



PLANNING COMMISSION MEETING

April 28, 2022 at 7:00 PM

950 Senoia Road, Tyrone, GA 30290

David Nebergall, Chairman

Dia Hunter, Vice Chairman

Jeff Duncan, Commissioner

Phillip Trocquet, Town Planner

Carl Schouw, Commissioner

Scott Bousquet, Commissioner

Patrick Stough, Town Attorney

AGENDA

Social Distancing will be observed, and seating is limited. The meeting can be accessed live at www.tyrone.org/youtube. If you do not plan to attend, please send any agenda item questions or comments to Town Manager Brandon Perkins (bperkins@tyrone.org).

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. APPROVAL OF MINUTES

1. Approval of Minutes from March 24th, 2022

IV. PUBLIC HEARING

2. Consideration of a petition from applicant Teresa Shell for the rezoning of a 2-acre tract at property address 458 Senoia Road from R-12 (Residential 1200 s.f. min.) to C-1 (Downtown Commercial). **Phillip Trocquet, Town Planner**

V. NEW BUSINESS

3. Update on the final edit of the Town's 2022 Comprehensive Plan. **Phillip Trocquet, Town Planner**

VI. STAFF COMMENTS

VII. COMMISSION COMMENTS

VIII. ADJOURNMENT

**Town of Tyrone
Planning Commission Meeting Minutes
March 24th, 2022
7:00 PM**

Present:

Chairman, David Nebergall
Vice-Chairman, Dia Hunter
Commission Member, Carl Schouw

Town Attorney, Patrick Stough
Town Manager, Brandon Perkins

Absent:

Commission Member, Jeff Duncan
Commission Member, Scott Bousquet
Town Planner, Phillip Trocquet

Call to Order:

Chairman Nebergall called the meeting to order at 7:00 pm. The meeting was also available via YouTube Live.

Approval of Agenda:

Commissioner Schouw made a motion to approve the agenda. Motion was seconded by Vice Chairman Hunter. Motion passed 3-0.

Approval of Minutes:

1. Vice Chairman Hunter made a motion to approve the minutes from February 24th, 2022. Motion was seconded by Commissioner Schouw. Motion passed 3-0.

Public Hearings:

2. Consideration of a Setback Variance request from Mr. Douglas Pollard for parcel 0738053 at property address 163 Palmetto Road. **Brandon Perkins, Town Manager | Phillip Trocquet, Town Planner**

Mr. Perkins stated that applicant Douglas Pollard had submitted a petition for a variance at 163 Palmetto Road. The purpose for this variance request was to fulfill a condition to have the property re-platted and reconfigured for 163 Palmetto Road to be reduced to a 1-acre tract with the remaining land added to the adjoining parcel at 129 Palmetto Road. The current accessory

structures located in the rear of the property were granted a variance in September of 2021. The nature of said variance follows this approximate description:

- A 27.6' variance starting at the northeast corner of building 1 run south, parallel with the property line to the southeast corner of building 1.
- A 20' variance starting at the northeast corner of building 2 run south, parallel with the property line to the southeast corner of building 2.

Mr. Pollard was requesting a variance of similar description for this petition consistent with the proposed property line adjustment from the conditionally approved plat.

Mr. Perkins continued that if Planning Commission or Council wished to approve this variance request, staff recommended that variance only be given around the non-conforming structures so as to prevent the granting of any additional rights than what is otherwise necessary to accomplish the goal of creating a legal configuration of the accessory structures.

The future development character area was listed as Town Center which encourages walkable, mixed-use or residential development.

He then read the zoning ordinance compatibility and impact assessment:

1. *Are there extraordinary, exceptional, or peculiar conditions pertaining to the particular piece of land, structure or building in question which are not applicable to other lands, structures or buildings in the same district?*

This piece of property is similar to other properties within the same zoning district with regular shape, size, and topographic conditions.

2. *Would the application of these regulations create a practical difficulty or unnecessary hardship?*

The removal of the structures could be considered a practical difficulty; however, they were grandfathered in under their previous situation before a new application to alter the property or change its zoning was made.

3. *Relief granted would not be injurious to the neighborhood or otherwise detrimental to the public welfare or impair the purposes and intent of these regulations.*

The intent and purposes of these regulations is to maintain a setback that establishes a separation between structures and neighboring property lines. Currently neighboring properties are undeveloped which does not affect neighboring owners greatly; this is subject to change as the neighboring properties develop.

4. *A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are afforded.*

Other owners would be encouraged to bring structures in a similar situation into conformity with our ordinance. If not granted, the owner would not lose the right to

construct an accessory structure or pool on the property similar to other owners in the same district.

5. *The special conditions and circumstances are not a result of any actions of the applicant.*

The applicant is responsible for the original request to change this property thereby triggering the current course of events. The Town of Tyrone Council, by their actions, placed a condition on the rezoning of this property to obtain a variance with an understanding he would approach the Town again for re-plat and a potential variance request associated with future applications.

6. *That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or buildings in the same district.*

This variance would confer a special privilege for the property owner to keep structures that would otherwise need to be brought into a conforming status another way.

Mr. Perkins then pulled an aerial view of the property with the nonconforming structures shown and labeled.

Chairman Nebergall opened the hearing to those in favor of the petition. No one spoke. Chairman Nebergall closed the hearing to those in favor of the petition and opened it for those in opposition of the petition. No one spoke. Chairman Nebergall closed the hearing to those in opposition of the petition.

Vice Chairman Hunter said that he did not agree with the process that put this variance application back in front of them. He stated that zoning should not be applied to just one property. The entirety of the Town should be looked at. He said that the staff report clearly indicates where this variance request could go. He stated that when a landowner decides to subdivide a property, there are costs involved in making that happen. He did not think it was outside of anyone's scope of work to take down the accessory structures to make the property in compliance. He did not agree with spot zoning and did not feel comfortable recommending approval of this petition.

Commissioner Schouw noted that when the application was previously heard, there were several commissioners who had recommended denial, some of which for the same reasons that Vice Chairman Hunter had just stated.

Chairman Nebergall stated that unless there was an overwhelming reason or condition, he was not in favor of variances. He was also concerned that if they granted a variance for one person/property, it could set a precedent for other petitions going forward.

Vice Chairman Hunter noted that they were a recommending body, but that he thought the Town Council should consider this decision carefully.

Commissioner Schouw made a motion to deny the application. Seconded by Vice Chairman Hunter. Motion passed 3-0.

3. Consideration of a staff-initiated Text Amendment of section 113-134, Town Center Architectural Design Considerations. **Brandon Perkins, Town Manager | Phillip Trocquet, Town Planner**

Mr. Perkins said that in anticipation of future development and in an effort to codify recommendations made in the Town's LCI (Livable Centers Initiative), Zoning Assessment, and RSVP, staff had proposed changes to the Town Center Architectural Guidelines Overlay. This was brought before Planning Commission and Council as a workshop item in January and February to discuss some of the changes.

He said changes to the Town Center Overlay consisted of amending the purpose and scope of the ordinance, reinforcing architectural feature and material usage requirements, and reinforcing the goals and intent laid out in both the Comprehensive Plan and *Envision Tyrone* Downtown Master Plan LCI regarding site design, parking, and setbacks.

Staff had prepared a "Phase 1" amendment to the overlay district in an effort to change the more critical and simple items. A second amendment would likely come after the adoption of the Comprehensive Plan in June for more detailed changes discussed in the Workshop meetings. He said that staff recommended approval of this item.

He pulled the red-lined version of section 113-134 up on the screen. He and Mr. Stough gave a brief overview of the proposed changes. Vice Chairman Hunter had a clarifying question about the chain link fencing revision.

Chairman Nebergall opened the hearing to those in favor of the petition.

Mr. Edgar Townsel approached the podium. He stated that these ordinances would help enable him to rebuild his building and he was in favor of the change.

Chairman Nebergall then opened the hearing to those in opposition of the changes. No one spoke. He then closed that portion of the meeting.

Commissioner Schouw made a motion to approve the text amendment changes. Seconded by Vice Chairman Hunter. Motion passed, 3-0.

Staff Comments

No staff comments.

Commission Comments

Commissioner Schouw wanted to say congratulations to the Town Planner, Phillip Trocquet, and his family for their new addition.

Adjournment

Meeting ended at 7:24pm.

Chairman David Nebergall

Phillip Trocquet, Town Planner



PLANNING DATE
04/28/2022
COUNCIL DATE
05/12/2022

P&Z STAFF REPORT

PREPARED BY:

Phillip Trocquet, Town Planner
ptrocquet@tyrone.org | (770) 881-8322

Section IV, Item 2.

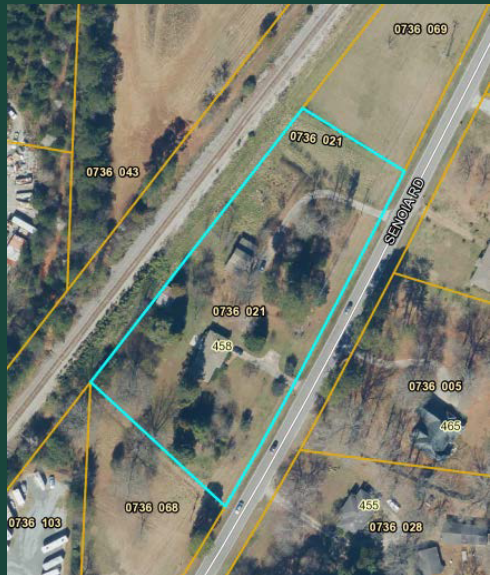
DOCKET/APPLICATION #	APPLICANT	ADDRESS/PARCEL #
RZ-2022-02	Teresa Shell	Parcel 0736-021 458 Senoia Rd.

SUMMARY & HISTORY

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 both lie outside of the setback and buffer requirements for adjoining residential for C-1. Ms. Shell applied for the same request in August of 2021. Planning Commission recommended approval of the request with the condition that a traffic study be performed. Town Council denied the petition. Prior to January of 2022, the character area for this property and others west of Senoia Road was for Production and Employment consistent with development on that side of the road. It was Council's determination that this future land use character area was not appropriate for the undeveloped or currently residential properties west of Senoia Road and thereby amended the Comprehensive Plan and Future Land Use Map in accordance with O.C.G.A standards in a public hearing.

STAFF DETERMINATION

This property currently lies as a border property on the Future Land Use map between Production and Employment and the Estate Residential character areas. Situated within the Estate Residential Character area, the property would ideally assume a residential zoning. The Future Development Map, however, is a guiding document with properties situated on the edge as potentially assuming a different zoning based on unique circumstances. Given that 458 Senoia Rd. borders an already zoned C-2 property as well as a very active rail line, C-1 or O-I could be appropriate classifications since they would be considered transitional step-down zoning districts in terms of intensity. Commercial zoning would also remove zoning buffers incurred on the C-2 property to the south that make it impractical to build on. Staff determines either residential or light commercial such as O-I (Office-Institutional) as appropriate zoning classifications for this property. Heavy Commercial or Industrial zoning would not be consistent for this property.



SOURCE: FAYETTE COUNTY TAX ASSESSOR

EXISTING ZONING	PROPOSED ZONING	EXISTING LAND USE	SURROUNDING ZONING	SITE IMPROVEMENTS	PROPERTY ACREAGE
R-12 Residential 1200 s.f. minimum house size	C-1 Downtown Commercial	Vacant Single-Family Residence	North: AR South: C-2 East: R-12 West: AR & M-2	Home Barn	2 acres

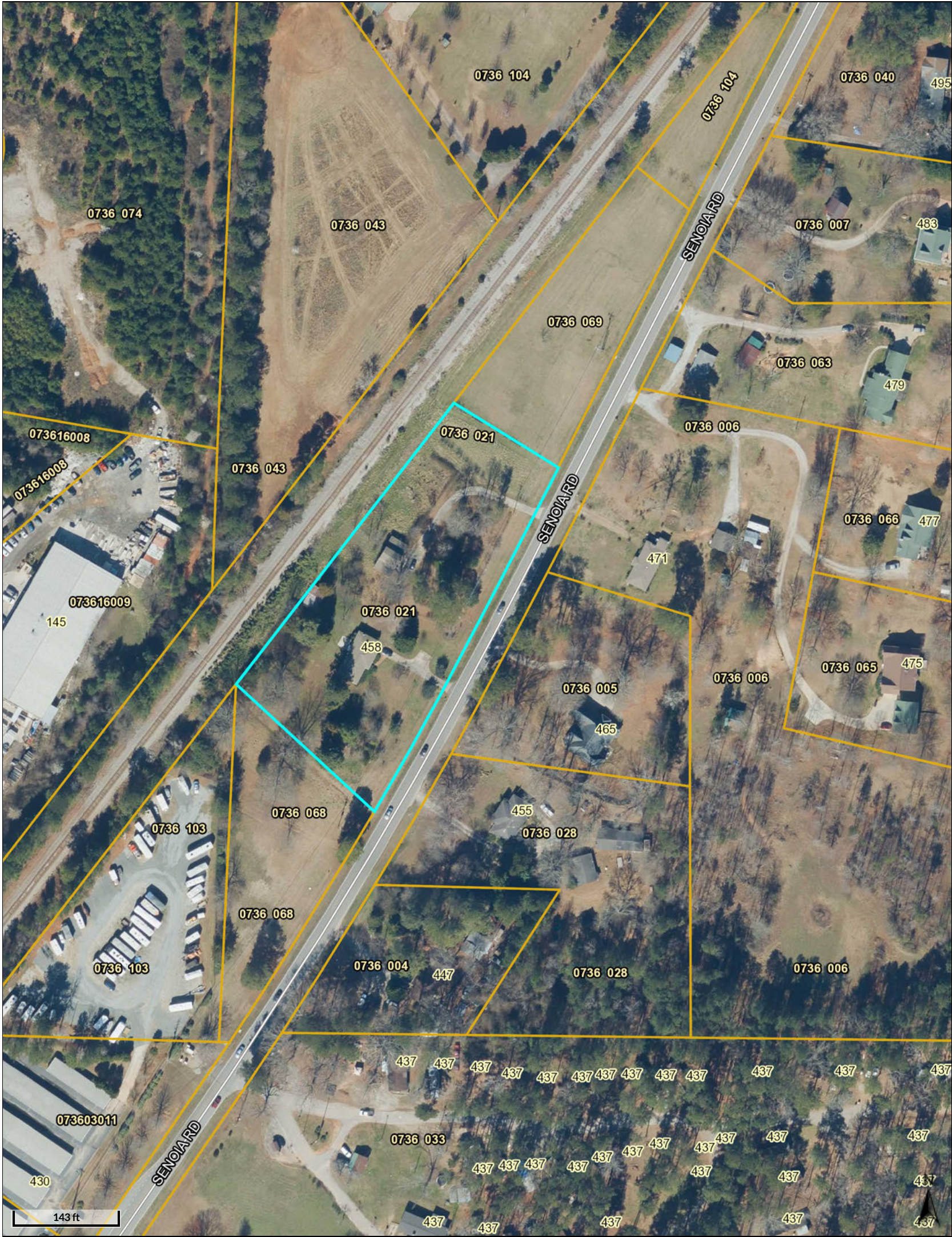
COMPREHENSIVE PLAN & FUTURE DEVELOPMENT MAP COMPATABILITY

Reference Staff Determination: This petition is not wholly consistent with the Comprehensive Plan as the amended Future Development strategy reflects residential in this area, however, the property exists on the border of two character areas making zoning compatibility flexible depending on the circumstances, potential conditions, and use.

ZONING ORDINANCE COMPATABILITY & IMPACT ASSESSMENT

- Will Zoning permit suitable uses with surrounding properties?** C-1 zoning is not explicitly permitted within the Estate Residential character area, however, 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 would be applied to the north and east of the property for the purpose of protecting residential properties within a certain proximity.
- Will Zoning adversely affect adjacent properties?** Commercial properties to the south will not be adversely affected and would recapture buildable area with the removal of a buffer requirement currently in place due to the current residential zoning of this property. This property will be subject to residential buffers to the north and east for adjacent owner protection and be required to submit a traffic impact analysis with a site plan if used for commercial purposes that require site improvements.
- Does the property have reasonable economic use as currently zoned?** It is staff's determination that the property does have reasonable economic use given its Future Land Use Character Area designation unless evidence to the contrary in the form of sale and occupancy records is reported to the Town due to site or other conditions.
- Would the proposed zoning result in a use which will or could be excessively burdensome on existing infrastructure?** It is staff's determination that this zoning would not result in an excessive burden on existing infrastructure. Higher intensity commercial or industrial land uses exist along Senoia Road in this area of Town. A lower-intensity commercial zoning would likely not overburden Senoia Road. 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 on this property given the preexisting curb cuts. If a traffic study yields data suggesting an unacceptable impact on roads, the site plan will need to be adjusted until such impact is proven to be mitigated or resolved.

458 Senoia Road



Overview



Legend

 Parcels

 Addresses

 Roads

 2013 Fayette Coun
Flood Study Future
100-year

 2013 Fayette Coun
Flood Study
Existing 100-year

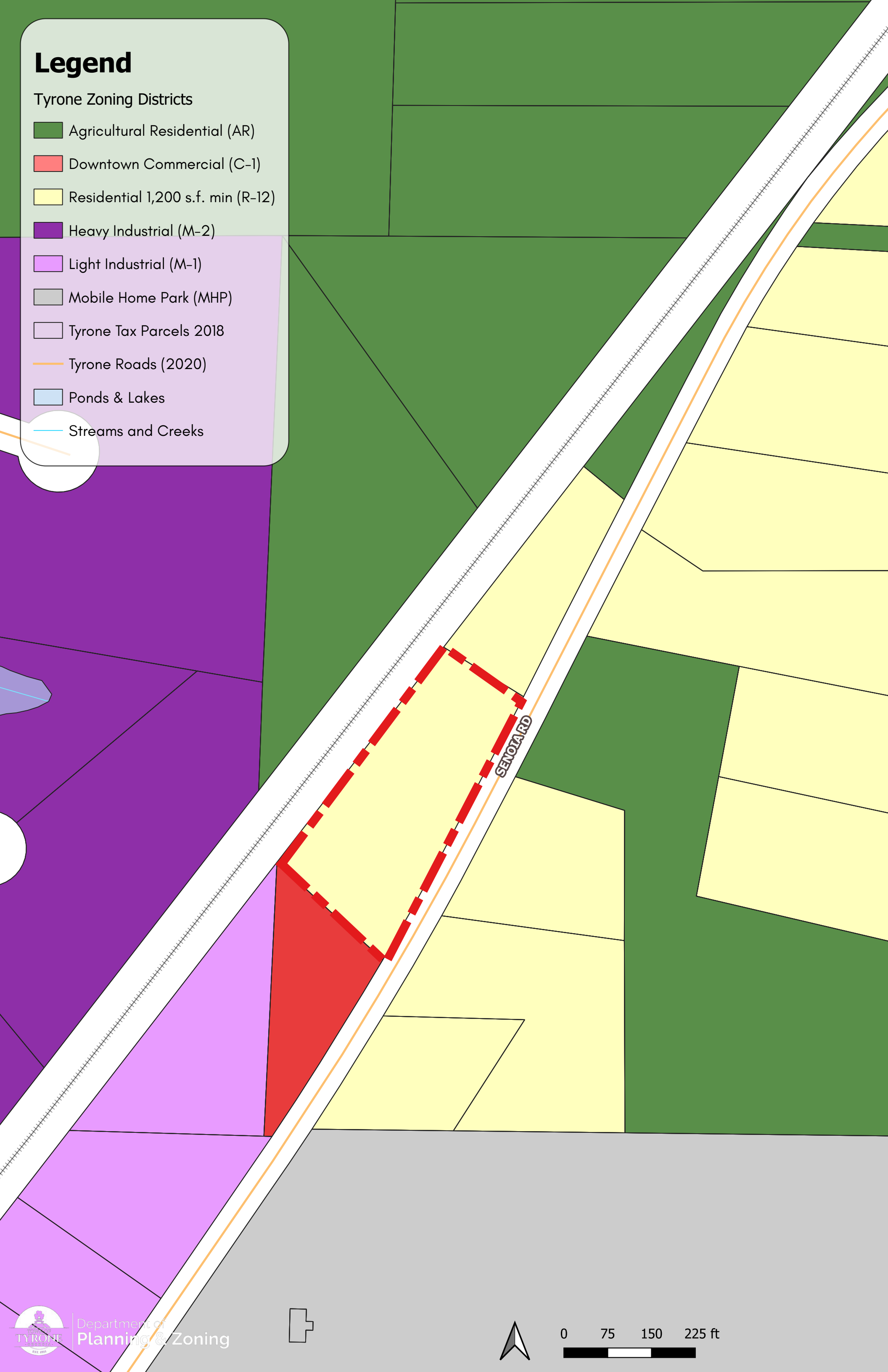
Parcel ID	0736 021	Alternate ID	00008760	Owner Address	HOOVER GARY
Sec/Twp/Rng	--	Class	R3		13739 RIVER FOREST DR
Property Address	458 SENOIA RD	Acreage	2		FORT MYERS, FL 33905
District	03				
Brief Tax Description	SENOIA ROAD				
	(Note: Not to be used on legal documents)				

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 13113C0278E EFFECTIVE DATE REPT. 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
 TEL: (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 031
 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 DECK #: 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 stated 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



N/F
TRIAK INVESTMENTS, INC.
 (D.B. 2366/507)

N/F
TRIAK INVESTMENTS, INC.
 (D.B. 4940/551)

50' ALONG R/W TO
 THE ADJACENT LOT OF
 (PER D.B. 4332/482-483)



Rezoning Request Application

Petition#: _____

Applicant & Property Owner Information

Applicant Name: Teresa Shell Email: teresa.shell@gmail.com
 Applicant Address: 3388 Paces Forest Road, Atlanta, Ga 30327 Phone: (404) 310-3398
 Company Name: PTC Property Holdings, LLC

Property
 Owner Name: Teresa and Spencer Shell Email: teresa.shell@gmail.com
 Property
 Owner Address: 3388 Paces Forest Road, Atlanta, Ga 30327 Phone: ()

Property Details

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

Reason Requesting Rezoning:

The Rezoning Application seeks to rezone the property from R-12 to C-1 for the development of a small Montessori school for children 2-6 years of age. The Property is bounded by Senoia Road in front, a railroad in the rear. Adjoining properties are zoned Highway Commercial, Light Industrial and Heavy Industrial. Limited R-12 zoning is located across Senoia Road. The requested rezoning is consistent with the Future Land Use Map which identifies the property for commercial (production/employment) development.

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: Commercial(production/employment) development

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 _____ Date _____
 Received from _____ a check in the amount of \$ _____
 Date of Planning Commission Hearing: _____ Date of Town Council Hearing: _____



Petition for Rezoning

Petition#: _____

 Name: Teresa Shell Email: teresa.shell@gmail.com

Petition Number: _____

 Address: 458 Senoia Road, Tyrone, Ga 30290 Phone#: (404) 310-3398

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-12 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):

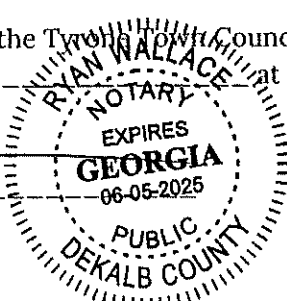
- ☒ See attached legal description on recorded Warranty Deed for subject property
- ☐ Legal Description for subject property is as follows:

 By: Teresa Shell
Owner/Agent

 SWORN TO AND SUBSCRIBED BEFORE ME THIS 23 DAY OF February 2022.

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

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

(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.

Queshe

Signature of Property Owner 1

3388 Paces Forest Road, Atlanta, Ga 30327

Address

575

Signature of Property Owner 2

Address

Signature of Property Owner 3

Address



Signature of Notary Public

02/27/2022

Date _____

Date _____

Signature of _____

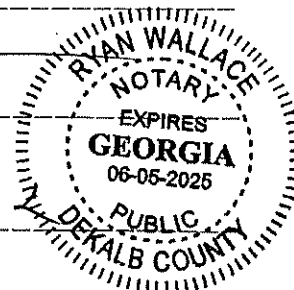
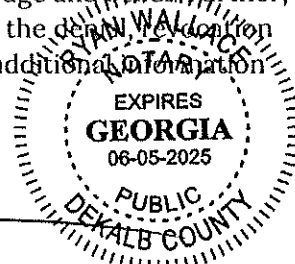
Signature of Notary Public

$$0.2 / 2.3 / 2 = 2$$

Date _____

Signature of Notary Public

Date _____





Conflict of Interest in Zoning Actions Application Form

(Please Complete for each Property Owner)

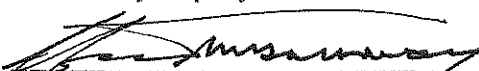
Petition#:

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.


Signature of Property Owner

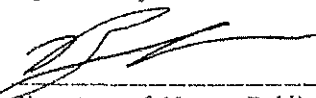
Teresa Shell, Owner

Type or Print Name and Title


Signature of Owner's Attorney or Representative

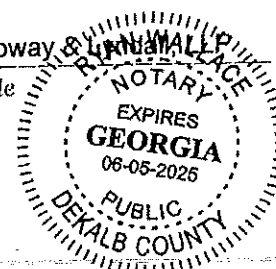
Newton M. Galloway, Galloway & Associates, LLC

Type or Print Name and Title


Signature of Notary Public

02/23/2022
Date


Teresa Shell only



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

EXHIBIT A
Legal Description

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 B

Plat (3 copies)







EXHIBIT C

Existing Regional Flood Plain and Structures

458 Senioa Road, Tyrone, GA 30290



Legend with Flood Zone Designations

— Flood Control Structures	1% Flood - Floodway (High Risk)	1% Flood - Zone VE (High Risk)	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 (High Risk)	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 Undetermined 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 D

Names of Owners of Abutting Property
Impact of the Proposed Rezoning

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.

In re:

TERESA SHELL/SPENCER SHELL
Rezoning Application No. _____
458 Senoia Road

CONSTITUTIONAL OBJECTION TO RESTRICTIONS IN THE
ZONING ORDINANCE OF THE TOWN OF TYRONE, GEORGIA

As applied to the following property: 2.006 acres, more or less, 458 Senoia Road, Tyrone, Fayette County, Georgia, Teresa and Spencer Shell, Owners/Applicants, said property being located within the City Limits of the Town of Tyrone, Georgia and identified as Tax Parcel No. 0736021, pursuant to the current parcel numbers assigned by the Fayette County Tax Assessor (the "Subject Property"), being currently zoned R-12 (R-12), subject of the above-referenced Rezoning Application, the Zoning Ordinance of the Town of Tyrone, Georgia and the current R-12 zoning as applied to the Subject Property is unconstitutional in that the Owners'/Applicants' property rights in and to the Subject Property have been destroyed without first receiving fair, adequate and just compensation for such property rights. As applied to the Subject Property, the Zoning Ordinance of the Town of Tyrone, Georgia deprives the Owners/Applicants of constitutionally protected rights in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the Town of Tyrone, Georgia to the Subject Property is unconstitutional, illegal, arbitrary, capricious, null and void, constituting a taking of

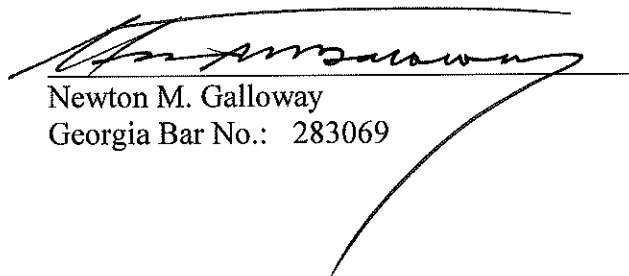
the Subject Property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph 1, and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States thereby denying the Owners/Applicants an economically viable use of the Subject Property while not substantially advancing legitimate state interests.

Inasmuch as it is impossible for the Owners/Applicants to use the Subject Property and simultaneously comply with the Zoning Ordinance of the Town of Tyrone, Georgia, the Zoning Ordinance constitutes an arbitrary, capricious, and unreasonable act by the Town of Tyrone, Georgia without any rational basis therefore and constitutes an abuse of discretion in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Application of the Zoning Ordinance of the Town of Tyrone, Georgia to the Subject Property is unconstitutional and discriminates against the Owners/Applicants in an arbitrary, capricious, and unreasonable manner between the Owners/Applicants and others similarly situated in violation of Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

WHEREFORE, Owners/Applicants request that the Town of Tyrone, Georgia approve this Rezoning Application and rezone the Subject Properties to C-1 Downtown Commercial District as specified and requested herein.

GALLOWAY & LYNDALL, LLP
Counsel for Owners/Applicants

A handwritten signature in black ink, appearing to read "Newton M. Galloway", is written over a horizontal line. A long, sweeping flourish extends from the bottom right of the signature.

Newton M. Galloway
Georgia Bar No.: 283069

The Lewis-Mills House
406 North Hill Street
Griffin, Georgia 30223
770) 233-6230
ngalloway@gallyn-law.com

In re:

TERESA SHELL/SPENCER SHELL

Rezoning Application No. _____

458 Senoia Road

EVIDENTIARY OBJECTIONS TO ZONING HEARING BASED ON
YORK V. ATHENS COLLEGE OF MINISTRY, INC.

As applied to the following property: 2.006 acres, more or less, 458 Senoia Road, Tyrone, Fayette County, Georgia, Teresa and Spencer Shell, Owners/Applicants, said property being located within the City Limits of the Town of Tyrone, Georgia and identified as Tax Parcel No. 0736021, pursuant to the current parcel numbers assigned by the Fayette County Tax Assessor (the “Subject Property”), being currently zoned R-12 (R-12), subject of the above-referenced Rezoning Application, Owners/Applicants give notice of the following evidentiary objections based on *York v. Athens College of Ministry, Inc.*, 348 Ga. App. 58, 632, 821 S.E.2d 120 (2018):

With the Rezoning Application, Owners/Applicants filed a Constitutional Objection to the denial thereof which is incorporated herein by reference as if fully set forth.

Owners/Applicants object to comments provided by any and all members of the public presented before the Mayor and Council in opposition to the Rezoning Application to the extent that (but not limited to) such individuals lack standing to challenge the Rezoning Application because they: (a) do not satisfy the substantial interest-aggrieved citizen test; (b) are not under oath; (c) are not subject to cross-examination; (d) lack sufficient training or expertise to present evidence on and/or make statements that would otherwise require presentation by witness(es) constituting expert opinion without such individuals being qualified as experts; (e) present evidence on and/or make statements that are irrelevant and/or immaterial to the factors for approval of a rezoning under the Zoning Ordinance; and/or (f) present evidence and/or make statements that

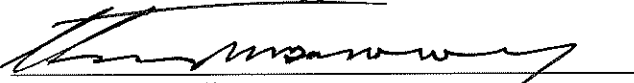
are founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial and/or lay, nonexpert opinion and hearsay evidence.

Additionally, Owners/Applicants object to any action of the Mayor and Council that does not approve the Rezoning Application or approves it subject to unreasonable conditions to the extent that (but not limited to) the same are: (a) in violation of O.C.G.A. § 50-13-19(h); (b) in violation of constitutional, statutory or ordinance provisions; (c) in excess of the statutory or constitutional authority of either the Mayor and Council; (d) made upon unlawful procedure; (e) affected by other error of law; (f) clearly erroneous in view of the reliable probative and substantial evidence on the whole record; or (g) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; (h) founded, wholly or in part, upon inadmissible, unreliable, nonprobative, insubstantial, unsubstantiated and/or lay, nonexpert opinion evidence; and/or (i) contrary to the exclusive factors for approval of a variance set forth in the Zoning Ordinance.

By and through this *York* Objection, Owners/Applicants preserve all the above and incorporated Objections and assert them on and within the record before, and for consideration and resolution by, the Mayor and Council of the Town of Tyrone, Georgia.

WHEREFORE, Owners/Applicants request that the Town of Tyrone, Georgia approve the Rezoning Application set forth above.

GALLOWAY & LYNDALL, LLP.
Counsel for Owners/Applicants


Newton M. Galloway
Georgia Bar No.: 283069

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406 North Hill St.
Griffin, GA 30223
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ngalloway@gallyn-law.com