

VARIANCE APPLICATION



Date Received 3/19/2026

APPLICANT INFORMATION

APPLICANT NAME (PLEASE PRINT) Rodney L. Rice
ADDRESS 124 Gable Rd Brooks GA 30205
PHONE — CELL 678-877-6268 FAX —
E-MAIL ADDRESS rlr525657@gmail.com

OWNER INFORMATION (If different from Applicant)

PROPERTY OWNER (PLEASE PRINT) _____
ADDRESS _____
PHONE _____ CELL _____ FAX _____
E-MAIL ADDRESS _____

PROPERTY INFORMATION

ADDRESS 124 Gable Road, Brooks GA 30205
CURRENT USE residential CURRENT ZONING mixed use

VARIANCE REQUESTED

NATURE OF REQUEST (Setback, Lot size, Lot dimensions, Building size, etc.) _____
fence structure

**The Town of Brooks may grant a variance if the following five conditions are met:
(Applicant to complete).**

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography? Please explain.

2. Would the application of these regulations create a practical difficulty or unnecessary hardship? If yes, is the hardship self-created?

3. What conditions are peculiar to this property that are not experienced by other properties in the same area or zoning district?

4. If granted, explain how the variance would not impair the purposes and intent of the applicable section of the zoning ordinance.

5. Explain how a literal interpretation of zoning ordinance would deprive the applicant of any rights that others in the same district are allowed.

please see attached
document for
explanations on above
5 questions.

PRE-APPLICATION MEETING

A pre-application meeting with the Town Manager is required prior to submission of any application. Please contact the Town Hall at 770.719.7666 or mungaro@brooksga.com to schedule a pre-application meeting.

FEE

The application fee for a Variance Request is \$100. Applications will not be accepted until they are deemed complete and the application fee is paid. Incomplete applications will be returned to the applicant; payment of fee will not be accepted until the application is complete. Fee shall be paid to the Town of Brooks in the form of **cash, check, money order or credit card**.

FILING DEADLINE

Applications must be received and fees must be paid no later than thirty (30) calendar days prior to the meeting at which the Variance Application will be considered.

PUBLIC NOTIFICATION

The Town of Brooks is responsible for notifying the public of the Variance applied for. The notification shall include:

- 1) An ad will be run in the local newspaper listing the hearing dates for the Variance.
- 2) A sign will be posted on the subject property at least 15 days before any hearing date.

COUNCIL HEARING

Variance Requests must be decided at a public hearing before Mayor and Council. The applicant must attend the public hearing to present the application and respond to questions from the Council. Mayor and Council meet the third Monday of each month, except for January when they meet on the fourth Monday. Applicants will be notified via email and/or phone call of the date of the public hearing.

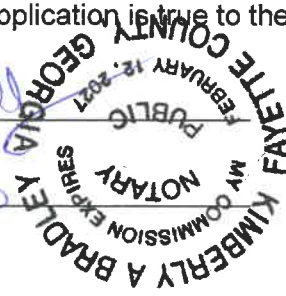
| | |
|---|------------------------------------|
| (For Office Use Only) | |
| Total Amount Paid \$ <u> 0 </u> | Received by: <u>MAURICE UNGARO</u> |
| Application checked by: <u>M. UNGARO</u> | Date: <u>3-18-26</u> |
| Pre-application meeting: <u>M. UNGARO</u> | Date: <u>3-18-26</u> |

APPLICANT AFFIDAVIT

Personally appeared before me RODNEY L. RICE who on oath deposes and says
(Print applicant's name)

that the information on the application is true to the best of his/her knowledge and belief:

Kimberly A. Bradley
Notary Public
3/19/2016
Date



[Signature]
Signature of Applicant

RODNEY L. RICE
Print Name

124 GABLE ROAD
Address

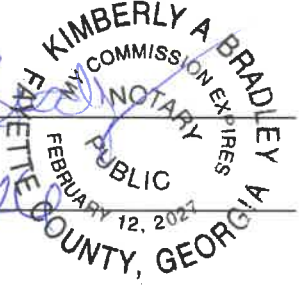
BROOKS, GA 30205
City, State, Zip

OWNER'S AFFIDAVIT

Personally appeared before me RODNEY L. RICE who on oath
(Print owner's name)

agrees with the above request and states that the information on the application is true to the best of his/her knowledge and belief.

Kimberly A. Bradley
Notary Public
3-19-2016
Date



[Signature]
Signature of Applicant

RODNEY L. RICE
Print Name

Variance

It was brought to our attention on 3/18/26 that a complaint had been made by the residents at 968 Highway 85 Connector (specifically via email from Lieze Harris directed to Maurice Ungaro) stating we were in violation of a property fence structure ordinance.

Our plan to install our fence with the posts facing outward of our property lines came about due to the numerous threats made by the residents at 968 Highway 85 Connector to both ourselves, several of our sub-contractors, and utility companies in regard to "stepping foot on their property" starting in April of 2024. Another resident placed private property signs all along their property line, sending a clear message to "keep off". With the continued contentious behavior from neighbors on both sides of our property we believed it was in our best interest to have our fence contractor install "posts facing out" so that they wouldn't encroach on anyone's property except for ours. This was done solely to alleviate any further discord with our neighbors.

We did our due diligence to obtain a fence permit through the Town of Brooks, pay the \$50 fee, submit the plans for install along with a drawing. It was approved on the same day we submitted the application. It was discussed at that time that the posts would be facing outward. At no time during that process were we told that the particular structure was out of compliance with the fence guidelines.

We took extra steps, to ensure the fence would be installed correctly, and hired a surveyor to place additional stakes clearly defining our property boundaries.

Through our past dealings with the residents at 968 Highway 85 Connector, we knew it was necessary to be extremely careful in this process, as through the entirety of our construction process, those particular residents filed numerous complaints with the Town of Brooks and Fayette County.

It was well worth it to spend the extra \$300 for a surveyor to define property lines as to not create more reasons for complaints from the residents at 968 Highway 85 Connector.

Installation of our fence began November 2025; completed, in two phases over the next two months.

At no point over the last 4 months were we notified that we were not in compliance.

We can only assume that the residents at 968 Highway 85 Connector are continuing their vindictive behavior towards us and our property and will not stop until they find we are out of compliance with SOMETHING. We have done nothing except improve and beautify our property, overlooking their eyesore of a dwelling and piles of junk, trash and debris they continue to place on the property adjacent to ours. One quick glance at our property and those that surround us and there's no question who really takes pride in their home and yard. They are simply targeting us once again out of their own vindictiveness.

We have spent \$12,125.00 on our fence project and anticipate the cost would be double the initial investment to make the changes. The initial total investment includes the cost of the permit, survey, materials, labor, and additional labor costs to make the changes where we were informed, after our approved fence structure was installed, that we were non-compliant with the fence height beyond the front elevation of the house. We spent an additional \$800 to change the 6' fence to a 4' height for any portion beyond the front elevation. By doing this clearly shows that we have been forthright with every aspect of our home and property.

We do not believe it is our responsibility nor is it ethically fair to ask us to make the expected corrections when we weren't even made aware of it in the first place.

Our decision on the fence structure was made to avoid conflict with all of our adversarial neighbors and we believe we were justified in making that decision.

It is important to us to remain compliant residents and ask that our request for this variance be approved.

From: [Danielle Rice](#)
To: [Lorey Spohr](#); [Maurice Ungaro](#)
Cc: [Rodney Rice](#)
Subject: Additional information for fence variance
Date: Tuesday, March 31, 2026 1:04:54 PM

Good afternoon Maurice & Lorey,

Please add the following statement to our fence variance request documentation:

We have spoken to both of the residents who we share property boundaries with (Mr & Mrs Baker and Mr & Mrs Murphy) regarding our current fence structure.

They understand our reasoning for installing our fence with posts facing outward and have no issue with the structure at all.

Thank you for your assistance.

Rodney and Danielle Rice
124 Gable Road
Brooks GA

Danielle Rice
(678) 346-1688