEED BOOK 900, PAGE 688, FAYETTE COUNTY, GEORGIA RECORDS AS OF 03-08-04.
 3. THIS SURVEY WAS AUTHORIZED BY THOMAS W. HAN.
 4. ALL DISTANCES ARE HORIZONTAL DISTANCES.
 5. RECORDS BLANKS APPLIED TO NORTH PROPERTY LINE.
 6. THE CITY OF PEACHTREE CITY WAS TAKEN FROM THE FAYETTE COUNTY GIS WEBSITE AND TAX RECORDS.
 7. NO USE FOR EASEMENT OF OVERHEAD UTILITIES WAS FOUND BY THIS OFFICE. ALL CLAIMS TO EASEMENT OF OVERHEAD UTILITIES APPLICABLE.
 8. BOUNDARY SETBACKS ON EIGHTS NOT INVESTIGATED BY THIS OFFICE.

NOTE: THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR. THE SURVEYOR HAS NOT BEEN PROVIDED WITH ALL COORDINATES THAT MAY AFFECT QUALITY OF TITLE HOLDINGS, BUT NOT LIMITED TO EASEMENTS, RIGHTS-OF-WAY AND ADJACENT INFORMATION.



W.D. Gray and Associates, Inc. LSF000701 land surveyors - planners 160 GREENCASTLE ROAD SUITE B TYRONE GEORGIA 30200 PH 770-486-7552 FAX 770-486-0498		PREPARED FOR YUET WAH CHIN and OPAL YUET YING LIU	LAND LOT: 121 TIN DISTRICT TOWN OF TYRONE FAYETTE COUNTY, GA. SCALE: 1" = 100'	DATE OF SURVEY: 10-11-16 TO 10-15-16 DATE OF DRAWING: 10-14-16 REF: JOB NO. 1610002
---	--	---	--	---

(C)



JOB NO. 1700008



EXHIBIT 2

Pollard Applications

RZ-2021-012

RZ-2021-013



Rezoning Request Application

Petition #: RZ-2021-012
RZ-221-013

Applicant & Property Owner Information

Applicant Name: Douglas E. Pollard Email: [REDACTED]

Applicant Address: 129 Palmetto Road, Tyrone GA 30290 Phone: [REDACTED]

Company Name: N/A

Property Owner Name: Douglas E. Pollard Email: [REDACTED]

Property Owner Address: 129 Palmetto Road, Tyrone GA 30290 Phone: [REDACTED]

Property Details

Property Address: 129 and 163 Palmetto Road, Tyrone GA 30290 Lot# 1 & 2

Reason Requesting Rezoning:

Reconfigure LOT1 & 2 of current 2013 McElwaney Pollard Estates plat (Plat Book 47, PG 83-84) to reduce LOT1 size prior to selling home. Proposal to rezone from Agricultural Residential to Residential (R-12) to reduce both setback footage & minimum lot area requirements (NOTE: Properties across road currently R-12). Once LOT1 size reduced, combine original LOT1 remaining land to LOT2. (Refer to Concept Plan Plat dated 6/30/2021 for details)

Current Zoning of Property: AR Proposed Zoning of Property: R-12

Parcel #: 0738 053 and 0738 161 Total Number of Acres to be Rezoned: 9.56

Present Use of Subject Property: Residential

Proposed Use of Subject Property: Residential

Land Use Plan Designation: currently AR, Town future plan C-1 Commercial Corridor

Name & Type of Access Road: Palmetto Road, Local Asphalt Type Road

Location of Nearest Water Line: Palmetto Road, Properties have active water utilities

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: _____

☒ Application & all required supporting documentation is sufficient and complete.

By Staff [Signature] Date _____

Received from _____ a check in the amount of \$ _____

Date of Planning Commission Hearing: 08/12/21 Date of Town Council Hearing: 08/19/21



Petition for Rezoning

Petition#: RZ-2021-012

Name: Douglas E. Pollard Email: [REDACTED]

Petition Number: RZ-2021-012

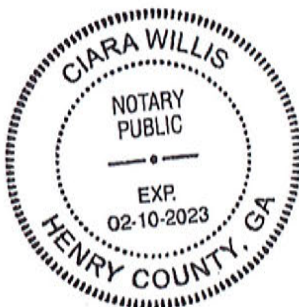
Address: 129 Palmetto Road, Tyrone GA 30290 (LOT2) Phone#: [REDACTED]

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Douglas E. Pollard affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Agricultural Residential (AR) Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ 500.00 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to Residential R-12

This property includes (Check one of the following):

- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:



By: Douglas E. Pollard
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15 DAY OF July 2021.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the 12th day of August, 2021 at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the 19th day of August, 2021 at 7:00 p.m.

Ciara Willis
NOTARY PUBLIC

Douglas E. Pollard
APPLICANT'S SIGNATURE



Petition for Rezoning

Petition#: RZ-2021-013

Name: Douglas E. Pollard Email: [REDACTED]

Petition Number: RZ-2021-013

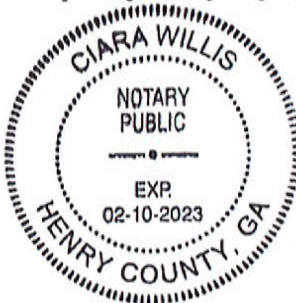
Address: 163 Palmetto Road, Tyrone GA 30290 (LOT1) Phone#: [REDACTED]

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Douglas E. Pollard affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) Agricultural Residential (AR) Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ 1,000.00 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to Residential R-12

This property includes (Check one of the following):

- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:



By: Douglas E Pollard
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 15 DAY OF July 2021.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the 12th day of August, 2021 at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the 19th day of August, 2021 at 7:00 p.m.

Ciara Willis
NOTARY PUBLIC

Douglas E Pollard
APPLICANT'S SIGNATURE

July 12, 2021

Phillip Trocquet
Town of Tyrone Planning & Development Coordinator
ptrocquet@tyrone.org

RE: Property Rezoning Application

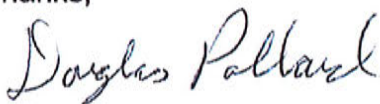
Included are the following....

- 1) Rezoning Application Forms
 - Rezoning Request Application
 - Petition for Rezoning
 - Agreement to Dedicate Property for Future Right-of-Way (ROW)
 - Conflict of Interest in Zoning Actions Application Form
- 2) Supporting Warranty Deeds and Plats
 - Warranty Deed – Book 4083, Page 40 (Parcel 0738 053)
 - Warranty Deed – Book 4093, Page 198 (Parcel 0738 161)
 - Current 2013 Plat of McElwaney Pollard Estates – Plat Book 47, Pages 83-84
 - Concept Plan (dated 6/30/2021)
 - LOT1 & LOT2 proposed internal boundaries under R-12 zoning

Will be sending email containing digital copies of all Supporting Warranty Deeds and Plats listed above.

Any additional information please let me know.

Thanks,



Douglas Pollard

129 Palmetto Road
Tyrone, GA 30290





Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#: R2-2021-012
R2-2021-013

The undersigned, making application for rezoning, variance, or special exception, has complied with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Douglas E Pollard
Signature of Property Owner

Douglas E Pollard

Type or Print Name and Title

N/A
Signature of Owner's Attorney or Representative

N/A

Type or Print Name and Title

Lynn L. Craig
Signature of Notary Public

7/11/2021

Date

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO

Douglas E Pollard
Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

Attach additional sheets if necessary to disclose or describe all contributions

Sharon I. Pierce, P.C.
110 Habersham Drive, Suite 151
Fayetteville, GA 30214-1381

Doc ID: 009788210001 Type: WD
Recorded: 10/29/2015 at 12:45:00 PM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court
BK 4383 Pg 40

STATE OF GEORGIA
COUNTY OF FAYETTE

WARRANTY DEED

THIS INDENTURE, made this 28th day of October In the year of our Lord Two Thousand Fifteen between SHELVA JEAN POLLARD, of the State of Georgia and County of Fayette, of the first part and SHELVA JEAN POLLARD AND DOUGLAS EDWARD POLLARD AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, of the State of Georgia and County of Fayette of the second part.

WITNESSETH: That the party of the first part, for and in consideration of the **LOVE AND AFFECTION**, does give and convey unto the said parties of the second part, themselves, their heirs and assigns, all his interest in and to:

ALL THAT TRACT or parcel of land lying and being in Land Lot 140 of the 7th Land District of Fayette County, Georgia and being more particularly described as Lot 1 as shown on plat of survey by Matthew J. Langley, Registered Surveyor dated February 21, 2013, a copy of which plat is recorded in Plat Book 47, Pages 83-84, in the Fayette County deed records. Said plat with the metes, bounds courses and distances as shown thereon, is incorporated in this description and made a part hereof by reference.

THE PURPOSE OF THIS DEED IS TO ESTABLISH A JOINT TENANCY WITH RIGHT OF SURVIVORSHIP BETWEEN THE PARTIES.

Deed only prepared. No title search or survey conducted.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoove of them, the said parties of the second part, their heirs and assigns, forever, IN FEE SIMPLE.

And the said party of the first part, for herself, her heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said parties of the second part, their heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said party of the first part has hereunto set her hand and affixed her seal, the day and year above written.

Signed sealed & delivered in the presence of:

Senyer Hernandez
Witness

Shelva Jean Pollard (SEAL)
SHELVA JEAN POLLARD

[Signature]
NOTARY PUBLIC
Commission Expires 04/14/18



Sharon I. Pierce, P.C.
110 Habersham Drive, Suite 151
Fayetteville, GA 30214-1381

Doc ID: 009178900001 Type: WD
Recorded: 08/01/2013 at 01:00:00 PM
Fee Amt: \$10.00 Page 1 of 1
Transfer Tax: \$0.00
Fayette, Ga, Clerk Superior Court
Sheila Studdard Clerk of Court
BK 4093 Pg 198

STATE OF GEORGIA
COUNTY OF FAYETTE

WARRANTY DEED

THIS INDENTURE, made this 30th day of July in the year of our Lord Two Thousand Thirteen between **WALTER L. POLLARD** and **JEAN M. POLLARD** of the State of Georgia and County of Fayette of the first part and **DOUGLAS E. POLLARD**, of the State of Georgia and County of Fayette of the second part.

WITNESSETH: That the parties of the first part, for and in consideration of **LOVE AND AFFECTION** and other good and valuable consideration, do give and convey unto the said party of the second part, himself, his heirs and assigns, all the right, title, interest, claim or demand which the said parties of the first part have or may have had in and to:

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 140 of the 7th Land District of Fayette County, Georgia and being more particularly described as Lot 2 as shown on plat of survey by Matthew J. Langley, Registered Surveyor, dated February 21, 2013, a copy of which plat is recorded in Plat Book 47, Pages 83-84, in the Fayette County deed records. Said plat with the metes, bounds, courses and distances as shown thereon, is incorporated in this description and made a part hereof by reference.

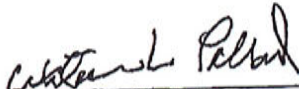
Deed only prepared. No title search conducted.

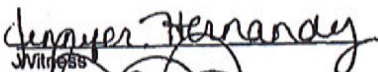
TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoove of him, the said party of the second part, his heirs and assigns, forever, IN FEE SIMPLE.

And the said parties of the first part, for themselves, their heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said party of the second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

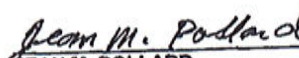
IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and affixed their seals, the day and year above written.

Signed sealed and delivered in the presence of:

 (SEAL)
WALTER L. POLLARD

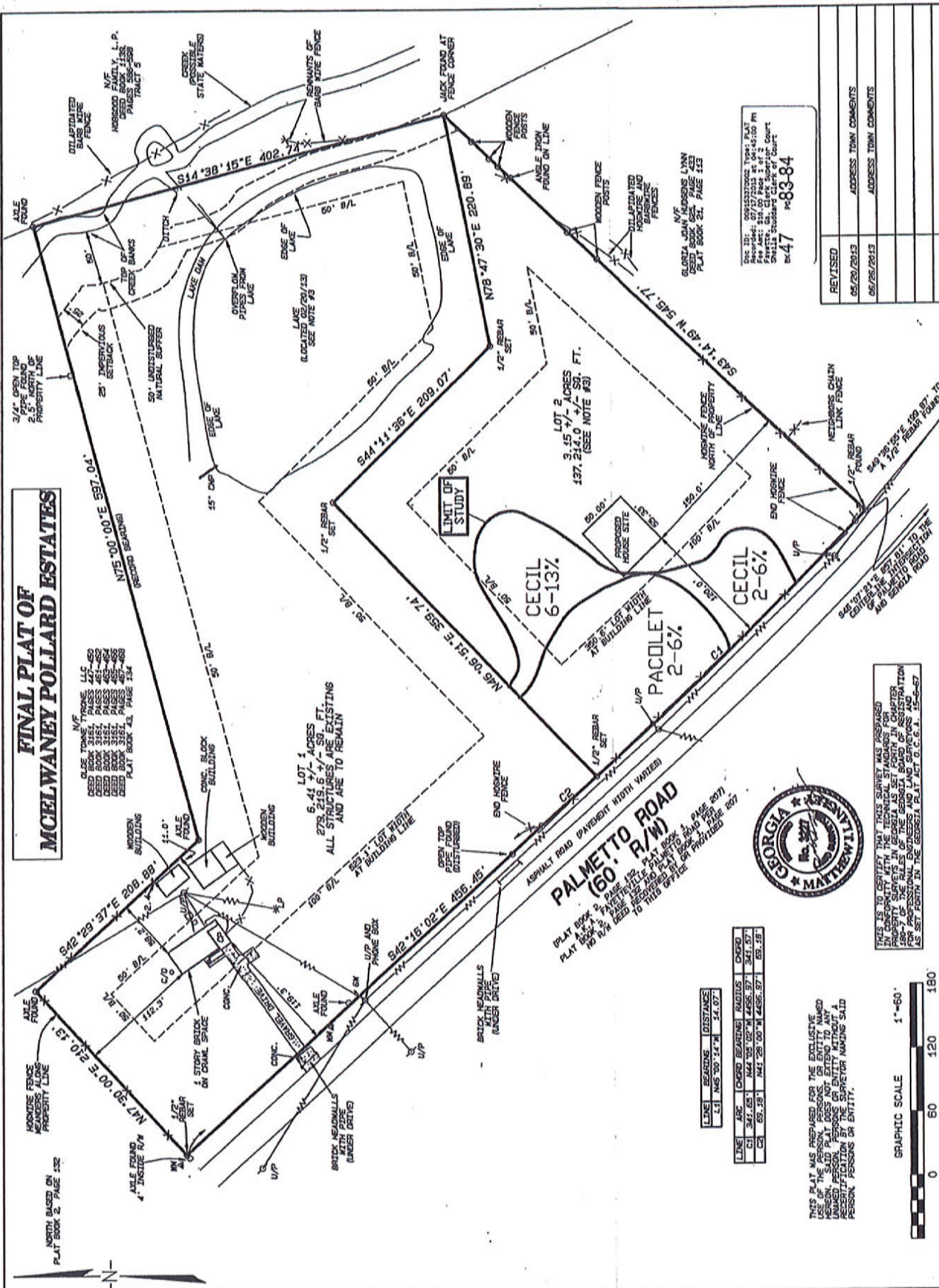

Witness

NOTARY PUBLIC

 (SEAL)
JEAN M. POLLARD

comm. exps. 042014





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 A REIDENTIFICATION BY THE SURVEYOR. NAMING SAID PERSON, PERSONS OR ENTITY

GRAPHIC SCALE 1"=60'



A horizontal graphic scale bar with alternating black and white segments. It is marked with the numbers 0, 50, 100, and 150, representing feet. Above the bar, the text "GRAPHIC SCALE" and the scale "1"=60'" are printed.

W.D. Gray and Associates, Inc.

LSF000701

land surveyors - planners

160 Greencastle Road - Suite B
Tucson, AZ 85700

(770) 486-7552 Fax (770) 486-0495

Prepared For:

DOUG POLLARD

THIS SURVEY WAS AUTHORIZED BY DOUG POSEY

11/25/2010 10:00 AM
 AUTHORIZED BY DOUG POLLARD

100% 100% 100%

DISTRICT: 7TH

FAYETTE COUNTY, GA

1000 JOURNAL OF CLIMATE

5

5

1

DATE OF SURVEY 02/24/2013

DATE OF DRAWING: 03/18/2013

2000

REVISED	ADDRESS TOWN COMMENTS
05/20/2013	

Doc ID: 009153370002 Type: PLAT
Recorded: 07/17/2013 at 04:45:00 PM
Fee Amt: \$16.00 Page 1 of 2
Fayette, Ga. Clerk Superior Court
Shelia Studdard Clerk of Court

EX 47 PC 83-84

LINE	BEARING	DISTANCE
L1	N45°00'14"W	14.07'

LINE	ARC	CHORD BEARING	RADIUS	CHORD
C1	341.63°	N44°05'02"N	4495.97'	341.57'
C2	60.48°	N41°28'00"E	4495.97'	69.48'

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.



US
Canada
Mexico
Brazil
Argentina
Chile
Colombia
Costa Rica
Cuba
Ecuador
El Salvador
Guatemala
Honduras
Jamaica
Nicaragua
Panama
Paraguay
Peru
Puerto Rico
Uruguay
Venezuela

CONCEPT PLAN
REFERENCE THE FINAL PLAT OF
MCELWANEY POLLARD ESTATES RECORDED IN
PLAT BOOK 47, PAGES 83-84

NOTE: THIS IS A CONCEPT PLAN ONLY. THE PURPOSE IS TO SHOW THE PROPOSED ZONING AND THE PROPOSED LOT DIVISION CREATING CHANGING LOTS 1 AND 2. ALL BOUNDARY INFORMATION TAKEN FROM THE ABOVE REFERENCED FINAL PLAN. THIS DRAWING DOES NOT MEET THE ADOPTED TECHNICAL STANDARDS FOR PLANS. THIS DRAWING DOES NOT MEET THE ADOPTED CITY OF PORTLAND ZONING ORDINANCE. IT IS FOR ILLUSTRATION ONLY.



SEVERITY, REAL AND DON'T USE INDCA IS THIS CONCEPT PLAN WAS
EMERGED BY THE OFFICE. HOWEVER, THIS CAN WHO DOES NOT CONSTITUTE
A BOUNDARY SURVEY AND SHOULD NOT BE RECORDED OR USED FOR ANY
OTHER PURPOSE. SOME BOUNDARY LINES SHOWING ARE NEARBY.

[illegible][illegible]

8US USC 1650c

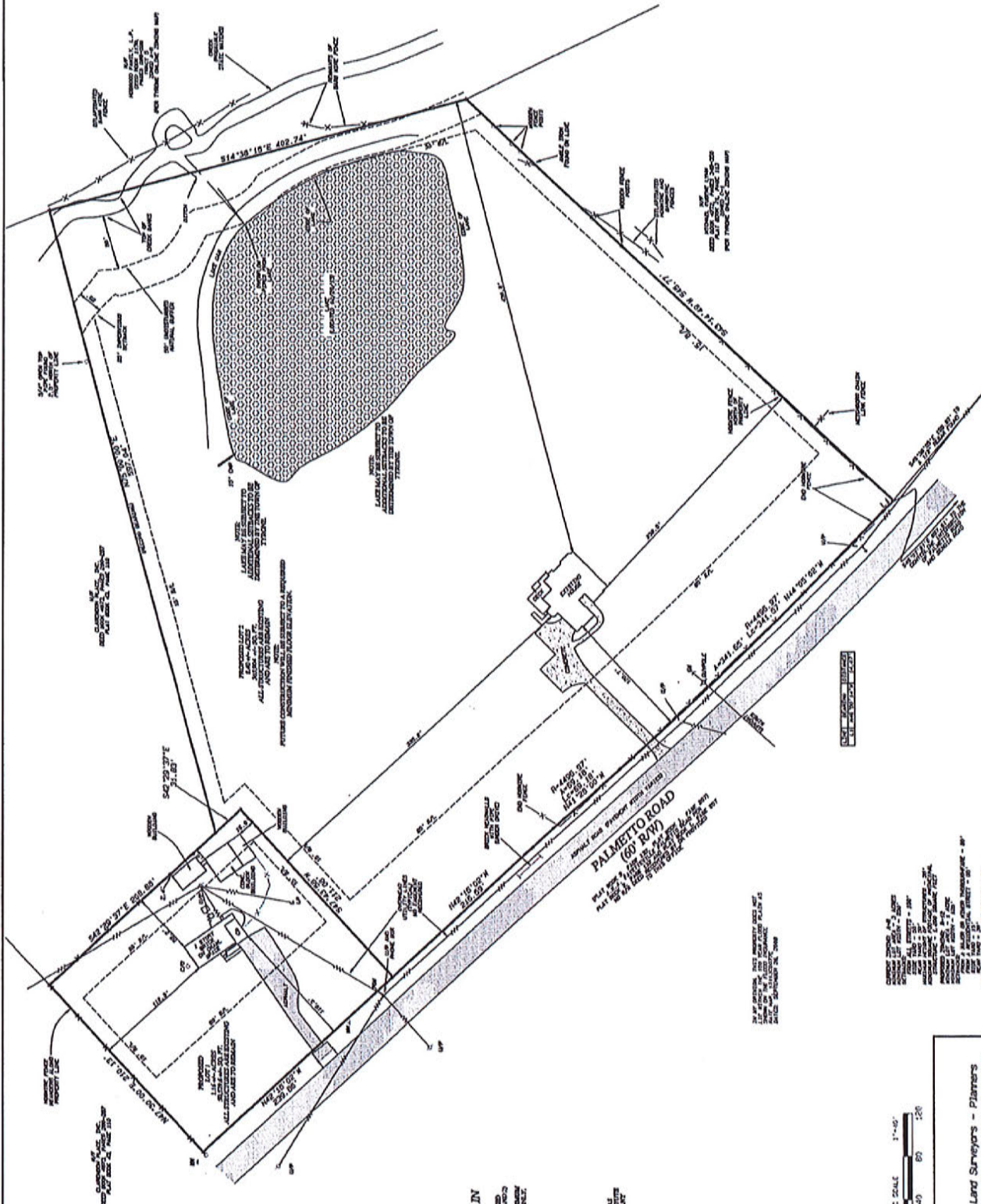
DOUG POLIARD

LAND LOT 140, 7TH DISTRICT
FAYETTE COUNTY, GA.
TOWN OF TYRONE
SCALE 1" = 40'
DATE 05/30/2021

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

Land Surveyors - Planners
1810 Overbrook Road Suite B Tyngsboro, MA 01906
Tel. 770-466-7502 Fax 770-466-7505

TEL 770-486-7852 FAX 770-486-0406



JOS NO: 1302003



EXHIBIT 3

Shell Application

RZ-2021-014



Rezoning Request Checklist

Petition#: R2-2021-014

Map amendment application. A map amendment (rezoning) application shall include the following:

- ✓ A legal description of the tract to be rezoned.
- ✓ Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, dimensions, acreage and location of the tract prepared by an architect, engineer, landscape architect, or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat.
- ✓ The present and proposed zoning district for the tract.
- ✓ Existing and intermediate regional flood plain and structures.
- ✓ The names and addresses of the owners of the land and their agents, if any, and abutting land owners.
- ✓ A written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby properties;
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
 - d. Whether the zoning proposal will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan; and
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- ✓ Disclosures. The applicant shall file all disclosures required by the Conflict of Interest in Zoning Actions Act, O.C.G.A. Title 36, Chapter 67 A.
- ✓ One (1) original and eight (8) copies of completed application form.



Rezoning Request Application

Petition#: R2-2021-014

Applicant & Property Owner Information

Applicant Name: Teresa Shell Email: [REDACTED]
Applicant Address: 3388 Paces Forest Road, Atlanta, GA 30327 Phone: [REDACTED]
Company Name: PTC Property Holdings, LLC

Property Owner Name: Teresa and Spencer Shell Email: [REDACTED]
Property Owner Address: 3388 Paces Forest Rd, Atlanta, GA 30327 Phone: [REDACTED]

Property Details

Property Address: 458 Senoia Road, Tyrone, GA 30290 Lot# 153

Reason Requesting Rezoning:

The property is currently on the Town of Tyrone website as future commercial zoning. I am requesting to make that change in order to relocate a small Montessori school to the property. The Montessori school would operate in the renovated barn and ranch style home currently on the property.

Current Zoning of Property: R-12 Proposed Zoning of Property: C-1

Parcel #: 0736021 Total Number of Acres to be Rezoned: 2.006

Present Use of Subject Property: vacant

Proposed Use of Subject Property: small child care facility

Land Use Plan Designation: _____

Name & Type of Access Road: Senoia Road

Location of Nearest Water Line: Senoia Road

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: _____

☒ Application & all required supporting documentation is sufficient and complete.

By Staff [Signature] Date _____

Received from _____ a check in the amount of \$ _____

Date of Planning Commission Hearing: 07/12/21 Date of Town Council Hearing: 08/19/21



Property Owner Consent & Agent Authorization Form

(Application requires authorization by ALL property owners of a subject property)

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

Teresa and Spencer Shell

(Please Print Names)

Property Tax Identification Number(s) of Subject Property: **0736021**
(I am) (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in the Land Lot(s) **153** of the **7th** District, and (if applicable to more than one land district) Land Lot(s) _____ 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 **Teresa Shell** to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning, which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showing made in a paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (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.


Signature of Property Owner 1

3388 Paces Forest Road, Atlanta, GA 30327

Address

Signature of Property Owner 2

3388 Paces Forest Road, Atlanta, GA 30327

Address

Signature of Property Owner 3

Address


Signature of Notary Public

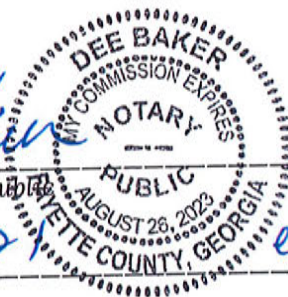
6/30/2021
Date

Signature of Notary Public

Date

Signature of Notary Public

Date





Petition for Rezoning

Petition#: R2-2021-014

Name: Teresa Shell Email: [REDACTED]

Petition Number: R2-2021-014

Address: 458 Senoia Road, Tyrone, GA 30290 Phone#: [REDACTED]

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Teresa Shell affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) R-3 Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$500.00 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to C-1

This property includes (Check one of the following):

- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:

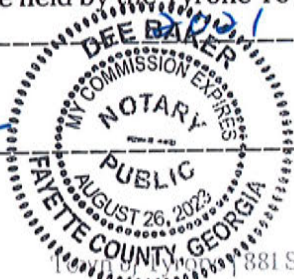
By: [Signature]
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30 DAY OF June 2021.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the 12 day of August, 2021 at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the 13 day of Aug, 2021 at 7:00 p.m.

[Signature]
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#: RZ-2021-014

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

Teresa Shell

Signature of Property Owner

Teresa Shell, Owner

Type or Print Name and Title

Dee Baker

Signature of Owner's Attorney or Representative

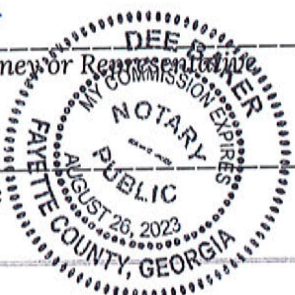
Type or Print Name and Title

Dee Baker

Signature of Notary Public

01/30/2021

Date



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO

Teresa Shell

Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions

Town of Tyrone Rezoning Request Application: Supplemental Information

Property: 458 Senoia Road, Tyrone, GA 30290

Current Zoning: R-12

Proposed Zoning: C-1

Purpose: To establish a small Montessori school for ages 2 to 6 on the property.

Owners of the Property:

Teresa and Spencer Shell, 3388 Paces Forest Rd, Atlanta, GA30327

Owners of Abutting Property:

To the North: Barbara Frost

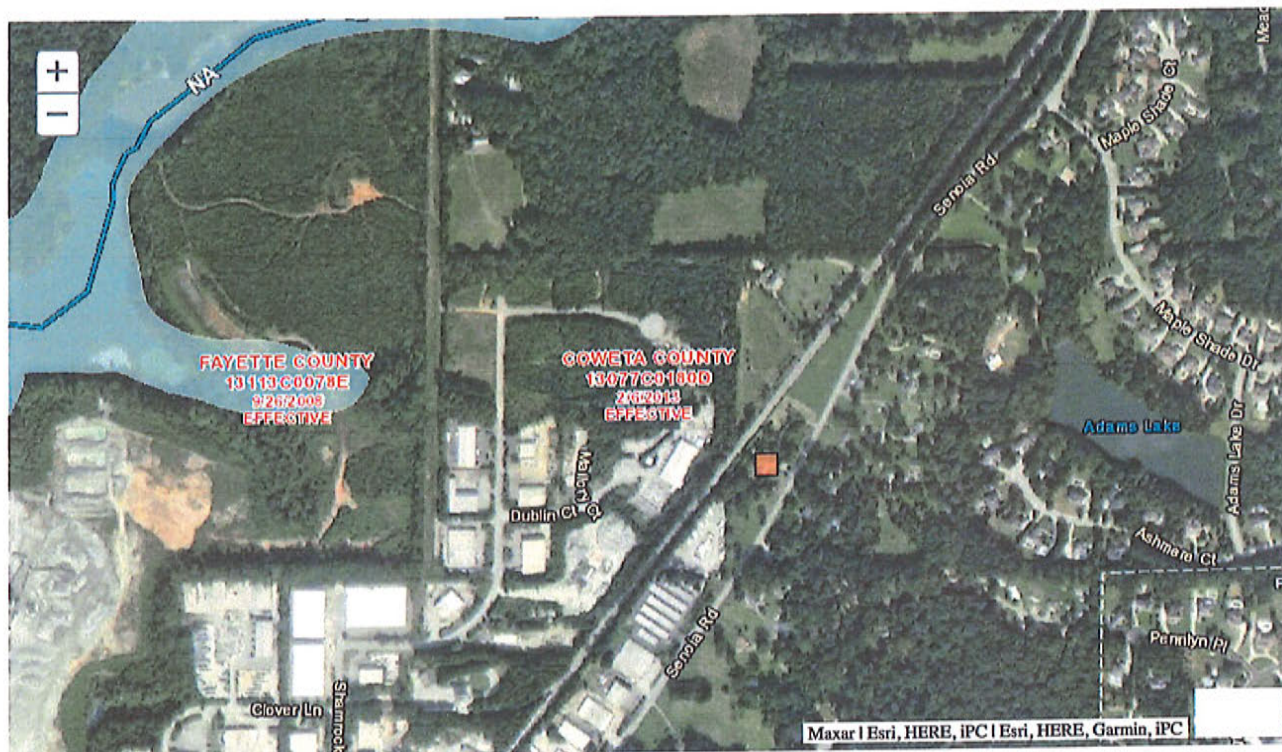
To the South: Triax Investments, Inc., 430 Senoia Road, Tyrone, GA 30290

To the West: Seaboard Cost Line Railroad

Impact of the Proposed Rezoning:

- a. The proposed use of this property is a small, family-oriented Montessori school. The structures on the property will remain but will be cleaned up and renovated to improve the property. Adjacent properties are fields or properties with similar structures. General Commercial properties are adjacent to this property already.
- b. The proposed use of this property will not adversely affect the adjacent properties. Additional parking will be added to the property, but it will have a natural tree buffer between the parking and the road, so it will remain unnoticeable.
- c. Currently, the property has a barn and a small home and, as zoned, provides no economic use to the Town of Tyrone.
- d. This property has two driveways, which will be remodeled as long circular driveway. The circular driveway will allow any visitors to the site to drive onto the property in one direction for drop off/pick up and the exit the property promptly. The length of the driveway also allows for multiple vehicles to wait on the property rather than back up onto Senoia Road. Thus, no additional traffic would be created on Senoia Road.
- e. The Town of Tyrone's Comprehensive Land Use Plan currently lists this property as proposed commercial.
- f. By rezoning this property to allow for a small school, the Town receives the benefits of a new commercial property which promotes economic growth, but also maintains the charm that the area currently exhibits. The school will provide a safe, warm, and loving environment to the Town's youth and continue to foster a sense of community.

458 Senioa Road, Tyrone, GA 30290



Legend with Flood Zone Designations

— Flood Control Structures	1% Flood - Floodway (High Risk)	1% Flood - Zone VE (HighRisk)	Floodway Decrease
~ Base Flood Elevations	1% Flood - Zone AE (High Risk)	Area Not Included	Floodway Increase
— Cross Sections	1% Flood - Zone A, AH, or AO (HighRisk)	Letters of Map Revision	100-Year Flood Zone Decrease
- - - Coastal Transects	0.2% Flood - X-Shaded (Moderate Risk)	Coastal Barrier Resource Area	100-Year Flood Zone Increase
□ FIRM Panel Index	Area of Underdetermined Flood Hazard	Limit of Moderate Wave Action	Zone Change

Disclaimer: This data is not to be used to determine any base flood elevations or flood zone designations for NFIP (National Flood Insurance Program) purposes. For NFIP flood insurance and regulation purposes, concern. Values displayed for Current Flood Zone, Preliminary Flood Zone, Flood Zone Change Type, and Probability of Flooding over a 30-year period based on center of dot location, not extent of structure(s).

Exhibit "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 153 of the 7th District of Fayette County, Georgia, and being more particularly described as follows:

Beginning at a point on the westerly right-of-way of Senoia Road (having an 80-foot right-of-way), located 409.0 feet northerly from the intersection of the westerly right-of-way of Senoia Road with the south line of Land Lot 153; running thence North 64 degrees 19 minutes West 228.0 feet to a point on the easterly right-of-way of the Seaboard Coast Line Railroad; running thence along the easterly right-of-way of the Seaboard Coast Line Railroad North 37 degrees 33 minutes East 478.73 feet to a point; running thence South 59 degrees 41 minutes East 145.95 feet to a point located on the westerly right-of-way of Senoia Road; running thence along the westerly right-of-way of Senoia Road South 26 degrees 59 minutes West 257.10 feet to a point continuing thence along the westerly right-of-way of Senoia Road South 28 degrees 39 minutes West 200.0 feet to the point of beginning; being a tract of 2.00 acres as shown on plat of survey dated April 15, 1994, prepared by R. M. Boyd and Associates, Georgia Registered Land Surveyor No. 2227.



EXHIBIT 4

Eyster Application

RZ-2021-015



Rezoning Request Application

Petition#: R2-2021-015

Applicant & Property Owner Information

Applicant Name: Zachary Eyster Email: [REDACTED]
Applicant Address: 240 Briarwood Rd. Tyrone GA 30290 Phone: [REDACTED]
Company Name: —

Property
Owner Name: Zachary Eyster and Britney Eyster Email: [REDACTED]
Property
Owner Address: 240 Briarwood Road Tyrone GA 30290 Phone: [REDACTED]

Property Details

Property
Address: 240 Briarwood Rd Tyrone GA 30290 Lot# —
Reason Requesting Rezoning:

Current Zoning of Property: A/R Proposed Zoning of Property: R-12
Parcel #: 0742 033 Total Number of Acres to be Rezoned: 8.3-8.4 (all)
#8.21
Present Use of Subject Property: Primary residence (single family)
Proposed Use of Subject Property: Primary residence (single family)
Land Use Plan Designation: —
Name & Type of Access Road: Briarwood Road - paved public
Location of Nearest Water Line: street along right of way of Briarwood Rd

(This Area to be Completed by Staff)

☐ Application Insufficient due to lack of: —
☒ Application & all required supporting documentation is sufficient and complete.
By Staff [Signature] Date —
Received from — a check in the amount of \$ 500
Date of Planning Commission Hearing: 07/12/21 Date of Town Council Hearing: 08/19/21



Property Owner Consent & Agent Authorization Form

(Application requires authorization by ALL property owners of a subject property)

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

Zachary ^{Carl} Eyster Britney ^{Anne} Eyster

(Please Print Names)

Property Tax Identification Number(s) of Subject Property: 07-42-033

(I am) (We are) the sole owner(s) of the above-referenced property requested to be rezoned. Subject property is located in the Land Lot(s) 173 of the 7th District, and (if applicable to more than one land district) Land Lot(s) _____ 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 McCann Land Surveyors (if necessary) to act as (my) (our) Agent in this rezoning. As Agent, they have the authority to agree to any and all conditions of zoning, which may be imposed by the Board.

(I) (We) certify that all of the information filed with this application including written statements or showing made in an paper or plans submitted herewith are true and correct to the best of (my) (our) knowledge and belief. Further, (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.

[Signature]
Signature of Property Owner 1

240 Briarwood Road Tyrone GA 30290
Address

[Signature]
Signature of Property Owner 2

240 Briarwood Road Tyrone GA 30290
Address

Signature of Property Owner 3

Address

[Signature]
Signature of Notary Public

7/27/2021
Date

[Signature]
Signature of Notary Public

7/27/2021
Date

Signature of Notary Public

Date



Petition for Rezoning

Petition#: R2-2021-015

Name: Zachary Eysler Email: [REDACTED]

Petition Number: R2-2021-015

Address: 240 Briarwood Road Tyrone GA 30290 Phone#: [REDACTED]

PETITION FOR REZONING CERTAIN PROPERTY IN THE INCORPORATED AREA OF TYRONE, GEORGIA.

Zachary Eysler affirms that he/she is the owner or the specifically authorized agent of the property described below. Said property is located in a(n) AIR Zoning District. He/She respectfully petitions the Town to rezone the property from its present classification and tenders herewith the sum of \$ 1000 to cover all expenses of the public hearing. He/She petitions the above named to change its classification to Residential

This property includes (Check one of the following):

- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:

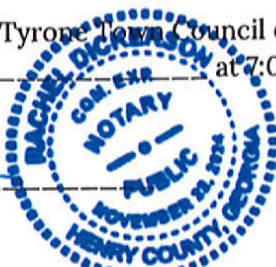
By: [Signature]
Owner/Agent

SWORN TO AND SUBSCRIBED BEFORE ME THIS 27th DAY OF July 2021.

PUBLIC HEARING to be held by the Town of Tyrone Planning Commission on the _____ day of _____ at 7:00 p.m.

PUBLIC HEARING to be held by the Tyrone Town Council on the _____ day of _____ at 7:00 p.m.

[Signature]
NOTARY PUBLIC



[Signature]
APPLICANT'S SIGNATURE



Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

Petition#: RZ-2021-015

The undersigned, making application for rezoning, variance, or special exception, has compiled with the Official Code of Georgia Section 36-64 A01, et seq., Conflict of Interest in Zoning Actions and has submitted or attached the required information on the forms provided.

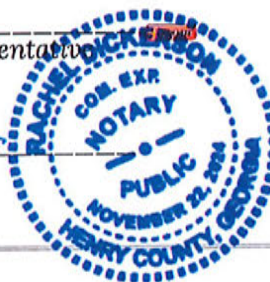
[Signature]
Signature of Property Owner

Zachary Eyster
Type or Print Name and Title

Signature of Owner's Attorney or Representative

Type or Print Name and Title

[Signature]
Signature of Notary Public



7/22/2021
Date

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Tyrone Planning Commission or member of the Tyrone Town Council?

☐ YES

☒ NO

[Signature]
Signature of Applicant

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (List all which aggregate to \$250.00 or more)	Date Contribution was made (Within last 2 years)

Attach additional sheets if necessary to disclose or describe all contributions

ABUTTING LAND OWNERS TO 240 BRIARWOOD ROAD:

1) Lot 26 – Montego Subdivision

Owner: JC Bannister, Jr., and Hilda Bannister

Address: 140 Montego Trail, Tyrone, GA 30290

2) Lot 27 – Montego Subdivision

Owner: Lawler Living Trust (John W. and Lynn G. Lawler, trustees)

Address: 130 Montego Trail, Tyrone, GA 30290

3) Lot 28 – Montego Subdivision

Owner: Maureen T. Wheeler

Address: 120 Montego Trail, Tyrone, GA 30290

4) Lots 29 & 30 – Montego Subdivision

Owner: Howard Aspacher

Address: 110 Montego Trail, Tyrone, GA 30290

5) Owner: Robert C. Kelley Trust (Robert C. Kelley, trustee)

Address: 260 Briarwood Road, Tyrone, GA 30290

6) Owner: Charlotte M Free Estate (David Jefferson Free, Grantee)

Address: 325 Laurelwood Drive, Tyrone, GA 30290

7) Owner: Donald L. Adams Estate

Address: 141 Ridge Road, Tyrone, GA 30290

500 Westpark Drive, Suite 150
Peachtree City, GA 30269

Weissman
500 Westpark Drive, Suite 150
Peachtree City, GA 30269

Record and Return to:

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

File No.: W-23185-20-PC

Parcel ID: 0742 033



Doc ID: 011073420003 Type: WD
Recorded: 12/07/2020 at 09:50:00 AM
Fee Amt: \$550.00 Page 1 of 3
Transfer Tax: \$525.00
Fayette, Ga. Clerk Superior Court
Sheila Studdard Clerk of Court

BK **5170** PG **23-25**

LIMITED WARRANTY DEED

**STATE OF GEORGIA
COUNTY OF FAYETTE**

THIS INDENTURE, made this 1st day of December, 2020 by and between **W. Brent Awbrey and Sherry Awbrey**, as party or parties of the first part, hereinafter called Grantor, and **Zachary Carl Eyster and Britney Anne Eyster**, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP and not as tenants in common, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN 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, 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 Grantee against the claims of all persons claiming by, through, or under Grantor herein.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and is the intention of the parties hereto to hereby create in Grantee a joint tenancy estate with right of survivorship and not as tenants in common.

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

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 4/24/23

Signed, sealed and delivered
in the presence of:

Unofficial Witness

Notary Public

My Commission Expires: 4/24/23

W. Brent Awbrey
W. Brent Awbrey

(Seal)

Sherry Awbrey
Sherry Awbrey

(Seal)

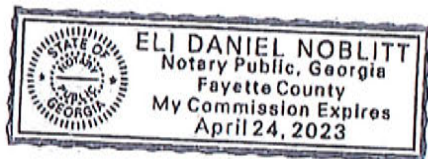


EXHIBIT "A"

File No.: W-23185-20-PC

All that tract or parcel of land lying and being in Land Lot 173 of the 7th District of Fayette County, Georgia, being Tracts 1 and 2, as per plat for Ed Wilber and Sharon Wilber, as shown on that certain plat recorded in Plat Book 18, Page 167, Fayette County, Georgia Records, reference to which plat is hereby made for a more accurate description of the metes and bounds description of Tracts 1 and 2.

Less and Except

All that tract or parcel of land lying and being in Land Lot 173 of the 7th District of Fayette County, Georgia, being more particularly described as follows:

Begin at an iron pin found on the Westerly right-of-way margin of Briarwood Road (60 foot right-of-way), which is the boundary corner common to the property of Robert S. Andrews, III, et al. to the South, and the property of Edwin Wilber and Sharon Wilber, to the North, said point being the point of beginning; thence South 89 degrees 58 minutes 00 seconds West 23.00 feet along the Andrews/Wilber boundary line to a point; thence North 00 degrees 02 minutes 00 seconds West 456.18 feet to a point on the Northerly boundary line of the aforesaid Wilber property; thence South 76 degrees 28 minutes 49 seconds East 26.36 feet along the Northerly boundary line of the Wilber property to a point on the Westerly right-of-way margin of Briarwood Road; thence South 00 degrees 18 minutes 03 seconds West 450.01 feet along the Westerly margin of Briarwood Road to the point of beginning; said tract or parcel comprising 0.25 acres of land; according to a plat of survey entitled "Peachtree City – Fairburn 115kV Transmission Line/Parcel 58 – Easement Boundary Plat." dated September 27, 1985, which was prepared by Roland McCann, Georgia Registered Land Surveyor No. 1752.

