

APPLICATION FOR BOARD OF ZONING APPEALS

Appeal No: Z-02052024-001

I (we) STEPHEN FOSTER of BEN HILL COUNTY GA respectfully request that a determination be made by the Zoning Board of Appeals on the following appeal, which was denied by the Zoning Administrator on 25th day of JANUARY, 2024. An appeal is requested for:

- An interpretation of Section _____ of the Zoning Ordinance.
- A request to establish a 60' Flagpole
- A variance to the property _____

The premises affected are situated at 130 Ocilla Hwy Fitzgerald GA (address of property) in a GB District.

Remarks: Current zoning prohibits flagpoles over 30'; we would like to erect a 60 FT pole at our business.

Has any previous application or appeal been filed in connection with these premises? NO If yes, when? _____

APPLICATION FOR BOARD OF ZONING APPEALS

Does applicant own property? YES

What is the approximate cost of the work involved? \$10,000.00

Property Use: _____

A PLAN MUST BE SUBMITTED SHOWING THE FOLLOWING:

1. The size and location of the lot.
2. The dimensions and location of the existing buildings or structures on the lot in question.
3. The dimensions and location of the proposed building, structure, or addition on the lot.
4. The location of any existing buildings on adjacent lots, and their distance from property line.

I further state that if this request is granted, I will proceed with the actual construction in accordance with the plans herewith submitted within one year from date of filing this appeal.

Date: 02-05-24

Steve Foster
Signature of Applicant

130 Ocilla Hwy, Fitzgerald GA
Address

229-345-1704, 229-457-1266
Telephone Number

FOR USE OF ZONING BOARD OF APPEALS ONLY

Hearing advertised 2/14/24, and 2/21/24. Date of hearing 3/5/24.

Decision of Zoning Board of Appeals:

Zoning Administrator

ADJACENT PROPERTY OWNERS

Map & Parcel Number:

Name and Mailing Address:

1. _____

✓ 1. Dan Johnson
114 Ocilla Hwy

Fitzgerald GA 31750

2. _____

✓ 2. A&H Drugs Fitzgerald LLC
615 N Erwin Ave

Ocilla GA 31774

3. _____

✓ 3. Braddy Car Wash LLC
PO Box 888

Fitzgerald GA 31750

4. _____

✓ 4. James W Story
133 Ocilla Hwy

Fitzgerald GA 31750

5. _____

✓ 5. Breedy Creek Properties LTD
PO Box 2166

Douglas GA 31534

6. _____

✓ 6. Gerald Pryor
217 S Madison Ave

Douglas GA 31533

7. _____

✓ 7. CSX Transportation INC
500 Water Street

Jacksonville FL 32202

Signature of Applicant

Date

Flagpole Site

Lat 31.703484

Lon -83.252159

Public notices

NOTICE TO CREDITORS

PROBATE COURT
CITY OF BEN HILL
STATE OF GEORGIA
NELMS,
D
IO. 2024-4
MINISTRATION
NOTICE
their whose current
unknown and to whom
neern: JOHN NELMS
oned to be appointed
ator of the estate of
NELMS, deceased, of
ty. The Petitioner has
led for waiver of bond,
reports, waiver of bond,
nd/or grant of certain
contained in O.C.G.A.
31. All interested parties
y notified to show cause
petition should not be
All objections to the pet-
t be in writing, setting
grounds of any such

NOTICE OF SALE

might be disclosed by an accu-
rate survey and inspection of the
property, any assessments, liens,
encumbrances, zoning, ordi-
nances, restrictions, covenants,
and any matters of record includ-
ing, but not limited to, those supe-
rior to the Security Deed first set
out above. Said property will be
sold on an "as-is" basis without
any representation, warranty or
recourse against the above-
named or the undersigned.
Lakeview Loan Servicing, LLC is
the holder of the Security Deed to
the property in accordance with
OCGA § 44-14-162.2.

The entity that has full authority to
negotiate, amend, and modify all
terms of the mortgage with the
debtor is: M&T Bank, One
Fountain Plaza, Buffalo, NY
14203, 800-724-1633.
Note, however, that such entity is
not required by law to negotiate,
amend or modify the terms of the
loan.
To the best knowledge and belief
of the undersigned, the party in
possession of the property is
Quan M Phillips or a tenant or
tenants and said property is more
commonly known as **611 W
Alapaha Street, Fitzgerald,
Georgia 31750.** Should a con-
flict arise between the property
address and the legal description
the legal description will control.
The sale will be conducted sub-
ject (1) to confirmation that the
sale is not prohibited under the
U.S. Bankruptcy Code and (2) to
final confirmation and audit of the
status of the loan with the holder
of the security deed.
Lakeview Loan Servicing, LLC

ALABAMA BANKRUPTCY COURT

modifications of the promissory
note. Said security deed appears
of record in the Office of the Clerk
of the Superior Court of Ben Hill
County, Georgia, in Deed Book
906, Page 221. Default having
occurred in the payment of the
indebtedness thereby secured
and in compliance with other
terms and provisions thereof, the
power of sale in said Security
Deed has become operative. A
copy of this notice of sale has
been given to the debtor as
required by O.C.G.A. §44-14-
162.2. The proceeds of said sale
will be applied as provided in said
Security Deed. Sale will be made
subject to unpaid ad valorem
taxes and assessments, if any.
To the best of the undersigned's
knowledge and belief the party in
possession of the property is
Charles David Harper and/or the
Estate of Charles David Harper.
The entity with full authority to
negotiate, amend, and modify the
terms of the Security Deed is:
Planters First Bank, Attn: Robin M.
Clark, 4361 Rivoli Road, Macon,
Georgia 31210; telephone number
(478) 314-8012.

CIVIL ACTION NO. 23CV0011

This 30th day of January, 2024.
PLANTERS FIRST BANK,
AS ATTORNEY-IN-FACT FOR
CHARLES DAVID HARPER
J. PATRICK GOFF
JONES CORK LLP
P. O. Box 6437
Macon, Georgia 31208-6437
(478) 745-2821
(2/7, 14, 21, 28)

IN THE SUPERIOR COURT OF

BEN HILL COUNTY
STATE OF GEORGIA
BRAD DURHAM,
Petitioner,
v.
ALVIN ELLIOT, CORTEZ ELLIOT,
DORETHA PORTER, VARIE
PORTER, COLQUITT PORTER,
UNKNOWN HEIRS OF ADA E.
PORTER, and ALL OTHER PER-
SONS KNOWN OR UNKNOWN
WHO CLAIM OR MIGHT CLAIM
ADVERSELY TO PETITIONERS
TITLE TO REAL PROPERTY
KNOWN AS 109B NORTH
WALDEN AVENUE, FITZGER-
ALD, GEORGIA
Respondents
CIVIL ACTION NO.: 23CV-110
NOTICE OF SERVICE
BY PUBLICATION
TO: ALVIN ELLIOT, CORTEZ
ELLIOT, DORETHA PORTER,
VARIE PORTER, COLQUITT
PORTER, UNKNOWN HEIRS OF

ALABAMA BANKRUPTCY COURT

er of reports, waiver of state-
ments and or grant of certain
powers contained in O.C.G.A.
Benjamin Caleb Donnelly
Petitioner
(2/14, 21, 28, 3/6)

PUBLIC NOTICE

To the Citizens of Ben Hill County

A Public Hearing with the Ben Hill County
Commissioners is scheduled for March 5th,
2024, at 6:00 pm located at the Ben Hill
County Courthouse Annex, located at,
324 East Pine St Fitzgerald Ga 31750.

For a Petition by Stephen Foster, for a
Variance to install a 60-foot-tall flagpole at
130 Ocilla Hwy.
Parcel 12 6 6 2, 1.17 acres, addressed as
130 Ocilla Hwy.

Something

She's not merely dating Kelce or just
going to the Super Bowl to watch her
boyfriend compete (Go Chiefs!). She's
really trying to take down America.

THIS WOULD BE the America of their
dreams where former President Donald
Trump is elected president again in
November and everyone suddenly pros-
pers. The Pentagon has even clapped
back at these notions lately. A Pentagon
spokesperson told Politico, "We know all
too well the dangers of conspiracy theo-

Given her megawatt star power, she
could be influential to younger voters
especially. That is what far-right minds
fear: a Biden win and, moreover, what
they believe Biden for another term will
mean for their lives. Conspiracy theories
rise to the level of the threat felt by believ-
ers. This is how such an all-American
love story — literally America's sweet-
heart dates a football star — could take
on such a twisted and sinister storyline.
CONSIDER THE MAGNITUDE of the

...from 3-B

Public notices

Wednesday, February 21, 2024 • Fitzgerald, Ben Hill County, Georgia • The Herald-Leader - 5-B



PROBATE COURT
CITY OF BEN HILL
STATE OF GEORGIA

Georgia 31750, should a conflict arise between the property address and the legal description.

JON B. COOK, LLP
 P. O. Box 0417
 Macon, Georgia 31201-0417

IN THE SUPERIOR COURT
FOR THE COUNTY OF BEN HILL

LIC 1600 South Douglas Road
Suite 500 A Andahellin, GA 92108
(909) 661-4167

IN THE PROBATE COURT
COUNTY OF BEN HILL
STATE OF GEORGIA

he debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice pursuant to O.C.G.A. § 13-1-11 having been given).

Said property will be sold subject to any outstanding ad valorem taxes (including taxes which are a lien, but not yet due and payable), the right of redemption of any taxing authority, any matters which might be disclosed by an accurate survey and inspection of the property, any assessments, liens, encumbrances, zoning ordinances, restrictions, covenants and any matters of record including, but not limited to, those superior to the Security Deed first set out above. Said property will be sold on an "as-is" basis without any representation, warranty or recourse against the above-named or the undersigned.

Lakeview Loan Servicing, LLC is the holder of the Security Deed to the property in accordance with OCGA § 44-14-162.2.

The entity that has full authority to negotiate, amend, and modify all terms of the mortgage with the debtor is: M&T Bank One Fountain Plaza, Buffalo, NY 14203, 800-724-1633.

land, and that is presently affixed to the land described above, so as to become part of the real property.

The above-described real property is known under the present system of numbering as **418 Rhine Road, Fitzgerald, Georgia 31750**.

Sale of the real property will be made under the power of sale contained in that certain Security Deed dated November 1, 2016, from Charles David Harper to Planters First Bank to secure a promissory note of even date therewith, in the original principal amount of \$29,404.95, together with all renewals, extensions or modifications of the promissory note. Said security deed appears of record in the Office of the Clerk of the Superior Court of Ben Hill County, Georgia, in Deed Book 906, Page 221. Default having occurred in the payment of the indebtedness thereby secured and in compliance with other terms and provisions thereof, the power of sale in said Security Deed has become operative. A copy of this notice of sale has been given to the debtor as required by O.C.G.A. §44-14-162.2. The proceeds of said sale will be applied as provided in said Security Deed. Sale will be made subject to unpaid ad valorem taxes and assessments, if any.

To the best of the undersigned's knowledge and belief the party in possession of the property is Charles David Harper and/or the Estate of Charles David Harper. The entity with full authority to

Lori Moncus, Deputy Clerk of Superior Court
 (2/14/21,28,3/6)

NOTICE
GEORGIA, BEN HILL COUNTY
PROBATE COURT
ESTATE OF ELIJAH WILLIAM SASSAMAN, DECEASED

To: any and all interested parties and all the singular heirs Julie Sassaman & Brandon Sassaman has petitioned to be appointed Administrator of the estate of Elijah William Sassaman deceased, of said County. The Petitioner has also applied for waiver of bond, waiver of reports, waiver of statements and or grant of certain powers contained in O.C.G.A. §53-12-261. All interested parties are hereby notified to show cause why said petition should not be granted. All objections to the petition must be in writing setting forth the grounds of any objections, and must be filed with the court on or before March 11, 2024. All pleadings/objections must be signed before a notary public or before a probate court clerk and filing fees must be tendered with your pleadings/objections, unless you qualify to file as an indigent party. Contact probate court personnel at the following address/telephone number for the required amount of filing fees. If any objections are filed, a hearing will be scheduled at a later date. If no objections

53 degrees 02 minutes 00 seconds west 177.22 feet to the point of beginning; said 1.00-acre parcel being shown on that certain plat of survey prepared for James C. Taylor by James D. Weeks; Georgia Registered Land Surveyor No. 2111, dated September 7, 2007, and recorded in Plat Slide No. 683-H3, in the Office of the Clerk of the Superior Court of Ben Hill County, Georgia, and reference is hereby made to the record of said plat for all information shown thereon.

Property Address: 1050 Pine Level Church Road, Fitzgerald, GA 31750 Map and Parcel # 6 12 24

The debt secured by said Security Deed has been and is hereby declared due because of, among other possible events of default, failure to pay the indebtedness as and when due and in the manner provided in the Note and Security Deed. The debt remaining in default, this sale will be made for the purpose of paying the same and all expenses of this sale, as provided in the Security Deed and by law, including attorney's fees (notice of intent to collect attorney's fees having been given).

Said property is commonly known as 1050 Pine Level Church Road, Fitzgerald, GA 31750 together with all fixtures and personal property attached to and constituting a part of said property, if any. To the best knowledge and belief of the

required to make known to the public. This 15th day of February, 2024.

Thomas Lavender, III
 Administrator of The Estate of Beverly Lavender
 4538 Club Drive
 Atlanta, GA 30319
 (2/21,28,3/6,13)

Public Hearing with the Ben Hill County Commissioners is scheduled for March 5th, 2024, at 6:00 pm located at the Ben Hill County Courthouse Annex, located at, 324 East Pine St Fitzgerald Ga 31750.

For a Petition by Stephen Foster, for a Variance to install a 60-foot-tall flagpole at 130 Ocilla Hwy.

Parcel 12 6 6 2, 1.17 acres, addressed as 130 Ocilla Hwy.

Non-Commercial Classifieds
 at
www.herald-leader.net

PUBLIC NOTICE

To the Citizens of Ben Hill County

A Weekly Meeting of Narcotics Anonymous
 will be held at

Narcotics Anonymous

A Weekly Meeting of Narcotics Anonymous

Narcotics Anonymous

Narcotics Anonymous

Narcotics Anonymous

ZONING NOTICE
FROM: G13
TO: G13 Playable Karting
ZONING Meeting
DATE: 3/5 TIME: 6:00 PM
PLACE: South Shore
CO. COMM. HEARING
DATE: 3/5 TIME: 6:00 PM
PLACE: South Shore





Ben Hill County, GA

Ben Hill County, GA

402A East Pine St
Fitzgerald, GA 31750

<https://www.benhillcounty-ga.gov/>

Z-02052024-001

SPECIAL EXCEPTION / REZONING

PROJECT NAME: VARIANCE FOR 60 FT FLAG POLE EST VAL \$10,000
SITE ADDRESS: 130 OCILLA HWY FITZGERALD

ISSUED:
EXPIRES: 08/03/2024

PARCEL:

APPLICANT: Foster, Stephen
PO Box 1244
FITZGERALD, GA 31750
229-457-1266

OWNER:

FEES:	Paid	Due
Variance/Special Exception	\$300.00	\$0.00
Totals :	\$300.00	\$0.00

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of Laws and Ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state/local law regulating construction or the performance of construction.

Issued By: _____

Contractor or Authorized Agent: _____

Date: _____



Ben Hill County, GA

Ben Hill County, GA

402A East Pine St
Fitzgerald, GA 31750

<https://www.benhillcounty-ga.gov/>

SPECIAL EXCEPTION / REZONING Z-02052024-001

Special Conditions:

The Ben Hill County Assessor's office will review all properties that have permits issued on them. Reviews will be made periodically until work is complete.

The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanic's and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In Order to protect any interest in such property and to avoid encumbrances thereon, the owner of any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available to building supply home centers.

NOTICE

THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OF WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 1 YEAR AT ANY TIME AFTER WORK IS COMMENCED. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OR ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.



SUMMARY

MEETING DATES:

Ben Hill County Commissioners: March 5th, 2024, 6:00 p.m.

SUBMITTED BY:

Ben Hill County Planning and Zoning

SUBJECT: Application no. Z-02052024-001, Petition by Stephen Foster, Variance for a 60-foot flagpole in GB Zone.

Parcel 12 6 6 2, 1.17-acre tract. Parcel located at 130 Ocilla Hwy, Fitzgerald, Ben Hill County, GA

HISTORY: N/A

AVAILABLE: N/A

PREVIOUS ACTION: N/A

RECOMMENDATION: Staff recommends **Approval**, of Petition by Stephen Foster, for a variance to allow for a 60-foot flagpole at the listed parcel.

FINAL ACTION BY COUNTY COMMISSION:

APPROVED AS REQUESTED BY THE APPLICANT

APPROVED AN AMENDMENT TO INCLUDE A LESSER GEOGRAPHIC AREA OR LESS INTENSE ZONING DISTRICT OR CHARACTER AREA

APPROVED WITH CONDITIONS

DENIED

STAFF REPORT

File Number: **Z-02052024-001**

MEETING DATES:

Ben Hill County Commissioners: March 5th, 2024, 6:00 p.m.

GENERAL INFORMATION:

Item & Purpose: Application no. **Z-02052024-001**
Applicant & Contact: **Stephen Foster**
Address: **130 Ocilla Hwy Fitzgerald Ga, 31750**
Phone: 229-457-1266
File Date: March 5th, 2024

CURRENT LAND USE:

Subject Property: Retail tire shop and auto mechanic shop.

North: Retail home goods

East: Cargo trailer manufacturing plant

South: Pharmacy and coffee shop

West: Realtor and Investment management company

CURRENT ZONING:

Subject Property: GB

North: GB

East: HI

South: GB

West: GB

STAFF ANALYSIS

§ 36-67-3. Zoning proposal review standards

In any local government which has established a planning department or other similar agency charged with the duty of reviewing zoning proposals, such planning department or other agency shall with respect to each zoning proposal investigate and make a recommendation with respect to each of the matters enumerated in this Code section, as well as carrying out any other duties with which the planning department or agency is charged by the local government. The planning department or other agency shall make a written record of its investigation and recommendations, and this record shall be a public record. The matters with which the planning department or agency shall be required to make such investigation and recommendation shall be:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Allowing for the proposed variance for a 60-foot flagpole should not affect any development of surrounding properties.

(2) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

This proposed variance will not adversely affect the existing use or usability of this property or the adjacent and nearby properties.

(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

This variance does not affect the zoning of the property

(4) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed variance should not affect the use of the existing infrastructure on the property or surrounding property.

(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan;

This variance will have no impact on the land use plan.

(6) 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.

Staff is not aware of any other existing or changing conditions affecting the use and development of this property which gives supporting grounds for either approval or dismissal of this zoning proposal.

STAFF RECOMMENDATION: Staff recommends **Approval**, of Petition by Stephen Foster, for a variance to allow for a 60-foot flagpole at the listed parcel.

ATTACHMENTS:

- Location Map
- Zoning Map
- Application